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TITLE 3—THE PRESIDENT

PROCLAMATION 3188

UNITED NATIONS DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States of America is one of the founders of the United Nations and has consistently supported it in its unceasing quest for a durable peace based upon freedom and justice; and

WHEREAS the devotion of the people of the United States to the principles of the United Nations Charter is the expression of a faith deeply rooted in American cultural, political, and spiritual convictions; and

WHEREAS the United States considers that further development of the process of the United Nations will enable it to promote justice under international law with increased effectiveness; and

WHEREAS world opinion in support of international morality, law, and order has helped to make the United Nations a constructive force for the development of a stable, prosperous, and peaceful world; and

WHEREAS the United Nations has been instrumental in preventing open conflict between nations by offering its machinery for conciliation, negotiation, and pacific settlement; and

WHEREAS the United Nations, in cooperation with the Specialized Agencies, has been helping to create the basic conditions for peace by encouraging greater production of food, better health, higher standards of living, and greater educational opportunities; and

WHEREAS the General Assembly of the United Nations has resolved that October 24, the anniversary of the coming into force of the United Nations Charter, should be dedicated each year to making known the purposes, principles, and accomplishments of the United Nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby urge the citizens of this Nation to observe Thursday, October 24, 1957, as United Nations Day by means of community programs which will demonstrate their faith in, and support of, the United Nations and will contribute to a better understanding of its accomplishments and of the hopes that inspired its founders.

I also call upon the officials of the Federal and State Governments and upon local officials to encourage citizen groups and agencies of the press, radio, television, and motion pictures, as well as all citizens, to engage in appropriate observance of United Nations Day throughout our country in cooperation with the United States Committee for the United Nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of June in the year of our Lord nineteen hundred and [SEAL] fifty-seven and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-5392; Filed, July 1, 1957; 10:35 a. m.]

PROCLAMATION 3188A

IMMIGRATION QUOTA—GHANA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS under the provisions of section 202 (a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201 (b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota

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Title 26 (1954), Part 221 to end (Rev. 1956) ($4.75)

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area established pursuant to the provisions of section 202 (a) of the said act, and to report to the President the quota of each quota area so determined; and

WHEREAS the State of Ghana came into existence on March 6, 1957, when the former British West African Colony of the Gold Coast was granted independence by the Government of the United Kingdom within the British Commonwealth of Nations, and at the same time the United Nations Trust Territory of British Togoland became an integral part of the State of Ghana; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that, in accordance with the duty imposed and the authority conferred upon them by section 201 (b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201 (a) of the said act, and have fixed, in accordance therewith, an immigration quota for Ghana as hereinafter set forth:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim and make known that the annual quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

Area No.	Quota area	Quota
88	Ghana	100

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 2980 of June 30, 1952, entitled "Immigration Quotas", is amended by the abolishment of the annual immigration quota of one hundred established for the United Nations Trust Territory of British Togoland, and by the addition of the immigration quota for Ghana as set forth in this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of June in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-5390; Filed, July 1, 1957; 10:35 a. m.]

PROCLAMATION 3189

IMPOSING A QUOTA ON IMPORTS OF RYE, RYE FLOUR, AND RYE MEAL

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), the Secretary of Agriculture advised me that there was reason to believe that rye, rye flour, and rye meal are practically certain to be imported into the United States after June 30, 1957, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to rye pursuant to sections 301 and 401 of the Agricultural Act of 1949, as amended, or to reduce substantially the amount of products processed in the United States from domestic rye with respect to which such program of the Department of Agriculture is being undertaken; and

WHEREAS, on May 11, 1957, I caused the United States Tariff Commission to make an investigation under the said section 22 with respect to this matter; and

WHEREAS the said Tariff Commission has made such investigation and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that rye, rye flour, and rye meal, in the aggregate, are practically certain to be imported into the United States after June 30, 1957, under such conditions and in such quantities as to interfere materially with and to tend to render ineffective the said price-support program with respect to rye, and to reduce substantially the amount of products processed in the United States from domestic rye with respect to which said price-support program is being undertaken; and

WHEREAS I find and declare that the imposition of the quantitative limitations hereinafter proclaimed is shown by such investigation of the Tariff Commission to be necessary in order that the entry, or withdrawal from warehouse, for consumption after June 30, 1957, of rye, rye flour, and rye meal will not render ineffective, or materially interfere with, the said price-support program:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that—

(1) the total aggregate quantity of rye, rye flour, and rye meal which may be entered, or withdrawn from warehouse, for consumption in each of the 12-month periods beginning July 1 in 1957 and in 1958 shall not exceed 186,000,000 pounds, of which not more than 15,000 pounds may be in the form of rye flour or rye meal, which permissible total quantities I find and declare to be proportionately not less than 50 per centum of the total quantity of such rye, rye flour, and rye meal entered, or withdrawn from warehouse, for consumption during the representative period July 1, 1950, to June 30, 1953, inclusive, and

(2) during each such 12-month period, of the foregoing permissible total quantity, not more than 182,280,000 pounds shall be imported from Canada and not more than 3,720,000 pounds shall be imported from other foreign countries.

The provisions of this proclamation shall not apply to certified or registered seed rye for use for seeding and crop-improvement purposes, in bags tagged and sealed by an officially recognized seed-certifying agency of the country of production, if—

(a) the individual shipment amounts to 100 bushels (of 56 pounds each) or less, or

(b) the individual shipment amounts to more than 100 bushels (of 56 pounds each) and the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or bond is furnished in a form prescribed by the Commissioner of Customs in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within six months from the date of entry.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of June in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-5391; Filed, July 1, 1957; 10:35 a. m.]

EXECUTIVE ORDER 10717

THE PRESIDENT'S AWARD FOR DISTINGUISHED FEDERAL CIVILIAN SERVICE

By virtue of the authority vested in me by the Government Employees' Incentive Awards Act, approved September 1, 1954 (68 Stat. 1112), and as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established an honorary award for the recognition of distinguished service by civilian officers and employees of the Federal Government. The award shall be known as the President's Award for Distinguished Federal Civilian Service, and shall consist of a gold medal, the design of which accompanies and is hereby made a part of this order, suspended on a ribbon of appropriate material and color, and accompanying appurtenances. Each medal shall be suitably inscribed, and an appropriate citation shall accompany each award.

SEC. 2. The President's Award for Distinguished Federal Civilian Service shall be presented by the President to civilian officers or employees of the Federal Government for exceptionally meritorious or outstanding civilian service performed in connection with or in relation to their official employment. Presentation of the award shall be made at such times as the President may determine; but not more than five awards shall be made in any one year. An award involving a group achievement shall be considered as a single award.

SEC. 3. There is hereby established the Distinguished Civilian Service Awards Board (hereinafter referred to as the Board), which shall consist of five members, appointed by the President from the Federal civilian service. The Chairman of the Board shall be designated by the President from the membership of the Board.

SEC. 4. The terms of service of the members of the Board shall be four years, except that the first term of service of two of the original members, other than the Chairman, shall be two years instead of four years. Any member appointed to fill a vacancy on the Board occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of such term.

SEC. 5. The members of the Board shall serve as such without additional compensation. The Chairman of the Civil Service Commission, or his designated representative, shall serve as Executive Secretary of the Board, and the Civil Service Commission is requested to furnish the Board the necessary staff and other services.

SEC. 6. The Board shall advise and assist the President in the selection of persons to whom the award shall be tendered. In performing its functions, the Board shall carefully review recommendations submitted to it and decide which of them, if any, warrant presentation to the President, and shall transmit to the President, for his consideration, the names of those persons deemed by it to merit the award, together with its reasons therefor. Recipients for the award shall be selected by the President.

SEC. 7. Recommendations for the award may be made by the heads of executive departments and agencies. Each recommendation shall be made personally by the head of the department or agency in which the proposed recipient of the award is employed, and shall be submitted, with appropriate supporting material, to the Board for its consideration.

SEC. 8. The Board shall be guided in the performance of its functions by the provisions of subsections (b) and (c) of section 304 of the Government Employees Incentive Awards Act, and by criteria and procedures established by it with the approval of the President. Such criteria shall include, but not be limited to, the following:

(a) The significance and importance of the contribution to the Government or the public interest shall be so outstanding or exceptional that, in the opinion of the Board, the officer or employee is deserving of greater public commendation and official recognition than that which can be accorded by the head of the department or agency in which he is employed.

(b) Awards shall be made only to civilian career officers or employees of the Government, or to officers or employees whose Federal service, in the opinion of the Board, can reasonably be considered as career service.

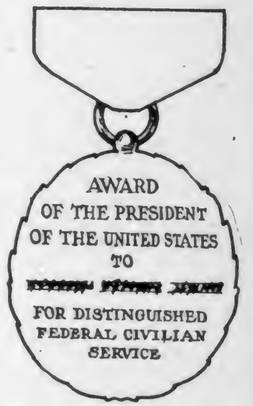
SEC. 9. This order shall become effective on July 1, 1957.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 27, 1957.



OBVERSE



REVERSE

Actual Size

[F. R. Doc. 57-5355; Filed, June 28, 1957; 11:27 a. m.]

EXECUTIVE ORDER 10718

DELEGATING TO THE SECRETARY OF STATE AUTHORITY TO PRESCRIBE THE RATES OR TARIFFS OF FEES FOR OFFICIAL SERVICES AT UNITED STATES EMBASSIES, LEGATIONS, AND CONSULATES

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. There is hereby delegated to the Secretary of State the authority vested in the President by section 1745 of the Revised Statutes of the United States (22 U. S. C. 1201) to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several embassies, legations, and consulates, and to adapt the same, by such differences as may be necessary or proper, to each embassy, legation, or consulate.

SEC. 2. This order shall not operate to amend, supersede, or terminate any rates or tariffs of fees, designations, or adaptations prescribed or made under authority of the said section 1745 and in force immediately prior to the issuance of this order; but authority to amend, supersede, or terminate the same, and to prescribe regulations necessary or desirable for the implementation of rates or tariffs of fees, designations, or adaptations heretofore or hereafter prescribed or made, shall be deemed to be included within the authority delegated by section 1 of this order.

SEC. 3 The rates or tariffs of fees and the regulations prescribed and any other actions taken by the Secretary of State under authority of this order shall be published in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 27, 1957.

[F. R. Doc. 57-5374; Filed, June 28, 1957; 2:53 p. m.]

REORGANIZATION PLAN NO. 1 OF 1957

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 29, 1957, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended [1]

ABOLITION OF THE RECONSTRUCTION FINANCE CORPORATION

SECTION 1. *Definitions.* As used in this reorganization plan: (a) The term "Corporation" means the Reconstruction Finance Corporation.

(b) The term "remaining functions" means (1) all functions of the Corporation, (2) except as otherwise provided in subsections (b) and (c) of section 6 of this reorganization plan, all functions of the Secretary of the Treasury under section 10 of the Reconstruction Finance Corporation Act, as amended (15 U. S. C. 609), and (3) all functions of the Secretary of the Treasury under sections 102 and 106 (b) of the Reconstruction Finance Corporation Liquidation Act (67 Stat. 230, 231), as amended.

(c) The term "transferees" means the Housing and Home Finance Administrator, the Administrator of General Services, the Administrator of the Small Business Administration, and the Secretary of the Treasury.

SEC. 2. *Transfer of functions.* (a) There are hereby transferred to the Housing and Home Finance Administrator the remaining functions with respect to or arising out of (1) the securities and obligations of, loans made to, and contracts or other agreements with, States, municipalities, political subdivisions thereof, public agencies, boards, commissions or other public bodies, and (2) loans, securities and obligations acquired in connection with programs of financial assistance for drainage and irrigation projects.

(b) There are hereby transferred to the Administrator of General Services the remaining functions with respect to or arising out of (1) the affairs of the Smaller War Plants Corporation which were transferred to the Corporation pursuant to Executive Order No. 9665 of December 27, 1945 (11 F. R. 3) and section 207 of Public Law 132—80th Congress (61 Stat. 209), (2) the national defense, war and reconversion activities with respect to which notes of the Corporation were cancelled pursuant to the provisions of Title II of Public Law 860—80th Congress (62 Stat. 1187), and (3) activities of the RFC Price Adjustment Board and the functions transferred to the Corporation by Executive Order No. 9841 of April 23, 1947 (12 F. R. 2645).

(c) Except as otherwise provided in sections 2 (d) (1) and 2 (d) (2) of this reorganization plan (relating to financial assistance to railroads, etc., and to Schedule A hereto annexed), there are hereby transferred to the Administrator of the Small Business Administration the remaining functions with respect to or arising out of programs of financial assistance to business enterprises and to victims of floods or other disasters.

(d) There are hereby transferred to the Secretary of the Treasury all functions of the Corporation not otherwise transferred by the provisions of this reorganization plan, including, but not limited to, all functions of the Corporation with respect to or arising out of (1) programs of financial assistance to railroad companies, financial institutions, and insurance companies, (2) the obligations and loans listed in Schedule A hereto annexed, and (3) the War Damage Corporation.

(e) The foregoing transfers include the transfer to each transferee, for use in executing his respective functions thereunder, of the powers, authority, rights, and immunities now vested in or available or applicable to the Corporation for carrying out the functions transferred to the transferee under this reorganization plan.

SEC. 3. *Transfer of assets and liabilities.* The loans, obligations, securities, capital stock, and other assets pertaining to the functions transferred by section 2 of this reorganization plan (including accrued interest thereon, and property acquired in connection therewith) and the liabilities, contracts, bonds, mortgages, notes and other instruments relating thereto are hereby transferred from the Corporation to the respective transferees: *Provided, however,* That all assets, liabilities, and commitments relating to the functions transferred by section 2 (a) of this reorganization plan are hereby transferred to the Revolving Fund (Liquidating Programs) established by the Independent Offices Appropriation Act, 1955 (68 Stat. 295).

SEC. 4. *Administrative property, personnel, funds and records.* In addition to the transfers made by the provisions of section 3 of this reorganization plan, there shall be transferred to the Housing and Home Finance Agency, General Services Administration, Small Business Administration, and Treasury Department so much as the Director of the Bureau of the Budget shall determine to be appropriate by reason of transfers made by sections 2 and 3 of this reorganization plan of the administrative property, personnel, records, liabilities and commitments of the Corporation or of the Office of Production and Defense Lending in the Department of the Treasury and of the authorizations, allocations, and funds available or to be made available with respect to the transferred functions (including, but in no way limiting the generality of the foregoing, the authority to issue notes or other obligations to the Secretary of the Treasury, which may be purchased by the Secretary, under section 7 of the Reconstruction Finance Corporation Act, as amended (15 U. S. C. 606), and the duty of making payments on such notes or obligations issued by or transferred to the respective transferee hereunder). In allocating the administrative expense funds applicable to the functions transferred by the provisions of this reorganization plan the said Director shall allocate and transfer to the General Services Administration as a payment on behalf of the Housing and Home Finance Agency, General Services Administration, Small Business Administration and Treasury Department such sum for rent of building space for the carrying out of the transferred functions during the fiscal year ending June 30, 1958, as the said Director shall determine. Such further measures and disposition as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner and by such agencies as the Director shall direct.

SEC. 5. *Delegation of authority.* Each transferee may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, agency, or administrative unit under his jurisdiction of any function transferred to him by the provisions of this reorganization plan.

SEC. 6. *Abolition of the Corporation.* (a) The Corporation is hereby abolished.

(b) The Secretary of the Treasury shall retire the capital stock of the Corporation and, subject to the provisions of section 4 hereof, shall pay into the Treasury, as miscellaneous receipts, all unused funds of the Corporation.

(c) Not later than June 30, 1959, the Secretary of the Treasury shall transmit a report to the Congress, which report (1) shall cover the affairs of the Corporation up to the time of the taking effect of the provisions of this reorganization

[1] Effective June 30, 1957, in accordance with the provisions of section 7 of the plan; published pursuant to section 11 of the Reorganization Act of 1949, as amended (sec. 11, 63 Stat. 206; 5 U. S. C. 133z-9).

plan, and (2) shall correspond to the final report required by section 10 of the Reconstruction Finance Corporation Act, as amended (15 U. S. C. 609). The function of making the final report provided for in the said section 10 is hereby abolished.

SEC. 7. *Effective date.* The provisions of this reorganization plan shall take effect at the time determined under the provisions of section 6 (a) of the Reorganization Act of 1949, as amended, or at the close of June 30, 1957, whichever is later.

SCHEDULE A

This schedule annexed to Reorganization Plan No. 1 of 1957 lists by name and address of the obligor or borrower the obligations and loans referred to in clause (2) of section 2 (d) of such reorganization plan.

Name of obligor or borrower	*Address*
Alaska Plywood Corporation	Juneau, Alaska
Alford Refrigerated Warehouse	Dallas, Texas
Braun Bros. Packing Company	Troy, Ohio
Chromcraft Corporation	St. Louis, Missouri
Civic Hotel Corporation	Odessa, Texas
Deep Water Terminals, Inc	Brooklyn, New York
Detroit Steel Corporation	Detroit, Michigan
Hal Roach Studios, Inc	Culver City, California
Hayward Woolen Company	Whittinsville, Massachusetts
The Horle Arms Company	Deep River, Connecticut
Jack Tar of Arkansas, Inc	Hot Springs, Arkansas
Landers Packing Company	Denver, Colorado
Langley Corporation	San Diego, California
Lawton Community Hotel	Lawton, Oklahoma
Lone Star Steel Company	Dallas, Texas
Louisville Builders Supply Company	Louisville, Kentucky
Lustron Corporation	Columbus, Ohio
Mayfair Extension, Inc	Washington, D. C.
New Haven Clock & Watch Company	New Haven, Connecticut
Oregon Fibre Products, Inc	Pilot Rock, Oregon
The Prudence Company, Inc	New York, New York
Seidelhuber Steel Rolling Mills	Seattle, Washington
South Water Building Corporation	Rockford, Illinois
South Water Machinery Corporation	Rockford, Illinois
Texas Consolidated Oils	Dallas, Texas
Texas Frozen Foods Corporation	Harlingen, Texas
Waltham Watch Company	Waltham, Massachusetts
Wheland Company	Chattanooga, Tennessee

[F. R. Doc. 57-5389; Filed, July 1, 1957; 9:19 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Cigar-Binder and Cigar-Filler and Binder—57)-1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-BINDER (TYPES 51 AND 52) TOBACCO, AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO MARKETING QUOTA REGULATIONS, 1957-58 MARKETING YEAR

GENERAL

Sec.
723.830 Basis and purpose.
723.831 Definitions.
723.832 Instructions and forms.
723.833 Extent of calculations and rule of fractions.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

723.834 Identification and location of farms.
723.835 Determination of tobacco acreage.

FARM MARKETING QUOTAS AND MARKETING CARDS

723.836 Amount of farm marketing quota.
723.837 Transfer of farm marketing quotas.
723.838 Issuance of marketing cards.
723.839 Person authorized to issue cards.
723.840 Rights of producers in marketing cards.
723.841 Successors in interest.
723.842 Invalid cards.
723.843 Report of misuse of marketing card.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

723.844 Extent to which marketings from a farm are subject to penalty.
723.845 Disposition of excess tobacco.
723.846 Identification of marketings.
723.847 Rate of penalty.
723.848 Persons to pay penalty.
723.849 Marketings deemed to be excess tobacco.
723.850 Payment of penalty.
723.851 Request for return of penalty.

RECORDS AND REPORTS

723.852 Producer's records and reports.
723.853 Buyer's records.
723.854 Buyer's reports.
723.855 Buyers not exempt from regular records and reports.
723.856 Records and reports of truckers and persons sorting, stemming, packing, or otherwise processing tobacco.
723.857 Separate records and reports from persons engaged in more than one business.
723.858 Failure to keep records or make reports.
723.859 Additional records and reports to Director.
723.860 Examination of records and reports.
723.861 Length of time records and reports to be kept.
723.862 Information confidential.

AUTHORITY: §§ 723.830 to 723.862 issued under sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 314, 372-375, 52 Stat. 38 as amended, 47 as amended, 48 as amended, 65 as amended, 66 as amended, secs. 125, 211, 70 Stat. 198, 202; 1813, 1860. 7 U. S. C. 1301, 1313, 1314, 1372-1375.

GENERAL

§ 723.830 *Basis and purpose.* Sections 723.830 to 723.862 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949 and the Agricultural Act of 1956, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco during the 1957-58 marketing year. Prior to preparing §§ 723.830 to 723.862, public notice (22 F. R. 3201) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to §§ 723.830 and 723.862 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956.

§ 723.831 *Definitions.* As used in §§ 723.830 to 723.862, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue. In the case of a person who employs person(s) to negotiate contracts with producers to purchase their tobacco such person rather than such employed person(s) is the buyer of such tobacco.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1957 which has not been marketed or which has not been disposed of under § 723.845.

(d) Committees: (1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(e) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means the Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Farm": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in the regulations in this part.

(i) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(l) "Producer" means a person who as owner, landlord, tenant or sharecropper, is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(m) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(n) "Sale" means the first marketing of farm tobacco on which the gross amount of the sales price therefor has been or could be readily determined.

(o) "Sale date" means the date on which the gross amount of the sales price of the first marketing of farm tobacco has been or could be readily determined.

(p) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(q) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(r) "Tobacco" means:

(1) (i) Type 42 tobacco—that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana; (ii) type 43 tobacco—that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana; (iii) type 44 tobacco—that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio; (iv) type 51 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the valley area of Connecticut; (v) type 52 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut; (vi) type 53 tobacco—that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State; (vii) type 54 tobacco—that type of cigar-leaf tobacco commonly known as Southern Wisconsin cigar-leaf or Southern Wisconsin binder type, produced principally south and east of the Wisconsin river; and (viii) type 55 tobacco—that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin river, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

(2) Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash,

(3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which any kind of tobacco subject to marketing quotas is normally produced, shall include all acreage of tobacco on the farm, including any acreage which the farm operator may contend is not devoted to the production of tobacco as defined herein. The acreage of each kind of tobacco (cigar-binder (types 51 and 52) and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)) shall be determined by the county committee on the basis of seeding, cultivating, curing, and marketing practices commonly known to the area. Such determination shall include all acreage of tobacco on the farm. The production of the acreage of each kind of tobacco so determined shall be considered to be tobacco of the kind available for marketing until such time as the operator of the farm furnishes to the county committee satisfactory proof that a part or all of the production of such acreage has been classified pursuant to Part 29, of this title when marketed, as a different kind of tobacco. Any amount of tobacco so classified as a different kind shall be converted to acres on the basis of the average yield per acre of the entire acreage of tobacco grown on the farm in 1957 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(s) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1957 plus any carryover tobacco, less any tobacco disposed of in accordance with § 723.845.

(t) "Tobacco subject to marketing quotas" means any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco marketed during the period October 1, 1957, to September 30, 1958, inclusive, and any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco produced in the calendar year 1957 and marketed prior to October 1, 1957.

(u) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

§ 723.832 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 723.833 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1957 shall be expressed in hundredths and fractions of less than one hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty", shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents, and 0.068 cent per pound would be 0.06 cent.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 723.834 *Identification and location of farms.* (a) Each farm as operated for the 1957 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1957 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 723.835 *Determination of tobacco acreage*—(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1957 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1957 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter (22 F. R. 3747).

(b) *Notice to farm operators.* The county committee shall notify the farm operator of the measured acreage of tobacco on each farm as determined under the provisions of this section.

(c) *Harvested acreage of tobacco.* The acreage of tobacco determined or as redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 723.838 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(d) *Acreage not determined.* If the farm operator or his representative prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or his representative permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(e) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1957 tobacco acreage and the tobacco acreage in excess of the 1957 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 723.836 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment as established for the farm in accordance with 1023 (Cigar-Filler and Binder—57)–1, Marketing Quota Regulations 1957–58 (§§ 723.812 to 723.828; 21 F. R. 7202, 9398). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1957 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1957 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carryover tobacco.

§ 723.837 *Transfer of farm marketing quotas.* There shall be no transfer of farm marketing quotas except as provided in §§ 723.820 and 723.826 of the cigar-binder and cigar-filler and binder tobacco marketing quota regulations for determining acreage allotments and normal yields, 1957–58 marketing year.

§ 723.838 *Issuance of marketing cards.* (a) A marketing card shall be issued for each farm having tobacco available for marketing.

(b) *Excess marketing card (MQ–77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards except with respect to the issuance of marketing cards for the identification of tobacco grown for experimental purposes only, as provided in paragraph (c) (2) of this section.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty set forth in § 723.847 (b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1957 from a farm for which no 1957 acreage allotment was established, or

(ii) Where tobacco is harvested in 1957 from a farm and the farm operator or his representative prevents the county committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on the farm.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty, determined as provided in § 723.844 (including zero penalty except where the provisions of subdivision (ii) of this subparagraph apply), shall be issued in any case:

(i) Where tobacco is harvested in 1957 from a farm in excess of the farm acreage allotment therefor, or

(ii) Where tobacco is to be marketed from a farm in 1957 having carryover tobacco available for marketing and the percent excess determined pursuant to § 723.844 (b) exceeds zero percent, or

(iii) Where tobacco is produced on newly irrigated or drained land which was not used for the production of tobacco prior to May 28, 1956 and which is within any Federal irrigation or drainage project (as defined in section 211 of the Agricultural Act of 1956) authorized on or after May 28, 1956; or where tobacco is produced on land reclaimed by a flood-control project authorized on or after May 28, 1956; or where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1957, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1957 the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to file with the county ASC office a written request (with deposit to cover the cost as estimated by the county committee) to dispose of excess tobacco or to have a remeasurement made of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–595—Tobacco, Notice of Excess Tobacco Acreage, and the tobacco produced on the excess acreage is disposed of other than by marketing, unless the county committee with the approval of a representative of the State committee determines that failure to file such written request was due to circumstances beyond the control of the farm operator or producer, or

(iii) For any kind of tobacco physically harvested from a farm in 1957 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 723.845 (a) unless the county committee with the approval of a representative of the State committee determines that the acreage of tobacco was not measured in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(c) *Within Quota Marketing Card (MQ–76—Tobacco).* In any case where an excess marketing card is not required to be issued for a farm under paragraph (b) of this section, a Within Quota Marketing Card (eligible for price support loans and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1957 is not in excess of the farm acreage allotment therefor and any excess carryover tobacco can be marketed without penalty under the provisions of § 723.884 (b).

(2) If the Director of a publicly-owned Agricultural Experiment Station furnishes to the ASC State office a list by counties showing the following informaton with respect to each kind of tobacco and farms on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly-owned experiment station,

(ii) Name of the owner, and name of the operator if different from the owner of each farm on which tobacco is grown for experimental purposes only,

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only, and

(iv) A certification signed by the Director of the publicly-owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That if the Director of a publicly-owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, an excess marketing card showing zero penalty shall be issued for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which the farms included in the list are located.

(d) *Stamping Within Quota Marketing Cards (MQ–76) to show producer indebtedness.* If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card (MQ–76) issued for such farm in accordance with subparagraph (c) of this paragraph shall bear the notation "Indebted to U. S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided,* That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card (MQ–76) bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero penalty" shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco loan organization to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual loan organization charges, authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(e) *Replacing or issuing additional marketing cards.* (1) Subject to the approval of the county office manager or the State administrative officer as provided in § 723.839, two or more marketing cards may be issued for any farm. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm have been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the State administrative officer or county office manager, who issued the card, to have been lost, destroyed or stolen.

§ 723.839 *Persons authorized to issue marketing cards.* (a) The State administrative officer shall be responsible for the issuance of marketing cards issued for the purpose of identifying tobacco grown for experimental purposes pursuant to the provision of § 723.838 (c) (2).

(b) Except as provided in paragraph (a) of this section, the county office manager shall be responsible for the issuance of marketing cards for farms in the county.

(c) Each marketing card shall be signed either by the State administrative officer or the county office manager or in his name and on his behalf by an employee under his supervision who shall place his initials immediately below the name of the State administrative officer or the name of the county office manager, as the case may be.

§ 723.840 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 723.841 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 723.842 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which has been corrected by the State administrative officer or the county office manager who issued the card), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the State administrative officer or the county office manager who issued the card, then such card shall become valid.

§ 723.843 *Report of misuse of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 723.844 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carryover tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 723.845 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carryover tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carryover acres" by dividing the number of pounds of carryover tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carryover acres" by multiplying the "carryover acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the carryover tobacco was produced except that if the excess portion of the carryover tobacco has been disposed of under § 723.845, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carryover acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1957 allotment and the "within quota carryover acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carryover tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty,

the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess tobacco prior to the marketing of (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 723.845 *Disposition of excess tobacco.* (a) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

(b) If the 1957 harvested acreage is less than the 1957 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1957 harvested acreage plus any acreage added with respect to any excess carryover tobacco for the farm pursuant to § 723.844 (b) is less than the 1957 allotment may be marketed penalty free.

§ 723.846 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1957 marketing card (MQ–76—Tobacco or BQ–77—Tobacco) issued for the farm on which the tobacco was produced.

(a) *Memorandum of sale.* (1) If a memorandum of sale is not issued by the buyer to identify a sale of producer's tobacco by the end of the sale date and recorded and reported on MQ–95, Buyer's Record, by the 10th day of the calendar month next following the month during which the sale date occurred, the marketing shall be identified on MQ–95, Buyer's Record, as a marketing of excess tobacco, and reported not later than the 10th day of the calendar month next following the month during which the sale date occurred.

(2) Each excess memorandum of sale issued by a buyer shall be verified by the buyer to determine whether the amount of penalty shown to be due has been correctly computed and such buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in issuing the memorandum of sale.

§ 723.847 *Rate of penalty.* Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the 1956–57 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1956–57 marketing year was 27.6 cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, and 52.2 cents per pound for cigar-binder (types 51 and 52) tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1957–58 marketing year shall be 21 cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, and 39 cents per pound in the case of cigar-binder (types 51 and 52) tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm as determined under § 723.844.

§ 723.848 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Sale.* The penalty due on tobacco purchased directly from a producer, other than a buyer outside the United States, shall be paid by the buyer of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a buyer shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 723.849 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Without memorandum of sale.* Any sale of tobacco by a producer which is not identified by a valid memorandum of sale by the end of the sale date shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Unrecorded sale.* Any sale which is not recorded in MQ–95—Tobacco by the 10th day of the month next following the month during which the sale date occurred, shall be deemed to be a marketing of excess tobacco unless and until the buyer furnishes proof acceptable to the State administrative officer showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the buyer.

(c) *Marketings falsely identified.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

(d) *Producer marketings.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1957 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm.

If any producer who manufactures tobacco products from tobacco produced by or for him fails to make the reports, or makes a false report, required under § 723.852 (c), he shall be deemed to have failed to account for the disposition of tobacco produced on the farm and shall be subject to penalty on such tobacco. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of false identification or failure to account. The filing of a report by a producer under § 723.852 (c) or (e) which the State committee finds to be incomplete or incorrect shall constitute a failure to account for the disposition of tobacco produced on the farm.

(2) If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee concludes that the harvested acreage for the farm was more than that shown by the prior determination, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 723.835 shall be paid by the producer.

§ 723.850 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 723.845 (b), or in the case of false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State office not later than the 10th day of the calendar month next following the month in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) The penalty due on any sale of tobacco by a producer as determined under §§ 723.830 to 723.862 shall be paid as specified in § 723.848, even though the penalty may exceed the proceeds for the tobacco.

§ 723.851 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§723.830 to 723.862 to be paid. Such request shall be filed on MQ–85—Tobacco with the ACS county office within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 723.852 *Producer's records and reports*—(a) *Report of tobacco acreage.* The farm operator or his representative shall file a report with the ASC county office or a representative of the county committee on Form CSS–578, Report of 1957 Acreage, showing all fields of tobacco on the farm in 1957. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm shall be reduced as provided in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Filler and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1958–59 Marketing Year.

(b) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1957 shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than June 1, 1958. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise to the county committee, the allotment next established for such farm shall be reduced as provided in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Filler and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1958–59 Marketing Year. The county office manager or the State administrative officer who issued the marketing card may reissue the same marketing card or issue a new marketing card for any farm from which the marketing of tobacco has not been completed by June 1, 1958.

(c) *Reports by producer-manufacturers.* (1) Each producer who manufactures tobacco products from tobacco produced by or for him as a producer shall report to the ASC State office as follows with respect to such tobacco.

(i) If the 1957 harvested acreage is not in excess of the 1957 farm tobacco acreage allotment: The producer-manufacturer shall furnish the ASC State office a report, as soon as the tobacco has been weighed, and not later than the date specified in writing by the State administrative officer, showing the total pounds of tobacco produced, the date(s) on which such tobacco was weighed, the farm serial number of the farm on which it was produced, and the estimated value of such tobacco.

(ii) If the 1957 harvested acreage is in excess of the 1957 farm acreage allotment: The producer-manufacturer shall furnish the ASC State office a report, as soon as the tobacco has been weighed, and not later than the date specified in writing by the State administrative officer, showing the total pounds of tobacco produced on the farm, the date(s) on which the tobacco was weighed, the farm serial number of the farm on which it was produced, the estimated value of the tobacco, and the location of the tobacco. Unless it has become penalty free under circumstances described in § 723.844 (b), or unless he makes the reports outlined in this section, penalty shall be paid on the tobacco by the producer-manufacturer, at the converted rate of penalty shown on the marketing card issued for the farm, when it is moved from the place where it can be conveniently inspected by the county committee at any time separate and apart from any other tobacco.

(2) If the producer-manufacturer has excess tobacco and does not pay the penalty thereon at the converted rate of penalty shown on the marketing card, as provided in this section, he shall notify the buyer of the manufactured product, or the buyer of any residue resulting from processing the tobacco, in writing, at time of sale of such product or residue of the precise amount of penalty due on such manufactured product or residue. In such event, the producer-manufacturer shall immediately notify the Director and shall account for the disposition of such tobacco by furnishing the Director a report, on a form to be furnished him by the Director, showing the name and address of the buyer of the manufactured products or residue, a detailed account of the disposition of such tobacco and the exact amounts of penalty due with respect to each such sale of such products or residue, together with copies of the written notice of the exact amounts of the penalty due given to the buyers of such products or residue. Failure to file such report, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer-manufacturer to account for the production and disposition of tobacco produced on his farm and in the event of such failure the allotment next established for such farm shall be reduced as provided in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Filler and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1958–59 Marketing Year, and the producer-manufacturer shall be liable for the payment of penalty as provided in § 723.849 (d).

(3) The reports required by this paragraph shall be in addition to the reports required by paragraph (a) of this section with respect to tobaco produced by or for the producer-manufacturer but not used by him in the manufacture of products therefrom.

(d) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotment next established for both such farms and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided or acquiesced in such marketing, as provided in the applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, 1958–59 marketing year.

(e) *Report of production and disposition.* In addition to any other reports which may be required under §§ 723.830 to 723.862, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State administrative officer within fifteen days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary on Form MQ–108—Tobacco a written report of the acreage, production and disposition made of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing said report,

(1) The number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm,

(2) The total pounds of tobacco produced,

(3) The amount of tobacco on hand and its location, and

(4) As to each lot of tobacco marketed, the name and address of the buyer or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Filler and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1958–59 Marketing Year.

§ 723.853 *Buyer's records*—(a) *Record of marketing.* (1) Each buyer shall keep such records as will enable him to furnish the ASC State office with respect to each sale of tobacco made by producers to such buyer the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller and the seller's address in the case of a sale by a person other than the farm operator.

(ii) Date of sale.

(iii) The serial number of the memorandum of sale used to identify the sale.

(iv) Number of pounds sold.

(v) Gross sale price.

(vi) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(2) Any buyer or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm.

(b) *Identification of sale on buyer's records.* The serial number of the memorandum of sale issued to identify each sale by a producer shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco. The serial number of such memorandum shall also be entered on the buyer's copy of the receipt furnished

the producer by the buyer, or the buyer's copy of the contract to purchase, or on the document customarily used in recording the purchase, and on MQ–95—Tobacco.

(c) *Marketing card and memorandum of sale.* A valid memorandum of sale to cover each sale of tobacco by a producer shall be properly issued by the buyer. The buyer shall also properly record the sale on the marketing card.

(d) *Records of buyer's disposition of tobacco.* Each buyer shall maintain records which will show the disposition made by him of all tobacco purchased by or for him from producers.

(e) *Additional records and reports by buyers.* Each buyer shall keep such records and furnish such reports to the ASC State office, in addition to the foregoing, as the State administrative officer may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 723.830 to 723.862.

§ 723.854 *Buyer's reports*—(a) *Report of buyer's name, address, and registration number.* Each buyer shall properly execute, detach and promptly forward to the ASC State office "Receipt for Buyer's Record" contained in MQ–95—Tobacco which is issued to the buyer.

(b) *Record and report of purchases of tobacco from producers.* (1) Each buyer shall keep a record and make reports on MQ–95—Tobacco, Buyer's Record, showing all purchases of tobacco made by or for him from producers. Such record and report show for each sale, the sale date, the name of the farm operator (and the name and address of the person selling the tobacco if other than the farm operator), the serial number of the memorandum of sale issued with respect to the sale, the pounds of tobacco represented in the sale, the gross amount; the rate of penalty shown on the memorandum of sale, and the amount of the penalty. If no marketing card is presented by the producer, the buyer shall record and report the purchase as provided above except that the buyer shall enter the word "none" in the space for the serial number of the memorandum of sale, the applicable rate of penalty per pound shown in § 723.847 (b) in the space for rate of penalty, and shall show the name and address of the seller in the space for the seller's name.

(2) The original of MQ–95—Tobacco, the memoranda of sale, and a remittance for all penalties shown by the entries on MQ–95—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASC State office not later than the 10th day of the calendar month next following the month during which the sale date occurred.

§ 723.855 *Buyers not exempt from regular records and reports.* No buyer shall be exempt from keeping the records and making the reports required by the regulations in this part. Any organization which receives tobacco from producers for (a) the purpose of selling it for the producer, or (b) the purpose of placing it under a Federal loan, shall keep the records, make the reports, and remit penalties in case of receiving such tobacco for sale, as required in §§ 723.830 to 723.862 for buyers.

§ 723.856 *Records and reports of truckers and persons sorting, stemming, packing, or otherwise processing tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the farm operator,

(2) The date of receipt of the tobacco,

(3) The number of pounds received, and

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 723.857 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer or as a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 723.858 *Failure to keep records or make reports.* Any buyer, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers, who fails to make any report or keep any record as required under §§ 723.830 to 723.862 or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco buyer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco buyer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a buyer or trucker shall be given by the State administrative officer and notice of violation by a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall be given by the Director.

§ 723.859 *Additional records and reports to Director.* Any buyer, trucker, or person engaged in the business of sorting, stemming, packing or otherwise processing tobacco for producers shall, in addition to any records required to be kept or any reports required to be made, under §§ 723.830 to 723.862, keep such records and make such reports to the Director as he may find necessary to enforce §§ 723.830 to 723.862.

§ 723.860 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any buyer, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall make available for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, and upon written request by the State administrative officer or Director, such books, papers, records, accounts, correspondence, contracts, checks, check registers, check stubs, and documents and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 723.861 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 723.830 to 723.862 for the 1957–58 marketing year shall be kept by him until September 30, 1960. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 723.862 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 723.830 to 723.862 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 27th day of June, 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57–5343; Filed, July 1, 1957; 8:50 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.24, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA, 1957; MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.24 (22 F. R. 5, 3700, 4133) which established allotments amounting to 541,125 tons, of the 1957 sugar quota for the Mainland Cane Sugar Area totaling 601,250 short tons, raw value.

This amendment is necessary to substitute final data for estimated data on the processings of sugar from 1956-crop cane, marketings of sugar in 1956, and January 1, 1957, inventories of sugar used in the determination of allotments and to allot the increase in quota for the area established by Sugar Regulation 811, Amendment 3 (22 F. R. 4360) which increased continental sugar requirements from 9,000,000 to 9,100,000 short tons, raw value, and which declared and prorated a deficit in the 1957 quota for Puerto Rico totaling 163,061 short tons, raw value. The increases in requirements increased the area quota by 6,887 tons, and of the deficit prorated, 20,287 tons were prorated to the Mainland Cane Sugar Area. Such increases in the area quota results in a total quota of 628,424 tons to be allocated by this order.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of (1) substituting final data for estimated data used in the determination of allotments, and (2) adjusting allotments to take account of any change in the quota for the area resulting from any change in sugar requirements for the continental United States and the proration of any deficit in the quota for another supply area.

The quantities of sugar and the percentages, based upon final data, to be used in the determination of allotments are as set forth in the following table:

Processor	Processings of sugar from 1956-crop cane		Past marketings average within allotments, 1952–56		Ability to market short tons, raw value					Processor's percentage share of quota to be allotted [2]
					Effective inventory Jan. 1, 1957	New-crop marketings		Measures used		
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average within allotments 1952–56	"Shares" of difference [1]	Column (5) plus column (7)	Percent of total	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Albania Sugar Coop., Inc.	5,885	1.057	5,743	1.067	2,547	4,362	4,012	6,559	1.091	1.066
Alma Plantation, Ltd.	7,752	1.392	6,366	1.183	3,905	4,954	4,556	8,461	1.407	1.353
J. Aron & Co., Inc.	12,238	2.198	11,516	2.139	5,779	8,225	7,565	13,344	2.220	2.191
Billeaud Sugar Factory	7,530	1.352	8,236	1.530	1,734	6,850	6,300	8,034	1.336	1.384
Breaux Bridge Sugar Coop., Inc.	6,051	1.087	6,594	1.225	1,765	5,307	4,881	6,646	1.106	1.118
J. M. Burguieres Co., Ltd., The	7,415	1.331	5,565	1.034	4,141	4,169	3,834	7,975	1.327	1.271
Burton-Sutton Oil Co., Inc.	7,462	1.340	5,683	1.056	6,547	1,169	1,075	7,622	1.268	1.269
Caire & Graugnard	3,960	.549	3,090	.574	911	2,576	2,369	3,280	.546	.553
Caldwell Sugar Coop., Inc.	9,921	1.781	10,152	1.886	5,015	6,268	5,765	10,780	1.793	1.804
Catherine Sugar Co., Inc.	7,205	1.294	8,201	1.524	2,659	6,028	5,544	8,203	1.365	1.354
Columbia Sugar Co.	5,733	1.029	4,815	.895	3,958	1,907	1,754	5,712	.950	.986
Cora-Texas Mfg. Co., Inc.	2,663	.478	2,139	.397	1,745	1,156	1,063	2,808	.467	.400
Dugas & LeBlanc, Ltd.	11,295	2.028	10,250	1.904	5,077	7,493	6,892	11,969	1.991	1.996
Duhe & Bourgeois Sugar Co., Inc.	9,134	1.640	7,533	1.399	4,933	5,297	4,872	9,805	1.631	1.590
Erath Sugar Co., Ltd.	4,359	.783	4,892	.909	851	4,189	3,853	4,704	.783	.808
Evan Hall Sugar Coop., Inc.	19,926	3.578	18,252	3.391	9,248	13,554	12,466	21,714	3.612	3.547
Evangeline Pepper & Food Prod., Inc.	4,232	.760	4,883	.907	704	4,214	3,876	4,580	.762	.790
Fellsmere Sugar Prod. Assoc.	7,072	1.270	8,759	1.627	7,523	605	556	8,079	1.344	1.356
Frisco Cane Co., Inc.	780	.140	728	.135	514	480	442	956	.159	.144
Glenwood Coop., Inc.	14,045	2.522	12,839	2.391	7,558	7,814	7,187	14,745	2.453	2.482
Gulf States Land & Industries, Inc.	18,159	3.261	20,720	3.849	9,975	11,442	10,524	20,499	3.410	3.408
Helvetia Sugar Coop., Inc.	8,384	1.506	5,975	1.110	4,962	4,540	4,176	9,138	1.520	1.430
Iberia Sugar Coop., Inc.	13,187	2.368	12,796	2.377	4,484	10,491	9,649	14,133	2.351	2.366
La Fourche Sugar Company	12,981	2.331	12,862	2.389	5,908	8,861	8,150	14,058	2.339	2.344
Harry L. Laws & Co., Inc.	9,999	1.796	8,287	1.539	5,402	6,046	5,561	10,963	1.824	1.750
Levert-St. John, Inc.	7,947	1.427	9,070	1.685	1,210	7,982	7,341	8,551	1.422	1.478
Loisel Sugar Co., Inc.	4,762	.855	5,856	1.090	1,095	4,398	4,045	5,140	.855	.902
Louisiana State Penitentiary	2,629	.472	2,837	.527	783	1,940	1,784	2,567	.427	.474
Lula Factory, Inc.	10,008	1.797	10,375	1.927	3,642	7,968	7,328	10,970	1.825	1.829
Meeker Sugar Coop., Inc.	4,460	.801	3,218	.598	2,350	2,570	2,364	4,714	.784	.757
Milliken & Farwell, Inc.	11,802	2.119	10,720	1.991	6,822	6,122	5,631	12,453	2.072	2.084
National Sugar Refining Co., The	11,714	2.103	10,934	2.031	6,260	5,385	4,953	11,213	1.865	2.041
Okeelanta Sugar Refinery, Inc.	16,594	2.980	11,809	2.194	17,467	996	916	18,383	3.058	2.838
M. A. Patout & Son, Ltd.	8,902	1.599	7,993	1.468	3,590	6,324	5,816	9,406	1.565	1.566
Poplar Grove Pltg. & Ref. Co., Inc.	6,576	1.181	5,946	1.105	2,934	4,630	4,258	7,192	1.196	1.169
St. James Sugar Coop., Inc.	11,465	2.059	10,545	1.959	5,827	7,467	6,868	12,695	2.112	2.050
St. Mary Sugar Coop., Inc.	10,542	1.893	11,755	2.184	1,795	10,176	9,359	11,154	1.855	1.944
South Coast Corp.	38,717	6.952	38,715	7.192	22,912	18,772	17,265	40,177	6.683	6.946
Southdown Sugars, Inc.	37,606	6.753	37,628	6.990	26,960	11,947	10,988	37,948	6.313	6.712
Sterling Sugars, Inc.	18,613	3.342	15,731	2.922	10,181	10,992	10,110	20,291	3.375	3.265
J. Supple's Sons Pltg. Co., Inc.	4,859	.873	3,732	.693	3,081	2,261	2,080	5,161	.859	.834
United States Sugar Corp.	104,194	18.710	102,625	19.064	110,486	7,545	6,939	117,425	19.533	18.945
Valentine Sugars, Inc.	8,711	1.564	11,011	2.046	5,237	4,438	4,082	9,319	1.550	1.658
Vermilion Sugar Co., Inc.	2,100	.377	2,473	.459	00	2,367	2,177	2,177	.362	.350
Vida Sugars, Inc.	3,949	.709	4,357	.809	643	3,858	3,548	4,191	.697	.727
A. Wilbert's Sons Lbr. & Sh. Co.	8,761	1.573	7,636	1.419	4,512	5,397	4,964	9,476	1.576	1.543
Young's Industries, Inc.	5,514	.990	6,514	1.210	957	5,244	4,823	5,780	.961	1.028
Total	556,893	100.000	538,306	100.000	346,589	276,776	254,561	601,150	100.000	100.000

[1] The difference between 601,150 tons (quota established by S. R. 811, Amdt. 1, amounting to 601,250 tons less 100-ton allotment to Louisiana State University) and 346,589 tons (January 1, 1957 Effective Inventory) amounting to 254,561 tons prorated on the basis of each processor's 1952–56 average new-crop marketings within allotments (column 6).

[2] Determined by weighting "processings" (column 2) by 60 percent, "marketings" (column 4) by 20 percent; and "ability" (column 9) by 20 percent.

The allotments set forth herein have been established on the same basis as those in Sugar Regulation 814.24, Amendment 1 (22 F. R. 3700, 4133), except that final data have been substituted for estimated data, and have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding. Such allotments afford a fair, efficient and equitable distribution of the quota as required by section 205 (a) of the act.

Pursuant to provisions of the act, finding 10 of the Findings and Conclusions heretofore made (21 F. R. 3700) is amended by deleting "§ 811.86 of S. R. 811 (21 F. R. 10332)" and substituting in lieu thereof "§ 811.96 of S. R. 811, as amended (21 F. R. 10332; 22 F. R. 4466)."

Effective date. Allotments established by this order are larger than the allotments established in S. R. 814.24, Amendment 1 (22 F. R. 3700). To afford adequate opportunities to plan marketings and to market the additional quantities of sugar in an orderly manner, it is imperative that this order be effective

as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act: *It is hereby ordered,* That paragraph (a) of § 814.24, as amended, be further amended to read as follows:

§ 814.24 *Allotment of the 1957 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1957 sugar quota for the Mainland Cane Sugar Area of 628,424 short tons, raw value, is hereby alloted to the following processors in the quantities which appear opposite their respective names:

Processor	Allotments (short tons, raw value)
Albania Sugar Coop., Inc	6,698
Alma Plantation, Ltd	8,501
J. Aron & Co., Inc	13,767
Billeaud Sugar Factory	8,696
Breaux Bridge Sugar Coop	7,025
J. M. Burguieres Co., Ltd., The	7,986
Burton-Sutton Oil Co., Inc	7,973
Caire & Graugnard	3,475
Caldwell Sugar Coop., Inc	11,335
Catherine Sugar Co., Inc	8,508
Columbia Sugar Company	6,195
Cora-Texas Mfg. Co., Inc	2,890
Dugas & LeBlanc, Ltd	12,541
Duhe & Bourgeois Sugar Co., Inc	9,990
Erath Sugar Co., Ltd	5,077
Evan Hall Sugar Coop., Inc	22,287
Evangeline Pepper & Food Products, Inc	4,964
Fellsmere Sugar Producers Assoc	8,520
Frisco Cane Co., Inc	905
Glenwood Coop., Inc	15,595
Gulf States Land & Industries, Inc	21,413
Helvetia Sugar Coop., Inc	8,985
Iberia Sugar Coop., Inc	14,866
LaFourche Sugar Company	14,728
Harry L. Laws & Co., Inc	10,996
Levert-St. John, Inc	9,287
Loisel Sugar Co., Inc	5,667
Louisiana State Penitentiary	2,976
Lula Factory, Inc	11,492
Meeker Sugar Coop., Inc	4,756
Milliken & Farwell, Inc	13,094
National Sugar Refining Co	12,824
Okeelanta Sugar Refinery, Inc	17,832
M. A. Patout & Son, Ltd	9,840
Poplar Grove Pltg. & Ref. Co., Inc	7,345
St. James Sugar Coop., Inc	12,881
St. Mary Sugar Coop., Inc	12,215
South Coast Corp	43,643
Southdown Sugars, Inc	42,173
Sterling Sugars, Inc	20,515
J. Supple's Sons Pltg. Co., Inc	5,240
United States Sugar Corp	119,036
Valentine Sugars, Inc	10,418
Vermilion Sugar Co., Inc	2,450
Vida Sugars, Inc	4,568
A. Wilbert's Sons Lbr. & Sh. Co	9,695
Young's Industries, Inc	6,459
Louisiana State University	100
All other persons	00
Total	626,424

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 25th day of June 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-5290; Filed, July 1, 1957; 8:45 a. m.]

Subchapter H—Determination of Wage Rates

[Sugar Determination 863.10]

PART 863—SUGARCANE; FLORIDA

PERIOD OF JULY 1, 1957–JUNE 30, 1958

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Clewiston, Florida on May 9, 1957, the following determination is hereby issued:

§ 863.10 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1957 through June 30, 1958*—(a) *Requirements.* A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act during the period July 1, 1957 through June 30, 1958 if all persons employed on the farm in production, cultivation or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, and after July 1, 1957, or the date of publication of this section in the FEDERAL REGISTER, whichever is later, not less than the following:

(i) *For work performed on a time basis.*

	Cents per hour
Tractor drivers and operators of mechanical harvesting or loading equipment	75.0
All other workers	65.0

(ii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, a charge may be made for equipment furnished any worker for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Applicability.* The requirements of this section are applicable to all persons employed on the farm, except as provided in paragraph (c) of this section, in the production, cultivation, or harvesting of sugarcane grown on the farm for the extraction of sugar or liquid sugar: *Provided,* That such requirements shall not apply to any person engaged in such work with respect to sugarcane grown on acreage in excess of the proportionate share for the farm, which is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate County Agricultural Stabilization and Conservation Committee acceptable and adequate proof which satisfies the Committee that the work performed was related solely to such sugarcane.

(c) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including, but not limited to mechanics, welders, and other maintenance workers and repairmen.

(d) *Proof of compliance.* The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

(e) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in this section through any subterfuge or device whatsoever.

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local County Agricultural Stabilization and Conservation Office against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASC office. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office, Cheops Building, Gainesville, Florida, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1957 through June 30, 1958, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, (i. e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

(c) *1957–58 wage determination.* This determination continues unchanged the wage levels and other provisions of the 1956–57 determination, except that producers are required to furnish to the County Committee upon request proof that workers have been paid in accordance with the wage provisions of this determination, and that workers who are not directly connected with the production, cultivation, or harvesting of sugarcane are excluded from the provisions of this determination.

A public hearing was held in Clewiston, Fla., on May 9, 1957, at which interested persons were afforded the opportunity to present testimony with respect to fair and reasonable wage rates during the period July 1, 1957, to June 30, 1958. Representatives of producers recommended that there be no increase in wage rates over those provided in the 1956–57 determination, stating that wage rates had increased substantially more than either sugar prices or labor productivity during the past several years. They also pointed out that the majority of the workers continue to be imported from the British West Indies; that the majority of hand labor is performed on a piecework or task basis; and that the average hourly earnings of the majority of workers are above the minimum hourly rates specified in the determination. A representative of a labor union which negotiates a contract with one producer for a portion of the field workers employed on the farm, recommended a minimum wage of $1.25 per hour. This witness stated that present wage rates in Florida are too low for an adequate standard of living, and that profits of the Florida sugar industry are sufficient to enable growers to pay higher wages to field workers.

Consideration has been given to the recommendations and supporting testimony presented at the hearing; to the standards customarily considered in wage determinations; to information obtained through investigations; and to other pertinent factors. Data obtained by a field cost study for a recent crop covering the returns, costs, and profits of sugarcane production have been recast to reflect prospective price and production conditions for the 1957–58 crop.

This determination provides that the producer shall furnish the County Committee upon request, adequate proof of compliance with the wage requirements. Such proof may be in the form of payroll records, receipts, or other evidence clearly demonstrating that workers have been properly paid. These records should show with respect to each worker employed, depending upon the method of payment (i. e., time basis or piecework basis) (1) hours worked; (2) acres worked or tons handled; (3) rate per hour or piecework rate; (4) total amount paid; and (5) average hourly earnings. A receipt form signed by a worker may be accepted as prima facie evidence of compliance but, in such instances, the County Committee may also require the producer to furnish payroll records.

The provision excluding workers not directly connected with the production, cultivation, or harvesting operations, incorporates into the determination administrative interpretations heretofore applicable to wage determinations.

On the basis of an analysis and consideration of the pertinent factors involved the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Issued this 27th day of June 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-5344; Filed, July 1, 1957; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 927—MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

AMENDED ORDER REGULATING HANDLING

All of the findings, terms, and provisions of the "Order Regulating the Handling of Milk in the New York-New Jersey Milk Marketing Area" which were annexed to and made a part of the decision of the Acting Secretary of Agriculture issued June 10, 1957 (22 F. R. 4194; Doc. 57-4838), with respect to a proposed marketing agreement and to a proposed amended order regulating the handling of milk in the New York-New Jersey marketing area shall be and are the findings, terms, and provisions of this order subject to the following revisions and additions:

1. In the fifth line of § 927.25 (c) change the word "part" to "section";

2. In § 927.46 (b) (9) change the figure "18" to "12"; and

3. Add paragraph (b) to § 927.0.

Sec.

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AUTHORITY: §§ 927.0 to 927.99 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such amount not to exceed 2 cents per hundredweight as the Secretary may prescribe, with respect to milk received from producers.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this amended order which is marketed within the New York-New Jersey milk marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this amended order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this amended order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period March 1957, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New York-New Jersey milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended to read as follows:

DEFINITIONS

§ 927.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 927.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 927.3 *Marketing area.* "New York-New Jersey milk marketing area" (hereinafter called the "marketing area") means all of the territory within the boundaries of the city of New York, and the counties and parts of counties set forth in paragraphs (a) and (b) of this section together with all piers, docks and wharves connected therewith, and all craft moored thereat, and including territory within such boundaries which is occupied by Government (Municipal, State, Federal or International) reservations, installations, institutions or other establishments.

(a) The city of New York and counties of Nassau, Suffolk (except Fisher's Island) and Westchester in the State of New York (such territory being referred to hereinafter as the "New York metropolitan district").

(b) The following counties and parts of counties in the State of New York: Albany; Broome; Cayuga (except the townships of Sterling, Victory, Conquest, and Montezuma); Chemung; Chenango; Columbia; Cortland; Delaware; Dutchess; that part of Essex consisting of the townships of Schroon, Ticonderoga, Crown Point, and Moriah; Fulton (except the township of Stratford); Greene; Herkimer (except the townships of Webb, Ohio, and Salisbury); Madison; Montgomery; Oneida (except the townships of Ava, Boonville, Forestport, and Florence); Onondaga; Orange; Oswego (except the townships of Redfield and Boyleston); Otsego; Putnam; Rensselaer; Rockland; Saratoga (except the townships of Day, Edinburg, and Providence); Schenectady; Schoharie; Schuyler; that part of Steuben consisting of the townships of Addison, Corning, and Erwin; Sullivan; Tioga; Tompkins; Ulster; Warren (except the townships of Johnsburg, Thurman, and Stony Creek); Washington; and Yates (except the townships of Italy, Middlesex, and Potter); and in the State of New Jersey: Bergen; Essex; Hudson; Hunterdon; Middlesex; Monmouth; Morris; Ocean (except the boroughs of Barnegat Light, Beach Haven, Harvey Cedars, Ship Bottom, Surf City, Tuckerton, and the townships of Eagleswood, Lacey, Little Egg Harbor, Long Beach, Ocean, Stafford, and Union); Passaic; Somerset; Sussex; Union; and Warren.

§ 927.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 927.5 *Dairy farmer.* "Dairy farmer" means any person who produces milk.

§ 927.6 *Producer.* "Producer" means any dairy farmer whose milk is delivered direct from farm to a pool plant.

§ 927.7 *Handler.* "Handler" means (a) any person who engages in the handling of milk or products therefrom, which milk was received at a pool plant, or at a plant approved by any health authority as a source of milk for the marketing area, (b) any person who engages in the handling of milk, concentrated fluid milk, cultured or flavored milk drinks, cream, half and half, or skim milk, all or a portion of which is shipped to, or received in, the marketing area, or (c) any cooperative association of dairy farmers with respect to any milk which it causes to be delivered from dairy farmers to a pool plant of any other handler for the account of such association and for which such association receives payment.

§ 927.8 *Plant.* "Plant" means the land, buildings, surroundings facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products as determined by the market administrator.

§ 927.9 *Pool plant.* "Pool plant" means any plant which is designated as a pool plant pursuant to §§ 927.25, 927.28, or 927.29.

§ 927.10 *Market administrator.* "Market administrator" means the agency, which is described in §§ 927.20 through 927.23 for the administration of this part.

§ 927.11 *Base.* "Base" means a quantity of milk expressed in pounds per day or month computed pursuant to § 927.60.

§ 927.12 *Base milk.* "Base milk" means the milk delivered by a producer during the month in an amount which is not in excess of his base.

§ 927.13 *Excess milk.* "Excess milk" means all milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATION

§ 927.20 *Selection, removal, and bond.* The agency for the administration of this part shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

§ 927.21 *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

§ 927.22 *Powers.* The market administrator shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 927.23 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Keep such books and records as will clearly reflect the transactions provided for in this part;

(b) Submit his books and records to examination by the Secretary at any and all times;

(c) Furnish such information and such verified reports as the Secretary may request;

(d) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator.

(e) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to §§ 927.50, 927.51, and 927.53, or made payments required by §§ 927.70, 927.71, 927.72, 927.77, 927.80, 927.82, 927.83, 927.84, and 927.90;

(f) Prepare and disseminate for the benefit of producers, consumers, and handlers such statistics and information concerning the operation of this part as do not reveal confidential information;

(g) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(h) Pay out of the funds received pursuant to § 927.90 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(i) Maintain a main office and such branch offices as may be necessary; and

(j) Promptly notify a handler, upon receipt of the handler's written request therefor, of his determination; as to whether one or more plants exist at a specified location, as to whether any specified item constitutes a part of the handler's plant, or as to which plant a specified item is a part in the event that the particular premises in question constitutes more than one plant: *Provided,* That if the request of the handler is for revision or affirmation of a previous determination, there is set forth in the request a statement of what the handler believes to be the changed conditions which make a new determination necessary. If a handler has been notified in writing of a determination with respect to an establishment operated by him, any revision of such determination shall not be effective prior to the date on which such handler is notified of the revised determination.

POOL PLANTS

§ 927.25 *Regular pool plants.* Any plant shall be designated a pool plant upon determination by the Secretary that the provisions of paragraphs (a) through (d) of this section have been met. Not later than the end of the month following the month in which an application is received by the Secretary pursuant to paragraph (a) of this section, the Secretary shall either determine that the provisions of paragraphs (a) through (d) of this section either have been met or have not been met, or notify the applicant that additional information is needed prior to making a determination. Such designation shall be effective the first of the month following the date of designation and shall continue until such designation is cancelled pursuant to § 927.27: *Provided,* That notwithstanding the provisions of paragraphs (a) through (d) of this section, any plant which for the month of June 1957 had a designation pursuant to § 927.20, § 927.22, or this section, as then in effect, and which is not cancelled prior to the effective date of this section, is hereby designated a regular pool plant from the effective date of this section until such designation is cancelled pursuant to § 927.27: *Provided further,* That notwithstanding the provisions of paragraphs (a) through (d) of this section, any plant for which an application is filed by the operator with the market administrator by not later than 15 days after the effective date of this section, and (1) which had a pool plant designation of any kind for each of the 12 months of April 1956 through March 1957, or (2) as to which it is determined by the market administrator that 50 percent or more of the milk received at the plant from dairy farmers during the 12-month period of April 1956 through March 1957 was utilized as fluid milk in the marketing area, is hereby designated a regular pool plant from the effective date of this section until such designation is cancelled pursuant to § 927.27.

(a) An application by the operator of the plant for such determination has been addressed to the Secretary and filed at the office of the market administrator: *Provided,* That if 50 percent or more of the dairy farmers delivering milk at such plant deliver such milk for the account of a cooperative association which does not operate the plant but for which milk such association receives payment, an application must be filed by such cooperative association as well as the person operating the plant.

(b) The plant is located in New York, New Jersey, or Pennsylvania: *Provided,* That if such plant is located in Pennsylvania within 200 miles of Philadelphia, it shall be eligible only if it is in a county bordering the marketing area or is closer to the marketing area than it is to Philadelphia, distance to the marketing area being the same as that used for zoning plants pursuant to § 927.42, and distance to Philadelphia being the shortest highway mileage computed by the market administrator from data contained in Mileage Guide No. 5 issued on July 20, 1949, effective August 21, 1949, by the Household Goods Carriers' Bureau, Agent, Washington, D. C.

(c) The plant was a pool plant either pursuant to paragraphs (a) and (b) of § 927.29, or pursuant to § 927.27 as in effect immediately prior to the effective date of this section, for each of the 12 months immediately preceding the month during which an application is filed.

(d) The operating requirements of § 927.26 are being met.

§ 927.26 *Operating requirements* The person operating the plant shall meet each of the following requirements:

(a) Be willing to dispose of as Class I–A milk in the marketing area milk received at the plant from dairy farmers;

(b) Keep such control over the sanitary conditions under which milk received at the plant is produced and handled, that the plant can meet the requirements of a source of milk for the marketing area: *Provided*, That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant; and

(c) Have no commitments for disposition of milk that prevent him from utilizing milk as set forth in § 927.27 (g).

§ 927.27 *Suspension and cancellation of designation.* The designation of a pool plant pursuant to § 927.25 or § 927.28 may be suspended or cancelled under any of the following provisions:

(a) The designation shall be cancelled effective on the first of the month following the filing with the market administrator, and on a form prescribed by him, of an application by the handler operating the plant: *Provided*, That such application for cancellation shall be accompanied by proof that the handler, if not a cooperative association qualified pursuant to § 927.81, has notified any qualified cooperative association which has any members who deliver milk to such plant, and has notified individually all producers delivering to such plant who are not members of such qualified cooperative association of his intention to make such application: *Provided further*, That if 50 percent or more of the producers delivering milk at such plant deliver such milk for the account of a cooperative association which does not operate the plant, but for which milk such association receives payment, an application must be made by such cooperative association as well as by the handler operating the plant: *Provided further*, That such plant shall not be a pool plant on any basis from the effective date of cancellation until after the next continuous period of April through June.

(b) The designation of any plant which on June 15 of any year is not approved by a health authority as a source of milk for the marketing area shall be automatically suspended effective on August 1 of such year unless the absence of such approval is a temporary condition covering a period of not more than 15 days: *Provided*, That the designation of a plant approved by a health authority as a source of milk for the marketing area, even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant, shall not be suspended pursuant to this provision.

(c) The designation of any plant shall be suspended, effective no sooner than 10 days nor later than 20 days after the date of mailing of notice, by registered letter, to the handler, whenever the market administrator, subject to the limitations set forth in paragraphs (g) and (i) of this section, finds on the basis of available information that the handler operating the plant is not meeting the requirements set forth in § 927.26: *Provided*, That, if the handler operating the plant is not a cooperative association qualified pursuant to § 927.81, the market administrator shall also notify any qualified cooperative association which has any members who deliver milk to such plant, and shall notify individually all producers delivering to such plant who are not members of such qualfied cooperative association, of such suspension of designation.

(d) In the case of the suspension pursuant to this section of the designation of one or more plants for failure to meet the requirements of § 927.26 (a) or (c), the handler operating such plant may select, prior to the effective date of such suspension, some other pool plant or plants to be substituted for the plant or plants suspended if, during the preceding month, the quantity of milk received from producers at such substituted plant or plants was not less than the quantity of milk received from producers at the suspended plant or plants. The handler may also select the order in which plant designations are to be cancelled in the event of a later determination by the Secretary cancelling the designation of some but not all of the plants suspended.

(e) Not later than 10 days after the effective date of suspension of designation pursuant to this section, the handler operating the plant may apply to the Secretary for a review. If the handler fails to so apply for such review, the designation of the plant as a pool plant shall be cancelled as of the effective date of the suspension. If the handler does so apply, the Secretary shall, after review, either determine that the requirements set forth in § 927.26 have been met and order the suspension revoked, or determine that such requirements have not been met and order the designation cancelled as of the effective date of the suspension: *Provided*, That, if the Secretary has made no determination within two months after the end of the month in which the suspension was made effective, but later orders the designation cancelled, such cancellation shall be effective as of the first of the month following the date of such determination.

(f) Beginning with the effective date of a suspension pursuant to this section, and until the Secretary has either ordered the designation cancelled or ordered the suspension revoked, the plant shall be treated as a pool plant: *Provided*, That all payments into or out of the producer settlement fund (except such payments on the basis of operations during a month in which the plant meets the requirements of §.927.29) shall be held in reserve by the market administrator until an order is issued by the Secretary, but not longer than two months after the end of the month in which the suspension was made effective.

(g) No pool plant designation shall be suspended for failure to meet the requirements of § 927.26 (a) except under the following conditions:

(1) A meeting has been held no sooner than three days after notice by the market administrator to all handlers operating pool plants designated pursuant to § 927.25 or § 927.28 for consideration of the desirable utilization of milk received from producers during a period ending not later than the end of the second month after the month during which such meeting is held.

(2) There has been issued by the market administrator, following such meeting, and mailed to all handlers operating pool plants designated pursuant to § 927.25 or § 927.28, the market administrator's determination of the desirable utilization of milk received from producers each month during all or a part of the period set forth in subparagraph (1) of this paragraph. Such determination shall include a schedule setting forth, by months, the desired minimum percentage of milk received from producers to be utilized in specified classes. Such specified classes shall include Class I–A, and may include all or a part of Class I–B and Class II.

(3) The market administrator finds on the basis of available information that the handler operating a plant or the cooperative reporting a plant is not utilizing milk received from producers in accordance with the minimum percentage set forth in the determination of the market administrator previously announced pursuant to subparagraph (2) of this paragraph: *Provided*, That the suspension of the pool plant designation of a plant may be made effective during the months of November and December if the market administrator finds that the handler is utilizing any milk received from producers in classes other than those set forth in the determination of the market administrator announced pursuant to subparagraph (2) of this paragraph.

(h) The cancellation of pool plant designations for failure to meet the requirements of § 927.26 (a) shall be subject to the following conditions:

(1) No pool plant designation shall be cancelled if the handler operating the plant utilized the milk received by him at all pool plants from producers during the month in which the suspension is made effective in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section.

(2) No pool plant designation shall be cancelled if the handler operating the plant utilized in the specified classes set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section a percentage of the total milk received by him at all pool plants from producers during the month in which the suspension is made effective which is not less than the percentage of the total milk reported by all handlers to have been received from producers during such month which was reported to have been used in the specified classes.

(3) In the event that all milk received from producers at a plant is reported to the market administrator by a cooperative association qualified pursuant to § 927.81 and such association pays the producers for such milk, the pool plant designation of such plant shall not be cancelled if a percentage of all milk reported by such cooperative association is utilized in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section, or in accordance with the percentage set forth in subparagraph (2) of this paragraph.

(4) Cancellation of designations shall be limited to those plants necessary to result in a utilization of milk received at the remaining pool plants operated by the handler, or reported by the cooperative, as the case may be, in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section.

(i) Loss of approval by health authorities of a plant as a source of milk for the marketing area may in itself constitute adequate reason for the market administrator to suspend the designation of plant for failure to meet the requirements of § 927.26 (b), only if the absence of such approval continues for more than 15 days.

§ 927.28 *Plant replacements and change of operator.* (a) A plant may be designated at any time as a pool plant upon application made by the person operating the plant to the Secretary showing that the plant is a replacement for one or more pool plants designated pursuant to § 927.25, or this section, which are operated by him and that substantially all of the dairy farmers delivering milk at the plant previously delivered milk to the pool plant or plants replaced. Upon designation of a plant pursuant to this section, the designation of the plant or plants which is replaced shall be automatically cancelled.

(b) The designation of pool plants pursuant to § 927.25 or this section shall be considered as applicable to the plant as such, and subject to cancellation only pursuant to § 927.27 or this section, regardless of change in the person owning or operating the plant. The market administrator shall be notified, by the handlers involved, of any transfer from one person to another of ownership or operation of a pool plant.

§ 927.29 *Temporary pool plants.* Except for plants which, pursuant to paragraph (a) of § 927.27 or pursuant to the proviso of paragraph (c) or (e) of this section, are not eligible for designation, any plant not designated pursuant to § 927.25 or § 927.28 shall automatically be designated a pool plant in accordance with provisions of paragraphs (a) through (d) of this section.

(a) For any of the months of January through March and July through December, any plant at which 25 percent or more of the receipts of milk from dairy farmers is classified in Class I–A on some basis other than the failure to account for such milk shall automatically be designated a pool plant for such month.

(b) For any of the months of April, May, or June, any plant at which, during the preceding period of October, November, and December either (1) no milk was received from dairy farmers, or (2) 60 percent or more of the milk received from dairy farmers was classified in Class I–A on some basis other than the failure to account for such milk, shall automatically be designated a pool plant for any of such months of April, May, or June in which 10 percent or more of the milk received from dairy farmers is classified in Class I–A on some basis other than the failure to account for such milk.

(c) Any plant which is a pool plant in any of the months of April, May, or June on the basis of paragraph (b) of this section shall be a pool plant in any of the months of July through March following in which 60 percent or more of the milk received at the plant from dairy farmers is classified in Class I–A and Class I–B: *Provided*, That upon written request presented to the market administrator by the handler, the plant shall not be a pool plant on any basis from the month following receipt of such request until the following July 1.

(d) Any plant which for any month is not a pool plant because of failure to meet the requirements of paragraphs (a), (b), or (c) of this section (except a plant which is not a pool plant pursuant to the proviso in paragraph (c)), but from which Class I–A milk is distributed in the marketing area other than to another plant shall be a pool plant in any month at the option of the handler, exercised at the time of filing the report pursuant to § 927.50, if at least 55 percent of the milk received from dairy farmers at the plant during such month is classified in Class I–A and Class I–B: *Provided*, That a plant at which, except for this paragraph, milk received from farmers would be classified and priced under another order issued pursuant to the act, shall not be a pool plant pursuant to this paragraph unless the percentage of the milk received from dairy farms at the plant which is classified in Class I–A is greater than the percentage of such milk which is classified in Class I–B and disposed of in the marketing area defined in such other order.

(e) No plant shall be a pool plant on the basis of this section during the months of January through July if the designation of the plant as a pool plant was cancelled for failure to meet the requirements of § 927.26 during the preceding year.

(f) At the time of announcing the uniform price for each month, the market administrator shall make public the location and name of the operator of any plant for which a report of receipts from dairy farmers was used pursuant to this section in the computation of that uniform price.

CLASSIFICATION

§ 927.30 *Basis of classification.* All milk the butterfat from which is received at a plant at which the classification of milk received from producers is to be determined pursuant to § 927.33, and all milk entering the marketing area in the form of milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, or skim milk, shall be classified in accordance with the form in which it is held at, or moved from, the plant at which classification is determined. Such classification shall be subject to the conditions set forth in §§ 927.31 through 927.35.

§ 972.31 *Burden of proof.* In establishing the classification of milk received from producers, the burden rests upon the handler who received the milk from producers to show that the milk should not be classified as Class I–A, and that the skim milk in Class II and Class III milk should not be subject to the fluid skim differential. The burden rests upon the handler who receives in the marketing area or at a pool plant, or distributes in the marketing area, milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, or fluid skim milk to establish the source of all of his milk and milk products, and in the absence of such proof such milk and the milk equivalent of such enumerated products shall be subject to the provisions of § 927.84.

§ 927.32 *Period for establishing classification.* A period ending with the last day of the month following the month during which the milk was received from dairy farmers shall be allowed for handling such milk as a basis for establishing the classification as other than Class I–A: *Provided*, That the holding of milk in the form of cream in a licensed cold storage warehouse for at least 7 days shall constitute that portion of the handling of such cream required pursuant to § 927.37 (d) (2) that is required to be performed during the month following its receipt from dairy farmers.

§ 927.33 *Plant at which classification is to be determined.* Classification shall be determined at the plant at which milk is received from dairy farmers: *Provided*, That if such milk is shipped in the form of milk or cream to another plant or other plants, it shall be classified, subject to the provisions of paragraphs (a) and (b) of this section, at the plant or plants to which it is shipped, and there shall be no limit on the number of interplant movements in the form of milk or cream except as set forth in paragraphs (a) and (b) of this section.

(a) Except as set forth in paragraph (b) of this section, the classification of milk shipped in the form of milk and of milk the butterfat from which is shipped in the form of cream to a non pool plant shall be determined at the non pool plant (unless such non pool plant is in the marketing area, receives no milk from dairy farmers and is engaged substantially either in distributing packaged milk or cream in the marketing area or in shipping bulk milk or cream to a pasteurizing and bottling plant in the marketing area), unless the handler operating the pool plant from which such shipments are made to the non pool plant elects in writing on his monthly reports to have classification of

all milk or cream received during the month at such handler's pool plant and shipped as milk or cream to the non pool plant determined at the pool plant from which the milk or cream is shipped to the non pool plant.

(b) The classification of milk shipped in the form of milk more than 65 miles from the plant where received from dairy farmers and of milk the butterfat from which is shipped in the form of cream more than 65 miles from the plant where the milk was separated to a plant outside Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York State, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, or the District of Columbia shall be determined at the plant from which the milk or cream is so shipped.

§ 927.34 *Plant loss.* Allowances for plant loss not to exceed 5 percent of the butterfat in the product resulting from any specific plant operation, which plant loss may be classified the same as the milk equivalent of the butterfat in the product, shall be determined by the market administrator pursuant to § 927.36

§ 927.35 *Accounting procedure.* The accounting procedure for classifying milk pursuant to §§ 927.30 through 927.37 shall be set up by the market administrator pursuant to § 927.36. Such accounting procedure shall include conversion factors to be used in the absence of specific weights and tests, specific definitions of products, and such methods for assignment of milk to classes according to source and form as may be necessary to effectuate the provisions of §§ 927.30 through 927.37 and which are not inconsistent with the following general principles:

(a) Milk, concentrated fluid milk, fluid milk products, cream, half and half, fluid cream products, and skim milk received from pool plants or from producers shall be assigned, as far as possible, to Class I–A, Class II, or to skim milk subject to the fluid skim milk differential. The assignment of milk shall be subject to the additional requirements set forth in subparagraphs (1) through (5) of this paragraph.

(1) If the plant is not a pool plant pursuant to § 927.25 or § 927.28, milk received directly from dairy farmers in an amount sufficient to qualify such plant as a pool plant pursuant to paragraph (a) or (b) of § 927.29 shall be assigned to Class I–A milk leaving the plant which is distributed to outlets which are not other plants: *Provided*, That if such Class I–A milk is not sufficient to qualify such plant as a pool plant pursuant to paragraph (a) or (b) of § 927.29, no assignment pursuant to this subparagraph is to be made by the handler.

(2) After any required assignment pursuant to subparagraph (1) of this paragraph, milk from the following sources shall be assigned as far as possible to Class I–A:

(i) Milk received from producers delivering to the plant if the plant is designated as a pool plant pursuant to § 927.25 or § 927.28.

(ii) The balance of the milk received from producers if the plant is a pool plant pursuant to § 927.29 on the basis of the assignment pursuant to subparagraph (1) of this paragraph.

(iii) Milk received from other pool plants designated pursuant to § 927.25 or § 927.28.

(iv) Milk received from other plants which are pool plants pursuant to § 927.29 on the basis of the assignment pursuant to subparagraph (1) of this paragraph at such other plants.

(3) After assignments pursuant to subparagraphs (1) and (2) of this paragraph, milk from other sources shall be assigned to remaining Class I–A at the option of the handler.

(4) Notwithstanding the other provisions of this paragraph, milk received from the plant of a handler at which milk is received from farms which is eliminated from the computation of the handler's net pool obligation pursuant to § 927.65 (h) (1) shall be assigned, as far as possible, to Class III milk at the plant unless such assignment results in nonpooled milk being assigned to Class I–A, Class II, or skim milk subject to the fluid skim differential.

(5) Notwithstanding other provisions of this paragraph, milk received (except packaged milk produced in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk) from a handler's plant receiving milk which, pursuant to § 927.65 (h) (2) or (3), is excluded from such handler's net pool obligation shall be considered to be nonpool milk with respect to assignments pursuant to this section and payments pursuant to § 927.83.

(b) After the assignments prescribed in paragraph (a) of this section, the remaining whole milk received at a plant from producers or from pool plants and in like form from dairy farmers not producers or from nonpooled plants shall be assigned pro rata to the total classification of all milk on hand at or leaving such plant as whole milk.

(c) After the assignments prescribed in paragraphs (a) and (b) of this section, the then remaining milk or cream received from producers or from pool plants and the milk or cream received from dairy farmers not producers or from nonpool plants shall be assigned pro rata to the total remaining classification of such products received in like form.

(d) After the assignment of skim milk prescribed in paragraph (a) of this section, skim milk received from nonpool plants shall be assigned to the remaining skim milk subject to the fluid skim differential.

(e) Milk from a handler's own farm which is excluded from the computation of the handler's net pool obligation pursuant to § 927.65 (h) (2) shall be assigned pro rata to the classifiaction of milk at the plant after first assigning all milk from other pool plants to Class I–A: *Provided*, That any milk shipped to another plant on which the handler operating the other plant is required to make payments pursuant to § 927.83 shall be considered to be Class III at this plant, and shall be considered to be subject to the butter-cheese adjustment if such butter-cheese adjustment was used in determining the rate of payment pursuant to § 927.83.

§ 927.36 *Rules and regulations.* The rules and regulations to effectuate the terms and provisions of §§ 927.30 through 927.37 shall be made, and may from time to time be amended, by the market administrator in accordance with the procedure set forth in this section: *Provided*, That at any time upon a determination by the Secretary that an emergency exists which requires the immediate adoption of rules and regulations, the market administrator may issue, with the approval of the Secretary, temporary rules and regulations without regard to the following procedure: *Provided further*, That if any interested person makes written request for the issuance, amendment, or repeal of any rule, the market administrator shall within 30 days either issue notice of meeting pursuant to paragraph (a) of this section or deny such request, and except in affirming a prior denial, or where the denial is self-explanatory, shall state the grounds for such denial.

(a) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which time all interested persons shall have opportunity to be heard. Notice of such meeting shall be given by the market administrator, and a copy of the proposed rules and regulations shall be sent at least five days prior to the date of the meeting to all handlers operating pool plants. A stenographic record shall be made at all such meetings and such record shall be public information available for inspection at the office of the market administrator.

(b) A period of at least five days after the meeting held pursuant to paragraph (a) of this section shall be allowed for the filing of briefs. Such briefs shall be public information available for inspection at the office of the market administrator.

(c) Not later than 30 days after a meeting held pursuant to paragraph (a) of this section, the market administrator shall issue and send to all handlers operating pool plants the tentative rules and regulations or amendments thereto relating to the issues considered at such meeting, or a tentative notice that no rules or regulations or amendments thereto are to be issued prior to further consideration at another meeting. The tentative rules and regulations, or tentative notice, together with copies of the stenographic record and briefs, shall also at the same time be forwarded by the market administrator to the Secretary.

(d) Not later than 30 days after issuance by the market administrator, the Secretary shall either approve the tentative rules and regulations or tentative notice as issued, or direct the market administrator to reconsider. In which latter event, the market administrator shall within 30 days either issue revised tentative rules and regulations or tentative notice, or call another meeting pursuant to paragraph (a) of this section.

(e) The tentative rules and regulations and amendments thereto or tentative notice issued pursuant to paragraph (c) of this section shall be effective as of the first of the month following approval by the Secretary, but not sooner than ten days after issuance by the market administrator.

§ 927.37 *Classes of utilization.* Subject to all of the conditions set forth in §§ 927.30 through 927.36, milk shall be classified at the plant at which classification is to be determined as follows:

(a) Class I–A milk shall be all milk, except as provided in paragraph (b) of this section and in subparagraphs (3) and (5) of paragraph (d) of this section, the butterfat from which leaves or is on hand at the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and all milk the classification of which is not established in some other class named in this section.

(b) Class I–B milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (d) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or of cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser outside the marketing area and remains outside the marketing area.

(c) Class II milk shall be all milk the butterfat from which leaves or is on hand at the plant in the form of cream, sweet or sour, half and half, fluid cream products, or in the form of cultured or flavored milk drinks, containing less than 3.0 percent or more than 5.0 percent of butterfat, unless such cream, half and half, fluid cream products, or cultured or flavored milk drinks are established to have been so handled or marketed as to classify such milk in some other class named in this section.

(d) Class III milk shall be all milk which meets the conditions set forth in any one of the following subparagraphs:

(1) All milk the butterfat from which leaves or is on hand at the plant in the form of cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat or in the form of cream, half and half, or fluid cream products which cream, half and half, fluid cream products, or cultured or flavored milk drinks is delivered to a plant or a purchaser outside the New York metropolitan district and remains outside the New York metropolitan district.

(2) All milk the butterfat from which leaves or is on hand at the plant in the form of cream which is subsequently held in a licensed cold storage warehouse for at least 28 days, and which is subject at all times until utilization of such cream to being inspected by a representative of the market administrator to determine the physical presence of the cream. After the first 7 days, such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the market administrator receives notice of such removal within 7 days thereafter. Any handler whose report claimed the original classification of milk pursuant to this subparagraph shall be liable under the provisions of § 927.80 for the difference between the Class II and Class III prices for the month in which the Class III classification was claimed on any such milk if the storage of cream does not comply with all requirements of this subparagraph.

(3) All milk the butterfat from which leaves the plant in the form of products named in paragraphs (a), (b), or (c) of this section if such products have been sterilized and leave the plant in hermetically sealed containers.

(4) All milk the butterfat from which leaves the plant in the form of milk which is delivered in bulk to an establishment (other than a plant as defined in § 927.8) at which food products are processed and packed in hermetically sealed containers and at which establishment there is no disposition of milk or milk products specified in paragraphs (a), (b), or (c) of this section other than milk or milk products received in consumer packages for consumption on the premises.

(5) All milk the butterfat from which leaves or is on hand at the plant in the form of concentrated fluid milk which is established not to have been packaged in consumer packages either before or after leaving the plant.

(6) All milk the butterfat from which leaves or is on hand at the plant in the form of some product the classification of which is not established in some other class named in this section.

MINIMUM PRICES

§ 927.40 *Class prices.* For milk received during each month from producers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 927.41 through 927.44. Any handler who purchases or receives, during any month, milk from a cooperative association of producers which is also a handler shall, on or before the 15th day of the following month, pay such cooperative association in full for such milk at not less than the minimum class prices applicable pursuant to this section, subject to the differentials and adjustments in §§ 927.41 through 927.44 and § 927.71 (c).

(a) For Class I–A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (11) of this paragraph: *Provided*, That the provisions in effect for the pricing of Class I–A milk for the month immediately prior to the effective date of this proviso shall continue in effect for the purpose of computing Class I–A prices for the first two months following the effective date of this proviso.

(1) Divide (with the result expressed to three decimal places) the monthly wholesale price index for all commodities in the second preceding month as reported on a 1947–49 base by the Bureau of Labor Statistics, United States Department of Labor, by the average of the monthly indexes reported on the same base for the year 1955.

(2) Multiply the base price of $5.20 by the result determined pursuant to subparagraph (1) of this paragraph. Express the result to the nearest cent.

(3) For each month during the 3-year period ending with the second preceding month, calculate to one decimal place the percentage that the total volume of milk in Class I–A and Class I–B was of the total volume of reported receipts of milk from producers and from unrevealed sources (these percentages to be referred to as utilization percentages): *Provided*, That the utilization percentages for months prior to the effective date of the amendment to the definition of the marketing area set forth in § 927.3 to include areas outside the New York metropolitan district shall be the percentages computed pursuant to this subparagraph plus 8.1.

(4) Calculate the average of the 36 monthly utilization percentages for the 3-year period ending with the second preceding month.

(5) Calculate the average of the 6 utilization percentages for the second and third preceding months and for the same months of the 2 preceding years.

(6) Divide the result determined pursuant to subparagraph (5) of this paragraph by the result determined pursuant to subparagraph (4) of this paragraph expressing the result to three decimal places.

(7) Calculate the average of the 2 utilization percentages in the second and third preceding months.

(8) Divide the result determined pursuant to subparagraph (7) of this paragraph by the result determined pursuant to subparagraph (6) of this paragraph. Express the result to one decimal place and add 100.

(9) Calculate a utilization adjustment percentage by subtracting the base utilization percentage of 56.2 from the result determined pursuant to subparagraph (8) of this paragraph.

(10) Multiply the result determined pursuant to subparagraph (2) of this paragraph by the utilization adjustment percentage determined pursuant to subparagraph (9) of this paragraph.

(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by the following seasonal adjustment factor for the month for which the Class I–A price is being determined:

January	1.05	July	0.95
February	1.03	August	1.00
March	1.00	September	1.04
April	0.94	October	1.07
May	0.88	November	1.09
June	0.88	December	1.07

(b) Whenever any of the following conditions exist for 3 consecutive months, the Secretary shall call a public hearing promptly to consider those and other economic conditions, or promptly an-

nounce his determination that such a hearing should not be held, together with reasons for such determination:

(1) There is a difference of more than 6 points for each of 3 consecutive months between the index of the cost of production announced pursuant to § 927.46 (a) (6) and the index of wholesale prices (1955 base) announced pursuant to § 927.46 (a) (1).

(2) There is a difference of more than 15 points for each of 3 consecutive months between the index of the cost of production announced pursuant to § 927.46 (a) (6) and the index of the Class I–A price announced pursuant to § 927.46 (a) (7).

(3) The Class I–A price for each of 3 consecutive months is less than $1.00 higher than the condensery price announced pursuant to § 927.46 (b) (9) for such months or more than $2.50 higher than such condensery price.

(c) For Class I–B milk the price shall be the price for Class I–A milk.

(d) For Class II milk the price during each month shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1)

U. S. Grade A or U. S. 92-score butter, wholesale, at New York, average price announced pursuant to § 927.46 (a) (4) for the period ending on the 24th of the preceding month	Class II price	
	March through July (dollars per hundredweight)	August through February (dollars per hundredweight)
Cents per pound		
Under 21.5	1.35	1.50
21.5 or over, but under 25.0	1.50	1.65
25.0 or over, but under 28.5	1.65	1.80
28.5 or over, but under 32.0	1.80	1.95
32.0 or over, but under 35.5	1.95	2.10
35.5 or over, but under 39.0	2.10	2.25
39.0 or over, but under 42.5	2.25	2.40
42.5 or over, but under 46.0	2.40	2.55
46.0 or over, but under 49.5	2.55	2.70
49.5 or over, but under 53.0	2.70	2.85
53.0 or over, but under 56.5	2.85	3.00
56.5 or over, but under 60.0	3.00	3.15
60.0 or over, but under 63.5	3.15	3.30
63.5 or over, but under 67.0	3.30	3.45
67.0 or over, but under 70.5	3.45	3.60
70.5 or over, but under 74.0	3.60	3.75
74.0 or over, but under 77.5	3.75	3.90
77.5 or over, but under 81.0	3.90	4.05

Should the average butter price set forth above be 81.0 cents or more, the Class II price shall be the price which would result from further extension of this table at the same rate to cover such average butter price.

(2) Multiply by 7.5 the average of all the hot roller process dry skim milk or nonfat dry milk solids quotations for "other brands, human consumption, carlots, bags, or barrels" (using midpoint of any range as one quotation), published for the delivery period in "The Producers' Price-Current," and subtract 48 cents.

(e) For Class III milk, the price shall be the sum of the amounts computed or determined pursuant to subparagraphs (1), (2), and (3) of this paragraph, minus 80 cents.

(1) To the simple average of the daily wholesale selling price per pound (using the midpoint of any price range as one price) reported during such month by the United States Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market, add two cents, multiply by 1.22, and then multiply by 3.5: *Provided*, That for any of the months from August through February for which the utilization adjustment percentage announced pursuant to § 927.46 (a) (2) is 107.5 or larger, there shall be an additional three cents added to such average butter price.

(2) Multiply by 7.8 the weighted average, as computed by the market administrator using a weight of 70 for roller process prices and a weight of 30 for spray process prices, of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption in carlots, f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

(3) Determine the appropriate seasonal adjustment in accordance with the following table:

Month to which the price is applicable:	Amount
July through November	$0.13
December through February	0.10
March and April	0.08
May and June	0.05

§ 927.41 *Butterfat differentials.* The minimum price for Class I–A and Class I–B milk shall be plus or minus four cents for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent. The minimum price for Class II and Class III milk shall be plus or minus, for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent, an amount computed as follows: subtract from the respective class prices an amount computed pursuant to § 927.40 (d) (2), and divide by 35.

§ 927.42 *Transportation differentials.* The market administrator shall determine and publicly announce a freight zone for each pool plant, and he shall determine the freight zone for each plant at which milk or milk products subject to the provisions of §§ 927.83 and 927.84 is received from dairy farmers or is first found. Such freight zone shall be the shortest highway mileage from the plant to the nearest of the following points as computed by the market administrator from data contained in Mileage Guide No. 5, without supplements, issued on July 20, 1949, effective August 21, 1949, by the Household Goods Carriers' Bureau, Agent, Washington, D. C.: Mount Vernon or Yonkers in the State of New York; Tenafly, Glen Ridge, East Orange, Elizabeth, Hackensack, Hillside, Irvington, or Passaic in the State of New Jersey. The freight zone for plants located in New York City, Nassau, and Suffolk Counties in the State of New York, or in Essex, Hudson, and Union Counties in the State of New Jersey shall be in the 1–10 mile zone. The class prices set forth in § 927.40 and the fluid skim differential set forth in § 927.44 shall be plus or minus the amount set forth in the following schedule:

Freight zone—Miles	Classes I–A, I–B, and skim milk subject to the fluid skim differential	Classes II and III
	Cents per hundredweight	*Cents per hundredweight*
1–10	+.28	+.3
11–20	+.26.6	+.3
21–25	+.25.2	+.3
26–30	+.25.2	+.7
31–40	+.23.8	+.7
41–50	+.22.4	+.7
51–60	+.21.0	+.6
61–70	+.19.6	+.6
71–75	+.18.2	+.6
76–80	+.18.2	+.5
81–90	+.16.8	+.5
91–100	+.15.4	+.5
101–110	+.14.0	+.4
111–120	+.12.6	+.4
121–125	+.11.2	+.4
126–130	+.11.2	+.4
131–140	+.9.8	+.3
141–150	+.8.4	+.3
151–160	+.7.0	+.3
161–170	+.5.6	+.2
171–175	+.4.2	+.2
176–180	+.4.2	+.1
181–190	+.2.8	+.1
191–200	+.1.4	+.1
201–210	0.0	0.0
211–220	−.1.4	−.1
221–225	−.2.8	−.1
226–230	−.2.8	−.1
231–240	−.4.2	−.2
241–250	−.5.6	−.2
251–260	−.7.0	−.2
261–270	−.8.4	−.3
271–275	−.9.8	−.3
276–280	−.9.8	−.3
281–290	−.11.2	−.3
291–300	−.12.6	−.4
301–310	−.14.0	−.4
311–320	−.15.4	−.4
321–325	−.16.8	−.4
326–330	−.16.8	−.5
331–340	−.18.2	−.5
341–350	−.19.6	−.5
351–360	−.21.0	−.6
361–370	−.22.4	−.6
371–375	−.23.8	−.6
376–380	−.23.8	−.7
381–390	−.25.2	−.7
391–400	−.26.6	−.7
401 and over	−.28.0	−.8

§ 927.43 *Butter-cheese adjustment.* For milk received from producers which is classified as Class III pursuant to § 927.37 (d) (6), and which leaves or is on hand at the plant at which classification is determined in the form of butter or Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar cheese, or is assigned to plant loss which pursuant to § 927.34 is associated with such products, there shall be credited to the handler receiving the milk from producers four cents per pound of butterfat in such milk in the months of March through June and three cents per pound of butterfat in such milk in the months of July through February: *Provided*, That for milk received from producers during any of the months of March through July which is classified on the basis of one of the types of cheese named in this section, the amount so credited shall be increased one cent per pound of butterfat for each full five-hundredths by which the ratio of 2.5 is lower than a ratio computed as follows: add to the New York–92-score butter price for the month announced pursuant to § 927.46 (b) (5) the amount obtained by multiplying by 1.83 the weighted nonfat dry milk solids price for the period ending with the 25th day of the month as announced pursuant to § 927.46 (b) (7); divide this sum by the price of Cheddar cheese for the month as announced pursuant to § 927.46 (b) (8) and round the result to the nearest hundredth: *Provided further*, That for such milk received from producers at a plant in a freight zone farther from New York City than the 321–325 mile zone, there shall be deducted from the amount so credited the following amounts per hundredweight of milk:

Zones of plant:	*Cents per hundredweight*
326–350	1
351–375	2
376–400	3
401 and over	4

With respect to each plant at which milk received from producers is reported by the handler operating the plant to have been utilized (either at the plant where received or at another plant), in an amount exceeding an average of 4,000 pounds per day in the manufacture of butter or of Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar cheese, the market administrator shall publicly disclose (a) the location of the plant at which the milk was received from producers, and (b) the name of the handler operating such plant. Such public disclosure shall be made monthly on the basis of handlers' monthly reports, and may be made more frequently on the basis of such other utilization reports as may be required by the market administrator.

§ 927.44 *Fluid skim differential.* For skim milk derived from Class II or Class III milk which skim milk enters the marketing area in the form of milk, fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks and is there utilized or disposed of in the form of milk, fluid skim milk, half and half, or cultured milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and for all other skim milk derived from Class II or Class III milk which is not established to have been otherwise utilized or disposed of, the handler shall pay a fluid skim differential per hundred-weight computed as follows: deduct the price of Class II milk computed pursuant to § 927.40 (d) from the price for Class I–A milk computed pursuant to § 927.40 (a), and divide by 0.9125: *Provided*, That with respect to skim milk so utilized or disposed of in half and half, this differential shall apply only to that quantity of skim milk in excess of 4.5 times the quantity of butterfat in such half and half.

§ 927.45 *Use of equivalent price or index.* If for any reason a price or index specified in §§ 927.40 through 927.46 for use in computing and announcing class prices or for any other purpose is not reported or published in the manner therein described, the market administrator shall use a price or index determined by the Secretary to be equivalent to or comparable with the price or index specified.

§ 927.46 *Announcement of prices.* The market administrator shall publicly announce the following:

(a) Not later than the 25th day of each month, or the next succeeding workday in any month in which the 25th day is a Sunday or holiday:

(1) The monthly wholesale price index for all commodities in the preceding month as reported on a 1947–49 base by the Bureau of Labor Statistics, United States Department of Labor, and the resulting index determined pursuant to § 927.40 (a) (1) multiplied by 100.

(2) The utilization adjustment percentage computed pursuant to § 927.40 (a) for the following month.

(3) The preliminary Class I–A price computed pursuant to § 927.40 (a) for the following month.

(4) The average, for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market.

(5) The preliminary calculation for the following month pursuant to § 927.40 (d) (1).

(6) The index of the cost of production for the preceding month computed by the market administrator as follows:

The index of the cost of production computed by the New York State College of Agriculture at Cornell University (1910–14 base) converted to a 1955 base.

(7) The index computed by dividing the Class I–A formula price prior to the seasonal adjustment, for the following month by $5.20.

(8) Other statistics relating to economic conditions affecting the market supply and demand for milk.

(b) Not later than the 5th day of each month, or the next succeeding workday in any month in which the 5th day is a Sunday or holiday, for the preceding months:

(1) The minimum class prices pursuant to § 927.40.

(2) The butterfat differentials pursuant to § 927.41.

(3) The butter and cheese adjustment pursuant to § 927.43.

(4) The fluid skim differential pursuant to § 927.44.

(5) The simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported by the United States Department of Agriculture for Grade A or 92-score bulk creamery butter in New York City.

(6) The average of the prices (using the midpoint of any range as one quotation) reported daily in "The Producers' Price-Current" for hot roller process dry skim milk or nonfat dry milk solids "other brands, human consumption, carlots, bags, or barrels."

(7) The respective averages of the carlot prices per pound of spray process and of roller process nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the second preceding month through the 25th of the preceding month by the United States Department of Agriculture, and the weighted average of such two averages using a weight of 70 for roller prices and a weight of 30 for spray prices.

(8) The average selling prices per pound reported by the United States Department of Agriculture for Wisconsin State Brand Cheddars, cars or truckloads, f. o. b. Wisconsin assembly points.

(9) The average of prices paid in the preceding month by 12 midwestern condenseries as reported by the United States Department of Agriculture.

(10) The nearby differential rate for the preceding month determined pursuant to § 927.71 (b).

Reports of Handlers

§ 927.50 *Monthly reports.* On or before the 10th day of each month, each handler shall report to the market administrator, for the preceding month, in the manner and on forms prescribed by the market administrator, with respect to milk or milk products received at each of his pool plants, and at each of his plants where milk or milk products subjected to payments under §§ 927.83 and 927.84 were handled, the following: *Provided*, That for informational and statistical purposes only, each handler, by not later than the 10th day after the effective date of this proviso, shall report to the market administrator, for the preceding month, in the manner and on forms prescribed by the market administrator, the information specified in paragraphs (a) through (e) of this section with respect to plants which become pool plants on the effective date of this proviso but which were not pool plants in the preceding month:

(a) The total quantity of milk and of each milk product with the average butterfat content thereof, received from dairy farmers, from other plants, from such handler's own farm, from other handlers, and from other sources;

(b) The total quantity of milk and of each milk product moved out of, or on hand at, such plant, the average butterfat content thereof, and the destination of any milk or milk product the classification of which wholly or partially depends upon its destination, moved out of such plant;

(c) The disposition of milk or milk products at each other plant at which the disposition of any milk or milk products is claimed as the basis of classification;

(d) The computation pursuant to § 927.65 of such handler's net pool obligation;

(e) The computation of the amount of any payments pursuant to §§ 927.83 and 927.84; and

(f) Beginning March 1958, the total quantity of base milk and the total quantity of excess milk delivered by dairy farmers.

§ 927.51 *Producer payroll reports.* Each handler shall report with respect to producers as follows:

(a) On or before the 10th day after the end of each month, the information required by the market administrator with respect to producer additions, producer withdrawals, and changes in names of farm operators; and

(b) On or before the last day of each month, such handler's producer payroll

for the preceding month, which shall show for each producer:

(1) The total delivery of milk with the average butterfat test thereof: *Provided*, That, if no butterfat tests are made on any of the milk received from producers, and if such milk is received by the handler from no more than 10 producers, 3.5 percent shall be reported as the average butterfat test of milk received from producers,

(2) The amount of payment due each producer,

(3) Any deductions and charges made by the handler,

(4) The net amount of payment to such producer made pursuant to §§ 927.70 through 927.72, and

(5) Such other information with respect thereto as the market administrator may require.

§ 927.52 *Storage cream reports.* (a) On or before the last day of the period for establishing classification pursuant to § 927.32, or, if earlier, not later than 15 days prior to the date of final removal of the cream from storage, each handler who separates milk the cream from which is stored as a basis for Class III classification pursuant to § 927.37 (d) (2) shall report to the market administrator on forms prescribed by the market administrator information with respect to the storage of cream. Failure to make such report shall result in the disallowance of Class III classification pursuant to § 927.37 (d) (2).

(b) The handler who made such reports shall report to the market administrator, not later than the end of the second month following the month during which frozen cream is utilized, information with respect to the utilization of such cream. Failure to make such reports shall result in the disallowance of storage cream payments pursuant to § 927.82 (b).

(c) With respect to notices of transfer of cream filed pursuant to § 927.37 (d) (2) and with respect to storage cream reports filed pursuant to this section, a receipt form acknowledging receipt of such notice or report shall be mailed by the market administrator to the handler within 48 hours after such notice or report is received by the market administrator.

§ 927.53 *Other reports.* At such time as the market administrator may request, each handler shall report to the market administrator in the manner and on forms prescribed by the market administrator:

(a) The total quantity of milk and of each milk product received at his nonpool plants, with the average butterfat content thereof, from dairy farmers, from other plants, from such handler's own farm, from other handlers, and from other sources;

(b) The total quantity of milk and of each milk product moved out of, or on hand at, his nonpool plants, the average butterfat content thereof, and the destination of any milk or milk product moved out of such plants;

(c) Information concerning land, buildings, surroundings, facilities, and equipment at any of his plants;

(d) The current receipts and utilization of milk at each of his pool plants; and

(e) Such other information as may be necessary for the administration of the provisions of this part.

§ 927.54 *Verification of reports and payments.* The market administrator shall promptly verify all reports and payments of each handler by audit of such handler's records and of the records of any handler or person upon whose disposition of milk such handler claims classification, and each such handler shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities, of his own or other persons, as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk required to be reported pursuant to §§ 927.50 through 9257.53, and, in case of errors or omissions, ascertain the correct figures;

(b) Weight, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends;

(c) Verify the payments to producers prescribed in §§ 927.70 through 927.72;

(d) Verify all claims for payments pursuant to §§ 927.81 and 927.82; and

(e) Make inspection of buildings and their surroundings, facilities, and equipment for verification purposes and to ascertain what constitutes a plant.

§ 927.55 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

BASE RATING PLAN

§ 927.60 *Computation of producer's base.* (a) Subject to the rules set forth in § 927.61, the market administrator each year shall compute a daily base for each producer as follows: determine the total amount of milk delivered by the producer in the months of July through November and divide by 153. Such base shall be applicable for the 12-month period beginning the following March.

(b) The monthly base for any producer shall be the daily base multiplied by the number of days in the month, except that for any producer who discontinues delivering to a pool plant during a month, the monthly base shall be the daily base multiplied by the number of days in the month prior to the discontinuance of delivery, and for any producer who begins delivering to a pool plant in a month, the monthly base at such plant shall be the daily base multiplied by the number of days remaining in the month beginning with the day of first delivery.

§ 927.61 *Base rules.* No later than March 1 of each year, the market administrator shall inform each handler of the daily base for each of his producers delivering milk to his pool plants; and not later than 15 days after receiving such information, handlers shall inform each producer of his base.

DETERMINATION OF UNIFORM PRICE

§ 927.65 *Net pool obligation of handlers.* The handler's net pool obligation shall be computed pursuant to paragraphs (a) through (g) of this section: *Provided*, That milk specified in paragraph (h) of this section shall be eliminated from this computation and such milk shall be deemed to be excluded by the phrase "milk received from producers" as such phrase is used in this section and in §§ 927.43, 927.66, 927.79, 927.81, 927.82, and 927.90.

(a) Determine the classification pursuant to §§ 927.30 through 927.37 of milk received from producers at each pool plant;

(b) Subject to adjustments for appropriate differentials pursuant to §§ 927.41 and 927.42, multiply the milk in each class by the class price, multiply the skim milk subject to the fluid skim differential by the fluid skim differential, and add together the resulting values;

(c) Deduct, in the case of each plant where the average butterfat content of all milk received from producers is in excess of 3.5 percent, and add, in the case of each plant where the butterfat content of all milk received from producers is less than 3.5 percent, the total value of the butterfat differential applicable pursuant to § 927.72;

(d) Deduct, in the case of each plant nearer New York City than the 201-210 mile zone, and add, in the case of each plant farther from New York City than the 201-210 mile zone, the sum obtained by multiplying the milk received from producers by the zone differential set forth in column B of the schedule in § 927.42 applicable to the plant;

(e) Deduct the total amount of the butter-cheese adjustment computed pursuant to § 927.43;

(f) Deduct the total value of the nearby differential to be paid producers pursuant to § 927.71 (b). The computation to this point shall be known as the handler's net pool obligation;

(g) Add together the handler's net pool obligation for all plants at which milk was received from producers; and

(h) Milk specified in subparagraphs (1) through (3) of this paragraph shall be excluded from the computation of the handler's net pool obligation pursuant to this section.

(1) Milk received from farms in Nassau and Suffolk Counties in New York, which farms are not approved for sale of milk in New York City and milk received from farms in New York City.

(2) Milk received at a handler's plant not in excess of an average of 800 pounds per day from such handler's own farm in the event that no milk is received at such plant from other dairy farmers but is received from other plants.

(3) All milk received at a handler's plant from such handler's own farm in the event that no milk is received from any other source at such plant.

§ 927.66 *Computation of the uniform price.* The market administrator shall, on or before the 14th day of each month, audit for mathematical correctness and obvious errors the report submitted for the preceding month by each handler. If the unreserved cash balance in the producer settlement fund to be included in the computation is less than two cents per hundredweight of milk received from producers on all reports, the report of any handler who has not made payment of the last monthly pool debit account rendered pursuant to § 927.76 shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly pool debits. Subject to the aforementioned conditions, the market administrator shall compute the uniform price in the following manner:

(a) Combine into one total the net pool obligations of all handlers;

(b) Subtract the total of payments required to be made for such month by § 927.81;

(c) Add the total payments required to be made by handlers for such month pursuant to §§ 927.83 and 927.84;

(d) Add the amount of unreserved cash in the producer settlement fund;

(e) Subtract an amount equal to not less than eight cents nor more than nine cents per hundredweight of milk received from producers to provide against the contingency of errors in reports and payments or of delinquencies in payments by handlers; and

(f) Divide the result obtained in paragraph (e) by the total pounds of milk delivered by producers. The result shall be known as the uniform price for milk containing 3.5 percent butterfat received from producers at plants in the 201–210 mile zone.

§ 927.67 *Announcement of uniform price and weighted average butterfat differential.* The market administrator shall announce, not later than the 14th day of each month, the uniform price computed pursuant to § 927.66 and, not later than the 5th day of each month, the weighted average butterfat differential pursuant to § 927.72 except that in any month in which the specified date is a Sunday or holiday, such announcements shall be not later than the next succeeding work-day.

PAYMENT BY HANDLERS DIRECTLY TO PRODUCERS

§ 927.70 *Time and rate of payments.* On or before the 25th day of each month each handler shall make payment to each producer for all milk delivered by such producer during the preceding

month at not less than the uniform price subject to appropriate differentials set forth in §§ 927.71 and 927.72: *Provided*, That each handler which is also a cooperative marketing association determined by the Secretary to be qualified under the Capper-Volstead Act may, with respect to producers who are members of and under contract with such association, make distribution, in accordance with the contract between the association and such members, of the net proceeds of all its sales in all markets in all use classifications. Whenever verification by the market administrator of the payment to any producer or cooperative association of producers for milk delivered to any handler discloses payment of less than is required by this subpart, the handler shall make up such payment to the producer or cooperative association of producers not later than the time of making payment next following such disclosure: *Provided further*, That if a handler claims that he cannot make the required payment because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, such payment shall be made to the producer settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make such payment from the producer settlement fund to the handler or to the lawful claimant as the case may be: *Provided further*, That, if not later than the date when such payment is required to be made, legal proceedings have been instituted by the handler for the purpose of administrative or judicial review of the market administrator's findings upon verification as provided above, such payment shall be made to the producer settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed, or until the handler submits proof to the market administrator that the required payment has been made to the producer or association of producers, in which latter event the payment shall be refunded to the handler.

§ 927.71 *Location differentials.* The uniform price shall be subject to the appropriate location differentials set forth below:

(a) The transportation differential shall be plus or minus the appropriate differential shown in column B of the schedule in § 927.42 for the zone of the plant to which the milk is delivered.

(b) The nearby differential shall be computed pursuant to the provisions of subparagraphs (1) through (6) of this paragraph.

(1) A zone shall be determined by the market administrator for each farm as follows: A zone for each minor civil division (township, borough, incorporated village, or city) within the nearby differential area shall be determined by computing the shortest highway mileage distance from the nearest point in the minor civil division to the nearest point specified in § 927.42, using the mileage guide specified in such section supplemented by U. S. Geological Survey maps. The zone of a farm shall be the same as the zone of the minor civil division in which the milkhouse of such farm is located: *Provided*, That all farms located in the State of New Jersey shall be considered to be in the 1–50 mile zone.

(2) The weighted average percentage of milk utilized in Classes I–A and I–B for the 12-month period ending with the preceding month shall be computed: *Provided*, That for the 12 months following the effective date of this provision, such percentage shall be assumed to be 55 and over, but under 60.

(3) The rates of nearby differentials, except as provided in subparagraphs (4), (5), and (6), of this paragraph, shall be as set forth in the following table:

Mileage zone of the farm pursuant to subparagraph (1) of this paragraph	Percentage utilization in Classes I–A and I–B as computed pursuant to subparagraph (2) of this paragraph								
	Under 45	45 and over, but under 50	50 and over, but under 55	55 and over, but under 60	60 and over, but under 65	65 and over, but under 70	70 and over, but under 75	75 and over, but under 80	80 and over
	Dollars per hundredweight								
1–50	0.64	0.56	0.48	0.40	0.32	0.24	0.16	0.08	0
51–60	.56	.49	.42	.35	.28	.21	.14	.07	0
61–70	.48	.42	.36	.30	.24	.18	.12	.06	0
71–80	.40	.35	.30	.25	.20	.15	.10	.05	0
81–90	.32	.28	.24	.20	.16	.12	.08	.04	0
91–100	.24	.21	.18	.15	.12	.09	.06	.03	0
101–110	.16	.14	.12	.10	.08	.06	.04	.02	0
111–120	.08	.07	.06	.05	.04	.03	.02	.01	0

(4) For farms located in Columbia, Rensselaer, and Albany counties, and the townships of Catskill, Athens, Coxsackie, New Baltimore, Greenville, Cairo, and Durham in Greene County, the rate shall be as follows: for farms in the 91–120 mile zone, the rate otherwise applicable for farms in the 91–100 mile zone; for farms in the 121–130 mile zone, the rate otherwise applicable for farms in the 101–110 mile zone; and for farms in the 131–140 mile zone, the rate otherwise applicable for farms in the 111–120 mile zone.

(5) Farms delivering to plants in Columbia, Rensselaer, and Albany counties, and the townships of Catskill, Athens, Coxsackie, New Baltimore, Greenville, Cairo, and Durham in Greene County beyond the 131–140 mile zone, and farms delivering to plants located in any other territory beyond the 111–120 mile zone shall not be eligible for the differentials set forth in this paragraph.

(6) The differential shall be reduced by 10 percent for each full 0.01 that the ratio computed pursuant to (1) of this subparagraph exceeds the ratio com-

puted pursuant to (ii) of this subparagraph:

(i) Divide the total receipts of milk subject to the nearby differential in the preceding 12 months by the total Class I–A milk in such 12 months, and

(ii) Divide the total receipts of milk subject to the nearby differential in the first 12 months of this provision by the total Class I–A milk in the first 12 months of this provision.

(c) Direct delivery differentials: For plants located in the areas specified in the following table, the handler shall pay to producers, in addition to that required by other provisions of this section, the amounts set forth below:

Mileage zone computed pursuant to § 927.42, or county—City or township	*Rate—dollars per hundredweight*
1–10 mile zone	0.25
11–30 mile zone	.20
31–50 mile zone	.15
51–70 mile zone	.10
71–80 mile zone	.05
Albany:	
Albany	.10
Colonie	.10
Watervliet	.10
Green Island	.10
Cohoes	.10
Gilderland	.05
New Scotland	.05
Bethlehem	.05
Coeymanas	.05
Schenectady:	
Schenectady	.10
Glenville	.05
Niskayuna	.05
Rotterdam	.05
Montgomery:	
Amsterdam (city)	.05
Amsterdam (township)	.05
Saratoga:	
Waterford	.10
Rensselaer	
Troy	.10
Rensselaer	.10
Brunswick	.05
N. Greenbush	.05
E. Greenbush	.05
Schodack	.05
Onondaga:	
Syracuse	.05
Manlius	.05
DeWitt	.05
Onondaga	.05
Camillus	.05
Solvay	.05
Geddes	.05
Salina	.05

§ 927.72 *Butterfat differential.* The uniform price shall be plus or minus, as the case may be, for each one-tenth of 1 percent above or below 3.5 percent of average butterfat content of milk delivered by any producer during any month, an amount equivalent to the average of the butterfat differentials determined pursuant to § 927.41, for each class weighted by the pounds of butterfat in the milk in each such class used in the computation of the uniform price for the preceding month. Such differential shall be computed to the nearest even tenth of a cent.

PRODUCER SETTLEMENT FUND AND ITS OPERATION

§ 927.75 *Producer settlement fund.* The market administrator shall establish and maintain a separate fund known as "the producer settlement fund" into which he shall deposit all payments and out of which he shall make all payments pursuant to §§ 927.77 through 927.84.

§ 927.76 *Handlers' accounts.* The market administrator shall establish an account for each handler who is required to make payments to the producer settlement fund or who received payments from the producer settlement fund. After computing the uniform price and each handler's pool debit or credit each month, and at such times as he deems appropriate, the market administrator shall render each handler a statement of his account showing the debit or credit balance, together with all debits or credits entered on such handler's account since the previous statement was rendered.

§ 927.77 *Payment to the producer settlement fund.* On or before the 18th day of each month each handler shall make full payment of the debit balance, if any, of such handler shown on the last statement of account rendered pursuant to § 927.76.

§ 927.78 *Payments out of producer settlement fund.* On or before the 20th day of each month the market administrator shall make payment to each handler of the credit balance, if any, of such handler shown on the last statement of account rendered pursuant to § 927.76. If, at any such time, the balance in the producer settlement fund is insufficient to make full payment due to each handler, the market administrator shall reduce uniformly the payments to each handler and shall complete such payments as soon as the necessary funds are available. No handler who, on the 25th day of the month, has not received such payments in full from the market administrator shall be deemed to be in violation of §§ 927.70 through 927.72 if he reduces his total payments to producers for milk delivered by such producers during the preceding month by not more than the amount of the reduction in payment from the producer settlement fund.

§ 927.79 *Handlers' pool debit or credit.* After computing the uniform price for each month, the market administrator shall compute each handler's pool debit or pool credit as follows:

(a) Multiply the quantity of milk received by each handler from producers by the uniform price.

(b) If the result obtained in paragraph (a) of this section is less than the handler's net pool obligation, the difference shall be entered on the handler's producer settlement fund account as such handler's pool debit.

(c) If the result obtained in paragraph (a) of this section is greater than the handler's net pool obligation, the difference shall be entered on the handler's producer settlement fund account as such handler's pool credit.

§ 927.80 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer settlement fund, the market administrator shall debit the handler's producer settlement fund account for any unpaid amount. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall credit the handler's producer settlement fund account for any such amount.

§ 927.81 *Cooperative payments for market-wide services.* Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section.

(a) *Definitions.* As used in this section the following terms shall have the following meanings:

(1) "Cooperative" means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a state; is qualified under the Capper-Volstead Act (7 U. S. C. 291 et seq.; has all its activities under the control of its members; and has full authority in the sale of its members' milk.

(2) "Federation" means a federation of cooperatives.

(3) "Federated cooperative" means a cooperative which is a member of a federation and on whose membership the federation is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(4) "Member" means, when used with respect to a member of a cooperative or of a federated cooperative, only a member who is also a producer, as defined in § 927.6.

(b) *Qualified cooperatives and federations.* A cooperative or federation may submit an application to the market administrator for payments under the provisions of this section. In accordance with the requirements of the rules and regulations issued by the market administrator, any such application shall include a written description of the applicant's program for the performance of market-wide services, including evidence that adequate facilities and personnel will be maintained by it so as to enable it to perform the market-wide services; and the application shall contain a statement by the applicant that it will perform the required market-wide services for which it is applying for payment. The application shall set forth all necessary data so as to enable the market administrator to determine whether it meets the qualification requirements with respect to the payments for which the application is submitted. An application shall be approved by the market administrator only if he determines that:

(1) In the case of a cooperative:

(i) It has not less than 4,000 members and receives from its members not less than 1 cent per hundredweight of milk delivered by them: *Provided,* That no person shall be counted in this respect as a member if he is a member of another cooperative which is an applicant for or which receives cooperative payments, or if he is a member of a federated cooperative.

(ii) If the application is also for an additional payment under subparagraph (3) of paragraph (f) of this section, it has not less than 6,000 members and receives from its members not less than 1 cent per hundredweight of milk delivered by them, subject to the proviso in subdivision (i) of this subparagraph.

(iii) If the application is also for an additional payment under subparagraph (4) of paragraph (f) of this section, the cooperative is an operating cooperative which operates marketing facilities, i. e., pool plant(s), at which it receives at least 25 per centum, by weight, of the milk marketed by its members: *Provided,* That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by a member of the cooperative who is a member of another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk.

(2) In the case of a federation:

(i) It is duly incorporated under the laws of a state.

(ii) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least one year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes.

(iii) Its federated cooperatives have an aggregate of not less than 4,000 members and the federated cooperatives receive from their members not less than 1 cent per hundredweight of milk delivered by them; and its federated cooperatives will pay to the federation, when required by rules and regulations issued by the market administrator, the minimum monthly payment specified in the rules and regulations to finance the activities of the federation that are not market-wide in character: *Provided,* That no person shall be counted in this respect as a member if he is a member of a cooperative which is an applicant for or which receives cooperative payments, or if he is a member of another federated cooperative.

(iv) If the application is also for an additional payment under subparagraph (3) of paragraph (f) of this section, the aggregate membership of the federated cooperatives is not less than 6,000 members and the federated cooperatives received from their members not less than 1 cent per hundredweight of milk delivered by their members, subject to the proviso in subdivision (iii) of this subparagraph.

(v) If the application is also for an additional payment under subparagraph (5) of paragraph (f) of this section, the federation operates marketing facilities, i. e., pool plant(s), or the federated cooperatives operate marketing facilities, at which is received at least 25 per centum, by weight, of the milk marketed by the members of the federated cooperatives: *Provided,* That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

(3) The applicant cooperative or federation demonstrates that it has the ability to perform the market-wide services for which application is made, and that such services will be performed.

(4) The applicant cooperative or the federated cooperatives of an applicant federation are in no way precluded from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(c) *Notice of qualification or denial: Effective date.* Upon determination by the market administrator that a cooperative or a federation is qualified to receive payment for performance of the market-wide services, he shall transmit such determination to the applicant cooperative or federation and publicly announce the issuance of the determination. The determination shall be effective with respect to milk delivered on and after the first day of the month following issuance of the determination. If, after consideration of an application for payments for market-wide services, the market administrator determines that the cooperative or federation is not qualified to receive such payments he shall promptly notify the applicant and specifically set forth in such notice his reasons for denial of the application.

(d) *Requirements for continued qualification.* From time to time and in accordance with rules and regulations which may be issued by the market administrator, each qualified cooperative or federation must demonstrate to the market administrator that it continues to meet the qualification requirements for the payments and is fully performing the market-wide services for which it is being paid.

(e) *Market-wide services.* Each cooperative or federation shall perform the market-wide services enumerated in this paragraph. Such services are: (1) analyzing milk marketing problems and their solutions, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments; (4) participation in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive education program among producers—i. e., members and nonmembers of cooperatives—and keeping such producers well informed for participation in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to non-members who request it, and holding meetings at which members and non-members may attend; and (6) in the case of a cooperative or federation which receives an additional payment under subparagraph (4) or (5) of paragraph (f) of this section, operating marketing facilities, or having within its membership federated cooperatives operating marketing facilities, i. e., pool plant(s), at which is received at least 25 per centum, by weight, of the milk marketed by all the members of the cooperative or by all the members of the federated cooperatives' members.

(f) *Rate, computation, time, and method of payment.* (1) Subject to the provisions of paragraph (g) of this section, the market administrator, on or before the 25th day of each month, shall make payment out of the producer settlement fund, or issue equivalent credit therefor, to each cooperative or federation which is qualified for such payments for market-wide services. The payment to a cooperative shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from its members, and the payment to a federation shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from the members of its federated cooperatives, subject in both instances to adjustment upon verification by the market administrator.

(2) Such payment or credit shall be at the rate of 2 cents per hundredweight of milk in accordance with subparagraph (1) of this paragraph: *Provided,* That in computing payment to a cooperative, there shall be excluded all of the milk of its members who belong to another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk: *Provided further,* That in computing payment to a federation there shall be excluded all of the milk of members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

(3) Any cooperative that has at least 6,000 members and any federation which has an aggregate membership of its federated cooperatives of at least 6,000 members shall receive a payment, in addition to the payment provided for in subparagraph (2) of this paragraph, of 1 cent per hundredweight of milk in ac-

cordance with subparagraph (1) of this paragraph and subject to the provisos contained in subparagraph (2) of this paragraph.

(4) Any cooperative that operates marketing facilities, i. e., pool plant(s), at which is received at least 25 per centum, by weight, of the milk marketed by its members shall receive a payment, in addition to the payment provided for in subparagraph (2) or subparagraph (3) of this paragraph of 1 cent per hundredweight of all milk marketed by its members in accordance with subparagraph (1) of this paragraph: *Provided*, That in computing the payment under this subparagraph there shall be excluded the milk delivered by a member of the coopertive who is a member of another cooperative which is an applicant for or which receives cooperative payents on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk.

(5) Any federation that operates marketing facilities, i. e., pool plant(s), or whose members include one or more federated cooperatives that operate marketing facilities, at which is received at least 25 per centum, by weight, of the milk marketed by the members of its federated cooperatives shall receive a payment, in addition to the payment provided for in subparagraph (2) or subparagraph (3) of this paragraph, of 1 cent per hundredweight of all milk marketed by such members in accordance with subparagraph (1) of this paragraph: *Provided*, That in computing the payment under this subparagraph there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payment on the same milk, or which is not meeting the requirements of this section applicable to it.

(6) If an individually qualified cooperative is affiliated with a federation, the cooperative payment shall be made to such cooperative unless its contract with the federation specifies in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least one year, and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(g) *Disqualification.* (1) The market administrator shall issue an order wholly or partly disqualifying a previously qualified cooperative or federation for payments authorized pursuant to this section and such payments shall not thereafter be made to it if he determines that:

(i) The cooperative or federation no longer complies with the requirements of this section: *Provided*, That in the case of the federation, if one of its federated cooperatives has failed to comply with the requirements of this section applicable to it or has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification; the federation shall be disqualified only to the extent that its qualification for payments or the amount of its payments are based upon the membership, milk, or operations of such non-complying federated cooperatives;

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section or pursuant to rules and regulations issued by the market administrator; or

(iii) In the case of the cooperative, it has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(2) An order of the market administrator wholly or partly disqualifying a cooperative or federation shall not be issued until after the cooperative or federation has had opportunity for hearing thereon following not less than 15 days' notice to it specifying the reasons for the proposed disqualifications. If the cooperative or federation fails to file a written request for hearing with the market administrator within such period of 15 days, the market administrator may issue an order of disqualification without further notice; but if within such period a request for hearing is filed, the market administrator shall promptly proceed to hold such hearing pursuant to rules and regulations issued by him under paragraph (i) of this section.

(3) A disqualification order issued by the market administrator shall set forth the findings and conclusions on the basis of which it is issued.

(h) *Appeals*—(1) *From denials of application.* Any cooperative or federation whose application for qualification has been denied by the market administrator may, within 30 days after notice of such denial, file with the Secretary a written petition for review. But the failure to file such petition shall not bar the cooperative or federation from again applying to the market administrator for qualification.

(2) *From disqualification orders.* A disqualification order by the market administrator shall become final 30 days after its service on the cooperative or federation unless within such 30-day period the cooperative or federation files a written petition with the Secretary for review thereof. If such petition for review is filed, payments for which the cooperative or federation has been disqualified by the order shall be held in reserve by the market administrator pending ruling of the Secretary, after which the sums so held in reserve shall either be returned to the producer settlement fund or paid over to the cooperative or federation depending on the Secretary's ruling on the petition. If such petition for review is not filed, any payments which otherwise would be made within the 30-day period following issuance of the disqualification order shall be held in reserve until such order becomes final and shall then be returned to the producer settlement fund.

(3) *Record on appeal.* If an appeal is taken under subparagraphs (1) or (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from and the evidence upon which it was issued: *Provided*, That if a hearing was held the complete record thereof, including the applications, petitions, and all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which the appeal shall be decided by the Secretary.

(i) *Regulations.* The market administrator is authorized to issue regulations and amendments thereto to effectuate the provisions of this section and to facilitate and implement the administration of its provisions. Such regulations shall be issued in accordance with the following procedure:

(1) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which all interested persons shall have opportunity to be heard. Not less than five days prior to the meeting, notice thereof and of the proposed regulations or amendments shall be published in the FEDERAL REGISTER and mailed to qualified cooperatives and federations. A stenographic record shall be made at such meetings which shall be public information and be available for inspection at the office of the market administrator.

(2) A period of at least five days after the meeting shall be allowed for the filing of briefs.

(3) All regulations and amendments thereto issued by the market administrator pursuant to this section must be submitted in tentative form to the Secretary for approval, shall not be effective without such approval, and shall be published in the FEDERAL REGISTER following such approval. The regulations or amendments in tentative form shall be forwarded also to cooperatives and federations qualified under this section and to other persons upon request in writing. The Secretary shall either approve the regulations or amendments thereto submitted by the market administrator or direct the market administrator to reconsider the tentative rules or amendments. In the event the market administrator is directed to give reconsideration to the matter, the market administrator shall either issue revised tentative regulations or amendments or call another meeting pursuant to this section for additional consideration of the rules or amendments.

(j) *Reports and records.* A qualified cooperative or federation and any federated cooperative in a qualified federation shall make such reports to the market administrator as may be requested by him for the administration of the provisions of this section, and shall maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

(k) *Notices, demands, orders, etc.* All notices, demands, orders, or other papers required by this section to be given to or served upon a cooperative or federation shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

§ 927.82 *Cream payments.* (a) For milk received from producers which is classified as Class III pursuant to § 927.37 (d) (2) the butterfat from which is subsequently assigned in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to § 927.36 to sour cream, half and half, or reconstituted cream shipped to, received in, or distributed in the metropolitan district, or is not established to have been otherwise utilized, or to be still in storage, the handler required to file reports pursuant to § 927.52 shall pay to the producer settlement fund or be issued debits against balances due to such handler from the producer settlement fund an amount equal to 9 cents per pound of butterfat if the milk was separated in the months of March through July, and 10 cents per pound of butterfat if the milk was separated in the months of August through February.

(b) On the basis of reports pursuant to § 927.52 of the utilization of frozen cream and the market administrator's investigation and audit of such reports, the market administrator shall make payment out of the producer settlement fund to the handler filing such reports, or issue credit against balances due from such handler to the producer settlement fund, an amount equal to the butter-cheese adjustment on each pound of butterfat in such cream which was separated in the months of April through September from milk received from producers and was assigned, in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to § 927.36, to butter in the months of January through March.

(c) With respect to Class II milk the butterfat from which is on hand at the plant in the form of cream, or having left the plant in the form of cream had not been delivered to a plant or purchaser by the end of the period for establishing classification, but subsequent to the end of the period for establishing classification such cream is so handled that it would have been classified at a plant outside the marketing area in Class III pursuant to § 927.37 (d) (1), (3), (5), or (6) had such handling occurred during the period for establishing classification, the handler who received the milk from producers may claim a refund by filing a report giving the facts with respect to such handling. On the basis of verification of such report, the market administrator shall make payment out of the producer settlement fund to such handler or issue credit against any balance due from such handler to the producer settlement fund in an amount equal to the difference between the Class II and Class III prices applicable for the month when the milk was received from producers.

§ 927.83 *Payments on milk received from dairy farmers at nonpool plants.* Payments shall be made by handlers to producers, through the producer settlement fund, for milk and milk products under conditions, in amounts, and by the handler pursuant to paragraphs (a) through (d) of this section: *Provided*, That for any month in which the volume of Class III milk used in the computation of the uniform price is less than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payments set forth in this section shall not be required.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, and skim milk, which milk or milk products meets each of the following conditions:

(1) It was derived from milk received at a nonpool plant from dairy farmers or is received at a plant from which milk specified in § 927.65 (h) (2) or (3) was received from the handler's own farm.

(2) It was shipped to, received in, or distributed in the marketing area, or was received at a pool plant outside the marketing area.

(3) The milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk would be subject to the fluid skim differential if it were derived from pool milk.

(b) The amounts of payment for the products set forth in paragraph (a) of this section shall be as follows:

(1) If the milk or the milk equivalent of the butterfat, or the skim milk is classified and paid for under another order issued pursuant to the act, the amount of payment on such products, except skim milk, shall be, any plus amount obtained by subtracting the value of the milk or the milk equivalent of the butterfat at the class price or prices under such order from the value computed in accordance with the classification and pricing set forth in this subpart: *Provided*, That the payment shall be at the rates set forth in subparagraph (2) of this paragraph if the other order permits the deduction of such payment from the amount otherwise due for such milk pursuant to such other order. The amount of payments on skim milk shall be an amount computed pursuant to § 927.44 adjusted for the location of the plant.

(2) If the milk or milk product is derived from milk received from dairy farmers at a nonpool plant in the 401–425 mile zone, or in some other zone nearer the marketing area, the handling of which is not regulated by an order issued pursuant to the act or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payment, except as otherwise specified in subparagraph (4) of this paragraph, shall be the differences between its classified value at the Class I–A or the Class II price, depending upon its classification, and its value at the Class III price, such class prices to be adjusted for butterfat test and the location of the plant at which the nonpool milk was originally received from farmers: *Provided*, That for concentrated fluid milk, cream, half and half, fluid cream products, and cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent butterfat, the payment shall be computed on the milk equivalent thereof as so classified. The amount of the payment on skim milk (either as skim milk, half and half, or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 as similarly adjusted for location.

(3) If the milk or milk product is derived from milk received from dairy farmers at a non pool plant farther from the marketing area than the 401–425 mile zone, the handling of which is not regulated by another order issued pursuant to the act, or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payments shall be the difference between the value of its milk equivalent at the Class I–A or Class II price, depending upon its classification, and the value of such milk at the midwestern condensery price announced pursuant to § 927.46 (b) (9), such class prices to be adjusted for the location of the plant at which the non pool milk was originally received from dairy farmers: *Provided*, That for milk, fluid milk products, and cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, the payment shall be the difference between the value of such milk or milk product at the Class I–A price for milk containing 3.5 percent butterfat, adjusted for location of the plant, and the condensery price. The amount of the payment on skim milk (either as skim milk, half and half, or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 similarly adjusted for location.

(4) For any month in which the volume of milk subject to the butter-cheese adjustment used in the computation of the uniform price is more than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payment required by subparagraph (2) of this paragraph shall be increased by the value of the milk or milk equivalent at the rate of the butter-cheese adjustment at the plant where the milk was received from dairy farmers.

(5) In computing the milk equivalent value of milk or milk products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph: *Provided*, That if the milk is received from a handler under another order issued pursuant to the act, which order provides that the payment to the producer settlement fund may be deducted from the handler's obligation under the other order, the payment shall be made by the handler subject to the other order regardless of the provisions of subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if

the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.80.

§ 927.84 *Payments on milk or milk products the source of which is not established.* Payments shall be made by handlers to producers through the producer settlement fund, for milk and milk products under conditions, in amounts, and by the handler pursuant to paragraphs (a) through (d) of this section.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, and skim milk which milk or milk product meets each of the conditions specified in subparagraphs (1) and (2) and, if applicable, subparagraph (3) of this paragraph.

(1) It was derived from milk for which the farm source is not established.

(2) It was shipped to, received in, or distributed in the marketing area, or was received at a pool plant.

(3) If first found at a nonpool plant, the milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk is subject to the fluid skim differential.

(b) The amounts of payment for the product set forth in paragraph (a) of this section shall be as follows:

(1) For milk, concentrated fluid milk, fluid milk products, or cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, the value of such milk, fluid milk products, cultured or flavored milk drinks, or the milk equivalent of such concentrated fluid milk at the class price at the plant where first found.

(2) For cream, half and half, fluid cream products, or cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, the value of the milk equivalent of such product at a rate per hundredweight computed pursuant to § 927.40 (d) (1) adjusted by the differentials set forth in column C in the table in § 927.42 for the zone of the plant at which first found.

(3) For skim milk in a form subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: divide the amount computed pursuant to § 927.40 (d) (2) by 0.9125, add an amount computed pursuant to § 927.44, and adjust the result by the differential set forth in column B in the table in § 927.42 for the zone of the plant where first found.

(4) For skim milk in a form not subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: divide the amount computed pursuant to § 927.40 (d) (2) by 0.9125.

(5) In computing the milk equivalent value of products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.80.

EXPENSE OF ADMINISTRATION

§ 927.90 *Payment by handlers.* As his pro rata share of the expense of administration of this part, each handler shall, on or before the 18th day of each month, pay to the market administrator a sum not exceeding two cents per hundredweight on the total quantity of milk which was received from producers at plants operated by such handler, directly or at the instance of a cooperative association of producers, the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, or the Director of the New Jersey Office of Milk Industry, with respect to the marketing area. Whenever verification by the market administrator discloses an error in the payment made by any handler, such error shall be adjusted not later than the date next following such disclosure on which payments are due pursuant to this section.

MISCELLANEOUS

§ 927.95 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (a) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect, to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received (or with respect to storage cream payments pursuant to § 927.82 (b), two years after the end of the calendar month during which such cream is utilized) if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable periods of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 927.96 *Continuing obligation of handlers.* Unless otherwise provided by the Secretary in any notice of amendment, termination, or suspension of any or all of the provisions of this part, such amendment, termination, or suspension shall not affect, waive, or terminate any right, duty, obligation, or liability which shall have risen or may thereafter arise in connection with any provision of this subpart; release or waive any violation of this subpart occurring prior to the effective date of such amendment, termination, or suspension; or affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 927.97 *Continuing power and duty of market administrator.* The market administrator shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary shall direct; and (c) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator pursuant to this part.

§ 927.98 *Liquidation.* Upon the termination or suspension of this part, the market administrator shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such termination or suspension. Any funds collected for expenses pursuant to the provisions of this part over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator in liquidating the business of the market administrator's office shall be distributed by the market administrator to handlers in an equitable manner.

§ 927.99 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 27th day of June 1957, to be effective August 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57–5341; Filed, July 1, 1957; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 61—MONEY ORDERS

PART 162—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

MISCELLANEOUS AMENDMENTS

a. In § 61.2 *How to buy an international money order* amend the table of countries in paragraph (e) as follows:

Strike out "Gold Coast Colony, Africa"; insert in lieu thereof "Ghana"; and place the latter in proper alphabetical order in the table.

b. In § 61.4 *Lost or damaged money orders* amend paragraph (b) to read as follows:

(b) *Making application.* Patrons must wait 60 days after date of issue of original money order before filing Form 6401, Inquiry as to Payment of Money Order.

(R. S. 161, 396, as amended, 398, as amended, 4027; 5 U. S. C. 22, 369; 372, 39 U. S. C. 711)

c. In § 162.2 *General licenses* amend paragraph (b) by striking out license-symbol GHX and inserting, in lieu thereof, GHK.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57–5327; Filed, July 1, 1957; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th General Rev. of Export Regs., Amdt. 39 [1]]

PART 371—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

Section 371.51 *Supplement 1; Commodities subject to general licenses GHK and/or GLSA* is amended in the following respects:

1. The following entry is added to the list of commodities:

Schedule B No.	Code	Commodity
085700	H S	Tallow, inedible.

2. The code "S" is added in the column headed "Code" opposite each of the following entries in the list of commodities:

Dept. of Commerce Schedule B No.	Commodity
020105–020704	Cattle hides, calf and kip skins.
093500	Bristles.
120150	Seed beans, all types.
120250	Seed peas, all types.
120800	Onions, fresh.
121100	Potatoes, white, fresh.
122800	Vegetables, frozen.
123000	Vegetables, dehydrated.
123500	Soups, dehydrated.
124100	Asparagus, canned.
124300	Corn, canned.
124400	Peas, canned.
124510	Soups, n. e. c., canned.
124600	Tomatoes, canned.
124700–124800	Tomato paste, puree (pulp), sauce for cooking purposes, and juice, canned.
124910–124950	Beans (string or stringless), lima beans, and spinach, canned.
124970	Baby food vegetables, strained or chopped, canned.
125150	Catsup (Ketchup), chili sauce, and similar table tomato sauces.
130100–135098	Fruits and preparations.
246700	Flower seed.
246850–246898	Vegetable seeds, n. e. c.
262000–262950	Tobacco manufactures.
293100	Broomcorn.
295100	Hops.
429900	Wood manufactures, n. e. c., except boat parts, small, machined to shape; docks, portable; gun stock blanks; patterns; portable floats; propellers; propeller blades; trestles; and towers, windmill.
613710	Metal furniture (whether or not upholstered), n. e. c., and specially fabricated parts, n. e. c., except laboratory furniture.
614350–614710	Other cooking and heating stoves, and parts, including parts for domestic cooking stoves and ranges.
618274	Tacks, including thumbtacks.
618300	Iron and steel builders' hardware, n. e. c., and specially fabricated parts, n. e. c.
701600	Flashlight batteries.
705725–705760	Electric farm and home type freezers; and parts and accessories specially fabricated for electric household type refrigerators and farm and home type freezers.
706000	Flashlights.
706305	Small filament bulbs (lamps) miniature, candelabra and intermediate base, the following only: carbon filament; Christmas tree; clearance bulbs; flashlight; incandescent; lens; and metal filament.
706455	Large filament bulbs (lamps), medium screw, mogul, bi-post bayonet, and other large base lamps, the following only: carbon filament; clear; frosted; incandescent; metal filament; photoflood; and projection.
709630	Incandescent portable lamps.
709690	Electric lighting fixtures, n. e. c., and specially fabricated parts, n. e. c., including parts for incandescent and fluorescent lighting fixtures and portable lamps, except explosion-proof fixtures; starters; and vapor-proof fixtures.
709998	Electrical apparatus, n. e. c., and parts, n. e. c., the following only: appliance cords, complete with plugs; Christmas tree lighting sets; cord sets, electric; drive-in windows for bank deposits, electrically operated; dryers, face and hand; electric paint mixers; electric whisk brushes; extension cords, complete; flashlight battery parts; flashlight parts; foot vibrators; fountains, decorative; fuse parts; fuse plug bodies; fuse plug parts; insect control units; insect killers; metal signs, electric; neon signs; neorite units (control of neon sign animation); pen light parts; range-refrigerator combinations; safety cap lamps; sign flashers; sign letters; signs, electric; stroppers; traffic signal lights; window-opening devices, commercial type, electrically operated.
760500	Flour and grist mill machines, n. e. c., and specially fabricated parts, n. e. c.
760900	Rice mill machines, and specially fabricated parts, n. e. c.
761310–761320	Bottling, bottle-washing, and bottle-labeling machines, and specially fabricated parts, n. e. c.
761510	Meat and other food cutting, chopping and slicing, power-driven machines, n. e. c., and specially fabricated parts, n. e. c.
762000	Cigarette and cigar-making, and tobacco processing machines, n. e. c., and specially fabricated parts, n. e. c.
763100–763900	Woodworking machines and parts.
772000	Paint spraying machines, n. e. c., and specially fabricated parts and accessories.
775040	Wrapping, packaging and filling machines, n. e. c., and specially fabricated parts, n. e. c.
775060	Leather-tanning and leather-working machines, n. e. c., and specially fabricated parts, n. e. c.

[1] This amendment was published in Current Export Bulletin 767, dated June 20, 1957.

Dept. of Commerce Schedule B No.	Commodity
775998	Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c., the following only: abattoir equipment; boiler room specialty tools; briquetting presses; broom-making machines, except broom-sewing; broom winding, scraping and chipping machines; brush-making machines; button covering machines; button making machines; candle making machines; casket-lowering devices; centrifix type R W Line Purifiers; chippers; clay guns; cleaning machines, steam; cleaning units, sack; continuous screw fish press; creosoting equipment, for wood products; dehairers (abattoir); dishwashers, commercial; Dri-Air units; exhaust fume control units; fish presses; fish reduction machines, for the manufacture of fish meal for animal feed; flame arrestors; floor finishers, industrial type; floor sanders, industrial type; floor scrubbing machines; floor surfacers, industrial type; fluorescent lamp disposal units; fumigation chambers; fur-blowing machines; fur-treating machines; garbage burners, industrial and commercial; garbage grinders, industrial and commercial; granulators, shredding type; hat-blocking machines; hat-making machines; ice-crusher slingers; ice saw and drill machines, combination type, engine driven; incinerators, industrial and commercial; jacks, power, general purpose; knife hogs; Koch "Cash X" pistol (slaughter-house); linoleum making machines; measureograph machines for measuring cloth; nutter; paint markers for marking pavement; paper match assembly (booking machines); pin ticketing machines (tag-to-product applying); power-sprayer-type cleaning outfits; power sprayers, for cleaning interior of buildings; pressers, n. e. c.; reels, hose and cable, power operated; refrigerant charging apparatus, automatic; shoelace tipping machines; shredders; slaughterhouse machines; smoke generators, except military; stone products manufacturing machines; tankage pressers; tank-cleaning machines; tube cleaners; tube expanders, maintenance type; vacuum cleaners, industrial type; vibrating paper joggers; vibrators, hydraulic; wall-board plastic core machines; watch-cleaning machines; wax injection presses; and zipper manufacturing machines.
851510–851570	Phosphate rock.
853100	Potassic fertilizer materials, except potassium chloride.
900300	Box type cameras, set focus.
900630	Motion picture projectors, substandard gauge, 16 mm, silent only.
900900	View Master junior projectors.
902700	Parts and accessories, n. e. c., specially fabricated for 16 mm and 8 mm motion-picture projectors, silent only.
911750–911760	Motion-picture films, unexposed, sensitized, 8 mm.
914000	Photographic and projection goods, n. e. c., and specially fabricated parts, n. e. c., the following only: camera stands, copying; cine viewer parts; halftone glass screens; kodachrome negatives and transparencies; and kodascope parts.
915590	Dental supplies, n. e. c.
915850	Surgical appliances, and specially fabricated parts, n. e. c., except hearing devices.
915900	Surgical and medical apparatus, n. e. c., and specially fabricated parts, n. e. c.
923400–923600	Electric and electronic organs, and phonographs and parts. Fountain pen parts containing iridium or ruthenium and balls for ball type pens.
931400	Electric clocks, the following only: alarm; mantel; and refrigerator defrosting clocks.
957000	Non-electric clocks, and specially fabricated parts, the following only: 8-day alarm clocks; clock chimes, dials, and glasses; and novelty clocks.
957900	Mechanical farm and home type freezers, except electric.
984120	Parts, n. e. c., specially fabricated for mechanical (except electric) household type refrigerators; and farm and home type freezers, and ice refrigerators.
984200	Articles not elsewhere classified, the following only: aquarium equipment; artists' supplies, except paper and paints; Braille slates, and parts; brush handles or backs, except wood; busts, for window display purposes; clothes dryers, gas, automatic; coin-operated machine parts, except parts of musical machines; distilled water; dressmaking forms; entomologist supplies; fingerprint outfits, and supplies; furniture touchup kits; fly swatters, and parts; fly traps, and parts; full figures for display purposes; game machine parts, coin-operated; heads for display purposes; incense; mannequins, and parts; nursing bottle sets; parking meter parts; picnic sets; record compound; record stock, phonograph; ribbon flycatchers; scrap, phonograph record compound; scrap records; shoe shine kits; tattoo outfits; taxidermists' supplies; theatrical wardrobes, complete; vending machine parts, coin-operated; walking canes and parts (all materials); and washing machines and parts, household, except electric.
999990	

3. The code "S" is deleted in the column headed "Code" opposite each of the following entries in the list of commodities:

Dept. of Commerce Schedule B No.	Commodity
201650	Rubber and rubberized piece goods, fabrics, and sheeting, n. e. c.
203400	Canvas shoes with rubber soles.
204300	Clothing of rubber or rubberized cloth.
209990	Natural and synthetic rubber manufactures n. e. c., not specially fabricated for particular machines or equipment.
	Miscellaneous textile products:
391300	Window-shade cloth (all types).
391410–391420	Book cloth.
391500–391790	Coated or impregnated fabrics.
391800	Waterproof outer garments, except rubber or rubberized.
392100	Corsets, brassieres, and girdles, except rubber and rubberized.
392800	Necktles, cravats, mufflers, and scarves (all fibers).
394000	Hat braids of natural fibers or synthetic textiles.
396900	Hats, caps, and berets, n. e. c.
397000	Mattresses, cotton, kapok, moss, and hair.
398000	Absorbent cotton, sterilized gauze, and sterilized bandages.
398800–399000	Elastic webbing, woven, knit or braided.
399400	Garters, arm bands, suspenders, and braces of all materials.
399900	Textile manufactures, n. e. c.
983100	Umbrellas and parasols.

This amendment shall become effective as of June 20, 1957, except that with respect to paragraph 3 it shall become effective as of June 27, 1957.

Shipment of any commodity removed from General License GLSA as a result of changes set forth in paragraph 3 above, which was on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., June 20, 1957, may be exported under the previous General License GLSA provisions up to and including July 20, 1957. Any such shipment not laden aboard the exporting carrier on or before July 20, 1957, requires a validated license for export to the specified Subgroup A destinations.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-5262; Filed, July 1, 1957; 8:45 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

SUBPART D—DESIGNATION OF MODIFIED CERTIFIED BRUCELLOSIS-FREE AREAS, PUBLIC STOCKYARDS, AND SLAUGHTERING ESTABLISHMENTS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under the acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U. S. C. 111–113, 114a–1, 115, 117, 120, 125), §§ 78.13, 78.14, and 78.15 of said Part 78 are hereby amended to read as follows:

§ 78.13 *Modified certified brucellosis-free areas.* The following States, counties, municipalities, and other areas, are hereby designated as modified certified brucellosis-free areas:

(a) The entire State of Delaware;
(b) The entire State of Maine;
(c) The entire State of Minnesota;
(d) The entire State of New Hampshire;
(e) The entire State of North Carolina;
(f) The entire State of Washington;
(g) The entire State of Wisconsin;
(h) Arizona: Gila County, Apache Indian Reservation, Hopi Indian Reservation, and Navajo Indian Reservation;
(i) Colorado: Southern Indian Ute Reservation;
(j) Florida: Bay, Escambia, Okaloosa, Santa Rosa and Walton Counties;
(k) Georgia: Evans, Oconee, Towns, and Wilkinson Counties;
(l) Idaho: Benewah, Bonner, Boundary, Butte, Camas, Clearwater, Kootenai, Latah, Lemhi, Lewis, Minidoka, Nez Perce, and Shoshone Counties;
(m) Indiana: Adams, Allen, Brown, Clark, Crawford, Daviess, Dearborn, Dubois, Floyd, Grant, Harrison, Huntington, Lake, La Porte, Martin, Parke, Perry, Porter, Posey, Pulaski, St. Joseph, Spencer, Starke, Vanderburgh, Wabash, Warrick, Wells, and Whitley Counties;
(n) Maryland: Somerset, Wicomico, and Worcester Counties;
(o) Massachusetts: Dukes County;
(p) Michigan: Alger, Arenac, Baraga, Bay, Benzie, Berrien, Charlevoix, Cheboygan, Chippewa, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Houghton, Iron, Kalkaska, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Menominee, Missaukee, Montcalm, Montgomery, Muskegon, Newaygo, Oceana, Ontonagon, Oscoda, Otsego, Roscommon, Saginaw, Schoolcraft, Van Buren and Wexford Counties;
(q) Mississippi: Itawamba County;
(r) Montana: Beaverhead, Blaine, Broadwater, Carbon, Cascade, Chouteau, Daniels, Deer Lodge, Flathead, Garfield, Golden Valley, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Meagher, Mineral, Missoula, Musselshell, Phillips, Pondera, Powell, Prairie, Richland, Roosevelt, Sanders, Sheridan, Silver Bow, Stillwater, Teton, Toole, Valley, and Wibaux Counties;
(s) Nebraska: Burt, Chase, Colfax, Cuming, Dodge, Douglas, Fillmore, Gage, Hamilton, Harlan, Jefferson, Johnson, Lancaster, Nance, Nemaha, Otoe, Pawnee, Sarpy, Seward Thayer, Washington, Webster, and York Counties;
(t) Nevada: Mineral, Ormsby, and Storey Counties;
(u) New Jersey: Atlantic, Bergen, Camden, Cape May, Passaic, and Union Counties;
(v) New Mexico: De Baca, Grant, Guadalupe, Hidalgo, Las Alamos, McKinley, and San Juan Counties; and Isleta, Jicarilla, Navajo, Taos, and Zuni Indian Reservations;
(w) New York: Hamilton and Warren Counties;
(x) North Dakota: Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cavalier, Divide, Grand Forks, Grant, Griggs, Hettinger, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;
(y) Ohio: Columbiana;
(z) Oregon: Clatsop, Columbia, Coos, Curry, Douglas, Josephine, Marion, Morrow, Multnomah, Sherman, Tillamook, Washington, and Yamhill Counties;
(aa) Pennsylvania: Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Bucks, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Dauphin, Delaware, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Lehigh, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northampton, Northumberland, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Union, Venango, Warren, Washington, Wayne, Westmoreland, and Wyoming Counties;
(bb) Puerto Rico: Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arecibo, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Camuy, Canovanas, Cayey, Ceiba, Ciales, Cidra, Coamo, Corozal, Fajardo, Guanica, Guayama, Guayanilla, Guaynabo, Gurabo, Hatillo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Juncos, Lajas, Las Piedras, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naguabo, Orocovis, Patillas, Penuelas, Quebradillas, Rincon, Rio Grande, Sabana Grande, Salinas, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Villalba, and Yauco Municipalities;
(cc) South Carolina: Bamberg, Cherokee, Chester, Horry, Malboro, Saluda, Union, and York Counties;
(dd) Tennessee: Johnson, McNairy, Macon, Scott, Trousdale, and Weakley Counties;
(ee) Utah: Davis, Garfield, Morgan, Piute, and Weber Counties; and Navajo Indian Reservation;
(ff) Virginia: Mathews, Middlesex, and Warwick Counties;
(gg) West Virginia: Boone, Brooke, Cabell, Clay, Fayette, Grant, Greenbrier, Hancock, Harrison, Lincoln, Logan, McDowell, Marshall, Mingo, Ohio, Pleasants, Summers, Taylor, Upshur, and Wyoming Counties.

§ 78.14 *Public stockyards.* (a) Federal inspection is maintained for the inspection of livestock for communicable diseases at the following stockyards:

Name of Stockyard and Location

ALABAMA

Union Stockyards—Montgomery.

ARIZONA

Cornelius Livestock Co.—Phoenix.
Tovrea Public Stock Yards—Tovrea.

ARKANSAS

Greater Little Rock Stock Yards—North Little Rock.

CALIFORNIA

Union Stockyards—Los Angeles.

COLORADO

Union Stock Yards—Denver.

IDAHO

Boise Valley Livestock Commission Co.—Caldwell.
Idaho Livestock Auction, Inc.—Idaho Falls.
Southern Idaho Stockyards Co.—Twin Falls.

ILLINOIS

Union Stock Yards—Chicago.
St. Louis National Stock Yards—National Stock Yards.

INDIANA

Evansville Union Stock Yards—Evansville.
Indianapolis Stock Yards—Indianapolis.

IOWA

Sioux City Stock Yards—Sioux City.

KANSAS

Parsons Stockyards Co.—Parsons.
Wichita Union Stock Yards—Wichita.

KENTUCKY

Bourbon Stock Yards—Louisville.

LOUISIANA

New Orleans Stock Yards—New Orleans.

MARYLAND

Union Stock Yards—Baltimore.
Farmers' Livestock Exchange, Inc.—Boonsboro.
Baltimore Livestock Auction, Inc.—West Friendship.

MICHIGAN

Detroit Stock Yards—Detroit.

MINNESOTA

St. Paul Union Stock Yards—South St. Paul.

MISSOURI

Joplin Stockyards—Joplin.
Kansas City Stock Yards—Kansas City.
Mississippi Valley Stock Yards—St. Louis.
St. Joseph Stock Yards—South St. Joseph.
Union Stock Yards Co.—Springfield.

MONTANA

Billings Public Stock Yards—Billings.

NEBRASKA

Union Stock Yards—Omaha.

NEW JERSEY

Jersey City Stock Yards—Jersey City.

NEW MEXICO

Clovis Cattle Commission Co.—Clovis.
Ranchers & Farmers Livestock Sales Co.—Clovis.

NEW YORK

Buffalo Stock Yards—Buffalo.

NORTH DAKOTA

Union Stock Yards—West Fargo.

OHIO

Cincinnati Union Stock Yards—Cincinnati.
Union Stock Yards—Cleveland.

OKLAHOMA

Oklahoma National Stock Yards—Oklahoma City.
Tulsa Stockyards, Inc—Tulsa.
Fort Smith Stockyards Co.—West Fort Smith.

OREGON

Portland Union Stock Yards—North Portland.
Ontario Livestock Commission Co.—Ontario.

PENNSYLVANIA

Union Stockyards—Lancaster.
Pennsylvania Stock Yards—Philadelphia.
Pittsburgh Joint Stock Yards—Pittsburgh.

SOUTH DAKOTA

Sioux Falls Stock Yards—Sioux Falls.

TENNESSEE

Union Stockyards—Nashville.
Dixie National Stock Yards—Memphis.
South Memphis Stock Yards—Memphis.

TEXAS

Ft. Worth Stock Yards—Ft. Worth.
Port City Stock Yards—Houston.
Union Stock Yards—San Antonio.
Texarkana Stockyards, Inc.—Texarkana.

UTAH

Salt Lake Union Stock Yards—North Salt Lake.
Ogden Union Stock Yards—Ogden.

VIRGINIA

Richmond Union Stock Yards—Richmond.

WASHINGTON

Seattle Union Stockyards—Seattle.
Old Spokane Union Stock Yards—Spokane.

WISCONSIN

Milwaukee Stock Yards—Milwaukee.

(d) The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5 concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

Name of Stockyard and Location

ARKANSAS

*Corning Auction Sales Co.—Corning.
*El Dorado Sales Barn—El Dorado.
*Eudora Sales Barn—Eudora.

*Gravette Community Sale—Gravetta.
*Hensely Sales Barn—Fayetteville.
*Magnolia Sales Barn—Magnolia.
*Mammoth Spring Sales Barn—Mammoth Spring.
*Mountain Home Livestock Auction—Mountain Home.
*Nevada Livestock Auction—Prescott.
*Rector Auction—Rector.
*Siloam Springs Sales Barn—Siloam Springs.
*Union Stockyards—Pine Bluff.

CALIFORNIA

*Farm Bureau Sales Yard—Visalia.
*South San Francisco Union Stockyards—South San Francisco.
*Stockton Union Stockyards—Stockton.

COLORADO

*Basin Livestock Commission Co.—Durango.
*Cortez Sales Barn—Cortez.
*Fowler Auction Company—Fowler.
*Longmont Sales Yard—Longmont.
*Trinidad Livestock Commission Co.—Trinidad.
*Weld County Livestock Commission—Greeley.

DELAWARE

*Carroll's Sales Co.—Dover.
*Goldinger Brothers, Inc.—Smyrna.
*Rudnick Live Stock Sales Co.—Dover.
*Sullivan Brothers, Inc.—Townsend.

GEORGIA

*Bryan, G. N. Auction Co.—Newnan.
*Bleckley Livestock Auction—Cochran.
*Candler Livestock Market—Metter.
*Carroll County Livestock Sales Barn—Carrollton.
*Columbus Stockyard Co.—Columbus.
*Coosa Valley Livestock Co.—Rome.
*Cordele Livestock Commission Co.—Cordele.
*Dublin Livestock Commission Co.—Dublin.
*Fitzgerald Stockyards—Fitzgerald.
*Georgia Farm Products, Sales Corp.—Thomaston.
*Hasty Auction Co.—Atlanta.
*Jepeway-Craig Commission Co.—Dublin.
*Mitchell County Livestock Co.—Camilla.
*Moultrie Livestock Co.—Moultrie.
*Muscogee Livestock Co.—Columbus.
*Northeast Georgia Livestock Auction, Inc.—Athens.
*Pulaski Stockyard—Hawkinsville.
*Ragsdale-Long Commission Co.—Quitman.
*Ragsdale-McClure Commission Co.—Atlanta.
*Ragsdale-McClure Commission Co.—Rome.
*Seminole Livestock Auction Market—Donaldsonville.
*Smith Stock Yard Co. #1—Augusta.
*Sumter Livestock Association, Inc.—Americus.
*Sutton Livestock Co.—Sylvester.
*Toccoa Livestock Auction—Toccoa.
*Tri-County Livestock Co.—Social Circle.
*Troup Livestock Sales Co., Inc.—LaGrange.
*Union Stock Yards—Albany.
*Valdosta Livestock Co., Inc.—Valdosta.
*Wilkes County Stockyard—Washington.

IDAHO

*Blackfoot Livestock Commission Co.—Blackfoot.
*Boise Valley Livestock Comm. Co.—Caldwell.
*Boise Valley Livestock Comm. Co.—Nampa.
*Burley Livestock Comm. Co., Inc—Burley.
*Cache Valley Livestock Auction—Preston
*Cattleman's Livestock Auction, Inc.—Nampa.
*Coeur d'Alene Livestock Comm. Yds.—Coeur d'Alene.
*Cottonwood Sales Yard—Cottonwood.
*Davis Livestock Auction—Caldwell.
*Emmett Livestock Comm. Co.—Emmett.
*Gooding L. S. Comm. Co.—Gooding.
*Hays Salesyard—Nampa.
*Jerome Livestock Comm. Co—Jerome.
*Sandpoint Livestock Auction Co.—Sandpoint.
*Stockgrowers Comm. Co.—Twin Falls.
*Twin City Sales Yard—Lewiston.
*Valley Livestock Comm. Co.—Rupert.
*Weiser Livestock Comm. Co.—Weiser.

ILLINOIS

*Peoria, Union Stock Yards—Peoria.

IOWA

Ackley Sales Pavilion—Ackley.
Adel Sales Pavilion—Adel.
Albia Sales Co.—Albia.
Ames Sales Co.—Ames.
Anamosa Livestock Auction—Anamosa.
Anita Auction Co.—Anita.
Ankeny Sales Pavilion—Ankeny.
Armstrong Sale Co.—Armstrong.
Atlantic Auction Co.—Atlantic.
Audubon Auction Co.—Audubon.
Avoca Auction Co.—Avoca.
Baxter Sale Co.—Baxter.
Belle Plaine Sales Barn—Belle Plaine.
Belmond Sales Pavilion—Belmond.
Bonaparte Community Sale—Bonaparte.
Boone Sales Co.—Boone.
Bowman Cattle Co.—Maquoketa.
Bradley Live Stock Auction—Red Oak.
Cedar Valley Livestock Exchange—Vinton.
Chariton Sales Co.—Chariton.
Charles City Livestock Exchange—Charles City.
Cherokee Livestock Auction Co.—Clear Lake.
Clarinda Auction Co.—Clarinda.
Clear Lake Auction Co.—Clear Lake.
Corydon Sale—Corydon.
Colfax Sale Co.—Colfax.
Cowan, Roy Sale Co.—Sioux City.
Cresco Livestock Market—Cresco.
Creston Auction Co.—Creston.
DeVries Auction Co.—Buffalo Center.
De Witt Sale Barn—De Witt.
Dows Sale Pavilion—Dows.
Dunlap Sale Co.—Dunlap.
Eastern Iowa Livestock Commission, Inc.—Mechanicsville.
Eldora Livestock Sales—Eldora.
Emmetsburg Sales Co.—Emmetsburg.
Farmers Sale Co.—Carroll.
Farmers Livestock Exchange—Waukon.
Forest City Auction Co.—Forest City.
Garner Sales Co.—Garner.
Grinnell Livestock Exchange—Grinnell.
Hampton Sales Co.—Hampton.
Henderson Auction—Henderson.
Hopkinton Sales Pavilion—Hopkinton.
Humboldt Livestock Auction—Humboldt.
Independence Sales Co., Inc.—Independence.
Iowa City Sales Co.—Iowa City.
Iowa-Nebraska Sale Yards—Council Bluffs.
Knickman Livestock Sales Co.—Council Bluffs.
Keosauqua Sale Co., Inc.—Keosauqua.
Lamoni Sale Corp.—Lamoni.
Laporte City Sales Barn—Laporte City.
Laurens Livestock Sale Co.—Laurens.
Lawn Hill Livestock Sales—New Providence.
Lenox Livestock Auction—Lenox.
Leon Sale—Leon.
Live Stock Auction—Denison.
Low Moor Sales Co.—Low Moor.
Madison County Auction—Winterset.
Mapleton Sales Co., Inc.—Mapleton.
Maquoketa Livestock Sales Co.—Maquoketa.
Marengo Sale Barn—Marengo.
Marshalltown Live Stock Auction—Marshalltown.
Marvel Sales Co.—Webster City.
McCreary Sale Co.—Centerville.
McDonald Sales Co.—Sumner.
McIntosh Livestock Auction Co.—Ida Grove.
Middletown Sale Co.—Middletown.
Midway Sales Co.—Columbus Junction.
Milford Livestock Exchange—Milford.
Moorhead Sale Barn—Moorhead.
Montezuma Sales Pavilion Co.—Montezuma.
Mount Ayr Livestock Market—Mount Ayr.
New Liberty Sale Barn—New Liberty.
New Sharon Sale Co.—New Sharon.
Newton Sale Co.—Newton.
Nishna Valley Sales Co.—Shenandoah.
Northeast Iowa Sales Co.—Decorah.
Northside Sales Co.—Sibley.
Northwest Iowa Livestock Exchange—Alta.
Northwood Sales Co.—Northwood.
Oelwein Livestock Exchange—Oelwein.
Ogden Sale Barn—Ogden.
Onawa Sale Barn—Onawa.
Orient Sale Co., Inc.—Orient.
Osceola Sale Co.—Osceola.
Oskaloosa Sales Co.—Oskaloosa.
Paullina Sale Co.—Paullina.
Perry Sales Pavilion—Perry.
Postville Co-Op Sales Barn—Postville.
Riceville Sales Pavilion—Riceville.
Rock Valley Sales Co.—Rock Valley.
Russell Sales Co.—Russell.
Sac County Auction Co.—Sac City.
Sales Company of Hawarden—Hawarden.
Selfried-Trenary—Pocahontas.
Sheldon Sales Co.—Sheldon.
Spencer Dairy Cattle Exchange—Spencer.
Spencer Livestock Sales Co.—Spencer.
Stanton Auction Co.—Stanton.
St. Ansgar Sale Barn—St. Ansgar.
Storm Lake Auction Co.—Storm Lake.
Story City Auction Sales—Story City.
Strand, Oswald, & Son—Manly.
Stuart Sales Co.—Stuart.
Sweetland Auction Sales—Muscatine.
Tabor Sales Barn—Tabor.
Tama Sale Co.—Tama.
Traer Sales Barn—Traer.
Tripoli Sales Co.—Tripoli.
Uhlenhopp Sales—Aplington.
Umstead Livestock Auction—Eagle Grove.
Ute Sale Barn—Ute.
Wadena Livestock Exchange—Wadena.
Wapello Livestock Auction—Wapello.
Washington Livestock Sales Co.—Washington.
Waukon Sales Commission—Waukon.
Waverly Sales Co.—Waverly.
Wayland Sales Co., Inc.—Wayland.
Wenger Sales Commission—West Union.
West Union Auction Exchange—West Union.
Westra Sales Co.—Orange City.
Winneshiek Coop. Ass'n.—Decorah.
Witthauer Auction—Council Bluffs.

KANSAS

*A. C. Sale Co.—Arkansas City.
*Abilene Livestock Sales Co.—Abilene.
*Anthony Livestock Co.—Anthony.
*Ashland Sales Co.—Ashland.
*Atchison County Auction Co.—Atchison.
*Belleville Sale Co.—Belleville.
*Burdett Livestock Sale Co.—Burdett.
*Caldwell Community Sale—Caldwell.
*Cedar Vale Sales Co.—Cedar Vale.
*Central Livestock Sales Co.—S. Hutchinson.
*Chandler Sales Co.—Smith Center.
*Chanute Sale Pavilion—Chanute.
*Chetopa Community Sale—Chetopa.
*Clay Center Sale Co.—Clay Center.
*Clemence-Morris Livestock Commission—Salina.
*Cloud County Livestock Commission Co.—Concordia.
*Coffeyville Livestock Commission Co.—Coffeyville.
*Colby Sale Barn—Colby.
*Coldwater Sales Co.—Coldwater.
*Concordia Sales Co.—Concordia.
*Council Grove Livestock Auction—Council Grove.
*Dickinson County Livestock Co.—Abilene.
*Dighton Livestock Market—Dighton.
*Dodge City Livestock Commission Co.—Dodge City.

*Fred Doll Livestock Sales Co.—Larned.
*Douglass Sale Co.—Douglass.
*Downs Sales Co.—Downs.
*Dumler Brothers Livestock Comm. Co.—Russell.
*Effingham Auction Co.—Effingham.
*El Dorado Livestock—El Dorado.
*Emporia Livestock Sale Co.—Emporia.
*Franklin County Sales Co.—Ottawa.
*Fredonia Sales Co.—Fredonia.
*Garden City Sale Co.—Garden City.
*Gassaway Sale Co.—Plainville.
*Giger Sales Co.—Emporia.
*Goodland Livestock Comm. Co.—Goodland.
*Hansen Livestock Auction—Beloit.
*Hays Livestock Community Sales—Hays.
*Herington Livestock Auction Co.—Herington.
*Hesston Sales Co.—Hesston.
*Hill City Sale Barn—Hill City.
*Holton Community Sale—Holton.
*Hutchinson Livestock Sale Pavilion—Hutchinson.
*Kiowa Sales Co.—Kiowa.
*Koening Sale Barn—Manhattan.
*Leavenworth Community Sale—Leavenworth.
*Lenexa Community Sale—Lenexa.
*Leoti Livestock Sales—Leoti.
*Lindsborg Livestock Commission—Lindsborg.
*Lyons Sale Pavilion—Lyons.
*Mankato Sales Co.—Mankato.
*Marysville Livestock and Commission Co.—Marysville.
*McIntosh Auction—Peabody.
*McKinley-Winter Livestock Commission Co.—Dodge City.
*Medicine Lodge Sales Co.—Medicine Lodge.
*Minneapolis Sales Pavilion—Minneapolis.
*Natoma Sale Co.—Natoma.
*Ness City Livestock Commission Co.—Ness City.
*Norton Livestock Comm. Co.—Norton.
*Oakley Livestock Sales Co.—Oakley.
*Oberlin Sale Barn—Oberlin.
*Osborne Livestock Comm. Co.—Osborne.
*Paola Market Sale—Paola.
*Phillipsburg Livestock Comm. Co.—Phillipsburg.
*Quinter Sale Barn—Quinter.
*Rexford Livestock Comm. Co.—Meade.
*Rush County Sales Co.—La Crosse.
*Southeastern Kansas Sales Co.—Stockton.
*Stockton Livestock Comm. Co.—Stockton.
*Stockyards Comm. Co.—Great Bend.
*Sylvan Sales Co.—Sylvan Grove.
*Syracuse Sale Co.—Syracuse.
*Tri-State Sale—Elkhart.
*Wellington Sales Co.—Wellington.
*Wilson Livestock Auction—Salina.

LOUISIANA

*Avoyelles Livestock Commission Market—Mansura.
*Bastrop Livestock Auction—Bastrop.
*Calhoun Livestock Commission Market—Mansfield.
*Dominique's Inc.—Opelousas.
*Dominique's Stockyards—Baton Rouge.
*Dominique's Stockyards—Lafayette.
*Farmer and Stockman Auction—Clarence.
*Franklin Livestock Auction—Winnsboro.
*Franklinton Stock Yards, Inc.—Franklinton.
*Grand Cane Livestock Commission—Grand Cane.
*Harris & Stutson Commission Co.—Ferriday.
*Hodges, W. H., and Co.—Crowley.
*Homer Livestock Auction—Homer.
*Jennings Commission Barn—Opelousas.
*Jennings Stockyards—Baton Rouge.
*Kentwood Stockyard—Kentwood.
*Micelle's Commission Yard—Lake Charles.
*Oak Grove Livestock Auction—Oak Grove.
*Red River Livestock Auction—Coushatta.
*Ruston Stockyards, Inc.—Ruston.
*Zachary Stockyards—Zachary.

MASSACHUSETTS

Brighton Stock Yards—Brighton.
Deveno Livestock Commission—Southwick.
Northampton Coop. Auction—Northampton.

MISSISSIPPI

*Billingsley Auction Sale, Dec—Senatobia.
*Booneville Commission Co.—Booneville.
*Clarksdale Livestock Sales Co.—Clarksdale.
*Clay County Stockyards, Inc.—West Point.
*Columbus Livestock Co.—Columbus.
*Corinth Livestock Auction Co.—Corinth.
*Dixie Stockyard—Meridian.
*Feders Livestock Sales Co.—Summit.
*George County Stock Yards—Lucedale.
*Graves Livestock Co.—Winona.
*Grenada Livestock Exchange—Grenada.
*Henderson Sales Co.—Corinth.
*Hernando Auction Co.—Hernando.
*Hodges, W. H. & Sons—Liberty.
*Kosciusko Stock Yards Co.—Kosciusko.
*L & S Community—Columbia.
*Laurel Stock Yards—Laurel.
*Livestock Producers Association—Tylertown.
*Lum Brothers Stockyards—Natchez.
*Moore and Woods Commission Co., Inc.—Macon.
*Neshoba County Stockyards—Philadelphia.
*New Albany Sales Co.—New Albany.
*North Mississippi Sales Co. Grenada.
*Owen Brothers Stockyard—Meridian.
*Ripley Sales Co.—Ripley.
*Starkville Livestock Commission Co.—Starkville.
*State Line Auction Co.—Walnut.
*Stiles, Raymond F.—Sturgis.
*Tri State Stock Yards, Inc.—Greenville.
*Tupelo Livestock Auction, Inc.—Tupelo.
*Wilson Cable Commission Co.—Pontotoc.

MISSOURI

Adair County Sale Barn—Kirksville.
Alton Sales Co.—Alton.
Baker, Roy Sales Co.—Butler.
Bowling Green Auction Co.—Bowling Green.
Brunswick Sale Co.—Brunswick.
Butler Community Sale—Butler.
Callao Sale Barn—Callao.
Calloway Stock Sales Association—Fulton.
Carrollton Livestock Auction—Carrollton.
Cassville Livestock Auction—Cassville.
Central Missouri Sales Co.—Sedalia.
Centralia Livestock Sales Co.—Centralia.
Charleston Auction Co.—Charleston.
Clark County Sales Co.—Kahoka
Clawson Auction Co.—Eldorado Springs.
Clinton Community Sale—Clinton.
Columbia Livestock Auction, Inc.—Columbia.
Community Sale Pavilion—Nevada.
Cox Auction Sale, Noel—Ozark.
Crocker Community Sale Barn—Crocker.
Davis-Johnston Patrick's Sales & Commission Co.—Boonville.
Doniphan Auction Sales Co.—Doniphan.
Drexel Community Sale.—Drexel.
Edina Sale Co.—Edina.
Farmers and Traders' Comm. Co., Inc.—Palmyra.
Farmington Auction Co., Inc.—Farmington.
Fraley Sale Pavilion—Chillicothe.
Fredericktown Auction Co., Inc.—Fredericktown.
Gainsville Sale Barn—Gainesville.
Gallatin Livestock Commission Co.—Gallatin.
Graham Auction—Mansfield.
Grant City Sale Barn—Grant City.
Green City Auction Co.—Green City.
Halsey & Riley Sale Co., Inc.—Marshall.
Hannibal Sale Co., Inc.—Hannibal.
Hinds Sale Co.—Memphis.
Joplin Stockyard, Inc.—Joplin.
Kennett Sales Co., Inc.—Kennett.
Kirksville Community Sale—Kirksville.
Lewis County Auction Co.—Lewistown.
Lexington Livestock Auction—Lexington.
Licking Auction Sales Co.—Licking.
Linn County Auction Co.—Brookfield.
Lockwood Community Sales, Inc.—Lockwood.
Lolli Sales Pavilion—Macon.
Malden Sale Co.—Malden.
Marshfield Sale Barn—Marshfield.
Maryville Auction Co.—Maryville.
McDonald County Sale Co.—Goodman.
Mexico Stockyards Co.—Mexico.
Milan Auction Co.—Milan.
Moberly Livestock Auction—Moberly.
Monett Sale Co.—Monett.
Montgomery County Auction—Wellsville.
Mountain Grove Livestock Auction—Mountain Grove.
Neosho Commission Sale—Neosho.
Nevada Sale Co.—Nevada.
New Cambria Community Sale—New Cambria.
New Palmyra Sale Co.—Palmyra.
Odessa Commission Sale—Odessa.
Olean Sale Co.—Olean.
Owen Livestock Commission Co., Ferd—Belton.
P & M Auction—Sikeston.
Pasley, C. M. Auction Co.—Osceola.
Payne Auction Sales—Lebanon.
Perry Sales Barn, Inc.—Perry.
Poplar Bluff Sales Co.—Poplar Bluff.
Potosi Auction Co.—Potosi.
Prairie Center Sales Co.—King City.
Princeton Auction Sales Co.—Princeton.
Ray County Sale—Richmond.
Rhodes Commission Co.—Advance.
Robertson's Community Sale—Bethany.
Rock Port Sales Pavilion, Inc.—Rock Port.
Rolla Auction Co.—Rolla.
Salem Auction Co.—Salem.
Saline County Sale Co., Inc.—Marshall.
Schuyler Sales Association—Lancaster.
Shelbina Sales Association—Shelbina.
Sikeston Auction Co.—Sikeston.
St. James Auction Co.—St. James.
St. Joe Live Stock Auction—St. Joseph.
Summersville Auction Sale—Summersville.
Thayer Sales Co.—Thayer.
Thornton Sales and Auction Co.—Springfield.
Trenton Livestock Market—Trenton.
Troy Sale Co.—Troy.
Unionville Auction Co.—Unionville.
Versailles Auction Co.—Versailles.
Wentzville Auction Co.—Wentzville.
West Plains Livestock Auction—West Plains.
Wheaton Community Sale—Wheaton.
Wilson's Pony Sale, Gene—Carthage.
Windsor Auction Co.—Windsor.

MONTANA

*Billings Livestock Commission Co.—Billings.
*Glendive Auction Co., Inc.—Glendive.
*Miles City Livestock Auction Co.—Miles City.
*Yellowstone Livestock Commission Co.—Sidney.

NEVADA

*B & M Livestock—Fallon.
*Fallon Sales Yard—Fallon.
*Midwest Livestock Commission Co.—Fallon.
*Nevada Livestock Commission Co.—Sparks.

NEW JERSEY

*Boyer Sales, Inc.—New Egypt.
*Harris Sales Co.—Woodstown.
*Jaeger's Auction Market—Sussex.
*Livestock Cooperative Auction Market Assn. of North Jersey, Inc.—Hackettstown.
*Henry Ziotkin Auction—Freehold.

NEW MEXICO

*Clayton Cattle Auction Stockyards—Clayton.

NEW YORK

Agett & Law Commission Market—Ischua.
Burton Livestock Exchange—Vernon.
Cable's Cattle Market—Roxbury.
Cambridge Valley Livestock Market—Cambridge.
Chatham Area Auction Coop., Inc.—Chatham.
Dansville Commission Auction—Dansville.
DiBello Commission Sales, Ben—Hannibal.
Dryden Livestock Sales—Dryden.
Dupont's Commission Auction—Little Falls and Fort Plain.
Empire Livestock Marketing Cooperative, Inc.—Bath.
Empire Livestock Marketing Cooperative, Inc.—Bullville.
Empire Livestock Marketing Cooperative, Inc.—Caledonia.
Empire Livestock Marketing Cooperative, Inc.—Gouverneur.
Empire Livestock Marketing Cooperative, Inc.—Greene.
Empire Livestock Marketing Cooperative, Inc.—Oneonta.
Empire Livestock Marketing Cooperative, Inc.—West Winfield.
Farmer's Livestock Market—Bath.
Hillsdale Farmer's Auction, Inc.—Hillsdale.
Horseheads Livestock Market—Horseheads.
N. Johncox Sons Livestock Auction—Palmyra.
J. M. Kaplan & Son, Inc.—Millerton.
Kessler & Gentner—Springsville.
Kimball Stand Commission Sales—Jamestown.
Luthers' Livestock Commission Market—Wassaic.
Miller's Livestock Market—Argyle.
Neverett, H. L. & Sons—Chazy.
Neverett, H. L. & Sons—Ellenburg Depot.
Norvel Reed—Sherman.
Norwich Commission Sale—Norwich.
Owego Livestock Sales—Owego.
Sauquoit Valley Livestock Exchange—Cassville.
Southern Cayuga Commission Sales—Moravia.
Southern Tier Livestock Market—Whitney Point.
Stilson Tweedie—Walton.
Sullivan Brothers—Utica.
Sunny Acres Livestock Market—Bombay.
Tully Valley Livestock Market—Apulia Station.
Wickham's Commission Auction—Ovid.

NORTH DAKOTA

*Ashmore, William L.—Ellendale.
*Beulah Livestock Auction Sales—Beulah.
*Edgeley Livestock Sales Co.—Edgeley.
*Ellendale Livestock Sales Co.—Ellendale.
*Harrington Brothers—Mayville.
*Harrington Brothers—Minot.
*Harrington Brothers—Valley City.
*Harvey Livestock Sales Pavilion—Harvey.
*Hettinger Livestock Sales Co.—Hettinger.
*Home Base Auction Co.—Bowman.
*Jamestown Sales Co.—Jamestown.
*Kamrath Sales Pavilion—Mott.
*Linton Livestock Sales Co.—Linton.
*Mandan-Bismarck Livestock Commission Co.—Mandan.
*Missouri Slope Auction Sales, Inc.—Bismarck.
*Park River Livestock Sales Co.—Park River.
*Schnell-Dickinson Livestock Sales—Dickinson.
*Western Livestock Co., Inc.—Dickinson.
*Williston Livestock Commission Co.—Williston.

OKLAHOMA

*Buffalo Livestock Commission Co.—Buffalo.
*Guymon Livestock Commission Co.—Guymon.
*Pawhuska Auction Livestock Market—Pawhuska.
*Texhoma Livestock Commission Co., Inc.—Texhoma.
*Woodward Livestock Commission Co.—Woodward.

OREGON

*Brahs Auction Market—Corvallis.
*Forest Grove Auction—Forest Grove.
*Hermiston Livestock Commission Co.—Hermiston.
*Klamath Cattle Sales—Klamath Falls.
*Klamath Stockmen's Commission, Inc.—Klamath Falls.
*McMinnville Auction Yard—McMinnville.
*Midway Auction Co.—Medford.
*Northwestern Livestock Commission Co.—Hermiston.
*Ontario Livestock Commission Co.—Ontario.
*Redmond Auction Yard—Redmond.
*South Oregon Livestock Auction Co.—Medford.
*Union Livestock Commission Co.—Nyssa.
*Vale Livestock Commission Co.—Vale.
*Walter's Auction, Lynn—Clackamas.

PENNSYLVANIA

Barnsley Sales—Oxford.
Carlisle Livestock Market—Carlisle.
Danville Livestock Market, Inc.—Danville.
Eighty-four Auction Sales, Inc.—Eighty-four.
Enon Valley Community Sales—Enon Valley.
Exton Livestock Auction, Inc.—Exton.
Farmers Market & Auction—Ephrata.
Fayette Stockyard Co.—Uniontown.
Greenfield Livestock Auction—North East.
Greenville Livestock Market, Inc.—Greenville.
Hatfield Livestock Market—Hatfield.
Hickory Auction—Hickory.
Indiana Livestock Market, Inc.—Homer City.
Kennett Auction Co., Inc—Kennett Square.
Knoxville Sales, Inc.—Knoxville.
Krumsville Livestock Auction—Krumsville.
Lebanon Valley Livestock Market, Inc.—Fredericksburg.
Leesport Livestock Market—Leesport.
Mason-Dixon Livestock Market, Inc.—Stewartstown.
Meadville Livestock Auction—Saegerstown.
Montague Livestock Auction—Union City.
Mount Cobb Auction Sales—Hamlin.
New Wilmington Livestock Auction—New Wilmington.
Payne's Livestock Market—Jamestown.
Penns Valley Sales Barn—Centre Hall.
Pennsylvania Livestock Auction, Inc.—Waynesburg.
Perkiomenville Sales Stables—Perkiomenville.
Quakertown Sales Co.—Quakertown.
Showalter Livestock Exchange—Duncansville.
Silver Springs Livestock Market—Mechanicsburg.
Teel & Bunnell Auction Sale—Tunkhannock.
Tri-County Livestock Auction—Brockway.
Troy Sales Cooperative—Troy.
Valley Stock Yards, Inc.—Athens.
Vintage Sales Stables, Inc.—Paradise.
Wayne County Livestock Exchange, Inc.—Honesdale.
Wyalusing Sales Co.—Wyalusing.
York Livestock Market, Inc.—Thomasville.

SOUTH CAROLINA

*Chesnee Livestock Co.—Chesnee.
*J. W. Coder Co.—Columbia.
*Harper Livestock Co.—Estill.
*Spartanburg Livestock Yards—Spartanburg.

TEXAS

*Amarillo Livestock Auction Co. and Western Stockyard Co.—Amarillo.
*Dalhart Auction Co.—Dalhart.
*Gainesville Livestock Auction Sale—Gainesville.
*Hereford Livestock Auction Co.—Hereford.
*Owen Brothers Auction Co.—Texarkana.

UTAH

*Salina Auction—Salina.
*Spanish Fork Livestock Auction Co.—Spanish Fork.
*Uintah Sales Barn—Roosevelt.
*Utah Valley Auction—Spanish Fork.
*Vernal Livestock Auction Co.—Vernal.

VERMONT

*Chickering Livestock Corp.—Westminster.
*East Thetford Commission Sale—East Thetford.
*Vergennes Livestock Commission Sale—Vergennes.

VIRGINIA

*Bedford Livestock Market, Inc.—Bedford.
*Big Stone Gap Livestock Market—Big Stone Gap.
*Christiansburg Livestock Market, Inc.—Christiansburg.
*Covington Stockyards Inc.—Covington.
*Farmers Livestock Exchange—Winchester.
*Farmers Livestock Market—Ewing.
*Farmers Livestock Market, Inc.—Bristol.
*Galax Livestock Market—Galax.
*Giles County Stockyards, Inc.—Narrows.
*Lee Farmers Livestock Market, Inc.—Jonesville.
*Lynchburg Stockyards, Inc.—Lynchburg.
*Norton Livestock Market—Norton.
*Pulaski Livestock Market—Dublin.
*Roanoke Livestock Market, Inc.—Roanoke.
*Rockbridge Livestock Market, Inc.—Buena Vista.
*Rockingham Livestock Sales, Inc.—Harrisonburg.
*Shenandoah Valley Livestock Market, Inc.—Harrisonburg.
*Smithfield Livestock Market, Inc.—Smithfield.
*South Boston Livestock Market—South Boston.
*Staunton Livestock Market, Inc.—Staunton.
*Staunton Union Stockyards, Inc.—Staunton.
*Tazewell Livestock Market—Tazewell.
*Virginia Livestock Market—Winchester.
*Woodstock Livestock Market, Inc.—Woodstock.
*Wytheville Livestock Market, Inc.—Wytheville.

WASHINGTON

*Columbus Basin Livestock Commission Co.—Moses Lake.
*Grange Comm. & Livestock Co.—Auburn.
*Mount Vernon Meat Co.—Mount Vernon.
*Twin City Sale—Centralia.
*Walla Walla Livestock Commission Co.—Walla Walla.

WEST VIRGINIA

*Alderson Livestock Market—Alderson.
*Bluegrass Market, Inc.—Lewisburg.
*Blueridge Livestock Sales, Inc.—Charles Town.
*Bridgeport Live Stock Sales Co., Inc.—Bridgeport.
*Buckhannon Livestock Sales, Inc.—Buckhannon.
*Evans, E. S. Stockyard Inc.—Terra Alta.
*Evans Stock Yards, Inc.—Elkins.
*Gassaway Livestock Market, Inc.—Gassaway.
*Hess Livestock Market, Inc., Andy—Morgantown.
*Huntington Livestock Sales Co.—Huntington.
*West Alexander Livestock Auction Market—West Alexander.
*Weston Livestock Sales Co., Inc.—Weston.
*Jackson County Livestock Market, Inc.—Ripley.
*Pt. Pleasant Livestock Co.—Pt. Pleasant.

*Poncahontas Producers Cooperative Assoc., Inc.—Marlinton.
*South Branch Stockyard, Inc.—Moorefield.
*Spencer Live Stock Exchange, Inc.—Spencer.
*Union Livestock Sales Co.—Parkersburg.

WYOMING

*Greybull Livestock Commission Co.—Greybull.
*Torrington Livestock Commission Co.—Torrington.
*Lander Livestock Commission Stockyards—Lander.
*Sheridan Livestock Commission Co.—Sheridan.

§ 78.15 *Slaughtering establishments.* (a) Information with respect to the slaughtering establishments operating under the provisions of the Meat Inspection Act of March 4, 1907, may be obtained from the Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., and from the Federal Inspectors and State Inspectors.

(b) The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 concerning cattle not known to be affected with brucellosis. The following slaughtering establishments not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

Name of Slaughtering Establishment and Location

ALABAMA

Florence Packing Co.—Florence.
*Haas-Davis Packing Co., Inc.—Mobile.
Hinote Packing Plant—Loxley.
Valley Pride Packing Co., Inc.—Huntsville.

ARIZONA

Arizona Meat Packers—Tucson.
C & C Meat Co.—Phoenix.
Crescent Packing Co.—Scottsdale.
Herseth Meat Packers—Phoenix.
Maricopa Packing Co.—Phoenix.
OK Meat Co.—Phoenix.
Paramount Packing Co.—Casa Grande.
Safford Packing Co.—Safford.
Southwest Meat Co.—Yuma.
Tempe Meat Co.—Tempe.
Town & Country Packing Co.—Mesa.

ARKANSAS

Broadway Packing Co., Inc.—Jonesboro.
*Brown Packing Co., Inc.—Little Rock.
*Brown, Kelton Wholesale Meats—Little Rock.
*Burton, Roy—North Little Rock.
*City Abbattoir—Ft. Smith.
Columbia Packing Co.—Magnolia.
*Finkbeimer Packing Co.—Pine Bluff.
Gude-Packing Co.—Blytheville.
*Heim Brothers—Little Rock.
Hunt, Leo and Ryburn—Pine Bluff.
*Little Rock Packing Co.—Little Rock.
Morrilton Packing Co.—Morrilton.
Redd Slaughter House—Harrisburg.
Reed Packing Co.—Pine Bluff.
Southwestern Packing Co.—Hope.
*Stephens Meat Co.—Pine Bluff.
*Western Meat Packers, Inc.—Little Rock.

CALIFORNIA

*Allen's Meat Products Co.—San Francisco.
*Alpha Beta Packing Co.—Huntington Beach.
*Alta Meat Co.—Dinuba.
*Arnopole Meat Co.—Modesto.
*Atwater Meat Co.—Atwater.
*Avila Meat Co.—Gustine.
*Brennan Meat Co.—Tulare.
*Butler Brothers—Yountville.
*Canziani, N.—San Rafael.
*Castro, P. L.—Richmond.
*Chico Meat Co., Inc.—Chico.
*Christie, A. W.—Essex.
*Cottonwood Dressed Beef—Cottonwood.
*Crum Meat Co.—McArthur.
*Cuyamaca Meats, Inc.—El Cajon.
*Diamond Meat Co.—Kerman.
*Elk Grove Meat Co.—Elk Grove.
*Evart Meat Co., Thos. G.—Healdsburg.
*Felder & Son, Joe—Napa.
*Ferrara Meat Co.—San Jose.
*Fresno Meat Packing Co.—Fresno.
*Hill Top Meat Co.—Roseville.
*Hohener, Ernest—San Leandro.
*Johnson, Inc., J. G.—San Francisco.
*Keller Brothers—St. Helena.
*Kern Valley Packing Co.—Bakersfield.
*Klapp's Packing House Market—Ontario.
*Klubniken Packing Co.—Vernon.
*Langer & Kretner—Eureka.
*Lewis & McDermott—Berkeley.
*Marysville Meat Packing Co.—Marysville.
*Modesto Meat Co.—Modesto.
*Moller & Sons, H.—Pleasanton.
*Naylor, S. E.—Soledad.
*Nelson Meat Co.—San Jose.
*Nunes & Styron Meat Co., Inc.—San Miguel.
*Orvis & Clinger, Inc.—Stockton.
*Pacific Packing Co.—Gazelle.
*Palace Market—Fresno.
*Palace Market—Stockton.
*Palo Verde Meat Packing House—Blythe.
*Panizzera, C. V.—Occidental.
*Port Stockton Sausage Co.—Stockton.
*Port Stockton Sausage Co.—Oakdale.
*Prime Meat Products—Ukiah.
*Pure Sausage & Meat Co.—Lodi.
*Quong Wah Yuen—Stockton.
*Redwood Meat Co.—Eureka.
*Rosen Meat Packing Co., Inc.—Vernon.
*Russ Meat Co.—Eureka.
*S & S Locker Plant—Thornton.
*San Luis Meat Co.—San Luis Obispo.
*Santa Ana Packing Co.—Santa Ana.
*Santa Maria Meat Co.—Santa Maria.
*Scotia Packing Co. & Locker Storage—Scotia.
*Sebastropol Meat Co.—Petaluma.
*Sierra Dressed Meat Co.—Auburn.
*Smith Packing Co.—San Bernardino.
*Sonoma Meat Co.—Sonoma.
*Stoeven Brothers—Dixon.
*Stornetta Brothers—Point Arena.
*Susanville Meat Co.—Susanville.
*Taaffe & Co., Inc., Wm.—San Francisco.
*Talone Packing Co.—Escondido.
*Temecula Meat Packing House—Temecula.
*Temme's Prepared Foods—Stockton.
*Turlock Meat Co.—Turlock.
*Ventura Meat Packing, Inc.—Saticoy.
*Victor Valley Packing Co.—Victorville.
*Walker's Market, Inc.—Upland.
*Walnut Creek Meat Co.—Walnut Creek.
*West Coast Meat Co.—Alvarado.
*Western Food Products—Stockton.
*Wright Packing Co.—National City.
*Yettner Brothers—Fort Bragg.
*Zeff, B.—Modesto.

COLORADO

Basin Packing Co.—Durango.
Colorado Packing Co.—La Junta.
Cortez Packing Co.—Cortez.
Pavetti Sausage Co.—Trinidad.

CONNECTICUT

*Baker, Ellis D.—Torrington.
*Beit Brothers—Norwich.
*Bridgeport Municipal Abattoir—Bridgeport.
*Clark, L. W.—Danbury.
*Connecticut Packing Co.—Bloomfield.
*Connecticut Veal Co.—Beacon Falls.
*Forte, J. F.—Branford.
*Freeman, Myer—New London.
Goldberg, Daniel—Colchester.
*Hartford Provision Co.—Hartford.
*Hartford Provision Co.—Stafford Springs.
*Hertz Brothers—Norwich.
*Longhi, Edward—Torrington.
*Manchester Beef Co.—Manchester.
*New Haven Rendering Co.—West Haven.
*Novak, Abe—Danbury.
*Omaha Beef Co.—Danbury.
*Shore Line Packing Co.—East Haven.
Southington Packing Co.—Southington.
*Waterbury Butchering Co.—Waterbury.

DELAWARE

Goldberg Brothers, Inc.—Wilmington.
Hendler, Sidney—Wilmington.
Kemps Meats—Wyoming.
Kosters Frozen Food Lockers—Laurel.
Messina, Anthony G.—Wilmington.
Platt, Isadore—Wilmington.
Poore's Meat Market—Smyrna.
Torbert Brothers—Felton.
Townsend Locker Plant—Townsend.
Wessel, Harry—Wyoming.
White Packing Co.—Lewes.
Woerner and Sounder—New Castle.

FLORIDA

*Beesley Packing Co. of Florida—Pensacola.
*Central Packing Co.—Center Hill.
*Dirr Sausage Factory, Inc.—Miami.
*Farris & Co.—Jacksonville.
*Florida Sausage Co., Inc.—Pensacola.
*Gertner Co.—Gainesville.
*Gold Merit Packing Co., Inc.—Jacksonville.
*Gotham Provision Co., Inc.—Miami Springs.
*Hawkins Wholesale Meats, E. M.—East Palatka.
*Hendry Brothers Packing—Tampa.
*Hickory Hill Meat Packers, Inc.—Tampa.
*Hygrade Food Products Corp.—Hialeah.
*Jackson Packing Co.—Marianna.
*Loeb & Gottfried—Hialeah.
*Lykes Brothers, Inc.—Tampa.
*Meat Supply Co.—Pensacola.
*Oakland Meat Packing—Ft. Lauderdale.
*Register Meat Co., Inc.—Cottondale.
*Tobias Packing Co.—Chipley.

GEORGIA

Akridge Sausage Co.—Rome.
Beavers Packing Co.—Newman.
Brooks County Packing Co., Inc.—Quitman.
Carroll Packing Co.—Valdosta.
City Abattoir—Albany.
Cochran Provision Co.—Dublin.
Duffey Sausage Co.—Carrollton.
Lowell Packing Co.—Fitzgerald.
Meddin Packing Co.—Savannah.
*Pioneer Provision—Atlanta.
Scott Meat Packers—Augusta.
Simpson Provision Co., Inc.—Fayetteville.
Southern Foods, Inc.—Columbus.
*United Butchers Abattoir, Inc.—Atlanta.
Valdosta Abattoir Co., Inc.—Valdosta.
Wiggers Packers—Columbus.

IDAHO

*B & M Packing Co.—Burley.
*Boise Valley Packing Co.—Eagle.
*Carter Packing Co.—Buhl.
City Meat Market—Wallace.
*Custom Meat Co.—Boise.
*Custom Packing Co.—Twin Falls.
Dehmen Food Lockers—Lewiston.
*Davis Packing Co.—Boise.
*Independent Meat Co., Inc.—Twin Falls.
Johnston Brothers—Caldwell.
*Knudson Packing Co.—Preston.
Penguin Lockers.—New Plymouth.
*Wallace Meat Co.—Wallace.
*Y-J Packing Co.—Coeur d'Alene.
*York Packing Co.—Twin Falls.

ILLINOIS

Bartlow Brothers, Inc.—Rushville.
Bergman Meat Packing Co., Inc.—Pittsfield.
Calihan & Co.—Peoria.

DuQuoin Packing Co.—DuQuoin.
Humphrey Packing Co.—Lawrenceville.
C. Kunkel Packing and Provision Co.—Quincy.
Raber Packing Co.—Peoria.
Raleigh Packing Co.—Raleigh.
Smith Packing Co.—Harrisburg.
Young's Packing Co., Inc.—Decatur.

INDIANA

All Valley Meat Supply—Terre Haute.
Auburn Packing Plant—Auburn.
Bailey Slaughter House—Fort Wayne.
Berne Locker Storage—Berne.
Betulius Slaughterhouse—Haubstadt.
Bickmeier & Son—Boonville.
Blinzinger's Market—Tell City.
Bloomington Packing Co., Inc.—Bloomington.
Bobay's Slaughter House—Fort Wayne.
Boone County Packing Co.—Lebanon.
Bowman's Butchering House—Peru.
Buchanan Processing Plant—Mt. Vernon.
Camiel Coussens—Granger.
City Meat Market—Boonville.
Collins, Raymond—Poland.
Columbia Packing Co., Inc.—Hammond.
Corbin Food Lockers—Brownsburg.
Covington Food Lockers—Covington.
Covington Food Lockers—Covington.
Daniels Brothers, Inc.—Columbus City.
Denny & Barker, Inc.—Huntington.
Denver Locker Plant—Denver.
Denzler Locker Plant—Denver.
Devig Brothers Packing Co.—Haubstadt.
Dimett Packing Co.—Kokomo.
Ditzler Locker Co.—Peru.
Eel River Packing Co.—Jamestown.
Elkhart Packing Corp.—Elkhart.
Endres Packing Co.—New Albany.
Fender, Russell Ted—Spencer.
Fisher Packing Co.—Portland.
Fitzsimons Market—Roachdale.
Frankfort Provision Co.—Frankfort.
Franklin Slaughter House—Wabash.
Frankton Provision Co., Inc.—Frankton.
Freeman & Son Locker Plant—Worthington.
Gerber Supermarket, Inc.—Decatur.
Gilbert Slaughter House—Van Buren.
Goff, Inc.—Pendleton.
Greenfield Abattoir, Inc.—Greenfield.
Green Valley Slaughterhouse—Brownsburg.
Grundhoefer & Sons Packing Co.—Dale.
Gustin Slaughter House—Antwerp.
Gutzweiler Packing Co.—Jasper.
Hamilton Locker Plant—Hamilton.
Hand, Kenneth Slaughter House—Angola.
Hand's Market—Angola.
Harris, Sam Packing Co.—Crawfordsville.
Hastings Slaughter House—Martinsville.
Hickory Hills Processing Plant—Spencer.
Hill Top Packing Co.—Huntingburg.
Hitch Slaughterhouse—Princeton.
Hollar Market—Nappanee.
Hoosier Abattoir—Indianapolis.
Hunter Locker Plant—Converse.
Janert Packing Co., Inc.—Indianapolis.
Johnson County Farm Bureau Co-op Ass'n., Inc.—Franklin.
Jones Custom Butchering—Zionsville.
Kaiser Meat Market—Cedar Grove.
Klinedinst Packing Co.—Walkerton.
Kniper, Christ Packing—Lowell.
Laurents Packing Co., Guy—Fort Wayne.
Lengerich Slaughter House—Monroe.
Lester Packing Co.—Linton.
Livengood Meat Shop—Lebanon.
Long Slaughterhouse—Winslow.
Lutz Packing Co.—Indianapolis.
Marburger Abattoir—Peru.
Martin Brothers Meatland—Goshen.
Mast Market—Angola.
Merkely & Sons, Inc.—Jasper.
Mishler Packing Co.—Lagrange.
Mock, G. F.—Leavenworth.
Moore Packing—Gary.
Mooresville Packing Co.—Mooresville.
Neal Packing Co.—Crawfordsville.
Ness, J. E. & Sons Packing Plant—North Judson.
Orth Slaughterhouse—Mt. Vernon.
Ossian Locker Plant—Ossian.
Parrot Packing Co.—Fort Wayne.
Price's Abattoir, Walter—Plymouth.
Pucketts Abattoir—Winchester.
Quick Freeze Locker Service Abattoir—Madison.
Rockville Packing Co.—Rockville.
Ross Packing Co.—Indianapolis.
Rose City Packing Co., Inc.—New Castle.
Roy's Packing Plant—Elkhart.
Sanitary Main Meat Market—Brookville.
Schmitt, H. P. Locker Service—Decatur.
Schneider Slaughter House—New Haven.
Schuler Packing Co.—Ferdinand.
Sellersburg Locker Co.—Sellersburg.
Shackelford, W. E.—Owensville.
Shinn Slaughterhouse—Mentone.
Sievers, Lester—Vincennes.
Sievers, Louis—Vincennes.
Snelly's—Angola.
South Side Butchers—Indianapolis.
Stahl Packing Co.—Evansville.
Standard Packing Co.—Kokomo.
Straub & Smith Packing Co.—Indianapolis.
Summers Packing Co.—North Liberty.
Vale City Packing Co.—Valparaiso.
Valentine Co., Inc.—Terre Haute.
Van Wagner Brothers—Angola.
Van Wagner, Dick—Orland.
Vetter Meat Co.—Kokomo.
Vietti Brothers Packing Co.—Clinton.
Wabnitz & Deters—Indianapolis.
Warrick County Frozen Food Lockers—Boonville.
Weiler Packing Co.—Batesville.
Wenning Packing Co., Inc.—New Salisbury.
West's Locker & Slaughter House—Amo.
Whisler, J. L. & Sons, Inc.—Elkhart.
Wilcox Brothers—North Liberty.
Williams, J. B. & Son, Inc.—Walkerton.
Wolf Meat Market—New Albany.
Wolf Packing Co.—La Porte.
Wright Packing Co.—Chandler.
Wyatt Packing Co.—Wyatt.
Young Brothers Market—Ladoga.
Zaring Processing Plant—Greencastle.

IOWA

Lamoni Packing Co.—Lamoni.
Marshall Packing Co.—Marshalltown.
Richard, C. E. & Sons, Inc.—Muscatine.

KANSAS

A and H Butchers—Arkansas City.
Addington Slaughtering Establishment—Elkhart.
Anthony Meat—Anthony.
*B and W Packing Plant—Colby.
Bichelmeyer Slaughterhouse—Kansas City.
Burd Locker and Grocery—Atwood.
Butcher Packing Co.—Coffeyville.
C. C. Wurst Locker Service—Grainfield.
*Colby Locker—Colby.
Coldwater Lockers—Coldwater.
*Comanche Meat Co.—Wichita.
Davenport Meat Plant—Lawrence.
*Dunn Packing Co.—Valley Falls.
Dye Slaughterhouse—Meade.
Economy Lockers—Sharon Springs.
*Fanestil Packing Co.—Emporia.
Fisher Grocery and Locker—Bird City.
*Fredonia Packing Co.—Fredonia.
*Ft. Scott Packing Co.—Ft. Scott.
*Gallagher Processing Co.—Concordia.
Garden City Packing Co.—Garden City.
*Gettle and Sons Lockers—Wichita.
Glenn's Frozen Food Service—Dighton.
Grinnell Locker—Grinnell.
Haag Locker Plant—Fairview.
Hentzler Packing Co.—Fairview.
Hoseney's Dressed Beef—Coffeyville.
*Houlton Packing Co.—Abilene.
Howell's Market—St. Francis.
Jesco Meat Packers—Caldwell.
K-12 Meat Co.—Baxter Springs.
Kaw Valley Packing Co.—Kansas City.
Kier Grocery and Market—Mankato.
Kimmal Packing Co.—Norton.
Liberal Packing Co.—Liberal.
Louis's Zero Lockers—Girard.
Mathes Meat Co., W. A.—Kansas City.
Menghini Packing Co.—Frontenac.
*McLeon Packing Co.—Valley Falls.
Miller Locker System—Erie.
Miller Packing Co.—Wilson.
Modern Market and Lockers—Winona.
*Moore's Packing House Market—Parsons.
Old Fashioned Meat Market—De Soto.
*P and B Packing Co.—Hays.
Palace Market—St. Francis.
Phillips Slaughterhouse—Hill City.
Phillipsburg Lockers—Phillipsburg.
Ragsdale Grocery—Liberal.
Rindt Slaughtering Co.—Galena.
Snow's Locker Plant—Kansas City.
Stoney Brothers Slaughterhouse—Herndon.
*Sunflower Packing Co.—Wichita.
*Thies Packing Co.—Great Bend.
Valley Vista Locker Service—Topeka.
*Winchester Packing Co.—Hutchinson.
Winkler's Slaughterhouse—Liberal.
Wyler Packing Co.—Howard.

KENTUCKY

*Dawson-Spatz Packing Co., Inc.—Louisville.
Eckert Packing Co.—Henderson.
Field Packing Co.—Bowling Green.
Field Packing Co., Inc.—Owensboro.
*Fleishchaker Co.—Louisville.
Henderson Slaughtering—Henderson.
Jones Packing Co.—Paducah.
*Klarer Provision Co.—Louisville.
*Koch Beef Co.—Louisville.
Layer, C. W.—Louisville.
*Louisville Beef Co.—Louisville.
*Mount Sterling Packing Co.—Mount Sterling.
Quality Packing Co.—Lexington.
Riverside Packing Co.—Paducah.
*Robb Packing Co.—Lexington.
Schneider & Son, Inc., J. F.—Middlesboro.
Brown Thompson's & Son—Fancy Farm.

LOUISIANA

*Angola Packing House—Angola.
*Arabi Packing Co., Inc.—Arabi.
*Autin Packing Co., Inc.—Houma.
*Britt Packing Co.—Shreveport.
Chasson Meat Market, Arthur—Lockport.
*City Abattoir, Inc.—Baton Rouge.
Crumpler's Packing House—DeRidder.
Cutrer's Grocery and Market—Ponchatoula.
Dufrene Slaughter and Packing Co.—Allemands.
*Frey, L. A., & Sons, Inc.—Lafayette.
*H & S Packing Co.—Baton Rouge.
*Harris and Co., Ed.—Ferriday.
*Jennings Meat Products—Baton Rouge.
Kennedy Brothers Meat Products—Bogalusa.
Knight Slaughter House, S. A.—Bogalusa.
Knight Slaughter House, W. E.—Franklintown.
Knight Slaughter House, W. W.—Franklintown.
*Micelle Packing Plant—Lake Charles.
*Nations Brothers Packing Co.—Springhill.
*New Orleans Butchers Abattoir—New Orleans.
*Peltier Packing Co., Inc.—Thibodaux.
*Rapides Packing Co.—Alexandria.
Rodrigue's Meat Market, Allen—Thibodaux.
Sances Slaughter House—Franklintown.
*Shreveport Packing Co., Inc.—Shreveport.
*Smiley's Killing Plant—Scotlandville.
*Stevens Meat Co., Inc.—Gonzales.
Wood Slaughter House, L. V.—Franklintown.

MAINE

Augusta Abattoir—Augusta.
Boston Brothers—North Berwick.
Boynton, Lawrence—Bridgton.
Penley, E. W.—Auburn.
Stearns, Inc.—Auburn.

MARYLAND

Benson Meat Prod. Co.—Fallston.
*Edward G. Berlett & Sons, Inc—Baltimore.
Brewer's, H. W.—Williamsport.
Brook Meadow Provision Co.—Hagerstown.
Bullock, G. Winston—Westminister.

Cecil Provision Co.—Elkton.
Clopper, Chas. W.—Clear Spring.
Dutterer's of Manchester, Inc.—Manchester.
Eagle Meat & Sea Foods—Knoxville.
Eby, Irvin E.—Hagerstown.
Engle Brothers—Frostburg.
Fogle, Theodore A.—New Windsor.
Gaithersburg Locker Service—Gaithersburg.
Glosser, John E.—Hagerstown.
*Hahn Brothers, Inc.—Westminster.
Harsh, M. D., Sr.—Williamsport.
Hatfield's Meat Market—New Windsor.
*Heil, Henry—Baltimore.
Hemp, R. D. & Sons—Jefferson.
Hoffman and Son, Roy L.—Hagerstown.
Hoisinger, C. M.—Hagerstown.
Hurd & Son, C. G.—Hagerstown.
*Joska Brothers—Baltimore.
Late, Howard F.—Thurmont.
Lotz's Wholesale Meats—Frostburg.
Martin & Son, Edward T.—Joppa.
*Maryland Beef & Provision Co.—Baltimore.
Metz, Walter M.—Williamsport.
*Meyers, Wm. F. & Sons, Inc.—Westminster.
Montgomery Brothers—Rising Sun.
Moser, Weaver F.—Boonsboro.
Mt. Airy Locker Co.—Mt. Airy.
Murphy, John G.—Butcher—Fallston.
Nichols & Smith Meat Market—Federalsburg.
*Ruppersberger & Sons, George G.—Baltimore.
*Schmidt, A. W. & Son, Inc.—Baltimore.
*Schmidt, Charles J. & Co.—Baltimore.
Shallcross, H. E.—Rising Sun.
Shaum, F. E.—Taneytown.
Treuth & Sons, J. W.—Catonsville.
Will, Weldon W.—Sykesville.
Yingling Brothers—Union Bridge.
Yoders Locker Plant—Grantsville.

MASSACHUSETTS

Arena & Sons, A.—Hopkinton.
Axler, Abraham (Hatfield Beef Co.)—Hatfield.
Bickford's Slaughtering—Cheshire.
Bowman, Frank B. Co.—Brighton.
Budnick & Son, E.—Boxford.
Cohen, Jacob, Beef Co., Inc.—Brighton.
Cook, Edric—Hyden.
Cramer's Louis—No. Adams.
Goldberg, Morris—Great Barrington.
Grasso, Angelo—Agawam.
Harris Slaughterhouse, George A.—Winchendon.
Hutchinson's Slaughterhouse—Lunenburg.
Hurlburt Slaughterhouse, Ronald—West Orange.
Judkins Slaughterhouse—Athol.
Kabatchnick, Mark Sidney—Chester.
Levine, Louis—Great Barrington.
Mason, Frank F.—Williamstown.
Pekarski, T. Walter—South Deerfield.
Reynolds—Shelburne.
Robbins, Richard.—Ashby.
Santos Co., Charles—Tewksbury.
Scibelli, Anthony J.—Southwick.
Sciebelli, George A.—Southwick.
Shapiro, A. Beef Co.—Brighton.
Sheinhit, Jacob—Peabody.
Stearns, Ed.—Charlton.
Streeter, Herman—Bernardston.
Strycharz Slaughterhouse—Blackstone.
Suprenant, Peter—Leverett.
U. & S. Beef & Prov. Corp.—Pittsfield.
Wiegert Co., Geo.—Worcester.
Wohrle's Inc.—Pittsfield.

MICHIGAN

Allen Packing Co.—Charlotte.
Anderson Packing Co., Inc., J. S.—Muskegon.
Clare Packing Co.—Clare.
Edson, Inc., Lee—Hudsonville.
Goose & Co., Jack—Detroit.
Hazekamp & Sons, Bert—Muskegon.
Heaters Fresh Meat—Dowagiac.
Kalamazoo Packing Co.—Vicksburg.
Lengel Meat Packers, Inc.—Temperance.
Lytle & Sons, W. E.—Coldwater.
Myaard & Son, J.—Hudsonville.
Nichols-Foss Packing Co.—Bay City.
Nienhuis Packing Co.—Holland.
Parsell Beef Co.—Flint.
Paulsen & Son, Inc., Max—Muskegon.
Peet Packing Co.—Bay City, Chesaning, and Grand Rapids.
Perry Packing Co.—Mart.
Primeat Packing Co.—Detroit.
Riverside Packing Co.—Jackson.
Schmidt Packing Co.—Niles.
Shaw Wholesale Meats, R. I.—Casanovia.
Smith Packing Co., Hubert H.—Muskegon.
Snyder Farms—Byron Center.
Steeb Brothers—Ann Arbor.
Telfer Packing Co.—Owosso.
Thompson Beef Co.—Hamtramack.
Young Brothers—Hudson.

MISSISSIPPI

Archer, B. F.—Mathieston.
Barnett Sausage Co.—North Biloxi.
Betheze Brothers Packing Co.—Meridian.
*Central Packing Co.—Hattiesburg.
Cochran Frozen Food Locker—Waynesboro.
Columbus Packing Co.—Columbus.
Counce, H. R. Curing Plant—Corinth.
Davis Brothers—West Point.
Delta Packing Co.—Clarksdale.
Happy Acres—Petal.
Isbell, A. H. & Sons Meat Curing Plant—Corinth.
Isbell Distributing Co.—Corinth.
*Jackson Packing Co.—Jackson.
Lamey's Slaughter House—North Biloxi.
Lauderdale Cold Storage—Meridian.
Mallett, F. S.—North Biloxi.
Mallette Packing Co.—Greenville.
Michel, C., Packing Co.—Meridian.
Orman's Sausage Co.—Ellisville.
*Owen Brothers Packing Co.—Meridian.
Robinson Brothers Packing Co.—Batesville.
Sams Slaughter House—Waynesboro.
*Shaws Cold Storage and Market—Grenada.
Stringer Slaughter House—Columbia.
*Valley Farm Packing Co.—Laurel.
Waller Slaughter House—Waynesboro.
Wise & Wise Packing Co.—Greenville.

MISSOURI

Alewel Brothers—Concordia.
Anderman, Edward, Slaughter Establishment—Hickman Mills.
Asel's Slaughter House—Washington.
Baker Packing Co.—Mexico.
Bouchaert Packing Co.—St. Louis.
Carney Packing Co.—Dexter.
Central Packing Co.—Cape Girardeau.
Cloud & Son Packing Co., Ned—Springfield.
Coleman Packing Plant—Holden.
Evans, E. S. & Sons Slaughtering Establishment—Carthage.
Frick's Super Market, Inc.—Washington.
Fricka Slaughter Service—Union.
General Meat Co.—St. Louis.
Grand Packing Co.—Imperial.
Grote, T. J.—Imperial.
Herrod Packing Co., Inc.—Joplin.
Hester, A. L. Packing Co.—Bernie.
Kornblet Packing Co.—St. Louis.
LeDuc Packing Co.—Springfield.
Liberty Locker Co.—Liberty.
M. F. A. Packing Division—Springfield.
Manning Dressed Beef—Springfield.
Maryville Packing Co.—Maryville.
McGee's Home Killed Meats—Mexico.
Moberly Packing Plant—Moberly
Mueller's Meat Market—Altenburg.
Nenninger Packing Co.—Cape Girardeau.
Paris Lockers & Abattoir, Inc.—Paris.
Pemiscot Packing Co.—Wardell.
Pipkin Boyd Neal Packing Co.—Cape Girardeau.
Poplar Bluff Packing Co.—Poplar Bluff
Raders Inc.—Columbia.
Reinhardt Packing Co.—St. Louis.
Reitz Meat Products Co.—Raytown.
Salem Auction Co.—Salem.
Schneider Packing Co.—St. Louis.
Sikeston Food Lockers—Sikeston.
Stanley Meat Co.—Affton.
United Meat Co., Inc.—St. Louis.
Urbana Locker—Urbana.
Volz Packing Co.—St. Louis.
Welsh Packing Co., Inc.—St. Louis.
Westermann, John—Troy.
Wuestling Packing Co.—St. Louis.
Yontz Packing Co.—Tipton.

MONTANA

Blastock Wholesale Meats—Butte.
*Montana Meat Co.—Helena.
New Butte Butchering Co.—Butte.

NEVADA

M B Bybee Slaughter Establishments—Ely.
Dangberg Meat Co.—Gardnerville.
Mori Meat Co.—Fallon.
*Nevada Livestock Commission Co.—Sparks.
*Nevada Meat Packing Co.—Reno.
*Truckee Meadow Packing—Reno.

NEW HAMPSHIRE

Edwards, George—Walpole.
French Brothers Beef Co., Inc.—Hooksett.
Hoffman, Fred—Hooksett.
Langeller, Lucien—Rochester.
Satzow, Samuel—Claremont.
Taylor, George—Dover.

NEW JERSEY

Burtch, William L.—Vineland.
*Delaware Packing Co.—Trenton.
*Fisher Brothers—Bridgeton.
Gaskill's Frosted Food Locker Plant—Elmer.
Gottlieb & Sons, Inc., Daniel A.—Camden.
*Hartman, J. H. & H. E.—Trenton.
Haskell Packing Co.—Haskell.
*Ireil Packing Co.—Monroeville.
Maresca's—Stockton.
Miller Brothers—Camden.
Monmouth County Abattoir—Asbury Park.
Moonlight Hog Farms—Flemington.
Perth Amboy Packing Co.—Perth Amboy.
Preziosi, George—New Village.
Rome, Clarence—Sussex.
Salem Packing Co.—Salem.
*Schein, Inc.—Hopelawn.
Struble, O. W., Inc.—Newton.
Tindik Son's, John—Trenton.
*Trenton Packing Co.—Trenton.
Wagner Provision Co.—Gibbstown.

NEW MEXICO

Aztec Locker Plant—Aztec.
Dean Wholesale Meat Co., T. M.—Hobbs.
Deming Packing Co.—Deming.
Glover Packing Co.—Roswell.
Hatch Packing Co.—Portales.
Las Cruces Meat Co.—Las Cruces.
New Mexico Packing Co., Inc.—Carlsbad.
Rancho Packing Co.—Clovis.
Raton Packing Co.—Raton.
Rollins Packing Co., Inc.—Clovis.
Snell Packing Co., Inc.—Clovis.
Starkey Packing Co.—Clovis.
Stephens Packing Co.—Albuquerque.
Swartzman Packing Co.—Albuquerque.
Taos Locker Plant, Inc.—Taos.
Valley Packing Co.—Fairview.
Valley Packing Co.—Farmington.
Wofford Slaughtering Establishment—Santa Fe.

NEW YORK

Acer, Inc.—Buffalo.
Archie & Sons, Inc., E. J.—Buffalo.
Aronson & Milton Aronson, Jerome—Queensbury.
Aronson, William—Glens Falls.
Bender & Son, Elmer—Buffalo.
Bieser, Frederick—Whitesville.
Brennan, P.—Buffalo.
Brown's Slaughter House—Otto
C. J. D. Packing Co., Inc.—Buffalo.
Cukerstein & Son, Inc.—Hudson.

Cuomo, Neil—Schenectady.
Dean's Slaughter House—Goshen.
*Dembo's—Troy.
DeVita, James & Gino—Endicott.
Dunning's Slaughterhouse—Hornell.
Eckman, Albert M.—Frewsburg.
*F. K. & Son, Inc.—Buffalo.
*Fairbank Farms—Ashville.
*Farber Meat Packing Corp.—Liberty.
*Fargnoli, Sam & John—Endicott.
*Ford, E. D.—West Valley.
*Frank Brothers—Poughkeepsie.
Freer, Leroy Carl—Endicott.
Goebel Packing Co.—Buffalo.
Golde Packing Co.—Tonawanda.
Goshen Packing Co.—Howells.
Green Brothers—Schenectady.
Hans, Edward—Buffalo.
Harrison, W. W.—Corning.
Hokan's Slaughterhouse—Angola.
Horlein & Son, Inc., E. C.—Buffalo.
Kamery, John Wendell—Olean.
Klinck Brothers, Inc.—Buffalo.
Klinck & Schaller, Inc.—Buffalo.
Kross-Ahl—West Albany.
Kusler, Benjamin—Elmira.
Kwiatkowski Brothers—Buffalo.
Levine, Abraham—Ellenville.
Ludington Brothers—Maine.
Maple Brook Slaughterhouse—Binghampton.
Maple Grove Farms—Syracuse.
Marbot, Frank—Troy.
McGuire, B. Frank—Granville.
Medina Provision Co., Inc.—Medina.
Mendel, M. & Co.—Medina.
Mest Packing Co., William G.—Strykersville.
Morandi Packing Co.—Hillsdale.
Moses, Norbert—Norwich.
Neckers, Norman C.—Clymer.
Norman's Wholesale Meats—Buffalo.
Obler & Sorenson—Horseheads.
Olean Cold Storage Co., Inc.—Olean.
Owsowitz & Son, Maurice—Buffalo.
Parker's Slaughter House—Schaghticoke.
Polyniak, Victoria—Newark Valley.
Rausch & Son, Inc., Frank—Buffalo.
Rosenblum Brothers—Cohoes.
Samiof and Sons, David—Albany.
Schmitt & Co., Inc., J. J.—Buffalo.
Scott, Herbert R.—Brocton.
Seven Valley Beef, Inc.—Cortland.
Shapiro Wholesale Meats, M.—Jamestown.
Shappee & Shelve—Pince City.
Smith, Bernard G.—Troy.
Syracuse Packing & Provision Co.—Camillus.
Staffeld & Sons, T. W.—Buffalo.
Sussman, Louis—Cohoes.
Syracuse Packing & Provision Co.—Camillus.
Tog Packing Co., Inc.—Buffalo.
Utica Veal Co., Inc.—Marcy.
Wallens Byrne Packing Corp.—Buffalo.
Wand Co.—Slate Hill.
West Co., Inc., R. B.—Buffalo.
Wieberg, James N.—Pine City.
Ziff, Herbert M.—Elmira.

NORTH CAROLINA

*Aberdeen Packing Co.—Aberdeen.
*Carolina Packers—Smithfield.
Chadbourne Packing Co.—Chadbourne.
Cook's Packing Co., Inc.—Concord.
*Curtin Packing Co.—Greensboro.
*Elliott Packing Co., Inc.—Goldsboro.
Greenville Packing Co.—Greenville.
*Hickory Packing Co.—Hickory.
*Jones Abattoir Co.—Garner.
Moricle Abattoir—Reidsville.
*New Bern Provision Co.—New Bern.
*Piedmont Packing Co.—Hillsboro.
Skeen Packing Co.—High Point.
Statesville Packing Co., Inc.—Statesville.
White Packing Co., Inc.—Salisbury.
Wilmington Packing Co., Inc.—Wilmington.

OHIO

Barnes Provision, Inc.—Alliance.
Boll and Son Wholesale Meats, John—Ironton.
Braun Brothers Packing Co.—Troy.
Buchy, Chas. G. Packing Co.—Greenville.
Canton Provision Co.—Canton.
*Davies, David, Inc. (616 West Mound Street)—Columbus.
*Davies, David, Inc. (1340 Jackson Pike)—Columbus.
Davies, David, Inc., Plant No. 3—Zanesville.
*Davies, David, Inc.—Zanesville.
Donelson Packing Co.—Carey.
DiCillo & Sons, Inc., A.—Cleveland.
*Eckert Packing Co.—Defiance.
Egley's Slaughtering Establishment—Convoy.
*Evans Packing Co.—Gallipolis.
Falter, Herman Packing Co.—Columbus.
Fairmount Provision Co.—Alliance.
Fink and Heine Co.—Springfield.
Finley Packing Plant, Inc.—McConnelsville.
Fletchner Brothers Packing Co., Inc.—Fostoria.
Focke's Sons, Wm.—Dayton.
*Folger Packing Co.—Toledo.
Gerstenlager Meats, Inc.—Creston.
Hygrade Food Products Corp.—Youngstown.
Kent Provision Co., Inc.—Kent.
Krugh's Slaughtering Establishment—Wren.
Liber, John and Co.—Alliance.
*Lima Packing Co.—Lima.
Lloyd Packing Co.—Youngstown.
Matthews, J. H. & Son—Sardinia.
McMahon Packing Co.—Marysville.
Pride of Lima Provision Co.—Lima.
Rittberger Brothers—Zanesville.
*Sandusky Dressed Beef—Springfield.
Sandusky Dressed Beef Co.—Sandusky.
*Schmidt Provision Co.—Toledo.
Scioto Provision Co.—Neward.
Sugardale Provision Co.—Canton.
Superior Provision Co.—Massilon.
Teufel Co., Howard A.—Cleveland.
*Waldock Packing Co.—Sandusky
Webb Beef Co.—Cleveland.
Willimam's Slaughtering Establishment—Van Wert.
Zeimmer Packing Co.—Antwerp.

OKLAHOMA

Banfield Packing Co.—Enid.
Braden Slaughtering Establishment—Ponca.
*Canadian Valley Slaughtering Establishment—Oklahoma City.
Cone Wholesale Market—Miami.
*Cornett Slaughtering Establishment—Oklahoma City.
Cushing Packing and Provision Co.—Cushing.
*Daack Packing Co.—Ponca City.
*Enid Packing Co.—Enid.
Halstead Slaughtering Establishment—Fairview.
Hamilton Slaughtering Establishment—Midford.
Harris Meat and Produce Co.—Oklahoma.
*Miller Packing Co.—Sapulpa.
*O. K. Packing Co.—Tecumseh.
*Oklahoma Packing Co.—Oklahoma City.
*Okmulgee Packing Co.—Okmulgee.
Osage County Packing Co.—Fairfax.
*Reeves Packing Co., W. E.—Ada.
Ridley Packing Co.—Duncan.
*Shalloup Slaughtering Establishment—Alva.
Southeastern Packing Co.—Durant.
Thomas, Earl C.—Moore.
Turner Brothers—Nowata.
Turner Slaughter Establishment, Fred—Chandler.
*Turvey Inc. Slaughtering Establishment—Oklahoma City.
*Turvey Packing Co.—Blackwell.
Van Cleve, C. L.—Tulsa.
White Slaughtering Establishment—Stigler.
Whitten Slaughter House—Broken Bow.
*Wickham Packing Co.—Ada.
*Wickham Packing Co.—Sapulpa.
*Williams Packing and Storage Co.—Miami.
Woods, Lloyd—Westville.

OREGON

Airport Meat Packing Plant—Madras.
Alpine Meat Co.—Grants Pass.
*Arrow Meat Co.—Cornelius.
*Associated Meat Packers—Portland.
Bond Brothers—Lakeview.
Boston Beef House—Ontario.
Boyer Meat—Roseburg.
*Bruce Packing Co.—Sublimity.
Cedar Point Packing Co.—Coquille.
Cinder Butte Packing Co.—Redmond.
Clover Leaf Packing Co.—Drain.
Community Market—Enterprise.
Culver Meat Plant—Bandon.
Culver Packing Co.—Culver.
Dalles City Pack—Dalles.
Eldridge Packing Co.—LaGrande.
Erdman Packing Co.—Bandon.
Farmers Packing Co.—Medford.
Gardner, Donald R. Midway Meats—Medford.
Garrison, R. O.—Lebanon.
Grants Pass Provision Co.—Grants Pass.
H & M Meat Co.—Union.
Heppner Slaughter House—Heppner.
Hill Meat Co.—Pendleton.
*Hopkin's Wholesale Meats—Nyssa.
Independent Meat Co., Ken and Thomas—Ashland.
Jacobmuhlen, John—Cornelius.
*Kenton Packing Co.—Portland.
*Klamath Packing Co.—Klamath Falls.
LeGrande Market—LaGrande.
Lamonta Packing Co.—Prineville.
Lewis Brothers Section Lime and Kine Road—Gresham.
Lusk Eastside Abattoir, L. E.—Ashland.
McVay, Archie—Brookings.
Medford Meat Co.—Medford.
*Merrill Meat Co.—Merrill.
Montgomery's Killing Plant—Silverton.
*Mount Angel Meat Co.—Mount Angel.
Myers Cold Storage Lockers, Don—Elgin.
Myers Packing Co.—Bend.
Myrtle Packing Co.—Coquille.
Nebergall Meat Co., Inc., D. E.—Albany.
Ontario Meat Packing—Ontario.
Peterson, Gerald—North Powder.
*Pioneer Meat Packers—Ontario.
Polar Cold Co.—Medford.
Rogue Valley Packing Co.—Myrtle Creek.
Roseburg Meat Co.—Roseburg.
*Silver Falls Packing Co.—Portland.
Stein Brothers Food Stores—Albany.
*Super Packing Co.—Klamath Falls.
*T. P. Packing Co.—Klamath Falls.
Troutman's Market—North Plains.
Valley Sausage Co.—LaGrande.
Van Dine Meat Co.—Myrtle Creek.
Warren, B. T.—Stanfield.
Western Meats—Milton-Freewater.
Yocum's Meat Co.—Coos Bay.

PENNSYLVANIA

Albert Packing Co.—Washington.
Alinikoff's & Son, Harry—Wilkes-Barre.
Barnes, T. William—Waynesburg.
Baum, Daniel S.—Elizabethtown.
Baum's Meat Packing—Lansdale.
Biderman & Moss, Inc.—Philadelphia.
Bonaccurso & Sons, S.—Philadelphia.
*Brest Packing Co.—Shamokin.
*Brizer Beef Co.—Dunmore.
*Brown's Slaughter House—Smethport.
Burkee's Food Market—McSherrytown.
Crissman Brothers—Castanea.
De Franco, Philip—N. Bangor.
Dressler, Paul—Exeter.
Elizabethville Abbatoir—Elizabethville.
Falk, Karl—Erie.
Fischer and Sons, Inc., J. Fred—York.
Fried & Reineman Packing Co.—Pittsburgh.
Glick Brothers Packing Co.—Mt. Pleasant.
Hager's Meat Market—Quakertown.
Hahn Packing Co., Edward—Johnstown.
Haibach Brothers—Erie.
*Hickory Packing Co.—Scranton.

Hollinger Meat Products, Inc.—Mechanicsburg.
*Kessler's Inc.—Lemoyne.
Kline Brothers—Hollidaysburg.
Kunzler & Co., Inc.—Lancaster.
Lancaster Packing Co.—Lancaster.
Manieri, Inc.—Philadelphia.
Martin, Ezra W.—Lancaster.
Marvin, Russell T.—Covington.
Meadow Valley Abattoir, Inc.—Gettysburg.
*Medford's, Inc.—Chester.
Mount Rose Food Market—York.
Moyer, C. D., Co.—Shamokin.
Oswald and Hess Co.—Pittsburgh.
Pennsylvania State University—University Park.
*Peters, William H., Inc.—Harrisburg.
Punxsutawney Beef and Prov. Co.—Punxsutawney.
Reliable Provision Co.—Scranton.
Rupert Meat & Poultry Supply—Rupert.
Salsburg's Abattoir—Shillington.
*Shamokin Packing Co.—Shamokin.
Shaw Brothers—Newry.
Silver Lake Packing Co.—Dunmore.
Silverberg Meats—Bradford.
Smalstig, Fred—Millvale.
Spitzler's Meat Products, Inc.—Uniontown.
Stockton's Wholesale Meats—Columbus.
Taylor Co., J. V.—Wyalusing.
Troy Meat Plant, Inc.—South of Troy.
United Home Dressed Meat Co.—Altoona.
Walter's Slaughter House—Waterford.
Warrington Packing Co., Inc.—Chalfont.
*Weller & Sons, Frank—Plymouth Meeting.
West Apollo Packing House—West Apollo.
Western Provision Co.—Erie.
*West Branch Beef & Provision Co.—Williamsport.
Western Provision, Inc.—Erie.
*Wilkes-Barre City Abattoir—Wilkes-Barre.
*Williamson's Wholesale Meats—Turbotville.
Winner Packing Co.—Lock Haven.
*Wolf River Sausage Co., Inc.—Weyauwega.
Zeller, Alfred—Cedars.

RHODE ISLAND

Berman, Inc., Louis M.—Pawtucket.
Bruno's Slaughterhouse—Westerly.
Burchard's Slaughterhouse—Foster.
Colfax Packing Co.—Pawtucket.
Concord Dressed Beef & Veal Co.—Pawtucket.
Cory's Slaughterhouse—Tiverton.
De Santis, John—Westerly.
Diamond Hill Packing Co.—Cumberland.
Parrillo, Inc., Anthony—Johnston.
Pezza's Slaughter House—Johnston.
Russo's Slaughterhouse—Bristol.
Sacco's Market—Westerly.

SOUTH CAROLINA

Balentine Packing Co.—Greenville.
*Carolina Abattoir—Columbia.
*Cherokee Packing Co., Inc.—Gaffney.
*Dixie Livestock Co.—Greenwood.
Hodges Sales Co.—Abbeville.
Kingan Division Hygrade Food Products Corp.—Orangeburg.
Reliable Auctions, Inc.—Abbeville.
*Roddey Packing Co., Inc.—Columbia.
*Southland Provision Co.—Orangeburg.
Spartanburg Abattoir—Spartanburg.
*United Beef Co., Inc.—Gaffney.

TENNESSEE

Baltz Brothers Packing Co.—Nashville.
Barnett's Grocery—Huntingdon.
Bill's Processing Plant—Dyersburg.
Brantley & Tillet—Shelbyville.
Bridwell Packing Co.—Kingsport.
Brothers Seafood—Winchester.
Bryson Packing Co.—Somerville.
Carey Packing Co.—Morristown.
Castellaw's Slaughterhouse—Alamo.
Charlie's Slaughterhouse—Trenton.
Chattanooga Sausage Co.—Memphis.
Cook's Slaughterhouse—Dyersburg.
Cribbs Sausage Co.—Memphis.
Dixie Sausage Co.—Lebanon.
Duck River Sausage Co.—Manchester.
Fayette Packing Co.—Eads.
Fineberg Packing Co.—Memphis.
Follis Slaughterhouse, Roy—Gadsden.
Foutch Grocery & Market—Cookeville.
Glasgow's Market—Dresden.
Hendon's Slaughterhouse—Milan.
Hickory Valley Packing Co.—Hickory Valley.
Jacobs Packing Co.—Nashville.
Lingo Packing Co.—Jonesboro.
McMinnville Meat Co.—McMinnville.
Moore, John L.—Fayetteville.
Morrissey Meats & Provisions—Nashville.
Morton Brothers—Johnson City.
Norman's Packing Co.—Covington.
Penn's Market—Trenton.
Powell Wholesale Meats, Charles J.—Chattanooga.
Rakes Slaughterhouse—Watertown.
Savannah Process & Locker—Savannah.
Sell Meat Co.—Johnson City.
Smith Packing Co.—Nashville.
Southern Provision Co., Inc.—Chattanooga.
Stephen's Slaughter House—Savannah.
Sulla Wholesale Meats, Wade—Johnson City.
Summer's Slaughterhouse—Hollow Rock.
Sunnydale Meat Products, Inc.—Nashville.
Tennessee Valley Packing Co.—Columbia.

TEXAS

Alamo Braun Beef Co.—San Antonio.
Amarillo Packing Co.—Amarillo.
Auge Packing Co., Ed.—San Antonio.
Berryhill Packing Co., Inc.—Levelland.
Collins Packing Co.—Morton.
Circle B Packing Co.—Dallas.
*Dallas City Packing Co.—Dallas.
Estes Brothers Packing Co.—Fort Worth.
Glover Packing Co. of Amarillo—Amarillo.
Golden Spread Packing Co.—Amarillo.
Hereford Meat Co.—Hereford.
Lubbock Packing Co.—Lubbock.
Montes Packing Co.—El Paso.
*Newsom Packing Co.—Mt. Pleasant.
Pace Packing Co., Inc.—Sweetwater.
Panhandle Packing Co., Inc.—Pampa.
*Penn Packing Co.—McKinney.
Pinkney Packing Co.—Amarillo.
Plains Beef Co.—Amarillo.
Queen's Custom Slaughter—Bovina.
Select Meat Co.—San Antonio.
Steuernagel Packing Co.—San Antonio.
Tyler Packing Co.—Tyler.
Watkins Packing Co.—Dalhart.
Wickham Packing Co., Inc.—Longview.
Wolff Meat Co.—San Antonio.

UTAH

*Bills and Co., A.—Midvale.
*Granite Meats—Murray.
Granite Meat and Livestock Market—Murray.
*Langston Packing Co.—Hurricane.
*Ogden Dressed Meat Co.—Ogden.
*Parke and Son, Wm. C.—Ogden.
*Tri-Miller Packing Co.—Hyrum.

VIRGINIA

*Danville Meat Supply, Inc.—Danville.
*Green Hill, Inc.—Elliston.
*McKenna Inc.—Lynchburg.
*Perlin Packing Co.—Norfolk.
Snodgrass Brothers, Inc.—Pennington Gap.
*Southern Packing Corp.—Norfolk.
*Suffolk Packing Co., Inc.—Suffolk.

WASHINGTON

A & W Packing Co., Inc.—Moses Lake.
Chambers Packing Co.—Tumwater.
Colfax Market—Colfax.
*Curcio Packing No. 76—Walla Walla.
Evergreen Packing Co.—Vancouver.
Excel Sausage & Meat Co.—Spanaway.
Federal Packing Co.—Everett.
*Federal Meat Co.—Tacoma.
Ferry Brothers, Inc.—Ferndale.
Fischer Packing Co. No. 85—Issaquah.
Florence Packing Co. No. 6—East Stanwood.
*Grandview Packing Co.—Grandview.
Gray's Harbor Meat Co.—Hoquiam.
*H & H Meat Packers—Yakima.
*Henry, James Packing No. 2—Seattle.
Kelly Packing Co.—Chehalis.
Kenmore Packing Co.—Bothell.
Kratizig Meat Co.—Bellingham.
*Lewis River Meat Co. No. 118—Woodland.
*Longview Meat Co. No. 87—Longview.
Martin's Meat & Livestock No. 67—Goldendale.
McInroy Meat Co.—Wilbur.
*Meats, P. D. & J.—Kent.
Methow Valley Meat Co.—Twisp.
*Miller Packing Co.—Seattle.
Monroe Packing Co.—Monroe.
Newport Packing Co.—Newport.
Norman Wirta No. 67—Chehalis.
*Pacific Meat Co.—Puyallup.
Pasco Meat Packers, Inc.—Pasco.
Rice Meat Packing Co. No. 103—Veradale.
Schoner Meat Co. No. 30—Silverdale.
Shelton Meat Co.—Shelton.
Snohomish Packing Co.—Snohomish.
Stoll's Packing Plant—Rosalia.
Valley Meat Co. No. 122—Chimacum.
*Valley Packing Co.—Tacoma.
Weber & Rittner Co., Inc. No. 20—Sumner.
*Wenatchee Packing Co.—Wenatchee.
Mount Vernon Meat Co. No. 93—Mount Vernon.

WEST VIRGINIA

Balls Wholesale Meat Co.—Kenova.
Bell Market, M. J.—Blacksburg.
Bluegrass Market, Inc.—Lewisburg.
Bridwell Packing House—Bluefield.
Brumfield, Jake—Huntington.
Camp Packing Co.—Parkersburg.
Coleman, M. E., Packing Co.—Oak Hill.
Crowgey Sausage Co.—Kellysville.
Elm Grove Packing Co.—Wheeling.
Gamble & Son Market—Moundsville.
Cissel Packing Co., Inc.—Huntington.
*Greenbrier Valley Stock Yards, Inc.—Ronceverte.
Hatten Wholesale Meat Co.—Huntington.
Holz Sons Co., P. E.—Charleston.
Hoverson Heights Packing Co.—Follansbee.
Logan, S. S. Packing Co.—Huntington.
Mauk's Meat Market—Romney.
McCown, L. M. & Sons Co.—Charleston.
Miller Brothers—Martinburg.
Morland, Henry, Inc.—Parkersburg.
Niebergall & Martini, Inc.—Wheeling.
Places Butchering Quarters—Martinsburg.
Simmons, H. L. & Sons—Moundsville.
Smith Packing House—Parkersburg.
Smittle Packing—Paden City.
Stuart, Nate & Sons, Inc.—Mt. Clare.
Tabron, George H., Tabron, G. H.—Shinnston.
Thompson Brothers Packing Co.—Bluefield.
United Packing Co.—Wheeling.
Weimer Packing Co.—Wheeling.
Whitehall Packing Co.—Watson.
Young & Stout, Inc.—Clarksburg.
Rupert Meat & Poultry Supply—Rupert.

WISCONSIN

Born and Son, August—Milwaukee.
Clinton Packing Inc.—Clinton.
Curless Meat Plant—Brodhead.
Dolfin and Lloyd Janisse, Paul—Costburg.
Host Brothers—Lake Geneva.
Kenosha Packing Co.—Kenosha.
Meier Slaughtering, Alfred—Monroe.
Meredity Corrigan—Saxon.
Muskego Packing Co.—Muskego.
Polar Locker—La Crosse.
Quality Packing House—New London.
Sawyer & Walter—East Troy.
Schams Slaughtering, John—LaCrosse.
South Side Packing Co.—Milwaukee.
Stoppenbach Sausage Co.—Jefferson.
Valley Packing Co.—Kaukauna.
Vere Ferries—Ontario.
*Wolf River Sausage Co., Inc.—Weyauwega.

WYOMING

K & B Cold Storage Co.—Afton.
Shy-Ann Packing Co.—Cheyenne.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendment of § 78.13 deletes a certain area from the list of areas designated as modified certified brucellosis-free areas because it has been determined that such area no longer comes within the definition in § 78.1 (i), and includes certain additional areas which have been determined to come within such definition. The amendment of paragraph (a) of § 78.14 adds the names of certain stockyards to the list of stockyards at which Federal inspection is maintained for the inspection of livestock for communicable diseases. Paragraph (b) of § 78.14 and paragraph (b) of § 78.15 are being amended to specifically approve certain stockyards and slaughtering establishments for the purposes of the regulations in Part 78 of Title 9, Code of Federal Regulations. It has been determined that the inspection and handling of livestock at such stockyards and of livestock, carcasses, and products at such slaughtering establishments are adequate to effectuate the purposes of the regulations.

The amendments impose certain further restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U. S. C. 111–113, 114a–1, 120, 125)

Done at Washington, D. C., this 25th day of June 1957.

[SEAL] R. J. ANDERSON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F. R. Doc. 57-5302; Filed, July 1, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regulations, Amdt. 29-3]

PART 29—PHYSICAL STANDARDS FOR AIRMEN; MEDICAL CERTIFICATES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of June 1957.

On February 29, 1956, a general revision of Part 29 of the Civil Air Regulations, "Physical Standards for Airmen," was issued as a notice of proposed rule making which was published in the FEDERAL REGISTER (21 F. R. 1326) and circulated as Civil Air Regulations Draft Release No. 56-6 for comment. The Board has carefully considered comment received from interested aviation and medical associations, as well as a large number of interested individuals, and has determined that it is appropriate to adopt at this time certain of the changes proposed in Draft Release No. 56-6. Adoption of the other proposed changes will be delayed pending further analysis and study.

Issuance of medical certificates. The draft release proposed a change in the title of Part 29 to reflect that this part establishes physical standards pertaining to medical certificates. In addition, it was proposed that § 29.1, which refers to the physical standards for the issuance of the medical certificates, be reworded to express the real function of the part and thus make it consistent with the other parts of the Civil Air Regulations governing the issuance of airman certificates. Accordingly, the words "Medical Certificates" are included in the title and the wording of § 29.1 is being amended to conform substantially with the language in the draft release.

General physical condition requirements. There has been some difference of opinion as to whether the general physical condition requirements in the currently effective Part 29 are the same for all three classes of medical certificates. It should be clearly understood that it is the intent of the Board that higher physical standards be required of airline transport and commercial pilots than of private pilots.

To resolve any ambiguity as to whether the standards are the same for all three classes of medical certificates, the general physical requirements for the three classes of medical certificates are being amended to reflect the intent of the regulations more clearly by relating the disqualifying physical deficiencies directly to the duties and privileges of the particular grade of airman certificate held or sought.

The currently effective requirements contain the condition that an applicant shall have no organic or functional disease or structural defect or limitation which "would" interfere with the safe performance of the duties of his airman certificate. Experience with this regulation indicates that the test prescribed therein to determine whether an applicant is qualified for an airman certificate is unsatisfactory because it is based upon an absolute certainty rather than a probability. The decisions in previous cases decided by the Board involving this provision have always been based on the probability or likelihood of such physical deficiencies interfering with the performance of the duties and exercise of the privileges of the airman certificate. The Board is of the opinion that the real test should be whether or not such physical deficiencies "would be likely to" render an applicant unable to perform the duties and exercise the privileges of his airman certificate for the duration of a medical certificate. Accordingly, such a test is incorporated into the regulation by this amendment.

Draft Release No. 56-6 contained a proposed note which was appended to the detailed requirements for the first, second, and third class medical certificates, respectively, and which stated that a bona fide history of psychosis or epilepsy, or an established diagnosis of diabetes requiring insulin treatment or of coronary heart disease shall be considered disqualifying. The Board has determined, however, that such a prohibition is entirely too broad and all-encompassing, would exclude many persons who are capable of exercising safely the privileges of an airman certificate and, therefore, must be regarded as arbitrary. Accordingly, the Board has decided that this note should not be adopted, but that the Administrator should be free to evaluate each case on the basis of the applicant's current physical condition.

Nervous system. The draft release proposed to delete the nervous system requirements in the sections governing the three classes of medical certificates with the understanding that all nervous diseases were considered to be either organic or functional diseases, and, therefore, adequately covered in the paragraphs pertaining to "General physical condition." However, there was some persuasive comment which was opposed to the deletion of all references to the nervous system. The Board has reconsidered its proposal and, in view of the frequency with which mental cases have been brought before the Board and the necessity for clarification, considers it more appropriate to retain a nervous system provision so modified as to relate the disqualifying mental or nervous disease to the duties and privileges of the grade of airman certificate held or sought by the applicant.

Waiver of physical standards. The draft release contained a complete modification of the concept of the present waiver of physical standards contained in § 29.5. The comment received in response to this proposed amendment was overwhelmingly in favor of this modification. The current § 29.5 authorizes the Administrator to issue medical waivers and impose operational limitations, but limits this authorization to those cases in which the applicant's operational record, ability, and judgment as an airman compensate for his physical deficiency. This limitation prevented the Administrator from issuing airman certificates with limited privileges to a great number of applicants with physical deficiencies which are not compensated but which, nevertheless, would not prevent them from performing and exercising safely some of the duties and privileges of an airman certificate. The substantial advances which have been made in medical science during the past few years indicate that the Administrator should be given greater latitude in applying the most recent medical information in arriving at his determinations under this section. Consequently, § 29.5 is being amended to give the Administrator authority to issue a limited medical certificate to those persons who, while not being able to compensate for their physical deficiency through experience, ability, and judgment, can be so limited in their operations that, notwithstanding their physical deficiency, they can perform and exercise safely those duties and privileges authorized by the Administrator on the airman certificates without endangering safety in air commerce.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 1326), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 29 of the Civil Air Regulations (14 CFR Part 29, as amended) effective August 1, 1957.

1. By amending the title of Part 29 to read "Physical Standards for Airmen; Medical Certificates".

2. By amending § 29.1 to read as follows:

§ 29.1 *Issuance of medical certificates.* A medical certificate of the appropriate class shall be issued to an applicant if the Administrator or his authorized representative finds that the applicant meets the physical standards prescribed in this part.

3. By amending § 29.2 (c) (1) to read as follows:

§ 29.2 *First class.* • • •

(c) *General physical condition.* (1) An applicant shall have no organic or functional disease or structural defect or limitation which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

4. By amending § 29.2 (d) to read as follows:

(d) *Nervous system.* An applicant shall have no disease of the mental or nervous system or abnormality of the personality which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

5. By amending § 29.3 (c) and (d) to read as follows:

§ 29.3 *Second class.* • • •

(c) *General physical condition.* An applicant shall have no organic or functional disease or structural defect or limitation which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

(d) *Nervous system.* An applicant shall have no disease of the mental or nervous system or abnormality of the personality which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

6. By amending § 29.4 (c) and (d) to read as follows:

§ 29.4 *Third class.* • • •

(c) *General physical condition.* An applicant shall have no organic or functional disease or structural defect or limitation which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

(d) *Nervous system.* An applicant shall have no disease of the mental or nervous system or abnormality of the personality which would be likely to render him unable to safely perform the duties and exercise the privileges of the grade of airman certificate held or sought.

7. By amending § 29.5 to read as follows:

§ 29.5 *Physical deficiencies.* (a) A limited medical certificate shall be issued to an applicant who fails to meet the physical standards prescribed for the medical certificate sought if the Administrator finds through more extensive medical examinations, practical tests or otherwise that, by the imposition of terms, conditions, or limitations, the applicant, notwithstanding his physical deficiency, can perform the duties and exercise those privileges authorized by the Administrator without endangering safety in air commerce. The operational limitations imposed by the Administrator shall be set forth on the applicant's airman certificate.

(b) Where the Administrator's finding regarding an individual's physical fitness is based upon a practical test, that individual shall not be required to retake such practical test during subsequent physical examinations unless, in the opinion of the Administrator, the individual's physical deficiency has become more pronounced.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 984. Interpret or apply secs. 601, 602, 52 Stat. 1007 as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-5345; Filed, July 1, 1957; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54382]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

LOCATIONS OF HEADQUARTERS OF APPRAISERS OF MERCHANDISE

Due to changes in the office locations of the appraisers of merchandise for customs district No. 32 (Hawaii), Honolulu, T. H., and customs district No. 14 (Virginia), Norfolk, Virginia, and to correct errors in the postal zone and street address of the appraisers for customs district No. 49 (Puerto Rico), San Juan, P. R., and customs district No. 2 (Vermont), St. Albans, Vermont, respectively, § 1.6, Customs Regulations, is amended by substituting the following information pertaining to the addresses of the appraisers mentioned for the information now contained therein.

District No.	Name of district	Location of headquarters	Address of appraiser of merchandise
32	Hawaii	Honolulu 17, T. H.	850 Iwilei Rd.
49	Puerto Rico	San Juan 23, P. R.	Deposito St., Marina; P. O. Box 4712.
2	Vermont	St. Albans, Vt.	56-60 South Main St.
14	Virginia	Norfolk 7, Va.	1129 Boissevain Ave.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 26, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-5339; Filed, July 1, 1957; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 105—ALASKA PENINSULA AREA

BEAR RIVER DISTRICT; WEEKLY CLOSED PERIOD

Basis and purpose: In order to better manage the Bear River salmon fishery in the Alaska Peninsula Area in view of the varying amounts of gear, it has been determined that the weekly closed period should be revised and reliance be placed on weir count to control the fishery.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 105.5 is amended in paragraph (a) by deleting all of the text after the first sentence and substituting in lieu thereof "In the period from July 2 through August 9, fishing is prohibited from 6 o'clock postmeridian Monday to 6 o'clock antemeridian Tuesday, from 6 o'clock postmeridian Tuesday to 6 o'clock antemeridian Wednesday, from 6 o'clock postmeridian Wednesday to 6 o'clock antemeridian Thursday, and from 6 o'clock postmeridian Thursday to 6 o'clock antemeridian Monday.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

JUNE 28, 1957.

[F. R. Doc. 57-5369; Filed, June 28, 1957; 2:17 p. m.]

PROPOSED RULE MAKING

sideration has been given to views and

order of the Commission on or before

which covered modification of the Chart

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 181]

VETERANS', SOLDIERS' AND SAILORS' RIGHTS

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 57-4134, published at page 3564 of the issue for Wednesday, May 22, 1957, the following changes should be made:

1. In the last sentence of § 181.6 (a), the fee "$12" should read "$2.00".

2. In the third line of paragraph (a) of § 181.7, the word "and" should read "any".

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

VOR RADIO RECEIVING AND ADF RADIO RECEIVING EQUIPMENT

Sections 514.38 and 514.39 define minimum performance standards for airborne VOR radio receiving equipment and airborne radio receiving and direction finding equipment to be used in civil aircraft of the United States engaged in air carrier operations. These regulations are being amended to require submittal of data with the statement of conformance.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. Section 514.38 (22 F. R. 110) of Subpart B of this part is amended by adding a new paragraph (c) to read as follows:

(c) *Data requirements.* Six copies each of the operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

2. Section 514.39 (22 F. R. 110) of Subpart B of this part is amended by adding a new paragraph (c) to read as follows:

(c) *Data requirements.* Six copies each of the operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 25, 1957.

[F. R. Doc. 57-5308; Filed, July 1, 1957; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

[No. 32153]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 24th day of June A. D. 1957.

Having under consideration the matter of certain modifications of the Uniform System of Accounts for Railroad Companies which were approved April 12, 1957, pursuant to provisions of section 20 of the Interstate Commerce Act, as amended (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3)), and published as proposed rule making in the FEDERAL REGISTER issue of April 19, 1957 (22 F. R. 2738); and,

It appearing, that responses to that notice which were timely filed in conformity with its terms by or on behalf of carriers subject to the regulations so to be modified, as well as by other interested persons,, (1) were generally in agreement that changes so far reaching would, by becoming effective July 1, 1957 as provided in the notice, distort the accounts within a calendar year for comparative purposes; and (2) presented views about detailed application of the various modifications which were not uniform but all of which merit further consideration; and good cause appearing therefor:

It is ordered, That the effective date of the said modifications so approved April 12, 1957, be and it is hereby postponed to January 1, 1958.

It is further ordered, That specifications for effecting such modifications, as more fully detailed in attachments to the said notice, be, and in the case of each of them hereby is, subject to such further order of the Commission on or before such effective date, as may be found necessary after full consideration has been given to views and arguments of said respondents to such notice, or of other interested persons. If oral argument or other public hearing is found necessary, due notice of the time and place thereof will be given.

It is further ordered, That this order shall be served on all respondents of record in this proceeding, and on each railroad company subject to the act and not independently operated as an electric line, and each lessor thereof, and on every trustee, receiver, executor, administrator, or assignee of such railroad company or lessor, and that notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-5315; Filed, July 1, 1957; 8:46 a. m.]

[49 CFR Part 181]

[No. 32156]

COMMON AND CONTRACT CARRIERS OF PASSENGERS

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 24th day of June A. D. 1957.

Having under consideration a notice of proposed rule making approved April 18, 1957, and published in the FEDERAL REGISTER issue of April 27, 1957 (22 F. R. 3016), which covered modification of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers, pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 Stat. 546, 563; 49 U. S. C. 304, 320), (1) to provide current liability accounts for the known amount of unpaid claims for personal injuries and loss and damage, and for the amount of long-term debt due within one year, and (2) to increase the minimum for charging additions and betterments to property accounts from $50.00 as at present to $200.00; and,

It appearing, that responses to that notice which were timely filed in conformity with its terms by or on behalf of carriers subject to the regulations so to be modified, uniformly requested postponement of the modifications to permit further investigation into the effects thereof, and good cause appearing therefor:

It is ordered, That the effective date of the said modifications so approved April 18, 1957, be and it is hereby postponed from July 1, 1957, to January 1, 1958.

It is further ordered, That specifications for effecting such modifications, as more fully detailed in attachments to the said notice, be, and in the case of each of them hereby is, subject to such further order of the Commission on or before such postponed effective date, as may be found necessary after full consideration has been given to views and arguments of said respondents to such notice, or of other interested persons. If oral argument or other public hearing is found necessary, due notice of the time and place thereof will be given.

It is further ordered, That this order shall be served on all respondents of record in this proceeding and on each Class I common and contract motor carrier of passengers which is subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-5317; Filed, July 1, 1957; 8:47 a. m.]

[49 CFR Part 182]

[No. 32155]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 24th day of June A. D. 1957.

Having under consideration a notice of proposed rule making approved April 18, 1957 and published in the FEDERAL REGISTER issue of April 27, 1957 (22 F. R. 3017), which covered modification of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 Stat. 546, 563; 49 U. S. C. 304, 320), (1) to provide current liability accounts for the known amount of unpaid claims for personal injuries and loss and damage, and for the amount of long-term debt due within one year, and (2) to increase the minimum for charging additions and betterments to property accounts from $50.00 as at present to $200.00; and,

It appearing, that responses to that notice which were timely filed in conformity with its terms by or on behalf of carriers subject to the regulations so to be modified, and by interested public accounting firms and banking houses, presented views and arguments which were not uniform but all of which merit further consideration, and good cause appearing therefor:

It is ordered, That the effective date of the said modifications so approved April 18, 1957, be and it is hereby postponed from July 1, 1957, to January 1, 1958.

It is further ordered, That specifications for effecting such modifications, as more fully detailed in attachments to the said notice, be, and in the case of each of them hereby is, subject to such further order of the Commission on or before such postponed effective date, as may be found necessary after full consideration has been given to views and arguments of said respondents to such notice, or of other interested persons. If oral argument or other public hearing is found necessary, due notice of the time and place thereof will be given.

It is further ordered, That this order shall be served on all respondents of record in this proceeding and on each Class I common and contract motor carrier of property which is subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-5316; Filed, July 1, 1957; 8:46 a. m.]

[49 CFR Part 184]

[No. 32155, Sub. No. 1]

CHART OF ACCOUNTS FOR CLASS II MOTOR CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 24th day of June A. D. 1957.

Having under consideration a notice of proposed rule making approved April 18, 1957 and published in the FEDERAL REGISTER issue of April 27, 1957 (22 F. R. 3018), which covered modification of the Chart of Accounts for Class II Motor Carriers of Property, pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended (49 Stat. 546, 563; 49 U. S. C. 304, 320); and,

It appearing, that the modifications covered by that notice correspond to certain modifications of the accounts for Class I motor carriers of property, the details of which were attached to the said notice, but the effective date of which by an order of even date herewith has been postponed from July 1, 1957, to January 1, 1958, subject to such further order of the Commission as may be found necessary prior to such postponed date, and good cause appearing therefor:

It is ordered, That the effective date of modifications of the accounts for Class II carriers so approved April 18, 1957, be and it is hereby postponed from July 1, 1957 to January 1, 1958, the exact nature of such modifications being further subject to such revision as may by order before such postponed date be required for corresponding Class I accounts.

It is further ordered, That this order shall be served on each Class II common and contract motor carrier of property which is subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of any such Class II motor carrier, and that notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-5318; Filed, July 1, 1957; 8:47 a. m.]

NOTICES

POST OFFICE DEPARTMENT

LEASES

REDELEGATION OF AUTHORITY

The following is the text of Order No. 150 of the Assistant Postmaster General, Bureau of Facilities, dated June 13, 1957:

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Kenneth L. Rabidoux, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes, as follows—

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for ten years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) en-

tered into or extended under authority of paragraphs 3 and 6 of this order;

in the District of Columbia and the States of Maryland, Virginia, and West Virginia.

(B) This order shall be effective June 17, 1957.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57–5326; Filed, July 1, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GREEN CITY AUCTION CO. ET AL

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

The Green City Auction Company, Green City, Missouri.
Fairground Sale Company, Maryville, Missouri.
Milan Auction Company, Milan, Missouri.
Rock Port Sale Pavilion, Inc., Rock Port, Missouri.
Beebe Bros. Livestock Sale, Warrensburg, Missouri.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C. this 26th day of June 1957.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57–5342; Filed, July 1, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 642]

AREA 4 ADMINISTRATOR, JUNEAU, ALASKA

DELEGATION OF AUTHORITY WITH RESPECT TO REAL ESTATE LEASES

JUNE 26, 1957.

1. Pursuant to the authority delegated to me by the Secretary of the Interior on June 21, 1957, the Area Administrator of the Bureau of Land Management for Area 4, Juneau, Alaska, is authorized to exercise the authority delegated by the Administrator of General Services (22 F. R. 3474) to the Secretary of the Interior to acquire space by lease on such terms and for such periods not in excess of three years as is in the public interest for the housing of any component of the Bureau of Land Management in Anchorage and Juneau, Alaska, and to execute any leases, documents or instruments which may be necessary in connection therewith.

2. Any lease executed pursuant to the authority hereby delegated may be amended or renewed from time to time, provided that no renewal for a term in excess of one year shall be entered into without the prior written approval of the Administrator of General Services.

3. Authority conferred by or pursuant to this delegation shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, section 3 of the act of August 27, 1935 (40 U. S. C. 304c), as amended, all other applicable laws and regulations issued pursuant thereto.

4. The Area Administrator may, in writing, redelegate the authority conferred herein. Any such redelegation shall be published in the FEDERAL REGISTER.

5. This delegation of authority shall continue until September 1, 1957, provided that any lease executed prior to that date may be amended or renewed as authorized by Paragraph 2, above, at any time during the term or any extension thereof.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 57–5309; Filed, July 1, 1957; 8:45 a. m.]

[Classification No. 25]

COLORADO

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 30.93 acres in Rio Grande County, Colorado, as suitable for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, subject to valid existing rights and the provisions of existing withdrawals:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 3 E.,
Sec. 33, S½SW¼NW¼NE¼SE¼; SW¼NE¼NE¼SE¼; W½SW¼SE¼NE¼NE¼SE¼; S½NW¼NE¼NW¼NE¼SE¼; S½NE¼NW¼NE¼SE¼; NW¼NW¼NE¼SE¼; S½NW¼NE¼SE¼; W½NE¼SE¼NE¼SE¼; W½SE¼NE¼SE¼; SE¼SE¼NE¼SE¼; SW¼NE¼SE¼.

Containing 30.93 acres which have not been subdivided into small tracts.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 699; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the act of September 17, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to December 18, 1956, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

MAX CAPLAN,
State Supervisor.

JUNE 24, 1957.

[F. R. Doc. 57–5324; Filed, July 1, 1957; 8:47 a. m.]

Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT, CALIFORNIA

ORDER OF REVOCATION

OCTOBER 23, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of June 4, 1930, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 4 N., R. 25 E.,
Secs. 31 and 32.

The above area aggregates 1,267.68 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[1380831]

JUNE 26, 1957.

I concur.

The lands are within the Chemehuevi Indian Reservation.

E. J. THOMAS,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 57–5325; Filed, July 1, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12024; FCC 57M–616]

RUSSELL G. SALTER

ORDER CONTINUING HEARING

In re application of Russell G. Salter, Dixon, Illinois, Docket No. 12024, File No. BP–10858; for construction permit.

The Hearing Examiner has been informally advised that David M. Taylor, trading as Dixon Broadcasting Company, has filed an application which may be entitled to a comparative hearing with the above-entitled application.

Accordingly, it is ordered, By the Hearing Examiner on his own motion, this 26th day of June 1957, that the prehearing conference in the above-entitled matter, heretofore scheduled for July 1, 1957, be continued without date, and the hearing heretofore scheduled for July 23, 1957, be likewise continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–5346; Filed, July 1, 1957; 8:51 a. m.]

[Docket No. 12055, etc.; FCC 57M–617]

RADIO TAMPA ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Richard M. Seidel, Bernice Schwartz and Harold H. Meyer, d/b as Radio Tampa, Tampa, Florida, Docket No. 12055, File No. BP–10348; Rand Broadcasting Company, Tampa, Florida, Docket No. 12056, File No. BP–11010; B. F. J. Timm, Lakeland, Florida, Docket No. 12057, File No. BP–11031; for construction permits.

It is ordered, This 26th day of June 1957, that a prehearing conference, in accordance with § 1.813 of the rules, will be held in the above-entitled matter at 10:00 a. m., July 24, 1957, in the Commission's offices at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–5347; Filed, July 1, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–11185, G–11874]

ARKANSAS FUEL CORP. AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 26, 1957.

In the matters of Arkansas Fuel Oil Corporation, Docket No. G–11185; Texas Eastern Transmission Corporation, Docket No. G–11874.

Take notice that on February 1, 1957, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation, having its principal place of business at Shreveport, Louisiana, filed in Docket No. G–11874 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.2 miles of 3½-inch O. D. lateral supply pipeline to extend from Milepost 102.0 on Texas Eastern's 30-inch McAllen-Vidor transmission pipeline, in Kleberg County, Texas, to a point in the East Kingsville Field in Kleberg County, together with a main line tap and appurtenances; in order to enable Texas Eastern to purchase and receive natural gas produced in the East Kingsville Field by Arkansas Fuel Oil Corporation (Arkansas Fuel). The estimated total cost of the proposed facilities is $18,900, which cost is to be financed from corporate funds.

On October 2, 1956, Arkansas Fuel filed in Docket No. G–11185 an application for a certificate of public convenience and necessity covering the above sale of gas to Texas Eastern. Proposed deliveries will be at a central point in the field and will commence upon receipt of authorizations and completion of Texas Eastern's facilities.

Arkansas Fuel states that its facilities consist of customary lease equipment, metering facilities, and a field line.

Texas Eastern will transport the gas received from Arkansas Fuel commingled with its other gas supplies for sale in other states.

The aforesaid applications are on file with the Commission and open for public inspection. Unless advised to the contrary by Arkansas Fuel at least ten days prior to the date of hearing set hereby, it will be presumed that Arkansas Fuel will accept a certificate of public convenience and necessity which is not coextensive with and does not expire upon the termination date specified in the sales contract.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 25, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–5311; Filed, July 1, 1957; 8:45 a. m.]

[Docket No. G–12795]

AMERICAN METAL CO., LTD., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JUNE 26, 1957.

The American Metal Company, Limited (Operator), et al., (American Metal) on May 27, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Contract, dated April 29, 1957; (2) Letter,[1] dated April 30, 1957; (3) Notice of Change, dated May 23, 1957.

Purchaser: Pacific Northwest Pipe Line Corporation.

Rate schedule designation: (1) Rate Schedule No. 2 (supersedes American Metal's FPC Gas Rate Schedule No. 1); (2) Supplement No. 1 to American Metal's FPC Gas Rate Schedule No. 2; (3) Supplement No. 2 to American Metal's FPC Gas Rate Schedule No. 2.

Effective date:[2] June 27, 1957.

In support of the proposed renegotiated rate increases, American Metal states that the "reasonable rate" for gas in the area is not less than 12 cents per Mcf.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said rate schedule and the supplements thereto be and they are each hereby suspended and the use thereof deferred until November 27, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule or supplements hereby suspended, nor the rate schedules sought to be altered thereby,

[1] Modifies and provides for cancellation of contract of April 29, 1957, if Commission does not accept 12-cent rate.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by American Metal, if later.

shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5310; Filed, July 1, 1957; 8:45 a. m.]

[Docket No. G-11372 etc.]

WOODS PETROLEUM CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 26, 1957.

In the matters of Woods Petroleum Corporation, Operator, et al., Docket No. G-11372; Cities Service Gas Company, Docket No. G-12048; The Texas Company, Docket No. G-12162.

Take notice that on February 18, 1957, Cities Service Gas Company (Cities Service), a Delaware Corporation having its principal place of business in Oklahoma City, Oklahoma, filed an application in Docket No. G-12048, as supplemented on March 18, 1957, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing it to construct and operate approximately 3.75 miles of 6-inch and 0.11 mile of 4-inch supply lateral pipeline to extend from a point on its existing 10-inch pipeline in Grant County, Oklahoma, to two wells in the Medford Field in Grant County, Oklahoma, in order to purchase and receive natural gas produced in the Medford Field by Woods Petroleum Corporation, Operator, et al. (Woods) and The Texas Company (Texas Company), all as more fully described in its application, which is on file with the Commisison and open to public inspection. Cities Service also proposes to install well lines in the future to connect future wells in the field to the above-described 6 and 4-inch lines. The estimated total cost of the Cities Service facilities applied for is $46,500, which cost will be financed from company funds.

On October 26, 1956, Woods filed in Docket No. G-11372 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the above sale of gas to Cities Service.

On March 6, 1957, Texas Company filed in Docket No. G-12162 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the above sale of gas to Cities Service.

Cities Service will transport the gas received from Woods and Texas Company commingled with its other gas supplies for sale in other states.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 30, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Unless advised to the contrary by the Producer Applicants at least ten days prior to the date of hearing set hereby, it will be presumed that the Producer Applicants will accept certificates of public convenience and necessity which are not coextensive with and do not expire upon the termination dates specified in the sales contracts.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5312; Filed, July 1, 1957; 8:46 a. m.]

[Project No. 2232]

DUKE POWER CO.

NOTICE OF APPLICATION FOR LICENSE

JUNE 26, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Duke Power Company, of Charlotte, North Carolina, for license for water power Project No. 2232 on Catawba and Wateree Rivers in Alexander, Burke, Caldwell, Catawba, Gaston, Iredell, Lincoln, McDowell, and Mecklenburg Counties, North Carolina, and Chester, Fairfield, Kershaw, Lancaster, and York Counties, South Carolina, affecting navigable waters of the United States. Applicant requests that the license be for a term of 50 years from the date of its issuance. The project would consist of one unconstructed development and ten constructed developments, described as follows:

Cowan's Ford (unconstructed) located on Catawba River just west of Davidson, North Carolina; river mile 179; capacity 262,500 kw (initial), 350,000 kw (ultimate); head 112 feet; reservoir area 20,700 acres; usable storage 588,300 acre-feet at 25 foot drawdown; Bridgewater located on Catawaba River about 8 miles west of Morganton, North Carolina; river mile 275; capacity 20,000 kw; head 135 feet; reservoir area 6,510 acres; usable storage 189,370 acre-feet at 40 foot drawdown; Rhodhiss located in Rhodhiss, North Carolina; river mile 239; capacity 25,500 kw; head 60 feet; reservoir area 3,515 acres; usable storage 27,570 acre-feet at 10 foot drawdown; Oxford located about 5 miles north of Hickory, North Carolina; river mile 222; capacity 36,000 kw; head 89.5 feet; reservoir area 4,110 acres; usable storage 36,890 acre-feet at 10 foot drawdown; Lookout Shoals located about 8 miles northeast of Newton, North Carolina; river mile 213; capacity 18,720 kw; head 78 feet; reservoir area 1,270 acres; usable storage 3,670 acre-feet at 3 foot drawdown; Mountain Island located about 3 miles northeast of Mt. Holly, North Carolina; river mile 164; capacity 60,000 kw; head 78 feet; reservoir area 3,235 acres; usable storage 25,987 acre-feet at 10 foot drawdown; Catawba located 4 miles northwest of Fort Mill, South Carolina; river mile 139; capacity 60,000 kw; head 70 feet; reservoir area 12,455 acres; usable storage 107,670 acre-feet at 10 foot drawdown; Fishing Creek located south of Fort Lawn, South Carolina; river mile 101; capacity 30,000 kw; head 61 feet; reservoir area 3,370 acres; usable storage 27,770 acre-feet at 10 foot drawdown; Great Falls-Dearborn share a common reservoir and are located in Great Falls, South Carolina; river mile 98; capacity (Great Falls) 24,000 kw, (Dearborn) 45,000 kw; head 71 feet; reservoir area 450 acres; usable storage 1,082 acre-feet at 3 foot drawdown; Rocky Creek-Cedar Creek share a common reservoir and are located in Great Falls, South Carolina; river mile 96; capacity (Rocky Creek) 24,000 kw, (Cedar Creek) 45,000 kw; head 58 feet; reservoir area 800 acres; usable storage 2,296 acre-feet at 3 foot drawdown; and Wateree located on Wateree River about 8 miles northwest of Camden, South Carolina; river mile 74; capacity 56,000 kw; head 78 feet; reservoir area 13,710 acres; usable storage 119,590 acre-feet at 10 foot drawdown.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 9, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5313; Filed, July 1, 1957; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMUNITY FACILITIES COMMISSIONER

DELEGATION OF AUTHORITY WITH RESPECT TO PUBLIC AGENCY LOANS PROGRAM

The Community Facilities Commissioner is hereby authorized to execute the powers, functions, and duties transferred to the Housing and Home Finance Administrator under Reorganization Plan No. 1 of 1957 (22 F. R. 4633, July 2, 1957), with respect to or arising out of (1) the securities and obligations of, loans made to, and contracts or other agreements with, States, municipalities, political subdivisions thereof, public agencies, boards, commissions, or other public bodies, and (2) loans, securities, and obligations acquired in connection with programs of financial assistance for drainage and irrigation projects, except the Administrator's authority to issue notes or other obligations to the Secretary of the Treasury under section 7 of the Reconstruction Finance Corporation Act, as amended (15 U. S. C. 606).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; Reorg. Plan No. 1 of 1957; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 1st day of July 1957.

ALBERT M. COLE, *Housing and Home Finance Administrator.*

[F. R. Doc. 57-5368; Filed, July 1, 1957; 9:19 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-164, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER GRANTING EXEMPTION

JUNE 24, 1957.

The Commission having heretofore approved a plan filed by the Interim Board of Directors of International Hydro-Electric System ("IHES") pursuant to section 11 (d) of the Public Utility Holding Company Act of 1935 ("act") for the transformation of IHES, a registered holding company, into an investment company, to be renamed Abacus Fund; and having found that IHES would be entitled to an exemption pursuant to Section 3 (a) (5) of the Act upon the consummation of such plan (36 S. E. C. 506 (November 23, 1955) and Holding Company Act Release No. 13083 (January 13, 1956)); and

The order of the United States District Court for the District of Massachusetts having fixed the consummation date of the plan as the date of registration with the Old Colony Trust Company of a Certificate of Amendment to the Declaration of Trust of IHES so as to effectuate the changes required by the plan with respect to its capitalization and the rights and privileges of its stockholders; and

Bartholomew A. Brickley, Trustee of IHES, having notified the Commission that the Certificate of Amendment has been registered with the Old Colony Trust Company; and it appearing to the Commission on the basis of the entire record that IHES (Abacus Fund) and its subsidiary companies should now be exempted from the provisions of the Act:

It is ordered, Pursuant to section 3 (a) (5) of the act, that IHES (Abacus Fund) and its subsidiary companies be, and hereby are, exempted from the provisions of the act applicable to IHES as a holding company and to its subsidiary companies as such.

It is further ordered, That the jurisdiction heretofore reserved herein by the aforesaid order of January 13, 1956, with respect to the fees and expenses to be approved in connection with the plan filed by the Interim Board of IHES and the proceedings incidental thereto and related therewith, be, and hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5319; Filed, July 1, 1957; 8:47 a. m.]

[File No. 24D-1924]

UNION-GULF OIL & MINING CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 26, 1957.

I. Union-Gulf Oil & Mining Corporation (Union-Gulf), a Colorado corporation, 510 Colorado Building, Denver, Colorado, and 2701 South Highway 50, Grand Junction, Colorado, filed with the Commission on September 9, 1955 a notification on Form 1-A and an offering circular and subsequently filed various amendments thereto, relating to an offering of 600,000 shares of its 10-cent par value common stock at 50 cents per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that the notification failed to contain the information required by Item 3 with respect to unregistered securities of Union-Gulf sold on behalf of its affiliate within one year prior to the date of the filing of the notification; and

B. The notification contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made not misleading, concerning, among other things, the securities of Union-Gulf sold on behalf of affiliates within one year prior to the filing of the notification.

III. *It is therefore ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5320; Filed, July 1, 1957; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-7-14]

ELECTRON TUBES AND COMPONENT PARTS THEREOF

DISMISSAL OF COMPLAINT

JUNE 27, 1957.

The United States Tariff Commission, on the 26th day of June 1957, dismissed the complaint filed under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337) by Eitel-McCullough, Inc., San Bruno, California, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain foreign electron tubes and component parts thereof. (Notice of the receipt of this complaint was given on July 22, 1955, 20 F. R. 5378.)

On November 16, 1955, the Tariff Commission suspended action on this complaint (20 F. R. 8866) pending a final decision in the proceeding in the United States District Court for the District of Maryland, Civil Action No. 8348, Eitel-McCullough, Incorporated v. Wholesale Radio Parts Company, Incorporated, and Amperex Electronic Corporation.

The aforementioned civil action was dismissed on May 21, 1957.

I certify that the above action was taken by the Tariff Commission on June 26, 1957.

Issued: June 27, 1957.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-5337; Filed, July 1, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

OSCAR CHRISTIAN MUNCH RAEDER BJERKE AND EMS WIESE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Oscar Christian Munch Raeder Bjerke, Oslo, Norway; Claim No. 62349; Vesting Order No. 17784; $439.03 in the Treasury of the United States and an undivided one-half interest in and to five 1943 script certificates issued by the Konversionskasse fur Deutsche Auslandsschulden, Serial Nos. 2320073–2320077, inclusive.

Ems Wiese, Bergen, Norway; Claim No. 62350; Vesting Order No. 17784; $439.03 in the Treasury of the United States and an undivided one-half interest in and to the five script certificates identified above.

The above five script certificates are held in the Federal Reserve Bank, New York, for safekeeping.

Executed at Washington, D. C., on June 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–5328; Filed, July 1, 1957; 8:48 a. m.]

FRIEDERIKE HERKNER GOLDSCHMIED

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Friederike Herkner Goldschmied, Milan, Italy; Claim No. 42459; Vesting Order No. 6932; $951.90 in the Treasury of the United States.

Executed at Washington, D. C., on June 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–5329; Filed, July 1, 1957; 8:48 a. m.]

FRANZ HALLA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Franz Halla, 14, rue Wiertz, Brussels, Belgium; Claim No. 13304; $27.14 in the Treasury of the United States.

Fifty per cent (50%) of all royalties payable or to become payable to the Attorney General of the United States pursuant to License No. A–207 (superseded by A–1605), issued to J. W. Edwards, Publisher, Inc. of Ann Arbor, Michigan, for publication of the book entitled Kristallchemie U. Kristallphysik Metallischer Werkstoffe, Eine Einführung für Ingenieure (mit 205 abbildungen in text), by Franz Halla, Copyright A foreign 43625, as listed in Exhibit A of Vesting Order No. 500A–54 (9 F. R. 8206, July 20, 1944); and

Twenty-five per cent (25%) of all royalties payable or to become payable to the Attorney General of the United States pursuant to License No. A–334 (superseded by A–1605), issued to J. W. Edwards, Publisher, Inc. of Ann Arbor, Michigan, for publication of the book entitled Leitfaden für die Rontgenographische Untersuchung Von Kristallen, 1937, 354 p., by Franz Halla and Herman Mark, Copyright A foreign 35888, as listed in Exhibit A of Vesting Order No. 500A–75 (9 F. R. 7785, July 12, 1944).

Executed at Washington, D. C., on June 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–5330; Filed, July 1, 1957; 8:48 a. m.]

ANNE MARIE JOSEPHINE TERFVE-LAMBRECHTS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anne Marie Josephine Terfve-Lambrechts, Auderghem-Bruxelles, Belgium; Claim No. 61674; Vesting Order Nos. 17831 and 18118; $1,334.12 in the Treasury of the United States.

Executed at Washington, D. C., on June 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–5331; Filed, July 1, 1957; 8:49 a. m.]

ROBERTINA PENNAZZI-RICCI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Robertina Pennazzi-Ricci a/k/a Roberta Pennazzi-Ricci, Via Bergamo 31, Rome, Italy; Claim No. 42434; Vesting Order No. 2761; $416.00 in the Treasury of the United States.

Executed at Washington, D. C., on June 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–5332; Filed, July 1, 1957; 8:49 a. m.]

ROBERTO PENNAZZI-RICCI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Roberto Pennazzi-Ricci a/k/a Robert Pennazzi-Ricci, Via Bergamo 31, Rome, Italy; Claim No. 42435; Vesting Order No. 2761; $416.00 in the Treasury of the United States.

Executed at Washington, D. C., on June 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–5333; Filed, July 1, 1957; 8:49 a. m.]

MARIA H. C. TIMP

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Maria H. C. Timp, Apeldoorn, The Netherlands; Claim No. 60907; Vesting Order No. 17836; $125.00 in the Treasury of the United States.

Ten shares of ten cents par value common stock of Keta Gas and Oil Corporation registered in the name of the Attorney General, which shares are presently in the custody of the Federal Reserve Bank of New York, New York, N. Y.

Seven shares of $5.00 par value common stock of Swan Finch Oil Corporation, registered in the name of the Attorney General, which shares are presently in the custody of the Federal Reserve Bank of New York, New York, N. Y.

Executed at Washington, D. C., on June 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–5334; Filed, July 1, 1957; 8:49 a. m.]

ELMA WICKMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elma Wickman, Stockholm 50, Sweden; Vesting Orders Nos. 10833 and 17996; Claim No. 66391; $2,720.46 in the Treasury of the United States.

Executed at Washington, D. C., on June 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57–5335; Filed, July 1, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 27, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33934: *Petroleum and products—Jacksonville, Fla., to Valdosta, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on petroleum and petroleum products, tank-car loads from Jacksonville, Fla., and grouped origins to Valdosta, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 53 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 33935: *Sulphate of alumina—Bastrop, La., to southern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on alumina sulphate of, dry, carloads, minimum 30,000 pounds, and weights in excess of that minimum, from Bastrop, La., to specified base points in southern territory, and points grouped therewith as taking the same rates.

Grounds for relief: Short-line distance formulas, market competition, and circuitous routes.

Tariff: Supplement 42 to Agent Kratzmeir's tariff I. C. C. 4224.

FSA No. 33936: *Can ends—East St. Louis, Ill., to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on can ends, iron or steel or tin, carloads from East St. Louis, Ill., to Houston, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 200 to Agent Kratzmeir's tariff I. C. C. 4115.

FCA No. 33937: *Styrene—Kobuta, Pa., to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on styrene, liquid, carloads from Kobuta, Pa., to Houston, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 201 to Agent Kratzmeir's tariff I. C. C. 4115.

FSA No. 33938: *Crude petrolatum—New Orleans, La., group to eastern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on crude petrolatum, tank-car loads from New Orleans, La., and group points to specified points in Massachusetts, Michigan, New Jersey, Ohio, and Tennessee.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 53 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 33939: *Ship parts—West Point, Ga., to Blakely and Mobile, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on ship parts, iron or steel, carloads from West Point, Ga., to Blakely and Mobile, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 1 to Agent Spaninger's tariff I. C. C. 1592.

FSA No. 33940: *Potash beet residium—Johnstown, Colo., to southern and southwestern points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on potash beet residium, in bags or in bulk, carloads from Johnstown Colo., to specified points in southern and southwestern territories.

Grounds for relief: Market competition, short-line distance formulas, and circuitous routes.

Tariff: Supplement 6 to Agent Kratzmeir's tariff I. C. C. 4252 Agent W. J. Prueter's tariff I. C. C. A–4205.

FSA No. 33941: *Rice and rice products—Texas points to St. Louis, Mo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rice and rice products, carloads from specified points in Texas to St. Louis, Mo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 68 to Agent Kratzmeir's tariff I. C. C. 4037.

FSA No. 33942: *Petroleum cresylic acid—Texas points to Joliet, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum cresylic acid, tank-car loads from Atreco, Houston and Texas City, Tex., to Joliet, Ill.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 347 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 33943: *Dry goods—Pacific coast points to eastern defined points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dry goods, in bales or boxes, carloads from specified Pacific coast ports (applicable on import traffic) to points in western trunk line (including Illinois points), southwestern and southern territories.

Grounds for relief: Circuitous routes through higher-rated intermediate destination groups.

Tariff: Supplement 44 to Agent Prueter's tariff I. C. C. 1569.

FSA No. 33944: *Iron and steel articles—Birmingham, Ala., group to New Orleans, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Birmingham, Ala., and group points to New Orleans, La.

Grounds for relief: Short-line distance formula, carrier competition and circuitous routes.

Tariff: Supplement 1 to Agent Spaninger's tariff I. C. C. 1592.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57–5314; Filed, July 1, 1957; 8:46 a. m.]

UNIVERSITY OF MICHIGAN
JUL 8 1957
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 128

Washington, Wednesday, July 3, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (3) and (c) (1) and (2) of § 6.142 are amended as set out below.

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* • • •

(3) Until December 31, 1957, six Regional Administrators.

• • • • •

(c) *Federal Housing Administration.* (1) Until December 31, 1957, 80 Field Directors (State, District, and Territorial).

(2) Until December 31, 1957, six Regional Directors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-5370; Filed, July 2, 1957; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 964—HANDLING OF DRIED FIGS PRODUCED IN CALIFORNIA

APPROVAL OF AN AMENDED BUDGET OF EXPENSES AND FIXING AN AMENDED RATE OF ASSESSMENT FOR 1956-57 CROP YEAR

Pursuant to Marketing Agreement No. 123, as amended, and Order No. 64, as amended (7 CFR, Part 964; 21 F. R. 7649), regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation of and information supplied by the Dried Fig Administrative Committee (hereinafter referred to as the committee), the administrative agency for program operations, and other available information, a budget of expenses and a rate of assessment for the 1956-57 crop year were approved in an order signed on October 5, 1956, by F. R. Burke, Acting Deputy Administrator, Marketing Services (21 F. R. 7715). It was determined in said order that expenses in the amount of $26,040 would be reasonable and likely to be incurred by the committee for its maintenance and functioning in the 1956-57 crop year which began on August 1, 1956, and which will end on July 31, 1957. Said order also approved an assessment rate of $1.55 per ton to be paid by each handler to the committee for each ton of salable tonnage dried figs handled by him as the first handler thereof, and on each ton of dried figs sold to him from surplus tonnage for resale as salable, during such crop year. Such total salable tonnage was estimated by the committee to be 16,800 tons.

It has now been determined by the committee that the revenue to be collected from such assessments will be less than anticipated and insufficient to meet the expenses approved in the aforesaid order because the total assessable tonnage will be less than was previously estimated. It has also been determined that the expenses which the committee will incur in the 1956-57 crop year will be slightly in excess of the amount approved in the aforesaid order. Therefore, the committee has recommended that the aforesaid order be amended by an increase in the budget of expenses and an increase in the rate of assessment, as set forth below, and that such amendatory action be effective retroactively to August 1, 1956. Therefore, it is hereby found and determined, and it is ordered, that the said budget of expenses and rate of assessment for the 1956-57 crop year be amended as follows:

§ 964.301 *Budget of expenses of the Dried Fig Administrative Committee and*

(Continued on p. 4683)

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1957)

The following are now available:

Title 6 (Rev. 1956) ($6.00)

Title 26 (1954), Part 221 to end (Rev. 1956) ($4.75)

Previously announced: Title 3, 1956 Supp. ($0.40); Titles 4 and 5 ($1.00); Title 7, Parts 1–209 ($1.75), Parts 210–899 ($2.00), Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 8 ($0.55); Title 9 ($0.70); Titles 10–13 ($1.00); Title 14, Part 400 to end ($1.00); Title 16 ($1.50); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.65); Title 20 ($1.00); Title 21 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($1.00); Title 25 ($1.25); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 26 (1954), Parts 1–169 (Rev. 1956) ($4.25), Parts 170–220 (Rev. 1956) ($2.25); Titles 28 and 29 ($1.50); Titles 30 and 31 ($1.50); Title 32, Parts 1–399 ($1.00), Parts 400–699 ($1.25), Parts 700–799 ($0.50), Parts 800–1099 ($0.55), Part 1100 to end ($0.50); Title 32A ($2.00); Title 33 ($1.50); Titles 35, 36, and 37 ($1.00); Title 38 (Rev. 1956) ($8.00); Title 39 ($0.50); Titles 40, 41, and 42 ($1.00); Title 43 ($0.60); Titles 44 and 45 ($1.00); Title 46, Parts 1–145 ($0.65); Titles 47 and 48 ($2.75); Title 49, Parts 1–70 ($0.65), Parts 91–164 ($0.60), Part 165 to end ($0.70); Title 50 ($0.60)

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rate of assessment for the 1956–57 crop year—(a) *Budget of expenses.* Expenses in the amount of $26,100 are reasonable and likely to be incurred by the committee for its maintenance and functioning for the crop year which began on August 1, 1956, and which will end on July 31, 1957.

(b) *Rate of assessment.* Each handler shall pay to the committee, in accordance with the provisions of the marketing agreement and order, an assessment of $1.74 for each ton of salable tonnage dried figs handled by him as the first handler thereof, and on each ton of dried figs sold to him from surplus tonnage for resale as salable tonnage during the crop year which began on August 1, 1956, and which will end on July 31, 1957. Such assessment rate of $1.74 per ton is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making, or postpone the effective time of this action later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.), in that: (1) The amended rate of assessment hereby fixed is applicable to all salable tonnage dried figs handled by each handler as the first handler thereof, and to all dried figs purchased by him from surplus tonnage for resale as salable tonnage, during the crop year; (2) the committee must be enabled to obtain the additional assessment revenue promptly to defray the expenses of administering the program before the end of the current crop year on July 31, 1957; (3) the increased assessment rate has been unanimously approved by the committee whose membership includes five handler members representing the nine principal handlers in the industry; (4) several handlers have requested rapid approval of the assessment increase since their fiscal year closes on June 30, 1957, and they desire billing before that date; (5) the increased budget is necessary in order to enable the committee to undertake promptly certain necessary activities; and (6) this action will require no advanced preparation by dried fig handlers since they have been expecting this increase since June 5, 1957, the date when such increase was recommended by the committee. It is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 28, 1957, to become effective on the date on which this order is published in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-5380; Filed, July 2, 1957; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING COMMUTED TRAVEL TIME ALLOWANCES

Pursuant to the authority conferred upon the Director, Animal Inspection and Quarantine Division by § 97.1 of the regulations governing overtime services relating to imports and exports (9 CFR, 1957 Supp., Part 97), the administrative instructions issued July 5, 1953 in § 97.2 to prescribe the commuted travel time that shall be included in each period of overtime as described in the said § 97.1 are amended as follows:

§ 97.2 *Administrative instructions prescribing commuted travel time.* Each period of overtime duty as prescribed in § 97.1 shall, in addition, include a commuted travel time period for the respective ports, stations, and areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The period of requested overtime outside of the regular tour of duty may necessitate the services of more than one employee or travel from another point, in which event the commuted travel period as illustrated in this section may differ depending upon the station from which the employee travels. The commuted travel time period for the respective ports stations and areas is as follows:

ONE HOUR

Alburg, Vt. (served from St. Albans, Vt.).
Alexandria Bay, N. Y. (served from Clayton, N. Y.).
Brownsville, Tex.
Buffalo, N. Y.
Calexico, Calif. (served from El Centro, Calif.).
Champlain, N. Y.
Del Rio, Tex.
Derby Line, Vt. (served from Newport, Vt.).
Douglas, Ariz.
Eagle Pass, Tex.
El Paso, Tex.
Highgate Springs, Vt. (served from St. Albans, Vt.).
Hidalgo, Tex.
Houlton, Maine.
Houston, Tex.
Laredo, Tex.
Mobile, Ala.
Monticello, Maine (served from Houlton, Maine).
Mooers Junction, N. Y. (served from Champlain, N. Y.).
Morristown, N. Y. (served from Ogdensburg, N. Y.).
Naco, Ariz.
Newport, Vt.
Nogales, Ariz.
North Troy, Vt. (served from Newport, Vt.).
Noyes, Minn. (served from Pembina, N. Dak.).
Ogdensburg, N. Y.
Pembina, N. Dak.
Portal, N. Dak.
Presidio, Tex.
Port Huron, Mich.
Rio Grande, Tex.
Roma, Tex.
Rouses Point, N. Y. (served from Champlain, N. Y.).
San Juan, P. R.
San Luis, Ariz.
San Ysidro, Calif.
St. Albans, Vt.
Spokane, Wash.
Sweetgrass, Mont.
Yuma, Ariz.

TWO HOURS

Blaine, Wash. (served from Bellingham, Wash.).
Bridgewater, Maine (served from Houlton, Maine).
Galveston, Tex.
Honolulu, T. H.
Indianapolis, Ind.
Island Pond, Vt. (served from Newport, Vt.).
Jacksonville, Fla.
Lynden, Wash. (served from Bellingham, Wash.).
Miami, Fla.
Naco, Ariz. (served from Douglas, Ariz.).
Niagara Falls, N. Y. (served from Buffalo, N. Y.).
Norfolk-Newport News, Va.
Oroville, Wash. (served from Tonasket, Wash.).
Portland, Oreg.
Richford, Vt. (served from St. Albans, Vt.).
San Diego, Calif. (served from San Ysidro, Calif.).
St. Petersburg, Fla. (served from Tampa, Fla.).
Sumas, Wash. (served from Bellingham, Wash.).
Tacoma, Wash. (served from Olympia, Wash.).
Tampa, Fla.
Waddington, N. Y. (served from Ogdensburg, N. Y.).
Yuma, Ariz. (served from San Luis, Ariz.).

THREE HOURS

Antelope Wells, N. Mex. (served from El Paso, Tex.).
Baltimore, Md.
Beechers Falls, Vt. (served from Newport, Vt.).
Boston, Mass.
Calais, Maine (served from Houlton, Maine).
Chateaugay, N. Y. (served from Champlain, N. Y.).
Columbus, N. Mex. (served from El Paso, Tex.).
Del Rio, Tex. (served from Eagle Pass, Tex.).
Detroit, Mich.
Eastport, Idaho (served from Spokane, Wash.).
Eastport, Maine (served from Houlton, Maine).
Fort Covington, N. Y. (served from Ogdensburg, N. Y.).
Fort Fairfield, Maine (served from Houlton, Maine).
Fort Kent, Maine (served from Houlton, Maine).
Hidalgo, Tex. (served from Brownsville, Tex.).

Hogansburg, N. Y. (served from Ogdensburg, N. Y.).
Holeb, Maine (served from Augusta, Maine).
Jackman, Maine (served from Augusta, Maine).
Laurier, Wash. (served from Tonasket, Wash.).
Limestone, Maine (served from Houlton, Maine).
Los Angeles, Calif.
Madawaska, Maine (served from Houlton, Maine).
Malone, N. Y. (served from Champlain, N. Y.).
Newport News, Va. (served from Richmond, Va.).
New Orleans, La.
New York, N. Y.
Nighthawk, Wash. (served from Tonasket, Wash.).
Nogales, Ariz. (served from Tucson, Ariz.).
Philadelphia, Pa.
Porthill, Idaho (served from Spokane, Wash.).
Presidio, Tex. (served from El Paso, Tex.).
Rio Grande City, Tex. (served from Brownsville, Tex.).
Roma, Tex. (served from Brownsville, Tex.).
Rooseveltown, N. Y. (served from Ogdensburg, N. Y.).
San Francisco, Calif.
Sault Ste. Marie, Mich. (served from Lansing, Mich.).
Sasabe, Ariz. (served from Tucson, Ariz.).
Seattle, Wash.
Trout River, N. Y. (served from Champlain, N. Y.).
Van Buren, Maine (served from Houlton, Maine).
Vanceboro, Maine (served from Houlton, Maine).
Wilmington, Del. (served from Phila., Pa.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Animal Inspection and Quarantine Division.

The purposes of this revision are to delete certain ports and stations where employees are no longer stationed, to add several new ports, and to readjust the commuted time allowances at certain other ports.

It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, or contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

These administrative instructions shall be effective July 1, 1957.

(64 Stat. 561; 5 U. S. C. 576)

Done at Washington, D. C., this 25th day of June 1957.

[SEAL] L. C. HEEMSTRA,
Director, Animal Inspection and Quarantine Division.

[F. R. Doc. 57-5381; Filed, July 2, 1957; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-411A]

PART 4a—AIRPLANE AIRWORTHINESS

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; TRIAL OPERATION OF TRANSPORT CATEGORY AIRPLANES IN CARGO SERVICE AT INCREASED ZERO FUEL AND LANDING WEIGHTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of June 1957.

On June 30, 1955, the Civil Aeronautics Board adopted Special Civil Air Regulation No. SR-411 authorizing for a period of 2 years trial operations of transport category airplanes in cargo service at weights in excess of those permitted in passenger service. The weights involved are the zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight. The use of the higher weights is made contingent upon certain findings by the Administrator and upon certain conditions of operation and inspection.

Prior to the adoption of SR-411, trial operations of Douglas DC-6A airplanes at higher weights were authorized in orders issued by the Board to individual carriers. The first of such orders was issued on July 21, 1954. Authorization of the trial operations was predicated on the premise that such operations could eventually lead to the establishment of a sound basis for differentiating between standards for passenger and cargo air carrier operations. The success of the trial operations under the Board's orders led to the promulgation of SR-411 which permits any number of any type of transport category airplane to be operated at increased weights in cargo service. The basic intent of SR-411 was to obtain a more extensive background of operating experience to assure that the conditions governing the trial operations do in fact provide a sound basis for establishing possible future standards for airplanes in cargo operations.

Prior to the effective date of SR-411, there were a total of 6 DC-6A airplanes being used by 3 operators under waivers at higher weights. As of December 30, 1956, such operations encompassed 23 DC-6A airplanes and 5 operators. More recently Lockheed L1049-H airplanes have been introduced in cargo service at increased weights. Results of inspections submitted thus far to the Board have revealed no serious structural defects which could be atributed to operation at the increased weights.

In the preamble to SR-411, the Board indicated that it expected to have interested persons submit their evaluation of the trial operations and recommendations with respect to future regulatory action. In this regard, industry segments directly related to the trial operations under SR-411 recommended that the authorization for trial operations be continued on the basis that such operations have not resulted in any indications of structural distress and on the basis of the economic importance of such trial operations to the promotion and success of cargo service. Based on the foregoing and on the evaluation of the inspection and operational reports submitted by the air carriers, the Board finds that there is sufficient justification to permit the continuation of trial operations beyond June 30, 1957, the termination date of Special Civil Air Regulation No. SR-411. From the operational data submitted by the operators, the scope of operations under SR-411 has been such that substantiation of the conditions for these operations for inclusion in the regulations on a permanent basis will entail a long range program. Consequently, the termination date of this regulation is being established to permit trial operations for an additional five-year period.

In connection with the rule making procedures effected on this matter, it was suggested that the Board extend the trial operations for a period no longer than one or two years on the premise that the shorter time extension would permit closer control of these operations. The Board fails to find any relationship between the extension period and the quality of control exerted over the trial operations inasmuch as the Board intends to continue its evaluation of the inspection reports submitted by the operators at regular intervals and envisions that the industry and the Administrator will do likewise.

Suggestions were also received to the effect that the trial operations should not be limited only to the older type airplanes, as proposed in the notice of proposed rule making; i. e., to airplanes certificated prior to March 13, 1956. In this regard, the Board considers that in view of the new concept of structural design requirements as well as other related changes in these requirements which were introduced on the aforementioned date into Part 4b of the Civil Air Regulations along with the new concept of structural design, it is advisable that some experience be gained with airplanes certificated under those provisons at the normal transport category weights before permitting such airplanes to operate at the higher weight. Accordingly, this special regulation extends the authorization to operate at higher weights only to airplanes certificated in accordance with the transport category requirements in effect prior to March 13, 1956.

It should be noted that, as indicated in the preamble to SR-411, the Board envisions that most of the airplanes taking advantage of this regulation will continue to be used in cargo service solely. However, if any of the airplanes operated under the provisions of this regulation are to be made eligible at any later time for passenger service, the provisions of this regulation require accomplishment of a special inspection and an evaluation of the fatigue limitations. It is suggested that, if it is contemplated to return the airplane to passenger service, the establishment of special inspections and the evaluation of the fatigue limitations be accomplished prior to increasing the airplane weight for cargo service. It is not the intent of this regulation to permit intermittent operations in passenger and cargo service.

The provisions of this regulation differ from the provisions of Special Civil Air Regulation No. SR-411 in that they are made applicable only to airplanes certificated in accordance with the transport category structural requirements effective prior to March 13, 1956; they require inspection and flight data records to be kept available for no longer than one year; and they require flight records (as distinguished from inspection records) to be made only with respect to those flights involving increased weights, rather than for all flights regardless of whether or not they are made at the increased weights.

Interested persons have been afforded an opportunity to participate in the making of this regulation (22 F. R. 3416), and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 1, 1957.

Notwithstanding the applicable structural provisions of the Civil Air Regulations, any air carrier may operate in cargo service transport category airplanes which were certificated under the provisions of Part 4a or Part 4b, effective prior to March 13, 1956, subject to the conditions hereinafter set forth:

(1) The air carrier shall submit an application to the Administrator indicating its desire to operate its airplane(s) under the provisions of this special regulation, and indicating which airplane(s) would be involved.

(2) The air carrier shall furnish a statement from each manufacturer for each type of airplane involved indicating in each case that the airplane manufacturer approves the operation of such type of airplane under the provisions of this regulation and that the airplane manufacturer will establish the inspection procedure prescribed in paragraph (4) of this Special Civil Air Regulation and will supervise such inspection as necessary.

(3) The zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight may be increased beyond the maxima approved in full compliance with the applicable Civil Air Regulations: *Provided*, That the Administrator of Civil Aeronautics finds that the increase in either such weight is not likely to reduce seriously the structural strength, that the probability of sudden fatigue failure is not noticeably increased, and that the flutter, deformation, and vibration characteristics do not fall below those required by the Civil Air Regulations: *And provided further*, That any increase in the zero fuel weight approved shall not exceed 5 percent and that the increase in the structural landing weight shall not exceed the amount, in pounds, of the increase in the zero fuel weight.

(4) Airplanes for which the increased weights become effective shall be subject to inspections in addition to those normally performed, such inspections to be established by the manufacturer of the type airplane concerned, subject to the approval of the Administrator of Civil Aeronautics and to be supervised as found necessary by that manufacturer, to safeguard against possible structural distress resulting from the higher operating stress levels. The air carrier shall keep for a period of at least one year, and make available upon request to the Civil Aeronautics Board, the Administrator of Civil Aeronautics, or the manufacturer of the type of airplane concerned, the records of such inspections.

(5) Airplanes for which the increased weights become effective shall be operated in accordance with the transport category performance operating limitations prescribed in Part 40, 41, or 42 of the Civil Air Regulations, whichever is applicable.

(6) The air carrier shall keep for a period of at least one year and make available upon request to the Civil Aeronautics Board, the Administrator of Civil Aeronautics, or the manufacturer of the type airplane concerned, records of all flights conducted at increased weights with airplanes for which the increased weights become effective, such records to include the actual take-off, zero fuel, and landing weights.

(7) The Airplane Flight Manual of each airplane operating under the provisions of this special regulation shall be appropriately revised so as to include the necessary operating limitations and operating information.

(8) An airplane which has been operated at increased weights under the provisions of this regulation shall not be used for the carriage of passengers, except under the following conditions:

(a) Special inspections established by the manufacturer and approved by the Administrator of Civil Aeronautics shall have been accomplished.

(b) The effects of the operations at increased weights on structural fatigue shall have been evaluated by the airplane manufacturer and taken into account in any fatigue limitations established for the airplane.

This regulation shall terminate on June 30, 1962, unless sooner superseded or rescinded by the Board.

Effective: July 1, 1957.

Adopted: June 28, 1957.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-5385; Filed, July 2, 1957; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

PART 12—LABOR

OVERTIME POLICY FOR PROCUREMENT CONTRACTS

The following instruction affects § 12.102:

I. *Purpose.* The purpose of this Instruction is to effect an immediate, continuing and sharp curtailment in the use of overtime in the performance of all kinds and types of Department of Defense procurement contracts, including production, research and development, and construction. This Instruction amplifies the provisions of § 12.102 with respect to the use of and payment for overtime.

II. *Effect upon § 12.102.* To the extent that this Instruction differs from the provisions of § 12.102 with respect to overtime, this Instruction shall govern.

III. *General policy.* (a) Department of Defense contracts shall be performed without the use of overtime, except as otherwise authorized in this Instruction. Before authorizing overtime premium pay, either in the negotiation of contracts or during the performance of contracts, consideration shall be given to using other sources to obtain required supplies or services. The use of overtime premium pay as a regular part of employee compensation is contrary to the principles of this Instruction. This policy is applicable to all contracts entered into after the effective date of this Instruction.

(b) Unless a determination has been made pursuant to paragraph IV below, the cost of performance of overtime shall not be considered in the negotiation, repricing, or administration of negotiated contracts.

(c) Unless a determination as specified in paragraph IV (i) or (ii) is made, no solicitation for bids or proposals shall require a delivery schedule which may be reasonably anticipated to necessitate overtime.

IV. *Exceptions to general policy.* Overtime premium pay may be authorized at Government expense only when the Secretary or his designee determines in writing that overtime:

(i) Is necessary to meet delivery or performance schedules, and such schedules are determined to be extended to the maximum consistent with essential military objectives; or,

(ii) Will result in over-all lower cost to the Government and such cost advantage is obtained by the Government; or,

(iii) Is necessary:

(A) To eliminate specific production bottlenecks which cannot be eliminated in any other way;

(B) To cope with emergencies resulting from accidents, or natural disasters;

(C) To make up for delays beyond the control and without the fault or negligence of the contractor;

(D) To perform tests, industrial processes, and laboratory procedures which are continuous in nature and cannot reasonably be interrupted or otherwise completed.

The foregoing determinations shall be furnished to the contractor before performance of overtime work, except that in connection with (iii) (B) above the determination may be made and furnished as soon as possible after commencement of the work.

V. *Approval of overtime.* (A) When determinations are made pursuant to paragraph IV above, an authorization to perform overtime shall be included in all contracts other than firm-fixed price type either at the time of execution, by amendment, or by written notice of the contractor, as may be appropriate.

(B) Determinations made pursuant to paragraph IV (iii) above shall be supported by written request of the contractor. The contractor's request shall specify the reasons why overtime is necessary, and shall indicate (i) the specific operations and personnel which will be affected, (ii) the estimated number of hours of overtime to be required for each operation and class of personnel, and (iii) the estimated period of contract performance during which overtime will be required.

(C) Contract provisions or determinations approving overtime shall be limited strictly to the minimum required for the accomplishment of specific work, and shall specifically indicate (i) the operations and per-

sonnel affected; (ii) the location of the plant or other facility and the department or other subdivision thereof; (iii) the maximum number of hours of overtime authorized and (iv) the period of time during which the authorization shall be effective. Contract provisions and notices shall provide for review and alteration by the Government upon a unilateral basis. Authorizations shall be reviewed periodically after they have been in effect for a reasonable period of time not exceeding 60 days to insure that the reasons upon which the determinations were based continue to be valid. Contract provisions shall provide for equitable adjustment pursuant to the Changes clause in the event of reduction or discontinuance of overtime.

(D) Authority to make determinations and approve the performance of overtime shall not be delegable except as follows:

1. Under paragraph IV (i) above, to a designee of the Secretary occupying a position comparable to or higher than the Head of a Procuring Activity.

2. Under paragraph IV (ii) and (iii) above, to a Head of a Procuring Activity with power of redelegation only when the approval authority is limited to not more than 2 percent of total anticipated labor-hours under a contract.

VI. *Departmental coordination.* (A) In the absence of evidence to the contrary, personnel within a military department authorized to approve performance of overtime may rely upon the representation of a contractor that such approval will not adversely affect the performance of other Department of Defense contracts.

(B) Where it is known or indicated that two or more military contracting activities have current contracts at a single facility so scheduled that the authorization of overtime by one contracting activity may affect adversely the performance of contracts of another activity, each of the contracting activities shall concur in the proposed authorization. Where both contracting activities are within one military department the procedures for obtaining concurrence or resolving disagreements shall be prescribed by that department. Where contracting activities of two or more military departments are involved, contracting officers shall obtain from the contractor the name and address of other contracting officers involved, and each shall furnish to the other, on a current basis, the name and address of the individual authorized to approve overtime pursuant to paragraph IV above. When such individuals propose to approve overtime, concurrence shall be obtained from their opposite numbers; in the event of disagreement, the matter shall be submitted to the respective Heads of Procuring Activities for resolution by the most expeditious means through established channels. Disagreements between Heads of Procuring Activities in connection with any of the determinations referred to in paragraph IV above shall be submitted by the most expeditious means through established channels to the Materiel Secretaries, who may refer the matter to the Assistant Secretary of Defense (Supply and Logistics) for final decision.

VII. *Action with respect to existing contracts.* (A) Existing Department of Defense contracts under which overtime work is authorized, or in which it is known that the contract price includes a factor for overtime, shall be reviewed without delay. To the extent that such overtime work does not fall within the exceptions set forth in paragraph IV, above, and savings to the Government may be expected, the following action shall be taken:

1. Contractors shall be requested to reduce or eliminate payment of overtime wages to the maximum extent possible, and, where contractually appropriate, authorization for overtime shall be withdrawn.

2. Where appropriate, performance and delivery schedules shall be extended by (i) supplemental agreement, (ii) change order (if permited by the contract), and authorizations for overtime or the contract price shall be adjusted accordingly.

Any savings resulting from curtailment of overtime shall be recaptured.

(B) Reviews referred to in paragraph (A) above shall include consideration of major first-tier subcontracts, particularly those under prime contracts providing for price redetermination, escalation, incentives; or cost-reimbursement, time and material, and labor-hour type contracts.

(C) In eliminating or reducing overtime previously authorized, consideration may be given to allowance of a reasonable period for resuming operations without overtime.

VIII. *Effective date.* This Instruction is effective upon receipt, and in any event not later than 30 days after the date of this Instruction.

IX. *Implementing instructions.* The military departments shall disseminate the provisions of this Instruction as soon as possible after receipt, and shall furnish a copy of each implementing directive and instruction issued at all levels to this office within 30 days after the date of this Instruction. All implementing instructions shall be made effective upon receipt, and in any event not later than 30 days after the date of this Instruction.

X. *Records.* Records will be maintained sufficient to enable the military departments to provide this office, upon request by separate action, with information concerning the progress made in the objectives of this instruction.

(R. S. 161; 5 U. S. C. 22)

PERKINS MCGUIRE,
Assistant Secretary of Defense,
(Supply and Logistics).

JUNE 27, 1957.

[F. R. Doc. 57-5356; Filed, July 2, 1957; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

MISCELLANEOUS AMENDMENTS

ICA Regulation 1 is amended as follows:

1. Section 201.5 (a) (4) is added to read as follows:

(4) *Inland transportation.* Inland transportation other than within the cooperating country (except to the first port of entry) will be eligible for financing under commodity and service PAs or PIOs provided that such transportation services are delivered on or after the initial delivery date and on or before the terminal delivery date specified on the PA or PIO. The date of delivery of inland transportation services shall be deemed to be the date of the related railway, barge, truck or airway bill of lading, submitted under § 201.18.

2. In § 201.6, paragraph (n) is redesignated paragraph (p) and the following new paragraphs (n) and (o) are added:

(n) *U. S. flag vessel shipping requirement.* (1) The cooperating country will ensure that at least 50 percent of the gross tonnage of all ICA-financed commodities transported to it on ocean vessels during each U. S. fiscal year as well as each quarterly period thereof is transported on privately-owned U. S. flag commercial vessels. The foregoing requirement applies separately for dry bulk carrier shipments, dry cargo liner shipments, and tanker shipments and also applies separately for shipments (i) from the U. S.; (ii) from Europe and Africa; (iii) from the area of the Near East and South Asia; (iv) from Latin America and Canada; and (v) from the area of the Far East. If the foregoing requirement is not met with respect to shipments made during any fiscal year or quarter thereof, the cooperating country will pay promptly to the Director upon demand whatever amount, reimbursed by ICA for commodities, marine insurance, and transportation in shipments directed to the cooperating country during that period of time, as the Director in his discretion shall consider necessary to effect a compliance by the cooperating country with the foregoing requirement for that period of time.

(2) Any cooperating country may at any time apply to the Office of Transportation, ICA, Washington, D. C., for an administrative determination with respect to any proposed shipment that no privately-owned U. S. flag commercial vessel is available for such shipment at fair and reasonable rates for such a vessel. In the event that the Office of Transportation shall make such a determination of non-availability, it will advise the cooperating country thereof. Tonnage involved in any or all shipments included in the determination of non-availability of U. S. flag vessels may or may not be excluded from the total tonnage of the fiscal year and the relevant quarter thereof for at least 50 percent of which the cooperating country must ensure transportation on U. S. flag vessels. The determination concerning such exclusion shall be made by the Office of Transportation after a review of all pertinent factors relating to all ICA-financed shipments to the cooperating country during the relevant fiscal year and quarterly period, and the cooperating country shall be advised thereof by the Office of Transportation.

(o) *Transportation limitations.* ICA will not finance commodities or the transportation thereof which are shipped to cooperating countries by any transportation medium owned, operated or under the control of any country not included within the meaning of Code 99 as defined in the ICA Geographic Code Book (as amended).

3. Section 201.7 (a) is amended to read as follows:

(a) Ocean transportation PAs and, in the case of shipments where the supplier pays the ocean freight either for his own or the buyer's account, the PAs or PIOs for the commodity involved, may be used by the cooperating country to cover dollar and/or local currency services furnished in connection with the shipment of:

(1) ICA-financed cargoes to the cooperating country on flag vessels of countries included within the meaning of Code 99 as defined in the ICA Geographic Code Book (as amended) but excluding those of the cooperating country, (i) where ICA dollar reimbursement is requested, to the extent that payment for such services is made in dollars in accordance with the custom of the trade, or, if not in accordance with the custom of the trade, only if approved by the Office of Transportation, ICA, Washington, D. C.; and (ii) where ICA local currency reimbursement is requested, to the extent that payment for such services is made in the specified local currency in accordance with the custom of the trade or other acceptable local currencies.

(2) Non-ICA financed cargoes to any cooperating country on United States flag vessels.

(3) Non-ICA-financed cargoes on flag vessels of countries included within the meaning of Code 99 as defined in the ICA Geographic Code Book (as amended), but excluding the United States or the cooperating country, but only in special circumstances where specifically authorized in writing by ICA to do so pursuant to a request in writing.

4. Section 201.7 (c) (1) (i) is amended to read as follows:

(i) Reimbursement will be made for cost of shipment from ports of loading to ports of discharge at rates established by charter parties.

5. Section 201.12 is amended to read as follows:

§ 201.12 *Marking requirements.* (a) All commodities, and their shipping containers, furnished to cooperating countries under ICA-financing (whether from the U. S. or other source country), must carry the official ICA emblem designed for the purpose. This identification shall be affixed by metal plate, decalcomania, stencil, label, tag, or other means, depending upon the type of commodity or shipping container and the nature of the surface to be marked. The emblems placed on the commodities must be approximately as durable as the trade mark or company or brand name affixed by the producer; the emblems on the shipping containers must be legible until they reach the consignee.

(b) (1) The size of the emblem may vary depending upon the size of the commodity, package or shipping container to be marked, but must be large enough to be clearly visible at a reasonable distance. In addition, the shipping container will indicate clearly the last set of digits of the ICA, PA, PIO, or other authorization number in characters at least equal in height to the shipper's marks.

(2) The emblem will appear in the colors shown on the samples available in the Office of Small Business, International Cooperation Administration, Washington 25, D. C., or in the offices of the USOMs in the respective cooperating countries.

(c) (1) Raw materials (including grain, coal, petroleum, oil and lubricants) shipped in bulk, vegetable fibers packaged in bales, and semifinished products which are not packaged in any way are, to the extent compliance is impracticable, excepted from the marking requirements of this section. However, the emblem will be prominently displayed on all ships during loading and unloading when their cargoes consist entirely of ICA-financed goods. Instructions relating to display of the emblem by ships will be furnished by the charterers to the carriers with their charter parties.

(2) If compliance with the provisions of this section is found to be impracticable with respect to other commodities, the cooperating country or supplier will promptly request the Office of Small Business, International Cooperation Administration, Washington 25, D. C., for an exception from the requirements of this section.

6. In paragraph (a) of § 201.13, the phrase "or anyone acting in his behalf" is added to the first sentence after the words "the importer" and before the words "before placing or agreeing to place any order".

7. Paragraphs (b), (c), (d), (e), and (f) of § 201.13 are amended to read as follows:

(b) The importer or anyone acting in his behalf shall not accept any offer or place any order or agree to accept any offer or place any order under such a subauthorization until after 30 days have elapsed from the time that the information described in paragraph (a) of this section reaches, or in the normal course of the mail would reach, the Office of Small Business, ICA, Washington, D. C. The Office of Small Business may, upon application by the importer or anyone acting in his behalf, waive or reduce the 30 day waiting period where such action is deemed appropriate by the Office of Small Business.

(c) When procurement is undertaken on the basis of formal bids, the importer or anyone acting in his behalf, in lieu of furnishing the information described in paragraph (a) of this section, shall transmit so as to be received by the Office of Small Business, ICA, Washington, D. C., at least 30 days before the closing date for bids three copies in the English language of the complete invitation for bids (including specifications according to United States standards, terms and conditions, the closing hour and date for bids, the applicable invitation number, and the address where invitation forms and complete specifications may be obtained by prospective suppliers). English language copies of the foregoing complete invitation for bids will be furnished free of charge to both the Office of Small Business and, upon their request, to prospective American suppliers. For this purpose, the importer or anyone acting in his behalf at the time he transmits the three aforementioned copies to the Office of Small Business will likewise transmit fifty copies to a place in the United States designated to him by the cooperating country, which place shall be mutually agreed upon by the Office of Small Business and the cooperating country.

(d) In all cases where the information or complete invitation for bids required by paragraphs (a) and (c) of this section as received by the Office of Small Business does not fully comply with the requirements of those respective paragraphs, the Office of Small Business will return the same to the sender with instructions for revision and the 30-day period prescribed by paragraph (b) or (c) of this section, whichever is relevant, shall be considered to run from the date the Office of Small Business receives such information or complete invitation to bid as fully complies with the requirements of paragraph (a) or (c) of this section, respectively.

(e) The provisions of paragraphs (a), (b), (c), and (d) of this section shall not apply to imports of agricultural commodities (as included in ICA Commodity Codes 010 through 236 except 220) except as otherwise specifically provided for in any PA or PIO covering agricultural commodities.

(f) (1) Where purchases of any commodity (including any agricultural commodity) are made on the basis of formal invitation for bids, the importer or anyone acting in his behalf shall, within 30 days after making the award, furnish the Office of Small Business, ICA, Washington, D. C., an abstract of the bids showing the names and addresses of all bidders and their principals, if any (including manufacturers or processors of the commodity wherever known); the bids they submitted in terms of commodities, quantity, and prices; and the name and address of the successful bidder or bidders.

(2) The abstract shall not be required where purchases are undertaken on any basis other than a formal invitation for bids unless the Office of Small Business, ICA, Washington, D. C., specifically requests such an abstract. In the case of such a request, the importer, or anyone acting in his behalf, shall, within 30 days, furnish the Office of Small Business an abstract of all price quotations or offers received showing the names and addresses of all offerors and their principals, if any (including manufacturers or processors of the commodity wherever known); the offers they made in terms of commodities; quantity and price; and the name and address of the person or persons with whom the order was placed or agreed to be placed.

8. Paragraph (g) of § 201.13 is stricken.

9. In § 201.16, that portion of the first sentence of paragraph (c) (6) before the clause commencing "Provided, however," is amended to read as follows: "The Director, with respect to a PA or PIO, and a Director, USOM, with respect to a PIO, reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify or revoke the PA or PIO (including termination of deliveries thereunder);".

10. In § 201.18 (a), that portion of the first sentence prior to subparagraph (1) is amended to read as follows: "(a) For cost of any commodity including the costs of freight and/or marine insurance

where the supplier pays such costs either for his own or the buyer's account under a commodity PA or PIO:".

11. Section 201.18 (a) (2) (i) is amended to read as follows:

(2) (i) Supplier's certificate, in triplicate, with invoice-and-contract abstract on reverse side (Form ICA-280), set out in paragraph (d) of this section), covering the following:

(a) The cost of the commodity, including the costs of ocean freight and/or marine insurance when such costs are paid by the supplier for his own or the buyer's account under a commodity PA or PIO to be executed by the supplier of the commodity.

(b) The cost of ocean freight to be executed by the ocean carrier.

(c) The cost of marine insurance to be executed by the insurer, insurance broker, or underwriter.

12. In § 201.18 (b), that portion of the first sentence prior to subparagraph (1) is amended to read as follows: "(b) For cost of ocean transportation, including ocean freight paid by the supplier of the commodity under instructions to pay the same under an ocean transportation PA."

13. Paragraphs (b) (2), (c) (2), and (d) (4) of § 201.18 are amended by striking therefrom the word "duplicate" wherever it appears and by inserting in lieu thereof the word "triplicate".

14. Section 201.25 is amended to read as follows:

§ 201.25 *Transitory provision.* The foregoing amendments to § 201.6 will take effect as of July 1, 1957; the other foregoing amendments will take effect as of July 15, 1957. However, none of the foregoing amendments will be applicable to claims for reimbursement from, or payments made to, a supplier pursuant to letters of credit issued, confirmed or advised, or payment instructions received, prior to July 15, 1957.

(Sec. 525, 68 Stat. 856, as amended; 22 U .S. C. 1785)

JOHN B. HOLLISTER,
Director, International Cooperation Administration.

JUNE 27, 1957.

[F. R. Doc. 57-5375; Filed, July 2, 1957; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

WEEKLY CLOSED PERIOD

Basis and purpose. In compliance with the requirements of paragraph (a) of § 104.5 announcement is made that the number of units of gear by district in Bristol Bay registered to fish during the week ending July 6, 1957 is as follows:

	Units
Nushagak district	329
Naknek-Kvichak district	476
Egegik district	95
Ugashik district	67

In order to permit uneven fishing periods it will be necessary to further amend § 104.5. Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 104.5 is further amended by adding a new paragraph designated (d) to read as follows:

(d) Notwithstanding the provisions of paragraph (b) of this section for the week ending July 6, 1957, the weekly closed period is amended to prohibit fishing except as follows:

Naknek-Kvichak district: From 9 o'clock antemeridian July 1 to 9 o'clock antimeridian July 2 and from 9 o'clock antemeridian July 4 to 9 o'clock postmeridian July 4.

Ugashik district: From 9 o'clock antemeridian July 1 to 9 o'clock antemeridian July 2 and from 9 o'clock antemeridian July 4 to 9 o'clock antemeridian July 5.

Nushagak district: From 9 o'clock antemeridian July 1 to 9 o'clock antemeridian July 2 and from 9 o'clock antemeridian July 4 to 9 o'clock antemeridian July 5.

Egegik district: From 9 o'clock antemeridian July 1 to 9 o'clock postmeridian July 2 and from 9 o'clock antemeridian July 4 to 9 o'clock postmeridian July 5.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-5439; Filed, July 1, 1957; 2:08 p. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

MISCELLANEOUS AMENDMENTS

1. Section 222.16 (b), (4) is amended to read as follows:

§ 222.16 *Termination of contract of insurance by assignment.* • • •

(b) • • •

(4) Any participation in a mortgage by two or more approved mortgagees under an agreement which provides that one of the participants shall be the mortgagee of record under the contract of mortgage insurance and that the Federal Housing Commissioner shall be under no obligation to recognize or deal with the other participants with respect to the obligations of the mortgagee under the contract of insurance or the rights of the mortgagee to obtain the benefits of the contract of insurance.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

2. Section 232.25 is amended to read as follows:

§ 232.25 *Form of contract.* The form of contract between the mortgagor and builder shall be determined in accordance with the following:

(a) If it is established to the satisfaction of the Commissioner that neither the mortgagor nor any of the officers, directors, or stockholders of the mortgagor have any interest in the builder or contractor, there may be used a lump sum form of contract providing for payment of a specified amount.

(b) If it is determined by the Commissioner that the mortgagor, its officers, directors or stockholders have any interest, financial or otherwise, in the builder or contractor, the form of contract shall provide for payment of the actual cost of construction, not to exceed an upset price and may provide for payment of a builder's fixed fee in addition thereto. The builder's fixed fee shall not exceed a reasonable allowance therefor as established by the Commissioner, in accordance with customary practices in the area.

(c) If it is determined by the Commissioner that the mortgagor, its officers, directors or stockholders have any interest, financial or otherwise, in any subcontractor or material supplier, the mortgagor must certify in a form prescribed by the Commissioner prior to final endorsement of the mortgage for insurance that the amounts paid to such subcontractor or material supplier were not more than the rate prevailing in the locality for similar type labor and materials.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., June 28, 1957.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57-5378; Filed, July 2, 1957; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 716, 717, 718, 719]

[Administrative Order 486]

HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY; WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY; CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY; NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY; SWEATER AND KNIT SWIMWEAR INDUSTRY

RESIGNATION AND APPOINTMENT OF COMMITTEE MEMBER

Benjamin H. Lerner, of New York, New York, appointed an employer member of Industry Committees Nos. 31-A, 31-B, 31-C, 31-D, and 31-E by Administrative Order No. 483 (22 F. R. 3757), has resigned from such committees. The Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints George Marlin of New York, New York, to serve in Benjamin H. Lerner's stead on such committees as an employer representative.

This order amends Administrative Order No. 483.

Signed at Washington, D. C., this 27th day of June 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-5379; Filed, July 2, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Buffalo 034904 et al.]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 26, 1957.

1. In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976) the following described lands have been reconveyed to the United States under the application numbers indicated:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BUFFALO—034904

T. 20 N., R. 85 W.,
Sec. 16, NW¼.
T. 23 N., R. 85 W.,
Sec. 16, SE¼.
T. 20 N., R. 88 W.,
Sec. 36, All.
T. 21 N., R. 89 W.,
Sec. 36, All.
T. 22 N., R. 89 W.,
Sec. 36, All.
T. 24 N., R. 90 W.,
Sec 36, All.
T. 25 N., R. 91 W.,
Sec. 36, All.
T. 26 N., R. 91 W.,
Sec. 36, All.
T. 17 N., R. 98 W.,
Sec. 36, All.
T. 18 N., R. 99 W.,
Sec. 16, All.
T. 17 N., R. 105 W.,
Sec. 16, All.
T. 25 N., R. 109 W.,
Sec. 16, N½, N½SW¼, SW¼SW¼.
T. 26 N., R. 109 W.,
Sec. 36, All.
T. 15 N., R. 110 W.,
Sec. 36, SE¼, S½SW¼.

BUFFALO—035712

T. 14 N., R. 95 W.,
Sec. 16, All.
T. 17 N., R. 95 W.,
Sec 16, All.
T. 26 N., R. 98 W.,
Sec. 36, W½, SE¼.
T. 26 N., R. 99 W.,
Sec. 36, All.
T. 19 N., R. 101 W.,
Sec. 16, All;
Sec. 36, NE¼, E½NW¼, NW¼NW¼.

CHEYENNE—059735

T. 51 N., R. 91 W.,
Sec. 16, SE¼.
T. 54 N., R. 91 W.,
Sec. 36, NW¼, NW¼SW¼.
T. 57 N., R. 96 W.,
Sec. 16, S½SE¼.

CHEYENNE—059736

T. 13 N., R. 96 W.,
Sec. 36, All.
T. 22 N., R. 97 W.,
Sec. 16, All.
T. 23 N., R. 97 W.,
Sec. 36, All.

CHEYENNE—059737

T. 15 N., R. 95 W.,
Sec. 36, SW¼SW¼, N½SW¼, SE¼.
T. 21 N., R. 97 W.,
Sec. 16, All.
T. 22 N., R. 97 W.,
Sec. 36, All.

CHEYENNE—059738

T. 13 N., R. 96 W.,
Sec. 16, NE¼NE¼.
T. 14 N., R. 96 W.,
Sec. 16, NE¼NE¼.
T. 21 N., R. 97 W.,
Sec. 36, N½, N½SW¼.

CHEYENNE—059757

T. 14 N., R. 97 W.,
Sec. 16, All;
Sec. 36, All.
T. 15 N., R. 97 W.,
Sec. 36, N½.
T. 16 N., R. 97 W.,
Sec. 16, SE¼;
Sec. 36, All.

CHEYENNE—059758

T. 12 N., R. 97 W.,
Sec. 16, All.
T. 13 N., R. 97 W.,
Sec. 16, All.
T. 15 N., R. 97 W.,
Sec. 36, S½.
T. 16 N., R. 97 W.,
Sec. 16, S½NW¼, SW¼.
T. 22 N., R. 98 W.,
Sec. 16, All.
T. 26 N., R. 98 W.,
Sec. 16, All.

CHEYENNE—059768

T. 18 N., R. 98 W.,
Sec. 16, S½, SE¼NW¼, N½NE¼;
Sec. 36, All.

CHEYENNE—059769

T. 13 N., 98 W.,
Sec. 36, N½.
T. 16 N., R. 98 W.,
Sec. 16, All;
Sec. 36, All.
T. 18 N., R. 98 W.,
Sec. 16, S½NE¼.

CHEYENNE—059770

T. 13 N., R. 98 W.,
Sec. 16, All;
Sec. 36, NW¼SW¼.

CHEYENNE—059772

T. 13 N., R. 98 W.,
Sec. 36, SE¼, NE¼SW¼.

CHEYENNE—059777

T. 18 N., R. 98 W.,
Sec. 16, N½NW¼, SW¼NW¼.
T. 19 N., R. 98 W.,
Sec. 16, All;
Sec. 36, All.
T. 20 N., R. 98 W.,
Sec. 16, All;
Sec. 36, All.
T. 21 N., R. 98 W.,
Sec. 16, NW¼, S½;
Sec. 36, All.
T. 22 N., R. 98 W.,
Sec. 36, All.

CHEYENNE—060708

T. 17 N., R. 94 W.,
Sec. 36, All.
T. 18 N., R. 94 W.,
Sec. 16, All;
Sec. 36, All.
T. 19 N., R. 94 W.,
Sec. 36, All.
T. 20 N., R. 94 W.,
Sec. 16, SW¼, N½N½SE¼, SE¼NE¼SE¼,
SW¼NW¼SE¼, W½SW¼SE¼.
T. 13 N., R. 98 W.,
Sec. 36, S½SW¼.
T. 21 N., R. 99 W.,
Sec. 16, All;
Sec. 36, N½.
T. 21 N., R. 120 W.,
Sec. 36, W½NW¼, SE¼NW¼, S½.

CHEYENNE—061476

T. 14 N., R. 96 W.,
Sec. 36, All.
T. 19 N., R. 95 W.,
Sec. 16, SW¼SE¼;
Sec. 36, All.
T. 19 N., R. 96 W.,
Sec. 16, All.
T. 26 N., R. 95 W.,
Sec. 16, All.
T. 26 N., R. 98 W.,
Sec. 36, NE¼.

CHEYENNE—066011

T. 21 N., R. 82 W.,
Sec. 16, SE¼NE¼.
T. 24 N., R. 85 W.,
Sec. 36, All.
T. 24 N., R. 86 W.,
Sec. 36, All.
T. 23 N., R. 88 W.,
Sec. 36, SE¼NE¼.

T. 24 N., R. 89 W.,
Sec. 36, E½SE¼, NW¼SE¼.
T. 19 N., R. 92 W.,
Sec. 16, E½, SW¼, S½NW¼.
T. 14 N., R. 96 W.,
Sec. 16, SE¼NE¼.
T. 21 N., R. 98 W.,
Sec. 16, NE¼.

CHEYENNE—062360

T. 17 N., R. 98 W.,
Sec. 16, All.
T. 19 N., R. 105 W.,
Sec. 16, All.
T. 17 N., R. 110 W.,
Sec. 36, E½SE¼.
T. 17 N., R. 112 W.,
Sec. 36, S½.

CHEYENNE—065600

T. 44 N., R. 100 W.,
Sec. 11, SE¼SW¼;
Sec. 14, NW¼NW¼, S½NW¼, SW¼, S½SE¼.

Containing approximately 40,080 acres of public land.

2. All minerals in the above described lands, both leasable and locatable, have been reserved by the grantors, with the exception of the lands described under Cheyenne 065600, which were patented under the Act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), and have been open to mineral leasing and mining location at all times.

3. The individual tracts are widely scattered throughout Wyoming, with topography that ranges from moderately rolling to rough and mountainous. The lands are generally arid. At the lower elevations vegetation consists of saltbush, sagebrush and other low-growing shrubs. At the higher elevations there are perennial grasses, browse plants and small amounts of timber having no commercial value. The lands have some value for grazing by range livestock, but in general are unsuitable for cultivation or other higher forms of use.

4. No application for these lands will be allowed under the homestead desert land, small tract or any other non-mineral public law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be ajudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, presented prior to 10:00 a. m. on August 1, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 31, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above presented prior to 10:00 a. m. on October 31, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. Persons claiming veterans preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. The lands described below are restored to the extent they were not heretofore subject to application and selection by reason of reconveyance to the United States, but they remain subject to other withdrawals pursuant to the authorities cited:

SIXTH PRINCIPAL MERIDIAN, WYOMING

CHEYENNE—060708

T. 20 N., R. 94 W.,
Sec. 16, SW¼NE¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, SE¼SE¼.

Included in Air Navigation Site #141 pursuant to the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 211–214), as amended.

CHEYENNE—062360

T. 19 N., R. 108 W.,
Sec. 16: All.

Included in First Form Reclamation Withdrawal for the Green River Project under the act of June 17, 1902 (32 Stat. 388).

CHEYENNE—066012

T. 39 N., R. 82 W.,
Sec. 16: All.

Included in Stock Driveway #128, under section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300).

8. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 929, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 57-5372; Filed, July 2, 1957; 8:50 a. m.]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER FOR OPENING OF PUBLIC LANDS

JUNE 24, 1957.

In accordance with Delegation of Authority contained in section 3.4 and 3.5, Order 541 of April 21, 1954, Bureau of Land Management (19 F. R. 2473), it is ordered as follows:

1. A plat of survey of the lands described as follows will be officialy filed in the Anchorage Land Office, Anchorage Alaska, effective at 10:00 a. m., on July 30, 1957:

SEWARD MERIDIAN

T. 14 N., R. 1 W.,
Sec. 9: All;
Sec. 15: S½;
Sec. 16: All;
Sec. 19: All;
Sec. 20: All;
Sec. 21: All;
Sec. 22: All.

Aggregating 4,145.88 acres.

2. The following described land is a school section as reserved for the Territory by the act of March 4, 1915 (38 Stat. 1214), as amended (48 U. S. C. 353), and except for valid existing claims, is not subject to disposition under the public land laws:

SEWARD MERIDIAN

T. 14 N., R. 1 W.,
Sec. 16: N½, NE¼SE¼.

Aggregating 360 acres.

3. The following described lands are withdrawn by Power Site Classification Orders No. 107 and 399 for power purposes for the Federal Power Commission and are not subject to disposition under the public land laws:

a. Power Site Classification No. 107

SEWARD MERIDIAN

T. 14 N., R. 1 W.,
Sec. 16: S½S½;
Sec. 19: Lot 1, NE¼NW¼, N½NE¼;
Sec. 21: N½, N½SE¼, SE¼SE¼;
Sec. 22: SW¼NE¼, S½.

Aggregating 1,116.21 acres.

b. Power Site Classification No. 399

SEWARD MERIDIAN

T. 14 N., R. 1 W.,
Sec. 20: W½NE¼, SE¼NE¼, E½NW¼, SW¼NW¼;
Sec. 22: NE¼NW¼.

Aggregating 280 acres.

4. Pursuant to Determination DA-59-Alaska of November 4, 1952, of the Federal Power Commission the following described lands, which are reserved for power purposes by Power Site Classifications No. 107 of June 12, 1925 and No. 399 of March 29, 1950 are hereby restored to disposition under the public land laws as set forth in Paragraph 5A, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended:

a. Power Site Classification No. 107

SEWARD MERIDIAN

T. 14 N., R. 1 W.,
Sec. 15: SW¼SW¼;
Sec. 16: NW¼SE¼, N½SW¼;
Sec. 20: NE¼NE¼;
Sec. 22: SE¼NE¼, NW¼NW¼, S½NW¼.

Aggregating 360 acres.

b. Power Site Classification No. 399

SEWARD MERIDIAN

T. 14 N., R. 1 W.,
Sec. 20: NW¼NW¼;
Sec. 22: NW¼NE¼.

Aggregating 80 acres.

Any disposition of these lands shall be subject to the stipulation that if and when the land is required in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1, excluding those described in Paragraphs 2 and 3 are hereby opened to filing of applications, selections and locations in accordance with the following:

(A) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(B) All valid applications by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on July 30, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 29, 1957, will be governed by the time of filing.

(C) Commencing at 10:00 a. m., on October 29, 1957, any of the lands not settled upon or entered by veterans shall become subject to settlement and appropriation by the public generally.

6. Persons claiming veterans preference rights under Paragraph 5 (B) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to the notice can be found in Title 43 of Code of Federal Regulations.

7. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Box 1740, Anchorage, Alaska.

VIRGIL O. SEISER,
Manager.

[F. R. Doc. 57-5371; Filed, July 2, 1957; 8:49 a. m.]

[1652138]

OREGON

PARTLY REVOKING AIR NAVIGATION SITE WITHDRAWAL NO. 107; CORRECTION

JUNE 27, 1957.

That portion of paragraph 1 of the order of the Lands and Minerals Officer, Bureau of Land Management, Portland, Oregon, just prior to the land description, which order appears as Federal Register Document 57-4990 at page 4326 of the issue for June 19, 1957, is corrected to read as follows:

1. Air Navigation Site Withdrawal No. 107 dated October 22, 1936 is hereby revoked so far as it affects the following-described lands:

E. J. THOMAS,
Acting Director.

[F. R. Doc. 57-5357; Filed, July 2, 1957; 8:46 a. m.]

[Classification 563]

CALIFORNIA

SMALL TRACT CLASSIFICATION; AMENDMENT

JUNE 20, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), paragraph 1 of Federal Register Document 57-4460, appearing on page 3895 of the issue for June 4, 1957, is hereby amended to include the following land descriptions:

SAN BERNARDINO BASE AND MERIDIAN

T. 4 N., R. 2 E.,
Sec. 2, E½, E½NW¼, NW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 4, W½, N½NE¼, W½SE¼, SE¼SE¼;
Sec. 5, S½;
Sec. 6, S½, S½N½, NW¼NW¼;
Sec. 10, N½, SE¼;
Sec. 11, All;
Sec. 12, W½;
Sec. 14, N½, SE¼, N½SW¼;
Sec. 15, S½, NW¼.
T. 3 N., R. 5 E.,
Sec. 1, All;
Sec. 2, All;
Sec. 3, E½;
Sec. 9, NE¼;
Sec. 10, NW¼;
Sec. 11, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 12, NW¼SW¼, S½SW¼NW¼, E½W½;
Sec. 13, E½NW¼;
Sec. 14, S½NW¼, NE¼;
Sec. 15, NE¼;
Sec. 28, W½SE¼, E½SW¼;
Sec. 30, S½;
Sec. 32, N½;
Sec. 33, N½.

R. G. SPORLEDER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-5358; Filed, July 2, 1957; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11786, 11787; FCC 57M-621]

WEST SHORE BROADCASTING CO. AND WESTPORT BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; for construction permits.

On the oral request of counsel for the applicants, and without objection by counsel for the Broadcast Bureau: *It is ordered*, This 27th day of June 1957, that the time for the further conference now scheduled for June 27, 1957, and the time for the beginning of the evidentiary hearing now scheduled for July 11, 1957, are further continued to a date to be set by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5376; Filed, July 2, 1957; 8:50 a. m.]

[Docket Nos. 12047, 12048; FCC 57M-622]

FRONTIER BROADCASTING CO. AND WESTERN NEBRASKA TELEVISION, INC.

ORDER CONTINUING HEARING

In re applications of Frontier Broadcasting Company, Alliance, Nebraska, Docket No. 12047, File No. BPCT-2194; Western Nebraska Television, Incorporated, Alliance, Nebraska, Docket No. 12048, File No. BPCT-2205; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a schedule for the above-entitled proceeding;

It appearing that an informal conference was held on June 25, 1957, at which certain agreements were reached by the parties and confirmed by the Hearing Examiner regarding the preparation and exchange of exhibits and the date for commencing the hearing; and

It further appearing that the hearing is currently scheduled to commence with a conference on July 22, 1957, but that owing to the conflict of other dates and for other reasons the hearing could not be concluded prior to August 1; and

It further appearing that the hearing would proceed more expeditiously if commenced at a date in September;

It further appearing that the parties will exchange their written affirmative cases by September 16, 1957; that they will meet in a prehearing conference on September 24, at which time requests for additional material or for cross-examination of witnesses may be made; and that the presentation of evidence will commence on October 1, 1957;

It is ordered, This 27th day of June 1957, that the hearing is continued from July 22 to September 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5377; Filed, July 2, 1957; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8640]

AMERICAN AIRLINES, INC., AND BRANIFF AIRWAYS, INC.; CHICAGO-MEXICO CITY ROUTE CASE

NOTICE OF ORAL ARGUMENT

In the matter of an investigation to determine whether the certificates of public convenience and necessity of American Airlines, Inc., or Braniff Airways, Inc., should be amended to authorize service over a Chicago-Mexico City route, and whether the existing certificates of either of said carriers for their international routes between the United States and Mexico should be suspended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 25, 1957, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 28, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5386; Filed, July 2, 1957; 8:52 a. m.]

[Docket No. SR-2258]

LEONARD J. SPECHT

NOTICE OF ORAL ARGUMENT

In the matter of the proceeding instituted by the Administrator of Civil Aeronautics requesting the Board to either suspend or revoke the airline transport pilot certificate held by Leonard J. Specht.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 17, 1957, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board. The Administrator has been allotted 30 minutes; and counsel for Leonard J. Specht, 30 minutes to be presented in that order. The Administrator may reserve one-quarter of his allotted time for rebuttal.

Dated at Washington, D. C., June 27, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5387; Filed, July 2, 1957; 8:52 a. m.]

[Docket Nos. 8258, 8295]

SLICK AIRWAYS, INC., AND FLYING TIGER LINE, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of Slick Airways, Inc., Docket No. 8258; Flying Tiger Line, Inc., Docket No. 8295.

In the matter of the applications of Slick and Flying Tigers in Dockets Nos. 8258 and 8295, as to whether the provisions in their certificates which prohibit intra-area operations should be modified or removed.

Notice is hereby given that a prehearing conference in the above-entitled applications is assigned to be held on July 9, 1957, at 10:00 a. m., e. d. s. t., in Room 1011, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., June 27, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5388; Filed, July 2, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12798]

ARGO OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JUNE 27, 1957.

Argo Oil Corporation (Argo) on June 3, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Letter, dated May 24, 1957; (2) Notice of Change, undated.
Purchaser: Texas Illinois Natural Gas Pipe Line Company.
Rate schedule designation: (1) Supplement No. 7 to Argo's FPC Gas Rate Schedule No. 22; (2) Supplement No. 8 to Argo's FPC Gas Rate Schedule No. 22.
Effective date: [1] August 1, 1957.

In support of the proposed renegotiated increased rate of 14.1344¢ per Mcf,[2] Argo states that the contract provides that for the five year period commencing August 1, 1957, a fair and reasonable price shall be determined by negotiation between the parties taking into consideration the current area prices for similar quantities of similar gas, the average of the three highest prices paid by three other comparable pipe line companies purchasing gas in Texas under analogous conditions, with due consideration to the location of the gas in relation to consuming centers and all other relevant factors, but not less than 13¢ per Mcf.

Argo also states that as the result of the arm's length bargaining and taking into consideration the interests of buyer, seller and consuming public the parties agreed on a price of 14¢ per Mcf plus partial reimbursement for Texas taxes. Argo gives no further details as to the factors or prices considered in the negotiations. Among other things, Argo asserts that the proposed price is no higher than necessary to give it a fair return on its investment, provide for cost of service and encourage exploration, but submits no cost data.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until January 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5359; Filed, July 2, 1957; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Argo, if later.

[2] Including tax reimbursement.

[Docket Nos. G-1248, et al.]

TENNESSEE GAS TRANSMISSION CO., ET AL.

NOTICE OF PETITION FOR MODIFICATION OF ORDER

JUNE 27, 1957.

Take notice that on June 5, 1957, Tennessee Gas Transmission Company (Applicant), a Tennessee corporation having its principal place of business in Houston, Texas, filed a petition in Docket Nos. G-1248, et al., to modify the Commission's order accompanying Opinion No. 202, issued on November 8, 1950. In that order, Northeastern Gas Transmission Company, predecessor to Applicant, was authorized to sell and deliver up to a maximum quantity of 2,400 Mcf of natural gas per day to the Connecticut Light and Power Company, of which 1,900 Mcf was authorized for the Norwalk area and 500 Mcf was authorized for the Winsted area, all in Connecticut.

The present petition requests that the allocation to these two areas be changed as follows: 542 Mcf instead of 500 Mcf to the Winsted area, and 1858 Mcf instead of 1,900 Mcf to the Norwalk area, the total allocation remaining unchanged. The reason given for this request is that during the 1957-1958 heating season Winsted will need the additional gas while Norwalk will not need its full allocation.

Take further notice that protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 22, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5360; Filed, July 2, 1957; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 295]

PRESIDENT, VIRGIN ISLANDS CORPORATION

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF REAL PROPERTY LOCATED IN ST. CROIX, V. I.

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 77) as amended, (hereinafter referred to as "the act"), I hereby authorize the President of the Virgin Islands Corporation, a wholly owned Government corporation created by the act of June 30, 1949 (63 Stat. 350, 48 U. S. C., sec. 1407 et seq.) to determine those three parcels of real property, owned by said Corporation in St. Croix, Virgin Islands, and known as (1) a lot and building located at No. 5-A Strand Street, Frederiksted, St. Croix, Virgin Islands, the lot consisting of approximately 60 by 84 feet; (2) a tract of 0.441 acre of Estate Plessens, Princess Quarter, St. Croix; and (3) a tract of approximately one acre of Estate Richmond, Company Quarter, St. Croix, known as the Central Factory Area, are not required for the needs and responsibilities of Federal agencies, and to dispose of such surplus property under the provisions of the aforementioned act.

2. Prior to such determination and disposal of the property, the President of the Virgin Islands Corporation shall take such steps as may be appropriate to determine whether any Federal agency has need therefor, and, if so, shall transfer the property to such agency upon such terms as to reimbursement as may be prescribed in accordance with the provisions of section 202 (a) of the act, as amended by section 1 (f) of Public Law 522, 82d Congress.

3. This delegation of authority shall be effective as of the date hereof.

FRANKLIN G. FLOETE,
Administrator.

JUNE 27, 1957.

[F. R. Doc. 57-5373; Filed, July 2, 1957; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

C. LEIGH STEVENS

APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163

This supersedes statement previously published in the FEDERAL REGISTER, December 11, 1956 (21 F. R. 9782).

Dated: May 26, 1957.

C. LEIGH STEVENS.

[F. R. Doc. 57-5349; Filed, July 2, 1957; 8:45 a. m.]

HENDRIK W. BODE

NOTICE OF APPOINTMENT AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Hendrik W. Bode, Director of Research, Bell Telephone Laboratories, Inc., Murray Hill, New Jersey, as an Advisor (Member, Baker Panel), Science Advisory Committee in the Office of Defense Mobilization. Mr. Bode's statement of his business interests is set forth below.

Dated: May 24, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Employee of Bell Telephone Laboratories, Inc., with usual pension interest, etc.

Stocks held in the following companies:

American Telephone & Telegraph Company.
International Harvester.
Goodyear Tire & Rubber.
National Distillers Corp.
Florida Power & Light.
Crowell-Collier.
Central Illinois Electric & Gas Co.
Banc Ohio Corporation.
Pacific Power & Light.
Incorporated Investors.
General Dynamics.
Great American Insurance Co.
Massachusetts Investors Trust.

Bonds held in following company:

Barnes Manufacturing Co.

This includes securities held by my mother's estate, and now in probate, in which I have an interest.

My remaining possessions consist of cash, Government bonds, and real estate.

Dated: May 23, 1957.

HENDRIK W. BODE.

[F. R. Doc. 57-5350; Filed, July 2, 1957; 8:45 a. m.]

NATHANIEL ROCHESTER

NOTICE OF APPOINTMENT AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Nathaniel Rochester, Manager, Information Research, International Business Machine Corporation, New York, New York, as an Advisor (Member, Baker Panel), Science Advisory Committee in the Office of Defense Mobilization. Mr. Rochester's statement of his business interests is set forth below.

Dated: May 24, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

American Telephone & Telegraph Co.

Dated: May 22, 1957.

NATHANIEL ROCHESTER.

[F. R. Doc. 57-5351; Filed, July 2, 1957; 8:45 a. m.]

H. ROWAN GAITHER, JR.

NOTICE OF APPOINTMENT AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. H. Rowan Gaither, Jr., Chairman, Board of Trustees, The Ford Foundation, New York, New York, as an Advisor (Director, Security Resources Panel), Science Advisory Committee in the Office of Defense Mobilization. Mr.

Gaither's statement of his business interests is set forth below.

Dated: June 17, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

The Ford Foundation, New York (nonprofit); Trustee; Chairman of Board.

The Rand Corporation, Santa Monica, Calif. (non-profit); Trustee; Chairman of Board.

Gaither & Company, San Francisco; Partner.

Pacific National Bank of San Francisco; Director; stockholder.

National Pacific Company, San Francisco; Stockholder.

U. S. National Bank of Portland; Stockholder.

Lisbon Uranium; Stockholder.

Chromatic Television Laboratories, Inc.; Director.

Litton Industries, Inc.; Gaither and Company shares sold within 60 days, but in 1958 will acquire additional shares.

Cooley, Crowley, Gaither, Godward, Casho & Huddleson (law firm); of Counsel.

Dated: June 11, 1957.

H. ROWAN GAITHER, Jr.

[F. R. Doc. 57-5352; Filed, July 2, 1957; 8:46 a. m.]

JOHN R. PIERCE

NOTICE OF APPOINTMENT AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. John R. Pierce, Director of Research, Bell Telephone Laboratories, Inc., Murray Hill, New Jersey, as an Advisor (Member, Baker Panel), Science Advisory Committee in the Office of Defense Mobilization. Mr. Pierce's statement of his business interests is set forth below.

Dated: May 24, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

American Telephone and Telegraph Company.

I am employed by Bell Telephone Laboratories, Inc., Murray Hill, New Jersey.

Dated: May 23, 1957.

JOHN R. PIERCE.

[F. R. Doc. 57-5353; Filed, July 2, 1957; 8:46 a. m.]

LUIS W. ALVAREZ

NOTICE OF APPOINTMENT AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Luis W. Alvarez, Professor of Physics, University of California, Berkeley, California, as an Advisor (Member, Baker Panel), Science Advisory Committee in the Office of Defense Mobilization. Mr. Alvarez' statement of his business interests is set forth below.

Dated: June 5, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Chromatic Television, Inc. (Vice President—No stock).

Gaither & Company; Consultant.

Gilfillan Brothers, Inc.; Consultant.

I hold stock in the following companies:

Fansteel Metallurgical.
Texas Instruments.
Litton Industries.
Brush Beryllium.
Mallory.
Koehring.
Varian Associates.
Foote Metals.
Swift.
International Packers.
Sargent-Rayment.

In the last 60 days, I sold stock in:

U. S. Borax.
Eitel McCullough.

Dated: June 3, 1957.

LUIS W. ALVAREZ.

[F. R. Doc. 57-5354; Filed, July 2, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-164, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER APPROVING ACCOUNTING ADJUSTMENTS AND RELEASING JURISDICTION WITH RESPECT THERETO

JUNE 24, 1957.

The Commission by order dated January 13, 1956, approved a plan filed by the Interim Board of Directors of International Hydro-Electric System ("IHES") pursuant to section 11 (d) of the Public Utility Holding Company Act of 1935; which plan proposed, among other things, a program for the transformation of IHES into a closed-end nondiversified investment company, to be renamed Abacus Fund. The Commission reserved jurisdiction over the accounting entries to be made by IHES in connection with the consummation of said plan.

The Interim Board of Directors has filed an amendment to its plan in which the following accounting entries, among other things, are proposed:

As to IHES—

(a) The restatement of the ledger values of its portfolio securities as of January 1, 1957, on the basis of the market values of such securities as of December 31, 1956, thereby reducing their aggregate ledger carrying value from $46,605,018.56 to $19,814,101.19;

(b) The cancellation of the outstanding 856,718 shares of Class A stock, $25 par value per share, and the substitution of 856,718 shares of common stock, $1 par value per share;

(c) The elimination of the earned surplus deficit.

As to Eastern New York Power Corporation (wholly-owned subsidiary of IHES)—

(a) The elimination of deferred debits and other assets, thereby reducing total assets from $3,186,622.56 to $3,164,125.05;

(b) The cancellation of the outstanding 320,000 shares of common stock, par value $25 per share, and the substitution of 856,718 shares of common stock, par value $1 per share;

(c) The elimination of the earned surplus deficit.

The Commission having considered the amendment and finding that the accounting entries proposed therein are appropriate and that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the accounting entries proposed by the Interim Board of Directors of IHES be, and hereby are, approved, and the jurisdiction heretofore reserved by the Commission with respect thereto be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5363; Filed, July 2, 1957; 8:48 a. m.]

[File No. 27-1]

COLONIAL ASBESTOS CORPORATION LIMITED

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 27, 1957.

I. Colonial Asbestos Corporation Limited (Colonial), an Ontario corporation, 20 Queen Street North, Kitchener, Ontario, Canada, and Suite 515—McKinnon Building—19 Melinda Street, Toronto, Canada, filed with the Commission on March 30, 1953 a notification on Form 1-D and an offering circular, and subsequently filed various amendments thereto relating to an offering of 490,000 shares of its no par value common stock at 60¢ per share for an aggregate of $294,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation D promulgated thereunder; and

II. The Commisson has reasonable cause to believe that:

A. The terms and conditions of Regulation D have not been complied with, in that:

1. In connection with the offering, use has been made of written communications prepared and authorized by Colonial which were proposed to be sent and given, and which were sent and given, to more than ten persons which written communications were not filed with the Commission as required:

2. Securities have been offered to persons notwithstanding that an offering circular had not been given or sent to the offerees concurrently with or previously to the offer;

3. The notification failed to state therein each of the jurisdictions in which the securities were to be offered as required by Item 2; and

4. Colonial has failed to file reports on Form 2-D as required by Rule 510; and

B. The offering circular and other sales literature contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made not misleading, concerning among other things:

1. The profitable nature of investments in securities of asbestos mining companies;

2. The demand for Colonial stock;

3. The exploratory work that has been performed on Colonial's properties and the results thereof;

4. The status of Colonial's titles to its unpatented mining claims and more particularly the performance of the work requirement to which the titles were subject; and

5. The financial condition of Colonial, and more particularly the failure to disclose Colonial's financial condition as of a reasonable current date prior to the offer of securities; and

C. The use of the offering circular and other sales literature which contain false and misleading statements of material facts as specified hereinabove would operate as a fraud and deceit upon the purchasers.

III. *It is therefore ordered,* Pursuant to Rule 509 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation D be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5364; Filed, July 2, 1957; 8:48 a. m.]

[File No. 24NY-4117]

ARLISS PLASTICS CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 26, 1957.

I. Arliss Plastics Corporation, (Arliss), a Delaware corporation, 369-375 DeKalb Avenue, Brooklyn 5, N. Y. (formerly known as International Plastic Industries Corp.), filed with the Commission on October 12, 1955, a Notification on Form 1-A and subsequently filed amendments thereto, relating to a proposed public offering of 150,000 shares of common stock, 10 cents par value, at $2.00 a share or $300,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A, promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification failed to state therein each of the jurisdictions in which the securities were to be offered as required by Item 1; and

2. In connection with the offering use has been made of written communications, to wit, reprints of an article in the New York Times, November 13, 1956 edition, relating to Arliss, which were not filed with the Commission as required by Rule 221; and

b. The offering circular and other sales literature contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading concerning, among other things:

1. The arrangements to reimburse the underwriter for certain expenses; and

2. A contemplated merger of Arliss with, or sale of assets by Arliss to, another concern; and

C. In connection with, and in furtherance of, the offering materially false and misleading statements were made orally in representing, among other things, that:

1. Purchasers of Arliss stock would get a dividend in December 1956;

2. Arliss stock would go on the American Stock Exchange at $5 a share in January of 1957;

3. Arliss stock would double in value in a short time;

4. Arliss would pay wonderful dividends;

5. Arliss would merge with a listed company;

6. Arliss would merge;

7. After Arliss merged, Arliss stock would be worth $4.00 per share; and

8. Arliss had wonderful prospects due to new management; and

D. The employment of the oral representations, the offering circular and other sales literature, above referred to, in connection with the offering of Arliss stock to which the notification related would and did operate as a fraud and deceit upon the purchasers.

III. *It is therefore ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5365; Filed, July 2, 1957; 8:48 a. m.]

[File No. 1-3401]

NEV-TAH OIL AND MINING CO.

ORDER AND NOTICE OF HEARING

JUNE 25, 1957.

Nev-Tah Oil and Mining Company (hereinafter called "registrant"), organized and incorporated under the laws of Nevada, filed an application for registration of its common stock, five cents par value, with the Salt Lake Stock Exchange ("the Exchange") on May 16, 1952 on Form 8-A, pursuant to section 12 of the Securities Exchange Act of 1934 ("the Exchange Act") and the rules and regulations adopted by the Commission thereunder and filed a duplicate original Form 8-A with the Commission on May 19, 1952. The registration became effective on June 11, 1952.

The Commission has reason to believe that registrant has failed to comply with the provisions of section 13 of the Exchange Act in the following regards:

1. Registrant falsely stated in current reports filed with the Exchange and the Commission on Forms 8-K for the months of June 1953, April 1954, June 1954, August 1954 and September 1954, that issues of securities covered by said reports were registered under the Securities Act of 1933, and further failed to state in said reports that these securities were being offered to the public in violation of the said act. These reports were not filed within the times provided by Commission Rule X-13a-11.

2. Registrant has failed to report to the Exchange and the Commission that A. L. Damon has acquired control of, and is a parent of, registrant, as required by Item 1 of Form 8-K and by Item 3 of Form 10-K.

3. Registrant has failed to file current reports on Forms 8-K with the Ex-

change and the Commission reflecting the purchase of all the outstanding stock of Stocks and Gramlich in or about March of 1955 as required by Item 2 of said Form and the subsequent loss of the mining properties thus acquired at some time between October 18, 1955 and April 28, 1956. Registrant has further failed to file a report on Form 8–K with the Exchange and the Commission to report, as required by Item 3 thereof, that in connection with the loss of said mining properties a judgment of $100,000 was rendered against registrant.

4. Registrant has failed to file a report on Form 8–K with the Exchange and the Commission reflecting that an injunction was obtained against registrant on December 20, 1955 by the Commission in the District Court for the District of Nevada restraining the sale of securities in violation of Section 5 of the Securities Act of 1933, as required by Item 3 of Form 8–K.

5. Registrant has failed to file reports on Forms 8–K with the Exchange and the Commission reflecting the acquisition of an interest in a mining property known as Stormy Day from Modoc Mines & Exploration Company on or about May 20, 1955 and the subsequent loss of the said property prior to January 1956, as required by Item 2 of Form 8–K.

6. Registrant has failed to file a report on Form 8–K with the Exchange and the Commission reflecting the granting of options to purchase 650,000 shares of registrant's Common Stock at 6 cents per share, as required by Item 9 of Form 8–K, to the following persons: C. M. Dollarhide, A. L. Damon, Robert L. McDonald, Walter Nelson, Raymond Fischer and H. J. Hintze.

7. Registrant has failed to file a report on Form 8–K with the Exchange and the Commission reflecting the issuance, on or about April 27, 1957, of 400,000 shares of registrant's Common Stock to Peacock Exploration Limited, as required by Item 7 of Form 8–K.

8. Registrant has failed to file a report on Form 8–K with the Exchange and the Commission reflecting that on or about April 27, 1957 registrant contracted with Peacock Exploration Limited for the acquisition of significant assets consisting of a 75 percent interest in certain oil leases and a 50 percent interest in certain other oil leases in the Dominion of Canada, as required by Item 2 of Form 8–K.

9. Registrant has failed to file a report on Form 8–K with the Exchange and the Commission reflecting that on or about April 27, 1957 registrant granted an option for the purchase of 350,000 shares of registrant's Common Stock at 10 cents per share to Ben Lerer and another, or their nominees, as required by Item 9 of Form 8–K.

10. Registrant has failed to file Forms 8–K with the Exchange and the Commission to report the election of directors for the years 1954, 1955 and 1956, or in the aforementioned years to furnish the Commission with a statement to the effect that the board was reelected in its entirety, pursuant to instruction 2 of Item 11 of said Form 8–K.

11. Registrant has failed to file annual reports on Form 10–K with the Exchange and the Commission for registrant's fiscal years ended October 31, 1955 and October 31, 1956.

It is ordered, That a public hearing, pursuant to section 19 (a) (2) of the Exchange Act, be held at 10:00 o'clock P. d. s. t. on September 3, 1957 at the San Francisco Regional Office of the Commission, Pacific Building, 821 Market Street, San Francisco, California, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw the registration of the common stock of the registrant on the Salt Lake Stock Exchange for failure to comply with Section 13 of the Exchange Act and the rules and regulations adopted thereunder, as set forth above.

It is further ordered, That James G. Ewell is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the Salt Lake Stock Exchange and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceeding should file with the Hearing Officer or with the Secretary of the Commission on or before August 30, 1957, his application therefor, as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–5366; Filed, July 2, 1957; 8:49 a. m.]

TARIFF COMMISSION

[Investigation 17]

ALMONDS

NOTICE OF INVESTIGATION AND HEARING

Investigation instituted. By direction of the President, in a letter dated June 27, 1957, the United States Tariff Commission, on the 28th day of June 1957, instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether shelled almonds and blanched, roasted or otherwise prepared or preserved almonds are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the United States Department of Agriculture's marketing order program under Federal Marketing Order No. 9, or to reduce substantially the amount of products processed in the United States from domestically produced almonds with respect to which such program is being undertaken.

Hearing. A public hearing in this investigation will be held in the Tariff Commission Hearing Room, Tariff Commission Building, Eighth and E Streets, NW., Washington, D. C., beginning at 10 a. m., e. d. s. t., on August 8, 1957. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at such hearing.

Request to appear at hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D. C. at least three days in advance of the date set for the hearing.

Issued: June 28, 1957.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57–5384; Filed, July 2, 1957; 8:52 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–XII–1, Amdt. 1]

SAN FRANCISCO REGIONAL OFFICE; BRANCH MANAGER, HONOLULU BRANCH OFFICE

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30–XII–1 (22 F. R. 3430) is hereby amended by:

Deleting section IB1 in its entirety and substituting the following in lieu thereof:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation loans in an amount not exceeding $100,000; and

c. Disaster loans in an amount not exceeding $20,000.

Dated: June 6, 1957.

EDWARD L. TURKINGTON,
Regional Director.

[F. R. Doc. 57–5367; Filed, July 2, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 171]

MOTOR CARRIER APPLICATIONS

JUNE 28, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 15214 (Sub No. 31), filed June 17, 1957, MERCURY MOTORWAYS, INC., 947 Louise Street, P. O. Box 689, South Bend, Ind. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Enrico Fermi Atomic Power Plant, Stoney Creek, Monroe County, Mich., near Newport, Mich., as an off-route point in connection with applicant's authorized regular route operations between Detroit, Mich., and Toledo, Ohio, over U. S. Highway 25. Applicant is authorized to transport similar commodities in Illinois, Indiana, Michigan, Ohio, and Wisconsin.

HEARING: July 31, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 52657 (Sub No. 504) (Correction) published issue June 19, 1957 at page 4336, filed June 10, 1957, ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Automobiles, trucks, tractors, chassis, trailers* (other than those designed to be drawn by passenger automobiles), and *fire fighting apparatus*, in initial truckaway and driveaway service; (2) *Engines and parts and accessories attached to, loaded in, or moving with the* aforenamed commodities; (3) *Truck and trailer bodies;* (4) *Plows*, from *Voorheesville*, Albany County, N. Y., to all points in the United States, including Ports of Entry on the International Boundary line between the United States and Canada, and points in Alaska. (5) *Tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, from *Voorheesville*, Albany County, N. Y., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: Remains as assigned September 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William J. Cave.

No. MC 52709 (Sub No. 74) (Correction), published at page 3772 issue of May 29, 1957, filed April 19, 1957, RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Reno, Nev., and Klamath Falls, Oreg., from Reno over U. S. Highway 395 to junction U. S. Highway 299 at or near Alturas, Calif., thence over U. S. Highway 299 to junction California Highway 139 near Canby, Calif., thence over California Highway 139 to the California-Oregon State line, thence over Oregon Highway 39 to junction Oregon Highway 66, thence over Oregon Highway 66 to Klamath Falls, and return over the same route, serving all intermediate points, and the off-route point of the Sierra Ordnance Depot at Herlong, Calif.; (2) between Johnstonville, Calif., and Hallelujah Junction, Calif., from Johnstonville over California Highway 36 to junction California Highway 89, thence over California Highway 89 to junction Alternate U. S. Highway 40 at or near Paxton, Calif., thence over Alternate U. S. Highway 40 to Hallelujah Junction, and return over the same route, serving all intermediate points; (3) between Buntingville, Calif., and Standish, Calif., over unnumbered highway, serving all intermediate points; (4) between junction California Highway 36 and unnumbered highway near Westwood, Calif., and junction unnumbered and California Highway 89 near the southern end of Lake Almapor, Calif., from junction California Highway 36 and unnumbered highway near Westwood, Calif., over such unnumbered highway along the eastern shore of Lake Almanor to junction U. S. Highway 89, and return over the same route, serving all intermediate points; and (5) between junction California Highway 36 and unnumbered highway at or near Susanville, Calif., and junction California Highway 139 and U. S. Highway 299 near Canby, Calif., from junction California Highway 36 and unnumbered highway at or near Susanville over said unnumbered highway to junction U. S. Highway 299 at or near Adin, Calif., thence over U. S. Highway 299 to junction California Highway 139 near Canby, and return over the same route, serving all intermediate points, and with the right of joinder with existing authority at Reno, Nev. Applicant is authorized to transport similar commodities in California, Colorado, Illinois, Iowa, Missouri, Nebraska, Utah, and Wyoming.

HEARING: Remains as assigned July 22, 1957, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 151, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 84751 (Sub No. 1), filed June 11, 1957, MERCHANTS TRANSFER AND STORAGE COMPANY, a Corporation, 920 E Street NW., Washington, D. C. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, as part of a household goods shipment, as defined by the Commission, by driveaway method, from Washington, D. C., to New York, N. Y., and points in New York and New Jersey within 10 miles of New York, Baltimore, Md., Portsmouth, Newport News and Norfolk, Va., and Philadelphia, Pa., transportation to be restricted to foreign commerce. Applicant is authorized to conduct operations as a common carrier in MC 84751 transporting household goods, soda fountain equipment and commodities requiring special equipment between specified points in the District of Columbia, Maryland, Virginia, Pennsylvania, Delaware, Georgia, North and South Carolina, Florida, New Jersey, New York, Rhode Island and Tennessee, and as a contract carrier in MC 35039 transporting general commodities, with exceptions, between points within 25 miles of Washington, D. C., including Washington.

HEARING: September 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 106398 (Sub No. 83), filed May 13, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road., Tulsa 15, Okla. Mailing address: P. O. Box 8096, Dawson Station, Tulsa, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the truckway method, from points in Idaho, except Boise, Idaho, to points in the United States, including the District of Columbia. Applicant is authorized to transport trailers throughout the United States.

HEARING: July 17, 1957, at the Federal Building, Boise, Idaho, before Examiner C. Evans Brooks.

No. MC 110525 (Sub No. 335), filed June 21, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Gerald L. Phelps and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *Chemicals*, in bulk, in tank vehicles, between points in Lawrence County, Ohio and Boyd County, Ky., and points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, Missouri and Wisconsin. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Kentucky, Pennsylvania, Delaware, Ohio, Michigan, Illinois, Indiana, Virginia, North Carolina, West Virginia, Tennessee, Connecticut, Massachusetts, Rhode Island, Wisconsin, and the District of Columbia.

HEARING: July 22, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James I. Carr.

No. MC 112595 (Sub No. 10), filed June 17, 1957, FORD BROTHERS, INC., 2940 South Third Street, Box 419, Ironton, Ohio. Applicant's attorney: Chas. T. Dodrill, 600 Fifth Avenue, Huntington, W. Va. For authority to operate as a

common carrier, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, (1) between points in Lawrence County, Ohio and Boyd County, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee and Wisconsin; (2) between South Point, Ohio, and Gorham, New Hampshire. Applicant is authorized to conduct operations in West Virginia, Ohio, Kentucky, and Michigan.

HEARING: July 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James I. Carr.

No. MC 114699 (Sub No. 6), filed June 14, 1957, TANK LINES INCORPORATED, P. O. Box 7026, Dabney Road, Richmond, Va. Applicant's attorney: Alexander W. Neal, Jr., Mutual Building, Richmond, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammoniacal liquor* (also known as ammonium hydroxide, aqua ammonia or ammonia water), in bulk, in tank vehicles, from Hopewell, Va., to points in Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland.

HEARING: September 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allan F. Borroughs.

MOTOR CARRIERS OF PASSENGERS

No. MC 103033 (Sub No. 1), filed June 17, 1957, ALEXANDRIA, BARCROFT AND WASHINGTON TRANSIT COMPANY, a Corporation, doing business as A. B. & W. TRANSIT CO., 600 North Royal Street, Alexandria, Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *contract carrier*, over regular routes, transporting: *Passengers and their baggage*, between points on the certificated routes of the applicant and within the territory served thereby in Virginia, on the one hand, and, on the other, points in the District of Columbia on the certificates routes of the applicant and the territory served thereby. Applicant holds Certificates No. MC 1800 and Sub Nos. 22 and 23 as a common carrier.

HEARING: July 31, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 12.

The following applications, assigned the docket numbers indicated, filed June 17, 1957, seek identical authority to transport, over irregular routes, as *common carrier, Passengers*, in round-trip sightseeing special operations, between April 15 and October 1 of each year, beginning and ending at points in Niagara County, N. Y., and extending to points on the International Boundary line between the United States and Canada at Lewiston and Niagara Falls, N. Y. Each of the applications contain a CONDITION: "Services shall be limited to the transportation of not more than six (6) farepaying passengers in any one (1) vehicle excluding the driver thereof, and excluding children under ten (10) years of age and who do not occupy a seat", and also an ALTERNATE CONDITION: "However, should the Commission determine that the above transportation is subject to complete regulation under Part II of the Interstate Commerce Act, it is requested that this application be amended to read: to transportation of not more than eight (8) passengers per vehicle excluding the driver thereof and excluding children under ten (10) years of age and who do not occupy a seat." Filed concurrently with each application is a REQUEST FOR DISMISSAL on the grounds that the proposed operations are exempt under section 203 (b) (2) of Part II of the Interstate Commerce Act. All of the applicants are represented by: Eli Roth, Attorney at Law, 914–916 Walbridge Building, Buffalo 2, N. Y.

No. MC 116743—ROSARIO J. CORIERI, 1520 Ashland Ave., Niagara Falls, N. Y.

No. MC 116744—LAVERN S. POOLE, doing business as MILLER TOURS, Schultz Road—Route 2, North Tonawanda, N. Y.

No. MC 116745—MICHAEL DEFAZIO, doing business as STARLITE SCENIC TOURS, 23 Hyde Park Boulevard, Niagara Falls, N. Y.

No. MC 116746—ANGELO LORE, doing business as FAIRWAY SCENIC TOURS, 174 62d Street, Niagara Falls, N. Y.

No. MC 116747—FELIX E. LATKO, 616 30th Street, Niagara Falls, N. Y.

No. MC 116748—JOHN RICHARD SCHELL, 342 Dartmouth Avenue, Buffalo, N. Y.

No. MC 116749—DONALD H. ROBERTSON, 415 Jefferson Avenue, Niagara Falls, N. Y.

HEARING: July 8, 1957, at Hotel Buffalo, Washington and Swann Streets, Buffalo, N. Y., before Examiner R. Edwin Brady.

No. MC 116767 (Sub No. 1), filed June 25, 1957, THE GRAY LINE, INC., 1010 Eye Street NW., Washington, D. C. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers*, between points within applicant's authorized origin territory for charter and special operations and points in the territory authorized to be served in special and charter operations as presently authorized in Certificates Nos. MC 453 and MC 453 Sub 12. Applicant is authorized to conduct operations in the District of Columbia, Maryland, Virginia, Delaware, New Jersey and Pennsylvania, as a common carrier.

HEARING: July 31, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 116768 (Sub No. 1), filed June 25, 1957, THOMAS PARRAN, JR., doing business as SUBURBAN TRANSIT COMPANY, 10715 Colesville Road, Silver Spring, Md. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers*, between points in Maryland and the District of Columbia authorized to be served in the conduct of charter operations as authorized in Certificates Nos. MC 114340, MC 114340 Sub 3 and MC 114340 Sub 4, for points in the United States. Applicant is authorized to conduct operations in Maryland and the District of Columbia as a common carrier.

HEARING: July 31, 1957, at the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 120.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12660, filed April 1, 1957, (AMENDED), published at page 2893 issue of April 24, 1957, MARIE EMELIA REEVES, doing business as THRIFTY TOURS, 1404 New York Avenue NW., Washington 5, D. C. Applicant's attorney: Herbert C. Jones, Jr., Dupont Circle Building, Washington 6, D. C. For a license (BMC 5) to operate as a broker at Washington, D. C., in arranging for transportation in interstate or foreign commerce by motor vehicle of *Passengers and their baggage*, in the same vehicle with passengers, in all-expense conducted tours and sightseeing trips, (1) from Washington, D. C., to points in the United States, and (2) from points in the United States to Washington, D. C.

NOTE: Applicant proposes to procure business by direct solicitation, mail, telegraph and telephone and by newspaper advertising and descriptive circulars for the purchase of package vacation trips for a fixed sum of money for which applicant proposes to provide transportation, meals, hotel accommodations and sightseeing.

CONTINUED HEARING: September 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub No. 4), filed June 4, 1957, GREEN LINE MOTOR EXPRESS, INC., 330 North Third Street, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, and commodities in bulk, serving the sites of the Indiana-Michigan Electric Company plant and the Ayrshire Collieries Corporation plant, located in Sullivan County, Ind., near Fairbanks, Ind., as off-route points in connection with applicant's authorized regular route operations between Terre Haute, Ind., and Chicago, Ill., over U. S. Highway 41. Applicant is authorized to transport similar commodities in Illinois and Indiana.

No. MC 2900 (Sub No. 89) (Amended), published May 1, 1957 issue, at page 3100, filed April 8, 1957, GREAT SOUTHERN TRUCKING COMPANY, a corporation, 2050 Kings Road, (P. O. Box 2408), Jacksonville, Fla. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Pratt and Whitney Aircraft Plant, located at United, Fla., and the site of Air Products, Inc., located at Apix, Fla. as off-route points in connection with applicant's authorized regular route authority between Jacksonville, Fla., and Miami, Fla., over U. S. Highway 1. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

No. MC 35334 (Sub No. 40), filed June 17, 1957, COOPER-JARRETT, INC., 311 West 14th Street, Kansas City, Mo. Applicant's attorney: Irving Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment (not including those requiring refrigeration), between the junction U. S. Highways 66 and 24 at Chenoa, Ill. and the junction U. S. Highways 224 and 23, approximately two (2) miles east of West Independence, Ohio, from the junction of U. S. Highways 66 and 24 at Chenoa over U. S. Highway 24 to junction U. S. Highway 224 at Huntington, Ind., thence over U. S. Highway 224 to junction U. S. Highways 224 and 23, east of West Independence, Ohio, and return over the same route, as an alternate route for operating convenience only, serving the termini for purposes of joinder only, in connection with applicant's authorized regular route operations between Kansas City, Mo. and New York, N. Y. Applicant is authorized to conduct operations in Missouri, Nebraska, Iowa, Illinois, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, Kansas, and New Jersey.

No. MC 35980 (Sub No. 2), filed June 20, 1957, MICHAEL BEGALA, 355 Sixth Avenue, Alpha, N. J. Applicant's representative: A. David Milliner, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, crushed stone, slag* and *soil and earth strippings*, all of the type exempted from the Commission's cargo-security requirements in *Motor Carrier Insurance for Protection of the Public*, 22 M. C. C. 350, from points in Pennsylvania within 30 to 45 miles of Alpha, N. J. to Stanhope, N. J. Applicant is authorized to transport the above commodities between points in Pennsylvania and New Jersey within 30 miles of Alpha, N. J., including Alpha.

No. MC 66562 (Sub No. 1368), filed June 15, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Glenarm, Md., and Baltimore, Md., from Glenarm over Maryland Highway 567 via Providence Road to junction Maryland Highway 148 (Joppa Road), thence over Maryland Highway 148 to junction U. S. Highway 111 (York Road) at Towson, Md., thence over U. S. Highway 111 to Baltimore, and return over the same route, serving no intermediate points. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by applicant shall be limited to a service which is auxiliary to, or supplemental of, express service. Shipments transported by applicant shall be limited to those moving on an express bill of lading or express receipt. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict applicant's operations to a service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct similar operations throughout the United States.

NOTE: The proposed service is an extension of applicant's operations under Certificate No. MC 66562 (Sub No. 1216).

No. MC 66562 (Sub No. 1370), filed June 21, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Pensacola, Fla., and Elgin Air Force Base, Fla., from Pensacola over U. S. Highway 98 to Fort Walton Beach, Fla., thence over Florida Highway 85 to Elgin Air Force Base, and return over the same route, serving the intermediate point of Fort Walton Beach, Fla. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, an immediately prior or immediately subsequent movement by rail or air. Such further conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct similar operations throughout the United States.

No. MC 86928 (Sub No. 28), filed June 19, 1957, C. E. REYNOLDS, 2209 Range Line, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the plant of the Grace Chemical Company at or near Woodstock, Tenn., to Atlas, Jasper County, Mo., and *returned or rejected shipments* of anhydrous ammonia on return. Applicant is authorized to transport similar commodities in Arkansas, Kansas, Missouri, Oklahoma and Texas. Applicant holds certificates Nos. MC 114890 and Sub No. 3; dual operations under section 210 may be involved.

No. MC 114890 (Sub No. 4), filed June 17, 1957, C. E. REYNOLDS, 2209 Range Line, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First Nat'l. Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid* and *phosphoric acid*, in bulk, in tank vehicles, from Horn, Mo., to Eagle Grove, Iowa.

NOTE: Applicant holds authority as a contract carrier in Permit No. MC 86928 and in permits in sub dockets Nos. 18, 19, 23, 24 and 26 thereunder, which authorize transportation of the named commodities from stated Kansas and Missouri points to points in Missouri, Arkansas, Oklahoma, and Kansas and to Perry, Iowa.

No. MC 116753, filed June 17, 1957, CHARLES BUCKEL, 1290 I Street, Springfield, Oreg. Applicant's attorney: John G. McLaughlin, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore*, from points in California on and north of U. S. Highway 40 to points in Lane County, Oreg.

MOTOR CARRIERS OF PASSENGERS

No. MC 96572 (Sub No. 1), filed June 24, 1957, COTTONWOOD GULCH FOUNDATION, Gallup, New Mex. Applicant's attorney: John E. Perry, Gallup, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, and *camping equipment* in the same or separate vehicles, on educational tours, in special operations, during the months of June, July and August, between La Junta, Colo., and a camp site near Thoreau, New Mexico, with no pick-up or discharge of passengers at other points.

NOTE: Applicant is presently authorized to transport passengers and their baggage, and camping equipment during the period specified above, in special operations, between St. Louis, Mo., and the above camp site, and from the above camp site to points in Arizona, Colorado, and Utah, and the purpose of this application is to change the origin point of St. Louis, Mo., to La Junta, Colo.

PETITION TO REDEFINE COMMERCIAL ZONE LIMITS

The following petition relative to the limits of the zone adjacent to and commercially a part of a municipality within the mean of section 203 (b) (8) of the Interstate Commerce Act has been received and will be processed in the manner hereinafter indicated.

In Ex Parte No. MC–37, *Commercial Zones and Terminal Areas*, a petition has been filed on June 10, 1957, by Albuquerque-Phoenix Express, Inc., of Albuquerque, N. Mex., Hill Lines, Inc., of Amarillo, Tex., Illinois-California Express, Inc., of Denver, Colo., Navajo Freight Lines, Inc., of Denver, Colo., San Juan Basin Lines, Inc., of Albuquerque, N. Mex., and Whitfield Transportation Co., Inc., of El Paso, Tex., seeking redefinition of the limits of the Commercial Zone of Albuquerque, N. Mex., in a manner to expand them.

The limits of the commercial zone of Albuquerque, N. Mex., are now determined by application of the population-mileage formula enunciated in Ex Parte No. MC–37, *Commercial Zones and Terminal Areas*, 46 M. C. C. 665 (49 CFR 170.15, 170.16 and 170.17) and include the base municipality of Albuquerque, N. Mex., all municipalities contiguous to Albuquerque, all unincorporated areas within 4 miles of Albuquerque corporate limits, and all of any other municipality

common carrier, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, (1) between points in Lawrence County, Ohio and Boyd County, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee and Wisconsin; (2) between South Point, Ohio, and Gorham, New Hampshire. Applicant is authorized to conduct operations in West Virginia, Ohio, Kentucky, and Michigan.

HEARING: July 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner James I. Carr.

No. MC 114699 (Sub No. 6), filed June 14, 1957, TANK LINES INCORPORATED, P. O. Box 7026, Dabney Road, Richmond, Va. Applicant's attorney: Alexander W. Neal, Jr., Mutual Building, Richmond, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammoniacal liquor* (also known as ammonium hydroxide, aqua ammonia or ammonia water), in bulk, in tank vehicles, from Hopewell, Va., to points in Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland.

HEARING: September 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allan F. Borroughs.

MOTOR CARRIERS OF PASSENGERS

No. MC 103033 (Sub No. 1), filed June 17, 1957, ALEXANDRIA, BARCROFT AND WASHINGTON TRANSIT COMPANY, a Corporation, doing business as A. B. & W. TRANSIT CO., 600 North Royal Street, Alexandria, Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *contract carrier*, over regular routes, transporting: *Passengers and their baggage*, between points on the certificated routes of the applicant and within the territory served thereby in Virginia, on the one hand, and, on the other, points in the District of Columbia on the certificates routes of the applicant and the territory served thereby. Applicant holds Certificates No. MC 1800 and Sub Nos. 22 and 23 as a common carrier.

HEARING: July 31, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 12.

The following applications, assigned the docket numbers indicated, filed June 17, 1957, seek identical authority to transport, over irregular routes, as *common carrier, Passengers*, in round-trip sightseeing special operations, between April 15 and October 1 of each year, beginning and ending at points in Niagara County, N. Y., and extending to points on the International Boundary line between the United States and Canada at Lewiston and Niagara Falls, N. Y. Each of the applications contain a CONDITION: "Services shall be limited to the transportation of not more than six (6) fare-paying passengers in any one (1) vehicle excluding the driver thereof, and excluding children under ten (10) years of age and who do not occupy a seat", and also an ALTERNATE CONDITION: "However, should the Commission determine that the above transportation is subject to complete regulation under Part II of the Interstate Commerce Act, it is requested that this application be amended to read: to transportation of not more than eight (8) passengers per vehicle excluding the driver thereof and excluding children under ten (10) years of age and who do not occupy a seat." Filed concurrently with each application is a REQUEST FOR DISMISSAL on the grounds that the proposed operations are exempt under section 203 (b) (2) of Part II of the Interstate Commerce Act. All of the applicants are represented by: Eli Roth, Attorney at Law, 914–916 Walbridge Building, Buffalo 2, N. Y.

No. MC 116743—ROSARIO J. CORIERI, 1520 Ashland Ave., Niagara Falls, N. Y.

No. MC 116744—LaVERN S. POOLE, doing business as MILLER TOURS, Schultz Road—Route 2, North Tonawanda, N. Y.

No. MC 116745—MICHAEL DeFAZIO, doing business as STARLITE SCENIC TOURS, 23 Hyde Park Boulevard, Niagara Falls, N. Y.

No. MC 116746—ANGELO LORE, doing business as FAIRWAY SCENIC TOURS, 174 62d Street, Niagara Falls, N. Y.

No. MC 116747—FELIX E. LATKO, 616 30th Street, Niagara Falls, N. Y.

No. MC 116748—JOHN RICHARD SCHELL, 342 Dartmouth Avenue, Buffalo, N. Y.

No. MC 116749—DONALD H. ROBERTSON, 415 Jefferson Avenue, Niagara Falls, N. Y.

HEARING: July 8, 1957, at Hotel Buffalo, Washington and Swann Streets, Buffalo, N. Y., before Examiner R. Edwin Brady.

No. MC 116767 (Sub No. 1), filed June 25, 1957, THE GRAY LINE, INC., 1010 Eye Street NW., Washington, D. C. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers*, between points within applicant's authorized origin territory for charter and special operations and points in the territory authorized to be served in special and charter operations as presently authorized in Certificates Nos. MC 453 and MC 453 Sub 12. Applicant is authorized to conduct operations in the District of Columbia, Maryland, Virginia, Delaware, New Jersey and Pennsylvania, as a common carrier.

HEARING: July 31, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 116768 (Sub No. 1), filed June 25, 1957, THOMAS PARRAN, JR., doing business as SUBURBAN TRANSIT COMPANY, 10715 Colesville Road, Silver Spring, Md. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers*, between points in Maryland and the District of Columbia authorized to be served in the conduct of charter operations as authorized in Certificates Nos. MC 114340, MC 114340 Sub 3 and MC 114340 Sub 4, for points in the United States. Applicant is authorized to conduct operations in Maryland and the District of Columbia as a common carrier.

HEARING: July 31, 1957, at the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 120.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12660, filed April 1, 1957, (AMENDED), published at page 2893 issue of April 24, 1957, MARIE EMELIA REEVES, doing business as THRIFTY TOURS, 1404 New York Avenue NW., Washington 5, D. C. Applicant's attorney: Herbert C. Jones, Jr., Dupont Circle Building, Washington 6, D. C. For a license (BMC 5) to operate as a broker at Washington, D. C., in arranging for transportation in interstate or foreign commerce by motor vehicle of *Passengers and their baggage*, in the same vehicle with passengers, in all-expense conducted tours and sightseeing trips, (1) from Washington, D. C., to points in the United States, and (2) from points in the United States to Washington, D. C.

NOTE: Applicant proposes to procure business by direct solicitation, mail, telegraph and telephone and by newspaper advertising and descriptive circulars for the purchase of package vacation trips for a fixed sum of money for which applicant proposes to provide transportation, meals, hotel accommodations and sightseeing.

CONTINUED HEARING: September 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub No. 4), filed June 4, 1957, GREEN LINE MOTOR EXPRESS, INC., 330 North Third Street, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, and commodities in bulk, serving the sites of the Indiana-Michigan Electric Company plant and the Ayrshire Collieries Corporation plant, located in Sullivan County, Ind., near Fairbanks, Ind., as off-route points in connection with applicant's authorized regular route operations between Terre Haute, Ind., and Chicago, Ill., over U. S. Highway 41. Applicant is authorized to transport similar commodities in Illinois and Indiana.

No. MC 2900 (Sub No. 89) (Amended), published May 1, 1957 issue, at page 3100, filed April 8, 1957, GREAT SOUTHERN TRUCKING COMPANY, a corporation, 2050 Kings Road, (P. O. Box 2408), Jacksonville, Fla. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Pratt and Whitney Aircraft Plant, located at United, Fla., and the site of Air Products, Inc., located at Apix, Fla. as off-route points in connection with applicant's authorized regular route authority between Jacksonville, Fla., and Miami, Fla., over U. S. Highway 1. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

No. MC 35334 (Sub No. 40), filed June 17, 1957, COOPER-JARRETT, INC., 311 West 14th Street, Kansas City, Mo. Applicant's attorney: Irving Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment (not including those requiring refrigeration), between the junction U. S. Highways 66 and 24 at Chenoa, Ill. and the junction U. S. Highways 224 and 23, approximately two (2) miles east of West Independence, Ohio, from the junction of U. S. Highways 66 and 24 at Chenoa over U. S. Highway 24 to junction U. S. Highway 224 at Huntington, Ind., thence over U. S. Highway 224 to junction U. S. Highways 224 and 23, east of West Independence, Ohio, and return over the same route, as an alternate route for operating convenience only, serving the termini for purposes of joinder only, in connection with applicant's authorized regular route operations between Kansas City, Mo. and New York, N. Y. Applicant is authorized to conduct operations in Missouri, Nebraska, Iowa, Illinois, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, Kansas, and New Jersey.

No. MC 35980 (Sub No. 2), filed June 20, 1957, MICHAEL BEGALA, 355 Sixth Avenue, Alpha, N. J. Applicant's representative: A. David Milliner, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, crushed stone, slag* and *soil and earth strippings*, all of the type exempted from the Commission's cargo-security requirements in *Motor Carrier Insurance for Protection of the Public*, 22 M. C. C. 350, from points in Pennsylvania within 30 to 45 miles of Alpha, N. J. to Stanhope, N. J. Applicant is authorized to transport the above commodities between points in Pennsylvania and New Jersey within 30 miles of Alpha, N. J., including Alpha.

No. MC 66562 (Sub No. 1368), filed June 15, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Glenarm, Md., and Baltimore, Md., from Glenarm over Maryland Highway 567 via Providence Road to junction Maryland Highway 148 (Joppa Road), thence over Maryland Highway 148 to junction U. S. Highway 111 (York Road) at Towson, Md., thence over U. S. Highway 111 to Baltimore, and return over the same route, serving no intermediate points. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by applicant shall be limited to a service which is auxiliary to, or supplemental of, express service. Shipments transported by applicant shall be limited to those moving on an express bill of lading or express receipt. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict applicant's operations to a service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct similar operations throughout the United States.

NOTE: The proposed service is an extension of applicant's operations under Certificate No. MC 66562 (Sub No. 1216).

No. MC 66562 (Sub No. 1370), filed June 21, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Pensacola, Fla., and Elgin Air Force Base, Fla., from Pensacola over U. S. Highway 98 to Fort Walton Beach, Fla., thence over Florida Highway 85 to Elgin Air Force Base, and return over the same route, serving the intermediate point of Fort Walton Beach, Fla. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, an immediately prior or immediately subsequent movement by rail or air. Such further conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct similar operations throughout the United States.

No. MC 86928 (Sub No. 28), filed June 19, 1957, C. E. REYNOLDS, 2209 Range Line, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the plant of the Grace Chemical Company at or near Woodstock, Tenn., to Atlas, Jasper County, Mo., and *returned or rejected shipments* of anhydrous ammonia on return. Applicant is authorized to transport similar commodities in Arkansas, Kansas, Missouri, Oklahoma and Texas. Applicant holds certificates Nos. MC 114890 and Sub No. 3; dual operations under section 210 may be involved.

No. MC 114890 (Sub No. 4), filed June 17, 1957, C. E. REYNOLDS, 2209 Range Line, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First Nat'l. Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid* and *phosphoric acid*, in bulk, in tank vehicles, from Horn, Mo., to Eagle Grove, Iowa.

NOTE: Applicant holds authority as a contract carrier in Permit No. MC 86928 and in permits in sub dockets Nos. 18, 19, 23, 24 and 26 thereunder, which authorize transportation of the named commodities from stated Kansas and Missouri points to points in Missouri, Arkansas, Oklahoma, and Kansas and to Perry, Iowa.

No. MC 116753, filed June 17, 1957, CHARLES BUCKEL, 1290 I Street, Springfield, Oreg. Applicant's attorney: John G. McLaughlin, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore*, from points in California on and north of U. S. Highway 40 to points in Lane County, Oreg.

MOTOR CARRIERS OF PASSENGERS

No. MC 96572 (Sub No. 1), filed June 24, 1957, COTTONWOOD GULCH FOUNDATION, Gallup, New Mex. Applicant's attorney: John E. Perry, Gallup, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, and *camping equipment* in the same or separate vehicles, on educational tours, in special operations, during the months of June, July and August, between La Junta, Colo., and a camp site near Thoreau, New Mexico, with no pick-up or discharge of passengers at other points.

NOTE: Applicant is presently authorized to transport passengers and their baggage, and camping equipment during the period specified above, in special operations, between St. Louis, Mo., and the above camp site, and from the above camp site to points in Arizona, Colorado, and Utah, and the purpose of this application is to change the origin point of St. Louis, Mo., to La Junta, Colo.

PETITION TO REDEFINE COMMERCIAL ZONE LIMITS

The following petition relative to the limits of the zone adjacent to and commercially a part of a municipality within the mean of section 203 (b) (8) of the Interstate Commerce Act has been received and will be processed in the manner hereinafter indicated.

In Ex Parte No. MC–37, *Commercial Zones and Terminal Areas*, a petition has been filed on June 10, 1957, by Albuquerque-Phoenix Express, Inc., of Albuquerque, N. Mex., Hill Lines, Inc., of Amarillo, Tex., Illinois-California Express, Inc., of Denver, Colo., Navajo Freight Lines, Inc., of Denver, Colo., San Juan Basin Lines, Inc., of Albuquerque, N. Mex., and Whitfield Transportation Co., Inc., of El Paso, Tex., seeking redefinition of the limits of the Commercial Zone of Albuquerque, N. Mex., in a manner to expand them.

The limits of the commercial zone of Albuquerque, N. Mex., are now determined by application of the population-mileage formula enunciated in Ex Parte No. MC–37, *Commercial Zones and Terminal Areas*, 46 M. C. C. 665 (49 CFR 170.15, 170.16 and 170.17) and include the base municipality of Albuquerque, N. Mex., all municipalities contiguous to Albuquerque, all unincorporated areas within 4 miles of Albuquerque corporate limits, and all of any other municipality

any part of which is within 4 miles of the corporate limits of Albuquerque.

Petitioners seek enlargement of the above-described zone limits, particularly in the area southeast of the present zone limits.

No oral hearing is contemplated with respect to the petition, but an informal investigation with respect to redefinition of the zone limits as requested, and in other respects, will be conducted. Subsequent to such investigation the Commission will either (1) enter an order denying the petition or, (2) if any change is considered, a notice of proposed rule making will be published. Persons supporting or opposed to any change in the present zone limits, who desire to participate in future proceedings on this petition or be notified of any action taken thereon, should notify the Commission and the individual petitioners of their desire on or before 30 days from the date of this publication.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 69116 (Sub No. 35), filed June 21, 1957, SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, other than refrigeration, between points in Massachusetts. Applicant is authorized to transport similar commodities in Connecticut, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

NOTE: This application is directly related to MC–F 6619.

No. MC 103435 (Sub No. 75), filed June 17, 1957, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Minneapolis, Minn., and Fargo, N. Dak., from Minneapolis over U. S. Highway 52 to Fargo, and return over the same route, serving no intermediate points; (2) between points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, on the one hand, and, on the other, Fargo, N. Dak., from points in the Minneapolis-St. Paul, Minn., Commercial Zone over U. S. Highway 10 to Fargo, and return over the same route, serving no intermediate points; (3) between Devils Lake, N. Dak., and Minneapolis, Minn., serving the intermediate points of Grand Forks, N. Dak., and East Grand Forks, Minn., and those on U. S. Highway 2 between Devils Lake and Grand Forks, N. Dak., and the off-route points of St. Paul, South St. Paul, and Stillwater, Minn., (a) from Devils Lake over U. S. Highway 2 to Grand Forks, N. Dak., thence over U. S. Highway 81 to Fargo, N. Dak., thence over U. S. Highway 10 to Anoka, Minn., and thence over U. S. Highway 169 to Minneapolis, and return over the same route; (b) from Devils Lake to Fargo, N. Dak., as specified above, thence over U. S. Highway 52, via Evansville, Minn., to Minneapolis, and return over the same route; (c) from Devils Lake over U. S. Highway 2 via Grand Forks, N. Dak., to junction U. S. Highway 59, thence over U. S. Highway 59 to Elbow Lake, Minn., thence over Minnesota Highway 79 to Evansville, Minn., thence as specified above to Minneapolis, and return over the same route; (4) between South St. Paul, Minn., and Bottineau, N. Dak., serving the intermediate point of Duluth, Minn., restricted to pick-up of such merchandise as is dealt in by wholesale and retail hardware business houses; and the intermediate points of St. Paul, Minn., and those between Petersburg and Bottineau, N. Dak., inclusive; and the off-route points of Minneapolis, Minn., and Rolette, Munich, Alsen, Lakota, Hampden, Langdon, Walhalla, Cavalier, Southam, Mylo, Perth, Rugby, and Edmore, N. Dak., (a) from South St. Paul over city streets to St. Paul, Minn., thence over U. S. Highway 10 to Detroit Lakes, Minn., thence over U. S. Highway 59 to Erskine, Minn., thence over U. S. Highway 2 to Devils Lake, N. Dak., thence over North Dakota Highway 20 to Starkweather, N. Dak., thence over North Dakota Highway 17 to Cando, N. Dak., thence over U. S. Highway 281 to junction North Dakota Highway 5, and thence over North Dakota Highway 5 to Bottineau, and return over the same route; (b) from South St. Paul over city streets to St. Paul, Minn., thence over U. S. Highway 61 to Duluth, Minn., thence over U. S. Highway 2 to Erskine, Minn., thence as specified above to Bottineau, and return over the same route; (5) between points in the Minneapolis-St. Paul Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Crookston, Minn., serving no intermediate points, (a) from points in the Minneapolis-St. Paul Commercial Zone over U. S. Highway 10 to Moorhead, Minn., thence over U. S. Highway 75 to Crookston, and return over the same route; (b) from points in the Minneapolis-St. Paul Commercial Zone over U. S. Highway 10 to Detroit Lakes, Minn., thence over U. S. Highway 59 to junction U. S. Highway 2, thence over U. S. Highway 2 to Crookston, and return over the same route; (6) ALTERNATE ROUTE FOR OPERATING CONVENIENCE ONLY: between junction U. S. Highway 52 and Minnesota Highway 55, near Robbinsdale, Minn., and junction Minnesota Highways 55 and 79, near Elbow Lake, Minn., serving no intermediate points, from junction U. S. Highway 52 and Minnesota Highway 55 over Minnesota Highway 55 to junction Minnesota Highway 79, and return over the same route. *Petroleum products*, in containers, from Duluth, Minn., to Fargo, N. Dak., from Duluth over U. S. Highway 210 to Motley, Minn., thence over U. S. Highway 10 to Fargo, serving no intermediate points. *Agricultural machinery* and *twine*, from Stillwater, Minn., to Fargo, N. Dak., serving the intermediate point of St. Paul, Minn., restricted to pick-up only; and the off-route point of Minneapolis, Minn., restricted to pick-up only, from Stillwater over Minnesota Highway 212 to St. Paul, Minn., thence over U. S. Highway 10 to Fargo.

NOTE: This matter is directly related to MC–F 6392. Applicant states that the purpose of this application and MC 103435 Sub 71 and MC–F 6392 is to accomplish the acquisition by Twin City-Fargo Freight, Inc. of authority to serve intermediate points on U. S. Highway 10 between the Twin Cities and Fargo, N. Dak., and yet permit Buckingham Transportation, Inc., to continue the use of U. S. Highway 10 for its existing operations in all respects other than service to and from said intermediate points. Applicant further states that it requests that this application be filed but moves that it be subsequently dismissed on the ground that applicant's retained authority and that recommended to applicant by Joint Board No. 24 in MC 103435 Sub No. 71 duplicates the authority sought herein. Applicant is authorized to conduct operations in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, North Dakota, Montana, Utah, Washington, California, and Nevada.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–6616. Authority sought for purchase by RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind., of the operating rights of DEXTER & FOURNIER, INC., 226 North Market Street, Hoopeston, Ill., and for acquisition by GLEN RINGLE and EVELYN RINGLE, both of Fowler, Ind., of control of such rights through the purchase. Applicants' attorney: Robert C. Smith, 512 Illinois Bldg., Indianapolis 4, Ind. Operating rights sought to be transferred: *Cannery machinery*, and *canned vegetables*, as a *common carrier*, over irregular routes, from Hoopeston, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri and Ohio; *empty tin cans loose and in packages*, and *tin plate*, from Hoopeston, Ill., to Terre Haute and Indianapolis, Ind.; *livestock*, from points in Vermilion County, Ill., to Indianapolis, Ind.: *feed, malt beverages, grain*, and *grain products*, from St. Louis, Mo., to points in Vermilion, Iroquois, and Ford Counties, Ill.; *empty beverage containers*, from points in Vermilion, Iroquois, and Ford Counties, Ill., to St. Louis, Mo.; *household goods*, as defined by the Commission, between points in Vermilion County, Ill., on the one hand, and, on

the other, points in Indiana, Iowa, Kentucky, Michigan, Missouri, and Ohio; *canned vegetables*, between Hoopeston, Ill., on the one hand, and, on the other, points in that part of Wisconsin on and south of a line beginning at La Crosse, Wis., and extending along U. S. Highway 16 through Tonah, Wis., to Wisconsin Dells, Wis., and thence along Wisconsin Highway 23 through Princeton and Fon du Lac, Wis., to Sheboygan, Wis., and from Hoopeston, Ill., to York and Pittsburgh, Pa., and points in Pennsylvania within 100 miles of Pittsburgh; *cannery machinery* and *cannery machinery parts*, from Hoopeston, Ill., to all points in the United States, except points in Indiana, Iowa, Kentucky, Michigan, Missouri and Ohio, and certain points in Tennessee; *used cannery machinery*, and *parts therefor*, from the destination points described immediately above, to Hoopeston, Ill. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Ohio, Kentucky, Iowa, Missouri, West Virginja, Wisconsin, Pennsylvania, Nebraska, Tennessee, Alabama, Michigan, Arkansas, Kansas, Minnesota, and Mississippi. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6617. Authority sought for purchase by HARTFORD TRANSPORTATION CO., INCORPORATED, 2434 Berlin Turnpike, Newington, Conn., of the operating rights and certain property of TRANSFER, INC., 935 South 25th Street, Easton, Pa., and for acquisition by R. A. O'NEIL, 788 Ridge Road, Wethersfield, Conn., of control of such rights and certain property through the purchase. Applicants' attorney: S. Harrison Kahn, 726–734 Investment Building, Washington 5, D. C. Operating rights sought to be transferred: *Auto body supplies, tackle*, and *commodities* used in the manufacture of auto bodies, *storage tanks, new beer boxes, cleaning compound, plumbing supplies*, and *empty drums*, as a *common carrier* over a regular route, between Easton Pa., and New York, N. Y., serving the intermediate points of Phillipsburg, Washington, and Hackettstown, N. J., and the off-route points of Clinton, Garwood, Harmony, Belvidere, Rahway, Toms River, and Manumuskin, N. J.; *general commodities*, with certain exceptions including household goods and commodities in bulk, between points within ten miles of Easton, Pa., including Easton; *furnace, furnace supplies, parts*, and *commodities* used in the manufacture of furnaces, *uncrated machinery*, and *building contractors' equipment*, between Easton, Pa., and Phillipsburg, N. J., on the one hand, and, on the other, points in New York and New Jersey. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, New York, New Jersey, Rhode Island and Pennsylvania. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6618. Authority sought for control by COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus, Ohio, of B. & N. TRANSPORTATION, INC., 32 North Main Street, Columbiana, Ohio, and for acquisition by E. DeMARIA, also of Columbus, of control of B. & N. TRANSPORTATION, INC., through the acquisition by COMMERCIAL MOTOR FREIGHT, INC. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Sharpsville, Pa., and New Matamoras, Ohio, serving all intermediate and certain off-route points; *general commodities*, with certain exceptions as specified above, over irregular routes, between the termini and all intermediate and certain off-route points on the one hand, and, on the other points in certain counties in Ohio, Pennsylvania and West Virginia. COMMERCIAL MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Ohio, Indiana, West Virginia and Kentucky. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6619. Authority sought for purchase by SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Street, Chicago, Ill., of the operating rights of WALKER FREIGHT CO., INC., 43 Madison Street, Worcester, Mass., and for acquisition by W. STANHAUS and SIMON FISHER, both of Chicago, of control of such rights through the purchase. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South LaSalle St., Chicago 3, Ill., and Edward L. Walker, Walker Freight Co., Inc., 43 Madison St., Worcester, Mass. Operating rights sought to be transferred: Operations under the Second Proviso of Section 206 (a) (1), Interstate Commerce Act, in the transportation of *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between all points in the State of Massachusetts. Wendee is authorized to operate as a *common carrier* in Missouri, Massachusetts, Ohio, Pennsylvania, Connecticut, Illinois, Minnesota, Wisconsin, New York, New Jersey, Kansas, Iowa, Indiana, Rhode Island, Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NOTE: MC 69116 Sub 35, is a matter directly related.

No. MC–F–6620. Authority sought for purchase by WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, S. Dak., of the operating rights of HOWARD VAUGHN, Cliff and Rice, Sioux Falls, S. Dak., and for acquisition by HARRY F. COFFIN, also of Sioux Falls, of control of such rights through the purchase. Applicants' representative: Harry F. Coffin, 1400 North Cliff Avenue, Sioux Falls, S. Dak. Operating rights sought to be transferred: *Heavy industrial chemicals, in containers*, as a *common carrier*, over irregular routes, from Sioux Falls, S. Dak., and points within one mile thereof, to points in Iowa and Minnesota within 125 miles of Sioux Falls, S. Dak.; *soybean meal, livestock feeding tankage, mixed poultry* and *livestock grain feeds*, from Sioux Falls, S. Dak., and points within one mile thereof, to points in North Dakota (except Marmarth and those on U. S. Highway 12 between Marmarth and the South Dakota-North Dakota State line), points in Iowa and Minnesota, within 150 miles of Sioux Falls, and points in South Dakota within 100 miles of Sioux Falls; *soybeans* and *grain*, from points in Iowa, Minnesota, and South Dakota within 100 miles of Sioux Falls, S. Dak., to Sioux Falls and points within one mile thereof. Vendee is authorized to operate as a *common carrier* in North Dakota, South Dakota, Minnesota, Iowa, and Nebraska. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6621. Authority sought for purchase by ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio, of the operating rights of LOO WAY, INC., (HENRY BEATY, JR., TRUSTEE), 875 East Georgia Street, Memphis, Tenn., and for acquisition by GALEN J. ROUSH and RUTH ROUSH, 2570 Major Road, Peninsula, Ohio, of control of such rights through the purchase. Applicants' attorneys: William O. Turney and John R. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Memphis, Tenn., and junction U. S. Highways 61 and 82, between Memphis, Tenn., and junction U. S. Highways 49W and 82, between Memphis, Tenn., and Greenwood, Miss., between Roseacres, Miss., and Greenville, Miss., and between junction U. S. Highway 49E and U. S. Highway 82 (near Greenwood, Miss.), and Greenville, Miss., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio, Texas, Oklahoma, Indiana, Missouri, Michigan, Kansas, Pennsylvania, Illinois, Tennessee, Alabama, Georgia, North Carolina, South Carolina, West Virginia, Virginia, New Jersey, New York, Kentucky, Delaware, Maryland, Connecticut, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6622. Authority sought for control by C. & E. TRUCKING CORP., 80 Montgomery Street, Rhinebeck, N. Y., of LIQUID TRANSIT, INC., Rhinebeck, N. Y., and for acquisition by EARL STACKS, also of Rhinebeck, of control of LIQUID TRANSIT, INC., through the acquisition by C. & E. TRUCKING CORP. Applicants' attorneys: Herbert Burstein, 135 Broadway, New York, N. Y., Clarence D. Todd, 1825 Jefferson Place, Washington, D. C., and Bert Collins, 140 Cedar Street, New York, N. Y. Operating rights sought to be controlled: *Liquid sugar*, in bulk, in tank vehicles, as a *contract carrier*, over irregular routes, from Yonkers, N. Y., to points in Ohio; *grape juice*, unfermented, in tank vehicles, from Geneva, Ohio to Chicago, Ill.; *corn syrup*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in New York on and west of New York Highway 21, and those in Pennsylvania on and west of U. S. Highway 219. C. & E. TRUCKING CORP., is authorized to operate as

a *contract carrier* in New York, Vermont, Maryland, Pennsylvania, Virginia, Ohio and Michigan. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6623. Authority sought for purchase by BERMAN'S MOTOR EXPRESS, INC., P. O. Box 288, Binghamton, N. Y., of the operating rights and property of GEORGE F. BIRD, doing business as COWANESQUE VALLEY MOTOR EXPRESS, 253 Elmwood Avenue, Elmira Heights, N. Y., and for acquisition by SARAH BERMAN, JACOB BERMAN and IDA BERMAN, P. O. Box 288, Binghamton, N. Y., BENJAMIN BERMAN and SAMUEL BERMAN, 337 Mystic Avenue, Medford, Mass., of control of such rights and property through the purchase. Applicants' attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Elmira, N. Y., and Gold, Pa., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts and Pennsylvania. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6624. Authority sought for purchase by C & H TRANSPORTATION CO., INC., P. O. Box 5976, Dallas, Tex., of a portion of the operating rights of CASE BROTHERS TRUCKING CONTRACTORS, P. O. Box 692, Gainesville, Tex., and for acquisition by W. O. HARRINGTON, Dallas, Tex., of control of such rights through the purchase. Applicants' attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transferred: *Oilfield commodities*, as a *common carrier* over irregular routes, between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, North Dakota, South Dakota, Missouri, Nebraska, Colorado and Pennsylvania. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–5362; Filed, July 2, 1957; 8:48 a. m.]

FOURTH-SECTION APPLICATIONS FOR RELIEF

JUNE 28, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33945: *Substituted service—Motor-rail-motor, C. & N. W. Ry.* Filed by Middlewest Motor Freight Bureau, Agent, for the Chicago and North Western Railway Company, and interested motor carriers. Rates on freight of various kinds, located in highway trailers and transported in substituted service on railroad flat cars between Chicago, Ill., on the one hand, and Council Bluffs, and Sioux City, Iowa, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 55 to Middlewest Motor Freight Bureau, Agent, tariff MF–I. C. C. 223.

FSA No. 33946: *Iron and steel articles—Alabama points to Nashville, Tenn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on iron and steel articles, carloads from specified points in Alabama, including Birmingham and Alabama City and groups to Nashville, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 1 to Agent Spaninger's tariff I. C. C. 1592.

FSA No. 33947: *Bituminous coal—Alabama mines to Naheola, Ala.* Filed by Gulf, Mobile and Ohio Railroad Company, for itself and on behalf of the Meridian & Bigbee Railroad Company. Rates on bituminous fine coal, carloads from Fox and Northport, Ala., to Naheola, Ala.

Grounds for relief: Barge competition.

Tariff: Supplement 38 to Gulf, Mobile and Ohio Railroad Company's tariff I. C. C. 231.

FSA No. 33948: *Fertilizer and materials between official and western points.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, dry, carloads between points in official territory, on the one hand, and points in western trunk line and border territories in states named in the application, on the other.

Grounds for relief: Modified short-line distance formula, and circuitous routes.

FSA No. 33949: *Sulphuric acid—El Dorado, Ark., to Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid-tank-car loads from El Dorado, Ark., to Longview and Marshall, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 84 to Agent Kratzmeir's tariff I. C. C. 4204.

FSA No. 33950: *Sulphuric acid—El Dorado, Ark., to Tyler, Tex.* Filed by F. C. Kratzmeir, Agent for interested rail carriers. Rates on sulphuric acid, tank-car loads from El Dorado, Ark., to Tyler, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 85 to Agent Kratzmeir's tariff I. C. C. 4204.

FSA No. 33951: *Propyl aldehyde—Brownsville, Tex., to eastern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on propyl aldehyde, in bulk in barrels or drums, carloads, and in tank-car loads from Brownsville, Tex., to specified points in states in trunk line, New England, central and Illinois territories included in scope of the schedule listed below.

Grounds for relief: Circuitous routes.

Tariff: Supplement 346 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 33952: *Sulphuric acid—North Little Rock, Ark., to Sand Springs, Okla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from North Little Rock, Ark., to Sand Springs, Okla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 229 to Agent Kratzmeir's tariff I. C. C. 4109.

FSA No. 33953: *T. O. F. C. rates from and to Bastrop, Monroe, and Shops, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Class and commodity rates on freight loaded in or on demountable trailers and transported on railroad flat cars between Bastrop, Monroe and Shops, La., on one hand, and Kansas City, Mo.-Kans., St. Louis, Mo., and East St. Louis, Ill., on the other.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 33 to Agent Kratzmeir's tariff I. C. C. 4233.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–5361; Filed, July 2, 1957; 8:47 a. m.]

COMMISSIONER THROUGH WHOM BUREAU OF MOTOR CARRIERS REPORTS

ADDITION TO ASSIGNMENT OF DUTIES

JUNE 28, 1957.

The Organization Minutes of the Interstate Commerce Commission, relating to the organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission pursuant to section 17 of the Interstate Commerce Act as amended, revised to March 25, 1957 (22 F. R. 3987), have been amended effective June 5, 1957, by adding to the duties of the Commissioner through whom the Bureau of Motor Carriers reports, Item 6.11, the authority to issue orders designating Bureau of Motor Carriers employees authoized to issue "Out of Service Notices" with respect to motor vehicles found to be in a defective mechanical condition as described in § 196.5 of the Motor Carrier Safety Regulations, Revised, and to place on such defective vehicles, "Out of Service" stickers as provided in such regulations.

Item 6.11, as thus amended, reads as follows:

6.11 (a) Issuance and release of motor carrier accident investigation reports except those in which testimony is taken at a public hearing: Commissioner through whom the Bureau of Motor Carriers reports (Commissioner Walrath).

(b) Issuance of orders designating Bureau of Motor Carriers employees authorized to declare motor vehicles "out of service": Commissioner through whom the Bureau of Motor Carriers reports (Commissioner Walrath).

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–5382; Filed, July 2, 1957; 8:51 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 88]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Chicago, Rock Island and Pacific Railroad Company is unable to transport traffic due to washouts on the Enid and Alva and the Choctaw Northern branches; on its Enid and Alva branch between Warren and Okeene Junction, Oklahoma; and on the Choctaw Northern branch between Homestead and Augusta, Oklahoma: *It is ordered*, That:

(a) Rerouting traffic: The Chicago, Rock Island and Pacific Railroad Company is hereby authorized, due to washouts, to reroute or divert traffic moving on its lines between Enid and Alva, Oklahoma, and on the Choctaw Northern branches; on its Enid and Alva branch between Warren and Okeene Junction, Oklahoma (15.03 miles); and on the Choctaw Northern branch between Homestead and Augusta, Oklahoma (32.34 miles), over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 5:00 p. m., June 27, 1957.

(g) Expiration date: This order shall expire at 11:59 p. m., November 30, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 27, 1957.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 57–5383; Filed, July 2, 1957; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 129

Washington, Thursday, July 4, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN JUL 8 1957 MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3190

CARRYING OUT THE EIGHTH PROTOCOL OF SUPPLEMENTARY CONCESSIONS TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE, AND FOR OTHER PURPOSES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as then amended (48 Stat. (pt. 1) 943, ch. 474, 57 Stat. (pt. 1) 125, ch. 118, 59 Stat. (pt. 1) 410, ch. 269), the President on October 30, 1947, entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"), including a schedule of United States concessions (hereinafter referred to as "Schedule XX (Geneva—1947)"), and the Protocol of Provisional Application of the General Agreement, together with a Final Act (61 Stat. (pts. 5 and 6), A7, A11, and A2051);

2. WHEREAS by Proclamation No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the said trade agreement specified in the first recital of this proclamation on and after January 1, 1948, which proclamation has been supplemented by the other proclamations listed in the third recital of Proclamation No. 3140 of June 13, 1956 (3 CFR, 1956 Supp., p. 24), by the said proclamation of June 13, 1956, by Proclamation No. 3143 of June 25, 1956 (3 CFR, 1956 Supp., p. 33), by Proclamation No. 3146 of June 29, 1956 (3 CFR, 1956 Supp., p. 35), by Proclamation No. 3160 of September 28, 1956 (3 CFR, 1956 Supp., p. 44), and by Proclamation No. 3184 of May 16, 1957 (22 F. R. 3531);

3. WHEREAS I have found as a fact that certain existing duties and other import restrictions of the United States of America and of the Republic of Cuba, both being contracting parties to the General Agreement, are unduly burdening and restricting the foreign trade of the United States of America and that the purposes declared in section 350 of the Tariff Act of 1930, as now amended (48 Stat. (pt. 1) 943, ch. 474, 57 Stat. (pt. 1) 125, ch. 118, 59 Stat. (pt. 1) 410, ch. 269, 63 Stat. (pt. 1) 698, ch. 585, 69 Stat. 162, ch. 169), will be promoted by the negotiation between these two Governments of a trade agreement supplementing the General Agreement;

4. WHEREAS, pursuant to section 3 (a) of the Trade Agreements Extension Act of 1951 (65 Stat. 72, ch. 141), I transmitted to the United States Tariff Commission for investigation and report a list of all articles imported into the United States of America to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in the trade agreement negotiations with the Government of the Republic of Cuba referred to in the third recital of this proclamation, and the Tariff Commission made an investigation in accordance with section 3 of the said Trade Agreements Extension Act and thereafter reported to me its determinations made pursuant to the said section within the time period specified therein;

5. WHEREAS reasonable public notice of the intention to conduct trade agreement negotiations with the Republic of Cuba was given, the views presented by persons interested in such negotiations were received and considered, and information and advice with respect to such negotiations was sought and obtained from the Departments of State, Agriculture, Commerce, and Defense, and from other sources;

6. WHEREAS, the period for the exercise of the authority of the President to enter into foreign trade agreements under the said section 350, as now amended, having been extended by section 2 of the Trade Agreements Extension Act of 1955 (69 Stat. 162, ch. 169) from June 12,

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(As of January 1, 1957)

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Title 6 (Rev. 1956) ($6.00)

Title 26 (1954), Part 221 to end (Rev. 1956) ($4.75)

Previously announced: Title 3, 1956 Supp. ($0.40); Titles 4 and 5 ($1.00); Title 7, Parts 1–209 ($1.75), Parts 210–899 ($2.00), Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 8 ($0.55); Title 9 ($0.70); Titles 10–13 ($1.00); Title 14, Part 400 to end ($1.00); Title 16 ($1.50); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.65); Title 20 ($1.00); Title 21 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($1.00); Title 25 ($1.25); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 26 (1954), Parts 1–169 (Rev. 1956) ($4.25), Parts 170–220 (Rev. 1956) ($2.25); Titles 28 and 29 ($1.50); Titles 30 and 31 ($1.50); Title 32, Parts 1–399 ($1.00), Parts 400–699 ($1.25), Parts 700–799 ($0.50), Parts 800–1099 ($0.55), Part 1100 to end ($0.50); Title 32A ($2.00); Title 33 ($1.50); Titles 35, 36, and 37 ($1.00); Title 38 (Rev. 1956) ($8.00); Title 39 ($0.50); Titles 40, 41, and 42 ($1.00); Title 43 ($0.60); Titles 44 and 45 ($1.00); Title 46, Parts 1–145 ($0.65); Titles 47 and 48 ($2.75); Title 49, Parts 1–70 ($0.65), Parts 91–164 ($0.60), Part 165 to end ($0.70); Title 50 ($0.60)

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1955, until the close of June 30, 1958, on June 20, 1957, as a result of the findings set forth in the third recital of this proclamation, I entered, through my duly authorized representative, into a trade agreement providing for the application of the relevant provisions of the General Agreement to additional schedules of tariff concessions relating to the United States of America and to the Republic of Cuba, which trade agreement consists of the Eighth Protocol of Supplementary Concessions to the General Agreement on Tariffs and Trade, dated June 20, 1957, including a schedule of United States concessions (hereinafter referred to as "Schedule XX (Havana—1957)"), which trade agreement is authentic in the English and French languages as indicated therein, and a copy of which is annexed to this proclamation;[1]

7. WHEREAS the supplementary trade agreement specified in the sixth recital of this proclamation provides that the schedule annexed thereto relating to a negotiating contracting party shall be regarded as a schedule to the General Agreement relating to that contracting party on the thirtieth day following the day on which the protocol shall have been signed by such contracting party or on June 29, 1957, which ever is the earlier, and such protocol was not signed on behalf of the United States prior to May 30, 1957;

8. WHEREAS I find that each modification of existing duties or other import restrictions of the United States of America and each continuance of existing customs or excise treatment of articles imported into the United States of America which is proclaimed in Part I of this proclamation will be required or appropriate, on and after the dates specified in the said Part I, to carry out the trade agreement specified in the sixth recital of this proclamation;

9. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including the said section 350, as then amended, the President on October 30, 1947, entered into an exclusive trade agreement with the Government of the Republic of Cuba (61 Stat. (pt. 4) 3699), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the treatment in respect or ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

10. WHEREAS by Proclamation No. 2764 of January 1, 1948 (62 Stat. (pt. 2) 1465), the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the said exclusive trade agreement specified in the ninth recital of this proclamation on and after January 1, 1948, which proclamation has been supplemented by the other proclamations listed in the thirteenth recital of the said proclamation of June 13, 1956, by the said proclamation of June 13, 1956, and by the said proclamation of May 16, 1957;

11. WHEREAS Part II of Schedule XX (Geneva—1947), which was made a part of the exclusive trade agreement specified in the ninth recital of this proclamation, is supplemented by Part II of Schedule XX (Havana—1957), and I find that it is required or appropriate, on and after the dates specified in the said Part II, to carry out the said exclusive trade agreement that the said Part II of Schedule XX (Geneva—1947) be applied as supplemented by the said Part II of Schedule XX (Havana—1957);

12. WHEREAS by the said proclamation of June 13, 1956, the President proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the Sixth Protocol of Supplementary Concessions to the General Agreement (TIAS 3591), including a schedule of United States concessions (hereinafter referred to as "Schedule XX (Geneva—1956)");

13. WHEREAS the third sub-classification of the description in item 1513 [second] in Part I of Schedule XX (Geneva—1956) erroneously reads "Figures or images of animate objects not specified above in this item" in place of "Figures or images of animate objects wholly or in chief value of metal and not specified above in this item"; and

14. WHEREAS in the said proclamation of May 16, 1957, the rate of duty in the item set forth in the eighth recital should be "67½¢ per 100 lb." in place of the rate of "67½¢ per lb.", the reference in Part II should be to the "sixteenth recital" of the said proclamation of June 13, 1956, in place of the reference to the "thirteenth recital" of that proclamation, and the reference in Part III should be to the "sixteenth recital" of Proclamation No. 3105 of July 22, 1955 (69 Stat. C44) in place of the reference to the "thirteenth recital" of that proclamation:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350, as now amended, do proclaim as follows:

PART I

To the end that the trade agreement specified in the sixth recital of this proclamation may be carried out:

(a) Such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States as are specified or provided for in paragraphs 1 to 4, inclusive, of the said Protocol of Supplementary Concessions specified therein, and in Part I of Schedule XX (Havana—1957), shall, subject to the provisions of subdivision (b) of this part, be effective as follows:

(1) The rates of duty specified in column A at the right of the respective descriptions of products in Part I of Schedule XX (Havana—1957), on and after June 29, 1957,

(2) The rates of duty specified in column B at the right of the said respective descriptions of products, on and

[1] The English text of this agreement is contained in Department of State Press Release No. 376, June 20, 1957. The portions of the agreement to be applied by the United States will be printed in Treasury Decisions, and the complete agreement will be printed first separately in Treaties and Other International Acts Series and subsequently in the bound volumes of United States Treaties and Other International Agreements.

after the appropriate date or dates determined in accordance with the provisions of paragraph 2 of the General Notes at the end of Schedule XX (Havana—1957).

(b) The application of the provisions of subdivision (a) of this part and of subdivision (a) of Part II of this proclamation shall be subject (1) to the applicable terms, conditions, and qualifications set forth in paragraphs 1 to 4, inclusive, of the said Protocol of Supplementary Concessions, in Schedule XX (Havana—1957), including the General Notes thereto, in Parts I, II, and III of the General Agreement, including any applicable amendments and rectifications thereof, and in the Protocol of Provisional Application specified in the first recital of this proclamation, and (2) to the exception that no rate of duty shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed for the article by any of the following then in effect:

(i) A proclamation pursuant to section 350 of the Tariff Act of 1930, but the application of such more favorable treatment shall be subject to the qualifications set forth in paragraph 3 of the General Notes in Schedule XX (Havana—1957),

(ii) Any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax or became effective subsequent to June 20, 1957.

PART II

To the end that the exclusive trade agreement with the Republic of Cuba specified in the ninth recital of this proclamation may be carried out, such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs or excise treatment of products of the Republic of Cuba imported into the United States as are specified or provided for in paragraphs 1 to 4, inclusive, of the Protocol of Supplementary Concessions specified in the sixth recital of this proclamation, and in Part II of Schedule XX (Havana—1957), shall, subject to the provisions of subdivision (b) of Part I of this proclamation and of the said exclusive trade agreement be effective as follows:

(1) The rates of duty specified in column A at the right of the respective descriptions of products in Part II of Schedule XX (Havana—1957), on and after June 29, 1957,

(2) The rates of duty specified in column B at the right of the said respective descriptions of products, on and after the appropriate date or dates determined in accordance with the provisions of paragraph 2 of the General Notes at the end of Schedule XX (Havana–1957).

PART III

The said proclamation of June 13, 1956, shall be applied as though the third subclassification of the description in item 1513 [second] in Part I of Schedule XX (Geneva—1956) read "Figures or images of animate objects wholly or in chief value of metal and not specified above in this item".

PART IV

The said proclamation of May 16, 1957, is rectified by the insertion (a) in the item set forth in the eighth recital of the rate of "67½¢ per 100 lb." in place of the rate of "67½¢ per lb.", (b) in Part II of a reference to the "sixteenth recital" of the said proclamation of June 13, 1956, in place of the reference to the "thirteenth recital" of that proclamation, and (c) in Part III of a reference to the "sixteenth recital" of the said proclamation of July 22, 1955, in place of the reference to the "thirteenth recital" of that proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of June in the year of our Lord nineteen hundred and fifty-
[SEAL] seven, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57–5503; Filed, July 3, 1957; 10:32 a. m.]

PROCLAMATION 3191

CARRYING OUT SUPPLEMENTARY AGREEMENTS GRANTING CONCESSIONS TO COMPENSATE FOR ESCAPE CLAUSE ACTION ON CERTAIN TOWELING

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as then amended (48 Stat. (pt. 1) 943, ch. 474, 57 Stat. (pt. 1) 125, ch. 118, 59 Stat. (pt. 1) 410, ch. 269), the President on October 30, 1947, entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"), including a Schedule of United States Concessions (hereinafter referred to as "Schedule XX (Geneva—1947)"), and the Protocol of Provisional Application of the General Agreement, together with a Final Act (61 Stat. (pts. 5 and 6) A7, A11, and A2051);

2. WHEREAS by Proclamation No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), the President proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the said trade agreement specified in the first recital of this proclamation on and after January 1, 1948, which proclamation has been supplemented by the other proclamations listed in the third recital of Proclamation No. 3140 of June 13, 1956 (3 CFR, 1956 Supp., p. 24), by the said proclamation of June 13, 1956, by Proclamation No. 3143 of June 25, 1956 (3 CFR, 1956 Supp., p. 33), by Proclamation No. 3146, of June 29, 1956 (3 CFR, 1956 Supp., p. 35), by Proclamation No. 3160 of September 28, 1956 (3 CFR, 1956 Supp., p. 44), by Proclamation No. 3184 of May 16, 1957 (22 F. R. 3531), and by Proclamation No. 3190 of June 28, 1957 (22 F. R. 4705);

3. WHEREAS, acting under and by virtue of the authority vested in him by the said section 350, as now amended (48 Stat. (pt. 1) 943, ch. 474, 57 Stat. (pt. 1) 125, ch. 118, 59 Stat. (pt. 1) 410, ch. 269, 63 Stat. (pt. 1) 698, ch. 585, 69 Stat. 162, ch. 169), and by section 7 (c) of the Trade Agreements Extension Act of 1951 (65 Stat. 74, ch. 141), and in accordance with Article XIX of the General Agreement, the President, by the said proclamation of June 25, 1956, proclaimed the withdrawal of the duty concession granted by the United States with respect to certain products (toweling of flax, hemp, or ramie) described in item 1010 in Part I of Schedule XX (Geneva—1947), effective after the close of business July 25, 1956;

4. WHEREAS the said Article XIX of the General Agreement provides for consultation with those other contracting parties, having a substantial interest as exporters of products with respect to which action has been taken under that Article, with a view to agreement being reached among all interested contracting parties;

5. WHEREAS I have found as a fact that, under the circumstances recited above, existing duties or other import restrictions of the United States of America, or of the Kingdom of Belgium, the Kingdom of the Netherlands, or the United Kingdom of Great Britain and Northern Ireland, which last three countries are the contracting parties to the General Agreement having a substantial interest as exporters, are unduly burdening and restricting the foreign trade of the United States of America;

6. WHEREAS, pursuant to section 3 (a) of the said Trade Agreements Extension Act of 1951 (65 Stat. 72, ch. 141), I transmitted to the United States Tariff Commission for investigation and report a list of all articles imported into the United States of America to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in the trade agreement negotiations with the governments of the foreign countries referred to in the fifth recital of this proclamation, and the Tariff Commission made an investigation in accordance with section 3 of the said Trade Agreements Extension Act of 1951 and thereafter reported to me its determinations made pursuant to the said section within the time period specified therein;

7. WHEREAS reasonable public notice of the intention to conduct trade agreement negotiations with the foreign countries specified in the fifth recital of this proclamation was given, the views presented by persons interested in such negotiations were received and considered, and information and advice with respect to such negotiations was sought and obtained from the Departments of State, Agriculture, Commerce, and Defense, and from other sources;

8. WHEREAS, the period for the exercise of the authority of the President to enter into foreign trade agreements under the said section 350, as now amended, having been extended by section 2 of the Trade Agreements Extension Act of 1955 (69 Stat. 162, ch. 169) from June 12, 1955, until the close of June 30, 1958, as a result of the findings set forth in the fifth recital of this proclamation and for the purpose of restoring the general level of reciprocal and mutually advantageous concessions in the General Agreement by the addition thereto of further concessions, I entered into the following two trade agreements, each through my duly authorized representative, copies of both of which agreements are annexed to this proclamation: [1] (a) on June 27, 1957, a trade agreement consisting of the Agreement between the Kingdom of Belgium, the Kingdom of the Netherlands, and the United States of America supplementary to the General Agreement, dated June 27, 1957, including a schedule, which trade agreement is authentic in the English and French languages as indicated therein, and (b) on June 27, 1957, a trade agreement consisting of the Agreement between the United Kingdom of Great Britain and Northern Ireland and the United States of America supplementary to the General Agreement, dated June 27, 1957, including a schedule, which trade agreement is authentic in the English language;

9. WHEREAS the agreements supplementary to the General Agreement, specified in the eighth recital of this proclamation, both provide that the treatment provided for in the schedules annexed thereto shall be applied by the United States of America on and after June 29, 1957;

10. WHEREAS in the case of any modification of an existing duty proclaimed in this proclamation which reflects a decrease in duty exceeding the limitation specified in subsection (a) (2) (D) or (a) (3) (B) of the said section 350, as now amended, I have made the determinations provided for in subsection (a) (3) (D) of that section that such decreases will simplify the computation of the amount of duty imposed with respect to the articles concerned; and

11. WHEREAS I find that the compensatory modifications provided for in the trade agreements supplementary to the General Agreement, specified in the eighth recital of this proclamation, constitute appropriate action toward maintaining the general level of reciprocal and mutually advantageous concessions in the General Agreement, that the purpose set forth in the said section 350, as now amended, will be promoted by such compensatory modifications of existing duties and other import restrictions and continuance of existing customs or excise treatment as are set forth and provided for in the said supplementary agreements, and that such modifications of existing duties and other import restrictions and such continuance of existing customs or excise treatment of articles as are hereinafter proclaimed in this proclamation will be required or appropriate, on and after the dates hereinafter specified, to carry out the said trade agreements supplementary to the General Agreement:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350, as now amended, to the end that the General Agreement and the trade agreements supplementary to the General Agreement, specified in the eighth recital of this proclamation may be carried out, do proclaim that such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States as are specified and provided for in the said trade agreements, including the schedules annexed thereto, shall, subject to the provisions of the said trade agreements, be applied as though such modifications and continuance were specified and provided for in Part I of Schedule XX (Geneva—1947), as follows:

(1) The rates of duty specified in column A at the right of the respective descriptions of products in the said schedules annexed to the said trade agreements supplementary to the General Agreement, on and after June 29, 1957,

(2) The rates of duty specified in column B at the right of the said respective descriptions of products, on and after the date or dates determined in accordance with the provisions of paragraph 2 of the General Notes at the end of the schedules annexed to the said trade agreements.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of June in the year of our Lord nineteen hundred and fifty-
[SEAL] seven, and of the Independence of the United States the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57–5502; Filed, July 3, 1957; 10:32 a. m.]

[1] The English texts of these agreements are contained in Department of State Press Release No. 394, June 27, 1957. The portions of the agreements to be applied by the United States will be printed in Treasury Decisions and the complete agreements will be printed first separately in Treaties and Other International Acts Series, and subsequently in the bound volumes of United States Treaties and Other International Agreements.

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SELECTIVE SERVICE SYSTEM

Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 6.144 is amended as set out below.

§ 6.144 *Selective Service System.* • • •

(c) Until June 30, 1959, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–5436; Filed, July 3, 1957; 8:54 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

RAILROAD RETIREMENT BOARD

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.336 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–5437; Filed, July 3, 1957; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF APPLE BUTTER [1]

On April 8, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 2282) regarding a proposed revision of United States Standards for Grades of Apple Butter.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice,

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

the following United States Standards for Grades of Apple Butter are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

IDENTITY AND GRADES

Sec.
52.2801 Identity.
52.2802 Grades of apple butter.

FILL OF CONTAINER

52.2803 Recommended fill of container.

FACTORS OF QUALITY

52.2804 Ascertaining the grade.
52.2805 Ascertaining the rating for the factors which are scored.
52.2806 Color.
52.2807 Consistency.
52.2808 Finish.
52.2809 Defects.
52.2810 Flavor.

LOT CERTIFICATION

52.2811 Ascertaining the grade of a lot.

SCORE SHEET

52.2812 Score sheet for apple butter.

AUTHORITY: §§ 52.2801 to 52.2812 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

IDENTITY AND GRADE

§ 52.2801 *Identity.* Apple butter is a fruit butter prepared from clean, sound, wholesome, mature apples (either fresh, frozen, canned and/or dried) and other ingredients as defined in the amended Standards of Identity for Fruit Butter (21 CFR 29.1) issued pursuant to the Federal Food, Drug and Cosmetic Act. The apples are prepared by cooking, with or without added water, and the skins, seeds, and cores are screened out. The soluble solids are not less than 43 percent.

§ 52.2802 *Grades of apple butter.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of apple butter that possesses a good color; that possesses a good consistency; that possesses a good finish; that is practically free from defects; that possesses a good flavor, and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of apple butter that possesses a fairly good color; that possesses a fairly good consistency; that possesses a fairly good finish; that is fairly free from defects; that possesses a fairly good flavor, and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of apple butter that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.2803 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of apple butter be filled as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.2804 *Ascertaining the grade of a sample unit.* (a) The grade of a sample unit of apple butter is ascertained by considering the factors of quality which are scored. The relative importance of each such factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Consistency	20
Finish	20
Defects	20
Flavor	20
Total score	100

§ 52.2805 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.2806 *Color*—(a) *General.* Information concerning the USDA Apple Butter Color Standards, referred to in this section, may be obtained by writing to the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C.

(b) (*A*) *classification.* Apple butter that possesses a good color may be given a score of 17 to 20 points. "Good color" means a lustrous, practically uniform color characteristic of properly prepared and properly processed apple butter. Such color may be moderately reddish brown or moderately dark brown but is equal to or better than USDA Apple Butter Color Standard No. 1 or USDA Apple Butter Color Standard No. 2, whichever most nearly matches the color of the apple butter.

(c) (*C*) *classification.* If the apple butter possesses a fairly good color a score of 14 to 16 points may be given. Apple butter that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a characteristic apple butter color which may be somewhat lacking in luster. Such color may be dark brown or light brown but is equal to or better than USDA Apple Butter Color Standard No. 3 or USDA Apple Butter Color Standard No. 4, whichever most nearly matches the color of the apple butter.

(d) (*SStd.*) *classification.* Apple butter that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2807 *Consistency*—(a) *General.* The factor of consistency refers to the viscosity of the product and to the degree of separation of free liquor.

(b) (*A*) *classification.* Apple butter that possesses a good consistency may be given a score of 17 to 20 points. "Good consistency" means that the apple butter after stirring and emptying from the container to a dry flat surface forms a moderately mounded mass and that at the end of two minutes there is practically no separation of free liquor.

(c) (*C*) *classification.* Apple butter that possesses a fairly good consistency may be given a score of 14 to 16 points. Apple butter that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency" means that the apple butter after stirring may possess a thick consistency so that it does not pour readily from the container or after emptying from the container to a dry flat surface may form only a slightly mounded mass and at the end of two minutes there is no more than a slight separation of free liquor.

(d) (*SStd.*) *classification.* Apple butter that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2808 *Finish*—(a) *General.* The factor of finish refers to the size and texture of the apple particles.

(b) (*A*) *classification.* Apple butter that possesses a good finish may be given a score of 17 to 20 points. "Good finish" means that the apple particles are evenly divided; that the product is fine grained and smooth.

(c) (*C*) *classification.* If the apple butter possesses only a fairly good finish a score of 14 to 16 points may be given. Apple butter that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good finish" means that the apple particles are evenly divided; that the product may be slightly coarse; but the apple particles are neither hard nor excessively grainy.

(d) (*SStd.*) *classification.* Apple butter that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2809 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from such defects as black specks, dark scale-like particles, particles of carpel tissue, peel, stem, seed-coat, and blossom-end material. This factor is evaluated by observing a layer of the product on a smooth white surface. Such a layer is prepared by drawing a scraper, with an indentation 3/32 inch high by 7 inches long for clearance, rapidly through the product in two horizontonal planes so as to form an approximate square.

(b) (*A*) *classification.* Apple butter that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or edibility of the product.

(c) (*C*) *classification.* If the apple butter is fairly free from defects a score of 14 to 16 points may be given. Apple butter that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present may be noticeable but are not so large, so numerous, or of such contrasting color as to seriously affect the appearance or edibility of the product.

(d) (*SStd.*) *classification.* Apple butter that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.2811 *Ascertaining the grade of a lot.* The grade of a lot of apple butter covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.2812 *Score sheet for apple butter.*

Size and kind of container ____
Label ____
Container mark or identification ____
Net weight (ounces) ____
Soluble solids (percent by refractometer) ____

Factors	Score points		
Color	20	(A)	17–20
		(C)	[1] 14–16
		(SStd.)	[1] 0–13
Consistency	20	(A)	17–20
		(C)	[1] 14–16
		(SStd.)	[1] 0–13
Finish	20	(A)	17–20
		(C)	[1] 14–16
		(SStd.)	[1] 0–13
Defects	20	(A)	17–20
		(C)	[1] 14–16
		(SStd.)	[1] 0–13
Flavor	20	(A)	17–20
		(B)	[1] 14–16
		(SStd.)	[1] 0–13
Total score	100		

Grade ____

[1] Indicates limiting rule.

Effective time and supersedure. The United States Standards for Grades of Apple Butter (which is the second issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER and thereupon will supersede the tentative United States Standards for Grades of Apple Butter which have been in effect since October 1, 1945.

Dated: July 1, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-5417; Filed, July 3, 1957; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 911—MILK IN TEXAS PANHANDLE MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "Act", and of the order, as amended (7 CFR Part 911), regulating the handling of milk in the Texas Panhandle marketing area, hereinafter referred to as the "order", it is hereby found that:

(a) The provision of § 911.51 (a) which provides that the Class I price should be increased or decreased by a like amount in any month in which the supply-demand adjustment computed pursuant to § 943.51 (a) (1), (2), and (3) regulating the handling of milk in the North Texas marketing area increases or decreases the Class I price computed pursuant to § 943.51 (a) no longer tends to effectuate the declared policy of the act.

(b) Notice of proposed rule making, public procedure thereon, and 30-day prior notice to effective date hereof are found to be impracticable, unnecessary and contrary to the public interest in that (1) this issue was considered at a public hearing at Amarillo, Texas, on June 12, 1957, and the issuance of this suspension order as a separate action is necessary in order to reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area, pending further consideration and action on other issues of said hearing; (2) this suspension order should be made effective on July 1, 1957, to insure production of an adequate supply of pure and wholesome milk for the market; (3) unless such action is taken, there may be a further decline in the supply of milk produced for the said marketing area; (4) the request for this suspension order was made on behalf of a substantial majority of producers whose milk is regulated by the order; (5) this suspension order does not require of persons affected substantial or extensive preparation prior to its effective date; and (6) the time intervening between the date of this suspension order and its effective date affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the following provision be and hereby is suspended to be made effective on July 1, 1957.

In § 911.51 (a) "provided that such price shall be increased or decreased by a like amount in any month in which the supply-demand adjustment computed pursuant to § 943.51 (a) (1), (2), and (3) regulating the handling of milk in the North Texas marketing area increases or decreases the Class I price computed pursuant to § 943.51 (a)".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 28th day of June 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-5416; Filed, July 3, 1957; 8:49 a. m.]

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.566 *Bartlett Pear Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available in-

formation, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1957. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Bartlett Pear Commodity Committee until June 25, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on June 25, 1957, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such pears are expected to begin on or about July 8, 1957; and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 5, 1957, and ending at 12:01 a. m., P. s. t., January 1, 1958, no shipper shall ship any box or container of Bartlett pears unless:

(i) All such pears grade not less than U. S. No. 2;

(ii) At least 80 percent, by count, of the pears contained in any box or container grade at least U. S. No. 1, with the following exceptions: (*a*) such pears may fail to be fairly well formed only because of short shape but shall not be seriously misshapen; and (*b*) a quantity of such pears equivalent to not more than 5 percent of the total number of pear in any box or container may be damaged but not seriously damaged by hail; and

(iii) All such pears are of a size not smaller than size 165.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of Bartlett pears. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(c) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order (§§ 936.1 to 936.178).

(2) "Size 165" means Bartlett pears of a size which (i) when packed in a standard pear box, will pack, in accordance with the requirements prescribed for a standard pack, 165 pears in said box with the twenty-two smallest pears weighing not less than six pounds, or (ii) when packed in containers other than the standard pear box, will not pass through a rigid ring 2⅜ inches in diameter: *Provided*, That not to exceed 5 percent, by count, of the pears in any such container may be not to exceed ⅛ inch smaller than said diameter requirement but the twenty-two smallest pears shall not weigh less than six pounds.

(3) "Standard pear box" means the container so designated in section 828.3 of the Agricultural Code of California.

(4) "U. S. No. 1," "U. S. No. 2," "fairly well formed," "seriously misshapen," "damage," "seriously damaged," and "standard pack" shall have the same meaning as when used in the United States Standards for Pears (Summer and Fall), §§ 51.1260–51.1278 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 28, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5418; Filed, July 3, 1957; 8:50 a. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 992.312 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) Except as otherwise provided in this section, during the period from July 5, 1957, through May 31, 1958, no handler shall ship potatoes of any variety unless such potatoes are "fairly clean" and

(i) If they are of the round varieties (including, but not limited to, Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 1⅞ inches minimum diameter, and

(ii) If they are of the long varieties (including, but not limited to, White Rose, Russet Burbank, and Early Gem varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of a weight not less than 5 ounces: *Provided*, That potatoes of the U. S. No. 1, or better, grade, may be shipped if they are of 2 inches minimum diameter or 4 ounces minimum weight, as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 1559 of this title), including the tolerances set forth therein.

(2) Except as otherwise provided in this section, during the period from July 5, 1957, through May 31, 1958, no handler shall ship (i) any lot of potatoes of the round varieties (including but not limited to, Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties) if more than 20 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered," as such terms are used in the said United States Standards, or (ii) any lot of potatoes of the long varieties (including, but not limited to, White Rose, Russet and Early Gem varieties) if such potatoes are more than "moderately skinned," which means that not more than 10 percent of the potatoes in any such lot have more than one-half of the skin missing or "feathered," as such terms are used in the said United States Standards for Potatoes.

(3) Each handler may make one shipment of not more than five hundredweight of potatoes per week without regard to the limitations set forth in subparagraphs (1) and (2) of this paragraph, or the assessment and inspection requirements of this part.

(4) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for any of the following purposes: (i) Certified seed; (ii) livestock feed; (iii) starch; (iv) distribution by relief agencies, or consumption by charitable institutions; (v) manufacture or conversion into dehydrated potato products, canned products or frozen products; (vi) export; or (vii) potato chips.

(5) Each handler making any shipment of potatoes for manufacture or conversion into dehydrated potato products, canned products, or frozen products, or for export, or for potato chips pursuant to subparagraph (4) of this paragraph shall: (i) First apply to the committee for and obtain a Certificate of Privilege to make such shipment; (ii) pay assessments on such shipment; (iii) have such shipment inspected; (iv) upon request by the committee furnish reports of each shipment made pursuant to each Certificate of Privilege; (v) at the time of applying to the committee for a Certificate of Privilege furnish the committee with the receiver's or buyer's certification that the potatoes handled under the Certificate of Privilege are to be used only for the purpose stated therein and that he will complete and return to the committee such periodic receivers' reports that the committee may require; (vi) mail to the office of the committee a copy of the bill of lading for each shipment made under the Certificate of Privilege promptly after date of such shipment; and (vii) before diverting any such shipment to another receiver or buyer, apply to the committee for, and obtain, a new Certificate of Privilege authorizing such diversion and such handler shall also comply with the requirements prescribed by (iv), (v), and (vi) of this subparagraph with respect to such diverted shipment.

(6) Terms used in Marketing Agreement No. 113 and Order No. 92 shall, when used in this section, have the same meaning as when used in said marketing agreement and order (§§ 992.1 to 992.124).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 28, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-5419; Filed, July 3, 1957; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6327]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MARYLAND BAKING CO. AND JOSEPH SHAPIRO

Subpart—*Cutting prices arbitrarily:* § 13.665 *Cutting prices arbitrarily, or with intent and effect of competitive loss or capitulation:* Under Clayton Act, sec. 2 (a). Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price Discrimination under 2 (a): § 13.737 *Localized price cutting.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Modified cease and desist order, Maryland Baking Company et al., Baltimore, Md., Docket 6327, May 31, 1957]

In the Matter of Maryland Baking Company, a Corporation, and Joseph Shapiro, Individually and as Treasurer of Maryland Baking Company

Order modifying, to accord with the decision of the Court of Appeals, Fourth Circuit, cease and desist order of June 29, 1956, 21 F. R. 5574, prohibiting price discrimination in the sale of ice cream cones.

The order to cease and desist as thus modified is as follows:

It is ordered, That respondent, The Maryland Baking Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale or distribution of ice cream cones in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality, by selling ice cream cones to any purchaser at a price which is lower than the price charged any other purchaser engaged in the same line of commerce, where such lower price undercuts the price at which the purchaser charged the lower price may purchase ice cream cones of like grade and quality from another seller.

It is further ordered, That respondent, The Maryland Baking Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 31, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-5422; Filed, July 3, 1957; 8:51 a. m.]

[Docket 6796]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CROWN MANUFACTURING CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Crown Manufacturing Co., Inc., et al., Docket 6796, May 23, 1957]

In the Matter of Crown Manufacturing Co., Inc., a Corporation, Sheerr Bros. and Company, a Corporation, Stanley I. Sheerr and Harry Swavely, Individually and as Officers of Said Corporations, and David B. Carmel, Individually and as a Director of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two manufacturers in Philadelphia and New York City, respectively, with violating the Wool Products Labeling Act by labeling as "100 percent Wool" interlining materials which contained substantial quantities of fibers other than wool and with failing in other respects to conform to the labeling requirements of the act.

Following agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Crown Manufacturing Co., Inc., a corporation; Sheerr Bros. and Company, a corporation, and their officers; and Stanley I. Sheerr and Harry Swavely, individually and as officers of said corporations; and David B. Carmel, individually and as a director of said corporations; and Respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of interlining materials or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Respondents Crown Manufacturing Co., Inc., a corporation; Sheerr Bros. and Company, a corporation; and their officers; Stanley I. Sheerr and Harry Swavely, individually and as officers of said corporations; and David B. Carmel, individually and as a director of said corporations, and Respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of interlining materials, or any other materials, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constitutent fibers thereof on invoices or other shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 23, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5423; Filed, July 3, 1957; 8:51 a. m.]

[Docket 6797]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CAMDEN SPINNING CO. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Camden Spinning Company et al., Camden, Me., Docket 6797, May 23, 1957]

In the Matter of Camden Spinning Company, a Corporation; and C. Earl Hodgkins and Herbert A. Miller, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Camden, Maine, with violating the Wool Products Labeling Act by labeling as "All Wool" interlining materials which contained substantial quantities of fibers other than wool and with failing in other respects to conform to the labeling requirements of the act.

Following agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Camden Spinning Company, a corporation, and its officers, and C. Earl Hodgkins and Herbert A. Miller, individually and as officers of said corporation, and Respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of interlining materials, or any other materials, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibers thereof on invoices or other shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 23, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5424; Filed, July 3, 1957; 8:51 a. m.]

[Docket 6798]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HENRY GEWIRTZ TEXTILE CORP. AND SEYMOUR GEWIRTZ

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Henry Gewirtz Textile Corporation et al. New York, N. Y., Docket 6798, May 23, 1957]

In the Matter of Henry Gewirtz Textile Corporation, a Corporation, and Seymour Gewirtz, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with violating the Wool Products Labeling Act by labeling and invoicing as "100 percent reused wool" and "100 percent wool" quilted and woven interlining materials which contained substantial quantities of nonwoolen fibers and by failing in other respects to comply with the labeling requirements of the act.

Following agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Henry Gewirtz Textile Corporation, and its officers, and Seymour Gewirtz, individually and as an officer of said corporation, and Respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of interlining materials or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Respondents Henry Gewirtz Textile Corporation, and its officers, and Seymour Gewirtz, individually and as an officer of said corporation, and Respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of interlining materials, or any other materials, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibers thereof on invoices or other shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 23, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5425; Filed, July 3, 1957 8:51 a. m.]

[Docket 6799]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

D. MENDELSOHN, INC., AND DAVID MENDELSOHN

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c) [Cease and desist order, D. Mendelsohn, Inc., et al., New York, N. Y., Docket 6799, May 23,,1957]

In the Matter of D. Mendelsohn, Inc., a Corporation, and David Mendelsohn, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with violating the Wool Products Labeling Act by labeling and invoicing as "100 percent Reprocessed Wool" and "100 percent Wool" quilted and woven interlining materials which contained substantial quantities of nonwoolen fibers and by failing in other respects to comply with the labeling requirements of the act.

Following agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents D. Mendelsohn, Inc., a corporation, and its officers, and David Mendelsohn, individually and as an officer of said corporation, and Respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of interlining materials or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Respondents D. Mendelsohn, Inc., a corporation, and its officers, and David Mendelsohn, individually and as an officer of said corporation, and Respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of interlining materials or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Respondents D. Mendelsohn, Inc., a corporation, and its officers, and David Mendelsohn, individually and as an officer of said corporation, and Respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of interlining materials, or any other materials, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibers thereof on invoices or other shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 23, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5426; Filed, July 3, 1957; 8:51 a. m.]

[Docket 6800]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

STAMINA INDUSTRIES, INC., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:*

Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c))

[Cease and desist order, Stamina Industries, Inc., et al., Forestdale, R. I., Docket 6800, May 23, 1957]

In the Matter of Stamina Industries, Inc., a Corporation, and Samuel M. Stayman and Samuel Ketover, Individually, and as Officers of Said Corporation

This proceeding was heard by a hearing examiner upon the complaint of the Commission charging a manufacturer in Forestdale, R. I., with violating the Wool Products Labeling Act by labeling and causing their selling agents to invoice as "100 percent wool" and "all wool" interlining materials and blankets which contained substantial quantities of nonwoolen fibers and by failing in other respects to comply with the labeling requirements of the act.

Following agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Stamina Industries, Inc., a corporation, and its officers, and Samuel M. Stayman and Samuel Ketover, individually and as officers of said corporation, and Respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of interlining materials and blankets or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Respondents Stamina Industries, Inc., a corporation, and its officers, and Samuel M. Stayman and Samuel Ketover, individually and as officers of said corporation, and Respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of interlining materials and blankets, or any other materials, in commerce, as "Commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibers thereof on invoices or other shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 23, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57–5427; Filed, July 3, 1957; 8:52 a. m.]

[Docket 6801]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SIDNEY SUGAR & CO.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly ro deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Sidney Sugar trading as Sidney Sugar & Co., Chicago, Ill., Docket 6801, May 23, 1957]

This proceeding was heard by a hearing examiner upon the complaint of the Commission charging a manufacturer in Chicago, Ill., with violating the Wool Products Labeling Act by labeling as "All Wool" interlining materials which contained substantial quantities of nonwoolen fibers and with failing in other respects to conform to the labeling requirements of the act.

Following agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent Sidney Sugar, trading as Sidney Sugar & Co., or under any other name, and Respondent's representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of interlining materials or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named Respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 23, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57–5428; Filed, July 3, 1957; 8:52 a. m.]

[Docket 6610]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DRAKE LABORATORIES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Drake Laboratories, Inc., et al., Detroit, Mich., Docket 6610, May 22, 1957]

In the Matter of Drake Laboratories, Inc., a Corporation, Morris S. Plotkin, Elaine Plotkin, and Joseph P. Boltach, Jr., Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Detroit, Mich., with representing falsely in advertisements in newspapers and magazines and broadcast by radio that their hair and scalp preparation "Persulan" would prevent and overcome falling hair and baldness and cause new hair to grow, restore healthy scalp, relieve skin irritations and ailments, etc.

Following an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Drake Laboratories, Inc., a corporation, and its officers and respondents Morris S. Plotkin, Elaine Plotkin, and Joseph P. Boltach, Jr., individually and as officers of said corporation, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the preparation "Persulan", or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication that the use of said preparation:

a. Will prevent or overcome excessive hair loss or baldness, unless such representation be expressly limited to cases other than those known as male pattern baldness, and unless the advertisement clearly and conspicuously reveals that in the great majority of cases of baldness or excessive hair loss respondents' said preparation is of no value whatever;

b. Will grow new hair on bald spots or thicker hair where the hair is thin or short, or otherwise grow hair, unless such representation be expressly limited to cases other than those arising by reason of male pattern baldness, and unless the advertisement clearly and conspicuously reveals that the use of the preparation will not grow hair or thicker hair in a great majority of cases;

c. Will permanently eliminate dry, brittle, splitting or breaking hair, or dandruff;

d. Will restore scalp health;

e. Will have any effect on skin lesions, itching scalp, ringworm, tetter, eczema or other skin irritations or ailments in excess of affording temporary relief of scaling and itching;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is further ordered, That the respondents, Drake Laboratories, Inc., a corporation, and Morris S. Plotkin, Elaine Plotkin, and Joseph P. Boltach, Jr., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: May 22, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57–5429; Filed, July 3, 1957; 8:52 a. m.]

[Docket 6672]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROTO-BROIL CORP. OF AMERICA ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.75 *Free goods or services;* § 13.155 *Prices:* exaggerated as regular and customary; usual as reduced, special, etc.; § 13.285 *Value.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1955 *Free goods.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Roto-Broil Corp. of America et al., Long Island City, N. Y., Docket 6672, May 22, 1957]

In the Matter of Roto-Broil Corp. of America, a Corporation, and Albert Klinghoffer and Leon Klinghoffer, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Long Island City, N. Y., with representing falsely in advertisements in newspapers and magazines, in price lists, and in television and radio commercials that their "Roto-Broil" electric broiler-rotisseries were being offered at substantial reductions from regular retail prices, and were of a value in excess of such purported reductions, and that a free gift would be given to purchasers of their products.

After respondents' entry into an agreement for consent order with complaint counsel, the hearing examiner made his initial decision and order to cease and desist which became on May 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Roto-Broil Corp. of America, a corporation, and its officers, and Albert Klinghoffer and Leon Klinghoffer, individually and as officers of said corporate respondent, and said respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of electric broiler-rotisseries and accessory parts thereto in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

a. That any price is the retail price of their products which is in excess of the price at which said products are regularly and customarily sold at retail.

b. That the prices at which such products are being offered for sale constitute reductions from the prices at which they are regularly or customarily sold and that the amount of such reductions constitute savings to purchasers of such products.

c. That the value of such products is greater than the prices at which such products are sold in the regular course of business.

d. That any item for which a charge is included in the purchase price, is a free gift or bonus item.

2. Providing retailers and distributors of their products with price lists and advertising and promotional material through and by which they are enabled to mislead and deceive the purchasing public as to the regular or customary retail prices of their products, the amount of savings to be realized by purchasing such products at purportedly reduced prices, the value of such products, or as to any free gifts or bonus items to be received with certain purchases.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 22, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5430; Filed, July 3, 1957; 8:52 a. m.]

[Docket 6675]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LIFE-LONG BATTERY MANUFACTURING CORP., AND JACK MORGAN WATT

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.110 *Indorsements, approval, or awards;* § 13.130 *Manufacture or preparation;* § 13.170 *Qualities or properties of product or service.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Life-Long Battery Manufacturing Corporation et al., Docket 6675, May 23, 1957]

In the Matter of Life-Long Battery Manufacturing Corporation, a Corporation, and Jack Morgan Watt, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in El Segundo, Calif., of "Life-Long" batteries for use in automobiles and trucks, with representing falsely in advertisements in newspapers and magazines, in letters, circulars, etc., and in advertising mats furnished to dealers and distributors, that their batteries were self-charging, contained silver or nuclear cells, represented a European invention and were similar to the alkaline type batteries manufactured and sold in Europe, were guaranteed for 10 years, and that testimonials included in its advertising were unsolicited and unbiased.

Following agreement between the parties providing for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Life-Long Battery Manufacturing Corporation, a corporation, and its officers, and Jack Morgan Watt, individually and as an officer of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution, in commerce, of their electric storage battery, known as "Life-Long" battery, or any other battery of the same or substantially the same composition or type, or possessing substantially similar properties, functions, or characteristics, whether sold under the same or any other name, or in connection with the sale of any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(a) That their battery is self-recharging.

(b) That their battery contains silver or nuclear cells or any other kind of grids or cells that is not in accordance with the facts.

(c) That their battery represents a European invention or is similar in construction, performance, and effect to nickel-cadmium or alkaline type batteries manufactured and sold in Europe or elsewhere.

(d) That their battery, or any similar product, is guaranteed for 10 years or for any period of time or in any manner, unless the terms and conditions included in the guarantee under which said product is sold are clearly and fully set forth.

(e) That testimonials are unsolicited and unbiased when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered,, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 23, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5431; Filed, July 3, 1957; 8:52 a. m.]

[Docket 6673]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CULLIGAN, INC.

Subpart—*Dealing on exclusive and tying basis:* § 13.670 *Dealing on exclusive and tying basis.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 3, 38 Stat. 731; 15 U. S. C. 14) [Cease and desist order, Culligan, Inc., Northbrook, Ill., Docket 6673, May 23, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the dominant manufacturer of water-conditioning products in the United States, with general offices in Northbrook, Ill., with requiring its retail dealers not to handle competing products.

Following agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Culligan, Inc., a corporation, and its officers, directors, agents, repfesentatives, and employees, directly or through any corporate or other device, in connection with the offer for sale, sale, or distribution of equipment, products, and materials, either manufactured or sold by respondent, for use with respondent's "Culligan Plan," a plan for softening or conditioning water, or other similar or related products (hereinafter referred to collectively as "products"), in commerce, do forthwith cease and desist from:

(1) Selling, or making any contract or agreement for the sale of, any such products on the condition, agreement, or understanding that the purchaser thereof shall not use, or deal in, or sell, similar or related products supplied by any competitor or competitors of respondent.

(2) Enforcing, or continuing in operation or effect, any condition, agreement, or understanding in, or in connection with, any existing contract of sale, which condition, agreement, or understanding is to the effect that the purchaser of such products shall not use or deal in similar or related products supplied by any competitor or competitors of respondent.

Provided, however, That nothing in this order shall prohibit respondent from entering into an agreement with its dealers prohibiting them from using or selling for use, in the Culligan plan, parts, equipment or material which would adversely affect respondent's water conditioning service unit.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 23, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5432; Filed, July 3, 1957; 8:53 a. m.]

[Docket 6728]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GOLDEN CITY HOSIERY MILLS, INC., AND CHARLES M. GRIFFIN

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Golden City Hosiery Mills, Inc., Villa Rica, Ga., Docket 6728, May 22, 1957]

In the Matter of Golden City Hosiery Mills, Inc., a Corporation, and Charles M. Griffin, Individually and as President of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Villa Rica, Ga., with violating the Wool Products Labeling Act by labeling certain hose or socks as containing substantially more wool than was the fact and with failing otherwise to comply with requirements of the Act.

Following entry of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 22, 1957, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the Respondents Golden City Hosiery Mills, Inc., a corporation, and its officers, and Charles M. Griffin, individually and as an officer of said corporation, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act, of hose, socks or other wool products, as "wool products" are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of their constituent fibers;

2. Failing to affix securely on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of the total fiber weight, of (1) wool, (2) reprocessed wool, (3) resued wool, (4) each fiber other than wool where the percentage of weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product, of any non-fibrous loading, filling or aduiterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment of such wool product in commerce, as "commerce" is defined in the Wool Products Labeling Act.

By "Decision of the Commission," report of compliance was required as follows:

It is ordered, That respondents Golden City Hosiery Mills, Inc., a corporation, and Charles M. Griffin, individually and as president of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 22, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5433; Filed, July 3, 1957; 8:53 a. m.]

[Docket 6618]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

VIRGINIA WOOLEN CO. ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order. The Virginia Woolen Company et al., Winchester, Va., Docket 6618, May 24, 1957]

In the Matter of The Virginia Woolen Company, a Corporation, and William H. Mellor, Jr., and Flournoy L. Largent, Jr., Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner upon the complaint of the Commission charging a manufacturer in Winchester, Va., with violating the Wool Products Labeling Act by labeling and invoicing as "92½ percent Wool 7½ percent Rayon" fabrics containing substantially less than 92½ percent wool, and by failing in other respects to conform with the labeling requirements of the act.

Following agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 24 the decision of the Commission.

The charges of the complaint were dismissed as to one individual respondent.

The order to cease and desist is as follows:

It is ordered, That the respondents The Virginia Woolen Company, a corporation, and its officers, and William H. Mellor, Jr., individually and as an officer of said corporation, and respondents' respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool products as "wool products" are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such wool products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to, or place on each of such wool products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

a. The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, (5) the aggregate of all other fibers;

b. The maximum percentage of the total weight of the wool products, of any non-fibrous loading, filling, or adulterating matter;

c. The name or registered identification number of the manufacturer of such wool products, or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents The Virginia Woolen Company, a corporation, and its officers, and William H. Mellor, Jr., individually and as an officer of said corporation, and respondents' respective agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool products as "wool products" are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Misrepresenting by statements or representations, in correspondence, contracts, orders, confirmations, invoices, or other documents, or by any other means, the character or amount of the constituent fibers contained in such products.

It is further ordered, That the complaint herein be and the same hereby is, dismissed as to respondent Flournoy L. Largent, Jr.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents, The Virginia Woolen Company and William H. Mellor, Jr., shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have

complied with the order to cease and desist.

Issued: May 24, 1957.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 57-5434; Filed, July 3, 1957; 8:53 a. m.]

[Docket 6731]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JOSEPH BENARD AND BENARD'S FURS

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; usual as reduced, special, etc. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act. § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act; § 13.2310 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Joseph Benard trading as Benard's Furs, San Francisco, Calif., Docket 6731, May 24, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in San Francisco, Calif., with violating the Fur Products Labeling Act by deceptively naming, in advertising and on labels and invoices, the animals producing certain furs or naming other animals; by substituting deceptive and incomplete labels for the original manufacturer's labels; by abbreviating information on invoices; failing to name the country of origin of imported furs and to reveal that the fur in certain products was artificially colored; advertising regular prices as reduced; and failing in other respects to conform to the requirements of the act.

Following an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 24, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Joseph Benard, individually and trading as Benard's Furs, or trading under any other name or names, and respondent's representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails or flanks, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

3. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is intermingled with nonrequired information;

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is in handwriting.

4. Failure to show on labels attached to fur products an item number or mark assigned to fur products, in violation of Rule 40 (a) of the rules and regulations (§ 301.40).

B. Removing or mutilating, or causing or participating in the removal or mutilation of, labels affixed to fur products showing information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, prior to the time the fur products are sold and delivered to the ultimate purchasers of such products.

C. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact.

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails or flanks, when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set up, on each invoice, required information concerning the country of origin of imported furs, in violation of Rule 12 of the said rules and regulations (§ 301.12).

4. Failing to disclose that fur products contain or are composed of bleached, dyed or artificially colored furs, in violation of Rule 19 of the said rules and regulations (§ 301.19).

5. Using on invoices the name or names of any animal or animals other than the name or names provided for in paragraph C (1) (a) above.

D. Falsely or deceptively advertising fur products through the use of any advertisements, representations, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the said rules and regulations.

2. Fails to disclose that fur products were bleached, dyed or otherwise artificially colored, when such was the fact, in violation of section 5 (a) (3) of the Fur Products Labeling Act.

3. Represents directly or by implication:

(a) That fur products consisting of bleached, dyed or otherwise artificially colored furs are "blended", in violation of Rule 19 (e) of the said rules and regulations (§ 301.19 (e));

(b) That the regular price of any fur product is any amount which is in excess of the price at which respondent has regularly or customarily sold or offered for sale in good faith fur products of like grade and quality, in the recent regular course of his business.

4. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur products or upon a bona fide compared price at a designated time.

5. Makes representations and pricing claims of the nature referred to in D (3) (b) and 4 hereto, unless full and adequate records disclosing the facts upon which the claims and representations are based are made.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 24, 1957.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 57-5435; Filed, July 3, 1957; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 10]

PART 50—AIR AGENCY CERTIFICATES

EDITORIAL CORRECTIONS

The purpose of this supplement is to revise the titles for district offices formerly entitled Aviation Safety District Offices and for personnel assigned to such offices, in accordance with Department of Commerce Notice, Amendment 13, published in 22 F. R. 989, February 16, 1957. The following editorial corrections are hereby adopted:

1. Section 50.12–3 is amended by changing the words "Aviation Safety District Office" in footnote 3 to read "Flight Operations and Airworthiness District Office."

2. Section 50.20–1 is amended by changing the words "Aviation Safety District Office" to read "General Safety District Office."

3. Section 50.23–1 (a) is amended by changing the words "Aviation Safety District Office" in the first and second sentences to read "General Safety District Office."

4. Section 50.24–1 is amended by changing the words "Aviation Safety District Office" in the second sentence to read "General Safety District Office."

5. Section 50.24–2 is amended by changing the words "Aviation Safety District Office" in the second sentence to read "General Safety District Office."

6. Section 50.26–1 (a) is amended by changing the words "Aviation Safety District Office" in the first and fourth sentences to read "General Safety District Office"; the words "CAA agent" in the second sentence to read "CAA inspector"; and "Aviation Safety Agent" in the third sentence to read "General Safety Inspector."

7. Section 50.26–1 (b) is amended by changing the words "CAA agent" in the first sentence to read "CAA inspector."

8. Section 50.26–2 is amended by changing the words "CAA Aviation Safety Agent" in the first sentence to read "CAA General Safety Inspector."

9. Section 50.31–1 is amended by changing the words "Aviation Safety District Office" in the first sentence to read "General Safety District Office."

10. Section 50.34–1 is amended by changing the words "Aviation Safety District Office" in the first sentence to read "General Safety District Office"; "Aviation Safety District Office" in the second sentence to read "district office"; and "Aviation Safety District Office" in the fourth sentence to read "General Safety District Office."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 607, 52 Stat. 1007, 1011, as amended; 49 U. S. C. 551, 557)

This supplement shall become effective July 15, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JUNE 27, 1957.

[F. R. Doc. 57-5397; Filed, July 3, 1957; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 40[1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

MISCELLANEOUS AMENDMENTS

1. Section 372.5 *How to file an application for validated license,* paragraph (f) (1) *Description of related commodities* is amended to read as follows:

(1) *Description of related commodities.* For each entry on the Positive List of Commodities (§ 399.1 of this subchapter) there appears in the column headed "Processing Code and Related Commodity Group" a four-letter symbol (ELME, GIEQ, etc.), which is the processing code for that entry. In many instances this code is followed by a number, which is the related commodity group number for that entry. All entries on the Positive List which have both the same processing code and the same related commodity group number are designated related commodities and may be included on a single license application. Entries which have processing codes not followed by a number are not included in any related commodity group, and a separate application must, therefore, be filed for each such entry. In addition, since non-Positive List commodities do not have commodity group numbers, the submission of a separate application is required for each non-Positive List commodity. (See § 399.3 of this subchapter for non-Positive List commodity processing codes.)

2. Section 373.40 *Iron and steel,* paragraph (d) *Iron and steel scrap, Schedule B Nos. 601010, 601040, 601050, 601070 and 601090* is amended by substituting "Schedule B Nos. 601015, 601025, 601035, 601045" for Schedule B Nos. 601010 and 601040 in the paragraph heading and in subparagraph (1) *General,* and a footnote reference 2 is added to the paragraph heading and the following footnote:

[2] Prior to July 1, 1957, Schedule B Nos. 601015 and 601025 were parts of Schedule B No. 601010, and Schedule B Nos. 601035 and 601045 were parts of Schedule B No. 601040.

3. Section 379.3 *Presentation of shipper's export declaration,* paragraph (c) (3) *Additional copies of declaration* is amended by substituting Schedule B No. 601015 for Schedule B No. 601010, so the phrase reads "Schedule B Nos. 601015 through 601090."

4. Section 379.10 *Destination Control,* paragraph (c) (1) is amended by substituting the following for the first sentence presently appearing. "(1) An appropriate destination control statement shall be entered on all copies of the Shipper's Export Declaration[1] presented for authentication to the Collector of Customs, in accordance with the provisions set forth below, for all shipments subject to the provisions of this paragraph."

[The footnote is unchanged.]

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Bureau of Foreign Commerce.

[F. R. Doc. 57-5448; Filed, July 3, 1957; 8:56 a. m.]

[1] This amendment was published in Current Export Bulletin 788, dated June 27, 1957.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 164—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

REVISION OF PART

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 506, 55 Stat. 851; sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U. S. C. 356, 371), and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of drugs composed wholly or partly of insulin (21 CFR Part 164; 22 F. R. 890, 895, 3841) are revoked. These regulations are revised and reissued as set forth below for the purpose of incorporating therein definitions and standards of identity and tests and methods of assay for two new insulin products, semi-lente insulin and ultra-lente insulin.

Sec.

164.1 Definitions and interpretations of terms.
164.2 Requests for certification; samples; storage; approvals preliminary to certification.
164.3 Certifications.

Sec.
164.4 Conditions on the effectiveness of certificates.
164.5 Packaging.
164.6 Labeling.
164.7 Distinguishing colors on packages.
164.8 Records of distribution.
164.9 Authority to refuse certification service.
164.10 Fees.
164.11 Standards of quality and purity for protamine.
164.12 Standards of quality and purity for globin hydrochloride.
164.13 Standards of identity, strength, quality, and purity for lente insulin.
164.14 Standards of identity, strength, quality, and purity for semi-lente insulin.
164.15 Standards of identity, strength, quality, and purity for ultra-lente insulin.
164.16 Tests and methods of assay.

AUTHORITY: §§ 164.1 to 164.16 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 506, 55 Stat. 851; 21 U. S. C. 356.

§ 164.1 *Definitions and interpretations of terms.* For the purpose of the regulations in this part:

(a) The term "insulin" means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

(b) The term "insulin U. S. P." means the insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(c) The term "protamine zinc insulin" means the protamine zinc insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(d) The term "globin zinc insulin" means the globin zinc insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(e) The term "isophane insulin" means the isophane insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(f) The term "lente insulin" means the insulin preparation described in § 164.13.

(g) The term "semi-lente insulin" means the insulin preparation described in § 164.14.

(h) The term "ultra-lente insulin" means the insulin preparation described in § 164.15.

(i) The term "master lot" means a quantity (which is purified and which has been mixed in one container so as to be homogeneous) of:

(1) A concentrated solution of insulin; or

(2) The insulin-containing solids, in amorphous or crystalline form, derived from one or more such solutions.

(j) Except as provided in § 164.3 (c), the term "batch" means a quantity of a drug, in labeled packages, of uniform composition and intended for administration without further change, in which the sole insulin-containing ingredient is a single dilution (which has been mixed in one container so as to be homogeneous) of:

(1) A single master lot or part thereof; or

(2) A mixture of two or more master lots or parts thereof;

except that such term means a portion of such quantity when certification of such portion is requested.

(k) The term "master lot mark" means an identifying mark or other identifying device assigned to a master lot by the manufacturer thereof.

(l) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer thereof.

(m) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(n) The term "Commissioner" means the Commissioner of Food and Drugs.

(o) The Director of the Bureau of Biological and Physical Sciences, the Director of the Division of Pharmacology, and the Chief and Acting Chief of the Insulin Branch of the Division of Pharmacology are authorized to exercise the functions and duties of the Commissioner under the regulations in this part insofar as such duties and functions involve the certification of batches of drugs containing insulin as contemplated by § 164.3 (a) or approval of the use of materials as contemplated by § 164.2 (j) and (k).

(p) The term "act" means the Federal Food, Drug, and Cosmetic Act, as amended.

(q) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

§ 164.2 *Requests for certification; samples; storage; approvals preliminary to certification.* (a) A request for certification of a batch shall be addressed to the Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of:

(1) The equipment, methods, and processes used in diluting master lots and parts thereof, and in maintaining the identity, strength, quality, and purity of master lots and dilutions therefrom;

(2) The tests and assays made on master lots and mixtures thereof, on dilutions and batches therefrom, and on ingredients used in such dilutions and batches; and

(3) The laboratory facilities used in such controls.

Such initial request shall also be preceded or accompanied by the keys to the master lot marks and batch marks used by such person. When any change is made in any of such facilities or controls, or in any such key, the next request for certification thereafter shall be accompanied by a full statement of such change.

(c) A person who requests certification of a batch shall submit in connection with his request statements showing:

(1) The master lot mark of each master lot used or to be used wholly or partly as an ingredient or component of an ingredient of the batch;

(2) The quantity of each such master lot so used;

(3) The original quantity of each such master lot (unless such information has been previously submitted);

(4) The quantity of the batch; and

(5) The batch mark.

(d) Except as otherwise provided in paragraphs (g) and (h) of this section, a person who requests certification of a batch shall submit in connection with his request and in the quantities hereinafter indicated, accurately representative samples of the following:

(1) The single master lot or the mixture of two or more master lots or parts thereof, to be used as ingredients of the batch; in a quantity containing approximately 10,000 U. S. P. Units of insulin, except that, if the batch is to be isophane insulin, the quantity shall contain not less than 20,000 U. S. P. Units of insulin.

(2) A trial dilution made from such master lot or mixture, glycerin, phenol or cresol, and hydrochloric acid, which dilution conforms to the standard of identity, strength, quality, and purity for insulin U. S. P., except that it may contain not less than 35 U. S. P. Units nor more than 45 U. S. P. Units of insulin per cubic centimeter; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(3) If the batch is to be protamine zinc insulin, a trial mixture which is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(4) If the batch is to be protamine zinc insulin or isophane insulin, the lot of protamine used as an ingredient of the trial mixture referred to in subparagraph (3) or (7) of this paragraph; in a quantity of approximately 2 grams.

(5) If the batch is to be globin zinc insulin, a trial mixture made from the master lot or mixture referred to in subparagraph (1) of this paragraph, globin, zinc chloride, hydrochloric acid, glycerin, and phenol or cresol, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(6) If the batch is to be globin zinc insulin, the lot of globin hydrochloride from which the globin is to be prepared for use as an ingredient of the trial mixture referred to in subparagraph (5) of this paragraph; in a quantity of approximately 5 grams.

(7) If the batch is to be isophane insulin, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 2,500 U. S. P. Units of insulin.

(8) If the batch is to be lente insulin, semi-lente insulin, or ultra-lente insulin, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 50 milliliters.

(9) The finished batch; in a quantity not less than five packages; except that if the batch is insulin U. S. P. of 500-unit strength; in a quantity of one package.

(e) Except as otherwise provided by paragraphs (g) and (h) of this section, a person who requests certification shall submit in connection with his request results of the tests and assays listed after each of the following materials, made by him on a sample of such material:

(1) The master lot or mixture, referred to in paragraph (d) (1) of this section: Ash, nitrogen, potency, reaction, sterility, and zinc, if such master lot or mixture is a solution; ash, moisture, nitrogen, potency, and zinc, if such master lot or mixture is a solid.

(2) A trial dilution of such master lot or mixture, of the potency of the trial dilution referred to in paragraph (d) (2) of this section: Nitrogen, reaction, and potency.

(3) If the batch is to be protamine zinc insulin, the trial mixture referred to in paragraph (d) (3) of this section: Nitrogen, reaction, zinc, and biological reaction (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(4) If the batch is to be protamine zinc insulin or isophane insulin, the protamine referred to in paragraph (d) (4) of this section: Moisture, nitrogen, and sulfate.

(5) If the batch is to be globin zinc insulin, the trial mixture referred to in paragraph (d) (5) of this section: Nitrogen, reaction, zinc, and biological reaction (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(6) If the batch is to be globin zinc insulin, the globin hydrochloride referred to in paragraph (d) (6) of this section: Moisture, nitrogen, chloride, and ash.

(7) If the batch is to be isophane insulin, the trial mixture referred to in paragraph (d) (7) of this section: Nitrogen, reaction, zinc, isophane ratio of the protamine to the master lot or mixture (by the test prescribed in § 164.16 (c)), and biological activity of the supernatant liquid (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(8) If the batch is to be lente insulin, semi-lente insulin, or ultra-lente insulin, the trial mixture referred to in paragraph (d) (8) of this section: Nitrogen, reaction, zinc, zinc in the supernatant liquid, and proportion of crystalline component (by the test prescribed in § 164.16 (d)).

(9) The finished batch: Nitrogen, reaction, sterility; and if the batch is protamine zinc insulin, globin zinc insulin, isophane insulin, lente insulin, semi-lente insulin, or ultra-lente insulin, zinc.

(f) The results of tests and assays for the following shall be reported in the terms indicated:

(1) Ash (except globin hydrochloride)—milligrams per 1,000 U. S. P. Units of insulin.

(2) Ash in globin hydrochloride—percent by weight.

(3) Chloride—percent by weight as HCl.

(4) Isophane ratio—milligrams of protamine per 100 U. S. P. Units of insulin.

(5) Moisture—percent by weight.

(6) Nitrogen (except in globin hydrochloride and protamine)—milligrams per milliliter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(7) Nitrogen in globin hydrochloride—percent by weight, calculated to a moisture-free, ash-free, chloride-free basis.

(8) Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

(9) Potency—U. S. P. Units of insulin per milliliter in the case of solutions, and U. S. P. Units of insulin per milligram in the case of solids.

(10) Proportion of crystalline component—percent of total nitrogen of the preparation present in the crystalline component.

(11) Reaction—hydrogen ion concentration (pH).

(12) Sulfate—percent by weight, as SO_4, calculated to a moisture-free basis.

(13) Zinc—milligrams per milliliter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(g) (1) No sample referred to in paragraph (d) (1) to (8), inclusive, of this section, and no result referred to in paragraph (e) (1) to (8), inclusive, of this section, is required if such sample or result has been submitted in connection with a previous request for certification. No sample referred to in paragraph (d) (3) of this section, and no result referred to in paragraph (e) (3) of this section, is required if the batch is to be protamine zinc insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (3) of this section of 40-unit strength, prepared from the same materials and in the same manner (except for adjustment of reaction of the buffer solution) as such batch of 80-unit strength is to be made. No sample referred to in paragraph (d) (5) of this section and no result referred to in paragraph (e) (5) of this section, is required if the batch is to be globin zinc insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (5) of this section of 40-unit strength, prepared from the same materials and in the same manner as such batch of 80-unit strength is to be made. No sample referred to in paragraph (d) (7) of this section, and no result referred to in paragraph (e) (7) of this section, is required if the batch is to be isophane insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (7) of this section of 40-unit strength, prepared from the same materials and in the same manner as such batch of 80-unit strength is to be made.

(2) Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post office address of the person submitting the request.

(3) The packages constituting the samples submitted pursuant to paragraph (d) (9) of this section shall be collected at such intervals that the quantities packaged between collections are approximately equal; in no case shall any such quantity be more than 10,000 packages. The collections shall cover the entire period of packaging.

(4) Each sample submitted pursuant to paragraph (d) (2), (3), (5), (7) and (8) of this section shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which the sample was taken.

(5) If the tests and assays, results of which are submitted pursuant to paragraph (e) (2) of this section, were not made on the same trial dilution as that from which the sample submitted pursuant to paragraph (d) (2) of this section was taken, such sample shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient of the trial dilution on which such tests and assays were made.

(6) The value for nitrogen submitted pursuant to paragraph (e) (1) and (2) of this section may be calculated from the result of a test therefor submitted pursuant to either paragraph (e) (1) or (2) of this section. The result on potency required under paragraph (e) (1) of this section may be calculated from an assay therefor submitted pursuant to paragraph (e) (2) of this section. The value of each of the components nitrogen and zinc, to the extent required under paragraph (e) (9) of this section, may be calculated from the result of a test therefor submitted pursuant to paragraph (e) (3), or (5), or (7), or (8) of this section or from the result of a test of the bulk dilution from which the batch was prepared. The value for nitrogen required under paragraph (e) (9) of this section may, if the batch is insulin U. S. P., lente insulin, semi-lente insulin, or ultra-lente insulin, be calculated from a test therefor submitted pursuant to either paraprah (e) (1) or (2) of this section. Each calculated value shall be indicated as such.

(7) The information required under paragraph (c) (1), (2), and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this section, should be submitted before submission of the samples and results required in paragraph (d) (3) to (8), inclusive, of this section and (e) (3) to (8), inclusive, of this section; and the samples and results required under paragraphs (d) (3) to (8), inclusive, and (e) (3) to (8), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (9) and (e) (9) of this section. All information, including results of tests and assays (except results of tests for sterility), required under this section

Sec.
164.4 Conditions on the effectiveness of certificates.
164.5 Packaging.
164.6 Labeling.
164.7 Distinguishing colors on packages.
164.8 Records of distribution.
164.9 Authority to refuse certification service.
164.10 Fees.
164.11 Standards of quality and purity for protamine.
164.12 Standards of quality and purity for globin hydrochloride.
164.13 Standards of identity, strength, quality, and purity for lente insulin.
164.14 Standards of identity, strength, quality, and purity for semi-lente insulin.
164.15 Standards of identity, strength, quality, and purity for ultra-lente insulin.
164.16 Tests and methods of assay.

AUTHORITY: §§ 164.1 to 164.16 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 506, 55 Stat. 851; 21 U. S. C. 356.

§ 164.1 *Definitions and interpretations of terms.* For the purpose of the regulations in this part:

(a) The term "insulin" means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

(b) The term "insulin U. S. P." means the insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(c) The term "protamine zinc insulin" means the protamine zinc insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(d) The term "globin zinc insulin" means the globin zinc insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(e) The term "isophane insulin" means the isophane insulin injection recognized in the official United States Pharmacopeia, including supplements thereto.

(f) The term "lente insulin" means the insulin preparation described in § 164.13.

(g) The term "semi-lente insulin" means the insulin preparation described in § 164.14.

(h) The term "ultra-lente insulin" means the insulin preparation described in § 164.15.

(i) The term "master lot" means a quantity (which is purified and which has been mixed in one container so as to be homogeneous) of:

(1) A concentrated solution of insulin; or

(2) The insulin-containing solids, in amorphous or crystalline form, derived from one or more such solutions.

(j) Except as provided in § 164.3 (c), the term "batch" means a quantity of a drug, in labeled packages, of uniform composition and intended for administration without further change, in which the sole insulin-containing ingredient is a single dilution (which has been mixed in one container so as to be homogeneous) of:

(1) A single master lot or part thereof; or

(2) A mixture of two or more master lots or parts thereof;

except that such term means a portion of such quantity when certification of such portion is requested.

(k) The term "master lot mark" means an identifying mark or other identifying device assigned to a master lot by the manufacturer thereof.

(l) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer thereof.

(m) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(n) The term "Commissioner" means the Commissioner of Food and Drugs.

(o) The Director of the Bureau of Biological and Physical Sciences, the Director of the Division of Pharmacology, and the Chief and Acting Chief of the Insulin Branch of the Division of Pharmacology are authorized to exercise the functions and duties of the Commissioner under the regulations in this part insofar as such duties and functions involve the certification of batches of drugs containing insulin as contemplated by § 164.3 (a) or approval of the use of materials as contemplated by § 164.2 (j) and (k).

(p) The term "act" means the Federal Food, Drug, and Cosmetic Act, as amended.

(q) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

§ 164.2 *Requests for certification; samples; storage; approvals preliminary to certification.* (a) A request for certification of a batch shall be addressed to the Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of:

(1) The equipment, methods, and processes used in diluting master lots and parts thereof, and in maintaining the identity, strength, quality, and purity of master lots and dilutions therefrom;

(2) The tests and assays made on master lots and mixtures thereof, on dilutions and batches therefrom, and on ingredients used in such dilutions and batches; and

(3) The laboratory facilities used in such controls.

Such initial request shall also be preceded or accompanied by the keys to the master lot marks and batch marks used by such person. When any change is made in any of such facilities or controls, or in any such key, the next request for certification thereafter shall be accompanied by a full statement of such change.

(c) A person who requests certification of a batch shall submit in connection with his request statements showing:

(1) The master lot mark of each master lot used or to be used wholly or partly as an ingredient or component of an ingredient of the batch;

(2) The quantity of each such master lot so used;

(3) The original quantity of each such master lot (unless such information has been previously submitted);

(4) The quantity of the batch; and

(5) The batch mark.

(d) Except as otherwise provided in paragraphs (g) and (h) of this section, a person who requests certification of a batch shall submit in connection with his request and in the quantities hereinafter indicated, accurately representative samples of the following:

(1) The single master lot or the mixture of two or more master lots or parts thereof, to be used as ingredients of the batch; in a quantity containing approximately 10,000 U. S. P. Units of insulin, except that, if the batch is to be isophane insulin, the quantity shall contain not less than 20,000 U. S. P. Units of insulin.

(2) A trial dilution made from such master lot or mixture, glycerin, phenol or cresol, and hydrochloric acid, which dilution conforms to the standard of identity, strength, quality, and purity for insulin U. S. P., except that it may contain not less than 35 U. S. P. Units nor more than 45 U. S. P. Units of insulin per cubic centimeter; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(3) If the batch is to be protamine zinc insulin, a trial mixture which is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(4) If the batch is to be protamine zinc insulin or isophane insulin, the lot of protamine used as an ingredient of the trial mixture referred to in subparagraph (3) or (7) of this paragraph; in a quantity of approximately 2 grams.

(5) If the batch is to be globin zinc insulin, a trial mixture made from the master lot or mixture referred to in subparagraph (1) of this paragraph, globin, zinc chloride, hydrochloric acid, glycerin, and phenol or cresol, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,000 U. S. P. Units of insulin.

(6) If the batch is to be globin zinc insulin, the lot of globin hydrochloride from which the globin is to be prepared for use as an ingredient of the trial mixture referred to in subparagraph (5) of this paragraph; in a quantity of approximately 5 grams.

(7) If the batch is to be isophane insulin, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 2,500 U. S. P. Units of insulin.

(8) If the batch is to be lente insulin, semi-lente insulin, or ultra-lente insulin, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 50 milliliters.

(9) The finished batch; in a quantity not less than five packages; except that if the batch is insulin U. S. P. of 500-unit strength; in a quantity of one package.

(e) Except as otherwise provided by paragraphs (g) and (h) of this section, a person who requests certification shall submit in connection with his request results of the tests and assays listed after each of the following materials, made by him on a sample of such material:

(1) The master lot or mixture, referred to in paragraph (d) (1) of this section: Ash, nitrogen, potency, reaction, sterility, and zinc, if such master lot or mixture is a solution; ash, moisture, nitrogen, potency, and zinc, if such master lot or mixture is a solid.

(2) A trial dilution of such master lot or mixture, of the potency of the trial dilution referred to in paragraph (d) (2) of this section: Nitrogen, reaction, and potency.

(3) If the batch is to be protamine zinc insulin, the trial mixture referred to in paragraph (d) (3) of this section: Nitrogen, reaction, zinc, and biological reaction (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(4) If the batch is to be protamine zinc insulin or isophane insulin, the protamine referred to in paragraph (d) (4) of this section: Moisture, nitrogen, and sulfate.

(5) If the batch is to be globin zinc insulin, the trial mixture referred to in paragraph (d) (5) of this section: Nitrogen, reaction, zinc, and biological reaction (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(6) If the batch is to be globin zinc insulin, the globin hydrochloride referred to in paragraph (d) (6) of this section: Moisture, nitrogen, chloride, and ash.

(7) If the batch is to be isophane insulin, the trial mixture referred to in paragraph (d) (7) of this section: Nitrogen, reaction, zinc, isophane ratio of the protamine to the master lot or mixture (by the test prescribed in § 164.16 (c)), and biological activity of the supernatant liquid (by the test prescribed in the official United States Pharmacopeia, including supplements thereto).

(8) If the batch is to be lente insulin, semi-lente insulin, or ultra-lente insulin, the trial mixture referred to in paragraph (d) (8) of this section: Nitrogen, reaction, zinc, zinc in the supernatant liquid, and proportion of crystalline component (by the test prescribed in § 164.16 (d)).

(9) The finished batch: Nitrogen, reaction, sterility; and if the batch is protamine zinc insulin, globin zinc insulin, isophane insulin, lente insulin, semi-lente insulin, or ultra-lente insulin, zinc.

(f) The results of tests and assays for the following shall be reported in the terms indicated:

(1) Ash (except globin hydrochloride)—milligrams per 1,000 U. S. P. Units of insulin.

(2) Ash in globin hydrochloride—percent by weight.

(3) Chloride—percent by weight as HCl.

(4) Isophane ratio—milligrams of protamine per 100 U. S. P. Units of insulin.

(5) Moisture—percent by weight.

(6) Nitrogen (except in globin hydrochloride and protamine)—milligrams per milliliter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(7) Nitrogen in globin hydrochloride—percent by weight, calculated to a moisture-free, ash-free, chloride-free basis.

(8) Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

(9) Potency—U. S. P. Units of insulin per milliliter in the case of solutions, and U. S. P. Units of insulin per milligram in the case of solids.

(10) Proportion of crystalline component—percent of total nitrogen of the preparation present in the crystalline component.

(11) Reaction—hydrogen ion concentration (pH).

(12) Sulfate—percent by weight, as SO_4, calculated to a moisture-free basis.

(13) Zinc—milligrams per milliliter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(g) (1) No sample referred to in paragraph (d) (1) to (8), inclusive, of this section, and no result referred to in paragraph (e) (1) to (8), inclusive, of this section, is required if such sample or result has been submitted in connection with a previous request for certification. No sample referred to in paragraph (d) (3) of this section, and no result referred to in paragraph (e) (3) of this section, is required if the batch is to be protamine zinc insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (3) of this section of 40-unit strength, prepared from the same materials and in the same manner (except for adjustment of reaction of the buffer solution) as such batch of 80-unit strength is to be made. No sample referred to in paragraph (d) (5) of this section and no result referred to in paragraph (e) (5) of this section, is required if the batch is to be globin zinc insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (5) of this section of 40-unit strength, prepared from the same materials and in the same manner as such batch of 80-unit strength is to be made. No sample referred to in paragraph (d) (7) of this section, and no result referred to in paragraph (e) (7) of this section, is required if the batch is to be isophane insulin of 80-unit strength and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (7) of this section of 40-unit strength, prepared from the same materials and in the same manner as such batch of 80-unit strength is to be made.

(2) Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post office address of the person submitting the request.

(3) The packages constituting the samples submitted pursuant to paragraph (d) (9) of this section shall be collected at such intervals that the quantities packaged between collections are approximately equal; in no case shall any such quantity be more than 10,000 packages. The collections shall cover the entire period of packaging.

(4) Each sample submitted pursuant to paragraph (d) (2), (3), (5), (7) and (8) of this section shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which the sample was taken.

(5) If the tests and assays, results of which are submitted pursuant to paragraph (e) (2) of this section, were not made on the same trial dilution as that from which the sample submitted pursuant to paragraph (d) (2) of this section was taken, such sample shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient of the trial dilution on which such tests and assays were made.

(6) The value for nitrogen submitted pursuant to paragraph (e) (1) and (2) of this section may be calculated from the result of a test therefor submitted pursuant to either paragraph (e) (1) or (2) of this section. The result on potency required under paragraph (e) (1) of this section may be calculated from an assay therefor submitted pursuant to paragraph (e) (2) of this section. The value of each of the components nitrogen and zinc, to the extent required under paragraph (e) (9) of this section, may be calculated from the result of a test therefor submitted pursuant to paragraph (e) (3), or (5), or (7), or (8) of this section or from the result of a test of the bulk dilution from which the batch was prepared. The value for nitrogen required under paragraph (e) (9) of this section may, if the batch is insulin U. S. P., lente insulin, semi-lente insulin, or ultra-lente insulin, be calculated from a test therefor submitted pursuant to either paragraph (e) (1) or (2) of this section. Each calculated value shall be indicated as such.

(7) The information required under paragraph (c) (1), (2), and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this section, should be submitted before submission of the samples and results required in paragraph (d) (3) to (8), inclusive, of this section and (e) (3) to (8), inclusive, of this section; and the samples and results required under paragraphs (d) (3) to (8), inclusive, and (e) (3) to (8), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (9) and (e) (9) of this section. All information, including results of tests and assays (except results of tests for sterility), required under this section

should be submitted at the same time as the samples to which they relate are submitted.

(h) The person who requests certifications shall submit such information additional to that submitted pursuant to paragraphs (b), (c), (e), and (g) of this section, such additional samples of any substance referred to in paragraph (d) of this section, and such samples of any other substance used or to be used as an ingredient or as a component of an ingredient in the batch, as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements set forth by § 164.3 for the issuance of a certificate.

(i) After a sample required by paragraph (d) of this section is taken from any master lot or mixture of parts of two or more master lots, such master lot or master lots and all parts thereof, and all dilutions and batches and all parts thereof in which any such master lot is used as an ingredient or as a component of an ingredient, shall be stored at the establishment where manufactured until used up or shipped or otherwise delivered, at a temperature above freezing but not above 15° C. (59° F.), and under such other conditions as prevent, so far as practicable, any change in composition; except that master lots and parts thereof which are solids may be stored at ordinary room temperatures.

(j) As promptly as practicable after the samples submitted pursuant to paragraph (d) (1) and (2) of this section, and any other material or information relative thereto that may be required under this section, are received by the Commissioner, he shall notify the person who submitted such samples of his approval or refusal to approve the use of the master lot or mixture for the making of bulk dilutions. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(k) In like manner, the Commissioner shall notify the person who submits samples pursuant to paragraph (d) (3) to (8), inclusive, of this section of his approval or refusal to approve the use of the materials represented by such samples in completing the manufacture of the batch. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(l) If, under the provisions of paragraph (j) or (k) of this section, the Commissioner has refused to approve any material for use in a subsequent operation, he shall examine no other sample required hereunder which includes such material as an ingredient or component of an ingredient, unless and until the person requesting certification makes an adequate showing that the cause for such refusal no longer exists.

§ 164.3 *Certifications.* (a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information (including results of tests and assays) and the samples required by or pursuant to § 164.2 have been submitted, and such information contains no untrue statement of a material fact;

(2) The batch complies with these regulations and conforms to the standards of identity, strength, quality, and purity for insulin U. S. P., protamine zinc insulin, globin zinc insulin, isophane insulin, lente insulin, semi-lente insulin, or ultra-lente insulin;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of such certifications as are set forth in § 164.4, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to § 164.2, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) Upon the request of the manufacturer, the Commissioner shall certify as a "batch" a master lot, which has been approved in accordance with § 164.2 (j), as safe and efficacious for use in preparation of an insulin-containing drug, subject to the conditions on the effectiveness of such certifications as are set forth in § 164.4 (a) (1) and (b) (5).

(d) For the purposes of his investigations under the authority of this section, the Commissioner may accept, when he is satisfied as to the completeness and accuracy thereof, the results of any tests or assays made by the control laboratory of the Insulin Committee of the University of Toronto.

§ 164.4 *Conditions on the effectiveness of certificates.* (a) A certificate shall not become effective:

(1) If it is obtained through fraud, or through misrepresentation or concealment of a material fact.

(2) With respect to any package, unless its immediate container complies with the requirements of § 164.5 and such package or such immediate container has been so sealed that its contents cannot be used without destroying such package or seal.

(3) With respect to any package, unless its label and labeling bear all words, statements, and other information, and are distinguished by the color or colors, required by §§ 164.6 and 164.7.

(b) A certificate shall cease to be effective:

(1) With respect to any package of insulin U. S. P., protamine zinc insulin, globin zinc insulin, or isophane insulin, on the expiration date specified in the official United States Pharmacopeia, including supplements thereto.

(2) With respect to any package of lente insulin, semi-lente insulin, or ultra-lente insulin, 18 months after the immediate container therein was filled.

(3) With respect to any package, when such package or the seal thereof or the immediate container therein or the seal of the immediate container is broken, or when its label or labeling ceases to conform to any requirement of § 164.6 or § 164.7.

(4) With respect to any package, when the drug therein so changes that it fails to meet the standards of identity, strength, quality, and purity upon the basis of which the batch was certified; except that those minor changes in potency (not exceeding 10 percent from the potency stated on the label, in the case of insulin U. S. P.) which occur before the expiration date, and which are normal and unavoidable in good storage and distribution practice, shall be disregarded.

(5) With respect to a master lot of insulin, 5 years after date of issue if the master lot is a solution, or 10 years after date of issue if the master lot is a solid.

§ 164.5 *Packaging.* Each batch shall be packaged in immediate containers of colorless transparent glass. Such containers shall be closed with a substance through which successive doses may be withdrawn by hypodermic needle without removing the closure or destroying its effectiveness. The containers and closures shall be sterile at the time the containers are filled and closed. The composition of the containers and closures shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor prescribed in applicable standards of strength, quality, and purity. The shape of the containers shall be cylindrical, except that the cross-section of the containers for isophane insulin shall be a rounded square and the shoulder of the containers for lente insulin, semi-lente insulin, or ultra-lente insulin shall be hexagonal.

§ 164.6 *Labeling.* Each package from a batch that has been certified in accordance with the regulations in this part shall bear, on its label or labeling as hereinafter indicated, the following:

(a) On the outside wrapper or container and the immediate container of the retail package:

(1) The batch mark of such batch;

(2) The strength of the drug in terms of the U. S. P. Units of insulin per milliliter; and

(3) If the seal required by § 164.4 (a) (2) is on the immediate container only, the statement required by paragraph (b) (1) of this section.

(b) On the outside container or wrapper of the retail package:

(1) The statement "Expiration date _____," the blank being filled in with the date on which the certificate applicable to such batch expires with respect to such package, as provided in § 164.4 (b) (1) or (2); and

(2) The statement "Keep in a cold place, avoid freezing."

(c) If the batch contains 40, 80, or 100 U. S. P. Units of insulin per milliliter, on the circular or other labeling of the retail package:

(1) A statement that the treatment of diabetes mellitus is an individual problem and that the use of the drug, the time of its administration, and the number of daily doses and the quantity of each, as well as diet and exercise, are problems which require direct and continuous medical supervision;

(2) A statement explaining that the volume of the dose depends on the number of units of insulin per milliliter stated on the label, and that the patient should understand the meaning of the volume markings on the syringe;

(3) A description of a practicable method for sterilizing the needle and syringe before use;

(4) A description of the technique of withdrawal from the vial and the use of an antiseptic on the stopper, and a caution against the removal of the stopper;

(5) A description of the technique for cleansing, and the use of an antiseptic on, the site of injection;

(6) A statement that failure to comply with the techniques described in subparagraphs (3), (4), and (5) of this paragraph may lead to infection of the patient;

(7) A statement that injection should be subcutaneous, at a different site from that of the preceding injection, and a caution against intravenous or intramuscular use;

(8) An explanation of hypoglycemia and its relation to overdosage, omission of meals, illness, and infection;

(9) A statement of the significance of sugar in the urine and of the necessity of tests therefor; and

(10) A caution against use after the expiration date shown on the outside wrapper or container.

(d) On the circular or other labeling of the retail package, if the batch is insulin U. S. P. (in addition to the information required by paragraphs (a), (b), and (c) or (i) of this section), a caution against use if the drug has become viscous or if its color has become other than water clear.

(e) On the outside wrapper or container and the immediate container of the retail package, if the batch is protamine zinc insulin, isophane insulin, lente insulin, semi-lente insulin, or ultra-lente insulin (in addition to the information required by paragraphs (a), (b), and (c) of this section), the statement "Shake carefully," or "Shake well before using," or "Shake well," or "Shake carefully to suspend all particles."

(f) On the circular or other labeling of the retail package, if the batch is protamine zinc insulin, isophane insulin, lente insulin, semi-lente insulin, or ultra-lente insulin (in addition to the information required by paragraphs (a), (b), (c), and (e) of this section):

(1) An explanation of the difference, as compared with other insulin-containing drugs, in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for any other insulin-containing drug except on the advice and direction of a physician;

(3) A statement that a uniform suspension of the preparation is necessary and is brought about by careful shaking before use; and

(4) A caution against use when the precipitate has become lumped or granular in appearance or has formed a deposit of solid particles on the wall of the container.

(g) On the circular or other labeling of the retail package, if the batch is globin zinc insulin (in addition to the information required by paragraphs (a), (b), and (c) of this section):

(1) An explanation of the difference, as compared with other insulin-containing drugs, in onset of action, duration, and the time and frequency of administation;

(2) A caution that it is not to be substituted for any other insulin-containing drug, except on the advice and direction of a physician; and

(3) A caution against use if any turbidity or precipitate has developed in the solution.

(h) If the batch contains 500 U. S. P. Units of insulin per milliliter, on the outside container or wrapper and the immediate container of the retail package:

(1) The statement "Caution: Federal law prohibits dispensing without prescription"; and

(2) The statement "Warning—High potency—Not for ordinary use."

(i) If the batch contains 500 U. S. P. Units of insulin per milliliter, on the circular or other labeling of the retail package:

(1) Information adequate for the safe and effective use of the drug, by practitioners licensed by law to administer it, in insulin shock therapy and for the treatment of diabetic patients with high insulin resistance (daily requirement more than 200 units);

(2) A prominently placed and conspicuous statement: "Warning—This insulin preparation contains 500 units of insulin in each cubic centimeter. Extreme caution must be observed in measurement of dosage because inadvertent overdose may result in irreversible insulin shock. Serious consequences may result if it is used other than under constant medical supervision";

(3) A caution against intravenous use; and

(4) A caution against use after the expiration date shown on the outside wrapper or container.

§ 164.7 *Distinguishing colors on packages.* (a) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of insulin U. S. P. shall be distinguished by the following colors:

Red, if it contains 40 U. S. P. Units of insulin per milliliter.
Green, if it contains 80 U. S. P. Units of insulin per milliliter.
Orange, if it contains 100 U. S. P. Units of insulin per milliliter.
Narrow (at least 5 but not more than 20 to each inch) brown and white diagonal stripes, if it contains 500 U. S. P. Units of insulin per milliliter.

But if the master lot used was in crystalline form, the distinguishing colors, instead of those prescribed above, may be the following:

Red and gray, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and gray, if it contains 80 U. S. P. Units of insulin per milliliter.

(b) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of protamine zinc insulin shall be distinguished by the following colors:

Red and white, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and white, if it contains 80 U. S. P. Units of insulin per milliliter.

(c) The outside containers or wrappers of the packages, and the labels of the immediate containers, of each strength of globin zinc insulin shall be distinguished by the following colors:

Red and brown, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and brown, if it contains 80 U. S. P. Units of insulin per milliliter.

(d) The outside containers or wrappers of the packages, and the labels of the immediate containers, of each strength of isophane insulin shall be distinguished by the following colors:

Red and blue, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and blue, if it contains 80 U. S. P. Units of insulin per milliliter.

(e) The outside containers or wrappers of the packages, and the labels of the immediate containers, of lente insulin, semi-lente insulin, and extra-lente insulin shall bear a mark or design to distinguish each drug, and each strength of these drugs shall be distinguished by the following colors:

Red and lavender, if it contains 40 U. S. P. Units of insulin per milliliter.
Green and lavender, if it contains 80 U. S. P. Units of insulin per milliliter.

§ 164.8 *Records of distribution.* (a) The person to whom a certificate is issued shall keep complete records showing each shipment and other delivery (including exports) of each batch or part thereof, by the person requesting certification, and showing each such shipment and delivery into, or from any place in, any State or Territory, made by any person subject to his control, including records showing the date and quantity of each such shipment and delivery and the name and post office address of the person to whom such shipment or delivery was made.

(b) Upon the request of any officer or employee of the Food and Drug Administration or of any other officer or employee of the United States, acting on behalf of the Secretary, the person to whom a certificate is issued, at all reasonable hours within 2 years after disposal of all the batch covered by such certificate, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

§ 164.9 *Authority to refuse certification service.* When the Commissioner finds, after giving notice and opportunity for hearing, that a person has:

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 164.8; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of

stocks on hand or otherwise to check the correctness of such records, as required by such section,

the Commissioner may immediately suspend service to such person under the regulations in this part, and may continue such suspension unless and until such person shows adequate cause why such suspension should be terminated.

§ 164.10 *Fees.* (a) (1) Fees for the services rendered under the regulations in this part shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(2) Whenever in the judgment of the Commissioner the ratio between fees collected (which are based upon experience and the best estimate of costs and the best estimate of earnings) and the costs of providing the service during an elapsed period of time, in the light of all circumstances and contingencies, warrants a refund from the fund collected during such period, he shall make ratable refunds to those persons to whom the services were rendered and charged, except for those services described under paragraph (b) (2) (ii), (3) (ii), and (5) of this section.

(b) The fees for the services rendered with respect to the samples submitted pursuant to § 164.2 (d) shall be:

(1) For each master lot or mixture of two or more master lots or parts thereof, as follows.

(i) $50 if the master lot or mixture has not been previously approved by the Commissioner;

(ii) $25 if the master lot or mixture has been previously certified by the Commissioner in accordance with § 164.3 (c).

(2) For each trial dilution, as follows:

(i) $50 if the results of an assay for potency of a trial dilution made by the laboratory referred to in § 164.3 (c) are submitted or are to be submitted.

(ii) The cost of the services rendered if the results referred to in subdivision (i) of this subparagraph are not submitted and are not to be submitted.

(3) For each trial mixture of protamine zinc insulin, as follows:

(i) $50 if the results of tests for biological reactions made by the laboratory referred to in § 164.3 (c) are submitted or are to be submitted.

(ii) The cost of the services rendered if the results referred to in subdivision (i) of this subparagraph are not submitted and are not to be submitted.

(4) $50 for each lot of protamine.

(5) The cost of the services rendered for each trial mixture of globin zinc insulin, isophane insulin, lente insulin, semi-lente insulin, or ultra-lente insulin.

(6) $50 for each lot of globin hydrochloride.

(7) $10 for each package in the sample of the finished batch.

Except as otherwise provided by paragraph (c) of this section, each request for certification submitted, or the initial sample or samples submitted in connection therewith pursuant to § 164.2 (d), whichever is sent first to the Commissioner, shall be accompanied by such fees as are prescribed in specific amounts for the samples submitted. When the fee is the cost of the services rendered, each sample referred to in subparagraph (2) (ii) of this paragraph shall be accompanied by an advance deposit of $1,200; each sample referred to in subparagraphs (3) (ii) and (5) of this paragraph shall be accompanied by an advance deposit of $500; and thereafter such additional advance deposits shall be made as the Commissioner estimates may be necessary to prevent arrears in the payment of such fee.

(c) A person requiring continuing certification services may maintain an advance deposit of the estimated costs of such services for a period of 2 months or more. Such deposits shall be debited with fees for services rendered, but shall not be debited for any fee the amount of which is not definitely specified in these regulations unless the depositor has previously requested the performance of the services to be covered by such fee. A monthly statement for each such advance deposit shall be rendered.

(d) The unearned portion of any advance deposit made pursuant to paragraph (b) or (c) of this section shall be refunded to the depositor upon his application.

(e) All advance deposits required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Food and and Drug Administration, collectible at par at Washington, D. C. All deposits shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington 25, D. C., whereupon after making appropriate record thereof they will be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

§ 164.11 *Standards of quality and purity for protamine.* When protamine is dried to constant weight at 100° C., its total nitrogen content is not less than 22.5 percent and not more than 25.5 percent, and its sulfate content, calculated as SO_4, is not less than 16 percent and not more than 19 percent.

§ 164.12 *Standards of quality and purity for globin hydrochloride.* The ash content of globin hydrochloride is not more than 0.3 percent; its nitrogen content, calculated to moisture, ash, and hydrochloric acid free basis, is not less than 16.0 percent and not more than 17.5 percent.

§ 164.13 *Standards of identity, strength, quality, and purity for lente insulin.* Lente insulin is a sterile suspension, in a buffered water medium, of insulin modified by the addition of zinc chloride. Of the insulin contained in the preparation not more than 1 U. S. P. Unit of insulin per milliliter is in solution, approximately 70 percent is crystalline, and the remainder is amorphous. Zinc-insulin crystals are used in such quantity that each milliliter of the preparation, when the precipitate therein is brought into uniform suspension, contains either 40 or 80 U. S. P. Units of insulin. The preparation contains, for each 100 U. S. P. Units of insulin, not less than 0.20 milligram and not more than 0.25 milligram zinc (of which not less than 40 percent nor more than 65 percent is in the supernatant liquid), and not more than 0.70 milligram nitrogen. The preparation also contains not less than 0.15 percent and not more than 0.17 percent (w/v) sodium acetate, not less than 0.65 percent and not more than 0.75 percent (w/v) sodium chloride, and not less than 0.09 percent and not more than 0.11 percent (w/v) methyl-*p*-hydroxybenzoate. The pH of the finished product is not less than 7.1 nor more than 7.5.

§ 164.14 *Standards of identity, strength, quality, and purity for semi-lente insulin.* Semi-lente insulin is a sterile suspension in a buffered water medium of insulin modified by the addition of zinc chloride. The insoluble matter is amorphous. Not more than 1 U. S. P. Unit of insulin per milliliter is in solution. Sufficient insulin is used in the preparation to provide either 40 or 80 U. S. P. Units of insulin for each milliliter. The preparation contains, for each 100 U. S. P. Units of insulin, not less than 0.20 milligram and not more than 0.25 milligram zinc (of which not less than 40 percent nor more than 65 percent is in the supernatant liquid), and not more than 0.70 milligram nitrogen. The preparation also contains not less than 0.15 percent and not more than 0.17 percent (w/v) sodium acetate, not less than 0.65 percent and not more than 0.75 percent (w/v) sodium chloride, and not less than 0.09 percent and not more than 0.11 percent (w/v) methyl-*p*-hydroxybenzoate. The pH of the finished product is not less than 7.1 nor more than 7.5.

§ 164.15 *Standards of identity, strength, quality, and purity for ultra-lente insulin.* Ultra-lente insulin is a sterile suspension in a buffered water medium of insulin modified by the addition of zinc chloride. The insoluble matter is crystalline and contains not more than traces of amorphous material. Not more than 1 U. S. P. Unit of insulin per milliliter is in solution. Sufficient insulin is used in the preparation to provide either 40 or 80 U. S. P. Units of insulin for each milliliter. The preparation contains, for each 100 U. S. P. Units of insulin, not less than 0.20 milligram and not more than 0.25 milligram zinc (of which not less than 40 percent nor more than 65 percent is in the supernatant liquid), and not more than 0.70 milligram nitrogen. The preparation also contains not less than 0.15 percent and not more than 0.17 percent (w/v) sodium acetate, not less than 0.65 percent and not more than 0.75 percent (w/v) sodium chloride, and not less than 0.09 percent and not more than 0.11 percent (w/v) methyl-*p*-hydroxybenzoate. The pH of the finished product is not less than 7.1 nor more than 7.5.

§ 164.16 *Tests and methods of assay.* The following tests and methods of assay are prescribed for the purposes of the regulations in this part. (All reagents specified in this section shall be of U. S. P. quality or better.)

(a) *Tests and methods of assay for insulin U. S. P., protamine zinc insulin, globin zinc insulin, and isophane insulin.* The tests and methods of assay for insulin U. S. P., protamine zinc insulin, globin zinc insulin, and isophane insulin shall be those set forth therefor in the official United States Pharmacopeia, including supplements thereto.

(b) *Identification of lente insulin, semi-lente insulin, or ultra-lente insulin.* Acidify lente insulin, semi-lente insulin, or ultra-lente insulin to a pH between 2.5 and 3.5. The precipitate dissolves, giving a clear, colorless liquid which conforms to the requirements of the identification test for insulin U. S. P. in the official United States Pharmacopeia, including supplements thereto. Add a few drops of ferric chloride test solution to lente insulin. A reddish-brown color develops that is destroyed by the addition of a mineral acid.

(c) *Isophane ratio.* The isophane ratio shall be expressed as milligrams of protamine per 100 U. S. P. Units of insulin.

(1) *Reagents*—(i) *The stock buffer solution.* Dissolve in water the quantities of metacresol, phenol, glycerin, and disodium phosphate required to make 10 liters of the batch of isophane insulin and dilute to 1,000 milliliters.

(ii) *The insulin solution.* From a sample of the zinc-insulin crystals to be used in making the batch weigh a quantity which contains 10,000 U. S. P. Units of insulin. Dissolve the crystals in 15 milliliters of 0.1 percent hydrochloric acid. The resulting solution must be clear. Add it to 25 milliliters of the stock buffer solution (subdivision (i) of this subparagraph). Dilute with water to approximately 200 milliliters. Adjust the pH to 7.2 using hydrochloric acid or sodium hydroxide. The solution must be clear at this stage. If sodium chloride is to be used in preparing the batch add 25 milliliters of 4.2 percent (w/v) sodium chloride solution. Dilute to 250 milliliters with water. The pH must be between 7.1 and 7.4.

(iii) *The protamine solution.* Weigh 500 milligrams of the protamine to be used in making the batch and dissolve in 10 milliliters of the stock buffer solution (subdivision (i) of this subparagraph). If sodium chloride is to be used in preparing the batch add 10 milliliters of 4.2 percent (w/v) sodium chloride solution. Dilute with water to approximately 80 milliliters. Adjust the pH to 7.2 using hydrochloric acid or sodium hydroxide. Dilute with water to 100 milliliters. The pH must be between 7.2 and 7.4, and the solution must be clear.

(2) *Conduct of the test.* Measure six 25-milliliter samples of the insulin solution (subparagraph (1) (ii) of this paragraph) into six tubes. To the first tube add 0.60 milliliter of the protamine solution (subparagraph (1) (iii) of this paragraph), to the second add 0.72 milliliter, to the third add 0.84 milliliter, to the fourth add 0.96 milliliter, to the fifth add 1.08 milliliters, and to the sixth add 1.20 milliliters. Mix the contents of each tube and let stand for at least 30 minutes. Centrifuge. (Do not filter.) From each supernatant fluid remove two 10-milliliter samples, thus creating two series of samples. To each of one series add 1 milliliter of the insulin solution (subparagraph (1) (ii) of this paragraph). To each of the other series add 1 milliliter of the protamine solution (subparagraph (1) (iii) of this paragraph). Mix each sample and let stand 10 minutes. Measure the turbidity of each sample by means of a photometer or nephelometer. Plot the readings of the two series of samples, using the amount of protamine originally added in milligrams per 100 U. S. P. Units of insulin as abscissas, and the photometer or nephelometer readings as ordinates. The abscissa of the intersection of the two curves indicates the isophane ratio of the protamine to the zinc-insulin crystals. In order to increase the precision of the test, when the approximate isophane ratio is known, the quantities of protamine solution to be added to the six tubes may be so chosen that the range (0.60 to 1.20 milliliters) is reduced, and the approximate isophane ratio is near the middle of the range.

The isophane ratio found is not more than 100 percent nor less than 90 percent of the ratio of protamine to insulin used in the trial mixture referred to in § 164.2 (d) (7).

(d) *Proportion of crystalline component in lente insulin, semi-lente insulin, or ultra-lente insulin.* The proportion of crystalline component shall be expressed as percent of the total nitrogen of the preparation which is present in the crystalline component.

(1) *Reagent.* Dissolve in water 8.15 grams of crystalline sodium acetate and 42 grams of sodium chloride. Add 68 milliliters of tenth-normal hydrochloric acid, 150 milliliters of acetone, and sufficient water to make 500 milliliters.

(2) *Conduct of the test.* Centrifuge 15 milliliters of the preparation and carefully pour off the supernatant liquid. Resuspend the solid phase in 5 milliliters of water and 10 milliliters of the wash reagent (subparagraph (1) of this paragraph) and again centrifuge. Discard the supernatant liquid and repeat the washing with the same quantities of water and wash reagent and again discard the supernatant liquid. Dissolve the crystalline residue in sufficient dilute hydrochloric acid to make the volume 15 milliliters. Determine the nitrogen content of this solution by the method specified in paragraph (h) of this section. If the preparation is lente insulin the nitrogen found must be not less than 55 percent nor more than 70 percent of the total nitrogen of the preparation. If the preparation is semi-lente insulin there must be no crystalline residue, the determination of nitrogen may be omitted, and the result expressed as zero. If the preparation is ultra-lente insulin the nitrogen found must be not less than 90 percent of the total nitrogen of the preparation.

(e) *Sterility of lente insulin, semi-lente insulin, or ultra-lente insulin.* Use the method described in the official United States Pharmacopeia, including supplements thereto, for insulin U. S. P.

(f) *Chloride in globin hydrochloride*—(1) *Conduct of the test.* Weigh accurately approximately 0.5 gram of globin hydrochloride into a small beaker and dissolve in 10-15 milliliters of distilled water. Add 10 milliliters of tenth-normal silver nitrate, 5 milliliters of nitric acid, and 5 milliliters of a saturated solution of potassium permanganate. Stir and place on a steam bath for approximately 1 hour. If any brown color remains, stir again, rinse the sides of the beaker with distilled water and place on the steam bath until the brown color disappears. Transfer quantitatively to a 50-milliliter volumetric flask and fill the flask to the mark with distilled water. Mix and filter through a dry filter paper into a dry vessel. Transfer exactly 40 milliliters of the filtrate to a flask, add 2 milliliters of ferric ammonium sulfate test solution and titrate with tenth-normal ammonium thiocyanate. To obtain the percent chloride as HCl, subtract 1.25 times the number of milliliters of ammonium thiocyanate used from 10; multiply this difference by 0.365 and divide by the weight of the sample in grams.

(2) *Reagents.* The reagents used are those described in the official United States Pharmacopeia, including supplements thereto.

(g) *Sulfate in protamine*—(1) *Conduct of the test.* Weigh accurately about 250 milligrams of protamine and dissolve it in about 100 milliliters of approximately tenth-normal hydrochloric acid. Heat to boiling and add 5 milliliters of barium chloride test solution. Digest on a steam bath for 1 hour; allow to cool. Filter through an ignited and weighed Gooch crucible; wash free of chlorides. Dry, ignite, and weigh. The weight of barium sulfate thus obtained multiplied by 41.15 and divided by the weight of sample is the percent sulfate (SO_4) in the sample. Calculate the results to a moisture-free basis.

(2) *Reagents.* The reagents used are those described in the official United States Pharmacopeia, including supplements thereto.

(h) *Nitrogen.* Determine total nitrogen by the method described in the official United States Pharmacopeia, including supplements thereto, for insulin U. S. P.

(i) *Zinc in insulin-containing solutions or suspensions.* Use the method described in the official United States Pharmacopeia, including supplements thereto, for insulin U. S. P.

(j) *Zinc in insulin-containing solids.* Dissolve 10 to 20 milligrams, accurately weighed, of insulin-containing solids in 5 to 10 milliliters of distilled water containing 1 drop of five-normal hydrochloric acid, and proceed as directed in the official United States Pharmacopeia, including supplements thereto, under the test for zinc in insulin U. S. P.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the two new insulin preparations referred to herein.

Effective date: This order shall become effective upon publication in the FEDERAL REGISTER, since both the public

and the affected industry will benefit by the earliest effective date, and I so find.

Dated: June 28, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-5447; Filed, July 3, 1957; 8:56 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter N—Irrigation Projects; Construction Costs

PART 141—PARTIAL PAYMENT CONSTRUCTION CHARGES ON INDIAN IRRIGATION PROJECTS

ASSESSMENT AND COLLECTION OF ADDITIONAL CONSTRUCTION COSTS

There was published in the FEDERAL REGISTER of February 26, 1957 (22 F. R. 1102) notice of intention to amend Part 141, dealing with the assessment and collection of additional construction costs on Indian irrigation projects.

All interested parties were given opportunity to submit views, data and arguments within thirty days from the date of such publication. No views, data and arguments having been received, the regulations as proposed are adopted, except that specified dates have been inserted in connection with certain actions which have been or are to be taken. The regulations as adopted are set forth below.

HATFIELD CHILSON,
Under Secretary of the Interior.

JUNE 24, 1957.

§ 141.4a *Assessment and collection of additional construction costs.* (a) Upon the completion of the construction of an Indian irrigation project, or unit thereof, subsequent to the determination of the partial per acre construction assessment rate which was fixed prior to July 1, 1957 pursuant to § 141.4 the Secretary of the Interior or his authorized representative shall determine such additional construction cost and distribute that cost on a per acre basis against all of the irrigable lands of the project, or unit thereof, and 1/40th of such per acre additional construction cost thus determined shall be assessed and collected annually from the non-Indian landowner of the project, or unit, thereof. The first installment shall be due and payable on November 15 of the year following the completion of such additional construction work or, if such additional construction work on the project, or unit thereof, has been completed prior to July 1, 1957 and the per acre annual rate determined, the first installment of the additional construction cost to be repaid by such non-Indian landowners shall be due and payable on November 15, 1958. This annual per acre rate shall be in addition to, and run concurrently with, the per acre construction rate assessed annually under § 141.4.

(b) Project lands in Indian ownership are not subject to assessment for their proportionate share of the per acre construction cost of the project, or unit thereof, until after the Indian title to the land has been extinguished. At that time the total annual per acre assessment rate against non-Indian lands of the project, or unit thereof, shall be assessed against the former Indian lands for each and every acre of irrigable land to which water can be delivered through the project works, beginning on November 15 of the year following the extinguishment of the Indian title to the land and on November 15 of each year thereafter over a forty year period. In cases where the Indian title to project land was extinguished prior to July 1, 1957 the assessment rate shall be due and payable on November 15, 1958.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

[F. R. Doc. 57-5239; Filed, July 3, 1957; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Suppl. 18]

DMO VII-6—EXPANSION GOALS

TRANSFER OF CERTAIN ITEMS FROM OPEN TO CLOSED LIST

1. Defense Mobilization Order VII-6, dated December 3, 1953 (18 F. R. 7876) is supplemented as follows:

The following expansion goals are hereby transferred from List III, Open to List I, Closed:

Goal No.	Title	Delegate agency
16	Nickel	Interior.
74	Steam Turbines	Commerce.
181	Steel Castings	Commerce.
228	Substitutes for Strategic Natural Mica.	Interior.

2. This supplement shall be effective on June 28, 1957.

OFFICE OF DEFENSE MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 57-5393; Filed, July 3, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1439]

[1972234]

[Fairbanks 013568]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 227 OF APRIL 27, 1944, WHICH WITHDREW LANDS FOR USE OF WAR DEPARTMENT FOR AVIATION PURPOSES; WITHDRAWING A PORTION OF RELEASED LANDS FOR USE OF CIVIL AERONAUTICS ADMINISTRATION AS AIR NAVIGATION SITE NO. 14

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and Section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), it is ordered as follows:

1. Public Land Order No. 227 of April 27, 1944, which withdrew the following-described lands in Alaska for use of the War Department for aviation purposes, is hereby revoked:

Beginning at corner No. 1, identical with corner No. 11, M. S. 1339, Arthur Broncho, from which U. S. L. M., No. 1C bears S. 73° 33' W., 1110 feet, approximate latitude 64° 31' N., longitude 165° 23' W.

From the initial point, S. 14° 13' W., 1317.5 feet, to corner No. 2, identical with Corner No. 12, M. S. 1339.
S. 23° 54' W., 300 feet, to corner No. 3;
N. 71° 53' W., 470 feet, to corner No. 4;
N. 5° 32' E., 800 feet, to corner No. 5;
N. 18° 47' W., 350 feet, to corner No. 6;
N. 67° 15' W., 400 feet, to corner No. 7;
S. 70° 30' W., 330 feet, to corner No. 8;
S. 75° 30' W., 660 feet, to corner No. 9;
S. 79° 07' W., 600 feet, to corner No. 10;
N. 84° 18' W., 890 feet, to corner No. 11;
N. 48° 14' W., 780 feet, to corner No. 12;
N. 41° 46' E., 1,120 feet, to corner No. 13, a point on line C–D, Civil Aeronautics Administration Tract as described in lease recorded June 21, 1941, in Book 219 of Leases, Page 238, Instrument No. 81955, Cape Nome Recording Precinct, Territory of Alaska;
N. 23° 50' W., 110 feet, to corner No. 14, identical with corner D, Civil Aeronautics Administration Tract;
N. 19° 51' E., 293.73 feet, to corner No. 15, identical with corner E, Civil Aeronautics Administrative Tract;
N. 70° 09' W., 2,100 feet, to corner No. 16, identical with corner F, Civil Aeronautics Administration Tract;
N. 19° 51' E., 450 feet, to corner No. 17, a point on line F–G, Civil Aeronautics Administration Tract;
N. 87° 12' E., 230 feet, to corner No. 17A, a point on Line G–H, Civil Aeronautics Administration Tract;
S. 70° 09' E., 1,890 feet, to corner No. 18 identical with corner H, Civil Aeronautics Administration Tract;
N. 78° 20' E., 130 feet, to corner No. 19, on line H–I, Civil Aeronautics Administration Tract;
N. 50° 30' E., 2,000 feet, to corner No. 20;
N. 41° 46' E., 1,810 feet, to corner No. 21;
S. 48° 14' E., 300 feet, to corner No. 22;
S. 41° 46' W., 1,880 feet, to corner No. 23;
S. 2° 27' E., 850 feet, to corner No. 24;
S. 22° 30' E., 180 feet, to corner No. 25;
S. 7° 06' E., 370 feet, to corner No. 26;
N. 75° 55' E., 740 feet, to corner No. 27, a point on line 1–2, M. S. 1142, Skookum Placer:
S. 49° 15' E., 340 feet, to corner No. 28, identical with corner No. 5, M. S. 1142, Skookum Placer;
S. 19° 43' W., 1,265 feet, to corner No. 29, a point on line 10–11, M. S. 1339
S. 71° 35' E., 830 feet, to the place of beginning.

The area described, including both public and non public lands, aggregates 241.4 acres.

2. Subject to valid existing rights, the following-described tract, which is a portion of the lands described in paragraph 1 of this order, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral-leasing laws, and reserved for use of the Civil Aeronautics Administration in the maintenance of air navigation facilities as Air Navigation Site No. 14:

Beginning at corner No. 1 of U. S. Mineral Survey No. 1877 from which U. S. L. M., No. 1C, latitude 64° 31' N., longitude 165° 23' W., bears S. 61° 08' E., 2132.20 feet, thence
S. 75° 41' E., 856.30 feet;
N. 84° 53' W., 426.10 feet;
N. 73° 40' W., 658. 30 feet;
S. 87° 21' E., 222.00 feet to point of beginning.

The tract described contains 1.174 acres.

3. The remaining lands, aggregating 240.226 acres, have been patented.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 28, 1957.

[F. R. Doc. 57-5450; Filed, July 3, 1957; 8:56 a. m.]

[Public Land Order 1440]

[Fairbanks 012644]

ALASKA

RESERVING LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, including the rights of the natives based on occupancy, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral-leasing laws, and reserved in connection with lands withdrawn by Public Land Order No. 765 of November 23, 1951, for use of the Department of the Army for military purposes:

BIG DELTA (BUFFALO CENTER)

Beginning at a point on line 4–5 of U. S. Survey No. 2770 from which corner No. 5 bears S. 74°53' W., 51.17 feet, thence
S. 31°24' W., 106.53 feet to the northwest corner of area withdrawn by PLO 765;
N. 74° 53' E., 700.00 feet along north boundary of PLO 765 to northeast corner thereof;
N. 15° 07' W., 73.31 feet;
S. 74° 53' W., 373.24 feet to corner 4 of U. S. Survey No. 2770 and continuing;
S. 74° 53' W., 249.46 feet along south boundary of U. S. Survey No. 2770 to point of beginning.

The tract described contains 1.11 acres.

Public Land Order No. 808 of February 27, 1952, which reserved the above-described tract, together with other lands, for townsite purposes, is hereby modified to the extent necessary to permit the use of the tract by the Department of the Army.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under applicable U. S. mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 28, 1957.

[F. R. Doc. 57-5451; Filed, July 3, 1957; 8:57 a. m.]

[Public Land Order 1441]

[Sacramento 051526]

CALIFORNIA

RESERVING PUBLIC LANDS FOR USE OF FOREST SERVICE AS CAMP ANTELOPE ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as the Camp Antelope Administrative Site in connection with administration of the Toiyabe National Forest:

MOUNT DIABLO MERIDIAN

T. 8 N., R. 23 E., Sec. 22, SE¼NW¼ and NE¼SW¼.

The areas described aggregate 80 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

June 28, 1957.

[F. R. Doc. 57-5452; Filed, July 3, 1957; 8:57 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 107—CHIGNIK AREA

WEEKLY CLOSED PERIODS

Basis and purpose: On the basis of the weir count at the Chignik River weir being considerably ahead of the catch and further to spread the catch and escapement more evenly, the following amendment to the weekly closed periods in the Chignik Bay district is deemed desirable.

Therefore, effective at 6 o'clock postmeridian Wednesday, July 3, 1957, § 107.3 is amended in paragraph (b) to read as follows:

(b) Chignik Bay district: From 6 o'clock postmeridian Monday to 6 o'clock antemeridian Tuesday; from 6 o'clock postmeridian Tuesday to 6 o'clock antemeridian Wednesday; from 6 o'clock postmeridian Wednesday to 6 o'clock antemeridian Thursday; from 6 o'clock postmeridian Thursday to 6 o'clock antemeridian Friday; and from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

Since immediate aciton is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

JULY 2, 1957.

[F. R. Doc. 57-5468; Filed, July 2, 1957; 2:23 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

[Docket No. AO 214-A2]

ALMONDS GROWN IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Assembly Room, State Agricultural Building, 1220 N Street, Sacramento, California, beginning 10:00 a. m., P. d. s. t., July 16, 1957, with respect to proposed amendments to the amended marketing agreement and order (7 CFR Part 909; 22 F. R. 3781) regulating the handling of almonds grown in California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence with respect to the proposed amendments which are hereinafter set forth, or appropriate modifications thereof.

The Almond Control Board, which administers the program, proposed the following amendments and requested a public hearing thereon:

1. Amend § 909.16 by changing the period at the end thereof to a comma, and adding: "or to receive at any point in the United States almonds which previously have been exported from the United States and submitted for reentry, or reentered, into the United States free of duty."

2. Amend § 909.65 to read as follows:

§ 909.65 *Prohibition on the use or disposition of surplus almonds.* Except as provided in §§ 909.66 and 909.67 almonds that are withheld as surplus pursuant

to the requirements of § 909.50 or credited in satisfaction of a surplus withholding obligation thereunder shall not be used or disposed of by any handler or any other person.

The Fruit and Vegetable Division, Agricultural Marketing Service has proposed that consideration be given to:

3. Making such other changes in the amended marketing agreement and order as may be necessary to make the entire amended marketing agreement and order conform with any amendments thereto which may result from the hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, Room 112 A, Administration Building, Washington, D. C.; from the Western Marketing Field Offices of the Fruit and Vegetable Division, Agricultural Marketing Service, at Room 300, Old P. O. Building, 701 K Street, Sacramento 14, California, and at Room 416, Mercantile Building, 2082 Center Street, Berkeley 4, California; and at the Almond Control Board Office, Forum Building, Room 721, Sacramento 14, California.

Dated: June 28, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-5421; Filed, July 3, 1957; 8:50 a. m.]

[7 CFR Part 1020]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR INITIAL FISCAL YEAR

Consideration is being given to the following proposals by the Washington Apricot Marketing Committee established under the marketing agreement and Order No. 120 (7 CFR Part 1020; 22 F. R. 3514) regulating the handling of apricots grown in designated counties in Washington, effective May 21, 1957, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $7,922 will be necessarily incurred by said committee during the initial fiscal period (May 21, 1957, through March 31, 1958) for its maintenance and functioning under the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles apricots shall pay during the initial fiscal period in accordance with the aforesaid marketing agreement and order, the rate of assessment of $1 per ton of apricots so handled by such handler during such initial fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 7th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 28, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5420; Filed, July 3, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[412.1]

TARIFF CLASSIFICATION OF DRUGS DERIVED BY CHEMICAL REACTIONS AND SYNTHESIS

EXTENSION OF TIME ON NOTICE OF APPLICATION OF PRINCIPLES OF C. A. D. 614 TO ALL SYNTHETIC DRUGS AND ALL DRUGS RESULTING FROM CHEMICAL CHANGES IN IDENTITY OF NATURAL SUBSTANCES FROM WHICH DERIVED

JUNE 28, 1957.

A notice was published in the FEDERAL REGISTER, Volume 22, No. 110, of June 7, 1957, at page 4034, giving notice of the application of the principles of C. A. D. 614. The notice afforded any interested person an opportunity to make representations as to the applicability of the principles of C. A. D. 614 to a product he imports or manufactures. It provided that the communications should be addressed to the Commissioner of Customs, Washington 25, D. C., should name the product, describe its chief use in the United States, and specify the original source and process of derivation of the product. The notice further specified that to insure consideration the communications must be received in the Bureau not later than 30 days from June 7, 1957.

The Bureau has received many requests for an extension of the period because it is too short to permit the assembly of the required information, and the preparation of adequate briefs and other documents. In view of the merit of these requests, the period for submitting representations on this question is extended to September 6, 1957.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-5445; Filed, July 3, 1957; 8:55 a. m.]

Office of the Secretary

[Treasury Dept. Order 185]

ESTABLISHMENT OF OFFICE AND TRANSFER OF FUNCTIONS PERTAINING TO LENDING AND LIQUIDATION

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950 and the authority in Reorganization Plan No. 1 of 1957, it is ordered as follows:

1. There are transferred to Assistant Secretary Laurence B. Robbins all of the functions of the Secretary of the Treasury under Reorganization Plan No. 1 of 1957. Assistant Secretary Robbins may make provisions for the performance of any of these functions and any of the functions under section 409 of the Federal Civil Defense Act of 1950 and section 302 of the Defense Production Act of 1950, as amended, heretofore transferred to him by Treasury Department Order No. 181-3, by subordinates in the Office of Defense Lending.

2. There is established in the Office of Defense Lending which shall be under the supervision of Assistant Secretary Robbins and shall perform such of the functions transferred to him as he may assign to it.

3. The Defense Lending Division established by Treasury Department Order No. 181-3 is abolished.

4. Paragraphs 1, 2, and 3 of this Order shall be effective July 1, 1957.

5. Effective at the close of September 30, 1957, the Office of Production and Defense Lending established by Treasury Department Order No. 181-3 is abolished.

Dated: June 28, 1957.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 57-5446, Filed, July 3, 1957; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 08362]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 28, 1957.

The Civil Aeronautics Administration has filed an application, Serial No. Idaho 08362, for the withdrawal of the lands described below, from all forms of appropriation in accordance with Executive Order 10355 of May 26, 1952 (17 F. R. 4831; 3 C. P. A. 1952 Supp.), including mining and mineral leasing laws. The applicant desires the land for an air-to-ground communication facility.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 8 N., R. 1 W.,
Sec. 24, SE¼SW¼.

A 150-foot square located therein, by commencing at the ¼ corner common to Sec. 25, 26, Township 8 North, Range 1 West, N. 22° 30' E. 805.0', thence N. 19° 36' E. 208.71', thence N. 70° 24' E. 104.36' thence N. 61° 35' E. 894.06', thence N. 26° 54' E. 397.84', thence N. 22° 50' E. 289.66', thence N. 20° 43' E. 246.56', thence N. 18° 41' E. 207.31', thence N. 21° 31' E. 273.07', thence N. 16° 50' E. 224.17', thence N. 17° 10' E. 192.38', thence N. 13° 7' E. 135.00 to the point of true beginning, thence N. 82° 18' W. 87.5', thence N. 7° 42' E. 150.0', thence S. 82° 18' E. 150.0', thence S. 7° 42' W. 150.0', thence N. 82° 18' W. 62.5' to the true point of beginning. All bearings are true.

A covenant of record shall preclude the construction or operating of any structure or equipment capable of emitting radio waves of any frequency upon lands contained within a radius of 1000 feet of the 150-foot square herein withdrawn which radius of dimension is deemed to affect the following legal description:

BOISE MERIDIAN, IDAHO

T. 8 N., R. 1 W.,
Sec. 24, SW¼, W½SE¼;
Sec. 25, N½NW¼, NW¼NE¼.

MICHAEL T. SOLAN,
Acting State Supervisor.

[F. R. Doc. 57-5440; Filed, July 3, 1957; 8:54 a. m.]

[Classification 573]

CALIFORNIA

SMALL TRACT CLASSIFICATION

JUNE 25, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 2,185.55 acres, in San Bernardino County, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 4 N., R. 1 E.,
Sec. 29, SW¼NW¼.
T. 1 N., R. 5 E.,
Sec. 2, Lots 6, 19, 22, 35, W½SE¼NE¼, S½SE¼SW¼NE¼.
T. 6 N., R. 1 W.,
Sec. 4, S½.
T. 6 N., R. 2 W.,
Sec. 33, N½NE¼SE¼, SE¼NE¼SE¼, E½SE¼SE¼, SW¼SE¼SE¼, S½SW¼SE¼, NW¼SW¼SE¼. W½NW¼SE¼. S½NE¼SW¼SE¼.
T. 8 N., R. 6 W.,
Sec. 14, S½SW¼, NW¼SW¼, W½NE¼SW¼, W½E½NE¼SW¼, SE¼SE¼NE¼SW¼, W½NW¼, W½SE¼NW¼, SW¼SE¼SE¼NW¼, W½W½NE¼NW¼, SE¼SW¼NE¼NW¼;
Sec. 23, W½, SW¼SE¼, W½NW¼SE¼, SE¼NW¼SE¼, W½NE¼NW¼SE¼, W½SW¼SE¼SE¼, W½SW¼NE¼, W½SE¼SW¼NE¼, SW¼NW¼NE¼, W½NW¼NW¼NE¼, E½NE¼NE¼, NE¼NW¼NE¼NE¼, E½E½SE¼NE¼, NW¼NE¼SE¼NE¼;
Sec. 24, N½;
Sec. 26, S½, NW¼, W½NE¼, SW¼NE¼NE¼, W½NW¼NE¼NE¼, SE¼NW¼NE¼NE¼, W½SE¼NE¼, W½SE¼SE¼NE¼, SW¼NE¼SE¼NE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid, with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to June 25, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a). Such applicants will be offered the opportunity to elect either to purchase or to lease with an option to purchase. If lease is selected, the lease will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price provided that during the period of their leases they either (a) complete the construction of a cabin or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). The improvement constructed or agreed to be constructed must conform to the health, sanitation, and construction requirements of local ordinances which apply to privately owned lands within the local area and, in addition, must meet the following standards: The residence must be suitable for year-round use, on a permanent foundation, with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive, properly finished materials. Adequate disposal and sanitary facilities must be installed. Concrete slab or conventional concrete foundations are acceptable, but concrete piers are not acceptable as foundations.

R. G. SPORLEDER,
Officer in Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57-5398; Filed, July 3, 1957; 8:46 a. m.]

[Document No. 153]

ARIZONA

SMALL TRACT CLASSIFICATION ORDER NO. 56

JUNE 27, 1957.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15), the following described lands which were classified by Document No. 88, Arizona, Small Tract Classification No. 47, dated December 22, 1955 (20 F. R. 10114), are hereby opened to lease and sale for residence and/or business sites under the Small Tract Act:

GILA AND SALT RIVER MERIDIAN

T. 14 S., R. 12 E.,
Sec. 35: Lots 5-70, inclusive.

The lands described comprise 322.35 acres subdivided into 66 small tracts, none of which are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. The tracts are located approximately five and one-half miles west of Tucson, Arizona, in Pima County. The Ajo-Tucson Highway (Arizona State Highway 86) forms the south boundary of Lots 37, 38, 39, 40, 45, 46, and 48, and the north boundary of Lots 47, 49, 50, 51, 52, 53, and 54. Elevation is approximately 2,500 feet above sea level and the topography is flat to gently rolling. The climate is arid with an annual precipitation of about 12" and the temperature varies from a high of about 110° F. to a low of about 15° F. The soil is sandy loam to silt loam and supports a vegetative cover typical of the Southern Desert Shrub-type. Culinary water is not available from any known source, but probably could be developed from wells at a depth of 150 to 300 feet. Electricity is available from a power line along the Ajo Road.

There is no evidence of metallic or nonmetallic minerals.

3a. The individual tracts vary in size from 2.79 to 6.88 acres with the majority containing approximately 5 acres. The appraisal price is $250.00 per tract for tracts 5-36, 41-44, and 55-70; $300.00 per tract for tracts 37, 38, 45, 46, 49, and 50; $350.00 per tract for tracts 39, 40, 51, and 52; and $400.00 per tract for tracts 47, 48, 53, and 54.

b. The advanced three year rental for tracts appraised at $250.00 is $37.50; for tracts appraised at $300.00, $45.00; for tracts appraised at $350.00, $52.50; and for tracts appraised at $400.00, $60.00, if leased for residence sites.

c. The advance three year rental for all business sites is $60.00. However, if the gross business exceeds $2,000.00 per annum, the rental will be calculated in accordance with the schedule incorporated in the lease.

d. The residence and the necessary outbuildings, including garage, shall be of masonry material, including adobe, or of frame stucco. The residence must be suitable for year-round occupancy and contain a floor area of not less than 850 square feet. It must be of substantial construction to withstand the elements and must be on a full solid foundation. The residence must be built in a workmanlike manner out of attractive materials and properly finished. No building

shall be placed at a distance of less than 75 feet from a boundary line, fronting upon a street or road, nor of a distance less than 30 feet to any other boundary line.

e. A trailer house will not be considered as a residence, but it may be used for a period of time, not to exceed one year, while a residence is being constructed.

f. All sewage disposal plants and appurtenances shall be by underground septic tank, and shall conform to the standards of the Pima County Health Department, or any other law enforcing agencies having jurisdiction thereof.

g. Rights-of-way 33 feet in width for streets, roads, and public utilities will be reserved as follows: In the SE¼, along the North side of Lots 37 through 46, Lot 48, and Lots 63 through 70; along the south side of Lots 41 through 44 and Lots 55 through 62; along the east side of Lots 37, 41, 48, 50, 54, 55, and 59; and along the west side of Lots 40, 44, 45, 47, 51, 58, and 62. In the NE¼ rights-of-way 33 feet in width will be reserved from each tract along all section and quarter section lines and all sixteenth and sixty-fourth subdivision lines.

4. Leases will be issued for a term of three years and will contain an option to purchase clause in accordance with 43 CFR 257.13. Lessees who comply with general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price provided that during the period of their leases they either (a) construct improvements as specified in paragraphs 3 (d) (e) (f) in accordance with the conditions set forth, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee. All mineral rights will be reserved to the United States.

5a. Applicants must file, in duplicate, with the Manager, Land Office, 1305 North Central Avenue, Post Office Box 148, Phoenix, Arizona, Application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings of documents required by those instructions. Copies of the application form can be secured from the above-named official.

b. The applications must be accompanied by a filing fee of $10.00 plus the advance rental specified in paragraph 3 (b) (c). Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

6a. All valid applications from persons entitled to veterans' preference filed prior to 10:00 a. m., August 2, 1957, will be considered as simultaneously filed at that time.

b. All valid applications from persons entitled to veterans' preference filed after 10:00 a. m., August 2, 1957, will be considered in the order of filing.

c. All valid applications from other persons filed prior to 10:00 a. m., November 1, 1957, will be considered as simultaneously filed at that time.

d. All valid applications filed after 10:00 a. m., November 1, 1957, will be considered in the order of filing.

7. Inquiries concerning these lands shall be addressed to the Manager, Land Office, 1305 North Central Avenue, Post Office Box 148, Phoenix, Arizona.

EUGENE H. NEWELL,
Lands and Minerals Officer.

[F. R. Doc. 57–5399; Filed, July 3, 1957; 8:46 a. m.]

Bureau of Reclamation

RIVERTON PROJECT, WYOMING

AMENDMENT TO ORDER OF REVOCATION

APRIL 12, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby amend the order of revocation of November 16, 1955, concurred in by the Bureau of Land Management on November 16, 1956, and which appeared at pages 9195–7 of the FEDERAL REGISTER for November 24, 1956, as F. R. Doc. 56–9572 as follows:

1. Add to line 4 of the order: "January 3, 1920, May 11, 1922".

2. Delete the following subdivisions in T. 3 N., R. 6 E., from the order:

Sec. 19, "N½NW¼SE¼;"
Sec. 20, "SW¼NE¼, E½SW¼, W½SE¼;"
Sec. 28, "lot 7;"
Sec. 29, "NW¼NE¼."

3. Add the following subdivisions to the order:

T. 3 N., R. 6 E.,
Sec. 19, "Tract 7;"
Sec. 20, "SE¼SW¼, E½NE¼SW¼, SW¼NE¼SW¼, and SE¼NW¼NE¼SW¼."
T. 4 N., R. 6 E.,
Sec. 20, "NW¼NW¼."

4. Change the acreage to read 88,586.16.

E. G. NIELSEN,
Assistant Commissioner.

[70214]

JUNE 28, 1957.

I concur.

The lands added to the order are withdrawn ceded Indian lands and are not subject to appropriation under the public lands laws.

E. J. THOMAS,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 57–5400; Filed, July 3, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SUNSET SALES YARD ET AL.

POSTED STOCKYARDS

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U. S. C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

COLORADO

Sunset Sales Yard, Greeley; May 23, 1957.
Weld County Livestock Commission Co., Greeley; May 23, 1957.

IOWA

Anita Auction Co., Anita; May 15, 1957.
Centerville Sales Co. (formerly Appanoose Sales Co.), Centerville; May 22, 1957.
Hillcrest Auction Co., Knoxville; May 23, 1957.
Washington Livestock Sales Co., Washington; June 4, 1957.

LOUISIANA

Amite Livestock Co., Inc., Amite; May 22, 1957.
Franklinton Stock Yards, Inc., Franklinton; May 21, 1957.
Franklin Livestock Auction, Winnsboro; May 23, 1957.

OKLAHOMA

Stigler Livestock Auction, Stigler; May 25, 1957.

TEXAS

Center Auction Co., Center; June 4, 1957.

Done at Washington, D. C., this 1st day of July 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57–5453; Filed, July 3, 1957; 8:57 a. m.]

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS, OGDEN, UTAH

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 10, 1957, continuing in effect to and including December 19, 1957, an order issued on June 9, 1955 (14 A. D. 446), as modified by orders issued on April 9, 1956 (15 A. D. 381), and December 20, 1956 (15 A. D. 1306), authorizing the respondents, Market Agencies at the Union Stock Yards, Ogden, Utah, to assess the current rates and charges.

On June 7, 1957, the respondents who sell by auction filed a petition requesting that the current rates and charges for the sale of "cattle and calves" at auction be modified as indicated below:

Cattle and calves	Proposed rate (per head)	Present rate (per head)
Cattle weighing over 450 pounds	$1.50	$1.25
Calves weighing 450 pounds and under	1.00	.75

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 1st day of July 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57–5454; Filed, July 3, 1957; 8:57 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–71]

ACF INDUSTRIES, INC.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that ACF Industries, Incorporated, 30 Church Street, New York, New York, on June 18, 1957, filed an application under section 104d of the Atomic Energy Act of 1954 for a license to export a 30 megawatt materials testing and research reactor to Aktiebolaget Atomenergi of Sweden. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H street NW., Washington, D. C.

Dated at Washington, D. C., this 21st day of June 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57–5394; Filed, July 3, 1957, 8:45 a. m.]

[Docket No. 50–69]

GENERAL ELECTRIC CO.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the General Electric Company, Atomic Power Equipment Department, 2151 South First Street, San Jose, California, on June 14, 1957, filed an application under Section 104c of the Atomic Energy Act of 1954 for a license to perform a critical experiment at General Electric's Vallecitos Atomic Laboratory, Alameda County, California. The experiment will consist of nuclear checkout tests on the core for the Spanish Swimming Pool Reactor prior to export of the reactor to Junta de Energia Nuclear, Madrid, Spain.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 21st day of June 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57–5395; Filed, July 3, 1957; 8:45 a. m.]

[Docket No. 50–70]

GENERAL ELECTRIC CO.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the General Electric Company, Atomic Power Equipment Department, 2151 South First Street, San Jose, California, on June 17, 1957, filed an application under Section 104c of the Atomic Energy Act of 1954 for a license to construct and operate a nuclear test reactor designed to operate at a power level of 30 megawatts and to be located at General Electric's Vallecitos Atomic Laboratory site, Alameda County, California.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 21st day of June 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57–5396; Filed, July 3, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8427]

MIAMI AIRLINE, INC., ET AL.; ENFORCEMENT PROCEEDINGS

NOTICE OF HEARING

Miami Airline, Inc., R. W. Duff and Effie Virginia Duff, enforcement proceeding; Docket No. 8427.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on July 8, 1957, at 10:00 a. m., e. d. s. t., in Room 1011, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., July 1, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Dock 57–5455; Filed, July 3, 1957; 8:58 a. m.]

[Docket No. 8678]

ARCTIC-PACIFIC, INC.

NOTICE OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 8 issued to Arctic-Pacific, Inc.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on July 15, 1957, at 10:00 a. m., e. d. s. t., in Room E–224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., July 1, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–5455; Filed, July 3, 1957; 8:57 a. m.]

[Docket No. 8680]

WORLD WIDE AIRLINES, INC.; ENFORCEMENT CASE

NOTICE OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 48 issued to World Wide Airlines, Inc.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on July 16, 1957, at 10:00 a. m., e. d. s. t., in Room E–224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., July 1, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–5456; Filed, July 3, 1957; 8:58 a. m.]

[Docket No. 8683]

AIR SERVICES, INC.

NOTICE OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 4 issued to Air Services, Inc.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on July 18, 1957, at 10:00 a. m., e. d. s. t., in Room E–224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., July 1, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–5457; Filed, July 3, 1957; 8:58 a. m.]

[Docket No. 8687]

RESORT AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of aircraft transactions between Resort Airlines, Inc., and Stewart E. Poole.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 10, 1957, at 10:00 a. m., e. d. s. t., in Room 1011, Temporary Building No. 5, 16th Street and Constitution Avenue NW.,

Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., July 1, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5459; Filed, July 3, 1957; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-5158 etc.]

IMPERIAL PRODUCTION CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 28, 1957.

In the matters of Imperial Production Corporation, et al., Docket Nos. G-5158, G-11383; R. T. Harris, Operator, et al., Docket No. G-9915; J. Paul Ratliff, Jr., Operator, et al., Docket No. G-11397.

Take notice that there have been filed with the Federal Power Commission applications in the above matters seeking authority to abandon and render service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

On October 29, 1956, Imperial Production Corporation (Imperial), et al.,[1] filed an application in Docket No. G-11383, as amended November 30, 1956, pursuant to section 7 (b) of the Act, for abandonment of service to Tennessee Gas Transmission Company (Tennessee) with respect to their interests in the Carrie Fort No. 1, A. P. Liston No. 1, Richard Porter No. 1, Joe Roberson No. 1, and Hilliard Gas Units in Bethany Field, Panola County, Texas. Imperial, as operator, had applied on November 19, 1954, in pending Docket No. G-5158 on behalf of itself, Rock Hill Oil Company (Rock Hill), T. C. Huddle (Huddle), and J. C. Trahan (Trahan) (not a party to the instant application in Docket No. G-11383), for authorization to render service to Tennessee from such units, which service is covered by a contract dated June 1, 1954, between said producers and Tennessee.

On January 24, 1956, R. T. Harris (Harris), Operator, et al.,[2] applied in Docket No. G-9915 for authorization, pursuant to Section 7 (c) of the Act, to continue the service to Tennessee from the Hilliard Unit proposed to be abandoned by Imperial, et al., and on October 30, 1956, J. Paul Ratliff, Jr. (Ratliff), Operator, et al.,[3] applied in Docket No. G-11397, as amended on November 23, 1956, for similar authorization with respect to the other four units mentioned above.

The applications state that the interests of Imperial, Rock Hill and Huddle in the Hilliard Unit were sold to Barnwell Drilling Company by instrument of assignment dated August 10, 1955, and the latter, by assignment dated September 23, 1955, conveyed such interests to Harris, subject to the aforementioned sales contract of June 1, 1954 with Tennessee. Harris ratified said contract on October 18, 1955.

By instrument of assignment executed April 19, 1956, Imperial, et al., sold their interests in the Carrie Fort, Liston, Roberson and Porter Units to R. S. Barnwell, Jr. (Barnwell), effective as of April 1, 1956. Barnwell, by instrument dated May 7, 1956, and effective as of May 1, 1956, assigned said interests to Ratliff, who, in turn, by instruments of assignment dated May 7 and 8, 1956, sold portions thereof, also effective as of May 1, 1956, to the Applicants (except Trahan) for whom Ratliff has filed in Docket No. G-11397. Said assignments were also made subject to the June 1, 1954 contract with Tennessee, which Ratliff ratified on May 1, 1956.

Inasmuch as Harris and Ratliff have included Trahan's interests in the units covered by their respective applications, issuance of a certificate in Docket No. G-5158 to cover only said interests of Trahan is unnecessary.

Unless advised to the contrary within 10 days prior to the date of hearing set herein, Docket No. G-5158 will be dismissed as being unnecessary for the reasons hereinabove stated.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 5, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made and concurrence in the dismissal of the application in Docket No. G-5158.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5401; Filed, July 3, 1957; 8:46 a. m.]

[1] Applicants are Imperial Production Corporation, Rock Hill Oil Company, and T. C. Huddle.

[2] Filing covers Trahan's interest in the Hilliard Unit, which interest is also covered in Docket No. G-5158.

[3] Ratliff files for himself; William E. Benns, Jr.; Ernest P. Bernuth; Cyril M. Brennan; William J. Brennan; Taylor Caffery; Courtlandt P. Dixon; First Ridder Corporation; Mrs. Bertha W. Goldstein, Trustee for Paul David Goldstein; Dr. Nathan Goldstein, Trustee for Sandra Lynn Goldstein; Harry Hampton; Bertha Karr; Dr. David B. Karr; Dr. David B. Karr and Dr. Howard H. Karr, Trustees for Annette Karr Smith; Dr. Howard H. Karr; L. A. Karr; Dr. Frank R. Keith; Dr. Samuel B. Nadler, Trustee for Samuel B. Nadler, Jr.; Alfred H. Renshaw; Ridder-Johns, Inc.; Bache M. Whitlock; and J. C. Trahan (Trahan's interest involved herein is also covered in Docket No. G-5158).

[Docket Nos. G-11963, G-11973]

CONSOLIDATED GAS UTILITIES CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 28, 1957.

In the matters of Consolidated Gas Utilities Corporation, Docket No. G-11963; A. G. Oliphant, Operator, et al., Docket No. G-11973.

Take notice that on February 11, 1957, Consolidated Gas Utilities Corporation (Consolidated) filed an application (supplemented on March 25, 1957), for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of approximately 3700 feet of 4½ inch O. D. pipeline to extend from the M. Hoover No. 1 well in the Hunter Northwest Pool, Garfield County, Oklahoma, to a point of connection with its existing 8-inch transmission pipeline; together with metering and appurtenant facilities. The purpose of these facilities is to enable Consolidated to receive into its natural gas pipeline system the gas purchased from A. G. Oliphant, Operator; et al.[1] The estimated total cost of the proposed facilities is $8,624, which cost is to be financed from company funds.

On February 11, 1957, A. G. Oliphant, Operator, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, to sell natural gas in interstate commerce to Consolidated for resale.

The applications above mentioned are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 30, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5402; Filed, July 3, 1957; 8:47 a. m.]

[1] Charles W. Oliphant, Charles A. Cleveland, Elizabeth Cleveland, Mrs. Elizabeth A. Cleveland, J. Luther Cleveland, John L. Cleveland, Jr., W. Palen Conway, Marion N. Fisher, Beatrice W. McClintock, Ancillary Executrix of the Estate of Morris W. Kellog (Oklahoma), William L. Kleitz, Charles S. Munson, Charles S. Munson, Jr., Guaranty Trust Company of New York, sole Executor of the Estate of William C. Potter, Charles M. Spofford and Eugene W. Stetson, non-operators, all of whom nevertheless, are signatory parties as sellers to the contract with Consolidated.

[Docket Nos. G-11590, G-11833]

LOUISE H. HERRINGTON

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 28, 1957.

Take notice that Mrs. Louise H. Herrington (Applicant), an individual whose address is P. O. Box 1011, Jennings, Louisiana, filed applications on November 9, and December 13, 1956, respectively, for permission and approval to abandon and for a certificate of public convenience and necessity to render service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Applicant in its application in Docket No. G-11833 seeks permission and approval to abandon the sale of natural gas in interstate commerce to United Gas Pipe Line Company (United) for resale, from production in the Linscomb Sand Unit No. 1 in the South Elton Field, Jefferson Davis Parish, Louisiana. Abandonment is being requested by reason of Applicant's cancellation, effective as of November 26, 1956, of a contract dated November 13, 1943 covering the sale of Applicant's share of gas to United. Said sale was an interim sale pending completion of arrangements by Applicant to sell the subject gas to American Louisiana Pipe Line Company (American Louisiana).

In its application in Docket No. G-11590 Applicant seeks a certificate of public convenience and necessity authorizing the sale of the subject gas in intrastate commerce to American Louisiana for resale, pursuant to a contract dated October 15, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 5, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5403; Filed, July 3, 1957; 8:47 a. m.]

[Docket No. G-12496]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 28, 1957.

Take notice that on April 30, 1957, United Gas Pipe Line Company (United), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed in Docket No. G-12496 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and continued operation of four existing taps, with metering and regulating appurtenances, used for rendering direct interruptible industrial natural gas service, all as more fully described in the application which is on file with the Federal Power Commission and open to public inspection.

The customers and facilities concerned in this docket are:

(a) Resistol Rough Hat Company, served by a 2-inch tap, meter and appurtenances, located in Gregg County, Texas, connected to United's Carthage-Longview 20-inch interstate pipeline near Milepost 31. The estimated annual gas requirement is 36,000 Mcf and the contract maximum day delivery is 500 Mcf.

(b) Leggett Lumber Company, served by a 1-inch tap, meter and appurtenances, located in Polk County, Texas, connected near Milepost 225 to United's 30-inch interstate pipeline running from Goodrich Compressor Station to Magasco Compressor Station. The estimated annual requirement is 28,000 Mcf and the contract maximum day delivery is 100 Mcf.

(c) Coastal Contractors, Inc., served by a 2-inch tap, meter and appurtenances, located in Ouchita Parish, Louisiana, connected to United's 10-inch line extending from the Monroe Field to Olin Mathiesen Chemical Corporation. The estimated annual gas requirement is 50,000 Mcf and the contract maximum day delivery is 650 Mcf.

(d) Reedville Oil and Guano Company, Inc., served by a 2-inch tap and approximately 0.44 mile of 4-inch pipeline, with meter and appurtenances, located in Jackson County, Mississippi, supplied by United's 8-inch International Paper Company lateral from its interstate Lirette-to-Mobile main line. The estimated annual gas requirement is 70,000 Mcf and the contract maximum day delivery is 2,250 Mcf.

The total actual cost of the taps, meters and appurtenances required to serve these four industrial customers was $17,433.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 31, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5404; Filed, July 3, 1957; 8:47 a. m.]

[Docket No. G–12328 etc.]

NORTHERN NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 28, 1957.

In the matters of Northern Natural Gas Company, Docket No. G–12328; Pan American Petroleum Corporation, Docket No. G–11832; Humble Oil & Refining Company, Docket No. G–12175.

Take notice that on April 1, 1957, Northern Natural Gas Company (Northern), a Delaware corporation with its principal place of business at Omaha, Nebraska, filed an application for a certificate of public convenience and necessity for authorization to construct and operate 12.7 miles of 16-inch line which is to replace a 10-inch line of the same length, 63 miles of field lines which replace and augment 14.3 miles of field lines, and a 50,000 Mcf per day addition to the Spearman dehydration plant, all in Hansford and Ochiltree Counties, Texas, to enable it to take into its system increased volumes of gas recently contracted for in the Hansford producing area. Northern states that the total estimated cost of proposed facilities is $1,651,332, to be financed from current funds on hand.

The proposed facilities, together with their estimated cost, are shown in the following table:

12.7 miles of 16-inch main line pipe (to connect field system to Northern's main line)		$474,500
63.0 miles of field lines, 2- to 16-inch		1,283,600
Enlarge Spearman dehydration plant 50,000 Mcf per day		165,000
		1,923,100
Remove 12.7 miles of 10-inch line to be replaced	$27,041	
Remove 14.3 miles of gathering line (6-inch and 8-inch) to be replaced	31,491	
Total cost of removal		58,532
Estimated total cost, before salvage		1,981,632
Salvage transmission line	148,500	
Salvage gathering lines	181,800	
Total salvage		330,300
Total estimated net cost		1,651,332

The additional gas supply to be connected to Northern's system is to be made available pursuant to contracts with Pan American Petroleum Corporation and Humble Oil and Refining Company. Pan American filed an application Docket No. G–11832 on January 28, 1957, as amended June 14, 1957 for authority to sell natural gas produced in the area to Northern. Humble filed an application, Docket No. G–12175, on March 8, 1957, for authority to sell natural gas produced in the area to Northern. Northern estimates that it will obtain an additional 29,000 Mcf per day from these sources.

The aforesaid applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 25, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–5405; Filed, July 3, 1957; 8:47 a. m.]

[Docket Nos. G–10836, G–11497]

LA GLORIA OIL AND GAS COMPANY AND RALPH E. FAIR

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 28, 1957.

In the matters of La Gloria Oil and Gas Company, Docket No. G–10836; Ralph E. Fair, Docket No. G–11497.

Take notice that Ralph E. Fair (Fair) and La Gloria Oil and Gas Company (La Gloria), independent producers, filed separate applications on November 19, 1956, and July 31, 1956, respectively, for authority to abandon and render service, pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

Fair, by his application in Docket No. G–11497, seeks permission and approval to abandon his share of the sale of natural gas in interstate commerce being made by Cities Service Oil Company (Operator) to Trunkline Gas Company (Trunkline) for resale from production in the Columbus Field, Colorado County, Texas, which sale was previously authorized on April 1, 1955, in Docket No. G–6255.

The application states that by instrument of assignment dated January 1, 1956, La Gloria acquired, subject to a certain production payment, all of Fair's interest in the Columbus Field, including those leases dedicated to the contract covering the subject sale to Trunkline.

La Gloria seeks authority by its application in Docket No. G–10836 to continue the sale to Trunkline proposed to be abandoned in this proceeding by Fair.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 6, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–5406; Filed, July 3, 1957; 8:47 a. m.]

[Docket Nos. G–12457, G–12463]

FOWLER GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 28, 1957.

In the matters of Fowler Gas Company, Docket No. G–12457; Frank Morgan, et al. Docket No. G–12463.

Take notice that Fowler Gas Company (Fowler), and Frank Morgan et al. (Morgan),[1] independent producers, filed separate applications on April 24, 1957 in Docket Nos. G–12457 and G–12463, respectively, for authority to render and abandon service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

[1] Et al. parties are Carl A. Larson, Celeste M. Alexander, James H. Morgan, Ralph J. Berardi, David R. or Janet C. Lawler (either or survivor), L. H. Jones, Pete Samotas, Clarence E. or Genevieve E. Black (either or survivor), Dominic Avelliono, Herbert Hansen, William A. Slater, Ernest Brumbaugh, Robert Ford, H. T. or Mayre Wallace (either or survivor), Flossie Thompson and Morgan Petroleum Corporation.

Morgan, et al., by their application in Docket No. G–12463, seek permission and approval to abandon the sale of natural gas in interstate commerce to Hope Natural Gas Company for resale from production from the F. G. and Mary Minney Lease located in the Center District, Gilmer County, West Virginia.

The application states that by instruments of assignment dated March 4, 1957, Fowler acquired Morgan, et al.'s interest in the aforesaid lease, which lease is dedicated to Hope under a contract dated February 18, 1948, as supplemented.

Fowler seeks authority by its application in Docket No. G–12457 to continue sales to Hope proposed to be abandoned by Morgan, et al.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 6, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–5407; Filed, July 3, 1957; 8:47 a. m.]

[Docket No. G–12801]

UNITED GAS PIPE LINE CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

JUNE 28, 1957.

United Gas Pipe Line Company (United) on May 29, 1957, tendered for filing First Revised Sheets Nos. 34, 35, 44 and 45; Second Revised Sheets Nos. 8 and 14; and Third Revised Sheets Nos. 4, 6, 10, 12, 16, 17, 17A, 18, 19, 20, 21, 23, 25, 27, 28, 30, 32, 100, 101, 102 and 103 to its FPC Gas Tariff, First Revised Volume No. 1,[1] proposing an annual increase in its rates and charges of $5,399,000, or 6.0 percent, to jurisdictional customers, based on sales for the year ended December 31, 1956. United requests that the proposed tariff sheets be allowed to take effect on July 1, 1957.

The proposed increase is stated to be based principally on the future cost of purchased gas and the cost of obtaining capital funds. In support of the increased rates and charges, United has submitted a zoned cost of service based upon actual operations for the year 1956 adjusted to reflect changes in operations to August 31, 1957. United claims a total cost of service of $224,049,845, of which it allocates $94,943,897, or about 42.4 percent, to jurisdictional gas sales.

United's claimed future costs of gas, the need for a 6¾ percent return, United's classification and allocation of costs, the amount claimed for acquisition adjustments, and its proposed rate structure have not been supported and should be further investigated.

The tendered filing would increase the rates presently in effect subject to refund in Docket No. G–10592. The increased filing in that docket was made May 15, 1956, superseding the rates then in effect under bond in Docket No. G–9547. Since neither of these cases has been settled there are now three rate increase applications of United before the Commission.[2]

To date, comments have been received from thirteen customers and the Commissions of the States of Alabama and Louisiana. All customer companies except Texas Eastern Transmission Corporation recommend or imply that United's proposed increase should be suspended and a hearing held on the matter. Two municipalities which are served by a customer company also protest the increase and recommend a hearing.

The increased rates and charges provided for in the revised tariff sheets tendered by United on May 29, 1957, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in United's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by the revised tariff sheets listed above, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classification, and services, contained in United's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by the foregoing tendered revised tariff sheets.

(B) Pending such hearing and decision thereon, United's proposed First Revised Sheets Nos. 34, 35, 44 and 45; Second Revised Sheets Nos. 8 and 14; and Third Revised Sheets Nos. 4, 6, 10, 12, 21, 23, 25, 27, 28, 30, 32, 100, 101, 102 and 103 to its FPC Gas Tariff, First Revised Volume No. 1, be and they are each hereby suspended and the use thereof deferred until December 1, 1957, and until such further time as the foregoing revised sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–5409; Filed, July 3, 1957; 8:48 a. m.]

[1] Third Revised Sheets Nos. 16, 17, 17A, 18, 19 and 20 relate to sales of gas for resale for industrial use only and are not subject to suspension under the provisions of Section 4 of the Natural Gas Act.

[2] Hearings in Docket Nos. G–9547 and G–10592 have been held and the cases are in the process of being briefed to the Examiner.

[Docket No. G–12500]

IMPERIAL PRODUCTION CORP. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 28, 1957.

Take notice that Imperial Production Corporation (Imperial) et al.[1] and Barnwell-DeBardeleben Oil Company (Barnwell)[2] filed a joint application on May 1, 1957, for authority to abandon and render service pursuant to section 7 of the Natural Gas Act as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

The joint application seeks authority for:

(1) Imperial et al., to abandon service to Arkansas Louisiana Gas Company (Arkansas Louisiana) from the Bethany Field, Panola County, Texas, being rendered pursuant to a sales contract dated March 22, 1952, as amended and supplemented.

(2) Barnwell to continue sales to Arkansas Louisiana proposed to be abandoned by Imperial et al.

[1] Et al. parties are Rock Hill Oil Company, J. C. Trahan, T. C. Huddle, J. Arthur Greenfield, R. A. Baur, N. L. H. Roesler, L. J. Jiskoot, Theodore Kostner, Marquis G. Eaton, Donald R. Eaton, Trustee, Donald R. Eaton and Barco Corporation.

[2] A partnership composed of R. S. Barnwell, Sr., R. S. Barnwell, Jr., and C. F. DeBardeleben.

The application states that Imperial et al. have sold to Barnwell subject to the aforesaid contract, all their interest in the properties covered by said contract.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 5, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5408; Filed, July 3, 1957; 8:48 a. m.]

[Docket No. G-11719]

TRUNKLINE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 28, 1957.

Take notice that on January 9, 1957, Trunkline Gas Company (Applicant) a Delaware corporation, with its principal place of business in Houston, Texas, filed an application, as supplemented on May 6, 1957, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain facilities necessary to the purchase and receiving of natural gas from Coastal States Gas Producing Company (Coastal) in the Premont Field, Jim Wells County, Texas, and from Texas Gulf Producing Company (Texas Gulf), and Temple Hargrove, et al. (Hargrove, et al.) in the Ragley Field, Beauregard Parish, Louisiana, all as more fully described in the application in Docket No. G-11719, as follows:

(1) A 4-inch tap at a point on its existing 20-inch main transmission line in Jim Wells County, Texas, together with approximately 150 feet of 4½-inch O. D. lateral pipeline extending from said tap and terminating at its proposed meter station in the Premont Field, Jim Wells County, Texas, in order to purchase and receive natural gas from Coastal.

(2) A 4-inch tap at a point on its existing 20-inch O. D. transmission pipeline in Beauregard Parish, Louisiana together with approximately 2.36 miles of 4½-inch O. D. lateral line extending from said tap and terminating at its proposed meter station in the Ragley Field, Beauregard Parish, Louisiana, in order to purchase and receive natural gas from Texas Gulf and Hargrove, et al.

The estimated total initial cost of all the above facilities is $50,730, which cost is to be financed from company funds.

Coastal, in Docket No. G-10937, Texas Gulf in Docket No. G-11019 and Hargrove, et al., in Docket No. G-11068 were each authorized to make their respective sales of natural gas to Applicant by order issued March 23, 1957, in the proceedings in Docket No. G-10551, et al.

The above application is on file with the Commission and open to public inspection.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 30, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5410; Filed, July 3, 1957; 8:48 a. m.]

[Docket No. G-12028]

LEA COUNTY GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 28, 1957.

Take notice that Lea County Gas Company (Applicant), a Delaware corporation, with its principal office at Yaleta, Texas, filed an application on February 18, 1957, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to continue the operations of certain facilities hereinafter described, as more fully described in the application on file with the Commission and open to public inspection:

(1) A 3-inch transmission pipeline extending from a point near Anthony, Texas, to a point in New Mexico, and used for the transportation of natural gas from Texas to New Mexico, a distance of approximately 9,000 feet. The gas so transported is sold for ultimate public consumption by Applicant.

(2) A transmission pipeline of 2, 3 and 4-inch segments extending from a point in Texas, near Canutillo for approximately 7 miles to the connection with the distribution system in LaUnion, New Mexico. This transmission facility is not connected with the line described in (1) above.

Applicant states that the estimated maximum amount of natural gas to be delivered daily through the above described facilities is as follows: As to the facilities described in (1) above, the volume is 29 Mcf at 14.9 lbs. P. B., and as to the facilities described in (2) above, the volume is 284 Mcf at 14.9 lbs. P. B. The gas transported is obtained from El Paso Natural Gas Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 25, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washingon 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5411; Filed, July 3, 1957; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING COMMUNITY DISPOSITION SUPERVISOR, OAK RIDGE, TENNESSEE

The officers described by position title or by individual name in the list below are hereby designated to act in the place and stead of the Community Disposition Supervisor, Oak Ridge, Tennessee, with the title of "Acting Community Disposition Supervisor" and with all the powers, rights, and duties delegated or assigned to the Community Disposition Supervisor, in the event the Community Disposition Supervisor is unable to act by reason of his absence, illness, or other cause, provided that no officer designated in the list below shall serve in such acting capacity unless all other officers whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Assistant Community Disposition Supervisor for Operations;
2. Edwin W. Klein.

This designation supersedes the designation of Acting Community Disposition Supervisor, Oak Ridge, Tennessee, effective December 15, 1956, published at 21 F.R. 10001 (December 15, 1956).

Effective as of the 4th day of July 1957.

[SEAL] ALBERT M. COLE, *Housing and Home Finance Administrator.*

[F. R. Doc. 57-5438; Filed, July 3, 1957; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1425]

TRIASSIC URANIUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 27, 1957.

I. Triassic Uranium, Inc., (Triassic), a Wyoming corporation, 300 Consolidated Royalty Building, Casper, Wyoming, filed with the Commission on September 20, 1954, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 30,000,000 of 1 cent par value common stock at 1 cent per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that Triassic has failed to file reports on Form 2-A as required by Rule 224; and

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, concerning, among other things, the address of Triassic, the identity of Triassic's officers, directors and affiliates and the direct and indirect interests of such persons in Triassic, and the action, if any, taken by Triassic with respect to an option to purchase certain mining claims during the life of the option. The use of the said offering circular without appropriate disclosure in these matters would operate as a fraud and deceit upon the purchasers.

III. *It is therefore ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5415; Filed, July 3, 1957; 8:49 a. m.]

[File No. 31-644]

PURE OIL CO.

ORDER GRANTING EXEMPTION

JUNE 28, 1957.

The Pure Oil Company ("Pure Oil"), an Ohio corporation, has filed with this Commission an application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") for an exemption for it as a holding company from all the provisions of the act, on the grounds that Pure Oil is only incidentally a holding company being primarily engaged or interested in one or more businesses other than the business of a public utility company and not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public utility company.

Due notice of the filing of said exemption application has been given (Holding Company Act Release No. 13500) and no hearing thereon has been requested of or ordered by the Commission. The Commission has examined the statements contained in said exemption application and has considered the full record with respect thereto. It appears to the Commission that the applicable standards of section 3 (a) (3) of the act are satisfied and the Commission finds that the granting of said exemption application will not be detrimental to the public interest or the interest of investors or consumers.

It is therefore ordered, That Pure Oil, as a holding company, and all of its subsidiary companies, as such, be, and hereby are, exempted from the provisions of the act applicable to it as a holding company and its subsidiary companies as such.

It is further ordered, That this order shall become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5414; Filed, July 3, 1957; 8:49 a. m.]

[File No. 70-3601]

STANDARD SHARES, INC.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSAL TO EXTEND BANK LOAN FOR ONE YEAR

JUNE 28, 1957.

Notice is hereby given that Standard Shares, Inc. ("Standard Shares"), a registered holding company, in the process of conversion into an investment company, has filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act").

All interested persons are referred to the declaration on file in the office of this Commission for a statement of the transaction therein proposed which may be summarized as follows:

Standard Shares proposes, pursuant to a loan extension agreement, to issue a promissory note in the amount of $1,250,000 to The Hanover Bank of New York to mature July 29, 1958, with interest at the prime commercial rate on the date of issuance. The company will have the right at any time to prepay all or any part of the loan without premium.

The company states that it is in the best interests of the company's stockholders and its operation as an investment company to extend the loan for another year rather than to pay it off at its present maturity. This loan will be Standard Shares' only indebtedness outstanding.

Notice is further given that any interested person may, not later than July 19, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said declaration which he proposes to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any request shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective pursuant to Rule U-23 promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and

U-100 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5413; Filed, July 3, 1957; 8:48 a. m.]

[File No. 812-1088]

COMPOSITE BOND AND STOCK FUND, INC., AND COMPOSITE FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

JUNE 28, 1957.

Notice is hereby given that Composite Bond and Stock Fund, Inc. and Composite Fund, Inc. ("Applicants"), registered open-end diversified investment companies have filed applications pursuant to section 10 (f) of the Investment Company Act of 1940 ("act"), for an order of the Commission exempting from the provisions of section 10 (f) of the act the proposed purchase by the Applicants of not to exceed $200,000 principal amount each of $30,000,000 principal amount of First Mortgage Bonds due July 1, 1987 proposed to be offered by Washington Water Power Company.

The applications make the following representations:

The proposed offering by Washington Water Power Company is covered by a registration statement filed by it under the Securities Act of 1933 and is expected to be underwritten by an underwriting group which includes Murphey Favre, Inc. ("Murphey"). Murphey is principal underwriter for Applicants and certain of its officers and directors are also officers and directors of Applicants.

Applicants state that they propose to purchase the bonds from any of the underwriters other than Murphey. The amount of bonds poposed to be purchased by the Applicants would constitute approximately 1.3 percent of the total offering and, on the assumption that the price would be 100 percent of principal amount, would represent approximately 3.3 percent of the total assets of Applicants.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since Murphey will be a member of the underwriting group offering the bonds the purchase thereof by Applicants is subject to the provisions of section 10 (f) of the act.

It is represented that the proposed purchase of such bonds is consistent with the protection of investors and the investment policies of the Applicants as recited in their registration statements filed with the Commission.

Notice is further given that any interested person may, not later than July 11, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be adressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5412; Filed, July 3, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 151]

ILLINOIS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

a. Counties: Saint Clair, Madison and Greene (floods beginning on or about June 15).

Offices: Small Business Administration Regional Office, Federal Office Building, 21st Floor, 911 Walnut Street, Kansas City 6, Missouri; Small Business Administration Branch Office, 630 New Federal Building, 1114 Market Street, St. Louis 1, Missouri.

b. County: Morgan (floods beginning on or about June 15).

Office: Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Illinois.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1957.

Dated: June 18, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5442; Filed, July 2, 1957; 8:55 a. m.]

[Declaration of Disaster Area 151, Amdt. 1]

ILLINOIS

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 151, dated June 18, 1957, for the State of Illinois, is hereby amended as follows:

a. By including in paragraph 1b thereof the County of Sangamon (tornado occurring on or about June 14); and

b. By substituting for the present paragraph 2 thereof the following:

(2) A special field office to receive and process applications arising in the counties listed in paragraph 1b hereof has been established in the Post Office and Courthouse Building, Springfield, Illinois.

Dated: June 20, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5444; Filed, July 3, 1957; 8:55 a. m.]

[Declaration of Disaster Area 152]

MISSOURI

DECLARATION OF DISASTER AREA

Whereas it has been reported that during the month of June 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Missouri;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now therefore as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: St. Louis and Franklin (floods beginning on or about June 15).

Offices: Small Business Administration Regional Office, Federal Office Building, 21st Floor, 911 Walnut Street, Kansas City 6, Missouri; Small Business Administration Branch Office, 630 New Federal Building, 1114 Market Street, St. Louis 1, Missouri.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1957.

Dated: June 18, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5443; Filed, July 3, 1957; 8:55 a. m.]

[Declaration of Disaster Area 153]

KANSAS

DECLARATION OF DISASTER AREA

Whereas it has been reported that during the month of June 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kansas;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now therefore as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Seward (tornado occurring about June 16); and Ellis (rains and floods beginning on or about June 15).

Offices: Small Business Administration Regional Office, Federal Office Building, 21st Floor, 911 Walnut Street, Kansas City 6, Missouri; Small Business Administration Branch Office, 301 Bitting Building, 107 North Market Street, Wichita, Kansas.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1957.

Dated: June 19, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5441; Filed, July 3, 1957; 8:55 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 130

Washington, Saturday, July 6, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

JUL 9 1957

MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10719

RESTORING CERTAIN LANDS OF THE SCHOFIELD BARRACKS MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands in Waianae-Uka, District of Wahiawa, and Waikakalaua, District of Ewa, Island of Oahu, Territory of Hawaii, which form a part of the public lands ceded and transferred to the United States under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, were reserved for military purposes by Executive order of July 20, 1899, as modified by Executive Orders No. 1137 of November 15, 1909, No. 1242 of August 23, 1910, No. 2800 of February 4, 1918, No. 4274 of July 25, 1925, No. 4351 of December 2, 1925, No. 5771 of January 4, 1932, No. 6570 of January 20, 1934, No. 9995 of September 2, 1948, No. 10454 of May 18, 1953, and No. 10665 of April 23, 1956; and

WHEREAS the hereinafter-described parcel of such lands is desired by the Territory of Hawaii as a site for a public school; and

WHEREAS it is deemed advisable and in the public interest that it be restored to the possession, use, and control of the Territory of Hawaii, subject to the limitations hereinafter set forth:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

Subject to the conditions hereinafter stated, the following-described parcel of land comprising a part of the Schofield Barracks Military Reservation, located on the Island of Oahu, Territory of Hawaii, is hereby restored to the possession, use, and control of the Territory of Hawaii:

Being a portion of U. S. Military Reservation of Schofield Barracks (Presidential Executive Order No. 2800, dated February 4, 1918), situate at Waianae-Uka, Wahiawa, Oahu, T. H.

Beginning at the East corner of this parcel of land and on the Southwest side of Ayres Avenue, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "MAILI", being 8,175.34 feet South and 13,088.28 feet East, and running by azimuths measured clockwise from true South:

1. 24° 32' 45"—164.00 feet along remainder of U. S. Military Reservation of Schofield Barracks;
2. 85° 54'—236.71 feet along same;
3. 61° 01'—109.84 feet along same;
4. 84° 58' 30"—259.99 feet along same;
5. 64° 21'—352.76 feet along same;
6. 151° 12'—431.72 feet along the Northeast side of Waianae Avenue along remainder of U. S. Military Reservation of Schofield Barracks;
7. 226° 11' 45"—298.74 feet along the Southeast side of Ayres Avenue along remainder of U. S. Military Reservation of Schofield Barracks;
8. Thence along the South Side of Ayres Avenue along remainder of U. S. Military Reservation of Schofield Barracks on a curve to the right with a radius of 364.00 feet, the chord azimuth and distance being 260° 22' 15", 408.92 feet;
9. 294° 32' 45"—622.80 feet along the Southwest side of Ayres Avenue along remainder of U. S. Military Reservation of Schofield Barracks to the point of beginning; and containing an area of 10.666 acres, excepting and reserving to the United States perpetual easements for existing utilities.

Together with a right-of-way for ingress, egress, and regress along Ayres Avenue, Waianae Avenue, and McCormack Road to the Territorial Highway of Kaukonahua Road. The use of the said right-of-way shall be subject to such security regulations as may be declared by the officer having immediate jurisdiction over the military reservation. Reserving, however, to the United States of America all rights-of-way for existing utility lines located in, on, over, or across the above-described property.

Unless and until otherwise permitted by the Department of the Army, the parcel of land hereinabove described shall be used for public-school purposes only, and in the event the said land is used for other purposes, in whole or in part, and such other use shall continue for a period of sixty days after notice to cease and desist therefrom, then the said parcel of land shall revert to the jurisdiction and control of the Department of the Army as a part of the Schofield Barracks Military Reservation.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 3, 1957.

[F. R. Doc. 57-5529; Filed, July 3, 1957; 4:15 p. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following is now available:

Title 15 (Rev. 1956) ($5.00)

Previously announced: Title 3, 1956 Supp. ($0.40); Titles 4 and 5 ($1.00); Title 6 (Rev. 1956) ($6.00); Title 7, Parts 1–209 ($1.75), Parts 210–899 ($2.00), Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 8 ($0.55); Title 9 ($0.70); Titles 10–13 ($1.00); Title 14, Part 400 to end ($1.00); Title 16 ($1.50); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.65); Title 20 ($1.00); Title 21 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($1.00); Title 25 ($1.25); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 26 (1954), Parts 1–169 (Rev. 1956) ($4.25), Parts 170–220 (Rev. 1956) ($2.25), Part 221 to end (Rev. 1956) ($4.75); Titles 28 and 29 ($1.50); Titles 30 and 31 ($1.50); Title 32, Parts 1–399 ($1.00), Parts 400–699 ($1.25), Parts 700–799 ($0.50), Parts 800–1099 ($0.55), Part 1100 to end ($0.50); Title 32A ($2.00); Title 33 ($1.50); Titles 35, 36, and 37 ($1.00); Title 38 (Rev. 1956) ($8.00); Title 39 ($0.50); Titles 40, 41, and 42 ($1.00); Title 43 ($0.60); Titles 44 and 45 ($1.00); Title 46, Parts 1–145 ($0.65); Titles 47 and 48 ($2.75); Title 49, Parts 1–70 ($0.65), Parts 91–164 ($0.60), Part 165 to end ($0.70); Title 50 ($0.60)

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RULES AND REGULATIONS

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter F—Education of Indians

PART 48—ADMINISTRATION OF A PROGRAM OF VOCATIONAL TRAINING FOR ADULT INDIANS

Sec.

48.1 Scope of the vocational training program.
48.2 Filing application.
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48.8 Financial assistance for trainees.
48.9 Contracts and agreements.
48.10 Waiver or exception.

AUTHORITY: §§ 48.1 to 48.10 issued under sec. 1, 70 Stat. 986; 25 U. S. C. 309.

§ 48.1 *Scope of the vocational training program.* The vocational training program provides for vocational counseling or guidance, institutional training in any vocational or trade school, as provided in § 48.5, apprenticeship and on-the-job training, for a period not exceeding 24 months.

§ 48.2 *Filing application.* Applications for adult vocational training services may be filed at agency or similar field offices of the Bureau of Indian Affairs on and after July 1, 1957.

§ 48.3 *Selection of applicants.* The vocational training program is available primarily to adult Indians who are not less than 18 and not more than 35 years of age and who reside on restricted or trust lands, or Federal lands under the jurisdiction of the Department of the Interior. An application for training services may be approved, within the limitation of available funds, when it is determined that the applicant is in need of such training in order to obtain reasonable and satisfactory employment, and that it is feasible for him to pursue such training. Reasonable and satisfactory employment is employment that provides:

(a) Sufficient income for the individual or family unit to live at an economic level considered as adequate in the community; and

(b) Opportunity for advancement on the basis of skill and experience acquired in the course of employment.

§ 48.4 *Satisfactory progress during training.* An applicant who enters training pursuant to the provisions of this part, is required to make satisfactory progress in his course of training and to conform to a reasonable standard of conduct. Failure to meet these requirements due to reasons within his control may result in termination of training or loss of further training benefits.

§ 48.5 *Approval of courses for vocational training at institutions.* A course of vocational training at any institution, public or private, offering vocational training, except sectarian schools restricted by the act of March 2, 1917 (25 U. S. C. 278), may be approved provided:

(a) The institution is accredited by a recognized national or regional accrediting association; or,

(b) The institution is approved for training by a State agency authorized to make such approvals; and,

(c) It is determined that there is reasonable certainty of employment for graduates of the institution in their respective fields of training.

§ 48.6 *Approval of apprenticeship training.* A program of apprenticeship training may be approved when such training:

(a) Is offered by a corporation or association which has furnished such training to bona fide apprentices for at least one year preceding participation in this program; and

(b) Is under the supervision of a State apprenticeship agency, a State Apprenticeship Council, or the Federal Apprenticeship Training Service; and

(c) Leads to an occupation which requires the use of skills that normally are learned through training on the job and employment in which occupation is based upon training on the job rather than upon such elements as length of service, normal turnover, personality, and other personal characteristics; and

(d) Is identified expressly as apprenticeship training by the establishment offering it.

§ 48.7 *Approval of on-the-job training.* On-the-job training may be approved when such training is offered by a corporation or association which has an existing on-the-job training program which is recognized by industry and labor as leading to skilled employment.

§ 48.8 *Financial assistance for trainees.* Individuals or family units where the head of the family is entering training under this part may be granted financial assistance to provide for transportation to the place of training and subsistence during the course of training. For purposes of this part, subsistence may be construed to provide for all or any part of the following items: medical examinations; subsistence en route; subsistence during the course of training; personal appearance; housewares; health care; payment for required books; supplies and tools for training; and payment of tuition and related cost and other required expenses, in accordance with the schedule and amounts as established by the Secretary or his authorized representative.

§ 48.9 *Contracts and agreements.* Training facilities and services required for the program of vocational training may be arranged through contracts or agreements with agencies, establishments, or organizations. These may include:

(a) Appropriate Federal, State or local government agencies, or

(b) Private schools other than sectarian, which have a recognized reputation in vocational education as successfully obtaining employment for its graduates in the fields of training approved by the Secretary or his authorized representative, for purposes of the program, or

(c) Corporations and associations with apprenticeship or on-the-job training programs recognized by industry and labor as leading to skilled employment.

§ 48.10 *Waiver or exception.* The rules set forth in this part are prescribed as required by section 1, of the act of August 3, 1956, 70 Stat. 986. Waiver of or exception to these rules may be made where such waiver or exception is not inconsistent with any terms of said statute, upon a finding by the Secretary of the Interior that such waiver or exception is justified by circumstances not contemplated by these rules and such action is desirable to carry out the purpose of the statute.

FRED A. SEATON,
Secretary of the Interior.

JULY 1, 1957.

[F. R. Doc. 57-5498; Filed, July 5, 1957; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 256]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int R-331° LGB and SE crs BUR-LFR	BUR-LFR	Direct	5000	T-dn*	300–1	300–1	300–1
Int R-272 LGB and S crs BUR-LFR	BUR-LFR	Direct	5000	C-d	900–1½	900–1½	900–1½
Simi Intersection#	BUR-LFR	Direct	4300	C-n	900–2	900–2	900–2
Chatsworth "H"	BUR-LFR (Final)	Direct	1500	S-d-7	600–1	600–1	600–1
				S-n	700–1½	700–1½	700–1½
				A-dn	900–2	900–2	900–2

*400–1 required for take-off when departing via SE crs BUR LFR. 200–½ authorized for take-off on Rny 25 for more than 2-engine aircraft only.
CAUTION: When departing via SE crs BUR LFR, establish crs on SE crs BUR LFR as soon as practical after take-off.
Procedure turn S side of NW crs, 278° Outbnd, 098° Inbnd, (On top not below 5000′ within 10 mi NW of Chatsworth HW#.)
#After procedure turn or after leaving Simi Int cross Chatsworth RBN in-bound not below 4800′. All approaches must be started from on top. Apply sliding scale for tops reported at Simi Int. as follows: Tops 5000′ Ceiling 600–d (700–n); 5500′—900; 6000′—1300; 6500′—1700; 7000′—2100; 7500′—2500.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 094—2.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles, climb to 5000′ on SE course within 20 miles.
CAUTION: Terrain above flight altitude paralleling final approach on the North. 2000′ terrain 2.2 mi NE of airport rising to 3126′ approximately 3.5 mi ENE of airport.
AIR CARRIER NOTE: Sliding scale prohibited below ¾ mi for takeoff and for straight-in landing minimums. Sliding scale prohibition not applicable to circling minimums.

City, Burbank; State, Calif; Airport Name, Lockheed Air Terminal; Elev, 764′; Fac Class, SBML; Ident, BUR; Procedure No. 1, Amdt 6; Eff Date, 3 Aug 57; Sup Amdt No. 5; Dated, 10 Nov 56

HUL-VOR	HUL-LFR	Direct	2000	T-d	500–1	500–1	500–1
				C-d	*700–1	700–1	700–1½
				S-d-19	500–1	500–1	500–1
				A-d	1000–2	1000–2	1000–2

*600–1 day, 600–1½ night authorized when circling W of airport.
Procedure turn E side N crs, 15 Outbnd, 195 Inbnd, 1800′ within 10 mi. Beyond 10 mi NA. (E to avoid high terrain.)
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 198–2.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 mi, climb to 2500′ on S crs within 15 mi.
NOTE: ADF procedure not authorized.
CAUTION: 915′ hill with beacon light SE of airport, hill along E side of airport.

City, Houlton; State, Maine; Airport Name, Municipal; Elev 493′; Fac Class, BMRLZ; Ident, HUL; Procedure No. 1, Amdt 6, Eff Date, 3 Jul 57; Sup Amdt No. 5; Dated, 24 Jul 54

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	300–1
				C-dn	500–1	500–1	500–1½
				S-dn-24	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 055 Outbnd, 235 Inbnd, 1200′ within 7 miles. NA beyond 7 mi to avoid restricted area R-79.
Minimum altitude over facility on final approach crs, 700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles, make a left climbing turn, returning to Martha's Vineyard MHW at 1200′ and hold south.
Bearing and distance, facility to airport, 235°—2.7.
CAUTION: Do not proceed outbound for approach above 1500′. If necessary to lose altitude, shuttle in a one-minute holding pattern—right turns, 015° inbound to MVY. Restricted area R-79 in use with weather conditions of 2000–3 or better.

City, Vineyard Haven; State, Mass; Airport Name, Martha's Vineyard; Elev, 68′; Fac Class, MHW; Ident, MVY; Procedure No. 1, Amdt 7; Eff Date, 1 July 57 (or com. date of reloc. Facil); Sup Amdt No. 6; Dated, 6 Aug 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Billings LFR	BIL-VOR	Direct	5200	T-dn*	300–1	300–1	300–1½
Park City FM	BIL-VOR	Direct	5200	C-dn	400–1	500–1	500–1½
				S-dn-9	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

*Take-off below 300–1 prohibited on all runways except 9–27.
Procedure turn S side crs, 250 Outbnd, 070 Inbnd, 5200′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 4700′.
Crs and distance, facility to airport, 070—3.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 mi, climb to 5200′ on R-055 within 20 mi.
CAUTION: 4183′ msl tower 3 mi SE of airport.

City, Billings; State, Mont; Airport Name, Billings Municipal; Elev 3612′; Fac Class BVOR; Ident. BIL; Procedure No. 1, Amdt 4; Eff Date, 3 Aug 57; Sup Amdt No. 3; Dated, 6 Jul 57

Houlton LFR	HUL-VOR	Direct	2000	T-d	500–1	500–1	500–1
				C-d	700–1	700–1	700–1½
				S-d-5	700–1	700–1	700–1
				A-d	1000–2	1000–2	1000–2

Procedure turn E side of crs, 219 Outbnd, 039 Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 039—4.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 mi, climb to 2000′ on R-039 crs Houlton VOR, then make a left turn and return to the Houlton VOR at 2500′.

City, Houlton; State, Me; Airport Name, Municipal; Elev 493′; Fac Class, BVOR; Ident, HUL; Procedure No. 1, Amdt 1; Eff Date, 3 Jul 57; Sup Amdt No. Orig; Dated, 16 Jul 55

PROCEDURE CANCELLED, EFFECTIVE 7 JUNE 1957.

City, Mansfield; State, Ohio; Airport Name, Mansfield; Elev 1296′; Fac Class, BVOR; Ident MFD; Procedure No. 1, Amdt 2; Eff Date, 21 Jan 1956; Sup Amdt No. 1; Dated, 22 Apr 54

4. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HUA VOR	HSV VOR	Direct	2500	T-dn	300–1	300–1	300–1
HSV VOR	Ballard Int%	Direct	2200	S-d-17	500–1	500–1	500–1
Ballard Int%	Rocket FM@ or abeam HUA RBn	Direct	2000	S-n-17	600–2	600–2	600–2
Rocket FM@ or abeam HUA RBn	HUA VOR (Final)	Direct	1200	C-d	900–1	900–1	900–1½
				C-n	900–2	900–2	900–2
				A-dn	1000–2	1000–2	1000–2

%Ballard Int: Int R–351 HUA & R–238 HSV.
@Rocket FM: Continuous dashes on 400 cycles—located at Redstone (HUA) RBn site.
Procedure turn W side of crs, 351 Outbnd, 171 Inbnd, 2500′ within 10 miles N of Rocket FM@ or abeam HUA RBn.
Minimum altitude over facility on final approach crs, VOR 1200#. Distance, Rocket FM@ or abeam HUA–RBn to Rny, 3.2.
#Maintain 2000′ MSL until after passing abeam HUA RBn or Rocket FM%, inbound on final.
Crs and distance, breakoff point to app end Rny 17, 167—0.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over HUA VOR, turn right and climb to 2500′ on R–351.
NOTE: Military authority required. Airport not available to the general public.

City, Huntsville; State, Ala; Airport Name, Redstone (Army); Elev 679′; Fac Class, VOR; Ident, HUA; Procedure No. TerVOR-17, Amdt 2; Eff Date, 3 Aug 57; Sup Amdt No. 1; Dated, 29 Jun 57

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Burbank LFR	LOM	Direct	*5000	T-dn#	300–1	300–1	300–1
Saugus Int	LOM	Direct	7000	C-d	900–1½	900–1½	900–1½
Simi Int	LOM	Direct	4600	C-n	900–2	900–2	900–2
Broome Int	LOM	Direct	4600	S-dn-7	400–1	400–1	400–1
Malibu Int	LOM	Direct	5000	A-dn	900–2	900–2	900–2
Shoreline Int	LOM	Direct	5000				
Newhall LFR	LOM	Direct	6000				
Fillmore VOR	LOM	Direct	5000				
Fillmore VOR via R-120	ILS W crs	Direct	5000				
Int W crs ILS and Fillmore VOR R-120	LOM (Final)	Direct	4600				

*4600′ authorized after course is established westbound on ILS localizer.
#400–1 required for all takeoffs when departing via SE crs BUR LFR. 200–½ authorized for takeoff on Rny 25 for more than 2-engine aircraft only.
CAUTION: When departing via SE crs BUR LFR establish crs on SE crs BUR LFR as soon as practical after takeoff.
Procedure turn S side of crs, 256 Outbnd, 076 Inbnd, 4600′ within 10 miles of LOM. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 4600′.
Altitude of G. S. and distance to appr end of rny at OM 4577—11.9, at MM 1331—1.7, at inner compass locator 924—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right and climb to 4600′ on W crs of BUR ILS within 10 mi west of LOM. Alternate missed approach, when directed by ATC, climb to 3000′ on SE crs of BUR LFR, then make 180° right turn, continuing climb to 5000′ while homing on BUR LFR and hold at BUR LFR in nonstandard 2 minute pattern on SE crs, or if directed by ATC, climb to 5000′ on SE crs of BUR LFR.
AIR CARRIER NOTE: Sliding scale prohibited below ¾ mi for takeoff and straight-in landing minimums. Sliding scale prohibition not applicable to circling minimums.
NOTE: Provision for use with inoperative ILS components not applicable.
CAUTION: 2000′ terrain 2.2 miles NE of airport rising to 3126′ approximately 3.5 mi ENE of airport.

City, Burbank; State, Calif; Airport Name, Lockheed Air Term; Elev 764′; Fac Class, ILS; Ident, BUR; Procedure No. 1, Amdt 8; Eff Date, 3 Aug 57; Sup Amdt No. 7; Dated, 10 Nov 56

Black Forest FM	COS MHW (LOM)	Direct	8200	T-dn#	300–1	300–1	300–1
ILS LMM	COS MHW (LOM)	Direct	7300	C-d	600–1	600–1	600–1½
Ellicott MHW	COS MHW (LOM)	Direct	7800	C-n	600–2	600–2	600–2
Pueblo VOR, via R-314	S crs COS ILS (Fountain FM)	Direct	7300	S-dn-35:*			
Fountain FM	COS MHW (LOM) (Final)	Direct	7300	ILS	300–¾	300–¾	300–¾
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

#Takeoffs below 300–¾ not authorized.
*Provisions for inoperative ILS components not applicable. 400–1 required with glide slope inoperative.
Procedure turn E side S crs, 166 Outbnd, 346 Inbnd, 7300′ within 10 mi of COS MHW (LOM). NA beyond 10 mi. (Procedure turn area limited to west by restricted area.)
Minimum altitude at G. S. int inbnd, 7300′ ILS; minimum altitude over COS MHW inbnd final, 7300′ ADF.
Altitude of G. S. and distance to approach end of rny at OM, 7240—3.8; at MM 6325—6.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM (ADF), make a right climbing turn, climb to 8000′ on 035 crs from LOM within 15 mi. Alternate missed approach, when directed by ATC, make a right climbing turn, climb to 8000′ on 090 crs from LOM within 15 mi.
NOTE: No approach lights.
CAUTION: (1) 7190′ MSL Radio Tower 13.5 mi N of LOM. 7710′ MSL terrain 20.4 mi N of LOM.

City, Colorado Springs; State, Colo; Airport Name, Peterson Fld; Elev 6172′; Fac Class, ILS-ICOS, MHW (LOM); Ident, COS; Procedure No. 1, Amdt 6, Comb ILS-ADF; Eff Date, 3 Aug 57; Sup Amdt No. 5; Dated, 1 Jun 57

6. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
															Surveillance approach		
241	274	5	4600	10	4600	15	4600	20	4600	25	4600	30	5000	T-dn#	300–1	300–1	200–½
274	308	5	4600	10	4600	15	5000	20	5000	25	5000	30	6000	C-d	900–1½	900–1½	900–1½
308	349	5	4600	10	5500	15	6000	20	7000	25	7000	30	7000	C-n	900–2	900–2	900–2
349	087	5	5000	10	7000	15	8500	20	9000	25	10000	30	10500	S-dn-7	500–1	500–1	500–1
087	241	5	4600	10	5000	15	5000	20	5000	25	5000	30	5000	A-dn	900–2	900–2	900–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
#400–1 required for all takeoffs when departing via SE crs BUR LFR. 200–½ authorized on Rny 25 for aircraft of more than 2 engines.
CAUTION: When departing via SE crs BUR LFR, establish crs on the SE crs BUR LFR as soon as practical after takeoff.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right and climb to 4600′ on W crs of BUR ILS within 10 mi W of LOM, or when directed by ATC, climb to 3000′ on SE crs of BUR LFR, then make 180° right turn continuing climb to 5000′ while homing on BUR LFR and hold at BUR LFR in non-standard 2 minute pattern on SE crs, or if directed by ATC, climb to 5000′ on SE crs of BUR LFR.
AIR CARRIER NOTE: Sliding scale prohibited below ¾ mi for takeoff and straight-in landing minimums. Sliding scale prohibition not applicable to circling minimums.
CAUTION: 2000′ terrain 2.2 miles NE of airport rising to 3126′ approximately 3.5 mi ENE of airport.

City, Burbank; State, Calif; Airport Name, Lockheed Air Terminal; Elev 764′; Fac Class, Lockheed; Ident, Radar; Procedure No. 1, Amdt 1; Eff Date, 3 Aug 57; Sup Amdt No. Orig; Dated, 10 Nov 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JUNE 25, 1957.

[F. R. Doc. 57–5307; Filed, July 5, 1957; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (3) of § 6.309 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–5494; Filed, July 5, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 583, Amendment]

PART 319—FOREIGN QUARANTINE NOTICES

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS FOR COLD TREATMENTS OF FRUITS

On May 18, 1957, there was published in the FEDERAL REGISTER (22 F. R. 3487) a notice of the proposed amendment of § 319.56–2d (a) (2) of administrative instructions relating to cold treatments of imported fruits. After due consideration of all relevant matters submitted in connection with the notice, and pursuant to § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (7 CFR 319.56–2, as amended) under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 162), § 319.56–2d (a) (2) of the administrative instructions (7 CFR 319.56–2d) is hereby amended to read as follows:

§ 319.56–2d *Administrative instructions for cold treatments of imported Vinifera grapes and certain other fruits*—(a) *Treatments authorized.* • • •

(2) *Refrigeration temperatures and periods.* Fruit cold treated because of the Mediterranean fruit fly shall be refrigerated for one of the following periods at or below the respective temperature designated:

10 days—32° F.
11 days—33° F.
12 days—34° F.
14 days—35° F.
16 days—36° F.

Fruit cold treated because of fruit flies of the genus Anastrepha (other than A. ludens (Loew)) shall be refrigerated for one of the following periods at or below the respective temperature designated:

11 days—32° F.
13 days—33° F.
15 days—34° F.
17 days—35° F.

Fruit cold treated because of the Mexican fruit fly (A. ludens (Loew)) shall be refrigerated for one of the following periods at or below the respective temperature designated:

18 days—33° F.
20 days—34° F.
22 days—35° F.

Refrigeration temperatures and periods for fruit to be cold treated because of other species of fruit flies may be designated by the Director of the Plant Quarantine Division, if experimental data are available concerning applicable treatments of known effectiveness.

This amendment changes the refrigeration requirements applicable to imported fruit treated because of the Mexican fruit fly to conform to those relating to fruit moved interstate in accordance with the domestic Mexican fruit fly quarantine. Since the Mexican fruit fly has been found to be more resistant to low temperatures than other species of the genus Anastrepha, longer refrigeration periods for this species have been provided.

This amendment should be made effective at the earliest practicable date in order to prevent the entry of the Mexican fruit fly. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall be effective July 6, 1957.

(Secs. 5, 9, 37 Stat. 316, 318; 7 U. S. C. 159, 162)

Done at Washington, D. C., this 2d day of July 1957.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F. R. Doc. 57–5497; Filed, July 5, 1957; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 109]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.409 *Valencia Orange Regulation 109*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 3, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 7, 1957, and ending at 12:01 a. m., P. s. t., July 14, 1957, are hereby fixed as follows:

(i) District 1: 184,800 cartons;
(ii) District 2: 739,200 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 3, 1957.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5570; Filed, July 5, 1957; 11:37 a. m.]

[Orange Reg. 320]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.854 *Orange Regulation 320*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on July 1, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., July 8, 1957, and ending at 12:01 a. m., e. s. t., September 30, 1957. no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2$\frac{1}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$\frac{1}{16}$ inches in diameter and smaller.

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 314 (§ 933.841; 22 F. R. 2522).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 2, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5514; Filed, July 5, 1957; 8:54 a. m.]

[Grapefruit Reg. 268]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.855 *Grapefruit Regulation 268*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on July 1, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term

"mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., July 8, 1957, and ending at 12:01 a. m., e. s. t., September 9, 1957, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than 3$\frac{1}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); or

(iii) Any seedless grapefruit, grown in the State of Florida, which are smaller than 3$\frac{7}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 2, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5513; Filed, July 5, 1957; 8:54 a. m.]

[Lemon Reg. 694]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.801 *Lemon Regulation 694*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 2, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 7, 1957, and ending at 12:01 a. m., P. s. t., July 14, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 3, 1957.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5541; Filed, July 5, 1957; 9:03 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54386]

PART 57—REFUND OF IMPORT TAX ON MANUFACTURED SUGAR

Reference is made to sections 4501 (b), 4504, 6418 (a), and 6511 (e) (1) of the Internal Revenue Code of 1954, as amended by sections 19 to 21, inclusive, of the Act of May 29, 1956, 70 Stat. 221.

Section 4501 (b) imposes, in addition to any other tax or duty imposed by law, a tax upon articles imported or brought into the United States as follows:

(1) On all manufactured sugar testing by the polariscope 92 sugar degrees, 0.465 cent per pound, and, for each additional sugar degree shown by the polariscopic test, 0.00875 cent per pound additional, and fractions of a degree in proportion;

(2) On all manufactured sugar testing by the polariscope less than 92 sugar degrees, 0.5144 cent per pound of the total sugars therein; and

(3) On all articles composed in chief value of manufactured sugar, 0.5144 cent per pound of the total sugars therein.

Section 4504, as amended, provides that the tax imposed by section 4501 (b) shall be levied, assessed, collected, and paid in the same manner as a duty imposed by the Tariff Act of 1930, and that it shall be treated for the purposes of all provisions of law relating to the customs revenue as a duty imposed by such act, with certain exceptions as provided for therein. One of the exceptions is that the tax may be subject to refunds as a tax under the provisions of section 6418 (a) of the Internal Revenue Code of 1954, as amended.

Section 6418 (a), as amended, provides that upon the use of any manufactured sugar, or article manufactured therefrom, as livestock feed, or in the production of livestock feed, or for the distillation of alcohol, there shall be paid to the person so using such manufactured sugar, or article manufactured therefrom, the amount of any tax paid under section 4501 with respect thereto.

Section 6511 (e) (1) provides that no payment shall be allowed under section 6418 (a) unless within 2 years after the right to such payment has accrued a claim therefor is filed by the person entitled thereto.

Section 22 of the act of May 29, 1956, provides that the amendments provided for therein shall be effective as of January 1, 1956, with certain exceptions not here applicable.

In order to provide a uniform procedure for the filing of claims for refunds under section 6418 (a) of the import taxes paid, Chapter I is amended by adding a new part as follows:

Sec.
57.1 Refund of import tax.
57.2 Proof of claim.
57.3 Form of claim.
57.4 Transfer of custody of imported manufactured sugar.

Sec.
57.5 Transfer of custody of articles manufactured from imported manufactured sugar.
57.6 Evidence of importation.
57.7 Period for filing claim.
57.8 Payment of Claim.

AUTHORITY: § 57.1 to 57.8 issued under R. S. 161, 251; 5 U. S. C. 22, 19 U. S. C. 66. Interpret or apply secs. 4501, 4502, 4504, 6418, 6511, 68A Stat. 533 as amended, 534 as amended, 535, as amended, 801 as amended, 808 as amended; 26 U. S. C. 4501, 4502, 4504, 6418, 6511.

§ 57.1 *Refund of import tax.* Any person (individual, firm, corporation, or association) using any manufactured sugar, or article manufactured therefrom, with respect to which an import tax has been paid under section 4501 (b), Internal Revenue Code of 1954,[1] as livestock feed, in the production of livestock feed, or for the distillation of alcohol, may file a claim under section 6418 (a), Internal Revenue Code of 1954, as amended,[2] with any collector of customs for a refund of the amount of the tax paid.

§ 57.2 *Proof of claim.* No claim for refund under I. R. C. section 6418 (a), as amended, shall be allowed unless the claimant establishes to the satisfaction of the collector (a) that the tax with respect to the imported manufactured sugar upon which claim is based was actually paid; (b) the quantity, identity, and polariscopic test of the imported manufactured sugar upon which claim is based; (c) that the imported manufactured sugar, or article manufactured therefrom, was actually used as livestock feed, in the production of livestock feed, or for the distillation of alcohol; and (d) such other facts as may be necessary to determine the claimant's right to a refund.

§ 57.3 *Form of claim.* Claim for refund shall be filed in duplicate and shall be in substantially the following form:

CLAIM FOR REFUND AND CERTIFICATE OF USE OF IMPORTED MANUFACTURED SUGAR
BUREAU OF CUSTOMS

Port of ----------, 19----

Claim for Refund filed by ---------- (Name of Claimant), covering imported manufactured sugar, or article manufactured therefrom, described in particular below, which has been used ---------- (State use) in accordance with the provisions of section 6418 (a), Internal Revenue Code of 1954, as amended.

TAX-PAID MANUFACTURED SUGAR, OR ARTICLE MANUFACTURED THEREFROM, USED

Import Entry No.	Name of Importer	Importing carrier	Where imported	Date imported	Marks	Description of sugar used	Quantity of sugar used	Rate of tax paid	Certificate of manufacture or certificate of delivery No.

Quantity and Description of Articles Produced, or Kind of Livestock Fed

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I solemnly declare that the imported manufactured sugar, or manufacture thereof, described above was used by me between ---------- 19----, and ---------- 19----, at ---------- (Dates of use) for the purpose set forth above; that the identification of the imported manufactured sugar, or article manufactured therefrom, shown above is in accordance with my records of importation, or the Certificate of Delivery as noted above, a copy of which is in my files as furnished by the importer, and according to said records, no part of the import taxes has been heretofore claimed or refunded by way of drawback or otherwise; and that a true record of all imported manufactured sugar, or manufactures thereof, used, is kept by me and is at all times open to the inspection of officers of the customs.

(Claimant)

§ 57.4 *Transfer of custody of imported manufactured sugar.* When the imported sugar which is the basis of a claim for refund under I. R. C. section 6418 (a), as amended, was not imported by the user thereof, transfer of custody of such sugar from the importer to the user, including transfers through any intermediate holders, shall be evidenced by filing with the collector at the port where the claim for refund is filed a certificate of delivery, in duplicate, on customs Form 7543, or official evidence of the existence of such a certificate filed at another port, fully describing the sugar delivered and tracing it from the importer to the user. Requirements in this respect shall be the same as those for drawback transactions, as set forth in § 22.15 of this chapter.

§ 57.5 *Transfer of custody of articles manufactured from imported manufactured sugar.* (a) When imported manufactured sugar has passed through some process of manufacture before delivery to the ultimate user (claimant under I. R. C. section 6418 (a), as amended), a certificate shall be filed in duplicate on customs Form 7577 showing the particulars relative to the manufacture and delivery of the articles concerned. Procedures shall be the same as those for drawback transactions, as set forth in § 22.16 of this chapter.

(b) In order to preclude the payment of claims or refund to both the manufacturer of livestock feed and the feeder thereof, each manufacturer executing a certificate of manufacture and delivery shall state thereon that he has not filed and will not file a claim for refund of the import tax paid on the sugar contained in the products covered by the certificate.

§ 57.6 *Evidence of importation.* If the imported manufactured sugar identified in the claim for refund or certificate of manufacture was not imported at a port within the customs collection district where the claim or certificate of manufacture is filed, a certificate of importation on customs Form 5265, or an extract therefrom on customs Form 5267, shall be obtained as evidence of importation of said sugar. The procedure to be followed in obtaining the certificate of importation or the extract therefrom is set forth in § 22.14 of this chapter.

§ 57.7 *Period for filing claim.* No refund under I. R. C. section 6418 (a), as amended, shall be allowed unless claim therefor is filed by the person entitled thereto (see § 57.1) within 2 years from the date the right to such refund accrued. Right to refund accrues as of the date the manufactured sugar, or article manufactured therefrom, is used for one of the purposes for which refund is allowable.

§ 57.8 *Payment of claim.* (a) No refund shall be made until the import entries covering the manufactured sugar upon which claim is based have been liquidated, the liquidated duties have been paid, and such liquidation has been made final by operation of law or by acceptance in writing by the importer.

(b) Import entries, certificates of importation, and extracts from such certificates shall constitute the records from which the amount of import tax paid on the manufactured sugar shall be determined. In order to guard against errors in identification and overallowance, all sugar identified in certificates of manufacture and claims for refund which have been liquidated and all sugar covered by certificates of importation and extracts from such certificates shall be charged against the records of importation to which they respectively refer.

(c) The amount of the refund due having been ascertained, the collector shall certify such amount for payment to the person making the claim.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 26, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-5473; Filed, July 5, 1957; 8:47 a. m.]

[1] "*Import tax.* In addition to any other tax or duty imposed by law, there is hereby imposed, under such regulations as the Secretary or his delegate shall prescribe, a tax upon articles imported or brought into the United States as follows:
"(1) On all manufactured sugar testing by the polariscope 92 sugar degrees, 0.465 cent per pound, and, for each additional sugar degree shown by the polariscopic test, 0.00875 cent per pound additional, and fractions of a degree in proportion;
"(2) On all manufactured sugar testing by the polariscope less than 92 sugar degrees, 0.5144 cent per pound of the total sugars therein;
"(3) On all articles composed in chief value of manufactured sugar, 0.5144 cent per pound of the total sugars therein." (26 U. S. C. 4501 (b))

[2] "*Use as livestock feed or for distillation of alcohol.* Upon the use of any manufactured sugar, or article manufactured therefrom, as livestock feed, or in the production of livestock feed, or for the distillation of alcohol, there shall be paid by the Secretary or his delegate to the person so using such manufactured sugar, or article manufactured therefrom, the amount of any tax paid under section 4501 with respect thereto." (26 U. S. C. 6418 (a))

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1438]

[New Mexico 025192]

NEW MEXICO

RESERVING LANDS WITHIN LINCOLN NATIONAL FOREST FOR USE OF DEPARTMENT OF THE AIR FORCE IN DEVELOPMENT OF SOLAR FURNACE FOR EXPERIMENTAL PURPOSES

Correction

In Federal Register Document 57-5276, published on page 4613, issue dated June 29, 1957, the date "JUNE 24, 1957" should appear at the end thereof.

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. P. L. 12 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
919010 919010	Radiosondes. Parts, n. e. c., specially fabricated for radiosondes.

This part of the amendment shall become effective as of June 27, 1957.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
209800	Cold S-type masterbatch	Lb.	RUBR	100	RO

This part of the amendment shall become effective as of July 5, 1957.

3. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Synthetic rubbers (report synthetic liquid latex in terms of total dry latex solids (TDLS)) (report compounded or semi-processed in 209800):				
200901	S-type (copolymers of butadiene and styrene), cold rubber only.[1] [2]	Lb.	RUBR 2	100	RO
	Scrap, except tin plated and terne plated scrap (report scrap containing one percent or more tungsten in 664581, and 5 percent or more cobalt in 664526) (see § 399.2, Interpretations 10 and 12):				
601015	No. 1 heavy melting steel scrap (formerly part of 601010).[23]	S. ton	STEE 1	100	RO
601025	No. 2 heavy melting steel scrap (formerly part of 601010).[23]	S. ton	STEE 1	100	RO
601035	No. 1 baled sheet melting steel scrap (formerly part of 601040).[23]	S. ton	STEE 1	100	RO
601045	No. 2 baled sheet melting steel scrap (formerly part of 601040).[23]	S. ton	STEE 1	100	RO
630301	Aluminum plates and sheets, flat and coiled, special alloys only (0.006 inch and over in thickness) (includes corrugated) (report perforated sheets in 619950).[24]	Lb.	NONF	100	RO
	Electronic-type components:				
707850	Crystal diodes and transistors (semi-conductors, n. e. c.) [16]	No.	RARA 51	50	RO
	Electrical apparatus, n. e. c., and parts, n. e. c. (specify by name):				
709998	Belt-type electrostatic generators (Van de Graaff machines). (1) [22]	No.	ELME 1	None	RO
709998	Parts, n. e. c., specially fabricated for belt-type electrostatic generators (Van de Graaff machines). (2) [22]	----------	ELME 1	25	RO

[1] The processing code is changed or related commodity group number is changed (see § 372.5 (f) of this subchapter).
[16] The destination control is changed from R to RO, effective July 5, 1957.
[23] The commodity coverage is decreased.
[22] The commodity coverage is increased, effective July 5, 1957.
[23] The Schedule B number is changed, effective July 1, 1957, to conform to similar revision announced by the Bureau of the Census.
[24] The footnote on the Positive List which defines "special alloys" for export control purposes is amended by the addition of aluminum alloys having an average boron content of 10 percent or more, effective July 5, 1957.

This part of the amendment shall become effective as of June 27, 1957, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in paragraphs 2 and 3 above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., July 5, 1957, may be exported under the previous general license provisions up to and including July 27, 1957. Any such shipment not laden aboard the exporting carrier on or before July 27, 1957, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-5449; Filed, July 3, 1957; 8:45 a. m.]

[1] This amendment was published in Current Export Bulletin 788, dated June 27, 1957.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10239; FCC 57-705]

[Rules Amdt. 2-1]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

ALLOCATION OF CERTAIN FREQUENCIES TO STATIONS IN MARITIME MOBILE SERVICE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of June 1957;

The Commission having under consideration that portion of the above entitled matter pertaining to the exclusive frequency allocation in the Atlantic City coast telegraph band 8476–8745 kc; and

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter, which made provision for the submission of written comments by interested

parties, was duly published in the FEDERAL REGISTER on April 23, 1957 (22 F. R. 2868) and the period for filing comments has now expired; and

It further appearing that no comments or objections relative to the subject docket have been filed;

It further appearing that the rule making ordered herein will bring the 8 Mc coast telegraph band into conformity with the Atlantic City Table of Frequency Allocations effective November 1, 1957, which date was set by the Administrative Council of the ITU and agreed to by the United States, as the date for clearance of this band; and

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It further appearing that the public interest, convenience and necessity will be served by the amendments contained and ordered herein, the authority for which is contained in section 4 (i), 303 (c) and (r) of the Communications Act of 1934, as amended.

It is ordered, That effective November 1, 1957, Part 2 of the Commission's Rules shall be amended as set forth below and the proceedings in Docket 10239 are hereby terminated.

Amend Part 2 of the Commission's Rules effective November 1, 1957, in the following particulars:

1. Delete § 2.104 (a) (3) (i) and (iii).

2. Redesignate § 2.104 (a) (3) (ii) as § 2.104 (a) (3) to read as follows:

(3) In the table of frequency allocations below 25,000 kc (25 Mc), stations in services shown in column 8, in bands for which the Atlantic City table of frequency allocations is not yet in force, shall observe the provisions with respect to non-interference contained in paragraph 79 of the Cairo, 1938, Radio Regulations.

3. Delete footnote NG 33 and delete the NG 33 designation from the band 3240–3400 kc.

[F. R. Doc. 57-5475; Filed, July 5, 1957; 8:47 a. m.]

[Docket No. 10377; FCC 57-713]

[Rules Amdts. 7-19, 8-26]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PUBLIC COAST RADIOTELEPHONE FREQUENCY

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations and aircraft stations on currently assignable frequencies for telephony in the band 4000 kc to 18000 kc; and to include authority for operation of such stations on other frequencies for telephony within the same band.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of June 1957;

The Commission having under consideration that portion of its proposal in the above-entitled matter embodied in the Eighth and Final Further Notice of Proposed Rule Making which relates to the availability for assignment of the public coast station radiotelephone frequency 8761.8 kc at Hawaii and to the deletion of the public coast radiotelephone frequency 8550 kc which is currently available at that location;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on April 23, 1957 (22 F. R. 2868) and the period for filing comments has now expired; and

It further appearing that no comments or objections to the proposal were received in the subject docket; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in the original Notice of Proposed Rule Making in this Docket; and

It further appearing that the implementation of the Commission's plan of frequency assignment for carrying out the maritime mobile portions of the Geneva Agreement (1951) in the frequency bands between 4000 and 18000 kc is now complete so far as the instant docket is concerned;

It is ordered, That effective August 5, 1957, Parts 7 and 8 of the Commission's Rules are amended as set forth below, and the proceedings in Docket 10377 are terminated.

(Sec. 4, 48 Stat. 1083, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. Section 7.304 (a) is amended by deleting from the table in this paragraph the frequency 8550 kc, and by adding thereto the frequency 8761.8 kc.

2. In § 7.304 (d), delete the text of subparagraph (6) and substitute therefor the word "[Reserved]".

3. Section 7.306 (a) is amended by deleting the frequency 8550 kc, which appears in the first column of the table in subparagraph (2) opposite the location Hawaii, and substituting therefor the frequency 8761.8 kc. As amended subparagraph (2) reads as follows:

(2) Working frequencies between 5000 kc and 30 Mc:

Coast station transmitting frequency [1] (kc)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc)
8761.8	Hawaii	8212.6
8747.6	San Francisco, Calif.	8198.4
8811.5	New York, N. Y.	8262.3
8768.9	New York, N. Y.	8219.7
13196.0	New York, N. Y.	12395.8
13157.5	New York, N. Y.	12357.3
13180.6	San Francisco, Calif.	12380.4
13172.9	Hawaii	12372.7
17302.1	Hawaii	16471.9
17317.5	New York, N. Y.	16487.3
17356.0	New York, N. Y.	16525.8
17340.6	San Francisco, Calif.	16510.4
22677.5	New York, N. Y.	22027.3
22692.9	San Francisco, Calif.	22042.7
22716	New York, N. Y.	22065.8

[1] These frequencies are those which may be specified in applications for coast station authorizations.

B. Part 8 is amended as follows: Section 8.355 (a) (1) is amended by changing the table of frequencies contained therein so that the frequency 8550 kc, which appears in the 3d column of the table opposite Hawaii, is deleted and the frequency 8761.8 kc is substituted therefor. As amended, the table of frequencies reads as follows:

Ship station transmitting carrier frequency [1] (kc)	For communication with coast stations located in the vicinity of—	Ship station receiving carrier frequency (kc)
8198.4	San Francisco, Calif.	8747.6
8212.6	Hawaii	8761.8
8219.7	New York, N. Y.	8768.9
8262.3	New York, N. Y.	8811.5
12357.3	New York, N. Y.	13157.5
12372.7	Hawaii	13172.9
12380.4	San Francisco, Calif.	13180.6
12395.8	New York, N. Y.	13196.0
16471.9	Hawaii	17302.1
16487.3	New York, N. Y.	17317.5
16510.4	San Francisco, Calif.	17340.6
16525.8	New York, N. Y.	17356.0
22027.3	New York, N. Y.	22677.5
22042.7	San Francisco, Calif.	22692.9
22065.8	New York, N. Y.	22716.0

[1] These frequencies are those which may be designated in applications for ship station authorizations.

[F. R. Doc. 57-5476; Filed, July 5, 1957; 8:47 a. m.]

[Docket No. 12018; FCC 57-706]

[Rules Amdt. 15-8]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

RADIO RECEIVERS

In the matter of amendment of Subpart C of Part 15 of the Commission's rules governing radio receivers.

1. On May 9, 1957, the Commission issued a Notice of Proposed Rule Making to amend the receiver radiation rules in Part 15. It was proposed that the radiation interference limit above 260 Mc for UHF television broadcast receivers be increased from 500 microvolts per meter to 1000 microvolts per meter for a period of one year and that the power line interference limit be relaxed.

2. In their comment to this proposal, Sarkes Tarzian, Inc. stated that all of the UHF television tuners that they manufacture meet the 500 uv/m limit. The instant rule making resulted from a petition from the Radio-Electronics-Television Manufacturers Association which stated that a number of competent engineers in industry have been endeavoring for a long time to design practical UHF television receivers that would meet, with safety, the 500 uv/m limit. The petition stated further that the results of these efforts show that this limit cannot be met for at least one year.

3. On the basis of the evidence before it, the Commision has decided to increase the UHF television broadcast receiver radiation limit temporarily as proposed. Since at least one manufacturer finds itself able to meet the 500 uv/m limit at this time, it would appear that this achievement should serve as an indication that the industry as a whole will find it practicable to comply with the Commission's attached amended Rule.

4. The Commission also proposed that the power line interference limit contained in § 15.62 be increased (linearly) from 100 uv at 9 Mc to 1000 uv at 10 Mc; the limit remaining at 1000 uv up to 25 Mc. Relaxation of the limit at 10 Mc was proposed in place of at 4 Mc as had been requested in the RETMA petition since the Commission had evidence [1] that radiation from color and video circuits of color TV receivers is potentially a source of harmful interference to amateur reception in any band between 3.5 and 30 Mc, the interference being the greatest intensity in the 7.0–7.3 Mc amateur band. Comments from the American Radio Relay League, Inc. indicated that the Commission's proposal to relax the 100 uv limit above 9 Mc will not afford sufficient protection from television broadcast receiver interference to amateur operations in the 14 and 21 Mc bands.

5. Comments have also been received from other parties recommending that the Commission not relax its existing radio receiver interference standards. It appears that the most prevalent source of power line interference is television broadcast receivers. The Commission has therefore decided not to relax its present limit with respect to this particular type of device. This has been accomplished in the manner set forth in the amendment to § 15.62 which is set forth below.

6. The Commission believes that the public interest will be served by adopting the attached amendment to the Rules Governing Incidental and Restricted Radiation Devices. Authority for the adoption of the attached rules is contained in section 4 (i), 301 and 303 (f) of the Communications Act of 1934, as amended (47 U. S. C. 154 (i), 301, and 303 (f)).

7. The attached amendment grants relief from restrictions now in the rules and is therefore not subject to the requirement that it be published not less than thirty days prior to the effective date. (Section 4 (c) of the Administrative Procedure Act. 5 U. S. C. 1003 (c)).

[1] Report of Ad Hoc Committee of the National Television System Committee on Amateur-Color TV Interference, June, 1953.

8. In view of the foregoing considerations, *It is ordered,* That effective July 1, 1957, Part 15 of the Commission's Rules and Regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: June 28, 1957.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 15, Rules Governing Incidental and Restricted Radiation Devices as follows:

1. Amend § 15.62 by increasing the allowable rf voltage on the power line above 9 Mc. As amended, § 15.62 reads as follows:

§ 15.62 *Radiation interference limits.* (a) The radiation from all radio receivers that operate (tune) in the range 30 to 890 Mc, including frequency modulation broadcast receivers and television broadcast receivers, manufactured after the effective date specified in § 15.68 shall not exceed the following field strength limits at a distance of 100 feet or more from the receiver:

Frequency of radiation (Mc)	Field strength (uv/m)
0.45 up to and including 25	See paragraph (b).
Over 25 up to and including 70	32.
Over 70 up to and including 130	50.
130–174	50-150 (linear interpolation).
174–260	150.
260–470	150-500 (linear interpolation).
470–1000	500.

(b) Pending the development of suitable measurement techniques for measuring the actual radiation in the band 0.45 to 25 Mc, the interference capabilities of a receiver in this band will be determined by the measurement of radio frequency voltage between each power line and ground at the power terminals of the receiver. This requirement applies only to radio receivers intened to be connected to power lines of public utility systems. For television broadcast receivers the voltage so measured shall not exceed 100 uv at any frequency between 450 kc and 25 Mc inclusive. For all other receivers the voltage shall not exceed 100 uv at any frequency between 450 kc and 9 Mc inclusive, 1000 uv for frequencies between 10 Mc and 25 Mc and linear increase from 100 uv to 1000 uv for frequencies between 9 Mc and 10 Mc.

2. Delete present text of Section 15.68 and substitute the following new text. As amended, § 15.68 reads as follows:

§ 15.68 *Effective date of this subpart.* VHF television broadcast receivers manufactured after May 1, 1956, shall comply with the certification requirements of this subpart, except that compliance with the power line interference limits for frequencies between 3 Mc and 25 Mc is required for such receivers manufactured after December 31, 1957. All other radio receivers that operate (tune) in the range 30 to 890 Mc manufactured after October 1, 1956, shall comply with the certification requirements of this subpart, except as follows:

(a) FM broadcast receivers manufactured after December 31, 1956, shall comply with the certification requirements with respect to frequencies above 25 Mc. All such receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to all frequencies.

(b) UHF television broadcast receivers manufactured after December 31, 1957, shall comply with the certification requirements of this subpart; *Provided, however,* that the limit 500 uv/m appearing in the table contained in § 15.62 of this part is temporarily increased to 1,000 uv/m for all UHF television receivers until December 31, 1958.

(c) The radiation interference limits and the certification requirement with respect thereto shall be met by all pocket type super-regenerative receivers used in the one-way signalling services as defined in Part 6 of this chapter which are manufactured after December 31, 1956.

[F. R. Doc. 57-5477; Filed, July 5, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11279; FCC 57-703]

RADIO BROADCAST SERVICES

SUBSCRIPTION TELEVISION SERVICE

In the matter of amendment of Part 3 of the Commission's rules and regulations (Radio Broadcast Services) to Provide for Subscription Television Service; Docket No. 11279.

1. In our Notice of Further Proceedings of May 23, 1957, we invited comments, to be filed on or before July 8, 1957, concerning the conditions under which it may be desirable to authorize trial demonstrations of subscription television.

2. In petitions filed on June 18, 1957, by the Joint Committee on Toll Television, on June 24, 1957 by Columbia Broadcasting System, Inc., and on June 25, 1957 by American Broadcasting-Paramount Theatres, Inc., and the National Association of Radio and Television Broadcasters, the Commission is requested to permit the filing of reply comments within 60 days from July 8, 1957. NARTB, in a petition filed previously (on June 18, 1957) had requested that interested parties be permitted to

file reply comments on or before July 22, 1957. On June 24, 1957, Zenith Radio Corporation and Teco, Inc. filed an opposition to the Joint Committee's petition and to the original NARTB petition.

3. Owing to unavoidable delays which have already occurred in our consideration of the numerous issues in this proceeding, we desire to avoid undue additional delay in considering the matters on which interested parties were invited to comment in our Notice of May 23. These matters—relating to the conditions under which it may be feasible and desirable to conduct trial demonstrations of subscription television—call primarily for comment by station licensees and others who would be associated with them in subscription television trial demonstrations. Any parties, such as the petitioners herein, which have indicated their opposition to subscription television, will have full opportunity to comment on or before July 8, concerning the questions raised in our Notice relating to the appropriate conditions and scope of trial demonstrations of subscription television. In our opinion no useful purpose would be served by a repetition, at this stage, of the lengthy devated pros and cons of subscription television which are spread in detail on the present record.

4. We appreciate at the same time that opponents may wish an opportunity to comment specifically on such proposals for trial demonstrations as may be submitted in response to our previous Notice. In view of the controversial nature of the subject and the important problems which are involved, we have decided to afford an opportunty for such reply comments. We believe that two weeks will be sufficient time in which to prepare them.

5. Accordingly: *It is ordered*, That interested parties may, on or before July 22, 1957, file reply comments in response to the comments invited by July 8, 1957 in our Notice of Further Proceedings dated May 23, 1957.

Adopted: June 27, 1957.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5478; Filed, July 5, 1957; 8:48 a. m.]

[47 CFR Part 3]

[Docket No. 12073; FCC 57-701]

TELEVISION BROADCAST STATIONS; EPHRATA, WASH.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Ephrata, Washington); Docket No. 12073.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition for rule making filed on May 10, 1957, by Basin TV Co., requesting an amendment of § 3.606, Table of Assignments, Television Broadcast Stations, so as to assign Channel 16 to Ephrata, Washington, as follows:

City	Channel	
	Present	Proposed
Ephrata, Wash.	43	16-, 43.
Kennewick, Wash.	25	31.
Port Angeles, Wash.	16-	16+ (offset only).
Richland, Wash.	31	25.

3. In support of the proposal petitioner submits that it is the permittee of Station KBAS-TV, which has been in operation on Channel 43 at Ephrata since February 15, 1957; that its coverage on Channel 43 is not equal to that of Channel 19 in Pasco, Washington; that it has been the experience of the UHF television industry that frequencies above approximately Channel 40 are less efficient than those below Channel 40; that it is expected that the use of Channel 16 will provide an improved service to the public in the Ephrata area; and that the proposal will meet all the spacing requirements of the rules.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 12, 1957, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 27, 1957.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5480; Filed, July 5, 1957; 8:48 a. m.]

[47 CFR Part 3]

[Docket No. 12074; FCC 57-702]

TELEVISION BROADCAST STATIONS; SOUTH BEND, IND.-AURORA, ILL.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (South Bend, Indiana-Aurora, Illinois); Docket No. 12074.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above entitled matter.

2. The Commission has before it for consideration a petition filed on May 8, 1957, by Michiana Telecasting Corp., permittee of television Station WNDU-TV operation on Channel 46 at South Bend, Indiana, requesting an amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, so as to assign Channel 16 to South Bend by substituting Channel 75 for Channel 16 at Aurora, Illinois, as follows:

City	Channel No.	
	Delete	Add
South Bend, Ind.		16
Aurora, Ill.	16	75

3. In support of the requested amendment petitioner urges that WNDU-TV operates in a "UHF island"; that the lower UHF chanels are more effective for improving service; that there are no applications for Channel 16 in Aurora; and that the proposal conforms to the Rules.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 12, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 27, 1957.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5481; Filed, July 5, 1957; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 12075; FCC 57-704]

TELEVISION BROADCAST STATIONS; ALEXANDRIA-ST. CLOUD, MINN.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Alexandria-St. Cloud, Minnesota); Docket No. 12075.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on April 1, 1957, by the Central Minnesota Television Company, requesting rule making to amend the Table of Assignments contained in § 3.606, Television Broadcast Stations so as to substitute Channel 36 for Channel 7 in St. Cloud, Minnesota, and to substitute Channel 7 for Channel 36 in Alexandria, Minn.

3. In support of its request petitioner urges that the assignment of Channel 7 to Alexandria would provide that community with its first local television outlet and the city and environs with its first satisfactory television service; that a site may be employed at Alexandria which would conform to all the Rules; that this important recreational, agricultural, and industrial area warrants the assignment of Channel 7; and that there does not appear to be any need or demand for this assignment at St. Cloud in view of the proximity of that community to Minneapolis-St. Paul, from which four VHF signals are available.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment proposed by petitioner is contained in section 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 12, 1957 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 27, 1957.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5482; Filed, July 5, 1957; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 12076; FCC 57-699]

CERTAIN TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Erie, Pennsylvania; Akron-Cleveland, Ohio; Clarksburg and Weston, West Virginia; Flint-Saginaw-Bay City, Michigan); Docket No. 12076.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration the following related petitions requesting the institution of rule making to amend § 3.606 *Table of assignments*, Television Broadcast Stations: (a) Petition filed on July 13, 1956, and supplemented June 25, 1957, by Great Lakes Television Company requesting shift of Channel 12 from Erie, Pennsylvania, to Cleveland, Ohio; (b) petition filed on August 30, 1956, by Lake Huron Broadcasting Corporation requesting the shift of Channel 12 from Flint, Michigan, to Saginaw-Bay City-Flint; and (c) petition filed on May 27, 1957 by Summit Radio Corporation requesting that Channel 12 be deleted at Erie, Pennsylvania, and assigned to Akron-Cleveland, Ohio, and alternative requests.

3. Great Lakes Television Company, permittee of Station WSEE, Channel 35, Erie, Pennsylvania, requests that Channel 12 be deleted from Erie and assigned to Cleveland. Great Lakes urges that there cannot be fully competitive service in Erie unless the city is deintermixed; that no one would lack service as a result of the removal of Channel 12 from Erie; and that Channel 12 should be assigned to Cleveland, the tenth largest market in the country, as a fourth VHF assignment. An opposition to this petition was filed on December 19, 1956 by Dispatch, Inc., licensee of Station WICU on Channel 12 at Erie.

4. Summit Radio Corporation, permittee of Station WAKR-TV, Channel 49, Akron, Ohio, requests that Channel 12 be deleted from Erie and assigned to the hyphenated communities of Akron-Cleveland. Petitioner also requests that the Commission order the permittee of Station WBLK-TV, Channel 12 at Clarksburg, West Virginia, to show cause why its transmitter location should not be changed to a new site south of Clarksburg so that it would be 170 miles from Parma, Ohio, and that a final grant on Channel 12 in the Flint adjudicatory proceeding for Channel 12 be conditioned upon selection of a site 170 miles from Parma. Petitioner further requests that the Commission order it to show cause why its authorization for WAKR-TV should not be modified to specifiy operation on Channel 12 in lieu of Channel 49. Summit proposes as an alternative that Channels 12 and 5 be switched between Clarksburg and Weston, West Virginia. Summit Radio urges that its proposal would make possible a first VHF service in Akron and a fourth in Cleveland and that it would increase the opportunities for effective competition among existing and future stations at Akron-Cleveland and Erie. Summit Radio further requests that the Commission order Dispatch, Inc., licensee of WICU, Channel 12, Erie, Pa., to show cause why its authorization should not be modified to specify operation on Channel 41 in lieu of Channel 12. Channel 41 is presently assigned to Erie and reserved for education. Summit suggests that Channel 75 can be assigned to Erie and reserved for educational use instead of Channel 41. On June 11, 1957, Ohio Valley Broadcasting Corporation, permittee of Station WBLK-TV, Channel 12, Clarksburg, West Virginia filed an opposition to the Summit petition.

5. Lake Huron Broadcasting Corporation, permittee of Station WKNX-TV, Channel 57, Saginaw, Michigan, requests that Channel 12 be deleted from Flint, Michigan and assigned to the hyphenated area of Saginaw-Bay City-Flint. Lake Huron submits that the assignment of Channel 12 to Flint is presently involved in a complex legal controversy; that the proposed amendment may permit the earliest commencement of television service on this channel in the area; that it represents a fair and equitable distribution of available facilities; and that it would permit applicants to compete on the basis of proposals best designed to meet the needs of the whole area to be served rather than on the basis of serving Flint alone. An opposition to the Lake Huron request was filed on September 14, 1956, by WJR, The Goodwill Station, Inc., permittee of Station WJRT, Flint, and a reply thereto was filed on September 20, 1956, by Lake Huron.

6. In a petition filed October 16, 1956, Washtenaw Broadcasting Company, Inc., permittee of Station WPAG-TV, Channel 20 in Ann Arbor, Michigan, requests that Channel 12 be deleted from Flint, Michigan, and assigned to Ann Arbor, Michigan. Petitioner further requests that the Commission order it to show cause why its authorization for Station WPAG-TV at Ann Arbor should not be modified to specify operation on Channel 12 in lieu of Channel 20. An opposition to this petition was filed on November 7, 1956, by WJR. Washtenaw submits that the Ann Arbor area receives VHF service from six stations and will receive additional VHF service from proposed stations in Toledo, Ohio, and Parma-Onondaga, Michigan; that its proposal would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations; and that there is greater need for Channel 12 in Ann Arbor than in the Saginaw-Bay City-Flint area.

7. The proposal to shift Channel 12 from Flint to Ann Arbor conflicts with both the proposal to assign the same channel to Saginaw-Bay City-Flint and with the proposals to assign the channel to Cleveland or Akron-Cleveland, since the distances between Ann Arbor and Saginaw-Bay City-Flint and between Ann Arbor and Akron-Cleveland are less than the required 170 miles. We believe that our interim objective, embodied in the Commission's Report and Order issued on June 26, 1956, in Docket No. 11532 (FCC 56-587), of improving the opportunities for effective competition among a greater number of stations

would not be served by assigning Channel 12 to Ann Arbor and thereby precluding the retention of the channel in Flint or its allocation to either or both of two much more populous areas than Ann Arbor (i. e., Saginaw-Bay City-Flint and Akron-Cleveland). Thus we conclude that the petition of Washtenaw Broadcasting Company, Inc. should not be put out for rule making and we are therefore rejecting this proposal.

8. The other proposals to shift Channel 12 from Erie to Cleveland or Akron-Cleveland and to shift the same channel from Flint to Saginaw-Bay City-Flint involve a possible conflict, since the location of Channel 12 sites in the Akron-Cleveland area on the one hand and in the Saginaw-Bay City-Flint area on the other may be less than the requisite 170 mile separation. In this connection it is noted that two of the three sites presently specified by competing applicants for Channel 12 in Flint may be less than 170 miles from potential Channel 12 sites in the Cleveland area.

9. The Commission is of the view that rule making proceedings should be instituted on the Great Lakes Broadcasting Corporation, Lake Huron Broadcasting Corporation, and Summit Radio Corporation petitions in order that all interested parties may submit their views and relevant data. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's Report and Order issued in Docket No. 11532 (FCC 56–587) and in paragraph 5 of the Notice and Order issued in that proceeding on November 6, 1956 (FCC 56–1080).

10. The proposed amendments, if adopted, would affect outstanding authorizations and existing stations. We do not believe, however, that we should direct any party so affected to show cause why its outstanding authorization should not be modified at this time. Such additional proceedings which may be necessary in light of outstanding authorizations will be instituted at a later date.

11. Authority for the adoption of the amendments proposed by petitioner is contained in section 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

12. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 1, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 15 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

13. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 27, 1957.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–5483; Filed, July 5, 1957; 8:49 a. m.]

[47 CFR Part 4]

[Docket No. 11331; FCC 57–700]

EXPERIMENTAL AND AUXILIARY BROADCAST STATIONS

OPERATION OF CO-CHANNEL AMPLIFYING TRANSMITTERS IN CONJUNCTION WITH MAIN TRANSMITTER

In the matter of amendment of the Commission's rules and regulations governing television broadcast stations to permit the operation of co-channel amplifying transmitters in conjunction with the main transmitter; Docket No. 11331.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. On March 31, 1955, the Commission released a Notice of Proposed Rule Making (FCC 55–404) in this proceeding requesting comments on a proposal for the authorization of co-channel amplifying transmitters—commonly called boosters—in conjunction with UHF television broadcast stations for the purpose of filling in "shadows" within the areas normally expected to be served by such stations. Interested parties have been afforded an opportunity to file comments, and we are now in a position to take further action proposing the adoption of rules governing the operation of UHF boosters.

3. A number of parties submitted comments and counterproposals in the proceeding urging that the Commission authorize VHF boosters as a means of extending television service to communities and areas beyond the range of existing stations and unable to support their own stations under the present requirements. Several parties including Governor McNichols of Colorado urged the Commission to adopt rules authorizing the operation of low-powered signal VHF booster stations in light of the recent decision handed down by the United States Court of Appeals for the District of Columbia Circuit in C. J. Community Services v. Federal Communications Commission. Our attention will be directed first to this preliminary matter.

4. In this connection one of the parties suggested the following:

1. That co-channel amplifying transmitters be authorized within service areas of existing television stations where terrain or other obstacles prevent reception from such existing stations and when they can be operated without causing electrical interference to said existing television or other radio communications service.

2. That the Commission approve equipment for use by such amplifying transmitters and that only approved equipment shall be used in the construction and operation thereof.

3. That application for permit to construct co-channel amplifying transmitters shall not be required, but notice of intention to install and operate the same shall be given by registered mail on forms furnished by the Commission to the Office of the Commission in Washington, D. C., to the nearest field office of the Commission and to the station whose signal it proposes to amplify; that such forms be executed under oath by the person, or persons, company, corporation or association owning such co-channel amplifying transmitter.

4. That a co-channel amplifying transmitter shall not introduce new signals or change the text of the reception of the station amplified.

5. That a co-channel amplifying transmitter shall not amplify the reception of any station on any frequency except that assigned to the amplified station.

6. That operation of a co-channel amplifying transmitter may be discontinued at any time, but notice at the time thereof shall be given in writing to the Federal Communications Commission in Washington, D. C., to the FCC Field Office closest to the location of said installation, and to the licensee of the station whose amplified reception is being discontinued.

7. That, if interference to the reception of any amplified station is noted, the licensee of said station shall, in writing, notify the operators of the co-channel amplifying transmitter of such interference, and upon receipt thereof, the operator of such installation shall cause an inspection to be made of its equipment and of the area in which it is operating to determine whether or not its operation is responsible for such interference; that, if it is determined that operation of the co-channel amplifying transmitter is causing interference to the amplified station's reception, the operator of the former shall, forthwith, endeavor to correct the same; that, if after ten days said interference persists without correction, the licensee of the amplified station shall, in writing, notify the nearest FCC Field Office of the facts relating to such interference, and shall provide that Office with a copy of the written notice sent to the operators of the co-channel amplifying transmitter; that thereupon an inspection shall be made by that FCC Field Office, of the equipment of the co-channel amplifying transmitter and of the amplified station, and a written report thereof made to the Commission; that, if in the opinion of the Field office, said interference is the result of operation of the co-channel amplifying transmitter, and that such interference cannot be corrected, the Commission shall order the operator of the co-channel amplifying transmitter to cease operation immediately and to show cause in writing, within 20 days from the date of said order, why it should not be required permanently to cease and desist its operation of said installation; that a copy of such Show Cause Order and any response thereto from the co-channel amplifying transmitter shall be sent to the licensee of the amplified station; that said station licensee shall be permitted to file, within ten days of the receipt of said written response of the operator of co-channel amplifying transmiter, a statement relating to the facts of said interference; that a copy of such statement shall be served by the licensee-station upon the operator of the co-channel amplifying transmitter; that thereafter, the Commission will either issue an Order requiring said operator of the co-channel amplifying transmitter to cease and desist from such operation, or state reasons why such order should not issue and the co-channel amplifying transmitter continue operation; that, if the operator of said co-channel amplifying transmitter does not respond to the Commission's Show Cause Order within the time herein set forth, or such other reasonable time as the Commission may allow, the Commission will issue an Order requiring the operation of said co-channel amplifying transmitter to cease and desist.

5. The Commission has been concerned with the important problem of extending the benefits of the television art to the many small, isolated communities and sparsely settled areas beyond the range of stations now on the air. Many such communities and areas are unable to support their own television stations even though channels may be assigned to the community or would be available for assignment under the rules. Accordingly, the Commission in May 1956 in Docket No. 11611 adopted rules authorizing television broadcast translator stations designed to provide the means for bringing television service to such communities and areas.

6. Translators employ relatively inexpensive, low-powered equipment designed to receive signals of existing VHF or UHF television stations, off the air, and convert them for retransmission on one of the upper 14 UHF channels—Channels 70–83. They have no local studios and originate no local programs, thus keeping the cost of their operations as low as possible, and operating requirements have been relaxed to the barest minimum consistent with dependable service and protection of other stations and services from interference.

7. We firmly believe that translators offer an excellent means for bringing service to communities and areas without service. Our experience in the administration of the translator rules since their adoption last year confirms our view. Some 75 translator stations have already been granted, with many translators already in operation and providing excellent service. Over 50 applications for additional translators are pending, and the flow of new applications continues at a rapid rate. We see no reason why translators cannot be employed by any community beyond the range of existing television stations as a means of providing service.

8. In the course of the translator rule making proceeding in Docket No. 11611 we considered proposals for translators in the VHF as well as UHF. We concluded, however, for reasons detailed in our Report and Order, that these proposals were unsound. We noted that proposals for VHF translators overlook the fact that only by confining translators to the top 14 UHF channels can a sufficient number of channels be provided to meet the required protective spacings and to allow the operating requirements to be reduced sufficiently to make the operation of such stations practicable. Our decision points out that VHF translators would require extensive engineering measurements to determine interference with existing stations and that employing VHF channels for this purpose would be highly inefficient.

9. Prior to our issuance of the Notice in the subject proceeding proposing the authorization of UHF boosters, we considered the possibility of proposing the use of VHF boosters as well. We were unable to conclude, however, that VHF boosters would be feasible; and our proposal was confined to UHF. Nevertheless, many parties have filed comments in this Docket urging the authorization of VHF boosters. But the bulk of these comments are not supported by engineering data depicting the technical characteristics of the apparatus to be used, nor do they contain suggested performance standards. While some of the comments suggest that VHF boosters should be permitted to operate with "approved equipment" they fail to submit a basis for such "approval". Many parties urge merely that the Commission license the unauthorized boosters now in operation.

10. The Commission staff has investigated a number of unauthorized VHF booster installations. Many of these were found to consist of apparatus designed for use in conjunction with community antenna systems, where the amplified signals were transmitted through carefully shielded cable to individual receivers. No particular attention was given, in the design of the apparatus, to such important matters as limiting the overall bandwidth to insure that only the desired channel is transmitted or to the maintenance of linearty in order to minimize the generation of intermodulation products. No automatic circuits were incorporated to render the apparatus inoperative in the event it fails to function properly, nor was any provision made to turn the apparatus off when not in use. In many cases the apparatus is merely connected to a radiating antenna and left unattended. The only form of malfunctioning which would be detected under these arrangements would be one which disrupted reception of the desired signal. Transmissions outside the band interfering with other vital services, would not be detected. Nor would interference to other television stations be detected.

11. For these important reasons we are compelled to reject the proposals which urge that we authorize the type of operation now being conducted by the unauthorized VHF boosters. Nor would applying the same types of restrictions to the operaion of VHF bosters as have been applied to the operation of UHF translators offer a solution. Since translators operate in the upper 14 UHF channels where the spectrum is not congested, it has been possible to reduce the technical and supervisory requirements to the barest minimum. However, it would not be possible, as a practical matter, to relax the requirements for the operation of VHF boosters to the same extent since they would operate in the very congested VHF portion of the spectrum. The VHF channels allocated for the television broadcast service are not in a continuous band and are interspersed with freqencies allocated for other important uses, including services devoted to the protection of life and property. It would be essential, therefore, that boosters operating in the crowded VHF spectrum have more refined equipment and greater technical supervision when in operation. To operate VHF boosters without such safeguards would run the risk of causing harmful interference to other important radio services. On the other hand, applying the same types of restrictions and safeguards to the operation of VHF boosters as those that are applied to translators, would make the operation of VHF boosters impracticable. In view of these serious shortcomings to the use of VHF boosters, the proposals for their authorization must be rejected. However, it should be emphasized that the translator service has been established to provide a low-cost means for bringing television service to small communities and outlying areas beyond the reach of existing stations. We see no necessity for running the risk of causing harmful interference to other radio services by the operation of VHF boosters when translators provide an excellent means for doing the job of providing service.

12. We now turn to a consideration of our proposal in this proceeding—the authorization of UHF boosters designed to fill in "shadows" within the normal service areas of UHF stations. Such shadows may appear in areas relatively close to television broadcast stations but situated beyond a terrain barrier obstructing the line-of-sight transmission path to the stations. The problem of shadows is more serious in the UHF band, especially in light of the lower sensitivity of UHF receivers; and the Commission believes that boosters, spotted to fill in such shadow areas, would serve a very useful purpose in assisting UHF stations to improve their coverage.

13. Our Notice in this proceeding requested that the parties submit comments with respect to the design considerations for boosters, with particular reference to complexity, dependability, operating characteristics, and costs; the practical considerations as to where and under what conditions such apparatus should be employed; the possible effects of booster operation on the service of the parent station and other television stations; the degree of technical supervision necessary; and to other matters which would enable the Commission to determine whether such devices should be authorized. While a large number of comments have been received, only a few were supported by engineering data. Comments directed toward the matters specified by the Commission in its Notice were filed by Adler Communications Laboratories, Radio Corporation of America, Radio Electronics Television Manufactures Association, Sylvania Electric Products, Inc., Television Montana, and WSM, Inc. Adler, RCA, and Sylvania conducted experimental operations with UHF television boosters and Television Montana and WSM, Inc., experimented with VHF boosters; and the comments of these parties were based largely on the data obtained from their experiments. The American Broadcasting Company and National Broadcasting Company filed comments in support of boosters but offered no technical data or other matter directed toward the

specific questions raised by the Notice.[1]

14. The amount of factual data submitted by the parties in response to our Notice was disappointingly small. This factor has delayed the Commission's action in this proceeding. Subsequent to the release of the Notice, Adler and Sylvania continued their experimental UHF booster operations in Waterbury, Connecticut, and Emporium, Pennsylvania, respectively. Their operations demonstrate that under the conditions encountered at these locations, UHF boosters will do the job. Interference problems have been resolved by utilizing the characteristics of propagation and receiving antennas in the UHF band. In general, the successful application of such techniques is possible because UHF receiving antennas, with high directive properties, are compact and comparatively simple and the maxima and minima in the field patterns of UHF stations are closely spaced. These factors greatly enhance the probability that locations can be found where a receiving antenna will have a suitable ratio between the desired and undesired signal in order to avoid interference. The dimensions of antennas having similar properties in the lower VHF band would be from 5 to 15 times of that of a UHF antenna, and the area over which vertical and horizontal probing might be required to find a location having a suitable desired to undesired signal ratio would be increased by the same amount. Thus, employment of this technique would appear to be practical only in the case of UHF boosters.

15. There is general agreement among the parties representing the broadcast industry that boosters should not be employed to extend the normal service of television broadcast stations. It is also urged that control of boosters should remain in the hands of the licensee of the main station whose signals are amplified. Employing boosters to extend the range of a television station would increase the strength of a station's signal above the level predicted for a given distance from a station. This would, in effect, undermine the basic engineering principles underlying the present station separations and maximum powers and antenna heights and would thus create an imbalance in the present television engineering standards, which are all interrelated.

16. The Commission has concluded that boosters should not be employed as a means of extending coverage beyond the station's normal range. Translators afford a practical and orderly method to accomplish this. We have concluded, however, that boosters should be permitted to provide coverage equal to the idealized Grade A coverage contemplated by the rules under maximum height and power, i. e., 5 megawatts at 2,000 feet above average terrain.

17. Since boosters are proposed to be employed only as a means of filling in "shadows" within a station's normally ideal service area, it would be desirable to authorize boosters only to the licensee or permittee of the main television station whose signal is amplified. The use of boosters by operators independent of the parent station could lead to conflicts of interest and could seriously jeopardize the ability of the main station to provide maximum service. For a booster operator, independent of the main station, would be primarily concerned with providing service for the area in which he was particularly interested and would not be concerned with loss of service this might create in other areas by interference between the signals of the booster and the main station. Accordingly, we are proposing that the use of boosters be restricted to the licensees and permittees of regularly assigned television stations.

18. Upon its study of the comments in this proceeding the Commission has concluded that further rule making to consider the adoption of rules governing the UHF booster operation is warranted. The Commission believes it feasible to provide for the licensing of booster stations to be operated in the UHF television band with certain restrictions. It is believed that the use of boosters should be limited to areas within the predicted Grade A contour of the primary station, as determined by the procedures set forth in Part 3 of the rules, assuming that the primary station is operating with the maximum power and antenna height permitted by the rules. In order to prevent extension of the predicted Grade A contour and to minimize potential interference to other TV stations, it is considered necessary to limit the power employed by a booster to that necessary to provide a signal of 5 millivolts per meter at the furthermost boundary of the principal community in the area to be served by the booster. Under the circumstances expected to be encountered in the places where boosters will be necessary, this signal level should provide acceptable reception on the majority of receivers with simple outdoor receiving antennas.

19. In view of the foregoing the Commission is proposing to amend Part 4 of its rules by adding a new Subpart H with respect to the licensing of television broadcast booster stations, as set forth below.

20. Authority for the adoption of the amendments proposed herein is contained in section 4 (i), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), (p) and (r) and 307 (b) of the Communications Act of 1934, as amended.

21. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 1, 1957 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 20 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

22. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 27, 1957.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Part 4 of the Commission rules as follows:

1. Add a new subparagraph (2) to § 4.1 (c) to read as follows:

(2) Television Broadcast Booster (Subpart H).

2. Add a new paragraph (d) to § 4.11 to read as follows:

(d) If application is for construction permit for a new television broadcast booster station or to make changes in an existing station, FCC Form 343 shall be filed in triplicate; if for a station license, FCC Form 344 shall be filed; if for renewal of station license, FCC Form 345 shall be filed.

3. Add a new paragraph (c) to § 4.18 to read as follows:

(c) Licenses for television broadcast booster stations will be issued for a period running concurrently with the license of the television broadcast station with which it is used (Primary station).

4. Delete paragraph (a) of § 4.20 and substitute the following:

§ 4.20 *Renewal of license.* (a) Unless otherwise directed by the Commission each application for renewal of license of an auxiliary broadcast station or a television broadcast booster station shall be filed at the same time the renewal of license of the broadcast station with which it is associated is filed; and each application for renewal of license of an experimental or developmental broadcast station or a television broadcast translator station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

5. Delete § 4.21 and substitute the following:

§ 4.21 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing auxiliary or experimental broadcast station license or a television broadcast translator station license, or a television broadcast booster station license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

6. Delete § 4.22 (a) and substitute the following:

§ 4.22 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new auxiliary or experimental broadcast station, or a television broadcast translator station or a television broadcast booster station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

7. Delete § 4.23 (a) and substitute the following:

§ 4.23 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of a construction permit or license for an auxiliary or experimental broadcast station or a television broadcast translator station or a television broadcast booster station, or for consent to voluntary transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control) or FCC Form 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control, and, except for an experimental broadcast station, shall be filed at the same time as the application for transfer of control of the broadcast station with which it is associated is filed.

8. Add a new Subpart H to read as follows:

Subpart H—Television Broadcast Booster Stations

DEFINITIONS AND ALLOCATION OF FREQUENCIES

Sec.
4.801 Definitions.
4.802 Frequency assignment.
4.803 Interference.

ADMINISTRATIVE PROCEDURE

4.811 Administrative procedure.

LICENSING POLICIES

4.831 Purpose and permissible service.
4.832 Eligibility and licensing requirements.
4.833 [Reserved].
4.834 Remote control operation.
4.835 Power limitations.
4.836 Emission and bandwidth.
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EQUIPMENT

4.850 Equipment and installation.
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TECHNICAL OPERATION

4.861 Frequency tolerance.
4.862 Frequency monitors and measurements
4.863 Time of operation.
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4.865 Posting of station and operator's licenses.
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4.868 Additional orders.
4.869 Copies of rules.

OPERATION

4.881 Station records.
4.882 [Reserved].
4.883 Station identification.
4.884 Rebroadcasts.

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.801 *Definitions*— (a) *Television broadcast booster stations.* A station in the broadcasting service operated for the sole purpose of retransmitting the signals of a television broadcast station by amplifying and reradiating such signals, which have been received directly through space, without significantly altering any characteristic of the incoming signal other than its amplitude.

(b) *Primary station.* The television broadcasting station radiating the signals which are retransmitted by a television broadcast booster station.

§ 4.802 *Frequency assignment.* A television broadcast booster station will be assigned the channel and carrier frequencies assigned to its primary station.

§ 4.803 *Interference.* (a) A television broadcast booster station is a source of potential interference in any area where an unfavorable ratio exists between the signals which may be received directly from the primary station and those transmitted by the booster station. Such interference may be minimized by adjusting the time differential of the modulation envelopes of the direct and the retransmitted signals as to synchronize them at points of reception, orienting the booster location with respect to the primary station so that the directive properties of comparatively simple receiving antennas can be used to differentiate between the two signal sources, utilizing the shielding effects of terrain to confine the signals of the booster to an area in which a favorable desired to undesired signal ratio can be maintained, and to a limited extent, by the use of cross-polarization. Cross-polarization loses much of its efficacy in "cluttered" areas due to the random polarization of such signals when reradiated or reflected from sloping metallic conductors and other objects in the immediate vicinity of the receiving antenna.

(b) An application for a new television broadcast booster station or for a change in the facilities of an existing station shall be accompanied by a comprehensive engineering showing as to the degree and extent of interference which may occur in any area as the result of an unfavorable ratio between the signals which may be received directly from the primary station and those transmitted by the booster station, including the following:

(1) A map showing the areas of potential interference based on actual measurements of the strength of the signal available from the primary station, and on reasonable estimates of the strength of the signal which will be provided by the booster if operated with the power and antenna height proposed.

NOTE: For the purpose of this showing, a desired to undesired signal ratio of 20 decibels (10:1) or better shall be considered necessary to eliminate potential interference. The desired signal may be either the direct signal or the signal transmitted by the booster.

(2) A description of the physical features and location of terrain which will help to confine or minimize the interference.

(3) The location of areas in which the directive properties of individual receiving antennas will be used to eliminate interference and the approximate number of individual receiving installations, existing and potential, which may be affected.

(4) The steps which will be taken by the applicant to instruct his public on the proper orientation of individual receiving antennas and the extent to which the applicant will go in bearing all or a part of the cost of new or altered receiving antenna installations.

(5) Other measures which may be employed to minimize interference.

(6) A map showing the estimated residual interference if the above measures are carried out.

(c) The licensee of a television broadcast booster station shall assume full responsibility for resolving all valid complaints of interference which results in loss or degradation of service due to the operation of its booster. The licensee will be expected to provide such technical assistance and materials as may be necessary to reorient or modify existing receiving antenna installations so as to restore such service as may be lost because of interference by the booster: *Provided, however,* The licensee of the booster is not obligated to modify existing receiving antenna installations to take advantage of the improved service which may be obtained from the booster. Failure of a complainant to permit the application of remedies which are demonstrably capable of eliminating interference will relieve the booster licensee of further responsibility for the correction of interference to that complainant.

(d) It shall be the responsibility of the licensee of a television broadcast booster station to correct any condition of interference caused by the radiation of radio frequency energy outside its assigned channel or caused by the radiation of spurious emissions within its assigned channel or resulting from mutual interference with other television broadcast booster stations operating on the same channel. Upon notice by the Commission that such interference is being caused, operation of the booster station shall be suspended and shall not be resumed until the interference has been eliminated, or it can be demonstrated that the interference is not due to any of the above causes: *Provided, however,* That short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

[1] Set forth below is a summary of those comments submitted by the parties which were directed toward the specific points raised by the Commission.

(e) In each instance where suspension of operation is required, the licensee of the TV booster shall submit a full report to the Commission, after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

ADMINISTRATIVE PROCEDURE

§ 4.811 *Administrative procedure.* See §§ 4.11 to 4.23 inclusive.

LICENSING POLICIES

§ 4.831 *Purpose and permissible service.* (a) A television broadcast booster station will be licensed for operation in conjunction with a television broadcast station operating in the UHF television broadcast band only.

(b) A television broadcast booster station will be authorized only for the purpose of amplifying and retransmitting the signals of its primary station into an area within the Grade A contour of the primary station, predicated on the basis of the use of maximum power and antenna height above average terrain in accordance with § 3.614 (b) of this chapter and assuming normal terrain. On this basis, the maximum permissible distance from the primary station to the furthermost point in the area to be served by a booster is 68 miles.

(c) A television broadcast booster station may not be located beyond the Grade A contour of the primary station as defined above, nor be used to extend the Grade A contour of the primary station beyond the distance specified above.

(d) A television broadcast booster station will not be authorized to retransmit the signals of any station, other than its primary station or to make independent transmissions; *Provided, however,* Locally generated signals may be used to excite a booster station in connection with maintenance, tests, and measurements of limited duration.

(e) The transmissions of a television broadcast booster station shall be intended for direct reception by the general public. Such stations may not be used to establish a television point-to-point relay system.

§ 4.832 *Eligibility and licensing requirements.* (a) A license for a television broadcast booster station will be issued only to the licensee of a television broadcast station operating in the UHF television broadcast band, and solely for the purpose of retransmitting the signals of such television broadcast station.

(b) An application for a television broadcast booster station shall contain an adequate showing that:

(1) The signal available for direct reception of the primary station, at a height of 30 feet above ground, is less than 5.0 millivolts-per-meter at more than 50 percent of the locations in the area to be served by the booster.

(2) The proposed booster can be installed and operated so as to provide satisfactory reception without causing harmful interference to existing service, by the application of acceptable techniques.

(3) That a signal of sufficient magnitude is available from the primary station at the site of the proposed booster.

(c) No numerical limit is placed upon the number of boosters which may be licensed to a single licensee. A separate application is required for each booster transmitter.

§ 4.833 [Reserved.]

§ 4.834 *Remote control operation.* (a) A television broadcast booster station may be operated by remote control provided that such operation is conducted in accordance with the conditions set forth in subparagraphs (1) through (4) of this paragraph.

(1) The transmitter shall be equipped with automatic devices which, in the absence of a signal from the primary station, will render the transmitter incapable of emitting radio frequency energy.

(2) The transmitter shall be further equipped with a device, which may be actuated by a coded signal or tone transmitted by the primary station, and which will permit turning the transmitter on and off at will from the primary station. The signal required to be transmitted by the primary station for this purpose shall be of such nature or of duration so short that it will not appreciably degrade normal reception of the primary station.

(3) A suitable monitoring point shall be established in the area served by the booster station, equipped with facilities which will permit observations of the transmissions of the booster. An operator holding a valid commercial radio operators license of any class issued by the Commission, except a Temporary Limited Radio Telegraph Second Class License or an Aircraft Radiotelephone Operator Authorization, shall be in charge of the montitoring point and shall observe the transmissions of the booster within one hour of the start of any period of operation and during operation at intervals of no more than six hours, and shall promptly report any condition of improper operation observed to the operator on duty at the primary station. If the improper operation seriously degrades the retransmitted signals causes interference or produces spurious emissions outside the assigned channel, operation of the booster shall be immediately suspended and shall not be resumed until the condition of improper operation has been corrected.

(4) The transmitter and its associated controls shall be so installed and protected as to be inaccessible to unauthorized persons.

(b) An application for a new television broadcast booster station or for a change in the facilities of an existing station which proposes remote control operation, shall be accompanied by a satisfactory showing as to the manner of compliance with the above conditions. Unless remote control is specifically authorized pursuant to the above requirements, the booster transmitter shall be under the direct supervision of a qualified operator in accordance with § 4.866.

§ 4.835 *Power limitations.* (a) A television broadcast booster station will not be authorized to operate with power in excess of that necessary to provide a signal of approximately 5 millovolts per meter at a height of 30 feet above ground at the political boundary of the principal community to be served which is most distant from the transmitter site of the booster, and within the Grade A service contour of the primary station, as defined in § 4.831.

(b) The following procedure shall be used to determine the maximum permissible effective radiated power for a television broadcast booster station:

(1) The effective height of the transmitting antenna shall be determined by subtracting the elevation above mean sea level of the principal community in the area to be served by the booster, from the elevation above mean sea level of the center of radiation of the transmitting antenna. The elevation of the principal community shall be considered to be the generally accepted elevation figure used in Atlases, Gazetteers, or other geographical publications or, if such figure is not known, the average elevation of the area occupied by the community, reasonably approximated.

(2) The maximum distance to be served shall be considered to be the point most distant from the transmitting site of the booster but within the political boundaries of the principal community in the area to be served.

(3) The height and distance determined in accordance with the above procedures shall be applied to the F(50/50) field intensity chart for Channels 14–83 of § 3.699 of this chapter and the effective radiated power required to provide a field intensity of 5 millivolts per meter (74dbu) based on these parameters, so determined. This will be the maximum effective radiated power in the lobe of maximum radiation of the transmitting antenna, which will be authorized.

(4) In no event will conditions of operation be authorized under which a field intensity in excess of 5 millivolts per meter, determined in accordance with the above procedure, be produced at a distance in excess of 68 miles from the primary station.

(c) In no event will a television broadcast booster station be authorized to operate with effective radiated power in excess of 5 kilowatts.

§ 4.836 *Emissions and bandwith.* (a) The license of a television broadcast booster station authorizes the transmission of the visual signal by amplitude modulation (A5) and the accompanying aural signal by frequency modulation (F3).

(b) Standard width television channels will be assigned and the emissions of a television broadcast booster station shall be confined to the authorized channel in accordance with the Television Technical Standards contained in Part 3, Subpart E of this chapter.

(c) Spurious emissions, including intermodulation products, signals other than those received from the primary station, and radio frequency energy generated within the booster apparatus shall be attenuated no less than 60 decibels below the peak visual carrier amplitude. Greater attenuation will be required if such spurious emissions cause interference to any radio service.

§ 4.837 *Antenna location.* (a) The transmitting antenna of a television broadcast booster station shall be located within the Grade A contour of the primary station, as defined in § 4.831 and shall be so designed and installed as to not extend the Grade A contour of the primary station in any direction.

(b) An applicant for a new television broadcast booster station or for changes in an existing station shall endeavor to select a site nearest to the principal community to be served, which will provide a line-of-sight transmission path to the area intended to be served and at which there is a suitable signal available from the primary station. In no event shall the site selected be more than 25 miles from the principal community to be served. The transmitting antenna should be placed above growing vegetation lying in the direction of the area intended to be served to minimize the possibility of signal absorption by foliage.

(c) Consideration should be given to accessibility of the site at all seasons of the year and to the availability of facilities for the maintenance and operation of the television broadcast translator station.

(d) Consideration should be given to the existence of strong radio frequency fields from other transmitters at the booster site and the possibility that such fields may result in the retransmission of signals originating on frequencies other than that of the primary station.

EQUIPMENT

§ 4.850 *Equipment and installation.* (a) An application for a new television broadcast booster station or for changes in the facilities of an existing station shall supply complete technical details of the apparatus to be employed, including tube types used and the power levels at which they are to be operated, and the over-all installation. The functioning of such automatic features or other safeguards as may be incorporated to prevent improper operation shall be fully described. If the apparatus is to be remotely controlled, a detailed description of the control features shall be included.

(b) The over-all characteristics of the complete installation shall be essentially linear so as to accomplish retransmission of the incoming signals of the primary station without significantly altering any electrical characteristic other than the over-all amplitude. Any significant intermodulation products which may be generated shall be adequately removed from the transmissions of the booster so as not to constitute a source of potential interference. Adequate provision shall be made in the circuits employed, to prevent the amplifier being driven into a non-linear condition over the full range of signal intensities within which the booster may be called upon to operate, or which will cause it to cease radiating should non-linear operation or oscillation of any stage occur.

(c) If the booster apparatus is to be remotely controlled, the control system shall be so designed and installed that failure of any part of the control system which would result in loss of control from the remote point, will place the booster transmitter in an inoperative condition.

(d) The isolation between the input and output circuits of the booster, including the receiving and transmitting antenna systems, shall be at least 20 decibels greater than the maximum over-all gain of the booster amplifier.

(e) The over-all gain of the amplifier shall not vary by more than 2 decibels over the entire assigned channel: *Provided, however,* That the amplitude of the aural signal may be decreased by a suitable amount, if necessary to minimize intermodulation effects or eliminate interference between the sound and picture signals. Emissions appearing on any discrete frequency more than 3 Mc above or below the upper and lower limits, respectively, of the assigned channel shall be attenuated no less than 60 decibels below the peak power of the modulation envelope of the transmitted signal, regardless of whether such spurious emissions are generated within the booster or are produced as the result of an external signal introduced into the input circuits of the booster apparatus.

(f) In general, the transmitter shall be mounted on racks and panels or in totally enclosed frames protected as required by Article 810 of the National Electrical Code.

(g) The installation of a television broadcast booster station shall be made only by, or under the direct supervision of, a qualified electronics engineer and any repairs or adjustments made during or subsequent to the installation, which could result in improper operation, shall be made by or under the direct supervision of an operator holding a valid first or second class radiotelephone operators license issued by the Commission.

(h) In cases where the electrical characteristics of the transmitting and receiving antennas of a booster station are used to provide the required degree of isolation between the input and output circuits, the installation of such antennas shall be sufficiently rugged and protected as to withstand such hazards as may reasonably be expected to be encountered due to their exposure to the elements and the local environment.

(i) Prior to placing a television broadcast booster station in regular operation, the permittee shall perform sufficient measurements of the completed installation to insure compliance with the above requirements. These measurements together with a detailed description of the methods used in obtaining the measurements shall be submitted with the application for license for the booster station.

§ 4.851 *Equipment changes.* (a) Formal application (FCC Form 343) is required for any of the following changes:

(1) Replacement of the transmitter as a whole or any modification which could result in a change in the electrical characteristics or over-all performance of the booster installation.

(2) A change in the transmitting antenna system, including the direction of radiation, directive antenna pattern, or transmission line.

(3) An increase in the authorized over-all height of the antenna above ground of more than 20 feet or which will result in an over-all height above ground of more than 170 feet.

(4) A change in the control point or control system.

(5) Any change in the location of the transmitter except a move within the same building or upon the same tower or pole, and any horizontal change in the antenna location of the transmitting antenna in excess of 500 feet.

(6) A change of frequency assignment.

(7) A change of authorized operating power.

(b) Other equipment changes not specifically referred to above may be made at the discretion of the licensee, provided that the Engineer in Charge of the radio district in which the television broadcast booster station is located and the Commission's Washington, D. C., office, are notified in writing upon completion of such changes, and provided, further, that the changes are appropriately reflected in the next application for renewal of license of the television broadcast booster station.

TECHNICAL OPERATION

§ 4.861 *Frequency tolerance.* The visual carrier frequency and the aural center frequency of the television signals transmitted by a television broadcast booster station shall be identical with those of the primary station.

§ 4.862 *Frequency monitors and measurements.* The licensee of a television broadcast booster is not required to provide means for measuring the operating frequencies of the booster transmitter.

§ 4.863 *Time of operation.* (a) A television broadcast booster station is not required to adhere to any regular schedule of operation. However, the licensee of a television booster station is expected to provide a dependable service to the extent that such is within its control and to avoid unwarranted interruptions to the service provided.

(b) If causes beyond the control of the licensee require that a television broadcast booster station remain inoperative for a period in excess of 10 days, the Engineer in Charge of the radio district in which the station is located shall be notified promptly in writing, describing the cause of failure and the steps taken to place the station in operation again, and shall be notified promptly when the operation is resumed.

(c) Failure of a television broadcast booster station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuance of operation and the licensee of the station will be cancelled.

(d) A television broadcast booster station shall not be permitted to radiate during extended periods when signals of the primary station are not being retransmitted.

§ 4.864 *Station inspection.* The licensee of a television broadcast booster station shall make the station and the records required to be kept by these

Rules, available for inspection by representatives of the Commission.

§ 4.865 *Posting of station and operators license.* (a) The station license and other instrument of authorization or individual order concerning the construction of the equipment or manner of operation shall be posted in a conspicuous place in the room in which the transmitter is located so that all terms thereof are visible; *Provided;*

(1) If the transmitter is operated by remote control pursuant to § 4.834, the station license shall be posted in the above described manner at the control point.

(2) If the transmitter is installed so as to be exposed to the elements and posting of the license would result in its being so exposed, the license or a photo copy thereof may be kept in the possession of the operator in charge of the transmitter. If a photo copy is used, the original license shall be conveniently available for inspection by a representative of the Commission.

(b) The original of each station operator license shall be posted at the place where he is on duty: *Provided, however,* That if the original license of a station operator is posted at another radio transmitting station in accordance with the Rules governing that class of station and is there available for inspection by a representative of the Commission, a verification card (Form 758–F) is acceptable in lieu of the posting of such license: *Provided, further, however,* That if the operator in charge holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form), he shall not post that permit but shall keep it in his personal possession.

§ 4.866 *Operator requirements.* (a) The actual operation of the transmitting apparatus at a television broadcast booster station shall be carried on only by a person holding a valid first or second class radio telephone operators license: *Provided, however,* That where the booster transmitter is remotely controlled by the transmission of coded signals from the primary station, an unlicensed person may turn the power supplied to the booster by the power mains, on and off upon instructions from the operator on duty at the primary station.

(b) Any repairs or adjustments to a television broadcast booster station which might result in improper operation of the equipment shall be made only by or under the direct supervision of a person holding a valid first or second class radiotelephone operators license issued by the Commission.

(c) The licensed operator on duty and in charge of a television broadcast booster station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordanoe with the class of license which he holds and the Rules and Regulations governing such stations. However, such duties shall in no wise interfere with the operation of the television broadcast booster station.

§ 4.867 *Marking and lighting of antenna structures.* The marking and lighting of antenna structures employed at a television broadcast booster station, where required, will be specified in the authorization issued by the Commission. Part 17 of this chapter sets forth the conditions under which such marking and lighting will be required and the responsibility of the licensee with regard thereto.

§ 4.868 *Additional orders.* In case the Rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders, in each case as may be deemed necessary.

§ 4.869 *Copies of rules.* The licensee of a television broadcast booster station shall have current copies of Part 3, and Part 4, and Part 17 of this chapter available for use by the operator in charge, and is expected to be familiar with those Rules relating to the operation of a television broadcast booster station. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at nominal cost.

OPERATION

§ 4.881 *Station records.* (a) The licensee of a television broadcast booster station shall maintain an operating log showing the following:

(1) Hours of operation.

(2) Call letters, channel, and location of primary station or stations.

(3) Time of periodic observation required by § 4.834 (d), and operating conditions, signed by the operator making the observation.

(4) A record of all repairs, adjustments, maintenance, tests, and equipment changes, showing the date of such events, the name and qualifications of the person performing the operation, and a brief description of the matter logged.

(b) Where an antenna structure is required to be illuminated, see § 17.38, *Recording of tower light inspections in the station record,* of this chapter.

(c) The operating log shall be made available upon request to any authorized representative of the Commission.

(d) Station records shall be retained for a period of two years.

§ 4.882 [Reserved.]

§ 4.883 *Station identification.* (a) Television broadcast booster stations will not be assigned individual call signs. Station identificaton will be accomplished by the retransmission of the call sign of the primary station.

(b) The Commission may request the operator on duty at the primary station to interrupt the transmissions of the booster station for short intervals of time in order to facilitate identification of a particular booster.

§ 4.884 *Rebroadcasts.* (a) The term "rebroadcast" means the reception by radio of the programs or other signals of a radio or television station and the simultaneous or subsequent retransmission of such programs or signals for direct reception by the general public.

(b) A television broadcast booster station is authorized to rebroadcast only the signals of the primary station with which it is associated. In cases where the booster is located at a site where the signals of other televsion broadcast stations or other classes of stations may be received, care shall be exercised in the installation to insure that such other signals are not retransmitted: *Provided, however,* That occasional inadvertent retransmission of the signals of other cochannel TV stations caused by abnormal propagation conditions, will not be considered to be non-compliance with this rule.

SUMMARY OF COMMENTS WITH RESPECT TO THE SPECIFIC POINTS ON WHICH DATA WAS SOUGHT IN THE NOTICE OF PROPOSED RULE MAKING

(a) *Complete technical data with respect to amplifying transmitters and associated equipment and operation, including full information as to the complexity and dependability of amplifiers, antennas, etc.* (1) Adler subscribed to the comments of RETMA in full and referred to the various reports it (Adler) had submitted on an experimental UHF booster operation at Waterbury, Connecticut. No detailed data was supplied with respect to the complexity and dependability of the apparatus.

(2) RCA submitted a comprehensive report of the preliminary research and the operational experience with a UHF booster at Vicksburg, Mississippi. Their comment was not directed to each of the specific issues in the notice but with respect to issue (a) above, the presentation would indicate that the design considerations for suitable booster apparatus are quite stringent. Difficulties were experienced by RCA with the AGC (automatic gain control) system, which had not been fully resolved when the comment was filed. The RCA report contributes little definitive information with respect to the factor of dependability.

(3) RETMA stated that on the basis of information received from members associated with companies carrying on experimental work with boosters, it appeared that dependable and practical equipment can be made readily available. This statement was unsupported by specific data, and RETMA indicated that it expected the experimenters to submit detailed comment on these aspects of booster operation.

(4) Sylvania directed its comment to the specific issues raised in the Notice, and based its comments on experience with an experimental UHF booster at Emporium, Pennsylvania. With respect to issue (a) above, its low powered booster had performed on a daily basis for a period of 4000 hours with a minimum of operating difficulties. The apparatus is comparatively simple and the additional apparatus required to increase the power should not unduly complicate matters.

(5) Television Montana reported the results of an experimental VHF booster operation at Anaconda, Montana. The equipment used in this experiment was commercially available apparatus designed for use with community antenna cable systems and no technical data was submitted as to the overall characteristics of the apparatus for use in a radiating system such as a booster.

(6) WSM, Inc., referred to a report, attached to its statement, of the results of an experimental VHF booster operation at Lawrenceburg, Tennessee. This was perhaps the most elaborate experiment conducted with a VHF booster. Under the conditions encountered at Lawrenceburg, an extremely elaborate antenna system was necessary to provide isolation and utilize crosspolarization techniques. With respect to issue (a) above, the report indicates that design and installation requirements are extremely critical.

(b) *Data with respect to the extent, if any, of the degradation caused by operation of amplifying transmitters on color or monochrome signals and what changes, addition, or deletions would be required in the Commission's Rules to establish minimum separations (1) between the amplifying transmitters and the main transmitter; (2) between amplifying transmitters of the same main station; (3) between amplifying transmitters of different main stations, both co-channel and adjacent channel; and (4) between amplifying transmitters of one station and the transmitter of a station not having amplifying transmitters.* The consensus of the comments filed, based on engineering measurements, was that apparatus suitable for the amplification and retransmission of monochrome and color signals could be designed. None of the experimental station licensees had had actual experience with the retransmission of color signals over these stations. For successful monochrome transmission it was held that the band-pass characteristics of the amplifier and associated apparatus must be within 2 decibels of a flat response, that absolute linearity is essential to prevent the generation of intermodulation products, and that the isolation between the input and output circuits including the receiving and transmitting antennas, must be at least 20 to 25 decibels greater than the gain of the amplifier. These requirements were predicated on the assumption that the overall design of the equipment would conform to standards of good engineering practice in other respects. Although WSM, Inc. achieved an isolation of 115 decibels at Lawrenceburg with an extremely elaborate antenna array, the practical limit appears to be approximately 100 decibels, which would limit the amplifier gain to between 75 and 80 decibels. As to the separations between the booster and the main station the general opinion was that the area served by the booster should be located within the Grade A contour of the main station, although in special cases some consideration might be given to permitting the operation of boosters in the Grade B area. In no case was there any support, based on technical considerations, for the use of boosters to extend the normal service areas of TV broadcast stations. There was general agreement in the comments that no general rule should be adopted with respect to minimum separations between boosters operating with the same main station since the controlling factors would vary widely in individual cases. Inasmuch as it was the consensus that booster service should be provided only within the normal service area of the main station, no opinions were advanced as to the separations necessary between boosters retransmitting the signals of different stations, or between a booster associated with one station, and another TV station.

(c) *Data relating to the cost of equipment for such operation, including installation and maintenance.* (1) Adler estimated the cost of the basic booster transmitting apparatus, including antennas to be $12,500 for a 20 watt device and $17,500 for a 150 watt device. To this amount would be added the cost of a suitable shelter, the cost of bringing power lines to the site, and such expenses as might be accrued through the acquisition of land and providing access to the site to bring in the equipment. No estimate was given as to the operating costs.

(2) Sylvania estimated the construction costs of suitable booster equipment of low power to be $12,500, plus an average of approximately $7,000 in variable costs, making the total cost $19,500. The estimated annual operating cost including maintenance was estimated to be $9,950.

(3) WSM, Inc., estimated that on the basis of its experience at Lawrenceburg, a suitable booster could be constructed for between $5,000 and $10,000 and operated for approximately $2,000 per year. To this would be added the variable cost such as bringing in power lines, providing a suitable shelter, and providing access roads.

(4) None of the other comments supplied estimates as to such costs.

(d) *Information with respect to the technical specifications required to assure that only the authorized television channel would be amplified by the amplifying transmitter.* No specific data was supplied on this point. RETMA stated generally that for operation in the UHF band, the gain of the amplifier should be unity or less at all frequencies 30 Mc or more removed from the assigned channel This is apparently based on the assignment principle followed in the UHF television broadcast rules, which require a 36 Mc separation between assignments in the same area. No comment was made with respect to this matter in the VHF band since the comments were directed only to the specific proposal of UHF boosters.

(e) *Information as to the technical specifications required to assure linear rebroadcast of the signal and to protect against the radiation of spurious signals resulting from internal cross modulation or self oscillation.* No specific data was supplied on this point. It was indicated that linear performance required that the tubes be operated well within their ratings, and the circuitry carefully designed. RETMA stated that detailed specifications on linearity can be obtained only by measurements on apparatus in actual operation.

(f) *Information as to plans and proposals of interested persons who intend to engage in such operation.* The parties which engaged in licensed experimentation with boosters all indicate that the need prompted the original experimentation, and the operation would be continued on a regular basis if authorized. It was the general opinion also that the "shadow" problem was a very real one in the UHF band and, depending on actual costs, many UHF TV stations would be interested in the operation of boosters.

(g) *What hours of operation should be required of amplifying transmitters?* It was unanimously agreed that the hours of operation of the booster should coincide with those of the main station. Any other arrangement would be unfair to those viewers who oriented their antennas toward the booster to take advantage of the improved service offered, since such an orientation would not, in many cases, provide reception of the main station when the booster was off.

(h) *Whether amplifying transmitters should be permitted to operate unattended; and if so, under what conditions?* The comments directed toward this issue referred to "unattended" operation, but implied some form of direct control from the main station. Since such remote control would be relatively simple to accomplish by means of control signals either transmitted by the main station or sent over inexepensive wire lines no party seemed to believe a substantial problem was presented.

(i) *What is the maximum distance from the main transmitter that amplifying transmitters should be permitted?* The comments on issued (b) suggested that boosters be limited to the Grade A contour in most cases, determined on the assumption that the main station was operating with maximum power and antenna height. (The Grade A contour would lie at a distance of approximately 68 miles).

(j) *What minimum power and antenna height requirements should be established for amplifying transmitter operation?* Sylvania and RETMA were the only parties to direct comments specifically to this issue. In both cases they recommend that no minimum power and antenna height be specified. RETMA added the suggestion that the booster licensee should be required to provide sufficient signal to produce an acceptable picture.

(k) *What requirements should be provided for station identification of amplifying transmitters?* It was recommended that no separate identification be required since the booster would retransmit the call of the main station and that would serve to identify the licensee.

(l) *Whether amplifying transmitters should be required to maintain a minimum field strength over a specific area?* The comments on issue (j) apply to this matter.

(m) *Whether amplifying transmitters should be required or permitted to employ vertical polarization?* There was general agreement that no particular polarization should be required. Freedom to employ various polarizations would provide a useful expedient for the minimizing interference.

(n) *Whether (1) the number of amplifying transmitters should be limited in any particular area; (2) the number of amplifying transmitters operating in conjunction with a particular main transmitter should be limited; and (3) whether and by what manner the rules governing multiple ownership of television broadcast stations should apply?* It was generally agreed that the number of boosters should not be limited, and that all boosters used with a single main station should be considered to be merely extensions of the main transmitter insofar as multiple ownership is concerned. Several comments were filed offering objections to the use of boosters in communities having an existing TV station, or having a channel assignment for use by a local TV station, on the grounds that competition from a booster would affect the economic well-being of an existing station, and the existence of a booster might discourage the construction of a new TV station in some communities.

(o) *Whether any technical standards prescribed by the rules should be amended for such operation, and how the standards should be so amended?* Several comments included suggested revisions of the television broadcast rules so as to permit the licensing and operation of TV boosters.

[F. R. Doc. 57–5479; Filed, July 5, 1957; 8:48 a. m.]

[47 CFR Part 16]

LAND TRANSPORTATION RADIO SERVICES

"CHANNEL SPLITTING" IN CERTAIN FREQUENCIES AND SUBALLOCATION OF NEW FREQUENCIES

In the matter of amendment of Part 16, Land Transportation Radio Services, to implement "channel splitting" in the frequency range 152–162 Mc, and to suballocate the new frequencies thus made available; Docket No. 11992.

1. Notice is hereby given of further proposed rule making in the above entitled matter.

2. On April 9, 1957, the Commission released a Notice of Proposed Rule Making in the above entitled matter which was published in the FEDERAL REGISTER of April 16, 1957 (22 F. R. 2602). The period during which comments would be accepted concerning the proposed action was originally set to expire on June 10, 1957, but has since been extended by order of the Commission to September 3, 1957.

3. The following statement appears in paragraph 6 of the foregoing Notice of Proposed Rule Making: "It should also be noted that it may become necessary

to make the frequency 161.6 Mc available for assignment to the maritime mobile service, in keeping with the Baltic-North Sea Agreement (The Hague, 1957), in which case a further change in the above-proposed reallocation may also become necessary. Comments are being requested in a companion proceeding (Docket No. 11959) as to the desirability of providing for the assignment of the frequency 161.6 Mc to the maritime mobile services so as to make the United States allocations compatible with the Hague Agreement insofar as that frequency is concerned. The frequency, to be useful internationally would be needed on the basis of a 50 kc channel and would need protection from any harmful interference which might be caused by stations in the land mobile services. In the Hague Agreement this frequency is paired with the frequency 157.00 Mc and is designated as the first choice for duplex port operation. The question involved in the companion proceeding (Docket No. 11959) is to determine whether such operation on these two frequencies would be desirable in the United States and its adjoining waters."

4. In view of the distinct possibility that, in the companion proceeding (Docket No. 11959), the frequency 161.6 Mc may be reallocated to the maritime mobile service, the Commission proposes to amend its previous proposal in this proceeding in the following particulars:

(a) The frequencies 161.580, 161.595, 161.610 and 161.625 Mc which were proposed to be made available to the Railroad Radio Service (§ 16.352 (a) amendment) are now proposed to be deleted.

(b) The frequencies 160.215, 160.230, 160.245 and 160.260 Mc, which were proposed to be made available to the Motor Carrier Radio Service for use by common or contract carriers of property operating solely within single urban areas (§ 16.252 (e) (2) amendment) are now proposed to be deleted from availability to that service, and instead to be made available to the Railroad Radio Service by being added to the frequencies under the proposed § 16.352 (a) revision.

(c) The frequencies 159.855 and 159.870 Mc which were proposed to be made available to the Motor Carrier Radio Service for use by common or contract carriers of property operating between urban areas (§ 16.252 (e) (1) amendment) are now proposed to be made available instead for use by common or contract carriers of property operating solely within single urban areas, under the proposed § 16.252 (e) (2) revision.

5. The foregoing amendments are issued under authority of sections 4 (i) and 303 (a), (b), (c), (e) and (r) of the Communications Act of 1935, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support the proposal, may file with the Commission on or before September 3, 1957, a written statement or brief setting forth his comments. Replies to such comments may be filed on or before September 17, 1957. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 28, 1957.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5484; Filed, July 5, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[74439]

UTAH

WITHDRAWING LANDS IN AID OF LEGISLATION

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of March 3, 1927 (44 Stat. 1347; 25 U. S. C. 398d) and otherwise, it is ordered as follows:

1. Subject to valid existing rights including the valid rights of Indians, the public lands in the following-described areas are hereby temporarily withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral leasing laws, in aid of legislation to add such lands to the Navajo Indian Reservation:

SALT LAKE MERIDIAN

T. 38 S., R. 23 E.,
Secs. 26, 33, 34, and 35.
T. 38 S., R. 24 E.,
Sec. 28;
Sec. 29, E½;
Secs. 31, 33, 34, and 35.
T. 39 S., R. 22 E.,
Secs. 13, 24, 25, and 35, those portions lying east of Recapture Creek.
T. 39 S., R. 23 E.,
Secs. 1, 3, 4, and 5;
Secs. 8 to 15, inclusive;
Sec. 17;
Secs. 18 and 19, those portions lying east of Recapture Creek;
Secs. 20 to 31, inclusive;
Secs. 33, 34, and 35.
T. 39 S., R. 24 E.,
Sec. 1;
Secs. 3 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 26 and 27, those portions lying north and west of the Navajo Indian Reservation;
Secs. 28, 29, 30, 31, and 33;
Sec. 34, that portion lying north and west of the Navajo Indian Reservation.
T. 39 S., R. 25 E.,
Secs. 5, 6, 7, 8, and 18.
T. 40 S., R. 22 E.,
Sec. 1;
Secs. 11, 12, 13, 23, 24, 25, and 26, those portions lying east of Recapture Creek and north of the Navajo Indian Reservation.
T. 40 S., R. 23 E.,
Sec. 1;
Secs. 3 to 15, inclusive;
Secs. 17 to 23, inclusive;
Sec. 26;
Secs. 24, 25, 27, 28, 29, 30, 34, and 35, those portions lying north and west of the Navajo Indian Reservation.
T. 40 S., R. 24 E.,
Secs. 3, 4, 5, those portions lying north and west of the Navajo Indian Reservation;
Sec. 6;
Secs. 7, 8, 18, and 19, those portions lying north and west of the Navajo Indian Reservation.

The areas described aggregate approximately 71,000 acres.

2. The departmental order of February 8, 1957 (22 F. R. 936, February 14, 1957) withdrawing the public lands in the following-described areas in Utah for similar purposes is hereby revoked:

SALT LAKE MERIDIAN

T. 38 S., R. 23 E.,
Secs. 13, 14, 15, 17, and 18;
Secs. 20 to 29, inclusive;
Secs. 33, 34, and 35.
T. 38 S., R. 24 E.,
Secs. 13, 14, and 15;
Secs. 17 to 31, inclusive;
Secs. 33, 34, and 35.
T. 38 S., R. 25 E.,
Secs. 33, 34, and 35.
T. 39 S., R. 22 E.,
Sec. 13, E½;
Secs. 21, 22, 23, and 24;
Sec. 25, E½.
T. 39 S., R. 23 E.,
Secs. 1, 3, 4, and 5;
Secs. 8 to 15, inclusive;
Secs. 17 to 31, inclusive;
Secs. 33, 34, and 35.
T. 39 S., R. 24 E.,
Sec. 1;
Secs. 3 to 15, inclusive;
Secs. 17 to 31, inclusive;
Secs. 33, 34, and 35.
T. 39 S., R. 25 E.,
Secs. 4, 5, 6, 7, 8, and 18.

The areas described aggregate approximately 73,600 acres.

3. The lands described in paragraph 2 of this order, not re-withdrawn by paragraph 1, shall not be subject to application, location, settlement, entry or other forms of appropriation under the public land laws until so ordered by an authorized officer of the Bureau of Land Management.

FRED A. SEATON,
Secretary of the Interior.

JUNE 29, 1957.

[F. R. Doc. 57-5465; Filed, July 5, 1957; 8:45 a. m.]

[Order 2508 Amdt. 22]

BUREAU OF INDIAN AFFAIRS

DELEGATIONS OF AUTHORITY WITH RESPECT TO VOCATIONAL TRAINING PROGRAM

JULY 1, 1957.

Order No. 2508, as amended (14 F. R. 258), is further amended by the addition of a new section, reading as follows:

SEC. 33. *Vocational training.* (a) Except as provided in paragraph (b) of this section, the Commissioner of Indian Affairs may exercise, in accordance with the provisions of 25 CFR Part 48, the authority of the Secretary under the act of August 3, 1956 (70 Stat. 986, 25 U. S. C. 309), with respect to the administration of a program of vocational training for adult Indians.

(b) The authority granted in paragraph (a) of this section shall not include authority to:

(1) Prescribe rules and regulations.

(2) Waive the regulations in 25 CFR Part 48.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-5499; Filed, July 5, 1957; 8:52 a. m.]

FEDERAL RESERVE SYSTEM

BRENTON COMPANIES

ORDER GRANTING APPLICATION FOR ACQUISITION OF VOTING SHARES OF SOUTH DES MOINES NATIONAL BANK

In the matter of the application of Brenton Companies for approval of acquisition of voting shares of South Des Moines National Bank, Des Moines, Iowa.

The above matter having come before the Board on the application of Brenton Companies, Des Moines, Iowa, dated January 10, 1957, filed pursuant to the provisions of section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of acquisition by Brenton Companies of direct ownership of 51 per cent to 95 per cent of a total of 2,000 voting shares of the proposed South Des Moines National Bank, Des Moines, Iowa, and it appearing after due consideration thereof in the light of the factors enumerated in section 3 (c) of the Bank Holding Company Act of 1956 that such application should be granted,

It is hereby ordered, That the said application be and hereby is granted and the acquisition by Brenton Companies of 51 per cent to 95 per cent of 2,000 voting shares of South Des Moines National Bank, Des Moines, Iowa, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated: July 1, 1957.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 57-5469; Filed, July 5, 1957; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM TAIWAN (FORMOSA)

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF TAIWAN (FORMOSA)

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodities:

Menthol.
Wong Lo Kat Herb Ingredients.
Wong Lo Kat Herb Mixtures.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 57-5474; Filed, July 5, 1957; 8:47 a. m.]

Office of the Secretary

[T. D. 54385]

[Treasury Department Order 165-6]

COMMISSIONER OF CUSTOMS

DELEGATION OF AUTHORITY TO MAKE REFUNDS OF IMPORT TAX

JUNE 26, 1957.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp., Ch. III) and section 6418 (a) of the Internal Revenue Code of 1954, as amended, there is hereby delegated to the Commissioner of Customs the authority contained in section 6418 (a) of the Internal Revenue Code, as amended, to make refunds of import taxes paid under section 4501 of the Internal Revenue Code of 1954, as amended, or any extensions thereof, with respect to manufactured sugar or articles composed in chief value of manufactured sugar.

The authority herein delegated may be redelegated by the Commissioner of Customs to other officers or employees of the Customs Service in such manner as the Commissioner shall direct.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-5472; Filed, July 5, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

H. W. ST. JOHN & CO. ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8370 between H. W. St. John & Company, Major Forwarding Company, Inc., American Union Transport, Inc., and fifty-eight other registered ocean freight forwarders, provides for the establishment of a conference to be known as the "Port of New York Ocean Freight Forwarders Conference," to promote the foreign commerce of the United States; to foster sound, ethical and honorable business dealing and practices among and between those engaged in the ocean freight forwarding business, and between those engaged in such business and shippers and receivers of freight and common carriers by water; to engender harmonious relationship between exporters, common carriers by water, steamship conferences, and the members of this Conference; and to provide a means of establishing charges to be assessed by ocean freight forwarders in connection with shipments moving via the Port of New York.

Although regular membership in the Conference is restricted to registered forwarders having at least one full-time worker in the Port of New York (defined as the area within a 25-mile radius of Columbus Circle, New York City), provision is made for the admission to membership of nonresident forwarders without voice in Conference affairs.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 2, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-5496; Filed, July 5, 1957; 8:52 a. m.]

[Docket No. S-75]

AMERICAN EXPORT LINES, INC

NOTICE OF HEARING

A public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1175 and 1223) upon an application of American Export Lines, Inc., for change in the description of its subsidized service on

Trade Route No. 18 to include ports in the Persian Gulf and an increase in subsidized sailings per year from 22–26 to 34–50 by employment of from four to seven additional vessels as may be required to carry out the proposed service.

The purpose of the hearing under section 605 (c) of the act is to receive evidence relevant to the following: (1) whether the application is one with respect to a vessel or vessels to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services and, if so, whether the service already provided by vessels of United States registry in such service, is inadequate, and in the accomplishment of the purposes and policy of the act, additional vessels should be operated thereon; (2) whether the application is one with respect to a vessel operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the payment of subsidy for the increased sailings would be to give undue advantage or be unduly prejudicial, as between citizens of the United States in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into an amendment to the subsidy contract covering such additional sailings in order to provide adequate service by vessels of United States registry.

The hearing will be conducted before an Examiner at a time and place to be announced in accordance with the Board's Rules of Practice and Procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) desiring to intervene in this proceeding are requested to notify the Federal Maritime Board within fifteen (15) days from publication hereof and should promptly file petitions for leave to intervene in accordance with said Rules of Practice and Procedure.

Dated: July 1, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-5467; Filed, July 5, 1957; 8:46 a. m.]

Office of the Secretary

JOHN ROBERT JONES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 13, 1956, 21 F. R. 5240; December 20, 1956, 21 F. R. 10259.

A. Deletions: None.
B. Additions:
J. Ray McDermott.
Standard Oil of New Jersey.

This statement is made as of June 14, 1957.

JOHN ROBERT JONES.

JUNE 17, 1957.

[F. R. Doc. 57-5460; Filed, July 5, 1957; 8:45 a. m.]

STUART M. JONES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 27, 1956, 21 F. R. 10346.

A. Deletions: Campbell Soup Company.
B. Additions: San Juan Race Association.

This statement is made as of June 19, 1957.

STUART M. JONES.

JUNE 25, 1957.

[F. R. Doc. 57-5461; Filed, July 5, 1957; 8:45 a. m.]

ROBERT W. ROST

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Robert W. Rost.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 10, 1957.
4. Title of position: Chief, Carbon & Alloy Flat Rolled & Tubular Branch.
5. Name of private employer: Inland Steel Company, 38 South Dearborn Street, Chicago 3, Illinois.

CARLTON HAYWARD,
Director of Pesonnel.

APRIL 17, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Inland Steel Company.
Bank Deposits.

Dated: June 14, 1957.

ROBERT W. ROST.

[F. R. Doc. 57-5462; Filed, July 5, 1957; 8:45 a. m.]

F. PRICE NORRIS, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of Section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 15, 1957, 22 F. R. 293.

A. Deletions: No Change.
B. Additions: No Change.

This statement is made as of June 27, 1957.

F. PRICE NORRIS, Jr.

JUNE 27, 1957.

[F. R. Doc. 57-5463; Filed, July 5, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12009; FCC 57M-623]

SALOME S. NAKDIMEN AND GEORGE T. HERNREICH

ORDER CONTINUING HEARING

In re application of Salome S. Nakdimen, administratrix, estate of Hiram S. Nakdimen, deceased (transferor) and Geroge T. Hernreich (transferee) Docket No. 12009, File No. BTC-2422; for Commission consent to the relinquishment by transferor of positive control of American Television Company, Inc., Permittee of Station KNAC-TV, Fort Smith, Arkansas.

It is ordered, This 28th day of June 1957, that the hearing now scheduled for July 1, 1957 is continued indefinitely, pending action on a motion to withdraw protest filed today by Southwestern Radio and Television Company.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5485; Filed, July 5, 1957; 8:50 a. m.]

[Docket No. 12051; FCC 57-694]

PILLAR OF FIRE (KPOF)

CORRECTED ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Pillar of Fire (a corporation) (KPOF), Denver, Colorado, Docket No. 12051, File No. BML-1703; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1957;

The Commission having under consideration the above-captioned application of the Pillar of Fire (a corporation) to modify the license of Station KPOF, Denver, Colorado, to increase the number of specified hours during which Station KPOF is authorized to operate;

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station KPOF as proposed, but that the increase in the number of specified hours during which Station KPOF may operate would increase the number of hours during which Station KPOF would cause interference to Station KRRV, Sherman, Texas (910 kc, 1 kw, DA-1, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated May 10, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that a timely reply to the Commission's letter was filed by the applicant; and

It further appearing that by letters dated March 14 and May 14, 1957, Station KRRV requested that the subject application be designated for hearing; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to receive additional hours of primary service from the operation of Station KPOF as proposed and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station KPOF during additional specified hours requested would cause additional interference to Station KRRV, Sherman, Texas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That the Red River Valley Broadcasting Corporation, licensee of Station KRRV, is made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the Pillar of Fire (a corporation) and the Red River Valley Broadcasting Corporation, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5486; Filed, July 5, 1957; 8:50 a. m.]

[Docket Nos. 12058, 12059; FCC 57M-630]

KBR STATIONS, INC., AND WKNE CORP.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of the KBR Stations, Inc., Keene, New Hampshire, Docket No. 12058, File No. BP-10732; WKNE Corporation, Brattleboro, Vermont, Docket No. 12059, File No. BP-10919; for construction permits.

A pre-hearing conference in the above-entitled proceeding will be held on Monday, July 8, 1957, beginning at 10:30 a. m., in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 28th day of June 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5487; Filed, July 5, 1957; 8:50 a. m.]

[Docket No. 12067; FCC 57-683]

WHAS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WHAS, Inc., Louisville, Kentucky, Docket No. 12067, File No. BPCT-1950; for construction permit to change transmitter and antenna location.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of June 1957;

The Commission having under consideration the above-entitled application requesting a construction permit to move transmitter site, to install an antenna tower having an overall height of 1,818 feet above average terrain, to change the type of transmitters and make other equipment changes; and

It appearing, that a majority of the voting members of the Airspace Panel, of the Air Coordinating Committee in Washington, D. C., voted to disapprove the tower site and height proposal set forth in the above-entitled application on the ground that said proposal would, in substance, constitute an unacceptable hazard to air navigation; and

It further appearing, that, inasmuch as the proposed changes would result in providing a Grade A coverage to Lexington, Kentucky and its surrounding area for the first time, a question is raised as to the impact upon UHF television broadcasting in Lexington and its surrounding area; and

It further appearing, that WLEX-TV, Inc., permittee of WLEX-TV, Channel 18, Lexington and Community Broadcasting Company, permittee of WLAP-TV, Channel 27, Lexington, have made their interest in the above-captioned application known to the Commission; and

It further appearing, that, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised by letter dated February 27, 1957, of all objections to the above application; that the Commission was unable to determine that a grant of said application would be in the public interest; and was afforded an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled application, the Commission's letter of February 27, 1957, and the applicant's reply thereto dated March 27, 1957, the Commission finds that the above-named applicant is legally and financially qualified to construct the television station proposed in the above-entitled application, and is technically so qualified except as to the matter specified in issue "1" below, and, further, is otherwise so qualified except as to the matter specified in issue "2" below;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing in Washington, D. C. at a time to be specified in a subsequent order, upon the following issues:

To determine whether the tower at the height and location proposed in the above-entitled application would constitute a menace to air navigation.

2. To determine the impact upon UHF television broadcasting in Lexington, Kentucky, in view of the fact that with the proposed tower height and location WHAS-TV would provide Grade A signal intensity to Lexington and its surrounding area for the first time.

3. To determine whether, on the basis of the evidence adduced with respect to the above issues, a grant of the above-entitled application would serve the public interest, convenience and necessity.

It is further ordered, That WLEX-TV, Inc. and Community Broadcasting Company are hereby made parties to the proceeding designated herein.

It is further ordered, That to avail themselves of the opportunity to be heard, WHAS, Inc., WLEX-TV, Inc., and Community Broadcasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear at the date fixed for the hear-

ing and present evidence on the issues specified in this order.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5488; Filed, July 5, 1957; 8:50 a. m.]

[Docket No. 12068; FCC 57-691]

FLORENCE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068, File No. BP-10850; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1957;

The Commission having under consideration the above-captioned application of the Florence Broadcasting Company, Inc., for a construction permit for a new standard broadcast station to operate on 1350 kilocycles with a power of 500 watts, daytime only, at Brownsville, Tennessee;

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation would cause objectionable interference to Stations KCHR, Charleston, Missouri (1350 kc, 1 kw, Day) and WHHM, Memphis, Tennessee (1340 kc, 250 w, U) and that additional data is needed concerning the interference which would be received by the proposed operation from Station WKOZ, Kosciusko, Mississippi (1350 kc, 5 kw, Day) and from Stations KCHR and WHHM for a determination as to whether the proposed operation would be in compliance with § 3.28 (c) of the Commission's rules; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter of May 13, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a timely reply to the Commission's letter; and

It further appearing that the licensee of Station WHHM requested that the application be designated for hearing, by letter dated June 7, 1957; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Stations KCHR, Charleston, Missouri, and WHHM, Memphis, Tennessee, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposed operation would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That the South Missouri Broadcasting Company, Incorporated, and the Mid-South Broadcasting Corporation, licensees of Stations KCHR and WHHM, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5489; Filed, July 5, 1957; 8:50 a. m.]

[Docket Nos. 12069, 12070; FCC 57-692]

KIRKWOOD BROADCASTING CO. AND ST. CHARLES COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James R. Roberts, Robert D. Rapp & Martha M. Rapp d/b as Kirkwood Broadcasting Company, Kirkwood, Missouri, Docket No. 12069, File No. BP-10863; St. Charles County Broadcasting Company, St. Charles, Missouri, Docket No. 12070, Filed No. BP-11066; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June, 1957;

The Commission having under consideration the above-captioned applications of James R. Roberts, Robert D. Rapp & Martha M. Rapp d/b as Kirkwood Broadcasting Company and of the St. Charles County Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1460 kilocycles with a power of 5 kilowatts, directional antenna, daytime only, at Kirkwood and St. Charles, Missouri, respectively;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; that it is necessary to prove by field intensity measurements that the 25 mv/m contour proposed by the Kirkwood Broadcasting Company would not overlap the 25 mv/m contour of Station WIL, St. Louis, Missouri (1430 kc, 5 kw, DA-2, U) in contravention of the provisions of § 3.37 of the Commission's rules; that a grant of the application of the Kirkwood Broadcasting Company might be in contravention of § 3.35 of the Commission's rules on multiple ownership in view of the interests in standard broadcast stations held by the partners and persons related to them; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 12, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that in an amendment to the Kirkwood Broadcasting Company application filed May 8, 1957, the partners stated that the proposed station would be operated without any connection with the stations owned by Cecil W. Roberts and Jane A. Roberts, parents of two of the partners, James A. Roberts and Martha M. Rapp, and that the parents would exercise no control over the proposed station; and

It further appearing that a determination concerning the multiple ownership question raised by the application of the Kirkwood Broadcasting Company can better be made after the matter is considered in an evidentiary hearing to obtain complete information relative thereto; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the 25 mv/m contour of the Kirkwood Broadcasting Company proposal would overlap the 25 mv/m contour of Station WIL, St. Louis, Missouri, in contravention of the provisions of § 3.37 of the Commission's rules.

3. To determine whether a grant of the application of the Kirkwood Broadcasting Company would be in contravention of § 3.35 of the Commission's rules on multiple ownership.

4. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5490; Filed, July 5, 1957; 8:50 a. m.]

[Docket No. 12071; FCC 57-695]

RADIO HAWAII, INC. (KPOA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Hawaii, Inc. (KPOA), Honolulu, Hawaii, Docket No. 12071, File No. BP-10786; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1957;

The Commission having under consideration the above-captioned application of Radio Hawaii, Inc., for a construction permit to change the facilities of Station KPOA, Honolulu, Hawaii, from operation on 630 kilocycles with a power of 5 kilowatts, unlimited time, to operation on 650 kilocycles with a power of 10 kilowatts, unlimited time;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station KPOA as proposed, but that the population within the proposed 1000 mv/m contour is approximately 4.3 percent of the population within the proposed 25 mv/m contour, and therefore not in compliance with § 3.24 (b) (7) of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated February 26, 1957, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a reply on April 8, 1957, and stated that the transmitter location specified is the best of available sites in the area since other possible sites would not satisfy aeronautical requirements; would be located on excessively rough terrain; or would be near existing antenna systems thereby creating the possibilities of cross-modulation problems; and

It further appearing that the Commission is unable to make a determination in this matter on the basis of the information before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information as to whether circumstances exist which would here warrant a waiver of § 3.24 (b) (7) of the rules;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues.

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KPOA as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would be in compliance with §§ 3.24 (b) (7) and 3.188 (b) (4) of the Commission's rules with regard to the population within the 1000 mv/m contour, and if compliance with said Sections is not achieved, whether circumstances exist which would warrant a waiver of those Sections.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5491; Filed, July 5, 1957; 8:51 a. m.]

[Docket No. 12072; FCC 57-696]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 12072.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Santa Catalina Island, Calif.		264
Ventura, Calif.	264	236
Santa Barbara, Calif.	236	260
San Luis Obispo, Calif.	260	223
Palm Springs, Calif.	264	279

3. The purpose of the proposed amendment is to provide a Class B channel in Santa Catalina Island, California, to facilitate consideration of a pending application, File No. BPH-2223, submitted by the Musical 'Isle Broadcasting Company for a construction permit for a new Class B station to operate on Santa Catalina Island on Channel 264.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 29, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are substituted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 27, 1957.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5492; Filed, July 5, 1957; 8:51 a. m.]

[Docket Nos. 12077, 12078; FCC 57-711]

CARIBBEAN ATLANTIC AIRLINES, INC., AND AERONAUTICAL RADIO, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of applications submitted by Caribbean Atlantic Airlines, Inc., San Juan, Puerto Rico, Docket No. 12077, File Nos. 14730/32/33/34/35 A-P/L-L and 14731/36 AA-P-LX; Aeronautical Radio, Inc., Washington, D. C., Docket No. 12078, File Nos. 20438/39/40/41/42 A-P/L-L and 20444/45 AA-P-LX; for authorizations covering aeronautical fixed facili-

ties in Puerto Rico and the American Virgin Islands.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on 28th day of June 1957;

The Commission having under consideration the above-captioned applications, each requesting authority to construct and operate substantially similar aeronautical fixed facilities in Puerto Rico and the neighboring American Virgin Islands; and

It appearing that on February 25, 1957, Caribbean Atlantic filed applications proposing an aeronautical fixed network, centered at San Juan, Puerto Rico, to provide point-to-point communication between San Juan and other points served by its air carrier operations; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, Caribbean Atlantic was, on April 15, 1957, advised by prehearing notice of the Commission's inability to grant the applications because of conflicting policy considerations, to which a timely reply was submitted; and

It further appearing that subsequent to receipt of Caribbean Atlantic's reply to the Commission's prehearing notice, Aeronautical Radio, Inc. (ARINC) submitted mutually exclusive applications requesting facilities and frequencies identical to those already requested by Caribbean Atlantic except as to type of emission; and

It further appearing that ARINC is aware of the pendency of the conflicting Caribbean Atlantic applications, and has waived in writing its right to prehearing notice; and

It further appearing that on May 28, 1957, Caribbean Atlantic petitioned to dismiss the ARINC applications, alleging, among other things, that the ARINC applications were filed for the purpose of delaying action on the Caribbean Atlantic applications; and

It further appearing that an opposing petition was filed by ARINC on May 31, 1957; and

It further appearing that Caribbean Atlantic, on June 4, 1957, submitted a reply to the opposing petition of ARINC; and

It further appearing that there is no substantial basis in law or in fact for favorable action on the Caribbean Atlantic petition, in view of ARINC's status as a licensee of record for air/ground enroute facilities in the Caribbean area; and

It further appearing that on the basis of Caribbean Atlantic's pending applications, together with the reply to the above-mentioned prehearing notice, the Commission finds it legally, technically, financially and otherwise qualified to construct and operate the proposed facilities, except as to issues (3) and (4) below; and

It further appearing that ARINC is legally, financially, technically and otherwise qualified to construct and operate the proposed facilities; and

It further appearing that upon due consideration of the above-captioned applications, Caribbean Atlantic's reply to the Commission's prehearing notice and ARINC's waiver of prehearing notice, it appears that such applications, which are mutually exclusive, should be designated for a comparative hearing on the issues indicated below:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) Background and experience;

(2) Proposed hours of operation and general adequacy of service to be provided to existing and future aircraft operations in the Caribbean area;

(3) Compliance with the Commission's policy regarding integration of air/ground enroute and point-to-point service at the locations specified in the applications;

(4) To determine whether justification exists in this particular case, for departing from existing Commission policy concerning integration of air/ground enroute and point-to-point service at the particular locations specified; and

(5) To determine, in the light of the evidence adduced under the foregoing issues, which if either of the conflicting sets of applications should be granted; and

It is further ordered, That Caribbean Atlantic's petition dated May 20, 1957, requesting dismissal of the ARINC applications, be denied; and

It is further ordered, That to avail themselves of the opportunity to be heard, Carribbean Atlantic and ARINC, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 2, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5493; Filed, July 5, 1957; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS

Report of purchases under Domestic Purchase Regulation operating on delegation of authority by Department of Interior under Public Law 733.

MAY 31, 1957.

Commodity	Termination date of program	Unit of measure	Total limitation	Interim limitation	Purchases			
					During May		Inception to May 31, 1957	
					Quantity	Cost [1]	Quantity	Cost [1]
Asbestos	12-31-58	Short tons, crude #1 and #2.	2,000	469	50	$55,110.00	528	$607,680.00
		Short tons, crude #3	2,000	469	43	17,040.00	354	141,460.00
Columbium tantalum.	12-31-58	Pounds, contained combined pentoxide.	250,000	57,559	0	0	[2] 0.184	703.16
Fluorspar	12-31-58	Short tons, acid grade	250,000	58,647	3,537	196,776.30	20,530	1,131,263.74
Tungsten	12-31-58	Short ton units, tungsten trioxide.	1,250,000	293,584	0	0	283,463	15,533,217.65

[1] Material cost.
[2] Short dry ton.

Dated: July 1, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-5495; Filed, July 5, 1957; 8:51 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

CALL FOR REPORT OF CONDITION

Each insured mutual savings bank not a member of the Federal Reserve System is requested, pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition as of the close of business Thursday, June 6, 1957, on Form 64 (Savings).

Said Report of Condition shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)", dated June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 57-5500; Filed, July 5, 1957; 8:53 a. m.]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM, EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

CALL FOR REPORT OF CONDITIONS

Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is requested, pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition on Form 64—Call No. 47, and a Schedule FA—Supplementary Data on Time Deposits of Individuals, Partnerships, and Corporations and on Reserve for Bad Debts, as of the close of business Thursday, June 6, 1957.

Said Report of Condition shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64", dated December, 1955, and Schedule FA shall be prepared in accordance with instructions printed on the reverse side of the Schedule.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 57-5501; Filed, July 5, 1957; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARGARETHE TATSCHL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Margarethe Tatschl, Vienna VIII, Austria; Vesting Order No. 17660; Claim No. 61677; $4,836.99 in the Treasury of the United States, and

$900.00—United States of Brazil Twenty Year Funding Bonds of 1931, rate 5% reduced to 3⅜%, dated October 1, 1931, due October 1, 1979. Bonds numbered C38414 thru 38422 for $100.00 each. Coupons April 1, 1957, thru October 1, 1961, attached.

$5,000.00—United States of Brazil External Sinking Fund Gold Bonds of 1926, Rate 6½% reduced to 3⅜%, due October 1, 1979. Bonds Nos. M16803 thru 16807 at $1,000.00 each. Coupons due Oct. 1, 1957, are attached.

Certificates, evidencing the above-described bonds, are registered in the name of the Attorney General of the United States and are presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, New York.

Executed at Washington, D. C., on June 27, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5470; Filed, July 5, 1957; 8:46 a. m.]

ALOISIA SINKO AND ROSA GOLLESCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Aloisia (Luise) Sinko, Styria, Austria; Claim No. 44984.

Rosa Gollesch a/k/a Roza Rajsek a/k/a Rozalija Goles Rajsek, Vojnik, Celje, Slovenia, Yugoslavia; Claim No. 63598; Vesting Order No. 3602.

All right, title, interest and claim of any kind or character whatsoever of Louise Sinko and Rosa Gollesch in and to the Estate of John Tersan, deceased, in the process of administration by the Public Administrator, acting under the judicial supervision of the Superior Court of the State of California in and for the County of Nevada.

Executed at Washington, D. C., on June 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5471; Filed, July 5, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 2, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33954: *Iron or steel articles—Oklahoma points to southern territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel articles, including iron and steel pipe, carloads from Muskogee, Oklahoma City, Sand Springs, and Tulsa, Okla., to points in Alabama, Florida, Georgia, Kentucky, Louisiana (east of the Mississippi River), Mississippi, North Carolina, South Carolina, Tennessee and southern Virginia, also Helena, Ark.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 120 to Agent Kratzmeir's tariff I. C. C. 4170.

FSA No. 33955: *Corn and products—Illinois points to eastern points.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on corn, and corn products, carloads from specified points in Illinois to Kankakee, Ill., and from Kankakee to specified points in central territory, western termini of eastern trunk lines in New York, Pennsylvania and West Virginia, and points east thereof in trunk line and New England territories.

Grounds for relief: Truck-barge-truck competition via Chicago, Ill., and circuitous routes.

Tariff: New York Central Railway Company's tariff I. C. C. 1169, supplement No. 126.

FSA No. 33956: *T. O. F. C.—Class rates between Chicago, Ill., and Twin Cities, and points in Oklahoma.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on freight moving on class rates loaded in or on trailers and transported on railroad flat cars between Chicago, Ill., St. Paul, Minneapolis, and Minnesota Transfer, Minn., on the one hand and Blackwell, Enid, Medford, Ponca City, and Tonkawa, Okla., on the other.

Grounds for relief: Circuitous routes (competitive with direct routes established to meet motor truck competition).

Tariff: Supplement 7 to Agent Kratzmeir's tariff I. C. C. 4254.

FSA No. 33957: *Cross ties—Louisiana points to Lake Charles, La.* Filed by Louisiana & Arkansas Railway Company, for itself, and on behalf of The Kansas City Southern Railway Company and the Louisiana Midland Railway Company. Rates on wooden cross ties or wooden switch ties, carloads from stations on the Louisiana Midland Railway, Zion to Jena, La., inclusive to Lake Charles, La., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 14 to Louisiana & Arkansas Railway Company's tariff I. C. C. 1705.

FSA No. 33958: *T. O. F. C. rates—Between points in the southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in or on trailers and transported on railroad flat cars between points within the Southwest, including Natchez, Miss., also Memphis, Tenn., Bastrop, Monroe and Shops, La.

Grounds for relief: Motor truck competition, and circuitous routes.

Tariff: Supplement 17 to Agent Kratzmeir's tariff I. C. C. 4251.

FSA No. 33959: *T. O. F. C. rates between points in Louisiana and Texas and interstate points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in trailers and transported on railroad flat-cars between points in Louisiana and Texas on the Texas and New Orleans Railroad, on one hand, and specified points in Illinois, Kansas, and Missouri, on the other.

Grounds for relief: Motortruck competition and circuitous routes.

Tariffs: Supplement 30 to Agent Kratzmeir's tariff I. C. C. 4213 and four other schedules.

FSA No. 33960: *Sodium silicofluoride—Houston, Tex., to New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sodium silicofluoride (fluosilicate), from Houston, Tex., to New Orleans, La.

Grounds for relief: Barge competition.

Tariff: Supplement 104 to Agent Kratzmeir's tariff I. C. C. 4161.

FSA No. 33961: *Lauan lumber—Memphis, Tenn., to western points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lauan lumber and related articles manufactured from lauan lumber, carloads from Memphis, Tenn., to specfied points in Iowa, Michigan (upper peninsula), Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 174 to Agent Spaninger's tariff I. C. C. 1101.

FSA No. 33962: *Sugar—From the West to St. Louis, Mo., area points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on sugar, beet or cane, carloads (1) from specified points in western trunk line territory to St. Louis, Mo., and East St. Louis, Ill., (2) from specified points in California and Washington to St. Louis and East St. Louis and other points in Missouri and Illinois, and (3) from Billings, Mont., and other Montana points to St. Louis and East St. Louis.

Grounds for relief: Market competition, restoration of former rate relation, and circuity.

Tariffs: Supplement 30 to Agent Prueter's tariff I. C. C. A–4099 and two other schedules.

FSA No. 33963: *T. O. F. C. rates from and to Bastrop, Monroe, and Shops, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, moving on class and commodity rates, loaded in or on trailers and transported on railroad flatcars between Bastrop, Monroe and Shops, La., on the one hand, and points in western trunk line, central and trunk line territories, on the other.

Grounds for relief: Motortruck competition and circuity.

Tariffs: Supplement 29 to Agent Kratzmeir's tariff I. C. C. 4213 and two other schedules.

FSA No. 33964: *Fly ash between points in southern territory and points in southwestern and Illinois territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fly ash, in covered hopper cars, as more fully described in the application, carloads, minimum 100,000 pounds between points in southern territory on the one hand, and points in southwestern territories, on the other.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariffs: Supplement 8 to Agent R. G. Raasch's tariff I. C. C. 880, supplement 44 to Agent F. C. Kratzmeir's tariff I. C. C. 4224.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–5466; Filed, July 5, 1957; 8:46 a. m.]

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (3) of § 6.312 is amended as set out below.

§ 6.312 *Department of Commerce.* * * *

(h) *Bureau of Public Roads.* * * *

(3) Four Special Assistants to the Federal Highway Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–5540; Filed, July 8, 1957; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (7) is added to § 6.313 as set out below.

§ 6.313 *Department of Labor*—(a) *Office of the Secretary.* * * *

(7) One Confidential Assistant to the Under Secretary of Labor.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–5539; Filed, July 8, 1957; 8:51 a. m.]

PART 23—POLITICAL ACTIVITY OF STATE EMPLOYEES; RULES OF PRACTICE

APPEARANCE

Section 23.4 is amended as set out below.

§ 23.4 *Appearance.* (a) Any individual who is a party to any proceedings before the Commission may appear for himself or by an attorney at law. Any State or local agency may appear or be represented by an attorney at law.

(b) Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State, territory, or of the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law, may represent others before the Commission.

(c) When a person acting in a representative capacity appears in person or signs a paper in practice before the Commission, his personal appearance or signature shall constitute a representation to the Commission that under the provisions of this part and the law he is authorized and qualified to represent the particular party in whose behalf he acts. Further proof of a person's authority to act in a representative capacity may be required.

(d) No former officer, examiner, attorney, clerk or other former employee of this Commission shall appear as attorney or counsel for or represent any party in any proceeding resulting from any investigation, the files of which came to the personal attention of such former officer, examiner, attorney, clerk, or other former employee during the term of his service or employment with the Commission.

(Sec. 12, 54 Stat. 767, as amended; 5 U. S. C. 118k)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–5512; Filed, July 8, 1957; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

COUNTY AVERAGE VALUES OF EFFICIENT FAMILY-TYPE FARM-MANAGEMENT UNITS FOR FARM OWNERSHIP LOANS; WYOMING

On June 19, 1957, for the purposes of Title I of the Bankhead-Jones Farm

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following is now available:

Title 15 (Rev. 1956) ($5.00)

Previously announced: Title 3, 1956 Supp. ($0.40); Titles 4 and 5 ($1.00); Title 6 (Rev. 1956) ($6.00); Title 7, Parts 1–209 ($1.75), Parts 210–899 ($2.00), Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 8 ($0.55); Title 9 ($0.70); Titles 10–13 ($1.00); Title 14, Part 400 to end ($1.00); Title 16 ($1.50); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.65); Title 20 ($1.00); Title 21 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($1.00); Title 25 ($1.25); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 26 (1954), Parts 1–169 (Rev. 1956) ($4.25), Parts 170–220 (Rev. 1956) ($2.25), Part 221 to end (Rev. 1956) ($4.75); Titles 28 and 29 ($1.50); Titles 30 and 31 ($1.50); Title 32, Parts 1–399 ($1.00), Parts 400–699 ($1.25), Parts 700–799 ($0.50), Parts 800–1099 ($0.55), Part 1100 to end ($0.50); Title 32A ($2.00); Title 33 ($1.50); Titles 35, 36, and 37 ($1.00); Title 38 (Rev. 1956) ($8.00); Title 39 ($0.50); Titles 40, 41, and 42 ($1.00); Title 43 ($0.60); Titles 44 and 45 ($1.00); Title 46, Parts 1–145 ($0.65); Titles 47 and 48 ($2.75); Title 49, Parts 1–70 ($0.65), Parts 91–164 ($0.60), Part 165 to end ($0.70); Title 50 ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

WYOMING

County	Average value	County	Average value
Albany	$40,000	Natrona	$40,000
Big Horn	40,000	Niobrara	40,000
Campbell	40,000	Park	40,000
Carbon	40,000	Platte	40,000
Converse	40,000	Sheridan	40,000
Crook	40,000	Sublette	40,000
Fremont	40,000	Sweetwater	40,000
Goshen	40,000	Teton	40,000
Hot Springs	40,000	Uinta	40,000
Johnson	40,000	Washakie	40,000
Laramie	40,000	Weston	40,000
Lincoln	40,000		

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: July 2, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-5552; Filed, July 8, 1957; 8:53 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 464—TOBACCO

SUBPART—1957 TOBACCO LOAN PROGRAM

Statement with respect to the tobacco price support loan program for the 1957–58 marketing year—1957 crop—formulated by the Commodity Credit Corporation and Commodity Stabilization Service (hereinafter referred to respectively, as "CCC" and "CSS").

Sec.
464.901 Administration.
464.902 Level of loans.
464.903 Availability of price support.
464.904 Deductions from advances.
464.905 Interest rate and general provisions.
464.906 Adjustment of interest and disposition of overplus.
464.907 Maturity date.
464.908 Eligible producer.
464.909 Eligible tobacco.
464.910 Auction warehouse certification of flue-cured tobacco.

AUTHORITY: §§ 464.901 to 464.910 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 2, 59 Stat. 506, sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054, secs. 125, 211, 70 Stat. 198, 202; 7 U. S. C. 1312 note, 15 U. S. C. 714c; 7 U. S. C. 1441, 1421, 1423, 1813, 1860.

§ 464.901 *Administration.* (a) This program will be administered by the Tobacco Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations or other responsible organizations (hereinafter referred to as "associations") under contract with CCC, acting for groups of producers. CCC reserves the right to restrict the number of associations with which it will contract, and in so doing will select such associations as it deems necessary or desirable to effectuate the purposes of this program with a maximum of efficiency and economy of operation. The names of such associations may be obtained from the Tobacco Division, CSS, United States Department of Agriculture, Washington 25, D. C.

(b) CCC will make loans to associations which in turn will make advances to eligible producers either directly or through auction warehouses. Loans made to associations will include not only the initial loan value of the tobacco, but also advances for services performed in receiving, packing, storing, and marketing of tobacco pledged for loan. Associations will be authorized to enter into contracts for these services through the usual trade channels.

§ 464.902 *Level of loans.* (a) As required by statute, the level of price support to eligible producers will be 90 percent of the respective parity prices on those types of tobacco for which marketing quotas are in effect, except that fire-cured and dark air-cured (including Virginia sun-cured) tobacco will be supported at 75 percent and 66⅔ percent respectively, of the level for Burley tobacco. There is shown below the percentage of the parity price and the cents-per-pound loan level for each type or kind of tobacco (except Puerto Rican) based on the parity price as of March 31, 1957, which were announced on April 26 and May 24, 1957, as the minimum loan levels for the 1957 crop. The cents-per-pound loan levels will be computed again as of the beginning of the marketing year, which is July 1, 1957, for flue-cured, and October 1, 1957, for the other kinds of tobacco. Price support will be made available to eligible producers on the 1957 crop of each type or kind of tobacco at the higher of (1) the cents-per-pound level shown below, or (2) the level computed as of the beginning of the marketing year. Schedules of loan rates by grades for each type or kind of tobacco will be announced as supplements to this statement after the parity price as of the beginning of the marketing year is known. Flue-cured tobacco of varieties Coker 139, Coker 140, and Dixie Bright 244, irrespective of grade, will be supported at one-half the support rates for comparable grades of other varieties.

(b) The loan level for Puerto Rican tobacco, type 46, will be determined as of October 1, 1957, the beginning of the marketing year.

(c) Price support will not be available on Pennsylvania Seedleaf tobacco, type 41, because marketing quotas have been disapproved by producers.

	1957 percent of parity level	1957 minimum (cents-per-pound) loan level
Flue-cured, types 11–14	90	50.7
Burley, type 31	90	51.5
Fire-cured, types 21–23	75 percent of Burley rate.	38.6
Dark air-cured, types 35–36.	66⅔ percent of Burley rate.	34.3
Virginia sun-cured, type 37.	66⅔ percent of Burley rate.	34.3
Maryland, type 32	90	47.8
Puerto Rican, type 46	(1)	(1)
Cigar binder	90	
Connecticut Broadleaf, type 51.		53.3
Connecticut Havana Seed, type 52.		48.5
Cigar filler and binder	90	
Ohio filler, types 42–44.		28.2
New York and Pennsylvania Havana Seed, type 53.		28.3
Southern Wisconsin, type 54.		23.3
Northern Wisconsin, type 55.		29.9

[1] The percent of parity and the cents-per-pound loan level for the 1957 crop of Puerto Rican tobacco, type 46, will be announced based on the supply and the parity price as of October 1, 1957.

§ 464.903 *Availability of price support.* Price support to eligible producers will be made available in the following manner:

(a) *Auction market area.* The producer will deliver the tobacco to an auction warehouse in the usual manner. The producer generally will receive the advances from the warehouseman for any tobacco to be placed under loan by the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman, in turn, will be reimbursed by the association with funds borrowed from CCC.

(b) *Non-auction market area.* Producers in non-auction market areas will deliver tobacco to central receiving points designated by the appropriate association. After the tobacco has been graded by U. S. D. A. inspectors, the producer will receive the advance directly from the association for any tobacco to be pledged for loans.

(c) *Period of loans.* No advances will be made to producers or tobacco tendered for loan prior to or after the dates set forth below:

	Earliest date	Latest date
Flue-cured	July 1, 1957	Feb. 28, 1958
Burley	Nov. 1, 1957	Apr. 30, 1958
Fire-cured	do	Do.
Dark air-cured	do	Do.
Virginia sun-cured	do	Do.
Maryland	Apr. 1, 1958	Oct. 1, 1958
Puerto Rican	Feb. 1, 1958	Sept. 30, 1958
Cigar filler and binder	Sept. 1, 1957	July 31, 1958

§ 464.904 *Deductions from advances.* (a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas will be authorized to charge the producer a fee of 12 cents per hundred pounds and such other deductions as may be authorized or approved by CCC. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehousemen under which he will collect such charges and remit to the association. In the non-auction market areas, the fee will be established at a rate commensurate with the relative cost of the services performed by the association.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, the Government will effect collection of the amount of the indebtedness by set-off from the amount of price support advance due the producer in the following manner: Any within-quota marketing card issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas for the 1957–58 marketing year will bear the notation "Indebted to U. S." on the front cover thereof and on the County Office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness will be shown on the inside back cover of the marketing card. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action. Under the marketing quota regulations issued by the Secretary, if the producer named as debtor on the card objects to the issuance or after issuance to the use, of a within-quota marketing card bearing the notation and information of indebtedness to the United States thereon, he may elect to receive an excess marketing card showing "zero percent" penalty, in which event the producer will be ineligible for price support loans.

§ 464.905 *Interest rate and general provisions.* The loans made to the associations will bear interest at the rate of 3½ percent per annum and be nonrecourse both as to principal and interest except in the case of misrepresentation, fraud, or failure to carry out the terms of the loan contract. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged for loan. All proceeds of sales of the loan collateral will be applied to the loan account until the loan is repaid in full.

§ 464.906 *Adjustment of interest and disposition of overplus.* The contractual arrangement between CCC and any association may include provisions under which CCC will adjust the interest rate as outlined in paragraph (c) of this section and the association will apply, as directed by CCC, one-half of the "overplus" from any crop year loan to the indebtedness on other crop year loans. This arrangement will be available only to those associations which include under the arrangement all CCC loans outstanding at the time the 1957 crop loan is included.

(a) *Definition of overplus.* "Overplus" is the balance remaining from the sales proceeds of the loan tobacco, after deducting the amount of the loan plus all handling charges, operating costs, and interest.

(b) *Disposition of overplus.* For those associations which agree to apply one-half of the overplus to other crop year loans, the remaining one-half of the overplus shall constitute "net gains", and for those associations which do not agree to apply one-half of the overplus to other crop year loans, the entire overplus shall constitute "net gains". Net gains shall be distributed in cash by the association to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

(c) *Adjustment of interest rate.* In consideration of any association's agreement to apply one-half of the 1957 crop overplus to the CCC loan indebtedness of other crop years, the 1957 crop interest rate shall be adjusted annually, beginning as of July 1, 1958, for flue-cured loans and as of October 1, 1958, for loans on other kinds of tobacco, to the rate established by CCC as applicable to price support loans on the current crops, minus one percent per annum: *Provided,* That if such adjusted interest rate is determined by CCC to be less than the average rate of interest applicable to CCC's borrowings from the Treasury, the amount of interest accrued at such adjusted interest rate shall be increased at the end of the marketing year or at the time of final repayment of the loan to the amount which would have accrued at the average interest rate applicable to CCC's borrowings from the Treasury during such period.

§ 464.907 *Maturity date.* Loans made under the program will mature on demand.

§ 464.908 *Eligible producer.* (a) An eligible producer is one for whom a within-quota marketing card has been issued under the applicable regulations issued by the Secretary of Agriculture with respect to tobacco marketing quotas for the 1957–58 marketing year. (In general, the regulations in this subpart provide for the issuance of a within-quota marketing card where the tobacco acreage harvested for each kind of tobacco produced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for such farm, except that a within-quota marketing card is not issued where the planted acreage of any kind of tobacco exceeds the farm acreage allotment established therefor unless a request for disposition of the excess acreage is filed promptly. In the case of flue-cured tobacco, two types of within-quota marketing cards will be used: a "white" within-quota marketing card will signify that the tobacco produced on the farm for which such marketing card was issued is eligible for full price support, and a "blue" within-quota Limited Support marketing card will signify that the tobacco produced on the farm for which such card was issued is eligible for price support on a grade basis at one-half of the regular price support rate. The regulations further provide that, if any producer on a farm is indebted to the United States, any within-quota marketing card issued for such farm shall bear the notation "Indebted to U. S." and information with respect to such indebtedness, provided that, if the producer objects to the issuance, or after issuance to the use, of the within-quota marketing card bearing such notation and information, an excess marketing card showing "zero percent" penalty shall be issued for such farm. Also, an excess marketing card (ineligible for price support loans) shall be issued in any case where tobacco is produced on newly irrigated or drained land which was not used for the production of tobacco prior to May 28, 1956, and which is within any Federal irrigation or drainage project (as defined in Section 211 of the Agricultural Act of 1956) authorized on or after May 28, 1956; or where tobacco is produced on land reclaimed by a flood-control project authorized on or after May 28, 1956; or where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.)

(b) As Puerto Rican tobacco is not under U. S. marketing quotas, all producers of this type of tobacco are considered eligible producers for the purpose of this program.

§ 464.909 *Eligible tobacco.* Eligible tobacco shall be U. S. and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) of the 1957 crop which (a) has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from a "Within Quota" Marketing Card or a Within Quota Limited Support Marketing Card, where marketing quotas are in effect; (b) has been delivered to the association by the producer prior to sale to any other person; (c) is in sound and merchantable condition; (d) is of a type for which a loan level is provided in § 464.902; (e) is free and clear of any and all liens and encumbrances; (f) was not produced on newly irrigated or drained land which is within any Federal irrigation or drainage project (as defined in section 211 of the Agricultural Act of 1956) authorized on or after May 28, 1956, unless such land was used for the production of tobacco prior to May 28, 1956; (g) was not produced on land reclaimed by a flood-control project authorized on or after May 28, 1956; and (h) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

§ 464.910 *Auction warehouse certification of flue-cured tobacco.* Auction warehouses through which price support is made available to producers of flue-cured tobacco will be required to certify all tobacco (including resale tobacco) offered for sale at auction which is determined to be of varieties eligible for full price support. Such certification by the auction warehouse will be accomplished through the use of a "certified" basket ticket on (a) any basket of tobacco which at the time of auction sale by the producer will be identified by a valid memorandum of sale issued from a Within-Quota (white) Marketing Card or from an Excess (red) Marketing Card stamped "Acceptable Varieties", or (b) any basket of "resale" tobacco (that is, tobacco which has been previously sold by the producer at auction or otherwise to another person) which was (1) identified at the time of sale by the producer on a valid bill of non-warehouse sale from a Within-Quota (white) Marketing Card or from an Excess (red) Marketing Card stamped "Acceptable Varieties", or (2) identified at time of purchase at auction by a "Certified" basket ticket. All other tobacco offered for sale at auction will be identified by a distinguishably different type of basket ticket.

Issued this 3d day of July 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-5546; Filed, July 8, 1957; 8:53 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

EVASION OF MAXIMUM PAYMENT LIMITATION AND UNAUTHORIZED USE OF CONSERVATION RESERVE

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188) the regulations for the conservation reserve program issued August 16, 1956 (21 F. R. 6289), as amended, are hereby amended as follows:

1. Section 485.164 is amended by adding at the end thereof: "A family trust created on or after August 16, 1956, will be considered a scheme or device to evade the provisions of this section if it results in the settlor and beneficiaries of the trust receiving in the aggregate annual payments under the conservation reserve program for any year of the contract period in excess of $5,000. For purposes of this provision, a family shall include husband, wife, children, their husbands and wives, and other members of the immediate household; and payments to a trustee shall be regarded as payments to the beneficiaries of the trust."

2. Section 485.157 is amended by adding a new paragraph (k), as follows:

(k) *Unauthorized use of conservation reserve.* Effective with respect to land first designated as conservation reserve for 1958 or a subsequent year, the use of any part of the conservation reserve for nonagricultural enterprises (including but not limited to public golf courses, race tracks, amusement parks, airfields, or commercial hunting or fishing enterprises) shall constitute a violation of the contract. For the purposes of this paragraph, hunting and fishing shall be considered a commercial enterprise where the steps considered to be normal to the development of a commercial enterprise are taken, e. g., establishment of specific charges and provision of facilities or services in connection with hunting or fishing in accordance with usual business practices. A farmer who charges an occasional fee for hunting or fishing on the conservation reserve will not be considered as using such land for a commercial enterprise unless he takes such steps as would be considered to be the actual establishment of a commercial hunting or fishing preserve.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Done at Washington, D. C., this 3d day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-5545; Filed, July 8, 1957; 8:52 a. m.]

PART 485—SOIL BANK

SUBPART—VIOLATIONS PROCEDURE

MISCELLANEOUS AMENDMENTS

Part 485 is amended by adding to Subpart—Violations Procedure thirteen new sections; and by amending § 485.280 as set forth below.

1. The first sentence of § 485.280 is amended (a) by striking out the words "or Conservation Reserve Contract"; (b) by striking out in the parenthetical matter the words "or contract"; and (c) by adding immediately following the parenthetical matter the language "or which provides for termination of a conservation reserve contract".

2. Sections 485.293 to 485.294k are added as follows:

AMOUNT OF FORFEITURE OR REFUND CONSERVATION RESERVE PROGRAM

Sec.
485.293 Acreage in excess of permitted acreage.
485.294 Harvesting or grazing the conservation reserve.
485.294a Unauthorized use of water stored on the conservation reserve acreage.
485.294b Failure to prevent spread of noxious weeds.
485.294c Failure to establish and maintain vegetative cover and other practices.
485.294d Breaking out noncropland.
485.294e Misuse of purchase orders or conservation materials or services.
485.294f Provisions relating to treatment of tenants and sharecroppers.
485.294g Unauthorized use of conservation reserve.
485.294h Filing false claims for payment.
485.294i Scheme or device to evade maximum payment limitation.
485.294j Termination of contracts for violations.
485.294k Liability for interest.

AUTHORITY: §§ 485.293 to 485.294k issued under sec. 124, 70 Stat. 198; 7 U. S. C. 1812. Interpret or apply secs. 107, 121, 122, 70 Stat. 191; 7 U. S. C. 1809, 1810, 1831.

§ 485.293 *Acreage in excess of permitted acreage.* If for any year (a) the acreage permitted under the contract to be devoted to Soil Bank base crops is zero and any acreage is devoted to such crops, or (b) the acreage permitted under the contract to be devoted to such crops is more than zero and the acreage devoted to such crops exceeds such permitted acreage by more than one acre or three per centum of the permitted acreage, whichever is larger, the total amount of annual payment for the farm for such year and the entire amount of cost-sharing for carrying out conservation reserve practices on the farm for such year paid or payable to the operator and each other producer on the farm shall be forfeited or refunded.

§ 485.294 *Harvesting or grazing the conservation reserve.* (a) If any crop (including Christmas trees, ornamentals, or Christmas greens) is harvested from the conservation reserve except wildlife and other natural products of such acreage which do not increase supplies of feed for domestic animals and timber in accordance with sound forestry management as determined by the county committee, or if there is unauthorized grazing of the conservation reserve, the total annual payment for the farm for the year in which the crop was harvested or for the year in which the grazing occurred, plus the cost-sharing for carrying out conservation practices on the particular field, as identified in the contract, on which the violation occurred, whether or not the cost-sharing was for the year in which the violation occurred, paid or payable to the operator and each other producer on the farm shall be forfeited or refunded.

(b) For the purposes of this section, grazing of the conservation reserve by wildlife shall not be considered a violation of the contract; and accidental grazing by domestic animals and poultry on the conservation reserve shall not be considered a violation of the contract provided the producer takes reasonable precautions to prevent repeated recurrences of such grazing.

§ 485.294a *Unauthorized use of water stored on the conservation reserve.* If any water from a water storage facility constructed as a conservation reserve practice is used for irrigation except to irrigate land in the designated conservation reserve, the entire amount of cost-sharing for carrying out such water storage practice, whether or not the practice was carried out during the year in which the violation occurred, plus the amount of the entire annual payment attributable to that part of the conservation reserve on which the particular water storage facility is located for the year in which the violation occurred paid or payable to the operator and each other producer on the farm shall be forfeited or refunded.

§ 485.294b *Failure to prevent spread of noxious weeds.* If there is a failure to take steps prescribed by the county committee to prevent a field in the conservation reserve from becoming a source of spreading noxious weeds, the entire amount of the annual payment plus the entire amount of cost-sharing for carrying out practices on the field, as identified on the contract, payable or paid to the operator and to each other producer on the farm for the year in which such violation occurred shall be forfeited or refunded.

§ 485.294c *Failure to establish and maintain vegetative cover and other practices.* (a) If a satisfactory protective cover or other approved practice is not established or reestablished in accordance with applicable specifications and within the time prescribed by the county committee, the annual payment for the year in which such satisfactory protective cover or other approved conservation practice is not established or reestablished paid or payable to the operator and each other producer on the farm shall be forfeited or refunded, and no further annual payment will be made until the required conservation practice has been established or reestablished. If satisfactory protective cover or other approved conservation practice is not established or reestablished during the contract period, all annual and cost-sharing payments made under the contract shall be refunded.

(b) If the protective cover or other approved conservation practice is not maintained and such failure to maintain was the result of failure to use reasonable care, all rights to the annual payments for the farm for the year in which such failure occurred and for each future year of the contract period paid or payable to the operator and each other producer on the farm shall be forfeited or refunded, until such time as the protective cover or other approved conservation uses are reestablished. In addition, all cost-share payments payable or paid in connection with the establishment of such practice to the operator and each other producer on the farm shall be forfeited or refunded unless such practice is reestablished within the time prescribed by the county committee.

§ 485.294d *Breaking out noncropland.* If at any time during the contract period land on the farm which was not classified as cropland at the time the contract was entered into is broken out unless the breaking out of such land was approved by the county committee as a good farming practice and the identical acreage or an equal acreage of cropland on the farm (exclusive of the acreage reserve and conservation reserve) is restored to permanent vegetative cover, the entire amount of the annual payment for the year in which the violation occurred payable or paid to the operator and to each other producer on the farm shall be forfeited or refunded.

§ 485.294e *Misuse of purchase orders or conservation materials or services.* If a producer uses a purchase order issued to him for conservation materials or services under the conservation reserve program for a purpose other than that for which it was issued, or uses any conservation material or service furnished under the conservation reserve program for any purpose other than that for which it was furnished, he shall forfeit or refund an amount equal to the cost of the purchase order borne by the Federal Government, or that part of the cost of the material or service borne by the Federal Government, as the case may be.

§ 485.294f *Provisions relating to treatment of tenants and sharecroppers.* (a) If a tenant or sharecropper is not afforded an opportunity to participate under the contract in proportion to the number of acres in his producer unit, the operator and each other producer other than the tenant or sharecropper who is denied such opportunity to participate shall forfeit or refund the entire amount of the annual payments paid or payable to them for the first year of the contract period and for each subsequent year of such period for which the tenant or sharecropper is deprived of the opportunity to so participate under the contract, plus the entire amount of cost-sharing for carrying out practices under the contract during the period in which the tenant or sharecropper is deprived of an opportunity to so participate, paid or payable to them under the contract.

(b) If the number of tenants and sharecroppers on the farm or the size of their producer units was reduced in anticipation of or because of participation in the Soil Bank Program (Conservation Reserve or Acreage Reserve Program), the entire amount of the annual payment for the year in which such reduction occurred and for each subsequent year of the contract period during which such reduction is continued, plus the entire amount of cost-sharing for carrying out practices under the contract during the period in which reduction continues, paid or payable to the operator and each other producer on the farm shall be forfeited or refunded.

(c) If there exists between the operator or landlord and a tenant or sharecropper any lease, contract, agreement, or understanding, unfairly exacted or required by the operator or landloard and entered into in contemplation of the signing of any contract hereunder, or if after signing of the contract, the operator or landloard enters into any lease, contract, agreement or understanding the effect or purpose of which is (1) to cause the tenant or sharecropper to pay over to the landlord or operator any annual payment or cost-sharing to be paid to him under the contract; or (2) to change the status of any tenant or sharecropper in order to deprive him of any part of the payment or cost-sharing or any other right or privilege of his under the contract to which his actual status with respect to the land prior thereto would have entitled him; or (3) to reduce the size of the tenant's or sharecropper's producer unit in contemplation of the signing of the contract; or (4) to increase the rent to be paid by the tenant or decrease the share of any crop or its proceeds to be received by the sharecropper, the entire amount of the annual payment for, plus the entire amount of cost-sharing for carrying out practices during, the first year during which the violation occurred and for each subsequent year of the contract period during which such lease, contract, agreement, or understanding remains in existence, paid or payable to the operator and to each other producer on the farm signing the contract who was a party to such lease, contract, agreement, or understanding other than tenants or sharecroppers adversely affected shall be forfeited or refunded.

(d) If a device or scheme has been adopted for the purpose of depriving any tenant or sharecropper of his compensation (annual payment or cost-sharing) or any other right under the contract, the entire amount of the annual payment for, and cost-sharing for carrying out practices during, the first year in which the device or scheme was used and each subsequent year of the contract period in which such device or scheme is used, payable or paid to the operator and to each other producer on the farm other than tenants or sharecroppers adversely affected shall be forfeited or refunded.

(e) In any case where any producer is required to forfeit or refund any compensation under paragraphs (a) through (d) of this section, and the State committee determines that a tenant or sharecropper is entitled to any part of such compensation, the amount of compensation due such tenant or sharecropper shall be paid to him out of the funds forfeited or refunded by the operator or other producer.

§ 485.294g *Unauthorized use of conservation reserve.* If any part of the land first designated as conservation reserve for 1958 or a subsequent year is used for non-agricultural enterprises (including but not limited to public golf courses, race tracks, amusement parks, airfields, or commercial hunting or fishing enterprises), that part of the annual payment attributable to the conservation reserve acreage on which the violation occurred for the year in which the violation occurred and each subsequent year of the contract period during which the violation continues, plus the cost-sharing for carrying out conservation practices on such conservation reserve acreage, whether or not the cost-sharing was for the year in which the violation occurred, paid or payable to the operator and each other producer on the farm shall be forfeited or refunded.

§ 485.294h *Filing false claim for payment.* Any producer signatory to the contract who files a claim for an annual or cost-share payment to which he knows he is not entitled under the provisions of the contract and applicable regulations, including a claim for a cost-share payment for practices not carried out or for practices carried out in such a manner that they do not meet the required specifications therefor, shall forfeit or refund the entire cost-share payment for which the false claim was filed paid or payable to such producer. In the event of a false claim for an annual payment that part of the annual payment paid or payable to the producer(s) falsifying such claim shall be forfeited or refunded.

§ 485.294i *Scheme or device to evade maximum payment limitation.* If any producer adopts, or participates in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or by any other means, designed to evade, or which has the effect of evading, the maximum payment limitation on annual payments, such producer shall forfeit or refund the entire amount of the annual payment payable or paid to him for each year during which the scheme or device continues in effect.

§ 485.294j *Termination of contracts for violations.* In addition to the forfeitures and refunds provided for in § 485.293 to § 485.294i, inclusive, in connection with violations of contracts, a contract shall be terminated if violations covered by §§ 485.293, 485.294, 485.294a, 485.294b, 485.294c, 485.294d, 485.294f, or 485.294g have occurred for two consecutive years of the contract period. Upon such termination, the entire amount of the cost-share payment and all annual payments paid or payable to the operator and each other producer on the farm shall be forfeited or refunded.

LIABILITY FOR INTEREST

§ 485.294k *Liability for interest.* The producers liable for refunds as provided in § 485.284 through § 485.294j shall be liable also for interest at the rate of six per centum per annum from the date of written notice to the producer of the amount of the refund due, except that there shall be no interest due on any amount of such refund which is remitted to the office of the county committee within 30 days from the date of such notice.

Issued at Washington, D. C., this 3d day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

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TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.53, Rev., Supp. 2]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

UTAH PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop, Rev. (22 F. R. 631), the Agricultural Stabilization and Conservation Utah State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 34,175 acres established for Utah by the Determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 222 S. W. Temple Street, Salt Lake City, Utah, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Utah. These bases and procedures incorporate the following:

§ 850.55 *Utah*—(a) *Proportionate share areas.* Utah shall be divided into six proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Garland, West Jordan-Gunnison, Cache, Ogden, Layton and Holly. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 34,175 acres. Acreage allotments computed as aforestated are established as follows: Garland Area—7,904 acres; West Jordan-Gunnison Area—15,738 acres; Cache Area—4,229 acres; Ogden Area—2,284 acres; Layton Area—3,180 acres; and Holly Area—840 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows:

(1) *For new producers.* Garland Area—176.1 acres; West Jordan-Gunnison Area—498.5 acres; Cache Area—140.0 acres; Ogden Area—31.2 acres; Layton Area—165.5 acres; and Holly Area—57.7 acres.

(2) *For appeals.* Garland Area—83.0 acres; West Jordan-Gunnison Area—150.7 acres; Cache Area—44.0 acres; Ogden Area—24.0 acres; Layton Area—45.0 acres; and Holly Area—9.0 acres.

(3) *For making adjustments in initial shares.* Garland Area—371.7 acres; West Jordan-Gunnison Area—0 acres; Cache Area—288.4 acres; Ogden Area—219.0 acres; Layton Area—260.0 acres; and Holly Area—0 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing as provided in § 850.53.

(d) *Establishment of individual farm proportionate shares*—(1) *For old producers*—(i) *Farm bases.* The farm base for each farm in each proportionate share area shall equal the "1956-crop share established for the farm". The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustments made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to Sugar Determination 850.30, as amended, and Supplement 11 thereto (21 F. R. 6809) if it has been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotments less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of §850.53 applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the arceage established is "none", and in each case of approved adjustment, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice.

(e) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Utah State Committee for determining farm proportionate shares in Utah in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops, except for the designation of proportionate share areas. Because of a drought condition in the central part of the State, two former areas are combined into one, resulting in six areas for the 1957-crop year. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by using in each case the "1956-crop share established for the farm", as that term is defined, as the base in prorating the acreage available for such producers. The procedure for establishing farm shares for new producers meets the related requirements of § 850.53.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Dated: May 27, 1957.

[SEAL] E. RAY LYMAN,
Chairman, Agricultural Stabilization and Conservation Utah State Committee.

Approved: June 27, 1957.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57–5550; Filed, July 8, 1957; 8:53 a. m.]

[Sugar Determination 850.53, Rev., Supp. 3]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WASHINGTON PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631) the Agricultural Stabilization and Conservation Washington State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 34,397 acres established for Washington by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Hutton Building, South 9, Washington Street, Spokane, Washington, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Washington. These bases and procedures incorporate the following:

§ 850.56 *Washington*—(a) *Proportionate share areas.* Washington shall be divided into three proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Utah-Idaho, Amalgamated and American Crystal. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1952 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1952 through 1954, as a measure of "ability to produce", with a ceiling of 100 percent of the 1954 acreage, a floor of 88.7 percent of the 1954 acreage and pro rata adjustments to a total of 34,397 acres. Acreage allotments computed as aforestated are established as follows: Utah-Idaho Area—32,405 acres, Amalgamated Area—1,888 acres, and American Crystal Area—104 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Utah-Idaho Area—648.0 acres for new producers and 391.0 acres for appeals, and 2722.0 acres for adjustments in initial shares; Amalgamated Area—38.0 acres for new producers, 25.0 acres for appeals and 84.6 acres for adjustments in initial shares; and American Crystal Area—2.0 acres for new producers, 2.0 acres for appeals, and 0 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53.

(d) *Establishment of individual farm proportionate shares*—(1) *For old producers—Farm bases.* For each farm in each proportionate share area whose operator is a tenant, the farm base shall equal the "1956 crop share established for the farm" which was operated by him for the 1956-crop year. For each farm whose operator is a tenant without a personal sugar beet production record in the period used in the area in which the farm is located for establishing shares for the 1956 crop (Sugar Determination 850.30 Supplement 10, 21 F. R. 6991), and for each farm in each proportionate share area whose operator is not a tenant, the farm base shall equal the "1956-crop share established for the farm". The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustment made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to Sugar Determination 850.30, as amended, and supplement 10 thereto (21 F. R. 6991) if it had been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the crop year by new producers (as defined in § 850.53) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53 applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103–A or other similar written notice.

(6) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Washington State Committee for determining farm proportionate shares in Washington in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops. Washington is again divided into the same three areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by using in each case the "1956-crop share established for the farm", as that term is defined, as the base in prorating the acreage available for such producers. The procedure for establishing farm shares for new producers meets the related requirements of § 850.30.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Dated: May 22, 1957.

[SEAL] GLENN D. COPELAND,
Chairman, Agricultural Stabilization, and Conservation Washington State Committee.

Approved: June 27, 1957.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57–5549; Filed, July 8, 1957; 8:53 a. m.]

[Sugar Determination 850.53, Rev., Supp. 6]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

COLORADO PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631), the Agricultural Stabilization and Conservation Colorado State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 147,053 acres established for Colorado by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the New Custom House, Denver, Colorado, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Colorado. These bases and procedures incorporate the following:

§ 850.59 *Colorado*—(a) *Proportionate share areas.* Colorado shall be divided into three proportionate share areas comprising the parts of the State included in the factory districts of the Great Western Sugar Company, the Rocky Ford-Sugar City-Swink factory districts, and the Delta factory district. These areas shall be designated Northern Area, Southern Area, and Western Area, respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 147,053 acres. Acreage allotments computed as aforestated are established as follows: Northern Area—120,153 acres; Southern Area—21,358 acres; and Western Area—5,542 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northern Area—2,403.0 acres for new producers, 1,202 acres for appeals, and 9,155.0 acres for adjustments in initial shares; Southern Area—427.0 acres for new producers, 214.0 acres for appeals, and 1,833.0 acres for adjustments in initial shares; and Western Area—111.0 acres for new producers, 55.0 acres for appeals, and 1,503.5 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing as provided in § 850.53.

(d) *Establishment of individual farm proportionate shares*—(1) *For old producers—Farm bases.* The farm base for each farm in the Northern or the Southern area shall equal the "1956-crop share established for the farm". The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjust-

ments made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to Sugar Determination 850.30, as amended, and Supplement 1 thereto (21 F. R. 5253) if it has been requested by the 1957 farm operator, except as a 1956-crop new producer. For each farm operated by an old producer (any producer except a new producer) in the Western Area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1952 through 1956, as a measure of "past production", and a weighting of 25 percent to the average acreage of the crops of 1955 and 1956 as a measure of "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotments less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability or irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53, applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice.

(e) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Colorado State Committee for determining farm proportionate shares in Colorado in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

Except for a change in the base period used in the Western Area, the bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers in the Northern and Southern Areas, the factors of "past production" and "ability to produce" sugar beets are measured for each farm by using the "1956-crop share established for the farm", as that term is defined, as the base in prorating the acreage available for such producers. In the Western Area, these factors are measured by applying a formula to planted acreages in a base period which is changed from 1950–54 to 1952–56. The weightings given the factors are similar to those given for the 1955 and 1956 programs. The change in the base period gives greater recognition to more recent plantings. The procedure for establishing farm shares for new producers meets the related requirements of § 850.53.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Dated: June 12, 1957.

[SEAL] MAYNARD C. MCCORMICK,
Chairman, Agricultural Stabilization and Conservation Colorado State Committee.

Approved: June 27, 1957.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57–5551; Filed, July 8, 1957; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 946—MILK IN LOUISVILLE, KY., MARKETING AREA

ORDER AMENDING THE ORDER

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order, as hereby amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective immediately. Any delay will seriously threaten the orderly marketing of milk in the Louisville, Kentucky, marketing area.

The provisions of the said order are known to handlers. The decision of the Acting Secretary containing all amendment provisions of this order was issued July 2, 1957. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective immediately and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order which is marketed within the Louisville, Kentucky, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (May 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, as follows:

1. Delete the last word, "or," in § 946.9 (b).

2. Change the period at the end of § 946.9 (c) to a semicolon and add the word, "or," immediately after the semicolon.

3. Add paragraph (d) to § 946.9 immediately after paragraph (c) as follows:

(d) A country plant which is operated by a cooperative association and (1) 75 percent or more of the producer milk from members of such association is delivered during the month directly to the pool plant(s) of other handlers or transferred by such association to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding consecutive months of October through February.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 3d day of July 1957, to be effective immediately.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–5543; Filed, July 8, 1957; 8:52 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

§ 957.316 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order* (1) Except as otherwise provided in this section, during the period from July 8, 1957, through September 20, 1957, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean", which means that at least 90 percent of such potatoes are "fairly clean", as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), and

(i) If they are of the round varieties (including, but not being limited to, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 1⅞ inches minimum diameter,

(ii) If they are of the White Rose variety, such potatoes meet the requirements of the U. S. No. 2, or better, grade, 5 ounces minimum weight: *Provided*, That any such potatoes that grade not less than U. S. No. 1, may be shipped if they are of 2 inches minimum diameter and 4 ounces minimum weight, and

(iii) If they are of any other variety (including, but not being limited to, Russet Burbank, Early Gem, and Kennebec varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of 2 inches minimum diameter and 4 ounces minimum weight,

as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), except that the tolerances, under said United States Standards, on an individual container basis shall be the same as on a lot basis.

(2) Except as otherwise provided in this section, during the period from July 8, 1956, through Sepetmber 20, 1957, no handler shall ship (i) any lot of potatoes of the Kennebec or White Rose Variety if more than 25 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered", as such terms are used in the said United States Standards, or (ii) any lot of potatoes of any other variety if such potatoes are more than "moderately skinned," as such term is defined in the said United States Standards, which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered": *Provided*, That during such period, not to exceed a total of 50 hundredweight of each variety of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements: *Provided further*, That in addition to such 50 hundredweight of potatoes of any variety that may be handled without regard to said skinning requirements, any lot of potatoes may be handled for any producer without regard to such requirements if (*a*) such lot of potatoes previously failed, upon inspection by a Federal-State inspector, to meet grade and size requirements but met the aforesaid skinning requirements applicable to such lot of potatoes, (*b*) such lot of potatoes has been regraded, and such lot of potatoes otherwise meets, as indicated by a Federal-State inspection certificate, the grade and size requirement applicable to such potatoes, and (*c*) the potatoes failing to meet the aforesaid skinning requirements are not in excess of 100 hundredweight in any such lot. Prior to each shipment of potatoes exempt from the above skinning requirements, the

handler thereof shall report to the committee, the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(3) Each handler may make one shipment of not in excess of 5 hundredweight per week without regard to the regulatory, assessment, and inspection requirements of this part.

(4) The grade, size and maturity limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) As certified seed potatoes; (ii) export: *Provided*, That no handler shall ship potatoes for export which do not meet the requirements of the U. S. No. 2, or better, grade, 1½ inch minimum diameter; (iii) canning, freezing, dehydration or manufacture into starch or flour, and (iv) charity.

(5) Each handler making any shipment of potatoes pursuant to subparagraph (4) of this paragraph for export, canning, freezing, dehydration or manufacture into starch or flour, or for charity shall: (i) First apply to the committee for, and obtain, a Certificate of Privilege to make such shipment; (ii) pay assessments on such shipment, except shipment for canning or freezing; (iii) have such shipment inspected, except shipment for canning or freezing; (iv) upon request by the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege; (v) with respect to such shipment, furnish the committee with a copy of the bill of lading or oppropriate record of movement in case of trucks for each such shipment made under Certificate of Privilege; (vi) with respect to such shipment, furnish the Committee with the buyer's certification that the potatoes handled under the Certificate of Privilege are to be used only for the purpose stated therein.

(6) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (§§ 957.1 to 957.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 3, 1957.

[SEAL] G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-5542; Filed, July 8, 1957; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

REVISION OF PART

Because of the number of outstanding amendments to Part 26, it has been decided to issue a revision of this part, incorporating all amendments thereto in effect on July 1, 1957. Attention is called also to the following minor changes which have been made:

(1) Section 26.21 which governed the termination of air-traffic control-tower operator certificates issued prior to September 27, 1950, to other than United States citizens has been deleted. Since all such certificates have now expired, the section is without present effect.

(2) All footnotes have been changed to notes and follow the sections to which they apply.

Since the changes effected by this revision are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 26 of the Civil Air Regulations (14 CFR Part 26, as amended) as set forth below, effective on July 1, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

QUALIFICATIONS FOR CERTIFICATE

Sec.
26.1 Control-tower operator certificate requirements.
26.2 Physical condition.
26.3 Knowledge.

QUALIFICATIONS FOR RATINGS

26.6 Character of ratings.
26.7 Qualifications for junior rating.
26.8 Qualifications for senior rating.

EXAMINATIONS

26.12 General.
26.13 Physical examinations.
26.14 Re-examination after failure.

ISSUANCE AND EXPIRATION OF CERTIFICATES

26.18 Duration.
26.19 Temporary certificates.
26.20 Change of adress.

REGULATIONS

26.25 Rating record.
26.26 Exercise of authority.
26.27 Relaying information.
26.28 Maximum hours.
26.29 Display of certificate.
26.30 Medical certificate.
26.31 Equipment standards.
26.32 Inspection.
26.34 Periodic physical examination.
26.35 Operation during physical deficiency.
26.36 Recent experience requirements.

AUTHORITY: §§ 26.1 to 26.36 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552.

QUALIFICATIONS FOR CERTIFICATE

§ 26.1 *Control-tower operator certificate requirements.* To be eligible for an air-traffic control-tower operator certificate an applicant shall comply with the following requirements:

(a) *Age.* 21 years is the minimum age for the issuance of a control-tower operator certificate; except that in the case of a person serving as a member of the military services of the United States, 18 years is the minimum age for the issuance of such a certificate: *Provided*, That certificates issued to members of the military services who are less than 21 years of age shall, until the holder thereof reaches the age of 21, be valid only when the holder is serving as a member of the military services in a control tower operated by such services.

(b) *Character.* An applicant shall be a person of good moral character.

(c) *Education.* An applicant shall be able to read, write, and understand the English language and to speak the English language without any accent or impediment of speech which would interfere with two-way radio conversation.

(d) *Citizenship.* An applicant for a control-tower operator certificate may be a citizen of any country or a person without nationality.

§ 26.2 *Physical condition.* Applicant shall meet the physical standards of the Second Class prescribed in Part 29 of this subchapter.

§ 26.3 *Knowledge.* An applicant must pass an examination on the following subjects:

NOTE: Lists of source material covering the subject matter of these examinations can be obtained from any Regional Manager of the Civil Aeronautics Administration.

(a) Air traffic rules set forth in Part 60 of this subchapter;

(b) Airport traffic control procedures, and this part;

(c) Airway traffic control procedures;

(d) Radio frequencies and procedures used for airport traffic control;

(e) Use of radio aids to air navigation;

(f) The making of weather observations; and

(g) Pertinent rules and regulations of the Federal Communications Commission. An applicant who presents satisfactory evidence that he possesses a restricted radiotelephone operator permit or higher grade of radiotelephone operator license issued by the Federal Communications Commission will not be required to take the examinations prescribed in this paragraph.

QUALIFICATIONS FOR RATINGS

§ 26.6 *Character of ratings.* The holder of an air-traffic control-tower operator certificate (hereinafter referred to as "certificate") may receive a junior or senior rating, depending upon his qualifications to perform the duties of an air-traffic control-tower operator (hereinafter referred to as "operator") at a particular airport.

§ 26.7 *Qualifications for junior rating.* An applicant must pass an examination on the following subjects:

(a) Local airport rules and characteristics of local air traffic of the airport for which the rating is sought;

(b) Local aircraft operations and such other aircraft operations as may affect conditions at the airport for which the rating is sought;

(c) Teletype symbols and weather sequences of the airways converging on the airport and other pertinent data regarding meteorological reports available within a circular area of a radius of 125 miles measured from the airport for which the rating is sought; and

(d) Any other subject or subjects in which the Administrator may deem an examination necessary. The applicant will be given adequate notice of the subject of the examination.

§ 26.8 *Qualifications for senior rating*—(a) *Knowledge.* An applicant must pass an examination on the subjects required for a junior rating and, in addition, the following subjects:

(1) Air navigation facilities within a radius of 200 miles of the airport for which the rating is sought;

(2) Airway traffic control procedures in the area in which the airport for which the rating is sought is located;

(3) Instrument approach and departure procedures at the airport for which the rating is sought; and

(4) Any other subject or subjects in which the Administrator may deem an examination necessary. The applicant will be given adequate notice of the subject of the examination.

(b) *Experience.* An applicant must have performed satisfactory service:

(1) As an operator with a senior rating for at least 6 months; or

(2) As an operator with a junior rating at the airport for which the rating is sought for the 6 months immediately preceding application; or

(3) As an air-traffic control trainee in Federal service for at least 6 months; or

(4) For 1 year of the 2 years immediately preceding application as:

(i) An operator with a junior rating at an airport other than that at which the rating is sought; or

(ii) An operator at a landing area under military or naval jurisdiction.

(c) *Other requirements.* The applicant must demonstrate his ability to supervise and manage all activities of the airport control tower or airport control station, which shall at least include the preparation of such reports as may be required from time to time by the airport manager or the Administrator.

EXAMINATIONS

§ 26.12 *General.* The prescribed examinations will be conducted by representatives of the Administrator at a designated time and place.

§ 26.13 *Physical examinations.* (a) The prescribed physical requirements must be met before any practical or theoretical examination will be given and must be completed within the 12 months immediately preceding application for a certificate.

(b) In lieu of a physical examination conducted by an authorized medical examiner of the Administrator, a form acceptable to the Administrator, signed by a medical officer on duty with the Army, Navy, Marine Corps, or Coast Guard who is authorized to conduct physical examinations for flying, stating that the applicant is an active member of his service and has met within the preceding 12 months the physical requirements prescribed by § 26.2.

§ 26.14 *Re-examination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for re-examination within a 30-day period unless he presents a statement signed by a certificated air-traffic control-tower operator, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for re-examination.

ISSUANCE AND EXPIRATION OF CERTIFICATES

§ 26.18 *Duration.* (a) An air-traffic control-tower operator certificate issued to a United States citizen shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board. A certificate issued to an applicant other than a United States citizen shall remain in effect for a period no longer than 12 months after the date of issuance, but it may be reissued without further demonstration of technical competence.

(b) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(c) Nothing in this section shall be construed to deny or defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

§ 26.19 *Temporary certificates.* The Administrator or his authorized representative may issue a temporary air-traffic control-tower operator certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

§ 26.20 *Change of address.* Within 30 days after any change in the permanent mailing address of the holder of an air-traffic conrol-tower operator certificate, he shall notify the Administrator in writing of his new address. This notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

REGULATIONS

§ 26.25 *Rating record.* A certificated operator shall not serve as such unless there is attached to his certificate the appropriate rating record prescribed and issued by the Administrator, nor serve otherwise than in accordance with the limitations prescribed by the Administrator in his certificate or rating record.

NOTE: The rating record is a sheet which will be attached to all certificates when they are issued and will prescribe the airports at which the holder is authorized to serve and the class of rating held.

§ 26.26 *Exercise of authority.* A certificated air-traffic control-tower operator shall control traffic in accordance with the procedures and practices prescribed by the Administrator to provide for the safe, orderly, and expeditious flow of air traffic and in accordance with the following requirements:

(a) When weather conditions are equal to or better than the basic minimums prescribed for VFR flight by Part 60 of this subchapter, air traffic may be controlled by an operator with either a junior or senior rating for the airport involved: *Provided*, That where the Administrator finds the volume or character of the air traffic, the type and equipment of aircraft utilizing the airport, or the airport facilities require that an operator with a junior rating be supervised, he may require all air traffic at such airport to be controlled under the supervision of an operator with a senior rating.

(b) When weather conditions are below the basic minimums prescribed for VFR flight by Part 60 of this subchapter, air traffic shall be controlled by an operator with a senior rating, and such operator shall not issue an air traffic clearance for flight without prior authorization from the appropriate air-traffic control center.

(c) In an emergency an operator with a senior rating may delegate his authority to an operator with a junior rating.

§ 26.27 *Relaying information.* An operator shall not relay information or instructions received from airway traffic control personnel, airway communications, or United States Weather Bureau airport stations, otherwise than in the manner approved by the Administrator.

§ 26.28 *Maximum hours.* Except in case of an emergency, a certificated operator shall be relieved of all duty for not less than 24 consecutive hours at least once during each 7 consecutive days, and shall not serve, nor be required to serve as such:

(a) In excess of 10 consecutive hours;

(b) In excess of 10 hours during a period of 24 consecutive hours unless the operator is given a rest period of not less than 8 hours at or before the termination of such 10 hours of duty.

§ 26.29 *Display of certificate.* An operator shall keep his certificate readily available when he is on duty and shall present it for inspection upon request of any officer or employee of the Administrator or Board and of any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance.

§ 26.30 *Medical certificate.* A medical certificate issued by an authorized medical examiner of the Administrator or other evidence satisfactory to the Administrator that the air-traffic control-tower operator has met the physical requirements prescribed in this part shall be carried by such airman while on duty.

§ 26.31 *Equipment standards.* A certificated air-traffic control-tower operator shall not control air traffic with facilities which the Administrator has determined to be inadequate.

§ 26.32 *Inspection.* An applicant or a holder of a certificate or rating, upon reasonable request by any representative of the Administrator, shall cooperate fully in any examination which may be made of him.

§ 26.34 *Periodic physical examination.* The holder of an air-traffic control-tower operator certificate shall not exercise the privileges thereunder unless within the preceding 12 calendar months he has met the physical standards of the Second Class prescribed in Part 29 of this subchapter by passing an examination conducted by an authorized medical examiner of the Administrator.

§ 26.35 *Operation during physical deficiency.* A certificated air-traffic control-tower operator shall not serve as such during the period of any known physical deficiency which would render him unable to meet the physical requirements prescribed for the original issuance of his certificate: *Provided,* That if the deficiency is of a temporary nature, he may perform any duties not affected thereby when there is present and on duty another certificated and properly qualified air-traffic control-tower operator.

§ 26.36 *Recent experience requirements.* The holder of an air-traffic control-tower operator certificate shall not exercise the privileges thereunder unless:

(a) If rated as a junior air-traffic control-tower operator, he has served for at least 3 months as an operator at the airport to which the rating applies during the 12 calendar months immediately preceding, or

(b) If rated as a senior air-traffic control-tower operator, he has served for at least 3 months as an operator at the airport to which the rating applies during the 6 calendar months immediately preceding, or

(c) He has demonstrated to the satisfaction of the Administrator that he is able to meet the standards currently prescribed by the regulations of this subchapter for the issuance of the certificate and rating.

[F. R. Doc. 57-5505; Filed, July 8, 1957; 8:45 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Child Labor Reg. 38]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART B—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES; EXTENSION OF EFFECTIVE DATE

Pursuant to the provisions of 29 CFR Part 4, Subpart A (Child Labor Regulation No. 1), the designation of the States enumerated in § 4.21 of 29 CFR Part 4, as States in which State age, employment or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), is hereby extended and shall be effective from July 1, 1957, until June 30, 1958, unless amended or revoked prior to such date.

(Secs. 3, 11, 52 Stat. 1060, as amended, 1066, as amended; 29 U. S. C. 203, 211)

Signed at Washington, D. C., this 21st day of June 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-5525; Filed, July 8, 1957; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket 3666; Order 31]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of June 1957.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 31, dated May 7, 1957, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on May 24, 1957 (22 F. R. 3661), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 31 are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in said Notice No. 31, dated May 7, 1957, as revised by the specific modifications set forth as follows:

1. In § 73.119, amend paragraph (f) (3).

2. In § 73.271 amend paragraphs (a) (7) and (9).

3. Revise the amendatory text to § 78.283 and subsections; amend § 78.283–15, paragraph (a).

4. Revise the amendatory text to § 78.284 and subsections; in § 78.284–22, cancel paragraph (a) (9) and redesignate paragraph (a) (10) as paragraph (a) (9).

5. In § 78.258–18, amend paragraph (a) (1).

6. In § 78.312–2, amend paragraph (b); in § 78.312–13, amend paragraphs (a) and (b); in § 78.312–17, amend paragraph (a).

As so modified, the amendments read as set forth below.

It is further ordered, That this order shall become effective September 23, 1957 and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

In § 73.31 amend paragraph (a) table; add Note 12 to paragraph (a) table; amend paragraph (g) (9) and table 1 thereto; amend paragraph (h) (22 F. R. 2224, 2225, April 4, 1957) (21 F. R. 4562, 4563, June 26, 1956) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) • • •

Where these regulations call for specification Nos.—	These specification containers may also be used subject to the provisions of the following notes—
103 [4, 8, 9, 11] and 103–W [4, 8, 9, 11]	ARA–II [1, 4, 8, 11], III [4, 8, 9, 11] and IV [4, 8]
103A [4, 11] and 103A–W [4, 11]	ARA–II [3, 4, 11] and III [3, 4, 11]
103B [4, 11] and 103B–W [4, 11]	ARA–II [4, 11] and III [4, 11] rubber lined.
103C–W [12]	103C [5, 12]
103D–W, 103E–W, 103A–N–W	(See note 10).
104 [4, 8, 11] and 104–W [4, 8, 11]	ARA–IV [4, 8, 11]
105A100 and 105A100–W	104A [7] and 104A–W.[7]
105A100–AL–W	104A–AL–W.[7]
105A300–W	ARA–V [8], ICC–105 [3] and 105A300.[3]
105A400–W	105A400.
105A500–W	105A500.
105A600–W	105A600.
106A500 and 106A500–X	ICC–27 tanks mounted on a car and classified as multi-unit tank prior to Oct. 1, 1930.[8]
106A800 and 106A800–X	None.
106A800NCI	None.
107A [9] [10]	None.

[12] 103C, 103C–W and 103A–AL–W (§§ 78.283 and 78.292 of this chapter) tank cars built prior to August 31, 1956 equipped with a safety valve having a pressure setting of 45 psi. may be used. Cars equipped with 45 psi. safety valves may be continued in service but these valves may be reset to 35 psi. by changing the spring to a design suitable for the decreased pressure setting.

• • • • • •

(g) • • •

(9) Periodic retests of metal tanks, safety valves and interior heater systems, except cars in chlorine service and tanks to specifications ICC–106A500, 106A500X, 106A800, 106A800X, 106A800NCI, 107A • • • or 110A500–W, may be made at any time during the calendar year the retest falls due, as follows:

TABLE 1—RETEST PERIODS AND PRESSURES

Classification	See footnote	Tank retests				Safety valve retest years	Interior heater systems retest				Tank test psi	Safety valve psi [a]	Safety valve vapor tight psi minimum	Retest holding time—minutes	Test time when lagging is not removed—minutes
		Up to 10 years	10–22 years	Over 10 years	Over 22 years		Up to 10 years	10–22 years	Over 10 years	Over 22 years					
ICC–103		10		10		10	10		10		60	*35	28	10	20
ICC–103A	(d)	5	3		1	None	5	3		1	60			10	20
ICC–103B	(f)	None	None		None	None	5	3		1	60				
ICC–103C	(e d)	5	3		1	(e)	5	3		1	60	[g] *45		10	20
ICC–104		10		10		10	10		10		60	*35	28	10	20
ICC–105	(e)	10		10		5					500	225	180	30	30
ICC–105A100		10		10		5					100	75	60	10	20
ICC–105A300	(e)	10		10		5					300	225	180	30	30
ICC–105A400	(e)	10		10		5					400	300	240	30	30
ICC–105A500	(b e)	10		10		5					500	375	300	30	30
ICC–105A600	(b e)	10		10		5					600	450	360	30	30
ICC–103–W		10		10		10	10		10		60	*35	28	10	20
ICC–103A–W	(d)	5	3		1	None	5	3		1	60			10	20
ICC–103B–W	(f)	None	None		None	None	5	3		1	60				
ICC–103B100–W	(f)	None		None		5				1	60				
ICC–103C–W	(e d)	5	3		1	(e)	5	3		1	100	75	60	10	20
ICC–103D–W	(e d)	5	3		1	(e)	5	3		1	60	[g] 35	28	10	20
ICC–103E–W	(e d)	5	3		1	(e)	5	3		1	60	35	28	10	20
ICC–103A–N–W	(e d)	5	3		1	(e)	5	3		1	60	35	28	10	20
ICC–103AL–W		10		10		None	5	3		1	60			10	20
ICC–103A–AL–W	(e d)	5	3		1	10	10		10		60	*35	28	10	20
ICC–104–W		10		10		(e)	5	3		1	60	[g] 35	28	10	20
ICC–105A100–AL–W		10		10		10	10		10		60	*35	28	10	20
ICC–105A200–AL–W		10		10		5	10		10		100	75	60	10	20
ICC–105A300–AL–W		10		10		5					200	150	120	10	20
ICC–105A100–W		10		10		5					300	225	180	30	30
ICC–105A200–W		10		10		5	10		10		100	75	60	10	20
ICC–105A300–W		10		10		5					200	150	120	10	20
ICC–105A400–W	(e)	10		10		5					300	225	180	30	30
ICC–105A500–W	(e)	10		10		5					400	300	240	30	30
ICC–105A600–W	(b e)	10		10		5					500	375	300	30	30
ICC–109A100–AL–W	(b e)	10		10		5					600	450	360	30	30
ICC–109A300–AL–W		10		10		5	10		10		100	75	60	10	20
ICC–109A300–W		10		10		5					300	225	180	30	30
ICC–103AL		10	5			(e)					300	225	180	30	30
ICC–103C–AL		4	4	2	1	(e)					60	*35	28	10	20
ICC–111A100–W–1		10		10		10	10		10		60	*60		10	20
ICC–111A100–W–2		5	3		1	None	5	3		1	100	75	60	10	20
ICC–111A100–W–3		10		10		10	10		10		100			10	20
ICC–111A100–W–4		10		10		5	10		10		100	75	60	10	20
ICC–112A400–W		10		10		5					100	75	60	10	20
Emergency USG–A, B, and C											400	300	240	10	
											60	*25		10	20

[a] Tanks and safety valves in chlorine service must be retested every 2 years. See 73.314 (a) note 18.
[b] Special requirements for carbon dioxide—valves must be retested at pressure required for new construction.
[c] Safety valves indicated with * are set at specified pressure plus or minus 3 psi. All other valves must be open at a pressure not exceeding that specified.
[d] A commodity for which a tank is approved may be used for filling tank and dome when retesting tanks in service not over 10 years.
[e] Safety valve retest period is same as tank retest period.
[f] Tanks must be retested before rubber lining is renewed or before being returned to service after any repairs requiring welding, riveting or calking of rivets.
[g] See § 73.31 (a) note 12.

• • • • •

(h) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized. If proposed to be used for a commodity service other than those authorized, they must be approved for such service by the Association of American Railroads Committee on Tank Cars. Transfer of a tank car from one authorized service to another may be made only by the owner or owner's authorization. Class ICC–105A type tank cars may be used for any commodity for which they are authorized by the Committee on Tank Cars when stenciled accordingly. When a tank car is stenciled to indicate that it is authorized for one commodity only, it must not be used for any other service.

[Note 1 remains the same.]

SUBPART B—EXPLOSIVES; DEFINITION AND PREPARATION

In § 73.93 amend paragraph (d) (4) (17 F. R. 1560, Feb. 20, 1952) to read as follows:

§ 73.93 *Propellant explosives for cannon, small-arms, rockets, guided missiles, or other devices.* • • •

(d) • • •

(4) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280 or 78.303 of this chapter). Tank cars.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.119 amend paragraphs (a) (12), (e) (2) and (f) (3) (21 F. R. 4564, June 26, 1956) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) • • •

(12) Spec. 103, 103–W, 103AL–W, 103D–W, 104, 104–W, 105A100, 105A100–W, 105A100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–1, 111A100–W–3, 111A100–W–4, ARA–II,[3] ARA–III,[3] ARA–IV,[3] or ARA–IV–A [3] (§§ 78.265, 78.280, 78.291, 78.297, 78.269, 78.284, 78.270, 78.285, 78.294, 78.286, 78.307, 78.308, 78.297, 78.287, 78.288, 78.289, 78.300, 78.303, 78.305 or 78.306 of this chapter). Tank cars. For cars equipped with expansion domes, manhole closures must be so designed that pressure will be released automatically by starting the operation of removing the manhole cover. (See § 73.432 for shipping instructions.)

• • • • • •

(e) • • •

(2) Spec. 103, 103–W, 103AL–W, 103D–W, 104, 104–W, 105A100, 105A100–W, 105A100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–1, 111A100–W–3, 111A100–W–4, ARA–II,[3] ARA–III,[3] ARA–IV,[3] or ARA–IV–A [3] (§§ 78.265, 78.280, 78.291, 78.297, 78.269, 78.284, 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.287, 78.288, 78.289, 78.300, 78.303, 78.305 or 78.306 of this chapter). Tank cars. Cars having expansion domes must be equipped with manhole closures, identification marks, and dome placards as prescribed in (f) (4), (g), (h) and (h) (1) of this section. (See Note 1 of paragraph (f) (3) of this section.)

• • • • • •

(f) • • •

(3) Spec. 105A100, 105A100–W, 105A100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–4, or ARA–IV–A [3] (§§ 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.300, 78.287, 78.288, 78.289, 78.306 of this chapter) (see Note 1 of this subparagraph). Tank cars. Spec. 104, 104–W, 111A100–W–3 and ARA–IV [3] (§§ 78.269, 78.284, and 78.305 of this chapter) tank cars are authorized under the conditions prescribed in paragraphs (f) (4), (g), (h) and (h) (1) of this section and Note 3 of this subparagraph.

[No change in notes.]

2. In § 73.123 amend paragraph (a) (5) (21 F. R. 4564, June 26, 1956) to read as follows:

§ 73.123 *Ethyl chloride.* (a) • • •

(5) Spec. 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W,

105A500–W, 105A600–W, 111A100–W–4, or ARA–IV–A[1] (§§ 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, or 78.306 of this chapter). Tank cars. See Note 1 of § 73.119 (f) (3). (See § 73.432 for shipping instructions.)

3. In § 73.124 amend paragraph (a) (5) (21 F. R. 4564, June 26, 1956) to read as follows:

§ 73.124 *Ethylene oxide.* (a) • • •

(5) Spec. 105A100, 105A100–W, 111A100–W–4, or ARA–IV–A[1] (§§ 78.270, 78.285, or 78.306 of this chapter). Tank cars. See Note 1 of § 73.119 (f) (3). (See § 73.432 for shipping instructions.)

[Note 1 remains the same.]

4. In § 73.135 amend paragraph (a) (7) and (8) (21 F. R. 7600, Oct. 4, 1956) to read as follows:

§ 73.135 *Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.* (a) • • •

(7) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280, or 78.303 of this chapter). Tank cars, without bottom discharge outlet.

(8) Spec. 105A100, 105A100–W, 105A200–W, 105A300–W, or 111A100–W–4 (§§ 78.270, 78.285, 78.307, 78.286, or 78.306 of this chapter). Tank cars.

5. In § 73.136 amend paragraph (a) (6) and (7) (21 F. R. 7600, Oct. 4, 1956) to read as follows:

§ 73.136 *Methyl dichlorosilane and trichlorosilane.* (a) • • •

(6) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280, or 78.303 of this chapter). Tank cars, without bottom discharge outlet.

(7) Spec. 105A100, 105A100–W, 105A200–W, 105A300–W, or 111A100–W–4 (§§ 78.270, 78.285, 78.286, 78.307, 78.306 of this chapter). Tank cars.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.163 amend paragraph (a) (6) (16 F. R. 9374, Sept. 15, 1951) to read as follows:

§ 73.163 *Chlorate of soda, chlorate of potash, and other chlorates.* (a) • • •

(6) Chlorates wet with 10 percent or more of water are authorized for shipment in tank cars, spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280, or 78.303 of this chapter), when equally distributed therein.

2. In § 73.190 amend paragraph (b) (3) (21 F. R. 671, Jan. 31, 1956) to read as follows:

§ 73.190 *Phosphorus, white or yellow.* • • •

(b) • • •

(3) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280, or 78.303 of this chapter). Tank cars without bottom outlet for discharge of lading and with approved dome fittings, external heater systems, and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. Bottom washout nozzle of approved design may be applied. The material must be immersed in water and must be loaded at a temperature not exceeding 140° F. and then cooled until the water has a temperature not exceeding 105° F. before car is offered to carrier. The water must be loaded in the dome to not more than 50 percent of the capacity of the dome. After unloading, the tank must be filled to its entire capacity and the dome to not more than 50 percent of its capacity with water having a temperature not less than 105° F. and not over 140° F. and placarded with the caution placard prescribed in § 74.555 of this chapter, before the car is offered for return movement.

[Note 1 remains the same].

3. In § 73.224 amend paragraph (a) (3) (20 F. R. 4416, June 23, 1955) to read as follows:

§ 73.224 *Cumene hydroperoxide, dicumyl peroxide, and tertiary butylisopropyl benzene hydroperoxide.* (a) • • •

(3) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars. Authorized for 90 percent or less cumene hydroperoxide in nonvolatile solution.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.247 amend paragraph (a) (6), (13), and (17) (22 F. R. 2226, Apr. 4, 1957) (21 F. R. 4564, June 26, 1956) (21 F. R. 3010, May 5, 1956) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(6) Spec. 103A, 103A–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or 111A100–W–2 (§§ 78.266, 78.281, 78.286, 78.287, 78.288, 78.289, or 78.304 of this chapter) tank cars, except that for tin tetrachloride (anhydrous) spec. 105A–300–W, 105A400–W, 105A500–W, or 105A–600–W tank cars must be used. Benzyl chloride must be stabilized when loaded in unlined tanks.

• • • • • •

(13) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter) tank cars. Tank cars, nickel clad at least 10 percent, authorized for stabilized benzyl chloride only. Acetyl chloride, benzoyl chloride, pyro sulfuryl chloride, sulfuryl chloride, and thionyl chloride when shipped in unstabilized condition, must be anhydrous and free from impurities such as iron.

• • • • • •

(17) Spec. 103–W or 111A100–W–1 (§§ 78.280 or 78.303 of this chapter), tank cars authorized for titanium tetrachloride, anhydrous only. Tank cars shall have no bottom outlets and shall have safety valves of approved type with start-to-discharge pressure of 35 pounds per square inch and of sufficient relieving capacity to prevent pressure build-up in excess of 45 pounds per square inch.

2. In § 73.248 amend paragraph (a) (4), and (5) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.248 *Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.* (a) • • •

(4) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars, provided the product is sufficiently liquid to be unloaded through the dome or manway.

(5) Spec. 103, 103–W, or 111A100–W–1 (§§ 78.265, 78.280, of 78.303 of this chapter), Tank cars, provided the product is too viscous to be unloaded through the dome or manway.

3. In § 73.249 amend paragraph (a) (5) (21 F. R. 4564, June 26, 1956) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* (a) • • •

(5) Spec. 103, 103–W, 103A, 103A–W, 104, 104–W, 105A100, 105A100–W, 111A100–W–1, 111A100–W–2, 111A100–W–3, or 111A100–W–4 (§§ 78.265, 78.280, 78.266, 78.281, 78.269, 78.284, 78.270, 78.285, 78.303, 78.304, 78.305, or 78.306 of this chapter). Tank cars.

4. In § 73.254 amend paragraph (a) (4) (21 F. R. 4564, June 26, 1956) to read as follows:

§ 73.254 *Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.* (a) • • •

(4) Spec. 103A, 103A–W, 103C–W, 103E–W, or 111A100–W–2 (§§ 78.266, 78.281, 78.283, 78.298, or 78.304 of this chapter). Tank cars.

5. In § 73.255 amend paragraph (a) (4) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.255 *Dimethyl sulfate.* (a) • • •

(4) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars.

6. In § 73.264 amend paragraph (a) (8) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) • • •

(8) Spec. 103A, 103A–W, 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–2, 111A100–W–4, or ARA–IV[1] (§§ 78.266, 78.281, 78.270, 73.285, 78.307, 78.286, 78.287, 78.288, 78.289, 78.304, 78.306 of this chapter). Unlined metal tanks which have been subjected to adequate passivity or neutralization process. (See Note 1 to subparagraph (7) of this paragraph). Authorized only for acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment.

[Note 1 remains the same.]

7. In § 73.267 amend paragraph (a) (3) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.267 *Mixed acid (nitric and sulfuric acid) (nitrating acid).* (a) • • •

(3) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars. (See paragraph (b) of this section.)

8. In § 73.271 amend paragraph (a) (7) and (9) (21 F. R. 4565, June 26, 1956) (18 F. R. 804, Feb. 7, 1953) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) • • •

(7) Spec. 103A–N–W (§ 78.299 of this chapter). Tank cars. Tank must be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent.

• • • • • •

(9) Spec. 103A, 103A–W or 111A100–W–2 (§§ 78.266, 78.281 or 78.304 of this chapter). Tank cars. Spec. 103A tanks must be made of steel at least 10 percent nickel clad or lead lined. Spec. 103A–W or 111A100–W–2 tanks must be of steel at least 20 percent nickel clad or lead lined.

9. In § 73.272 amend paragraph (h) (3) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(h) • • •

(3) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars. Sulfuric acid, except oleum, mixed acid (nitric and sulfuric) (nitrating acid), and other fuming acids, may be transported in 103A, 103A–W and 111A100–W–2 tank cars having safety vents equipped with lead discs having a ⅛ inch breather hole in the center thereof.

10. In § 73.273 amend paragraph (a) (4) (18 F. R. 5272, Sept. 1, 1953) to read as follows:

§ 73.273 *Sulfur trioxide, stabilized.* (a) • • •

(4) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars. Authorized only for stabilized sulfur trioxide. Cars equipped with interior heater coils not permitted.

11. In § 73.274 amend paragraph (a) (3) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.274 *Fluosulfonic acid.* (a) • • •

(3) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or 78.304 of this chapter). Tank cars.

12. In § 73.280 amend paragraph (a) (7) (21 F. R. 7601, Oct. 4, 1956) to read as follows:

§ 73.280 *Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.* (a) • • •

(7) Spec. 103–W, 103A, 103A–W, 105A–100, 105A100–W, 111A100–W–1, 111A100–W–2, or 111A100–W–4 (§§ 78.280, 78.266, 78.281, 78.270, 78.285, 78.303, 78.304, or 78.306 of this chapter). Tank cars.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

In § 73.314 amend paragraph (a) table; amend Notes 2, 11, and 12 to paragraph (a) table; amend paragraph (b) (22 F. R. 2227, 2228, Apr. 4, 1957) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Change)	*Percent*	
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.), inhibited.	Notes 3 and 6	ICC–106A500, 106A500X.
Crude nitrogen fertilizer solution	Note 6	ICC–105A100, 105A100–W, 111A100–W–4, Note 9. ICC–106A500, 106A500X. ICC–105A300–W, Note 5.
Crude nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–106A500, 106A500X. ICC–105A100–AL–W, 109A100–AL–W, Note 5.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Note 6	ICC–106A500, 106A500X, 110A–500–W, Note 12.
Difluoroethane	79	ICC–105A300–W. ICC–106A500, 106A500X, 110A–500–W, Notes 12, 19.
Fertilizer ammoniating solution containing free ammonia.	Note 6	ICC–106A500, 106A500X. ICC–105A300–W, Note 5.
Fertilizer ammoniating solution containing free ammonia (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–106A500, 106A500X. ICC–105A100–AL–W, 109A100–AL–W, Note 5.
Fertilizer ammoniating solution containing free ammonia (pressure not exceeding 150 pounds per square inch at 105° F.).	Note 6	ICC–106A500, 106A500X. ICC–105A200–AL–W, Note 5.
Liquid hydrocarbon gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–105A100, 105A100–W, 111A100–W–4, Note 9.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 3	ICC–105A100, 105A100–W, 111A100–W–4, Note 9.
Liquefied petroleum gas (pressure not exceeding 150 pounds per square inch at 105° F.).	Note 3	ICC–105A200–W, Note 9.
Nitrogen fertilizer solution	Note 6	ICC–106A500, 106A500X. ICC–105A300–W, Note 5.
Nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–106A500, 106A500X. ICC–105A100–AL–W, 109A100–AL–W, Note 5.
Sulfur dioxide	125	ICC–106A500, 106A500X, 110A500–W, Note 12. ICC–105A200–W.
Trifluorochloroethylene	115	ICC–106A500, 106A500X, 110A500–W, Note 12.
Vinyl chloride, inhibited (see Note 14)	120 84 87	ICC–105A300–W, Note 9. ICC–106A500, 106A500X, Note 12. ICC–105A200–W, Note 9.

• • • • • • • • •

NOTE 2: Unless otherwise specifically provided, when class 105A–W, 105A–AL–W, 106A500, or 106A500X tank cars are prescribed, the same class tank cars having higher marked test pressures than those prescribed may also be used.

• • • • • • • • •

NOTE 11: Before an ICC–105A500–W or ICC–105A600–W (§§ 78.288 or 78.289 of this chapter) tank car may be used for the transportation of liquefied carbon dioxide, the following requirements must be met: Tank must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B. t. u. per square foot per degree F. differential in temperature per hour; except that the insulation thickness directly over the center sills may be reduced to give thermal conductance not exceeding 0.04 B. t. u. per square foot, per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed seven (7) inches from top of center sills to bottom of tank. Tank must be equipped with one safety valve of approved design set to open at a pressure not exceeding three-fourth of the test pressure of the tank and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of three-fourths of the test pressure of the tank. Tanks must be equipped with two (2) pressure-regulating valves of approved design, set to open at a pressure not to exceed 350 pounds per square inch on 105A500–W (§ 78.288 of this chapter) tanks and at a pressure not to exceed 400 pounds per square inch on 105A600–W (§ 78.289 of this chapter) tanks. Each regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

NOTE 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, methyl mercaptan, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., refrigerant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane - monofluorotrichloromethane mixture, trifluorochloroethylene, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture; dichlorodifluoromethane - monochlorodifluoromethane mixture, or dichlorodifluoromethane-trichloromonofluoromethane - monochlorodifluoromethane mixture; tanks complying with specification 110A500–W (§ 78.293 of this chapter), containing dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), trifluorochloroethylene, dichlorodifluoromethane, monochlorodifluoromethane, dichlorodifluoromethane-monofluorotrichloromethane mixture, dichlorodifluoromethane - dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane-monochlorodifluoromethane mixture, dichlorodifluoromethane - trichloromonofluoromethane - monochlorodifluoromethane mixture, dispersant gas, n. o. s., or refrigerant gas, n. o. s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter, for rail freight-motor vehicle shipments.

(b) The gas pressure at 105° F. in any lagged tank of tank cars of specs. 105A100, 105A100–W, 105A100–AL–W, 105A200–W, 105A200–AL–W, 105A300–W,

105A300–AL–W, 105A400–W, 105A500–W, 105A600–W, 109A300–W, 109A100–AL–W, or 111A100–W–4 (§§ 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.300, 78.287, 78.288, 78.289, 78.301, 78.302, or 78.306 of this chapter) and at 130° F. in any unlagged tank of tank cars of specs. 106A500, 106A500X, 106A800, 106A800X, or 110A500–W (§§ 78.275, 78.276, or 78.293 of this chapter) must not exceed three-fourths times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any unlagged tank of tank cars of the 107A (§ 78.277 of this chapter) series must not exceed seven-tenths of the marked test pressure of the tank.

[No change in Note 1.]

* * * * *

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.346 amend paragraph (a) (10) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) * * *

(10) Spec. 103, 103–W, 103A, 103A–W, 104, 104–W, 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–1; 111A100–W–2, 111A100–W–3, 111A100–W–4 (§§ 78.265, 78.280, 78.266, 78.281, 78.269, 78.284, 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, 78.303, 78.304, 78.305, 78.306 of this chapter), or ARA–IV–A. Tank cars.

2. § 73.347 amend paragraph (a) (2) (16 F. R. 9378, Sept. 15, 1951) to read as follows:

§ 73.347 *Aniline oil.* (a) * * *

(2) Spec. 103, 103–W, 103A, 103A–W, 111A100–W–1, or 111A100–W–2 (§§ 78.265, 78.280, 78.266, 78.281, 78.303, or 78.304 of this chapter). Tank cars.

3. In § 78.352 amend paragraph (a) (4) (16 F. R. 9378, Sept. 15, 1951) to read as follows:

§ 73.352 *Liquid sodium or potassium cyanide.* (a) * * *

(4) Spec. 103, 103–W, 103A, 103A–W, 111A100–W–1, or 111A100–W–2 (§§ 78.265, 78.280, 78.266, 78.281, 78.303, or 78.304 of this chapter). Tank cars.

4. In § 73.353 amend paragraphs (a) (5) and (b) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.353 *Methyl bromide.* (a) * * *

(5) Spec. 105A100, 105A100–W, 105A200–W 105A300–W, 105A400–W, 105A500–W, 105A600–W, 106A500, 106A500X, 106A800, or 111A100–W–4 (§§ 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, 78.275, 78.276, or 78.306 of this chapter). Tank cars.

(b) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at the following temperature: Spec. 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or 111A100–W–4 (§§ 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, or 78.306 of this chapter) at 105° F.; spec. 106A500, 106A500X, 106A800, or 106A800X (§§ 78.275, 78.276 of this chapter) at 130° F.

5. In § 73.365 amend paragraph (a) (13) (16 F. R. 9379, Sept. 15, 1951) to read as follows:

§ 73.365 *Poisonous solids not specifically provided for.* (a) * * *

(13) Spec. 103, 103–W, 103A, 103A–W, 111A100–W–1, or 111A100–W–2 (§§ 78.265, 78.280, 78.266, 78.281, 78.303, or 78.304 of this chapter). Tank cars.

6. In § 73.369 amend paragraph (a) (13) (16 F. R. 9379, Sept. 15, 1951) to read as follows:

§ 73.369 *Carbolic acid (phenol), not liquid.* (a) * * *

(13) Spec. 103, 103–W, 103–AL–W, 103A, 103A–W, 103A–AL–W, 111A100–W–1, or 111A100–W–2 (§§ 78.265, 78.280, 78.291, 78.266, 78.281, 78.292, 78.303, or 78.304 of this chapter). Tank cars.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART B—LOADING AND UNLOADING

In § 77.840 amend paragraph (c) (22 F. R. 2229, Apr. 4, 1957) to read as follows:

§ 77.840 *Compressed gases.* * * *

(c) Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, methyl mercaptan, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., refrigerant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane monofluorotrichloromethane mixture, trifluorochloroethylene, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, or dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture; tanks complying with specification 110A500–W (§78.293 of this chapter), containing dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), trifluorochloroethylene, dichlorodifluoromethane, monochlorodifluoromethane, dichlorodifluoromethane-monofluorotrichloromethane mixture, dichlorodifluoromethane - dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, dichlorodifluoromethane - trichloromonofluoromethane-monochlorodifluoromethane mixture, dispersant gas, n. o. s., or refrigerant gas, n. o. s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.265–2 amend paragraph (a); in § 78.265–5 amend paragraph (a), and cancel paragraph (e); in § 78.265–7 amend paragraph (b); in § 78.265–14 amend paragraph (b) and (c), and cancel paragraph (d) (21 F. R. 4567, 4568, June 26, 1956) (21 F. R. 9364, Nov. 30, 1956) to read as follows:

§ 78.265 *Specification ICC–103; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.265–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.265–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.265–7 *Riveting.* * * *

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double-riveted. Dome head, manway ring, safety valve flange and bottom outlet nozzle flange may be single or double-riveted. Riveted seams and joints must be made metal to metal without interposition of other material, with the exception that the use of 2 liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between 2 rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 60 percent of the strength of the thinnest plate specified in § 78.265–4 (a) (1), (b), and (c). The efficiency of single-riveted seams must be at least 40 percent of the strength of the thinnest plate specified in § 78.265–4 (a) (1), (b), and (c). Use of rivets of less than ⅝ inch nominal diameter not permissible on any part of tank or attachments.

§ 78.265–14 *Safety valves.* * * *

(b) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.265–19 (a).)

NOTE 1: Tank cars built prior to June 30, 1957 may be equipped with 25 psi. safety valves.

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) [Canceled.]

2. In § 78.266–2 amend paragraph (a); in § 78.266–5 amend paragraph (a), and cancel paragraph (e); in § 78.266–7 amend paragraph (b); in § 78.266–10 amend paragraph (b) (21 F. R. 4569, 4570, June 26, 1956) to read as follows:

§ 78.266 *Specification ICC–103A; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.266–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.266–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.266–7 *Riveting.* * * *

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double-riveted. Dome head, manway ring, safety vent flange and bottom washout nozzle flange may be single or double-riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed one inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 60 percent of the strength of the thinnest plate specified in § 78.266–4 (a) (1), (b), and (c). The efficiency of single-riveted seams must be at least 40 percent of the strength of the thinnest plate specified in § 78.266–4 (a) (1), (b), and (c). Use of rivets less than ⅝ inch nominal diameter not permissible on any part of tank or attachments.

§ 78.266–10 *Expansion dome.* * * *

(b) The opening in manway ring must be 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples extending inside the tank at least 1 inch and the joint between the base of the dome and the tank shell must be sealed on the inside in an approved manner.

3. In § 78.267–2 amend paragraph (a); in § 78.267–5 amend paragraph (a); in § 78.267–7 amend paragraph (b) (21 F. R. 4571, 4572, June 26, 1956) to read as follows:

§ 78.267 *Specification ICC–103B; rubber lined riveted steel tanks to be mounted on or forming part of a car.*

§ 78.267–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.267–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification.

§ 78.267–7 *Riveting.* * * *

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double-riveted. Dome head, manway ring, safety vent flange and sump flange may be single or double-riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while car is being water tested, will be permissible. The efficiency of double-riveted seams must be at least 60 percent of the strength of the thinnest plate specified in § 78.267–4 (a) (1) and (b). The efficiency of single-riveted seams must be at least 40 percent of the strength of the thinnest plate specified in § 78.267–4 (a) (1) and (b). Use of rivets less than ⅝ inch nominal diameter not permissible on any part of the tank or attachments. All rivet heads on the inside of tank must be of uniform size, button head or similar shape, and the under surface of the heads must be driven tight against shell.

4. In § 78.269–5 amend paragraph (a), and cancel paragraph (e); in § 78.269–7 amend paragraph (b); in § 78.269–14 amend paragraphs (b), (c), and cancel paragraph (d) (21 F. R. 4574, 4575, June 26, 1956) to read as follows:

§ 78.269 *Specification ICC–104; lagged riveted steel tanks to be mounted on or forming part of a car.*

§ 78.269–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.269–7 *Riveting.* * * *

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double-riveted. Dome head, manway ring, safety valve flange and bottom outlet nozzle flange may be single or double-riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 60 percent of the strength of the thinnest plate specified in § 78.269–4 (a) (1), (b) and (c). The efficiency of single-riveted seams must be at least 40 percent of the strength of the thinnest plate specified in § 78.269–4 (a) (1), (b), and (c). Use of rivets less than ⅝ inch nominal diameter not permissible on any part of tank or attachments.

§ 78.269–14 *Safety valves.* * * *

(b) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.269–19 (a).)

NOTE 1: Tank cars built prior to June 30, 1957 may be equipped with 25 psi. safety valves.

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) [Canceled.]

5. In § 78.270–6 amend paragraph (a), and cancel paragraph (e); in § 78.270–8 amend paragraph (b); in § 78.270–13 amend paragraphs (a) and (b); in § 78.270–18 amend paragraph (a) (21 F. R. 4577, 4578 June 26, 1956) to read as follows:

§ 78.270 *Specification ICC–105A100; lagged riveted steel tanks to be mounted on or forming part of a car.*

§ 78.270–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange

or firebox quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.270–8 *Riveting.* * * *

(b) All seams formed in the manufacture of the tank and the attachment of manway nozzle to tank must be double-riveted. Riveted seams and joints must be made metal to metal without interposition of other material. The efficiency of the double-riveted seams must be at least 60 percent of the strength of the thinnest plate.

§ 78.270–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 85 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch. (For tolerance see § 78.270–18 (a).)

§ 78.270–18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.270–13 (b) with a tolerance of plus or minus 3 pounds.

6. In § 78.280–2 amend paragraph (a); in § 78.280–5 amend paragraph (a), and cancel paragraph (e); in § 78.280–9 amend paragraph (a); in § 78.280–16 amend paragraphs (b), (c), and (d), and cancel paragraph (e); in § 78.280–22 amend paragraph (a) (1) (21 F. R. 4585, 4586, 4587, and 4588, June 26, 1956) to read as follows:

§ 78.280 *Specification ICC–103–W; fusion-welded steel tank to be mounted on or forming part of a car.*

§ 78.280–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.280–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.280–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.280–16 *Safety valves.* * * *

(b) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.280–21 (a).)

NOTE 1: Tank cars built prior to June 30, 1957, may be equipped with 25 psi. safety valves.

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have 1 safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged or fabricated metal, and be of good weldable quality in conjunction with metal of dome.

(e) [Canceled.]

§ 78.280–22 *Marking.* (a) * * *

(1) ICC–103–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–103–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

7. In § 78.281–2 amend paragraph (a); in § 78.281–5 amend paragraph (a), and cancel paragraph (e); in § 78.281–9 amend paragraph (a); in § 78.281–21 amend paragraph (a) (1) (21 F. R. 4588 to 4590, June 26, 1956) to read as follows:

§ 78.281 *Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.281–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.281–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.281–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.281–21 *Marking.* (a) * * *

(1) ICC–103A–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–103A–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

8. In § 78.282–2 amend paragraph (a); in § 78.282–5 amend paragraph (a); in § 78.282–9 amend paragraph (a); in § 78.282–20 amend paragraph (a) (1) (21 F. R. 4590 to 4592, June 26, 1956) to read as follows:

§ 78.282 *Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.282–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.282–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent.

§ 78.282–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.282–20 *Marking.* (a) * * *

(1) ICC–103B–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–103B–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

9. In § 78.283–2 amend paragraph (a); in § 78.283–9 amend paragraph (a); in § 78.283–13 amend paragraphs (a) and (b); in § 78.283–15 amend paragraphs (a) and (c) (21 F. R. 4593, 4594, June 26, 1956) to read as follows:

§ 78.283 *Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.283–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.283–9 *Heat treatment.* (a) All welding of the tank shell and of attachments welded directly thereto must be heat treated as a unit to remove stresses and at the proper temperature to obtain the corrosion resistance specified in § 78.283–5 (a) (1). (See A. A. R. Appendix W.)

§ 78.283–13 *Gauging, venting, loading and unloading, and air inlet devices extending through domes of tanks.* (a) When installed these devices must be of approved design, made of material complying with the current requirements of § 78.283–5 (a), and must be tightly closed. Protective housing of approved design covering all these devices must be installed. Unloading pipe must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading and unloading of the contents these valves shall be of approved design. Provision must be made for closing pipe connections of valves.

§ 78.283–15 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, mounted on top of expansion dome. Total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 45 pounds per square inch.

* * * * *

(c) The safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.283–20 (a).)

10. In § 78.284–5 amend paragraph (a), and cancel paragraph (e); in § 78.284–9 amend paragraph (a); in § 78.284–16 amend paragraphs (b), (c), (d) and cancel paragraph (e); in § 78.284–22 amend paragraph (a) (1), cancel paragraph (a) (9) and redesignate paragraph (a) (10) as paragraph (a) (9) (21 F. R. 4594 to 4597, June 26, 1956) to read as follows:

§ 78.284 *Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.284–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

* * * * *

(e) [Canceled.]

§ 78.284–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.284–16 *Safety valves.* * * *

(b) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.284–21 (a).)

NOTE 1: Tank cars built prior to June 30, 1957 may be equipped with 25 psi. safety valves.

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closures must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged or fabricated metal, and be of good weldable quality in conjunction with metal of dome.

(e) [Canceled].

§ 78.284–22 *Marking.* (a) * * *

(1) ICC–104–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–104–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

* * * * *

(9) Tanks made of clad plates must be stenciled on the jacket "(naming material) _____ clad tank". Lined tanks must be stenciled on the jacket "(naming material) _____ _____ lined tank". These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

11. In § 78.285–3 amend paragraph (a); in § 78.285–4 amend paragraph (a); in § 78.285–6 amend paragraph (a), and cancel paragraph (d); in § 78.285–9 amend paragraph (a); in § 78.285–13 amend paragraphs (a) and (b); in § 78.285–17 amend paragraph (a); in § 78.285–18 amend paragraph (a) (1) (21 F. R. 4597, 4598, June 26, 1956) to read as follows:

§ 78.285 *Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.285–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 500 pounds per square inch.

§ 78.285–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in § 78.285–4 (b):

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

§ 78.285–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

* * * * *

(d) [Canceled.]

§ 78.285–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.285–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 85 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 75 pounds per square inch. (For tolerance see § 78.285–17 (a).)

§ 78.285–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.285–13 (b) with a tolerance of plus or minus 3 pounds.

§ 78.285–18 *Marking.* (a) * * *

(1) ICC–105A100–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–105A 100–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

12. In § 78.286–4 amend paragraph (b); in § 78.286–6 amend paragraph (a), and cancel paragraph (d); in § 78.286–9 amend paragraph (a); in § 78.286–13 amend paragraphs (a) and (b); in § 78.286–17 amend paragraph (a); in § 78.286–18 amend paragraph (a) (1) (21 F. R. 4599, 4600, June 26, 1956) to read as follows:

§ 78.286 *Specification ICC–105A300–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.286–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates must be $^{11}/_{16}$ inch, except when steel of 65,000 psi. minimum tensile strength is used, the minimum thickness of plates may be $^{5}/_{8}$ inch.

§ 78.286–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other materials, such as nickel.

• • • • •

(d) [Canceled.]

§ 78.286–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W).

§ 78.286–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of an approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 247.5 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 225 pounds per square inch. (For tolerance see § 78.286–17 (a).)

§ 78.286–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 225 pounds per square inch and be vapor tight at 180 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.286–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.286–18 *Marking.* (a) • • •

(1) ICC–105A300–W in letters and figures at least $^{3}/_{8}$ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least $^{3}/_{8}$ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A300–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

13. In § 78.287–4 amend paragraph (b); in § 78.287–6 amend paragraph (a), and cancel paragraph (d); in § 78.287–9 amend paragraph (a); in § 78.287–13 amend paragraphs (a) and (b); in § 78.287–17 amend paragraph (a); in § 78.287–18 amend paragraph (a) (1) (21 F. R. 4601, 4602, June 26, 1956) to read as follows:

§ 78.287 Specification ICC–105A400–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.287–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates must be $^{11}/_{16}$ inch, except when steel of 65,000 psi. minimum tensile strength is used, the minimum thickness of plates may be $^{5}/_{8}$ inch.

§ 78.287–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other materials, such as nickel.

• • • • •

(d) [Canceled.]

§ 78.287–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.287–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of an approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 330 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 300 pounds per square inch. (For tolerance see § 78.287–17 (a).)

§ 78.287–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 300 pounds per square inch and be vapor tight at 240 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.287–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.287–18 *Marking.* (a) • • •

(1) ICC–105A400–W in letters and figures at least $^{3}/_{8}$ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least $^{3}/_{8}$ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A400–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

14. In § 78.288–4 amend paragraphs (a) and (b); in § 78.288–6 amend paragraph (a), and cancel paragraph (e); in § 78.288–9 amend paragraph (a); in § 78.288–13 amend paragraphs (a), (b), and (c); in § 78.288–17 amend paragraph (a); in § 78.288–18 amend paragraph (a) (1) (21 F. R. 4602, 4603, June 26, 1956) (22 F. R. 2235, April 4, 1957) to read as follows:

§ 78.288 *Specification ICC–105A500–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.288–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in § 78.288–4 (b):

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum thickness of plates must be $^{11}/_{16}$ inch, except when steel of 65,000 psi. minimum tensile strength is used, the minimum thickness of plates may be $^{5}/_{8}$ inch.

§ 78.288–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

• • • • •

(e) [Canceled.]

§ 78.288–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.288–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 412.5 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 375 pounds per square inch. (For tolerance see § 78.288–17 (a).)

(c) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 375 pounds per square inch, and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 412.5 pounds per square inch. Tanks must also be equipped with two pressure regulating valves of approved design set for a start-to-discharge pressure of not to exceed 350 pounds per square inch. Each pressure regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.288–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 375 pounds per square inch and be vapor tight at 300 pounds per square inch, which limiting pressures must not be affected by any auxiliary closures or other combination. The valve must start to discharge at the pressure prescribed in §78.288–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.288–18 *Marking.* (a) • • •

(1) ICC–105A500–W in letters and figures at least $^{3}/_{8}$ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grade A or B steel, or ASTM A–300, the specification number of the material must also be stamped in letters and figures at least $^{3}/_{8}$ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A500–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

15. In § 78.289–4 amend paragraphs (a) and (b); in § 78.289–6 amend paragraph (a), and cancel paragraph (e); in § 78.289–9 amend paragraph (a); in § 78.289–13 amend paragraphs (a), (b) and (c); in § 78.289–17 amend paragraph (a); in § 78.289–18 amend paragraph (a) (1) (21 F. R. 4604, 4605, June 26, 1956) (22 F. R. 2235, Apr. 4, 1957) to read as follows:

§ 78.289 *Specification ICC–105A600–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.289–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in § 78.289–4 (b):

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum thickness of plates must be $^{11}/_{16}$ inch, except when steel of 65,000 psi. minimum tensile strength is used, the minimum thickness of plates may be $^{5}/_{8}$ inch.

§ 78.289–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

• • • • •

(e) [Canceled.]

§ 78.289–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.289–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 495 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 450 pounds per square inch. (For tolerance see § 78.289–17 (a).)

(c) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 450 pounds per square inch, and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge pressure of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 495 pounds per square inch. Tank must also be equipped with two pressure regulating valves of approved design set for a start-to-discharge pressure of not to exceed 400 pounds per square inch. Each pressure regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.289–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 450 pounds per square inch and be vapor tight at 360 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.289–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.289–18 *Marking.* (a) • • •

(1) ICC–105A600–W in letters and figures at least $^{3}/_{8}$ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B, or ASTM A–300 steel, the specification number of this material must also be stamped in letters and figures at least $^{3}/_{8}$ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A600–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

16. In § 78.291–2 amend paragraph (a); amend entire § 78.291–4; in § 78.291–15 amend paragraphs (b), (c), (d), and cancel paragraph (e) (21 F. R. 4606, 4607, June 26, 1956) to read as follows:

§ 78.291 *Specification ICC–103AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.291–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than $^{1}/_{8}$ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.291–4 *Thickness of plates.* (a) The plate thickness shall not be less than that obtained by calculation using the following formula; and in no case be less than $^{1}/_{2}$ inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy 996A = 9,500 psi.
ASTM B–178 Alloy 990A =11,000 psi.
ASTM B–178 Alloy M1A =14,000 psi.
ASTM B–178 Alloy GR20A=25,000 psi.
ASTM B–178 Alloy GS11A=24,000 psi.
ASTM B–178 Alloy GR40A=30,000 psi.

E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of a dished tank head must be determined by the following formula, but shall in no case be less than ½ inch:

$$t=\frac{5PL}{6SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; L=main inside radius to which head is dished measured on concave side in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.291–4 (a)); E=efficiency of welded joint to shell=100 percent.

(d) The thickness of an ellipsoidal head shall be determined by the following formula, but in no case be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.291–4 (a)); E=efficiency of welded joint to shell=100 percent.

§ 78.291–15 *Safety valve.* • • •

(b) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.291–20 (a).)

NOTE 1: Tank cars built prior to June 30, 1957, may be equipped with 25 psi. safety valves.

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent made of approved material at least 1¾ inches inside diameter closed with a frangible disc of suitable material, of a thickness that will rupture at a pressure not exceeding 45 pounds per square inch. Means for holding in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of dome.

(e) [Canceled.]

17. In § 78.292–2 amend paragraph (a); amend entire § 78.292–4; in § 78.292–11 amend paragraph (d); in § 78.292–15 amend paragraph (c); in § 78.292–20 amend paragraph (a) (21

F. R. 4608 to 4610, June 26 1956) to read as follows:

§ 78.292 *Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.292–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.292–4 *Thickness of plates.* (a) The plate thickness shall not be less than that obtained by calculation using the following formula; and in no case be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy 996A = 9,500 psi.
ASTM B–178 Alloy 990A = 11,000 psi.
ASTM B–178 Alloy M1A = 14,000 psi.
ASTM B–178 Alloy GR20A = 25,000 psi.
ASTM B–178 Alloy GS11A = 24,000 psi.
ASTM B–178 Alloy GR40A = 30,000 psi.

E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of a dished tank head must be determined by the following formula, but shall in no case be less than ½ inch:

$$t=\frac{5PL}{6SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; L=main inside radius to which head is dished measured on concave side in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.292–4 (a)); E=efficiency of welded joint to shell=100 percent.

(d) The thickness of an ellipsoidal head shall b determined by the following formula, but in no case be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.292–4 (a)); E=efficiency of welded joint to shell=100 percent.

§ 78.292–11 *Expansion dome.* • • •

(d) The dome shell thickness shall be calculated by the formula in § 78.292–4 (a).

§ 78.292–15 *Safety devices.* • • •

(c) The safety valve, if used, must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.292–20 (a).)

NOTE 1: Tank cars built prior to June 30, 1957 may be equipped with 25 psi. safety valves.

§ 78.292–20 *Tests of safety valves.* (a) Each safety valve must be tested before being put into service by attaching to an air line and applying pressure. The valve must start to discharge at the pressure prescribed in § 78.292–15 (c) with a tolerance of plus or minus 3 pounds.

18. In § 78.294–3 amend paragraph (a); in § 78.294–4 add paragraph (d); in § 78.294–11 amend paragraph (b); in § 78.294–13 amend paragraphs (a) and (b); in § 78.294–17 amend paragraph (a) (21 F. R. 4613, 4614, June 26, 1956) to read as follows:

§ 78.294 *Specification ICC–105A100–AL–W; lagged fushion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.294–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 500 pounds per square inch.

§ 78.294–4 *Thickness of plates.* • • •

(d) The minimum thickness of plates and heads shall not be less than ⅝ inch.

§ 78.294–11 *Manway nozzle, cover and protective housing.* • • •

(b) Manway cover must be of forged or rolled aluminum alloy at least 2½ inches thick, or other approved material such as cast or rolled alloy steel at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to nozzle by through bolts not entering tank.

§ 78.294–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 85 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 75 pounds per square inch. (For tolerance see § 78.294–17 (a).)

§ 78.294–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.294–13 (b) with a tolerance of plus or minus 3 pounds.

19. In § 78.296–2 amend paragraph (a); in § 78.296–5 amend paragraph (a); in § 78.296–9 amend paragraph (a); in § 78.296–15 amend paragraphs (a) and (b); in § 78.296–20 amend paragraph (a); in § 78.296–21 amend paragraph (a)(1) (21 F. R. 4617, 4618, June 26, 1956) to read as follows:

§ 78.296 *Specification ICC–103B100–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.296–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiency flashed around all openings so as to be weather-tight.

§ 78.296–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate steel of flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent.

§ 78.296–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.296–15 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of material not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 85 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 75 pounds per square inch. (For tolerance see § 78.296–20(a).)

§ 78.296–20 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.296–15 (b) with a tolerance of plus or minus 3 pounds.

§ 78.296–21 *Marking.* (a) • • •

(1) ICC–103B100–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–103B100–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

20. In § 78.297–2 amend paragraph (a); in § 78.297–9 amend paragraph (a); in § 78.297–15 amend paragraphs (a), (b), (c), (d), and cancel paragraph (e) (21 F. R. 4619, 4620, June 26, 1956) to read as follows:

§ 78.297 *Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.297–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.297–9 *Heat treatment.* (a) All welding of the tank shell and of attachments welded directly thereto must be heat treated as a unit to remove stresses and at the proper temperature to obtain the corrosion resistance specified in § 78.297–5 (a). (See A. A. R. Appendix W.)

§ 78.297–15 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design mounted on top of expansion dome. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 45 pounds per square inch.

(b) The safety valve must be set for start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.297–20 (a).)

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have 1 safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) Safety valve or safety vent flanges must be of cast, forged, or fabricated metal not subject to rapid deterioration by the lading, and be of good weldable quality in conjunction with metal of dome.

(e) [Canceled.]

21. In § 78.298–2 amend paragraph (a); in § 78.298–9 amend paragraph (a); in § 78.298–11 amend paragraph (a); in § 78.298–15 amend paragraphs (a), (b), (c), (d) and cancel paragraph (e) (21 F. R. 4621, 4622, June 26, 1956) to read as follows:

§ 78.298 *Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.298–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.298–9 *Heat treatment.* (a) All welding of the tank shell and of attachments welded directly thereto must be heat treated as a unit to remove stresses and at the proper temperature to obtain the corrosion resistance specified in § 78.298–5 (a). (See A. A. R. Appendix W.)

§ 78.298–11 *Expansion dome.* (a) The expansion dome must have a capacity measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 1 percent of the total capacity of the tank and dome combined.

§ 78.298–15 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design mounted on top of expansion dome. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 45 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.298–20 (a).)

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have 1 safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(d) Safety valve or safety vent flanges must be of cast, forged, or fabricated metal not subject to rapid deterioration by the lading, and be of good weldable quality in conjunction with metal of dome.

(e) [Canceled.]

22. In § 78.299–2 amend paragraph (a) (21 F. R. 4623, June 26, 1956) to read as follows:

§ 78.299 *Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.*

§ 78.299–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

23. In § 78.300–4 amend paragraph (a) and (c); in § 78.300–13 amend paragraphs (a) and (b); in § 78.300–17 amend paragraph (a) (21 F. R. 4625, 4626, June 26, 1956) to read as follows:

§ 78.300 *Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.300–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank shall be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy GR20A=25,000 psi.
ASTM B–178 Alloy GS11A=24,000 psi.
ASTM B–178 Alloy GR40A=30,000 psi.

E=efficiency of longitudinal welded joint=90 percent.

• • • • • •

(c) The minimum thickness of plates and heads must not be less than ⅝ inch.

§ 78.300–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 247.5 pounds per square inch.

(b) The safety valves must be set for a start-to-discharge pressure of 225 pounds per square inch. (For tolerance see § 78.300–17 (a).)

§ 78.300–17 *Tests of safety valves.* (a) Each value must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 225 pounds per square inch and be vapor tight at 180 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.300–13 (b) with a tolerance of plus or minus 3 percent.

24. In § 78.301–2 amend paragraph (a); in § 78.301–6 amend paragraph (a), and cancel paragraph (d); in § 78.301–9 amend paragraph (a); in § 78.301–14 amend paragraph (a) and add paragraph (b); in § 78.301–18 amend paragraph (a); in § 78.301–19 amend paragraph (a) (1) (21 F. R. 4626, 4627, 4628, June 26, 1956) to read as follows:

§ 78.301 *Specification ICC–109A300–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.301–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and manway nozzle must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

§ 78.301–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

• • • • • •

(d) [Canceled.]

§ 78.301–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.301–14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design made of metal not subject to rapid deteriora-

tion by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 247.5 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 225 pounds per square inch. (For tolerance see § 78.301–18 (a).)

§ 78.301–18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 225 pounds per square inch and be vapor tight at 180 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.301–14 (b) with a tolerance of plus or minus 3 percent.

§ 78.301–19 *Marking.* (a) • • •

(1) ICC–109A300–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of the material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–109A300–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

25. In § 78.302–3 amend paragraph (a); in § 78.302–14 amend paragraphs (a) and (b); in § 78.302–18 amend paragraph (a) (22 F. R. 2236, 2237, Apr. 4, 1957) to read as follows:

§ 78.302 *Specification ICC–109A100–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.302–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 500 pounds per square inch.

§ 78.302–14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 85 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch. (For tolerance see § 78.302–18 (a).)

§ 78.302–18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.302–14 (b) with a tolerance of plus or minus 3 pounds.

26. Add § 78.303 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.303 *Specification ICC–111A100–W–1; fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.303–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.303–2 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 500 pounds per square inch.

§ 78.303–3 *Thickness of plates.* (a) (1) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(2) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of welded joint, if any,=90 percent; if head is made in one piece, E=100 percent.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate, may be considered as part of the base plate for determining total thickness of plate required. Where the cladding material does not have physical properties at least equal to that of the base plate, the cladded thickness must be added to that required for the base plate.

§ 78.303–4 *Openings in the tank.* (a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.303–5 *Material.* (a) All plates for tank must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.303–6 *Tank Heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.303–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.303–8 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W).

§ 78.303–9 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.303–10 *Tests of tanks.* (a) Each tank must be tested by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.303–7 (a).

§ 78.303–11 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC–111A100–W in letters and figures at least ⅜ inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A100–W–1 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car, using the classification group number for the stenciled marking.

(2) Initials of tank builder and date of original test of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of adidtional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party asembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high, immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater system was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged (naming material) ---------- clad tank. Lined tanks must be stenciled on the tank, or jacket if lagged (naming material) ---------- lined tank. These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.303–12 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application showing initial and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

§ 78.303–13 *Outage.* (a) Tanks with Group 1 fittings and appurtenances will require a minimum outage of 2 percent. This outage must be provided for in the tank shell.

§ 78.303–14 *Lagging.* (a) Not a specification requirement. If applied, the tank shell must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

(b) Before lagging is applied, the exterior tank surface and the interior surface of the metal jacket shall be given a protective coating.

§ 78.303–15 *Closure for manway.* (a) The manway cover must be of an approved type and design to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway cover must be made of cast, forged or fabricated steel and be of good weldable quality in conjunction with metal of tank.

(c) All covers not hinged must be attached to outside of tank by at least a ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor or liquid by use of gaskets of suitable material.

§ 78.303–16 *Bottom outlets.* (a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design and be provided with a liquid tight closure at the outlet end.

(b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating the valve due to stresses or shocks incidental to transportation.

(c) Bottom outlet nozzle may be of cast, fabricated or forged metal. If outlet nozzle is welded to tank, it must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of standard unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must have external Unified Form Threads, 4 threads per inch.

(e) For outlet nozzles that extend 6 inches or more from the shell of tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles, this groove must be below the steam chamber, but not more than 15 inches from the tank. Where the outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the exterior of the tank. Leakage must be prevented by packing in stuffing box or other suitable seals and a cap.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

§ 78.303–17 *Venting, loading and unloading devices.* (a) Installation of these devices is optional, and when installed, these devices and fittings must be of an approved design, and made of materials not subject to rapid deterioration by the lading.

(b) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of the tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

(c) These devices must be equipped with valves to provide for the loading and unloading of the contents. These devices, including valves, must be of an approved design and be provided with a protective housing or equivalent. Provision must be made for closing pipe connections of valves.

§ 78.303–18 *Gauging devices.* (a) Outage for these tanks must be provided within the tank shell; therefore, an outage scale visible from manway when cover is open must be provided.

(b) A telltale pipe must be applied with a ¼ inch control valve mounted outside of the tank and enclosed within a cap. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified for tanks equipped with Group 1 fittings. This requirement is to permit tank to be loaded with the manway cover closed.

§ 78.303–19 *Vacuum breaker.* (a) To prevent pressure reduction of more than 1½ pounds per square inch below

atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank shall be equipped with a valve of approved design.

§ 78.303–20 *Safety valves.* (a) The tank, or each compartment thereof, must be equipped with one or more safety valves of approved design, mounted on suitable nozzles securely attached to the top of the tank. Total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 85 pounds per square inch.

(b) Each safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch. (For tolerance see § 78.303–21 (a).)

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have a safety vent at least 1¾ inches inside diameter, closed with a frangible disc of lead, or other suitable material, of a thickness that will rupture at a pressure of not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

§ 78.303–21 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valves must start to discharge at the pressure prescribed in § 78.303–20 (b) with a tolerance of plus or minus 3 pounds.

§ 78.303–22 *Interior heater systems.* (a) Not a specification requirement. When installed, see §§ 78.260 and 78.261, heater systems.

(b) Flanges for interior heater systems and plugs must be of cast, fabricated or forged metal. Flanges must be of good weldable quality in conjunction with the metal of the tank.

(c) Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

(d) Interior heater systems must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

27. Add § 78.304 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.304 *Specification ICC–111A100–W–2; fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.304–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.304–2 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 500 pounds per square inch.

§ 78.304–3 *Thickness of plates.* (a) (1) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(2) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of welded joint, if any,=90 percent; if head is made in one piece, E=100 percent.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate, may be considered as part of the base plate for determining total thickness of plate required. Where the cladding material does not have physical properties at least equal to that of the base plate, the cladded thickness must be added to that required for the base plate.

§ 78.304–4 *Openings in the tank.* (a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.304–5 *Material.* (a) All plates for tank must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.304–6 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.304–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.304–8 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.304–9 *Tank mounting* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.304–10 *Tests of tanks.* (a) Each tank must be tested by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.304–7 (a).

§ 78.304–11 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC–111A100–W in letters and figures at least ⅜ inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A100–W–2 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car, using the classification group number for the stenciled marking.

(2) Initials of the tank builder and date of original test of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high, immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which the interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, (naming material) _____ clad tanks. Lined tanks must be stenciled on the tanks, or jacket if lagged, (naming material) _____ lined tank. These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.304–12 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application showing initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

§ 78.304–13 *Outage.* (a) Tanks with Group 2 fittings and appurtenances will require a minimum outage of 1 percent. This outage must be provided in the tank shell.

§ 78.304–14 *Lagging.* (a) Not a specification requirement. If applied, the tank shell must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight.

(b) Before lagging is applied, the exterior tank surface and the interior surface of the metal jacket shall be given a protective coating.

§ 78.304–15 *Closures for manway.* (a) The manway cover must be of an approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway covers must be of cast, forged or fabricated steel. Manway ring must be made of cast, forged or fabricated steel and be of good weldable quality in conjunction with the metal of the tank.

(c) All covers not hinged must be attached to outside of tank by at least ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor or liquid by use of gaskets of suitable material.

§ 78.304–16 *Bottom outlets.* (a) Bottom outlet is prohibited, but tank may be equipped with a bottom washout nozzle of approved design, made of metal not subject to rapid deterioration by the lading.

(b) The construction and closure of the bottom washout nozzle must be such that it is liquid tight and should the nozzle be broken, loss of contents will not occur.

(c) The extreme projection of the bottom washout nozzle must be at least 12 inches above the top of rail.

(d) Bottom washout nozzle may be of cast, frabricated, or forged metal. If welded to tank, it must be of good weldable quality in conjunction with metal of tank.

(e) The closure of the washout nozzle must be equipped with a ¾ inch solid screw plug. Plug must be secured to car structure or washout chamber by at least a ¼ inch chain.

(f) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of bottom washout nozzle at a point immediately below lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at root of the "V" not over ⅜ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(g) The flange on the bottom washout nozzle must be of a thickness which will prevent distortion of the inside closure seat of closure detail by any change in contour of the shell, resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the washout nozzle will occur at or below the "V" groove.

(h) The closure detail must not project below the "V" groove in the washout nozzle. The closure detail and seat must be readily accessible for repairs, including grinding.

§ 78.304–17 *Venting, loading and unloading devices.* (a) Tank must be provided with a venting device and a loading and unloading device of approved design and made of material not subject to rapid deterioration by the lading and be tightly closed.

(b) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

(c) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading and unloading of the contents, these devices, including valves, must be of an approved design and be provided with a protective housing or equivalent. Provision must be made for closing pipe connections of valves.

§ 78.304–18 *Gauging devices.* (a) Outage for these tanks must be provided within the tank shell; therefore, an outage scale visible from manway when cover is open must be provided.

(b) A telltale pipe must be applied with a ¼ inch control valve mounted outside of the tank and enclosed within a cap. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified for tanks equipped with Group 2 fittings. This requirement is to permit tank to be loaded with the manway cover closed.

§ 78.304–19 *Vacuum breaker.* (a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank shall be equipped with a valve of approved design.

§ 78.304–20 *Safety vents.* (a) Safety valves are prohibited. Tanks equipped with Group 2 fittings must have a safety vent of an approved design.

(b) Each tank or compartment thereof, must be equipped with one safety vent at least 1¾ inches inside diameter, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at a pressure of not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent flanges, if welded to tank, must be of cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

§ 78.304–21 *Interior heater systems.* (a) Not a specification requirement. When installed, see §§ 78.260 and 78.261, heater systems.

(b) Flanges for interior heater systems and plugs must be of cast, forged, or fabricated metal. Flanges must be of good weldable quality in conjunction with the metal of the tank.

(c) Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

(d) Interior heater systems must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

28. Add § 78.305 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.305 *Specification ICC–111A100–W–3; fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 *Application for Approval* (a), (b), (c) and (d).

§ 78.305–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.305–2 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 500 pounds per square inch.

§ 78.305–3 *Thickness of plates.* (a) (1) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(2) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of welded joint, if any,=90 percent; if head is made in one piece, E=100 percent.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate, may be considered as part of the base plate for determining total thickness of plate required. Where the cladding material does not have physical properties at least equal to that of the base plate, the cladded thickness must be added to that required for the base plate.

§ 78.305–4 *Openings in the tank.* (a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.305–5 *Material.* (a) All plates for tank must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.305–6 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.305–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.305–8 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.305–9 *Tank-mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.305–10 *Tests of tanks.* (a) Each tank must be tested by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.305–7 (a).

§ 78.305–11 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC–111A100–W in letters and figures at least ⅜ inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A100–W–3 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car, using the classification group number for the stenciled marking.

(2) Initials of the tank builder and date of original test of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high, immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which the interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, (naming material) _____ clad tanks. Lined tanks must be stenciled on the tanks, or jacket if lagged, (naming material) _____ lined tank. These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.305–12 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application showing initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

§ 78.305–13 *Outage.* (a) Tanks with Group 3 fittings and appurtenances will require a minimum outage of 2 percent. This outage must be provided in the tank shell.

§ 78.305–14 *Lagging.* (a) The tank shell must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness equivalent to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.305–15 *Closures for manway.* (a) The manway cover must be of an approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway covers must be made of cast, forged, or fabricated steel. Manway ring must be made of cast, forged, or fabricated steel and be of good weldable quality in conjunction with metal of the tank.

(c) All covers not hinged must be attached to outside of tank by at least ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor or liquid by use of gaskets of suitable material.

§ 78.305–16 *Bottom outlets.* (a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, must be of approved design and be provided with a liquid tight closure at the outlet end.

(b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating of valve due to stresses or shocks incidental to transportation.

(c) Bottom outlet nozzle may be of cast, forged, or fabricated metal. If outlet nozzle is welded to tank, it must be of cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of standard unloading connections, the bottom of the main portion of the outlet nozzle or some fixed attachment thereto, must have external Unified Form Threads, 4 threads to the inch.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles, this groove must be below the steam chamber, but not more than 15 inches from the tank. Where the outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the exterior of the tank. Leakage must be prevented by packing in stuffing box or other suitable seals and a cap.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least ⅜-inch chain or its equivalent, except that outlet closure plugs may be attached by ¼-inch chain. When the bottom outlet closure is on the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

§ 78.305–17 *Venting, loading and unloading devices.* (a) Tank must be provided with a venting device and a loading and unloading device of approved design and made of material not subject to rapid deterioration by the lading and be tightly closed.

(b) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

(c) These devices must be equipped with valves to provide for the loading and unloading of the contents. These devices including valves, must be of an approved design and provided with a protective housing or equivalent. Provision must be made for closing pipe connections of valves.

§ 78.305–18 *Gauging device.* (a) Outage for these tanks must be provided within the tank shell; therefore, an outage scale visible from manway when cover is open must be provided.

(b) A telltale pipe must be applied with a ¼-inch control valve mounted outside of the tank and enclosed within a cap. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified for tanks equipped with Group 3 fittings. This requirement is to permit tank to be loaded with the manway cover closed.

§ 78.305–19 *Vacuum breaker.* (a) To prevent reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with a subsequent shrinkage of lading, each tank shall be equipped with a valve of approved design.

§ 78.305–20 *Safety valves.* (a) The tank, or each compartment thereof, must be equipped with one or more safety valves of approved design, mounted on suitable nozzles securely attached to the top of the tank. Total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 85 pounds per square inch.

(b) Each safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch. (For tolerance see § 78.305–21 (a).)

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at a pressure of not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

§ 78.305–21 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressure must not be affected by any auxiliary closure or other combination. The valves must start to discharge at the pressure prescribed in § 78.305–20 (b) with a tolerance of plus or minus 3 pounds.

§ 78.305–22 *Interior heater systems.* (a) Not a specification requirement. When installed, see §§ 78.260 and 78.261, heater systems.

(b) Flanges for interior heater systems and plugs must be of cast, forged, or fabricated metal. Flanges must be of good weldable quality in conjunction with the metal of tank.

(c) Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

(d) Interior heater systems must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

29. Add § 78.306 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.306 *Specification ICC–111A100–W–4; fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.306–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.306–2 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 500 pounds per square inch.

§ 78.306–3 *Thickness of plates.* (a) (1) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(2) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of welded joint, if any, ≐90 percent; if head is made in one piece, E=100 percent.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate, may be considered as part of the base plate for determining total thickness of plate required. Where the cladding material does not have physical properties at least equal to that of the base plate, the cladded thickness must be added to that required for the base plate.

§ 78.306–4 *Openings in the tank.* (a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.306–5 *Material.* (a) All plates for tank must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.306–6 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.306–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.306–8 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.306–9 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.306–10 *Tests of tanks.* (a) Each tank must be tested by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.306–7 (a).

§ 78.306–11 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC–111A100–W in letters and figures at least ⅜ inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder.* If the tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A100–W–4 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car, using the classification group number for the stenciled marking.

(2) Initials of the tank builder and date of original test of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high, immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which the interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged (naming material) _____ clad tanks. Lined tanks must be stenciled on the tanks, or jacket if lagged (naming material) _____ lined

tank. Those marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.306–12 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations, or additions made to each tank covered by a particular application showing initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

§ 78.306–13 *Outage.* (a) Tanks with Group 4 fittings and appurtenances will require outage complying with the maximum permitted filling density, § 73.314 (a) of this chapter.

§ 78.306–14 *Lagging.* (a) The tank shell must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness equivalent to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.306–15 *Closures for manway.* (a) The manway cover must be of an approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway cover must be made of cast, forged, or fabricated steel. Manway ring must be made of cast, forged, or fabricated steel and be of good weldable quality in conjunction with the metal of the tank.

(c) All covers not hinged must be attached to outside of tank by at least ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor or liquid by use of gaskets of suitable material.

§ 78.306–16 *Bottom outlets.* (a) The bottom outlet is prohibited.

§ 78.306–17 *Venting, loading, and unloading devices.* (a) Tank must be provided with a venting device and a loading and unloading device of approved design and made of material not subject to rapid deterioration by the lading and be tightly closed.

(b) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

(c) These devices must be equipped with valves to provide for the loading and unloading of the contents. These devices, including valves, must be of an approved design and be provided with a protective housing or equivalent. Provision must be made for closing pipe connections of valves.

§ 78.306–18 *Gauging device.* (a) A gauging device of an approved design must be applied to permit determining the liquid level of the lading. The interior pipe of the gauging device must be equipped with an excess flow valve of an approved design. This device must be provided with a protective housing.

§ 78.306–19 *Vacuum breaker.* (a) The vacuum breaker is not a specification requirement.

§ 78.306–20 *Safety valves.* (a) The tank, or each compartment thereof, must be equipped with one or more safety valves of approved design, mounted on suitable nozzles securely attached to the top of the tank. Total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 85 pounds per square inch.

(b) Each safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch. (For tolerance see § 78.306–21 (a).)

§ 78.306–21 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valves must start to discharge at the pressure prescribed in § 78.306–20 (b) with a tolerance of plus or minus 3 pounds.

§ 78.306–22 *Heater systems.* (a) Not a specification requirement. When installed, see §§ 78.260 and 78.261, heater systems.

§ 78.306–23 *Sampling device and thermometer well.* (a) Sampling valve and thermometer well are not specification requirements. When used, they they must be of an approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the sampling valve must be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be closed by an approved valve attached close to fitting where it passes through the tank and closed by a screw plug. Other approved arrangements that permit testing thermometer wells for leaks without complete removal of the closure may be used.

30. Add § 78.307 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.307 *Specification ICC–105A200–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.307–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tanks must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank prohibited.

§ 78.307–2 *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of the thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket and efficiently flashed around all openings so as to be weather-tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.307–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 500 pounds per square inch.

§ 78.307–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads, must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in § 78.307–4 (b):

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum thickness of plates must be as follows:

Inside diameter of tanks	Bottom sheets	Shell sheets	Tank heads
	Inch	*Inch*	*Inch*
87 inches or under	1/4	1/4	1/4
Over 87 to 96 inches	5/16	5/16	5/16

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.307–6 (a), must be as prescribed in the above table. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.307–6 (a), minimum thickness of base plate must be as prescribed in the above table.

§ 78.307–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.307–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron prohibited.

(c) All external projections must be made of materials specified herein.

§ 78.307–7 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ the major axis.

§ 78.307–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.307–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.307–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.307–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of approved design of cast, forged or rolled steel at least 18 inches inside diameter and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap-joint type.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather-proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.307–12 *Venting, loading and unloading, gauging, and sampling devices and thermometer well.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, except as prescribed in § 78.307–12 (d), may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in § 78.307–12 (d), may be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks used for the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

§ 78.307–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 165 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 150 pounds per square inch. (For tolerance see § 78.307–17 (a).)

§ 78.307–14 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than anchorage and those mounted on manway cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved methods.

§ 78.307–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and made of metal not subject to rapid deterioration by the lading.

§ 78.307–16 *Tests of tanks.* (a) Each tank must be tested by completely filling tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 200 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.307–8 (a).

(c) Tests of exterior heater systems, not a specification requirement.

§ 78.307–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 150 pounds per square inch and be vapor tight at 120 pounds per square inch, which limiting pressure must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.307–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.307–18 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification as follows:

(1) ICC–105A200–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads by the tank builder. ICC–105A200–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made and by whom, stenciled on the jacket.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of the ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the jacket (naming material) ---------- clad tank. Lined tanks must be stenciled on the jacket (naming material) ---------- lined tanks. These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.307–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

31. Add § 78.308 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.308 *Specification ICC–105A200–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.308–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.308–2 *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weathertight. When heater systems are attached to the exterior of the tank, the lagging over each heater element may be reduced in thickness to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.308–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 500 pounds per square inch.

§ 78.308–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy 996A	=	9,500 psi.
ASTM B–178 Alloy 990A	=	11,000 psi.
ASTM B–178 Alloy M1A	=	14,000 psi.
ASTM B–178 Alloy GR20A	=	25,000 psi.
ASTM B–178 Alloy GS11A	=	24,000 psi.
ASTM B–178 Alloy GR40A	=	30,000 psi.

E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of an ellipsoidal head shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.308–4 (a)); E=efficiency of welded joint to shell=100 percent.

(d) Minimum thickness of plates and heads shall not be less than ⅝ inch.

§ 78.308–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.308–6 *Material.* (a) All plates for tank and manway nozzle must be made of an aluminum alloy to an approved specification and be suitable for fusion-welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings used for fittings or attachment to tank must be made of material to an approved specification.

(c) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.308–7 *Tank heads.* (a) Tank heads must be of approved contour and must be ellipsoidal for pressure on the concave side.

(b) Ellipsoidal tank head shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ the major axis.

§ 78.308–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.308–9 *Stress-relieving.* (a) Not a specification requirement.

§ 78.308–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.308–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of cast, forged, or fabricated aluminum alloy at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled aluminum alloy at least 2½ inches thick, or other approved material at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to nozzle by through bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves, or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel, or other approved materials, must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather-proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.308–12 *Venting, loading and unloading, gauging and sampling devices.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, except as prescribed in § 78.308–12 (d), may be equipped with excess flow valves of approved design, and must be securely anchored.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, and made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 200 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in § 78.308–12 (d), may be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks for use in the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with check valves of an approved design.

§ 78.308–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 165 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 150 pounds per square inch. (For tolerance see § 78.308–17 (a).)

§ 78.308–14 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than the anchorage, interior pipe bracing, and those mounted on manway cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved method.

§ 78.308–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.308–16 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before tank lagging is applied, by completely filling the tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 200 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.308–8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.308–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 150 pounds per square inch and be vapor tight at 120 pounds per square inch which limiting pressures must not be affected by an auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.309–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.308–18. *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–105A200–AL–W and specification number of material used in tank shell and manway nozzle in letters and figures at least ⅜ inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A 200–AL–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(7) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

§ 78.308–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

32. Add § 78.312 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.312 *Specification ICC–112A400–W; fushion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c), and (d).

§ 78.312–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.312–2 *Lagging.* (a) Not a specification requirement.

(b) In lieu of lagging, at least the upper ⅔ of the exterior of the tank car tank shall be painted with a light-reflective paint for the finish coat. Manway nozzle, and all appurtenances in contact with this area of the tank shall also be painted with a light-reflective paint for the finish coat.

§ 78.312–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 1000 pounds per square inch.

§ 78.312–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in § 78.312–4 (b):

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure in pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum thickness of plates must be 11/16 inch.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.312–6 (a), must be as prescribed in § 78.312–4 (b). Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.312–6 (a) minimum thickness of base plate must be as prescribed in § 78.312–4 (b).

§ 78.312–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.312–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. The use of cast iron is prohibited.

(c) All external projections must be made of material specified herein.

§ 78.312–7 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.312–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.312–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto, must be stress-relieved as a unit.

§ 78.312–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing the anchor to tank is prohibited.

§ 78.312–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of forged or rolled steel at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading and unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Opening in wall of housing must be equipped with screw plugs or other closures.

§ 78.312–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 400 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) The interior pipes of the loading and unloading valves, except as prescribed in § 78.312–12 (d), may be equipped with excess flow valves of approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 400 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in § 78.312–12 (d), may be equipped with excess flow valves of an approved design. Interior pipes of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure, may be used.

(d) Tanks used in the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

§ 78.312–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of an approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 330 pounds per square inch.

(b) The safety valve must be set for a start-to-discharge pressure of 300 pounds per square inch. (For tolerance see § 78.312–17 (a)).

§ 78.312–14 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than the anchorage, interior pipe bracing, and those mounted on manway cover, are prohibited.

§ 78.312–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread and of metal not subject to rapid deterioration by lading.

§ 78.312–16 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied, by completely filling tank and manway nozzle with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 400 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.312–8 (a).

§ 78.312–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 300 pounds per square inch and be vapor tight at 240 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.312–13 (b) with a tolerance of plus or minus 3 percent.

§ 78.312–18 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–112A400–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of the material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–112A400–W must also be stenciled on the tank in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must be stenciled on the tank in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph, by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom stenciled on the tank.

(6) Water capacity in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the tank immediately below the dome platform, and either directly behind or within 3 feet of the right or left side of ladder, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank (naming material) _____ clad tank. Lined tanks must be stenciled on the tank (naming material) _____ lined tank. These marks must be stenciled in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (7) of this paragraph.

§ 78.312–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

33. Add § 78.314 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.314 *Specification ICC–109A300–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.314–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well and a protective housing on the cover.

§ 78.314–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and manway nozzle must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all around all openings so as to be weather tight.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.314–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 750 pounds per square inch.

§ 78.314–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy GR20A=25,000 psi.
ASTM B–178 Alloy GS11A=24,000 psi.
ASTM B–178 Alloy GR40A=30,000 psi.

E=efficiency of longitudinal welded joint=90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of an ellipsoidal head (see § 78.314–7 (b)), shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where t=thickness of plate in inches; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch (see § 78.314–4 (a)); E=efficiency of welded joint to shell=100 percent.

(d) The minimum thickness of plates and heads must not be less than ⅝ inch.

§ 78.314–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.314–6 *Material.* (a) All plates for tank and manway nozzle must be made of an aluminum alloy to an approved specification and be suitable for fusion-welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings used for fittings or attachment to tank must be made of material to an approved specification.

(c) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.314–7 *Tank heads.* (a) Tank heads must be of approved contour and must be ellipsoidal for pressure on concave side.

(b) Ellipsoidal tank heads shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ the major axis.

§ 78.314–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.314–9 *Stress-relieving.* (a) Not a specification requirement.

§ 78.314–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.314–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of cast, forged or fabricated aluminum alloy at least 18 inches inside diameter. Manway nozzle must be of an approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled aluminum alloy at least 2⅝ inches thick, or other approved material at least 2¼ inches thick, machined to approved dimensions. Manyway cover must be attached to nozzle by through bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel, or other approved materials, must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Opening in wall of housing must be equipped with screw plugs or other closures.

§ 78.314–12 *Venting, loading and unloading, gauging and sampling devices.* (a) Venting, loading and unloading valves must be of approved types, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 300 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, sampling valve and gauging device may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

§ 78.314–13 *Bottom outlets.* (a) Bottom outlet for discharge of lading is prohibited, but tank may be equipped with a bottom washout of metal not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements:

(1) The extreme projection of the bottom washout must be at least 12 inches above top of rail.

(2) Bottom washout nozzle must be of cast, forged or fabricated metal of good weldable quality in conjunction with the metal of the tank, and must be applied by welding.

(3) The bottom washout must be designed and constructed with a double closure each capable of withstanding 300 pounds per square inch test pressure without leakage. The inside or top closure must be such that loss of lading will not occur should the nozzle be broken, and preferably should consist of a plug with a tapered seat so that any tank pressure will effect tight closure independent of means of securing the plug. The outside or bottom closure must be a flange with a test plug not larger than ¾ inch pipe plug. Flange and plug must be chained to prevent loss.

(4) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of the bottom washout nozzle at a point immediately below the lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(5) The opening in the tank bottom for the bottom washout nozzle must be reinforced in an approved manner, and the washout nozzle must be of a thickness to insure that accidental breakage will occur at or below the "V" groove.

(6) The closure plug must not project below the "V" groove in the washout nozzle. The closure plug and seat must be readily accessible for repairs, including grinding.

(7) Joints between closures and their seats may be gasketed with suitable material.

§ 78.314–14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 247.5 pounds per square inch.

(b) The safety valves must be set for a start to discharge pressure of 225 pounds per square inch. (For tolerance see § 78.314–18 (a).)

§ 78.314–15 *Fixtures, reinforcements and attachments not otherwise specified.* (a) All attachments to tank and nozzle must be applied by approved means. Heater systems may be applied to exterior of tank by tank bands or other approved methods.

§ 78.314–16 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.314–17 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before tank lagging is applied, by completely filling tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying pressure of 300 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.314–8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.314–18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 225 pounds per square inch and be vapor tight at 180 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valve must start to discharge at the pressure prescribed in § 78.314–14 (b) with a tolerance of plus or minus 3 percent.

§ 78.314–19 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–109A300AL–W and specification number of material used in tank shell and manway nozzle in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–109A300AL–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party, assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling

the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank, or jacket if lagged.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(7) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraph (3) of this paragraph. This mark must also be stenciled on the tank, or jacket if lagged, immediately below the dome platform and either directly behind or within 3 feet of the right or left side of the ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

§ 78.314–20 *Reports.* (a) Before a tank car is placed in service the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties, a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

[F. R. Doc. 57–5523; Filed, July 8, 1957; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.712 (d–1) governing the operation of the State of California Highway Bridge (Redwood Highway Bridge) across Richardson Bay near Sausalito, California, is hereby revoked, the bridge having been replaced by a fixed bridge, as follows:

§ 203.712 *Tributaries of San Francisco Bay and San Pablo Bay, Calif.* • • •

(d–1) *Richardson Bay; State of California Highway Bridge (Redwood Highway Bridge) near Sausalito.* [Revoked.]

[Regs., June 13, 1957, 823.01 (Richardson Bay, Calif.)—ENGWO] (Sec. 5, 26 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.82a is hereby prescribed establishing and governing the use and navigation of an Air Force danger zone in the Atlantic Ocean off Cape Canaveral, Florida, as follows:

§ 204.82a *Atlantic Ocean off Cape Canaveral, Fla., Air Force Missile Testing Area, Patrick Air Force Base, Fla.*—(a) *The danger zone.* An area in the Atlantic Ocean immediately offshore from Cape Canaveral defined by the arc of a circle with radius of 5 statute miles with its center at Canaveral lighthouse, said arc beginning at a point on the shore approximately 5 miles north of said lighthouse, at approximate latitude 28°34′ north, and continuing thence in a clockwise direction to a point in Canaveral Bight approximately 5 miles due south of said lighthouse, at approximate latitude 28°23′ north, longitude 80°33′ west; and thence by a straight line in a direction approximately north 44 degrees west (approximately NW) to a point on the shore.

(b) *The regulations.* (1) All unauthorized vessels of every kind are prohibited from operating within the danger zone during firing periods to be specified by the Commander, Air Force Missile Test Center, Patrick Air Force Base.

(2) When firing activities are about to begin and while such activities are being conducted a warning signal in the form of a large red ball will be displayed by day and a cluster of flashing red lights by night on a tower at a point approximately one-half mile south of the point on the highwater shoreline where the northerly terminus of the said arc meets said shoreline; and on a tower at said shoreline at the southerly part of said area where the said straight line meets said shoreline, as described in paragraph (a) of this section. In addition, crash boats and airplanes, or either, will patrol the zone during prohibited hours and will give oral warning by loud speaker. When firing activities are about to begin the above-named using service will broadcast warning by radio on a frequency of 2638 kilocycles. The specified signals will be discontinued when the zone is again safe for surface craft to enter.

(3) During periods when the above-described signals are being displayed all vessels in the zone shall leave immediately by the shortest route, and shall remain outside the zone until the signals have been discontinued.

(4) The regulations in this section shall be enforced by the Commander, Air Force Missile Test Center, Patrick Air Force Base, Florida, and such agencies as he may designate.

[Regs., June 10, 1957, 800.2121 (Atlantic Ocean-Florida)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.128a is hereby prescribed establishing and governing the use and navigation of a restricted area surrounding the two Naval piers in York River at Cheatham Annex Depot, Naval Supply Center, Williamsburg, Virginia, as follows:

§ 207.128a *York River adjacent to Cheatham Annex Depot, Naval Supply Center, Williamsburg, Virginia; restricted area*—(a) *The area.* The waters of York River bounded as follows: Beginning at a point on shore at Cheatham Annex Depot at latitude 37° 17′ 14″ N, longitude 76° 35′ 38″ W; thence to a point offshore at latitude 37° 17′ 52″ N, longitude 76° 35′ 20″ W; thence approximately parallel to the shore to a point at latitude 37° 17′ 23″ N, longitude 76° 34′ 39″ W; thence to the shore at latitude 37° 16′ 58″ N, longitude 76° 35′ 03″ W; and thence along the shore at Cheatham Annex Depot to the point of beginning.

(b) *The regulations.* (1) No loitering will be permitted within the area. Oystermen may work their own leaseholds or public bottom within the area, provided they obtain special permission from the Officer in Charge, Cheatham Annex Depot, Naval Supply Center, Williamsburg, Virginia.

(2) The regulations in this section shall be enforced by the Officer in Charge, Cheatham Annex Depot, U. S. Naval Supply Center, Williamsburg, Virginia.

[Regs., June 13, 1957, 800.2121 (York River, Va.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] R. V. LEE,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 57–5504; Filed, July 8, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

WAR ORPHANS' EDUCATIONAL ASSISTANCE ACT OF 1956

Section 4.458a is revised to read as follows:

§ 4.458a *War Orphans' Educational Assistance Act of 1956.* (a) Election of benefits under Public Law 634, 84th Congress, is a bar in the same or any other case to further payments of dependency and indemnity compensation after age 18 because of approved school attendance. Dependency and indemnity compensation may be paid, however, for a child under the age of 18 years or for a helpless child concurrently with benefits under the War Orphans' Educational Assistance Act of 1956. Election of benefits under Public Law 634, 84th Congress, is final after one payment has been made under that act to or for the child or as an administrative allowance to the school. Payment will be considered to have been made when the school has submitted a certification of the eligible person's enrollment and a certification of training, thereby establishing entitlement to payment of an administrative (the reporting) allowance for the certification rendered.

(b) Where a child over the age of 18 years elects benefits under this act, awards of dependency and indemnity compensation will be subject to the following:

(1) An election of benefits under this act will not preclude the allowance of dependency and indemnity compensation which is otherwise payable based upon school attendance for periods, including vacation periods, prior to commencement of benefits under such act.

(2) Dependency and indemnity compensation based on school attendance will be discontinued as provided in § 4.463 (d) (1).

(3) Apportionment, where death of the veteran occurred prior to January 1, 1957, will be discontinued effective the day preceding the commencement date of benefits under such act.

(4) Readjustment of the rate payable to another child or children will be made as provided in § 4.455 (a).

(5) Accrued dependency and indemnity compensation may be paid to the child as provided in § 4.482.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interprets or applies sec. 209, 70 Stat. 867; 38 U. S. C. 1119)

This regulation is effective July 9, 1957.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 57–5521; Filed, July 8, 1957; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

MOUNT MCKINLEY NATIONAL PARK; SPEED LIMITS

Section 20.44, *Mount McKinley National Park,* is amended by adding paragraph (e) as follows:

(e) *Speed.* Speed limits in the Park are as provided in § 1.42 of this chapter, except that the maximum speed limit for vehicles having a gross weight in excess of 10,000 pounds is 25 miles per hour, and for all other vehicles is 35 miles per hour.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 3d day of June 1957.

DUANE D. JACOBS,
Superintendent,
Mount McKinley National Park.

[F. R. Doc. 57–5508; Filed, July 8, 1957; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

MISCELLANEOUS AMENDMENTS

1. In § 201.2, paragraph (e) is amended to read as follows:

§ 201.2 *Eligible notes.* • • •

(e) *Late charges.* The note may provide for a late charge, not to exceed 5 cents for each $1.00 of each installment more than 10 days in arrears. No late charge on a past due installment may be accrued in excess of $5.00. In lieu of late charges, notes may provide for interest on past due installments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the Contract of Insurance.

2. Section 201.7 (a) (1) is amended by striking the item "Door opening and closing devices."

3. In § 201.7, paragraph (c) (1) is amended to read as follows:

§ 201.7 *Eligible improvements.* • • •

(c) *Commitments.* • • •

(1) The improvements financed are completed and the proceeds of the loan disbursed within 90 days after the determination by the Commissioner that the item, product, alteration, repair or improvement is no longer to be eligible for Title I financing, and

4. In § 201.13, paragraphs (a) and (b) are amended to read as follows:

§ 201.13 *Insurance charge*—(a) *Rate.* The insured shall pay to the Commissioner an insurance charge equal to fifty-five one-hundredths (0.55) of one percent per annum of the net proceeds of any eligible loan reported and acknowledged for insurance: *Provided,* That in the case of a Class 1 (b) loan in excess of $3,500, exclusive of financing charges, and in the case of a Class 2 (b) loan having a maturity in excess of 7 years and 32 days, such insurance charge shall be forty-five one-hundredths (0.45) of one percent per annum. In computing the insurance charge, no charge shall be made for the fractional period of a month of 14 days or less, and a charge for a full month shall be made for the fractional period of a month of more than 14 days.

(b) *When payable.* Such insurance charge for the entire term of the loan shall be paid within 25 days after the date the Commissioner acknowledges receipt to the insured institution of the report of loan: *Provided,* That on loans having a maturity in excess of 3 years and 32 days, such charge may be paid in installments, the first of which shall be equal to the charge for 3 years and be paid within said 25 days, and the second and succeeding installments, each equal to the charge for one year, shall be paid on the first and each succeeding anniversary of the first day of the month following the date of the note.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

Issued at Washington, D. C., July 3, 1957.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57–5527; Filed, July 8, 1957; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

NAKNEK-KVICHAK DISTRICT; ADDITIONAL FISHING TIME

Basis and purpose. On the basis of good showing of red salmon in the Naknek-Kvichak district of Bristol Bay, it has been determined that additional fishing time can be permitted.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 104.5 is amended in paragraph (d) by adding the following: "and from 9 o'clock antemeridian to 9 o'clock postmeridian July 5, 1957."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

SETON H. THOMPSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57–5578; Filed, July 5, 1957; 2:53 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

[Docket No. AO-247-A4]

MILK IN UPSTATE MICHIGAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR 900), a public hearing was held at Traverse City, Michigan, on February 26–27, 1957, pursuant to notice thereof issued on February 6, 1957 (22 F. R. 843).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on June 4, 1957 (22 F. R. 4021) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing related to:

1. Marketing area;
2. Type of pool, including, with respect to market-wide pooling;
   (a) Pool plant qualifications; and
   (b) Obligations of operators of nonpool plants distributing milk in the marketing area.
3. Accounting for inventories; and
4. Equivalent prices.

While the hearing notice included a proposed review of class prices of the order no specific testimony advocating a change in such prices was presented at the hearing. It is concluded that no price issue requiring decision was presented at the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The marketing area should be expanded to include all of Wexford County. Missaukee and Roscommon Counties should not be added to the marketing area on the basis of this record. The marketing area should not be contracted by the elimination of Crawford County and the portion of Presque Isle County now included in the area.

The Upstate Michigan marketing area is presently defined to include eleven counties and portions of two others. A handler proposed the addition of Roscommon and Missaukee Counties and the remaining portion of Wexford County, of which three townships are now included in the order. An identical proposal was presented at a hearing held May 24, 1956. At the February hearing the proponent offered no testimony in support of the inclusion of Roscommon County. The evidence with respect to Missaukee County fails to show a substantial volume of sales in that county for handlers now regulated by the order. There is little information with respect to plants presently unregulated that distribute milk in Missaukee County. It is concluded that this record provides no basis for including this county in the marketing area.

With respect to marketing conditions in the portion of Wexford County not now in the defined area, the record is more specific. The city of Cadillac with a population approximately 10,000 is located in this area. One handler presently regulated by the Upstate Michigan order has approximately 40 percent of his sales in Cadillac. Another handler, whose plant is located in the portion of Wexford County now included in the area, sells a substantial portion of his milk in Cadillac and other parts of the county not now under regulation. A third regulated handler also sells in portions of the county. Two handlers whose plants are not now regulated, have their principal distribution in Wexford County. The larger of these plants is located in Cadillac, the other in the town of Manton. These handlers do not pay for their milk on a classified use basis, nor at the same price as regulated handlers. Instead they buy milk on base plans which have no relation to the use made of the milk. The record indicates that producers have little or no voice in establishing price or conditions of sale of their milk. These local handlers sell some milk in the presently defined area, but in amounts less than the 200 units daily within which they can maintain an exempt status.

Some milk processed and packaged at a plant in Grand Rapids is also sold in Cadillac. The record indicates that this is about 450 units daily so that addition of the remainder of Wexford County to the marketing area would bring the operator of this plant under the partial regulation provided elsewhere in this decision. It is concluded that the marketing area should include all of Wexford County rather than only the three presently defined townships. The competition between presently regulated handlers and local handlers for sales in the area indicates the need for uniform regulation of milk sold in Wexford County with those applicable in the remainder of the presently defined Upstate marketing area.

A milk dealer with plants in Saginaw and Bay City, who now distributes no milk in the Upstate Michigan area, requested that Crawford County and Presque Isle County (of which two townships are not now included) be eliminated from the marketing area, so that this distributor might sell milk in these areas without subjecting his entire operation to regulation. Handlers presently regulated doing business in these counties and the producers supplying them opposed this request, which was not included in the notice of hearing. This request appears to be in part an alternative to a proposal the same dealer made with respect to partial regulation under a market-wide pool. The provisions adopted elsewhere in this decision provide such an alternative. The request for reduction of the marketing area is denied.

2. *Type of pool.* The market-wide type of pool should be adopted as a means of distributing to producers the returns from the sale of milk.

The Upstate Michigan order first became fully effective November 1, 1955 and provided that returns to producers be distributed on the basis of individual handler pooling. This order was amended, effective March 1, 1956, four months after the first effective date. During this four-month period producers were arbitrarily dropped by handlers. The cooperative association representing a majority of producers became responsible for virtually all of the manufacturing milk because the cooperative association has always been obligated to market its members' entire production of milk. Handlers cooperating with the producers' association have received only the amount of milk needed, the association diverting excess supplies directly to manufacturing outlets. To alleviate the obviously disruptive practices to orderly marketing procedures the order was amended so as to provide for the sharing of returns among the regular and the "associated producers" at each handler's plant.

The "associated producer" provision has not brought about discontinuance of indiscriminate and arbitrary dropping of producers and undue burdening of the cooperative association with nearly all the excess milk. A market-wide pool will provide that each producer supplying the market will receive a return based on his pro rata share of the Class I sales of the entire market. Under the individual-handler pool, there has not been an equitable sharing among producers of the lower returns of the necessary volume of reserve milk to keep the market adequately supplied. This has been particularly true during the flush production season. This has resulted in market instability.

Handlers receiving the major portion of the milk supply in the Upstate Michigan marketing area are not equipped to handle large quantities of reserve milk. These handlers buy as closely as possible to their Class I needs and depend on additional supplies of milk to supplement receipts from producers. Under the present individual-handler pool, such plants, operating exclusively on a fluid milk basis, pay a higher blend price than plants which carry some reserve supply. Apparently a large number of handlers prefer to carry no reserve supply and thus prevent a lowering of their blend prices to producers. During November 1956, the qualifying month for the determination of associated producers, some dairy farmers failed to qualify under this section. This situation aggravated the problem of the cooperative association in handling the supply of its members. Market-wide pooling should alleviate the situation wherein a producer may be denied a market, even though willing to produce and ship milk at the price being paid. It will, therefore, contribute to more orderly marketing of milk in this area. Since a handler will be able to accept all the milk of his producers, without depressing his producer pay price in relation to the prices paid by other handlers, a market-wide pool will facilitate the movement of milk supplies among handlers to meet their individual needs and tend to create a more equitable sharing among producers of the lower returns of the volume of reserve milk necessary to keep the market adequately supplied. This will result in greater market stability. The proponent cooperative association recognizes changes in the market supply conditions and the need to share Class I sales equally among all producers in order to maintain a stable market for producers whose milk is regularly needed each year.

Under a market-wide pool there will be no need to retain the "associated producer" provisions since producers whose milk is diverted from a pool plant to a nonpool plant for the account of a handler or cooperative association will share in the market-wide pool.

(a) *Pool plant qualifications.* Under a market-wide pool the returns from all Class I sales are shared uniformly by the producers supplying all fully regulated plants regardless of the volume of sales of the individual plant which such producers supply. In order that the benefits of the fluid milk sales of the market may accrue to the producers primarily engaged in supplying the fluid needs of the market, it is necessary to establish qualifications for plants whose inspected receipts are to be included in the market-wide pool. Otherwise the effects of the Class I price in providing an adequate and dependable supply of inspected milk for fluid needs of the market could be dissipated through pro rata sharing of the Class I utilization of the market with producers supplying milk plants not genuinely associated with the market.

Reasonable performance standards with respect to delivery of producer milk to the market should be required of plants among which Class I sales are to be equalized. Because of the difference in marketing functions between plants which are primarily in the business of distributing Class I milk and supply plants which furnish bulk milk to distributing plants, two sets of performance standards are appropriate.

The performance standards for distributing plants should apply only to plants primarily engaged in route distribution of Class I milk, as evidenced by route disposition of half of their receipts from qualified dairy farmers and from other pool plants during the month. Plants not primarily engaged in route distribution of Class I milk may qualify as supply plants.

In order to qualify as a pool plant, a distributing plant should distribute either in a volume which is significant in view of the normal sales of the Upstate Michigan marketing area or a significant percentage of its receipts from qualified dairy farmers. In the present marketing area Class I sales of approximately three million pounds per month are made by some 22 handlers. One hundred fifty thousand pounds per month, or 5 percent of total normal monthly Class I sales, approximates the average distribution per handler. Because a few handlers have distribution far greater than the average, the majority of Upstate Michigan handlers distribute less than 150,000 pounds of Class I milk in the marketing area. It is concluded that any distributing plant meeting the total route disposition requirement set forth above that disposes of 150,000 pounds or more of Class I milk in the marketing area during the month should be a pool plant. In addition, those plants with lesser distribution should have their receipts pooled if 20 percent or more of receipts from qualified dairy farmers are disposed of as Class I milk in the marketing area. Plants with less than 150,000 pounds per month Class I business in the area and that also dispose of more than 80 percent of their dairy farm supply outside the marketing area or in other outlets cannot be considered to be primarily engaged in supplying fluid needs of the Upstate Michigan market.

The order presently exempts from regulation (other than reporting and record keeping) a handler operating a plant from which distribution of Class I milk in the marketing area averages less than 200 points per day (approximates 12,000 to 13,000 pounds per month). In view of the size of the market and the provisions for partial regulation herein provided for nonpool distributing plants, it is appropriate that this limit be reduced to 100 points per day. Two plants presently operating under the exemption clause will become fully regulated through the enlargement of the marketing area.

No supply plant as such is presently regulated under the order, although one distributing plant does supply some smaller plants with bulk milk. Performance standards should be provided for supply plants so that any such plant which becomes a part of the regular market supply may appropriately have its receipts pooled. Any supply plant which ships 50 percent or more of its farm supply of milk to a pool distributing plant may be considered to have become fully associated with the market. The Upstate Michigan market regularly draws on other markets for supplemental milk in July and August, when sales increase sharply due to tourist trade. These months, and September through January, when production is seasonally shorter, represent the period for which there is the greatest likelihood of need for bulk milk shipments from supply plants. Any plant that qualified for pool status each month of the July–January period should be permitted to retain pool status through the following June if the operator so desires. These rules provide reasonable standards for qualification of supply plant under conditions prevailing in the area.

In order that pool plant qualifications may be expressed clearly and concisely, definitions of "route" and "qualified dairy farmer" are included in the order. "Route" is defined to include any delivery of a fluid milk (Class I) product, other than delivery in bulk to a milk processing plant, including delivery by vendors and sales from plants and plant stores. One plant presently supplies several smaller plants with milk packaged in paper cartons. For purposes of pool plant qualification, such milk will be included in the route deliveries of the plant at which the milk is processed and packaged. "Qualified dairy farmer" is defined to designate those persons who produce milk in conformity with the inspection requirements of the marketing area. Qualified dairy farmers whose milk is received at or diverted from pool plants are the producers whose milk is priced and pooled under the order.

(b) *Obligations of operators of nonpool distributing plant.* Under the pool plant qualifications set forth above certain plants may distribute milk in the marketing area without having their receipts priced and pooled as producer milk. Except for plants with minimum disposition of less than 100 points per day, provision must be made to prevent such plants from having competitive advantage over fully regulated plants whose milk receipts are priced under the order.

The operators of such nonpool plants must report receipts and utilization of milk in order that their pool status may be determined. Payments made to qualified dairy farmers are likewise available. If, through choice or competitive conditions, payments to such dairy farmers are equal to or greater than the value that the order would provide at class prices for the utilization of the plant, no additional payments are necessary under the circumstances prevailing in this area to protect fully regulated plants against competitive advantage to the nonpool handler through procurement of milk for less than the minimum prices they must pay. It was proposed that any deficit be assigned to procurement of milk for Class I purpose, and be prorated to sales in the Upstate Michigan marketing area. Such a proration, however, could result in some cases in the nonpool handler retaining a competitive advantage in competing with handlers fully regulated by the order, either within or without the marketing area. To avoid this, the full amount of the deficit should be used in computing the nonpool handler's obligation. The amount of any such deficit due the pool need not exceed the amount arrived at by multiplying hundredweight of Class I sales in the area by the difference between the Class I and Class III prices. No handler can be expected to procure milk acceptable for fluid use in the area for less than the Class III price. Such provisions will prevent competitive advantage to nonpool handlers and will recognize the payments that nonpool handlers make to the qualified dairy farmers who supply them.

In addition the nonpool handler should pay administrative assessment on the same basis as operators of pool plants if he is to receive credit for payments to dairy farmers in comparison with the use value of milk. Complete

verification of receipts, utilization and payments is required for this procedure. Pool handlers with substantial sales outside the marketing area are assessed on this basis. Should the handler elect, when filing his report, to make payment to the pool at the difference between the Class I and Class III prices with respect to sales in the marketing area, provision is made for expense of administration to be assessed with respect to such sales. Verification in this case can then be confined to the volume of such sales.

Somewhat similar provisions are included in the order for the nearby Muskegon market, and there was no opposition to the proposed use of provisions of this general character in the Upstate Michigan market. The record shows that one Grand Rapids plant will probably be subject to these provisions through disposition in the territory added to the marketing area; without the addition of such territory, one presently regulated plant would have failed to qualify as a pool plant. The operator of plants in Saginaw and Bay City indicated interest in entering the area on a basis to which these provisions would probably apply.

No proposals were made for any special pricing provisions to apply when pool plants receive other source milk in bulk form and such milk is allocated to Class I because the Class I utilization of the pool plant exceeds its receipts from producers and other pool plants. The pool qualifications established for supply plants make it somewhat less likely that regulation will be extended to the supply plant than is presently the case, so that any such receipts may more frequently be other source milk. Nevertheless it does not appear that under current marketing conditions there is need for special pricing provisions for other source milk allocated to Class I use in regulated plants. Should it develop that other source milk displaces producer milk for Class I use, corrective measures can be considered.

3. *Accounting for inventories.* Inventories of fluid milk products and cream must be taken into account in establishing the classification of producer milk. The present order makes no reference to inventories in the classification provisions. Inventories on hand at the end of the month should be classified in Class II. It would make no difference in costs to handlers or returns to producers under the provisions of the proposed order if inventory were handled in some other class: however, the accounting and reclassification procedure will be simplified by accounting for inventory in Class II milk. Inventory should be limited to stocks on hand of fluid milk products and cream, such as milk, skim milk and cream, which may be further processed or finally disposed of as Class I milk. Processed products in Class II and Class III milk should not be included in inventory since the milk used to produce such products will have been accounted for in the proper class when such products were made. Handlers, however, will need to maintain adequate records on the stocks of such products and make such reports as are required by the market administrator to verify their use by the handler and to facilitate the market administrator's auditing program.

Because inventories of fluid items are to be accounted for in Class II, as a temporary classification, it is necessary to provide a method for handling milk from inventory which is utilized in the current month for Class I purposes, but which the handler accounted for in Class II at the end of the preceding month. Handlers frequently use other source milk in their operations. The procedure for accounting for inventories should provide that producer milk from inventory should have prior claim on Class I milk over receipts of other source milk in the same manner as current receipts of producer milk. This should be accomplished through the accounting procedure by considering the opening inventory of a month as a receipt in the same month and subtracting such receipt (under allocation procedure), in series, starting with Class II milk, following the subtraction of other source milk. To the extent that the opening inventory is allocated to Class I and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk in the previous month (after allocating other source milk) a reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month. Other source milk from inventory would likewise be allocated to Class I milk under the same conditions as would current receipts of other source milk. These inventory provisions will result in equality of cost of milk among handlers and returns to producers without regard to whether or not such milk is from opening inventory or is a current receipt.

In order that the procedure of the order may be clear with respect to other inventory items such as any Class II or Class III processed products which may be reprocessed or converted to another product during the month, the definition of "other source milk" should be revised to include such products. This method of defining other source milk will clarify the application of the transfer and allocation provisions of the order so as to insure the intent of the order to allocate current receipts of producer milk to the highest valued class usage available at the pool plant(s) of the handler during the month.

4. *Equivalent price.* If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary of Agriculture to be equivalent to the price which is required. Experience has shown that market quotations provided in the order may not be available or may be discontinued. It is concluded that provision for such contingencies should be made by providing a determination by the Secretary of Agriculture a price(s) equivalent to such quotations or prices that may be no longer available.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Upstate Michigan Marketing Area", and "Order Regulating the Handling of Milk in the Upstate Michigan Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and determination of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Upstate Michigan marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of March 1957 is hereby determined to be the representative period for the conduct of such referendum.

William W. Meyers is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 3d day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Upstate Michigan Marketing Area

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916.4 Person.
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MISCELLANEOUS PROVISIONS

916.100 Agents.
916.101 Separability of provisions.

AUTHORITY: §§ 916.0 to 916.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 916.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upstate Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe with respect (a) to all receipts within the month of milk from producers, including milk of such handlers' own production, (b) to any other source milk allocated to Class I pursuant to §§ 916.46 and 916.47, and (c) the applicable amount specified in § 916.84 (a) (2) or (b) (2).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upstate Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended to read as follows:

DEFINITIONS

§ 916.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 916.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 916.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 916.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 916.5 *Upstate Michigan marketing area.* "Upstate Michigan marketing area", hereinafter referred to as the "marketing area" means all of the territory, including all municipal corporations, within: the counties of Manistee, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Charlevoix, Emmett, Cheboygan, and Wexford; Presque Isle County except for the civil townships of Krakow and Presque Isle; all in the State of Michigan.

§ 916.6 *Distributing plant.* "Distributing plant" means all the premises, buildings, and facilities of any milk processing or packaging plant from which any fluid milk product is disposed of during the month on a route in the marketing area.

§ 916.7 *Supply plant.* "Supply plant" means all the premises, buildings, and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

facilities of any milk receiving plant from which milk or skim milk conforming to the sanitation requirements of any duly constituted health authority relating to milk for consumption in the marketing area in the form of fluid milk products is moved during the month to a distributing plant.

§ 916.8 *Pool plant.* "Pool plant" means:

(a) A distributing plant other than that of a producer-handler, or one described in § 916.82 or § 916.83, from which during the month:

(1) Disposition of fluid milk products on routes in the marketing area equals or exceeds the smaller of:

(i) Twenty percent of such plant's receipts from qualified dairy farmers, or

(ii) 150,000 pounds; and

(2) Total disposition of fluid milk products on routes during the month equals or exceeds 50 percent of receipts of fluid milk products from qualified dairy farmers and supply plants.

(b) A supply plant from which during the month 50 percent or more of receipts from qualified dairy farmers is moved to a pool distributing plant. Any supply plant that was a pool plant during each of the months of July through January immediately preceding shall continue as a pool plant for each of the following months of February through June unless written request to the contrary is filed with the market administrator on or before the first day of such month.

§ 916.9 *Handler.* "Handler" means:

(a) The operator of a pool plant(s) in his capacity as such;

(b) The operator of any nonpool distributing plant; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

§ 916.10 *Qualified dairy farmer.* "Qualified dairy farmer" means a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for consumption in the marketing area in the form of a fluid milk product.

§ 916.11 *Producer.* "Producer" means any qualified dairy farmer whose milk is received directly from the farm at a pool plant or is diverted from a pool plant for the account of a handler or a cooperative association. Milk so diverted for the account of the operator of a pool plant shall be deemed to have been received at the pool plant from which diverted.

§ 916.12 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but received no milk from other producers.

§ 916.13 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 916.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products and cream, except (1) receipts from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products or cream, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 916.15 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which the Secretary determines:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 916.16 *Fluid milk product.* "Fluid milk product" means milk, flavored milk, skim milk, buttermilk, half-and-half, or other mixtures of cream and milk containing less than 18 percent butterfat.

§ 916.17 *Route.* "Route" means a delivery (including delivery by a vendor, or sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk form to any milk processing plant.

MARKET ADMINISTRATOR

§ 916.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 916.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 916.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 916.74;

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 916.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 916.30 through 916.33, or (2) payments pursuant to §§ 916.70, 916.72, 916.74, and 916.75;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices dedetermined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to § 916.51, and the handler butterfat differential computed pursuant to § 916.52; and

(2) On or before the 12th day of each month the uniform price for the preceding month, computed pursuant to § 916.61, and the producer butterfat differential computed pursuant to § 916.62.

REPORTS, RECORDS, AND FACILITIES

§ 916.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler operating a pool plant(s), each cooperative association that is a handler pursuant to § 916.9 (c), and, except as otherwise provided in §§ 916.32 and 916.33, each handler operating a nonpool distributing plant, shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received (in lieu thereof milk received from qualified dairy farmers at a nonpool distributing plant), (b) all skim milk and butterfat in the form of fluid milk products or cream received from pool plants of other handlers, and (c) all other source milk:

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ 916.31 *Payroll reports.* On or before the 20th day of each month each handler who received milk from producers or qualified dairy farmers shall report his producer payroll for the preceding month which shall show:

(a) The pounds of milk received from each producer or qualified dairy farmer and the percentage of butterfat contained therein;

(b) The amount and date of payment to each producer or qualified dairy farmer or to a cooperative association; and

(c) The nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 916.32 *Producer-handler reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 916.33 *Exempt handler reports.* Each handler exempt pursuant to § 916.82 or § 916.83 shall report to the market administrator his disposition of fluid milk products on routes in the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 916.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records, of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form, (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled, (c) inventories of all dairy products on hand at the beginning and end of each month, and (d) payments to producers and cooperative associations.

§ 916.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 916.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 916.30, shall be classified (separately as skim milk and butterfat) in the classes set forth in § 916.41.

§ 916.41 *Classes of utilization.* Subject to the conditions set forth in §§ 916.42 and 916.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in the form of fluid milk products; and (2) not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraphs (a) or (c) of this section; (2) disposed of as fluid cream; (3) in shrinkage of producer milk up to 2 percent of receipts from producers; and (4) in fluid milk products and cream in inventory at the end of the month.

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce butter, dry milk (either whole or nonfat) or cheese in any form except cottage cheese; (2) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (3) in shrinkage of other source milk.

§ 916.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred to the pool plant of another handler without first having been received for the purpose of weighing and testing in the transferor handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 916.43 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to the pool plant of another handler in the form of milk or skim milk shall be Class I utilization, unless utilization in another class is indicated by both handlers in their reports submitted pursuant to § 916.30: *Provided*, That in no event shall the amount so classified in such class be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk or skim milk from a pool plant to a nonpool plant shall be Class I utilization unless all of the following conditions are met:

(1) Utilization in another class is indicated by the handler in his report submitted pursuant to § 916.30;

(2) The operator of the transferee plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in such class or moved such amount to another nonpool plant which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in such class;

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

(c) Skim milk and butterfat disposed of from a fluid milk plant to a producer-handler shall be Class I utilization.

§ 916.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 916.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I, and Class II and Class III utilization for such handler.

§ 916.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 916.41 (b) (3);

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another marketing agreement or order issued pursuant to the act and disposed of in the same form as received;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat remaining in other source milk;

(d) Subtract from the remaining pounds of butterfat in Class II and Class I, in series beginning with Class II, the pounds of butterfat in inventory of fluid milk products and cream on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers in such classes pursuant to § 916.43 (a); and

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class, in series beginning with the lowest-priced utilization.

§ 916.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 916.46.

§ 916.48 *Computation of total producer milk in each class.* The amounts computed pursuant to §§ 916.46 and 916.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 916.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.:

PRESENT OPERATOR AND LOCATION

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; substract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The average of the basic or field prices per hundredweight reported to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

Kraft Foods Co., Cadillac, Mich.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Kraft Foods Co., Clare, Mich.

§ 916.51 *Class prices.* Subject to the provisions of §§ 916.52 and 916.53 the prices per hundredweight to be paid by each handler, f. o. b. his pool plant for milk received from producers or from cooperative associations during the month, shall be as follows:

(a) *Class I milk.* Through June 30, 1958 the Class I milk price shall be the basic formula price plus $1.05 during the months of February through June and plus $1.45 during the months of July through January.

(b) *Class II milk.* The Class II milk price shall be the basic formula price.

(c) *Class III milk.* The Class III milk price shall be the basic formula price less 20 cents.

§ 916.52 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to § 916.51, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the producer butterfat differential determined pursuant to § 916.62.

§ 916.53 *Handler location adjustments.* For milk which is received from producers at a pool plant located more than 90 miles but not more than 110 miles, by shortest highway distance, as determined by the market administrator, from the Court House in either Grayling or Manistee, whichever is closer, and utilized as Class I, the price shall be the price effective pursuant to § 916.51 (a), less 12 cents, and less 1 cent additional for each 20 miles or fraction thereof over 110 miles.

§ 916.54 *Use of equivalent price.* If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF PRICES TO PRODUCERS

§ 916.60 *Value of producer milk.* The value of producer milk received during the month by each handler at pool plants shall be computed by the market administrator as follows:

(a) Multiply the hundredweight of producer milk in each class pursuant to § 916.48 by the applicable respective class prices, adjusted pursuant to §§ 916.52 and 916.53, and add together the resulting amounts;

(b) Add the value of any excess utilization deducted from each class pursuant to § 916.46 (g) and the corresponding step of § 916.47 computed at the applicable class price; and

(c) Add the amount obtained through multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 916.46 (d) and the corresponding step of § 916.47; or

(2) The hundredweight of producer milk classified as Class II milk (except as shrinkage) for the preceding month.

§ 916.61 *Computation of the uniform price.* For each month, the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content delivered to pool plants (before location adjustment), as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 916.60;

(b) Add, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtract, if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 916.62 multiplied by 10;

(c) Add the aggregate of the values of the applicable producer location adjustments pursuant to § 916.63;

(d) Add not less than one half of the unobligated balance in the producer equalization fund;

(e) Divide the resulting amount by the hundredweight of milk received from producers; and

(f) Subtract not less than 6 cents nor more than 7 cents.

§ 916.62 *Producer butterfat differential.* In making payments pursuant to § 916.70, the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 916.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 916.63 *Producer location adjustments.* In making payments to producers or cooperative associations pursuant to § 916.70 a handler may deduct, with respect to all milk received by him from producers at a pool plant located by shortest highway distance as determined by the market administrator, more than 90 miles from the Court Houses in both Grayling and Manistee the amount per hundredweight applicable to the pool plant as set forth in § 916.53.

§ 916.64 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price computed pursuant to § 916.61 and the butterfat differential computed pursuant to § 916.62;

(c) The amount to be paid by such handler pursuant to §§ 916.70, 916.74, and 916.75; and

(d) The amount due such handler from the producer-equalization fund, or the amount to be paid by such handler to the producer-equalization fund, as the case may be.

PAYMENT FOR MILK

§ 916.70 *Time and method of payment.* (a) (1) Except as provided in paragraph (b) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 916.61 adjusted by the butterfat differential pursuant to § 916.62 and the location adjustment pursuant to § 916.63.

(2) If by such date a handler has not received full payment pursuant to § 916.73, he may reduce his total payments to all producers and cooperative associations uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the 15th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 916.71 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 916.72 and 916.84 (including any adjustments thereto pursuant to § 916.76) and out of which he shall make all payments pursuant to § 916.73 (including any adjustments thereto pursuant to § 916.76).

§ 916.72 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 916.60 shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 916.70.

§ 916.73 *Payments out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 916.60 is less than the total minimum amount required to be paid by him pursuant to § 916.70, less any unpaid obligations of such handler to the market administrator pursuant to § 916.72: *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necesary funds become available.

§ 916.74 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect (a) to all receipts within the month of milk from producers, including milk of such handlers' own production, (b) to any other source milk allocated to Class I pursuant to §§ 916.46 and 916.47, and (c) the applicable amount specified in § 916.84 (a) (2) or (b) (2).

§ 916.75 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 916.70 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 916.70 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 916.76 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due: and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 916.77 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to § 916.72 through § 916.76 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 916.78 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless, within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are

made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 916.80 *Milk caused to be delivered by cooperative associations.* Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ 916.81 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 916.32, 916.34 and 916.35.

§ 916.82 *Handler exemption.* A handler who operates a plant from which an average of less than 100 points (one point being defined as one pint of half-and-half or one quart of any other Class I product) of Class I milk per day is disposed of in the marketing area during the month on route(s) shall, with respect to such plant, be exempted for such month from all provisions of this part except §§ 916.33, 916.34 and 916.35.

§ 916.83 *Milk subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area, either during the month or during the average of the 12 preceding months, exceeds that in the Upstate Michigan marketing area shall be exempted for such month from all the provisions hereof except §§ 916.33, 916.34 and 916.35 unless the Secretary determines that such plant is more appropriately regulated under this part.

§ 916.84 *Handler operating a nonpool distributing plant.* Each handler, other than a producer-handler or one exempt pursuant to §§ 916.82 or 916.83, who during the month operates a nonpool distributing plant, shall, in lieu of the payments required pursuant to §§ 916.70 through 916.74, pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 916.30, his obligations shall be as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class III price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 916.74 with respect to Class I milk disposed of on routes in the marketing area.

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligations shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the lesser of the amount computed pursuant to paragraph (a) (1) of this section, or any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 916.60 for milk received from qualified dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to qualified dairy farmers for milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 916.31, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 916.74 had such plant been a pool plant.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 916.90 *Effective time.* The provisions of this part, or of any amendment of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 916.91 *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provisions thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provisions thereof.

§ 916.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 916.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 916.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 916.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-5444; Filed, July 8, 1957; 8:52 a. m.]

[7 CFR Part, 931]

[Docket No. AO-229-A4]

MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cedar Rapids, Iowa, on September 25-26, 1956, pursuant to notice thereof issued on August 31, 1956 (21 F. R. 6715).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on May 29, 1957 (22 F. R. 3882) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions to said recommended decision were filed.

The material issues on the record of the hearing related to:

1. Expansion of the marketing area;

2. Qualifications for attaining pool plant status;

3. Modification of the producer definition;

4. Revision of the producer-handler definition;

5. Level of the Class I price;

6. Application of location differentials on class prices and in paying producers;

7. Payments on unpriced milk disposed of in the marketing area from nonpool plants; and

8. Miscellaneous administrative and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The marketing area as defined in the order should not be changed at this time.

The marketing area in the present order is all the territory within the corporate limits of the cities of Cedar Rapids and Iowa City. As proposed in the hearing notice by the producer organization and handlers in the market, the marketing area would include all the territory within Linn and Johnson Counties (in which counties Cedar Rapids and Iowa City are located) and within Springdale and Wapsinonoc Townships in Cedar and Muscatine Counties, respectively. At the hearing, however, producers took the position that the marketing area should be all Johnson and Linn Counties except the townships of Grant, Spring Grove, Jackson, Washington, Otter Creek, and Maine in the northern part of Linn County.

It was not shown what, if anything, would be accomplished by expansion of the marketing area. Although some handlers now regulated by the order distribute substantial quantities of milk beyond the boundaries of the present marketing area, there is no evidence that they compete in the territory proposed to be added to the present marketing area with handlers who are not now regulated. Data relative to sales by handlers under the Cedar Rapids-Iowa City order in the various localities proposed to be included in the marketing area were not presented at the hearing. Neither was such information with respect to sales by unregulated handlers, if any, with whom they compete, put on the record.

Some milk is sold at retail by producer-handlers at their farms outside the present marketing area. Producers argued that the expanded area was necessary, especially if the milk sold at these various farms became regulated. Elsewhere in this decision, the proposal which would include such sales as pooled milk under the order is denied. Consequently, expanding the marketing area because of competition from producer-handlers, irrespective of its merit, is not a matter of consideration at this time.

Any disruptive or unstable marketing conditions which may prevail in the Cedar Rapids-Iowa City market at the present time would not, as indicated by the evidence presented at the hearing, be alleviated by expansion of the marketing area. This was recognized by producers who suggested that the marketing area be expanded as a safeguard to unfair competition in the communities adjacent to the marketing area wherein unregulated handlers might, at some future time, have an advantage over handlers subject to the order. It was not shown that such a development is anticipated in the immediate future or from where such handlers who would have an advantage over Cedar Rapids-Iowa City handlers would come.

The degree to which there may or may not be a need for expansion of the marketing area at the present time was emphasized particularly by the position taken by those who would be most affected by a change—handlers now regulated by the Cedar Rapids-Iowa City order. No testimony was presented at the hearing by any such handler in connection with the proposal for expansion of the marketing area.

2. The order should be revised to prescribed standards based on association with the market for qualifying a plant as a pool plant. As now provided in the order, a regulated plant or a pool plant is designated an "approved plant" and is (a) any plant from which Grade A milk is disposed of on a route or through a plant store in the marketing area, and (b) a plant which furnishes milk to an approved plant from which milk is distributed in the marketing area.

The basis for determining which plants shall be pool plants under the Cedar Rapids-Iowa City order, and thereby fully subject to regulation, should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk to the market, or on approval by a specified health authority. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering the order in conjunction with the other provisions recommended in the decision.

Since the production of high quality milk involves extra expenses, it is important that the amount of milk produced under Grade A inspection be no more than the minimum necessary to provide the market with an adequate and dependable supply of quality milk. To encourage more than enough production of such milk would represent an economic waste, since the expenditures involved in producing Grade A milk not needed on the market would result in no extra value to consumers.

Essential to the operation of a market-wide pool is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its producers share in the Class I sales of the market. Any producer who meets the necessary health department requirements should be permitted, under the order, to sell his milk to plants meeting the standards of qualification. Whether or not plants and producers choose to supply the Cedar Rapids-Iowa City market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation, nor should they be permitted or required to equalize their sales with all handlers in the market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the premiums or differentials paid by users of Class I milk would be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

Since reserve milk is an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Cedar Rapids-Iowa City market may depend. If such plants were allowed to sell a token quantity of milk in the marketing area and pool their surplus whenever Class I outlets were not available to them, the result would be that such handlers could gain an advantage in paying producers through receipt of equalization payments from the Cedar Rapids-Iowa City pool.

The Cedar Rapids-Iowa City market, however, would gain no advantage from the payment of equalization to such a handler. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Because of the difference in marketing practices and functions between distributing plants and supply plants, two sets of performance standards have been provided. A "distributing plant" under the order would be defined as a plant in which milk is processed or packaged and from which any fluid milk product (as hereinafter defined) is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area. "Supply plant" would be defined to mean

a plant (except a distributing plant) from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant which is qualified as a pool plant.

In order to qualify as a pool plant, a distributing plant should be required to distribute at least 15 percent of its milk from producers and other plants during the month as Class I milk on retail or wholesale routes to outlets in the marketing area.

A distributing plant having more than 85 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business which is in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of the order, and might well place such plant at a competitive disadvantage in relation to its competitors in supplying the unregulated market.

Such a minimum is necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition is placed on distributing plants that their total distribution of Class I milk on routes to wholesale or retail outlets, both inside and outside the marketing area, must amount during the month to at least 35 percent of their receipts of milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its status under the pool should be judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants would be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the Cedar Rapids-Iowa City market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market have not needed all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producers' milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for pool plant status a supply plant should ship to distributing plants which are pool plants at least 35 percent of its receipts of milk from dairy farmers in any month in the form of supplemental supplies of fluid milk products. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under the present conditions in the Cedar Rapids-Iowa City market, be considered as primarily associated with the regulated market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the summertime in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain pool plant status throughout the year if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. The proposed standards require that a supply plant provide distributing plants which are pool plants with milk to the extent of 50 percent of its producer milk receipts during the period of September through November to maintain automatic pool status for the months of March through June.

Any distributing plant or supply plant which does not meet the standards for a pool plant should be required to file reports and submit to audits by the market administrator to verify the status of such plant.

A finding is made elsewhere in this decision (Issue No. 7) that when milk distributed in the marketing area is from plants which dispose of a major portion of their receipts in another regulated area and which are fully subject to the classification, pricing and pooling provisions of another Federal milk marketing order, it is not necessary to extend full regulation under this order to such plants. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

3. Producer should be defined as any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of April through June, and (2) on not more than one-half the days on which milk was delivered from a farm during any of the other months.

As now provided in the order, to qualify as a producer a dairy farmer must ship to an approved plant and have the approval of the health authorities of Cedar Rapids or Iowa City. Once a person has qualified as a producer his production may be diverted from an approved plant to an unregulated plant at any time during the year and for any period of time. In effect, it is now possible for a dairy farmer to be a producer under the order even though his milk is delivered continuously to an unregulated plant.

Findings are made elsewhere in this decision justifying the establishment of pool plant qualifications based on standards of association with the market and for requiring compensatory payments on unpriced milk received at a pool plant or distributed in the marketing area from a nonpool plant. Accordingly, the producer definition in the order should be revised so as to complement these other provisions.

Whether a farmer qualifies as a producer under the order is based on whether the plant to which he ships is qualified as a pool plant. Under the pool plant definition herein proposed, a plant's qualification as a pool plant is determined on the basis of a minimum specified percentage of the milk received at such plant being distributed as Class I in the marketing area or, in the case of a supply plant, on the basis of a minimum specified percentage of its milk receipts having been shipped to a distributing plant which is a pool plant. If a handler were permitted to divert producer milk in any month and for any length of time to a nonpool plant as now permitted in the order, it would be extremely difficult, if not impossible, to determine the degree, if any, to which such producer actually was associated with this market.

When producer milk is not needed in the market for Class I purposes the movement of such milk to nonpool plants for manufacturing purposes should be facilitated. Allowing for unlimited diversion only during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the months of the year when milk of producers regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as week-ends or holidays when milk is not needed in the market for Class I purposes.

Provision should be made so that milk of producers regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant any day during the months of flush production and with respect to not more than one-

half of the days on which milk was delivered from a farm during any of the other months and still retain producer status under the order. As heretofore provided in the order, diverted milk shall be deemed to have been received at the plant from which it was diverted.

4. It was proposed by handlers and producers that the plant of a producer-handler from which more than an average of 1,000 pounds of milk daily is disposed of in the marketing area should be a pool plant. The order now exempts from pooling all milk produced on the farm of a producer-handler who receives no milk from other dairy farmers.

There are three producer-handlers in the area, producing a total of between 11,000 and 14,000 pounds of milk daily. The producer-handler handling the largest volume distributes milk in the marketing area through a chain of supermarkets owned by him. The other two sell milk on a cash and carry basis in gallon containers at their farms, One of them is located immediately adjacent to the city limits of Iowa City. The other is in or near the City of Marion, which is contiguous to Cedar Rapids.

Elsewhere in this decision the proposal to expand the marketing area is denied. Accordingly, any change in the producer-handler definition at this time would have no effect on the two producer-handlers operating outside the marketing area.

It was claimed that producer-handlers have the benefit of a share of the Class I market without carrying their fair share of the burden of surplus for the markets. The one producer-handler who distributes milk in the marketing area produces more than an adequate supply for his Class I needs and assumes the full responsibility for marketing his excess production for manufacturing purposes. Moreover, no evidence was presented at the hearing to show that the surplus from his operation is proportionately less than that which is pooled by all producers under the Cedar Rapids-Iowa City order.

Of the three producer-handlers now in business, two began their operations as handlers within the year preceding the time of the hearing. It was argued that unless the producer-handler definition is revised an additional number of producers would come on the market as producer-handlers, bringing about unstable and demoralized marketing conditions. It is not possible to justify this conclusion on the basis of the information contained in the hearing record.

In view of the above, it is concluded that no action should be taken at this time with respect to changing the producer-dealer definition in the order. Accordingly, the request therefor is denied.

5. The Cedar Rapids-Iowa City Class I milk price is now calculated by adding to the Class II milk price for the preceding month a differential of 65 cents for May and June, 85 cents December through April and $1.15 July through November.

Producers proposed that the Cedar Rapids-Iowa City price be related directly to the Quad Cities order Class I price. The Quad Cities order as amended May 1, 1957, provides for a Class I price equal to the Chicago order Class I price plus 20 cents. Prior to May 1, 1957, the Quad Cities price was the higher of either (a) the Chicago order Class I price plus 20 cents or (b) the Class II price for the preceding month plus a differential of 75 cents for May and June, 95 cents December through April and $1.15 July through November. The price obtained by using the latter alternative averages 6 cents above Cedar Rapids-Iowa City Class I price. For the two full calendar years immediately preceding the hearing, 1954 and 1955, the Cedar Rapids-Iowa City Class I price averaged $3.90, exceeding the Chicago order Class I price of $3.76 for the same period by 14 cents.

The Chicago milkshed is one of the principal milk production areas in the United States. At various times throughout the year, especially during the months of low production, milk from this area is shipped great distances to many markets throughout the country. The Chicago order Class I price is used extensively as a recognized price quotation both locally and nationally. It is not uncommon to fix Class I prices in a market on the basis of the price in a major milk marketing area, such as Chicago, or on the basis of obtaining alternative sources of supply from such major market.

There is extensive overlapping of the production area for the so-called Mississippi Valley order markets of Cedar Rapids-Iowa City, Quad Cities and Dubuque, and producers in such localities may shift from one market to another. Although the marketing areas of Quad Cities and Cedar Rapids-Iowa City are approximately 80 miles apart, a country plant for the Quad Cities market at Coggon, Iowa, is less than 25 miles from Cedar Rapids. Handlers from these Mississippi Valley order markets compete in some localities with Chicago order handlers for supplies. There is much competition among handlers regulated by different of the Mississippi Valley order markets and some of these handlers, in turn, compete for sales with Chicago order handlers.

A hearing has been held to consider regulation for the territory tentatively designated as the North Central Iowa marketing area. Included in this marketing area, as proposed, would be the cities of Waterloo and Marshalltown, each of which is approximately 70 miles from Cedar Rapids. Waterloo and Marshalltown distributors compete for sales with Cedar Rapids-Iowa City order handlers at many locations in eastern Iowa. In addition, there is a significant overlapping of the production areas for the North Central Iowa and Cedar Rapids-Iowa City markets.

In order to insure the maintenance of an adequate, but not excessive, supply of milk for the Cedar Rapids-Iowa City market it is necessary that an appropriate alignment of prices between markets prevail and that the level of such prices be equitable among handlers whose sales areas overlap but who are subject to regulation by different orders.

The Class II price under the Cedar Rapids-Iowa City order, which is based on the prices paid by local manufacturing plants for ungraded milk, is a measure of the value of milk for manufacturing locally. The Chicago order, on the other hand, does not use prices paid by these local manufacturing plants to arrive at its Class I price, but uses instead a "basic formula price" which reflects the value of milk for manufacturing purposes nationally. Such a basic formula price is utilized widely in determining Class I prices in many other Federal order markets. As such, it may be expected to be a most appropriate determinant for use in establishing the Class I price each month in the Cedar Rapids-Iowa City market, especially since handlers in this market must compete in various localities with handlers whose Class I prices are fixed by other orders.

Unless handlers regulated by the Cedar Rapids-Iowa City order are able to anticipate and project the prices they will be required to pay for Class I milk in relation to recognized and established price quotations used in major markets, they will be at a disadvantage with handlers from other markets in competing for Class I sales beyond the confines of the marketing area. Determining the Cedar Rapids-Iowa City order Class I price on a direct relationship with the Chicago order Class I price instead of on the basis of prices paid by local manufacturing plants (i. e. the Class II price), will provide an economically sound basis for determining the Cedar Rapids-Iowa City Class I price.

In view of the aforementioned considerations, it is concluded that the intent of the Act will be best effectuated by fixing the Class I price under the Cedar Rapids-Iowa City order at the level of the Chicago order Class I price plus 15 cents. The level of prices thus obtained should be helpful toward insuring the maintainence of orderly and stable marketing conditions throughout the territory wherein milk is distributed by Cedar Rapids-Iowa City handlers.

6. It was proposed at the hearing that handlers be allowed a location differential with respect to milk moved from the plant at which it is received from producers to a processing plant. Some of the milk normally supplied to the marketing area is received from producers located at significant distances from the marketing area.

Rochester, Minnesota, is 184 miles from Cedar Rapids and 211 miles from Iowa City. Milk from the Minnesota farms of producer members of the Rochester Dairy Cooperative is shipped directly to an Iowa City pool plant when needed in that market. At other times it is diverted to a nonpool plant for manufacturing purposes. During periods of low production supplemental supplies of milk for the marketing area are obtained from the plant of the Rochester Dairy Cooperative in Rochester.

A plant at Clinton, Iowa, 87 miles from Cedar Rapids, is operated by a handler who is also the operator of a pool plant in Cedar Rapids. Although the Clinton plant at the time of the hearing was regulated under the Quad Cities order, the handler stated that he contemplated qualifying it as a pool plant under the Cedar Rapids-Iowa City order.

Under the pool plant definitions provided in this decision, any plant wherever located, by meeting the prescribed performance standards, may qualify as a pool plant. There are various plants in the production area for the Cedar Rapids-Iowa City market which are potential sources of supply for the market. It is therefore necessary that provision be made within the framework of the order for the application of location differentials. Such a provision will appropriately afford equal opportunity for supplying the market to all handlers.

Since it is intended that the minimum prices shall be equal for all milk delivered to the marketing area, an allowance should be made to account for the transportation charges to the marketing area on milk received at a distance from it. Unless such an allowance is provided, handlers would be under strong economic incentive to accept milk only at plants located in the marketing area and this condition would impede the orderly procurement and marketing of milk which is received at other plants. It is, consequently, necessary to recognize by the application of location differentials, which reflect the cost of transporting milk to its place of distribution in the marketing area, the difference in value of milk received at a distance from the market in comparison with milk received at plants in or near the market.

The Quad Cities order was amended effective May 1, 1957, to provide for a location differential which reduces the price for Class I milk received from producers at a pool plant located more than 50 miles from the Rock Island, Illinois, city hall by 10 cents for the first 65 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the Rock Island city hall. The rate charged for a haul of 60 miles by the Dairyland Transport Corporation, Springfield, Missouri, a company specializing in hauling milk and milk products in tank trucks, is 13 cents per hundredweight.

Various plants which are potential sources of supply for the Cedar Rapids-Iowa City market are in some instances located nearer to other markets. Likewise, some plants in the Cedar Rapids-Iowa City production area are associated with markets farther away. A handler operating a pool plant in Cedar Rapids contemplates utilizing his plant at Clinton, Iowa, which is in the Quad Cities marketing area, as a receiving station for his Cedar Rapids operation. Coggon, Iowa, which is about 95 miles from Rock Island, Illinois, in the Quad Cities marketing area and less than 25 miles from Cedar Rapids, is a pool plant under the Quad Cities order. It is important, therefore, that the location differential be established at a rate which would not tend to adversely affect returns to Cedar Rapids-Iowa City producers in relation to the prices in nearby markets.

It is concluded, therefore, that the Class I price should be reduced by 10 cents for the first 65 miles and by 1.5 cents for each additional 10 miles or fraction thereof with respect to producer milk received at a plant which is not less than 50 miles from a central place in the principal centers of consumption in the marketing area. The city hall in each of the cities of Cedar Rapids and Iowa City is such a place.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered. If the milk of such producer were to be included in this market in the absence of a receiving station the producers would have to deliver the milk to its market at their own expense and at a transportation rate commensurate with the Class I location differential. In adjusting returns to producers because of location, it is appropriate therefore to use the Class I location adjustment rate.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with the location of the plant receiving the milk. This is true because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk in the most advantageous possible manner. Prices paid producers for such milk should not be dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at the expense of producers under the marketwide pool, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk at such plant.

7. The order should provide that payment be made into the producer-settlement fund with respect to unpriced milk which is allocated to Class I milk in a pool plant. There was no opposition at the hearing to the proposal of producers for including such a provision in the order.

Receipt of milk in excess of Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the Cedar Rapids-Iowa City market may obtain milk. Consequently, handlers under the order could obtain such milk at prices reflecting its value as surplus milk. During the months of December through June, when surplus milk may be available in substantial volumes from nonpool sources, the compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class III) and the Class I price adjusted to the location of the plant from which such other source milk was obtained. This rate will reflect generally the difference in the value between unregulated and regulated milk for Class I use at that time.

During the months of July through November, when milk supplies tend to be shorter than in other months, it is not likely that other source fluid milk products will be available to the market at surplus prices. The compensation payment during these months should be the difference between the marketing area uniform price to producers and the Class I price adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of and demand for milk in the Cedar Rapids-Iowa City market in the July through November period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the proportion of Class I milk to the total milk pooled and this will tend to affect also conditions in the area from which unpriced milk is obtained.

The compensatory payment rates herein recommended were proposed by producers and substantiated by evidence presented at the hearing. No testimony was given in opposition to the rates herein proposed or in support of different rates.

The rates which are here found to be appropriate for the Cedar Rapids-Iowa City marketing area give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, such conditions do not prevail uniformly in all instances since all transactions are not made under the same circumstances and it would not be administratively feasible to adjust prices or payments to individual transactions. It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein proposed are those which will best effectuate the intent of the act under current marketing conditions in the Cedar Rapids-Iowa City area.

Other source milk used in the form of concentrated milk products should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be no and in all cases insignificant transportation charges per hundredweight experienced by handlers on such other source milk under the skim milk equivalent basis of accounting provided in the order. By following this procedure, the compensation payment on other source milk derived from concentrated products, such as condensed milk or nonfat dry milk solids, will be comparable to that on any other source milk which is allocated to Class I milk.

In addition to that other source milk which would enter the marketing area through pool plants, some milk may be distributed directly in the marketing area from nonpool plants. It would not be possible to stabilize the market under the classified pricing program if distribution in the marketing area of unpriced milk from nonpool plants without compensation payments were allowed. Since such milk may be procured on the same basis as other source milk at pool plants it should be classified and priced the same as unpriced milk distributed through any other channels.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Cedar Rapids-Iowa City handlers might obtain supplemental supplies approximate or exceed the Cedar Rapids-Iowa City Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk on the Cedar Rapids-Iowa City market for Class I use at less than Class I prices.

The compensatory payment charge on Class I milk distributed in the marketing area by a handler regulated under another Federal order should be discontinued. The rate of payment on such milk, which is now required when the Cedar Rapids-Iowa City Class I price is above that of the other Federal order, is the difference between Class I prices in the two orders. With the changes recommended in this decision and under current and prospective marketing conditions, such provision is no longer either necessary or justifiable within the framework of the Cedar Rapids-Iowa City order.

8. The entire order should be redrafted to incorporate therein conforming and clarifying changes made necessary by the amendments recommended in this decision.

(a) In connection with the proposed changes designating which persons would be subject to regulation and application of order provisions to them, new or revised definitions are provided in the attached order, including those for: "fluid milk product", "producer milk", "other source milk", "nonpool plant", "handler", and "Chicago butter price". The definitions for "producer", "pool plant", "distributing plant", and "supply plant" are discussed elsewhere in this decision.

"Fluid milk product" would mean milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). The items defined as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

"Producer milk" would mean only that skim milk and butterfat contained in milk received at a pool plant directly from producers or diverted from a pool plant to a nonpool plant in accordance with the conditions prescribed in a producer definition (Issue No. 3).

"Other source milk" would be defined as all skim milk and butterfat contained in fluid milk products utilized by the handler in his operations except milk received from producers, fluid milk products received from other plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which may not be subject to the pricing provisions of this order. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are reprocessed or converted into another product during the same or a latter month.

"Nonpool plant" would mean any milk manufacturing, processing, or bottling plant other than a pool plant.

"Handler" would be defined as any person in his capacity as the operator of one or more distributing or supply plants. The definition would also include a cooperative association with respect to milk from producers diverted for its account from a pool plant to a nonpool plant.

"Chicago butter price" would represent the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

(b) Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. It has been the practice under the Cedar Rapids-Iowa City order to classify in the lowest class (usually Class III) the differences by which the volume of butterfat and skim milk in fluid milk products at the end of the month exceed the inventory at the beginning of the month. This practice of classifying inventory variations in the lowest price class should be continued and provision therefor should be clearly set forth in the order.

The accounting procedure will be facilitated by providing that month-end inventories of all fluid milk products be classified in Class III milk, regardless of whether such products are held in bulk or in packages. Inventories of such products on hand will then be subtracted under the allocation procedure from any available Class III milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis.

Inventories of products designated as Class I milk on hand at a pool plant at the beginning of any month during which such plant becomes a pool plant for the first time should likewise be allocated to any available Class III utilization of the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order amending the order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1957 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the Cedar Rapids-Iowa City marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be further amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 2d day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area

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§ 931.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in said marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cedar Rapids-Iowa City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended to read as follows:

DEFINITIONS

§ 931.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 931.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 931.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 931.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 931.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 931.6 *Cedar Rapids-Iowa City marketing area.* "Cedar Rapids-Iowa City marketing area" hereinafter called the "marketing area", means all the territory within the corporate limits of the cities of Cedar Rapids and Iowa City, both in the State of Iowa.

§ 931.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of April through June, and (2) on not more than one-half the days on which milk was delivered from a farm during any of the months of July through March: *Provided*, That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

§ 931.8 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 931.9 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 931.10 (a).

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

§ 931.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

§ 931.11 *Nonpool plant.* "Nonpool plant" mean any milk manufacturing, processing or bottling plant other than a pool plant.

§ 931.12 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more distributing or supply plants.

(b) Any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 931.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 931.14 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 931.7.

§ 931.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 931.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 931.17 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 931.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 931.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 931.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 931.87: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 931.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 931.30 and 931.31, or payments pursuant to §§ 931.80, 931.84, 931.86, 931.87, and 931.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 931.50 (a) and the Class I butterfat differential pursuant to § 931.51 (a) both for the current month; and the minimum prices for Class II milk and Class III milk pursuant to § 931.50 (b) and (c) and the Class II and Class III butterfat differentials pursuant to § 931.51 (b) and (c), all for the preceding month; and herein

(2) The 10th day after the end of each month the uniform price pursuant to § 931.71 and the producer butterfat differential pursuant to § 931.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests the percentage of the milk caused to be delivered by the cooperative association or its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 931.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 931.7;

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(g) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 931.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer:

(1) His name and address,

(2) The total pounds of milk received from such producer,

(3) The number of days, if less than the entire month, for which milk was received from such producer,

(4) The average butterfat content of such milk, and

(5) The net amount of such handler's payment together with the price paid and the amount and nature of any deductions.

§ 931.32. *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 931.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 931.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 931.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 931.41 through 931.46.

§ 931.41 *Classes of utilization.* Subject to the conditions set forth in § 931.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product and (2) not accounted for as Class II milk or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat which are not accounted for as Class III milk and which are used to produce any product other than a fluid milk product.

(c) Class III milk shall be all skim milk and butterfat (1) used to produce butter, Cheddar cheese, animal feed, casein and nonfat dry milk solids; (2) contained in inventory of fluid milk products on hand at the end of the month; (3) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 931.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (4) in shrinkage of other source milk.

§ 931.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 931.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 931.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, except a producer-handler, unless utilization in another class is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 931.30: *Provided,* That the skim milk or butterfat so assigned to another class shall be limited to the amount thereof remaining in Class II milk and in Class III milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 931.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product; and

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant unless:

(1) The transferring or diverting handler-claims classification in Class II milk or in Class III milk in a written statement submitted to the market administrator by the operators of both the pool plant and the nonpool plant on or before the 7th day after the end of the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) An equivalent amount of skim milk and butterfat has been used at the nonpool plant during the month in the indicated utilization.

§ 931.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in each class for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 931.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 931.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk assigned to producer milk pursuant to § 931.41 (c) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk and in Class III milk, in series beginning with Class III milk, an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class in series beginning with Class III milk, the pounds of skim milk in other source milk received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk and in Class III milk, respectively, the pounds of skim milk subtracted from each class pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 931.44 (a);

(8) Subtract from the remaining pounds of skim milk in Class III milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class III milk, the difference shall be subtracted from Class I milk; and

(9) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 931.50 *Class prices.* Subject to the provisions of §§ 931.51 and 931.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 15 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the period from the 16th day of the preceding month through the 15th day of the current month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Plant Location

Amboy Milk Products Co., Amboy, Ill.
Borden Company, Dixon, Ill.
Borden Company, Sterling, Ill.
Carnation Company, Morrison, Ill.
Carnation Company, Oregon, Ill.
Carnation Company, Waverly, Iowa.
United Milk Products Company, Argo Fay, Ill.

(c) *Class III milk price.* The Class III milk price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Subtract 6 cents from the Chicago butter price for the month and multiply the remainder by 4.2.

(2) From the simple average, as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the month by the Department, subtract 6.5 cents and multiply the remainder by 7.913. If the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the midpoint between the simple averages (using in each price series the midpoint of any price range as one price) as computed by the market administrator, of the weekly Chicago wholesale carlot prices per pound of nonfat dry milk solids in barrels for human consumption, spray and roller process, respectively, as reported within the month by the Department and 8.5 cents, rather than 6.5 cents, shall be deducted in making this computation.

§ 931.51 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 931.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.140.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.120.

(c) *Class III price.* Subtract 6 cents from the Chicago butter price for the current month and multiply the remainder by 0.120.

§ 931.52 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the Cedar Rapids and Iowa City, Iowa, City Halls, by the shortest hard surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 931.50 (a) shall be reduced by 10 cents for the first 65 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearer of the Cedar Rapids and Iowa City City Halls: *Provided,* That for the purpose of calculating the location differential adjustment applicable pursuant to this section, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class III milk and Class II milk in the transferee plant after making the calculations prescribed in § 931.46 (a) (5) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 931.53 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 931.60 *Producer-handler.* Sections 931.40 through 931.46, 931.50 through 931.52, 931.70, 931.71, and 931.80 through 931.88, shall not apply to a producer-handler.

§ 931.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 931.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Cedar Rapids-Iowa City marketing area than in the marketing area regulated pursuant to such other orders: *Provided,* That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 931.30) and allow verification of such reports by the market administrator.

§ 931.62 *Handlers operating nonpool plants.* None of the provisions from §§ 931.44 through 931.52, inclusive, or from §§ 931.70 through 931.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 13th day after the end of each month pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 931.63.

§ 931.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of December through June, subtract from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk, the Class III price adjusted by the Class III butterfat differential; and

(b) During the months of July through November subtract from the Class I price f. o. b. such nonpool plant the uniform price to producers adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 931.70 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 931.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of producer milk classified in Class III less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 931.46 (a) (8) and the corresponding step of (b);

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 931.46 (a) (2) and (3) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 931.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

§ 931.71 *Computation of uniform price.* For each of the months the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within 50 miles of the City Hall of Cedar Rapids or Iowa City, as follows:

(a) Combine into one total the values computed pursuant to § 931.70 for all handlers who made the reports prescribed in § 931.30 for such month, except those in default of payments required pursuant to § 931.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 931.82;

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section.

PAYMENT FOR MILK

§ 931.80 *Time and method of payment for producer milk.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed in accordance with § 931.71, subject to the butterfat differential computed pursuant to § 931.81 and less location differential deductions pursuant to § 931.82.

(b) On or before the 12th day after the end of each month during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and exercises such authority, an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 931.81 *Butterfat differentials to producers.* The uniform price to be paid each producer shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate, rounded to the nearest one-tenth cent, of 0.120 times the Chicago butter price.

§ 931.82 *Location differentials to producers.* The uniform price to be paid producers for milk received at a pool plant located 50 miles or more from the Cedar Rapids and Iowa City, Iowa, City Halls, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 10 cents for the first 65 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearer of the Cedar Rapids and Iowa City, City Halls.

§ 931.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 931.62, 931.84 and 931.86, and out of which he shall make all payments to handlers pursuant to §§ 931.85 and 931.86.

§ 931.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler pursuant to § 931.70 for such month exceeds the obligation pursuant to § 931.80 of such handler to producers for milk received during the month.

§ 931.85 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 931.80, of such handler to producers for milk received during the month exceeds the value of milk for such handler computed pursuant to § 931.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 931.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 931.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 931.87 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 12th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 931.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 931.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 931.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from such producer (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 12th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions as are authorized by such producers and, on or before the 12th day after the end of each month, pay over such deductions to the association rendering such such services.

§ 931.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money, irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transactions involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 931.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 931.91 *Suspension or termination.* The Secretary shall, whenever he finds this subpart, or any provision hereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 931.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations hereunder the final accrual or ascertainment of which require further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 931.93 *Liquidation.* Upon the suspension or termination of provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 931.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 931.101 *Separability of provisions.* If any provisions of this subpart or its application to any person or circumstance is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-5517; Filed, July 8, 1957; 8:48 a. m.]

[7 CFR Part 946]

[Docket No. AO-123-A21]

MILK IN LOUISVILLE, KY., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Louisville, Kentucky, on June 24, 1957, pursuant to notice thereof issued on June 18, 1957 (22 F. R. 4364).

The material issues on the record of the hearing relate to:

1. Providing pool plant status to a country plant operated by a cooperative association.

2. The need for immediate action by the Secretary with respect to issue number 1.

Findings and conclusions. The following findings and conclusions and the material issues are based on evidence presented at the hearing and the record thereof:

1. The definition of a pool plant should be changed to include a country plant operated by a cooperative association if 75 percent or more of the producer milk from members of such association is delivered to the pool plants of other handlers directly or by transfer by the association from its plant during the month or during each of the months of the immediately preceding period of October through February. Under the present provisions of the order, a country plant must ship at least 10 percent of its producer receipts to a city plant to qualify as a pool plant during any month of the period October through March. To qualify as a pool plant during each of the months of April through September, a country plant must have shipped more than 50 percent of its combined producer receipts to a city plant during the immediately preceding period of October through February.

The Falls Cities Cooperative Milk Producers' Association, a cooperative bargaining association representing more than 95 percent of the producers supplying the Louisville marketing area, is the sole agent responsible for marketing the milk of its producer members. In this connection, it performs the market-wide service of allocating milk supplies among handlers. Since March of this year, it has also diverted to nonpool plants for its own account reserve supplies of milk not received by other handlers. The present provisions of the order provide for the continuation of producer status for those producers whose milk is diverted to a nonpool plant for the account of a cooperative association. In diverting the milk of its producer members, the cooperative has been

faced with difficult disposal problems. It is particularly difficult to find satisfactory nonpool outlets for reserve milk during the flush production season, the time when reserve supplies in a fluid milk market are largest. Since March, the Cooperative has diverted increasing quantities of milk each month. The quantity ranged from about 464 thousand pounds in March to about 1.2 million pounds during the first 15 days of June. Effective June 15, an important market previously available to the Cooperative was lost. Since that time it has been necessary to dispose of reserve milk in distress outlets. The Cooperative may realize a gain or loss on the milk diverted for its account, depending upon whether the price received less the costs involved in diverting or transferring such milk is lower or higher than the order price for the particular utilization.

At the time of the hearing, the Falls Cities Cooperative Milk Producers' Association planned to have ready for operation, under their ownership, by July 1, 1957, a bulk holding plant which would qualify as a country plant under the order, provided it had met the delivery requirements of the order. The plant is to be used primarily for assembling and cooling milk in connection with the Association's program for handling the reserve milk of producer members. The Association has outlets available from which it can obtain considerably higher prices for the reserve milk handled by it provided the milk is cooled and assembled in quantities large enough to fill "over-the-road tankers." It is also anticipated that the operation of this plant will facilitate the allocation of fluid milk supplied to other handlers in the market and thus aid in the disposal of reserve supplies. The Association has already received orders for additional milk from some handlers, the filling of which is contingent upon the operation of its bulk holding plant.

The present order makes no provision for qualifying as a pool plant during the months of July through September of this year the plant to be operated by the Cooperative Association. If this plant is to be a pool plant during succeeding months, the present order specifies that it meet certain delivery requirements stated earlier herein. It is concluded that a country plant operated by a cooperative association which represents producers regularly associated with the Louisville market should be a pool plant without meeting specific delivery requirements. Such delivery requirements would impair the Association's ability to perform its functions as an equalization plant indicated above. Also, it would be uneconomical for the Association to receive the milk of its members at its plant and then transfer such milk to the pool plants of other handlers. It is concluded that the requirement that 75 percent or more of the milk of producer members be received during the month directly at the pool plants of other handlers or transferred by the Cooperative Association from its plant to the pool plants of other handlers is reasonable. Because of the seasonal nature of milk production, it is further concluded that a plant operated by a cooperative which meets the 75 percent standard during each of the months of October through February should be considered as a pool plant during the following months of March through September, beginning March 1958. This will assist in assuring that producers who are associated with the market during the short production season will retain their status as producers during the flush production season.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issue. The conditions set forth above are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would aggravate the current problem of handling reserve supplies of producer milk under the order. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto would make such relief ineffective. The propriety of omitting the recommended decision and opportunity of filing exceptions thereto was indicated on the record by both producers and handlers.

Rulings on proposed findings and conclusions. Rulings on proposed findings and conclusions are not necessary to this decision since neither briefs nor proposed findings and conclusions on the issues of the hearing were filed by interested parties.

General findings. (a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order amending the order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of Milk in the Louisville, Kentucky, marketing area" and "Order amending the Order, regulating the handling of Milk in the Louisville, Kentucky, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1957 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the Louisville, Kentucky, marketing area, is approved or favored by producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 2d day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete the last word, "or," in § 946.9 (b).

2. Change the period at the end of § 946.9 (c) to a semicolon and add the word, "or," immediately after the semicolon.

3. Add paragraph (d) to § 946.9 immediately after paragraph (c) as follows:

(d) A country plant which is operated by a cooperative association and (1) 75 percent or more of the producer milk from members of such association is delivered during the month directly to the pool plant(s) of other handlers or transferred by such association to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding consecutive months of October through February.

[F. R. Doc. 57-5516; Filed, July 8, 1957; 8:47 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 994]

PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

NOTICE OF PROPOSED TERMINATION

Notice is hereby given that termination is being considered, as of October 1, 1957, of the provisions of Marketing Agreement No. 111 and Marketing Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR Part 994), effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). This proposed action is predicated on the basis that continued operation of such marketing agreement and order will not, on and after October 1, 1957 tend to effectuate the declared policy of the aforesaid act.

Consideration will be given to any written data, views, or arguments pertaining to this proposed action which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER. Such communications should be field in triplicate.

The present marketing agreement and order was issued in September 1949 for the purpose of increasing trade and consumer acceptability of unshelled pecans and thus increasing returns to producers. This was to be accomplished through establishment of minimum grade and size requirements for pecans shipped outside the five-State area for sale in unshelled form. It was indicated that demand for unshelled pecans would be increased both as to the volume of pecans distributed inshell and the returns paid to the producers of such pecans.

Evidence now available to the Department indicates that operation of the marketing order in its present form is not accomplishing the objectives for which the program was promulgated.

The proportion of the pecan production in the five-State area which is shipped out of the area for inshell distribution has not increased during the period this program has been in operation. The volume of pecans shipped from the five-State area for inshell distribution averaged 17 percent of the production in the first three years of the program, declined thereafter and in the 1956–57 season is not expected to exceed 12 percent.

Pecans for inshell distribution graded and certified as to minimum quality failed, as a general rule, to return to producers prices in excess of those received for comparable or better pecans permitted to be disposed of free from such minimum quality requirements, such as for shelling and for inshell distribution within the production area. There is evidence that shellers purchasing on a meat content basis and truckers (particularly those operating near the border of the five-State area) paid for good pecans for shelling or, immediately outside the area, for pecans for inshell sale, prices equal to or better than those for pecans certified under this program. This is attributed to a tendency to pack "five-State pecans" for inshell sale at a level just meeting the minimum standard (U. S. Commercial with 75 percent by count meeting U. S. No. 1 quality) and to the objection of truckers to the delay and expense attached to obtaining inspection and complying with the program requirements.

Additional factors bearing on the proposed decision to terminate are: (1) The difficulty in obtaining compliance, without burdensome assessments for policing, when only a portion of the total pecan production is handled under the order, and (2) a recommendation from the executive committee of the Southeastern Pecan Growers Association, the major proponent of the program in 1949, that the program be terminated.

Dated: July 2, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-5515; Filed, July 8, 1957; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Amdt. 1]

ALASKA

SHORESPACE RESTORATION ORDER NO. 447 AND SMALL TRACT CLASSIFICATION ORDER NO. 34

JULY 1, 1957.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in section 2.9 (o), Order No. 541 of April 21, 1954, Bureau of Land Management, Shorespace Restoration Order No. 447 and Small Tract Classification Order No. 34 of September 27, 1950, as amended, is hereby amended as follows:

1. The land classified in paragraph 2, supra, for disposal as recreation sites under the terms of the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, has subsequently been further subdivided and re-described. Land now described as lots 48 and 49 include 0.537 and 1.563 acres, respectively, of previously unclassified land. Shorespace Restoration Order No. 447 and Small Tract Classification Order No. 34 is hereby further amended to classify these additional parcels and to re-describe all of the lands involved as follows:

ANCHORAGE AREA

T. 19 N., R. 4 W., Seward Meridian
Section 33, lots 48–56, inclusive; lot 64, W½SW¼NW¼SW¼.

Contains 32.78 acres.

2. This amendment shall become effective immediately.

L. T. MAIN,
Operations Supervisor.

[F. R. Doc. 57-5506; Filed, July 8, 1957; 8:45 a. m.]

MISSISSIPPI

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

JULY 2, 1957.

The Office of the Regional Director, Fish and Wildlife Service, Department of the Interior, Peach Tree-Seventh Building, Atlanta 23, Georgia, has filed application, BLM 044621, for the withdrawal, of the land described below,

from all forms of application under public land laws, including mining laws but not the minerals leasing laws, subject to valid existing rights, for the use of the Bureau of Sports Fisheries and Wildlife, as a part of the Horn Island National Wildlife Refuge.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

ST. STEPHENS MERIDIAN, MISSISSIPPI

Township 9 South, Range 6 West, St. Stephens Meridian
Section 27, lots 5 through 8;
Section 28, lots 5 through 10;
Section 29, lots 5 through 12;
Section 30, lots 11 through 14;
Section 33, lots 2, 3, and 4;
Section 34, lots 8 through 11.
Township 9 South, Range 7 West, St. Stephens Meridian
Section 19, lots 8 and 9;
Section 22, lots 11 through 18;
Section 23, lots 5 through 8;
Section 25, lots 11 through 16;
Section 26, lots 8 through 14;
Section 27, lots 2, 3, and 4.
Township 9 South, Range 8 West, St. Stephens Meridian
Section 23, lots 1 through 4;
Section 24, lots 1 through 8.

The area described containing in the aggregate 2403.22 acres.

E. J. CONOVER,
Acting Manager.

[F. R. Doc. 57-5507; Filed, July 8, 1957; 8:45 a. m.]

Office of the Secretary

[Order No. 2820]

DIRECTOR, OFFICE OF SALINE WATER

DELEGATION OF AUTHORITY RELATING TO CONTRACTS

JULY 1, 1957.

The Director, Office of Saline Water, is authorized to enter into, modify, or terminate such contracts as are provided for in section 2 of the Saline Water Act of July 3, 1952, as amended (66 Stat. 328; 69 Stat. 198; 42 U. S. C., 1952). This authority may not be redelegated; and it does not extend to research grants.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C., 133z-15, note)

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-5524; Filed, July 8, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

UPLAND COTTON

NOTICE OF FURTHER REDELEGATION OF FINAL AUTHORITY BY TENNESSEE AGRICULTURAL STABILIZATION AND CONSERVATION STATE COMMITTEE

Section 722.829 (c) of the regulations pertaining to acreage allotments for the 1957 crop of upland cotton (21 F. R. 7817) provides that any authority delegated to a State Agricultural Stabilization and Conservation Committee by the regulations in §§ 722.817 to 722.829 (b) may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002) which requires that delegations of final authority be published in the FEDERAL REGISTER, there is set forth herein the redelegation of final authority made by the Tennessee Agricultural Stabilization and Conservation State Committee in addition to the redelegations previously published in the FEDERAL REGISTER (22 F. R. 127) which remain in effect. Shown below is the section of the regulations in which such authority appears and the person designated by name, to whom such authority has been redelegated.

TENNESSEE

Section 722.829 (b)—James W. McFarland.

Issued at Washington, D. C., this 3d day of July 1957.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-5547; Filed, July 8, 1957; 8:53 a. m.]

Forest Service

CERTAIN LANDS ACQUIRED UNDER TITLE III-BANKHEAD-JONES FARM TENANT ACT

SUITABILITY FOR NATIONAL FOREST PURPOSES

Pursuant to the requirement of Executive Order 10445, dated April 10, 1953 (18 F. R. 2069), except as to lands within the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, all lands within the exterior boundaries of national forests which have been acquired through exchange since June 30, 1956, or that are in the process of being acquired through exchange by the Forest Service on behalf of the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended, (7 U. S. C. 1010–1013), are hereby determined to be suitable for national forest purposes.

Dated: June 28, 1957.

[SEAL] RICHARD E. MCARDLE,
Chief, Forest Service.

[F. R. Doc. 57-5518; Filed, July 8, 1957; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8624]

WHITEHORSE FLYING SERVICE

NOTICE OF HEARING

In the matter of the application in Docket No. 8624, for the transfer of the foreign air carrier permit held by Whitehorse Flying Services to Pacific Western Airlines Ltd.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled application is assigned to be held on July 16, 1957, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., July 3, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5538; Filed, July 8, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9369, 11298; FCC 57M-644]

AMERICAN CABLE AND RADIO CORP. ET AL.

ORDER CONTINUING HEARING CONFERENCE

In the matter of American Cable and Radio Corporation and its subsidiaries, All America Cables and Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company, Inc., v. The Western Union Telegraph Company, Docket No. 9369. In the matter of RCA Communications, Inc., v. The Western Union Telegraph Company, Docket No. 11298; lawfulness of certain practices of Western Union under the International Formula.

The Hearing Examiner having under consideration a joint motion filed on July 2, 1957, on behalf of American Cable and Radio Corporation and RCA Communications, Inc., complainants in the above-entitled proceeding, requesting that the hearing conference therein now scheduled to be held on July 10, 1957, be postponed to an early date in October 1957, to meet the convenience of the Hearing Examiner; and

It appearing that sufficient "good cause" has been set forth in the said motion to justify a grant of the relief requested therein; and

It further appearing that the Western Union Telegraph Company, defendant, and the Commission's Common Carrier Bureau, the remaining parties to the proceeding, concur in the said request for a continuance;

It is ordered, This 2d day of July 1957, that the above motion be, and it is hereby granted, and that the hearing conference in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Thursday, October 3, 1957, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5530; Filed, July 8, 1957; 8:50 a. m.]

[Docket Nos. 10984, 11873; FCC 57M-631]

RCA COMMUNICATIONS, INC. V. WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of RCA Communications, Inc., v. The Western Union Telegraph Company, Docket No. 10984; lawfulness of certain actions of defendant with respect to handling of certain traffic originating in Canada and destined to points in Asia and Oceania. RCA Communications, Inc., v. The Western Union Telegraph Company, Docket No. 11873; complaint for money damages.

On motion of Western Union, joined in by RCA Communications, Inc., American Cable and Radio Corporation and the Common Carrier Bureau of the Commission, *It is ordered,* This 1st day of July 1957, that hearing in the above-entitled matter, now scheduled for July 15, 1957, is continued to September 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5531; Filed, July 8, 1957; 8:50 a. m.]

[Docket No. 11913; FCC 57M-643]

JOHN S. CHAVEZ ET AL.

APPLICATION FOR CONSTRUCTION PERMIT

In re application of John S. Chavez, Raul G. Amaya, Guadalupe Caballero, Salvador Villareal and Gabriel S. Chavez Yaleta, Texas, Docket No. 11913, File No. BP-10639; for construction permit.

It is ordered, this 2d day of July 1957, on the Hearing Examiner's own motion, that the hearing herein presently continued without date, be, and the same is hereby, set for July 9, 1957, at 9:00 A. M., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5532; Filed, July 8, 1957; 8:50 a. m.]

[Docket No. 11938 etc.; FCC 57M-633]

GOLD COAST BROADCASTERS ET AL.

ORDER SCHEDULING HEARING

In re applications of James C. Dean, C. Robert Clark and Charles W. Stone d/b as Gold Coast Broadcasters, Pompano Beach, Florida, Docket No. 11938, File No. BP-10631; Gold Coast Radio, Inc., Pompano Beach, Florida, Docket No. 11939, File No. BP-10782; Lawrence J. Plym, Pompano Beach, Florida, Docket No. 12029, File No. BP-11097; construction permits.

Pursuant to a pre-hearing conference with counsel held on this date in the above-entitled proceeding, *It is ordered,* This 1st day of July 1957, that the exchange of exhibits herein will be accomplished on September 30, 1957, and that the hearing will be held on October 14, 1957, at 10:00 o'clock a. m. at the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5533; Filed, July 8, 1957; 8:50 a. m.]

[Docket No. 12025; FCC 57M-636]

JOSEPH E. YOUNG (KACT)

ORDER FOLLOWING PREHEARING CONFERENCE

In re application of Joseph E. Young (KACT), Andrews, Texas, Docket No. 12025, File No. BP-10910; for construction permit.

1. A prehearing conference in the above-entitled matter was held on July 2, 1957, at 10:00 a. m. in the Commission's offices at Washington, D. C. In view of the fact that at the appointed time only the Broadcast Bureau was represented, the Hearing Examiner recessed the prehearing conference for ten minutes to allow any absent parties to appear. At 10:10 a. m., no further appearance having been made, the Hearing Examiner went forward with the prehearing conference. The reporter was instructed to transcribe verbatim the contents of a letter from Raymond D. Hollingsworth (Station KRAY), Amarillo, Texas, the said letter being postmarked Amarillo, June 28, 1957. This letter, among other things, contained the following statement, "I would like to withdraw my objection to this grant." KRAY had previously been made a party to this proceeding because there was reason to inquire whether the granting of the instant application would cause interference to KRAY.

2. Counsel for the Broadcast Bureau took the position that the desire of KRAY to withdraw from the proceeding (and it will be construed herein that KRAY has withdrawn from the proceeding) does not obviate the necessity of a hearing on the application under the issues contained in the hearing order released by the Commission on May 20, 1957.

3. Section 1.813 of the Commission's rules empowers the presiding officer to request any party "• • • to submit suggestions in writing, for the purpose of considering, among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) The necessity or desirability of prior mutual exchange between or among the parties of prepared testimony and exhibits; • • •

4. It occurs to the Hearing Examiner that the applicant may have construed the Hollingsworth letter (assuming that he received a copy of it) as finalizing this matter, and that consequently he concluded that he was not required to appear at the prehearing conference. Be that as it may, in order to save possible undue expense and inconvenience to the applicant which a trip to Washington might occasion at this time, the Hearing Examiner will hereinafter order the applicant and the Broadcast Bureau to submit suggestions in writing as per the quoted portion of § 1.813, supra. It is the desire of the Hearing Examiner that the suggestions be submitted at the earliest possible date so that further steps in this proceeding may be expeditiously determined. (The parties are reminded that the hearing date is July 25, 1957, and that, normally, no hearings will be held in August.)

Accordingly, it is ordered, This 2d day of July 1957, that the parties submit, to be received by the Commission on or before July 10, 1957, suggestions in writing pursuant to § 1.813 of the Commission's rules; and

It is further ordered, That a further prehearing conference will be held at 10:00 a. m. on July 12, 1957, in the Commission's offices at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5534; Filed, July 8, 1957; 8:50 a. m.]

[Docket No. 12068; FCC 57M-640]

FLORENCE BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re application of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068, File No. BP-10850; for construction permit.

It is ordered, This 2d day of July 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 23, 1957, in Washington, D. C.

Released: July 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5535; Filed, July 8, 1957; 8:50 a. m.]

[Docket Nos. 12069, 12070; FCC 57M-638]

KIRKWOOD BROADCASTING CO. AND ST. CHARLES COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of James R. Roberts, Robert D. Rapp and Martha M. Rapp d/b as Kirkwood Broadcasting Company,

Kirkwood, Missouri, Docket No. 12069, File No. BP-10863; St. Charles County Broadcasting Company, St. Charles, Missouri, Docket No. 12070, File No. BP-11066; for construction permits.

It is ordered, This 2d day of July 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 23, 1957, in Washington, D. C.

Released: July 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5536; Filed, July 8, 1957; 8:50 a. m.]

[Docket No. 12071; FCC 57M-639]

RADIO HAWAII, INC. (KPOA)

ORDER SCHEDULING HEARING

In re application of Radio Hawaii, Inc. (KPOA), Honolulu, Hawaii, Docket No. 12071, File No. BP-10786; for construction permit.

It is ordered, This 2d day of July 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 30, 1957, in Washington, D. C.

Released: July 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5537; Filed, July 8, 1957; 8:50 a. m.]

FOREIGN CLAIMS SETTLEMENT COMMISSION

STAMPING OF SECURITIES SUBJECT TO CLAIMS

PUBLIC ANNOUNCEMENT

Effective immediately the Foreign Claims Settlement Commission will place on the face of certain foreign bonds and securities forming the basis of claims before the Commission, under Title III of the International Claims Settlement Act of 1949, as amended, a stamped legend, or notice with respect to any award made on such claim prior to the certification of such award to the Secretary of the Treasury for payment.

Where the award pertains to both the principal obligation and accrued interest the face of the instrument will be stamped with the following legend:

Transfer of this instrument confers no rights in the award made with respect thereto by the Foreign Claims Settlement Commission of the United States under Claims No. ------, filed pursuant to Public Law No. 285, 84th Congress.

With respect to Bulgarian, Hungarian or Rumanian bonds, awards will in most cases, issue only with respect to interest coupons since the statute limits claims based upon obligations of these countries which became payable prior to September 15, 1947. In many cases the principal obligations were not then due. In these cases, the face of the bonds will be stamped although the awards will relate only to such coupons as became payable prior to that date. The stamp to be affixed in such cases will read as follows:

Pursuant to Public Law No. 285, 84th Congress, an award has been made by the Foreign Claims Settlement Commission of the United States under Claims No. ------, with respect to interest coupons maturing prior to September 15, 1947, attached to this instrument. Transfer of this instrument or of any attached interest coupons confers no rights in such award.

The purpose of these legends is to give notice that an award has been made by the Foreign Claims Settlement Commission of the United States based in whole or in part upon the instrument so stamped. It should be noted that an award may be made by the Commission which includes losses other than those represented by such instruments. Additionally, the legends indicate that transfer of the instrument in and of itself confers no rights in the awards made with respect thereto since the Commission will certify the awards for payment by the Secretary of the Treasury only in favor of the original claimants whose claims are favorably determined.

Payment of awards will be made by the Secretary of the Treasury from the appropriate claims fund—the Bulgarian Claims Fund, the Hungarian Claims Fund, the Rumanian Claims Fund, and the Soviet Claims Fund—depending upon the government determined to be liable. These funds are derived from the net liquidated proceeds of property of the Governments of Bulgaria, Hungary, Rumania, and the Soviet Government, or certain of their nationals either vested by or transferred to the United States for the payment of American claims.

Insofar as claims, including those based upon securities are concerned, the statute directs the Secretary of the Treasury to make payment in full of the principal amount of each award of $1,000 or less, and with respect to awards in excess of $1,000, to make subsequent payments from time to time in ratable proportions depending upon the balance of the funds available for distribution.

The term "award" is defined in the statute to mean the aggregate of all awards certified in favor of the same claimant and payable from the same fund. For example, if a claimant has a claim based upon bonds and another claim arising out of contract or tort, both of which are determined to be valid against a particular fund, the total of both awards granted would be considered a single award for the purpose of certification to and payment by the Secretary of the Treasury.

There is no assurance that any award will be paid in full. Similarly, the extent to which any award will be paid from the funds available cannot presently be determined. Accordingly, the statute provides that payment of any award under a claim against Bulgaria, Hungary, Rumania, and Russia will not extinguish the claim unless such payment is for the full amount of the claim, as determined by the Commission. The rights of any such claimant with respect to the unpaid balance of his claim are thus preserved in the event provision is made in the future for payment of the unsatisfied portion of the claim.

In order to provide adequate notice, the Commission will maintain a register of all bonds and securities, appropriately identified in numerical sequence, with respect to which awards are made. Such register will be available for inspection. Notice of the fact that such a register exists and is available for inspection is published in the FEDERAL REGISTER concurrently with the publication of this announcement and has been posted on the bulletin board of the Commission. Where no award is made the bonds or securities involved will neither be listed nor stamped.

A number of bonds and securities have been returned to the claimants upon request, during the course of the proceedings before the Commission. In such cases, a stamp has been placed on the instruments in question indicating that a claim has been filed under the act. Where an award issues on any such claim the instruments will also bear the legend indicated above. However, in the event any such claim is denied, the claimant may, at his election return such instruments for the purpose of having such fact noted on the face of the instrument. Inasmuch as a denial merely indicates that the claimant in question is ineligible for an award, this fact should not be construed as having any effect on the validity of the instruments. The Commission will issue no rulings on the validity of any such instrument.

Should it appear upon inspection of the register that a particular security is not listed, it would mean either that no claim had been filed on the basis of such security, or that, if filed, it had been denied for reasons unrelated to the validity of the security. On the other hand, the listing of a security in the register does not mean that the full amount of the award has been or will be paid by the Secretary of the Treasury. Payments on account of awards will be made in accordance with the provisions of the act as outlined herein.

In this connection, attention is invited to section 307 of the act which limits the amounts of awards in certain cases. Where an award is made in favor of a claimant other than the national of the United States to whom the claim originally occurred the award cannot exceed the amount of the actual consideration last paid for the claim either prior to January 1, 1953, or between that date and the filing of the claim, whichever is less.

The Commission urges that interested persons avail themselves of the opportunity of inspecting the register.

By the Commission.

Dated: July 2, 1957.

ANDREW T. MCGUIRE,
General Counsel.

[F. R. Doc. 57-5519; Filed, July 8, 1957; 8:48 a. m.]

REGISTRATION OF SECURITIES SUBJECT TO AWARDS

PUBLIC NOTICE

Notice is hereby given that the Foreign Claims Settlement Commission has established a register listing all securities with respect to which awards are made under the International Claims Settlement Act of 1949, as amended by Public Law 285, 84th Congress, approved August 9, 1955 (22 U. S. C. 1641a-q).

The register will list such securities in numerical sequence and according to the foreign government obligated thereunder.

This register will be kept current and will be available for public inspection during usual business hours at the office of the Commission, Tariff Building, Seventh and E Streets NW., Washington 25, D. C.

By the Commission.

Dated: July 2, 1957.

ANDREW T. MCGUIRE,
General Counsel.

[F. R. Doc. 57-5520; Filed, July 8, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8708 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

JULY 2, 1957.

In the matters of Pan American Petroleum Corporation, et al., Docket No. G-8708, et al.; Humble Oil & Refining Company, Docket No. G-10367.

Notice is hereby given that the application filed by Humble Oil & Refining Company in Docket No. G-10367 in the above-entitled proceeding and scheduled for a hearing to be held on July 18, 1957, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for hearing at a subsequent date to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5510; Filed, July 8, 1957; 8:46 a. m.]

[Docket No. G-12823]

TEXAS GAS TRANSMISSION CORP.

ORDER SUSPENDING CERTAIN PROPOSED REVISED TARIFF SHEETS, ACCEPTING OTHERS AND PROVIDING FOR HEARING

JULY 2, 1957.

On June 3, 1957, Texas Gas Transmission Corporation (Texas Gas) tendered for filing, and proposed to become effective July 4, 1957, Original Sheets Nos. 68-BB, 70-A and 113; First Revised Sheets Nos. 68-A, 68-B, 68-C, 68-E and 68-F; Second Revised Sheets Nos. 7, 9, 19, 21, 25, 27, 45, 47, 71, 79-I and 79-J; Third Revised Sheets Nos. 1, 2, 4, 5, 11, 29, 33, 49, 51, 53, 55, 61, and 63; Fourth Revised Sheets Nos. 17, 23, 31, 35, 37, 41, 57, 59, 65, 67, 69, 70, 73 and 74; Fifth Revised Sheets Nos. 39 and 43; and Sixth Revised Sheets Nos. 110, 111, and 112, all to its FPC Gas Tariff, Second Revised Volume No. 1.

The tariff sheets would effect an increase of $3,964,000 (4.4 percent) in company's jurisdictional rates and charges, over the rates and charges currently being collected by it subject to refund in Docket No. G-10751, based on sales volumes for the year ended April 30, 1957, as adjusted. Texas Gas claims that the proposed increase in rates and charges are primarily required due to increases in gas purchase costs from other pipeline suppliers, and independent producers, which are in fact largely subject to suspension or collection subject to refund, and increased operating expenses. The proposed increase is based upon a 6½ percent rate of return with associated income taxes and an allocation of costs which departs from past Commission practices.

All of the foregoing tendered tariff sheets, except Second Revised Sheets Nos. 45 and 47, and Third Revised Sheets Nos. 49 and 51, which purportedly relate to the sale of gas for resale for industrial use only, are subject to suspension by this Commission. With respect to these latter revised tariff sheets, which are not subject to suspension by this Commission, Texas Gas states that it is its policy to place the rate schedule relating to its resale industrial service into effect on a date contemporaneous with that at which its firm service rates and charges become effective, whether subject to refund or otherwise.

It is further stated in this regard that should the Commission determine that the proposed changes pertaining to jurisdictional service are required to be suspended, Texas Gas "• • • hereby authorizes the secretary of the Commission to change the proposed effective date of July 4, 1957, presently inscribed on Second Revised Sheet Nos. 45, 47, (and Third Revised Sheets) 49 and 51, and to insert the date which will coincide with the end of the suspension period, if any, of the other changes submitted herewith."

Additionally, Texas Gas requests that if the use of the proposed rates and charges subject to the jurisdiction of this Commission is suspended, the period of suspension be limited to the terminal date of October 26, 1957, in lieu of the normal expiration date corresponding to the maximum five-month suspension period provided under the Natural Gas Act, on the basis that otherwise it will be unable to recover future claimed increases in its gas purchase costs.

The request of Texas Gas for a shortened suspension period in order to permit it to recoup future increases in gas purchase costs does not appear to be warranted in view of the fact that the large proportion of the increased revenues through use of the proposed rates and charges is due to the claimed 6½ percent rate of return; that the rates and charges now in effect subject to refund in Docket No. G-10751 are based also on a claimed rate of return of 6½ percent and that in any event, certain of the increases in its gas purchase costs which it seeks to recover would not become effective until a date subsequent to the time at which the increased rates and charges here proposed would become effective under five months suspension.

The increased rates and charges proposed in the foregoing revised sheets tendered by Texas Gas have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. In addition, eleven customer companies served by Texas Gas filed protests to the filing in which suspension of the proposed changes is either requested or implied.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in sections 4 and 15 of such act, concerning the lawfulness of the rates, charges, classifications, and services of Texas Gas, FPC Gas Tariff, Second Revised Volume No. 1, as proposed to be amended by Original Sheets Nos. 68-BB, 70-A and 113; First Revised Sheets Nos. 68-A, 68-B, 68-C, 68-E and 68-F; Second Revised Sheets Nos. 7, 9, 19, 21, 25, 27, 45, 47, 71, 79-I, and 79-J; Third Revised Sheets Nos. 1, 2, 4, 5, 11, 29, 33, 49, 51, 53, 55, 61 and 63; Fourth Revised Sheets Nos. 17, 23, 31, 35, 37, 41, 57, 59, 65, 67, 69, 70, 73 and 74; Fifth Revised Sheets Nos. 39 and 43; and Sixth Revised Sheets Nos. 110, 111, and 112 and that the aforementioned rate filings except Second Revised Sheets Nos. 45 and 47 and Third Revised Sheets Nos. 49 and 51 be suspended as hereinafter ordered and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

(2) The request of Texas Gas that the proposed effective date inscribed by it on Second Revised Sheets, Nos. 45 and 47 and Third Revised Sheets Nos. 49 and 51 to its FPC Gas Tariff, Second Revised Volume No. 1 be changed to coincide with the termination of the suspension period of the other changes enumerated in (1) above, as hereinafter provided and the request of Texas Gas for waiver of the requirements contained in § 154.22 of the Commission's regulations, and, to that end, permission to file the foregoing revised sheets as provided under § 154.51 of the regulations, should be granted, subject to the terms and conditions hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held at a date to be designated by notice from the Secretary of the Commission, concerning the lawfulness of the rates, charges, classifications, and services contained in Texas Gas' FPC Gas Tariff as proposed to be amended by the revised tariff sheets tendered for filing, as set forth in paragraph (1) above.

(B) Pending such hearing and decision thereon, Original Sheets Nos. 68-BB, 70-A and 113; First Revised Sheets Nos. 68-A, 68-B, 68-C, 68-E and 68-F;

Second Revised Sheets Nos. 7, 9, 19, 21, 25, 27, 71, 79–I and 79–J; Third Revised Sheets Nos. 1, 2, 4, 5, 11, 29, 33, 53, 55, 61 and 63; Fourth Revised Sheets Nos. 17, 23, 31, 35, 37, 41, 57, 59, 65, 67, 69, 70, 73 and 74; Fifth Revised Sheets Nos. 39 and 43; and Sixth Revised Sheets Nos. 110, 111 and 112 to Texas Gas Transmission Corporation's FPC Gas Tariff, Second Revised Volume No. 1, are hereby suspended and the use thereof deferred until December 4, 1957, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) The request of Texas Gas Transmission Corporation that the proposed effective date inscribed by it on Second Revised Sheets Nos. 45 and 47 and Third Revised Sheets Nos. 49 and 51 to its FPC Gas Tariff, Second Revised Volume No. 1 be changed to coincide with the termination of the suspension period of the other changes as provided in (B) above, and its request, pursuant to, and in accordance with the provisions contained in § 154.51 of the Commission's regulations, for permission to file the aforementioned revised tariff sheets is hereby granted: *Provided*, That Texas Gas Transmission Corporation shall, at such time as it moves to place into effect the tariff sheets hereby suspended, specifically request that Second Revised Sheets Nos. 45 and 47 and Third Revised Sheets Nos. 49 and 51 be made effective concurrently.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5526; Filed, July 8, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3600]

WEST PENN POWER CO.

ORDER GRANTING APPLICATION REGARDING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

JULY 2, 1957.

West Penn Power Company ("Company"), a subsidiary of The West Penn Electric Company, a registered holding company, has filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder regarding the following proposed transactions:

The Company proposes to issue and sell at competitive bidding, pursuant to Rule U-50, $20,000,000 principal amount of First Mortgage Bonds, Series Q -- percent, due July 1, 1987. It is expected that a public invitation for bids will be issued on or about July 3, 1957. Each bid shall specify the coupon rate (which shall be a multiple of ⅛ percent) to be borne by the bonds, and the price (exclusive of accrued interest) to be paid to the Company for the bonds, which shall be not less than 100 percent nor more than 102¾ percent of the principal amount.

The bonds will be issued under a First Mortgage, dated March 1, 1916, between the Company and The Chase Manhattan Bank, as Trustee, as supplemented and as to be supplemented by a Supplemental Indenture to be dated July 1, 1957.

The net proceeds will be used to provide in part for expenditures in connection with the construction program of the company and its subsidiaries which it is estimated will amount to $61,000,000 during 1957 and 1958.

The issuance of the New Bonds has been authorized by the Pennsylvania Public Utility Commission and no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Due notice of the filing of the application having been given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13498) and no hearing having been requested of or ordered by the Commission; and the Commission observing no basis for the imposition of terms and conditions other than those prescribed in Rules U-24 and U-50 and finding that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that the application as amended should be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application as amended be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5511; Filed, July 8, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 3, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33965: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., for The Pennsylvania Railroad Company and interested motor carriers. Rates on freight, loaded in or on trailers and transported in substituted service on railroad flat cars, between Baltimore, Md., on one hand, and Chicago and East St. Louis, Ill., Cleveland, Ohio, and Indianapolis, Ind., on the other, and between Kearny, N. J., and Philadelphia, Pa., on one hand, and Detroit, Mich., and Indianapolis, Ind., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to The Eastern Central Motor Carriers Association, Inc., Agent, ICC 15.

FSA No. 33966: *Substituted service—Motor-rail-motor—Boston and Maine, Delaware and Hudson, and Erie Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested rail and motor carriers. Rates on freight, loaded in trailers and transported in substituted service on railroad flat cars, between East Cambridge, Holyoke, or Worcester, Mass., on one hand, and Hammond, Ind., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to The Eastern Central Motor Carriers Association, Inc., Agent, ICC 15.

FSA No. 33967: *Grain, products and feed, between, and from and to points in southern territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on grain, grain products, and animal or poultry feed, carloads, (a) between points in southern territory, (b) between points in southern territory, on the one hand, and specified points in Illinois and Indiana, on the other, (c) and between points in southern territory and Columbus, Ohio, groups.

Grounds for relief: Short-line distance formula, grouping, and circuitous routes.

Tariffs: Supplement 188 to Agent C. A. Spaninger's ICC 1325.

FSA No. 33968: *Transit rates—Grain and feed in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coarse grain, grain products, and animal or poultry feed, carloads, transited enroute from origin to destination, between points in southern territory.

Grounds for relief: Short-line distance formula via transit point, grouping, and circuitous routes.

Tariff: Supplement 7 to Agent C. A. Spaninger's ICC 1579.

FSA No. 33969: *Substituted service—Motor-rail-motor—Boston and Maine, Delaware and Hudson and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested rail and motor carriers. Rates on freight, loaded in trailers and transported, in rail substituted service, on railroad flat cars, between East Cambridge and Worcester, Mass., on one hand, and Chicago and East St. Louis, Ill., Indianapolis, Ind., Detroit, Mich., and Cincinnati, Ohio, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to The Eastern Central Motor Carriers Association, Inc., Agent, ICC 15.

FSA No. 33970: *Substituted service—Motor-rail-motor—Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested rail and motor carriers. Rates on freight, loaded in trailers and transported, in substituted rail service, on railroad flat cars, between Toledo, Ohio, on the one hand, and Baltimore, Md., Harrisburg and Philadelphia, Pa., and Kearny, N. J., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to The Eastern Central Motor Carriers Association, Inc., Agent, ICC 15.

FSA No. 33971: *Brick and clay tile—Colorado points to points in Minnesota.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on brick and clay tile, carloads, from Canon City, Denver, Golden, Pueblo, and Trinidad, Colorado, to Albert Lea, Duluth, Minneapolis, and other specified points in Minnesota.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 120 to Agent Prueter's ICC 3686.

FSA No. 33972: *Butadiene—Borger and Odessa, Tex., to Institute, W. Va.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on Butadiene, tank-car loads from Borger and Odessa, Tex., to Institute, W. Va.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 107 to Agent Kratzmeir's ICC 4150.

FSA No. 33973: *Coarse grains—Western points to southwestern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on coarse grains, and articles taking same rates, carloads, from specified points in western trunkline territory to destinations in southwestern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 6 to Agent Kratzmeir's ICC 4237 and one other tariff.

FSA No. 33974: *Barytes—Cartersville and Emerson, Ga., to Lake Charles, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on barite (barytes), ground, carloads, from Cartersville and Emerson, Ga., to Lake Charles, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 82 to Agent C. A. Spaninger's ICC 1299.

FSA No. 33975: *Paper stock between Illinois and southern territories.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on paper, waste or scrap, carloads, between points in Illinois territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 8 to Agent Raasch's ICC 880.

FSA No. 33976: *Crude rubber—Louisville, Ky., to points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, artificial guayule, natural, neoprene, or synthetic, crude (not latex), straight or mixed carloads, from Louisville, Ky., to specified points in Arkansas, Missouri, and Oklahoma.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 92 to Agent Kratzmeir's ICC 3923 and two other tariffs.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-5522; Filed, July 8, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Part 522 of the regulations issued thereunder (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ace Dress Co., Inc., Harrington, Del.; effective 6–18–57 to 6–17–58 (junior Miss dresses).

Blakely Manufacturing Corp., Blakely, Ga.; effective 7–4–57 to 7–3–58 (washable service garments.).

C–D Sportswear Corp., Monsey Avenue and Ash Street, Scranton, Pa.; effective 6–21–57 to 6–20–58 (men's and boys' jackets).

Dillon Manufacturing Co., Dillon, S. C.; effective 6–30–57 to 6–29–58 (ladies' cotton housedresses).

Frackville Pajamas, Inc., Broad Mt. Avenue and Oak Streets, Frackville, Pa.; effective 6–24–57 to 6–23–58 (men's and boys' pajamas and nightshirts).

Gary Co., Inc., Gallatin, Tenn.; effective 6–18–57 to 6–17–58 (men's dress shirts).

Helena Garment Co., West Helena, Ark.; effective 6–23–57 to 6–22–58 (junior dresses).

Laurens Shirt Corp., Hillcrest Drive, Laurens, S. C.; effective 6–27–57 to 6–26–58 (men's dress and sport shirts).

Model Sportswear, Inc., 305 Holland Street, Shelbyville, Tenn.; effective 6–30–57 to 6–29–58 (men's and boys' sportswear).

The Moyer Co., 18 North Walnut Street, Youngstown, Ohio; effective 6–22–57 to 6–21–58 (men's slacks).

Pacific Undergarment Co., Inc., 288 Plymouth Avenue, Fall River, Mass.; effective 6–21–57 to 6–20–58 (ladies' cotton nightgowns).

Penn State Coat and Apron Manufacturing Co., Broadway and Radnor Streets, Clifton Heights, Pa.; effective 6–20–57 to 6–19–58 (shorts).

Reliance Manufacturing Co., Thayer, Mo.; effective 6–20–57 to 6–19–58 (ladies' cotton and rayon dresses).

J. H. Stern Garment Co., Inc., Seven Valleys, Pa.; effective 6–20–57 to 6–19–58 (children's dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number or proportion of learners authorized are indicated.

Calico Lane Dress Co., 9 School Street, Jermyn, Pa.; effective 6–21–57 to 6–20–58; five learners (ladies' garments).

Fayette Garment Co., Inc., Broadway and Radnor Streets, Clifton Heights, Pa.; effective 6–20–57 to 6–19–58; 10 learners (men's and boys' washable trousers).

Mid-South Industries, Inc., Hackleburg, Ala.; effective 6–22–57 to 6–21–58; 10 learners (boys' sport shirts).

Ronnie Dress, Inc., 94–96 East Main Street, Wilkes-Barre, Pa.; effective 6–18–57 to 6–17–58; eight learners (women's dresses).

Summit Sportswear, 44 West Ludlow Street, Summit Hill, Pa.; effective 6–21–57 to 6–20–58; five learners (misses' and ladies' blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dee Vee Garment Manufacturing Co., Stanley, Va.; effective 7–1–57 to 12–31–57; 40 learners (men's and boys' dress slacks).

Delta Shirt Manufacturing Co., Inc., Bayard, N. Mex.; effective 6–21–57 to 12–20–57; 50 learners (sport shirts).

Farah of Marfa, Inc., Marfa, Tex.; effective 6–24–57 to 12–23–57; 50 learners (denim dungarees).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

General Cigar Co., Inc., 1018 Poeyfarre Street, New Orleans, La.; effective 6–24–57 to 6–23–58; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of cigar machine operating and packing cigars retailing for more than 6 cents, each for a learning period of 320 hours; and machine stripping for a learning period of 160 hours. A rate of 80 cents an hour will be paid in these three occupations.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Eagle Glove & Garment Co., 215 North Franklin Street, Muncie, Ind.; effective 6–19–57 to 12–18–57; authorizing the employment of five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 160 hours at the rate of 77½ cents an hour (work gloves and shop aprons).

Hansen Glove Corp., Clintonville, Wis.; effective 6–24–57 to 6–23–58; 10 percent of the total number of factory production workers engaged in the authorized learner occupations (knit fabric dress gloves).

Ross Glove Co., 1032 Alabama Avenue, Sheboygan, Wis.; effective 6–24–57 to 6–23–58; 10 percent of the total number of workers engaged in authorized learner occupations (leather dress gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Bisher Hosiery Mills, Inc., Denton, N. C.; effective 6–25–57 to 6–24–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Broadway Hosiery Mills, 53 Burton Street, West Asheville, N. C.; effective 6–20–57 to 12–19–57; 20 learners for plant expansion purposes (seamless).

Locust Hosiery Mills, Inc., Locust, N. C.; effective 6–21–57 to 6–20–58; five learners for normal labor turnover purposes (seamless).

Newland Knitting Mills, Newland, N. C.; effective 6–17–57 to 12–16–57; 25 learners for plant expansion purposes (supplemental certificate) (seamless).

Van Raalte Co., Inc., Athens, Tenn.; effective 7–9–57 to 7–8–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Campbell & Helmich, Inc., 320 South Franklin Street, Boyertown, Pa.; effective 6–19–57 to 6–18–58; five learners for normal labor turnover purposes (women's lingerie).

Claxton Manufacturing Co., Inc., Claxton, Ga.; effective 6–20–57 to 12–19–57; 30 learners for plant expansion purposes (knitted underwear).

Fine Gauge Knitwear Co., 6611 Euclid Avenue, Cleveland, Ohio; effective 6–24–57 to 6–23–58; five percent of the total number of factory production workers for normal labor turnover purposes (cashmere sweaters).

Haleyville Textile Mills, Inc. No. 2, Hartselle, Ala.; effective 6–24–57 to 6–23–58; five learners for normal labor turnover purposes (undergarments and sleepwear).

J. H. Rohrer Textile Co., Inc., New Ringgold, Pa.; effective 6–18–57 to 6–17–58; five learners for normal labor turnover purposes (cotton knit underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Belfast Canning Co., Belfast, Maine; effective 6–17–57 to 12–16–57; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sardine packer for a learning period of 160 hours at the rates of 80 cents an hour for the first 80 hours and 85 cents an hour for the remaining 80 hours (canned sardines).

William B. Kessler, Inc., Pleasant and Tilton Streets, Hammonton, N. J.; effective 7–2–57 to 1–1–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, sport coats, and slacks).

Naylor Marine Products, 3616 Curlew Street, San Diego, Calif.; effective 6–20–57 to 12–19–57; authorizing the employment of two learners for normal labor turnover purposes, in the occupation of hand and machine operators for a learning period of 240 hours at the rates of 80 cents an hour for the first 140 hours and 90 cents an hour for the remaining 100 hours (sea shells, sea shell novelties).

Stinson Canning Co., Birch Harbor, Maine; effective 6–24–57 to 12–23–57; authorizing the employment of 9 learners for normal labor turnover purposes, in the occupation of sardine packer for a learning period of 160 hours at the rates of 80 cents an hour for the first 80 hours and 85 cents an hour for the remaining 80 hours (canned fish).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 6–3–57 to 12–2–57; authorizing the employment of 40 learners for plant expansion purposes, in the occupations of: (1) Loopers and menders, each for a learning period of 960 hours at the rates of 50 cents an hour for the first 480 hours and 56 cents an hour for the remaining 480 hours; and (2) examiners and knitters, each for a learning period of 240 hours at the rate of 50 cents an hour (seamless hosiery).

Island Knitting Mills, Inc., San Lorenzo, P. R.; effective 6–10–57 to 11–1–57; authorizing the employment of 10 learners for plant expansion purposes, in the occupations of machine stitching and finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of 58 cents an hour for the first 160 hours and 68 cents an hour for the remaining 160 hours (supplemental certificate) (full-fashioned men's sportshirts).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 27th day of June 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–5509; Filed, July 8, 1957; 8:46 a. m.]

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THE NATIONAL ARCHIVES

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VOLUME 22 NUMBER 132

Washington, Wednesday, July 10, 1957

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

TIME LIMITATION

Section 485.214 (c) of the regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, as amended and supplemented, is hereby amended to read as follows:

(c) The acreage reserve shall not be grazed after December 31, 1956, or the date the agreement is filed, whichever is later, and prior to January 1, 1958, unless the Secretary, after the Governor of the State in which the farm is located has certified that there is a need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship or suffering caused by severe drought, flood, or other natural disaster, and written consent to such grazing is given by the county committee. The restriction against grazing shall not apply to a crop which matured and normally would be harvested in 1956, unless harvesting of the crop in 1956 would have been in violation of a 1956 acreage reserve agreement.

(1) A written request to graze the acreage reserve, on a form approved by the Administrator, must be filed with the county committee in which the producer agrees to a deduction from the compensation payable under the agreement of an amount equal to $6.00 per acre times the total number of acres in the acreage reserve. If the compensation payable under the agreement amounts to less than $6.00 per acre times the total number of acres in the acreage reserve, the amount of the deduction shall be the amount of compensation payable under the agreement.

(2) If the request to graze is approved by the county committee, permission to graze the acreage reserve shall extend through December 31, 1957. Grazing of the acreage reserve shall be limited to livestock owned by producers eligible to receive compensation under the agreement. Leasing of the acreage reserve to others for grazing purposes is prohibited. Consent to graze the acreage reserve shall not be given if the county committee has reason to believe that there has been a violation of the terms and conditions of the agreement which would require a forfeiture or refund of compensation.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 3d day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-5574; Filed, July 9, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1957 EXTRA LONG STAPLE CROP

RATE OF PENALTY

Basis and purpose. Section 347 (c) of the Agricultural Adjustment Act of 1938, as amended, provides that the applicable penalty rate for extra long staple cotton (hereinafter referred to as "ELS cotton") under Section 346 of the Act shall be the higher of 50 percent of the parity price or 50 percent of the support price for ELS cotton as of the date specified in Section 346, which date is June 15 of the calendar year in which the ELS cotton crop is produced. When the Cotton Marketing Quota Regulations for the 1957 Extra Long Staple Crop were approved by the Secretary of Agriculture on May 16, 1957, the parity price per pound for ELS cotton as of June 15, 1957, was not available and the exact rate of penalty could not be determined and included in such regulations. Such parity

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following is now available:

Title 15 (Rev. 1956) ($5.00)

Previously announced: Title 3, 1956 Supp. ($0.40); Titles 4 and 5 ($1.00); Title 6 (Rev. 1956) ($6.00); Title 7, Parts 1–209 ($1.75), Parts 210–899 ($2.00), Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 8 ($0.55); Title 9 ($0.70); Titles 10–13 ($1.00); Title 14, Part 400 to end ($1.00); Title 16 ($1.50); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.65); Title 20 ($1.00); Title 21 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($1.00); Title 25 ($1.25); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 26 (1954), Parts 1–169 (Rev. 1956) ($4.25), Parts 170–220 (Rev. 1956) ($2.25), Part 221 to end (Rev. 1956) ($4.75); Titles 28 and 29 ($1.50); Titles 30 and 31 ($1.50); Title 32, Parts 1–399 ($1.00), Parts 400–699 ($1.25), Parts 700–799 ($0.50), Parts 800–1099 ($0.55), Part 1100 to end ($0.50); Title 32A ($2.00); Title 33 ($1.50); Titles 35, 36, and 37 ($1.00); Title 38 (Rev. 1956) ($8.00); Title 39 ($0.50); Titles 40, 41, and 42 ($1.00); Title 43 ($0.60); Titles 44 and 45 ($1.00); Title 46, Parts 1–145 ($0.65); Titles 47 and 48 ($2.75); Title 49, Parts 1–70 ($0.65), Parts 91–164 ($0.60), Part 165 to end ($0.70); Title 50 ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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price and the support price are now available and the purpose of the amendment contained herein is to establish and include in the regulations the exact rate of the penalty per pound for the 1957 crop of ELS cotton.

In view of the early harvest date in the southernmost areas of the United States it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers who desire to market ELS cotton, and to buyers, who are charged in the regulations with the duty of collecting the penalty on ELS cotton marketed subject to the penalty and the lien for the penalty. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.1466 of the Cotton Marketing Quota Regulations for the 1957 Extra Long Staple Crop (22 F. R. 3548), is hereby amended to establish the rate of penalty and reads as follows:

§ 722.1466 *Rate of penalty.* The rate of penalty for ELS lint cotton is the higher of 50 percent of the parity price for ELS cotton as of June 15, 1957, or 50 percent of the 1957 support price for ELS cotton, as provided in section 347 (c) of the act. The parity price for ELS cotton as of June 15, 1957, is hereby determined to be 79.6 cents per pound, which is higher than the support price of 59.70 cents per pound as of June 15, 1957, for ELS cotton, as determined pursuant to the Agricultural Act of 1949, as amended. The rate of penalty for ELS lint cotton as calculated pursuant to the foregoing provisions, shall be 39.8 cents per pound of ELS lint cotton.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 346, 347; 52 Stat. 38, as amended; 7 U. S. C. 1301, 1346, 1347)

Done at Washington, D. C., this 3d day of July 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-5573; Filed, July 9, 1957; 8:48 a. m.]

[Amdt. 2]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1957 UPLAND CROP

RATE OF PENALTY

Basis and purpose. Section 346 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that whenever farm marketing quotas are in effect with respect to any crop of cotton, the producer shall be subject to a penalty on the farm marketing excess at a rate per pound equal to 50 percent of the parity price per pound for cotton as of June 15 of the calendar year in which such crop is produced. When the Cotton Marketing Quota Regulations for the 1957 Upland Crop were approved by the Secretary of Agriculture on May 6, 1957, the parity price per pound for upland cotton as of June 15, 1957, was not available and the exact rate of penalty could not be included in such regulations. Such parity price is now available and the purpose of the amendment contained herein is to establish and include in the regulations the exact rate of penalty per pound of upland cotton for the 1957 crop of such cotton.

Cotton is presently being harvested in the southernmost areas of the United States and it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers who desire to market cotton and to buyers who are charged in the regulations with the duty of collecting penalty on the cotton marketed subject to the penalty and the lien for the penalty. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.866 of the Cotton Marketing Quota Regulations for the 1957 Upland Crop (22 F. R. 3284) is hereby amended to establish the rate of penalty and reads as follows:

§ 722.866 *Rate of penalty.* The rate of penalty for lint cotton is 50 percent of the parity price for cotton as of June 15, 1957, as provided in section 346 (a) of the act. The parity price for cotton as of June 15, 1957, is hereby determined to be 37.06 cents per pound. The rate of penalty for cotton as calculated on the basis of such parity price shall be 18.5 cents per pound of lint cotton.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 346; 52 Stat. 38, as amended; 7 U. S. C. 1301, 1346)

Done at Washington, D. C., this 3d day of July 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-5572; Filed, July 9, 1957; 8:47 a. m.]

[1023—Allotments—(Cigar-Binder and Cigar-Filler and Binder—58-1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

TOBACCO MARKETING QUOTA REGULATIONS, 1958–59 MARKETING YEAR

Correction

In Federal Register Document 57-5060, published at page 4351 of the issue for Thursday, June 20, 1957, the following changes should be made:

1. The part headnote should read as set forth above.

2. In § 723.919 (c), the year "1937" should read "1957".

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REQUIREMENTS AND QUOTAS FOR 1957; MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 and to establish, pursuant to sections 202, 204 and 411 of the

act sugar quotas and prorations for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1957 and prescribe the time in which quotas may be filled. This regulation also establishes pursuant to section 207 of the act the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1957 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act, as amended, and give effect to the revised determination.

The purpose of this action, also, is to further amend § 811.93 (21 F. R. 10332; 22 F. R. 369, 423, 3751, 4360, 4466) to determine and prorate a deficit in the quota for Puerto Rico for 1957 as established in § 811.91, as amended herein.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811, amendment 3 (22 F. R. 4360). To permit areas for which larger quotas or prorations are hereby established to plan to market or to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.90, 811.91 (a), 811.92 and 811.93 of Sugar Regulation 811 (21 F. R. 10332; 22 F. R. 369, 423, 3751, 4360, 4466) are amended to read as hereinafter set forth.

1. Section 811.90 is amended to read:

§ 811.90 *Sugar requirements, 1957.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 is hereby determined to be 9,300,000 short tons, raw value.

2. Section 811.91 (a) is amended to read:

§ 811.91 *Quotas for domestic areas.* (a) For the calendar year 1957 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established, pursuant to section 202 of the act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the act, in column (2) as follows:

[Short tons, raw value]

Area	Quota (1)	Direct-consumption limit (2)
Domestic beet sugar	2,021,098	(1)
Mainland cane sugar	621,912	(1)
Hawaii	1,127,970	31,755
Puerto Rico	1,179,437	137,637
Virgin Islands	16,083	0

[1] No limit.

3. Section 811.92 is amended to read:

§ 811.92 *Quotas for foreign countries.* For the calendar year 1957, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established, pursuant to section 202 of the act, in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established, pursuant to section 207 of the act, in column (2), as follows:

[Short tons, raw value]

Country	Quotas (1)	Direct-consumption limits (2)
Republic of the Philippines	980,000	59,920
Cuba	3,090,065	375,000
Peru	91,197	9,961
Dominican Republic	76,507	8,880
Mexico	59,709	16,130
Nicaragua	13,453	10,637
Haiti	6,806	6,806
Netherlands	3,662	3,662
China	3,564	3,564
Panama	3,564	3,564
Costa Rica	3,557	3,557
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other	0	0

4. Section 811.93 is amended to read:

§ 811.93 *Determination and proration of area deficits and adjusted quotas—*(a) *Deficit in quota for Puerto Rico.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1957 Puerto Rico will be unable by 189,184 short tons of sugar, raw value, to market the quota established for it in § 811.91, as amended.

(b) *Quotas in effect upon proration of deficit in part of quota established pursuant to section 202 (a) (2).* The part of the deficit determined in paragraph (a) of this section applicable to that portion of the quota for Puerto Rico established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 99,437 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.91, as amended, of this part to domestic areas able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.91, as amended, of this part plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	53,294	2,074,392
Mainland cane sugar	16,399	638,311
Hawaii	29,744	1,157,714
Puerto Rico	0	1,179,437
Virgin Islands	0	16,083

(c) *Quotas in effect upon proration of deficit in part of quota otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 89,747 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and § 811.92, as amended, for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) for domestic areas and in § 811.92, as amended, for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quota including prorations herein and in par. (b)
Domestic beet sugar	26,747	2,101,139
Mainland cane sugar	8,230	646,541
Hawaii	14,927	1,172,641
Puerto Rico	0	1,179,437
Virgin Islands	0	16,083
Cuba	39,843	3,129,908

Quotas for foreign countries other than Cuba remain as established in § 811.92, as amended.

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. On June 12, 1957, sugar requirements for the calendar year were set at 9,100,000 short tons, raw value. Previously, on May 24, a deficit in the quota for Puerto Rico had been prorated to other areas and countries able to supply the sugar. On June 14, the quota regulation was amended so that any offshore quota could be completely filled at any time. These actions were not occasioned by the prospect that so large a supply in trade channels would actually be needed for consumption in 1957. By comparison with 1955 and 1956, the rate of distribution during January–May, 1957 is indicative of consumption of about 8,800,000 short tons, raw value and refiners' stocks at the end of May 1957 were moderately higher than on the corresponding dates in 1956 and 1955. Nevertheless, the price for raw sugar had been increasing since early May, culminating in an announcement on June 14 of an increase to 9.25 cents per pound in the price for refined cane sugar, New York. Under these circumstances "• • • providing such supply of sugar as will be consumed at prices which will not be excessive • • •" clearly requires making sufficient quota available to sellers willing to bring forth the supply needed at fair prices. Despite the previous actions the price for raw sugar advanced further and on July 2 reached 6.60 cents per pound, 8 percent higher than the price on May 2, making it apparent that the needed supply is not yet on offer.

Quotas. The quotas established in §§ 811.91 and 811.92 were determined in compliance with the specific procedures provided in section 202 of the act for translating the total sugar requirements into quotas for individual areas and countries.

The amounts of the quotas which may be filled by direct-consumption sugar were established pursuant to section 207 of the act, which specifies the quantity for some countries and provides the procedures for determining the others.

The deficit in the quota for Puerto Rico is determined in § 811.93 (a) on the basis of the quota for that area as amended in § 811.91. The deficit of 189,184 short tons, raw value, so determined is prorated pursuant to section 204 (a) of the act, 99,437 tons being prorated to domestic areas able to supply additional sugar on the basis of the quotas established in § 811.91 of this amendment and 89,747 tons being prorated to such domestic areas and Cuba on the basis of the quotas in effect after proration of the 99,437 tons.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 925; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 5th day of July 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-5594; Filed, July 9, 1957; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Elberta Peach Order 1, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments of Elberta peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of Elberta peaches grown in the State of California.

(b) *It is, therefore, ordered,* As follows:

The provisions in paragraph (b) (1) (iv) of § 936.557 (Elberta Peach Order 1; 22 F. R. 4179) are hereby amended by deleting therefrom the measurement "2½ inches" and inserting, in lieu thereof, the measurement "2⅜ inches."

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Elberta Peach Order 1; or (2) as releasing or extinguishing any violation of said Elberta Peach Order 1 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(d) The provisions of this amendment shall become effective at 12:01 a. m., P. s. t., July 7, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 5, 1957.

[SEAL] G. R. GRANGE, *Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-5592; Filed, July 9, 1957; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

TEMPORARY CONTROL AREA AND CONTROL ZONE

The temporary control area and control zone appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.1429 is added to read:

§ 601.1429 *Control area extension (Camp Douglas, Wis.).* That airspace within a 30-mile radius of Volk Field, Camp Douglas, Wis., north of latitude 43°39'00", excluding the portion below 26,000 ft., lying within restricted area R-200 and excluding the portion below 12,000 ft., lying within restricted area R-468.

2. Section 601.2408 is added to read:

§ 601.2408 *Camp Douglas, Wis., control zone.* Within a 5-mile radius of Volk Field, Camp Douglas, Wis., and within 2 miles either side of lines bearing 90° True and 270° True from the Camp Douglas nondirectional radio beacon extending from the 5-mile radius zone to a point 12 miles east of the nondirectional radio beacon.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall be effective from 0001 c. s. t., July 10, 1957, to 2400 c. s. t., August 31, 1957.

[SEAL] WILLIAM B. DAVIS, *Acting Administrator of Civil Aeronautics.*

JULY 2, 1957.

[F. R. Doc. 57-5556; Filed, July 9, 1957; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54388]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

MISCELLANEOUS AMENDMENTS

It is deemed advisable to include in the Customs Regulations a list of customs stations (separate offices from ports of entry) designated under the authority of Article IX of the President's Message of March 3, 1913 (T. D. 33249), and amend the regulations to permit the shipment of baggage in bond to such stations. Accordingly, the following amendments to the Customs Regulations are hereby made:

1. The headnote of Part 1 is amended as set forth above.

2. Section 1.2 is amended by deleting the citation of authority at the end thereof, and adding a new paragraph (d) thereto reading as follows:

(d) The customs stations,* and the ports of entry having supervision thereof, are listed below:

District No.	Customs station	Port of entry having supervision
1	Bucksport, Maine	Belfast.
	Coburn Gore, Maine	Holeb-Jackman.
	Hamlin, Maine	Van Buren.
2	Alburg Springs, Vt	Alburg.
	Beebe Plaine, Vt	Derby Line.
	Canaan, Vt	Beecher Falls.
	East Richford, Vt	Richford.
	Morses Line, Vt	Do.
	Norton, Vt	Island Pond.
	West Berkshire, Vt	Richford.
4	Provincetown, Mass	Plymouth.
7	Cannons Corners, N. Y	Mooers.
	Churubusco, N. Y	Chateaugay.

District No.	Customs station	Port of entry having supervision
7	Hogansburg, N. Y.	Rooseveltown.
	Jamieson's Line, N. Y.	Malone.
	Trout River, N. Y.	Do.
11	Atlantic City, N. J.	Philadelphia.
	Lewes, Del.	Do.
	Port Norris, N. J.	Do.
	Tuckerton, N. J.	Do.
15	Washington, N. C.	Wilmington.
18	Fort Pierce, Fla.	West Palm Beach.
19	Biloxi, Miss.	Mobile.
20	Morgan City, La.	New Orleans.
23	Falcon Dam, Tex.	Roma.
	Los Ebanos, Tex.	Hidalgo.
	Port Isabel, Tex.	Brownsville.
	Progreso, Tex.	Hidalgo.
	San Ygnacio, Tex.	Laredo.
24	Marathon, Tex.	El Paso.
25	Campo, Calif.	Tecate.
26	Lochiel, Ariz. (Mail: Nogales).	Nogales.
27	Port Hueneme, Calif.	Los Angeles.
28	Monterey, Calif.	San Francisco.
30	Point Roberts, Wash.	Blaine.
31	Anchorage, Alaska	Juneau.
	Annette Island, Alaska	Ketchikan.
	Eagle, Alaska	Fairbanks.
	Fort Yukon, Alaska	Do.
	Haines, Alaska	Skagway.
	Hyder, Alaska	Ketchikan.
	Taku Inlet, Alaska	Juneau.
	Tok Junction, Alaska	Fairbanks.
33	Havre, Mont.	Great Falls.
34	Grand Forks, N. Dak.	Pembina.
	Lancaster, Minn.	Noyes.
36	Crane Lake, Minn.	Duluth.
	Ely, Minn.	Do.
	Oak Island, Minn.	Warroad.
38	Algonac, Mich.	Port Huron.
	Alpena, Mich.	Saginaw.
	Detour, Mich.	Sault Ste. Marie.
	Escanaba, Mich.	Do.
	Grand Haven, Mich.	Muskegon.
	Houghton, Mich.	Sault Ste. Marie.
	Marine City, Mich.	Port Huron.
	Marquette, Mich.	Sault Ste. Marie.
	Roberts Landing, Mich. (Mail: Route 1, Algonac, Mich.)	Port Huron.
	St. Clair, Mich.	Do.
41	Fairport, Ohio	Cleveland.
	Huron, Ohio	Sandusky.
	Lorain, Ohio	Cleveland.
	Marblehead-Lakeside, Ohio.	Sandusky.
	Put-in-Bay, Ohio	Do.
50	Antelope Wells, N. Mex. (Mail: Hachita, N. Mex.).	Columbus.

(President's Message of March 3, 1913; T. D. 33249.)

3. Part 1 is further amended by adding a new footnote designated "6a" reading as follows:

[6a] Customs stations designated for a temporary period only and designations made to provide customs facilities where a need exists because of certain large-scale activities, such as lumbering operations, are not listed. These designations change from time to time. Current information as to such stations in any of the collection districts may be obtained from the collector of customs for such district.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

4. Section 18.11 (c) is amended to read as follows:

(c) Before a shipment covered by an entry for immediate transportation or a manifest of baggage shipped in bond (other than baggage to be forwarded in bond to a customs station—see § 18.13 (a)), shall be allowed to be transported directly to a place of deposit outside a port of entry for examination and release as contemplated by section 484 (f), Tariff Act of 1930, as amended,[6a] the consent of the collector and appraiser for the port of entry designated in the transportation entry or baggage manifest must first be secured. The importer must furnish such collector with a stipulation that, promptly upon the arrival of any part of the merchandise or baggage at the place of deposit, he will file an entry for the shipment at the port of entry designated in the transportation entry or baggage manifest and comply with the provisions of § 14.2 (f) of this chapter.

(Secs. 484, 552, 46 Stat. 722, as amended, 742; 19 U. S. C. 1484, 1552)

5. Section 18.13 is amended as follows:

a. Paragraph (a) is amended to read:

(a) Baggage may be forwarded in bond to another port of entry, or to a customs station listed in § 1.2 of this chapter, at the request of the passenger, the transportation company, or the agent of either, with the use of a baggage manifest described in paragraph (b) of this section without examination or assessment of duty at the port or station of first arrival. For this purpose, the carrier shall furnish cards of bright red cardboard not less than 2½ by 4 inches in size with the following printed text, for attachment (by wire or cord) to the baggage:

UNITED STATES CUSTOMS

Check No. _____
Baggage in bond:
Carrier _____
From _____

TO COLLECTOR OF CUSTOMS

At (destination) _____

This baggage must be delivered by carrier to the collector of customs at destination. Failure to do so renders the carrier liable to a fine.

b. Paragraph (b) is deleted. Paragraph (c) is redesignated as paragraph (b) and amended to read:

(b) A customs manifest for baggage shipped in bond, customs Form 7520, shall be prepared in quadruplicate for each shipment. One copy shall be delivered to the carrier to accompany the baggage and shall be delivered by the carrier to the collector of customs at destination as a notice of arrival.

c. Paragraphs (d) and (e) are redesignated as paragraphs (c) and (d).

(Secs. 498 (a), 552, 46 Stat. 728, as amended, 742; 19 U. S. C. 1498 (a), 1552)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 1, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-5579; Filed, July 9, 1957; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

MISCELLANEOUS AMENDMENTS

Basis and purpose. In accordance with the requirements of paragraph (a) of § 104.5 announcement is made that the number of units of gear registered to fish in the various districts of Bristol Bay for the week ending July 13, 1957 is as follows:

	Units
Naknek-Kvichak district	518
Nushagak district	276
Egegik district	102
Ugashik district	59

Notwithstanding paragraph (b) fishing will be allowed as follows for the week ending July 13, 1957:

Naknek-Kvichak district: From 9 o'clock antemeridian July 8 to 9 o'clock antemeridian July 9, and from 9 o'clock antemeridian July 11 to 9 o'clock postmeridian July 11.

Nushagak district: From 9 o'clock antemeridian July 8 to 9 o'clock antemeridian July 9, and from 9 o'clock antemeridian July 11 to 9 o'clock antemeridian July 12.

Egegik district: From 9 o'clock antemeridian July 8 to 3 o'clock postmeridian July 9, and from 9 o'clock antemeridian July 11 to 3 o'clock postmeridian July 12.

Ugashik district: From 9 o'clock antemeridian July 8 to 3 o'clock postmeridian July 9, and from 9 o'clock antemeridian July 11 to 3 o'clock postmeridian July 12.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-5621; Filed, July 8, 1957; 1:09 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter D—Grants

PART 51—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

GRANTS TO TERRITORY OF GUAM

Notice of proposed rule making and public rule making procedures have been omitted in the issuance of the following amendment to Part 51 which relates solely to grants to the Territory of Guam.

1. Part 51 is amended by adding the following new section:

§ 51.16 *Grants to the Territory of Guam.* (a) Except as otherwise provided in this section, the provisions of this part shall be applicable to allotments and payments made to the Territory of Guam for carrying out the purposes of section 314 (a), (b), (c) or (e) of the act (including allotments from the appropriations for grants for cancer control and mental health) in the same manner in which they apply to the States.

(b) In addition to the information required under § 51.6 (a) and (b), the plan for the Territory of Guam shall specify the amounts, if any, to be expended from any one of the allotments made for the purposes of section 314 (a), (b), (c) or (e) of the act (including allotments made from the appropriations for grants for cancer control and mental health) for the purposes for which any other of such allotments are made. Expenditures from any such allotment to carry out purposes specified in any subsection other than the one for which the allotment was made shall be made only in accordance with a plan approved by the Surgeon General.

(c) For the purposes of computing payments from allotments to Guam, expenditures of the sums specified in accordance with paragraph (b) of this section for purposes other than the one for which the allotment was made shall be charged against the original allotment.

(d) Monies paid to Guam under this part shall be paid upon the condition that there be expended in the Territory during the fiscal year for which payment is made and for purposes specified in the plan with respect to which payment is made, public funds of the Territory or contributions made available by non-Federal agencies for carrying out the plan an amount equal to a total of 100 percent of the sum expended from such payments for tuberculosis prevention and case finding plus 50 percent of the sum expended from such payments for other purposes authorized in this part.

2. This amendment shall become effective July 1, 1957.

(Sec. 215, 58 Stat. 690, 42 U. S. C. 216. Interprets or applies sec. 18, 70 Stat. 910, 42 U. S. C. 246)

Dated: May 31, 1957.

[SEAL] W. P. DEARING,
Acting Surgeon General.

Approved: July 3, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-5575; Filed, July 9, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 177]

INTERSTATE TRAFFIC IN FIREARMS AND AMMUNITION

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of Section 4 of the Administrative Procedure Act, approved June 11, 1946, of a public hearing to be held on August 27, 1957, at 10:00 a. m. at Room 3313, Internal Revenue Building, Washington, D. C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representatives, with reference to a proposal to amend and re-issue regulations relating to interstate traffic in firearms and ammunition. The language of the proposed regulations is set forth below.

Written data, views or arguments relevant and material to the proposed regulations may be submitted in duplicate for incorporation in the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., provided that they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. Material relating to each section of the proposed regulations shall be submitted separately and shall bear the number of the section to which it relates. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for examination of the record and for the submission of briefs.

Subpart A—Introductory

Sec.
177.1 Scope of regulations.
177.2 Effective date.

Subpart B—Definitions

177.10 Meaning of terms.

Subpart C—Licenses

PERSONS REQUIRED TO PROCURE LICENSES

Sec.
177.20 General.
177.21 Manufacturer's license.
177.22 Dealer's license.
177.23 Importer.
177.24 Gunsmith.

PERSONS NOT ENTITLED TO A LICENSE

177.25 Statutory restrictions.

ISSUANCE OF A LICENSE

177.26 Application for an original license.
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177.29 Procedure by District Director.
177.30 Cancellation of license.

SCOPE AND DURATION OF LICENSE

177.31 General.
177.32 License cannot be assigned or transferred.
177.33 Locations covered by license.
177.34 Removal of licensee.
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SUSPENSION AND REVOCATION OF LICENSE

177.38 General.
177.39 Notice of suspension.
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177.41 Duration of suspension.
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177.43 Revocation of license.
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Subpart D—Conduct of Business

177.50 Identification of firearms.
177.51 Firearms records.
177.52 Ammunition records.
177.53 Transactions between licensees.
177.54 Over the counter sales to individuals.
177.55 Authority to examine records, etc.
177.56 Prohibited transactions.

Subpart E—Exemptions

177.70 General.
177.71 Bank, public carrier, express, or armored-truck company.
177.72 Research laboratory.

Subpart F—Unlawful Acts

Sec.
177.80 License to operate.
177.81 Transactions involving unlicensed operators.
177.82 Transactions in violation of State law.
177.83 Interstate deliveries to felons, etc.
177.84 Interstate transportation by felons, etc.
177.85 Receipt by felons, etc.
177.86 Interstate transportation of stolen firearms or ammunition.
177.87 Receipt, etc., of stolen firearms or ammunition.
177.88 Removal, etc., of manufacturer's serial number.

Subpart G—Penalties, Seizures and Forfeitures

177.100 Penalties.
177.101 Seizure and forfeiture.
177.102 Disposition after forfeiture.

AUTHORITY: §§ 177.1 to 177.102 issued under 52 Stat. 1250, 1252, 53 Stat. 1222, 61 Stat. 11; 15 U. S. C. 901-909. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—INTRODUCTORY

§ 177.1 *Scope of regulations*—(a) *In general.* The regulations contained in this part relate to the traffic in firearms and ammunition under the Federal Firearms Act, as amended, and supersede Regulations 131 (26 CFR (1939) Part 315).

(b) *Procedural and substantive requirements covered.* This part contains the procedural and substantive requirements relative to:

(1) The licensing of manufacturers (including importers) of, and dealers in, firearms or ammunition;

(2) The conduct of business by licensees;

(3) The records required to be maintained by licensees;

(4) Interstate traffic in firearms and/or ammunition by persons specifically exempted from the provisions of the Federal Firearms Act; and to

(5) Prohibited acts generally.

(c) *Relation to other provisions of law.* The provisions of this part are in addition to, and not in lieu of, any other provision of law, or regulations, respecting traffic in firearms or ammunition. For regulations applicable to traffic in machineguns and certain other firearms, see Part 179 of this chapter. For regulations applicable to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war under section 414 of the Mutual Security Act of 1954, see 22 CFR Part 75.

§ 177.2 *Effective date.* The regulations contained in this part shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER. These regulations shall not affect any act done or any liability incurred, or right accruing or accrued, or any suit or proceeding had or commenced, before such effective date.

SUBPART B—DEFINITIONS

§ 177.10 *Meaning of terms.* As used in this part, unless the context other-

wise requires, terms shall have the meanings ascribed in this subpart as follows:

Act. Means the Federal Firearms Act. (U. S. C., Title 15, Chapter 18).

Ammunition. Means only pistol or revolver ammunition; however, no distinction is recognized between "new" and "reloaded" ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

Assistant Regional Commissioner. Means the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under, the direction and supervision of the Regional Commissioner of Internal Revenue.

Commissioner. Means the Commissioner of Internal Revenue.

Crime of violence. Means murder, manslaughter, rape, mayhem, kidnaping, robbery, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year. (15 U. S. C. 901 (6)).

Dealer. Means any person engaged in the business of selling firearms or ammunition or cartridge cases, primers, bullets or propellent powder, at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms. (15 U. S. C. 901 (5)).

Director. Means the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

District. Means the internal revenue district under the jurisdiction of a District Director of Internal Revenue.

District Director. Means the District Director of Internal Revenue.

Firearm. Means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

Fugitive from justice. Means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding. (15 U. S. C. 901 (7)).

Importation. Means the bringing of firearms, or ammunition or cartridge cases, primers, bullets, or propellent powder, within the limits of the United States or any territory under its control or jurisdiction, from a place outside thereof (whether such place be a foreign country or territory subject to the jurisdiction of the United States), for purposes of sale or distribution.

Importer. Means any person who engages in the importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellent powder for purposes of sale or distribution.

Includes and including. When used in a definition or statement in this part shall not be deemed to exclude other things otherwise within the scope thereof.

Interstate or foreign commerce. Means (a) commerce between any State, Territory, or possession (not including the Canal Zone), or the District of Columbia, and any place outside thereof; (b) commerce between points within the same State, Territory, or possession (not including the Canal Zone), or the District of Columbia, but through any place outside thereof; or (c) commerce within any Territory or possession or the District of Columbia.

License. Means a license issued under authority of section 3 (b) of the act (15 U. S. C. 903 (b)).

License fee. Means the annual fee payable by a manufacturer of, or dealer in, firearms or ammunition.

Licensed dealer. Means a dealer licensed under section 3 of the act (15 U. S. C. 903).

Licensed manufacturer. Means a manufacturer or importer licensed under section 3 of the act (15 U. S. C. 903).

Manufacturer. Means any person engaged in the manufacture or importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellent powder, for purposes of sale or distribution.

Person. Includes an individual, partnership, association, or corporation.

Regional Commissioner. Means the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

Secretary. Means the Secretary of the Treasury.

United States. Means the States, Territories or possessions (except the Canal Zone) and the District of Columbia. For the purpose of the regulations in this part, a foreign trade zone established pursuant to the act of June 18, 1934 (48 Stat. 998) will have no special status but will be considered as an integral part of the United States.

SUBPART C—LICENSES

PERSONS REQUIRED TO PROCURE LICENSES

§ 177.20 *General.* Licensing requirements under the act are applicable to manufacturers, importers and dealers within the United States, or any Territory or possession (except the Canal Zone) under its control or jurisdiction, whose commercial operations include the transportation, shipment or receipt of firearms or ammunition in interstate or foreign commerce.

§ 177.21 *Manufacturer's license.* Any person engaged in the manufacture or importation of firearms (including any component part or appurtenance thereof) or ammunition or cartridge cases, primers, bullets, or propellent powder, for distribution at wholesale or retail, must obtain a Federal Firearms Act license as a manufacturer in order to lawfully transport, ship, or receive firearms or ammunition in interstate or foreign commerce. It is not necessary for a licensed manufacturer or importer to procure also a dealer's license. However, a person required to be licensed as a manufacturer does not comply with the provisions of the act respecting manufacturers merely by procuring a dealer's license.

§ 177.22 *Dealer's license.* Any person engaged in the business of selling firearms or ammunition or cartridge cases, primers, bullets or propellent powder, at wholesale or retail; or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms, to firearms; or any person other than a licensed manufacturer engaged in the business of exporting firearms or ammunition, must obtain a Federal Firearms Act license as a dealer in order to lawfully transport, ship, or receive firearms or ammunition in interstate or foreign commerce.

§ 177.23 *Importer.* A person engaged in the importation of firearms or ammunition for sale or distribution is required to be licensed as a manufacturer even though he may not perform any manufacturing operations.

§ 177.24 *Gunsmith.* A person engaged in the business of repairing firearms, or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms, on an individual order basis, if not otherwise required to be licensed as a manufacturer, must be licensed as a dealer before he may lawfully transport, ship, or receive any firearm, including any part of such weapon, or ammunition in interstate or foreign commerce.

PERSONS NOT ENTITLED TO A LICENSE

§ 177.25 *Statutory restrictions.* A license shall not be issued to any person who is under indictment for, or has been convicted of a "crime of violence", or who is a "fugitive from justice", as defined in § 177.10. A license shall not be issued to any applicant within two years after the revocation of a previous license.

ISSUANCE OF A LICENSE

§ 177.26 *Application for an original license.* The application for an original license shall be made on Form 7 (Firearms), copies of which may be procured from any District Director of Internal Revenue. The application shall be filed with the District Director for the internal revenue district within which each place of business operated by the applicant is located. The application must contain all the information required by the form and must be accompanied by the appropriate license fee.

§ 177.27 *Application for renewal of license.* Prior to the expiration of a license, each licensee will receive a Form 8–A (Firearms) which should be executed and immediately returned with proper remittance to the District Director.

§ 177.28 *License fee.* In the case of a manufacturer (including importer) the license fee is $25 per annum, and in the case of a dealer, the license fee is $1 per annum.

§ 177.29 *Procedure by District Director.* Upon receipt of (a) a properly executed application for an original license on Form 7 (Firearms), or (b) a properly executed application for renewal of a license on Form 8–A (Firearms), accompanied by the required license fee, the District Director may make such inquiry as deemed necessary to determine the bona fides of the applicant. Upon determination that the applicant is lawfully entitled to a license, the District Director will issue such applicant a license on Form 8 (Firearms). Each license will bear an individual serial number and such number will be permanently assigned to the licensee to whom issued for so long as he maintains continuity of annual renewal.

§ 177.30 *Cancellation of license.* The District Director may cancel as null and void ab initio the license of any person shown by investigation and competent evidence to be or to have been in any one of the prohibited classes referred to in § 177.25, provided (a) the licensee is notified by registered mail, directed to his last known address, of the intention of the District Director to cancel the license, (b) such notification is accompanied by a statement of the reason or reasons for the proposed cancellation, and (c) the licensee is given an opportunity to show cause within 20 days after such notification is mailed why the license should not be canceled. If the licensee fails so to show cause the license will be canceled and the licensee will be so notified by registered mail.

SCOPE AND DURATION OF LICENSE

§ 177.31 *General.* A proper license shall entitle the person to whom issued to transport, ship and receive firearms or ammunition in interstate or foreign commerce, within the limitations of the act, for a period of one year from the date of issuance, subject, however, to suspension or revocation of the license at any time if the licensee is convicted of violation of any of the provisions of the act (see §§ 177.38 to 177.44), and to administrative cancellation of the license (see § 177.30). A license shall not be issued in any case for a period of less than one year.

§ 177.32 *License cannot be assigned or transferred.* A Federal Firearms Act license is not assignable or transferable under any circumstances and is valid only with respect to the operations of the person to whom issued.

§ 177.33 *Locations covered by license.* The license applies to the operations of the licensee at a specific location. Accordingly, a separate license must be obtained for each place at which the business of importing, manufacturing, selling, or distributing firearms or ammunition is conducted. However, no license is required to cover a separate warehouse used by a licensee solely for temporary storage of firearms or ammunition, provided appropriate records are maintained at the licensed premises served by such warehouse to show the receipt and disposition of such articles.

§ 177.34 *Removal of licensee.* A licensee may remove his business to a new location without procuring a new license. However, in every case, whether or not the removal is from one internal revenue district to another, prompt notification of the new location of the business must be given to:

(a) The District Director for the internal revenue district wherein the current license was originally issued;

(b) The District Director for the internal revenue district from which or within which the removal is made; and

(c) The District Director for the internal revenue district to which the removal is made.

In each instance the license must be submitted for endorsement to the District Director having jurisdiction over the internal revenue district to which removal is made. After endorsement of the license to show the new address, and the new license number, if any, the District Director will return the license to the licensee.

§ 177.35 *Discontinuance of business.* If a licensee permanently discontinues business, at any place of business, prompt notification thereof must be given to the District Director for the internal revenue district in which such business is discontinued. (See also § 177.51.)

§ 177.36 *State or other law.* The license confers no right or privilege to conduct business contrary to State law or other law. The holder of a license is not, by reason of such license, immune from punishment for dealing in firearms or ammunition in violation of the provisions of any State law or other law. Similarly, compliance with the provisions of any other law affords no immunity under the act.

§ 177.37 *License fee not refundable.* No refund of any part of the amount paid as a license fee shall be made where, for any reason, a licensee discontinues operations prior to the expiration of the period covered by the license. No refund shall be made if the license is suspended or revoked because of violation by the licensee of any provision of the act.

SUSPENSION AND REVOCATION OF LICENSE

§ 177.38 *General.* Section 3 (c) of the act (15 U. S. C. 903 (c)) provides that whenever any licensee is convicted of a violation of any of the provisions of the act, it shall be the duty of the clerk of the court to notify the Secretary of the Treasury within forty-eight hours after such conviction, and that the Secretary shall suspend the license during the period of appeal, if an appeal is noted, unless the required $1,000.00 bond is furnished by the licensee and he otherwise qualifies for continuance in business during the pendency of the appeal, and shall revoke the license if no appeal is noted or the conviction is not reversed on appeal. Accordingly, the Director, pursuant to the authority delegated to him to administer and enforce the act will proceed as provided in §§ 177.39 through 177.44, when notification of conviction of a licensee is received by him from the Secretary or otherwise.

§ 177.39 *Notice of suspension.* Upon receipt by the Director of notice of the conviction of a licensee of violation of any provision of the act, the Director shall immediately notify the licensee, by registered letter addressed to his last known address, that pursuant to requirements of the law his license stands suspended during the period in which an appeal from the conviction can be taken, and that if an appeal is taken within the required time the license will stand suspended until final action on the appeal. The licensee will also be notified by the Director that if no appeal from the conviction is taken within the required appeal time, or if upon timely appeal the conviction is not reversed, the license will be revoked. The licensee will also be notified by the Director that if he desires to continue in business during any period of suspension of the license he may do so only upon compliance with § 177.40.

§ 177.40 *Continuing business during appeal period and during pendency of appeal taken from conviction.*—(a) *Application.* A licensee whose license is suspended on account of a conviction of violation of any provision of the act and who desires permission to continue in business during the appeal period and during the pendency of an appeal from such conviction shall file an application with the Director for such permission. The application shall be submitted under oath or be verified by a written declaration that it is made under penalties of perjury and fully set forth the grounds on which the application is based. The application shall be accompanied by a bond, running to the United States, in the penal sum of $1,000. The condition of the bond shall be that, until final disposition of the appeal, the licensee will comply in every respect with all the provisions of the act. As soon as possible after the receipt of the application and bond, the Director shall notify the applicant that, by direction of the Secretary, his application has been granted or denied, as the case may be.

(b) *Denial of application.* An application for permission to continue in business during the appeal period and during the pendency of an appeal from a conviction of violation of any provision of the act shall not be granted if on the facts of the case the applicant would not then be entitled to a license were he applying for a license (see § 177.25).

§ 177.41 *Duration of suspension.* In every case, the suspension of a license shall remain in effect until final action is taken upon the application, if made, for permission to continue in business during the appeal period and during the pendency of an appeal from the conviction. If such application is granted, the suspension is set aside until expiration of the appeal period without appeal being taken, thus necessitating revocation of the license; or, if an appeal is taken, until final action upon the appeal, at which time the case will be disposed of according to the outcome of the appeal.

§ 177.42 *Renewal of license during pendency of appeal.* The granting of an application to continue in business, as provided in § 177.40, does not extend the term of the license. If a license expires in the meantime, the licensee must procure a new license if he desires to continue to transport, ship, or receive firearms or ammunition in interstate or foreign commerce. The new license shall

stand in place of, and be subject to the same conditions as, the old license, and the new license shall be subject to revocation if the conviction is not set aside.

§ 177.43 *Revocation of license.* If upon appeal the conviction of a lincensee of violation of any provisions of the act is not set aside, or if no appeal is filed, his license shall be immediately revoked pursuant to the provisions of section 3 (c) of the act and the Director shall immediately notify such person thereof by registered letter addressed to his last known address.

§ 177.44 *New license after revocation.* A person whose license has been revoked for violation of any provision of the act may, if otherwise entitled to a license (see § 177.25), again be licensed to transport, ship, or receive firearms or ammunition in interstate or foreign commerce, but not until the expiration of two years from the date of the revocation of the previous license. In such case, the application for the new license shall be filed with the District Director in accordance with the provisions of § 177.26.

SUBPART D—CONDUCT OF BUSINESS

§ 177.50 *Identification of firearms.* Each licensed manufacturer and importer of a firearm shall identify it by stamping (impressing), or otherwise conspicuously placing or causing to be stamped (impressed) or placed thereon, in a manner not susceptible of being readily obliterated or altered, the name and location of the manufacturer or importer, and the serial number, caliber, and model of the firearm. However, where imported firearms are identified by the foreign manufacturer in a manner prescribed in the foregoing sentence, additional stamping will not be required if the information prescribed by this section appears. None of such information may be omitted except with the approval of the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C.

§ 177.51 *Firearms records.* Each licensed manufacturer or dealer shall maintain complete and adequate records reflecting the receipt (whether by manufacture, importation, acquisition from other licensees, or otherwise), and the disposition, at wholesale or retail, of all firearms (including firearms in an unassembled condition, but not including miscellaneous parts thereof) physically or constructively received or disposed of in the course of his business. Entries in such records shall be posted at the time of each transaction, or in each instance not later than the close of business on the day next succeeding the day on which the transaction occurs. The records prescribed by this section shall be in permanent form, separate and distinct from records pertaining to other merchandise handled by the licensee, and shall be retained permanently on the business premises until discontinuance of business by the licensee. Where the business is discontinued and succeeded by a new licensee, the records will appropriately reflect such facts and will be delivered to the succcessor. Where discontinuance of the business is absolute, the records will appropriately reflect that fact and will be delivered to the Director for permanent retention. The records shall show and include:

(a) A full and adequate description of each firearm, including (1) the manufacturer thereof; (2) the manufacturer's serial number stamped thereon; (3) the caliber or gauge of the firearm; (4) the model and type of firearm; and

(b) The name and address of each person from whom each firearm (if not the manufacturer's own product) was received together with the date of acquisition; and

(c) The disposition made of each firearm including the name and address of the person to whom sold and the date of disposition.

The prescribed format for the firearms record is as follows:

A B C Firearms Company, 123 Fourth Street, Baltimore, Md.
Manufacturer of Firearms—Federal Firearms Act License No. 52-1

Description of firearm					Receipt		Disposition	
Manufacturer	Serial No.	Caliber or gauge	Model	Type	Date	From whom (name and address or FFA license No.)	Date	To whom (name and address or FFA license No.)

§ 177.52 *Ammunition records.* Each manufacturer and dealer shall maintain, on the licensed premises, complete and adequate records reflecting the production or receipt and the disposition at wholesale or retail of all pistol or revolver ammunition. The ammunition shall be described as to manufacturer, type, caliber and quantity, and the identity of the persons from whom received and to whom sold must be shown.

§ 177.53 *Transactions between licensees.* Where firearms or ammunition are transferred between licensees, the Federal Firearms Act license number of the transferor or the transferee, as the case may be, may be entered in the records in lieu of the exact name and address of such transferor or transferee.

§ 177.54 *Over the counter sales to individuals.* Where disposition of firearms or ammunition is made by over the counter sale or distribution to individuals, the persons to whom the firearms or ammunition are sold, distributed or delivered will be required to acknowledge receipt thereof in their own handwriting in the record prescribed by this subpart.

§ 177.55 *Authority to examine records, etc.* Any internal revenue officer designated by the Director shall have authority to examine the books, papers and records kept by a licensee pursuant to the regulations in this part, and to examine his premises and stock, during regular business hours in the daytime. When such premises are open at night, such authorized officers may enter them while so open, in the performance of such authorized official duties.

§ 177.56 *Prohibited transactions.* To avoid transactions in violation of the Federal Firearms Act, licensees should be guided by the provisions of Subpart F of this part.

SUBPART E—EXEMPTIONS

§ 177.70 *General.* The provisions of the act do not apply:

(a) With respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of—

(1) The United States or any department, independent establishment, or agency thereof;

(2) Any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof;

(3) Any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof;

(4) Any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, provided exemption is granted as prescribed in § 177.71; and

(5) Any research laboratory designated under § 177.72 and granted exemption thereunder; or

(b) With respect to:

(1) The transportation, shipment, or receipt of any antique or unserviceable firearms, or ammunition, possessed and held as curios or museum pieces; and

(2) Shipment of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of the Army, or the Secretary of the Air Force, and the transportation of such firearms and ammunition by their lawful possessors while they are engaged in military training or in competitions.

§ 177.71 *Bank, public carrier, express, or armored-truck company.* Any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, may procure an exemption upon application to the District Director for each district within which a place of business is located. Such application shall be submitted under oath or be verified by a written declaration that it is made under penalties of perjury and show the character of the business of the applicant and the purposes for which the exemption is requested. If the application and the purposes stated are bona fide, the exemption shall be granted. In all cases, as soon as possible after the receipt of the application, the District Director shall notify the applicant by letter that, by direction of the Secretary, the exemption is granted or denied, as the case may be.

§ 177.72 *Research laboratory.* A research laboratory desiring to procure an exemption under this subpart shall file an application with the Director. The application shall be submitted under oath or be verified by a written declaration that it is made under penalties of perjury and shall show (a) by whom and the purpose for which the laboratory was organized, (b) the source of the funds expended for the maintenance and operations of the laboratory, (c) the services performed by, and the operations of, the laboratory, and (d) the purposes for which the exemption is requested. The Director shall notify the applicant that, by direction of the Secretary, the application is granted, or denied, as the case may be.

SUBPART F—UNLAWFUL ACTS

§ 177.80 *License to operate.* It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce.

(15 U. S. C. 902 (a))

§ 177.81 *Transactions involving unlicensed operators.* It shall be unlawful for any person to receive any firearm or ammunition transported or shipped in interstate or foreign commerce in violation of section 2 (a) of the act (15 U. S. C. 902 (a)), knowing or having reasonable cause to believe such firearms or ammunition to have been transported or shipped in violation of said section.

(15 U. S. C. 902 (b))

§ 177.82 *Transactions in violation of State law.* It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a (State) license be obtained for the purchase of such firearm, unless such (State) license is exhibited to such manufacturer or dealer by the prospective purchaser.

(15 U. S. C. 902 (c))

§ 177.83 *Interstate deliveries to felons, etc.* It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions, or the District of Columbia of a crime of violence or is a fugitive from justice.

(15 U. S. C. 902 (d))

§ 177.84 *Interstate transportation by felons, etc.* It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is a fugitive from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(15 U. S. C. 902 (e))

§ 177.85 *Receipt by felons, etc.* It shall be unlawful for any person who has been convicted of a crime of violence or is a fugitive from justice to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received, as the case may be, by such person in violation of the act.

(15 U. S. C. 902 (f))

§ 177.86 *Interstate transportation of stolen firearms or ammunition.* It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm or ammunition, knowing, or having reasonable cause to believe, same to have been stolen.

(15 U. S. C. 902 (g))

§ 177.87 *Receipt, etc., of stolen firearms or ammunition.* It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe the same to have been stolen.

(15 U. S. C. 902 (h))

§ 177.88 *Removal, etc., of manufacturer's serial number.* It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of the act.

(15 U. S. C. 902 (i))

SUBPART G—PENALTIES, SEIZURES AND FORFEITURES

§ 177.100 *Penalties.* Section 5 (a) of the act (15 U. S. C. 905 (a)), provides certain penalties for violation of the provisions of the act or the regulations in this part, and for knowingly making any false statement in applying for a license or exemption. With respect to transactions and dealings declared unlawful and in violation of the act, see section 2 of the act (15 U. S. C. 902).

§ 177.101 *Seizure and forfeiture.* Pursuant to section 5 (b) of the act (15 U. S. C. 905 (b)), any firearm or ammunition involved in any violation of the act or of the regulations in this part is subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms as defined in section 5848 of such Code, so far as applicable, extend to seizures and forfeitures incurred under the provisions of the act.

§ 177.102 *Disposition after forfeiture.* Any firearm or ammunition forfeited by reason of a violation of the act or any rules or regulations promulgated thereunder, the forfeiture of which firearm or ammunition has not been remitted or mitigated, shall be delivered to the Administrator of General Services, General Services Administration, for use or disposition as provided by law (63 Stat. 377).

[SEAL] Russel C. Harrington,
Commissioner.

[F. R. Doc. 57-5528; Filed, July 8, 1957; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1004]

[Docket No. AO-271-A2]

Milk in Central Arizona Marketing Area

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Central Arizona marketing area. Interested parties may file exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the Federal Register. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and the order, as amended, were formulated was conducted at Phoenix, Arizona, on March 12-14, 1957 (22 F. R. 1088).

The material issues of record were concerned with:

1. Expanding the marketing area;
2. Revising the definitions of producer, pool plant, and handler;
3. Revising the classification provisions with respect to shrinkage, milk which is dumped, and inventory variations;
4. Revising the provisions relating to allocation and to transferred and diverted milk;

.5. The level of the Class I price;

6. Assessing a compensatory payment on other source milk utilized in Class I; and

7. Revising the base rules and making bases effective for an entire year.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof:

1. The marketing area should be extended to include Cochise and Greenlee Counties but should not include that portion of Yuma County not presently regulated.

That portion of Yuma County not now under the order is very sparsely populated. Its only center of population of any size is in the northwest portion of the county in the vicinity of Parker. There are also some resort areas along the Colorado River. The record evidence reveals that no regulated handlers furnish milk to Parker or the resort areas at the present time and have not done so for several years. It appears that all of the milk disposed of there is distributed by a vendor who receives packaged milk from California. It is obvious, therefore, that the northern portion of Yuma County is not now and has not been a part of the market served by Central Arizona handlers and should not be annexed to the Central Arizona marketing area.

Cochise and Greenlee Counties are served primarily by handlers now regulated under the Central Arizona marketing order. There are no plants located in Greenlee County and only one located in Cochise County. In Greenlee County, a very small quantity of milk is disposed of by a plant located in El Paso, Texas, through a distributor with headquarters in Deming, New Mexico. Approximately 95 percent of the milk sold in the county is distributed by handlers regulated under the order. No milk is disposed of in Cochise County except by regulated handlers and the one plant mentioned above which is located at Douglas. Sales of milk by the latter represent only a small percentage of the total volume of milk consumed in Cochise County. Accordingly, it is concluded that Greenlee and Cochise Counties constitute a part of the normal sales area of the handlers regulated by the Central Arizona milk marketing order and they should be added to the marketing area defined in the order.

2. The definitions of producer, pool plant, and handler should be revised.

The present definition of the term, "producer", has created some problems which need correction. On at least one occasion in the past a producer who transferred from one handler to another lost his status as a producer because his dairy farm was under inspection of a county health authority located outside the marketing area. The definition should be broad enough to include any person producing milk that meets the requirements for Grade A milk and which is received at a pool plant. Likewise any person producing milk which meets the standards fixed by the several agencies of the Federal government for milk for fluid consumption on its bases and installations should be considered a producer when his milk is received at a pool plant supplying such Federal establishments, even though his milk may not be under regular inspection of a state or municipal health authority.

There are within the market area, both as presently constituted, and as proposed to be enlarged, several Federal establishments. At the present time all appear to be purchasing milk which is approved by local health authorities. It is not impossible, however, that in the future milk may be disposed of to one of these establishments from a source which has been approved by the health officer of the Federal base, but which is not under inspection of the local health authorities. Should this happen, the persons who produce such milk should be considered producers and should participate in the marketwide pool provided by the order to the same extent as other producers supplying milk to the marketing area.

The definition of "pool plant" should be revised so that the reference to approval by health authorities with respect to plants which dispose of Class I milk on routes in the area will correspond to that recommended in the producer definition. The deletion of the reference to "jurisdiction in the marketing area" will eliminate any questions that might arise with respect to the status of a plant which was permitted to dispose of milk in the marketing area under a reciprocity agreement between health authorities without the plant and its producers being specifically approved by and under the inspection of a health authority in the marketing area.

Plants which dispose of less than an average of 600 pounds of milk per day in the marketing area as Class I milk should not be considered pool plants. It was proposed by representatives of the El Paso, Texas, plant disposing of milk in Greenlee County that plants from which a volume of milk equal to less than 2 percent of the plant's receipts or an average of 600 pounds per day, whichever is less, should be partially exempt from the full regulation of the order. It is concluded that the quantity limitation should be the determining factor as to whether a plant sufficiently identified with a market to be fully subject to the pricing, payment and pooling provisions of the order. The limit of 600 pounds per day is designed to represent an average sized retail route or a small to medium sized combination retail and wholesale route. Such a volume of milk would not constitute a significant factor in the market and it is therefore not necessary that such a handler be subject to the payment provisions of the order. In order that the status of such plant may be determined, however, it should be required to furnish such reports as the market administrator may deem necessary and should be required to submit its records for verification of such reports.

No proposals were made to change the present requirements of the order which must be met by a supply plant in order for it to qualify as a pool plant.

The definition of handler should be revised to reflect the change which has been recommended in the requirements which a plant must meet to qualify as a pool plant. The term handler should include, not only the operator of a pool plant, but also the operator of a plant which distributes Class I milk in the marketing area on routes in a volume insufficient to qualify it as a pool plant. While this type of plant will not participate in the marketwide pool it will have certain obligations imposed on it by the order such as the filing of reports and the payment of the administrative assessment with respect to the milk disposed of by it within the marketing area.

It was also proposed that a cooperative association be considered the handler for the entire month with respect to the milk of any producer which it caused to be diverted to a nonpool plant at any time during the month. The record evidence, however, fails to disclose any way in which adoption of such a proposal would be of actual benefit to the cooperative association, the handler or the producer, or would facilitate administration of the order. Accordingly, the proposal is denied.

3. The order should be amended to permit classification as Class II milk of skim milk which is dumped by the handler after notification to the market administrator of his intention to do so and opportunity for the market administrator to verify the dumpage, and to permit the shrinkage associated with milk diverted from a pool plant to another pool plant to be assigned to the plant at which the milk was physically received rather than at the plant from which it was diverted. No change should be made in the order with respect to the handling of inventory.

Facilities for manufacturing are extremely limited in the Central Arizona marketing area. At the same time the area is wide-spread and some plants are located at a distance of 100 or more miles from the nearest plant that has manufacturing equipment. As a consequence there are often times when a plant will have small quantities of milk in excess of its bottling requirements which it is uneconomical to transport to a manufacturing plant. In such instances the handler should be permitted to dump the skim milk contained in such milk without having it classified as Class I milk. To prevent abuse of this privilege, however, the handler should be required to notify the market administrator of his intention to dump such skim milk, so that the market administrator may have the opportunity of physically verifying the quantity of skim milk to be dumped. Failure to notify the market administrator in advance would result in such milk's being considered unaccounted for, and subject to classification as Class I as excess shrinkage.

Handlers proposed that they be permitted to dump fat and have it accounted for as Class II milk under similar circumstances. There is no justification, however, for permitting fat to be dumped and classified as Class II. While excess skim may be of no value to a handler except in concentrated form, the fat can be disposed of in ice cream and, perhaps in butter, at any point in the marketing area. The only appreciable quantities of fat which cannot be salvaged are those contained in returns of creamed cottage cheese and flavored milk. Any loss involved in such returns is a part of the normal loss associated with doing business and should be amply compensated for by the two percent shrinkage permitted to be classified as Class II.

The record indicates that diversion of milk by a handler directly from the farm to the plant of another handler is a fairly common practice. When this occurs the handler who causes the milk to be diverted is considered to have received such milk from the producers and the receiving plant reports it as a receipt from another handler. Under these circumstances, the handler who caused the milk to be diverted is permitted the allowable shrinkage associated with such milk and the plant which physically received the milk is permitted no shrinkage on it. Handlers proposed that, in the case of diverted milk, the plant which physically receives the milk be permitted the shrinkage associated with it. Since any loss involved in handling the milk is incurred by the plant to which it is diverted and none can be incurred by the diverting plant, the proposal is reasonable and it is concluded that it should be adopted.

Handlers proposed that the present method of classifying inventory be revised so that only changes in inventory be classified as Class II. This proposal is denied.

Class I products are classified on the basis of the form in which disposition is made. Class II products are accounted for on the basis of the milk used to produce certain products or disposed of under specified conditions. Unprocessed milk, skim milk and cream and named Class I products on hand but not yet disposed of do not fall into either of these categories because use or disposition has not yet been established. The volume of such inventories on hand at the end of each month (or accounting period) varies considerably due to such factors as daily variations in sales or plant operating conditions.

Under the present order, such inventories on hand at the end of the month are temporarily classified as Class II milk in order that proper accounting may be made for all milk. Such inventories are then accounted for finally in the following month in which the final use or disposition is in all likelihood established. Since specific use of such inventories cannot be established, final classification is a part of the allocation procedure. Basically the allocation procedure assigns current receipts of producer milk first to Class I use and then to Class II use, current receipts of other source milk first to Class II use and then to Class I use; opening inventory is assigned to the remaining uses in either class. If Class I sales exceed producer receipts, some milk in inventory is thus allocated to Class I milk; if an equal volume (in addition to shrinkage) of the preceding month's receipts of producer milk were paid for as Class II milk a reclassification charge is made at the difference between the price charged for the temporary classification (the Class II price of the preceding month) and the current Class I value as used. Regardless of the amount of inventory assigned to Class I, the above-mentioned charge is not levied on a greater volume of milk than that remaining in Class II in the preceding month after the subtraction of receipts from other handlers which are classified as Class II. If producers were not paid a Class II price for milk in volume equal to the inventory it is considered other source milk and no charge is made, since no payments are required with respect to current receipts of other source milk allocated to Class I.

The proposal would merely adjust the volume of milk accounted for as Class II milk by any difference between the volumes of the opening and closing inventories. Under this system the allocation of current receipts of other source milk to Class II use (as so adjusted) results in giving such receipts of other source milk prior claim to Class I sales over producer milk in inventory, whenever Class I sales exceed current receipts of producer milk.

Since under both systems prior claim on Class I sales is given current receipts of producer milk, no difference in final results occurs except when such receipts are less than the Class I sales. When this occurs under the inventory variation classification proposed, not only are current receipts of other source milk given prior claim over producer milk in inventory for such excess sales, but also in many fluid milk handlers' plants reduction in the volume of inventory may exceed Class II usage in the plant, resulting in a negative volume of Class II milk, which in the past in some markets has resulted in reclassification charges without distinguishing whether producer milk or other source milk was involved.

4. Some revision should be made in the allocation and transfer provisions of the order.

The present provisions of the order classify as Class I milk, any skim milk or butterfat moved in the form of milk or skim milk to a nonpool plant located more than 250 miles from the City Hall in either Tucson or Phoenix. Producers proposed changing the mileage limitation to 250 miles from the plant from which the milk was transferred. The record evidence, however, reveals that some of the plants of handlers are located more than 250 miles from any manufacturing plant which would be in a position to accept excess supplies of Central Arizona handlers. It also appears that the only nonpool plants which are so located that they are in a position to accept the excess supplies of the Central Arizona marketing area are either in the marekting area, or in the Imperial Valley of California in the vicinity of El Centro. El Centro is approximately 250 miles from Phoenix and more than 300 miles from Tucson. Under the circumstances it is virtualy certain that any milk or skim milk shipped to a plant outside the marketing area other than one in the Imperial Valley of California is intended for Class I use.

The mileage limitation was adopted to cut the costs of administrative expenses in verifying the utilization of milk shipped beyond the limits which one might reasonably be expected to ship milk for manufacture. There are no milk manufacturing plants in northern Arizona or in that part of New Mexico which borders on the marketing area. Any milk disposed of in these areas must be deemed to be intended for Class I use. Because of the high transportation costs involved, it likewise must be assumed that any milk shipped a greater distance must be for Class I use. Accordingly, it is concluded that any milk or skim milk shipped to a nonpool plant located outside the marketing area and outside Imperial County, California, should be classified as Class I milk.

The order places no limitation on the distance which the market administrator may travel to verify the utilization of cream. Cream is regularly shipped long distances for use in ice cream. The present order provides that cream shipped to a nonpool plant may be classified as Class II if (1) the transferring handler requests such classification, (2) the containers are clearly labeled as shipments of manufacturing grade cream and the shipment is so invoiced, (3) the market administrator is notified prior to the shipment so that he may verify the labeling, (4) the operator of the nonpool plant maintains books and records which are made available to the market administrator for verification, and (5) the nonpool plant actually utilized an equivalent amount of cream in the use indicated. It is as uneconomical for the market administrator to travel several hundred miles to verify the utilization of a few cans of cream as it is to travel the same distance to verify the utilization of a tank of milk. It appears that the first three conditions enumerated above provide sufficient safeguards for the classification of cream shipped to a nonpool plant outside the marketing area and not in Imperial County, California. It is concluded, therefore, that if these conditions are met, cream shipped to a nonpool plant outside the marketing area and not in Imperial County, California, shall be classified as Class II, and as Class I if any of the conditions are not met. As in the case of milk or skim milk, the market administrator should be required to verify the utilization of cream transferred to a nonpool plant located in the marketing area or in Imperial County, California.

Any milk transferred to a nonpool plant in the form of a Class I product in consumer packages should be classified as Class I. Movements in such form are obviously needed for fluid use in this deficit area.

The proviso in § 1004.53 specifying the order in which the location differential shall be applied to milk received from other plants, has proved unworkable in the present order. This proviso was drafted on the assumption that milk moved from receiving stations to the city of Tucson and to restrict location differentials on milk so moved to that volume needed for Class I use. Actually there are no receiving stations as such supplying the Central Arizona market, although a substantial volume of milk is transferred between plants both in bulk and in packaged form.

The two large centers of population are Tucson, the basing point for location differentials, and the Salt River Valley where approximately 85 percent of the market's milk is produced. Packaged milk regularly moves from plants in the Salt River Valley to plants at Yuma where a higher location differential applies. There is also a regular movement of milk between Tucson and Safford at which a 30-cent differential applies. In the latter instance milk is moved in both directions between the same plants, bulk milk being moved from Safford to Tucson and packaged milk from Tucson to Safford. The present provisions pertaining to the application of location differentials are somewhat ambiguous when applied to the latter situation and serve no useful purpose with respect to movements to plants with higher differentials. Under the present circumstances in the Central Arizona market classification agreed upon by handlers on interplant movements of milk may be used to determine applicability of location adjustments to handlers on such milk. Location of milk supplies and manufacturing facilities are such as to provide little opportunity for such agreements to encourage movement of milk for manufacturing purposes. Neither is special provision needed to assign Class I milk between pool plants of the same handler, since no handler operates more than one pool plant. It is concluded that the proviso should be deleted.

It was also proposed that provision be made in the order for the diversion of milk from one pool plant to another. When one handler sells milk to another it is frequently more convenient to divert a load of milk directly from the farm to the purchasing plant than for the selling plant to receive the milk and transfer it to the purchasing plant. Under the present order any milk received in a handler's plant directly from producers' farm is considered a receipt from producers by that handler and he is required to account to the pool and pay producers for such milk even though it may be in his plant for only a day or two and another handler may account to the pool and pay the producers for the remainder of the milk shipped by them during the month. It would greatly simplify the auditing and accounting problem if, in such instances, the handler who caused the milk to be diverted were considered the handler for all the milk delivered by such producers and the milk which was diverted were considered an interhandler transfer. Some limitation, however, should be placed on the length of time for which milk may be considered diverted in order to provide the basis for establishing the plant at which it shall be considered a producer regularly delivers his milk. The producers proposed a limit of 5 days. The record evidence indicates that in some instances 5 days would be inadequate. It is concluded that milk should be permitted to be diverted for a maximum of 10 consecutive days (10 days production in the case of milk delivered every other day). If such diversion continues for more than 10 days, it should not be considered a diversion but instead a transfer of the producer from one plant to the other for the entire period during which the milk was received.

It is also concluded that a cooperative association which diverts milk of member producers from a pool plant to another plant for its own account should be considered the handler for such milk. There may be times when it would be desirable for producer milk to be moved temporarily from a plant which has more than enough milk for its Class I requirements to a plant which is short. If the handler who had the milk were unwilling to transfer or divert it to the plant which needed it, it would be to the interest of producers as a whole, if a cooperative association were to move the milk of some of its members from one plant to the other when needed. In such circumstances, if the shift were for only a few days the cooperative association should be considered the handler for such milk.

For purposes of determining location differentials, diverted milk for which the cooperative association is a handler should be considered to have been received by the cooperative at the pool plant to which it is diverted in the case of diversion to a pool plant, and at the pool plant from which it was diverted in the case of diversion to a nonpool plant.

Handlers proposed that nonfat solids added to a Class I product for purposes of standardization or fortification be accounted for on the actual weight of the solids rather than on the weight of the skim milk equivalent. The accounting procedure to be used in the case of any concentrated milk product should be based on the pounds of milk or skim milk required to produce such product. Neither the form in which, nor the source from which such solids are obtained alter their value to the handler. Solids contained in producer skim milk are in fluid form and are paid for on the basis of all the water originally associated with the solids. In order to account for skim milk solids in powdered or concentrated form on a basis comparable to that used in accounting for liquid skim milk in producer milk it is necessary to account for such solids on the basis of the amount of skim milk necessarily used in such solids. Therefore, the accounting procedure to be used in the case of concentrated products which are utilized in the plant should be based on the pounds of milk or skim milk required to produce such product. Accordingly, the proposal of the handlers should be denied.

Handlers likewise proposed that other source milk utilized in Class I, should be given priority over producer milk for such use whenever producer receipts are less than 110 percent of Class I sales. No testimony was presented specifically in support of this proposal. Instead it was proposed that a handler might, at his option, file two reports and have two accounting periods each month. This proposal would provide a means whereby a closer time relationship might be required between receipts of producer milk and the Class I sales for which they are given priority of assignment. The testimony in support of the need for the provision for a shorter accounting period was based in part on the assumption that a compensatory payment would be assessed on other source milk utilized in Class I, and related principally to situations which might develop if the market were adequately supplied with producer milk for a portion of the month and had insufficient milk during the remainder of the month.

The record evidence indicates very little likelihood of such a situation developing. Since January 1956 the lowest ratio of producer receipts to Class I sales in any month has been 108 percent. The close adjustment of production to sales in this market indicates it is extremely unlikely that the market would experience a half month in which receipts were less than Class I sales. As noted elsewhere other amendments to the order have been recommended which facilitate the movement of milk between handlers and lessen the likelihood of any individual handler's finding it necessary to purchase other source milk. These circumstances, coupled with the recommendation discussed below concerning compensatory payments, indicate that such a provision is not necessary and the order should not be amended in this respect.

5. Provision should be made for automatic adjustment in the level of the Class I price as the ratio of receipts varies from the requirements of the market for Class I use.

Producers proposed that the present Class I differential of $2.80 be continued for an additional 18 months. It was their contention that the order has not been operative for a sufficient period of time to reflect accurately the normal picture of the market. They recommended that data be gathered for an additional 18 months before the establishment of a Class I pricing mechanism designed to equate the supplies on the market to the Class I requirements.

The record, however, contains complete statistics for the first 15 months operation under the order. An analysis of these data reveals a fairly well established pattern of production and Class I sales, which, it is believed, accurately reflects the characteristics of the dairy industry in the Central Arizona marketing area. A system of Class I pricing based on the relationship of production to Class I sales can be developed which will reflect conditions in the market and maintain supplies in a proper balance with Class I requirements.

In December 1955, the first full month of the operation of the Central Arizona marketing order, receipts of producer milk equaled 105 percent of the Class I sales in the market. Through the winter, production continued at a level which would indicate about the same annual level of production. In late spring and summer production increased rather substantially and appears to have levelled off at a higher rate. In January and February 1956, producer receipts were 108 percent of Class I sales and in March, 109 percent of Class I sales. In December 1956, production was 116 percent of Class I sales, in January 1957, 114 percent and in February 1957, and March 1957, 115 percent. If production continues at its present relationship to

Class I sales, the market will be adequately supplied with its requirements.

If, however, there were a further increase in production in the next 12 months in the same ratio to Class I sales as has occurred since the order became effective, the market would be receiving more milk than necessary for an adequate supply. There are in the marketing area only limited facilties for the utilization of milk over and above that required for Class I use. The nearest manufacturing plant outside the marketing area is located at El Centro, California, approximately 250 miles from Phoenix. In this connection it should be noted that 85 percent of the milk produced for the Central Arizona marketing area is produced in Maricopa County, most of it in the Salt River Valley within a few miles of Phoenix. Any further increase in production in the immediate future probably would come from the same area. The cost of hauling surplus milk from here to plants in California would be very costly.

The Class I price should not be permitted to remain at a level which would bring a burdensome surplus on the market. On the other hand, were the present trend in production to be reversed, and producer receipts were to decline sharply in relation to the market's requirements, it would be a strong indication that the Class I price was inadequate and should be increased.

While the Class I differential in the order has been sufficient to encourage the production of milk up to a level which seems adequate to meet the Class I requirements of the market on a year-round basis, it is difficult to predict accurately the level of prices necessary to assure that the market will continue to be supplied adequately but not excessively. To this end provision should be made for automatic adjustments of the Class I price in response to changes in the relationship between market supply and demand.

Many factors affect market supply and demand. The basic formula price of the order reflects the national market for dairy products, and thus should reflect changes in production costs and market demands that follow national trends. Producer receipts and gross Class I sales in the market should reflect the results of changes in these factors in the Central Arizona market that differ from national trends. Extension of recent experience appears to be the most accurate means of estimating current and prospective supply and demand conditions. It is concluded that the ratio of total producer receipts to gross Class I sales in the most recent two-month period for which figures are available should be used as the measure by which to estimate the relationship in the month to be priced. If supplies in this recent period are less than a desirable level for these months the Class I price should be increased. It also follows that oversupplies of milk are indicative of the desirability of a price decrease.

Use of the experience of the most recent two-month period requires that a representative ratio of supply to sales for successive two-month periods be developed to serve as the norm from which the deviation of the actual experience may determine what change, if any, should be made in the Class I price. Since it is only in recent months that the Central Arizona marketing area has attained a supply of milk which appears to be adequate on a year-round basis, these representative ratios must be constructed on the basis of the volume of receipts and sales in recent months.

An analysis of the receipts and utilization on the market reveals that the shortest months of supply in relation to sales were August and September in which receipts were 109 and 108 percent, respectively, of Class I sales. In both October and November receipts were 111 percent of Class I utilization. The record further reveals that production is fairly well maintained in relation to the Class I requirements of the market. There have been neither extreme shortages nor burdensome surpluses.

The representative ratio adopted reflects a supply equal to 110 percent of Class I sales for the months of August and September with other months adjusted correspondingly, based on an analysis of the seasonal pattern of both production and sales. The norms adopted provide for a 2-point variation in either direction before any adjustment in price would take place. It is concluded that the standard utilization percentages for each two-month period during a year should be as follows:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	111	115
February	November–December	114	118
March	December–January	116	120
April	January–February	115	119
May	February–March	115	119
June	March–April	114	118
July	April–May	114	118
August	May–June	112	116
September	June–July	111	115
October	July–August	110	114
November	August–September	108	112
December	September–October	110	114

As a safeguard against erratic movements in the supply-demand adjustment, provision should be made for the rate of adjustment for variations from the standards adopted to be nominal when such variations first appear, but to be increased progressively as a variation of like deviation and amount persists through two or three consecutive two-month periods. Such a provision will serve as a brake on the rapidity of price changes and will avoid substantial price increases or decreases based on short-term nonrecurring deviations from the established norm. Substantial price adjustments will occur, however, when undersupply or oversupply representing a significant variation from the established norm persists for any period of time.

This is accomplished by providing that for each percentage point of deviation from the norm the price shall be adjusted one cent, plus one cent for each percentage point for which there was a deviation of like extent and character in the percentage computed for the preceding month plus an additional one cent for each percentage point for which there was a deviation of like extent and character in the percentage computed for the second preceding month.

Use of the second and third preceding months in determining the supply-demand adjustor will permit the market administrator to continue to announce the Class I price on or before the 6th day of the month. If the immediately preceding two-month period were used the market administrator would not be in a position to announce the Class I price until the latter half of the month to which the price would apply since he would not be able to compute the net utilization percentage until the handlers' reports had been received and checked.

6. A compensatory payment should be required with respect to other source milk received by a handler, other than in the form of fluid milk products, which is allocated to Class I utilization.

Producers proposed that a compensatory payment equal to the difference between the Class I price and the Class II price be levied on any other source milk which is classified as Class I milk. It was their contention that handlers could purchase other source milk at somewhat less than the Class I price under the Central Arizona order and could use it to displace producer milk if no charge were made on such milk. The evidence on this point in the record is conflicting. Producers held that it was possible to purchase "over-quota" milk in California at little more than the price for manufacturing milk fixed by the California Bureau of Milk Control. Handlers contended it was impossible to purchase other source milk delivered to Phoenix or Tucson at less than the Class I price fixed under the order.

It is clear from the record, however, that very little other source milk in fluid form has displaced producer milk for Class I uses. In January 1956 other source milk allocated to Class I use amounted to less than 0.5 percent of total Class I use, although producer receipts were only 108 percent of total Class I disposition. The amount of other source milk allocated to Class I has steadily decreased since then and for the period October 1956 to date, other source milk allocated to Class I utilization has averaged approximately 0.01 percent of total Class I utilization.

Since it is not clear from the record that handlers can purchase other source milk for less than the Central Arizona Class I price, but is evident that little, if any, milk has been purchased from other sources as a replacement for producer milk, it is concluded that a compensatory payment is not necessary at this time with respect to other source milk received by pool plants in the form of fluid milk products.

It does appear from the record, however, that handlers regularly purchase nonfat solids in the form of powder or condensed skim which is used for standardizing or fortifying skim milk and is reconstituted for sale as skim milk, buttermilk, or flavored milk drinks. Since no butterfat in other source milk has been allocated to Class I in recent months, it can be concluded that the other source milk allocated to Class I has

been that which was received in the form of nonfat dry milk or condensed skim milk.

If a handler is able to use nonfat solids he purchases in the form of manufactured dairy products for Class I use, he stands to gain an advantage, but in so doing he undermines the Class I market price. An important function of the order is to insure that the position of handlers paying producers a Class I price for milk for fluid use will not be impaired by other handlers using the market's excess or surplus producer milk for Class I use. It is equally important that the Class I market be protected from the use of milk reconstituted from manufactured dairy products as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of milk from producers to his own advantage and reconstitute condensed milk and nonfat dry milk for Class I use.

Increasing use of reconstituted milk for Class I disposition would tend to demoralize the Class I pricing structure of the market and impair the production of milk for the market. Such marketing conditions would be contrary to the stated purpose of the act. It is necessary, therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, that some measure be taken to remove the incentive which handlers have to reconstitute condensed milk or nonfat dry milk and undermine the Class I pricing structure.

It would be extremely difficult, if not impossible, to determine the original source of the manufactured products reconstituted by handlers, since such products may move through several hands and be intermingled with the output of other plants before being acquired by Central Arizona handlers. It is not feasible, therefore, to attempt to regulate the plants where such products originated. The only alternative available is to levy a charge against such products allocated to Class I to whatever extent is necessary to remove the advantage there may be in using such products instead of priced milk from producers.

The Class II price established by the order is a fair economic measure of the value of condensed milk or nonfat dry milk in the Central Arizona marketing area. Therefore, the compensation payment on concentrated products allocated to Class I should be an amount equal to the difference between the Class I and Class II prices multiplied by the milk or skim milk equivalent of such products adjusted by the applicable butterfat differentials.

It was proposed also that a compensatory payment be assessed against plants which distribute milk on routes in the marketing area in a volume insufficient to meet the requirements for a pool plant. It appears, however, that such plants would not be in a position to purchase milk for fluid use at less than the Class I price under the Central Arizona marketing order adjusted for location and the butterfat content of the milk. Accordingly, it is concluded that it is not necessary at this time to assess a compensatory payment on the milk disposed of within the marketing area by such plants.

7. Some revision should be made in the provisions of the order applicable to the base plan. The base plan, however, should not be extended to apply during the entire year.

At the present time producers are paid on their earned bases only during the first 6 months of the year. It was proposed that the base payment plan be extended to apply during the entire year. The statistics of the market reveal that production is maintained at a remarkably even relationship to the Class I requirements of the market. There is no need for further incentive to level out production in relation to sales. Accordingly, the proposal should be denied.

For the same reason there appears to be no need to extend the base-forming period to include the month of July, as was proposed by the producers.

Some of the base rules should be modified, however. At the present time the order does not permit a jointly held base to be split. Thus, in the case of the dissolution of a partnership the base may not be divided between the partners, but must be transferred in its entirety to one of the partners or to a third party. When a partnership is dissolved and the herd is divided between the partners, the base should likewise be divisible. Accordingly, the order should provide that upon the termination of a partnership the jointly held base can be divided between the partners upon application to the market administrator signed by all the partners setting forth the amount of the base which is to be transferred to each of the partners.

Provision should also be made that the excess price shall not be less than the Class II price. The Class II price is intended to reflect the value of milk utilized in the manufacture of nonfluid milk products. Producers should not be expected to receive for their milk less than its value in manufactured dairy products.

Certain other changes in the text of the order have been necessitated by the adoption of the amendments discussed above. These revisions, however, have no substantive effect on the operations of order.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered by the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order, as amended. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended:

1. Amend § 1004.6 to read as follows:

§ 1004.6 *Central Arizona marketing area.* "Central Arizona marketing area", hereinafter called the "marketing area", means all territory within the counties of Cochise, Graham, Greenlee, Maricopa, Pima and Pinal, and that part of Yuma County south of 33 degrees latitude (North from the Equator), all in the state of Arizona.

2. Amend § 1004.7 to read as follows:

§ 1004.7 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk pursuant to the requirements specified in paragraph (a) or in paragraph (b) of this section, which milk is received directly from the farm at a pool plant or is caused to be diverted by a handler within the limits prescribed in § 1004.62:

(a) Producers milk, on a dairy farm subject to the regular inspection by a duly constituted state or municipal health authority, under a dairy farm permit or rating issued by such authority for the production of milk to be disposed of for fluid consumption;

(b) Produces milk which is acceptable to an agency of the Federal government for fluid consumption in its in-

stitution or basis. "Producer" does not mean any dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this part pursuant to § 1004.61.

3. Amend § 1004.8 (a) to read as follows:

(a) Approved by a duly constituted state or municipal health authority for the receipt or processing of Grade A milk and from which there is disposed of in the marketing area on a route(s) during the month, Class I milk in an amount greater than an average of 600 pounds per day;

4. Amend § 1004.10 to read as follows:

§ 1004.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant, or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area, or (b) a cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to a pool plant or nonpool plant for the account of such cooperative association. Milk which is diverted by a cooperative association to a nonpool plant shall be considered as having been received by the cooperative association at the pool plant from which it was diverted, and milk diverted to a pool plant shall be considered as received by the cooperative association at the plant to which it is diverted.

5. Delete § 1004.31 (c).

6. Amend § 1004.41 (b) (3) to read as follows:

(3) Skim milk disposed of for livestock feed, or dumped after prior notification to and opportunity for verification by the market administrator.

7. Delete § 1004.43 (c) and (d) and substitute therefor the following:

(c) Skim milk and butterfat transferred to a nonpool plant in the form of fluid milk products in consumer packages shall be classified as Class I milk;

(d) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located in the marketing area or in Imperial County, California, shall be classified as Class I milk, unless (1) the handler claims classification as Class II milk in his report filed with the market administrator pursuant to § 1004.30 for the month within which such transfer occurred; (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for purposes of verification; and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually utilized in such plant during the month in the use indicated, the pounds transferred in excess of such actual use shall be classified as Class I milk.

(e) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located outside the marketing area and not in Imperial County, California, shall be classified as Class I milk, except that cream so transferred may be classified as Class II milk if (1) the handler claims classification as Class II milk in his report filed with the market administrator pursuant to § 1004.30 for the month within which such transfer is made, (2) the handler attaches tags or labels to each container of such cream bearing the words "Grade C cream for manufacturing use only" and the shipment is so invoiced, and (3) the handler gives the market administrator sufficient notice to allow him to verify the shipment.

8. Delete § 1004.45 (a) (2) and substitute therefor the following:

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk, received during the month in a form other than fluid milk products.

9. Renumber subparagraphs (3) through (6) of § 1004.45 (a) as subparagraphs (4) through (7), respectively, and add as subparagraph (3) the following:

(3) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk received during the month in the form of fluid milk products.

10. Delete § 1004.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The basic formula price for the preceding month plus $2.80. This price shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk in the second and third months preceding by the total gross volume of Class I milk (excluding interhandler transfers that would result in the same milk being accounted for a second time as Class I milk) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October-November	111	115
February	November-December	114	118
March	December-January	116	120
April	January-February	115	119
May	February-March	115	119
June	March-April	114	118
July	April-May	114	118
August	May-June	112	116
September	June-July	111	115
October	July-August	110	114
November	August-September	108	112
December	September-October	110	114

(3) For a "minus net deviation" the Class I price shall be increased and for a "plus net deviation" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation, plus

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation of opposite direction considered to be zero for purposes of computation of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation,

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month:

11. Delete § 1004.53 and substitute therefor the following:

§ 1004.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Tucson, Arizona, by the shortest hard-surfaced highway distance as determined by the market administrator and classified as Class I milk, the price specified in § 1004.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall of Tucson, Ariz. (miles):	*Rate per hundredweight (cents)*
60 but not more than 160	30.0
160 but not more than 260	40.0
For each additional 10 miles or fraction thereof an additional	1.0

12. Add as § 1004.62 the following:

§ 1004.62 *Diverted milk.* (a) Milk or a producer diverted by a handler other than a cooperative association from a pool plant to the pool plant of another handler for not more than ten consecutive days (10 days' production in the case of a producer whose milk is picked up every other day) during any month

shall be deemed to have been received by the diverting handler at the approved plant from which such milk was diverted, except that for purposes of determining shrinkage pursuant to § 1004.41 (b) (4), such milk shall be considered as producer milk at the pool plant to which it is diverted. Milk so diverted for more than ten consecutive days during the month shall be considered as received at the plant to which it was diverted for the entire period of diversion.

(b) Milk diverted by a cooperative association, which does not operate a pool plant, for the account of such cooperative association from the pool plant of another handler to a nonpool plant shall be considered to have been received by such cooperative association at a pool plant at the same location as that from which the milk was diverted.

(c) Milk diverted from a pool plant by the handler operating such pool plant to a nonpool plant shall be considered to have been received at the plant from which diverted.

13. Amend § 1004.70 by adding a new paragraph (d) to read as follows:

(d) If any other source milk has been subtracted from Class I pursuant to § 1004.45 (a) (2) and the corresponding step of paragraph (b), add an amount equal to the difference between its value at the Class I and Class II price for the current month.

14. Amend § 1004.72 (b) by inserting the word "and" immediately preceding the phrase "adjust the nearest cent", and deleting the phrase "and subtract 4 cents".

15. Amend § 1004.72 (c) by deleting the phrase "plus 4 cents,".

16. Amend § 1004.91 by adding a new paragraph (c) to read as follows:

(c) If a base is held jointly it may be divided among the joint holders effective as of the end of the month during which an application for division of the base is received by the market administrator: *Provided*, That such application is signed by all joint holders or their heirs, and such application sets forth the percentage of the jointly held base which is to be assigned to each of the joint holders or their heirs.

17. Delete § 1004.86 and substitute therefor the following:

§ 1004.86 *Expense of administration.* On or before the 15th day after the end of each month each handler who operates a pool plant shall pay to the market administrator as his pro rata share of the expense of the administration hereof, 4 cents or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in (a) producer milk, and (b) other source milk allocated to Class I pursuant to § 1004.45 (a) (2) and (3), and (b), and each handler who operates a nonpool plant shall make such payment only with respect to Class I milk disposed of within the marketing area.

18. Amend § 1004.70 (b) by deleting the reference to "§ 1004.45 (a) (6)" and substituting therefor a reference to "§ 1004.45 (a) (7)".

19. Amend § 1004.70 (c) by deleting the reference to "§ 1004.45 (a) (4)" and substituting therefor a reference to "§ 1004.45 (a) (5)".

20. Amend § 1004.70 (c) by deleting the reference to "§ 1004.45 (a) (3)" and substituting therefor a reference to "§ 1004.45 (a) (4)".

Issued at Washington, D. C., this 3d day of July 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-5571; Filed, July 9, 1957; 8:47 a. m.]

Agricultural Research Service

[9 CFR Part 151]

RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

PEDIGREE CERTIFICATE

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the provisions of paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, par. 1606), it is proposed to amend Part 151, as amended, Title 9, Code of Federal Regulations, containing the regulations governing the recognition of breeds and books of record of purebred animals and the certification of purebred animals under said paragraph 1606, by changing § 151.4 to read as follows:

§ 151.4 *Pedigree certificate.* A pedigree certificate for an animal of a breed listed in § 151.9, issued by the custodian of the appropriate book of record listed in said section and on which there has been entered, in accordance with the rules of entry of the registry association, a complete record of transfers of ownership from the breeder to and including the United States importer, or a complete record of transfers of ownership from the breeder to and including the person who owns the animal when it is imported into the United States and the name of the United States importer, shall be furnished by the importer or his agent to the inspector at the time of examination of the animal as provided in § 151.7. Following examination of the animal, the importer or his agent shall present the pedigree certificate to the Division at the time of making application for a certificate of pure breeding as provided in § 151.3. The Division will later return the document to the party who submitted it. A verbatim translation of the description relating to color and markings shall appear in English in the pedigree certificate for the animal or in a separate certificate appended to the pedigree certificate.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within thirty days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 3d day of July 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 57-5593; Filed, July 9, 1957; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Part 244]

BUSINESS PRACTICES OF FREIGHT FORWARDERS

NOTICE OF FURTHER EXTENSION OF TIME

Notice is hereby given that, pursuant to requests received, the time in which written views and suggestions may be filed relative to the proposed rule making in the matter of business practices of freight forwarders [General Order 72, Revised], notice of which appeared in the FEDERAL REGISTER issue of March 19, 1957 (22 F. R. 1779), is hereby extended from July 15, 1957 (22 F. R. 3395, May 14, 1957), to and including August 30, 1957.

Dated: July 5, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-5582; Filed, July 9, 1957; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

[Draft Release 57-13]

FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board the issuance of a Special Civil Air Regulation to continue the authority presently contained in Special Civil Air Regulation No. SR-386D as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by Sept. 3, 1957. Copies of such communications will be available after Sept. 5, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation SR-386D which terminates September 30, 1957, provides authority whereby a pilot may serve in more than one type of flight crew without incurring any penalty in terms of maximum permissive flight duty. Special Civil Air Regulation No. SR-386D continued in effect for one year the authority originally contained in SR-372, adopted September 5, 1951, and extended successively by SR-381, SR-386, SR-386A, SR-386B, and SR-386C. SR-372 was originally adopted on an experimental basis. Over a period of almost six years, the Bureau has had no evidence that its provisions have had an adverse effect on the safety of air carrier operations. Furthermore, the CAA has advised the Board that the regulation has not been abused and that they favor its continuation.

In view of the foregoing, it is the Bureau's intention to incorporate provisions similar to those contained in this Special Civil Air Regulation in the flight time requirements of the forthcoming general revision of Part 41 of the Civil Air Regulations. However, it is evident that the revision of Part 41 will not be accomplished prior to September 30, 1957. Consequently, the Bureau considers it adviseable to extend the authority granted by SR-386D until promulgation by the Board of revised Part 41.

The Bureau anticipates that interested persons will comment at this time on the proposal to incorporate the provisions of this regulation into Part 41 when it is revised, as well as on the other aspects of this proposed regulation.

This proposed regulation will not allow evasion of the stricter limitations applicable to smaller crew combinations, but will allow assignment of a pilot in any given month to another type of crew combination without the additional flight time limitation if he flies not more than 20 hours in the type of crew to which the more restrictive flight time limitations apply and if such assignment is not interrupted more than once during such month.

In view of the foregoing, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to read as follows:

1. Contrary provisions of § 41.57 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots assigned in combinations of two-pilot crews, two-pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews.

2. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

3. Except for a pilot coming within the provisions of paragraph 2, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crew member crews in a given month, or whose assignment in such crews is interrupted more than one in the month by assignment to a crew consisting of three pilots and an additional flight crew member, shall be governed by the provisions of § 41.55.

4. A pilot to whom the provisions of paragraphs 2 and 3 are not applicable, assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

5. A pilot assigned to each of two-pilot, two-pilot and additional flight crew member, and three-pilot and additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 2, 3, or 4, shall be governed by the provisions of § 41.55.

It is proposed that this regulation shall supersede Special Civil Air Regulation No. SR-386D and shall remain in effect until promulgation by the Board of the general revision of Part 41 unless sooner terminated or rescinded by the Board.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C., June 27, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 57-5595; Filed, July 9, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 12088; FCC 57-736]

INDUSTRIAL RADIO SERVICES

PERMISSION TO GAS UTILITY COMPANIES TO UTILIZE RADIO FACILITIES IN THE POWER RADIO SERVICE IN CONNECTION WITH DELIVERY OF LIQUEFIED PETROLEUM GAS

1. The Commission has before it for consideration a petition requesting amendment of § 11.251 (a) (2) of the Commission's rules governing the Power Radio Service. This petition was filed on February 13, 1957, by Lone Star Gas Company, a public utility company presently authorized under the above section to utilize radio facilities in connection with the transmission and distribution of natural gas by pipeline to the public of some 400 towns in the States of Oklahoma and Texas. In substance, the amendment offered by petitioner would permit a licensee under this section to utilize its radio facilities in connection with (1) the incidental use of liquefied petroleum gas for emergency standby, peak shaving, or augmenting the calorific value of gases, or (2) the supplying of liquefied petroleum gas as an additional "utility type" service to customers situated beyond existing gas distribution lines.

2. To the extent that the petition seeks amendment to permit licensees to utilize their radio facilities in connection with the incidental uses set forth under (1) above, it must be considered moot, since such utilization is already contemplated by the permissible communications provisions of § 11.151 (a) (2). Accordingly, there remains only so much of the petition as relates to the supplying of liquefied petroleum gas as an additional "utility type" service.

3. In stating a desire that the proposed relaxation of § 11.251 (a) (2) extend only to gas distributors presently eligible under that section, petitioner contends that its type of service differs from "the delivery type of service commonly followed by butane and propane dispensers" in that: "• • • no delivery routes are maintained, no fuel is ordered by the customers or delivered at their request, no sales are made for the fuel placed in the customer's tanks, no customers own the storage tanks, or appurtenances, located on their premises, nor the fuel in such tanks • • • the customer is only required to pay his monthly gas bill for the fuel he has already used, in identically the same manner in which the customer pays monthly for natural gas service."

4. By reason of the economic and frequency-utilization advantages inherent therein, and because no substantial increase in the loading of Power frequencies would apparently result therefrom, the Commission feels that there is sufficient merit in petitioner's proposal to warrant its being offered for comment by interested parties. Accordingly, notice is hereby given that, should the public interest so dictate after due consideration of all appropriate comments, the Commission will amend § 11.251 (a) (2) of Subpart F: Power Radio Service of Part 11—Rules Governing the Industrial Radio Services to permit licensees under this section to utilize their radio facilities in connection with the supplying of liquefied petroleum gas to customers situated beyond existing gas distribution lines. Authority for the proposed amendment is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form outlined above, may file with the Commission, on or before August 5, 1957, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed on or before the tenth day following the last day for the filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all timely-filed comments prior to taking final action in this matter, and, if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules, any statement, brief or comment filed in the above-entitled proceeding must be ac-

companied by 14 additional copies thereof.

Adopted: July 3, 1957.

Released: July 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-5584; Filed, July 9, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 182, 184]

[32155]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

EXTENSION OF TIME FOR FILING RESPONSES

JULY 2, 1957.

On May 15, 1957 the Commission issued a notice of proposed rule making in the matter of accounting by common and contract motor carriers of property for the rental of vehicles, terminals, and other structures owned by a company associated with a carrier, and for the cost of supplies, materials, and services furnished to a carrier by an associated company. The notice provided that any interested person could on or before July 1, 1957 file written views or suggestions to be considered in that connection. (22 F. R. 3600)

By its petition dated June 26, 1957, American Trucking Associations, Inc., requested extension of time to October 31, 1957 for filing responses in this proceeding. Other responses timely filed have revealed widely differing views about the proposed rule, which should be reconciled before an order is entered. However, four months further delay has been found to be unreasonable, and the time for filing responses for consideration in this proceeding has been extended to and including August 30, 1957.

This notice will be published in the FEDERAL REGISTER.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-5576; Filed, July 9, 1957; 8:48 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 8357 et al.]

SOUTHWEST AIRWAYS CO.; CHANGE OF NAME CASE

NOTICE OF HEARING

In the matter of the petition of Southwest Airways Company for reissuance of its certificate of public convenience and necessity for route No. 76 under a different name.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on July 23, 1957, at 10:00 a. m., in Room 226-B, Old Mint Building, Fifth and Mission Streets, San Francisco, California, before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., July 3, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-5596; Filed, July 9, 1957; 8:53 a. m.]

[Docket No. 8679]

QUAKER CITY AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 34 issued to Quaker City Airways, Inc.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on July 22, 1957, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., July 3, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-5597; Filed, July 9, 1957; 8:53 a. m.]

[Dockets Nos. 6921, 6922 and 8798]

KLM ROYAL DUTCH AIRLINES; FOREIGN AIR CARRIER PERMITS

NOTICE OF HEARING

In the matter of the applications of KLM Royal Dutch Airlines for renewal of existing foreign air carrier permits and for the issuance of a new foreign air carrier permit.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 thereof, the above-entitled proceeding is assigned for hearing on July 25, 1957, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th and Constitution Avenue NW., Washington D. C., before Examiner James S. Keith.

Without limiting the scope of the issues in this proceeding, particular attention will be directed to the following matters:

1. Does the public interest require:

A. The renewal of the foreign air carrier permit issued to KLM authorizing foreign air transportation between the Netherlands and New York, via points in the United Kingdom, Ireland, Newfoundland and the Azores;

B. The renewal of the foreign air carrier permit issued to KLM authorizing foreign air transportation between the Netherlands Antilles and Miami, via Ciudad Trujillo, Port-Au-Prince, Kingston, Montego Bay, Camaguey, and Havana; and

C. The issuance of a foreign air carrier permit to KLM authorizing foreign air transportation in accordance with the terms of the bilateral air transport agreement between the United States and the Kingdom of the Netherlands.

a. Between the terminal points Amsterdam and Houston via the intermediate points in the United Kingdom and Ireland; and

b. Between the co-terminal points Wilemstad, Curacao, Oranjestad, Aruba, and the terminal point New York.

2. Is KLM Royal Dutch Airlines fit, willing and able to perform such foreign air transportation and to conform to the provisions of the Civil Aeronautics Act of 1938, as amended.

For further details of the issues involved in this proceeding, interested persons are referred to the application and the Examiner's Prehearing Conference Report, which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board, on or before July 25, 1957, a statement setting forth the issues of fact or law which he desires to controvert.

Dated at Washington, D. C., July 5, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-5598; Filed, July 9, 1957; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 08047, Amdt. 1]

IDAHO

AMENDMENT TO NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS DATED MARCH 11, 1957

JULY 3, 1957.

The Atomic Energy Commission has amended their application under Idaho 08047 for the withdrawal of the lands described below from all forms of appropriation under the public land laws, General Mining laws, and Mineral Leasing laws. The applicant desires the land for use in connection with the National Reactor Testing Station.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

Circumstances having warranted it, a public hearing will be held commencing at 10:00 a. m., m. s. t., on July 11, 1957, in the District Courtroom of the Bonneville County Court House, Idaho Falls, Idaho.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 3 N., R. 33 E.,
Secs. 1 to 30 inclusive;
Sec. 31, part of NW¼.
T. 3 N., R. 34 E.,
Secs. 4 to 9 inclusive;
Secs. 16 to 20 inclusive;
Secs. 29, W½, W½E½;
Sec. 30, All.
T. 4 N., R. 33 E.,
Secs. 1 to 4 inclusive;
Secs. 9 to 16 inclusive;
Secs. 21 to 28 inclusive;
Secs. 33 to 36 inclusive.
T. 4 N., R. 34 E.,
Secs. 4 to 9 inclusive;
Secs. 16 to 21 inclusive;
Secs. 28 to 33 inclusive.
T. 5 N., R. 33 E.,
Secs. 1 to 4 inclusive;
Secs. 9 to 16 inclusive;
Secs. 21 to 28 inclusive;
Secs. 33 to 36 inclusive.
T. 5 N., R. 34 E.,
Secs. 4 to 9 inclusive;
Secs. 16 to 21 inclusive;
Secs. 28 to 33 inclusive.
T. 6 N., R. 33 E.,
Sec. 4, all;
Sec. 9, all;
Sec. 10, S½;
Sec. 11, S½;
Sec. 12, that portion which is southwest of Idaho State Highway No. 28, the right-of-way thereof;
Secs. 13 to 16 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 6 N., R. 34 E.,
Sec. 18, that portion which is southwest of Idaho State Highway No. 28, the right-of-way thereof;
Sec. 19, all;
Sec. 30, all;
Sec. 31, all.
T. 7 N., R. 32 E.,
Secs. 1 to 3 inclusive;
Secs. 10 to 15 inclusive.
T. 7 N., R. 33 E.,
Sec. 6, W½;
Sec. 7, all;
Secs. 16 to 21 inclusive;
Secs. 28 and 29 inclusive;
Sec. 33, all.
T. 8 N., R. 32 E.,
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 6 N., R. 33 E.,
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, W½.
T. 7 N., R. 30 E.,
Sec. 1, all;
Secs. 12 and 13 inclusive;
Secs. 24 and 25 inclusive;
Sec. 36, all.
T. 7 N., R. 31 E.,
Secs. 1 to 21 inclusive;
Secs. 30 and 31 inclusive.
T. 8 N., R. 30 E.,
Secs. 24 and 25 inclusive;
Sec. 36, all.
T. 8 N., R. 31 E.,
Secs. 19 to 36 inclusive.

The areas described aggregate 147,351.86 acres.

J. R. PENNY, *State Supervisor.*

[F. R. Doc. 57-5559; Filed, July 9, 1957; 8:46 a. m.]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS: CORRECTION

JUNE 28, 1957.

Notice of an application, Serial No. U-010062, filed by the United States Department of Agriculture for the withdrawal of lands for administrative and other purposes was published in the FEDERAL REGISTER of April 13, 1955, vol. 20, pages 2428, 2429, and 2430. The description of the land requested for withdrawal for the Mt. Baldy Administrative Site is hereby corrected to read as follows:

SALT LAKE MERIDIAN, UTAH

T. 19 S., R. 4 E.,
Sec. 19: E½SW¼;
Sec. 20: W½SW¼.

VAL B. RICHMAN, *State Supervisor.*

[F. R. Doc. 57-5560; Filed, July 9, 1957; 8:46 a. m.]

[Order 18]

COLORADO

SMALL TRACT CLASSIFICATION; PUBLIC SALE

JULY 2, 1957.

1. Pursuant to authority delegated to me by Bureau Order No. 541 dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands in Rio Blanco County, Colorado, as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 91 W.,
Sec. 36, lots 11, 12, 15, 16, 17, 18, 19, 23, 24, 25, 27, 28, 29, W½NE¼, E½NW¼SW¼, SE¼NW¼;
Containing 196.65 acres subdivided into 46 small tracts, of which seven (7) described in paragraph 4 below, are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except applications under the mineral leasing laws.

3. The lands are located approximately three miles east of Buford, Colorado, with access from State Highway 132. The topography is moderately to steeply sloping but areas suitable for building sites are numerous. The vegetation consists of conifers, aspen, mountain browse, and associated shrubs, grasses and forbs. The North Fork of the White River flows southwesterly across the northwest quarter of section 36. Several tributary streams originating from springs located at higher elevations to the southeast cross the land. Access by automobile is available to most portions of the subject land. Electricity is available from a power line rather centrally located in the area. There is no evidence of metallic or nonmetallic minerals.

4. The individual tracts vary in size from 2.50 acres to 5.04 acres, and all are square or rectangular in shape. An unofficial plat showing the approximate location of each tract within the area classified can be obtained by writing to the Manager, Land Office, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado. The appraised value of the tracts varies from $400 to $1,600 per tract, as shown below. The tracts will be sold subject to all existing rights of way of record, and rights of way 25 feet in width for road purposes and for public utilities will be reserved along all sides of each tract in accordance with 43 CFR 257.17(b). All minerals in the land will be reserved to the United States.

SIXTH PRINCIPAL MERIDIAN, COLORADO

Description of Tract—Sec. 36—	Acres	Appraised value
Lot 11	3.55	$1,000
Lot 12	3.55	1,000
Lot 15	5.02	1,600
Lot 16	5.02	1,000
Lot 17	5.03	1,400
Lot 18	2.52	800
Lot 19	2.52	850
Lot 23	5.04	600
Lot 24	5.03	400
Lot 25	4.85	1,200
Lot 27	4.84	1,200
Lot 28 [1]	4.84	1,300
Lot 29	4.84	1,200
E½NE¼NW¼NE¼	5	1,375
NW¼NE¼NW¼NE¼	2.5	750
SW¼NE¼NW¼NE¼	2.5	750
NE¼NW¼NW¼NE¼	2.5	750
NW¼NW¼NW¼NE¼	2.5	950
SW¼NW¼NW¼NE¼	2.5	1,000
SE¼NW¼NW¼NE¼	2.5	850
NE¼SW¼NW¼NE¼	2.5	1,000
NW¼SW¼NW¼NE¼	2.5	1,000
SW¼SW¼NW¼NE¼	2.5	900
SE¼SW¼NW¼NE¼	2.5	800
N½SE¼NW¼NE¼	5	1,000
S½SE¼NW¼NE¼	5	1,200
E½NE¼SW¼NE¼	5	1,200
W½NE¼SW¼NE¼	5	1,200
E½NW¼SW¼NE¼	5	1,500
W½NW¼SW¼NE¼	5	1,500
E½SW¼SW¼NE¼	5	1,300
NW¼SW¼SW¼NE¼	5	1,200
NE¼SE¼SE¼NW¼	5	1,200
SW¼SW¼SW¼NE¼, SE¼SE¼SE¼NW¼	5	1,000
N½SE¼SW¼NE¼	5	750
S½SE¼SW¼NE¼	5	1,000
N½NE¼SE¼NW¼	5	900
S½NE¼SE¼NW¼	5	600
N½NW¼SE¼NW¼	5	900
S½NW¼SE¼NW¼	5	500
E½SW¼SE¼NW¼	5	400
W½SW¼SE¼NW¼	5	400
W½SE¼SE¼NW¼	5	1,200
N½NE¼NW¼SW¼	5	1,200
S½NE¼NW¼SW¼	5	1,200
N½SE¼NW¼SW¼	5	1,200
S½SE¼NW¼SW¼	5	1,200

[1] Covered by applications by persons entitled to preference under 43 CFR 257.5 (a).

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above-described tracts, except those for which statutory preference claimants exercise their rights, will be sold only to those persons entitled to veteran's preference as outlined in paragraph 9 below, at a public sale to be held at Denver, Colorado at 10:00 a. m., October 17, 1957. Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered only if received at the Land Office, Denver, Colorado prior to October 15, 1957. No bid will be ac-

cepted if it is less than the appraised price of the tract. See paragraph 4 above, for appraised prices.

7. To facilitate the completion of the sale all oral bidders at the sale should bring with them a photostatic copy of their discharge papers or other acceptable certification of proof of right to veteran's preference as outlined in paragraph 9 below.

8. Each bid sent by mail must clearly show: (a) the name and mailing address of the bidder; (b) Classification Order No. 18; (c) the legal description of the tract for which the bid is made, described in accordance with paragraph 4 of this order. Each bid must be accompanied by the full amount of the bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. A photostatic copy of bidder's discharge papers or other certification showing proof of veteran's preference as outlined in paragraph 9 below, must accompany the bid. Such papers will be returned promptly after the sale. Bids for separate lots must be enclosed in separate envelopes but payment and proof of veteran's preference need only accompany the highest bid, providing all other bids designate the envelope containing the payment and the veteran's preference proof. Each envelope must be addressed to the Manager, Colorado Land Office, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado, and carry in the lower left hand corner of its face the following information and nothing else: (a) "Bid for Small Tract"; (b) "Classification Order No. 18"; (c) "Veteran's Preference"; and (d) the description of the tract for which the bid is made, described in accordance with paragraph 4 above. Sender's name and return address should be shown on reverse side of envelope.

9. All valid applications filed prior to August 20, 1956, will be granted the preference rights provided for by 43 CFR 257.5 (a). In accordance with 43 CFR 257.14 (e), each tract at the 10:00 a. m. sale will be awarded to the highest bidder among persons entitled to veteran's preference. No person will be awarded more than one tract. Persons entitled to veteran's preference are, in brief, (a) honorably discharged veterans who served at least 90 days after September 15, 1940, (b) surviving veterans or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or to the surviving spouse or minor children of veterans killed in the line of duty. Successful bidders among preference claimants will be called upon for proof of the military service upon which their claim is based.

10. Sealed bids will be opened in the presence of the public in Room 367, New Custom House, Denver, Colorado, beginning at 10:00 a. m., on October 15, 1957. Lists of the highest sealed bids received for each tract will be posted for public inspection at the sale.

11. All inquiries concerning these lands should be addressed to Manager, Land Office, Bureau of Land Management, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado, and should be accompanied by a stamped, self-addressed return envelope.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 57-5581; Filed, July 9, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

MICAMOLD CORP. OF VA. AND BECKLEY MFG. CORP.

NOTICE OF REVIEW OF DECISIONS DENYING APPLICATIONS FOR RENEWAL OF LEARNER CERTIFICATES

Pursuant to 29 CFR 522.9 (e), notice is hereby given that on May 24, 1957, the Micamold Corporation of Virginia, Tazewell, Virginia, and the Beckley Manufacturing Corporation, Skelton, West Virginia, each filed written requests for review of the decisions, dated May 8, 1957, by Milton Brooke as an authorized representative of the Administrator denying their respective applications for renewal of certain learner certificates issued pursuant to section 14 of the Fair Labor Standards Act of 1938. The Administrator granted these requests for review and appointed the undersigned as his authorized representative for such review. Both reviews will be considered together inasmuch as the Micamold Corporation of Virginia and the Beckley Manufacturing Corporation filed almost identical requests for review at the same time, manufacture substantially similar products, are subsidiaries of the same parent corporation, and have been represented by the same counsel and the same spokesman in both administrative and judicial proceedings involving similar issues.

Until and including July 29, 1957, any interested person may file with the undersigned a written statement of his views on the denial actions described. As distinguished from reconsideration pursuant to 29 CFR 522.4 (b) or a public hearing pursuant to 29 CFR 522.103, the present review procedures under 29 CFR 522.9 are restricted solely to a review of the previous action and the presentation of views; new evidentiary matter at this time is not proper and will not be considered.

Further notice is hereby given that the undersigned in such review actions proposes to take official notice of any matters contained in the files of the Department of Labor which are germane to the issues raised in these reviews, and specifically including the transcript of the hearing held on October 16, 17, and 31 and on November 1, 1956, before Harry Weiss, Assistant Administrator, in the matter of learners in the Small Electrical Products Industry. In submitting views concerning these review actions, interested persons may also comment concerning the proposal to take official notice of these matters.

Written submittals of views by interested persons should be transmitted to William B. Grogan, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 5th day of July 1957.

WILLIAM B. GROGAN,
Authorized Representative of the Administrator.

[F. R. Doc. 57-5599; Filed, July 9, 1957; 8:53 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-72]

UNIVERSITY OF UTAH

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the University of Utah, Salt Lake City, Utah, on June 24, 1957, filed an application under section 104 of the Atomic Energy Act of 1954 for a license to acquire, possess and operate on its campus a 100-milliwatt research reactor designated by the manufacturer, Aerojet-General Nucleonics, as Model AGN-201, Serial No. 107. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 27th day of June 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director, Division of Civilian Application.

[F. R. Doc. 57-5583; Filed, July 9, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12037, etc.; FCC 57M-645]

BROADCASTERS, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Broadcasters, Inc., South Plainfield, New Jersey; Docket No. 12037, File No. BP-10587; Eastern Broadcasting Company, Inc., (WDRF), Chester, Pensylvania; Docket No. 12038, File No. BP-10722; Tri-County Broadcasting Corp., Plainfield, New Jersey; Docket No. 12039, File No. BP-10878; for construction permits.

The Hearing Examiner having under consideration a request for extension of time to reply to "request for ruling," filed by the Commission's Broadcast Bureau on July 2, 1957, requesting an extension of time from July 2, 1957, to July 17, 1957;

It appearing that counsel for other parties to the proceeding do not oppose a grant of the request and have consented to waiver of the "four-day" rule;

It further appearing that a grant of this request will make it advisable to postpone the dates for further pre-hearing conference and hearing, as presently scheduled;

It is ordered, This 3d day of July, 1957, that the above request is granted; and

the date for filing replies to the pending requests for ruling is extended from July 2, 1957, to July 17, 1957;

It is further ordered, On the Hearing Examiner's own motion and with the informal consent of the parties, that the hearing herein, presently scheduled for July 24, 1957, is continued without date; and the prehearing conference herein, presently scheduled for July 9, 1957, is continued until July 24, 1957, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5585; Filed, July 9, 1957; 8:50 a. m.]

[Docket Nos. 12045, 12046; FCC 57M-647]

DELTA TELEVISION CORP. AND GREENWOOD BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Delta Television Corporation, Greenwood, Mississippi; Docket No. 12045, File No. BPCT-2204; Greenwood Broadcasting Company, Inc., Greenwood, Mississippi, Docket No. 12046, File No. BPCT-2224; for construction permits for new television stations.

Pursuant to a prehearing conference with counsel held July 2, 1957, in the above-entitled proceeding, *It is ordered*, This 3d day of July 1957, that the exchange of exhibits herein will be accomplished on September 30, 1957, and that the hearing now scheduled for July 29, 1957, is continued to a date to be hereinafter determined.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5586; Filed, July 9, 1957; 8:51 a. m.]

[Docket No. 12055 etc.; FCC 57M-646]

RADIO TAMPA ET AL.

ORDER CONTINUING HEARING

In re applications of Richard M. Seidel, Bernice Schwartz and Harold H. Meyer, d/b as Radio Tampa, Tampa, Florida; Docket No. 12055, File No. BP-10348; Rand Broadcasting Company, Tampa, Florida; Docket No. 12056, File No. BP-11010; B. F. J. Timm, Lakeland, Florida; Docket No. 12057, File No. BP-11031; for construction premits.

The Hearing Examiner has been informally advised by counsel for the Broadcast Bureau that another application has been filed which may be consolidated for hearing with the above-entitled applications.

Accordingly, *It is ordered*, By the Hearing Examiner on his own motion, this 3d day of July 1957, that the prehearing conference in the above-entitled matter, heretofore scheduled for July 24, 1957, be continued without date, and the hearing heretofore scheduled for September 4, 1957, be likewise continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5587; Filed, July 9, 1957; 8:51 a. m.]

[Docket Nos. 12060, 12061; FCC 57M-648]

VIDEO INDEPENDENT THEATRES, INC., AND SOUTHWEST BROADCASTING CO.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Video Independent Theatres, Inc., Elk City, Oklahoma; Docket No. 12060, File No. BPCT-2230; Southwest Broadcasting Company, Elk City, Oklahoma; Docket No. 12061, File No. BPCT-2243; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a petition filed on July 3, 1957, on behalf of Video Independent Theatres, Inc., requesting that the prehearing conference in the above-entitled proceeding, now scheduled to be held on July 8, 1957, be continued indefinitely; and

It appearing that the petitioner is now conducting negotiations with the competing applicant in the instant proceeding looking towards the dismissal of its own application upon being reimbursed by such competing applicant for its actual expenses; and

It further appearing that if such negotiations are successful no useful purpose would be served by holding the prehearing conference on the date now scheduled; and

It further appearing that counsel for Southwest Broadcasting Company, the competing applicant, and the Commission's Broadcast Bureau, the only other parties to the proceeding, do not object to a grant of the said petition and have agreed to a waiver of § 1.745 of the Commission's rules, in order to permit prompt consideration thereof;

It is ordered, This 5th day of July 1957, that the above petition be, and it is hereby, granted, and that the prehearing conference in the above-entitled proceeding, now scheduled to be held on July 8, 1957, is hereby continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5588; Filed, July 9, 1957; 8:51 a. m.]

[Docket Nos. 12077, 12078; FCC 57M-642]

CARIBBEAN ATLANTIC AIRLINES, INC., AND AERONAUTICAL RADIO, INC.

ORDER SCHEDULING HEARING

In the matter of applications submitted by Caribbean Atlantic Airlines, Inc., San Juan, Puerto Rico; Docket No. 12077, File Nos. 14730/32/33/34/35 A-P/L-L and 14731/36 AA-P-LX; Aeronautical Radio, Inc., Washington, D.C.; Docket No. 12078, File Nos. 20438/39/40/41/42 A-P/L-L and 20444/45 AA-P-LX; for authorizations covering aeronautical fixed facilities in Puerto Rico and the American Virgin Islands.

It is ordered, This 2d day of July 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 23, 1957, in Washington, D. C.

Released: July 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5589; Filed, July 9, 1957; 8:51 a. m.]

[Docket No. 12067; FCC 57M-641]

WHAS, INC.

ORDER SCHEDULING HEARING

In re application of WHAS, Inc., Louisville, Kentucky; Docket No. 12067, File No. BPCT-1950; for construction permit to change transmitter and antenna location.

It is ordered, This 2d day of July 1957, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on Sepember 30, 1957, in Washington, D. C.

Released: July 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5590; Filed, July 9, 1957; 8:51 a. m.]

[Docket No. 12087; FCC 57-727]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Middletown, Ohio		278
Cincinnati, Ohio	278	231

3. The purpose of the proposed amendment is to provide a Class B channel in Middletown, Ohio, for a proposed Class B station to be established there by Paul F. Braden, contingent upon the requested allocation being made.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment

should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before August 5, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 3, 1957.

Released: July 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5591; Filed, July 9, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 172]

MOTOR CARRIER APPLICATIONS

JULY 5, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time (or 9:30 o'clock a. m., Local Daylight Saving Time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 24379 (Sub No. 24), filed June 27, 1957, LONG TRANSPORTATION COMPANY, a Corporation, 3755 Central, Detroit, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of General Motors Euclid Division Plant, located near Darrowville, Ohio, as an off-route point in connection with applicant's authorized regular route operations between (a) Chicago, Ill., and Pittsburgh, Pa., over U. S. Highway 224 and Ohio Highway 18, (b) Lansing, Mich., and Pittsburgh, Pa., over U. S. Highway 254 and Ohio Highways 6 and 14, (c) Toledo, Ohio, and Pittsburgh, Pa., over U. S. Highway 224 and Ohio Highways 8 and 18, and (d) Fremont, Ohio, and Cleveland, Ohio, over U. S. Highway 20. Applicant is authorized to conduct similar operations in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

HEARING: July 18, 1957, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 24379 (Sub No. 25), filed June 27, 1957, LONG TRANSPORTATION COMPANY, a Corporation, 3755 Central, Detroit, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company Plant located in Brownhelm Township, Lorain County, Ohio, at or near the intersection of U. S. Highway 6 and Baumhart Road, as an off-route point in connection with applicant's authorized regular route operations between (a) Chicago, Ill., and Pittsburgh, Pa., over Ohio Highway 18 and U. S. Highway 224, (b) Lansing, Mich., and Pittsburgh, Pa., over Ohio Highways 6, 14, and 113, and U. S. Highway 254, (c) Toledo, Ohio, and Pittsburgh, Pa., over Ohio Highway 18 and U. S. Highways 224 and 250, and (d) Fremont, Ohio and Cleveland, Ohio, over U. S. Highway 20. Applicant is authorized to conduct similar operations in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

HEARING: July 17, 1957, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 30897 (Sub No. 10), filed June 27, 1957, CONSOLIDATED FREIGHT COMPANY, 100 Carroll Street, Saginaw, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Toledo, Ohio, and the site of the General Motors Euclid Division Plant, located near Darrowville, Ohio; and (2) serving the site of the General Motors Euclid Division Plant located near Darrowville, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Lansing, Michigan and Toledo, Ohio. Applicant is authorized to conduct operations in Illinois, Michigan, and Ohio.

HEARING: July 18, 1957, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 38170 (Sub No. 17), filed July 1, 1957, WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Enrico Fermi Atomic Energy Plant, located in Frenchtown Township, Monroe County, Mich., as an off-route point in connection with applicant's authorized regular route operations between Detroit, Mich., and Toledo, Ohio. Applicant is authorized to transport similar commodities in Michigan and Ohio.

HEARING: July 31, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 110505 (Sub No. 32), filed June 28, 1957, RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials*, from North Judson, Ind., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin, and *damaged and rejected shipments* of the above-specified commodities on return. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Missouri, and Ohio.

HEARING: July 26, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Lacy W. Hinely.

MOTOR CARRIERS OF PASSENGERS

No. MC 29854 (Sub No. 23), filed June 14, 1957, THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N. J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Jersey City, N. J., and New York, N. Y., from junction Grand Street with Arlington Avenue in Jersey City (a point on applicant's authorized regular route operations), over Grand Street to Jersey Avenue; thence over Jersey Avenue to Eighth Street; thence over Eighth Street to East Hamilton Place; thence over East Hamilton Place to Ninth Street; thence over Ninth Street to Jersey Avenue; thence over Jersey Avenue to 12th Street; thence over 12th Street to Holland Tunnel Entrance Plaza; thence through Holland Tunnel to New York, N. Y. (a point on applicant's authorized regular route operations); and return through Holland Tunnel to Holland Tunnel Exit Plaza; thence over 14th Street to Jersey Avenue; thence over Jersey Avenue to Ninth Street; thence over Ninth Street to West Hamilton Place; thence over West Hamilton Place to Eighth Street; thence over Eighth Street to Jersey Avenue; thence over Jersey Avenue to Grand Street; thence over Grand Street to Arlington Avenue, the point of beginning, serving all intermediate points. RESTRICTION: Applied-for authority to be restricted against operations in conjunction with applicant's authorized route "Between West New York, N. J. and Keansburg, N. J." as described in Certificate No. MC 29854. Applicant is authorized to transport passengers and their baggage in New Jersey and New York.

HEARING: September 16, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard., Newark, N. J., before Joint Board No. 3.

No. MC 116780, filed June 28, 1957, DUNCAN McRAE, doing business as UNION TRANSPORTATION COMPANY, 824 South Yorktown, Tulsa, Okla. Applicant's attorney: Herbert L. Smith, 401 Perry-Brooks Building, Austin 1, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (Mexican National Migratory Agricultural Workers), (1) from points in Hidalgo, Maverick, Webb, and El Paso Counties, Tex., to points in Alabama, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, New Mexico, Ohio, Tennessee, Wisconsin, and Wyoming; (2) from points in Alabama, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, New Mexico, Ohio, Tennessee, Wisconsin, and Wyoming to points in Hidalgo, Maverick, Webb, and El Paso Counties, Tex.; and (3) between points in Alabama, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, New Mexico, Ohio, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE: Applicant has regular route authority under Certificate No. MC 107886, dated March 29, 1957, to transport passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between specified points in Oklahoma.

PRE-HEARING CONFERENCE: July 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner William T. Croft presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their direct testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 116781, filed July 1, 1957, WESTERN BRACERO TRANSPORTATION COMPANY, Box 1, Lamesa, Dawson County, Tex. Applicant's attorney: Robert Howard, Suite 1105 Great Plains Life Building, Lubbock, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers* (Mexican National migratory agricultural workers), *and their baggage*, in the same vehicle with passengers, (1) between ports of entry along that part of the international boundary line between the United States and Mexico extending from El Paso, Texas to Brownsville, Texas, on the one hand, and, on the other, points in Texas; (2) between points in Texas on the one hand, and, on the other, points in Louisiana, Arkansas, New Mexico, Colorado, Arizona and Oklahoma; (3) between points in New Mexico on the one hand, and, on the other, points in Texas, Louisiana, Arkansas, Colorado, Arizona and Oklahoma; (4) between points in Arizona on the one hand, and, on the other, points in Texas, Louisiana, Arkansas, Colorado, New Mexico, and Oklahoma.

PRE-HEARING CONFERENCE: July 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner William T. Croft presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

PETITIONS

No. MC 30062, JOHN DAVID BARRICKS, (William Thomas Hughes, Jr., Administrator) doing business as BARRICKS MOTOR LINES, 112 South West Street, Petersburg, Va. PETITION, dated June 19, 1957, TO REOPEN, RECONSIDER AND MODIFY AUTHORITY in No. MC 30062. Applicant's attorney: Jno. C. Goddin, 1304 State-Planters Bank Building, Richmond 19, Va., to allow the transportation as a *contract carrier*, over irregular routes, of: *Canned goods*, from Swedesboro, Vincentown, Bridgeton and Vineland, N. J.; Cambridge, Fruitland, Colora, Federalsburg, Salisbury, Preston, Hagerstown, Rising Sun, Adamstown, Gaithersburg, Church Creek, Cordova, Denton, Newbridge, Vienna, Williston, Willoughby, and Hebron, Md.; Bridgeville, Milford, Laurel, Newark, Oak Grove, and Townsend, Del.; and Hanover, Pa., to Petersburg, Va., and *Roofing*, from Philadelphia, Pa., to Petersburg, Va., and *Sugar*, from New York, N. Y., Philadelphia, Pa., and Baltimore, Md., to Petersburg, Va.

No. MC 30867 (Sub No. 41), filed February 24, 1957, (REOPENED FOR RECONSIDERATION) CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex. Applicant's attorney: Herbert L. Smith, 401 Perry-Brooks Building, Austin, Tex. For clarification of a portion of authority contained in certificate issued December 13, 1949, to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and articles requiring special equipment, serving Perrin Air Force Base in connection with service authorized between Pottsboro, Tex., and junction Farm-to-Market Road and U. S. Highway 75, between Dennison and Sherman, Tex.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub No. 33), filed June 24, 1957, PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. Applicant's attorney: William J. Little, Fidelity Building, Baltimore 1, Md. For authority to operate as a *common carrier*, transporting: *Prepared dough*, serving Urbanna, Va., as an off-route point in connection with applicant's authorized regular route operations between Baltimore, Md., and Norfolk, Va., over U. S. Highways 1 and 460. Applicant is authorized to conduct similar operations in Delaware, Maryland, New York, and Virginia.

No. MC 5908 (Sub No. 26), filed June 24, 1957, TRUCK TRANSPORT COMPANY, a Corporation, 3601 Wyoming, Dearborn, Mich. Applicant's attorney: William B. Elmer, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Sharonville, Ohio, and Cleveland, Ohio, from Sharonville over U. S. Highway 42 to Cleveland, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and (2) between Sharonville, Ohio, and Sandusky, Ohio, from Sharonville over U. S. Highway 42 to Xenia, Ohio, thence over U. S. Highway 68 to Springfield, Ohio, and thence over Ohio

Highway 4 to Sandusky, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; both alternate routes in connection with applicant's authorized regular route operations between (a) Pontiac, Mich., and Cincinnati, Ohio, and (b) Detroit, Mich., and Niagara Falls, N. Y. Applicant is authorized to conduct similar operations in Illinois, Indiana, Michigan, New York, and Ohio.

No. MC 42487 (Sub No. 336), filed June 26, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Starch*, in hopper or tank type vehicles, from Raugust (Grant County), Wash., and points within three (3) miles thereof, to Antioch, Calif.

No. MC 79135 (Sub No. 18), filed June 24, 1957, COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New uncrated wooden furniture*, from Oneida, N. Y. to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; *returned shipments of new uncrated wooden furniture* and *empty containers or other such incidental facilities (not specified) used in transporting the commodities* on return.

No. MC 106603 (Sub No. 49), filed June 27, 1957, DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Expanded shale*, in bulk, from Danville, Ill., to Grand Rapids, Mich.

Applications Under Sections 5 and 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

Motor Carriers of Property

No. MC–F–6625. Authority sought for purchase by NORTHERN HAULERS CORPORATION, Factory Square, Watertown, N. Y., of a portion of the operating rights of PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, N. Y., and for acquisition by EWALD E. KUNDTZ, Terminal Tower Building, Cleveland, Ohio, and JOHN C. PRENTICE, Factory Square, Watertown, N. Y., of control of such rights through the purchase. Applicants' attorneys: Ewald E. Kundtz, Terminal Tower Building, Cleveland, Ohio, and Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between New York, N. Y., and points in certain counties in New Jersey, on the one hand, and, on the other, points in certain counties in New York; *vegetable stearin in containers, prepared mustard, coconut oil, pure coconut olein, oleomargarine, table sauces, salad dressing, pickles, lard substitutes, cottonseed oil, and cooking oil*, from Bayonne, N. J., to Albany, Utica, and Canajoharie, N. Y.; *empty drums*, from Albany, Utica, and Canajoharie, N. Y. to Bayonne, N. J.; *salad dressing* and *oleomargarine*, from Albany, and Utica, N. Y., to Bayonne, N. J.; *advertising matter*, from Bayonne, N. J., to Utica, and Canajoharie, N. Y.; *vegetable oil in containers*, from Bayonne, N. J., to Canajoharie, N. Y. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Massachusetts, Rhode Island, Maine, Connecticut, Vermont, New Hampshire and Maryland. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6628. Authority sought for purchase by GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho, of the operating rights of DOW N. WRIGHT, doing business as WRIGHT'S TRANSFER, East Seventh Street, Waitsburg, Washington, and for acquisition by C. A. GARRETT, 2055 Pole Line Road, Pocatello, Idaho, and O. W. GARRETT, Chamberlain Avenue, Idaho Falls, Idaho, of control of such rights through the purchase. Applicants' attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Waitsburg, Wash., and Prescott, Wash.; *salt*, between Waitsburg, Wash., and Dayton, Wash., serving no intermediate points; *flour, feed, sacks*, and *mill products*, between Waitsburg, Wash., and Pendleton, Oreg., serving certain intermediate points; *machinery*, from Walla Walla, Wash., to Waitsburg, Wash.; *machinery, canned goods*, and *agricultural products*, over irregular routes between points in Walla Walla, Columbia Counties, Wash., on the one hand, and, on the other, Buhl, Idaho, and points in Umatilla County, Oreg. Vendee is authorized to operate as a *common carrier* in Idaho, Montana, California, Utah, Nevada, Oregon, Colorado, New Mexico, Washington, Arizona and Wyoming. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6629. Authority sought for control by DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue, at Jackson Street, Denver, Colo., of ECK MILLER TRANSFER CO., 421 East Second Street, Owensboro, Ky., and for acquisition by GEORGE J. KOLOWICH, JR., Denver, Colo., (RAYMOND F. KOLOWICH and JOHN C. FINAN) Co-Executors of the Estate of George J. Kolowich, DETROIT AND CLEVELAND NAVIGATION COMPANY, and GRISWOLD BUILDING, INC., all of Detroit, Mich., of control of ECK MILLER TRANSFER CO., through the acquisition by DENVER-CHICAGO TRUCKING COMPANY, INC. Applicants' attorneys: George S. Wilson, Masonic Bldg., Owensboro, Ky., and Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Hatfield, Ind., and Owensboro, Ky., serving all intermediate points, between Evansville, Ind., and Greenville, Ky., serving certain intermediate and off-route points, between Evansville, Ind., and St. Louis, Mo., between Vincennes, Ind., and Carriers Mills, Ill., serving all intermediate and certain off-route points, between Louisville, Ky., on the one hand, and, on the other, Owensboro, Ky., between Beaver Dam, Ky., and Louisville, Ky., serving certain intermediate points, between Louisville, Ky., and Evansville, Ind., serving all intermediate points, between Louisville and Owensboro, Ky., on the one hand, and, on the other, the site of the Mathieson Hydrocarbon Chemical Corporation plant, near Doe Run, Ky., and between Central City, Ky., and Nashville, Tenn., over several alternate routes for operating convenience only; *general commodities*, except household goods, as defined by the Commission, between, Evansville, Ind., and Beaver Dam, Ky., serving all intermediate points; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between Vincennes, Ind., on the one hand, and, on the other, Princeton, Ind.; *new furniture*, from Beaver Dam, Ky., to Louisville, Ky.; *such commodities* as require the use of special equipment by reason of size or weight, but not including motor vehicles, over irregular routes, from points in Ohio, Indiana, Illinois, Missouri, Tennessee, Virginia, West Virginia, and the lower Peninsula of Michigan, to points in Indiana and Kentucky within 150 miles of Owensboro, Ky., including Owensboro; *such commodities*, as require the use of special equipment by reason of size or weight, and *parts* thereof, when moving in connection therewith, from points in Indiana, Illinois, Kentucky, and Tennessee within 150 miles of Owensboro, Ky., to points in Ohio, Indiana, Illinois, Missouri, Tennessee, Virginia, West Virginia, and the lower peninsula of Michigan; *oil well and mine machinery, pipe and supplies*, between points in Indiana, Illinois, Kentucky, and Tennessee within 200 miles of Owensboro, Ky., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Tennessee, Mississippi, and Georgia, and between points within 35 miles of Owensboro, Ky., on the one hand, and, on the other, points in West Virginia. DENVER-CHICAGO TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in Colorado, Washington, Wyoming, Utah, Idaho, Oregon, Missouri, Kansas, Arizona, California, New Mexico, New Jersey, New York, Massachusetts, Indiana, Connecticut, Pennsylvania, Nebraska, Ohio, Michigan, Illinois, Iowa, and Rhode Island. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6631. Authority sought for control and merger by WRIGHT TRUCKING, INC., 16 Main Street, Lowell, Mass., of the operating rights and property of LOWELL TRUCKING CORPORATION, 51 Nottingham Street, Lowell, Mass., and for acquisition by HAROLD E. WRIGHT, also of Lowell, Mass., of control of such rights and property through the transaction. Applicants' representatives: Harold E. Wright, 16 Main Street, Lowell, Mass., and Joseph L. Kaplan, 51 Nottingham Street, Lowell, Mass. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Lowell, Mass., and Newark, N. J., and between specified points in Massachusetts, serving certain intermediate and off-route points, over several alternate routes for operating convenience only; *leather and leather products, rubber and rubber products, alcoholic beverages, radios, radio parts, woolen and cotton piece goods*, and *webbing*, between New York, N. Y., and Wilmington, Del., serving the intermediate point of Philadelphia, Pa.; *cotton and woolen piece goods*, over irregular routes, from Lawrence, Mass., to Bridgeport and South Norwalk, Conn. WRIGHT TRUCKING, INC., is authorized to operate as a *common carrier* in Massachusetts, Pennsylvania, Rhode Island, Connecticut, New Jersey, New York and New Hampshire. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6632. Authority sought for purchase by ASHWORTH TRANSFER, INC., 1526 South Sixth West Street, Salt Lake City, Utah, of the operating rights of W. L. WILLCOXON AND E. J. FOWKES, doing business as TRISTATE RIG COMPANY, 730 West 42d Avenue, Denver 16, Colo., and for acquisition by RULON C. ASHWORTH, JOSEPHINE G. ASHWORTH, RULON CLYDE ASHWORTH, JR., and RALPH GLEN ASHWORTH, all of Salt Lake City, Utah, of control of such rights through the purchase. Applicants' attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Operating rights sought to be transferred: *Contractors' equipment and supplies*, as a *common carrier*, over irregular routes, between points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming and South Dakota. Vendee is authorized to operate as a *common carrier* in Arizona, Utah, Nevada, Wyoming, Idaho, Montana, Colorado, New Mexico, California and Oregon. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6633. Authority sought for purchase by NATIONAL VAN LINES, INC., 2431 Irving Park Road, Chicago 18, Ill., of the operating rights of CULBERTSON WAREHOUSE & DEPOSIT CO., 1017 East 40th Street, Seattle 5, Wash., and for acquisition by F. L. McKEE, 2800 Roosevelt Road, Broadview, Ill., of control of such rights through the purchase. Applicants' attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West 7th Street, Los Angeles 17, Calif. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Washington, on the one hand, and, on the other, points in Oregon. Vendee is authorized to operate as a *common carrier* in all 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6634. Authority sought for purchase by PEERLESS MOTOR EXPRESS, INC., Water Street, Holbrook, Mass., of the operating rights of MELANCTHON T. ALLEN, doing business as D. W. TRANSPORTATION CO., Lowell Road, Nashua, N. H., and for acquisition by JOHN J. BARRY, 148 Union Street, Holbrook, Mass., of control of such rights through the purchase. Applicants' attorneys: Theodore E. Shasta, 60 State Street, Boston, Mass., and Joseph A. Kline, 185 Devonshire Street, Boston, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Antrim, N. H., and Boston, Mass., serving certain intermediate and off-route points, between Boston, Mass., and Lowell, Mass., and between Northwood, N. H., and Dover, Concord, and Manchester, N. H., serving all intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Lee, N. H., and points in New Hampshire within ten miles of Lee, not including Dover, Somersworth, and Rochester, N. H., on the one hand, and, on the other, Boston, Somerville, Cambridge, Everett, Malden, Medford, Newton, Chelsea, Saugus, Melrose, Waltham, Woburn, Watertown, Belmont, Revere, and Winthrop, Mass.; *such merchandise* as is dealt in by wholesale and retail grocery, drug, and food business houses and in connection therewith, *equipment, materials*, and *supplies*, used in the conduct of such businesses, between Nashua, N. H., on the one hand, and, on the other, points in Windham County, Vt., and that part of Windsor County, Vt., on and south of Vermont Highway 131 between Ascutney and Proctorsville, Vt., and on and south of Vermont Highway 103 between Proctorsville and the County line; *new refrigerators*, and *household goods* as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, from Nashua, N. H., to points in that part of Massachusetts east and north of a line beginning at the New Hampshire-Massachusetts State line, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, thence along the Massachusetts State line to U. S. Highway 44, thence along U. S. Highway 44 to Plymouth, Mass., including points on the indicated portions of the highways named; *materials and supplies*, used or useful in the manufacture of shoes, between Brockton and Boston, Mass., points within five miles of Brockton, and those within ten miles of Boston, on the one hand, and, on the other, Manchester and Nashua, N. H.; *used farm and sawmill machinery*, between Lee, N. H., and points in New Hampshire within ten miles of Lee, on the one hand, and, on the other, points in York County, Maine, and those in Massachusetts on and east of Massachusetts Highway 28 and north of the Cape Cod Canal; *nursery stock*, between Lee, N. H., and points in New Hampshire within ten miles of Lee, on the one hand, and, on the other, points in York County, Maine, and those in Connecticut and Massachusetts; *nursery stock*, minimum 8,000 pounds, from Epping and Exeter, N. H., to New York, N. Y., points on Long Island, N. Y., those in that part of New York east of the Hudson River, and those in that part of New Jersey within 50 miles of New York, N. Y.; *lumber*, from points and places in Maine on and south of a line beginning at the New Hampshire-Maine State line and extending along Maine Highway 109 through Wells, Maine, to the Atlantic Ocean, to Worcester and Haverhill, Mass., and from points in Rockingham and Strafford Counties, N. H., to Boston, Mass., and points in Massachusetts on and east of Massachusetts Highway 12; *wooden boxes* and *box shooks*, from Haverhill, Mass., to New Haven, Hartford, and West Hartford, Conn., and points in Rockingham and Strafford Counties, N. H.; *groceries*, from Boston, Mass., and points within ten miles thereof, to Manchester, N. H. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island and Connecticut. Application has been filed for temporary authority under section 210a (b).

Motor Carriers of Passengers

No. MC–F–6635. Authority sought for purchase by COLONIAL COACH LINES, LIMITED, 265 Albert Street, Ottawa, Ontario, Canada, of the operating rights of CORNWALL-MASSENA COACH LINES, LIMITED, 265 Albert Street, Ottawa, Ontario, Canada, and for acquisition by PROVINCIAL TRANSPORT COMPANY, 1188 Dorchester Street, West, Montreal, Quebec, of control of such rights through the purchase. Applicants' attorneys: Turney & Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Operating rights sought to be transferred: *Passengers and their baggage and express*, mail and newspapers in the same vehicle with passengers, as a *common carrier*, over a regular route, between the boundary of the United States and Canada south of Roosevelt Bridge and Massena, N. Y., serving the intermediate points of Rooseveltown and Racket River, N. Y. Vendee is authorized to operate as a *common carrier* in New York. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] Harold D. McCoy,
Secretary.

[F. R. Doc. 57–5577; Filed, July 9, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2174]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JULY 3, 1957.

Public notice is hereby given that Southern California Edison Company, of Los Angeles, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r), for amendment of license for Project No. 2174 known as the Portal Project and located on Ward (Florence Lake) Tunnel which connects Florence Lake Reservoir with Huntington Lake Reservoir in the San Joaquin River basin in Fresno County, California, to establish the project boundary of the right-of-way for the Portal Powerhouse-Big Creek Powerhouse transmission line, reducing the width of said right-of-way from 100 feet to 50 feet.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 5, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–5561; Filed, July 9, 1957; 8:46 a. m.]

[Docket No. G–8968, etc.]

TEXAS CO. ET AL.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

JULY 3, 1957.

In the matters of the Texas Company, Docket Nos. G–8969, G–9161, G–9576, G–9593, G–9594, G–9595, G–9596, G–9609, G–10884, G–11321, G–11322, G–11323, G–11333, and G–12635; the Texas Company (Operator), et al, Docket Nos. G–11324, G–11391; G–11710, G–12207, and G–12506.

On February 27, 1957, Notice of Consolidation of Proceedings and Date of Hearing was issued with respect to The Texas Company, Docket Nos. G–8969, G–9576, G–9593, G–9596, G–9609, G–9161, G–10884, G–11321, G–11322, G–11323, and G–11333 and with respect to The Texas Company (Operator), et al., Docket Nos. G–11324 and G–11391. On March 4, 1957, a further similar Notice was issued with respect to the Texas Company, Docket Nos. G–9594, G–9595, and G–11710.

The proceedings in Docket Nos. G–12207, G–12506 and G–12635 also relate to proposed changes in rates of The Texas Company which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the captioned related proceedings will also be heard on the consolidated record provided for in the previous Notices to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on October 15, 1957, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in Docket Nos. G–12207, G–12506 and G–12635 as well as in the above mentioned other consolidated proceedings. As to such other proceedings, such date for further public hearing was established upon the adjournment taken June 26, 1957, of hearings therein commenced June 24, 1957.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–5562; Filed, July 9, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

JULY 3, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value capital stock of Bellanca Corporation, File No. 1–2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X–14 adopted pursuant to section 14 (a) of the act.

On June 21, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X–15C2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, July 4, 1957, to July 13, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–5563; Filed, July 9, 1957; 8:47 a. m.]

[File No. 7–1887]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 3, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in New England Electric System, common stock, File No. 7–1887.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Boston Stock Exchanges.

Upon receipt of a request, on or before July 19, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–5564; Filed, July 9, 1957; 8:47 a. m.]

[File No. 7–1888]

WALWORTH CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 3, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Walworth Company, common stock, File No. 7–1888.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before July 19, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–5565; Filed, July 9, 1957; 8:47 a. m.]

[File No. 7–1889]

H. L. GREEN CO., INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 3, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in H. L. Green Company, Inc., common stock, File No. 7–1889.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before July 19, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–5566; Filed, July 9, 1957; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

The material appearing at 21 F. R. 10420 is amended as follows:

Paragraphs 1113.332, 1113.3321 and 1113.3322 are deleted and the following substituted therefor:

1113.332 *Statistics Division.* The Statistics Division conducts research and prepares statistics with respect to the operation of the income tax laws as required annually by the Internal Revenue Code to provide basic information for tax studies and legislation by the Congress and its committees, for administrative use by the Secretary of the Treasury and the Commissioner of Internal Revenue, and for the Federal benchmark statistical programs on income, wealth, and finance; develops, analyzes, and prepares other periodic and special reports on the operations of the Internal Revenue Service for management purposes; and performs other related research and statistical functions. The Division furnishes technical guidance and directon to all statistical programs of the Service, including the work performed for the Division in Service Centers. The Division consists of the Income, Finance, and Wealth Branch, the Program - Analysis and Reports Branch, and the Operations Branch.

1113.3321 *Income, Finance, and Wealth Branch.* The Income, Finance, and Wealth Branch performs statistical and economic research with respect to the operations of the income tax laws as required by the Internal Revenue Code. It identifies and analyzes actual and prospective needs of users of income, wealth, and financial data reported on tax returns. The Branch plans, evaluates, and modifies these needs to develop an integrated statistical program. It translates that program into adequate specifications for collection and compilation of the data. It interprets, analyzes, and presents the resulting statistics through publications of the Internal Revenue Service, such as the "Statistics of Income" series, and in consultation with appropriate policy and management officials.

1113.3322 *Program Analysis and Reports Branch.* The Program Analysis and Reports Branch performs statistical and economic research with respect to periodic and special reports on the operations of the Internal Revenue Service. It identifies and analyzes actual and prospective needs of management officials and others to provide a centralized or coordinated statistical reporting system for the Internal Revenue Service. The Branch evaluates and modifies these needs to develop an integrated statistical program to measure administrative accomplishments for management review and action. It translates that program into adequate specifications for collection and compilation of the data. It interprets, analyzes, and presents the resulting statistics through published reports and in consultation with appropriate policy and management officials. The Branch conducts research in and develops appropriate sampling, estimating, and other statistical procedures and develops and establishes statistical procedures and develops and establishes statistical policies and standards.

1113.3323 *Operations Branch.* The Operations Branch translates the statistical specifications into operating procedures and produces the statistics required by the program of the Division. It conducts research in the development and adaptation of equipment and procedures to improve operations and evaluates the statistics produced in terms of specifications, costs, and procedures.

These changes are effective June 26, 1957.

[SEAL] O. GORDON DELK, *Acting Commissioner.*

[F. R. Doc. 57–5580; Filed, July 9, 1957; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

DIRECTOR, BUREAU OF CENSUS

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CERTAIN CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH BUREAU OF CENSUS PROGRAMS

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950 and in accordance with a delegation dated June 18, 1957, from the Administrator, General Services Administration to the Secretary of Commerce, on the above subject, the Director of the Bureau of the Census is hereby authorized to negotiate, without advertising, under sections 302 (c), (4), (5) and (10) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, contracts for the procurement of those supplies and services which are directly connected with the Bureau of the Census programs pertaining to the collection, collation, testing and analysis of statistical data

and developments of new methods and equipment pertaining thereto.

In connection with the procurement of supplies hereunder, this authority shall be exercised for procurement only of those supplies of a highly technical, experimental or developmental nature.

The authority above delegated under sections 302 (c), (4) and (5) of the act may be redelegated to such officers or employees of the Bureau of the Census as the Director of the Bureau of the Census deems necessary.

The authority above delegated under section 302 (c), (10) of the act may not be redelegated.

This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304, 305, and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

The authority delegated herein shall remain in effect until June 30, 1958.

Dated: July 3, 1957.

[SEAL] WALTER WILLIAMS,
Acting Secretary of Commerce.

[F. R. Doc. 57-5558; Filed, July 9, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 154]

NEBRASKA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Nebraska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Thurston (flood beginning on or about June 13, 1957).

Offices: Small Business Administration Regional Office, Federal Office Building, 21st Floor, 911 Walnut Street, Kansas City 6, Mo.; Small Business Administration Branch Office, Federal Office Building, Room 705, 15th and Dodge Streets, Omaha 2, Nebr.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1957.

Dated: June 21, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5567; Filed, July 9, 1957; 8:47 a. m.]

[Declaration of Disaster Area 155]

SOUTH DAKOTA

DECLARATION OF DISASTER AREA

Whereas it has been reported that during the month of June 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of South Dakota;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now therefore as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Cass (tornado occurring on or about June 20, 1957).

Office: Small Business Administration Regional Office, 301 Metropolitan Building, Second Avenue and Third Street, Minneapolis 1, Minn.

2. A special field office to receive such applications will be established at the Emerson Smith School Building, Second Avenue and Eleventh Street South, Fargo, North Dakota.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1957.

Dated: June 21, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5568; Filed, July 9, 1957; 8:47 a. m.]

[Declaration of Disaster Area 156]

NORTH DAKOTA

DECLARATION OF DISASTER AREA

Whereas it has been reported that during the month of June, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of North Dakota;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now therefore as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Minnehaha, Yankton, Clay, Union, Turner and Moody (flood beginning on or about June 16, 1957).

Office: Small Business Administration Regional Office, 301 Metropolitan Building, Second Avenue and Third Street, Minneapolis 1, Minn.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1957.

Dated: June 21, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5569; Filed, July 9, 1957; 8:47 a. m.]

710 (b) (6) of the Defense Production Act of 1950, as amended.

Laclede Gas Co.—Stock.
Readon Co.—Stock.
General Contract Corp.—Stock.
Steak-N-Shake—Stock.
Beaumont Savings and Loan Assn.—Savings.
Public Service Savings and Loan Assn.—Savings.
Pulaski Savings and Loan Assn.—Savings.
Mercantile Trust Co.—Trustee for savings account of daughter.
Bank of St. Louis—Savings account.
South Side National Bank—Check account.
Diversified Funds Growth Funds—Stock.
Ozark Air Lines—Stock.

Dated: June 11, 1957.

OSCAR F. RENZ.

[F. R. Doc. 57-5553; Filed, July 9, 1957; 8:45 a. m.]

WILLIAM O. BAKER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. William O. Baker, Vice President, Research, Bell Telephone Laboratories, New York, New York, as an Advisor (Director, Baker Panel), Science Advisory Committee in the Office of Defense Mobilization. Mr. Baker's statement of his business interests in set forth below.

Dated: June 3, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

According to my best information:
American Telephone and Telegraph Co.
Celanese Corp.
Chrysler Corp.
Electric Storage Battery.
Haile Mines.
Nat'l Distillers Corp.
Olin-Mathieson Corp.
Phillips Petroleum Corp.
Radio Corp. of America.
Union Carbide Corp.

Dated: June 14, 1957.

WILLIAM O. BAKER.

[F. R. Doc. 57-5554; Filed, July 9, 1957; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

OSCAR F. RENZ

NOTICE OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Oscar F. Renz, Property Manager, Rode-myer-Christel and Company, St. Louis, Missouri, as an Advisor, with the Stabilization Area in the Office of Defense Mobilization. Mr. Renz' statement of his business interests is set forth below.

Dated: June 11, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

None.

Dated: June 14, 1957.

OSCAR F. RENZ.

[F. R. Doc. 57-5555; Filed, July 9, 1957; 8:45 a. m.]

ROBERT H. MOULTON, JR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Robert H. Moulton, Jr., Assistant to Chairman of Board, The Ford Foundation, New York, New York, as an Advisor (Assistant to Director, Security Resources Panel), Science Advisory Committee in the Office of Defense Mobilization. Mr. Moulton's statement of his business interests is set forth below.

Dated: June 27, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

None.

Dated: June 27, 1957.

ROBERT H. MOULTON, Jr.

[F. R. Doc. 57-5555; Filed, July 9, 1957; 8:45 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 133

Washington, Thursday, July 11, 1957

JUL 15 1957
MAIN READING ROOM

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

NAKNEK-KVICHAK DISTRICT; ADDITIONAL FISHING TIME

Basis and purpose: On the basis of continued improvement in the red salmon runs in the Naknek-Kvichak district of Bristol Bay it has been determined that additional fishing time can be permitted.

Therefore, § 104.5, as amended July 8, 1957, is further amended in text for the Naknek-Kvichak district by inserting the following after "July 9", "from 3 o'clock postmeridian July 10 to 9 o'clock antemeridian July 11."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-5686; Filed, July 10, 1957; 12:17 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 28]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY AND ACROBATIC CATEGORIES

MULTIENGINE SINGLE TANK FUEL SYSTEM

The CAA policy contained in § 3.431–1 recommends the installation of a shutoff valve at the tank outlet of each individual fuel system of a multiengine aircraft utilizing a single fuel tank system. Also, this valve may serve as the firewall shutoff valve, required by § 3.551, if the fuel line between this valve and the engine compartment does not contain an amount of fuel considered hazardous.

A new § 3.431–1 is added to read as follows:

§ 3.431–1 *Multiengine single tank fuel system (CAA policies which apply to § 3.431).* When a common fuel tank is provided in multiengine aircraft, unless other acceptable provisions are made, a shutoff valve should be installed at the tank outlet of each individual fuel system. This valve may also serve as the firewall shutoff valve required by § 3.551, provided the line between the valve and the engine compartment does not contain a hazardous amount of fuel (more than one quart) which can drain into the engine compartment.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective August 1, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 2, 1957.

[F. R. Doc. 57-5606; Filed, July 10, 1957; 8:46 a. m.]

[Supp. 12]

PART 6—ROTORCRAFT AIRWORTHINESS

INDUCTION SYSTEM AIR FILTERS AND LOAD CIRCUIT CONNECTIONS

This supplement recommends a bypass arrangement to be incorporated in the induction system when air filters or screens that are not self cleaning are installed in both the cold and warm air inlets (§ 6.461–1). Section 6.623–1 excepts those electrical circuits, which when service is interrupted result in inability to maintain controlled flight or to effect a safe landing, from the requirement that all circuits shall be connected to the electrical power source in such a manner that the master switch can interrupt the service.

1. A new § 6.461–1 is added to read as follows:

§ 6.461–1 *Induction system air filters (CAA policies which apply to § 6.461).*

(Continued on next page)

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When air filters or equivalent fine mesh screens are provided in both the cold and warm air inlets a suitable bypass arrangement should be incorporated to assure continued engine operation in the event both filters become clogged with dirt, ice, or other foreign matter. The bypass may be operated either automatically or manually [1] or both.

(a) The bypass should comply with the deicing and anti-icing provision of § 6.462.

(b) A bypass need not be provided for an induction system which employs an air filter or screen when:

(1) The induction system is provided with sufficient preheat [2] to assure deicing of the filter or screen, and

[1] For manual operation, the normal means for detecting engine power or r. p. m. losses due to restriction in carburetor airflow may be considered adequate warning for the crew to operate the bypass.

[2] Recommended preheat is 100° F.

(2) The filter or screen is the self-cleaning type and so located that it can be deiced by the application of the heated air.

2. A new § 6.623–1 is added to read as follows:

§ 6.623–1 *Load circuit connections with respect to the master switch (CAA policies which apply to § 6.623).* All load circuits, except those circuits where interruption of service would result in the inability to maintain controlled flight or to effect a safe landing, should be connected to the electric power sources in such a manner that the master switch can interrupt the service.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

This supplement shall become effective August 1, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 2, 1957.

[F. R. Doc. 57–5605; Filed, July 10, 1957; 8:46 a. m.]

[Supp. 6]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

EDITORIAL CORRECTIONS

The purpose of this supplement is to revise the titles for district offices formerly entitled Aviation Safety District Offices and for personnel assigned to such offices, in accordance with Department of Commerce Notice, Amendment 13, published in 22 F. R. 989, February 16, 1957. These revisions do not impose any additional burden upon interested persons, and no useful purpose would be served by compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act. Therefore, compliance is unnecessary and is not required. The following editorial corrections are hereby adopted:

1. Section 24.5–1 is amended by changing the words "CAA Aviation Safety District Offices or Aviation Safety Agents" in footnote 1 to read "Flight Operations and Airworthiness District Offices or inspectors."

2. Section 24.6–1 is amended by changing the words "the Aviation Safety Agent" to read "an inspector.[3]"

3. Section 24.7–1 is amended by changing the words "Aviation Safety Agent" in the first and second sentences to read "inspector."

[3] The word "inspector" as used within this part, means "Flight Operations and Airworthiness Inspector" unless otherwise defined.

4. Section 24.8–2 is amended by changing the words "CAA Aviation Safety District Office or an Aviation Safety Agent" to read "Flight Operations and Airworthiness District Office or inspector."

5. Section 24.18–1 (a) is amended by changing the words "Aviation Safety Agents" in the first sentence to read "inspectors"; and "Aviation Safety District Office" in the second sentence to read "Flight Operations and Airworthiness District Office."

6. Section 24.18–1 (b) is amended by changing the words "CAA district offices, Aviation Safety Agents" in the second sentence to read "Flight Operations and Airworthiness District Offices, inspectors"; and "CAA district offices" in the third sentence to read "district offices."

7. Section 24.32–1 is amended by changing the words "Aviation Safety Agent" in the first sentence to read "inspector."

8. Section 24.33–1 is amended by changing the words "a CAA Aviation Safety Agent" to read "an inspector."

9. Section 24.43–1 (c), as published in 21 F. R. 2586, May 15, 1956, is amended by changing the words "Aviation Safety District Office" in the third sentence to read "Flight Operations and Airworthiness District Office."

10. Section 24.43–1 (e) (1), as published in 21 F. R. 2586, May 15, 1956, is amended by changing the words "an Aviation Safety meeting designated by the local Aviation Safety District Office" in the first sentence to read "a meeting designated by the local district office"; and "Aviation Safety District Office" in footnote 5 to read "Flight Operations and Airworthiness District Office."

11. Section 24.102–1 is amended by changing the words "Aviation Safety District Office or Agent" to read "district office or inspector."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 605, 608, 52 Stat. 1007, 1008, 1010, 1011, as amended; 49 U. S. C. 551, 552, 555, 558)

This supplement shall become effective July 1, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 2, 1957.

[F. R. Doc. 57–5604; Filed, July 10, 1957; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 201]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.25, the Fort Knox, Kentucky, area (R–64, formerly D–64), amended October 31, 1951 in 16 F. R. 11066, is further amended by changing the "Designated Altitudes" column to read: "Surface to 30,000 feet MSL".

This amendment shall become effective on July 26, 1957.

2. In § 608.29, the Woods Hole, Massachusetts, area (R–13), amended May 4, 1956, in 21 F. R. 2977, is rescinded.

This amendment shall become effective on July 26, 1957.

3. In § 608.29, the Cuttyhunk, Massachusetts, area (R–75), amended May 4, 1956, in 21 F. R. 2977, is rescinded.

This amendment shall become effective on July 26, 1957.

4. In § 608.29, the Nashawena No. 2, Massachusetts, area (R–61), amended January 24, 1952, in 17 F. R. 715, is rescinded.

This amendment shall become effective on July 26, 1957.

5. In § 608.30, the Upper Lake Huron, Oscoda, Michigan, area No. 2 (R–491), amended April 24, 1957, in 22 F. R. 2881, is further amended by changing the "Time of Designation" column to read: "Daylight hours only".

This amendment shall become effective on July 26, 1957.

6. In § 608.43, the Wilmington, Ohio, area (R–109), amended on March 9, 1957, in 22 F. R. 1547, is further amended by changing the "Controlling Agency" column to read: "Wright Air Development Center, Wright Patterson AFB, Dayton, Ohio".

This amendment shall become effective on August 2, 1957.

7. In § 608.44, the Muskogee (Camp Gruber), Oklahoma, area (R–220 formerly D–220), amended February 3, 1953, in 18 F. R. 681, is rescinded.

This amendment shall become effective on July 26, 1957.

8. In § 608.51, the Fort Hood, Texas, area (R–291), amended May 4, 1956, in 21 F. R. 2977, is further amended by changing the "Designated Altitudes" column to read: "Surface to 30,000 feet MSL".

This amendment shall become effective on July 26, 1957.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 2, 1957.

[F. R. Doc. 57–5603; Filed, July 10, 1957; 8:45 a. m.]

[Amdt. 257]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Alameda "H"	ABQ–LFR	Direct	6600	T–dn	300–1	300–1	200–½
Peralta FM (Final)	ABQ–LFR	Direct	6000	C–dn	400–1	500–1	500–1½
ABQ VOR	ABQ–LFR	Direct	8000	S–dn–R–35	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side S crs, 175 Outbnd, 355 Inbnd, 7000′ within 10 mi. (Nonstand. due to high terrain E side.)
Minimum altitude over facility on final approach crs, 6000′.
Crs and distance, facility to airport, 355—3.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 mi, climb to 8000′ on N crs within 20 mi of ABQ-LFR.
CAUTION: Terrain exceeding 8000′ in E Quadrant, make all turns on W side of crs.

City, Albuquerque; State, N Mex; Airport Name, Kirtland AFB/MUN; Elev, 5352′; Fac Class, SBRAZ; Ident, ABQ; Procedure No. 1, Amdt 7; Eff Date, 10 Aug 57; Sup Amdt No. 6; Dated, 6 July 54

Jamestown VOR	JMS–LFR	Direct	2800	T–dn	300–1	300–1	200–½
				C–d	400–1	500–1	500–1½
				C–n	400–1½	500–1½	500–1½
				S–d	400–1	500–1	500–1½
				S–n	400–1½	500–1½	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side E crs, 073 Outbnd, 253 Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 270—1.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 mi, climb to 3400′ on W crs JMS-LFR within 10 mi.

City, Jamestown; State, N Dak; Airport Name, Municipal; Elev, 1428′; Fac Class, SBMRAZ; Ident, JMS; Procedure No. 1, Amdt 7; Eff Date, 10 Aug 57; Sup Amdt No. 6; Dated, 10 Mar 56

PROCEDURE CANCELLED, EFFECTIVE 10 JUN 57, DUE TO DECOMMISSIONING OF FACILITY.

City, Valparaiso; State, Fla; Airport Name, Eglin AFB; Elev, 71′; Fac Class, MRLWZ; Ident, VPS; Procedure No., Special Proc. No. 1; Eff Date, 21 Jul 54

				T–dn	800–1	800–1	800–1
				C–d	1500–1	1500–1	1500–1
				C–n	1500–2	1500–2	1500–2
				A–d	1500–2	1500–2	1500–2
				A–n	1500–3	1500–3	1500–3

Procedure turn S side E crs, 100 Outbnd, 280 Inbnd, 3600′ within 10 mi. (Nonstand. due to obstruction N.)
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 285—6.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, make right climbing turn, climb to 4000′ on E crs Williamsport LFR within 10 mi.
AIR CARRIER NOTE: NW–SE runway not authorized.
NOTE: ADF procedure not authorized. Williamsport LFR must be monitored during entire approach.
CAUTION: Airport minimums do not provide clearance over 2000′ ridge approx 1.7 mi S of airport.

City, Williamsport; State, Pa; Airport Name, Williamsport; Elev, 528′; Fac Class, BRLZ; Ident, IPT; Procedure No. 1, Admt 7; Eff Date, 10 Aug 57; Sup Amdt No. 6; Dated 8 Feb 54

Int S crs Williamsport LFR and Brng 056..	Hughesville MHW	Direct	3600	T–dn	800–1	800–1	800–1
				C–dn	900–1½	900–1½	900–1½
				A–d	1500–2	1500–2	1500–2
				A–n	1500–3	1500–3	1500–3

Procedure turn S side E crs, 100 Outbnd, 280 Inbnd, 3600′ within 10 mi of Hughesville FM MHW. (Nonstandard due to obstruction North.)
Crs and distance, facility to airport, HVL FM–MHW to IPT LFR 280—5.1—IPT LFR to airport, 285—6.1.
Minimum altitude over facility on final approach crs, 3000′ (over HVL) 1600′# (over IPT).
#Descend to authorized minimums within 1 mi after passing LFR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mi after passing IPT LFR, make right climbing turn to 4000′ on E crs of IPT LFR within 10 mi.
AIR CARRIER NOTE: NW–SE runway not authorized.
NOTE: ADF procedure NA. Williamsport LFR must be monitored during entire approach.
CAUTION: Airport minimums do not provide clearance over 2000′ ridge approx 2 mi S of airport.

City, Williamsport; State, Pa; Airport Name, Williamsport; Elev, IPT; Fac Class, BRLZ; Ident, MHW–HVL; Procedure No. 2, Amdt 2; Eff Date, 10 Aug 57; Sup Amdt No. 1; Dated, 8 Feb 54

2. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
IND VOR	LOM	Direct	1900	T–dn	300–1	300–1	200–½
Clayton FM via crs 105 ILS	SW crs ILS	Direct	1900	C–dn	400–1	500–1	500–1½
Clayton FM (ADF)	LOM	Direct	1900	S–dn–4:			
Indianapolis LFR via crs 194 ILS	SW crs ILS	Direct	1900	ILS	200–½	200–½	200–½
Indianapolis LFR–ADF	LOM	Direct	1900	ADF	400–1	400–1	400–1
Int E crs IND LFR & SW crs ILS/224 Brg, to LOM.	LOM	Direct	1900	A–dn:			
				ILS	600–2	600–2	600–2
Int S crs IND–LFR and SW crs ILS or Brg 224 to LOM.	LOM	Direct	1900	ADF	800–2	800–2	800–2
Int R–205 IND and SW crs ILS	LOM (Final)	Direct	2000				
Radar terminal area transition altitudes—distances are from radar site and azimuths progress clockwise:							
120	260	20 mi	2000				
260	120	20 mi	#2300				

#Except 2800′ within 3 mi of 1849′ TV tower, and 2900′ within 3 mi of 1852′ TV tower, E and NE of airport.
Procedure turn S side SW crs, 224 Outbnd, 044 Inbnd, 1900′ within 10 mi of LOM.
Minimum altitude at G. S. int inbnd, 1900′ ILS, inbnd final 1400′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 1903—3.8, at MM 1049—0.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles (ADF) after passing LOM, climb to 2000′ on E crs of IND–LFR to Greenfield Int or as directed by ATC as follows:
1. Climb to 2200′ on S crs of IND–LFR within 20 mi.
2. Make left turn climb to 1900′ and proceed to LOM.

City, Indianapolis; State, Ind; Airport Name, Weir Cook Mun; Elev, 796′; Fac Class, ILS–IND; Ident, LOM–IN; Procedure No. 1, Amdt 9, Comb ILS & ADF; Eff Date, 10 Aug 57; Sup Amdt No. 8; Dated, 13 Jul 57

MSP–LFR	LOM	Direct	2200	T–dn	300–1	300–1	200–½
MSP–VOR	LOM	Direct	2500	C–dn	500–1	500–1	500–1½
Hastings FM–ILS	Glide slope int (Final)	Direct	2200	S–dn 29L:			
Hastings FM–ADF	LOM (Final)	Direct	1700	ILS	200–½	200–½	200–½
Stanton Rbn via crs 360	SE ILS crs (Final)	Direct	2200	ADF	400–1	400–1	400–1
Jordan FM	LOM	Direct	2200	A–dn:			
Faulton Int	LOM	Direct	2200	ILS	600–2	600–2	600–2
Diamond Bluff Int ILS	Glide slope int (Final)	Direct	2200	ADF	800–2	800–2	800–2
Lakeville Int	LOM	Direct	2200				
Prior Int	LOM	Direct	2200				
Stanton RBN	Brng 295 to LOM	Direct	2200				
White Bear Int	LOM	Direct	2500				
Fleo Int	LOM	Direct	2200				
Radar transitions as directed by ATC	Radar site	Within 25 mi	2600				

Procedure turn E side SE crs, 115 Outbnd, 295 Inbnd, 2200′ within 10 mi.
Minimum altitude at glide slope int inbnd—2200′ ILS. Min. alt. inbnd final—1700′ ADF.
Altitude of glide slope and distance to approach end of runway at OM—2084—4.0; at MM—1038—0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi (ADF), climb to 2600′ on NW crs MSP-LFR to Hamel FM, or if directed by ATC:
(1) Make left climbing turn, climb to 2500′ on crs of 241 and proceed to Jordan FM.
(2) Make left climbing turn, climb to 2200′ and return to LOM.
CAUTION: Tower 1223′ MSL 3 mi W of Hastings FM.

City, Minneapolis; State, Minn; Airport Name, Minneapolis-St. Paul International; (Wold Chamberlain Field); Elev, 840′; Fac Class, ILS–MSP; Ident, LOM–MS; Procedure No. 1, Amdt 8, Comb ILS–ADF; Eff Date, 10 Aug 57; Sup Amdt No. 7; Dated, 19 Nov 55

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 1, 1957.

[F. R. Doc. 57–5464; Filed, July 10, 1957; 8:45 a. m.]

[Amdt. 19]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.14 *Green civil airway 4* is amended to read in part:

From Columbus, Ohio, LFR; to Zanesville, Ohio, LF/RBN; MEA 2,400.

From Zanesville, Ohio, LF/RBN; to Wheeling W. Va., LF/RBN; MEA 2,600.

Section 610.16 *Green civil airway 6* is amended to read in part:

From Agua Dulce INT, Tex.; to Corpus Christi, Tex., LFR; MEA 1,800.

Section 610.103 *Amber civil airway 3* is amended to read in part:

From Cheyenne, Wyo., LFR; to Diamond INT, Wyo.; MEA 7,600.

Section 610.108 *Amber civil airway 8* is amended to delete:

From Santa Barbara, Calif., LFR; to Bradley INT, Calif.; MEA 7,000.

Section 610.271 *Red civil airway 71* is amended to read in part:

From Int E crs El Paso, Tex., LFR and SW crs Roswell, N. Mex., LFR; to Roswell, N. Mex., LFR; MEA 8,800.

Section 610.630 *Blue civil airway 30* is amended to read in part:

From Driscoll INT, Tex.; to Corpus Christi, Tex., LFR; MEA 1,800.

Section 610.652 *Blue civil airway 52* is amended to delete:

From Bradley INT, Calif.; to Fresno, Calif., LFR; MEA 7,000.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From *Wabasha INT, Wis.; to Nodine, Wis., VOR; MEA 2,600. *3,000—MRA.
From Nodine, Wis., VOR; to Lone Rock, Wis., VOR; MEA 2,600.
From Elmo INT, Wis., via N alter.; to Nodine, Wis., VOR via N alter.; MEA 2,600.
From Nodine, Wis., VOR via N alter.; to Lone Rock, Wis., VOR via N alter.; MEA 2,600.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From West Chester, Pa., VOR; to Caldwell, N. J., VOR; MEA 2,000.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Birmingham, Ala., VOR; to Muscle Shoals, Ala., VOR; MEA 2,500.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Daggett, Calif., VOR; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.
From Silver Lake INT, Calif.; to *Clark INT, Calif.; MEA 9,500. *13,000—MRA.
From Clark INT, Calif.; to Las Vegas, Nev., VOR; MEA 9,500.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Texarkana, Ark., VOR; to Emmett INT, Ark.; MEA 1,700.
From Emmett INT, Ark.; to *Sparkman INT, Ark.; MEA **3,200. *4,000—MRA. **1,500—MOCA.
From Sparkman INT, Ark.; to Grapevine INT, Ark.; MEA *3,200. *1,500—MOCA.
From Andrews, Md., LFR; to Kenton, Del., VOR; MEA 1,500.
From Kenton, Del., VOR; to Coyle, N. J., VOR; MEA 1,500.

Section 610.6017 *VOR civil airway 17* is amended to read in part:

From Waco, Tex., VOR; to Riovista INT, Tex.; MEA *2,000. *1,900—MOCA.
From Riovista INT, Tex.; to Joshua INT, Tex.; MEA 2,100.
From Joshua INT, Tex.; to Lake Worth INT, Tex.; MEA 2,000.
From Lake Worth INT, Tex.; to Fort Worth, Tex., VOR; MEA 2,400.

Section 610.6019 *VOR civil airway 19* is amended to read in part:

From Kiowa, Colo., VOR; to *Grover INT, Colo.; MEA 8,000. *8,000—MRA.
From Grover INT, Colo.; to *State Line INT, Wyo.; MEA 8,000. *8,000—MRA.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From Alice, Tex., VOR; to Corpus Christi, Tex., VOR; MEA 1,800.
From Spartanburg, S. C., VOR; to Mooresville INT, N. C.; MEA 2,700. (Deletes MRA at Mooresville INT.)

Section 610.6021 *VOR civil airway 21* is amended to read in part:

From Daggett, Calif., VOR; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.
From Silver Lake INT, Calif.; to *Clark INT, Calif.; MEA 9,500. *13,000—MRA.
From Clark INT, Calif.; to Las Vegas, Nev., VOR; MEA 9,500.

Section 610.6023 *VOR civil airway 23* is amended to read in part:

From Eugene, Oreg., VOR via W alter.; to McCoy INT, Oreg., via W alter.; MEA 5,000.
From McCoy INT, Oreg., via W alter; to Newberg, Oreg., VOR via W alter.; MEA 3,000.

Section 610.6029 *VOR civil airway 29* is amended to read in part:

From Salisbury, Md., VOR; to Kenton, Del., VOR; MEA 1,700.
From Kenton, Del., VOR; to Woodstown, N. J., VOR; MEA 1,500.

Section 610.6037 *VOR civil airway 37* is amended to read in part:

From Charlotte, N. C., VOR; to Mooresville INT, N. C.; MEA *2,700. *2,300—MOCA. (Deletes MRA at Mooresville INT.)

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Thayer INT, Ind.; to Claypool INT, Ind.; MEA *4,000. *2,200—MOCA.
From Claypool INT, Ind.; to Fort Wayne, Ind., VOR; MEA 2,200.

Section 610.6054 *VOR civil airway 54* is amended to read in part:

From Texarkana, Ark., VOR; to Washington INT, Ark.; MEA *1,700. *1,600—MOCA.
From Washington INT, Ark.; to *Arkadelphia INT, Ark.; MEA **3,500. *4,900—MRA. **1,700—MOCA.
From Arkadelphia INT, Ark.; to Malvern INT, Ark.; MEA *3,500. *1,700—MOCA.
From Muscle Shoals VOR; to *Tanner INT, Ala.; MEA 2,200. *4,500—MRA.
From Tanner INT, Ala.; to Huntsville, Ala., VOR; MEA 2,200.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From Corpus Christi, Tex., VOR; to Kingsville INT, Tex.; MEA 1,800.

Section 610.6082 *VOR civil airway 82* is amended to read in part:

From Rochester, Minn., VOR; to Nodine, Wis., VOR; MEA 2,600.
From Rochester, Minn., VOR via S alter.; to Nodine, Wis., VOR via S alter.; MEA 2,500.

Section 610.6084 *VOR civil airway 84* is amended to read in part:

From Dundee INT, Ill.; to Northbrook, Ill., VOR; MEA 2,200.
From Northbrook, Ill., VOR; to *Papi INT, Ill; MEA **2,500. *2,500—MRA. **2,000—MOCA.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Lone Rock, Wis., VOR; to Nodine, Wis., VOR; MEA 2,600.
From Nodine, Wis., VOR; to *Wabasha INT, Wis.; MEA 2,600. *3,000—MRA.

Section 610.6100 *VOR civil airway 100* is amended to read in part:

From Elgin INT, Ill.; to Northbrook, Ill., VOR; MEA 2,200.
From Northbrook, Ill., VOR; to *White Fish INT, Ill.; MEA 2,000. *3,500—MRA.

Section 610.6129 *VOR civil airway 129* is amended to read in part:

From Lone Rock, Wis., VOR; to Nodine, Wis., VOR; MEA 2,600.
From Nodine, Wis., VOR; to Eau Claire, Wis., VOR; MEA 2,700.

Section 610.6132 *VOR civil airway 132* is amended to read in part:

From Cheyenne, Wyo., VOR; to *Grover INT, Colo.; MEA 7,300. *8,000—MRA.
From Grover INT, Colo.; to Akron, Colo., VOR; MEA 5,800.

Section 610.6135 *VOR civil airway 135* is amended to read in part:

From Needles, Calif., VOR; to *Searchlight INT, Nev.; MEA 8,000. *13,000—MRA.
From Searchlight INT, Nev.; to Las Vegas, Nev., VOR; MEA 8,000.

Section 610.6143 *VOR civil airway 143* is amended to read in part:

From Charlotte, N. C., VOR via W alter.; to Mooresville INT, N. C., via W alter.; MEA 2,700. *2,300—MOCA. (Deletes MRA at Mooresville INT.)

Section 610.6144 *VOR civil airway 144* is amended to read in part:

From Thayer INT, Ind.; to Claypool INT, Ind.; MEA *4,000. *2,200—MOCA.
From Claypool INT, Ind.; to Fort Wayne, Ind., VOR; MEA 2,200.

Section 610.6147 *VOR civil airway 147* is amended to read in part:

From Philadelphia, Pa., ILS loc.; to Ardmore INT, Pa.; MEA 2,500.
From Ardmore INT, Pa.; to Pottstown, Pa., VOR; MEA 2,000.

Section 610.6157 *VOR civil airway 157* is amended by adding:

From Miami, Fla., VOR; to Cypress INT, Fla.; MEA 1,300.
From Cypress INT, Fla.; to La Belle, Fla., VOR; MEA *2,000. *1,100—MOCA.
From La Belle, Fla., VOR; to Lakeland, Fla., VOR; MEA 1,500.
From Lakeland, Fla., VOR; to *Webster INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Webster INT, Fla.; to Ocala INT, Fla.; MEA *2,000. *1,300—MOCA.
From Ocala INT, Fla.; to Gainesville, Fla., VOR; MEA *1,500. *1,200—MOCA.

Section 610.6159 *VOR civil airway 159* is amended to read in part:

From Orlando, Fla., VOR; to Ocala INT, Fla.; MEA *2,500. *1,700—MOCA. (Deletes MRA at Ocala INT.)

Section 610.6193 *VOR civil airway 193* is amended to delete:

From Fort Wayne, Ind., VOR; to Millersburg INT, Ind.; MEA 2,300.
From Millersburg INT, Ind.; to Keeler, Mich., VOR; MEA 2,000.

Section 610.6199 *VOR civil airway 199* is amended to read in part:

From *Agnew, Calif., VOR; to Duxburg INT, Calif.; MEA 3,000. *4,500—MCA Agnew VOR, eastbound.
From Duxburg INT, Calif.; to Bodega INT, Calif.; MEA 4,000.
From Bodega INT, Calif.; to *Fort Ross INT, Calif.; MEA 6,000. *10,500—MRA.

Section 610.6210 *VOR civil airway 210* is amended to read in part:

From Daggett, Calif., VOR; to Dawes Station INT, Calif.; MEA 8,500.
From Dawes Station INT, Calif.; to *Union Pass INT, Ariz.; MEA **15,000. *15,000—MRA. **8,000—MOCA.
From Union Pass INT, Ariz.; to Valle, Ariz., VOR; MEA 19,000.

Section 610.6217 *VOR civil airway 217* is amended to read in part:

From Racine INT, Wis.; to Oakwood INT, Wis.; MEA *3,000. *2,100—MOCA.

Section 610.6228 *VOR civil airway 228* is amended to read in part:

From Northbrook, Ill., VOR; to *Bull Head INT, Ill.; MEA 2,000. *2,500—MRA.

Section 610.6237 *VOR civil airway 237* is amended to read in part:

From Needles, Calif., VOR; to *Union Pass INT, Ariz.; MEA 9,000. *15,000—MRA.

From Union Pass INT, Ariz.; to *Mead INT, Nev.; MEA 9,000. *7,000—MCA Mead INT, northbound.

Section 610.6239 *VOR civil airway 239* is amended by adding:

From Philadelphia, Pa., ILS loc.; to Yardley, Pa., VOR; MEA 2,000.
From Yardley, Pa., VOR; to Newark, N. J., ILS/LOM; 1,500.

Section 610.6253 *VOR civil airway 253* is amended to read in part:

From *Utah Lake, Utah, VOR; to Tooele INT, Utah; MEA 13,000. *12,000—MCA Utah Lake VOR, northwestbound.
From Tooele INT, Utah; to *Timpie INT, Utah; MEA **15,000. *15,000—MRA. **13,000—MOCA.

Section 610.6256 *VOR civil airway 256* is amended to read in part:

From Reinholds INT, Pa.; to Pottstown, Pa. VOR; MEA 2,000.
From Pottstown, Pa., VOR; to Yardley, Pa., VOR; MEA 1,500.

Section 610.6267 *VOR civil airway 267* is amended to read in part:

From Orlando, Fla., VOR; to *Crescent Lake INT, Fla.; MEA **3,000. *3,000—MRA. **1,300—MOCA.
From Crescent Lake INT, Fla.; to Roy INT, Fla.; MEA *3,000. *1,300—MOCA.

Section 610.6276 *VOR civil airway 276* is added to read:

From Yardley, Pa., VOR; to Monmouth INT, N. J.; MEA 3,000.

Section 610.6277 *VOR civil airway 277* is added to read:

From Fort Wayne, Ind., VOR; to Millersburg INT, Ind.; MEA 2,300.
From Millersburg INT, Ind.; to Keeler, Mich., VOR; MEA 2,000.

Section 610.6606 *VOR civil airway 1506* is amended to read in part:

From Elgin INT, Ill.; to Northbrook, Ill., VOR; MEA 2,200.
From Northbrook, Ill., VOR; to *White Fish INT, Ill.; MEA 2,000. *3,500—MRA.

Section 610.6608 *VOR civil airway 1508* is amended to read in part:

From Elgin INT, Ill.; to Northbrook, Ill., VOR; MEA 2,200.
From Northbrook, Ill., VOR; to *White Fish INT, Ill.; MEA 2,000. *3,500—MRA.

Section 610.6612 *VOR civil airway 1512* is amended by adding:

From Daggett, Calif., VOR; to Dawes Station INT, Calif.; MEA 8,500.
From Dawes Station INT, Calif.; to *Union Pass INT, Ariz.; MEA **15,000. *15,000—MRA. **8,000—MOCA.
From Union Pass INT, Ariz.; to Valle, Ariz., VOR; MEA 19,000.
From Valle, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 19,000.

Section 610.6616 *VOR civil airway 1516* is amended by adding:

From Valle, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 19,000.

Section 610.6622 *VOR civil airway 1522* is amended to read in part:

From Doncaster INT, Md.; to Washington, D. C., TVOR; MEA *2,000. *1,500—MOCA.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective August 1, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 2, 1957.

[F. R. Doc. 57-5557; Filed, July 10, 1957; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

RANGE CONSERVATIONIST (RESEARCH)

Paragraph (a) of § 24.55 is amended to read as follows:

§ 24.55 *Range Conservationist (Research), GS-454-5-15*—(a) *Educational requirements.* For all grades of these positions, applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in botany (plant ecology or plant physiology), agronomy (forage crops management), range management, or a closely related subject-matter field. This course of study must have included at least 10 semester hours of course-work which dealt directly with the ecology or physiology of range plants, range or forage plants management, or with closely related problems of range and forage crop management.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-5633; Filed, July 10, 1957; 8:51 a.m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

FOREST PRODUCTS TECHNOLOGIST

Paragraph (a) of § 24.124 is amended to read as follows:

§ 24.124 *Forest Products Technologist, GS-1390-5-15*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in wood technology, wood utilization, forestry, biological science, chemistry, physics, mathematics, engineering, or closely related subject-matter fields. This course of study must have included a total of at least 20 semester hours of course-work in the following subjects, or in any combination of the following subjects: chemistry, physics, mathematics, forest insects, forest pathology, botany, statics, kinematics, mechanics of materials, and subjects pertaining to wood technology and wood utilization such as physical and mechanical properties of wood, anatomy and identification of wood, seasoning and preserving of wood, plywood and laminated wood, harvesting of forest products, and manufacture of wood products.

(2) (i) A total of at least 20 semester hours of course-work in the following subjects, or in any combination of the following subjects: Chemistry, physics, mathematics, forest insects, forest pathology, botany, statics, kinematics, mechanics of materials, and subjects pertaining to wood technology and wood utilization such as physical and mechanical properties of wood, anatomy and identification of wood, seasoning and preserving of wood, plywood and laminated wood, harvesting of forest products, and manufacture of wood products. This course of study must also have been supplemented by enough additional experience, or education, of an appropriate nature to total 4 years of experience and education, or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 20 semester hours of course-work specified above, it gives the applicant a technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course with major study described in subparagraph (1) of this paragraph.

(ii) Applicants for positions which involve highly technical research, design or development, or similar complex scientific functions, must have successfully completed the full 4-year course of study described in subparagraph (1) of this paragraph.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-5634; Filed, July 10, 1957; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6650]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

REYNOLDS METALS CO. AND LIFETIME SALES, INC.

Subpart—*Disparaging competitors and their products*—Competitors' products: § 13.1010 *Qualities or properties;* § 13.1025 *Safety.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1530 *Producer status of dealer;* [*Misrepresenting oneself and goods*]—Goods: § 13.1585 *Competitive inferiority;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S..C. 45) [Cease and desist order, Reynolds Metals Company (Richmond, Va.) et al., Docket 6650, June 1, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the manufacturer of "Lifetime Stainless Steel Ware" at its factory in LaGrange, Ill., with representing falsely in advertising and in sales manuals and other advertising literature made available to its distributor, that all of the food elements were preserved by use of such cooking utensils and the "waterless" method of cooking, that most illnesses were the result of vitamin and mineral deficiencies, that competitive cooking utensils would injure health of users, while its own would assure good health; and with making false claims of danger to health in the use of competitive cooking utensils of aluminum, copper, and glass; and charging its exclusive distributor for the States of Wisconsin, Minnesota, Iowa, northern Illinois, and eastern Nebraska with supplying such sales manuals and advertising literature to its agents and representatives who made use of the material in personal solicitation of prospective purchasers, particularly through the giving of free dinners at which the food was prepared by using said cooking utensils. Respondent distributor was further charged with representing, through such agents, that it manufactured the utensils sold by it.

Following agreement between said distributor and complaint counsel containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 1 the decision of the Commission.

The charges against respondent manufacturer are still pending.

The order to cease and desist is as follows:

It is ordered, That the Respondent Lifetime Sales, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of stainless steel cooking utensils, or any other cooking utensils of substantially similar composition, design, construction, or purpose, do forthwith cease and desist from representing, directly or by implication:

1. That all food elements are preserved in the food when Respondent's cooking utensils and the "waterless" method of cooking are used;

2. That most illnesses are the direct result of vitamin or mineral deficiencies or misrepresenting the number or percentage of illnesses that are so caused;

3. That the health of persons consuming food prepared in any kind of cooking utensil or method of cooking, commonly employed, will be adversely affected because of the damage, loss or destruction of food elements by leaching in water or by heat, except in the cases of persons who are deficient in the food elements damaged, lost or destroyed or are on the borderline;

4. That the use of Respondent's cooking utensils and the "waterless" method of cooking will prevent disease or conditions of ill health, except those arising by reason of deficiencies of food elements that may be preserved by such use in the cases of persons who are deficient in such food elements or are on the borderline;

Provided, however, That nothing contained in paragraphs 3 and 4 shall prohibit respondent from representing that in the waterless method of cooking fresh fruits or vegetables, more vitamins and minerals are retained in the food than in methods of cooking using substantially larger quantities of water;

5. That the use of respondent's cooking utensils assures good health or is any more conducive to good health than the use of other modern cooking utensils, namely, other waterless cooking utensils and those utensils known as pressure cookers and as steamers;

6. That aluminum is a porous metal in the sense that when food is cooked in utensils made of aluminum it is retained in the pores of the utensils;

7. That food prepared or kept in aluminums utensils thereby becomes poisonous;

8. That the consumption of food prepared or kept in aluminum utensils is deterimental to health and will cause any disease;

9. That the copper on the outside bottom of certain cooking utensils creates poison in the food cooked therein;

10. That the consumption of food cooked in utensils made of glass or enamelware is dangerous;

11. That less food is requred to satisfy hunger when prepared in respondent's utensils and the waterless method of cooking than when otherwise prepared;

12. That Respondent Lifetime Sales, Inc., manufactures the utensils sold by it or has been in existence since 1909, or for any length of time that is not the fact.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondent Lifetime Sales, Inc., a corporation, shall, within sixth (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 31, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5636; Filed, July 10, 1957; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141b, 141c, 146a, 146c; 21 CFR, 1956 Supp., 146a.47, 146a.54, 146c.221) are amended as indicated below:

1. In § 141b.108 *Dihydrostreptomycin sulfate* * * *, paragraph (a) *Potency* is amended by deleting the references "(j) and (k)."

2. Section 141c.221 is revised to read as follows:

§ 141c.221 *Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use*—(a) *Potency.* Reconstitute the sample as directed on the label or labeling. Using a suitable syringe, withdraw a one-dose aliquot and place in a 100-milliliter volumetric flask. Make to mark with 0.01 *N* HCl, and proceed as directed in § 141c.218 (a). Its potency is satisfactory if the immediate container contains not less than 90 percent of the number of milligrams of tetracycline hydrochloride or tetracycline phosphate complex that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141c.201 (b).

(c) *Pyrogens.* Proceed as directed in § 141c.218 (c).

(d) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(e) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(f) *Histamine in the teracycline phosphate complex used in making the batch.* Proceed as directed in § 141b.105 of this chapter, using as a test dose 0.6 milliliter of a solution containing 5 milligrams per milliliter prepared by dissolving 40 milligrams in 2.0 milliliters of 0.1 *N* HCl and diluting with the required amount of water.

3. Part 141c is amended by adding the following new section:

§ 141c.235 *Tetracycline hydrochloride-oleandomycin phosphate for aqueous injection*—(a) *Potency*—(1) *Tetracycline hydrochloride content.* Proceed as directed in § 141c.231 (a) (1), except prepare the sample as follows: Reconstitute the drug as directed in the labeling. Transfer an appropriate aliquot (usually 1.0 milliliter to 5.0 milliliters to a 100-milliliter volumetric flask and dilute to mark with 0.01 *N* HCl. Further dilute an aliquot of this solution with sufficient 0.1 *M* potassium phosphate buffer (pH 4.5) to give a concentration of 0.24 microgram per milliliter (estimated). The average potency is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(2) *Oleandomycin content.* Proceed as directed in § 141c.231 (c) (1), except prepare the sample as follows: Reconstitute the drug as directed in its labeling. Dilute an appropirate aliquot (usually 1.0 milliliter to 5.0 milliliters with sufficient 0.1 *M* potassium phosphate buffer (pH 8.0) to give a concentration of 5.0 micrograms per milliliter (estimated). The average potency is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(b) *Sterility.* Using 40 milligrams from each container tested, proceed as directed in § 141a.2 of this chapter, except that neither penicillinase nor the control tube is used in the test for bacteria.

(c) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using 0.5 milliliter of a solution containing 1.0 milligram of tetracycline hydrochloride and 0.5 milligram of oleandomycin phosphate.

(d) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1 milliliter of a solution containing 0.5 milligram of tetracycline hydrochloride and 0.25 milligram of oleandomycin phosphate.

(e) *Histamine.* Proceed as directed in § 141b.105 of this chapter, using as a test dose 0.6 milliliter of a solution containing 5.0 milligrams of tetracycline hydrochloride and 2.5 milligrams of oleandomycin.

(f) *Moisture.* Proceed as directed in § 141a.5 or § 141a.26 (e) of this chapter.

(g) *pH.* Using the suspension prepared as directed in the labeling, proceed as directed in § 141a.5 (b) of this chapter.

4. In § 146a.47, *Procaine penicillin for aqueous injection*, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the words "48 months" to read "48 months or 60 months".

5. In § 146a.54 *Penicillin-streptomycin ointment* * * * paragraph (a) (3) is amended by inserting immediately after the words "it may contain" the following new words: "cortisone or a suitable derivative of cortisone,".

6. In § 146a.66 *l-Ephenamine penicillin G for acqueous injection*, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the words "24 months" to read "24 months or 36 months".

7. Section 146c.221 is amended as follows:

a. The section headnote and paragraph (a) are changed to read:

§ 146c.221 *Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride or tetracycline phosphate complex for intramuscular use is a dry mixture of tetracycline hydrochloride or tetracycline phosphate complex, magnesium chloride, and one or more suitable buffer substances, with or without one or more suitable preservatives and anesthetic agents, and with or without one or more suitable and harmless vitamin substances. It is sterile. It is nonpyrogenic. Its moisture content is not more than 5 percent. Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 and not more than 3.0. The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a). The tetracycline phosphate complex used conforms to the requirements of § 146c.232 (a) and it contains no histamine or histamine-like substance. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (b) *Packaging* is amended by changing the words "not less than" in the last sentence to read "not less than the equivalent of".

c. Paragraph (c) (1) (ii) is changed to read as follows:

(c) *Labeling.* * * *

(1) * * *

(ii) The number of milligrams in the immediate container expressed in terms of its equivalency of tetracycline hydrochloride.

d. Paragraph (c) (1) (iv) is amended by inserting after the words "if it contains" the following new words: "tetracycline phosphate complex or".

e. Paragraph (c) (3) is amended by inserting after "'Tetracycline hydrochloride for intramuscular use'" the following new words "or 'Tetracycline phosphate complex for intramuscular use'".

f. In paragraph (d) *Request for certification; samples* subparagraph (1) is amended by changing the words "tetracycline hydrochloride used" to read "tetracycline hydrochloride or tetracycline phosphate complex used" and changing the words "the number" to read "the equivalent number".

g. Paragraph (d) (2) (ii) is changed to read:

(ii) The tetracycline hydrochloride or tetracycline phosphate complex used in making the batch: Potency, toxicity, histamine, extinction coefficient, crystallinity, and solubility if it is tetracycline phosphate complex.

h. Paragraph (d) (3) (ii) is amended by changing the words "tetracycline hydrochloride" to read "tetracycline hydrochloride or tetracycline phosphate complex".

i. Paragraph (d) (4) (ii) is amended by adding the following new words at the end of the subdivision: "or tetracycline phosphate complex".

8. Part 146c is amended by adding the following new section:

§ 146c.235 *Tetracycline hydrochloride-oleandomycin phosphate for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride-oleandomycin phosphate for aqueous injection is a dry mixture of tetracycline hydrochloride and oleandomycin phosphate with one or more suitable and harmless buffer substances. Each vial contains not less than 167 milligrams of tetracycline hydrochloride and not less than 83 milligrams of oleandomycin phosphate. It is sterile, nontoxic, nonpyrogenic, and contains no histamine or histamine-like substances; its moisture content is not more than 3.0 percent; the pH of the suspension, when reconstituted as directed in its labeling, is not less than 1.8 and not more than 3.0. The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a). The crystalline oleandomycin phosphate used conforms to the standards prescribed by § 146c.231 (a) (1) for potency and crystallinity. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate containers shall be of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container may be packaged in combination with a container of a suitable and harmless diluent.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of tetracycline hydrochloride and the number of milligrams of oleandomycin phosphate in the immediate container.

(iii) The name of each buffer substance used in making the batch.

(iv) The statement "Expiration date ------," the blank being filled in with the date that is 12 months after the month during which the batch was certified; *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(v) The statement "For intravenous use only."

(2) On the outside wrapper or container the statement "Caution: Federal law prohibits dispensing without prescription."

(3) On the circular or other labeling within or attached to the package:

(i) Adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) A statement of the conditions under which solutions prepared from the drug should be stored.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the dates on which the latest assays of the tetracycline hydrochloride and oleandomycin phosphate used in making such batch were completed, the number of milligrams of tetracycline hydrochloride and the number of milligrams of oleandomycin phosphate in each package, the date on which the latest assay of the drug comprising the batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch or any part thereof it to be packaged with a diluent, such request shall also be accompanied by a statement that such diluent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request the results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency, sterility, toxicity, pyrogens, histamine, moisture, and pH.

(ii) The tetracycline hydrochloride used in making the batch: Potency, extinction coefficient, and crystallinity.

(iii) The oleandomycin phosphate used in making the batch: Potency and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 12 or more than 17 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The tetracycline hydrochloride used in making the batch: 3 packages containing approximately equal portions of not less than 500 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

(iii) The oleandomycin used in making the batch: 2 packages containing approximately equal portions of not less than 500 milligrams.

(iv) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each, containing approximately 5 grams.

(v) In case of an initial request for certification of a batch that is to be packaged in combination with a diluent that is not recognized by the U. S. P. or when any change is made in the composition of such diluent: 5 packages of the diluent included in the combination.

(4) The results referred to in subparagraph (2) (ii) and (iii) of this paragraph and the samples referred to in subparagraph (3) (ii) and (iii) of this paragraph are not required if such results or samples have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (d) of this section shall be:

(1) $5.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $10.00 for all immediate containers submitted in accordance with paragraph (d) (3) (i) (*b*) of this section; $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), and (v) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments were drawn in collaboration with interested members of the affected industry and delay in their publication would not be in the public interest.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 5, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-5619; Filed, July 10, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

NOTICE OF FREIGHT ZONES PROPOSED TO BE DETERMINED AND PUBLICLY ANNOUNCED

Notice is hereby given of freight zones proposed to be determined and publicly announced pursuant to § 927.42 of the amended order regulating the handling of milk in the New York-New Jersey milk marketing area (7 CFR Part 927) issued to become effective on August 1, 1957 (22 F. R. 4643). Interested parties may submit written data, views or arguments with respect to such proposed zones (hereinafter set forth) to the Market Administrator, 205 East 42d Street, New York 17, New York, by not later than July 16, 1957.

The proposed freight zones are as follows:

Plant locations	*Freight zones*
Accord, N. Y.	81–90
Adams, N. Y.	291–300
Adams Center, N. Y.	291–300
Addison, N. Y.	241–250
Afton, N. Y.	151–160
Akeley, Pa.	361–370
Albany, N. Y.	131–140
Aldovin, Pa.	141–150
Alfred, N. Y.	281–290
Allamuchy, N. J.	41–50
Allendale, N. J.	11–20
Allentown, Pa.	76–80
Allenwood, N. J.	41–50
Altamont, N. Y.	141–150
Altmar, N. Y.	261–270
Amenia, N. Y.	76–80
Amsterdam, N. Y.	161–170
Ancramdale, N. Y.	91–100
Andes, N. Y.	131–140
Andover, N. J.	31–40
Andover, N. Y.	276–280
Antwerp, N. Y.	291–300
Apulia, N. Y.	211–220
Arcade, N. Y.	331–340
Arkport, N. Y.	276–280
Auburn, N. Y.	231–240
Au Sable Forks, N. Y.	276–280
Avoca, N. Y.	251–260
Bainbridge, N. Y.	161–170
Baldwinsville, N. Y.	241–250
Ballston Lake, N. Y.	151–160
Ballston Spa, N. Y.	161–170
Baptistown, N. J.	41–50
Barneveld, N. Y.	211–220
Bath, N. Y.	251–260
Beacon, N. Y.	41–50
Bear Lake, Pa.	381–390
Beaver Springs, Pa.	191–200
Belfast, N. Y.	301–310
Bellfonte, Pa.	221–225
Belle Mead, N. J.	31–40

Plant locations	*Freight zones*
Belmar, N. J.	41–50
Belmont, N. Y.	291–300
Belvidere, N. J.	51–60
Bennington, Vt.	161–170
Benton, Pa.	141–150
Bernardsville, N. J.	41–50
Billings, N. Y.	61–70
Binghamton, N. Y.	151–160
Bingley, N. Y.	221–225
Black River, N. Y.	281–290
Blairstown, N. J.	51–60
Bloomingdale, N. Y.	291–300
Bloomingburg, N. Y.	61–70
Blooming Grove, N. Y.	41–50
Bloomington, N. Y.	81–90
Bloomville, N. Y.	151–160
Blossvale, N. Y.	241–250
Boiling Springs, Pa.	171–175
Bombay, N. Y.	341–350
Boonville, N. Y.	231–240
Bouckville, N. Y.	201–210
Bound Brook, N. J.	11–20
Bovina Center, N. Y.	141–150
Brandon, Vt.	241–250
Bridgewater, N. Y.	201–210
Brier Hill, N. Y.	326–330
Broadalbin, N. Y.	171–175
Broadway, N. J.	51–60
Brooktondale, N. Y.	191–200
Bullville, N. Y.	61–70
Burke, N. Y.	341–350
Burlington, N. J.	51–60
Burnside, N. Y.	41–50
Burnt Hills, N. Y.	151–160
Buskirk, N. Y.	151–160
Butztown, Pa.	61–70
Califon, N. J.	31–40
Callicoon, N. Y.	91–100
Cambridge, N. Y.	171–175
Camden, N. Y.	241–250
Camillus, N. Y.	231–240
Campbell, N. Y.	241–250
Canaan, N. Y.	121–125
Canajoharie, N. Y.	171–175
Canastota, N. Y.	226–230
Candor, N. Y.	181–190
Canisteo, N. Y.	271–275
Cannonsville, N. Y.	131–140
Canoe Camp, Pa.	211–220
Canton, N. Y.	326–330
Canton, Pa.	201–210
Cape Vincent, N. Y.	311–320
Castorland, N. Y.	261–270
Castleton-on-Hudson, N. Y.	111–120
Catskill, N. Y.	101–110
Cato, N. Y.	241–250
Cazenovia, N. Y.	211–220
Center Lisle, N. Y.	176–180
Centerville, Md.	176–180
Centerville, Pa.	381–390
Central Bridge, N. Y.	151–160
Central Square, N. Y.	241–250
Champlain, N. Y.	311–320
Charlotte, Vt.	261–270
Chateaugay, N. Y.	331–340
Chatham, N. J.	1–10
Chatham, N. Y.	111–120
Chaumont, N. Y.	301–310
Cherry Valley, N. Y.	171–175
Chester, N. J.	26–30
Chittenango Station, N. Y.	226–230
Christiana, Pa.	121–125
Churubusco, N. Y.	341–350
Cincinnatus, N. Y.	181–190
Circleville, N. Y.	61–70
Clarksville, N. Y.	141–150
Cleona, Pa.	141–150
Clifford, Pa.	111–120
Clifton, N. J.	1–10
Clinton, N. Y.	221–225
Clyde, N. Y.	261–270
Cobleskill, N. Y.	151–160
Cochecton, N. Y.	91–100
Cohocton, N. Y.	261–270
Cohoes, N. Y.	131–140
Cokesbury, N. J.	41–50
Columbia Cross Roads, Pa.	201–210
Conklin, N. Y.	141–150
Convent, N. J.	11–20
Cooperstown, N. Y.	181–190
Copake, N. Y.	91–100
Copenhagen, N. Y.	271–275
Corinth, N. Y.	176–180
Corning, N. Y.	231–240
Corry, Pa.	381–390
Cortland, N. Y.	191–200
Coventry, N. Y.	151–160
Coxsackie, N. Y.	111–120
Cresskill, N. J.	1–10
Croghan, N. Y.	271–275
Crown Point, N. Y.	231–240
Cuba, N. Y.	311–320
Danbury, Conn.	41–50
Davenport Center, N. Y.	151–160
Deansboro, N. Y.	211–220
Deer River, N. Y.	271–275
De Kalb Junction, N. Y.	321–325
Delaware, N. J.	51–60
Delhi, N. Y.	141–150
Delmar, N. Y.	131–140
Deposit, N. Y.	131–140
De Witt, N. Y.	231–240
Dolgeville, N. Y.	191–200
Douglas Crossing, N. Y.	301–310
Dover, Delaware	141–150
Dover, N. J.	21–25
Downsville, N. Y.	131–140
Dryden, N. Y.	191–200
Dundee, N. Y.	231–240
Durhamville, N. Y.	226–230
Dushore, Pa.	161–170
Eagle Mills, N. Y.	141–150
East Freetown, N. Y.	181–190
East Greenbush, N. Y.	126–130
East Smithfield, Pa.	191–200
East Syracuse, N. Y.	231–240
East Worcester, N. Y.	161–170
Easton, Pa.	51–60
Eaton, N. Y.	211–220
Edmeston, N. Y.	181–190
Edwards, N. Y.	301–310
Elizabethville, Pa.	151–160
Elkland, Pa.	241–250
Ellenburg, N. Y.	331–340
Ellenburg Center, N. Y.	331–340
Ellenville, N. Y.	76–80
Ellicottville, N. Y.	341–350
Elliotsburg, Pa.	181–190
Elmira, N. Y.	211–220
Elnora, N. Y.	151–160
Elton, N. Y.	331–340
Endicott, N. Y.	161–170
Englishtown, N. Y.	31–40
Essex, N. Y.	261–270
Evans Mills, N. Y.	291–300
Fairdale, Pa.	141–150
Fair Haven, Vt.	201–210
Fairlawn, N. J.	1–10
Farmingdale, N. J.	31–40
Fayetteville, N. Y.	226–230
Ferndale, N. Y.	81–90
Fillmore, N. Y.	311–320
Flemington, N. J.	41–50
Florence, Vt.	231–240
Fly Creek, N. Y.	191–200
Fort Ann, N. Y.	191–200
Fort Covington, N. Y.	341–350
Fort Edward, N. Y.	176–180
Fort Hunter, N. Y.	161–170
Fort Plain, N. Y.	176–180
Foster, Pa.	131–140
Frankfort, N. Y.	201–210
Franklin, N. Y.	161–170
Franklin Lakes, N. J.	11–20
Franklindale, Pa.	181–190
Franklinville, N. Y.	331–340
Fraser, N. Y.	151–160
Freehold, N. J.	31–40
Frenchtown, N. J.	51–60
Frewsburg, N. Y.	371–375
Fulton, N. Y.	251–260
Fultonville, N. Y.	171–175
Galeton, Pa.	251–260
Gardiner, N. Y.	61–70
Garfield, N. J.	1–10
Geneva, N. Y.	251–260
Georgetown, N. Y.	201–210
Gillette, N. J.	11–20
Glenfield, N. Y.	251–260
Glenmont, N. Y.	131–140
Glens Falls, N. Y.	181–190
Gloversville, N. Y.	176–180
Gorham, N. Y.	261–270
Goshen, N. Y.	41–50
Gouverneur, N. Y.	301–310
Gracie, N. Y.	201–210
Grand Gorge, N. Y.	131–140
Granville, N. Y.	191–200
Graybills, Pa.	161–170
Great Barrington, Mass.	111–120
Great Bend, Pa.	131–140
Greencastle, Pa.	211–220
Greene, N. Y.	161–170
Greenfield Center, N. Y.	161–170
Greenwich, N. Y.	171–175
Groton, N. Y.	201–210
Groveland, N. Y.	291–300
Grover, Pa.	201–210
Guilford, N. Y.	161–170
Hagaman, N. Y.	161–170
Hague, N. Y.	211–220
Halcott Center, N. Y.	121–125
Halcottville, N. Y.	131–140
Hamburg, N. J.	31–40
Hamden, N. Y.	151–160
Hamilton, N. Y.	201–210
Hammond, N. Y.	311–320
Hammondsport, N. Y.	251–260
Hancock, N. Y.	121–125
Hankins, N. Y.	101–110
Hannibal, N. Y.	251–260
Hanover, N. J.	11–20
Hanover, Pa.	176–180
Harpursville, N. Y.	141–150
Harkness, N. Y.	281–290
Hartwick, N. Y.	181–190
Hasbrouck Heights, N. J.	1–10
Herkimer, N. Y.	191–200
Heuvelton, N. Y.	326–330
Highland Mills, N. Y.	31–40
Hightstown, N. J.	31–40
Hillsdale, N. Y.	101–110
Hillside, N. J.	1–10
Himrod, N. Y.	231–240
Hobart, N. Y.	141–150
Hogansburg, N. Y.	351–360
Holland Patent, N. Y.	221–225
Homer, N. Y.	191–200
Honesdale, Pa.	91–100
Honey Brook, Pa.	111–120
Hoosick Falls, N. Y.	161–170
Hornell, N. Y.	276–280
Horseheads, N. Y.	211–220
Houghton, N. Y.	311–320
Howard, Pa.	226–230
Hubbardsville, N. Y.	201–210
Hudson, N. Y.	101–110
Hudson Falls, N. Y.	181–190
Ilion, N. Y.	201–210
Indian Castle, N. Y.	181–190
Interlaken, N. Y.	221–225
Irona, N. Y.	321–325
Iselin, N. J.	1–10
Ithaca, N. Y.	201–210
Jamesburg, N. J.	26–30
Jay, N. Y.	271–275
Jeffersonville, N. Y.	101–110
Johnson, N. Y.	51–60
Johnsonburg, N. J.	41–50
Johnson City, N. Y.	151–160
Johnstown, N. Y.	171–175
Keeseville, N. Y.	281–290
Kenwood, N. Y.	211–220
Kinderhook, N. Y.	111–120
Kingsley, Pa.	126–130
Kingston, N. Y.	76–80
Kirkwood, N. Y.	141–150
Kortright Station, N. Y.	141–150
Kyserike, N. Y.	81–90
Laceyville, Pa.	151–160
Lacona, N. Y.	281–290
La Fargeville, N. Y.	301–310
Lafayette, N. J.	31–40
Lake Placid, N. Y.	276–280
Lake Luzerne, N. Y.	181–190
Lakeville, N. Y.	291–300
Lakewood, N. J.	41–50

Plant locations	Freight zones
Lakewood, Pa	121–125
Lambertville, N. J	51–60
Lancaster, Pa	131–140
Latham, N. Y	131–140
Lawrenceville, Pa	231–240
Lebanon, N. Y	201–210
Lebanon, Pa	131–140
Leon, N. Y	361–370
Leonardsville, N. Y	191–200
Le Raysville, Pa	161–170
Lewisburg, Pa	171–175
Lexington, N. Y	111–120
Liberty, N. Y	91–100
Liberty, Pa	211–220
Liberty Corner, N. J	21–25
Limerick, N. Y	291–300
Lincoln, Pa	131–140
Linden, N. J	1–10
Lindley, N. Y	231–240
Lisbon, N. Y	331–340
Lisle, N. Y	171–175
Little Falls, N. Y	191–200
Little Valley, N. Y	341–350
Little York, N. Y	201–210
Littlestown, Pa	181–190
Liverpool, N. Y	231–240
Livingston, N. J	1–10
Locke, N. Y	211–220
Long Branch, N. J	31–40
Long Valley, N. J	31–40
Lookout, Pa	111–120
Loudonville, N. Y	131–140
Lowville, N. Y	261–270
Lycoming, N. Y	271–275
Lyons Falls, N. Y	241–250
MacDougall, N. Y	241–250
Madrid, N. Y	341–350
Malden-on-Hudson, N. Y	91–100
Mallory, N. Y	251–260
Malone, N. Y	331–340
Manasquan, N. J	41–50
Manchester Depot, Vt	191–200
Manlius, N. Y	226–230
Manorkill, N. Y	131–140
Mansfield, Pa	211–220
Manville, N. J	21–25
Marathon, N. Y	181–190
Marcellus, N. Y	231–240
Margaretville, N. Y	126–130
Marlboro, N. J	26–30
Marshall, N. Y	211–220
Martville, N. Y	251–260
Massena Springs, N. Y	351–360
Maybury Mills, N. Y	191–200
Mayfield, N. Y	176–180
Mayville, N. Y	391–400
Mechanicville, N. Y	151–160
Mehoopany, Pa	141–150
Mendham, N. J	21–25
Meshoppen, Pa	141–150
Metuchen, N. J	11–20
Mexico, N. Y	261–270
Middlebush, N. J	21–25
Middleburg, N. Y	141–150
Middleburg, Pa	181–190
Middlebury, Vt	241–250
Middlebury Center, Pa	231–240
Middletown, N. Y	51–60
Middletown Springs, Vt	211–220
Middleville, N. Y	201–210
Middle Grove, N. Y	161–170
Midland Park, N. J	11–20
Mifflinburg, Pa	181–190
Mifflintown, Pa	201–210
Milanville, Pa	91–100
Milford, N. Y	176–180
Millerstown, Pa	181–190
Millerton, N. Y	81–90
Mill Hall, Pa	211–220
Milliport, Pa	291–300
Milton, Pa	161–170
Minetto, N. Y	261–270
Minoa, N. Y	231–240
Mohawk, N. Y	191–200
Moira, N. Y	331–340
Montgomery, N. Y	61–70
Monticello, N. Y	76–80
Montour Falls, N. Y	211–220
Montrose, Pa	141–150
Montvale, N. J	11–20
Moravia, N. Y	211–220
Moriah, N. Y	241–250
Moriah Center, N. Y	241–250
Morristown, N. J	11–20
Morrisville, N. Y	211–220
Mount Joy, Pa	141–150
Mount Kisco, N. Y	21–25
Mount Upton, N. Y	161–170
Mount Vernon, N. Y	1–10
Munnsville, N. Y	211–220
Myerstown, Pa	131–140
Nanuet, N. Y	11–20
Natural Bridge, N. Y	281–290
Neptune, N. J	41–50
Netcong, N. J	26–30
New Albany, Pa	176–180
Newark, N. J	1–10
Newark Valley, N. Y	176–180
New Berlin, N. Y	181–190
New Brunswick, N. J	11–20
Newburgh, N. Y	41–50
New City, N. Y	11–20
Newfoundland, N. J	21–25
Newfoundland, Pa	91–100
New Hartford, N. Y	211–220
New Haven Jct., Vt	251–260
New Holland, Pa	126–130
New Kingston, N. Y	131–140
New Market, N. J	11–20
New Milford, Pa	131–140
New Paltz, N. Y	61–70
Newport, N. Y	201–210
Newton, N. J	41–50
New Woodstock, N. Y	211–220
New York Mills, N. Y	211–220
Nichols, N. Y	181–190
Nicholson, Pa	131–140
Norfolk, N. Y	341–350
North Bennington, Vt	171–175
North Bergen, N. J	1–10
North Bangor, N. Y	331–340
North Chatham, N. Y	111–120
North Haledon, N. J	1–10
North Harford, N. Y	191–200
North Lawrence, N. Y	341–350
North Orwell, Pa	181–190
North Tarrytown, N. Y	11–20
North Winfield, N. Y	201–210
Norwich, N. Y	176–180
Nunda, N. Y	291–300
Nutley, N. J	1–10
Oakhurst, N. J	31–40
Ogdensburg, N. Y	331–340
Oliver Crossing, N. Y	251–260
Onativia, N. Y	221–225
Oneida, N. Y	221–225
Oneonta, N. Y	161–170
Oquaga, N. Y	141–150
Oriskany Falls, N. Y	211–220
Osceola, Pa	241–250
Oswego, N. Y	261–270
Otego, N. Y	171–175
Otisville, N. Y	61–70
Owego, N. Y	176–180
Oxford, N. J	51–60
Oxford, N. Y	171–175
Oxford Depot, N. Y	41–50
Painted Post, N. Y	231–240
Palmer, N. Y	176–180
Passaic, N. J	1–10
Paterson, N. J	1–10
Pattersonville, N. Y	151–160
Pawling, N. Y	51–60
Peekskill, N. Y	26–30
Penn Yan, N. Y	241–250
Perth Amboy, N. J	11–20
Perry, N. Y	301–310
Peru, N. Y	281–290
Peruton, N. Y	201–210
Petersburg, N. Y	151–160
Philadelphia, N. Y	291–300
Phillipsburg, N. J	51–60
Philmont, N. Y	101–110
Phoenix, N. Y	241–250
Pierrepont Manor, N. Y	281–290
Pine Brook, N. J	1–10
Pine Bush, N. Y	61–70
Pine City, N. Y	211–220
Pine Hill, N. Y	111–120
Pine Plains, N. Y	81–90
Plainfield, N. J	11–20
Plainsboro, N. J	31–40
Plattsburg, N. Y	291–300
Pleasant Mount, Pa	101–110
Pleasant Valley, N. Y	61–70
Pleasantville, N. Y	11–20
Point Pleasant, N. J	41–50
Poland, N. Y	201–210
Port Alleghany, Pa	291–300
Port Chester, N. Y	11–20
Port Crane, N. Y	161–170
Port Jervis, N. Y	51–60
Portlandville, N. Y	171–175
Port Murray, N. J	41–50
Port Royal, Pa	201–210
Portville, N. Y	301–310
Potsdam, N. Y	331–340
Poughkeepsie, N. Y	51–60
Prattsburg, N. Y	261–270
Prattsville, N. Y	126–130
Preakness, N. J	1–10
Preble, N. Y	201–210
Prices Switch, N. J	41–50
Prospect Park, N. J	1–10
Pulaski, N. Y	271–275
Putnam Station, N. Y	211–220
Randolph, N. Y	351–360
Raritan, N. J	21–25
Ravena, N. Y	121–125
Ray Brook, N. Y	281–290
Red Bank, N. J	31–40
Red Hook, N. Y	81–90
Remsen, N. Y	221–225
Rensselaer, N. Y	131–140
Rhinebeck, N. Y	76–80
Richfield Springs, N. Y	181–190
Richmondville, N. Y	151–160
Ridgewood, N. J	1–10
Riverside, N. J	61–70
Rochelle Park, N. J	1–10
Rockaway, N. J	11–20
Rockdale, N. Y	161–170
Rock Royal, N. Y	141–150
Rock Springs, Pa	241–250
Rome, N. Y	226–230
Roscoe, N. Y	101–110
Roseland, N. J	1–10
Rosendale, N. Y	76–80
Roseville, Pa	211–220
Roxbury, N. Y	131–140
Rushville, Pa	151–160
Rutland, Vt	221–225
St. Johnsville, N. Y	181–190
Salisbury, Vt	241–250
Salisbury Center, N. Y	191–200
Saratoga Springs, N. Y	161–170
Saugerties, N. Y	81–90
Sauquoit, N. Y	211–220
Sayre, Pa	191–200
Schnectady, N. Y	141–150
Schenevus, N. Y	161–170
Schoharie, N. Y	141–150
Schuylerville, N. Y	161–170
Scotia, N. Y	141–150
Seeley Creek, N. Y	221–225
Seward, N. Y	161–170
Sharon Springs, N. Y	161–170
Sheds Corners, N. Y	201–210
Sherburne, N. Y	181–190
Sherburne-4 Corners, N. Y	181–190
Sherrill, N. Y	221–225
Sidney, N. Y	151–160
Signac, N. J	1–10
Sinclairville, N. Y	371–375
Skaneateles, N. Y	226–230
Skaneateles Junction, N. Y	231–240
Skinners Eddy, Pa	151–160
Slate Hill, N. Y	51–60
Smithboro, N. Y	181–190
Smiths Basin, N. Y	181–190
Smithville Flats, N. Y	171–175
Smyrna, N. Y	191–200
Solsville, N. Y	211–220
Somerville, N. J	21–25
South Columbia, N. Y	191–200
South Dayton, Pa	361–370
South Glens Falls, N. Y	181–190
South Kortright, N. Y	141–150
South Montrose, Pa	141–150
South New Berlin, N. Y	171–175
South Waverly, Pa	191–200
Spencer, N. Y	191–200
Springdale, N. J	31–40
Spring Lake, N. J	41–50
Spring Mills, Pa	211–220
Spring Valley, N. Y	11–20
Springville, Pa	141–150
Starrucca, Pa	126–130
Steamburg, N. Y	341–350
Stephentown, N. Y	131–140
Stewart Station, N. Y	41–50
Stillwater, N. J	51–60
Stillwater, N. Y	161–170
Stuyvesant Falls, N. Y	101–110
Suffern, N. Y	11–20
Sugar Grove, Pa	371–375
Summit, N. J	1–10
Sussex, N. J	41–50
Syracuse, N. Y	231–240
Theresa, N. Y	301–310
Thompson, Pa	121–125
Three Bridges, N. J	31–40
Throop, N. Y	231–240
Ticonderoga, N. Y	226–230
Tioga, Pa	226–230
Toms River, N. J	51–60
Towanda, Pa	176–180
Tranquility, N. J	31–40
Trenton, N. J	41–50
Troy, N. Y	131–140
Troy, Pa	191–200
Trumansburg, N. Y	211–220
Truxton, N. Y	201–210
Tuckerton, Pa	101–110
Tully, N. Y	211–220
Tunkhannock, Pa	131–140
Tylerville, N. Y	281–290
Ulster, Pa	181–190
Unadilla, N. Y	161–170
Union, N. J	1–10
Union City, N. J	1–10
Union City, Pa	391–400
Unionville, N. Y	41–50
Upper Saddle River, N. J	11–20
Utica, N. Y	211–220
Vail, N. J	51–60
Van Hornesville, N. Y	181–190
Vergennes, Vt	251–260
Vernon, N. Y	226–230
Vernon Center, N. Y	226–230
Waddington, N. Y	341–350
Wadhams, N. Y	251–260
Wallace, N. Y	261–270
Walton, N. Y	141–150
Warwick, N. Y	41–50
Washington, N. J	41–50
Washingtonville, N. Y	41–50
Waterford, N. Y	141–150
Watertown, N. Y	281–290
Waterville, N. Y	211–220
Watervliet, N. Y	131–140
Watkins Glen, N. Y	211–220
Waverly, N. Y	191–200
Wayland, N. Y	276–280
Websters Crossing, N. Y	281–290
Weedsport, N. Y	241–250
Wellsboro, Pa	231–240
Wellsbridge, N. Y	161–170
Wellsburg, N. Y	201–210
Wellsville, N. Y	281–290
West Burlington, Pa	191–200
West Chazy, N. Y	301–310
West Coxsackie, N. Y	111–120
West Edmeston, N. Y	191–200
West Harpersfield, N. Y	141–150
West Lee, N. Y	231–240
West Leyden, N. Y	241–250
West Nyack, N. Y	11–20
West Pawlett, N. Y	191–200
West Valley, N. Y	351–360
West Warren, Pa	171–175
West Winfield, N. Y	191–200
Westfield, Pa	251–260
Westminster, Md	201–210
Westport, N. Y	251–260
Whallonsburg, N. Y	251–260
Whippany, N. J	11–20
Whitehall, N. Y	201–210
Whitehouse, N. J	31–40
Whitesboro, N. Y	211–220
Whitesville, N. Y	271–275
White Plains, N. Y	11–20
Whiting, Vt	231–240
Whitney Point, N. Y	171–175
Williamstown, N. Y	251–260
Willseyville, N. Y	191–200
Windham, N. Y	111–120
Windsor, N. Y	131–140
Winthrop, N. Y	341–350
Wolcott, N. Y	261–270
Woodbridge, N. J	1–10
Woods Corners, N. Y	181–190
Worcester, N. Y	161–170
Wyalusing, Pa	161–170
Wyckoff, N. J	11–20
Wysox, Pa	171–175
Youngs Crossing, N. Y	201–210
Youngsville, N. Y	101–110

Issued at New York, New York, this 3d day of July 1957.

[SEAL] C. J. BLANFORD,
Market Administrator.

[F. R. Doc. 57–5637; Filed, July 10, 1957; 8:52 a. m.]

[7 CFR Part 951]

TOKAY GRAPES GROWN IN CALIFORNIA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957–58 SEASON

Notice is hereby given that the Department is giving consideration to the following recommendations, submitted by the Industry Committee, established pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(a) That the Secretary of Agriculture find that expenses not to exceed $25,250.00 are likely to be incurred by said committee during the season beginning April 1, 1957, and ending March 31, 1958, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships grapes shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment at $0.006 per standard package, or the equivalent thereof in weight of Tokay grapes shipped by such handler during said season.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing such to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D. C., not later than the fifth day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

Dated: July 8, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57–5638; Filed, July 10, 1957; 8:52 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957, Supp. 165]

WOLVERINE INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JULY 2, 1957.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $333,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in Which Incorporated

Wolverine Insurance Company, Battle Creek, Michigan.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57–5625; Filed, July 10, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

JULY 2, 1957.

The notice of proposed withdrawal and reservation of lands Serial No. Sacramento 053883, for use in establishment

of an El Portal area administrative site in connection with Yosemite National Park, published in the FEDERAL REGISTER of Thursday, May 23, 1957, pages 3640–3641 (F. R. Doc. 57-4177), is corrected as follows:

The land description S½N½NE¼SE¼ section 16, T. 3 S., R. 20 E., M. D. M., should have read as S½N½NE¼SW¼ section 16, T. 3 S., R. 20 E., M. D. M.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-5608; Filed, July 10, 1957; 8:46 a. m.]

[W-040577]

WYOMING

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; AMENDMENT

JULY 5, 1957.

The notice of proposed withdrawal and reservation of lands published at page 7255 of the FEDERAL REGISTER issue for Saturday, September 22, 1956 (F. R. Doc. 56-7620) is hereby amended by deletion of the S½SE¼SE¼, Section 34, T. 54 N., R. 86 W., 6th P. M. and, in the same township, adding Section 33, S½SE¼SE¼.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 57-5607; Filed, July 10, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 15]

ORGANIZATION AND FUNCTIONS

CHANGE IN ADDRESS OF AIRPORT DISTRICT OFFICE

In accordance with the public information requirements of the Administrative Procedure Act, section 21 (b) of the Organization and Functions of the Civil Aeronautics Administration, as published on February 1, 1957, 22 F. R. 678, is hereby amended to include the following change in address:

Region 4, Airport District Office serving Southern California area, South of Fresno, from 5651 West Manchester Avenue, Los Angeles, California, to 8611 Crenshaw Boulevard, Inglewood 4, California.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 2, 1957.

[F. R. Doc. 57-5602; Filed, July 10, 1957; 8:45 a. m.]

Office of the Secretary

FOREIGN EXCESS PROPERTY OFFICER

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATIONS TO IMPORT FOREIGN EXCESS PROPERTY

1. Pursuant to section 404 (b) of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 399, 40 U. S. C. 514 (b), and pursuant to authority delegated to the Secretary of Commerce by the Secretary of State in § 308.15 of Foreign Liquidation Commissioner's Regulation 8, as amended (15 F. R. 845, 5930; 44 CFR 308.15), Howard E. Way, Business and Defense Services Administration, is hereby appointed Foreign Excess Property Officer and authorized to make such determinations as may be required under section 402 of said act, as amended (40 U. S. C. 512), in respect to applications to import foreign excess property filed under Foreign Excess Property Order No. 1, as amended August 23, 1950 (15 F. R. 5847; 44 CFR Part 401) (see also Foreign Excess Property Order No. 1, Supplement No. 1, 21 F. R. 7717). In making such determinations he shall employ the criteria prescribed by section 402 of said act (40 U. S. C. § 512), said Foreign Liquidation Commissioner's Regulation 8, as amended, and Foreign Excess Property Order No. 1, as amended.

2. Richard W. Burbank, Business and Defense Services Administration, is hereby appointed Deputy Foreign Excess Property Officer and may exercise the authority conferred upon the Foreign Excess Property Officer hereunder in the event of the absence of the Foreign Excess Property Officer or his inability to act.

3. The delegation to Howard E. Way and to Oscar T. Madsen as alternate to Howard E. Way dated March 16, 1954 (21 F. R. 6396) is revoked. Such revocation shall not affect any actions taken by Howard E. Way and Oscar T. Madsen under such delegations, the purpose of the present instrument being to designate Richard W. Burbank as Deputy Foreign Excess Property Officer and to terminate the appointment of Oscar T. Madsen as alternate Foreign Excess Property Officer.

This delegation shall take effect June 21, 1957.

Dated: July 8, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-5635; Filed, July 10, 1957; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGARCANE WAGES AND PRICES IN LOUISIANA

NOTICE OF HEARING ON AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et sec.), notice is hereby given that a public hearing will be held in Thibodaux, Louisiana in the City Hall auditorium, on August 7, 1957, beginning at 10 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the harvesting of the 1957 crop of sugarcane, and in the production and cultivation of sugarcane during the calendar year 1958, and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1957 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices. With respect to prices for sugarcane, while testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters:

1. The raw sugar and molasses pricing periods to be used as the basis for computing prices for 1957 sugarcane;

2. The costs of hoisting and weighing sugarcane to be borne by the processor, or that the processor be required to pay a stated amount per ton of sugarcane to producers to cover the costs of such services;

3. The amount of transportation allowances which the processor shall pay to producers for transporting sugarcane;

4. The price to be paid for salvage sugarcane.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

A. A. Greenwood, Ward S. Stevenson, William N. Garrott are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 5th day of July 1957.

[SEAL] LAWRENCE MYERS,
Director,
Sugar Division,
Commodity Stabilization Service.

[F. R. Doc. 57-5640; Filed, July 10, 1957; 8:52 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ORGANIZATION AND FUNCTIONS

MISCELLANEOUS AMENDMENTS

The description of the organization, functions, and procedures, etc. of the Food and Drug Administration as published in the FEDERAL REGISTER of September 5, 1956 (21 F. R. 6682) and amended 21 F. R. 7704 is amended in the following respects:

1. Section I, C. is revised to read as follows:

C. Field service. The field organization of the Food and Drug Administration consists of sixteen inspection districts. The district headquarters and inspection stations are as follows:

Atlanta District: Room 416, Federal Annex, Atlanta 3, Ga.

Inspection stations: U. S. Post Office and Courthouse Building, Charlotte 1, N. C. (P. O. Box 1516). U. S. Post Office and Customhouse Building, Jacksonville 1, Fla. (P. O. Box 4937). U. S. Appraiser's Stores, Tampa 1, Fla. (P. O. Box 1166).

Baltimore District: Room 800, U. S. Appraiser's Stores, 103 South Gay Street, Baltimore 2, Md.

Inspection stations: Federal Building, Charleston 23, W. Va. (P. O. Box 641). U. S. Post Office and Courthouse Building, Norfolk 10, Va. (P. O. Box 1222). Post Office and Courthouse Building, Roanoke 3, Va. (P. O. Box 437). Room S-127, South Agriculture Building, 12th and C Streets SW., Food and Drug Administration, Washington 25, D. C.

Boston District: Room 805, U. S. Appraiser's Stores Building, 408 Atlantic Avenue, Boston 10, Mass.

Inspection stations: U. S. Post Office Building, Hartford 1, Conn. (P. O. Box 396). Main Post Office Building, Providence 3, R. I.

Buffalo District: Room 415, Post Office Building, South Division and Ellicott Streets, Buffalo 3, N. Y.

Inspection stations: Post Office Building, Albany, N. Y. Old Post Office Building, Fourth and Smithfield Streets, Pittsburgh 19, Pa. Federal Building, Rochester, N. Y.

Chicago District: Room 1222, Post Office Building, Van Buren and Canal Streets, Chicago 7, Ill.

Inspection stations: Federal Building, Detroit 26, Mich. U. S. Appraiser's Stores Building, Milwaukee 2, Wis. (P. O. Box 850).

Cincinnati District: Room 501, U. S. Post Office and Courthouse Building, Cincinnati 2, Ohio.

Inspection stations: Federal Building, Louisville, Ky. New Post Office Building, Cleveland 13, Ohio. Old Post Office Building, Columbus 15, Ohio. State Board of Health Building, 1330 West Michigan Street, Indianapolis 7, Ind. U. S. Courthouse, Nashville 3, Tenn.

Denver District: Room 531, New Customhouse, Denver 2, Colo.

Inspection station: Federal Building, Salt Lake City 10, Utah.

Kansas City District: Room 323, U. S. Courthouse, Kansas City 6, Mo.

Inspection stations: Municipal Building, Oklahoma City, Okla. Federal Office Building, Omaha 2, Nebr.

Los Angeles District: Room 514, 1401 South Hope Street, Los Angeles 15, Calif.

Inspection stations: Pier A, Berth 5, Long Beach, Calif. Room 100-A, Ellis Building, Phoenix, Ariz.

Minneapolis District: Room 201, Federal Building, Washington and Third Avenue, South, Minneapolis 1, Minn.

Inspection station: Old Federal Building, Des Moines 9, Iowa.

New Orleans District: Room 224, Customhouse, 423 Canal Street, New Orleans 16, La.

Inspection stations: Post Office Building, Birmingham 1, Ala. (P. O. Box 1649). 1114 Commerce Street, Dallas 22, Tex. (P. O. Box 5449). Federal Office Building, Houston 14, Tex. (P. O. Box 4240).

New York District: Room 1200, 201 Varick Street, New York 14, N. Y.

Inspection station: Post Office Building, Newark 1, N. J. (P. O. Box 204).

Philadelphia District: Room 1204, Customhouse, Second and Chestnut Streets, Philadelphia 6, Pa.

Inspection station: Studebaker Building, Harrisburg, Pa. (P. O. Box 527).

St. Louis District: Room 1007, New Federal Building, 1114 Market Street, St. Louis 1, Mo.

Inspection stations: Post Office Building, Little Rock, Ark. (P. O. Box 1658). U. S. Customhouse, Memphis 1, Tenn. (P. O. Box 1161). Post Office Building, Peoria, Ill. (P. O. Box 217). Post Office Building, Springfield, Mo. (P. O. Box 267).

San Francisco District: Room 506, Federal Office Building, San Francisco 2, Calif.

Inspection station: Federal Office Building, Fresno, Calif. (P. O. Box 169).

Seattle District: Room 501, Federal Office Building, Seattle 4, Wash.

Inspection stations: U. S. Customhouse, Portland, Oreg. Federal Building, Spokane 8, Wash.

2. Section III, B, 8 is amended to read as follows:

8. Delegation regarding certification of insulin. The Director of the Bureau of Biological and Physical Sciences, the Director of the Division of Pharmacology, and the Chief and Acting Chief of the Insulin Branch of the Division of Pharmacology are authorized to exercise the functions and duties of the Commissioner under the regulations in this part insofar as such duties and functions involve the certification of batches of drugs containing insulin as contemplated by § 164.3 (a) or approval of the use of materials as contemplated by § 164.2 (j) and (k).

Dated: July 5, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-5620; Filed, July 10, 1957; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-22]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission issued July 3, 1957, a construction permit to Westinghouse Electric Corporation authorizing the construction of a 20 megawatt industrial testing reactor in Westmoreland County, Pennsylvania. The permit is essentially as set forth in the notice of proposed issuance published in the FEDERAL REGISTER on January 5, 1957, 22 F. R. 1952, except that the earliest completion date for the facility has been changed from July 1, 1957, to December 1, 1958, and the latest completion date has been changed from December 31, 1957, to July 1, 1959.

Dated at Washington, D. C., this 3d day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-5600; Filed, July 10, 1957; 8:45 a. m.]

[Docket No. 50-68]

GENERAL ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission (hereinafter "the Commission") proposes to issue, on Form AEC-250, the facility export license described below unless within 15 days after publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

1. Pursuant to section 104 (c) of the Atomic Energy Act of 1954, (hereinafter "the act") and 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and findings by the Commission that (a) the reactor proposed to be exported is a utilization facility; (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Government of Spain, and (c) the issuance of an export permit to the General Electric Company will not be inimical to the common defense and security and to the health and safety of the public, the Commission will issue a license to General Electric Company, 150 East 42d Street, New York 17, New York, for the export of a 3000-kilowatt pool-type research reactor described in the Company's license application filed May 22, 1957. The reactor is to be exported to the Junta De Energia Nuclear Serrano, 121 Madrid, Spain, a Department of the Spanish Ministry of Industry.

2. The license will be subject to the following conditions:

(a) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the act.

(b) The license will be subject to the right of recapture or control reserved by section 108 of the act and to all other provisions of the act, now or hereafter in effect, and to all rules and regulations of the Commission.

(c) The license will be effective as of the date of issuance thereof and shall expire on December 31, 1958, unless sooner terminated.

Dated at Washington, D. C., this 5th day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-5601; Filed, July 10, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11588, etc.; FCC 57M-649]

JOSEPH M. RIPLEY, INC., ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Joseph M. Ripley, Inc., Jacksonville, Florida, Docket No. 11588, File No. BP-9788; Robert Hecksher, Jacksonville, Florida, Docket No. 11777, File No. BP-10255; Dan Richardson, Orange Park, Florida, Docket No. 11999, File No. BP-10697; for construction permits.

Pursuant to the prehearing conferences held July 2 and July 3, 1957, in the above-entitled proceeding: *It is ordered,* This 3d day of July 1957, that an

exchange of engineering exhibits will be accomplished by September 3, 1957, and that a further prehearing conference is scheduled for September 10, 1957, in the offices of the Commission, Washington, D. C., at 10:00 o'clock a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5627; Filed, July 10, 1957; 8:50 a. m.]

[Docket No. 12016; FCC 57M-650]

JAY SADOW

ORDER CONTINUING HEARING

In re application of Jay Sadow, Rossville, Georgia, Docket No. 12016, File No. BP-10827; for construction permit.

Pursuant to a prehearing conference with counsel held this date in the above-entitled proceeding: *It is ordered*, This 3d day of July 1957, that a further prehearing conference will be held in the offices of the Commission in Washington, D. C., on July 31, 1957, at 10:00 o'clock a. m., and the hearing now scheduled for July 15, 1957, is continued to a date to be hereinafter determined.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5628; Filed, July 10, 1957; 8:50 a. m.]

[Docket No. 11835; FCC 57-719]

TOWN AND COUNTRY RADIO, INC.

ORDER AMENDING ISSUES

In re application of Town and Country Radio, Inc., Rockford, Illinois, Docket No. 11835, File No. BP-10484; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 3d day of July 1957;

The Commission having under consideration a petition filed by Plough Broadcasting Co. Inc., licensee of Station WJJD on February 11, 1957 and a supplement thereto filed February 19, 1957, requesting a reopening of the record and enlargement of issues to include a determination of the financial qualifications of Town and Country Radio, Inc., to construct and operate the station proposed; Oppositions filed by the above-entitled applicant on February 27, 1957 and by the Broadcast Bureau on March 1, 1957; and a Reply to the oppositions filed by the Petitioner on March 6, 1957;

It appearing that a review of the petition under consideration shows the basis for petitioner's request as being the allegations that applicant had not taken into consideration the cost of detuning electric power poles adjacent to the proposed transmitter site and the cost of leasing the transmitter site until a construction permit is granted for the proposed station; that as a result the applicant would not have available sufficient funds to defray the cost of construction and for operation during the initial period; and that the legal obligation of WPEO, Inc., a 60 percent stockholder of the applicant, to purchase an additional $7,500 worth of applicant's stock does not change the financial picture because WPEO, Inc., does not appear to be financially able to meet its stock subscription;

It further appearing that the financial data before the Commission relative to WPEO, Inc. indicates that WPEO does not have the funds with which to fulfill its commitment to the applicant and this fact becomes significant in the light of alleged increased cost of construction and therefore an enlargement of the issues appears appropriate;

It is therefore ordered, That the petition to reopen the record and enlarge the issues, filed by Plough Broadcasting Co. Inc., is granted, and the issues in this proceeding are enlarged to include the following:

To determine the financial qualifications of Town and Country Radio, Inc. to construct and operate the station proposed in the above-entitled application.

Released: July 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5629; Filed, July 10, 1957; 8:50 a. m.]

[Docket No. 12079 etc.; FCC 57-720]

JACK A. BURNETT ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Jack A. Burnett, Ogden, Utah, Docket No. 12079, File No. BPCT-2255; United Telecasting and Radio Company, Ogden, Utah, Docket No. 12080, File No. BPCT-2270; Granite District Radio Broadcasting Company, Ogden, Utah, Docket No. 12081, File No. BPCT-2274; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 3d day of July 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9 in Ogden, Utah; and

It appearing that the above-captioned applications are mutually exclusive in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing, and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that Jack A. Burnett and United Telecasting and Radio Company, have each requested immediate grants of their respective applications without hearing; and that such action is not possible under section 309 (b) of the Communications Act of 1934, as amended, in view of the mutually exclusive nature of the applications; and

It further appearing that upon due consideration of the above-captioned applications, the amendments filed thereto and the replies to the above letters, the Commission finds that Granite District Radio Broadcasting Company is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Jack A. Burnett is legally, technically and otherwise qualified to construct, own and operate the proposed television broadcast station except with respect to issue "1" below; and that United Telecasting and Radio Company is legally, technically and otherwise qualified to construct, own and operate the proposed television broadcast station except with respect to issue "2" below;

It is ordered, That the requests of Jack A. Burnett and United Telecasting and Radio Company, for immediate grants without hearing of their applications, are denied;

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Jack A. Burnett, Granite District Radio Broadcasting Company and United Telecasting and Radio Company are designated for hearing in a consolidated proceding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether Jack A. Burnett is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether United Telecasting and Radio Company is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television station.

c. The programming service proposed in each of the above-captioned applications.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Jack A. Burnett, Granite District Radio Broadcasting Company and United Telecasting and Radio Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 8, 1957.

By direction of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5630; Filed, July 10, 1957; 8:50 a. m.]

[Docket Nos. 12082, 12083; FCC 57-722]

OBION COUNTY BROADCASTING CO. (WTUC) AND JEFFERSON BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Joe H. Harpole and William H. Parks d/b as Obion County Broadcasting Company (WTUC), Union City, Tennessee, Docket No. 12082, File No. BP-10875; Jefferson Broadcasting Co., Inc., Louisville, Kentucky, Docket No. 12083, File No. BP-10924; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of July 1957;

The Commission having under consideration the above-captioned applications of Joe H. Harpole and William H. Parks d/b as Obion County Broadcasting Company for a construction permit to change the facilities of Station WTUC, Union City, Tennessee, from operation on 1580 kilocycles with a power of 250 watts, daytime only, to operation on 620 kilocycles with a power of 500 watts, daytime only; and of the Jefferson Broadcasting Co., Inc., for a construction permit for a new standard broadcast station to operate on 620 kilocycles with a power of 500 watts, directional antenna, daytime only, at Louisville, Kentucky;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the stations as proposed, but that the operation of both stations as proposed would result in mutual interference; that insufficient data have been submitted to determine whether the interference which the Jefferson Broadcasting Co., Inc., would receive from the proposal of the Obion County Broadcasting Company, combined with the interference which it indicates it would receive from Station WATE, Knoxville, Tennessee (620 kc, 5 kw, DA-2, U), would affect more than 10 percent of the population in its proposed normally protected primary service area in contravention of § 3.28 (c) of the Commission's rules; that the proposed operation of the Obion County Broadcasting Company would cause objectionable interference to Stations WREC, Memphis, Tennessee (600 kc, 5 kw, DA-2, U) and KXOK, St. Louis, Missouri (630 kc, 5 kw, DA-2, U); that insufficient data have been submitted to determine whether the interference which would be received by the Obion County Broadcasting Company from Station KXOK, from Station WJDX, Jackson, Tennessee (620 kc, 1 kw, 5 kw-LS, DA-N, U), and from the proposed operation of the Jefferson Broadcasting Co., Inc., would affect more than 10 percent of the population in the proposed normally protected primary service area in contravention of § 3.28 (c) of the Commission's rules; and that the antenna system proposed by the Obion County Broadcasting Company would not meet the minimum efficiency requirements of § 3.189 of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated March 25, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that each applicant filed a timely reply to the Commission's letter; and

It further appearing that the licensee of Station KXOK expressed an intention of participating in a hearing on the application of the Obion County Broadcasting Company, by letter of April 8, 1957; and

It further appearing that the licensee of Station WREC requested that the application of the Obion County Broadcasting Company be designated for hearing, by letter of April 25, 1957; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WTUC as proposed and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from the proposed operation of the Jefferson Broadcasting Co., Inc., and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of the Obion County Broadcasting Company would cause objectionable interference to Stations WREC, Memphis, Tennessee and KXOK, St. Louis, Missouri, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether, because of interference which would be received from Stations KXOK, St. Louis, Missouri, and WJDX, Jackson, Tennessee, and from the proposed operation of the Jefferson Broadcasting Co., Inc., the operation of Station WTUC as proposed by the Obion County Broadcasting Company would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

5. To determine whether, because of interference which would be received from Station WATE, Knoxville, Tennessee, and from the operation of Station WTUC as proposed by the Obion County Broadcasting Company, the proposed operation of the Jefferson Broadcasting Co., Inc., would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

6. To determine whether the installation and operation of the proposal of the Obion County Broadcasting Company would be in compliance with § 3.189 of the Commission's rules with particular reference to the efficiency of the proposed antenna system.

7. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the above-captioned applications should be granted.

It is further ordered, That Hoyt B. Wooten tr/as WREC Broadcasting Service and KXOK Broadcasting, Inc., licensees of Stations WREC and KXOK, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, in the event of a grant of the application of the Obion County Broadcasting Company, the construction permit shall contain the following condition:

Permittee shall assume responsibility for the installation of suitable filter circuits to prevent second harmonic interference to Station WENK, Union City, Tennessee.

It is further ordered, That, in the event of a grant of the application of the Jefferson Broadcasting Co., Inc., the construction permit shall contain the following condition:

Permittee shall assume responsibility for the installation of suitable filter circuits to prevent second harmonic interference to Station WINN, Louisville, Kentucky.

Released: July 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5631; Filed, July 10, 1957; 8:51 a. m.]

[Docket No. 12084 etc.; FCC 57-726]

HERBERT MUSCHEL ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Herbert Muschel, New York, N. Y., Docket No. 12084, File No. BPH-2184; Richard W. Brahm d/b as Independent Broadcasting Co., New York, N. Y., Docket No. 12085, File No. BPH-2192; New Broadcasting Company, Inc., New York, N. Y., Docket No. 12086, File No. BPH-2194; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of July 1957;

The Commission having under consideration the above-captioned applications of Herbert Muschel, Richard W. Brahm d/b as Independent Broadcasting Co., and the New Broadcasting Company, Inc., each for a construction permit for a new Class B FM broadcast station to operate on 107.5 megacycles (Channel No. 298) in New York, N. Y.;

It appearing that all the applicants are legally, technically, financially, and otherwise qualified to operate their proposed stations, but that the operation of all three proposals would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 14, 1957, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary; and

It further appearing that the facilities proposed by Herbert Muschel would provide a service area in excess of that permitted by § 3.204 of the Commission's rules;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would best serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, in the event of a grant of the application of Herbert Muschel, the construction permit shall limit the effective radiated power to 12 kilowatts.

Released: July 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-5632; Filed, July 10, 1957; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6761]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JULY 5, 1957.

Take notice that on June 28, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northwestern Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska, with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of a new series of First Mortgage Bonds not to exceed $1,500,000 in principal amount. The securities proposed to be issued are under the Trust Indenture of Northeastern Public Service Company to The Chase Manhattan Bank dated August 1, 1940, as supplemented and amended by certain indentures supplemental thereto. The proposed issue will be under a new Supplemental Indenture. On June 6, 1957, Applicant filed an application for exemption from the competitive bidding requirements of § 34.1a of the Commission's regulations under the Federal Power Act with respect to the proposed sale of not to exceed $1,500,000 in principal amount of First Mortgage Bonds and requested authorization pursuant to § 34.2 (k) (2) (ii) of those regulations to engage in negotiations for the private placement of the proposed Bonds. The subject application states that the results of the authorized negotiations will be supplied by amendment. The proceeds from the proposed sale of the Bonds are to be used for the retirement of $1,500,000 of Promissory Notes now outstanding and maturing October 21, 1957.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the day of July 29, 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-5609; Filed, July 10, 1957; 8:47 a. m.]

[Docket No. G-3123]

NATURAL GAS PIPELINE COMPANY OF AMERICA

ORDER FIXING DATE FOR ORAL ARGUMENT

JULY 5, 1957.

The presiding examiner on May 24, 1957, filed and served on all the parties his decision in this proceeding as well as certifying the record herein to the Commission.

Thereafter exceptions to the decision were filed by Natural Gas Pipeline Company of America (Natural). Additionally, Natural filed a motion requesting oral argument before the Commission.

It appears reasonable and appropriate in the public interest that oral argument be had in this proceeding concerning the matters involved and issues presented by the exceptions of Natural to the decision of the presiding examiner.

The Commission orders:

(A) Oral argument be had before the Commission on July 30, 1957, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the said exceptions to the decision of the presiding examiner.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before July 22, 1957, of such intention and of the time requested for presentation of such argument.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-5610; Filed, July 10, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1525]

MON-O-CO OIL CORP.

NOTICE OF AND ORDER FOR HEARING

JULY 3, 1957.

Mon-O-Co Oil Corporation (Mon-O-Co), a Montana corporation, 504½ North 29th Street, Billings, Montana, filed with the Commission on March 6, 1957, a notification on Form 1-A and an offering circular relating to an offering of 4,000 shares of its no par Class A common stock and 96,000 shares of its no par Class B common stock in units of 1 share of Class A and 24 shares of Class B at $75.00 per unit, in cash, and also 14,474 shares of its no par Class A common stock and 347,376 shares of its no par Class B common stock for properties, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and regulation A promulgated thereunder.

The Commission on May 13, 1957, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and denying Mon-O-Co's request for withdrawal of its notification without prejudice and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for a hearing was received by the Commission from counsel for Mon-O-Co. Counsel for Mon-O-Co has advised that a hearing in September is satisfactory.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption and whether to deny with prejudice Mon-O-Co's request for withdrawal of its notification or to consent to the withdrawal of the notification,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on September 3, 1957, at 10:00 a. m. at the Seattle Regional Office of the Commission, 304-905 Second Avenue Building, Seattle 4, Washington, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented to these proceedings:

A. Whether no exemption is available under Regulation A for the securities purported to be offered by the issuer by the notification and offering circular filed on March 6, 1957 since the proposed offering of Class A and Class B common stock to the public and the simultaneous offering of Class A and Class B common stock for properties exceeds the maximum amount of $300,000 permitted under Regulation A.

B. Whether the terms and conditions of Regulation A have not been met in that:

1. The issuer mailed a communication to stockholders which had not been filed as required by Rule 258 of Regulation A and such communication was false and misleading in material respects.

2. The issuer failed to disclose as required by Item 9 of the notification information concerning the sale of the issuer since December 31, 1956 of 20,800 shares of its Class B common stock, the persons to whom the shares were issued, and the exemption from the requirements of the Securities Act of 1933, as amended, upon which the issuer relied in issuing such shares.

C. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to set forth the full name and complete residence address of each director and officer, the direct and indirect interests (by security holdings or otherwise) in the issuer of each such person and any person controlling the issuer, and the aggregate annual remuneration of all directors and officers and of each of the three highest paid officers of the issuer.

2. The failure to disclose adequately in the offering circular the terms, dates and forfeiture provisions of the leases held by the company and of the working agreements under which the issuer proposes to conduct its operations.

3. The failure to include a reasonably itemized statement of the purposes for which the proceeds of the offering will be used and the order of priority in which the proceeds will be used.

4. The failure to include profit and loss statements and analyses of surplus for the last two fiscal years.

5. The failure to include adequate total charges for depletion and depreciation in the balance sheets, since more than 1 percent of the oil reserves net to issuer's interest has been produced.

6. The failure to describe adequately under the heading "Capitalization" the recapitalization by the company after December 31, 1957.

7. The failure to include sufficient factual basis to support the information on pages 11 and 12 with respect to the possibility of establishing production in the Silurian formation.

8. The failure to state on page 12 in connection with the discussion of the four wells completed to date in the Fertile Valley Prairie Field that on the basis of present production there appears to be no reasonable basis for the return of the issuer's investment therein.

9. The failure to state in Column 5 of the table on page 8 that the percentage of working interests represent percentage of gross production in each instance; and that the net interest of 41¼ percent in the Barrett Farmout is in the lease and the net interest of 41¼ percent in the Ferguson-Farmout is the net interest in gross production.

10. The failure to include on page 13 information regarding the net production of the interest of the issuer, the Washington group and the Oregon group, for each well which has been productive.

11. The failure to give adequate consideration to the past production history of the various wells in connection with the information on pages 15 to 17 pertaining to reserves per acre, or in 80-acre units in this area, which is based solely on core anaylses and electric log interpretations of thickness.

12. The failure to include material factors concerning the geological formations or the reservoir conditions with respect to the information concerning geology set forth on pages 17 and 18.

13. The statement on page 10 of the offering circular concerning Wyoming Mush Creek Field that there was "an initial $25,000 in cash to be paid as an oil payment" • • • which "has been reduced to $5,000." is misleading in designating the amount of $25,000 as cash; and in failing to disclose that (a) the amount of $25,000 was not reduced to $5,000 by receipts from production but was reduced arbitrarily, (b) the percentage of the gross production from which the $5,000 oil payment is to be retired; and (c) the amount of moneys which have accrued to the issuer from the oil payments and the 2 percent royalty held by the company on this property.

14. The statement on page 12 concerning acreage neighboring the leases held by the company having sold for $50 per acre prior to the starting of the first well by the company is misleading in failing to disclose that the acreage values in that area at this time are substantially less.

15. The statement regarding the McAlester NP-1A well producing oil at the rate of 212 barrels per day is misleading in that the reported production for this well is 25 to 50 barrels per day.

16. The statement on pages 12 and 13 concerning Monoco-Ajax #1 Ferguson well having 79 feet of porosity with productive possibilities and that this has no bearings on possibilities of production in offset locations, despite the well having been abandoned, is misleading since electric log determinations of thickness of sections having some porosity are not conclusive evidence that such sections will yield commercial quantities of oil.

17. The statement near the top of page 15 to the effect that the 70,000 barrels of oil produced to date is not indicative of the field's daily production because of needed reworking is misleading without disclosing that there is no certainty that production will ever be more than temporarily increased through reworking of such wells.

18. The statement on page 19 and the accompanying maps on the following page concerning seismograph work is misleading in failing to disclose the results of such survey and in failing to state in the text that no geologic structural trap was found.

19. The statement on page 11 in connection with the discussion regarding the initial production of 495 barrels based on a 5-hour test in the Ferguson Golding well is misleading with disclosure that such production was probably greater than the actual production on a 24-hour basis test would have been.

D. Whether the use of the offering circular would operate as a fraud and deceit upon the purchaser.

E. Whether the order dated May 13, 1957, suspending the exemption under Regulation A with respect to Mon-O-Co should be vacated or made permanent.

F. Whether Mon-O-Co's request for withdrawal of its notification should be denied with prejudice or whether the Commission should consent to the withdrawal of all the securities from the notification,

It is further ordered, That Mr. William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Mon-O-Co Oil Corporation, 504½ North 29th Street, Billings, Montana, and on Brown, Sande, Symmes & Forbes, First National Bank Building, Billings, Montana, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before August 30, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5611; Filed, July 10, 1957; 8:47 a. m.]

[File No. 70-3582]

CONSOLIDATED NATURAL GAS CO. ET AL

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

JULY 3, 1957.

In the matter of Consolidated Natural Gas Company, The East Ohio Gas Company, Hope Natural Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, The River Gas Company; File No. 70-3582.

The Commission, by order dated May 20, 1957 (Holding Company Act Release No. 13476), having granted and permitted to become effective a joint application-declaration, as amended, filed by Consolidated Natural Gas Company, a registered holding company, and its subsidiaries, the East Ohio Gas Company, Hope Natural Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, and The River Gas Company, pursuant to sections 6 (b), 7, 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-43, U-45 and U-50 thereunder, with respect to, among other things, the issuance and sale of $25,000,000 of debentures at competitive bidding, bank borrowings and extension of bank loan, open-account advances and the issuance by subsidiaries of short-term and long-term notes and the acquisition thereof by the parent company; and the record then being incomplete with respect to the legal, engineering and accounting fees and expenses to be paid in connection with the several transactions and the Commission having reserved jurisdiction in respect thereof; and

The record having now been completed in respect of such fees and expenses which are as follows:

	Fee	Expenses
Cahill Gordon, Reindel & Ohl, counsel to the independent underwriters	$8,000	$250
Price, Waterhouse & Co., accountants	4,000	----------
Ralph E. Davis, engineer consultant	10,000	----------
Legal fee to counsel for indenture trustee	3,000	----------
Total	25,000	250

The Commission having considered the data, submitted in support of the above fees and expenses and having determined that they are not unreasonable if they do not exceed the amounts set forth above, and the Commission having concluded that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved in respect of the legal, engineering and accounting fees and expenses in the above-entitled proceeding be, and the same hereby is, released.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5612; Filed, July 10, 1957; 8:47 a. m.]

[File No. 70-3603]

COLUMBIA GAS SYSTEM, INC. AND PRESTON OIL CO.

NOTICE OF PROPOSED ADVANCES BY HOLDING COMPANY TO NON-UTILITY SUBSIDIARY EVIDENCED BY PROMISSORY NOTES

JULY 5, 1957.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary The Preston Oil Company ("Preston") have filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 and 10 thereof as applicable to the proposed transaction, which is summarized as follows:

Preston is principally engaged in the production and sale of oil working in collaboration with Columbia's subsidiary gas companies. In addition, Preston sells natural gas recovered in connection with its oil operations. Its 1957 construction program will involve expenditures of approximately $1,364,600, requiring $800,000 of new capital in addition to cash generated from internal sources. Columbia proposes to supply such new capital, to be evidenced by Preston's Installment Promissory Notes.

The Notes will be unsecured and will be dated as issued. The principal amounts will be due in 25 equal annual installments on February 15 of each of the years 1959 to 1983 inclusive. Interest will be paid semiannually on February 15 and August 15 on the unpaid principal amounts, at the rate of 5.5 percent per annum (being the approximate cost of money to Columbia in connection with its last sale of debentures).

It is stated that no other regulatory commission has jurisdiction over the proposed transaction.

The expenses to be incurred in the matter are estimated at $150 for Columbia and $150 for Preston.

Notice is further given that any interested person may, not later than July 24, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5613; Filed, July 10, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CREDITANSTALT-BANKVEREIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Creditanstalt-Bankverein, Vienna, Austria; Claim Nos. 63396 and 63397; Vesting Order No. 7892; $234.72 in the Treasury of the United States.

Executed at Washington, D. C., on July 3, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-5622; Filed, July 10, 1957; 8:49 a. m.]

F. T. H. M. AND T. Z. J. M. MEIJER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Miss F. T. H. M. Meijer, Kromme Elleboog 10 A, Haren, The Netherlands; Claim No. 61501; Vesting Order Nos. 17915 and 17840; 6387.82 in the Treasury of the United States. Securities presently registered in the name of the Attorney General of the United States and in the custody of the Federal Reserve Bank of New York, as follows: Ten (10) shares Keta Gas & Oil Corporation, common stock, par value $0.10 per share. Seven (7) shares Swan Finch Oil Corporation, common stock, par value $5.00 per share.

Miss T. Z. J. M. Meijer, Kromme Elleboog 10A, Haren, The Netherlands; Claim No. 61502; Vesting Order No. 17915; $125.00 in the Treasury of the United States. Securities presently registered in the name of the attorney General of the United States and in the custody of the Federal Reserve Bank of New York, as follows: Ten (10) shares Keta Gas & Oil Corporation, common stock, par value $0.10 per share. Seven (7) shares Swan Finch Oil Corporation, common stock, par value $5.00 per share.

Executed at Washington, D. C., on July 3, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-5623; Filed, July 10, 1957; 8:49 a. m.]

ANNELIESE NEPPEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anneliese Neppel, Graz, Austria; Claim No. 61119; Vesting Order No. 9538; $342.14 in the Treasury of the United States.

Executed at Washington, D. C., on July 3, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-5624; Filed, July 10, 1957; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 147, Amdt. 2]

TEXAS

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 147, dated June 5, 1957, for the State of Texas, is hereby amended as follows:

By including in paragraph 1 thereof the Counties of Jefferson and Orange (Hurricane Audrey and tidal waves occurring on or about June 27 and June 28).

Office: Small Business Administration Branch Office, Federal Office Building, Room 404, Fannin and Franklin Streets, Houston 14, Texas.

Dated: June 28, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-5615; Filed, July 10, 1957; 8:48 a. m.]

[Declaration of Disaster Area 150, Amdt. 1]

MINNESOTA

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 150, dated June 17, 1957, for the State of Minnesota, is hereby amended as follows:

By including in paragraph 1 thereof the County of Wright (floods beginning on or about June 25, 1957).

Dated: June 26, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-5614; Filed, July 10, 1957; 8:48 a. m.]

[Declaration of Disaster Area 150, Amdt. 2]

MINNESOTA

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 150, dated June 17, 1957, for the State of Minnesota, is hereby amended as follows:

By including in paragraph 1 thereof the Counties of Hennepin and Ramsey (floods beginning on or about June 28).

Dated: June 28, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-5616; Filed, July 10, 1957; 8:48 a. m.]

[Declaration of Disaster Area 157]

MICHIGAN

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Michigan;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Ionia (tornadic winds occurring about June 18).

Office: Small Business Administration Regional Office, U. S. Post Office and Courthouse, Rooms 618, 620, 622, 211 West Congress Street, Detroit 26, Mich.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1957.

Dated: June 28, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-5617; Filed, July 10, 1957; 8:48 a. m.]

[Declaration of Disaster Area 158]

LOUISIANA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a

result of the catastrophe hereinafter referred to:

Counties: Cameron, Calcasieu, Jefferson Davis, Beauregard, Allen, Evangeline, Vernon, Rapides, and St. Landry (Hurricane Audrey and tidal waves occurring on or about June 27 and June 28).

Offices: Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Tex.; Small Business Administration Branch Office, Masonic Temple Building, Room 708, 333 St. Charles Street, New Orleans 12, La.

2. A special field office to receive such applications has been established at the Gulf National Bank Building, Lake Charles, Louisiana.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1957.

Dated: June 28, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5618; Filed, July 10, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 8, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33977: *Pig iron—Jackson, Ohio, and Keokuk, Iowa, to Detroit, Mich.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on pig iron, carloads, from Jackson, Ohio, and Keokuk, Iowa, to Detroit, Mich.

Grounds for relief: Market competition and circuitous routes.

Tariffs: Supplement 10 to Baltimore and Ohio Railroad Company ICC 24012 and 3 other tariffs.

FSA No. 33978: *Lumber from Georgia points to Florida peninsula points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber, native wood, Canadian wood or Mexican pine, rough or dressed, carloads, of varying minimum weights, from Columbus, Fort Valley, and Macon, Ga., and points grouped therewith, to base points in the Florida peninsula, and points grouped therewith as taking same rates.

Grounds for relief: Circuitous routes.

Tariff: Supplement 172 to Agent C. A. Spaninger's ICC 1293.

FSA No. 33979: *Clay from and to points in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads, from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina, to specified points in Mississippi, Tennessee, and Virginia.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 74 to Agent C. A. Spaninger's ICC 1491.

FSA No. 33980: *Cement and mortar—Southern points to Florida points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on masonry cement, mortar cement, or dry building mortar, straight or mixed carloads, from specified points in Alabama, Georgia, Louisiana, South Carolina and Tennessee, to Fort Lauderdale, Homestead, Jacksonville, Miami, South Jacksonville, and West Palm Beach, Fla.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 94 to Agent C. A. Spaninger's ICC 1447.

FSA No. 33981: *Mica from La Grange, Ga., to Fort Worth, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on mica, crude, scrap or waste, carloads, from La Grange, Ga., to Forth Worth, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 90 to Agent Kratzmeir's ICC 4204.

FSA No. 33982: *Paper and paper articles from Birmingham, Ala., to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, carloads, from Birmingham, Ala., to Houston, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 46 to Agent Kratzmeir's ICC 4198.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-5626; Filed, July 10, 1957; 8:50 a. m.]

PART I

FEDERAL REGISTER

VOLUME 22 NUMBER 134

Washington, Friday, July 12, 1957

MAIN READING ROOM

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6482]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CHICAGO BOARD CO. ET AL.

Subpart—*Using, selling, or supplying lottery devices:* § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, R. B. James and Patrick Zurla trading as Chicago Board Company, Chicago, Ill., Docket 6482, June 4, 1957]

In the Matter of R. B. James and Patrick Zurla, Individuals and Co-partners, Trading as Chicago Board Company

ing examiner on the complaint of the Commission charging two co-partners in Chicago with selling and distributing in commerce devices designed and intended to be used in the sale and distribution of merchandise to the public by means of games of chance.

Following hearings in due course and submission by counsel of proposed findings and conclusions, the hearing examiner made his initial decision and order to cease and desist from which respondents appealed. On review the Commission denied the appeal and on June 4 adopted as its own the findings, conclusions, and order of the hearing examiner.

The order to cease and desist is as follows:

It is ordered, That respondents R. (Ruby) B. James and Patrick Zurla, individuals and co-partners, trading as Chicago Board Company or under any other trade name or names, their representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, pushcards, punchboards, or other devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

By "Final Order", report of compliance was required as follows:

It is ordered, That the respondents, R. B. James and Patrick Zurla, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: June 4, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5657; Filed, July 11, 1957; 8:48 a. m.]

[Docket 6634]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

C. H. STUART & CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service;* § 18.175 *Quality of product or service;* § 13.195 *Safety;* § 13.260 *Terms and conditions.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1535 *Qualifications:* [*Misrepresenting oneself and goods*]—Goods: § 13.1595 *Condition of goods;* § 13.1660 *Individual attention;* § 13.1710 *Qualities or properties;* § 13.1725 *Refunds.* Subpart—*Securing orders falsely, misleadingly or improperly:* § 13.2170 *Securing orders falsely, misleadingly or improperly.*

(Continued on p. 4901)

This issue is divided into two parts. Part II contains a revision of Part 609 of Title 14, Chapter II, of the Code of Federal Regulations, as of February 16, 1957.

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FEDERAL REGISTER

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(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, C. H. Stuart & Co., Inc., et al., Newark, N. Y., Docket 6634, June 7, 1957]

In the Matter of C. H. Stuart & Co., Inc., a Corporation, and Charles W. Stuart, Leslie J. Engleson, T. Spencer Knight, Ernest E. Severson, Paul D. Newton, Lyman K. Stuart, Marshall E. Livingston, and William H. Newton, Individually and as Officers of Said Corporation; and C. W. Stuart & Co., a Corporation, and Bernald C. Bush, Maynard E. Durei, Leslie J. Engleson, Lyman K. Stuart, Jr., Leslie P. Akenhead, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and Arthur N. Christy, Individually and as Officers of Said Corporation; and William C. Moore & Co., a Corporation, and John B. Keane, Michael J. O'Neill, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, Individually and as Officers of said Corporation, and Quaker Hill, Incorporated, a Corporation, and Earl F. Milligan, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, Individually and as Officers of said Corporation, and Empire Nursery Products Co., Inc., a corporation, and Henry F. Robbins, Robert H. Hamilton, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, Individually and as Officers of Said Corporation, and Quaker Hill, Incorporated, a Corporation, and Earl F. Milligan, Paul D. Newton, Lyman K. Stuart, Marshall E. Livingston, and William H. Newton, Individually and as Officers of Said Corporation; and Knight & Bostwick, a Corporation, and Richard G. Vickery, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, Individually and as Officers of Said Corporation, and Empire Nursery Products Co., Inc., a Corporation, and Henry F. Robbins, Robert H. Hamilton, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging six affiliated companies, with offices at the same address in Newark, N. Y., with representing falsely the plant-growing qualities of their chemical fertilizer "Gold Medal Plant Food"; representing their door-to-door salesmen falsely as qualified professional horticulturalists qualified to prepare expert landscaping plans and furnishing continuing service to customers; and variously misrepresenting the terms and conditions of purchases, and the size, hardiness, quality, etc., of their nursery stock.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents C. H. Stuart & Co., Inc., a corporation, and Charles W. Stuart, Leslie J. Engleson, T. Spencer Knight, Ernest E. Severson, Paul D. Newton, Lyman K. Stuart, Marshall E. Livingston, and William H. Newton, individually and as officers of said corporation, and C. W. Stuart & Co., a corporation, and Bernald C. Bush, Maynard E. Durei, Leslie J. Engleson, Lyman K. Stuart, Jr., Leslie P. Akenhead, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and Arthur N. Christy, individually and as officers of said corporation, and William C. Moore & Co., a corporation, and John B. Keane, Michael J. O'Neill, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, individually and as officers of said corporation, and Quaker Hill, Incorporated, a corporation, and Earl F. Milligan, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, individually and as officers of said corporation, and Knight & Bostwick, a corporation, and Richard G. Vickery, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, individually and as officers of said corporation, and Empire Nursery Products Co., Inc., a corporation, and Henry F. Robbins, Robert H. Hamilton, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, individually and as officers of said corporation, respondents herein, and respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of nursery stock, fertilizer, or planting material in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or indirectly by representation, depiction or otherwise, that:

(a) Application of a chemical fertilizer designated "Gold Medal Plant Food", or any other product containing substantially the same ingredients or possessing substantially the same properties, will prevent plants from becoming stunted or from shriveling or dying under any circumstances, or due to any conditions other than when such are caused by a lack of fertilizer;

(b) The dipping of plants into a liquid solution of such fertilizer will assure growth or will bring about an immediate or marked increase in rate of growth;

(c) The use of such fertilizer will never result in burning to plant life;

(d) Their salesmen are qualified to render professional or expert landscaping or horticultural advice or service, when such is not the fact;

(e) The planting sketches prepared by their salesmen are professional or expert landscaping plans designed to conform to the physical features of the prospect's particular tract of land or that the landscaping effect produced therefrom will be individually distinctive;

(f) Their salesmen will furnish continuing or future guidance, advice, service or assistance to purchasers in following the planting sketch or in planting or caring for the nursery stock ordered from respondents, when such is not the fact;

(g) The nursery stock ordered from respondents will be received by the prospect during the planting season, unless such is the fact;

(h) The nursery stock will be received by the customer during desirable planting weather, unless such shipment is actually scheduled on the basis of United States Weather Bureau predictions;

(i) The nursery stock received by the customer which fails to grow or bloom will be replaced without expense to the customer;

(j) The customer's order may be canceled without cost to the customer;

(k) The price of the nursery stock sold by respondents is lower or no more than that charged by local nurserymen, when such is not the fact;

(2) Allowing their salesmen to utilize any literature, instruments or other materials, placed in their hands by respondents, in such manner as to pass themselves off as experts or professionals in landscaping or horticulture;

(3) Misrepresenting, directly or indirectly, the size, condition, physical characteristics, hardiness, appearance, quality, blooming, fruiting, or growth habits of the nursery stock sold by respondents.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents C. H. Stuart & Co., Inc., a corporation, and Charles W. Stuart, Leslie J. Engleson, T. Spencer Knight, Ernest E. Severson, Paul D. Newton, Lyman K. Stuart, Marshall E. Livingston, and William H. Newton, individually and as officers of said corporation, and C. W. Stuart & Co., a corporation, and Bernald C. Bush, Maynard E. Durei, Leslie J. Engleson, Lyman K. Stuart, Jr., Leslie P. Akenhead, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and Arthur N. Christy, individually and as officers of said corporation, and William C. Moore & Co., a corporation, and John B. Keane, Michael J. O'Neill, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, individually and as officers of said corporation, and Quaker Hill, Incorporated, a corporation, and Earl F. Milligan, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, individually and as officers of said corporation, and Knight & Bostwick, a corporation, and Richard G. Vickery, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer Knight, individually and as officers of said corporation, and Empire Nursery Products Co., Inc., a corporation, and Henry F. Robbins, Robert H. Hamilton, Paul D. Newton, Lyman K. Stuart, Frederick W. Wenban, and T. Spencer

Knight, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 7, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5647; Filed, July 11, 1957; 8:46 a. m.]

[Docket 6683]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

KAYE-BEN CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.235 *Source or origin:* maker or seller, etc.: *Fur Products Labeling Act.* Subpart—*Concealing or obliterating law required and informative marking:* § 13.516 *Fur products tags or identification.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Kaye-Ben Company, Inc., et al., Houston, Tex., Docket 6683, June 1, 1957]

In the Matter of Kaye-Ben Company, Inc., a Corporation, Richard I. Kaye, Individually and as President of Said Corporation, Zusman Bensky, Individually and as Vice President of Said Corporation, and Alex Segall, Individually and as Secretary-Treasury of Said Corporation; and Isadore Bergman and Harry Bergman, Individually and as Copartners Trading as Forman's Fine Furriers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two furriers in Houston, Tex., with violating the Fur Products Labeling Act by mutilating labels attached to fur products and by failing to label certain products as required; by false invoicing; and by false advertising in newspapers which failed to give the correct name of the animal producing certain furs and to disclose when furs were artificially colored, and which represented falsely that fur products were from a liquidating business.

Following approval of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Kaye-Ben Company, Inc., a corporation, and its officers, and Richard I. Kaye, Zusman Bensky, and Alex Segall, individually and as officers of said corporation, and Isadore Bergman and Harry Bergman, individually and as copartners trading as Forman's Fine Furriers, or trading under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Mutilating, or causing the mutilation, or participating in the mutilation of labels required to be affixed to fur products, prior to the time fur products are sold and delivered to the ultimate purchaser of such products.

B. Misbranding fur products by failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails or flanks, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

C. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations:

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product.

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact.

E. Represents directly or indirectly that any fur products are from the stock of a business in a state of liquidation, contrary to fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 31, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5656; Filed, July 11, 1957; 8:48 a. m.]

[Docket 6722]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

YALE BELT CORP. ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 1056 *Preticketing merchandise.*[1] Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods—* Prices: § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Yale Belt Corporation, et al., New York, N. Y., Docket 6722, June 1, 1957]

In the Matter of Yale Belt Corporation, a Corporation, Bernard Krasnow Leonard Krasnow, and Bert Krasnow, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with preticketing

[1] New.

ladies', men's, and boys' belts with exaggerated and fictitious price figures.

Following an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Yale Belt Corporation, a corporation, and its officers; Bernard Krasnow, Leonard Krasnow and Bert Krasnow, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of belts or other articles of merchandise, do forthwith cease and desist from:

1. Representing, by pre-ticketing or in any manner, that certain amounts are the usual and regular retail price of their products when such amounts are in excess of the prices at which their products are usually and regularly sold at retail.

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail price of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 31, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5658; Filed, July 11, 1957; 8:48 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.321]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following July 13, 1957, paragraph (b) is amended by the deletion of the following:

Bangkok, Thailand.
Belize, British Honduras.
Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Fazenda Ipanema, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.
India, all posts except Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Kotah, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Simla, Trivandrum, Udaipur and Vellore.
Iran, all posts except Ahwaz, Isfahan, Kerman, Khorramshahr, Shiraz and Tehran.

2. Effective as of the beginning of the first pay period following July 13, 1957, paragraph (c) is amended by the deletion of the following:

Fazenda Ipanema, Brazil.

3. Effective as of the beginning of the first pay period following July 13, 1957, paragraph (d) is amended by the deletion of the following:

Port-au-Prince, Haiti.

4. Effective as of the beginning of the first pay period following May 19, 1956, paragraph (a) is amended by the addition of the following:

Chichi Jima, Bonin Islands.

5. Effective as of the beginning of the first pay period following February 23, 1957, paragraph (a) is amended by the addition of the following:

Chiquimula, Guatemala.

6. Effective as of the beginning of the first pay period following July 13, 1957, paragraph (a) is amended by the addition of the following:

Dezful, Iran.
Khaneh, Iran.
Padang, Indonesia.
Pipri, India.
Rajkot, India.

7. Effective as of the beginning of the first pay period following July 13, 1957, paragraph (b) is amended by the addition of the following:

India, all posts except Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Kotah, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Rajkot, Simla, Trivandrum, Udaipur and Vellore.
Iran, all posts except Ahwaz, Dezful, Isfahan, Kerman, Khaneh, Khorramshahr, Shiraz and Tehran.

8. Effective as of the beginning of the first pay period following July 13, 1957, paragraph (c) is amended by the addition of the following:

Bangkok, Thailand.
Belize, British Honduras.
Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.
Port-au-Prince, Haiti.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State,

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

JULY 3, 1957.

[F. R. Doc. 57-5677; Filed, July 11, 1957; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Soil and Water Conservation Loans

[FHA Instruction 442.1]

PART 351—POLICIES AND AUTHORITIES

REDELEGATION OF LOAN APPROVAL AUTHORITY

Section 351.2 (g) of Title 6, Code of Federal Regulations (20 F. R. 1965, 21 F. R. 9757, 9759), is hereby amended to change the limitations upon the State Director's authority to redelegate loan approval authority to State and County Office employees, and to read as follows:

§ 351.2 *Loans to individuals.* • • •

(g) *Loan approval authority.* State Directors are authorized to approve Soil and Water Conservation loans to eligible applicants if they meet administrative requirements. The State Director is authorized to redelegate loan approval authority to:

(1) Qualified State Office employees.

(2) Qualified County Supervisors and GS-7 Assistant County Supervisors, provided the borrower's principal indebtedness for Soil and Water Conservation loans (including prior Water Facilities loans) will not exceed $10,000.

(R. S. 161, sec. 6, 50 Stat. 870, sec. 10, 68 Stat. 735; 5 U. S. C. 22, 16 U. S C 590w, 590x-3)

Dated: July 8, 1957.

[SEAL] K. H. HANSEN, *Administrator, Farmers Home Administration.*

[F. R. Doc. 57-5673; Filed, July 11, 1957; 8:50 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 464—TOBACCO

SUBPART—1957 TOBACCO LOAN PROGRAM

FLUE-CURED TOBACCO, TYPES 11-14; ADVANCE SCHEDULE

Set forth below is schedule of advance rates, by grades, for the 1957 crop of types 11-14, flue-cured tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published 22 F. R. 4777.

§ 464.912 *1957 Crop—Flue-cured Tobacco, Types 11-14, Advance Schedule.*[1]

[1] The advance rates listed above are applicable only to tied flue-cured tobacco identified on a "Within Quota" (white) marketing card; rates for untied flue-cured tobacco similarly identified are five dollars ($5.00) per hundred pounds less for each grade than for tied tobacco; and rates for tobacco identified on a "Limited Support—Within Quota" (blue) marketing card are 50 percent of the applicable rates for tobacco iden-

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
A1L	76.12	H5F	60.12
A2L	73.12	H6F	52.12
A1F	76.12	H3R	61.12
A2F	73.12	H4R	56.12
A1R	70.12	H5R	48.12
A2R	65.12	H6R	40.12
B1L	68.12	C1L	72.12
B2L	66.12	C2L	70.12
B3L	63.12	C3L	67.12
B4L	58.12	C4L	66.12
B5L	53.12	C5L	63.12
B6L	46.12	C1F	72.12
B1F	68.12	C2F	70.12
B2F	66.12	C3F	67.12
B3F	63.12	C4F	66.12
B4F	59.12	C5F	63.12
B5F	53.12	C3LL	60.12
B6F	46.12	C4LL	58.12
B1R	64.12	C5LL	54.12
B2R	61.12	C4LV	60.12
B3R	56.12	C5LV	55.12
B4R	50.12	C4KL	52.12
B5R	43.12	C5KL	47.12
B6R	36.12	C4KF	55.12
B3S	48.12	C5KF	50.12
B4S	40.12	C5KR	52.12
B5S	34.12	C4M	53.12
B6S	27.12	C5M	50.12
B4D	34.12	X1L	66.12
B5D	29.12	X2L	65.12
B6D	24.12	X3L	62.12
B1LL	62.12	X4L	55.12
B2LL	60.12	X5L	44.12
B3LL	57.12	X1F	66.12
B4LL	53.12	X2F	65.12
B5LL	47.12	X3F	62.12
B3LV	60.12	X4F	55.12
B4LV	55.12	X5F	44.12
B5LV	49.12	X1LL	58.12
B3FV	60.12	X2LL	57.12
B4FV	55.12	X3LL	53.12
B5FV	49.12	X4LL	47.12
B4KL	43.12	X5LL	35.12
B5KL	35.12	X3LV	51.12
B6KL	24.12	X4LV	43.12
B4KF	46.12	X3FV	51.12
B5KF	40.12	X4FV	43.12
B6KF	32.12	X4KL	42.12
B4M	42.12	X5KL	32.12
B5M	36.12	X4KF	42.12
B6M	25.12	X5KF	33.12
B4KN	49.12	X3M	46.12
B5KN	43.12	X4M	40.12
B4GL	51.12	X5M	32.12
B5GL	47.12	X3G	46.12
B6GL	42.12	X4G	38.12
B4GF	48.12	X5G	28.12
B5GF	43.12	P2L	55.12
B6GF	36.12	P3L	49.12
B4GR	42.12	P4L	38.12
B5GR	33.12	P5L	22.12
B6GR	28.12	P2F	54.12
H1L	69.12	P3F	47.12
H2L	68.12	P4F	37.12
H3L	67.12	P5F	20.12
H4L	64.12	P4G	25.12
H5L	60.12	P5G	18.12
H6L	52.12	N1L	13.12
H1F	69.12	N1D	22.12
H2F	68.12	N1GL	16.12
H3F	67.12	N1GR	20.12
H4F	64.12		

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054, secs. 125, 211, 70 Stat. 198, 202; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1813, 1860)

Issued this 5th day of July 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-5671; Filed, July 11, 1957; 8:50 a. m.]

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tified on a "Within Quota" (white) marketing card, plus six cents ($0.06) per hundred pounds. The Cooperative Association through which price support is made available is authorized to deduct 12 cents per hundred pounds to apply against the overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (unsafe order), "U" (unsound), N2L, N2D, N2GL, N2GR, "Decayed", "Botched", "Nested", or "Off-type" will not be accepted.

PART 475—EMERGENCY FEED PROGRAM

SUBPART—1957 EMERGENCY FEED PROGRAM

This bulletin contains regulations pertaining to the 1957 Emergency Feed Program and is issued by the Commodity Credit Corporation.

Sec.

475.36 General statement.
475.37 Administration.
475.38 Definitions.
475.39 Availability of assistance.
475.40 Operating provisions.
475.41 Eligible dealer.
475.42 Dealer's certificates.
475.43 Presentation of dealer's certificates to CCC.
475.44 Limitation on rights of transferees.
475.45 Suspension of Feed Dealer's Agreements.
475.46 Maintenance of books and records.
475.47 Extension of time.
475.48 Termination.

AUTHORITY: §§ 475.36 to 475.48 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, as amended; 7 U. S. C. 1427.

§ 475.36 *General statement.* The Secretary of Agriculture has assigned to the Commodity Stabilization Service (hereinafter referred to as CSS) the responsibility of administering the Emergency Feed Program of the Department. The basic objective of this program is to assist eligible farmers, ranchers and stockmen to acquire the feed required to maintain their foundation herds of livestock during periods of emergency in designated disaster areas. The program shall be in effect in areas designated by the President as areas of major disaster and also by the Secretary of Agriculture as areas eligible to receive assistance of the nature provided in this program. Requests for designation of areas by the President under Public Law 875, 81st Congress, and information in support thereof must originate with the Governor of the State. When such a request is approved by the President, the Secretary of Agriculture is authorized to designate the specific counties within the State in which assistance may be made available. In making the designation of specific counties within the State, the Secretary of Agriculture will take into consideration the information and recommendation submitted by the State Disaster Committee, based on information and recommendations supplied by the county disaster committees concerned.

§ 475.37 *Administration.* The program provided for in this part will be administered by CSS and Commodity Credit Corporation (hereinafter called CCC) under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called ASC State and county committees) and CSS commodity offices. ASC State and county committees and CSS commodity offices and representatives and employees of any of the above do not have authority to modify or waive any of the provisions of this part or any amendments or supplements hereto.

§ 475.38 *Definitions.* The following terms shall have the following meanings in this part and in all forms and documents used in connection herewith (except where the context or subject matter otherwise requires or where otherwise defined in the Feed Dealer's Agreement—Emergency Feed Program).

(a) "Designated disaster area" means an area designated by the President under Public Law 875, 81st Congress, as an area of major disaster and also by the Secretary of Agriculture as an area in which assistance is to be made available as provided under this program.

(b) "Eligible farmer" means a farmer, rancher or stockman who meets the requirements of eligibility and whose application for assistance under the 1957 Emergency Feed Program has been approved to receive assistance.

(c) "Designated surplus feed grains" means barley, corn, grain sorghums and oats as such terms are defined in the Official Grain Standards of the United States. The term "corn" includes ear corn. At the time of issuance of a Farmer's Purchase Order, the ASC county committee will enter on such Purchase Order the conversion factor to be used to convert the quantity of ear corn, which may be delivered, to shelled corn. Such conversion factor shall be the one used in the locality as determined by the ASC county committee, except that if the ASC county committee determines that no recognized conversion factor is used in the locality or that the conversion factor used is out of line with prevailing conditions, the conversion factor entered on the Purchase Order shall be that established by the ASC State Committee.

(d) "Approved mixed feed" means Mixed Feed A which must contain at least 75 percent by weight of designated surplus feed grain(s) or Mixed Feed B which must contain at least 60 percent by weight of designated surplus feed grain(s). The designated surplus feed grain(s) used in the approved mixed feeds may be whole, crushed, cracked, ground or otherwise similarly processed, provided all of the ingredients of the whole grain are included. Prior to delivery to farmers, bags containing approved mixed feeds must be appropriately labeled to show substantially as follows, depending on the type of approved mixed feed involved.

(1) "Mixed Feed A—containing at least 75 percent by weight of designated surplus feed grain(s)," or

(2) "Mixed Feed B—containing at least 60 percent by weight of designated surplus feed grain(s)."

(e) "Designated CCC-owned surplus feed grains" means barley, corn, grain sorghums and oats owned by CCC.

(f) "Dealer" means any person (including but not limited to an individual, partnership, corporation, cooperative, or other business entity) engaged in selling designated surplus feed grains or approved mixed feeds.

(g) "CCC storage sites" means CCC-owned structures, CCC-leased facilities, and those facilities operated by CCC under right of entry. (Such structures and facilities are commonly called CCC Binsites.)

§ 475.39 *Availability of assistance*—(a) *Area.* This program shall be in effect only with respect to foundation herds located in designated disaster areas as defined in § 475.38 (a).

(b) *Eligibility requirements.* Subject to the conditions hereinafter prescribed, any individual, partnership, corporation, cooperative or other business entity whose principal occupation is farming or ranching and whose financial condition is such that he requires assistance under this program in order to maintain his foundation herd of livestock and continue his livestock operations, is eligible for assistance provided that he files an application and complies with the requirements of this part. The principal occupation of an applicant who is an individual may be considered to be either the occupation from which he received at least one-half of his net income (gross income less expenses) during the last full year prior to the year in which the county in which his farm is located was included in a designated disaster area eligible to participate in drought emergency, disaster relief, and other emergency feed programs, or the occupation to which he devoted at least one-half of his gainfully employed time during such year. Applicants other than individuals (i. e., partnerships, corporations, etc.) will be eligible only if at least one-half of their net income for such preceding year was derived from farming or ranching. Any feed purchased under this program may be used only for feeding the foundation herd.

(c) *Foundation herd.* The foundation herd shall consist only of the breeding stock of cattle, sheep and goats namely: cows, bulls, and heifers or calves retained for replacement; ewes, rams and ewe lambs for replacement; and nannies, billies, and kids for replacement

(d) *Animal unit.* For purposes of this program, an animal unit shall be considered to be 1 cow or 1 bull; 2 heifers; 3 calves; 5 sheep; 5 goats; 7 lambs; 7 kids.

(e) *Dairymen.* Dairymen who normally purchase all of their feeds will not qualify for assistance. Dairymen who normally produce their hay or grain may qualify for assistance, but the amount of such assistance shall not in any event exceed the amount of feed normally grown on their farms and fed to the foundation herd.

§ 475.40 *Operation provisions*—(a) *Where to apply.* Applications for assistance should be made at the office of the ASC county committee which keeps the farm program records for the farm or ranch, except where the foundation herd has been removed permanently from such county, applications may be made in the office of the ASC county committee of the county in which the principal part of the herd is located.

(b) *Filing of applications.* Before an applicant may be considered for assistance, an application, Form DF-1, "Application and Certification," must be filed in the ASC county office. The date of filing shall be the date the application is received in the ASC county office. The applicant must furnish the information required on the application, and certify that the feed purchased under the program will be fed to his foundation herd. Whenever the information furnished is incomplete or not clear or there is doubt as to the applicant's eligibility, the ASC county committee will require such additional information as may be necessary.

(c) *Committee action on applications.* (1) The ASC county committee will meet at regular intervals or upon special call as required, depending on the number of applications received, to process pending applications expeditiously. The ASC county committee will review each application and determine whether the applicant is eligible for assistance and, if so, the extent of assistance which may be provided. The maximum assistance to be made available to any one applicant shall not exceed four (4) pounds of designated surplus feed grain per animal unit per day, or whatever lesser amount is established by the ASC State Committee, for the period prescribed by the ASC county committee. Such period shall not exceed the period for which the ASC county committee is authorized to make assistance available under the program pursuant to instructions from the Administrator, CSS, Washington, D. C.

(2) Assistance to any applicant shall be based on the difference between the total feed needed by him and the total feed available to him as determined by the ASC county committee for such prescribed period. No assistance shall be provided any applicant if, for such prescribed period, the total amount of feed available to him is determined to be equal to or more than the total amount of feed needed by him.

(3) The ASC county committee shall determine the total amount of feed needed by the applicant by multiplying 4 pounds of feed grain, or whatever lesser amount is established by the ASC State Committee, by the number of animal units in the foundation herd by the number of days in the prescribed period. The total amount of feed grain available to the applicant during such prescribed period shall be determined by taking into consideration the feed already on hand, the estimated feed to be produced, the feed which has not yet been delivered under previous emergency feed programs, the feed the applicant otherwise will acquire and the feed which he is able to acquire. The ASC county committee shall use its judgment in determining the amount of feed the applicant is able to acquire during the prescribed period, taking into account: (i) the total from all sources of: (*a*) his liquid assets (i. e., cash, accounts receivable, stocks, bonds, etc.), and (*b*) the estimated value of his other property (i. e., chattels, personalty and realty), less (ii) his outstanding indebtedness (secure and otherwise), calculated as of the date of his application. In addition, there shall be taken into account (*a*) his estimated net income from all sources, after allowing for future operating expenses and estimated normal living expenses (excluding taxes), calculated for the period prescribed by the ASC county committee and (*b*) the cash or credit needed by the applicant to pay his share of the purchase price of the feed grains that he may be approved to receive under the program.

(4) The fact that the purchase of needed feed at prevailing prices may not be profitable to the applicant is not sufficient to qualify him for assistance under this program. The ASC county committee is expected to consider what sum of money the applicant is reasonably able to borrow to acquire needed feed at prevailing prices. The ASC county committee shall take reasonable precautions to see that feed is not furnished under the program to applicants who are able to maintain their foundation herd without assistance, however, an applicant shall not be required to exhaust all of his resources before assistance is made available under the program. If the applicant is a partnership the above information shall be provided as to each of the partners and the partnership. If the applicant is a corporation and the corporation is wholly or substantially (i. e., 75 percent or more) owned by an individual and those related to him by blood or marriage, the ASC county committee shall treat the corporation as a partnership and require the above information from the individual and related stockholders. In determining the feed available to the applicant, the ASC county committee shall take into account available hay and forage, including pasture, in terms of grain feed value equivalents.

(5) The ASC county committee will base its determinations under this section primarily upon the information supplied by the applicant, but will take into consideration other information, including knowledge of the committeemen concerning the applicant's normal operations. Each ASC county committee shall exercise judgment in a fair and impartial manner in making determinations under this subsection.

(6) Each application must be considered by at least two members of the ASC county committee. The action taken with respect to each application will be indicated thereon in the appropriate space. If the application is approved, the amount of designated feed grains which the applicant is approved to receive will be indicated thereon. If the application is rejected, a brief statement of the reasons for such action will be given in the space provided for that purpose. At least one member of the ASC county committee will sign the original and copy of the application in behalf of the ASC county committee. The original shall be retained in the ASC county office and the copy of the application

delivered to the applicant, showing the action taken.

(d) *Appeals and review of ASC county committee action.* The applicant may appeal to the ASC State Committee determinations made by the ASC county committee as to his eligibility or the amount of feed grain which he is approved to receive. An appeal shall be accompanied by a written statement of the applicant's evidence or reasons in support thereof. The ASC State Committee either on its own motion or on appeal will have authority to review actions taken by the ASC county committees and either revise upward or downward the amount of feed an applicant has been approved to receive. Adjustment downward will be made by the ASC State Committee only after affording the applicant an opportunity to present evidence or reasons in support of his position. If revised upward, additional purchase orders shall be issued to the applicant by the ASC county committee in the amount by which his entitlement has been increased. If revised downward, the applicant on demand shall return purchase orders representing the amount by which his entitlement has been reduced to the ASC county committee, or if the applicant has used such purchase orders he shall refund to the ASC county committee the amount of credit he has received in connection therewith. No appeal may be had from determinations of the ASC State Committee.

(e) *Farmer's purchase order*—(1) *Issuance.* For each approved application the ASC county committee will issue at once a purchase order, Form DF–2, (hereinafter referred to as "purchase order") to the farmer named in the application. At the farmer's request, the ASC county committee may issue two or more purchase orders based on one application. If only one purchase order is issued with respect to an application, the purchase order will show the number of hundredweight of designated surplus feed grains for which the application was approved. If more than one purchase order is issued with respect to an application, the total number of hundredweight of designated surplus feed grains shown on such purchase orders shall not exceed the number of hundredweight for which the application was approved. If a purchase order has been issued and the farmer requests two or more purchase orders in lieu thereof, the purchase order previously issued must be returned to the ASC county committee for voiding prior to the issuance of the new purchase orders. The replacement purchase orders shall bear the same final date of transfer as the original purchase order which was voided by the ASC county committee. It shall be solely the responsibility of the farmer to request the issuance of additional purchase orders with respect to an application in sufficient time to permit transfer by him to the dealer of such purchase orders within the prescribed period of time specified in the original purchase order.

(2) *Use.* The farmer, to whom a purchase order is issued, may use it only as part payment on the purchase price of designated surplus feed grain or approved mixed feed purchased from a dealer or his authorized representative within the period prescribed in subparagraph (3) of this paragraph or from another farmer as provided in paragraph (f) (2) of this section. Such purchase order may not be used by the farmer for any other purpose. A dealer, who accepts a purchase order from the farmer to whom it was issued, must have allowed the farmer credit for the value thereof as specified in subparagraph (4) of this paragraph in part payment of designated surplus feed grains and approved mixed feeds shown thereon in order to obtain a Dealer's Certificate.

(3) *Transfer, date, and delivery.* A purchase order may be transferred by the farmer to a dealer in partial payment of designated surplus feed grains or approved mixed feeds, shown in Section III of the purchase order, which have been actually sold and physically delivered by the dealer to the farmer between the date the farmer filed his application with the ASC county committee and the expiration date shown on the purchase order. The date of transfer of the purchase order shall be the date the certification in Section IV is signed by the farmer, which shall be not later than the expiration date of the purchase order.

(i) An actual sale shall be deemed to have been made when the dealer and farmer have agreed on the kinds, quantities and prices of designated surplus feed grains and approved mixed feed and the total purchase price has been paid by the farmer to the dealer or charged by the dealer against the farmer.

(ii) Physical delivery shall be deemed to have been completed when the farmer has permanently removed or caused to be removed from the dealer's premises and/or control the total quantity of designated surplus feed grains and approved mixed feed included in an actual sale.

(4) *Value.* The total value of any purchase order shall be the smaller of the following amounts (*a*) the number of hundredweight shown in section I of the purchase order multiplied by $1.00, or (*b*) the number of hundredweight of designated surplus feed grains or approved mixed feed listed in the table set forth in section III of the purchase order multiplied by the applicable value per hundredweight shown below:

(i) Designated surplus feed grains (excluding ear corn and approved mixed feed): $1.00 per hundredweight.

(ii) Ear corn: $1.00 per hundredweight multiplied by the ear corn conversion factor.

(iii) Mixed Feed A: $0.75 per hundredweight.

(iv) Mixed Feed B: $0.60 per hundredweight.

Mixed feeds containing less than sixty percent of designated surplus feed grain(s) shall have no value whatsoever. Dealers shall not be entitled to a Dealer's Certificate based in whole or part on any such mix. In the event that a Dealer's Certificate is issued based on any such mix the dealer shall not be entitled to any credit or allowance whatsoever for the quantity of designated surplus feed grain(s) contained in any such mix, and if credit or allowance has been made, the dealer will be obligated to reimburse CCC for the amount of such credit. Approved mixed feed may contain more than the minimum percentage of designated surplus feed grains, but approved mixed feed will in no event be valued at other than the amounts stated in subdivision (iii) and (iv) of this subparagraph.

(f) *Feed on hand and not used*—(1) *At the expiration of the program in the county.* The farmer shall not use, feed, sell or otherwise dispose of eligible feed acquired on a purchase order which he has on hand on the expiration date of the program in the county unless he pays to the ASC county committee the amount of the credit he received on the purchase order for such feed. The farmer shall promptly thereafter report the quantity and kind of eligible feed acquired on a purchase order which he has on hand on such date. The expiration date of the program in the county for the purpose of this section shall be the last day of the prescribed period as specified in the purchase order, unless the period of assistance to farmers in the county under this program extends beyond the date in the purchase order and the farmer has received notification in writing from the ASC county committee of such later date.

(2) *Reduced or liquidated herds or herds removed from the designated disaster area.* Where the feed acquired under the program has not been fed and the herd is substantially reduced or entirely liquidated, or the herd is removed from the designated disaster area, the farmer must report promptly thereafter the quantity and kind of such feed on hand to the ASC county office from which the purchase order was obtained. The farmer may then either pay the ASC county committee the value he received on the purchase order for the quantity of feed on hand beyond his requirement for the remainder of the herd in the designated disaster area as determined by the ASC county committee and dispose of the feed as he chooses, or if there is a current Emergency Feed Program in the area, he may sell the feed to another farmer who has a current purchase order. If the farmer who intends to purchase such feed from another farmer has a purchase order in excess of the quantity of feed being purchased, he shall return the original purchase order to the ASC county office that issued it and obtain in lieu thereof two or more purchase orders, one equalling the amount to be allowed for the emergency feed purchased from the other farmer. Both farmers, the purchaser and the seller, shall complete and execute such purchase order and submit it to the ASC county office, which shall issue no Dealer's Certificate in connection with such purchase.

§ 475.41 *Eligible dealer.* Any person (individual, partnership, corporation, cooperative or other business entity, including agencies of State and local governments) who is engaged in the handling of designated surplus feed grains or approved mixed feeds, who enters into a Feed Dealer's Agreement—Emergency Feed Program with CCC, and who posts a performance bond as required by CCC may qualify as an eligible dealer except as follows: (a) A dealer who has deliberately violated the terms and conditions of a previous Emergency Feed Program or has been billed by Commodity Credit Corporation for an amount due under a previous Emergency Feed Program which he has not paid; (b) any Member of or Delegate to Congress, or Resident Commissioner, and (c) any partnership of which a Member of or Delegate to Congress, or a Resident Commissioner is a partner. A dealer must enter into a separate Feed Dealer's Agreement—Emergency Feed Program for each county in which he presents purchase orders.

§ 475.42 *Dealer's Certificates*—(a) *Basis of issuance.* (1) An eligible dealer or his authorized representative may present a purchase order transferred to him by a farmer to the ASC county committee which issued it and obtain a Dealer's Certificate based thereon except as follows:

(i) Purchase orders issued in the dealer's name.

(ii) Purchase orders issued in the name of a partnership in which the dealer is a partner.

(iii) Purchase orders issued in the name of a person who is a partner of the same partnership as the dealer.

(iv) Purchase orders issued to a partnership or individual engaged in a farming or livestock enterprise in which the dealer has a financial interest.

(v) Purchase orders presented by a dealer who is not otherwise entitled to present a purchase order under the terms and conditions of the Feed Dealer's Agreement.

(2) A dealer who accepts the transfer of a purchase order prior to the time that he enters into an applicable "Feed Dealer's Agreement—Emergency Feed Program" does so at his own risk and CCC shall not be liable to the dealer in any way for refusal to enter into such an agreement with the dealer. There must be compliance with the following conditions with respect to each purchase order presented:

(i) A purchase order must be received at the office of the ASC county committee which issued it within 30 calendar days after the date of transfer of the purchase order from the farmer to the dealer.

(ii) The dealer must have actually sold and the farmer must have actually purchased and received physical delivery of the quantity of designated surplus feed grains or approved mixed feed listed in the table set forth in section III of the purchase order. In the event that any designated surplus feed grains were delivered trackside to the farmer named in the purchase order, the sales price to the farmer must have been no more than the cost of such feed grains to the dealer plus a handling margin no larger than that which has been determined by the ASC State Committee to be reasonable. (Information as to the handling margins determined by the ASC State Committee to be reasonable will be available at the ASC county committee office and should be obtained from such office).

(iii) The dealer must have accepted the transfer of the purchase order in part payment for the quantity of designated surplus feed grains or approved mixed feed listed in the table set forth in section III of the purchase order to the full extent of the value, as specified in § 475.40 (d) (4) for each hundredweight so listed up to the maximum value of the purchase order.

(iv) The dealer must submit to the ASC county office with each purchase order copies of sales tickets, sales slips, invoices, or other appropriate documents, and scale tickets, where available, for the designated surplus feed grains or approved mixed feed purchased by the farmer, showing the kinds and quantities of grains or feeds purchased, the date of such purchase, the price per hundredweight charged the farmer, and the credit allowed on the purchase price for the purchase order.

(v) Sections III and IV of the purchase order must have been duly executed.

(b) *Face value.* The face value of a Dealer's Certificate shall be an amount equal to the actual total value of the purchase order or purchase orders which form the basis for issuance of the Dealer's Certificate.

(c) *Transfer.* Dealer's Certificates may be transferred by the dealer to any supplier, broker, agent or other person, and may subsequently be transferred from person to person. The transfer of Dealer's Certificates shall be made by endorsement on the reverse side thereof, giving the address of the endorser, and the date of the endorsement.

§ 475.43 *Presentation of Dealer's Certificate to CCC.* Subject to all of the provisions of this part, valid Dealer's Certificates, if presented to CCC by the holder within 120 calendar days after the date of issuance, will be accepted at face value for the purchase of designated CCC-owned surplus feed grains which CCC makes available for sale to holders of Dealer's Certificates under this program. CCC reserves the right to limit sales made in redemption of Dealer's Certificates to such grades of the designated CCC-owned feed grains and to locations of such feed grains, as CCC may from time to time determine.

(a) *Where to purchase.* Holders of Dealer's Certificates (1) may purchase carload lots of designated CCC-owned surplus feed grains from any CSS Commodity Office which has made such surplus feed grains available for sale under this program, or (2) may purchase carload lots or less of designated CCC-owned surplus feed grains stored in a CCC storage site which is located in a designated disaster area as defined in § 475.38 (a), or which is located in any county which was in a designated disaster area during this program even though the county is no longer in such an area, provided CCC has determined that the designated feed grains stored in such county are available for sale under this program. The sale will be made by the ASC county committee in charge of the storage site. Information as to CSS Commodity Offices having such surplus feed grains available for sale may be obtained from the following CSS Commodity Offices: Chicago CSS Commodity Office, 623 South Wabash Avenue, Chicago 5, Illinois; Dallas CSS Commodity Office, 500 South Ervay Street, Dallas 1, Texas; Kansas City CSS Commodity Office, Federal Office Bldg., 560 Westport Road, Kansas City 1, Missouri; Minneapolis CSS Commodity Office, 1006 West Lake Street, Minneapolis 8, Minnesota, and Portland CSS Commodity Office, 1218 Southwest Washington Street, Portland 5, Oregon. Information as to the location of CCC storage sites within the State which are now or were formerly under this program in the designated disaster area may be obtained from the ASC State Committee. Information as to the availability of designated CCC-owned surplus feed grains in CCC storage sites may be obtained from the ASC county committee of the county in which the CCC storage site is located.

(b) *Purchase from CSS Commodity Office*—(1) *Offer to purchase.* In making a offer to purchase, the holder of a Dealer's Certificate must specify the class, grade, quality and quantity of the designated CCC-owned surplus feed grain which he desires to purchase, together with the destination and the consignee to whom such feed grain is to be shipped.

(2) *Confirmation of sale.* The CSS Commodity Office will accept, or reject the offer within 72 hours from the time the offer is received (such acceptance or rejection will be by collect wire if requested): *Provided,* That any acceptance shall be conditioned on the signing and return by the purchaser to the CSS Commodity Office of a confirmation of sale issued by such office containing terms and conditions applicable to the sale. Such confirmation of sale, together with the provisions contained in this Section shall constitute the sales contract.

(3) *Price.* Sales will be made by the CSS Commodity Office in carload lots at the prevailing market price, as determined by CCC, "in store" or f. o. b. car at point determined by CCC.

(4) *Payment.* The purchaser must submit valid Dealer's Certificates of face value sufficient to cover the sales value of the feed grain purchased in advance of delivery of the feed grains but no later than 10 calendar days after the date of issuance of the confirmation of sale. CCC shall have the election to cancel the sales contract if the purchaser fails to comply with this requirement.

(5) *Delivery.* (i) Delivery of designated CCC-owned surplus feed grains will be made "in store" or f. o. b. cars at point determined by CCC. CCC does not guarantee delivery within any specified period of time following receipt of the Dealer's Certificate(s) but will utilize all practicable means to secure prompt delivery. The purchaser, if he so requests, will be advised by collect wire of cars being shipped.

(ii) The basis for determination of the quality and quantity of feed grains delivered shall be stated in the confirmation

of sale issued by the CSS Commodity Office.

(6) *Basis of settlement*—(i) *At end of each sale.* (*a*) In the event that the Dealer's Certificates submitted to CCC have a total face value which is less than the value of the feed grains delivered, because of over-delivery or other cause, the purchaser shall pay to CCC, in cash, the difference between the total face value of the Certificates submitted and the value of the feed grain delivered, calculated on the basis of the specified sales price.

(*b*) In the event the purchaser submits Dealer's Certificates having a total face value in excess of the value of the feed grain delivered, the purchaser will be issued a new Dealer's Certificate for the excess value.

(*c*) To avoid administrative costs of issuing Dealer's Certificates in small denominations, Dealer's Certificates for excess value of $3 or less will be issued only upon request. Deficiencies of $3 or less owed to CCC may be disregarded unless demand for payment is made by CCC.

(ii) *At termination of program.* Upon termination of the 1957 Emergency Feed Program, any holders of valid Dealer's Certificates having a total face value insufficient to purchase a carload lot of any of the available designated CCC-owned surplus feed grains (*a*) may purchase from a CSS Commodity Office a carload lot of any such feed grain and submit to the CSS Commodity Office the Dealer's Certificates held by him, plus an amount of cash sufficient to cover the remainder of the price of the carload of feed grain purchased, or (*b*) may purchase from a CSS Commodity Office for delivery "in store" a quantity of available designated CCC-owned surplus feed grains equal in price to the face value of such Dealer's Certificates and submit such Dealer's Certificates to the CSS Commodity Office in payment therefor. The foregoing provisions of this section shall be applicable to such purchases, except to the extent that such provisions are inconsistent with this subdivision.

(c) *Purchase from ASC County Committee*—(1) *Price.* All sales from CCC storage sites will be made in carload lots or less at the prevailing market price as determined by the ASC county committee on the date of sale.

(2) *Payment.* Payment shall be made by presentation to the ASC county committee, prior to delivery of the grain, of valid Dealer's Certificates of an aggregate face value equal to the total price of the feed grain purchased. The provisions of paragraph (b) (6) (i) of this section shall be applicable to sales from CCC storage sites.

§ 475.44 *Limitation on rights of transferees.* The right of a transferee in due course of a Dealer's Certificate to present the Dealer's Certificate and obtain designated CCC-owned surplus feed grains shall not be limited except as follows:

(a) A Dealer's Certificate will not be accepted if presented later than 120 calendar days after the date of issuance.

(b) In the event that, after issuance of a Dealer's Certificate, there has been any alteration increasing the face value thereof, such Certificate will be accepted only for the face value thereof at the time of issuance.[1]

(c) Any transferee who acquires the Dealer's Certificate knowing or having good cause to know that the dealer who originally obtained such Certificate from the ASC county committee did so on the basis of false or fraudulent certifications or representations shall not be entitled to present the Dealer's Certificate. A transferee of a Dealer's Certificate who acquires such Certificate without knowing or having good cause to know of any such false or fraudulent certifications or representations shall be entitled to present the Certificate and obtain designated CCC-owned surplus feed grains.

§ 475.45 *Suspension of Feed Dealer's Agreement.* CCC may suspend the right of an eligible dealer who has entered into Feed Dealer's Agreement or Agreements to participate in the 1957 Emergency Feed Program by notification in writing to the dealer if it has good reason to believe that the dealer has failed to comply with the provisions of such Agreement(s) with respect to any purchase order presented by him to the ASC county committee, or if the dealer has failed to comply with the provisions of a previous Emergency Feed Program or Feed Dealer's Agreement and the failure was not known to the ASC county committee when the Feed Dealer's Agreement—Emergency Feed Program was executed. Any such suspension shall be effective as to all Feed Dealer's Agreements entered into by the dealer under the 1957 Emergency Feed Program. In the event of suspension, the dealer shall not be entitled to present any purchase order to any ASC county committee except to the extent that CCC may thereafter agree to accept such purchase orders.

§ 475.46 *Maintenance of books and records.* The dealer shall maintain and preserve for at least three full years following exchange of the purchase order for Dealer's Certificates and for such additional period as CCC may request in writing, books and records which will permit verification of all transactions with regard to Farmer's Purchase Orders and Dealer's Certificates. An examination of such books and records by a duly authorized representative of the United States shall be permitted at any time during business hours.

§ 475.47 *Extension of time*—(a) *Expired purchase orders.* If the farmer actually purchases and accepts physical delivery of designated surplus feed grains or approved mixed feed within the prescribed period of time shown in section I of the purchase order but does not execute the certificate in section IV within such prescribed period, or if the dealer does not present the purchase order to the ASC county committee within 30 calendar days after the timely transfer of the purchase order to him from the farmer, the farmer or the dealer, as the case may be, may make a request in writing to the ASC county committee which issued the purchase order for an extension of time, giving the facts and circumstances, and the ASC county committee may grant an extension of time if it determines that such extension will not adversely affect the program.

(b) *Expired Dealer's Certificates.* Dealers and transferees holding expired Dealer's Certificates may file an application in writing for an extension of time to present such certificates with the ASC county office which issued the Certificates or with the CSS Commodity Office serving the State in which the expired Dealer's Certificates were issued. Such application shall contain a full statement of facts justifying the petitioner's request and the reason why the Certificates were allowed to expire. Requests for extension of time of Dealer's Certificates totalling $1,000 or less will be acted on by the appropriate ASC county office or the CSS Commodity Office. Requests for extension of time on Dealer's Certificates totalling in excess of $1,000 will be transmitted by such offices to the Administrator, CSS, Washington 25, D. C., for final action. Such extensions will be granted where it is determined that they will not adversely affect the program.

§ 475.48 *Termination.* The program provided for in this part may be terminated at any time upon issuance of public notice in the FEDERAL REGISTER. Such termination shall not apply with respect to any purchase order or Dealer's Certificates issued prior to the effective date of such termination.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of July 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-5672; Filed, July 11, 1957; 8:50 a. m.]

[1] Any false certification or representation, willful alteration, or other fraudulent act may be subject to prosecution under Federal Criminal statutes and to action under Federal Civil frauds statutes.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 8]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

ANTICOLLISION LIGHT INSTALLATIONS AND ELECTRICAL LOAD LIMITS

Correction

In Federal Register Document 57-4519, appearing at page 3916 of the issue for Wednesday, June 5, 1957, the following changes should be made:

1. Footnote 3 should be deleted.

2. Figures A, B, and C, referred to in § 18.30-12 (h) (6) (i), (ii), and (iv), are published as follows:

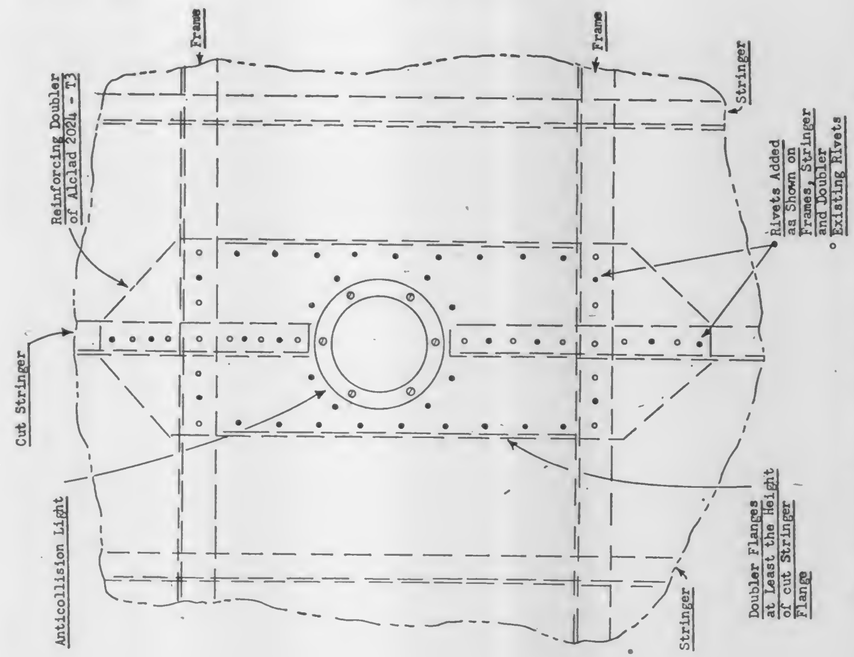


FIGURE B—Typical anticollision light installation involving a cut stringer.

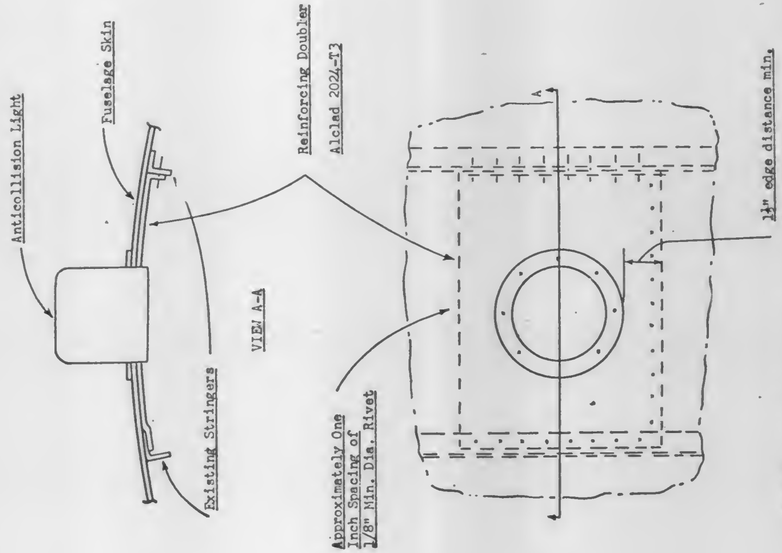


FIGURE A—Typical anticollision light installation in a skin panel.

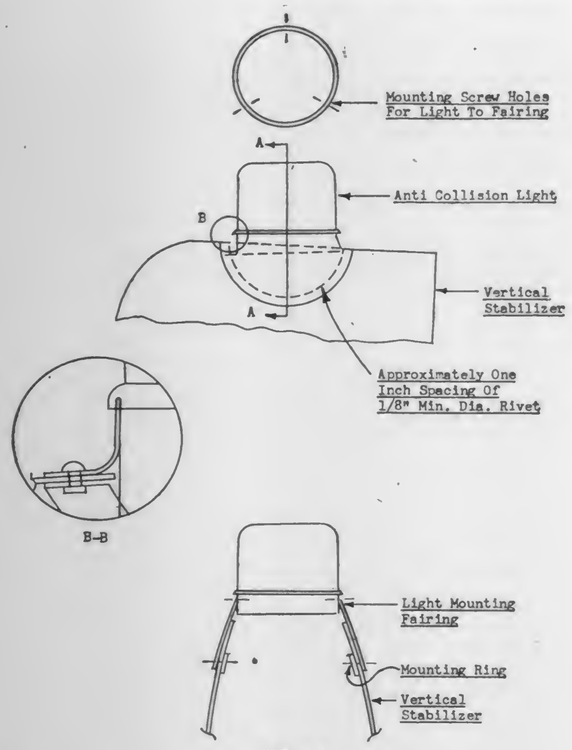


FIGURE C—Typical anticollision light installation in a fin tip.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1442]

[Oregon 05274]

OREGON

WITHDRAWING LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES IN CONNECTION WITH KLAMATH FALLS AIR FORCE BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described lands in Oregon conveyed to the United States pursuant to the act of March 23, 1933 (48 Stat. 1295–6) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force for military purposes in connection with the Klamath Falls Air Force Base as authorized by section 404 of the act of August 11, 1955 (69 Stat. 652; 42 U. S. C. 1594 a–1594h), as amended:

WILLAMETTE MERIDIAN

T. 39 S., R. 9 E.,
Sec. 34, SW¼NW¼.

The area described contains 40 acres.

2. The order of the Acting Commissioner of Reclamation dated January 27, 1947, concurred in by the Director, Bureau of Land Management on February 11, 1947, withdrawing 1191.35 acres of land in the first form in connection with the Klamath Project, is hereby revoked so far as it affects the lands, withdrawn by this order.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 5, 1957.

[F. R. Doc 57-5644; Filed, July 11, 1957; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOODS PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

EFFECTIVE DATE OF ORDER ESTABLISHING LABEL STATEMENT REGULATIONS CONCERNING NIACIN AND RIBOFLAVIN

In the matter of amending the regulations prescribing label statements concerning dietary properties of food purporting to be or represented for special dietary uses:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403 (j), 701, 52 Stat. 1048, 1055 as amended 70 Stat. 919; 21 U. S. C. 343 (j), 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of June 1, 1957 (22 F. R. 3841), establishing certain label statement regulations concerning niacin and riboflavin, and the amendments shall become effective July 1, 1958.

(Sec. 701, 52 Stat. 1055 as amended, 70 Stat. 1090; 21 U. S. C. 371. Interprets or applies sec. 403, 52 Stat. 1048; 21 U. S. C. 343)

Dated: July 8, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-5664; Filed, July 11, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter K—Federal Seed Act

PART 201—FEDERAL SEED ACT REGULATIONS

MISCELLANEOUS AMENDMENTS

On April 13, 1957, there was published in the FEDERAL REGISTER (22 F. R. 2536) a notice of rule making and hearing with respect to proposed amendments of the regulations under the Federal Seed Act. After consideration of all relevant matters presented at the hearing, or in writing, pursuant to said notice, and under authority of section 402 of the Federal Seed Act (7 U. S. C. 1592), the regulations of the Secretary of Agriculture in 7 CFR Part 201, as amended, are hereby further amended as follows:

1. In § 201.2, paragraph (h) *Agricultural seeds*, insert in proper alphabetical order the following additional kinds:

Brome, field—Bromus arvensis L.
Chess, soft—Bromus mollis L.
Crownvetch—Coronilla varia L.
Guar—Cyamopsis tetragonoloba (L) Taub.
Lentil—Lens culinaris Medic.
Sorghum almum—Sorghum almum Parodi.

2. In § 201.34, paragraph (e) *List of variety names*, amend as follows:

a. In subparagraph (1) *Beans (vegetable snapbeans)* insert the following variety names in proper alphabetical order:

Cornell 14.
Earligreen.
Gladea.
Greencrop.
Improved Tendergreen (Improved New Stringless; Resistant Tendergreen).
King Green.
Processor.
Seminole.
Tenderbest.
Tender-white.
Topmost.
White-seeded Tendergreen.
Woodruff's Hyscore.

b. In subparagraph (2) *Cabbage* insert the following variety names in proper alphabetical order:

Badger Ballhead.
C. C. Cross Hybrid.
Empire Danish.
Greenback.
Harris Resistant Danish.
O. S. Cross.
Resistant Red Acre.
Slow Bolting Green.
Wisconsin Ballhead Improved.
YR Charleston Wakefield.

c. In subparagraph (3) *Onions, hybrid* delete "Asgrow B 45" and insert the following variety names in proper alphabetical order:

Asgrow W 1.
Asgrow W 3.
Asgrow W 45.
Asgrow Y 2.
Asgrow Y 49.
Asgrow Y 50.
Asgrow Y 51.
Asgrow Y 52.
Asgrow Y 53.
Autumn Topper.
Burpee Sweet Spanish Hybrid.
Highlight.
Parman.
Pilot.
Premier.
Snow White.
White Granex.

d. In subparagraph (4) *Soybeans* insert the following variety names in proper alphabetical order:

Acme.
Chippewa.
Clark.
CNS–4.
CNS–24.
Comet.
Grant.
Hardome.
Harly.
Jackson.
Kanrich.
Kim.
Lee.
Norchief.
Renville.
Smith Super.
Yellow Gatan.

e. Add the following subparagraphs:

(6) *Sorghum.*

Ajax (Imperial Kafir).
Atlas.
Axtell.
Black Amber (Minnesota Amber; Waconia Amber; Early Amber; Early Black Amber).
Bonita.
Caprock.
Coes.
Colby.
Collier (Kansas Collier).
Colman (Red Orange; Old Mexican Cane).
Combine Bonita.
Combine Hegari.
Combine Kafir–60.
Combine Sagrain.
Combine Shallu.
Combine 7078.
Crystal Drip.
Darset.
Darso.
Day Milo.
Double Dwarf White Sooner Milo.
Double Dwarf Yellow Sooner Milo.
Double Dwarf Yellow Milo.
Double Dwarf 38 Milo.
Dwarf Feterita.
Dwarf Kafir 44–14 (Kafir 44–14).
Dwarf White Durra.
Dwarf Yellow Milo.
Early Hegari (Arizona Early Hegari; New Mexico Early Hegari).
Early Kalo.
Early Sumac (Kansas Sumac).
Edwards Combine.
Ellis.
Folger (Early Folger; Folger's Early).
Fremont.
Fulk Combine Kafir.
Gooseneck.
Gurno.
Hegari.
Hi-Hegari.
Hodo.
Honey (Texas Seeded Ribbon Cane).
Jo-hee.
Kansas Collier 704–D.
Kansas Orange.
Kansas Sourless.
Kansas Sourless 704–H.
Leoti (Leoti Red).
Martin (Martin Combine Milo).
Midland.
Norghum.
Norkan.
Plainsman.
Rancher.
Red Amber.
Redbine—58.
Redbine—60.
Redbine—66.
Red Kafir.
Redlan.
Reliance.
Resistant Wheatland.
Rex (Red x).
Rox Orange (Waconia Orange; Yellow Orange; Early Orange).
Sapling.
Sart.
Schrock Kafir (Sagrain).
Shallu.
Sourless (African Millet; Sourless Orange; Sourless White Orange).
Standard Blackhull Kafir.
Sugar Drip (Golden Drip).
Sumac (Red Top).
Sumac 1712.
Sumac 6550.
Texas Milo (Texas 338).
Texloca—54.
Tracy.
Tricker.
Western Blackhull Kafir.
Westland.
Wiley.
Williams.
39–30–S.

(7) *Broomcorn.*

Black Spanish (Black Jap; Extra Early Japanese; Japanese).
Black Spanish Dwarf.
Evergreen (Austrian; Illinois Favorite; Standard; White Italian).
Evergreen Dwarf (Acme; Dwarf Evergreen; Long, Brush Dwarf; Western Dwarf).
Miller's No. 8.
Okaw.
Rennel's Dwarf No. 11.
Scarborough.
No. 7 Scarborough Dwarf (Miller's No. 7).

3. Amend Table 1 in § 201.46 as follows:

Insert the following kinds and information in their proper alphabetical order under agricultural seed:

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
	Gm	*Gm*	*No.*
Brome, field—Bromus Arvensis	5	50	431
Chess, soft—Bromus mollis	5	50	
Crownvetch—Coronilla varia	10	50	301
Guar—Cyamopsis tetragonoloba	100	500	34
Lentil—Lens culinaris	50	300	42
Sorghum almum—Sorghum almum	25	150	159

4. In § 201.56–5 (d), change the heading to read "Sorghum, sorghum almum, and Sudan grass". In § 201.56–6 in the first paragraph insert "crownvetch", "guar", and "lentil" in proper alphabetical order in the list of kinds of seed. In § 201.56–6 (b), insert "lentil" in proper alphabetical order in the heading and in § 201.56–6 (d), insert "crownvetch" and "guar" in proper alphabetical order in the heading.

5. Amend Table 2 in § 201.58 as follows:

Insert the following kinds and information in their proper alphabetical order under agricultural seed:

Name of seed	Substrata	Temperature	First count	Final count	[2] Additional directions	
					Specific requirements and photo numbers	Fresh and dormant seed
		° C.	*Days*	*Days*		
Brome, field—Bromus arvensis	TB	20–30	6	14	Light	Prechill at 10° C. for 5 days.
(Alternate method	TB	15–25	6	14	Light	Do.)
Chess, soft—Bromus mollis	P	20–30	7	14	Light	Prechill at 10° C. for 7 days.
Crownvetch—Coronilla varia	B, S	20	7	[1] 14		
Guar—Cyamopsis tetragonoloba	T, S	30	5	[1] 14		
Lentil—Lens culinaris	B	20	5	[1] 10		
Sorghum almum—Sorghum almum	T, B	20–35	5	21		Prechill at 5° C. for 5 days.

[1] Hard seeds often present.

6. In the list in § 201.101, insert in the proper alphabetical order the following:

Guar.
Lentil.
Vetch.

7. Amend § 201.107 (b) as follows:

Add to the list of agricultural and vegetable seeds considered weed seeds when occurring incidentally in importations of other agricultural or vegetable seeds the following in proper alphabetical order:

Brome, field—Bromus arvensis L.
Chess, soft—Bromus mollis L.
Crownvetch—Coronilla varia L.
Sorghum almum—Sorghum almum Parodi.

The amendments set forth above shall become effective on August 12, 1957.

(Sec. 402, 53 Stat. 1285; 7 U. S. C. 1592)

Done at Washington, D. C., this 8th day of July 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-5639; Filed, July 11, 1957; 8:52 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023—Allotments—(Maryland-58)—1]

PART 727—MARYLAND TOBACCO

MARKETING QUOTA REGULATIONS, 1958–59 MARKETING YEAR

Correction

In Federal Register Document 57-5059, appearing at page 4355 of the issue for June 20, 1957, the fifth line of paragraph (a) of § 727.921 should read "divided for 1958, the 1958 tobacco".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1022—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

DETERMINATION RELATIVE TO THE EXPENSES AND THE FIXING OF THE RATE OF ASSESSMENT FOR THE INITIAL FISCAL PERIOD

Notice was published in the June 22, 1957, daily issue of the FEDERAL REGISTER (22 F. R. 4423) that consideration was being given to the proposals regarding the expenses and the fixing of the rate of assessment for the initial fiscal period ending March 31, 1958, under the marketing agreement and Order No. 122 (7 CFR Part 1022; 22 F. R. 3835) regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1022.201 *Expenses and rate of assessment for the initial fiscal period*—(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the initial fiscal period beginning June 1, 1957, and ending March 31, 1958, will amount to $8,757.83.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles cherries shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar ($1.00) per ton of cherries so handled by such handler during such initial fiscal period.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of cherries are now being made; (2) the rate of assessment is applicable to all cherries shipped during the aforesaid initial fiscal period; and (3) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Cherry Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 9, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-5666; Filed, July 11, 1957; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 15]

PART 74—SCABIES IN SHEEP

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), §§ 74.2, 74.3 and 74.4 of Part 74, as amended, Subchapter C, Chapter 1, Title 9, Code of Federal Regulations, which quarantine certain areas because of scabies in sheep, are hereby deleted.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment releases from quarantine all areas in the States of Louisiana and Mississippi heretofore quarantined because of the contagious, infectious, and communicable disease of sheep known as scabies. Hereafter the restrictions pertaining to the interstate movement of sheep from quarantined areas, contained in 9 CFR and Supp., Part 74, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Part 74, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 8th day of July 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 57-5670; Filed, July 11, 1957; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54393]

CERTAIN IMPORTED ARTICLES SUBJECT TO INTERNAL REVENUE SERVICE TAXES

To correspond with the applicable provisions of the Internal Revenue Code of 1954 and the regulations of the Internal Revenue Service thereunder, the Customs Regulations are amended as follows:

PART 9—IMPORTATIONS BY MAIL

The heading and paragraphs (a) and (b) of § 9.8 are amended to read:

§ 9.8 *Cigars, cigarettes, and manufactured tobacco; oleomargarine; and playing cards*—(a) In the case of mail entries for cigars, cigarettes, manufactured tobacco, oleomargarine, or playing cards required to have internal-revenue stamps affixed, customs officers shall sign and attach to the entries internal-revenue Form 923 (order for stamps—imported manufactures), after such completion as directed thereon, and customs Form 3473. When the parcel is addressed for delivery at the post office where it is examined and customs Form 3473 is not required to insure the taking of the action described thereon, Form 3473 need not be prepared. The postmaster will furnish the addressee with internal-revenue Form 923 (order for stamps—imported manufactures). The addressee will be required to secure the necessary internal-revenue stamps and affix them to the immediate packages of the merchandise before the parcel will be delivered to him.

(1) In lieu of securing and affixing internal-revenue stamps to packages of cigars, the addressee may file with the district director of internal revenue a tax return, Form 2135, with proper remittance. The addressee shall secure from the district director a copy of such tax return, bearing acknowledgment of receipt with remittance, and present it to the appropriate customs officer or postmaster, before the parcel will be released to him.

(2) When cigars, cigarettes, manufactured tobacco, or playing cards, imported by mail, bear the required internal revenue stamps affixed in a foreign country as provided by Internal Revenue Regulations (26 CFR 270.194, 275.183, and 305.19 (d)), they may be treated the same as any importation by mail subject only to duty.

(b) When appropriate, the immediate packages of the merchandise shall be stamped by customs officers before the shipment is released for delivery.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

As the tobacco product formerly named in the internal-revenue law and regulations as "snuff" is merely another form of manufactured tobacco for use in the mouth or nose, and is included in the definition of manufactured tobacco in the Internal Revenue Code of 1954, § 10.65 is amended by deleting "snuff," from the first sentence of paragraph (a), by inserting "manufactured" before "tobacco" where "tobacco" appears the second time in the first sentence of paragraph (c) (2), and by deleting "or snuff" from that sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

1. Section 11.1 is amended by deleting "cheroots," from the heading and the first sentence of paragraph (a); by deleting "and canceled" from the second sentence of paragraph (a); and by substituting "packages" for "containers" wherever that word appears in paragraph (a).

2. Footnote 1 appended to § 11.1 (a) is amended by substituting "§ 10.21 (1)" for "10.18."

3. Section 11.1 (b) is amended to read:

(b) After the cigars have been examined, weighed, and appraised and before release, the importer, except in the case of cigars entitled to entry as returned domestic products, shall affix to each package one or more internal-revenue stamps of the proper class and denomination as will fully taxpay the contents of such package, unless such stamp or stamps shall have been affixed abroad as provided for by regulations of the Internal Revenue Service or unless the importer pays the tax by return in accordance with § 270.230 of this chapter. The inspecting officer shall also see that each package of cigars weighing more than 3 pounds per 1,000 has the class designation prescribed by § 270.191 of this chapter, Internal Revenue regulations (26 CFR 270.191), legibly imprinted thereon or on a label securely affixed thereto. Where the importer pays the tax in accordance with § 270.230 of this chapter, the inspecting officer shall also see that each package of cigars has the mark (number of cigars contained in such package), prescribed by § 270.191a of this chapter, legibly imprinted thereon or on a label securely affixed thereto.

4. Section 11.1 (c), is amended by deleting "and canceled" from the first sentence, by substituting "(26 CFR 270)" for "No. 8" in that sentence and by deleting the second sentence.

5. Section 11.1 (d) is amended to read:

(d) No cigars or cigarettes shall be released for consumption unless packed and marked in accordance with Part 270, Internal Revenue Regulations (26 CFR 270).

6. Section 11.1 (e) is amended by deleting "cheroots," from the first sentence and by deleting ", cheroots," from the third sentence.

7. The citation of authority for § 11.1 is amended to read:

(68A Stat. 713; 26 U. S. C. 5723)

8. Section 11.2 is amended to read:

§ 11.2 *Manufactured tobacco*—(a) All manufactured tobacco, as defined in § 275.24 of this chapter, Internal Revenue Regulations (26 CFR 275.24), before release for consumption shall be properly packed and marked, and each package subject to tax shall have securely affixed thereto before release one or more stamps of such denominations as will fully taxpay the contents thereof. If the invoice and entry presented for imported manufactured tobacco show that sufficient internal-revenue stamps required to denote payment of the tax have been affixed to the packages abroad, and also specify the number of packages of each size (based on the net weight of the manufactured tobacco therein) and the number of stamps of each denomination affixed to such packages, the collector may permit deposit of less than the entire importation for examination.

(b) In the case of returned American manufactured tobacco, the packages shall be marked or stamped by customs, preferably over the internal-revenue stamp, with the inscription "American goods returned."

(68A Stat. 713; 26 U. S. C. 5723)

9. Part 11 is amended by adding a new section designated § 11.2a reading as follows:

§ 11.2a *Release of tobacco materials to qualified manufacturers of tobacco products and dealers in tobacco material; also release of manufactured tobacco, cigars, and cigarettes to qualified manufacturers.* Tobacco materials may be released from customs custody, without the payment of internal-revenue tax, for delivery to a qualified dealer in tobacco materials, or to a qualified manufacturer of tobacco cigars, or cigarettes, under such dealer's or manufacturer's bond, solely for receipt into premises covered by bond. The collector of customs may permit such release upon the filing with him of a notice of release, Internal Revenue Form 2146, properly and completely executed by the dealer or manufacturer desiring release of the tobacco materials to him. Manufactured tobacco, cigars, or cigarettes may also be released from customs custody, without payment of internal-revenue tax and affixing of internal-revenue stamps, for delivery to a qualified manufacturer of such products, under the manufacturer's bond, solely for receipt into premises covered by such bond. The collector of customs may permit such release of tobacco products upon filing with him of a notice of release of imported tobacco products, Internal Revenue Form 2145, properly executed by the manufacturer concerned and properly endorsed by the appropriate assistant regional commissioner of internal revenue.

(68A Stat. 708; 26 U. S. C. 5704)

10. Section 11.4 (a) is amended by inserting ", not bearing stamps in payment of the tax affixed abroad in accordance with Internal Revenue Regulations (26 CFR 305.19)," after "playing cards," and by adding the following new sentence: "Imported playing cards bearing the required stamps affixed abroad may be treated the same as any importation subject only to duty."

11. Section 11.5 is amended by changing the citation of authority to read:

(68A Stat. 545; 26 U. S. C. 4591)

12. Section 11.7 is amended by deleting from the parentheses "Regulations 7, 10, 13, and 21;" and by substituting "225" and "251" for "185" and "191", respectively.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

1. Section 19.16 (b) is amended by substituting "the warning" for "the caution notice" and "package" for "box", and by substituting a comma for the period and adding "but if the applicable tax is payable by return in compliance with § 270.199 of this chapter and other applicable sections of the Internal Revenue regulations no internal-revenue stamps need be affixed."

2. Section 19.16 (f) is amended by deleting "both" and "and internal-revenue".

3. Section 19.16 (g) is amended to read:

(g) Before removal from warehouse for consumption, marking is required so that each package of such cigars shall have legibly imprinted or branded thereon, or on a label securely affixed thereto, a notice and (1) for customs purposes the notice shall state:

Made in No. ------, customs bonded manufacturing warehouse, class 6.

(2) For internal revenue purposes, unless the tax has been paid by return in which case no internal-revenue stamps are required, the wording shall state:

Law forbids the reuse of the Federal stamps hereon and requires the person who empties this package to destroy such stamps when the package is emptied.

If the tax is paid by return, the package must show the number of cigars contained in such package.

4. The citation of authority for § 19.16 is amended to read:

(Sec. 311, 46 Stat. 691, as amended, 68A Stat. 713, 716; 19 U. S. C. 1311, 26 U. S. C. 5723, 5752)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 2, 1957:

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-5662; Filed, July 11, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

WITCHWEED QUARANTINE AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Agricultural Research Service is considering the issuance of a witchweed quarantine and other regulations to appear, as follows, in a new subpart in 7 CFR Part 301, under the Federal Plant Pest Act (Public Law 85-36) and sections 8 and 9 of the Plant Quarantine Act, as amended (7 U. S. C. 161, 162):

SUBPART—WITCHWEED

§ 301.80 *Notice of quarantine.* Under the authority conferred by sections 103 and 106 of the Federal Plant Pest Act (Public Law 85-36) and sections 8 and 9 of the Plant Quarantine Act, as amended (7 U. S. C. 161, 162), and after public hearing, it has been determined that it is necessary to quarantine the States of North Carolina and South Carolina to prevent the spread of witchweed (Striga sp.), a parasitic plant which causes a dangerous disease of corn, sorghum, and other crops of the grass family, and which has not heretofore been widely prevalent or distributed within and throughout the United States, and said States are hereby quarantined and regulations are hereinafter prescribed (§§ 301.80-1 through 301.80-11) governing the movement of witchweed and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved by mail or otherwise, by any person, from any quarantined State into or through any other State, Territory, or District of the United States in any manner or method; or under conditions other than those prescribed in the regulations as from time to time amended: (a) Soil, separately or with other things; (b) nursery stock and other plants with roots attached; (c) true bulbs, corms, rhizomes, and tubers; (d) root crops; (e) hay, straw, fodder and plant litter of any kind; (f) seed cotton; (g) tobacco; (h) peanuts in shells; (i) ear corn; (j) soybeans; (k) small grains; (l) used farm tools, implements and harvesting machinery; (m) used construction and maintenance equipment; (n) used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers; and (o) other farm products and farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and unlimited by the foregoing, any other products and articles of any character whatsoever, not covered by paragraphs (a) through (n), when it is determined in accordance with the regulations, that they present a hazard of spread of witchweed. However, the requirements of the quarantine and other regulations, with respect to such products, articles, and means of conveyance, are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of witchweed, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of witchweed and other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of witchweed within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles, or means of conveyance to which the regulations apply, making it safe to modify by making less stringent the requirements contained in the regulations, except § 301.80-3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated areas or portion thereof and for such products, articles, and means of conveyance, as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas. Under the Federal Plant Pest Act, no person shall knowingly move any witchweed plants or reproductive parts thereof, including seed, into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory, or District, or knowingly accept delivery of such plants or parts so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.80-1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Witchweed.* Parasitic plants of the genus Striga, and any reproductive parts thereof, including seed.

(b) *Infestation.* The presence of witchweed.

(c) *Regulated area.* Any county, other minor civil division, farm, or other premises, or part thereof, designated in administrative instructions under § 301.80-2 as a regulated area.

(d) *Regulated articles.* Witchweed, means of conveyance, and other products and articles of any character whatsoever, the movement of which is regulated by the witchweed quarantine (§ 301.80) and the regulations in §§ 301.80-1 through 301.80-11.

(e) *"Moved" ("movement", "move").* Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(f) *Interstate.* From any State, Territory or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(h) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, processing, or treatment.

(i) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing utilizing, treating, or moving regulated articles.

(j) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of the provisions thereof by the Director of the Plant Pest Control Division, Agricultural Research Service.

(k) *Inspector.* An inspector of the United States Department of Agriculture.

(l) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.80-2 *Designation of regulated areas.* The Director of the Plant Pest Control Division shall, from time to time, in administrative instructions promulgated by him, list the counties, other minor civil divisions, farms, or other premises, or parts thereof, in the quarantined States, in which infestation of the witchweed has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such counties, other civil divisions, farms, and other premises, and parts thereof, as regulated areas. Any civil division, premises, or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate witchweed therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, premises, or part thereof, as a regulated area.

§ 301.80-3 *Witchweed; conditions of movement.* Witchweeds may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District and delivery of witchweeds so moving may be accepted only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director. The permit shall be securely attached to the outside of the container of the witchweeds when they are so moved.

§ 301.80-4 *Other regulated articles; conditions of movement*—(a) *Designated articles.* Unless exempted by administrative instructions, the following may be moved from any regulated area into or through any point outside of the regulated areas only if accompanied by a valid certificate or limited permit issued in compliance with § 301.80-7 and if the applicable requirements of §§ 301.80-5 and 301.80-6 are also met; soil, separately or with other things; nursery stock and other plants with roots attached; true bulbs, corms, rhizomes and tubers; root crops; hay, straw, fodder, and plant litter of any kind; seed cotton; tobacco; peanuts in shells; ear corn; soybeans; small grains; used farm tools, implements and harvesting machinery; used construction and maintenance equipment; and used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers. However, regulated articles of kinds within this paragraph which originate outside of the regulated areas and are moving through or are being reshipped from a regulated area may be moved from such regulated area into or through any point outside of the regulated areas without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated areas in a manner satisfactory to an inspector and do not present a hazard of spread of witchweed. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated areas.

(b) *Articles determined to present hazards.* When it has been determined by an inspector that, due to contamination with witchweed, a hazard of spread of witchweed is presented by any farm products, farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, other means of conveyance, or, unlimited by the foregoing, any other products or articles of any character whatsoever, not covered by paragraph (a) or § 301.80-3, notice of such fact shall be given to the person having custody thereof. Thereafter, except as exempted in administrative instructions, such contaminated articles may be moved from any regulated area into or through any point outside of the regulated areas only if accompanied by a valid certificate or limited permit issued in compliance with § 301.80-7 (a) (1) (iii) or (b) and if the applicable requirements of §§ 301.80-5 and 301.80-6 are also met.

§ 301.80-5 *Use of certificates or limited permits with shipments.* Every container of regulated articles required to have a certificate or limited permit under § 301.80-4 shall have such certificate or permit securely attached to the outside thereof, when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles will not be required.

§ 301.80-6 *Protecting certified articles.* Subsequent to certification as provided in § 301.80-7, regulated articles must be loaded, handled, and shipped, only under such protection and safeguards against infestation as are required by the inspector.

§ 301.80-7 *Conditions governing the issuance of certificates and limited permits*—(a) *Certificates.* (1) Certificates may be issued by the inspector for the movement of the regulated articles specified in § 301.80-4 (a) under any of the following conditions:

(i) When, in the judgment of the inspector, they have not been exposed to infestation.

(ii) When they have been examined by the inspector and found to be free of infestation.

(iii) When they have been treated to destroy witchweed under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(iv) When grown, produced, manufactured, stored or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(2) Certificates may be issued by the inspector for the movement of regulated articles covered by § 301.80-4 (b) under the conditions stated in subparagraph (1) (iii).

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles under § 301.80-4 to specified destinations for limited handling, utilization, or processing, or for treatment.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

§ 301.80-8 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.80-4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.80-9 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of witchweed.

§ 301.80-10 *Inspection and disposal.* Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character

whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that Act and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.80–11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart other than for the services of the inspector.

Any interested persons who wish to submit written data, views, or arguments with respect to the proposal may do so by filing them with the Director of the Plant Pest Control Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; Public Law 85–36)

Done at Washington, D. C., this 9th day of July 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-5667; Filed, July 11, 1957; 8:49 a. m.]

[7 CFR Part 301]

WITCHWEED

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Director of the Plant Pest Control Division, contingent upon authority being delegated to him in conformity with § 301.80–2 of the proposed Witchweed regulations supplemental to the proposed Witchweed notice of quarantine (§ 301.80–2, supra), under the Federal Plant Pest Act (Public Law 85–36) and sections 8 and 9 of the Plant Quarantine Act, as amended (7 U. S. C. 161, 162), is considering issuing the following administrative instructions listing parts of minor civil divisions, farms, and other premises, in which infestations of the witchweed have been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, thereby designating such parts of minor civil divisions, farms, and other premises, as witchweed regulated areas within the meaning of the provisions in the proposed new subpart, under the heading "Witchweed," in Title 7, Chapter III, Part 301, of the Code of Federal Regulations:

§ 301.80–2a *Administrative instructions designating regulated areas under the witchweed quarantine.* Infestations of the witchweed have been determined to exist in the parts of minor civil divisions, farms, and other premises listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such parts of minor civil divisions, farms, and other premises are hereby designated as Witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Bladen County. The E. J. Cain farm located on a soil surface road 0.8 mile east of White Oak, including all highways and roadways abutting thereon.

The George Cain farm located on a soil surface road one mile northeast of Ruskin, including all highways and roadways abutting thereon.

The Floyd Edge farm located 2.5 miles northeast of White Oak, on White Oak-Ammon Road, including all highways and roadways abutting thereon.

The Sidney Johnson farm, operated by Robert Sealey, located on State Highway No. 131, 0.25 mile southeast of intersection of State Highway No. 131 and State Highway No. 41, including all highways and roadways abutting thereon.

The E. F. Owens farm located on White Oak-Ammon Road, three miles north of White Oak, including all highways and roadways abutting thereon.

The Fred Singletary farm, operated by James Singletary, located one mile northwest of Richardson, on State Highway No. 211, including all highways and roadways abutting thereon.

The Gaston Taylor farm located on State Highway No. 131, 0.5 mile northwest of the intersection of State Highway No. 131 and State Highway No. 41, including all highways and roadways abutting thereon.

Columbus County. That area bounded on the north by U. S. Highway No. 74, on the east by State Highway No. 242, on the south by a line projecting due west from the intersection of State Highway No. 242 and Whiteville and Princess Ann Road to the Columbus-Robeson County Line, and on the west by the Columbus-Robeson County Line (excluding the area within the corporate limits of the Town of Evergreen).

The Charlie Faulk farm located 1.5 miles northwest of Evergreen on U. S. Highway No. 76, including all highways and roadways abutting thereon.

The E. M. Kissam farm located 1.5 miles north of Evergreen, and 0.3 mile west of State Highway No. 242 at the end of a farm road; and the A. J. Kissam farm adjoining; including all highways and roadways abutting thereon.

The Lennon Estate, operated by Benjamin Lennon, and the adjoining Ezra Lennon farm, located on a soil surface road 0.5 mile northwest of the junction of said soil surface road and State Highway No. 242, said junction being one mile southwest of the Bladen-Columbus County line; including all highways and roadways abutting thereon.

The Malcolm Ransom farm located one mile south of the Bladen-Columbus County line on Mt. Olive-Bladenboro Road, including all highways and roadways abutting thereon.

The Paul Willoughby, Sr., farm located on the old Boardman-Bladenboro Road 0.5 mile northeast of the junction of the old Boardman-Bladenboro Road and State Highway No. 242; and the Paul Willoughby, Jr., farm located on the old Boardman-Bladenboro Road 0.6 mile northeast of the junction of the old Boardman-Bladenboro Road and State Highway No. 242; including all highways and roadways abutting thereon.

Cumberland County. The J. R. Averitt farm, the M. B. Alphin farm, and the (Mrs.) W. E. Jackson farm, located 1.25 miles southeast of Cedar Creek on North Carolina Highway No. 53; including all highways and roadways abutting thereon.

The D. C. Carter farm located on State Highway No. 210, 0.5 mile east of the junction of State Highway No. 210 and State Highway No. 53, and all highways and roadways abutting thereon.

The E. M. Starling farm located on the south side of State Highway No. 53, 0.5 mile northwest of the junction of State Highway No. 53 and State Highway 210, including all highways and roadways abutting thereon.

Robeson County. That area included within a circle having a 0.5 mile radius and center at the Union Elementary School on State Highway No. 710, including all highways and roadways abutting thereon.

That area beginning at the junction of State Highway No. 211 and Carthage Road and extending in a northwesterly direction on Carthage Road to include the farms of L. E. Bruce, Sandy Lowery, S. A. Lowery, James A. Jacob, Willie F. Sutton, J. E. Bell, Boyd Humphrey, and Bertha Jones; including all highways and roadways abutting thereon.

The (Mrs.) O. D. Allen farm located on the Maxton-Bennettsville Road, 2.7 miles southwest of Raemon, and all highways and roadways abutting thereon.

The Earlie Bullard farm located on Red Bank Road, one mile southeast of the A. C. L. Railroad crossing, including all highways and roadways abutting thereon.

The Woodrow Cumming farm located at Moss Neck, and all highways and roadways abutting thereon.

The M. B. Jones farm located on Bule-Rennert Road, 0.5 mile north of the intersection of Bule-Rennert Road and State Highway No. 211, including all highways and roadways abutting thereon.

The O. M. McIntyre farm located 0.1 mile east of Raemon on State Highway No. 130, and all roadways and highways abutting thereon.

The C. T. McQueen farm located on the Maxton-Bennettsville Road, 4.5 miles southwest of Raemon, and all highways and roadways abutting thereon.

The Bruce McRae farm located on the Maxton-Bennettsville Road, 4.6 miles southwest of Raemon, and all highways and roadways abutting thereon.

The A. N. Mitchell farm located one mile northwest on a paved road that joins with State Highway No. 41, 0.3 mile north of Fairmont, including all highways and roadways abutting thereon.

The E. A. Nance farm located on Beaulah Church Road, four miles southwest of Allentown, including all highways and roadways abutting thereon.

The Mrs. Hays Strickland farm located at the southwest side of the intersection of State Highway No. 83 and the Maxton-Bennettsville Road, and all highways and roadways abutting thereon.

The Paul Thompson farm, operated by Lonnie Brooks, located on the south side of a paved road, 0.5 mile northwest of the junction of said paved road with State Highway No. 130, said junction being 4 miles southwest of Fairmont; and the Mrs. Lonnie Locklear farm across the road from said Paul Thompson farm; including all highways and roadways abutting thereon.

The Gaddy Ward farm, operated by Gaines Phillips, located on the east side of State Highway No. 904 and the Floyd Townsend farm located on the west side of State Highway No. 904, 1.5 miles southwest of the junction of State Highway No. 904 and State Highway No. 130; including all highways and roadways abutting thereon.

The Miss Lola Watson farm, operated by Arthur Fanton, located on the north side of Red Bank Road and the Neal Lowery, Jr., farm, located on the south side of Red Bank Road, 1.4 miles northeast of Daystrom; including all highways and roadways abutting thereon.

SOUTH CAROLINA

Dillon County. The adjoining farms of H. C. Branch, R. F. Schackelford and Mrs. C. T. Pate, located on South Carolina Secondary Highway No. 61, 0.5 mile southwest of Oakland Crossroads; including all highways and roadways abutting thereon.

The E. P. Lee farm located on soil surface road 0.75 mile northeast of the State Secondary Highway No. 23, said soil surface road junctioning with State Secondary Highway No. 23, 1.5 miles southwest of the North Carolina-South Carolina State line, including all highways and roadways abutting thereon.

The W. M. Lock farm located on State Secondary Highway No. 23, three miles northeast of Little Rock, including all highways and roadways abutting thereon.

An area comprised of the adjoining farms of Hamp Lupo, Bliss Hayes, John D. Reagan, James McClellon, Flora Harrelson, and D. D. McDonald, located 3.3 miles east of Dillon; and all highways and roadways abutting thereon.

The Polly McDaniel farm, operated by Al McDaniel, located on the north side of State Secondary Highway No. 40, at its junction with State Secondary Highway No. 156, including all highways and roadways abutting thereon.

The Warner McDaniel farm located on State Secondary Highway No. 156, 0.75 mile southeast of the junction of State Secondary Highway No. 156 and State Secondary Highway No. 40, including all highways and roadways abutting thereon.

The Mrs. Annie McGinnis farm, operated by D. B. McGinnis, located on South Carolina Highway No. 57, 0.5 mile south of the junction of State Highway No. 57 and State Secondary Highway No. 26, and all highways and roadways abutting thereon.

The Miss Thelma Seals farm, operated by Brooks Wilkerson, located on South Carolina Secondary Highway No. 23, 2.25 miles northeast of Little Rock, including all highways and roadways abutting thereon.

The J. E. Sizemore farm, operated by Robert Miller, located on State Secondary Highway No. 45, 0.25 mile southwest of the crossroads of State Secondary Highway No. 45 and State Secondary Highway No. 34, including all highways and roadways abutting thereon.

The R. F. Stafford farm, operated by Elwood Dilion, located on State Highway No. 57, 0.25 mile northwest of Floydale, including all highways and roadways abutting thereon.

Horry County. That area included within a circle having 1.25 miles radius and center at Cedar Creek Church located on State Secondary Highway No. 23, including all highways and roadways abutting thereon.

The W. L. Black farm located on U. S. Highway No. 76, one mile northeast of the intersection of U. S. Highway No. 76 and State Highway No. 9, including all highways and roadways abutting thereon.

The Mrs. Macon Elliot farm, operated by Macon Elliot, located 0.6 mile southeast of State Secondary Highway No. 23 on a soil surface road which intersects State Secondary Highway No. 23 two and one-tenth miles south of the junction of State Secondary Highway No. 23 and State Highway No. 9; including all highways and roadways abutting thereon.

The Lowe Floyd farm located on the north side of South Carolina Highway No. 9 and the James R. Battle Estate, operated by Lesley Elliot, located on the south side of State Highway No. 9, at the junction of State Highway No. 9 and State Secondary Highway No. 23, including all highways and roadways abutting thereon.

The A. J. Hammond farm located on a soil surface road 0.75 mile east of Free Welcome Church on the extension of State Secondary Highway No. 23, including all highways and roadways abutting thereon.

The Jack Nash farm, operated by Thomas Stroud, located on a soil surface road 2.5 miles southwest of the junction at Cedar Creek Church of said soil surface road and State Secondary Highway No. 23; including all highways and roadways abutting thereon.

Marion County. The Will Gerald farm located 1.8 miles southeast of State Secondary Highway No. 60 on a soil surface road which begins at State Secondary Highway No. 60, 0.4 mile northeast of the Little Pee Dee River; including all highways and roadways abutting thereon.

The Short Gilchrist farm, operated by Short Gilchrist and Clifford Walker, located 0.5 mile southeast of State Secondary Highway No. 60 on a soil surface road which begins at Secondary Highway No. 60, 0.4 mile northeast of the Little Pee Dee River; including all highways and roadways abutting thereon.

The W. B. Norwood farm located on the south side of Old Marion-Mullins Highway and the R. A. Guyton farm, located on the north side of Old Marion-Mullins Highway, three miles northeast of Marion, including all highways and roadways abutting thereon.

Marlboro County. The Hughes farm, operated by William Shedrick, located 0.8 mile south of State Highway No. 34 on a soil surface road which intersects State Highway No. 34 at Bethlehem Methodist Church; including all highways and roadways abutting thereon.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 8 and 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; Public Law 85–36)

Done at Washington, D. C., this 9th day of July 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57–5668; Filed, July 11, 1957; 8:49 a. m.]

[7 CFR Part 301]

WITCHWEED

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIED REQUIREMENTS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Director of the Plant Pest Control Division, contingent upon authority being delegated to him in conformity with the proposed Witchweed notice of quarantine and § 301.80–4 of the regulations supplemental thereto (§§ 301.80, 301.80–4, supra), under the Federal Plant Pest Act (Public Law 85–36) and sections 8 and 9 of the Plant Quarantine Act, as amended (7 U. S. C. 161, 162), is considering issuing the following administrative instructions to exempt certain regulated articles from specified requirements of said regulations, as follows:

§ 301.80a *Administrative instructions exempting certain articles from specified requirements.* (a) It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from any regulated area, as hereinafter provided. The following articles are hereby exempted from the requirements of §§ 301.80–4, 301.80–5, 301.80–6, and 301.80–8 under the conditions set forth hereinafter:

(1) Root crops, such as turnips, carrots, and sweet potatoes, when moving to a designated processing plant, or when washed free of soil and thereafter protected from infestation to the satisfaction of the inspector.

(2) Seed cotton when moving to a designated gin.

(3) Tobacco when moving to a designated warehouse or storage facility.

(4) Soybeans if the beans and any containers for the beans did not come in contact with the soil during harvesting and if the beans are moving forthwith to a designated oil mill or storage facility for crushing or uses other than planting.

(5) Small grain if the grain and any containers for the grain did not come in contact with the soil during harvesting and if the grain is moving forthwith to a designated storage facility for uses other than planting.

(6) Ear corn when harvested from the stalk and placed, without coming in contact with the soil, in a wagon or truck for direct transportation to storage or other handling facility.

(7) Used farm tools and implements, when washed, steam cleaned or air cleaned, and thereafter protected from infestation, to the satisfaction of the inspector. (This exemption does not apply to mechanical cotton or corn pickers, combines, or hay balers or to cotton picking sacks.)

(8) Trucks, wagons, railway cars, aircraft, boats, and other means of conveyance determined to present a hazard under § 301.80–4 (b), when treated to the satisfaction of the inspector.

(b) Information as to designated processing plants, oil mills, warehouses, storage and handling facilities, and gins may be obtained from the inspector.

The proposed administrative instructions would permit the movement of certain articles without a certificate or limited permit or compliance with re-

lated requirements under the proposed Witchweed quarantine.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Pest Control Division, Agricultural Research, Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; Public Law 85-36)

Done at Washington, D. C., this 9th day of July 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57-5669; Filed, July 11, 1957; 8:50 a. m.]

[7 CFR Part 301]

SOYBEAN CYST NEMATODE; MISSISSIPPI

DOMESTIC QUARANTINE NOTICE

The Administrator of the Agricultural Research Service has information that the soybean cyst nematode (Heterodera glycines Ichinohe), which causes a dangerous disease of soybeans and which previously has been found in certain parts of Arkansas, Kentucky, Missouri, North Carolina, and Tennessee, has recently been discovered in certain parts of Mississippi.

Notice is hereby given that it is proposed under the authority of section 8 of the Plant Quarantine Act, as amended (7 U. S. C. 161) and section 106 of the Federal Plant Pest Act (Public Law 85-36), to quarantine the State of Mississippi, and to restrict or prohibit the movement from said State, or from any locations therein designated as infested, into or through any other State, Territory, or District of the United States, of (1) soil, separately or with other articles; (2) nursery stock and other plants with roots attached; (3) true bulbs, corms, rhizomes, and tubers; (4) root crops; (5) soybeans; (6) small grains; (7) ear corn; (8) hay, straw, fodder and plant litter of any kind; (9) seed cotton; (10) used farm tools, implements, and harvesting machinery; (11) used construction and maintenance equipment; (12) used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers; and (13) other farm products, farm equipment, and processing machinery, trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and unlimited by the foregoing, any other products and articles of any character whatsoever that present a hazard of spread of the soybean cyst nematode.

Regulations would also be issued under the Federal Plant Pest Act governing the movement in interstate commerce of live soybean cyst nematodes in any stage of development.

A notice was published in the FEDERAL REGISTER on June 26, 1957 (22 F. R. 4472) concerning a public hearing to be held before a representative of the Agricultural Research Service in the Panorama Room of the King Cotton Hotel, Jefferson at Front Street, Memphis, Tennessee, at 10 a. m., July 24, 1957, for the purpose of considering the proposal to quarantine the States of Arkansas and Kentucky and to restrict or prohibit the interstate movement of the aforesaid articles and products. Notice is hereby given that consideration will similarly be given at the same hearing to the aforesaid proposal concerning Mississippi. At the hearing any interested person may appear and be heard, either in person or by attorney, on any of the aforesaid proposals. Any interested person who desires to submit written data, views or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before July 24, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 10th day of July 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-5695; Filed, July 11, 1957; 8:59 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

NOTICE EXTENDING TIME IN WHICH TO FILE VIEWS AND COMMENTS ON PROPOSALS TO ESTABLISH DEFINITIONS AND STANDARDS OF IDENTITY FOR CANNED ORANGE JUICE; INDUSTRIAL ORANGE JUICE, ORANGE JUICE FOR PROCESSING; CONCENTRATED ORANGE JUICE; AND SWEETENED CONCENTRATED ORANGE JUICE

A request has been received for extension of the time for filing views and comments upon the proposal to establish definitions and standards of identity for certain types of orange juice which was published in the FEDERAL REGISTER on June 4, 1957 (22 F. R. 3893).

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and delegated to him by the Secretary (22 F. R. 1045), the Commissioner of Food and Drugs hereby extends until August 16, 1957, the time for filing views and comments upon the proposals to adopt definitions and standards of identity for canned orange juice; industrial orange juice; orange juice for processing; concentrated orange juice; and sweetened concentrated orange juice.

Dated: July 8, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-5665; Filed, July 11, 1957; 8:48 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF 2,4-DICHLORO-6-(*o*-CHLOROANILINO) TRIAZINE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Chemagro Corporation, 437 Fifth Avenue, New York 16, New York, proposing the establishment of tolerances for residues of 2,4-dichloro-6-(*o*-chloroanilino) triazine in or on raw agricultural commodities as follows: Celery, 40 parts per million; tomatoes, 10 parts per million; potatoes, 1 part per million.

The analytical method proposed in the petition for determining residues of 2,4-dichloro-6-(*o*-chloroanilino) triazine is as follows:

The crop sample is macerated with isopropyl alcohol and the 2,4-dichloro-6-(*o*-chloroanilino) triazine extracted from the mixture with benzene. An aliquot of the benzene extract is evaporated and the residue hydrolyzed by refluxing with dilute hydrochloric acid. The resultant *o*-chloroanilino is diazotized and coupled with *N*-(1-naphthyl)-ethylenediamine dihydrochloride to produce an intense magenta color in a manner similar to that of the Averell-Norris method for parathion (Analytical Chemistry, Volume 20, pages 753-756, 1948). The absorbance of the colored solution is measured at 540 mμ. A clean-up step is also required in this colorimetric procedure. It may consist either of chromatography on a column of Attapulgus clay-Super Cel just after evaporation of the benzene extract, or of Zn-HCl reduction immediately following the hydrolysis step.

Dated: July 5, 1957.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 57-5641; Filed, July 11, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[342.5]

SHELL ALEXIA OIL A AND SIMILAR OILS

CLASSIFICATION AS LUBRICATING OILS

JULY 2, 1957.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated April 16, 1957 (22 F. R. 2645), that the existing practice of not classifying certain oils under section 4521, Internal Revenue Code of 1954, as modified, was under review. The Bureau, by its letter dated July 2, 1957, addressed to the collector of customs at New York, New York, ruled that Shell Alexia Oil A and similar oils are classifiable under section 4521 as lubricating oils with tax at the rate of 2 cents per gallon.

Insofar as this decision results in the assessment of a tax at a rate of tax higher than that which has heretofore been assessed under a uniform practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of this decision in the weekly Treasury Decisions.

The practice of classifying such oils under paragraph 1558 of the tariff act is unaffected by this decision.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-5663; Filed, July 11, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Phoenix Area Office Redelegation Order 1, Amdt. 1]

FUNCTIONS RELATING TO CREDIT MATTERS

Order 1 is amended by the addition of the following new sections under the heading Functions Relating to Credit Matters.

SEC. 2.130 *Default.* The taking of any steps authorized by 25 CFR 21.10 in case of default of individual borrowers from the United States.

SEC. 2.134 *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian, and assignmnts of income from trust or restricted land of an Indian, as security for a loan by any lender.

SEC. 2.135 *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases of any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR Parts 21 and 23.

SEC. 2.136 *Release of United States interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

F. M. HAVERLAND,
Area Director.

Approved: July 8, 1957.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 57-5643; Filed, July 11, 1957; 8:45 a. m.]

[Minneapolis Area Office Redelegation Order 1, Amdt. 1]

REDELEGATION OF AUTHORITY TO SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

1. The heading "Part 2—Authority of Superintendents and Officer in Charge of Area Field Office" is changed to read: "Part 2—Authority of Superintendents".

2. A new section is added under the heading "Functions relating to lands and minerals," to read as follows:

SEC. 2.25 *Assignments of Mdewakanton Sioux Lands.* The approval of assignments and the issuance of certificates of assignments to Minnesota Mdewakanton Sioux Indians of land acquired by the United States pursuant to the act of March 2, 1889 (25 Stat. 992), and August 19, 1890 (26 Stat. 349).

3. A new heading and four new sections are added to read as follows:

FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 2.120 *Loan agreements and modifications.* The approval of applications of individuals for loans (subject to the availability of funds) where the total indebtedness of the applicant to the lender does not exceed $1,500.

SEC. 2.134 *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian, and assignments of income from trust or restricted land of an Indian, as security for a loan by any lender.

SEC. 2.135 *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney-in-fact to execute leases on any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR Part 21.

SEC. 2.136 *Release of United States Interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

THOMAS L. CARTER,
Acting Area Director.

Approved: July 8, 1957.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 57-5642; Filed, July 11, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

STATE DIRECTORS AND COUNTY SUPERVISOR-APPRAISERS

REVOCATION OF DELEGATIONS OF AUTHORITY

Pursuant to authority vested in me by the order of the Acting Secretary of Agriculture dated December 24, 1953 (19 F. R. 74, 77), as amended, the Order of the Administrator of the Farmers Home Administration dated August 10, 1954 (19 F. R. 5155), as amended by the Order of the Acting Administrator dated June 10, 1955 (20 F. R. 4190), authorizing State Directors to delegate and redelegate certain functions and responsibilities, and Paragraph 1 of the Order of the Administrator dated March 17, 1955 (20 F. R. 1745), concerning the authority of County Supervisor-Appraisers, are hereby revoked.

Dated: July 8, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-5674; Filed, July 11, 1957; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. F-44, 50-32 & 50-53]

AEROJET-GENERAL NUCLEONICS

ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no petitions to intervene having been filed following the publication of notices of the proposed actions in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4327 and 22 F. R. 4329, respectively, the Atomic Energy Commission has issued to Aerojet-General Nucleonics, San Ramon, California, construction permits for (1) the modification of an existing 100-milliwatt reactor to 5 watts and (2) the construction of sixteen 100-milliwatt nuclear reactors and one 5-watt nuclear reactor.

Dated at Washington, D. C., this 8th day of July 1957.

For the Atomic Energy Commission,

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-5675; Filed, July 11, 1957; 8:51 a. m.]

[Docket No. 50-18]

GENERAL ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a facility license (authorizing operation as a critical experiment facility pursuant to section 104 (c) of the Atomic Energy Act of 1954) to General Electric Company substantially in the form set forth

as Annex "A" unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is included as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the facility and the principal factors considered in reviewing the application for a license. A construction permit authorizing General Electric Company to construct the facility was issued by the Commission on May 14, 1956. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

The proposed license would authorize operation of the facility solely for the performance of critical experiments at the nominal power of one kilowatt. The Commission has not completed its review of the application to the extent that the application requests a license to operate the facility for other purposes. Upon the completion of such review, the Commission will give at least 30 days public notice of proposed action.

Dated at Washington, D. C., this 8th day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE NO. CX-2

LICENSE

1. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses General Electric Company (hereinafter "GE").

a. Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the Act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as a utilization facility the nuclear reactor (hereinafter referred to as "the facility") designated below;

b. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Materials Regulations," to receive, possess and use 25 kilograms of contained uranium 235 in the form of uranium-oxide as fuel for operation of the facility;

c. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," to possess, but not to separate such special nuclear and by-product material as may be produced from operation of the facility.

2. This license applies to the facility which is owned by GE and located in Alameda County, California, and described in GE's application dated January 10, 1956, revision to the application dated February 28, 1956, and amendments to the application, as revised, filed on January 29, 1957, March 11, 1957, April 15 and 22, 1957, June 13 and 26, 1957, and July 1 and 5, 1957 (hereinafter "the application").

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

4. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

5. This license is effective as of the date of issuance and shall expire at midnight May 14, 1963, unless sooner terminated.

For the Atomic Energy Commission.

Director,
Division of Civilian Application.

Date of Issuance:

APPENDIX "A"

I. *Operating restrictions.* Unless further authorized by the Commission:

a. GE shall operate the facility only for the conduct of the critical experiments described in its application and in accordance with the procedures governing these experiments described therein.

b. GE shall not operate the facility at power levels in excess of 1,000 watts.

II. *Records.* In addition to those otherwise required under this license, GE shall keep the following records:

a. Facility operating records, including power levels.

b. Records showing radioactivity released or discharged into the air or water beyond the effective control of GE as measured at the point of such release or discharge.

c. Records of emergency scrams, including reasons for emergency shutdowns.

III. *Reports.* GE shall make a prompt report to the Commission of any unusual operating incident of the facility.

ANNEX "B"

MEMORANDUM

Introduction. On January 10, 1956, the General Electric Company filed an application for licenses to construct and operate a developmental boiling water power reactor designed to produce 3000 kilowatts of electrical energy. The company revised its application on February 28, 1956, and filed amendments to the application on January 29, 1957, March 11, 1957, April 15 and 22, 1957, June 13 and 26, 1957, and July 1 and July 5, 1957. The amendment filed June 13, 1957, requested that the facility be initially licensed to perform critical tests at power levels not to exceed 1000 watts.

Description of the facility. The license application and subsequent amendments submitted by General Electric Company for the Developmental Boiling Water Reactor at the Vallecitos Atomic Laboratory describe the facility and operations planned to make the reactor critical and for running certain critical experiments. The following description is limited to the facility as it will be operated for the criticality determinations as requested in Amendment No. 5.

The Vallecitos Atomic Laboratory site consists of 1593.7 acres located near the center of the Pleasanton quadrangle of Alameda County, California. It is east of San Francisco Bay, approximately 33 air miles east-southeast of San Francisco and 19 air miles north of San Jose. The nearest sizeable towns are Pleasanton, population 2700 (4.1 air miles to the north-northwest), and Livermore, population about 10,000 (6.2 miles to the northeast). A United States Veterans Administration Hospital with a population of about 1000 is located about four miles to the east.

The site is on the north side of Vallecitos Road, which is a two lane paved highway. The Southern Pacific and Western Pacific Railroads lie about two miles west of the site and pass through the towns of Livermore and Pleasanton.

The facility consists of three buildings: (1) The reactor enclosure, "a pressure tight" steel building 48 feet in diameter and 100 feet in over-all height in the shape of a vertical cylinder with hemispherical ends, (2) the turbine building, a two-story prefabricated sheet-steel building covering 1,800 square feet of area and located with its nearest wall 20 feet or so from the reactor building, and (3) the control and office building, a two-story steel-frame and concrete-block with 1-foot thick concrete walls on the side nearest the reactor building and an eight inches thick concrete roof. This building is somewhat farther from the reactor building than the turbine building. All steam lines, piping connections, instrument connections, etc., between the buildings are buried underground.

Between the reactor and turbine buildings a 30-inch diameter stack approximately 70 feet high is located. All lines believed to have a possibility of containing radioactive gasses are connected to the base of this stack for atmospheric discharge of their contents. The most important of these is a 24-inch underground line which carries the exhaust ventilation air from the reactor building to the base of the stack. In the top of the reactor building there is another 24-inch opening which serves as the inlet for the ventilation air to the reactor building. Each of these 24-inch lines through the wall of the reactor building are provided with a quick-closing isolation valve operated by remote control and a slower acting, manually operated, gate valve. These valves are located in the ventilation lines inside the reactor building and are arranged with suitable controls and interlocks so that the building can be closed in case of reactor accidents or high levels of radioactive exhaust air.

Normal access to the reactor enclosure is provided by two air locks, each of which has two mechanically interlocked and leak-tight doors capable of establishing maximum design pressure of the enclosure. Thus, during normal operation of the reactor facility, the reactor building will constitute a sealed container for the reactor. However, during operation of the reactor as a critical experiment, a 10-foot diameter equipment access hatchway through one wall of the reactor building will be left open. Normally this opening is closed by a "patch" which has double plates on both sides and is bolted and welded in place. During the critical experiments the "patch" will not be in place and the 10-foot opening will be covered only by a loosely hanging fabric tarpaulin. Thus, for the critical experiments considered herein the reactor building will not be sealed.

The reactor is of the fully enriched uranium fuel, light water moderated and cooled, developmental boiling water type, planned for ultimate operation in the 10' thermal Kw range. In the critical experiments, operation will be limited to a maximum thermal output of 1 Kw; there will be no forced coolant flow, and the reactor vessel will be operated with the head removed. The vertical reactor vessel, a pressure cylinder with hemispherical ends, 84 inches in inside diameter by about 15 feet deep with the upper hemispherical end ("head") removed, is made of 3⅜ inch thick type SA-264 steel, with cladding of type 304-L stainless steel on the inside. The vessel is located in a concrete shielded room below ground level inside the reactor building. The only openings into this vessel are near the flanged connection to the head, and in the head itself (which will be removed during critical experiments), hence, there is no possibility of accidental drainage of water from the vessel during the critical experiments. Inside of the reactor vessel and just below the flange on the top end, where the head is normally connected, is a heavy steel core-support-ring mounted on 8 pads welded to the inside wall of the vessel. From this ring, 4 long bolts project downward and connect to both the upper and lower grid structures which contain the core of the reactor. Thus, the entire core structure is suspended from the support-ring located near the top of the pressure vessel on these four long steel bolts. The ring is positioned in the vessel to align the control-rod openings in the core with the control rod nozzles (and seals) normally located in the upper head of the pressure vessel. During the critical experiments when the pressure head will not be in place, a temporary structural framework "spider" will be mounted on the top end of the pressure vessel and bearing guides for the control rods will be mounted thereon.

The lower grid of the core structure is a rectangular shaped, egg-crate type, structure forming a lattice of stainless steel bars with approximately 3-inch square spacing which is attached respectively at its four corners to the lower ends of the long bolts hanging from the core support ring. The upper grid is also rectangular in shape and likewise is supported at its four corners on the long core support bolts. Spacer tubes are threaded onto the support bolts to establish the distance between lower and upper grid structures. In the upper grid structure the egg-crate lattice which fits over the upper ends of the vessel elements to hold them rigidly in position is divided into a number of sections, hinged at one end. Each section, which fits over only a few of the fuel elements, may be lifted to free the upper end of those particular elements and hence permit their removal and replacement, while all the other elements in the core remain rigidly fixed in their positions.

The fuel elements are supported vertically between the lower and upper grid structures with a nominal gap of 0.1 inch between elements. At seven appropriately spaced locations within the core structure this gap between corresponding elements in three adjacent rows is increased to 0.5 inch to permit the insertion of a thin, flat-plate, control rod. The side plates of the elements themselves comprise the guide sheathes for the control plates.

Plate-type fuel elements will be used in this reactor. An element will consist of six fuel plates mounted between stainless steel side plates, a chimney formed by the side plates and by two stainless steel plates which are extensions of the outside fuel plate, and suitable top and bottom fittings. The fuel section of the element is rectangular in shape, about 3 inches square and 37 inches long. Top and bottom fittings and the chimney section make the over-all element more than 76 inches long. Each of the six fuel plates in an element consists of a sandwich of compacted and sintered UO_2 (23%) and stainless steel powder (77%) sandwiched between stainless steel cladding 0.015 inch thick.

The core size for the critical experiments will be limited to a normal 3-foot diameter or about 112 fuel elements, which will contain about 20 kilograms of U-235. The exact size will be determined by the amount of fuel required to achieve, in the very highest loading, 10 percent reactivity in excess of critical.

Reactivity in the reactor is controlled by seven "control rods" in the form of thin flat plates made of boron carbide clad in stainless steel. These rods are in three rows in the core, with approximately 9 inches between each row. The center row contains three plates and each of the outside rows two. All plates are 12 inches wide except the one at the very center which is 5¾-inches wide; each plate is ⅜ inch thick with the boron carbide being ¼ inch thick. Boron carbide is contained in only the lower 42 inches in each plate while the stainless steel cladding structure projects upward above the upper grid structure where connection is made to a 1½-inch diameter stainless steel extension tube. These extensions pass through guide bearings in the "spider" structure which replaces the reactor head for the critical experiments and then connected to the shafts of the control rod drive units. The drive units in turn are mounted on the center section of an 18-inch thick missile shield located at a considerable distance above the reactor vessel. The maximum value of a control plate in the loadings proposed for the critical experiments is about 3.3%.

The control rod drives are patterned after those used with the Borax reactors. The actuating mechanism is a piston, attached to a drive shaft, which is moved up and down by air pressure within a closed cylinder. At all times during normal operation relatively low air pressure is applied to the lower portion of the cylinder, which tends to drive the piston up and hence raise the control rod. However, a projection on the side of the control rod drive shaft projects against a stop on a motor driven screw and the shaft can only rise as this stop is raised. Air pressure underneath the piston keeps the drive shaft projection against the motor-driven stop at all times and thus the rod follows the upward motion of the motor-driven stop. The motor, however, has adequate capacity to drive the stop downward and hence lower the rod against the air pressure in the cylinder.

When the reactor is scrammed air pressure is removed from the lower part of the cylinder and much higher pressure is applied to the upper side thus driving the piston downward. A position indicator consisting of a gear reducer driving a digital counter is provided which allows the position of each rod to be indicated to approximately 1/64 of an inch.

A neutron source of sufficient strength to give a minimum counting rate of ten counts per second will be inserted in the core through all startup and experimental operations. The source will be withdrawn only for the performance of specific tests or measurements, and then only with the approval of the chief operator, coordinator and chief physicist. The reactor startup system is interlocked to prevent withdrawal of control rods until the requisite counting rate is indicated by the low-level measuring system.

Two proportional counters, feeding into appropriate amplifying and indicating instruments, will be used to follow the neutron level during approach to critical in the experiments. In addition, to provide instrument safeguards, two fast response ion chambers will be located within the reactor tank. One will connect to a linear amplifier in which an automatic trip mechanism will be set to operate at a pre-chosen flux level slightly above that intended for the particular experiment. The other will be connected to a logarithmic amplifier and then to a period-indicating circuit equipped with a scramming mechanism set to trip at periods of ten seconds or shorter. Other instruments, normally intended for use at higher levels of operation, will be appropriately placed and connected to trip mechanisms to provide added safeguards against reactor excursions.

Prior to initial operation of the reactor, the core will be loaded with dummy elements to enable checking the accuracy of control rod alignment and the mechanical functioning of the reactor mechanisms. The pressure vessel will be filled with demineralized water to a depth of at least seven feet above the core, and all subsequent manipulations and operations will be performed with this water in place. Fuel loading will be accomplished by loading elements, one at a time, into the core (in place of the dummy elements), beginning at the central portion of the core and loading symmetrically outward. At least one control rod will be inserted while the loading of each element occurs, and the remainder will be cocked ready to scram. A neutron count will be made after each fuel element insertion.

Scope of the critical experiments. Operation of the experimental boiling water facility as a critical experiment will be limited to power required to obtain the desired experimental data, but will not exceed one thermal kilowatt of power. The purposes of the critical experiments are to insure the adequacy and satisfactory operation of mechanical components of the reactor system, control rod movements, instrument interlocks, etc.; and to establish firm knowledge of the fundamental characteristics of the nuclear system.

The critical mass of the core will be determined, followed by measurements to determine the temperature coefficient, the void coefficient, and calibration of the control rods. The following measurements will be made with the reactor loaded to just-critical condition: temperature coefficient, control rod calibration, void coefficient, and neutron flux distribution. These measurements will be repeated with the reactor loaded with 5 percent excess activity, then with 10 percent excess poisoned to 5 percent with copper strips or other metal poisons.

The reactor core will not be loaded to a dimension larger than an equivalent three-foot diameter. At the minimum dimension for criticality, the value of the coefficient will be measured. Calculations indicate that this will be negative, but for considerably larger cores it is expected that the void coefficient at room temperature will become positive. If the coefficient for the three-foot core, or for any other dimensions proposed in the scope of the experiments set forth above, is found to be positive, experimentation for that condition will not continue until further analyses have been made and further approvals from the AEC obtained.

Procedural principles of operation. Control of the critical experiments will be maintained by an organization consisting of the following with specific designated responsibilities as described in amendments to the license application: Chief Physicist, Coordinator, Chief Operator, Chief Loader, Checker Operators and Security Officers. Plans for experiments are reviewed by the first four listed personnel. Significant deviations from established procedure, new procedures or questions involving nuclear safety aspects of the experiments will be reviewed in addition with the Manager of Physics and a Consultant on critical matters.

Loading of fuel and fuel inventory will be controlled by the chief loader and his work will be verified by a checker. The control console will be manned by two qualified operators at all times during loading and operation of the facility. No more than seven persons will be allowed in the control room during any reactor manipulation or operation without specific authorization of the Manager of Reactor Operations. All persons will be evacuated from the reactor building during startup operations, but a limited number, as necessary, may return during steady state operation. However, no maintenance work on the facility will be permitted during manipulation or operation of the reactor.

Personnel performing operations will be scheduled to avoid working for excessive continuous periods. Experiments will be scheduled so as to avoid making adjustments under pressure of time. A Disaster Plan has been prepared and will be placed into effect in the event of an accident. Periodic drills in these emergency procedures will be scheduled.

Hazards analysis. By analysis and calculation the applicant has established that the boiling water reactor has considerable similarity in its nuclear behavior to that exhibited by Borax I and II. Thus, this reactor is expected to have favorable nuclear

characteristics and inherent stability. By what appears to be reasonable comparison and calculation, the applicant has demonstrated that the BWR reactor would not be seriously damaged and very few, if any, fission products would be released, even if a step increase of 1.7 percent reactivity, which would result in a reciprocal period of 170 $sec.^{-1}$ power, should be experienced. In the proposed experiments very little excess reactivity will be present in the reactor and under no conditions will there be more than 10 percent excess. Under no conditions which seem at all credible has the applicant been able to visualize an accidental mechanism by which excess reactivity even closely approaching the equivalent of 1.7 percent step change can be inserted. Some of the worst possible situations which might develop are discussed later.

Calculations indicate that this reactor will have negative void and temperature coefficients for the fuel loadings proposed in these experiments. These coefficients will be measured among the very earliest of all investigations and if, contrary to expectations, positive coefficients are found, further experiments will be deferred.

A particularly advantageous safety feature of this reactor is the chemical inertness of the core constituents. Even if completely unexpected accidents should lead to melting or vaporization of core components, no water-metal reaction between the stainless steel UO_2 and other components appear possible.

During the proposed critical experiments the maximum power level will be 1 kilowatt, and operation at this level will be needed only for relatively short periods. Hence, the cumulative fission product inventory from anticipated operation will not be large.

The applicant has considered a number of accidents whose occurrence during the course of the critical experiments is considered possible. In no case has it appeared credible that fission products would be released from the core as a result of the accident. Incidents considered for which the results apparently would be trivial include: accidental loss of poison plates inserted in fuel elements when the reactor is being operated with excess reactivity partially compensated by distributed poisons, falling of objects into the pressure vessel with consequent damage to the core, dropping of a fuel element onto the core assembly during loading, and the unlikely existence of a positive void coefficient during an early loading operation.

Two other cases potentially more serious were considered, but for even these it was concluded after analysis that fission products would not be released. In the first of these the situation was considered in which, due to failure of operator controls and of the reactor scram system during removal of a control rod in a normal startup procedure, the control rod would continue to be withdrawn at the maximum rate beyond the point of criticality to its complete withdrawal from the reactor. In this situation as much as 3.3 percent reactivity above criticality could conceivably be added. It was shown, however, in the analysis that the rate of withdrawal would be such that rising temperature, formation of steam and expulsion of water would terminate the excursion even in this situation with no damage to the fuel element.

In the second situation examined, considered to be the maximum credible accident, failure of limit switches and interlocks and major errors in operating procedures were assumed to accompany the sticking of a control rod in the core when the operator assumed that it was being removed. Normal withdrawal of a rod is accomplished by motor-driving the mechanical stop upwards while air pressure pushes the rod out to maintain contact with this stop. If the mechanical stop should be withdrawn with the rod stuck in the core, and hence not "following", and later if air pressure should free the rod and drive it out at maximum speed, its total value of reactivity could be added quite rapidly. The applicant estimates that a rod could be driven completely out in this way, with the possible addition of more than 3 percent reactivity, within one second. Such an incident would lead to a considerable nuclear excursion and possibly to some damage in the fuel element.

In consequence of this analysis the applicant has stated that before commencing operation orifices will be installed in the air supply lines connected to the control rod cylinder so that total maximum withdrawal of a rod canot be accomplished under any circumstances in less than 10 seconds. With this alteration in the mechanism the maximum result of such an accident as described immediately above could not cause damage to the fuel elements.

Thus, from all accidents which seem to have any credible possibility of occurrence during the proposed critical experiments there appears to be no likelihood that any fission products will be inadvertently released. Further, since these accidents would contribute such a small amount of reactivity, no other serious consequence would result.

The applicant has made a calculation of a situation in which all of the fuel elements in the reactor are assumed to be vaporized with consequent release of all of the volatile fission products and 50 percent of the nonvolatiles. Assumed fission products were those which would result from continuous extended operation at 1 kilowatt plus those resulting from a nuclear excursion of magnitude sufficient to cause the fuel vaporization. A further assumption is that these fission products are released under unfavorable meteorological conditions into the atmosphere. Even this situation is shown to result in exposures at the nearest site boundary which would not be considered injurious though they would be somewhat above permissible or desireable levels. Thus, the favorable location of this facility, with considerable isolation distance and exceedingly small possibility of personal exposure, even under the worst catastrophe, which far exceeds any accident considered credible, gives added assurance that safety of the public is not in jeopardy from the proposed critical experiments.

Conclusion. It is concluded, therefore, from the above considerations, that the proposed program of critical experiments can be carried out as described without undue hazard to the health and safety of the public.

Dated: July 8, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-5676; Filed, July 11, 1957; 8:51, a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12062]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF DATE OF HEARING

JULY 8, 1957.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on July 16, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application of New York State Natural Gas Corporation in the above-entitled proceeding: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Notice of the application filed herein was published in the FEDERAL REGISTER on June 14, 1957 (22 F. R. 4244). The final date for filing protests and petitions to intervene was July. 1, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5655; Filed, July 11, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3599]

JERSEY CENTRAL POWER & LIGHT CO.

ORDER GRANTING APPLICATION REGARDING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF NEW BONDS

JULY 5, 1957.

Jersey Central Power & Light Company ("Jersey Central"), a public utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding the following proposed transactions:

Jersey Central proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of additional first mortgage bonds ("New Bonds"), __ percent Series, to be dated July 1, 1957 and to mature July 1, 1987. The new bonds will be issued under the indenture, dated March 1, 1946, between Jersey Central and City Bank Farmers Trust Company, as Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a further supplemental indenture to be dated July 1, 1957. The interest rate on the New Bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid Jersey Central for the New Bonds, which price shall not be less than 100 percent and no more than 102.75 percent of the principal amount thereof, will be determined by the competitive bidding.

The proceeds from the sale of the new bonds will be applied to 1957 construction expenditures which are contemplated will amount to approximately $22,500,000 and to repay short-term borrowings effected in 1957, the proceeds of which will be used for 1957 construction purposes.

The issuance of the new bonds has been authorized by the Board of Public Utility Commissioners of the State of New Jersey and no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be paid by Jersey Central in connection with the above transactions are estimated as follows:

Filing fees:	
Securities and Exchange Commission	$1,545
Board of Public Utility Commissioners of New Jersey	500
Legal fees:	
Autenrieth & Rochester	5,000
Berlack, Israels & Liberman	5,000
Accounting fees:	
Lybrand, Ross Bros. & Montgomery	2,900
Federal original issue tax	16,500
Printing, including Form S-9, prospectus, indenture, etc	18,000
Printing and engraving securities	13,000
Indenture trustee charges	9,000
Miscellaneous	3,555
Total estimated expenses	75,000

The legal fees of Messrs. Naylon, Foster, Dean & Aronson, counsel for the purchasers of the bonds, are estimated as $6,500 and will be paid by the successful bidders.

Due notice of the filing of the application having been given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13494) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, that the fees and expenses are not unreasonable and that the application as amended should be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application as amended be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5648; Filed, July 11, 1957; 8:47 a. m.]

[File No. 24NY-4041]

MID-HUDSON NATURAL GAS CORP.

ORDER POSTPONING DATE OF HEARING

JULY 8, 1957.

The Commission by order dated May 8, 1957, having ordered a hearing in the above-entitled matter pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 223 thereunder and said hearing being now scheduled to commence on July 9, 1957, at 10:00 a. m., e. d. t., at the New York Regional Office of the Commission; and

The Division of Corporation Finance having requested that such hearing be postponed and counsel for the company having consented thereto:

It is ordered, That the hearing scheduled to commence on July 9, 1957 be and hereby is postponed to commence on July 26, 1957 at 10:00 a. m., eastern daylight time, at the New York Regional Office of the Commission, 23d floor, 225 Broadway, New York, New York and to continue thereafter at such time and place as the hearing officer may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5649; Filed, July 11, 1957; 8:47 a. m.]

[File N. 24FW-1083]

INTERSTATE HOLDING CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFORE, AND NOTICE OF OPPORUNITY FOR HEARING

JULY 8, 1957.

I. Interstate Holding Corporation (Interstate), a Tennessee corporation, 315 Angelus, Memphis 12, Tennessee, filed with the Commission on March 8, 1957, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating, as amended, to an offering of 12,400 shares of its non-voting Class A stock, par value $5.00 per share, and 12,400 shares of its voting Class B stock, par value 1¢ per share, in units, each unit consisting of 100 shares of Class A stock and 100 shares of Class B stock, at $1,501.00 per unit, for an aggregate of $186,124.00 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that an affiliated issuer of Interstate has filed with the Commission a registration statement under the Securities Act of 1933, as amended, which is the subject of an examination under section 8 of the said act;

III. *It is therefore ordered,* Pursuant to Rule 261 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Interstate Holding Corporation and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given to the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5650; Filed, July 11, 1957; 8:47 a. m.]

[File No. 24NY-3508]

NORTH STAR OIL AND URANIUM CORP.

ORDER POSTPONING DATE OF HEARING

JULY 8, 1957.

The Commission by order dated May 8, 1957, having ordered a hearing in the above-entitled matter pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 223 thereunder and said hearing being now scheduled to commence on July 10, 1957, at 10:00 a. m., e. d. t., at the New York Regional Office of the Commission; and

The Division of Corporation Finance having requested that such hearing be postponed and counsel for the company having consented thereto;

It is ordered, That the hearing scheduled to commence on July 10, 1957, be and hereby is postponed to commence on July 25, 1957, at 10:00 a. m., e. d. t., at the New York Regional Office of the Commission, 23d floor, 225 Broadway, New York, New York and to continue thereafter at such time and place as the hearing officer may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5651; Filed, July 11, 1957; 8:47 a. m.]

[File No. 7-1890]

PITTSBURGH PLATE GLASS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 8, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Pittsburgh Plate Glass Company, common stock; File No. 7-1890.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Pittsburgh Stock Exchanges.

Upon receipt of a request, on or before July 24, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit

his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5652; Filed, July 11, 1957; 8:47 a. m.]

[File No. 1-3454]

CLOPAY CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 8, 1957.

In the matter of Clopay Corporation common stock, File No. 1-3454.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company does not meet the Exchange's requirements for continued listing, its common stock having fallen below $2,000,000 market value and net earnings after taxes for the last 3 years having been below $200,000. The stock became listed and registered on the American Stock Exchange on June 17, 1957.

Upon receipt of a request, on or before July 24, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5653; Filed, July 11, 1957; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Part 522 of the regulations issued thereunder (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

B. F. Davis Garment Co., Inc., 3000-2 Royal Street, New Orleans, La.; effective 7-6-57 to 7-5-58 (trousers).

E & W Manufacturing Co. of Yazoo City, Yazoo City, Miss.; effective 7-21-57 to 7-20-58; authorizing the employment of 10 percent of the total number of factory production workers engaged in the production of pajamas, for normal labor turnover purposes (pajamas).

Hamurnat Manufacturing Corp., 212 Hull Avenue, Olyphant, Pa.; effective 6-27-57 to 6-26-58 (children's outerwear).

Industrial Garment Manufacturing Co., 201 East Oak Street, Palestine, Texas; effective 7-9-57 to 7-8-58 (men's cotton work clothes).

Lehigh Garment Co., Inc., 201 Bridge Street, Jessup, Pa.; effective 7-5-57 to 7-4-58 (children's outerwear).

Sunnyvale of Pennsylvania, Inc., 3 South Webster Avenue, Scranton, Pa.; effective 7-1-57 to 6-30-58 (women's cotton and rayon dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number or proportion of learners authorized are indicated.

David W. Brown & Co., 400 Adams Avenue, Woodbine, N. J.; effective 7-5-57 to 7-4-58; 10 learners (women's blouses).

David Manufacturing Co., Hazle and Rose Streets, Beaver Meadows, Pa.; effective 6-27-57 to 6-26-58; 10 learners (women's housecoats).

Diane Elaine Frocks, 29 East Frothingham Street, Pittston, Pa.; effective 6-28-57 to 6-27-58; five learners (women's dresses).

Dublin Garment Co., Inc., Dublin (Pulaski County), Va.; effective 7-1-57 to 6-30-58; 10 learners (women's and children's pajamas).

Newport Manufacturing Co., 32 Central Street, Newport, Vt.; effective 7-9-57 to 7-8-58; 10 learners (women's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number or proportion of learners authorized are indicated.

Alamo Shirt Co., Alamo, Ga.; effective 7-1-57 to 12-31-57; 50 learners (sport shirts).

Chester Manufacturing Co., Chester, S. C.; effective 6-26-57 to 12-25-57; 25 learners (men's dress shirts).

E & W Manufacturing Co. of Yazoo City, Miss.; effective 6-27-57 to 12-26-57; 20 learners engaged in the production of pajamas (pajamas).

General Garment Division, Blue Ridge Manufacturers, Inc., Lawrenceville, Va.; effective 7-1-57 to 12-31-57; 25 learners (sport shirts).

Miernik Sportswear Co., 510 First Avenue North, Minneapolis, Minn.; effective from 7-1-57 to 12-31-57; 10 learners (ladies' and girls' ranch pants).

Newport Manufacturing Co., 32 Central Street, Newport, Vt.; effective 6-28-57 to 12-27-57; 10 learners (women's dresses).

Penn State Coat & Apron Manufacturing Co., Broadway and Radnor Streets, Clifton Heights, Pa.; effective 7-1-57 to 12-31-57; 10 learners (tropical shorts for the Navy).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va.; effective 7-10-57 to 1-9-58; 30 learners (ladies' underwear).

Strutwear, Inc., 1015 Sixth Street South, Minneapolis, Minn.; effective 6-27-57 to 12-26-57; 10 learners (women's sleepwear and blouses).

Waynesboro Garment Co., Inc., Waynesboro, Ga.; effective 6-24-57 to 12-23-57; 30 learners (men's and boys' bathrobes).

Williamson-Dickie Manufacturing Co., Uvalde, Tex.; effective 7-8-57 to 1-7-58; 15 learners (men's shirts and jackets).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Frederic H. Burnham Co., 1802 Tennessee Street, Michigan City, Ind.; effective 7-1-57 to 6-30-58; 10 percent of total number of factory production workers engaged in the authorized learner occupations, for normal labor turnover purposes (leather work gloves and mittens).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Clayson Knitting Co., Star, N. C.; effective 6-25-57 to 6-24-58; five learners for normal labor turnover purposes (seamless).

Drexel Knitting Mills Co., Drexel, N. C.; effective 7-9-57 to 7-8-58; 5 percent of total number of factory production workers, for normal labor turnover purposes (seamless).

Wisteria Hosiery Mills Co., Lincolnton, N. C.; effective 6-27-57 to 12-26-57; five learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

E & W Manufacturing Co. of Yazoo City, Yazoo City, Miss.; effective 6-27-57 to 12-26-57; 25 learners engaged in the production of woven shorts for plant expansion purposes (men's woven shorts).

Strutwear, Inc., 1015 Sixth Street, South, Minneapolis, Minn.; effective 6-27-57 to 12-26-57; 20 learners for plant expansion purposes (women's underwear and sleepwear).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich.; effective 7-1-57 to 6-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificate was issued to the company listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Littlestown Manufacturing Co., Bonnesville Road, Littlestown, Pa.; effective 7-1-57 to 12-31-57; two learners for normal labor turnover purposes employed in the occupation of sewing machine operator for a learning period of 480 hours, at rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours (boys' suits).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

The Carib Co., Inc., Aibonito, P. R.; effective 6-15-57 to 12-14-57; authorizing the employment of 30 learners for expansion purposes in the occupation of machine stitching, for a learning period of 480 hours at rates of 51 cents an hour for the first 240 hours and 59 cents an hour for the second 240 hours (women's gloves).

Jaress Corp., 50 de Diego Avenue, Fourth Floor, Rio Piedras, P. R.; effective 6-10-57 to 12-9-57; authorizing the employment of 30 learners for expansion purposes in the occupations of stamping, soft soldering, silver brazing, quality control inspectors, each for a learning period of 480 hours, at rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the second 240 hours (spare parts for aircraft).

Precision Products, Inc., Room 14, Road No. 1, Rio Piedras, Santurce, P. R., authorizing the employment of 10 learners for expansion purposes in the occupations of: (1) grinding, for a learning period of 480 hours at rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the second 240 hours; and (2) mounting, and inspecting each for a learning period of 320 hours at rates of 57 cents an hour for the first 160 hours and 66 cents an hour for the second 160 hours; effective from 6-17-57 to 12-16-57 (industrial jewel grinding).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 2d day of July 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-5645; Filed, July 11, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GIACOMO BOTTARO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Giacomo Bottaro, 12 Via Tomaso Invrea, Genoa, Italy; Claim No. 56923; Property described in Vesting Order No. 201 (8 Fed. Reg. 625, Jan. 16, 1943), relating to United States Letters Patent No. 2,218,080. The intended return shall include neither the rights of any licensee under the above patent nor any rights of the Government of the United States to revoke any license under the patent.

Executed at Washington, D. C., on July 8, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5659; Filed, July 11, 1957; 8:48 a. m.]

MRS. MARIANNA NAGELE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Marianna Nagele, nee Amort, Tirol, Austria, Claim No. 40294; Vesting Order No. 4739; $225.11 in the Treasury of the United States.

Executed at Washington, D. C., on July 8, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5660; Filed, July 11, 1957; 8:48 a. m.]

ALICE PERRENOUD ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alice Perrenoud, nee Perret, Le Locle (Neuchatel), Switzerland; Helene Glauser-Perrenoud, Le Locle (Neuchatel), Switzerland; Henriette Glauser-Perrenoud, Chateau de Changins (Nyon), Switzerland; Jacqueline Jacot-Perrenoud, Lausanne, Switzerland; Claim No. 37582; property described in Vesting Order No. 3056 (9 F. R. 2703, March 10, 1944) relating to United States Letters Patent No. 2,226,669.

Executed at Washington, D. C., on July 8, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5661; Filed, July 11, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 9, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33983: *T. O. F. C. rates between Kansas-Missouri points and southwestern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on freight loaded in or on trailers also demountable trailer bodies and transported on railroad flat cars between points in Kansas and Missouri, on one hand, and points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas on the other.

Grounds for relief: Motor truck competition, and circuitous routes.

Tariff: Agent Kratzmeir's tariff I. C. C. 4255.

FSA No. 33984: *Bituminous coal—Southwestern mines to Iowa points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on screened bituminous coal, carloads from points in Arkansas, Kansas, Missouri and Oklahoma to Waterloo, East Waterloo, Aladdin, Cedar Falls, and Waverly, Iowa.

Grounds for relief: Circuitous routes.

Tariff: Supplement 147 to Agent Kratzmeir's tariff I. C. C. 3920.

FSA No. 33985: *Lime—Cleburne, Tex., to Natchez, Miss.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers.

Rates on lime, carloads from Cleburne, Tex., to Natchez, Miss.

Grounds for relief: Circuitous routes.

Tariff: Supplement 28 to Agent Kratzmeir's tariff I. C. C. 4155.

FSA No. 33986: *Bituminous coal—C & O. Mines to Alexandria, Va.* Filed jointly by The Chesapeake and Ohio Railway Company and the Southern Railway Company, for themselves. Rates on bituminous coal, carloads from group 4 and 5 mines on the Chesapeake and Ohio Railway in Kentucky, Virginia and West Virginia to Alexandria, Va.

Grounds for relief: Destination rate relations with Potomac Yard, Va., same as from other origin mines on Chesapeake and Ohio Railway.

Tariff: Supplement 29 to Chesapeake and Ohio Railway tariff I. C. C. 13205.

FSA No. 33987: *Asbestos shingles and siding—St. Louis, Mo., to New Orleans, La.* Filed by O. W. South, Jr., for interested rail carriers. Rates on scrap asbestos shingles and siding, carloads from St. Louis, Mo., to New Orleans, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 56 to Agent Spaninger's tariff I. C. C. 1548.

FSA No. 33988: *Pulpboard and fibreboard—Louisiana points to Atlanta and East Point, Ga.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pulpboard and fibreboard, noibn, carloads from Bastrop and Spring Hill, La., to Atlanta and East Point, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 25 to Agent Spaninger's tariff I. C. C. 4152.

FSA No. 33989: *Lime to Clewiston and Okeelanta, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lime, common, hydrated, quick or slack, in bulk, carloads, from specified points in Alabama, Tennessee, and Virginia to Clewiston and Okeelanta, Fla.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 85 to Agent Spaninger's tariff I. C. C. 1345.

FSA No. 33990: *Soda ash—Saltville, Va., to Coronet, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on soda ash, in bulk in covered hopper cars, carloads from Saltville, Va., to Coronet, Fla.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 38 to Agent Spaninger's tariff I. C. C. 1538.

FSA No. 33991: *Canned milk and cream from and to southern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on canned milk and cream, carload from Tupelo, Miss., to Talladega and Tuskegee, Ala., and from Murfreesboro, Tenn., to Sevierville, Tenn.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 6 to Agent Spaninger's tariff I. C. C. 1563.

FSA, No. 33992: *Foodstuffs—Western points to southern points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, and related articles, carloads from points in western trunk-line territory to points in southern territory.

Grounds for relief: Short-line distance formula, market competition and circuitous routes.

Tariff: Supplement 1 to Agent Prueter's tariff I. C. C. A–4207.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-5654; Filed, July 11, 1957; 8:48 a. m.]

Next page is page 5201.

PART II

FEDERAL REGISTER

VOLUME 22 NUMBER 134

Washington, Friday, July 12, 1957

JUL 2 1957

MAIN READING ROOM

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

REVISION OF PART

The following revision of Part 609 is adopted in order to change the format, make grammatical changes, and to combine the numerous amendments to the part in a single document. This revision incorporates all the criteria and procedures thereto in effect on February 16, 1957. Amendments formerly numbered 233 through 257 with effective dates from February 23, 1957, to August 10, 1957, are not included in this revision but are renumbered Amendments 1 through 25, respectively, to this part.

This issue is divided into two parts. Part II contains a revision of Part 609 of Title 14, Chapter II, of the Code of Federal Regulations, as of February 16, 1957.

Subpart A—Introduction

Sec.
609.1 Basis and purpose.
609.2 Applicability.
609.3 Explanation of terms.
609.4 General.
609.5 Minimums.

Subpart B—Criteria

609.10 Low or medium frequency range, automatic direction finding, and very high frequency omnirange criteria.
609.11 Number of procedures established.
609.12 Initial approach to facility.
609.13 Procedure turns.
609.14 Final approaches.
609.15 Missed approach procedure.
609.20 Terminal very high frequency omnirange criteria.
609.21 Final approaches.
609.22 Missed approach procedure.
609.30 Very high frequency omnirange—distance measuring equipment criteria.
609.31 Initial approaches.
609.32 Final approaches.
609.33 Missed approaches.
609.34 Elimination of procedure turns.
609.40 Instrument landing system criteria.
609.41 Initial approaches.
609.42 Procedure turns.
609.43 Final approaches.
609.44 Clearance criteria.
609.45 Utilization of back course of ILS.
609.46 Missed approaches.
609.50 Radar criteria.
609.51 Initial approaches.
609.52 Patterns.
609.53 Straight-in approaches.
609.54 Circling approaches.
609.55 Surveillance approaches.
609.56 Precision approaches.
609.57 Missed approaches.

Subpart C—Procedures

609.100 Low or medium frequency range, automatic direction finding, and very high frequency omnirange procedures. [Page 5210.]
609.200 Terminal very high frequency omnirange procedures. [Page 5405.]
609.300 Very high frequency omnirange—distance measuring equipment procedures. [Page 5428.]
609.400 Instrument landing system procedures. [Page 5434.]
609.500 Radar procedures. [Page 5508.]

AUTHORITY: §§ 609.1 to 609.500 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

SUBPART A—INTRODUCTION

§ 609.1 *Basis and purpose.* Under the provisions of the Civil Air Regulations, the Administrator has been delegated the authority to prescribe standard instrument approach procedures to be used when conducting an instrument letdown to an airport, including the weather minimums applicable to an IFR takeoff or landing. This part contains such procedures and minimums as prescribed by the Administrator for civil airports located within the United States and the criteria by which such procedures are established.

§ 609.2 *Applicability.* Unless otherwise authorized by the Administrator, the procedures and minimums prescribed in this part shall apply as follows:

(a) The standard instrument approach procedures and the IFR landing minimums for such procedure are applicable to all users of the airport for which they are prescribed except as provided in paragraph (c) of this section.

(b) The IFR takeoff minimums are applicable to all users of the airport while conducting operations under the authority of Parts 40, 41, 42, 44, or 45 of this title.

(c) The IFR takeoff or landing minimums shall not apply to military aircraft of the United States Armed Forces.

§ 609.3 *Explanation of terms.* (a) "Act" shall mean Civil Aeronautics Act of 1938, as amended.

(b) "Administrator" shall mean Administrator of Civil Aeronautics.

(c) "Miles" shall mean nautical miles unless otherwise indicated.

(d) "Courses", "bearings", and "distances" are stated in degrees magnetic.

(e) Symbols used in ceiling and visibility minimums: Letters that appear in the standard instrument approach procedures tables under the columns entitled "Ceiling and visibility minimums" are defined as follows:

(1) "T" means takeoff minimums.

(2) "C" means circling landing minimums. They are authorized when it is necessary to circle the airport or maneuver for landing.

(3) "S" means straight-in landing minimums. They are authorized where minimums lower than circling landing minimums can be established. If no reduction in minimums for straight-in landings are authorized, circling landing minimums will apply for straight-in landings and "S" will not be shown. Reductions in circling minimums will normally be authorized only when landings can be accomplished straight-in to the approach end of the runway from the navigational facility being used, without exceeding 600 FPM rate of descent and without a change in direction of more than 30 degrees. A number under the "S" symbol indicates the number of the straight-in runway.

(4) "A" means alternate minimums. They apply when the airport is being utilized as an alternate airport.

(5) "d" means day minimums.

(6) "n" means night minimums.

(7) "BCOB" means broken clouds or better in connection with the ceiling minimums shown.

(8) "NA" means not authorized.

(f) *Headings.* The headings appearing in the standard instrument approach procedures tables under the column entitled "Type Aircraft" under ceiling and visibility minimums are explained as follows:

(1) "65 k or less" applies to aircraft having stall speeds as established in the CAA approved Airplane Flight Manual of

65 knots or less at maximum certificated landing weights with full flaps, landing gear extended, and power off.

(2) "More than 65 k" applies to aircraft having stall speeds as established in the CAA approved Airplane Flight Manual of more than 65 knots at maximum certificated landing weight with full flaps, landing gear extended, and power off.

§ 609.4 *General*—(a) *Use of additional data.* Because of obstructions or rugged terrain adjacent to many airports, the Coast and Geodetic Survey Charts, especially the approach and landing charts, covering the area where an instrument letdown is proposed shall be studied carefully before an approach is made.

(b) *Notice of amendment of procedures.* Amendments of the standard instrument approach procedures prescribed in this part are published in the FEDERAL REGISTER and the Airman's Guide. They are also found in the Approach and Landing charts published by the U. S. Coast and Geodetic Survey. However, when unforeseen conditions are encountered in the establishment, realignment, or operation of the navigation facilities upon which the approach procedures are based, it may be necessary to accomplish without delay, a change in the published instrument approach procedures. Notices of such changes are disseminated by "Q" codes and Notices to Airmen.[1] Therefore, any person who intends to conduct an instrument approach shall check such notices to determine whether a change has been made in the published instrument approach procedures.

(c) *Use of radio ranges requiring flight check.* When a flight check of a radio range is required, a Notice to Airmen will be issued advising that the range is "ground checked only, awaiting flight check," and the following will apply with regard to operations and use of the range:

(1) If the radio range is a very high frequency type (108.3 through 117.9 mcs.) range, the entire radio range (consisting of the navigational, voice, and identification features) will be shut down.

(2) If the radio range is a low or medium frequency type (200 through 415 kcs.) nonsimultaneous range, the navigational feature will be shut down and no utilization for navigational purposes will be authorized.

(3) If the radio range is a low or medium frequency type (200 through 415 kcs.) simultaneous range, it may be used as a homing facility and in addition may be used as an ADF instrument approach aid if an ADF procedure for the airport concerned is prescribed by the Administrator or if an approach is conducted using the same courses and altitudes for the ADF approach as those specified in the approved range procedure.

NOTE: This paragraph shall not apply in the Territory of Alaska (including the Aleutian Islands) or in the central and western Pacific islands under United States jurisdiction (including the Territory of Hawaii and the Islands of Canton, Wake, and Guam) until further notice.

(d) *Use of radar in connection with any type of instrument approach procedure.* (1) When radar is approved at certain locations for air traffic control purposes, it may be used not only for surveillance and precision radar approaches, as applicable, but also may be used for instrument approach procedures predicated on other types of radio navigational aids. Radar transitions may be authorized from established holding fixes to final approach positions in relation to the ILS or other types of radio navigational aids upon which instrument approach procedures are predicated in accordance with criteria established in § 609.55 (a) (1), for the type of operation. Upon reaching a final approach position in relation to these facilities, the pilot will either continue a surveillance or precision approach to a landing or complete his instrument approach in accordance with the procedure approved for the facility in question.

(2) Where radar initial approaches to a final approach position are conducted, and/or where timed approaches are being conducted from holding fixes, procedure turns will not be required, nor will they be made unless the individual pilot so advises the controller of his intention to complete a procedure turn at the time of receiving his final approach clearance.

(e) *Civil usage of military aerodromes or seadromes.* An approach conducted into a military aerodrome or seadrome by a civil aircraft [2] shall be executed in accordance with the standard instrument approach procedure and the takeoff and landing minimum [3] prescribed by the military agency having jurisdiction over the particular aerodrome or seadrome unless another procedure or other minimums have been specifically prescribed by the Administrator.

(f) *Circling approaches.* For circling approaches, in addition to consideration of the area from the facility to the field, it will be necessary to consider the area 2 miles from the boundary of the field and provide an obstruction clearance of 300 feet in accordance with existing policies, over all obstructions within this area. It will be possible to eliminate from consideration an area on one side where prominent obstructions exist: *Provided,* That the landing can be effected without maneuvering over this area and a note to this effect is included in the procedure.

(g) *Descent below authorized IFR landing minimums.* No aircraft, after reaching an altitude equal to the minimum altitude for landings specified in these regulations, will descend below such altitude unless it is clear of clouds and thereafter, except when landing minimums equal to or higher than 1000–2 are authorized, the aircraft will not descend more than 50 feet below such altitude unless (1) it has arrived at a position from which a normal approach can be made to the runway of intended landing, and (2) either the approach threshold of such runway or the approach lights or other markings identifiable with such runway are clearly visible to the pilot. If, at any time, after descent below the clouds, the pilot cannot maintain visual reference to the ground or lights he will immediately execute the appropriate missed approach procedure prescribed in the regulations in this part.

(h) *Deviations.* Many airports are so located with respect to unfavorable terrain, obstructions, and congested areas as to require special consideration, but every effort will be made to formulate all procedures in accordance with the applicable criteria. When deviations are found necessary, they will be coordinated and caution notes, such as, "Caution: High terrain 4½ miles to west of final approach course" will be shown on published instrument approach procedures where safety is involved.

§ 609.5 *Minimums*—(a) *Night minimums.* The night ceiling and visibility minimums established in this part shall apply between the ending of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac converted to local time for the locality concerned.[4]

(b) *Landing minimums with inoperative ILS components.* The components comprising the instrument landing system (ILS) are localizer, glide slope, outer marker, middle marker, and approach lights. In addition, although not a component, a compass locator at an outer or middle marker site may be substituted for the outer or middle marker, respectively. Unless otherwise specified in the instrument appoach procedure for a particular airport, an ILS instrument approach procedure shall not be commenced when any component of the ILS is inoperative or the related airborne equipment in the aircraft is inoperative or is not utilized, except in accordance with the following conditions and limitations:

(1) *One component, except localizer, inoperative, use for straight-in approaches.* Straight-in ILS minimums as low as 300–¾ are authorized when any single component of the ILS except the localizer is inoperative, provided all other components are in normal operation.

(2) *Localizer and outer marker only operative, use for straight-in approaches.* Straight-in ILS minimums as low as 300–1 are approved when the localizer and the outer marker are the only components of the ILS in normal operation.

(3) *Localizer and outer marker only operative, use for circling approaches.* An ILS instrument approach is approved for circling approaches, if the localizer and the outer marker are the only components of the ILS in normal operation, and if the ceiling and visibility minimums are equal to or higher than those prescribed for a circling approach.

(4) *One component, except localizer, inoperative, use of airport as an alternate.* An ILS instrument approach is approved for use of the airport as an alternate when any single component of the ILS, except the localizer, is inoperative provided all other components are in normal operation, and if the ceiling and visibility minimums are equal to or higher than those prescribed for use of the airport as an alternate.

[1] "Q" codes and Notices to Airmen are broadcast and made available to airmen by CAA communications stations.

[2] A military aerodrome or seadrome is open to civil aircraft only in emergency or with prior permission of the Commanding Officer thereof.

[3] Such procedures and minimums are shown on the current Approach and Landing chart published by the U. S. Coast and Geodetic Survey, the U. S. Air Force, or the U. S. Navy.

[4] The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the Offices of the Civil Aeronautics Administration or the United States Weather Bureau.

SUBPART B—CRITERIA

§ 609.10 *Low or medium-frequency range (L/MFR), automatic direction finding (ADF) and very high frequency omnirange (VOR) criteria.* The criteria set forth in §§ 609.11 through 609.15 will be used by the Administrator in formulating and approving all L/MFR, ADF, and VOR procedures.

§ 609.11 *Number of procedures established.* (a) More than one procedure may be established on each facility for a particular airport when a different direction of approach is involved. The additional procedures will be complete in all details including procedure turn and direction as well as initial and final approach altitudes.

(1) Where two procedures are established for a low or medium frequency range or a very high frequency omnirange, either one may be the primary procedure utilized. Normally, the No. 1 procedure will be based on an approach from over the station and the No. 2 procedure will be based on utilization of a fan marker, compass locator or reliable fix from the opposite direction. The facilities forming the fix must be located within 20 miles of the fix, and the angle forming the intersection must be at least 45° with the exception of VOR radials or ILS courses, in which case the angle must be at least 30°. ADF procedures will be numbered in accordance with the number of ADF procedures approved for the airport.

(2) A low or medium frequency type simultaneous radio range may be used as an ADF instrument approach aid if (i) an ADF procedure for the airport concerned has been established by the Administrator or (ii) an approach is conducted using the same courses as those specified in the established radio range procedure and with identical altitudes as used in the range approach.

§ 609.12 *Initial approach to facility.* (a) Initial approaches to the facility will normally be made over specified routes. This information will not be indicated on the procedure itself, since it is considered as en route information which is available from other sources. Initial approaches, however, from reliable fixes located 20 miles or less from the facility which will afford a reduction from the published minimum en route altitude, will be specified. Initial approaches for distances beyond 20 miles will be shown only if an operational requirement exists. Initial approaches will specify the minimum altitudes from the fix to the facility, but the course and distance may be indicated by the word "direct", with the charting agency supplying the bearing and distance.

(1) *Altitudes.* (i) The altitudes en route to the facility will correspond with those established for minimum en route operations in the particular area, except where an additional altitude has been established for an initial approach from a reliable fix. These additional altitudes will be specified on the procedure and will provide at least 1,000 feet clearance above all obstructions 4.34 miles on each side of the course from the fix to the facility. All altitudes will be indicated to the nearest 100 feet.

(ii) The minimum initial approach altitudes will be specified in all cases on all magnetic courses (mean variation) in areas outside the continental limits of the United States or its territories, since this information is not normally available from other sources.

§ 609.13 *Procedure turns*—(a) *Procedure turn.* Procedure turns will be established and specified in procedures for use in the return to the final approach course (inbound).

(1) *Standard procedure turn.* A standard procedure turn involves an initial left turn away from the outbound course, followed by a turn to the right toward and intercepting the final approach course inbound. The direction of the turn will be specified as north, south, east, or west side of the final approach course. This turn will be standard whenever terrain, obstructions, traffic, or operational conditions will permit. The degree of turn and the point at which the turn will be made is left to the discretion of the pilot, but the maneuvering will be completed within the procedure turn maneuvering area not below the altitude established for the procedure turn. The procedure turn maneuvering area will be limited to 7 miles on the maneuvering side of the outbound course and 4.34 miles on the opposite side and within a distance of 10 miles from the facility. Procedure turns beyond 10 miles will be authorized only in those cases where a definite requirement exists for an extended maneuvering area. In all cases, a five-mile buffer zone will be provided beyond the maximum distance outbound authorized for the procedure turn. Where it is necessary, due to terrain, obstructions, traffic, etc., to emphasize the limitation of the procedure turn, a note "Not authorized beyond ____ miles" will be shown. When it is necessary that a procedure turn be established at a distance other than 10 miles from the facility, an explanatory note will be included. A procedure turn need not be made when the final approach can be executed from an established holding point on and aligned with the final approach course or from a final approach fix specified in the procedure.

(2) *Nonstandard procedure turn.* A nonstandard procedure turn may be authorized when a turn cannot be made on the left side of the outbound course due to unusually high obstructions, air traffic control considerations or other reasons. In such cases the turn will be authorized on the right side of the outbound course and an explanatory note will be included in the procedure such as "All turns to be made on the east side of the course, high terrain to west."

(3) *Teardrop procedure turn.* A teardrop procedure turn may be established when a standard or nonstandard procedure turn is not operationally desirable or feasible. A teardrop procedure turn normally starts over the facility on an outbound course to the left of the reciprocal of the inbound course, followed by a turn to the right toward and intercepting the inbound course. Normally, the pilot will follow the outbound course indicated on the procedure, but may select other courses up to a maximum of 35° from the reciprocal of the inbound course, provided such maneuvering is completed within the teardrop procedure turn maneuvering area. However, the maneuvering area and altitude are specified, requiring the maneuvering to be completed within the teardrop procedure turn maneuvering area at or above the altitude established for the teardrop procedure turn.

(i) *Teardrop procedure turn; conventional aircraft.* The outbound course selected on the procedure will normally be indicated 18° to the left of the reciprocal of the inbound course. The dimensions for the teardrop procedure turn for conventional aircraft will be the same as those specified for a standard procedure turn in subparagraph (1) of this paragraph.

(ii) *Teardrop procedure turn; high speed aircraft.* The outbound course specified on the procedure will normally be indicated 35° to the left of the reciprocal of the inbound course. The dimensions of the teardrop procedure turn maneuvering area and buffer zone are limited to five miles left and right of the extended outbound and inbound courses, respectively. The extremity of the maneuvering area is limited by a 9.75 mile arc, the radius of which is drawn from a point 15.25 miles from the facility on a line midway between the outbound and inbound courses; the extremity of the buffer zone is limited by a 14.75 mile arc drawn from the same point.

(4) *Shuttle.* Normally a shuttle may be made down to the procedure turn altitude on the final approach course in a standard two-minute holding pattern to allow for descent after initial approach and prior to commencement of the final approach. Vertical and lateral clearance will be provided similar to that provided for procedure turns. A procedure turn need not be made if descent is made under such conditions.

(b) *Altitudes.* A minimum altitude will be established for the procedure turn, which normally will provide a minimum obstruction clearance of 1,000 feet within the maneuvering area and buffer zone. Minimum altitudes will be shown to the nearest 100 feet.

§ 609.14 *Final approaches*—(a) *Final approach.* The final approach begins at an authorized final approach fix, or at the point where the procedure turn is

completed and the aircraft is headed inbound to the facility on the final approach course. The final approach ends at the point where the landing is completed or the missed approach commences. After considering the terrain and course accuracy, the orientation of the entire final approach course will normally be aligned with that part of the final approach course from the facility to the airport. Specific courses, both outbound and inbound, will be indicated on each procedure.

(1) Normally, there will be only one final approach course to the facility for any one procedure. However, if other final approach courses to the facility from fixes which form courses within 30° of the basic final approach course are necessary operationally, such additional final approach courses may be specified on the procedure, and if so, the final approach obstruction clearance area will be correspondingly increased in size and the minimum altitude over the facility on all such final approach courses will be identical.

(2) For each procedure there is normally one direction from which the initial approach may become the final approach with the resulting elimination of a procedure turn. This may be accomplished only if such an approach is from a fan marker or other reliable final approach fix either on or within 30° of the basic final approach course, and within 10 miles of the facility. To be usable for a reliable final approach fix, an intersection may be formed by a combination of radio bearings, VOR radials, ILS courses or range courses. The facilities forming the fix will be located within 20 miles of the fix, and the angle of intersection must be at least 45°, with the exception of VOR radials or ILS courses, in which case the angle must be at least 30°. VOR/DME may also be used to provide a fix.

(3) At some locations, due to terrain or other features, it may be advantageous for that portion of the final approach course between the fix, or the point where the procedure turn is completed, and the facility, to differ from that portion of the final approach course between the facility and the airport. This difference will not normally exceed 30° and sufficient distance will be available to allow for proper bracketing. Example: When the final approach course is 350° from the facility to the airport, the final approach to the facility should normally be between 320° and 020°.

(b) *Final approach areas.* Obstruction clearance will be provided in accordance with the altitude specified in paragraph (c) of this section for the following final approach areas:

(1) *From completion of procedure turn to radio facility without a fix*—(i) *L/MFR, ADF.* The final approach area extends laterally 4.34 miles on each side of the final approach course at a distance of 10 miles from the facility, and decreases uniformly inbound to 1.7 miles on each side of the course at the facility. Beyond 10 miles, width remains constant 4.34 miles each side of the final approach course.

(ii) *VOR.* The final approach area extends laterally 4.34 miles on each side of the final approach course at a distance of 10 miles from the facility, and decreases uniformly inbound to 1.25 miles on each side of the course at the facility. Beyond 10 miles, width remains constant 4.34 miles each side of the final approach course.

(2) *From final approach fix to radio facility*—(i) *L/MFR, ADF.* The final approach area extends 1.7 miles each side of the final approach course from the fix to the facility not to exceed 10 miles.

(ii) *VOR.* The final approach area extends 1.7 miles each side of the final approach course at 10 miles from the facility, decreasing uniformly to 1.25 miles at facility.

(3) *From radio facility to airport*—(i) *L/MFR, ADF.* The final approach area extends laterally 1.7 miles each side of the final approach course.

(ii) *VOR.* The final approach area extends laterally 1.25 miles each side of the final approach course at the facility, increasing uniformly to 1.7 miles at a distance of 10 miles. Beyond 10 miles from the VOR facility, width remains constant 1.7 miles each side of the final approach course.

(4) *From final approach fix to airport (back course approach)*—(i) *L/MFR, ADF.* The final approach area prescribed under subparagraph (2) (i) of this paragraph applies to back course approaches when the final approach fix is within 10 miles of the facility. If the fix is more than 10 miles from the facility, the final approach area increases uniformly from 1.7 miles each side of the final approach course at a distance of 10 miles from the facility to 4.34 miles each side of the final approach course at a distance of 15 miles. The area between the fix and the 15-mile distance is area which will be considered as either procedure turn area or final approach area to the fix. Final approaches from fixes beyond 15 miles from the facility will not be established.

(ii) *VOR.* The final approach area prescribed under section 609.14 (b) (2) (ii) applies to back course approaches when the final approach fix is within 10 miles of the facility. If the fix is more than 10 miles from the facility, the final approach area increases uniformly from 1.7 miles each side of the final approach course at a distance of 10 miles from the facility to 4.34 miles each side of the final approach course at a distance of 20 miles from the facility. The area between the fix and the 20-mile distance is area which will be considered as either procedure turn or final approach area to the fix. Final approaches from fixes beyond 20 miles from the facility will not be established.

(c) *Final approach altitudes.* Minimum altitudes for final approach areas will be shown to the nearest 100 feet. Minimum altitudes over the airport will be obtained by adding the required obstruction clearance to the highest obstruction in the final approach area and rounding off the result to the nearest 100 feet (i. e., the minimum altitude over a 649-foot msl obstruction with 500 feet obstruction clearance will be shown as 1,100 feet msl).

(1) *Altitude from completion of procedure turn, without a fix.* Descent to the altitude specified for final approach will be made only after the final approach course is intercepted inbound and is within 10 miles of the facility. When the procedure turn is not completed within these limits, the final approach altitude will be the same as that authorized for the procedure turn until within the final approach area. A minimum obstruction clearance of 500 feet will be provided within the final approach area to the facility.

(2) *Altitude from final approach fix to facility (front course approach).* The final approach altitude will provide a minimum obstruction clearance of 1,000 feet up to the fix and 500 feet from the fix to the facility within the final approach area.

(3) *Altitude from facility to airport (front course approach)*—(i) *Within 6 miles.* For that portion of the final approach area lying between the facility and the airport, a minimum obstruction clearance of 300 feet will be provided when the facility is located within 6 miles of the airport.

(ii) *Over 6 to 8 miles.* When located from over 6 to 8 miles, a minimum obstruction clearance of 400 feet will be provided in the final approach area.

(iii) *Over 8 to 10 miles.* When located from over 8 to 10 miles, a minimum obstruction clearance of 500 feet will be provided in the final approach area.

(iv) *Over 10 miles.* When located more than 10 miles, operations will normally be conducted in accordance with visual flight rules from the facility to the airport; however, in specific instances, a procedure may authorize operations under IFR from the facility to a point not more than 6 miles from the facility provided a minimum obstruction clearance of 500 feet is provided in the final approach area. From this point on, operations will be conducted in accordance with visual flight rules.

(4) *Altitude from final approach fix to facility (back course approach).* The final approach altitude will provide a minimum obstruction clearance in the final approach area between the fix and the airport as described in paragraph (b) (4) of this section, as follows:

For distances from fix to airport of—	Feet
(i) 6 miles or less	300
(ii) Over 6 to 8 miles	400
(iii) Over 8 miles to 10 miles	500

(iv) Over 10 miles—when the distance from the fix to the airport is over 10 miles, operations will normally be conducted in accordance with visual flight rules from the fix to the airport; however, in specific instances, a procedure may authorize operations under IFR from the fix to a point not more than 6 miles from the fix, provided a minimum obstruction clearance of 500 feet is provided in the final approach area. From this point on, operations will be conducted in accordance with visual flight rules.

(d) *Magnetic course from facility to airport.* (1) (i) In plotting the magnetic course from the facility to the airport, when the bearing from the facility to the end of the runway to be used does not diverge more than 30° from the direction of that runway, and a reasonable rate of descent is possible, a straight-in approach may be authorized and the magnetic course shown will correspond to that of the bearing from the facility to the approach end of the runway to be used.

(ii) When this bearing is more than 30°, the magnetic course from the facility to the airport shall be determined by bisecting the angle formed by two straight lines extending from the facility to both sides of the useful landing area.

(2) Distance from facility to airport: The distance shall normally be measured from the facility to the approach end of the runway or to the intersection of the course with the first runway on the airport. At airports where no runways exist, the distance will be measured along the final approach course from facility to airport to the nearest boundary of the landing area.

§ 609.15 *Missed approach procedure.* (a) A missed approach procedure will be formulated for each procedure. The missed approach will normally be made on a course which most nearly approximates a continuation of the final approach course, after due consideration of obstructions, terrain, and other factors influencing the safety of the operation. The missed approach course, however, need not necessarily be a straight line. A missed approach will be initiated at the point where the aircraft has descended to authorized landing minimums at a specified distance from the facility if visual contact is not established, or if the landing has not been accomplished, or when directed by Air Traffic Control. The "specified distance" may not be more than the distance from the facility to the airport.

(1) *Missed approach area.* The missed approach area extends laterally 1.7 miles on each side of the missed approach course commencing either at the approach end of the runway or landing area or at the point where the missed approach starts, and extends in length for a distance of 32,000 feet (approximately 5.3 miles). Where 100-foot minimums have been approved, it extends in length for a distance of 36,000 feet (approximately 6 miles).

(i) *Obstruction clearance.* In addition to the missed approach area meeting the requirements of the Technical Standard Order for determining obstructions to air navigation regarding airport clearance criteria, no obstructions should penetrate a surface extending over the missed approach area. This surface is 200 feet higher (or 100 feet higher if 100-foot minimums have been approved) than the elevation of the point over which the missed approach starts and extends upward uniformly on a 40:1 slope until reaching an altitude 1,000 feet higher than the elevation of the point over which the missed approach starts. This occurs at about a 5.3-mile distance (or 6 miles with 100-foot minimums). From this point on, until reaching the missed approach altitude, a minimum obstruction clearance of 500 feet will be provided 4.34 miles each side of the missed approach course.

(ii) *Altitudes.* The missed approach altitude specified on the procedure will provide at least 1,000 feet clearance above all obstructions 4.34 miles on each side of the missed approach course normally within a distance of 20 miles from the facility or to a specified fix normally within 20 miles of the facility.

(2) *Alternate missed approach procedure.* Alternate missed approach procedures will be established whenever required for air traffic control purposes. Alternate missed approach procedures will be included in the space provided for a missed approach procedure.

§ 609.20 *Terminal very high frequency omnirange (TerVOR) criteria (VOR located on the airport).* (a) The criteria set forth in §§ 609.20 through 609.22 will be used by the Administrator in formulating and approving TerVOR procedures.

(1) *Determination.* Criteria will be identical with VOR criteria specified in §§ 609.11 through 609.15, except as specified hereinafter in §§ 609.20 through 609.22.

(2) *Number of procedures established.* There normally will be established a straight-in approach procedure for each runway at a given airport under the conditions set forth in § 609.21 (b). The procedures will be identified by the abbreviation TerVOR followed by the number used to identify the runway to which the approach is established. Example: TerVOR–3, the approach established for runway 3.

NOTE: In cases where the VOR is at the airport and it is desired to establish descent only to circling minimums, final approach courses may be established along en route radials. Such procedures will specify at least two final approach fixes (including DME fixes) to expedite the approach and to eliminate the necessity for a procedure turn. In such cases, procedures will be identified by a three digit approach radial. Example: "Radial 090", the approach inbound on the 090 radial from the east.

§ 609.21 *Final approaches*—(a) *Final approach course.* Only one final approach course will be established for any one procedure. The final approach course will be one which intersects the extended centerline of the runway at a specified distance from the approach end of the runway. The final approach course will be established only under the conditions specified in paragraph (b) of this section.

(b) *Interception angle and runway distance.* The distances between the approach end of the runway and the interception point of the selected final approach course with the runway centerline extended, shall not be less than those shown for the corresponding angles of interception.

Angle	Distance
0°	0 mile.
7°	Minimum 0.25 mile.
14°	Minimum 0.50 mile.
21°	Minimum 0.75 mile.
28°	Minimum 1.00 mile.
30° (Maximum)	Minimum 1.07 miles.

An interpolation of the angles and distances given above should be applied at a ratio of 28° to one mile. Straight-in approaches will not be established requiring angles of interception of more than 30°. The distance will be as short as the interception angle will permit and the visibility minimums will be consistent with this distance. Moreover, local conditions such as thickly populated areas, hazardous obstructions, etc., will be considered in the selection of the courses to be used for final approach.

NOTE: Terminal VOR criteria may be applied to VOR locations not on an airport or immediately adjacent thereto but within a reasonable distance of the airport. In such cases, at least one final approach fix should be established on the approach radial, with interception angles and runway distances being established as specified above. See § 609.32 (a) (5) (i).

(c) *Altitude on final approach*—(1) *From completion of procedure turn to facility.* A minimum altitude will be established for the final approach from completion of procedure turn to the VOR which will provide a minimum obstruction clearance of 400 feet within the final approach area described in § 609.14 (b) (1) (ii).

(2) *From a reliable fix.* A final approach may be authorized from a reliable fix located on the final approach course within 10 miles of the VOR. In such cases a minimum altitude will be established within the final approach area described in § 609.14 (b) (2) (ii) which will provide obstruction clearance as follows:

(i) *Within 6 miles.* When the fix is located within 6 miles of the VOR, the minimum obstruction clearance will be 300 feet.

(ii) *Over 6 miles to 8 miles.* When the fix is located over 6 miles but not more than 8 miles from the VOR, the minimum obstruction clearance will be 400 feet.

(iii) *Over 8 miles but not more than 10 miles.* When the fix is located over 8 but not more than 10 miles from the VOR, the minimum obstruction clearance will be 500 feet.

§ 609.22 *Missed approach procedure.* The missed approach procedure criteria contained in § 609.15 will apply.

§ 609.30 *Very high frequency omnirange distance measuring equipment (VOR/DME) criteria.* The criteria set forth in §§ 609.30 through 609.34 will be used by the Administrator in formulating and approving VOR/DME procedures. In establishing VOR/DME instrument approach procedures from the radio facility direct to the airport or from a fix direct to the airport (back course approach), applicable criteria of §§ 609.11 through 609.14 will be used taking full advantage of the many DME fixes available. The purpose of §§ 609.31 through 609.34 is to establish criteria utilizing the orbiting feature of DME for conducting instrument approaches to airports and runways.

(a) *Establishment.* VOR/DME procedures are established to facilitate an instrument approach along an orbit and/or radial of a VOR/DME facility. The following criteria will be adhered to when establishing such procedures.

(1) *VOR/DME use.* Distance measuring equipment (DME) indicates the distance from the VOR/DME facility to the aircraft. VOR indicates the course. DME and VOR may be used independently or jointly.

(2) *VOR/DME equipment.* Procedures utilizing DME are predicated upon airborne interrogators accurate within 3 percent of the distance or ½ mile, whichever is greater. Use of less accurate equipment will not provide the required margin of safety in the use of these procedures.

(3) *Orbiting procedure to airport.* Orbiting procedure to the airport rather than to straight-in runways may be authorized without overheading the facility. The radius of this arc will be the distance from the DME facility to the approximate center of the airport.

(b) *Numbering of procedures*—(1) *Straight-in approach.* Procedures will be numbered in a manner similar to that used for Terminal VOR when a straight-in approach to a runway is authorized; Example: An orbiting procedure straight in to runway 25 will be numbered VOR/DME 25.

(2) *Circling approach.* Approaches other than straight-in approaches to a runway will be considered circling approaches and will be numbered Airport–1, Airport–2, etc. Example: The Airport–1 procedure will be a VOR/DME approach procedure established from the VOR/DME facility direct to the airport. The Airport–2 procedure will be an approach from a DME fix along the VOR radial which passes over the airport and the flight is conducted toward the facility but does not allow a straight-in approach to a runway.

§ 609.31 *Initial approaches*—(a) *Initial approach to DME orbit.* When an approach radial to a VOR/DME facility intersects a DME orbit within the limiting angles and distances, indicated in subparagraph (1) of this paragraph, an approach may be authorized upon this orbit from such intersection. When an approach radial lies outside these limits, a procedure will be established so that the aircraft will overhead the VOR/DME facility before proceeding to a DME orbit.

(1) *Determination.* The approach radial provides an intersection with a DME arc and determines the straight-in distance to the runway along the final approach orbit. The maximum length of the final approach DME orbit is determined by the angle between the approach radial and the reference line, and is—

Not more than 135° for distances of 5 miles or less from facility to orbit,
Not more than 120° between 5 and 10 miles,
Not more than 105° between 10 and 15 miles, and
Not more than 90° over 15 miles.

(2) *When to overhead facility.* Approaches to the facility along radials outside these angles and limiting distances will be authorized first to the VOR/DME facility in accordance with other approved criteria.

(b) *Altitudes on initial approach.* A minimum obstruction clearance of 1,000 feet will be provided for a distance of 4.34 miles on each side of the course until within 5 miles of the DME final approach orbit. Within 5 miles of the final approach orbit, a minimum clearance of 500 feet will be provided for a distance of 4.34 miles on each side of the course. The initial approach altitude will not be lower than the altitude established for the orbit from the point of intersection of the initial approach with the orbit. In order to facilitate transitions, minimum orbiting altitudes may be established for the area or areas about the facility. The altitude or altitudes will provide a minimum obstruction clearance of 1,000 feeet within the area specified on the procedure. For example: "Minimum orbiting altitudes R–040 clockwise to R–270, 2500 feet within 20 miles; R–270 clockwise to R–040, 3000 feet within 20 miles."

§ 609.32 *Final approaches*—(a) *DME final approach orbit*—(1) *Determination.* A final orbiting approach is conducted upon an arc terminated by the reference line (the VOR radial passing over the approach end of the desired runway) on one end, and the VOR approach radial at the other end.

(2) *Limiting factors in DME orbit.* (See § 609.31 (a) (1).)

(3) *Minimum radius of orbit arc.* Orbiting procedures will not normally be established with less than an arc of four miles radius. This is necessary in order to minimize the rate of turn and amount of bank required on final approach.

(4) *Distance to runway from point of intersection.* Normally the fix at the start of the DME approach orbit will be at least four miles from the approach end of the runway used.

(5) *Use of fixes.* Since radials intersecting the DME orbit form continuous VOR/DME fixes, reduction in altitude as distance to the approach end of the runway decreases will be established in accordance with the following:

(i) *Fix when facility is off the airport.* Criteria, as outlined in § 609.21 (a) and (b) will be used to provide a straight-in approach to an airport even when the facility is located off the airport. The final approach course will be able to form a fix which coincides with the intersection of the extended centerline at a specified distance from the approach end of the runway. An approach either toward or away from the facility is possible with adequate VOR/DME fixes.

(ii) *Altitudes.* For that portion of the final approach to the DME orbit lying between the DME fix and the approach end of the desired runway, a minimum obstruction clearance two miles on each side of the final approach orbit will be provided as follows:

7 miles and less, 300 feet.
Over 7 to 10 miles, 400 feet.
Over 10 to 12 miles, 500 feet, and
More than 12 miles, 1,000 feet.

§ 609.33 *Missed approaches.* The missed approach procedure criteria contained in § 609.15 will apply.

§ 609.34 *Elimination of procedure turns.* A note will be placed on all procedures to permit the elimination of the procedure turn with any VOR/DME procedure of which the following is an example: "When authorized by ATC, DME may be used within ____ miles at ____ feet altitude to position aircraft for a straight-in approach with the elimination of the procedure turn."

§ 609.40 *Instrument landing system (ILS) criteria.* The criteria set forth in §§ 609.40 through 609.46 will be used by the Administrator in formulating and approving ILS procedures.

(a) *Number of procedures established.* More than one ILS procedure may be established for a particular airport when a different direction of approach is involved. Procedures will be numbered to correspond with the number of runway served. Example: ILS–9 would be the approach based on the utilization of the front course of the ILS, and ILS–27 would be the approach utilizing the back course of the ILS.

§ 609.41 *Initial approaches*—(a) *Initial approach procedure.* The initial approach to the ILS will normally be made on the associated primary navigation facility, radio range or radio beacon, or from an intersection thereof. Transition from the primary radio facility to the ILS localizer course will be made from specified fixes on predetermined established courses furnishing directional guidance between such fixes (or on DME orbits), and the localizer course or the outer marker compass locator of the ILS. (Radar transition, see § 609.55 (a) (1).)

§ 609.42 *Procedure turns.* (a) The procedure turn criteria contained in § 609.13 will apply. A specified procedure turn need not be made when bracketing of the localizer course (inbound) can be accomplished prior to intercepting and commencing descent on the glide slope to authorized minimums and provided that (1) the localizer course (inbound) can be intercepted within 10 miles of the outer marker or final approach fix on a final transition course specified in the ILS procedure from an established radio fix or holding point not more than 20 miles from the localizer interception point and the interception angle does not exceed 15° for each mile of the interception point distance from the outer marker, up to a maximum of 90°, or (2) interception of the localizer course (inbound) can be accomplished from an established holding pattern on the localizer course.

(b) In addition, the altitude on procedure turn will not be less than the altitude of the glide slope at the outer marker. In those cases where a 7 mile distance on the maneuvering side of the ILS procedure turn maneuvering area results in an altitude appreciably higher than if a 4.34 mile distance were used, the ILS procedure turn altitude will be limited to 4.34 miles on the maneuvering side, and a note to that effect included on the ILS procedure form.

§ 609.43 *Final approaches*—(a) *Definitions*—(1) *Final transition.* The term "final transition", as used in ILS procedures, is defined as a transition to an ILS localizer course, within the limitations set forth in § 609.42, from which a final approach will be authorized on the localizer course without the necessity of making a procedure turn.

(2) *Final approach on localizer course.* The term "final approach on localizer course", as used in ILS procedures, is defined as approach (inbound) on the localizer course after completion of procedure turn, or from an established holding pattern on the localizer course or after a final transition, as described in subparagraph (1) of this paragraph.

(3) *Final approach on glide slope.* The term "final approach on glide slope", as used in ILS procedures, is defined as that portion of the final approach (inbound) on localizer course after the glide slope has been intercepted and descent on the glide slope is being made to authorized landing minimums.

(b) *Altitudes.* The altitude for final approach on the localizer course prior to reaching the outer marker will not be less than the altitude of the glide slope at the outer marker. The altitude for final approach on glide slope will provide for clearance of terrain and obstructions in the approach area as hereinafter specified in "Minimum obstruction clearance for final approach", paragraph (c) (7) of this section.

(c) *Obstruction clearance for final approach*—(1) *Approach zone.* The approach zone to instrument runways includes the approach area, approach surface, and transitional surfaces.

(2) *Approach area.* The dimensions of the approach area to instrument runways are measured horizontally from a point 200 feet outward from the approach end of the runway.

(3) *Length.* The approach area has a length of 50,000 feet outward along the runway centerline extended.

(4) *Width.* The approach area is symmetrically located with respect to the extended runway centerline and has a total width of 1,000 feet at a point 200 feet outward from the approach end of the runway. The approach area flares uniformly to a total width of 4,000 feet at the end of the 10,000-foot section and to a total width of 16,000 feet at the end of the additional 40,000-foot section.

(5) *Approach surface.* The approach surface is an inclined surface located directly above the approach area.

(6) *Slope.* The slope of the approach surface along the runway centerline extended is fifty to one (50:1) for the inner 10,000-foot section and forty to one (40:1) for the outer 40,000-foot section of the approach area.

(7) *Minimum obstruction clearance for final approach.* For that part of the approach from the interception of the glide slope by the aircraft, the minimum obstruction clearance is that obtained between the two and one-half degree glide slope passing through a point 12 feet above and 500 feet inward from the approach end of the runway and the fifty to one (50:1) and forty to one (40:1) approach surface slope defined in subparagraph (6)[1] of this paragraph.

[1] This is the condition when the glide slope unit is located the minimum distance of 750 feet from the runway end. The lower end of the glide slope is assumed to be 12 feet above the runway at a distance of 250 feet outward from the glide slope unit, at which distance the aircraft would be in contact with the runway and the aircraft antenna exactly on course.

§ 609.44 *Clearance criteria*—(a) *Minimum clearance.* The minimum clearance in feet is a function of the distance D outward from the point at which the glide slope intercepts the runway at zero altitude as follows:

(1) For less than 10,950 feet, minimum clearance $0.02366D+20$ feet.

(2) For D between 10,950 feet and 4.34 miles, minimum clearance $0.01866D+75$ feet.

Example. If an obstruction is 10,250 feet from the glide slope intersection with a runway, formula (1) would apply, and the minimum clearance above the obstruction = $(10{,}250' \times 0.02366) + 20' = (243') + 20' = 263'$. It should be noted that the criteria provide a minimum clearance of approximately 500 feet at 4.34 miles from the runway intersection with a gradually reduced clearance from that point inward. This clearance is a minimum requirement. However, a greater clearance may be necessary due to terrain features adjacent to the approach area of the instrument runway or peculiarities of the installation which are revealed by flight checks.

(b) *Glide slope setting.* (1) Where the minimum obstruction clearance can be obtained in the approach area and adjacent transition surfaces inward from the point of interception of the glide slope, the glide slope will be set to the normal optimum setting of two and one-half to two and three-fourths degrees. This will result in obtaining the desirable interception of the glide slope with the middle marker at an elevation of about 200 feet above the runway.

(2) Where terrain and obstruction clearances more than that established by the criteria can be provided, the glide slope may be set at a lesser angle. The minimum glide slope angle will be two degrees.

(3) When necessary to obtain the minimum obstruction clearance, the glide slope may be raised to an angle of three degrees. Angles greater than three degrees will not normally be used. Where the minimum obstruction clearance cannot be obtained with the three degree glide slope angle and the length of the runway permits, consideration may be given to locating the glide slope unit inward from the standard location a distance necessary to obtain the specified minimum clearance.

(c) *Adjustment of ceiling minimums for obstruction clearance.* When minimum obstruction clearance cannot be obtained with a three degree glide slope angle, and the length of the runway does not permit a compensating adjustment, consideration will be given to establishing ceiling minimums which will afford comparable safety. In this event, the ceiling minimums will be determined by application of the following formula to all obstructions projecting above the established slope line and located in the approach area within a distance of 4.34 miles outward from the end of the runway.

(1) *Formula.* A line will be extended horizontally outward from the top of each obstruction and parallel with the runway centerline to a point of intersection with the established slope line, and from that point a line will be extended vertically to a point of intersection with the glide slope. The point of intersection at the highest level of the glide slope as established by the foregoing formula will determine the minimum ceiling that will be considered.

§ 609.45 *Utilization of back course of ILS.* Utilization of the back course of an ILS may be authorized if suitable fixes exist which will allow a pilot to establish his position and proceed on the localizer back course to the airport. Use of the back course will not be authorized; however, where there is likely to be interference with another ILS located in close proximity, or where the terrain or other features make use of the back course inadvisable from a safety standpoint, or when the ILS back course is "restricted" or "unusable".

(a) *With glide slope.* If the instrument approach runway is equipped with a glide slope serving the back course of the ILS localizer, a separate procedure may be formulated and approved. When such a procedure is established, consideration will be given to ceiling and visibility minimums in accordance with the minimum obstruction clearance for glide slope settings.

(b) *Without glide slope.* Where there is no glide slope but a fan marker, compass locator, or other suitable fix is located on the localizer back course within 6 miles of the airport, a straight-in approach may be formulated and approved. Obstruction clearance will be determined by requiring 300 feet clearance over all objects within the approach area described in § 609.43 (c) (1), (2), and (3), and by adding to this basic requirement of 300 feet any encroachment on the instrument runway transitional surfaces described in Technical Standard Order N–18. The slope set forth in § 609.43 (c) (6) will not be applicable, and the transitional surfaces beyond 200 feet from the runway end will extend from the edge of the approach area commencing at airport elevation. Straight-in approaches without glide slope may also be authorized for fixes over 6 miles up to 10 miles from fix to approach end of runway if additional obstruction clearance is provided as follows:

Over 6 but not more than 8 miles, 400 feet.
Over 8 but not more than 10 miles, 500 feet.

These obstruction clearances will also be required on the front course of an ILS when the glide slope is not commissioned or is inoperative.

§ 609.46 *Missed approaches.* The missed approach procedure criteria contained in § 609.15 will apply.

§ 609.50 *Radar criteria.* The criteria set forth in §§ 609.50 through 609.57 will be used by the Administrator in formulating and approving radar procedures.

(a) The safe completion of a radar approach procedure involves a dual responsibility, which includes (1) the interpretation of the information received by the controller on the radar scope and the relaying of this information to the pilot of the aircraft, and (2) the pilot's acceptance of and compliance with the advice received from the controller.

(b) Number of procedures established: One or more radar procedures may be established for a particular airport depending on the various runway directions and patterns used. Where the approach is to be made to a designated instrument runway which is served by precision approach radar, a precision approach procedure will be established and so designated. Approaches may also be established to any runway served by adequate surveillance radar and termed surveillance instrument approach procedures. Where precision or surveillance instrument approaches are established, it will be necessary to specify the particular runway which may be utilized, and the types of approaches authorized for those runways.

§ 609.51 *Initial approaches*—(a) *Initial approach procedure.* The initial approach for radar procedures will normally be authorized on the associated primary navigation facilities, from reliable fixes or from an established holding pattern.

(1) *Altitudes.* All altitudes pertaining to initial approaches for radar procedures will not be less than the minimum initial approach altitude established for approaches to the associated primary radio facility or other reliable fixes from which transition to the radar procedure is accomplished.

§ 609.52 *Patterns*—(a) *Establishment.* Patterns will be established and approved by the appropriate agency for the guidance of the radar controllers. Such patterns will provide basic transition vectoring courses from the associated primary facilities or fixes upon which the initial approach to the area was conducted. They will also provide for a final turn and/or interception of the final approach course at a distance of not less than 5 miles from the approach end of the runway to be used. Whenever possible, a pattern will be designed to accommodate both right- and left-hand turns into the final approach course. While interception angles of approximately 30 degrees are preferable, controllers may use larger interception angles provided sufficient distance is provided along the course for bracketing.

(b) *Use of surveillance radar with other types of aids.* Where surveillance radar is utilized in providing transitions to a final approach position with relation to other types of approach aids, the pattern will normally provide that interception of the final approach course be made at a sufficient distance prior to intercepting the glide slope[6] or crossing the outer marker or other approach aid in order that the pilot will have sufficient time to bracket the localizer course or final approach course before commencing descent to the airport.

(c) *Flexibility of use.* To provide the flexibility required for air traffic control purposes, the radar controller may deviate from the pattern course as required to provide separation from other aircraft and to make allowances for wind conditions, speed of aircraft, direction from which aircraft are approaching, or other reasons which may require deviations therefrom, provided that the minimum obstruction clearances are strictly adhered to.

(d) *Altitudes*—(1) *Transition patterns.* Except as otherwise provided in §§ 609.50 through 609.57, all altitudes pertaining to the radar procedure patterns prior to interception of the final approach course will be at least 1,000 feet above all obstructions within 3 miles on each side of the pattern course, and will provide at least 500 feet clearance above all obstructions located within an additional 2 miles on each side of the pattern course. When an aircraft is observed to have definitely passed an altitude limiting feature or obstruction, the radar controller may descend the aircraft to a lower altitude, provided that the lower altitude affords the minimum obstruction clearance set forth above with respect to other obstructions farther along the course to be flown.

(2) *Deviation from pattern.* In order to provide guidance to controllers and pilots concerning the minimum vectoring altitude(s) which may be used in the event deviations from pattern course are required, radar transition vectoring altitude(s) should be established within the terminal area, either area-wise or in area sectors, depending on the prevailing terrain or obstruction situation at any particular airport. It will be required that a basic area altitude be established which will provide 1,000 feet clearance over all obstructions within the area in which radar vectoring to the final approach fix will be accomplished. However, in order not to require unduly high transition altitudes, exceptionally high terrain and obstructions (high TV towers, etc.) will not be used in the determination of the basic area altitude. These will be noted on the controller's radar scope and will be treated individually by requiring the specific obstruction clearances, as stated above, when within 5 miles thereof; i. e., from 3 to 5 miles, 500 feet obstruction clearance will be required and from 0 to 3 miles, 1,000 feet obstruction clearance will be required. When obstruction clearance can be maintained, and at the discretion of the radar controller, a radar procedure pattern may be executed in part only, provided the final approach course can normally be intercepted not less than 5 miles from the approach end of the runway.

(3) *Use with other types of facilities.* The approved radar terminal area transition altitudes to other types of facilities will be specified in the initial approach or transition portion of the pertinent instrument approach procedure form. An example of this would be, "Radar terminal area transition altitude 1500 feet." If sector altitudes are involved, they will be specified. Where radar transitions to ILS or other types of facilities are authorized, the minimum altitude at interception of the final approach course will not be less than the altitude specified in the ILS or other type of procedure for final approach altitude over the outer marker or other specified fix. Where obstructions require interception of the ILS glide slope at an altitude higher than that required over the outer marker, sufficient distance must be available along the course line to allow descent on the glide slope to the outer marker.

§ 609.53 *Straight-in approaches.* Straight-in precision and surveillance approaches are predicated on the aircraft landing straight-in to the runway, rather than circling the airport.

§ 609.54 *Circling approaches.* Circling approaches are predicated on the aircraft completing a portion of the precision or surveillance approach to one runway and then proceeding visually to another runway. Obstruction clearance for circling on such approaches will be determined in accordance with § 609.4 (f).

§ 609.55 *Surveillance approaches.* (a) A radar approach utilizing surveillance radar will be authorized when the position of the aircraft can be definitely determined and the flight path controlled by reference to the surveillance scope.

(1) *Equipment.* The ground electronics equipment must be sufficiently accurate and free from ground clutter to assure positive aircraft identification and azimuth course guidance. Surveillance radar may also be used in connection with initial approach procedures to other types of navigational aids, such as precision approach radar, L/MF radio facilities, VOR, and ILS facilities. Final approaches to the facility and airport will then be made, at the pilot's discretion, either by means of a precision approach procedure or by means of the approved instrument approach procedure established for the particular type of facility. Where such radar transitions to other facilities are approved, the transition authorization will become a part of the particular instrument approach procedure authorized for that facility and will be noted on the pertinent instrument approach procedure forms.

(2) *Obstruction clearance and altitudes.* A minimum obstruction clearance of 300 feet will be provided 1.7 miles each side of the runway centerline extended, between the end of the runway to be used and a point 5 miles out.

(3) *Patterns.* Satisfactory patterns will be provided which will insure that the aircraft on final approach will be at least 1,000 feet above airport elevation with obstruction clearance as specified in § 609.52 (d) (1) until reaching a point 5 miles from the approach end of the runway to be used.

§ 609.56 *Precision approaches*—(a) *Definitions*—(1) *Final approach.* The term "final approach" is defined as that portion of the procedure within the maximum operational range of the precision radar equipment from the airport where the aircraft is headed inbound on the final approach course.

(2) *Final approach course.* The inbound course which approximates the direction of the runway to be utilized. Interception of the final approach course will normally be authorized at a distance not less than 5 miles from the approach end of the runway.

(3) *Straight-in approach.* For each procedure there may be one direction from which the initial approach may become the final approach with the resulting elimination of transition patterns. This may be accomplished only if such an approach is from a reliable fix, so located within operational range of the radar equipment to the approach end of the runway to be used, so that interception of the final approach course may be effected with a divergence of normally not more than 30°.

(4) *Final aproach prior to glide slope interception.* That portion of the final approach prior to interception of the glide slope. Within the final approach zone, a minimum altitude of 1,000 feet above airport elevation and 500 feet above all obstructions will be established until interception of glide slope has been effected.

(5) *Final approach after glide slope interception (precision approach).* That portion of the final approach within the final approach area starting where glide slope has been intercepted and ending where landing is accomplished or missed approach is commenced.

(b) *Final approach procedure*—(1) *Obstruction clearance for final approach*—(i) *Approach zone.* The approach zone to instrument runways includes the approach area, approach surface, and transitional surfaces.

(ii) *Approach area.* The dimensions of the approach area to instrument runways are measured horizontally from a point 200 feet outward from the approach end of the runway.

(iii) *Length.* The approach area has a length of 50,000 feet outward along the runway centerline extended.

(iv) *Width.* The approach area is symmetrically located with respect to the extended runway centerline and has a total width of 1,000 feet at a point 200 feet outward from the approach end of the runway. The approach area flares uniformly to a total width of 4,000 feet at the end of the 10,000-foot section and to a total width of 16,000 feet at the end of the additional 40,000-foot section.

(v) *Approach surface.* The approach surface is an inclined surface located directly above the approach area.

(vi) *Slope.* The slope of the approach surface along the runway centerline extended is fifty to one (50:1) for the inner 10,000-foot section and forty to one (40:1) for the outer 40,000-foot section.

(vii) *Minimum obstruction clearance for final approach.* For that part of the approach from the interception of the glide slope by the aircraft, the minimum obstruction clearance is that obtained between the two and one-half degree glide slope passing through a point 12 feet above and 500 feet inward from the approach end of the runway, and the fifty to one (50:1) and forty to one (40:1) approach surface slope defined in subdivision (vi)[7] of this subparagraph. Obstruction clearance in excess of 500 feet is not required.

(2) *Criteria.* The minimum clearance in feet is a function of the distance D outward from the point at which the glide slope intercepts the runway at zero altitude as follows:

(i) For D less than 10,950 feet, minimum clearance $0.02366D+20$ feet.

(ii) For D between 10,950 feet and 4.34 miles, minimum clearance $0.01866D+75$ feet.

Example. If an obstruction is 10,250 feet from the glide slope intersection with a runway, formula (i) would apply and the minimum clearance above the obstruction = $(10{,}250' \times 0.02366) + 20 = 263'$.

It should be noted that the criteria provide a minimum clearance of approximately 500 feet at 4.34 miles from the runway intersection with a gradually reduced clearance from that point inward. This clearance is a minimum requirement. However, a greater clearance may be necessary due to terrain features adjacent to the approach area of the instrument runway or peculiarities of the installation which are revealed by flight checks.

(3) *Glide slope setting.* (i) Where the minimum obstruction clearance can be obtained in the approach area and adjacent transitional surfaces inward from the point of interception with the controller's glide slope, the glide slope will be set to the normal optimum setting of two and one-half to two and three-fourths degrees. This will result in obtaining the desirable interception of the glide slope at a point approximately 200 feet above and 4,250 feet outward from the runway intersection point.

(ii) Where terrain and obstruction clearances more than that established by the criteria can be provided, the glide slope may be set at a lesser angle. The minimum glide slope angle will be 2°.

(iii) When necessary to obtain the minimum obstruction clearance, the glide slope will be raised to an angle of 3°. Angles greater than 3° will not be used without approval for deviation. Where the minimum obstruction clearance cannot be obtained with the 3° glide slope angle and the length of the runway permits, consideration will be given to locating the point at which the glide slope intercepts the runway inward from the standard location at a distance necessary to obtain the specified minimum clearance. When possible, the precision glide slope will be identical to the ILS if they both serve the same runway.

(4) *Adjustment of ceiling minimums for obstruction clearance.* When minimum obstruction clearance cannot be obtained with a 3° glide slope angle and the length of the runway does not permit a compensating adjustment, consideration will be given to establishing ceiling minimums which will afford comparable safety. In this event, the ceiling minimums will be determined by application of the following formula to all obstructions projecting above the established slope line and located in the approach area within a distance of 4.34 miles outward from the end of the runway.

(i) *Formula.* A line will be extended horizontally outward from the top of each obstruction and parallel with the runway centerline to a point of intersection with the established slope line, and from that point a line will be extended vertically to a point of intersection with the glide slope. The point of intersection at the highest level of the glide slope as established by the foregoing formula will determine the minimum ceiling that may be considered.

§ 609.57 *Missed approaches.* The missed approach criteria contained in § 609.15 will apply.

[6] Formerly known as "glide path".

[7] This is the condition when the glide slope extended inward and downward from the point 12 feet above and 500 feet inward from the approach end of the runway intersects the runway at zero altitude 750 feet inward from the approach end of the runway.

SUBPART C—PROCEDURES AND WEATHER MINIMUMS

§ 609.100 Low or medium frequency range, automatic direction finding, and very high frequency omnirange procedures—(a) Low or medium frequency range procedures.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Aberdeen VOR	ABR-LFR	246-2.2	2400	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-35			
				d	400-1	400-1	400-1
				n	400-1	400-1	400-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs 162 outbnd, 342 inbnd 2400' within 10 miles
Minimum Altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 342-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 2800' on N crs within 20 miles
Major Changes: 65 K or less circling minima lowered

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Aberdeen, S.D.	Aberdeen 1300'	SBRAZ ABR	1, Amit 10 6 Aug 55	9, 11 June 55

Abilene VOR	ABI-LFR	083-9.2	3100	T-dn	300-1	300-1	200-½
Phantom Hill Int (Final)	ABI-LFR	181-8.5	2400	C-dn	400-1	500-1	600-1½
				S-dn 17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side N crs, 001 Outbnd, 181 Inbnd, 3100 within 10 miles (non-standard due ATC)
Minimum Altitude over facility on final approach crs, 2400'
Crs and distance, facility to airport, 171-2.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.8 miles, climb to 3800 on 8 crs within 20 miles
CAUTION: 2778&MSL radio tower 9 miles S of airport
Major Changes: Raise procedure turn altitude and reverse direction. Change Airport name from New Abilene

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Abilene, Tex	Municipal 1778'	SBRAZ ABI	1, Amdt 2 24 Dec 55	1, 2 Jul 55

AKO-VOR	AKO-LFR	334-0.7	6000	T-dn	300-1
				C-dn	500-1½
				A-dn	800-2

Procedure turn W side N crs, 334 Outbnd, 154 Inbnd, 6000' within 10 miles
Minimum Altitude over facility on final approach crs, 5500'
Crs and distance, facility to airport, 154-3.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.1 mi, climb to 6000' on S crs AKO-LFR within 20 mi
NOTE: Turf field - rough - heavy aircraft use with caution (not authorized for air carrier use)

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Akron, Colo	CAA Int Field 4585'	SBMRAZ AKO	1, Orig 8 Sep 56	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	400-1	400-1	400-1
				C-d	600-1	600-1½	700-1½
				C-n	600-1½	600-1½	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 201 Outbnd, 021 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 077-0.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.2 miles, climb to 2500 on N crs of Akron LFR within 10 miles
NOTE: Procedure turn conducted west to avoid traffic at Akron, Canton, Ohio
Major Changes: Procedure turn altitude revised. Missed approach distance revised - nautical miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Akron, Ohio	Akron Airport 1051'	SBMRLZ AKR	1, Amdt. 4 11 Aug 55	3 12 Nov 54

Albany VOR	ABY-LFR	126-8.2	1600'	T-dn	300-1	300-1	*300-1
				C-dn	500-1	500-1½	
				S-dn-27	500-1	500-1	
				A-dn	800-2	800-2	800-2

*200½ Runway 3-21 only.

Procedure turn N side, E crs, 090 Outbnd, 270 Inbnd, 1400' within 10 mi.
Minimum Altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport 270-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 mi climb to 1500' on W crs within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Albany, Ga	Municipal 196'	SBMRAZ ABY	1, Amdt 8 21 Jul 54	7 2 Feb 54

				T-dn	400-1	400-1	400-1
				C-dn	700-1	700-1½	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 290 Outbnd, 110 Inbnd, 2500 within 10 miles
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 077-0.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.2 miles, climb to 2500' on N crs of Akron LFR within 10 miles
Major Changes: Nautical miles; missed approach distance revised

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Akron, Ohio	Akron Airport 1051'	SBMRLZ AKR	2, Amdt 1 11 Aug 56	Orig 12 Nov 54

Saratoga Springs FM	ALB-LFR	208-21	1800	*T-dn	300-1	300-1	200-½
Round Lake FM (Final)	ALB-LFR	208-8.6	1100	C-dn	500-1	600-1	600-1½
Grafton FM	ALB-LFR	293-17	3000	S-dn -19	#400-1	#400-1	#400-1
Coxsackie FM	ALB-LFR	015-25	2200	A-dn	800-2	800-2	800-2
Delmar FM	ALB-LFR	015-7.7	1800				
Schenectady FM	ALB-LFR	113-7.9	1800				

Procedure turn W side N crs, 028 Outbnd, 208 Inbnd, 1800' within 10 miles
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 195-2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.4 miles, climb to 1000' on S crs. Make right climbing turn and proceed out W crs climbing to 3000' or (when directed by ATC) climb to 5000' on S crs.
CAUTION: #Standard obstruction clearance not provided over 530' obstruction towers 1½ miles NW of airport
*300-1 required for all take-offs on Runways 10, 28, 15 and 33
Major Changes: Caution note revised. Revised format for minimums. Notes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Albany, N Y	Albany Airport 288'	SBRAZ ALB	1, Amdt 4 21 Apr 1956	3 1 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Saratoga Springs FM	ALB-LFR	208-21	1800'	T-dn	300-1	300-1	200-½
Grafton FM	ALB-LFR	293-17	3000'	C-dn	500-1	600-1	600-1½
Coxsackie FM (Final)	ALB-LFR	015-17.3	1700'	S-dn 1	500-1	500-1	500-1
Schenectady FM	ALB-LFR	113-7.9	1800'	A-dn	800-2	800-2	800-2

300-1 required for all takeoffs on Runways 10, 28, 15 and 33.

Procedure turn E side S crs, 195 Outbnd, 015 Inbnd, 2200' within 10 miles of Delmar FM.
Minimum Altitude over facility on final approach crs, 1700' (over Delmar FM)
Crs and distance, facility to airport, 015-4.7 (from Delmar FM)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.7 miles after passing Delmar FM, climb to 3000' on N crs within 20 miles or (when directed by ATC), climb to 3000' on W crs, Albany LFR within 20 miles. Distance for final approach from Coxsackie FM exceeds standard.
Major Changes: Revised format for minimums. Air Carrier notes revised.

City and State: Albany, N.Y. | Airport Name & Elev.: Albany Airport 288' | Fac. Class & Ident.: SBRAZ ALB | Procedure No. & Eff. Date: 2, Amdt 4 21 Apr 56 | Sup. Amdt. No. Dated: 3 1 Apr 54

Alameda "H"	ABQ-LFR	159-12.0	6500	T-dn	300-1	300-1	200-½
Peralta FM (Final)	ABQ-LFR	355-10.5	6000	C-dn	400-1	500-1	500-1½
VOR	ABQ-LFR	099-9.6	8000	S-dn-R-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 175 Outbnd, 355 Inbnd, 7000' within 10 mi (W side due to high terrain E side.)
Minimum Altitude over facility on final approach crs, 6000'
Crs and distance, facility to airport, 355-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 mi, climb to 8000' on N crs within 20 mi of ABQ LFR.
CAUTION: Terrain exceeding 8000' in E Quadrant, make all turns on W side of crs.

City and State: Albuquerque N Mex | Airport Name & Elev.: Kirtland AFB/MUN 5330' | Fac. Class & Ident.: SBRAZ ABQ | Procedure No. & Eff. Date: 1, Amdt 6 6 Jul 54 | Sup. Amdt. No. Dated: 5 17 Jul 51

Alexandria VOR	AXN-LFR	233-7.4	2600'	T-dn	300-1	300-1	200-½
				C-d	600-1½	600-1½	600-1½
				C-n	600-2	600-2	600-2
				S-d	600-1½	600-1½	600-1½
				S-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 006 Outbnd, 136 Inbnd, 2600' within 10 miles.
Minimum Altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 186-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 miles, climb to 2600' on S crs (186 degrees) within 10 miles. (not approved for ADF approach)
CAUTION: Tank 1585' MSL located to left of crs after passing low cone: Radio tower 1573' located 1½ miles SW of LFR. Radio tower 1555' MSL located 1 mile east of airport.
NOTE: This procedure not approved for ADF approach.
Major Changes: Frequency deleted item 1. MEA all directions deleted. Transition added from VOR.
Item 5 distance revised to 10 miles in accordance with criteria. New format used.

City and State: Alexandria, Minn. | Airport Name & Elev.: Municipal Airport 1425' | Fac. Class & Ident.: BMLZ AXN | Procedure No. & Eff. Date: 1, Amdt 6 27 Aug 55 | Sup. Amdt. No. Dated: 5 15 Aug 53

San Diego FM MHW (Final)	ALI-LFR	073-8.6	1000'	T-D	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				A-d	800-2	800-2	800-2

Procedure turn S side W crs, 253 Outbnd, 073 Inbnd, 1500 within 10 miles.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 073-3.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.1 miles turn left, climb to 1600 on N (334) crs within 20 miles.
CAUTION: 450' radio tower 3.7 miles NW, 580' radio tower 5.7 miles NW.
Major Changes: Delete night authority.

City and State: Alice, Tex | Airport Name & Elev.: Municipal 178' | Fac. Class & Ident.: SBRAZ ALI | Procedure No. & Eff. Date: 1, Amdt 5 7 Jul 56 | Sup. Amdt. No. Dated: 4 12 Feb 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Allentown VOR	ABL-LFR	156-1.9	2500	T-dn	300-1	300-1	200-½
				C-d	500-1	600-1	600-1½
				C-n*	500-1	600-1½	600-2
				A-dn	800-2	800-2	800-2

*Night landings on runways 1-19, 14-32, and 9-27 authorized only when flare pots or associated flood lights are used.

Procedure turn E side NE crs, 060 Outbnd, 240 Inbnd, 2600' within 10 mi (conducted E to avoid obstructions W of NE crs)
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 193-2.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.5 mi, climb to 2500' on SW crs within 10 mi.
CAUTION: 1600' terrain on N side NE crs. Do not descend below procedure turn altitude until inbnd on NE crs.

City and State: Allentown, Pa | Airport Name & Elev.: Allentown- Bethlehem-Easton Airport 392' | Fac. Class & Ident.: SBMRAZ ABL | Procedure No. & Eff. Date: 1, Amdt 3 1 Apr 54 | Sup. Amdt. No. Dated: 2 1 Feb 53

Alma VOR	AMG-LFR	324-2.3	1400	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn 15	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 319 Outbnd, 139 Inbnd, 1400 within 10 mi.
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 144-2.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 mi, climb to 1500' on SE crs within 2.0 mi.
NOTE: Air Carrier use N.A. due airport condition.
Major Changes: Add transition. Delete air carrier authority.

City and State: Alma, Ga | Airport Name & Elev.: Alma 200' | Fac. Class & Ident.: SBRAZ AMG | Procedure No. & Eff. Date: 1, Amdt 4 10 Sep 55 | Sup. Amdt. No. Dated: 3 14 Nov 54

				T-dn	1000-1	1000-1	1000-1
				C-d	1000-1	1000-2	1000-2
				C-n	1000-2	1000-3	1000-3
				A-dn	1500-2	1500-3	1500-3

Procedure turn W side N crs, 023 Outbnd, 203 Inbnd, 3500 within 10 mi.
Minimum Altitude over facility on final approach crs, 3100'
Crs and distance, facility to airport, 199-1.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.3 mi, climb to 4500' on S crs Altoona LFR within 10 mi.
AIR CARRIER NOTES: Reductions in visibility not authorized below one mile for 65 K or less aircraft; not authorized below two mi for aircraft of more than 65 K.
Major Changes: Revises missed approach altitude to conform to MEA. Reduces procedure turn altitude. Changes city name to Altoona to avoid confusion with Martinsburg, W Va.

City and State: Altoona, Martinsburg, Pa | Airport Name & Elev.: Blair County 1493' | Fac. Class & Ident.: SBMRAZ AOO | Procedure No. & Eff. Date: 1, Amdt 5, 11 Jun 55 | Sup. Amdt. No. Dated: 4 1 Apr 54

Amarillo VOR	AMA-LFR	222-6.1	4700	T-dn	300-1	300-1	200-½
Soncy Int (Final)	AMA-LFR	077-4.0	4500	C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of W crs, 257 Outbnd, 077 Inbnd, 5000 within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 4500'
Crs and distance, facility to airport, 077-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 mi, climb to 4700' on E crs or when directed by ATC turn right and climb to 5000' on SW crs within 20 mi.
Major Changes: New format

City and State: Amarillo, Tex | Airport Name & Elev.: Air Terminal 3604' | Fac. Class & Ident.: SBRAZ AMA | Procedure No. & Eff. Date: 1, Amdt 8 30 Jul 55 | Sup. Amdt. No. Dated: 7 23 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Amarillo VOR	Amarillo LFR	222-7.0	4700	T-dn	300-1	300-1	200-½
Conway Int	Amarillo Int (Final)	257-9.6	4200	C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of E crs, 077 Outbnd, 257 Inbnd, 4700' within 10 mi. Beyond 10 mi NA
Minimum Altitude over facility on final approach crs, Amarillo Int * 4200'.
Crs and distance facility to airport 257-4.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.2 mi climb to 5000' on W crs or when directed by ATC turn right and climb to 4800' on N crs within 25 mi.
*Amarillo Int is Int E crs Amarillo LFR and Rad. 147 AMA-VOR
NOTE: Procedure authorized only for aircraft equipped to receive Amarillo LFR and Amarillo VOR simultaneously.
Major Changes: Added VOR Radial to identify Amarillo Int.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Amarillo, Tex	Air Terminal 3604	SBRAZ AMA	2 Amdt 8 14 Jan 1956	7 30 Jul 1955

Delta Island Int	ANC-LFR	065-15	1500	T-dn	300-1	300-1	200-½
LOM	ANC-LFR	086-6.5	1500	C-dn	500-1	500-1	500-1½
Merrill LFR	ANC-LFR	196-7	1500	S-dn-31	400-1	400-1	400-1
Turnagain Int (Final) (Int SW crs Anchorage LFR and 302° bearing to ANC-LOM)	ANC-LFR	003-4.5	800	A-dn	800-2	800-2	800-2

Procedure turn W side SW crs, 183 Outbnd, 003 Inbnd 1500' within 10 mi. (non-standard)
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 314-2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.4 mi climb to 1500' on SW crs Anchorage LFR within 20 mi.
Alternate Missed Approach Procedures when Directed by ATC
1. Climb to 1500' proceeding direct to Anchorage LOM, thence on crs of 244° outbnd, 064° inbnd within 20 mi.
2. Climb to 1500' on NW crs Anchorage LFR (305°) to hold at Susitna Int.
3. Climb to 2500' on NW crs Merrill LFR (326°) within 20 mi.
Note: Radar transition within 25 nautical mi of ASR station as directed by ATC
CAUTION: 346' hill 1.6 mi SW of airport and 1.3 mi W of final approach between facility and airport.
Major Changes: Relocation of Anchorage LFR and realignment of crs. New format

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Anchorage, Alaska	Anchorage Int 113'	SBRAZ ANC	1 Amdt 5 24 Nov 1956	4 5 May 1956

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

NOTE: Instrument Approach to be conducted in accordance with Standard Instrument Approach Procedure USAF, as contained on current chart AL-1196-RNG.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Anchorage, Alaska	Elmendorf AF Base 212'	SBRAZ ANC	1 Amdt 9 26 Jan 57	8 12 Nov 55

Delta Island Int	ANC-LFR	065°-15	1500	T-dn	300-1	300-1	300-1
LOM	ANC-LFR	086°-6.5	1500	C-dn	500-1	500-1	500-1½
Merrill LFR	ANC-LFR	196°-7	1500'	A-dn	800-2	800-2	800-2
Turnagain Int (Final)(Int SW crs ANC-LFR and 302° bearing to ANC-LOM)	ANC-LFR	003°-4.5	800'				

Procedure turn W side SW crs, 183° Outbnd, 003° Inbnd, 1500' within 10 mi (non-standard)
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 006°-6.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.2 miles: climb to 1500' on NW crs (305°) Anchorage LFR to Susitna Intersection.
Alternate Missed Approach Procedures when Directed by ATC
1. Climb to 1500' proceeding direct to Anchorage LOM, thence on crs of 244° outbnd, 064° inbnd, within 20 mi
2. Climb to 1500' on NW crs Anchorage LFR (305°) to hold at Susitna Int
3. Climb to 2500' on NW crs Merrill LFR (326°) within 20 mi
CAUTION: Mountains 8 mi E and TV Tower 348' MSL 1 mile W NW of airport.
Major Changes: 1. Relocation of Anchorage LFR and realignment of crs. 2. New format

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Anchorage, Alaska	Merrill Field 139'	SBRAZ ANC	1, Amdt 8 24 Nov 1956	7 3 Nov 1956

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn-28	500-1	500-1	500-1½
				T-dn-10	300-1	300-1	300-1
				C-dn	700-1	700-1	700-1½
				S-dn-10	700-1	700-1	700-1½
				A-dn	900-2	900-2	900-2

Procedure turn S side SW crs, 209 Outbnd, 029 Inbnd, 1500' within 10 mi.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport 085-1.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.4 mi turn right immediately, climb to 2300' on SW crs (209°) within 20 mi.
NOTE: This procedure not approved for ADF approach.
Major Changes: 1. New Format 2. Departure Procedure deleted

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Aniak, Alaska	Aniak 86'	BMRLZ ANI	1, Amdt 4 2 Jul 55	3 15 Apr 54

				T-dn	*300-1	*300-1	*200-½
				C-dn	700-1½	700-2	700-2
				A-dn	800-2	800-2	800-2

*Runway 2: Td 600-1; Tn NA. Runway 2-20 unlighted. Turn left immediately after take-off Runway 2.

Procedure turn W side of S crs, 141° Outbnd, 321° Inbnd to 1500' within 10 mi (non-standard for more favorable terrain)
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 123°-1.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi after passing Annette LFR turn left, climb to 2800' on S crs of Annette LFR within 20 mi.
CAUTION: Mountainous terrain to 2900' 3½ mi NE 3600' 6 mi NE 1000' contour within 2 mi of airport N thru E.
Major Changes: 1. Minimums revised upward for circling to agree with criteria and missed approach. 2. Straight-in minima omitted, not applicable.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Annette, Alaska	Annette Airport 119'	SBRAZ ANN	1, Amdt 8, 29 Oct 55	7 19 May 55

Int W crs FJS (LFR) and radial 003° FOT (VOR)	ACV-LFR	184-30.0	6000	T-dn	300-1	300-1	300-1
				C-dn	500-2	500-2	500-2
FOT VOR	ACV-LFR	358-16.0	2000	A-dn	1000-2	1000-2	1000-2
Irt W crs ACV (LFR) and radial 341° FOT (VOR)	ACV-LFR	094-5.6	1500				

Approaches from all other directions must be made on top with tops not above 10,000 MSL.

Procedure turn S side W crs, 274 Outbnd, 094 Inbnd, 1500 within 10 mi, beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 001-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, make left turn, climb to 3000' or on top, on W crs of ACV LFR within 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Arcata, Calif	Arcata Airport 217'	SBMRLZ ACV	1, Amdt 5 16 Aug 54	4 17 Mar 54

Atlanta VOR	ATL-LFR	Direct	2100	T-dn	300-1	300-1	200-½
Stone Mt. FM	ATL-LFR	Direct	2200	C-dn	400-1	500-1	500-1½
Lost Mountain HBn	ATL-LFR	Direct	2800	S-dn-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 144 Outbnd, 324 Inbnd, 2200' within 10 mi.
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 314-1.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.3 mi turn left, climb on SW crs Atlanta LFR to 2000' within 20 mi.
CAUTION: 1182' tower ¾ mi W of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Atlanta, Ga	Atlanta 1024'	SBRAZ ATL	1, Amdt 12, 9 Feb 57	11 12 Nov 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Augusta VOR	AGS-LFR	153-6.9	1800	T-dn	300-1	300-1	*200-½
				C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

* 300-1 required on Runway 26.

Procedure turn N side of W crs, 276 Outbnd, 096 Inbnd, 1600' within 10 mi. (non-std due to Camp Gordon danger area 2.5 mi S of final approach crs)
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 130-6.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.5 mi, turn right, climb to 1500' on S crs within 20 mi.
CAUTION: Radio towers 786 MSL 5.0 mi. NNW AGS LFR. Prohibited area 4 mi E of Bush Field.
Major Changes: Raise landing minima.

City and State: Augusta, Ga | Airport Name & Elev.: Bush Field 142 | Fac. Class & Ident.: SBRAZ AGS | Procedure No. & Eff. Date: 1, Amdt 1 25 Feb 56 | Sup. Amdt. No. Dated: Orig 25 Jun 54

Augusta VOR	AUG-LFR	256-2.0	1700	T-d	400-1	400-1	400-1
				T-n	500-1	500-1	500-1
				C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 226 Outbnd, 046 Inbnd, 1800' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 080-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 mi, climb to 2500' on NE crs within 20 mi.
This procedure not approved for ADF approach.
Air Carrier NOTE: Night operations restricted to Runways 17-35.
Major Changes: Procedure turn limited to 10 mi. Transition from Augusta VOR added.

City and State: Auguata, Maine | Airport Name & Elev.: State Airport 357' | Fac. Class & Ident.: BMRLZ AUG | Procedure No. & Eff. Date: 1, Amdt 4 23 Apr 55 | Sup. Amdt. No. Dated: 3 18 June 54

Austin VOR	AUS-LFR	Direct	2000	T-dn*	300-1	300-1	200-½
				C-dn	500-1	500-1½	500-1½
				A-dn	800-2	800-2	800-2

* 300-1 on runways 3-21, 16L-34R, 12L-30R.

Procedure turn E side NW crs, 298 Outbnd, 118 Inbnd, 2500' within 10 mi.
Minimum Altitude over facility on final approach crs, Austin FM 2000' LFR 1500' #
If Austin FM not received altitude over LFR 2000'. Caution: Tower 2049' 2.5 mi SW of crs, within FM signal zone.
Crs and distance, facility to airport, 118-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.6 mi, climb to 2000' on SE crs within 20 mi.

City and State: Austin, Texas | Airport Name & Elev.: Mueller 631' | Fac. Class & Ident.: SBMRLZ AUS | Procedure No. & Eff. Date: 1, Amdt 11, 9 Feb 57 | Sup. Amdt. No. Dated: 10 15 Aug 54

BKE-VOR	BKE-LFR	286-1.8	7000	T-d	1000-1	1000-1	
				T-n	1000-2	1000-2	
				C-d	1700-1	1700-1	
				C-n	1700-2	1700-2	
				A-dn	1700-2	1700-2	

Procedure turn *E side NW crs, 300 Outbnd, 120 Inbnd, 9000' within 10 mi. NA beyond 10 mi.
*CAUTION: 8000' terrain 7 mi W of NW crs.
Minimum Altitude over facility on final approach crs, 5100'
Crs and distance, facility to airport, 111-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0, turn left and climb to 9000' on NW crs within 13 mi of BKE-LFR.
NOTE: Shuttle to 8000' on SE crs within 10 mi of BKE-LFR. All turns on E side of crs.
AIR CARRIER NOTE: Sliding scale not applicable at night.
Major Changes: New format; add shuttle.

City and State: Baker, Ore | Airport Name & Elev.: Baker 3368' | Fac. Class & Ident.: SBRAZ BKE | Procedure No. & Eff. Date: 1, Amdt 5 3 Sep 55 | Sup. Amdt. No. Dated: 4 23 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Famoso FM (Final)	BFL-LFR	Direct	1600	T-dn	300-1	300-1	200-½
Bakersfield VOR	BFL-LFR	Direct	2000	C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 321 Outbnd, 141 Inbnd, 2000' within 10 mi.
Crs and distance, facility to airport, 141-1.7.
Minimum Altitude over facility on final approach crs, 1600'
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.7 mi, turn right (w) and climb to 3000' on NW crs within 25 mi, or, when directed by ATC; climb to 2000' on the SW crs within 15 mi.
NOTE: Take-offs and landings runway 7-25 NA. Night take-offs runway 16 NA. Night landings runway 34 NA.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to runways 25-30-34.
Standard clearance on procedure turn not provided over 1050' obstruction 4 mi NW of range.

City and State: Bakersfield, Calif | Airport Name & Elev.: Kern County 515' | Fac. Class & Ident.: SBMRAZ BFL | Procedure No. & Eff. Date: 1, Amdt 5 6 Aug 55 | Sup. Amdt. No. Dated: 4 18 Nov 53

Severna Park (Final)	BAL-LFR	014-7	800	T-dn	300-1	300-1	200-½
BAL-VOR	BAL-LFR	097-6.6	1500	C-dn	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 194 Outbnd, 014 Inbnd, 1500' within 10 mi (non-standard to avoid Aberdeen danger area)
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 259-6.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, climb to 2000' on N crs within 20 mi.

Severna Park FM (Final)	BAL-LFR	014-7	800	T-dn	300-1	300-1	200-½
				C-dn	800-1½	800-1½	800-1½
				*A-dn			

* No weather reporting service at this airport.

Procedure turn W side S crs, 194 Outbnd, 014 Inbnd, 1500' within 10 mi (non-standard to avoid Aberdeen danger area)
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 014-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 2000' on N crs within 20 mi.

City and State: Baltimore, Md | Airport Name & Elev.: Harbor Airport 14' | Fac. Class & Ident.: SBMRLZ BAL | Procedure No. & Eff. Date: 1, Amdt 5 15 May 54 | Sup. Amdt. No. Dated: 4 1 Aug 51

Northfield Int	MPV-LFR	050-10	4500	T-d	800-2	800-2	800-2
				T-n	1400-2	1400-2	1400-2
				C-d	1400-2	1400-2	1400-2
				C-n	1900-3	1900-3	1900-3
				A-dn	2000-3	2000-3	2000-3

Procedure turn N side NE crs, 050 Outbnd, 230 Inbnd, 4000' within 10 mi.
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 230-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 4500' on SW crs within 10 mi.
NOTE: ADF procedure not authorized.

City and State: Barre-Montpelier Vermont | Airport Name & Elev.: Barre-Montpelier 1149' | Fac. Class & Ident.: BMRLZ MPV | Procedure No. & Eff. Date: 1, Amdt 2 29 Jul 54 | Sup. Amdt. No. Dated: 1 14 Apr 48

Baton Rouge VOR	BTR-LFR	037-7.1	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-13-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 299 Outbnd, 119 Inbnd, 1200' within 10 mi. Beyond 10 mi NA.
Crs and distance, facility to airport, 126-2.9
Minimum Altitude over facility on final approach crs, 700'
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 mi, climb to 1500 on SE crs within 20 mi.
NOTE: ADF approach NA.
Major Changes: Airport name. Add transition from VOR. Raise procedure turn altitude.

City and State: Baton Rouge, La | Airport Name & Elev.: Ryan 70' | Fac. Class & Ident.: BMRLZ BTR | Procedure No. & Eff. Date: 1, Amdt 6 12 Mar 55 | Sup. Amdt. No. Dated: 5 1 Feb 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 183 Outbnd, 003 Inbnd, 2100' within 10 mi.
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 003-2.9
on minimums.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 mi, climb to 2200' on N crs within 10 mi.
Major Changes: Deletes MEA information. Procedure turn distance revised. Distance to airport revised. New format.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Battle Creek, Mich	Kellogg Field 941'	SBMLZ BTL	1, Amdt 8 29 Oct 55	7 15 Aug 53

Beaumont VOR	BUJ-LFR	024-6.5	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-16	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 340 Outbnd, 160 Inbnd, 1600 within 10 mi.
CAUTION: 618' MSL Radio Antenna 5 mi E of Final Approach crs.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 160-3.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.1 mi, climb to 1400' on S crs within 20 mi.
Major Changes: Increase procedure turn altitude. Add caution note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Beaumont, Texas	Jefferson County 15'	SBMRLZ BUJ	1, Amdt 6 14 May 55	5 15 May 54

BLI-VOR	BLI-LFR	160-6.7	2000	T-dn	300-1	300-1	200-½
Int NW crs BLI VOR Radial 205 (Final)	BLI-LFR	115-4.9	1000	C-dn	600-1	600-1	600-1½
				S-dn-Ry-12	*500-1	*500-1	*500-1
				A-dn	800-2	800-2	800-2

* Circling minimums apply if Adf not utilized LFR to runway.

Procedure turn W side NW crs, 295 Outbnd, 115 Inbnd, 1500' within 10 mi.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 114-2.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.6 mi, turn right, climb to 1500' on NW crs BLI-LFR within 20 mi.
Major Changes: Correct bearings and distances; standardize landing minimums, add straight-in note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bellingham, Wash	Bellingham 158'	SBRAZ BLI	1, Amdt 8 27 Oct 56	7 25 Dec 54

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-30	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side SE crs, 108 Outbnd, 288 Inbnd, 1600' within 10 mi.
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 298-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 mi, turn right, climb at 2300' on NE crs within 20 mi.
Major Changes: Shuttle eliminated

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bethel, Alaska	Bethel Airport 9'	SBRAZ BET	1, Amdt 3 2 Apr 55	2 31 Mar 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Long Beach Int (Final)	HEM-LFR	040-12.3	800	T-dn	300-1	300-1	200-½
Radar terminal area transitions all directions	HEM-LFR	within 25 mi of IDL	3000	C-dn	500-1	600-1	600-1½
Radar terminal area transitions E of NE-SW crs Laguardia LFR	HEM-LFR	within 15 mi of IDL	1500	A-dn	800-2	800-2	800-2

Radar transition utilizing Idlewild surveillance radar.

Procedure turn E side SW crs, 220 Outbnd, 040 Inbnd, 1500' within 10 mi.
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 046-3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3 mi, make a right climbing turn to 2500' (or higher altitude when directed by ATC) and return to Mitchel LFR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bethpage, N Y	Grumman Airport 119'	SMBRAZ HEM	1, Amdt 1 1 Jul 54	Orig 15 May 54

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				*T-dn	300-1	300-1	300-1
				C-dn	700-1½	700-1½	700-2
				A-dn	1000-3	1000-3	1000-3

* Take-off runway 1, N, 500-2 day and night. Right turn after take-off runway 1 not authorized.

Procedure turn W side SE crs, 128 Outbnd, 308 Inbnd, 2000' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport 003-1.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.2 mi, turn left immediately, climb to 4000' on SE crs Bettles LFR within 20 mi.
CAUTION: 1000' terrain 2 mi N-NE, 2000' hills 5 mi E, 3000' hills 7 mi E, 2000' 9 mi W of airport.
SHUTTLE: SE crs, 128 Outbnd, 308 Inbnd, 4000' within 20 mi.
AIR CARRIER NOTE: Sliding scale not applicable.
Major Changes: New format. Departure procedure deleted. Runway headings corrected. Air carrier note added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bettles, Alaska	Bettles 665'	SBRAZ BTT	1, Amdt 4 21 Jan 56	3 31 Mar 54

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 293 Outbnd, 113 Inbnd, 3000' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport 179-1.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.5 mi, climb to 4400' on SE crs. Big Delta LFR within 20 mi.
CAUTION: 5200' mountains 9 mi W of SE crs 18 mi from airport.
SHUTTLE: 4400' on E side of SE crs, 090 Outbnd, 270 Inbnd within 20 mi.
Major Changes: Procedure turn altitude added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Big Delta, Alaska	Big Delta 1266'	SBRAZ BIG	1, Amdt 5 17 Mar 56	4 18 Feb 55

Nibbe FM	BIL-LFR (Final)	Direct	4500	T-dn	300-1	300-1	200-½
Park City FM	BIL-LFR	Direct	5200	C-dn	400-1	500-1	500-1½
BIL VOR	BIL-LFR	Direct	5200	A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 054 Outbnd, 234 Inbnd, 5200' within 10 mi.
Minimum Altitude over facility on final approach crs, 4500'
Crs and distance, facility to Rny 25, 238° - 1.3 mi
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.3 mi, climb to 5500' on W crs within 15 mi of BIL LFR.
NOTE: Standard clearance not provided on final approach crs.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Billings, Mont	Municipal 3612'	SBRAZ BIL	1, Amdt 7 19 Jan 57	6 26 Nov 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Birmingham VOR	BHM-LFR	Direct	2000	T-dn	300-1	300-1	*300-1
Bradford FM	BHM-LFR (Final)	Direct	1700	C-dn	800-1	900-1	900-1½
Eden FM	BHM-LFR	Direct	2600	A-dn	1000-2	1000-2	1000-2

* 200-½ authorized Rny 23 only.

Procedure turn W side N crs, 358 Outbnd, 178 Inbnd, 2500' within 10 mi.
Minimum altitude over Bradford FM on final approach course, 2000' ; over BHM 1700' (If Bradford FM not received, descent below 2000' NA.)
Crs and distance, facility to airport, 178-2.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.6 mi, climb to 2600' on S crs within 20 mi.
AIR CARRIER NOTE: No reduction in minimums authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Birmingham, Ala	Municipal 643'	SBRAZ BHM	1, Amdt 7 9 Feb 57	6 22 Apr 54

Bismarck VOR	BIS-LFR	Direct	3000	T-dn	300-1	300-1	*200-½
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

* 300-1 required on runways 2, 20, 8, 26, 35 and 17.

Procedure turn S side E crs, 071 Outbnd, 251 Inbnd, 3400' within 10 mi.
Minimum Altitude over facility on final approach crs, 2900'
Crs and distance, facility to airport, 256-2.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 mi, climb to 3800' on W crs to within 20 mi.
CAUTION: Towers 1800' and 1756' MSL 2 mi N and 0.5 mi S respectively from airport. Tower 2413' MSL 9½ mi NE of airport. Tower 2082' MSL 3 mi. N NW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bismarck N D	Municipal 1653'	SBRAZ BIS	1, Amdt 6 28 May 55	5 15 Aug 53

Blythe VOR	BLH-LFR	Direct	5000	T-d	500-1	500-1	500-1
				T-n	800-2	800-2	800-2
				C-dn	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 165 Outbnd, 345 Inbnd, 2000' within 10 mi.
CAUTION: 1800' terrain 9 mi W of approach crs 5 mi SSW VOR.
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 266°-3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, make 180 left turn, climb to 5000 on S crs within 20 mi of LFR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Blythe, Calif	Municipal 397'	SBMRAZ BLH	1, Amdt 4 12 Feb 55	3 16 Aug 54

Boise VOR	BOI-LFR	073-1.8	3800	*T-dn	300-1	300-1	200-½
Eagle FM (Final)	BOI-LFR	122-10.0	3800	C-d	500-1	500-1½	600-1½
				C-n	500-1	500-1½	700-1½
				A-dn	800-2	800-2	800-2

* 300-1 minimum for runway 16-34.

Procedure turn W side NW crs, 301 Outbnd, 121 Inbnd, 4000' within 10 mi.
Minimum Altitude over facility on final approach crs, 3800'
Crs and distance, facility to airport, 116-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 mi, turn right, climb to 4000' on crs, 302 Outbnd, 122 Inbnd within 10 mi of LFR.
Standard clearance not provided on procedure turn 3305' MSL terrain 4 mi NE of NW crs, 5½ mi N of range station.
Major Changes: Lower Convair and Martin minimums to 500-1½; Lower DC-3 minimums to 500-1; change procedure to new form; Delete reference beyond 10 mi for procedure turn.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Boise, Idaho	Boise Air Terminal 2858'	SBRAZ BOI	1, Amdt 5 12 Feb 55	4 29 Jan 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Peabody FM (Final)	BOS-LFR	211-7.8	800	T-dn	300-1	300-1	200-½
				C-dn	*500-1	600-1½	600-1½
				S-dn 22L	#400-1		
				A-dn	800-2	800-2	800-2

* 600-1 required when circling W of airport
\# 1000' per min required, but runway is 10, 012' long.

Procedure turn W side of Crs, 031 Outbnd, 211 Inbnd, 1500' within 10 mi.
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 234-1.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.0 mi make a climbing left turn to 1500' on E crs of Boston LFR, or (when directed by ATC) climb to 1800' on SW crs of Boston LFR within 10 mi.
NOTE: Procedure turn does not provide standard clearance over 607' tower 6 mi W-NW of Boston LFR. Circling minimums do not provide standard clearance over 370' stack 1.2 mi SW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Boston, Mass	Logan Airport 19'	SBRAZ BOS	1, Amdt 5 8 Jul 54	4 1 Feb 53

Int N crs BNA-LFR & W crs BWG	BWG-LFR	096-34	2000	T-dn	300-1	300-1	300-1
BWG-VOR	BWG-LFR	084-4.3	1800	C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				S-d	400-1	400-1	400-1
				S-n -29	400-1½	400-1½	400-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side SE crs, 116 Outbnd, 296 Inbnd, 1900' within 10 miles
Minimum Altitude over facility on final approach crs, 1400
Crs and distance, facility to airport, 296-3.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.3 miles, climb to 2000' on W crs within 20 miles.
AIR CARRIER NOTES: 1. Sliding scale N.A. 2. No reduction in landing visibility minimum auth for local cond.
3. No reduction in take-off minimum authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bowling Green	Warren County 540'	SBRMA BWG	1, Amdt 5 1 Apr 54	4 30 Nov 51

BZN-VOR	BZN-LFR	145-1.3	6000	T-d	1000-1	1000-1	1000-1
				T-n	1000-2	1000-2	1000-2
				C-d	1500-1	1500-1	1500-2
				C-n	1500-2	1500-2	1500-3
				A-d	1500-2	1500-2	1500-2
				A-n	1500-2	1500-2	1500-3

Procedure turn W side S crs, 140° Outbnd, 320° Inbnd, 8500' within 10 miles. NA beyond 10 miles. (Non-standard due to terrain.)
Minimum Altitude over facility on final approach crs, 6000.
Crs and distance, facility to airport, 318-1.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.0 miles, turn left climb to 9000' on W crs within 20 miles of BZN-LFR.
Major Changes: New Format. Minor distances and crs correction, column #3 and facility to airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bozeman, Mont.	Gallatin Field	SBMRAZ BZN	1, Amdt 5 3 Sep 1955	4 16 Aug 54

				T-dn	300-1	300-1	200-½
				*C-dn	500-1	500-1	500-1½
				*S-d-24	400-1	400-1	400-1
				*S-n-24	400-1	400-1	400-1½
				A-dn	800-2	800-2	800-2

*CAUTION: Standard clearance not provided over 362° stacks 1½ mi W of range.

Procedure turn N side NE crs, 052 Outbnd, 232 Inbnd, 1500' within 10 miles
Minimum Altitude over facility on final approach crs 1000
Crs and distance, facility to airport, 232-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 miles, climb to 1500' on SW crs within 20 miles.
NOTE: ADF approach not authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bridgeport, Conn.	Bridgeport Airport 9'	MRLWZ BDR	1, Amdt 6 15 May 1954	5 10 Mar 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Bay Int LFR (Final)	Stanne Int-LFR	052-6	1000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-6	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn NA
Minimum Altitude over facility on final approach crs, over Stanne Int* 1000#
#Descent to landing minimums authorized after Stanne Int.
Crs and distance, facility to airport, from Stanne Int* 052-4
*Procedure No 2 uses Stanne int 135° radial ILT VOR & SW crs BDR LFR
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4 mi after passing Stanne Int*, climb direct to the Bridgeport LFR at 1500'.
NOTE: ADF approach not authorized

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bridgeport, Conn.	Bridgeport Airport 9'	MRLWZ BDR	2*, Orig 29 Sep 1956	None

Bristol Int (Final)	TRI-LFR	245-8.9	2600	T-dn	300-1	300-1	300-1
Tri-City VOR	TRI-LFR	290-10.8	5500	C-d	700-1	800-1	800-1½
Hilton Int	TRI-LFR	147-15.2	4200	C-n	700-1½	800-1½	800-2
Yuma Int	TRI-LFR	111-18.7	3400	S-d-27	500-1	800-1	800-1½
				S-n-27	500-1	800-1½	800-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn N side NE crs, 065 Outbnd, 245 Inbnd, 3600 within 10 mi, beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 2600
Crs and distance, facility to airport, 252-2.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.8 miles, climb to 5000 on SW crs within 20 mi.
AIR CARRIER NOTES: No reduction in landing minimums authorized.
Major Changes: Adds transitions from Yuma and Hilton Intersections.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bristol, Johnson City, Kingsport Tenn	Tri-City 1524'	SBRAZ TRI	1, Amdt 13 22 Dec 56	12 10 Mar 56

Los Fresnos FM (Final)	BRO-LFR	154-7.6	600	T-dn	300-1	300-1	200-½
Brownsville VOR	BRO-LFR	285-3.5	1200	C-dn	400-1	500-1	500-1½
				S-dn-17R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 354 Outbnd, 154 Inbnd, 1200 within 10 miles beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 600
Crs and distance, facility to airport, 155-2.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.0 mi, climb to 1200 on S crs within 10 miles
CAUTION: 156' water tank 0.5 mi W of airport
Major Changes: Lowers final approach after procedure turn and from Los Fresnos FM to facility.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Brownsville, Texas	Rio Grande Valley International 22'	SBRAZ- BRO	1, Amdt 7 8 Jan 1955	6 1 Aug 52

Wolcottsville FM (Final)	BUF-LFR	230-10.1	1300	T-dn	300-1	300-1	200-½
E. Pembroke FM	BUF-LFR	272-15.4	1900	C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 050 Outbnd, 230 Inbnd, 1800' within 10 miles
Minimum Altitude over facility on final approach crs, 1300
Crs and distance, facility to airport, 214-.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within .8 miles, climb to 2000' on SW crs, or (when directed by ATC,) climb to 2100' on W crs within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Buffalo, N.Y.	Municipal 711'	SBRAZ-BUF	1, Orig 1 Apr 1954	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Wolcottsville FM	BUF-LFR	230-10.1	1800	T-dn	300-1	300-1	200-½
E. Pembroke FM	BUF-LFR	272-15.4	1900	C-dn	400-1	500-1	500-1½
Angola FM (Final)	Cheektowaga FM	050-17.1	*1500	S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*Do not descent below 2000' until 7 miles past Angola FM

Procedure turn S side SW crs, 230 Outbnd, 050 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500 (over Checktowaga FM)
Crs and distance, facility to airport, 055-2.3 Mi (from Cheektowaga FM)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.3 miles after passing Cheektowaga FM, climb to 2000' on NE crs or, (when directed by ATC), make right climbing turn to 2100' on E crs within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Buffalo, N.Y.	Municipal 711'	SBRAZ BUF SBRAZ CQA	2, Amdt 3 1 Apr 1954	2 17 Feb 53

Int R-331° LGB and SE crs BUR LFR	BUR-LFR	278-14.0	5000	*T-dn	300-1	300-1	300-1
				C-d	900-1½	900-1½	900-1½
Int W crs LAX LFR & S crs BUR LFR	BUR-LFR	008-19.5	5000	C-n	900-2	900-2	900-2
				S-7-d	600-1	600-1	600-1
Simi Intersection #	BUR-LFR	098-14.3	4800	n	700-1½	700-1½	700-1½
Chatsworth "H" (Final)	BUR-LFR	098-9.1	1500	A-dn	900-2	900-2	900-2

*600-1 required for all take-offs when departing via SE crs BUR LFR. 200-½ authorized for take-off on runway 25 for 4-eng aircraft only.
NOTE: Sliding scale for tops reported at Simi Intersection

Top	Ceiling
5000'	600 D-700 N
5500'	900
6000'	1300
6500'	1700
7000'	2100
7500'	2500

Procedure turn S side of NW crs, 278° Outbnd, 098° Inbnd, (On top not below 5000' within 10 mi NW of Chatsworth HW #)
#After procedure turn or after leaving Simi Int cross Chatsworth RBN in-bound not below 4800'. All approaches must be started from on top. Apply sliding scale.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 094-2.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 1.3 miles, climb to 5000' on SE course.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Burbank, Calif	Lockheed Air Terminal 764'	SBRAZ BUR	1, Amdt 5 10 Nov 56 (Panel 1)(See Panel 2)	4 23 Apr 55

Burbank, Calif Lockheed Air Terminal (continued from Panel 1)

Alternate Missed Approach: When directed by ATC, climb to 3000' on SE crs, then make 180° right turn continuing climb to 5000' homing on the BUR-LFR and hold on the LFR in a non-standard 2 minute pattern on the SE crs.
CAUTION: Terrain above flight altitude paralleling final approach on the North.
Major Changes: Conversion to nautical miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Burbank, Calif.	Lockheed Air Terminal 764'	BUR LFR	1, Amdt 5 10 Nov 56	4 23 Apr 55

Burley VOR	BYI-LFR	074-5.9	6000	T-d	500-1		
				T-n	500-2		
				C-d	600-1		
				C-n	600-2		
				A-dn	800-2		

Procedure turn W side NE crs, 006 Outbnd, 186 Inbnd, 6000' within 10 miles.
Minimum Altitude over facility on final approach crs, 5100'
Crs and distance, facility to airport, 198-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.3 miles turn right climb to 7000' on W crs BYI-LFR within 20 miles.
Major Changes: New Format. Delete Deviation Note. Lower initial approach from BYI VOR and minor corrections to bearings & distance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Burley, Idaho	Burley Municipal 4150	SBRAZ BYI	1, Amdt 5 25 Dec 1954	4 29 Jan 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Grand Isle FM (Final)	BTV-LFR	169-13	1000	T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-15*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*CAUTION: Standard clearance not provided over obstructions (525'&635') W of airport for landing min. Rate of descent for straight-in landing minimums exceeds standard.

Procedure turn W side NW crs, 349 Outbnd, 169 Inbnd, 1500' within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 155-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 miles, make a climbing right turn, climb to 4500' on S crs of Burlington LFR within 20 miles.
Alternate missed approach (when directed by ATC): make a right climbing turn climb to 1500' on NW crs of Burlington LFR.
NOTE: LFR climb-out procedure SE bound. Climb most direct route to the Burlington LFR. Continue to climb to 3500' within 10 miles on the NW crs of Burlington LFR (Scrs or N crs when directed by ATC). Minimum departure altitude SE bound from facility 3500'.
Major Changes: IFR climb-out procedure added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Burlington, Vt.	Municipal 334'	SBRAZ BTV	1, Amdt 8 3 Sep 1955	7 1 Jul 54

Whitehall LFR	Homestake FM	276-11.0	9500	T-d	1500-1	1500-1	1500-1
				T-n	1500-2	1500-2	1500-2
				C-d	2500-1	2500-1	2500-1½
				C-n	2500-2	2500-2	2500-2
				A-d	2500-1	2500-1	2500-1½
				A-n	2500-2	2500-2	2500-2

Procedure turn, no procedure turn
Minimum Altitude over facility on final approach crs, Homestake FM 9500'
Crs and distance, facility to airport, 276-3.5 (From Homestake FM)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 miles, make climbing left turn. Proceed to Whitehall LFR via NW crs of Whitehall LFR at 10,000'
CAUTION: High terrain (8300 MSL) 1.7 miles E of airport
NOTE: ADF approach not authorized. Sliding scale N A for landing

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Butte, Mont	Municipal 5554'	LFR HIA FM HSK	*1, Orig 24 Sep 1954	

*Replaces LFR Procedure No 2 cancelled 14 September 1954

Parkertown FM (Final)	CPR-LFR	256-12.2	6500	T-dn	300-1	300-1	200-½
CPR VOR	CPR-LFR	170-10.9	7000	C-dn	500-2	500-2	500-2
				*S-d ry 25	400-1	400-1	500-1½
				*S-n ry 25	400-1½	400-1½	500-2
				A-dn	800-2	800-2	800-2

* Straight-in minimums less than 500-2 authorized only when LMM operating and utilized.

Procedure turn N side E crs, 076 Outbnd, 256 Inbnd, 7000' within 10 mi.
Minimum Altitude over facility on final approach crs, 6500'
Crs and distance, facility to airport, 256-6.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.6 mi climb to 7500' on W crs LFR or ILS within 20 mi of LFR.
Alternate missed approach: When directed by ATC turn right, climb to 7500' on N crs LFR within 20 mi.
NOTE: 5900' terrain 5 mi S, SW and W of airport.
Major Changes: Change missed approach procedure and add alternate; reduce straight-in minimums two eng - more than 65 K.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Casper, Wyo	Natrona County 5348'	SBRAZ CPR	1, Amdt 6 28 Jul 56	5 27 Jan 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
				T-dn	300-1		
				C-d	500-1		
				C-n	500-1½		
				A-dn	800-2		

Procedure turn N side E crs, 101 Outbnd, 281 Inbnd, 2100' within 10 mi.
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 297-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 2600' on W crs within 20 mi.
NOTE: Only aircraft having stall speeds of 65K or less authorized. N-S runway authorized only.
CAUTION: Mast 1172' MSL, 0.5 mi N of final approach crs and 1270' MSL unlighted stack 2.0 mi N of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chanute, Kans	Municipal 1001'	SBRAZ CNU	1, Amdt 1 14 Oct 53	Orig 9 Jul 52

CHW VOR	CHW-LFR	004-8.3	2500	T-dn	300-1	300-1	200-½
				C-d	1000-2	1000-2	1000-2
				C-n	1500-2	1500-2	1500-2
				A-dn	1500-2	1500-2	1500-2

Procedure turn N side W crs, 280 Outbnd, 100 Inbnd, 2500' within 10 mi. (non-standard to avoid traffic on V-4)
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 112-9.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, make a left turn and climb to 2500' on W crs within 20 mi.
NOTE: Shuttle on W crs descending to 2500' within 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Charleston, W Va	Kanawha County 981'	SBRAZ CHW	1, Amdt 4 1 Apr 54	3 1 Feb 53

Fort Mill FM (Final)	CLT-LFR	358-7.3	1600	T-dn	300-1	300-1	200-½
Charlotte VOR	CLT-LFR	007-11.8	2100	C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 178 Outbnd, 358 Inbnd, 2100 within 10 mi.
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 359-1.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.5 mi, climb to 2500 on N crs within 20 mi or when directed by ATC, turn right, climb to 2200 on E crs within 20 mi.
NOTE: 1116 MSL tower located 2.8 mi SE of LFR station and 2.0 mi E of S crs.
Major Changes: New format.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Charlotte, N C	Douglas 748'	SBMRLZ CLT	1, Amdt 8 23 Jul 55	7 19 Apr 54

Chattanooga VOR	CHA-LFR	349-7.4	2000	T-dn	300-1	300-1	200-½
Daisy FM	CHA-LFR	212-7.2	2200	C-dn	600-1½	700-1½	700-2
Daisy FM (Final)	CHA-LFR	212-7.2	1700	A-dn	800-2	800-2	800-2
Signal Mtn Int	CHA-LFR	129-8.0	2200				
Rossville Int	CHA-LFR	049-9.0	2300				

Procedure turn E side of crs, 032 Outbnd, 212 Inbnd, 2500' within 10 mi (non-standard due to high terrain)
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 203-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 mi, climb to 4000' on SE crs CHA LFR within 20 mi.
AIR CARRIER NOTE: 300-1 required for take-off, runways 14-32.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chattanooga, Tenn	Lovell Field 682'	SBRAZ CHA	1, Amdt 6 8 Apr 54	5 1 Feb 51

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Silver Crown FM	CYS-LFR	102-10.0	8000	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side NW crs, 282 Outbnd, 102 Inbnd, 8000' within 8 mi (NA Beyond 8 mi due to high terrain)
(non-standard due to terrain)
Minimum Altitude over facility on final approach crs, 6800'
Crs and distance, facility to airport, 067-0.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . .
within 0.8 mi, climb to 7500' on S crs within 20 mi.
Alternate Missed Approach when directed by ATC: Climb to 7500' on N crs CYS LFR within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cheyenne, Wyo	Municipal 6156'	SBRAZ CYS	1 Amdt 9 20 Apr 54	8 1 Dec 51

Silver Crown FM	CYS-LFR	102-10.0	8000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn 26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 076 Outbnd, 256 Inbnd, 7300 witnin 13 mi E of ILS LOM.
Minimum Altitude over facility on final approach crs, 7300' (Abeam ILS LOM*)
* ILS LOM must be received on ADF, freq. 219 KC. Ident: CY.
Crs and distance, facility to airport, 256-5.0 (from ILS LOM)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 mi after passing ILS LOM, climb to 7500' on S crs within 20 mi.
Alternate Missed Approach when directed by ATC: Climb to 7500' on N crs CYS LFR within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cheyenne, Wyo	Cheyenne Municipal 6156'	SBRAZ CYS	2, Amdt 12 17 Aug 54	11 20 Apr 54

Wilson Int (Final)	CHI-LFR	152-10.1	1500	T-dn	300-1	300-1	200-½
Radar Transition Altitudes by	CHI-LFR		2500	C-d	400-1	500-1	500-1½
Sector for vectoring from 185 clockwise to 060 within 20 mi				C-n	400-1½	500-1½	500-1½
				S-dn 13R & 13L	400-1	500-1	500-1
From 060 clockwise to 185 within 20 mi.	CHI-LFR		2000	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 332 Outbnd, 152 Inbnd, 2200' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 152-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 mi, climb to 2000' on SE crs Chicago LFR proceeding to Thornton Int or if directed by ATC:
1. Climb on SE crs CHI LFR to 2000' or higher altitude specified by ATC.
2. Make right turn, climbing to 2000' proceed to Momence Int on N & S crs of Harvey range.
Major Changes: Airport elevation corrected. Revised missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chicago, Ill	Midway 618'	SBRAZ CHI	1, Amdt 7 25 Feb 56	6 22 Mar 56

Loveland FM (Final)	CIN-LFR	224-7.7	1600	T-d	400-1	400-1	400-1
Mt Orab FM	CIN-LFR	296-22	2100	T-n	600-1	600-1	600-1
				C-d	800-1	900-1½	900-1½
				C-n	800-1½	900-1½	900-1½
				S-24-d	800-1	800-1	800-1
				S-24-n	800-1½	800-1½	800-1½
				A-dn			

Procedure turn E side NE crs, 044 Outbnd, 224 Inbnd, 2100' within 10 mi.
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 227-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 mi after passing the Cincinnati LFR or if landing not accomplished, make a left climbing turn, climb to 2300' on the SE crs within 10 mi.
NOTE: No weather reporting service available.
AIR CARRIER NOTE: NA for air carrier operations.
Major Changes: Revises procedure turn and limits missed approach distance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cincinnati, Ohio	Lunken 488'	SBRAZ CIN	1, Amdt 2 7 Jun 56	1 26 May 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Elyria FM	CLE-LFR (Final)	096-9.5	1400	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 276 Outbnd, 096 Inbnd, 1900 within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 098-.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within .9 mi, climb to 3000' on N side of E crs of Cleveland LFR within 20 mi.
CAUTION: 1971' television towers approximately 7 mi ESE of airport.
Major Changes: Missed approach altitude revised. Caution note revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cleveland, Ohio	Hopkins 789'	SBRAZ CLE	1, Amdt 7 17 Nov 56	6 8 Dec 53

CLL - VOR	BYT-LFR	298-7.7	1400	T-dn	300-1	300-1	200-½
				C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of NW crs, 315 Outbnd, 135 Inbnd, 1700' within 10 mi.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 113-10.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 10.0 mi, climb to 1500' on SE crs within 20 mi or as directed by ATC.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
College Station, Texas	Easterwood 320'	SBNRLZ BYT	1, Amdt 2 22 Apr 54	1 29 Dec 53

Columbia VOR	CBI-LFR	233-16.5	2200	T-dn	300-1		
				C-d	500-1		
				C-n	500-1½		
				S-10-d	400-1		
				S-10-n	400-1½		
				A-dn	800-2		

Procedure turn S side W crs, 276 Outbnd, 096 Inbnd, 1900' within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 089-3.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.4 mi, climb to 2600' on E crs within 20 mi.
Major Changes: Raises procedure turn altitude to 1900' and minimum altitude over facility to 1400' acct. 876' MSL Stack 3.5 mi. SW of range station. Procedure turn limited to 10 mi. Adds straight-in minimum. Missed approach raised to 2600' due to 1620' MSL tower 7.2 mi. SE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbia, Mo	Columbia 778'	SBRAZ CBI	1, Amdt 6 22 Jan 55	5 14 Oct 53

Columbia VOR	CAE-LFR	036-6.6	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-28	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side E crs, 089 Outbnd, 269 Inbnd, 1500 within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 268-6.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.4 mi, climb to 1900 on W crs within 10 mi or when directed by ATC turn right, climb to 2000 on NW crs within 20 mi.
CAUTION: Tower 510' MSL 1½ mi NW of LFR. Procedure turn S to avoid restricted area 114.
Major Changes: Revise transition from VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbia, S C	Columbia 244'	SBRAZ CAE	1, Amdt 12 10 Sep 55	11 15 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Columbia VOR	CAE-LFR	036-6.6	1500	T-d	*300-1	*300-1	
				T-n			
				C-d	1000-2	1000-2	
				C-n			
				A-dn			

* 1000-2 required for Runway 33.

Procedure turn E side SE crs, 150 Outbnd, 330 Inbnd, 1500 within 10 mi.
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 330-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, climb to 2000' on NW crs of LFR within 20 mi.
NOTE: Weather service and communications not available to the general public.
AIR CARRIER: Use NA.
NOTE: Airport closed to all night operations.
CAUTION: Radio TV Tower 910' MSL located one and one half miles NW of airport.
Major Changes: Revise transition from VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbia S C	Owens Field 192'	SBRAZ CAE	1, Amdt 1 10 Sep 55	Orig 10 Jan 54

Columbus VOR	CSG-LFR	Direct	2000	T-dn	300-1	300-1	200-½
Columbus LOM	CSG-LFR	Direct	2000	C-dn	600-1	600-1	600-1½
Marvyn VHF Int	CSG-LFR	Direct	1700	S-dn-2	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SW crs, 202 Outbnd, 022 Inbnd, 1600' within 10 miles
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 022-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 miles turn left and climb to 1600' on SW crs CSG LFR within 20 miles
CAUTION: 1049' MSL radio tower located 8 miles N of Lawson Army Air Field. 580' MSL Jump Towers located 1½ miles NE of Lawson Army Air Field. Restricted Area R-129 E and SE of Lawson Army Air Field.
Major Changes: Establishes CAA procedure for Lawson Army Air Field (formerly Lawson AFB.) Lowers landing minimums to 600-1 circling, and 500-1 straight-in. Raises final approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbus, Ga.	Lawson Army Air Field 232'	SEMRLZ CSG	1, Orig 17 Dec 1955	None

CUS VOR	CUS-LFR	279-0.8	6500	T-d	1000-2	1000-2
				T-n	1000-3	1000-3
				C-d	1000-2	1000-2
				C-n	1000-3	1000-3
				A-d	1500-3	1500-3
				A-n	1500-4	1500-4

Procedure turn N side E crs, 078° Outbnd, 258° Inbnd, 6500' within 10 miles
Minimum Altitude over facility on final approach crs, 5500'
Crs and distance, facility to airport, 262-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.6 miles, climb to 9000' on W crs within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbus, N Mex	Intermediate Field 4024'	SBMRAZ CUS	1, Orig 19 Jan 1954	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Hilliard FM	CMH-LFR (Final)	094-8.7	2000'	T-dn	300-1	300-1	200-½
Radar Terminal Area	CMH-LFR All sec. within	25 mi	2500	C-dn	400-1	500-1	500-1½
Transition Altitude		35 mi	3000	A-dn	800-2	800-2	800-2
		40 mi	4000				

Procedure turn S side W crs 274 Outbnd, 094 Inbnd, 2500 within 10 miles, NA beyond 10 miles
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 087-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 miles, climb to 2400' on E crs of Columbus LFR within 10 miles
Major Changes: Procedure turn and final approach altitudes revised. Lowers night visibility minimums for 2 eng aircraft, more than 65 knots.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbus, Ohio	Port Columbus 816'	SBMRAZ CMH	1, Amdt 10 30 Jul 1955	9 6 Aug 54

Concord VOR	CON-LFR	132-5	2100	T-dn	300-1	300-1	300-1
Boscawen FM	CON-LFR	152-12.6	3000	C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 164 Outbnd, 344 Inbnd, 2000' *within 10 miles, NA beyond 10 miles
*Standard obstruction clearance not provided over 1410' hill approximately 7 miles E of Concord LFR
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 332-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 miles, climb to 5000' on NW crs. within 20 miles.
NOTE: ADF approach not authorized
Major Changes: Transitions added. Take-off minimum changed.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Concord, N H	Municipal 345'	SBMRLZ CON	1, Amdt 5 30 Apr 1955	4 28 Dec 53

E Cordova Intersection	COV-LFR	295-17	800	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-26	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side SE crs, 115 Outbnd, 295 Inbnd, 1000' within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 265-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 miles, climb to 1000' on SE crs to E Cordova Intersection.
NOTE: This procedure not approved for ADF approach.
CAUTION: High mountain range NW through N to SE of range station. Terrain starts to rise 2 miles N of range station rising to 2746' MSL 5 miles N of final approach crs. Terrain 400' MSL 1 mile N of range station.
Major Changes: New Format

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cordova, Alaska	Cordova Mile 13 38'	MLZ CDV	1, Amdt 8 2 Jul 1955	7 26 Jun 54

Egg Island Intersection	CDV-LFR	025-13	800	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 205 Outbnd, 025 Inbnd, 1000' within 10 miles
Minimum Altitude over facility on final approach crs, see missed approach
Crs and distance, facility to airport, 2650-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
5 miles SW of Cordova LFR or 10 miles after passing Egg Island Int, climb to 1000' on SW crs to Egg Island Int.
NOTE: This procedure not approved for ADF approach
CAUTION: High mountain range NW through N to SE of range station starting to rise 2 miles N, rising to 2746' MSL 5 miles NE of range station. Terrain 400' MSL 1 mile N of range station
Major Changes: New Format

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cordova, Alaska	Cordova Mile 13 38'	MLZ CDV	2, Amdt 8 2 Jul 1955	7 26 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Oden FM	CRP-LFR (Final)	139-10.2	800	T-dn	300-1	300-1	200-½
Corpus Christi BVOR	CRP-LFR	183-6.1	1300	C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-d	400-1	400-1	400-1
				S-n-12	400-1½	400-1½	400-1½
				A-dn	800-2	800-2	800-2

Prpcedure turn W side NW crs, 319 Outbnd, 139 Inbnd, 1400 within 10 miles
Minimum Altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 136-2.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.5 miles turn right and climb to 1700' on SW (231) crs within 20 miles
AIR CARRIER NOTE: Authorization for local visibility reduction and sliding scale not applicable for night landings
Major Changes: Missed approach altitude raised

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Corpus Christi Texas	Cliff Maus 42	SBMRLZ CRP	1, Amdt 11 28 Jul 1956	10	12 Mar 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Crestview VOR	CEW-LFR	099-8.8	1400	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 084 Outbnd, 264 Inbnd, 1400 within 10 miles
Minimum Altitude over facility on final approach crs, 900
Crs and distance, facility to airport 263-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 1400 on W crs within 15 miles
NOTE: Air Carrier Use of Airport N A
Major Changes: Nautical distance. Revise straight - in minima. New Format.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Crestview, Fla	Crestview 274	SBRAZ CEW	1, Amdt 5 29 Aug 1956	4	25 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Cross City VOR	CTY-LFR	264-0.9	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 135 Outbnd, 315 Inbnd, 1200 within 10 miles
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 315-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 1300 on NW crs within 20 miles
Major Changes: Reduce alternate minima

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Cross City, Fla	Cross City 42	SBRAZ CTY	1, Amdt 6 5 Nov 1955	5	2 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
CTB-VOR	CTB-LFR	202-0.8	6000	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-2	500-2	500-2
				S-d-RY 31	400-1	400-1	400-1
				S-n-RY 31	400-2	400-2	400-2
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 130° Outbnd, 310° Inbnd, 5500' within 10 miles
Minimum Altitude over facility on final approach crs, 4600'
Crs and distance, facility to airport, 328-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 miles, climb 6000' on N crs of CTB-LFR within 20 miles
Major Changes: New Format. Add CTB-VOR. Lower altitude under Minimum Altitude and equalize landing minimums with CTB 511.3A. Change limiting distance for procedure turn

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Cut Bank, Mont	Cut Bank 3863'	SBMRAZ CTB	1, Amdt 7 17 Dec 55	6	15 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Daggett VOR	DAG-LFR	233-4.3	6000	*T-dn	2000-4	2000-4	2000-4
				C-dn	2000-4	2000-4	2000-4
				A-dn	2000-4	2000-4	2000-4

NOTE: *500-1 authorized for take-offs on runways 3 and 7.

Procedure turn N side W crs, 244 Outbnd, 064 Inbnd, 6000' within 10 mi.
Minimum Altitude over facility on final approach crs, 3900'
Crs and distance, facility to airport on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, climb to 9000' on E crs DAG-LFR within 20 mi.
Major Changes: Conversion to nautical miles; add missed approach limit.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Daggett, Calif	Daggett 1927'	SBRAZ DAG	1, Amdt 5 17 Nov 56	4	12 Feb 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Dallas VOR	DAL-LFR	230-9.8	2000	T-dn	300-1	300-1	200-½
Duncanville FM or MHW	DAL-LFR (Final)	356-9	1400	C-dn	400-1	500-1	500-1½
Dallas FM	DAL-LFR (Final)	356-2.7	1100	*S-dn-36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* If DAL FM not received descent below 1400 NA and straight-in minima NA.
Radar Terminal Area Transition altitude: 2000 within 5 to 20 mi. Radar control must provide 3 mi or 1000 vert separation or 3 to 5 mi and 500 vert separation, from radio towers which are 1108 MSL 20 mi N, 2349 MSL 16 mi SSW, and 1230 MSL 10 mi WNW of airport.

Procedure turn E side S crs, 176 Outbnd, 356 Inbnd, 2600 within 10 mi.
Minimum Altitude over facility on final approach crs, *1100'
Crs and distance, facility to airport, 358-2.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 mi, climb to 2000' on N crs within 20 mi.
CAUTION: 695' MSL tank 1.7 mi SE Runway 31.
Major Changes: Remove air carrier note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Dallas, Tex	Love Field 485'	SBMRAZ DAL	1, Amdt 14 26 May 56	13	19 Jun 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Moline VOR	MLI-LFR	236-18.3	2300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 265 Outbnd, 085 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 040-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, make left climbing turn and return to the MLI LFR holding at 2200' within 20 mi on the W crs.
CAUTION: Official weather information indicating conditions at Davenport at or above minimums specified must be obtained prior to the time a let-down is started.
Major Changes: Missed approach revised to prevent conflict with aircraft holding on the back crs of MLI ILS. Conversion of statute to nautical mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Davenport, Iowa	Municipal 753'	SBRAZ MLI	1, Amdt 3 16 Jun 56	2	21 Jan 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Daytona Beach VOR	DAB-LFR	042-3.7	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d-10	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 281 Outbnd, 101 Inbnd, 1300' within 10 mi. (Beyond 10 Mi NA)
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 101-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 mi, climb to 1400 on E crs within 13 mi.
CAUTION: No runway lights - runways 10-28 and 3-31.
Major Changes: Raise transition altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Daytona Beach, Fla	Daytona Beach 34'	SBMLZ DAB	1, Amdt 7 5 Nov 55	6	9 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Delta VOR	DTA-LFR	Direct	7000	T-d	500-1	500-1	500-1
				T-n	500-2	500-2	500-2
				C-dn	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Procedure turn W side SW crs, 188 Outbnd, 008 Inbnd, 7000' within 10 mi.
Minimum Altitude over facility on final approach crs, 5800'
Crs and distance, facility to airport, 018-3.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.1 mi, climb to 11,000' on NE crs within 20 mi.

City and State: Delta, Utah — Airport Name & Elev.: Municipal 4755' — Fac. Class & Ident.: SBRA2 DTA — Procedure No. & Eff. Date: 1, Amdt 5 8 Jan 57 — Sup. Amdt. No. Dated: 4 2 Apr 55

Dacona FM	DEN-LFR	168-16.8	6300	T-dn	300-1	300-1	200-½
Henderson FM	DEN-LFR (Final)	168-7.5	5900	C-dn	400-1	500-1	500-1½
Franktown FM (Northbound only)	DEN-LFR	335-25	*7000	S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* Descent below 8900' not authorized until 3 mi N of Franktown FM due to 6715' MSL terrain 5.2 NW of Franktown.

Procedure turn E side N crs, 348 Outbnd, 168 Inbnd, 6300' within 10 mi. (non-standard due to terrain)
Minimum Altitude over facility on final approach crs, 5900'
Crs and distance, facility to airport, 162-2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.4 mi, climb to 8900' on S crs within 20 mi.
Alternate Missed Approach when directed by ATC: Climb to 6600' on E crs DEN LFR within 20 mi.
SHUTTLE: On N crs within 20 mi or as directed by ATC on S crs LFR between Range and Aurora FM, or on E crs LFR.
CAUTION: 5911' MSL radio tower 4.5 mi E-SE of airport.

City and State: Denver, Colo — Airport Name & Elev.: Stapleton Airfield 5325' — Fac. Class & Ident.: SBMRAZ DEN — Procedure No. & Eff. Date: 1, Amdt 10 15 May 54 — Sup. Amdt. No. Dated: 9 19 Nov 51

Dacona FM *	DEN-LFR	168-16.8	6300	T-dn	300-1	300-1	200-½
Henderson FM *	DEN-LFR	168-7.5	6300	C-dn	400-1	500-1	500-1½
Franktown FM (Northbound only)	DEN-LFR	335-25	#7000	A-dn	800-2	800-2	800-2

* If contact not established at range sta, climb to 8900' on S crs within 20 mi.
Descent below 8900' not authorized until 3 mi N of Franktown FM due to 6715' MSL terrain 5.2 NW of Franktown.

Procedure turn E side S crs, 155 Outbnd, 335 Inbnd, 7000' within 10 mi of Aurora FM (NA beyond 10 mi due to terrain to S)
Minimum Altitude over facility on final approach crs, 7000' (over Aurora FM)
Crs and distance, facility to airport, 335-6.5 (from Aurora FM)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.5 mi from Aurora FM, climb to 6500' on N crs within 15 mi.
Alternate Missed Approach Procedure when directed by ATC: Climb to 6600' on E crs DEN LFR within 20 mi.
SHUTTLE: On N crs within 20 mi or as directed by ATC, on S crs LFR between range and Aurora FM, or on E crs LFR.
CAUTION: 5911' MSL radio tower 4.5 mi E-SE of airport.

City and State: Denver, Colo — Airport Name & Elev.: Stapleton Airfield 5325' — Fac. Class & Ident.: SBMRAZ DEN — Procedure No. & Eff. Date: 2 Amdt 9 15 May 54 — Sup. Amdt. No. Dated: 8 19 Nov 51

Martensdale FM	DSM-LFR (Final)	006-8.2	1600	*T-dn	300-1	300-1	200-½
Des Moines VOR	DSM-LFR	354-3.6	2100	C-dn	400-1	500-1	500-1½
Des Moines VOR	DSM-LFR (Final)	354-3.6	1600	S-dn-35 or 31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* When TV tower not visible on N, NW, E and NE take-offs, climb to 2100' MSL prior to turning toward tower.

Procedure turn E side S crs, 186 Outbnd, 006 Inbnd, 2100 within 10 mi.
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 337-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 mi, immediately turn left, climb to 2600 on W crs within 20 mi or when directed by ATC immediately turn left, climb to 2600 on 310 ADF crs from DSM LFR within 20 mi.
CAUTION: 1546' MSL TV tower located 3.2 mi N-NE of airport.
Major Changes: Minor corrections crs & distances to agree with C&G. Procedure turn restricted to 10 mi (criteria). New format on minimums. Tower height revised. Final approach added from DSM VOR.

City and State: Des Moines, Iowa — Airport Name & Elev.: Des Moines 957' — Fac. Class & Ident.: SBRAZ DSM — Procedure No. & Eff. Date: 1, Amdt 12 21 Apr 56 — Sup. Amdt. No. Dated: 11 1 Jul 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Windsor VOR	DET-LFR	064-3.2	2000	T-dn	*500-1	*500-1	*500-1
				C-dn	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2

* 300-1 take-off authorized on runway 33 only.

Procedure turn E side of crs, 142 Outbnd, 322 Inbnd, 2000 within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 329-7.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.9 mi, climb to 2300' on NW crs Windsor LFR to Warren Int.
AIR CARRIER NOTE: Sliding scale not applicable.
Detroit RBN 2.3 mi SE Detroit City Airport.
Major Changes: Transition added QG-VOR. Deleted all other transitions as airways go over facility. Revises procedure turn & final approach. Visibility minimums revised. Missed approach revised.

City and State: Detroit, Mich — Airport Name & Elev.: Detroit City 626' — Fac. Class & Ident.: SBRAZ DET — Procedure No. & Eff. Date: 1, Amdt 5 14 Jul 56 — Sup. Amdt. No. Dated: 4 22 Mar 55

Salem VOR	#Warren Int	082-23.0	2700	T-dn	*500-1	*500-1	*500-1
Pontiac Int	#Warren Int (Final)	149-9.5	1800	C-dn	700-1	700-1	700-1½
Windsor VOR	#Warren Int	343-13.5	2300	A-dn	800-2	800-2	800-2

* 300-1 take-off authorized on Runway 33 only.

Procedure turn E side of crs, 329 Outbnd, 149 Inbnd, 2300 within 10 mi (non-standard due to obstruction)
High obstructions W side of crs.
Minimum Altitude over facility on final approach crs, 1800' #Warren Int
Crs and distance, facility to airport, 149-4.5 #Warren Int to Airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.5 mi, climb to 2300' proceed to QG-LFR or when directed by ATC: Make left turn climbing to 2300' proceed back to # Warren Int.
AIR CARRIER NOTE: Sliding scale not applicable.
Warren Int - Int NW crs Windsor LFR and 082R Salem.
Major Changes: Revise to new form. Add transition from QG-VOR. Procedure turn revised to E. Visibility minimums revised. Missed approach revised.

City and State: Detroit, Mich — Airport Name & Elev.: Detroit City 626' — Fac. Class & Ident.: SBRAZ DET — Procedure No. & Eff. Date: 2, Amdt 3 14 Jul 56 — Sup. Amdt. No. Dated: 2 22 Mar 55

Salem VOR	RML-LFR	144-13.9	2000	T-dn	300-1	300-1	200-½
Willow Run LOM (Final)	RML-LFR	075-10.6	1500	C-dn	500-1	500-1	500-1½
CRL VOR	RML-LFR	018-11.3	2000	A-dn	800-2	800-2	800-2
Windsor VOR	RML-LFR	265-19.5	2300				
Park VHF INT	RML-LFR	266-6.1	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn when inbnd on final approach crs at least 3.0 mi before reaching DET LFR.
Refer to Radar procedure for Willow Run if detailed information on sector altitudes is desired.

Procedure turn S side W crs, 261 Outbnd, 081 Inbnd, 2000 within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 107-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.6 mi, make right turn, climb to 2000' proceed to RML LOM or when directed by ATC:
1. Make left turn, climb to 2000', proceed to FRD RBN.
2. Make left turn, climb to 2300', return to RML LFR.
3. Make right turn, climb to 2300', proceed to Flat Rock Int.
Major Changes: Transition added from Park VHF INT & QG VOR. Radar transition authorized. Crs & distance revised. Procedure turn distance revised. Note regarding 1311' tower deleted.

City and State: Detroit, Mich — Airport Name & Elev.: Detroit Wayne Major 639' — Fac. Class & Ident.: SBRAZ RML — Procedure No. & Eff. Date: 1, Amdt 9 31 May 56 — Sup. Amdt. No. Dated: 8 22 Mar 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
INT E crs RML LFR & 036R	RML-LFR	266-4.6	1800	T-dn	300-1	300-1	200-½
CRL VOR (Final)				C-dn	400-1	500-1	500-1½
Carleton VOR	RML-LFR	018-11.3	2000	S-dn-27L 27R	400-1	400-1	400-1
Salem VOR	RML-LFR	144-13.9	2000	A-dn	800-2	800-2	800-2
QG VOR	RML-LFR	265-19.4	2300				
Park VHF INT (Final)	RML-LFR	266-6.1	1800				

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn when inbnd on final approach crs at least 3 mi before reaching DET LFR. Refer to Radar procedure for Willow Run if detailed information on sector altitudes is desired.

Procedure turn N side E crs, 086 Outbnd, 266 Inbnd, 2300 within 10 mi.
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 274-5.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.5 mi, climb to 2000' on W crs within 20 mi or when directed by ATC:
1. Make left turn, proceed to Willow Run ILS LOM, climbing to 2300'.
2. Make right turn, climb to 2500' on the 170R of Salem VOR, proceed to the Salem VOR.
Major Changes: Airport elevation added. Transition added from QG VOR. Transition deleted from INT E crs RML LFR & 295 brg to FRD MHW. Crs revised to CGS data transition. Transition added from Park VHF INT. Radar transitions authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Detroit, Mich	Willow Run 716'	SBRAZ RML	1, Amdt 6 31 May 56	5 22 Mar 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Dickinson VOR	DIK-LFR	Direct	4000	T-dn	300-1	300-1	200-½
				C-d	500-1	600-1	600-1½
				C-n	500-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 348 Outbnd, 168 Inbnd, 4000 within 10 mi.
Minimum Altitude over facility on final approach crs, 3500'
Crs and distance, facility to airport, 168-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 mi make left turn climb on heading of 170 to 4000' within 20 mi, then make left turn and return to VOR.
AIR CARRIER NOTE: Night take-offs and landings authorized NW-SE runway only.
CAUTION: KDIX tower 3.9 mi, north DIK-LFR 2751' MSL. Tower 2966' MSL 3.5 mi NE of VOR.
Major Changes: New form - nautical mi. Procedure turn revised. Missed approach revised due to 3556' MSL tower 6.5 mi SW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dickinson, N Dak	Dickinson 2589'	SBMRAZ DIK	1, Amdt 5 22 Dec 56	4 17 Dec 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Dillon VOR	DLN-LFR	Direct	7200	T-d	1000-1		
				T-n	2000-3		
				C-dn	2000-3		
				A-dn	2000-3		

Procedure turn W side NE crs, 005 Outbnd, 185 Inbnd, 9700' within 10 mi.
Minimum Altitude over facility on final approach crs, 7200'
Crs and distance, facility to airport, 167-1.7

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.7 mi, turn right, climb to 10,000 on NE crs Dillon LFR 006 Outbnd within 20 mi.
NOTE: ADF approach not authorized

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dillon, Mont	Dillon 5238'	BMRLZ DLN	1, Amdt 3 12 Mar 55	2 1 Dec 48

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-5-d	400-1	400-1	400-1
				S-5-n	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 243 Outbnd, 063 Inbnd, 1400 within 10 mi.
Minimum Altitude over facility on final approach crs, 900
Crs and distance, facility to airport, 047-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 mi, climb to 1700 on NE crs within 20 mi.
Major Changes: Raises missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dothan, Ala	Dothan 330	SBRAZ DHN	1, Amdt 4 1 Jan 55	3 1 Aug 50

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Dubois VOR	DBS-LFR	339-2.6	6000	T-d	500-1		
				T-n	500-2		
				C-d	800-1		
				C-n	800-2		
				A-dn	800-2		

Procedure turn E side S crs, 152 Outbnd, 332 Inbnd, 7000' within 10 mi.
Minimum Altitude over facility on final approach crs, 6000'
Crs and distance, facility to airport, 332-1.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.5 mi, turn left, climb to 7000' on crs 152 Outbnd within 20 mi of Dubois LFR.
Major Changes: Lower missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dubois, Idaho	Dubois Airport 5123'	SBRAZ DBS	1, Amdt 3 12 Mar 55	2 1 Dec 48

DLH-VOR	DLH-LFR	193-1.1	2500	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-dn-3	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 194 Outbnd, 014 Inbnd, 2500' within 10 mi.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 014-3.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.3 mi, climb to 2800' on N crs.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Duluth, Minn	Duluth 1430'	SBRAZ DLH	1, Amdt 4 14 Oct 53	3 1 Aug 50

				T-dn	300-1	300-1	
				C-dn	600-1	600-1½	
				A-dn	800-2	800-2	

Procedure turn E side SE crs, 143 Outbnd, 323 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 009-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 mi, make a right climbing turn to 2000' on SE crs within 10 mi.
NOTE: Air carrier operations not authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
East Hartford, Conn	Rentschcler Field 45'm	SBMRAZ HFD	1, Orig 29 Apr 54	None

				T-dn	300-1	300-1	300-1
				C-dn	700-1	700-1½	700-1½
				A-dn	800-2	800-2	800-2

NOTE: Instrument approach to be conducted in accordance with U.S. Navy procedure as published on chart A-L 472 rng.
Major Changes: New Obstructions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
El Centro, Calif	NAAS 43'	SBMRLZ ELC	1, Amdt 3 12 Feb 55	2 6 Oct 50

				T-d	1000-2	1000-2	1000-2
				T-n			
				C-d	2000-2	2000-2	2000-2
				C-n			
				A-d	2000-3	2000-3	2000-3
				A-n			

Procedure turn W side N crs, 353 Outbnd, 173 Inbnd, 4500' within 10 mi.
Minimum Altitude over facility on final approach crs, 4500'
Crs and distance, facility to airport, 175-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 mi, climb to 6000' on S crs within 20 mi.
AIR CARRIER NOTE: Night operations not authorized. Sliding scale not authorized. No reduction in minimums authorized due to local conditions. No reduction in take-off minimums authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Elkins, W Va.	Elkins 1987'	SBMRAZ EKN	1, Amdt 2 1 Apr 54	1 1 Aug 51

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine More Than 65 Knots
Deeth FM Carlin FM Elko VOR	EKO-LFR EKO-LFR (Final) EKO-LFR	Direct Direct Direct	9000 7600 8500	T-d T-n C-dn A-dn	1000-2 1000-3 2500-3 2500-3	1000-2 1000-3 2500-3 2500-3	1000-2 1000-3 2500-3 2500-3

Procedure turn N side W crs, 231 Outbnd, 051 Inbnd, 8500' within 10 mi. Beyond 10 mi NA. (non-standard for more favorable terrain.
Minimum Altitude on final approach crs, 7600'
Crs and Distance, facility to airport, 204-0.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.0 mi, climb to 9000' on NE crs LFR between range and Deeth FM, all turns on N side of crs.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Elko, Nev	Municipal 5136'	SBRAZ EKO	1, Amdt 3 17 Mar 56	2 12 Dec 53

Ellensburg VOR	ELN-LFR	226-1.2	5500	T-dn	500-1	500-1	500-1
				C-dn	1500-1	1500-1	1500-1½
				A-dn	1500-3	1500-3	1500-3

Procedure turn S side E crs, 049 Outbnd, 229 Inbnd, 5500 within 10 mi. NA beyond 10 mi. (non-standard for more favorable terrain.
Minimum Altitude over facility on final approach crs, 4000'
Crs and distance, facility to airport, 279-1.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.6 mi, turn left, climb on E crs Ellensburg LFR to 7000' within 20 mi.
CAUTION: High terrain all quadrants; 4000' hills 10 mi, NE Ellensburg LFR.
NOTE: Standard criteria not followed for missed approach distance.
Major Changes: Lower take-off and landing minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ellensburg, Wash	Bowers Field 1766'	SBMRAZ ELN	1, Amdt 7 12 Mar 55	6 22 Jan 55

Elmira VOR	ELM-LFR	063-5.2	3000	T-d	800-2	800-2	800-2
				T-n	800-3	800-3	800-3
				C-d	1200-2	1200-2	1200-2
				C-n	1200-3	1200-3	1200-3
				A-d	1800-2	1800-2	1800-2
				A-n	1800-3	1800-3	1800-3

Procedure turn S side SW crs, 223 Outbnd, 043 Inbnd, 3000 within 10 mi.
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 075-1.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 1.5 mi, climb to 3000 on NE crs within 10 mi and return to the range.
AIR CARRIER NOTE: Sliding scale not authorized. No reduction in landing visibility minimums authorized for local conditions. No reduction in take-off minimums authorized.
Major Change: Missed approach procedure revised. Transition added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Elmira, N Y	Chemung County 951'	SBRAZ ELM	1, Amdt 4 23 Apr 55	3 1 Apr 54

Hueco Mt Fan Marker (Final)	ELP-LFR	258-15.0	*5000	T-dn	300-1	300-1	200-½
El Paso VOR	ELP-LFR	259-0.6	5000	C-dn	400-1	500-1	500-1½
Clint Radio Beacon	ELP-LFR	327-13.6	5000	S-dn-26	400-1	400-1	400-1
Int ILS NE crs & W crs LFR	ELP-LFR	078-5.0	5000	A-dn-26	800-2	800-2	800-2

* Maintain 7000' until 5 mi W of Hueco Mt FM. If Hueco Mt. FM not identified maintain 8000' until over El Paso LFR.

Procedure turn S side of crs, 078 Outbnd, 258 Inbnd, 6500' within 10 mi. Beyond 10 mi NA.# (non-standard due to terrain N.
Minimum Altitude over facility on final approach crs, 5000'
Crs and distance, facility to airport, 258-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.0 mi turn left to 125 climb to 5000' on S crs, within 20 mi.
CAUTION: Terrain 4651' 9.5 mi E of El Paso LFR and terrain 4884' 10.5 mi ENE of El Paso LFR.
Major Changes: Added caution note on procedure turn altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
El Paso, Tex	International 3936	SBRAZ ELP	1, Amdt 10 26 May 56	9 9 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Ephrata VOR	EPH-LFR	181-9.0	3000	*T-dn	300-1	300-1	200-½
				C-d	800-2	800-2	800-2
				C-n	1000-2	1000-2	1000-2
				S-dn-ry-34	500-1½	500-1½	500-1½
				A-d	1000-3	1000-3	1000-3
				A-n	1200-3	1200-3	1200-3

* 600-2 required for take-off runway 29.

Procedure turn W side of S crs, 156 Outbnd, 336 Inbnd, 3000' within 10 mi. NA beyond 10 mi. (non-standard to avoid Larsor. AFB)
Minimum Altitude over facility on final approach crs, 2200'
Crs and distance, facility to airport, 336-3.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.4 mi, turn right climb to 4000' on E crs, Ephrata LFR within 20 mi.
Alternate Missed Approach when directed by ATC: within 3.4 mi, turn rignt return to LF range station hold at 3000' on W crs within 10 mi. All maneuvering S of W crs.
CAUTION: 2346' radio tower 2.5 mi W of airport.
Major Changes: Add alternate missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ephrata, Wash	Ephrata 1258'	BMRLZ EPH	1, Amdt 4 7 Jan 56	3 29 Jan 55

North Springfield FM	ERI-LFR (Final)	070-10	1500	T-dn	300-1	300-1	200-½*
Erie VOR	ERI-LFR	051-4.3	2200	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

* 200-½ authorized for Take-off on runway 6-24 only, otherwise 300-1

Procedure turn S side SW crs, 249 Outbnd, 069 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 066-1.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 1.7 mi, climb to 2500' on NE crs Erie LFR within 20 mi.
AIR CARRIER NOTE: Sliding scale for take-off and reduction in take-off minimums authorized on runways 6-24 only.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Erie, Pa	Port Erie 732'	SBMRAZ ERI	1, Amdt 2 1 Apr 54	1 15 Feb 51

Cottage Grove FM	EUG-LFR	330-25.0	3700	T-dn	300-1	300-1	200-½
EUG-VOR	EUG-LFR	263-0.4	2500	C-dn	500-1	500-1½	600-1½
				S-dn-ry-16	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 356 Outbnd, 176 Inbnd, 2500' within 10 mi, NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 150-3.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.9 mi, turn right and climb to 2000' on N crs of EUG-LFR within 20 mi.
Major Changes: New format. Minor crs and distance corrections. Add EUG-VOR. Reduce altitude from Cottage Grove FM. Reduce altitude on procedure turn. Reduce altitude on missed approach. Lower take-off minimum on 4 engine airplanes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Eugene, Ore	Mahlon Sweet 365'	SBRAZ EUG	1, Amdt 7 29 Oct 55	6 4 Jun 55

				T-dn	300-1	300-1	200-½
				C-d	500-1	600-1	600-1½
				C-n	500-1½	600-1½	600-2
				S-d-34	500-1	600-1	600-1½
				S-n-34	500-1	600-1½	600-2
				A-dn	800-2	800-2	800-2

NOTE: Instrument approach to be conducted in accordance with standard instrument approach procedure - USAF as contained on current chart AL-142-rng.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Everett, Wash	Paine AFB 603'	MRLWZ EVE	1, Orig. 17 Dec 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn S side E crs, 060 Outbnd, 240 Inbnd, 2400' within 10 mi. NA beyond 10 mi. (nonstandard due to terrain)
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 234-9.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.3 miles, turn left, climb to 2400' on E crs Fairbanks LFR to Chena int
ALTERNATE MISSED APPROACH: When directed by ATC, turn left climb to 3900' SW bound on NE crs Nenana LFR within 20 miles of Fairbanks LFR
CAUTION: When using circling minimums, all maneuvering must be confined to area E of airport. 800' terrain within 1.3 miles W of airport rising to 1000' within 1.7 miles
Major Changes: Delete departure procedure. Correct bearing and distance values.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fairbanks, Alaska	Fairbanks International 434'	SBRAZ FAI	1, Amdt 2 14 Apr 1956	1 31 Mar 54

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

NOTE: Instrument approach to be conducted in accordance with standard instrument approach procedure as shown on current Chart Al-1219-RNG.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fairbanks, Alaska	Ladd AF Base 450'	SBRAZ FAI	1, Amdt 3 18 Feb 1956	M-2 31 Mar 54

				T-dn	500-1	500-1	500-1
				C-dn	900-2	900-2	900-2
				S-dn-8	900-2	900-2	900-2
				A-dn	1200-2	1200-2	1200-2

Procedure turn N side NW crs, 282 Outbnd, 102 Inbnd, 2500' within 10 miles (Non-standard due to terrain)
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 081-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.0 miles, turn left climbing to 4000' on NW crs within 20 miles.
NOTE: This procedure not approved for ADF approach.
CAUTION: Hill 2338' MSL 1.9 miles SE of airport. Mountain range NE through SW of airport. After take-off proceed immediately to Farewell LFR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Farewell, Alaska	Farewell Airport 1538'	BMRLZ FWL	1, Amdt 4 2 Jul 1955	M-3 26 Jun 54

Glyndon FM	FAR-LFR (Final)	260-7.3	1600	T-dn	300-1	300-1	200-½
Barnesville FM	FAR-LFR	307-23.0	2300	C-d	500-1	500-1	500-1½
Fargo VOR	FAR-LFR	007-5.2	2300	C-n	500-1½	500-1½	500-1½
				S-d	500-1	500-1	500-1½
				S-n	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of E crs, 080 Outbnd, 260 Inbnd, 2100 within 10 miles.
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 269-0.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.9 miles, climb to 2600 on W crs of FAR-LFR within 10 miles
CAUTION: Radio Tower 1075' MSL 1.0 mile SSE of airport
Major Changes: Wheatland FM deleted. Procedure turn revised to 10 miles (criteria). New Format on minimums. Missed approach revised. Minor change to crs to agree with C&G

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fargo, N Dakota	Hector 900'	SBRAZ FAR	1, Amdt 7 10 Mar 1956	6 26 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Glyndon FM	FAR-LFR	260-7.3	2100	T-dn	300-1	300-1	200-½
Barnesville FM	FAR-LFR	307-23.0	2300	C-d	500-1	500-1	500-1½
Fargo VOR	FAR-LFR	007-5.2	2300	C-n	500-1½	500-1½	500-1½
FAR-LFR	West Fargo FM	263-5.0	2200	S-d	500-1	500-1	500-1½
				S-n	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 263 Outbnd, 083 Inbnd, 2200 within 10 miles of W Fargo FM
Minimum Altitude over facility on final approach crs, W Fargo FM 1700'
Crs and distance, facility to airport, W Fargo FM 083°-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.6 miles, climb to 2600' on E crs Fargo LFR within 10 miles
CAUTION: Radio Tower 1075' MSL 1 mile SSE of airport
Major Changes: Minor change to crs to agree with C&G. Procedure turn distance revised to 10 miles (criteria). Distance to airport revised-C&G. Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fargo, N Dakota	Hector 900'	SBRAZ FAR	2, Amdt 7 10 Mar 1956	6 26 May 54

Florence VOR	FLO-LFR	207-3.6	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side SE crs, 112 Outbnd, 292 Inbnd, 1200' within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 297-1.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 1.5 miles, climb to 1600 on NW crs within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Florence, S C	Florence Airport 146'	SBMRLZ FLO	1, Amdt 5 7 Jun 1954	4 19 Dec 52

FBR-VOR	FBR-LFR	044-3.1	8500	T-dn	300-1		
				C-d	500-1		
				C-n	500-2		
				A-dn	NA		

Procedure turn N side E crs, 058° Outbnd, 238° Inbnd, 8500' within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 7500'
Crs and distance, facility to airport, 243-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 1.6 miles, turn right and climb to 10000' on E crs within 20 miles of LFR range
NOTE: Not authorized for air carrier use. No weather reporting facilities or Notam Service on this airport.
Major Changes: Restricts air carrier operation

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fort Bridger Wyoming	Fort Bridger (CAA site 9) Field 7016'	SBRAZ FBR	1, Amdt 6 3 Nov 1956	5 1 Dec 51

Fort Wayne VOR	FWA-LFR	172-6.1	2200'	T-dn	S00-1	300-1	200-½
Markle FM	FWA-LFR (Final)	051-8.5	1500	C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 231 Outbnd, 051 Inbnd, 2000' within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 051-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.0 miles, climb to 2300' on NE crs of FWA-LFR within 20 miles
Major Changes: Procedure turn distance revised to 10 miles in accordance with policy

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fort Wayne, Ind	Baer Field 801'	SBMRLZ FWA	1, Amdt 7 27 Aug 55	6 18 Feb 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Haslet Int (Final)	FTW-LFR	165-6.6	1400	T-dn	300-1	300-1	*200-½
				C-dn	500-1	600-1	600-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*Take-off on runway 9-27 and 13-31 NA with less than 300-1.

Procedure turn W side N crs, 345 Outbnd, 165 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 178-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 miles, climb to 2000 on S crs within 20 miles.
CAUTION: Building 956' MSL located 0.5 miles S of LFR on final approach crs. T.V. Tower 1743' MSL located 5.0 miles E of S crs
NOTE: Air Carrier Note, reduction in landing minima NA on cargo and ferry flights. Reduction in take-off minimums authorized on runway 17-35 only.
Major Changes: Raise procedure turn altitude. Add caution note. Simplify notes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fort Worth, Tex	Meacham Field 692'	SBRAZ FTW	1, Amdt 8 28 May 55	7 10 Sep 54

Stadium Int	Rockwood FM (Final)	358-4.2	1500	T-dn	300-1	300-1	*200-½
				C-dn	500-1	600-1	600-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* Take-off on Runways 9-27 & 13-31 NA with less than 300-1.

Procedure turn W side S crs, 178 Outbnd, 358 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500' (Rockwood FM)
Crs and distance, facility to airport, 358-2.3 (Rockwood FM)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 2000' on N crs within 20 mi.
CAUTION: Tank 864' MSL located 1.5 mi W of crs between Rockwood FM & airport. 1743' MSL TV tower located 5.0 mi E of S crs.
AIR CARRIER NOTE: Reduction in landing minima NA on cargo and ferry flights. Reduction in take-off minimums authorized on Rwy 17-35 only.
Major Changes: Change final approach altitude. Add caution notes. Simplify notes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fort Worth, Tex	Meacham 692'	SBRAZ FTW	2, Amdt 7 28 May 55	6 6 Feb 54

				T-dn	300-1	300-1	200-½
				C-dn	1000-2	1000-2	1000-2
				A-dn	2000-3	2000-3	2000-3

Procedure turn S side W crs, 1900' within 10 miles.
Minimum alt over facility on final approach course 1300'
Crs and distance, facility to airport, 049-6.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 1500' on SE crs FNO LFR within 20 miles.
Air Carrier Note: Sliding scale N A.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fresno, Calif.	Fresno Air Terminal	SBRAZ FNO	1, Amdt 5, 9 Feb 57	4. 12 Dec 53

Bowles Int	FNO-LFR (Final)	316-10.0	1000	T-dn	300-1		
				C-dn	700-2		
				A-dn	800-2		

Procedure turn W side SE crs, 136° Outbnd, 316° Inbnd, 1500' within 10 mi (non-standard for more favorable terrain)
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 036-0.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 2000' on W crs within 20 miles
Major Changes: Raise minimum altitude over facility and landing minimums. All changes made to meet obstruction clearance criteria, (460' tower ½ mi S of range)

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fresno, Calif	Fresno-Chandler 277'	SBRAZ FNO	1, Amdt 5 16 Jun 56	4 23 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Bowles Intersection	FNO-LFR	316-10.0	1900	T-dn	300-1		
				C-dn	700-2		
				A-dn	800-2		

Procedure turn S side W crs, 272° Outbnd, 092° Inbnd, 1900' within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 036-0.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 1500' on SE crs within 20 miles
Major Changes: Raise minimum altitude over facility and landing minimums. All changes made to meet obstruction clearance criteria, (460' tower ½ mi S of range).

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fresno, Calif	Fresno-Chandler 277'	SBRAZ FNO	2, Amdt 6 16 Jun 1956	5 14 May 55

Gage VOR	GAG-LFR	092-7.0	3600	T-dn	300-1		
				C-dn	500-1		
				A-dn	800-2		

Procedure turn N side of crs 044 Outbnd, 224 Inbnd, 3400' within 10 miles
Minimum Altitude over facility on final approach crs, 2900'
Crs and distance, facility to airport, 226-1.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.7 miles, climb to 3800' on SW crs within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Gage, Okla	Municipal 2223'	SBRAZ GAG	1, Amdt 3 16 Aug 1954	2 1 Aug 50

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side E crs 066 Outbnd, 246 Inbnd, 2000' within 10 mi. NA beyond 10 mi. (Nonstd due to terrain)
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 246-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 miles, climb to 3000' on W crs Galena LFR within 20 miles
CAUTION: Higher terrain N of final approach crs. Make all turns to S side of final approach crs
SHUTTLE: E crs 065° Outbnd, 245° Inbnd to 3000' within 20 miles
Major Changes: Raise procedure turn altitude

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Galena, Alaska	Galena Airport 120'	SBRAZ PDVT	1, Amdt 8 15 Apr 1956	7 14 Apr 56

GLS VOR	GLS-LFR	098-4.0	1400	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side N crs, 333 Outbnd, 153 Inbnd, 1400' within 15 miles. beyond 15 miles NA (non-standard due to obstructions W)
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 126-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, climb to 1300' on S crs within 15 miles.
CAUTION: 231' MSL Radio Tower 1.3 miles NE of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Galveston, Texas	Municipal 7'	SBMRLZ GLS	1, Amdt 8 15 May 1954	7 25 Mar 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Garden City VOR	GCK-LFR	Direct	4000'	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500#2
				S-d-12	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 348 Outbnd, 168 Inbnd, 4000 within 10 miles
Minimum Altitude over facility on final approach crs, 3500'
Crs and distance, facility to airport, 133-6.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.5 miles make right turn, climb to 4300' on S crs GCK LFR within 20 miles
NOTE: Night operation authorized N-S runway only
Major Changes: New form. Limits procedure turn to 10 miles. Revises missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Garden City, Kans	New Garden City 2895'	SBRAZ - GCK	1, Amdt 8 22 Dec 1956	7 18 Oct 53

Gila Bend VOR	GBN-LFR	Direct	3000	T-d	300-1	300-1	300-1
				C-d	700-1	700-1	700-1½
				A-d	800-2	800-2	800-2

Procedure turn S side W crs, 247 Outbnd, 067 Inbnd, 3000' within 10 miles (Procedure turn maneuvering area limited to 6 miles by danger area.)
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 166-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 5000' on E crs within 20 miles of LFR
NOTE: Night operations not authorized

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Gila Bend, Ariz	A F AUX 858'	SBRAZ GBN	1, Amdt 4 5 Jan 57	3 12 Feb 55

Goshen VOR	GSH-LFR (Final)	091-7.7	1500'	T-dn	300-1		
				C-dn	500-1½		
				S-d	500-1		
				S-n-9	500-1½		
				A-dn	800-2		
				T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				S-d-35	500-1	500-1	500-1
				S-n-35	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 270 Outbnd, 090 Inbnd, 2000' within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 087-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 2300' on E crs within 20 miles
Major Changes: Crs and distance revised. Final added from VOR. Procedure turn distance revised. Crs revised to airport. Minimums format revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Goshen, Ind	Municipal 823'	SBRAZ GSH	1, Amdt 5 26 Nov 1955	4 9 Jul 54

Procedure turn E side S crs, 171 Outbnd, 351 Inbnd, 2000' within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 351-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 miles, climb to 2100' on N crs Grand Forks LFR within 20 miles
NOTE: ADF procedure not authorized
Major Changes: Procedure turn distance revised to 10 miles. Minimums format revised. Minor change missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Grand Forks, North Dakota	Municipal 836'	BMIX GFK	1, Amdt 7 17 Dec 55	6 26 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Grand Island VOR	GRI-LFR	345-1.0	3100	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 345 Outbnd, 165 Inbnd, 3100' within 10 miles
Minimum Altitude over facility on final approach crs, 2400'
Crs and distance, facility to airport, 165-1.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.3 miles, climb to 3200' on S crs within 20 miles
Major Changes: Crs and distances revised to conform with criteria and C&G. Final approach altitude lowered to conform with criteria. New format for minimums. Alternate minimums lowered.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Grand Island, Nebraska	Grand Island 1846'	SBRAZ GRI	1, Amdt 9 29 Oct 1955	8 25 Nov 53

				T-dn	300-1	300-1	
				C-dn	400-1	400-1	
				S-dn-13	400-1	400-1	
				A-dn	800-2	800-2	

Procedure turn S side W crs, 291 Outbnd, 111 Inbnd, 2100 within 10 miles
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 109-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 miles, climb to 2100' on E crs GMI-LFR within 20 miles
NOTE: ADF Procedure not authorized
AIR CARRIER NOTE: Sliding scale not authorized
Major Changes: Lowers procedure turn altitude and distance. Lowers missed approach altitude. Adds note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Grand Marais, Michigan	Grand Marais 850'	BRL GMI	1, Amdt 4 15 Dec 1956	3 3 Aug 54

Alaska FM	GRR-LFR (Final)	303-9.0	1500	T-dn	300-1	300-1	300-1
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 123 Outbnd, 303 Inbnd, 2000' within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 306-1.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.7 miles, climb to 1900' on NW crs GRR-LFR within 20 miles
CAUTION: 907' MSL stack located 0.5 miles WSW airport. 930' MSL tower located 2.0 mi S of airport.
AIR CARRIER NOTE: 200-½ authorized for take-off on runway 18L and 36R only
Major Changes: Crs, distances and altitudes revised to conform with policy. Format revised for minimums. Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Grand Rapids, Michigan	Kent County 692'	SBRAZ GRR	1, Amdt 8 29 Oct 1955	7 20 Dec 53

GTF VOR	GTF-LFR	048-1.0	5500	T-dn	300-1	300-1	200-½
Belt FM	GTF-LFR	270-19.0	5500	C-d	500-1	500-1	500-1½
Cascade FM	GTF-LFR	023-17.0	*5500	C-n	500-1½	500-1½	500-1½
				S-d	400-1	500-1	500-1½
				S-n-2	400-1	500-1½	500-1½
				A-dn	800-2	800-2	800-2

* When Cascade FM used as fix on final approach, descent authorized to 4200' when within 10 mi of GTF - LFR.
300-1 required on Runways 11-29.

Procedure turn S side SW crs, 203 Outbnd, 023 Inbnd, 5500' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 4200'
Crs and distance, facility to airport, 011-1.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.1 mi, climb to 5500' on NE crs within 20 mi of GTF-LFR.
Alternate missed approach when directed by ATC: Execute climbing left turn, climb to 5500' on NW crs within 20 mi of GTF -LFR.
Major Changes: Minor distance and crs correction, delete inaccurate caution notes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Great Falls, Mont	Great Falls 3671'	SBRAZ GTF	1, Amdt 12 3 Sep 55	11 30 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Summit Hill FM (Final)	GSO-LFR	237-8	1800	T-dn	300-1	300-1	200-½
Greensboro VOR	GSO-LFR	042-4.9	2300	C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 057 Outbnd, 237 Inbnd, 2300' within 10 mi.
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 250-1.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.2 mi, turn left, climb to 2300 on SE crs, within 20 mi or when directed by ATC, turn right, climb to 4000' on NW crs of Greensboro LFR within 20 mi.
Major Changes: Revises crs from VOR and airport elevation. Lower minima 2-engine aircraft.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Greensboro, N C	Greensboro-Highpoint 923'	SBRATX GSO	1, Amdt 10 19 May 55	9 2 Feb 54

Int SW crs SPA-LFR & S crs GRL-LFR	GRL-LFR (Final)	Direct	1600	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 182 Outbnd, 002 Inbnd, 2100 within 10 mi.
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 002-1.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.5 mi, climb to 3200' on N crs LFR within 10 mi, turn right and return to LFR.
CAUTION: 1340' MSL Tower 4.5 mi W LFR, 2205 tower 3.2 mi W of N crs, 6.5 mi NW of airport.
Major Changes: Adjusts minima in accordance with criteria. Deletes transition from Beacon 14 Int.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Greenville, S. C.	Greenville 1049'	SBMRLZ GRL	1, Amdt 8 23 Jun 56	7 24 Dec 54

Greenwood VOR	GRW-LFR	067-6.3	1300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 085 Outbnd, 265 Inbnd, 1700 within 10 mi.
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 265-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.6 mi climb to 1400 on W crs within 20 mi.
NOTE: Not approved for ADF approach.
Major Changes: Adds note re ADF approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Greenwood, Miss	Municipal 129'	BMLZ GRW	1, Amdt 6 4 Jun 55	5 25 Dec 54

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-14	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 322 Outbnd, 142 Inbnd, 3200' within 10 mi.
Minimum Altitude over facility on final approach crs, 2300'
Crs and distance, facility to airport, 142-2.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 mi, climb to 9500' on S crs within 20 mi.
SHUTTLE: N crs 322 Outbnd, 142 Inbnd, 3200' within 20 mi.
Major Changes: Alternate missed approach procedure deleted.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Gulkana, Alaska	Gulkana 1571'	SBRAZ GKN	1, Amdt 4 2 Apr 55	3 19 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				*T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1½	500-1½
				S-dn- -10	500-1	500-1½	500-1½
				A-dn	800-2	800-2	800-2

* Take-off Runway 1, 700-2 day and night.

Procedure turn W side NW crs, 285 Outbnd, 105 Inbnd, 2700' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 105-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 4500' on SE crs between Gustavus LFR and Sisters Island RBN.
Alternate Missed approach: When directed by ARTC within 2.3 mi turn right and climb on NW crs Gustavus LFR to 3000' within 10 mi.
CAUTION: Maneuvering N and E of airport not authorized due to high terrain. High terrain NW and WNW of range station within 15 mi.
Major Changes: Revised ceiling minimums. Lower altitudes at facility. Revised missed approach distance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Gustavus, Alaska	Gustavus 28'	SBRAZ GST	1, Amdt 5 1 Oct 55	4 31 May 54

				*T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1½	500-1½
				S-dn 28	400-1	400-1	400-1
				A-dn -	800-2	800-2	800-2

* Take-off runway 1, N 700-2 day and night.

Procedure turn S side SE crs, 105 Outbnd, 285 Inbnd, 3200' within 10 mi of Pleasant Isle FM turns beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 285-2.8 (From Pleasant Isle FM)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.8 mi after passing Pleasant Isle FM turn left and climb to 4500' between GST LFR and SSR RBN.
Alternate Missed Approach: When directed by ARTC within 2.2 mi, climb straight ahead to 3000' on NW crs GST LFR within 10 mi.
If Pleasant Isle FM not received on final approach maintain 1500' to GST LFR then execute missed approach.
CAUTION: Maneuvering N and E of airport not authorized due to high terrain.
Major Changes: Revised ceiling minimums. Revised missed approach distance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Gustavus, Alaska	Gustavus 28'	SBRAZ GST	2, Amdt 5 1 Oct 55	4 31 May 54

New Kingstown FM	HAR-LFR (Final)	104-9.5	**1500	*T-d	500-1	500-1	500-1
Harrisburg VOR	HAR-LFR	107-6.7	2500	*T-n	500-2	500-2	500-2
				*C-dn	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

* Landing N for air carrier aircraft over 12,5000 lbs gross weight authorized only during daylight hours with ceiling 1500' or better.
Take-off S on N-S runway not authorized for air carrier aircraft over 12,500 lbs gross weight.

Procedure turn S side W crs 284 Outbnd, 104 Inbnd, 2400' within 10 mi. **
Minimum Altitude over facility on final approach crs, 1500**
Crs and distance, facility to airport, 118-.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.9 mi, climb to 2000' on E crs within 10 mi.
CAUTION: Standard clearance not provided over 1300' ridge 4 mi N of final approach crs and 1136' ridge & tower 1.6 mi S of airport.
**CAUTION: Do not descend below 2400' until Inbnd on final approach crs.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Harrisburg, Pa	Harrisburg State 347'	SBRAZ HAR	1, Amdt 2 25 June 54	1 1 Mar 51

Hartford VOR	HFD-LFR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	600-1	900-1	900-1½
				A-dn	800-2	1000-2	1000-2

Procedure turn E side SE crs, 143 Outbnd, 323 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 323-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 mi, turn right and climb to 2000' on SE crs within 10 mi.
Air Carrier Note: No reduction in take-off minimums authroized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Hartford, Conn	Brainard Field 18'	SBMRAZ HFD	1, Amdt 2 29 Apr 54	1 15 Oct 48

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
McDonald Pass FM	HLN-LFR	Direct	8500	T-d	500-2	500-2	500-2
HLN-VOR	HLN-LFR	Direct	7500	T-n	800-2	800-2	800-2
Winston FM *	HLN-LFR (Final) *	Direct	5800	C-d	1500-2	1500-2	1500-2
				C-n	1500-3	1500-3	1500-3
				A-d	1500-2	1500-2	1500-2
				A-n	1500-3	1500-3	1500-3

* Maintain at least 8500' until 1.2 mi past Winston FM.

Procedure turn N side SE crs, 100 Outbnd, 280 Inbnd, 7500'within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 5800'
Crs and distance, facility to airport, 251-1.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.7 mi, make right climbing turn to SE crs, climb to 8500' within 10 mi of HLN-LFR.
NOTE: Shuttle to 8500' on SE crs within 20 mi of station. (All turns on N side of crs - high terrain to S)

City and State: Helena, Mont | Airport Name & Elev.: Helena Municipal 3881' | Fac. Class & Ident.: SBMRAZ HLN | Procedure No. & Eff. Date: 1, Amdt 5 2 Feb 57 | Sup. Amdt. No. Dated: 4 7 Jan 56

				*T-d	400-1	400-1	400-1
				*T-n	500-1	500-1	600-2
				C-d	500-1	500-1	500-1½
				C-n	500-1	500-1	600-2
				S-d-26	500-1	500-1	500-1
				S-n-26	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

* Westerly takeoffs 800-2 day or night.

Procedure turn N side E crs, 079 Outbnd, 259 Inbnd, 1500' within 10 mi.
Minimum Altitude over facility on final approach crs, 500'
Crs and distance, facility to airport, 251-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.9 mi, climb to 3000' on N crs within 20 mi.
Major Changes: Change in minima.

City and State: Hilo, Hawaii | Airport Name & Elev.: General Lyman 30' | Fac. Class & Ident.: SBRAZ ITO | Procedure No. & Eff. Date: 1, Amdt 9 10 Dec 55 | Sup. Amdt. No. Dated: 8 1 Nov 53

HOB VOR	HOB-LFR	308-5.9	5000	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn E side N crs, 348 Outbnd, 168 Inbnd, 5000' within 10 mi (non-standard due to obstructions)
Minimum Altitude over facility on final approach crs, 4500'
Crs and distance, facility to airport, 168-7.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.3 mi, climb to 5000' on S crs within 20 mi of HOB LFR.
NOTE: ADF procedure not authorized.

City and State: Hobbs, N Mex | Airport Name & Elev.: Lea County 3659' | Fac. Class & Ident.: BMRLZ HOB | Procedure No. & Eff. Date: 1, Amdt 5 6 Jul 54 | Sup. Amdt. No. Dated: 4 22 Dec 52

Anchor Point Int	HOM-LFR (Final)	061-28	1900	T-dn	400-1	400-1	400-1
				C-dn	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 241 Outbnd, 061 Inbnd, 1900' witnin 10 mi.
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, *068-1.6
* Let-down from facility on magnetic crs 090 to minimums.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.2 mi on crs of 090, turn right climb to 2500' on W crs witnin 20 mi.
CAUTION: Terrain within 1 mi N and W rising to 1000' and continuing to rise to 1900' within 4 mi - std circling clearance not provided. All maneuvers prior to landing must be accomplished SE of airport. Turn right after take-off runway 3, turn left after take-off runway 21. Deviation from std criteria in missed approach crs and distance
Major Changes: Transition distance increased to 28 mi.

City and State: Homer, Alaska | Airport Name & Elev.: Homer Airport 80' | Fac. Class & Ident.: SBRAZ HOM | Procedure No. & Eff. Date: 1, Amdt 12 5 May 56 | Sup. Amdt. No. Dated: 11 10 Sep 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	400-1	400-1	400-1
				C-dn	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 241 Outbnd, 061 Inbnd, 1300' within 10 mi.
Minimum Altitude over facility on final approach crs, missed approach.
Crs and distance, facility to airport, 068-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at authorized landing minimums 5 mi W of Homer LFR, following procedure turn, turn right, climb to 2500' Outbnd on W crs within 20 mi.
CAUTION: Hold "A" twilight on final approach to range station. Terrain within 1 mi N rising to 1000' and continuing to rise to 1900' within 4 mi - std circling clearance not provided. All maneuvers prior to landing must be performed SE of airport. Turn rignt after take-off runway 3, turn left after take-off runway 21.
Major Changes: Procedure turn reduced to 10 mi.

City and State: Homer, Alaska | Airport Name & Elev.: Homer 80' | Fac. Class & Ident.: SBRAZ HOM | Procedure No. & Eff. Date: 2, Amdt 1 10 Sep 55 | Sup. Amdt. No. Dated: Orig 26 Jun 54

Barbers Point FM	HNL-LFR (Final)	055-6.5	500	*T-dn	400-1	400-1	400-1
				#C-dn	500-1	500-1	500-1½
				S-dn-8	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

* All take-offs to NW (Rny-32) will be restricted to 600-2, with left hand turn recommended. "Air Carrier Note: Sliding scale not authorized"
Landings on runway 14 restricted to 600-2.

Procedure turn S side of Sw crs, 235 Outbnd, 055 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 500'
Crs and distance, facility to airport, 075-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
witnin 2.3 mi, climb to 2000' on S crs and proceed to Soutngate Intersection.
Major Changes: Increase minima for straignt-in approacnes. Increase circling minima 65 K or less.

City and State: Honolulu, Hawaii | Airport Name & Elev.: Honolulu Int'l 10' | Fac. Class & Ident.: SBRAZ HNL | Procedure No. & Eff. Date: 1, Amdt 9 8 Oct 55 | Sup. Amdt. No. Dated: 8 25 Jun 55

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 018 Outbnd, 198 Inbnd, 2500' within 10 mi.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 200-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 mi, climb to 2900' on S crs CMX-LFR and hold within 20 mi of LFR.
NOTE: ADF procedure not authorized.

City and State: Houghton, Mich | Airport Name & Elev.: Houghton County Memorial 1091' | Fac. Class & Ident.: BRL CMX | Procedure No. & Eff. Date: 1, Amdt 4 15 Dec 56 | Sup. Amdt. No. Dated: 3 1 Aug 54

HUL-VOR	HUL-LFR	031-8.3	2000	T-dn	500-1	500-1	500-1
				C-d	*700-1	700-1	700-1½
				C-n	*700-1½	700-1½	800-2
				S-dn-19	500-1	500-1	500-1
				A-dn	1000-2	1000-2	1000-2

* 600-1 day, 600-1½ night authorized when circling W of airport.

Procedure turn E side N crs, 15 Outbnd, 195 Inbnd, 1800' within 10 mi. Beyond 10 mi NA. (E to avoid high terrain)
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 195-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . .
within 2.7 mi, climb to 2500' on S crs witnin 15 mi.
NOTE; ADF procedure not authorized.
CAUTION: 870' hill with beacon lignt SE of airport, hill along E side of airport.

City and State: Houlton, Maine | Airport Name & Elev.: Municipal 493' | Fac. Class & Ident.: BMRLZ HUL | Procedure No. & Eff. Date: 1, Amdt 5 24 Jul 54 | Sup. Amdt. No. Dated: 4 1 Feb 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Friendswood Int.	HOU-LFR (Final)	310-4.4	700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
Arcola FM	HOU-LFR	039-14.1	1500	*S-30-dn	400-1	400-1	400-1
Houston FM	HOU-LFR	130-7.5	1300	A-dn	800-2	800-2	800-2
Houston VOR	HOU-LFR	137-1.9	1200				

Radar terminal area maneuvering altitude 2200' within 20 mi.
* 625' per minute descent required at 110 K.

Procedure turn E side SE crs, 130 Outbnd, 310 Inbnd, 1700 within 10 mi. Beyond 10.mi NA.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 310-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 mi climb to 1800' on NW crs within 20 mi.
Major Changes: Increase radar terminal area maneuvering and procedure turn altitudes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Houston, Tex	International 50'	SBRAZ HOU	1, Amdt 17 20 Apr 56	16 22 Oct 55

Friendswood Int.	HOU-LFR	310-4.4	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
Arcola FM	HOU-LFR	039-14.1	1500	S-dn-12	400-1	400-1	400-1
Fairbanks Int	HOU-LFR (Final)	130-8.3	1500	A-dn	800-2	800-2	800-2
Houston VOR	HOU-LFR	137-1.9	1200				

Radar terminal area maneuvering altitude all directions 2200' within 20 mi.

Procedure turn W side NW crs, 310 Outbnd, 130 Inbnd, 1800' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500' (over HOU FM)
Crs and distance, facility to airport, 130-4.9
If visual contact not established upon descent to authorized landing minimums or if landing pot accomplished . . . . .
within 4.9 mi from Houston FM, climb to 1700 on SE crs witnin 15 mi.
Major Changes: Increase procedure turn and radar terminal area maneuvering altitudes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Houston, Tex	International 50'	SBRAZ HOU	2, Amdt 11 20 Apr 56	10 22 Oct 55

Virgil Int SW crs Hon & E crs	HON-LFR (Final)	044-10.0	2000'	T-dn	300-1	300-1	200-½
Pierre				C-d	400-1	500-1	500-1½
Huron VOR	HON-LFR	152-5.2	2500	C-n	400-1½	500-1½	500-1½

Procedure turn S side SW crs, 224 Outbnd, 044 Inbnd, 2500' within 10 mi.
Minimum Altitude over facility on final approacn crs, 2000'
Crs and distance, facility to airport, 040-2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.4 mi,climb to 3000' on NE crs within 20 mi.
CAUTION: Radio tower 1484' MSL 1½ mi S of airport.
Major Changes: Procedure turn distances beyond 10 mi deleted. Distances revised to C&G measurements. New format for minimums. Caution note added. Note deleted in missed approach regarding procedure turn beyond 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Huron, S Dak	W W Howes 1287'	BMRLZ HON	1, Amdt 8 17 Dec 55	7 26 May 54

Hutchinson VOR	HUT-LFR	Direct	2800	T-dn	300-1	300-1	200-½
North Fork RBN or Marker	HUT-LFR (Final)	Direct	2300	C-dn	*400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* 500-1 required when necessary to circle the airport on the west side to effect a landing.

Procedure turn W side S crs, 170 Outbnd, 350 Inbnd, 2800 witnin 10 mi. (non-standard to avoid ICT traffic)
Minimum Altitude over facility on final approach crs, 2300'
Crs and distance, facility to airport, 350-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 mi, climb to 3000' on N crs HUT-LFR witnin 20 mi, or when directed by ATC: (1) turn left and climb to 3000' on W crs HUT-LFR within 20 mi.
CAUTION: 2340' TV tower located 4.0 mi ESE of airport. Aircraft taking off to N,S,NE, or SE, climb to 2800' prior to proceeding toward TV tower.
Major Changes: New form - nautical mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Hutchinson, Kans	Hutchinson 1542'	SBMRLZ HUT	1, Amdt 10 22 Dec 56	9 24 Dec 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Ashton Int	IDA-LFR	192-45.0	8000	T-dn	300-1	300-1	300-1
				C-d	500-1	700-2	700-2
				C-n	600-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn W side NE crs, 012 Outbnd, 192 Inbnd, 6600' within 10 mi.
Minimum Altitude over facility on final approach crs, 5500'
Crs and distance, facility to airport, 198-2.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.2 mi, climb to 7500' on SW crs witnin 20 mi.
Major Changes: Minor crs, distance and altitude corrections.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Idaho Falls, Idaho	Idaho Falls 4731'	SBRAZ IDA	1, Amdt 5 23 Apr 55	4 1 Jun 49

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1½	600-1½
				S-dn-25	600-1	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 174 Outbnd, 354 Inbnd, 1300' within 10 mi.
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 251-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, turn left, climb to 4000' on S crs Iliamna LFR within 20 mi.
NOTE: ADF approacn NA.
AIR CARRIER NOTE: Sliding scale NA.
Major Changes: Departure procedure deleted.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Iliamna, Alaska	Iliamna 190'	BMRLZ ILI	1, Amdt 5 2 Jul 55	4 26 Apr 54

				T-dn	300-1		
				C-dn	700-1		
				A-dn	800-2		

Procedure turn N side E crs, 068 Outbnd, 248 Inbnd, 1000' within 10 mi.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 019-4.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, reverse crs, climb to 1500' on E crs within 20 mi.
SHUTTLE: to 1500' on E crs witnin 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Imperial Calif	County 58'	SBMRLZ ELC	1, 1 5 Jan 57	Orig. 12 Feb 55

Clayton FM	IND-LFR (Final)	069-10.0	1500	T-dn	300-1	300-1	200-½
Indianapolis VOR	IND-LFR	170-5.9	2000	C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of W crs, 249 Outbnd, 069 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 074-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 mi, climb to 2900' on E crs IND-LFR and proceed to Greenfield Int, or as directed by ATC as follows:
1. Climb to 2200' on S crs of IND-LFR within 20 mi.
2. Climb on SW crs ILS to 1900'. Proceed to LOM.
Major Changes: Changes missed approach altitude to 2900'. Procedure turn revised to 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Indianapolis, Ind	Weir Cook Municipal 796'	SBRAZ IND	2, Amdt 6 9 Jul 55	5 20 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Jackson VOR	JAN-LFR	135-3.0	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 356 Outbnd, 176 Inbnd, 1700' within 10 mi.
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 179-2.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
witnin 2.0 mi, turn left, climb to 1800' on E crs witnin 20 mi.
NOTE: Tower 1049' MSL located 3.4 mi SW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Jackson, Miss	Hawkins Field 343'	SBRAZ JAN	1, Amdt 9 13 Jun 54	8 30 Jan 53

Ft George Island FM or Radar fix over Ft George Island FM	JAX-LFR (Final)	269-0.9	600	T-dn	300-1	300-1	300-1
				C-dn	600-2	600-2	600-2
JAX VOR	JAX-LFR	225-2.3	1200	A-dn			

Radar terminal area transition altitude 1500' within 25 mi. Radar control must provide 3 mi separation from Restricted Area R-161.

Procedure turn N side E crs, 089 Outbnd, 269 Inbnd, 1100 within 10 mi.
Minimum Altitude over facility on final approacn crs, 600'
Crs and distance, facility to airport, 139-6.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, climb to 1300' on W crs witnin 20 mi.
NOTE: If unable to maintain visual reference after passing facility, climb to 1400 on SE crs within 20 mi and contack JAX approach control immediately. NA for Air Carriers. No weather or communications service at airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Jacksonville, Fla	Craig 41'	SBRAZ JAX	1, Orig 7 Jan 56	None

Fort George Is FM or Radar fix over Fort George Is FM	JAX-LFR (Final)	269-10	600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
Jacksonville VOR	JAX-LFR	225-2.5	1200	S-dn-27	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitude 1500' within 25 mi. Radar control must provide 3 mi separation from Restricted Area R-161.

Procedure turn N side E crs, 089 Outbnd, 269 Inbnd, 1100' within 10 mi.
Minimum Altitude over facility on final approacn crs, 600'
Crs and distance, facility to airport, 269-1.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.5 mi, climb to 1300' on W crs witnin 20 mi.
Major Changes: Delete note. 160' tower removed. Add radar transitions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Jacksonville, Fla	Imeson 52'	SBRAZ JAX	1, Amdt 9 4 Jun 55	8 26 Jan 54

Bryceville FM or Int W crs JAX LFR & 165 brg to Cecil HW or Radar fix over Bryceville	Riverview Fix * (Final)	089-12	700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitude 1500' within 25 mi. Radar Control must provide 3 mi separation from Restricted Area R-161.

Procedure turn N side W crs, 269 Outbnd, 089 Inbnd, 1200' witnin 10 mi of JAX LFR (non-standard to avoid danger area)
Minimum Altitude over facility on final approach crs, 700' (over Riverview fix*)
Crs and distance, facility to airport, 089-2.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
witnin 2.8 mi of Riverview Fix * climb to 1300' on E crs witnin 20 mi.
* Riverview fix is the Int of the W crs of JAX LFR and 359 bearing from JAX LOM.
NOTE: Procedure authorized only for aircraft equipped to receive JAX LFR and JAX LOM bearings simultaneously.
Major Cnanges: Add radar transitions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Jacksonville, Fla	Imeson 52'	SBRAZ JAX	2, Amdt 4 4 Jun 55	3 25 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Jamestown VOR	JMS-LFR	019-4.9	2800	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-d	400-1	500-1	500-1½
				S-n	400-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 078 Outbnd, 258 Inbnd, 2700' witnin 10 mi.
Minimum Altitude over facility on final approacn crs, 2100'
Crs and distance, facility to airport, 270-1.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
witnin 1.1 mi, climb to 3400' on W crs JMS-LFR witnin 10 mi.
Major Changes: Bearings & distances changed to agree with C&G. Procedure turn distance & altitude revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Jamestown N Dak	Municipal 1498'	SBMRAZ JMS	1, Amdt 6 10 Mar 56	5 1 Jul 54

Joliet VOR	JOT-LFR	266-1.5	1800	T-dn	300-1	300-1	
				S-dn-13	400-1	400-1	
				C-dn	600-1	600-1	
				A-dn	NA	NA	NA

Procedure turn S side of W crs, 248 Outbnd, 068 Inbnd, 1800' witnin 10 mi.
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 126-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 mi, make right turn, climb to 2000' on SW crs witnin 20 mi.
CAUTION: Airport without weather reporting services.
Major Changes: Transition deleted. Regular and circling minimums changed. Alternate approval deleted. Minimums on procedure turn and final cnanged.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Joliet, Ill	Joliet 580'	SBRAZ JOT	1, Amdt 1 6 Aug 55	Orig 3 Mar 50

				T-d	500-1	500-1	500-1
				T-n	600-2	600-2	600-2
				C-d	1000-2	1000-2	1000-2
				C-n	1000-3	1000-3	1000-3
				A-dn	1500-3	1500-3	1500-3

Procedure turn E side of crs, 164 Outbnd, 344 Inbnd, 4000' within 10 mi.
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 351-15.3 *
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5 mi, climb to 8000' on N crs within 20 mi.
* Contact must be established at shoreline 5 mi from Range Station at 1000' on N crs, Flight to airport under visual conditions.
CAUTION: Rapidly rising terrain NE of Range Station. 1000' at 2 mi, 3000' at 3 mi, 10,025' at 10 mi.
Major Changes: Delete specific approval for ADF approach (not required).

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Kahului, Maui, T H	Kahului 59'	SBRAZ MAU	1, Amdt 1 10 Mar 56	Orig 1 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Kansas City VOR	MKC-LFR	Direct	2400	#T-dn	##300-1	##300-1	*300-1
Blue Springs VOR	MKC-LFR	Direct	3000	C-dn	500-1	700-1	700-1½
Radar transitions within 25 mi	as directed by ATC:			A-dn	800-2	800-2	800-2
S & E Quadrants of MKC LFR	MKC-LFR		3000				
S & E Quadrants of MKC LFR with 4.5 mi SSE and 1949' tower 6.2	3 mi separation from 2049' twr mi SE of airport.		2500				
N & W Quads MKC LFR	MKC-LFR		2500				

* 200-½ authorized on Runway 31 only.
No reduction in 2 Eng. min auth with ILS inoperative except on Rwy-31.
Procedure turn E side NW crs, 328 Outbnd, 148 Inbnd, 2400' within 10 mi. NA beyond 10 mi. (nonstandard account ATC)
Minimum Altitude over facility on final approach crs, 1600' - Crs and distance, facility to airport, 134-0.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.7 mi, turn right immediately, climb to 2500' and intercept 310 ADF track to Farley Rbn, then proceed to and hold at Farley Rbn or when directed by ATC turn right immediately, climb to 2400' on SW crs MKC-LFR within 20 mi.
CAUTION: Obstruction 1423' MSL 2½ mi SE of airport, 1946' TV tower 5 mi SE airport. Cracking plant 911' MSL and stack 853' MSL ½ mi ESE approach end Runway 35. TV tower 2049' MSL 4.0 mi SSE airport.
Take-offs to S or SW when weather is below 1000-3 will intercept a 210 ADF crs from ILS MM or R-185 MKC VOR outbnd as soon as practicable. After take-off, maintain crs until reaching 2500' prior to making left turn due to 2049' MSL TV tower 4 mi SSE of airport. When KMBC TV tower not visible (5 mi SE of airport) on N, NE, E, and SE take-offs, climb to 2500' MSL on 090 ADF crs from MKC-LFR prior to turning towards tower.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Kansas City, Kans	Fairfax 746'	SBRAZ MKC	1, Amdt 16 23 Apr 55	15 5 Apr 54

Kansas City VOR	MKC-LFR	Direct	2400	#T-dn	##300-1	##300-1	*300-1
Blue Springs VOR	MKC-LFR	Direct	3000	C-dn	500-1	700-1	700-1½
Radar transitions within 25 mi	as directed by ATC:			A-dn	800-2	800-2	800-2
S & E Quadrants of MKC LFR	MKC-LFR		3000				
S & E Quadrants of MKC LFR with tower 2.9 mi S & 1949' tower 5.0	3 mi separation from 2049' mi SE of airport.		2500				
N & W Quads MKC LFR	MKC-LFR		2500				

Take-offs to S or SW when weather is below 1000-3 will intercept a 210 ADF crs from ILS MM or R-185 MKC VOR as soon as practicable. After take-off maintain crs on crs until reaching 2500' prior to making left turn due to 2049' TV tower 2.5 mi S of airport. When KMBC-TV tower not visible (4 mi SE of airport) on N or NE take-off, climb to 2500' MSL on 090 ADF crs from MKC-LFR prior to turning towards tower.
* 200-½ authorized on Runways 35 and 36 only.
No reduction in 2 Eng min auth with ILS inoperative except on Runways 35 and 36 only.
Procedure turn E side NW crs, 328 Outbnd, 148 Inbnd, 2400' within 10 mi. NA beyond 10 mi. (nonstandard account ATC)
Minimum Altitude over facility on final approach crs, 1600' - Crs and distance, facility to airport 144-2.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.6 mi, turn right immediately, climb to 2500' & intercept 310 ADF crs to Farley Rbn, then proceed and hold at Farley Rbn or when directed by ATC, turn right immediately, climb to 2400' on SW crs MKC-LFR within 20 mi.
CAUTION: Grain elevators 903' MSL & railroad flood lights 857' MSL 2-3 mi NNE of Rwy 18; cracking plant & stack 853' MSL 0.5 mi WNW of airport. Congested buildings 1423' MSL 1 mi SSE of airport, TV tower 1946' MSL 4 mi SE of airport, and TV tower 2.5 mi S of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Kansas City, Mo	Municipal 758'	SBRAZ MKC	1, Amdt 15 23 Apr 55	14 5 Apr 54

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-18	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of NE crs, 009 Outbnd, 189 Inbnd, 1400' within 10 mi.
Crs and distance, facility to airport, 184-2.1
Minimum Altitude over facility on final approach crs, 800'
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 mi, climb to 1400' on SW crs within 20 mi.
Major Changes: Realignment of SW & NE crs.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Kenai, Alaska	Kenai 93'	SBRAZ ENA	1, Amdt 8, 5 May 56	7 27 Aug 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Key West VOR	EYW-LFR	187-2.0	1300	T-d	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				A-d	800-2	800-2	800-2

Procedure turn S side W crs, 267 Outbnd, 087 Inbnd, 1300' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 065-1.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.2 mi, climb to 1200 on E crs within 20 mi. Night operations NA.
Major Changes: Reduce missed approach altitude. Lower 4-eng landing visibility.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Key West, Fla	Meacham 4'	SBRAZ EYW	1, Amdt 7 25 Feb 56	6 4 Apr 54

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1½	500-1½
				S-dn-11	500-1	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 291 Outbnd, 111 Inbnd, 1200' within 10 mi.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 111-1.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.1 mi, climb to 4500' on SE crs King Salmon LFR within 20 mi.
Alternate Missed Approach: (1) When directed by ATC climb to 1500' on SW crs within 20 mi.
SHUTTLE: On NW crs 1200' within 20 mi; OR: When directed by ATC, shuttle on SE crs 4500' within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
King Salmon, Akaska	King Salmon 55'	SBRAZ AKN	1, Amdt 10 2 Jul 55	9 11 Jun 54

Klamath Falls VOR	LMT-LFR	Direct	8000	T-dn	1500-1	1500-1	1500-1
Modoc Int	LMT-LFR	Direct	9000	C-d	1800-1	1800-1	1800-1½
				C-n	1800-2	1800-2	1800-2
				A-dn	1800-2	1800-2	1800-2

Procedure turn E side of S crs, 162 Outbnd, 342 Inbnd, 8000 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 5900'
Crs and distance, facility to airport, 338-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 miles turn left, climb to 9000' on S crs of Klamath Falls LFR within 10 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Klamath Falls, Oregon	Klamath Falls 4088'	SBRAZ LMT	1, Amdt 8 16 Aug 1954	7 1 Dec 49

Piedmont FM	TYS-LFR	243-23	2400	T-dn	300-1	300-1	200-½
Tallasee FM	TYS-LFR	012-23	2500	C-d	500-1	500-1	500-1½
Inskip FM	TYS-LFR (Final)*	174-11	2000	C-n	500-1½	500-1½	500-1½
Knoxville-BVOR	TYS-LFR	230-5	2400	S-22L-d	500-1	500-1	500-1½
				n	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 354 Outbnd, 174 Inbnd, 3000 within 10 miles
Minimum Altitude over facility on final approach crs, *2000
Crs and distance, facility to airport, 197-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 miles, climb to 3000' on W (250°) crs within 25 miles
*CAUTION: Do not descend on final below 2500' until on-crs inbnd.
Major Changes: Change procedure turn to W (Standard). Add Caution note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Knoxville, Tenn	McGhee-Tyson 989'	SBRAZ TYS	1, Amdt 10 19 Nov 1954	9 21 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
LaCrosse VOR	LSE-LFR	Direct	2600	T-d	*400-1	*400-1	*400-1
				T-n	*400-1	*400-1	*400-1½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d-13	400-1½	400-1½	400-1½
				S-n-13	400-2	400-2	400-2
				A-dn	800-2	800-2	800-2

NOTE: *300-1 take-off authorized on Runways 31, 35 & 17.
#200-½ take-off authorized on Runways 31, 35 & 17

Procedure turn W side NW crs, 301 Outbnd, 121 Inbnd, 2600 within 10 miles
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 142-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles, make immediate right climbing turn, climb to 2600' and return to LSE-LFR & hold on NW crs within 10 miles.
CAUTION: 950' MSL tower 1½ miles SE of airport. 1277' MSL tower & 1444' tower 3½ and 4 miles SE respectively of airport. 1400' MSL tower atop bluffs 3½ mi W of airport.

City and State: LaCrosse, Wisc — Airport Name & Elev.: Municipal 653' — Fac. Class & Ident.: SBRAZ LSE — Procedure No. & Eff. Date: 1, Amdt 5 7 Jul 1956 — Sup. Amdt. No. Dated: 4 1 Jul 54

				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-d-	400-1	400-1	400-1
				S-n-19	400-1	400-1	400-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side NE crs, 014 Outbnd, 194 Inbnd, 5400 within 10 miles
Minimum Altitude over facility on final approach crs, 4900'
Crs and distance, facility to airport, 195-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, turn left, climb to 6000' on N crs within 20 miles

City and State: La Junta, Colo — Airport Name & Elev.: Municipal 4238' — Fac. Class & Ident.: SBMRLZ LHX — Procedure No. & Eff. Date: 1, Amdt 5 15 May 1954 — Sup. Amdt. No. Dated: 4 1 Dec 51

LAN VOR	LAN-LFR	067-7.8	2400	T-dn	300-1	300-1	*200-½
				C-dn	800-1	800-1	800-1½
				S-dn-27	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

*300-1 required on SE-NW runways

Procedure turn N side E crs, 101° Outbnd, 281° Inbnd, 2900' within 10 miles
Minimum Altitude over facility on final approach crs 2400'
Crs and distance, facility to airport, 280-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 2200' on W crs within 20 miles or when directed by ATC, make right turn, climb to 2000' on NW crs within 20 miles
Major Changes: Missed approach note revised

City and State: Lansing, Mich — Airport Name & Elev.: Capital City 858' — Fac. Class & Ident.: SBMRAZ LAN — Procedure No. & Eff. Date: 1, Amdt 9 3 Dec 1955 — Sup. Amdt. No. Dated: 8 15 Oct 55

Laramie VOR	LAR-LFR	048-1.5	8500	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn E side NW crs, 317 Outbnd, 137 Inbnd, 8500' within 10 Miles (non-standard due to terrain)
Minimum Altitude over facility on final approach crs, 8000'
Crs and distance, facility to airport, 148-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 miles, climb to 11,500' on SE crs within 20 miles

City and State: Laramie, Wyo — Airport Name & Elev.: Brees Field 7273' — Fac. Class & Ident.: SBMRAZ LAR — Procedure No. & Eff. Date: 1, Amdt 7 15 Feb 1954 — Sup. Amdt. No. Dated: 6 1 Aug 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
GoodspringsHW	LAS-LFR	Direct	7500	T-dn	800-2	800-2	800-2
Las Vegas VOR	LAS-LFR	Direct	5100	C-dn	1500-2	1500-2	1500-2
Kids Intersection	LAS-LFR	Direct	5100	A-dn	1500-2	1500-2	1500-2
Int SW Crs LAS LFR, and R-270 LAS	LAS-LFR	Direct	5100				
Boulder City Int	LAS-LFR	Direct	6500				

Procedure turn E side SW crs, 203° Outbnd, 023° Inbnd, 5000' within 10 mi.
Minimum Altitude over facility on final approach crs, 3700'
Crs and distance, facility to airport, 195-8.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 8500' on NE crs within 20 miles of LFR.
SHUTTLE: to 6500' on NE and-or SW crs within 20 miles of LFR. Turns on E side of crs.

City and State: Las Vegas, Nev — Airport Name & Elev.: Mc Carran 2171' — Fac. Class & Ident.: SBMRAZ LAS — Procedure No. & Eff. Date: 1, Amdt 7 5 Jan 57 — Sup. Amdt. No. Dated: 6 7 Dec 55

Goodsprings HM	LAS-LFR	Direct	7500	T-dn	800-2	800-2	800-2
Int SW crs LAS LFR, and LAS VOR Radial 270°	LAS-LFR	Direct	5100	C-dn	1000-1	1000-1	1000-1½
				A-dn	1000-2	1000-2	1000-2
Las Vegas VOR	LAS-LFR	Direct	5100				
Kids Intersection	LAS-LFR	Direct	5100				
Boulder City Int	LAS-LFR	Direct	6500				

Procedure turn E side NE crs, 028° Outbnd, 208° Inbnd, 5100' within 10 miles.
Minimum Altitude over facility on final approach crs, 4600 LFR
Minimum Altitude over facility on final approach crs, 3200 VOR
Crs and distance, facility to airport, see NOTE
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi. after passing Las Vegas VOR turn left, climb to 6000' on R-070 within 15 mi of VOR.
ALTERNATE MISSED APPROACH: When directed by ARTC, climb to 6100' on R-211 LAS within 10 mi of VOR; all turns S of crs
NOTE: After passing LAS LFR turn right to 225° then intercept and fly on a crs of 180° to the LAS VOR
CAUTION: 4100' terrain 4 miles SE LFR

City and State: Las Vegas, Nev — Airport Name & Elev.: Mc Carran 2171' — Fac. Class & Ident.: SBMRAZ LAS / BVOR LAS — Procedure No. & Eff. Date: 2, Amdt 5 5 Jan 57 — Sup. Amdt. No. Dated: 4 21 Apr 56

				T-dn	800-2	800-2	800-2
				C-dn	1500-2	1500-2	1500-2
				A-dn	1500-2	1500-2	1500-2

NOTE: Instrument approach procedure to be conducted in accordance with USAF procedure as published on Chart AL-227-RNG

City and State: Las Vegas, Nev — Airport Name & Elev.: Nellis AFB 1888' — Fac. Class & Ident.: SBMRAZ LAS — Procedure No. & Eff. Date: 1, Amdt 4 12 Feb 1955 — Sup. Amdt. No. Dated: 3 16 Aug 54

Las Vegas VOR	LVS-LFR	087-0.5	9500	T-d	300-1	300-1	300-1
				C-d	500-1	600-1	600-1½
				S-d-2	500-1	500-1	500-1
				A-d	800-2	800-2	800-2

Procedure turn E side SW crs, 201° Outbnd, 021° Inbnd, 9000' within 10 miles
Minimum Altitude over facility on final approach crs, 7800'
Crs and distance, facility to airport, 008-2.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.8 miles, climb to 10,000' on NE crs within 15 miles of LFR
NOTE: Not authorized for Air Carrier use
*Supersedes Form ACA-1725, dated 1 August 1951

City and State: Las Vegas, N Mex — Airport Name & Elev.: Las Vegas 6866' — Fac. Class & Ident.: SBMRAZ LVS — Procedure No. & Eff. Date: *1, Amdt 1 10 Nov 1956 — Sup. Amdt. No. Dated:

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
LWT-VOR	LWT-LFR	056-3.0	6000	T-dn	300-1	300-1	300-1
Stanford FM (Final)	LWT-LFR	088-25.0	*5000	C-dn	700-2	700-2	700-2
				S-dn-7	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

*Do not descend below 6000' until within 10 miles of Lewistown FR

Procedure turn S side W crs, 268° Outbnd, 088° Inbnd, 6000' within 10 miles
Minimum Altitude over facility on final approach crs, 5000'
Crs and distance, facility to airport, 091-2.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.6 miles, turn right climb to 6000' on W crs of LWT-LFR within 20 miles
Major Changes: Correct field elevation. Minor Crs and distance corrections. Add straight-in approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Lewistown, Mont	Lewistown 4165'	SBRAZ LWT	1, Amdt 4 15 Oct 1955	3	16 Aug 54

				*T-d	600-1	600-1	600-1
				T-n	700-2	700-2	700-2
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-3	1000-3	1000-3
				A-d	1000-2	1000-2	1000-2
				A-n	1000-3	1000-3	1000-3

*Take off on runway 21 will be restricted to 600-2; sliding scale will not apply

Procedure turn S side of E crs, 109 Outbnd, 289 Inbnd, 3000' within 10 miles
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 260-6.0 **
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.0 miles, climb to 6000' on S crs within 20 miles
** Contact must be established at shoreline 6 miles from Range Station with 1000-1 day or 1000-3 night and flight to Lihue Airport made under visual contact conditions by following shoreline in E and N direction, from Port Allen LFR.
#High terrain to North

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Lihue, Kauai Hawaii	Lihue Airport 148'	SBRAZ PAR	1, Amdt 3 28 Apr 1956	2	1 Dec 53

Little Rock VOR	LIT-LFR	314-0.5	1300	T-dn	300-1	300-1	200-½
Keo FM (Final)	LIT-LFR	313-9.2	1000	C-dn	500-1	600-1	600-1½
				S-dn-32	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 133 Outbnd, 313 Inbnd, 1500' within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 315-3.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.3 miles turn left, climb to 3200 on NW crs within 20 miles
NOTE: Not less than 300-1 authorized for take-off on runways 18, 32, 36.
Major Changes: Raise missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Little Rock, Ark	Adams 257'	SBRAZ LIT	1, Amdt 12 7 Jan 1956	11	14 May 55

La Habra FM	LGB-LFR	Direct	1800	T-dn	300-1	300-1	*200-½
Int SE crs LGB LFR, and				C-dn	500-1	600-1	600-2
SW crs EL TORO LFR	LGB-LFR	Direct	1400	S-dn-30	500-1	500-1	500-1
Huntington Beach FM	LGB-LFR (Final)	Direct	1000	A-dn	800-2	800-2	800-2
Long Beach VOR	LGB-LFR	Direct	1500				

*300-1 required for take-off runways 16, 16R, 25L, 34R.

Procedure turn S side SE crs, 118° Outbnd, 298° Inbnd, 1500' within 10 miles, beyond 10 miles NA
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 298-3.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.4 miles, climb to 800' on NW crs, then turn left to 200° continuing climb to int S crs of LAX LFR and proceed to San Pedro Int at minimum of 2500'
CAUTION: 500' hill with oil derricks one mile S of airport; standard clearance not provided over obstructions for circling minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Long Beach, Calif	Municipal 56'	SBMRLZ LGB	1, Amdt 12 5 Jan 57	11	17 Mar 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Hollywood Hills FM	LAX-LFR	143-11.5	3000	T-dn	300-1	300-1	200-½
Downey FM-RBN (Final)	LAX-LFR	258-9.5	1500	C-dn	500-1	600-1	600-1½
Los Angeles LOM (Final)	LAX-LFR	254-1.7	1000	S-dn-RY25	400-1	400-1	400-1
San Pedro Int	LAX-LFR	340-21.0	3000	L-R			
				A-dn	800-2	800-2	800-2

Radar vectoring to final approach crs authorized.

Procedure turn S side E crs, 078° Outbnd, 258° Inbnd, 2000' within 9 miles (E of Downey RBN NA) Procedure turn S for better terrain.
Minimum Altitude over facility on final approach crs, *1000'
Crs and distance, facility to airport, 245-3.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.4 miles, climb to 2000' on W crs within 20 miles
*Maintain 1500' until over LAX LOM Inbnd
Major Changes: Nautical miles. Change circling ceiling for 2-engine or less aircraft (less than 65 knots) to 500' because of obstruction.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Los Angeles, Calif	International 125'	SBRAZ LAX	1, Amdt 9 14 Jul 1956	8	28 Mar 56

Eastwood FM (Final)	LOU-LFR	266-8	1500	T-dn	300-1	300-1	300-1
				C-d	400-1	600-1	600-1½
				C-n	400-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side E crs, 086 Outbnd, 266 Inbnd, 2400' within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 273-1.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.5 miles, climb to 2100' on W crs Louisville LFR within 10 mi or when directed by ATC, make an immediate right climbing turn to 2100' on N crs Louisville LFR within 10 miles.
Major Changes: Procedure turn altitude revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Louisville, Ky	Bowman Field 549'	SBMRLZ LOU	1, Amdt 4 28 Apr 1956	3	22 Jan 51

Eastwood FM (Final)	LOU-LFR	266-8	1500	T-dn	300-1	300-1	200-½
				C-d	500-1	600-1	600-1½
				C-n	500-2	600-2	600-2
				S-d-24	500-1	500-1	500-1½
				S-n-24	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn S side E crs, 086 Outbnd, 266 Inbnd, 2400' within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 242-5.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.3 miles, climb to 2100' on W crs of Louisville LFR within 10 miles.
Major Changes: Procedure turn altitude revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Louisville, Ky	Standiford 497'	SBMRLZ LOU	1, Amdt 5 5 May 1956	4	22 Jan 51

				T-d	3500-3	3500-3	3500-3
				T-n	4500-5	4500-5	4500-5
				C-d	3500-3	3500-3	3500-3
				C-n	4500-8	4500-8	4500-8
				A-d	3500-3	3500-3	3500-3
				A-n	4500-8	4500-8	4500-8

Procedure turn N side NE crs, 048 Outbnd, 228 Inbnd, 9500' within 10 miles (NA beyond 10 miles)
Minimum Altitude over facility on final approach crs, 7500'
Crs and distance, facility to airport, *247-20.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 10,000' on SW crs within 45 miles, or as directed by ATC.
*Final approach from LFR Station at night shall be via SW crs of LFR until airport is visible from Cockpit.
NOTE: ADF procedure not authorized.
SHUTTLE: To 10,000' on SW crs within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Lovelock, Nev	Darby Airport 3903'	BMRLZ LOL	1, Amdt 3 12 Dec 1953	2	28 Nov 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Lubbock VOR	LBB-LFR	231-6.9	4500	T-dn	300-1	300-1	200-½
Roundup FM	LBB-LFR	174-7.0	4500	C-d	700-1	700-1	700-1½
				C-n	700-1½	700-1½	700-2
				A-dn	800-2	800-2	800-2

Procedure turn S side of W crs, 259 Outbnd, 079 Inbnd, 4500' within 10 mi, beyond 10 mi NA
Minimum Altitude over facility on final approach crs, 4000'
Crs and distance, facility to airport, 076-10.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 10.0 miles, climb to 4500 on E crs within 20 miles.
NOTE: This procedure not approved for ADF approach.
Major Changes: Raise initial approach altitude. Reduce landing visibilities.

City and State: Lubbock, Texas | Airport Name & Elev.: Municipal 3256' | Fac. Class & Ident.: BMRLZ LBB | Procedure No. & Eff. Date: 1, Amdt 9 23 Jul 1955 | Sup. Amdt. No. Dated: 8 10 Jul 54

				T-dn	500-1	500-1	500-1
				C-d	1000-1	1000-1	1000-2
				C-n	1000-2	1000-2	1000-2
				A-dn	1500-2	1500-2	1500-2

Procedure turn E side S crs, 165 Outbnd, 345 Inbnd, 2500' within 10 miles
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 162-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn left and climb to 2500' on S crs.
CAUTION: Do not proceed N of the Lynchburg LFR
NOTE: Airport lies between procedure turn and the LFR

City and State: Lynchburg, Va | Airport Name & Elev.: Preston Glenn 942' | Fac. Class & Ident.: SBRAZ LYN | Procedure No. & Eff. Date: 1, Amdt 3 15 May 1954 | Sup. Amdt. No. Dated: 2 1 Dec 52

				T-dn	500-1	500-1	500-1
				C-dn	700-1	800-1	800-½
				S-dn-35	600-1	600-1	600-1
				A-dn	900-2	900-2	900-2

Procedure turn E side S crs, 165 Outbnd, 345 Inbnd, 2500' within 10 miles of Oak Grove FM
Minimum Altitude over facility on final approach crs, 1700' (over Oak Grove FM)
Crs and distance, facility to airport, 348-3.4 (from Oak Grove FM)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.4 miles from Oak Grove FM, climb straight ahead to 2000' inbnd on S crs, then make a climbing left turn, proceed outbnd on S crs of LFR at 2500' within 20 miles.
CAUTION: Do not proceed N of the Lynchburg LFR

City and State: Lynchburg, Va | Airport Name & Elev.: Preston Glenn 942' | Fac. Class & Ident.: SBRAZ LYN | Procedure No. & Eff. Date: 2, Amdt 3 15 May 1954 | Sup. Amdt. No. Dated: 2 1 Dec 52

Macon VOR	MCN-LFR	324-3.6	1600	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-13	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 326 Outbnd, 146 Inbnd, 1700' within 10 miles, beyond 10 miles NA
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 144-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 miles, climb to 1700' on SE crs within 20 miles

City and State: Macon, Ga | Airport Name & Elev.: Cochran 354' | Fac. Class & Ident.: SBMRAZ MCN | Procedure No. & Eff. Date: 1, Amdt 6 18 Jun 1954 | Sup. Amdt. No. Dated: 5 8 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 094 Outbnd, 274 Inbnd, 2100' within 10 miles
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 314-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 2500' on N crs within 20 miles of MSN-LFR
NOTE: ADF procedure not authorized

City and State: Madison, Wis | Airport Name & Elev.: Truax Field 859' | Fac. Class & Ident.: BMRLZ MSN | Procedure No. & Eff. Date: 1, Amdt 6 20 Apr 1954 | Sup. Amdt. No. Dated: 5 30 Nov 53

MLD-VOR	MLD-LFR	065-5.3	10,000	T-d	3500-3	3500-3	3500-3
				C-d	3500-3	3500-3	3500-3
				A-d	3500-3	3500-3	3500-3

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 9000' within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 8500'
Crs and distance, facility to airport, 130-3.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.7 miles, make left turn climbing to 11,000' on W crs within 20 miles
CAUTION: High terrain all quadrants
AIR CARRIER NOTE: Night operations not authorized
Major Changes: New Format. Add transition from MLD-VOR. Minor crs and distance corrections. Equalize landing minimums with VOR. Missed approach changed to left turn.

City and State: Malad City, Idaho | Airport Name & Elev.: Malad City Int Field 4503' | Fac. Class & Ident.: SBRAZ MLD | Procedure No. & Eff. Date: 1, Amdt 3 6 Aug 1955 | Sup. Amdt. No. Dated: 2 23 Jun 52

MRB-VOR	MRB-LFR	267-7.7	3000	T-dn*	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

* Make right turn after take-off on runway 35 to avoid hills to the NW.

Procedure turn E side SW crs, 215 Outbnd, 035 Inbnd, 2500' within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 033-2.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.5 mi, climb to 3500' on NE crs within 20 mi.

City and State: Martinsburg, W Va | Airport Name & Elev.: Martinsburg 556' | Fac. Class & Ident.: SBMRLZ MRB | Procedure No. & Eff. Date: 1, Amdt 2 29 May 1954 | Sup. Amdt. No. Dated: 1 1 Aug 51

				T-dn	300-1	300-1	200-½
				C-dn	400-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn S side SE crs, 095° Oubnd, 275° Inbnd, 2000' within 10 miles
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 258-1.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.4 miles, climb to 4000' on SE crs within 20 miles
CAUTION: High terrain within 3 to 4 miles of airport, all quadrants. Hold close "A" twilight on final approach to low cone due high terrain south of crs.
Major Changes: To add facility identification omitted from Amdt No 6.

City and State: McGRATH, Alaska | Airport Name & Elev.: McGrath 347' | Fac. Class & Ident.: SBRAZ MCG | Procedure No. & Eff. Date: 1, Amdt 7 13 Aug 1955 | Sup. Amdt. No. Dated: 6 2 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Evans Creek FM (Final)	MFR-LFR	152-12.0	3000	T-dn	300-1	300-1	300-1
Medford VOR	MFR-LFR	137-4.5	3000	*C-dn	1000-2	1000-2	1000-2
Ashland Int	MFR-LFR	338-16.0	8000	A-dn	1000-2	1000-2	1000-2
Int W crs MFR-LFR and 215°	MFR-LFR	075-6.7	6000				
Radial MFR VOR (Gold Hill Int)							

*Note landing minimums authorized 500-2 all aircraft, day only provided top of status overcast in Medford Valley is not in excess of 2500'. MSL aircraft must be on top until after passing MFR LFR Inbnd. Minimum altitude over station on final 2600'.

Procedure turn E side N crs, 332 Outbnd, 152 Inbnd, 6000' within 10 miles (Non-standard due to terrain)
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 160-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 miles, turn right, climb to 6000' on N crs MFR LFR within 20 miles
Major Changes: Delete the word "(Final)" from MFR-VOR transition. Added approach from Gold Hill Int.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Medford, Oreg	Medford 1330'	SBRAZ MFR	1, Amdt 7 1 Jan 1955	6 5 Aug 54

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-16	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 338 Outbnd, 158 Inbnd, 1200 within 10 miles
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 158-2.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 miles, climb to 1300 on S crs within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Melbourne, Fla	Melbourne-Eau Gallie 26'	SBRAZ MLB	1, Amdt 7 27 Aug 1955	6 12 Jan 54

Nesbitt FM (Final)	MEM-LFR	360-8.0	1000	T-dn	300-1	300-1	200-½
Memphis VOR	MEM-LFR	254-4.4	1500	C-dn	500-1	500-1	500-1½
25 miles	Radar transition	all dir.	2300	S-dn-3-35	400-1	400-1	400-1
25 miles	Radar transition	all dir	1700	A-dn	800-2	800-2	800-2
(When radar provides 3 mi separation from TV Towers located 7.5 mi NNE of airport.)							
Sector S of ILS localizer	Radar transition	within 15 mi	1500				

Procedure turn E side S crs, 180 Outbnd, 360 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, runway 3, 350-1.8
Crs and distance, facility to airport, runway 35, 009-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 miles, climb to 2000 on NE crs within 20 miles
NOTE: 745 FPM descent required at 110 k
AIR CARRIER NOTE: Take-offs at less than 200-½ NA on runway 14-32
Major Changes: Adds Radar Vectoring. Simplify air carrier note. Revise bearing and distance to straight-in runway.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Memphis, Tenn	Municipal 269'	SBRAZ MEM	1, Amdt 9 14 May 1955	8 13 Jan 54

				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 033° Outbnd, 213° Inbnd, 1700' within 10 miles (NA beyond 10 miles)
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 158-2.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.6 miles, climb to 2000' on SW crs within 13 miles of LFR
Major Changes: Lower missed approach altitude to conform to en route altitude in the area and restrict missed approach to within 13 miles to preclude entry into B airway 14.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Merced, Calif	Merced 155'	MRAWZ MER	1, Amdt 3 26 Nov 1954	2 12 Dec 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Meridian VOR	MEI-LFR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2
				S-dn-19			500-1

Procedure turn W side NW crs, 334 Outbnd, 154 Inbnd, 1700 within 10 miles. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 156-2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.4 miles, climb to 2000 on SE crs within 20 miles
NOTE: Tower 1000' MSL located 2.5 mi ESE of airport.
CAUTION: Trees 600' 1.7 miles E
300-1 required for take-off, runway 9.
AIR CARRIER NOTE: Take-offs on runways 5-23, 14-32, NA with less than 200-½

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Meridian, Miss	Key Field 297'	SBMRAZ MEI	1, Amdt 6 26 Jan 57	5 15 Jan 1955

Miami VOR	MIA-LFR	264-2.3	1100	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-9R-L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side W crs, 273 Outbnd, 093 Inbnd, 1100 within 10 miles (Non-standard due to traffic)
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, runway 9-R, 086-4.9; runway 9-L, 076-5.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 miles, climb to 1400 on E crs within 20 miles
Major Changes: Revises courses due to variation change. Adds straight-in approach to runway 9-L.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Miami, Fla	International 9'	SBRAZ MIA	1, Amdt 12 4 Jun 1955	11 25 Mar 54

Bayshore Int	*Flagler Int (Final)	266-6.3	1400	T-dn	300-1	300-1	200-½
Miami LFR	*Flagler Int	086-10.2	1400	C-dn	500-1	500-1	500-1½
Miami VOR	*Flagler Int	086-7.8	1400	S-dn-27L-R	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

*Flagler Int is the intersection of the E crs of MIA LFR and a bearing 336° to Marine Miami Rbn. (To be shown on AL Chart only.)

Procedure turn S side crs, 086 Outbnd, 266 Inbnd, 1400 within 10 mi. E of Bayshore Int. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, over *Flagler Int 1400'
Crs and distance, facility to airport, runway 27-L from *Flagler Int 266-3.9; runway 27-R from *Flagler Int 280-3.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 miles, climb to 1100 on W crs within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Miami, Fla	International 9'	SBRAZ MIA	2, Orig 19 Mar 1955	None

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of NE crs, 011 Outbnd, 191 Inbnd, 1200' within 10 miles
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 165-0.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.3 miles, climb to 1500' on SW crs within 20 miles
Major Changes: New Procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Middleton Island, Alaska	Middleton Island 70'	SBRAZ MDO	1, Orig 31 May 1956	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Midland VOR	MAF-LFR	200-7.5	4200	T-dn	300-1	300-1	*200-½
				C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*AIR CARRIER NOTE: 300-1 required on runways 16L and 34R

Procedure turn S side of SW crs, 229 Outbnd, 049 Inbnd, 4300 within 10 miles. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 3800'
Crs and distance, facility to airport, 049-3.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.3 miles, climb to 4000 on SE crs of LFR within 20 miles.
NOTE: This procedure not approved for ADF approach.
Major Changes: Raises procedure turn and transition altitudes. Increases missed approach limiting distance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Midland, Texas	Air Terminal 2867'	BMRLZ MAF	1, Amdt 7 16 Jul 1955	6 24 Mar 54

MLS-VOR	MLS-LFR	012-1.5	4500	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-2	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 235 Outbnd, 055 Inbnd, 4500 within 10 miles
Minimum Altitude over facility on final approach crs, 3500'
Crs and distance, facility to airport, 055-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 miles, climb to 4300' E crs within 17 miles of MLS LFR
Major Changes: New Format and correct crs to LFR from VOR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Miles City, Mont	Municipal 2631'	SBMRAZ MLS	1, Amdt 7 26 Nov 1954	6 19 Jul 54

				T-dn	400-1	400-1	400-1
				C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 100 Outbnd, 280 Inbnd, 1800' within 10 miles
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 292-1.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.4 miles, climb to 2500' on SW crs of the Millinocket Radio Range within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Millinocket, Maine	Millinocket 408'	SBRAZ MLT	1, Amdt 4 18 Jun 1954	3 13 Jul 51

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 337 Outbnd, 157 Inbnd, 1600 within 10 mi (Not authorized beyond 10 mi due to traffic.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 144-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 miles, climb to 1500' (or higher altitude when directed by ATC) on SE crs within 20 Miles
NOTE: Night operations authorized on E-W and NW-SE runways only

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Millville, N J	Millville 87'	SBRAZ MIV	1, Amdt 5 1 Dec 1953	4 23 May 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
MKE VOR	MKE-LFR	125-21.3	2300	T-dn	300-1	300-1	200-½
Franksville FM (Final)	MKE-LFR	359-8.7	1400	C-dn	600-1	600-1	600-1½
Int MKE VOR 086R & N crs	MKE-LFR	173-13.0	2700	S-dn-1	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of S crs, 179 Outbnd, 359 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 356-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 miles, climb to 2700' on N crs MKE-LFR, or when directed by ATC, make left climbing turn, climb to 2500' on W crs MKE-LFR within 20 miles.
Major Changes: MKE VOR relocated. Transitions revised. New format on minimums & conversion to nautical miles. Kenosha and Genessee FM transitions deleted.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Milwaukee, Wisc	General Mitchell 698'	SBRAZ MKE	1, Amdt 9 9 May 1956	8 10 Jul 54

				T-dn	300-1	300-1	300-1
				C-dn	800-1	800-1	800-1½
				A-dn	900-2	900-2	900-2

Procedure turn E side SE crs, 126 Outbnd, 306 Inbnd, 2100 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 146-0.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn left, climb to 3100' on SE crs, Minchumina LFR within 20 miles
NOTE: This procedure not authorized for ADF approach
SHUTTLE on SE crs to 3100' within 20 miles
Major Changes: Delete departure procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Minchumina, Alaska	Minchumina 707'	BMRL MHM	1, Amdt 4 14 Apr 1956	3 15 Apr 54

Hastings FM (Final)	MSP-LFR	299-8.5	1700	T-dn	300-1	300-1	200-½
Hamel FM	MSP-LFR	119-21.0	2500	C-dn	500-1	500-1	500-1½
Minneapolis VOR	MSP-LFR	146-19.4	2500	S-dn-29L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side SE crs, 119 Outbnd, 299 Inbnd, 2200 within 10 miles
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 290-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 miles, climb to 2600' on NW crs MSP-LFR to Hamel FM or when directed by ATC, make left climbing turn to 2200' proceeding out SW crs MSP-LFR to Jordan FM or make left climbing turn to 2200' and return to MSP-LFR.
Major Changes: Changes missed approach procedure altitude from 2500' to 2600'.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Minneapolis, Minn	Minneapolis-St Paul International (Wold-Chamberlain Field) 840'	SBRAZ MSP	1, Amdt 9 7 Jan 56	8 19 Nov 55

MOT VOR	MOT-LFR	209-4.8	2900	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-30	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of SE crs, 122 Outbnd, 302 Inbnd, 2900' within 10 miles
Minimum Altitude over facility on final approach crs, 2400'
Crs and distance, facility to airport, 305-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 miles, climb to 3500' on NW crs within 20 miles of MOT LFR
NOTE: ADF approach not authorized

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Minot, N Dak	Port O'Minot 1723'	BMRLZ MOT	1, Amdt 5 17 Jul 1954	4 1 Aug 50

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Alberton FM	MSO-LFR (Final)	096-12.5	6200	T-dn	2500-2	2500-2	2500-2
				C-dn	3000-2	3000-2	3000-2
				A-dn	3000-2	3000-2	3000-2

Procedure turn N side on NW crs, 276 Outbnd, 096 Inbnd, 8300 within 10 miles (Non-standard due to terrain)
Minimum Altitude over facility on final approach crs, 6200'
Crs and distance, facility to airport, 121-1.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.3 miles, turn right and climb to 9000' on NW crs 276° Outbnd within 10 miles of MSO LFR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Missoula, Mont	Missoula County 3203'	SBMRAZ MSO	1, Amdt 4 16 Aug 1954	3 17 Feb 50

Moline VOR	MLI-LFR	Direct	2300	T-dn	300-1	300-1	200-½
				C-dn	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side of W crs, 265 Outbnd, 085 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 140-9.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles of MLI-LFR, climb to 2300' on E crs within 20 miles
CAUTION: Radio Tower 1068 MSL 6 miles NW of airport. Radio tower 1067' MSL 5 miles NE of airport. Radio tower 1310' MSL 7 miles NNE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Moline, Ill	Quad City 590'	SBRAZ MLI	1, Amdt 5 15 Apr 1954	4 1 Jun 53

Monroe VOR	MLU-LFR	047-1.7	1300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-4-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 205 Outbnd, 025 Inbnd, 1400 within 10 miles. Beyond 10 miles NA
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 025-2.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.6 miles, climb to 1400 on NE crs within 10 miles.
CAUTION: 850' TV antenna located 3.2 mi WNW of airport
AIR CARRIER NOTE: No reduction in take-off minimums authorized on runways 4,9,13,31 and 35.
Major Changes: Add transition from VOR. Raise procedure turn altitude and altitude over LFR on final. Lowers 4-engine night straight-in visibility minimum. Adds notes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Monroe, La	Selman Field 79'	SBMRLZ MLU	1, Amdt 4 29 Jan 1955	3 1 Feb 51

Montgomery VOR	MXF-LFR	332-10.5	1700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d-15	500-1	400-1	400-1
				*S-n	NA	NA	NA
				A-dn	800-2	800-2	800-2

*Night operation Runway 15-33 NA due lack of obstruction and runway lights.

Procedure turn W side N crs, 360 Outbnd, 180 Inbnd, 1700' within 10 miles
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 168-4.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.7 miles, climb to 1500' on SW crs within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Montgomery, Ala	Dannelly Field 219'	SBRAZ MXF	1, Amdt 8 13 Jan 1954	7 1 Aug 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Int SW crs Morgantown LFR & N Crs Elkins LFR	MGW-LFR	036-8.3	2600	T-dn	300-1		
				C-d	600-1		
				C-n	600-2		
				A-dn	800-2		

Procedure turn W side NW crs, 320 Outbnd, 140 Inbnd, 2600 within 10 miles
Minimum Altitude over facility on final approach crs, *2100'
Crs and distance, facility to airport, 173-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 miles, climb to 4000' on SW crs within 20 miles
*CAUTION: 2295' terrain 4 miles SE of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Morgantown, W Va	Morgantown 1256'	SBMRLZ MGW	1, Amdt 1 29 May 1954	Orig 10 Feb 49

Int E crs Otto LFR and SW crs Las Vegas LFR	OTO-LFR	254-21.5	8500	T-d	500-1		
				T-n	500-2		
				C-d	1000-1		
				C-n	1000-2		
				A-dn	1000-2		

Procedure turn E side S crs, 164 Outbnd, 344 Inbnd, 8000 within 10 miles
Minimum Altitude over facility on final approach crs, 7200'
Crs and distance, facility to airport, 074-0.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 9500' on E crs within 20 miles
NOTE: ADF procedure not authorized

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Moriarty, N Mex	Otto Airport 6226'	BMRLZ OTO	1, Amdt 3 19 Apr 1954	2 1 Aug 50

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side E crs, 069 Outbnd, 249 Inbnd, 1100 within 10 miles
Minimum Altitude over facility on final approach crs, see missed approach
Crs and distance, facility to airport, 057-2.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
5 miles E of range station following procedure turn, climb on crs of 196° to intercept S crs, thence climb to 3600' on S crs within 20 miles.
NOTE: Procedure not approved for ADF approach.
CAUTION: Terrain 1600' 3½ mi NW, and 800' 2½ mi W rising to 1200' 3 mi W of Moses Point LFR.
Major Changes: Procedure to conform with realignment of range crs. Deletes departure procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Moses Point, Alaska	Moses Point 14'	BMRLZ MOS	1, Amdt 4 5 Mar 1955	3 19 May 54

Muscle Shoals VOR	MSL-LFR	038-0.9	1700	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-29	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side SE crs, 131 Outbnd, 311 Inbnd, 1900' within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 282-3.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 miles, climb to 2000' on W crs within 20 miles.
CAUTION: Transmission line poles 654' MSL located 1.5 miles E of approach end of runway 29.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Muscle Shoals, Ala	Muscle Shoals 548'	SBRAZ MSL	1, Amdt 5 28 Jun 1954	4 20 Nov 51

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
MKG-VOR	MKG-LFR	102-0.7	1800	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 137 Outbnd, 317 Inbnd, 1900 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 317-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 miles, climb to 2000' on NW crs MKG LFR within 10 miles
Major Changes: Distances and altitudes revised. Minimums format. Missed approach revised to avoid restricted area.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Muskegon, Mich	Muskegon County 628'	SBMRLZ MKG	1, Amdt 7 26 Nov 1955	6 20 Dec 53

Lebanon Int	BNA-LFR	246-15.0	2000	T-dn	300-1	300-1	200-½
Mt. Juliet FM (Final)	BNA-LFR	246-8.3	1200	C-dn	400-1	500-1	500-1½
Walter Hill FM	BNA-LFR	309-17.0	1900	S-dn-23	400-1	400-1	400-1
Nashville VOR	BNA-LFR	339-4.1	1700	A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 066 Outbnd, 246 Inbnd, 1700 within 10 miles
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 249-2.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.2 miles, climb to 3000 on SW crs within 20 miles
AIR CARRIER NOTE: Take-off with less than 200-½ NA runway 15
Major Changes: Raises missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Nashville, Tenn	Berry Field 606'	SBRAZ BNA	1, Amdt 8 7 Jan 1956	7 14 May 55

Needles VOR	EED-LFR	273-6.5	4500	T-d	1000-2	1000-2	1000-2
				T-n	1000-3	1000-3	1000-3
				C-d	1000-2	1000-2	1000-2
				C-n	1000-3	1000-3	1000-3
				A-d	1000-2	1000-2	1000-2
				A-n	1000-3	1000-3	1000-3

Procedure turn W side N crs, 348 Outbnd, 168 Inbnd, 4000 within 10 miles
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 196-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn left (E) climb to 7000' on N crs within 20 miles of LFR
SHUTTLE: To 5000' on S crs within 20 miles
NOTE: ADF procedure not authorized
Major Changes: New Format.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Needles, Calif	Municipal 990'	BMRLZ EED	1, Amdt 4 12 Feb 1955	3 6 Aug 54

				*T-dn	300-1	300-1	300-1
				C-dn	700-1	700-1	700-1½
				A-dn	900-2	900-2	900-2

*500-1 required for take-off runway 30

Procedure turn W side SW crs, 216 Outbnd, 036 Inbnd, 1500' within 10 miles (Non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 303-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn right climb to 4800' on SW crs Nenana LFR within 20 miles
CAUTION: Terrain 1600' MSL 2.0 miles N of airport
NOTE: This procedure not authorized for ADF approach
Major Changes: Departure procedure deleted. Lower final approach altitude over facility.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Nenana, Alaska	Nenana 360'	BMRLZ ENN	1, Amdt 6 7 Apr 1956	5 26 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-d	300-1	300-1	300-1
				C-d	800-1½	800-1½	800-1½
				A-d	1000-2	1000-2	1000-2

Procedure turn S side SW crs, 231 Outbnd, 051 Inbnd, 1500' within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 080-9.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 9.0 miles, make climbing right turn to 1500' and return to Bridgeport LFR
NOTE: ADF approach not authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New Haven, Conn	Municipal 15'	MRLWZ BDR	1, Orig 23 Jun 1956	None

Bayou St. John FM (Final)	MSY-LFR	253-6.4	900	T-dn	300-1	300-1	200-½
New Orleans VOR	MSY-LFR	060-4.8	1400	C-dn	500-1	500-1	500-1½
Madisonville FM	MSY-LFR	173-2.8	1400	S-dn-28	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring approved from any point in terminal area to LFR at transition altitude of 1500'. Radar control must provide 3 mi lateral or 1000 vertical separation from 623 and 978 radio towers located 9 mi SE and 13 mi ESE of MSY LFR.

Procedure turn N side E crs, 073 Outbnd, 253 Inbnd, 1400 within 10 miles
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 267-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 miles, climb to 1400' on W crs within 20 miles, or when directed by ATC, turn left, climb to 1400' on S crs within 20 miles.
CAUTION: 409' WWL Radio Antenna located 2.7 miles N of airport. 449' electric transmission towers located 3.9 miles S of LFR or 5.0 miles SE of airport.
Major Changes: Adds striaght-in approach from Bayou St. John FM

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New Orleans, La	Moisant International 3'	SBRAZ MSY	1, Amdt 6 30 Aug 1954	5 17 Oct 51

Madisonville FM	MSY-LFR	173-28	1400	T-dn	300-1	300-1	200-½
New Orleans VOR	MSY-LFR	060-4.8	1400	C-dn	400-1	500-1	500-1½
Int 360 bearing to La Place MHW & W crs MSY LFR	LOM (Final)	092-7.6	900	S-dn-10	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring approved from any point in terminal area to LFR at transition altitude of 1500'. Radar control must provide 3 mi lateral or 1000' vertical separation from 623' and 978' radio towers located 9 mi SE and 13 mi ESE of MSY LFR.

Procedure turn S side of W crs, 272 Outbnd, 092 Inbnd, 1400 within 10 of LOM. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 900' over LOM
Crs and distance, facility to airport 092-3.4 from LOM
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.4 miles of LOM, climb to 1400' on E crs within 20 miles, or when directed by ATC, turn right, climb to 1400' on S crs within 20 miles.
CAUTION: 409' WWL Radio Antenna located 2.7 miles N of airport. 449' electric transmission towers 3.9 mi S of LFR or 5.0 miles SE of airport.
Major Changes: Substitutes La Place MHW for FM lower final approach altitudes. Adds caution notes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New Orleans, La	Moisant International 3'	SBRAZ MSY	2, Amdt 6 10 Sep 1954	5 1 Feb 52

				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 102 Outbnd, 282 Inbnd, 1500 within 13 miles. NA beyond 13 miles.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 311-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 miles, climb to 1500' on W crs Langley LFR or when directed by ATC, make a right climbing turn and proceed to Yorktown MHW on crs of 024°.
CAUTION: This instrument approach procedure is authorized only when ceilings are lower than 3000' and-or visibility is less than 2 miles.
Major Changes: Alternate missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Newport News, Va	Patrick Henry 41'	SBMRAPZ LFI	1, Amdt 2 1 Sep 1955	1 15 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Scotland MHW	IDL-LFR (Final)	042-10.4	700'	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SW crs, 222 Outbnd, 042 Inbnd, 1200 within 10 miles
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 040-2.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.5 miles, climb to at least 500' on NE crs, make a climbing right turn to 130° intersecting SW crs of the Mitchel LFR and proceed to the Long Beach Int. Contact IDL Approach Control for further instructions.
CAUTION: Circling and straight-in landing minimums do not provide standard obstruction clearance over airport control tower and stack 278' 1.7 mi SSE of runway 1R.
Major Changes: Missed approach revised. Procedure turn distance limited to 10 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New York, N Y	International 12'	SMRA IDL	1, Amdt 7 8 Dec 1956	6 1 Feb 54

Glen Cove Int	Elmont FM (Final)	218-9	1000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn *E side NE crs, 038 Outbnd, 218 Inbnd, 1500 within 10 miles of Elmont FM
*Procedure turn conducted E to avoid LaGuardia traffic.
Minimum Altitude over facility on final approach crs, Elmont FM 1000'
Crs and distance, facility to airport, 218-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 miles after passing Elmont FM climb to 1500' on SW crs IDL LFR and proceed to Scotland Rbn.
Contact Idlewild Approach Control for further instructions.
CAUTION: Circling & striaght-in landing minimums do not provide standard obstruction clearance over airport control tower and stack 278 1.7 miles SSE of Runway 1R.
Major Changes: Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New York, N Y	International 12'	SMRA IDL	2, Amdt 1 8 Dec 1956	Orig 1 Feb 54

Port Chester FM	LGA-LFR (Final)	223-13.9	*1000	T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-22	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

*Descent to landing minimums authorized only after passing LaGuardia LFR.

Procedure turn N side NE crs, 043 Outbnd, 223 Inbnd, 1500' within 10 miles
Minimum Altitude over facility on final approach crs, *1000 (*800 authorized after NewRochelle MHW)
Crs and distance, facility to airport, 223-2.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.8 miles, after passing LaGuardia LFR, climb to 1500 on SW crs of LaGuardia LFR or (when directed by ATC) (2) climb to a higher altitude or (3) make a climbing left turn to 1500 return to New Rochelle MHW, or (4) if unable to proceed from New Rochelle MHW with 3 miles visibility and clear of all clouds, make a climbing right turn to 1500 and return to New Rochelle holding pattern.
CAUTION: Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area.
Major Changes: Alternate missed approaches added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New York, N Y	LaGuardia 20'	SBRAZ LGA	1, Amdt 5 16 Jun 1956	4 22 Oct 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Flatbush FM	LOM (Final)	043-6.3	*1200	T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-4	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 223 Outbnd, 043 Inbnd, 1500' S of FBH MHW but within 10 miles of LOM
Minimum Altitude over facility on final approach crs, *1200 (over LGA OM)
Crs and distance, facility to airport, 043-3.9 (from LGA OM)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 miles of LGA OM, climb to 1500' on NE crs LGA LFR or (when directed by ATC) (2) climb to a higher altitude or (3) make a climbing right turn to 1500 and return to Flatbush FM.
* Descent to landing minimums authorized after passing LGA OM.
CAUTION: Standard obstruction clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area.
Major Changes: Alternate missed approaches added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New York, N Y	LaGuardia 20'	SBRAZ LGA	2, Amdt 5 16 Jun 1956	4 22 Oct 53

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-ry27-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn, non-standard, S side E crs 069 Outbnd, 249 Inbnd, 2100 within 10 miles
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 264-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 miles, climb to 3500' on W crs Nome LFR, holding Twilight "A" within 20 miles
CAUTION: Hold twilight "N" from procedure turn inbnd to station. Terrain 925' to 1447' 4 mi N of final approach crs. Straight-in landing minimums established on condition that final approach to airport be made holding twilight "A" from range station until reaching authorized landing minimums. High intensity approach lights must be in operation during approach and landing under straight-in minimums. Towers 190' MSL 1500' SE of E end of runway 27. 150' terrain 1 3-4 to 2 miles N of final approach crs NW thru N from range station. Towers 400' MSL 2100' WNW of range station.
Major Changes: Correct to nautical miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Nome, Alaska	Nome Airport 37'	SBRAZ OME	1, Amdt 4 26 Apr 1956	3 21 Apr 56

Deep Check FM	ORF-LFR (Final)	045-8.2	900	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 225 Outbnd, 045 Inbnd, 1400 within 10 miles
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 045-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 miles, make climbing right turn to 1400' on SW crs within 20 miles, or when directed by ATC, climb to 1500' on NE crs; proceed to Cape Charles Int.
CAUTION: Straight-in landing minimums do not provide standard clearance over 380' tower 1.7 mi SE of LFR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Norfolk, Va	Norfolk 26'	SBMRLZ ORF	1, Amdt 4 11 Jun 1954	3 1 Feb 53

North Platte VOR	LBF-LFR	029-3.5	4200	T-dn	#300-1	#300-1	*200-½
				C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

AIR CARRIER NOTES: *300-1 required for take-off on Runways 26 and 30. #No reduction in 2-engine or less aircraft take-off minimums authorized on Runways 26 and 30.

Procedure turn E side S crs, 167 Outbnd, 347 Inbnd, 4200 within 10 miles
Minimum Altitude over facility on final approach crs, 3700'
Crs and distance, facility to airport, 352-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 miles, climb to 4500' on N crs within 20 miles
CAUTION: 2983' MSL tower 1.7 miles NW of airport, and 3270' MSL tower 3.9 miles NW of airport.
Major Changes: Limits procedure turn to 10 miles. Adds transition from VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
North Platte Neb	Lee Bird Field 2779'	SBRAZ LBF	1, Amdt 6 15 Dec 1956	5 14 Oct 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side NW crs, 277 Outbnd, 097 Inbnd, 2700' within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 2300'
Crs and distance, facility to airport, 097-1.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 6400' on SE crs Northway LFR within 20 miles
CAUTION: Radio towers 2010' MSL between range station and airport
SHUTTLE: 4200' on S side of NW crs within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Northway, Alaska	Northway 1716'	SBRAZ ORT	1, Amdt 6 14 Jan 1956	5	24 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Baypoint FM	OAK-LFR	Direct	3000	T-dn	300-1	300-1	**200-½
Evergreen FM-H	OAK-LFR	Direct	3500	C-dn	500-1	600-1	600-1½
*Freemont FM-H	OAK-LFR	Direct	1500	S-dn-27L-R	500-1	500-1	500-1
Mt. Eden Int (Int of SE crs OAK LFR and Bearing 047° to Hayward RBN.)	OAK-LFR (Final)	Direct	500-	A-dn	800-2	800-2	800-2

*Minimum Altitude day or night IFR or on top, for leaving Freemont FM-H inbnd on final is 3500'
**300-1 required for take-off runway 33.

Procedure turn #S side SE crs, 124 Outbnd, 304 Inbnd, 1500 within 7 miles (Beyond 7 miles not authorized)
Procedure turn South for more favorable terrain. Maneuvering limited to 4.34 mi on S side of SE crs due to traffic confliction.
Minimum Altitude over facility on final approach crs, 500'
Crs and distance, facility to airport, on airport (NW corner)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 2000' on NW crs of OAK LFR within 13.5 miles (Richmond Int). All maneuvering W of crs. Missed or aborted approach must not cross OAK LFR above 1500'.
CAUTION: High terrain (Mt. Diablo 3925' MSL) 6 miles SE of NE crs 15 miles from OAK LFR. Also high terrain paralleling SE crs on NE side. Std obstruction clearance not provided on final or missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Oakland, Calif	Met Oakland Int 5'	SBRAZ OAK	1, Amdt 5 5 Feb 1955	4	1 Dec 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Corinne FM-HW	OGD-LFR	152-19.9	10000	T-dn	400-1	400-1	
Layton FM	OGD-LFR (Final)	332-10.0	5300	C-d	800-2	800-2	
Ogden VOR	OGD-LFR	061-0.9	11000	C-n	800-3	800-3	
Huntsville FM	OGD-LFR	244-16.5	11000	A-d	800-2	800-2	
				A-n	800-3	800-3	

Procedure turn W side S crs, 152 Outbnd, 332 Inbnd, 7500 within 10 miles
Minimum Altitude over facility on final approach crs, 5300'
Crs and distance, facility to airport, 106-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 9000' on W crs Ogden LFR within 20 miles
SHUTTLE: To 10,000' on N crs within 20 miles. All turns W of crs
AIR CARRIER NOTE: Sliding scales NA except that landings are authorized down to 1 mile visibility, provided ceiling is unlimited and top of visibility restriction is below 7500' MSL.
Major Changes: Add transition altitude from Huntsville FM

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Ogden, Utah	Municipal 4455'	SBRAZ OGD	1, Amdt 4 12 Nov 1955	3	12 Feb 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Mustang FM	OKC-LFR (Final)	075-7.0	2000	T-dn*	300-1	300-1	200-½
Bethany Int	OKC-LFR	180-6.7	2500	C-dn	400-1	500-1	500-1½
Oklahoma City VOR	OKC-LFR	102-6.9	2500	A-dn	800-2	800-2	800-2

*300-1 required for take-off runways 8-26
Radar transition altitudes within 20 mi of Will Rogers Field - 0-90 3800; 90-180 2700; 180-360 2800.

Procedure turn S side crs, 255 Outbnd, 075 Inbnd, 2500 within 10 miles
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 078-1.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.4 miles, climb to 2700 on E crs of OKC LFR within 20 miles
Major Changes: Revise altitudes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Oklahoma City, Oklahoma	Will Rogers 1283'	SBRAZ OKC	1, Amdt 7 28 Jul 1956	6	24 Sep 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
California FM	OMA-LFR (Final)	Direct	1900	T-dn	300-1	300-1	200-½##
				C-d	500-1½	500-1½	500-1½
				C-n	500-1½	500-2	500-2
				S-d	400-1	400-1	400-1
				S-n-14L	400-1½	400-1½	400-1½
				A-dn	800-2	800-2	800-2

NOTE: After take-off, climb to 2000' MSL prior to proceeding in westerly direction.
##300-1 take-off minimums required except on Runways 14L, 32R, 17L and 35R
AIR CARRIER NOTE: Reduction in take-off minimums authorized on Runways 14L, 32R, 17L, and 35R only.

Procedure turn W side N crs, 334 Outbnd, 134 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 139-4.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.4 miles, climb to 2700' on SE crs within 20 miles, (2) climb to 2500' on SE crs, proceed to E crs OMA-LFR at 2600' within 20 miles, (3) climb to 2500' on SE crs and intercept ADF track 090° Outbnd from OMA-LFR within 20 miles.
CAUTION: Bluff 1339' MSL 1.3 miles E of airport. TV Towers 1739' MSL 4.6 miles WNW and 1705' MSL 2.6 miles SW, stack 1132' MSL 0.7 mile SSE of LOM.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Omaha, Nebr	Omaha 982'	SBRAZ OMA	1, Amdt 11 15 Dec 1956	10	1 Jul 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Oviedo FM	ORL-LFR (Final)	220-8.3	700	T-dn	300-1	300-1	200-½
Orlando VOR	ORL-LFR	037-3.5	1500	C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side NE crs, 040 Outbnd, 220 Inbnd, 1200 within 10 miles
Minimum Altitude over facility on final approach crs, 700'
Crs and distances, facility to airport 220-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 miles, climb to 1500' on SW crs within 20 miles -

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Orlando, Fla	Orlando 115'	SBMRLZ ORL	1, Amdt 10 4 Jun 1955	9	11 Feb 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Palacios VOR	PSX-LFR	127-1.7	1300	T-d	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				S-d-13	400-1	500-1	500-1½
				A-d	800-2	800-2	800-2

Procedure turn W side NW crs, 298 Outbnd, 118 Inbnd, 1300 within 10 miles. Beyond 10 miles not authorized.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport 111-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.6 miles, climb to 1200' on SE crs within 13 miles.
NOTE: This procedure not approved for ADF approach
AIR CARRIER NOTE: Night operations not authorized

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Palacios, Texas	Municipal 13'	BMRLZ PSX	1, Amdt 2 15 Jan 1954	1	28 Mar 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1		
				C-dn	600-1½		
				A-dn	800-2		

Procedure turn E side S crs, 165 Outbnd, 345 Inbnd, 1900 within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 357-1.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.4 mi, climb to 2000' on N crs within 20 mi.
NOTE: Airport suitable for aircraft of 65 K or less, two engine or less only

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Pembina, N Dak	Intermediate 792'	SBMRAZ PMB	1, Amdt 2 29 Dec 1956	1	17 Mar 50

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Pendleton VOR	PDT-LFR	073-6.3	4000	T-dn	300-1	300-1	200-½
Cabbage Hill FM	PDT-LFR	302-10.5	4800	C-dn	500-1	500-1	500-1½
Athena Int	PDT-LFR (Final)	237-11.6	2400	#S-dn-Ry25	400-1	400-1	400-1
Pendleton LOM	PDT-LFR (Final)	237-2.5	*2000	A-dn	800-2	800-2	800-2

#Straight-in landing minimums applicable only if Pendleton LOM received.

Procedure turn N side of E crs, 056 Outbnd, 236 Inbnd, 3000 within 10 miles. (Non-standard due to terrain)
Minimum Altitude over facility on final approach crs, *2400'
*Descent to 2000' authorized on final after passing Pendleton LOM; if Pendleton LOM not identified, maintain 2400' until reaching Pendleton LFR.
Crs and distance, facility to airport, 259-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.6 miles, climb to 4000' on W crs Pendleton LFR within 20 miles
Major Changes: New Format

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pendleton, Oreg	Pendleton 1493'	SBRAZ PDT	1, Amdt 8 22 Jan 1955	7 23 Dec 53

Pensacola VOR	PNS-LFR	100-8.4	1700	T-dn	300-1	300-1	200-½
Gonzalez LF Int	PNS-LFR	161-9.7	1200	C-dn	400-1	500-1	500-1½
Millview LF Int	PNS-LFR	078-11.5	1700	S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 161 Outbnd, 341 Inbnd, 1200 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 343-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 mi, turn right, climb to 1200' on S crs within 10 mi.
CAUTION: Danger area beyond 10 miles
Major Changes: Revise transitions. Revise crs due variation. Convert to nautical miles. Change airport name from Hagler to Municipal.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pensacola, Fla	Municipal 121'	SBRAZ PNS	1, Amdt 9 21 Jul 1956	8 8 Jul 54

Peoria VOR	PIA-LFR	071-5.2	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 002 Outbnd, 182 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport 179-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 miles, climb to 2300' on S crs within 20 miles
Major Changes: Missed approach altitude raised account 1267' tower. Procedure turn distance reduced to 10 miles. Transition from Peoria VOR added. Missed approach distance limited.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Peoria, Ill	Greater Peoria 659'	SBMRAZ PIA	1, Amdt 4 16 Jun 1956	3 20 Jun 54

				T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				S-d	400-1	400-1	400-1
				S-n-24	400-1½	400-1½	400-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 058 Outbnd, 238 Inbnd, 1500 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 238-2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.4 mi, make a climbing right turn to 1500' within 10 mi on NE crs.
NOTE: ADF procedure not authorized

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Philadelphia, Pa	North Philadelphia 120'	MLWZ PNE	1, Amdt 6 15 May 1954	5 1 Feb 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Boothwyn FM	PHL-LFR (Final)	080-8	900	T-dn	300-1	300-1	200-½
Radar Terminal Area	Transition Altitudes:			C-dn	400-1	500-1	500-1½
N Quadrant of Philadelphia LFR	Radar Site within 20 mi	within	2300	S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
N Quadrant of Philadelphia LFR.	Radar Site within 10 mi	within	1800				
NW Quadrant of Philadelphia LFR	Radar Site within 20 mi	within	2000				
NW Quadrant of Philadelphia LFR	Radar Site within 10 mi	within	1500				
SW and SE Quadrants	Radar Site within 20 mi	within	1500				

Procedure turn S side W crs, 260 Outbnd, 080 Inbnd, 1800 within 10 miles
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 099-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 2500' on NE crs to Mt. Holly Int or when requested by ATC, make a right climbing turn, proceed to Elmer Int at 1500'.
CAUTION: Standard clearance not provided over obstruction one mile SE of range station. Rate of descent exceeds standard for straight-in approach.
Major Changes: Revises procedure turn altitude and missed approach procedures.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Philadelphia, Pa	Phila International 10'	SBMRAZ PHL	1, Amdt 6 2 Apr 1955	5 26 Feb 53

Philipsburg VOR	PSB-LFR			T-dn	500-1	500-1	
				C-d	600-1	700-1	
				C-n	600-2	700-2	
				A-dn	1000-2	1000-2	

Procedure turn W side NW crs, 343 Outbnd, 163 Inbnd, 3500 within 10 miles
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 169-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles, climb to 4500' on S crs within 20 miles
CAUTION: 2300' MSL unlighted hills 2.0 miles to S and SE of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Philipsburg, Pa	Philipsburg 1933'	SBRAZ PSB	1, Amdt 3 30 Nov 1953	2 1 Aug 51

Perryville FM	PHX-LFR	081-26	2600	T-dn	300-1	300-1	200-½
Phoenix VOR	PHX-LFR	261-4.5	2600	C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side E crs, 081 Outbnd, 261 Inbnd, 2600 within 10 miles. 4100' within 20 miles. Beyond 20 miles NA.
Minimum Altitude over facility on final approach crs, 2100'
Crs and distance, facility to airport, 264-1.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.5 miles, climb to 5000' on W crs within 20 miles of LFR
SHUTTLE: To 5000' on W or E crs within 20 miles
CAUTION: Hills and tower 2830' 5 miles S of airport
Major Changes: Convert to nautical miles. Missed approach and shuttle distances to 20 miles. Circling visibility for 2-engine aircraft to 1 mile.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Phoenix, Ariz	Sky Harbor 1124'	SBMRAZ PHX	1, Amdt 8 29 Dec 1956	7 24 Mar 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
PIR VOR	PIR-LFR	236-2.2	3000	*T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-2
				S-d-25	400-1	500-1	500-1½
				S-n-25	400-1½	500-1½	500-2
				A-dn	800-2	800-2	800-2

*Take-off to NW restricted to 400-1

Procedure turn S side E crs, 083 Outbnd, 263 Inbnd, 3000 within 10 miles
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 268-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 miles, turn left, climb to 3500' on W crs within 20 miles
Major Changes: Mileages converted to nautical. Procedure turn distance revised (criteria). Straight-in runway number added. Missed approach distance revised to 20 miles. Preface page restriction deleted.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pierre, S Dak	Pierre 1742'	SBRAZ PIR	1, Amdt 8 16 Jun 1956	7 17 Jul 54

Int SW crs Pittsburgh LFR & NW crs Morgantown LFR	PIT-LFR	044-25	2700	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of SW crs, 224 Outbnd, 044 Inbnd, 2500 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 085-2.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 miles, climb 3000' on SE crs within 10 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pittsburgh, Pa	Allegheny County 1252'	SBRAZ PIT	1, Amdt 7 1 Feb 1954	6 8 Dec 53

PIH - VOR	PIH-LFR	Direct	6500	T-dn	300-1	300-1	200-½
PIH - LOM	PIH-LFR	Direct	6500	C-d	500-1	600-1	600-1½
				C-n	500-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn N side W crs, 236 Outbnd, 056 Inbnd, 6500 within 10 miles. (Nonstd due to terrain).
Minimum Altitude over facility on final approach crs, *4900
*Position must be maintained N of W crs when descending below 5200'. Standard clearance over obstructions not provided.
Crs and distance, facility to airport, 326-0.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles execute climbing left turn, climb to 6500' on W crs within 20 miles of PIH-LFR
CAUTION: High terrain located S of final approach crs and 4675' terrain located 2½ miles SW of PIH -LFR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pocatello, Idaho	Phillips Field 4448'	BMRLZ PIH	1, Amdt 3 17 Sep 1955	2 29 Jan 54

				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				*S-dn-15	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

*Deviation from criteria. Rate of descent for exceeds standard.

Procedure turn W side NW crs, 329 Outbnd, 149 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 149-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 miles, climb to 1500' on SE crs within 10 miles
NOTE: ADF procedure not authorized

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Portland, Maine	Portland 60'	BMRLZ PWM	1, Amdt 3 11 Jun 1954	2 17 Feb 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Woodland FM	PDX-LFR	152-19.5	3000	T-dn	300-1	300-1	*200-½
Lacenter FM	PDX-LFR (Final)	152-10.4	1500	C-d	600-1	600-1	600-1½
Stevenson FM	PDX-LFR	244-28.0	6000	C-n	600-1	700-1	700-1½
Washougal FM	PDX-LFR	244-14.9	4000	A-dn	800-2	800-2	800-2
Camas Int	PDX-LFR	244-7.1	2000				
Portland VOR	PDX-LFR	162-6.3	2000				
Sauvies RBN	PDX-LFR	079-9.0	2000				
Hillsboro INT	PDX-LFR	061-10.4	2000				

*300-1 required on runways 7-25, 11, 2-20

Procedure turn W side N crs 332 Outbnd, 152 Inbnd, 2000 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 160-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 miles, climb to 3000' on S crs, climbing to 2300' within 10 miles of PDX-LFR
NOTE: All fixes within 20 miles of GCA station may be determined by surveillance radar.
Major Changes: Add Portland VOR. Add Sauvies RBN. Add Camas Int. Add Radar note. Remove unnecessary alternate runway note. Modify missed approach. Minor crs and distance corrections. Add Hillsboro Int.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Portland, Oreg	Portland International 23'	SBRAZ PDX	1, Amdt 7 23 Jul 1955	6 31 Dec 53

West Point Int	POU-LFR (Final)	028-6.4	2100	T-dn	300-1		
				C-dn	600-1½		
				A-dn	800-2		

Procedure turn E side S crs*, 208 Outbnd, 028 Inbnd, 2600 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 2100'
Crs and distance, facility to airport, 002-4.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.7 miles, climb to 3000' on N crs within 20 miles
*Shuttle to 3000' on N crs within 20 miles
AIR CARRIER NOTE: Use of airport restricted to 65 K or less, 2-engine or less aircraft
Major Changes: Deletes note restricting air carrier night operations

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Poughkeepsie, N Y	Dutchess County 166'	SBRAZ POU	1, Amdt 7 6 Aug 1955	6 16 Jul 55

Prescott VOR	PRC-LFR	Direct	7000	T-dn	800-2	800-2	800-2
				C-dn	1000-2	1000-2	1500-2
				A-dn	1000-2	1000-2	1500-2

Procedure turn E side NW crs, 322 Outbnd, 142 Inbnd, 7000 within 10 miles
Minimum Altitude over facility on final approach crs, 6500'
Crs and distance, facility to airport, 139-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2 miles, turn left, climb to 8000' on NW crs within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Prescott, Ariz	Municipal 5042'	SBRAZ PRC	1, Amdt 4 12 Jan 57	3 4 Jun 56

Wyoming FM	PVD-LFR (Final)	047-10	*1000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-5L&5R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

CAUTION: *Item 4 does not provide standard clearance over 605' tower 3 miles NW of Wyoming FM.

Procedure turn W side SW crs, 227 Outbnd, 047 Inbnd, 1600 within 10 miles. NA beyond 10 miles.
#Procedure turn W to avoid Quonset Point traffic. Straight-in minimums do not provide standard clearance over terrain 1 3-4 miles NW of range station.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, Runway 5L 047-2.7, runway 5R 053-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 miles, climb to 1000' on crs 047, then make a climbing right turn and return to Providence LFR at 1700'. Alternate missed approach (when directed by ATC) climb to 2700' on SW crs Squantum LFR.
Major Changes: Deviations from criteria added. ADF procedure not authorized. Straight-in to Runway 5R added. Procedure turn limited to 10 miles. Night visibility minimum revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Providence, R I	Green Airport 56'	SBMRLZ PVD	1, Amdt 4 6 Aug 1955	3 8 Nov 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Pub VOR	PUB-LFR	Direct	6600	T-dn	300-1	300-1	*200-½
St Charles FM	PUB-LFR (Final)	Direct	5800	C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

*300-1 required on Runways 26 and 35.

Procedure turn E side of South crs, 149 Outbnd, 329 Inbnd, 6600' within 10 mi. 7500' within 20 mi.
Minimum Altitude over facility on final approach crs, 5800'
Crs and distance, facility to airport, 042-7.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.6 miles, turn right and climb to 6000' on E crs within 20 miles of PUB LFR
NOTE: Alternate missed approach when directed by ATC: turn left and climb to 8000' on N crs within 20 miles of PUB LFR.

City and State: Pueblo, Colo | Airport Name & Elev.: Pueblo Memorial 4725' | Fac. Class & Ident.: SBRAZ PUB | Procedure No. & Eff. Date: 1, Amdt 1 3 Dec 1955 | Sup. Amdt. No. Dated: Orig

				T-d	1000-2		
				C-d	1500-2		
				A-d	2000-2		

Procedure turn N side E crs, 073 Outbnd, 253 Inbnd, 5000 within 10 miles
Minimum Altitude over facility on final approach crs, 3700'
Crs and distance, facility to airport, 248-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 miles, climb to 7000' on SW crs within 20 miles
NOTE: Night operations not authorized. Air carrier use not authorized.

City and State: Pulaski, Va | Airport Name & Elev.: Loving 2200' | Fac. Class & Ident.: SBMRAZ PSK | Procedure No. & Eff. Date: 1, Amdt 1 29 Dec 56 | Sup. Amdt. No. Dated: Form 1725 5 April 48

Raleigh BVOR	RDU-LFR	343-6.9	2000	T-dn	300-1	300-1	200-½
Knightdale FM	RDU-LFR (Final)	299-9.6	1200	C-dn	400-1	500-1	500-1½
				S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side SE crs, 119 Outbnd, 299 Inbnd, 1900 within 10 miles
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 296-3.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 miles, climb to 2000' on NW crs within 25 miles, or when directed by ATC, climb to 1800' on NE crs within 20 miles.
Major Changes: Lower final approach altitude. Reduce procedure turn distance. Indicate new format for ceiling and visibility minimums.

City and State: Raleigh, N C | Airport Name & Elev.: Raleigh-Durham 435' | Fac. Class & Ident.: SBRAZ RDU | Procedure No. & Eff. Date: 1, Amdt 8 26 Nov 1955 | Sup. Amdt. No. Dated: 7 24 Mar 54

RAP-VOR	RAP-LFR	310-5.8	4500	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 075 Outbnd, 255 Inbnd, 4400 within 10 miles. (Procedure turn non-standard to avoid Air Force jet traffic.)
Minimum Altitude over facility on final approach crs, 3900'
Crs and distance, facility to airport, *104-1.6
*Airport located between point of completion of procedure turn and RAP-LFR
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, make left climbing turn, climb to 4500' on S crs within 20 miles.
CAUTION: Rising terrain to 3447' MSL 3 miles N of airport
NOTE: Aircraft larger than 2-engine or less, 65 K or less restricted to NW-SE runway.
Major Changes: VOR relocated. Limits distance procedure turn. Revises missed approach

City and State: Rapid City,S Dak | Airport Name & Elev.: Rapid City 3172' | Fac. Class & Ident.: SBRAZ RAP | Procedure No. & Eff. Date: 1, Amdt 8 23 Jun 1956 | Sup. Amdt. No. Dated: 7 17 Dec 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
RAP LFR	RAP-LFR	*Int 075-4.8	4400	T-dn	300-1	300-1	200-½
				#C-dn	600-1	600-1	600-1½
RAP VOR	RAP-LFR	*Int 001-5.0	4400	A-dn	800-2	800-2	800-2

Procedure turn S side E crs, 075 Outbnd, 255 Inbnd, 4400 within 10 miles of RAP LFR
Crs and distance, facility to airport, *Int to airport 241-3.3
Minimum Altitude over facility on final approach crs, minimum Altitude over *Int 4400'
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.3 miles, make climbing left turn, climb to 4500' on S crs LFR within 20 miles
CAUTION: Rising terrain to 3447' MSL 3 miles N of airport
NOTE: Procedure authorized only to those aircraft equipped to receive *Int. Aircraft larger than 2-engine or less, 65 K or less restricted to NW-SE runway.
*Int E crs RAP-LFR & R-001 RAP-VOR
#if *Int not received minimums of 700' apply.

City and State: Rapid City,S Dak | Airport Name & Elev.: Rapid City 3172' | Fac. Class & Ident.: SBRAZ RAP | Procedure No. & Eff. Date: 2. Orig 3 Nov 1956 | Sup. Amdt. No. Dated: None

				T-d	500-1		
				*T-n	1500-3		
				C-d	1500-3		
				C-n	2000-5		
				A-d	1500-3		
				A-n	2000-5		
					BCOB		

*Night take-off authorized on Runway 22 only.

Procedure turn N side of E crs, 8600' within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 8300'
Crs and distance, facility to airport, 257-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 10,000' on W crs SIR LFR within 20 miles
RESTRICTIONS: Night operation authorized only when obstruction lights on hills NE of airport are operating.
NOTE: High unlighted terrain surrounding airport.

City and State: Rawlins,Wyo | Airport Name & Elev.: Municipal 6784' | Fac. Class & Ident.: SBRAZ SIR | Procedure No. & Eff. Date: 1, Amdt 6 26 May 1956 | Sup. Amdt. No. Dated: 5 1 Aug 52

				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-33	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn, E side S crs, 158 Outbnd, 338 Inbnd, 2000' within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 325-2.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.2 miles, turn right, climb to 2000' on S crs within 20 miles

City and State: Red Bluff,Calif | Airport Name & Elev.: Bidwell Field 354' | Fac. Class & Ident.: SBRAZ RBL | Procedure No. & Eff. Date: 1, Amdt 5 31 Dec 1953 | Sup. Amdt. No. Dated: 4 1 Aug 52

RDM - VOR	RDM-LFR	287-4.1	6000	T-dr	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-1½	700-1½	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side NW crs, 282 Outbnd, 102 Inbnd, 6000 within 10 miles. NA beyond 10 miles. (Procedure turn N for more favorable terrain)
Minimum Altitude over facility on final approach crs, 4600'
Crs and distance, facility to airport, 102-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 miles, turn right and climb to 7000' on S crs of RDM - LFR within 13 miles.
SHUTTLE: To 7000' on SE crs within 10 miles of RDM - LFR
Major Changes: Add RDM-VOR. Limit procedure turn to 10 miles. Change Shuttle to SE crs.

City and State: Redmond, Oreg | Airport Name & Elev.: Roberts Field 3077' | Fac. Class & Ident.: SBRAZ RDM | Procedure No. & Eff. Date: 1, Amdt 5 29 Oct 1955 | Sup. Amdt. No. Dated: 4 12 Jul 50

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Wadsworth FM	RNO-LFR	229-23.0	9000	T-dn	1000-2	1000-2	1000-2
Reno VOR	RNO-LFR	264-5.4	9000	C-dn	2000-3	2000-3	2000-3
Int W crs RNO LFR & 353 brng to Stead AFB "H" (Faro Int)	RNO-LFR	049-7.0	9000	A-dn	2500-3	2500-3	2500-3

Procedure turn E side N crs, 342 Outbnd, 162 Inbnd, 9000 within 10 miles. NA beyond 10 miles. (Procedure turn E for more favorable terrain.)
Minimum Altitude over facility on final approach crs, 6800'
Crs and distance, facility to airport, 162-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.3 miles, make immediate right turn and climb to 9000' on N crs within 15 miles
SHUTTLE: N crs to 10,000' within 20 miles
Major Changes: Change airport name. Provide additional transition. Reduce procedure turn altitude and distance. Change direction of turn in missed approach. Revise altitude over facility. Reduce ceiling and visibility minimums due to additional fixes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Reno, Nev	Municipal 4404'	SBRA2 RNO	1, Amdt 4 30 Jul 1955	3 15 Feb 54

Wadsworth FM	RNO-LFR	229-23.0	9000	T-dn	1000-2	1000-2	1000-2
Reno VOR	RNO-LFR	264-5.4	9000	C-dn	1500-3	1500-3	1500-3
Faro Int (W crs RNO LFR & 353 brng to Stead AFB "H"	RNO-LFR	049-7.0	9000	A-dn	2000-3	2000-3	2000-3
Bingo Int	RNO-LFR	162-10.3	6800				

Procedure turn E side N crs, 342 Outbnd, 162 Inbnd, 9000 within 10 miles. NA beyond 10 miles. (Procedure turn E for more favorable terrain.)
Crs and distance, facility to airport, 162-2.3
Minimum Altitude over facility on final approach crs, *6800'
*After passing Black Jack Int on final descent to cross RNO LFR at 6000' authorized.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.3 miles, make immediate right turn and climb to 9000' on N crs within 15 miles
SHUTTLE: N crs to 10,000' within 20 miles or in the Bingo Holding Pattern to 9500'
Major Changes: Designate Int. Revises note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Reno, Nev	Municipal 4411'	SBRAZ RNO	2, Amdt 1 24 Mar 1956	Orig 30 Jul 55

Chester FM	RIC-LFR (Final)	038-8	700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-2	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side SW crs, 218 Outbnd, 038 Inbnd, 1500 within 10 miles. (Non-standard to avoid obstruction)
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 018-1.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . within 1.7 miles, climb to 1500' on N crs Richmond LFR within 10 miles
Major Changes: Direction of procedure turn revised. Deviation removed, procedure complies with new criteria.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Richmond, Va	BYRD Field 167'	SBRAZ RIC	1, Amdt 4 6 Aug 1955	3 1 Apr 54

Red Hill FM	ROA-LFR (Final)	Direct	2700*	T-dn	1000-2	1000-2	1000-2
				C-d	1500-2	1500-2	1500-2
				C-n	2000-2	2000-2	2000-2
				A-dn	2500-2	2500-2	2500-2

Procedure turn, E side S crs, 169 Outbnd, 349 Inbnd, 4600 within 10 miles of Red Hill FM
Minimum Altitude over facility on final approach crs, 2700*
* Maintain 4600 until after passing Red Hill F M, after which cross ROA LFR at authorized minimums.
Crs and distance, facility to airport, 349-1.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.0 miles, climb to 5000' on N crs within 13 miles of LFR, maintaining at least 500' per minute rate of climb. Return to Roanoke LFR at 5000'. If unable to maintain 500' per minute climb, notify ATC and make right turn climbing to 5000' on S crs.
AIR CARRIER NOTE: Take-off on Runway 33 and landing on Runway 15 not authorized at night. Sliding scale not authorized. No reduction in landing visibility minimums authorized due to local visibility conditions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Roanoke, Va	Woodrum Field 1174'	SBRAZ ROA	1, Amdt 8 1 Apr 1954	7 14 Sep 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Rochester VOR	RST-LFR	069-3.7	2400	T-dn	300-1	300-1	200-½
Stewartville FM	RST-LFR (Final)	350-7.5	1900	C-dn	500-1	600-1	600-1½
				S-dn-35	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 170 Outbnd, 350 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 350-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.3 miles, climb to 2800' on N crs or if directed by ATC, make left climbing turn to 2800; proceed out W crs RST-LFR within 20 miles.
AIR CARRIER NOTE: Sliding scale not authorized.
Major Changes: Airport name revised. Procedure turn revised to delete distance beyond 10 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Rochester, Minn	Lobb Field 1041'	SBMRLZ RST	1, Amdt 9 27 Aug 1955	8 20 Nov 53

				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 118 Outbnd, 298 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 298-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 1.9 miles, climb to 2000' on W crs within 20 miles.
AIR CARRIER NOTE: Take-offs on Runway 12 and landing on Runway 30 not authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Rochester, N Y	Rochester-Monroe County 560'	SBMRLZ ROC	1, Amdt 3 1 Apr 54	2 19 Nov 51

Janesville VOR	RFD-LFR	173-13.7	2000	T-dn	300-1	300-1	200-½
				C-dn	700-2	700-2	700-2
				S-dn-18	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn N side NW crs, 312 Outbnd, 132 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 179-7.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 7.6 miles, make left turn, climb to 2100' on SE crs and return to RFD LFR
Major Changes: Janesville VOR relocated. Initial approach crs distance and altitude revised. Final approach crs revised. Procedure turn limited to 10 miles criteria. Ceiling and visibility format revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Rockford, Ill	Greater Rockford 734'	SBRAZ RFD	1, Amdt 3 19 Nov 1955	2 9 Jul 54

Point of Rocks FM	RKS-LFR (Final)	246-15.1	8700	T-dn	300-1	300-1	*200-½
Ils Outer Marker	RKS-LFR (Final)	246-1.5	*8200	C-d	##500-1	500-1	500-1½
				C-n	##500-2	500-2	500-2
				S-d-25	##500-1	500-1	500-1½
				S-n-25	##500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

#300-1 required for night take-off on all runways except 7-25
*Descent to 8200' authorized if ILS outer marker aural and visual signal received
##400-1 day, 400-2 night authorized if final approach made from outer marker

Procedure turn N side E crs, 066 Outbnd, 246 Inbnd, 9200 within 10 miles
Minimum Altitude over facility on final approach crs, *8700'
Crs and distance, facility to airport, 246-2.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.5 miles, climb to 10,000' on W crs RKS-LFR within 20 miles
Major Changes: Distance in nautical miles. Speeds in knots. Correct crs and distances. Procedure turn limited to 10 mi. Missed approach limited to 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Rock Springs, Wyo	Municipal 6752'	SBRAZ RKS	1, Amdt 5 22 Dec 1956	4 18 Jan 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Roswell VOR	ROW-LFR	094-9.0	5500	T-dn	300-1	300-1	*200-½
				C-dn	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

*300-1 on Runway 12

Procedure turn E side SE crs, 123 Outbnd, 303 Inbnd, 5000 within 10 miles
Minimum Altitude over facility on final approach crs, 4500'
Crs and distance, facility to airport, 312-7.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.9 miles, climb to 5500' on NW crs Roswell LFR within 20 miles
Major Changes: Add transition from ROW VOR. Limit procedure turn distance. Reduce missed approach altitude. Variation changed to 12° E.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Roswell, N Mex	Roswell 3621'	SBMRAZ ROW	1, Amdt 5 26 Nov 1955	4 29 Jan 54

				T-dn	300-2	300-3	300-3
				C-dn	500-2	500-3	500-3
				A-dn	800-2	800-2	800-2

NOTE: Instrument approach to be conducted in accordance with latest USAF instrument approach procedure as contained on Chart AJ.-354-RNG.
Major Changes: Establishes civil minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Roswell, N Mex	Walker AFB 3666'	SBMRAZ ROW	1, Amdt 5 3 Dec 1955	4 17 Mar 54

Roseville Int - Int NE crs SAC LFR & 261 brng to McClellan H	SAC-LFR	203-20.5	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
Galt Int	DTV-LFR	308-15.8	1200	A-dn	800-2	800-2	800-2
Rio Int	DTV-LFR	019-22.6	1200				
Clarksburg FM	DTV-LFR (Final)	019-8.9	700				

Procedure turn E side SW crs, 199 Outbnd, 019 Inbnd, 1200 within 10 miles of Clarksburg FM. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 028-1.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.5 miles, climb to 2500' on NE crs within 20 miles.
NOTE: Alternate missed approach procedure when directed by ATC: within 1.5 miles, turn left and climb to 2000' on NW crs within 20 miles.
Major Changes: Provide for alternate missed approach procedure. McClellan "H" relocated.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sacramento, Calif	Municipal 21'	SBMRAZ DTV	1, Amdt 6 7 Dec 1955	5 31 Dec 53

STL VOR	STL-LFR	122-9.5	1800	T-dn	300-1	300-1	200-½
Lake "H" FAC	STL-LFR	063-6.6	1800	C-dn	500-1	500-1	500-1½
				S-dn-24	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 069 Outbnd, 249 Inbnd, 1800 within 10 miles
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 255-1.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.7 miles make right turn, climb to 2000' on W crs STL LFR within 20 miles
Major Changes: Circling minimums revised for 2-engine or less

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
St. Louis, Mo	Lambert Field 558'	SBRAZ STL	1, Amdt 10 4 Feb 1956	9 14 Jan 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Tampa VOR	TPA-LFR	094-13.8	1500	T-dn	300-1	300-1	200-½
Ruskin FM or Radar Fix over Ruskin	TPA-LFR (Final)	315-8.3	1000	C-dn	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Radar Terminal area transition altitude 1500 within 25 miles. 2100' required within 3 miles, of 1134' tower 12 miles E MacDill AFB.

Procedure turn W side SE crs, 135 Outbnd, 315 Inbnd, 1500 within 10 miles. (Non-standard due to obstruction)
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 275-10.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 10.0 miles, climb to 1500 on 275 degree crs from Tampa LFR within 20 miles
NOTE: When Pinellas Tower not operating, contact Tampa Approach Control for weather and lighting service at this airport.
CAUTION: 500' Towers on crs from TPA LFR to airport.
Major Changes: Procedure turn to non-standard. Add Radar transitions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
St. Petersburg, Florida	Pinellas County 10'	SBRAZ TPA	1, Amdt 1 23 Apr 1955	Orig 15 Jul 54

Salt Flat VOR	SFL-LFR	333-2.7	4800	T-d	300-1		
				T-n	300-2		
				C-d	500-1		
				C-n	500-2		
				S-d	400-1		
				S-n-16	400-2		
				A-dn	800-2		

Procedure turn W side of N crs, 342 Outbnd, 162 Inbnd, 4900 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 4300'
Crs and distance, facility to airport, 162-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, turn right climb to 7700 on W crs within 20 miles.
NOTE: This procedure not approved for ADF approach. Airport not suitable for more than 2-engine, more than 65 K aircraft.
CAUTION: Terrain 4030' MSL approximately 2.5 miles WSW of airport
Major Changes: Lower transition altitude from VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Salt Flat, Texas	CAA Intermediate 3727'	BMRLZ SFL	1, Amdt 4 28 Apr 1956	3 17 Jul 54

Layton FM	SLC-LFR (Final)	149-16.0	4900	*T-dn	300-1	300-1	200-½
Riverton FM	SLC-LFR	343-17.0	11000	C-dn	500-1	600-1	600-1½
Salt Lake City VOR	SLC-LFR	127-1.6	7500	S-dn-16L	#400-1	#400-1	#400-1
				A-dn	800-2	800-2	800-2

*500-2 required for take-off Runway 7.
#500-1 required without high intensity runway light.

Procedure turn W side N crs, 329 Outbnd, 149 Inbnd, 7500 within 10 miles.
Minimum Altitude over facility on final approach crs, 4900'
Crs and distance, facility to airport, 163-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, turn W, climb to 8000 on W crs SLC LFR to Stansbury Int then to 9000 on track of 335° to promontory point.
NOTE: Alternate missed approach when directed by ATC. Turn W and climb to 11000 on W crs SLC LFR.
SHUTTLE: To 10000 on N crs within 20 miles. All turns W of crs
Major Changes: Add transition from VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Salt Lake City, Utah	Salt Lake City #1, 4222'	SBRAZ SLC	1, Amdt 4 25 Dec 1954	3 1 Aug 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
San Angelo VOR	SJT-LFR	063-3.8	3000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-21-27	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 060 Outbnd, 240 Inbnd, 3400 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 3400'
Crs and distance, facility to airport, 240-5.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.6 miles, climb to 3600' on W crs of LFR within 20 miles.
NOTE: Not approved for ADF approach
Major Changes: Limits procedure turn distance. Raises missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
San Angelo, Texas	Mathis 1915'	BMRLZ SJT	1, Amdt 6 9 Jun 1956	5	17 Apr 54

Cibolo Creek FM	SAT-LFR (Final)	174-8.7	1900	T-dn	300-1	300-1	200-½
Yates RBN	SAT-LFR (Final)	174-3.0	1700	C-dn	400-1	500-1	500-1½
SAT VOR	SAT-LFR	174-4.1	2200	#S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#Descent below 1900 not authorized if position over Yates RBN or SAT VOR not determined. Straight-in minimums not authorized unless Yates RBN or SAT VOR received and altitude over LFR is 1700.

Procedure turn W side N crs, 354 Outbnd, 174 Inbnd, 2500 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, over Yates RBN or SAT VOR 1900, over LFR 1700#
Crs and distance, facility to airport, 174-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 2500 on S crs within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
San Antonio, Texas	International 800'	SMR LZ SAT	1, Amdt 12 18 Jan 1955	11	23 Apr 54

Jamul RBN	SAN-LFR	263-17.9	3600	T-dn	300-1	300-1	#200-½
Coronado FM-RBN	SAN-LFR	319-9.2	1500	C-dn	800-2	800-2	800-2
La Jolla FM	SAN-LFR (Final)	145-4.9	1200	A-dn	800-2	800-2	800-2
Lemon Grove Int	SAN-LFR	263-10.0	2500				

#300-1 required for take-off on all runways except 27

Procedure turn W side N crs, 325 Outbnd, 145 Inbnd, 2500 within 10 miles*
*After procedure turn maintain 2500' until past La Jolla FM Inbnd. If FM not received, request clearance to descend to 1500' at completion of procedure turn to cross LFR at a minimum of 1500'.
Minimum Altitude over facility on final approach crs, 1200*
Crs and distance, facility to airport, 143-2.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.2 miles, climb to 3000' on SE crs within 15 miles of SAN LFR (Mexican Border).
Major Changes: Standardize circling minimums. Add transition from Lemon Grove.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
San Diego, Calif	Lindbergh Field 15'	SBRAZ SAN	1, Amdt 10 7 Jun 1956	9	24 Feb 56

Half Moon Bay Int	SFO-LFR	Direct	3000				
Bay Point FM	SFO-LFR	Direct	*3000	T-dn	300-1	300-1	200-½**
NE crs Moffett LFR	SFO-LFR	Direct	1700	C-dn	500-1	600-1	600-1½
AGW VOR	SFO-LFR	Direct	1700	S-dn-28	500-1	500-1	500-1
Belmont Int (Int of SE crs of SFO LFR & 312 brng to SFO ILS LOM or 161 radial from OAK VOR)	SFO-LFR	Direct	800	A-dn	800-2	800-2	800-2

*When an altitude below 5000' is used from the NE, flight as far as Oakland must be conducted via the NE crs of Oakland LFR to provide adequate lateral clearance from Mt Diablo (3925' MSL)
**300-1 required for take-off on Runway 19

Procedure turn E side SE crs, 108 Outbnd, 288 Inbnd, 1500 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 1100'(800' authorized after Belmont Int).
Crs and distance, facility to airport, 292-2.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 miles, climb to 3000' on NW crs within 20 miles of SFO LFR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
San Francisco, California	International 11'	SBMRLZ SFO	1, Amdt 5 17 Aug 1954	4	15 Feb 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Barceloneta FM	SJU-LFR	097-21	1200	T-dn	300-1	300-1	200-½
Isla Verde* Int	SJU-LFR	270-9	2000	C-dn	600-1	600-1	600-1½
Pt. Tuna	SJU-LFR	337-32	4100	S-dn-9R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*Isla Verde Int: E crs SJU LFR & 236 brng. to SJP RBn

Procedure turn N side of crs, 277 Outbnd, 097 Inbnd, 1200 within 15 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 089-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, climb to 1200' on E crs SJU LFR within 25 miles
CAUTION: 485' tower 2 miles SW of airport
Major Changes: Raises circling minimums due TV tower. Adds app. from Isla Verde & Pt. Tuna. Variation changes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
San Juan, Puerto Rico	Isla Grande 9'	SBRAZ-SJU	1, Amdt 5 6 Oct 1956	4	26 Mar 51

Int SE crs LGB LFR and SW crs NZJ LFR	NZJ-LFR	015-6.8	on top not below 2500	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2
Int NE crs LGB LFR and NW crs NZJ LFR	NZJ-LFR	105-13.3	on top not below 2500				

Procedure turn N side NW crs, 285 Outbnd, 105 Inbnd, 2500 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 217-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 miles, climb to on top on outbnd crs of 215° from NZJ
NOTE: This procedure NA with tops above 2500
CAUTION: 207' water tank 1 mile WSW of airport and high terrain 4 miles SE of airport
Major Changes: Range crs realigned

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Santa Ana, Calif	Orange County 53'	SMRLZ NZJ	1, Adt 4 24 Jun 1955	3	18 Jun 55

EL Capitan FM (only when on top and aligned on the W crs of SBA LFR)	SBA-LFR	074-8.0	4000	T-dn	300-1	300-1	300-1
				C-dn	700-2	700-2	700-2
				S-dn-Ry7	500-1	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn *S side of W crs, 254 Outbnd, 074 Inbnd, 2000' within 10 miles. Beyond 10 miles NA.
*CAUTION: Procedure does not meet obstruction clearance requirements for procedure turn or final approach due to 1500' terrain N of W crs.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 076-1.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.7 miles, climb straight ahead to 800', make climbing right turn and climb to 4000' on S crs within 20 miles.
SHUTTLE: to 5000' on W crs within 20 miles. All turns S.
NOTE: 334' Radio Masts 1 mile SE of airport.
This procedure NA with tops above 3500' MSL. ADF procedure NA. Under local status conditions covering the airport only, landing are authorized down to 300-1 provided that (L) the weather in any quadrant is unlimited as established by pilot report. (2) The airport is visible to the pilot from the unlimited quadrant, and (3) wind conditions are such that the approach and landing may be made from the unlimited quadrant.
Major Changes: Altitude lowered on final approach. Distance to airport changed. Shuttle added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Santa Barbara, California	Municipal 14'	SBMRLZ SBA	1, Amdt 4 23 Jul 1955	3	1 Aug 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-d	300-1	300-1	
				C-d	500-1	500-1½	
				S-d-32	500-1	500-1	
				A-d	800-2	800-2	

Procedure turn E side SE crs, 118 Outbnd, 298 Inbnd, 1800 within 10 miles
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 316-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 miles, climb to 2500' on W crs within 20 miles
AIR CARRIER NOTE: Night operation not authorized
CAUTION: 895' MSL Micro Wave Tower .3 miles NE of airport. 936' MSL Radio Tower 2.8 miles 205° from airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Sault STE.Marie, Michigan	Sault STE.Marie 722'	SBRAZ SSM	1, Amdt 2 3 Dec 1955	1	15 Oct 55

SAV VOR	SAV-LFR	197-10.4	1500	T-dn	300-1	300-1	200-½
				C-dn	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turnW side SE crs, 141 Outbnd, 321 Inbnd, 1100 within 10 miles
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 349-7.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.4 miles, climb to 1400 on NW crs within 20 miles
Major Changes: Raise missed approach altitude. Limit procedure turn distance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Savannah, Ga	Travis Field 50'	SBMRLZ SAV	1, Amdt 4 18 Feb 1956	3	14 Jan 54

				T-dn	300-1	300-1	*200-½
				C-dn	500-1	500-1	500-1½
				S-dn-30	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

*AIR CARRIER NOTE: 300-1 required Runway 24

Procedure turn E side SE crs, 121 Outbnd, 301 Inbnd, 5600 within 10 miles. NA beyond 10 miles account high terrain.
Minimum Altitude over facility on final approach crs, 5100'
Crs and distance, facility to airport, 301-2.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.6 miles, climb to 6000' on NW crs within 20 miles
Major Changes: Nautical miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Scottsbluff, Nebr	Scottsbluff 3965'	SBMRLZ SCT	1, Amdt 8 22 Dec 1956	7	8 Feb 54

Monroe Int	SEA-LFR	186-22.6	3000	T-dn	300-1	300-1	200-½
Hobart FM	SEA-LFR	269-12.9	4000	C-dn	800-2	800-2	800-2
TCM LFR to SEA LOM	SEA-LFR	356-21.4	2000	A-dn	800-2	800-2	800-2
SEA LOM	SEA-LFR (Final)	356-7.8	1200				
SEA VOR	SEA-LFR	013-4.0	2000				

Procedure turn E side of S crs, 176 Outbnd, 356 Inbnd, 2000 within 15 miles. NA beyond 15 miles.
Minimum Altitude over facility on final approach crs, *1500'
*Descent to 1200' (Final) authorized after passing SEA-LOM. If SEA-LOM not recieved, maintain 1500' over SEA-LFR.
Crs and distance, facility to airport, 290-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 miles, climb to 2000' on NW crs SEA-LFR within 20 miles
NOTE: All fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance Radar.
CAUTION: 606' tank 3 miles W and 578' tower 3½ miles NW of Boeing Field
Major Changes: Delete transition involving Kitsap Int, Harbor IS, FM and TCM LFR. Revise caution note. Add Radar note. Add transition from SEA-VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Seattle, Wash	Boeing Field 17'	SBRAZ SEA	1, Amdt 14 3 Dec 1955	13	26 Mar 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Hobart FM	SEA-LFR	Direct	4000	T-dn	300-1	300-1	200-½
SEA - VOR	SEA-LFR	Direct	2000	C-dn	800-2	800-2	800-2
SEA - VOR	Harbor Island FM	Direct	2000	A-dn	800-2	800-2	800-2
Radar Fix 5 miles NW of Harbor Island FM on NW crs SEA-LFR	SEA-LFR (Final)	Direct	1500				

Procedure turn W side NW crs, 297 Outbnd, 117 Inbnd, 2000 within 10 miles of Harbor Island FM. NA beyond 10 mi
Minimum Altitude over facility on final approach crs, Harbor Island FM 1500'
Crs and distance, facility to airport, (Harbor Island FM) 117-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 miles past Harbor Island FM, climb to 2000' on S crs SEA-LFR within 15 miles.
NOTE: All fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance Radar.
CAUTION: 606' Tank 3 miles W and 578' Tower 3½ miles NW of Boeing Field

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Seattle, Wash	Boeing Field 17'	SBRAZ SEA	2, Amdt 2 3 Dec 1955	1	5 Feb 54

Monroe Int	SEA-LFR	186-22.6	3000	T-dn	300-1	300-1	200-½
Hobart FM	SEA-LFR	269-12.9	4000	C-dn	500-1	500-1	500-1½
NEJ LFR	Harbor Island FM	173-12.2	2000	A-dn	800-2	800-2	800-2
Harbor Island FM	SEA-LFR (Final)	117-6.8	1200				
MCCHORD LFR	Seattle LOM	356-21.4	2000				
Seattle LOM	SEA-LFR	354-7.8	2000				

Procedure turn, W side NW crs, 297 Outbnd, 117 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 194-3.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 miles, climb to 2000' on S crs Seattle LFR within 15 miles
NOTE: All Fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance Radar
Major Changes: Add transition NEJ to Harbor Island FM. Add Radar note. Delete restriction note for procedure turn.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Seattle, Wash	Seattle-Tacoma Int 424'	SBRAZ SEA	1, Amdt 14 21 Apr 1956	13	23 Apr 53

NEJ-LFR	Harbor Island FM	173-12.2	2000	T-dn	300-1	300-1	200-½
SEA-VOR	Harbor Island FM	324-8.7	2000	C-dn	1100-3	1100-3	1100-3
SEA-LOM	Harbor Island FM	328-12.8	2000	A-dn	1100-3	1100-3	1100-3
Radar Fix 5 mi NW of Harbor Isl FM on NW crs SEA LFR	Harbor Island FM (Final)	117-5.0	1500				
Hobart FM	SEA-LFR	269-12.9	4000				

Procedure turn W side NW crs, 297 Outbnd, 117 Inbnd, 2000 within 15 miles of Harbor Isl FM. NA beyond 15 mi.
Minimum Altitude over facility on final approach crs, Harbor Isl FM 1500'
Crs and distance, facility to airport, 143-8.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, after passing Harbor Island FM turn right, climb to 2000' on NW crs SEA-LFR within 15 mi of Harbor Island FM.
NOTE: All Fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance Radar.
Major Changes: Delete Kitsap Int and Seattle LFR. Add 5 transitions. Change procedure turn restriction to 15 miles. Change missed approach to 15 miles. Add Radar note. Delete superfluous note regarding visibility.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Seattle, Wash	Seattle-Tacoma Int424'	SBRAZ SEA	2, Amdt 1 21 Apr 1956	Orig	8 Jan 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Hobart FM	SEA-LFR	269-12.9	4000	T-dn	300-1	300-1	200-½
SEA-LOM	SEA-LFR	354-7.8	2000	C-dn	500-1	500-1	500-1½
SEA-VOR	SEA-LFR	013-4.0	2000	S-dn-Ry16	400-1	400-1	400-1
Vashon Int	SEA-LFR	045-9.7	2000	A-dn	800-2	800-2	800-2
SEA-VOR	Harbor Isl FM	324-8.7	2000				
SEA-LOM	Harbor Isl FM	328-12.8	2000				
NEJ-LFR	Harbor Isl FM	173-12.2	2000				
Radar Fix 5 mi NW of Harbor Isl FM on NW crs SEA-LFR	Harbor Isl FM (Final)	117-5.0	1500				
Harbor Isl FM	Int NW crs SEA-LFR and SEA 340° Radial (Final)	117-3.9	1200				

Procedure turn W side NW crs, SEA-LFR 297 Outbnd, 117 Inbnd, 2000 within 15 miles of Harbor Isl FM.
Minimum Altitude over facility on final approach crs, (over SEA-VOR) 800'
Beyond 15 miles NA.
Crs and distance, facility to airport, (from Int NW crs SEA-LFR & SEA 340° Radial) 160-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, after passing SEA-VOR, climb to 2000 on 175° radial SEA-VOR within 10 miles
ALTERNATE MISSED APPROACH: When requested by ATC turn right, climb to 2000' on 225° radial SEA-VOR within 20 miles.
NOTE: All fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance Radar.
CAUTION: Tank 561' MSL located immediately NE of airport
Major Changes: Add 4 transitions. Add Radar note. Revise missed approach. Add caution note. Change Int to 340° Radial. Change crs to 160°.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Seattle, Wash	Seattle-Tacoma Int 424'	SBRAZ SEA	3, Amdt 1 21 Apr 1956	Orig 12 Nov 55

Hobart FM	SEA-LFR	269-12.9	4000	T-dn	300-1	300-1	200-½
SEA-LOM	SEA-LFR	354-7.8	2000	C-dn	500-1	500-1	500-1½
SEA-VOR	SEA-LFR	013-4.0	2000	S-dn-Ry16	400-1	400-1	400-1
Vashon Int	SEA-LFR	045-9.7	2000	A-dn	800-2	800-2	800-2
NEJ-LFR	Harbor Isl FM	173-12.2	2000				
SEA-LOM	Harbor Isl FM	328-12.8	2000				
SEA-VOR	Harbor Isl FM	324-8.7	2000				
Radar Fix 5 mi NW of Harbor Isl FM on NW crs SEA-LFR	Harbor Isl FM (Final)	117-5.0	1500				
Int W crs NEJ-LFR & SEA Localizer crs	Int NW crs SEA-LFR and SEA Localizer crs	158-14.3	2000				
Harbor Isl FM	Int NW crs SEA-LFR & SEA Localizer crs (Final)	117-3.4	1200				

Procedure turn W side NW crs, SEA-LFR, 297 Outbnd, 117 Inbnd, 2000 within 15 miles of Harbor Isl FM.
NA beyond 15 miles.
Minimum Altitude over facility on final approach crs, over airport 800'
Crs and distance, facility to airport, from Int NW crs SEA-LFR and N crs Ils 158-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 mi, after passing Int NW crs SEA-LFR and N crs Ils, climb to 2000' on S crs Ils within 8 mi of LOM
NOTE: Alternate missed approach when requested by ATC turn right, climb to 2000' on 225° Radial SEA-VOR within 20 miles. All fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance Radar.
CAUTION: Tank 561' MSL located immediately NE of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Seattle, Wash	Seattle-Tacoma Int 424'	SBRAZ SEA ILS SEA	4, Orig 15 Sep 1956	None

U Cross FM	SHR-LFR	Direct	5500	T-d	400-1	400-1	400-1
Sheridan FM	SHR-LFR (final)	Direct	*5000	T-n	400-2	400-2	400-2
Sheridan VOR	SHR-LFR	Direct	6000	C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 118 Outbnd, 298 Inbnd, 6000 within 10 miles
Minimum Altitude over facility on final approach crs, *5000'
*Both visual and aural signals must be received over Sheridan FM otherwise minimum altitude over LFR will be 5500.
Crs and distance, facility to airport, 297-1.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.4 miles, climb to 8000' on NW crs within 20 miles
CAUTION: High terrain to SE and SW

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sheridan, Wyo	Sheridan County 4021'	SBRAZ SHR	1, Amdt 6 28 Jan 1954	5 1 Aug 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Shreveport VOR	SHV-LFR	159-12.3	1700	T-dn	300-1	300-1	300-1
Dixie MHW	SHV-LFR (Final)	146-8.7	1100	C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				A-dn			

Procedure turn E side NW crs, 326 Outbnd, 146 Inbnd, 1900 within 10 miles. Beyond 10 mi NA. (Non-standard due to traffic)
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 152-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.6 miles, climb to 1500 on S crs within 20 miles
NOTE: No weather or communications available at this airport
CAUTION: 480' MSL TV Tower located 1.6 mi S of airport. 1446' MSL and 1403' TV antennas located approx. 12 miles WNW of SHV LFR.
AIR CARRIER NOTE: Air carrier use not authorized
Major Changes: Increase procedure turn altitude. Increase circling ceiling minima for aircraft less than 75 mph stall. Add notes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Shreveport, La	Downtown 179'	SBRAZ SHV	1, Amdt 7 5 Nov 1955	6 9 Oct 54

Shreveport VOR	SHV-LFR	159-12.3	1700	T-dn	300-1	300-1	200-½
Dixie MHW	SHV-LFR (Final)	146-8.7	1100	C-d	600-1	600-1	600-1½
Radar Terminal area transition altitudes- bearings are from radar site with azimuths progressing clockwise:				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2
000	090	within	1700				
090	270	40	1500				
270	360	miles	2400				

Procedure turn E side NW crs, 326 Outbnd, 146 Inbnd, 1900 within 10 miles. Beyond 10 mi NA. (Non-standard due to traffic.)
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 196-7.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.8 miles, turn left, climb to 1400 on crs of 135°, intercept & proceed S on S crs of SHV LFR within 20 miles, or when directed by ATC, climb to 1500 intercept and proceed SW on SW crs of BAD LFR within 20 mi.
CAUTION: 1446' and 1403' TV antennas located approximately 11 mi WNW of SHV LFR
Major Changes: Increase procedure turn altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Shreveport, La	Greater Shreveport 251'	SBRAZ SHV	1, Amdt 5 2 Feb 57	4 5 Nov 55

Sloan FM	SUX-LFR (Final)	Direct	1900	*T-dn	300-1	300-1	200-½
Sioux City VOR	SUX-LFR	Direct	2400	C-dn	500-1	600-1	600-1½
				S-dn-31&35	400-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

AIR CARRIER NOTE: *300-1 required for all take-offs on Runway 4

Procedure turn E side S crs, 154 Outbnd, 334 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 330-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.6 miles, climb to 3000' on N crs, or when directed by ATC (1) turn left, climb to 3000' on W crs within 20 miles.
CAUTION: 1318' terrain 1.4 miles ENE of airport
Major Changes: Nautical miles. Procedure turn distance revised to 10 miles. Revises air carrier note. Adds transition route.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sioux City, Iowa	Sioux City 1097'	SBMRLZ SUX	1, Amdt 9 22 Dec 1956	8 30 Mar 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
FSD VOR	FSD-LFR	180-3.8	2700	T-dn	300-1	300-1	*200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

*300-1 required for take-off on Runway 15

Procedure turn W side of NW crs, 298 Outbnd, 118 Inbnd, 2800 within 10 miles
Minimum Altitude over facility on final approach crs, 2200'
Crs and distance, facility to airport, 093-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 miles, climb to 3000' NE crs within 20 miles FSD LFR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sioux Falls, S Dak	Joe Foss Fld 1426'	SBRAZ FSD	1, Amdt 7 16 Jul 1954	6 1 Aug 52

				T-d	500-2	500-2	500-2
				C-d	700-2	700-2	700-2
				S-d	700-2	700-2	700-2
				A-d	800-2	800-2	800-2

Procedure turn S side SW crs, 178 Outbnd, 358 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 358-13.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.7 miles after passing Sitka LFR, turn left and climb to 1500' on SW crs Sitka LFR within 20 mi.
NOTE: If at any time after establishing contact visual reference to surface can not be maintained, execute missed approach procedure. Night operations not authorized.
CAUTION: High terrain E of NE crs within 9.5 miles Sitka LFR. High terrain N of NW crs within 13 miles Sitka LFR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sitka, Alaska	Sitka Harbor (Seaplane) O'Tidewater	SBRAZ SIT	1, Amdt 4 13 Aug 1955	3 26 Apr 54

All Directions	SKW-LFR			MEA	T-dn	300-1	300-1	200-½
					C-dn	700-1	700-1½	700-1½
					S-dn-9	700-1	700-1½	700-1½
					A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 085 Outbnd, 265 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 090-1.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, left turn climbing to 4200' on E crs within 20 miles
CAUTION: 2000' terrain 5 miles N of range station rising to 3842' MSL, 10 miles N

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Skwentna, Alaska	Skwentna 158'	SBRAZ SKW	1, Amdt 5 29 Jan 1955	4 26 Jun 54

New Carlisle FM	SBN-LFR (Final)		096-8.6	1500	T-dn	300-1	300-1	200-½
South Bend VOR	SBN-LFR		211-5.5	2000	C-dn	500-1	500-1	500-1½
					S-dn-9 or 6	500-1	500-1	500-1
					A-dn	800-2	800-2	800-2

Procedure turn N side W crs, 276 Outbnd, 096 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 075-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 miles, climb to 2000' on E crs SBN-LFR within 20 miles, or if directed by ATC, make left climbing turn, climb to 2000' on N crs SBN-LFR within 20 miles
Major Changes: Distance corrected from VOR. Procedure turn revised to 10 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
South Bend, Ind	St. Joseph County 778'	SBMRAZ SBN	1, Amdt 5 24 Dec 1954	4 28 Oct 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Spartanburg BVOR	SPA-LFR	200-8.3	2300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 238 Outbnd, 58 Inbnd, 2000 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 068-1.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.2 miles, climb to 2800 on NE crs SPA LFR within 20 miles.
Major Changes: Lowers night visibility minima for 2-engine aircraft

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Spartanburg, S C	Memorial 816'	SBRAZ SPA	1, Amdt 8 8 Jan 1955	7 1 Aug 52

				T-dn	300-1	300-1	200-½
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

NOTF: Instrument approach to be conducted in accordance with standard instrument approach procedure - - USAF, as contained in current Chart AL 553 RNG.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Spokane, Wash	Fairchild AFB 2450'	SBRAZ GEG	1, Orig 8 Oct 1955	None

Rockford FM	GEG-LFR	255-13.2	4700	T-dn	300-1	300-1	200-½
Pine City FM or Pine City "H"	GEG-LFR (Final)	001-20.5	4200	C-dn	900-1	900-1	900-1½
GEG - VOR	GEG-LFR	067-6.9	4700	A-dn	1000-2	1000-2	1000-2
GEG - LOM	GEG-LFR	069-6.4	4700				
Rodna Int	GEG-LFR	022-21.3	4200				

Procedure turn E side S crs, 180 Outbnd, 360 Inbnd, 4700 within 10 miles
Minimum Altitude over facility on final approach crs, 4200'
Crs and distance, facility to airport, 294-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles, execute climbing right turn, climb to 4500' on N crs, all turns on W side, within 20 mi of GEG-LFR.
NOTE: Alternate missed approach - when directed by ATC, execute climbing left turn, climb to 4000' on W crs, all turns on S side within 20 miles of GEG-LFR.
CAUTION: Fairchild AFB 3-½ miles W. Radio tower 3188' 6½ miles E of airport.
Major Changes: Eliminate approach involving COE-LFR. Minor crs corrections. Omit unnecessary Caution Notes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Spokane, Wash	Geiger Field 2372'	SBRAZ GEG	1, Amdt 11 26 Mar 1955	10 25 Jun 54

Rockford FM	GEG-LFR (Final)	255-13.2	4700	T-dn	300-1	300-1	200-½
				C-dn	900-1	900-1	900-1½
				A-dn	1000-2	1000-2	1000-2

Procedure turn, no Procedure turn or Outbnd crs, 254° Inbnd, 4700'
Minimum Altitude over facility on final approach crs, 4700' after passing and receiving Rockford FM
Crs and distance, facility to airport, 294-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles, execute climbing right turn, climb to 4500' on N crs, all turns on W side within 20 miles of GEG LFR.
NOTE: Alternate missed approach - when directed by ATC, execute climbing left turn, climb to 4000' on W crs all turns on S side, within 20 miles of GEG LFR.
CAUTION: Fairchild AFB 3-½ miles W. Radio tower 3188' 6½ miles E of airport.
Major Changes: Equalize minimums with procedure no. 1. Minor crs corrections. Omit unnecessary Caution Notes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Spokane, Wash	Geiger Field 2372'	SBRAZ GEG	2, Amdt 3 30 Apr 1955	2 30 June 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Springfield VOR	SPI-LFR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn, S side SW crs, 210 Outbnd, 030 Inbnd, 2000' within 10 miles
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 026-4.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.4 miles, climb to 2000' on NE crs SPI-LFR within 20 miles

City and State: Springfield, Ill | Airport Name & Elev.: Capitol 595' | Fac. Class & Ident.: SBMRAZ SPI | Procedure No. & Eff. Date: 1, Amdt 6 14 Jan 1956 | Sup. Amdt. No. Dated: 5 10 Jun 54

SGF VOR	SGF-LFR	229-6.1	2300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2
				S-dn-13	400-1	400-1	400-1

Procedure turn W side of crs, 314 Outbnd, 134 Inbnd, 2300 within 10 miles
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 134-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, climb to 3000' on SE crs of SGF-LFR within 20 miles
Major Changes: Nautical miles. Distance revised.

City and State: Springfield, Mo | Airport Name & Elev.: Springfield 1287' | Fac. Class & Ident.: SBRAZ SGF | Procedure No. & Eff. Date: 1, Amdt 8 7 Jul 1956 | Sup. Amdt. No. Dated: 7 30 Jun 54

Modesto VOR	SCK-LFR	293-17.7	2000	T-dn	300-1	300-1	300-1
				C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 147 Outbnd, 327 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 285-2.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.8 miles, climb to 2000' on N crs within 20 miles
NOTE: ADF procedure not authorized
CAUTION: 340' MSL Radio Mast 1.5 miles N of airport
Major Changes: Delete transition from altamont int presently authorized by published MEA. Add transition from MOD VOR. Revise alternate minimums.

City and State: Stockton, Calif | Airport Name & Elev.: Stockton 28' | Fac. Class & Ident.: BMRLZ SCK | Procedure No. & Eff. Date: 1, Amdt 4 7 May 1955 | Sup. Amdt. No. Dated: 3 31 Dec 53

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 353 Outbnd, 173 Inbnd, 1400 within 10 miles
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 174-3.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 miles, turn left, climb to 1400 on N crs within 20 miles
AIR CARRIER NOTES: Procedure may be authorized only for carriers having approval of their arrangement for weather service and communications.
NOTE: Procedure not approved for ADF approach. Communications and weather service not available to general public.
Major Changes: Revises Notes.

City and State: Stuttgart, Ark | Airport Name & Elev.: Municipal 223' | Fac. Class & Ident.: MRLWZ SGT | Procedure No. & Eff. Date: 1, Amdt 2 8 Jan 1955 | Sup. Amdt. No. Dated: 1 9 Oct 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	4000-2	4000-2	4000-2
				C-dn	4000-2	4000-2	4000-2
				A-dn	4000-2	4000-2	4000-2

Procedure turn W side of S crs, 174 Outbnd, 354 Inbnd, 7600 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 6700'
Crs and distance, facility to airport, 031-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.6 miles, climb to 10,000' on S crs within 5 miles, making all turns on W side of crs
SHUTTLE: On S crs to 8600' within 10 miles. NA beyond 10 miles.
NOTE: Sliding scale NA
CAUTION: Precipitous mountainous terrain all sides of airport

City and State: Summit, Alaska | Airport Name & Elev.: Summit 2418' | Fac. Class & Ident.: SBRAZ UMM | Procedure No. & Eff. Date: 1, Amdt 4 13 Aug 1955 | Sup. Amdt. No. Dated: 3 24 Jun 54

				*T-dn	300-1	300-1	200-½
				C-dn	700-2	700-2	700-2
				S-dn-10	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

*600-1 required for take-off to SE

Procedure turn S side W crs, 277 Outbnd, 097 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 100-6.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.7 miles, make a climbing left turn to 2000' and return to Syracuse LFR, or when directed by ATC, climb to 3000' on E crs.
CAUTION: 833' Radio mast located 1.3 miles SE of airport

City and State: Syracuse, N Y | Airport Name & Elev.: Hancock 419' | Fac. Class & Ident.: SBRAZ SYR | Procedure No. & Eff. Date: 1, Amdt 5 1 Apr 1954 | Sup. Amdt. No. Dated: 4 1 Feb 53

				T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Instrument approach to be conducted in accordance with standard instrument approach procedure- USAF as contained on current chart AL 414 RNG.
Major Changes: Bring procedure up to date change more than 2-eng take-off minimums to 200-½.

City and State: Tacoma, Wash | Airport Name & Elev.: McChord AFB 320' | Fac. Class & Ident.: SBMRAZ TCM | Procedure No. & Eff. Date: 1, Amdt 2 18 Feb 56 | Sup. Amdt. No. Dated: 1 27 May 54

Tallahassee VOR	TLH-LFR	187-5.4	1300	T-dn	300-1	300-1	200-½
Quincy FM	TLH-LFR (Final)	116-9.5	800	C-dn	500-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side NW crs, 296 Outbnd, 116 Inbnd, 1500' within 10 mi.
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 084-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 1500' on E crs within 20 mi.
AIR CARRIER NOTE: Take-offs with less than 200-½ NA.
CAUTION: 300' MSL unlighted terrain one mi NE of airport
Major Changes: Increase missed approach altitude. Increase procedure turn altitude. Add heavy aircraft restriction per Airport Mgrs NOTAM.

City and State: Tallahassee, Fla | Airport Name & Elev.: Dale Mabry 70' | Fac. Class & Ident.: SBRAZ TLH | Procedure No. & Eff. Date: 1, Amdt 9 4 Jun 55 | Sup. Amdt. No. Dated: 8 1 Jul 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Tampa VOR Ruskin FM or Radar Fix over Ruskin	TPA-LFR TPA-LFR (Final)	094-10.3 315-8.3	1500 700	*T-dn C-dn S-dn-32 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-½ 500-1½ 500-1 800-2

AIR CARRIER NOTE: * 200-½ absolute minimum for take-off Runway 27.
Radar Terminal area transition altitude 1500' within 25 mi, 2100' required within 3 mi. of 1134' tower 12 mi E MacDill AFB.

Procedure turn S side SE crs, 135 Outbnd, 315 Inbnd, 1500' within 10 mi. (nonstandard due to obstruction)
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 339-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 mi, climb to 1500' on N crs within 20 mi or, when directed by ATC, turn right, climb to 1500' on NE crs within 20 mi.
CAUTION: 210' Radio Tower 1 mi WSW of airport.
Major Changes: Corrects transition distance. Revises air carrier note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tampa, Fla	Tampa International 26'	SBRAZ TPA	1, Amdt 11 7 Jan 56	10 23 Apr 55

Tampa VOR	TPA-LFR	094-10.3	1500	T-dn	*300-1	*300-1	*300-1
				C-dn	700-1	700-1	700-1½
				S-dn-3	400-1	400-1	400-1
				A-dn			

* 500-1 required for N & NW take-offs.

Procedure turn S side SW crs, 210 Outbnd, 030 Inbnd, 1200' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 055-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 1500' on NE crs within 20 mi.
NOTE: Air carrier use not authorized.
NOTE: Weather and communications service not available at this airport. Unicom available, however.
CAUTION: 451' towers immediately N or airport.
Major Changes: Revise distances. Lower minima.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tampa, Fla	Peter O Knight 8'	SBRAZ TPA	1, Amdt 1 18 Feb 56	Orig 15 Jul 54

				T-dn	300-1	300-1	300-1
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 198 Outbnd, 018 Inbnd, 1500' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 063-2.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 mi, turn right, climb to 4000' on SE crs Tanana LFR within 20 mi.
NOTE: This procedure not authorized for ADF approach.
RESTRICTIONS: Minimums established on condition that all maneuvering is confined to S of airport, 900' terrain 2 mi NE of airport.
Major Changes: Delete departure procedure. Correct range crs bearing values.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tanana, Alaska	Tanana 225'	BRMLZ TAL	1, Amdt 3 14 Apr 56	2 19 May 54

HUF VOR	HUF-LFR	Direct	2000	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-2	500-2
				S-d-5	400-1	400-1	400-1½
				S-n-5	400-1½	400-1½	400-2
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 249 Outbnd, 069 Inbnd, 1900' within 10 mi.
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 073-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 mi, climb to 2000' on E crs HUF-LFR within 20 mi.
NOTE: ADF procedure not authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Terre Haute, Ind	Hulman Field 585'	BMRLZ HUF	1, Amdt 9, 26 Jan 57	8, 11 Feb 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Texarkana VOR	TXK-LFR	166-2.3	1500	T-dn C-dn S-dn-13 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Procedure turn W side of N crs, 343 Outbnd, 163 Inbnd, 1500' within 10 mi.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 115-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 mi, climb to 1700 on S crs within 20 mi.
NOTE: Radio tower 565' MSL 2 mi NE of airport.
Major Changes: Adds radio tower note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Texarkana, Ark	Municipal 389'	SBRAZ TXK	1, Amdt 7 1 Jan 55	6 1 Aug 50

Int 165 Radial DLS-VOR & E crs DLS-VOR	DLS-LFR (Final)	255-9.4	2700	T-d	1500-1	1500-1	1500-1
	DLS-LFR	249-9.5	2700	T-n	1500-2		
Int N crs DLS-LFR & 328 radial DLS-VOR	DLS-LFR	185-15.0	5000	C-d	2500-3	2500-3	2500-3
				C-n	2500-3		
Int S crs DLS-LFR & 208 radial of DLS-VOR	DLS-LFR	343-8.7	5000	A-d	2500-3	2500-3	2500-3
				A-n	2500-3		

Procedure turn S side E crs, 075 Outbnd, 255 Inbnd, 4000' within 10 mi. (nonstandard for more favorable terrain)
Minimum Altitude over facility on final approach crs, 2700'
Crs and distance, facility to airport, 246-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 mi, execute immediate left turn, climb to 4000' on E crs within 13 mi of DLS-LFR. All turns on S side.
AIR CARRIER NOTE: Sliding scale not authorized for take-off or landing.
Major Changes: Add DLS-VOR; Add initial approach from 328 radial of DLS-VOR and N crs DLS-LFR; add initial approach from 208 radial of DLS-VOR and S crs of DLS-LFR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
The Dalles, Ore	The Dalles 243'	SBRAZ DLS	1, Amdt 9 23 Jul 55	8 13 Nov 53

Waterville VOR	TOL-LFR	094-9.6	2000	T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				S-dn-32	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 204 Outbnd, 024 Inbnd, 1900' within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 344-7.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7 mi, climb to 2100' on N crs within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Toledo, Ohio	Toledo 622'	SBMRAZ TOL	1, Orig 13 Aug 52	None

				T-dn	300-1	300-1	300-1
				C-dn	1000-2	1000-2	1000-2
				A-dn	1500-2	1500-2	1500-2

Procedure turn W side N crs, 357 Outbnd, 177 Inbnd, 3500' within 10 mi. NA beyond 10 mi. CAUTION: High terrain to E.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 235-2.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.2 mi, turn right, climb to 5000' on N crs within 10 mi of station - all turns on W side.
NOTE: ADF procedure NA.
Major Changes: Distance facility to airport corrected to CQS information. Portion of missed approach deleted. Deviation note deleted.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Toledo, Wash	Toledo-Winlock 371'	BMRLZ TDO	1, Amdt 1 22 Jan 55	Orig 28 Mar 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-d	1000-1	1000-1	1000-1
				T-n	1000-2	1000-2	1000-2
				C-d	2500-2	2500-2	2500-2
				C-n	2500-3	2500-3	2500-3
				A-dn	2500-3	2500-3	2500-3

Procedure turn W side N crs, 348 Outbnd, 168 Inbnd, 9500' within 10 mi.
Minimum Altitude over facility on final approach crs, 8000'
Crs and distance, facility to airport, 168-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 10000' on S crs within 20 mi of LFR.
CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise TPH INSAC of position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. When other aircraft have previously contacted TPH INSAC, hold between facility and a point 2 minutes out on final approach crs at least 1,000' above procedure turn altitude and 1000' above previously reported traffic until advised that aircraft making approach has landed. Keep TPH INSAC advised at all times of changes in altitude and position in order that other aircraft may also receive this information.
Major Changes: Add required note for uncontrolled area.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tonopah, Nev	Municipal 5426'	SBRAZ TPH	1, Amdt 3 25 Jun 55	2 15 Jul 54

				T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs 139 Outbnd, 319 Inbnd, 2100 within 10 mi.
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 319-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 mi, climb to 2500' on NW crs within 20 mi.
CAUTION: Tower 4 mi NW of airport 1538' MSL.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Traverse City, Mich	Traverse City 623'	SBMRAZ TVC	1, Amdt 5 3 Dec 55	4 1 Jul 54

				T-dn	300-1	300-1	300-1
				C-d	500-1	600-1	600-1½
				C-n	500-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side N crs, 332 Outbnd, 152 Inbnd, 7100' within 10 mi (nonstandard due to terrain)
Minimum Altitude over facility on final approach crs, 6700'
Crs and distance, facility to airport, 174-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 mi, immediately make a 180 climbing turn to the left and climb to 7500' on N # crs within 20 mi of TAD LFR.
NOTE:# Abrupt terrain rise 8 mi SSW. 9586' terrain 12 mi SSW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Trinidad, Colo	Municipal 5761'	SBMRAZ TAD	1, Amdt 3 15 Jul 54	2 19 May 52

Truth or Consequences VOR	TCS-LFR	090-15.3	8000	T-dn	500-1	500-1	500-1
				C-dn	1500-1	1500-1	1500-1½
				A-dn	2000-3	2000-3	2000-3

Procedure turn E side N crs, 356 Outbnd, 176 Inbnd, 8000' within 10 mi. NA beyond 10 mi. (non-standard due to terrain)
Minimum Altitude over facility on final approach crs, 6300'
Crs and distance, facility to airport, 258-14.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, turn right, return to LFR via W crs, then climb to 10,000' on S crs.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Truth or Consequences New Mexico	Truth or Consequences 4860'	SBRAZ TCS	1, Amdt 3 29 Jan 54	2 18 Dec 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
TUS VOR	TUS-LFR	260-17.4	6000	T-dn	300-1	300-1	300-1
				*C-dn	700-2	700-2	700-2
				*A-dn	800-2	800-2	800-2

Procedure turn N side W crs, 243 Outbnd, 063 Inbnd, 6000' within 10 mi. Beyond 10 mi NA. Terrain 6536' and 6875' 4 mi S of W crs at 20 and 24 mi from LFR. (Procedure turn N for more favorable terrain)
Minimum Altitude over facility on final approach crs, TUS LFR 5000' Mission FM* 4200'.
* If Mission FM not received 4200' MSL must be maintained and minimums are 1600-2
Crs and distance, facility to airport, TUS LFR 082-10.7 Mission FM 082-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 10.0 mi (TUS LFR) or 3.7 mi from Mission, turn right, climb on a heading of 200 to 4700', then home on LFR, continuing climb to minimum of 6000'. Alternate missed approach when directed by ATC;
Turn left, climb on a heading of 330 to intercept TUS radial of 302 outbnd, continuing climb to 7000' Outbnd on radial 302.
SHUTTLE: to 6000' on W crs within 10 mi all turns N side of crs.
Major Changes: Change shuttle turn direction to N side of crs.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tucson, Ariz	Tucson Municipal 2630'	SBRAZ TUS	1, Amdt 1 23 Jul 55	Orig 11 Jun 55

				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 256 Outbnd, 076 Inbnd, 6000' within 10 mi.
Minimum Altitude over facility on final approach crs, 5500'
Crs and distance, facility to airport, 075-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 mi, climb to 5200' on E crs TCC LFR within 20 mi.
CAUTION: 5020' terrain 4.5 mi SW of LFR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tucumcari, N Mex	Tucumcari Municipal 4063'	SBMRAZ TCC	1, Amdt 6 15 Feb 54	5 1 Aug 50

Verdigris River FM	TUL-LFR (Final)	232-8.3	1400	T-dn	300-1	300-1	200-½
Skiatook FM	TUL-LFR	123-15.5	2000	C-dn	400-1	500-1	500-1½
Tulsa VOR	TUL-LFR	137-4.8	1900	A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 052 Outbnd, 232 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 219-0.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.9 mi, climb to 2400 on SW crs within 20 mi.
NOTE: 300-1 required for take-off on Runways 3L, 21R, 17R and 35L.
Major Changes: Raise transition altitude from Verdigris FM. Add VOR transition. Raise altitude over facility on final approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tulsa, Okla	Municipal 674'	SBRAZ TUL	1, Amdt 12 22 Oct 55	11 26 Jan 54

				T-dn	300-1	300-1	200-½
				C-dn	500-2	500-2	500-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side W crs, 270 Outbnd, 090 Inbnd, 1000' within 10 mi.
Minimum Altitude over facility on final approach crs, See missed approach.
Crs and distance, facility to airport, 270-2.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
5 mi W of range station following procedure turn, climb to 2800' on W crs Unalakleet LFR within 20 mi.
RESTRICTION: Minimums established on condition that all maneuvering be confined to W of airport. 700' terrain 1.5 mi N of airport. 800' terrain 2 mi N of airport.
Major Changes: Delete departure procedure. Correct range crs bearing values.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Unalakleet, Alaska	Unalakleet 21'	SBRAZ UNK	1, Amdt 7 14 Apr 56	6 19 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 060 Outbnd, 240 Inbnd, 3000' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 2300'
Crs and distance, facility to airport, 210-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 mi, make a climbing right turn, return to LFR climbing to 3000'
Major Changes: Circling minimums revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Utica, N. Y.	Oneida County 742'	BMRLZ UCA	1, Amdt 5 24 Mar 56	4 1 Apr 54

Waco VOR	ACT-LFR	159-5.8	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				*S-dn-36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* 710 FPM descent required at 110K.

Procedure turn E side S crs, 189 Outbnd, 009 Inbnd, 2000' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 010-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 1900' on N crs within 20 mi.
Major Changes: Restrict procedure turn distance. Delete deviation note. Delete transition. Change airport name from Waco airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Waco, Tex	Municipal 515'	SBRAZ ACT	1, Amdt 8 7 Jan 56	7 16 Apr 54

La Mar Int	ALW-LFR	092-14.0	3500	T-dn	300-1	300-1	200-½
				C-d	500-1	600-1	600-1½
				C-n	600-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 002 Outbnd, 182 Inbnd, 3500' within 10 mi.
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 175-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 mi, climb to 5000' on SW crs of ALW-LFR within 20 mi. Alternate Missed approach: within 3.2 mi, turn right and climb to 3000', hold in nonstandard holding pattern on SW crs of ALW-LFR.
CAUTION: High terrain E of airport.
Major Changes: Correct distance from Lamar Int. Minor distance change, facility to airport. Correct facility class and identification. Reduce procedure turn distance to 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Walla Walla Wash	Walla Walla City-County 1205'	SBMRLZ ALW	1, Amdt 5 3 Sep 55	4 3 May 54

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-3	500-1	500-1	500-1
				S-dn-33,36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transition altitudes: 1500' in the E, W, and S quadrants of the Washington LFR and 1800' in the N quadrant within 25 mi of the Washington National Airport; 2500' in all quadrants within 40 mi exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown. (Radar distances shown in nautical mi)

Procedure turn E side SW crs, 212 Outbnd, 032 Inbnd, 1500' within 10 mi.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 001-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 mi, make a left climbing turn as soon as practicable, climb to 1800' (or to a higher altitude when requested by ATC) on NW crs to Herndon Int.
NOTE: These procedures and airport minimums do not provide standard clearance over the following obstructions: 422' monument 1.7 mi W of final approach crs, 193' stacks 1.5 mi S of airport, and 596' monument 1.8 mi N of airport.
Major Changes: Procedure turn distance limited to 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Washington, D C	National 16'	SBRA DCA	1, Amdt 6 29 Oct 55	5 30 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Hadley Int	BAF-LFR (Final)	203-6.1	2000	*T-d	700-1	700-1	700-1
				*T-n	700-2	700-2	700-2
				C-d	800-1	800-2	800-2
				C-n	800-2	800-2	800-2
				S-d-20	800-1	800-1½	800-1½
				S-n-20	800-2	800-2	800-2
				A-dn	1500-2	1500-2	1500-2

* 800-1 day, 800-2 night required for take-off to E on Runway 9 and SE on Runway 15.

Procedure turn W side N crs, 023 Outbnd, 203 Inbnd, 3000' within 10 mi.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 203-4.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 mi, make a climbing right turn, continue to climb returning to the Westfield LFR, hold N 203 Inbnd, 023 Outbnd, right hand pattern at 3000'.
NOTE: ADF procedure not authorized.
AIR CARRIER NOTE: No reduction for ceiling and visibility is authorized for take-offs or landings.
Major Changes: Relocated facility.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Westfield, Mass	Barnes 270'	MRLZ BAF	1, Amdt 4 22 Dec 56	3 1 Apr 54

Plymouth Int	AVP-LFR	067-11.1	3500	#T-dn	600-1	600-1	600-1
				C-d	900-1½	1000-1½	1000-2
				C-n	1300-2	1300-2	1300-2
				A-d	1200-2	1200-2	1200-2
				A-n	1600-3	1600-3	1600-3

Take-off minimums runways 10-16, day 600-2, night 800-2.

Procedure turn S side SW crs, 247 Outbnd, 067 Inbnd, 3500' within 10 mi.
Minimum Altitude over facility on final approach crs, 2300'*
* CAUTION: Do not descend to final approach altitude until inbnd on the SW crs of the range.
Crs and distance, facility to airport, 086-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 mi, immediately make a climbing left turn to 4000' on SW crs within 13 mi of Wilkes-Barre LFR.
NOTE: High terrain to E, SE, and S of airport within 3 mi.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or with day minimums below 1 mile for 65 knots or less aircraft, and 1½ miles for more than 65 knot aircraft.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wilkes-Barre, Pa	Wilkes-Barre-Scranton 956'	SBMRAZ AVP	1, Amdt 6 1 Apr 54	5 15 Sep 53

				T-dn	800-1	800-1	800-1
				C-d	1500-1	1500-1	1500-1
				C-n	1500-2	1500-2	1500-2
				A-d	1500-2	1500-2	1500-2
				A-n	1500-3	1500-3	1500-3

Procedure turn S side E crs, 100 Outbnd, 280 Inbnd, 3600' within 10 mi. (conducted S to avoid obstructions to N)
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 285-6.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.7 mi, make right climbing turn, climb to 4000' on E crs Williamsport LFR within 10 mi.
CAUTION: Airport minimums do not provide clearance over 2000' ridge approx 1.7 mi S of airport.
NOTE: ADF procedure not authorized. Williamsport LFR must be monitored during entire approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Williamsport, Pa	Williamsport 528'	BRLZ IPT	1, Amdt 6 8 Feb 54	5 6 Jan 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Int S crs Williamsport LFR & Brng 056	Hughesville MHW	056-7.3	3600	T-dn	800-1	800-1	800-1
				C-dn	900-1½	900-1½	900-1½
				A-d	1500-2	1500-2	1500-2
				A-n	1500-3	1500-3	1500-3

Procedure turn S side E crs, 100 Outbnd, 280 Inbnd, 3600' within 10 mi of Hughesville FM MHW (nonstandard due to obstructions)
Crs and distance, facility to airport, HVL FM-MHW to IPT LFR 280-5.1 - IPT LFR to airport, 285-6.1
Minimum Altitude over facility on final approach crs, 3000'(over HVL) 1600' # (over IPT)
Descend to authorized minimums within 1 mi after passing LFR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.0 mi after passing IPT LFR, make right climbing turn to 4000' on E crs of IPT LFR within 10 mi.
CAUTION: ADF procedure NA. Williamsport LFR must be monitored during entire approach.
NOTE: Airport minimums do not provide clearance over 2000' ridge approx 2 mi S of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Williamsport, Pa	Williamsport IPT	BRLZ MHW-HVL	2, Amdt 1 8 Feb 54	Orig 6 Jan 54

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 198 Outbnd, 018 Inbnd, 1600' within 10 mi. NA beyond 10 mi due to traffic.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 018-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, make climbing left turn and climb to 1600' on S crs within 10 mi.
CAUTION: Turn left as soon as practicable to avoid holding pattern at Philadelphia LOM. Maintain 1600' until S of range.
NOTE: ADF approach not authorized.
Major Changes: Deletes straight-in minimums due to excessive rate of descent.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wilmington, Del	New Castle County 79'	MRLWZ ILG	1, Amdt 7 12 Nov 55	6 15 Oct 55

Wink VOR	INK-LFR	150-7.8	4100	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 152 Outbnd, 332 Inbnd, 3900' within 10 mi.
Minimum Altitude over facility on final approach crs, 3400'
Crs and distance, facility to airport, 353-1.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.0 mi, climb to 4500' on N crs within 20 mi.
Major Changes: Limit procedure turn distance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wink, Tex	Municipal 2824'	SBRAZ INK	1, Amdt 4 18 Feb 56	3 21 Jun 54

Winslow VOR	INW-LFR	088-3.2	7000	T-dn	300-1	300-1	300-1
				C-dn	500-2	600-2	600-2
				S-dn-17	*400-1	600-2	600-2
				A-dn	800-2	800-2	800-2

* CAUTION: 940' per minute 110K.

Procedure turn W side N crs, 340 Outbnd, 160 Inbnd, 7000' within 10 mi.
Minimum Altitude over facility on final approach crs, 5600'
Crs and distance, facility to airport, 160-1.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.3 mi, climb to 7000' on E crs within 20 mi.
Major Changes: Show straight-in minimums of 400-1 for aircraft with stall speeds of 65 K or less and add caution note for rate of descent. Delete caution note for obstruction no longer in revised final approach area.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Winslow, Ariz	Municipal 4937'	SBRAZ INW	1, Amdt 6 22 Jan 55	5 17 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Wallburg Int	INT-LFR (Final)	328-4.6	1700	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of SE crs, 148 Outbnd, 328 Inbnd, 2300' within 10 mi.
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 328-4.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.4 mi, climb to 4000' on NW crs within 15 mi.
NOTE: Building 1307' MSL 2.0 mi SW of airport.
Major Changes: Revise missed approach procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Winston-Salem, NC	Smith Reynolds 969'	SMRLZ INT	1, Amdt 15 12 Nov 55	14 27 Aug 54

Icy Bay Int-Int SE crs Yakataga LFR & W crs Yakutat LFR	CYT-LFR	303-19	3500	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
Cape Suckling Int #	CYT-LFR	033-20	3500	A-dn	800-2	800-2	800-2
Cape Suckling Int # to point of Missed approach	CYT-LFR (Final)	033-15 See Missed approach	500				

Procedure turn S side SW crs, 213 Outbnd, 033 Inbnd, 1000' within 10 mi of Cape Suckling Int #
Minimum Altitude over facility on final approach crs, See missed approach
Crs and distance, facility to airport, 146-0.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
on final approach 15 mi after passing Cape Suckling Int #, turn right, climb to 1500' on SW crs to Cape Suckling Int #
Int SW crs Yakataga LFR & E crs Hinchinbrook LFR.
CAUTION: High terrain NW through E 6 to 7 mi from airport. Hill 2258' MSL 3 mi E of airport.
NOTE: This procedure not authorized for ADF procedure.
Major Changes: Realignment of all range crs 23 counterclockwise. Final approach crs established on SW crs. Take-off minimums for more than 2 engines raised. Nautical mi form.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Yakataga, Alaska	Yakataga 12'	BMRLZ CYT	1, Amdt 8 9 Jun 56	7 7 Dec 55

Selah Int (Int NW crs YKM-LFR & S crs ELN-LFR)	YKM-LFR	098-6.3	4000	T-d	500-1	500-1	500-1
				T-n	800-2	800-2	800-2
YKM - VOR	YKM-LFR	147-1.6	4000	C-d	800-2	800-2	800-2
YKM - LOM	YKM-LFR	272-2.9	3000	C-n	800-2	1000-2	1000-2
				A-d	800-2	800-2	800-2
				A-n	800-2	1000-2	1000-2

Procedure turn S side SE crs, 106 Outbnd, 286 Inbnd, 4000' within 10 mi. (nonstandard due to more favorable terrain)
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 266-4.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 mi, turn right and climb to 4000' on NW crs YKM-LFR within 10 mi. Make all turns on N side of NW crs of YKM-LFR.
CAUTION: Do not proceed more than 10 mi on NW crs from YKM-LFR.
Major Changes: Add transition from YKM-VOR. Add transition from LOM to LFR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Yakima, Wash	Yakima 1077'	BMRLZ YKM	1, Amdt 9 2 Apr 55	8 4 Feb 52

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 254 Outbnd, 074 Inbnd, 1200' within 10 mi.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 106-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 mi, climb to 1200' on SE crs within 20 mi.
Major Changes: Procedure turn reduced to 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Yakutat, Alaska	Yakutat 37'	SBRAZ YAK	1, Amdt 5 2 Jul 55	4 26 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
YNG VOR	YNG-LFR	177-1.2	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d-18	400-1	400-1	400-1
				S-n-18	400-1	400-1	400-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 005 Outbnd, 185 Inbnd, 2200 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 185-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . .
within 3.0 miles, climb to 3000' (or higher altitude when directed by ATC) on S crs Youngstown LFR within 10 mi.
Major Changes: Deletes transition from Gustavus FM

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Youngstown, Ohio	Youngstown 1198'	SBMRLZ YNG	1, Amdt 9 1 Jan 1955	8	19 Mar 54

					T-dn	300-1	300-1	300-1
					C-dn	600-1	600-1	600-1½
					A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 345 Outbnd, 165 Inbnd, 3000' within 10 miles
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 165-5.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 miles, climb to 3500' on S crs within 20 miles of LFR
Major Changes: Change procedure turn direction and distances. Eliminate procedure turn note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Yuma, Ariz	Vincent AFB 213'	SBMRAZ YUM	1, Amdt 5 9 Jul 55	4	6 Jul 54

¶ *(b) Automatic direction finding procedures.*

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ADF

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Albuquerque LFR	AMH-MHW	direct	8000	T-dn	300-1	300-1	200-½
Albuquerque VOR	AMH-MHW	direct	8000	C-dn	800-2	800-2	800-2
Int R-054 Grants VOR & 154° brg to AMH MHW	Alameda MHW (Final)	direct	7000	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 334° Outbnd, 154° Inbnd, 8000' within 10 miles
Minimum Altitude over facility on final approach crs, 7000'
Crs and distance, facility on airport, 154-8.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.6 miles, climb to 7000' on S crs ABQ LFR within 20 miles
NOTE: Alternate missed approach, when directed by ATC turn right, climb to 10,000 on W crs. ABQ LFR within 20 miles.
CAUTION: Terrain exceeding 8000' in E sectors ABQ LFR. All turns to be made W.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Albuquerque, N Mex	Kirtland AFB-Mun 5352'	MHW AMH	1, Amdt 2 7 Jan 1956	1	22 Jan 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Mitchel LFR	BBN-ADF	Direct	1500	T-d	300-1	300-1	300-1
Long Beach Int	BBN-ADF	direct	1500	C-d	500-1½	500-1½	500-1½
Scotland Int	BBN-ADF	direct	1500	S-d-35	500-1	500-1	500-1
St. James Int	BBN-ADF	direct	1500	A-d	800-2	800-2	800-2
Huntington Int	BBN-ADF	direct	1500				
Radar Terminal Area Transitions all directions	BBN-ADF	within 25 mi of IDL	3000				

Procedure turn E side of crs, 177 Outbnd, 357 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 357-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 miles of Babylon MHW, climb on a crs of 357° to the NE crs of the Mitchel LFR at 2500'
NOTE: Straight-in approach approved on a crs of 357° to the Babylon MHW within 10 miles as determined by surveillance radar. Night operations NA.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Amityville, L I New York	Zahn's 80'	MHW BBN	1, Amdt 1 1 Jul 1954	Orig	15 May 54

Reedy Int	AND-ADF	direct	2200	T-dn	300-1	300-1	
Royston VOR	AND-ADF	direct	2000	C-dn	500-2	500-2	
				A-dn	800-2	800-2	

Procedure turn S side of crs, 238 Outbnd, 058 Inbnd, 2000 within 10 miles (NA beyond 10 miles).
Minimum Altitude over facility on final approach crs, 1300'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within o.o miles, turn left, climb to 2000 on crs of 238 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Anderson, S C	Anderson 782'	EMH AND	1, Amdt 8 7 Jun 1954	7	1 Aug 52

					T-dn	300-1	300-1	300-1
					C-dn	500-1	600-1	600-1½
					S-dn-23	400-1	600-1	600-1½
					A-dn	800-2	800-2	800-2

Procedure turn W side of crs 038 Outbnd, 218 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 218-2.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.2 miles, make a right climbing turn, climb to 2000' on crs of 250° from Bar Harbor MHW within 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Bar Harbor, Me	Municipal 84'	MHW BHB	1, Amdt 2 18 Jun 1954	1	5 Jun 54

Bellingham-LFR	BGH-ADF	direct	2000	T-dn	300-1	300-1	200-½
Bellingham-VOR	BGH-ADF	direct	1500	C-dn	600-1	600-1	600-1½
Abbotsford-LFR	BGH-ADF	direct	1500	S-dn-Ry16	500-1	500-1	500-1
Cultus Lake Int	BGH-ADF	direct	6500	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 336 Outbnd, 156 Inbnd, 2000 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 156-3.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 miles, climb to 4000' on Outbnd Bearing of 160° within 20 miles of station

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Bellingham, Wash	Bellingham 158'	MH BGH	1, Orig 1 Sep 1956	None	

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
North Conway MHW	BWL- RBn	direct	8000	T-d	2300-2	2300-2	2300-2
				C-d	2300-2	2300-2	2300-2
				A -	NA	NA	NA

Procedure turn E side of crs, 351 Outbnd, 171 Inbnd, 5000 within 10 miles. (Non-standard to avoid high terrain to the W.)
Minimum Altitude over facility on final approach crs, 3500'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . .
within 0.0 miles, immediately make a right turn, climb to 5000 on crs of 351° within 10 miles of Berlin "H" facility.
SHUTTLE: From 8000' to 5000' on crs of 351° from facility within 10 miles - All turns to the E.
NOTE: LFR-Climb out procedure, climb N of facility Shuttle on crs of 351° from facility within 10 miles all turns to the E, proceed on crs at 8000'. Facility must be monitored aurally during this procedure.
Air Carrier Note: No reduction in minimums authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Berlin, N H	Municipal 1158'	MHW BWL	1, Amdt 2 28 Sep 1954	1 1 Apr 54

				T-dn	300-1	300-1
				C-d	500-1	500-1½
				C-n	500-1½	500-1½
				S-dn-32	500-1	500-1
				A-dn	800-2	800-2

Procedure turn, E side of crs, 141 Oubnd, 321 Inbnd, 3400 within 10 miles
Minimum Altitude over facility on final approach crs, 2900'
Crs and distance, facility to airport, 321-3.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 miles, climb to 3400' on crs 321° within 10 miles. Make climbing left turn, return to Bradford MHW at 4000'.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bradford, Pa	McKean County 2142'	MHW EFD	1, Amdt 2 20 May 1954	1 7 Dec 51

Brunswick VOR	SSI-ADF	direct	1100	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side 225 Oubnd, 045 Inbnd, 1300 within 10 miles
Minimum Altitude over facility on final approach crs, 600'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn right, climb to 1300 on crs of 225 within 20 miles
NOTE: To provide separation from Navy Glynco traffic
Major Changes: Revises transition from VOR and deletes straight-in minima.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Brunswick, Ga	Malcolm McKinnon 20'	BMH SSI	1, Amdt 5 1 Sep 1955	4 20 Aug 55

Pittsburgh Surveillance Radar	Within 40 miles of Greater Pittsburgh Airport	———	3000	T-dn	300-1	300-1	
				C-d	600-1	600-1	
Pittsburgh Surveillance Radar Fix, 5 mi from BIP RBn	BIP-RBn (Final)	005 - 5	2400	C-n	600-1½	600-1½	
				A-dn	800-2	800-2	

NOTE: Radar transition may be conducted by Pittsburgh surveillance radar. Descent to final approach altitude authorized upon intercepting 005° Inbnd crs to Butler and passing 5-mile fix as determined by surveillance radar.

Procedure turn E side of crs, 185 Oubnd, 005 Inbnd, 3000 within 6 miles. NA beyond 6 miles.
Minimum Altitude over facility on final approach crs, 2400'
Crs and distance, facility to airport 005-4.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.7 miles after passing Butler, climb to 2600 on crs of 356° within 10 miles
CAUTION: Unlighted tower 1491' 1 mile ESE of runway 25

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Butler, Pa	Butler-Graham 1248'	HW BIP	1, Amdt 3 1 Apr 1954	2 31 Dec 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Elkins LFR	CKB-ADF	direct	5000	T-dn*	500-1	500-1	
Elkins VOR	CKB-ADF	direct	4000	C-d	1000-1		
Int 328° crs from Elkins VOR & 040° crs	Clarksburg HW (Final)	direct	2200	A-d	1500-2		

*Night take-offs not authorized on NW-SE Runways

Procedure turn W side of crs, 220 Outbnd, 040 Inbnd, 2900 within 10 miles
Minimum Altitude over facility on final approach crs, 2200'
Facility at airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn left, climb to 2900' on crs of 220° within 10 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Clarksburg, W Va	Benedum 1209'	HW CKB	1, Amdt 3 29 May 1954	2 1 Aug 51

Columbus LFR	LOM	direct	2000	T-dn	300-1	300-1	200-½
Columbus BVOR	LOM	direct	2000	C-dn	500-1	500-1	500-1½
Marvyn Int	LOM	direct	2000	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 232 Outbnd, 052 Inbnd, 2000 within 10 miles of LOM
Minimum Altitude over facility on final approach crs, 2000 over LOM. 1100 over LMM.
Crs and distance, facility to airport, LOM 6.8,052. LMM 0.7,052
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within .7 miles of LMM climb to 2000 on crs of 052 within 20 miles
CAUTION: Tower 762 MSL 1 mi SE Final Approach crs between LOM and LMM
Major Changes: Revises initial approaches. Changes alt. over LMM. Changes missed approach. Deletes straight-in minima for large aircraft.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbus, Ga	Muscogee County 397'	LOM CS LMM SG	1 Amdt 4 22 Jan 1955	3 2 Feb 53

Cotulla VOR	COT-ADF	direct	1600	T-dn	300-1	300-1	
				C-dn	600-1	600-1	
				A-dn	800-2	800-2	

Procedure turn S side of crs, 310 Outbnd, 130 Inbnd, 1600 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 1100'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 1600 on crs of 130 within 10 miles.
CAUTION: 560' unlighted water tower 1 mile WSW
Major Changes: Changes direction of procedure turn

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cotulla, Texas	Municipal 471'	BMH COT	1, Amdt 2 3 Sep 1955	1 29 Jan 55

Dalhart BVOR	DHT-ADF	direct	5200	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 120 Outbnd, 300 Inbnd, 5200 within 10 miles
Minimum Altitude over facility on final approach crs, 4700'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 5300 on crs of 311 within 20 miles
Major Changes: Raise circling landing minima

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dalhart, Texas	Municipal 3989'	MH DHT	1, Amdt 4 10 Dec 1954	2 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Dallas LFR	DCV-ADF	direct	2000	T-dn	300-1	300-1	
Dallas VOR	DCV-ADF	direct	2000	C-dn	500-1	500-1	
				A-dn	NA	NA	NA

Procedure turn E side of crs, 150 Outbnd, 330 Inbnd, 2500 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 347-1.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.1 miles turn right return to DCV MHW climbing to 2600
CAUTION: 1000' MSL radio tower located 2.5 miles S of airport
NOTE: No weather service available. Air Carrier Use NA. Radar Terminal Area transition altitude: 2000 within 5 to 20 N mi. Radar control must provide 3 N mi or 1000 vert separation or 3 to 5 N mi and 500 vert separation from radio towers 1108 MSL 20 N mi N 2349 MSL 16 N mi SSW - 1230 MSL 10 N mi WNW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dallas, Texas	Red Bird 642'	MHW DCV	1, Orig 8 Oct 1955	None

Int NE crs Greensboro LFR & 327° Brng	DANVILLE MH	direct	1600	T-dn	300-1	300-1	200-½
	DAN-ADF	direct	1600	C-dn	500-1	500-1½	500-1½
South Boston Int	DAN-ADF	direct	1600	*A-dn	800-2	800-2	800-2
Int NE crs Greensboro LFR & 012 Brng	Danville MH	direct	1600				
Danville VOR	DAN-ADF	direct	1600				

Procedure turn N side of crs, 061 Outbnd, 241 Inbnd, 1600 within 10 miles
Minimum Altitude over facility on final approach crs, 1100'
Facility at airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, make a left turn, climbing to 2000' on a heading of 120; and return to Danville BMH

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Danville, Va	Danville Airport 582'	BMH DAN	1, Amdt 3 8 Aug 1954	2 15 May 54

DEN VOR	AUR-MHW	direct	7000	T-dn	300-1	300-1	200-½
DEN LFR	AUR-MHW	direct	7000	C-dn	400-1	500-1	500-1½
Franktown FM* (Northbnd only)	AUR-MHW	direct	7000	S-dn-35	400-1	400-1	400-1
Englewood FM	AUR-MHW (Final)	direct	6200	A-dn	800-2	800-2	800-2

*Descent below 8900' not authorized until 3 mi N of Franktown FM due to 6715' terrain 6 mi NW of Franktown.

Procedure turn E side S crs, 164 Outbnd, 344 Inbnd, 7000 within 10 miles (NA beyond 10 miles due to terrain)
Minimum Altitude over facility on final approach crs, **6200'
**Do not descend below 5825' MSL until 1.5 mi N Aurora RBn on account of 5525' MSL tower at Lowry Field.
Crs and distance, facility to airport, 344-3.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.1 miles, climb to 6300' on crs of 348° from DEN LFR within 20 miles
NOTE: Alternate missed approach, when directed by ATC, climb to 6600' on E crs DEN LFR within 20 miles
CAUTION: 5918' MSL tower 4.7 miles E SE of airport. Standard clearance not provided over obstructions in final approach area.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Denver, Colo	Stapleton Airfield 5331'	MHW AUR	2, Amdt 5 7 May 1955	4 15 May 54

RML-LFR	RBn	direct	2300	T-dn	*500-1	*500-1	*500-1
Windsor LFR	RBn (Final)	direct	1500	C-dn	700-1	700-1	700-1½
Windsor VOR	RBn	direct	2300	C-dn	800-2	800-2	800-2

*300-1 take-off minimums authorized Runway 33 only.

Procedure turn E side of crs, 149 Outbnd, 329 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 329-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 2300' on crs of 329° to Warren Int
AIR CARRIER NOTE: Sliding Scale not authorized
Major Changes: Transition altitude revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Detroit, Mich	Detroit City 626'	MH DET	1, Amdt 6 18 Aug 1956	5 14 Jul 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Int W crs RML LFR & 050 Brg to MHW	FRD MHW	direct	2000	T-dn	300-1	300-1	200-½
Detroit LFR	FRD MHW	direct	2000	C-dn	400-1	500-1	500-1½
Int N crs RML LFR & 230 Brg. to MHW	FRD MHW	direct	2000	S-dn-22R & 22L	400-1	400-1	400-1
Int N crs TOL & 050 Brg to MHW	FRD MHW	direct	2000	A-dn	800-2	800-2	800-2
Salem VOR	FRD MHW						
Carleton VOR	FRD MHW	direct	2000				
Bridgewater VHF Int	FRD-MHW	direct	2300				
Milan VHF Int	FRD-MHW	direct	2000				
Midcraft VHF Int	FRD-MHW	direct	2000				
Park VHF Int	FRD-MHW	direct	2000				

NOTE: Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3 N miles from FRD MHW. Refer to Radar Approach Procedure (Willow Run) if detailed information on sector altitudes is desired.

Procedure turn, N side of crs, 050 Outbnd, 230 Inbnd, 2000 within 9 miles. NA beyond 9.0 miles.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 230-3.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 miles, climb to 2000 on W crs Detroit LFR within 20 miles or when directed by ATC: (1) Climb to 2300' proceed to YIP LOM. (2) Climb to 2300' proceed to RML LOM. (3) Make left turn, climbing to 2000' proceed to CRL VOR.
CAUTION: TV antenna 1738 & 1749 15.0 mi. NE Ford Rbn

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Detroit, Mich	Willow Run 716'	MHW FRD	2, Amdt 5 31 May 1956	4 22 Mar 55

Dyersburg VOR	DYR-ADF	direct	1500	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn, N side of crs, 090 Outbnd, 270 Inbnd, 1700 within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 00 miles, climb to 1600 on crs 270° within 20 miles
Major Changes: Increase procedure turn altitude and raise landing minima.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dyersburg, Tenn	Municipal 337'	BMH DYR	1, Amdt 3 17 Dec 1954	2 28 Apr 53

				T-dn	500-1½	500-1½	500-1½
				C-dn	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 185 Outbnd, 005 Inbnd, 1000 within 10 miles
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 005-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 2000' on crs of 005° within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Canton Island Phoenix Islands	Topham Field 9'	HW CIS	1, Amdt 5 21 Apr 1956	4 1 Nov 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				C-d	700-2	1000-3	1000-3
				A-d	800-2	1000-3	1000-3
				Climb out from VFR conditions	700-2	1000-3	100-3
				No other conditions authorized			

Procedure turn, no turn final approach crs, 200 to 700' within 20 miles
SHUTTLE: Within 10 miles to 4500', 200° Outbnd, 020° Inbnd.
Minimum Altitude over facility on final approach crs, seeNote*.
*CAUTION: Maneuvering over facility below 4500' not authorized.
Crs and distance, facility to airport, flight to continue to destination VFR
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
turn left at Cape Spencer Int, climb to 5300' on crs of 112° to Sitka LFR, or when directed by ARTC, turn right at Cape Spencer Int, climb to 1200' on crs 291° to Yakutat LFR.
NOTE: This procedure designed for Seaplanes descending to VFR conditions using harbors near Cape Spencer and Cross Sound.

City and State: Cape Spencer Lighthouse, Alaska — Airport Name & Elev.: USCG Marine Radio Beacon and Light Beacon - no airport or seadrome — Fac. Class & Ident.: HW "T" — Procedure No. & Eff. Date: 1, Amdt 1 13 Aug 1955 — Sup. Amdt. No. Dated: Original 26 Jul 54

Iowa City VOR	CID-RBn	Direct	2000	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs 260 Outbnd, 080 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 2000' on crs 080° within 20 miles of CID "H" facility

City and State: Cedar Rapids, Iowa — Airport Name & Elev.: Municipal 863' — Fac. Class & Ident.: "H" CID — Procedure No. & Eff. Date: 1, Amdt 1, 10 Mar 1954 — Sup. Amdt. No. Dated: Orig. 20 July 53

Iowa City VOR	CID-RBn	direct	2000	T-dn	300-1	300-1	200-½
CID RBn	Walford Int**	direct	2000	C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-8	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 260 Outbnd, 080 Inbnd, 2000' within 10 mi of Walford Int. Not authorized unless aircraft equipped to receive ADF and VOR simultaneously.
Minimum Altitude over Walford Int** on final approach crs, 1500'
**Walford Int - 330° Radial of Iowa City VOR and 080° bearing to CID RBn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.5 miles of Walford Int**, climb to 2100' on 080 crs from CID RBn within 20 miles.
NOTE: All aircraft will procede en route to CID RBn, thence to Walford Int**. Initial approach to Walford Int** from CID RBn.

City and State: Cedar Rapids, Iowa — Airport Name & Elev.: Municipal 863' — Fac. Class & Ident.: "H" CID — Procedure No. & Eff. Date: 2, Orig 30 Mar 1954 — Sup. Amdt. No. Dated: None

Iowa City VOR	CID-RBn	direct	2000	T-dn	300-1	300-1	200-½
CID RBn	ELY Int**	direct	2100	C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 084 Outbnd, 264 Inbnd, 2100 within 10 miles of Ely Int**
Minimum Altitude over Ely Int** on final approach crs, 1500'
Crs and distance, facility to airport, Ely Int** 264-4.5
**Ely Int - 355° Radial of Iowa City VOR and 264° Bearing to CID RBn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.5 miles of Ely Int**, climb to 2000' on crs of 260° from CID RBn within 20 miles.
NOTE: Procedure NA unless aircraft equipped to receive ADF VOR
All aircraft will procede en route to CID RBn, thence to Ely Int**. Initial approach from CID RBn.

City and State: Cedar Rapids, Iowa — Airport Name & Elev.: Municipal 863' — Fac. Class & Ident.: "H" CID — Procedure No. & Eff. Date: 3, Orig 30 Mar 1954 — Sup. Amdt. No. Dated: None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-d	1000-1	1000-1	
				C-d	1000-2	1000-2	
				A-d	1500-3	1500-3	

Procedure turn, S side crs, 253 Outbnd, 073 Inbnd, 2100 within 10 miles
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 073-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 miles, climb to 2500 on crs 073 within 10 miles and return to Huntington BH
NOTE: Air carrier use NA.

City and State: Chesapeake, Ohio — Airport Name & Elev.: Huntington airport 560' — Fac. Class & Ident.: BH HTW — Procedure No. & Eff. Date: 1, Amdt 1 18 Dec 1953 — Sup. Amdt. No. Dated: Orig 9 Dec 53

Int CHI TVOR R-196 & CGT VOR R-272	EDZ-RBn	direct	2300	T-dn	300-1	300-1	200-½
		direct	2300	C-d	400-1	500-1	500-1½
Howell Int	EDZ-RBn	direct	2000	C-n	400-1½	500-1½	500-1½
Joliet VOR	EDZ-RBn	direct	2000	S-dn-31L,R	400-1	400-1	400-1
Big Run Int	EDZ-RBn	Direct	2000	A-dn	800-2	800-2	800-2
API VOR	EDZ-RBn	direct	2300				
Downers Grove Int	EDZ-RBn	direct	2300				
CHI LFR	EDZ-RBn	direct	2000				
Lake Shore Int	EDZ-RBn	direct	2500				
Crib Int	EDZ-RBn	direct	2000				
Gary Int	EDZ-RBn	direct	2000				
Gary Int	EDZ-RBn (Final)	direct	1500				
CGT VOR	EDZ-RBn	direct	2000				
CGT VOR	EDZ-RBn (Final)	direct	1500				
Thornton Int	EDZ-RBn	direct	2000				
Thornton Int	EDZ-RBn (Final)	direct	1500				
Radar Vectors 60° clockwise to 185° from EDZ RBN	EDZ-RBn	within 20 mi	2000				
Ditto, 185° clockwise to 060°	EDZ-RBn	"	2500				

Procedure turn, E side of crs, 132 Outbnd, 312 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 312-3.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.3 miles, climb to 2500 or higher altitude specified by ATC on front crs Chicago ILS and proceed to Chi ILS LOM, or as directed by ATC as follows: make left turn, climbing to 2000', proceed to Momence Int via N and S crs Harvey range.

City and State: Chicago, Ill — Airport Name & Elev.: Midway 618' — Fac. Class & Ident.: MHW EDZ — Procedure No. & Eff. Date: 2, Amdt 8 25 Feb 1956 — Sup. Amdt. No. Dated: 7 22 Mar 55

Evanston Int	LOM	direct	2500	T-dn	300-1	300-1	200-½
Glenview LFR	LOM	direct	2500	C-d	400-1	500-1	500-1½
Int S crs MKE LFR & E crs RFD LFR	LOM	direct	2500	C-n	400-1½	500-1½	500-1½
				S-dn 14R	400-1	400-1	400-1
Wilson Int	LOM	direct	2500	A-dn	800-2	800-2	800-2
Chicago LFR	LOM	direct	2500				
API VOR	LOM	direct	2500				
MDW LOM	LOM	direct	2500				

Procedure turn W side NW crs, 330 Outbnd, 150 Inbnd, 2500 within 10 mi
Minimum altitude over facility on final approach course 2000'
Course and distance, facility to airport, 150, 5.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.3 mi, make left turn, climb to 2500' on heading of 050° to SE crs NBU LFR. Proceed to Mundelein Int via NBU LFR or when direct by ATC: (1) make left turn, climb to 2500', proceed to LOM.
CAUTION: Radio towers approximately 3 mi right of inbnd crs 1460' and 1420' m.s.l.

City and State: Chicago, Ill. — Airport Name & Elev.: O'Hare Int'l 666' — Fac. Class & Ident.: LOM - OR — Procedure No. & Eff. Date: 2,Orig 26 Jan 1957 — Sup. Amdt. No. Dated: None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Eld Dorado VOR	ELD-ADF	direct	1600	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 310 Outbnd, 130 Inbnd, 1400 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 900'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within o miles, climb to 1900 on crs of 130 within 20 miles
CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise El Dorado Radio of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted El Dorado Radio, hold between facility and a point 2 minutes out on final approach crs at least 1,000' above procedure turn altitude and 1,000' above previously reported traffic until advised that aircraft making approach has landed. Keep El Dorado Radio advised at all times of changes in altitude and position in order that other aircraft may also receive this information.
Major Changes: Raise missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
El Dorado, Ark	Goodwin Field 277'	RBN ELD	1, Amdt 2 20 Jul 1955	1 15 Jan 55

Hazen Int (W crs FFN LFR and LOL Radial 200)	FFN-ADF	direct	6000	T-dn	300-1	300-1	300-1
				C-d	500-1	500-1	500-1½
				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 123 Outbnd, 303 Inbnd, 7500 within 10 miles. Reyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 5500'
Crs and distance, facility to airport, 297-5.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.8 miles, turn left and climb to 6000' on Outbnd crs of 280° within 15 miles, in no case beyond Hazen Int (18 miles).

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fallon, Nev	Municipal 3965'	SBRAZ FFN	1, Orig 12 Mar 1955	None

Mitchel LFR	BBN-ADF	direct	1500	T-dn	300-1	300-1
Long Beach Int	BBN-ADF	direct	1500	C-dn	500-1½	500-1½
Scotland RBn	BBN-ADF	direct	1500	S-dn 1&32	500-1	500-1
St. James Int	BBN-ADF	direct	1500	A-dn	800-2	800-2
Huntington Int	BBN-ADF	direct	1500			
Radar Terminal area transitions all directions	BBN-ADF	within 25 mi of IDL Radar	3000			

Procedure turn E side of crs, 166 Outbnd, 346 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport 346-3.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 miles of Babylon MHW, climb on a crs of 350° to the NE crs of the Mitchel LFR and proceed to the Mitchel Radio Range at 2500'.
NOTE: Straight-in approach approved on a crs of 350° to the Babylon MHW within 10 miles as determined by surveillance radar. Procedure approved only during the hours that the control tower is in operation.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Farmingdale, N Y	Republic Aviation 82'	MHW BBN	1, Orig 29 Jul 1954	None

Findlay VOR	FDY-ADF	direct	2000	T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 180 Outbnd, 360 Inbnd, 2000 within 10 miles.
Minimum Altitude over facility on final approach crs, 1600'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles of Findlay BMH make a left climbing turn to 2000'. Hold S in a standard pattern 360° Inbnd at 2000'.
Major Changes: Final approach altitude revised. Note deleted. Circling minimums raised, straight-in minimums deleted.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Findlay, Ohio	Findlay Airport 800'	BMH FDY	1, Amdt 1 29 Dec 1956	Orig 3 Nov 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-d	1000-2	1000-2	
				T-n			
				C-d	1700-2	1700-2	
				C-n			
				A-dn	NA	NA	

Procedure turn S side of crs, 320 Outbnd, 140 Inbnd, 3000 within 10 mi.
Minimum Altitude over facility on final approach crs, 2000'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . .
within 0.0 mi, climb to 3000' on crs of 140 within 10 mi of Fitchburg MH.
AIR CARRIER NOTE: Sliding scale and provisions for reduced visibility not applicable below one mi.
NOTE: Facility must be monitored aurally during this procedure.
NOTE: Facility operated by city.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup Amdt. No. Dated
Fitchburg, Mass	Municipal 348'	MH FIT	1, Amdt 1 2 Jul 55	Orig 1 Apr 54

				T-d	1000-2	1000-2	
				T-n			
				C-d	1200-2	1200-2	
				C-n			
				A-dn			

Procedure turn N side of crs, 140 Outbnd, 320 Inbnd, 2500 within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, climb to 3000' on crs of 320 within 10 mi of Fitchburg MH.
AIR CARRIER NOTE: Sliding scale and provisions for reduced visibility not applicable below one mi.
NOTE: Facility must be monitored aurally during this procedure.
NOTE: Facility operated by City.
Major Changes: Procedure for publication. Minimums revised. Final approach altitude reduced.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fitchburg, Mass	Municipal 348'	MH FIT	2, Amdt 1 2 Jul 55	Orig, 1 Apr 54

				C-d	700-2	1000-3	1000-3
				A-d	800-2	1000-3	1000-3
				No other Conditions authorized.			

Procedure turn W side 320 Outbnd, 140 Inbnd, 3500' within 15 mi, beyond 15 mi NA.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 140-3.0 - Flight to continue to destination VFR *
* This procedure designed for descent to VFR conditions to destinations at Juneau and Petersburg.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3 mi after passing Station, climb on crs of 126 to 5700' within 20 mi.
CAUTION: Terrain with elevations to 1400' 10 mi W of let-down and final approach crs. Maneuvering E of let-down crs not authorized due to high terrain.
SHUTTLE: Within 10 mi to 3500', 320 Outbnd, 140 Inbnd
Major Changes: Change missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Five Finger Station	USCG Marine 81'	HW D	1, Amdt 1 13 Aug 55	Original 26 Jul 54
	Radio Beacon & Light Beacon - no Airport or Seadrome			

Ft Myers VOR	FMY-ADF	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side crs, 220 Outbnd, 040 Inbnd, 1200 within 10 mi.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 040-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi, climb to 1300' on crs of 040 within 17 mi *
* 17 mi limit due traffic on Airways B-1, V-97.
Major Changes: New facility at new location.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ft Myers, Flo	Page Field 17'	BH FMY	1, Orig. 13 Jan 56	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Carter ILS-LOM	GPR-ADF	Direct	1900	T-dn	300-1	300-1	200-½
Farmers Br Int	GPR-ADF	Direct	1900	C-dn	400-1	500-1	500-1½
Dallas LFR	GPR-ADF	Direct	1900	S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 196 Outbnd, 016 Inbnd, 2500' within 10 mi. (nonstandard due to traffic)
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 349-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 mi, turn left, climb to 1900' on crs of 309 within 15 mi of Carter ILS-LOM or when directed by ATC, climb to 2200' on crs of 349 within 20 mi of Grand Prairie MHW.
Major Changes: Delete transitions. Realign procedure turn and final approach crs. Raise minimum altitude over facility on final approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ft Worth, Tex	Amon Carter Field 568'	MHW GPR	2, Amdt 3 19 Jun 55	2 24 Jul 54

Albany LFR	GFL-ADF	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				A-dn	1000-2	1000-2	1000-2

* 300-1 required for take-off on Runway 30.

Procedure turn E side of crs, 190 Outbnd, 010 Inbnd, 2500' within 10 mi.
Minimum Altitude over facility on final approach crs, 1100'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi after passing Glens Falls BMH, make an immediate right climbing turn to 3000' on a crs of 190 within 10 mi.
Major Changes: Circling minimums reduced. Final approach altitude reduced.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Glens Falls, N Y	Warren County 328'	BMH GFL	1, Amdt 4 29 Dec 56	3 21 May 55

				T-dn	300-1	300-1	300-1
				C-d	600-1	700-1	700-1½
				C-n	600-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 250 Outbnd, 070 Inbnd, 5700' within 10 mi.
Minimum Altitude over facility on final approach crs, 4300'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, turn right, climb to 7000' on crs of 120 from GNG-H within 15 mi.
Major Changes: Raise take-off minimums for 4-eng aircraft. Eliminate enroute instructions on missed approach. Delete transitions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Gooding, Idaho	Gooding Municipal 3729'	BH GNG	1, Amdt 4 22 Dec 56	3 30 Jun 50

				T-dn	300-1	300-1	200-½
				C-dn	600-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 197 Inbnd, 017 Outbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 197-2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.4 mi, climb to 2500' on a crs 197 within 10 mi, return to HTW BH.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Huntington, W Va	Tri-State 827'	BH HTW	1, Orig 3 Dec 53	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-24	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 065 Outbnd, 245 Inbnd, 1500' within 10 mi. NA beyond 10 mi (nonstandard to avoid Otis AFB traffic)
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, 245-2.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.8 mi, make an immediate left climbing turn return to Hyannis MHW at 1300'
NOTE: Facility must be monitored aurally during this procedure.
Major Changes: Minimums added for aircraft with more than two engines.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Hyannis, Mass	Barnstable 56'	MHW HYA	1, Amdt 7 4 Aug 56	6 17 Sept 55

Litchfield VOR	JXN-RBn	Direct	2300	T-dn	300-1	300-1	200-½
Manchester Int	JXN-RBn	Direct	2300	C-dn	#400-1	500-1	500-1½
Int SE crs LAN LFR & 210 Brg to JXN-RBn	JXN-RBn	Direct	2300	S-dn-13	#400-1	#400-1	#400-1
Int W crs RML LFR & 030 Brg to JXN-RBn	JXN-RBn	Direct	2300	A-dn	800-2	800-2	800-2
Leslie Int	JXN-RBn	Direct	2300				

If Int * not received or aircraft not equipped to receive VOR maintain 1500' to BMH & 500' circling minimums apply.
* Int Brng 135 to JXN-RBn & R-037 LFD

Procedure turn W side of crs, 315 Outbnd, 135 Inbnd, 2300' within 10 mi of Int*
Minimum Altitude over facility on final approach crs, 1500' (over Int*)
Crs and distance, facility to airport, 135-3.9 (From Int*)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 mi (of Int*) climb to 2300' on crs of 135 within 10 mi, return to JXN-BMH.
CAUTION: Radio tower 1330' MSL 2.0 mi SE of BMH.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Jackson, Mich	Reynolds 1000'	BMH JXN	1, Amdt 7 10 Mar 56	6 26 Nov 55

				*T-dn	300-1	300-1	200-½
				*C-dn	400-1	500-1	500-1½
				*S-dn-5	400-1	400-1	400-1
				*A-dn	800-2	800-2	800-2

* Runway lights available by prior arrangement only.

Procedure turn S side of crs, 225 Outbnd, 045 Inbnd, 3700' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 045-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 mi, make a right climbing turn to 4000' and return to Johnstown MHW and hold SW on crs of 225 within 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Johnstown, Pa	Municipal 2284'	MHW JST	1, Amdt 1 25 Jun 54	Orig 21 Dec 49

				T-d	700-2	1000-2	*1000-3
				T-n			
				C-d	700-2	1000-2	1000-3
				C-n			
				A-d	800-2	1000-3	1000-3
				A-n			

* AIR CARRIER NOTE: IFR Take-off minimums for Air Carriers holding authorizations at Juneau Airport, day 800-2; night 3000-10, Rny 25 only, no precipitation, Auke Mountain visible.

Procedure turn W side of crs, 285 Outbnd, 105 Inbnd, 3500' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500' - Descend to 1500' after passing Pleasant Isle FM.
Crs and distance, facility to airport, Sisters Island to Juneau VFR 25 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.5 mi on crs 105 mag, turn left, climb to 4500' on crs 285 between Sisters Island Rbn & Gustavus LFR.
CAUTION: Mountainous terrain to 3000' 5 mi N of SE crs Gustavus LFR. Advise all turns at Sisters Island be made left or E of crs 105 magnetic.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Juneau, Alaska	Juneau 26'	HW-FM SSR	1, Amdt 3 19 May 55	2 24 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-d	700-2	1000-2	*1000-3
				T-n			
				C-d	700-2	1000-2	1000-3
				C-n			
				A-d	800-2	1000-3	1000-3
				A-n			

* AIR CARRIER NOTE: IFR take-off minimums for Air Carriers holding authorizations at Juneau Airport, day 800-2; night 3000-10, Rny 25 only, no precipitation, Auke Mountain visible.

Procedure turn W side NW crs, Gustavus LFR 285 Outbnd, 105 Inbnd, 2700' within 10 mi. Turns beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1500' at Pleasant Isle FM
Crs and distance, facility to airport, VFR to Juneau 25 mi from SSR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7 mi after passing Pleasant Isle FM, climb to 1500' on Sisters Island Rbn thereafter turn left, climb to 4500' on crs 285 between Sisters Island Rbn and Gustavus LFR.
CAUTION: Mountainous terrain to 3000' 5 mi N of SE crs Gustavus LFR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Juneau, Alaska	Juneau 26'	SBRAZ GST HW-FM SSR	2, Amdt 2 19 May 55	1, 24 Jun 54

Greenfield Int LMF	EEN-ADF	Direct	4000	*T-dn	1500-2	
Greenfield Int VOR	EEN-ADF	Direct	4000	C-dn	1500-2	
				A-d	2500-2	
				A-n	4000-2	

* Night take-off to SE not authorized.

Procedure turn W side of crs, 201 Outbnd, 021 Inbnd, 3500' within 10 mi. NA beyond 10 mi. (W to avoid terrain to E)
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 021-2.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.8 mi, make a left climbing turn returning to Keene HW. Continue to climb to 4000' in standard holding pattern 193 Inbnd & 013 Outbnd, all turns W of holding track.
NOTE: IFR CLIMB-OUT PROCEDURE: Climb with visual reference to enter ceiling over airport on direct crs, climbing to Keene HW, continue to climb in holding pattern. MINIMUM FACILITY DEPARTURE ALTITUDE 4000' except 5000' NE BND.
NOTE: Facility must be monitored aurally during this procedure.
NOTE: Facility operated by State.
AIR CARRIER NOTE: Visibility below one mi day, 2 mi night not authorized by application of sliding scale. For local visibility conditions for landing or for reduction to take-off minimums.
Major Changes: Direction of missed approach holding pattern reversed.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Keene, N H	Dillant-Hopkins 482'	HW EEN	1, Amdt 4 2 Jun 56	3 31 Dec 55

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	1000-2	1000-2	1000-2

Procedure turn N side of crs, 029 Outbnd, 209 Inbnd, 1200' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 209-1.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.4 mi, climb to 6000' on crs of 186 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Kotzebue, Alaska	Ralph Wien Memorial 9'	BH OTZ	1, Amdt 4 4 Feb 56	3 31 Mar 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Concord LFR	LCI-ADF	Direct	4000	#T-d	500-1		
Concord VOR	LCI-ADF	Direct	4000	*T-a	1000-2		
				C-d	1000-1½		
				*C-n	1500-2		
				A-dn			

No take-offs on Runway 17
* Night operations on Runway 8-26 only. All circling to be conducted north of Runway 8-26.

Procedure turn S side of crs, 263 Outbnd, 083 Inbnd, 3000' within 10 mi.
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 083-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 mi, make a climbing left turn, return to Laconia MHW. Continue to climb to 4000' on crs of 30 Outbnd, 210 Inbnd within 10 mi of Laconia MHW. Hold in a standard pattern at 4000' Inbnd crs of 210.
NOTE: After take-off from Runway 8 and 35, proceed in accordance with missed approach procedure. After take-off from Runway 26 proceed direct to Laconia MHW then continue to climb as in missed approach procedure.
NOTE: Minimum enroute facility departure altitude 4000'
NOTE: Facility must be monitored aurally during this procedure.
NOTE: Facility owned and operated by State.
AIR CARRIER NOTE: This procedure authorized for day only. Visibility below 1 mi NA by application of sliding scale; for local visibility conditions for landings; or for reduction of take-off minimums.
Major Changes: Night minimums added and procedure published for public use.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Laconia, N H	Municipal 552'	MHW LCI	1, Amdt 2 16 Apr 55	1 15 Jun 51

Lafayette VOR	LFT-ADF	Direct	1200	*T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

* 500-1 required for take-offs on Runway 28.

Procedure turn E side of crs, 180 Outbnd, 360 Inbnd, 1200' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 700'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi climb to 1300' on crs of 360 within 20 mi.
CAUTION: 494' TV Tower 3.0 mi WNW airport.
Major Changes: Remove night restrictions. Revise take-off restriction Runway 28. Add Caution note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lafayette, La	Lafayette 41'	MH LFT	1, Amdt 6 1 Sep 56	5 5 Feb 55

Int Harrisburg VOR radial 132 and 058 brng.	Lancaster MHW (Final)	Direct	1500	T-dn	300-1	300-1
				C-dn	500-1	600-1
				S-dn-8	400-1	400-1
				A-dn	800-2	800-2

Procedure turn S side of crs, 238 Outbnd, 058 Inbnd, 1800' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 058-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi, make a climbing left turn and return to Lancaster MHW at 2000'
Major Changes: Revises alternate landing minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lancaster, Pa	Municipal 401'	MHW LRP	1, Amdt 5 21 May 55	4 21 Mar 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine; More Than 65 Knots
				T-dn	300-1	300-1	
				C-dn	600-1	600-1½	
				*S-dn-5	500-1	500-1	
				A-dn	800-2	800-2	

* CAUTION: Straight-in rate of descent exceeds standard.

Procedure turn S side of crs, 234 Outbnd, 054 Inbnd, 1800' within 6 mi. NA beyond 6 mi. (limited to insure traffic separation)
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 051-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 mi, make a right climbing turn returning to LWM MHW facility at 1800'. Hold in a 1 min right-hand pattern on 051 crs Inbnd, 234 Outbnd.
NOTE: Runway 18-36 not authorized at night. (no lights)
NOTE: Runway 18-36 not authorized for aircraft with stall speed more than 65 K.
NOTE: Facility operated by City.
Major Changes: Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lawrence, Mass	Municipal 165'	MHW LWM	1, Amdt 2 28 Jan 56	1 24 Jul 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Lawton VOR	PFL MHWZ (Final)	Direct	1900	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn, E side of course, 172 Outbnd, 352 Inbnd, 2700' within 10 miles
Minimum altitude over facility on final approach course, 1900'
Crs and distance, facility to airport, 352-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, turn right, climb to 2700' returning to PFL RBn.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lawton, (Ft.Sill) Okla.	Post A.A.F.	MHWZ-PFL	1, Amdt Orig. 19 Jan 57	none

				T-d	1000-2		
				T-n	2000-2		
				C-d	1500-2		
				C-n	2000-2		
				A-dn	2500-2		

Procedure turn W side of crs, 004 Outbnd, 184 Inbnd, 4000' within 10 mi.
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 184-3.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi, climb to 5000' on crs of 184 within 10 mi of Lebanon H facility.
AIR CARRIER NOTES: Operations on Runway 7 not authorized at night. Runway 25 authorized at night for take-off only.
Sliding scale N.A. No reduction in landing visibility minimums authorized for local conditions.
No reduction in take-off minimums authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lebanon N H	Lebanon Municipal 579'	BH LEB	1, Amdt 2 1 Apr 54	1 23 Mar 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Lexington VOR	LEX-ADF	Direct	2300	T-dn	300-1	300-1	200-½
Frankfort Int	LEX-ADF	Direct	2200	C-dn	400-1	500-1	500-1½
Georgetown LF Int	LEX-ADF	Direct	2300	S-dn-4	400-1	400-1	400-1
Int Brng 042 to Lexington BH and Lexington R-264 VOR	LEX-ADF (Final)	Direct	1500	A-dn	800-2	800-2	800-2
Richmond Int	LEX-ADF	Direct	2300				

Procedure turn S side of crs, 222 Outbnd, 042 Inbnd, 2100' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 042-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.6 mi, climb to 2300' on 042 within 15 mi or, when requested by ATC, make climbing left turn to 2100' and return to Lexington BH.
Major Changes: Transitions added. Procedure turn limited to 10 mi. Distance-facility to airport revised. Straight-in min established.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lexington, Ky	Blue Grass 978'	BH LEX	1, Amdt 6 22 Jan 55	5 10 Feb 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Lufkin VOR	LFK-ADF	Direct	1600	T-dn	300-1	*300-1	
				C-dn	600-1	600-1½	
				A-dn	800-2	800-2	

* Heavier aircraft use caution due Runway load bearing ability.

Procedure turn S side of final approach crs, 296 Outbnd, 116 Inbnd, 1500' within 10 mi.
Minimum Altitude over facility on final approach crs, 900'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 1500' on crs of 116 within 20 mi of LFK RBN.
CAUTION: Radio Tower 548' MSL located 3 mi SW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lufkin, Tex	Angelina County 290'	BMH LFK	1, Amdt 5 14 Jan 54	4 28 Nov 51

				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of W crs, 270 Outbnd, 090 Inbnd, 1400' within 10 mi.
Minimum Altitude over facility on final approach crs, 600'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, climb to 1500' on crs of 090 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lumberton, N C	Lumberton 126'	BMH LBT	1, Amdt 5 10 Sep 54	4 3 Jul 51

Int NE crs Columbus LFR & 310 brng to Mansfield BMH	MFD-ADF	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
Mansfield VOR	MFD-ADT	Direct	2500	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 310 Outbnd, 130 Inbnd, 2500' within 10 mi.
Minimum Altitude over facility on final approach crs, 1900'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, climb to 2500' on crs of 130 within 10 mi. of Mansfield BMH.
Major Changes: Reduction in circling minimums. Restriction in missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Mansfield, Ohio	Mansfield 1296'	BMH MFD	1, Amdt 6 21 Jan 56	5 15 May 54

Mineral Wells VOR	MWL-ADF	Direct	2000	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 130 Outbnd, 310 Inbnd, 2000' within 10 mi (nonstandard due to traffic)
Minimum Altitude over facility on final approach crs, 1600'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2500' on crs of 310 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Mineral Wells, Tex	Municipal 964'	BMH MWL	1, Amdt 2 13 Jan 54	1 18 Aug 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Fort Jones LFR	SIY-BH	Direct	9000	T-d	1500-2	1500-2	1500-2
Fort Jones VOR	SIY-BH	Direct	9000	T-n	1500-3	1500-3	1500-3
				C-d	2500-2	2500-2	2500-2
				C-n	2500-3	2500-3	2500-3
				A-d	2500-2	2500-2	2500-2
				A-n	2500-3	2500-3	2500-3

Procedure turn E side crs, 160 Outbnd, 340 Inbnd, 6500' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 5100'
Crs and distance, facility to airport, 350-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, turn left, climb to 9000' on crs 160 Outbnd, 340 Inbnd, within 10 mi of SIY BH.
NOTE: In no case will procedure turn be accomplished S of the E crs of Ft Jones LFR.
NOTE: Procedure not authorized during severe storm conditions.
AIR CARRIER NOTE: Sliding scale not applicable.
CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise Montague Radio of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted Montague Radio, hold between facility and a point two minutes out on final approach crs at least 1,000' above procedure turn altitude and 1000' above previously reported traffic until advised that aircraft making approach has landed. Keep Montague radio advised at all times of changes in altitude and position in order that other aircraft may also receive this information.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Montague, Calif	Siskiyou County 2647'	BH SIY	1, Amdt 5 16 Aug 54	4 10 Sep 52

Salinas VOR	MRY-ADF	Direct	3000	T-dn	300-1	300-1	300-1
Saratoga Int	MRY-ADF	Direct	5000	C-d	700-2	700-2	700-2
				C-n	700-3	700-3	700-3
				A-d	1000-2	1000-2	1000-2
				A-n	1000-3	1000-3	1000-3

Procedure turn W side of crs, 310 Outbnd, 130 Inbnd, 1800' within 10 mi.
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 094-1.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within C.0 mi, turn left, climb to 2000' on track of 310 within 10 mi of MRY H.
Major Changes: Change procedure turn distance, direction and altitude; revise distance in missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Monterey, Calif	Monterey Peninsula 220'	KUZ MRY	1, Amdt 7 17 Mar 56	6 17 Dec 54

				T-dn	300-1		
				C-d	600-1		
				C-n	600-2		
				S-17-d	600-1		
				S-17-n	600-2		
				A-dn	800-2		

Procedure turn W side of crs, 353 Outbnd, 173 Inbnd, 2600 within 10 mi.
Minimum Altitude over facility on final approach crs, 2100'
Crs and distance, facility to airport, 173-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 mi, climb to 4000' on crs of 216 within 20 mi of Morgantown LFR.
CAUTION: High terrain 4 mi SE of airport.
Major Changes: Procedure published under Part 609, Reg. of Adm.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Morgantown, W Va	Morgantown 1256'	SBMRLZ MGW	1, Amdt 1 9 Jul 55	Orig 15 Apr 51

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				S-dn-4	800-1	800-1	800-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn W side crs, 238 Outbnd, 058 Inbnd, 2000' within 10 mi. NA beyond 10 mi. (nonstandard due to traffic).
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 020-3.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.1 mi, climb to 1000' on crs of 020, then make a right climbing turn, returning to Chatham RBN at 2000'

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Morristown, N J	Morristown 187'	MHW CAT	1, Amdt 1 27 Dec 53	Orig 1 Mar 52

Myrtle Beach VOR	MYR-ADF	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 200 Outbnd, 020 Inbnd, 1200' within 10 mi. Beyond 10 mi NA. (nonstandard due to warning area)
Minimum Altitude over facility on final approach crs, 600'
Facility on Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Climb to 1400' on crs of 055 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Myrtle Beach, S C	Myrtle Beach AFB-MUN 24'	BMH MYR	1, Amdt 1 16 Apr 54	Orig 15 Jul 53

				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 226 Outbnd, 046 Inbnd, 1200' within 10 mi.
Minimum Altitude over facility on final approach crs, 500'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, turn left, climb to 1200' on crs of 015 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New Bern, N C	Simmons-Nott 18'	BMH EWN	1, Amdt 2 13 Aug 54	1 6 Aug 53

New Orleans VOR	MSY-ADF	Direct	1500	T-dn	300-1	300-1	300-1
Int 360 brng to LaPlace MHW	MSY-ADF (Final)	Direct	900	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar vectoring approved from any point in terminal area to LFR at transition altitude of 1500'. Radar control must provide 3 mi lateral or 1000' vertical separation from 623 and 978 radio towers located 9 mi SE & 13 mi ESE of MSY LFR.

Procedure turn S side of crs, 272 Outbnd, 092 Inbnd, 1400' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 900' - Over LFR and over Bayou St. John FM*
* If Bayou St John FM not received, descent below 900' NA
Crs and distance, facility to airport, LFR to airport, 066-9.1
Crs and distance, facility to airport, Bayou St. John FM to airport 066-2.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.8 mi after passing Bayou St John FM, turn right, climb to 1400' on crs of 073 within 20 mi.
NOTE: Night operation NA runways 9-27 and 5-23.
AIR CARRIER NOTE: No reduction in minimums on runway 23 authorized for cargo and ferry flights.
Major Changes: Provides new transitions. Changes FM name. Lowers altitude over FM on final. Adds notes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New Orleans, La	New Orleans 8'	SBRAZ MSY	1, Amdt 1 19 Feb 55	Orig 1 Feb 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Barton Int (NE crs Montpelier LFR & 017 crs to Newport MHW	EFK-ADF	Direct	5000'	T-d	500-1	500-1	
				T-n			
				C-d	1000-1½	1000-1½	
				C-n			
				S-d-23	700-1	700-1	
				S-n-23			
				A-dn			

Procedure turn W side of crs, 049 Outbnd, 229 Inbnd, 3500' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 229-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 mi, make a left (E) climbing turn. Return to Newport MHW. Climb to 5000' on crs 049 Outbnd, 229 Inbnd within 10 mi of facility, all turns w.
IFR CLIMBOUT PROCEDURE: Climb most direct route to MHW. Continue to climb to 3500' on Outbnd crs 049 Inbnd crs 229 within 10 mi of facility.
NOTE: Minimum facility departure altitude 3500'.
NOTE: Facility must be monitored aurally during this procedure.
NOTE: Facility operated by State.
AIR CARRIER NOTE: Sliding scale and local visibility provisions for landing or take-off minimums not appplicable below one mi visibility. Night operations not authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Newport, Vt	Municipal 930'	MHW EFK	1, Orig 15 Jun 55	None

Oklahoma City LFR	TWO-ADF	Direct	2500	T-dn	300-1	300-1	200-½
Oklahoma City VOR	TWO-ADF	Direct	2500	C-dn	400-1	500-1	500-1½
Oklahoma City LOM	TWO-ADF	Direct	2500	S-dn-17	400-1	400-1	400-1
Bethany Int	TWO-ADF (Final)	Direct	2000	A-dn	800-2	800-2	800-2
Mustang FM	TWO-ADF	Direct	2500				

Radar Transition altitudes within 25 mi radius of Okla City L-MF Range & VOR Range.
NE quadrant 3800
SE quadrant 2700
SW quadrant 2800
NW quadrant 2800

Procedure turn W side crs, 350 Outbnd, 170 Inbnd, 2500' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 170-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi, climb to 2400 on crs of 170 within 20 mi.
NOTE: 300-1 required for take-off on Runways 8-26.
Major Changes: Add radar vector authority. Limit procedure turn. Delete alternate missed approach procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Oklahoma City,	Okla Will Rogers 1283'	MHW TWO	2, Amdt 3 24 Sep 55	2 6 May 54

Payette FM	ONO-ADF	Direct	5000	T-dn	300-1	300-1
Int NW crs, Boise LF RNG and Brng 280 to ONO BMH	ONO-ADF	Direct	6000	C-d	700-1	700-1
				C-n	700-2	700-2
				A-dn	1000-2	1000-2

Procedure turn E side of crs, 140 Outbnd, 320 Inbnd, 4000' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 2900'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, turn right, climb to 4000' on crs of 140 Outbnd within 15 mi.
Major Changes: Lower altitude in final approach altitude. Reduce circling minimums. Revise minimums missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ontario, Ore	Ontario 2190'	BMH ONO	1, Amdt 2 23 Apr 55	1 20 Jun 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	300-1
				C-dn	900-3	900-3	900-3
				A-dn	900-3	900-3	900-3

Procedure turn S side crs, 261 Outbnd, 081 Inbnd, 1500' within 10 mi and not more than 5 mi S of crs due to Pt Mugu danger area.
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 261-5.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, turn right and climb to 3000' on Outbnd crs of 261 within 20 mi of LFR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Oxnard, Calif	Oxnard-Ventura County 43'	SRAWZ CAV	1, Amdt 5 12 Mar 55	4 1 Sep 54

Stratus on Top Approach Procedure - Day only				T-d	300-1	300-1	300-1
Must be on Top with Tops not above 2000' MSL				C-d	600-1	600-1½	600-1½
				A-d	900-3	900-3	900-3

Procedure turn - None (Aircraft to arrive over CAV on top and descent to airport straight-in)
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 261-5.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.5 mi, climb to 3000' or on top, on Outbnd crs of 261 within 20 mi of LFR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Oxnard, Calif	Oxnard-Ventura County 43'	SRAWZ CAV	2 , Orig 12 Mar 55	None

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 215 Outbnd, 035 Inbnd, 1600' within 10 mi.
Minimum Altitude over facility on final approach crs, 1000'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, climb to 2000' on crs of 035 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Paducah, Ky	Barkley 405'	BMH PUK	1, Amdt 1 25 Jun 54	Orig 30 Jan 51

				T-dn	500-1	500-1	500-1
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 136 Outbnd, 316 Inbnd, 1900' within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, climb to 2500' on crs of 316 within 20 mi.
Major Changes: Transitions deleted. Procedure turn revised. Final approach altitude revised. Minimums revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pelston, Mich	Emmet County 720'	BHH PLN	1, Amdt 4 26 Nov 55	3 20 Dec 53

Pendleton VOR	PDT-ADF	Direct	4000'	T-dn	300-1	300-1	200-½
Pendleton LFR	PDT-ADF	Direct	4000	C-dn	500-1	500-1	500-1½
Athena Int	PDT-ADF	Direct	4000	S-dn-rnwy25	400-1	400-1	400-1
Cabbage Hill FM	PDT-ADF	Direct	4800	A-dn	800-2	800-2	800-2
Int S crs, Walla Walla LFR & 220 brng to LOM - PD	PDT-ADF	Direct	4000				

Procedure turn NW side of NE crs, 040 Outbnd, 220 Inbnd, 3000' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 240 '
Crs and distance, facility to airport, 249-4.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 mi, climb to 4000' on W crs Pendleton LFR within 20 mi. Alternate Missed approach (when requested by ATC) within 4.1 mi, climb to 4000' on 233 radial Pendleton VOR within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pendleton, Ore	Pendleton 1493'	LOM PDT	1, Amdt 1 22 Jan 55	Orig 23 Dec 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Pine Bluff VOR	PBF-ADF	direct	1500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 170 Outbnd, 350 Inbnd, 1300 within 10 miles, Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 800'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn left climb to 1500 on crs of 170 from PBF RBN within 20 miles

Major Changes: Lowers alternate minima. Raises missed approach altitude. Deletes notes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pine Bluff, Ark	Grider Field 205'	MH PBF	1, Amdt 2 10 Dec 1954	1 9 Oct 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Pittsburgh LFR	CEU-ADF	direct	2500	T-dn	300-1	300-1	200-½
Clinton Rbn	CEU-ADF	direct	2500	C-dn	500-1	500-1	500-1½
Butler Rbn	CEU-ADF	direct	3000	S-dn-9	400-1	500-1	500-1
River Rbn	CEU-ADF	direct	2600	A-dn	800-2	800-2	800-2
Pittsburgh VOR	CEU-ADF	direct	2500				
McKeesport MHW	CEU-ADF	direct	2600				
Old Concord Int	CEU-ADF	direct	2700				
Wheeling VOR	CEU-ADF	direct	2500				

Procedure turn S side of crs 265 Outbnd, 085 Inbnd, 2500 within 10 miles of Cecil MHW
Minimum Altitude over facility on final approach crs, 2500' over Cecil MHW, 1900 Ibnd over Pittsburgh LFR
Crs and distance, facility to airport, from Cecil MHW to Pittsburgh LFR 085° 8.9 miles. Pittsburgh LFR to airport 085° 2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 miles after passing Pittsburgh LFR, climb to 2600' on 095° crs to McKeesport MHW
NOTE: Radar transition altitudes (using Greater Pittsburgh Radar). 3000' within 35 miles of Greater Pittsburgh Airport or MEA when lower. This ADF procedure predicated on the combined use of Cecil MHW & Pittsburgh LFR. Both facilities must be operational.
Major Changes: Revises transition altitude from Butler Rbn. Adds radar transition.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pittsburgh, Pa	Allegheny County 1252'	MHW LFR CEU PIT	2, Amdt 1 4 Feb 56	Orig 27 Nov 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Pittsburgh LFR	UNE-ADF	direct	2600	T-dn	300-1	300-1	200-½
Pittsburgh VOR	UNE-ADF	direct	2500	C-dn	500-1	500-1	500-1½
McKeesport MHW	UNE-ADF	direct	2700	S-dn-32	400-1	400-1	400-1
River MHW	UNE-ADF	direct	2500	A-dn	800-2	800-2	800-2
Clinton MHW	UNE-ADF	direct	2500				
Cecil MHW	UNE-ADF	direct	2500				
Butler MHW	UNE-ADF	direct	3000				
Radar Terminal Area Transition Altitudes	UNE-ADF	All Sectors within 10 mi 10-40 miles or MEA when lower	2500 3000				

Procedure turn E side of crs, 141 Outbnd, 321 Inbnd, 2700 within 10 miles. Not Authorized beyond 10 miles.
Minimum Altitude over facility on final approach crs, 2100'
Crs and distance, facility to airport, 321-4.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.2 miles, make a climbing left turn, climb to 3000' and proceed to Clinton MHW
Major Changes: Procedure turn and transition altitudes revised to provide standard clearance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pittsburgh, Pa	Greater Pittsburgh 1168'	MHW UNE	*3, Orig 11 Jun 1955	

*Replaces ADF portion of Comb ILS-ADF formerly known as pro.#1, Adt 5, dated 19 Jan 1954.

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Ponce City VOR	PNC-ADF	direct	2200	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 255 Outbnd, 075 Inbnd, 2200 within 10 miles
Minimum Altitude over facility on final approach crs, 1700'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 2300' on crs of 075° within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ponca City, Okla	Municipal 1014'	BMH PNC	1, Amdt 4 26 Jun 1954	3 1 Feb 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Ponca City VOR	PNC-ADF	direct	2200	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs 350 Outbnd, 170 Inbnd, 2300 within 10 miles of Kildare Fix*
Minimum Altitude over facility on final approach crs, 1800' over Kildare Fix*
Crs and distance, facility to airport, 170-3.6 from Kildare Fix*
*Kildare Fix is Int 040° radial PNC VOR & final approach crs
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, after passing PNC RBN, climb to 2300' on crs of 170° within 20 miles
NOTE: Procedure authorized only for aircraft equipped to receive Ponca City RBN and Ponca City VOR bearings simultaneously.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ponca City, Okla	Municipal 1014'	BMH PNC	2, Orig 26 Jun 1954	

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
RFD LFR	RFD-RBn	direct	2500	T-dn	300-1	300-1	200-½
JVL VOR	RFD-RBn	direct	2500	C-dn	400-1	500-1	500-1½
Int JVL VOR 223 R & 090 Brng	RFD-RBn	direct	2000	S-dn-36	400-1	400-1	400-1
Int 054 Brg to RFD LFR & 090 Brg to "H"	RFD-RBn	direct	2000				
Int 314 Brg to RFD LFR & 270 Brg to "H"	RFD-RBn	direct	2000	A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 182 Outbnd, 002 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 002-4.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.7 miles, make right turn, climb to 2000' proceed to RFD "H"

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Rockford, Ill	Greater Rockford 734'	"H" RFD	1, Orig 11 Jul 1956	None

				T-dn	300-1	300-1	
				C-dn	500-1	500-1½	
				S-dn-3	500-1	500-1	
				A-dn	800-2	800-2	

Procedure turn E side of crs, 210 Outbnd, 030 Inbnd, 10 miles 1500'
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 030-3.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 miles, make a right climbing turn to 2000 on crs of 068 within 15 miles.
NOTE: Rockland RBN privately operated
CAUTION: Lights inoperative on Runway 17-35

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Rockland, Maine	Rockland Municipal 49	MHW RKD	1, Amdt 1 18 Jun 1954	Orig 14 Aug 50

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 350 Outbnd, 170 Inbnd, 1800 within 10 miles
Minimum Altitude over facility on final approach crs, 1200'
Facility at airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 2000' on crs of 170° within 20 miles of RBN
CAUTION: 947' MSL Radio Tower 3.0 miles 170° from airport. 780' MSL elevator 2.2 miles W of airport.
Major Changes: Identification revised. Procedure turn and distance and altitude revised. Minimums revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Saginaw, Mich	Tri-City 667'	BMH MBS	1, Amdt 6 15 Oct 1955	5 15 Jul 54

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 275 Outbnd, 095 Inbnd, 1800 within 10 miles
Minimum Altitude over facility on final approach crs, 1300'
Facility at airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 2600' on crs of 095° within 20 miles of RBN
CAUTION: 1647' MSL Tower 11.3 miles 110° from RBN. 947' MSL Tower 3.0 miles 170° from airport. 780' MSL Elevator 2.2 miles W of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Saginaw, Mich	Tri-City 667'	BMH MBS	2, 1 5 Jan 57	Orig 5 Nov 55

				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 230 Outbnd, 050 Inbnd, 1900 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Facility at airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 2000' on crs of 050 within 20 miles of RBN
CAUTION: 947' MSL Tower 3.0 miles 170 from airport. 780' MSL Elevator 2.2 Miles of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Saginaw, Mich	Tri-City 667'	BMH MBS	3, Orig 5 Nov 1955	None

				T-d*	500-2	500-2	500-2
				C-d	700-2	700-2	700-2

*300-1 authorized for take-off Runway 18 with (left) E turn.

Procedure turn S side of crs, 225 Outbnd, 045 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 020-2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn right, climb on crs 100° Oubnd to 2000' within 20 miles
Major Changes: Fleld elevation, bearings and distance corrected.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
St. Paul Island Alaska	St Paul 42'	HW K	1, Amdt 4 19 May 1955	3 26 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Borinquen RBn	SJU-ADF	101-53	3000	T-dn	300-1	300-1	200-½
So. Caicos RBn	SJU-ADF	126-354	3000	C-dn	600-1	600-1	600-1½
Piarco RBn (Port of Spain)	SJU-ADF	336-550	4100	S-dn-9R	400-1	400-1	400-1
St. Croix RBn*	SJU-ADF	308-91	5000	A-dn	800-2	800-2	800-2
St. Thomas RBn*	SJU-ADF	282-69	3000				
Oscar-7 (Int 164 brg to SJU & 196 to BQN)	SJU-ADF	164-105	3000				
Bronson (Int 126 brg to SJU & 216 to BQN)	SJU-ADF	126-48	3000				
Charley Fox-2 (Int 029 brg to SJU & 320 to HIV)	SJU-ADF	029-160	5500				
Lima-5 (Int 012 brng to SJU & 312 to HIV)	SJU-ADF	012-148	5500				
*Privately owned facilities							

Procedure turn N side of crs, 277 Oubnd, 097 Inbnd, 1200 within 15 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 090-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, climb to 1200 on crs of 090 from SJU LFR within 25 miles.
SHUTTLE: 097° Inbnd 277° Oubnd on SJU LFR at 3000' within 25 miles.
CAUTION: 485' tower 2 miles SW of airport
Major Changes: Correct shuttle procedure

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Juan, Puerto Rico	Isla Grande 9'	SBRAZ SJU	1, Amdt 4 17 Nov 1956	3 6 Oct 56

SJU-LFR	SJP-ADF	direct	2000	T-dn	300-1	300-1	200-½
Barceloneta FM	SJP-ADF	direct	2000	C-dn	600-1	600-1	600-1½
*Sebana Seca (Int 103 to SJP and 065 to SJP LFR)	SJP-ADF (Final)	direct	1000	A-dn	800-2	800-2	800-2
Isla Verde Int (Int 236 to SJP and E crs SJU-LFR)	SJP-ADF	direct	2000				
Guaynabo Int (011 to SJP and SE crs SJU-LFR)	SJP-ADF	direct	3000				

*Transition authorized for only aircraft equipped with dual ADF receivers

Procedure turn N side of crs, 283 Outbnd, 103 Inbnd, 2000 within 8.7. Beyond 8.7 NA. (Non-standard due to terrain)
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 074-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 miles, climb to 1100 on a crs of 074 within 15 miles
CAUTION: 330' Radio Tower 1.9 mile S of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Juan, Puerto Rico	Puerto Rico International 9'	MH SJP	1, Orig 30 Jul 1955	None

Albany LFR	AL-ADF	direct	2500	T-dn	300-1	300-1	200-½
Schenectady FM	AL-ADF	direct	2500	C-dn	600-1	600-1	600-1½
Round Lake FM	AL-ADF	direct	2500	S-dn-28,33	600-1	600-1	600-1
Albany VOR	AL-ADF	direct	2500	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 124 Outbnd, 304 Inbnd, 2500 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 304-5.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.4 miles, make a climbing right turn to Albany LOM at 2500'
CAUTION: Terrain rises rapidly 3 miles W of airport. 758' tank 3.5 miles SE of airport.
Major Changes: Procedure published for public use

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Schenectady, N Y	County 362'	LOM AL	1, Amdt 1 3 Dec 1954	Orig 29 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
All Directions	SEA-LFR	direct	20,000	T-dn	300-1	300-1	300-1
				C-dn	1500-2	1500-2	1500-2
				A-dn	1500-2	1500-2	1500-2

Procedure turn, Teardrop Procedure turn 150 Outbnd, 356 Inbnd, start descent over station. At ½ initial approach altitude execute descending right turn within 20 miles, complete turn on 356 Inbnd crs min. altitude 5000'.
Minimum Altitude over facility on final approach crs, *1500'
*Descent from 2000' to 1500' authorized after passing LOM or 4.0 mile DME Fix S of VOR-DME Inbnd.
Crs and distance, facility to airport, 290-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.1 miles, turn left, climb to 2000' on 260° crs Outbnd from SEA-LFR. At 10 miles from LFR commence climb to 14,000' within 25 miles of station or as directed by ATC.
NOTE: This procedure designed principally for jet aircraft.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Seattle, Wash	Boeing Field 17'	SBRAZ SEA	1, Amdt 1 5 May 1956	Orig 26 Nov 55

All Directions	SEA-LFR	direct	20,000	T-dn	300-1	300-1	300-1
Kitsap Int	SEA-LFR (Final)	direct	2000	C-dn	1500-2	1500-2	1500-2
				A-dn	1500-2	1500-2	1500-2

Procedure turn Teardrop Type Procedure turn, 270 Outbnd, 117 Inbnd, Start descent over station. At ½ initial approach altitude execute descending right turn within 20 miles. Complete turn on 117° crs minimum altitude 4000'.
Minimum Altitude over facility on final approach crs, over Harbor Isl FM* 2000'
*Or 9.0 miles from SEA-VOR-DME
Crs and distance, facility to airport, 117-3.2 from Harbor Isl. FM
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.2 miles of Harbor Isl FM turn right climb to 2000' on 260° crs Outbnd from SEA-LFR. At 10 miles from LFR commence climb to 14000' within 25 miles of station, or as directed by ATC.
NOTE: This procedure designed principally for jet aircraft.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Seattle, Wash	Boeing Field 17'	SBRAZ SEA	2, Amdt 1 5 May 1956	Orig, 26 Nov 55

West Jefferson Int	SGH-ADF	direct	2400	T-dn	300-1	300-1	200-½
Wright-Patterson LFR	SGH-ADF	direct	2400	C-dn	400-1	500-1	500-1½
South Solon Int	SGH-ADF	direct	2400	S-dn-23	400-1	400-1	400-1
North Hampton Int	SGH-ADG	direct	2400	A-dn	800-2	800-2	800-2
Mechanicsburgh Int	SGH-ADF	direct	2400				
Mechanicsburgh Int	SGH-ADF (Final)	direct	1800				

Procedure turn N side of crs 055 Outbnd, 235 Inbnd, 2400, within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 235-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.9 miles, make climbing left turn to 2300' return to Springfield MHW
NOTE: Wright-Patterson controls all instrument approaches into Springfield
Major Changes: Revises transitions

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Springfield, Ohio	Springfield 1049'	MHW SGH	1, Amdt 2 4 Feb 1956	1 1 Apr 54

				T-dn	500-2	500-2	500-2
				C-dn	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side of crs 211 Outbnd, 031 Inbnd, 1700 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 123-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.0 miles, turn left, climb to 5000' on crs of 211 within 20 miles
CAUTION: Mountain range NE through SE within 3 to 5 miles of airport
Major Changes: Procedure turn altitude revised

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Talkeetna, Alaska	Talkeetna 358'	BH TKA	1, Amdt 4 13 Aug 1955	3 26 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Chatham MHW:	EB LMM	Direct	2000	T-dn	300-1	300-1	300-1
Newark LOM	EB LMM	Direct	1800	C-dn	1000-1	1000-1	1000-1½
Paterson MHW	EB LMM	Direct	2000	A-dn	1000-2	1000-2	1000-2
Int R-128 CDW & Brng 059 to EB LMM	EB LMM (Final)	Direct	1400#				

Radar sectors may be utilized to effect the above transitions.

Procedure turn W side of crs, 239 Outbnd, 059 Inbnd, 1800' within 10 mi of OM.
Minimum Altitude over EB LMM on final approach, 1400' #
#Descent to airport minimums authorized after passing OM; if OM not received maintain 1400'
Crs and distance, OM to airport, 059-4.1
Crs. and distance, EB-LMM to airport, 059-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . within 0.5 mi after passing EB-LMM, make a climbing left turn to 2000' on ADF crs to Paterson MHW.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Teterboro, N.J.	Teterboro 7'	LMM EB	1, Orig., 24 Jan 57	None

Verdigris River FM	OWS-ADF	direct	1900	T-dn	300-1	300-1	*200-½
Tulsa LFR	OWS-ADF	direct	1900	C-dn	400-1	500-1	500-1½
Skiatook FM	OWS-ADF	direct	2000	S-dn-17L	400-1	400-1	400-1
Tulsa VOR	OWS-ADF	direct	1700	A-dn	800-2	800-2	800-2

*300-1 required on Runways 3L, 21R, 17R and 35L

Procedure turn W side of crs, 354 Outbnd, 174 Inbnd, 2200 within 10 miles
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 174-5.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 5.4 miles, climb to 2200 on SE crs of Tulsa LFR within 20 miles.
Major Changes: Revise altitude on transitions. Raise procedure turn altitude. Lower minimum altitude over facility on final.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tulsa, Okla	Municipal 674'	MHW OWS	2, Amdt 2 22 Oct 1955	1 23 Mar 54

Tuscaloosa BVOR	TCL-ADF	direct	1400	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 195 Outbnd, 195 Outbnd, 015 Inbnd, 1500 within 10 miles
Facility on airport
Minimum Altitude over facility on final approach crs, 800'
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 00 miles, climb to 2000' on crs of 015° within 20 miles
CAUTION: 620' Radio Tower 4.5 miles SE airport. 377' Radio Tower 1.5 miles N airport. 388' Building 2 miles SE airport.
AIR CARRIER NOTE: Sliding scale and reduction in take-off minimums Not Authorized

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tuscaloosa, Ala	Van De Graff 169'	BMH TCL	1, Amdt 4 10 Dec 1954	3 15 May 53

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 300 Outbnd, 120 Inbnd, 1700' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 120-1.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 1.4 mi, climb to 2100' on crs 120 within 20 mi.
CAUTION: Radio towers 990' . 4.5 mi E and 1056' . 7 mi E of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tyler, Tex	Pounds Field 544'	MH TYR	1, Amdt Orig, 9 Jan 57	LFR Amdt 7, 14 JUN 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Utica LFR	UTI-MHW	direct	3000	T-dn	300-1	300-1	200-½
Int E crs Syracuse LFR & 329° brng to Utica MHW	UTI MHW	direct	3000	C-dn*	600-1	600-1	600-1½
				S-dn*-33	600-1	600-1	600-1
Int Syracuse VOR Radial 113° & 329° brng to MHW	UTI MHW	direct	3000	A-dn	800-2	800-2	800-2
Sherill Int	UTI MHW	direct	3000				

*Minimums for this procedure are premised on use of both Utica MHW & LMM. If LMM is not used, following minimums are applicable for all aircraft: S-d 600-1
S-n 600-2
C-d 600-1½
C-n 600-2

Procedure turn E side of crs 149 Outbnd, 329 Inbnd, 3000 within 10 miles of UTI MHW
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport 328-7.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
7.3 miles, after passing Utica MHW, make a left climbing turn, return to facility at 3000' #
#Alternate missed approach procedure (when directed by ATC) proceed to the Utica LFR climbing to 3000'

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Utica, N Y	Oneida County 742'	MHW UTI LMM CA	1, Orig 7 Jun 1956	

Valdosta VOR	VLD-ADF	direct	1400	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side crs, 135 Outbnd, 315 Inbnd, 1400 within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, make immediate left turn and climb to 1300 on crs of 135° within 20 miles of RBN

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Valdosta, Ga	Valdosta 203'	BMG VLD	1, Amdt 8 24 Mar 1954	13 Jun 52

Vero Beach VOR	VRB-ADF	direct	1100	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs 290 Outbnd, 110 Inbnd, 1200 within 10 miles
Minimum Altitude over facility on final approach crs, 600'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 1200' on crs of 110 within 10 miles*
*CAUTION: Warning area beyond 10 miles
NOTE: This procedure will be cancelled on decommissioning of VBR-BMH and commissioning of VRB-VOR
Major Changes: Increase procedure turn altitude

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Vero Beach, Fla	Vero Beach 25'	BMH VRB	1, Amdt 9 12 Nov 1954	8 25 Mar 54

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 195 Outbnd, 015 Inbnd, 1200 within 10 miles
Minimum Altitude over facility on final approach crs, 700'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, make a right climbing turn, climb to 1300 on crs of 195° Outbnd within 10 miles of
Martha's Vineyard MHW
Major Changes: Missed approach changed.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Vineyard Haven, Mass	Martha's Vineyard 68'	MHW MVY	1, Amdt 6 6 Aug 1955	5 11 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-d	500-1½	500-1½	500-1½
				T-n	600-2	600-2	600-2
				C-d	500-1½	500-1½	500-1½
				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs 95 Outbnd, 275 Inbnd, 1000 within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, *190-1.4
*Contact must be established at reef (shoreline) 2.2 miles from station on crs of 275° mag. and flight to airport under visual contact conditions.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.2 miles, climb to 1500 on crs of 275° within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wake Island	Wake Airport 10'	HHW AWK	1, Amdt 3 21 Apr 1956	2 1 Nov 53

				T-d	500-1½	500-1½	500-1½
				T-n	600-2	600-2	600-2
				C-d	500-1½	500-1½	500-1½
				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs 275 Outbnd, 95 Inbnd, 1000 within 10 miles
Minimum Altitude over facility on final approach crs, 500'
Crs and distance, facility to airport, 095-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.5 miles, climb to 1500 on crs of 095° within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wake Island	Wake Airport 10'	MHW AXX	2, Amdt 3 21 Apr 1956	2 1 Nov 53

Andrews LFR	RVD-ADF	direct	1600	T-dn	300-1	300-1	200-½
Beltsville FM	RVD-ADF (Final)	direct	1000	C-dn	800-2	800-2	800-2
				A-dn	1000-3	1000-3	1000-3

Procedure turn W side of crs 039 Outbnd, 219 Inbnd, 1500 within 10 mi. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 227-6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 miles after passing Riverdale MHW, climb to 1500 on crs 227 then proceed to Washington LFR at 1500 or, as directed by ATC, proceed to 1) Herndon Int at 2800 or 2) Springfield MHW at 2000 or 3) Andrews LFR at 3500. Additional instructions which may be issued by ATC: If unable to proceed from the Riverdale MHW with 3 mi visibility and free of all clouds, make a right climbing turn to 039 and remain in the Riverdale Holding Pattern at 1500'.
CAUTION: Circling minimums do not provide standard clearance over 596 monument 1.8 mi N of airport
NOTE: Radar transition altitudes, 1500' in the E, W, and S quadrants of the Washington LFR and 1800' in the N quadrant of the Washington National Airport. 2500' in all quadrants within 40 mi exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown.
Major Changes: Revises missed approach procedure

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Washington, D C	National 16'	MHW RVD	1, Amdt 10 8 Jan 1955	9 21 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine; More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-3	500-1	500-1	500-1
				33,36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 181 Outbnd, 001 Inbnd, 1400 within 10 miles (Non-standard to avoid Andrews traffic)
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 001-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 miles, make a left climbing turn as soon as practicable, climb to 1800' (or higher altitude when requested by ATCO on crs of 320° to Herndon Int.
NOTE: These procedures and airport minimums do not provide standard clearance over the following obstructions. 422' monument 1.7 mi W of final approach crs, 193' stacks 1.5 mi S of airport, 596' monument approx 1.8 mi N of airport. Radar transition altitudes: 1500' in the E, W, and S quadrants of the Washington LFR and 1800' in the N quadrant within 25 miles of the Washington National Airport. 2500' in all quadrants within 40 miles exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown. (Radar distance shown in Nautical miles).
Major Changes: Procedure turn distance limited to 10 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Washington, D C	National 16'	SBRA DCA	2, Amdt 5 29 Oct 1955	4 21 Jun 54

Herndon VOR	GTN-ADF	direct	1800	T-dn	300-1	300-1	200-½
Springfield MHW	GTN-ADF	direct	1800	C-dn	900-1	900-1	900-1½
Washington LFR	GTN-ADF	direct	1800	S-dn-15,18	900-1	900-1	900-1
Riverdale MHW	GTN-ADF	direct	1800	A-dn	1000-2	1000-2	1000-2

Procedure turn W side of crs, 330 Outbnd, 150 Inbnd, 1800 within 10 miles
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 150-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles after passing Georgetown MHW, climb to 1000' on crs of 150°, make a right turn and proceed to Washington LFR at 1500' or, as directed by ATC to (1) Herndon Int at 2800' or (2) to Springfield MHW at 2000' or (3) to Georgetown MHW at 1800'. Additional missed approach procedures climb to 1000' on crs of 150° and, as directed by ATC (4) make left turn and proceed to Riverdale MHW at 1500' or (5) proceed to Andrews LFR climbing to 3500'.
NOTE: Radar transition altitudes: 1500' in the E, W, and S quadrants of the Washington LFR and 1800' in the N quadrant within 25 miles of the Washington National Airport. 2500' in all quadrants within 40 miles, exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown.
Major Changes: Revises missed approach procedures

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Washington, D c	National 16'	MHW GTN	3, Amdt 5 8 Jan 1955	4 22 Jun 54

Lynchburg LFR	SSU-ADF	direct	6000	T-d	1600-1	1600-1	
Pulaski LFR	SSU-ADF	direct	6000	T-n			
Elkins LFR	SSU-ADF	direct	6800	C-d	2100-2	2100-2	
Sinks Grove Int*	SSU-ADF	direct	6000	C-n			
Montebello VOR	SSU-ADF	direct	6000	A-dn **			

**No weather reporting facilities at airport

Procedure turn N side of crs 050 Outbnd, 230 Inbnd, 4500 within 10 miles
Minimum Altitude over facility on final approach crs, 3900'
Facility at airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, proceed on crs 230° to Sinks Grove Int*, climbing to 6000' and hold SE. Contact Roanoke Radio for further clearance.
*Sinks Grove Int, Int brng 050° to SSU "H" and brng 132° to Roanoke LFR
CAUTION: High terrain to 3388' MSL within 2 miles of airport. Contact Greenbrier Airport at least 10 mi out for traffic advisory information .
NOTE: Hours of Operation, 08:00 until sundown daily.
Major Changes: Establishes Sinks Grove Int for initial approach and missed approach. Facility privately owned and operated.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
White Sulphur Springs, W.Va.	Greenbrier 1795'	"H" SSU	1, Amdt 1 31 Dec 1955	Orig 12 Nov 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine; More Than 65 Knots
Wilmington VOR	IMN-ADF	direct	1300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 343 Outbnd, 163 Inbnd, 1200 within 10 miles
Minimum Altitude over facility on final approach crs, 500'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 1600 on crs of 163° within 20 miles
Major Changes: Add initial approach from VOR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wilmington, N C	New Hanover County 31'	BMH IMN	2, Amdt 4 16 Jul 1955	3 21 May 54

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs 286 Oubnd, 106 Inbnd, 1200 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 106-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 miles, climb to 1200 on 111 within 20 miles
Major Changes: Procedure turn reduced to 10 miles. Final approach crs revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Yakutat, Alaska	Yakutat 37'	SBRAZ YAK	1, Amdt 4 2 Jul 1955	3 26 Jul 54

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-11	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 286 Outbnd, 106 Inbnd, 1200 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 106-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.6 miles, climb to1200' on crs 111° from Yakutat LFR within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Yakutat, Alaska	Yakutat 37'	MHW YKU	2, Orig 2 Jul 1955	

Adamsville Int	ZZV-RBn	direct	2400	T-dn	300-1	300-1	200-½
Crooks Int	ZZV RBn	direct	2400	C-dn	400-1	500-1	500-1½
Crooks Int	ZZV RBn (Final)	direct	1700	S-dn-3	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 212 Outbnd, 032 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 032-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, make right climbing turn to 2400' and return to Zanesville Rbn.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Zanesville, Ohio	Municipal 899'	BMH ZZV	1, Amdt 5 1 Apr 1954	4 1 Dec 51

¶ *(c) Very high frequency omnirange procedures.*

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Aberdeen LFR	ABR-VOR	Direct	2400	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d-30	400-1	400-1	400-1
				S-n-30	400-1	400-1	400-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 121 Outbnd, 301 Inbnd, 2400' within 10 mi.
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 301-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.9 mi, climb to 3500' on R 301 within 20 mi.
Major Changes: Revises crs and distances.

City and State: Aberdeen, S D — Airport Name & Elev.: Aberdeen 1300' — Fac. Class & Ident.: BVOR ABR — Procedure No. & Eff. Date: 1, Amdt 3 11 Jun 55 — Sup. Amdt. No. Dated: 2 15 Aug 53

Abilene LFR	ABI-VOR	Direct	3100	T-dn	300-1	300-1	200-½
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side of crs, 281 Outbnd, 101 Inbnd, 3500' within 10 mi.
Minimum Altitude over facility on final approach crs, 2600'
Crs and distance, facility to airport 101-9.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 9.5 mi, climb to 3100 on R 101 within 20 mi.
Major Changes: Raise procedure turn altitude.

City and State: Abilene, Tex — Airport Name & Elev.: Municipal 1778' — Fac. Class & Ident.: BVOR ABI — Procedure No. & Eff. Date: 1, Amdt 2 24 Dec 55 — Sup. Amdt. No. Dated: 1 2 Jul 55

				T-dn	300-1		
				C-dn	500-1½		
				A-dn	800-2		

Procedure turn W side, 334 Outbnd, 154 Inbnd, 6000' within 10 mi.
Minimum Altitude over facility on final approach crs, 5200'
Crs and distance, facility to airport, 154-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.3 mi, climb to 6000' on R-154 within 20 mi.
NOTE: Turf field, rough, heavy aircraft use with caution. Not authorized for air carrier use.
Major Changes: Publishes procedure in Regulations of the Administrator.

City and State: Akron, Colo — Airport Name & Elev.: CAA Intermediate 4585' — Fac. Class & Ident.: BVOR AKO — Procedure No. & Eff. Date: 1, Amdt 1 9 Jun 56 — Sup. Amdt. No. Dated: Form ACAN-1725 27 Apr 53

Albany LFR	ABY-VOR	Direct	1600	T-dn	300-1	300-1	*300-1
				C-dn	500-1	500-1	500-1½
				S-dn-16	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

* AIR CARRIER NOTES: 200-½ authorized for take-off runway 3-21 only, authorized for use as alternate only for more than 2 eng aircraft.

Procedure turn W side crs, 333 Outbnd, 153 Inbnd, 1500' within 10 mi.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 153-5.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 5.1 mi, climb to 1500' on R-153 within 20 mi of ABY - VOR.
CAUTION: Radio tower 607 MSL three mi E of VOR.

City and State: Albany, Ga — Airport Name & Elev.: Municipal 196' — Fac. Class & Ident.: BVOR ABY — Procedure No. & Eff. Date: 1, amdt 5 21 Jul 54 — Sup. Amdt. No. Dated: 4 2 Feb 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
25 mi fix	20 mi fix R 112	Direct	4000	T-dn	300-1	300-1	*200-½
20 mi fix	10 mi fix R 112	Direct	3000	C-dn	600-1	600-1	600-1½
10 mi fix	5 mi fix R 112	Direct	2000	A-dn	800-2	800-2	800-2
5 mi fix	Albany VOR R112 (Final)	Direct	900				

*300-1 required on Runways 10, 28, 15 and 33.

No procedure turn - final approach crs 292 Inbnd.
Minimum Altitude over facility on final approach crs, 900'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.0 mi, climb to 2000' on R 297 within 10 mi; 3000' within 15 mi. Alternate Missed approach (when requested by ATC) climb to 3000' on R 015 within 15 mi.

City and State: Albany, N Y — Airport Name & Elev.: Albany 288' — Fac. Class & Ident.: VOR ALB — Procedure No. & Eff. Date: R112 Orig 28 Jan 56 — Sup. Amdt. No. Dated: None

18 mi fix	10 mi fix R136	Direct	3000	T-dn	300-1	300-1	*200-½
10 mi fix	5 mi fix R136	Direct	1500	c-dn	600-1	600-1	600-1½
5 mi fix	Albany VOR R136 (Final)	Direct	900	A-dn	800-2	800-2	800-2

* 300-1 required on Runways 15, 33; 10 and 28.

No procedure turn. Final approach crs 316 Inbnd.
Minimum Altitude over facility on final approach crs 900'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.0 mi, turn right climb to 3000' on R015 within 15 mi.

City and State: Albany, N Y — Airport Name & Elev.: Albany 288' — Fac. Class & Ident.: VOR ALB — Procedure No. & Eff. Date: R-136, Orig 28 Jan 56 — Sup. Amdt. No. Dated: None

20 mi fix	10 mi fix R 265	Direct	3000	T-dn	300-1	300-1	*200-½
10 mi fix	6 mi fix R 265	Direct	2000	C-dn	700-1	700-1	700-1½
6 mi fix	Albany VOR R 265 (Final)	Direct	1000	A-dn	800-2	800-2	800-2

* 300-1 required for take-off runways 10, 15, 28 and 33.

No procedure turn - final approach crs 085 Inbnd.
Minimum Altitude over facility on final approach crs, 1000'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.0 mi, turn left, climb to 3000' on R015 within 15 mi.
CAUTION: 700' radio towers on final 2½ mi from airport.

City and State: Albany, N Y — Airport Name & Elev.: Albany 288' — Fac. Class & Ident.: VOR ALB — Procedure No. & Eff. Date: R265, Orig 28 Jan 56 — Sup. Amdt. No. Dated: None

12 mi fix	7 mi fix R 297	Direct	2000	T-dn	300-1	300-1	*200-½
7 mi fix	Albany VOR R 297 (Final)	Direct	1000	C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

*300-1 required for Runways 10, 28, 15 and 33.

No procedure turn. Final approach crs 117 Inbnd.
Minimum Altitude over facility on final approach crs, 1000'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.0 mi, make a right climbing turn climb to 2000' on R 297 within 10 mi, 3000' within 15 mi.
CAUTION: 700' radio towers to right of crs on final 2½ mi from airport.

City and State: Albany, N Y — Airport Name & Elev.: Albany 288' — Fac. Class & Ident.: VOR ALB — Procedure No. & Eff. Date: R 297 Orig 28 Jan 56 — Sup. Amdt. No. Dated: None

ABQ LFR	ABQ-VOR	Direct	8000	T-dn	300-1	300-1	200-½
				C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 258 Outbnd, 078 Inbnd, 8000' within 10 mi (nonstandard due to danger area)
Minimum Altitude over facility on final approach crs, 6700'
Crs and distance, facility to airport, 078-8.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 8.9 mi, turn right and climb to 10,000' on crs of 256 within 20 mi.

City and State: Albuquerque, N Mex — Airport Name & Elev.: Kirtland AFB-MUN 5330' — Fac. Class & Ident.: BVOR ABQ — Procedure No. & Eff. Date: 1, Amdt 2 27 May 54 — Sup. Amdt. No. Dated: 1 27 May 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Alexandria LFR	AXN-VOR	Direct	2600	T-dn	300-1	300-1	200-½
				C-dn	600-2	600-2	600-2
				S-dn	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 044 Outbnd, 224 Inbnd, 2600' within 10 mi.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 224-8.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.3 mi, climb to 2600' on R224 within 20 mi., make left turn and return to VOR station.
CAUTION: Tank 1535' MSL located 1 mi N of airport. Radio tower 1573' MSL located 1½ mi NW of airport. Radio tower 1555' MSL located 1 mi E of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Alexandria, Minn	Municipal 1425'	BVOR AXN	1, Amdt 3 27 Aug 55	2 15 Aug 53

Allentown LFR	ABL-VOR	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 356 Outbnd, 176 Inbnd, 2700' within 10 mi.
Minimum Altitude over facility on final approach crs, 2200'
Crs and distance, facility to airport, 178-4.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.2 mi, make an immediate right climbing turn, climb to 2500' on Allentown VOR R 237 within 10 mi.
Major Changes: Revised missed approach procedure to clear obstructions S of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Allentown, Pa	Allentown-Bethlehem-Easton 391'	VOR ABL	1, Amdt 2 15 Jan 55	1 20 Mar 52

Amarillo LFR	AMA-VOR	Direct	4700	T-dn	300-1	300-1	200-1½
				C-dn	400-1	500-1	500-1½
				S-dn-21	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 029 Outbnd, 209 Inbnd, 4800 within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 4200'
Crs and distance, facility to airport, 209-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi, climb to 5000' on R 209 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Amarillo, Tex	Air Terminal 3604'	BVOR AMA	1, Amdt 3 30 Jul 55	2 8 Aug 54

RYN VOR	10 mi DME fix on R-067	Direct	*2000	T-dn	300-1	300-1	300-1
10 mi DME fix R-67	15 mi fix R-67	Direct	*1500	C-dn	500-1	500-1	500-1½
15 mi DME fix on R-67	21 mi fix R-067 (Final)	Direct	*1200	S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side R-067 within 15 mi of RYN VOR 2000* (between VOR and airport & is not required with DME)
Minimum Altitude over facility on final approach crs, After passing 15 mi fix on R-067 1200*
Crs and distance, facility to airport, From 15 mi fix to Rwy 5 067-5.3; From VOR to Rwy 5 067-20.3*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 20.3 mi, turn left and climb on R-247 to 2000'* before reaching RYN VOR.
* Without DME, landing minimums are 1500' ceiling (2300' MSL)

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Anderson, S C	Anderson 783'	BVOR RYN	1, Orig 21 Jan 56	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Asheville RBN	AVL-VOR	Direct	6000	T-d	2000-1	2000-1	
				C-d	2000-2	2000-2	
				A-d	2000-2	2000-2	

Procedure turn S side of crs, 065 Outbnd, 245 Inbnd, 6000 within 10 mi.
Minimum Altitude over facility on final approach crs, VOR 5000 - Hendersonville Int 4100*
Crs and distance, facility to airport, VOR to Hendersonville Int 245-7.6*
* From Hendersonville Int proceed to Airport VFR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.6 mi turn left, climb SE to 6000' on R-310 of the Spartanburg VOR within 20 mi of Hendersonville Int
Night Operation NA.
AIR CARRIER NOTES: No reduction in landing minima below 1½ mi, and no reduction in take-off minima authorized.
NOTE: Hendersonville Int 310 R SPA & 245 R AVL or 145 brng from Asheville Rbn.
Major Changes: Complete revision to procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Asheville, N C	Asheville-Hendersonville 2103'	BVOR AVL	1, Amdt 3 16 Jun 56	2 21 Jan 56

Chattahooche Int.	ATL-VOR	Direct	2100	T-dn	300-1	300-1	200-½
Atlanta LFR	ATL-VOR	Direct	2100	S-d-3	500-1	500-1	500-1
				S-n-3	500-2	500-2	500-2
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 195 Outbnd, 015 Inbnd, 2100' within 10 mi.
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 015-8.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.1 mi, immediately turn right, climb to 2200' and proceed to Rex Int via E crs ATL ILS.
CAUTION: 2036' MSL TV tower located 7 mi NNE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Atlanta, Ga.	Municipal 1024'	BVOR ATL	1 Adt 1 9 Feb 57	Orig 2 Feb 54

Augusta LFR	AGS-VOR	Direct	1800	T-dn	300-1	300-1	*200-½
				C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

* 300-1 required on Runway 26.

Procedure turn W side of crs, 320 Outbnd, 140 Inbnd, 1800 within 10 mi of AGS VOR.
Minimum Altitude over facility on final approach crs, over VOR 1300, Over Int NE crs AGS LFR & AGS R-141 1300.
Crs and distance, facility to airport, VOR to Int AGS R-141 & NE crs AGS LFR, 141-7.2; Int AGS R-141 & NE crs AGS LFR to Airport, 141-5.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.9 mi after passing Int. NE crs AGS LFR & AGS R-141, turn right, climb to 1800 on R-157 within 20 mi, or if directed by ATC, climb to 1500' proceeding to AGS LOM.
NOTE: Procedure not authorized unless AGS LFR is operative and can be received.
CAUTION: Prohibited area located 4 mi E of Bush Field.
Major Changes: Raise landing minima.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Augusta, Ga	Bush Field 142'	BVOR AGS	1, Amdt 1 25 Feb 56	Orig 1 Oct 55

Augusta LFR	AGS-VOR	Direct	1800	T-dn	300-1		
				C-dn	700-2		
				A-dn	NA	NA	NA

Procedure turn S side of crs, 320 Outbnd, 140 Inbnd, 1800' within 10 mi.
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 135-6.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.3 mi, turn right, climb to 1500 on R-157 within 20 mi.
CAUTION: Danger area 4 mi W & prohibited area 5 mi E of missed approach crs.
NOTE: No communications or weather service available. AGS weather observations made at Bush Field 7 mi, SE and 282' below elevation of Daniel Field. Air Carrier use NA. UNICOM available.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Augusta, Ga	Daniel Field 424'	BVOR AGS	1, Orig 20 Aug 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Austin LFR	AUS-VOR	Direct	2000	T-dn	300-1	300-1	300-1
3 mi DME fix R-355	AUS-VOR (Final)	Direct	1600	C-dn	400-1	500-1	500-1½
				S-dn-16R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* 200-½ authorized on Runways 16R, 34L, 12R and 30L only.

Procedure turn W side crs , 355 Outbnd, 175 Inbnd, 2000' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, VOR 1600; AUS FM or DME fix 2.4 or NE crs AUS LFR 1300'**
** Descent below 1300 authorized only after passing AUS FM, DME fix 2.4 on R-175, or NE crs AUS LFR.
Crs and distance, facility to airport, 175-4.9 VOR to airport; 175-2.5 from 2.4 DME fix to airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 mi, turn left, climb to 2000' on R-100 within 20 mi.
CAUTION: Tank 855' MSL 1.2 mi W final approach crs 2.3 mi NW of airport.
Major Changes: Addition of DME fixes. Revise note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Austin, Tex	Mueller 631'	BVOR AUS	1, Amdt 6 31 Mar 56	5 29 Oct 55

BKE-LFR	BKE-VOR	Direct	7000	T-d	1000-1	1000-1
				T-n	1000-2	1000-2
				C-d	1700-1	1700-1
				C-n	1700-2	1700-2
				A-dn	1700-2	1700-2

Procedure turn E side of crs, 297 Outbnd, 117 Inbnd, 7000' within 10 mi. NA beyond 10 mi. (E side for more favorable terrain.
Minimum Altitude over facility on final approach crs, 5100'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, turn left, climb to 9000' on R-297 of BKE-VOR within 15 mi.
SHUTTLE: 8000' on 119 Radial within 10 mi of BKE-VOR all turns on E side of crs.
AIR CARRIER NOTE: Sliding scale not applicable at night.
Major Changes: New format; add shuttle.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Baker, Ore	Baker 3368'	BVOR BKE	1, Amdt 2 3 Sep 55	1 31 Aug 54

Famoso FM	BFL-VOR (Final)	Direct	1600	T-dn	300-1	300-1	200-½
Bakersfield LFR	BFL-VOR	Direct	2000	C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 310 Outbnd, 130 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 130-3.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi, turn right W and climb to 2000' on R-319 within 20 mi, or when directed by ATC, climb to 2000' on on R-225 within 15 mi.
NOTE: Standard clearance not provided over 1050' MSL tower 3 mi NE of VOR on procedure turn or on missed approach.
NOTE: Take-offs or landings runway 7-25 NA. Night take-offs Runway 16 NA. Night landings Runway 34 NA.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to Runways 25-30-34.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bakersfield, Calif	Kern County 1 515'	BVOR BFL	1, Amdt 3 6 Aug 55	2 18 Nov 53

Loch Raven Int	BAL-VOR	Direct	2000	T-dn	300-1	300-1	300-1
Baltimore LFR	BAL-VOR	Direct	1500	C-dn	800-1½	800-1½	800-1½
Beltsville FM	BAL-VOR	Direct	1600	S-d	800-1	800-1½	800-1½
Int NE crs Arcola LFR	BAL-VOR	Direct	2000	S-n-9	800-1½	800-1½	800-1½
Int NE crs Arcola LFR	BAL-VOR	Direct	1800	*A-dn			

* No weather reporting service at this airport.

Procedure turn S side of crs 258 Outbnd, 078 Inbnd, 1600' within 10 mi.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 078-6.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.6 mi, climb to 2000' on crs of 015 Outbnd from VOR within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Baltimore, Md	Harbor 14'	BVOR BAL	1, Amdt 2 5 May 54	1 1 Aug 51

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Baton Rouge LFR	BTR-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-d	800-1	800-1	800-1½
				C-n	800-1	800-1	800-2
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 244 Outbnd, 064 Inbnd, 1200 within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 064-7.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.6 mi, climb to 1400' on R-064 within 20 mi.
Major Changes: Changes airport name. Raises altitude over facility on final & landing minima. Revises missed approach procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Baton Rouge, La	Ryan 70'	BVOR BTR	1, Amdt 1 8 Jan 55	Orig 26 Feb 52

BAM LFR	BAM-VOR	Direct	9000	T-dn	300-1	300-1	200-½
				C-dn	1000-1	1000-1	1000-1½
				A-dn	1000-1	1000-1	1000-1½

Procedure turn W side of crs, 200 Outbnd, 020 Inbnd, 9000' within 10 mi.
Minimum Altitude over facility on final approach crs, 6000'
Crs and distance, facility to airport, 031-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 mi, turn left and climb to 12000' on R-330 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Battle Mountain, Nev	Battle Mtn 4533'	BVOR BAM	1, Orig 31 Aug 54	None

Beaumont LFR	BUJ-VOR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 236 Outbnd, 056 Inbnd, 1200 within 10 mi.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 056-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 mi, climb to 1400' on R-064 within 20 mi.
Major Changes: Correct bearings and distances.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Beaumont, Tex	Jefferson County 15'	BVOR BUJ	1, Amdt 2 28 May 55	1 15 Jan 54

Int E crs Vancouver LFR & 326R	BLI-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Int W crs Abbotsford LFR & R326	BLI-VOR	Direct	2000	C-dn	800-1	800-1	800-1½
BLI-LFR	BLI-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Abbotsford LFR	BLI-VOR	Direct	2000				
Maple Ridge Int	BLI-VOR	Direct	2000				

Procedure turn W side of crs, 326 Outbnd, 146 Inbnd, 2000' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 146-8.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.9 mi, turn right, climb to 4000' on R-155 within 15 mi.
Major Changes: Revises bearings, distances and missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bellingham, Wash	Bellingham 158'	BVOR BLI	1, Amdt 2 27 Oct 56	1 1 Jan 55

Newark LOM	OLT-VOR	Direct	1500	T-dn	300-1		
Int SW crs Laguardia LFR and	OLT-VOR (Final)	Direct	1000	C-d	500-1		
R-360 Colt's Neck VOR		Direct	1000	C-n	500-1½		
				A-dn	800-2		

No procedure turn authorized final approach crs, 180
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 180-6.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.0 mi after passing Colt's Neck VOR, climb to 1500' on crs of 180 within 10 mi and return to Colt's Neck VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Belmar, N J	Monmouth County 180'	BVOR OLT	2 Orig 24 Jul 54	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Billings LFR.	BIL-VOR	Direct	5000	T-dn	300-1	300-1	300-1
Park City FM	BIL-VOR	Direct	5200	C-d	400-1	500-1	500-1½
				C-n	400-2	500-2	500-2
				S-d-7	400-1	400-1	400-1
				S-n-7	400-2	400-2	400-2
				A-dn	800-2	800-2	800-2

Procedure turn S side crs, 257 Outbnd, 077 Inbnd, 5200' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 4700'
Crs and distance, facility to airport, 077-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 mi, climb to 5200' on R-055 within 20 mi.

City and State: Billings, Mont — Airport Name & Elev.: Billings Municipal 3612' — Fac. Class & Ident.: BVOR BIL — Procedure No. & Eff. Date: 1, Amdt 2 19 Jan 57 — Sup. Amdt. No. Dated: 1 27 Oct 56

5 mi fix R-256	BGM-VOR	Direct	2500	T-dn	300-1	300-1	200-½
Binghamton VOR to 3 mi fix R-076	BGM-VOR	Direct	2200	*C-dn	400-1	500-1	500-1½
				*S-dn-10	400-1	400-1	400-1
3 mi fix R-076 to Runway 10	BGM-VOR (Final)	Direct	2000*	A-dn	800-2	800-2	800-2

* Minimums of 600-2 (2200' MSL) without DME.

Procedure turn S side of crs, 256 Outbnd, 076 Inbnd, 3000' within 10 mi. No procedure turn required with DME.
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 076-7.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.0 mi, after passing Binghamton VOR, climb to 3500' on R-076 within 20 mi.
Major Changes: Adds DME fixes & lowers minimums if aircraft is DME equipped.

City and State: Binghamton, N Y — Airport Name & Elev.: Broome County 1626' — Fac. Class & Ident.: VOR BGM — Procedure No. & Eff. Date: 1, Amdt 3 28 Jan 56 — Sup. Amdt. No. Dated: 2 1 Apr 54

29 mi fix	18 mi fix, R-079	259-11	3000	T-dn	300-1	300-1	200-½
18 mi fix	13 mi fix, R-079	259-5	2500	C-dn	400-1	500-1	500-1½
13 mi fix	Runway 28 R-079 (Final)	259-5	2000	S-dn-28	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn, no procedure turn, final approach crs 259 Inbnd.
Minimum Altitude over facility on final approach crs, descend to landing minimums when within 13 mi of BGM VOR. Distance from 13 mi fix to Runway 28 5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at 8.0 mile fix, R-079, proceed to Binghamton VOR on crs 259, climbing to 3000'
NOTE: This procedure authorized only with DME.

City and State: Binghamton, N Y — Airport Name & Elev.: Broome County 1629' — Fac. Class & Ident.: VOR BMG — Procedure No. & Eff. Date: 2, Orig 28 Jan 1956 — Sup. Amdt. No. Dated: None

Bismarck LFR	BIS-VOR	Direct	3300	T-dn	300-1	300-1	*200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				A dn	800-2	800-2	800-2

*300-1 required on Runways 2, 20, 8, 26, 35 and 17.

Procedure turn N side of crs, 092, Outbnd, 272 Inbnd, 3300' within 10 mi.
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 272-3.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi, climb to 4000' on R-262 BIS-VOR within 20 mi.
CAUTION: Radio towers: 1756' ½ mi S of airport; 2082' 3 mi N; 1848' 3.5 mi NW.
Major Changes: Crs, distances and altitudes revised.

City and State: Bismarck, N D — Airport Name & Elev.: Municipal 1653' — Fac. Class & Ident.: BVOR BIS — Procedure No. & Eff. Date: 1, Amdt 2 7 Jan 56 — Sup. Amdt. No. Dated: 1 15 Aug 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Eagle FM	BOI-VOR (Final)	Direct	3600	*T-dn	300-1	300-1	200-½
Boise LFR	BOI-VOR	Direct	4000	C-d	500-1	500-1½	600-1½
Boise LOM	BOI-VOR	Direct	4000	C-n	500-1	500-1½	700-1½
				S-dn-10L-R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* 300-1 minimum for Runway 16-34

Procedure turn S side of crs, 273 Outbnd, 093 Inbnd, 4000' within 10 mi.
Minimum Altitude over facility on final approach crs, 3600'
Crs and distance, facility to airport, 093-3.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi, turn right, climb to 4000' on R-273 within 10 mi; or when directed by ATC, turn right, climb to 4000' on NW crs BOI LFR, within 10 mi.
Major Changes: Add final approach from Eagle FM; Revise missed approach procedure; lower circling minimums.

City and State: Boise, Idaho — Airport Name & Elev.: Boise Air Terminal 2858' — Fac. Class & Ident.: BVOR BOI — Procedure No. & Eff. Date: 1, Amdt 2 12 Feb 55 — Sup. Amdt. No. Dated: 1 25 May 53

Bowling Green LFR	BWG-VOR	Direct	1800	T-dn	300-1	300-1	300-1
Lewisburg Int	BWG-VOR	Direct	2000	C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				S-d-2	400-1	600-1	600-1½
				S-n-2	400-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 203 Outbnd, 023 Inbnd, 1800' within 10 mi.
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 023-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 mi, climb to 2200' on crs 045 within 20 mi.
AIR CARRIER NOTES: Sliding scale NA. No red in landing vis min auth for local cond. No red in T.O. min auth.

City and State: Bowling Green, Ky — Airport Name & Elev.: Bowling Green-Warren County 540' — Fac. Class & Ident.: BVOR BWG — Procedure No. & Eff. Date: 1, Amdt 1, 1 Apr 54 — Sup. Amdt. No. Dated: Orig 2 Jul 51

BZN-LFR	BZN-VOR	direct	6000	T-d	1000-1	1000-1	1000-1
				T-n	1000-2	1000-2	1000-2
				C-d	1500-1	1500-1	1500-2
				C-n	1500-2	1500-2	1500-3
				A-d	1500-2	1500-2	1500-2
				A-n	1500-2	1500-2	1500-3

Procedure turn W side of crs, 140 Outbnd, 320 Inbnd, 8500' within 10 mi. NA beyond 10 mi. (nonstandard due to terrain)
Minimum Altitude over facility on final approach crs, 6000'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, turn left, climb to 9000' on R-259 within 20 mi.

City and State: Bozeman, Mont — Airport Name & Elev.: Gallatin Field 4461' — Fac. Class & Ident.: BVOR BZN — Procedure No. & Eff. Date: 1, Amdt 1 3 Sep 55 — Sup. Amdt. No. Dated: Original 16 Aug 54

				T-dn	300-1	300-1	
				C-d	400-1	500-1	
				C-n	400-1½	500-1½	
				S-dn-32	400-1	400-1	
				A-dn	800-2	800-2	

Procedure turn E side of crs, 145 Outbnd, 325 Inbnd, 3400' within 10 mi.
Minimum Altitude over facility on final approach crs, 2900'*
* Descent to authorized field minimums authorized after passing Bradford MH. If Bradford MH not received, maintain 2900' until over Bradford VOR. Straight-in landing minimums premised on reception of Bradford MH.
Crs and distance, facility to airport, 325-1.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.0 mi, climb to 3400' on R-325 within 20 mi of Bradford VOR. Make climbing left turn, return to Bradford VOR at 4000'.
Major Changes: Revises missed approach procedure.

City and State: Bradford, Pa — Airport Name & Elev.: McKean County 2142' — Fac. Class & Ident.: VORW BFD — Procedure No. & Eff. Date: 1, Amdt 1, 23 Jun 56 — Sup. Amdt. No. Dated: Orig 5 Dec 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Brownsville LFR	BRO-VOR	Direct	1200	T-dn	300-1	300-1	200-½
Los Fresnos FM	BRO-VOR	Direct	1200	C-dn	400-1	500-1	500-1½
Brownsville LOM	BRO-VOR	Direct	1200	S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of Crs, 062 Outbnd, 242 Inbnd, 1200' within 10 mi.
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 242-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 1200' on R-282 within 20 mi.
CAUTION: 156' water tank 0.5 mi W of airport.
Major Changes: Lower missed approach altitude. Minor changes in transition courses.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Brownsville, Tex	Rio Grande Valley International 22'	BVOR BRO	1, Amdt 2 5 May 56	1 22 Jan 55

Brunswick MH	SSI-VOR	Direct	1100	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 202 Outbnd, 022 Inbnd, 1100 within 10 mi.
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 022-6.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.3 mi, turn right * climb to 1100 on R-202 within 20 mi.
*.Provides separation from Navy Glynco traffic.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Brunswick, Ga	Malcolm McKinnon 20'	BVOR SSI	1, Orig 15 Jan 56	None

				T-dn	1500-3	1500-3	1500-3
				C-dn	2500-3	2500-3	2500-3
				A-dn	2500-3	2500-3	2500-3

Procedure turn W side of crs, 110 Outbnd, 290 Inbnd, 11000' within 20 mi.
Minimum Altitude over facility on final approach crs, 10,100'
Crs and distance, facility to airport, 066-8.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.2 mi, climb to 13,000' on R-045 within 20 mi.
NOTE: Amount of turn over facility on final approach exceeds standard.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bryce Canyon, Utah	CAA site #45 7586'	BVOR BCE	1, 1 5 Jan 57	Orig 19 Nov 53

Varysburg Int*	Darien Int	336-8	3000	T-dn	300-1	300-1	200-½
Darien Int#	Buffalo VOR	287-8.0	1500	C-dn	400-1	500-1	500-1½
				S-dn-31,27	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* Varysburg Int: Buffalo VOR R-132 & 15 mi DME.
Darien Int: Buffalo VOR R-107 and 8 mi DME.

Procedure turn E side of crs, 107 Outbnd, 287 Inbnd, 2000' with 8 mi. Procedure turn need not be accomplished with DME.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 287-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 mi, climb to 2100' on R-287 within 10 mi.
Major Changes: Incorporates DME.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Buffalo, N Y	Municipal 711'	VOR BUF	R-107, Amdt 3 28 Jan 56	Proc.1, Amdt 2 1 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Burley LFR	BYI-VOR	Direct	6000'	T-d	500-1	500-1	
				T-n	500-2	500-2	
				C-d	600-1	600-1	
				C-n	600-2	600-2	
				A-dn	800-2	800-2	

Procedure turn S side crs, 283 Outbnd, 103 Inbnd, 6000' within 10 mi.
Minimum Altitude over facility on final approach crs, 4800'
Crs and distance, facility to airport, 103-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 mi, turn left, climb to 7000' R-274 within 20 mi.
AIR CARRIER NOTE: Operations not authorized for more than 2-eng. aircraft.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Burley Idaho	Burley Municipal 4150'	BVOR BYI	1, Amdt 1 25 Dec 54	Orig 27 Jun 52

				T-dn	300-1	300-1	200-½
				C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 108 Outbnd, 288 Inbnd, 1900' within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 288-9.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 9.6 mi, climb to 2000' on R-288 within 20 mi.
Major Changes: Transition deleted; distances revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Burlington, Iowa	Burlington 698	BVOR BRL	1, Amdt 5 18 Feb 56	4 20 Apr 54

				T-d	300-1		
				C-d	500-2		
				A-d	800-2		

Procedure turn S side of crs, 255 Outbnd, 075 Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 075-6.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.7 mi, climb to 2000' on R-075 within 20 mi.
NOTE: Airport not suitable for aircraft with stall speed greater than 65 K.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Butler, Mo.	Butler 870'	BVOR BUM	1 Adt 1 26 Dec 56	Orig 8 Jan 51

Whitehall LFR	BTM-VOR	Direct	10,000	T-d	1500-1	1500-1	1500-1
				T-n	1500-2	1500-2	1500-2
				C-d	2300-1	2300-1½	2300-1½
				C-n	2300-2	2300-2	2300-2
				A-d	2300-1½	2300-1½	2300-1½
				A-n	2300-2	2300-2	2300-2

Procedure turn E side of crs, 343 Outbnd, 163 Inbnd, 9000' within 10 mi. NA beyond 10 mi. (nonstandard due to terrain)
Minimum Altitude over facility on final approach crs, 7900'
Crs and distance, facility to airport, 096-11.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.5 mi, climb to 10,000' on R-093 within 10 mi.
CAUTION; Obstruction 8212' MSL 2 mi E of Butte Airport.
AIR CARRIER NOTE: Sliding scale NA for landing.
Major Changes: Add transition from Whitehall LFR; Delete transition from BTM LFR; crs and distance corrections.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Butte, Mont	Butte 5554'	BVOR BTM	1, Amdt 1 7 May 55	Orig 15 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Whitehall VOR	Homestake FM	Direct	9500	T-d	1500-1	1500-1	1500-1
				T-n	1500-2	1500-2	1500-2
				C-d	3000-1	3000-1	3000-1½
				C-n	3000-2	3000-2	3000-2
				A-dn	3000-2	3000-2	3000-2

No procedure turn. Final approach crs 268.
Minimum Altitude over facility on final approach crs, Homestake FM 9500'
Crs and distance, facility to airport, 268- 3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 mi of Homestake FM, Climb Westbound to 10,000' on 270 radial Whitehall VOR within 15 mi of Homestake FM;
Alternate Missed approach when directed by ATC: climb westbound to 10,000' on 093 radial Butte VOR to VOR.
CAUTION: 8,212' obstruction 2 mi E of Butte airport.
AIR CARRIER NOTE: Sliding scale NA for landing.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Butte, Mont	Butte 5554'	BVOR HIA FM HSK	2, Amdt 2 24 Dec 55	1 7 May 55

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
	—			A-dn	800-2	800-2	800-2

Procedure turn N side of crs 058 Outbnd, 238 Inbnd, 1200' within 10 mi.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 238-1.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.7 mi, climb to 1700' on crs of 238 within 10 mi of Riverhead VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Calverton, N. Y.	Peconic River 80'	VORW RVH	1, Orig 13 Oct 54	None

CPR LFR	CPR-VOR	Direct	7000	T-dn	300-1	300-1	200-½
				C-dn	1000-3	1000-3	1000-3
				S-dn	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3

Procedure turn N side of crs, 021 Outbnd, 201 Inbnd, 7000' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 7000'
Crs and distance, facility to airport, 201-13.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 10 mi, climb to 8000' on 201R within 20 mi. Alternate missed approach when directed by ATC: climb
to 7500' on W crs of ILS within 20 mi of LMM.
NOTE: Terrain 5900' at VOR site and 5 mi S, SW and W of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Casper, Wyo	Natrona County 5348'	BVOR CPR	1, Amdt 2 16 Jun 56	1 27 Jan 53

				T-d	300-1	300-1	300-1
				C-d	2300-3	2300-3	2300-3
				A-d	2300-3	2300-3	2300-3

Procedure turn E side of crs, 197 Outbnd, 017 Inbnd, 5600 within 10 mi.
Minimum Altitude over facility on final approach crs, 5600'
Crs and distance, facility to airport, 017-18.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 18.9 mi, climb to 5600' on 011 crs fm CDR-VOR within 20 mi.
NOTE: Night operations not authorized (Runway lights inoperative). No control zone.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chadron, Neb	Chadron 3312'	BVOR CDR	1, Orig 22 Dec 56	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Charleston LFR	CHW-VOR	Direct	2500	T-dn	300-1	300-1	300-1
				C-dn	800-2	800-2	800-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side of crs, 244 Outbnd, 064 Inbnd, 2500' within 10 mi.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 064-10.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 10.0 mi, climb to 2500' on R-067 within 20 mi of VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Charleston, W Va	Kanawha County 981'	BVOR CHW	1, Amdt 1 5 May 54	Orig 20 Feb 53

Charlotte LFR	CLT-VOR	Direct	2100	T-dn	300-1	300-1	200-½
				C-dn*	400-1	500-1	500-1½
				A-dn*	800-2	800-2	800-2

Procedure turn E side of crs, 186 Outbnd, 006 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, CLT VOR 1600'; CLT LFR-Z 1600*
* If LFR-Z not identified descent below 1600 NA and minima become 900-2
Crs and distance, facility to airport, 006-13.3 from CLT-VOR; 006-1.5 from CLT-LFR-Z
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.5 mi, climb to 2300' on R-006 or when directed by ATC: Turn right, climb to 2300' on R-040 within 20 mi.
CAUTION: 1116' MSL tower located 4 mi SE of LFR and 3 mi E of final approach crs.
Major Changes: Crs and distances revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Charlotte, N C	Douglas 748'	BVOR CLT	1, Amdt 1 24 Dec 55	Orig 20 Aug 55

Chattanooga LFR	CHA-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Daisy FM	CHA-VOR	Direct	2200	C-dn	600-1½	700-1½	700-2
Int SW crs CHA LFR & CHA VOR R-280 (Rossville Int)	CHA-VOR	Direct	2300'	A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 151 Outbnd, 331 Inbnd, 2500' within 10 mi.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 331-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 mi, turn right, climb to 2500' on crs of 008 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chattanooga, Tenn	Lovell Field 682'	BVOR CHA	1, Orig 8 Mar 54	None

Cheyenne LFR	CYS-VOR	Direct	7300'	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 015 Outbnd, 195 Inbnd, 7300' within 10 mi.
Minimum Altitude over facility on final approach crs, 6800'
Crs and distance, facility to airport, 195-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 mi, climb to 7500' on R-166 within 20 mi of VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cheyenne, Wyo	Cheyenne Municipal 6156'	BVOR CYS	1, Amdt 3 15 Feb 54	2 1 Feb 52

				T-d	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				S-d	400-1	400-1	400-1
				A-d	800-2	800-2	800-2

Procedure turn E side crs, 171 Outbnd, 351 Inbnd, 3100' within 10 mi.
Minimum Altitude over facility on final approach crs, 2600'
Crs and distance, facility to airport, 351-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 mi, climb to 3100 on R-351 within 10 mi.
AIR CARRIER NOTE: Night operations NA.
Major Changes: Limit procedure turn and missed approach distances.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Childress, Tex	Municipal 1952'	BVOR CDS	1, Amdt 3 18 Feb 56	2 22 Jul 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Moline LFR	MLI-VOR	Direct	2100	T-dn	300-1	300-1	
Rockford LFR	MLI-VOR	Direct	2500	C-d	500-1	500-1½	
				C-n	500-2	500-2	
				S-d-32	500-1	500-1	
				S-n-32	500-2	500-2	
				A-dn	800-2	800-2	

Procedure turn E side of crs, 154 Outbnd, 334 Inbnd, 1900' within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 334-6.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.3 mi, make left climbing turn & return to the MLI VOR at 1900'.
CAUTION: Official weather information indicating conditions at Clinton are at or above minimums specified must be obtained prior to the time a let-down is started.
Major Changes: Procedure turn distance revised. Crs and distances revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Clinton, Iowa	Municipal 701'	BVOR MLI	1, Amdt 1 16 Jun 56	Orig 30 Mar 54

Bryan LFR	CLL-VOR	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-28	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 098 Outbnd, 278 Inbnd, 1500' within 10 mi of 230 brng to Snook Rbn.
Minimum Altitude over facility on final approach crs, 1000' over 230 brng to Snook Rbn.
Crs and distance, facility to airport, 278-2.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.8 mi, turn left, climb to 1500' on R-125 within 20 mi.
NOTE: Procedure authorized only for aircraft equipped to receive CLL VOR and SOK RBN bearings simultaneously.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
College Station, Tex	Easterwood 320'	BVOR CLL MHW SOK	2, Orig 22 Dec 56	None

Columbia LFR	CAE-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 147 Outbnd, 327 Inbnd, 1400' within 10 mi.
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 327-5.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.6 mi, climb to 1600' on R-327 within 20 mi.
Major Changes: Add straight-in night minima for more than 2-eng aircraft.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbia, S C	Columbia 244'	BVOR CAE	1, Amdt 1 14 Jan 56	Orig 22 Jun 55

Columbus LFR	CSG-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Columbus LOM	CSG-VOR.	Direct	2000	C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d-12	600-1	600-1	600-1
				S-n-12	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of course, 328 Outbnd, 148 inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach course, 1200'
Crs and distance, facility to airport, 148-6.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.7 miles, turn left, climb to 2000' on R-328 CSG within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbus Ga	Muscogee Co. 397'	BVOR CSG	1 Orig 9 Feb 57	none

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Columbus LFR	CUS-VOR	Direct	6000	T-d	1000-2	1000-2	
				T-n	1000-3	1000-3	
				C-d	1000-2	1000-2	
				C-n	1000-3	1000-3	
				A-d	1500-2	1500-2	
				A-n	1500-3	1500-3	

Procedure turn N side of crs, 084 Outbnd, 264 Inbnd, 6000' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 5200'
Crs and distance, facility to airport, 264-2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.4 mi, climb to 9000' on R-264 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbus, N M	Columbus Int Field 4024'	BVOR CUS	1, Amdt 2 27 May 54	1 1 Feb 52

Concord LFR	CON-VOR	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-12	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 300 Outbnd, 120 Inbnd, 2500' within 10 mi. Not authorized beyond 10 mi.
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 120-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 mi, after passing Concord VOR, climb to 2000' on R-155 within 15 mi of Concord VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Concord, N H	Municipal 345'	BVOR CON	1, Amdt 1 1 Apr 54	Orig 2 Feb 54

Corpus Christi LFR	CRP-VOR	Direct	1300	T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-1½	700-1½	700-2
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 349 Outbnd, 169 Inbnd, 1400' within 10 mi.
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 169-7.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.8 mi, turn right, climb to 1700' on R-229 within 20 mi.
CAUTION: 360' antenna 2.1 mi NE of airport.
AIR CARRIER NOTE: Authorization for local visibility reduction & sliding scale not applicable for night landings.
Major Changes: Revise missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Corpus Christi, Tex	Cliff Maus 42'	BVOR CRP	1, Amdt 3 28 Jul 56	2 12 Mar 56

Cotulla BMH	COT-VOR	Direct	1600	T-dn	300-1	300-1	
				C-dn	400-1	500-1	
				A-dn	800-2	800-2	

Procedure turn N side crs, 075 Outbnd, 255 Inbnd, 1600 within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 255-5.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 mi, after passing VOR, turn left, climb to 1600' R-186 within 20 mi.
CAUTION: 560' unlighted water tower 1 mi WSW.
Major Changes: Lowers minima. Adds transition from COT BMH.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cotulla, Tex	Cotulla Municipal 471'	BVOR COT	1, Amdt 1 12 Feb 55	Orig 27 Aug 51

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
New Baltimore Int	CVG-VOR	Direct	2300	T-dn	300-1	300-1	200-½
Cincinnati LFR	CVG-VOR	Direct	2400	C-dn	400-1	500-1	500-1½
Grants Lick Int	CVG-VOR	Direct	2000	S-dn-4	400-1	400-1	400-1
Union Int	CVG-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Mt Orab FM	CVG-VOR	Direct	2300				

Radar terminal area transition altitudes: From 022 to 105 2500' within 30 mi; from 105 thru 180 to 22, 2000' within 15, 2500' within 30 mi.

Procedure turn E side of crs, 223 Outbnd, 043 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 043-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 2500' on 043 radial within 15 mi or, when directed by ATC, make a left climbing turn and return to Cincinnati VOR.
Major Changes: Revises transitions, missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Covington, Ky	Greater Cincinnati 890'	VOR CVG	1, Amdt 2 30 Jul 55	1 27 Aug 52

Radar Transitions to Cincinnati VOR R-044 conducted in accordance with established surveillance patterns for Runway 22.				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1
022 clockwise from Radar	105	within 30 mi	2500	S-dn-22	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2
105 clockwise from Radar	022	within 15 mi	2000				
105 clockwise from Radar	022	within 30 mi	2500				

Procedure turn NA, Inbnd crs 224.
Minimum Altitude on final to 5 mi Fix (Radar) 2000'- descent to landing minimums after passing 5 mi fix as determined by surveillance radar.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5 mi after passing radar fix, climb to 2400' on heading 224 to Cincinnati VOR, turn right and proceed out R-241 for 10 mi. Hold on Cincinnati VOR R-241 at 2400' within 10 mi or as directed by ATC.
NOTE: This procedure authorized only in conjunction with airport surveillance radar. No altitude or range information given between radar 5 mi fix and airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Covington, Ky	Greater Cincinnati 890'	VOR CVG	2, Orig 3 Dec 55	None

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	600-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 310 Outbnd, 130 Inbnd, 1500' within 10 mi.
Minimum Altitude over facility on final approach crs, 600'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, climb to 3000' on R-160 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Crescent City, Calif	Del Norte County 56'	BVOR CEC	1, Amdt 2 31 Aug 54	1 5 Feb 53

Crestview LFR	CEW-VOR	Direct	1400	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side, 286 Outbnd, 106 Inbnd, 1400' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 106-6.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.1 mi, climb to 1400' on R-087 within 15 mi.
NOTE: Air Carrier use of airport NA.
Major Changes: Nautical distances. Revise straight-in minima. New format.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Crestview, Fla	Crestview 274'	BVOR CEW	1, Amdt 5 29 Aug 56	4 25 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Cross City LFR	CTY-VOR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side, 119 Outbnd, 299 Inbnd, 1200 within 10 mi.
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 299-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 mi, climb to 1500' on R-299 within 20 mi.
Major Changes: Increase procedure turn due obstruction.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cross City, Fla	Cross City 42'	BVOR CTY	1, Amdt 6 2 Jul 55	5 12 Jan 54

CTB-LFR	CTB-VOR	Direct	6000	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-2	500-2	500-2
				S-d-RY-31	400-1	400-1	400-1
				S-n-RY-31	400-2	400-2	400-2
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 131 Outbnd, 311 Inbnd, 5500' within 10 mi.
Minimum Altitude over facility on final approach crs, 4600'
Crs and distance, facility to airport, 311-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi, climb to 6000' on R-327 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cut Bank, Mont	Cut Bank 3863'	BVOR CTB	1, Amdt 2 17 Dec 55	1 30 Jul 54

Daggett LFR	DAG-VOR	Direct	6000	*T-dn	2000-4	2000-4	2000-4
				C-dn	2000-4	2000-4	2000-4
				A-dn	2000-4	2000-4	2000-4

* 500-1 authorized for take-offs on Runways 3 and 7.

Procedure turn N side crs, 053 Outbnd, 233 Inbnd, 6000' within 10 mi.
Minimum Altitude over facility on final approach crs, 4000'
Crs and distance, facility to airport, 233-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 mi, climb to 6000' on R-242 within 20 mi.
Major Changes: Correct courses.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Daggett, Calif	Daggett 1927'	BVOR DAG	1, Amdt 5 17 Nov 56	4 12 Feb 55

Dalhart MH	DHT-VOR	Direct	5200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 350 Outbnd, 170 Inbnd, 5200' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 4700'
Crs and distance, facility to airport, 170-3.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.4 mi, climb to 5100' on R-170 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dalhart, Tex	Municipal 3969	BVOR DHT	1, Amdt 4 30 Jul 55	3 2Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Dallas LFR	DAL-VOR	Direct	2000	T-d	300-1	300-1	
				C-d	500-1	500-1	
				A-d			

Radar Terminal Area Transition altitude: 2000 within 5 to 20 mi. Radar control must provide 3 mi or 1000 vert separation or 3 to 5 mi and 500 vert separation from radio towers 1108 MSL - 20 mi N-2349 MSL 16 mi. SSW - 1230 MSL 10 mi WNW of airport.

Procedure turn E side of crs, 328 Outbnd, 148 Inbnd, 1900 within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 148-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.6 mi, turn left, climb to 2000' and return to DAL VOR. No weather service available.
NOTE: Air Carrier use NA. Night operations NA.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dallas, Tex	Garland 614'	BVOR DAL	1, Orig 8 Oct 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Dallas LFR	DAL-VOR	Direct	2000	T-dn	300-1	300-1	
				C-dn	500-1	500-1	
				A-dn			

Radar terminal area transition altitude: 2000 within 5 to 20 mi. Radar control must provide 3 mi or 1000 vert separation or 3 to 5 mi and 500 vert separation from radio towers 1108 MSL - 20 mi N-2349 MSL 16 mi SSW - 1230 MSL 10 mi WNW of airport.

Procedure turn E side of crs, 104 Outbnd, 284 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 284-4.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.4 mi, turn right return to DAL VOR climbing to 2000'. No weather service available.
NOTE: Air Carrier use NA.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dallas, Tex	Highland Park 524'	BVOR DAL	1, Orig 8 Oct 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Dallas LFR	DAL-VOR	Direct	2000	T-dn	300-1	300-1	200-½
10 mi DME fix R-063	DAL-VOR (Final)	Direct	1500	*C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitude: 2000' within 5 to 20 mi. Radar control must provide 3 mi or 1000' vert separation or 3 to 5 mi and 500' vert separation from radio towers - 1108 MSL 20 mi N, 2349 MSL 16 mi SSW, 1230 MSL 10 mi WNW of airport.

Procedure turn N side of crs, 063 Outbnd, 243 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'; 1200' over 6.5 mi DME fix R-243; * 900' over 8.2 mi DME fix R-243.
* If DME not utilized, landing minima are 700-2
Crs and distance, facility to airport, 243-8.2; 243-6.5 mi from VOR to 6.5 mi DME fix; 243-1.7 mi from 6.5 mi DME fix to airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.2 mi, turn right, return to VOR, climbing to 2000'
CAUTION: 695' MSL tank 1.7 mi SE rny 31.
AIR CARRIER NOTE: On cargo and ferry flights no reduction in landing minima authorized.
Major Changes: Lower final approach altitude; add altitude for DME fixes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dallas, Tex	Love Field 485'	BVOR DAL	1, Amdt 5 27 May 56	4 26 May 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Wright-Patterson LFR	DAY-VOR	Direct	2100	T-dn	300-1	300-1	200-½
Springfield MHW	DAY-VOR	Direct	2300	C-dn	400-1	500-1	500-1½
North Hampton Int*	DAY-VOR	Direct	2200	S-dn-18	400-1	400-1	400-1
Liberty Int #	DAY-VOR	Direct	2300	A-dn	800-2	800-2	800-2
Tipp City MHW	DAY-VOR	Direct	2200				
Int W crs of Columbus & R-359	Dayton VOR (Final)	Direct	1700				

* North Hampton Int: Int R-074 Dayton VOR or W crs CMH-LFR and NE crs of Wright-Patterson LFR.
Liberty Int: Int R-203 Dayton VOR and W crs of Wright-Patterson LFR.

Procedure turn W side of crs, 359 Outbnd, 179 Inbnd, 2200' within 10 mi.
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 179-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 mi, climb to 3000' on crs of 203 within 15 mi of Dayton VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dayton, Ohio	Dayton 1008'	BVOR DAY	1, Amdt 2 1 Apr 54	1 25 Aug 51

Daytona Beach LFR	DAB-VOR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-RY-6	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side, 243 Outbnd, 063 Inbnd, 1400' within 9 mi. Beyond 9 mi NA, due to traffic.
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 063-4.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 mi, climb to 1400' on R-063 within 13 mi.
Major Changes: Raise altitude on procedure turn.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Daytona Beach, Fla	Daytona Beach 34'	BVOR DAB	1, Amdt 5 4 Jun 55	4 5 Jan 54

Delta LFR	DTA-VOR	Direct	7000	T-dn	300-1	300-1	300-1
				C-dn	600-2	600-2	600-2
				S-34-d	600-1	600-1	600-1
				S-34-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 180 Outbnd, 360 Inbnd, 7000' within 10 mi. 8000' within 20 mi.
Minimum Altitude over facility on final approach crs, 6000'
Crs and distance, facility to airport, 345-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 mi, climb to 11,000' on R-345 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Delta, Utah	Municipal 4755'	BVOR DTA	1, Amdt 3 12 Jan 57	2 2 Apr 55

Denver LFR	DEN-VOR	Direct	6500	T-dn	300-1	300-1	200-½
				C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn S side crs, 031 Outbnd, 211 Inbnd, 6500' within 10 mi. (nonstandard due to traffic)
SHUTTLE: to 6500' on R-031.
Minimum Altitude over facility on final approach crs, 6020'
Crs and distance, facility to airport, 211-8.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.2 mi, turn left, climb to 8900' on crs of 174 within 15 mi of DEN VOR.
CAUTION: 5911 MSL radio tower 4.0 E-SE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Denver, Colo	Stapleton Airfield 5325'	BVOR DEN	1, Amdt 1 15 May 54	Orig 22 Sept 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Des Moines LFR	DSM-VOR	Direct	2100	T-dn	300-1	300-1	200-½
Martensdale FM	DSM-VOR (Final)	Direct	1600	C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 169 Outbnd, 349 Inbnd, 2100' within 10 mi.
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 349-5.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.4 mi, immediately turn left, climb to 2600' on R-310 within 20 mi, or when directed by ATC, make immediate left turn, climb to 2600' on R-253 within 20 mi.
CAUTION: 1546' MSL TV tower located 3.2 mi NNE. When TV tower not visible on take-offs on N, NW, E & NE, climb to 2100' prior to turning toward TV tower.
Major Changes: Distances and altitudes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Des Moines, Iowa	Des Moines 957'	BVOR DSM	1, Amdt 10 21 Apr 56	9 20 Jun 54

Dickinson LFR	DIK-VOR	Direct	4000	T-dn	300-1	300-1	200-½
				C-d	500-1	600-1	600-1½
				C-n	500-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 359 Outbnd, 179 Inbnd, 4000' within 10 mi.
Minimum Altitude over facility on final approach crs, 3500'
Crs and distance, facility to airport, 179-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 mi, make left turn climb to 4000' on 173R DIK VOR within 20 mi, then make left turn and return to VOR.
AIR CARRIER NOTE: Night take-offs and landings authorized NW-SE Runway only.
CAUTION: KDIX tower 3.9 mi N DIK-LFR 2751' MSL. Tower 2966' MSL 3.5 mi NE of VOR.
Major Changes: Distances and altitudes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dickinson, N D	Dickinson 2589'	BVOR DIK	1, Amdt 3 22 Dec 56	2 17 Dec 54

Dillon LFR	DLN-VOR	Direct	7200	T-d	1000-1	1000-1	
				T-n	2000-3	2000-3	
				C-dn	2000-3	2000-3	
				A-dn	2000-3	2000-3	

Procedure turn W side crs, 007 Outbnd, 187 Inbnd, 8000' within 10 mi. 9700' within 20 mi.
Minimum Altitude over facility on final approach crs, 7200'
Crs and distance, facility to airport, 022-3.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, turn right, climb to 10,000 on R-007 within 20 mi.
AIR CARRIER NOTE: Operations not authorized for more than 2-eng. aircraft.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dillon, Mont	Dillon 5238'	BVOR DLN	1, Orig 12 Mar 55	None

				T-dn	300-1	300-1	300-1
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-d-14	500-1	500-1	500-1
				S-n-14	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 330 Outbnd, 150 Inbnd, 3600' within 10 mi.
Minimum Altitude over facility on final approach crs, 3100'
Crs and distance, facility to airport, 150-5.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.3 mi, climb to 3900' on 150R within 20 mi of DDC-VOR.
CAUTION: 2731' tower 2.6 mi NW of airport and 1.4 mi W of final approach crs. 2894' tower 2.8 mi W of airport.
Major Changes: Deletes BMH transition, procedure turn & missed approach revised, air carrier note deleted.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dodge City, Kans	Dodge City 2594'	BVOR DDC	1, Amdt 6 7 Jul 56	5 22 Mar 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-d	400-1	400-1	400-1
				T-n	500-2	500-2	500-2
				C-d	1000-2	1000-2	1000-2
				C-n	1000-3	1000-3	1000-3
				A-d	2000-2	2000-2	2000-2
				A-n	2000-3	2000-3	2000-3

Procedure turn N side crs, 298 Outbnd, 118 Inbnd, 7000' within 10 mi.
Minimum Altitude over facility on final approach crs, 5200'
Crs and distance, facility to airport, 118-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, turn left(E)and climb to 10000' on R-289 within 20 mi.
SHUTTLE: To 7000' on R-298 within 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Douglas, Ariz	Bisbee-Douglas Int 4158'	BVOR DUG	1, Amdt 5 5 Jan 57	4 12 Feb 55

Dubois LFR	DBS-VOR	Direct	6000'	T-d	500-1		
				T-n	500-2		
				C-d	800-1		
				C-n	800-2		
				A-dn	800-2		

Procedure turn E side crs, 152 Outbnd, 332 Inbnd, 7000' within 10 mi.
Minimum Altitude over facility on final approach crs, 6000'
Crs and distance, facility to airport, 336-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi, turn left, climb to 7000' on R-152 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dubois, Idaho	Dubois 5123'	BVOR DBS	1, Orig 12 Mar 55	None

Duluth LFR	DLH-VOR	Direct	2500	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-dn-3	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 193 Outbnd, 013 Inbnd, 2500' within 10 mi.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 013-2.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.2 mi, climb to 2500' on R-013 within 10 mi DLH-VOR.
CAUTION: 2049 MSL-TV tower 4.3 mi E of Duluth VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Duluth, Minn	Duluth 1430'	BVOR DLH	1, Amdt 1 25 Dec 53	Orig 25 Jul 51

Dyersburg MH	DYR-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 073 Outbnd, 253 Inbnd, 1600' within 10 mi.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 253-4.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 mi, climb to 1600' on crs 253 within 20 mi.
Major Changes: Delete straight-in minima.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dyersburg, Tenn	Municipal 337'	BVOR DYR	1, Amdt 3 17 Dec 54	2 28 Apr 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 007 Outbnd, 187 Inbnd, 2400' within 10 mi.
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 287-2.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 mi, climb to 2500' on R-214 within 20 mi.
CAUTION: Tower 1350' MSL 2.5 mi SE of airport in direct line of NW-SE Runway.
1780' TV tower 10 mi WNW VOR.

City and State: Eau Claire, Wis | Airport Name & Elev.: Eau Claire 887' | Fac. Class & Ident.: BVOR EAU | Procedure No. & Eff. Date: 1 Amdt 3 12 Jan 57 | Sup. Amdt. No. Dated: 2 10 Jul 54

El Dorado RBN	ELD-VOR	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-22-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 030 Outbnd, 210 Inbnd, 1400 within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 210-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 mi, climb to 1400 on R-210 within 20 mi.
CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise El Dorado Radio of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted El Dorado Radio, hold between facility and a point two minutes out on final approach crs at least 1,000' above procedure turn altitude and 1,000' above previously reported traffic until advised that aircraft making approach has landed. Keep El Dorado Radio advised at all times of changes in altitude and position in order that other aircraft may also receive this information.
Major Changes: Decrease procedure turn altitude. Decrease minimum altitude over facility final.

City and State: El Dorado, Ark | Airport Name & Elev.: Goodwin Field 277' | Fac. Class & Ident.: BVOR ELD | Procedure No. & Eff. Date: 1, Amdt 4 15 Jan 55 | Sup. Amdt. No. Dated: 3 9 Jun 54

				T-d	1000-2	1000-2	1000-2
				T-n			
				C-d	2000-2	2000-2	2000-2
				C-n			
				A-d	2500-3	2500-3	2500-3
				A-n			

Procedure turn S side of crs, 283 Outbnd, 103 Inbnd, 4000' within 10 mi.
Minimum Altitude over facility on final approach crs, 4000'
Crs and distance, facility to airport, 103-11.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, make a left climbing turn to 5000' on crs 283 within 20 mi.
CAUTION: Obstructions reaching 4332' 3 mi W of airport.
AIR CARRIER NOTE: Sliding scale, reduction in landing visibility for local conditions, and reduction in take-off minimums not authorized.

City and State: Elkins, W Va | Airport Name & Elev.: Elkins 1987' | Fac. Class & Ident.: BVOR EKN | Procedure No. & Eff. Date: 1, Orig 1 Apr 54 | Sup. Amdt. No. Dated: None

Carlin FM	EKO-VOR	Direct	9000	T-dn	1800-2	1800-2	1800-2
Deeth FM	EKO-VOR	Direct	10,000	C-dn	1800-2	1800-2	1800-2
Elko LFR	EKO-VOR	Direct	8500	A-dn	1800-2	1800-2	1800-2

Procedure turn W side of crs, 144 Outbnd, 324 Inbnd, 8500' within 10 mi. NA beyond 10 mi. (nonstandard due to terrain)
Minimum Altitude over facility on final approach crs, 7500'
Crs and distance, facility to airport, 324-4.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 mi, turn left and climb to 8500' on R-144 within 10 mi.

City and State: Elko, Nev | Airport Name & Elev.: Municipal 5136' | Fac. Class & Ident.: BVOR EKO | Procedure No. & Eff. Date: 1, Amdt 2 17 Mar 56 | Sup. Amdt. No. Dated: 1 18 Feb 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Ellensburg LFR	ELN-VOR	Direct	5500	T-dn	500-1	500-1	500-1
				C-dn	1500-1	1500-1	1500-1½
				A-dn	1500-3	1500-3	1500-3

Procedure turn S side crs, 049 Outbnd, 229 Inbnd, 5500' within 10 mi. NA beyond 10 mi. (nonstandard due to terrain)
Minimum Altitude over facility on final approach crs, 4000'
Crs and distance, facility to airport, 259-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 mi, turn left, climb to 5500' on R-049 within 10 mi.
CAUTION: High terrain all quadrants; 4000' hills 10 mi NE Ellensburg LFR.

City and State: Ellensburg, Wash | Airport Name & Elev.: Bowers Field 1766' | Fac. Class & Ident.: BVOR ELN | Procedure No. & Eff. Date: 1, Orig 12 Mar 55 | Sup. Amdt. No. Dated: None

Elmira LFR	ELM-VOR	Direct	3000	T-d	800-2	800-2	800-2
				T-n	800-3	800-3	800-3
				C-d	1400-2	1400-2	1400-2
				C-n	1400-3	1400-3	1400-3
				A-d	2000-2	2000-2	2000-2
				A-n	2000-3	2000-3	2000-3

Procedure turn S side of crs, 246 Outbnd, 066 Inbnd, 3000' within 10 mi.
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 066-6.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.8 mi, climb to 3000' on crs of 066 within 10 mi of VOR and return to VOR.
AIR CARRIER NOTE: Sliding scale not authorized. No reduction in landing visibility minimums authorized for local conditions. No reduction in take-off minimums authorized.
Major Changes: Missed approach procedure revised.

City and State: Elmira, N Y | Airport Name & Elev.: Chemung County 951' | Fac. Class & Ident.: BVOR ELM | Procedure No. & Eff. Date: 1, Amdt 4 23 Apr 55 | Sup. Amdt. No. Dated: 3 2 Apr 54

El Paso LFR	ELP-VOR	Direct	5000	T-dn	300-1	300-1	200-½
Hueco Mt Fan Marker	ELP-VOR (Final)*	Direct	5000	C-dn	400-1	500-1	500-1½
Newman VOR	ELP-VOR	Direct	6000	S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* Maintain 7000' until 5 mi W of Hueco Mt FM. If Hueco Mt FM not identified maintain 8000' until over ELP VOR.

Procedure turn S side of crs, 080 Outbnd, 260 Inbnd, 6500' within 10 mi. Beyond 10 mi NA.# (Nonstandard due to terrain)
CAUTION: High terrain 9.0 mi E of El Paso.
Minimum Altitude over facility on final approach crs, 5000'
Crs and distance, facility to airport, 259-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 mi, turn left to 125 mag, climb to 5000', intercept and proceed on R-151 within 20 mi.

City and State: El Paso, Tex | Airport Name & Elev.: International 3936' | Fac. Class & Ident.: BVOR ELP | Procedure No. & Eff. Date: 1, Amdt 6 5 Jan 57 | Sup. Amdt. No. Dated: 5 26 May 56

				T-dn	300-1		
				C-d	500-1		
				C-n	500-2		
				A-dn	800-2		

Procedure turn E side of crs, 125 Outbnd, 305 Inbnd, 2300' within 10 mi.
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 305-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 mi, climb to 2500' on R-305 within 20 mi.
CAUTION: Sod Field.
NOTE: Air Carrier use not authorized.

City and State: Emporia, Kans | Airport Name & Elev.: Emporia 1204' | Fac. Class & Ident.: BVOR EMP | Procedure No. & Eff. Date: 1, Amit 1 1 Aug 54 | Sup. Amdt. No. Dated: Form 1725, 13 Sep 51

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TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Ephrata LFR	EPH-VOR	Direct	3300	*T-dn	300-1	300-1	200-½
				C-d	800-2	800-2	800-2
				C-n	1000-2	1000-2	1000-2
				S-dn-RY20	500-1½	500-1½	500-1½
				A-d	1000-3	1000-3	1000-3
				A-n	1200-3	1200-3	1200-3

* 600-2 required for take-off on Runway 29.

Procedure turn N side of crs, 020 Outbnd, 200 Inbnd, 3300' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 2400'
Crs and distance, facility to airport, 200-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.9 mi, turn left, climb to 4000' on R-059 within 20 mi.
Alternate Missed Approach when directed by ATC: within 5.7 mi, turn left, return to VOR station, hold at 3300' on R-020 within 10 mi.
CAUTION: 2351' radio tower 3 mi W of airport.
Major Changes: Add alternate missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ephrata, Wash	Ephrata 1258'	BVOR EPH	1, Amdt 2 7 Jan 56	1 29 Jan 55

Erie LFR	ERI-VOR	Direct	2200	T-dn	300-1	300-1	200-½*
North Springfield FM	ERI-VOR (Final)	Direct	1700	C-dn	500-1	500-1	500-1½
				S-dn-6	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

* 300-1 required for all runways except 6-24.

Procedure turn S side crs 240 Outbnd, 060 Inbnd, 2200' within 10 mi.
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 060-5.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within5.9 mi, climb to2500' on R-059 ERI within 20 miles.
AIR CARRIER NOTE: Sliding scale for take-off and reduction in take-off minimums authorized only on runways 6-24.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Erie, Pa	Port Erie 732'	BVOR ERI	1, Amdt 1 1 Apr 54	Orig 15 Feb 51

EUG-LFR	EUG-VOR	Direct	2500	T-dn	300-1	300-1	200-½
Cottage Grove FM	EUG-VOR	Direct	3700	C-dn	500-1	500-1½	600-1½
Int N crs EUG-LFR & R-338	EUG-VOR	Direct	2500	S-dn-RY16	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 338 Outbnd, 158 Inbnd, 2500' within 10 mi. NA beyond 10 mi. (nonstandard due to terrain)
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 158-3.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.8 mi, turn right and climb to 2000' on R-355 within 20 mi.
Major Changes: Add Cottage Grove. Crs and distance and altitude corrections.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Eugene, Ore	Mahlon Sweet 365'	BVOR EUG	1, Amdt 2 29 Oct 55	1 4 Jun 54

Barnesville FM	FAR-VOR	Direct	2300	T-dn	300-1	300-1	200-½
Fargo LFR	FAR-VOR	direct	2300	C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				S-d	500-1	500-1	500-1½
				S-n	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 171 Outbnd, 351 Inbnd, 2300' within 10 mi.
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 351-4.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.5 mi, climb to 2300' on R-340 within 10 mi of Fargo VOR.
CAUTION: Radio tower 1075' MSL 1.2 mi, SSE of airport.
Major Changes: Revises crs & distances.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fargo, N Dak	Hector 900'	BVOR FAR	1, Amdt 2 10 Mar 56	1 26 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Findlay "H"	FDY-VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 220 Outbnd, 040 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 040-9.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 9.1 mi, make a climbing left turn, return to Findlay VOR at 2000' Hold SW on R-220 in a one-minute right hand pattern.
CAUTION: Radio tower 1080' MSL 1.5 mi ESE of airport.
Major Changes: Circling minimums revised. Straight-in minimums deleted.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Findlay, Ohio	Findlay 800'	VOR FDY	1, Amdt 2 29 Dec 56	1 1 Dec 56

Florence LFR	FLO-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 054 Outbnd, 234 Inbnd, 1400' within 10 mi.
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 234-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.7 mi, climb to 1500' on R-237 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Florence, S C	Florence 146'	BVOR FLO	1, Amdt 1 6 Jun 54	Orig 15 Feb 52

FBR-LFR	FBR-VOR	Direct	8100	T-dn	300-1		
				C-d	600-1		
				C-n	600-2		
				S-d	600-1		
				S-n-22	600-2		
				A-dn	NA	NA	NA

Procedure turn N side of crs, 030 Outbnd, 210 Inbnd, 8100' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 7600'
Crs and distance, facility to airport, 030-0.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.0 mi, turn right, climb to 10,000' on R-330 within 20 mi.
NOTE: Air carrier use not authorized. Airport is between procedure turn and facility.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fort Bridger, Wyo	Fort Bridger Int 7016'	BVOR FBR	1, Amdt 1 1 Feb 52	Orig 2 Oct 51

Fort Myers Rbn	FMY-VOR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d	400-1	400-1	400-1
				S-n-4	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 222 Outbnd, 042 Inbnd, 1200' within 10 mi.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 042-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.0 mi, climb to 1300' on R-042 within 15 mi.
CAUTION: 15 mi limitation due to traffic.
Major Changes: Adds transition; increases missed approach altitude; increases night straight-in minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Fort Myers, Fla	Page Field 17'	BVOR FMY	1, Amdt 6 29 May 54	5 13 Jan 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Ft Smith Rbn	FSM-VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d	600-1	600-1	600-1
				S-n-25	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 045 Outbnd, 225 Inbnd, 1900' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 225-5.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.3 mi, climb to 1800 on R-235 within 20 mi.
CAUTION: 620 MSL unlighted Hill 1.5 mi E of airport.
AIR CARRIER NOTE: 300-1 required for T.O. Runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in T.O. or landing minima authorized for Cargo or Ferry flights.
Major Changes: Revise procedure turn alt. and limiting distances. Air Carrier notes reworded.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Fort Smith, Ark	Municipal 468'	BVOR FSM	1, Amdt 2 25 Aug 56	1	7 Jul 54

Arcata LFR	FOT-VOR	Direct	2000	*T-d	300-1		
				*T-n	500-2		
				C-d	1000-1		
				C-n	1000-3		
				A-dn	1500-3		

* 1000-1 (Day) or 1000-2 (night) required for take-off on Runway 11.

Procedure turn W side of crs, 308 Outbnd, 128 Inbnd, 1400' within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 128-8.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, turn right and climb to 2000' on R-308 within 20 mi.
AIR CARRIER NOTE: Operations not authorized for aircraft of more than 65 knots.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Fortuna, Calif	Rohnerville 390'	BVOR FOT	1, Amdt 4 1 Sep 54	3	1 Aug 52

Ft Wayne LFR	FWA-VOR	Direct	2200	T-dn	300-1	300-1	200-½
Int NW crs FWA LFR & R-317	FWA-VOR	Direct	2200'	C-dn	400-1	500-1	500-1½
Int NE crs FWA LFR & R065	FWA-VOR	Direct	2600	S-dn-13	400-1	400-1	400-1
Int NW crs FWA LFR & R-317	FWA-VOR (Final)	Direct	*1600	A-dn	800-2	800-2	800-2

* Do not descend below 2200' until within 10 mi of VOR.

Procedure turn W side of crs, 317 Outbnd, 137 Inbnd, 2200' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 137-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 mi, climb to 2200' on R-137 within 20 mi, or if directed by ATC, make right climbing turn, climb to 2200' and return to Fort Wayne VOR.
CAUTION: Tower 1595' MSL located 7 mi N of airport. Tower 1172 MSL located 7½ mi W of airport. Sectional charts list other towers in vincinity.
Major Changes: Distances and altitudes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Fort Wayne, Ind	Baer Field 801'	BVOR FWA	1, Amdt 3 27 Aug 55	2	14 Jan 54

Gage LFR	GAG-VOR	Direct	3600	T-dn	300-1		
				C-dn	500-1		
				A-dn	800-2		

Procedure turn S side of crs, 288 Outbnd, 108 Inbnd, 3600' within 10 mi.
Minimum Altitude over facility on final approach crs, 3100'
Crs and distance, facility to airport, 108 5.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.7 mi, climb to 3500' on R-108 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Gage, Okla	Municipal 2223'	BVOR GAG	1, Amdt 1 16 Aug 54	Orig	9 Apr 51

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-d	700-1	700-1½	700-1½
				C-n	700-1	700-1½	700-2
				S-d	700-1	700-1	700-1
				S-n-6	700-1	700-1	700-2
				*A-dn	800-2	800-2	800-2

* Authorized for air carriers only.

Procedure turn S side, 210 Outbnd, 030 Inbnd, 1500' within 10 mi. Beyond 10 mi. NA.
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 033-8.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.3 mi, climb to 1500' on R-030 within 15 mi.
NOTE: Weather and communications service not available to general public. Itinerant flights contact Cross City Radio for approach clearance or on missed approach.
NOTE: Authorized only for air carriers having approval for weather and communications service at this airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Gainesville, Fla	Gainesville 155'	VOR GNV	1, Orig 3 Jul 56	None	

Galveston LFR	GLS-VOR	Direct	1100	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side crs, 291 Outbnd, 111 Inbnd, 1700' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 111-7.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.5 mi, climb to 1300' on R-111 within 15 mi.
CAUTION: 231 MSL radio tower 7000' NE of airport. TV tower 1232' MSL 14 mi NW of VOR.
Major Changes: Raise procedure turn altitude. Add caution note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Galveston, Tex	Municipal 7'	BVOR GLS	1, Amdt 1 19 May 56	Orig	13 Aug 54

Garden City LFR	GCK-VOR	Direct	4300	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-2
				S-8-12-d n	400-1	400-1	400-1
					400-1½	500-1½	500-2
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 288 Outbnd, 108 Inbnd, 4300' within 10 mi.
Minimum Altitude over facility on final approach crs, 3800'
Crs and distance, facility to airport, 107-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 mi, climb to 4000' on R-107 within 20 mi. N-S runway lighted only.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Garden City, Kans	New Garden City 2895'	BVOR GCK	1, Amdt 4 18 Oct 53	3	1 Aug 52

Harrisburg VOR	GTY-VOR	Direct	2600	T-dn	300-1		
New Oxford Int *	GTY-VOR	Direct	2600	C-dn	500-1		
				A-dn	800-2		

* New Oxford Int: Int GTY R-097 and either HAR R-204 or HRN R-022.

Procedure turn E side of crs, 187 Outbnd, 007 Inbnd, 1700' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 1100'#
Standard clearance not provided over Round Top Hill, 785' MSL, 1.1 mi E of final approach crs, 4 mi S of airport. Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb on R-033 within 10 mi, make a right climbing turn returning to GTY-VOR at 3000', or when directed by ATC, climb to 2600' on R-033 within 26 mi.
CAUTION: 2440' MSL terrain 10 mi W of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Gettysburg, Pa	Gettysburg 600'	VOR GTY	1, Orig 25 Nov 55	None	

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Gila Bend LFR	GBN-VOR	Direct	3000	T-d	300-1	300-1	300-1
				C-d	700-1	700-1	700-1½
				A-d	800-2	800-2	800-2

Procedure turn S side of crs, 250 Outbnd, 070 Inbnd, 3000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 163-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, climb to 5000' on R-080 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Gila Bend, Ariz	AF AUX 858'	BVOR GBN	1, Amdt 4 29 Dec 56	3 12 Feb 1955

				*T-dn	300-1	300-1	200-½
				*C-dn	1100-2	1100-2	1100-2
				*A-dn	1100-2	1100-2	1100-2

* Night operation authorized only on NW-SE runway.

Procedure turn W side of crs, 010 Outbnd, 190 Inbnd, 4800' within 10 mi.
Minimum Altitude over facility on final approach crs, 4800'
Crs and distance, facility to airport, 190-.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.7 mi, climb to 5000' on 190 R within 20 mi.
CAUTION: 4482' MSL tower 1.7 mi, S of airport and 4021' MSL tower 3 mi SW of airport.
Major Changes: Corrects procedure turn & final approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Goodland, Kans	Goodland 3653'	BVOR GLD	1, Amdt 2 3 Nov 56	1 8 Sep 56

Grand Island LFR	GRI-VOR	Direct	3100	T-dn	300-1	300-1	200-½
				C-dn	*500-1	*600-1	600-1½
				A-dn	800-2	800-2	800-2

* If aircraft, 2 eng or less, are equipped to receive VOR & LFR simultaneously, descent to minimums 100' lower than those indicated are authorized provided descent started after passing LFR.

Procedure turn W side of crs, 349 Outbnd, 169 Inbnd, 3100' within 10 mi.
Minimum Altitude over facility on final approach crs, 2400*
Crs and distance, facility to airport, 169-0.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.4 mi, climb to 3200' on GRI 169R within 20 mi.
Major Changes: Lower circling minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Grand Island, Neb	Grand Island 1846'	BVOR GRI	1, Amdt 3 22 Dec 56	2 29 Oct 55

GTF-LFR	GTF-VOR	Direct	5500	T-dn	300-1	300-1	**200-½
Belt FM	GTF-VOR	Direct	5500	C-d	500-1	500-1	500-1½
GTF-LOM	GTF-VOR	Direct	5500	C-n	500-1½	500-1½	500-1½
Cascade FM	GTF-VOR	Direct	*5500	S-dn-2	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

** 300-1 required on Runways 11-29.
* When Cascade FM used as fix on final approach, descent to 4300' authorized within 10 mi of GTF - VOR.

Procedure turn S side of crs, 203 Outbnd, 023 Inbnd, 5500' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 4300'
Crs and distance, facility to airport, 024-2.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.0 mi, climb to 5500' on R-018 within 20 mi. Alternate missed approach when directed by ATC:
Execute climbing left turn, climb to 5500' on R-312 within 20 mi.
CAUTION: 3840' MSL LFR towers located 1.5 mi, SW of airport.
Major Changes: Change courses and distances.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Great Falls, Mont	Great Falls 3671'	BVOR GTF	1, Amdt 2 3 Sep 55	1 15 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 324 Outbnd, 144 Inbnd, 1900' within 10 mi.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 144-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 mi, climb immediately to 2900' on R-144 within 20 mi.
CAUTION; Radio tower 7 mi SE of airport 1921' MSL.
Major Changes: Tower note and missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Green Bay, Wis	Austin-Straubel 694'	BVOR GRB	1, Amdt 3 12 Dec 56	2 29 Oct 55

GSO-LFR	GSO-VOR	Direct	2300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 210 Outbnd, 030 Inbnd, 2300' within 10 mi.
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 030-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 mi, climb to 2300' on R-030 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Greensboro, N C	Greensboro-High Point Municipal 913'	BVOR GSO	1, Amdt 1 21 May 54	Orig 15 Feb 52

Greenwood LFR	GRW-VOR	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 237 Outbnd, 057 Inbnd, 1300 within 10 mi.
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 057-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 mi, climb to 1700' on R-057 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Greenwood, Miss	Municipal 129'	BVOR GRW	1, Orig 15 Oct 55	None

				T-dn	600-2	600-2	600-2
				C-dn	1200-2	1200-2	1200-2
				A-dn	1200-2	1200-2	1200-2

Procedure turn S side crs, 090 Outbnd, 270 Inbnd, 7500' within 10 mi.
Minimum Altitude over facility on final approach crs, 5700'
Crs and distance, facility to airport, 283-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 11,000' on R-050 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Hanksville, Utah	CAA Site 54 4480'	BVOR HVE	1, Amdt 2 5 Jan 57	1 25 June 55

Harrisburg LFR	HAR-VOR	Direct	2500	T-d	500-1	500-1	500-1
Harrisburg LOM	HAR-VOR	Direct	2500	T-n	500-2	500-2	500-2
				C-dn	1200-2	1200-2	1200-2
				A-dn	1200-2	1200-2	1200-2

Procedure turn S side of crs, 288 Outbnd, 108 Inbnd, 2700' within 10 mi.; 15 mi, 3000'; 25 mi 3500'.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 108-7.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.5 mi, climb to 2000' on R-115 within 10 mi of VOR.
AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling of 1500' or better.
NOTE: Take-off on Runway 20 not authorized.
Major Changes: Transitions revised. Procedure turn altitude corrected. Removes sliding scale restriction.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Harrisburg, Pa	State 347'	VOR HAR	1, Amdt 1 7 Apr 56	Orig 15 Feb 51

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	500-1	500-1	500-1½
				C-d	500-1	500-1	500-2
				C-n	700-2	700-2	700-3
				A-dn	1000-2	1000-2	1000-3

Procedure turn N side of crs, 250 Outbnd, 070 Inbnd, 3000' within 10 mi. (nonstandard due to terrain)
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 003-1.5 #
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
#within 3.0 mi on crs, 003, climb to 3000' on crs 003 within 10 mi, reverse crs climbing to 4000' over VOR.
NOTE: Distance, VOR to missed approach point exceeds standard.
CAUTION: High terrain SE; Loran tower 334' MSL 1.6 mi SW of airport.
Major Changes: Lower minima. Change missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Hawi, Hawaii	Upolu Point 96'	BVOR UPP	1, Amdt 3 3 Nov 56	2 10 Dec 55

*Winston FM	HLN-VOR (Final)	Direct	5800	T-d	500-2	500-2	500-2
McDonald Pass FM	HLN-VOR	Direct	8500	T-n	800-2	800-2	800-2
Helena LFR	HLN-VOR	Direct	7500	C-d	1500-2	1500-2	1500-2
				C-n	1500-3	1500-3	1500-3
				A-d	1500-2	1500-2	1500-2
				A-n	1500-3	1500-3	1500-3

* Maintain at least 8500' until 1.7 mi past Winston FM.

Procedure turn N Side crs,100 Outbnd, 280 Inbnd, 7500' within 10 mi. NA beyond 10 mi. Shuttle to 8500' on R-100 within 20 mi; all turns North side.
Minimum Altitude over facility on final approach crs, 5800
Crs and distance, facility to airport, 253-1.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished , ...
within 1.0 mi, turn right climb to 8500' on R-100 within 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Helena, Mont	Helena Municipal 3882'	BVOR HLN	1, Orig 12 Mar 55	None

				*T-d	400-1	400-1	400-1
				*T-n	500-1	500-1	600-2
				C-d	500-1	500-1	500-1½
				C-n	500-1	500-1	600-2
				S-d-26	400-1	400-1	500-1
				S-n-26	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

* Westerly take-offs 800-2 day or night.

Procedure turn N side of crs, 080 Outbnd, 260 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 260-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 mi, turn right, climb to 3000' on R-355 within 20 mi.
Major Changes: Change in minima.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Hilo, Hawaii	General Lyman 30'	BVOR ITO	1, Amdt 4 10 Dec 55	3 1 Nov 53

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-35	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 173 Outbnd, 353 Inbnd, 3000' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 2400'
Crs and distance, facility to airport, 353-7.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.0 mi, climb to 2900 on R-353 within 20 mi.
NOTE: Night operations restricted to runways 35 and 17.
Major Changes: Raise minimum altitude over facility on final. Add night and straight-in authority, raise missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Hobart, Okla	Municipal 1562'	BVOR HBR	1, Amdt 1 12 Feb 55	Orig 18 Mar 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Hobbs LFR	HOB-VOR	Direct	5000'	T-dn	300-1	300-1	200-½
				C-dn.	500-1	500-1	500-1½
				S-dn-21	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 033 Outbnd, 213 Inbnd, 4800' within 10 mi.
Minimum Altitude over facility on final approach crs, 4300'
Crs and distance, facility to airport, 213-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 mi, climb to 5000' on R-213 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Hobbs, N M	Lea County 3659'	BVOR HOB	1, Amdt 5 28 May 54	4 27 May 54

Int R-307 LNY & R-050 to HNL (Kaneohe Int)	HNL-VOR	Direct	6000	*T-dn	400-1	400-1	400-1
				C-dn	500-1	500-1	*500-1½
Int SE crs Port Allen LFR & R-168 HNL (Southgate Int)	HNL-VOR	Direct	5000	S-dn-8	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
Int SE crs Port Allen LFR & R-235 HNL (Makai Int)	HNL-VOR	Direct	2000				
Barbers Point FM	HNL-VOR (Final)	Direct	1000				
Honolulu LFR	HNL-VOR	Direct	2000				

* All take-offs to NW (32) will be restricted to 600-2, with left hand turn recommended.
Landings on runway 14 restricted to 600-2

Procedure turn S side of crs, 235 Outbnd, 055 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 078-4.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 mi, climb to 2000' on R-168 and proceed to Southgate Int. (Int SE crs Port Allen LFR & R-168 HNL VOR.)
AIR CARRIER NOTE: Sliding scale not authorized.
Major Changes: Increase Minima for straight-in approaches. Increase circling minima 65K or less.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Honolulu, Hawaii	Honolulu International 10'	BVOR HNL	1, Amdt 6 8 Oct 55	5 18 Jun 55

				T-dn	300-1	300-1	300-1
				C-d	900-1	900-1	900-1½
				C-n	900-2	900-2	900-2
				A-dn	900-2	900-2	900-2

Procedure turn E side of crs, 156 Outbnd, 336 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 037-8.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.4 mi, climb to 3500' on crs R-043 within 20 mi..
CAUTION: 600' hills N & NE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Hoquiam, Wash	Bowerman 14'	BVOR HQM	1, Orig 24 Sep 55	None

Boulton LFR	HUL-VOR	Direct	2000	T-dn	500-1	500-1	500-1
				C-d	700-1	700-1	700-1½
				C-n	700-1½	700-1½	800-2
				S-dn-5	700-1	700-1	700-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side of crs, 219 Outbnd, 039 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 039-4.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 mi, climb to 2000' on R-039 crs Houlton VOR, then make a left turn & return to the Houlton VOR at 2500'.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Houlton, Me	Municipal 493'	BVOR HUL	1, Orig 16 Jul 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
HDU-LFR	HDU-VOR	Direct	1200	T-dn	300-1	300-1	200-½
Fairbanks Int	Houston FM (Final)	Direct	1500	C-dn	400-1	500-1	500-1½
Radar terminal maneuvering altitude all directions	HDU-VOR	Within 20 mi	2200	S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 306 Outbnd, 126 Inbnd, 1800' within 10 mi of HDU FM.
Minimum Altitude over facility on final approach crs, HDU FM 1500*
* If Houston FM not identified on final, descent below 1500 NA.
Crs and distance, facility to airport, from HDU FM 126-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 mi of HDU FM, climb to 1700 on R-134 within 15 mi.
Major Changes: Raise radar terminal area maneuvering and missed approach altitudes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Houston, Tex	International 50'	BVOR HDU	1, Amdt 2 20 Apr 56	1 22 Oct 55

				T-dn	300-1	300-1	200-½
				C-dn	800-1½	900-1½	900-2
				S-dn	700-1	700-1	700-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn W side of crs, 338 Outbnd, 158 Inbnd, 2500' within 10 mi.
Minimum Altitude over facility on final approach crs, 2000 VOR; Factory Int # 1400*
Crs and distance, facility to airport, 156-6.0 from VOR; 156-3.9 from Factory Int#*
Factory Int: HSV R-158, HUA R-030 or 256 bearing to HUA Rbn.
* If Factory Int not received, descent below 1400 NA and straight-in landing minima are 800'
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.0 miles of HSV VOR climb to 3500 on R-158 within 20 miles.
Major Changes: Lowers minima. Removes approach control restriction. Changes let-down radial due runway extension.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Huntsville, Ala	Huntsville 619'	VOR HSV VOR HUA Rbn HUA	1, Amdt 4 29 Dec 56	3 6 Aug 55

Huron LFR	HON-VOR	Direct	2400	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 304 Outbnd, 124 Inbnd, 2400' within 10 mi.
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 124-4.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.5 mi, climb to 2800' on crs R-124 within 20 mi HON VOR.
CAUTION: Radio tower 1484' MSL 1¼ mi S of airport.
Major Changes: Distances revised. Caution note added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Huron, S D	W W Howes 1287'	BVOR HON	1, Amdt 4 17 Dec 55	3 26 May 54

Hutchinson LFR	HUT-VOR	Direct	2700	T-dn	300-1	300-1	200-½
North Fork Rbn	HUT-VOR	Direct	2700	C-dn	500-1	500-1	500-1½
				S-dn-3	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 212 Outbnd, 032 Inbnd, 2700' within 10 mi. (nonstandard to void Hutchinson NAS traffic
Minimum Altitude over facility on final approach crs, 2200'
Crs and distance, facility to airport, 032-5.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 mi, climb to 2800' on R-015 within 20 mi.
CAUTION: 2340 MSL TV tower located 3.5 mi E of airport. Aircraft taking off to N, S, NE, SE, climb to 2800' prior to proceeding toward TV tower.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Hutchinson, Kans	Hutchinson 1542'	BVOR HUT	1, Amdt 5 9 Jul 54	4 25 Nov 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
El Centro LFR	ELC-VOR	Direct	1100	T-dn	300-1	300-1	
				C-dn	700-1	700-1	
				S-dn-32	600-1	600-1	
				A-dn	800-2	800-2	

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 1100' within 10 miles.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 315°-5.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.3 miles, climb to 2000' on R-336 within 15 miles.
NOTE: To avoid flight over Mexico, outbound and inbound courses of procedure turn are not aligned with course from facility to field.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Imperial, Calif	County 58'	BVOR ELC	1, Orig 2 Feb 57	None

				T-dn	300-1		
				C-d	700-1		
				C-n	700-2		
				A-dn	800-2		

Procedure turn N side of crs, 087 Outbnd, 267 Inbnd, 4300' within 10 miles
Minimum Altitude over facility on final approach crs, 4000'
Crs and distance, facility to airport, 267-5.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . .
within 5.3 miles, climb to 4500' on crs of 267° within 20 miles
CAUTION: Sod field, 3500' m.s.l. grain elevator 0.5 miles W of airport.
NOTE: Air carrier use not authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Imperial, Neb	Imperial 3276'	BVOR IML	1, Amdt 1, 1 Aug 54	1725 16 Jul 52

Indianapolis LFR	IND-VOR	direct	2000	T-dn	300-1	300-1	200-½
Int NW crs Ind-LFR and Ind R-321 VOR	IND-VOR (Final)	direct	1600	C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 321 Outbnd, 141 Inbnd, 2100 within 10 miles
Minimum Altitude over facility on final approach crs, 1600'
Crs and distance, facility to airport, 141-6.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.0 miles, climb to 2100 on R-136° within 20 miles, or as directed by ATC as follows: 1) Climb to 2900 on E crs IND-LFR and proceed to Greenfield Int. 2) Climb to 2200' on S crs of IND-LFR within 20 miles. 3) Climb on SW crs ILS to 1900' proceed to LOM.
Major Changes: Revises missed approach. Deletes transition. Revises crs and distance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Indianapolis, Ind	Weir Cook Municipal 796'	BVOR IND	1, Amdt 3 9 Jul 1955	2 20 Apr 54

Jackson LFR	JAN-VOR	direct	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1
				S-dn-16R	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 336 Outbnd, 156 Inbnd, 1700' within 10 miles
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 156-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles, climb to 2000 on 156 within 20 miles
NOTE: Tower 1049' MSL located 3.5 miles SW of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Jackson, Miss	Hawkins Airport 343'	BVOR JAN	1, Amdt 6 14 Jun 1954	5 30 Jan 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
JAX LFR	JAX-VOR	direct	1200	T-dn	300-1	300-1	300-1
Radar terminal area transition	JAX-VOR	within	1500	C-dn	600-2	600-2	600-2
altitude		25 mi		A-dn			

Radar control must provide 3 mile separation from Restricted Area R-161.

Procedure turn N side crs, 068 Outbnd, 248 Inbnd, 1100 within 10 miles
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 158-6.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 1300 on R 248 within 15 mi * or if directed by ATC, climb to 1300 on R 272 within 20 miles
*Restricted Area R-161 15 miles SW of JAX VOR
NOTE: If unable to maintain visual reference after passing facility, climb to 1300 on R 160 and contact JAX approach control immediately. NA for Air Carriers. No weather or communications service at airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Jacksonville, Fla	Craig 41'	BVOR JAX	1, Orig 7 Jan 1956	None

Jacksonville LFR	JAX-VOR	direct	1200	T-dn	300-1	300-1	200-½
Radar terminal area transition	JAX-VOR	within	1500	C-dn	400-1	500-1	500-1½
altitude		25 mi		S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar Control must provide 3 mi separation from Restricted Area R-161.

Procedure turn, N side of crs, 068 Outbnd, 248 Inbnd, 1100 within 10 miles
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 248-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, climb to 1300 on R 248 within 15 mi of JAX VOR or if directed by ATC, climb to 1300 on R 272 within 20 miles *.
*Restricted Area 161 located 15 mi SW of JAX VOR
CAUTION: 200' tank between VOR and Airport.
Major Changes: Reduce straight-in ceiling minima. Add radar transition.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Jacksonville, Fla	Imeson 52'	BVOR JAX	1, Amdt 6 2 Jul 1955	5 2 Feb 54

Jamestown LFR	JMS-VOR	direct	2800	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-d	400-1	500-1	500-1½
				S-n	400-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 180 Outbnd, 360 Inbnd, 2800 within 10 miles
Minimum Altitude over facility on final approach crs, 2300'
Crs and distance, facility to airport, 360-4.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.5 miles, climb to 2800 on R 360° within 10 miles of JMS-VOR
Major Changes: Revises distances and altitudes

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Jamestown, N Dak	Municipal 1498'	BVOR JMS	1, Amdt 2 10 Mar 1956	1 10 Jul 54

Rockford LFR	JVL-VOR	direct	2000	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-2	500-2	500-2
				S-d-4	400-1	400-1	400-1
				S-n-4	400-2	400-2	400-2
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 212 Outbnd, 032 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 034-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles, climb to 2100 on R 032 within 20 miles
CAUTION: Radio Tower 1100 MSL 2.7 miles N of airport
NOTE: No control zone established. VHF communications with Rockford radio not available below 1400 MSL.
Major Changes: Straight-in runway number revised. Revises night minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Janesville, Wisc	Rock County 807'	BVORW JVL	1, Amdt 1 25 Feb 1956	Orig 14 Jan 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Joliet LFR	JOT-VOR	direct	1800	T-dn	300-1	300-1	
				C-dn	600-1	600-1	
				S-dn-12	400-1	400-1	
				A-dn	NA	NA	NA

Procedure turn W side of crs, 329 Outbnd, 149 Inbnd, 1800 within 10 miles
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 149-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, make right turn, climbing to 2000', proceed to Joliet VOR. Hold at VOR on R-149 until further clearance received.
NOTE: No approved weather reporting services
AIR CARRIER NOTE: Not authorized for more than 2-eng aircraft
Major Changes: Distances revised. Straight-in runway designated. Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Joliet, Ill	Joliet 580'	BVOR JOT	1, Amdt 1 17 Dec 1955	Orig 6 Aug 55

Junction RBN	JCT-VOR	direct	3300	T-d	500-2		
				C-d	800-2		
				A-d	800-2		

Procedure turn W side crs, 320 Outbnd, 140 Inbnd, 3600 within 10 miles. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 3100'
Crs and distance, facility to airport, 140-5.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.7 miles, climb to 3600 on R 140 within 20 miles
Major Changes: Raise circling minimums, due to obstructions

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Junction, Texas	Kimble County 1729'	BVOR JCT	1, Amdt 2 30 Apr 1955	1 12 Feb 55

Rainbow Int	MAU-VOR (Final)	direct	3000	T-d	500-1	500-1	500-1
				T-n	600-2	600-2	600-2
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 180 Outbnd, 360 Inbnd, 4000 within 10 miles. Beyond 10 miles NA acct danger area to S.
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 354-6.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.9 miles, climb to 3000 on R-354 within 20 miles of VOR then reverse crs continue climb to 5000', Proceeding to Pineapple Int via Maui R-225. Hold 2 minutes W of Pineapple Int on N side of R-100 Lanai VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Kahului, Maui Hawaii	Kahului 59'	BVOR MAU	1, Amdt 1 1 Dec 1953	Orig 19 Jan 53

Kansas City LFR	MKC-VOR	direct	2500	*T-dn	**300-1	** 300-1	#300-1
Radar transition as directed	MKC-VOR	within	3000	C-dn	500-1½	700-1½	700-1½
by ATC: S & E Quadrants of		25 mi		A-dn	800-2	800-2	800-2
MKC-LFR							
S & E Quadrants of MKC-LFR with	MKC-VOR	within	2500				
3 mi separation from 2049'		25 mi					
Tower 4.5 mi SSE and 1949'							
Tower 6.2 mi SE of airport							
N & W Quadrants MKC-LFR	MKC-VOR	within	2500				
		25 mi					

*Take-offs to S or SW when weather is below 1000-3 will intercept a 210° ADF Brng from ILS MM or R-185 MKC VOR as soon as practicable. After take-off, maintain crs of 210° until reaching 2500' prior to making left turn due to 2049' MSL TV Tower 4 mi SSE of airport. When KMBC TV Tower not visible (5 mi SE airport) on N, NE, E & SE take-offs, climb to 2500' MSL on 090° ADF crs from MKC-LFR prior to turning towards tower.
AIR CARRIER NOTES: ** No reduction in 2-engine take-off minimums authorized when ILS is inoperative except on Runway 31. #200-½ authorized on Runway 3 only.

Procedure turn W side of crs, 357 Outbnd, 177 Inbnd, 2500 within 10 miles (NA beyond 10 miles due to traffic)
Minimum Altitude over facility on final approach crs, over VOR 1900'; over Int NE crs MKC-LFR & R-177 MKC-VOR 1500'
Crs and distance, facility to airport, from VOR 177-7.5; from Int NE crs MKC-LFR & R-177° MKC-VOR 177-1.0

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Kansas City, Kans	Fairfax 746'	BVOR MKC	1, Orig 28 May 55	None

(Panel 1)(See Panel 2)

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Kansas City, Kans	Fairfax (continued from Panel 1)						

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.5 miles, turn right immediately, climb to 2500' and intercept 310° ADF Brng to Farley RBN, then proceed to and hold at Farley RBN, or when directed by ATC, turn right immediately, climb to 2400' on SW crs MKC-LFR within 20 miles.
CAUTION: Obstruction 1423' MSL 2½ Mi SE of airport, 1949' TV Tower 5 mi SE airport. Cracking plant 911' MSL & stack 853' MSL 0.5 mi ESE approach end runway 35. TV Tower 2049' MSL 4 mi SSE airport.
NOTE: Radar transition altitudes based on distance from Radar site. This procedure authorized only for aircraft equipped to receive VOR & LFR simultaneously.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
		BVOR	MKC		
Kansas City,Kans	Fairfax 746'			1, Orig 28 May 1955	None

Kansas City LFR	MKC-VOR	direct	2500	*T-dn	**300-1	**300-1	#300-1
Radar Transitions as directed by ATC: S & E quadrants of MKC LFR	MKC-VOR	within 25 mi	3000	C-dn	1000-3	1000-3	1000-3
				S-dn-18	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3
S & E Quadrants of MKC LFR with 3 mi separation from 2049' Tower 2.9 mi S and 1949' Tower 5.0 miles SE of airport	MKC-VOR	within 25 mi	2500	#200-½ authorized on Runways 35 and 36 only.			
N & W Quadrants MKC LFR	MKC-VOR	within 25 mi	2500				

*Take-offs to S or SW when weather is below 1000-3 will intercept a 210 ADF Brng from ILS MM or R-185 MKC VOR as soon as practicable. After take-offs maintain crs of 210° until reaching 2500 prior to making left turn due to 2049' TV Tower 2.9 mi S of airport. When KMBC-TV Tower not visible (5 mi SE airport) on N or NE take-off, climb to 2500' MSL on 090° ADF crs from MKC LFR prior to turning towards tower.
AIR CARRIER NOTE: **No reduction in 2-engine take-off minimums authorized except on Runways 35 & 36
Procedure turn W side of crs, 351 Outbnd, 171 Inbnd, 2500' within 10 mi (NA beyond 10 mi due to traffic)
Minimum Altitude over facility on final approach crs, 2500'- Crs and distance, facility to airport, 171-8.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.7 miles, turn right immediately, climb to 2400' on R-210 MKC-VOR within 20 miles
CAUTION: Grain elevators 903' MSL and railroad floodlights 857' MSL 2-3 Mi NNE of Runway 18 - Cracking plant and stack 853' MSL 0.5 mi WNW of airport, congested buildings 1423' MSL 1 mi SE of airport, TV Tower 2049' MSL 2.5 mi S of airport, and 1946' TV tower 4 mi SE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
		BVOR	MKC		
Kansas City,Mo	Municipal 758'			1, Amdt 4 23 Apr 1955	3 5 Apr 54

Key West LFR	EYW-VOR	direct	1300	T-d	300-1	300-1	200-½
				C-d	500-1	500-1	500-2
				A-d	800-2	800-2	800-2

Procedure turn W side crs, 315 Outbnd, 135 Inbnd, 1300 within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 135-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9, climb to 1100 on R-135 within 20 miles
NOTE: Night operations NA.
Major Changes: Authorizes carrier use. Corrects bearings and distances.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
		BVOR	EYW		
Key West,Fla	International 4'			1, Amdt 4 7 Jan 1956	3 4 Apr 54

				T-dn	300-1
				C-d	400-1
				C-n	400-1½
				A-dn	800-2

Procedure turn W side of crs, 309 Outbnd, 129 Inbnd, 2100' within 10 mi.
Minimum altitude over faciltiy on final approach crs, 1600'.
Crs and distance, facility to airport, 129-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 mi, climb to 2100' on R-129 within 20 mi.
NOTE: Airport suitable for aircraft with stall speeds of 65K or less only.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
		BVOR	IRK		
Kirksville, Mo	Kirksville 970'			1, Amdt 1 26 Dec 56	Form 1725 24 Jun 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Int E crs MFR LFR and R-351				T-dn	1500-1	1500-1	1500-1
LMT VOR	LMT-VOR	direct	9000	C-d	1800-1	1800-1	1800-1½
Klamath Falls LFR	LMT-VOR	direct	8000	C-n	1800-2	1800-2	1800-2
Klamath Falls LFR	LMT-VOR (Final)	direct	5900	A-dn	1800-2	1800-2	1800-2

Procedure turn E side crs, 152 Outbnd, 332 Inbnd, 8000 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 5900'
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn left and climb to 9000' on R-161 within 10 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
		BVOR	LMT		
Klamath Falls, Oreg	Klamath Falls 4088'			1, Amdt 2 12 Feb 1955	1 17 Dec 54

Piedmont FM	TYS-VOR	Direct	2400	T-dn	300-1	300-1	200-½
Piedmont FM#	TYS-VOR (Final)	Direct	1900	C-d	500-1	500-1	500-1½
Knoxville LFR	TYS-VOR	Direct	2400	C-n	500-1½	500-1½	500-1½
				S-d	500-1	500-1	500-1
				S-n-22R	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Maintain 2400' until 6 mi past Piedmont FM.

Procedure turn N side of crs, 069 Outbnd, 249 Inbnd, 2500' within 10 mi.
Minimum Altitude over facility on final approach crs, 1900' over VOR; 1600' over Rockford Fix *
* Rockford Fix: Int final approach crs, 221 and 270 brng to LFR. Descent below 1600' not authorized unless 90 brng from LFR received.
Crs and distance, facility to airport, from VOR 221-6.9; from Rockford Fix 221-3.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.9 mi after passing BVOR climb to 3000' on R-249 within 20 mi.
Major Changes: Lowers procedure turn to 2500'. Changes final approach Radial from 63 to 69 to align with V-16.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
		BVOR	TYS		
Knoxville, Tenn	McGhee-Tyson 989'			1, Amdt 3 19 May 56	2 12 Nov 55

LaCrosse LFR	LSE-VOR	direct	2400	T-d	*400-1	*400-1	#400-1
				T-n	*400-1½	*400-1½	#400-1½
				C-d	900-1½	900-1½	900-1½
				C-n	900-2	900-2	900-2
				S-d-31	900-1½	900-1½	900-1½
				S-n-31	900-2	900-2	900-2
				A-dn	900-2	900-2	900-2

NOTE: *300-1 take-off authorized on Runways 31, 35 & 17. #200-½ take-off authorized on Runways 31, 35 & 17.

Procedure turn E side of crs, 143 Outbnd, 323 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 323-3.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.4 mi, climb to 2600' on R-322 of LaCrosse VOR within 20 miles
CAUTION: 950' MSL tower 2 mi SE of airport. 1227' bluffs & 1440' tower atop bluffs 3 & 4 mi SE respectively of airport. 1273' MSL tower 4.0 WSW of airport & 1440' MSL tower atop bluffs W of airport.
Major Changes: Landing minimums raised. Missed approach revised. Take-off minimums lowered.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
		BVOR	LSE		
LaCrosse, Wisc	Municipal 653'			1, Amdt 2 7 Jul 1956	1 1 Jul 54

TRANSITION From	To	Course and Distance	Minimum Altitude	CEILING AND VISIBILITY MINIMUMS Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine More Than 65 Knots
LaCrosse LFR	LSE-VOR	direct	2400	T-d	*400-1	*400-1	*400-1
				T-n	*400-1½	*400-1½	*400-1½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d-13	400-1½	400-1½	400-1½
				S-n-13	400-2	400-2	400-2
				A-dn	800-2	800-2	800-2

NOTE: *300-1 take-off authorized on Runways 31, 35 and 17. #200-½ take-off authorized on Runways 31,35 and 17.

Procedure turn W side of crs, 321 Outbnd, 141 Inbnd, 2400 within 10 miles of LSE LFR
Minimum Altitude over facility on final approach crs, LSE LFR 1900'
Crs and distance, facility to airport, 141-4.3 from LSE LFR
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 mi of LSE LFR, make climbing right turn, climbing outbnd on R-321 to 2500 before returning to LSE-VOR; or, if directed by ATC, hold at LFR and a point 2 minutes NW on 321R LSE-VOR.
CAUTION: 950' MSL tower 2 mi SE of airport. 1227' bluffs & 1440' tower atop bluffs 3 & 4 mi SE respectively of airport 1273' MSL tower 4.0 WSW of airport & 1440' MSL tower atop bluffs W of airport.
Major Changes: Transition added. Missed approach revised. Take-off minimums lowered.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
LaCrosse, Wisc	Municipal 653'	BVOR LSE	2, Amdt 1 7 Jul 1956	Orig 27 Aug 55

Lafayette MH	LFT-VOR	direct	1200	T-dn	300-1	300-1	200-½
				*C-dn	400-1	500-1	500-1½
				S-dn-1	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*500-1 required for take-offs on Runway 28

Procedure turn E side of crs, 165 Outbnd, 345 Inbnd, 1200 within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 345-2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 miles, climb to 1300 on R 360 within 20 miles
CAUTION: 494' TV Tower 3.0 miles WNW airport.
Major Changes: Remove night restrictions. Revise take-off restriction Runway 28. Revise missed approach crs. Add Caution Note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lafayette, La	Lafayette 41'	BVOR LFT	1, Amdt 2 1 Sep 1956	1 12 Feb 55

				T-dn	300-1		
				C-d	500-1		
				C-n	500-1½		
				A-dn	800-2		

Procedure turn E side of crs, 158 Oubnd, 338 Inbnd, 2200 within 10 miles
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 338-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 miles, climb to 2300 on R 338 within 20 miles
AIR CARRIER NOTE: Air carrier use not authorized.
CAUTION: Sod Field

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lamoni, Iowa	Lamoni 1163'	BVOR LMN	1, Amdt 1 1 Aug 1954	1725 7 Feb 52

				T-d	800-2	800-2	
				C-d	1200-2	1200-2	
				A-d	1200-2	1200-2	

Procedure turn *N side of crs, 270 Outbnd, 090 Inbnd, 3000' within 10 miles
*Warning area 5 miles S of crs.
Minimum Altitude over facility on final approach crs, #2500'
Crs and distance, facility to airport, 305-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
#1.5 miles before reaching VOR Station, climb to 5000' on R-100 within 15 miles, or when directed by ATC, make right turn and climb to 5000 on R-287 within 20 miles.
CAUTION: High terrain 5 miles NE of airport.
NOTE: No lighting facilities at this airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lanai City, Hawaii	Lanai 1315'	BVOR LNY	1, Amdt 1 1 Dec 1953	Orig 26 Jan 53

TRANSITION From	To	Course and Distance	Minimum Altitude	CEILING AND VISIBILITY MINIMUMS Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine. More Than 65 Knots
Lansing LFR	LAN-VOR	direct	2200	T-dn	300-1	300-1	*200-½
				C-dn	400-1	500-1	500-1½
				S-dn-6	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*300-1 required on SE-NW Runway.

Procedure turn S side of crs, 234 Outbnd, 054 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 054-5.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.4 miles, climb to 2000' within 20 miles, or when directed by ATC: (1) make right turn, climbing to 2900', proceed to LAN LFR.
Major Changes: Altitudes and distances revised. Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lansing, Mich	Capital City 858'	BVOR LAN	1, Amdt 3 15 Oct 1955	2 21 Jan 54

Lansing LFR	LAN-VOR	direct	2200	T-dn	300-1	300-1	*200-½
				C-dn	500-1	500-1	500-1½
				S-dn-24	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 054 Outbnd, 234 Inbnd, 1900 within 10 miles
Minimum Altitude over facility on final approach crs, 1400' over Int*
Crs and distance, facility to airport, Int** to airport 234°-2.1 miles
*300-1 required on SE-NW Runway.
**Int - Intersection R 054 LAN VOR and NW crs LAN LFR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 miles, climb to 2200' proceed to Lansing VOR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lansing, Mich	Capital City 858'	BVOR LAN	2, Orig 5 Nov 1955	None

Laramie LFR	LAR-VOR	direct	8500	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-N	400-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 317 Outbnd, 137 Inbnd, 8500 within 25 miles (Non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 8000'
Crs and distance, facility to airport, 108-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 11,500' R-137 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Laramie, Wyo	Brees Field 7273'	BVOR LAR	1, Amdt 4 15 Feb 1954	3 1 Feb 52

Goodsprings HW	LAS-VOR	direct	7500	T-dn	800-2	800-2	800-2
Las Vegas LFR	LAS-VOR	direct	5100	C-dn*	1000-1	1000-1	1000-1½
Las Vegas LFR	LAS-VOR (Final)	direct	3200 *	A-dn *	1000-2	1000-2	1000-2
Kids Int	LAS-VOR	direct	5100				
Erie Int	LAS-VOR	direct	6100				
Boulder City Int	LAS-VOR	direct	6500				

Procedure turn E side crs, 012 Outbnd, 192 Inbnd, 5100 within 15 miles, (within 5 mi LAS LFR). Beyond 15 mi NA.
Minimum Altitude over facility on final approach crs, 3200*
* Descent below 4600' to 3200' MSL and 1000' ceiling minimums authorized only if position over LFR or Z marker positively determined Inbnd on final approach.
Facility at airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn left, climb to 6000' on R-070 within 15 miles.
NOTE: Alternate missed approach, when directed by ARTC, climb to 6100' on R-211 within 10 miles. All turns S of crs.
CAUTION: 4100' terrain 4 miles SE LFR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Las Vegas, Nev	McCarran 2171'	BVOR LAS	1, Amdt 7 5 Jan 57	6 21 Apr 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Las Vegas LFR	LVS-VOR	direct	9500	T-d	300-1	300-1	300-1
				C-d	500-1	600-1	600-1½
				S-d-2	500-1	500-1	500-1
				A-d	800-2	800-2	800-2

Procedure turn E side 201 Outbnd, 021 Inbnd, 9000 within 10 miles.
Minimum Altitude over facility on final approach crs, 7800'
Crs and distance, facility to airport, 021-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 miles, climb to 10000' on R-022 within 15 miles.
NOTE: Not authorized for air carrier use.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Las Vegas, N Mex	Las Vegas 6866'	BVOR LVS	1, Amdt 1 10 Nov 1956	*

*Supersedes Form ACA-1725A, dated 11 Nov 1951.

Fort Sill Int	LAW-VOR	direct	2400	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 167 Outbnd, 347 Inbnd, 2200 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 347-4.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.2 miles, turn left and climb to 2200 on R 186 within 20 miles.
NOTE: Communications and weather service not available to general public. Voice on VOR controlled by Army Tower Post Field 0600 to 2300.
AIR CARRIER NOTE: Procedure authorized only for carriers having approval of communications and weather service at this airport.
Major Changes: Revise initial approaches. Raise min Altitude over facility on final. Correct airport elevation.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lawton, Okla	Municipal 1108'	VOR LAW	1, Amst 2 10 Dec 1954	1 16 Jan 52

Standard FM	LWT-VOR (Final)	direct	5000	T-dn	300-1	300-1	300-1
Lewistown LFR	LWT-VOR	direct	6000	C-dn	700-2	700-2	700-2
				S-dn-rny 7	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side crs, 271 Outbnd, 091 Inbnd, 6000' within 10 miles
Minimum Altitude over facility on final approach crs, 5000'
Crs and distance, facility to airport, 072-5.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.4 miles, turn right, climb to 6000' on R-271 within 20 miles .

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lewistown, Mont	Lewistown 4209'	BVOR LWT	1, Orig 22 Jan 1955	None

Lexington BH	LEX-VOR	direct	2300	T-dn	300-1	300-1	200-½
Richmond Int	LEX-VOR	direct	2500	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 124 Outbnd, 304 Inbnd, 2200' within 10 miles
Minimum altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 304-7.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.3 miles, climb to 2200' on 304 R within 10 miles, or, when requested by ATC, make climbing left turn and return to Lexington VOR at 2300'.
Major Changes: Procedure turn altitude reduced. Transition added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lexington, Ky	Blue Grass 978'	BVOR LES	1, Amdt 2 17 Dec 1955	1 22 Jan 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				**T-d	500-1	500-1	500-1
				T-n	700-2	700-2	700-2
				C-d	600-1½	600-1½	600-2
				C-n	800-3	800-3	800-3
				A-d	1000-2	1000-2	1000-2
				A-n	1000-3	1000-3	1000-3

**Take-offs on Runway 21 restricted to 600-2.

Procedure turn E side* of crs, 025 Outbnd, 205 Inbnd, 2000' within 10 miles. Beyond 10 miles NA account warning area to NE.
*High terrain to W.
Minimum Altitude over facility on final approach crs, 700'#
Crs and distance, facility to airport, 320-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
#within 3 miles before reaching VOR Station, make left turn, climb to 3000' on R-025 within 12 miles reverse crs climbing to 4000' over VOR Station.
AIR CARRIER NOTE: Sliding scale not applicable to take-offs, runway 21.
Major Changes: Lowers missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lihue, Kauai	Lihue Airport 148'	BVOR LIH	1, Amdt 3 15 Dec 1956	2 1 Dec 53

Little Rock LFR	LIT-VOR	direct	1300	T-dn	300-1	300-1	200-½
Keo FM	LIT-VOR (Final)	direct	1000	C-dn	500-1	600-1	600-1½
				S-dn-32	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 134 Outbnd, 314 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 314-3.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 miles, turn left, climb to 3200 on R 295 within 20 miles
AIR CARRIER NOTE: Not less than 300-1 authorized for take-off on Runway 18, 33, 36.
Major Changes: Raise missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Little Rock, Ark	Adams 257'	BVOR LIT	1, Amdt 3 7 Jan 1956	2 14 May 55

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 305 Outbnd, 125 Inbnd, 1600 within 10 miles. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 125-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 miles, climb to 1600 on R 125 from LLV-VOR within 20 miles
CAUTION: 644 MSL Radio Tower 5 mi NW of airport. 650 FPM descent required at 120 K.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Longview, Texas	Gregg County 365'	BVOR GGG	1, Amdt 2 22 Apr 1954	1 1 Feb 52

Los Angeles LFR	LAX-VOR	direct	1500	T-dn	300-1	300-1	200-½
Rollywood Hills FM	LAX-VOR	direct	3000	C-dn	500-1	600-1	600-1½
6 Nautical mi from LAX VOR on R 250 as reported by LAX Radar or by DME fix	LAX-VOR (Final)	direct	600	S-dn-7R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Radar vectoring to final approach crs authorized.							

Procedure turn S side of crs, 250 Outbnd, 070 Inbnd, 1500 within 10 miles.
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 070-1.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.2 miles, climb to 2000' on E crs LAX LFR or LAX R-074, no further E than Downey FM-RBN
Major Changes: Add Radar vectoring note to transitions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Los Angeles, Calif	International 125'	BVOR LAX	1, Amdt 1 14 Jul 1956	Orig 10 Dec 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	300-1
				C-d	700-1½	700-1½	700-1½
				C-n	700-2	700-2	700-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side of crs, 151 Outbnd, 331 Inbnd, 2000' within 10 miles.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 331-8.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.5 miles, climb to 2600 on Outbnd crs of 331 within 10 miles of VOR
Major Changes: Revises visibility minimums for circling.

City and State: Louisville, Ky | Airport Name & Elev.: Bowman 549' | Fac. Class & Ident.: BVOR LOU | Procedure No. & Eff. Date: 1, Amdt 1 14 Apr 1956 | Sup. Amdt. No. Dated: Orig 15 Sep 53

Louisville LFR	LOU-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Clermont Int	LOU-VOR	direct	2000	C-dn	600-2	600-2	600-2
Bourbon Int	LOU-VOR	direct	2000	S-dn-29	600-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 120 Outbnd, 300 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 300-8.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.4 miles, climb to 2500 on 300 R within 20 miles of LOU-VOR. Alternate missed approach, when requested by ATC, make a right climbing turn, return to VOR at 2000'.
Major Changes: Missed approach revised.

City and State: Louisville, Ky | Airport Name & Elev.: Standiford Field 497' | Fac. Class & Ident.: BVOR LOU | Procedure No. & Eff. Date: 1, Amdt 2 21 Jan 1956 | Sup. Amdt. No. Dated: 1 22 Jan 55

R-051 LOL VOR and NW crs LOL LFR	LOL-VOR	direct	9000	T-dn	300-1	300-1	200-½
				C-dn	700-1	800-1	800-1½
Int R-350 LOL VOR and NW crs LOL LFR (Rye Patch Int)	LOL-VOR	direct	10000	A-dn	800-2	800-2	800-2

Procedure turn E side crs, 345 Outbnd, 165 Inbnd, 7500 within 10 miles (NA beyond 10 miles). Non-standard due to terrain.
Minimum Altitude over facility on final approach crs, 5800'
Crs and distance, facility to airport, 221-4.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 miles, turn left immediately and return to LOL VOR on crs of 041 (Inbnd) climbing to 7500' on R-345 within 15 miles. Recross station Southbound at a minimum of 9000'.
Major Changes: Delete initial approach from Desert Peak Int.

City and State: Lovelock, Nev | Airport Name & Elev.: Derby Airport 3903' | Fac. Class & Ident.: BVOR LOL | Procedure No. & Eff. Date: 1, Amdt 2 22 Jan 1955 | Sup. Amdt. No. Dated: 1 15 Apr 53

Lubbock LFR	LBB-VOR	direct	4500	T-dn	300-1	300-1	200-½
Roundup FM	LBB-VOR (Final)	direct	4000	C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 291 Outbnd, 111 Inbnd, 4500 within 10 miles. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 4000'
Crs and distance, facility to airport, 111-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 miles, climb to 4500 on R 111 within 20 miles

City and State: Lubbock, Texas | Airport Name & Elev.: Lubbock 3256' | Fac. Class & Ident.: BVOR LBB | Procedure No. & Eff. Date: 1, Amdt 3 2 Jul 1955 | Sup. Amdt. No. Dated: 2 8 Jul 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Lufkin, RBN	LFK-VOR	direct	1600	T-dn	300-1	300-1	
				C-dn	400-1	500-1	
				S-dn-33	400-1	400-1	
				A-dn	800-2	800-2	

Procedure turn E side of crs, 149 Outbnd, 329 Inbnd, 1300 within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 329-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles, turn right and climb to 1700 on R 018 within 20 miles.
NOTE: Radio Tower 558' MSL 3 mi ENE of airport. 548' Radio Tower 3 mi SW of airport 3 mi W final approach crs.
Major Changes: Correct Outbnd and Inbnd crs. Corrects crs from Lufkin RBN.

City and State: Lufkin, Texas | Airport Name & Elev.: Angelina County 290' | Fac. Class & Ident.: BVOR LFK | Procedure No. & Eff. Date: 1, Amdt 2 1 Jan 1955 | Sup. Amdt. No. Dated: 1 18 Apr 54

Malad City LFR	MLD-VOR	Direct	10,000	T-d	3500-3	3500-3	3500-3
				C-d	3500-3	3500-3	3500-3
				A-d	3500-3	3500-3	3500-3

Procedure turn S side W crs, 273 Outbnd, 093 Inbnd, 9500' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, 9000'
Crs and distance, facility to airport 088-7.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 mi, turn left and climb to 11,000' on R-273 within 20 mi.
CAUTION: High terrain all quadrants.
AIR CARRIER NOTE: Night operations not authorized.

City and State: Malad City, Idaho | Airport Name & Elev.: Malad City Int Field 4503' | Fac. Class & Ident.: VORW MLD | Procedure No. & Eff. Date: 1, Amdt 1 6 Aug 55 | Sup. Amdt. No. Dated: Orig 27 Jun 52

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-32	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 133 Outbnd, 313 Inbnd, 2500 within 10 miles
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 313-5.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.7 miles, climb to 2500' within 10 miles on Mansfield VOR on R-313
NOTE: 1485' Tower SE of airport.
Major Changes: Reduction in circling minimums. Revised missed approach procedure.

City and State: Mansfield, Ohio | Airport Name & Elev.: Mansfield 1296' | Fac. Class & Ident.: BVOR MFD | Procedure No. & Eff. Date: 1, Amdt 2 21 Jan 1956 | Sup. Amdt. No. Dated: 1 22 Apr 54

				T-dn	300-1	300-1	200-½
				C-d	500-1	500-1½	500-1½
				C-n	500-1	500-1½	500-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 105 Outbnd, 285 Inbnd, 2600 within 10 miles
Minimum Altitude over facility on final approach crs, 2100'
Crs and distance, facility to airport, 285-6.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.4 miles, climb to 4000 on R-285 within 20 miles of VOR

City and State: Martinsburg, W Va | Airport Name & Elev.: Martinsburg 556' | Fac. Class & Ident.: BVOR MRB | Procedure No. & Eff. Date: 1, Amdt 1 17 Jun 1954 | Sup. Amdt. No. Dated: Orig 1 Jul 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 176 Outbnd, 356 Inbnd, 2200 within 10 miles
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 356-3.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.4 miles, climb to 2800 on 353R Outbnd within 20 miles
CAUTION: Tower 1453' MSL 3.1 miles E of airport. Tower 1580' MSL 4.5 mi W of airport. Tower 1755' MSL 12.5 miles NNE.
Major Changes: Transition deleted. Crs and distances revised. Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Mason City, Iowa	Mason City 1216'	BVOR MCW	1, Amdt 4 28 Jul 1956	3	5 May 54

Malone Int	MSS-VOR	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-27	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 117 Outbnd, 297 Inbnd, 1700' within 10 miles.
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 297-5.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.4 miles, make a climbing right turn to 2000' return to Massena VOR
CAUTION: 598' Tower located approximately 2 mi SW of the airport
Major Changes: Adds transition from Malone Int

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Massena, N Y	Richards Field 205'	BVOR MSS	1, Amdt 4 22 Dec 1956	3	6 May 54

				T-dn	300-2	300-2	300-2
				C-dn	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 168 Outbnd, 348 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 348-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 miles, climb to 2000' on crs of 347 within 25 miles
CAUTION: 1040 MSL Hill 1 mile NW of airport. No control area. Pilots using this facility shall, as soon as practicable, advise facility of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted facility, hold between facility and a point two minutes out on final approach crs at least 1000' above procedure turn altitude and 1000' above previously reported traffic until advised that aircraft making approach has landed. Keep facility advised at all time of changes in altitude and position in order that other aircraft may also receive this information.
AIR CARRIER NOTE: Sliding scale NA, no reduction in minim for local condition or on cargo and ferry flights.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
McAlester, Okla	New Municipal 770'	BVOR MLC	1, Amdt 3 6 Jun 1954	2	2 Jul 53

Medford LFR	MFR-VOR	direct	6000	T-dn	300-1	300-1	300-1
Evans Creek FM	MFR-VOR (Final)	direct	4000	*C-dn	1000-2	1000-2	1000-2
Int W crs MFR LFR and R-215	MFR-VOR	direct	6000	A-dn	1000-2	1000-2	1000-2
MFR-VOR (Gold Hill Int)							

*Note landing minimums authorized 500-2 all aircraft, day only, provided top of stratus overcast in Medford Valley is not in excess of 3500 MSL. Aircraft must be on top and shall not descend below 3500' until after passing Medford VOR Inbnd. Alternate minimum: 1000-2

Procedure turn E side of crs, 333 Outbnd, 153 Inbnd, 6000' within 10 miles (non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 4000'
Crs and distance, facility to airport, 145-6.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.6 miles, execute climbing right turn, climb to 6000' on R-333 within 20 miles, all turns E.
Major Changes: Transition added from Gold Hill Int.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Medford, Oreg	Medford 1330'	BVOR MFR	1, Amdt 3 22 Jan 1955	2	5 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Memphis LFR	MEM-VOR	direct	1500	T-dn	300-1	300-1	200-½
Radar transition	MEM-VOR	within 25 mi	2300	C-dn	500-1	500-1	500-1½
				S-dn-27	400-1	400-1	400-1
When Radar provides 3 mi separation from TV Towers located 8.0 mi NNE of airport	MEM-VOR	within 25 mi	1700	A-dn	800-2	800-2	800-2
Sector S of ILS localizer	MEM-VOR	within 15 mi	1500				

Procedure turn N side of crs, 107 Outbnd, 287 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 287-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 miles, climb to 1700 on R 287 within 20 miles
AIR CARRIER NOTE: Take-off at less than 200-½ NA on Runway 14-32.
Major Changes: Adds radar vectoring authority. Simplify note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Memphis, Tenn	Municipal 269'	BVOR MEM	1, Amdt 7 14 May 1955	6	13 Jun 54

				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-rny30	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 110 Outbnd, 290 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distances, facility to airport, 290-6.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.3 miles, turn left and climb to 2000 on R-108 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Merced, Calif	Municipal 155'	VORW MER	1, Orig 12 Feb 1955	None	

Meridian LFR	MEI-VOR	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-d-14	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side crs, 309 Outbnd, 129 Inbnd, 1700' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 129-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 mi turn right, climb to 2000' on R-170 within 20 mi.
NOTE: 300-1 required for take-off Rny 9.
AIR CARRIER NOTE: Take-offs with less than 200-½ NA Runways 5, 23, 14 and 32.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Meridian, Miss	Key Field 297'	BVOR MEI	1, Orig 19 Dec 56	None	

Miami LFR	MIA-VOR	direct	600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-9R-L*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*Crs and distance to Runway 9-L 077° 3.4 miles

Procedure turn N side crs, 267 Outbnd, 087 Inbnd, 1100 within 10 miles
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 087-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 miles, climb to 1400 on R 087 within 20 miles
NOTE: Procedure turn non-standard to avoid traffic around Tamiami Airport.
Major Changes: Adds straight-in approach to 9-L. Reduces minima for Non-air carriers.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Miami, Fla	International 9'	BVOR MIA	1, Amdt 6 4 Jun 1955	5	25 Mar 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Midland LFR	MAF-VOR	direct	4200	T-dn	300-1	300-1	*200-½
				C-dn	400-1	500-1	500-1½
				S-dn-16R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*AIR CARRIER NOTE: 300-1 required on Runway 16L and 34R

Procedure turn W side of crs, 360 Outbnd, 180 Inbnd, 4000 within 10 miles. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 3500'
Crs and distance, facility to airport, 180-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, climb to 4000 on R 150 within 20 miles
Major Changes: Reduce procedure turn altitude.

City and State: Midland, Texas | Airport Name & Elev.: Air Terminal 2867' | Fac. Class & Ident.: BVOR MAF | Procedure No. & Eff. Date: 1, Amdt 4 16 Jun 1956 | Sup. Amdt. No. Dated: 3 16 Jul 55

Miles City LFR	MLS-VOR	direct	4300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				C-n	400-2	500-1½	500-1½
				S-dn-Rny4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side crs, 237 Outbnd, 057 Inbnd, 4300 within 10 miles.
Minimum Altitude over facility on final approach crs, 3500'
Crs and distance, facility to airport, 036-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 miles, climb to 4300' on R-057 within 20 miles.

City and State: Miles City, Mont | Airport Name & Elev.: Municipal 2631' | Fac. Class & Ident.: BVOR MLS | Procedure No. & Eff. Date: 1, Orig 8 Jan 1955 | Sup. Amdt. No. Dated: None

				T-d	300-1	300-1	300-1
				T-n	1000-2	1000-2	1000-2
				C-d	1000-2	1000-2	1000-2
				S-d-34	1000-1	1000-1	1000-1
				A-dn	NA	NA	NA

Procedure turn W side crs, 180 Outbnd, 360 Inbnd, 8000 within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 6000'
Crs and distance, facility to airport, 346-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, climb to 9000' on R-007 within 20 miles
NOTE: Emergency Procedure Only - weather observation 0530 - 2030 only - no field attendant 2030 - 0530.
CAUTION: Terrain 3 miles WNW, 1000' above airport.

City and State: Milford, Utah | Airport Name & Elev.: CAA Site 45 5040' | Fac. Class & Ident.: VORW MLF | Procedure No. & Eff. Date: 1, Amdt 2 25 Jun 1955 | Sup. Amdt. No. Dated: 1 19 Nov 53

Mineral Wells RBN	MWL-VOR	direct	2000	T-dn	300-1	300-1	300-1
				C-dn	400-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 127 Outbnd, 307 Inbnd, 2000 within 10 miles (non-standard due to traffic).
Minimum Altitude over facility to airport, 1500'
Crs and distance, facility to airport, 307-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, climb to 2500 on crs of 307 within 20 miles
AIR CARRIER NOTE: Authorized for use as alternate only for more than 2-engine aircraft

City and State: Mineral Wells, Texas | Airport Name & Elev.: Municipal 964' | Fac. Class & Ident.: BVOR MWL | Procedure No. & Eff. Date: 1, Amdt 2 13 Jan 1954 | Sup. Amdt. No. Dated: 1 7 Aug 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
MOT LFR	MOT-VOR	direct	2900	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 061 Outbnd, 241 Inbnd, 2700 within 10 miles
Minimum Altitude over facility on final approach crs, 2200'
Crs and distance, facility to airport, 241-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 miles, climb to 3400 on R-041 within 20 miles.

City and State: Minot, N Dak | Airport Name & Elev.: Port O'Minot 1723' | Fac. Class & Ident.: BVOR MOT | Procedure No. & Eff. Date: 1, Amdt 1 17 Jul 1954 | Sup. Amdt. No. Dated: Orig 2 Jul 51

Alberton FM	MSO-VOR (Final)	direct	6200	T-dn	2500-2	2500-2	2500-2
Missoula LFR	MSO-VOR	direct	6200	C-dn	3000-2	3000-2	3000-2
				A-dn	3000-2	3000-2	3000-2

Procedure turn N side crs, 277 Outbnd, 097 Inbnd, 8000 within 10 miles. (Non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 6200'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn right and climb to 9000' on R-276 within 10 miles

City and State: Missoula, Mont | Airport Name & Elev.: Missoula County 3203' | Fac. Class & Ident.: BVOR MSO | Procedure No. & Eff. Date: 1, Orig 19 Feb 1955 | Sup. Amdt. No. Dated: None

Bay Minette HW	MOB-VOR	Direct	1500	T-dn	300-1	300-1	200-½
Brookley HWZ	MOB-VOR	Direct	1600	C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 287 Outbnd, 107 Inbnd, 1400 within 10 miles.
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 107-6.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.3 miles, turn left, climb to 1600 on R-064.
CAUTION: 647' TV tower located 4.1 miles ESE of airport.

City and State: Mobile, Ala. | Airport Name & Elev.: Bates Field 217' | Fac. Class & Ident.: BVOR MOB | Procedure No. & Eff. Date: 1, Amdt 5 28 Jan 57 | Sup. Amdt. No. Dated: 4 20 Aug 54

Stockton LFR	MOD-VOR	direct	2000	T-dn	300-1	300-1	200-½
Int S crs Stockton LFR and R-255 MOD VOR	MOD-VOR	direct	2000	C-dn	500-1	600-1	600-1½
				A-dn	1000-2	1000-2	1000-2

Procedure turn N side of crs, 025 Outbnd, 205 Inbnd, 1500' within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 205-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 miles, climb to 2000' on R-205 within 15 miles.
NOTE: Modesto VOR monitored category three.
Major Changes: Revise final approach crs. Reduce circling minimums for small aircraft. Lower altitude over facility on final.

City and State: Modesto, Calif | Airport Name & Elev.: Municipal 96' | Fac. Class & Ident.: VORW MOD | Procedure No. & Eff. Date: 1, Amdt 3 8 Jan 1955 | Sup. Amdt. No. Dated: 2 6 May 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Monroe LFR	MLU-VOR	direct	1300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 212 Outbnd, 032 Inbnd, 1400 within 10 miles. Beyond 10 Miles NA.
Minimum Altitude over facility on final approach crs, 800'
Crs and distances, facility to airport, 032-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles, climb to 1400 on R 032 within 10 miles*
*No control area beyond 10 miles
CAUTION: 850' TV antenna located 3.7 miles WNW of airport.
AIR CARRIER NOTE: No reduction in take-off minimums for cargo and ferry flights authorized on Runways 4, 9, 13, 31, and 35.
Major Changes: Transition, distance and direction. Final approach crs corrected. Adds notes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Monroe, La	Selman Field 79'	BVOR MLU	1, Amdt 1 29 Jan 1955	Orig 25 Feb 52

Maxwell LFR	MGM-VOR	direct	1700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 136 Outbnd, 316 Inbnd, 1700 within 25 miles
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 316-5.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.6 miles, climb to 1700 on R-316 within 20 miles of VOR
NOTE: Night operation Runway 15-33 NA due lack of obstruction and Runway lights.
CAUTION: 695' MSL Tower, 2 miles SE of VOR Station.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Montgomery, Ala	Dannelly Field 219'	BVOR MGM	1, Amdt 5 13 Jan 1954	4 1 Aug 52

10 mi DME fix R 158	MGW-VOR (Final)	direct	3000	With DME*			
				T-dn	300-1		
				C-d	600-1		
				C-n	600-2		
				A-dn	800-2		
				Without DME			
				T-dn	300-1		
				C-d	1400-1		
				C-n	1400-2		
				A-dn	1600-3		

*DME MSL Altitudes after passing MGW VOR on final: 1 mile 2700', 2 miles 2500', 3 miles 2300', 4 miles 2100', 5 miles 1900'.

Procedure turn E side of cts, 158 Outbnd, 338 Inbnd, 4000 within 10 mi. Procedure turn need not be accomplished with DME.
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 338-5.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.6 miles, climb to 3000' on R 338 within 10 miles
Major Changes: Corrects distance facility to airport. Correct DME altitudes after passing facility.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Morgantown, W Va	Morgantown 1256'	VOR MGW	1, Amdt 2 3 Nov 1956	1 29 Sep 56

Int R-074 OTTO and R-201 LAS Vegas	OTO-VOR	direct	8500	T-dn	300-1		
				C-dn	500-1		
OTO LFR	OTO-VOR	Direct	8500	A-dn	800-2		

Procedure turn N side of crs, 074 Outbnd, 254 Inbnd, 8500 within 10 miles. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 7500'
Crs and distance, facility to airport, 256-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 miles, turn left, climb to 9500' on R-074 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Moriarty, N Mex	Otto 6226'	BVOR OTO	1, Amdt 1 12 Jul 1954	Orig 29 Sep 50

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Newark LOM	CDW-VOR	direct	2000	T-dn	300-1	300-1	200-½
Paterson MHW	CDW-VOR	direct	2000	C-dn	800-1	800-1	800-1½
Yonkers Int	CDW-VOR	direct	2100	A-dn	800-2	800-2	800-2
Chatnam MHW	CDW-VOR	direct	2000				

Procedure turn E side of crs, 036 Outbnd, 216 Inbnd, 2000 within 10 mi. All turns will be made on E side of crs. High terrain on W side of crs.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 216-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 mi, climb on crs of 216 to 1000'. Make a left climbing turn and return to Caldwell Omni at 2000'.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Morristown, N J	Morristown 187'	BVOR CDW	1, Orig 8 Oct 1955	None

Muscle Shoals LFR	MSL-VOR	direct	1700	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-29	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 114 Outbnd, 294 Inbnd, 1900 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distances, facility to airport, 294-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, climb to 2000' on crs of 294 within 20 miles
CAUTION: Transmission line poles 654' MSL located 1.5 mi E of approach end of Runway 29.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Muscle Shoals, Ala	Muscle Shoals 548'	BVOR MSL	1, Amdt 7 28 Jun 1954	8 1 Feb 52

Muskegon LFR	MKG-VOR	direct	1800	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 152 Outbnd, 332 Inbnd, 1900 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 332-1.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.7 miles, climb to 1900' on R-332 within 10 miles
Major Changes: Airport elevation, bearings, distances and missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Muskegon, Mich	Muskegon County 628'	BVOR MKG	1, Amdt 2 26 Nov 1955	1 30 Mar 54

Myrtle Beach RBN	MYR-VOR	direct	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 041 Outbnd, 221 Inbnd, 1200 within 10 miles
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 221-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 miles, climb to 1200 on R-221 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Myrtle Beach, S C	AFB 24'	BVOR MYR	1, Amdt 1 16 Aug 54	Orig 12 Feb 54

Nantucket RBW	ACK-VOR	direct	1300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-24	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 060 Outbnd, 240 Inbnd, 1300 within 10 miles
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 240-1.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.9 miles, climb to 1300 on R-240 within 10 miles of Nantucket BVOR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Nantucket, Mass	Memorial 47'	BVOR ACK	1, Orig 20 May 1954	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Nashville LFR	BNA-VOR	direct	1700	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-33	500-1	500-1	500-1
				A-dn	80C-2	800-2	800-2

Procedure turn N side of crs, 121 Outbnd, 301 Inbnd, 2000' within 10 mi
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 301-4.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.4 miles, climb to 3000' on R-330 within 20 miles
CAUTION: High tension line 137' above field elevation between the VOR station and the airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Nashville, Tenn	Berry Field 606'	BVOR BNA	1, Amdt 5 19 May 1954	4 1 Aug 51

Needles LFR	EED-VOR	direct	4500	T-d	1000-2	1000-2	1000-2
				T-n	1000-3	1000-3	1000-3
				C-d	1000-2	1000-2	1000-2
				C-n	1000-3	1000-3	1000-3
				A-d	1000-2	1000-2	1000-2
				A-n	1000-3	1000-3	1000-3

Procedure turn N side crs, 085 Outbnd, 265 Inbnd, 4500 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 257-7.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 miles, turn right and climb to 7000' on R-322 within 20 miles
SHUTTLE: To 6000' on R-265 within 15 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Needles, Calif	Municipal 990'	BVOR EED	1, Amdt 2 12 Feb 1955	1 6 Aug 54

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side SW crs, 226 Outbnd, 046 Inbnd, 1200 within 10 miles
Minimum Altitude over facility on final approach crs, 500'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 00 miles, turn left, climb to 1200 on R-015 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New Bern, N C	Simmons Nett 18'	VOR EWN	1, Orig 15 Feb 1955	None

New Orleans LFR	MSY-VOR	direct	1500	T-dn	300-1	300-1	200-½
LaPlace MHW	MSY-VOR	direct	1400	C-dn	500-1	500-1	500-1½
Radar terminal area transition altitude	MSY-VOR	within 25 mi	1500*	S-dn-1	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

*Radar control must provide 3 mi lateral or 1000' vertical separation from 623' and 978' towers 12 mi SE and 15 mi ESE of airport.

Procedure turn S side of crs, 215 Outbnd, 035 Inbnd, 1200 within 10 miles
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 035-2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.4 miles, climb to 1400' on R-035 within 20 miles
CAUTION: 409' WWL Radio Antenna located 2.7 miles N of airport. 452 electric transmission towers 4½ mi SE of airport or 5.0 mi E of VOR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New Orleans, La	Moisant International 3'	BVOR MSY	1, Amdt 3 10 Sep 1954	2 29 May 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	500-1	500-1	500-1
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-3	1000-3	1000-3
				A-dn	NA	NA	NA

Procedure turn W side of crs, 170 Outbnd, 350 Inbnd, 2700 within 10 miles. NA beyond 10 mi. (Non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 1200'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 4500 on R-002 within 15 miles
CAUTION: 550' Hills 2 to 3 miles E and SE of airport.
NOTE: No Weather reporting facilities. Air carrier use not authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Newport, Oreg	Newport 160'	VORW ONP	Orig 12 Nov 1955	None

				T-dn	300-1	300-1	200-½
				C-dn	1200-1	1500-1	1500-1½
				A-dn	1500-2	1500-2	1500-2

Procedure turn S side of crs, 070 Outbnd, 250 Inbnd, 3500 within 10 miles. NA beyond 10 mi. (Non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 2400'
Crs and distance, facility to airport, 250-3.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.1 miles, climb to 3500 on R-250 from OTH-VOR within 15 miles
SHUTTLE on R-250 to 3500' within 15 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
North Bend, Oreg	North Bend 14'	BVOR OTH	1, Amdt 1 2 Jul 1955	Orig 13 May 53

North Platte LFR	LBF-VOR	direct	4200	T-dn	300-1	300-1	200-½*
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

*On Runways 26 and 30, 300-1 required.
Procedure turn E side crs, 196 Outbnd, 016 Inbnd, 4300 within 10 miles
Minimum Altitude over facility on final approach crs, 3800'
Crs and distance, facility to airport, 016-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 miles, climb to 4500 on R-016 within 20 miles of VOR
CAUTION: 2983' tower (MSL) 2 mi NW of airport and 3270' MSL tower 4½ mi NW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
North Platte, Neb	Lee Bird Field 2779'	BVOR LBF	1, Amdt 5 14 Oct 1953	4 27 Jan 53

Oakland LFR	OAK-VOR	direct	1500	T-dn	300-1	300-1	#200-½
SFO LFR	OAK-VOR	direct	2000	C-dn	500-1	600-1	600-1½
San Francisco GAP MHW	OAK-VOR	direct	2500	A-dn	800-2	800-2	800-2
Bay Point FM	OAK-VOR	direct	3000				
Richmond Int	OAK-VOR	direct	2000				
*Fremont FMHW	OAK-VOR	direct	1500				
Mt. Eden Int (Int of Oakland R-117 and 047° Bearing to HWD RBN)	OAK-VOR (Final)	direct	500				

#300-1 required for take-off Runway 33.
*Do not descend below 3500' until definitely past Fremont FMHW.

Procedure turn S side of crs, 117 Outbnd, 297 Inbnd, 1500 within 7 miles. NA beyond 7 miles. Procedure turn S due to terrain and within 4.34 mi maneuvering side due to traffic.
Minimum Altitude over facility on final approach crs, 500'
Crs and distance, facility to airport, 095-1.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 2000' on R-310 from OAK VOR within 15 miles (Richmond Int)
NOTE: This procedure does not meet the obstruction clearance requirements for final approach or on missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Oakland, Calif	Metropolitan Oakland International 5'	BVOR OAK	1, Orig 5 Feb 1955	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
OAK LFR	OAK-VOR	direct	1500	T-dn	300-1	300-1	*200-½
SFO LFR	OAK-VOR	direct	2000	C-dn	500-1	600-1½	600-1½
San Francisco GAP MHW	OAK-VOR	direct	2500	S-dn-9L-R	400-1	500-1	500-1
Bay Point FM	OAK-VOR	direct	3000	A-dn	800-2	800-2	800-2
Richmond Int	OAK-VOR	direct	2000				
Fremont FMHW	OAK-VOR	direct	2500				

*300-1 required for take-off on Runway 33.

Procedure turn N side of crs, 275 Outbnd, 095 Inbnd, 1500 within 5 miles. NA beyond 5 miles. (Non-standard due to terrain)
Minimum Altitude over facility on final approach crs, 500'
Crs and distance, facility to airport, 095-1.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.3 miles, turn right and climb to 2000 on R-313 within 13 miles. (Richmond Int)
NOTE: This procedure does not meet the obstruction clearance requirements for missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Oakland, Calif	Metropolitan Oakland International ~~Airport~~ 5'	BVOR OAK	2, Orig 5 Feb 1955	None

Huntville FM	OGD-VOR	direct	11000	T-dn	400-1	400-1	400-1
Ogden LFR	OGD-VOR	direct	11000	C-d	800-2	800-2	800-2
Corine FM-HW	OGD-VOR (Final)	direct	5300	C-n	800-3	800-3	800-3
				A-d	800-2	800-2	800-2
				A-n	800-3	800-3	800-3

Procedure turn W side crs, 328 Outbnd, 148 Inbnd, 7500 within 10 miles
Minimum Altitude over facility on final approach crs, 5300'
Crs and distance, facility to airport 098-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 9000 on Outbnd R-259 within 20 miles of OGD VOR.
SHUTTLE: To 10,000 on R-328 within 20 miles. All turns W of crs.
AIR CARRIER NOTE: Sliding scale NA except landings are authorized down to 1 mi visibility, provided ceiling is unlimited and top of visibility restriction is below 7500' MSL.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ogden, Utah	Municipal 4455'	BVOR OGD	1, Amdt 5 5 Jan 57	4 21 Apr 56

Huntsville FM	OGD-VOR	direct	11000	T-dn	400-1	400-1	400-1
Ogden LFR	OGD-VOR	direct	11000	C-d	800-2	800-2	800-2
Corinne FM-HW	OGD-VOR	direct	10000	C-n	800-3	800-3	800-3
Layton FM	OGD-VOR (Final)	direct	5300	A-d	800-2	800-2	800-2
				A-n	800-3	800-3	800-3

Procedure turn W side crs, 149 Outbnd, 329 Inbnd, 7500 within 10 miles
Minimum Altitude over facility on final approach crs, 5300'
Crs and distance, facility to airport, 098-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 9000' on R-259 within 20 miles
SHUTTLE: To 10,000 on R-328 within 20 miles. All turns W of crs.
AIR CARRIER NOTE: Sliding scale NA except landings are authorized down to 1 mi visibility, provided ceiling is unlimited and top of visibility restriction is below 7500' MSL.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ogden, Utah	Municipal 4455'	BVOR OGD	2, Amdt 3 5 Jan 57	2 12 Feb 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Oklahoma City LFR Radar Transition Altitudes	OKC-VOR within 25 mi of OKC LFR & VOR	direct direct	2500 NE qua 3800 SE qua 2700 SW qua 2800 NW qua 2800	T-dn C-dn S-dn-12 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-½ 500-1½ 500-1 800-2

Procedure turn S side crs, 277 Outbnd, 097 Inbnd, 2500 within 10 mi
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 097-8.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.0 mi, climb to 2700 on R-097 within 10 miles
NOTE: 300-1 required for take-off on Runways 8-26
Major Changes: Add radar vector authority. Limit procedure turn distance. Raise procedure turn altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Oklahoma City, Oklahoma	Will Rogers 1283'	BVOR OKC	1, Amdt 1 24 Sep 1955	Orig 8 Mar 54

Omaha LFR	OMA-VOR	direct	2700	T-dn	300-1	300-1	200-½**
				C-dn	1000-3	1000-3	1000-3
				S-dn-32L & 32R	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3

NOTE: After take-off climb to 2000' MSL prior to proceeding in a westerly direction
**300-1 take-off minimums required except on Runways 14L, 32R, 17L and 35R.
AIR CARRIER NOTE: Reduction in take-off minimums authorized on Runways 14L, 32R, 17L and 35R only.

Procedure turn E side of crs, 129 Outbnd, 309 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 2400'
Crs and distance, facility to airport, 309-10.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 10.0 miles, climb to 2700 on crs of 309° Oubnd within 20 miles
CAUTION: Bluff 1339' MSL 1.3 miles E of airport. TV Towers 1739' MSL 4.6 miles WNW and 1705' MSL 2.6 miles SW, stack 1132' MSL 0.7 miles SSE of LOM.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Omaha, Neb	Omaha 982'	BVOR OMA	1, Amdt 2 15 Dec 1956	1, 9 Jul 54

				T-dn	300-1	300-1	200-½
				C-dn	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 123 Outbnd, 303 Inbnd, 1900 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 303-6.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.7 miles, climb to 2200 on R 303 within 20 miles of VOR
Major Changes: Airport name revised. Transition deleted. Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ottumwa, Iowa	Ottumwa 845'	BVOR OTM	1, Amdt 3 5 Aug 1954	2 1 Aug 52

Paducah RBN	PUK-VOR	direct	1600	T-dn	300-1	300-1	200-½
Int E crs Advance LFR and crs of 117° to Paducah VOR	PUK-VOR	direct	1600	C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 221 Outbnd, 041 Inbnd, 1600 within 10 miles
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 041-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 miles, climb to 2000' on R-039 within 20 miles of Paducah VOR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Paducah, Ky	Barkley 405'	BVOR PUK	1, Amdt 1 20 Jul 1954	Orig 10 Feb 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Palacios LFR	PSX-VOR	direct	1300	T-d	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				S-d- 13	400-1	400-1	400-1
				A-d	800-2	800-2	800-2

Procedure turn W side crs, 299 Outbnd, 119 Inbnd, 1300 within 10 miles. Beyond 10 mi not authorized.
Minimum Altitude over facility on final approach crs, 800
Crs and distance, facility to airport, 119-3.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.4 miles, climb to 1200' on R-119 within 15 miles.
NOTE: Night operations not authorized

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Palacios, Texas	Municipal 13'	BVOR PSX	1, Amdt 1 15 Jan 1954	Orig 15 May 51

				T-dn	300-1	300-1	200-½
				C-dn	600-1	700-1	700-1½
				S-dn-21	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 032 Outbnd, 212 Inbnd, 2500 within 10 miles
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 212-5.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.9 miles, climb to 2500' on R-212 within 20 miles of VOR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Parkersburg, W Va	Wood County 856'	BVOR PKB	1, Amdt 1 29 May 1954	Orig 15 Feb 53

				T-dn	300-1	300-1	300-1
				C-d	1200-1	1200-1	1200-1½
				C-n	1200-2	1200-2	1200-2
				A-d	1200-2	1200-2	1200-2
				A-n	1200-3	1200-3	1200-3

Procedure turn E side crs, 130 Outbnd, 310 Inbnd, 3000 within 10 miles
Minimum Altitude over facility on final approach crs, 2000'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 5000' on R-319 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Paso Robles, Calif	County 835'	BVOR PRB	1, Amdt 1 8 Jan 1955	Orig 2 Sep 52

Pendleton LFR	PDT-VOR	direct	4000	T-dn	300-1	300-1	200-½
Pendleton LOM	PDT-VOR	direct	4000	C-dn	500-1	500-1	500-1½
Int S crs Walla Walla LFR and R-061 Pendleton VOR	PDT-VOR	direct	4000	S-dn-7	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Cabbage Hill FM	PDT-VOR	direct	4800				

Procedure turn N side W crs, 251 Outbnd, 071 Inbnd, 3500 within 10 miles. (Non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 2600'
Crs and distance, facility to airport, 071-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, make left turn climbing to 4000' on R-234 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pendleton, Oreg	Pendleton 1493'	BVOR PDT	1, Amdt 2 22 Jan 1955	1 23 Dec 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Peoria LFR	PIA-VOR	direct	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 278 Outbnd, 098 Inbnd, 2000 within 10 miles.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 098-4.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.4 miles, make right turn climbing to 2300'. Return to Peoria VOR, or when directed by ATC: (1) make left turn climbing to 2300'. Proceed to PIA LFR.
CAUTION: Unlighted high tension towers between facility and airport.
Major Changes: Missed approach altitudes raised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Peoria, Ill	Greater Peoria 659'	BVOR PIA	1, Amdt 1 16 Jun 1956	Orig 19 Nov 55

Peoria LFR	River Int*	direct	2300	T-dn	300-1	300-1	200-½
Int 214-R Pontiac VOR & 101-R PIA VOR	River Int*	direct	2300	C-dn	400-1	500-1	500-1½
				S-dn-30	400-1	400-1	500-1½
Peoria VOR	River Int*	direct	2300	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 101 Outbnd, 281 Inbnd, 2300 within 10 miles of River Int*
Minimum Altitude over facility on final approach crs, 1800 over River Int*
Crs and distance, facility to airport, River Int* to Runway 30, 281-3.6 mi
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, after passing River Int*, climb to 2000' proceeding to PIA VOR
*River Int, 101-R PIA VOR & 312° bearing to PIA LFR
NOTE: Procedure authorized only when aircraft equipped to receive ADF and VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Peoria, Ill	Greater Peoria 659'	VOR-ADF	2, Orig 9 Jun 1956	None

				T-dn	300-1		
				C-d	700-1		
				C-n	700-2		
				A-dn	800-2		

Procedure turn S side of crs 265 Outbnd, 085 Inbnd, 3600' within 10 mi.
Minimum altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 090-2.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.5 mi, climb to 3400' on R-059 within 20 mi.
NOTE: Airport suitable for aircraft with stall speeds of 65K or less only.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Philip, S D	Philip 2210'	BVOR PHP	1, Amdt 1 26 Dec 56	Form 1725 28 Apr 53

Philipsburg LFR	PSB-VOR	direct	4000	T-dn	500-1	500-1	
				C-d	800-1	800-1	
				C-n	800-2	800-2	
				A-dn	1000-2	1000-2	

Procedure turn N side of crs, 073 Outbnd, 253 Inbnd, 3500' within 10 miles
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 253-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 miles, climb to 4000' R-253 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Philipsburg, Pa	Municipal 1933'	BVOR PSB	1, Orig 15 Feb 1951	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Cave Creek Int	PHX-VOR	direct	5000	T-dn	300-1	300-1	200-½
Perryville FM	PHX-VOR	direct	2600	C-dn	500-1	600-1	600-1½
Phoenix LFR	PHX-VOR	direct	2600	A-dn	800-2	800-2	800-2
Thunderbird Int	PHX-VOR	direct	4000				
McDowell Int	PHX-VOR	direct	5000				
Ocotillo Int**	PHX-VOR	direct	4000				

**Ocotillo Int: Int PHX R-146 & HYM R-090

Procedure turn S side crs, 076 Outbnd, 256 Inbnd, 2600 within 10 miles*. 4100' within 15 miles. Beyond 15 miles NA.
*CAUTION: 2970 obstruction 4 mi N of crs, 13 mi E of VOR.
Minimum Altitude over facility on final approach crs, #2100
#Descent below 1900' not authorized until ABEAM of PHX LFR, Inbnd.
Crs and distance, facility to airport, 256-5.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 5.5 miles, climb to 5000' on R-258 within 20 miles.
CAUTION: Hills and tower 2830' 6 mi SSW of airport
Major Changes: Change minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Phoenix, Ariz	Sky Harbor 1124'	BVOR PHX	1, Amdt 5 29 Dec 1956	4 28 Apr 56

PIR LFR	PIR-VOR	direct	3000	*T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-2
				S-d-25	400-1	500-1	500-1½
				S-n-25	400-1½	500-1½	500-2
				A-dn	800-2	800-2	800-2

*Take-off to NW restricted to 400-1

Procedure turn N side of crs, 075 Outbnd, 255 Inbnd, 3000 within 10 miles
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 255-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.9 miles, climb to 3500 on R-255 of Pierre VOR within 20 miles
Major Changes: Crs, distances and missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pierre, S Dak	Pierre 1742'	SBRAZ PIR	1, Amdt 2 16 Jun 1956	1 17 Jul 54

Int Little Rock R 134 & PBF R-359	PBF-VOR (Final)	direct	800	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
Pine Bluff Rbn	PBF-VOR	direct	1500	S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 359 Outbnd, 179 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 179-3.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.9 miles, climb to 1600 R-179 within 20 miles
Major Changes: Final approach altitude. Procedure turn altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pine Bluff, Ark	Grider Field 205'	BVOR PBF	1, Amdt 2 10 Dec 1954	1 18 Sep 52

Pittsburgh LFR	PIT-VOR	direct	2500	T-dn	300-1	300-1	200-½
Washington Int	PIT-VOR (Final)	direct	2000	C-dn	600-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Radar Transition Altitude (Using Greater Pittsburgh Radar) 3000' within 40 miles of Greater Pittsburgh Airport or MEA when lower.

Procedure turn, S side of crs, 232 Outbnd, 052 Inbnd, 2500 within 10 miles
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 052-6.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 6.4 miles, climb to 3000' on crs of 072 within 10 miles of Pittsburgh VOR
NOTE: Washington Int, Int of Wheeling VOR 110° R and Pittsburgh VOR 232°R. Transition by Pittsburgh Radar authorized to Washington Int.
Major Changes: Straight-in approach authorized. Radar transition authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pittsburgh, Pa	Allegheny County 1252'	BVOR PIT	1, Amdt 2 12 Nov 1955	1 30 Sep 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				*T-dn	300-1	300-1	200-½
				C-dn	600-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

*300-1 required for take-off Runway 1

Procedure turn N side crs, 048 Outbnd, 228 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 228-8.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 6.0 miles, make a left climbing turn and return to Plattsburgh VOR at 1500

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Plattsburgh N Y	Municipal 371'	BVOR PLB	1, Amdt 3 29 Apr 1954	2 1 Feb 53

PIH LFR	PIH-VOR	direct	6500	T-dn	300-1	300-1	200-½
PIH LOM	PIH-VOR	direct	6500	C-d	500-1	600-1	600-1½
				C-n	500-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 250 Outbnd, 070 Inbnd, 6000' within 10 miles. (Non-standard due to terrain.)
Minimum Altitude over facility on final approach crs, 5400'
Crs and distance, facility to airport, 035-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.0 miles, make left turn, climbing to 6500' on R-234 within 20 miles
NOTE: Alternate missed approach procedure when directed by ATC, within 3.0 miles make left turn to intercept R-335 climbing to 7500 within 20 miles.
CAUTION: High terrain located SE of airport and SW of PIH-VOR
Major Changes: Correct crs and distances. Modify caution note. Change more than 2-eng. Take-off minimums to agree with other procedures.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pocatello, Idaho	Phillips Field 4448'	BVOR PIH	1, Amdt 2 3 Sep 1955	1 20 Dec 53

Pocatello LFR	PIH-VOR	Direct	7000	T-dn	300-1	300-1	200-½
				C-d	500-1	600-1	600-1½
				C-n	500-2	600-2	600-2
				S-dn-21	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 027° Outbnd, 207° Inbnd, 7000' within *10 miles of OM. NA beyond 10 mi.
* Make procedure turn after passing PIH - ILS Outer Marker outbnd.
Minimum Altitude over Outer Marker on final approach crs, 5800'
Crs and distance Outer Marker to airport, 213°# - 3.7
After passing outer marker, turn left to intercept R-033 inbnd.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.7 miles of PIH Outer Marker proceed to VOR, climbing; continue climb to 6500' on R-234 within 20 mi.
CAUTION: 5000' MSL terrain located 2.6 mi SE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pocatello, Ida	Pocatello 4448'	BVOR PIH LOM PI	2, Orig 2 Feb 57	None

Ponca City MH	PNC-VOR	direct	2200	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 280 Outbnd, 100 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 100-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.0 miles, climb to 2500 on crs of 100 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ponca City, Okla	Municipal 1014'	BVOR PNC	1, Amdt 1 22 Apr 1954	Orig 26 Sep 50

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Sauvies RBN	PDX-VOR	direct	3000	T-dn	300-1	300-1**	200-½
PDX LFR	PDX-VOR	direct	3000	C-d	600-1	600-1	600-1½
Stevenson FM	PDX-VOR	direct	6000	C-n	600-1	700-1	700-1½
Washougal Int	PDX-VOR	direct	3000	A-dn	800-2	800-2	800-2
Woodland FM	PDX-VOR	direct	3000				
La Center "FM"	PDX-VOR (Final)	direct	2500				
La Center Int	PDX-VOR	direct	2500				

**300-1 required on runways 7-25, 11, 2-20.
All fixes within 25 miles of GCA Station may be determined by surveillance radar.

Procedure turn W side of crs, 332 Outbnd, 152 Inbnd, 3000 within 10 miles. NA beyond 10 miles due to obstructions.
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 161-9.1*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 9.1* miles, turn right, climbing to 3000' on R-175 within 13 miles.
*Descent below 1000' MSL NA until past PDX-LFR Inbnd. If PDX-LFR not received, maintain 1000' MSL.
CAUTION: VOR not receivable over the airport below 450' MSL.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Portland, Oreg	Portland Int 23'	BVOR PDX	1, Orig 22 Oct 1955	Proc 1(TVOR) 23 Jul 55

Prescott LFR	PRC-VOR	direct	7000	T-dn	800-2	800-2	800-2
				C-dn	1000-2	1000-2	1500-2
				A-dn	1000-2	1000-2	1500-2

Procedure turn, E side crs, 325 Outbnd, 145 Inbnd, 7000 within 10 miles
Minimum Altitude over facility on final approach crs, 6500'
Crs and distance, facility to airport, 120-4.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2 miles, turn left, climb to 8000' on R-325 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Prescott, Ariz	Municipal 5042'	BVOR PRC	1, Amdt 3 12 Jan 57	2 11 June 55

Int NE crs Bangor LFR & S crs Houlton LFR (Topsfield Int)	PNN-VOR	direct	2500	T-d	300-1,	300-1	
				S-d-15	800-2	800-2	
				C-d	800-2	800-2	

Procedure turn W side of crs, 344 Outbnd, 164 Inbnd, 2500 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 2000'
Crs and distance, facility to airport, 164-9.2*
*Descend to authorized landing minimums within 4 miles of facility.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4 miles, make a left climbing turn. Climb to 2500' returning to Princetown VOR and hold within 10 miles on R-344 Princeton VOR
NOTE: No weather reporting service available. Night operations not authorized.
Major Changes: Missed approach changed, to controlled airspace. Weather note added. Alternate minimums deleted.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Princeton, Maine	Municipal 250'	VORW PNN	1, Amdt 2 12 Nov 1955	1 24 Jul 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
PUB LFR	PUB-VOR	direct	6600	T-dn	300-1	300-1	*200-½
COB LOM	PUB-VOR	direct	7000	S-dn-26	400-1	400-1	400-1
				C-d	600-1	600-1	600-1½
				C-n	600-1	600-2	600-2
				A-dn	800-2	800-2	800-2

*300-1 required for runways 26 and 35.

Procedure turn N side of crs, 077 Outbnd, 257 Inbnd, 6200 within 10 miles
Minimum Altitude over facility on final approach crs, 5400'
Crs and distance, facility to airport, 257-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, make left climbing turn to 100 mag. hdg., intercept R-131 PUB VOR climbing to 6000' Outbnd on R-131 within 20 miles.
NOTE: Alternate missed approach when directed by ATC, make left climbing turn, return to PUB VOR, continue climb to 6500' on R-350 within 20 miles.
Major Changes: Brngs and distances changed due to revised location of facility.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pueblo, Colo	Pueblo Memorial 4725'	BVOR PUB	1, Amdt 1 24 Mar 1956	Orig 7 Jan 56

Quincy RBN	UIN-VOR	direct	1900	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-3	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 209 Outbnd, 029 Inbnd, 1900 within 25 miles
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 029-6.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.4 mi, climb to 1900' on R-029 from Quincy VOR within 20 mi.
CAUTION: 1560' Tower located 5 miles WNW of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Quincy, Ill	Baldwin-Quincy 769'	BVOR UIN	1, Amdt 1 30 Jun 1954	Orig 10 Apr 52

RAP LFR	RAP-VOR	direct	4500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 141 Outbnd, 321 Inbnd, 4500 within 10 miles
Minimum Altitude over facility on final approach crs, 4000'
Crs and distance, facility to airport, 320-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 miles make left, climbing turn to 4500' and return to RAP-VOR, thence proceed Outbnd on R 141 and hold at 4500' within 10 miles of RAP-VOR
CAUTION: Rising terrain to 3447' MSL 3 miles N of airport. Aircraft larger than DC-3 restricted to NW-SE runway.
Major Changes: VOR relocated. Entire procedure revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Rapid City, S D	Rapid City 3172'	BVOR$_D$ RAP	1, Amdt 3 23 Jun 1956	2 17 Dec 54

Red Bluff LFR	RBL-VOR	direct	2000	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				S-dn-rny33	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 145 Outbnd, 325 Inbnd, 2000 within 10 miles.
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 329-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 miles, make right turn, climb to 2500' on R-145 within 20 miles.
Major Changes: Reduce straight-in minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Red Bluff, Calif	Bidwell Field 354'	BVOR RBL	1, Amdt 2 8 Jan 1955	1 1 Aug 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
RDM-LFR	RDM-VOR (Final)	direct	6000	T-dn	300-1	300-1	200-½
				*C-dn	1500-1	1500-1	1500-1½
				A-dn	1500-2	1500-2	1500-2

Procedure turn N side of crs, 285 Outbnd, 105 Inbnd, 6000 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 4600, *3800.
*Descent to 3800' (Final) authorized after passing RDM-LFR. Landing minimums 700-1 day, 700-1½ night when RDM-LFR used for final approach fix. If RDM-LFR not received, maintain 4600' to RDM-VOR.
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, execute climbing right turn, climb to 7000' on R-172 within 15 miles
SHUTTLE: To 7000' on R-105 within 10 miles
Major Changes: Authorize lower landing minimums when utilizing RDM-LFR. Change missed approach to en route Radial. Change Shuttle to R-105

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Redmond, Oreg	Roberts Field 3077'	BVOR RDM	1, Amdt 1 29 Oct 1955	Orig 12 Jun 53

Wadsworth FM	RNO-VOR	direct	9000	T-dn	2000-2	2000-2	2000-2
Reno LFR	RNO-VOR	direct	9000	C-dn	2500-3	2500-3	2500-3
Verdi Int (Int RNO R-251 and 353° Bearing	Stead AFB "H"	direct	9000	A-dn	2500-3	2500-3	2500-3
Mt. Rose Int (Int RNO R-213 and 340° Bearing	Stead AFB "H"	direct	9000				
Steamboat Int (Int RNO R-191 and 328° Bearing	Stead AFB "H"	direct	9000				
Bingo Int	RNO-VOR	direct	9000				

Procedure turn S side of crs, 050 Outbnd, 230 Inbnd, 9000' within 10 miles. NA beyond 10 miles. Non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 7900'
Crs and distance, facility to airport, 230-5.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.1 miles, turn right climb to 9000' on R-050 within 10 miles
CAUTION: If contact not established at minimums, missed approach must be started immediately due to high terrain W.
Major Changes: Designated intersections. Minor changes in bearings and distances, Delete category 3 notes and BCOB alternate restrictions. Revise take-off minimums to coincide with departure procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Reno, Nev	Municipal 4411'	BVOR RNO	1, Amdt 4 28 Jan 1956	3 30 Jul 55

Rochester LFR	RST-VOR	direct	2400	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 215 Outbnd, 035 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 035-4.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.4 miles, climb to 2600' on R 035 within 20 miles of RST-VOR
AIR CARRIER NOTE: Sliding scale not authorized
Major Changes: Airport name and procedure turn revised. Air Carrier note added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Rochester, Minn	Lobb Field 1041'	BVOR RST	1, Amdt 4 27 Aug 1955	3 23 Nov 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
RKS-LFR	RKS-VOR	direct	9200	T-dn	300-1	300-1	*200-½
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				S-d	1000-1	1000-1	1000-1½
				S-n-ry 25	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

*300-1 required for night take-off on all runways except 7-25.

Procedure turn N side crs, 081 Outbnd, 261 Inbnd, 9200 within 10 miles.
Minimum Altitude over facility on final approach crs, 8700'
Crs and distance, facility to airport, 261-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.1 miles, climb to 10,000 onR261 within 20 miles.
Major Changes: Procedure turn limited to 10 miles. Missed approach area limited to 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Rock Springs, Wyo	Municipal 6752'	BVOR RKS	1, Amdt 2 24 Nov 1956	1 18 Jan 54

				T-dn	300-1	300-1	300-1
				C-d	500-1½	500-2	500-2
				C-n	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 267 Inbnd, 087 Outbnd, 1400 in 10 miles
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 267-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles, climb to 1600 on R 267 within 20 miles
AIR CARRIER NOTE: Sliding scale for take-off or landing NA.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Rocky Mount, N C	Rocky Mount 97'	VOR RMT	1, Orig 9 Jun 1955	None

ROW LFR	ROW-VOR	direct	5500	T-dn	300-1	300-1	*200-½
				C-dn	500-2	500-2	500-2
				S-dn-rny 3	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*300-1 required runway 12.

Procedure turn E side of crs, 207 Outbnd, 027 Inbnd, 5300 within 10 miles
Minimum Altitude over facility on final approach crs, 4800'
Crs and distance, facility to airport, 027-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 miles, climb to 5000' on R-027 within 20 miles
NOTE: Alternate missed approach when directed by ATC, turn left climb to 5500' on R-323 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Roswell N Mex	Roswell 3621'	BVOR ROW	1, Orig 24 Dec 1955	None

				*T-dn	300-1		
				C-d	600-1½		
				*C-n	600-2		
				*A-dn	800-2		

*Night operations on N-S runway only

Procedure turn W side of crs, 356 Outbnd, 176 Inbnd, 3100' within 10 mi.
Minimum Altitude over facility on final approach crs, 2600'
Crs and distance, facility to airport, 176-0.7
CAUTION: Sod field, except N-S runway paved
Major Changes: Crs, bearings, distances and altitudes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Russell, Kansas	Russell 1863'	BVOR RSL	1, Amdt 3 2 Sep 1956	2 1 Sep 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Clarksburg FM	SAC-VOR (Final)	direct	1000	T-dn	300-1	300-1	200-½
Sacramento ILS LMM	SAC-VOR	direct	1200	C-dn	500-1	600-1	600-1½
				S-dn*ry 2	400-1	500-1	500-1
				A-dn	800-2	800-2	800-2

*Descent below 500' MSL not authorized until past SAC LFR on Final.

Procedure turn S side crs, 197 Outbnd, 017 Inbnd, 1200 within 6 miles. (NA beyond Clarksburg FM)
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 017-4.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.4 miles, climb to 2500 on R-023 within 20 miles
NOTE: Alternate missed approach (when directed by ATC) within 4.4 miles, turn left and climb to 2000' on R-310 within 20 miles.
CAUTION: 223' MSL Tower between SAC VOR and LFR
Major Changes; Establish alternate missed approach procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Sacramento, Calif	Municipal 21'	BVOR SAC	1, Amdt 3 7 Jan 1956	2	13 May 54

				T-dn	300-1	300-1	200-½
				C-dn	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3

Procedure turn W side, 347 Outbnd, 167 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 2400'
Crs and distance, facility to airport, 167-11.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 10.0 mi, climb to 2500' on R-167 within 20 mi.
NOTE: 300-1 required for take-off, runway 31
CAUTION: 400' bluffs W, NW and E of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
St. Joseph, Mo	Rosecrans Memorial 822'	BVOR STJ	1, Amdt 2 5 May 1954	1	1 Aug 52

St. Louis LFR	STL-VOR	direct	1900	T-dn	300-1	300-1	200-½
				C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 317 Outbnd, 137 Inbnd, 1900 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 137-8.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.0 miles, climb to 2200 on R 137 within 20 miles
Major Changes: Altitude and procedure turn distance revised

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
St. Louis, Mo	Lambert Field 558'	BVOR STL	1, Amdt 4 14 Jan 1956	3	10 Jun 54

				T-dn	300-1	300-1	
				C-dn	500-1½	500-1½	
				A-dn	800-2	800-2	

Procedure turn S side of crs, 311 Outbnd, 131 Inbnd, 2800 within 10 miles
Minimum Altitude over facility on final approach crs, 2300'
Crs and distance, facility to airport, 131-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 mi, climb to 2500' on R-131 within 20 mi.
AIR CARRIER NOTE: Sliding scale not authorized except for take-off and alternate minimums

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Salina, Kans	Salina 1314'	BVOR SLN	1, Amdt 4 23 Nov 1953	3	1 Feb 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 304 Outbnd, 124 Inbnd, 2000' within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 124-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.0 miles, climb to 5000' on R-124 within 20 miles.
Major Changes: Reduce altitude over facility on final. Authorize straight-in minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Salinas, Calif	Salinas 84'	BVOR SNS	1, Amdt 3 3 Sep 1955	2	30 Apr 55

Salt Flat LFR	SFL-VOR	direct	4800	T-d	300-1		
				T-n	300-2		
				C-d	600-1		
				C-n	600-2		
				A-dn	800-2		

Procedure turn W side of crs, 340 Outbnd, 160 Inbnd, 4900' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 4300'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 00 mi, turn right, climb to 7700 on R 261 within 20 mi.
CAUTION: Terrain 4030' MSL approximately 2.5 mi WSW of airport
Major Changes: Lower transition altitude from LFR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Salt Flat, Texas	CAA Intermediate 3727'	BVOR SFL	1, Amdt 4, 28 Apr 1956	3	17 Jul 54

Riverton FM	SLC-VOR	direct	11000	T-dn	300-1	300-1	200-½
Layton FM	SLC-VOR (Final)	direct	4900	C-dn	500-1	600-1	600-1½
				S-dn 16L-R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 329 Outbnd, 149 Inbnd, 7500 within 10 miles
Minimum Altitude over facility on final approach crs, 4900'
Crs and distance, facility to airport, 149-3.6 to 16L and 159-3.1 to 16R.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, climb to 11000 on R-248 within 20 miles
SHUTTLE: To 10000 on R-329 within 20 miles. All turns W.
CAUTION: 5000' terrain 3½ miles E of VOR. High terrain 8 mi E of N & S crs. Also S 4541'Radio mast 2 miles SE of VOR..
NOTE: Standard obstruction clearance not provided on final approach to facility and to airport. 500-2 required for take-off runway 7. 500-1 required for straight-in without hi-intensity runway lights. High intensity runway lights on 16L, 34A only.
Major Changes: Add runway 16R to straight-in minimums. Limit Shuttle distance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Salt Lake City, Utah	Salt Lake City No 1 4222'	BVOR SLC	1, Amdt 3 8 Jan 1955	2	27 May 54

San Angelo LFR	SJT-VOR	direct	3000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-21	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 061 Outbnd, 241 Inbnd, 3400 within 10 mi Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, LFR-Z 3400, VOR 2500
Crs and distance, facility to airport, 234-1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 mi, climb to 3600 on R 234 within 20 miles

Major Changes: Limits procedure turn distance. Raises missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
San Angelo, Texas	Mathis 1915'	BVOR SJT	1, Amdt 3 9 Jun 1956	2	17 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
SAT LFR	SAT-VOR	direct	2200	T-dn	300-1	300-1	200-½
Cibolo Creek FM	SAT-VOR (Final)	direct	1900	C-dn	400-1	500-1	500-1½
4.3 mile DME Fix R-355	SAT-VOR (Final)	direct	1900	S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 355 Outbnd, 175 Inbnd, 2500' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, Cibolo FM or 4.3 mi DME Fix, R-355 2000, VOR 1900
LFR-Z cr 4.0 mi DME Fix, R-175 1500*.
*Altitude over VOR 2000' if Cibolo Creek FM not received. Descent to indicated minimums authorized only after passing SAT-LFR on final. If SAT-LFR not identified on final, descent below 1500 NA and minimums are 700-2. DME may be used in lieu of these fixes.
Crs and distance, facility to airport, 175-10.6 from Cibolo FM or 4.3 mi DME Fix, 175-6.3 from VOR, 175-2.2 from SAT LFR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 6.3 mi, climb to 2500 on R 175 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Antonio, Texas	International 800'	BVOR SAT	1, Amdt 4 31 Mar 1956	3 18 Jun 55

Jamul RBN	SDA-VOR	direct	3600	T-dn	300-1	300-1	#200-½
Coronado FM-RBN	SDA-VOR	direct	1500	C-dn	800-2	800-2	800-2
La Jolla FM	SDA-VOR (Final)	direct	1200	A-dn	800-2	800-2	800-2
Lemon Grove Int	SDA-VOR	direct	2500				

#300-1 required for take-off on all runways except 27.

Procedure turn W side crs, 325 Outbnd, 145 Inbnd, 2500 within 10 miles*
Minimum Altitude over facility on final approach crs, 1200'*
*After procedure turn maintain 2500' until past La Jolla FM Inbnd. If FM not received, request clearance to descend to 1500' at completion of procedure turn to cross SDA VOR at a minimum of 1500'.
Crs and distance, facility to airport, 134-2.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.3 miles, climb to 3000' on R-138 within 15 miles of SDA VOR (Mexican Border)
Major Changes: Add transition from Lemon Grove

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Diego, Calif	Lindbergh Field 15'	BVOR SDA	1, Amdt 1 7 Jun 1956	Orig 14 Jan 56

Portland LFR	ENE-VOR	direct	1700	T-d	300-1	300-1	200-½
				C-d	500-1	600-1	600-1½
				S-d-26	400-1	400-1	400-1
				A-d	800-2	800-2	800-2

Procedure turn N side of crs, 81 Outbnd, 261 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 261-4.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.2 miles, make a climbing left turn. Climb to 1700' on R-212 within 10 miles
CAUTION: Hill 868' MSL 3.5 mi W of airport, tower 923' MSL 4 mi NW of airport.
NOTE: Night operations not authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sanford, Maine	Municipal 243'	BVOR ENE	1, Amdt 1 24 Jul 1954	Orig 10 Jan 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Oakland LFR	SFO-VOR	direct	3000	T-dn	300-1	300-1	300-1
San Francisco LFR	SFO-VOR	direct	2000	C-dn	600-1	600-1	600-1½
San Francisco LOM	SFO-VOR	direct	2000	A-dn	800-2	800-2	800-2
Moffett LFR	SFO-VOR	direct	1700				
Evergreen FMHW	SFO-VOR	direct	1700				
Saratoga Int	SFO-VOR	direct	4500				
Warm Springs Int	SFO-VOR	direct	3000				
Mission Int	SFO-VOR	direct	3000				

Procedure turn N side crs, 295 Outbnd, 115 Inbnd, 1500 within 5 miles. NA beyond 5 miles. See Mandatory Note.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 115-3.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.4 miles, turn right and proceed to the SFO VOR, climbing to 2000' on R-120 (300 Inbnd), then hold SE of SFO VOR in a 1 minute, left turn pattern on R-115 at 2000'.
MANDATORY NOTE: All aircraft over the SFO VOR approaching San Jose airport must descent to 2000' in a 1 minute, left turn holding pattern on SFO R-115 before continuing with approach. Procedure turn not authorized beyond 5 mi due to possible conflict with SFO LOM holding pattern.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Jose, Calif	San Jose 62'	BVOR SFO	1, Amdt 2 24 Sep 1955	1 17 Dec 54

				T-d	*700-1	*700-1	700-1
				T-n #	*700-1½	*700-1½	700-1½
				C-d	1300-1½	1300-1½	1300-2
				C-n #	1300-2	1300-2	1300-2
				S-d-33	700-1	700-1	700-1
				S-n-33	700-1½	700-1½	700-1½
				A-dn	2000-2	2000-2	2000-2

*500-1 day and 500-1½ night authorized for take-off on runways 20 & 15
#Night take-off runway 28 and night landing runway 10, NA.

Procedure turn E side of crs, 152 Outbnd, 332 Inbnd, 8100 within 10 miles
Minimum Altitude over facility on final approach crs, 7700'
Crs and distance, facility to airport, 332-4.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.2 miles, turn right and climb to 10,000 on R-152 within 20 miles of SAF VOR
SHUTTLE: To 8100' on R-152 within 10 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Santa Fe, N Mex	Santa Fe (New) 6344'	BVOR SAF	1, Amdt 1 23 Aug 1954	Orig 10 Nov 50

Savannah LFR	SAV-VOR	direct	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-23-27	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side, 65 Outbnd, 245 Inbnd, 1100 within 10 miles
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, facility to airport, 245-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.3 miles, make immediate right turn*, climb to 1400' on R-300 within 20 miles.
*Danger Area 10 miles SW of airport.
CAUTION: Stack 265' MSL 2 miles NE of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Savannah, Ga	Travis (Chatham) 50'	BVOR SAV	1, Orig 2 Jul 1954	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
All Directions 15 mi DME or ASR fix R-315	SEA-VOR Harbor Island FM* (Final)	direct direct	20000 1500	T-dn C-dn A-dn	300-1 1500-2 1500-2	300-1 1500-2 1500-2	300-1 1500-2 1500-2

All fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance Radar.

Procedure turn teardrop type procedure, 280 Outbnd, 135 Inbnd, start descent over station, at 1-2 initial approach altitude execute descending right turn within 20 miles. Complete turn on 135 Inbnd crs minimum altitude 4000'.
Minimum Altitude over facility on final approach crs, over Harbor Island FM* 1500'
Crs and distance, facility to airport, 092-3.5, miles from Harbor Island FM*
*Or 8.2 miles from SEA - VOR-DME.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi of Harbor Island FM-FIX, turn right, climb to 2000' on R-270 SEA-VOR. At 10 miles from VOR commence climb to 14,000' within 25 miles or as directed by ATC.

NOTE: This procedure designed principally for jet aircraft.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Seattle, Wash	Boeing Field 17'	BVOR SEA	1, Amdt 2 24 Nov 1956	1 5 May 56

All directions 20 mi DME or ASR fix R-22	SEA-VOR SEA-VOR-DME (Final)	direct direct	20,000 2000	T-dn c-dn A-dn	300-1 1500-2 1500-2	300-1 1500-2 1500-2	300-1 1500-2 1500-2

All fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance radar.

Procedure turn, teardrop type procedure turn, 250 Outbnd, 040 Inbnd, start descent over station. At ½ initial approach altitude execute descending left turn within 20 miles; complete turn on 040 Inbnd crs
Minimum altitude 4000'.
Minimum Altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 342-5.0 miles
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 miles, turn left, climb to 2000' on R-270 SEA-VOR. At 10 miles commence climb to 14,000' within 25 miles, or as directed by ATC.

NOTE: This procedure designed principally for jet aircraft.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Seattle, Wash	Boeing Field 17'	BVOR SEA	2, Amdt 1 5 May 1956	Orig 26 Nov 55

Shreveport LFR	SHV-VOR	direct	1700	T-dn C-d C-n S-d-18 S-n-18 A-dn	300-1 1000-1 1000-1½ 	300-1 1000-1 1000-1½ 	300-1 1000-1½ 1000-1½ 1000-1 1000-1½

Procedure turn E side of crs, 339 Outbnd, 159 Inbnd, 1700 within 10 miles, beyond 10 mi NA. (Non-standard due to traffic.)
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 158-13.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1500' on crs of 169 within 20 miles.
NOTE: No weather or communications available at this airport.
AIR CARRIER NOTE: Air carriers not authorized use of this procedure.
CAUTION: 480' MSL TV tower located 1.6 miles S of airport.
Major Changes: Raises altitude and limits procedure turn to 10 mi. Raises altitude over SHV VOR on final. Changes missed approach crs. Adds caution note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Shreveport, La	Downtown 179'	BVOR SHV	1, Amdt 2 9 Oct 1954	1 6 Jul 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
				T-d T-n C-d C-n A-dn	300-1 300-2 500-1 500-2 800-2		

Procedure turn S side of crs, 246 Outbnd, 066 Inbnd, 6000 within 10 miles
Minimum Altitude over facility on final approach crs, 5300'
Crs and distance, facility to airport, 066-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 miles, climb to 5500 on R-066 within 20 miles of VOR
CAUTION: Tower 5082' MSL 2 miles S of airport. Aircraft on W,E, and SE take-offs climb to 5600' MSL before turning towards tower.
Major Changes: Tower height increased on note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sidney, Neb	Sidney 4300'	BVOR SNY	1, Amdt 2 22 Dec 1956	1 7 Jan 56

Sioux City LFR Sloan FM	SUX-VOR SUX-VOR (Final)	direct direct	2400 1900	*T-dn C-dn S-dn-31&35 A-dn	300-1 500-1 400-1 800-2	300-1 600-1 400-1 800-2	200-½ 600-1½ 400-1 800-2

AIR CARRIER NOTE: *300-1 required for all take-offs on Runway 4.

Procedure turn E side of crs, 135 Outbnd, 313 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 313-3.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 miles, climb to 3000' on R-331 within 20 miles.
CAUTION: 1318' terrain 1.4 miles ENE of airport
Major Changes: Procedure turn distance revised. Revises Air Carrier Note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sioux City, Iowa	Sioux City 1097'	BVOR SUX	1, Amdt 5 22 Dec 1956	4 30 Mar 54

FSD LFR	FSD-VOR	direct	2700	T-dn C-dn S-dn-15 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-½ 500-1½ 500-1 800-2

Procedure turn W side of crs, 327 Outbnd, 147 Inbnd, 2700' within 10 mi.
Minimum Altitude over facility on final approach crs, 2200'
Crs and distance, facility to airport, 147-4.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 miles, climb to 3000 on R-060 within 20 miles.
NOTE: 300-1 required for take-off on Runway 15.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sioux Falls, S Dak	Joe Foss Field 1426'	BVOR FSD	1, Amdt 1 16 Jul 1954	Orig 15 Feb 52

Goshen LFR	SBN-VOR	direct	2200	T-dn	300-1	300-1	200-½
South Bend LFR	SBN-VOR	direct	2000	C-dn	500-1	500-1	500-1½
Union Int	SBN-VOR	direct	2000	A-dn	800-2	800-2	800-2
N Liberty Int	SBN-VOR	direct	2000				
Int W crs SBN LFR and 253 R SBN VOR	SBN-VOR	direct	2000				
Int N crs SBN LFR and 350 R SBN VOR	SBN-VOR	direct	1900				

Procedure turn W side of crs, 360 Outbnd, 180 Inbnd, 2100 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 180-3.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 miles, make right turn, climbing to 2000 and return to SBN VOR or when directed by ATC: (1) climb to 2000' on R-180 within 20 miles
Major Changes: Missed approach altitude revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
South Bend, Ind	St. Joseph County 778'	BVOR SBN	1, Amdt 4 24 Dec 1955	3 24 Dec 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine More Than 65 Knots
Spartanburg LFR	SPA-VOR	direct	2300	T-dn	300-1	300-1	200-½
From 23 mi fix* R-194	11 mi fix* R-194 (Final)	direct	1500#	C-dn	500-1	500-1	500-1½
From 11 mi fix* R-194	7.5 mi fix* R-194 (Final to Runway 4)	direct	1300#	S-dn-4	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 194 Outbnd, 014 Inbnd, 2000 within 10 mi of 11 mi fix*, or with no DME - 2000' within 21 mi of VOR.
Minimum Altitude over facility on final approach crs, 1500 over 11 mi fix*, if no DME 1800' over VOR#.
Crs and distance, facility to airport, 194-6.9 mi VOR to airport, 014-4.5 mi from 11 mi fix* to Rwy 4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at 7.5 mile fix*, climb to 2300 on R194 prior to reaching VOR
No DME: within 0 miles (over VOR) # climb to 2300 on R-014 within 10 miles of VOR
*DME fix
#Landing ceiling minimums without DME are 1000' (1800' MSL)
Major Changes: Establishes "back crs" approach to Runway 4.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Spartanburg, S C	Memorial 816'	BVOR SPA	2, Orig 28 Jan 1956	None

Spartanburg LFR	SPA-VOR	direct	2300	T-dn	300-1	300-1	200-½
From 23 mi fix* R-194	11 mi fix* R-194 (Final)	direct	1500#	C-dn	500-1	500-1	500-1½
From 11 mi fix* R-194	7.5 mi fix* R-194 (Final to Runway 4)	direct	1300#	S-dn-4	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 194 Outbnd, 014 Inbnd, 2000 within 10 mi of 11 mi fix*, or with no DME - 2000' within 21 mi of VOR.
Minimum Altitude over facility on final approach crs, 1500 over 11 mi fix*, if no DME 1800' over VOR#.
Crs and distance, facility to airport, 194-6.9 mi VOR to airport, 014-4.5 mi from 11 mi fix* to Rwy 4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at 7.5 mile fix*, climb to 2300 on R194 prior to reaching VOR
No DME: within 0 miles (over VOR) # climb to 2300 on R-014 within 10 miles of VOR
*DME fix
#Landing ceiling minimums without DME are 1000' (1800' MSL)
Major Changes: Establishes "back crs" approach to Runway 4.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Spartanburg, S C	Memorial 816'	BVOR SPA	2, Orig 28 Jan 1956	None

Rockford FM	GBG-VOR	direct	4700	T-dn	300-1	300-1	200-½
GBG LFR	GBG-VOR	direct	4000	C-d	500-1	500-1	500-1½
GBG LOM	GBG-VOR	direct	4000	C-n	600-1	600-1	600-1½
Pine City FM-H	GBG-VOR	direct	4100	S-dn-rny 2	400-1	400-1	400-1
Harrington FM to Int R-206 GBG VOR and 099 Brg	Pine City "H"	direct	4000	A-dn	800-2	800-2	800-2
Pine City "H" to Int R-206 GBG VOR and 143 Brng	Pine City "H"	direct	4100				
Int of R-206 GBG VOR and 099° Brng to Pine City "H"	GBG-VOR	direct	4000				
Rodna Int	GBG-VOR	direct	4000				

Procedure turn S side of crs, 206 Outbnd, 026 Inbnd, 4000' within 15 miles of GBG VOR. NA beyond 15 mi.
Minimum Altitude over facility on final approach crs, 3700'
Crs and distance, facility to airport, 027-4.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.4 miles, make left turn to intercept R-360 climbing to 4500 GBG VOR within 20 miles - all turns on W side.
NOTE: Alternate missed approach - when directed by ATC, make left turn to intercept R-300 GBG VOR climbing to 4500' within 20 miles. All turns on W side, or make left turn, climb to 4000' proceed direct to the GBG VOR and hold on the E side of R-206 at 4000' within 15 miles of GBG VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Spokane, Wash	Geiger Field 2372'	BVOR GEG	1, Amdt 4 26 Mar 1955	3 16 Oct 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knnts or Less	More Than 65 Knots	More Than Two Engine More Than 65 Knots
Springfield LFR	SPI-VOR	direct	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 036 Outbnd, 216 Inbnd, 1900 within 10 miles*
*NOTE: When authorized by ATC, DME may be used within 15 miles at 2000' orbiting altitude to position aircraft for final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 216-3.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 miles, climb to 2000' on R-216 within 20 miles
Major Changes: Distances and missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Springfield, Ill	Capital 595'	BVOR SPI	1, Amdt 3 21 Jan 1956	2 10 Jun 54

Springfield LFR	SPI-VOR	direct	2000	T-dn	300-1	300-1	200-½
15 mi DME fix	8 mi DME fix (Final)	direct	1300	C-dn*	400-1	500-1	500-1½
8 mi DME fix	4.3 mi DME fix (Final to Rny 3)	direct	1000	S-dn-4*	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn S side of crs, 216 Outbnd, 036 Inbnd, 2000' within 15 miles #
#NOTE: When authorized by ATC, DME may be used within 15 mi at 2000' orbiting altitude to position aircraft for final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, after passing 15 mi DME fix 1300*, after passing 8 mi fix 1000*.
*Minimums are 900-2 and final approach altitude is 1500' MSL without DME.
Crs and distance, facility to airport, 036-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
(DME) at 4.3 mi DME fix, climb to 2000' and hold at SPI VOR on R-216. (No DME) at 0 miles, climb to 2000' on R-036 within 10 miles, return to SPI VOR and hold on R-216.
Major Changes: Procedure turn and final approach information corrected.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Springfield, Ill	Capital 595'	BVOR SPI	2, Amdt 1 22 Jan 1956	Orig 21 Jan 56

SGF-LFR	SGF-VOR	direct	2300	T-dn	300-1	300-1	200-½
				C-dn	500-2	500-2	500-2
				S-dn	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 013 Outbnd, 193 Inbnd, 2300 within 10 miles
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 193-6.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.8 miles, climb to 2700 on R-193 within 20 miles
Major Changes: Distances revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Springfield, Mo	Springfield 1267'	BVOR SGF	1, Amdt 4 7 Jul 56	3 15 Jul 54

Syracuse LFR	SYR-VOR	direct	1700	T-dn*	300-1	300-1	200-½
				C-dn	600-1	700-1	700-1½
				S-dn-14	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

*600-1 required for take-off to the SE.

Procedure turn S side of crs, 311 Outbnd, 131 Inbnd, 1700 within 10 miles (NA beyond 10 miles)
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, facility to airport, 131-4.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 miles, climb to 1900' on R-100 within 20 miles of Syracuse VOR
CAUTION: Standard clearance not provided over 833' Radio mast 1.3 miles SE of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Syracuse, N Y	Hancock 419'	BVOR SYR	1, Amdt 5 1 Apr 1954	4 19 Sep 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Tallahassee LFR	TLH-VOR	direct	1300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-18	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 339 Outbnd, 159 Inbnd, 1300 within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 159-5.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 miles, climb to 1300 on R-159 within 15 miles
CAUTION; 300' MSL unlighted terrain 1 mi NE of airport.
AIR CARRIER NOTE: Take-offs with less than 200-½ NA.
Major Changes: Reduce missed approach distance due control area.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tallahassee, Fla	Dale Mabry 70'	BVOR TLH	1, Amdt 5 4 Jun 1955	4 1 Jul 54

HUF-LFR	HUF-VOR	direct	2000	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
Int E crs HUF-LFR & 260 crs	HUF-VOR	direct	2000	C-n	400-1½	500-2	500-2
				S-d-18	400-1	400-1	400-1½
				S-n-18	400-1½	400-1½	400-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 360 Outbnd, 180 Inbnd, 1900 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 180-2.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 miles, climb to 1900 on R-191 within 20 miles
Major Changes: Minimums, transition altitudes, and distances revised. Final approach distances and altitudes and procedure turn revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Terre Haute, Ind	Hullman Field 585'	BVOR HUF	1 Amdt 3 26 Jan 57	2 11 Feb 56

Texarkana LFR	TXK-VOR	direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 301 Outbnd, 121 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 1000.
Crs and distance, facility to airport, 121-5.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.1 miles, climb to 1600' on R-121 within 20 miles.
NOTE: Radio Tower 565' MSL 2-¼ mi NE of airport
Major changes: Facility relocated- new procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Texarkana, Ark	Municipal 389'	BVOR TXK	1 Amdt 3 19 Jan 57	2 10 Dec 54

DLS-LFR	DLS-VOR	direct	4000	T-d	1500-1	1500-1	1500-1
Int N crs DLS-LFR and R-328	DLS-VOR			T-n	1500-2		
DLS		direct	5000	C-d	2500-3	2500-3	2500-3
Int S crs DLS-LFR and R-208 DLS	DLS-VOR	direct	5000	C-n	2500-3		
				A-d	2500-3	2500-3	2500-3
				A-n	2500-3		

Procedure turn S side of crs, 069 Outbnd, 249 Inbnd, 4000 within 10 miles. (Non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 2700'
Crs and distance, facility to airport, 249-11.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn left, climb to 4000' on R-075 within 20 miles.
AIR CARRIER NOTE: Sliding scale NA for take-off or landing. Night operations not authorized except for aircraft of 65 knots or less.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
The Dalles, Oreg	The Dalles 243'	BVOR DLS	1, Amdt 1 23 Jul 1955	Orig 27 Jun 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Palm Springs Int	TRM-VOR	direct	7000	T-dn	300-1	300-1	300-1
Salton Int	TRM-VOR	direct	4000	C-dn	1500-3	1500-3	1500-3
				A-dn	1500-3	1500-3	1500-3

Procedure turn E side crs, 125 Outbnd, 305 Inbnd, 3000' within 10 miles. Beyond 10 miles NA.
Minimum Altitude over facility on final approach crs, 1400'
Facility on airport
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, turn right, climb to 9000' on R-140 within 10 miles
SHUTTLE: To 4000' on R-125 within 10 miles. All turns E of crs

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Thermal, Calif	Municipal 117' below MSL	BVOR TRM	1, Amdt 4 11 Jun 1955	3 1 Jul 54

				T-dn	300-1	300-1	200-½
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-3	1000-3	1000-3

Procedure turn N side of crs, 140 Outbnd, 320 Inbnd, 2000' within 10 mi
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 320-10.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6 miles, make a climbing right turn and return to Waterville VOR at 2000'
NOTE: If after establishing contact 6 mi from VOR, visual referenced ground cannot be maintained, execute missed approach procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Toledo, Ohio	Toledo Express 684'	VOR VWV	1, Orig 29 Jan 1955	None

TOP MHW at ILS OM	TOP-VOR	direct	2300	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				S-dn-22	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn W side 031 Outbnd, 211 Inbnd, 2300 within 10 miles
Minimum Altitude over facility on final approach crs, 1800'
Crs and distance, facility to airport, 211-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 miles, climb to 2400 on R-165 within 20 miles, or when directed by ATC turn left, climb to 2400' on SE crs of Topeka ILS within 15 miles
NOTE: No reduction in 2 eng or less T.O. min. authorized with ILS or precision radar inoperative.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Topeka, Kans	Phillip Billard 880'	BVOR TOP	1, Amdt 4 1 Jun 1954	3 8 Feb 54

Truth or Consequences LFR	TCS-VOR	direct	8000	T-dn	500-1	500-1	500-1
				C-dn	1500-1	1500-1	1500-1½
				A-dn	2000-3	2000-3	2000-3

Procedure turn E side crs, 360 Outbnd, 180 Inbnd, 8000 within 10 miles. NA beyond 10 miles. (Non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 6800'
Crs and distance, facility to airport, 162-2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.4 miles, climb to 10000' on R-130 within 20 miles of TCS VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Truth or Consequences, N Mex	Truth or Consequences 4849'	BVOR TCS	1Amdt 2 17 Dec 1954	1 1 Dec 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Gilpin FM	TUS-VOR	direct	6000	T-dn	300-1	300-1	300-1
VAIL FM	TUS-VOR via V-16	direct	7000	*C-dn	700-2	700-2	700-2
VAIL FM	TUS-VOR via V-66	direct	7000	*A-dn	800-2	800-2	800-2

*If Mission FM not received 4200' must be maintained, and minimums are 1800-2.

Procedure turn N side of crs, 254 Outbnd, 074 Inbnd, 6000 W of and within 10 miles of mission FM. NA beyond 10 miles. Procedure turn N for more favorable terrain.
Minimum Altitude over facility on final approach crs, mission FM 4200'
Crs and distance, facility to airport, Mission FM 074-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.6 miles of Mission FM, turn left, climb on a heading of 330° to intercept TUS R-302, continue climb to 7000' on R-302 within 20 miles of VOR
NOTE: Alternate Missed Approach when directed by ATC, turn right, climb on a heading of 200° to 4700' then home on Tucson LFR, continue climb to 6000'.
SHUTTLE: To 6000' on R-254 W of and within 10 miles of Misaion FM, all turns N.

City and State: Tucson, Ariz — Airport Name & Elev.: Municipal 2630' — Fac. Class & Ident.: BVOR TUS — Procedure No. & Eff. Date: 1, Amdt 1 7 Jan 1956 — Sup. Amdt. No. Dated: Orig 17 May 55

Gilpin FM	TUS-VOR (Final)	direct	3600*	T-dn	300-1	300-1	300-1
				C-dn	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3

*If Gilpin FM not received, maintain minimum of 7000' to VOR

Procedure turn W side of crs, 302 Outbnd, 122 Inbnd, 5500 within 10 miles of Tucson VOR. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 3600 over TUS VOR.
Crs and distance, facility to airport, 254-6.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.0 miles, turn right (W) and climb to 6000' R-254 within 10 miles W of Mission FM
NOTE: Alternate Missed Approach when directed by ATC, turn right and climb to 7000' on R-302 within 20 miles of VOR

City and State: Tucson, Ariz — Airport Name & Elev.: Municipal 2630' — Fac. Class & Ident.: BVOR TUS — Procedure No. & Eff. Date: 2, 1, 19 Jan 57 — Sup. Amdt. No. Dated: Orig, 18 Feb 56

Tulsa LFR	TUL-VOR	direct	1900	T-dn	300-1	300-1	*200-½
Verdigris River FM	TUL-VOR	direct	1900	C-dn	400-1	500-1	500-1½
Skiatook FM	TUL-VOR	direct	2000	S-dn-17L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*300-1 required on runways 3L, 21R, 17R and 35L.

Procedure turn W side of crs, 330 Outbnd, 150 Inbnd, 2000 within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 150-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.3 miles, climb to 2200 on R 114 within 20 miles.
Major Changes: Revises transition altitudes. Limit procedure turn.

City and State: Tulsa, Oklahoma — Airport Name & Elev.: Municipal 674' — Fac. Class & Ident.: BVOR TUL — Procedure No. & Eff. Date: 1, Amdt 5 22 Oct 1955 — Sup. Amdt. No. Dated: 4 22 Apr 54

Tuscaloosa BMH	TCL-VOR	direct	1400	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 058 Outbnd, 238 Inbnd, 1800 within 10 miles
Minimum Altitude over facility on final approach crs, 1300'
Crs and distance, facility to airport, 238-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.9 miles, climb to 1400 R-238 within 20 miles
CAUTION: 377' MSL Radio Tower 1.5 mi N airport.
AIR CARRIER NOTE: Sliding scale and no reduction in take-off minimums authorized.

City and State: Tuscaloosa, Ala — Airport Name & Elev.: Van De Graff 169' — Fac. Class & Ident.: BVOR TCL — Procedure No. & Eff. Date: 1, Amdt 5 10 Dec 1954 — Sup. Amdt. No. Dated: 4 1 Apr 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-d	4000-3	4000-3	4000-3
				*T-n	4000-5	4000-5	4000-5
				C-d	4000-3	4000-3	4000-3
				#C-n	4000-5	4000-5	4000-5
				A-d	4000-3	4000-3	4000-3
				#A-n	4000-5	4000-5	4000-5

*Night take-offs authorized Runway 34 only.
#Night landing authorized Runway 16 only.

Procedure turn S side crs, 200 Outbnd, 020 Inbnd, 5000 within 20 miles
Minimum Altitude over facility on final approach crs, 4600'
Crs and distance, facility to airport, 020-5.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0.0 miles, climb to 6000' on R-360 within 15 miles of UKI VOR

City and State: Ukiah, Calif — Airport Name & Elev.: Ukiah 615' — Fac. Class & Ident.: VORW UKI — Procedure No. & Eff. Date: 1, Amdt 2 17 Dec 1954 — Sup. Amdt. No. Dated: 1 2 Dec 52

Valdosta MH	VLD-VOR	direct	1400	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side crs, 183 Outbnd, 003 Inbnd, 1400 within 10 miles
Minimum Altitude over facility on final approach crs, 900'
Crs and distance, facility to airport, 003-5.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 5.8 miles, make immediate right turn and climb to 1400 returning to VOR hold on R-183 within 20 mi of VLD-VOR

City and State: Valdosta, Ga — Airport Name & Elev.: Valdosta 203' — Fac. Class & Ident.: BVOR VLD — Procedure No. & Eff. Date: 1, Amdt 4 14 Jan 1954 — Sup. Amdt. No. Dated: 3 10 Apr 52

Vero Beach BMH	VRB-VOR	direct	1100	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2*	800-2

*CAUTION: Warning area beyond 10 miles. 156' tower 0.8 miles SE of airport.

Procedure turn S side of crs, 290 Outbnd, 110 Inbnd, 1200 within 10 miles
Minimum Altitude over facility on final approach crs, 700'
Crs and distance, facility to airport, 110-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.6 miles, climb to 1200' R-110 within 10 miles
Major Changes: Increase procedure turn and final approach altitude due obstruction.

City and State: Vero Beach, Fla — Airport Name & Elev.: Vero Beach 25' — Fac. Class & Ident.: BVOR VRB — Procedure No. & Eff. Date: 1, Amdt 2 12 Nov 1954 — Sup. Amdt. No. Dated: 1 24 Mar 54

Waco LFR	ACT-VOR	direct	1900	T-dn	300-1	300-1	200-½
10 mi fix* on R-321	ACT-VOR (Final)	direct	1400	C-dn	400-1	500-1	500-1½
10 mi orbit from R-027 W	R-321		1900	S-dn-14	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*DME fix.

Procedure turn W side of crs, 321 Outbnd, 141 Inbnd, 1900 within 10 miles
Minimum Altitude over facility on final approach crs, 1400'
Crs and distance, facility to airport, 141-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.0 miles, climb to 2000 on R-141 within 20 miles
Major Changes: Position of VOR revised.

City and State: Waco, Texas — Airport Name & Elev.: Municipal 515' — Fac. Class & Ident.: BVOR ACT — Procedure No. & Eff. Date: 1, Amdt 3 9 Jun 1956 — Sup. Amdt. No. Dated: 2 7 Jan 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
12 Mi orbit from R-187 E	R-141		2000	T-dn	300-1	300-1	200-½
12 mi fix* R-141	7 mi fix* R-141 (Final)	direct	1500	C-dn#	400-1	500-1	500-1½
7 mi fix* R-141	4 mi fix* R-141 (Final to rny32)	direct	900#	S-dn-32#	400-1	400-1	400-1
				A-dn#	800-2	800-2	800-2

Procedure turn E side of crs, 141 Outbnd, 321 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1500 over 7 mi fix* R-141, if no DME, 1500 over VOR#
Crs and distance, facility to airport, 141-4 VOR to SE end rny 32 (4 mi fix*), 321 3 mi from 7 mi fix* to rny 32 (4 mi fix*)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at 4 mi fix*, climb to 2000' on R-321 within 20 mi. No DME: within 0 mi, (over VOR)# climb to 2000' on R-321 within 20 mi.
*DME fix
#Landing ceiling minimums without DME are 1000' (1500 MSL)
Major Changes: Position of VOR revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Waco, Texas	Municipal 515'	BVOR ACT	2, Amdt 1 9 Jun 1956	Orig 21 Jan 56

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 238 Outbnd, 058 Inbnd, 1500 within 10 mi
Minimum Altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 058-1.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.1 mi, climb to 1500 on R-058 within 20 miles.
Major Changes: Delete straight-in minima.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Walnut Ridge, Ark	Municipal 275'	BVOR ARG	1, Amdt 2 28 Jul 1956	1 2 Apr 1955

Syracuse VOR R 015,25 mi DME	Henderson Int*	direct	2000	T-dn	300-1	300-1	200-½
Henderson Int*	Watertown VOR	direct	1100	C-dn	400-1	500-1	500-1½
Watertown VOR	Runway 6 (Final)	direct	600	S-dn-6	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* Henderson Int: Watertown VOR R-227 and 6 mi fix.

Procedure turn N side of crs, 227 Outbnd, 047 Inbnd, 1600 within 10 miles. No procedure turn required with DME.
Minimum Altitude over facility on final approach crs, 1100'
Crs and distance, facility to airport, 047-2.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.6 miles, climb to 2000' on 047 R within 20 miles.
Major Changes: Adds DME fixes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Watertown, N Y	Municipal 325'	VOR ART	R227, Amdt 3,28 Jan 1956	2 22 Feb 54

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 357 Outbnd, 177 Inbnd, 3000 within 10 miles
Minimum Altitude over facility on final approach crs, 2400'
Crs and distance, facility to airport, 177-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, climb to 3000' on R-177 within 20 miles.
Major Changes: Delete transition and revise procedure turn.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Watertown, S Dak	Watertown 1747'	BVOR ATY	1, Amdt 2 7 Jul 1956	1 16 Jul 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 158 Outbnd, 338 Inbnd, 2400 within 10 miles
Minimum Altitude over facility on final approach crs, 1900'
Crs and distance, facility to airport, 338-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 miles, climb to 2800 on R340 within 10 miles
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: After take-off, NW left turn not authorized until 3200' is reached. Radio Tower on RIB Mountain 2160' MSL 3 mi WSW of airport. Hills 1700' MSL 2.1 mi W of final approach crs.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wausau, Wisc	Alexander Municipal 1205'	BVOR AUW	1, Amdt 1 17 Jul 1954	Orig 1 Jun 53

				T-dn	300-1	300-1	
				C-d	600-1	600-1	
				C-n	600-1½	600-1½	
				A-dn	800-2	800-2	

Procedure turn W side of crs, 319 Outbnd, 139 Inbnd, 2300 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, facility to airport, 139-5.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.3 miles, make right turn, climb to 2300 returning to VOR R-139.
CAUTION: Lighted stack 881' MSL located approximately 1.5 mi NE of airport.
AIR CARRIER NOTE: Use of sliding scale, reduction in landing visibility, or reduction in take-off minimums not authorized for night operation, or for day operations when visibility below ¾ mile.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
West Lafayette, Indiana	Purdue University 605'	VOR LAF	1, Orig 31 May 1956	None

Int R-291 Pittsburgh VOR and R-040 Wheeling VOR	HLG-VOR (Final)	direct	2500	T-dn	300-1	300-1	200-½
				C-dn	600-1	700-1	700-1½
				S-dn-21	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 040 Outbnd, 220 Inbnd, 3000 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 220-5.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.8 miles, climb to 2600' on crs of 222 within 20 miles.
AIR CARRIER NOTE: Night operations on runway 9-27 and take-offs on runway 9 not authorized for aircraft over 12,500 LBS gross weight.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wheeling, W Va	Ohio County 1195'	BVOR HLG	1, Amdt 1 15 May 1954	Orig 20 Feb 53

Wichita LFR	ICT-VOR	direct	3400	T-dn	300-1	300-1	200-½
Viola Rbn	ICT-VOR	direct	3400	C-dn	400-1	500-1	500-1½
N Fork Rbn	ICT-VOR	direct	3400	A-dn	800-2	800-2	800-2

Procedure turn W side of N crs, 350 Outbnd, 170 Inbnd, 3400' within 10 mi. NA beyond 10 mi account ATC.
Minimum Altitude over facility on final approach crs, 2900'
Crs and distance, facility to airport, 161-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles, turn right, climb to 2900' on R-216 within 20 miles, or when directed by ATC, climb to 2500' on R-161 within 20 miles.
CAUTION: 2449' MSL TV tower 10 miles NNW and 2048 MSL tower 9 miles NNE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wichita, Kans	Municipal 1332'	BVOR ICT	1, Orig 25 Jun 1954	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Wilmington Rbn	IMN-VOR	direct	1200	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 021 Outbnd, 201 Inbnd, 1300 within 10 miles.
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, facility to airport, 201-5.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 miles, climb to 1600 on R-199 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wilmington, N C	New Hanover County 31'	BVOR IMN	1, Orig 26 Jan 1955	None

Wink LFR	INK-VOR	direct	4100	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 330 Outbnd, 150 Inbnd, 4000 within 10 miles.
Minimum Altitude over facility on final approach crs, 3500'
Crs and distance, facility to airport, 150-5.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.8 miles, climb to 4000 on R-150 withfn 20 miles.
Major Changes: Limit procedure turn distance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wink, Texas	Municipal 2824'	BVOR INK	1, Amdt 2 18 Feb 1956	1 21 Jun 54

Winslow LFR	INW-VOR	direct	7000	A-dn	300-1	300-1	200-½
				C-dn	500-2	600-2	600-2
				S-dn	400-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 300 Outbnd, 120 Inbnd, 7000' within 10 miles (Non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 6000'
Crs and distance, facility to airport, 107-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 miles, turn left, climb to 7000' on R-077 within 20 miles
SHUTTLE: To 8000' on R-120 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Winslow, Ariz	Municipal 4937'	BVOR INW	1, Amdt 2 11 Jun 1955	1 17 Aug 54

YKM-LFR	YKM-VOR	direct	4000	T-d	500-1	500-1	500-1
Selah Int (Int R-169 ELN-VOR	YKM-VOR	direct	4000	T-n	800-2	800-2	800-2
and R-283 YKM-VOR)				C-d	800-2	800-2	800-2
YKM-LOM	YKM-VOR	direct	3000	C-n	800-2	1000-2	1000-2
				A-d	800-2	800-2	800-2
				A-n	800-2	1000-2	1000-2

Procedure turn S side of crs, 108 Outbnd, 288 Inbnd, 4000' within 10 miles (Non-standard due to terrain).
Minimum Altitude over facility on final approach crs, 3000'
Crs and distance, facility to airport, 244-3.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, turn right, climbing to 4000' proceed to YKM-VOR on R-280, thence proceed on R-108
within 20 miles.
CAUTION: High terrain extends from NE to NW of YKM-VOR
Major Changes: Add transition from YKM-LOM

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Yakima, Wash	Yakima 1077'	BVOR YKM	1, Amdt 1 2 Apr 1955	Orig 27 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Youngstown LFR	YNG-VOR	direct	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d -18	400-1	400-1	400-1
				S-n-18	400-1	400-1	400-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 003 Outbnd, 183 Inbnd, 2200 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, facility to airport, 183-4.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 miles, climb to 3000' on Outbnd crs 183 within 10 miles of Youngstown VOR
Major Changes: Deletes transition from Gustavus FM.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Youngstown, Ohio	Youngstown 1196'	BVOR YNG	1, Amdt 3 1 Jan 1955	2 19 Mar 54

				T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 347 Outbnd, 167 Inbnd, 3000 within 10 miles
Minimum Altitude over facility on final approach crs, 2500'
Crs and distance, facility to airport, 167-6.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.1 miles, climb to 3500' on R-167 within 20 miles.
Major Changes: Change procedure turn direction and distance for standardization.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Yuma, Ariz	Yuma County 213'	BVOR YUM	1, Amdt 3 9 Jul 1955	2 6 Jul 54

¶ 609.200 Terminal very high frequency omnirange.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE Terminal VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Saratoga Springs FM	ALB-VOR	Direct	1800	T-dn	300-1	300-1	200-½
Coxsackie FM	ALB-VOR	Direct	1700	*C-dn	500-1	600-1	600-1½
Grafton FM	ALB-VOR	Direct	3000	*S-dn-1	500-1	500-1	500-1
Delmar FM	ALB-VOR (Final)	Direct	800*	*A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 195 Outbnd, 015 Inbnd, 2200' within 10 mi.
Minimum Altitude over facility on final approach crs, 800*
* Do not descend below 1700' MSL unless Delmar FM positively identified.
Crs and distance, breakoff point to app end rny 1, 011-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, (5.0 mi of Delmar FM) climb to 3000' on R-015 within 20 mi.
AIR CARRIER NOTE: 300-1 required for all take-offs on Runways 10, 28, 15 and 33.
Major Changes: Adds transition from Grafton FM. Final added from Delmar FM. Air Carrier notes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Albany, N Y	Albany 288'	BVOR ALB	Ter. VOR-1, Amdt 3 21 Apr 56	2 1 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Saratoga Springs FM	ALB-VOR	Direct	1800	T-dn	300-1	300-1	200-½
Round Lake FM	ALB-VOR (Final)	Direct	1100	*C-dn	500-1	600-1	600-1½
Grafton FM	ALB-VOR	Direct	3000	*S-dn-19	400-1	400-1	400-1
Albany LFR	ALB-VOR (Final)	Direct	700*	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 010 Outbnd, 190 Inbnd, 1800' within 10 mi.
Minimum Altitude over facility on final approach crs, 700*
* Do not descend below 1100' MSL unless Albany LFR positively identified. Standard obstruction clearance not provided over 469' radio towers 2½ mi NNW of airport.
Crs and distance, breakoff point to app end rny 19, 191-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 1000' on crs of 190, then make a climbing right turn, climb to 3000' on R-297 within 20 mi or when directed by ATC, climb to 3000' on R-184 within 20 mi.
AIR CARRIER NOTE: 300-1 required for all take-offs on Runways 10, 28, 15 and 33.
Major Changes: Adds transition from Grafton FM. Final added from Albany LFR. Air carrier notes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Albany, N Y	Albany 288'	BVOR ALB	Ter.VOR-19, Amdt 3, 21 Apr 56	2 1 Apr 54

4 mi DME fix R-224	AMG-VOR (Final)	Direct	600*	T-dn	300-1	300-1	200-½
Int 359 ADF brng to Alma LFR	AMG-VOR (Final)	Direct	600*	C-dn	500-1	500-1	500-1½
& R-244				S-dn-4	*400-1	*400-1	*400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side 224 Outbnd, 044 Inbnd, 1300' within 10 mi.
Minimum Altitude over facility on final approach crs, 600*
* 700' MSL and 500' ceiling minimums if no DME or ADF available.
Crs and distance, breakoff point to app end rny 4, 039-0.7 (From 1 mi DME fix)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 1600' on R-044 within 20 mi.
NOTE: Air Carrier use NA.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Alma, Ga	Alma 200'	VOR AMG	Ter.VOR-4, Orig 31 Dec 55	None

4 mi DME fix R-035	AMG-VOR (Final)	Direct	600*	T-dn	300-1	300-1	200-½
Int 260 ADF brng to Alma LFR	AMG-VOR (Final)	Direct	600*	C-dn	500-1	500-1	500-1½
& R-035				S-dn-22	*400-1	*400-1	*400-1
Alma LFR	Alma VOR	Direct	1400	A-dn	800-2	800-2	800-2

Procedure turn W side 035 Outbnd, 215 Inbnd, 1300' within 10 mi.
Minimum Altitude over facility on final approach course, 600*
* 700' MSL and 500' ceiling minimums if no DME or ADF available.
Crs and distance, breakoff point to app end rny 22, 219-0.6 (From 1 mi DME fix)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 1600' on R-215 within 20 mi.
NOTE: Air Carrier use NA.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Alma, Ga	Alma 200'	VOR AMG	Ter.VOR-22, Orig 31 Dec 55	None

Bedford HW	BOS-VOR	Direct	1700	T-dn%	300-1	300-1	200-½
Squantum LFR	BOS-VOR	Direct	1500	S-dn-27	600-1	600-1	600-1
Boston LFR	BOS-VOR	Direct	1500	C-dn	600-1	600-1	600-1½
Radar Terminal Area Transition Altitudes:				A-dn	800-2	800-2	800-2
All directions*		within 25 mi	1800				
→*except between SW & NW courses of BOS LFR		6-25 mi	2300				

All fixes may be determined and supplemented by surveillance radar.
% Except where radar vectoring is used, and when weather is 1000-3 or below, departures from Rny 27 make left or right turn as soon as practicable, and departures from Rnys 22 & 33 climb straight ahead to at least 1000' prior to proceeding toward 1349' WBZ-TV tower.

Procedure turn N side of course, 086 Outbnd, 266 Inbnd, 1300' within 10 miles.
Minimum altitude over facility on final approach course, 600'
Crs and distance, breakoff point to app end rny 27, 272-0.52
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, make a left climbing turn to 1800 on R-215 within 10 miles, or when directed by ATC, climb to 1500' on R-100 within 10 miles.
CAUTION: 1349' TV tower 10.5 mi WSW of airport. 600' circ minimums do not provide std clrnc over 370'stack SW of arpt.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Boston, Mass.	Logan Arpt. 19'	BVOR BOS	TerVOR-27,Amdt2,23 Feb57	1 6 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Iowa City VOR	CID-VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-8	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side 271 outbnd, 091 inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1300' (see note).
Crs and distance, breakoff point to app end rny 8, 085-0.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles (5.2 miles after passing Walford Int) climb to 2200' on R-079 CID within 20 miles.
NOTE: If Walford int* not received, descent below 1500' not authorized and landing minimums of 600' applicable to straight-in and circling approaches.
*Walford Int-Int R-330 IOW and R-271 CID.
No tower

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cedar Rapids, Iowa	Cedar Rapids	VOR CID	TerVOR-8 Orig 16 Jan 57	none

Iowa City VOR	CID-VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side 079 outbnd, 259 inbnd, 2200' within 10 miles (non-std to avoid obstructions).
Minimum altitude over facility on final approach course 1300' (see note)
Crs and distance, breakoff point to app end rny 26, 265-0.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles (4.8 miles after passing Ely Int)climb to 2000 on R-272 CID within 20 miles.
NOTE: If Ely Int* not received, descent below 1500' not authorized and landing minimums of 600' applicable to straight-in and circling approaches.
*Ely Int. - Int. R-079 CID and R-355 IOW.
No tower

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Cedar Rapids, Iowa	Cedar Rapids	VOR- CID	TerVOR-28 Orig 16 Jan 57	none

API-VOR	ORD-VOR	Direct	2500	T-dn	300-1	300-1	200-½
CGT-VOR	ORD-VOR	Direct	2000	C-dn	500-1	500-1	500-1½
MDW-LFR	ORD-VOR	Direct	2000	S-dn-18	500-1	500-1	500-1
NBU-LF	ORD-VOR	Direct	2000	A-dn	800-2	800-2	800-2
MDW-TVOR	ORD-VOR	Direct	2000				
Wheeling VOR	ORD-VOR	Direct	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from inbnd fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.

Procedure turn W side of crs, 004 Outbnd, 184 Inbnd, 2200' within 10 mi of INT*
Minimum Altitude over facility on final approach crs, over Int * 1700' - 184-7.0 Int* to VOR.
* Int R-004 ORD & SW crs NBU LFR or radar fix.
Crs and distance, breakoff point to app end rny 18, 178-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi intercept R-050 climbing to 2500' proceed to SE crs NBU LFR, thence to Mundelein Int.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chicago, Ill	Chicago Int'l(O'Hare)666'	VOR ORD	Ter.VOR-18 ,Orig 22 Dec 56	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
API-VOR	ORD-VOR	Direct	2500	T-dn	300-1	300-1	200-½
CGT-VOR	ORD-VOR	Direct	2000	C-dn	600-1	600-1	600-1½
MDW-LFR	ORD-VOR	Direct	2000	S-dn-22	600-1	600-1	600-1
NBU-LF	ORD-VOR	Direct	2000	A-dn	800-2	800-2	800-2
MDW-TVOR	ORD-VOR	Direct	2000				
Wheeling VOR	ORD-VOR	Direct	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from inbnd fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.

Procedure turn N side of crs, 032 Outbnd, 212 Inbnd, 2000' within 10 mi of INT*
Minimum Altitude over facility on final approach crs, over Int* 1500' - Int* to VOR, 212-5.0
* Int R-212 ORD & R-346 MDW or radar fix.
Crs and distance, breakoff point to app end of rny 22, 217-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi intercept R-050 climbing to 2500' - proceed to SE crs NBU LFR, thence to Mundelein Int.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chicago, Ill	Chicago Int'l (O'Hare) 666'	VOR ORD	Ter.VOR-22, Orig 22 Dec 56	None

API-VOR	CHI-VOR	Direct	2300	T-dn	300-1	300-1	200-½
CGT-VOR	CHI-VOR	Direct	2300	C-d	500-1	500-1	500-1½
CHI-LFR	CHI-VOR	Direct	2000	C-n	500-1½	500-1½	500-1½
Radar transition altitudes by sector. From 185 clockwise thru 360 to 060	CHI-VOR	within 20 mi	2500	S-dn-4R-L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
From 060 clockwise thru 180 to 185	CHI-VOR	within 20 mi	2000				

Procedure turn S side of crs, 221 Outbnd, 041 Inbnd, 2000' within 10 mi of VOR
Minimum Altitude over facility on final approach crs, over Int* or radar fix 1500'; Int* or radar fix to VOR 041-3.5
* Harlem Int - Int CHI-VOR R-221 and CGT R-320.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2500' proceed to tank Int# or when directed by ATC: make right turn, climb to 2500' proceed to Lakeshore Int.
Tank Int - Int CHI-VOR R-041 and CGT R-345.
NOTE: Dual omni receiver required unless radar fix obtainable.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chicago, Ill	Midway 618'	VOR MDW	Ter.VOR-4R-L, Orig 15 Mar 55	None

API-VOR	CHI-VOR	Direct	2300	T-dn	300-1	300-1	200-½
CGT-VOR	CHI-VOR	Direct	2300	C-d	500-1	500-1	500-1½
CHI-LFR	CHI-VOR	Direct	2000	C-n	500-1½	500-1½	500-1½
Radar transition altitudes by sector. From 185 clockwise thru 360 to 060.	CHI-VOR	within 20 mi	2500	S-dn-9L-R	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
From 060 clockwise thru 180 to 185	CHI-VOR	within 20 mi	2000				

Procedure turn S side of crs, 267 Outbnd, 087 Inbnd, 2300' within 10 mi of VOR.
Minimum Altitude over facility on final approach crs, over Int* or radar fix 1800'; Int* or radar fix to VOR, 087-4.4
* Stinson Int - Int CHI R-267 and CGT R-320
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2300' - proceed to Yards Int# or when directed by ATC: (1) make left turn, climb to 2500' proceed to Lakeshore Int. (2) Make right turn, climb to 2000' proceed to Momence Int.
Yards Int - Int CHI R-087 and CGT R-345.
NOTE: Dual omni receiver required unless radar fix obtainable.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chicago, Ill	Midway 618'	VOR MDW	Ter.VOR-9R-L, Orig 15 Mar 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
API-VOR	CHI-VOR	Direct	2300	T-dn	300-1	300-1	200-½
CGT-VOR	CHI-VOR	Direct	2300	C-d	600-1	600-1	600-1½
CHI-LFR	CHI-VOR	Direct	2000	C-n	600-1½	600-1½	600-1½
Radar transitions altitudes by sector. From 185 clockwise thru 360 to 060.	CHI-VOR	within 20 mi	2500	S-dn-18R	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
From 060 clockwise thru 180 to 185	CHI-VOR	within 20 mi	2000				

Procedure turn W side of crs, 005 Outbnd, 185 Inbnd, 2000 within 10 mi of VOR.
Minimum Altitude over facility on final approach crs, over Int* or radar fix 1500'; Int* or radar fix to VOR, 185-4.3
* Columbus Park Int - Int CHI R-005 and API R-070.
Crs and distance, breakoff point to app end of rny 18R, 177-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2000' proceed to Oak Lawn Int# or when directed by ATC:
(1) Make left turn, proceed to Lakeshore Int. at 2500'
(2) Make right turn, proceed to Downers Grove Int at 2500'
(3) Proceed to Momence Int at 2000'
Oak Lawn Int - Int R-165 CHI and R-100 API.
NOTE: Dual omni receiver required unless radar fix obtainable.
Major Changes: Minimums raised due to 904 stacks NE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chicago, Ill	Midway 618'	VOR MDW	Ter.VOR-18R, Amdt 1, 8 Oct 55	Orig 15 Mar 55

API-VOR	CHI-VOR	Direct	2300	T-dn	300-1	300-1	200-½
CGT-VOR	CHI-VOR	Direct	2300	C-d	600-1	600-1	600-1½
CHI-LFR	CHI-VOR	Direct	2000	C-n	600-1½	600-1½	600-1½
Radar transition altitudes by sector. From 185 clockwise thru 360 to 060.	CHI-VOR	within 20 mi	2500	S-dn-22L-R	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
From 060 clockwise thru 180 to 185	CHI-VOR	within 20 mi	2000				

Procedure turn W side of crs, 041 Outbnd, 221 Inbnd, 2500 within 10 mi of VOR.
Minimum Altitude over facility on final approach crs, over Int* or radar fix 2300'; Int* or radar fix to VOR, 221-5.2
* Tank Int - Int CHI R-041 and CGT R-345.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2000' proceed to Harlem Int#, or when directed by ATC:
(1) Make left turn, proceed to Momence at 2000'
(2) Make right turn, proceed to Downers Grove at 2500'
Harlem Int - Int CHI R-221 and CGT R-320
NOTE: Dual omni receivers required unless radar fixes are obtainable.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chicago, Ill	Midway 618'	VOR MDW	Ter.VOR-22R-L, Orig 15 Mar 55	None

API-VOR	CHI-VOR	Direct	2300	T-dn	300-1	300-1	200-½
CGT-VOR	CHI-VOR	Direct	2300	C-d	500-1	500-1	500-1½
CHI-LFR	CHI-VOR	Direct	2000	C-n	500-1½	500-1½	500-1½
Radar transition altitudes by sector. From 185 clockwise thru 360 to 060	CHI-VOR	within 20 mi	2500	S-dn-27R-L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
From 060 clockwise thru 180 to 185	CHI-VOR	within 20 mi	2000				

Procedure turn N side of crs, 087 Outbnd, 267 Inbnd, 2500' within 10 mi of VOR.
Minimum Altitude over facility on final approach crs, over Int* or radar fix 2000' - Int* or radar fix to VOR, 267-4.4
* Yards Int - Int CHI R-087 and CGT R-345.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2300' - proceed to Stinson Int # or when directed by ATC:
(1) Make right turn, climb to 2500' proceed to ILS LOM.
(2) Make left turn, climb to 2000' proceed to Momence Int.
Stinson Int - Int CHI R-267 and CGT R-320.
NOTE: Dual omni receiver required unless radar fix obtained.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chicago, Ill	Midway 618'	VOR MDW	Ter.VOR-27L-R, Orig 15 Mar 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
API-VOR	CHI-VOR	Direct	2300	T-dn	300-1	300-1	200-½
CGT-VOR	CHI-VOR	Direct	2300	C-d	500-1	500-1	500-1½
CHI-LFR	CHI-VOR	Direct	2000	C-n	500-1½	500-1½	500-1½
Radar transition altitudes by sector. From 185 clockwise thru 360 to 060	CHI-VOR	within 20 mi	2500	S-dn-31L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
From 060 clockwise thru 180 to 185	CHI-VOR	within 20 mi	2000				

Procedure turn E side of crs, 122 Outbnd, 302 Inbnd, 2000' within 10 mi of VOR.
Minimum Altitude over facility on final approach crs over abeam Kedzie Rbn or radar fix 1500'
Crs and distance, breakoff point to app end of rny 31-L, 312-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2500' proceed to ILS LOM, or when directed by ATC:
(1) Make left turn, climb to 2300' - proceed to Downers Grove Int.
(2) Make right turn, climb to 2500' - proceed to Lakeshore Int.
NOTE: Dual omni receiver required unless radar fix obtained.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chicago, Ill	Midway 618'	VOR MDW	Ter.VOR-31L, Orig 15 Mar 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
API-VOR	CHI-VOR	Direct	2300	T-dn	300-1	300-1	200-½
CGT-VOR	CHI-VOR	Direct	2300	C-d	500-1	500-1	500-1½
CHI-LFR	CHI-VOR	Direct	2000	C-n	500-1½	500-1½	500-1½
Radar transition altitudes by sector. From 185 clockwise thru 360 to 060.	CHI-VOR	within 20 mi	2500	S-dn-36L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
From 060 clockwise thru 180 to 185	CHI-VOR	within 20 mi	2000				

Procedure turn E side of crs, 165 Outbnd, 345 Inbnd, 2000' within 10 mi of VOR.
Minimum Altitude over facility on final approach crs, over Int* or radar fix 2000'; Int* or radar fix to VOR, 345-5.2
* Oak Lawn Int - Int R-165 CHI and R-100 API.
Crs and distance, breakoff point to app end of rny 36L, 357-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2000' proceed to Columbus Park Int #, or when directed by ATC:
(1) Make right turn, climb to 2500' - proceed to Lakeshore Int.
(2) Make left turn, climb to 2500' - proceed to Downers Grove Int.
Columbus Park Int-Int CHI R-005 and R-070 API.
NOTE: Dual omni receivers required unless radar fix obtainable.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Chicago, Ill	Midway 618'	VOR MDW	Ter.VOR-36L, Orig 15 Mar 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
CRL VOR	YIP-VOR	Direct	2000	T-dn	300-1	300-1	200-½
SVM VOR	YIP-VOR	Direct	2000	C-dn	500-1	500-1	500-1½
RML LFR	YIP-VOR	Direct	2000	S-dn-4R	500-1	500-1	500-1
FRD RBN	YIP-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Park VHF Int	YIP-VOR	Direct	2000				
Bridgewater VHF Int	YIP-VOR	Direct	2200				

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from Track Int. Refer to Form Willow Run Radar procedure if detailed information on sector altitudes is desired.

Procedure turn S side of crs 240 Outbnd, 060 Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, over Track Int* 1500'; over YIP VOR 1200'
* Track Int: Int YIP R-240 & CRL R-325. (Dual omni receivers required unless radar fix obtainable at Track Int.
Crs and distance, breakoff point to app end of rny-4R, 049-.43 Track Int to YIP VOR, 060-4.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2000' - proceed to Beacon Int # or when directed by ATC:
(1) Make left turn, climb to 2500' - proceed to SVM VOR on the SVM R-170.
(2) Make right turn, climb to 2300', proceed via W crs Detroit LFR to the Detroit LFR.
Beacon Int: Int YIP R-040 & SVM R-143.
Major Changes: Transitions added from Park and Bridgewater VHF Int. Radar transitions reworded. Minor crs revisions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Detroit, Mich	Willow Run 716'	VOR YIP	Ter.VOR-4R, Amdt 1 31 May 56	Orig 23 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
CRL VOR	YIP-VOR	Direct	2000	T-dn	300-1	300-1	200-½
SVM VOR	YIP-VOR	Direct	2000	C-dn	500-1	500-1	500-1½
RML LFR	YIP-VOR	Direct	2000	S-dn-9L	500-1	500-1	500-1
FRD RBN	YIP-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Park VHF Int	YIP-VOR	Direct	2000				
Bridgewater VHF Int	YIP-VOR	Direct	2200				

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from YIP Int. Refer to Willow Run Radar procedure if detailed information on sector altitudes is desired.

Procedure turn S side of crs, 285 Outbnd, 105 Inbnd, 2200' within 10 mi.
Minimum Altitude over facility on final approach crs, YIP Int* 1700'; 1200 over YIP VOR.
* YIP Int: Int YIP R-285 & SVM R-195 (Dual omni receivers required unless radar fix obtainable at YIP Int)
Crs and distance, breakoff point to app end of rny-9L, 092-.7 YIP Int to YIP.VOR, 105-5.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2000', proceed to Railroad Int#, or when directed by ATC:
(1) Make left turn, climb to 2500', proceed to SVM VOR on the SVM R-170.
(2) Climb to 2300', proceed via W crs Detroit LFR to the Detroit LFR.
Railroad Int: Int YIP R-072 & CRL VOR R-005.
Major Changes: Transitions added from Park & Bridgewater VHF Int. Radar transitions reworded. Minor crs revisions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Detroit, Mich	Willow Run 716'	VOR YIP	Ter.VOR-9L, Amdt 2 31 May 56	1 11 Feb 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
CRL VOR	YIP-VOR	Direct	2000	t-dn	300-1	300-1	200-½
SVM VOR	YIP-VOR	Direct	2000	C-dn	500-1	500-1	500-1½
RML LFR	YIP-VOR	Direct	2000	S-dn-9R	500-1	500-1	500-1
FRD RBN	YIP-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Park VHF Int	YIP-VOR	Direct	2000				
Bridgewater VHF Int	YIP-VOR	Direct	2200				

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on final approach crs at least 3.0 mi from Tower Int. Refer to Willow Run radar procedure if detailed information on sector altitudes is desired.

Procedure turn S side of crs, 255 Outbnd, 075 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, Tower Int* 1500; 1200 over YIP VOR
* Tower Int: Int YIP VOR R-255 and SVM R-190 (dual omni receivers required unless radar fix obtainable at Tower Int)
Crs and distance, breakoff point to app end of rny 9R, 092-.6 Tower Int to YIP VOR, 075-4.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2000', proceed to Railroad Int#, or when directed by ATC:
(1) Make right turn, climb to 2300', proceed via W crs DET LFR to DET LFR.
(2) Make right turn, climb to 2000', proceed to CRL VOR.
(3) Make left turn, climb to 2500', proceed on SVM R-170 to SVM VOR.
Railroad Int: Int R-072 YIP and R-005 CRL.
Major Changes: Transition added from Park VHF Int. Bridgewater VHF Int. Radar transitions reworded. Minor crs revisions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Detroit, Mich	Willow Run 716'	VOR YIP	Ter.VOR-9R, Amdt 1, 31 May 56	Orig 23 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
CRL VOR	YIP-VOR	Direct	2000	T-dn	300-1	300-1	200-½
SVM VOR	YIP-VOR	Direct	2000	C-dn	500-1	500-1	500-1½
RML LFR	YIP-VOR	Direct	2000	S-dn-14	500-1	500-1	500-1
FRD RBN	YIP-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Park VHF Int	YIP-VOR	Direct	2000				
Bridgewater VHF Int	YIP-VOR	Direct	2200				

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from Ann Int. Refer to Willow Run Radar procedure if detailed information on sector altitudes is desired.

Procedure turn W side of crs, 310 Outbnd, 130 Inbnd, 2200 within 10 mi.
Minimum Altitude over facility on final approach crs Ann Int* 1700'; 1200 over YIP VOR.
* Ann Int: Int YIP R-310 and SVM R-190 (Dual omni receivers required unless radar fix obtainable at Ann Int)
Crs and distance, breakoff point to app end of rny 14, 139-.43 ANN Int to YIP VOR, 130-4.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2000', proceed to Belleville Int # or when directed by ATC:
(1) Climb to 2000', proceed to CRL VOR.
(2) Make right turn, climbing to 2300' proceed to YIP LOM.
(3) Make left turn, climb to 2300', proceed via W crs DET LFR to the DET LFR.
Belleville Int: Int YIP R-150 & CRL R-360.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Detroit, Mich	Willow Run 716'	VOR	YIP	Ter.-VOR-14, Amit 2	1	18 Feb 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
CRL VOR	YIP-VOR	Direct	2000	T-dn	300-1	300-1	200-½
SVM VOR	YIP-VOR	Direct	2000	C-dn	500-1	500-1	500-1½
RML LFR	YIP-VOR	Direct	2000	S-dn-18	400-1	400-1	400-1
FRD RBN	YIP-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Park VHF Int	YIP-VOR	Direct	2000				
Bridgewater VHF Int	YIP-VOR	Direc.	2200				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on Inbnd final approach crs at least 3.0 mi from Denton Int. Refer to Form ACA-511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired.

Procedure turn W side of crs, 345 Outbnd, 165 Inbnd, 2000' within 10 miles
Minimum Altitude over facility on final approach crs, Denton Int* 1500, 1100 over YIP TerVOR
*Denton Int, Int YIP R-345 & 90° brg to FRD RBN. (Omni and ADF receiver required unless radar fix obtainable at Denton Int.)
Crs and distance, breakoff point to app end rny 18, 182-.7 Denton Int to YIP-VOR, 165-3.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2000', proceed to Willis Int# or when directed by ATC, 1. Climb to 2300', proceed to Willow Run LOM. 2. Climb to 2300' proceed to Wayne Major LOM. 3. Climb to 2000', proceed to CRL VOR.
#Willis Int, Int YIP R-195 and CRL R-330.
Major Changes: Transitions added from Park and Bridgewater VHF Int. Radar transition reworded. Minor crs revisions.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Detroit, Mich	Willow Run 716'	VOR	YIP	TerVOR-18, Amdt 1, 31 May 1956	Orig,	23 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
CRL VOR	YIP-VOR	direct	2000	T-dn	300-1	300-1	200-½
SVM VOR	YIP-VOR	direct	2000	C-dn	500-1	500-1	500-1½
RML LFR	YIP-VOR	direct	2000	S-dn-22L	400-1	400-1	400-1
FRD RBN	YIP-VOR	direct	2000	A-dn	800-2	800-2	800-2
Park VHF Int	YIP-VOR	direct	2000				
Bridgewater VHF Int	YIP-VOR	direct	2200				

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on Inbnd final approach crs at least 3.0 mi from Beacon Int. Refer to Willow Run Radar Procedure if detailed information on sector altitudes is desired.

Procedure turn N side of crs, 040 Outbnd, 220 Inbnd, 2000' within 10 mi
Minimum Altitude over facility on final approach crs, Beacon Int* 1500, 1100 over YIP TerVOR
* Beacon Int: Int SVM VOR 143-R & YIP R-040 (dual omni receivers required unless radar fix obtainable at Beacon Int.)
Crs and distance, breakoff point to app end rny 22L, 229-.5 Beacon Int to YIP-VOR, 220-4.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2000', proceed to Track Int # or when directed by ATC: 1. Climb to 2300', proceed to Willow Run LOM. 2. Make right turn, climb to 2500', proceed to SVM VOR on the SVM R-170. 3. Make left turn, climb to 2000', proceed to CRL VOR.
#Track Int, Int YIP R-240 & CRL R-325.
Major Changes: Transitions added from Park & Bridgewater VHF Intersections. Radar transitions revised. Minor crs revisions.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Detroit,Mich	Willow Run 716'	VOR	YIP	TerVOR-22L, Amdt 2, 31 May 1956	1	17 Mar 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
CRL VOR	YIP-VOR	direct	2000	T-dn	300-1	300-1	200-½
SVM VOR	YIP-VOR	direct	2000	C-dn	500-1	500-1	500-1½
RML LFR	YIP-VOR	direct	2000	S-dn-27R	400-1	400-1	400-1
FRD RBN	YIP-VOR	direct	2000	A-dn	800-2	800-2	800-2
Park VHF Int	YIP-VOR	direct	2000				
Bridgewater VHF Int	YIP-VOR	direct	2200				

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on Inbnd final approach crs at least 3.0 mi from Railroad Int. Refer to Willow Run Radar Procedure if detailed information on sector altitudes is desired.

Procedure turn N side of crs, 072 Outbnd, 252 Inbnd, 2000' within 10 mi
Minimum Altitude over facility on final approach crs, railroad Int* 1500, 1100 over YIP TerVOR
*Railroad Int, Int YIP R-072 & CRL R-005 (Dual omni receivers required unless radar fix obtainable at Railroad Int.)
Crs and distance, breakoff point to app end rny 27R, 272-.8 Railroad Int to YIP-VOR, 252-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2000', proceed to YIP Int # or when directed by ATC: 1. Make right turn, climb to 2500', proceed to SVM VOR on R-170. 2. Make left turn, climb to 2300', proceed to YIP ILS LOM.
#YIP Int, Int YIP R-285 and SVM R-195.
Major Changes: Transitions added from Park and Bridgewater VHF INT. Radar transitions reworded.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Detroit,Mich	Willow Run 716'	VOR	YIP	TerVOR-27R, Amdt 1, 31 May 1956	Orig,	23 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
CRL VOR	YIP-VOR	direct	2000	T-dn	300-1	300-1	200-½
SVM VOR	YIP-VOR	direct	2000	C-dn	500-1	500-1	500-1½
RML LFR	YIP-VOR	direct	2000	S-dn-32	400-1	400-1	400-1
FRD RBN	YIP-VOR	direct	2000	A-dn	800-2	800-2	800-2
Park VHF Int	YIP-VOR	direct	2000				
Bridgewater VHF Int	YIP-VOR	direct	2200				

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on Inbnd final approach crs at least 3.0 mi from Belleville Int. Refer to Willow Run Radar Procedure if detailed information on sector altitudes is desired.

Procedure turn E side of crs, 150 Outbnd, 330 Inbnd, 2000 within 10 miles,
Minimum Altitude over facility on final approach crs, Belleville Int* 1500, 1100 over YIP TerVOR.
*Belleville Int, Int YIP R-150 & CRL R-360. (Dual omni receivers required unless radar fix obtainable at Belleville Int.)
Crs and distance, breakoff point to app end rny 32, 319-.7 Belleville Int to YIP-VOR, 330-4.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2200, proceed to Ann Int#, or when directed by ATC: 1. Make right turn, climb to 2500', proceed to SVM VOR on the R-170. 2. Make left turn, climb to 2300' proceed to the YIP ILS LOM.
#Ann Int, Int YIP R-310 and SVM R-190
Major Changes: Transitions added from Park and Bridgewater VHF Int. Radar transitions reworded.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Detroit, Mich	Willow Run 716'	VOR	YIP	TerVOR-32, Amdt 2, 31 May 1956	1	11 Feb 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
CRL VOR	YIP-VOR	direct	2000	T-dn	300-1	300-1	200-½
SVM VOR	YIP-VOR	direct	2000	C-dn	500-1	500-1	500-1½
RML LFR	YIP-VOR	direct	2000	S-dn-36	400-1	400-1	400-1
FRD RBN	YIP-VOR	direct	2000	A-dn	800-2	800-2	800-2
Park VHF Int	YIP-VOR	direct	2000				
Bridgewater VHF Int	YIP-VOR	direct	2200				

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on Inbnd final approach crs at least 3 miles from Willis Int. Refer to Willow Run Radar Procedure if detailed information on sector altitudes is desired.

Procedure turn E side of crs, 195 Outbnd, 015 Inbnd, 2000' within 10 miles.
Minimum Altitude over facility on final approach crs, Willis Int* 1500, 1100 over YIP TVOR
*Willis Int, Int YIP R-195 & CRL R-330 (Dual omni receivers required unless radar fix obtainable at Willis Int.)
Crs and distance, breakoff point to app end rny 36, 002-.7 Willis Int to YIP-VOR, 015-5.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 mi, climb to 2000' proceed to Denton Int#, or when directed by ATC:
(1) make left turn, climb to 2500' - proceed to SVM VOR on R-170.
(2) climb to 2700' on back crs YIP ILS localizer to Midcraft Int.
(3) make right turn, climb to 2300' - proceed to RML LFR.
#Denton Int, Int YIP R-345 & 090° brng to FRD RBN.
Major Changes: Transitions added from Park & Bridgewater VHF Int. Radar transitions reworded.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Detroit,Mich	Willow Run 716'	VOR	YIP	TerVOR-36, Amdt 1, 31 May 1956	Orig	23 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Dothan LFR	DHN-VOR	direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 230 Outbnd, 050 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, LFR-Z 900*
*If LFR-Z not identified descent below 900 NA.
Crs and distance, breakoff point to app end rny 5, LFR-Z to Rny 5 050-3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0 miles, climb to 1500 on R-050 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Dothan, Ala	Municipal 330'	BTVOR DHN	TerVOR-5, Orig, 11 Feb 1956	None	

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Dothan LFR	DHN-VOR	direct	1500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 355 Outbnd, 175 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 900
Crs and distance, breakoff point to app end rny 16, 165-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0 miles, climb to 1800 on R-175 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Dothan, Ala	Municipal 330'	BTVOR DHN	TerVOR-16, Orig, 11 Feb 1956	None	

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 043 Outbnd, 223 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 900
Crs and distance, breakoff point to app end rny 23, 226-0.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0 miles, climb to 1500 on R-223 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Dothan, Ala	Municipal 330'	BTVOR DHN	TerVOR-23, Orig, 11 Feb 1956	None	

FNO LFR	FNO-VOR	direct	1700	T-dn	300-1	300-1	200-½
5 mi DME fix R-308	FNO-VOR (Final)	direct	#700	C-dn	#500-1	#500-1	#500-1½
10 mi DME fix R-308	5 mi DME fix R-308	direct	1100	S-dn-11	#400-1	#400-1	#400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 308 Outbnd, 128 Inbnd, 1700 within 10 mi. NA beyond 10 mi.
Procedure turn not required with DME.
Minimum Altitude over facility on final approach crs, #700
#1100' MSL (800' ceiling) required if DME not available or if ADF bearing 184° to FNO LFR (abeam) not identified on Final.
Crs and distance, breakoff point to app end rny 11, 109-1.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0 miles, climb to 2000' on R-128 within 20 miles
NOTE: Orbiting between 10 mi and 15 mi at 1700' authorized between radials 271 and 312 in either direction.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Fresno, Calif	Air Terminal 331'	BVOR FNO	TerVOR-11, Amdt 1, 2 Jun 1956	Orig	5 May 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
FNO LFR	FNO-VOR	direct	1700	T-dn	300-1	300-1	200-½
5 mi DME fix R-096	FNO-VOR (Final)	direct	#700	C-dn	500-1	500-1	500-1½
				S-dn-29#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 096 Outbnd, 276 Inbnd, 1700' within 10 mi. NA beyond 10 mi.
Minimum Altitude over facility on final approach crs, #700
#800 MSL (500' ceiling) required without DME if ADF bearing 185° to FNO LOM (abeam) not identified on Final.
Crs and distance, breakoff point to app end rny 29, 289-2.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0 miles, climb to 2000' on R-276 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Fresno, Calif	Air terminal 331'	BVOR FNO	TerVOR-29, Amdt 2, 2 Jun 1956	1	5 May 1956

25 mi, R-231	10 mi fix#, R-231	direct	2100	T-dn	300-1	300-1	200-½
10 mi, R-231	5 mi fix#, R-231	direct	1500	C-dn	400-1	500-1	500-1½
5 mi fix#, R-231	airport (Final)	direct	500	S-dn-3	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

ALL PROCEDURES: #Fixes may be determined by either DME or Radar. Radar terminal area maneuvering altitude all directions 2200' within 20 mi.

Procedure turn S side, 231 Outbnd, 051 Inbnd, 2100 within 10 miles**
** When authorized by ATC, DME may be used within 10 mi at 2200' orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*
*After completion of procedure turn, descent below 1500' not authorized until passing 5 mile DME or Radar Fix.
Crs and distance, breakoff point to app end rny 3, 036-.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0 miles, climb to 1600' on R-036 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Houston, Texas	International 50'	BVOR DME	TerVOR-3, Amdt 2, 20 Apr 1956	1	4 Feb 56

25 mi, R-298	10 mi fix#, R-298	direct	18D0	T-dn	300-1	300-1	200-½
10 mi, R-298	5 mi fix#, R-298	direct	1500	C-dn	400-1	500-1	500-1½
5 mi fix#, R-298	airport (final)	direct	500	S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#Fixes may be determined by either DME or Radar. Radar Terminal Area maneuvering altitude all directions 2200' within 20 miles.

Procedure turn W side, 298 Outbnd, 118 Inbnd, 1800 within 10 miles **
**When authorized by ATC, DME may be used within 10 miles at 2200 orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*
*After completion of procedure turn, descent below 1500' not authorized until passing 5 mile DME or Radar Fix.
Crs and distance, breakoff point to app end rny 12, 126-.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 0 miles, climb to 1700' on R-134 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Houston, Texas	International 50'	BVOR DME	TerVOR-12, Amdt 2, 20 Apr 1956	1	4 Feb 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
25 mi, R-326	10 mi fix#, R-326	direct	1800	T-dn	300-1	300-1	200-½
10 mi, R-326	5 mi fix#, R-326	direct	1500	S-dn-17	400-1	400-1	400-1
5 mi fix#, R-326	airport (final)	direct	500	C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

#Fixes may be determined by either DME or Radar. Radar Terminal Area maneuvering altitude all directions 2200' within 20 miles.

Procedure turn W side, 326 Outbnd, 146 Inbnd, 1800 within 10 miles**
** When authorized by ATC, DME may be used within 10 miles at 2200 orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*
*After completion of procedure turn, descent below 1500' not authorized until passing 5 mile DME or Radar Fix.
Crs and distance, breakoff point to app end rny 17, 171-1.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1700' on R-134 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident. BVOR	DME	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Houston, Texas	International 50'			TerVOR-17, Amdt 2, 20 Apr 1956	1	4 Feb 56

25 mi, R-017	5 mi fix#, R-017	direct	1500	T-dn	300-1	300-1	200-½
5 mi fix#, R-017	airport (final)	direct	500	C-dn	400-1	500-1	500-1½
				S-dn-21	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#Fixes may be determined by either DME or Radar. Radar Terminal Area maneuvering altitude all directions 2200' within 20 miles.

Procedure turn W side, 017 Outbnd, 197 Inbnd, 1500 within 10 miles**
**When authorized by ATC, DME may be used within 10 miles at 2200 orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*
*After completion of procedure turn, descent below 1500' not authorized until passing 5 mi DME or Radar Fix.
Crs and distance, breakoff point to app end rny 21, 216-.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2100' on R-218 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident. BVOR	DME	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Houston, Texas	International 50'			TerVOR-21, Amdt 2, 20 Apr 1956	1	4 Feb 56

25 mi, R-141	10 mi fix#, R-141	direct	2200	T-dn	300-1	300-1	200-½
10 mi, R-141	5 mi fix#, R-141	direct	1500	C-dn	400-1	500-1	500-1½
5 mi fix#, R-141	airport (final)	direct	500	S-dn-30	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#Fixes may be determined by either DME or radar. Radar Terminal Area maneuvering altitude all directions 2200' within 20 miles.

Procedure turn E side, 141 Outbnd, 321 Inbnd, 2200 within 10 miles**
**When authorized by ATC, DME may be used within 10 miles at 2200 orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*
*After completion of procedure turn, descent below 1500' not authorized until passing 5 mi DME or Radar Fix.
Crs and distance, breakoff point to app end rny 30, 306-.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1800' on R-306 within 20 mi

City and State	Airport Name & Elev.	Fac. Class & Ident. BVOR	DME	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Houston, Texas	International 50'			TerVOR-30, Amdt 2, 20 Apr 1956	1	4 Feb 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
25 mi, R-199	5 mi Fix#, R-199	direct	1500	T-dn	300-1	300-1	200-½
5 mi fix#, R-199	airport (final)	direct	500	C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#Fixes may be determined by either DME or Radar. Radar Terminal Area maneuvering altitude all directions 2200' within 20 miles

Procedure turn E side, 199 Outbnd, 019 Inbnd, 2200' within 10 miles **
**When authorized by ATC, DME may be used within 10 miles at 2200 orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*
* After completion of procedure turn, descent below 1500' not authorized until passing 5 mi DME or Radar Fix.
Crs and distance, breakoff point to app end rny 35, 351-1.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1600' on R-009 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident. BVOR	DME	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Houston, Texas	International 50'			TerVOR-35, Amdt 2, 20 Apr 1956	1	4 Feb 56

Huntsville VOR	HUA-VOR	direct	2500	T-dn	300-1	300-1	300-1
				S-d-17	500-1	500-1	500-1
				S-n-17	600-2	600-2	600-2
				C-d	900-1	900-1	900-1½
				C-n	900-2	900-2	900-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn W side of crs, 351 Outbnd, 171 Inbnd, 2500 within 10 miles
Minimum Altitude over facility on final approach crs, Abeam Rbn 2000 # VOR 1200
#If Rbn not received descent below 2000 NA.
Crs distance, breakoff point to app end rny 17, 167-.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, turn right and climb to 2500 on R-351
NOTE: Military authority required. Airport not available to the general public.

City and State	Airport Name & Elev.	Fac. Class & Ident. VOR	HUA	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Huntsville, Ala	Redstone (Army) 679'			TerVOR-17, Orig 22 Dec 1956	None	

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 221 Outbnd, 041 Inbnd, 3700 within 10 miles
Minimum Altitude over facility on final approach crs, 2700'
Crs and distance, breakoff point to app end rny 5, 045-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 4000' on R-041 within 15 miles
Major Changes: Missed approach altitude revised.

City and State	Airport Name & Elev.	Fac. Class & Ident. VOR	JST	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Johnstown, Pa	Johnstown 2284'			TerVOR-5, Amdt1, 21 May 1955	Orig	22 Jan 55

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-5			500-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side of crs, 228 Outbnd, 048 Inbnd, 1300 within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, breakoff point to app end rny 5, 043-.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1500 on R-090 within 15 miles. Weather, communications and airport lighting service at this airport not aivailable to the general public.
NOTE: Non-air carrier flights contact Tampa ARTC for approach clearance or on missed approach. May be authorized only for air carriers having approval of their arrangement for weather, communications and airport lighting service at this airport.
Major Changes: Revise non-air carrier minima

City and State	Airport Name & Elev.	Fac. Class & Ident. *VOR	LAL	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Lakeland, Fla	Drane 142'			TerVOR-5, Amdt 1, 7 Jan 1956	Orig	1 Jun 54

*Facility is category 3.

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Lancaster Int	LRP-VOR	direct	2000	T-dn	300-1	300-1	
Lancaster Rbn	LRP-VOR	direct	2000	C-dn	500-1	600-1	
Landisville Int*	LRP-VOR (Final)	direct	#800	S-dn-8	400-1	400-1	
				A-dn	800-2	800-2	

*Int LRP R-262 and HAR R-115 or 133 brng to LRP Rbn.

Procedure turn S side of crs, 262 Outbnd, 082 Inbnd, 2000' within 10 miles.
Minimum Altitude over facility on final approach crs, #800
#Maintain 1200 until after passing Landisville Int. If aircraft not equipped to identify Landisville Int*, ceiling minimum of 800 is applicable for landing.
Crs and distance, breakoff point to app end rny 8, 076-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2000 on R-082 within 10 miles and return to VOR at 2000'
CAUTION: 1490' tower 17 mi SW of airport. Do not descend below 2000 on final approach until past HAR R-120.
NOTE: Facility owned and operated by the Lancaster Airport Authority.
Major Changes: Revises straight-in landing minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lancaster, Pa	Municipal 403'	VOR	LRP	TerVOR-8, Amdt 1, 21 Jul 1956	Orig 5 May 56

Lancaster Rbn or Int	LRP-VOR	direct	2000	T-dn	300-1	300-1
Manheim Int*	LRP-VOR (Final)	direct	#900	C-dn	500-1	600-1
				S-dn-13	500-1	500-1
				A-dn	800-2	800-2

*Int LRP R-300 and 188° brng to LRP Rbn.

Procedure turn S side of crs, 300 Outbnd, 120 Inbnd, 2000 within 10 mi of Manheim Int.
Minimum Altitude over facility on final approach crs, #900
#Maintain 1400' until after passing Manheim Int. If aircraft not equipped to receive Manheim Int, ceiling minimum of 1000' is applicable for landing.
Crs and distance, breakoff point to app end rny 13, 128-.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2000' on R-120 within 10 mi and return to LRP VOR at 2000'.
NOTE: Facility owned and operated by the Lancaster Airport Authority

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lancaster, Pa	Municipal 403'	VOR	LRP	Ter-VOR-13, Orig, 5 May 1956	None

Lancaster Rbn	LRP-VOR	direct	2000	T-dn	300-1	300-1
Lancaster Int	LRP-VOR	direct	2000	C-dn	500-1	500-1
				A-dn	800-2	800-2

Procedure turn N side of crs, 136 Outbnd, 316 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 900
Crs and distance, breakoff point to app end rny 31, 307-.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2000 on 316 within 10 miles. Make left turn and return to LRP VOR at 2000'.
NOTE: Facility owned and operated by the Lancaster Airport Authority.
Major Changes: Revises landing minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lancaster, Pa	Municipal 403'	VOR	LRP	TerVOR-31, Amdt 1, 21 Jul 1956	Orig 5 May 56

Macon LFR	MCN-VOR	direct	1600	T-dn	300-1	300-1	200-½
Robins Rbn	MCN-VOR	direct	1600	C-dn	500-1	500-1	500-1½
Int SW crs MCN LFR & MCN R-230	MCN-VOR	direct	1600	S-dn-31#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 119 Outbnd, 299 Inbnd, 1800 within 10 miles
Minimum Altitude over facility on final approach crs, 800#
#Maintain 900' MSL until after passing abeam WRB Rbn Inbnd on final
Crs and distance, breakoff point to app end rny 31, 309-.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1900' on R-329 within 20 miles
Major Changes: Variation change. Missed approach on enroute radial.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Macon, Ga	Macon (Cochran) 354'	BVOR	MCN	TerVOR-31, Amdt 1, 28 Apr 1956	Orig 16 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Idlewild LFR	IDL-VOR	direct	1500	T-dn	300-1	300-1	200-½
LaGuardia LFR	IDL-VOR	direct	1500	C-dn	600-1	600-1	600-1½
New Rochelle Rbn	IDL-VOR	direct	1500	S-dn-1	600-1	600-1	600-1
Glen Cove Rbn	IDL-VOR	direct	1500	A-dn	800-2	800-2	800-2
Mitchel LFR	IDL-VOR	direct	1500				
Paterson Rbn	IDL-VOR	direct	2500				
Scotland MH	Edgemer Int	direct	1300				

Terminal Area Radar Transition Altitudes: all directions 2500' within 25 miles, E of the NE-SW crs of the LaGuardia LFR, 1500' within 15 miles.

Procedure turn E side of crs, 185 Outbnd, 005 Inbnd, 1300 within 10 miles of Edgemere Int
Minimum Altitude over facility on final approach crs, 1300 over Edgemere Int. 600 over VOR
Crs and distance, breakoff point to app end rny 1, 013-1.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, make a right climbing turn to 130 intersecting the SW crs Mitchel LFR and proceed to the Long Beach Int. Contact Idlewild Approach Control for further instructions.
Major Changes: Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New York, N Y	International 12'	VOR	IDL	TerVOR-1, Amdt 2, 8 Dec 1956	1 1 Mar 55

Idlewild LFR	IDL-VOR	direct	1500	T-dn	300-1	300-1	200-½
LaGuardia LFR	IDL-VOR	direct	1500	C-dn	600-1	600-1	600-1½
New Rochelle MHW	IDL-VOR	direct	1500	S-dn-4	600-1	600-1	600-1
Glen Cove MHW	IDL-VOR	direct	1500	A-dn	800-2	800-2	800-2
Mitchel LFR	IDL-VOR	direct	1500				
Paterson MHW	IDL-VOR	direct	2500				
Scotland MHW	IDL-VOR	direct	1500				

Terminal Area Radar Transition Altitudes: all directions 2500' within 25 miles, E of the NE-SW crs of the LaGuardia LFR, 1500' within 15 miles.

Procedure turn E side of crs, 240 Outbnd, 060 Inbnd, 1300 within 10 miles
Minimum Altitude over facility on final approach crs, 600
Crs and distance, breakoff point to app end rny 4, 043-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, make a right climbing turn to 130 intersecting the SW crs Mitchel LFR and proceed to the Long Beach Int. Contact Idlewild Approach Control for further instructions.
CAUTION: Straight-in landing minimums do not provide standard clearance over 278' stack 1.7 mi SSE of airport.
Major Changes: Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New York, N Y	International 12'	VOR	IDL	TerVOR-4, Amdt 2, 8 Dec 1956	1 21 May 55

Idlewild LFR	IDL-VOR	direct	1500	T-dn	300-1	300-1	200-½
LaGuardia LFR	IDL-VOR	direct	1500	C-dn	500-1	500-1	500-1½
New Rochelle MHW	IDL-VOR	direct	1500	S-dn-22	400-1	400-1	400-1
Glen Cove MHW	IDL-VOR	Direct	1500				
Mitchel LFR	IDL-VOR	direct	1500	A-dn	800-2	800-2	800-2
Paterson MHW	IDL-VOR	direct	2500				
Scotland MHW	IDL-VOR	direct	1500				

Terminal Area Radar Transition Altitudes: all directions 2500' within 25 miles; E of the NE-SW crs of the LaGuardia LFR, 1500' within 15 miles.

Procedure turn #E side of crs, 034 Outbnd, 214 Inbnd, 1500 within 10 miles
#Procedure turn conducted E to avoid LaGuardia Traffic.
Minimum altitude over facility on final approach crs, 1000 over Elmont FM, 400 over VOR.
Crs and distance, breakoff point to app end rny 22, 223-0.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1500' on R-223 and proceed to Scotland Int. Contact Idlewild Approach Control for further instructions.
CAUTION: Circling minimums do not provide standard clearance over airport control tower and 278' stack 1.7 mi SSE of airport. Straight-in landing minimums do not provide standard clearance over 290' tank 4½ mi NE of the airport.
Major Changes: Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.		Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New York, N Y	International 12'	VOR	IDL	TerVOR-22, Amdt 2, 8 Dec 1956	1, 21 May 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Idlewild LFR	IDL-VOR	direct	1500	T-dn	300-1	300-1	200-½
LaGuardia LFR	IDL-VOR	direct	1500	C-dn	500-1	500-1	500-1½
New Rochelle MHW	IDL-VOR	direct	1500	S-dn-25L	400-1	400-1	400-1
Glen Cove MHW	IDL-VOR	direct	1500	A-dn	800-2	800-2	800-2
Mitchel LFR	IDL-VOR	direct	1500				
Paterson MHW	IDL-VOR	direct	2500				
Scotland MHW	IDL-VOR	direct	1500				

Procedure turn #E side of crs, 052 Outbnd, 232 Inbnd, 1500 within 10 miles
#Procedure turn conducted E to avoid LaGuardia traffic.
Crs and distance, breakoff point to app end rny 25L, 253-.8
Minimum Altitude over facility on final approach crs, 1000 over Elmont FM, 400 over VOR
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1500 on R-223 and proceed to Scotland Int. Contact IDL Approach Control for further instructions.
CAUTION: Circling minimums do not provide standard clearance over airport control tower and 278' stack 1.7 mi SSE of airport.
NOTE: Straight-in landing minimums do not provide standard clearance over 290' tank 4½ mi NE of the airport.
Major Changes: Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
New York, N Y	International 12'	VOR IDL	TerVOR-25L, Amdt 2, 8 Dec 1956	1	21 May 55

Shelton - RBN	OLM-VOR	direct	2000	T-dn	300-1	300-1	200-½
Tenino Int	OLM-VOR	direct	2000	C-d	1000-1	1000-1	1000-1½
Int Olympia R-358 and Seattle R-225	OLM-VOR	direct	2000	C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side of crs, 316 Outbnd, 136 Inbnd, 2000 within 10 miles. Procedure turn E side for more favorable terrain.
Minimum Altitude over facility on final approach crs, 1200'
Crs and distance, breakoff point to app end rny 13, 133-0.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2000 on R-162 within 15 miles, or when directed by ATC, turn left, climb to 3000' on R-314 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Olympia, Wash	Olympia 205'	BVOR OLM	TerVOR-13, Orig, 2 Jul 1955	None	

Shelton RBN	OLM-VOR	direct	2000	T-d	300-1	300-1	200-½
Tenino Int	OLM-VOR	direct	2000	C-d	900-1	900-1	900-1½
Int Olympia R-358 and Seattle R-225	OLM-VOR	direct	2000	C-n	900-2	900-2	900-2
				A-dn	900-2	900-2	900-2

Procedure turn W side of crs, 345 Outbnd, 165 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 1100
Crs and distance, breakoff point to app end rny 17, 168-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2000 on R-162 within 15 miles; or, when directed by ATC, turn left, climb to 3000' on R-314 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Olympia, Wash	Olympia 205'	BVOR OLM	TerVOR-17, Orig, 2 Jul 55	None	

Shelton RNB	OLM-VOR	direct	2000	T-dn	300-1	300-1	200-½
Tenino Int	OLM-VOR	direct	2000	C-d	700-1	700-1	700-1½
Int Olympia R-358 & Seattle R-225	OLM-VOR	direct	2000	C-n	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 172 Outbnd, 352 Inbnd, 2000 within 10 miles
Minimum Altitude over facility on final approach crs, 900
Crs and distance, breakoff point to app end rny 35, 348-0.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 3000' onR314 within 20 miles; or when directed by ATC, turn right, climb to 2000' on R-162 within 15 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Olympia, Wash	Olympia 205'	BVOR OLM	TerVOR-35, Orig, 2 Jul 1955	None	

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Orlando LFR	ORL-VOR	direct	1500	T-dn	300-1	300-1	200-½
				C-dn	*500-1	*500-1	*500-1½
				S-dn	400-1	*400-1	*400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 125 Outbnd, 305 Inbnd, 1300 within 10 miles.
Minimum Altitude over facility on final approach crs, *500
*If ILS-OM not identified on final descent below 700' MSL NA.
Crs and distance, breakoff point to app end rny 31, 310-0.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1700 on R-305 within 20 miles
CAUTION: Obstruction 319' MSL 2 mi W of airport.
Major Changes: New procedure

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Orlando, Fla	Orlando 115'	BVOR ORL	TerVOR-31, Orig, 20 Aug 1955	None	

Red Hill FM	ROA-VOR (Final)	direct	2700	#T-dn	1000-2	1000-2	
				C-d	1500-2	1500-2	
				#C-n	2000-2	2000-2	
				#A-dn	2500-2	2500-2	

#Take-offs on Runway 33 and landings on Runway 15 NA at night.

Procedure turn E side S crs, 169 Outbnd, 349 Inbnd, 4600 within 10 mi of Red Hill FM.
Minimum Altitude over facility on final approach crs, 4600' over Red Hill FM. 2700' after passing Red Hill FM*. Red Hill FM to VOR 349-9.3
*After passing Red Hill FM, descend to authorized minimums.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.9 miles after passing Red Hill FM, climb to 5000' on crs of 349 within at least 500' per min. rate of climb. Return to ROA VOR at 5000', or if unable to maintain 500' per min. rate of climb, notify ATC and make right climbing turn, climbing to 5000' on R-169
AIR CARRIER NOTE: Sliding scale N.A. No reduction in landing minimums authorized due to local visibility conditions.
Major Change: Adds Air Carrier Note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Roanoke, Va	Woodrum Field 1174'	VOR ROA	TerVOR-35, Amdt 1, 17 Dec 1955	Orig	8 Oct 55

Rush Int	3 mi fix R-180	direct	1200	T-dn	300-1	300-1	200-½
3 mi fix	Runway 1 R-180 (Final)	direct	1000*	*C-dn	500-1	600-1	600-1½
Rush Int	ROC-VOR (Final)	direct	1200*	*S-dn-1	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 180 Outbnd, 360 Inbnd, 1900 within 10 miles. Procedure turn not required with DME.
Minimum Altitude over facility on final approach crs, *1000
*Ceiling minimum of 600' applicable without DME (1200' MSL).
Crs and distance, breakoff point to app end rny 1, 007-.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2000' on R-360, or when requested by ATC, make a left climbing turn, return to Rush Int at 2000'.
AIR CARRIER NOTE: Take-off on Runway 12 and landing on Runway 30 not authorized.
Major Changes: Adds minimums for aircraft with more than 2-engine.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Rochester, N Y	Monroe County 560'	VOR ROC	TerVOR-1, Amdt 3, 18 Feb 1956	2	28 Jan 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
TPA-LFR	TPA-VOR	direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 338 Outbnd, 158 Inbnd, 1300 within 10 mi
Minimum Altitude over facility on final approach crs, 700 over Harbor FM, 400 over VOR.
Crs and distance, breakoff point to app end rny 17, 170-0.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles after passing turn right, climb to 1500 on R-270 within 20 miles
NOTE: If Harbor FM not received on final, descent below 700' NA.
Major Changes: Adds Harbor FM. Lowers regular straight-in and circling ceiling minima.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
St.Petersburg,Fla	Pinellas County 10'	VOR TPA	TerVOR-17,Amdtl, 17 Mar 1956	Orig 16 Jun 55

Rochester LFR	ROC-VOR	direct	1900	T-dn	300-1	300-1	200-½
10 mi fix	5 mi fix R-287	direct	1100	C-dn	500-1	600-1	600-1½
5 mi fix	Runway 10 R-287	direct	1000*	*S-dn-10	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 287 Outbnd, 108 Inbnd, 1900 within 10 miles. Procedure turn not required with DME.
Minimum Altitude over facility on final approach crs, *1000
*500' ceiling required without DME (1100' MSL)
Crs and distance, breakoff point to app end rny 10, 096-.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2000' on R-107 within 10 miles
AIR CARRIER NOTE: Take-off on Runway 12 and landing on runway 30 not authorized.
Major Changes: Incorporates DME

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Rochester, N Y	Monroe County 560'	VOR ROC	TerVOR-10,Amdt 3, 28 Jan 1956	2 15 Jan 54

				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-2	500-2
				S-d-4	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 218 Outbnd, 038 Inbnd, 1500' within 10 miles
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, breakoff point to app end rny 4, 044 - 0.25
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1500' on R-038 SBY within 10 miles
AIR CARRIER NOTE: Restricted to aircraft of 65 knots or less, 2 eng or less.
NOTE: Lights available on Runways 13 - 31 only.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Salisbury,Md	Wicomico Co. 52'	BVOR-DME SBY	TerVOR-4, Amdt 1, 19 Nov 53	Orig 22 Sept 53

				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-2	500-2
				S-d-22	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 050 Outbnd, 230 Inbnd, 1500' within 10 miles
Minimum Altitude over facility on final approach crs, 600'
Crs and distance, breakoff point to app end rny 22, 224 - 0.25
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1500' on R-230 SBY within 10 miles
AIR CARRIER NOTE: Restricted to aircraft of 65 knots or less, 2 eng or less.
NOTE: Lights available on Runways 13 - 31 only.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Salisbury,Md	Wicomico Co. 52'	BVOR-DME SBY	TerVOR-22, Amdt 1, 19 Nov 53	Orig 22 Sept 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-2	500-2
				S-dn-31	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 124 Outbnd, 304 Inbnd, 1500' within 10 miles
Minimum Altitude over facility on final approach crs, 800'
Crs and distance, breakoff point to app end rny 31, 314 - 0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1500' on R-304 SBY within 10 miles
AIR CARRIER NOTE: Restricted to aircraft of 65 knots or less, 2 eng or less.
NOTE: Lights available on Runways 13 - 31 only.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Salisbury,Md	Wicomico Co. 52'	BVOR-DME SBY	TerVOR-31, Amdt 1, 19 Nov 53	Orig 22 Sept 53

San LFR	SAN-VOR	direct	1500	T-dn	300-1	300-1	#200-½
SDA VOR	SAN-VOR	direct	1500	C-dn	800-2	800-2	800-2
LaJolla FM	SAN-VOR R-280 at 5 mi from SAN VOR	190*-5.0	1500	S-dn-Ry9	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
Coronado RBN-FM	SAN-VOR	direct	1500				
Jamul RBN	SAN-VOR	direct	3600				
Lemon Grove Int	SAN-VOR	direct	2500				

#300-1 required for take-off on all runways except #27
*On La Jolla transition recommended that aircraft cross TVOR final approach R on 190 heading, then execute approximately 270 clockwise turn to Inbnd crs of 100.

Procedure turn S side crs, 280 Outbnd, 100 Inbnd, 1500 within 8 miles. Beyond 8 mi NA. (Warning Area)
Minimum Altitude over facility on final approach crs, 600**
**Descent below 700' MSL not authorized until over Loma Portal "H".
Crs and distance, breakoff point to app end rny 9, 091-1.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 3000 on SAN VOR R-137 or on SE crs SAN LFR within 11 miles (Mexican Border)

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Diego,Calif	Lindbergh Field 15'	VOR SAN	TerVOR-9, Orig, 7 Jun 1956	None

Stinson Beach Int	SFO-VOR	direct	2500	T-dn	300-1	300-1	#200-½
Half Moon Bay Int	SFO-VOR	direct	3000	C-dn	500-1	600-1	600-1½
Richmond VHF Int	SFO-VOR	direct	2500	S-dn	500-1	500-1	500-1
AGN VOR	SFO-VOR	direct	2500	A-dn	800-2	800-2	800-2
Fremont FM-HW	SFO-VOR	direct	2500				
OAK VOR	Int R-224 OAK and R-011 SFO	direct	2000				
Int of R-224 OAK and R-011 SFO	SFO-VOR (Final)	direct	500				

#300-1 required for take-off runway 19 L-R

Procedure turn E side 011 Outbnd, 191 Inbnd, or teardrop type 036 Outbnd, 191 Inbnd, 1000 within 5 miles. Beyond 5 mi (N of AGW 301 R) NA.
Minimum Altitude over facility on final approach crs, 500
Crs and distance, breakoff point to app end rny 19, 191, final approach crs paralle and between rnys 19 L-R
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, immediate left climbing turn to 2000' on R-101 within 10 miles
NOTE: Circling minimums do not provide standard clearance W and SW of airport. This approach predicated on radar monitoring.
Major Changes: Change names of facilities

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Francisco,Calif	International 11'	VOR SFO	TerVOR-19 L-R,Amdt 1, 28 Jun 56	Orig 9 Jun 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Stinson Beach Int	SFO-VOR	direct	2500	T-dn	300-1	300-1	*200-½
Half Moon Bay Int	SFO-VOR	direct	3000	C-dn	500-1	600-1	600-1½
Richmond VHF Int	SFO-VOR	direct	2500	S-dn	400-1	400-1	400-1
AGW VOR	SFO-VOR	direct	2500	A-dn	800-2	800-2	800-2
OAK VOR	SFO-VOR	direct	2500				
Fremont FM-HW	SFO-VOR	direct	2500				
VSF VOR	SFO LOM (Final)	direct	1700				

*300-1 required for take-off Rny 19 L-R

Procedure turn, no procedure turn as such authorized. All necessary maneuvering and descent shall be accomplished in accordance with and within the confines of the SFO LOM holding pattern (one minute, left turns, 2000' min. Alt.); final appr crs: 101 Outbnd 281 Inbnd.
Minimum Altitude over facility on final approach crs, 400'
Crs and distance, breakoff point to app end rny 28, 281 final approach crs parallel and between rnys 28 L-R
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 3000' on R-292 within 20 miles
NOTE: Circling minimums do not provide standard clearance W and SW of airport.
Major Changes: Change names of facilities. Missed approach altitude changed.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Francisco, Calif	International 11'	VOR SFO	TerVOR-28L-R, Amdt 1, 28 Jun 56	Orig 9 Jun 56

N Philadelphia LFR	TTN-VOR	direct	1500	T-dn	300-1	300-1
Bellemead Int	TTN-VOR	direct	1500	C-dn	600-1	600-1
Colts Neck VOR	TTN-VOR	direct	1500	S-dn-6	600-1	600-1
Int crs 50	Trenton VOR & NW crs McGuire LFR (Final)	direct	800	A-dn	800-2	800-2

Procedure turn E side of crs, 230 Outbnd, 050 Inbnd, 1400 within 10 miles
Minimum Altitude over facility on final approach crs, 800
Crs and distance, breakoff point to app end rny 6, 056-.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb straight ahead to 1000', make a left climbing turn, return to N Philadelphia LFR at 1500'.
NOTE: Facility owned and operated by Mercer County

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Trenton, N J	Mercer County 213'	VOR TTN	TerVOR-6, Orig, 17 Dec 1955	None

N Philadelphia LFR	TTN-VOR	direct	1500	T-dn	300-1	300-1
Bellemead Int	TTN-VOR	direct	1500	C-dn	700-1	700-1
Colts Neck VOR	TTN-VOR	direct	1500	S-dn-16	700-1	700-1
				A-dn	800-2	800-2

Procedure turn W side of crs, 344 Outbnd, 164 Inbnd, 1500 within 10 miles
Minimum Altitude over facility on final approach crs, 900
Crs and distance, breakoff point to app end rny 16, 156-.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb straight ahead to 1000', make a right climbing turn and proceed to N Philadelphia LFR at 1500'.
NOTE: Facility owned and operated by Mercer County

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Trenton, N J	Mercer County 213'	VOR TTN	TerVOR-16, Orig, 17 Dec 1955	None

				T-dn	400-1	400-1	400-1
				C-dn	500-1	500-1	500-1½
				S-dn-9	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 280 outbnd, 100 Inbnd, 10000' within 10 miles.
Minimum Altitude over facility on final approach crs, 500'
Crs and distance, breakoff point to app end rny 9, 093-.5#
#Approximately over AXX MHW.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1500 on R-100 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wake Island	Wake Airport 10'	VOR AWK	TerVOR-9, Orig, 16 Jun 1956	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	400-1	400-1	400-1
				C-dn	500-1	500-1	500-1½
				S-dn 27	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs 090 Outbnd, 270 Inbnd, 1000' within 10 mi.
Minimum altitude over facility on final crs, 500'
Crs and distance, breakoff point to app end rny 27, 273-.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . .
within 0 mi, climb to 1500' on R-270 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wake Island	Wake, 10'	VOR AWK	Ter.VOR-27, Orig. 16 Jun 56	None

ALW-LFR	ALW-VOR	direct	3000	T-dn	300-1	300-1	200-½
Lamar Int	ALW-VOR	direct	3000	C-dn	600-1	600-1	600-1½
Weston Int	ALW-VOR	direct	3800	A-dn	800-2	800-2	800-2

Procedure turn, W side of crs, 334 Outbnd, 154 Inbnd, 3000 within 10 miles. NA beyond 10 miles.
Minimum Altitude over facility on final approach crs, 2500' over W crs ALW-LFR, *1800 over VOR.
*2500' over VOR if W crs ALW-LFR not received.
Crs and distance, breakoff point to app end rny 16, 159-0.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 3500' on R-183 within 15 miles or, when requested by ARTC, make climbing right turn, hold at 3000' in left turn holding pattern on SW crs ALW-LFR.
CAUTION: High terrain E of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Walla Walla, Wash	Walla Walla City-	VORW ALW	TerVOR-16, Orig, 4 Aug 1956	None

ALW-LFR	ALW-VOR	direct	3000	T-dn	300-1	300-1	200-½
Lamar Int	ALW-VOR	direct	3000	C-dn	700-1	700-1	700-1½
Weston Int	ALW-VOR	direct	3800	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 019 Outbnd, 199 Inbnd, 3800' within 10 miles
Minimum Altitude over facility on final approach crs, 2900' over E crs ALW-LFR, *1900' over VOR
*2900' over VOR if E crs ALW-LFR not received.
Crs and distance, breakoff point to app end rny 20, 197-0.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 3500 on R-183 within 15 miles or, when requested by ARTC, make climbing right turn, hold at 3000' in left turn holding pattern on SW crs ALW-LFR.
CAUTION: High terrain E of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Walla Walla, Wash	Walla Walla City-County 1205'	VORW ALW	TerVOR-20, Orig, 4 Aug 1956	None

Springfield MHW	DCA-VOR	direct	1800	T-dn	300-1	300-1	200-½
Herndon VOR	DCA-VOR	direct	1800	C-dn	600-1	600-1	600-1½
Andrews LFR	DCA-VOR	direct	1500	S-dn 15,18	500-1	500-1	500-1
Washington LFR	DCA-VOR	direct	1500	A-dn	800-2	800-2	800-2

Radar transition altitudes: 1500' in the E, W, and S quadrants of the Washington LFR and 1800' in the N quadrant within 25 mi of the Washington National Airport; 2500' in all quadrants within 40 mi exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown.

Procedure turn, S side, 327 Outbnd, 147 Inbnd, 1800 within 10 miles of Georgetown MHW
Minimum Altitude over facility on final approach crs, GTN MHW 1300', descend to landing minimums after passing Georgetown MHW on crs 147°.
Crs and distance, breakoff point to app end rny 15, 150-3.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1000' on crs 150°, make a right turn and proceed to Washington LFR at 1500, or as directed by ATC to 1) Herndon VOR at 2800, or 2) Springfield MHW at 2000, or 3) return to Georgetown MHW at 1800'. Additional missed approach procedures, climb to 1000 on crs 150 and as directed by ATC, proceed to 4) Riverdale MHW at 1500, or 5) Andrews LFR climbing to 3500'.
CAUTION: Standard clearance not provided over obstructions in final approach area and within circling area of airport.
Major Changes: Missed approach altitudes and procedures revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Washington, D C	National 16'	VOR DCA MHW GTN	TerVOR-15, Amdt 4, 8 Jan 1955	3 20 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Springfield MHW	DCA-VOR	direct	1800	T-dn	300-1	300-1	200-½
Herndon VOR	DCA-VOR	direct	1800	C-dn	700-1	700-1	700-1½
Andrews LFR	DCA-VOR	direct	1500	S-dn-21	700-1	700-1	700-1
Washington LFR	DCA-VOR	direct	1500	A-dn	800-2	800-2	800-2
Abeam Riverdale MHW	DCA-VOR (Final)	direct	#700	T-dn	300-1	300-1	200-½

(Final approach crs may be intercepted from 219° crs from Riverdale MHW)
Radar transition altitudes; 1500' in the E, W, and S quadrants of the Washington LFR and 1800' in the N quadrant within 25 mi of the Washington National airport; 2500 in all quadrants within 40 mi exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown.

Procedure turn E side, 054 Outbnd, 234 Inbnd, 1600 within 10 mi of Riverdale MHW. Procedure turn conducted E to avoid restricted areas.
Minimum Altitude over facility on final approach crs, #700
#Maintain 1000 until after passing Riverdale MHW.
Crs and distance, breakoff point to app end rny 21, 213-0.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1500 on crs of 234 and proceed to Washinton LFR at 1500 or as directed by ATC, to 1) Herndon VOR at 2800 or 2) Springfield MHW at 2000, or 3) Andrews LFR at 3500. Additional instructions which may be issued by ATC; if unable to proceed from Riverdale MHW with 3 mi visibility and free of all clouds, make a right climbing turn to 039 and remain in the Riverdale holding pattern at 1500.
CAUTION: Standard clearance not provided over obstructions in final approach area and within circling area of airport.
Major Changes: Missed approach procedure revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Washington, D C	National 16'	VOR DCA MHW RVD	TerVOR-21, Amdt 3, 8 Jan 1955	2	20 Jun 54

Springfield MHW	DCA-VOR	direct	1800	T-dn	300-1	300-1	200-½**
Herndon VOR	DCA-VOR	direct	1800	C-dn	600-1	600-1	600-1½
Andrews LFR	DCA-VOR	direct	1500	S-dn-33	500-1	500-1	500-1
Washington LFR	DCA-VOR	direct	1500	A-dn	800-2	800-2	800-2
Int NE crs Washington LFR	DCA-VOR (Final)	direct	#500				

**300-1 required for Runways 9 and 27.
Radar Transition Altitudes: 1500' in the E, W, and S quadrants of the Washington LFR and 1800' in the N quadrant within 25 miles of the Washington National Airport; 2500' in all quadrants within 40 mi exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown. (Radar distances shown in Nautical miles.)

Procedure turn *W side, 160 Outbnd, 340 Inbnd, 1600' within 10 miles of TVOR
*Procedure turn W to avoid Andrews AFB traffic.
Minimum Altitude over facility on final approach crs, #500
#Maintain 700' until after passing Int NE crs Washington LFR.
Crs and distance, breakoff point to app end rny 33, 330-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, make a left climbing turn, climb to 1800' (or higher altitude when requested by ATC) on R-300 DCA and proceed to Herndon VOR.
CAUTION: Standard clearance not provided over obstruction in final approach area and within circling area of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Washington, D C	National 16'	VOR DCA	TerVOR-33, Amdt 3, 29 Oct 1955	2	20 Jun 54

Springfield MHW	DCA-VOR	direct	1800	T-dn	300-1	300-1	200-½
Herndon VOR	DCA-VOR	direct	1800	C-dn	600-1	600-1	600-1½
Andrews LFR	DCA-VOR	direct	1500	S-dn-36	400-1	400-1	400-1
Washington LFR	DCA-VOR	direct	1500	A-dn	800-2	800-2	800-2

Radar Transition Altitudes: 1500' in the E, W, and S quadrants of the Washington LFR and 1800' in the N quadrant within 25 miles of the Washington National Airport; 2500' in all quadrants within 40 mi exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown. (Radar distances shown in Nautical miles.)

Procedure turn W side, 187 Outbnd, 007 Inbnd, 1400 within 10 mi of Washington LFR. Procedure turn W to avoid Andrews LFR.
Minimum Altitude over facility on final approach crs, 400', maintain 1000' until passing Alexandria Int*
*Descend to landing minimums after passing Alexandria Int. (Int NW crs Washington LFR and R-187 DCA.
Crs and distance, breakoff point to app end rny 36, 003-.5 from Alexandria Int 6.0 mi
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, make a left climbing turn as soon as practical, climb to 1800' (or at a higher altitude when requested by ATC) on R-303 DCA and proceed to Herndon VOR.
CAUTION: Standard clearance not provided over obstructions in final approach area and within circling area of airport.
Major Changes: Procedure turn distance limited to 10 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Washington, D C	National 16'	VOR DCA	TerVOR-36, Amdt 3, 29 Oct 1955	2	20 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				S-dn-6	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 232 Outbnd, 052 Inbnd, 2300 within 10 miles.
Minimum Altitude over facility on final approach crs, 1700'
Crs and distance, breakoff point to app end rny 6, 062-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 2100' on R 072 within 20 miles
Major Changes: Minimums reduced. Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Waterloo, Iowa	Municipal 870'	BVOR ALO	TerVOR-6, Amdt 2, 15 Sep 1956	1	5 Feb 55

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-24	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 072 Outbnd, 252 Inbnd, 2100 within 10 miles
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, breakoff point to app end rny 24, 242-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 2300' on R-232 within 20 miles.
Major Changes: Minimums reduced. Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Waterloo, Iowa	Municipal 870'	BVOR ALO	TerVOR-24, Amdt 2, 15 Sep 1956	1	5 Feb 55

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 350 Outbnd, 170 Inbnd, 2100 within 10 miles.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, breakoff point to app end rny 18, 182-0.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 2500 on R-194 within 20 miles
Major Changes: Final approach altitude lowered.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Waterloo, Iowa	Municipal 870'	BVOR ALO	TerVOR-18, Amdt 3, 10 Oct 1956	2	22 Sep 56

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-12	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 308 Outbnd, 128 Inbnd, 2200 within 10 miles.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, breakoff point to app end rny 12, 122-.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, make left climbing turn to 2100' on R-072 within 20 miles
Major Changes: Minimums reduced. Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Waterloo, Iowa	Municipal 870'	BVOR ALO	TerVOR-12, Amdt 2, 15 Sep 1956	1	5 Feb 55

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-36	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 194 Outbnd, 014 Inbnd, 2200 within 10 miles.
Minimum Altitude over facility on final approach crs, 1500'
Crs and distance, breakoff point to app end rny 36, 002-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 miles, climb to 2100 on 350R within 20 miles
Major Changes: Minimums reduced; missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Waterloo, Iowa	Municipal 870'	BVOR ALO	TerVOR-36, Amdt 3, 15 Sep 1956	2	19 Nov 55

¶ 609.300 *Very high frequency omnirange distance measuring equipment procedures.*

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR-DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
10 mi fix R-281	0 mi fix R-281	direct	2600	T-dn	300-1	300-1	200-½
0 mi fix R-101	8.8 mi fix R-101	direct	2500	C-dn	400-1	500-1	500-1½
8.8 mi fix R-101	9.5 mi fix R-101 (Final-airport)	direct	2200	C-dn#	800-1	800-1	800-1
				C-n#	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

#Minimums without DME and procedure turn required.

Procedure turn S side R-281 within 10 miles (not required with DME).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 9.5 miles, climb to 3100 on R-101 within 20 miles
NOTE: When authorized by ATC, DME may be used within 10 mi at 3800' orbiting altitude to position aircraft for a final approach.

City and State: Abilene, Texas | Airport Name & Elev.: Municipal 1778' | Fac. Class & Ident.: VOR-DME-ABI | Procedure No. & Eff. Date: VOR-DME-ARPT, Orig, 26 May 1956 | Sup. Amdt. No. Dated: None

15 mi fix R-024	9.7 mi fix R-024	direct	2900	T-dn	300-1	300-1	200-½
15 mi fix R-039	9.7 mi fix R-039	direct	2900	C-dn	400-1	500-1	500-1½
15 mi fix R-055	9.7 mi fix R-055	direct	2900	S-dn-17	400-1	400-1	400-1
15 mi fix R-070	9.7 mi fix R-055	direct	2900	A-dn	800-2	800-2	800-2
R-024	R-074	9.7 orbit	2400				
10 mi fix R-281	0 mi fix R-281	direct	2600				
0 mi fix R-074	9.7 mi fix R-074	direct	2600				
R-074	R-099 (Final-17)	9.7 orbit	2200				

Procedure turn, S side R-281 3500 within 10 miles - but not required.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Turn left, climb to 3100 on R-101 within 20 miles
NOTE: When authorized by ATC, DME may be used within 10 miles at 3800' orbiting altitude to position aircraft for final approach.

City and State: Abilene, Texas | Airport Name & Elev.: Municipal 1778' | Fac. Class & Ident.: VOR-DME-ABI | Procedure No. & Eff. Date: VOR-DME-17, Orig, 26 May 56 | Sup. Amdt. No. Dated: None

10 mi fix R-281	0 mi fix R-281	direct	2600	T-dn	300-1	300-1	200-½
10 mi fix R-127	10 mi fix R-127	direct	2500	C-dn	400-1	500-1	500-1½
R-127	R-103 (Final - 35)	10 mi	2200	S-dn-35	400-1	400-1	400-1
		orbit		A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
turn right, climb to 3100 on R-101 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 10 mi at 3800' orbiting altitude to position aircraft for a final approach.

City and State: Abilene, Texas | Airport Name & Elev.: Municipal 1778' | Fac. Class & Ident.: VOR-DME-ABI | Procedure No. & Eff. Date: VOR-DME-35, Orig, 26 May 56 | Sup. Amdt. No. Dated: None

10 mi fix R-171	0 mi fix R-171	direct	1800	T-dn	300-1	300-1	200-½
0 mi fix R-351	13 mi fix R-351	direct	1800	C-dn	800-1	800-1	800-1½
13 mi fix R-351	16.1 mi fix R-351 (Final-apt)	direct	1600	A-dn	1000-2	1000-2	1000-2

Procedure turn, E side R-171 2200 within 10 miles (not required with DME)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
turn left, climbing to 2200' return to and hold on R-171 ATC.
CAUTION: 2040' tower 8 miles E and 1261 tower 2 miles SE of airport

City and State: Atlanta, Ga | Airport Name & Elev.: Fulton County 820' | Fac. Class & Ident.: BVOR-DME-ATL | Procedure No. & Eff. Date: VOR-DME-APT, Orig, 3 Sep 55 | Sup. Amdt. No. Dated: None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
10 mi fix R-171	0 mi fix R-171	direct	1800	T-dn	300-1	300-1	200-½
0 mi fix R-335	16.4 mi fix R-335	direct	1600	C-dn	600-1	600-1	600-1½
R-335	R-349 (Final-rny 8)	16.4 orbit	1400	A-dn	1000-2	1000-2	1000-2

Procedure turn E side R-171, 2200' within 10 miles (not required with DME).
CAUTION: 2040' tower 8 miles E and 1261' tower 2 miles SE of airport.

City and State: Atlanta, Ga | Airport Name & Elev.: Fulton County 820' | Fac. Class & Ident.: BVOR-DME-ATL | Procedure No. & Eff. Date: VOR-DME-8, Orig, 3 Sep 55 | Sup. Amdt. No. Dated: None

10 mi fix R-278	0 mi fix R-278 (Final)	direct	900	T-dn	300-1	300-1	200-½
0 mi fix R-098	2.5 mi fix R-098 (Final-10)	direct	700	C-dn	400-1	500-1	500-1½
				S-dn-10	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side R-278 1500' within 10 mi. When authorized by ATC, DME may be used within 15 mi at 1800' orbiting altitude to position aircraft for a final approach with elimination of procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.5 miles, climb to 1500 on R-125 within 20 miles.
NOTE: Procedure authorized without DME, but procedure turn required.

City and State: College Station, Texas | Airport Name & Elev.: Easterwood 319' | Fac. Class & Ident.: BVOR-CL1 | Procedure No. & Eff. Date: VOR-DME-10, Orig, 19 May 56 | Sup. Amdt. No. Dated: None

15 mi fix R-098	8 mi fix R-098 (Final)	direct	900	T-dn	300-1	300-1	200-½
8 mi fix R-098	3.4 mi fix R-098 (Final-28)	direct	700	C-dn	400-1	500-1	500-1½
				S-dn 10	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side R-098, 1800' within 15 mi. When authorized by ATC, DME may be used within 15 mi at 1800' orbiting altitude to position aircraft for a final approach, with elimination of procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at 3.4 mi fix climb to 1700 on R-278 within 20 miles.

City and State: College Station, Texas | Airport Name & Elev.: Easterwood 319' | Fac. Class & Ident.: BVOR-CLL | Procedure No. & Eff. Date: VOR-DME-28, Orig, 19 May 56 | Sup. Amdt. No. Dated: None

0 mi fix R-240	10 mi fix R-240	direct	1600	T-dn	300-1	300-1	200-½
10 mi fix R-240	15.8 mi fix R-240 (Final-Apt)	direct	1400	C-dn	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn S side R-154, 1900' within 10 miles. When authorized by ATC, DME may be used within 15 mi at 2100' to position aircraft for a final approach with elimination of procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at 15.8 mi fix, make right climbing turn, climb to 2100' and return to MLI-VOR inbnd on R-240.
CAUTION: Officail weather information indicating conditions at Davenport are at or above minimums specified, must be obtained prior to the time a let-down is started.

City and State: Davenport, Iowa | Airport Name & Elev.: Municipal 753' | Fac. Class & Ident.: BVOR-DME-MLI | Procedure No. & Eff. Date: VOR-DME-APT, Orig, 3 Sep 55 | Sup. Amdt. No. Dated: None

15 mi fix R-259	8 mi fix R-259	direct	8500	T-dn	300-1	300-1	200-½
8 mi fix R-259	0 mi fix R-259	direct	5100	C-dn	400-1	500-1	500-1½
10 mi fix R-079	0 mi fix R-079	direct	5200	S-dn-17	400-1	400-1	400-1
0 mi fix R-325	5.9 mi fix R-325	direct	4500	A-dn	800-2	800-2	800-2
R-325	R-278	5.9 orbit	4400				
R-278	R-269 (Final-17)	5.9 orbit	4300				

Procedure turn S side R079, 6500 within 10 miles. When authorized by ATC, DME may be used within 10 mi between radials 325 clockwise to 200 and 7300' to position aircraft for final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
turn left to heading of 125°, climb to 5000', intercept and proceed on R-150 within 20 mi

City and State: El Paso, Texas | Airport Name & Elev.: International 3926' | Fac. Class & Ident.: BVOR-DME-ELP | Procedure No. & Eff. Date: VOR-DME-17, 2, 16 Jun 56 | Sup. Amdt. No. Dated: 1 18 Jan 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
15 mi fix R-259	8 mi fix R-259	direct	8500	T-dn	300-1	300-1	200-½
8 mi fix R-259	0 mi fix R-259	direct	5100	C-dn	400-1	500-1	500-1½
10 mi fix R-079	5 mi fix R-079	direct	5200	S-dn-26	400-1	400-1	400-1
5 mi fix R-079	0 mi fix R-079	direct	4800#	A-dn	800-2	800-2	800-2
0 mi fix R-259	4.6 mi fix R-259 (Final-26)	direct	4300				

#5200 without DME, in which care procedure turn is required.

Procedure turn S side R-079, 6500' within 10 miles. When authorized by ATC, DME may be used within 10 mi between radials 325 clockwise to 200 at 7300' to position aircraft for final approach, with the elimination of a procedure turn.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . turn left to heading of 125°, climb to 5000', intercept and proceed on R-150 within 20 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
El Paso, Texas	International 3926'	BVOR-DME-ELP	VOR-DME-26, 1, 16 Jun 56	Orig, 18 Jan 56

15 mi fix R-259	8 mi fix R-259	direct	8500	T-dn	300-1	300-1	200-½
8 mi fix R-259	0 mi fix R-259	direct	5100	C-dn	400-1	500-1	500-1½
10 mi fix R-079	0 mi fix R-079	direct	5200	S-dn-35	400-1	400-1	400-1
0 mi fix R-200	5.8 mi fix R-200	direct	4600	A-dn	800-2	800-2	800-2
R-200	R-247	5.8 orbit	4400				
R-247	R-257 (Final-35)	5.8 orbit	4300				

Procedure turn S side R-079, 6500' within 10 mi. When authorized by ATC, DME may be used within 10 mi between radial 325 clockwise to 200 at 7300' to position aircraft for final approach, with the elimination of a procedure turn.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . turn right to heading of 125, climb to 5000', intercept and proceed on R-150 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
El Paso, Texas	International 3926'	BVOR-DME-ELP	VOR-DME-35, Amdt 2, 16 Jun 56	1 18 Jan 56

R-022 at 32 mi fix#	R-032	32 mi orbit	1300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
32 mi fix R-032	22.5 fix R-032	direct	800	S-d	500-1	500-1	500-1½
22.5 mi fix R-032	20.7 mi fix R-032 (Final-22)	direct	500	A-dn	NA	NA	NA

#Popano Int

Procedure turn W side R-032, 1300 between 22.5 and 32.5 miles

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . immediately* turn left, climb to 1300 on R-032 within 30 miles of Miami VOR

*CAUTION: 1005' TV TWR six miles SW of airport.

NOTE: Weather service not available. Authorized only when arrangements have been made for weather service at this airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ft. Lauderdale, Fla	Broward County 10'	BVOR-DME-MIA	VOR-DME-22, Orig, 10 Mar 56	None

10 mi fix R-210	0 mi fix R-210	direct	1800	T-dn	300-1	300-1	200-½
0 mi fix R-030	3.0 mi fix R-030 (Final-5)	direct	1300	C-dn	500-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side R-210, 2300' within 10 miles. When authorized by ATC, DME may be used within 10 mi at 2500' in all directions to position aircraft for final approach, with the elimination of a procedure turn.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . at 3 mi fix, climb to 2300 on R-030 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Greensboro, N C	Greensboro-High Point 913'	BVOR-DME-GSO	VOR-DME-5, Orig, 24 Dec 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
16 mi fix R-035	6 mi fix R-035	direct	1800	T-dn	300-1	300-1	200-½
6 mi fix R-035	3.8 mi fix R-035 (Final-23)	direct	1300	C-dn	500-1	500-1	500-1½
				S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side R-035, 2300' between 6 and 16 miles, when authorized by ATC, DME may be used within 10 miles at 2500' in all directions to position aircraft for final approach, with the elimination of a procedure turn.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . at 4.0 miles fix, turn left, climb to 2400' on R-125 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Greensboro, N C	Greensboro-High Point	BVOR-DME GSO	VOR-DME-23, Orig, 24 Dec 55	None

15 mi fix R-139	10 mi fix R-139	direct	1600	T-dn	300-1	300-1	200-½
10 mi fix R-139	6 mi fix R-139	direct	1000	C-dn	500-1	500-1	500-1½
6 mi fix R-139	0 mi fix R-139 (Final Arpt)	direct	900	A-dn	800-2	800-2	800-2

Procedure turn not required.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . at 0 mi fix climb to 1900 on R-329 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Macon, Ga	Macon (Cochran) 354'	BVOR-DME-MCN	VOR-DME-APT(R-139), Orig 28 Apr 1956	None

13 mi fix R-204	10 mi fix R-204	direct	1400	T-dn	300-1	300-1	200-½
10 mi fix R-204	6 mi fix R-204	direct	1000	C-dn	500-1	500-1	500-1½
6 mi fix R-204	0 mi fix R-204 (Final Apt)	direct	900	A-dn	800-2	800-2	800-2

Procedure turn not required.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . at 0 mi fix, climb to 1800 on R-047 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Macon, Ga	Macon (Cochran) 354'	BVOR-DME-MCN	VOR-DME Apt (R-204), Orig, 28 Apr 56	None

15 mi fix R-271	10 mi fix R-271	direct	1700	T-dn	300-1	300-1	200-½
10 mi fix R-271	6 mi fix R-271	direct	1100	C-dn	500-1	500-1	500-1½
6 mi fix R-271	0 mi fix R-271 (Final Apt)	direct	900	A-dn	800-2	800-2	800-2

Procedure turn not required

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . at 0 miles fix, climb to 1800 on R-055 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Macon, Ga	Macon (Cochran) 354'	BVOR-DME-MCN	VOR-DME-Aprt(R-271), Orig 28 Apr 1956	None

15 mi fix R-329	10 mi fix R-329	direct	1700	T-dn	300-1	300-1	200-½
10 mi fix R-329	4 mi fix R-329	direct	1100	C-dn	500-1	500-1	500-1½
4 mi fix R-329	0 mi fix R-239 (Final-13)	direct	900	S-dn-13	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn not required.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . at 0 miles fix climb to 1600 on R-139 within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Macon, Ga	Macon (Cochran) 354'	BVOR-DME-MCN	VOR-DME-13, Orig, 28 Apr 56	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
10 mi fix R-119	3 mi fix R-119	direct	900#	T-dn	300-1	300-1	200-½
3 mi fix R-119	0 mi fix R-119 (Final-31)	direct	800	C-dn	500-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#without DME 800' authorized after passing abeam Robbins RBN inbnd on final

Procedure turn N side R-119, 1800' within 10 miles (not required with DME). Procedure authorized without DME, but procedure turn required.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0 miles, climb to 1900 on R-239 within 20 miles.

City and State: Macon, Ga | Airport Name & Elev.: Macon (Cochran) 354' | Fac. Class & Ident.: BVOR-DME-MCN | Procedure No. & Eff. Date: VOR-DME-31, Orig, 28 Apr 56 | Sup. Amdt. No. Dated: None

10 mi fix R-277	0 mi fix R-277	direct	1900	T-dn	300-1	300-1	300-1
0 mi fix R-040	8.1 mi fix R-040 (Final Arpt)	direct	1900	C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Procedure turn S side R-277, 2500' within 10 miles (not required with DME). Procedure authorized without DME, but procedure turn required.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at 8.1 mi turn left, climb to 3100 on N crs OKC ILS within 20 miles
NOTE: When authorized by ATC, DME may be used within 10 N miles at 2400' orbiting altitude to position aircraft for a final approach, with elimination of procedure turn. This procedure not approved for air carrier. No weather or communications available at this airport.

City and State: Oklahoma City, Okla | Airport Name & Elev.: Tulakes 1302' | Fac. Class & Ident.: BVOR-DME-OKC | Procedure No. & Eff. Date: VOR-DME-Arpt #1 (R-040) Orig, 3 Mar 1956 | Sup. Amdt. No. Dated: None

10 mi fix R-277	0 mi fix R-277	direct	1900	T-dn	300-1	300-1	300-1
0 mi fix R-005	8.1 mi fix R-005	direct	1900	C-dn	600-1	600-1	600-1½
R-005	R-037 (Final - 12)	8.1 orbit	1700	S-dn 12	400-1	400-1	400-1
12 mi fix R-005	8.1 mi fix R-005	direct	2400	A-dn	NA	NA	NA

Procedure turn S side R-277 2500 within 10 miles (not required)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at R-037 turn left climb to 3100 on N crs OKC ILS within 20 miles
NOTE: When authorized by ATC, DME may be used within 10 N miles at 2400' orbiting altitude to position aircraft for a final approach, with elimination of procedure turn. This procedure not approved for air carrier. No weather or communications available at this airport.

City and State: Oklahoma City, Okla | Airport Name & Elev.: Tulakes 1302' | Fac. Class & Ident.: BVOR-DME-OKC | Procedure No. & Eff. Date: VOR-DME-12, Orig, 3 Mar 56 | Sup. Amdt. No. Dated: None

10 mi fix R-277	0 mi fix R-277	direct	1900	T-dn	300-1	300-1	300-1
0 mi fix R-075	8.2 mi fix R-075	direct	1900	C-dn	600-1	600-1	600-1½
R-075	R-043 (Final-30)	8.2 Orbit	1800	S-dn-30	500-1	500-1	500-1
12 mi fix R-075	8.2 mi fix, R-075	direct	2500	A-dn	NA	NA	NA

Procedure turn S side R-277, 2500' within 10 miles
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at R-043 turn right climb to 3100 on N crs OKC ILS within 20 miles
NOTE: When authorized by ATC, DME may be used within 10 N miles at 2400' orbiting altitude to position aircraft for a final approach, with elimination of procedure turn. This procedure not approved for air carrier. No weather or communications available at this airport.

City and State: Oklahoma City, Okla | Airport Name & Elev.: Tulakes 1302' | Fac. Class & Ident.: BVOR-DME-OKC | Procedure No. & Eff. Date: VOR-DME-30, Orig, 3 Mar 56 | Sup. Amdt. No. Dated: None

10 mi fix R-133	8.3 mi fix R-133	direct	1900	T-dn	300-1	300-1	*200-½
10 mi fix R-277	0 mi fix R-277	direct	2000	C-dn	500-1	500-1	500-1½
0 mi fix R-133	8.3 mi fix R-133	direct	1900	S-dn-03	500-1	500-1	500-1
R-133	R-101 (Final-3)	8.3 orbit	1800	A-dn	800-2	800-2	800-2

*300-1 required on runways 8 - 26.

Procedure turn S side R-277, 2500 within 10 miles. When authorized by ATC, DME may be used within 10 miles at 2400' orbiting altitude to position aircraft for a final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
after passing R-101 turn right, climb to 2700 on R-097 within 20 miles

City and State: Oklahoma City, Okla | Airport Name & Elev.: Will Rogers Fld 1283' | Fac. Class & Ident.: BVOR-DME-OKC | Procedure No. & Eff. Date: VOR-DME-3, Amdt 2, 28 Jul 56 | Sup. Amdt. No. Dated: 1 12 Nov 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
10 mi fix R-277	0 mi fix R-277	direct	2000	T-dn	300-1	300-1	*200-½
0 mi fix R-097	8.1 mi fix R-097 (Final-12)	direct	1800	C-dn	500-1	500-1	500-1½
				S-dn-12	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

*300-1 required on runways 8-26.

Procedure turn S side R-277, 2500' within 10 miles. When authorized by ATC, DME may be used within 10 mi at 2400' orbiting altitude to position aircraft for a final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.1 miles, climb to 2700 on R-097 within 20 miles
NOTE: Procedure authorized without DME but procedure turn required.

City and State: Oklahoma City, Okla | Airport Name & Elev.: Will Rogers Field 1283' | Fac. Class & Ident.: BVOR-DME-OKC | Procedure No. & Eff. Date: VOR-DME-12, Amdt 2, 28 Jul 56 | Sup. Amdt. No. Dated: 1 12 Nov 55

10 mi fix R-068	8.6 mi fix R-068	direct	1900	T-dn	300-1	300-1	*200-½
10 mi fix R-277	0 mi fix R-277	direct	2000	C-dn	400-1	500-1	500-1½
0 mi fix R-068	8.6 mi fix R-068	direct	1900	S-dn-17	400-1	400-1	400-1
R-068	R-096 (Final-17)	8.6 orbit	1700	A-dn	800-2	800-2	800-2

Procedure turn S side R-277, 2500' within 10 miles. When authorized by ATC, DME may be used within 10 mi at 2400' orbiting altitude to position aircraft for a final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
after passing R-090 turn left, climb to 2700 on R-097 within 20 miles.

City and State: Oklahoma City, Okla | Airport Name & Elev.: Will Rogers Fld 1283' | Fac. Class & Ident.: BVOR-DME-OKC | Procedure No. & Eff. Date: VOR-DME-17, Amdt 2, 28 Jul 56 | Sup. Amdt. No. Dated: 1 12 Nov 55

10 mi fix R-068	8.7 mi fix R-068	direct	1900	T-dn	300-1	300-1	*200-½
10 mi fix R-277	0 mi fix R-277	direct	2000	C-dn	400-1	500-1	500-1½
0 mi fix R-068	8.7 mi fix R-068	direct	1900	S-dn-21	400-1	400-1	400-1
R-068	R-096 (final-21)	8.7 orbit	1700	A-dn	800-2	800-2	800-2

*300-1 required on Runways 8 - 26.

Procedure turn S side R-277, 2500 within 10 miles. When authorized by ATC, DME may be used within 10 mi at 2400' orbiting altitude to position aircraft for a final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
after passing R-096, turn right, climb to 3100 on N crs OKC ILS (350 outbnd) within 20 miles

City and State: Oklahoma City, Okla | Airport Name & Elev.: Will Rogers Fld 1283' | Fac. Class & Ident.: BVOR-DME-OKC | Procedure No. & Eff. Date: VOR-DME-21, Amdt 2, 28 Jul 56 | Sup. Amdt. No. Dated: 1 12 Nov 55

20 mi fix R-100	15 mi fix R-100	direct	2700	T-dn	300-1	300-1	*200-½
15 mi fix R-100	8.9 mi fix (Final-30)	direct	1700	C-dn	400-1	500-1	500-1½
				S-dn-30	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*300-1 required on runways 8-26

No procedure turn authorized or required. DME must be used to position aircraft for final approach as directed by ATC.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 8.9 mi climb to 3100 on N crs of OKC ILS (350 outbnd) within 20 miles

City and State: Oklahoma City, Okla | Airport Name & Elev.: Will Rogers Field 1283' | Fac. Class & Ident.: BVOR-DME-OKC | Procedure No. & Eff. Date: VOR-DME-30, Amdt 2, 28 Jul 56 | Sup. Amdt. No. Dated: 1 12 Nov 55

10 mi fix R-133	9 mi fix R-133	direct	1900	T-dn	300-1	300-1	*200-½
10 mi fix R-277	0 mi fix R-277	direct	2000	C-dn	500-1	500-1	500-1½
0 mi fix R-133	9 mi fix R-133	direct	1900	S-dn-35	500-1	500-1	500-1
R-133	R-103 (Final-35)	9.0 orbit	1800	A-dn	800-2	800-2	800-2

*300-1 required on runways 8 - 26.

Procedure turn S side R-277, 2500 within 10 miles. When authorized by ATC, DME may be used within 10 mi at 2400' orbiting altitude to position aircraft for a final approach, with the elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
after passing R-103, climb to 3100 on N crs of OKC ILS (350 outbnd) within 20 miles

City and State: Oklahoma City, Okla | Airport Name & Elev.: Will Rogers Fld 1283' | Fac. Class & Ident.: BVOR-DME-OKC | Procedure No. & Eff. Date: VOR-DME-35, Amdt 2, 28 Jul 56 | Sup. Amdt. No. Dated: 1 12 Nov 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
10 mi fix R-359	0 mi fix R-359	direct	1300	T-dn	300-1	300-1	NA
0 mi fix R-179	5.8 mi fix R-179 (Final - 18)	direct	1000	C-dn	500-1	500-1	NA
				S-dn-18	500-1	500-1	NA
				A-dn	800-2	800-2	NA

Procedure turn W side R-359, 1800' within 10 miles. When authorized by ATC, DME may be used within 15 mi at 1900' orbiting altitude to position aircraft for final approach with elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at 5.5 mile fix on 179-R climb to 1900' on 179 and hold at a point 20 DME miles from VOR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Vandalia, Ill	Vandalia 539'	VOR-DME-VLA	VOR-DME-18, Orig, 3 Sep 55	None

20 mi fix R-179	15 mi fix R-179	direct	1400	T-dn	300-1	300-1	NA
15 mi fix R-179	6.4 mi fix R-179 (Final-36)	direct	1100	C-dn	600-1	600-1	NA
				S-dn-36	600-1	600-1	NA
				A-dn	800-2	800-2	NA

Procedure turn E side R-179, 1900' within 20 miles. When authorized by ATC, DME may be used within 15 mi at 1900' orbiting altitude to position aircraft for final approach with elimination of a procedure turn.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
at 6.1 mi fix on 179-R climb to 1800 on 179-R to VLA-VOR and hold.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Vandalia, Ill	Vandalia 539'	VOR-DME-VLA	VOR-DME-36, Orig, 3 Sep 55	None

¶ *609.400 Instrument landing system procedures.*

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Akron LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Int SW crs Akron LFR & 90 brng to LOM	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
				*S-dn-1			
Int E crs Akron LFR & 235 brng on LOM	LOM	Direct	2500	ILS	200-½	200-½	200-½
				ADF	400-1	400-1	400-1
Wingfoot Int	LOM	Direct	2500	A-dn			
Bergholz Rbn	Canton Int	Direct	2500	ILS	600-2	600-2	600-2
Wilmot Int	Canton Int	Direct	2500	ADF	800-2	800-2	800-2
Canton Int ILS	LOM (Final)	Direct	2400				
Canton Int ADF	LOM (Final)	Direct	2000				

* 400-¾ required with glide slope inoperative.

Procedure turn E side S crs 186 Outbnd, 006 Inbnd, 2500' within 10 mi.
Minimum Altitude at glide slope int inbnd: 2400' ILS. Min. Alt. over LOM inbnd final - 2000' ADF.
Altitude of glide slope & distance to approach end of runway at OM - 2410-3.8; at MM - 1450-.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi after passing LOM (ADF), climb to 2500' on crs of 045 to E crs Akron LFR. Alternate missed approach (when requested by ATC) make a right climbing turn and return to LOM at 2500'
Major Changes: Final approach transitions added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Akron, Ohio	Akron-Canton 1228'	ILS-CAK, LOM-CA	1, Amdt 9 18 Aug 56 COMB. ILS-ADF	8 2 Apr 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Akron LFR	Derby Int	Direct	2800	T-dn	300-1	300-1	200-½
Talmadge Int	Derby Int (Final)	Direct	2800	C-dn	400-1	500-1	500-1½
Blimp Int	Derby Int (Final)	Direct	2800	S-dn-19	400-1	400-1	400-1
Akron-Canton LOM	Derby Int	Direct	2800	A-dn	800-2	800-2	800-2

Procedure turn E side N crs, 006 Outbnd, 186 Inbnd, 2800' within 10 mi of Derby Int. (nonstandard due to traffic) No glide slope markers or compass locaters. Descent to airport minimums after passing Derby Int - 2800' over Derby Int; 5.8 mi from Derby Int to Runway 19.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.8 mi after passing Derby Int, climb to 2500' (or to a higher altitude when requested by ATC) on S crs ILS to LOM.
NOTE: ADF procedure not authorized.
Major Changes: Transition altitudes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Akron, Ohio	Akron-Canton 1228'	ILS CAK	2, Amdt 4 2 Apr 55	3 5 Jun 54

Albany LFR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
Schenectady FM	LOM	Direct	1800	C-dn	500-1	600-1	600-1½
Saratoga Springs FM	LOM	Direct	1800	S-dn-19*ILS	300-¾	300-¾	300-¾
Round Lake FM (ILS)	LOM (Final)	Direct	1600	ADF	500-1	500-1	500-1
Round Lake FM (ADF)	LOM (Final)	Direct	1100	A-dn ILS	600-2	600-2	600-2
Albany VOR	LOM	Direct	1800	ADF	800-2	800-2	800-2

* 400-¾ required when glide slope is inoperative.

Procedure turn W side N crs, 011 Outbnd, 191 Inbnd, 1800' within 10 mi.
Minimum Altitude at glide slope int, inbnd: 1600 ILS. Min. alt. over LOM inbnd final - 1100 ADF.
Altitude of glide slope & distance to approach end of rny at OM - 1536-3.8; at MM - 492-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi after passing LOM (ADF), climb to 1000' on S crs ILS, make a right climbing turn & proceed out W crs Albany LFR at 3000. Alternate missed approach when requested by ATC: climb to 5000' on S crs ILS.
AIR CARRIER NOTE: 300-1 required for all take-offs on Runways 10, 28, 15 and 33.
Major Changes: Adds transition from Saratoga Springs FM. Adds ADF transition from Round Lake FM. Air carrier notes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Albany, N Y	Albany 288'	ILS-ALB, LOM-AL	1, Amdt 2 21 Apr 56 COMB. ILS-ADF	1 1 Apr 54

Albuquerque LFR	LOM	direct	7000	T-dn	300-1	300-1	200-½
Albuquerque VOR	LOM	direct	7000	C-dn	400-1	500-1	500-1½
Peralta Int-FM	LOM (Final)	direct	6400	A-dn	600-2	600-2	600-2
La Joya Int	LOM	direct	7500	S-dn ry 35	200-½	200-½	200-½
Aden Int	LOM	direct	9000				
Weiler Int	LOM	direct	7000				
Kirtland Int	LOM	direct	7000				
Int 090 R ABQ VOR & ILS S crs	LOM	direct	7000				
Int 107 R ABQ VOR & ILS S crs	LOM	direct	7000				
Belen RBN	LOM	direct	7000				
Bernardo Int	LOM	direct	8000				

Procedure turn W side S crs, 170 Outbnd, 350 Inbnd, 7000' within 10 mi
Minimum Altitude at G.S. int inbnd 6400
Altitude of G.S. and distance to appr end of rny at OM 6400-3.8, at MM 5530-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
turn left to crs of 325 and climb to 8000' on N crs ABQ LFR or R-010 ABQ VOR within 20 miles
ALTERNATE MISSED APPROACH: When directed by ATC turn left and climb to 8000' on R-256 ABQ VOR within 20 mi.
CAUTION: Terrain exceeding 8000' E of ILS localizer - all turns to be made W of crs.
Major Changes: Add transitions from Bernardo Int and Belen MH.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Albuquerque, N M	Kirtland AFB-MUN 5532'	ILS-ABQ, LOM-AS	1, Amdt 13 5 May 1956	12 11 Dec 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Allentown LFR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Allentown VOR	LOM	Direct	2400	C-dn ILS	500-1	500-1	500-1½
Slatington Int or FM	LOM	Direct	2400	ADF	700-1	700-1	700-1½
Int N crs Philadelphia LFR & NW crs N Philadelphia LFR	LOM	Direct	2500	S-dn-6 ILS*	300-¾	300-¾	300-¾
				ADF	700-1	700-1	700-1
Int E crs Allentown LFR & NE crs or brng 241 to LOM	LOM	Direct	2400	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2
Topton Int (ILS)#	LOM (Final)	Direct	2400				
Topton Int (ADF)#	LOM (Final)	Direct	1900				

* 500-1 required with glide path inoperative.
Int R-007 Westchester VOR & SW crs ILS or brng 060 to LOM.

Procedure turn N side SW crs, 240 Outbnd, 060 Inbnd, 2400' within 10 mi of LOM (nonstandard for better signal coverage)
Minimum Altitude at glide slope int. inbnd, 2400 ILS. Min alt. over LOM inbnd final - 1900' ADF.
Altitude of glide slope & distance to approach end of runway at OM - 2330-6.2; at MM - 600-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.2 mi after passing LOM (ADF), climb to 3000' on NE crs of ILS within 10 mi of LOM.
Major Changes: Revises initial approach, procedure turn and final approach altitudes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Allentown, Pa	Allentown-Bethlehem-Easton 391'	ILS-ABL, LOM-AB	1, Amdt 3 4 Aug 56 COMB. ILS-ADF	2 26 Feb 55

Allentown VOR	Bath Int	Direct	2300	T-dn	300-1	300-1	200-½
Allentown LFR	Bath Int	Direct	2300	C-dn	500-1	500-1	500-1½
Int NE crs Allentown ILS & E crs Allentown LFR	Bath Int	Direct	2300	S-dn-24	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
Allentown LOM	Bath Int	Direct	2300				

Procedure turn E side NE crs 060 Outbnd, 240 Inbnd, 2300' within 10 mi of Bath Int. NA beyond 10 mi (non-standard due to terrain)
No glide slope or markers. Descend to landing minimums after passing Bat Int. Minimum Alt over Bath Int on final approach 1200'. Distance to runway 24, 3.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 mi after passing Bath Int, climb to 2500' on SW crs ILS within 20 mi of Bath Int.
Bath Int: Int NE crs ILS & R-101 ABL VOR or 280 brg to ABL LFR.
Major Changes: Additional transition. Revises minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Allentown, Pa	Allentown-Bethlehem Easton 391'	ILS ABL	2, Amdt 2 26 Feb 55	1 15 Aug 54

Amarillo VOR	LOM	direct	5000	T-dn	300-1	300-1	200-½
Amarillo LFR	LOM	direct	5000	C-dn	400-1	500-1	500-1½
Int E crs of AMA LFR And R-147 AMA via E crs AMA LFR	SW crs ILS	direct	4700	S-dn-3 #ILS	200-½	200-½	200-½
				ADF	400-1	400-1	400-1
Soncy Int	LOM	direct	5000	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

#400-¾ required when glide slope not utilized.

Procedure turn S side of SW crs, 209 Outbnd, 029 Inbnd, 5000 within 10 mi.
Minimum Altitude at G.S. int inbnd, 5000 ILS, minimum altitude over LOM inbnd final 4500 ADF
Altitude of G.S. and distance to approach end of rny at OM 4920-4.1; at MM 3832-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 mi after passing LOM (ADF) climb to 4800 on NE crs ILS (029) or, when directed by ATC, climb to 4700 on E crs LFR within 20 mi.
Major Changes: Revise transitions and missed approaches.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Amarillo, Texas	Air terminal 3604'	ILS-IAMA, LOM-AM	1, Amdt 2 6 Aug 1955 Comb ILS-ADF	1 16 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Amarillo, LFR	AMA VOR	direct	4800	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-21 ILS	300-1	300-1	300-1
				VOR	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of NE crs, 029 Outbnd, 209 Inbnd, 4900 within 10 mi of AMA VOR.
No Glide Slope, 4400 over AMA VOR. 4.0 mi from VOR to approach end of Runway 21.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 miles, climb to 5000 on SW crs, ILS or R-209 or, when directed by ATC turn left, climb to 4700 on R-075 within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Amarillo, Texas	Air Terminal 3604'	ILS-IAMA, BVOR-AMA	2, Orig 3 Nov 1956 Comb ILS & VOR	None

Anchorage LFR	LOM	direct	1500	T-dn	300-1	300-1	200-½
Merrill LFR	LOM	direct	1500	C-dn	500-1	500-1	500-1½
Delta Island Int	LOM	direct	1500	S-dn-6 ILS	300-½	300-½	300-½
Susitna Int	LOM	direct	1500	ADF	400-1	400-1	400-1
Turnagain Int*	LOM	direct	1500	A-dn ILS	600-2	600-2	600-2
Radar Transition	Radar Site	within 25 mi	as directed by ATC	ADF	800-2	800-2	800-2

*Turnagain Int, int SW crs ANC LFR and 302° brng to ANC LOM

Procedure turn S side of W crs, 244 Outbnd, 064 Inbnd, 1500 within 10 mi of LOM
Minimum Altitude at G.S. int inbnd, 1500 ILS, minimum altitude over LOM inbnd final 1500 ADF
Altitude of G.S. and distance to appr end of rny at OM over 1500-4.8, at MM 320-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 miles after passing LOM (ADF) climb to 1500 on SW crs (183) ANC LFR within 20 mi, or when directed by ATC: (1) climb to 1500 on W crs ILS 244) within 20 miles of LOM, (2) climb to 1500' on NW crs ANC LFR (305) to hold at Susitna Int, (3) climb to 2500 on NW crs Merrill LFR (326) within 20 mi.
Major Changes: Revise transitions to conform with relocation of ANC LFR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Anchorage, Alaska	International 113'	ILS-I-ANC, LOM-AN	1, Amdt 4 24 Nov 1956 Comb ILS & ADF	3 5 May 56

Annette LFR	GVN	direct	4000	*T-dn	300-1	300-1	200-½
Guard Island Int# via crs 123	Glide Slope Int (Final ILS)	direct	4000	C-dn	500-1½	500-2	500-2
Guard Island Int# via crs 123	GVN (Final ADF)	direct	4000	S-dn-12 ILS	400-1	400-1	400-1
				A-dn ADF	500-1	500-1	500-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*Runway 2: T-d 600-1 - make immediate left turn after take-off Tn NA. Rny 2-20 unlighted.
#Int of bearing 033 to Guard Island Rbn and NW crs Annette LFR

Procedure turn S side NW crs, 303 Outbnd, 123 Inbnd, 4000 within 10 mi (Non-standard due to terrain**).
Minimum Altitude at G.S. int inbnd, 3600 ILS, minimums altitude over GVN 3700 ADF (after procedure turn only).
Altitude of G.S. and distance to appr end of rny at OM over GVN** 3521-9.6, over ANN LFR 710-1.6, at MM 358-0.5
**CAUTION: Glide slope angle set at 3.27 to obtain obstruction clearance. Terrain 3600 5 mi ENE of airport and 1000' terrain within 2 mi of airport N thru E.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 9.6 mi of GVN (ADF) climb to 2800 on S crs Annette LFR within 20 miles
Major Changes: Adds transition from Guard Island Rbn

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Annette, Alaska	Annette 119'	ILS-I-ANN, FMRW-GVN	1, Amdt 2 7 Apr 1956 Comb ILS-ADF	1 13 Aug 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
FOT VOR via R-036	SE crs ILS (Final)	direct	3500#	T-dn	300-1	300-1	200-½
Trinidad Int*	LOM	direct	3000	C-dn	500-1	500-1	500-2
Trinidad Int*	LMM	direct	3000	S-dn-31	200-½	200-½	200-½
ACV LFR	LOM	direct	3000	A-dn	800-2	800-2	800-2

*Int of R-341 FOT and 115 brng to ACV LMM or 121 brng to ACV LOM
#After intercepting localizer, descent on Glide Slope is authorized.

Procedure turn S side SE crs, 134 Outbnd, 314 Inbnd, 3000 within 5 mi SE of LOM. NA beyond 5 mi SE of LOM. (Non-standard due to terrain)
Minimum Altitude at G.S. int inbnd, 3000
Altitude of G.S. and distance to appr end of rny at OM 1570-4.1, at MM 460-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . climb to 3000' on crs of 295° to Trinidad Int.
NOTE: Procedure not authorized with G.S. inoperative. Either the outer marker (visual) or the LOM must be operative.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Arcata, Calif	Arcata 217'	ILS ACV	1, Amdt 4 16 Aug 1954	3	18 Jun 52

Atlanta LFR	LOM	direct	2200	T-dn	300-1	300-1	200-½
Atlanta VOR	LOM	direct	2200	C-dn	400-1	500-1	500-1½
Madras Int (LF or VHF)	LOM	direct	2100	S-dn-9R* ILS	200-½	200-½	200-½
Fulton Int.	LOM	direct	2300	ADF	400-1	500-1	500-1
Chattahoochee Int	LOM (Final-ILS)	direct	2500	A-dn ILS	600-2	600-2	600-2
Chattahoochee Int.	LOM (Final-ADF)	direct	1600	ADF	800-2	800-2	800-2

Procedure turn S side W crs, 268 Outbnd, 088 Inbnd, 2500 within 10 miles
Minimum Altitude at G.S. int inbnd, 2450 ILS, minimum altitude over LOM inbnd final 1600 ADF
Altitude of G.S. and distance to appr end of rny at OM 2450-4.0; at MM 1320-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.0 miles after passing LOM (ADF) climb to 2200 on E crs ILS (088) within 20 miles.
* 400-3/4 required when glide slope not utilized.
CAUTION: 1182' tower ¾ miles W.
Major Changes: Transitions changed.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Atlanta, Ga.	Atlanta 1024'	ILS-IATL, LOM-AT	1, Amdt 16 9 Feb 57 Comb ILS & ADF	15 12	Nov 54

Atlanta LFR	Rex Int	direct	2100	T-dn	300-1	300-1	200-½
Atlanta VOR	Rex Int	direct	2100	C-dn	400-1	500-1	500-1½
Conyers Int	Rex Int (Final)	direct	1600	S-dn-27L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side E crs, 088 Outbnd, 268 Inbnd, 2200 within 10 miles.
Minimum Altitude over Rex Int inbnd, 1600'
Brng and distance to approach end of rny at Rex Int, 268°-5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 5.9 miles, climb to 2200 on W crs ILS within 10 miles.
CAUTION: 1182' tower ¾ mile W airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Atlanta, Ga	Atlanta 1024'	ILS-IATL	2, Amdt 5 9 Feb 57	4	12 Nov 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Augusta VOR	LOM	direct	1800	T-dn	300-1	300-1	#200-½
Augusta LFR	LOM	direct	1500	C-dn	600-2	600-2	600-2
City Int	LOM	direct	1600	S-dn-35 ILS	300-¾*	300-¾*	300-¾*
Millen Int	LOM	direct	1500	ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

#300-1 required on Runway 26.
*400-¾ required with glide slope inoperative.

Procedure turn W side S crs 168 Outbnd, 348 Inbnd, 1500 within 10 mi. (Non-standard due to prohibited area).
Minimum Altitude at G.S. int inbnd, 1500 ILS, minimum altitude over LOM inbnd final 1000 ADF
Altitude of G.S. and distance to approach end of rny at OM 1470-4.3; at MM 332-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.3 miles after passing LOM (ADF) climb to 2000 on N crs ILS (348) within 20 miles
NOTE: No approach lights.
Major Changes: Revise transitions. Simplify notes and lower ILS alternate minima.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Augusta, Ga	Bush 142'	ILS-IAGS, LOM-AG	1, Amdt 3 1 Oct 1955 Comb ILS & ADF	2	11 Jun 54

Augusta VOR	City Int.	Direct	2000	T-dn	300-1	300-1	200-½
Mallad Int	City Int	Direct	2000	C-dn	800-1	800-1	800-1½
Mallad Int	City Int (Final)	Direct	1500	S-dn-17	800-1	800-1	800-1
Colliers Int.	Mallad Int	Direct	2300	A-dn	1000-2	1000-2	1000-2

Procedure turn W side N crs, 348 outbnd, 168 inbnd, 2000' within 10 miles of City Int.
No glide slope, altitude and distance to app end of rny over City Int on final 1500'-6.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 6.1, miles of City Int, climb to 1600' on S crs ILS within 20 mi.
* 300-1 required on runway 26.
Caution: Prohibited area located 4 miles east of Bush Field.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Augusta, Ga.	Bush 142	ILS- IAGS	2 Amdt Orig 9 Feb 57	none	

Austin VOR	LOM	direct	2000	#T-dn	300-1	300-1	200-½
Austin LFR via crs 118	NW crs ILS	direct	1900	C-dn	500-1	500-1	500-1½
Smithville RBN via crs 295	SE crs ILS	direct	1900	S-dn-30L			
Cedar Creek Int	LOM	direct	1700	ILS	300-¾	300-¾	300-¾
Webberville Int	LOM(Final)	direct	2000	ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

#Not less than 300-1 authorized for take-off on runways 3-21, 16L-34R, and 12L-30R.

Procedure turn E side SE crs, 125 Outbnd, 305 Inbnd, 2000 within 10 miles. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd, 2000* ILS, minimum altitude over LOM inbnd final 1200 ADF
*2000 will intercept glide slope 0.5 mi after passing OM.
Altitude of G.S. and distance to approach end of rnt at OM 2120-5.3; at MM 820-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 5.3 mi LOM (ADF) climb to 2500 on NW crs ILS (305) within 20 miles. When directed by ATC, turn right, climb to 2100 on NE crs AUS-LFR within 20 miles.
NOTE: 400-1 required when G-S not used. No approach lights. All installed components of ILS must be operating or alternate minima of 800-2 apply.
Major Changes: Revise take-off note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Austin, Texas	Mueller 631'	ILS-IAUS, LOM-AU	1, Amdt 12 29 Aug 1956 Comb ILS-ADF	11	25 Aug 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
AUS VOR	Platenau Int	direct	2500	#T-dn	300-1	300-1	200-½
Lake Travis Int	Plateau Int	direct	2300	C-dn	500-1	500-1	500-1½
Plateau Int	Burnet Int (Final)	direct	1400	S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#Not less than 300-1 authorized for take-off on runways 3-21, 18L-34R, and 12L-30R.

Procedure turn W side NW crs, 305 Outbnd, 125 Inbnd, 2500 within 10 mi of Plateau Int.
Minimum Altitude at Plateau Int 2300, Burnet Int 1400.
Distance to approach end of rny at Burnet Int to rny 12, 2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.4 miles, climb to 2000 on SE crs ILS within 20 miles. When directed by ATC turn left, climb to 2000 on R 100 within 20 miles.
Major Changes: Revise take-off note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Austin, Texas	Mueller 631'	ILS-IAUS, VOR-AUS	2, Amdt 1 29 Aug 1956	Orig 11 Aug 56
		NW crs ILS		

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
BFL LFR via crs 141	SE crs ILS	direct	2000	T-dn	300-1	300-1	200-½
BFL VOR via R-131	SE crs ILS	direct	2000	C-dn	700-2	700-2	700-2
				#S-dn-30	400-¾	400-¾	400-¾
				A-dn	700-2	700-2	700-2

#400-1 required when glide slope inoperative.

Procedure turn *S side SE crs, 119 Outbnd, 299 Inbnd, 1900 within 10 mi of OM. Beyond 10 mi NA.
*Procedure turn S side for more favorable terrain.
Minimum Altitude at G.S. int inbnd, 1900
Altitude of G.S. and distance to appr end rny at OM 1820-4.1, at MM 690-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 3000' on NW crs BFL LFR within 20 miles or to 2000' on R-319 BFL within 20 miles
ALTERNATE MISSED APPROACH, when directed by ATC, climb to 2000' on SW crs of BFL LFR within 15 miles
NOTE: Take-offs and landings runway 7-25 NA. Night take-offs runway 16 NA. Night landings rny 34 NA.
AIR CARRIER NOTEL Sliding scale not applicable, except 2-engine take-off minimums of 400-¾ authorized.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to runways 25-30-34.
Major Changes: Distance corrected. Revise air carrier note.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bakersfield, Calif	Kern County No 1	ILS BFL	1, Amdt 6 6 Aug 1955	5 15 Jul 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Int NE crs Arcola LFR & W crs ILS	*Laurel Int	Direct	1700#	T-dn	300-1	300-1	200-½
Lisbon Int	*Laurel Int	Direct	1800#	C-dn	400-1	500-1	500-1½
Laurel Int (ILS)	LOM (Final)	Direct	1500	S-dn-10 ILS	200-½	200-½	200-½
Laurel Int (ADF)	LOM (Final)	Direct	1200	ADF	400-1	400-1	400-1
Relay Int	LOM	Direct	1500	A-dn ILS	600-2	600-2	600-2
Beltsville FM	LOM	Direct	1600	ADF	800-2	800-2	800-2
Lisbon Int	LOM	Direct	1800				
Baltimore VOR	LOM	Direct	1500				

* Laurel Int - Int N crs Andrews LFR & W crs ILS or 101 brng to LOM.
After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 1260' is authorized.

Procedure turn S side W crs, 281 Outbnd, 101 Inbnd, 1500' within 10 mi.
Minimum Altitude at glide slope int. inbnd, 1500 ILS. Minimum alt. over LOM inbnd final - 1200 ADF.
Alt. of glide slope & distance to approach end of rny at OM - 1260-3.8; at MM - 335-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi after passing LOM (ADF), climb to 1500' on E crs ILS or crs 101 from LOM within 10 mi.
Major Changes: Final transitions identified.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Baltimore, Md	Friendship Int'l 146'	ILS -BAL, LOM-BA	1, Amdt 6 18 Aug 56	5 6 Aug 55
			Comb. ILS-ADF	

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Int E crs Baltimore LFR & E crs ILS	*Orchard Beach Int	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-28	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

* Orchard Beach Int - Int E crs ILS and S crs Baltimore LFR.

Procedure turn N side E crs, 101 Outbnd, 281 Inbnd, 1500' within 5 mi of Orchard Beach Int.
No glide slope or markers. Descend to authorized minimums after passing Orchard Beach Int. Distance to approach end of Runway 28, 5.2 mi. Minimum altitude over Orchard Beach Int. 1000'
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.2 mi after passing Orchard Beach Int, climb to 1500' on W crs ILS within 10 mi of LOM.
NOTE: ADF approach not authorized.
Major Changes: Establishes final approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Baltimore, Md	Friendship Int'l 146'	ILS BAL	2, Amdt 1 6 Aug 55	Orig 29 Jul 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Baton Rouge LFR	LOM	direct	1200	T-dn	300-1	300-1	200-½
Baton Rouge VOR	LOM	direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-13 ILS	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn W side of NW crs, 306 Outbnd, 126 Inbnd, 1300 within 10 mi. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd, 1300 ILS, minimum altitude over LOM inbnd final 700 ADF
Altitude of G.S. and distance to approach end of rny at OM 1300-3.8, at MM 240-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi after passing LOM (ADF) climb to 1500 on SE crs ILS (126) within 20 miles.
NOTE: 400-¾ required when glide slope not utilized. Approach lights not installed.
Major Changes: Airport name. Combines ILS & ADF procedure. Revises transitions. Lowers altitude over LOM, ADF. Eliminates alternate missed approach procedures.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Baton Rouge, La	Ryan 70'	ILS-IBTR, LOM-BT	1, Amdt 2 12 Mar 1955	ILS-1 & ADF-2, 12 Feb 53
			Comb ILS & ADF	

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Beaumont LFR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
Beaumont VOR	LOM	Direct	1200	C-dn	400-1	500-1	500-1½
Pt. Arthur LF Int	LOM	Direct	1400	S-dn-11-ILS	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn S side NW crs 293 Outbnd, 113 Inbnd, 1400' within 10 mi. Beyond 10 mi. NA.
Minimum altitude at glide slope interception inbound 1400'; Min alt inbnd final ADF- 800
Alt. of G.S. and dist. to approach end of Rwy at OM 1400' - 4.8 mi; at MM 215' - 0.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 mi. after passing LOM (ADF)....climb to 1400' on SE crs ILS (113) within 20 mi.
When directed by ATC turn left, climb to 1600' on R-067 BUJ or turn right, climb to 1400' on S crs BUJ LFR within 20 mi.
NOTE: No approach lights.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Beaumont, Tex.	Jefferson County 15'	ILS-IBUJ LOM-BU	1, Orig. 26 Jan. 1957	None
			Comb ILS-ADF	

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Int R-236 LCH & SE crs. ILS (Final)	Parker Int	Direct	900	T-dn	300-1	300-1	200-½
BUJ VOR	Parker Int	Direct	1400	C-dn	400-1	500-1	500-1½
ILS LOM	Parker Int	Direct	1400	S-dn-29	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs ILS 113 Outbnd, 293 Inbnd, 1400' within 5 mi. of Parker Int
No glide slope. 900' over Parker Int. Brng. & dist. to Rwy. 29 - 293°, 3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 mi. after passing Parker Int, climb to 1400' on NW crs BUJ ILS within 20 mi.,
or when directed by ATC turn left and climb to 1600' on R-247 BUJ within 20 mi.
NOTE: Parker Int: SE crs ILS & R-080 BUJ.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Beaumont, Tex.	Jefferson County 15'	ILS-IBUJ	2, Orig. 26 Jan. 1957	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
BIL VOR	LOM	direct	5200	*T-dn	300-1	300-1	200-½
BIL LFR	LOM	direct	5200	C-dn	400-1	500-1	500-1½
Park City FM	LOM	direct	5200	S-dn-9 ILS	300-¾	300-¾	300-¾
Lavina FM	LOM	direct	6000	ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*300-1 required for take-off on all runways except 9-27.

Procedure turn S side of crs, 275 Outbnd, 095 Inbnd, 5200 within 10 miles. NA beyond 10 miles.
Minimum Altitude at G.S. int inbnd, 4800 ILS, minimum altitude over LOM inbnd final 4800 ADF
Altitude of G.S. and distance to approach end of rny at OM 4783-4.1, at MM 3794-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 miles of LOM (ADF) climb to 5200 on E crs BIL-LFR within 20 miles.
NOTE: Approach light not installed.
CAUTION: Standard clearance over obstructfons not provided on ADF final approach (terrain 3805' MSL at BIL VOR).
Major Changes: New ILS procedure. Adds ADF procedure.

City and State: Billings,Mont | Airport Name & Elev.: Municipal 3612' | Fac. Class & Ident.: ILS-BIL, LOM-BI | Procedure No. & Eff. Date: 1, Orig 15 Dec 1956 Comb ILS-ADF | Sup. Amdt. No. Dated: None

Binghamton VOR	BGM-MHW	Direct	3500	T-dn	300-1	300-1	200-½
Elmira LFR	BGM-MHW	Direct	3500	C-dn	400-1	500-1	500-1½
Int N crs Wilkes Barre LFR & brng 38 to BGM MHW	BGM-MHW	Direct	3500	S-dn-34 ILS	300-¾	300-¾	300-¾
				*ADF	400-1	400-1	400-1
Int brng 266 to Elmira LFR & brng 225 to ILS LMM	LMM	Direct	3500	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2
Wilkes Barre Scranton VOR	BGM-MHW	Direct	4000				
Lynn Int	BGM-MHW	Direct	3500				

* ADF minimums premised on use of both Binghamton MHW and LMM. If LMM inoperative or not used following ADF landing minimums apply to all aircraft:
S-d 500-1; S-n 500-2; C-d 500-1½; C-n 500-2.

Procedure turn E side SE crs, 158 Outbnd, 338 Inbnd, 3500 within 10 mi of Binghamton MHW.
Minimum Altitude at glide slope int. inbnd, 3500' ILS. Min. alt. over BGM MHW inbnd final - 3000 ADF.
Altitude of glide slope & distance to approach end of runway at OM - 2750-3.9, BGM MHW, 3540-6.9; MM - 1825-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.9 mi after passing BGM MHW (ADF), climb to 3500' on crs of 338 Outbnd from LMM within 15 mi.
Major Changes: Transition from Lynn Int added. Revises alternate ILS landing minimums.

City and State: Binghamton, N Y | Airport Name & Elev.: Broome County 1629' | Fac. Class & Ident.: ILS-BGM, LMM-GM, MHW-BGM | Procedure No. & Eff. Date: 1, Amdt 4 3 Mar 56 Comb. ILS-ADF | Sup. Amdt. No. Dated: 3 3 Dec 54

BHM LFR	LOM	direct	2600	#T-dn	300-1	300-1	200-½
BHM VOR	LOM	direct	2000	*C-dn	800-1	900-1	900-1½
Chelsea Int	LOM	direct	2600	S-dn-5			
Trussville Int	LOM	direct	2600	**ILS	500-¾	500-¾	500-¾
Bradford FM	LOM	direct	2600	ADF	600-1	600-1	600-1
Bessemer Int	LOM (Final)	direct	2000	A-dn	1000-2	1000-2	1000-2

#200-½ authorized for take-off on runway 23 for more than two-engine aircraft only.
*ILS circling: 700-3 authorized rny 36, except more than 2-eng aircraft, provided no maneuvering done N or E of airpo
**600-1 required when glide slope or approach lights inoperative.

Procedure turn N side of SW crs, 232 Outbnd, 052 Inbnd, 2000 within 10 mi. (Non-standard to avoid obstructions)
Minimum Altitude at G.S. int inbnd 2000 ILS, minimum altitude over LOM inbnd final 2000 ADF
Altitude of G.S. and distance to approach end of rny at OM 2000-4.7; at MM 830-.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.7 miles (ADF), climb to 2500' on N crs BHM LFR within 20 miles ,or climb to 2000' and proceed to BHM VOR.
AIR CARRIER NOTE: Sliding scale not authorized. No reduction in 2-eng or less T.O. min authorized with ILS inoperative. No straight-in approach authorized with any ILS components inoperative except as noted. No reduction in minimum authorized on cargo or ferry flights.
Major Changes: Transitions changed.

City and State: Birmingham,Ala | Airport Name & Elev.: Municipal 643' | Fac. Class & Ident.: ILS-BHM, LOM-BH | Procedure No. & Eff. Date: 1 Amdt 10 9 Feb 57 Comb ILS-ADF | Sup. Amdt. No. Dated: 9 21 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Bismarck LFR	LOM	direct	3300	*T-dn	300-1	300-1	200-½
Bismarck VOR	LOM	direct	3300	C-d	400-1	500-1	500-1½
Int W crs BIS-LFR and SE crs ILS	LOM	direct	3300	C-n	400-1½	500-1½	500-1½
Int R-117 BIS and 283 BRG to LOM	LOM	direct	3300	S-dn-30 ILS	200-½	200-½	200-½
				ADF	400-1	#400-1	#400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*300-1 required on runways 2. 20, 8, 26, 35 and 17.
#500-1½ required if approach lights inoperative.

Procedure turn E side of SE crs, 126 Outbnd, 306 Inbnd, 3300 within 10 mi.
Minimum Altitude at G.S. int inbnd, 2800 ILS, minimum altitude over LOM inbnd final ADF 2800
Altitude of G.S. and distance to approach end of rny at OM 2770-3.7, at MM 1868-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 mi after passing LOM (ADF) climb to 3800' on W crs BIS-LFR or to 4000' on R-261 BIS within 20 mi.
CAUTION: Radio towers: 1756' ½ miles S of airport. 2082' 3 mi N 1848' 3.5 mi NW.
Major Changes: Transitions altitudes and missed approach revised.

City and State: Bismarck,N Dak | Airport Name & Elev.: Municipal 1653' | Fac. Class & Ident.: ILS-BIS, LOM-BI | Procedure No. & Eff. Date: 1, Amdt 8 28 Jan 1956 Comb ILS-ADF | Sup. Amdt. No. Dated: 7 8 Nov 53

Eagle FM via crs 140 (ILS only)	NW crs ILS	direct	4000	*T-dn	300-1	300-1	200-½
Eagle FM via crs 140 (ILS only)	NW crs ILS (Final)	direct	3900	C-d	500-1	500-1½	600-1½
Boise LFR	LOM	direct	4000	C-n	500-1	500-1½	700-1½
Eagle FM (ADF only)	LOM	direct	4000	S-dn-10L			
Eagle FM (ADF only)	LOM (Final)	direct	3900	ILS	200-½	200-½	200-½
				10 L-R ADF	400-1	400-1	400-1
				A-d ILS	600-2	600-2	600-2
				A-n ILS	600-2	700-2	700-2
				A-dn ADF	800-2	800-2	800-2

*300-1 for runway 16-34.

Procedure turn W side NW crs, 277 Outbnd, 097 Inbnd, 4000' within 10 miles.
Minimum Altitude at G.S. int inbnd, 3900 ILS, minimum altitude over LOM inbnd final 3900 ADF
Altitude of G.S. and distance to appr end of rny at OM 3900-3.8, at MM 3055-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi, after passing LOM (ADF) turn right climb to 4000' on NW crs BOI-LFR, 302° outbnd, 122°Inbnd within 10 miles.

City and State: Boise,Idaho | Airport Name & Elev.: Boise Air Terminal 2858' | Fac. Class & Ident.: ILS-IBOI, LOM-BOI | Procedure No. & Eff. Date: 1, Amdt 8 23 Apr 1955 Comb ILS-ADF | Sup. Amdt. No. Dated: 7 12 Feb 55

Boston LFR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
East Boston Int	LOM	Direct	1500	C-dn ILS	*500-1	600-1	600-1½
Franklin Int ILS	ILS SW crs or brg 035 to LOM	085-12.4	1800	ADF	600-1	600-1	600-1½
Bedford MHW	LOM	Direct	1700	S-dn ILS 4R	#200-½	#200-½	#200-½
Radar terminal area transitions	Radar site	within 25 mi	1800	ADF 4R L	600-1	600-1	600-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

* 600-1 required when circling W of the airport.
400-¾ required with glide slope inoperative.
Procedure turn E side S crs, 215 Outbnd, 035 Inbnd, 1800' within 10 mi.
Minimum Altitude at glide slope int. inbnd: 1800 ILS. Min. alt. over LOM inbnd final - 1300 ADF.
Altitude of glide slope & distance to approach end of rny at OM - 1775-5.6 to point of touch down; at MM - 270-0.8 to point of touchdown.
CAUTION: ILS point of touchdown approx. 3500' in from approach end of runway pavement to allow clearance of ship channel. ADF straight-in and all circling minimums do not provide standard clearance over 370' stack SW of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.6 mi after passing LOM (ADF), climb to 1300' on NE crs ILS or crs 035 from LOM within 15 mi or (when directed by ATC) make a climbing right turn to 1500' on E crs Boston LFR.
All fixes may be determined and supplemented by surveillance radar.
Major Changes: Transition revised to permit "final" approach from Franklin Int.

City and State: Boston, Mass | Airport Name & Elev.: Logan 19' | Fac. Class & Ident.: ILS-I-BOS, LOM-BO | Procedure No. & Eff. Date: 1, Amdt 6 4 Aug 56 Comb. ILS-ADF | Sup. Amdt. No. Dated: 5 28 Jan 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Peabody Int	5.0 surveillance fix	Direct	1300	T-dn	300-1	300-1	200-½
Peabody Int	5.0 surveillance fix (Final)	Direct	800	C-dn*	500-1	600-1	600-1½
Radar terminal area transitions	Radar Site	within 25 mi	1800	S-dn-22L	#400-1	#400-1	#400-1
				A-dn	800-2	800-2	800-2

All fixes may be determined and supplemented by surveillance radar.
*600-1 required when circling W of airport
Maintain 500' until after passing the Boston LFR.

Procedure turn W side N crs 035 Outbnd, 215 Inbnd, 1500' within 15 mi of Boston LFR.
No glide slope or marker. Descent to airport minimums after passing 5.0 mi fix as determined by surveillance radar.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 mi after passing surveillance fix, climb to 1800' on SW crs Boston ILS within 10 mi of the airport.
CAUTION: Circling minimums do not provide standard clearance over 370' stack SW of airport. ADF approach not authorized.
Major Changes: Procedure turn added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Boston, Mass	Logan 19'	ILS BOS	2, Amdt 4 24 Mar 56	3 7 Jan 56

			T-dn	300-1	300-1	200-½
			C-dn	500-1	500-1	500-1½
			S-dn ILS*	300-¾	300-¾	300-¾
			ADF	500-1	500-1	500-1
			A-dn ILS	600-2	600-2	600-2
			ADF	800-2	800-2	800-2

* 500-¾ required with glide slope inoperative.

Procedure turn N side of crs, 292 Outbnd, 112 Inbnd, 1600' within 10 mi. NA beyond 10 mi.
Minimum altitude at glide slope int inbnd: 1600' ILS. Min. alt. over HW inbnd final - 1200' ADF.
Alt. of glide slope & distance to approach end of rny at OM 1440', 4.0; at MM 390', 0.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 mi after passing HW make a left climbing turn to 2000' on crs of 292 from facility within 10 mi.
Alternate missed approach when requested by ATC: Make a climbing left turn, proceed direct to Lawrence Radio Beacon at 2000' (3000' when directed by ATC)
CAUTION: 570' MSL tower 3 mi NE of airport.
Major Changes: ILS returned to operation.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Boston-Bedford, Mass	Hanscom 135'	ILS-IBED, HW(LOM)-BED	1, Orig 13 Oct 56	None
		Comb. ILS-ADF		

Abingdon Int	ILS E crs	direct	5500	T-dn	300-1	300-1	300-1
Bristol Int via crs 164	ILS E crs or EME MHW	direct	5500	#C-d	700-1	800-1	800-1½
Tri-City VOR via R-352	ILS E crs	direct	5500	#C-n	700-1½	800-1½	800-2
Tri-City LFR	LOM	direct	3000	S-dn-27#**	400-¾	400-¾	400-¾
Int SW crs Tri LFR & E crs ILS	LOM	direct	3000	A-dn	1000-2	1000-2	1000-2
Int SW crs TRI LFR & E crs ILS	EME MHW or Int	direct	5500				
Emmett MHW or Emmett Int	LOM (Final)	direct	on GS* or 2800				
Yuma Int	EME MHW or Emmett Int	direct	5500				

#No reduction of any landing ceiling or visibility minimum is authorized.
**500-1 required when glide slope not utilized.

Procedure turn N side crs, 090 Outbnd, 270 Inbnd, 3000 ## within 5 mi of OM. NA beyond 5 mi.
otherwise 5500 within 10 miles of Emmett MHW*
Minimum Altitude at G.S. int inbnd, 2800 from within 5 mi of LOM, 5500* from E of EME int or MHW.
*Final descent not to be initiated until definitely past Emmett Int-MHW. Glide slope alt 5500' over Emmett.
Altitude of G.S. and distance to appr end of rny at OM 2740-4.0; at MM 1750-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 5000 on W crs ILS within 20 miles
CAUTION: Abrupt changes in terrain elevations immediately adjacent to procedure areas.
Major Changes: Adds names of Johnson City and Kingsport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Bristol, Tenn (Bristol, Johnson City, Kingsport)	Tri-City 1524'	ILS I TRI	1, Amdt 6 20 Oct 1956	5 22 Sep 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
BRO VOR	LOM	direct	1200	T-dn	300-1	300-1	200-½
BRO LFR	LOM	direct	1200	C-dn	500-1	500-1	500-1½
Los Fresnos FM via crs 118°	N crs ILS or Brng 173 to LOM	direct	1200	S-dn-17 ILS	200-½*	200-½*	200-½*
Int BRO VOR R 330 & N crs ILS	LOM (Final) ILS	direct	1200	ADF	500-1	500-1	500-1
Int BRO VOR R 330 & N crs	LOM (Final) ADF	direct	600	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*400-½ required when Glide Slope not utilized.

Procedure turn W side N crs, 353 Outbnd, 173 Inbnd, 1200 within 10 mi. Beyond 10 mi NA.
Minimum altitude at G.S. int inbnd, 1200 ILS, minimum altitude over LOM inbnd final 600 ADF
Altitude of G.S. and distance to appr end of rny at OM 1150-3.8; at MM 240-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 miles after passing LOM (ADF) climb to 1200 on S crs ILS (173) within 10 miles, or when directed by ATC, turn left, climb to 1200' on R-062 BRO within 20 miles.
Major Changes: Add alternate missed approach procedure - revise transition.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Brownsville, Texas	Rio Grande Valley International 22'	ILS-BRO, LOM-BR	1 Amdt 12 9 Feb 57 Comb ILS & ADF	11 8 Sept 56

SW crs Buffalo LFR	SW crs ILS	Direct	2000	T-dn	300-1	300-1	200-½
Wolcottsville FM	LOM (Final)	Direct	1800	C-dn	400-1	500-1	500-1½
Buffalo VOR	LOM	Direct	1800	S-dn-23	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn N side NE crs 052 Outbnd, 232 Inbnd, 1800' within 10 mi of LOM.
Minimum Altitude at glide slope int inbnd: 1800'
Altitude of glide slope & distance to approach end of rny at OM - 1750', 3.7; at MM - 930', 6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2000' on SW crs ILS or, (when requested by ATC) climb to 2100' on W crs Buffalo LFR within 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Buffalo, N Y	Municipal 711'	ILS BUF	1, Amdt 5 1 Apr 54	4, 1 Oct 54

SW crs Buffalo LFR	SW crs ILS	Direct	2000	T-dn	300-1	300-1	200-½
Angola FM	SW crs ILS (Final)	Direct	1500	C-dn	400-1	500-1	500-1½
Buffalo VOR	SW crs ILS	Direct	2000	S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 232 Outbnd, 052 Inbnd, 2000' within 10 mi of Cheektowaga FM.
No glide path or middle markers 1500' (over Cheektowaga FM) 2.3 (From Cheektowaga FM)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi after passing Cheektowaga FM, climb to 2000' on NE crs ILS, (or when requested by ATC), make a climbing right turn to 2100' on E crs Buffalo LFR within 10 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Buffalo, N Y	Municipal 711'	ILS BUF	2, Amdt 1 1 Apr 54	Orig 2 Aug 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Burbank LFR	LOM	direct	*5000	#T-dn	300-1	300-1	300-1
Saugus Int	LOM	direct	7000	C-d	900-1½	900-1½	900-1½
Simi Int	LOM	direct	4100	C-n	900-2	900-2	900-2
Broome Int	LOM (Final)	direct	4100	S-dn-ry 7	600-1	600-1	600-1
Malibu Int	LOM	direct	5000	A-dn	900-2	900-2	900-2
Shoreline Int	LOM	direct	5000				
Newhall LFR	LOM	direct	6000				
Fillmore VOR	LOM	direct	5000				
Fillmore VOR via R-120	ILS Wcrs(Final)	direct	5000				

*4100' authorized after track is established W bound on ILS localizer.
#600-1 required for all take-offs when departing via SE crs BUR LFR. 200-½ authorized for take-off on rny 25 for more than 2-engine aircraft only.

Procedure turn S side of crs, 256 Outbnd, 076 Inbnd, 4100 within 10 miles of LOM. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd, 4100
Altitude of G.S. and distance to appr end of rny at OM 4078-11.9, at MM 1268-1.7, inner compass locator 882-0.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
turn right and climb to 4100' on W crs of BUR ILS to LOM. Alternate Missed approach: when directed by ATC, climb to 3000' on SE crs of BUR LFR, then make 180° right turn, continuing climb to 5000' while homing on BUR LFR and hold at BUR LFR in non-standard 2 minute pattern on SE crs, or, if directed by ATC, climb to 5000' on SE crs of BUR LFR.
CAUTION: 2000' terrain 2.2 miles NE of airport rising to 3126' approximately 3.5 mi ENE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Burbank, Calif	Lockheed Air Term 764'	ILS BUR	1, Amdt 7 10 Nov 1956	6 5 May 56

Burlington LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Plattsburgh VOR	LOM	Direct	1500	C-dn ILS	500-1	600-1	600-1½
Vergennes FM	LOM	Direct	2000	ADF	600-1	600-1	600-1½
Causeway Int *	LOM (Final)	Direct	1800	S-dn ILS#15	300-¾	300-¾	300-¾
				ADF	600-1	600-1	600-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

400-1 required with glide slope inoperative.
* Int PLB R-180 & NW crs ILS or brng 146 to LOM

Procedure turn N side NW crs, 326 Outbnd, 146 Inbnd, 1800' within 10 miles. Non-standard due to terrain.
Minimum Altitude at G.S. int inbnd, 1800 ILS, minimum altitude over LOM inbnd final 1000' ADF
Altitude of G.S. and distance to approach end of rny at OM 1755-4.9, at MM 600-.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 mi after passing LOM (ADF), make a climbing right turn to 4500' on crs of 205 from ILS LOM or the S crs of the Burlington LFR within 20 mi.
NOTE: IFR climb-out procedure SE bnd, climb most direct route to the Burlington LFR. Continue to climb to 3500' within 10 mi on the NW crs of Burlington LFR (S crs or N crs when directed by ATC)
NOTE: Minimum departure altitude SE bnd from facility 3500'
Major Changes: IFR climb-out procedure added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Burlington, Vt	Municipal 334'	ILS-BTV, LOM-BT,	1, Amdt 4 3 Sep 55 Comb. ILS-ADF	3 26 Feb 55

CPR LFR	LOM	direct	7000	T-dn	300-1	300-1	200-½
CPR VOR	LOM	direct	7500	C-dn	500-2	500-2	500-2
Int R-201 CPR and ILS W crs	LOM	direct	7000	S-dn-7	#300-¾	300-¾	300-⅝
Int R-201 CPR and 350 brng to LOM	LOM	direct	7000	A-dn	800-2	800-2	800-2

#AIR CARRIER NOTE: No straight-in approach authorized with inoperative ILS components.

Procedure turn N side W crs, 254 Outbnd, 074 Inbnd, 7000 within 5 mi LOM. Beyond 5 mi NA. Procedure turn N side due to more favorable terrain.
Minimum Altitude at G.S. int inbnd, 7000
Altitude of G.S. and distance to appr end of rny at OM 6680-3.9, at MM 5620-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 7500 on E crs of ILS within 20 miles of LMM. Alternate missed approach: when directed by ATC, climb to 7500' on N crs CPR LFR within 20 miles.
NOTE: Approach lights not available.
Major Changes: Adds transitions and alternate missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Casper, Wyo	Natrona County 5348'	ILS CPR	1, Amdt 2 16 Jun 1956	1 6 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
CPR LFR via crs 074	E crs ILS	direct	7000	T-dn	300-1	300-1	200-½
CPR VOR via R-153	E crs ILS	direct	7000	C-dn	500-2	500-2	500-2
Parktown FM via crs 266	E crs ILS	direct	6500	S-d	400-1	400-1	400-1½
Int R-201 CPR and ILS W crs	CPR LFR	direct	7000	S-n-ry 25	400-1½	400-1½	400-2
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 074 Outbnd, 254 Inbnd, 7000 within 10 miles CPR LFR
No Glide Path, altitude and distance to appr end of rny over CPR LFR on final 6500'-6.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 7500' on W crs of ILS within 20 miles of LMM. Alternate Missed Approach: when directed by ATC, turn left and climb to 8000' on R-201 CPR within 20 miles.
NOTE: Approach lights not available.
Major Changes: Establish missed approach to W.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Casper, Wyo	Natrona County 5348'	ILS CPR	2, Amdt 2 16 Jun 1956	1 6 Aug 54

Int NE crs ILS & brng 254 to CHW LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
CHW LFR	LOM	Direct	2500	S-dn-23 ILS	500-1	500-1	500-1
CHW VOR	LOM	Direct	2500	ADF	600-1	600-1	600-1
Gay Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2

Procedure turn N side NE crs, 050 outbnd, 230 inbnd, 2300 within 10 miles
No Glide Slope, minimum altitude over LOM inbnd final 1800
Distance to approach end of rny at OM 4.3, at MM 0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
4.3 mi after passing LOM (ADF), climb to 2500' proceeding to Charleston LFR or (when directed by ATC) climb to 2500' proceeding to CHW VOR.
NOTE: Provisions for use of inoperative components are not applicable to this procedure.
Major Changes: Transition from Gay Int added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Charleston W Va	Kanawha County 981'	ILS-CHW, LOM-CH	1, Amdt 6 29 Sep 56 Comb. ILS-ADF	5 1 Apr 54

Charlotte LFR	LOM	direct	2100	T-dn	300-1	300-1	200-½
Int N crs Charlotte LFR & SW crs ILS	LOM	direct	2200	C-dn	400-1	500-1	500-1½
				S-dn-5 ILS*	200-½	200-½	200-½
Union Int	Clover Int. **	direct	2300	ADF	400-1	400-1	400-1
Charlotte VOR	Clover Int**	direct	2300	A-dn ILS	600-2	600-2	600-2
Clover Int** ILS	LOM (Final)	direct	2300	ADF	800-2	800-2	800-2
Clover Int** ADF	LOM (Final)	direct	1500				
York Int	Clover Int**	direct	2300				

*400-¾ required when glide slope not utilized.
**Clover Int, Int R-328 CLT & CLT-ILS-SW crs. (To be shown on A-L Chart only)

Procedure turn S side of SW crs, 229 Outbnd, 049 Inbnd, 2300 within 10 miles
Minimum Altitude at G.S. int inbnd, 2300 ILS, minimum altitude over LOM inbnd final 1500 ADF
Altitude of G.S. and distance to appr end of rny at OM 2290-4.6, at MM 950-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 miles of LOM, climb to 2200 on NE crs ILS (049 from LOM) within 20 mi, or when directed by ATC, turn left, climb to 2500 on N crs LFR (358°) within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Charlotte, N C	Douglas 748'	ILS-CLT, LOM-CL	1, Amdt 10 17 Nov 1956 Comb ILS & ADF	9 24 Sep 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Chattanooga LFR	CQN MHW	direct	2200	T-dn	300-1	300-1	200-½
Daisy FM	CQN MHW	direct	2200	C-dn	600-1½	700-1½	700-2
Signal Mt Int	CQN MHW	direct	2200	S-dn-19 ILS	300-¾	300-¾	300-¾
Chattanooga VOR	ILS OM	direct	2300	ADF	500-1	500-1	500-1
Chicamauga Int	CQN MHW	direct	2200	A-dn ILS	600-2	600-2	600-2
Whitwell Int	CQN MHW	direct	3300	ADF	800-2	800-2	800-2

Procedure turn E side of NE crs, 015 Outbnd, 195 Inbnd, 2500 within 10 mi of CQN. (Nonstandard due to terrain)
Minimum Altitude at G.S. int inbnd 2500 ILS, minimum altitude over CQN MHW 2500 ADF inbnd final, over LOM inbnd final 1500 ADF
Altitude of G.S. and distance to approach end of rny at OM 1900-4.1, 7.7 CQN to Rny; at MM 890-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 7.7 miles after passing CQN MHW (ADF) climb to 3300 on SW crs ILS (195) within 20 miles.
CAUTION: Chattanooga "Z" marker will be received over range on final.
NOTE: 500-¾ required when glide slope not utilized. No approach lights. Take-off on runways 14-32 NA with less than 300-1.
AIR CARRIER NOTE: Application of sliding scale to straight-in minima NA.
Major Changes: Adds Chicamauga and Whitwell transitions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Chattanooga, Tenn	Lovell Field 682'	ILS-ICHA, MHW-CQN	1, Amdt 3 Comb ILS & ADF 28 May 1955	2	27 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
North Chattanooga MHW	Ft Oglethorpe Int	direct	2300	T-dn	300-1	300-1	200-½
ILS OM	Ft Oglethorpe Int	direct	2300	C-dn	600-1½	700-1½	700-2
Chattanooga VOR	Ft Oglethorpe Int	direct	2100	S-dn-1	400-1	400-1	400-1
Chattanooga LFR	Ft Oglethorpe Int	direct	2300	A-dn	800-2	800-2	800-2
Rossville Int	Ft Oglethorpe Int	direct	2300				
Chicamauga Int	Ft Oglethorpe Int	direct	2100				

Procedure turn E side of SW crs, 195 Outbnd, 015 Inbnd, 2200 within 10 mi of Ft Oglethorpe Int
No Glide Slope, minimum altitude over Ft Oglethorpe 1600
Distance to approach end of rny, no glide slope, Ft Oglethorpe Int 3.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.3 miles of Ft Oglethorpe Int, climb to 2500 on NE crs ILS within 20 miles.
NOTE: Take-off on rny 14-32 NA with less than 300-1.
Major Changes: Adds Chicamauga transition.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Chattanooga, Tenn	Lovell Field 682'	ILS-ICHA, VOR-CHA	2, Amdt 2 28 May 1955	1	27 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
CYS LFR	LOM	direct	7500	T-dn	300-1	300-1	200-½
Silver Crown FM	LOM	direct	8000	C-dn	400-1	500-1	500-1½
CYS VOR	LOM	direct	7500	S-dn-ry 26	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn N side E crs, 081 Outbnd, 261 Inbnd, 7500 within 5 miles of LOM
Minimum Altitude at G.S. int inbnd, 7500
Altitude of G.S. and distance to appr end of rny at OM 7500-5.1, at MM 6312-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 7500 on S crs CYS LFR, Alternate Missed Approach: when directed by ATC, climb to 7500' on N crs of CYS LFR or to 7500' on R-348 CYS, within 20 miles.
Major Changes: Distances and altitude over Middle Marker. Change minimums for 2-engine equipment.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Cheyenne, Wyo	Municipal 6156'	ILS CYS	1, Amdt 14 17 Dec 1955	13	17 Aug 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Big Run Int	LOM	direct	2300	T-dn	300-1	300-1	200-½
API VOR ILS only - via R-040	Elmhurst Int	direct	2300	C-d	400-1	500-1	500-1½
API VOR via R-051	NW crs ILS	direct	2300	C-n	400-1½	500-1½	500-1½
Downers Grove Int	LOM	direct	2300	S-dn-13R			
API VOR	LOM	direct	2300	*ILS	300-¾	300-¾	300-¾
Int NW crs ILS & 051-R API	LOM (Final)	direct	2300	ADF	400-1	400-1	400-1
Elmhurst Int ILS only	LOM (Final)	direct	2300	A-dn ILS	600-2	600-2	600-2
Int 017-R API & NW crs ILS	G.S. Int (Final)	direct	2300	ADF	800-2	800-2	800-2
Roselle Int	G.S. Int (Final)	direct	2500				
Wilson Int via crs 180	NW crs ILS	direct	2300				
Lake Forest Int via R-017 API	NW crs ILS	direct	3000				
Lake Short Int	LOM	direct	2500				
SBI LFR via crs 290	NW crs ILS	direct	2300				
CGT VOR	Kedzie RBN	direct	2000				
Radar Vectors 60° Clockwise to 185°	Radar site 20 mi	within	2000				
Radar Vectors 185 clockwise to 060	Radar Site 20 mi	within	2500				

*400-1 required with glide slope inoperative.

Procedure turn W side of crs, 312 Outbnd, 132 Inbnd, 2300 within 10 miles
Minimum Altitude at G.S. int inbnd, 2300 ILS, minimum altitude over LOM inbnd final 1800 ADF.
Altitude of G.S. and distance to approach end of rny at OM 2255-5.8, at MM 868-0.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.8 miles of LOM (ADF) climb to 2000' or higher altitude specified by ATC on SE crs ILS (132) proceed to Gary Int or, if directed by ATC: 1. Make right turn climb to 2000', proceed to Momence Int via N & S crses Harvey LFR Range.
Major Changes: Outbnd P.T. crs corrected. Add ILS transition restriction.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Chicago, Ill	Midway 618'	ILS-ICHI, LOM-CH & VOICE	1, Amdt 12 Comb. ILS-ADF 21 Apr 56	11	25 Feb 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Evanston Int	LOM	direct	2500	T-dn	300-1	300-1	200-½
Glenview LFR	LOM	direct	2500	C-d	400-1	500-1	500-1½
Int S crs MKE LFR & E crs RFD LFR	LOM	direct	2500	C-n	400-1½	500-1½	500-1½
				S-dn-14 ILS	300-¾	300-¾	300-¾
Int E crs RFD LFR & NW crs ILS only	LOM (Final)	direct	2500	ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
Wilson Int	LOM	direct	2500	ADF	800-2	800-2	800-2
Chicago LFR	LOM	direct	2500				
Naperville VOR	LOM	direct	2500				
CHI LOM	LOM	direct	2500				
Int JVL VOR 104R & NW crs ILS-ILS only	LOM (Final)	direct	2500				

Procedure turn W side of NW crs, 318 Outbnd, 138 Inbnd, 2500 within 10 miles.
Minimum Altitude at G.S. int inbnd, 2500 ILS, inbnd final 2000 ADF
Altitude of G.S. and distance to approach end of rny at OM 2503-5.4, at MM 899-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.4 miles after passing LOM (ADF) make left turn climb to 2500 on crs of 050 to SE crs NBU LFR.
Proceed to Mundelein Int via NBU LFR, or when directed by ATC: 1. Make left turn climbing to 2500' proceed to LOM.
Major Changes: Transitions added. Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Chicago, Ill	O'Hare International 657'	ILS-IORD, LOM-OR	1, Amdt 3 Comb ILS-ADF 7 Apr 1956	2	22 Mar 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Cincinnati VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
New Baltimore Int	LOM	Direct	2300	C-dn	400-1	500-1	500-1½
Cincinnati LFR	LOM	Direct	2400	S-dn-36 ILS	200-½	200-½	200-½
Dry Ridge Int	Union Int	Direct	2000	ADF	400-1	400-1	400-1
Bridgetown Int	LOM	Direct	2400	A-dn ILS	600-2	600-2	600-2
Grants Lick Int	Union Int	Direct	2000	ADF	800-2	800-2	800-2
Union Int ILS	LOM (Final)	Direct	2000				
Union Int ADF	LOM (Final)	Direct	1500				

Radar terminal area transition altitudes: From 022 to 105 2500' within 30 mi; from 105 through 180 to 022, 2000' within 15 mi; 2500' within 30 mi.

Procedure turn E side of crs, 180 Outbnd, 360 Inbnd, 2000' within 10 mi
Minimum altitude at glide slope int inbnd, 2000' ILS. Min. alt. inbnd final 1500' ADF.
Altitude of glide slope & distance to approach end of rny at OM - 1987'-3.9; at MM - 1055-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 mi after passing LOM (ADF), climb to 2300' on N crs ILS to New Baltimore Int. or when directed by ATC, make a left climbing turn, climb to 2300' on track of 285 from LMM within 15 mi.
Major Changes: Revises transitions to permit straight-in approach.

City and State: Cincinnati, Ohio — Airport Name & Elev.: Greater Cincinnati 890' — Fac. Class & Ident.: ILS-CVG, LOM-CV — Procedure No. & Eff. Date: 1, Amdt 9 18 Aug 56 Comb. ILS-ADF — Sup. Amdt. No. Dated: 8 30 Jul 55

Camden Int	New Baltimore Int	Direct	2500	T-dn	300-1	300-1	200-½
New Baltimore Int	Addyston FM	Direct	2100	C-dn	400-1	500-1	500-1½
New Baltimore Int	Addyston FM (Final)	Direct	1660				
Union Int	Addyston FM	Direct	2300	S-dn-18	400-1	400-1	400-1
Cincinnati VOR	Addyston FM	Direct	2300	A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 360 Outbnd, 180 Inbnd, 2100' within 5 mi of Addyston FM
No glide slope or markers. Descend to authorized landing minimums after passing Addyston FM. Distance and brng to Rnwy 18 5.0 180 Minimum altitude over Addyston FM 1600'
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
5.0 mi after passing Addyston FM, make a right climbing turn to 2400' on crs of 240 from ILS LMM or Cincinnati VOR 240 radial within 15 mi. Alternate missed approach procedure (when directed by ATC) climb to 2000' on S crs ILS to Union Int.
Major Changes: Revises missed approach.

City and State: Cincinnati, Ohio — Airport Name & Elev.: Greater Cincinnati 890' — Fac. Class & Ident.: ILS CVG — Procedure No. & Eff. Date: 2, Amdt 4 22 Aug 56 — Sup. Amdt. No. Dated: 3 6 Aug 55

Cleveland LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Elyria FM	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Walter Int	LOM	Direct	2200**	S-dn-5L*ILS	300-¾	300-¾	300-¾
Int SW crs ILS or 054 brng to LOM and CLE VOR 135 rad.	LOM	Direct	2200**	5L,5A DF	400-1	400-1	400-1
Cleveland VOR via R-102	SW crs ILS or Int brg 054 to LOM	Direct	2200**	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

* 400-¾ required with glide slope inoperative.
** After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 2070 is authorized.
Procedure turn S side SW crs, 234 Outbnd, 054 Inbnd, 2200' within 10 miles.
Minimum Altitude at G.S. int inbnd, 2200 ILS, minimum altitude over LOM inbnd final 1700 ADF
Altitude of G.S. and distance to approach end of rny at OM 2070-3.9, at MM 1020-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 mi after passing LOM (ADF) make a right climbing turn, climb to 3000' on N W side E crs Cleveland LFR within 20 mi. Alternate missed approach procedure (when requested by ATC)
1. Make right# climbing turn, proceed to LOM at 2600 or,
2. Climb to 2500' on NE crs ILS within 15 mi.
#Caution: 1970' TV towers approximately 7 mi ESE of airport.
NOTE: The following radar transition altitudes are applicable to all procedures; S, NW & N, quadrants of Cleveland LFR within 10 mi 2000', within 30 mi 3000' in SE quadrant within 30 mi 3000' in all quadrants in accordance with established radar patterns.
Major Changes: Final transitions added.

City and State: Cleveland, Ohio — Airport Name & Elev.: Cleveland-Hopkins 789' — Fac. Class & Ident.: ILS-CLE, LOM-CL — Procedure No. & Eff. Date: 1, Amdt 13 18 Aug 56 Comb. ILS-ADF — Sup. Amdt. No. Dated: 12 19 Oct 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Radar transition to ILS NE crs with established surveillance patterns for Runway 23R	to be conducted in accordance			T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-23R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn NA Inbnd crs 234
No glide slope or markers. Minimum altitude to 4 mi fix 2000'. Descent to landing minimums after passing 4 mi fix as determined by surveillance radar.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4 mi after passing radar fix climb to 2200' (or at higher altitude when requested by ATC) on SW crs ILS to LOM. This procedure authorized only in conjunction with airport surveillance radar. No glide slope and no altitude information given on final approach between ASR 4 mi fix and airport unless requested.
NOTE: The following radar transition altitudes are applicable to all procedures; S, NW, and N quadrants of Cleveland LFR within 10 mi 2000', within 30 mi 3000' in SE quadrant within 30 mi 3000' in all quadrants in accordance with established radar patterns.
CAUTION: 1970' TV towers approximately 6 mi ESE of airport.
Major Changes: Radar gate moved.

City and State: Cleveland, Ohio — Airport Name & Elev.: Cleveland-Hopkins 789' — Fac. Class & Ident.: ILS CLE — Procedure No. & Eff. Date: 2, Amdt 3 12 Nov 55 — Sup. Amdt. No. Dated: 2 15 Oct 55

Black Forest FM	COS MHW (LOM)	direct	8200	T-dn ILS	300-1	300-¾	300-¾
ILS LMM	COS MHW (LOM)	direct	7200	ADF	300-1	300-1	300-1
Fountain FM	COS MHW (LOM)	direct	7200	C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-dn-35 ILS	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 166 Outbnd, 346 Inbnd, 7200 within 10 miles of COS MHW (LOM).
Minimum Altitude at G.S. int inbnd, 7200 ILS, minimum altitude over COS MHW inbnd final 7200 ADF.
Altitude of G.S. and distance to approach end of rny at OM 7120-3.8, at MM 6270-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 miles after passing LOM (ADF) climb to 8000 on 035 crs from LOM within 20 miles. Alternate Missed Approach, when directed by ATC, climb to 8000' on 090 crs from LOM within 20 miles.
NOTE: No approach lights available. Standard clearance not provided from restricted area 194.
AIR CARRIER NOTE: Provisions for inoperative ILS components not applicable.
CAUTION: (1) 7190' MSL Radio Tower 15.5 mi N of LOM. KHGF - 7910 tower 21 mi N of LOM. Danger area 2.5 mi W of localizer center line.

City and State: Colorado Springs, Colorado — Airport Name & Elev.: Peterson Field 6172' — Fac. Class & Ident.: ILS-ICOS, MHW (LOM) COS — Procedure No. & Eff. Date: 1, Amdt 4 1 May 1954 Comb ILS-ADF — Sup. Amdt. No. Dated: 3 15 Feb 54

Columbia LFR	LOM	direct	1600	T-dn	300-1	300-1	200-½
Columbia VOR	LOM	direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-5 ILS*	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*400-¾ required when glide slope not utilized

Procedure turn S side SW crs, 226 Outbnd, 046 Inbnd, 1500 within 10 mi. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd, 1500 ILS, minimum altitude over LOM inbnd final 1000 ADF
Altitude of G.S. and distance to appr end of rny at OM 1470-3.9, MM 420-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 miles LOM (ADF) climb to 2000 on the W thenE crs of LFR or R-073 CAE within 20 miles
NOTE: No approach lights
Major Changes: Revise transition from VOR and missed approach.

City and State: Columbia, S C — Airport Name & Elev.: Columbia 244 — Fac. Class & Ident.: ILS-ICAE, LOM-CA — Procedure No. & Eff. Date: 1, Amdt 1 10 Sep 1955 Comb ILS & ADF — Sup. Amdt. No. Dated: Orig 3 Feb 1954

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Columbus LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
Appleton VOR	E crs ILS (Final)	Direct	2500	S-dn-27 ILS	200-½	200-½	200-½
Radar terminal area transition	altitudes:	within		ADF	400-1	400-1	400-1
	Radar Site	25 mi	2500	A-dn ILS	600-2	600-2	600-2
	Radar Site	35 mi	3000	ADF	800-2	800-2	800-2
	Radar Site	40 mi	4000				

Procedure turn N side E crs, 096 Outbnd, 276 Inbnd, 2500' within 10 mi. NA beyond 10 mi.
Minimum altitude at glide slope int inbnd: 2500' ILS. Min. alt. over LOM inbnd final - 2000' ADF.
Altitude of glide slope & distance to approach end of runway at OM - 2595-5.4; MM 1093-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.4 mi after passing LOM (ADF), climb to 2500' on W crs ILS or crs 276 from LOM within 15 mi.
Major Changes: Provides transition from Appleton VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbus, Ohio	Port Columbus 816'	ILS-CMH, LOM-CM	1, Amdt 7 3 Nov 56 Comb ILS-ADF	6 11 Aug 56

Columbus LFR	Bexley MHW	Direct	2400	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
Columbus VOR	Bexley MHW	Direct	2400	S-dn-9	400-1	400-1	400-1
Hilliard FM	Bexley MHW (Final)	Direct	2000	A-dn ILS	600-2	600-2	600-2
Radar Terminal area transition	altitudes: Radar Site	within		ADF	800-2	800-2	800-2
		25 mi	2500				
		35 mi	3000				
		40 mi	4000				

Procedure turn S side W crs, 276 Outbnd, 096 Inbnd, 2500' within 10 mi of Bexley MHW
No glide slope - 2000' over Bexley MHW; 3.3 mi from Bexley MHW to rwy 9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.3 mi after passing Bexley MHW, climb to 2400' on E crs ILS or crs 096 from Bexley MHW within 15 mi
Major Changes: Procedure turn and final approach altitudes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Columbus, Ohio	Port Columbus 816'	ILS CMH MHW-BXL	2, Amdt 2 30 Jul 55 Comb. ILS-ADF	1 6 Aug 54

Dallas VOR	LOM	direct	1800	T-dn	300-1	300-1	200-½
Ross Ave. Int	LOM	direct	1700	C-dn	400-1	500-1	500-1½
Farmers Branch Int	LOM	direct	1600	S-dn-13 ILS	200-½	200-½	200-½
Coppell Int ILS	LOM (Final)	direct	2000	ADF	400-1	400-1	400-1
Coppell Int ADF	LOM (Final)	direct	1200	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Radar terminal area transition altitude: 2000 within 5 to 20 mi. Radar control must provide 3 mi or 1000 vert. separation or 3 to 5 mi and 500 vert separation from radio towers - 1108 MSL 20 mi N; 2349 MSL 16 mi SSW; 1230 MSL 10 mi WNW of airport.

Procedure turn N side NW crs, 307 Outbnd, 127 Inbnd, 2000 within 10 mi.
Minimum Altitude at G.S. int inbnd, 2000 ILS, minimum altitude over LOM inbnd final 1200 ADF
Altitude of G.S. and distance to appr end of rny at OM 1920-4.2, at MM 775-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.2 miles of LOM (ADF) climb to 2000 on SE crs ILS (127) within 20 miles or, when directed by ATC, turn left, proceed to DAL VOR, climbing to 2000
CAUTION: 1221' R.T. 5.6 mi WNW of LOM. 695' tank 1.7 mi SE runway 31. Procedure turn non-standard due ATC.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dallas, Texas	Love Field 485'	ILS-IDAL, LOM-DA	1, Amdt 2 26 May 1956 Comb ILS & ADF	1 18 Jun 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
DAL VOR	Ross Ave Int	direct	2000	T-dn	300-1	300-1	200-½
DAL VOR	Fair Park Int	direct	2000	C-dn	400-1	500-1	500-1½
DAL LFR	Ross Ave Int	direct	2000	S-dn-*31	400-1	400-1	400-1
Trinity Fork Int	Fair Park Int	direct	2000	A-dn	800-2	800-2	800-2
Fair Park Int	Ross Ave Int (Final)	direct	1500				
Duncanville RBN	Fair Park Int	direct	2000				

Radar terminal area transition altitude: 2000 within 5 to 20 mi. Radar control must provide 3 mi or 1000 vert. separation or 3 to 5 mi and 500 vert. separation from radio towers - 1108 MSL 20 mi N; 2349 MSL 16 mi SSW; 1230 MSL 10 mi WNW of airport.

Procedure turn S side SE crs, 127 Outbnd, 307 Inbnd, 2000 within 10 mi of Ross Ave Int
Altitude over Ross Ave Int 1500; distance to rny 31, 32 mi. Altitude over Tank fix# 1000*; distance to rny 31 1.5 mi.
#Tank fix is Tank FM or Int R-229 DAL VOR and SE crs ILS
*Descent below 1000 MSL not authorized unless position over tank fix determined.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 mi of Ross Ave Int, climb to 2200 on NW crs ILS or, when directed by ATC, turn right, climb to 2000 on R-063 DAL within 20 miles.
CAUTION: 695 MSL tank 1.7 mi from approach end of Runway 31.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dallas, Texas	Love Field 485	ILS-IDAL	2, Amdt 2 26 May 1956	1 21 Dec 55

Dayton VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Wright-Patterson LFR	LOM	Direct	3000	C-dn	400-1	500-1	500-1½
W crs Columbus LFR & ILS NE crs	LOM	Direct	2300	S-dn-6* ILS	200-½	200-½	200-½
or brng 236 to LOM				ADF	400-1	400-1	400-1
Liberty Int	LOM	Direct	2300	A-dn ILS	600-2	600-2	600-2
Dayton VOR Rad. 086 & ILS NE	LOM	Direct	2300	ADF	800-2	800-2	800-2
crs or brng 236 to LOM							
West Alexandria Int ILS#	LOM (Final)	Direct	2300				
West Alexandria Int ADF	LOM (Final)	Direct	1700				

* 400-¾ required with glide slope inoperative.
Int W crs Wright Patterson LFR & SW crs ILS or brng 056 to LOM.

Procedure turn W side SW crs, 236 Outbnd, 056 Inbnd, 2300' within 10 mi.
Minimum altitude at glide slope int inbnd: 2300' ILS. Min. Alt. over LOM inbnd final - 1700' ADF.
Alt. of glide slope & distance to approach end of rny at OM - 2270'-3.8; at MM - 1235-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi after passing LOM (ADF), climb to 2200' on 360 crs from Tipp City MHW within 10 mi.
Major Change: Note added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dayton, Ohio	Dayton 1008'	ILS-DAY, LOM-DA	1, Amdt 11 17 Nov 56 Comb. ILS-ADF	10 1 Apr 54

Dayton VOR	TPC MHW	Direct	2200	T-dn	300-1	300-1	200-½
Wright-Patterson LFR	TPC MHW	Direct	2200	C-dn	400-1	500-1	500-1½
Springfield MHW	TPC MHW	Direct	2300	S-dn-24 ILS	400-1	400-1	400-1
Int R-203 DAY & ILS SW crs or	TPC MHW	Direct	2200	ADF	400-1	400-1	400-1
056 brng to Tipp City MHW				A-dn	800-2	800-2	800-2
Int W crs Columbus LFR & ILS	TPC MHW (Final)	Direct	1700				
NE crs or 236 brng to Tipp City MHW							
Int R-086 DAY & ILS NE crs or	TPC MHW (Final)	Direct	1700				
brng 236 to Tipp City MHW							

Procedure turn N side NE crs (back crs ILS) 056 Outbnd, 236 Inbnd, 2200' within 10 mi of Tipp City MHW
No glide slope or markers, Alt. over Tipp City MHW 1700'. Distance Tipp City to Rny 24, 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi, climb to 2300' on SW crs ILS or 236 brng Outbnd from Tipp City MHW within 10 mi.
NOTE: Provision for inoperative ILS components not applicable.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Dayton, Ohio	Dayton 1008'	ILS-DAY, MHW-TPC	2, Amdt 1 1 Apr 54 Comb. ILS-ADF	Orig 16 Dec 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
DEN LFR	LOM	direct	7000	T-dn	300-1	300-1	200-½
DEN VOR	LOM	direct	7000	C-dn ILS	400-1	500-1	500-1½
Aurora "H"	LOM	direct	7000	ADF	900-1	900-1	900-1½
Dupont Int	LOM	direct	7000	S-dn-ry 26L			
See Bee Int	LOM	direct	7000	ILS	200-½	200-½	200-½
Int E crs ILS and S crs DEN LFR	LOM	direct	7000	ADF	900-1	900-1	900-1
Bennett Int	LOM	direct	7000	A-dn ILS	600-2	600-2	600-2
				ADF	900-2	900-2	900-2

Procedure turn N side E crs, 7000 within 10 miles, 076 Outbnd, 256 Inbnd.
Minimum Altitude at G.S. int inbnd, 7000'
Altitude of G.S. and distance to approach end of rny at OM 6997-5.5, ADF 7000', at MM 5571-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 5.5 miles after passing LOM (ADF) turn right, climb to 6300' on N crs DEN LFR within 20 miles. Alternate Missed Approach: when directed by ATC, turn right, climb to 6600' on E crs DEN LFR.
CAUTION: 5918' MSL Radio Tower 4.7 mi E SE of airport. 5579' MSL Tank .9 mi SE MM.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Denver, Colo	Stapleton Airfield 5331'	ILS-DEN, LOM-DE	1, Amdt 19 3 Dec 1954 Comb ILS-ADF	18	16 Aug 54

Des Moines LFR	LOM	direct	2400	T-dn*	300-1	300-1	200-½
Des Moines VOR	LOM	direct	2400	C-dn	400-1	500-1	500-1½
Martensdale FM	LOM	direct	2400	S-dn-31#ILS	300-¾	300-¾	300-¾
Int N crs DSM-LFR & SE crs ILS	LOM	direct	2400	ADF	400-1	400-1	400-1
Int R-079 DSM & SE crs ILS	LOM (Final)	direct	2400	A-dn ILS	600-2	600-2	600-2
Int R-001 DSM & SE crs ILS	LOM	direct	2400	ADF	800-2	800-2	800-2
Int R-064 DSM & SE crs ILS	LOM (Final)	direct	2400				
Int R-032 DSM & SE crs ILS	LOM	direct	2400				

*When tower 1546' not visible on N, NW, E & NE take-offs, climb to 2100 prior to turning toward tower.
#400-1 required when glide slope inoperative.

Procedure turn E side of crs, 125 Outbnd, 305 Inbnd, 2400 within 10 miles
Minimum Altitude at G.S. int inbnd, 2400 ILS, inbnd final 2400 ADF
Altitude of G.S. and distance to appr end of rny at OM 2371-4.2, at MM 1183-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.2 miles climb to 2600 on NW crs ILS or on outbnd crs of 305 from LOM within 20 mi, or when directed by ATC, make left climbing turn climb to 2600 on W crs of DSM-LFR within 20 miles.
CAUTION: 1546' MSL tower 3 mi NNE of airport.
Major Changes: Transitions, courses, altitudes and missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Des Moines, Iowa	Des Moines 957'	ILS-DSM, LOM-DS	1, Amdt 1 21 Apr 1956 Comb ILS-ADF	Orig	12 Feb 54

Des Moines VOR via R-334	Clive Int#	direct	2500	*T-dn	300-1	300-1	200-½
ILS-LOM	Clive Int#	direct	2500	C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*When tower not visible on N, NW, E and NE take-offs, climb to 2100' prior to turning toward tower. Procedure authorized only when aircraft equipped to receive ILS & VOR simultaneously.

Procedure turn W side NW crs, 305 Outbnd, 125 Inbnd, 2100 within 10 miles of Clive Int#
No Glide Slope. No Outer Marker, 1600' over Clive Int# 2.1 mi, no Middle Marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 2.1 miles after passing Clive Int#, climb to 2300 on ILS SE crs, or when directed by ATC: 1. Climb to 2300' on S crs DSM-LFR to Martensdale FM.
#Clive Int - Int R-333 DSM and ILS NW crs
CAUTION: 1546' MSL Tower 3.0 mi NNE of airport.
Major Changes: Minimum altitude raised due to concrete chimney 1067' MSL located 3.9 NW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Des Moines, Iowa	Des Moines 957'	ILS DSM	2, Amdt 2 10 Nov 1956 Comb ILS-VOR-Back Crs Approach	1	21 Apr 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Detroit LFR	LOM	direct	2000	T-dn	300-1	300-1	200-½
Salem VOR via SVM R-155	LOM	direct	2000	C-dn	400-1	500-1	500-1½
Carleton VOR	LOM	direct	2000	S-dn-3L ILS	300-¾	300-¾	300-¾
Park VHF Int	LOM	direct	2000	ADF	400-1	400-1	400-1
Midcraft Int (via RML LFR)	LOM	direct	2000	A-dn ILS	600-2	600-2	600-2
YIP ILS LOM	LOM	direct	2000	ADF	800-2	800-2	800-2
Int SW crs RML ILS crs & SW crs QG LFR	LOM	direct	2000				
Flat Rock Int	LOM	direct	2000				
Int SW Crs RML ILS & CRL R-267	LOM	direct	2000				

Radar transitions to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from LOM. Refer to Willow Run Radar procedure if detailed information on sector altitudes is desired.

Procedure turn E side SW crs, 212 Outbnd, 032 Inbnd, 2000 within 10 mi.
Minimum Altitude at G.S. int inbnd 1900 ILS, inbnd final 1500 ADF
Altitude of G.S. and distance to approach end of rny at OM 1872-4.3, at MM 884-.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.3 miles, make right turn, climb to 2000' proceed to RML LOM or when directed by ATC (1) Make left turn, climb to 2300', proceed to RML LFR. (2) Make left turn, climb to 2500' proceed to SVM VOR via SVM R-127. (3) Make right turn, climb to 2300', proceed to Flat Rock Int.
Major Changes: Transitions deleted and added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Detroit, Mich	Wayne Major 639'	ILS-IRML, LOM-RM	1, Amdt 2 31 May 1956 Comb ILS-ADF	1	22 Mar 55

Detroit LFR	Int* or Int**	direct	2700	T-dn	300-1	300-1	200-½
RML LOM	Int* or Int**	direct	2700	C-dn	500-1	500-1	500-1½
SVM VOR	Int* or Int**	direct	2700	S-dn-21R	500-1	500-1	500-1
FRD RBN	Int* or Int**	direct	2700	A-dn	800-2	800-2	800-2
Int NE crs ILS & NW crs QG LFR	Int* or Int**	direct	2700				
Int QG R-265 & ILS crs	Int* or Int**	direct	2700				
Park VHF Int	Int* or Int**	direct	2700				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from Int* or Int**. Refer to Willow Run Radar Procedure if detailed information on sector altitudes is desired.

Procedure turn W side NE crs, 032 Outbnd, 212 Inbnd, 2700 within 10 mi of Int* or Int**
No Glide Slope. No Outer Marker, 2300 over Int* or Int** 5.2 mi. No Middle Marker
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 5.2 mi, climb to 2000' on SW crs ILS to LOM or when directed by ATC (1) Make right turn, climb to 2000 proceed to FRD RBN. (2) Make left turn, climb to 2300', proceed to Flat Rock LF Int.
NOTE: Procedure NA unless aircraft equipped to receive ILS & VOR or ILS & ADF brngs simultaneously, unless radar fixes are obtainable at Int* or Int**.
*Int-Int NE crs ILS & SVM R-118.
** Int-Int NE crs ILS & 265 ADF brg to FRD RBN.
Major Changes: Transitions added. Radar transitions authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Detroit, Mich	Wayne Major 639'	ILS Back Crs	2, Amdt 2 31 May 1956	1	9 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Detroit LFR	LOM	direct	2300	T-dn	300-1	300-1	200-½
Int N crs RML LFR & N E crs ILS or Brng 230 to LOM	LOM	direct	2300	C-dn	400-1	500-1	500-1½
Int N crs TOL LFR & SW crs ILS	LOM (Final)	direct	2300	S-dn-4R ILS	200-½	200-½	200-½
Salem VOR	LOM	direct	2300	4R-L ADF	400-1	400-1	400-1
Carleton VOR	LOM	direct	2300	A-dn ILS	600-2	600-2	600-2
Bridgewater LF Int	LOM	direct	2300	ADF	800-2	800-2	800-2
Milan Int	LOM (Final)	direct	2300				
Ann Arbor Int	LOM	direct	2300				
Park VHF Int	LOM	direct	2300				
Bridgewater VHF Int	LOM	direct	2300				

Radar transition to final approach crs authorized. Procedure turn not necessary on vectoring to final approach crs. Refer to Willow Run Radar Procedure if detailed information on sector altitudes is desired.

Procedure turn W side SW crs, 230 Outbnd, 050 Inbnd, 2300 within 10 miles.
Minimum Altitude at G.S. int inbnd, 2300 ILS inbnd final 1500 ADF
Altitude of G.S. and distance to approach end of rny at OM 2251-4.9, at MM 932-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 mi of LOM (ADF) make left turn climb to 2500 on R-170 SVM or when directed by ATC: (1) climb to 2700' on NE crs ILS proceed to Midcraft Int. (2) make right turn climb to 2300' proceed to RML LFR.
Major Changes: Transitions added. Radar transition authorized.

City and State: Detroit, Mich | Airport Name & Elev.: Willow Run 716' | Fac. Class & Ident.: ILS-IYIP, LOM-YI | Procedure No. & Eff. Date: 1, Amdt 8 31 May 1956 Comb ILS-ADF | Sup. Amdt. No. Dated: 7 22 Mar 55

El Paso VOR	LOM	direct	5000	T-dn	300-1	300-1	200-½
El Paso LFR	LOM	direct	5000	C-dn	400-1	500-1	500-1½
Antelope Int	Cowert Int	direct	7000	S-dn-22 ILS	200-½	200-½	200-½
Int W crs ELP LFR & NE crs ILS	LOM	direct	5000	ADF	400-1	400-1	400-1
Hueco Mt Int	Cowert Int	direct	7000	A-dn ILS	600-2	600-2	600-2
Newman VOR	Cowert Int	direct	6000	ADF	800-2	800-2	800-2
Cowert Int ILS	LOM (Final)	direct	5000				
Cowert Int ADF	LOM (Final)	direct	4500				

Procedure turn N side of NE crs, 038 Outbnd, 218 Inbnd, 5000 within 10 mi. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd 5000 ILS, minimum altitude over LOM inbnd final 4500 ADF
Altitude of G.S. and distance to appr end of rny at OM 5000-3.7, at MM 4120-0.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 miles after passing LOM (ADF) turn left to 125 climb to 5000 intercept & proceed S on S crs. LFR, or intercept & proceed S on R-151 ELP within 20 mi.
NOTE: Straight-in ILS minima 400-¾ when glide slope not used. Glide slope touch down 2744' from rny end.
Cowert Int, NE crs ILS-EWM 103 radial.
Major Changes: Revise transitions.

City and State: El Paso, Texas | Airport Name & Elev.: International 3956' | Fac. Class & Ident.: ILS-YELP, LOM-EL | Procedure No. & Eff. Date: 1, Amdt 10 5 Jan 57 Comb ILS & ADF | Sup. Amdt. No. Dated: 9 26 May 56

North Springfield FM	OM	Direct	2000	T-dn	300-1	300-1	200-½
Erie VOR	OM (Final)	Direct	2000	C-dn	500-1	500-1	500-1½
Erie LFR	OM	Direct	2000	S-dn-6*	300-¾	300-¾	300-¾
North Springfield FM via crs 090	SW crs ILS (Final)	Direct	2000	A-dn	600-2	600-2	600-2

* 400-1 required with glide slope inoperative.

Procedure turn S side SW crs, 240 Outbnd, 060 Inbnd, 2000' within 10 mi.
Minimum Altitude at glide slope int inbnd, 2000'
Altitude of glide slope & distance to approach end of rny at OM - 1950-3.9; at MM 935-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2500' on 060 brng from LMM or NE crs Erie LFR within 10 mi.
AIR CARRIER NOTE: 300-1 required for take-off on all runways except 6-24.
Major Changes: Facility returned to operation after runway construction.

City and State: Erie, Pa | Airport Name & Elev.: Port Erie 732' | Fac. Class & Ident.: ILS ERI | Procedure No. & Eff. Date: 1, Orig 1 Sep 55 | Sup. Amdt. No. Dated: None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
EUG - LFR	LOM	direct	2000	T-dn	300-1	300-1	200-½
EUG - VOR	LOM	direct	2000	C-dn	500-1	500-1½	600-1½
Cottage Grove FM via crs 320	S crs ILS	direct	3100	S-dn-16 ILS	300-¾	400-1	400-1
				ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn E side N crs, 338 Outbnd, 158 Inbnd, 2000 within 10 miles. (Non-standard due to terrain).
Minimum Altitude at G.S. int inbnd 2000 ILS, minimum altitude over LOM inbnd final 1500 ADF
Altitude of G.S. and distance to appr end of rny at OM 1570-4.0, at MM 550-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 miles, after passing LOM (ADF) turn right and climb to 2000' on N crs of EUG-LFR or climb to 2000' on R-355 within 20 miles.
Major Changes: Raise 2-engine take-off minimum to 300-1. Delete air carrier restriction note. Add ADF procedure.

City and State: Eugene, Oreg | Airport Name & Elev.: Mahlon Sweet 365' | Fac. Class & Ident.: ILS-I-EUG, LOM-EU | Procedure No. & Eff. Date: 1, Amdt 10 29 Oct 1955 Comb ILS-ADF | Sup. Amdt. No. Dated: 9 4 Jun 54

Int EVV R-062 & 254 Brg to LOM	LOM	direct	1800	**T-dn	300-1	300-1	200-½
Int EVV R-077 & 284 Brg to LOM	LOM	direct	1800	C-d	600-1	600-1	600-1½
Int EVV R-030 & 190 Brg to LOM	LOM	direct	1800	C-n	600-2	600-2	600-2
EVV-VOR	LOM	direct	2000	S-dn-21 *ILS	400-1	400-1	400-1
				S-d-21 ADF	500-1	500-1	500-1
				S-n-21 ADF	500-1½	500-1½	500-1½
				A-dn #ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

**300-1 on rny 9-27.
*500-1 required with glide slope inoperative. Inoperative ILS components provisions regarding approach lights not applicable.
#All installed components of ILS must be operating; otherwise, alternate minimums of 800-2 apply.

Procedure turn N side NE crs, 035 Outbnd, 215 Inbnd, 1800 within 10 miles
Minimum Altitude at G.S. int inbnd, 1800 ILS, 1300 ADF
Altitude of G.S. and distance to approach end of rny at OM 1704-3.9, at MM 631-0.5

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 miles after passing LOM, make left climbing turn, climb to 2000' on 180 crs from LMM (or airport) to R-80, proceed to EVV-VOR on R-80. If further instructions not received, hold SW of VOR at 2000'. When directed by ATC: (1) Make climbing right turn, climb to 2000' on 330 track from LMM (or airport) to R-355 & proceed outbnd on R-355 within 20 miles of EVV-VOR.
AIR CARRIER NOTE: Sliding scale authorized only on rny 3-21 and 18-36.
CAUTION: Radio tower 975' MSL 3.6 miles SW of airport.
Major Changes: Transitions deleted. Altitudes raised. (Glide slope changed). Missed approach and air carrier notes revised.

City and State: Evansville, Ind | Airport Name & Elev.: Dress Memorial 389' | Fac. Class & Ident.: ILS-EVV, LOM-EV | Procedure No. & Eff. Date: 1, Amdt 4 21 Jul 56 Comb. ILS & ADF | Sup. Amdt. No. Dated: 3 15 Jul 54

Fairbanks LFR	LOM	direct	4000'	T-dn	300-1	300-1	200-½
Wood River Int	LOM	direct	4000	C-dn	400-1	500-1	500-1½
Chena Int	LOM	direct	4000	S-dn-19 ILS	200-½	200-½	200-½
Fox Rbn ILS	LOM (Final)	direct	3000	ADF	400-1	400-1	400-1
Fox Rbn ADF	LOM (Final)	direct	2300	A-dn ILS	600-2	600-2	600-2
Additional Transitions to FOX Rbn				ADF	800-2	800-2	800-2
Fairbanks LFR	FOX MHW	direct	4000				
Wood River Int	FOX MHW	direct	4000				

Procedure turn W side N crs, 009 Outbnd, 189 Inbnd, 3000 within 5 miles LOM; 4000* within 15 miles FOX MHW.
*CAUTION: Do not descend below 4000' until past FOX MHW inbnd on final approach.
Minimum Altitude at G.S. int inbnd 3000 ILS, minimum altitude over LOM inbnd final 2300 ADF
Altitude of G.S. and distance to approach end of rny at OM 2320-5.8, at MM 670-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.8 miles after passing LOM (ADF) climb to 3900' on crs of 189° to Wood River Int, then SW on NE crs (216°) Nenana LFR within 20 miles of int.
RESTRICTION: Minimums established on condition that all maneuvering be confined to E of airport; 800' terrain within 1½ miles W of airport rising to 1000' within 2 miles.
Major Changes: Delete departure procedure.

City and State: Fairbanks, Alaska | Airport Name & Elev.: International 434' | Fac. Class & Ident.: ILS-I-FAI, LOM-FA MHW-FOX | Procedure No. & Eff. Date: 1, Amdt 2 14 Apr 1956 Comb ILS & ADF | Sup. Amdt. No. Dated: 1 31 Mar 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Fargo VOR	LOM	direct	2300	T-dn	300-1	300-1	200-½
Fargo LFR	LOM	direct	2300	C-d	500-1	500-1	500-1½
West Fargo FM	LOM	direct	2300	C-n	500-1½	500-1½	500-1½
Barnesville FM	LOM	direct	2300	S-dn-35*ILS	300-¾	300-¾	300-¾
Int E crs FAR-LFR & 233 Brg to LOM	LOM	direct	2300	d-35 ADF	500-1	500-1	500-1½
				n-35 ADF	500-1½	500-1½	500-1½
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

NOTE: *500-1 required when glide slope inoperative.

Procedure turn W side of crs, 171 Outbnd, 351 Inbnd, 2300 within 10 miles
Minimum Altitude at G.S. int inbnd, 2100 ILS, inbnd final 1800 ADF
Altitude of G.S. and distance to approach end of rny at OM 2070-3.9, at MM 1112-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 miles after passing LOM (ADF) climb on N crs Fargo LFR to 2300 within 10 mi or when directed by ATC:
1. Make left climbing turn, climb to 2800' on W crs Fargo LFR within 10 miles. 2. Make left climbing turn to intercept 278R FAR-VOR, climb to 2800' on 278R within 10 miles of FAR-VOR.
CAUTION: Radio Tower 1075' MSL 1.2 mi SSE of airport.
Major Changes: Note added regarding glide slope inoperative.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Fargo, N Dak	Hector 900'	ILS-FAR, LOM-FA	1, Amdt 9 21 Apr 1956 Comb ILS-ADF	8	10 Mar 56

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-9#ILS	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1
				A-dn *ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

AIR CARRIER NOTE: #400-1 required when Glide Slope inoperative. * All installed components of the ILS must be operating, otherwise alternate minimums of 800-2 apply.

Procedure turn S side W crs, 271 Outbnd, 091 Inbnd, 2000 within 10 miles.
Minimum Altitude at G.S. int inbnd, 2000 ILS, inbnd final 1500 ADF
Altitude of G.S. and distance to approach end of rny at OM 1988-4.1, at MM 986-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 miles of LOM climb to 2300 on crs of 118 within 20 miles of LOM
NOTE: No approach lights.
Major Changes: Transitions deleted. Glide slope altitude revised. Alternate minima lowered for ILS.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Flint, Mich	Bishop Field 781'	ILS-IFNT, LOM-FN	1, Amdt 3 14 Jan 1956 Comb ILS-ADF	2	15 Jul 54

Ft Smith VOR	LOM	direct	1600	T-dn	300-1	300-1	200-½
Int E crs ILS & 288 brng to Ft Smith "H"	LOM	direct	1600	S-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
Int E crs ILS & R 090 FSM VOR	LOM	direct	1600	S-dn-25#ILS	300-¾	300-¾	300-¾
Int E crs ILS & 343 brng to Ft. Smith "H"	LOM	direct	1600	ADF	500-1	500-1	500-1
				A-dn ##ILS	600-2	600-2	600-2
Ft. Smith "H"	LOM	direct	2000	ADF	800-2	800-2	800-2

#500-¾ when G.S. not utilized.
##All installed components of the ILS must be operating otherwise alternate minima of 800-2 apply.

Procedure turn N side of crs, 073 Outbnd, 253 Inbnd, 1800 within 10 mi. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd, 1600 ILS, minimum altitude over LOM inbnd final 1100 ADF
Altitude of G.S. and distance to appr end of rny at OM 1530-3.2, at MM 702-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.2 mi after passing LOM (ADF) climb to 1800' on crs of 253 within 15 mi, or climb to 1800' on R-235 within 15 miles.
NOTE: No approach lights.
AIR CARRIER NOTE: 300-1 required for T.O. runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in minima authorized for cargo and ferry flights.
CAUTION: Water tower 611' 1 mile W of W end of runway 7.
Major Changes: ILS recommissioned. Air carrier notes revised. Caution note added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Fort Smith, Ark	Municipal 460'	ILS-IFSM, LOM-FS	1, Amdt 3 13 Apr 1956 Comb ILS & ADF	2	19 Feb 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Int NW crs FWA-LFR & NW crs ILS	LOM	direct	2200	T-dn	300-1	300-1	200-½
Int NE crs FWA-LFR & ILS crs	LOM	direct	2100	C-dn	400-1	500-1	500-1½
Ft. Wayne LFR	LOM	direct	2100	S-dn-31-ILS	300-¾	300-¾	300-¾
Ft. Wayne VOR	LOM	direct	2100	ADF	400-1	400-1	400-1
Int SE crs FWA-LFR & brg 357 to LOM (ILS only)	LOM (Final)	direct	2100	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2
Int FWA R-143 and brg 350 to LOM (ILS only)	LOM (Final)	direct	2100				
Int NE crs FWA-LFR & Brg 202 to LOM	LOM	direct	2200				
Int SW crs FWA-LFR & Brg 070 to LOM	LOM	direct	2100				

Procedure turn E side of SE crs, 135 Outbnd, 315 Inbnd, 2100 within 10 miles.
Minimum Altitude at G.S. int inbnd, 2100 ILS, inbnd final 1600 ADF
Altitude of G.S. and distance to approach end of rny at OM 2085-3.8, at MM 1079-0.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 miles, climb to 2100 on NW crs ILS within 20 miles, or when directed by ATC: (1) Make left turn, climbing to 2100' and proceed back to LOM.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Ft. Wayne, Ind	Baer Field 801'	ILS-IFWA, LOM-FW	1, Amdt 5 15 Oct 1955 Comb ILS-ADF	4	9 Jul 54

Dallas LFR	LOM	direct	2200	T-dn	300-1	300-1	200-½
Grand Prairie MHW	LOM	direct	2000	C-dn	400-1	500-1	500-1½
Britton VOR	LOM	direct	2800	S-dn-13 ILS	200-½	200-½	200-½
Stadium Int	LOM	direct	2700	ADF	400-1	400-1	400-1
Roanoke Int	LOM (Final)	direct	2000	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn N side NW crs, 309 Outbnd, 129 Inbnd, 2000 within 10 mi (non-standard due to traffic).
Minimum Altitude at G.S. int inbnd, 2000 ILS, minimum altitude over LOM inbnd final 2000 ADF
Altitude of G.S. and distance to approach end of runway at OM 2000-4.6, at MM 770-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
proceed to Hensley Int climbing to 2000 or, within 4.6 mi LOM (ADF) turn right, proceed to Grand Prairie MHW climbing to 2000.
NOTE: 400-¾ required when glide slope not utilized.
CAUTION: Radio Tower 1221 MSL located 4.3 mi ENE of outer marker.
Major Changes: Add Britton VOR transition. Delete Ft. Worth VOR transition.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Ft. Worth, Texas	Amon Carter 568'	ILS-LACF, LOM-AC	1, Amdt 5 10 Oct 56 Comb ILS & ADF	4	8 Oct 55

Duncanville FM	Hensley Int (Final)	direct	1300	T-dn	300-1	300-1	200-½
Grand Prairie MHW	Hensley Int	direct	2000	C-dn	400-1	500-1	500-1½
Britton VOR	Hensley Int	direct	3300	S-dn-31	300-1	300-1	300-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 129 Outbnd, 309 Inbnd, 2000 within 10 mi of Hensley Int. Beyond 10 mi NA.
No Glide Slope. Final approach altitude over Hensley Int. 1300'; distance to appr end of rny 31, 3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 mi of Hensley Int, climb to 1900 on NW crs of ILS within 20 mi or proceed to Ft. Worth LFR via NW crs of ILS & E crs LFR, climbing to 2000'.
CAUTION: Radio tower located 4.3 mi ENE of outer marker.
Major Changes: Add transition from Britton VOR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Ft. Worth, Texas	Amon Carter 568	ILS LACF	2, Amdt 4 10 Oct 1956	3	29 Oct 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Haslet MHW via crs 219	North crs ILS	direct	2000	T-dn	300-1	300-1	200-½
Ft.Worth LFR via crs 350	OM	direct	2000	C-dn	#500-1	600-1	600-1½
				S-dn-17#	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

#600-¾ required when G-S not utilized.

Procedure turn W side N crs, 354 Outbnd, 174 Inbnd, 2000 within 10 mi.
Minimum Altitude at G.S. int inbnd, 2000
Altitude of G.S. and distance to appr end of rny at OM 2000-3.5, at MM 950-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2000 on S crs ILS within 20 miles.
NOTE: Take-off on runways 9-27 & 13-31 NA with less than 300-1.
AIR CARRIER NOTE: Reduction in landing minima NA on cargo or ferry flights.
CAUTION: 956' bldg 2.1 mi S of OM. 1743' tower 4.8 mi E of ILS S crs.
Major Changes: Delete Ft.Worth VOR transition.

City and State: Ft. Worth, Texas | Airport Name & Elev.: Meacham 692' | Fac. Class & Ident.: ILS IFTW | Procedure No. & Eff. Date: 1, Amdt 9 10 Oct 1956 | Sup. Amdt. No. Dated: 8 28 May 55

Russell Int	Rockwood FM (Final)	direct	1500	T-dn	300-1	300-1	200-½
Int W crs DAL-LFR & S crs ILS	Rockwood FM (Final)	direct	1500	C-dn	500-1	600-1	600-1½
				S-dn-35*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*660 FPM descent required at 110K

Procedure turn W side S crs, 174 Outbnd, 354 Inbnd, 2000 within 10 mi. Rockwood FM#.
#Procedure turn non-standard due obstruction
No Glide Slope. Final approach altitude and distance 1500 at Rockwood FM, 2.3 mi to appr end of rny 35.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi of Rockwood FM, climb to 2000 on N crs ILS within 20 mi
NOTE: Take-off on Runways 9-27 and 13-31 NA with less than 300-1.
AIR CARRIER NOTE: Reduction in landing minima NA on cargo and ferry flights.
CAUTION: Tank 864' MSL located 1.3 mi W of crs between Rockwood FM & airport. TV Tower 1743' MSL located 4.8 mi E of S crs ILS.
Major Changes: Add transition from Russell Int. Delete Stadium Int.

City and State: Ft.Worth, Texas | Airport Name & Elev.: Meacham 692 | Fac. Class & Ident.: ILS IFTW | Procedure No. & Eff. Date: 2, Amdt 5 10 Oct 1956 | Sup. Amdt. No. Dated: 4 24 Dec 55

FNA LFR	LOM	direct	1700	T-dn	300-1	300-1	200-½
FNO VOR	LOM	direct	1700	C-dn	500-1	500-1	500-1½
Int of 012 Brg to FNO LOM and	LOM	direct	1700	S-dn-29#ILS	300-¾	300-¾	300-¾
SE crs FNO LFR (Bowles Int)				ADF	400-1	400-1	400-1
Int R-030 CLG and R-142 FNO	LOM	direct	1700	A-dn ##ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

#400-¾ required with glide slope inoperative. 400-1 required when only localizer and either the outer marker or outer compass locator operating.
##Alternate landing minimums will be 800-2 if any regular component of the ILS is inoperative.

Procedure turn *S side of crs, 109 Outbnd, 289 Inbnd, 1700 within 10 miles of LOM. Beyond 10 mi NA.
*Procedure turn S for more favorable terrain.
Minimum Altitude at G.S. int inbnd, 1700 ILS, minimum altitude over LOM inbnd final 1000 ADF
Altitude of G.S. and distance to approach end of rny at OM 1400-3.8, at MM 535-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 miles, after passing LOM (ADF) climb to 1500' on magnetic heading of 288, turn left and climb to 2000' on W crs of FNO LFR or climb to 2000' on R-270 FNO within 20 miles.
Major Changes: Minor corrections to headings and distances. New Format.

City and State: Fresno, Calif | Airport Name & Elev.: Air Terminal 331' | Fac. Class & Ident.: ILS-FNO, LOM-FN | Procedure No. & Eff. Date: 1, Amdt 5 6 Aug 1955 Comb ILS-ADF | Sup. Amdt. No. Dated: 4 17 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
GJT VOR	Loma Int	direct	8100	T-dn	#400-1	#500-2	300-1
GJT VOR	ILS LMM	direct	10,000	C-dn	#800-1½	1000-2	1000-2
Int R-047 GJT & NW crs ILS	Loma Int	direct	8000	S-dn-11	#400-1	#500-2	#500-2
				A-dn	1500-2	1500-2	1500-2

#800-2 with glide slope or approach lights inoperative, 1000-2 with other ILS components inoperative.

Procedure turn S side NW crs, 290 Outbnd, 110 Inbnd, 8000 within 5 mi of Loma Int. Beyond 5 mi NA.
Minimum Altitude at G.S. int inbnd, 6200
Altitude of G.S. and distance to approach end of rny at OM 8060-3.9, at MM 5065-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
turn right, climb to 8000' on NW crs, ILS to Loma Int. If second approach not desired proceed to GJT VOR from Loma Int climbing to 10,000.
AIR CARRIER NOTE: Sliding scale applicable to straight-in minimums only.
Major Changes: Lowers minimums for aircraft of 65K or less stall speed.

City and State: Grand Junction, Colorado | Airport Name & Elev.: Walker Field 4858' | Fac. Class & Ident.: ILS GJT | Procedure No. & Eff. Date: 1, Amdt 10 23 Jun 1956 | Sup. Amdt. No. Dated: 9 22 Jan 55

Int MKG R-125 & S crs GRA-ILS	LOM	direct	2200	T-dn	300-1	300-1	200-½
Int LAN R-278 & MKG R-125	LOM	direct	2200	C-dn	400-1	500-1	500-1½
Alaska FM	LOM	direct	2200	C-n	400-1½	500-1½	500-1½
Int SW crs GRR LFR & S crs ILS	LOM	direct	2200	S-dn-36-R			
Wayland Int	LOM	direct	2200	ILS	300-¾	300-¾	300-¾
GRR LFR	LOM	direct	2200	ADF	400-1	400-1	400-1
Int NW crs GRR LFR & N crs ILS	LOM	direct	2200	A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 176 Outbnd, 356 Inbnd, 2200 within 10 miles
Minimum Altitude at G.S. int inbnd, 2200 ILS, inbnd final 1700 ADF
Altitude of G.S. and distance to approach end of rny at OM 2162-4.9, at MM 913-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 miles after passing LOM (ADF) climb to 2200 on SE crs GRR-LFR to Alaska FM. (2) make left climbing turn proceed on NW crs of GRR LFR to 1900' within 20 miles.
NOTE: No approach lights. 200-½ authorized for take-off on runways 18-L and 36-R only.
CAUTION: 930' MSL tower 2.0 mi S of airport on ILS crs. 1820' MSL Tower 10 mi NNE of airport.
Major Changes: Transitions and procedure turn distance revised. Caution note revised.

City and State: Grand Rapids, Mich. | Airport Name & Elev.: Kent County 692' | Fac. Class & Ident.: ILS-IGRR, LOM-GR | Procedure No. & Eff. Date: 1, Amdt 2 23 Apr 1955 Comb ILS-ADF | Sup. Amdt. No. Dated: 1 30 May 54

GTF LFR	LOM	direct	5700	T-dn **	300-1	300-1	200-½
GTF VOR	LOM	direct	5700	C-d	500-1	500-1	500-1½
Belt FM	LOM	direct	5700	C-n	500-1½	500-1½	500-1½
Cascade FM	LOM (Final)	direct	5700	S-dn 34 ILS	300-¾	300-¾	300-¾
				ADF	500-1	500-1	500-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

**300-1 required for runways 11-29.

Procedure turn W side of crs, 161 Outbnd, 341 Inbnd, 6000 within 10 miles. NA beyond 10 mi. (Non-standard due to terrain)
Minimum Altitude at G.S. int inbnd, 5700 ILS, minimum altitude over LOM inbnd final ADF 5000
Altitude of G.S. and distance to approach end of rny at OM 5700-6.5, at MM 3900 -.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.5 miles, after passing LOM (ADF) climb to 6000' on N crs ILS (341) LOM within 20 miles. Alternate Missed Approach, when directed by ATC, climb to 5000' on NW crs GTF-LFR, or on R-312 GTF within 15 mi.
CAUTION: 3840' MSL LFR tower 1.5 miles SW of airport.

City and State: Great Falls, Mont | Airport Name & Elev.: Great Falls 3671' | Fac. Class & Ident.: ILS-GTF, LOM-GT | Procedure No. & Eff. Date: 1, Amdt 2 27 Aug 1955 Comb ILS-ADF | Sup. Amdt. No. Dated: 1 10 Mar 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Greensboro LFR	LOM	direct	2000	T-dn	300-1	300-1	200-½
Winston-Salem LFR	LOM	direct	2300	C-dn	400-1	500-1	500-1½
Wallburg Int	LOM	direct	2300	S-dn-14*ILS	300-¾	300-¾	300-¾
Greensboro VOR	LOM	direct	2200	ADF	400-1	400-1	400-1
Thomas Int	LOM	direct	2300	A-dn **ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*400-¾ required when glide slope not utilized.
**All installed components of the ILS must be operating, otherwise alternate minima of 800-2 apply.

Procedure turn N side NW crs, 318 Outbnd, 138 Inbnd, 2300 within 10 miles.
Minimum Altitude at G.S. int inbnd, 2300 ILS, minimum altitude over LOM inbnd final 1800 ADF
Altitude of G.S. and distance to appr end of rny at OM 2385-4.2, at MM 1140-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.2 mi LOM (ADF), climb to 2300 on SE crs ILS (138) within 20 mi, when directed by ATC, turn left, climb to 2300 on NE crs LFR within 20 miles.
NOTE: No approach lights.

City and State: Greensboro, N.C. | Airport Name & Elev.: Greensboro-High Point Mun 913' | Fac. Class & Ident.: ILS-IGSO, LOM-GS | Procedure No. & Eff. Date: 1 Amdt 4 12 Jan 57 Comb ILS & ADF | Sup. Amdt. No. Dated: 3 17 Mar 56

Greensboro LFR	Rebel Fix*	direct	2300	T-dn	300-1	300-1	200-½
Greensboro VOR	Rebel Fix*	direct	2100	C-dn	400-1	500-1	500-1½
Winston-Salem LFR	Rebel Fix*	direct	2100	S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn NE side SE crs, 138 Outbnd, 318 Inbnd, 2300 within 10 mi. Beyond 10 mi NA.
No Glide Slope. Final approach altitudes and distance, 1800 over Rebel Fix* 3.3 mi 318 to rny 32.
*Rebel Fix SE crs ILS and GSO R-090
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.3. miles, climb to 2300 on NW crs of ILS within 20 mi. When directed by ATC turn right, climb to 2300 on NE crs of GSO LFR within 20 miles.
NOTE: This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.

City and State: Greensboro, N.C. | Airport Name & Elev.: Greensboro-High Point Municipal 913' | Fac. Class & Ident.: ILS-IGSO, VOR-GSO | Procedure No. & Eff. Date: 2 Amdt-Orig 9 Jul 55 | Sup. Amdt. No. Dated: None

Greenville LFR	LOM	direct	2300	T-dn	300-1	300-1	200-½
Int S crs ILS & SW crs SPA LFR ILS	LOM (Final)	direct	2200	C-dn	500-1	500-1	500-1½
Int S crs ILS & SW crs SPA LFR ADF	LOM (Final)	direct	1600	S-dn-36*ILS	300-¾	300-¾	300-¾
Int S crs ILS & R-078 RYN	LOM	direct	2200	ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*No approach lights, 400-¾ required when glide slope not utilized.

Procedure turn W side S crs, 181 Outbnd, 001 Inbnd, 2200 within 10 miles.
Minimum Altitude at G.S. int inbnd, 2200 ILS, minimum altitude over LOM inbnd final 1600 ADF
Altitude of G.S. and distance to appr end of rny at OM 2188-3.6, at MM 1213-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, after passing LOM (ADF) climb to 3200 on N crs ILS (001) within 10 miles, turn right and return to LOM.
CAUTION: Maximum angle glide slope, heavily obstructed missed approach area.
Major Changes: Adds transitions. Increases procedure turn altitude. Adds glide slope. Adjusts minima. Adds caution note.

City and State: Greenville, S C | Airport Name & Elev.: Greenville 1049' | Fac. Class & Ident.: ILS-IGRL, LOM-CR | Procedure No. & Eff. Date: 1, Amdt 2 9 Jun 1956 Comb ILS-ADF | Sup. Amdt. No. Dated: 1 24 Dec 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Pleasant Isle FM	LOM	direct	1500	*T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1½	500-1½
				S-dn-10	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

*Take-off runway 1, N 700-2 day and night.

Procedure turn W side NW crs, 285 Outbnd, 105 Inbnd, 2700 within 10 mi. NA beyond 10 mi.
Minimum Altitude at G.S. int inbnd, 1130
Altitude of G.S. and distance to appr end of rny at 10, OM 1130-3.8, at MM 234-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 4500 on SE crs GST LFR within 20 miles. Alternate Missed Approach: when directed by ATC, turn right and climb on NW crs GST LFR to 3000' within 10 mi.
CAUTION: Maneuvering N and E of airport NA due to high terrain.
Major Changes: Distances corrected. Minimums revised.

City and State: Gustavus, Alaska | Airport Name & Elev.: Gustavus 28' | Fac. Class & Ident.: ILS GST | Procedure No. & Eff. Date: 1, Amdt 2 1 Oct 1955 | Sup. Amdt. No. Dated: 1 26 Jul 54

Harrisburg LFR	LOM	Direct	2600	T-d	500-1	500-1	500-1
Harrisburg VOR	LOM	Direct	2600	T-n	500-2	500-2	500-2
New Kingstown FM	LOM	Direct	2600	S-8-d	600-1½	600-1½	600-1½
Int Harrisburg VOR R-173 & W crs ILS	LOM	Direct	2600	n	1000-2	1000-2	1000-2
				C-dn	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side W crs, 259 Outbnd, 079 Inbnd, 2600 within 10 miles.
Minimum Altitude over LOM 2600'. No Glide Slope. Distance to appr end of rny at OM 7.1, at MM 1.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2500' on E crs ILS within 15 mi.
AIR CARRIER NOTES: Landing on Rnwy 2 authorized only during daylight hrs with ceiling 1500' or better.
NOTE: Take-off on Rnwy 20 not authorized.
NOTE: ADF approach not authorized.
CAUTION: Circling minimums do not provide standard clearance over 1136' ridge & tower 1.6 mi S of airport.
CAUTION: Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative.
Major Changes: Night straight-in landing minimums revised. Obstruction lighting incomplete.

City and State: Harrisburg, Pa | Airport Name & Elev.: State 347' | Fac. Class & Ident.: ILS HAR | Procedure No. & Eff. Date: 1, Amdt 1 25 Jun 55 | Sup. Amdt. No. Dated: Orig 28 Apr 55

Houston VOR	OM	direct	1200	T-dn	300-1	300-1	200-½
Houston LFR	LOM	direct	1200	C-dn	400-1	500-1	500-1½
Houston FM	LOM	direct	1500	S-dn-3 ILS	200-½	200-½	200-½
Arcola FM (ILS only) via crs016	ILS SW crs	direct	1500	ADF	400-1	400-1	400-1
Monument RBN	LOM	direct	1600	A-dn ILS	600-2	600-2	600-2
Friendswood Int*	LOM	direct	1600	ADF	800-2	800-2	800-2
Radar Terminal Area maneuvering altitude	Radar Site	within 20 miles	2200				

*Friendswood Int, Int SE crs HOU LFR & 219° brng to Pearland Rbn.

Procedure turn S side SW crs, 216 Outbnd, 036 Inbnd, 1500 within 10 mi. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd, 1300 ILS, minimum altitude over LOM inbnd final 700 ADF
Altitude of G.S. and distance to appr end of rny at OM 1260-4.2, at MM 250-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.2 mi after passing LOM (ADF) climb to 1600 on NE crs ILS (036) within 20 miles, or when directed by ATC turn left climb to 1800 on NW crs HOU LFR or R-306 HOU within 20 mi.
Major Changes: Increase radar terminal maneuvering, transition and procedure turn altitudes.

City and State: Houston, Texas | Airport Name & Elev.: International 50' | Fac. Class & Ident.: ILS-IHOU, LOM-OU | Procedure No. & Eff. Date: 1, Amdt 16 20 Apr 1956 Comb ILS & ADF | Sup. Amdt. No. Dated: 15 22 Oct 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Houston VOR	MNU RBN	direct	1600	T-dn	300-1	300-1	200-½
Houston LFR	MNU RBN	direct	1600	C-dn	400-1	500-1	500-1½
Monument RBN*	Pasadena Fix# (Final)	direct	900	S-dn-21	400-1	400-1	400-1
Radar Terminal Area Maneuvering Altitude	Radar Site	within 20 mi	2200	A-dn	800-2	800-2	800-2

*Except when in accordance with approved radar vectoring procedures, final approach must be initiated from Monument RBN. Aircraft must be in contact with Houston Radar prior to leaving Monument RBN on final.

Procedure turn N side NE crs, 036 Outbnd, 216 Inbnd, 1600 within 5 mi E of Monument RBN
No Glide Slope. Minimum Altitude over MNU RBN 1600, over Pasadena Fix# 900**
**Descent below 900 MSL NA unless position advisory over Pasadena Fix received from Houston Radar.
Final approach altitude and distance to appr end of rny from MNU Rbn to Pasadena Fix#, 7.8 mi; from Pasadena Fix# to Rny 21, 3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 mi of Pasadena surv Fix#, climb to 1500 on SW crs HOU ILS within 15 mi, or when directed by ATC turn right, climb to 1800 on NW crs of HOU LFR or R-306 HOU within 20 miles.
#Pasadena fix is a Houston Radar surv. fix 4.0 mi NE of Houston Radar on the NE crs of Houston ILS.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Houston, Texas	International 50'	ILS IHOU	2, Amdt 4 20 Apr 1956	3	22 Oct 55

Huron LFR	LOM	direct	2500	T-dn		300-1	300-1	200-½
Huron VOR	LOM	direct	2500	C-d		400-1	500-1	500-1½
				C-n		400-1½	500-1½	500-1½
				S-dn-12	ILS	300-¾	300-¾	300-¾
					ADF	400-1	400-1	400-1
				A-dn		800-2	800-2	800-2

Procedure turn W side NW crs, 298 Outbnd, 118 Inbnd, 2500 within 10 miles
Minimum Altitude at G.S. int inbnd, 2500 ILS, minimum altitude over LOM inbnd final ADF
Altitude of G.S. and distance to approach end of rny at OM 2433-3.8, at MM 1488-0.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 miles of LOM (ADF) climb to 2800 on SE crs ILS (118) within 20 miles, or if directed by ATC, climb to 3000' on NE crs HON LFR within 20 miles.
CAUTION: Radio Tower 1484' MSL 1¼ mi S of airport. No Approach Lights.
Major Changes: Distances, courses and altitudes corrected.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Huron, S Dak	W. W. Howes 1287'	ILS-HON, LOM-HO	1, Amdt 3 29 Oct 1955 Comb ILS & ADF	2	26 May 54

IND VOR	LOM	direct	1900	T-dn		300-1	300-1	200-½
Clayton FM via crs 105-ILS	SW crs ILS	direct	1900	C-dn		400-1	500-1	500-1½
Clayton FM (ADF)	LOM	direct	1900	S-dn-4	ILS	200-½	200-½	200-½
Indianapolis LFR via crs 194ILS	SW crs ILS	direct	1900		ADF	400-1	400-1	400-1
Indianapolis LFR-ADF	LOM	direct	1900	A-dn	ILS	600-2	600-2	600-2
Int E crs IND LFR & SW crs, or 224 Brg, to LOM	LOM	direct	1900		ADF	800-2	800-2	800-2
Int S crs IND-LFR & SW crs ILS or Brg 224 to LOM	LOM	direct	1900					
Int R-205 Ind & SW crs, ILS	LOM (Final)	direct	1900					
Radar Terminal Area Transition Altitude (Brg are from Radar Azimuths rotating clockwise)	280 to 120	within 20 mi	2500 (except 2800					

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Indianapolis, Ind	Weir Cook Municipal 796'	ILS-IND, LOM-IN	1, Amdt 7 9 Jul 1955 Comb ILS & ADF	6	10 May 54

(Panel 1)(See Panel 2)

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Indianapolis, Ind Weir Cook Municipal (Continued from Panel 1)							
			within 3 mi of 1849 TV Tower &2900 within 3 mi of 1855 TV Tower)				
Radar terminal area transition altitude (Brg are from Radar, azimuths rotating clockwise)	120 to 280	20 mi	2000				

Procedure turn S side of SW crs 224 Outbnd, 1900 within 10 mi of LOM.
Minimum Altitude at G.S. int inbnd, 1900 ILS, inbnd final 1400 ADF
Altitude of G.S. and distance to appr end of rny at OM 1903-3.8, at MM 1049-0.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 miles (ADF) after passing LOM, climb to 2900 on E crs of IND-LFR to Greenfield Int*or as directed by ATC as follows: 1. Climb to 2200' on S crs of IND-LFR within 20 mi. 2. Make left turn climb to 1900 and proceed to LOM.
Major Changes: Changes missed approach. Radar transitions revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Indianapolis, Ind	Weir Cook Municipal 796'	ILS-IND, LOM-IN	1, Amdt 7 9 Jul 55 Comb. ILS & ADF	6	10 May 54

(Panel 2)

Radar Terminal Area Transition Altitudes, Bearings are from Radar Azimuths ratating clockwise from the Radar Site**	280 to 120	within 20 mi	2500(except 2800 within 3 mi of 1849 Tower & 2900 within 3 mi of 1855 Tower) within 3 mi of 1855 Tower)	T-dn		300-1	300-1	200-½
				C-dn		400-1	500-1	500-1½
				S-dn-22		400-1	400-1	400-1
				A-dn		800-2	800-2	800-2
Radar Terminal Area Transition Altitudes, Brg APE from Radar Azimuths rotating clockwise from the Radar Site**	120 to 280	within 20 mi	2000					
Indianapolis LFR via crs 075	SW crs ILS	direct	2300					
Int NE crs ILS & E crs IND-LFR	River Int	direct	2300					
Fairgrounds Int	River Int (Final)	direct	1800					
Castleton Int	River Int	direct	1800					
Int R-060 IND & NE crs ILS	River Int	direct	2300					
10 mi Radar Fix on Final	5 mi Radar Fix	direct	2300					
5 mi Radar Fix	App end rny 22 (Final)	direct	1800					

**Radar Transitions must intercept NE crs ILS at least 3 mi NE of River Int.

Procedure turn N side NE crs ILS, 044 Outbnd, 224 Inbnd, 2500 within 10 mi of River Int
No Glide Slope, minimum altitude over River Int or Radar Fix inbnd on final 1800
No Outer Marker, River Int or Radar Fix 224-5.0; No Middles Marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 miles after passing River Int or Radar Fix, make right turn climb to 2000' on W crs IND-LFR within 15 miles or, when directed by ARTC, as follows: 1. Climb to 2100 on NW crs IND-LFR within 20 mi, 2. climb on SW crs, ILS to 1900 and proceed to LOM
NOTE: This ILS procedure not authorized when radar is inoperative unless aircraft is equipped to receive VOR and ILS simultaneously.
Major Changes: Combines Procedures No 2 & 3. Revises Radar Terminal Area Transitions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Indianapolis, Ind	Weir Cook Municipal 796'	ILS, VOR & Radar	2, Amdt 2 9 Jul 1955	1	10 May 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
St James Int	LMM	Direct	1500	T-dn	300-1	300-1	200-½
Riverhead VOR	LMM	Direct	1700	C-dn	500-1	600-1	600-1½
Fire Island Int	LMM	Direct	1500	S-dn-6 ILS	200-½	200-½	200-½
Blanchard Int ILS	OM (Final)	Direct	1500	*ADF	400-1	400-1	400-1
Blanchard Int ADF	OM (Final)	Direct	1000*	A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 237 Outbnd, 057 Inbnd, 1500' within 5 mi of OM
Minimum Altitude at glide slope int inbnd, 1500 ILS. Min. alt. over OM inbnd final 1000* ADF.
* ADF approach: descent to airport minimums authorized after passing OM; if OM not received, maintain 1000' until passing LMM and circling minimums apply.
Altitude of glide slope & distance to approach end of runway at OM 1540-4.7; at MM 300-0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.6 mi after passing LMM (ADF) make right climbing turn as soon as practical to 1700' returning to ILS LMM.
NOTE: Runway 10-28 closed nights.
Major Changes: Transitions and missed approach revised; ADF approach added.

City and State: Islip, N Y | Airport Name & Elev.: Macarthur Field 98' | Fac. Class & Ident.: ILS-ISL, LMM-SL | Procedure No. & Eff. Date: 1, Amdt 3 29 May 54 | Sup. Amdt. No. Dated: 2 1 Aug 53

Jackson VOR via R-211	OM	direct	1500	T-dn	300-1	300-1	200-½
Jackson LFR via crs 256	OM	direct	1500	C-dn	500-1	500-1	500-1½
Int W crs Jackson LFR & NW crs ILS	OM	direct	1500	S-dn*-11	200-½	200-½	200-½
Int S crs Jackson LFR & SE crs ILS	OM	direct	2000	A-dn	600-2	600-2	600-2

*400-¾ required when glide slope not utilized.

Procedure turn S side NW crs, 288 Outbnd, 108 Inbnd, 1500 within 10 miles.
Minimum Altitude at G.S. int inbnd, 1500
Altitude of G.S. and distance to appr end of rny at OM 1490-3.8, at MM 530-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
turn left, climb to 1800' on E crs JAN LFR or R-088 JAN within 20 miles
NOTE: Tower 1051 MSL located 3.5 mi SW of airport.

City and State: Jackson, Miss | Airport Name & Elev.: Hawkins 343' | Fac. Class & Ident.: ILS IJAN | Procedure No. & Eff. Date: 1, Amdt 12 14 Jun 54 | Sup. Amdt. No. Dated: 11 30 Jan 53

Carl's Int	LMM	direct	1200	T-dn	300-1	300-1	200-½
JAX LFR	LMM	direct	1200	C-dn	400-1	500-1	500-1½
JAX VOR	LMM	direct	1200	S-dn-5 *ILS	200-½	200-½	200-½
Bryceville Int (LF)	LMM	direct	1200	ADF	400-1	400-1	400-1
Bryceville Int (VHF)	LMM	direct	1200	A-dn ILS	600-2	600-2	600-2
Sunbeam Int (LF)	LMM	direct	2000	ADF	800-2	800-2	800-2
Sunbeam Int (VHF)	LMM	direct	2000				
Blue Jacket Int	LMM	direct	2000				
Callahan Int	LMM	direct	1200				

*400-¾ required when glide slope not used.
Radar terminal area transition altitude 1500 within 25 mi, except 2000 required when within 3.0 mi of 995' tower 4.3 mi SE of LOM Radar Control must provide 3 mi separation from Restricted Area 161.
Procedure turn N side SW crs, 224 Outbnd, 044 Inbnd, 2000 within 4.3 mi of LOM. Beyond 4.3 mi NA. (non-standard due to restricted area).
Minimum Altitude at G.S. int inbnd, 1200 ILS, minimum altitude over LOM# inbnd final 800 ADF
Altitude of G.S. and distance to appr end of rny at OM 1170-4.0, at MM 220-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 miles after passing LOM (ADF) climb to 1200 on crs of 044 within 20 mi. When directed by ATC climb to 1300 on R-090 JAX within 20 miles.
#CAUTION: 995' MSL tower 4.3 mi SE of LOM.
Major Changes: Add transition and raise transition and procedure turn altitudes. Revise Caution Note and radar transition procedure.

City and State: Jacksonville, Fla | Airport Name & Elev.: Imeson 52' | Fac. Class & Ident.: ILS-IJAX, LOM-JA | Procedure No. & Eff. Date: 1, Amdt 13 28 Jun 1956 Comb ILS & ADF | Sup. Amdt. No. Dated: 12 26 May 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Int NW crs ILS & E crs CNU-LFR ILS Only	Glide Slope Int (Final)	direct	2500	T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
Int NW crs ILS & E crs CNU LFR ILS only	LOM	direct	2500	C-n	400-1½	500-1½	500-1½
				S-dn-13 ILS	300-¾	300-¾	300-¾
Int SE crs ILS & SW crs SGF-LFR ILS only	LOM	direct	2700	ADF	400-1	400-1	400-1
				A-dn *ILS	600-2	600-2	600-2
ADF & ILS Neosho VOR	LOM	direct	2700	ADF	800-2	800-2	800-2
Int SE crs ILS & R233 SGF VOR	LOM	direct	2700				

*All installed components of ILS must be operating; otherwise, alternate minimums of 800-2 apply.

Procedure turn W side NW crs, 310 Outbnd, 130 Inbnd, 2500 within 10 miles
Minimum Altitude at G.S. int inbnd, 2100 ILS, inbnd final 2000 ADF
Altitude of G.S. and distance to appr end of rny at OM 2127-4.0, at MM 1153-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 miles (ADF), climb to 2700' on SE crs ILS (130) within 20 miles, or when directed by ATC:
(1) make left turn, climbing to 2500' & proceed to LOM.
Major Changes: Transitions and missed approach revised due to 1679' tower

City and State: Joplin, Mo | Airport Name & Elev.: Joplin 980' | Fac. Class & Ident.: ILS-IJLN, LOM-JL | Procedure No. & Eff. Date: 1, Amdt 2 15 Dec 1956 Comb ILS-ADF | Sup. Amdt. No. Dated: 1 8 Sep 56

Int SE crs ILS & SW crs SGF LFR or R-233 SGF ILS-LOM	Int# (Final)	direct	1800	T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
Int NW crs ILS & E crs CNU-LFR	Int#	direct	2700	C-n	500-1½	500-1½	500-1½
		direct	2700	S-dn-31	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 130 Outbnd, 310 Inbnd, 2300 within 10 miles of Int#
No Glide Slope. Altitude over Int# 1800. No Outer Marker, altitude over Int# 1800-dist, 3.7; No Middle Marker
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 miles after passing Int#, climb to 2500' on NW ILS crs within 20 miles
#Int SE crs ILS & R-351 EOS.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
Major Changes: Transition altitudes revised due to 1679' tower.

City and State: Joplin, Mo | Airport Name & Elev.: Joplin 980' | Fac. Class & Ident.: ILS IJLN | Procedure No. & Eff. Date: 2, Amdt 2 15 Dec 1956 | Sup. Amdt. No. Dated: 1 8 Sep 56

Kansas City LFR	LOM	direct	2500	#T-dn	##300-1	##300-1	*300-1
Kansas City VOR	LOM	direct	2500	C-dn	700-1	700-1	700-1½
Kansas City VOR via R-131	N crs ILS	direct	2500	A-dn	800-2	800-2	800-2
Liberty RBN	LOM	direct	2500				
Liberty RBN via crs 251	N crs ILS	direct	2500				
Farley RBN	LOM	direct	2500				
Farley RBN via crs 098	N crs ILS	direct	2500				
Blue Springs VOR	LOM	direct	3000				
Radar Transitions:							
S&E Quadrants of MKC-LFR with 3 mi separation from 2049' Tower 4.5 mi SSE and 1949' tower 6.2 mi SE of airport	Radar Site	within 25 mi	2500				
N & W Quadrants MKC-LFR	Radar Site	within 25 mi	2500				
S&E Quadrants of MKC-LFR	Radar Site	within 25 mi	3000				

City and State: Kansas City, Kans | Airport Name & Elev.: Fairfax 746' | Fac. Class & Ident.: ILS-MKC, LOM-MK | Procedure No. & Eff. Date: 1, Orig 28 May 1955 Comb ILS-ADF | Sup. Amdt. No. Dated: None

(Panel 1)(See Panel 2)

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Kansas City, Kansas Fairfax (Continued from Panel 1)							
Kansas City LFR	LOM	direct	2500	#T-dn	**300-1	**300-1	*300-1
Kansas City VOR	LOM	direct	2500	C-dn	##500-1	700-1	700-1½
Kansas City VOR via R-131	N crs ILS	direct	2500	##S-dn-18 ILS	400-1	400-1	400-1
Blue Springs VOR	LOM	direct	3000	##ADF	500-1	700-1	700-1
Liberty RBN	LOM	direct	2500	A-dn ILS	600-2	700-2	700-2
Liberty RBN via crs 251	N crs ILS	direct	2500	ADF	800-2	800-2	800-2
Farley RBN	LOM	direct	2500				
Farley RBN via crs 098	N crs ILS	direct	2500				
Radar Transitions:							
S & E Quadrants of MKC LFR	Radar Site	within 25 mi	3000				
S & E Quadrants of MKC LFR with 3 mi separation from 2049' tower 2.9 mi S & 1949' tower 5.0 mi SE of airport	Radar Site	within 25 mi	2500				
N & W Quadrants MKC LFR	Radar Site	within 25 mi	2500				

#Take-off to S or SW when weather is below 1000-3 will intercept a 210 ADF crs from ILS-LMM or R-185 MKC as soon as practicable. After take-off maintain crs until reaching 2500' prior to making left turn due to 2049' tower 2.5 S of airport. When KMBC-TV tower not visible (4 mi SE of airport) on N or NE take-off, climb to 2500' MSL on 090 ADF crs from MKC-LFR prior to turning towards tower.
**No reduction in 2-engine or less take-off minimums except on rnys 35 and 36.
AIR CARRIER NOTES: *200-½ authorized on runway 35 and 36 only. ILS preface pages pertaining to inoperative glide slope and approach lights not applicable - NOTE ## applies.
##When approach lights or glide slope inoperative, cross Bluff FM at not less than 1460' MSL and circling minimums apply to all aircraft, except more than 2-engine type which are authorized 700-1. When approach lights or glide slope and Bluff FM are inoperative, 700-1 minimums apply all aircraft.

Procedure turn W side N crs, 004 Outbnd, 184 Inbnd, 2500 within 10 miles. NA beyond 10 miles.
Minimum Altitude at G.S. int inbnd, 2500 ILS, minimum altitude over LOM inbnd final 2500 ADF
Altitude of G.S. and distance to approach end of rny at OM 2558-5.5, at MM 1030-0.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 mi after passing LOM (ADF) or at ILS-LMM, make right climbing turn, climb to 2500 and intercept 310 brng to Farley RBN, then proceed to and hold at Farley RBN, or, when directed by ATC, make right climbing turn, climb to 2400' on SW crs MKC-LFR within 20 miles, or, make right climbing turn, climb to 2400' on R-210 MKC within 20 miles.
CAUTION: Grain elevators 903' MSL and Railroad Floodlights 857' MSL 2-3 mi NNE of rny 18; cracking plant and stack 853' MSL 0.5 mi WNW of airport. Congested buildings 1423'MSL 1 mi SSE of airport. TV tower 1946'MSL 4 mi SE of airport, and TV tower 2.5 mi S of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Kansas City, Mo	Municipal 758'	ILS-MKC, LOM-MK	1, Amdt 3 5 Mar 55 Comb ILS-ADF	2 22 Mar 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1½	500-1½
				S-dn-11 ILS	300-1	300-1	300-1
				ADF	500-1	500-1½	500-1½
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn S side NW crs, 291 Outbnd, 111 Inbnd, 1200 within 10 miles.
SHUTTLE: NW crs AKN-LFR 291 Outbnd, 111 Inbnd, 1200 within 20 miles, OR: When directed by ATC SE crs AKN-LFR, 111 Outbnd, 291 Inbnd, 4500 within 20 miles.
Minimum Altitude at G.S. int inbnd, 1200 ILS, minimum altitude over AKN-LFR inbnd final 700 ADF
No Outer Marker, altitude over AKN LFR 468, distance 1.1, Middle Marker, 290-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.1 miles after passing LFR (ADF), climb to 4500' on SE crs (111°) King Salmon LFR within 20 mi.
Alternate Missed Approach: when directed by ATC, climb to 1500' on SW crs (205° Outbnd) King Salmon LFR within 20 miles.
NOTE: NW-SE crses King Salmon LFR are aligned with NW-SE ILS crses. LFR serves as LOM.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
King Salmon, Alaska	King Salmon 55'	ILS-IAKN, LMM-KN	1, Orig 2 Jul 1955 Comb ILS-ADF	None

Knoxville LFR	LOM	direct	2200	T-dn	300-1	300-1	200-½
Tallassee fm	LOM	direct	3700	C-d	500-1	500-1	500-1½
SW crs TYS LFR & 290 brng from LOM	LOM	direct	2300	C-n	500-1½	500-1½	500-1½
				S-dn-4L *ILS	200-½	200-½	200-½
Knoxville BVOR	LOM	direct	2400	ADF	400-1	400-1	400-1
Tallassee Int	LOM	direct	3700	A-dn ILS	600-2	600-2	600-2
Rasar Int	LOM	direct	3700	ADF	800-2	800-2	800-2

*400-¾ required when glide slope not utilized.

Procedure turn W side SW crs, 225 Outbnd, 045 Inbnd, 2700 within 10 miles
Minimum Altitude at G.S. int inbnd 2700 ILS, minimum altitude over LOM inbnd final 2000 ADF
Altitude of G.S. and distance to approach end of rny at OM 2650-5.4, at MM 1160-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.4 miles after passing LOM turn left climb to 3000 on N crs TYS-LFR, or R-347 TYS. When directed by ARTC, climb to 4000 on crs of 063 from LFR or R-063 TYS within 20 miles.
Major Changes: Increase transition altitude from Tallassee FM, Tallassee Int and Rasar Int.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Knoxville, Tenn	McGhee-Tyson 989'	ILS-ITYS, LOM-TY	1, Amdt 16 1 Dec 1956 Comb ILS & ADF	15 1 Sep 56

Lansing VOR	LOM	direct	2400	T-dn	300-1	300-1	200-½
Lansing LFR	LOM	direct	2400	C-dn	400-1	500-1	500-1½
Int LAN R-293 and Back crs ILS or 093 Brg to LOM	LOM	direct	2400	S-dn-27 ILS	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1
Int LAN R-321 and W crs ILS or 093 Brg, to LOM	LOM	direct	2400	A-dn	800-2	800-2	800-2
Flint LOM (ILS only)	Int 041 Brg to Flint LOM & E crs LAN-ILS	direct	2000				
Int 041 Brg to Flint LOM & E crs LAN ILS	LAN LOM (Final)	direct	2000				
Int R-112 LAN and Brg 340° to LOM	LOM	direct	2900				

Procedure turn N side E crs, 093 Outbnd, 273 Inbnd, 2000 within 10 miles
Minimum Altitude at G.S. int inbnd, 2000 ILS, minimum altitude over LOM inbnd final 1500 ADF
Altitude of G.S. and distance to approach end of rny at OM 1959-3.7, at MM 1040-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 miles of LOM, climb to 2200' on W crs ILS within 20 miles, or, when directed by ATC, 1. Make right turn climb, climbing to 2000' on NW crs LAN-LFR within 20 miles.
NOTE: 300-1 required for take-off NW-SE rny. No approach lights.
AIR CARRIER NOTE: 400-1 required with glide slope inoperative.
CAUTION: Tower 1880' MSL 6.5 mi SE of LOM.
Major Changes: Transitions, air carrier note and distances revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Lansing, Mich	Capital City 858'	ILS-ILAN, LOM-LA	1, Amdt 3 29 Oct 1955 Comb ILS-ADF	2 17 Jul 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
LAN VOR	Grand Ledge Int	direct	2000	T-dn	300-1	300-1	200-½
LAN LFR	Grand Ledge Int	direct	2200	C-dn	400-1	500-1	500-1½
Int W crs LAN ILS & LAN R-293	Grand Ledge Int (Final)	direct	1500	S-dn-9	400-1	400-1	400-1
LAN LOM	Grand Ledge Int	direct	2400	A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 273 Outbnd, 093 Inbnd, 2000 within 10 miles
No Glide Slope, Altitude over Grand Ledge Int 1500
No Outer Marker, distance to appr end of rny 083-4.3; No middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles of Grand Ledge Int, climb to 2400' on Front crs ILS, proceed to LOM or, when directed by ATC: (1) make left turn climbing to 2000' on NW crs LAN LFR within 20 miles.
NOTE: Grand Ledge Int: Int W crs LAN ILS & R-360 LAN. Procedure NA unless aircraft equipped to receive ILS & VOR simultaneously. 300-1 required for take-off on NW-SE runway.
Major Changes: Distances revised.

City and State: Lansing, Mich | Airport Name & Elev.: Capital City 858' | Fac. Class & Ident.: ILS ILAN | Procedure No. & Eff. Date: 2, Amdt 1 29 Oct 1955 | Sup. Amdt. No. Dated: Orig 17 Jul 54

Little Rock LFR	LOM	direct	1800	T-dn	300-1	300-1	200-½
Little Rock VOR	LOM	direct	1800	C-dn	500-1	600-1	600-1½
Lakeside Int	LOM	direct	1800	S-dn-4 ILS	300-¾	300-¾	300-¾
City Int	LOM	direct	1800	ADF	500-1	500-1	500-1
Mablevale Int ILS	LOM (Final)	direct	1800	A-dn ILS	600-2	600-2	600-2
Mablevale Int ADF	LOM (Final)	direct	1300	ADF	800-2	800-2	800-2

Procedure turn N side SW crs, 220 Outbnd, 040 Inbnd, 1800 within 10 mi. (Non-standard due to traffic)
Minimum Altitude at G.S. int inbnd, 1800 ILS, minimum altitude over LOM inbnd final 1300 ADF, over LMM#
inbnd final 900 ADF.
#ADF Descent below 900 NA unless MM or LMM received.
Altitude of G.S. and distance to approach end of rny at OM 1784-4.6, at MM 496-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 mi of LOM (ADF) climb to 1800 on NE crs ILS (040) within 20 miles.
NOTE: No approach lights. 300-1 required for take-off Runways 18-36-32. 500-1 required when G-S not used.
Major Changes: Revise procedure turn. Adds final from Mablevale.

City and State: Little Rock, Ark | Airport Name & Elev.: Adams Field 257' | Fac. Class & Ident.: ILS-ILIT, LOM-LI | Procedure No. & Eff. Date: 1, Amdt 1 4 Jul 1956 Comb ILS & ADF | Sup. Amdt. No. Dated: Orig 16 Jul 55

LGB LFR	LOM	Direct	1500	T-dn *	300-1	300-1	200-½
Huntington Beach FM	LOM (Final)	Direct	1400	C-dn	500-1	600-1	600-2
San Pedro Int	LOM	Direct	1500	S-dn-30 #ILS	300-¾	300-¾	300-¾
LGB VOR	LOM	Direct	1500	ADF	500-1	500-1	500-1
Int SW crs El Toro LFR & SE crs LGB LFR	LOM (Final)	Direct	1400	A-dn ILS	600-2	600-2	600-2
Int SW crs EL TORO LFR & LGB R-122	LOM (Final)	Direct	1400	ADF	800-2	800-2	800-2

* 300-1 required for take-off runways 16, 16R, 25L, 34R.
Straight-in landing minimums are 400-1 with glide slope inoperative.

Procedure turn S side SE crs, 120 Outbnd, 300 Inbnd, 1500' within 10 mi of LOM. Beyond 10 mi NA.
Minimum Altitude at glide slope int inbnd - 1400 ILS. Min. alt. inbnd final - 1100' ADF.
Altitude of glide slope and distance to approach end of runway at OM 1320-4.7; at MM 245-0.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.7 mi, after passing LOM (ADF) climb to 800' on NW crs LGB LFR; turn left to 200 continuing climb to intersection S crs LAX LFR and proceed to San Pedro Int at minimum of 2500'.
NOTE: Glide slope unit now at beginning of usable portion runway 30. 800' SE end closed permanently.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500' hill with oil derricks one mi S of airport.

City and State: Long Beach, Calif | Airport Name & Elev.: Municipal 56' | Fac. Class & Ident.: ILS LGB LOM LG | Procedure No. & Eff. Date: 1, Amdt 11 27 Oct 56 Comb. ILS-ADF | Sup. Amdt. No. Dated: 10 18 Aug 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
LAX LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Downy FM-RBN	LOM (Final)	Direct	1700*	C-dn	500-1	600-1	600-1½
LGB LFR	Downy FM-RBN	Direct	3000	S-dnry25L			
LGB VOR	Downy FM-RBN	Direct	3000	ILS	200-½	200-½	200-½
LGB LFR	LOM	Direct	1700	ADF	400-1	400-1	400-1
LGB VOR	LOM	Direct	1700	A-dn ILS	600-2	600-2	600-2
Hollywood Hills FM	LOM	Direct	3000	ADF	800-2	800-2	800-2
LAX VOR	LOM	Direct	2000				

Radar vectoring to final approach crs authorized
* aircraft must descend from 3000' immediately after passing Downy, inbnd.

Procedure turn S side E crs, 068 Outbnd, 248 Inbnd, 2000' within 8 mi (E of Downy RBN NA)
Minimum altitude at glide slope int inbnd - 1700' ILS; Min. alt. over LOM inbnd final 1700 #ADF.
#ADF Approach cross LAX LFR inbnd at minimum of 1000' MSL.
Altitude of glide slope and distance to approach end of runway at OM 1700'-5.2; at MM - 310-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.2 mi, after passing LOM, climb to 2000' on W crs LAX LFR within 20 mi.
Major Changes: Raise minimums for small aircraft due to obstructions.

City and State: Los Angeles, Calif | Airport Name & Elev.: International 125' | Fac. Class & Ident.: ILS LAX LOM LA | Procedure No. & Eff. Date: 1, Amdt 14 14 Jul 56 Comb. ILS-ADF | Sup. Amdt. No. Dated: 13 28 Mar 56

Louisville LFR	LOM	Direct	2100	T-dn	300-1	300-1	200-½
Louisville VOR	LOM	Direct	2100	C-dn	500-1	500-1	500-1½
Eastwood FM	LOM	Direct	2100	S-dn-01* ILS	200-½	200-½	200-½
Shepherdsville FM	LOM	Direct	2100	ADF	500-1	500-1	500-1
Int W crs Louisville LFR & 144 crs to LOM or Louisville R-295	LOM	Direct	2100	A-dn ILS	600-2	600-2	600-2
Bardstown Int	LOM	Direct	2100	ADF	800-2	800-2	800-2
Bourbon Int	LOM	Direct	2100				
Elizabeth Int	LOM	Direct	2100				

* 400-¾ required with glide slope inoperative.

Procedure turn W side S crs 190 Outbnd 010 Inbnd, 2100' within 6 mi. NA beyond 6 mi to avoid Godman Danger Area.
Minimum altitude at glide slope int inbnd, 2000' ILS. Min. alt. over LOM inbnd final - 1600' ADF.
Altitude of glide slope & distance to approach end of rny at OM 2080-5.4; at MM 690-0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.4 mi after passing LOM (ADF), make a left climbing turn to 2100' as soon as practical. Proceed out W crs Louisville LFR or (when directed by ATC) make climbing right turn as soon as practical & proceed to Louisville LFR.
CAUTION: Obstruction 1060' 4 mi N of Standiford Field.
Major Changes: Minimum glide slope interception altitude revised to accommodate surveillance patterns.

City and State: Louisville, Ky | Airport Name & Elev.: Standiford 497' | Fac. Class & Ident.: ILS-SDF, LOM-SD | Procedure No. & Eff. Date: 1, Amdt 14 10 Nov 56 Comb. ILS-ADF | Sup. Amdt. No. Dated: 13 21 Apr 56

Louisville LFR	Jeffersonville Int*	Direct	2100	T-dn	300-1	300-1	200-½
Louisville VOR	Jeffersonville Int	Direct	2100	C-dn	500-1	500-1	500-1½
Nabb Int	Jeffersonville Int	Direct	2000	S-dn-19**	500-1	500-1	500-1
Int W crs Louisville LFR & N crs of ILS	Jeffersonville Int	Direct	2000	A-dn	800-2	800-2	800-2
Jeffersonville Int	Harbor Int # (Final)	Direct	2000				
Radar terminal area transitions	Radar site	within 25 mi	2500				

** Do not descend below 1100' MSL until past Louisville VOR 320 radial (Cave Hill Int)

Procedure turn E side N crs, 010 Outbnd, 190 Inbnd, 2000' within 10 mi N of Jeffersonville Int* (nonstandard due to obstructions)
* Jeffersonville Int - N crs of ILS & Louisville radial 332.
No glide slope or markers. Alt over Harbor Int # 2000'; Descend to landing minimums after passing Harbor Int #
Distance and bearing to Runway 19 - 190-5.3
Harbor Int - N crs of ILS & Louisville VOR radial 327.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.5 mi after passing Harbor Int, climb to 2100' on S crs of ILS to LOM.
NOTE: ADF approach not authorized. This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
Major Changes: Radar transition altitude added; adds Harbor Int.

City and State: Louisville, Ky | Airport Name & Elev.: Standiford 497' | Fac. Class & Ident.: ILS SDF | Procedure No. & Eff. Date: 2, Amdt 1 17 Nov 56 | Sup. Amdt. No. Dated: Orig 23 Apr 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Lubbock VOR	LOM	direct	4500	T-dn	300-1	300-1	200-½
Lubbock LFR	LOM	direct	4500	C-dn	400-1	500-1	500-1½
Roundup FM	LOM	direct	4500	S-dn-17 ILS	300-¾	300-¾	300-¾
Int R 018 LBB and N crs ILS	LOM	direct	4500	ADF	400-1	400-1	400-1
Int E crs LBB LFR and N crs ILS	LOM	direct	4500	A-dn ILS	600-2	600-2	600-2
Int R 114 LBB and N crs ILS	LOM	direct	4500	ADF	800-2	800-2	800-2

Procedure turn E side N crs, 348 Outbnd, 168 Inbnd, 4500 within 10 mi. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd 4500 ILS, minimum altitude over LOM inbnd final 4000 ADF
Altitude of G.S. and distance to approach end of rny at OM 4500-4.1, at MM 3490-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 miles after passing LOM (ADF) climb to 5100 on S crs ILS (168) within 20 miles, or when directed by ATC, turn left climb to 4500 on E crs of LBB LFR within 20 miles, or climb to 4500' on R-110 LBB within 20 mi.
AIR CARRIER NOTE: 200-½ authorized provided the available runway length exceeds by 3000 feet the landing distance required by the aircraft performance operating limitations of the CAR's and high intensity runway lights are operative on the entire length of the runway.
CAUTION: 4067 MSL Tower 7.5 miles S of airport on ILS missed approach.
NOTE: No approach lights.

City and State: Lubbock, Texas | Airport Name & Elev.: Municipal 3256' | Fac. Class & Ident.: ILS-ILBB, LOM-LB | Procedure No. & Eff. Date: 1, Amdt 3 9 Jul 1955 Comb ILS & ADF | Sup. Amdt. No. Dated: 2 2 Aug 54

Lubbock VOR via R-139	Broadway Int	direct	5100	T-dn	300-1	300-1	200-½
Lubbock LFR via crs 101	Broadway Int	direct	5100	C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 168 Outbnd, 348 Inbnd, 5100 within 10 mi. Beyond 10 mi NA.
No Glide Slope, minimum altitude Broadway Int 4600', distance to appr end of rny at Broadway Int 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi, climb to 4500 on N crs ILS or when directed by ATC, climb to 4500 on E crs LFR or R-110 LBB within 20 miles.

City and State: Lubbock, Texas | Airport Name & Elev.: Municipal 3256' | Fac. Class & Ident.: ILS ILBB | Procedure No. & Eff. Date: 2, Amdt 1 9 Jul 1955 | Sup. Amdt. No. Dated: Orig 8 Jul 54

Macon VOR	LOM	direct	1600	T-dn	300-1	300-1	200-½
Macon LFR	LOM	direct	1600	C-dn	500-1	500-1	500-1½
Robins MHW	LOM	direct	1600	S-dn-5 ILS	300-¾	300-¾	300-¾
Int SW crs Macon LFR and SW crs of ILS	LOM	direct	1600	ADF	500-1	500-1	500-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn S side of SW crs, 227 Outbnd, 047 Inbnd, 1600 within 10 miles
Minimum Altitude at G.S. int inbnd, 1600 ILS, minimum altitude over LOM inbnd final 1200 ADF
Altitude of G.S. and distance to appr end of rny at OM 1650-3.8, at MM 540-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi after passing LOM (ADF) climb to 1800 on NE crs ILS (047) within 20 miles
CAUTION: 848' tower 5.5 miles NE of airport on missed approach crs.
NOTE: No approach lights. Provisions of inoperative ILS components not applicable unless ceiling is at least 500'.

City and State: Macon, Ga | Airport Name & Elev.: Macon (Cochran) 354' | Fac. Class & Ident.: ILS-IMCN, LOM-MC | Procedure No. & Eff. Date: 1, 13 Aug 1954 Comb ILS & ADF | Sup. Amdt. No. Dated: 1, 13 June 54

MSN-LFR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Int R-336 JVL & ILS S crs	LOM (Final-ILS)	Direct	2000	C-dn	600-1	600-1	600-1½
Mendota VHF Int	LOM	Direct	2700	S-dn ILS	200-½	200-½	200-½
Int R-312 JVL & ILS S crs	LOM (Final-ILS)	Direct	2000	ADF	600-1	600-1	600-1
Truax RBN	LOM	Direct	2400	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn E side of crs, 179 Outbnd, 359 Inbnd, 2400 within 10 mi.
Minimum altitude at glide slope int inbnd - 2000' ILS. Min. alt. inbnd final 1900' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 1918-3.9; at MM - 1058-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 mi after passing LOM (ADF) climb to 2500 on N crs ILS (359) within 20 mi.
CAUTION: 1211' tower 1.3 mi to left of crs after passing LOM on final and 1023' MSL pole .8 mi to left of crs & .8 mi SW of Runway 36.
Major Changes: Transitions, distances and missed approach revised.

City and State: Madison, Wis | Airport Name & Elev.: Truax Field 859' | Fac. Class & Ident.: ILS-MSN, LOM-MS | Procedure No. & Eff. Date: 1, Amdt 4 14 Jul 56 Comb. ILS-ADF | Sup. Amdt. No. Dated: 3 20 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
MSN-LFR	Truax Int #	Direct	2500	T-dn	300-1	300-1	200-½
Int 099R LNR-VOR & Back crs MSN-ILS	Truax Int #	Direct	2500	C-dn	600-1	600-1	600-1½
				S-dn	400-1	400-1	400-1
Mendota VHF Int	Truax Int #	Direct	2500	A-dn	800-2	800-2	800-2
MSN-LOM	Truax Int #	Direct	2500				

Procedure turn E side of crs, 359 Outbnd, 179 Inbnd, 2500' within 10 mi.
No slide slope. Altitude over Truax Int # 2000. No markers; distance from Truax Int #3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 miles after passing Truax Int #, climb to 2400' on 5 crs ILS within 20 mi
Truax Int: Int 270 brng to Truax Rbn & N crs MSN ILS. (To be shown on AL charts only)
NOTE: If Truax Rbn not operative, VFR minimums apply.

City and State: Madison, Wis | Airport Name & Elev.: Truax Field 859' | Fac. Class & Ident.: ILS MSN MHW TAX | Procedure No. & Eff. Date: 2, Orig 29 Dec.56 Comb. ILS-ADF | Sup. Amdt. No. Dated: None

Medford LFR	LOM	Direct	6000	T-dn	300-1	300-1	300-1
Medford VOR	LOM	Direct	6000	C-dn	1000-2	1000-2	1000-2
Tiller FM via crs 165	ILS N crs (Final)	Direct	6000	S-dn 14	400-1	400-1	400-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side N crs 319 Outbnd, 139 Inbnd, 6000' within 10 mi of Evans Creek FM (nonstandard due to terrain)
Minimum altitude at glide slope int inbnd; 6000'
Altitude of glide slope and distance to approach end of runway at OM - 2852-4.7; at MM - 1541-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
turn right, climb to 6000' on N crs ILS within 5 mi of LMM.
Major Changes: Add transition from Tiller FM.

City and State: Medford, Ore | Airport Name & Elev.: Medford 1330' | Fac. Class & Ident.: ILS IMFR | Procedure No. & Eff. Date: 1, Amdt 1 1 Jan 55 | Sup. Amdt. No. Dated: Orig 16 Aug 54

Memphis LFR	LOM	direct	1500	T-dn	300-1	300-1	200-½
Cuba FM	LOM	direct	2000	C-dn	500-1	500-1	500-1½
Oakville Int	LOM	direct	1500	S-dn-9 ILS	200-½	200-½	200-½
Bruins MHW	LOM	direct	1700	ADF	400-1	400-1	400-1
Memphis VOR	LOM	direct	1500	A-dn ILS	600-2	600-2	600-2
Waverly Int	Island Int#	direct	1700	ADF	800-2	800-2	800-2
Bruins MHW via crs 036	Island Int#	direct	1700				
Island Int # ILS	LOM (Final)	direct	1700				
Island Int# ADF	LOM (Final)	direct	1200				
Radar transition	Radar Site	all directions within 25 miles	2300				
When radar provides 3 mi seperation from towers located 8 mi NNE of airport	Radar Site		1800				
Sector S of ILS localizer within 15 mi	Radar Site		1500				

#Island Int, Int W crs ILS & brng 216° to Bruins Rbn.

Procedure turn S side W crs, 267 Outbnd, 087 Inbnd, 1700 within 10 miles.
Minimum Altitude at G.S. int inbnd, 1700 ILS, minimum altitude over LOM inbnd final 1200 ADF
Altitude of G.S. and distance to approach end of rny at OM 1650-4.3, at MM 540-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles after passing LOM (ADF) climb to 1500 on E crs ILS (087) within 20 mi.
NOTE: 400-¾ required when G-S not utilized - 470' MSL tower located 1 mi E of LOM.
AIR CARRIER NOTE: Take-off at less than 200-½ NA on Runway 14-32
Major Changes: Adds transitions from Waverly & Bruins to Island Int. Adds final from Island Int. Revises crs. Changes field elevation.

City and State: Memphis, Tenn | Airport Name & Elev.: Municipal 291' | Fac. Class & Ident.: ILS-IMEM, LOM-BXS | Procedure No. & Eff. Date: 1, Amdt 3 15 Dec 1956 Comb ILS & ADF | Sup. Amdt. No. Dated: 2 14 May 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Memphis LFR	Oakville Int	direct	1500	T-dn	300-1	300-1	200-½
Memphis VOR via crs 353	Oakville Int	direct	1500	C-dn	500-1	500-1	500-1½
Fisherville FM	Oakville Int	direct	2000	S-dn-27	400-1	400-1	400-1
8 mi radar fix on E crs ILS	Oakville Int (Final)	direct	1000	A-dn	800-2	800-2	800-2
Radar transitions	Radar Site	All direc	2300				
When radar provides 3 mi separation from towers located 8 mi NNE of airport		tions within 25 mi	1800,				
Sector S of ILS localizer within 15 mi			1500				

Procedure turn S side E crs, 087 Outbnd, 267 Inbnd, 1500 within 10 miles
Minimum Altitude at G.S. int inbnd, 4500 ILS, minimum altitude over LOM inbnd final 4000 ADF
No Glide Slope. Minimum Altitude Oakville Int 1000, distance to appr end of rny at Oakville Int 2.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.8 miles, climb to 1700 on W crs ILS within 20 miles.
AIR CARRIER NOTE: Take-off at less than 200-½ NA on Runway 14-32.
Major Changes: Adds radar fix (Final). Raises transition 2000 from Fisherville.

City and State: Memphis, Tenn | Airport Name & Elev.: Municipal 291' | Fac. Class & Ident.: ILS IMEM | Procedure No. & Eff. Date: 2, Amdt 2, 15 Dec 1956 | Sup. Amdt. No. Dated: 1 14 May 55

Meridian LFR	LOM	direct	2000	T-dn		300-1	300-1	200-½*
Meridian VOR	LOM	direct	1800	C-dn		500-1	600-1	600-1½
				S-dn-1	ILS	#300-¾	#300-¾	#300-¾
					ADF	500-1	500-1	500-1
				A-dn	ILS	600-2	600-2	600-2
					ADF	800-2	800-2	800-2

*300-1 take-off minima required runway 9.
#500-1 required when glide slope not used.

Procedure turn E side S crs, 184 Outbnd, 004 Inbnd, 1700 within 10 mi. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd, 1700 ILS, minimum altitude over LOM inbnd final 1000 ADF
Altitude of G.S. and distance to appr end of rny at OM 1700-4.7, at MM 490-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.7 mi after passing LOM (ADF) climb to 2000 on crs of 004 from LOM within 20 mi
NOTE: Take-offs with less than 200-½ NA on runways 4, 14, 22 & 32. No approach lights. Overrun lights and high intensity runway lights only.
Major Changes: Revise transition & missed approach. Reduce ADF alt. over LOM. Reduce 2-eng night visibility minima. Revise take-off limitations.

City and State: Meridian, Miss | Airport Name & Elev.: Key Field 297' | Fac. Class & Ident.: ILS-IMEJ, LOM-ME | Procedure No. & Eff. Date: 1, Amdt 2 13 Dec 1956 Comb ILS & ADF | Sup. Amdt. No. Dated: 1 30 Apr 55

Miami VOR	LOM	Direct	1100	T-dn		300-1	300-1	200-½
Miami LFR-ILS#	LOM (Final)	Direct	1100	C-dn		400-1	500-1	500-1½
Miami LFR-ADF#	LOM (Final)	Direct	600	S-dn-9R	ILS	200-½	200-½	200-½
					ADF	400-1	400-1	400-1
				S-dn-9L*	ILS	400-1	400-1	400-1
					ADF	400-1	400-1	400-1
				A-dn	ILS	600-2	600-2	600-2
					ADF	800-2	800-2	800-2

Right turn from S or left turn from N, from Miami LFR to LOM NA.
* Crs & distance LOM to Rny 9L-074, 4.1

Procedure turn N side W crs, 266 Outbnd, 086 Inbnd, 1100' within 10 mi (nonstandard due to traffic)
Minimum altitude at glide slope int inbnd-1100' ILS. Min. alt. over LOM inbnd final - 600' ADF.
Altitude of glide slope & distance to approach end of runway at OM - 1070'-3.9; at MM - 205-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 mi after passing LOM (ADF), climb to 1400' on E crs ILS (086) within 20 mi or when directed by ATC, turn right to 180, climb to 1400' and proceed SE, on SE crs LFR or R-150 VOR within 20 mi.
Major Changes: Change of glide slope angle and elevation over markers.

City and State: Miami, Fla | Airport Name & Elev.: International 9' | Fac. Class & Ident.: ILS-IMIA, LOM-MI | Procedure No. & Eff. Date: 1 Amdt 5 24 Nov 55 Comb ILS-ADF | Sup. Amdt. No. Dated: 4 2 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Bayshore Int	Flagler Int (Final)	Direct	1400	T-dn	300-1	300-1	200-½
Miami LFR	Flagler Int	Direct	1400	C-dn	500-1	500-1	500-1½
Miami VOR	Flagler Int	Direct	1400	S-dn-27-L-R	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side E crs, 086 Outbnd, 266 Inbnd, 1400' within 10 mi E of Bayshore Int. Beyond 10 mi NA.
No glide slope. Alt over Flagler Int 1400' - brng & distance to Rny 27L 266-3.9; to Rny 27R 279-3.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 mi, climb to 1100' on W crs of ILS within 20 mi.
Flagler Int is intersection E crs ILS and 336 brg to Marine Miami HW (NIG)
NOTE: In consideration of noise abatement, use of this procedure is authorized only when required by ATC. VFR practice of this approach NA.

City and State: Miami, Fla | Airport Name & Elev.: International 9' | Fac. Class & Ident.: ILS IMIA | Procedure No. & Eff. Date: 2, Amdt 1 4 Jun 55 | Sup. Amdt. No. Dated: Orig 16 Apr 54

Midland VOR	LMM	Direct	4200	T-dn		300-1	300-1	*200-½
Midland VIA R-199	OM	Direct	4200	C-dn		400-1	500-1	500-1½
Midland LFR via crs 189	OM	Direct	4000	S-dn-4	ILS	200-½	200-½	200-½
Midland LFR	LMM	Direct	4000		ADF	400-1	400-1	400-1
				A-dn	ILS	600-2	600-2	600-2
					ADF	800-2	800-2	800-2

AIR CARRIER NOTE: * 300-1 required Runways 16L & 34R.

Procedure turn S side SW crs, 223 Outbnd, 043 Inbnd, 4300' within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd - 4010' ILS. Min. alt. over OM inbnd final - 3800' ADF; over LMM, 3300' ADF
Altitude of glide slope and distance to approach end of rny at OM - 4010-4.1; at MM - 3070-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.6 mi after passing LMM (ADF), climb to 4400' on NE crs ILS (043) within 20 mi. When directed by ATC turn right, climb to 4000' on SE crs LFR or R-150 within 20 mi. If OM not received altitude over LMM is 3800' and straight in minima NA. 400-¾ required when glide slope not utilized.
Major Changes: Transition & procedure turn altitudes increased.

City and State: Midland, Texas | Airport Name & Elev.: Air Terminal 2867' | Fac. Class & Ident.: ILS-IMAF, LMM-AF | Procedure No. & Eff. Date: 1, Amdt 6 16 Jul 55 Comb. ILS-ADF | Sup. Amdt. No. Dated: 5 22 Apr 54

Midland VOR	Radio Int	Direct	4100	T-dn		300-1	300-1	*200-½
Stanton Int(Int R-055 MAF & NE crs ILS)	Tank Farm Int	Direct	4400	C-dn		400-1	500-1	500-1½
				S-dn-22		400-1	400-1	400-1
Tank Farm Int(Int R-080 MAF & NE crs ILS)	Radio Int (Final)	Direct	3900	A-dn		800-2	800-2	800-2

* 300-1 required Runways 16L and 34R.

Procedure turn N side of NE crs of ILS, 043 Outbnd, 223 Inbnd, 4400' within 10 mi. Beyond 10 mi NA.
No glide slope. Alt. from Radio Int. 3900'; Distance 223-3.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 mi, climb to 4300' on SW crs ILS within 20 mi, or when directed by ATC, climb to 4000' on R-150 MAF or climb to 4000' on SE crs of MAF LFR within 20 mi.
Radio Int: Int NE crs ILS & R-117 MAF.
Major Changes: Revise initial approaches. Add alternate missed approaches. Revise intersections.

City and State: Midland, Tex | Airport Name & Elev.: Air Terminal 2867 | Fac. Class & Ident.: ILS-IMAF, BVOR-MAF | Procedure No. & Eff. Date: 2, amdt 1 6 Aug 55 | Sup. Amdt. No. Dated: Orig 24 Mar 54

MKE-LFR	LOM	Direct	2000	T-dn		300-1	300-1	200-½
Franksville FM - ILS	LOM (Final)	Direct	2000	C-dn		600-1	600-1	600-1½
Franksville FM - ADF	LOM (Final)	Direct	1400	S-dn 1	ILS	200-½	200-½	200-½
Int N crs MKE LFR & S crs ILS	LOM	Direct	2000		ADF	500-1	500-1	500-1
Genesee FM	LOM	Direct	2000	A-dn	ILS	600-2	600-2	600-2
Racine Int VHF	LOM	Direct	2000		ADF	800-2	800-2	800-2
Cardinal Int VHF	LOM	Direct	2700					
MKE VOR	LOM	Direct	2300					

Procedure turn E side S crs, 186 Outbnd, 006 Inbnd, 2000' within 10 mi.
Minimum altitude at glide slope int inbnd - 2000' ILS. Min. alt. over LOM inbnd final 1400' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 2035-4.1; at MM 918-0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 mi after passing LOM, climb to 2700' on N crs MKE-LFR within 20 mi, or when directed by ATC, make left climbing turn to 2300' and intercept R-109 MKE and proceed to MKE-VOR
Major Changes: ILS straight-in minimums lowered.

City and State: Milwaukee, Wis | Airport Name & Elev.: General Mitchell 698' | Fac. Class & Ident.: ILS-MKE, LOM-MK | Procedure No. & Eff. Date: 1, Amdt 9 22 Jun 56 Comb. ILS-ADF | Sup. Amdt. No. Dated: 8 21 Jun 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
MKE-VOR	Lake Park Int*	Direct	2700	T-dn	300-1	300-1	200-½
MKE-LFR	Lake Park Int*	Direct	2700	C-dn	600-1	600-1	600-1½
MKE-LOM	Lake Park Int*	Direct	2700	S-dn-19	400-1	400-1	400-1
Cardinal Int	Lake Park Int*	Direct	2700	A-dn	800-2	800-2	800-2
Cardinal Int	Lake Park Int* (Final)	Direct	2200				
Lake Park Int*	Harbor Int**	Direct	2300				
Lake Park Int*	Harbor Int** (Final)	Direct	1800				

Radar transition to final approach authorized. Aircraft may be released for final approach without procedure turn at Lake Park Int* Refer to Form ACA-511.5 (GCA) for Milwaukee, Wis., if detailed sector altitudes desired.

Procedure turn W side N crs, 006 Outbnd, 186 Inbnd, 2700' within 10 mi of *Lake Park Int.
No glide slope. 1800' over Lake Park Int*; Brng. & dist. Lake Park Int* to Harbor Int** - 186°-3.0
No markers. Brng. & dist. Harbor Int** to Rwy-19 - 186°-4.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi, climb to 2000' on localizer crs to MKE LOM or when directed by ARTC:
(1) Make left climbing turn to 2000' & proceed to Sun Fish Int, via V30.
*Lake Park Int - Int MKE-VOR R-100 & N crs ILS.
**Harbor Int - Int MKE-VOR R-108 & N crs ILS.
NOTE: Procedure authorized only when aircraft equipped to receive ILS & VOR simultaneously.
Major Changes: Establishes back crs ILS approach.
CAUTION: 787' power line ½ mi N of Rwy-19.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Milwaukee, Wis.	General Mitchell 698'	ILS-MKE	2, Orig 26 Jan 1957	None

MSP-LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
MSP-VOR	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Hastings FM - ILS	Glide slope int (Final)	Direct	2200	S-dn 29L ILS	200-½	200-½	200-½
				ADF	400-1	400-1	400-1
Hastings FM - ADF	LOM (Final)	Direct	1700	A-dn ILS	600-2	600-2	600-2
Stanton Rbn via crs 360	SE ILS crs	Direct	2200	ADF	800-2	800-2	800-2
Jordan FM	LOM	Direct	2200				
Houlton Int	LOM	Direct	2200				
Diamond Bluff Int ILS	Glide slope int (Final)	Direct	2200				
Lakeville Int	LOM	Direct	2200				
Prior Int	LOM	Direct	2200				
Stanton RBN	Brng 295 to LOM	Direct	2200				
White Bear Int	LOM	Direct	2500				
Elmo Int	LOM	Direct	2200				
Radar transitions as directed by ATC	Radar site	within 25 mi	2600				

Procedure turn E side SE crs, 115 Outbnd, 295 Inbnd, 2200' within 10 mi.
Minimum altitude at glide slope int inbnd - 2200' ILS. Min. alt. inbnd final - 1700' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 2084-4.0; at MM - 1038-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi (ADF), climb to 2600' on NW crs MSP-LFR to Hamel FM, or if directed by ATC:
(1) Make left climbing turn, climb to 2500' on crs of 241 and proceed to Jordan FM.
(2) Make left climbing turn, climb to 2200' and return to LOM.
CAUTION: Tower 1223' MSL 3 mi W of Hastings FM.
Major Changes: Revises transitions. Procedure turn altitudes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Minneapolis, Minn	Minneapolis- 840' St. Paul International (Wold Chamberlain Field)	ILS-MSP, LOM-MS	1, Amdt 7 19 Nov 55 Comb, ILS-ADF	6 1 Oct 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Radar terminal area transition altitude	NW ILS	all directions within 20 mi	2600	T-dn	300-1	300-1	200-½
6 mi radar fix	App. end Rnwy 11R (Final)		2600	C-dn	500-1	500-1	500-1½
5 mi radar fix	app. end Rnwy 11R (Final)		2500	S-dn-11R	400-1	400-1	400-1
3 mi radar fix	App end Rnwy 11R (Final)		1800	A-dn	800-2	800-2	800-2
2 mi radar fix	App. end Rnwy 11R (Final)		1500				

Procedure turn S side NW crs, 295 Outbnd, 115 Inbnd, 2600 within 10 mi of Runway 11R as specified by radar controller.
No glide slope or markers.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
on final approach within 3 mi after passing 3 mi radar fix, make right climbing turn, climb to 2500' on SW crs.
MSP LFR to Jordan fan marker.
NOTE: This procedure authorized only when airport surveillance radar is operating and utilized.
CAUTION: Do not descend below 1700' MSL until radar controller has advised passing 1085' tower 2.5 mi from app. end Runway 11R.
Major Changes: Revised information.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Minneapolis, Minn	Minneapolis-St. Paul International 840	ILS-MSP, Radar MSP	2, Amdt 2 1 Oct 55	1 30 Dec 53

Mobile VOR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
Bay Minette HW	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Brookley HW	LOM	Direct	1600	S-dn-14 ILS	*300-¾	*300-¾	*300-¾
Prichard Int	LOM	Direct	1500	ADF	400-1	400-1	400-1
				A-dn ILS	#600-2	#600-2	#600-2
				ADF	800-2	800-2	800-2

* 400-¾ required when glide slope not utilized.
All installed components of ILS must be operating otherwise alternate minima of 800-2 apply.

Procedure turn W side NW crs, 320 Outbnd, 140 Inbnd, 1400' within 10 mi.
Minimum altitude at glide slope int inbnd, 1400' ILS; Over LOM inbnd final 900' ADF.
Altitude of glide slope and distance to approach end of runway at OM, 1420-4.0; at MM, 425-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi, after passing LOM (ADF) make right turn, climb to 1600' on 180 crs from LOM within 20 mi; or when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1400' & enter VOR holding pattern.
NOTE: No approach lights.
Major Changes: Revise transitions and missed approach procedures.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Mobile, Ala	Bates 217'	ILS-IMOB, LOM-MO	1, Amdt 6 1 Dec 56 Comb. ILS-ADF	5 14 Jan 56

Moline VOR	LOM	Direct	2300	T-dn	300-1	300-1	*200-½
Moline LFR	LOM	Direct	2100	C-dn	600-1	600-1	600-1½
Int E crs MLI-LFR & 225 brg to LOM	LOM	Direct	2300	S-dn 9 *ILS	200-½	200-½	200-½
				ADF	600-1	600-1	600-1
Int S crs MLI-LFR & W crs ILS or brg 086 to LOM	LOM	Direct	1900				
Iowa City VOR via R-095	W crs ILS	Direct	2000	A-dn ILS	600-2	600-2	600-2
Int R-095 IOW & W crs ILS or brg 086 to LOM	LOM (Final) #	Direct	1900	ADF	800-2	800-2	800-2
Int R-202 MLI & E crs ILS	LOM	Direct	2100				

* 600-1 required when glide path inoperative.
Holding not authorized at Int.

Procedure turn S side W crs, 266 Outbnd, 086 Inbnd, 1900' within 10 mi.
Minimum altitude at glide slope int inbnd - 1900' ILS. Min. alt. inbnd final - 1400' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 1807-4.4; at MM 774-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.4 mi after passing LOM (ADF), climb to 2100' on crs of 086 within 20 mi, or when directed by ATC, make left climbing turn, climb to 2300' and proceed to E crs MLI-LFR or to MLI-VOR.
Major Changes: Transitions, distances and altitudes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Moline, Ill	Quad City 590'	ILS-MLI, LOM-ML	1, Amdt 6 18 Feb 56 Comb. ILS-ADF	5 15 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Moline VOR	Colona Int*	Direct	2100	T-dn	300-1	300-1	200-½
Int R-202 MLI & E crs ILS	Colona Int*	Direct	2100	C-dn	600-1	600-1	600-1½
Moline LFR	Colona Int*	Direct	2300	S-dn 27	500-1	500-1	500-1
Polo VOR	Annawan Int**	Direct	2100	A-dn	800-2	800-2	800-2
Annawan Int**	Colona Int* (Final)	Direct	2100				

** Annawan Int - Int R-205 Polo VOR & E crs ILS or Int R-314 Bradford VOR & E crs ILS.

Procedure turn N side of crs, 086 Outbnd, 266 Inbnd, 2100 within 10 mi of Colona Int*
No glide slope or markers. Alt. over Colona Int* on final 1600'; brg & distance to Rny 27 - 266-4.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 mi after passing Colona Int* climb to 2000' & proceed to MLI-LOM.
* Colona Int - R-195 MLI & E crs ILS.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Moline, Ill	Quad City 596'	ILS-MLI, VOR-MLI	2, Orig 10 Mar 56	None

Monroe LFR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
Monroe VOR	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
				S-dn-4 #ILS	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

400-¾ required when glide slope not utilized.

Procedure turn S side of SW crs, 218 Outbnd, 038 Inbnd, 1400' within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 1300' ILS; over LOM inbnd final 800' ADF.
Altitude of glide slope and distance to approach end of runway at OM 1300-4.2; at MM 275-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.2 mi after passing LOM (ADF) climb to 1400' on NE crs ILS (038) within 20 mi.
CAUTION: 850' TV antenna 3.5 mi WNW of airport. No approach lights.
AIR CARRIER NOTE: No reduction in take-off minimums on cargo and ferry flights authorized on runway 4, 9, 13, 31 and 35.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Monroe, La	Selman Field 79'	ILS-IMLU, LOM-ML	1, Amdt 1 29 Jan 55 Comb. ILS-ADF	Orig 27 Jun 53

Maxwell LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Montgomery BVOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Benton Int	LOM	Direct	1500	S-dn-9 *ILS	300-¾	300-¾	300-¾
Greenville Int	LOM	Direct	1500	ADF	400-1	400-1	400-1
Deatsville Int	LOM	Direct	1700	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

* 400-¾ required if glide slope not utilized.

Procedure turn S side W crs, 273 Outbnd, 093 Inbnd, 1700' within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 1659 ILS; Min. alt. over LOM inbnd final - 1000' ADF.
Altitude of glide slope and distance to approach end of rny at OM - 1700-5.3; at MM - 430-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.3 mi after passing LOM (ADF) climb to 1500 on crs of 114 or on R-114 MGM within 20 mi.
AIR CARRIER NOTE: 200-½ authorized provided the available runway length exceeds by 3000 feet the landing distance required by the aircraft performance operating limitations of the CAR's and high intensity runway lights are operative on the entire length of the runway.
NOTE: No approach lights.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Montgomery, Ala	Dannelly Field 221'	ILS-IMGM, LOM-MG	1, Orig 8 Apr 55 Comb. ILS-ADF	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Nashville LFR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
Nashville VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Walter-Hill FM	LOM	Direct	2000	S-dn-2L* ILS	200-½	200-½	200-½
Knob Int	LOM	Direct	1900	ADF	400-1	400-1	400-1
Franklin Int #	LOM (Final)	Direct	2000	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

* 400-¾ required when glide slope not utilized.
Franklin Int. Int S crs ILS & R-074 GHM.

Procedure turn E side crs, 195 Outbnd, 015 Inbnd, 2500 within 10 miles
Minimum Altitude at G.S. int inbnd, 2500 ILS, inbnd final 2000 ADF over LOM
Altitude of G.S. and distance to approach end of runway at OM 2000-4.9, at MM 840-0.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.9 mi after passing LOM (ADF) climb to 2000' on N crs ILS (015) within 20 mi.
AIR CARRIER NOTE: Take-off with less than 200-½ NA on Runway 15.
Major Changes: Add final from Franklin. Delete Fairview FM transition.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Nashville, Tenn	Berry Field 606'	ILS-IBNA, LOM-BN	1, Amdt 9 22 Sep 56 Comb. ILS-ADF	8 7 Jan 56

Bowling Green LFR	Old Hickory Int#	Direct	2300	T-dn	300-1	300-1	200-½
Bowling Green VOR via R-189	Old Hickory Int#	Direct	2100	C-dn	400-1	500-1	500-1½
Nashville LFR	Knob Int	Direct	1900	S-dn-20R	400-1	400-1	400-1
Nashville VOR via R-338	Knob Int	Direct	1900	A-dn	800-2	800-2	800-2
Old Hickory Int	Knob Int (Final)	Direct	1800				

Old Hickory Int. Nashville ILS NE crs and Nashville R-350 (to be shown on A-L chart only.)

Procedure turn E side N crs, 015 Outbnd, 195 Inbnd, 2000' within 10 mi.
No glide slope. Alt over Knob Int 1800'; distance from Knob Int to Runway 20R -3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4 mi, climb to 2500' on S crs ILS within 20 mi.
NOTE: Radio tower 865' MSL located ½ mi S of Knob Int.
AIR CARRIER NOTE: Take-off with less than 200-½ NA Runway 15.
Major Changes: Adds transition from BWG VOR. Adds final from Old Hickory Int.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Nashville, Tenn	Berry Field 606'	ILS IBNA	2, Amdt 3 10 Nov 56	2 14 May 55

New Brunswick Int	Woodbridge Int	Direct	1500	T-dn	300-1	300-1	200-½
Woodbridge Int ILS	LOM (Final)	Direct	1500	C-dn	600-1	600-1	600-1½
Woodbridge Int ADF	LOM (Final)	Direct	1000	S-dn-4 ILS	200-½	200-½	200-½
Colts Neck VOR	Woodbridge Int	Direct	1500	ADF	600-1	600-1	600-1
Flatbush Rbn	LOM	Direct	1500	A-dn ILS	600-2	600-2	600-2
Newark LFR	LOM	Direct	1500	ADF	800-2	800-2	800-2
Chatham Rbn	LOM	Direct	2000				
Radar transition altitudes S quadrant Newark LFR	Radar site	within 15 mi	1500				
Northeast sector from 058 to 090	Radar Site	within 20 mi	2500				
All other sectors	Radar Site	within 20 mi	2000				

Runway 4 only: Runway Visual Range 2600' may be utilized in lieu of 200-½ when 200-½ is authorized.
* Runway 4 only: 200-½ or runway visual range of 2600' - provided approaches conducted on the basis of reported runway visual range shall be governed by the following:
(1) All components of approach lights and high intensity runway lights shall be in normal operation
(2) Descent below the authorized landing minimum altitude of 218' shall not be made unless
(a) Visual contact with the approach lights has been established or
(b) The aircraft is clear of clouds. 600-1 required with glide slope inoperative.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Newark, N J	Newark 18'	ILS-EWR, LOM-EW	1, Amdt 9 1 Dec 56 Comb. ILS-ADF	8 25 Dec 55

(Panel 1)(See Panel 2)

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Newark, N J	Newark (Continued from Panel 1)						

Procedure turn E side SW crs, 217 Outbnd, 037 Inbnd, 1500' within 10 mi.
Minimum Altitude at glide slope int inbnd; 1500' ILS. Min. alt. over LOM inbnd final - 1000' ADF.
Alt. of glide slope & distance to approach end of rny at OM 1525-4.9; at MM 250-.6
If visual contact not established upon descent to authorized landing minimums or if landing no accomplished . . within 4.9 mi, climb to 1000' on 037 crs from LOM, then make left climbing turn to Paterson RBn at 2000', or when directed by ATC:
(1) make climbing left turn to 2000' direct to Chatham RBn, or
(2) make a right climbing turn to 1500', return to LOM.
Major Changes: Adds runway visual range minimums for takeoffs.

City and State	Airport Name & Elev.	Fac.Class & Ident.	Procedure No. & Eff. Date	Sup.Amdt.No.Dated
Newark, N. J.	Newark 18'	ILS-EWR, LOM-EW	1, Amdt 9 1 Dec 56	8 25 Dec 55 (Panel 2)

Int E crs Providence LFR & SW crs ILS	OM	Direct	1500	T-dn		300-1	300-1	200-½
				C-dn		500-1	600-1	600-1½
Int E crs Providence LFR & brng 053 to LMM	LMM	Direct	1500	S-dn-5	ILS	200-½	200-½	200-½
					ADF	500-1	500-1	500-1
				A-dn		800-2	800-2	800-2

Procedure turn S side SW crs, 233 Outbnd, 053 Inbnd, 1500' within 10 mi of LMM. NA beyond 10 mi.
Minimum Altitude at glide slope int Inbnd - 1500' ILS. Min. alt. over LMM inbnd final - 800'# ADF.
Descent to straight-in minimums authorized after passing OM. If OM not received, maintain 800 to LMM and circling minimums apply.
Altitude of glide slope & distance to approach end of rny at OM 1240-3.9; at MM 265-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.6 mi after passing LMM (ADF), make a climbing left turn as soon as practical, climb to 1500' on SW crs ILS or brng 233 from LMM, hold on S side crs within 10 mi of LMM.
Major Changes: Transitions, procedure turn and missed approach altitude changed to 1500'

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New Bedford, Mass	Municipal 79'	ILS-EWB, LMM-WB	1, Amdt 6 12 Nov 55 Comb. ILS-ADF	5 1 Aug 54

MSY-LFR	LOM	Direct	1400	T-dn		300-1	300-1	200-½
MSY VOR	LOM	Direct	1300	C-dn		400-1	500-1	500-1½
LaPlace MHW via crs 120 ILS	W crs ILS (Final)	Direct	1400	S-dn-10*	ILS	200-½	200-½	200-½
LaPlace MHW via crs 120 ADF	099 brng to LOM	Direct	900		ADF	400-1	400-1	400-1
Radar terminal area transitions altitudes	Radar site	within 25 mi	1500**	A-dn	ILS	600-2	600-2	600-2
					ADF	800-2	800-2	800-2

* 400-¾ required when glide slope not utilized.
Procedure turn S side W crs, 279 Outbnd, 099 Inbnd, 1400' within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd - 1100' ILS. Min. alt. over LOM inbnd final - 900' ADF
Altitude of glide slope and distance to approach end of runway at OM- 1040-3.5; at MM 220-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 after passing LOM (ADF), climb to 2000' on E crs ILS(099) within 20 mi, or when directed by ATC use one of the following alt missed approach procedures: within 3.5 mi after passing LOM;
(1) proceed to MSY LFR climbing on E crs to 1500;
(2) turn right climb on S crs MSY LFR to 1500;
(3) turn left, climb on N crs MSY LFR to 1400;
(4) turn left climb on R-030 MSY VOR to 1400;
(5) climb on R-060 MSY VOR to 1500;
(6) turn right climb on R-120 MSY VOR to 1500; all within 20 mi of LFR or VOR respectively;
(7) when under positive radar contact climb to 1500** on crs as directed by ATC.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New Orleans, La.	Moisant Int'l 3'	ILS-IMSY, LOM-MS	1, Amdt 9 19 Jan 57 Comb. ILS-ADF	8 16 Apr 55

(Panel 1)(See Panel 2)

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
New Orleans, La	Moisant Int'l (Continued from Panel 1)						

** Radar control must provide 3 mi lateral separation or 1000' vertical separation from 623' and 563' radio towers 12 mi SE of airport and from 978' MSL TV tower 16 mi E of airport.
CAUTION: 409' WWL tower 2.3 mi of airport. 452' towers 3.4 mi S of MSY LFR or 4.3 mi SE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New Orleans, La.	Moisant Int;l 3'	ILS-MSY, LOM-MS	1, Amdt 9 19 Jan 57 Comb. ILS-ADF	8 16 Apr 55

(Panel 2)

Langley LFR	LOM	Direct	1100	T-dn		300-1	300-1	200-½
Norfolk LFR	LOM	Direct	1500	C-dn		400-1	500-1	500-1½
Bacons Castle Int	LOM	Direct	1100	S-dn-6	ILS	400-¾	400-¾	400-¾
Yorktown MHW	LOM	Direct	1300		ADF	400-1	400-1	400-1
Norfolk Radar NW quadrant of Langley LFR	Radar site	within 10 mi	1500	A-dn		800-2	800-2	800-2
All other quadrants	Radar site	15 mi	1500					
Langley Radar -all quadrants	Radar site	15 mi	1500					
		30 mi	3000					

Procedure turn W side SW crs, 244 Outbnd, 064 Inbnd, 1100' within 5 mi (nonstandard due to traffic)
Minimum altitude at glide slope int inbnd - 1100' ILS. Min. alt. inbnd final - 800' ADF.
Altitude of glide slope & distance to approach end of rny at OM - 965-2.7; no middle marker or LMM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 mi after passing LOM (ADF), make a left climbing turn to 300 M and proceed to Charles City Int via SE crs Richmond, Va LFR at 1500'.
AIR CARRIER NOTE: 400-1 required when operating under the provisions of inoperative ILS components.
Major Changes: Includes Langley radar transition altitudes; revises missed approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Newport News, Va	Patrick Henry 41'	ILS-PHF, LOM-PH	1, Amdt 4 1 Feb 56 Comb. ILS-ADF	3 7 Jan 56

Scotland Int	OM (Final)	Direct	1000	T-dn		300-1	300-1	200-½
Colts Neck VOR via R-063	ILS SW crs	Direct	1400	C-dn		400-1	500-1	500-1½
Radar terminal area transitions				S-dn-4		200-½	200-½	200-½
	All directions	within 25 mi	2500	A-dn		600-2	600-2	600-2
	E of NE-SW crs of LGA-LFR	15 mi	1500					

Procedure turn S side SW crs ILS, 223 Outbnd, 043 Inbnd, 1200' within 10 mi of OM.
Minimum altitude at glide slope int inbnd, 1000'
Altitude of glide slope & distance to approach end of rny at OM - 770-2.4; at MM - 230-.5
proceed to the Long Beach Int. Contact Idlewild approach control for further instructions.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 500' on NE crs ILS, make a climbing right turn to 1500' on 130°, intersecting SW crs Mitchel LFR.
Proceed to the Long Beach Int. Contact Idlewild approach control for further instructions.
CAUTION: Circling landing minimums do not provide std clrnc over arpt cont twr and stack 278' 1.7 mi SSE rny 1R.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
New York, N Y	International 12'	ILS-IDL OM-(LFR) IDL (Cont. dashes)	1,Amdt 1', 23 Feb 57	10 8 Dec 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Glen Cove MH	Elmont FM	Direct	1500	T-dn	300-1	300-1	200-½
Glen Cove MH	Elmont FM (Final)	Direct	1000				
Idlewild LFR	Elmont FM	Direct	1500				
Radar terminal area transitions				C-dn	400-1	500-1	500-1½
	All directions	within 25 mi	2500	S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
	E of NE-SW crs of LGA-LFR	15 mi	1500				

Procedure turn E side NE crs, 043 Outbnd, 223 Inbnd, 1500' within 10 mi. (nonstandard due to traffic)
Minimum Altitude over Elmont FM 1000
No glide slope; distance from Elmont FM 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4 mi of Elmont FM, climb to 1500' on SW crs ILS and proceed to the Scotland Rbn. Contact Idlewild approach control for further instructions.
CAUTION: The minimums on this procedure do not provide standard clearance over the following obstructions: 278' stack 1.7 mi SSE of Runway 4R, 165' airport control tower, 290' tank ½ mi SE of Elmont FM.
Major Changes: Missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
New York, N Y	International 12'	ILS-IDL, FM Elmont	2, Amdt 6 8 Dec 56	5	26 Feb 55

La Guardia LFR	LOM	direct	2500	T-dn	300-1	300-1	200-½
Glen Cove int	LOM	direct	2500	C-dn	500-1	600-1	600-1½
Ridgewood Int	LOM	direct	2500	*S-dn-4 ILS	400-¾	400-¾	400-¾
Flatbush MHW	LOM (Final)	direct	1500	ADF	500-1	500-1	500-1
Colts Neck VOR	Flatbush MHW	direct	1500	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*500-1 required with any component of the ILS inoperative.

Procedure turn S side SW crs, 224 Outbnd, 044 Inbnd, 1500' S of Flatbush MHW but within 10 mi of LOM
Minimum Altitude at G.S. int inbnd ILS 1500, minimum altitude over LOM inbnd final 1200 ADF
Altitude of G.S. and distance to appr end of rny at OM 1310-3.9, at MM 295-.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 mi of LOM, climb to 1500 on NE crs LGA ILS or LFR or (when directed by ATC) (2) climb to a higher altitude or (3) make a climbing right turn to 1500 and return to Flatbush FM. LaGuardia LFR must be monitored during ADF approach.
CAUTION: Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area.
Major Changes: Procedure turn S of Flatbush and alternate missed approaches added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
New York, N Y	LaGuardia 20'	ILS-LGA, LOM-LG,	1, Amdt 11 16 Jun 1956 Comb ILS-ADF	10	25 Jun 55

Port Chester Int	RWC MHW	direct	1500	T-dn	300-1	300-1	200-½
Ridgewood Int	RWC MHW	direct	1900	C-dn	500-1	600-1	600-1½
LaGuardia LFR	RWC MHW	direct	1500	S-dn-22 ILS	400-1	400-1	400-1
Port Chester FM	RWC MHW (Final)	direct	1000	ADF	500-1	500-1	500-1
Glen Cove Int	RWC MHW	direct	1500	A-dn-ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn W side NE crs, 044 Outbnd, 224 Inbnd, 1500 within 10 mi of New Rochelle MHW
No glide slope or markers. Final approach altitudes and distances to Runway 22 from RWC MHW 1000', 7.7 mi; from LGA LFR 800' 2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.8 mi after passing LGA LFR, climb to 1500 on SW crs LGA ILS or LFR or (when directed by ATC) (2) climb to a higher altitude or (3) make a climbing left turn to 1500' return to RCW MHW, or (4) if unable to proceed from RWC MHW with 3 mi visibility and clear of all clouds make a climbing right turn to 1500' and return to RWC MHW holding pattern.
CAUTION: Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area.
Major Changes: Alternate missed approaches added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
New York, N Y	LaGuardia 20'	ILS-LGA, MHW-RWC	2, Amdt 5 16 Jun 1956 Comb. ILS-ADF	4	25 Jun 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Buffalo VOR	LOM	direct	2000	T-dn	300-1	300-1	*200-½
Wolcottsville FM	LOM	direct	1800**	C-dn	500-1	500-1	500-1½
Int ILS E crs & NE crs Buffalo LFR	LOM	direct	1800**	S-dn-28R ILS	#300-¾	#300-¾	#300-¾
Buffalo LFR	LOM	direct	2000	ADF	400-1	400-1	400-1
Int SE crs Toronto LFR & E crs ILS (or brng. 098° to LOM)	LOM	direct	1800	A-dn ## ILS	600-2	600-2	600-2
Buffalo via R-346 VOR	E crs ILS	direct	2000**	ADF	800-2	800-2	800-2
Buffalo LFR via crs 008	E crs ILS	direct	2000**				

*300-1 required on runways 10R, 28L, 18 and 36.
**After interception of localizer crs inbnd, descent on G.S. to cross outer marker at 1755 is authorized.
#400-¾ required with G.S. inoperative.
##All installed components of the ILS must be operating, otherwise alternate minimums of 800-2 apply.

Procedure turn N side E crs, 098 Outbnd, 278 Inbnd, 1800' within 10 mi of LOM
Minimum altitude at G.S. int inbnd 1800 ILS, min alt. over LOM inbnd final 1300 ADF
Altitude of G.S. and distance to approach end of rny at OM 1755-4.5, at MM 805-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.5 miles after passing LOM (ADF), climb to 2000' on W crs ILS or brng. 278° from LOM within 10 miles
NOTE: Standard approach lighting not installed.
Major Changes: Identifies final transitions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Niagara Falls, N Y	Municipal 590'	ILS-IAG LOM-IA	1, Amdt 4, 18 Aug 1956 Comb. ILS-ADF	3	28 Jan 56

Norfolk, LFR	LOM	direct	1400	T-dn	300-1	300-1	200-½
Int SW crs ILS & S crs Langley LFR	LOM	direct	1400	C-dn	400-1	500-1	500-1½
				S-dn-4 ILS	200-½	200-½	200-½
Int SW crs Norfolk LFR and S crs Langley LFR (ADF)	LOM (Final)	direct	900	ADF	400-1	400-1	400-1
				A-dn-ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn S side SW crs, 225 Outbnd, 045 Inbnd, 1400 within 5 mi of LOM
Minimum Altitude at G.S. int inbnd 1400 ILS, minimum altitude over LOM inbnd final 900 ADF
Altitude of G.S. and distance to approach end of rny at OM 1050-3.6, at MM 220-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles, turn right and climb to 1400' on SW crs of ILS, or on crs of 225 from LOM within 20 mi.
CAUTION: Maintain at least 700' until after passing Norfolk LFR due to 380' tower 1.5 mi SE of LFR

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Norfolk, Va	Norfolk Airport 26'	ILS-ORK, LOM-OR	1, Amdt 4 8 Feb 1954 Comb. ILS-ADF	3	2 Feb 53

Fremont FMHW	Hayward MHW	Direct	2600	T-dn	300-1	300-1	200-½***
Oak LFR	Hayward MHW	Direct	3500	C-dn	500-1	600-1	600-1½
OAK VOR	Hayward MHW	Direct	3500	S-dn-27R	200-½	200-½	200-½
Baypoint FM*	Hayward MHW	Direct	6000	A-dn	600-2	600-2	600-2
Altamont Int*	Hayward MHW	Direct	5000				
Decoto Int	Hayward MHW	Direct	2600				
Sunol Int	Hayward MHW (Final)	Direct	5000##				
SFO LOM	Freemont MHW	Direct	4000				
SFO LFR	Freemont MHW	Direct	4000				
AGW VOR	Freemont MHW	Direct	3500				
Altamont Int	Freemont MHW	Direct	5000				
NUQ LFR	Freemont MHW	Direct	3500				

Radar vectoring to the localizer final approach crs will be in accordance with procedures approved for a surveillance approach.
***NOTE: 300-1 required for take-off on runway 33
* These transitions authorized day on top only, unless radar vectoring is utilized.
Descent on glide slope to cross Hayward MHW at 2590' is authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Oakland, Calif	International 5'	ILS OAK	1, Amdt 11 26 Jan 57	10	8 Sept 56

(Panel 1) See Panel 2)

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Procedure turn #S side E crs, 095 Outbnd, 275 Inbnd, 3500' within 10 mi of HWD MHW. Beyond 10 mi NA.							
# Procedure turn on OAK LFR, VOR, Bay Point FM, and Altamount intersection transitions only. Upon completion of procedure turn and transition to localizer crs inbnd, descent on glide slope to cross Hayward MHW at 2590' is authorized.							
Minimum altitude at glide slope int inbnd 2600'							
Altitude of glide slope and distance to approach end of runway at HWD MHW, 2590' - 8.2; at OM, 1320' - 4.1; at MM, 230'- 0.6							
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . climb to 2000' on NW crs Oak LFR within 14 mi or to 2000' on R-310 Oak within 14 mi (Richmond Int) All maneuvering W of crs. Missed approaches must cross OAK LFR or VOR at not above 1500'. This procedure does not meet the obstruction clearance requirements for missed approach altitude.							

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Oakland, Calif	International 5'	ILS OAK	1, Amdt 11 26 Jan 57	10 8 Sept 56

(Panel 2)

Oklahoma City VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Oklahoma City LFR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Bethany Int	LOM	Direct	2500	S-dn-35 ILS	200-½	200-½	200-½
Mustang FM	LOM	Direct	2400	ADF	400-1	400-1	400-1
Radar transition altitudes	OKC VOR & LFR	within 25 mi	NE quad rant 3800	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2
			SE quad rant 2700				
			SW quad rant 2800				
			NW quad rant 2800				

Procedure turn E side of crs, 170 Outbnd, 350 Inbnd, 2500' within 10 mi.
Minimum altitude at glide slope int inbnd, 2500' ILS; over LOM inbnd final 1900' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 2500'-4.2; at MM - 1475-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.2 mi after passing LOM (ADF) climb to 3100 on N crs ILS 350) within 20 mi.
NOTE: 300-1 required on Runways 8-26.
Major Changes: Add radar Vector authority. Limit procedure turn altitude. Raise missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Oklahoma City, Okla	Will Rogers 1283'	ILS-IOKC, LOM-OK	1, Amdt 2 24 Sep 55 Comb. ILS-ADF	1 6 May 54

Omaha VOR via R-299	SE crs ILS	Direct	2700	T-dn	300-1	300-1	200-½##
Omaha LFR via crs 260	NW crs ILS	Direct	2500	C-d	500-1	500-1	500-1½
California FM via crs 170	NW crs ILS	Direct	2500	C-n	500-1½	500-1½	500-2
Int SE crs OMA LFR & NW crs ILS	LOM	Direct	2500	S-dn 14L ILS	300-¾#	300-¾	300-¾
Int W crs OMA LFR & NW crs ILS	LOM	Direct	2500	S-d ADF	400-1	400-1	400-1
Omaha LFR	LOM			S-n ADF	400-1½	400-1½	400-1½
Omaha VOR	LOM	Direct	2500	A-dn ILS	600-2	600-2	600-2
		Direct	2700	ADF	800-2	800-2	800-2

NOTE: After take-off climb to 2000' MSL prior to proceeding in a westerly direction.
400-¾ straight-in required when glide slope or approach lights inoperative.
300-1 take-off minimums required except on Runways 14L, 32R, 17L and 35R.
AIR CARRIER NOTE: Reduction in take-off minimums authorized on Runways 14L, 32R, 17L and 35 only.

Procedure turn W side NW crs, 315 Outbnd, 135 Inbnd, 2500' within 10 mi.
Minimum altitude at glide slope int inbnd - 2300' ILS. Min. alt. inbnd final - 1900' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 2300'-4.0; at MM- 1220'-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.0 mi after passing LOM (ADF), climb to 2700' on SE crs ILS (135) or when directed by ATC,
(1) climb to 2500' on the SE crs ILS (135) & proceed to & intercept E crs of OMA LFR at 2600'
(2) climb to 2500' on SE crs ILS (135) & intercept ADF crs of 090 from OMA LFR, within 20 mi.
(3) climb to 2700' on SE crs OMA LFR.
CAUTION: Bluff 1339' MSL 1 mi E of airport. TV towers 1739' MSL 4½ mi WNW & 1732' MSL 2½ mi SW; stack 1192' MSL 1.0 mi SSW of LOM.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Omaha, Neb	Omaha 982'	ILS-OMA, LOM-OM	1, Amdt 6 21 Apr 56	5 28 Jan 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Ontario VOR	LOM	Direct	3200*	T-dn	300-1	300-1	200-½
Fontana FM	LOM	Direct	5000*	C-dn	600-1	600-1	600-1½
Riverside LFR	LOM	Direct	4000*	S-dnry25			
Downey RBN	LOM	Direct	3200#	ILS	300-¾	300-¾	300-¾
Riverside LFR	Int N crs RIV LFR & E crs ILS (or 255 brng to LOM)	Direct	5000%	ADF	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
Corona Int	ONT VOR	Direct	6700				

* must be on top with tops not above 7000' MSL for ADF approach.
must be on top with tops not above 7000' MSL for either ILS or ADF approach.
% with tops 5000' MSL or below, straight-in ILS or ADF, approach authorized from intersection N Crs RIV LFR and ILS E crs. or 255° brng to LOM

Procedure turn S side of crs, 075 Outbnd, 255 Inbnd, 3200' within 10 mi of LOM. Beyond 10 mi NA (Nonstandard due to terrain)
Minimum altitude at glide slope int inbnd - 2700' ILS. Min. alt. over LOM inbnd final - 2700' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 2120-3.7; at MM - 1140-.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 3.7 mi of LOM, climb to 4000' on W crs ILS (255) and hold in nonstandard 2 minute pattern E of intersection of NE crs LGB LFR and ILS W crs or 255° brng to LOM
CAUTION: High terrain N. SHUTTLE: to 4000' between LOM and intersection NE crs LGB & W crs of ILS, all turns S.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Ontario, Calif	International 952'	ILS ONT LOM ON	1, Amdt 5 12 Nov 55 Comb. ILS-ADF	4 30 Jul 55

Orlando LFR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
Oviedo FM	LOM	Direct	1300	C-dn	400-1	500-1	500-1½
Orlando VOR	LOM	Direct	1300	S-dn-31# ILS	300-¾	300-¾	300-¾
Int of SE crs ILS & SW crs ORL LFR	LOM	Direct	1300	ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

400-¾ required when glide slope not utilized.

Procedure turn N side crs 130 Outbnd, 310 Inbnd, 1300 within 10 miles
Minimum Altitude at G.S. int inbnd, 1300 ILS, minimum altitude over LOM inbnd final 800 ADF
Altitude of G.S. and distance to approach end of rny at OM 1300-4.2, at MM 340-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . within 4.6 after passing LOM (ADF) climb to 1700 on NW crs ILS (310) within 20 mi.
NOTE: No approach lights.
Major Changes: Adds transition. Lowers ADF altitude over LOM. Revises missed approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Orlando, Fla	Orlando 115'	ILS-IORL, LOM-OR	1, Amdt 5 25 Dec 54 Comb ILS-ADF	4, 11 Feb 54

Pendleton VOR	LOM	Direct	4000	T-dn	300-1	300-1	200-½
Pendleton LFR	LOM	Direct	4000	C-dn	500-1	500-1	500-1½
Athena Intersection	LOM	Direct	4000	S-dnry25	300-¾	300-¾	300-¾
Cabbage Hill FM	LOM	Direct	4800	A-dn	600-2	600-2	600-2
Athena Int	Int S crs Walla Walla LFR & E crs Pendleton ILS	Direct	4500				
Int S crs Walla Walla LFR & E crs Pendleton ILS	LOM (Final)	Direct	*4500				

* Descent on glide to cross LOM at 2750 is authorized.

Procedure turn N side of crs 070 Outbnd, 250 Inbnd, 3000' within 5 mi. NA beyond 5 mi. CAUTION: Standard clearance not provided over 3800' terrain South of localizer.
Minimum altitude at glide slope int inbnd, 2800'
Altitude of glide slope and distance to approach end of runway at OM 2750-4.1; at MM 1725-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . . climb to 4000' on W crs of PDT LFR within 20 mi. Alternate missed approach (when requested by ATC) climb to 4000' on R-233 PDT within 20 mi.
NOTE: No approach lights installed. No straight-in approaches authorized with inoperative ILS components.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pendleton, Ore	Pendleton 1493'	ILS PDT	1, Amdt 1 22 Jan 55	Orig 23 Dec 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Pensacola VOR	LOM	direct	1700	T-dn	300-1	300-1	200-½
Pensacola LFR	LOM	direct	1200	C-dn	400-1	500-1	500-1½
Gonzalez VHF Int ILS	LOM (Final)	direct	1300	S-dn-17*ILS	300-¾	300-¾	300-¾
Gonzalez VHF Int ADF	LOM (Final)	direct	700	ADF	400-1	400-1	400-1
Gonzalez LF Int ILS	LOM (Final)	direct	1300	A-dn ILS	600-2	600-2	600-2
Gonzalez LF Int ADF	LOM (Final)	direct	700	ADF	800-2	800-2	800-2

*400-¾ required when glide path not utilized.

Procedure turn E side N crs, 343 Outbnd, 163 Inbnd, 1300 within 10 mi. Beyond 10 mi NA. (Non-standard due to control area limits)
Minimum altitude at G.S. int inbnd, 1300 ILS, minimum altitude over LOM inbnd final 700 ADF
Altitude of G.S. and distance to appr end of rny at OM 1266-3.8, at MM 329-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 miles of LOM (ADF) climb to 1200 on S crs ILS (163) within 10 mi.
NOTE: No approach lights
CAUTION: Warning area beyond 10 miles.
Major Changes: Revise transitions. Revise approach crs due variation. Revise missed approach distance.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pensacola, Fla	Municipal 121	ILS-IPNS, LOM-PN	1, Amdt 1 21 Jul 1956 Comb ILS -ADF	Orig 24 Sep 54

Pensacola VOR via R-100	Blanchard Int	direct	1700	T-dn	300-1	300-1	200-½
Gonzolez VHF Int	Blanchard Int	direct	1200	C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 163 Outbnd, 343 Inbnd, 1200 within 10 mi. Blanchard Int. Beyond 10 mi NA. due Danger Area.
No Glide Slope. Minimum Altitude over Blanchard Int 700, distance to appr end of rny at Blanchard Int to rny 35 343° 1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 1.8 mi, turn right climb to 1200 on S crs of ILS within 10 mi.
NOTE: Blanchard Int, Int R-100 PNS & ILS S crs.
CAUTION: Danger area beyond 10 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pensacola, Fla	Municipal 121'	ILS IPNS	2, Orig 21 Jul 1956	None

Boothwyn FM ILS	LOM (Final)	direct	1500	T-dn	300-1	300-1	200-½
Boothwyn FM ADF	LOM (Final)	direct	1300	C-dn ILS	400-1*	500-1	500-1½
Philadelphia LFR	LOM	direct	1500	ADF	500-1	500-1	500-1½
Radar Terminal Area Transition Altitudes				S-dn-9 ILS	200-½	200-½	200-½
N Quadrant of Philadelphia LFR	Radar Site within 20 mi	within	2300	ADF	500-1	500-1	500-1
				A-dn ILS	600-2	600-2	600-2
N Quadrant of Philadelphia LFR	Radar Site within 10 mi	within	1800	ADF	800-2	800-2	800-2
NW Quadrant of Philadelphia LFR	Radar Site within 20 mi	within	2000				
NW Quadrant of Philadelphia LFR	Radar Site within 10 mi	within	1500				
SW and SE Quadrants	Radar Site within 20 mi	within	1500				

*500-1 required with glide slope inoperative.

Procedure turn S side W crs, 265 Outbnd, 085 Inbnd, 1800' within 10 miles of LOM. NA beyond 10 mi.
Minimum Altitude at G.S. int inbnd, 1500 ILS. Minimum Altitude over LOM inbnd final 1300 ADF
Altitude of G.S. and distance to appr end of rny at OM 1500'-4.6, at MM 230'-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 miles, after passing LOM (ADF), climb to 2500' on E crs of Philadelphia LFR to Mt. Holly Int.
Alternate missed approach procedure (when requested by ATC) make a right climbing turn, proceed to Elmer Int. at 1500'.
Major Changes: Revises procedure turn and ADF final approach altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Philadelphia, Pa	International 10'	ILS-PHL LOM-PH	1, Amdt 8 2 Apr 1955 Comb ILS&ADF	7 28 Feb 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Mt Holly Int via crs 237	E crs ILS	direct	1800	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-27	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn not authorized. Inbnd crs 265°.
No glide path or markers. Descend to 1300' after intercepting localizer crs. Descend to landing minimums after passing 5 mile fix as determined by surveillance radar.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5 miles of surveillance fix, climb to 1800' on W crs ILS within 10 miles of LOM.
NOTE: Alternate missed approach (when directed by ATCO make a climbing left turn and proceed to Elmer Int. at 1500'.
CAUTION: 253' crane on localizer crs 2.5 miles E of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Philadelphia, Pa	International 10'	ILS PHL	2, Orig 16 Sep 1955	None

Pittsburgh LFR	McKeesport MHW	direct	2600	T-dn	300-1	300-1	200-½
Mt. Pleasant LF Int	McKeesport MHW	direct	2600	C-dn	500-1	500-1	500-1½
Scottdale Int	McKeesport MHW	direct	2600	S-dn-27			
New Alexandria	McKeesport MHW	direct	2600	#ILS	300-¾	300-¾	300-¾
Latrobe Int	McKeesport MHW	direct	2600	ADF	400-1	500-1	500-1
Butler MHW	McKeesport MHW	direct	2900	A-dn-ILS*	600-2	600-2	*600-2
River MHW	McKeesport MHW	direct	3000	ADF	800-2	800-2	800-2
Pittsburgh VOR	McKeesport MHW	direct	2600				
Cecil MHW	McKeesport MHW	direct	2600				
McKeesport MHW	ILS OM (Final)	direct	2600				
Radar Transition Altitudes (Using Greater Pittsburgh radar)	Radar Site	within 35 mi of Greater Pittsburgh Airport within 35 or 3000 MEA when lower.					

#Approach lights not commissioned.
*All installed components of the ILS must be operating, otherwise alternate minimums of 800-2 apply.

Procedure turn S side of crs, 095 Outbnd, 275 Inbnd, 2600' within 10 miles (Non-standard due to traffic)
Minimum Altitude at G.S. int. inbnd, 2600 ILS. Minimum Altitude over McKeesport MHW 2600 ADF.
Altitude of G.S. and distance to appr end of rny at OM 2510-4.2 from MKP 5.5; at MM 1460-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.5 miles, after passing McKeesport MHW, climb to 2500' proceeding to Cecil MHW.
NOTE: ILS - Intercept glide slope at 3000' over McKeesport MHW or 2600' between McKeesport MHW and the ILS OM.
Major Changes: Transition altitude from River MHW revised. Adds radar transition.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pittsburgh Pa	Allegheny County 1252'	ILS-ACC, MHW-MKP	1, Amdt 7 4 Feb 56 Comb. ILS-ADF	6 7 Jan-56

New Alexandria MHW	River MHW	direct	3000	T-dn	300-1	300-1	200-½
Butler MHW	River MHW	direct	3000	C-dn	500-1	500-1	500-1½
McKeesport	River MHW	direct	3000	S-dn-28*ILS	200-½	200-½	200-½
Pittsburgh LFR	River MHW	direct	3000	ADF	400-1	400-1	400-1*
Pittsburgh VOR	River MHW	direct	3000				
Cecil MHW	River MHW	direct	3000	A-dn ILS	600-2	600-2	600-2
Clinton MHW	River MHW	direct	3000	ADF	800-2	800-2	800-2
Radar Terminal Area Transition Altitudes	Radar Site	all sectors within 10 mi	2500				
		10-40 mi	3000 or MEA when lower				

*400-¾ required with glide slope inoperative.

Procedure turn N side E crs, 097 Oubnd, 277 Inbnd, 3000' within 10 miles of River MHW. Not authorized beyond 10 miles.
Minimum Altitude at G.S. int inbnd 3000 ILS, minimum altitude over River MHW inbnd final 2500 ADF
Altitude of G.S. and distance to appr end of rny at OM River MHW 3000-5.6, at MM Parkway MHW 1390-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.6 miles after passing River MHW (ADF), climb to 3000' on W crs ILS or 277° crs to Clinton MHW.
NOTE: Center line modified type B approach lighting

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pittsburgh, Pa	Greater Pittsburgh 1168'	ILS-GPB, MHW-RKR	1, Orig 11 Jun 195[illegible] Comb. ILS-ADF	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Bergholz MHW	Clinton MHW	direct	2500	T-dn	300-1	300-1	200-½
River MHW	Clinton MHW	direct	2500	C-dn	500-1	500-1	500-1½
Pittsburgh LFR	Clinton MHW	direct	2500	S-dn-10 ILS	400-1	400-1	400-1
Columbiana INT	Clinton MHW	direct	2500	ADF	500-1	500-1	500-1
Wheeling VOR	Clinton MHW	direct	2700	A-dn	800-2	800-2	800-2
Butler MHW	Clinton MHW	direct	2500				
Cecil MHW	Clinton MHW	direct	2500				
Radar Terminal Area Transition Altitudes	Radar Site	all sectors within 10 mi	2500				
		10-40 mi	3000				
		or MEA when lower					

Procedure turn S side W crs, 277 Oubnd, 097 Inbnd, 2500 within 10 miles of Clinton MHW
No glide slope, no outer marker, no middle marker, minimum altitude over Clinton MHW inbnd 2000', Distance and bearing to Runway 10, 4.0, 097°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 miles, after passing Clinton MHW, climb to 3000' on E crs of ILS or 097° crs to River MHW

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pittsburgh, Pa	Greater Pittsburgh 1168'	ILS-GPB, MHW-GHW	2, Orig 11 Jun 1955 Comb ILS-ADF	None

PIH VOR	LOM	Direct	7000	T-dn	300-1	300-1	200-½
PIH LFR	LOM	Direct	7000	C-d	500-1	600-1	600-1½
Int NE crs ILS & brng 207 to LOM or SW crs IDA LFR	LOM	Direct	7000	C-n	500-2	600-2	600-2
				S-dnry 21			
				ILS	300-¾	300-¾	300-¾
				ADF	500-1	600-1	600-1½
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn N side of NE crs, 027 Outbnd, 207 Inbnd, 7000' within 10 mi of PIH-LOM. NA beyond 10 mi.
Minimum altitude at glide slope int inbnd, 7000' ILS. Min. alt over LOM inbnd final - 6300' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 5610'-3.7; at MM - 4660'-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 mi of LOM (ADF) climb to 6500' on W crs PIH-LFR or on R-234 PIH within 20 mi. Alternate missed approach when directed by ATC: turn right and climb to 7500' on N crs of PIH-LFR or on R-335 PIH within 20 mi.
CAUTION: High terrain SE through SW of airport.
Major Changes: Revise take-off and landing minimums.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Pocatello, Idaho	Phillips Field 4448'	ILS-PIH, LOM-PI	1, Amdt 1 10 Dec 55 Comb. ILS-ADF	Orig 20 Dec 53

Woodland FM	SVY	Direct	3000	T-dn *	300-1	300-1	200-½
La Center FM	SVY	Direct	3000	C-d	600-1	600-1	600-1½
PDX VOR	SVY	Direct	3000	C-n	600-1	700-1	700-1½
PDX LFR	SVY	Direct	3000	S-dnry 10			
Willamette FM	SVY	Direct	3000	ILS	200-½	200-½	200-½
UBG VOR	SVY	Direct	3000	ADF	600-1	600-1	600-1
				A-d ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2
				A-n ILS	600-2	700-2	700-2
				ADF	800-2	800-2	800-2

All fixes within 25 mi may be determined by surveillance radar.
* 300-1 required on runways 7-25, 11, 2-20.
Procedure turn S side of crs, 278 Outbnd, 098 Inbnd, 3000' within 10 mi of SVY-RBN. NA beyond 10 mi.
Minimum Altitude at G.S. int inbnd, 3000, minimum altitude over OM inbnd final 1600 ADF**
** If OM not received visually and aurally, maintain 1600' to LMM, then climb to 3000' on S crs of PDX - range within 10 mi of LFR.
Altitude of G.S. and distance to approach end of rny at OM 1370-3.9, at MM 280-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 0.0 mi, after passing LMM (ADF) climb to 1500' on crs of 098 within 10 mi of LMM; thence make climbing right turn to a heading of 230 proceeding to S crs of PDX-LFR at 3000' or proceed to R-175 PDX at 3000' within 15 mi of VOR. Alternate missed approach when directed by ATC: climb to 1500' on SE crs ILS within 10 mi of LMM, making climbing left turn, proceed direct to PDX-LFR or to PDX-VOR at 3000'

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Portland, Ore	International 23'	ILS PDX RBN SVY	1, Amdt 6 29 Oct 55 Comb ILS & ADF	5 23 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Providence LFR	LOM	direct	1600	T-dn	300-1	300-1	200-½
Wyoming Int via crs 086	ILS SW crs	direct	1600*	C-dn ILS**	400-1	500-1	500-1½
Moosup Int	LOM	direct	1600	ADF	500-1	500-1	500-1½
Wyoming FM (ILS)	LOM	direct	1600*	S-dn-5R ILS**	300-¾	300-¾	300-¾
Lafayette Int ILS	LOM	direct	1600*	ADF	500-1	500-1	500-1
Lafayette Int ADF	LOM (Final)	direct	1100	A-dn ILS	600-2	600-2	600-2
Wyoming FM ADF	LOM (Final)	direct	1100	ADF	800-2	800-2	800-2

*After interception of localizer crs inbnd, final approach on glide slope is authorized.
**500-1 required with glide slope inoperative.

Minimum altitude at G.S. int inbnd 1600 ILS, minimum altitude over LOM inbnd final 1100 ADF
Altitude of G.S. and distance to appr end of rny at OM 1610-5.4; at MM 240-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.4 mi ADF, climb to 1000' on crs 046 then make a climbing right turn and return to Providence LFR at 1700'. Alternate missed approach (when directed by ATC) climb to 2700 on SW crs Squantum LFR.
NOTE: Procedure turn is conducted W to provide separation from traffic at Quonset Point NAS.
Major Changes: Transitions revised to permit final approaches.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Providence, R.I.	Green Airport 56'	ILS-PVD, LOM-PV	1, Amdt 2 4 Aug 1956 Comb ILS-ADF	1 1 Apr 54

Quincy VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn 3 ILS	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1

Procedure turn S side of SW crs, 214 Outbnd, 034 Inbnd, 1900 within 10 mi.
Minimum altitude at glide slope int inbnd 1800' ILS. Min. alt over LOM inbnd final 1300' ADF
Altitude of glide slope and distance to approach end of runway at OM - 1830-3.8; at MM - 952-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi of LOM (ADF), climb to 1900' on NE crs ILS (034) within 20 mi.
NOTE: No approach lights.
CAUTION: 1560' MSL radio tower located approximately 6.0 mi WNW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Quincy, Ill	Quincy Baldwin 769'	ILS-UIN, LMM-IN	1, Amdt 1 10 Jun 54 Comb. ILS-ADF	Orig 7 Jan 53

Raleigh LFR	LOM	direct	2000	T-dn	300-1	300-1	200-½
Raleigh VOR	LOM	direct	2000	C-dn	400-1	500-1	500-1½
Int NW crs RDU LFR & NE crs RDU ILS	LOM	direct	2000	S-dn-5 ILS*	200-½	200-½	200-½
Apex Int	LOM (Final) ILS	direct	1600	ADF	400-1	400-1	400-1
Apex Int	LOM (Final) ADF	direct	1000	A-dn ILS	600-2#	600-2#	600-2#
				ADF	800-2	800-2	800-2

*400-¾ required when glide slope not utilized.
#All installed components of the ILS must be operating otherwise alternate minima of 800-2 apply.

Procedure turn N side of SW crs, 229 Outbnd, 049 Inbnd, 1700 within 10 mi. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd, 1600 ILS, minimum altitude over LOM inbnd final, 1000 ADF
Altitude of G.S. and distance to approach end of rny at OM 1565-3.8, at MM 640-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 miles after passing LOM (ADF) climb to 1800 on NE Crs LFR or R-033 RDU within 15 miles. When directed by ATC turn left climb to 2000 on NW crs LFR or R-313 RDU.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Raleigh, N C	Raleigh-Durham 435'	ILS-IRDU, LOM-RD	1, 1 5 Jan 57 Comb ILS & ADF	Orig 25 Feb 1956

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Int SW crs Allentown LFR & N crs ILS or 181 crs to LOM	LOM	direct	2500	*T-dn	300-1	300-1	200-½
				C-dn ILS	600-2	800-2	800-2
				ADF	1000-2	1000-2	1000-2
				S-dn-36 ILS	400-1	400-1	400-1
				ADF	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

*Take-off on Runways 18 and 13, make right turn as soon as practical to avoid towers 1510 and high terrain 3.0 miles SE.

Procedure turn E side S crs, 181 Outbnd, 001 Inbnd, 2100 within 10 N miles
Minimum Altitude at G.S. int inbnd 2100 ILS, minimum altitude over LOM inbnd final 1600 ADF
Altitude of G.S. and distance to appr end of rny at OM 1540-4.3, at MM 535-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
4.3 miles after passing LOM (ADF), climb to 2500 on crs 001 from LOM within 10 miles.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in take-off minimums authorized on runways 31 or 36.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Reading, Pa	General Spaatz 343'	ILS-RDG, LOM-RD	1, Amdt 3 2 Apr 1954 Comb. ILS-ADF	2	1 Apr 54

Flat Rock VOR via R-120	ILS SW crs	direct	1500#	T-dn		300-1	300-1	200-½
Flat Rock VOR	ILS LOM	direct	2000	C-dn		400-1	500-1	500-1½
Richmond LFR	ILS LOM	direct	1500	S-dn-6	ILS	*200-½	*200-½	*200-½
Int N crs Richmond LFR & SW crs ILS	ILS LOM	direct	1500		ADF	400-1	400-1	400-1
				A-dn	ILS	600-2	600-2	600-2
Chester FM via crs 340	ILS SW crs	direct	1500#		ADF	800-2	800-2	800-2
Manakin Rbn	ILS LOM	direct	2000					
Chester FM	ILS LOM	direct	1500					

#After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 1370' is authorized.
*400-¾ required with glide slope inoperative.

Procedure turn W side SW crs, 243 Outbnd, 063 Inbnd, 1500 within 10 mi. (Non-standard to avoid obstructions)
Minimum Altitude at G.S. int inbnd 1500 ILS, minimum altitude over LOM inbnd final 900 ADF
Altitude of G.S. and distance to appr end of rny at OM 1370-3.8; at MM 370-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi, after passing LOM (ADF), climb to 1500' on crs of 063° within 10 mi of LOM; Alternate procedure (when directed by ATC) make a left climbing turn to 1500' on N crs Richmond LFR within 10 mi.
Major Changes: Final transitions identified.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Richmond, Va	Byrd Field 167'	ILS-RIC, LOM-RI	1, Amdt 7 18 Aug 1956 Comb ILS-ADF	6	6 Aug 55

Rochester, LFR	LOM	direct	2000	T-dn	ILS	300-¾	300-¾	200-½
Rochester VOR	LOM	direct	2000		ADF	300-1	300-1	200-½
Rush Int	LOM	direct	2000	C-dn		500-1	600-1	600-1½
Farmington Int	LOM	direct	2000	*S-dn-28	ILS	300-¾	300-¾	300-¾
Farmington Int via crs 333	ILS E crs (Final)	direct	2000	A-dn	#ILS	600-2	600-2	600-2
					ADF	800-2	800-2	800-2

*Circling minimums applicable for ADF approach or with glide slope inoperative.
#All installed components of the ILS must be operating otherwise alternate minimums of 800-2 apply

Procedure turn N side E crs, 097 Outbnd, 277 Inbnd, 2000 within 10 mi of LOM
Minimum Altitude at G.S. int inbnd 2000 ILS, minimum altitude over LOM inbnd final 1500 ADF
Altitude of G.S. and distance to appr end of rny at OM 2000-4.5; at MM 780-0.6**
**Minimum Altitude 1300 over LMM with glide slope inoperative or when conducting ADF approach.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.5 miles after passing LOM, climb to 2000 on W crs of Rochester LFR.
NOTE: Glide slope provides approximately 183' clearance over smoke spire 756' MSL located 3.2 mi W of the LOM.
AIR CARRIER NOTE: Take-off on Runway 12 and landing on Runway 30 not authorized.
Major Changes: Middle and outer marker altitudes revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Rochester, N Y	Monroe County 558'	ILS-ROC, LOM-RO, LMM-OC	1, Amdt 5 17 Nov 1956 Comb ILS-ADF	4	8 Aug 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
RKS LFR	Outer marker	Direct	9200	*T-dn	300-1	300-1	200-½
Int E crs RKS-ILS W crs RKS LFR	Outer marker	Direct	9200	C-d	400-1	500-1	500-1½
Point of Rocks FM via crs 235	E crs ILS	Direct	9200	C-n	400-2	500-2	500-2
RKS-VOR via R-062	E crs ILS	Direct	9200	*S ry 25 d	300-¾	300-¾	300-¾
				n	300-¾	300-¾	300-¾
				%A-dn	600-2	600-2	600-2

NOTES: * Provisions of inoperative ILS components not applicable; take-off minimums of 300-1 and circling minimums apply when approach lights or glide slope inoperative.
300-1 required for night take-off on all runways except 7-25.
% 800-2 required if any regular component of the ILS is inoperative.

Procedure turn N side E crs, 074 Outbnd, 254 Inbnd, 9200 within 10 mi of Outer Marker
Minimum Altitude at G.S. int inbnd, 8700
Altitude of G.S. and distance to approach end of rny at OM 7850-3.0, at MM 6950-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 10,000' on W crs of RKS-LFR.
AIR CARRIER NOTE: Sliding scale not authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Rock Springs, Wyo	Municipal 6752'	ILS RKS	1, Amdt 8 24 Nov 56	7	18 Jan 54

SAC LFR	LOM	Direct	1200	T-dn		300-1	300-1	200-½
SAC VOR	LOM	Direct	1200	C-dn		500-1	600-1	600-1½
Travis LFR	LOM	Direct	1200	S-dnry2*	ILS	300-¾	300-¾	300-¾
Clarksburg FM	LOM	Direct	1200		*ADF	400-1	500-1	500-1
Galt Int	LOM	Direct	1200	A-dn	ILS	600-2	600-2	600-2
					ADF	800-2	800-2	800-2

Special note: * If glide path is inoperative, 400-1 required and descent below 500' MSL (both ADF and ILS) not authorized until past SAC LFR inbnd on final.

Procedure turn S side of crs, 196 Outbnd, 016 Inbnd, 1200' within 6 miles. (NA beyond Clarksburg FM)
Minimum Altitude at G.S. int inbnd, 1200
Altitude of G.S. and distance to approach end of rny at OM 1169-4.0, at MM 213-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi after passing LOM (ADF) climb to 2500' on NE crs of SAC LFR or on R-023 SAC within 20 mi.
Alternate missed approach when directed by ATC: within 4.0 mi after passing LOM (ADF) turn left and climb to 2000' on NW crs of SAC LFR or on R-310 SAC within 20 mi.
NOTE: No approach lights.
CAUTION: 223 MSL transmission lines on localizer crs between LOM and LMM.
Major Changes: Revise notes; establish alternate missed approach procedure.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Sacramento, Calif	Municipal 21'	ILS SAC LOM SA	1, Amdt 4 7 Jan 56 Comb. ILS-ADF	3	17 May 54

McClellan RBN	N Sacramento Int	Direct	1500	T-dn		300-1	300-1	200-½
Roseville VHF Int	N Sacramento Int	Direct	1500	C-dn		700-1	700-1	700-1½
Roseville LF Int	N Sacramento Int	Direct	1500	A-dn		800-2	800-2	800-2

No procedure turn; transitions authorized are for straight-in approaches from the N or NE only. Final approach crs inbnd from N Sacramento Int 196
No glide slope or markers. Alt. over N Sacramento Int 1500' distance 6.2
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 6.2 mi of the N Sacramento Int, climb to 1200' and hold at the LOM in a one minute pattern.
Major Changes: Intersections and changes transitions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Sacramento, Calif	Sacramento 21'	ILS SAC	2, Amdt 2 23 May 56	1	7 Dec 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
St Joseph VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
				C-d	500-1	700-1	700-1½
				C-n	500-1½	700-1½	700-1½
				S-dn35 #ILS	200-½	200-½	200-½
				ADF	400-1	400-1	400-1
				A-dn ILS	600-2	700-2	700-2
				ADF	800-2	800-2	800-2

Straight-in ILS minimums authorized under provisions of inoperative ILS components are applicable, except 400-1 required with glide slope inoperative.

Procedure turn E side S crs, 172 Outbnd, 352 Inbnd, 2300' within 10 mi (NA beyond 10 mi)
Minimum Altitude at glide slope int inbnd, 2300' ILS. Min. alt. inbnd final 1800' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 2261-5.3; at MM - 1066-0.8
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.3 mi (ADF) climb to 2400' on N crs ILS (352)within 20 mi.
NOTE: Take-off minimums no lower than 300-1 authorized on runway 31.
CAUTION: 400' bluffs W, NW and E of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
St Joseph, Mo	Rosecrans Memorial 822'	ILS-STJ, LOM-ST	1, Amdt 10 27 Aug 55 Comb. ILS-ADF	9 5 Mar 56

St Louis VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
St Louis LFR via crs 035	ILS NE crs	Direct	1800	C-dn	500-1	500-1	500-1½
Jerseyville Int	LOM	Direct	2000	S-dn 24 ILS	200-½	200-½	200-½
Woodriver Int via crs 285	ILS NE crs	Direct	1800	ADF	400-1	400-1	400-1
Lake "H"	LOM	Direct	2000	A-dn ILS	600-2	600-2	600-2
Cora Int	LOM (Final)	Direct	1800	ADF	800-2	800-2	800-2
Academy Int	LOM	Direct	1800				

Procedure turn N side NE crs, 058 Outbnd, 238 Inbnd, 1900' within 10 mi.
Minimum altitude at glide slope int inbnd - 1800' ILS. Min. alt over Lom inbnd final - 1300' ADF.#
CAUTION: # Tank 773' MSL 0.4 mi E of range station. Do not descend below 1100' until passing abeam range station.
Altitude of glide slope and distance to approach end of runway at OM - 1782-4.3; at MM - 748-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 mi, after passing LOM (ADF) climb to 2000' on SW crs of ILS (238) within 20 mi.
Major Changes: Transitions and missed approach revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
St Louis, Mo	Lambert Field 558'	ILS-STL, LOM-ST	1, Amdt 14 14 Apr 56 Comb. ILS-ADF	13 2 Jan 54

St Louis LFR	Lake "H"	Direct	2000	T-dn	300-1	300-1	200-½
St Louis VOR	Lake "H"	Direct	2000	C-dn	500-1	500-1	500-1½
St Louis LOM	Lake "H"	Direct	2000	S-dn 6	500-1	500-1	500-1
St Peters FM	Lake "H"	Direct	2000	A-dn	800-2	800-2	800-2
Int S crs STL-LFR & 315 brg on Lake "H"	Lake "H"	Direct	2100				
Beaufort Int via SW crs ILS#	Lake "H"	Direct	3000				
Howell Int via crs 092	SW crs ILS	Direct	2200				

Holding not authorized at Beaufort Int.

Procedure turn S side SW crs, 238 Outbnd, 058 Inbnd, 2100' within 10 mi of Lake "H"
No glide slope or markers. Alt. over Lake "H" 1500'. Distance from Lake"H" to Runway 6 3.9
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 mi, climb to 1800' on NE crs ILS (058) within 20 mi of Lake "H" or when directed by ATC:
(1) Climb to 2100' on S crs STL-LFR within 20 mi
(2) Climb to 2000' on crs of 312 to STL-VOR.
(3) Make left turn climb to 2000' on 238 crs to Lake "H".

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
St Louis, Mo	Lambert Field 558'	ILS-STL MHW-LAQ	2, Amdt 3 14 Apr 56	2 2 Jan 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Newberg VOR	LOM	Direct	4000	T-dn	300-1	300-1	200-½
Int R-183 UBG VOR brng 092 to Salem LOM	LOM	Direct	3000	C-dn	800-1	800-1	800-1½
				#S-dn-31			
				ILS	300-¾	300-¾	300-¾
				ADF	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2

#500-1 required with any component of the ILS inoperative.

Procedure turn S side of SE crs, 129 Outbnd, 309 Inbnd, 2500' within 10 mi. NA beyond 10 mi (nonstandard due to terrain)
Minimum altitude at glide slope int inbnd, 2200' - Min. alt. over LOM inbnd final 1700' ADF
Altitude of glide slope and distance to approach end of runway at OM - 1520-4.0; at MM - 470-0.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi, after passing LOM (ADF) make climbing right turn, climb to 2500' on SE crs of ILS (129) within 10 mi of LOM all turns on S side.
CAUTION: 688' MSL terrain located 3½ mi S of airport.
Major Changes: Establish ceiling minimum when glide slope inoperative. Delete transitions from Portland and Eugene LFR and VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Salem, Ore	McNary Field 207' (Municipal)	ILS-ISLE, LOM-SL	1, Amdt 2 5 Feb 55 Comb. ILS-ADF	1 28 Oct 53

Salt Lake City LFR	LOM	Direct	6100	#T-dn	300-1	300-1	200-½
Salt Lake City VOR	LOM	Direct	6100	C-dn	500-1	600-1	600-1½
Utah Lake VOR via R-008	ILS S crs	Direct	11,000*	S-dnry 34L	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

* Start descent at glide slope int., glide slope must be operative for this transition.
500-2 required for take-off Runway 7.

Procedure turn E or W side of S crs, 158 Outbnd, 338 Inbnd, 6100' within 5 mi of LOM. Beyond 5 mi NA. 80 reversal recommended for procedure turn.
Minimum altitude at glide slope int inbnd, 6100'
Altitude of glide slope and distance to approach end of runway at OM - 6028'-5.5; at Riverton FM, 9340-15; at MM - 4457-0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to cross W crs SLC LFR not above 6500', then climb to 8000 on W crs SLC LFR to Stansbury intersection, then to 9000' on crs of 336 to promontory point Rbn. Alternate missed approach when directed by ATC cross W crs SLC LFR or SLC VOR not above, 6500' then climb to 11,000' on W crs SLC LFR or on R-248 SLC
CAUTION: Terrain 11, 253' MSL approximately 8 mi E of localizer crs at Riverton FM.
Major Changes: Lower straight-in minimums - high intensity approach lights commissioned.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Salt Lake City, Utah	Salt Lake City 1,4222'	ILS SLC	1, Amdt 12 7 Jul 56	11 28 Apr 56

San Antonio VOR	LOM	direct	2200	T-dn	300-1	300-1	200-½
San Antonio LFR via crs 174	ILS SW crs	direct	2200	C-dn	400-1	500-1	500-1½
Wetmore Int	LOM	direct	2200	S-dn-34# ILS	200-½	200-½	200-½
San Antonio LFR	LOM	direct	2200	ADF	400-1	400-1	400-1
Medina Int	LOM	direct	2700	A-dn ILS	600-2	600-2	600-2
Losoya Int	LOM	direct	2200	ADF	800-2	800-2	800-2
Int SW crs ILS and SE crs Kelly LFR ILS	LOM (Final)	direct	2100				
Int SW crs ILS and SE crs Kelly ADF	LOM (Final)	direct	2000				
Kelly LFR ILS via crs 060	ILS SW crs (Final)	direct	2100				

#NOTE: 400-¾ required when glide slope not utilized.

Procedure turn W side SW crs, 211 Outbnd, 031 Inbnd, 2200 within 10 mi. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd, 2100 ILS, minimum altitude over LOM inbnd final 2000 ADF
Altitude of G.S. and distance to approach end of rny at OM 2050-3.8, at MM 1000-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 miles, after passing LOM (ADF) climb to 2500 on NE crs ILS (031) within 20 miles, or when directed by ATC turn left climb to 2500 on N crs LFR within 20 miles.
Major Changes: Kelly LFR Final added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Antonio, Texas	International 800'	ILS-ISAT, LOM-SA	1, Amdt 12 31 Mar 1956 Comb ILS & ADF	11 31 Dec 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
San Antonio VOR via R-143	Wetmore Int	direct	2400	T-dn	300-1	300-1	200-½
San Antonio LFR via crs 084	Wetmore Int	direct	2400	C-dn-	400-1	500-1	500-1½
Bulverde Int via crs 143	NE crs ILS	direct	2500	S-dn-21	400-1	400-1	400-1
Bracken Int	Wetmore Int (Final)	direct	1800	A-dn	800-2	800-2	800-2

Procedure turn W side NE crs, 031 Outbnd, 211 Inbnd, 2400 within 10 mi of Wetmore Int. Beyond 10 mi NA.
Minimum altitude over Wetmore Int 1800
No Glide slope, no outer marker, distance Wetmore int to rny 21, 3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.1 mi after passing Wetmore Int, climb to 2200 on S crs SAT LFR or R-174 SAT within 20 miles
Major Changes: Wetmore Int named transition added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Antonio, Texas	International 800'	ILS-ISAT, NE crs ILS	2, Amdt 4 10 Mar 1956	3 29 Jan 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
SFO LFR via SE crs SFO LFR	*Belmont Int	Direct	1700	T-dn #	300-1	300-1	200-½
VSF VOR	LOM	Direct	1700	C-dn	500-1	600-1	600-1½
Moffett LFR	LOM	Direct	1700	S-dn 28R			
Fremont FMBW	LOM	Direct	1700	ILS	200-½	200-½	200-½
OAK LFR - ILS	LOM	Direct	2000	S-dn 28L-R			
OAK LFR - ADF	LOM	Direct	3000	ADF	400-1	400-1	400-1
OAK VOR - ILS	LOM	Direct	2000	A-dn ILS	600-2	600-2	600-2
OAK VOR - ADF	LOM	Direct	3000	ADF	800-2	800-2	800-2
Half Moon Bay Int	LOM	Direct	3000				
Woodside Int	LOM	Direct	1700				

Radar vectoring to final approach localizer crs authorized in accordance with procedures approved for surveillance approach.
* After passing through Belmont int, make left turn of approximately 180 to intercept localizer crs inbnd SE of LOM.
300-1 required for take-off on Runway 19L-R.
No procedure turn as such authorized. All necessary maneuvering and descent shall be accomplished in accordance with and within the confines of the SFO LOM holding pattern. (one min left turns, 2000' min. alt.) final approach crs, 101 Outbnd, 281 Inbnd.
Minimum altitude at glide slope int inbnd, 1700'; Minimum Altitude over LOM inbnd final, 1700' ADF.
Altitude of glide slope and distance to approach end of runway at OM 1660'-5.5; over LOM 1660' ADF; at MM - 230-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.5 mi after passing LOM (ADF) climb to 3000' on NW crs of SFO LFR or on 285 track from LOM within 20 mi.
CAUTION: Circling minimums do not provide standard clearance over high terrain SW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Francisco, Calif	International 11'	ILS SFO LOM SF	1, Amdt10 26 Jan 57 Comb. ILS-ADF	9 8 Sep 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
SBA LFR	ILS W crs	Direct	4000	T-dn #	300-1	300-1	300-¾
SBA VOR	LMM	Direct	5000	C-dn	700-2	700-2	700-2
El Capitan FM	ILS W crs	Direct	2500**	S-dn ry 7##	300-¾	300-¾	300-¾
				A-dn	800-2	800-2	800-2

500-1 required with glide slope inoperative.
300-1 required on runways 3 L-R, 7 and 33 L-R.
** Straight-in approach authorized from El Capitan FM provided aircraft is on top, with tops not above 1500' MSL.

Procedure turn S side W crs, 253 Outbnd, 073 Inbnd, *2000' within 8 mi of SBA LFR.
Minimum altitude at glide slope int inbnd *2000' (7 mi W of LFR)
* CAUTION: Procedure does not meet standard obstruction clearance requirements for procedure turn and final approach; 1500' terrain within 3.5 mi N of localizer crs; 3000' terrain 5 mi N of LMM; 334' radio antenna .9 mi ESE airport; all maneuvering must be accomplished on S side of localizer crs.
No outer marker; altitude over El Capitan FM 2674-10.0; altitude over Santa Barbara LFR 500-1.7; altitude over El Capitan 2674, distance 10.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb straight ahead to 800', make climbing right turn and climb to 4000' on track of 165 from SBA LMM within 15 mi, or on S crs of SBA LFR within 15 mi.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Santa Barbara, Calif.	Municipal 14'	ILS SBA	1, Amdt 4 10 Nov 56	3 4 Aug 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Savannah LFR	LOM	direct	1300	T-dn	300-1	300-1	200-½
NE crs SAV-LFR & E crs ILS	LOM	direct	1500	C-dn	400-1	500-1	500-1½
Savannah VOR	LOM	direct	1300	S-dn-9 ILS	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn N side crs, 271 Outbnd, 091 Inbnd, 1500 within 10 miles, Beyond 10 mi NA. (Non-standard due to danger area).
Minimum Altitude at G.S. int inbnd 1500 ILS, minimum altitude over LOM inbnd final, 900 ADF
Altitude of G.S. and distance to appr end of rny at OM 1450-4.8, at MM 237-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 miles after passing LOM (ADF) make immediate left turn climb to 1400 on NW crs LFR (321) or on R-300 SAV within 20 miles.
AIR CARRIER NOTE: 200-½ authorized provided the available runway length exceeds by 3000 feet the landing distance required by the aircraft performance operating limitations of the CAR's and high intensity runway lights are operative on the entire length of the runway.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Savannah, Ga	Travis Field 50'	ILS-ISAV, LOM-SA	1, Amdt 2 29 Jan 1955 Comb ILS & ADF	1 3 Dec 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
SEA LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
SEA VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Vashon Int	LOM	Direct	2000	S-dn-34			
Hobart FM	LOM	Direct	4000	ILS	300-¾	300-¾	300-¾
TCM LFR	LOM	Direct	2000	ADF	400-1	400-1	400-1
Harbor Island FM	LOM	Direct	2000	A-dn ILS	600-2	600-2	600-2
TCM LFR via crs 020	Int S crs ILS	Direct	2000	ADF	800-2	800-2	800-2
Int S crs ILS and 200 brng to TCM-LFR ILS	LOM (Final - ILS)	Direct	1700				
Int 338 Brng to LOM and 200 Brng to TCM-LFR	LOM (Final - ADF)	Direct	1600				

Procedure turn E side of S crs, 158 Outbnd, 338 Inbnd, 2000' within 8 mi. NA beyond 8 mi.
Minimum altitude at glide slope int inbnd, 1700' ILS. Min. alt over LOM inbnd final 1600' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 1609-4.1; at MM - 600-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 mi, after passing LOM (ADF) climb to 2000' on NW crs. SEA-LFR within 20 mi.
Alternate missed approach when directed by ATC, climb to 2000' on 338 radial SEA - VOR within 10 mi.
CAUTION: Terrain and trees 523' MSL located immediately N and NE of airport.
NOTE: All fixes within 30 mi of Seattle-Tacoma Radar may be determined by surveillance radar.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Seattle, Wash	Seattle-Tacoma Int'l 416'	ILS SEA LOM SE	1, Amdt 12, 7 Jan 56 Comb. ILS-ADF	11 29 Jan 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Shreveport LFR	LOM	direct	1500	T-dn	300-1	300-1	200-½
Shreveport VOR	LOM	direct	1900	C-dn	400-1	500-1	500-1½
Dixie MHW	LOM	direct	1900	S-dn-13 *ILS	200-½	200-½	200-½
Blanchard Int	LOM (Final) ILS	direct	1400	ADF	400-1	400-1	400-1
Forbing Int	LOM	direct	1400	A-dn ILS	600-2	600-2	600-2
Lucien Int	LOM	direct	1400	ADF	800-2	800-2	800-2
Caddo Lake Int	LOM	direct	2400				
Blanchard Int	LOM (Final) ADF	direct	900				
Radar Terminal area transition altitudes - bearings are from Radar site with azimuths progressing clockwise:							
000	090	within	1700				
090	270	40	1500				
270	360	miles	2400				

*400-¾ required when glide slope not utilized.

Procedure turn W side of NW crs, 315 Outbnd, 135 Inbnd, ILS 1700 within 10 mi. ADF 2400 within 10 mi.
Minimum Altitude at G.S. int inbnd, 1400 ILS, minimum altitude over LOM 900 ADF
Altitude of G.S. and distance to appr end of rny at OM 1400-3.7, at MM 455-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.7 mi after passing LOM (ADF) climb to 1400 on SE crs ILS (135) within 20 mi, or when directed by ATC climb to 1500', intercept and proceed SW on SW crs BAD LFR or climb to 1500' on R-200 BAD within 20 miles.
CAUTION: 1446' and 1403' TV antennas approx 11 mi NNW of LOM.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Shreveport, La	Greater Shreveport 261'	ILS-ISHV, LOM-SH	1, Amdt 5 2 Feb 57 Comb ILS & ADF	4 12 Nov 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Shreveport LFR	Forbing Int	direct	1500	T-dn	300-1	300-1	200-½
Shreveport VOR via R-165	Forbing Int	direct	1700	C-dn	400-1	500-1	500-1½
Barksdale LFR	Forbing Int	direct	1400	S-dn-31	400-1	400-1	400-1
Blanchard Int	Forbing Int	direct	1400	A-dn	800-2	800-2	800-2
Minden Int	Forbing Int	direct	1700				
Caddo Lake Int	Forbing Int	direct	2400				
Radar Terminal area transition altitudes - bearings are from Radar site with azimuths progressing clockwise:							
000	090	within	1700				
090	270	40	1500				
270	360	miles	2400				

Procedure turn S side SE crs, 135 Outbnd, 315 Inbnd, 1400 within 10 mi of Forbing Int. (Non-standard due to traffic)
No Glide Slope. 900 at Forbing Int, 5.0 mi from approach end of rny 31.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.0 mi of Forbing Int climb to 2400' on NW crs of ILS within 20 miles
NOTE: Back crs not approved for automatic approaches.
CAUTION: 1446' & 1403' TV antennas approx 11 mi NNW of LOM.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Shreveport, La	Greater Shreveport 251'	ILS ISHV	2, Amdt 2 2 Feb 57	1 12 Nov 55

SUX - LFR	LOM	Direct	2400	*T-dn		300-1	300-1	200-½
SUX - VOR	LOM	Direct	2400	C-dn		500-1	600-1	600-1½
Sloan FM	LOM	Direct	2400	S-dn 31	ILS	200-½	200-½	200-½
					ADF	400-1	400-1	400-1
				A-dn	ILS	600-2	600-2	600-2
					ADF	800-2	800-2	800-2

* 300-1 required for all take-offs on Runway 4.

Procedure turn E side SE crs, 127 Outbnd, 307 Inbnd, 2400 within 10 mi.
Minimum altitude at glide slope int inbnd, 2200' ILS. Min. alt. inbnd final, 1900' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 2221-4.0; at MM - 1291-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 mi of LOM (ADF) climb to 3000' on NW crs ILS (307) within 20 mi or when directed by ATC:
(1) turn left and climb to 3000' on W crs SUX-LFR within 20 mi.
CAUTION: Terrain 1318' MSL 1.4 mi ENE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sioux City, Ia	Sioux City 1097'	ILS SUX LOM SU	1, Amdt 4 22 Dec 56 Comb. ILS - ADF	3 30 Mar 54

Sioux Falls LFR	LOM	Direct	2700	*T-dn		300-1	300-1	200-½
Sioux Falls VOR	LOM	Direct	2700	C-dn		500-1	500-1	500-1½
Int NE crs FSD-LFR and NE crs ILS	LOM	Direct	2700	S-dn-3	#ILS	300-¾	300-¾	300-¾
					ADF	400-1	400-1	400-1
Int SE crs FSD LFR & SW crs ILS	LOM	Direct	2700	A-dn	ILS	600-2	600-2	600-2
					ADF	800-2	800-2	800-2

* 300-1 required for take-off runway 15.
400-1 with glide slope inoperative, in which case do not descend below 2000' MSL until 1.5 mi past LOM.

Procedure turn S side SW crs 206 Outbnd, 026 Inbnd, 2700' within 10 mi.
Minimum altitude at glide slope int inbnd, 2600' ILS. Min. alt over LOM - 2600' ADF - do not descend below 1900' until 1.5 mi past LOM.
Altitude of glide slope and distance to approach end of runway at OM - 2540'-3.8; at MM - 1626'-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi LOM (ADF) climb to 2800' on NE crs (026) of ILS within 20 mi.
CAUTION: Tower 1640' MSL 1.5 mi NE LOM.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sioux Falls, S D	Joe Foss 1426'	ILS FSD LOM FS	1, Amdt 1 16 Jul 54 Comb ILS & ADF	Orig 9 Jul 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Sioux Falls LFR	Renner Int	Direct	2700	#T-dn	300-1	300-1	200-½
Sioux Falls VOR	Renner Int	Direct	2700	C-dn	500-1	500-1	500-1½
Int R-061 Sioux Falls VOR & NE crs ILS	Renner Int (Final)	Direct	2200	S-dn-21	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

300-1 required for take-off runway 15.

Procedure turn W side of NE crs, 026 Outbnd, 206 Inbnd, 2700' within 10 mi.
No glide slope. Alt. over Renner 2200' - No outer Marker, no middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.5 mi of Renner Int, climb to 2700' on SW crs ILS proceed to LOM.
NOTE: Procedure authorized only those aircraft equipped to receive VOR and ILS simultaneously.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Sioux Falls, S D	Joe Foss 1426'	ILS-FSD	2, Amdt 1 16 Jul 54	Orig 20 Jul 53

Lakeville Int**	LOM	Direct	2400	T-dn		300-1	300-1	200-½
South Bend LFR	LOM	Direct	2000	C-dn		500-1	500-1	500-1½
South Bend VOR	LOM	Direct	2000	S-dn 27	ILS	200-½	200-½	200-½
New Carlisle FM	LOM	Direct	2000		ADF	500-1	500-1	500-1
Goshen LFR via crs 311 (ILS only)	E crs ILS (ILS Final)	Direct	2200	A-dn	ILS	600-2	600-2	600-2
Goshen LFR (ADF transition)	LOM	Direct	2200		ADF	800-2	800-2	800-2
*Union LFR Int (ILS only)	LOM (ILS Final)	Direct	2000					
*Union VOR Int (ILS only)	LOM (ILS Final)	Direct	2000					
Goshen VOR via R-333 (ILS only)	E crs ILS (ILS Final)	Direct	2200					
Goshen VOR (ADF transition)	LOM	Direct	2400					

** Lakeville Int - Int R-170 SBN and R-270 GSH.
*Fly to left of ADF crs to intercept localizer crs within 5 mi of LOM when using transition as final for ILS.

Procedure turn N side of crs, 088 Outbnd, 268 Inbnd, 2000' within 10 mi.
Minimum altitude at glide slope int inbnd, 2000' ILS. Min. alt. inbnd final, 1500' ADF
Altitude of glide slope and distance to approach end of runway at OM - 1900'-3.8; at MM - 975-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi after passing LOM, climb to 2100' on W crs SBN LFR or when directed by ATC:
(1) Make right climbing turn to 2100' on N crs SBN LFR.
(2) Make right turn, climb to 2000' on R-003 SBN.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
South Bend, Ind	St. Joseph County 778'	ILS SBN LOM SB	1, Amdt 7 26 May 56 Comb. ILS-ADF	6 15 Oct 55

South Bend LFR	Int*	Direct	2000	T-dn		300-1	300-1	200-½
South Bend LOM	Int*	Direct	2000	C-dn		500-1	500-1	500-1½
South Bend VOR	Int*	Direct	2000	S-dn 9		500-1	500-1	500-1
Int E crs ILS & E crs SBN LFR	Int*	Direct	2000	A-dn		800-2	800-2	800-2
New Carlisle FM (via W crs ILS)	Int* (Final)	Direct	1500					

Procedure turn N side of W crs 268 Outbnd, 088 Inbnd 2000' within 10 mi.
No glide slope or markers. Alt. over Int* 1500' - distance from over Int* 2.7
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.7 mi of Int* climb to 2000' on E crs SBN LFR within 20 mi.
* Intersection W crs SBN ILS and N crs SBN LFR or R-215 SBN.
NOTE: Authorized only when aircraft equipped to receive ILS & VOR or ILS and ADF or ILS and LFR simultaneously.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
South Bend, Ind	St Joseph County 778'	ILS ISBN Back crs approach	2, Amdt 1 26 Nov 55	Orig 30 Mar 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
GEG VOR	LOM	Direct	4000	T-dn	300-1	300-1	200-½
GEG LFR	LOM	Direct	4000	C-dn	500-1	500-1	500-1½
Rockford FM	LOM	Direct	4700	C-n	600-1	600-1	600-1½
Rodna Int via crs 358 ILS	SW crs ILS (Final)	Direct	4000*	S-dnry2 ILS	200-½	200-½	200-½
Edwall Int via crs 069 ILS	SW crs ILS (Final)	Direct	4000*	ADF	400-1	400-1	400-1
Pine City FM-H	LOM	Direct	4000	A-dn ILS	600-2	600-2	600-2
Pine City H via crs 330	SW crs ILS	Direct	4000	ADF	800-2	800-2	800-2
Int 150 brng to Pine City "H" and SW crs ILS	LOM (Final)	Direct	3560				
Int 150 brng to Pine City "H" and SW crs ADF	LOM (Final)	Direct	3500				
Harrington FM	Int 095 brng to Pine City "H" and SW crs ILS	Direct	4000				
Int 093 brng to Pine City "H" and SW crs ILS - ILS	LOM (Final)	Direct	4000*				
Int N crs GEG-LFR and NE crs ILS	LOM	Direct	4000				

* After interception of glide slope, descent to cross outer marker at 3560' is authorized.

Procedure turn S side of SW crs, 205 Outbnd, 025 Inbnd, 4000' within 10 mi. NA beyond 10 mi.
Minimum altitude at glide slope int inbnd, 3600 ILS. Min. alt. over LOM inbnd final 3500' ADF.
Altitude of glide slope and distance to approach end of runway at OM - 3560-3.8; at MM - 2595-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.8 mi, after passing LOM (ADF) turn left climb to 4500' on crs 360 from LOM or on R-360 GEG within 15 mi
Alternate missed approach when requested by ATC:
(1) Turn left climb to 4500' on crs 300 from LOM or on R-300 GEG within 15 mi.
(2) Turn left, climb to 4000' proceed to LOM hold on E side of 205 outbnd - 025 inbnd crs at 4000' within 15 mi of LOM
(3) Climb to 4500' on N crs GEG-LFR within 20 mi of station all turns on W side of N crs.
(4) Turn left, climb to 4000' on W crs of LFR within 20 mi all turns on S side of W crs.
(5) Turn left, climb to 4000' proceed to LOM, hold on E side of SW crs ILS at 4000' within 15 mi of LOM,

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Spokane, Wash	Geiger Field 2372'	ILS, IGEG, LOM, GE	1, Amdt 10 18 Feb 56 Comb. ILS-ADF	9 14 May 55

SPI-LFR	LOM	direct	2000	T-dn	300-1	300-1	200-½
SPI-VOR	LOM	direct	2000	C-dn	400-1	500-1	500-1½
				S-dn-4 ILS	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1
				A-dn *ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*All installed components of the ILS must be operating; otherwise, alternate minimums of 800-2 apply.

Procedure turn S side of crs, 218 Outbnd, 038 Inbnd, 2000 within 10 miles
Minimum Altitude at G.S. int inbnd, 2000 ILS, inbnd final 1500 ADF
Altitude of G.S. and distance to appr end of rny at OM 2077-5.1, at MM 797-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.1 miles, climb to NE crs ILS (038) to 2000' within 20 miles.
NOTE: No approach lights.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Springfield, Ill	Capital 593'	ILS-SPI, LOM-SP	1, Amdt 1 25 Jul 1956 Comb ILS-ADF	Orig 11 Jul 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Syracuse LFR	LOM	direct	1900	*T-dn	300-1	300-1	200-½
Syracuse VOR	LOM	direct	1900	C-dn	*600-1	700-1	700-1½
Sherrill Int via crs 310	E crs ILS	direct	2500##	S-dn-28 ILS	300-¾	300-¾	300-¾
Int E crs Syracuse LFR and brng 335° to LOM	LOM	direct	1900	ADF	*600-1	700-1	700-1
				A-dn	800-2	800-2	800-2
Int S crs Syracuse LFR and brng 045° to LOM	LOM	direct	3000###				

*600-1 required for take-off to SE
#Standard clearance not provided over 833' radio mast 1.3 mi SE of airport.
##After interception of localizer crs inbnd, descent on glide slope to cross the outer marker at 1535 on final approach is authorized.
###Descent to 1800' authorized after passing Syracuse VOR radial 150°.

Procedure turn N side E crs, 098 Outbnd, 278 Inbnd, 1600 within 10 miles.
Minimum Altitude at G.S. int inbnd 1600 ILS, minimum altitude over LOM inbnd final 1100 ADF
Altitude of G.S. and distance to appr end of rny at OM 1535-3.6; at MM 635-.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 miles after passing LOM (ADF), climb to 2000' on W crs ILS or crs of 278 from LOM within 20 mi
AIR CARRIER NOTE: No reduction in minimums or sliding scale authorized for take-off to the SE.
Major Changes: Reduction in transitional altitude.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Syracuse, N Y	Hancock 419'	ILS-SYR, LOM-SY	1, Amdt 12 7 Apr 1956 Comb ILS-ADF	11 25 Jun 55

Int S crs Syracuse LFR and W crs ILS	Liverpool Int* (Final)	direct	1400	T-dn	**300-1	**300-1	*200-½
				C-dn	600-1	700-1	700-1½
Syracuse VOR via R-235	W crs ILS	direct	1700	S-dn-10	500-1	500-1	400-1
Int W crs ILS and R-235 Syracuse VOR	Liverpool Int* (Final)	direct	1400	A-dn	800-2	800-2	800-2
Syracuse LFR via crs 180	W crs ILS	direct	2000				

**600-1 required for take-off to the SE.

Procedure turn S side W crs, 278 Outbnd, 098 Inbnd, 2000 within 10 mi of *Liverpool Int.
No glide slope or marker. Minimum Altitude over Liverpool Int * 1400. Crs and distance to approach end of runway 098° 3.4 mi. Descent to indicated landing minimums authorized after passing Liverpool Int*.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.4 miles after passing Liverpool Int*, make a climbing left turn to 2000 returning to Syracuse LFR. Alternate missed approach (when directed by ATC) climb to 3000' on E crs ILS.
*Liverpool Int, int W crs Syracuse ILS and R-190 Syracuse VOR.
NOTE: This procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for take-offs to the SE.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Syracuse, N Y	Hancock 419'	ILS-SYR Back Crs ILS Localizer	2, Amdt 3 1 Apr 1954	2 19 Sep 1953

Tallahassee VOR	LOM	direct	1500	T-dn	300-1	300-1	200-½
Tallahassee LFR	LOM	direct	1500	C-dn	500-1	500-1	500-1½
Int TLH R-088 & 223° brng to ILS-LOM	LOM	direct	1500	S-dn-30# ILS	200-½	200-½	200-½
Int TLH R-288 & NW crs ILS	LOM	direct	1500	ADF	500-1	500-1	500-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

#400-¾ required when glide slope not utilized. 400-1 required if loc. & either LOM or OM only are operative.

Procedure turn E side SE crs, 122 Outbnd, 302 Inbnd, 1400 within 10 mi.
Minimum Altitude at G.S. int inbnd, 1300 ILS, minimum altitude over LOM inbnd final 900 ADF
Altitude of G.S. and distance to approach end of rny at OM 1220-3.6, at MM 295-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.6 mi LOM (ADF) climb to 1500 on NW crs ILS (302) within 15 mi. When directed by ATC, climb to 1300 on S crs LFR or R-190 TLH within 15 miles.
AIR CARRIER NOTE: Take-offs with less than 200-½ NA.
CAUTION: 244' tank 1500' S of approach lights. 300' unlighted terrain 1 mi NE of airport.
Major Changes: Revise glides slope altitudes.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tallahassee, Fla	Dale Mabry 70'	ILS-ITLH, LOM-TL	1, Amdt 12 31 Dec 1955 Comb ILS - ADF	11, 2 Jul 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Tallahassee VOR	Capitol Fix*	direct	1300	T-dn	300-1	300-1	200-½
Tallahassee LFR	Capitol Fix*	direct	1200	C-dn	500-1	500-1	500-1½
Int TLH R-288 & NW crs ILS	Quincy Int#	direct	1500	S-dn-12	400-1	400-1	400-1
ILS - LOM	Capitol Fix*	direct	1500	A-dn	800-2	800-2	800-2
Quincy Int#	Capitol Fix* (Final)	direct	800				

#Quincy Int is NW crs ILS & TLH-VOR R-272.

Procedure turn W side NW crs, 302 Outbnd, 122 Inbnd, 1500 within 10 mi of Capitol Fix*
No Glide Slope, 800 at Capitol Fix* 2.3 mi from approach end of rny 12.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.3 mi of Capitol fix† climb to 1400 on SE crs of ILS within 20 miles, or when directed by ATC, turn right, climb to 1300 on R-190 or S crs of LFR within 15 miles.
*Capitol Fix is the intersection of the NW crs. ILS and TLH-VOR R-184 or N crs TLH-LFR.
AIR CARRIER NOTE: Take-off with less than 200½ NA.
CAUTION: Unlighted terrain 300' MSL 1 mi NE of airport.

City and State: Tallahassee, Fla — Airport Name & Elev.: Dale Mabry 70' — Fac. Class & Ident.: ILS ITLH — Procedure No. & Eff. Date: 2, Orig 7 Jan 1956 — Sup. Amdt. No. Dated: None

Tampa VOR	LOM	direct	1200	T-dn	300-1	300-1	200-½
Tampa LFR	LOM	direct	1500	C-dn	500-1	500-1	500-1½
Int of TPA R-037 & N crs of ILS	LOM	direct	1200	S-dn-18 ILS	200-½	200-½	200-½
Radar Terminal Area Transition Altitude	Radar Site	within 25 mi	1500*	ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*2100 required within 3 mi of 1134' tower 12 mi E MACDILL AFB.

Procedure turn W side N crs 360 Outbnd, 180 Inbnd, 1200 within 10 miles.
Minimum Altitude at G.S. int inbnd 1200 ILS, minimum altitude over LOM inbnd final 700 LOM
Altitude of G.S. and distance to appr end of rny at OM 1220-4.0, at MM 220-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 miles of LOM (ADF) turn right to 225 climb to 1500' on crs of 285 from LFR or R-080 & 260 TPA within 20 miles
NOTE: 200-½ absolute minimum for take-off rny 27. 400-¾ required when glide slope not utilized.
Major Changes: Corrects crs and distances from TPA-VOR due relocation. Revise notes.

City and State: Tampa, Fla — Airport Name & Elev.: International 26' — Fac. Class & Ident.: ILS-ITPA, LOM-TP — Procedure No. & Eff. Date: 1, Amdt 10 10 Sep 1955 Comb ILS & ADF — Sup. Amdt. No. Dated: 9 15 Jul 54

TPA-LFR	Mac Dill Fix*	direct	1200	T-dn	300-1	300-1	200-½
TPA-VOR	Mac Dill Fix*	direct	1500	C-dn	500-1	500-1	500-1½
Int S crs ILS & SW crs LFR or TPA VOR R-120	Mac Dill Fix* (Final)	direct	1000	S-dn-36	400-1	400-1	400-1
Int N crs ILS & R-037 TPA	Mac Dill Fix*	direct	1200	A-dn	800-2	800-2	800-2
Radar Terminal Area Transition Altitude	Radar Site	within 25 mi	1500**				

*MacDill Fix is intersection S crs TPA-ILS and TPA-VOR R-096 or 090 brng to TPA-LFR
**2100' required within 3 mi of 1134' Tower 12 mi E MacDill AFB

Procedure turn E side S crs, 180 Outbnd, 360 Inbnd, 1500 within 10 miles
No Glide Slope, no markers, altitude over MacDill Fix* on Final 1000, distance to rny 36 4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.7 miles, climb to 1200 on N crs of ILS within 20 miles.
NOTE: 200-½ is absolute take-off minimum on Runway 27.
CAUTION: 210' RT 1 mile SW of airport.
Major Changes: Revise notes.

City and State: Tampa, Fla — Airport Name & Elev.: International 26' — Fac. Class & Ident.: ILS ITPA — Procedure No. & Eff. Date: 2, Amdt 3 10 Sep 1955 — Sup. Amdt. No. Dated: 2 15 Jul 54

Chatham MHW cia crs 095	ILS SW crs	direct	2000	T-dn	300-1	300-1	300-1
Newark LOM via crs 348	ILS SW crs	direct	1800	C-dn	1000-1	1000-1½	1000-1½
Paterson MHW cia crs 186	ILS OM	direct	2000	*S-dn-6	500-1	500-1	500-1
Caldwell VOR via R-114	ILS OM	direct	2000	A-dn	1000-2	1000-2	1000-2

*700-1½ required with any component of the ILS inoperative.

Procedure turn W side SW crs, 239 Outbnd, 059 Inbnd, 1800 whithin 10 miles of OM
Minimum Altitude at G.S. int. inbnd 1400
Altitude of G.S. and distance to appr end of rny at OM 1360-4.-; at MM 230-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 1000' on a heading of 059° turn left climb to 2000' on ADF crs to Paterson MHW
Major Changes: Final approach crs corrected.

City and State: Teterboro, N J — Airport Name & Elev.: Teterboro 7' — Fac. Class & Ident.: ILS TEB — Procedure No. & Eff. Date: 1, Amdt 6, 21 May 1955 — Sup. Amdt. No. Dated: 5 7 May 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Toledo LFR	LOM	direct	2000	T-dn	300-1	300-1	200-½
Waterville VOR	LOM	direct	2000.	C-dn	500-1	500-1	500-1½
Ogden Int	LOM	direct	2000	S-dn-7 ILS	*300-¾	*300-¾	*300-¾
Deerfield Int	LOM	direct	2000	ADF	500-1	500-1	500-1
Harbor View Int	LOM	direct	2100	A-dn- ILS	600-2	600-2	600-2
McClure Int	LOM	direct	2000	ADF	800-2	800-2	800-2
Elmira Int	LOM	direct	2000				
Gerald Int #	LOM	direct	2000				

*400-¾ if glide slope inoperative.
#Gerald Int, fromt crs TOL ILS or 069 brng on LOM and W crs TOL LFR or Waterville 275 rad.

Procedure turn S side of crs, 249 Outbnd, 069 Inbnd, 2000 within 10 miles
Minimum Altitude at G.S. int inbnd 2000 ils, minimum altitude over LOM inbnd final 1500 ADF
Altitude of G.S. and distance to approach end of rny at OM 2000-4.3, at MM 865-.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.3 miles, make climbing right turn to 2000 and proceed to Waterville VOR or when requested by ATC, make climbing left turn to 2000' and return to LOM.
CAUTION: Bldg 865 1¾mi S of Middle Marker.
Major Changes: Transitions changed. Note added re glide slope inoperative.

City and State: Toledo, Ohio — Airport Name & Elev.: Toledo Express 684' — Fac. Class & Ident.: ILS-TOL, LOM-OL — Procedure No. & Eff. Date: 1, Amdt 1 24 Sep 1955 Comb ILS-ADF — Sup. Amdt. No. Dated: Orig 15 Jan 55

Harbor View Int	Holland Int (Final)	direct	2100	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-25 ILS	400-1	400-1	400-1
				ADF	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 069 Outbnd, 249 Inbnd, 2100 within 10 miles of Holland Int
No glide slope or markers. Descent to landing minimums after passing Holland Int. Minimum Altititude over Holland Int 2100' distance and brng from Holland Int to Runway 25: 5.5 mi, 249°
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.5. mi after passing Holland Int., climb straight ahead to 2000' on 249° crs to Toledo LOM.
CAUTION: Building 865' 1 ¾ mi S of middle marker
Major Changes:, Deletes requirement for dual receiver.

City and State: Toledo, Ohio — Airport Name & Elev.: Toledo Express 684' — Fac. Class & Ident.: ILS-TOL, LMM-OL VOR-VWV — Procedure No. & Eff. Date: 2, Amdt 2 24 Sep 55 Comb ILS-ADF — Sup. Amdt. No. Dated: 1 23 Jul 55

Forbes LFR	TOP MHW	direct	3000	T-dn	300-1	300-1	200-½
Int R-252 TOP & NW crs	TOP MHW	direct	3000	C-dn	500-1	600-1	600-1½
Forbes LFR				S-dn-12*ILS	300-¾	300-¾	300-¾
Topeka VOR	TOP MHW	direct	2200	ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*400-¾ required when operating under the provisions of inoperative ILS components. No reduction in 2-engine or less T.O. minimums authorized with ILS inoperative.

Procedure turn N side crs, 305 Outbnd, 125 Inbnd, 2200 within 10 miles TOP MHW
Minimum Altitude at G.S. int inbnd, 2200 ILS, inbnd final 2200 ADF
Altitude of G.S. and distance to appr end of rny at OM 2034-3.9, at MM 1077-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 miles of MHW (ADF) climb to 2400' on SE crs ILS (125) within 15 miles, or, when directed by ATC, turn left climb to 2400' on NE crs of Forbes LFR within 20 miles

City and State: Topeka, Kans — Airport Name & Elev.: Philip Billard 880' — Fac. Class & Ident.: ILS-TOP, MHW (LOM)-TOP — Procedure No. & Eff. Date: 1, Amdt 12,1 Jun 1954 Comb ILS & ADF — Sup. Amdt. No. Dated: 11 8 Feb 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Int NE crs TOE LFR & R079 TOP	Power House Int	direct	2200	#T-dn	300-1	300-1	300-1
TOP MHW LOM	Power House Int	direct	2400	C-dn	500-1	600-1	600-1½
TOP VOR	Power House Int	direct	2200	S-dn-31	500-1	500-1	500-1
Int SE crs ILS & SW crs MKC LFR	Power House Int	direct	2400	A-dn	800-2	800-2	800-2
Forbes LFR	Power House Int	direct	2200				

#No reduction in 2-engine or less T.O. minimums authorized with ILS inoperative.

Procedure turn E side of SE crs, 125 Outbnd, 305 Inbnd, 2200 within 10 miles. NA beyond 10 mi.
Minimum Altitude at G.S. int inbnd, Power House Int 1700-2.9
No Outer Marker, No Middle Marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 2.9 miles, climb to 2400 on NW crs ILS within 20 miles, or, when directed by ATC, turn right
proceed direct to TOP-VOR climbing to 2300 and hold, or climb to 2400 on the NE crs of Forbes LFR
within 15 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Topeka, Kans	Phillip Billard 880'	ILS TOP	2, Amdt 1 1 Jun 1954	Orig 15 Apr 53

Int SE crs LFR & 250 brng to LOM	LOM	direct	2100	T-dn	300-1	300-1	#200-½
TUL VOR	LOM			C-dn	400-1	500-1	500-1½
TUL LFR	LOM	direct	2200	S-dn-35R			
Red Fork FM	LOM	direct	2200	*ILS	200-½	200-½	200-½
Skiatook FM	LOM	direct	2400	ADF	400-1	400-1	400-1
Verdigris River FM	LOM	direct	2400	A-dn ILS	600-2	600-2	600-2
		direct	2200	ADF	800-2	800-2	800-2

#300-1 required on rny 3L, 21R, 17R, 35L.
*400-¾ required when glide slope not utilized.

Procedure turn E side S crs, 174 Outbnd, 354 Inbnd, 2400 within 10 miles. Beyond 10 miles NA.
Minimum Altitude at G.S. int inbnd, 2400 ILS, minimum altitude over LOM inbnd final 1900 ADF
Altitude of G.S. and distance to approach end of rny at OM 2350-5.4, at MM 880-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.4 miles after passing LOM (ADF) climb to 1900 on N crs ILS (354) within 20 miles.
CAUTION: 1100' tower 2.0 mi NW of LOM

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tulsa, Okla	Municipal 674'	ILS-ITUL, LOM-TU	1, Amdt 4 28 Jul 1956 Comb ILS & ADF	3 14 May 55

Tyler LFR	LOM	direct	1600	T-dn	300-1	300-1	200-½
Int NW crs ILS & R-270 GGG ILS	LOM (Final)	direct	1800	C-dn	400-1	500-1	500-1½
				S-dn-13 *ILS	300-¾	300-¾	300-¾
				ADF	400-1	400-1	400-1
				A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

*400-¾ required when glide slope not utilized.

Procedure turn W side NW crs, 307 Outbnd, 127 Inbnd, 1800 within 10 mi. Beyond 10 mi NA.
Minimum Altitude at G.S. int inbnd, 1800 ILS, minimum altitude over LOM inbnd final, 1300 ADF
Altitude of G.S. and distance to approach end of rny at OM 1800-4.6, at MM 720-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.6 miles after passing LOM (ADF) climb to 2000 on SE crs ILS (127) within 20 miles
NOTE: No approach lights
Major Changes: Adds straight-in minima for more than 2-engine aircraft.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tyler, Texas	Pounds Field 544'	ILS-ITYR, LOM-TY	1, Amdt 1 17 Dec 1955 Comb ILS & ADF	Orig 9 Oct 54

TYR LFR via crs 128	Lake Tyler Int	Direct	2000	T-dn	300-1	300-1	200-½
GGG VOR via R-248	Lake Tyler Int	Direct	2100	C-dn	400-1	500-1	500-1½
Int NW crs ILS & R-270 GGG	Lake Tyler Int	Direct	2000	S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 127 Outbnd, 307 Inbnd, 2000' within 10 mi.
No glide slope. Alt over Lake Tyler Int, 1500'; Distance from Lake Tyler Int to Runway 31 4.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.8 of Lake Tyler Int. climb to 1800' on NW crs of ILS within 10 mi.
CAUTION: 990' radio tower 3.6 mi E of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Tyler, Tex	Pounds Field 544'	ILS-ITYR, SE crs ILS	2 Orig 22 Oct 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	
Utica LFR	UTICA MHW	direct	3000	T-dn	300-1	300-1	200-½
Int E crs Syracuse LFR & SE crs ILS	Utica MHW (Final)	direct	3000	C-dn	400-1	500-1	500-1½
				#S-dn**33	300-¾	300-¾	300-¾
Int Syracuse R 113 & SE crs ILS	Utica MHW (Final)	direct	3000	A-dn	600-2	600-2	600-2
Sherrill VOR Int	Utica MHW	direct	3000				
Utica LFR	Utica LMM	direct	3000				

#Approach lights not commissioned.

Procedure turn E side SE crs, 149 Outbnd, 329 Inbnd, 3000 within 10 mi of Utica MHW
Minimum Altitude at G.S. int. inbnd 3000
Altitude of G.S. and distance to appr end of rny at OM 1940-3.8, Utica MHW 300-7.3; at MM 940**.6
**400-¾ with glide slope inoperative. Minimum altitude over OM with glide slope inoperative 1340' MSL.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
make left climbing turn returning to Utica MHW at 3000'*. Approaches may be conducted with Utica MHW inoperative provided OM is identified prior to executing procedure turn and glide slope is utilized.
*Alternate missed approach procedure (when directed by ATC) proceed to Utica LFR climbing to 3000'.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Utica, N Y	Oneida County 742'	ILS-UCA, LMM -CA MHW-UTI	1, Orig 7 Jun 1956	None

Andrews LFR	OM	direct	1500	T-dn	300-1	300-1	#200-½
Springfield MHW	OM	direct	1500	C-dn	600-1	600-1	600-1½
Andrews LFR via crs 273	ILS S crs	direct	1500**	S-dn-36	200-½	200-½	200-½
Mt Vernon Int via crs 050	ILS S crs	direct	1500**	A-dn	600-2	600-2	600-2
Radar Terminal area transition altitudes	OM	E, W & S quad of DCA LFR	1500 within 25 mi				
		N quadrant	1800 within 25 mi				
		all quadrants (exclusive of restricted areas	2500 within 40 mi				

#300-1 required for take-off on Runways 9 and 27.
**After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 1360 on final is authorized.

Procedure turn W side S crs, 183 Outbnd, 003 Inbnd, 1400 within 10 miles of OM (Non-standard due to traffic)
Minimum Altitude at G.S. int inbnd, 1400
Altitude of G.S. and distance to appr end of rny at OM 1360-4.6, at MM 205-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
if contact not established at LMM, make climbing turn to left as soon as practicable and climb to 1800'
(or higher altitude if directed by ATC) on NW crs DCA LFR to Herndon Int.
CAUTION: Standard clearance not provided over obstructions within circling area of airport or within final approach area with glide slope inoperative.
Major Changes: Transitions revised to permit straight-in approach.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Washington, D C	National 16'	ILS DCA	1, Amdt 8 4 Aug 56	7 29 Oct 55

Int SW crs PIT LFR & NW crs	HLG MHW	direct	2600	T-dn	300-1	300-1	200-½
M W LFR				C-dn	600-1	700-1	700-1½
HLG VOR	HLG MHW	direct	2600	S-dn-3 ILS	*500-1	*500-1	*500-1
				ADF	500-1	500-1	500-1
				A-dn- ILS	800-2	800-2	800-2
				ADF	1000-2 (BCOB)	1000-2 (BCOB)	1000-2 (BCOB)

*500-¾ with high intensity runway lights or approach lights.

Procedure turn E side crs 210° Outbnd, 030 Inbnd, 2600 within 10 miles
Minimum Altitude at G.S. int. inbnd. 2100 over LOM
No Glide Slope, OM 4.0, MM .6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.0 miles, make climbing left turn, return to LOM climbing to 2600' or higher altitude if directed by ATC.
NOTE: Night operations on runway 9-27 and take-offs on runway 9 not authorized for air carrier aircraft over 12,500 lbs gross weight. Procedure not premised on use of glide slope

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wheeling, W Va	Ohio County 1195'	ILS-HLG, MHW-HLG	1, Orig 27 Nov 1953 Comb ILS-ADF	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Int S crs Pough-Keepsie and NW crs ILS	LOM	direct	2000	T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
New Rochelle Rbn	LOM	direct	2000	S-dn-16 ILS	200-½	200-½	200-½
Paterson Rbn	LOM	direct	2000	ADF	500-1	500-1	500-1
Wilton VOR	LOM	direct	2000	A-dn	800-2	800-2	800-2

Procedure turn E side NW crs, 342 Outbnd, 162 Inbnd, 2000 within 10 mi (Non-standard due to traffic).
Minimum Altitude at G.S. int inbnd, 2000' ILS, minimum altitude over LOM inbnd final 1500 ADF.
Altitude of G.S. and distance to approach end of rny at OM 1975-5.1; at MM 630-.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.1 mi after passing LOM (ADF), make left climbing turn to 2000' return to outer marker. Alternate missed approach (when requested by ATC) make left climbing turn to 2000' to Wilton VOR on crs of 060°.
NOTE: Provisions of inoperative ILS component apply except 500-1 required with glide slope inoperative.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
White Plains, N Y	Westchester County 441'	ILS-HPN, LOM-HP	1, Amdt 7 7 May 1954 Comb ILS-ADF	6 1 Apr 54

ICT-LFR	LOM	direct	2500	T-dn	300-1	300-1	200-½
ICT-VOR	LOM	direct	2500	C-dn	400-1	500-1	500-1½
Viola Rbn via crs 046	SW crs ILS (Final ILS)	direct	2500	S-dn-1 ILS	200-½	200-½	200-½
Viola RBN	LOM	direct	2500	ADF	400-1	400-1	400-1
Clearwater Int	LOM (Final)	direct	2500	A-dn ILS	600-2	600-2	600-2
Oxford RBN	LOM	direct	2500	ADF	800-2	800-2	800-2
Derby RBN	LOM	direct	2500				
Mayfield Int	LOM (Final)	direct	2500				

Procedure turn W side of crs, 190 Outbnd, 010 Inbnd, 2500 within 10 miles. (Procedure turn non-standard to avoid McConnell AFB.)
Minimum Altitude at G.S. int inbnd, 2500 ILS, inbnd final 2000 ADF.
Altitude of G.S. and distance to approach end of rny at OM 2559-4.2, at MM 1530-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.2 miles, climb to 3000' on N crs ILS(010) intercept & proceed outbnd on NW crs of ICT-LFR within 20 mi or, when directed by ATC: (1) make left turn, climb to 2900' proceeding outbnd on R-216 ICT within 20 mi.
CAUTION: Simultaneous approaches being conducted on Derby RBN to McConnell AFB. 2444' MSL tower 7.8 mi NNW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wichita, Kans	Municipal 1332'	ILS-ICT, LOM-IC	1, Amdt 2 22 Sep 1956 Comb ILS-ADF	1 23 Apr 55

Int N crs ICT LFR & N crs ILS	Kechi Int* (Final)	direct	2500	T-dn	300-1	300-1	200-½
ICT-VOR	Kechi Int*	direct	3000	C-dn	400-1	500-1	500-1½
Int SW crs ICT-LFR & S crs ILS	Kechi Int*	direct	3000	S-dn-19	400-1	400-1	400-1
Int ICT-VOR R036 & N crs ILS	Kechi Int* (Final)	direct	2500	A-dn	800-2	800-2	800-2
Int ICT-VOR R051 & N crs ILS	Kechi Int*	direct	2500				

Procedure turn E side of crs, 010 Outbnd, 190 Inbnd, 3000 within 10 miles of Kechi Int*. Procedure turn non-standard account of 2444' MSL TV tower W.
No Glide Slope. No Outer Marker, altitude over Kechi Int* 2500 brg and distance 190-5.1. No Middle Marker, altitude over Int N crs ILS R-108 ICT 2000 brng and distance 190-3.0
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.1 miles after passing Kechi Int* climb to 2500 on S crs ILS within 20 mi., or, when directed by ATC: (1) Make right turn climbing to 2900' & proceed outbnd on R-216 ICT within 20 miles.
*Kechi Int: Int R-065 ICT and N crs ILS
NOTE: Procedure authorized only when aircraft equipped to receive ILS & VOR simultaneously.
CAUTION: 2049' MSL tower 7.8 mi NNE & 2444' MSL tower 8.7 mi NNW of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wichita, Kans	Municipal 1332'	ILS-ICT Back crs appr	2, Amdt 1 22 Sep 1956 Comb VOR-ILS	Orig 17 Dec 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Wilkes-Barre Scranton VOR	CYE* Rbn	direct	3500	#T-dn	600-1	600-1	600-1
Int E crs Wilkes-Barre-Scranton LFR & SW crs ILS	CYE* Ebn	direct	3500	C-d	900-1½	1000-1½	1000-2
				C-n	1300-2	1300-2	1300-2
Wilkes-Barre-Scranton LFR	CYE* Rbn	direct	3500	S-dn-4	600-1½	600-1½	600-1½
Int E crs Williamsport & SW crs Wilkes-Barre-Scranton LFR	CYE* Rbn	direct	3500	A-d	1200-2	1200-2	1200-2
				A-n	1600-3	1600-3	1600-3

#Take-off minimums for Runway 10 and 16: Day: 600-2, Night 800-2.

Procedure turn E side SW crs, 223 Outbnd, 043 Inbnd, 3500 within 10 mi of Crystal Lake Rbn.
Minimum Altitude at G.S. int inbnd, inbnd final 3500 over Crystal Lake Rbn
Altitude of G.S. and distance to appr end of rny at OM CYE* Rbn 3500-8.7, LOM 2250-3.9; at MM LMM 1180-0.6
*Crystal Lake Rbn - This procedure is predicated on the reception of the CYE Rbn & ILS glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 3500' on a crs of 043° from the LMM and then proceed to the Wilkes-Barre VOR at 3500'. Alternate missed approach when requested by ATC, make a climbing left turn and climb to 4000' on SW crs Wilkes-Barre LFR.
NOTE: High terrain to E, SE and S of airport within 2.5 miles.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or with day minimums below 1 mi for 75 mph (65K) or less aircraft and 1½ mi for more than 75mph (65K) aircraft.
Major Changes: Missed approach revised. Alternate missed approach added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wilkes-Barre, Pa	Wilkes-Barre-Scranton 956'	ILS-AVP, MHW-CYE	1, Amdt 6 2 Jun 1956	5 1 Apr 54

New Castle LFR	LOM	direct	1600	T-dn	300-1	300-1	200-½
West Chester VOR	LOM	direct	1900	C-dn	400-1	500-1	500-1½
Hartley Int	LOM	direct	1600	S-dn-1 ILS	200-½	200-½	200-½
				ADF	400-1	400-1	400-1
				A-dn- ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn E side S crs, 193 Outbnd, 013 Inbnd, 1600 within 10 mi. NA beyond 10 mi due to traffic.
Minimum Altitude at G.S. int inbnd, 1600 ILS, minimum altitude over LOM inbnd final 1100 ADF
Altitude of G.S. and distance to approach end of rny at OM 1600-5.3; at MM 295-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 5.3 miles after passing LOM (ADF), make climbing left turn and climb to 1600' on crs of 193° within 10 miles of LOM.
CAUTION: Turn left as soon as practicable to avoid holding pattern at Philadelphia LOM.
Major Changes: Altitude revised to clear stack at LOM. Distance from West Chester VOR to LOM revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wilmington, Del	New Castle County 79'	ILS-ILG, LOM-IL	1, Amdt 3 15 Oct 1955 Comb ILS and ADF	2 1 Apr 54

Wilmington RBN	LOM	Direct	1300	T-dn	300-1	300-1	200-½
Wilmington VOR	LOM	Direct	1300	C-dn	500-1	500-1	500-1½
				S-dn-34 ADF	400-1	400-1	400-1
				*ILS	300-¾	300-¾	300-¾
				A-dn	800-2	800-2	800-2

* 400-¾ required when glide slope not utilized

Procedure turn E side of S crs, 163 Outbnd, 343 Inbnd, 1400 within 10 mi.
Minimum Altitude at glide slope int inbnd - 1400' ILS; Min. alt. over LOM inbnd final - 800' ADF.
Altitude of glide slope and distance to approach end of runway at OM 1385-4.7; at MM - 230-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.7 mi after passing LOM (ADF) climb to 1300' on N crs ILS (343) within 20 mi.
AIR CARRIER NOTE: 200-½ authorized provided the available runway length exceeds by 3000 feet the landing distance required by the aircraft performance operating limitations of the CAR's and high intensity runway lights are operative on the entire length of the runway.
NOTE: No approach lights

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Wilmington, N C	New Hanover County 31'	ILS-IIMN, LOM-IM	1, Amdt 1 16 Jul 55 Comb. ILS-ADF	Orig 3 Nov 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Weatogue Int	LOM (Final) ILS	direct	2300	T-dn	300-1	300-1	200-½
Weatogue Int	LOM (Final) ADF	direct	1700	C-dn	400-1	500-1	500-1½
Int R-015 HFD & NE crs ILS or brng 238 to LOM	LOM	direct	2500	S-dn-6 ILS*	200-½	200-½	200-½
				ADF	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*400-¾ required with glide slope inoperative.

Procedure turn S side SW crs, 238 Outbnd, 058 Inbnd, 2300 within 10 mi.
Minimum Altitude at G.S. int inbnd, 2300 ILS, minimum altitude over LOM inbnd final ADF 1700
Altitude of G.S. and distance to approach end of rny at OM 1650-4.5; at MM 415-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.5 mi after passing LOM (ADF) climb to 2500 on NE crs ILS or 058 crs from LOM within 15 mi. Alternate missed approach procedure when requested by ATC, make a climbing right turn to LOM at 2500'.
NOTE: Standard clearance not provided for straight-in minimums over ridge approx 1 mi N of OM.
IFR departure via Hartford VOR; departure direct from Bradley Field to HFD VOR via R-355 is authorized at 2000' MEA. (Departure route only)
CAUTION: Unlighted hills 2.4 mi NW of airport approx 768' MSL.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Windsor Locks, Conn	Bradley Field 173'	ILS-BDL, LOM-BD	1, Amdt 9 5 Jan 57 Comb ILS-ADF	8 15 May 54

Winston Salem LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Wallburg Int ILS	LOM (Final)	Direct	2200	C-dn	500-1	500-1	500-1½
Wallburg Int ADF	LOM (Final)	Direct	1700	S-dn-33 ILS	300-¾	300-¾	300-¾
Greensboro VOR via R-248	Wallburg Int	Direct	2300	ADF	400-1	400-1	400-1
Thomas Int	LOM	Direct	2200	A-dn ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn W side SE crs, 148 Outbnd, 328 Inbnd, 2200' within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 2200' ILS. Min. alt. over LOM inbnd final - 1700' ADF.
Altitude of glide slope and distance to approach end of runway at OM 2200'-3.9; at MM- 1120'-0.5
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 3.9 mi after passing LOM (ADF) climb to 4000' on NW crs LFR or R-299. GSO within 15 mi. When directed by ATC turn right immediately, climb to 2200' on SE crs ILS (148) within 10 mi.
AIR CARRIER NOTE: 200-½ authorized provided the available runway length exceeds by 3000 feet the landing distance required by the aircraft performance operating limitations of the CAR's and high intensity runway lights are operative on the entire length of the runway.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Winston-Salem, N C	Smith-Reynolds 969'	ILS-IINT, LOM-IN	1, Amdt 5 16 Jun 56 Comb. ILS-ADF	4 5 Nov 55

				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-33 ILS	200-½	200-½	200-½
				ADF	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 152 Outbnd, 332 Inbnd, 2300 within 10 mi. NA beyond 10 mi.
Minimum Altitude at G.S. int inbnd, 2300 ILS, minimum altitude over LOM inbnd final 1500 ADF
Altitude of G.S. and distance to approach end of rny at OM 2290-4.6, at MM 1210-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
ILS if visual contact not established at middle marker or at authorized landing minimums, make an immediate climbing left turn to 2400' on SE crs of ILS within 10 mi of LOM. ADF if visual contact not established at LOM, make an immediate climbing left turn to 2400' on crs 152° from LOM within 10 mi.
CAUTION: 1640' radio tower 2.2 mi NNW of airport. Do not proceed beyond middle marker unless landing is assured.
NOTE: Provisions of inoperative ILS components authorized except 400-1 required when middle marker inoperative.
Major Changes: Reduction of ILS straight-in minimums. ILS missed approach changed.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Worcester, Mass	Municipal 1009'	ILS-I-ORH, LOM-OR	1, Amdt 5 15 Jan 1955 Comb ILS-ADF	4 1 Apr 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
YKM-LFR	LOM	direct	3500	#T-dn	400-1	400-1	400-1
YKM-VOR	LOM	direct	3500	C-d	800-2	800-2	800-2
Selah Int	LOM	direct	3500	C-n	800-2	1000-2	1000-2
Int SE crs of YKM-LFR & Brng 325 to YKM-LOM	LOM	direct	4500	S-dn-ry 27	400-1	400-1	400-1
				A-d	800-2	800-2	800-2
White Swan Int	LOM	direct	4000	A-n	800-2	1000-2	1000-2
Toppenish Int	LOM	direct	4000				

#Take-off minimums runways 22-4 and 34-16: 500-1 Day, 800-2 Night.

Procedure turn S side of crs, 089 Outbnd, 269 Inbnd, 4000 within 10 miles. NA beyond 10 mi. (Non-standard due to terrain).
Minimum Altitude at G.S. int inbnd, 3500
Altitude of G.S. and distance to appr end of rny at OM 3377-6.9, at MM 1318-0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb on localizer crs 269 Outbnd, 089 Inbnd to 3500' within 5 miles of Middle Marker. All turns N side of crs.
Major Changes: Add transitions from White Swan and Toppenish Intersections.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Yakima, Wash	Yakima 1077'	ILS YKM	1, Amdt 2 17 Mar 1956	1 23 Apr 55

Int YNG R-235 & 099 brng	Hubbard MH	direct	2600	T-dn	300-1	300-1	200-½
Int E crs YNG LFR or YNG R-105	Hubbard MH	direct	2600	C-dn	400-1	500-1	500-1½
229 brng to Hubbard MH				S-dn-32 ILS#	300-¾	300-¾	300-¾
Columbia Int	Hubbard MH	direct	3000	ADF	400-1	400-1	400-1
Palestine Int	Hubbard MH	direct	3000	A-dn ILS	600-2	600-2	600-2
Canfield Int	Hubbard MH	direct	3000	ADF	800-2	800-2	800-2
Youngstown VOR	Hubbard MH	direct	2600				
Youngstown LFR	Hubbard MH	direct	2600				
Hubbard MH ILS	LOM (Final)	direct	2600				
Hubbard MH ADF	LOM (Final)	direct	2100				

#Approach light installation incomplete.

Procedure turn N side SE crs, 139 Outbnd, 319 Inbnd, 2600 within 10 mi of Hubbard MH
Minimum Altitude at G.S. int inbnd, 2600 ILS, minimum altitude over LOM inbnd final 2100 ADF, over Hubbard MH inbnd final 2600 ADF
Altitude of G.S. and distance to approach end of rny at OM 2630-4.7; at MM 1385-.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.7 mi after passing LOM (ADF) climb to 2500' on NW crs ILS or on crs 319° from LOM, make right turn and proceed to Youngstown LFR.
Major Changes: Straight-in landing minimums revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Youngstown, Ohio	Youngstown 1196'	ILS-YNG, LOM-YN MH-HBD	1, Amdt 4 4 Aug 1956 Comb ILS-ADF	3 23 Apr 55

Youngstown LFR	Mosquito Int#	direct	2200	T-dn	300-1	300-1	200-½
Parkman Int	Mosquito Int#	direct	2500	C-dn	400-1	500-1	500-1½
Int NW crs Youngstown ILS & S crs Youngstown LFR	Mosquito Int#	direct	2200	S-dn-14	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 320 Outbnd, 140 Inbnd, 2200 within 10 mi of Mosquito Int#. NA beyond 10 mi.
Minimum Altitude at G.S. int. inbnd, no glide slope.
Minimum Altitude over Mosquito Int# on final and distance to appr end of rny 2000'-4.1
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
within 4.1 mi of Mosquito Int#, climb to 2500' on SE crs ILS within 10 miles
NOTE: ADF procedure not authorized.
Major Changes: Fowler Int changed to Mosquito Int#.
#Mosquito Int is int NW crs YNG ILS and W crs YNG LFR, R-262 YNG VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Youngstown, Ohio	Youngstown 1196'	ILS-YNG	2, Amdt 2 1 Jan 1955	1 8 Aug 54

¶ 609.500 *Radar procedures.*

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

TRANSITION								CEILING AND VISIBILITY MINIMUMS			
From				To						Two Engine or Less	
From	To	Dst	Alt	Dst	Alt	Dst	Alt	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
160	020	5	1400	8	1400	15	1500			Surveillance approach			
020	120	5	2500	8	9000	15	9000			T-dn	300-1	300-1	200-½
120	160	5	1400	8	1400	15	5000			C-dn	500-1	500-1	500-1½
										S-dn*	400-1	400-1	400-1

TRANSITION								CEILING AND VISIBILITY MINIMUMS			
From				To						Two Engine or Less	
From	To	Dst	Alt	Dst	Alt	Dst	Alt	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
160	020	5	1400	8	1400	20	1500			Surveillance approach			
020	120	5	2500	8	9000	20	9000			T-dn	300-1	300-1	200-½
120	160	5	1400	8	1400	20	6000			C-dn	500-1	500-1	500-1½
										S-dn*	400-1	400-1	400-1

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.
* Runways 6-31-13 (Surveillance approaches to Runway 24 NA due to high terrain E and ground clutter.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 1500' on SW crs Anchorage LFR within 20 mi or when directed by ATC:
(1) Climb to 1500' proceeding direct to Anchorage LOM, thence on crs of 244 Outbnd, 064 Inbnd, within 20 mi.
(2) Climb to 1500' on NW crs Anchorage LFR to hold at Susitna Intersection.
(3) Climb to 2500' on NW crs Merrill LFR within 20 mi.
CAUTION: Terrain 346' MSL 2 mi S SW of airport and 1.5 mi W of approach crs to runway 31.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Anchorage, Alaska	International 113'	Anchorage Radar	1, Amdt 2 [illegible] Nov 56	1 5 May 56

TRANSITION								CEILING AND VISIBILITY MINIMUMS			
From				To						Two Engine or Less	
From	To	Dst	Alt	Dst	Alt	Dst	Alt	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
0	070	5	1400	8	1400	15	1500	360	within 25 mi	Precision approach			
								290	within 15 mi	S-dn 9R	200-½	200-½	200-½
										A-dn	600-2	600-2	600-2
										Surveillance approach			
										T-dn	300-1	300-1	200-½
										C-dn	400-1	500-1	500-1½
										S-dn*	400-1	400-1	400-1
										A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes - all bearings are from radar site with sector azimuths progressing clockwise.
*Runways 27L, 33L, 3, 9R

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
9R & 3, climb to 3000 and proceed to Conyers Int via E crs ILS or climb to 3000 on NE crs ATL LFR within 20 mi.
15 R, climb to 2200, turn right and proceed to ATL VOR or proceed on SE crs of ATL LFR within 20 mi.
27L, 33L, climb to 3000 and proceed to Campbellton Int via W crs ILS, or turn left and proceed on SW crs of ATL LFR within 20 miles.
Major Changes: Adds alternate minima.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Atlanta,Ga	Atlanta 1024	Atlanta Radar	1, Amdt 1 29 Sep 1956	Orig 21 Jul 56

TRANSITION								CEILING AND VISIBILITY MINIMUMS			
From				To						Two Engine or Less	
From	To	Dst	Alt	Dst	Alt	Dst	Alt	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
All directions									within 20 mi	Surveillance approach			
										T-dn	300-1	300-1	300-1*
										C-dn**	800-1	900-1	900-1½
										S-dn-18	700-1	700-1	700-1
										S-dn##	600-1	600-1	600-1
										A-dn	1000-2	1000-2	1000-2

Radar control must provide 3 mi separation from radio tower 1582' located 4 mi SW of airport or maintain 2600'
* 200-½ authorized runway 23.
** All runways ##Runways 5,8,23

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Climb to 2500' and proceed direct to BHM-LFR or climb to 2600 and proceed to BHM ILS LOM or climb to 2000 and proceed direct to BHM VOR.
AIR CARRIER NOTE: No reduction in minimums authorized.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Birmingham, Ala	Municipal 643'	Birmingham Radar	1, Amdt 1 9 Feb 57	Orig 11 Feb 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude		Two Engine or Less		
				Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
All directions	radar site	within 25 mi	1800%	Precision approach			
				C-dn 4R	500-1*	600-1	600-1½
				S-dn 4R	200-½	200-½	200-½
				A-dn 4R	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				S or Cdn**	700-1	700-1	700-1½
				C-dn*** #	600-1	600-1	600-1½
				S-dn*** #	600-1	600-1	600-1
				C-dn ##	500-1*	600-1	600-1½
				S-dn ##	500-1	500-1	500-1
				A-dn-all	800-2	800-2	800-2

% except 2300 when more than 6 mi from airport between NW & SW crs Boston LFR.
CAUTION: Standard clearance not provided over 370' stack SW of airport
* 600-1 required when circling W of airport. ** 4L, 4R, 15 *** 22L, 22R ## 27, 33
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 1300' on the N crs of the Boston LFR within 8 mi. Alternate missed approach when requested by ATC: climb to 1500' on E crs of the Boston LFR within 10 mi.
Major Changes: Terminal area maneuvering revised. ASR approach to Runway 9 eliminated.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Boston, Mass	Logan 19'	Logan Radar	1, Amdt 4 6 Aug 54	3 11 Jun 54

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude		Two Engine or Less		
				Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
All directions		within 15 miles	2000	Precision approach			
				S-dn 11	400-1	400-1	400-1
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn 5-11	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
make an immediate left turn to 320°, climb to 2000', then go direct to Bedford "HW" facility or as approach control directs.
LOSS OF COMMUNICATIONS PROCEDURE: Climb to 2000, then go direct to Bedford "HW" facility or as approach control directs.
CAUTION: 570' MSL tower 3 miles NE of airport.
NOTE: This procedure premised on the use of USAF GCA.
Major Changes: Alternate minimums added.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Boston-Bedford,Mass	Hanscom 135'	Hanscom Radar	1, Amdt 1 18 Aug 1956	Orig 21 Jul 56

TRANSITION												CEILING AND VISIBILITY MINIMUMS			
From				To									Two Engine or Less		
From	To	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt	Dist	Alt	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
241	274	5	4500	10	4500	15	4500	20	4500	25	4500	30	5000	Surveillance approach			
274	308	5	4500	10	4500	15	5000	20	5000	25	5000	30	6000	T-dn#	300-1	300-1	200-½
308	349	5	4500	10	5500	15	6000	20	7000	25	7000	30	7000	C-d	900-1½	900-1½	900-1½
349	087	5	5000	10	7000	15	8500	20	9000	25	10000	30	10500	C-n	900-2	900-2	900-2
087	241	5	4500	10	5000	15	5000	20	5000	25	5000	30	5000	S-dn-7	600-1	600-1	600-1
														A-dn	900-2	900-2	900-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.
#600-1 required for all take-offs when departing via SE crs BUR LFR. 300-1 required for take-off on all runways except rny 25 for more than 2-engine aircraft.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
turn right and climb to 4100' on W crs of BUR ILS to LOM, or, when directed by ATC, climb to 3000' on SE crs of BUR LFR, then make 180° right turn continuing climb to 5000' while homing on BUR LFR and hold at BUR LFR in non-standard 2 minute pattern on SE crs, or if directed by ATC, climb to 5000' on SE crs of BUR LFR.
CAUTION: 2000' terrain 2.2 miles NE of airport rising to 3126' approximately 3.5 mi ENE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Burbank ,Calif	Lockheed Air Terminal 764'	Lockheed Radar	1, Orig 10 Nov 1956	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
185	060	within 20 mi	2500	Precision approach			
				S-dn 13R	300-$\frac{3}{4}$	300-$\frac{3}{4}$	300-$\frac{3}{4}$
060	185	within 20 mi	2000	A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-$\frac{1}{2}$
				C or S-d*	400-1	500-1	500-1$\frac{1}{2}$
				C or S-n*	400-1$\frac{1}{2}$	500-1$\frac{1}{2}$	500-1$\frac{1}{2}$
				C or S-d**	600-1	600-1	600-1$\frac{1}{2}$
				C or S-n**	600-1$\frac{1}{2}$	600-1$\frac{1}{2}$	600-1$\frac{1}{2}$
				A-dn	800-2	800-2	800-2

Radar term. area trans. altitudes - all brngs are from the radar site with sector azimuths progressing clockwise.
*Dual runways 4, 9, 13, 18, 27, 31, 36. **Dual runways 22R & L.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2300 and proceed on N and S crs of Harvey LFR to Momence Int.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Chicago, Ill	Midway 618'	Midway Radar	1, Amdt 4 15 Mar 1955	3	9 Jul 54

All directions			within 20 mi	2500	Surveillance Approach		
					T-dn	300-1	300-1	200-$\frac{1}{2}$
					C-dn	400-1	500-1	500-1$\frac{1}{2}$
					S-dn*	400-1	400-1	400-1
					A-dn	800-2	800-2	800-2

*Runways 14R, 14L, 18, 22, 27, 9

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
make immediate turn to 050°, climbing to 2500' to SE crs NBU LFR. Proceed via SE and NW crs NBU LFR to Mundelein Int, or when directed by ATC climb to 2500 proceed to ORD ILS LOM.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Chicago, Ill	O'Hare International 668'	O'Hare Radar	1, Orig 15 Dec 1956	None	

					Surveillance approach		
					T-dn	300-1	300-1	200-$\frac{1}{2}$
					C-dn*	400-1	500-1	500-1$\frac{1}{2}$
					C-dn**	700-1	700-1	700-1$\frac{1}{2}$
					S-dn*	400-1	400-1	400-1
					S-dn**	700-1	700-1	700-1
					A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.
*Runways 4, 9, 13, 18, 31, 36.
**Runways 22, 27.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
runways 4, 36 and 31, climb to 2300' and proceed to New Baltimore Int. Runways 9, 13, 18, 22 and 27, climb to 2000' and proceed to ILS LOM.
Major Changes: Corrects runway identification.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Cincinnati, Ohio	Greater Cincinnati 890'	Cincinnati Radar	1, Amdt 1 29 Oct 1955	Orig	20 Aug 55

S, NW, & N quadrants CLE LFR	Radar site	within 10 mi	2000	Precision approach			
				S-dn, 5L	300-$\frac{3}{4}$	300-$\frac{3}{4}$	300-$\frac{3}{4}$
				A-dn	600-2	600-2	600-2
S, NW, & N quadrants CLE LFR	Radar site	10-30 mi	3000	Surveillance approach			
SE quadrant CLE LFR	Radar site	within 30 mi	3000	T-dn	300-1	300-1	200-$\frac{1}{2}$
				C/S-dn-all	400-1	500-1	500-1$\frac{1}{2}$
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Runway 27 - climb to 2000' on W crs of Cleveland LFR and proceed to Elyria FM; Runway 9 - climb to 2900' on N side of the E crs of Cleveland LFR to Parkman Int.; All runways except 9 and 27 - make a climbing right turn and proceed on the N side of the E crs of the Cleveland LFR to the Parkman Int at 2900'
CAUTION: TV towers approximately 1950' approximately 7 mi ESE of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Cleveland, Ohio	Cleveland-Hopkins 789'	Cleveland Radar	1, Amdt 2, 1 May 54	Amdt 1	26 Dec 52

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
All sectors	Radar Site	within 25 mi	2500	Surveillance Approach			
				T-dn	300-1	300-1	200-$\frac{1}{2}$
All sectors	Radar Site	within 35 mi	3000	C-dn*	500-1	500-1	500-1$\frac{1}{2}$
				C-dn**	600-1	600-1	600-1$\frac{1}{2}$
All sectors	Radar site	within 40 mi	4000	S-dn*	500-1	500-1	500-1
				S-dn**	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

*All runways except 5 and 36.
**Runways 5 and 36.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
runway 9, 12, 5, 18 and 36, climb to 2400' and proceed to E crs of Columbus LFR; hold within 10 mi of facility.
Runways 23, 27 and 30, climb to 2500' and proceed to W crs of Columbus LFR; hold within 10 mi of facility.
Major Changes: Missed approach altitude revised.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Columbus, Ohio	Port Columbus 816'	Port Columbus Radar	1, Amdt 2 30 Jul 1955	1, 15	Aug 54

All directions		5-20 mi	2000	Surveillance approach			
Radar control must provide 3 mi or 1000 vert separation, or 3 to 5 mi and 500 vert. separation from radio towers - 1108 MSL 20 mi 2349 MSL 16 mi SSW - 1230 MSL 10 mi WNW of airport				T-dn	300-1	300-1	200-$\frac{1}{2}$
				C-dn*	400-1	500-1	500-1$\frac{1}{2}$
				S-dn*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*Runways 13-18-36 and 31. On approaches to runway 31 maintain at least 1400' MSL until within 3.5 mi of runway and 1000' MSL until within 1.4 mi of runway.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
All runways - proceed to DAL VOR or DAL LFR climbing to 2000'
CAUTION: 695 MSL tank 1.4 mi SE runway 31.
Major Changes: Remove Air Carrier Notes. Lower straight-in minima runway 31.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Dallas, Texas	Love 485'	Love Radar	1, Amdt 3 26 May 1956	2	14 May 55

From	To	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt
330	090	5	6600	10	7000	15	7000	20	7000	25	7000
090	170	5	6600	10	7000	15	7000	20	8000	25	8000
170	330	5	6600	10	7000	15	8000	20	9500	25	12500

*Runway 3, 8R, 21, 35 ** Runway 26L, 30 # Runway 12, 17

Surveillance Approach			
T-dn	300-1	300-1	200-$\frac{1}{2}$
C or S-dn*	500-1	500-1	500-1$\frac{1}{2}$
C or S-dn**	600-1	600-1	600-1$\frac{1}{2}$
C or S-dn#	400-1	500-1	500-1$\frac{1}{2}$
A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Runways 21, 17, 12 (right turn Rwy 12) climb to 8900' on S crs DEN LFR within 25 mi. Alternate Missed Approach when directed by ARTC (1) climb to 6600' on E crs DEN LFR within 25 mi. (2) climb to 8900' on R-172 DEN VOR within 25 miles.
Runways 30, 35, 3, 8R (left turn Runways 3, 8) climb to 6300' on N crs DEN LFR within 25 mi. Alternate Missed Approach: when directed by ARTC (1) climb to 6600' on E crs DEN LFR within 25 mi (2) proceed direct to DEN VOR holding Pattern climbing to 7000'.
Runway 26L turn right climb to 6300' on N crs DEN LFR within 25 mi. Alternate Missed Approach: when directed by ARTC (1) turn right climb to 6600' on E crs DEN LFR within 25 mi (2) turn right proceed direct to DEN VOR holding pattern climbing to 7000'.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Denver, Colorado	Stapleton Airfield 5331'	Stapleton Radar	1, Orig 21 Apr 1956	None	

From	To	Dst	Alt	Dst	Alt				
360	040	10	1900	20	2200				
040	065	10	1900	17	2200	20	2700		
065	095	10	1900	20	2200				
095	122	10	1900	12	2200	20	2300		
122	230	10	1900	12	2200	20	1900		
230	295	10	2000	20	2200				
295	360	10	1900	16	2200	20	2500		

Surveillance approach			
T-dn	300-1	300-1	200-$\frac{1}{2}$
C-dn#	400-1	500-1	500-1$\frac{1}{2}$
S-dn#	400-1	400-1	400-1
A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.
#Runways 9L, 22L-R, 4L-R, 36, 18, 27L-R, 14, 32. Surveillance approaches to runway 9R NA due to antenna location and ground clutter.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Runways 22L, 22R, 27R, 27L, 14 and 18, climb to 2300 on W crs DET LF to Ann Arbor LF Int.
Runways 4L, 4R, 9L, 36 and 32, climb to 2500, proceed to SWM VOR on 170R or when directed by ATC, (1) climb to 2300', proceed via W crs DET LFR to the DET LFR. Approaches to 9R NA due to antenna location & ground clutter.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Detroit, Mich	Willow Run 716'	Willow Run Radar	1, Amdt 2 31 May 1956	1	22 Mar 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Galena LFR	Galena Radar		4000	Precision Approach			
				S-dn-25	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 3000' on W crs Galena LFR within 20 miles

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Galena, Alaska	Galena 120'	Galena Radar	1, Amdt 3 21 Jun 1956	2 14 Apr 56

From	To	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt
330	080*	5	6000	10	8000	15	6000	20	8000	25	9500
080	110	5	3000	10	3000	15	3000	20	3000	25	3000
110	235	5	1000	10	1500	15	1500	20	1500	25	1500
235	260	5	1500	10	1500	15	2000	20	2000	25	2000
260	280	5	3000	10	3000	15	3000	20	3000	25	3000
280	290	5	6000	10	6000	15	6000	20	6000	25	7000
290	360	5	6000	10	6000	15	6000	20	6000	25	6000

Surveillance approach			
T-dn#	400-1	400-1	400-1
C-dn	400-1	500-1	500-1½##
S-dn 4,32	400-1	500-1	600-1½
A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise. * Intermittent Radar Coverage 360-080.
#All take-offs to NW (rny 32) will be restricted to 600-2 with left hand turn out recommended. (Air Carrier Note: Sliding Scale not authorized.) ## Landing on runway 14 restricted to 600-2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 1000' on southerly heading to Southgate Int. (Alternate missed approach procedures when requested by ATC) (1) climb to 2000' southeast heading and proceed to KOKO Head Int (2) climb to 2000' SW heading and proceed to Makai Int.
NOTE: HNL BVOR R-090 intersects C-L extensions of runway 4 and runway 32 0.9 miles out. Bearings of 096 and 093 from HNL LFR also indicate 0.9 miles out on runways 4 and 32 respectively.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Honolulu, Hawaii	International 10'	Honolulu Radar	1, Orig 31 Mar 1956	None

All directions between 5 and 20 mi.			2200	Surveillance approach	
				T-dn	300-1 300-1 200-½
				C-dn#	400-1 500-1 500-1½
				C-dn##	500-1 500-1 500-1½
				C-dn*	600-1 600-1 600-1½
				C-dn**	700-1½ 700-1½ 700-1½
				S-dn#	400-1 400-1 400-1
				S-dn##	500-1 500-1 500-1
				S-dn*	600-1 600-1 600-1
				A-dn	800-2 800-2 800-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.
#Runways 3, 12, 30
##Runways 17, 35
*Runway 21
**Aircraft on any direct crs to Houston VOR may descend to 750' MSL from 5 mi Radar fix for circling approaches provided minimums are 700-1½ or better.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2200 straight ahead then proceed to Houston LFR or VOR or proceed as directed by ATC.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Houston, Texas	International 50'	Houston Radar	1, Amdt 5 20 Apr 1956	4 22 Oct 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
280	120	within 20 mi	2500*	Surveillance approach			
				T-dn	300-1	300-1	200-½
120	280	within 20 mi	2000	C-dn#	500-1	500-1½	500-1½
				C or S-dn##	500-1½	500-1½	500-1½
				S-dn#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.
*2800' within 3 miles of 1849 tower and 2900 within 3 miles of 1855 tower.
#Runways 4, 9, 13, 18, 27, 31, 36.
##Runway 22 - minimums higher due to ground clutter.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Runways 4, 9, 13, 18, climb to 2900' on E crs IND, LFR and proceed to Greenfield Int, or as directed by ATC as follows: 1. climb to 2200' on S crs of IND LFR within 25 mi, 2. climb on SW crs ILS to 1900'; proceed to LOM.
Runways 22, 27, 31, 36, climb to 2000' on W crs of IND LFR within 15 miles of station or as directed by ATC as follows: 1. climb on SW crs ILS to 1900', proceed to LOM. 2. climb to 2100' on NW crs of IND LFR within 25 miles of station.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Indianapolis, Ind	Weir Cook Municipal 796'	Weir Cook Radar	1, Amdt 3 9 Jul 1955	2 10 May 54

All directions		within 20 miles	1500*	Surveillance approach	
				T-dn	300-1 300-1 200-½
				C-dn##	400-1 500-1 500-1½
				S-dn#	400-1 400-1 400-1
				A-dn	800-2 800-2 800-2

*Radar control must provide 3 miles separation from restricted area R-161.
#Runways 5, 9, 12, 18, 23, 27, 30. Straight-in to runway 36 NA due to restricted area.
##All runways.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 1500' straight ahead, then proceed to JAX LFR or VOR or proceed as directed by ATC.
Major Changes: Straight-in minima lowered.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Jacksonville, Fla	Imeson 52'	Imeson Radar	1, Amdt 1 2 Jul 1955	Orig 15 Mar 54

King Salmon LFR	King Salmon Radar		4500	Precision Approach	
				S-dn-11#	200-½ 200-½ 200-½
				A-dn	600-2 600-2 600-2
				Surveillance Approach	
				T-dn	300-1 300-1 200-½
				C-dn*	500-1 500-1½ 500-1½
				A-dn	800-2 800-2 800-2

*Runways 11-18-29-36.
#300-¾ required with approach lights inoperative.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb on SE crs King Salmon LFR to 4500' within 20 miles. Alternate Missed Approach: when directed by ATC, climb on SW crs King Salmon LFR to 1500' within 20 miles.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
King Salmon, Alaska	King Salmon 52'	King Salmon Radar	1, Amdt 3 2 Jul 1955	2 11 Jun 54

From	- To	within 5 mi	10 mi	25 mi			
355	070	2500	2500	3100	Surveillance approaches		
070	090	2500	2500	6500	T-dn	300-1 300-1	200-½
090	180	2500	4000	6500	C-d#	500-1 500-1	500-1½
180	205	2500	2500	6500	C-n#	500-1½ 500-1½	500-1½
205	280	2500	2500	2500	A-dn#	800-2 800-2	800-2
280	355	2500	2500	NA			

Radar terminal area transition altitudes - all bearings are from radar site with azimuths progressing clockwise.
4L, 18, 22R

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
for runways 18 and 22R proceed to LOM climbing to 2300'
For runway 4L proceed to LFR or VOR climbing to 3000' or when directed by ATC climb to 4000 on NE (063) crs LFR or Radial 347 within 25 mi.
CAUTION: Prohibited area NW and high terrain SE.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Knoxville, Tenn	McGhee-Tyson 989'	Knoxville Radar	1, Orig 8 Oct 55	None

TRANSITION												CEILING AND VISIBILITY MINIMUMS			
From				To						Course and Distance	Minimum Altitude	Condition	Two Engine or Less		More Than Two Engine, More Than 65 Knots
From	To	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt				65 Knots or Less	More Than 65 Knots	
015	040	5	1500	10	1800	15	2000	20	5000	25	7500				
040	060	5	1500	10	1500	15	2000	20	3000		3500				
060	085	5	1500	10	1500	15	1500	20	3000		3500				
085	135	5	1500	10	1500	15	1500	20	3000		3000				
135	150	5	1500	10	1500	15	2500	20	3000		4000				
150	180	5	1500	10	2000	15	2500	20	3000		4000				
180	270	5	1500	10	1500	15	1500	20	3000		4000				
270	345	5	1500	10	2500	15	3500	20	5000		5000				
345	015	5	1700	10	2000	15	3000	20	5000		7500				
												Precision approach			
												S-dn-25L	200-½	200-½	200-½
												A-dn	600-2	600-2	600-2
												Surveillance approach			
												T-dn	300-1	300-1	200-½
												C-dn	500-1	600-1	600-1½
												S-dn*	400-1	600-1	600-1½
												A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.
*Runways 25L-R, 7L-R.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2000' on W crs of Los Angeles LFR within 25 miles of LAX LFR.
Major Changes: Raise small aircraft circling ceiling to 500' because of obstructions.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Los Angeles, Calif	International 125	Los Angeles Int Radar	1, Amdt 9 14 Jul 1956	8	28 Mar 56

All directions	Radar Site	within 25 mi	1800*	Surveillance approach			
Sector S of localizer	Radar Site	15 mi	1500	T-dn	300-1	300-1	200-½
				C-dn#	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

*except 2300 when within 3 miles of 1340 and 1349' TV towers 8-10 miles NE of airport.
#All runways except 14 day and night, and 32 night, which are not authorized.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2300' proceed to Memphis VOR or LFR.
AIR CARRIER NOTE: Take-offs with less than 200-½ NA on runway 14-32.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Memphis, Tennessee	Municipal 291	Memphis Radar	1, Amdt 1 15 Dec 1956	Orig	8 Mar 54

All sectors	Radar site	within 25 mi	2500*	Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn 1-19-7	400-1	400-1	400-1
				S-dn-13	500-1	500-1	500-1
				S-dn-25-31	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

* 3 mi lateral separation required from 1685' TV tower 8.7 mi N of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Runway 1 - climb to 2700' on N crs MKE-LFR within 20 mi.
Runway 19 - climb to 2000' on localizer crs to LOM.
Runways 7-13 - right turn climb to 2000' and proceed to the LOM.
Runways 25-31 - left turn climb to 2000' and proceed to LOM.
CAUTION: TV tower 1685' MSL 8.7 mi N of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Milwaukee, Wis	General Mitchell 698'	Milwaukee Radar	1, Amdt 2 16 Jun 56	1	29 Jan 55

All Sectors	Radar Site	within 22 mi	2600	Precision Approach			
				S-dn-29L	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance Approach			
				T-dn	300-1	300-1	200-½
				C-dn#	500-1	500-1	500-1½
				C-dn-22	600-1	600-1	600-1½
				S-dn#	400-1	400-1	400-1
				S-dn-22	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

#Runways 4, 11R, 29L
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2600' and proceed to Hamel FM via NW crs MSP-LFR or via back crs ILS, or when directed by ATC as follows: 1. make left climbing turn to 2500' proceed out SW crs MSP to Jordan FM. 2. make left climbing turn to 2100 returning to MSP-LFR.
CAUTION: On approach to runway 11-R do not descend below 1700' MSL until Radar Controller has advised passing tower located 2.5 mi from approach end runway 11-R.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Minneapolis, Minn	Minneapolis-St. Paul International 840'	Minneapolis Radar	1, Amdt 5 1 Oct 1955	4	21 May 55

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less		More Than Two Engine, More Than 65 Knots
					65 Knots or Less	More Than 65 Knots	
058	090		2500	Precision Approach			
090	058		2000	S-dn-4*	200-½	200-½	200-½
				A-dn-4	600-2	600-2	600-2
				Surveillance approach			
				T-dn#	300-1	300-1	200-½
				C-dn%	600-1	600-1	600-1½
				C-dn-22	900-1	900-1	900-1½
				S-dn%	600-1	600-1	600-1
				S-dn-22	900-1	900-1	900-1
				A-dn%	800-2	800-2	800-2
				A-dn-22	900-2	900-2	900-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.

%Runways 4-11-29
*Runway 4 only - 200½ or runway visual range of 2600'; provided, that approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high intensity runway lights shall be in normal operation and (2) descent below the authorized landing minimum altitude of 218' MSL shall not be made unless (a) visual contact with the approach lights has been established or (b) the aircraft is clear of clouds.
#Runway 4 only - runway visual range of 2600' may be utilized in lieu of 200-½ when 200-½ is authorized.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 1000' on NE crs Newark LFR, then make left climbing turn to Paterson RBN at 2000' or when directed by ATC, (1) make climbing left turn to 2000 direct to Chatham RBN, or (2) make a right climbing turn to 1500' return to LOM.
Major Changes: Adds runway visual range minimums for take-offs.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Newark, N J	Newark 18'	Newark Radar	1, Amdt 7 1 Dec 56	6	18 Feb 56

All directions	Radar site	within 25 mi	1500#	Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn 1, 5	500-1	500-1	500-1½
				C-dn#	400-1	500-1	500-1½
				C-dn##	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Runways 10, 14, 23, 28
Radar Control must provide 3 mi lateral or 1000' vertical separation from 623' MSL radio tower located 10.2 mi SE of MSY LFR.
Runways 19, 32

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 1500' straight ahead, then proceed to New Orleans LFR or VOR or proceed as directed by ATC.
CAUTION: 409' radio tower 2.8 mi N of airport

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
New Orleans, La	Moisant Int 3'	New Orleans Radar	1, Orig 11 Jun 54	None	

All directions	Radar site	within 25 mi	2500	Surveillance approach			
E of NE-SW crs of LGA-LFR	radar site	15 mi	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2
				Precision approach			
				S-dn-4	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 500' on heading of 043 make a climbing right turn to 1500' on 130° intersecting SW crs Mitchel LFR and proceed to the Long Beach Int. Contact Idlewild approach control for further instructions.
CAUTION: Ceiling minimums do not provide standard clearance over 278' stack 1.7 mi SSE of Runway 4R and 165' airport control tower.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
New York, N Y	International 12'	Idlewild Radar	1, Amdt 7 23 Feb 57	6	8 Dec 56

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
				Precision approach			
				T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				*S-dn-4	400-¾	400-¾	400-¾
				A-dn	600-2	600-2	600-2

* 500-1 required with approach lights inoperative.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 1500' on NE crs of LaGuardia LFR or when directed by ATC: climb to a higher altitude or make a climbing right turn to 1500' and return to Flatbush FM.
CAUTION: Circling minimums do not provide standard clearance over obstructions.
Major Changes: Alternate missed approaches added.

City and State: New York, N Y — Airport Name & Elev.: Laguardia 20' — Fac. Class & Ident.: Laguardia Radar — Procedure No. & Eff. Date: 1, Amdt 6 16 Jun 56 — Sup. Amdt. No. Dated: 5 25 Jun 55

All directions	Radar site	within 25 mi	1500	Surveillance approach			
				T-dn	300-1	300-1	200-½
				C or S-dn all	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 1500' and proceed to Norfolk LOM.
CAUTION: Standard obstruction clearance not provided over 380' radio tower, 4 mi S of airport.

City and State: Norfolk, Va — Airport Name & Elev.: Norfolk 26' — Fac. Class & Ident.: Norfolk Radar — Procedure No. & Eff. Date: 1, Amdt 1 11 Jun 54 — Sup. Amdt. No. Dated: Orig. 1 Aug 53

From	To	5 mi	10 mi	15 mi	20 mi	25 mi			
030	055	2800	3000	5000	5000	5000	Surveillance approaches		
055	060	2800	3000	3200	3700	4000	T-dn	300-1	300-1	200-½*
060	090	1800	3000	3200	3700	4000	C-dn#	500-1	600-1	600-1½
090	120	1200	2600	3200	3700	4000	A-dn	800-2	800-2	800-2
120	125	1200	1500	3200	3700	4000				
125	145	1200	1500	1500	1700	1700				
145	165	1200	1500	1500	1700	3600				
165	210	1200	1500	3000	3600	3600				
210	240	1200	2500	3000	3600	3600				
240	275	1800	2500	3000	3600	3600				
275	330	1800	1800	3000	3600	3600				
330	030	2800	3000	3000	3600	3600				

Radar terminal area transition altitudes - all bearings are from radar with azimuths progressing clockwise.
* 300-1 required runway 33 # Runways 27L-R, 9 L-R, 33

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2000' (right turn runway 9 R-L) on NW crs Oakland LFR within 15 mi (Richmond Int) or on R310 from Oakland VOR within 15 mi.
NOTE: MEA on approved routes may be substituted for above altitudes. After identification, aircraft may be vectored and descended in accordance with surveillance approach patterns.
Major Changes: Change airport name; revise altitudes; specify direction of turn after missing approach to Runway 9 L-R; revise alternate minimums.

City and State: Oakland, Calif — Airport Name & Elev.: International 5' — Fac. Class & Ident.: Oakland Radar — Procedure No. & Eff. Date: 1, Amdt 1 14 Apr 56 — Sup. Amdt. No. Dated: Orig 1 Dec 53

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
		within		Surveillance Approach			
000-090	Radar site	20 mi	3800				
090-180	Radar site	20 mi	2700	T-dn	300-1	300-1	200-½
180-270	Radar site	20 mi	2800	C-dn	400-1	500-1	500-1½
270-360	Radar site	20 mi	2800	S-dn-17, 35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Runway 17 - climb to 2500' on 170 crs from Tulakes RBN or S crs ILS within 20 mi.
Runway 35 - climb to 3100' on crs of 350 from LOM or N crs ILS within 20 mi or when directed by ATC.
Runway 17, 35 - proceed to VOR climbing to 2500 or climb to 2700 on E crs LFR within 20 mi.
NOTE: 300-1 required for take-off on Runways 8-26.

City and State: Oklahoma City, Okla — Airport Name & Elev.: Will Rogers Field 1283' — Fac. Class & Ident.: Oklahoma City Radar — Procedure No. & Eff. Date: 1, Orig 14 Jul 56 — Sup. Amdt. No. Dated: None

		within		Surveillance approach			
North Quadrant PHL LFR		20 mi	2300	T-dn	300-1	300-1	200-½
North Quadrant PHL LFR		10 mi	1800	C-dn#	500-1	500-1	500-1½
NW Quadrant PHL LFR		20 mi	2000	C-dn-4,22	600-1	600-1	600-1½
NW Quadrant PHL LFR		10 mi	1500	S-dn#	500-1	500-1	500-1
SW & SE Quadrant PHL LFR		20 mi	1500	A-dn	800-2	800-2	800-2
# Runways 9, 17, 27, 35							

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2500' or higher altitude when requested by ATC: Proceed to Mt. Holly Int alternate missed approach procedures (when requested by ATC)
(1). climb to 1500' and proceed to LOM or
(2) climb to 1500' and proceed to Elmer Int.

City and State: Philadelphia, Pa — Airport Name & Elev.: International 10' — Fac. Class & Ident.: Philadelphia Radar — Procedure No. & Eff. Date: 1, Orig 7 May 55 — Sup. Amdt. No. Dated: None

		within		Surveillance Approach			
all directions	Radar site	10 mi	2500*	T-dn	300-1	300-1	200-½
all directions	Radar site	40 mi	3000*	C-dn	500-1	500-1	500-1½
				S-dn	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

* or MEA when lower.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Missed approach to runways 5, 10, and 14; climb to 3000' and proceed to River RBN.
Missed approach to runways 23, 28 and 32; climb to 3000' and proceed to Clinton RBN.
Major Changes: Revises missed approach altitudes.

City and State: Pittsburgh, Pa — Airport Name & Elev.: Greater Pittsburgh 1168' — Fac. Class & Ident.: Pittsburgh Radar — Procedure No. & Eff. Date: 1, Amdt 1 6 Aug 55 — Sup. Amdt. No. Dated: Orig 19 Jan 54

From	To	5	10	15	20	25				
010	018	1600	2400	3300	3500	7000	Surveillance approach			
018	035	1600	2400	4600	5400	7000	T-dn*	300-1	300-1	200-½
035	064	1600	2400	4600	5400	6000	C or Sdn-11	800-1	800-1	800-1½
064	110	1700	2100	3100	5000	6000	C or Sdn#	900-1	900-1	900-1½
110	120	2700	2700	2700	3000	6000	A-dn	900-2	900-2	900-2
120	161	2700	2700	2700	3000	4000				
161	191	2700	2700	2700	3000	3000				
191	250	2700	2700	2700	3000	4000				
250	270	2700	2500	2500	3000	4000				
270	293	1600	2500	2500	3400	4000				
293	300	1600	1600	2300	3400	4000				
300	340	1600	1600	2300	3000	4000				
340	351	1600	1600	2300	3500	4000				
351	358	1600	1600	3300	3500	4000				

City and State: Portland, Ore — Airport Name & Elev.: International 23' — Fac. Class & Ident.: Portland Radar — Procedure No. & Eff. Date: 1, Orig 25 Sep 53 — Sup. Amdt. No. Dated: None

(Panel 1)(See Panel 2)

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
					Two Engine or Less		
From	To	Course and Distance	Minimum Altitude	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
Portland, Ore International (Continued from Panel 1)							
358 010 1600 2400	3300 3500 4000						

Radar terminal area transition altitudes - all bearings are from radar with azimuths progressing clockwise.
* 300-1 for runways 2, 7, 11, 20, 25
runways 10, 20, 28

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Runways 10 & 11: execute climbing left turn, climb to 3000' proceeding direct to PDX L-F range or PDX VOR; thence hold on the E side of the N crs of the PDX L-F range or on the W side of the 331 Outbnd brng from the PDX VOR within 10 mi of the respective stations.
Runway 20: climb to 3000 on the S crs of PDX L-F range or on the 174 Outbnd bearing from PDX VOR within 25 mi of respective stations. (Climb to 2000' within 10 mi of PDX L-F range or within 17 mi of PDX VOR)
Runway 28: Execute climbing right turn, climb to 3000', proceeding direct to the PDX L-F range or PDX VOR; thence hold on the E side of the N crs of the PDX L-F range or on the W side of the 331 Outbnd brng from the PDX VOR within 10 mi of the respective station.
Aircraft smaller than DC-3 not authorized for ASR instrument approaches to Runway 20 due to loss over radar clutter during final approach.
CAUTION: 633' MSL radio tower 3½ mi W - also 630' MSL terrain 2½ mi SE.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Portland, Ore	International 23'	Portland Radar	1, Orig 25 Sep 53	None

(Panel 2)

	within		Surveillance approach			
100-190	25 mi	2200*	T-dn	300-1	300-1	200-½
190-100	25 mi	2000	C-dn	500-1	500-1	500-1½
			S-dn	500-1	500-1	500-1
			A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes- all bearings are from the radar site with sector azimuths progressing clockwise.
* 2600 within 3 mi of 1550 TV tower 20 mi S of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 2000' on W crs STL LFR to St. Peters Int, or when directed by ATC, climb to 2200' on S crs STL LFR to the Barracks Int.
Major Changes: Revises terminal area maneuvering altitudes; lowers SDN visibility minimums for more than 2 eng aircraft; revises Kirkwood Int to Barracks Int.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
St. Louis, Mo	Lambert Field 558'	St Louis Radar	1, Amdt 1 29 Jan 55	Orig 21 Jun 54

From	To	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt
360	110	5	8000*	10	11500*	15	13500*	20	13500*	25	13500*
110	120	5	6000	10	11500*	15	13500*	20	13500*	25	13500*
120	150	5	6000	10	6000	15	13500*	20	13500*	25	13500*
150	175	5	6000	10	6000	15	7500	20	12500*	25	12500*
175	180	5	6000	10	6000	15	12500*	20	12500*	25	12500*
180	250	5	6000	10	10500*	15	12500*	20	12500*	25	12500*
250	276	5	6000	10	6000	15	7000	20	8000	25	9000
276	280	5	6000	10	6000	15	8500*	20	8500	25	9000
280	300	5	5400	10	6000	15	8500*	20	8500	25	9000
300	316	5	5400	10	5400	15	8500*	20	8500	25	9000
316	335	5	5400	10	5400	15	5400	20	6500	25	6500
335	340	5	5400	10	5400	15	5400	20	13500*	25	13500*
340	360	5	5400	10	5400	15	13500*	20	13500*	25	13500*

Surveillance approach			
T-dn**	300-1	300-1	200-½
C-dn#	500-1	600-1	600-1½
S-dn#	500-1	500-1	500-1
A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.

* Continuous radar coverage not available
Runways 16 L-R, 34 L-R, 14
** 500-2 required for take-off runway 7.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
turn W, climb to 8000' on W crs Salt Lake City LFR to Stansbury Int, then to 9000' on track of 335 to promontory point. Alternate missed approach - turn W, climb to 11,000' on W crs Salt Lake City LFR or on 248 Outbnd track from Salt Lake City VOR.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No Dated
Salt Lake City, Utah	Salt Lake City 4222'	Salt Lake City Radar	1, Orig, 12 Nov 55	None

TRANSITION							CEILING AND VISIBILITY MINIMUMS			
								Two Engine or Less		
From	To	5 mi	10 mi	15 mi	20 mi	25 mi	Condition	65 Knots or Less	More Than 65 Knots	More Than Two Engine, More Than 65 Knots
							Surveillance approaches			
000	037	500	1300	1700	3000	3200	T-dn *	300-1	300-1	200-½
037	075	500	1300	1700	2000	3200	C or Sdn#	500-1	600-1	600-1½
075	088	500	1300	1700	1700	3200	A-dn	800-2	800-2	800-2
088	121	500	1300	1700	1700	1700				
121	130	500	1300	1700	1700	4000				
130	137	500	1300	1700	3500	4000				
137	162	2500	3000	3500	3500	4000				
162	170	2500	3000	3500	3500	3500				
170	301	2500	3000	3000	3000	3000				
301	324	2500	3000	3000	3000	3600				
324	328	2500	3000	3000	2000	2000				
328	338	2500	3000	1700	2000	2000				
338	351	500	1300	1700	2000	2000				
351	360	500	1300	1700	2000	3200				

Radar terminal area transition altitudes-all brngs are from radar site with sector azimuths progressing clockwise

Runways 28 L-R, 19 L-R * 300-1 required for 19 L-R

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
For Runways 28 L-R, climb to 3000' on NW crs of San Francisco LF range within 25 mi.
For runways 19 L-R, turn left and home on SFO LOM climbing to 2000'

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
San Francisco, Calif	Int'l 11'	San Francisco Radar	1, Amdt 1 29 May 54	Orig, 28 May 54

From	To	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt
006	020	5	1600	10	2500	15	3000	20	3000	25	3000
020	095	5	1600	10	2500	15	4000	20	5500	25	6500
095	112	5	1600	10	2000	15	2000	20	5500	25	6500
112	125	5	1600	10	2000	15	2000	20	2000	25	4000
125	150	5	1600	10	1700	15	2000	20	2000	25	4000
150	205	5	1600	10	1700	15	2000	20	2000	25	2000
205	250	5	1900	10	1900	15	2000	20	2000	25	2000
250	290	5	1900	10	1900	15	2000	20	3500	25	3500
290	305	5	1900	10	1900	15	2000	20	2000	25	3000
305	328	5	1600	10	1600	15	2000	20	2000	25	3000
328	006	5	1600	10	1600	15	2000	20	2000	25	2500

Surveillance Approach			
T-dn	300-1	300-1	200-½
C-dn#	500-1	500-1	500-1½
S-dn 16-34	400-1	400-1	400-1
A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes - all bearings are from the radar site with sector azimuths progressing clockwise.

#Left turn approach to runway 20 NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
Runways 2, 29, 34 climb to 2000' on NW crs Seattle LFR 297° Outbnd within 25 miles of station.
Runways 7, 11, 16, 20, 25 climb to 2000' on Seattle ILS localizer crs 158° Outbnd within 13 miles of localizer station; or, climb to 2000' on 158° Outbnd crs Seattle LOM within 8 mi of station. Alternate Missed Approach: All runways, when requested by ATC, climb to 2000' on 230° R SEA-VOR within 20 mi of station.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Seattle, Wash	Seattle-Tacoma Int. 424'	Seattle-Tacoma Radar	1, Amdt 1 17 Mar 56	Orig 31 Aug 54

Spokane LFR	Spokane Geiger Radar	#	Precision Approach			
Pine City MH-FM	Spokane Geiger Radar	#	S-dn-20	300-1	300-1	300-1
Harrington FM	Spokane Geiger Radar	#	A-dn	600-2	600-2	600-2
Rockford FM	Spokane Geiger Radar	#	Surveillance Approach			
Spokane LOM	Spokane Geiger Radar	#	T-dn	300-1	300-1	200-½
Spokane VOR	Spokane Geiger Radar	#	C-d	500-1	500-1	500-1½
			C-n	600-1	600-1	600-1½
			A-dn	800-2	800-2	800-2

as directed by Radar Controller (Military)

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
climb to 4500' to intercept and climb on N crs Spokane LFR within 25 Mi; all turns on W side.
Alternate missed approach when directed by ATC proceed to Spokane ILS-LOM climbing, continue climb to 4000' on 203 track within 25 mi of Spokane LOM, or climb to 4500' on 360 Outbnd crs from Geiger VOR within 25 mi - all turns on W side.
NOTE: Military facility hours of operation 0730 to 1930 Monday through Saturday - 40 minutes standby service all other times.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No. Dated
Spokane, Wash	Geiger Field 2372'	Geiger Radar	1, Orig 12 Mar 55	None

TRANSITION				CEILING AND VISIBILITY MINIMUMS			
From	To	Course and Distance	Minimum Altitude	Condition	Two Engine or Less: 65 Knots or Less	Two Engine or Less: More Than 65 Knots	More Than Two Engine, More Than 65 Knots
E, W, & S Quadrants DCA-LFR	Radar Site	within 25 mi	1500	Precision Approach S-dn-36	200-½	200-½	200-½
N Quadrant DCA-LFR	Radar Site	within 25 mi	1800	A-dn	600-2	600-2	600-2
All Quadrants	Radar Site	within 40 mi	2500*	Surveillance approach T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1¼
				A-dn	800-2	800-2	800-2

*Exclusive of danger and prohibited areas.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished . . . . .
make a climbing-left turn as soon as practical and climb to 1800' or a higher altitude when requested by ATC on NW crs of Washington LFR to Herndon Int.
CAUTION: Circling minimums do not provide standard clearance over monument 1.8 miles N of airport.

City and State	Airport Name & Elev.	Fac. Class & Ident.	Procedure No. & Eff. Date	Sup. Amdt. No.	Dated
Washington, D C	National 16'	Washington Radar	1, Amdt 6	7 May 1955	5 20 Jun 54

Since this revision does not involve any substantive changes, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Therefore, this revision will become effective upon publication in the FEDERAL REGISTER.

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-5296; Filed, July 11, 1957; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 135

Washington, Saturday, July 13, 1957

JUL 13 1957 MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10720

AMENDMENT OF EXECUTIVE ORDER NO. 10678,[1] PLACING CERTAIN MATTERS UNDER THE ADMINISTRATION OR JURISDICTION OF THE FEDERAL FACILITIES CORPORATION

WHEREAS pursuant to law the Secretary of the Treasury was authorized by Executive Order No. 10539 of June 22, 1954, to cause the Federal Facilities Corporation to be organized; and

WHEREAS the Secretary of the Treasury created the said corporation by charter dated June 30, 1954 (19 F. R. 4041); and

WHEREAS the said charter provided, in part, that the management of the corporation should be vested in an Administrator, who should be appointed by, and be subject to the direction and supervision of, the Secretary of the Treasury, and should receive the salary fixed by the Secretary of the Treasury; and

WHEREAS the Secretary of the Treasury has now amended the said charter to provide that the management of the corporation shall be vested in a Director, who shall be appointed by, and be subject to the direction and supervision of, the Administrator of General Services, and receive the salary fixed by the Administrator of General Services; and

WHEREAS such amendment of the said charter has my approval; and

WHEREAS section 4 of Executive Order No. 10678 of September 20, 1956, now provides that "All matters placed under the administration or jurisdiction of the Corporation by sections 1 and 3 of this order shall be subject to direction and control by the Secretary of the Treasury":

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered, effective as of the close of June 30, 1957, as follows:

SECTION 1. Section 4 of Executive Order No. 10678 of September 20, 1956 (21 F. R. 7199), is hereby amended by deleting therefrom the words "Secretary of the Treasury" and inserting in lieu thereof the words "Administrator of General Services."

SEC. 2. The certificates and other documents referred to in section 8 of the charter of the Federal Facilities Corporation shall be assigned and delivered by the Secretary of the Treasury to the Administrator of General Services.

SEC. 3. Any provisions of any prior Executive orders inconsistent with the foregoing provisions of this order are hereby amended accordingly.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 11, 1957.

[F. R. Doc. 57-5762; Filed, July 12, 1957; 8:54 a. m.]

[1] 21 F. R. 7199; 3 CFR, 1956 Supp., p. 85.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1957 crop of corn. The 1957 C. C. C. Grain Price Support Bulletin 1 (22 F. R. 2321), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for grains and other commodities produced in 1957, is supplemented as follows:

Sec.
421.2336 Purpose.
421.2337 Availability of price support.
421.2338 Eligible corn.
421.2339 Warehouse receipts.
421.2340 Determination of quantity.
421.2341 Determination of quality.
421.2342 Maturity of loans.
421.2343 Determination of support rates.

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Sec.
421.2344 Warehouse charges.
421.2345 Inspection of corn under purchase agreements.
421.2346 Settlement.

AUTHORITY: §§ 421.2336 to 421.2346 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 308, 70 Stat. 206, 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.2336 *Purpose.* Sections 421.2336 to 421.2346 state additional specific requirements which, together with the general regulations contained in the 1957 C. C. C. Grain Price Support Bulletin 1 (§§ 421.2201 to 421.2221), apply to loans and purchase agreements under the 1957-Crop Corn Price Support Program.

§ 421.2337 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever corn is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that corn cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through May 31, 1958: *Provided*, That in areas where it is determined by the State committee that producers may not be, or are not, in a position to store corn safely for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date of availability for loans and purchase agreements shall be such earlier date as may be determined by the State committee. The State committee shall notify producers in the area through public announcement sufficiently in advance of such date in order to allow producers a reasonable period of time in which to place their corn under loans or purchase agreements. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than the final date of availability for loans and purchase agreements in the area. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be a producer who qualifies as an eligible producer under the 1957 C. C. C. Corn Bulletin A, 22 F. R. 3911, June 5, 1957 and any amendments thereto. Two or more eligible producers may obtain a joint loan on eligible corn harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.2338 *Eligible corn.* The corn, when placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) The corn must be of the classes Yellow Corn (Class I), White Corn (Class II), or Mixed Corn (Class III) and must have been produced in the continental United States in 1957 by an eligible producer.

(b) The corn must not contain mercurial compounds of other substances poisonous to man or animals.

(c) The corn must be ear or shelled corn: *Provided*, That the corn must be shelled before placed under a warehouse-storage loan or before delivery is made in liquidation of a loan or under a purchase agreement. If the corn is not shelled prior to delivery, the cost of shelling on or after delivery shall be for the account of the producer.

(d) (1) The beneficial interest in the corn must be in the eligible producer tendering the corn for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the corn was harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the corn was produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(e) Corn placed under loan must, except for moisture content, grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must meet the following additional requirements:

(1) For ear corn placed under a farm-storage loan, the moisture content must not exceed 20.5 percent if the corn is tested for loan from time of harvest through February 1958; 19.0 percent if tested for loan during March 1958; 17.5 percent if tested for loan during April 1958, and 15.5 percent if tested for loan during May 1958.

(2) For corn placed under a warehouse-storage loan, and for shelled corn placed under a farm-storage loan, the moisture content must not exceed 13.5 percent irrespective of when the corn is tested for loan.

(3) Corn placed under loan must not grade "weevily."

(f) Corn delivered to CCC under a purchase agreement must meet the following additional requirements:

(1) Corn delivered to CCC from other than approved warehouse-storage must grade No. 5 or better, except that such corn may bear the special grade "weevily" in addition to the numerical grade.

(2) Corn placed in approved warehouse storage prior to the time that the producer notifies the county committee of his intention to sell the corn to CCC must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better, must not contain in excess of 13.5 percent moisture and must not grade "weevily."

§ 421.2339 *Warehouse receipts.* Warehouse receipts, representing corn in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts which are issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement or must be receipts which are issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s), when such factor(s), and not test weight or moisture, determine the grade. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by a licensed grain inspector.

(c) In the case of warehouse receipts issued for corn delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the corn covered thereby in lieu of the information required by paragraph (b) of this section.

(d) A separate warehouse receipt must be submitted for each grade and class of corn.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.2344.

(f) Each warehouse receipt must indicate that the corn is insured.

§ 421.2340 *Determination of quantity.* (a) The quantity of corn placed under farm-storage loan may be determined either by weight or by measurement. The quantity of corn placed under a warehouse-storage loan or delivered under a farm-storage loan, a warehouse-storage loan, or under a purchase agreement shall be determined by weight.

(b) When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule:

Moisture content (percent):	*Adjustment factor (percent)*
15.6 to 16.5, both inclusive	98
16.6 to 17.5, both inclusive	96
17.6 to 18.5, both inclusive	94
18.6 to 19.5, both inclusive	92
19.6 to 20.5, both inclusive	90
Above 20.5—No loan.	

(c) A bushel of shelled corn, when determined by measurement, shall be 1.25 cubic feet of shelled corn testing not more than 13.5 percent in moisture content.

(d) When the quantity is determined by weight, a bushel of shelled corn shall be 56 pounds. In determining the quantity of sacked corn by weight, a deduction of ¾ of a pound for each sack will be made.

(e) Since dockage is not a grade factor in the case of corn, the quantity of corn will be determined without reference to dockage.

§ 421.2341 *Determination of quality.* The class, grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth

in the Official Grain Standards of the United States for Corn, whether or not such determinations are made on the basis of an official inspection.

§ 421.2342 *Maturity of loans.* (a) Loans mature on demand but not later than July 31, 1958.

(b) Corn may be delivered in satisfaction of farm-storage loans after maturity in accordance with § 421.2218 (a) (1). Corn may be delivered under purchase agreement after maturity in accordance with § 421.2218 (c) (1).

(c) In areas where it is determined by the State committee that some producers may not be in a position to store corn safely for the full storage period (for reasons set forth in § 421.2337 (d), the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is held in farm storage under loans and purchase agreements. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1958. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county committee at least 10 days prior to the date that he desires to deliver the corn.

(d) If the State committee determines that producers in any area are not in a position to safely store corn for the full storage period (For reasons set forth in § 421.2337 (d)), all farm-storage loans in such area shall be called promptly by the State committee, and producers who elect to make deliveries from farm storage under purchase agreements shall be required to do so during the delivery period for loans. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1958.

(e) Corn under Farm-storage loan may be delivered before maturity, upon prior approval of the county committee, for any of the reasons stated in § 421.2218 (a) (1), or if the corn is threatened with damage by flood or other conditions which are beyond the control of the producer.

§ 421.2343 *Determination of support rates.* Basic county support rates, and the schedule of premiums and discounts, for corn will be set forth in 1957 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. Both warehouse-storage and farm-storage loans and purchases under purchase agreements will be made on the basis of the rate established for the county in which the corn is produced.

§ 421.2344 *Warehouse charges.* (a) Warehouse receipts and the corn represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the corn is deposited in the warehouse for storage.

(b) Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing corn stored in warehouses operating under the Uniform Grain Storage Agreement is on or before July 31, 1958, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the maturity date, July 31, 1958.

Date of deposit (all dates inclusive):	*Amount of deduction (cents per bushel)*
Prior to Aug. 3, 1957	17
Aug. 3, 1957–Aug. 24, 1957	16
Aug. 25, 1957–Sept. 15, 1957	15
Sept. 16, 1957–Oct. 7, 1957	14
Oct. 8, 1957–Oct. 29, 1957	13
Oct. 30, 1957–Nov. 20, 1967	12
Nov. 21, 1957–Dec. 12, 1957	11
Dec. 13, 1957–Jan. 3, 1958	10
Jan. 4, 1958–Jan. 25, 1958	9
Jan. 26, 1958–Feb. 16, 1958	8
Feb. 17, 1958–Mar. 10, 1958	7
Mar. 11, 1958–Apr. 1, 1958	6
Apr. 2, 1958–Apr. 23, 1958	5
Apr. 24, 1958–May 15, 1958	4
May 16, 1958–June 6, 1958	3
June 7, 1958–June 28, 1958	2
June 29, 1958–July 31, 1958	1

(c) Warehouse receipts and the corn represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rate for storage (not including elevation) which will accumulate from the date of deposit through July 31, 1958, unless evidence has been submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.2345 *Inspection of corn under purchase agreement.*—(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his corn stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the corn within the 30-day period or as soon as possible thereafter but prior to delivery of the corn. The primary importance of this inspection is to discuss with the producer the condition of his corn and the method for making settlement for corn delivered. This predelivery inspection shall not be used for settlement. If the corn, on the basis of predelivery inspection, is determined to be eligible for delivery to CCC in accordance with § 421.2338 the county office will issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions, unless the county office determines that more time is needed for delivery. A predelivery inspection shall not be made on corn stored commingled in warehouses not approved for storage or on corn in an unapproved warehouse which is stored so that the identity of the producer's corn is maintained but a predelivery inspection is not possible.

(b) *Inspection of corn stored by producer after maturity date.* The producer may be required to retain corn under purchase agreement which is stored in other than approved warehouse storage for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the corn covered by a purchase agreement occuring prior to delivery to CCC, except for quality deterioration under the following circumstances: If a producer has properly requested delivery instructions for corn which was determined to be of an eligible grade and quality at the time of the pre-delivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the corn is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the corn is going out of condition or is in danger of going out of condition and that the corn cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity acutally delivered.

§ 421.2346 *Settlement*—(a) *Settlement value*—(1) *Farm-storage loans.* In the case of corn delivered to CCC under farm-storage loans grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, settlement shall be made at the applicable support rate for the county in which the corn was produced. The support rate shall be for the grade and quality of the total quantity of corn eligible for delivery subject to premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1957 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. If upon delivery the corn under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the corn placed under loan, less the difference, if any, at the time of delivery, between the market price of the grade and quality (except for the factor of moisture) placed under loan and the market price of the corn delivered, as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible corn under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate for the county in which the corn was produced.

(3) *Purchase agreements*—(i) *Delivery from farm-storage.* Settlement for corn delivered to CCC from farm storage and purchased by CCC under a purchase agreement shall be made on the basis of weight, grade, and other quality factors determined by a reinspection at the time of delivery. Settlement for eligible corn grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better, and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be made on the basis of the applicable basic county support rate for the county where produced and the "Schedule of Premiums and Discounts" contained in the 1957 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. Settlement for eligible corn grading No. 4 on the basis of factors other than test weight, for eligible corn grading No. 5, and for eligible corn of such grades bearing the special grade "Weevily" in addition to the numerical grade, shall be computed at the support rate established for the county where produced for corn grading No. 3, except for moisture, less the difference, if any, at the time of delivery, between the market price for No. 3 corn and the market price of the corn delivered, as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(ii) *Delivery from approved warehouse storage.* In the case of eligible corn stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of corn the producer elects to sell to CCC. Settlement for eligible corn delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate for the county in which the corn was produced.

(iii) *Delivery from unapproved warehouse-storage.* Settlement for corn delivered to CCC which is stored in an unapproved warehouse, regardless of whether a predelivery inspection is performed, shall be the same as for corn delivered under a purchase agreement from farm-storage as provided in paragraph (a) (3) (i) of this section.

(iv) *Corn ineligible for delivery inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of corn ineligible for delivery which is inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (*a*) Corn of an ineligible grade or quality which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*b*) corn in other than approved warehouse-storage which, at the time of delivery, does not meet the eligibility requirements of § 421.2338. The settlement value shall be the market price for the grade, quality, and quantity of such ineligible corn delivered as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than the sales price: *Provided further,* That if upon delivery, the corn contains mercurial compounds or other substances poisonous to man or animals, the corn shall be sold for seed (in accordance with applicable State seed laws and requirements), fuel or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery. If corn delivered is of an eligible grade and quality but in excess of the maximum quantity stated in the purchase agreement and such corn is inadvertently accepted by CCC, the settlement value shall be the sales price if the corn is immediately sold. If the corn is not immediately sold, the settlement value shall be the applicable support rate if such rate has been established or the market price as determined by CCC, whichever is lower.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored corn under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date or such earlier maturity date as may be established by the State Committee in accordance with § 421.2342 (d) except where it is necessary to call the loan by reason of the fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.2344.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on corn under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the corn to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of corn stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain corn under loan or purchase agreement which is stored in other than an approved warehouse for a period of 60 days after the maturity date without any cost to CCC. The producer shall be paid a storage payment upon delivery of the corn to CCC if CCC is unable to take delivery of such corn within the 60-day period after maturity and in the case of corn under purchase agreement if the producer has properly given notice of his intention to sell the corn to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00045 per bushel per day for the corn accepted for delivery or sale to CCC.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on corn delivered to CCC on track at a country point.

(f) *Compensation for hauling.* If the producer is directed by the county office to deliver his corn to a point other than his customary shipping point, he shall be allowed compensation (as determined by CCC at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the corn any distance greater than the distance from the point where the corn is stored by the producer to the customary shipping point.

(g) *Method of payment under purchase agreement settlements.* When delivery of corn under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct, on

Commodity Purchase Form 4, to whom payment of the proceeds shall be made.

Issued this 10th day of July 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-5697; Filed, July 12, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 7]

PART 722—COTTON

SUBPART—ACREAGE ALLOTMENTS FOR 1957 CROP OF UPLAND COTTON

EXTENSION OF TIME FOR DISPOSING OF EXCESS ACREAGE BECAUSE OF ABNORMAL WEATHER CONDITIONS

Basis and purpose. The purpose of this amendment is to provide additional time for disposition of excess cotton acreage in cases where producers are unable because of abnormal weather conditions to dispose of excess cotton acreage within the period previously authorized. It is essential that this amendment be made effective as soon as possible in order that such additional time required to dispose of excess cotton acreage may be authorized. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendment set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.826 of the regulations pertaining to Acreage Allotments for the 1957 Crop of Upland Cotton (21 F. R. 7817, 8077, 9630; 22 F. R. 533, 2145, 3103, 3649) is amended by addition of a new paragraph (g) which reads as follows:

(g) *Extension of time for disposing of excess acreage because of abnormal weather conditions.* Notwithstanding the provisions of paragraphs (c), (d), and (e) of this section, if the county committee determines that producers on a farm were unable because of abnormal weather conditions to dispose of the excess acreage by the date applicable under such provisions, the county committee, with the approval of the State committee, may extend such date in order to provide the producers a reasonable opportunity to dispose of the excess acreage and shall notify the farm operator in writing of the final date so established for disposing of the excess acreage.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 374, 52 Stat. 65, as amended, 7 U. S. C. 1374)

Done at Washington, D. C., this 11th day of July 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-5723; Filed, July 11, 1957; 2:14 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Fresh Pea Order 1—1957]

PART 910—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

Section 2 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 602), authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish. Section 2 of the act, however, authorizes the Secretary of Agriculture to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for fresh peas in interstate commerce as will effectuate orderly marketing of such fresh peas as will be in the public interest.

§ 910.326 *Fresh Pea Order 1—1957*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of peas and cauliflower grown in certain designated counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601, et seq.), and upon the basis of the recommendation and information submitted by the Fresh Pea Marketing Committee, established pursuant to said marketing agreement, as amended, and order, as amended, and upon other available information, it is hereby found that (i) the average price for such peas to producers thereof during the period July 15, 1956, through September 14, 1957, is likely to be in excess of the parity price to producers of such peas, and (ii) the limitation of shipments, pursuant to § 910.52 (b) of said marketing agreement, as amended, and order, as amended, as hereinafter provided, will establish and maintain minimum standards of quality and maturity for such peas as will effectuate such orderly marketing of Colorado fresh peas as will be in the public interest and will, thereby, tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipment of fresh peas, in the manner set forth in this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for any such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period July 15, 1957, through September 14, 1957, no handler shall handle any fresh peas grown in Alamosa, Rio Grande, Conejos, Costilla, Mineral, and Saguache Counties in the State of Colorado that do not at least meet the requirements of the U. S. No. 1 grade and are of a minimum pod length of three (3) inches.

(2) The terms used in this section shall have the same meaning as when used in said marketing agreement, as amended, and order, as amended, and "U. S. No. 1" used in this section shall have the same meaning assigned to that term in the United States Standards for Fresh Peas (§§ 51.1375 to 51.1387 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5681; Filed, July 12, 1957; 8:48 a. m.]

[Cauliflower Order 1—1957]

PART 910—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

LIMITATION OF SHIPMENTS

Section 2 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 602), authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish. Section 2 of the act, however, authorizes the Secretary of Agriculture to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for cauliflower in interstate commerce as will effectuate orderly marketing of such cauliflower as will be in the public interest.

§ 910.327 *Cauliflower Order 1—1957*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of peas and cauliflower grown in certain designated counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Cauliflower Marketing Committee, established pursuant to said marketing agreement, as amended, and order, as amended, and upon other available information, it is hereby found that (i) the average price for such cauliflower to producers thereof during the period July 15, 1957, through October 12, 1957, is likely to be in excess of the parity price to producers of such cauliflower, and (ii) the limitation of shipments, pursuant to § 910.52 (b) of said marketing agreement, as amended, and order, as amended, as hereinafter provided, will establish and maintain minimum standards of quality and maturity for such cauliflower as will effectuate such orderly marketing of Colorado cauliflower as will be in the public interest and will thereby tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipment of cauliflower, in the manner set forth in this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for any such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period July 15, 1957, through October 12, 1957, no handler shall handle any cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, Mineral, and Saguache Counties in the State of Colorado that does not at least meet the requirements of the U. S. No. 1 grade, four (4) inches diameter.

(2) The terms used in this section shall have the same meaning as when used in said marketing agreement, as amended, and order, as amended, and "U. S. No. 1" and "diameter" used in this section shall have the same meanings assigned to these terms in the United States Standards for Cauliflower (§§ 51.540 to 51.549 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5682; Filed, July 12, 1957; 8:46 a. m.]

[Valencia Orange Reg. 110]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.410 *Valencia Orange Regulation 110*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 11, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 14, 1957, and ending at 12:01 a. m., P. s. t., July 21, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 785,400 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 12, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5764; Filed, July 12, 1957; 11:10 a. m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.567 *Plum Order 14*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 15, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of

shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship from any shipping point during any day any package or container of Sugar plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenths ($1^{10}/_{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenths ($1^{10}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of the following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 6 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 8½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and eight-sixteenths ($1^{8}/_{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and eight-sixteenths ($1^{8}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller-sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) As used herein, "U. S. No. 1," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5744; Filed, July 12, 1957; 9:34 a. m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.568 *Plum Order 15*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 15, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship any package or container of President plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths ($1^{13}/_{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths ($1^{13}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) As used herein, "U. S. No. 1," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5745; Filed, July 12, 1957; 9:34 a. m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.569 *Plum Order 16*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 15, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship any package or container of Diamond plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenths ($1^{10}/_{16}$) inches in diameter: *Provided,* That individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenths ($1^{10}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) As used herein, "U. S. No. 1," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States standards for plums and prunes (Fresh) (§§ 51.1520 to 1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5746; Filed, July 12, 1957; 9:34 a. m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.570 *Plum Order 17*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 15, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 12, 1957; this section should be applicable, to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship any package or container of Late Tragedy plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade: *Provided,* That, gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 6 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack an 8½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and eight-sixteenths (1⅛16) inches in diameter: *Provided,* That individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and eight-sixteenths (1⅛16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) As used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5747; Filed, July 12, 1957; 9:35 a. m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.571 *Plum Order 18*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 15, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are now being made; this section should, insofar as practicable, be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1957, and ending at 12:01 a. m., P. s. t., November 1; 1957, no shipper shall ship from any shipping point during any day any package or container of Mariposa plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13⁄16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13⁄16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller-sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) As used herein, "U. S. No. 1," "fairly uniform in size," "serious damaged," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5748; Filed, July 12, 1957; 9:35 a. m.]

[Lemon Reg. 695]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.802 *Lemon Regulation 695*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of per-

sons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 10, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 14, 1957, and ending at 12:01 a. m., P. s. t., July 21, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5743; Filed, July 12, 1957; 9:34 a. m.]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA, AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

§ 959.315 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) Except as otherwise provided in this section, during the period from July 15, 1957, through June 30, 1958, no handler shall ship (i) any potatoes of the round varieties (including, but not limited to Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties), unless such potatoes meet the requirements of the U. S. No. 2, or better, grade, 1⅞ inches minimum diameter, or (ii) any potatoes of the long varieties (including, but not limited to White Rose, Russet Burbank, and Early Gem varieties), unless such potatoes meet the requirements of the U. S. No. 2, or better, grade and are of a weight not less than 5 ounces: *Provided*, That potatoes of U. S. No. 1, or better, grade, may be shipped if they are 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes, are defined in the United States Standards for Potatoes (§§ 51.1540–1559 of this title), including the tolerances set forth therein.

(2) Except as otherwise provided in this section, during the period from July 15, 1957, through June 30, 1958, no handler shall ship potatoes of any variety if such potatoes are more than "moderately skinned," as such term is defined in the said United States Standards: *Provided*, That during such period any handler may ship not to exceed a total of 100 hundredweight of each variety of such potatoes every seven days without regard to the aforesaid skinning requirements if prior to such handling the handler reports to the Oregon-California Potato Committee the name and address of the producer of such potatoes, and each such shipment is handled as an identifiable entity.

(3) Pursuant to § 959.53, each handler may ship not in excess of a total of five hundredweight per week without regard to the limitations set forth in subparagraphs (1) and (2) of this paragraph or the assessment and inspection requirements of this part.

(4) Except as otherwise provided in this section, the limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for any of the following purposes: (i) Grading or storing within the district where grown; (ii) certified seed potatoes; (iii) export; (iv) canning or freezing; (v) dehydration or manufacture or conversion into starch, flour, or alcohol; (vi) charity; (vii) potato chipping; (viii) livestock feed within the district where grown, except that potatoes grown in District No. 2 or District No. 4 may be shipped for livestock feed within, or to, such districts for such purpose.

(5) During the period July 15, 1957, through June 30, 1958:

(i) No handler shall ship (*a*) potatoes for export which do not meet the requirements of the U. S. No. 1, or better, grade, 1½ inches minimum diameter, or (*b*) potatoes for dehydration or manufacture or conversion into starch, flour, or alcohol unless such potatoes are of a size not smaller than 1½ inches in diameter and at least 85 percent of the potatoes grade not less than U. S. No. 1.

(ii) Potatoes which fail to meet applicable grade and size requirements of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped for use for potato chipping;

(iii) Potatoes which by clipping second growth could be made to meet the aforesaid applicable grade and size requirements may be shipped for use for potato chipping without such clipping;

(iv) Potatoes which meet the aforesaid applicable grade and size requirements for potatoes for chipping may be commingled in the handling thereof for use for potato chipping; and

(v) Potatoes which have been conditioned for use for potato chipping and from which both ends are clipped or from which more than one-fourth of the potato has been cut away if in such cases the remaining portion weighs 6 ounces or more, may be shipped for use for potato chipping if such potatoes otherwise meet the applicable grade requirements.

(6) Each handler making shipments of potatoes authorized pursuant to subparagraph (4) of this paragraph shall, with respect to such shipments other than those for grading or storing and for livestock feed: (i) File an application for a Certificate of Privilege pursuant to §§ 959.130 and 959.131; (ii) pay the required assessments pursuant to § 959.42; (iii) have such shipments (except shipments of certified seed potatoes) inspected pursuant to § 959.60; and (iv) for each such shipment (except shipments of certified seed potatoes) furnish a record of shipment applicable thereto to the committee: *Provided*, That each application to ship potatoes for export, for canning or freezing, for dehydration or manufacture or conversion into starch, flour, or alcohol, for charity, or for potato chipping, shall be accompanied by a copy of the applicable bill of lading and the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application: *Provided further*, That each handler agrees, in his application to make shipments for canning or freezing, or for dehydration or manufacture or conversion into starch, flour, or alcohol, or for potato chipping, to bill each such shipment directly to the applicable processor and, if a particular shipment is not so billed, to furnish copies of the bill of lading and related diversion orders covering such shipment.

(7) Pursuant to § 959.60 (b), the inspection requirements of § 959.60 applicable to the handling of regraded, resorted, or repacked potatoes are suspended during the effective time of this section with respect to any such potatoes which prior to the regrading, resorting, or repacking thereof, were inspected pursuant to § 959.60 (a) and the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(8) For the purpose of operations under this part, each required inspection certificate is hereby determined, pursuant to § 959.60 (c), to be valid for a period not to exceed 14 days following completion of inspection as shown on the certificate.

(9) Except as otherwise provided, the various grades and sizes referred to in this section shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 1559 of this title), including the tolerances set forth therein; and all other terms used in this section shall have the same meaning as when used in said marketing agreement, as amended, and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-5683; Filed, July 12, 1957; 8:46 a. m.]

[992.312 Amdt. 1]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of potatoes.

Order, as amended. The provisions of § 992.312 (b) (1) (FEDERAL REGISTER, July 4, 1957; 22 F. R. 4712) are hereby amended, effective July 15, 1957, to read as follows:

(b) *Order.* (1) Except as otherwise provided in this section, during the period from July 15, 1957, through May 31, 1958, no handler shall ship potatoes of any variety unless such potatoes are "fairly clean" and (i) if they are of the round varieties (including, but not limited to, Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 1⅞ inches minimum diameter, and (ii) if they are of the long varieties (including, but not limited to, White Rose, Russet Burbank, and Early Gem varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of a weight not less than 5 ounces: *Provided*, That potatoes of the U. S. Commercial, or better, grade, may be shipped if they are of 2 inches minimum diameter or 4 ounces minimum weight,

as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 10, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-5684; Filed, July 12, 1957; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

STRAITS OF FLORIDA AND FLORIDA BAY, FLORIDA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.95 governing the use and navigation of waters of the Straits of Florida and Florida Bay, Florida, comprising Naval Operational training, aerial gunnery, and bombing and strafing areas, is hereby amended to delete the presently established areas, to establish new areas, and to change the enforcing agency, as follows:

§ 204.95 *Straits of Florida and Florida Bay in vicinity of Key West, Fla.; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, Fla.*—(a) *The danger zones*—(1) *Operational training area.* Waters of the Straits of Florida and Gulf of Mexico southwest, west and northwest of Key West bounded as follows: Beginning at latitude 25°45'-00", longitude 82°07'00"; thence southeast to latitude 24°49'00", longitude 81°55'00"; thence southwest to latitude 24°37'30", longitude 82°00'30"; thence westerly to latitude 24°37'30", longitude 82°06'00"; thence southerly to latitude 24°28'30", longitude 82°06'00"; thence southerly to latitude 24°25'00", longitude 82°06'30"; thence easterly to latitude 24°25'00", longitude 81°57'00"; thence southwesterly to latitude 23°30'00", longitude 82°19'00"; thence westerly to latitude 23°30'00", longitude 82°46'00"; thence northwesterly to latitude 23°52'-30", longitude 83°11'00"; thence northerly to latitude 24°25'00", longitude 83°11'00"; thence easterly to latitude 24°25'00", longitude 83°08'00"; thence clockwise along the arc of a circle with a radius of 92 miles centered at latitude 24°35'00", longitude 81°41'15" to latitude 25°45'05", longitude 82°23'30"; thence east to point of beginning.

(2) *Aerial gunnery range.* [Revoked.]

(3) *Bombing and strafing target areas.* • • •

(iii) [Revoked.]

(iv) A circular area immediately west of Marquesas Keys with a radius of two nautical miles having its center at latitude 24°33.4' and longitude 82°10.9', not to include land area and area within Marquesas Keys. The target located within this area, a grounded LSIL will be used for bombing and aircraft rocket exercises.

(b) *The regulations.* • • •

(5) The regulations in this section shall be enforced by the Commandant, Sixth Naval District, Charleston, S. C., and such agencies as he may designate.

[Regs., May 23, 1957, 800.2121 (Florida, Straits of)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 57-5646; Filed, July 12, 1957; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

NAKNEK-KVICHAK DISTRICT; ADDITIONAL FISHING TIME

Basis and purpose: The red salmon run in the Naknek-Kvichak district of Bristol Bay, where 18 hours of additional fishing time was permitted July 10 and 11, continues in volume and still further fishing time can be allowed.

Therefore, § 104.5 as amended July 10 is further amended in text for the Naknek-Kvichak district by deleting "July 10" and "July 11" and substituting in lieu thereof "July 12" and "July 13" respectively.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 100 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

SETON H. THOMPSON,
Acting Director, Bureau of Commercial Fisheries.

[F. R. Doc. 57-5783; Filed, July 12, 1957; 11:23 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Revised Civil Aeronautics Manual 20; Supp. 8]

PART 20—PILOT CERTIFICATES

The following Civil Aeronautics Manual material is issued to implement revised Part 20 of the Civil Air Regulations adopted and made effective by the Civil Aeronautics Board, August 23, 1956 (14 CFR Part 20).

This manual contains the policies and interpretations of the Administrator regarding procedures and examinations for the issuance of student, private, and commercial pilot and flight instructor certificates; and aircraft and instrument ratings.

Significant changes in this revised manual are contained in sections dealing with (1) prerequisites for examinations and tests, (2) logging of flight time, (3) military flight experience and status acceptable as evidence of military competency, (4) recognition of foreign pilot certificates, examinations and tests, (5) acceptability of other aircraft ratings, and (6) instructions and procedures for issuance of Flight Instructor Certificates and Ratings. The airman identification card requirements have been omitted because the revised regulations no longer require such identification.

This revised Civil Aeronautics Manual is adopted to become effective August 1, 1957. However, in accordance with the provisions of revised Part 20 of the Civil Air Regulations, the Administrator, prior to September 1, 1957, may issue certificates and ratings on request, in accordance with the provisions of Part 20 of the Civil Air Regulations and Civil Aeronautics Manual 20 that were effective immediately prior to the effective date of this revision. After September 1, 1957, all certificates and ratings may be issued only pursuant to revised Part 20 of the Civil Air Regulations and this revised Civil Aeronautics Manual.

The following policies and interpretations are hereby adopted:

Sec.
20.10–1 Flight tests in aircraft with special flight characteristics (CAA policies which apply to § 20.10 (b)).
20.10–2 Waivers for pilot applicants who fail to meet physical standards (CAA policies which apply to § 20.10 (c)).
20.10–3 Application for a pilot certificate of a lesser grade (CAA policies which apply to § 20.10).
20.10–4 Application to change a name on a pilot certificate (CAA policies which apply to § 20.10).
20.10–5 Application to replace a lost or destroyed pilot or medical certificate (CAA policies which apply to § 20.10).
20.11–1 Voluntary surrender of certificate or rating (CAA policies which apply to § 20.11 (b)).
20.11–2 Validity of Flight Instructor Certificates (CAA interpretations which apply to § 20.11).
20.11–3 Issuance of temporary pilot certificates (CAA policies which apply to § 20.11 (c)).
20.13–1 Instructor recommendations for reexamination within 30 days after failure (CAA policies which apply to § 20.13).
20.15–1 Certificated aircraft (CAA policies which apply to § 20.15).
20.15–2 Fully functioning dual controls (CAA policies which apply to § 20.15).
20.16–1 Flight time which must be logged (CAA interpretation which applies to § 20.16).
20.20–1 Consent of parent or guardian (CAA policies which apply to § 20.20).
20.20–2 Minors in the Armed Forces (CAA policies which apply to § 20.20).
20.20–3 Other minors (CAA interpretations which apply to § 20.20).
20.21–1 English language limitations (CAA policies which apply to § 20.21).
20.22–1 Evidence of physical qualifications (CAA policies which apply to § 20.22).
20.31–1 English language limitations (CAA policies which apply to § 20.31).
20.32–1 Evidence of physical qualifications (CAA policies which apply to § 20.32).
20.33–1 Aeronautical knowledge (CAA policies which apply to § 20.33).
20.34–1 Recommendation of Flight Instructor (CAA policies which apply to § 20.34 (d)).
20.35–1 Private pilot practical examination—airplanes (CAA policies which apply § 20.35).
20.41–1 English language limitations (CAA policies which apply to § 20.41).
20.42–1 Evidence of physical qualifications (CAA policies which apply to § 20.42).
20.43–1 Aeronautical knowledge (CAA policies which apply to § 20.43).
20.44–1 Recommendation of Flight Instructor (CAA policies which apply to § 20.44 (c)).
20.44–2 Instrument experience endorsement (CAA policies which apply to § 20.44 (d)).
20.44–3 Night experience endorsement (CAA policies which apply to § 20.44).
20.45–1 Commercial pilot flight test—airplanes (CAA policies which apply to § 20.45).
20.50–1 Minor applicants (CAA policies which apply to § 20.50).
20.51–1 English language limitations (CAA policies which apply to § 20.51).
20.52–1 Evidence of physical qualification (CAA policies which apply to § 20.52).
20.61–1 English language limitations (CAA policies which apply to § 20.61).
20.62–1 Evidence of physical qualification (CAA policies which apply to § 20.62).
20.63–1 Aeronautical knowledge (CAA policies which apply to § 20.63).
20.64–1 Recommendation of flight instructor (CAA policies which apply to § 20.64).
20.65–1 Private pilot flight test—rotorcraft (CAA policies which apply to § 20.65).
20.71–1 English language limitations (CAA policies which apply to § 20.71).
20.72–1 Evidence of physical qualification (CAA policies which apply to § 20.72).
20.73–1 Commercial pilot written examination (CAA policies which apply to § 20.73).
20.74–1 Recommendation of flight instructor (CAA policies which apply to § 20.74).
20.74–2 Flight time endorsement (CAA policies which apply to § 20.74).
20.75–1 Commercial pilot flight test—rotorcraft (CAA policies which apply to § 20.75).
20.80–1 Applicants under 16 years of age (CAA policies which apply to § 20.80).
20.80–2 Minor applicants (CAA policies which apply to § 20.80).
20.81–1 English language limitations (CAA policies which apply to § 20.81).
20.82–1 Evidence of physical qualification (CAA policies which apply to § 20.82).
20.90–1 Applicants under 17 years of age (CAA policies which apply to § 20.90).
20.91–1 English language limitation (CAA policies which apply to § 20.91).
20.92–2 Evidence of physical qualification (CAA policies which apply to § 20.92).
20.93–1 Written examination (CAA policies which apply to § 20.93).
20.94–1 Stall instruction for private glider pilot certificates (CAA policies which apply to § 20.94 (b)).
20.95–1 Private pilot flight test—gliders (CAA policies which apply to § 20.95).
20.101–1 English language limitations (CAA policies which apply to § 20.101).
20.102–1 Evidence of physical qualification (CAA policies which apply to § 20.102).
20.103–1 Commercial glider written examination (CAA policies which apply to § 20.103).
20.105–1 Commercial pilot flight test—gliders (CAA policies which apply to § 20.105).
20.110–1 Acceptance of examinations and tests given by certificated flying schools (CAA policies which apply to § 20.110 (b)).
20.111–1 Acceptable evidence of military status and experience (CAA policies which apply to § 20.111).
20.111–2 Flight test for aircraft rating (CAA interpretations which apply to § 20.111 (b)).
20.111–3 Acceptable military instrument cards (CAA policies which apply to § 20.111 (b)).
20.112–1 Recognition of foreign examinations and tests (CAA policies which apply to § 20.112 (a)).
20.112–2 Special Purpose Pilot Certificates (CAA policies which apply to § 20.112 (b)).
20.120–1 Helicopter category ratings (CAA interpretations which apply to § 20.120 (a) (2)).
20.121–1 Flight tests for additional ratings (CAA policies which apply to § 20.121).
20.126–1 Instrument written examination (CAA policies which apply to § 20.126).
20.127–1 Instrument flight instruction (CAA interpretations which apply to § 20.127 (b)).
20.127–2 Recommendation of Flight Instructor (CAA policies which apply to § 20.127).
20.128–1 Instrument rating flight test (CAA policies which apply to § 20.128).
20.130–1 Limited flight instructor certificates (CAA policies which apply to § 20.130).
20.130–2 Recommendation of Flight Instructor (CAA policies which apply to § 20.130).
20.131–1 Satisfactory flight instruction record (CAA policies which apply to § 20.131).
20.135–1 Candidates trained by a Limited Flight Instructor (CAA policies which apply to § 20.135 (b)).
20.135–2 Additional flight instructor category ratings (CAA policies which apply to § 20.135).
20.136–1 Flight instruction records (CAA policies which apply to § 20.136 (b)).
20.137–1 Applicants trained by Limited Flight Instructors (CAA policies which apply to § 20.137).
20.138–1 Exchange of Flight Instructor ratings for Flight Instructor certificates (CAA policies which apply to § 20.138).

AUTHORITY: §§ 20.10–1 to 20.138–1 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 608–610, 52 Stat. 1007, 1008, 1011, 1012, as amended; 49 U. S. C. 551, 552, 558–560.

§ 20.10–1 *Flight tests in aircraft with special flight characteristics (CAA policies which apply to § 20.10 (b)).* Flight test maneuver requirements for pilot certificates will be modified only when the operating limitations of the aircraft used prohibit the performance of required maneuvers or procedures.

§ 20.10–2 *Waivers for pilot applicants who fail to meet physical standards (CAA policies which apply to § 20.10 (c)).* An applicant who does not meet the physical standards of Part 29 of this subchapter should apply to his Regional Flight Surgeon,[1] or the Chief, Medical Division, Civil Aeronautics Administration, Washington 25, D. C., for a waiver of these standards as authorized under § 29.5 of the Civil Air Regulations. Waivers of physical standards are issued by the CAA on the basis of a study of the applicant's flight operation record, ability, judgment, and/or the results of a special medical test authorized under § 20.10 (c).[2] In order to take a medical flight test, the applicant must meet all experience requirements for a pilot certificate and present written authorization from the CAA Medical Division for such a test.

§ 20.10–3 *Application for a pilot certificate of a lesser grade (CAA policies which apply to § 20.10)*—(a) *Permanent exchange.* The holder of a valid pilot certificate may make application for a pilot certificate of a lower grade. The application should be made on Form ACA–355, and include the following statement or its equivalent:

This request is made for my own reasons, with full knowledge that my airline transport pilot certificate (or commercial pilot, or private pilot certificate) may not be reissued to me unless I again pass the examinations and tests prescribed for its issuance.

(b) *Temporary exchange.* The holder of a pilot certificate may make application for a pilot certificate of a lower grade, and retain the privilege of reinstating his former certificate if he passes the appropriate medical examination within a period of two years. An applicant who wishes to retain this privilege should include the following statement or its equivalent on his application:

This request for a lower grade of pilot certificate is made for my own reasons. I request a certificate of aeronautical knowledge which will authorize the reinstatement of my airline transport pilot certificate (or commercial pilot, or private pilot certificate) within 2 years, providing I pass the appropriate medical examination for that certificate.

§ 20.10–4 *Application to change a name on a pilot certificate (CAA policies which apply to § 20.10).* Application to change a name on a pilot certificate should be made on Form ACA–342, and submitted to an inspector. The application should be accompanied by the applicant's current pilot certificate and the marriage license, court order, or other document verifying the name change. These documents will be returned to the applicant after examination by the inspector.

§ 20.10–5 *Application to replace a lost or destroyed pilot or medical certificate (CAA policies which apply to § 20.10)*—(a) *Pilot certificate.* Application to replace a lost or destroyed pilot certificate should be made in a letter addressed to the Chief, Airman Records Branch, W–253, Civil Aeronautics Administration, Washington 25, D. C. The letter should contain the following: (1) A brief statement of the circumstances surrounding the loss or destruction of the certificate; (2) all available information regarding the certificate, such as grade, number, exact name in which it was issued, ratings, and date of issuance; and (3) be accompanied by a check or money order for $2.00, payable to the Civil Aeronautics Administration, Department of Commerce.

(b) *Medical certificate.* Application to replace a lost or destroyed medical certificate should be made in the form of a letter addressed to the Chief, Medical Division, W–265, Civil Aeronautics Administration, Washington 25, D. C., and accompanied by a check or money order for $2.00, payable to the Civil Aeronautics Administration, Department of Commerce.

(c) *Telegraphic evidence of lost pilot or medical certificate.* (1) The person to whom a pilot or medical certificate was issued may, upon loss of that certificate, obtain from the CAA an official telegram confirming its issuance. This telegram may be carried in pilot's personal possession as a pilot certificate, medical certificate, or both pending the receipt of duplicate certificates issued in accordance with paragraphs (a) and (b) of this section: *Provided,* That he has not been notified of the suspension or revocation of the certificate concerned.

(2) The request for such a telegram may be made by prepaid telegram stating the date on which a duplicate certificate or certificates were requested, or including the request for such duplicate(s) and a money order for the necessary fee or fees.

(3) A request for a telegram for temporary use in lieu of a lost pilot or medical certificate should be addressed to the appropriate division shown in paragraph (a) or (b) of this section. A request for a telegram for temporary use in lieu of both pilot and medical certificates should be addressed to the Chief, Airman Records Branch, W–253, Civil Aeronautics Administration, Washington 25, D. C.

§ 20.11–1 *Voluntary surrender of certificate or rating (CAA policies which apply to § 20.11 (b)).* The holder of a pilot certificate may surrender it at any time, to an inspector[3] for cancellation. Final acceptance of surrender for cancellation is within the discretion of the Administrator. When a certificate has been accepted for surrender, the pilot must requalify and pass all applicable examinations and tests if he wishes to obtain another pilot certificate.

§ 20.11–2 *Validity of Flight Instructor Certificates (CAA interpretations which apply to § 20.11).* A limited Flight Instructor or a Flight Instructor Certificate becomes invalid at any time the holder does not possess a current and effective pilot certificate as prescribed by § 20.130 (a).

§ 20.11–3 *Issuance of temporary pilot certificates (CAA policies which apply to § 20.11 (c)). Temporary pilot certificates* are issued to qualified applicants by inspectors and designated pilot examiners pending the examination of the applicants' records and the issuance of certificates of longer duration by the Administrator.

§ 20.13–1 *Instructor recommendations for reexamination within 30 days after failure (CAA policies which apply to § 20.13)*—(a) *Written examinations.* Recommendations presented for reapplication within a 30-day period after the failure of a written examination will be accepted from an appropriately rated instructor as follows:

(1) Private—Limited Flight Instructor or Flight Instructor Certificate with appropriate category rating, or Ground Instructor Certificate with ratings for subjects covered in the examination failed.

(2) Commercial—Flight Instructor (unlimited) with appropriate category rating, or Ground Instructor Certificate with ratings for subjects covered in the examination failed.

(3) Instrument—Flight Instructor Certificate with instrument rating, or Ground Instructor Certificate with ratings for subjects covered in the examination failed.

(4) Flight Instructor—Flight instructor Certificate (unlimited) with appropriate category or instrument rating.

(b) *Flight tests.* Recommendations presented for reapplication within a 30-day period after failure of a flight test will be accepted only from an appro-

[1] Regional Flight Surgeon, Region One, CAA, New York International Airport, Jamaica, L. I., New York; Regional Flight Surgeon, Region Two, CAA, P. O. Box 1689, Fort Worth 1, Texas; Regional Flight Surgeon, Region Four, CAA; P. O. Box 45007, Airport Station, Los Angeles, California; Regional Flight Surgeon, Region Five, CAA, Box 440, Anchorage, Alaska.

[2] A pilot certificate issued on the basis of a special medical flight test will bear special aircraft, equipment, or operating limitations appropriate to the deficiency involved; or the notation "Issued on the Basis of Special Medical Test" to indicate that no limitation was found necessary.

[3] The word "inspector" used in this manual denotes a Flight Operations and Airworthiness Inspector employed by the Civil Aeronautics Administration.

priately rated Limited Flight Instructor or Flight Instructor.

§ 20.15–1 *Certificated aircraft (CAA policies which apply to § 20.15).* (a) For the purpose of taking pilot flight tests, a "certificated aircraft" means a United States registered aircraft with a valid airworthiness certificate which contains no limitations excluding pilot flight tests.

(b) A foreign registered aircraft having a valid airworthiness certificate issued by the proper authorities of the country in which the aircraft is registered may be used for pilot flight tests at the discretion of the inspector or examiner.

(c) Military aircraft on operational status may also be used at the discretion of the inspector or examiner, provided permission from the appropriate military authority is obtained.

§ 20.15–2 *Fully functioning dual controls (CAA policies which apply to § 20.15).* An applicant who wishes to use an aircraft without complete fully functioning dual controls should make prior arrangement with the examiner or inspector concerned before presenting himself for a flight test. The applicant may be permitted to use such an aircraft if the examiner or inspector determines, upon consideration of all factors, that the flight test can be conducted safely.

§ 20.16–1 *Flight time which must be logged (CAA interpretation which applies to § 20.16).* The wording "or operating privilege" refers to the recent flight experience requirements of § 43.68, of this subchapter.

§ 20.20–1 *Consent of parent or guardian (CAA policies which apply to § 20.20).* The written consent required for minor applicants should be endosed in the appropriate space on the application form, or submitted on a separate sheet.

§ 20.20–2 *Minors in the Armed Forces (CAA policies which apply to § 20.20).* An applicant under 21 who is a regular or reserve member of the Armed Forces or enrolled in an established ROTC or other Armed Forces training program should indicate such membership on his application and include his military serial number, or attach to the application a written statement from his appropriate commanding officer certifying that the applicant is a member of such Armed Forces.

§ 20.20–3 *Other minors (CAA interpretations which apply to § 20.20).* No consent is required for a married male applicant under 21, but a married female applicant under 21 must furnish the consent of her husband, who may be under 21.

§ 20.21–1 *English language limitations (CAA policies which apply to § 20.21).* An applicant not able to meet the requirements of this section will be issued a student pilot certificate with operating limitations as determined by an inspector to be necessary for the safe operation of aircraft. These limitations may be removed when the holder demonstrates to an inspector that he can read, speak, and understand the English language.

§ 20.22–1 *Evidence of physical qualifications (CAA policies which apply to § 20.22).* A first-, second-, or third-class CAA medical certificate issued within the preceding 24 calendar months will be accepted for the issuance of a student pilot certificate.

§ 20.31–1 *English language limitations (CAA policies which apply to § 20.31).* An applicant not able to meet the requirements of this section will be issued a private pilot certificate with operating limitations as determined by an inspector to be necessary for the safe operation of aircraft. These limitations may be removed when the holder demonstrates to an inspector that he can read, speak, and understand the English language.

§ 20.32–1 *Evidence of physical qualifications (CAA policies which apply to § 20.32).* A first-, second-, or third-class CAA medical certificate issued within the preceding 24 calendar months will be accepted for the issuance of a private pilot certificate.

§ 20.33–1 *Aeronautical knowledge (CAA policies which apply to § 20.33).* The private pilot written examination will be given by inspectors only.[4]

§ 20.34–1 *Recommendation of Flight Instructor (CAA policies which apply to § 20.34 (d)).* The written recommendation of an appropriately rated Limited Flight Instructor or a Flight Instructor will be accepted for an application for a private pilot flight test. It is desirable that the 3 hours' dual flight test preparation be given by the instructor who makes the flight test recommendation.

§ 20.35–1 *Private pilot practical examination—airplanes (CAA policies which apply to § 20.35)*—(a) *Practical examination phases and items.* (1) The practical test will be given in three phases. The failure of any required item in any phase constitues the failure of that phase and of the whole examination. The whole phase failed must be satisfactorily completed at the time of reapplication.

(2) A practical examination may be discontinued at any time by the examiner or the applicant when the failure of a required item makes the successful completion of the examination impossible. In such cases, credit will be allowed for only whole phases successfully completed.

(3) The applicant will be required to demonstrate the competent performance of the following procedures and maneuvers:

PHASE I—ORAL OPERATIONAL EXAMINATION

(i) Airplane registration, airworthiness, and equipment documents.
(ii) Airplane logbooks and airworthiness inspection reports.
(iii) Airplane performance, range, and operation (from Airplane Flight Manual).
(iv) Airplane loading, including fuel, oil, and baggage capacities.
(v) Airplane line check.
(vi) Use of radio for voice communication (may be simulated when necessary).

PHASE II—BASIC PILOTING TECHNIQUE

(i) Preflight operations.
(ii) Taxiing, or sailing and docking.
(iii) Normal and crosswind takeoffs and landings.
(iv) Climbs, level flight, and descents at normal speeds and at minimum controllable speeds.
(v) Stalls from all normally anticipated flight attitudes, with and without power.
(vi) 720° steep turns about a point.
(vii) Wheel landings in tailwheel type airplanes, and full stall landings in tricycle type airplanes.
(viii) Short field takeoff and power approach and landing.
(ix) Soft field takeoff and landing.
(x) Slips and a slip to a landing (if 3-control airplane used).
(xi) Emergency operation of airplane equipment.
(xii) Engine-out emergencies, if multi-engine airplane used:
(a) Maneuvering with one engine out (feathered if possible).
(b) Engine-out minimum control speed demonstration.
(c) Use of engine-out best rate-of-climb speed.
(d) Effect on engine-out performance of failure to feather, extension of gear and flaps, and combination of these.
(e) Approach and landing with an engine set for zero thrust.

PHASE III—CROSS-COUNTRY

(i) Cross-country flight planning.
(ii) Cross-country flying.
(iii) Use of radio aids to VFR navigation.[5]
(iv) Cross-country emergencies (lost, weather, overheating engine, power failure, etc.).

(b) *Evaluation of performance.* The applicant's performance will be evaluated by the examiner on the basis of the judgment, knowledge, smoothness, and accuracy displayed. A competent performance of a flight maneuver is one in which the pilot is obviously the master of his airplane, and the successful outcome of the maneuver is never seriously in doubt.

§ 20.41–1 *English language limitations (CAA policies which apply to § 20.41).* An applicant not able to meet the requirements of this section will be issued a commercial pilot certificate with operating limitations as determined by an inspector to be necessary for the safe operation of aircraft. These limitations may be removed when the holder demonstrates to an inspector that he can read, speak, and understand the English language.

§ 20.42–1 *Evidence of physical qualifications (CAA policies which apply to § 20.42).* A first- or second-class CAA medical certificate issued within the preceding 12 calendar months will be accepted for the issuance of a commercial pilot certificate.

§ 20.43–1 *Aeronautical knowledge (CAA policies which apply to § 20.43).* The commercial pilot written examination will be given by inspectors only.[4]

§ 20.44–1 *Recommendation of Flight Instructor (CAA policies which apply to § 20.44 (c)).* The written recommendation of an appropriately rated Limited Flight Instructor or a Flight Instructor will be accepted for an application for a commercial flight test.

§ 20.44–2 *Instrument experience endorsement (CAA policies which apply to § 20.44 (d)).* A commercial pilot certificate issued to an applicant who does not meet the experience requirements of § 20.44 (d) will bear the endorsement "Holder does not meet the instrument experience requirements."[7]

§ 20.44–3 *Night experience endorsement (CAA policies which apply to § 20.44).* A commercial pilot certificate issued to an applicant who does not have at least 5 hours of flight by night including not less than ten takeoffs and ten landings by night as pilot in command and as sole manipulator of the controls will bear the endorsement "Holder does not meet the night flight requirements of ICAQ."[7]

§ 20.45–1 *Commercial pilot flight test—airplanes (CAA policies which apply to § 20.45)*—(a) *Flight test items.* (1) The commercial pilot flight test is given in 3 phases. The failure of any required item in any phase constitutes the failure of that phase, and of the whole test. The whole phase failed must be satisfactorily completed at the time of reapplication.

(2) A flight test may be discontinued at any time by the examiner or the applicant when the failure of a required item makes the successful completion of the whole test impossible. In such cases, credit will be allowed for only a whole phase successfully completed.

(3) An applicant for a commercial pilot certificate with a rating on airplanes will be required to demonstrate the competent performance of the following procedures and maneuvers:

PHASE I—ORAL OPERATIONAL EXAMINATION

(i) Airplane registration, airworthiness, and equipment documents.
(ii) Airplane logbooks and airworthiness inspection reports.
(iii) Airplane performance, range, and operation (from Airplane Flight Manual).
(iv) Airplane loading, including fuel, oil, and baggage capacities.
(v) Airplane line check.
(vi) Use of radio for voice communication (may be simulated when necessary).

PHASE II—BASIC TECHNIQUES

(i) Preflight operations.
(ii) Taxiing.
(iii) At least three takeoffs with three accuracy landings beyond and within 200 feet of a mark, including:
(a) A slip to a landing (if 3-control airplane used).
(b) Crosswind takeoff and landing.
(c) Short field takeoff and power approach and landing.
(d) Soft field takeoff and landing.
(e) Wheel landings in tailwheel type airplanes, or full stall landings in tricycle type airplanes.
(iv) Airport traffic pattern.
(v) Forced landings (single-engine only) and simulated emergencies.
(vi) Emergency operation of airplane equipment.
(vii) Engine-out emergencies, if multi-engine airplane used:
(a) Engine-out minimum control speed demonstration.
(b) Use of engine-out best rate-of-climb speed.
(c) Maneuvering with one engine out (feathered if possible, otherwise cut off and windmilling).
(d) Effect on engine-out performance of failure to feather, extension of gear and flaps, and various combinations of these.
(e) Approach and landing with one engine set to zero thrust.

PHASE III—PRECISION MANEUVERS

(i) Gliding spirals about a point on the ground.
(ii) Three consecutive shallow on-pylon eights.
(iii) Three consecutive steep on-pylon eights.
(iv) One right and one left 720° steep power turn.
(v) Lazy eights.
(vi) Chandelles.
(vii) Maneuvering at minimum controllable airspeed.
(viii) Stalls from all normally anticipated flight attitudes with and without power.

(b) *Evaluation of performance.* The applicant's performance will be evaluated on the basis of the judgment, coordination, accuracy, and smoothness displayed. A competent performance of any flight maneuver is one during which the pilot is obviously the master of the airplane, and the successful outcome of the maneuver is never in doubt.

§ 20.50–1 *Minor applicants (CAA policies which apply to § 20.50).* The CAA policies and interpretations which apply to minor applicants for student pilot certificates for rotorcraft are identical with those for airplanes under § 20.20.

§ 20.51–1 *English language limitations (CAA policies which apply to § 20.51).* An applicant not able to meet the requirements of this section will be issued a student pilot certificate with operating limitations as determined by an inspector to be necessary for the safe operation of aircraft. These limitations may be removed when the holder demonstrates to an inspector that he can read, speak, and understand the English language.

§ 20.52–1 *Evidence of physical qualification (CAA policies which apply to § 20.52).* A first-, second-, or third-class CAA medical certificate issued within the preceding 24 calendar months will be accepted for the issuance of a student pilot certificate.

§ 20.61–1 *English language limitations (CAA policies which apply to § 20.61).* A private pilot certificate with a rotorcraft category rating will bear the same limitations prescribed for pilot certificates with airplane ratings by § 20.31–1, when appropriate.

§ 20.62–1 *Evidence of physical qualification (CAA policies which apply to § 20.62).* A first-, second-, or third-class CAA medical certificate issued within the preceding 24 calendar months will be accepted for the issuance of a private pilot certificate.

§ 20.63–1 *Aeronautical knowledge (CAA policies which apply to § 20.63).* The private pilot written examination will be given by inspectors only.[8]

§ 20.64–1 *Recommendation of Flight Instructor (CAA policies which apply to § 20.64).* The written recommendation of an appropriately rated Limited Flight Instructor or Flight Instructor will be accepted for an application for a private pilot flight test.

§ 20.65–1 *Private pilot flight test—rotorcraft (CAA policies which apply to § 20.65)*—(a) *Flight test items.* (1) The flight test will be given in two phases. The failure of any required item in either phase will constitute the failure of that phase and of the whole test. The whole phase failed must be successfully completed at the time of reapplication.

(2) The flight test may be discontinued at any time by the examiner or the applicant when the failure of a required item makes the successful completion of the test impossible. In such cases, credit will be allowed for only a whole phase successfully completed.

(3) The applicant will be required to demonstrate the competent performance of the following procedures and maneuvers.

PHASE I—BASIC TECHNIQUES

(i) Preflight check and oral equipment examination.
(ii) Preflight operations.
(iii) Taxiing (if rotorcraft equipped for taxiing on the surface).
(iv) Normal and crosswind takeoffs and landings.
(v) High altitude takeoffs and roll-on landings.
(vi) Climbs and descents.
(vii) Emergencies, including autorotative approaches.

PHASE II—PRECISION MANEUVERS

(i) Hovering—upwind, downwind, and crosswind.
(ii) Hovering turns—180° and 360°, right and left.
(iii) Turns with medium banks.
(iv) S turns.
(v) Pattern flying with constant heading.
(vi) Rapid flying decelerations (quick stops).

(b) *Evaluation of performance.* The applicant's performance will be evaluated by the examiner on the basis of the judgment, coordination, smoothness, and

[4] The Private Pilot Examination Guide, which gives information on the preparation for the private pilot written examination, will be available from local flying school operators or the Government Printing Office, Washington 25, D. C., after July 1, 1957.

[5] For flight tests in areas where radio ranges are not available, the applicant will demonstrate by any means satisfactory to the examiner that he is familiar with the procedure for the use of radio ranges for VFR navigation.

[6] The Commercial Pilot Examination Guide, which gives information on the preparation for the commercial pilot written examination, is available from local flying school operators or the Government Printing Office, Washington, D. C., for 75¢.

[7] The above endorsements do not restrict nor affect in any way the privileges of the certificate for flight in the United States or its possessions. However, they do restrict the holder of the certificate from piloting airplanes commercially in foreign countries (members of ICAO) without specific consent.

[8] The booklet Questions and Answers for Private Pilots gives material to aid in the preparation for the private pilot written examination for rotorcraft, is available from local flying school operators, or from the Government Printing Office, Washington 25, D. C., for 25 cents.

accuracy displayed. A competent performance of any flight maneuver is one during which the pilot is obviously the master of the aircraft, and the successful outcome of the maneuver is never in doubt.

§ 20.71–1 *English language limitations (CAA policies which apply to § 20.71).* The English language limitations entered on commercial pilot certificates will be identical with those prescribed for commercial pilot certificates by § 20.41–1.

§ 20.72–1 *Evidence of physical qualification (CAA policies which apply to § 20.72).* A first- or second-class CAA medical certificate isued within the preceding 12 calendar months will be accepted for the issuance of a commercial pilot certificate.

§ 20.73–1 *Commercial pilot written examination (CAA policies which apply to § 20.73).* The commercial pilot written examination will be given by inspectors only.

§ 20.74–1 *Recommendation of flight instructor (CAA policies which apply to § 20.74).* The written recommendation of an appropriately rated Limited Flight Instructor or Flight Instructor will be accepted for the commercial pilot flight test.

§ 20.74–2 *Flight time endorsement (CAA policies which apply to § 20.74).* A commercial pilot certificate issued under this section to a pilot who has not logged at least 200 hours of pilot flight time or graduated from a CAA approved commercial rotorcraft pilot training course will bear the endorsement "Holder does not meet the flight time requirements of ICAO."

§ 20.75–1 *Commercial pilot flight test—rotorcraft (CAA policies which apply to § 20.75)*—(a) *Flight test items.* (1) The flight test will be given in two phases. The failure of any required maneuver in either phase will constitute the failure of that phase and of the whole flight test. The phase failed must be successfully completed at the time of reapplication.

(2) A flight test may be discontinued at any time by the examiner or the applicant when the failure of a required item makes the successful completion of the whole test impossible. In such cases, credit will be allowed for only a whole phase successfully completed.

(3) The applicant will be required to demonstrate the competent performance of the following procedures and maneuvers.

PHASE I—BASIC TECHNIQUES

(i) Preflight check and oral equipment examination.
(ii) Preflight operations.
(iii) Taxiing (in rotorcraft equipped for operation on the surface).
(iv) Normal takeoffs and landings.
(v) Crosswind takeoffs and landings.
(vi) High altitude takeoff and roll-on landing.
(vii) Climbs and descents.
(viii) Emergencies, including autorotative approaches (landing optional as appropriate).

PHASE II—PRECISION MANEUVERS

(i) Hovering upwind, downwind, and crosswind.
(ii) Pattern flying with constant and with changing headings.
(iii) Hovering turns—180° and 360°, right and left.
(iv) Left turns.
(v) Turns with medium banks
(vi) Rapid decelerations (quick stops).

(b) *Evaluation of performance.* The applicant's performance will be evaluated by the examiner on the basis of the judgment, coordination, smoothness, and accuracy demonstrated. A competent performance is one during which the pilot is obviously master of the aircraft, and the successful outcome of the maneuver is never in doubt.

§ 20.80–1 *Applicants under 16 years of age (CAA policies which apply to § 20.80).* A student pilot certificate issued to an applicant who is under 16 years of age will bear the limitation "Gliders only."

§ 20.80–2 *Minor applicants (CAA policies which apply to § 20.80).* The CAA policies and interpretations applicable to the age requirements for student pilot certificates for airplanes under § 20.20 apply to applicants for student pilot certificates for gliders.

§ 20.81–1 *English language limitations (CAA policies which apply to § 20.81).* An applicant not able to meet the requirements of this section will be issued a student pilot certificate with operating limitations as determined by an inspector to be necessary for the safe operation of aircraft. These limitations may be removed when the holder demonstrates to an inspector that he can read, speak, and understand the English language.

§ 20.82–1 *Evidence of physical qualification (CAA policies which apply to § 20.82).* A first- second- or third-class CAA medical certificate issued within the preceding 24 calendar months, or the applicant's statement on his application that he has no known physical defect which renders him incompetent to pilot gliders will be accepted for the issuance of a student pilot certificate. An applicant who certifies his own physical condition will receive a student pilot certificate with the limitation "Gliders only."

§ 20.90–1 *Applicants under 17 years of age (CAA policies which apply to § 20.90).* A private pilot certificate with a glider category rating issued to an applicant who is under 17 years of age will bear the limitation "Gliders only."

§ 20.91–1 *English language limitation (CAA policies which apply to § 20.91).* An applicant not able to meet the requirements of this section will be issued a private pilot certificate with operating limitations as determined by an inspector to be necessary for the safe operation of aircraft. These limitations may be removed when the holder demonstrates to an inspector that he can read, speak, and understand the English language.

§ 20.92–1 *Evidence of physical qualification (CAA policies which apply to § 20.92).* A first-, second-, or third-class CAA medical certificate issued within the preceding 24 calendar months, or the applicant's statement on his application that he has no known physical defect which renders him incompetent to pilot a glider will be accepted for the issuance of a private pilot certificate with a glider rating. An applicant who certifies his own physical condition will receive a private pilot certificate bearing the limitation "Gliders only."

§ 20.93–1 *Written examination (CAA policies which apply to § 20.93).* The private pilot written examination will be given by inspectors only.[9]

§ 20.94–1 *Stall instruction for private glider pilot certificates (CAA policies which apply to § 20.94 (b)).* The required flight instruction in stalls may be obtained either in gliders or in powered airplanes. If such instruction is given in an airplane, it must be given by a Limited Flight Instructor or a Flight Instructor with an Airplane Instructor rating.

§ 20.95–1 *Private pilot flight test—gliders (CAA policies which apply to § 20.95)*—(a) *Flight test items.* (1) The flight test will be given in two phases. The failure of a required item in either phase will constitute the failure of that phase and of the whole test. The whole phase failed must be satisfactorily completed at the time of reapplication.

(2) The flight test may be discontinued at any time by the examiner or the applicant when the failure of a required item makes the successful completion of the test impossible. In such cases, credit will be allowed for only a whole phase successfully completed.

(3) The applicant will be required to demonstrate the competent performance of the following maneuvers and procedures:

PHASE I—BASIC TECHNIQUES

(i) Preflight check and oral equipment examination.
(ii) Preflight operations.
(iii) Auto, pulley, or winch tow; or airplane tow.
(iv) 360° approaches, right and left, landing within 200 feet beyond a line or mark.

PHASE II—SPECIAL MANEUVERS

(i) Stalls and slow flight (must be demonstrated in a glider).

(b) *Evaluation of performance.* The applicant's performance will be evaluated by the examiner on the basis of judgment, coordination, smoothness, and accuracy demonstrated. A competent performance is one during which the pilot is obviously the master of the aircraft, and the successful outcome of the maneuver is never seriously in doubt.

§ 20.101–1 *English language limitations (CAA policies which apply to § 20.101).* An applicant not able to meet the requirements of this section will be

[9] The booklet Questions and Answers for Private Pilots, which gives information for use in preparing for the Private Glider pilot written examination, is available from local flying school operators or from the Government Printing Office, Washington 25, D. C., for 25¢.

issued a commercial pilot certificate with operating limitations as determined by an inspector to be necessary for the safe operation of aircraft. These limitations may be removed when the holder demonstrates to an inspector that he can read, speak, and understand the English language.

§ 20.102–1 *Evidence of physical qualification (CAA policies which apply to § 20.102).* A first-, second-, or third-class CAA medical certificate issued within the preceding 24 calendar months, or the applicant's statement on his application form that he has no known physical defect which renders him incompetent to pilot a glider will be accepted for the issuance of a commercial pilot certificate with a glider category rating. An applicant who certifies his own physical condition will receive a commercial pilot certificate bearing the limitation "Gliders only."

§ 20.103–1 *Commercial glider written examination (CAA policies which apply to § 20.103).* The commercial glider pilot written examination will be given by inspectors only.

§ 20.105–1 *Commercial pilot flight test—gliders (CAA policies which apply to § 20.105)*—(a) *Flight test items.* (1) The flight test will be given in two phases. The failure of any required item in either phase constitutes the failure of that phase and of the whole test. The whole phase failed must be satisfactorily completed at the time of reapplication.

(2) A flight test may be discontinued at any time by the examiner or the applicant when the failure of a required item makes the successful completion of the test impossible. In such cases, credit will be allowed for only a whole phase successfully completed.

(3) The applicant will be required to demonstrate the competent performance of the following procedures and maneuvers:

PHASE I—BASIC TECHNIQUES

(i) Preflight check and oral equipment examination.
(ii) Preflight operations.
(iii) Auto, pulley, or winch tow.
(iv) Airplane tow; above, below, and to one side of slipstream.
(v) 360° approaches, right and left, landing within 100 feet beyond a line or mark.

PHASE II—SPECIAL MANEUVERS

(i) 3-turn spirals, right and left, with bank at least 45°.
(ii) Stalls and slow flight (must be demonstrated in a glider).

(b) *Evaluation of performance.* The applicant's performance will be evaluated by the examiner on the basis of the judgment, coordination, smoothness, and accuracy demonstrated. A competent performance is one during which the pilot is obviously the master of his aircraft, and the successful outcome of the maneuver is never in doubt.

§ 20.110–1 *Acceptance of examinations and tests given by certificated flying schools (CAA policies which apply to § 20.110 (b)).* Pilot certificates and ratings will be issued without written or flight tests to qualified applicants who have graduated within the preceding 60 days from flying schools which have been rated by the CAA as Airman Examining Agencies.

§ 20.111–1 *Acceptable evidence of military status and experience (CAA policies which apply to § 20.111)*—(a) *Membership.* An official identification card issued by the service showing that the holder is a member of the Armed Forces of the United States, the National Guard, the Coast Guard, or any reserve component thereof will be accepted as evidence of membership.

(b) *Solo flying status as a rated pilot.* Acceptable documentary evidence of flight status shall consist of (1) official orders to solo flight status, (2) USAF Form 5 or a USN flight logbook properly endorsed to show solo flight status, (3) official orders showing graduation from and rating as a pilot by a military flying school, or (4) a copy of orders showing duty involving flying as a rated pilot.

(c) *Honorable discharge.* An original or photostatic copy of a certificate of discharge from the U. S. Armed Forces will be accepted as evidence of discharge or release. Persons discharged from the service or removed from flight status for reasons of flight deficiency, "for the good of the service," or as the result of disciplinary action will not be issued pilot certificates on the basis of military competence.

(d) *Pilot experience.* Documentary evidence of pilot flight time shall consist of USAF Forms 5 or Form 5 summaries, or certified military logbooks. Pilot-in-command flight time in aircraft which normally have two pilots should be substantiated by official checkout records.

§ 20.111–2 *Flight test for aircraft rating (CAA interpretations which apply to § 20.111 (b)).* The flight test required by § 20.111 (b) is an official military checkout as first pilot in the aircraft concerned, or the CAA flight test prescribed by § 20.121 (a) (2) or (b) (2).

§ 20.111–3 *Acceptable military instrument cards (CAA policies which apply to § 20.111 (b)).* Any military instrument card will be accepted as the basis for the issuance of an instrument rating until the date of expiration shown on the card.

§ 20.112–1 *Recognition of foreign examinations and tests (CAA policies which apply to § 20.112 (a)).* The holder of a foreign pilot certificate may receive credit for examinations and tests listed in Appendix B [10] upon presenting evidence acceptable to the inspector that he has passed the examinations and tests for which credit is sought. Applicants who seek credit for foreign pilot examinations and tests not listed should forward their requests direct to the General Safety Division, Civil Aeronautics Administration, Washington 25, D. C.

§ 20.112–2 *Special Purpose Pilot Certificates (CAA policies which apply to § 20.112 (b))*—(a) *Certificate and ratings.* (1) A certificate issued on the basis of a valid foreign pilot certificate will be a Special Purpose Pilot Certificate, showing clearly the operations which it authorizes.

(2) The aircraft ratings contained will be based on the ratings appearing on the foreign pilot certificate presented. If the foreign certificate bears no such rating, ratings will be given for the aircraft which the applicant has flown at least 10 hours as pilot-in-command within the preceding 12 months. Additional aircraft ratings may be added to such certificates upon compliance with the requirements of this part for such ratings.

(3) Instrument ratings will not be issued in connection with Special Purpose Pilot Certificates.

(c) *Physical standards.* The applicant will present evidence of currently meeting the physical requirements of his own country, or may present a current CAA Medical Certificate of a grade appropriate to the certificate sought.

(d) *Limitations.* (1) Each such pilot certificate will bear a notation showing the basis on which it is issued, and will be limited to the specific purpose for which it is issued. Examples of such purposes are: Ferry flights of new aircraft for export, the operation of U. S. registered aircraft in foreign countries, and flights for the maintenance of proficiency in the United States. Requests for such certificates for other specific purposes will be forwarded to Washington for an individual determination.

(2) A certificate issued to a foreign pilot who is unable to read, speak, and understand the English language will bear such additional limitations as the issuing inspector deems necessary for safety.

§ 20.120–1 *Helicopter categgry ratings (CAA interpretations which apply to § 20.120 (a) (2)).* A helicopter rating entered on a pilot certificate prior to March 1, 1957, will be accepted as the equivalent of the rotorcraft rating established by § 20.120 (a) (2).

§ 20.121–1 *Flight tests for additional ratings (CAA policies which apply to § 20.121).* The flight test required for an additional aircraft rating will include all procedures, maneuvers, and techniques not required for the pilot certificate and ratings already held.

§ 20.126–1 *Instrument written examination (CAA policies which apply to § 20.126).* The instrument rating written examination is given by inspectors only.[11]

§ 20.127–1 *Instrument flight instruction (CAA interpretations which apply to § 20.127 (b)).* A "rated instrument flight instructor" as used in this section means the holder of a Limited Flight Instructor or a Flight Instructor Certificate, with an Instrument Instructor rating.

[10] Appendix B not filed with Federal Register Division.

[11] The Instrument Written Examination Guidebook, which gives information for use in preparing for the instrument rating written examination will be available from local flying schools, or from the Government Printing Office, Washington 25, D. C., after July 1, 1957.

§ 20.127–2 *Recommendation of Flight Instructor (CAA policies which apply to § 20.127).* The written recommendation of a Limited Flight Instructor, or a Flight Instructor, with an instrument instructor rating will be accepted for the instrument rating flight test.

§ 20.128–1 *Instrument rating flight test (CAA policies which apply to § 20.128)*—(a) *Flight test items.* (1) The instrument rating flight test will be given in aircraft in which instrument flight is authorized by the regulations and the aircraft's equipment and operating limitations. All aircraft used for instrument flight tests shall have a hood, slats, polarized material, or other effective means of excluding outside visual reference from the pilot tested. The effectiveness of the means or device used shall be demonstrated to the satisfaction of the examiner.

(2) The flight test will be given in three phases. The failure of any required item in any phase will constitute the failure of that phase and of the whole test. The whole phase must be satisfactorily completed at the time of reapplication.

(3) A flight test may be discontinued at any time by the examiner or the applicant when the failure of a required item makes the successful completion of the test impossible. In such cases, credit will be allowed for only each whole phase successfully completed.

(4) The applicant will be required to demonstrate the competent performance of the following procedures and flight maneuvers by reference to flight instruments.

PHASE I—ORAL OPERATIONAL EXAMINATION

(i) Instrument flight planning.
(ii) Preparing and filing an instrument flight plan.
(iii) Aircraft performance, range, and fuel requirements.
(iv) Required instrumentation and equipment, and their proper use.

PHASE II—INSTRUMENT FLYING

(i) Straight and level flight.[12]
(ii) Turns, climbs, and descents.[12]
(iii) Stalls, and maneuvering at approach speeds.
(iv) Steep turns.
(v) Recovery from unusual attitudes.[12]
(vi) Engine-out procedures, if test is given in multiengine airplane.

PHASE III—RADIO NAVIGATION AND APPROACH PROCEDURES

(i) Radio navigation, including orientation using LF, OMNI range, or ADF.
(ii) Use of radio for voice communication.
(iii) Standard instrument approach to authorized IFR weather minimums (not more than 500 feet and 1 mile), including holding procedures.
(iv) Missed approach procedures.
(v) Emergencies, such as radio or instrument malfunctions.
(vi) Compliance with airways traffic control instructions and procedures.

(b) *Evaluation of performance.* The applicant's performance will be evaluated on the basis of the judgment, smoothness, and accuracy displayed. Significant errors on the dangerous side will be disqualifying. Any error which makes it necessary for the examiner to take over to avoid violating the aircraft's operating limitations, a loss of control, or collision with the ground will be disqualifying, and no second attempt will be allowed.

§ 20.130–1 *Limited flight instructor certificates (CAA policies which apply to § 20.130)*—(a) *Certificate and ratings.* The Limited Flight Instructor Certificate, will bear the same number as the holder's pilot certificate, and one or more of the following flight instructor ratings as appropriate:

(1) Airplanes.
(2) Rotorcraft.
(3) Gliders.
(4) Instrument.

(b) *Written examination.* (1) An applicant for a Limited Flight Instructor Certificate with a category rating will be given a written examination covering: (i) The "Fundamentals of Flight Instruction" and (ii) the "Performance and Analysis of Flight Training Maneuvers" appropriate to the instructor rating sought.

(2) A Limited Flight Instructor who applies for an additional instructor rating will be given the section of the written examination on the "Performance and Analysis of Flight Training Maneuvers" appropriate to the additional rating sought.

(c) *Practical test.* An applicant for a Limited Pilot Certificate will be given an oral examination and flight test to determine his proficiency in giving accurate, effective flight instruction. The applicant will be required to perform flight training maneuvers accurately; to detect, correct, and explain simulated student errors committed by the examiner. Flight instructor practical tests are given by inspectors only.

(d) *Instructor practical test items.* The flight instructor practical test will include the following items:

(1) *Oral examination, all ratings.*
(i) Application of effective flight instruction methods.
(ii) Knowledge of safe flying practices and principles.
(iii) Correctness and clarity of explanations.
(iv) Recognition of student errors (in flight and in postflight discussion).
(v) Cross-country flight planning.
(2) *Flight test—airplanes.*
(i) Preflight check and oral equipment examination.
(ii) Preflight operations.
(iii) Taxiing, or sailing and docking.
(iv) Straight flight and turns in climbs, glides, and level flight.
(v) Normal takeoffs and accuracy landings.
(vi) Crosswind takeoffs and landings.
(vii) Short field takeoff and power approach with landing.
(viii) Soft field takeoff and landing.
(ix) Slips to landings.
(x) Wheel landings in tailwheel type airplanes, or full stall landings in tricycle types.
(xi) Stalls from all normally anticipated flight attitudes, with and without power.
(xii) Maneuvering with minimum controllable airspeed.
(xiii) Spins, right and left.
(xiv) 720° power turns.
(xv) Chandelles.
(xvi) Lazy eights, shallow and steep.
(xvii) Pylon eights, shallow and steep.
(xviii) Airport traffic patterns—rectangular courses and S-turns.
(xix) Use of radio for voice communication—traffic control procedures.
(xx) Emergency operation of airplane equipment; forced landings.
(3) *Flight test—rotorcraft.*[13]
(i) Preflight check and oral equipment examination.
(ii) Preflight operations.
(iii) Taxiing (if rotorcraft used is appropriately equipped).
(iv) Normal takeoffs and landings.
(v) Crosswing takeoffs and landings.
(vi) High altitude takeoffs and roll-on landings.
(vii) Climbs and descents.
(viii) Hovering—upwind, crosswind, and downwind.
(ix) Hovering 360° turns.
(x) Pattern flying with constant and with changing headings.
(xi) S-turns.
(xii) Rapid decelerations.
(xiii) Autorotative landings.
(xiv) Emergency operation of rotorcraft equipment.
(4) *Flight test—gliders.*
(i) Preflight check and oral equipment examination.
(ii) Preflight operations.
(iii) Auto, pulley, or winch tow.
(iv) Airplane tow—above, below, and to one side of slipstream.
(v) 360° approaches, right and left, landing within 100 feet beyond a line.
(vi) 3-turn spirals, right and left, at banks of at least 45°.
(vii) Stalls and slow flight.
(viii) Spins, right and left.
(5) *Flight test—instrument.*
(i) Instrument flight planning.
(ii) Preparing and filing an instrument flight plan.
(iii) Aircraft performance, range, and fuel requirements.
(iv) Required instrumentation and equipment, and their proper use.
(v) Straight and level flight.[14]
(vi) Turns, climbs, and descents.[14]
(vii) Stalls, and maneuvering at approach speeds.
(viii) Steep turns.
(ix) Recovery from unusual attitudes.[14]
(x) Engine-out procedures, if test is given in multiengine airplane.
(xi) Radio navigation, including orientation using LF, OMNI range, or ADF.
(xii) Use of radio for voice communication.
(xiii) Standard instrument approach to authorized IFR weather minimums (not more than 500 feet and 1 mile), including holding procedures.
(xiv) Missed approach procedures.
(xv) Emergencies, such as radio or instrument malfunctions.
(xvi) Compliance with airways traffic control instructions and procedures.

§ 20.130–2 *Recommendation of Flight Instructor (CAA policies which apply to § 20.130).* The written recommendation of a Flight Instructor (not Limited Flight Instructor) with an appropriate aircraft category or instrument instructor rating will be accepted for the Limited Flight Instructor flight test.

§ 20.131–1 *Satisfactory flight instruction record (CAA policies which apply to § 20.131).* The inspector will determine the acceptability of a Limited Flight Instructor's flight instruction record on the basis of his continued maintenance of recent instruction experience requirements, the successful performance of applicants recommended for flight tests, and the accident record achieved by the instructor and his students.

§ 20.135–1 *Candidates trained by a Limited Flight Instructor (CAA policies which apply to § 20.135 (b)).* To qualify as one of the required five candidates trained by an applicant for a Flight Instructor certificate, a student must have received all of his required dual flight test preparation [15] and a written recommendation for the flight test from the Limited Flight Instructor making application.

§ 20.135–2 *Additional flight instructor category ratings (CAA policies which apply to § 20.135).* The holder of a Flight Instructor certificate may qualify for and obtain additional flight instructor category ratings by passing the written examination on the "Performance and Analysis of Flight Training Maneuvers" and practical test appropriate to the rating sought.

§ 20.136–1 *Flight instruction records (CAA policies which apply to § 20.136 (b)).* The required flight instruction records may be kept separately, or in the instructor's own pilot logbook.

§ 20.137–1 *Applicants trained by Limited Flight Instructors (CAA policies which apply to § 20.137).* An applicant for a pilot certificate or rating who has received his required dual flight test preparation and flight test recommendation from a Limited Flight Instructor must take his flight test from an inspector. An applicant who has obtained his dual flight test preparation and flight test recommendation from a Flight Instructor may take his flight test from an inspector or a designated pilot examiner.

§ 20.138–1 *Exchange of Flight Instructor ratings for Flight Instructor certificates (CAA policies which apply to § 20.138).* (a) Prior to July 1, 1958, an applicant may exchange a flight instructor rating for a Flight Instructor certificate with aircraft category ratings appropriate to the aircraft in which he qualified for the flight instructor rating. Prior to July 1, 1958, an applicant who is the holder of a flight instructor rating and an instrument rating, both issued prior to September 1, 1957, will be issued a Flight Instructor Certificate with an Instrument Instructor Rating.

(b) The holder of a flight instructor rating who fails to exchange his instructor rating for a Flight Instructor Certificate prior to July 1, 1958, may exchange it after that date by passing the appropriate practical test prescribed by § 20.130–1 (d).

[12] Maneuvers will be required with the use of the needle, ball, and airspeed only.

[13] Autogiro applicants will fly the test prescribed for airplanes so far as is possible in the aircraft used.

[14] Maneuvers will be required with the use of the needle, ball, and airspeed only.

[15] The dual minimum instruction required for various ratings is as follows:
Private pilot, airplane or rotorcraft—3 hours.
Private pilot, glider—1 hour.
Commercial pilot, airplane or rotorcraft—10 hours.
Commercial pilot, glider—2 hours.
Instrument rating, 10 hours.

This supplement shall become effective August 1, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 5, 1957.

[F. R. Doc. 57–5678; Filed, July 12, 1957; 8:45 a. m.]

[Supp. 24]

PART 60—AIR TRAFFIC RULES

FLIGHT TEST AREAS

This supplement is promulgated to amend §§ 60.24–2 and 60.24–3, and add § 60.24–5.

Section 60.24–2 is amended to inform applicants for approval of a flight test area that their application must contain a statement of the nature of the flight test to be performed (production, experimental, prototype, etc.) and, by a footnote, that aircraft having experimental airworthiness certificates shall operate in accordance with the test area limitations prescribed within their respective certificates.

Section 60.24–3 is amended to indicate that approval of flight test areas may be given for periods up to 24 months.

Section 60.24–5 is added to set forth CAA policies as a guide for determining those areas considered to be sparsely populated areas having light air traffic for the purpose of approving flight test areas.

The following policies are hereby adopted:

1. Section 60.24–2, as published in 22 F. R. 1277, March 1, 1957, is amended by changing the introductory paragraph and adding a new paragraph (d) to read as follows:

§ 60.24–2 *Application for approval of flight test area (CAA policies which apply to § 60.24).* Any person may apply for approval of a test area [1] by making application in triplicate by letter addressed to the local district office. The application is to contain the following information:

• • • • •

(d) Nature of flight tests to be performed (production, experimental, prototype, etc.).

2. Section 60.24–3 (a) as published in 22 F. R. 1277, March 1, 1957, is revised to read as follows:

§ 60.24–3 *Duration and renewal of test area approval (CAA policies which apply to § 60.24).* (a) Approval of a flight test area will be given for a period not to exceed 24 months subject to earlier cancellation where the Administrator finds that changed conditions would not justify original approval. Cancellation will be effective upon receipt of written notice from the Administrator or his representatives.

3. Section 60.24–5 is added to read as follows:

§ 60.24–5 *Sparsely populated areas having light air traffic (CAA policies which apply to § 60.24 (a) (1)).* (a) For the purpose of approving flight test areas, sparsely populated areas are areas in which cities, towns, and villages are sufficiently widely scattered to permit the users to avoid flying over all congested areas when conducing the flight test operations; and light air traffic areas [2] are those areas not located within (1) main airterial airways (colored and VOR), (2) control zones, (3) high density traffic zones, and (4) portions of control areas used for VFR departures and arrivals, such as areas used for noise abatement procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective August 1, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator, of Civil Aeronautics.

[F. R. Doc. 57–5679; Filed, July 12, 1957; 8:45 a. m.]

[1] Aircraft having experimental airworthiness certificates shall operate in accordance with the area limitations prescribed within their respective airworthiness certificates.

[1a] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] Areas above 25,000 feet above the surface under certain stipulated circumstances, dictated by local conditions, may be considered as being light traffic areas.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED TOMATOES AND OKRA OR CANNED OKRA AND TOMATOES [1a]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Canned Tomatoes and Okra or Canned Okra and Tomatoes, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products

Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 90 days after publication hereof in the FEDERAL REGISTER.

The proposed standard is as follows:

PRODUCT DESCRIPTION, PROPORTION OF INGREDIENTS, AND GRADES

Sec.
52.3421 Product description.
52.3422 Proportion of ingredients.
52.3423 Grades.

FILL OF CONTAINER

52.3424 Fill of container.

FACTORS OF QUALITY

52.3425 Ascertaining the grade.
52.3426 Ascertaining the rating for the factors which are scored.
52.3427 Color.
52.3428 Flavor.
52.3429 Defects.
52.3430 Character.

LOT INSPECTION AND CERTIFICATION

52.3431 Ascertaining the grade of a lot.

SCORE SHEET

52.3432 Score sheet for canned tomatoes and okra or canned okra and tomatoes.

AUTHORITY: §§ 52.3421 to 52.3432 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, PROPORTION OF INGREDIENTS, AND GRADES

§ 52.3421 *Product description.* Canned tomatoes and okra or canned okra and tomatoes, hereinafter called canned tomatoes and okra, is the product prepared from clean, sound, properly matured tomatoes of red or reddish varieties and the clean, sound, succulent, immature pods of either the green or white varieties of the okra plant. The tomatoes are prepared by trimming, washing, sorting, peeling, and coring. The okra is prepared by trimming, washing, and sorting, and may be whole or cut into pieces. The tomatoes and okra are packed in accordance with good commercial practice without the addition of water and with or without such other ingredients permissible under the provisions of the Federal Food, Drug, and Cosmetic Act. The product is sufficiently processed by heat to assure preservation in hermetically sealed containers.

§ 52.3422 *Proportion of ingredients.* (a) Canned tomatoes and okra shall consist of at least 50 percent, by weight, of the tomato ingredient and not less than 25 percent nor more than 50 percent, by weight, of whole or cut okra.

(b) Canned okra and tomatoes shall consist of at least 50 percent, by weight, of whole or cut okra and not less than 25 percent nor more than 50 percent, by weight, of the tomato ingredient.

(c) Compliance with the requirement for proportions of ingredients will be determined by averaging the percent, by weight, of each ingredient in all of the containers in the sample: *Provided*, That any deviation from the prescribed proportion of ingredients in any one container is within the limits of good commercial practice.

§ 52.3423 *Grades.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned tomatoes and okra that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned tomatoes and okra that possess a fairly good flavor; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned tomatoes and okra that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.3424 *Fill of container.* The recommended fill of container for canned tomatoes and okra is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full of tomatoes and okra as practicable without impairment of quality and that the product shall fill the container to not less than 90 percent of its total capacity.

FACTORS OF QUALITY

§ 52.3425 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factor not rated by score points.* (i) Proportion of ingredients.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	20
Flavor	20
Defects	30
Character	30
Total score	100

§ 52.3426 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "26 to 30 points" means 26, 27, 28, 29, or 30 points).

§ 52.3427 *Color*—(a) *(A) classification.* Canned tomatoes and okra that possess a good color may be given a score of 17 to 20 points. "Good color" means that the product possesses a color that is bright and typical of well ripened tomatoes and young tender okra which has been properly prepared and properly processed and that the ingredients meet the following additional requirements:

(1) *Tomatoes.* The tomato flesh possesses a good typical red color and not less than 90 percent, by weight, of the tomato flesh is as red as U. S. D. A. Tomato Red, and none is green in color.

(2) *Okra.* The outer surface of the okra pods or pieces of pods possesses a color that is typical of young tender okra.

(b) *(C) classification.* Canned tomatoes and okra that possess a fairly good color may be given a score of 14 to 16 points. Canned tomatoes and okra that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the product possesses a color typical of reasonably well ripened tomatoes and reasonably tender okra which has been properly prepared and properly processed and that the ingredients meet the following additional requirements:

(1) *Tomatoes.* The tomato flesh possesses a fairly good typical red color and not less than 50 percent, by weight, of the tomato flesh is as red as U. S. D. A. Tomato Red, and none is green in color.

(2) *Okra.* The okra pods or pieces of pods possess a typical color of reasonably young and reasonably tender okra.

(c) *(SStd.) classification.* Canned tomatoes and okra that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3428 *Flavor*—(a) *(A) classification.* Canned tomatoes and okra that possess a good flavor may be given a score of 17 to 20 points. "Good flavor" means that the product has a characteristic flavor and odor typical of well ripened tomatoes and young tender okra.

(b) *(C) classification.* Canned tomatoes and okra that possess a fairly good flavor may be given a score of 14 to 16 points. Canned tomatoes and okra that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(c) *(SStd.) classification.* Canned tomatoes and okra that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 25.3429 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from sand, grit, or silt; harmless extraneous material; tomato peel; tomato core material; small pieces of okra; and from damaged or seriously damaged tomato or okra ingredient.

(1) "Sand, grit, or silt" means any particle of earthy material.

(2) "Harmless extraneous material" means any extraneous vegetable substance (including, but not limited to, a leaf, unattached stem, or portions thereof) that is harmless.

(3) "Damaged" means that the appearance and eating quality of the product is materially affected by the presence of scarred, discolored, or blemished tomato ingredient and/or scarred, poorly trimmed okra ingredient, and small pieces of pod less than ⅜ inch in length, or other damage.

(4) "Seriously damaged" means that the appearance and eating quality of the product is seriously affected by the presence of damaged ingredients.

(b) *(A) classification.* Canned tomatoes and okra that are practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that the presence of sand, grit, or silt, harmless extraneous material, tomato peel, core material, and damaged and seriously damage ingredients, individually or collectively, does not materially affect the appearance and eating quality of the product.

(c) *(C) classification.* Canned tomatoes and okra that are fairly free from defects may be given a score of 21 to 24 points. Canned tomatoes and okra that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the presence of sand, grit, or silt, harmless extraneous material, tomato peel, core material, and damaged and seriously damaged ingredients, individually or collectively, does not seriously affect the appearance and eating quality of the product.

(d) *(SStd.) classification.* Canned tomatoes and okra that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3430 *Character*—(a) *General.* The factor of character refers to the texture and wholeness of the tomato ingredient and the tenderness and texture of the okra pods or pieces of pods.

(1) "Large piece of tomato ingredient" means a piece of tomato flesh that weighs not less than 1 ounce.

(2) "Small piece of tomato ingredient" means a piece of tomato flesh that weighs less than 1 ounce and that does not pass through a United States Standard ½-inch sieve.

(b) *(A) classification.* Canned tomatoes and okra that possess a good character may be given a score of 26 to 30 points. "Good character" means that the tomato ingredient is composed of whole, almost whole, or large pieces of tomato flesh and that the okra pods or pieces of pods are fleshy and tender and practically intact, that the okra seed is in the early stages of development, and that not more than 5 percent, by count, of the pods or pieces of pods may possess fibrous material which is materially objectionable upon eating.

(c) *(C) classification.* Canned tomatoes and okra that possess a fairly good character may be given a score of 21 to 25 points. Canned tomatoes and okra that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the tomato ingredient may be predominantly in small pieces and that the okra pods and pieces of pods may have lost to a considerable extent their fleshy texture, that the units may be fairly tender but not excessively mushy, that the seed may be in the later stages of maturity but are not hard, and that not more than 10 percent, by count, of the pods or pieces of pods may possess fibrous material which is materially objectionable upon eating.

(d) *(SStd.) classification.* Canned tomatoes and okra that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3431 *Ascertaining the grade of a lot.* The grade of a lot of canned tomatoes and okra covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.3432 *Score sheet for canned tomatoes and okra or canned okra and tomatoes.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum readings (inches)	
Proportion of ingredients, —% tomatoes, —% okra	
Whole or cut okra	

Factors	Score points		
Color	20	(A)	17–20
		(C)	[1] 14–16
		(SStd.)	[1] 0–13
Flavor	20	(A)	17–20
		(C)	[1] 14–16
		(SStd.)	[1] 0–13
Defects	30	(A)	25–30
		(C)	[1] 21–24
		(SStd.)	[1] 0–20
Character	30	(A)	26–30
		(C)	[1] 21–25
		(SStd.)	[1] 0–20
Total score	100		

Flavor	
Grade	

[1] Indicates limiting rule.

Dated: July 10, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-5694; Filed, July 12, 1957; 8:48 a. m.]

[7 CFR Part 933]

[Docket No. AO-85-A3]

ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), hereinafter referred to collectively as the "order," regulating the handling of oranges, grapefruit, and tangerines grown in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the twentieth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the order are formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Growers Administrative and Shippers Advisory Committees, established pursuant to the order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would he held on February 25, 1957, in the Auditorium, Florida Citrus Mutual Building, Massachusetts Avenue and Orange Street, Lakeland, Florida, was published in the FEDERAL REGISTER (22 F. R. 476, 1069) on January 24, 1957.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Add tangelos as a fruit subject to regulation under the order;

(2) Redefine the term "handler" so as to include all persons, except a common or contract carrier, who ship fruit or cause the fruit to be shipped;

(3) Redefine the term "ship" so as to make it applicable to all shipments, including exports, of fruit to destinations outside that portion of the State of Florida bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico, and, in conjunction therewith, to prescribe the types and

scope of the regulations that may be imposed;

(4) Revise the provisions relating to assessments so as to continue to limit their application to the first handler of fruit and to permit the collection of assessments for the maintenance and fuctioning of the committee during any period of suspended activities;

(5) Permit regulation on the basis of minimum standards of quality and maturity when prices of fruit during a season are expected to average above parity; and

(6) Revise and clarify the provisions relating to shipments which may be made exempt from regulation.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be revised by adding tangelos to the fruits subject to regulation thereunder. The tangelo is a comparatively new type of citrus fruit developed by crossing the tangerine or mandarin orange with either the grapefruit or pummelo. The commercial types of these hyrbids are intermediate in character between the parent species and are so distinct that they cannot properly be classed with either parent. Tangelos generally are about the size of the common sweet orange and usually have a highly colored rind which is comparatively loose and easily removable. Tangelos are readily distinguishable from other citrus fruits by growers, handlers, and others closely associated with the citrus fruit industry but the consumer often may believe the tangelos displayed in retail stores are Temple oranges.

At the time the order was made effective, production of tangelos was not considered to be sufficiently large to warrant coverage under the program. However, plantings of tangelos have increased, particularly during recent years, until there were 139,000 bearing and 108,000 non-bearing tangelo trees in Florida in 1956. Production of tangelos in 1956 totaled 235,000 boxes. Barring some unforeseeable destruction of current acreage, the increasing trend in the production of tangelos will continue since nearly all of the existing tangelo trees are relatively young and 46 percent has not yet reached bearing age.

The equivalent parity price for tangelos, as of January 15, 1957, was $4.56, per box of 1⅗ bushels, "on-tree," for fresh consumption. The season average "on-tree" returns to growers of tangelos, during the past 10 years, have ranged from $2.20 to $4.00 per box. These returns, while generally below parity, are considered to be relatively favorable and to have resulted, primarily from two factors (1) the volume of tangelos available for market, while increasing, has not been large; and (2) the major proportion of such volume has been marketed by one handler. This handler, with the support of the tangelo growers, has carried out extensive promotional activities designed to develop interstate markets for tangelos, where nearly all of such fruit is sold, and has maintained high quality standards in the grading and packing of the tangelos shipped to such markets. However, the shipment of immature and otherwise low quality tangelos has occurred and may be expected to increase as a greater volume of tangelos becomes available for market. The marketing of such low quality tangelos adversely affects the prices that may be obtained for the better quality fruit not only because of the price competition which exists in the marketing of citrus fruits but also through the lessening of demand resulting from the purchase by consumers of fruit which does not possess desired quality and flavor. Hence, grower returns could be augmented by restricting shipments of tangelos to fruit which is mature and of a grade and size acceptable to the consumer.

The evidence of record shows that tangelos should be regulated in the same manner as, and should be subject to all the provisions that are applicable to, other citrus fruits currently covered by the order. Tangelos are grown throughout the area in which other citrus fruits are grown in Florida and growers of tangelos generally produce other citrus fruits also. While not all handlers of other citrus fruits handle tangelos, it is expected that a greater proportion of such handlers will handle tangelos as the volume of production increases. Tangelos are prepared for market in the same manner as other citrus fruit varieties and all handlers who handle tangelos also handle several of the other varieties.

(2) Under the current provisions of the order, a "handler" is described as the person who first ships fruit. Since the handler is the only person who is required to comply with the order and the supplemental restrictions established thereunder, any person who subsequently sells, transports, or performs any of the other activities which comprise the shipment of fruit, may do so free from restrictions even though the fruit so shipped does not conform to the order requirements. This limitation has not been conducive to the effective operation of the program since it has been necessary, whenever fruit not meeting order requirements is discovered, to trace back to the person who first shipped such fruit before any enforcement procedures may be undertaken. Such tracing of the origin of fruit is not always possible, particularly where it is in possession of a "trucker-purchaser" who is unwilling to identify the initial handler of the fruit. Hence, for more effective program operations, all persons who ship fruit should be made responsible for compliance with the order; and the fact that a particular quantity of fruit may have been initially shipped in violation of the order should not excuse any person who subsequently ships that fruit from conforming to the order requirements and regulations thereunder.

One of the proposed amendments set forth in the notice of hearing and discussed at the hearing (see (3) of these findings and conclusions) concerned proposed regulations applicable to export shipments. Such regulations could require that fruit exported shall meet specified conditions at the time of exportation. Since the exporter is not always the same person who first ships the fruit, any such regulation would be meaningless unless the exporter also is made subject to the regulation. It is concluded, therefore, that the term "handler" should be defined as hereinafter set forth.

(3) The commercial production of citrus fruits covered by the order is confined to that portion of Florida which is south and east of the Suwannee River. However, shipments of such fruits to the so-called "West Florida" area—the western side of the Suwannee River—and to export markets other than Canada are not currently regulated under the order. The evidence of record shows that regulation of the shipments to such markets would tend to effectuate the declared policy of the act.

Records of the Florida State Inspection Service indicate that approximately 80 percent of the citrus fruits shipped from the commercially producing area to West Florida is U. S. No. 3 grade. Because of such large quantity of low quality citrus fruits in such markets, prices have been depressed below those prevailing in markets outside the State. It was testified that the existence of such low quality and low priced citrus fruits in West Florida markets has tended to depress the prices that can be obtained for citrus fruits sold in the near-by interstate markets in Georgia and Alabama. There are wholesalers and distributors of citrus fruits that have established businesses and retail outlets in West Florida and in Southern Georgia, Alabama, and Mississippi. These firms are, of course, well aware of the marketing situation throughout the area and the lower prices in the intrastate markets are used in bargaining for citrus fruits to be distributed to the near-by interstate markets. Furthermore, citrus fruits shipped to firms located in West Florida, ostensibly for distribution within the State have been diverted to points outside the State. Also, wholesalers and other receivers in West Florida frequently sell citrus fruits not meeting order requirements to itinerant truckers. These truckers endeavor to dispose of their purchases to the best advantage; and if prices obtainable within the State are not satisfactory they haul the fruit to the near-by markets outside the State even though the fruit may not be of the grade and size permitted under the order to move in interstate commerce. Buyers of citrus fruits in these markets necessarily keep such competitive conditions in mind when bargaining for the purchase of citrus fruits. The movement and sale of citrus fruits from the producing area to markets within West Florida are inextricably intermingled with the movement and sale of citrus fruits from such area to interstate markets and adversely affect such interstate commerce and the regulation thereof. Hence, it is concluded that all shipments of citrus fruits from such commercial producing area to points outside thereof (whether within or without the State of Florida) are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce.

The Suwannee River provides a natural boundary within the State for delineating the commercial citrus fruit production area of Florida. The production of citrus fruits in Florida is concentrated in approximately 20 counties in the central portion of the State but there is some production in nearly all of the central, southern, and coastal counties. The citrus fruits produced in these counties are of similar types, are marketed at approximately the same time, and compete with each other in the markets. Therefore, the exclusion of any of such production from regulation under the order as proposed to be amended would tend to lessen its effectiveness.

It is desirable to fix the boundaries of the production area so as to coincide with established check points employed by the State in connection with its regulations concerning citrus fruits. A substantial portion of the shipments of Florida citrus fruits are made by truck and there have been established so-called road guard stations to check truck shipments of citrus fruits and other commodities. These stations are located near the highway crossings of the Suwannee River and on the major roads east of that river leading out of the State. Thus there is already available an ideal situation for checking all out-of-area truck shipments of citrus fruits for compliance with regulations under the order. The exclusion of any portion of the State other than that west of the Suwannee River from the production area would increase the number of routes by which citrus fruits could be moved by truck from the area and would increase correspondingly the difficulties and expense of effecting compliance with such regulations.

Over the past several years, an increasing volume of Florida citrus fruits has been exported to European markets. It was testified at the hearing that the quality of such fruits exported to these markets immediately following World War II, coupled with the unsatisfactory containers used, had caused such poor arrival condition of the fruit that the European buyers practically discontinued purchases of Florida citrus fruits. However, the reduction by freezing temperatures of the citrus fruit crops in the producing areas of Spain made it possible again to market Florida citrus fruits in Europe. It was further testified that, fortunately, there then was effective an export diversion program under which the exporter of United States oranges and grapefruit received a payment on citrus fruits exported to most western European countries provided the export shipment met specified quality, container and other requirements. As the result, the export shipments of Florida citrus fruits were of good quality and properly packaged; and it was possible to reestablish a limited demand for Florida citrus fruits in these markets. It was the concensus of those testifying at the hearing that, with the upward trend in the production of citrus fruits in Florida, it is essential that every effort be made to expand the export markets, but that this would not be accomplished without the regulation of exports especially since the export diversion program has been discontinued and it is virtually certain that there will be exports of fruit of an unsuitable quality and condition, or which is improperly packaged.

One of the most serious problems encountered in the exportation of Florida citrus fruits is the development of softness, skin breakdown, decay, and related condition factors en route to the boat and on the boat en route to destination. Export shipments cannot be handled as promptly as shipments to the domestic and Canadian and Mexican markets. Not only is the total time en route to destination longer but also orders for such exports are large and generally specify a limited number of sizes. Consequently, the fruit must be accumulated over several days rather than shipped immediately as is the case for shipments to domestic and Canadian and Mexican markets. Unless precautions are followed to insure that the fruit for export is properly refrigerated and cared for while being held for loading on the export vessel, the fruit may become soft or decayed, or otherwise go out of condition. Such fruit cannot be expected to arrive at destination in acceptable condition and would adversely affect both the price of fruit in the export market and the future demand for Florida citrus fruits. Hence, the regulation of exports of such citrus fruits should be authorized, and such authority should include, in addition to the grade and size limitations of the type applicable to domestic shipments, authorization to prescribe condition requirements which must be met at the time the fruit is loaded on board the vessel.

In this connection, it is necessary that the provisions of the amendments to the order place the final responsibility for compliance with the export regulations on the exporter of the fruit since he is the only person in a position to ascertain the time of export and whether the fruit meets the regulation requirements at such time. Also, in order to assure compliance with such condition requirements, the inspection provisions of the order should be amended so that, unless the fruit is loaded on-board the export carrier within such time limitations following the required inspection as may be prescribed by the committee with the approval of the Secretary, an additional inspection would be required. It would not be practical to set forth the time limitations in the order since the keeping qualities of citrus often vary from season to season and should be reflected in the limitations that are effective during any period. Also, it may be necessary to fix different time limitations applicable to exports from different ports of the continental United States. For example, intransit time from Florida to the New York port is about four days whereas only one day is required to reach the port of Fort Pierce, Florida. If only one such time limitation were to be made applicable to all exports and it was fixed to assure sound condition for export from Fort Pierce, then it would be necessary to require the additional inspection for all shipments from the New York port even though the fruit may have been handled so as to insure satisfactory condition of the fruit at ship-side. On the other hand, if the time limitation were fixed with a distant port in mind, it would permit fruit to be loaded at Fort Pierce without needed inspection even though it may have been held for several days at the packinghouse without proper storage conditions.

Other important factors influencing the arrival condition of fruit exported by boat are the shipping containers used and the manner of packing the fruit therein. Large quantities of fruit are contained in boat shipments and consequently the containers are stacked much higher, and are subjected to much greater stress than where shipment is by rail or truck. Unless the containers are sufficiently strong and the fruit properly arranged and suitably protected, the fruit cannot be expected to reach the foreign markets in satisfactory condition. Also, much greater damage to the fruit results in boat shipments, as compared to movement by rail or truck, when containers are packed with either too much or too little fruit. Hence, it would be desirable to specify, in addition to the several containers that may be used, the arrangement and the amount of fruit that may be packed in the respective container, and the manner in which the fruit should be protected in such container. The provisions of the order relating to regulation of export shipments should, therefore, include authorization for the committee to recommend, and the Secretary to fix, the size, capacity, weight, dimensions, or pack of the container or containers that may be used in the exportation of citrus fruits.

Container regulations apparently are not needed at this time in connection with the domestic shipments of citrus fruits. The Florida Citrus Commission, in accordance with State laws, has established regulations limiting the containers that may be used for the shipment of citrus fruits. Such regulations have proven satisfactory with the exception that a handler may use any of the containers for shipments destined to any domestic or export market. Consequently, it was testified, containers of insufficient strength may be used for making export shipments. Containers suitable for use in export shipments are included in the approved list of the Commission, however; and it was further testified that container regulations, therefore, should not authorize the use of any container not approved by the Commission.

In the recommendation and establishment of regulations governing exports of citrus fruits, consideration should be given to the differences in demand in the export markets, and the distances and time involved, as compared to the domestic markets. A grade limitation which would be satisfactory to assure sound arrival in domestic markets may, because of such factors, be much too lax to accomplish the objectives of regulating exports. Also the characteristic of the demand in the European and domestic markets often differ and fruit of a size that may be sold only at discounts in domestic markets often may be a de-

sired size in European markets. The order should, therefore, be amended to permit different grade and size regulations to be made applicable to the export and domestic shipments.

It was testified, without opposition, at the hearing that any limitations which were made applicable to exports to Mexico should be the same as those governing domestic and Canadian shipments. It was pointed out that, like Canada, Mexico borders the United States and exports to these countries are made by modes of transportation that are rapid and similar to those available for shipment to the domestic markets. The characteristics of the demand for citrus fruits in Mexico and Canada are similar to those in the domestic markets. Hence, the requirements as to containers, additional inspection, and condition factors, as well as different grade and size requirements, for fruit for export to the distant countries are not needed for export to Mexico and Canada.

It is concluded, therefore, that the regulatory and inspection provisions of the order should be amended as hereinafter set forth.

(4) Under the current provisions of the order, each handler is required to pay his pro rata share of the expense incurred for the maintenance and functioning of the committees established under the order through the payment of a designated rate of assessment levied on each box of citrus fruit shipped. The proposed broadening of the definition of the term "handler" would result in the assessment being levied more than once on the same box of fruit whenever more than one handler is involved in its shipment. It would not be desirable, nor necessary, for the effective operation of the program, for the assessment provisions of the order to cause the marketing costs of a box of fruit handled in a certain manner to be larger than if a different handling was involved. Hence, it should be provided that only the first handler should be responsible for paying the assessments levied. This would result in assessments being collected from the same persons, and in the same manner, as has been required in the past.

This marketing order program has operated continuously since it was made effective in 1939. It does not appear likely, considering the prospective supply and demand conditions for citrus fruits, that a temporary suspension of provisions of the program would occur in the foreseeable future. It was testified, however, that it was conceivable that freezing temperatures or other conditions could reduce or damage the crop sufficiently that operation under the program would be suspended temporarily. In such event, it would be necessary for the committees to continue their activities, at least on a limited basis, during any such period so as to keep current information relating to supply and demand conditions for citrus fruits and to be prepared to resume all of their duties, without undue delay, upon termination of the suspension. The act authorizes the collection of assessments for specified purposes during periods when provisions of a marketing order are temporarily suspended; and the order should be amended accordingly.

(5) The order should provide authority for the committees to recommend and the Secretary to establish such minimum standards of quality and maturity, when prices for citrus fruits during a season are expected to average above parity, as would be in the public interest. It was testified that the chances of prices for citrus fruits exceeding parity were not great unless the crops are severely damaged by freezes or other weather hazards. Under these conditions, it would not be in the public interest to ship fruit which was bruised and marred as the result of high winds or which was dry or mushy from freezing injury. However, some fruit of such poor quality undoubtedly would be marketed in the absence of regulations if prices were above parity. Such fruit would not provide consumer satisfaction and would cause an adverse buyer reaction which would tend to demoralize the market for later shipments of citrus fruits.

It was pointed out at the hearing that the use of the term "quality regulations" had a colloquial meaning in the Florida citrus industry. For many years, the State of Florida has prescribed quality requirements for citrus fruits under which the soluble solids, acids, and ratio of the soluble solids to acid content of the juice have been regulated. Thus, any reference to quality regulations is generally taken to mean regulation of these factors. It was indicated that regulation of these factors by the State had proven satisfactory and that in order to obviate misunderstanding by the industry of the scope of regulation by minimum standards of quality and maturity, the authority to establish such standards should indicate that any minimum standards issued thereunder will be on the basis, or in terms, of grades and sizes only. With respect to "size" requirements under such standards, many varieties of the citrus fruits grown in Florida have a large number of seeds; and excessively small sizes of such fruit are little more than peel and seeds. Also, the large sizes of citrus fruits tend to develop dryness near the stem-end as the harvesting season progresses, particularly when freezing injury has occurred. Such undesirable sizes of fruit do not provide consumer satisfaction and have been eliminated under normal operation of the program. If such sizes were permitted to be shipped during periods when prices exceed parity, it could result in dissipation of the benefits accruing from the prior operation of the order.

(6) The provisions of the order relating to shipments of fruit not subject to regulation (§ 933.80) should be revised and clarified. Such provisions currently exempt from regulation shipments of citrus fruit exported to all foreign countries except Canada. Inasmuch as the order should now provide authority, as heretofore discussed, for regulating all exports of citrus fruits, this exemption should be deleted. It was pointed out, however, that fruit is purchased in continental United States ports and loaded on vessels for use as "ships stores" (supplies for consumption by the passengers and crew of a ship). Generally, fruit sold for ships stores would not reach the foreign markets and should not, for this reason, be subject to the export regulations unless it should develop that this exception provided an avenue for escape from the regulations. To facilitate the imposition of controls, if such should become necessary, the exception from regulation covering fruit exported as ships stores should be carried out under the proposed authorization for the committee, with the approval of the Secretary, to exempt such minimum quantities and types of shipments as it is not necessary to regulate to attain the objectives of the program.

The current provisions of § 933.80 of the order also exempt from regulation shipments of citrus fruits by express. Such exception was initialy designed to free from regulation express shipments which did not enter commercial fresh fruit channels of trade. The purpose of this exemption was to permit unregulated movement of so-called "gift packages" which are shipped directly to the consumer. At the time the order was issued practically all of the gift packages were shipped by Railway Express but this has since changed and a substantial volume of the gift packages are consolidated for movement by truck to the larger cities and thereafter distributed to the recipients of the gifts. Since these shipments generally differ only in the mode of transportation employed, the order provisions should be amended so that equal treatment may be applied to all such shipments. In order to provide the flexibility necessary to assure that such equal treatment may be afforded all such shipments in the future, the exemption from regulation of gift package shipments also should be carried out under the authorization to exempt such minimum quantities and types of shipments as may be prescribed by the committee with the approval of the Secretary.

Section 933.80 also exempts from regulation shipments of citrus fruits for "conversion into by-products." The term "by-products" now is defined therein as "processed and manufactured products of fruit, including canned and bottled fruits and fruit juices: *Provided*, That fruit shipped for conversion into fruit juices without further processing or treatment to render the same bona fide manufactured or processed products * * * shall be deemed fresh fruit and shall be subject to all regulations" under the order. While the present order definition of the term "by-products" does not specifically so state, the proviso in the definition would serve no useful purpose if shipments of fruit for conversion into fresh juice were intended to be included in the exemption from regulation. Evidence presented at the hearing indicates that fresh citrus fruits and fresh citrus fruit juices are highly competitive with each other, and that this provision was intended to exempt from regulation only those shipments of fruit that subsequently would be canned or frozen or converted into a product, such as a beverage base, that had been so processed or treated as to preserve the keeping qualities. The order has been so administered since its inception in 1939. Recently, however, it has been contended by one handler that his shipments of Florida-grown citrus fruits which subsequently are converted into fresh juice that is homogenized constituted an exempt movement under the order provisions. It was for this reason that it was proposed that the order be amended so as to state specifically the products for which exempt shipments of citrus fruits could be made under the program.

A substantial portion of the Florida citrus fruits, and a majority of the Florida oranges that are shipped in fresh market channels ultmately are converted into, and consumed as, fresh juice. The primary use of Florida oranges in the home is to juice them. Hotels, institutions, juice stands, and drug and chain grocery stores juice Florida citrus fruits and sell the commodity to the consumer in this form. Many of these distributors, particularly chain grocery stores, sell Florida citrus fruits both as fresh fruit and in the form of fresh juice. The movement and sale of citrus fruits for fresh fruit and fresh juice purposes generally are not segregated but are commingled in the marketing process. Thus, it is apparent that the problems of effectively regulating the handling of citrus fruits for fresh use are many and may be insurmountable unless such regulation extends to the handling of fruit that is to be converted into fresh juice and sold in this form to the consumer.

One witness at the hearing opposed the adoption of the proposal to specify in the order the products for which exempt shipments of citrus fruits could be made. It was alleged, in this connection, that this proposal, if adopted, would prevent the exempt handling of Florida oranges for conversion into fresh juice which was thereafter homogenized and/or mixed with juice from oranges produced in California whereas the current provisions of the order permit such exempt handling. However, as heretofore pointed out, the handling of oranges for conversion into fresh juice was not originally intended, nor has it been construed in the past, to be exempt from regulation under the current provisions of the order; and merely homogenizing the fresh juice or mixing it with fresh juice of other oranges would not change it to some product that is not fresh juice.

In the evidence in opposition to the proposed revision of § 933.80 (b), it was pointed out that fruit which does not meet regulation requirements under the order is now being converted into fresh juice within the State of Florida and that this juice is then pasteurized and either packed in cartons and placed in refrigerated trucks or placed directly into refrigerated tank trucks or boats and shipped in interstate commerce to the larger cities such as New York and Chicago. It was contended, therefore, that unregulated fruit should also be made available in such interstate markets so that the juice from such fruit could be extracted at these markets, and be promptly delivered to the consumer, thereby providing the consumer with a fresher and better product. While it may appear on the surface that this contention has merit, the record shows that the juice extracted in Florida does not reach the larger markets for 3 or 4 days after it is produced. This juice must, therefore, be stabilized by pasteurization in order to insure its acceptable condition at the time the consumer purchases it. Pasteurization of the juice results in flavor changes which tend to distinguish it from fresh juice. Hence, it was pointed out, the Florida-produced juice is not nearly as competitive with the fresh citrus fruits as is the juice that is produced in the market and so handled as to deliver to the consumer a product possessing the qualities of juice extracted in the home. The primary purpose of the order is to establish and maintain such orderly marketing conditions for fresh Florida citrus fruits as will increase returns to the producers of such fruits. If the unregulated citrus fruits were to be made available in the larger markets for the commercial production of juices which possess all the qualities of juice extracted in the home, the demand for fruit meeting regulation requirements under the order would be reduced since much of such fruit is ultimately consumed in fresh juice form. Any such reduction in demand would, of course, tend to lower the price that may be obtained in the fresh fruit markets. It is concluded, therefore, that handling of citrus fruits for the purpose of conversion into fresh juice should not be exempt from the order and the regulations thereunder; and the order should be amended, as hereinafter set forth, so as to specify the products for which exempt shipments of citrus fruits may be made. Such products should include only canned and frozen citrus fruits, canned and frozen citrus fruit juices, and beverage bases made from citrus fruits so as to clarify and continue in effect the current exemption of the order with respect to fruit shipped for conversion into "by-products."

(7) The order should be amended so as to make all of its provisions conform to the amendments that may be made effective as the result of this proceeding. Authority to include in marketing orders provisions for container regulations and for continuing certain limited regulatory activities during seasons when returns to growers will average above parity became available subsequent to the time the order was made effective. Hence, the definition of "act," as presently set forth in the order, does not contain the statutory references to the amendments by which such authority was added to the Agricultural Marketing Agreement Act of 1937. Since it is now proposed to include such authority in the order, as heretofore discussed, and it is also desirable to keep the definitions in the order current, the definition of "act" should be revised as hereinafter set forth.

Other changes in the order provisions which are now proposed would revise substantially the regulatory authority under this program. To facilitate the drafting of such provisions, and to make such provisions as concise and clear as possible, §§ 933.51 through 933.53 and §§ 933.60 through 933.62 should be deleted and these provisions combined with the new regulatory authority. Further, these provisions should expressly set forth the authority of the Secretary not only to issue but also to modify, suspend, and terminate regulations under the program. Such revision will also necessitate changes in the cross-references in other sections so that these order provisions will be meaningful. In this connection also, authority to regulate the "pack" of containers of fruit exported is now proposed. Such pack regulations may specify the arrangement of the fruit in the container, its minimum and maximum weights, that the fruit must be wrapped, and similar requirements. However, the term "pack" is defined in § 933.8 of the order to include such activities as to wash, grade, and size fruit to delineate the activities which may not be carried out during a cessation of shipping (i. e., shipping holiday) pursuant to the current provisions of § 933.62. These activities may more accurately be described as the preparing of fruit for market, and this section should be amended accordingly so as to limit its application as originally intended. Also, the evidence of record shows that the shipping holiday regulations are not needed with respect to exports since these regulations are designed to clear the domestic markets of excessive supplies which often accumulate during the Christmas season. It would not be practical, because of the distances involved and the large quantities included in individual shipments, to endeavor to carry out such objectives in connection with exports.

It is also proposed to regulate tangelos under the order whereas the title of the order refers only to oranges, grapefruit, and tangerines; and a more descriptive title should be provided.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activities specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in

the production and marketing of the oranges (including Temple oranges), grapefruit, tangerines and tangelos grown in the production area; and

(5) All handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. April 12, 1957, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. Such documents were filed, within the prescribed time, by Winston F. Lawless and on behalf of the Growers Administrative and Shippers Advisory Committees by their Assistant Secretary, Frank Seymour. Every point covered in these briefs has been considered carefully, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions suggested in such briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated herein.

Recommended amendments to the marketing agreement and order. The following amendments to the amended marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Immediately preceding the period at the end of § 933.2 *Act* insert the following: "(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)"

2. Delete § 933.4 *Fruit* and substitute therefor the following:

§ 933.4 *Fruit.* "Fruit" means the following types of citrus fruits grown in the production area:

(a) Citrus sinensis, Osbeck, commonly called "oranges;"

(b) Citrus grandis, Osbeck, commonly called "grapefruit;"

(c) Citrus nobilis deliciosa, commonly called "tangerines;"

(d) Temple oranges; and

(e) Tangelos.

3. After changing the period at the end of § 933.5 *Variety* to a semicolon, and deleting the word "and" immediately preceding (h) of such section, add the following: "and (i) tangelos."

4. Amend § 933.7 *Handler* to read as follows:

§ 933.7 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting fruit for another person) who, as owner, agent, or otherwise, handles fruit in fresh form, or causes fruit to be handled.

5. Delete § 933.8 *Pack* and substitute therefor the following:

§ 933.8 *Prepare for market.* "Prepare for market" means to wash, grade, size, or place fruit (whether or not wrapped) into any container whatsoever; but such term shall not include the harvesting of fruit.

6. Delete § 933.9 *Ship* and substitute therefor the following:

§ 933.9 *Handle or ship.* "Handle or ship" means (a) to sell, consign, deliver, or transport fruit, or in any other way to place fruit, in the current of the commerce between the production area and any point outside thereof in the continental United States, Canada, or Mexico; and (b) to export fruit from any continental United States port to any destination other than Canada or Mexico.

7. Delete from paragraph (c) of § 933.12 *District* the following counties: Dixie, Lafayette, Hamilton, Madison, Taylor, Jefferson, Leon, Wakulla, Gadsden, Liberty, Franklin, Gulf, Calhoun, Jackson, Bay, Washington, Holmes, Walton, Okaloosa, Santa Rosa, and Escambia.

8. Delete from § 933.13 *Regulation Area I* the words "State of Florida" and substitute therefor the words "production area."

9. Insert immediately after § 933.14 the following new section:

§ 933.15 *Production area.* "Production area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

10. Amend paragraph (a) of § 933.41 *Assessments* to read as follows:

(a) Each handler who first handles fruit shall pay to the Growers Administrative Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by such committee for the maintenance and functioning, during each fiscal period, of the committees established under this subpart. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committees may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

11. Delete from §§ 933.31 (j) and 933.32 (c) the reference to "§§ 933.51 or 933.60" and substitute therefor "§ 933.51."

12. Delete the center heading entitled: "Regulation by Grades and Sizes" which precedes § 933.50 and substitute therefor the center heading "Regulations."

13. Delete §§ 933.51, 933.52, and 933.53 and substitute therefor the following:

§ 933.51 *Recommendations for regulation.* (a) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety in the manner provided in § 933.52 it shall promptly submit its recommendation, with supporting information, to the Growers Administrative Committee. In making such determination, the said committee shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (1) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (2) amount on hand at the principal markets, as evidenced by supplies on track; (3) maturity, condition, and available supply, including the grade and size thereof in the producing areas; (4) other pertinent market information; and (5) the level and trend in consumer income. The Growers Administrative Committee shall submit to the Secretary the recommendation of the Shippers Advisory Committee, together with its own recommendations and supporting information respecting the factors enumerated in this section.

(b) The failure of the Shippers Advisory Committee to make a recommendation with respect to regulations authorized by § 933.52, after having received notice of the intention of the Growers Administrative Committee to meet for the purpose of receiving such recommendations, shall not preclude the Growers Administrative Committee from submitting recommendations and supporting information to the Secretary.

(c) The Growers Administrative Committee shall give at least 24 hours notice of any meeting to consider the recommendation of regulations pursuant to § 933.52, by publication in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of the production area, and shall mail a copy of such notice to each handler who has filed his address with said committee for this purpose. The said committee shall give the same notice of any such recommendation at least 48 hours before the time it is recommended that such regulation become effective.

§ 933.52 *Regulation by the Secretary.* (a) Whenever the Secretary shall find from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that to limit the shipment of any variety would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods. Such regulations may:

(1) Provide that shipments of any variety shall be limited to such grades or sizes, or both, as shall be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I;

(2) Limit the shipment of any variety by establishing and maintaining, only in terms of grades or sizes, or both, minimum standards of quality and maturity;

(3) Limit the shipment of the total quantity of any variety by prohibiting

the shipment thereof: *Provided,* That no such prohibition shall apply to exports other than to Canada or Mexico or be effective during any fiscal period with respect to any variety (i) for more than two periods, (ii) for more than a total of fourteen days, and (iii) during any period other than December 20 to January 20, both dates inclusive;

(4) Provide that exports of any variety, other than to Canada and Mexico, shall be limited to grades and sizes different from the grade and size limitation applicable to shipments of such variety in the United States, or to Canada and Mexico, and specify condition requirements for such variety; and

(5) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the shipment of fruit for export, other than to Canada and Mexico: *Provided,* That such regulation shall not authorize the use of any container which is prohibited for use for fruit under the provisions of the Florida Citrus Code.

(b) Prior to the beginning of any such regulation the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers by publication in daily newspapers, selected by the said committee, of general circulation in the citrus producing districts of the production area: *Provided,* That when the regulation as issued is different from the recommendation of the committee, notice thereof shall be given also by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

(c) Whenever the Secretary finds from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of fruit in order to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis, and in like manner, the Secretary may terminate any such modification or suspension.

(d) Whenever any variety is regulated pursuant to paragraph (a) (3) of this section, no such regulation shall be deemed to limit the right of any person to sell, contract to sell, or export other than to Canada or Mexico such variety, but no handler shall otherwise ship any fruit of such variety which was prepared for market during the effective period of such regulation.

§ 933.53 *Inspection and certification.* (a) Whenever the handling of a variety of a type of fruit is regulated pursuant to § 933.52, each handler who handles any variety of such type of fruit shall, prior to the handling of any lot of such variety, cause such lot to be inspected by the Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided,* That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified unless such prior inspection was not performed within such time limitations as may be prescribed pursuant to paragraph (b) of this section. Each handler shall promptly submit, or cause to be submitted, to the Growers Administrative Committee a copy of each certificate of inspection issued to him covering varieties so handled.

(b) With respect to any variety regulated pursuant to § 933.52 (a) (4), the Growers Administrative Committee may prescribe, with the approval of the Secretary, such requirements with respect to time of inspection as it may deem necessary to insure satisfactory condition of the fruit at time of export.

14. Delete §§ 933.60, 933.61, and 933.62 and the immediately preceding center heading entitled "Regulation of Shipments."

15. Amend § 933.80 *Fruit not subject to regulation* to read as follows:

§ 933.80 *Fruit not subject to regulation.* Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 933.52 and 933.53 and the regulations issued thereunder, ship any variety for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel post; or (e) in such minimum quantities, types of shipments, or for such purposes as the Growers Administrative Committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent varieties handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle a variety pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the variety will not be used for any purpose not authorized by this section.

16. Delete from § 933.81 *Compliance* the reference to "§§ 933.52 or 933.61" and substitute therefor "this part."

Dated: July 10, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-5693; Filed, July 12, 1957; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 665, 670, 677, 701, 713]

[Administrative Order 487]

PUERTO RICO; PAPER BOX MANUFACTURING INDUSTRY; CHEMICAL, PETROLEUM, RUBBER, AND RELATED PRODUCTS INDUSTRY; PAPER, PAPER PRODUCTS, PRINTING, AND PUBLISHING INDUSTRY; METAL, PLASTICS, MACHINERY INSTRUMENT, TRANSPORTATION EQUIPMENT, AND ALLIED INDUSTRIES; PLASTIC PRODUCTS INDUSTRY

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 32–A for the Chemical, Petroleum, Rubber, and Related Products Industry in Puerto Rico, Industry Committee No. 32–B for the Fabricated Plastic Products Industry in Puerto Rico, and Industry Committee No. 32–C for the Paper, Paper Products, Printing and Publishing Industry in Puerto Rico.

Industry Committee No. 32–A is composed of the following representatives:

FOR THE PUBLIC

Maynard E. Pirsig, Chairman, Minneapolis, Minnesota.
John A. Hogan, Durham, New Hampshire.
Jose Ramon Noguera, San Juan, Puerto Rico.

FOR THE EMPLOYEES

Herbert D. Dawson, Akron, Ohio.
John W. Bailey, Albany, New York.
Hipolito Marcano, San Juan, Puerto Rico.

FOR THE EMPLOYERS

George S. Nalle, Austin, Texas.
Manuel Luis del Valle, Hato Rey, Puerto Rico.
Maurice Nagle, Canovanas, Puerto Rico.

For the purpose of this order, the chemical, petroleum, rubber, and related products industry in Puerto Rico is defined as follows:

The manufacture or packaging of chemicals, drugs, medicines, toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; the mining or other extraction of petroleum, coal, or natural gases and the manufacture of products therefrom; the manufacture of all products made chiefly of natural, synthetic, or reclaimed rubber or latex; and the manufacture of footwear by vulcanizing the entire article or by vulcanizing the sole to the upper.

The products of this industry include, among others: Primary plastic materials such as sheets, rods, tubes, filaments, granules, powders, and liquids; soap and glycerin; cleaning and polishing preparations; paints, varnishes, colors,

dyes, inks, putty, and fillers; wood distillation and naval stores; fertilizers; vegetable and animal oils and fats; candles; glue and gelatin; compressed and liquefied gases; insecticides and fungicides; salt; explosives, fireworks, and pyrotechnics; coke and coke-oven by-products; paving mixtures and blocks containing asphalt, creosote, or tar; fuel briquettes; roofing felts and coatings; asphalt tile, rubber tile, and linoleum; new, rebuilt, and retreaded tires, and inner tubes; reclaimed rubber; industrial and mechanical rubber goods; rubber specialties, and sundries: *Provided, however,* That the industry shall not include any activity included in the men's and boys' clothing and related products industry (29 CFR Part 703), the children's dress and related products industry (29 CFR Part 717), the corsets, brassieres, and allied garments industry (29 CFR Part 710), the needlework and fabricated textile products industry (29 CFR Part 719), the food and related products industry (29 CFR Part 673), the alcoholic beverage and industrial alcohol industry (29 CFR Part 706), and any activity performed in the capacity of a public utility.

Industry Committee No. 32–B is composed of the following representatives:

FOR THE PUBLIC

Maynard E. Pirsig, Chairman, Minneapolis, Minnesota.
John A. Hogan, Durham, New Hampshire.
Jose Ramon Noguera, San Juan, Puerto Rico.

FOR THE EMPLOYEES

Herbert D. Dawson, Akron, Ohio.
John W. Bailey, Albany, New York.
Hipolito Marcano, San Juan, Puerto Rico.

FOR THE EMPLOYERS

George S. Nalle, Austin, Texas.
Manuel Luis del Valle, Hato Rey, Puerto Rico.
Samuel M. Seltzer, Rio Piedras, Puerto Rico.

For the purpose of this order the fabricated plastic products industry in Puerto Rico is defined as follows:

The molding, extrusion, lamination, or other forming, and the fabrication of plastic products: *Provided, however,* That the definition shall not include (1) the manufacture of products included in the chemical, petroleum, rubber, and related products industry in Puerto Rico; (2) the manufacture of buttons, buckles, jewelry (including rosaries), and jewelry findings (including beads); (3) the manufacture from pliable plastics in sheet or film form of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in nature; (4) the manufacture from plastic materials of footwear and cut stock and findings for footwear; (5) the manufacture of apparel, apparel furnishings and accessories, and miscellaneous fabricated textile products made from pliable plastics in sheet or film form; and (6) any activity included in the leather, leather goods, shoe, and related products industry, as defined in the wage order for that industry in Puerto Rico (29 CFR Part 686).

Industry Committee No. 32–C is composed of the following representatives:

FOR THE PUBLIC

Maynard E. Pirsig, Chairman, Minneapolis, Minnesota.
John A. Hogan, Durham, New Hampshire.
Jose Ramon Noguera, San Juan, Puerto Rico.

FOR THE EMPLOYEES

Herbert D. Dawson, Akron, Ohio.
John W. Bailey, Albany, New York.
Hipolito Marcano, San Juan, Puerto Rico.

FOR THE EMPLOYERS

George S. Nalle, Austin, Texas.
Manuel Luis del Valle, Hato Rey, Puerto Rico.
Eric S. Prior, Hato Rey, Puerto Rico.

For the purpose of this order the paper, paper products, printing, and publishing industry in Puerto Rico is defined as follows:

The manufacture of pulp from wood, rags, bagasse, and other fibers; the conversion of such pulp into paper, paperboard, and building board; the manufacture of paper, paperboard and pulp into bags, boxes, containers, tags, cards, envelopes, pressed and molded pulp goods, and all other converted paper products; the printing performed on the foregoing and on allied products; the printing or publishing of newspapers, books, periodicals, maps, and music; and all manufacturing and service operations performed by typesetters, advertising typographers, electrotypers, stereotypers, photoengravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other businesses, binderies, and news syndicates.

I hereby refer to each of the above mentioned industry committees the question of the minimum wage rate or rates to be fixed under section 6 (c) of the act for its industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 32–A shall commence its hearing on August 14, 1957, at 2 p. m. in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Consecutively, at the same place, after the hearing of Industry Committee No. 32–A, Industry Committee Nos. 32–B and 32–C shall hold their hearings in that order.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 32–A will meet at 10 a. m. on August 14, 1957, and Industry Committees Nos. 32–B and 32–C will meet at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications, within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each such report may be obtained at the national and the Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than August 3, 1957.

Signed at Washington, D. C., this 10th day of July 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-5698; Filed, July 12, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Geological Survey

[Power Site Cancellation 122]

COLORADO RIVER, UTAH

POWER SITE CLASSIFICATION NO. 377 CANCELED IN PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 377, approved April 10, 1946, is hereby canceled insofar and to the extent that it affects the following described land:

SALT LAKE MERIDIAN, UTAH

T. 26 S., R. 21 E.,
Sec. 12, E½NW¼NW¼NW¼ (E½NW¼ Lot 2);
Sec. 12, NE¼SE¼NW¼ (NE¼ Lot 4).

The area described aggregates 14.96 acres.

Dated: July 5, 1957.

ARTHUR A. BAKER,
Acting Director.

[F. R. Doc. 57-5680; Filed, July 12, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

JULY 1957 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in July under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 4 percent per annum.
For periods over 6 months up to and including 18 months, 4½ percent per annum.
For periods over 18 months up to and including 36 months, 5 percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

JULY 1957 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	All sales are under LD–25, as amended. Domestic price: For unrestricted use price is "in store" at storage locations of products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD–25, as amended. Export prices are on the basis of delivery f. o. b. point of export. CCC will convert to "in store" price as provided in LD–25, as amended. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter (in carloads only) as available.	Domestic, unrestricted use: 63.5 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.75 cents per pound, Washington, Oregon, and California. All other States 62.5 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk (in carloads only) spray, roller—as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 17.0 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 15.0 cents per pound; in bags, 14.15 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels and drums, 11.5 cents per pound; in bags, 10.65 cents per pound. Export, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 8.15 cents per pound; in bags, 7.55 cents per pound.
Cheddar cheese, cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only) 169,000,000 pounds.	Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States 37 cents per pound. Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton Linters	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO–CL–7, as amended, in carlot quantities on an "as is, where is" basis. Catalogs showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Cotton, Upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO–C–5, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN–EX–2 (Revision 1) and NO–C–8, as amended, and Announcements CN–EX–4 and NO–C–9, as amended.
Cotton, Extra Long Staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO–C–6, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO–C–6, as amended. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Available Dallas CSS Commodity Office.
Wool, shorn; approximately 20,000,000 pounds.	Domestic or export: Limited quantities (not more than 6,225,000 pounds in July) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[1] but not less than the 1957 applicable loan rate, plus (1) 17 cents per bushel if received by truck, or (2) 12 cents per bushel if received by rail or barge. Examples of the foregoing minimum price per bushel (ex rail or barge): Chicago, No. 1 RW $2.44; Minneapolis, No. 1 DNS $2.45; Kansas City, No. 1 HW $2.44. Noncommercial wheat-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1957 county loan rate plus (1) 17 cents per bushel if received by truck, or (2) 12 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR–261 revised, as amended, for application to barter contracts and specially approved credit sales only, at prices determined daily, and under Announcement GR–212 revised, as amended, for specific offerings as announced. Disposals under special export program under Announcement GR–345.[2] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR–345 at Dallas and Chicago, and Portland when announced.

See footnotes at end of table.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale			
		U. S. No. 3	U. S. No. 4	U. S. No. 5
Rice, milled 1956 crop (as available)	Domestic: unrestricted use (1956 crop): Market price but not less than the equivalent loan rate for rough rice by varieties plus 5 percent adjusted for milling, plus 60 cents per hundredweight Example of minimum prices of milled rice per hundredweight at mills:			
	Blue Bonnet	$10.93	$10.11	$9.21
	Century Patna	10.31	9.56	8.73
	Export: Competitive bid as announced by Dallas and Portland CSS Commodity Office			
	Domestic: Unrestricted use; market price but not less than legal minimum price. Prices and quantities available by varieties may be obtained from Dallas CSS Commodity Office or from Portland CSS Commodity Office for Pearl and Carose			
	Export: Competitive bid as announced by Dallas and Portland CSS Commodity Office			
Rice, rough	Prices for domestic sale are for U. S. No. 1 f. o. b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. For other areas, adjust by the 1956 price support differential			
	Domestic: Market price but not less than $9.27 per 100 pounds. Idaho and Oregon points of production available Portland CSS Commodity Office.			
	Export: Competitive bids as announced by Portland CSS Commodity Office.			
	Domestic: Market price but not less than $7.79 per 100 pounds. Nebraska points of production, available Kansas City and Portland CSS Commodity Office.			
	Export: Competitive bids as announced by Kansas City and Portland CSS Commodity Office.			
Dry edible beans (bagged)	Domestic: Market price but not less than $10.97 per 100 pounds. California points of production, available Portland CSS Commodity Office.			
	Export: Competitive bids as announced by Portland CSS Commodity Office.			
	Domestic: Market price but not less than $5.82 per 100 pounds. California points of production, available Portland CSS Commodity Office.			
	Export: Competitive bids as announced by Portland CSS Commodity Office.			
	Domestic: Washington points but not less than $7.88 f. o. b. California, Colorado, Washington points of production, available Portland and Kansas City CSS Commodity Offices			
	Export: Competitive bids as announced by Portland and Kansas City CSS Commodity Offices.			
Red kidney beans (as available).	Domestic: Market price but not less than $6.59 f. o. b. Washington points of production available Portland CSS Commodity Office.			
	Export: Competitive bids as announced by Portland CSS Commodity Office.			
	Domestic: Market price but not less than $7.77 per 100 pounds f. o. b. California and Washington points of production, available Portland CSS Commodity Office.			
Great northern beans (as available).	Export: Competitive bids as announced by Portland CSS Commodity Office.			
	Domestic: Market price but not less than $7.72 f. o. b. Washington points of production, available Portland CSS Commodity Office.			
	Export: Competitive bids as announced by Portland CSS Commodity Office.			
Large lima beans (as available).	Domestic or export: Offer and acceptance basis, "as is", in galvanized metal storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.			
Baby lima beans (as available).				
Small red beans (as available)				
Pinto beans (as available)				
Pink beans (as available)				
Small white beans (as available).				
Gum rosin				
Gum turpentine				

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.

[3] Sales of grains other than wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[2] but not less than the 1956 applicable loan rate basis point of production plus 31 cents per bushel. Examples of the foregoing minimum price per bushel, including average paid-in freight: Chicago, No. 3 yellow $2.06; Minneapolis, No. 3 yellow $1.91; Kansas City, No. 3 yellow $1.89; Portland, No. 3 yellow $2.14. Noncommercial corn-producing area: Market price, basis in store,[2] but not less than 121 percent of the applicable 1956 loan rate, plus 31 cents per bushel. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Nonstarchy corn is also available at the above offices. Export: Competitive bid basis as announced by the Portland and Chicago CSS Commodity Offices.
Oats, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate basis point of production, plus 6 cents per bushel for oats in country warehouses, and 8 cents per bushel, for oats in subterminal and terminal warehouses (any paid-in freight would be added). Examples of the foregoing minimum price per bushel including average paid-in freight from Redwood County, Minn., to Minneapolis and Woodford County, Ill., to Chicago: Chicago, No. 3 oats or better, $0.78½; Minneapolis, No. 3 oats or better, $0.67¾. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[3]
Barley, bulk	Domestic: Market price in store,[2] but not less than the 1957 applicable loan rate basis point of production, plus 12 cents per bushel (7 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 2 barley, $1.24. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices.[3] Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[3]
Rye, bulk	Domestic: Market price basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 13 cents per bushel if received by truck, or (2) 8 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 2 rye, $1.45. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[3]
Grain sorghums, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus (1) 12 cents per 100 pounds if received by truck, or (2) 12 cents per 100 pounds if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per 100 pounds (ex rail or barge): Kansas City, No. 2 or better, $2.40. Available Dallas, Portland, and Kansas City CSS Commodity Offices.
Soybeans, bulk	Export: Competitive bid as announced by Dallas CSS Commodity Office.[3] Domestic (for crushing): Market price basis in store but not less than the 1956 basic loan rate for No. 2 yellow soybeans plus 4½ cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at sub-terminal or terminal storage point will be added to the above price. Available Chicago, Dallas, Kansas City, and Minneapolis CSS Commodity Offices.
Flaxseed, bulk	Domestic (for crushing): Market price basis in store but not less than the 1956 applicable loan rate at point of storage plus 4½ cents. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 1 Flax $3.45½; Duluth, No. 1 Flax $3.43½. Available Minneapolis and Duluth CSS Commodity Offices. Export: Competitive bid, under the terms and conditions of Announcement GR-MP-227, amendments thereto. Available Minneapolis CSS Commodity Office.

See footnotes at end of table.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: July 9, 1957.

[SEAL] WALTER C. BERGER,
Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 57-5696; Filed, July 12, 1957; 8:48 a. m.]

Forest Service

REGIONAL FORESTERS

DELEGATION OF AUTHORITY FOR PROCUREMENT OF ENGINEERING SERVICES BY NEGOTIATED CONTRACT

Pursuant to the authority vested in the Chief, Forest Service, by the Secretary of Agriculture, under date of May 10, 1957 (22 F. R. 3423), authority is delegated to Regional Foresters and Acting Regional Foresters to negotiate contracts without advertising pursuant to section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, for professional engineering services required for all roads, trails, bridges, dams, buildings, cadastral surveys, landscape, architectural and related professional engineering services, such as planning and design of camp grounds, picnic areas, trailer parks, observation points, and playgrounds, together with necessary structures, water, sanitation and other facilities that are involved in programs of the Forest Service.

Operating procedures previously approved by the Director, Office of Plant and Operations, shall be applicable to this delegation.

The authority hereby delegated shall be exercised in accordance with the requirements of the above titled act, the delegation of authority of the Administrator, General Services Administration, to the Secretary of Agriculture, under date of April 19, 1957 (22 F. R. 2927), and the delegation of authority of the Secretary of Agriculture as above mentioned, and shall not extend beyond July 1, 1958.

The authority herein delegated may not be redelegated. This delegation supersedes the delegation to Regional Foresters and Acting Regional Foresters of July 19, 1956 (21 F. R. 5596).

Done at Washington, D. C., this 5th day of July 1957.

[SEAL] RICHARD E. MCARDLE,
Chief, Forest Service.

[F. R. Doc. 57-5685; Filed, July 12, 1957; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8450]

AIRWAYS PARCEL POST SERVICE, INC., ET AL.; INTERLOCKING RELATIONSHIPS

NOTICE OF HEARING

In the matter of the application of Airways Parcel Post Service, Inc., Morris Shapiro and Hans Theodore Ahlers for approval of certain common control and interlocking relationships.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding is assigned to be held on July 16, 1957, at 10:00 a. m., e. d. s. t., in Room 1011, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., July 10, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5699; Filed, July 12, 1957; 8:49 a. m.]

[Docket No. 8682]

SOURDOUGH AIR TRANSPORT

NOTICE OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 37 issued to Antone R. Johansen and Dorothy Johansen, d/b/a Sourdough Air Transport.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on July 24, 1957, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., July 10, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5700; Filed, July 12, 1957; 8:49 a. m.]

[Dockets Nos. 8863, 8864]

AERONAVES DE MEXICO, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Aeronaves de Mexico, S. A., for a foreign air carrier permit to engage in foreign air transportation between the terminal points Mexico City, Mexico and New York, New York, via the intermediate point Washington, D. C., Docket No. 8863.

In the matter of the application of Aeronaves de Mexico, S. A., for a foreign air carrier permit to engage in foreign air transportation between the terminal points Mexico City, Mexico and New Orleans, Louisiana, via intermediate points in Mexico, Docket No. 8864.

Notice is hereby given that a prehearing conference in the above-entitled applications is assigned for July 15, 1957, at 10:30 a. m., e. d. s. t., in Room A-204, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Chief Examiner Francis W. Brown.

Dated at Washington, D. C., July 10, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5758; Filed, July 12, 1957; 9:27 a. m.]

[Docket No. 8865]

COMPANIA MEXICANA DE AVIACION, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Compania Mexicana de Aviacion, S. A., for a foreign air carrier permit authorizing it to engage in foreign air transportation of persons, property, and mail between (a) the terminal points Mexico City, Mexico and Chicago, Illinois, via intermediate points in Mexico; and (b) between the terminal points Mexico City, Mexico and San Antonio, Texas, via intermediate points in Mexico.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned for July 15, 1957, at 10:00 a. m., e. d. s. t., in Room A-204, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Chief Examiner Francis W. Brown.

Dated at Washington, D. C., July 10, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5759; Filed, July 12, 1957; 9:27 a. m.]

[Docket No. 8678]

ARCTIC-PACIFIC, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 8 issued to Arctic-Pacific, Inc.

Notice is hereby given that the hearing in the above-entitled matter now assigned for July 15, 1957, is indefinitely postponed.

Dated at Washington, D. C., July 11, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5760; Filed, July 12, 1957; 9:27 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11364, 11663; FCC 57M-652]

RCA COMMUNICATIONS, INC., AND WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of RCA Communications, Inc., The Western Union Telegraph Company, Docket No. 11364, complaint with respect to Area "C" Pacific Traffic under the International Formula; RCA Comunications, Inc., Docket No. 11663, request for appropriate Commission action with respect to alleged illegal practices of The Western Union Telegraph Company in handling traffic destined to various Far Eastern points.

The Hearing Examiner having under consideration the "Motion For Postponement of Hearing" filed on July 3, 1957, on behalf of American Cable and Radio Corporation and its subsidiaries, RCA Communications, Inc., and The Western Union Telegraph Company, requesting that the date scheduled for further hear-

ing herein on July 22, 1957, be continued until 2:00 p. m. on September 3, 1957;

It appearing that good and sufficient reason does exist why said "Motion For Postponement of Hearing" should be granted in part, viz, that certain counsel in this proceeding are presently engaged in other hearings before the Commission and a postponement would be in the public interest;

It further appearing that on the date requested for reconvening this proceeding there has been set for hearing another matter in which certain counsel in this proceeding will be participants;

It further appearing, that counsel for all parties to the proceeding have consented to this motion and have agreed to a waiver of § 1.745 of the Commission rules;

It is ordered, This 5th day of July 1957, that the "Motion for Postponement of Hearing" be, and is hereby granted to the extent that it is postponed from July 22, 1957;

It is further ordered, That the hearing herein be, and the same is, hereby continued, to 10:00 a. m., Monday, October 7, 1957, in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 57-5687; Filed, July 12, 1957; 8:47 a. m.]

[Docket No. 11931; FCC 57M-654]

ERWAY BROADCASTING CORP. (WAYE)

ORDER CONTINUING HEARING

In re application of Erway Broadcasting Corporation (WAYE), Dundalk, Maryland, Docket No. 11931, File No. BML-1679; for change of station designation.

In view of the pendency of a petition to dismiss filed by the above-entitled applicant on July 3, 1957; *It is ordered*, This 5th day of July 1957, that hearing in the above-entitled matter now scheduled for July 8, 1957, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 57-5689; Filed, July 12, 1957; 8:47 a. m.]

[Docket Nos. 12079-12081; FCC 57M-658]

JACK A. BURNETT ET AL.

ORDER SCHEDULING HEARING

In re applications of Jack A. Burnett, Ogden, Utah, Docket No. 12079, File No. BPCT-2255; United Telecasting and Radio Company, Ogden, Utah, Docket No. 12080, File No. BPCT-2270; Granite District Radio Broadcasting Company, Ogden, Utah, Docket No. 12081, File No. BPCT-2274; for construction permits for new television broadcast stations.

It is ordered, This 8th day of July 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 17, 1957, in Washington, D. C.

Released: July 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5690; Filed, July 12, 1957; 8:47 a. m.]

[Docket Nos. 12082, 12083; FCC 57M-657]

OBION COUNTY BROADCASTING CO. (WTUC) AND JEFFERSON BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re applications of Joe H. Harpole and William H. Parks, d/b as Obion County Broadcasting Company (WTUC), Union City, Tennessee, Docket No. 12082, File No. BP-10875; Jefferson Broadcasting Co., Inc., Louisville, Kentucky Docket No. 12083, File No. BP-10924; for construction permits.

It is ordered, This 8th day of July 1957, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 17, 1957, in Washington, D. C.

Released: July 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5691; Filed, July 12, 1957; 8:47 a. m.]

[Docket No. 12084 etc.; FCC 57M-659]

HERBERT MUSCHEL ET AL.

ORDER SCHEDULING HEARING

In re applications of Herbert Muschel, New York, N. Y., Docket No. 12084, File No. BPH-2184; Richard W. Brahm, d/b as Independent Broadcasting Co., New York, N. Y., Docket No. 12085, File No. BPH-2192; New Broadcasting Company, Inc., New York, N. Y., Docket No. 12086, File No. BPH-2194; for construction permits.

It is ordered, This 8th day of July 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commerce on September 17, 1957, in Washington, D. C.

Released: July 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5692; Filed, July 12, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 10, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33993: *Ammonium sulphate—Houston, Tex., to Florida points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ammonium sulphate, in bulk or in bags, carloads from Houston, Tex., to Miami, Tampa, and Winter Haven, Fla.

Grounds for relief: Barge-truck competition and circuitous routes.

Tariff: Supplement 218 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 33994: *Lime—Virginia points to Kentucky and Tennessee points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lime, common, hydrated, quick or slack, in bulk or in packages, carloads of varying minima from Oger-Tazewell, Kimballton-Ripplemead, and Riverton-Strasburg-Strasburg Jct., Va. groups to specified destinations in Kentucky and Tennessee, also Cincinnati, Ohio.

Grounds for relief: Modified short-line distance formula, grouping and circuitous routes.

Tariff: Supplement 85 to Agent Spaninger's tariff I. C. C. 1345.

FSA No. 33995: *Aluminum—Badin, N. C., to St. Louis, Mo., group.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on aluminum billets, ingots, pigs or slabs, carloads from Badin, N. C., to St. Louis, Mo., and East St. Louis and Belleville, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 4 to Agent Spaninger's tariff I. C. C. 1595.

FSA No. 33996: *Petroleum products—Mobile, Ala., to Meridian, Miss.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on gasoline, kerosene, naphtha or naphtha distillate, tank-car loads from Mobile, Ala., to Meridian, Miss.

Grounds for relief: Circuitous routes.

Tariff: Supplement 56 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 33997: *Liquefied petroleum gas—New Mexico and Texas points to official territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads for origins in New Mexico and Texas to points in official territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 108 to Agent Kratzmeir's tariff I. C. C. 4150.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-5688; Filed, July 12, 1957; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 136

Washington, Tuesday, July 16, 1957

JUL 1957
MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED KADOTA FIGS[1]

On May 15, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 3418) regarding a proposed revision of the United States Standards for Grades of Canned Kadota Figs.

After consideration of all relevant matters presented including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Kadota Figs are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

Except for the following changes, the revised United States Standards for Grades of Canned Kadota Figs are in the same form in which such standards appeared in the aforesaid notice:

1. In § 52.2823, paragraph (a), line 15, change first three words "in size; and" to read: "Kadota figs".

2. In § 52.2832, paragraph (a), line 8, insert a semi-colon after the word "discoloration;".

3. In § 52.2832, paragraph (b), line 6, insert a comma after the word "minor,".

4. Delete foot-note one applicable to § 52.2834.

5. Section 52.2834 and the centerhead appearing above this section are revised.

The revised standards are as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.2821 Product description.
52.2822 Styles of canned Kadota figs.
52.2823 Grades of canned Kadota figs.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

Sec.
52.2824 Liquid media and Brix measurements for canned Kadota figs.
52.2825 Recommended fill of container.
52.2826 Recommended minimum drained weights for canned Kadota figs.
52.2827 Compliance with recommended drained weights.

FACTORS OF QUALITY

52.2828 Ascertaining the grade.
52.2829 Ascertaining the rating for the factors which are scored.
52.2830 Color.
52.2831 Uniformity of size.
52.2832 Absence of defects.
52.2833 Character.

LOT INSPECTION AND CERTIFICATION

52.2834 Ascertaining the grade of a lot.

SCORE SHEET

52.2835 Score sheet for canned Kadota figs.

AUTHORITY: §§ 52.2821 to 52.2835 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2821 *Product description*—(a) *Canned figs.* "Canned figs" means "canned figs" as such product is defined in the standard of identity for canned figs (21 CFR 27.70) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) *Canned Kadota figs.* "Canned Kadota figs" are canned figs of the Kadota variety. The provisions of the standards in this subpart cover canned Kadota figs only.

(c) *Canned "dietetic" Kadota figs.* For the purposes of the standards in this subpart, canned Kadota figs, when referred to as "canned 'dietetic' Kadota figs" mean canned Kadota figs without nutritive sweetening ingredient(s) added and declared for dietary use, or with artificial sweetening ingredient(s) added, or with any other ingredient(s) permissible for dietary use under the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.2822 *Styles of canned Kadota figs*—(a) *Style I.* Whole.

(b) *Style II.* Whole and Split (or Broken).

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FEDERAL REGISTER

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(c) *Style III.* Split (or Broken) and Whole.

(d) *Style IV.* Split (or Broken).

§ 52.2823 *Grades of canned Kadota figs.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned Kadota figs of Style I, Whole, that possess similar varietal characteristics, that possess a normal flavor and odor, that possess a good color; that are practically uniform in size for Style I, Whole, figs; that are practically free from defects, that possess a good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided,* That canned Kadota figs may possess a reasonably good color; that Style I, Whole, figs may be reasonably uniform or fairly uniform in size; and may possess a reasonably good character, if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of canned Kadota figs of Style I, Whole, that possess similar varietal characteristics, that possess a normal flavor and odor, that possess a reasonably good color; that are reasonably uniform in size for Style I, Whole, figs; that are reasonably free from defects, that possess a reasonably good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided,* That Style I, Whole, figs may be fairly uniform in size, if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned Kadota figs of any style that possess similar varietal characteristics, that possess a normal flavor and odor, that possess a fairly good color; that are fairly uniform in size for Style I, Whole, figs; that are fairly free from defects, that possess a fairly good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided,* That Style I, Whole, figs may vary in size, if the total score is not less than 70 points.

(d) "Substandard" is the quality of canned Kadota figs that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.2824 *Liquid media and Brix measurements for canned Kadota figs.* "Cut-out" requirements for liquid media in canned Kadota figs other than canned "dietetic" Kadota figs are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurement, as applicable, for the respective designations are as follows:

Designations:	*Brix measurement*
"Extra heavy sirup"	26° or more but less than 35°.
"Heavy sirup"	21° or more but less than 26°.
"Light sirup"	16° or more but less than 21°.
"In water"	Packed in water.

§ 52.2825 *Recommended fill of container.* The recommended fill of container for canned Kadota figs is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned Kadota figs be as full of figs as practicable without impairment of quality and that the product (including liquid medium) occupy not less than 90 percent of the volume of the container.

§ 52.2826 *Recommended minimum drained weights for canned Kadota figs.* The minimum drained weight recommendations in Table I, for all styles of canned Kadota figs, are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The drained weight of canned Kadota figs is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch ± 3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and figs less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.2827 *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned Kadota figs in Table I is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended drained weight;

(b) One-half or more of the containers meet the recommended drained weight; and

(c) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED KADOTA FIGS

Container designations (metal, unless otherwise stated)	Container size—overall dimensions		All styles (and including canned "dietetic" Kadota figs)
	Width	Height	
	Inches	*Inches*	*Ounces*
8 Z tall	2 1/16	3 4/16	5.0
8 ounce glass			5.0
No. 1 tall	3 1/16	4 13/16	10.0
No. 303	3 1/16	4 5/16	10.0
303 glass			9.7
No. 2	3 5/16	4 5/16	12.5
No. 2½	4 1/16	4 13/16	18.0
No. 2½ glass			17.2
No. 10 (70 whole figs, or portions equivalent thereto, and less)	6 3/16	7	63.0
No. 10 (71 whole figs, or portions equivalent thereto, and more)	6 3/16	7	66.0

FACTORS OF QUALITY

§ 52.2828 *Ascertaining the grade—*(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
Color	20
Uniformity of size	20
Absence of defects	30
Character	30
Total score	100

(b) *Definition of flavor and odor.* "Normal flavor and odor" means that the canned Kadota figs (including the effects of added spices, seasonings, or flavorings) are free from objectionable flavors and objectionable odors of any kind.

§ 52.2829 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means "18, 19, or 20 points").

§ 52.2830 *Color—*(a) *(A) classification.* Canned Kadota figs that possess a good color may be given a score of 18 to 20 points. "Good color" means a practically uniform, light amber or light greenish-yellow color that is bright and typical of properly processed canned Kadota figs; that not more than 5 percent, by count, of the figs may possess a reasonably good color; and that none of the figs possess a fairly good color.

(b) *(B) classification.* If the canned Kadota figs possess a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" means a reasonably uniform and reasonably bright light green color that may lack a

definite yellow cast but is typical of properly prepared and properly processed Kadota figs; and that not more than 10 percent, by count, of the figs may possess a fairly good color.

(c) (*C*) *classification.* If the canned Kadota figs possess a fairly good color, a score of 14 or 15 points may be given. Canned Kadota figs that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a fairly good color that may possess a green, slightly milky, or a light brown color and that the figs may vary moderately in such typical color, but not more than 5 percent, by count, of the figs may be off-color, or one unit in a container is permitted to be off-color if such unit exceeds the 5 percent allowance.

(d) (*SStd*) *classification.* Canned Kadota figs that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2831 *Uniformity of size*—(a) *General.* The factor of uniformity of size for other than Style I, Whole, canned Kadota figs is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (*A*) *classification.* Canned Kadota figs of Style I, Whole, that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that in containers with less than 20 units the weight of the largest whole fig does not exceed the weight of the smallest whole fig by more than 50 percent; or, that in containers with 20 or more units, in 95 percent, by count, of the units that are most uniform in weight, the weight of the largest whole fig does not exceed the weight of the smallest whole fig by more than 50 percent.

(c) (*B*) *classification.* If the canned Kadota figs of Style I, Whole, are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" means that in containers with less than 20 units the weight of the largest whole fig does not exceed the weight of the smallest whole fig by more than 75 percent; or, that in containers with 20 or more units, in 95 percent, by count, of the units that are most uniform in weight, the weight of the largest whole fig does not exceed the weight of the smallest whole fig by more than 75 percent.

(d) (*C*) *classification.* If canned Kadota figs of Style I, Whole, are fairly uniform in size, a score of 14 or 15 points may be given. "Fairly uniform in size" means that in containers with less than 20 units the weight of the largest whole fig may be not more than twice the weight of the smallest whole fig; or, that in containers with 20 or more units, in 95 percent, by count, of the units that are most uniform in weight, the weight of the largest whole fig may be not more than twice the weight of the smallest unit.

(e) (*SStd*) *classification.* Canned Kadota figs that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule).

§ 52.2832 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material (such as leaves, stems); from split (or broken) figs including severed figs; from figs blemished with scab, scars, bruises, discoloration; from caprified figs; and from figs damaged by mechanical, pathological, insect injury, or similar injury.

(b) *Definitions of defects.* Figs that are blemished with scab, scars, bruises, discoloration, or other abnormalities or injury are considered under the classification of possessing "insignificant", "minor", or "major" defects.

(1) *Insignificant defects.* "Insignificant defects" include:

(i) Very light colored surface scars of any size that blend with the color of the fig; and

(ii) Surface blemishes that are lighter than dark brown and that in the aggregate, singly or in combination on a unit, are less than the area of a circle ¼ inch in diameter.

(2) *Minor defects.* "Minor" defects include:

(i) Surface blemishes that are lighter than dark brown and that equal or exceed in the aggregate, singly or in combination on a unit, the area of a circle ¼ inch in diameter but do not exceed in the aggregate the area of a circle ½ inch in diameter;

(ii) Dark brown or black surface blemishes which in the aggregate, singly or in combination on a unit, are less than the area of a circle ¼ inch in diameter; and

(iii) Slight insect injury that is not serious.

(3) *Major defects.* "Major" defects include:

(i) Caprified figs;

(ii) Surface blemishes that are lighter than dark brown and that exceed in the aggregate, singly or in combination on a unit, the area of a circle ½ inch in diameter;

(iii) Blemishes that extend into the fruit, worm holes, serious insect damage, or similar injury, regardless of the area; and

(iv) Dark brown or black surface blemishes which in the aggregate, singly or in combination on a unit, equal or exceed the area of a circle ¼ inch in diameter but do not seriously affect the appearance of the unit.

(4) *Split (or broken) fig; severed fig.* A "split (or broken) fig" is one that is open to such an extent that the seed cavity is exposed, the shape of the fruit may be distorted, and the fruit may or may not be broken apart into entirely separate pieces. A "severed fig" is a split (or broken) fig which has been broken apart into entirely separate pieces. A fig that is only slightly cracked and retains its natural conformation without exposing the interior is not considered a split (or broken) fig.

(5) *Unit.* A "unit" or "unit of fig" in canned Kadota figs, for the purposes of ascertaining compliance with percentage allowances in this section means a "whole" fig; a split fig (or broken fig) which is not broken apart into entirely separate pieces; or portions of severed figs which are the approximate equivalent of a whole fig.

(c) (*A*) *classification.* Canned Kadota figs that are practically free from defects may be given a score of 27 to 30 points.

(1) To score in this classification, not more than 10 percent, by count, of the units may be split (or broken): *Provided,* That none are severed figs.

(2) "Practically free from defects" means that units which possess insignificant, minor, and major defects may be present which do not more than slightly affect the appearance of the product but that there may be present:

(i) Not more than 1 tough woody stem per 30 ounces of total contents and no other harmless extraneous material; and

(ii) Not more than a total of 10 percent, by count, of the units may possess "minor" and "major" defects: *Provided,* That not more than 5 percent, by count, of the units may possess "major" defects. One unit in a container is permitted to possess "minor" or "major" defects if such unit exceeds the respective allowances of 10 percent, or 5 percent, by count: *Provided,* That in all containers comprising the sample such units possessing "minor" and 'major" defects do not exceed an average of 10 percent of the total number of units including not more than an average of 5 percent of the total number of units that may possess "major" defects.

(d) (*B*) *classification.* If the canned Kadota figs are reasonably free from defects, a score of 24 to 26 points may be given. Canned figs that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(1) To score in this classification not more than 15 percent, by count, of the units may be split (or broken): *Provided,* That not more than 3 percent, by count, of the units may be severed figs. One unit in a container is permitted to be severed if such unit exceeds the 3 percent allowance: *Provided,* That in all containers comprising the sample such units do not exceed an average of 3 percent of the total number of units.

(2) "Reasonably free from defects" means that units which possess insignificant, minor, and major defects may be present which do not materially affect the appearance of the product but that there may be present:

(i) Not more than 2 tough woody stems per 30 ounces of total contents and not more than 1 piece of other harmless extraneous material per 100 ounces of total contents; and

(ii) Not more than a total of 20 percent, by count, of the units may possess "minor" and "major" defects: *Provided,* That not more than 10 percent, by count, of the units, may possess "major" defects. One unit in a container is permitted to possess "minor" or "major" defects if such unit exceeds the respective allowances of 20 percent, or 10 percent, by count: *Provided,* That in all containers comprising the sample such units possessing "minor" and "major" defects do not exceed an average of 20 percent of the total number of units including not more than an average of 10 percent of the total number of units that may possess "major" defects.

(e) (*C*) *classification.* If the canned Kadota figs are fairly free from defects, a score of 21 to 23 points may be given. Canned Kadota figs that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(1) To score in this classification:

(i) In style I, Whole, not more than 20 percent, by count, of the units may be split (or broken): *Provided,* That not more than 5 percent, by count, of the units may be served figs. One unit in a container is permitted to be severed if such unit exceeds the 5 percent allowance: *Provided,* That in all containers comprising the sample such units do not exceed an average of 5 percent of the total number of units; or

(ii) In the styles other than Style I, Whole, not more than 10 percent, by count, of the units may be severed figs.

(2) "Fairly free from defects" means that units which possess insignificant, minor, and major defects may be present which do not seriously affect the appearance of the product but that there may be present:

(i) Not more than 3 tough woody stems and not more than 1 piece of other harmless extraneous material per 30 ounces of total contents; and

(ii) Not more than a total of 40 percent, by count, of the units may possess "minor" and "major" defects: *Provided,* That not more than 20 percent, by count, of the units may possess "major" defects.

(f) (*SStd*) *classification.* Canned Kadota figs that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2833 *Character*—(a) *General.* Under the factor of character, consideration is given to the degree of ripeness, the texture and condition of the flesh, the firmness and tenderness of the canned fig, and its tendency to retain its apparent original conformation and size without material disintegration.

(b) (*A*) *classification.* Canned Kadota figs that possess a good character may be given a score of 27 to 30 points. "Good character" means that the canned Kadota figs are well matured and fleshy and have a practically uniform, tender texture; that not more than 5 percent, by count, of the figs may possess a reasonably good character; and none possess a fairly good character.

(c) (*B*) *classification.* If the canned Kadota figs possess a reasonably good character, a score of 24 to 26 points may be given. "Reasonably good character" means that the canned Kadota figs have a reasonably uniform, reasonably tender texture; and that not more than 10 percent, by count, of the figs may possess a fairly good character.

(d) (*C*) *classification.* If the canned Kadota figs possess a fairly good character, a score of 21 to 23 points may be given. Canned Kadota figs that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the canned Kadota figs may be variable in texture from very soft to firm but are not excessively mushy nor excessively firm.

(e) (*SStd*) *classification.* Canned Kadota figs that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.2834 *Ascertaining the grade of a lot.* The grade of a lot of Canned Kadota Figs covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.2835 *Score sheet for canned Kadota figs.*

Size and kind of container			----
Container mark or identification			----
Label			----
Net weight (ounces)			----
Vacuum (inches)			----
Drained weight (ounces)			----
Brix measurement			----
Sirup designation (extra heavy, heavy, etc.)			----
Style			----
Percent split (or broken)			----
Count (in whole style)			----
Factors	**Score points**		
Color	20	(A) 18–20	
		(B) 16–17	
		(C) [1] 14–15	
		(SStd) [1] 0–13	
Uniformity of size	20	(A) 18–20	
		(B) 16–17	
		(C) 14–15	
		(SStd) [2] 0–13	
Absence of defects	30	(A) 27–30	
		(B) [1] 24–26	
		(C) [1] 21–23	
		(SStd) [1] 0–20	
Character	30	(A) 27–30	
		(B) 24–26	
		(C) [1] 21–23	
		(SStd) [1] 0–20	
Total score	100		
Varietal characteristics: ( ) Similar ( ) Dissimilar			----
Normal flavor and odor			----
Grade			----

[1] Limiting rule.
[2] Partial limiting rule.

The United States Standards for Grades of Canned Kadota Figs (which is the third issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Canned Kadota Figs which have been in effect since November 15, 1945 and were changed with respect to designations and measurements for packing media, effective June 15, 1955 (7 CFR 52.2823).

Dated: July 11, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-5716; Filed, July 15, 1957; 8:48 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1955 UPLAND CROP

Basis and purpose. The purpose of this amendment is to extend for one year the period for filing written application for downward adjustment of the farm marketing excess in meritorious cases where oral application was made at the county office within the time prescribed for filing written applications but written application was not filed within the prescribed time. In order that existing cases may be disposed of as soon as possible, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendment set forth herein shall be effective upon filing of this document with the Director, Division of the FEDERAL REGISTER.

Section 722.652 of the regulations pertaining to Cotton Marketing Quotas for the 1955 Upland Crop (20 F. R. 3979, 4939) is amended by addition of a new paragraph as follows:

(c) In any case where producers having an interest in the cotton produced in 1955 on a farm with a farm marketing excess fail to make written application for downward adjustment of the farm marketing excess within the time and in the manner prescribed in paragraph (a) of this section but do make oral application at the county office within such time and file with the county committee written application for such downward adjustment within one year after such prescribed time has elapsed, such written application shall be heard and acted upon in accordance with the provisions of this section, provided that the determination of the county committee in cases arising under this paragraph shall be subject to approval of the Secretary.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 345, 52 Stat. 38, as amended; 7 U. S. C. 1345)

Done at Washington, D. C., this 11th day of July 1957. Witness my hand and

the Seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-5724; Filed, July 15, 1957; 8:49 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

NAVAL RESERVATIONS IN CANAL ZONE

CROSS REFERENCE: For order affecting the tabulation in § 21.4 see Canal Zone Order 47 in the Appendix to this chapter, *infra*, adding an additional parcel to United States Naval Reservation, Rodman, Canal Zone.

Appendix—Canal Zone Orders

[Canal Zone Order 47]

UNITED STATES NAVAL RESERVATION, RODMAN, CANAL ZONE

ADDITION OF PARCEL OF LAND

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of the act of September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, and after consultation with the Secretary of the Navy, Canal Zone Order No. 34 of September 18, 1954, 19 F. R. 6164, establishing United States Naval Reservation, Rodman, Canal Zone, and reducing West Bank Naval Reservation, Canal Zone, is amended as follows (the principal purpose of this order being to add an additional parcel to United States Naval Reservation, Rodman, Canal Zone):

1. The date "September 26, 1954" contained in the paragraph reciting the authority of the Secretary of the Army is corrected to read "September 26, 1950."

2. The first paragraph of section 1, said paragraph being the introductory paragraph immediately preceding the metes and bounds description, is deleted and the following (including a metes and bounds description of the additional parcel added by this order and a center heading for the existing parcel) is substituted therefor:

SECTION 1. *Setting apart of reservation; boundary.* The following described areas of land in the Canal Zone are hereby reserved and set apart as, and assigned to the uses and purposes of, a naval reservation, which shall be known as the United States Naval Reservation, Rodman, Canal Zone, and which shall be under the control and jurisdiction of the Secretary of the Navy, subject to the provisions of section 2 of this order:

NAVY TOWN OF COCOLI, PARCEL NO. 1

Beginning at monument "A", which is an iron rod in concrete, located 15 feet and 8 inches easterly from the centerline of the 30 foot wide concrete pavement of Bruja Road, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°58' N. plus 2,894.3 feet and longitude 79°35' W. plus 4,056.2 feet from Greenwich.

Thence from said initial point by metes and bounds:

Northerly, along a line parallel to and 15 feet and 8 inches easterly from the centerline of the 30 foot wide concrete pavement of Bruja Road, to monument "B", which is a brass plug located at the back of the easterly curb, above the southerly side of a concrete box culvert which crosses Bruja Road. Monument "B" is in latitude 8°58' N. plus 5,623.1 feet and longitude 79°35' W. plus 4,705.0 feet.

S. 49°33'25" E., 4,205.5 feet, through monuments "B-1", "B-2" and "B-3", which are 2-inch iron pipes, set in concrete, to monument "C", which is a 4-inch iron pipe, located on the northern boundary of the West Bank Naval Reservation as established by Executive Order No. 5849, dated May 19, 1932, the distances being 1,241 feet, more or less, 1,784 feet, more or less, 325 feet, more or less, and 855 feet, more or less, successively, from beginning of the course;

Due West, 2,551.8 feet, along the northern boundary of the West Bank Naval Reservation, as referred to in the next preceding paragraph, through monuments "C-1", "C-2" and "C-3", which are 2-inch iron pipes, set in concrete, to monument "A", the point of beginning, the distances being 382.2 feet, 825 feet, more or less, 623 feet, more or less and 722 feet, more or less, successively from beginning of the course;

The above described tract contains an area of 88 acres, more or less, and is as shown on Canal Zone Government drawing No. M-6117-46, entitled "Map showing Navy Town of Cocoli (Parcel No. 1 of United States Naval Reservation, Rodman, C. Z.)", scale 1:3000, dated June 27, 1955 on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

General. The survey of the above described boundary was made in June 1955 and is recorded in Field Books numbered M-484, M-506 and M-523, and the geodetic positions of monuments, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, the Panama Canal Company.

Main Reservation, Parcel No. 2.

WILBER M. BRUCKER,
Secretary of the Army.

JULY 9, 1957.

[F. R. Doc. 57-5729; Filed, July 15, 1957; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 3-2]

PART 3—AIRPLANE AIRWORTHINESS: NORMAL, UTILITY, AND ACROBATIC CATEGORIES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of July 1957.

There are contained herein amendments with respect to various issues stemming from the 1956 Annual Airworthiness Review.

Of the amendments included herein, the most important substantive ones relate to the design of pressurized cabins and powerplant fire protection. The currently effective regulations contain no specific requirements with respect to pressurization effects on the airplane's structural integrity. In view of the recent trend to develop small pressurized airplanes, it is considered appropriate to establish specific relevant requirements. Accordingly, the provisions in new §§ 3.197, 3.270, and 3.394 through 3.396 and the changes to § 3.383 are intended to cover pressurized cabins from the standpoint of design, basic loads, fatigue evaluation, and testing. These criteria were developed by using the principles which are applicable to pressurized cabins on transport category airplanes and, therefore, in many respects the aforementioned provisions are substantially the same as those which apply to transport category airplanes.

The record of past powerplant fires on small airplanes indicates the need for certain improvements in the fire protection provisions for such airplanes, particularly with respect to fuel system lines and fittings. In this regard, § 3.550 is being amended to require that provisions for flexibility in fuel lines which are subject to internal pressure and axial loading be made by flexible hose assemblies rather than by hose and hose-clamp assemblies which are subject to loosening. In addition, there is being incorporated in § 3.550 a provision which prohibits the use of flexible hose assemblies which might be adversely affected by temperature in locations where high temperatures will exist. With these changes, the provisions of § 3.550 will be consistent with those governing transport category airplanes. The currently effective provisions of § 3.637 require shutoff means for lines carrying flammable fluids into the engine compartment on multiengine airplanes having a stall speed greater than 70 mph or a weight greater than 6,000 pounds. These provisions are being amplified to set forth specific design criteria. In addition, a new § 3.638 is being added which requires lines and fittings carrying flammable fluids or gases in the engine compartment to be fire resistant.

Among other substantive changes being made, there is a revision of § 3.111 which reduces the prescribed minimum control speed (V_{MC}) applicable to multiengine airplanes with one engine inoperative from 1.3 V_{s_1} to 1.2 V_{s_1}. In view of the relatively low all-engines-operating climb speeds associated with small multiengine airplanes, this change is intended to assure that the all-engines-operating climb speed will be sufficiently above V_{MC} to minimize the probability of flight speeds below V_{MC} in the event of an engine failure.

Changes are being made to the provisions of § 3.667 to incorporate more up-to-date safety standards with respect to the design and performance of autopilot systems.

There are included also a few other changes which are less substantive, or which are editorial or clarifying in nature.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 9217), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 3 of the Civil Air Regulations (14 CFR Part 3, as amended) effective August 12, 1957.

1. By amending § 3.75 by deleting paragraphs (c) and (d) and by inserting a new paragraph (c) to read as follows:

§ 3.75 *Minimum weight.* • • •

(c) Fuel and oil quantities not greater than the minima specified in § 3.74 (b) (1).

2. By amending § 3.111 (a) by deleting from the last sentence the expression "1.3 V_{s_1}" and inserting in lieu thereof the expression "1.2 V_{s_1}".

3. By amending § 3.118 (a) (1) and (2) by inserting between the words "all" and "flap" in each subparagraph the words "landing gear and".

4. By adding a new § 3.197 to read as follows:

§ 3.197 *Pressurized cabin loads.* The provisions of paragraphs (a) through (d) of this section shall apply to pressurized compartments.

(a) The airplane structure shall have sufficient strength to withstand the flight loads combined with pressure differential loads from zero up to the maximum relief valve setting. Account shall be taken of the external pressure distribution in flight. Stress concentrations shall be taken into account in the design of the pressurized structure. (See § 3.270.)

(b) If landings are to be permitted with the cabin pressurized, landing loads shall be combined with pressure differential loads from zero up to the maximum permitted during landing.

(c) The airplane structure shall have sufficient strength to withstand the pressure differential loads corresponding with the maximum relief valve setting multiplied by a factor of 1.33. It shall be acceptable to eliminate all other loads in this case.

(d) Where a pressurized cabin is separated into two or more compartments by bulkheads or floor, the primary structure shall be designed for the effects of sudden release of pressure in any compartment having external doors or windows. This condition shall be investigated for the effects resulting from the failure of the largest opening in a compartment. Where intercompartment venting is provided, it shall be acceptable to take into account the effects of such venting.

5. By amending § 3.211 by adding at the end thereof a note to read as follows:

§ 3.211 *General.* • • •

NOTE: For a seaplane version of a landplane, it is normally acceptable to use the wing loading of the landplane in determining the limit maneuvering control surface loadings from Figure 3-3 (b) provided: the power of the engines and the placard maneuver speed of the seaplane do not exceed those established for the landplane; the maximum certificated weight of the seaplane does not exceed the corresponding weight of the landplane by more than 10 percent; and service experience with the landplane is such that no evidence of any serious control-surface load problems is indicated and is such that the service experience is of sufficient scope to deduce with reasonable accuracy that no serious control-surface load problems will develop on the seaplane.

6. By adding a new heading and a new § 3.270 to read as follows:

FATIGUE EVALUATION

§ 3.270 *Pressurized cabins.* The strength, detail design, and fabrication of the pressure cabin structure shall be evaluated in accordance with the provisions of either paragraph (a) or paragraph (b) of this section.

(a) *Fatigue strength.* The structure shall be shown by analysis and/or tests to be capable of withstanding the repeated loads of variable magnitude expected in service.

(b) *Fail safe strength.* It shall be shown by analysis and/or tests that catastrophic failure is not probable after fatigue failure or obvious partial failure of a principal structural element. After such failure the remaining structure shall be capable of withstanding a static ultimate load factor of 75 percent of the limit load factor at V_C, taking into account the combined effect of normal operating pressures, the expected external aerodynamic pressures, and flight loads. These loads shall be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise taken into consideration.

7. By amending § 3.343 by inserting after the first sentence a new sentence to read as follows: "For secondary control systems including adjustable stabilizers, the system loading in the operation test need not exceed that corresponding to the maximum pilot effort established in accordance with § 3.234."

8. By amending § 3.371 (b) to read as follows:

§ 3.371 *Seaplane main floats.* • • •

(b) *Compartmentation.* Each seaplane main float shall contain a sufficient number of watertight compartments to provide reasonable assurance that the airplane will stay afloat in the event that any 2 compartments of the main floats are flooded. In any case, a main float shall contain at least 4 watertight compartments. The compartments shall have approximately equal volumes.

9. By amending § 3.383 to read as follows:

§ 3.383 *Windshields, windows, and canopies.* (a) All internal glass panes shall be of a nonsplintering safety type.

(b) The design of windshields, windows, and canopies on pressurized airplanes shall be based on factors peculiar to high altitude operation. (See also § 3.394.)

NOTE: Factors peculiar to high altitude operation normally include the effect of continuous and cyclic pressurization loadings, the inherent charactertistics of the material used, the effects of temperatures and temperature gradients, etc.

(c) On pressurized airplanes, an enclosure canopy including a representative portion of the installation shall be subjected to special tests to account for the combined effects of continuous and cyclic pressurization loadings and flight loads.

10. By amending § 3.388 (b) by adding a new sentence at the end thereof to read as follows: "In addition to the components provided for normal continuous control of air temperature, airflow, and fuel flow, means independent of such components shall be provided for each heater to automatically shut off and hold off the ignition and fuel supply to the heater at a point remote from the heater when the heat exchanger temperature or ventilating air temperature exceeds safe limits or when either the combustion airflow or the ventilating airflow becomes inadequate for safe operation."

11. By adding a new § 3.394 to read as follows:

§ 3.394 *Pressurized cabins; general.* The design of pressurized cabins shall comply with the requirements of §§ 3.395 and 3.396. (See also §§ 3.197, 3.270, and 3.383.)

12. By adding a new § 3.395 to read as follows:

§ 3.395 *Pressure control.* Pressurized cabins shall be provided with at least the following valves, controls, and indicators for controlling cabin pressure:

(a) Two pressure relief valves, at least one of which is the normal regulating valve, shall be installed to limit automatically the positive pressure differential to a predetermined value at the maximum rate of flow delivered by the pressure source. The combined capacity of the relief valves shall be such that the failure of any one valve would not cause an appreciable rise in the pressure differential. The pressure differential shall be considered positive when the internal pressure is greater than the external.

(b) To reverse pressure differential relief valves (or equivalent) shall be installed to prevent automatically a negative pressure differential which would damage the structure, except that one such valve shall be considered sufficient if it is of a design which reasonably precludes its malfunctioning.

(c) Means shall be provided by which the pressure differential can be rapidly equalized.

(d) An automatic or manual regulator for controlling the intake and/or exhaust air flow shall be installed so that the required internal pressures and air flow rates can be maintained.

(e) Instruments shall be provided for the pilot to show the pressure differential, the absolute pressure in the cabin, and the rate of change of the absolute pressure.

(f) Warning indication shall be provided for the pilot to indicate when the safe or preset limits on pressure differential and on absolute cabin pressure are exceeded.

(g) If the structure is not designed for pressure differentials up to the maximum relief valve setting in combination with landing loads (see § 3.197 (b)), a

warning placard shall be provided for the pilot.

(h) If continued rotation of an engine-driven cabin compressor or if continued flow of any compressor bleed air will constitute a hazard in case malfunction occurs, means shall be provided to stop rotation of the compressor or to divert air flow from the cabin.

13. By adding a new § 3.396 to read as follows:

§ 3.396 *Tests*—(a) *Strength test.* The complete pressurized cabin, including doors, windows, canopy, and all valves shall be tested as a pressure vessel for the pressure differential specified in § 3.197 (c).

(b) *Functional tests.* The following functional tests shall be performed:

(1) To simulate the condition of regulator valves closed, the functioning and the capacity shall be tested of the positive and negative pressure differential valves and of the emergency release valve.

(2) All parts of the pressurization system shall be tested to show proper functioning under all possible conditions of pressure, temperature, and moisture up to the maximum altitude selected for certification.

(3) Flight tests shall be conducted to demonstrate the performance of the pressure supply, pressure and flow regulators, indicators, and warning signals in steady and stepped climbs and descents at rates corresponding with the maximum attainable without exceeding the operating limitations of the airplane up to the maximum altitude selected for certification.

(4) All doors and emergency exits shall be tested to ascertain that they operate properly after being subjected to the flight tests prescribed in subparagraph (3) of this paragraph.

14. By amending § 3.550 to read as follows:

§ 3.550 *Fuel system lines and fittings.* (See § 3.638.) (a) Fuel lines shall be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure and due to accelerated fight conditions.

(b) Fuel lines which are connected to components of the airplane between which relative motion could exist shall incorporate provisions for flexibility.

(c) Provisions for flexibility in fuel lines which may be under pressure and subjected to axial loading shall employ flexible hose assemblies rather than hose-clamp connections.

(d) Flexible hose shall be of an approved type or shall be shown to be suitable for the particular application.

(e) Flexible hoses which might be adversely affected by exposure to high temperatures shall not be employed in locations where excessive temperatures will exist during operation or after engine shutdown.

15. By amending § 3.564 (a) to read as follows:

§ 3.564 *Oil tank tests.* • • •

(a) The applied pressure shall be 5 p. s. i. for all tank constructions instead of those specified in § 3.441 (a).

16. By amending the introductory paragraph of § 3.586 by deleting the first sentence and inserting in lieu thereof the following: "The engine cooling tests shall be conducted by stabilizing the engine temperatures in flight with the engines operating at not less than 75 percent of the maximum continuous power rating. After engine temperatures have stabilized, the climb shall be started at the lowest practicable altitude and continued for one minute with the engines operating at the take-off rating."

17. By amending § 3.587 (a) by inserting after the first sentence a new sentence to read as follows: "Temperatures of the operating engines shall be stabilized in flight with the engines operating at not less than 75 percent of the maximum continuous power rating."

18. By amending § 3.637 to read as follows:

§ 3.637 *Flammable fluids; shutoff means.* The provisions of paragraphs (a) through (d) of this section shall be applicable to multiengine aircraft which are required to comply with the provisions of § 3.85 (b).

(a) Means for each individual engine shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, de-icer, and other flammable fluids from flowing into, within, or through the engine compartment except that means need not be provided to shut off flow in lines forming an integral part of an engine. Closing the fuel shutoff valve for any engine shall not make any of the fuel supply unavailable to the remaining engines.

(b) Operation of the shutoff means shall not interfere with the subsequent emergency operation of other equipment, such as feathering the propeller.

(c) The shutoff means shall be located outside of the engine compartment unless an equally high degree of safety is otherwise provided. It shall be shown that no hazardous quantity of flammable fluid could drain into the engine compartment after shutting off has been accomplished.

(d) Provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means in flight after it has once been closed.

19. By adding a new § 3.638 to read as follows:

§ 3.638 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in the engine compartment shall comply with the provisions of paragraphs (a) through (c) of this section.

(a) Lines and fittings which are under pressure, or which attach directly to the engine, or which are subject to relative motion between components shall be flexible, fire-resistant lines with fire-resistant end fittings of the permanently attached, detachable, or other approved type.

(b) Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

(c) Vent and drain lines and their fittings shall be subject to the provisions of paragraphs (a) and (b) of this section, unless a failure of such line or fitting will not result in, or add to, a fire hazard.

20. By amending § 3.667 to read as follows:

§ 3.667 *Automatic pilot system.* If an automatic pilot system is installed, compliance shall be shown with the provisions of paragraphs (a) through (e) of this section.

(a) The system shall be so designed that the automatic pilot can either be quickly and positively disengaged by the human pilot to prevent it from interfering with the control of the airplane, or be overpowered by the human pilot to enable him to control the airplane.

(b) A means shall be provided to indicate readily to the pilot the alignment of the actuating device in relation to the control system which it operates, except when automatic synchronization is provided.

(c) The manually operated control(s) for the system's operation shall be readily accessible to the pilot. Controls shall operate in the same plane and sense of motion as specified for the cockpit controls in § 3.384 and Figure 3–14. The direction of motion shall be plainly indicated on or adjacent to each control.

(d) The automatic pilot system shall be of such design and so adjusted that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the airplane or create hazardous deviations in the flight path under any conditions of flight appropriate to its use either during normal operation or in the event of malfunctioning, assuming that corrective action is initiated within a reasonable period of time.

(e) The system design shall be such that a single malfunction will not produce a hardover signal in more than one control axis. When the automatic pilot integrates signals from auxiliary controls or furnishes signals for operation of other equipment, positive interlocks and sequencing of engagement shall be provided to preclude improper operation. Protection against adverse interaction of integrated components resulting from a malfunction shall be provided.

21. By deleting § 3.676.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: August 12, 1957.

Adopted: July 8, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–5734; Filed, July 12, 1957; 5:00 p. m.]

[Civil Air Regs., Amdt. 4b–6]

PART 4b—AIRPLANE AIRWORTHINESS, TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of July 1957.

There are contained herein amendments with respect to various issues stemming from the 1956 Annual Airworthiness Review.

Of the changes being made, the most extensive ones involve the powerplant provisions. Most of these are applicable to turbine engine installations. In this regard, there is included an amendment to § 4b.480 which designates as fire zones combustor, turbine, and tailpipe sections containing lines carrying flammable fluids or gases, but does not require the installation of a fire-extinguisher system in these sections if a fire occurring in any such sections can be demonstrated to be otherwise controlled. In addition, § 4b.485 is being amended to require fire detectors for all combustor, turbine, and tailpipe sections irrespective of whether they contain lines carrying flammable fluids or gases. The currently effective requirements specify the compressor and accessory sections of turbine engines as fire zones and make only certain provisions for fire zones applicable to the other sections. These changes should provide a reasonably high degree of fire protection for turbine powerplants.

Heretofore there have been no specific provisions in the regulations governing engine design for the protection against rotor blade failure. However, concurrently with this amendment Part 13 of the Civil Air Regulations is being amended to require that rotor cases be of such construction as to contain the damage resulting from rotor blade failure. In order to provide the necessary protection on airplanes which might use engines not incorporating this construction, there is included in new § 4b.401 (d) a provision to require such protection in the powerplant installation.

Concurrently with this amendment Part 13 is also being amended to minimize the probability of turbine rotor failure by requiring additional design precautions in respect of the turbine wheel and the relevant engine control systems. In this regard, a requirement is included in new § 4b.401 (e) to require design precautions in the powerplant installation to safeguard the airplane against turbine rotor failures when the airplane is equipped with engines not certificated in accordance with the criteria in the aforementioned amendment to Part 13.

There is also included a change to § 4b.604 which specifies the required instruments for turbine powerplants. No change is being made with respect to the instruments for reciprocating engines. The requirement for a reverse thrust indicator for turbo-propellers specifies early indication instead of either early or late as implied in the currently effective provisions for reciprocating engines. In view of the characteristic operation of the turbo-propeller in the ground fine and reverse pitch ranges, it is considered that an early indication would provide the more useful information to the pilots. The requirement for the reverse thrust indicator on turbo-jet installations specifies indication when the device is in the reverse position. It is intended to permit the use of either an early or a late indication. The Board considers that further study may be necessary on turbo-propeller installations utilizing reverse thrust power and on turbo-jet reverse thrust systems to determine whether a quantitative type of indicator should be required.

A new provision is being added (§ 4b.408) which requires, on turbo-propeller installations, the consideration of the single failure safety criterion in the design of propeller-drag limiting systems such as negative torque control systems and other back-up systems. This provision is not intended to require consideration of more than one component failure in any one of the systems at any given time, either during normal or emergency operation; investigation of all components, whether or not integral with the engine, is required.

There are included herein changes which extend the currently effective provisions governing intermittent maximum icing conditions so as to cover conditions which might be critical insofar as the turbine engine induction system is concerned. In this regard, the data are being extended in accordance with NACA Technical Note 2738 and involve a revision of Figure 4b–25a to cover drop diameters as low as 15 microns and a revision of Figure 4b–25c to cover distances down to 0.3 mile. The icing conditions prescribed in the currently effective regulations are applicable in the main to the airframe. The changes being made in § 4b.461 require the turbine powerplant to be subjected to the same icing conditions and require that the induction system be protected to prevent serious engine power loss. A similar requirement is incorporated with respect to certification of turbine engines by an amendment to Part 13 which is being made concurrently with this amendment.

Additional changes to the powerplant provisions include consideration of turbine engine torque, caused by sudden engine stoppage, in the structural design of the engine mount (see § 4b.216 (a) (4)); of crash protection for fuselage fuel tanks (see § 4b.420 (f)); and of safety criteria for fuel dumping systems (see § 4b.437 (f)). It is considered that the storage of fuel in the fuselage section of the wing might pose serious fire hazards during a crash landing and, therefore, in order to minimize these hazards, the provisions in § 4b.420 (e) require that fuselage fuel tanks withstand, without leakage, the inertia forces prescribed in the currently effective regulations for emergency landing conditions. It is not intended by this requirement to prescribe any particular type of fuel tank design.

With respect to § 4b.236 there is being included a more specific requirement to account for the unsymmetrical loads on multiple-wheel landing gears. A change is being made to § 4b.335 (c) to permit greater flexibility in determining the required energy capacity for wheel brakes.

With respect to pressurization equipment and supply, § 4b.374 is being changed to require that airplanes equipped with pressurization systems maintain, at the maximum operating altitude under normal conditions, a cabin pressure altitude of not more than 8,000 feet and all airplanes certificated for operation above an altitude of 25,000 feet be able to maintain a cabin pressure altitude of not more than 15,000 feet in the event that any one pressurization system component becomes inoperative. In addition, the oxygen equipment requirements of § 4b.651 are being revised to make them more realistically applicable to airplanes which are intended to operate above 25,000 feet.

In addition, there are other less substantive changes being made with respect to personnel accommodations, emergency evacuation provisions, autopilot systems, etc. Further, there are included other changes which are relatively minor, clarifying, or of an editorial nature.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 9217), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) effective August 12, 1957.

1. By amending § 4b.1 (b) (1) by inserting between the words "atmosphere" and "defined" the following: "(see NACA Technical Note 3182)".

2. By amending § 4b.1 (b) (1) (iv) by deleting the expression "—67° F." and inserting in lieu thereof the expression "—69.7° F."

3. By amending § 4b.1 (b) (1) (v) by deleting the numerals "0.002378" and inserting in lieu thereof the numerals, "0.002377".

4. By amending § 4b.1 (f) by changing the title of this paragraph, by amending subparagraphs (2) and (3), by redesignating subparagraphs (4) through (8) as subparagraphs (5) through (9), respectively, and by adding new subparagraph (4) to read as follows:

§ 4b.1 *Definitions.* • • •

(f) *Powerplant installation.*[1] • • •

(2) *Take-off power or thrust.* (i) Take-off power for reciprocating engines is the brake horsepower developed under standard sea level conditions and under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(ii) Take-off power for turbine engines is the brake horsepower developed under static conditions at specified altitudes and atmospheric temperatures and under the maximum conditions of rotor shaft rotational speed and gas temperature approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(iii) Take-off thrust for turbine engines is the jet thrust developed under static conditions at specified altitudes and atmospheric temperatures and under the maximum conditions of rotor shaft rotational speed and gas temperature approved for the normal take-off,

and limited in use to a maximum continuous period as indicated in the approved engine specification.

(3) *Maximum continuous power or thrust.* (i) Maximum continuous power for reciprocating engines is the brake horsepower developed in standard atmosphere at a specified altitude and under the maximum conditions of crankshaft rotational speed and engine manifold pressure, and approved for use during periods of unrestricted duration.

(ii) Maximum continuous power for turbine engines is the brake horsepower developed at specified altitudes, atmospheric temperatures, and flight speeds and under the maximum conditions of rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(iii) Maximum continuous thrust for turbine engines is the jet thrust developed at specified altitudes, atmospheric temperatures, and flight speeds and under the maximum conditions of rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(4) *Gas temperature.* Gas temperature for turbine engines is the temperature of the gas stream obtained as indicated in the approved engine specification.

5. By amending § 4b.210 by deleting the first sentence in the introductory paragraph and inserting in lieu thereof the following: "Flight load requirements shall be complied with at critical altitudes within the range selected by the applicant at all weights from the design minimum weight to the maximum weight appropriate to each particular flight condition, with any practicable distribution of disposable load within prescribed operating limitations stated in the Airplane Flight Manual. (See § 4b.740.)"

6. By amending § 4b.212 (b) by deleting the words "the supplementary" and inserting in lieu thereof the words "speeds up to the".

7. By amending § 4b.216 (a) by adding a new subparagraph (4) to read as follows:

§ 4b.216 *Supplementary flight conditions*—(a) *Engine torque effects.* • • •

(4) For turbine engine installations, the limit torque load imposed by sudden engine stoppage due to malfunction or structural failure (e. g., compressor jam-up) shall be considered in the design of the engine mounts and supporting structure.

8. By amending § 4b.216 (d) by deleting the word "tail" and inserting in lieu thereof the word "airplane."

9. By amending Figure 4b–11 by deleting the expression "V_M=0.25 (n—1.0) W" and inserting in lieu thereof the following "V_M=one-half the maximum vertical ground reaction obtained at each main gear in the level landing conditions."

10. By amending the introductory paragraph of § 4b.235 by adding a new sentence at the end thereof to read as follows: "In the conditions of paragraph (b) (1) and (2), it shall be acceptable to use a drag reaction lower than prescribed therein if it is substantiated that an effective drag force of 0.8 times the vertical reaction cannot be attained under any likely loading condition."

11. By amending § 4b.236 to read as follows:

§ 4b.236 *Unsymmetrical loads on multiple-wheel units*—(a) *General.* Multiple-wheel landing gear units shall be assumed to be subjected to the limit ground loads prescribed in this subpart in accordance with the provisions of paragraphs (b) and (c) of this section.

(b) *Distribution of limit loads to wheels; all tires inflated.* The distribution of the limit loads among the wheels of the landing gears shall be established for all landing, taxiing, and ground handling conditions, taking into account the effects of the factors enumerated in subparagraphs (1) through (6) of this paragraph.

(1) Number of wheels and their physical arrangement. In the case of truck type landing gear units, the effects of any see-saw motion of the truck during the landing impact shall be considered in determining the maximum design loads for the fore and aft wheel pairs.

(2) Differentials in tire diameters resulting from a combination of manufacturing tolerances, tire growth, and tire wear. It shall be acceptable to assume a maximum tire-diameter differential equal to ⅔ of the worst combination of diameter variations which is obtained when taking into account manufacturing tolerances, tire growth, and tire wear.

(3) Unequal tire inflation pressure, assuming the maximum variation to be ±5 percent of the nominal tire inflation pressure.

(4) A runway crown of zero and a runway crown having a convex upward shape which may be approximated by a slope of 1½ percent with the horizontal. Runway crown effects shall be considered with the nose gear unit on either slope of the crown.

(5) Airplane attitude.

(6) Structural deflections.

(c) *Deflated tires.* The effect of deflated tires on the structure shall be considered with respect to the loading conditions specified in subparagraphs (1), (2), and (3) of this paragraph taking into account the physical arrangement of the gear components. Consideration shall be given to the deflation of any one tire for all multiple wheel landing gear units and, in addition, to the deflation of any 2 critical tires for landing gear units employing 4 or more wheels per unit. The ground reactions shall be applied to the wheels with inflated tires.

(1) *Landing conditions.* For one deflated tire and for two deflated tires, the applied load to each gear unit shall be assumed to be 60 percent and 50 percent, respectively, of the limit load applied to each gear for each of the prescribed landing conditions except that, for the drift landing condition of § 4b.234, 100 percent of the vertical load shall be applied.

(2) *Taxiing and ground handling conditions.* For one deflated tire and for two deflated tires, the applied side and/or drag load factor at the center of gravity shall be the most critical value up to 50 percent and 40 percent, respectively, of the limit side and/or drag load factors corresponding with the most severe condition resulting from consideration of the prescribed taxiing and ground handling conditions except that, for the braked roll conditions of § 4b.235 (b) (1) and (2) (ii), the drag loads on each inflated tire shall not be less than those at each tire for the symmetrical load distribution with no deflated tires. Pivoting need not be considered.

(3) *Towing conditions.* For one deflated tire and for two deflated tires, the towing load, F_{TOW}, shall be 60 percent and 50 percent, respectively, of the load prescribed.

NOTE: In determining the total load on a gear unit with respect to the provisions of paragraphs (b) and (c) of this section, the transverse shift in the load centroid, due to unsymmetrical load distribution on the wheels, is normally neglected.

12. By amending § 4b.270 (b) (1) by inserting between the words "ultimate" and "load" the word "maneuver."

13. By amending § 4b.320 by adding a new sentence at the end thereof to read as follows: "An adjustable stabilizer shall incorporate means to permit, after the occurrence of any reasonably probable single failure of the actuating system, such adjustment as would be necessary for continued safety of the flight."

14. By amending § 4b.335 (c) by deleting so much of the first sentence as precedes the formula and inserting in lieu thereof the following: "The brake kinetic energy capacity rating of each main wheel-brake assembly shall not be less than the kinetic energy absorption requirement determined in accordance with this paragraph. The brake kinetic energy absorption requirements shall be based on a rational analysis of the sequence of events which are expected to occur during operational landings at maximum landing weight. This analysis shall include conservative values of airplane speed at which the brakes are applied, braking coefficient of friction between tires and runway, aerodynamic drag, propeller drag or powerplant forward thrust, and if more critical, the most adverse single engine or propeller malfunction. In lieu of a rational analysis it shall be acceptable to establish the kinetic energy absorption requirements for each main wheel brake assembly by the following formula:"

15. By amending § 4b.337 by adding a new paragraph (d) to read as follows:

§ 4b.337 *Brakes.* • • •

(d) *Anti-skid devices.* If anti-skid devices are intalled, the devices and associated systems shall be such that no single probable malfunction will result in a hazardous loss of braking ability or directional control of the airplane.

16. By amending § 4b.352 (b) by adding a new sentence at the end thereof to read as follows: "Means shall be provided to minimize the danger to the pilots from flying windshield fragments due to bird impact unless it can be shown by analysis or test that the probability of occurrence of a critical fragmentation condition is of low order."

17. By amending § 4b.353 (e) (2) to read as follows:

§ 4b.353 *Controls.* • • •

(e) • • •

(2) The landing gear control shall be located forward of the throttles and shall be operable by each of the pilots when seated with seat belts fastened.

18. By amending § 4b.356 (e) by inserting in the first sentence after the words "external doors" the words "for which the initial opening movement is outward".

19. By amending § 4b.358 (b) by adding a new subparagraph (5) to read as follows:

§ 4b.358 *Seats, berths, and safety belts.* • • •

(b) *Arrangement.* • • •

(5) Seats for all crew members at flight deck stations shall incorporate provisions for the use of a shoulder harness and the seats with such provisions shall comply with the strength requirements of paragraph (c) of this section.

20. By amending § 4b.362 (e) (5) by inserting after the words "emergency exits" the words "for which the initial opening movement is outward".

21. By amending § 4b.371 (c) by adding a new sentence at the end thereof to read as follows: "If accumulation of hazardous quantities of smoke in the cockpit area is reasonably probable, smoke evacuation shall be readily accomplished starting with full pressurization and without depressurizing beyond safe limits (see § 4b.374 (b))."

22. By amending § 4b.374 to read as follows:

§ 4b.374 *Pressure equipment and supply.* (See § 4b.477 (c).)

(a) Occupied cabins or compartments of airplanes shall be equipped to provide a cabin pressure altitude of not more than 8,000 feet at the maximum operating altitude of the airplane under normal operating conditions.

(b) Airplanes certificated for operation at altitudes over 25,000 feet shall be capable of maintaining a cabin pressure altitude of not more than 15,000 feet in the event of any reasonably probable failure or malfunction in the pressurization system.

23. By amending § 4b.401 by adding new paragraphs (d) and (e) to read as follows:

§ 4b.401 *Engines.* • • •

(d) *Rotor blade protection.* Turbine powerplant installations shall include a means of protection such that the occurrence of rotor blade failure in any engine will not affect the operation of remaining engines nor jeopardize the continued safe operation of the airplane, unless the engine type certificate specifies that the engine rotor cases have been substantiated as capable of containing the damage resulting from rotor blade failure.

(e) *Engine turbine rotor.* Design precautions shall be taken to minimize the probability of jeopardizing the safety of the airplane in the event of engine turbine rotor failure, unless the engine type certificate specifies that the turbine rotors have been demonstrated to provide sufficient strength to withstand damage inducing factors such as those which might result from abnormal rotor speeds, temperature, or vibration and the design and functioning of the powerplant systems associated with engine control devices, systems, and instrumentation are such as to give reasonable assurance that those engine operating limitations which adversely affect turbine rotor structural integrity will not be exceeded in service.

24. By adding a new § 4b.408 to read as follows:

§ 4b.408 *Turbo-propeller-drag limiting systems.* For turbo-propeller-powered airplanes, propeller-drag limiting systems shall be such that no single failure or malfunction of any of the systems during normal or emergency operation will result in propeller drag in excess of that for which the airplane was designed in compliance with § 4b.216 (d). Failure of structural elements of the drag limiting systems need not be considered if occurrence of such failure is expected to be extremely remote. (See also § 4b.310.)

25. By amending § 4b.420 by adding new paragraphs (e) and (f) to read as follows:

§ 4b.420 *General.* • • •

(e) Fuel tanks located within the fuselage contour shall be capable of resisting rupture and retaining the fuel under the inertia forces prescribed for the emergency landing conditions in § 4b.260. In addition, these tanks shall be located in a protected position so that exposure of the tanks to scraping action with the ground will be unlikely.

(f) The augmentation liquid tank capacity available for the use of each engine shall be sufficient to permit operation of the airplane in accordance with the procedures for the use of liquid augmented powers which are established and approved with respect to compliance with the related requirements of this part. The computation of liquid consumption shall be based on the maximum approved rate appropriate for the desired engine output and shall include the effect of temperature on engine performance as well as any other factors that might cause a variation in the amount of liquid required.

26. By amending the introductory paragraph of § 4b.435 to read as follows:

§ 4b.435 *Fuel strainer.* A fuel strainer shall be provided between the fuel tank outlet and the fuel metering device of the engine. The following provisions of this section shall be complied with:

27. By amending § 4b.437 by adding a new paragraph (f) to read as follows:

§ 4b.437 *Fuel jettisoning system.* • • •

(f) The design of the fuel jettisoning system shall be such that any reasonably probable single malfunction in the system will not result in a hazardous condition due to unsymmetrical jettisoning or inability to jettison fuel.

28. By amending § 4b.440 (b) by inserting in the first sentence between the words "the" and "maximum" the word "approved" and by inserting in the second sentence after the word "range" the words "for reciprocating engines".

29. By amending § 4b.440 (c) by inserting after the word "provided" the words "for reciprocating engines".

30. By amending § 4b.460 (c) by inserting after the word "Each" the word "reciprocating".

31. By amending § 4b.460 by adding a new paragraph (g) to read as follows:

§ 4b.460 *General.* • • •

(g) For turbine engines, the air inlet ducts shall be so located or protected as to minimize the ingestion of foreign matter during take-off, landing, or taxiing.

32. By amending § 4b.461 by adding a new paragraph (c) to read as follows:

§ 4b.461 *Induction system de-icing and anti-icing provisions.* • • •

(c) *Turbine powerplants.* Turbine-powered airplanes shall be capable of operation throughout the flight power range without accumulation of ice in the air induction system such as to adversely affect engine operation or cause a serious loss of power and/or thrust in the continuous maximum and intermittent maximum icing conditions as defined in § 4b.1 (b) (7) and (8).

33. By amending § 4b.474 by deleting paragraph (c).

34. By adding a new § 4b.474a to read as follows:

§ 4b.474a *Reverse thrust controls.* (a) Propeller reverse thrust controls shall incorporate a means to prevent their inadvertent movement to a reverse thrust position. The means provided shall incorporate a positive lock or stop at the flight idle position and shall require a separate and distinct operation by the crew in order to displace the control from the flight regime.

(b) Turbojet reverse thrust controls shall incorporate a means to prevent their inadvertent movement to a reverse thrust position. The means provided shall incorporate a positive lock or stop at the flight idle position and shall require a separate and distinct operation by the crew in order to displace the control from the forward thrust regime.

35. By amending § 4b.480 (a) by adding a new subparagraph (7) to read as follows:

§ 4b.480 *Designated fire zones.* (a) • • •

(7) Combustor, turbine, and tail pipe sections of turbine engine installations which contain lines or components carrying flammable fluids or gases, except that the fire-extinguisher system specified in § 4b.484 need not be provided for such sections if it is demonstrated that any fire occurring therein can be otherwise controlled.

36. By amending the introductory paragraph of § 4b.483 to read as follows:

§ 4b.483 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in designated fire zones shall com-

ply with the provisions of paragraphs (a) through (c) of this section.

37. By amending § 4b.484 (a) (1) by deleting the reference "§ 4b.12" and inserting in lieu thereof the reference "§ 4b.11 (a)".

38. By amending the introductory paragraph of § 4b.485 to read as follows:

§ 4b.485 *Fire-detector systems.* Quick-acting fire or overheat detectors of an approved type shall be provided in all designated fire zones and in the combustion, turbine, and tailpipe sections of turbine-engine installations, and they shall be sufficient in number and location to assure prompt detection of fire in such zones and sections. Fire detectors shall comply with the following provisions:

39. By amending § 4b.604 to read as follows:

§ 4b.604 *Powerplant instruments.* (See § 4b.613 for installation requirements.)

(a) Carburetor air temperature indicator for each reciprocating engine.

(b) Cylinder head temperature indicator for each air-cooled reciprocating engine.

(c) Gas temperature indicator for each turbine engine.

(d) Manifold pressure indicator for each reciprocating engine.

(e) Fuel pressure indicator for each reciprocating engine to indicate the pressure under which the fuel is being supplied.

(f) Fuel pressure warning means for each engine or a master warning means for all engines with provision for isolating the individual warning means from the master warning means.

(g) Fuel flowmeter indicator for each turbine engine. For reciprocating engines, a fuel flowmeter or fuel mixture indicator for each engine not equipped with an automatic altitude mixture control.

(h) Fuel quantity indicator for each fuel tank.

(i) Augmentation liquid quantity indicator for each tank which is appropriate to the manner in which the liquid is to be used in operations.

(j) Oil quantity indicator for each oil tank. (See § 4b.613 (d).)

(k) Oil pressure indicator for each independent pressure oil system of each engine.

(l) Oil pressure warning means for each engine or a master warning means for all engines with provision for isolating the individual warning means from the master warning means.

(m) Oil temperature indication for each engine.

(n) Tachometer for each reciprocating engine.

(o) Tachometer for each turbine engine to indicate the speed of the rotors for which limiting speeds have been established.

(p) Fire-warning indicators. (See § 4b.485.)

(q) Thrust indicator for each turbojet engine.

(r) A torque indicator for each turbine-propeller engine. A device for each reciprocating engine capable of indicating to the flight crew during flight any change in the power output if the engine is equipped with an automatic propeller feathering system, the operation of which is initiated by a power output measuring system, or if the total engine cylinder displacement is 2,000 cubic inches or more.

(s) Position indicating means for each propeller on a turbine engine to indicate to the flight crew when the propeller blade angle is below the flight low pitch position (see § 4b.613). For reciprocating engines, a means for each reversing propeller to indicate to the pilot when the propeller is in reverse pitch.

(t) Position indicating means for each turbine engine utilizing a thrust reversing device to indicate to the flight crew when the device is in the reverse thrust position.

40. By amending § 4b.605 by deleting paragraph (c).

41. By amending § 4b.612 (d) by amending subparagraphs (1) and (3) and by adding a new subparagraph (5) to read as follows:

§ 4b.612 *Flight and navigational instruments.* • • •

(d) *Automatic pilot system.* • • •

(1) The system shall be so designed that the automatic pilot can be quickly and positively disengaged by the human pilots to prevent it from interfering with their control of the airplane.

(2) • • •

(3) The manually operated control(s) for the system's normal operation shall be readily accessible to the pilots. The quick release (emergency) controls shall be installed on both the pilots' control wheels, on the side of the wheel opposite from the throttles. Attitude controls shall operate in the same plane and sense of motion as specified for the cockpit controls in § 4b.353 (b) and Figure 4b.16. The direction of motion shall be plainly indicated on or adjacent to each control.

(4) • • •

(5) When the automatic pilot integrates signals from auxiliary controls or furnishes signals for operation of other equipment, positive interlocks and sequencing of engagement shall be provided to preclude improper operation. Protection against adverse interaction of integrated components resulting from a malfunction shall be provided.

42. By amending § 4b.613 by adding a new paragraph (e) to read as follows:

§ 4b.613 *Powerplant instruments.* • • •

(e) *Turbine-propeller blade position indicating means.* The indicating means required for turbine propellers by § 4b.604 (s) shall initiate indication before the propeller blade has moved more than eight degrees below the flight low pitch stop. The source of the indication shall sense blade position directly.

43. By amending § 4b.622 (c) to read as follows:

§ 4b.622 *Generating system.* • • •

(c) Means accessible in flight to appropriate crew members shall be provided for the independent disconnection of each electrical power source from the system. Controls for this purpose shall be grouped to permit expeditious disconnection of electrical power sources.

44. By amending § 4b.631 by adding a new paragraph (e) to read as follows:

§ 4b.631 *Landing lights.* • • •

(e) A means shall be provided to indicate to the pilots when the landing lights are extended.

45. By amending § 4b.640 by deleting from the note the clause, "including engine inlet duct lips and surfaces".

46. By amending Figures 4b–25a and 4b–25c.

47. By amending § 4b.645 by adding a new paragraph (e) to read as follows:

§ 4b.645 *Ditching equipment.* • • •

(e) *Life line.* Provisions shall be made for the storage of life lines, one attached to each side of the fuselage and arranged so that they can be used to enable occupants to stay on the wing after a ditching.

48. By amending § 4b.651 (a) by adding a new sentence at the end thereof to read as follows: "Aircraft certificated for operation at altitudes over 25,000 feet shall be provided with oxygen dispensing equipment for each occupant, arranged so that the mask and oxygen are immediately available in the event of uncontrolled cabin pressure loss, unless it is demonstrated that the rate of cabin pressure reduction following any probable failure and the emergency descent rate of the airplane are such that this type of equipment will not be necessary for protection of the occupants."

49. By amending § 4b.651 (d) to read as follows:

§ 4b.651 *Oxygen equipment and supply.* • • •

(d) *Equipment standards for dispensing units.* An individual dispensing unit shall be provided for each crew member and passenger for whom supplemental oxygen is required to be furnished. Dispensing units required for aircraft certificated for operation at altitudes above 25,000 feet shall cover the nose and mouth. Crew members on flight deck duty in airplanes certificated to operate above 25,000 feet shall be provided with demand equipment. All dispensing units for airplanes certificated to operate at altitudes of not more than 25,000 feet shall be designed to cover the nose, and at least 25 percent of the units required to be furnished shall, in addition, cover the mouth. Crew masks shall permit utilization of necessary communication equipment. (For crew masks to be used for protective breathing purposes see paragraph (h) of this section.)

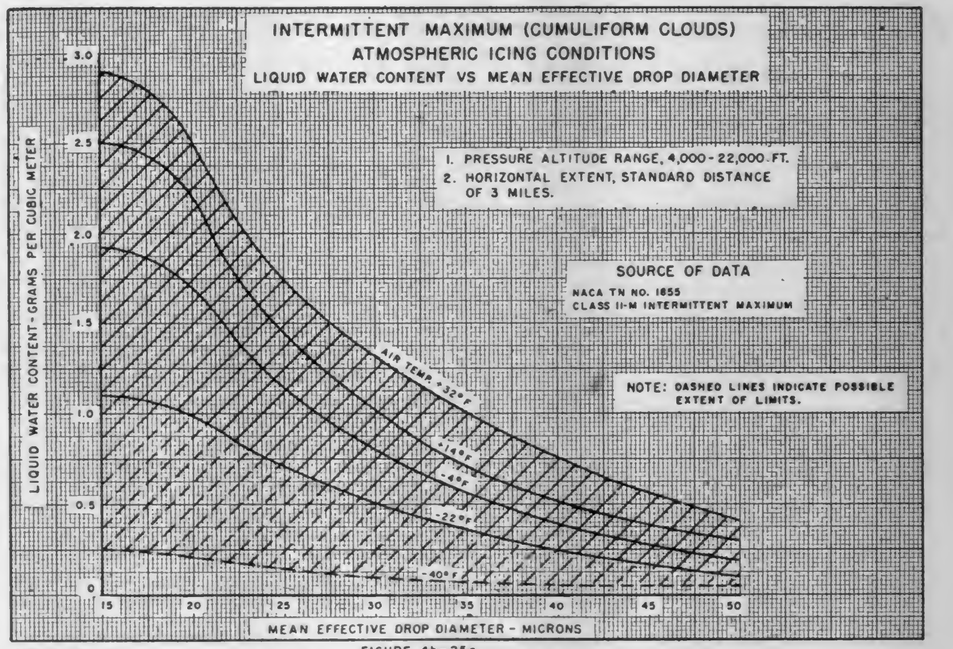
(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: August 12, 1957.

Adopted: July 8, 1957.

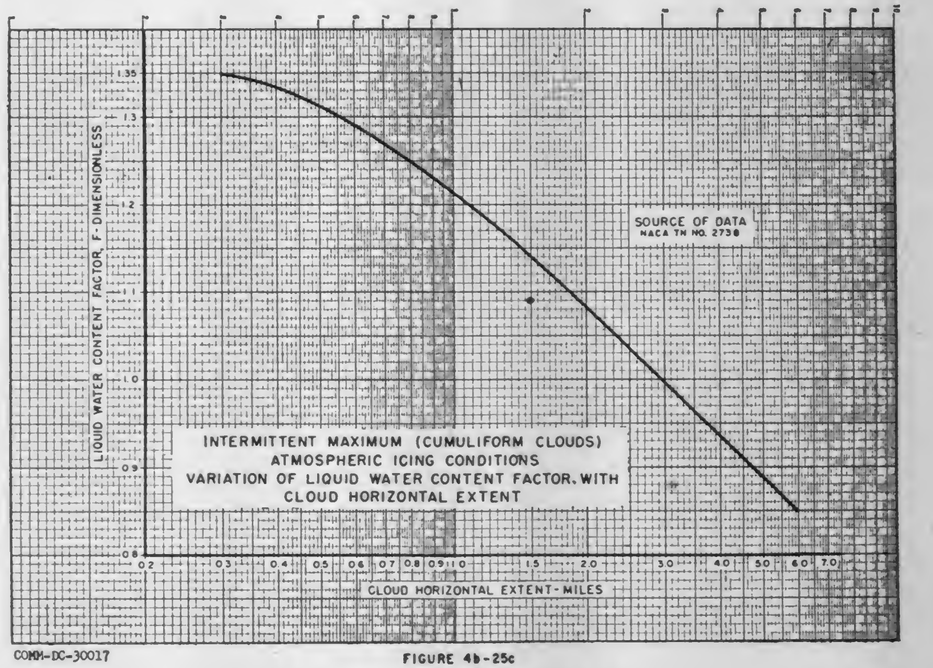
By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*



COMM-DC-30017

FIGURE 4b-25a



COMM-DC-30017

FIGURE 4b-25c

[F. R. Doc. 57-5735; Filed, July 12, 1957; 5:00 p. m.]

[Civil Air Regs., Amdt. 6–2]

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of July 1957.

There are contained herein amendments stemming from the 1956 Annual Airworthiness Review.

The currently effective provisions governing the design loading conditions for landing gears are applicable principally to landing gears having two wheels aft and one or two wheels forward. In view of the development of tail-wheel and skid type gears, it is necessary to incorporate into the regulations appropriate design criteria which are specifically applicable to such gears. These criteria are set forth in new § 6.246 for tail-wheel gears and in new § 6.247 for skid gears.

There are also included herein several changes of a minor nature.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 9217), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR Part 6, as amended) effective August 12, 1957.

1. By amending the note under § 6.237 (a) by inserting a new definition between the definitions "$W=W_s$" and "h" to read as follows: "$W=W_T$ for tail-wheel units (pounds); (1) equal to the static weight on the tail-wheel with the rotorcraft resting on all wheels; (2) equal to the vertical component of the ground reaction which would occur at the tail-wheel assuming the mass of the rotorcraft acting at the center of gravity and exerting a force of 1g downward with the rotorcraft in the maximum nose-up attitude considered in the nose-up landing conditions. (See § 6.246 (c).)"

2. By adding a new § 6.246 to read as follows:

§ 6.246 *Tail-wheel type landing gear ground loading conditions.* The structure of a rotorcraft equipped with landing gears arranged such that two wheels are located forward and one wheel is located aft of the center of gravity, shall be assumed to be subjected to the loading conditions in accordance with paragraphs (a) through (h) of this section:

(a) *Level landing on forward gear only.* The rotorcraft shall be assumed to be in the level landing attitude with only the forward wheels contacting the ground.

(1) Vertical loads shall be applied in accordance with the provisions of § 6.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at each wheel axle of not less than 25 percent of the respective vertical load.

(3) In the conditions of subparagraphs (1) and (2) of this paragraph, unbalanced pitching moments shall be assumed resisted by angular inertia forces.

(b) *Level landing; all wheels contacting simultaneously.* The rotorcraft shall be assumed to be in the level landing attitude with all wheels contacting the ground simultaneously.

(1) Vertical loads shall be applied in accordance with the provisions of § 6.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at each wheel axle of not less than 25 percent of the respective vertical load. Unbalanced pitching moments shall be assumed resisted by angular inertia forces.

(c) *Nose-up landing condition.* The rotorcraft shall be assumed to contact the ground on the rear wheel only at the maximum nose-up attitude to be expected under all operational landing conditions including landings in autorotation. The conditions of this paragraph need not be applied if it can be demonstrated that the probability of landing with initial contact on the rear wheel is extremely remote. In determining the applicable ground loads, it shall be acceptable to use a rational method to account for the distance between the direction of the rear wheel ground reactions and the rotorcraft c. g.

(1) Vertical loads shall be applied in accordance with the provisions of § 6.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at the wheel axle of not less than 25 percent of the vertical load.

(d) *One-wheel landing condition.* The rotorcraft shall be assumed in the level attitude to contact the ground on one of the wheels located forward of the c. g. The vertical load shall be the same as that obtained on the one side in the condition specified in paragraph (a) (1) of this section. Unbalanced moments shall be assumed resisted by angular inertia forces.

(e) *Side load landing condition.* The rotorcraft shall be assumed in the landing attitudes of paragraphs (a) and (b) of this section. Side loads in combination with one-half the maximum vertical ground reactions obtained in the landing conditions of paragraphs (a) (1) and (b) (1) of this section shall be applied at each wheel. The magnitude of the side loads on the forward wheels in each case shall be 0.8 of the vertical reaction (on one side) acting inward and 0.6 of the vertical reaction (on the other side) acting outward. The magnitude of the side load on the rear wheel shall be equal to 0.8 of the vertical reaction. These loads shall be applied at the ground contact point, unless the landing gear is of the full-swiveling type in which case the loads shall be applied at the center of the axle. When a lock, steering device, or shimmy damper is provided, the swiveled wheel shall also be assumed to be in the trailing position with the side load acting at the ground contact point.

(f) *Braked roll condition.* The rotorcraft attitudes shall be assumed to be the same as those prescribed in paragraphs (a) and (b) of this section with the shock absorbers deflected to their static position. The limit vertical load shall be based upon a load factor of 1.33. A drag load equal to the vertical load multiplied by a coefficient of friction of 0.8 shall be applied at the ground contact point of each wheel equipped with brakes, except that the drag load need not exceed the maximum value based on limiting brake torque.

(g) *Rear wheel turning condition.* The rotorcraft shall be assumed to be in the static ground attitude with the shock absorbers and tires deflected to their static position. A vertical ground reaction equal to the static load on the rear wheel in combination with a side component of equal magnitude shall be assumed. When a swivel is provided, the rear wheel shall be assumed to be swiveled 90 degrees to the rotorcraft longitudinal axis with the resultant load passing through the axle. When a lock, steering device, or shimmy damper is provided, the rear wheel shall also be assumed to be in the trailing position with the side load acting at the ground contact point.

(h) *Taxiing condition.* The rotorcraft and its landing gear shall be designed for loads which occur when the rotorcraft is taxied over the roughest ground which it is reasonable to expect in normal operation.

3. By adding a new § 6.247 to read as follows:

§ 6.247 *Skid gear ground loading condition.* The structure of a rotorcraft equipped with skid type landing gear shall be assumed to be subjected to the loading conditions in accordance with paragraphs (a) through (d) of this section.

(a) The design weight, center of gravity and load factor shall be in accordance with the provisions of § 6.230. Structural yielding of the elastic spring member under the limit loading conditions shall be acceptable. The design ultimate loads considered for the elastic spring member need not exceed those obtained in a drop test of the skid gear from a drop height equal to 1.5 times that specified in § 6.237 (a).

(b) The ground loads resulting from the landing conditions specified in paragraph (c) of this section shall be applied to the skid gear in its most critically deflected position for the particular landing condition being considered and a rational distribution of the ground reactions along the skid tube bottom shall be made.

(c) The following landing conditions shall be considered:

(1) *Level landing; vertical reactions.* The rotorcraft shall be assumed to contact the ground along the bottom of both skids. Vertical ground reactions shall be applied in accordance with the provisions of paragraphs (a) and (b) of this section.

(2) *Level landing with drag.* The rotorcraft shall be assumed to contact the ground along the bottom of both skids with vertical ground reactions in combination with a horizontal drag reaction equal to 50 percent of the vertical reaction applied at the ground. The resultant ground load shall be equal to the vertical load specified in subparagraph (1) of this paragraph and shall be directed through the center of gravity of the rotorcraft.

(3) *Level landing with side load.* The rotorcraft shall be assumed to contact the ground along the bottom of both skids with vertical ground reactions in combination with a horizontal side reaction equal to 25 percent of the vertical ground reaction. The vertical ground reaction shall be equal to the vertical load specified in subparagraph (1) of this paragraph and shall be equally divided between the two skids. The total side load shall be applied along the length of one skid only. Unbalanced moments shall be assumed resisted by angular inertia forces. Both the inward and outward acting side loading conditions for the skid gear shall be investigated.

(4) *One-skid landing condition.* In the level attitude, the rotorcraft shall be assumed to contact the ground on one skid only. The vertical load shall be the same as that obtained on the one side in the condition specified in subparagraph (1) of this paragraph. Unbalanced moments shall be assumed to be resisted by angular inertia forces.

(d) Special conditions for the skid gear: (1) A ground reaction load equal to 1.33 times the maximum weight of the rotorcraft acting up and aft at an angle of 45 degrees to the horizontal shall be assumed. The load shall be distributed symmetrically between the two skids and shall be assumed concentrated at the forward end of the straight portion of the skid tube. This loading condition shall apply only to the forward end of skid tube and its attachment to the rotorcraft.

(2) A vertical ground reaction load equal to one-half the vertical load of § 6.247 (c) (1) shall be assumed with the rotorcraft in the level attitude. This load shall be applied to the skid tube and shall be assumed concentrated at a point midway between the skid tube attachments. This loading condition shall apply only to the skid tube and its attachment to the rotorcraft.

4. By amending § 6.383 (c) by adding a new sentence at the end thereof to read as follows: "In addition to the components provided for normal continuous control of air temperature, airflow and fuel flow, means independent of such components shall be provided for each heater to automatically shut off and hold off the ignition and fuel supply to the heater at a point remote from the heater when the heat exchanger temperature or ventilating air temperature exceeds safe limits or when either the combustion airflow or the ventilating airflow becomes inadequate for safe operation."

5. By amending § 6.425 (e) to read as follows:

§ 6.425 *Fuel system lines and fittings.*

* * *

(e) Rotorcraft with suction lift fuel systems or other fuel system features conducive to vapor formation shall be demonstrated to be free from vapor lock when using fuel at a temperature of 110° F. under critical operating conditions.

6. By amending § 6.441 (c) by adding a new sentence at the end thereof to read as follows: "It shall not be possible inadvertently to fill the oil tank expansion space when the rotorcraft is in the normal ground attitude."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: August 12, 1957.

Adopted: July 8, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-5736; Filed, July 12, 1957; 5:00 p. m.]

[Civil Air Regs., Amdt. 13–1]

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of July 1957.

There are contained herein amendments with respect to various issues stemming from the 1956 Annual Airworthiness Review.

There exist certain differences in detail between the Civil Air Regulations effective heretofore and military specifications with respect to the endurance testing of turbine engines. These differences have caused some difficulty in the approval for civil use of engines developed for the military services. Accordingly, informal discussions were held between engine manufacturers and interested government agencies as a result of which a proposal for the amendment of Part 13 was submitted to the Board. The changes being made reflect in substance the proposal submitted differing, however, in that no provision is made to permit deducting the time in changing power settings from the endurance times specified for the various power and/or thrust conditions. Also, the changes herein require consideration of the augmented take-off rating in connection with the tests specified in paragraphs (b), (e), and (g) of § 13.254.

In addition, a change is being made to § 13.210 to require that a turbine engine be demonstrated to be capable of operation without serious power loss under icing conditions as specified in Part 4b of the Civil Air Regulations. Concurrently with this amendment, changes are being made in Part 4b relative to the intermittent maximum icing conditions to cover conditions more critical to turbine engine operation.

Important substantive provisions are being included in new §§ 13.116 and 13.216 relative to the structural integrity of turbine rotors under abnormal operating conditions and relative to the reliability and safety of systems, devices, and instruments affecting turbine rotor structural integrity. To this end, these new provisions are intended to require taking into account in the design of the turbine rotor, and its associated systems, all practicable safeguards.

There is also being included a provision in §§ 13.104 and 13.204 which requires turbine engine rotor cases to be designed so as to contain damage resulting from rotor blade failure.

The definitions in § 13.1 (b) are being changed to incorporate appropriate definitions with respect to turbine engine power and thrust. These new definitions are formulated to be generally applicable to the power and thrust of turbine engines under specified conditions of altitude, atmosphere, and flight speeds. It is not anticipated that these new definitions will affect the past procedure of rating engines under standard atmospheric conditions.

Several other changes of comparatively less substantive importance are also included.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 9217), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 13 of the Civil Air Regulations (14 CFR Part 13, as amended) effective August 12, 1957.

1. By amending § 13.1 (b) (1) by inserting between the words "atmosphere" and "defined" the following: "(see NACA Technical Note 3182)".

2. By amending § 13.1 (b) (1) (iv) by deleting the expression "—67° F." and inserting in lieu thereof the expression "—69.7° F."

3. By amending § 13.1 (b) (1) (v) by deleting the numerals "0.002378" and inserting in lieu thereof the numerals "0.002377".

4. By amending § 13.1 (b) by amending subparagraphs (3) and (4); by redesignating subparagraphs (5) and (6) as subparagraphs (6) and (7), respectively; and by adding a new subparagraph (5) to read as follows:

§ 13.1 *Definitions.* * * *

(b) *General design.* * * *

(3) *Take-off power or thrust.* (i) Take-off power for reciprocating engines is the brake horsepower developed under standard sea level conditions and under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(ii) Take-off power for turbine engines is the brake horsepower developed under static conditions at specified altitudes and atmospheric temperatures and under the maximum conditions of rotor shaft rotational speed and gas temperature approved for the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(iii) Take-off thrust for turbine engines is the jet thrust developed under static conditions at specified altitudes and atmospheric temperatures and under the maximum conditions of rotor shaft rotational speed and gas temperature approved for the normal take-off, and

limited in use to a maximum continuous period as indicated in the approved engine specification.

(4) *Maximum continuous power or thrust.* (i) Maximum continuous power for reciprocating engines is the brake horsepower developed in standard atmosphere at a specified altitude and under the maximum conditions of crankshaft rotational speed and engine manifold pressure, and approved for use during periods of unrestricted duration.

(ii) Maximum continuous power for turbine engines is the brake horsepower developed at specified altitudes, atmospheric temperatures, and flight speeds and under the maximum conditions of rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(iii) Maximum continuous thrust for turbine engines is the jet thrust developed at specified altitudes, atmospheric temperatures, and flight speeds and under the maximum conditions of rotor shaft rotational speed and gas temperature, and approved for use during periods of unrestricted duration.

(5) *Gas temperature.* Gas temperature for turbine engines is the temperature of the gas stream obtained as indicated in the approved engine specification.

5. By amending § 13.102 by designating the introductory paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 13.102 *Fire prevention.* • • •

(b) External lines and fittings which convey flammable fluids shall be at least fire resistant. The possibility of flammable fluid carrying lines deteriorating from heat, vibration, or fluid pressure so as to cause a fire hazard shall be minimized by appropriate design, shielding, or routing. The fire-resistant standards of § 4b.1 (g) (2) of this subchapter shall be applicable.

6. By amending § 13.104 by adding a new sentence at the end thereof to read as follows: "Compressor and turbine rotor cases shall be designed to provide for containment of damage from rotor blade failure."

7. By adding a new § 13.116 to read as follows:

§ 13.116 *Turbine rotors.* To minimize the probability of failure of turbine rotors, the provisions of paragraphs (a) and (b) of this section shall be complied with.

(a) Turbine rotors shall be demonstrated to provide sufficient strength to withstand damage inducing factors such as those which might result from abnormal rotor speeds, temperatures, or vibration.

(b) The design and functioning of engine control devices, systems, and instrumentation shall be such as to give reasonable assurance that those engine operating limitations which affect turbine rotor structural integrity will not be exceeded in service.

8. By redesignating §§ 13.156 and 13.157 as §§ 13.157 and 13.158, respectively, and by adding a new § 13.156 to read as follows:

§ 13.156 *Engine component tests.* (a) For those systems which cannot be adequately substantiated by endurance testing in accordance with the provisions of § 13.154, additional tests shall be conducted to establish that components are capable of functioning reliably in all normally anticipated flight and atmospheric conditions.

(b) Temperature limits shall be established for those components which require temperature controlling provisions in the aircraft installation to assure satisfactory functioning, reliability, and durability.

9. By amending § 13.202 by designating the introductory paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 13.202 *Fire prevention.* • • •

(b) External lines and fittings which convey flammable fluids shall be at least fire resistant. The possibility of flammable fluid carrying lines deteriorating from heat, vibration, or fluid pressure so as to cause a fire hazard shall be minimized by appropriate design, shielding, or routing. The fire-resistant standards of § 4b.1 (g) (2) of this subchapter shall be applicable.

10. By amending § 13.204 by adding a new sentence at the end thereof, to read as follows: "Compressor and turbine rotor cases shall be designed to provide for containment of damage from rotor blade failure."

11. By amending § 13.210 by adding a new paragraph (c) to read as follows:

§ 13.210 *Fuel and induction system.* • • •

(c) The engine, with icing protection systems operating if provided, shall be capable of operation throughout the flight power range without accumulation of ice on the engine components such as to adversely affect engine operation or cause a serious loss of power and/or thrust, in continuous maximum and intermittent maximum icing conditions as defined in § 4b.1 (b) (7) and (8) of this subchapter.

12. By adding a new § 13.216 to read as follows:

§ 13.216 *Turbine rotors.* To minimize the probability of failure of turbine rotors, the provisions of paragraphs (a) and (b) of this section shall be complied with.

(a) Turbine rotors shall be demonstrated to provide sufficient strength to withstand damage inducing factors such as those which might result from abnormal speeds, temperatures, or vibration.

(b) The design and functioning of engine control devices, systems, and instrumentation shall be such as to give reasonable assurance that those engine operating limitations which affect turbine rotor structural integrity will not be exceeded in service.

13. By amending § 13.250 by deleting from the second sentence the words "chosen by the applicant" and inserting in lieu thereof the word "applicable".

14. By amending § 13.251 by deleting the note thereunder.

15. By amending § 13.254 to read as follows:

§ 13.254 *Endurance test.* The endurance test of an engine with a representative propeller (if applicable) shall include a total of 150 hours of operation, consisting of 25 periods of 6 hours each as specified in this section. The runs shall be performed in such order as is found appropriate by the Administrator for the specific engine. During the endurance test the engine power and/or thrust and the engine rotational speed shall be controlled within ± 3 percent of the specified values. Each period of the 150-hour endurance test shall be conducted as follows:

(a) *Take-off and idling.* One hour of alternate 5-minute periods shall be conducted at take-off power and/or thrust and at idling power and/or thrust. The developed powers and/or thrusts at take-off and idling conditions and their corresponding rotor speed and gas temperature conditions shall be as established by the power control(s) in accordance with the schedule established by the manufacturer. It shall be permissible to control manually during any one period the rotor speed and power and/or thrust while taking data to check performance. For engines with augmented take-off ratings which involve increases in turbine inlet temperature, rotor speed, or shaft power, this period of running at take-off shall be at the augmented rating. For engines with augmented take-off ratings which do not materially increase operating severity, the amount of running conducted at the augmented rating shall be established by the Administrator. In changing the power setting after each period, the power-control lever shall be moved in the manner prescribed in paragraph (e) of this section.

(b) *Maximum continuous and take-off.* Fifteen periods each of 30 minutes' duration shall be conducted at maximum continuous power and/or thrust, and 10 periods each of 30 minutes' duration shall be conducted at take-off power and/or thrust.

(c) *Maximum continuous power and/or thrust.* One hour and 30 minutes shall be conducted at the maximum continuous power and/or thrust.

(d) *Incremental cruise power and/or thrust.* Two hours and 30 minutes shall be conducted at the successive power lever positions corresponding to at least 15 approximately equal speed and time increments between maximum continuous engine rotational speed and ground or minimum idle rotational speed. For engines operating at constant speed, the thrust and/or power may be varied in lieu of speed. In the event significant peak vibration exists anywhere between ground idle and maximum continuous conditions, the number of increments chosen may be altered to increase the amount of running conducted while being subjected to the peak vibrations up to an amount not to exceed 50 percent of the total time spent in incremental running. (See also § 13.251.)

(e) *Acceleration and deceleration runs.* Thirty minutes shall be conducted of accelerations and decelerations consisting of six cycles from idling power and/or thrust to take-off power and/or thrust and maintained at the take-off power lever position for 30 seconds and at the idling power lever position for approximately four and one-half minutes. In complying with the provisions of this paragraph, the power-control lever shall be moved from one extreme position to the other in not more than one second, except where different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time shall be acceptable but in no case shall this time exceed 2 seconds.

(f) *Starts.* One hundred starts shall be made, of which 25 starts shall be preceded by at least a 2-hour engine shutdown. Ten starts shall be false engine starts pausing for the applicant's specified minimum fuel drainage time before attempting a normal start. Ten starts shall be normal restarts with not longer than 15 minutes since engine shutdown. It shall be acceptable to make the remaining starts after completion of the 150 hours of endurance testing.

(g) *Maximum temperatures.* The limiting maximum hot gas and, when practicable, oil inlet temperatures shall be substantiated by operation at these limits during all the take-off and maximum continuous running of the endurance test except where the test periods are of 5 minutes or shorter duration and do not always permit stabilization.

16. By redesignating §§ 13.256 and 13.257 as §§ 13.257 and 13.258, respectively, and by adding a new § 13.256 to read as follows:

§ 13.256 *Engine component tests.* (a) For those systems which cannot be adequately substantiated by endurance testing in accordance with the provisions of § 13.254, additional tests shall be conducted to establish that components are capable of functioning reliably in all normally anticipated flight and atmospheric conditions.

(b) Temperature limits shall be established for those components which require temperature controlling provisions in the aircraft installation to assure satisfactory functioning, reliability, and durability.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: August 12, 1957.

Adopted: July 8, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-5737; Filed, July 12, 1957; 5:00 p. m.]

[Civil Air Regs., Amdt. 16-1]

PART 16—AIRCRAFT RADIO EQUIPMENT AIRWORTHINESS

RESCISSION OF PART 16

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of July 1957.

During the past few years, industry has been engaged in the preparation of specifications for radio equipment. In view of the fact that such specifications will be completed in the near future, it is considered appropriate to rescind Part 16 of the Civil Air Regulations. This will permit treating the approval of all radio equipment under the Technical Standard Order System which is similar to the procedure used in approving other aircraft equipment.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 9217), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby rescinds Part 16 of the Civil Air Regulations (14 CFR Part 16) effective January 1, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. 551, 553)

Effective: January 1, 1957.

Adopted: July 8, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-5738; Filed, July 12, 1957; 5:00 p. m.]

[Supp. 8]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

MISCELLANEOUS AMENDMENTS

The purpose of this supplement is (1) to revise the titles for district offices formerly entitled Aviation Safety District Offices and for the personnel assigned to such offices, in accordance with Department of Commerce Notice, Amendment 13, published in 22 F. R. 989, February 16, 1957; (2) to redesignate § 27.30–1 as § 27.8–1 because the material contained in this section, which deals with examinations, relates to § 27.8 of the Civil Air Regulations rather than to § 27.30; and (3) to add a new section regarding the demonstration of aeronautical skill.

These revisions do not impose any additional burden upon interested persons, and no useful purpose would be served by compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act. Therefore, compliance is unnecessary and is not required.

The following amendments are hereby adopted:

1. Section 27.7–1 (b) is amended by changing the word "agent" in the first sentence to read "inspector"[1]; and the words "Aviation Safety Agent" in the last sentence to read "inspector."

2. Section 27.7–1 (e) is amended by changing the word "agent" in the last sentence of the second paragraph to read "inspector."

3. Subparagraphs (2) and (3) of § 27.7–1 (j) are amended by changing the word "agent" to read "inspector."

4. Section 27.7–1 (k) is amended by changing the word "agent" in the second paragraph to read "inspector."

5. Section 27.7–1 (m) is amended by changing the words "Aviation Safety Agent" in the first sentence to read "inspector."

6. Section 27.14–1 is added to read:

§ 27.14–1 *Demonstration of aeronautical skill (CAA policies which apply to § 27.14 (b)).* When it is necessary for a certificated dispatcher to demonstrate to the Administrator that he meets current standards for the issuance of a dispatcher certificate, he will satisfactorily complete the practical examination described in § 27.8–1.

7. Section 27.30–1 is renumbered 27.8–1; paragraph (a) is amended by changing the word "agent" in the fourth sentence to read "inspector"; and paragraph (c) is amended by changing the word "agent" in the first sentence to read "inspector."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

This supplement shall become effective August 1, 1957.

[SEAL] S. A. KEMP, *Acting Administrator of Civil Aeronautics.*

JULY 9, 1957.

[F. R. Doc. 57-5705; Filed, July 15, 1957; 8:46 a. m.]

[1] "The word 'inspector', unless otherwise specified means 'Flight Operations and Airworthiness Inspector.'"

[Civil Air Regulations, Amdt. 40-5]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

ADMISSION TO FLIGHT DECK

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of July 1957.

Section 40.356 of Part 40 of the Civil Air Regulations specifies the persons who may be admitted to the flight deck of an air carrier airplane. Although it was the intention of the Board to limit admission to such flight deck to the persons specified in this section, it has come to the attention of the Board that there is ambiguity as to whether other persons not expressly authorized to be admitted to the flight deck are prohibited from admission thereto. This amendment eliminates this ambiguity.

A growing need for in-flight observation of equipment and procedures has been verified by the Board in the granting of many recent waivers, and the experience gained in operations subject to such waivers has been excellent. Accordingly, § 40.356 is being amended to include in the list of persons authorized to be admitted to the flight deck, without having a seat available in the passenger compartment, certain operations personnel of the air carrier and technical representatives of the manufacturer of the airplane or components thereof. It is contemplated that authorization for such operations personnel and technical representatives will be granted by the air carrier only when the presence of such

persons in the pilot compartment is required in the furtherance of their functions of observing and monitoring the in-flight operations of the air carrier or its equipment. It should be clearly understood that it is not intended by this amendment to compromise in any way the authority of the pilot in command to refuse such persons admission to the flight deck.

This amendment was published in the FEDERAL REGISTER (21 F. R. 6573) as a notice of proposed rule making and circulated to the industry as Civil Air Regulations Draft Release No. 56–24, dated August 22, 1956. Certain comments received in response to Draft Release No. 56–24 recommended that the provisions governing admission to the flight deck be amended to give the pilot in command complete discretion with respect to admitting persons to the flight deck. The Board has given careful consideration to this recommendation, but is of the opinion that it would not be in the interest of safety to grant to the pilot in command any greater discretion than that provided for in this amendment.

In order to achieve uniformity in the Civil Air Regulations, similar amendments are being made to the corresponding sections in Parts 41 and 42 of the Civil Air Regulations which pertain to admission to the flight deck.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective August 15, 1957.

1. By amending § 40.356 to read as follows:

§ 40.356 *Admission to flight deck.* No persons, other than crew members, shall be admitted to the flight deck of an airplane except those authorized in paragraphs (a) and (b) of this section. For the purposes of this section, the Administrator shall determine what constitutes the flight deck.

(a) CAA Flight Operations and Airworthiness Inspectors and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations, or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the air carrier management and the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) CAA Flight Operations and Airworthiness Inspectors or other authorized representatives of the Civil Aeronautics Administration or the Civil Aeronautics Board engaged in checking flight operations;

(2) Air traffic controllers who have been authorized by the Administrator to observe ATC procedures;

(3) Certificated airmen of the air carrier whose duties with the carrier require an airman certificate;

(4) Certificated airmen of another air carrier whose duties with such carrier require an airman certificate and who have been authorized by the air carrier concerned to make specific trips over the route;

(5) Employees of the air carrier, whose functions are directly related to the conduct or planning of flight operations or the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and when specifically authorized in writing by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority; and

(6) Technical representatives of the manufacturer of the airplane or its components whose functions are directly related to the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by the Administrator and by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551–554)

Effective: August 15, 1957.

Adopted: July 11, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–5754; Filed, July 15, 1957; 8:54 a. m.]

[Civil Air Regulations, Amdt. 41–11]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

ADMISSION TO FLIGHT DECK

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of July 1957.

Section 41.121 of Part 41 of the Civil Air Regulations specifies the persons who may be admitted to the flight deck of an air carrier aircraft. Although it was the intention of the Board to limit admission to such flight deck to the persons specified in this section, it has come to the attention of the Board that there is ambiguity as to whether other persons not expressly authorized to be admitted to the flight deck are prohibited from admission thereto. This amendment eliminates this ambiguity.

A growing need for in-flight observation of equipment and procedures has been verified by the Board in the granting of many recent waivers, and the experience gained in operations subject to such waivers has been excellent. Accordingly, § 41.121 is being amended to include in the list of persons authorized to be admitted to the flight deck, without having a seat available in the passenger compartment, certain operations personnel of the air carrier and technical representatives of the manufacturer of the airplane or components thereof. It is contemplated that authorization for such operations personnel and technical representatives will be granted by the air carrier only when the presence of such persons in the pilot compartment is required in the furtherance of their functions of observing and monitoring the in-flight operations of the air carrier or its equipment. It should be clearly understood that it is not intended by this amendment to compromise in any way the authority of the pilot in command to refuse such persons admission to the flight deck.

This amendment was published in the FEDERAL REGISTER (21 F. R. 6573) as a notice of proposed rule making and circulated to the industry as Civil Air Regulations Draft Release No. 56–24, dated August 22, 1956. Certain comments received in response to Draft Release No. 56–24 recommended that the provisions governing admission to the flight deck be amended to give the pilot in command complete discretion with respect to admitting persons to the flight deck. The Board has given careful consideration to this recommendation, but is of the opinion that it would not be in the interest of safety to grant to the pilot in command any greater discretion than that provided for in this amendment.

In order to achieve uniformity in the Civil Air Regulations, similar amendments are being made to the corresponding sections in Parts 40 and 42 of the Civil Air Regulations which pertain to admission to the flight deck.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective August 15, 1957.

1. By amending § 41.121 to read as follows:

§ 41.121 *Admission to flight deck.* No persons, other than crew members, shall be admitted to the flight deck of an airplane except those authorized in paragraphs (a) and (b) of this section. For the purposes of this section, the Administrator shall determine what constitutes the flight deck.

(a) CAA Flight Operations and Airworthiness Inspectors and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations, or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the air carrier management and the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) CAA Flight Operations and Airworthiness Inspectors or other authorized representatives of the Civil Aeronautics Administration or the Civil Aeronautics Board engaged in checking flight operations;

(2) Air traffic controllers who have been authorized by the Administsrator to observe ATC procedures;

(3) Certificated airmen of the air carrier whose duties with the carrier require an airman certificate;

(4) Certificated airmen of another air carrier whose duties with such carrier require an airmen certificate and who have been authorized by the air carrier concerned to make specific trips over the route;

(5) Employees of the air carrier, whose functions are directly related to the conduct or planning of flight operations or the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and when specifically authorized in writing by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority; and

(6) Technical representatives of the manufacturer of the airplane or its components whose functions are directly related to the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by the Administrator and by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551–554)

Effective: August 15, 1957.

Adopted: July 11, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–5755; Filed, July 15, 1957; 8:54 a. m.]

[Civil Air Regs., Amdt. 42–10]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

ADMISSION TO FLIGHT DECK

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of July 1957.

Section 42.51 (g) of Part 42 of the Civil Air Regulations specifies the persons who may be admitted to the flight deck of an aircraft operated under the provisions of Part 42.

A growing need for in-flight observation of equipment and procedures has been verified by the Board in the granting of many recent waivers, and the experience gained in operations subject to such waivers has been excellent. Accordingly, § 42.51 (g) is being amended to include in the list of persons authorized to be admitted to the flight deck, without having a seat available in the passenger compartment, certain operations personnel of the air carrier and technical representatives of the manufacturer of the airplane or components thereof. It is contemplated that authorization for such operations personnel and technical representatives will be granted by the air carrier only when the presence of such persons in the pilot compartment is required in the furtherance of their functions of observing and monitoring the in-flight operations of the air carrier or its equipment. It should be clearly understood that it is not intended by this amendment to compromise in any way the authority of the pilot in command to refuse such persons admission to the flight deck.

This amendment was published in the FEDERAL REGISTER (21 F. R. 6573) as a notice of proposed rule making and circulated to the industry as Civil Air Regulations Draft Release No. 56–24, dated August 22, 1956. Certain comments received in response to Draft Release No. 56–24 recommended that the provisions governing admission to the flight deck be amended to give the pilot in command complete discretion with respect to admitting persons to the flight deck. The Board has given careful consideration to this recommendation, but is of the opinion that it would not be in the interest of safety to grant to the pilot in command any greater discretion than that provided for in this amendment.

In order to achieve uniformity in the Civil Air Regulations, similar amendments are being made to the corresponding sections in Parts 40 and 41 of the Civil Air Regulations which pertain to admission to the flight deck. However, it is appropriate to note that inasmuch as certain aircraft operating pursuant to Part 42 do not have separate pilot compartments, the title to the amendment to Part 42 has been so worded as to make it applicable only to aircraft having separate pilot compartments.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective August 15, 1957.

1. By amending § 42.51 (g) to read as follows:

§ 42.51 *Pilot responsibilities.* • • •

(g) *Admission to flight deck of aircraft having a separate pilot compartment.* No persons, other than crew members, shall be admitted to the flight deck of an airplane having a separate pilot compartment except those authorized in subparagraphs (1) and (2) of this paragraph. For the purposes of this section, the Administrator shall determine what constitutes the flight deck.

(1) CAA Flight Operations and Airworthiness Inspectors and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any persons from the flight deck in the interest of safety.

(2) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(i) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations, or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subdivision (ii) of this subparagraph.

(ii) Any other person specifically authorized by the air carrier management and the Administrator.

(3) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except;

(i) CAA Flight Operations and Airworthiness Inspectors or other authorized representatives of the Civil Aeronautics Administration or the Civil Aero-

nautics Board engaged in checking flight operations;

(ii) Air traffic controllers who have been authorized by the Administrator to observe ATC procedures;

(iii) Certificated airmen of the air carrier whose duties with the carrier require an airman certificate;

(iv) Certificated airmen of another air carrier whose duties with such carrier require an airman certificate and who have been authorized by the air carrier concerned to make specific trips over the route;

(v) Employees of the air carrier, whose functions are directly related to the conduct or planning of flight operations or the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and when specifically authorized in writing by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority; and

(vi) Technical representatives of the manufacturer of the airplane or its components whose functions are directly related to the in-flight monitoring or aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by the Administrator and by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551–554)

Effective: August 15, 1957.

Adopted: July 11, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-5756; Filed, July 15, 1957; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6590]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

TANNERS SHOE CO.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.60 *Earnings and profits;* § 13.170 *Qualities or properties of product or service.* Subpart—*Securing agents or representatives falsely or misleadingly:* § 13.2130 *Earnings.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, William J. Mishel et al. doing business as Tanners Shoe Company, Brockton, Mass., Docket 6590, June 13, 1957]

In the Matter of William J. Mishel, Bernard S. Lazarus, and Manual Alter, Copartners Doing Business as Tanners Shoe Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging three copartners in Brockton, Mass., selling shoes which they bought from the manufacturer through house-to-house salesmen on a commission basis, with representing falsely in newspapers and other advertisements for salesmen that shoe repairmen could expect to earn $50 to $100 per week selling their shoes in addition to the income from their regular occupations; and with representing falsely in advertisements in magazines, catalogues, etc., and through use of the term "orthopedic", that their shoes had health features which would prevent and cure abnormalities and diseases of the feet, and that they manufactured their shoes.

Respondents filed a joint answer and, in lieu of formal hearings, entered into a stipulation of facts. Thereafter, the hearing examiner made his initial decision, including findings [1] of fact, conclusions of law,[1] and order to cease and desist, which became on June 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents William J. Mishel, Bernard S. Lazarus and Manuel Alter, copartners doing business as Tanners Shoe Company, or in any other name or names, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Act, of respondents' shoes, or any other shoes of similar construction or performing similar functions, do forthwith cease and desist from:

1. Using the terms "health features" or "health footwear" or any other term or words importing a like or similar meaning, alone or in combination with any other term or words, to describe or designate said shoes, or representing in any manner, directly or by implication, that the use of respondents' shoes will prevent or cure abnormalities or diseases of the feet, will keep the feet healthy, or that said shoes contain features conducive to the health of the feet.

2. Using the terms "ortho", "orthopedic shoes" or "orthopedic styles" or any other term or words importing a like or similar meaning, alone or in combination with any other term or words, to describe or designate said shoes, or representing in any manner, directly or by implication, that the use of respondents' shoes will prevent or correct diseases, deformities or disorders of the feet.

3. Representing, directly or by implication:

(a) That the cushion in said shoes provides support where it is most needed;

(b) That shoe repairmen or others who sell respondents' shoes earn as much as $50 to $100 per week, in addition to their incomes from their shops or regular employment, or any amount in excess of the actual amount earned by respondents' representatives working on a part-time basis; and

(c) That respondents own, operate or control a factory or plant in which their shoes are manufactured, or that by buying from respondents a purchaser is buying from the manufacturer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5727; Filed, July 15, 1957; 8:50 a. m.]

[1] Filed as part of original document.

[Docket 6727]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LAWRENCE GREENWALD ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Lawrence Greenwald trading as Larry Greenwald Company et al., New York, N. Y., Docket 6727, June 7, 1957]

In the Matter of Lawrence Greenwald, an Individual Trading as Larry Greenwald Company; and Emmett Greenwald, an Individual

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with violating the Wool Products Labeling Act by labeling as "100% Reprocessed Wool, Cotton Backing", etc., rolls of interlining material which did not consist of 100% reprocessed wool, and with failing to label other rolls to show the percentages of the fiber weight, as required by the act.

Following negotiation of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Lawrence Greenwald, an individual trading as Larry Greenwald Company, or under any other name or names and Emmett Greenwald, an individual, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction in commerce, or the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of interlining material or other wool products, do forthwith cease and desist from misbranding such wool products by:

1. Falsely or deceptively labeling or tagging or otherwise identifying said products with respect to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification, showing in clear and conspicious manner:

(a) The percentage of the total fiber weight of such wool products exclusive of ornamentation, not exceeding five per centum of said total weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool into commerce or in the offering for sale, sale, or distribution thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents Lawrence Greenwald, an individual trading as Larry Greenwald Company, or under any other name or names, and Emmett Greenwald, an individual, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of interlining material or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly: Misrepresenting in sales invoices, shipping memoranda, or in any other manner the fiber content of said products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 7, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5728; Filed, July 15, 1957; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 60—MANAGEMENT AND MOBILIZATION OF THE STANDBY RESERVE

The Secretary of Defense has approved the following policy:

Sec.
60.1 Purpose.
60.2 Applicability.
60.3 Responsibilities for management of the Standby Reserve.
60.4 Mobilization.
60.5 Addresses of State Directors, Selective Service System.

AUTHORITY: §§ 60.1 to 60.5 issued under RS 161; 5 U. S. C. 22. Interpret or apply sec. 233, 66 Stat. 489, as amended, sec. 672, 70A Stat. 27; 50 U. S. C. 961, 10 U. S. C. 672.

§ 60.1 *Purpose.* The purpose of this part is to prescribe uniform policies with respect to management and mobilization of the Standby Reserve.

§ 60.2 *Applicability.* This part is applicable to all military departments in exercising military control over persons transferred to the Standby Reserve and in calling members of the Standby Reserve to active duty pursuant to subsection 233 (a), Armed Forces Reserve Act of 1952, as amended.

§ 60.3 *Responsibilities for management of the Standby Reserve*—(a) *Military departments.* The Secretaries of the military departments are responsible for:

(1) Exercising military control over members of the Standby Reserve.

(2) Maintaining such personnel records for members of the Standby Reserve as may be required by law and determined by the military departments to be necessary.

(3) Advising individuals who are transferred to the Standby Reserve of their duty to furnish local boards with information as prescribed by § 1690.10, of this title and that refusal or failure to keep the Selective Service System informed as to their whereabouts and status will result in a determination that they are available for involuntary active duty in time of war or national emergency declared by the Congress.

(4) Discharging members of the Standby Reserve in accordance with the provisions of § 52.6 of this subchapter.

(5) Furnishing information promptly to the Selective Service System upon the assignment or transfer of a reservist to or from the Standby Reserve and upon any change in military status of a member of the Standby Reserve.

(i) Upon the assignment or transfer of a reservist to the Standby Reserve pursuant to the provisions of Parts 53 or 52, of this title, the military department will complete DD Form 889 [1] in accordance with the instructions printed thereon. If the reservist concerned is a Selective Service registrant, the DD Form 889 [1] will be sent to the State Director of the State in which the reservist is registered. The appropriate State Director can be determined from the Selective Service number. The number is composed of four elements, the first of which is the State code. The key to State codes and the addresses of the various State Directors are shown in § 60.5. If the reservist is not a registrant, the completed form will be sent to the State Director of the State in which the reservist maintains his current mailing address.

(ii) Upon the transfer, discharge, or removal for any other reason of a reservist from the Standby Reserve, the military department will promptly complete and forward a DD Form 889,[1] to the same State Director to whom notification of the reservist's entry into or membership in the Standby Reserve was previously addressed in accordance with subdivision (i) of this subparagraph.

(b) *Selective Service.* The Director of Selective Service is responsible by law for determining the availability of members of the Standby Reserve for involuntary order to active duty in time of war or national emergency declared by the Congress. To fulfill this statutory responsibility, the Director of Selective Service has prescribed that the Selective Service System will:

(1) Maintain current information pertaining to the civilian status of each member of the Standby Reserve.

(2) Determine through local boards and appeals procedures of the Selective Service System, the availability of Standby Reservists for involuntary active duty. In making such determinations, local boards will be guided by Selective Service System policies which provide that:

(i) Consideration will be given to the military need for members of the Standby Reserve who have critical military occupations as well as to the need for critical civilian occupations in the supporting economy.

(ii) A Standby Reservist shall be declared nonavailable if continuance in his civil employment, occupation, activity, or other endeavors in time of war or national emergency declared by the Congress is found to be more essential to the maintenance of the national health, safety, welfare, or interest than the performance by him of active duty in the Armed Forces, or if it is determined that his performance of duty in the Armed Forces in time of war or national emergency declared by the Congress would result in extreme hardship or privation to his bona fide dependents.

(iii) The availability designation of a Standby Reservist is subject to periodic reevaluation and may be changed at any time such action would better serve the national interest.

(3) Furnish the military departments periodically with information concerning the Selective Service determination of availability of individual members of the Standby Reserve.

§ 60.4 *Mobilization*—(a) *Availability of Standby Reservists for active duty.* In time of war or national emergency declared by Congress, or when otherwise authorized by law, Standby Reservists who have been found available by the Director of Selective Service may be involuntarily ordered to active duty by the military departments, provided it has been determined that there are not

[1] Filed as part of the original document.

enough qualified members of the required category in the Ready Reserve.

(b) *Inactive Status List.* A Standby Reservist on the Inactive Status List who has been certified by the Director of Selective Service as being available for active duty will not be called into active military service without his consent unless the appropriate Secretary determines that adequate numbers of qualified members of the reserve components in an active status or in the inactive National Guard in the required category are not readily available. The provisions of DOD Directive No. 1235.1, Policy on Direct Appointments and on Adjustments, at Time of Entry into Active Military Service, of Grades of Civilian Specialists in the Reserve Forces Who Are Not Otherwise Expressly Provided for by Law, dated July 11, 1955 shall apply when Standby Reservists on the Inactive Status List are ordered to active duty.

(c) *Volunteers for active duty.* A member of the Standby Reserve who volunteers in writing for active duty shall be considered available for active duty and may be ordered into active military service by the appropriate military department pursuant to subsection 672 (d), Title 10, United States Code. A determination of availability by the Director of Selective Service is not required and shall not apply in such cases. The appropriate State Director will be notified in such cases.

(d) *Nonavailable Members of the Standby Reserve.* The Director of Selective Service has prescribed that members of the Standby Reserve who have been certified as not available for active duty shall be considered periodically to determine their availability to meet future requirements. Eighteen months after the initiation of general mobilization, the military departments shall review the cases of those Standby Reservists who have not been certified by the Director of Selective Service as available for active duty and, in the absence of cogent considerations to the contrary, shall separate such members from the Reserve.

§ 60.5 *Addresses of State Directors, Selective Service System.*

No.	State	Region	Address
1	Alabama	III	149 Lee St., Montgomery, Ala.
51	Alaska	VI	Post Office Box No. 2691, Juneau, Alaska.
2	Arizona	VI	Post Office Box No. 2831, Phoenix, Ariz.
3	Arkansas	IV	Third Floor, Old Post Office Building, Second and Center Sts., Little Rock, Ark.
4	California	VI	Old Post Office Building, 7th and K Sts., Sacramento 14, Calif.
56	Canal Zone	IV	Post Office Box N, Balboa Heights, C. Z.
5	Colorado	V	Post Office Building, 18th and Stout Sts., Denver 2, Colo.
6	Connecticut	I	Post Office Box No. 1558, Hartford, Conn.
7	Delaware	II	Post Office Box No. 1928, Wilmington, Del.
49	District of Columbia	II	451 Indiana Ave. NW., Washington 25, D. C.
8	Florida	III	310 Charlotte St., St. Augustine, Fla.
9	Georgia	III	901 West Peachtree St. NE., Atlanta, Ga.
55	Guam	VI	Post Office Box No. 326, Agana, Guam.
52	Hawaii	VI	Post Office Box No. 4006, Honolulu 12, T. H.
10	Idaho	VI	Post Office Box No. 1997, Boise, Idaho.
11	Illinois	V	523 Plymouth Ct., Chicago, Ill.
12	Indiana	V	611 North Capitol Ave., Indianapolis 4, Ind.
13	Iowa	V	Building 68, Fort Des Moines, Iowa.
14	Kansas	V	Masonic Temple Bldg., 10th and Van Buren Sts., Topeka, Kans.
15	Kentucky	II	Post Office Box No. 1320, Louisville 1, Ky.
16	Louisiana	IV	Building TJ 309, Jackson Barracks, New Orleans 12, La.
17	Maine	I	4 Union Street, Augusta, Maine.
18	Maryland	II	Fifth Regiment Armory, Hoffman and Bolton Sts., Baltimore 1, Md.
19	Massachusetts	I	55 Tremont St., Boston, Mass.
20	Michigan	V	Post Office Box No. 626, Lansing 3, Mich.
21	Minnesota	V	100 East Tenth St., St. Paul 2, Minn.
22	Mississippi	III	Corner South State and Silas Brown Sts., Jackson, Miss.
23	Missouri	V	411 Madison St., Jefferson City, Mo.
24	Montana	VI	Post Office Box No. 1183, Helena, Mont.
25	Nebraska	V	State Capitol, Lincoln 9, Nebr.
26	Nevada	VI	114 West Telegraph St., Carson City, Nev.
27	New Hampshire	I	Post Office Box No. 427, Concord, N. H.
28	New Jersey	I	1006 Broad St., Newark 2, N. J.
29	New Mexico	IV	Post Office Box No. 1018, Santa Fe, N. Mex.
30	New York	I	Fuller Rd., Albany 5, N. Y.
50	New York City	I	11th Floor, 205 East 42d St., New York 17, N. Y.
31	North Carolina	III	Post Office Box No. 9513, Morgan St. Station, Raleigh, N. C.
32	North Dakota	V	Post Office Box No. 628, Bismarck, N. Dak.
33	Ohio	II	110 West Long St., Columbus 15, Ohio.
34	Oklahoma	IV	Bankers Security Life Bldg., 114 North Broadway, Oklahoma City 2, Okla.
35	Oregon	VI	Post Office Box No. 4288, Portland 8, Oreg.
36	Pennsylvania	II	Post Office Box No. 92, Harrisburg, Pa.
53	Puerto Rico	III	Post Office Box No. 4031, San Juan, P. R.
37	Rhode Island	I	1 Washington Ave., Providence, R. I.
38	South Carolina	III	Post Office Box No. 869, Columbia, S. C.
39	South Dakota	V	Post Office Box No. 1872, Rapid City, S. Dak.
40	Tennessee	III	1317 Church St., Nashville, Tenn.
41	Texas	IV	304 East 5th St., Austin 14, Tex.
42	Utah	VI	Building No. 102, Fort Douglas, Utah.
43	Vermont	I	151 Main St., Montpelier, Vt.
44	Virginia	II	900 North Lombardy St., Richmond 20, Va.
54	Virgin Islands	III	Post Office Box No. 360, St. Thomas, V. I.
45	Washington	VI	State Armory, Tacoma 5, Wash.
46	West Virginia	II	Embleton Bldg., 922 Quarrier St., Charleston 1, W. Va.
47	Wisconsin	V	1220 Capitol Ct., Madison 5, Wis.
48	Wyoming	V	Post Office Box No. 498, Cheyenne, Wyo.

VAL HOGUE,
Assistant Administrative Secretary, Office of the Secretary of Defense.

JULY 10, 1957.

[F. R. Doc. 57-5702; Filed, July 15, 1957; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

SUSTAINED YIELD UNITS

By virtue of the authority vested in the Secretary of Agriculture, Regulation S-4 of the rules and regulations governing the occupancy, use, protection and administration of the national forests, which constitutes § 221.4, Part 221, Chapter II, Title 36, Code of Federal Regulations, is hereby amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 221.4 *Administration of cooperative and Federal Sustained Yield Units.* With respect to Sustained Yield Units established pursuant to the provisions of the Act of March 29, 1944 (58 Stat. 132; 16 U. S. C. 583-583i), the Chief of the Forest Service, hereinafter referred to as Chief, with authority to delegate to other officers and employees of the Forest Service:

(a) Shall provide that national forest timber in any Sustained Yield Unit shall be available in sufficient amounts to meet the needs of bona fide farmers, settlers, miners, residents and prospectors for minerals for personal and domestic use as provided by law and by regulation.

(b) May offer for sale to cooperators, without competition but at not less than appraised value, timber on national forest lands within an approved Cooperative Sustained Yield Unit; or, if the approved Sustained Yield Unit consists entirely of Federally owned or administered forest land and if necessary for the maintenance of a stable community or communities, may offer national forest timber for sale to responsible operators within such community or communities, at not less than appraised value but without competition or with competition restricted to responsible operators who will manufacture the timber to at least a stated degree within the community or communities to be maintained. Each such sale which involves more than $500 in stumpage value may be made only after notice has been given in advance by such means as may be deemed effective in informing the public of the proposed action, including, in any event, publication, once weekly for four consecutive weeks and with additional insertions if needed, in one or more newspapers of general circulation in the vicinity of the place where the timber is located, of a notice of the proposed sale stating at least (1) the location, estimated quantity and appraised value of the timber to be cut; (2) the name and address of the proposed purchaser or those of the operators among whom bidding is to be restricted; (3) the time and place of a public advisory hearing on the proposed sale, to be held not earlier than 30 days after the first publication of said notice, if requested by the state or county where the timber is located or by any other person deemed to have a reasonable interest in the proposed sale or in its terms; and

(4) the title and address of the officer of the Forest Service to whom any request for such hearing should be made. Such requests need be considered only if received at the place designated in the notice not later than 15 days after the first publication of such notice. If a public advisory hearing is to be held, notice of it shall be published in the same newspaper or newspapers as the original notice, stating the place where it will be held and the time, which shall not be earlier than 10 days after the first publication of the said notice of hearing, and shall appear once each week, but not for more than four successive weeks in any event, until the date set for the hearing. Any such hearing shall be conducted by the Chief or by any officer designated by him as his representative, except that if the amount of the proposed sale is not in excess of that which the Regional Forester has been authorized to sell without prior approval of the Chief the hearing may be held by the Regional Forester concerned or by his representative and decision may be by the Regional Forester. At any such hearing, opportunity shall be given to those having a reasonable interest to make oral statements or to file written statements discussing the advantages and disadvantages of the proposed sale; and the officer holding the hearing may, in his discretion, permit the filing of such statements within a reasonable period after the close of the hearing to become part of the record for consideration before a decision is made.

(c) Shall keep available for public inspection, (1) during the life of any Sustained Yield Unit, the minutes or other record of the hearing held on the establishment thereof, and the determination of action taken following the hearing, including any modification of the proposals as submitted at the hearing; and (2) during the life of any cooperative agreement for coordinated management, the similar record of the hearings and actions determined upon; and (3) during the life of any Sustained Yield Unit, the similar record of any public hearing which may be held on a sale made without competition or with restricted competition and the action determined upon. Such records of any case may be kept in any office of the Forest Service designated by the Chief as being suitable and convenient of access for probably interested persons.

(d) Shall make provision, in any contract for the purchase of timber without competition or with restricted competition, if that contract is of more than five years' duration and in his discretion in any case of shorter duration, for the redetermination of rates for stumpage and for required deposits to be paid by the purchasers, such redetermination to be effective at intervals or dates stated in the contract; but the sum of such redetermined rates for stumpage and sale area betterment shall not be less than the sum of such rates in the published notice of the proposed sale.

(e) May modify and revise existing cooperative agreements entered into under said act after taking appropriate action.

(Sec. 1, 30 Stat. 35, as amended; 16 U. S. C. 551. Interpret or apply sec. 1, 43 Stat. 1132, 58 Stat. 132; 16 U. S. C. 572, 583-583i)

Done at Washington, D. C., this 10th day of July 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 57-5717; Filed, July 15, 1957; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

MISCELLANEOUS AMENDMENTS

Basis and purpose. In accordance with the requirements of paragraph (a) of § 104.5, announcement is made that the number of units of gear registered to fish in the various districts of Bristol Bay for the week ending July 20, 1957, is as follows:

	Units
Naknek-Kvichak district	591
Nushagak district	217
Egegik district	99
Ugashik district	62

Notwithstanding the provisions of paragraph (b), on the basis of the observed abundance of red salmon runs, it has been determined that fishing will be permitted as follows for the week ending July 20, 1957:

Naknek-Kvichak district: From 9 o'clock antemeridian July 18 to 9 o'clock postmeridian July 18.

Nushagak district: From 9 o'clock antemeridian July 15 to 3 o'clock postmeridian July 16, and from 9 o'clock antemeridian July 18 to 3 o'clock postmeridian July 19.

Egegik district: From 9 o'clock antemeridian July 15 to 3 o'clock postmeridian July 16, and from 9 o'clock antemeridian July 18 to 3 o'clock postmeridian July 19.

Ugashik district: From 9 o'clock antemeridian July 15 to 3 o'clock postmeridian July 16, and from 9 o'clock antemeridian July 18 to 3 o'clock postmeridian July 19.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director, Bureau of Commercial Fisheries.

JULY 15, 1957.

[F. R. Doc. 57-5852; Filed, July 15, 1957; 12:24 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

NOTICE OF ZONES FOR MINOR CIVIL DIVISIONS PROPOSED TO BE DETERMINED AND PUBLICLY ANNOUNCED

Notice is hereby given of zones for minor civil divisions proposed to be determined and publicly announced pursuant to § 927.71 of the amended order regulating the handling of milk in the New York-New Jersey milk marketing area (7 CFR Part 927) issued to become effective on August 1, 1957 (22 F. R. 4643). Interested parties may submit written data, views and arguments with respect to such proposed zones (hereinafter set forth) to the Market Administrator, 205 East 42d Street, New York 17, New York, by not later than July 19, 1957.

The proposed zones for minor civil divisions (where not otherwise specified, incorporated villages are in the same zone as the township in which they are located) are as follows:

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK

Putnam, Rockland, and Westchester Counties	1-50

ALBANY COUNTY

Albany city	131-140
Berne town	131-140
Bethlehem town	121-130

ALBANY COUNTY—Continued

Coeymans town	111-120
Cohoes city	131-140
Colonie town	131-140
Green Island town	131-140
Guilderland town	131-140
New Scotland town	131-140
Rensselaerville town	121-130
Watervliet city	131-140
Westerlo town	121-130

COLUMBIA COUNTY

Ancram town	91-100
Austerlitz town	101-110
Canaan town	111-120
Chatham town	111-120
Claverack town	91-100
Clermont town	81-90
Copake town	91-100
Gallatin town	81-90
Germantown town	81-90
Ghent town	101-110
Greenport town	91-100
Hillsdale town	101-110
Hudson city	91-100
Kinderhook town	101-110
Livingston town	81-90
New Lebanon town	121-130
Stockport town	101-110
Stuyvesant town	101-110
Taghkanic town	91-100

DELAWARE COUNTY

Andes town	111-120
Colchester town	101-110
Hancock town	101-110
Middletown town	111-120

DUCHESS COUNTY

Amenia town	71-80
Beacon city	1-50
Beekman town	51-60
Clinton town	71-80
Dover town	51-60
East Fishkill town	1-50

DUCHESS COUNTY—Continued

Fishkill town	1–50
Hyde Park town	61–70
La Grange town	51–60
Milan town	81–90
Northeast town	81–90
Pawling town	51–60
Pine Plains town	81–90
Pleasant Valley town	61–70
Poughkeepsie city	51–60
Poughkeepsie town	51–60
Red Hook town	71–80
Rhinebeck town	71–80
Stanford town	71–80
Union Vale town	61–70
Wappinger town	1–50
Washington town	61–70

GREENE COUNTY

Ashland town	111–120
Athens town	101–110
Cairo town	101–110
Catskill town	91–100
Coxackie town	101–110
Durham town	111–120
Greenville town	111–120
Hunter town	91–100
Jewett town	101–110
Lexington town	111–120
New Baltimore town	111–120
Windham town	111–120

ORANGE COUNTY

Blooming Grove town	1–50
Chester town	1–50
Cornwall town	1–50
Crawford town	61–70
Deerpark town	51–60
Goshen town	1–50
Greenville town	51–60
Hamptonburgh town	1–50
Highlands town	1–50
Middletown city	51–60
Minisink town	1–50
Monroe town	1–50
Montgomery town	51–60
Mount Hope town	51–60
Newburgh city	1–50
Newburgh town	1–50
New Windsor town	1–50
Port Jervis city	51–60
Tuxedo town	1–50
Wallkill town	51–60
Warwick town	1–50
Wawayanda town	1–50
Woodbury town	1–50

RENSSELAER COUNTY

Brunswick town	131–140
East Greenbush town	121–130
Grafton town	131–140
Nassau town	121–130
North Greenbush town	131–140
Poestenkill town	131–140
Rensselaer city	121–130
Sand Lake town	121–130
Schodack town	111–120
Stephentown town	131–140
Troy city	131–140

SULLIVAN COUNTY

Bethel town	81–90
Callicoon town	91–100
Cochecton town	81–90
Delaware town	91–100
Fallsburgh town	71–80
Forestburg town	61–70
Fremont town	101–110
Highland town	71–80
Liberty town	81–90
Lumberland town	61–70
Mamakating town	61–70
Neversink town	91–100
Rockland town	91–100
Thompson town	71–80
Tusten town	71–80

ULSTER COUNTY

Denning town	91–100
Esopus town	61–70
Gardiner town	61–70
Hardenbergh town	111–120
Hurley town	81–90
Kingston city	71–80
Kingston town	81–90
Lloyd town	61–70
Marbletown town	81–90
Marlborough town	51–60
New Paltz town	61–70
Olive town	91–100
Plattekill town	51–60
Rochester town	71–80
Rosendale town	71–80
Saugerties town	81–90
Shandaken town	91–100
Shawangunk town	51–60
Ulster town	81–90
Warwarsing town	71–80
Woodstock town	81–90

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA

BERKS COUNTY

Adamstown borough	111–120
Albany township	81–90
Alsace township	101–110
Amity township	91–100
Bally borough	81–90
Bechtelsville borough	91–100
Bern township	101–110
Bernville borough	110–120
Bethel township	111–120
Birdsboro borough	101–110
Boyertown borough	91–100
Brecknock township	101–110
Caernarvon township	101–110
Centerport borough	101–110
Centre township	101–110
Colebrookdale township	91–100
Cumru township	101–110
District township	81–90
Douglas township	91–100
Earl township	91–100
Exeter township	101–110
Fleetwood borough	91–100
Greenwich township	81–90
Hamburg borough	101–110
Heidelburg township	111–120
Hereford township	81–90
Jefferson township	111–120
Kenhorst borough	101–110
Kutztown borough	81–90
Laureldale borough	101–110
Lenhartsville borough	91–100
Longswamp township	81–90
Lower Alsace township	101–110
Lower Heidelburg township	101–110
Lyons borough	91–100
Maidencreek township	91–100
Marion township	111–120
Maxatawny township	81–90
Mohnton borough	111–120
Mount Penn borough	101–110
Muhlenberg township	101–110
North Heidelburg township	111–120
Oley township	91–100
Ontelaunee township	101–110
Penn township	111–120
Perry township	91–100
Pike township	91–100
Reading city	101–110
Richmond township	91–100
Robeson township	101–110
Robesonia borough	111–120
Rockland township	91–100
Ruscombmanor township	91–100
St. Lawrence borough	101–110
Shillington borough	101–110
Shoemakersville borough	101–110
Sinking Spring borough	111–120
South Heidelberg township	111–120
Spring township	101–110
Strausstown borough	111–120
Temple borough	101–110
Tilden township	101–110
Topton borough	81–90
Tulpehocken township	111–120
Union township	101–110
Upper Bern township	101–110
Upper Tulpehocken township	101–110
Washington township	81–90
Wernersville borough	111–120
West Lawn borough	101–110
West Leesport borough	101–110
West Reading borough	101–110
Windsor township	91–100
Womelsdorf borough	111–120
Wyomissing borough	101–110
Wyomissing Hills borough	101–110

BUCKS COUNTY

Bedminster township	61–70
Bensalem township	51–60
Bridgeton township	51–60
Bristol borough	51–60
Bristol township	51–60
Buckingham township	51–60
Chalfont borough	61–70
Doylestown borough	51–60
Doylestown township	51–60
Dublin borough	61–70
Durham township	51–60
East Rockhill township	61–70
Haycock township	61–70
Hilltown township	61–70
Hulmeville borough	51–60
Ivyland borough	61–70
Langhorne borough	51–60
Lower Makefield township	1–50
Lower Southampton township	51–60
Middletown township	51–60
Milford township	71–80
Morrisville borough	1–50
New Britain borough	61–70
New Hope borough	41–50
Newtown borough	51–60
Nockamixon township	51–60
Northampton township	51–60
Perkasie township	61–70
Plumstead township	51–60
Quakertown borough	71–80
Richland township	71–80
Riegelsville borough	61–70
Sellersville borough	71–80
Silverdale borough	61–70
Solebury township	51–60
Springfield township	61–70
Telford borough	71–80
Tinicum township	51–60
Trumbauersville borough	71–80
Tullytown borough	1–50
Upper Makefield township	51–60
Upper Southampton township	51–60
Warminster township	61–70
Warrington township	61–70
Warwick township	51–60
West Rockhill township	71–80
Wrightstown township	51–60
Yardley borough	41–50

CARBON COUNTY

Franklin township	91–100
Kidder township	91–100
Lower Towamensing township	81–90
Mauch Chunk borough	101–110
Penn Forest township	91–100
Towamensing township	81–90

CHESTER COUNTY

Caln township	91–100
Charlestown township	91–100
Coatesville city	101–110
East Brandywine township	101–110
East Caln township	91–100
East Coventry township	81–90
East Goshen township	91–100
East Nantmeal township	91–100
East Pikeland township	81–90
Easttown township	81–90
East Vincent township	91–100
East Whiteland township	91–100
Honey Brook borough	111–120
Honeybrook township	101–110
North Coventry township	91–100
Phoenixville borough	81–90
Sadsbury township	111–120
Schuylkill township	81–90
South Coventry township	91–100

CHESTER COUNTY—Continued

Spring City borough	81–90
Tredyffrin township	81–90
Upper Uwchlan township	101–110
Valley township	101–110
Wallace township	91–100
Warwick township	81–90
West Brandywine township	111–120
West Caln township	101–110
West Goshen township	91–100
West Nantmeal township	101–110
West Sadsbury township	111–120
West Vincent township	91–100
West Whiteland township	91–100
Willistown township	81–90

LEHIGH COUNTY

Alburtis borough	81–90
Allentown city	71–80
Bethlehem city	61–70
Catasauqua borough	71–80
Coopersburg borough	71–80
Coplay borough	71–80
Emmaus borough	71–80
Fountain Hill borough	71–80
Hanover township	61–70
Heidelberg township	81–90
Lower Macungie township	71–80
Lower Milford township	71–80
Lowhill township	81–90
Lynn township	81–90
Macungie borough	81–90
North Catasauqua	71–80
North Whitehall township	71–80
Salisbury township	71–80
Slatington borough	81–90
South Whitehall township	71–80
Upper Macungie township	81–90
Upper Milford township	71–80
Upper Saucon township	71–80
Washington township	81–90
Weisenberg township	81–90
Whitehall township	71–80

LUZERNE COUNTY

Bear Creek township	101–110
Buck township	91–100
Butler township	111–120
Conyngham township	111–120
Dennison township	101–110
Dorrance township	111–120
Fairview township	111–120
Foster township	101–110
Freeland borough	111–120
Hanover township	111–120
Hazle township	111–120
Hazleton city	111–120
Hollenback township	111–120
Plains township	111–120
Rice township	111–120
Slocum township	111–120
Sugarloaf township	111–120
West Hazleton borough	111–120
White Haven borough	101–110
Wilkes-Barre city	111–120
Wright township	101–110

MONROE COUNTY

Barrett township	71–80
Chestnuthill township	81–90
Coolbaugh township	81–90
Delaware Water Gap borough	61–70
East Stroudsburg borough	71–80
Eldred township	81–90
Hamilton township	71–80
Jackson township	71–80
Middle Smithfield township	71–80
Mount Pocono borough	81–90
Paradise township	71–80
Pocono township	71–80
Polk township	81–90
Price township	71–80
Ross township	71–80
Smithfield township	61–70
Stroud township	61–70
Stroudsburg borough	61–70
Tobyhanna township	81–90
Tunkhannock township	81–90

MONTGOMERY COUNTY

Ambler borough	71–80
Bridgeport borough	71–80
Collegeville borough	81–90
Conshohocken borough	71–80
Douglass township	81–90
East Greenville borough	81–90
East Norriton township	71–80
Franconia township	71–80
Greenlane borough	81–90
Hatfield township	71–80
Hatfield borough	61–70
Horsham township	61–70
Lansdale borough	61–70
Limerick township	81–90
Lower Frederick township	81–90
Lower Gwynedd township	61–70
Lower Moreland township	61–70
Lower Pottsgrove township	81–90
Lower Providence township	71–80
Lower Salford township	71–80
Marlborough township	71–80
Montgomery township	71–80
New Hanover township	81–90
Norristown borough	71–80
North Wales borough	61–70
Perkiomen township	81–90
Pottstown borough	91–100
Red Hill borough	81–90
Royersford borough	81–90
Salford township	71–80
Schwenksville borough	81–90
Skippack township	71–80
Souderton borough	71–80
Telford borough	71–80
Towamencin township	61–70
Trappe borough	81–90
Upper Dublin township	61–70
Upper Frederick township	81–90
Upper Gwynedd township	61–70
Upper Hanover township	81–90
Upper Merion township	71–80
Upper Pottsgrove township	91–100
Upper Providence township	81–90
Upper Salford township	71–80
West Norriton township	71–80
Worcester township	71–80

NORTHAMPTON COUNTY

Allen township	71–80
Bangor borough	61–70
Bath borough	61–70
Bethlehem city	61–70
Bushkill township	61–70
Chapman borough	71–80
East Allen township	61–70
East Bangor borough	51–60
Easton city	51–60
Forks township	61–70
Freemansburg borough	61–70
Glendon borough	61–70
Hanover township	71–80
Hellertown borough	71–80
Lehigh township	81–90
Lower Mount Bethel township	51–60
Lower Nazareth township	61–70
Lower Saucon township	61–70
Moore township	71–80
Nazareth borough	61–70
Northampton borough	71–80
North Catasauqua borough	71–80
Palmer township	61–70
Pen Argyl borough	61–70
Plainfield township	61–70
Portland borough	51–60
Roseto borough	61–70
Stockertown borough	61–70
Tatamy borough	61–70
Upper Mount Bethel township	51–60
Upper Nazareth township	61–70
Walnutport borough	81–90
Washington township	51–60
West Easton borough	61–70
Williams township	61–70
Wilson borough	61–70
Wind Gap borough	61–70

PIKE COUNTY

Blooming Grove township	61–70
Delaware township	61–70
Dingman township	51–60
Greene township	71–80
Lackawaxen township	61–70
Matamoras borough	51–60
Milford township	51–60
Milford borough	51–60
Palmyra township	71–80
Porter township	61–70
Shohola township	61–70
Westfall township	51–60

WAYNE COUNTY

Berlin township	81–90
Bethany borough	91–100
Buckingham township	111–120
Canaan township	91–100
Cherry Ridge township	81–90
Clinton township	91–100
Damascus township	81–90
Dreher township	91–100
Dyberry township	91–100
Hawley borough	81–90
Honesdale borough	81–90
Lake township	81–90
Lebanon township	91–100
Lehigh township	91–100
Manchester township	101–110
Mount Pleasant township	101–110
Oregon township	91–100
Palmyra township	81–90
Paupack township	81–90
Preston township	111–120
Prompton borough	91–100
Salem township	91–100
Scott township	111–120
South Canaan township	91–100
Starrucca borough	111–120
Sterling township	91–100
Texas township	81–90
Waymart borough	101–110

LACKAWANNA COUNTY

Abington township	111–120
Archbald borough	101–110
Benton township	111–120
Blakely borough	101–110
Carbondale city	101–110
Carbondale township	101–110
Clarks Green borough	111–120
Clarks Summit borough	111–120
Clifton township	101–110
Covington township	101–110
Dickson City borough	101–110
Dunmore borough	101–110
Elmhurst township	101–110
Fell township	101–110
Greenfield township	101–110
Jefferson township	91–100
Jermyn borough	111–120
Lehigh township	91–100
Madison township	91–100
Mayfield borough	101–110
Moosic borough	111–120
Moscow borough	101–110
Newton township	111–120
North Abington township	111–120
Olyphant borough	101–110
Ransom township	111–120
Roaring Brook township	101–110
Scott township	111–120
Scranton city	101–110
South Abington township	111–120
Spring Brook township	101–110
Taylor borough	111–120
Throop borough	101–110
Vandling borough	101–110
Winton borough	101–110

LANCASTER COUNTY

Adamstown borough	111–120
Brecknock township	111–120
Caernarvon township	111–120
East Cocalico township	111–120
East Earl township	111–120
Sadsbury township	111–120
Salisbury township	111–120
West Cocalico township	111–120

SUSQUEHANNA COUNTY	
Ararat township	111–120
Clifford township	111–120
Forest City borough	111–120
Gibson township	111–120
Herrick township	111–120
Lenox township	111–120
Thompson township	111–120
Uniondale borough	111–120
CARBON COUNTY	
Bowmanstown borough	91–100
East Penn township	91–100
Lausanne township	111–120
Lehigh township	111–120
Mahoning township	91–100
Packer township	101–110
Weissport borough	91–100
SCHUYLKILL COUNTY	
Coaldale borough	111–120
Delano township	111–120
E. Brunswick township	101–110
Rahn township	111–120
Rush township	111–120
Ryan township	111–120
Tamaqua borough	111–120
Walker township	101–110
West Penn township	101–110
MINOR CIVIL DIVISIONS IN THE STATE OF CONNECTICUT	
FAIRFIELD COUNTY	
Bethel town	1–50
Brookfield town	51–60
Danbury town	1–50
New Fairfield town	51–60
Redding town	1–50
Ridgefield town	1–50

Issued at New York, N. Y., this 8th day of July 1957.

[SEAL] E. F. NUCLO,
Assistant Market Administrator.

[F. R. Doc. 57–5740; Filed, July 15, 1957; 8:52 a. m.]

[7 CFR Part 952]

[Docket No. AO–256–A4]

MILK IN AUSTIN-WACO, TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Austin, Texas, on January 14–15, 1957, pursuant to notice thereof issued on January 10, 1957 (22 F. R. 222).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 21, 1957 (22 F. R. 3688) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, and general findings of the recommended decision (22 F. R. 3688; Doc. 57–4232) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Austin-Waco, Texas, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Austin-Waco, Texas, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1957 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Austin-Waco, Texas, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 11th day of July 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Austin-Waco, Texas, Marketing Area

§ 952.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Austin-Waco, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Austin-Waco, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 952.10 and substitute therefor the following:

§ 952.10 *Fluid milk plant.* "Fluid milk plant" means (a) a distributing plant or a supply plant, and (b) any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area if such plant is owned and operated by a cooperative association, and 75 percent or more of the milk of the members of such association, including receipts pursuant to § 952.13 (b), is received at the fluid milk plants of other handlers.

2. Delete § 952.13 and substitute therefor the following:

§ 952.13 *Handler.* "Handler" means (a) any person in his capacity as the operator of one or more approved plants, and (b) a cooperative association with respect to the milk of any producer (1) which it diverts to a nonfluid milk plant, or (2) which it causes to be delivered directly from the farm, in bulk tank pickup truck(s) owned and/or controlled by such association, to the fluid milk plant of another handler: *Provided,* That such milk shall be deemed to have been received by the cooperative association at the location of the fluid milk plant to which it is delivered, except that such milk shall be considered as a receipt of producer milk by the operator of such fluid milk plant for the purpose of §§ 952.41 (b) (4), 952.42, 952.46 (a) (1) and 952.95.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

3. Delete § 952.15 (b) and substitute therefor the following:

(b) Diverted for his account by the operator of a fluid milk plant or cooperative association from such plant to a nonfluid milk plant during the period January through July and on not more than one-third of the days of delivery during the month for the period August through December: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

4. Delete § 952.18 and substitute therefor the following:

§ 952.18 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which milk is received from the dairy farm(s) of such person but from no other dairy farm: *Provided,* That such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

5. In § 952.41 (b) (4) delete the following: "(5 percent with respect to skim milk during the months of April, May and June)".

6. In § 952.73 delete paragraphs (a), (b), (c) and (d) and substitute therefor the following:

(a) Compute the value on a 4.0 percent butterfat basis of excess milk used by such handler in Class II milk by multiplying the hundredweight of such milk by the price for Class II milk of 4 percent butterfat content. If the Class I milk utilization exceeds the receipts of base milk from producers, multiply the hundredweight of such excess used as Class I milk by the Class I price applicable to such handler's plant location; add such amount to the total value of milk used as Class II milk; and divide the total value by the hundredweight of receipts from producers of excess milk. The result, less any fraction of a cent per hundredweight, shall be known as the price for excess milk of 4.0 percent butterfat content for such handler at the fluid milk plant;

(b) Compute the value of base milk received by such handler from producers by subtracting the total value computed for excess milk pursuant to paragraph (a) of this section from the value obtained pursuant to § 952.71 (c); and divide the value obtained by the hundredweight of base milk. This result, less any fraction of a cent per hundredweight, shall be the price for base milk of 4.0 percent butterfat content for such handler at fluid milk plants in Zone I.

7. Delete § 952.90 (d) and substitute therefor the following:

(d) On or before the 13th and 26th days of each month in lieu of the payments pursuant to paragraphs (a), (b) and (c) of this section, respectively, each handler shall pay to a cooperative association for milk which it caused to be delivered to such handler from producers and for which such cooperative association is not a handler pursuant to § 952.13, if such cooperative association is authorized to collect such payments for its member-producers and has so requested the handler, an amount equal to the sum of the individual payments otherwise payable to such producers.

8. Redesignate § 952.90 (e) as § 952.90 (f) and add a new § 952.90 (e) to read as follows:

(e) On or before the 13th and 26th days of each month, each handler shall pay to a cooperative association for milk which was caused to be delivered to such handler by such cooperative association, and for which such cooperative association is a handler pursuant to § 952.13 (b), an amount not less than the value of such milk computed by multiplying the pounds of such milk allocated to each class pursuant to § 952.46 by the applicable class prices including the differentials prescribed by the order.

9. Delete § 952.46 (a) (5) and substitute therefor the following:

(5) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 952.41 (a) (1) received from the fluid milk plants of other handlers and in milk received from a cooperative association in its capacity as a handler pursuant to § 952.13 (b) (2), according to the classification of such skim milk as determined pursuant to § 952.44 (a);

[F. R. Doc. 57–5742; Filed, July 15, 1957; 8:53 a. m.]

[7 CFR Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.210 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, as amended, during the fiscal year ending May 31, 1958, will amount to $30,000.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, shall be sixty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57–5749; Filed, July 15, 1957; 8:53 a. m.]

[7 CFR Part 998]

[Docket No. AO–259–A2]

MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Edinburg, Texas, on January 8–11, 1957, pursuant to notice thereof issued on November 20, 1956 (21 F. R. 9192).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 17, 1957 (22 F. R. 3581), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, and general findings of the recommended decision (22 F. R. 3581; Doc. 57–4161) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein subject to the following modifications:

1. In column 1, 22 F. R. 3581, delete material issue No. 2 and substitute therefor the following:

2. Revising Class I milk prices, providing location differentials at both handler and producer levels, and making provision for supply plants;

2. In column 3, 22 F. R. 3582, after the second full paragraph beginning in such column, insert the following paragraphs:

The producers' association proposed that a supply plant definition should be included in the order to insure equality of costs of milk among handlers for Class I use to protect the classified pricing structure, and to promote orderly marketing conditions. Without provision for a supply plant, it is possible for a handler to discontinue receiving milk from producers associated with the market, receive all his milk from other unregulated sources, and operate in the market as an unregulated handler. Such a handler who procured his milk at blend or surplus prices from unregulated markets could have a competitive advantage over regulated handlers under the order who are required to pay class prices for milk in accordance with its use. It is concluded that the fluid milk plant definition should be modified to include provision for supply plants. Regulated handlers under the Corpus Christi order have supplemented their regular source of supply of producer milk with other source milk during all months of the year. Most of this supplemental milk has been obatined from North Texas and other Federal regulated markets. Inasmuch as such milk is priced under such other orders, the supply plant definition would not be expected to bring such plants under regulation of the Corpus Christi order. Ample supplies of supplemental milk are available in the North Texas market, especially during the months of February through July. During this period, when such relatively nearby sources of supplemental milk are available, it is unnecessary to have any volume tolerance in the supply plant definition. However, during the fall and winter months, occasional shipments of supplemental milk have been obtained from unregulated sources. During the months of August through January, therefore, some tolerance should be provided to permit regulated handlers to procure such occasional shipments when needed from unregulated sources without bringing the plants from which such milk is obtained under full regulation of the Corpus Christi order. To accommodate this situation a plant should be permitted to ship into the marketing area up to an average of 5,000 pounds per day of milk, skim milk, or cream computed on a milk-equivalent basis of four percent butterfat, during the month for the period August through January, without becoming subject to full regulation. This would amount to approximately one 35,000 pound tank of milk a week. Such a tolerance, on the other hand, is not so great as to permit unregulated other source milk to be used as a vehicle to undermine the class price structure of the order and create disorderly marketing conditions.

To insure economic movement of milk to the market and equitable sharing of Class I sales among fluid milk plants at various locations, it is necessary to provide priorities in the assignment of Class I milk to which location adjustment credits should apply. To accomplish this, transfers to a fluid milk plant at which no location adjustment credit is applicable or at which the location adjustment credit is less than at the transferor plant, should be assigned to Class I milk in a volume only in excess of that by which Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such transferee plant. Such assignment to transferor plants should be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply. Furthermore, in no event should the percentage of milk transferred be assigned to Class I in a greater amount than the percentage of Class I milk allocated to producer milk in the transferee plant. With the location differentials and transfer provisions provided herein, the class prices at supply plants at various locations should represent the value of milk at such locations and should result in economic movement of milk, equity in sharing Class I sales, and equality among handlers with respect to cost of milk under the Corpus Christi order.

3. In column 1, 22 F. R. 3583, to the sixth full paragraph beginning in such column, add the following: "However, the two percent limitation on the amount of shrinkage classified as Class II milk should apply only to other source milk received in the form of milk, skim milk and cream the same as that applicable to producer milk. No shrinkage allowance is necessary on products received in manufactured form inasmuch as the shrinkage is incurred in processing the milk used to produce such products prior to the time of receipt of such manufactured products by the handler."

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and determination of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Corpus Christi, Texas, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1957 is hereby determined to be the representative period for the conduct of such referendum.

Milburn C. Jenkins is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 11th day of July 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area

§ 998.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handlers' own production; (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month through routes located in the marketing area from a nonfluid milk plant other than a plant defined in § 998.61.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 998.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 998.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 998.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 998.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 998.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales of or marketing milk or its products for its members.

§ 998.6 *Corpus Christi, Texas, marketing area.* "Corpus Christi, Texas, marketing area," hereinafter called the "marketing area" means all the territory within the counties of Brooks, Cameron, Duval, Hidalgo, Jim Wells, Kleberg, Live Oak, Nueces and San Patricio, all in the State of Texas.

§ 998.7 *Fluid milk plant.* "Fluid milk plant" means (a) any milk processing or packaging plant from which Class I milk equal to more than three percent of the Grade A milk and skim milk received from dairy farmers and other plants, or an average of 1,000 pounds of Class I milk per day, whichever is less, is disposed of during the month in the marketing area through a route(s), or (b) a plant from which milk, skim milk, or cream, which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label, is shipped to a plant(s) qualified pursuant to subdivision (a) of this paragraph during the months of February through July in any volume and during the months of August through January in volume in excess of an average of 5,000 pounds per day of milk, skim milk, or cream computed on a milk equivalent basis of four percent butterfat.

§ 998.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or packaging plant other than a fluid milk plant.

§ 998.9 *Approved plant.* "Approved plant" means: (a) A fluid milk plant and (b) any milk plant from which Class I milk is disposed of through a route(s) in the marketing area.

§ 998.10 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 998.11 *Route.* "Route" means the operation of a vehicle or a plant store (including that operated by a vendor) through which milk, skim milk, buttermilk, cream or flavored milk drinks are disposed of to retail or wholesale outlets in the marketing area.

§ 998.12 *Producer.* "Producer" means any person except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant or (b) diverted for his account by the operator of a fluid milk plant from such plant to a nonfluid milk plant during any of the months of March through July: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 998.13 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at a fluid milk plant directly from producers or diverted from such a plant pursuant to § 998.12.

§ 998.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 998.41 (a) (1), except (1) such products received from other fluid milk plants, and (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 998.41 (b) (1) from any source (including those produced at the plant) which are reprocessed or converted into another product during the month.

§ 998.15 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from other dairy farmers and disposes during the month of less than a daily average of 3,300 pounds of Class I milk as defined pursuant to § 998.41 (a) (1) through a route(s) in the marketing area.

§ 998.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 998.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 998.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments to the order.

§ 998.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 998.85 the cost of his bond and of the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

bonds of his employees, his own compensation, and all other expenses (except those incured under § 998.84) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 998.30 to 998.32, inclusive, or payments pursuant to §§ 998.80 to 998.83, inclusive;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 998.50 (a), and the Class I butterfat differential computed pursuant to § 998.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 998.50 (b) and the Class II butterfat differential computed pursuant to § 998.52 (b), both for the previous month; and

(2) On or before the 12th day after the end of each month the uniform price for each handler computed pursuant to § 998.72 and the butterfat differential computed pursuant to § 998.81;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

REPORTS, RECORDS AND FACILITIES

§ 998.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants as follows:

(a) The quantities of skim milk and butterfat contained in producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 998.41 (a) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat in other source milk;

butterfat contained in inventories of products designated as Class I milk pur-

(d) The quantities of skim milk and suant to § 998.41 (a) on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of Class I milk outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 998.31 *Payroll reports.* On or before the 20th day of each month each handler, except a producer-handler, shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his fluid milk plants which shall show for each producer;

(a) His name and address;

(b) The total pounds and the average butterfat test of milk received; and

(c) Net amount of such handler's payment, together with the price(s) paid and the nature and amount of any deductions.

§ 998.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonfluid milk plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 998.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers and disbursement of money so deducted;

§ 998.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 998.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at approved milk plants which is required to be reported for the month pursuant to § 998.30, shall be classified by the market administrator pursuant to the provisions of §§ 998.41 to 998.46, inclusive.

§ 998.41 *Classes of utilization.* Subject to the conditions set forth in §§ 998.43 and 998.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers), and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Disposed of and used for livestock feed;

(3) Contained in inventory of milk and milk products designated as Class I milk pursuant to paragraph (a) (1) of this section on hand at the end of the month;

(4) In skim milk dumped after prior notification to, and opportunity for verification by the market administrator; and

(5) In shrinkage, not to exceed 2 percent of skim milk and butterfat, respectively, in producer milk, and in other source milk received in the form of milk, skim milk or cream.

§ 998.42 *Shrinkage.* The market administrator shall assign shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage at the fluid milk plant(s) of each handler as follows:

(1) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(2) Assign the amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk received in the form of milk, skim milk, or cream.

§ 998.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 998.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of products designated as Class I milk in § 998.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 998.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 998.46 (a) (2) and the corresponding step of paragraph (b) of this section and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have other source milk as defined pursuant to § 998.14 during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers. In the case of skim milk and butterfat transferred from a plant as defined in § 998.7 (b) to a plant as defined in § 998.7 (a), the percentage of the total quantities of skim milk and butterfat, respectively, in products thus transferred and assigned to Class I milk shall not be greater than the percentage of skim milk and butterfat in producer milk classified as Class I milk in the plant of the transferee handler;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 998.41 (a) (1);

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located more than 225 miles distant by the shortest highway distance as determined by the market administrator, except that cream so transferred may be classified as Class II milk if notice is given to the market administrator at least 24 hours prior to shipment, each container is labeled by the transferor as "ungraded cream for manufacturing only" and such shipment is so invoiced; and

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located not more than 225 miles distant by the shortest highway distance as determined by the market administrator, unless the following conditions are met:

(1) The transferring-handler claims Class II utilization in a product specified in § 998.41 (b);

(2) The operator of such nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(3) The Class I milk, as defined pursuant to § 998.41 (a) in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines, constitute the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk, or cream so transferred or diverted.

§ 998.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 998.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 998.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 998.42 (b);

(2) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 998.14;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 998.41 (b) (3);

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 998.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 998.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk allocated to Class I and Class II milk, respectively.

MINIMUM PRICES

§ 998.50 *Class prices.* Subject to the provisions of §§ 998.51 and 998.52, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Part 943 of this chapter (Order No. 43, as amended), regulating the handling of milk in the North Texas marketing area, plus 78 cents, subject to the adjustment set forth in § 998.51.

(b) *Class II milk price.* The minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph for the months of March, April, May and June; and for each of the other months the price computed pursuant to subparagraph (1) of this paragraph or the price computed pursuant to subparagraph (2) of this paragraph, whichever is higher:

(1) The average of the basic or field price reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from dairy farmers at the following plants or places for which prices have been reported to the market administrator or to the Department:

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

(2) The sum of the plus values computed as follows:

(i) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0; and

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b., manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.16.

§ 998.51 *Location differential to handlers.* For that portion of milk which is received from producers at a fluid milk plant located more than 50 miles from the City Hall in Mercedes, Texas, by the shortest hard-surfaced highway distance

as determined by the market administrator, and which is classified as Class I milk, the price specified in § 998.50 (a) shall be reduced one and one-half cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 50 miles distant from the City Hall in Mercedes, Texas: *Provided*, That for the purpose of calculating such adjustment, transfers to a fluid milk plant at which no location adjustment credit is applicable or at which the location adjustment credit is less than at the transferor plant, shall be assigned to Class I milk in a volume only in excess of that by which Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such transferee plant. Such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

§ 998.52 *Butterfat differential to handlers.* For milk containing more or less than 4 percent butterfat, the class prices pursuant to § 998.51 (a) and (b) shall be increased or decreased, respectively, for each one-tenth of one percent butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120; and

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.110.

§ 998.53 *Equivalent prices.* If for any reason, a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 998.60 *Producer-handlers.* Sections 998.40 through 998.46, 998.50 through 998.53, 998.70 through 998.72 and 998.80 through 998.86 shall not apply to a producer-handler.

§ 998.61 *Plants subject to other Federal orders.* (a) An approved plant will be considered to be a nonfluid milk plant during the month for the purpose of this part if (1) a larger volume of Class I milk is disposed of from such plant in the marketing area of another order issued pursuant to the Act than is distributed in the Corpus Christi marketing area to wholesale or retail outlets (other than to a distributing plant(s)) during the month, and (2) such plant would be subject to regulation pursuant to such order; and

(b) The operator of such approved plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require in lieu of the reports required pursuant to § 998.30 and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 998.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 998.46 (a) (6) and the corresponding step of § 998.46 (b) by the applicable class price;

(c) Add an amount computed as follows: (1) Determine the pounds, if any, that the skim milk or butterfat in inventory, subtracted from Class I milk pursuant to § 998.46 (a) (3) and the corresponding step of § 998.46 (b) is not in excess of the pounds in producer milk classified as Class II milk (other than as shrinkage) for the preceding month; and (2) multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials; and

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 998.71 *Computation of aggregate value used to determine uniform prices.* For each month the market administrator shall compute an aggregate value for each handler from which to determine the uniform price per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Add or subtract from the amount computed pursuant to §998.70 for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, as determined pursuant to § 998.81 and multiplying the result by the total hundredweight of producer milk;

(b) Add the aggregate value of the location differentials to be deducted from payments to producers pursuant to § 998.82; and

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price for such handler for the preceding month.

§ 998.72 *Computation of uniform prices for handlers.* The market administrator shall compute a uniform price for producer milk received by each handler as follows: Divide the aggregate value computed pursuant to § 998.71 by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, at his fluid milk plant(s).

PAYMENTS

§ 998.80 *Payments to producers.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price computed pursuant to § 998.72 subject to the butterfat differential computed pursuant to § 998.81 and the location differential computed pursuant to § 998.82; plus or minus adjustments for errors made in previous payments to such producers; and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 998.84, and (3) proper deductions authorized by such producer;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 26th and 13th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceeding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination; and

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 998.81 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 998.80 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 998.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 998.82 *Location differential to producers.* In making payments to producers pursuant to § 998.80 for milk received from them at a fluid milk plant located more than 50 miles from the City Hall in Mercedes, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, the handler may deduct one and one-half cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 50 miles distant from the City Hall in Mercedes, Texas.

§ 998.83 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 998.84 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 998.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 998.85 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handlers' own production; (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month through routes located in the marketing area from a nonfluid milk plant other than a plant defined in § 998.61.

§ 998.86 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler with the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 998.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 998.91.

§ 998.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 998.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 998.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed

the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 998.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 998.101 *Separability of provisions.* If any provision of this part or its application to any person or circumstances is held invalid the application of such provision and of the remaining provisions of this part, to other persons or circumstances, shall not be affected thereby.

[F. R. Doc. 57-5741; Filed, July 15, 1957; 8:52 a. m.]

[7 CFR Part 1018]

[Docket No. AO-286]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Lauderdale, Florida, on September 5–7, 10–14, 1956, pursuant to notice thereof issued on August 15, 1956 (21 F. R. 6237), upon a proposed marketing agreement and order regulating the handling of milk in the Southeastern Florida marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 6, 1957 (22 F. R. 4080), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued, what its provisions should be with respect to:

(a) The scope of regulation,

(b) The classification of milk,

(c) The level and method of determining class prices,

(d) The method to be used in distributing proceeds to producers, and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* All milk which will be regulated under the proposed marketing agreement and order is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products.

The production of milk by dairy farmers supplying this marketing area is almost entirely for fluid use in milk and milk drinks. Because of the seasonal changes in the demand for fluid products in this marketing area, and the general trend upward in population, the supply of milk from these dairy farmers has not been equal, in all months, to market requirements. In times of shortages, handlers have brought in supplies of fluid milk from out-of-State sources. The Florida Department of Agriculture, which has authority as to the health and sanitation requirements with respect to milk and dairy products, approves certain plants outside the State of Florida as sources of supplementary supplies of milk and milk products. Quantities of whole milk and milk products brought into the marketing area are reported by handlers to the Florida Department of Agriculture.

Out-of-State dairy plants regularly supply milk to various military and other Federal installations within or near the marketing area. Such Federal installations are not subject to local health and sanitary requirements with respect to supplies of milk, nor are they subject to price regulations of the Florida Milk Commission.

Handlers in the marketing area regularly distribute cream, ice cream, cottage cheese, buttermilk, and chocolate drink. Handlers' supplies for this business are almost entirely brought to the market from out-of-State sources in the form of cream, condensed milk, nonfat dry milk, and cottage cheese (or curd). Also, because of irregularities in demand for milk in the market as well as the inability of producers to adjust their production precisely to handlers' requirements, there is generally some locally produced milk which cannot be sold as packaged fluid products for which Grade A milk is required, and so is used in manufactured products. Such locally produced milk thus competes with out-of-State supplies of dairy products for the same uses.

Milk and milk products sold by handlers in the market move to locations beyond the State boundaries or jurisdiction. Sales are regularly made to Federal military installations. At Naval installations some of such milk is loaded on craft which sail in international waters or to ports in other states. Commercial boats, which move to points outside the State, also obtain supplies from marketing area handlers. Some of the milk and milk products to meet these needs are brought from out-of-State sources.

2. *Need for regulation.* Marketing conditions in the proposed Southeastern Florida marketing area require the issuance of a Federal milk marketing agreement and order to establish and maintain orderly marketing conditions and to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

The marketing conditions which require the issuance of a marketing agreement and order to regulate the handling of milk in the proposed Southeastern Florida marketing area include:

(1) Irregularity and uncertainty as to the accounting for the amount of milk and uses of milk by the handler;

(2) Irregularity and uncertainty as to the amount and method of payment to milk producers;

(3) Lack of regular means of establishing prices to producers based on supply and demand conditions;

(4) Lack of adequate market information; and

(5) Need for market-wide pooling to stabilize marketing conditions.

Handlers' methods of paying producers in this market have not been in the manner provided by use-classification plans under Federal orders. Handlers have used class prices named in State regulations, or prices which handlers themselves have set, as part of the basis for payment, but there have been considerable departures from such prices. As a result, the pricing and payment for milk has not been such as to assure producers of stable marketing conditions. The methods of pricing have not been uniform among handlers, and have been subject to modifications depending on the type of outlet to which fluid sales are made, or the market in which sales are made. Because producers supplying the marketing area have found existing price arrangements to be unreliable, they have asked that a Federal order be issued to establish minimum prices to producers, and to verify the accounting for use of milk by handlers.

Although the stated prices of handlers for Class I milk in this market have remained within a narrow range over a period of years, current marketing conditions do not assure a stable price structure. The Class I price was dropped by handlers 4 cents per gallon in April 1956. As of August 1, the price was restored to approximately the same level as prior to April, primarily through bargaining action of the producers' association and because of a relatively tight supply situation.

Individual producers are naturally in a poor bargaining position in dealing with handlers. If an individual producer demanded a specific price for his milk, he would face the likelihood of losing his market, at least temporarily. The large size of the dairy operation of most producers makes it difficult for a producer to shift readily from one handler to another handler. In some instances individual producers have not pressed for complete and accurate accounting for their milk, when there was question about these matters, because of fear that they might lose their market. Because of the poor bargaining position of the individual producer, a large majority of the dairy farmers supplying the proposed marketing area have formed a cooperative association. The association, however, is not able by itself to assure reasonable prices and equitable payment methods from handlers, since it has no means of enforcing uniform treatment of producers and uniform prices among handlers. Furthermore, the association has not been able to obtain price agreements with all handlers in the marketing area.

Although classification has been partially acknowledged as a pricing procedure in this market, milk in fluid use may be priced in several categories by a handler. A common situation is that the stated Class I price is for the highest use category, i. e., regular route sales in the marketing area, but other lower-priced categories include fluid sales to various public institutions, military installations, and out-of-area sales. Producers have no control over the amount of their milk going into the various lower-priced categories of fluid sales, nor do they have verification of the accuracy of the accounting for their milk in this respect. This practice of lower prices for certain types of fluid sales has created a competitive situation among handlers which is inimical to the classified price plan and likely to lead to unwarranted cutting of producer prices. In such a situation, without order regulation, producers bear the burden of price competition among handlers.

No effective control exists on the use of concentrated milk products as a part of handlers' supply for fluid milk sales. In this situation, handlers may find that competition forces them to use such concentrated products as a means of reducing their cost of Class I milk. The record shows that such concentrated products are normally used for fortifying certain fluid milk products. In the absence of an adequate and impartial verification of use of milk and milk products by handlers, there can be no assurance that such concentrated products do not displace regular producer milk in fluid sales.

With respect to assignment of bases, various procedures are used by handlers. Some of them assign bases which are calculated as a percentage of their Class I sales. Other handlers use a percentage of the producer's deliveries in some certain period. Still other do not appear to have any regular system for assigning bases. Lack of uniformity in the method of assigning bases has been disturbing to producers.

The stability of the market has also been threatened by handlers' use for fluid sales of milk from nonproducer sources. Such milk regularly comes from sources where there is no price regulation. Handlers may use such milk in competing for contracts to supply Federal installations, which are not confined to sources approved by local health authorities. As a result, producers receive a surplus price for some of their milk which is available for use in such local outlets. Milk from such unregulated sources also is sold in the marketing area by handlers whose main business is in other markets.

A Federal order is needed to provide market-wide pooling of utilization, so as to assure stable market conditions. A market-wide pool will help handlers to carry an adequate reserve to meet fluctuations in sales, for with this type of pooling handlers will not be under pressure of competition to unduly shorten their supply so as to maintain a high blend price. Such pooling will also help to prevent market instability which would tend to develop because several handlers produce a large part of their own supply. In order to assure a stable pricing situation, it is necessary that milk of a handler's own production be pooled. If it were not, there would be no control of the rate at which such handler charges his own operation for milk he distributes, and a resulting motivation to engage in price cutting competition to gain a larger share of the market would exist. Such a situation would be inequitable to other handlers who buy all their milk from producers.

It is concluded that a Federal milk marketing order is needed in the Southeastern Florida marketing area to implement the declared Congressional policy of establishing and maintaining orderly marketing conditions by providing:

(a) A regular and dependable method for determining prices to producers at levels contemplated under the Agricultural Marketing Agreement Act, as amended;

(b) The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

(c) An impartial audit of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(d) A means for insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market, and an equitable sharing by all producers of the lower returns for sale of reserve milk;

(f) Uniform rules for the operation of seasonal incentive which will encourage producers to adjust production seasonally in alignment with the changing monthly needs for inspected milk; and

(g) Market-wide information on receipts, sales, and other data relating to milk marketing in the area.

(3) *Order provisions*—(a) *Scope of regulation.* Provision should be made in order to designate clearly what milk will be subject to the pricing provisions of the order. For this purpose, definitions of "marketing area", "handler", "pool plant", "nonpool plant", "producer", "producer milk", and "other source milk", should be provided, as well as other definitions which will facilitate the construction of clear order provisions.

Marketing area. The Southeastern Florida marketing area should include all the territory within the counties of Dade, Broward, Monroe, and Palm Beach, all in the State of Florida. All government reservations and incorporated municipalities within this territory shall be considered part of the marketing area as herein defined.

The producer association which requested a milk marketing order proposed that the marketing area include Dade, Broward, and Monroe counties and the eastern part of Palm Beach County. A modification suggested in the association's brief would include Martin County and part of Hendry County. At the hearing, handler representatives stated that their position was that if an order were issued it should preferably be confined to a marketing area of Dade, Broward, and Monroe counties, but if it were necessary for any of the Palm Beach County to be included, that then all of Martin, Palm Beach, and Hendry counties should also be part of the marketing area.

The principal centers of population within the various counties considered for inclusion in the proposed marketing area are along the eastern coast line from the northernmost point southward to Key West. Most of the inland population is concentrated around Lake Okeechobee. All of these population centers are served by handlers with plants located in or near Miami and West Palm Beach.

The approval of dairy farms for the production of milk for sale in all parts of the proposed area is on a uniform basis under the general supervision of the laws of the State of Florida. The sanitation requirements for milk production in the State and under local ordinances are patterned closely after the Model Milk Ordinance of the United States Public Health Service. Administration of these sanitation requirements is by county and municipal authorities jointly with the State Department of Agriculture, and these agencies approve the dairy farms which meet the requirements for selling milk to plants within their jurisdiction.

Although military bases and other Federal institutions within the area are not subject to the health and sanitation standards of local authorities, the milk they use for fluid consumption may be expected to meet the minimum requirements of the Model Ordinance of the United States Public Health Service. Some of these installations, at times, receive milk directly from plants not in the proposed marketing area.

It is concluded that insofar as health standards are concerned, requirements are substantially uniform throughout the marketing area.

The problems of defining an appropriate marketing area include: (1) Sufficient uniformity of supply and demand conditions such that the same kind of pricing and classification may apply, (2) that it be sufficiently inclusive to cover all or most of the milk affected by the marketing conditions of which producers complain, and (3) that it not unduly affect handlers who have only a minor portion of their business associated with the marketing area.

More than half of the population in the various counties considered for the

possible inclusion in the marketing area is in Dade County. Plants at Miami supply nearly all the milk to Key West and all other cities within Dade, Broward, and Monroe counties, except for milk received by Federal installations from other plants. About 5 percent of the business of Miami plants is outside of these three counties, mostly in cities and towns in Palm Beach County, including some population centers on the south shore of Lake Okeechobee. Very little, if any, milk moves from Miami plants to West Palm Beach plants.

The fluid milk sales of plants located at West Palm Beach and nearby locations have been smaller in total volume than sales of Miami plants, equivalent to about one-tenth of the sales by Miami plants. Besides sales in the coastal area of the county, plants in Palm Beach County have some sales in communities along the coast in Martin County and also around Lake Okeechobee in Palm Beach and Hendry counties. One handler in Palm Beach County testified that about 9 percent of his sales were outside of the eastern half of Palm Beach County which producers proposed should be part of the marketing area. Another handler with a plant in West Palm Beach testified that about 35 percent of his sales were outside of the eastern half of the county, and that these sales were about evenly distributed between Martin, Hendry, and the western part of Palm Beach County.

Some sales are regularly made in the five-county area by two handlers with plants located outside these counties. The plant of one of these handlers is located at Vero Beach. He testified that about 8 percent of his sales were within Martin County. Another handler who has a plant at Miami testified that sales in communities around Lake Okeechobee are made out of the company's plant at Tampa through a distributing point located at Sebring. The latter sales amount to slightly more than 1 percent of the volume of milk in the Tampa plant. This handler was among those who requested that none of Palm Beach County be included in the marketing area, but that if the eastern part of that county were included, then the remainder of that county and all of Martin and Hendry counties should be included.

The milk plants at Miami and West Palm Beach and nearby locations draw from the same general supply. Most of the producers are located between Miami and West Palm Beach. Although producers in this area are somewhat restricted in freedom with which they may change their milk deliveries from one handler to another because of the size of individual dairy farm operations, such changes do occur from time to time. Instances occur where a producer sells to plants at both locations, and the same quality of milk is acceptable at both of these major population centers. Producers supplying plants at both locations are affected by the same problems with respect to prices, accounting for milk, and payment. At least one handler with a plant in the Miami area is expanding sales operations northward into Palm Beach County. Because of the close relationship of these parts of the proposed marketing area, both as to sales and supply, it would be impossible to assure producers of an effective regulation unless the West Palm Beach and neighboring plants are included. Omission of the West Palm Beach area could result in an inequitable apportionment of the burden of reserve, or any surplus, involved in the supply for the two groups of plants.

Handlers with plants at West Palm Beach and nearby locations argued that sales in communities to the north along the coast and around Lake Okeechobee have increased considerably in volume in recent years and are expected to increase proportionately in the future. For this reason they requested that if they become regulated under an order, these additional areas in Martin County, Hendry County, and West Palm Beach County should also be regulated so as to protect them from the competition of unregulated milk.

It is apparent that it is not possible to delineate a marketing area which does not have the result of either leaving some sales of regulated handlers outside the area or, on the other hand, if larger boundaries are used, of including sales of some handlers whose principal business is elsewhere. Because of the difficulties involved in regulation with respect to handlers having their main business outside the area, and the effect upon their interests, it is concluded that the marketing area should be limited to the areas of most concentrated population where handlers in West Palm Beach and Miami sell milk. This conclusion contemplates that Martin and Hendry counties should not be included in the marketing area. The record shows that the most concentrated population around Lake Okeechobee is in Palm Beach County, and that towns in Martin and Hendry counties are relatively small and scattered. Although one handler indicated sales of about 25 percent of his milk in Martin and Hendry counties, apparently this is a very small percentage of the milk handled in the Miami-Palm Beach area, and is not in itself considered to be sufficient reason for inclusion of the additional counties. It is concluded that a marketing area including Dade, Broward, Palm Beach, and Monroe counties will result in effective regulation, and the most equitable treatment of handlers doing business within and outside of this area. All Federal reservations and installations and municipalities within the boundaries indicated would be considered to be part of the marketing area.

Pool plants. The order should establish minimum prices to be paid for milk received by plants which are normally and substantially engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants are herein defined as pool plants, but since there are variations in the type of business of the plants supplying this marketing area with respect to both substantiality and regularity, it is necessary to establish certain standards of performance which take into account the differences in plant operations.

All of the plants which would be regulated by the proposed order are located within the marketing area. The primary business of these plants is the distribution of milk, but some of the plants manufacture ice cream, and some other processed products. Only a small proportion of locally produced milk is used in manufacturing operations, since most of the supply for this business is from out-of-State sources.

There are three main types of plant operators in the market. One type is the handler whose only business is the handling of milk purchased from dairy farmers or other plants. A second type is the handler who is also engaged in the production of milk. This type may in some instances include operations as large as the first type. A third type of plant operator is represented by an association of producers which operates a plant for receiving, processing, and distributing milk of members.

Besides these three principal types of plant operators, there is a small percentage of milk sold in the marketing area by plants having their principal business elsewhere. Some of these sales are part of the regular distribution by plants located in the nearest primary markets. Some other milk comes from more distant sources under contracts to supply Federal installations. Also, supplementary supplies are occasionally needed by plants in the marketing area in instances when local production falls below market requirements.

Conditions of milk production and handling in this area do not favor maintenance of a plant primarily for milk manufacturing. Concentrated forms of milk, including cream, condensed milk, and nonfat dry milk, are available and are regularly shipped in from plants in the regions of heaviest milk production to supply the needs of this market for manufactured milk products. Because of the transportation costs involved, it is apparent that shipments of whole milk from such sources for manufacture in this market would be uneconomical. As a result, it reasonably may be expected that milk produced locally and whole milk shipped to the market will continue to be used primarily for fluid sales. In view of these conditions, the proportion of a plant's Class I sales sold in the marketing area is an essential measure of a plant's association with this market.

The minimum percentage of a plant's sales sold in the marketing area which would require full regulation as a pool plant should be set low enough so as to include all substantial distributing operations. This will tend to insure complete and effective regulation, and maximum benefit to producers through providing orderly marketing conditions. A percentage as low as 10 percent of a plant's sales, for this standard, would not involve in full regulation any plant described in the record with its principal business elsewhere. This standard is also high enough, so that a plant cannot gain advantage by becoming part of the pool for temporary periods on the basis of token sales.

Assurance that plants which qualify as pool plants by distribution in the marketing area are primarily in the fluid milk business, should be provided by requiring that the total volume of plant's

Class I sales be equal to at least 50 percent of the plant's receipts of milk from qualified dairy farmers and fluid receipts except cream, from other sources.

Plants having some sales in the marketing area, but not meeting the foregoing requirements, would not be subject to full regulation, but would be subject to reporting requirements and compensatory payment provisions of the order. Such plants presumably would be those having their principal business elsewhere. It would be neither necessary nor desirable to bring these plants under full regulation, and in fact, full regulation might place them at a disadvantage in competing in their primary market. The marketing area boundaries have been delineated in a manner so that very little direct distribution is expected to be made in the area by plants having their principal business in other nearby markets.

There is no need to make a distinction between plants located inside or outside the marketing area, as proposed by producers. The standard for pool participation herein proposed would, in either event, include any plant with substantial business in the area.

The standard for determining pool plant status should apply uniformly to plants wherever located. It must be recognized, however, that there could be differences in the marketing practices and function of plants, and that these differences may depend partly on location with respect to the marketing area. Also, though the market is now supplied almost entirely by plants situated in the marketing area which receive milk directly from dairy farmers, the order should allow for the future possibility that milk might be supplied by other plants located at a distance from the marketing area. Such plants, commonly called "supply plants", could serve as an essential part of the supply for the market by shipping bulk milk to plants distributing in the marketing area. It is appropriate that different standards than in the case of distributing plants be established as criteria of pool participation by supply plants. A primary reason for such different standards is that it is difficult for a shipping plant to maintain as high a level of Class I utilization as a plant in the marketing area. If any surplus develops in the system, it is natural that milk received from farmers at the plant located in the market will be used first for the fluid sales, and consequently most of the surplus will be retained in the shipping plant.

It is recognized that a shipping plant might be located in another area where production and marketing conditions result in not so close an adjustment of production seasonally to market needs as has been the case in this market. But under present conditions with ample supply available from the local area, this factor does not require that supply plants be allowed to carry a somewhat larger reserve in the pool than local distributing plants. If it should develop that increasing requirements of the market cannot be met from the local production area at prices established under attached order provisions, this factor may deserve further consideration.

In view of the prior considerations, it appears that the proportion of a supply plant's milk which it ships to marketing area distributing plants is an appropriate measure of the plant's substantial association with the market as part of the supply for fluid requirements. In arriving at a judgment of what percentage of a plant's milk, when so shipped to the market, should entitle it to pool participation, certain safeguards must be considered.

If a plant were given pool status on the basis of shipping to the marketing area a minor portion of the milk it handles, it could then participate in market-wide utilization without becoming an essential part of the supply system. Furthermore, if a plant could qualify as a pool plant although its primary business is in manufacturing dairy products, then it would burden the pool with unnecessary surplus. Unless these possibilities are recognized in establishing standards for pool supply plants, inequitable distribution of market returns could result. Returns from the fluid sales would be shared by dairy farmers whose business is not primarily to supply this market. Experience has shown that the present supply for the market, which is almost entirely from nearby producers, has considerable flexibility and has expanded considerably in response to increases in fluid milk sales. Also, the supply of milk has tended to adjust rather closely to the volume of milk sales both as to annual level and seasonally, so that only a small proportion has been disposed of in such items as cream, ice cream, and other processed products. As a result, disposition of fluid milk products has generally amounted to 85 to 95 percent of producer milk. Under these circumstances, a plant which serves to supply the marketing area only by shipping bulk milk to distributing plants should not be accorded status as a pool plant unless it has a major proportion of its milk used for fluid sales.

A supply plant for this market could achieve a high level of Class I utilization if a large proportion of its milk is shipped to distributing plants. If such a condition were to be maintained from month to month as seasonal sales changes occur, it would be necessary that the dairy farmers delivering to such plant adjust their production seasonally in line with changing market requirements. In view of the practice of present producers in the market to adjust production seasonally, and the apparent ability to expand production as market requirements grow, it is not necessary or economic to encourage the establishment of supply plants under conditions which encourage a lesser responsiveness to changing market requirements. For these reasons, a shipping requirement as a basis for pool status should apply in every month.

Producers proposed that the percentage shipping requirement in each month should be 50 percent of the plant's receipts of milk. Handlers contended that the percentage requirements should be as low as 30 percent in the months of August through January, such a plant to be privileged also to retain pool status in each subsequent month of the February-July period.

In view of the normally high level of utilization of handlers' milk for fluid sales, a shipping requirement of 50 percent in the months of greatest sales, which are likely to be December through March, and 40 percent in other months, could be met by plants which are primarily engaged in the business of supplying this market. These percentages appear to give ample allowance for the aforementioned tendency for utilization to average lower in supply plants than in distributing plants. Lower requirements are not necessary to assure an adequate supply for the market, and might encourage plants which do not have as their primary business the handling of milk for this market to gain advantage by participating in the pool.

Handlers requested that the term "pool plant" should not include any part of a plant used for manufacturing operations if such facilities are kept physically separate from those used for handling Class I disposition.

It is not clear in the record that those manufacturing facilities of handlers which are housed in the same building as fluid packaging operations are sufficiently separated so that they can be treated as nonpool plants. At least in some instances, the other source milk is received at the same platform or in the same receiving room as producer milk. Handlers receive other source milk in the form of cream which may be used either for packaged fluid cream or for manufacture of ice cream and other manufactured products. To a large extent, handlers depend on other source milk for their sales of fluid cream. In this situation, it is difficult to make a distinction between parts of the same plant as to whether any part of the plant may be excluded from regulation. A minimum requirement for treating the manufacturing facilities as a nonpool plant would be that a separate receiving room or platform is maintained for nonproducer milk and that the equipment for manufacturing be in a room entirely separated from the fluid milk handling equipment, such separation to be by a solid partition without communicating doorway. It would, of course, be necessary that handlers keep adequate records as to transfers of milk and milk products between the two parts of the plant. Although it appears from the record that no presently consitituted plant which would be a pool plant under this order would meet the requirements of separateness set forth in this order, provision is made nevertheless in the definition of pool plant so that if handlers desire to arrange their operations in a manner which complies with the requirement for separate manufacturing operation they may have such manufacturing operation treated as a nonpool plant.

Plants regulated by other Federal orders. To a small extent, milk is supplied to the marketing area by plants which are already fully subject to the classification, pricing, and pooling provisions of other Federal milk marketing orders. If this order were to apply to such plants which dispose of a major

portion of their receipts in another area, there would be unnecessary duplicate regulation. Inasmuch as the Class I price in the Southeastern Florida marketing area will be generally aligned with prices under other Federal orders, there is little chance that handlers in any one of the other markets can achieve a substantial competitive advantage with respect to sales of milk in this area over handlers under this order. Handlers operating plants regulated by another Federal milk order could not sell surplus milk in the Southeastern Florida market for Class I use without accounting for it at that order's Class I price, since all orders require handlers to pay for producer milk on a classified-use basis.

Whole milk from other Federal order markets is most likely to be in the form of bulk shipments to distributing plants in the Southeastern Florida marketing area. In the case of such shipments, the order should provide that the shipping plant will not be a pool plant for this market if when so exempted the milk handled therein would be fully subject to the classification and pricing provisions of the other order. It is appropriate that the priority as to regulation should go to the other market. One reason for this is that no other Federal order market is within, or nearby, the area from which this market normally draws its milk. As a result, shipments which are received are from plants with their primary business in other areas. Secondly, shipments now coming from other Federal order markets are in the nature of temporary supplemental supplies.

If a plant under another Federal order made a direct sale of packaged milk to consumers in this marketing area as, for example, a contract sale to a military installation, such a sale should not bring the plant under regulation by this order if the plant's principal business is elsewhere. The attached order provisions would treat such a plant as a nonpool plant if its route sales in the other marketing area are greater than in this marketing area.

Exemption (to the extent indicated) of other Federal order plants would depend on a determination by the Secretary that the conditions described in the order apply to the plant in question. Such plants, although otherwise exempt from other order provisions, would be required to make reports to the market administrator as to receipts and utilization, so that their exact status can be detemined.

Regulation of nonpool milk sold in the market. The plants which will be pool plants under the order are those which have substantial connection with the market. In preceding findings and conclusions, it was pointed out that it is unnecessary for effective regulation, and generally undesirable, to require plants with small and incidental business in the market to be pooled with other plants. The standards for pool plant status established certain percentage figures such that if a plant supplies to the market less milk than such percentages, the plant will not be pooled even though some of its milk is sold in the market.

Nonpool plants which might supply milk to the area would be of two types, as distinguished by whether they distribute milk in the marketing area, or only ship bulk milk to the plants distributing in the marketing area. In either case, except as provided elsewhere with respect to producer-handlers, some kind of order regulation must apply to milk from such sources, if orderly marketing conditions are to be maintained. This is because nonpool milk is not subject to the requirement of payment at class prices. Under these circumstances, a cost advantage attaches to the handling and sales of such milk, as compared to producer milk. Under an order, this advantage may be neutralized by appropriate provisions which establish the obligation of handlers who have nonpool milk in their plants. The provisions of the attached order, which achieve this neutralizing effect, distinguish between distributing and shipping nonpool plants.

The general circumstances in which cost advantage arises in the case of nonpool milk are related largely to the presence of reserve and surplus milk in nonpool plants. Although reserve and surplus may be only a small percentage of the milk handled in plants in this area and others in the nearest primary markets, yet milk is received in the marketing area in both bulk and packaged form from producing regions where the proportion of milk in excess of fluid sales is much greater than in Southeastern Florida. Thus, the effect of reserve and surplus milk in other producing regions is an important influence to be considered in establishing effective regulation for this area. Furthermore, even a relatively small percentage of reserve in local nonpool plants could be a source of difficulties similar to those herein described.

Receipt of some milk in excess of actual Class I disposition is necessary in the operation of a fluid milk business. Because there cannot be an exact correlation between the natural fluctuations of production and sales, this excess varies from time to time. In areas where production has a natural seasonal variation not related to sales, this excess is particularly large in some months of the year. Such excess or reserve is surplus to the fluid operation, and ordinarily can be marketed only in manufactured form in competition with products made from ungraded milk. Thus, such reserve milk yields a considerable lower return than is necessary to sustain graded milk production for the Southeastern Florida marketing area. Likewise, it yields a lower price than would be necessary to purchase graded milk on a regular basis in other supply areas and pay the cost of transportation to the marketing area.

The existence of this reserve of Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect all fluid milk markets. In the absence of any regulation to the contrary, it provides opportunity for a handler to use milk he purchases at surplus prices for at least part of his Class I sales. He thus gains advantage, but in so doing he weakens and upsets the Class I market price structure. A general practice of such type would demoralize marketing conditions. It is necessary, therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, that the order remove the incentive which handlers have to acquire milk not priced under a Federal order and so undermine the Class I pricing structure.

One possible way which may be considered to deal with this situation would be to extend price regulation and pooling to all milk plants which supply milk either directly or indirectly to the Southeastern Florida marketing area. This method, however, is both economically and administratively unacceptable within the framework of an order. It would open the market pool to anyone who supplied merely a token quantity of milk to a plant serving the marketing area. The objections to such distribution of pooled funds were discussed earlier in this decision in connection with the recommendations for standards of pool participation.

Such regulation would have the further disadvantage of being cumbersome, expensive, and difficult to enforce. Any plant, wherever located, may furnish milk to the market. In view of this, order provisions would need to establish, in great detail, transfer and allocation rules according to the various plant locations, markets, and supplies. Milk received at these plants from various sources would have to be accounted for as to disposition to various destinations and uses, so as to determine classification. Required record keeping and auditing problems would be greatly multiplied with such regulation. Assurance of adequate records would be difficult to achieve.

A further disadvantage of regulating all plants which supply milk, however little, to this market, is that this would interfere with the acquisition of necessary supplemental supplies.

It is concluded that it is not feasible to price all milk which may enter the market, and that consequently, some other type of provision must be made in the order to assure against the disorderly marketing conditions which would accompany displacement of producer milk in the Class I market due to the cost advantage of unpriced milk from nonpool sources. The only available means to provide such assurance under the order is to require a payment on milk not priced under a Federal order and used in Class I. Such payment should be at whatever rate is necessary to remove the advantage there may be in using such milk instead of priced milk from producers.

Consideration is given to setting the rate of payment by ascertaining the actual cost to the regulated handler of milk which he purchases from unregulated plants, and charging as a compensation payment any amount by which the Class I price exceeds such cost. Such a method is not administratively sound and would not assure against advantage in using unregulated milk. Rates at which milk sales are billed may not represent actual cost to the purchaser. In the case of a firm which owns or controls pool plants under the proposed order as well as unregulated plants, for instance, the rate of payment from one plant to another, if any were made, would have little or no significance.

Also, it would be possible for a handler having no unregulated plants to arrange a billing price on milk purchased from an unregulated plant which would avoid any compensatory payments. Thus, the intended effect of this provision could be circumvented by merely adjusting the bookkeeping procedure.

A further difficulty is that sales of priced milk between regulated handlers ordinarily take place at the class price plus a handling charge. This handling charge varies according to circumstances, but represents a payment to the receiver of the milk to offset his purchasing and receiving costs, such as dumping, weighing, testing, and cooling the milk, and other costs of doing business, as well as immediate supply and demand conditions. The cost of receiving the milk in bulk form is somewhat less than receiving it from producers. Thus, in order to remove the advantage of using unregulated milk, it would be necessary to provide that the total cost under the order of bulk unregulated milk be somewhat more than the Class I price. It would be exceedingly difficult to determine what this rate should be in every case, and particularly so in the case of products such as condensed skim milk and cream, where the allocation of additional processing costs among more than one end product is involved.

Another method suggested by handlers is to determine the price actually paid dairy farmers by the unregulated milk dealer who first received the milk, and base the compensation payment thereon. This method has several shortcomings which limit its use. In the absence of a classified price plan under Federal order regulation, the various payment plans which are used by handlers increase the difficulty of ascertaining payments to individual farmers. Also, the cost of the milk may be modified by charges for various items of supplies and services. Thus, determination of the cost of milk to unregulated plants as a general basis for compensatory payments is impractical because the unregulated plants which are potential sources of supply of supplemental milk and milk products for this market are numerous and widely scattered. Determination of utilization value in these plants would involve the same complications as to administrative expense and difficulties discussed with respect to the possibility of complete regulation of such plants. Under proposed order provisions, determination of cost of milk to nonpool plants is limited to nonpool plants making direct sales of packaged milk in the marketing area.

Because of the difficulties involved in ascertaining, in each instance, the specific costs of other source milk, it is necessary to establish a rate of compensatory payment which will protect producers from disorderly marketing conditions by offsetting the advantage of the lowest cost milk available to handlers. If handlers regulated under the order purchase milk from unregulated sources, they would naturally seek the lowest cost source from which suitable milk may be obtained. The lowest price for milk is the price paid by milk manufacturing plants. As pointed out previously, most handlers of Grade A milk have, in their plants, more milk than the exact amount of their fluid sales, and this excess ordinarily can be disposed of only in manufacturing uses. Such excess over fluid sales may represent the plant's reserve to allow for variations in production and sales, or may include additional volumes of milk which are surplus over the volume needed for adequate market supply. Within the regions where are located plants named in the record as sources of supplemental milk for this market, there is a tendency for Grade A plant operators to carry considerably more milk above the volume of their fluid sales than is true in this market. This is particularly so in the months of flush production during the spring and early summer. In this market also, handlers carry a reserve over fluid sales which may amount to as much as 15 percent of the volume of milk handled. It may be expected that dealers in nearby markets follow a similar practice.

Returns from the marketing of reserve and surplus milk in manufactured products represent the opportunity cost of this type of milk supply. This is the opportunity cost to the plant operator who sells such milk to a regulated handler in this market. It is the opportunity cost value of this type of milk supply which would be effective in determining the price at which the unregulated plant would sell such milk. Therefore, the compensatory payment should be at a rate which will completely remove the advantage to a handler of buying milk at the manufacturing milk price and using it for Class I sales.

In the case of other source milk so used in this market and originating within nearby primary markets outside the marketing area, the surplus value would be measured by the Class II price under the order. This Class II price is an appropriate measure of the value of surplus milk for markets affected by similar conditions within the State of Florida, but beyond this area the value of milk for manufacturing is generally affected by conditions which require a different basis of surplus milk value. In the case of other source milk which might originate from such more distant sources the surplus value or opportunity cost should be measured by a price formula representative of values of milk for manufacturing in areas of surplus milk production. Prices for such use under Federal orders in the Mid-west region are generally based on the paying prices of certain condenseries, local manufacturing plants, and prices of butter and nonfat dry milk solids. The nearest Federal order market mentioned as a potential source of additional milk for this market was Nashville, Tennessee. The formula used in the attached order provisions as a measure of the value of surplus milk originating at points beyond or outside the State of Florida is, except for minor differences, nearly equivalent to the butter-powder formula contained in the basic price computation under the Nashville order. It is concluded that applicable order provisions will thereby provide an appropriate measure of the value of unpriced milk originating at points outside the State of Florida.

Direct distribution in the marketing area, as defined herein, by nonpool plants is shown on the record to be a relatively small volume. This does not preclude future developments of such business in the marketing area by unregulated plants whose principal business is in other nearby markets.

To the extent that it does occur, direct distribution in the marketing area by nonpool plants may be expected to be on a relatively regular basis rather than occasional and intermittent as in the case of bulk shipments from unregulated plants. Also, it is expected that operators in nearby markets which might engage in such business will purchase milk under supply and demand conditions which are considerably similar to those existing in this market. Under these circumstances, more particular recognition ma. be given to the cost of milk to such operators. If the cost of milk to such an operator were the same as to handlers regulated under this order, sales of milk in the marketing area by such an operator below the limit set for pool plants would not be upsetting to marketing conditions. On the other hand, if the cost of milk to the unregulated operator were less than under the order, this difference would need to be compensated. It would be possible to give the unregulated operator, in this case, the choice of either making a compensatory payment at the rate required from pool handlers on bulk other source milk, or any plus amount calculated by taking the value of the milk in the handler's plant computed as if the plant were a pool plant and subtracting the gross payments made by such handler to dairy farmers for milk approved for Grade A distribution. If the unregulated handler chooses the latter method of arriving at the amount of compensatory payment, it would, of course, be necessary that the exact amount be determined or verified on the basis of audit of the handler's operations by the market administrator. Such a handler would need to be subject to reporting requirements so that the market administrator could be apprised of the nature of the handler's operations as to whether his plant is a pool or a nonpool plant and what order provisions would apply in each case.

In the particular circumstances shown for this market, such an alternative method for compensatory payments applying to nonpool plants distributing in the area is appropriate. This method would provide adequate protection to producers, and fully regulated handlers, from competition from unregulated sources. It would not result in procurement advantage for such nonpool plants in competition with pool plants, since unregulated plants do not have supply areas overlapping with the supply area for this market. Furthermore, nonpool plants serving neighboring markets procure milk under supply and demand conditions similar to those affecting this market. The general level of prices to farmers serving such markets is comparable to the proposed level of prices

for this market. In these circumstances and in view of the high level of utilization in this market, this alternative method of applying compensatory payments would not result in price advantages to dairy farmers who sell to unregulated plants.

In calculating the payments on other source milk, the Class I price must relate to the point where the milk is received from farmers at the first receiving plant, so as to be properly comparable with the minimum Class I price for producer milk at the level of marketing. No allowance should be made for subsequent handling costs and profits, since it is here intended to make a farm level comparison of price between producer and other source milk. The act does not authorize the regulation of subsequent handling charges or profits or the establishment of uniform resale prices between handlers, whether the milk be from producers or other sources.

In case other source milk received in the form of concentrated products is allocated to Class II, location differentials to the source should not be allowed on the Class I price used in the computation of compensatory payments. The transportation cost from the plant where the concentrated product is manufactured in a surplus milk producing region to this marketing area would be considerably less than in the case of whole milk. Also, it would be administratively impossible to determine, on a uniform basis, the original source of the concentrated products or the transportation costs which might be involved. The rate of compensatory payment calculated on other source milk received in the form of concentrated products and allocated to Class I should be made by subtracting the Class II price from the Class I price at the plant where such products are received. The level of the Class II price under the proposed order does reflect a transportation factor on cream and other concentrated forms of dairy products.

Handlers requested that no compensatory payment be applied when the supply of milk from producers is not sufficient to cover Class I sales plus a reasonable reserve. It would not be in the interest of maintaining an adequate supply of milk for the market if compensatory payments operate to discourage the procurement of needed supplemental supplies of milk in the season when Class I sales are increasing. It is observed that the margin of reserve milk in this market has been relatively narrow, even with the rather wide seasonal variations in sales and supply. This has not resulted in more than an occasional minor dependency of handlers on other source milk for fluid sales. It is concluded that under these circumstances, compensatory payments on other source milk received by pool plants should not apply in any month in which more than 95 percent of producer milk is classified as Class I. An additional factor which will tend to accommodate handlers with respect to flexibility in supply is the proposed option of accounting periods of less than a month.

The compensation payment herewith provided has as its primary purpose the elimination of economic incentives for handlers to use unregulated milk for Class I sales. The rate of payment found to be appropriate for this purpose is based on general competitive conditions in the purchase and sale of regulated and unregulated milk. It is recognized that general competitive conditions may not affect individual handlers equally. It is not possible, however, to adjust prices or payments to individual circumstances or transactions. Such an individual approach would not be administratively or economically feasible.

It is necessary that the order specify the handler who is obligated to make the compensation payments. If the unpriced milk is distributed in the marketing area from a nonpool plant, the operator of such plant is the person responsible for such distribution and accordingly should be responsible for the payment.

In the case of supplemental milk received at pool plants from unpriced sources, the payment should be made by the operator of the pool plant. The pool plant (rather than the nonpool plant supplying the milk) is the plant directly associated with the market, and is responsible for bringing unpriced milk into the regulated market. The question of whether or not a compensation payment would be required would depend upon the application of the provisions of the order to this plant. It would not be feasible to collect such payments from the operator of the nonpool plant furnishing such other source milk. In this case the nonpool plant does not have as direct association with the market as in the case of a nonpool plant distributing in the market.

Any funds collected in the form of compensatory payments should be credited to the producer-settlement fund. In this way, they would add to the total value paid to the dairy farmers upon whom the market depends for a regular supply of milk. This is in accordance with the purpose of assuring a sufficient and dependable supply of quality milk for Class I needs of the market. Any other disposition of the money so collected would tend to defeat this purpose of the order.

Definitions: "Handler", "producer", "producer milk", etc. Some further definitions are needed to specify the persons and the milk affected by this regulation.

The term "handler" will apply, in general, to the kind of person who will be obligated under order provisions to make payments for milk which he handles or, in the case of partially regulated handlers, at least to make reports which will be subject to verification and in some instances make compensatory payments. The definition of handler should include as one type, any person in his capacity as the operator of one or more pool plants. Such a person could be an individual, a corporation, partnership, or a farmers' cooperative association. This is the kind of handler which will be required to pay minimum prices to producers for milk received at his pool plants. A "producer-handler", which is subsequently defined herein, would also be included as a type of handler, but would be subject to partial regulation, principally that of making reports on his operations. It would be necessary to include in the handler definition, also, the operators of certain nonpool plants which dispose of Class I milk on routes in the marketing area, or which supply milk to pool plants which is classified as Class I milk. Nonpool plans distributing in the marketing area would be subject to regulation with respect to making compensatory payments, furnishing reports as to their operations, and with respect to auditing and other verification.

The handler is the person who receives the milk from producers (or dairy farmers) and thus must be held responsible for recording the receipt and utilization of the milk. If the same individual who operates a pool plant also operates a nonpool plant in a separate building, from which no Class I milk is sold in the marketing area or to pool plants, the definition of "handler" is not intended to include such person in his capacity as the operator of that kind of a nonpool plant.

"Producer" should be defined as any person except a producer-handler, who produces milk in compliance with the requirements of a duly constituted health authority for fluid consumption, which milk is received at a pool plant. This definition of the term producer is designed to allow any person to become a producer, wherever located, providing his milk is approved by a duly constituted health authority for fluid consumption. This is in accord with current practices with respect to acceptance of milk in the marketing area. The inspection requirements for producers for this marketing area are established under the code of the State of Florida and are administered by local county health authorities in cooperation with the Florida Department of Agriculture. Handlers in the marketing area use supplementary supplies of milk from out-of-State sources originating from plants approved by the Florida Department of Agriculture. That agency accepts the farm approval of health authorities having jurisdiction over the sanitary practices of such out-of-State plants.

There are agencies of the United States Government within the marketing area which purchase milk for fluid consumption and are not subject to the local government health regulations. The milk acceptable to such United States agencies would be considered as meeting the approval requirements for producer status.

Handlers requested that the definition of "producer" include a provision that a dairy farmer would retain status as a producer if in any of the months of February through August his milk was diverted to a nonpool plant for not more than 10 days in the month.

Although such a provision is common in Federal orders, the situation here is not similar to other markets. In this market there are no plants in which the primary business is milk manufacturing. Such milk manufacturing operations as were described in the record are located in the pool plants of handlers. Even if such operations are sufficiently separate to be considered not a part of the pool plant, there is no need for changing the manner in which the milk is received. The opportunities for diversion would be limited to a relatively few producers so located that their milk could readily be diverted to nonregulated fluid milk distributing plants. Under these circumstances, the provision requested appears unnecessary to take care of reserve milk, and could result in some burdening of the pool with reserve of other markets.

The definition of producer excludes "producer-handler". A producer-handler does not participate in the market-wide pool. Persons who fall within the category of "producer-handler" would ordinarily be relatively small operators, such that it is unnecessary for effective regulation to include them in the pool. Such operators may not be expected to suffer loss from not sharing in the pool, since farmers who engage in small distribution enterprises do so principally because of the possibility of achieving a high percentage use in Class I.

"Producer-handler" should be defined in a manner to include those farmers who sell milk on routes in the marketing area, and who depend on their own production as the supply for such sales.

Since producer-handlers are outside of the market-wide pooling operation, they do not contribute any Class I sales value to the pool. It follows that likewise they should not share in the Class I utilization of other handlers, nor should their operations burden the pool with milk which is surplus to their fluid sales operation. For these reasons, any milk sold by a producer-handler to a pool plant should be treated as other source milk and should be allocated to the lowest class utilization in the pool plant.

If producer-handlers used other source milk as part of their supply, they would generally be able to obtain supplies at a lesser cost than fully regulated handlers paying minimum order prices. This would be an inequitable situation likely to be very disturbing to marketing conditions. Further, such an arrangement would permit unregulated milk to displace producer milk in the Class I market. For these reasons, the term "producer-handler" should not include persons who sell milk on routes and receive other source milk. Such operators should be pooled if they meet pool plant requirements, or otherwise should be subject to compensatory payment provisions.

An additional limitation of the term "producer-handler" is necessary to assure that such operators will not burden the pool with milk which represents reserve for their operations. Conceivably a farmer who also sells milk on routes could keep his production at a level such that it would not in any case exceed his Class I sales, with the expectation that supplemental needs due to variations in production and sales may be obtained from pool plants. In this way the pool handlers would be called upon to carry the reserve for such operators. It is apparent that this would result in additional surplus in the pool and a lowering of the blend price. For the foregoing reasons it is necessary that the term "producer-handler" be confined to those operators who depend entirely on their own production for supplies for Class I sales.

For purposes of specifying what milk shall be included in the market-wide pool each month, it is necessary to define "producer milk" and "other source milk".

"Producer milk" means milk received at a pool plant directly from producers. After producer milk has been received at the plant, it may become commingled with milk received from other plants, and then it obviously loses specific identity. The definition of producer milk, therefore, serves to identify a type of milk receipt. This is important through all procedures of assigning the appropriate class uses (as determined from the handler's report of total disposition) to the various types of receipts.

"Other source milk" is a term used to identify another type of receipt, distinct from producer milk. In the case of plant receipts in the same form as products specified in the definition of Class I milk, the term "other source milk" would refer to receipts other than the following: Producer milk, beginning inventory, and receipts from other pool plants. "Other source milk" would also include any other form of milk product received from any source including those produced at the handler's plant during the same month or prior months, which are reprocessed or converted to another product in the plant during the month. Other source milk should also include, by definition, nonfluid milk products from any source, including those produced at the handler's plant during the same month or prior month, which are reprocessed or converted to another product in the plant during the month. Thus, other source milk would represent butterfat and skim milk from sources not subject to the Class I pricing provisions of the attached order. If such other source milk is disposed of in Class I use, partial pricing and regulation is provided under the provision relating to compensatory payments.

A third type of receipt is milk received at a pool plant from another pool plant. It is apparent that such milk could have been originally received at the transferring plant as either milk from producers or from other sources, and in many circumstances, there would be no way of ascertaining the original identity of such transfer. There is no need to establish a special name for this type of receipt.

Other definitions set forth in the proposed order are self-explanatory.

(b) *Classification of milk.* For purposes of determining the proper amount of payment to producers on the basis of the use made by handlers of milk, two classes of use should be established. Skim milk and butterfat contained in such milk should be classified separately as Class I or Class II milk according to the form in which, or purpose for which, it is used.

A classified use plan of this kind is necessary (1) so that the minimum prices established by the order will result in equal cost to handlers according to the use they make of milk; (2) so that a price may be fixed for milk disposed of as Class I, the principal use, at a level that will bring forth an adequate supply of pure and wholesome milk, including as a reserve of quality milk such proportion of the supply as is in accord with marketing conditions; and (3) so that such reserve as is necessary may be maintained without disrupting marketing conditions.

This type of classification and pricing plan recognizes that the prime incentive for dairy farmers in this area is to produce quality milk required by the fluid market, but that it is not possible for them to achieve perfect adjustment between volume of production and volume of fluid sales. There are, unavoidably, variations in both production and sales. Because of these variations, handlers ordinarily arrange to have sufficient supplies from regular sources to provide some reserve. In this market, it has been the experience that production has been adjusted to changes in fluid sales more closely than in many other markets. As a result, the portion of the supply of quality milk needed as a reserve has been relatively small. There are variations, however, seasonally and for shorter periods, both in production and sales, and there is usually some excess of production over sales. Such excess ordinarily would be used for manufactured dairy products and should be priced accordingly. The appropriate price level for such use is discussed elsewhere in this decision.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and, therefore, should be classified separately according to their separate uses. The skim milk and butterfat content of milk products, received and disposed of by a handler, can be determined through certain recognized testing procedures. Some of these products, such as ice cream, cheeses, and condensed products, present a more difficult problem of accounting in that some of the water contained in the milk has been removed. It is necessary, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce these products. This may be accomplished through the use of adequate plant records made available to the market administrator in the case of products produced by a handler, or by means of standard conversion factors of skim milk and butterfat used to produce such products in the case of products purchased by a handler. The accounting procedure to be used in the case of any condensed milk product should be based on the pounds of milk or skim milk required to produce such product.

The kind of product disposition which should be classified as Class I are those forms of milk for which health authorities in the marketing area require milk meeting the highest quality standards. These forms of disposition include fluid whole milk, skim milk, chocolate milk, and forms of concentrated milk or skim milk, all disposed of for fluid use. (Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed containers should not be considered as concentrated milk.) Fluid milk or skim milk and concentrated or

condensed milk used in preparation of fortified milk or skim milk are required to be from approved sources, and should therefore be accounted for as Class I use. Nonfat dry milk used to fortify such milk drinks is not required to be from approved sources and should be accounted for as Class II milk on a fluid skim milk equivalent basis.

It is necessary, also, in accounting for Class I sales of concentrated and reconstituted milk, that the order provisions prevent displacement of producer milk from the Class I use for which it is intended. This principle requires that concentrated milk and reconstituted milk be accounted for on the basis of milk used to produce such products, which would include all water originally associated with the milk solids used. Concentrated and reconstituted milk compete for the same outlets as whole fluid milk and fluid skim milk, and so, if made from other source milk, could displace producer milk which is available for such disposition. Concentrated milk may be readily reconstituted to the original volume by addition of water. It is concluded that accounting for skim milk in such Class I products on the basis of volume including all the water originally associated with the solids is necessary to return to producers a value commensurate with the use and availability of their milk for fluid use.

Having described the product disposition which would be Class I milk, other principal products uses would be Class II milk. Included as Class II milk are products such as cream, sour cream, ice cream, ice cream mix, and other frozen desserts and mixes; butter, cheese, including cottage cheese; evaporated and condensed milk (plain and sweetened); nonfat dry milk solids, dry whole milk; and any other products not specified as Class I milk. The health ordinances applicable in the marketing area do not require that these products be made from locally approved milk. It is recognized that except for cream, ice cream, other frozen desserts, and cottage cheese, handlers do not engage in substantial manufacturing operations. Some of the other products mentioned are used within handlers' plants, however, and may become a factor in arriving at the classification of producer milk. By far, the greater part of the supply for such uses in this area comes from distant areas in which the economy of milk production is decidedly different and where there is a considerably greater proportion of milk produced for use in manufactured dairy products.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of products included in Class I milk should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk and skim milk, bottled milk, and other fluid milk products designated as Class I milk. Manufactured products (Class II) on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for as Class II milk. As previously indicated, handlers will need to keep stock records of such products but they will not be included in inventory for the purpose of accounting for current receipts.

It is concluded that inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of the month, it will be necessary to provide a method to deal with the producer milk inventory which is used in the current month for Class I purposes but which the handler accounted for to producers as Class II milk at the end of the previous month. In a plant which engages primarily in a fluid milk business, it is quite possible that a decrease in inventory in any given month may exceed its total utilization of milk in Class II. Handlers, at times, also use other source milk in their operations. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt in the following month and subtracting such receipt (under the allocation procedure) in series starting with Class II milk following the subtraction of other source milk.

To the extent that opening inventory is allocated to Class I milk and there was an equivalent amount of producer milk classified in Class II milk in the previous month (after the allocation of other source milk) a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the preceding month. This will promote equality in the cost of milk among handlers and returns to producers for their milk, irrespective of whether or not such producer milk is from the previous month's ending inventory or is a current receipt.

Some shrinkage (plant loss) unavoidably occurs in the handling of milk and consequently there is a problem as to how such loss should be accounted for under a classified price system. The method of accounting for shrinkage varies considerably among Federal order markets. Of prime importance is that a method of accounting used should not result in inequity between handlers or improper apportionment of shrinkage to producer milk and other source milk. It is also important that the handler be required to account to the fullest possible extent for all use made of milk which he handles.

Shrinkage should be determined separately for skim milk and butterfat. Shrinkage should be determined for skim milk by subtracting the quantity which represents the handler's total utilization of skim milk from the total pounds of skim milk received by the handler from all sources. Shrinkage of butterfat would be determined in the same manner.

Total shrinkage should be prorated between producer milk and other source milk. None of the shrinkage should be assigned to receipts from other pool plants, because shrinkage on such milk will be accounted for by the transferring handler.

The classification of shrinkage of producer milk in Class II up to an acceptable standard is common practice in milk orders. Shrinkage of not more than 2 percent is an acceptable standard in this market for any plant operated in a reasonably efficient manner and for which complete and accurate records of receipts and utilization are kept. Shrinkage of producer milk not in excess of 2 percent of the volume of skim milk and butterfat in producer milk should be classified as Class II milk. Shrinkage of producer milk in excess of 2 percent should be classified as Class I milk. There would be no specific limit as to the amount of shrinkage in other source milk classified as Class II.

Handlers requested that a separate classification, Class III, be established for skim milk and butterfat disposed of for livestock feed or dumped after prior notification and opportunity for the market administrator to verify such disposition. The proposed class would include all milk, the skim milk of which is disposed of as livestock feed or dumped.

It does not appear that such types of disposition are of such quantities as deserve establishment of a special classification. Furthermore, there does not appear to be any justification for treating the butterfat portion of milk as a Class II disposition based on use in livestock feed or dumping. Excess butterfat may be separated, and is storable, and such practice is carried out by handlers. Butterfat in route returns is in part salvageable, and otherwise is part of the normal loss of a distributing operation depending largely upon the efficiency of the handler. Such butterfat loss should be accounted for under the 2 percent allowed for shrinkage. Also, since handlers carry a relatively small percentage of milk as reserve, there would generally be use for skim milk in excess of Class I sales, in Class II products such as buttermilk, cottage cheese, and ice cream. It is concluded that the special classification requested by handlers is not needed.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of, and making payment to producers for, such milk. Fixing responsibility in this manner is a practice which is followed consistently in Federally regulated markets and it is necessary herein to administer effectively the provisions of the order. The operator of the plant at which milk is first received from producers is the person with whom contractual relations have been made by producers or their representatives. Except for the limited quantities of shrinkage which may be classified in Class II under the certain conditions set forth elsewhere in this decision, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

Transfers. Since milk may be transferred from one plant to another, it is necessary to establish rules for the classification of milk transferred.

In the case of butterfat and skim milk used in the production of Class II items, the classification should be considered to be established when the product is made. Consequently, the rules for classification of transferred milk need apply only to transfers in the form of milk in the form of products designated as Class II milk disposition as herein defined. The classification of such items is not considered to be finally established by the form in which they leave a plant, if they are transferred to another plant, but must depend on the uses made of all milk in the plant to which the transfer is made.

Milk in the form of products designated as Class I milk disposition transferred by a handler to the pool plant of another handler should be classified as Class I milk, unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, if Class II is claimed, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage, beginning inventory, and other source milk. Furthermore, the assigning to classes must be such as will result in the maximum amount of producer milk of both handlers being assigned to Class I milk. These accounting procedures will carry out the recognized principle that the highest-valued uses should be assigned first to the milk of regular producers.

Cream will be a Class II disposition under the proposed order, and it is conceivable that cream transferred between pool plants could, to some extent, become commingled with milk disposed of as Class I. Although the transferred cream would be classified entirely as Class II under the order provisions, producers would be safeguarded against loss of the value of any Class I use of such cream by reason of the requirement that the second handler must account to the pool for his entire Class I disposition.

It is possible that some milk in pool plants will be moved to nonpool plants. Milk in the form of products designated as Class I milk disposition transferred to nonpool plants 350 miles or more from Boca Raton by the shortest hard-surfaced highway distance should be Class I in all cases. The costs involved in transporting milk in the form of products designated as Class I milk disposition such a distance are such that it would not be economically feasible to move the milk farther for Class II disposition. Further, in view of the fact that there is usually a relatively small proportion of supply from local sources in excess of Class I needs, it is not likely that milk from this area would be moved great distances for any manufacturing purpose. If the market administrator were required to follow the utilization of all milk to any distance it could be transported, such duties of verification could prove to be very expensive for the amount of milk involved. Under these circumstances, the classification of such shipments beyond 350 miles as Class I is reasonable.

Shipments of milk in the form of products designated as Class I milk disposition in packaged form to nonpool plants would be classified as Class I in every instance.

Shipments of milk in the form of products designated as Class I milk disposition in bulk form to nonpool plants within the 350-mile range should be classified as Class I milk unless the following conditions are met:

(1) The transferring handler claims classification in Class II milk in his report;

(2) The operator of the nonpool plant, if requested, makes his books and records available to the market administrator for the purpose of verifying the receipt and utilization of all milk in the nonpool plant; and

(3) The nonpool plant used, during the month, an equivalent amount of skim milk and butterfat in the class which is claimed for the transferred milk.

There is a possibility that cream may be shipped from a pool plant to a nonpool plant where it becomes part of the disposition, in another fluid market, such that it meets the Class I definition in this order. Because the value of cream is so much greater in relation to its bulk than in the case of milk, it may be economically transported much greater distances. In order to provide for such transfer and at the same time provide reasonable assurance that the butterfat is being classified according to use, it should be provided that cream may be Class II if the following conditions are met:

(1) The transferring handler requests such a classification;

(2) The operator of the nonpool plant maintains books and records of utilization at the plant which are made available on request of the market administrator for verification of usage;

(3) Prior notice of the intended shipment is furnished to the market administrator; and

(4) The nonpool plant used an equivalent amount of skim milk and butterfat in the use indicated.

Allocation. Pool plants in this marketing area often handle skim milk and butterfat received in other source milk, as well as producer milk and milk from other pool plants. All of the skim milk and butterfat handled in a pool plant must be classified so as to establish the handler's obligation to producers. Since the order class prices apply only to producer milk, it is necessary, if a pool plant has butterfat or skim milk other than that received in producer milk, to determine the quantities of milk in each class to be assigned to receipts from producers. The milk of producers should be assigned to Class I utilization first. This is necessary to insure the effectiveness of the classified pricing program of the order.

The system of assigning Class I and Class II utilization of milk to receipts from different sources, as set forth in detail in the order, will carry out this objective. In general, this procedure requires that skim milk and butterfat, respectively, received in other source milk, be subtracted from Class II utilization before producer milk is so assigned, so that producer milk will be given priority over other source milk with respect to Class I utilization. Receipts of milk from other handlers would be subtracted out from the class utilization to which they are assigned pursuant to the rules governing classification of milk transferred between handlers. Since other source milk may originate from plants regulated under other Federal orders, such milk, if priced as Class I under the other order, should take priority with respect to the highest utilization over other source milk not so priced.

The sequence of subtractions necessary to achieve that remainder of utilization which should be properly assigned to producer milk is as follows:

(1) Class II shrinkage of producer milk;

(2) Receipts of other source milk not priced as Class I under another Federal order;

(3) Receipts of other source milk priced as Class I under another Federal order;

(4) Beginning inventory;

(5) Receipts from other handlers according to classification; and

(6) Overage.

Handlers requested that accounting periods of less than a month be permitted. Under this proposal, a handler would have the option of dividing a month into two accounting periods, the shorter of the two to be not less than 7 days. The purpose of this proposal was to provide that when producer milk becomes short within a period of a month and outside supplies are needed, such supplies could be assigned to Class I. It was indicated that such a circumstance might arise during periods of seasonally increasing Class I sales or decreasing production. Receipts of a handler from producers during such a period might be adequate at the beginning of the month, but less than Class I sales at the end of the month. The proponent pointed out that the excess of producer milk at the beginning of such month would be at least partially allocated to Class I under monthly accounting, although it was obviously not available for such use when supply became short. Handlers proposed that a handler be allowed to elect accounting periods within the month of not less than a week.

The monthly accounting system has become the standard under this type of regulation and is generally accepted as the most practical method of applying the provision of the act which requires milk to be classified "in accordance with the form in which or the purpose for which it is used * * *". There are administrative limitations involved in accounting for specific "lots" of milk ac-

cording to actual, or physical, disposition; and allocation provisions such as those provided in the attached order language are necessary to distinguish the uses of "producer" and "other source" milk for classification purposes. The latter provisions eliminate the impossible administrative task of ascertaining the particular use of each hundredweight of milk from each source, and make possible an accounting system of practical application. The extent to which producer milk may be given priority assignment of higher-valued uses has been established as the prerogative of the Secretary in formulating provisions which will provide for producers reasonable protection against substitution of unregulated (unpriced) milk, and thus promote orderly marketing. In any event, the handler is not compelled to pay producers for any greater utilization of milk than he actually makes in the particular class.

In this market, in view of the relatively narrow margin which has been maintained between production and sales and the pronounced seasonal variation in sales, the problem presented by handlers is notably different than in most markets. Although producers have been responsive in adjusting their production to meet changing requirements of the market, it is readily conceivable that Class I sales could increase during short periods at a rate faster than could be accommodated by local producers. Under these circumstances, handlers may occasionally experience difficulty in maintaining an adequate reserve to meet unpredictable fluctuations of sales and production. It appears that the additional flexibility in the procurement, which would be allowed to handlers under their proposal, would be of benefit in assuring an adequate supply for the market at all times.

It is not likely all handlers in the market would need to exercise, at the same time, the privilege of using an accounting period of less than a month. This consideration bears on the cost of administering the order and the sharing of the burden of this cost among handlers. The division of a month into more than one accounting period requires proof of receipts, sales, inventories, and shrinkage for each period. It is apparent that the administrative costs involved in verifying handlers' reports and dealing with the additional administrative problems would be increased, and that these increased costs would be directly associated with the operations of the handler who elected the shorter accounting periods. For these reasons there would not be an equitable sharing of the administrative costs among handlers unless the additional expenses involved were placed upon the handler responsible. There is not now any experience in this or other markets by which to measure precisely how much additional expense would be incurred. It is likely that the administrative costs in verifying a handler's operations for a shorter accounting period would be about the same as for a monthly period. It is on this basis that the order provisions would assign administrative expense, and accordingly a handler electing to use several accounting periods within a month would pay for administrative expense at a rate calculated by multiplying the normal rate by the number of accounting periods in the month. It is provided, however, that after a year's experience, the amount could be reduced if actual cost proves to be less than the regular rate.

Class prices. For the first 18 months of price regulation under this order, the Class I price should be $7.00 per hundredweight. Order provisions do not provide a Class I price following such period, since it is expected that review of the price at a public hearing will be needed before the end of such period. Price formula adjustment factors should be provided in the order, but the effective date thereof should be deferred until after the initial 18-month period. Class I prices should be established at a level which, together with appropriate Class II prices, will return to producers a uniform price sufficient to bring forth a supply of Grade A milk needed to cover Class I sales, plus a reasonable reserve. Class prices established too low will result in the production of insufficient quantities of milk to meet the requirements of the market, and conversely, too high a level of prices will stimulate production and bring to the market more milk than is needed for Class I and reasonable "reserve" requirements.

Over a period of years, production of milk for this marketing area has been mantained ordinarily in relatively close adjustment to the needs of the market. There have been period of months in which the supply has either been in excess of Class I sales or, on the other hand, the supply has been short and it has been necessary for handlers to bring in supplemental supplies from other areas. Class I use of producer milk has usually been within the range of 85 to 95 percent. This close correspondence of production and sales has been maintained throughout a period in which population in the marketing area has increased steadily from year to year. In Dade, Broward, Monroe, and Palm Beach counties, resident population increased more than 40 percent from 1950 to 1955. Sales of fluid milk have increased along with population, and the production of milk by local producers has expanded to meet this increased demand.

The level of the nominal Class I price has been quite stable throughout much of this period of growth. In May 1950, the Class I price for 4 percent milk reported for plants at Miami was about $6.75 per hundredweight. In September 1951, this price was increased to $7.09 and with minor variations remained at that level until April 1956. At that time, the reported price dropped to $6.33. Beginning in September 1956, the price arrived at by bargaining between the producers' association and handlers was $7.00 per hundredweight for all milk delivered. As mentioned previously in this decision, there have been some variations from the nominal Class I price for particular categories of Class I disposition. These somewhat lower levels of prices have applied in the case of milk sold under special contracts, and milk sold "out-of-area". These variations from the regular Class I price constitute one of the reasons of producers for asking for a Federal milk order to stabilize marketing conditions. It is noted that a slightly lower price has prevailed much of the time in Martin, Palm Beach, and Hendry counties. Milk marketed in these counties amounts to about one-tenth of the total sold by handlers operating in the Miami and West Palm Beach markets.

The proposal of producers with respect to prices was that the price for milk of 3.8 percent butterfat test should be $7.00 per hundredweight for the months of August through March and $6.55 in other months. This would result in an annual average of $6.85 for milk of 3.8 percent test, which would be approximately equivalent to the price at the time of the hearing; i. e., $7.00 per hundredweight for milk of 4.0 percent test (for all milk delivered). Under the proposal, this was to be modified by a supply-demand factor, and by a formula based on wage rates and feed costs, as described subsequently herein.

Class I prices under most Federal orders are related to representative prices for milk sold for use in manufactured dairy products. Such prices for manufacturing milk include the average of prices paid by certain Midwest condenseries, prices paid by manufacturing plants in or near the general supply area of the market, and formula values computed from market prices of butter, cheese, and nonfat dry milk. In many areas there is a close relationship between production conditions for milk qualified for manufacturing uses and milk produced for the fluid market. Farms producing both qualities of milk may be interspersed throughout the production area for a fluid market. For such markets, a practical method of establishing Class I prices is to add a differential to a representative value for milk in manufacturing uses. Such a Class I price differential represents the additional production incentive needed to meet the quality requirements of the fluid market.

In the production area for this market, there are no dairy farmers who produce milk primarily for manufacturing purposes. Accordingly, there are no nearby manufacturing plants paying prices which may be taken as a basic formula price to which a Class I differential might be added. It is not to be expected, however, that the price for supplying milk to any fluid market can be established at a level which is unrelated to price levels in the heavier milk production areas of the country. Efficient methods of milk transportation have been developed such that the quality of milk may be maintained even though it may be transported over long distances. Competition among handlers would require that they seek the lowest-cost source of supply. Accordingly, a substantial misalignment, on the high side, of the Class I price for this market with prices in other major production areas, cost of moving milk considered, could result in cheaper milk from other areas entering the market and displacing locally produced milk. It is possible that factors other than price difference and cost of transportation

would be involved in selection by a handler of the most desirable regular source of milk. If milk from other markets did displace locally produced milk, the benefits to local producers from a price substantially higher than the cost of milk procured from other areas would be only temporary, and the subsequent results would be upsetting and disturbing to market conditions.

On the other hand, the history of the market shows that handlers have consistently depended upon local producers for all but temporary supplemental supplies of milk throughout a period of expanding market requirements. Apparently, prices in this market have been sufficiently well related to prices in other markets so that a shift in source of supply did not occur.

Although it is reasonable to expect that increases in fluid sales in the marketing area will continue as the population increases, production conditions appear to be such that supply of milk from the present supply area and areas nearby could be expanded to meet a large increase in sales. There is considerable likelihood, therefore, that handlers can continue to depend on local dairy farmers for their regular supply. The possibility is allowed for in order provisions, however, that handlers may establish supply operations at locations somewhat more distant than those from which they now obtain their principal milk supply.

Producer testimony on the issue of price level included calculations to show what the cost of milk for this market would be if procured from certain other markets throughout the country. These calculations were based on the Class I price at the market of origin plus cost of transportation and an assumed handling charge of 50 cents per hundredweight. The results of these calculations indicated costs of supplies if obtained from other markets generally higher than the Class I price level proposed by producers. It was not shown, however, that 50 cents as handling charge was an appropriate figure to represent factors besides cost of transportation which might be involved in procuring milk on a regular basis from such sources. Handlers cited a figure of 33 cents per hundredweight on certain shipments.

In view of experience as to production and sales in this market in recent years, a continuation of the same price level, at least for an initial period, appears suited to supply-demand conditions. This would be an annual average of $7.00 per hundredweight. In view of prospects for an increasing volume of sales, this price level does not appear excessive and appears in reasonable alignment with other markets.

The producer proposal included a price adjustment factor based on principal cost items used in milk production in this area. Producer representatives estimated that feed and labor account for about three-fourths of the costs of milk production. These cost factors would be represented in the proposed pricing mechanism by an index, computed with 1956 as a base, and using industrial wages rates in Miami area and price quotations for 20 percent dairy ration and citrus pulp. Feed and wages would be weighted 60 percent and 40 percent, respectively. The two feed prices would be weighted equally. A schedule was submitted which would relate Class I price changes to the composite feed-wage index.

In this area, direct costs are a more important factor in milk production than in Mid-west regions where a greater reliance is placed on home grown feeds. Also, the nature of the large-scale farm operations in the production area requires that producers depend to a large extent on hired labor. Such labor, it was indicated, must be obtained in competition with well established industrial enterprises throughout the marketing area.

In view of the production conditions peculiar to this area, it is recognized that the cost factors cited could have a more immediate relation to production responses than in other milk producing regions.

The proposed index would serve only to adjust the prices from the initial level, and would not be constructed so as to equate prices to costs. On this relatively limited basis, and in view of the various safeguards which are provided in the proposed order to limit the action of such price adjustment, the proposal appears to be a pricing mechanism appropriate for consideration as a part of the proposed order. In view of the limitations of data and lack of experience with such pricing factors in this market, however, this formula should not be effective until there is opportunity for review. It would be calculated merely for informational purposes during the first 18 months of price regulation.

The feed-wage cost index will be subject to a limitation which will keep the price level in line with prices in markets located within major milk production areas. This kind of limitation would use price differentials to be added to representative values of milk for manufacturing uses, and the Class I price level would be kept within limits of 25 cents per hundredweight above or below such a formula. The manufacturing milk values to be used in such a formula would be average prices paid at Mid-west condenseries, and market prices in the Chicago area for nonfat dry milk and butter, both of which are commonly used in milk orders for the purpose of establishing basic formula prices.

As proposed by producers, the feed-wage index would result in price adjustments in 45-cent intervals. It is desirable that this method of price adjustment be modified to increase the responsiveness of the formula to changing conditions. The formula as set forth in the attached order provisions will result in 4.5 cents per hundredweight change in the Class I price for each percent change in the index. This is approximately the same rate of change as proposed by producers.

It was also proposed by a producer association that a supply-demand adjustment apply to the Class I price. This type of price adjustment, which is used in many Federal orders, would reduce the price 45 cents per hundredweight whenever, for three consecutive months, the percentage of Class I utilization was less than a certain minimum specified (in a schedule) for each month; correspondingly, the price would be increased 45 cents per hundredweight if the percentage utilization in Class I was more than a specified minimum for three consecutive months. The schedule of utilization percentages would provide a range of 4 percent in which no price change would be indicated.

An apparent difficulty in this proposal is that the Class I price could be changed as much as 45 cents per hundredweight by a fractional percentage change in the level of utilization in the market. Furthermore, because of the large size of individual farming operations, a shift of one farm into or out of the market could cause such a price change. Such a situation could be disturbing to the market.

It appears, however, that a supply-demand adjustor could be devised such that it would aid in adjusting the price level to changing market conditions. The amount of price change should be graduated in smaller amounts than as proposed by producers, so that there would not be a sudden large change in the price due to this factor.

The supply-demand adjustor recommended herein would increase or decrease the Class I price for any month depending on the ratios of producer milk to Class I sales in each of the second and third preceding months. Producer milk receipts in any of the months of August through February at a volume less than 106 percent of Class I sales in the same month, and in other months, less than 110 percent, would be a basis for a price increase. In any of the months of August through February, receipts greater than 111 percent of Class I sales in the same month, and more than 115 percent of sales in other months, would be a basis for a price decrease. Supply-sales ratios in between 106 and 111 percent (or equal to these figures) in the months of August through February would not result in any price adjustment, and in other months ratios equal to or between 110 and 115 would be of no effect. Ratios outside these ranges would be a basis for price adjustment in the following manner: the smallest difference in two successive months of the supply-sales ratio from the percentage figures cited would be the determining figure in the price adjustment, except that if two successive months indicated deviations in opposite directions (for example, one month's ratio being above the maximum and the other month's ratio below the minimum), no price adjustment would be made. The rate of price adjustment would be 4 cents for each percent difference from the maximum and minimum percentages used as base.

Such a schedule of price adjustment would result in gradual or accelerated changes depending on the rapidity of change in the supply-demand situation. The provision to use the lesser of the deviations from the maximum and minimum indicated in two successive months would minimize price changes due to erratic circumstances.

For the first 18 months of price regulation under the order, this price adjust-

ment should not be effective, but should be calculated for purposes of market information. During this period, there would be opportunity for observing whether any modifications thereof would be desirable.

Seasonal pricing has not been a general practice in this market. In view of exceptions on this matter, the desirability of seasonal pricing in this market may be questioned and any determination as to the need for seasonal adjustments must be deferred until more information is available. In view of the experience in the market and the base plan contained in this order, it appears unnecessary that seasonal pricing be included in the proposed order.

Although it has been decided that the Class I price for the first 18 months of price regulation under this order should be $7.00 per hundredweight in each month of this period, some provision should be made so that, on a long-term basis, the Class I price under this order does not become out of line with other markets. This may be accomplished by maintaining a relationship to formula prices used in markets in major milk production regions. As pointed out previously herein, Class I milk prices in those areas are related to manufacturing milk prices by differentials. A provision of this proposed order contains similar differentials over representative manufacturing milk values. The manufacturing milk values to be used would be average prices paid at the group of Midwest condenseries used for pricing purposes in many Federal orders; and a formula based on market prices in the Chicago area for nonfat dry milk and butter. The order provisions would specify that the Class I price shall be within 25 cents of the sum of the higher of these manufacturing values and $3.50 per hundredweight. A function of a basic formula price as used in many milk orders is to register changes in general supply and demand conditions, many of which conditions are national in scope. It should be recognized that some of the production conditions which affect dairy farmers in surplus milk producing regions may also affect milk producers in this region to a considerable extent. Producers for this marketing area buy a large part of their feeds from sources throughout the Midwest. To a large extent, herd replacements are brought in regularly each year from other milk production regions. In view of these factors, such a provision for maintaining price relationships with other markets should be included for use after the initial 18-month period.

Class II milk should be priced on the basis of the market value for butter at Chicago and the price for spray process nonfat dry milk at Chicago area plants. The price would be calculated by multiplying the average price of 92-score butter at Chicago by 1.25, adding 4 cents, and then multiplying the result by 4.0, plus an amount calculated by adding 2.5 cents to the average price of nonfat dry milk (spray process) at Chicago area plants, and multiplying the result by 8.5. Handlers and producers indicated that this formula value was representative of the cost of Class II products which are brought in from other areas. The costs of such supplies are affected by transportation over long distances. It has already been mentioned that the amount of locally produced milk which is used in Class II is a small percentage and that most of the supplies for cream, buttermilk, cottage cheese, and ice cream come from relatively distant sources outside of the State of Florida. To the extent that locally produced milk is used in Class II, it, of course, competes with supplies from these other sources and should be similarly valued.

Handlers' representatives testified that from time to time it was necessary to dispose of some milk by dumping. It was proposed by handlers that any milk used for livestock feed or dumped, and any milk the skim milk of which is so disposed of, should be classified as Class III and should be priced entirely upon a butterfat value.

Inasmuch as there is a deficit in this area of butterfat needed for cottage cheese, cream, and ice cream, any butterfat from producer milk which is in excess of needs for Class I sales generally may be used by handlers in such products. If, in any case, such excess butterfat from producer milk exceeds temporarily the amount of butterfat needed by the handler for the Class II uses described, it may be stored in the form of cream for later use. It would appear that the only butterfat which might require disposal by dumping or for livestock feed would be minor amounts in some kinds of route returns which cannot easily be separated for salvage purposes. Such minor amounts of butterfat may be considered to be part of the normal loss of the distribution operation, depending mostly on the efficiency of the handler, and should be regarded as included in the allowance of 2 percent for shrinkage. In the case of skim milk, also, no special allowance should be made for dumping. Handlers carry a relatively small percentage of milk as reserve, and accordingly it should be generally possible to use skim milk which is excess over Class I sales for Class II operations such as buttermilk, cottage cheese, and ice cream.

Butterfat differentials. It is necessary to take account of the varying values of milk both as received and as used, caused by differences in the percentage of butterfat content. Ordinarily, the class prices for milk are stated in terms of milk of a particular butterfat test with an adjustment for greater or lesser butterfat content. In this order, in view of the conclusion that butterfat in both Class I and Class II will have the same value, class butterfat differentials are unnecessary.

Although in some markets a higher butterfat differential more appropriately applies to the Class I price than to the Class II price, in this market the value of butterfat in a Class II use is increased substantially because of a transportation cost factor, and there is no basis for a different value in the two classes. In this circumstance there is no need to use class butterfat differentials in arriving at uniform prices for the standard test of milk. Producers would be assured, however, of receiving payment for the value of differential butterfat in milk they deliver, by reason of a butterfat differential applied to the uniform prices. This butterfat differential would be multiplied by the number of tenths of a percent by which the butterfat test of the individual producer's milk differs from the basic test used for establishing prices.

The basic butterfat test from which differential values are measured in this market is commonly 4.0 percent. Producers requested that a standard test of 3.8 percent be used, because of the tendency experienced in many markets towards more sales of lower testing milk.

The record does not show marketwide statistics as to the test of products sold. Some evidence shows sales testing 4 percent or higher. Data for some producer deliveries indicated an average test of 4 percent or more. In view of the paucity of evidence for the proposed change, it is concluded the customary standard of 4.0 percent should be retained.

The producer butterfat differential would apply to the difference from 4.0 percent test of milk as delivered by a producer. Producers requested that this differential should be 7.5 cents per one-tenth of one percent of butterfat. This differential is adopted in the order provisions, but should be reexamined when more market information is available.

Location differentials. Prices required by Federal milk marketing orders to be paid by handlers are ordinarily subject to location differential credits at plants located considerable distances from an appropriate reference point or points in the particular marketing area. In some cases, under these orders, the supply area for the market is spread over a geographical area of such extent that it is not feasible for handlers to assemble all of the milk by moving it directly from farms to plants in the marketing area. In such instances, the development of a milk supply system has involved the establishment of receiving plants in the more distant parts of the supply area, at which plants milk is received from dairy farmers and from which it is shipped in bulk to city distributing plants. The term "supply plant", or "receiving station", is commonly applied to such plants of which the principal function is assembling milk for shipment. Setting minimum class prices at the plant where the milk is received from producers has been found to be the most practical manner of reflecting the effect of distance from market upon the value of milk.

The farm value of milk for use in a market is affected by the cost of delivery to the place of use by the handler. Milk delivered directly to a plant located within the marketing area is worth more, by at least the cost of transportation, than is other milk to be used in the market but delivered to a plant located at a considerable distance from the market. Therefore, it is important to recognize the costs of transporting Class I milk from supply plants in case such should develop as part of the supply system, or at any plant selling milk in the marketing area from a location sufficiently distant so that cost of moving the milk should be recognized in farmers' prices.

At the time of the hearing, nearly all of the milk distributed in the marketing area was being received at plants located in the marketing area. This milk was being moved directly from farms located principally in Broward and Palm Beach counties to the distribution plants. It is not apparent, from the record, that there will be any need for the development of a system of supply plants which would ship milk to these distributing plants. Nevertheless, provision should be made for location differential credits to handlers in the event that economic development of milk sources should favor establishment of supply plants at locations beyond the present supply area. Also, some other source milk is received, from time to time, from plants at considerable distances from the market, some of them out-of-State. If such other source milk becomes subject to compensatory payments, it is appropriate that the transportation cost factor should be recognized in computing such payments.

The producer proposal contained provision for handler location differentials at points 90 miles or more from Dade County Courthouse. Handlers requested that two points of reference be used because of the extent of the marketing area. The second point of reference suggested by the handlers would be the Palm Beach County Courthouse, and on the other point they were in agreement with producers.

The distance between Miami and West Palm Beach, which are the two principal centers of milk distribution in the marketing area, is about 67 miles. Most of the producers are located close to, or in between, these two locations. In these circumstances, a reference point about midway between Miami and West Palm Beach should serve as a suitable basis from which to reckon location differentials. Such a basis, and a system of location differentials beginning at 60 miles from such a point, will provide equitable pricing and greater flexibility for development of a supply plant system (should such development ever become otherwise feasible) than the location differentials in the producer proposal. Boca Raton, which is located on a main highway between Miami and West Palm Beach, is approximately midway between, and is here selected as an appropriate reference point. Distances should be measured from the main U. S. Post Office location in Boca Raton.

A location differential of 13 cents per hundredweight for plants 60 but less than 70 miles from the central location is in line with milk hauling rates in the record. Beyond 70 miles, the amount of additional location differential should be at the rate of 1.5 cents for each additional 10 miles. This rate which was supported by producers and handlers is closely in accord with rates used in other Federal orders and rates mentioned in the record.

In case a plant receives milk by transfer from more than one plant, a method is provided for determining the priority of the milk from the several plants in claiming location differential credits. This assignment of priority would assure that milk will not be moved unnecessarily at producers' expense. It would involve assignment of Class II use in the receiving plant first to the milk from the most distant, and thereafter in succession to the next nearest. Such assignment would be an operation entirely separate from assignment, under other provisions, for the purpose of determining classification of producer milk.

(d) *Payments to producers.* Prior parts of this decision have dealt with the prices and amounts which handlers will be obligated for under the order. The subsequent discussion deals with the methods to be used in distributing among producers the total amount of money paid by handlers.

Type of pool. The order should provide that the total money obligation of all handlers in the market for producer milk be combined and distributed to producers through a market-wide type of equalization pool. Under this type of pooling, there is an exchange of money among handlers, through the market administrator, such that each handler is enabled to pay the market-wide uniform price. To accomplish this, each handler pays into a producer-settlement fund any plus difference between the value of his milk at the market-wide uniform price, which is based on the market-wide utilization of all handlers, and the value of his milk computed at the class prices. Handlers whose milk has a lesser value at the class prices than at the market-wide uniform price would receive payments at the difference from the producer-settlement fund. Under this arrangement, each handler would be required and would be enabled to pay the uniform price to producers subject to butterfat and location differentials. As a result each producer would share proportionately in the Class I sales in the market.

The adoption of a market-wide pool under the proposed order was supported by both producers and handlers. Prior to this time, there has been no agency in the market which could effectuate such pooling. Because of the advantges of a market-wide pool under conditions prevailing in this market, such an arrangement should be adopted. The market-wide pool will provide a greater stability to the market than would individual handler pools, and will increase the flexibility of producer-handler relationships. Much of the milk for this market is produced by dairy farmers with large operations including herds of 400 cows or more. Dairy farmers of such size who are selling milk to handlers experience some difficulty in transferring from one handler to another because of the relatively large volume it would add to the new handler's supply. Under a market-wide pool a handler would experience less difficulty than under the present arrangement in taking on a producer since the shifting of a producer from one handler to another would have no effect upon the blend price either handler would pay to his producers. The pooling arrangement will also give handlers the advantage of additional stability in operations, because they will be able to carry necessary reserve supplies of milk without this resulting in a lower price to his producers than in the case of a handler who does not carry a reserve supply. It has been pointed out that, under current conditions in the market, handlers with a reserve supply of milk are under pressure to move this milk into fluid disposition even at reduced prices if that is necessary. As a consequence, the effects of price competition among handlers have tended to be borne in a large part by producers. From time to time, also, handlers' utilization may change suddenly because of either losing or obtaining a contract to supply some Federal military installation or institution. If it were not for the pooling arrangement as proposed, such sudden shifts in utilization would be reflected upon producers as individuals or in small groups, and would put them at a disadvantage compared to the rest of the market.

One characteristic of the market organization is that a considerable part of the milk is produced by farmers who also distribute milk. It would be impossible to maintain stable marketing conditions if such a considerable volume of the Class I sales were not included and shared among all producers. If such milk were not subject to pooling, pricing provisions under the order would be ineffective since there would be no determination as to the rate at which a dairy farmer charged his own operation for milk he distributes. In this latter situation, an individual who engages in both the production and distribution operations would have a natural incentive to temporarily accept a lower value for his own production than is being paid by other handlers so as to employ price competition as a method to expand his Class I sales. While the Federal order is not intended to inhibit any handler from expanding his sales, on the other hand, it is not intended to give a decided advantage to any special type of handler. The market-wide pooling arrangement would, in this respect, result in the most equitable treatment of handlers under the type of price regulation provided by milk marketing orders.

The uniform prices to producers should be subject to butterfat differential adjustments reflecting the value of butterfat tests of milk from individual producers, and to location differentials based on location of the plant to which delivered.

The uniform prices to producers should be adjusted for location of the plant of receipt. As pointed out in the discussion of class prices, milk delivered directly to a plant located within the marketing area is worth more, by at least the cost of transportation, than is other milk delivered to a plant located at a considerable distance from the market. The appropriate rate of adjustment is described in the prior findings.

Payments to individual producers and to members of cooperative associations. Handlers should make payments to each producer for milk delivered by such producer at the apropriate uniform price. Provision also has been made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of that month.

Qualified cooperative associations of dairymen, if they so request, should be permitted to receive payment from handlers for their producer-members as a group. The Agricultural Marketing Agreement Act authorizes a qualified association to collect payments on behalf of all its members for milk caused to be marketed by such association and to reblend the entire sales.

A provision authorizing handlers to make payment directly to such qualified cooperative associations for milk received from producer-members is necessary to enable the associations to carry out their essential functions authorized by the enabling act. A cooperative association, if it is to carry out these essential functions, must have full authority in the collective bargaining and selling of members' milk. The order should provide that payments to such a cooperative association is a proper satisfaction of the payments required by the order to be made to individual producer-members.

Payments due any producer for milk should be paid by the handler to a cooperative association that makes a written request for such payments if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. The association's request should also agree to indemnify the handler for any loss incurred because of an improper claim. In making such payments for producer milk to a cooperative association the handler should, at the same time, furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the total volume and average butterfat content of milk delivered by each such producer, the pounds of milk received each day including pounds of base and excess, and the amount of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money it collects to the producer-members for whom it makes collections.

Producer-settlement fund. Since, under the market-wide pooling arrangement, the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations at the uniform price, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations at the uniform prices, should pay the difference into the producer-settlement fund; and all handlers who are required to pay more to producers or cooperative associations at the uniform prices than they are required to pay for their milk on the basis of utilization, should receive the difference from the producer-settlement fund.

Amounts paid into and out of the producer-settlement fund for this purpose will be equal, except for minor differences that may result from rounding of uniform prices and establishment of reserves. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reasonable reserve should be held in the producer-settlement fund at all times. The amount of the reserve should be sufficient to enable the producer-settlement fund to perform its function efficiently. The reserve, which would be adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month. One half of the unobligated balance remaining in the fund from the preceding month would be added to the values used in calculating the uniform prices each month.

If, at any time, the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made payments required of him into the producer-settlement fund should not be considered in the computation of the uniform price in subsequent months until such handler has completed all delinquent payments.

Base and excess plan. A base and excess plan should be used in this market as a method of distributing returns among producers.

The producer association proposed a base plan under which each producer would establish a gross base by his deliveries during the months of August through January, each year. From this volume of deliveries there would be computed a net annual base for each producer by applying a percentage to his deliveries such that the total of all bases for all producers would be about equal to Class I sales during the base-forming period. A further computation would be used to arrive at a monthly level of the producer's base for each of the twelve months following the base-forming period. For this purpose a seasonal index would be calculated by dividing the daily average of fluid sales in the second preceding base-forming period into the daily average sales in each of the twelve months following that period. This kind of base plan as proposed by the association would attempt to achieve two kinds of adjustment: (1) Adjustment of the total of all producers' bases to the average annual level of sales, and (2) seasonal changes in each producer's deliveries paralleling the changes in Class I sales of all handlers.

Under the producer proposal, new producers who enter the market would be allowed a base of 75 percent of his deliveries.

Class I sales in this market have a degree of seasonal variation unusual in fluid milk markets. The lowest period in Class I sales is generally during the months of April through July or August, and an increasing trend beginning in September continues through late winter, followed by a declining trend to the summer level. The amount of change from the month of lowest sales to highest sales has been as much as 34 percent in the past 4 years. In recent years the seasonal variations of milk production have been closely similar to the seasonal variation of sales, with a relatively small margin for reserve. This is in contrast with seasonal changes in most markets where there is only moderate seasonal change in sales and a pronounced seasonal swing in production.

The base plan proposed by producers would have more extensive effect than base plans now used in Federal orders. Existing base plans in Federal orders do not adjust the level of bases seasonally, nor do they adjust for the annual level of Class I sales. Part of the justification presented by the association for this type of base plan is that it would give each producer a goal to which he could adjust his production. In this way, it was contended, surplus milk production could be avoided and yet the market would be adequately supplied.

Such a base plan would supplant the function which is intended under the Agricultural Marketing Agreement Act to be performed by prices established at the level required by the act. Under a base plan which adjusts total bases to approximately equal the amount of Class I sales, total production will tend to be determined largely by such base plan rather than by the level of prices. The act requires that the prices established for milk be such as to assure an adequate supply for the market, reflect supply and demand conditions, and be in the public interest. Consequently, it would be contrary to the purpose of the act, if order provisions hinder the free action of forces of supply and demand so as to prevent attainment of an adequate supply of milk for the market at price levels which are in line with supply and demand conditions and in the public interest. In view of these considerations as to the purposes of the law under which Federal orders are issued, it would not be proper to establish a base plan which would tend to restrict the volume of milk produced for the market. It is concluded, therefore, that a base plan should not include the proposed adjustment of bases to the average annual level of Class I sales.

The proposed adjustment of bases each month to fit seasonal changes in Class I sales is subject to the same kind of difficulty as the adjustment on an annual basis. Inasmuch as it would be impossible to predict the pattern of seasonal variation of sales, which varies from year to year, seasonal adjustment of bases in the manner proposed could result in establishing bases at a level for some months considerably out of line with market requirements. Examination of monthly volumes of sales by Dade County handlers shows considerable lack of uniformity of seasonal changes in sales in the several years. Also, the persistent increase in the average annual volume of Class I sales adds to the difficulty of making reasonably accurate predictions of sales in any particular month, particularly since there can be no assurance such year-to-year changes will be uniform.

In view of the difficulties described, and the conflicts with purposes of the act involved, it is concluded that the type of base plan proposed by producers cannot be adopted in its entirety.

The type of base plan recommended herein would, except for the annual and seasonal adjustments, adopt most of the other features of the plan proposed by producers. The period for base-making would be the months of August through January. Each producer would be assigned a daily base equal to his deliveries during that period divided by the number of days from the first day of his deliveries to the last day of January, or by 150, whichever is more. Such base would apply with respect to payments of such producer beginning in the month of March following, and subsequent months through February of the next year. New producers entering the market at a time such that they have not been able to earn a base would be allowed base up to 75 percent of their milk deliveries. The method of payment to be used would assign excess milk to Class II disposition to the extent possible, and any remaining excess milk would be assigned to Class I use. If, in any case, the amount of Class II use exceeds the amount of excess milk, base milk equal in volume to the remaining Class II milk would be assigned to Class II. This method of assignment differs from the producer proposal that the price for all excess milk be the Class II price. The recommended method of arriving at uniform prices for base and excess milk will, however, avoid the possibility that the price for base milk could exceed the Class I price. If, as seems to be a likelihood, sales in some months will exceed the amount of base milk, the recommended method of assignment will allow those producers who adjust their production to meet increased needs of the market, to participate in the increased Class I sales to a greater extent than under the producer plan.

Producers requested that the base-making period be August through January since this is the time of year when milk sales are seasonally increasing. The base plan would thus encourage producers to increase their production during this period to meet market needs. The base-making period of August through January, which covers the period when sales and production in past years have increased seasonally, would result in total bases somewhat less than the volume of Class I sales at the highest seasonal level which ordinarily occurs in the first quarter of the year. In this situation, when total bases are less than Class I sales, producers would be given an incentive to deliver milk in excess of base since the uniform price for excess milk would tend to be close to the price for base milk. In months of the lowest seasonal level of Class I sales, the excess price would be low relative to the base price, and producers would thus be encouraged to adjust their production seasonally in line with the changes in Class I sales.

An earned base would be assigned to the producer for whose account the milk was delivered during the base-earning period. Provision would be made for transfer of a base from such person to any other person providing a proper notice is given to the market administrator by the transferor and transferee. Bases should be announced on or before February 25 each year for the ensuing months of March through February of the next year.

In providing a year-round base plan, it is necessary to insure that the plan will not impede the entry of a new plant into the market. Producers at such plants should be given an opportunity to establish bases on terms equal with producers whose milk was received at a pool plant during the August–January base-earning period. For this reason it is provided in the proposed order that producers delivering to a plant which becomes a pool plant after the base-earning period will be given a base calculated in the same manner as for other producers. It would be necessary in this case that such plant furnish records of its receipts from each producer during the preceding base-earning period. If such information is not made available to the market administrator with respect to any of the producers delivering to such plant, such producer would be allowed 75 percent of his deliveries as base milk until he can establish a base in regular course.

(e) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order. The order should set forth the powers and duties essential to the proper functioning of his office.

Records and reports. Provisions should be included in the order to advise handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must also be established for the announcement of prices by the market administrator.

It should be provided that the market administrator report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the utilization of members' milk in each handler's plant will be prorated to each class in the proportion that total receipts of producer milk were used in each class by such handler. These reports are necessary for the cooperative association to market milk of its members effectively.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, and such facilities as are necessary to determine the accuracy of the information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

In addition to the regular reports required of handlers, provision is made for handlers to notify the market administrator of their intentions to import other source milk. Such information on a market-wide basis may help the market administrator to assist handlers in locating local sources of producer milk and expedite the transfer of such milk among handlers.

It is necessary that handlers retain records to prove the utilization of the milk received from producers and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be kept for a reasonable period of time.

The order should provide specific limitations of the periods of time that handlers shall be required to retain their books and records and of the period of time in which obligations under the order should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as a part of this decision.

Expenses of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 4 cents per hundredweight (or such lesser amounts as the Secretary may, from time to time, prescribe) on (a) producer milk (including such handler's own production), (b) other source milk in pool plants which is allocated to Class I milk, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant, multiplied by the number of accounting periods elected by the handler.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including handler's own production)

and other source milk allocated to Class I milk. However, as pointed out in the findings with respect to optional accounting periods of less than a month, equity in sharing administrative cost would require multiplication of the regular rate by the number of accounting periods, at least until a determination can be made after a year or more of experience as to whether the cost in such case is less than this.

Plants not fully subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. Operations of these plants must be checked by the market administrator to verify their status under the order. Assessment of administrative expense on such milk sold in the marketing area will help defray the costs of such checking.

In view of the anticipated volume of milk and the costs of administering orders in comparable circumstances in other markets, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 4 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing market services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These should be provided by the market administrator, unless provided by a qualified cooperative association, and the cost should be borne by the producers receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the order should provide that the handler shall make deductions, for the purpose of paying the cost of such services, from the payments to be made to such members of such cooperative, subject, however, to the authorization within the membership agreement or contract; and pay such money to the cooperative association.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are in accordance with the pricing provisions of the order and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by the furnishing of current information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 4 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk, in the marketing area, and the minimum prices specified in the proposed marketing agreement and order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Southeastern Florida Marketing Area", and "Order Regulating the Handling of Milk in the Southeastern Florida Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Southeastern Florida marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of April 1957 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 11th day of July 1957.

[SEAL] EARL D. BUTZ,
Assistant Secretary.

Order[1] Regulating the Handling of Milk in the Southeastern Florida Marketing Area

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AUTHORITY: §§ 1018.0 to 1018.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1018.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to each hundredweight of butterfat and skim milk contained in (a) producer milk, and (b) other source milk allocated to Class I milk, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant: *Provided,* That if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the regular rate multiplied by the number of accounting periods.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1018.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1018.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1018.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1018.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1018.5 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 1018.6 *Southeastern Florida marketing area.* "Southeastern Florida marketing area" hereinafter called the "marketing area" means all territory included within the counties of Dade, Broward, Monroe, and Palm Beach, all in the State of Florida. All government reservations and incorporated municipalities within this territory shall be considered part of the marketing area as herein defined.

§ 1018.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable, to agencies of the United States Government located in the marketing area, for fluid consumption), which milk is received at a pool plant.

§ 1018.8 *Producer-handler.* "Producer-handler" means any person who, during the month: (a) produces milk; (b) distributes Class I milk on routes in the marketing area; and (c) receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1018.41 (a) from pool plants or other sources.

§ 1018.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A producer-handler;

(c) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of in the marketing area on routes; and

(d) Any person in his capacity as the operator of a plant from which milk in the form of products designated as Class I milk pursuant to § 1018.41 (a) is shipped to pool plants.

§ 1018.10 *Route.* "Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1018.41 (a), but does not include delivery to a milk receiving or processing plant.

§ 1018.11 *Pool plant.* "Pool plant" means a plant described under paragraph (a) or (b) of this section which is not a plant operated by a dairy farmer in his capacity as a producer-handler, and which is not a facility described in paragraph (c) of this section:

(a) A plant from which a volume of Class I milk equal to not less than 10 percent of the volume of Class I milk of such plant is disposed of during the month in the marketing area on routes, and at which the total volume of Class I milk is equal to not less than 50 percent of the volume of receipts at the plant of milk from dairy farmers which meet the inspection requirements pursuant to § 1018.7 and other receipts in the form of milk products designated as Class I milk pursuant to § 1018.41 (a);

(b) A plant from which, during the month, a volume of milk and skim milk equal to at least the required percentage (specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 1018.7 is shipped to plants which are pool plants pursuant to paragraph (a) of this section, such required percentages being 50 percent in each of the months of December through March, and 40 percent in other months; and

(c) Pool plant as defined in this section shall not be deemed to include any building, premises, facilities, the primary function of which is to hold or store bottled milk or milk products in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

§ 1018.12 *Nonpool plant.* "Nonpool plant" means any milk receiving or processing plant other than a pool plant.

§ 1018.13 *Producer milk.* "Producer milk" means only that skim milk and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

butterfat contained in milk received at pool plants directly from producers.

§ 1018.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in a form of products designated as Class I milk pursuant to § 1018.41 (a) except (1) receipts from pool plants, (2) inventory at the beginning of the month or accounting period, or (3) producer milk; and

(b) Milk products in any form other than those designated as Class I milk pursuant to § 1018.41 (a) received from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1018.15 *Cream.* "Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

§ 1018.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1018.17 *Chicago powder price.* "Chicago powder price" means the carlot price per pound of nonfat dry milk solids, spray process, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1018.18 *Base milk.* "Base milk" means producer milk received by a handler from a producer which is not in excess of such producer's daily base determined pursuant to § 1018.90, multiplied by the number of days of production for which such producer delivered milk during the month.

§ 1018.19 *Excess milk.* "Excess milk" means producer milk received by a handler which is in excess of base milk.

MARKET ADMINISTRATOR

§ 1018.20 *Designation.* The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 1018.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1018.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1018.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1018.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1018.30 through 1018.32, or payments pursuant to §§ 1018.80 through 1018.86;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(h) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 5th day of each month, the Class I price and the Class I butterfat differential, both for the current month, and the Class II price and the Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform prices computed pursuant to § 1018.72 and the producer butterfat differential, all for the preceding months; and

(k) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

REPORTS, RECORDS AND FACILITIES

§ 1018.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for each of the plants with respect to which he is a handler for such month, and for each accounting period in each month, in the detail and on the forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of:

(1) Producer milk;

(2) Receipts from pool plants in the form of products designated as Class I pursuant to § 1018.41 (a);

(3) Other source milk; and

(4) Inventories in the form of products designated as Class I milk pursuant to § 1018.41 (a) on hand at the beginning and end of the month or accounting period.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area;

(c) Such other information with respect to receipts and utilization as the market administrator may request;

(d) The total quantity of base milk and the total quantity of excess milk received; and

(e) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1018.45 (d), shall submit a summary report of the same information for the entire month.

§ 1018.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, separately, the pounds of base milk and the pounds of excess milk, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk as defined pursuant to § 1018.14 (a) is received at his pool plants, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times as the market administrator shall prescribe.

§ 1018.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to requirements of this part, including, but not limited to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1018.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in conection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1018.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat required to be reported for pool plants pursuant to § 1018.30 (a) shall be classified by the market administrator, pursuant to the provisions of §§ 1018.41 through 1018.45.

§ 1018.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1018.42 through 1018.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of milk, skim milk, frozen milk (whole or concentrated), concentrated milk, reconstituted milk, chocolate milk, and fortified milk or skim milk (not including the volume represented by nonfat dry milk used for fortificaton thereof), and

(2) Not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Contained in inventories in the form of milk products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of each month and accounting period;

(3) Nonfat dry milk used to fortify milk or skim milk; and

(4) In total shrinkage of skim milk and butterfat, respectively, such shrinkage to be prorated to producer milk and other source milk: *Provided*, That Class II classificaton of shrinkage prorated to skim milk and butteraft, respectively, in producer milk shall not exceed 2 percent of skim milk and butterfat in producer milk.

§ 1018.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk, unless the handler who received such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1018.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant in the form of milk products designated as Class I milk pursuant to § 1018.41 (a) shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk within the accounting period used by each handler, and skim milk and butterfat so transferred shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1018.30: *Provided*, That the skim milk or butterfat so assigned, to Class II milk shall be limited to the respective amounts thereof remaining in Class II milk at the pool plants of the receiving handler after the subtraction of other source milk and beginning inventory pursuant to § 1018.45;

(b) Skim milk and butterfat transferred in bulk form as milk or skim milk to a nonpool plant shall be classified as Class I milk unless:

(1) The transferee plant is located less than 350 miles from the location of the main U. S. Post Office in Boca Raton, Florida, by the shortest hard-surfaced highway distance, as determined by the market administrator;

(2) The transferring handler claims classification in Class II milk in his report;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant, in such indicated use, the quantity transferred in excess of such actual use shall be classified as Class I milk; and

(c) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified as Class I milk unless:

(1) The transferring handler claims classification in Class II milk;

(2) The handler gives the market administrator sufficient notice to allow him to verify the shipment;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the quantity transferred in excess of such actual use shall be classified as Class I milk.

§ 1018.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1018.30 (a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1018.45 *Allocation of skim milk and butterfat classified.* (a) For each month or other accounting period as described in paragraph (d) of this section, the pounds of skim milk remaining in each class after making the following computations with respect to the pool plants of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler:

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1018.41 (b) (4);

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk not priced as Class I milk under another Federal order: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk priced as Class I milk under another Federal order: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of milk products in the form of products designated as Class I milk pursuant to § 1018.41 (a) on hand at the beginning of the month or other accounting period: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(5) Subtract the pounds of skim milk in milk products in the form of products designated as Class I milk pursuant to § 1018.41 (a) received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned pursuant to § 1018.43 (a);

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in Class II milk, and then subtract any remaining excess from Class I. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class; and

(d) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plants, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

MINIMUM PRICES

§ 1018.50 *Class prices.* Subject to the provisions of § 1018.51, the class prices per hundredweight of milk to be paid by each handler shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be $7.00 per hundredweight for the first eighteen months beginning with the effective date of prices pursuant to this section. Following such eighteen-month period the Class I price shall be subject to adjustments pursuant to paragraphs (b), (c), and (d) of this section as follows: Plus or minus (as indicated) the amounts provided in paragraph (b) and (c) of this section, the resulting price to be adjusted so that it does not exceed, or fall below by more than 25 cents, the price computed for the month pursuant to paragraph (d) of this section;

(b) Calculate a feed-wage price adjustment as follows:

(1) Compute a feed price index by (i) dividing the latest per hundredweight monthly price for 20 percent dairy ration in the marketing area as reported by the Federal State Crop Reporting Service by 3.82 and multiplying by 50, (ii) dividing the latest per hundredweight monthly price for citrus pulp feed in the marketing area as reported by the Federal State Crop Reporting Service by 2.28 and multiplying by 50, and (iii) adding the results of the computations pursuant to subdivisions (i) and (ii) of this subparagraph;

(2) Compute a weekly wage rate index by dividing the average of the weekly wage rate for industrial workers in Dade County for the latest month for which such data is available as furnished by the Florida Industrial Commission by 63.18 and multiply by 100;

(3) Multiply the result pursuant to subparagraph (1) of this paragraph by 0.6 and the result pursuant to subparagraph (2) of this paragraph by 0.4, add the resulting amounts, and round the total to the nearest whole number, which rounded total shall be known as the feed-wage index; and

(4) Calculate a feed-wage price adjustment as follows: From the feed-wage index subtract 100, and multiply the result by 4.5 cents, such result to be considered as a negative amount if the feed-wage index is less than 100;

(c) In arriving at the Class I price for each month after the first eighteen months beginning with the effective date of prices pursuant to this section, the market administrator shall calculate a supply-demand price adjustment as follows:

(1) Calculate the percentage that producer milk in the second preceding month is of the Class I milk in pool plants in the same month, round the figure to the nearest full percent, and determine the amount by which this result is less than the minimum, or greater than the maximum, percentage indicated for the month in the table in subparagraph (4) of this paragraph;

(2) Calculate the percentage that producer milk in the third preceding month is of the Class I milk in pool plants in the same month, round the figure to the nearest full percent, and determine the amount by which this result is less than the minimum, or greater than the maximum, percentage indicated for the month in the table in subparagraph (4) of this paragraph;

(3) If both rounded percentages pursuant to subparagraphs (1) and (2) of this paragraph are less than the applicable minimums, add 4 cents times the smallest of the differences between the rounded percentages and the applicable minimums, and if both rounded percentages pursuant to subparagraphs (1) and (2) of this paragraph are more than the applicable maximums, subtract 4 cents times the smallest of the differences between the rounded percentages and the applicable maximums; and

(4)

Month in which milk received	Minimum percentage	Maximum percentage
Aug., Sept., Oct., Nov., Dec., Jan., Feb.	106	111
March, April, May, June, July	110	115

(d) To the highest of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, add $3.50:

(1) To the average of the basic field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the preceding month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleaville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the period ending with the 25th day of the preceding month by 0.625; and

(2) The price per hundredweight computed as follows: Multiply the Chicago butter price for the preceding month by 4.0, add 20 percent thereof, and add to such sum 7.5 times the amount by which the Chicago powder price for the preceding month exceeds 5 cents;

(e) *Class II milk price.* The minimum Class II Price per hundredeweight shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 4; and

(2) Add 2.5 cents to the Chicago powder price and multiply the result by 8.5.

§ 1018.51 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the location of the main U. S. Post Office in Boca Raton, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, when moved to another pool plant, or classified as Class I milk without such movement, the Class I price specified in § 1018.50 shall be reduced at the rate set forth in the following schedule:

	Rate per Hundredweight (cents)
Distance (miles):	
60 but not more than 70	13.0
For each additional 10 miles or fraction thereof over 70 an additional	1.5

Provided, That for the purpose of calculating such locations differential, milk in the form of any milk product designated as Class I milk pursuant to § 1018.41 (a) transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1018.45 (a) (1) through (4), and the comparable steps in paragraph (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1018.52 *Rate of compensatory payment.* (a) Except as provided in paragraph (b) of this section, the rate of compensatory payment per hundredweight to be paid by pool plants, or by nonpool plants pursuant to § 1018.62 (a) shall be calculated as follows: (1) If the milk is received from farmers at a nonpool plant within the State of Florida, subtract the Class II price from the Class I price adjusted by the Class I location differential at such plant; or (2) if the milk is received from farmers at a nonpool plant outside the State of Florida, subtract the price pursuant to § 1018.50 (d) (2) from the Class I price adjusted for the Class I location differential at such plant;

(b) If other source milk is received at a pool plant in a form other than milk or skim milk, the rate of compensatory payment per hundredweight with respect to such receipts shall be computed by subtracting the Class II price from the Class I price at the plant where such other source milk is received.

§ 1018.53 *Use of equivalent prices.* If, for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1018.60 *Producer-handler.* Sections 1018.50 through 1018.53, 1018.61, 1018.62, 1018.70 through 1018.75, and 1018.80 through 1018.86 shall not apply to a producer-handler.

§ 1018.61 *Plants subject to other Federal orders.* Upon determination by the Secretary pursuant to this section, any plant specified in paragraphs (a) and (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant meeting the requirements of a pool plant pursuant to § 1018.11 (b) but not pursuant to § 1018.11 (a) which, if it were not a pool plant under this part, would be subject to the classification and pricing provisions of another order issued pursuant to the act; and

(b) Any plant which does not dispose of a greater volume of Class I milk on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

§ 1018.62 *Handlers operating nonpool plants.* On or before the 25th day after the end of each month, each handler (except as provided in § 1018.60) operating a nonpool plant from which Class I milk is disposed of on routes in the marketing area shall pay to the market administrator for deposit into the producer-settlement fund the amount calculated pursuant to paragraph (a) of this section unless the handler elects to pay the amount computed pursuant to paragraph (b) of this section:

(a) Multiply the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month by the rate of compensatory payment pursuant to § 1018.52; or

(b) Any plus amount resulting from the following computation: from an amount equal to the value of milk which would be computed pursuant to § 1018.70 for such month if the plant were a pool plant, adjusted by the butterfat differential pursuant to § 1018.73, deduct the gross payments made by such handler to dairy farmers for milk approved by a duly constituted health authority as described in § 1018.7.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1018.70 *Computation of the obligation of each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1018.45 by the applicable class price as adjusted by the location differentials pursuant to § 1018.51, and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1018.45 (a) (7) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the Class II price and the Class I price by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1018.45 (a) (5) and the corresponding step of § 1018.45 (b) for the preceding accounting period, or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.45 (a) (4) and the corresponding step of § 1018.45 (b) for the current accounting period, whichever is less; and

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.45 (a) (2) by the applicable rate determined by § 1018.52: *Provided*, That this provision shall not apply in any month in which more than 95 percent of producer milk in all handlers' plants is classified as Class I milk.

§ 1018.71 *Aggregate value used to determine producer prices.* For each month, the market administrator shall compute an aggregate value from which to determine the uniform prices for base milk and excess milk of 4.0 percent butterfat content, at the market, as follows:

(a) Combine into one total the values computed pursuant to § 1018.70 for the producer milk of all handlers who submitted reports prescribed in § 1018.30 and who are not in default of payments pursuant to § 1018.80 and § 1018.82;

(b) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1018.74; and

(c) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund.

§ 1018.72 *Computation of uniform base and excess prices.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk, each of 4.0 percent butterfat content, at the market, as follows:

(a) Compute the total value, on a 4.0 percent butterfat basis, of excess milk for all handlers whose receipts are included in the computation pursuant to § 1018.71 as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II price plus 4 cents, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content at the market;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of producer milk computed pursuant to § 1018.71;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content at the market.

§ 1018.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased 7.5 cents for each one-tenth of one percent which the aver-

age butterfat content of his milk is above or below 4.0 percent, respectively.

§ 1018.74 *Location differential to producers.* The applicable uniform prices computed pursuant to § 1018.72 to be paid for base milk and excess milk received at a pool plant located 60 miles or more from the location of the main U. S. Post Office in Boca Raton by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received, at the rates set forth in § 1018.51.

§ 1018.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform prices for base and excess milk computed pursuant to § 1018.72, and the butterfat differentials;

(c) The amount and value of his base milk and excess milk, respectively, and the totals thereof; and

(d) The amounts to be paid by such handler pursuant to §§ 1018.82, 1018.85, and 1018.86, and the amount due such handler pursuant to § 1018.83.

PAYMENTS

§ 1018.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(2) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform prices for base milk and excess milk pursuant to § 1018.72, adjusted by the butterfat and location differentials to producers, multiplied by the respective hundredweight of base milk and excess milk received from such producer, subject to the following adjustment: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1018.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1018.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator; and

(b) Upon receipt of a written request from a cooperative associaton which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to that date on which payments are due individual producers, pay the cooperative association for milk received from the producer-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the total pounds of base milk and excess milk, (iv) the amount or rate and nature of any authorized deductions to be made from payments, and (v) the amount and nature of payments due pursuant to § 1018.84.

§ 1018.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 1018.82 and out of which he shall make all payments pursuant to § 1018.83: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1018.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1018.70 is greater than the amount owed by him for such milk at the uniform prices determined pursuant to § 1018.72, adjusted by the producer butterfat and location differentials.

§ 1018.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1018.70, is less than the amount owed by him for such milk at the uniform prices determined pursuant to § 1018.72, adjusted by the producer butterfat and location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1018.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1018.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1018.80, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative associaton pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

§ 1018.86 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, and (b) other source milk allocated to Class I milk pursuant to § 1018.45 (a) (2) and the corresponding step in § 1018.45 (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant: *Provided*, That if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the regular rate multiplied by the number of accounting periods, or,

after the expiration of one year from the effective date hereof, such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 1018.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exits, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE RATING

§ 1018.90 *Computation of daily base for each producer.* Subject to the rules set forth in § 1018.91, a daily base, effective for 12 months beginning March 1 of each year, shall be computed for each producer by dividing the total pounds of milk received from such producer at all pool plants during the months of August through January immediately preceding by the number of days beginning with the first day of delivery by such producer during such months through the last day of January, inclusive, or by 150, whichever is greater: *Provided*, That any producer who, during the preceding months of August through January, delivered his milk to a nonpool plant which subsequently became a pool plant shall be assigned a base in the same manner calculated from his deliveries during such August-January period to such plant.

§ 1018.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1018.90 to each person for whose account milk was delivered to plants as described in § 1018.90 during the months of August through January: *Provided*, That any producer who has not earned a base or any producer who elects to relinquish his base by giving written notice to the market administrator, shall be allotted a base equal to 75 percent of his deliveries for each succeeding month until new bases are announced for all producers, except that no base shall be assigned under this proviso during the period March 1 through February of the following year to any person who, on or after such March 1, transfers to another person the base he earned during the preceding period of August through January;

(b) An entire base may be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders, or their heirs, and by the person to whom such base is to be transferred.

§ 1018.92 *Announcement of established bases.* On or before February 25th of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the producer's daily base to be effective for the 12-month period, beginning March 1 of such year.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1018.100 *Effective time.* The provisions of the part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1018.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto.

§ 1018.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1018.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including account receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1018.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1018.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-5763; Filed, July 15, 1957; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

[Draft Release No. 57-14]

CREW FLIGHT TIME LIMITATIONS FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Part 41 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by September 10, 1957. Copies of such communications will be available after September 12, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Sections 41.55 and 41.56 of Part 41 of the Civil Air Regulations presently prohibit pilots from flying as members of the flight crew in excess of specified numbers of hours over specified periods: daily, monthly, quarterly, and annually.

The Administrator of Civil Aeronautics has advised the Board that it is possible to construe the phrase "fly as a member of the flight crew" as used in §§ 41.55 and 41.56 to cover the entire time an aircraft is in the air (block-to-block). He contends, however, that it is also possible to construe that phrase to cover only time spent on flight deck duty on the aircraft. The fact that two clearly different interpretations of the language of specific provisions of the Civil Air Regulations can be developed has led to certain difficulties in the administration and enforcement of those provisions.

The Bureau has carefully examined the regulatory history of the pertinent provisions of the flight time limitations of Part 41 and is of the opinion that it is more appropriate to amend Part 41 to describe clearly the nature and extent of the time aboard an aircraft that must be computed to determine compliance with §§ 41.55 and 41.56 than to set forth an interpretation of the phrase "fly as a member of the flight crew."

The Bureau is well aware that many fundamental problems with respect to flight time limitations remain unresolved, and it has under consideration, in separate rule making procedures, certain broad proposals to amend the flight time limitations governing all air carrier operations. The action taken in this rule making will be limited, therefore, strictly to the specific problem discussed herein.

A basic concept in the limitation of working hours in American industry, including those of air carrier flight crew members, has been the sliding scale in establishing daily averages. The 8-hour day coupled with the 40-hour week illustrates this principle clearly. In the Civil Air Regulations, for example, pilots are currently permitted, under § 41.55, to be scheduled to fly 12 hours during any single 24-hour period. The daily average permitted, however, by the monthly, quarterly, and annual limitations of the section is progressively lower in each category so that the average daily flight time on an annual basis is considerably less. This approach recognized that peak efficiency may be maintained for a given period on a daily basis, but that over the long haul the daily average basis must be lower to insure continued efficiency and prevent excessive cumulative fatigue. Consistent with this reasoning, the Bureau is of the opinion that other flight crew members may safely and efficiently perform duties on the flight deck on a daily basis for a specified period of time, but not in excess of 12 hours without in-flight relief. The overall flight time of the flight or series of flights (block-to-block) may be considerably in excess of the time during which a flight crew member is required to perform flight deck duties. It is recognized that this excess time will not appreciably affect his efficiency on any given daily flight; however, when such time is accumulated over a period of weeks or months, it can result in excessive exposure to the various elements which are known to contribute in some degree to fatigue; namely, vibration, noise, motion, altitude, and confinement.

Accordingly, the Bureau believes it to be reasonable and in the interest of safety to make it clear, by amendment of §§ 41.55 and 41.56, that when a person performs duties aloft as a member of a flight crew on any portion of a particular flight or series of flights the total of the accrued flight time must be credited toward the monthly, quarterly, and annual flight time limitations. For example, if the overall flight time (block-to-block) of a flight or series of flights were 12 hours, a person who was aboard during the entire flight time and who was assigned as a member of the airplane crew during any portion of the flight would be credited with 12 hours toward the monthly, quarterly, and annual limitations, notwithstanding the fact that such duties may have been performed, for example, for only 6 hours during the total flight time. On the other hand, for the purpose of complying with the daily flight time limitation, such person would be credited with only 6 hours—that is, the total number of hours the assigned duties of a flight crew member were actually performed.

The proposed amendment would eliminate from § 41.55 the phrase "scheduled to fly" which was interpreted by the Board in Interpretation No. 1 of Part 41 of the Civil Air Regulations, 14 F. R. 1409, March 30, 1949. In addition, the preamble of the proposed amendment takes cognizance of the view expressed by the Board in Interpretation No. 1 that an airman's being in the air for more than 12 hours in a given 24 does not create a hazardous condition, but that after 12 hours of duty the airman must be relieved. The Bureau will, therefore, recommend to the Board that Interpretation No. 1 be rescinded concurrently with the adoption of the amendment proposed herein.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Interpretation No. 1 of Part 41 of the Civil Air Regulations be rescinded; and that Part 41 of the Civil Air Regulations be amended:

1. By amending § 41.55 to read as follows:

§ 41.55 *Flight time limitations for aircraft having two pilots and one additional flight crew member.* (a) An air carrier shall not schedule a pilot for duty aloft for more than 12 hours during any 24 consecutive hours.

(b) An air carrier shall not schedule a flight radio operator, flight navigator, or flight engineer for flight deck duty for more than 12 hours during any 24 consecutive hours.

(c) When any flight crew member has been on duty aloft 20 hours or more during any 48 consecutive hours, or 24 hours or more during any 72 consecutive hours, he must receive at least 18 hours of rest before being assigned to any duty with the air carrier. In any case, each flight crew member shall be relieved from all duty for not less than 24 consecutive hours during any 7 consecutive days.

(d) An air carrier shall not schedule any flight crew member for duty aloft in scheduled air transportation or in other commercial flying if his total flight time in all commercial flying will exceed the following flight time limitations:

(1) 1,000 hours in any 12-month period.

(2) 300 hours in any 90 consecutive days.

(3) 120 hours in any 30 consecutive days.

2. By amending § 41.56 to read as follows:

§ 41.56 *Flight time limitations for aircraft having three or more pilots and an additional flight crew member.* (a) Flight hours shall be scheduled in such a manner as to provide for adequate rest periods on the ground while a flight crew member is away from his base. Adequate sleeping quarters on the aircraft must be provided in all cases where a flight crew member is scheduled for duty aloft for more than 12 hours during any 24 consecutive hours.

(b) A flight crew member, upon return to his base from any flight or series of flights, shall receive a rest period of not less than twice the total number of hours of duty aloft since the last rest period received at his base and during such period shall not be required to perform any duty with the air carrier.

(c) An air carrier shall not schedule any flight crew member for duty aloft in scheduled air transportation or in other commercial flying if his total flight time in all commercial flying will exceed the following flight time limitations:

(1) 1,000 hours in any 12-month period.

(2) 350 hours in any 90 consecutive days.

3. By amending § 41.137 by adding the following definitions in proper alphabetical order:

Duty aloft. Duty aloft is the entire period of flight time of a particular flight or series of flights, when an individual is assigned as a member of an airplane crew during any portion of such flight time.

Flight deck duty. Flight deck duty is the period during which a flight crew member performs his assigned duties on an airplane during flight time.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., July 1, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 57-5757; Filed, July 15, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12054]

TELEVISION BROADCAST STATIONS, COLUMBUS, GA.; TABLE OF ASSIGNMENTS

ORDER EXTENDING THE TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Columbus, Georgia), Docket No. 12054.

1. The Commission has before it for consideration a petition filed July 5, 1957, by Columbus Broadcasting Company, Inc., the licensee of television broadcast Station WRBL-TV, Channel 4, Columbus, Georgia, requesting the Commission to extend the time for filing comments in the above-entitled proceeding from July 15, 1957, to August 15, 1957.

2. In support of its request petitioner alleges that since the issuance of the Notice of Proposed Rule Making it has been gathering facts which are relevant to the criteria specified in Docket No. 11532; that it has retained The Pulse, Inc., to conduct a survey to ascertain the extent of UHF conversion in Columbus and particularly the number of sets that are equipped to receive only Channel 28 and that The Pulse, Inc., has advised petitioner that it could not complete the survey until the latter part of July or the early part of August. Petitioner also contends that since the additional time requested is during the months of July and August the extension will not result in any substantial delay in the ultimate determination of this proceeding.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing reply comments in the above-entitled proceeding.

4. In view of the foregoing: *It is ordered,* This 9th day of July 1957, that the time for filing comments in the above-entitled proceeding is extended from July 15, 1957, to August 15, 1957.

Released: July 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F. R. Doc. 57-5750; Filed, July 15, 1957; 8:53 a. m.]

POST OFFICE DEPARTMENT

REVISION OF "DIRECTORY OF POST OFFICES"

The Post Office Department is considering changes to the Directory of Post Offices.

At present the Directory of Post Offices is reissued annually in loose-leaf form and is amended through quarterly supplements. The Directory presently contains the following lists:

1. List of Postal Delivery Zone Offices.
2. State List—Post Offices, Branch Post Offices, and Stations.
3. Alphabetical List—Post Offices, Branch Post Offices, and Named Stations.
4. List of Army Posts, Camps, and Stations; Air Force Bases, Fields, and Installations.

Consideration is being given to publishing the Directory of Post Offices once each year in bound form without quarterly supplements. The Directory would consist of the four lists mentioned above, and in addition, a list of Post Offices by Counties which is now issued as a separate publication, POD Publication 20.

The quarterly changes which have been issued to the Directory of Post Offices affect in total less than 1 per cent of the changeable items in the Directory. Therefore, the need for quarterly supplements is being questioned.

The Postal Bulletin, another publication of the Post Office Department, which is regularly issued once a week, contains current changes to the Directory of Post Offices. Therefore, users of the Directory, if they so desire, could keep a Directory current through posting changes from the Postal Bulletin.

The publication of the Directory of Post Offices in bound form will substantially reduce the cost to the public.

Before making any changes in this publication the Postmaster General desires the advice of patrons of the Postal Service who use the Directory of Post Offices, regarding the feasibility of making the changes under consideration. Patrons' views concerning these changes may be submitted to Edwin A. Riley, Director, Division of Postal Services, Bureau of Operations, Post Office Department, Washington 25, D. C., any time prior to August 15, 1957.

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 57-5712; Filed, July 15, 1957; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Office of Defense Lending Order 1]

DIRECTOR, OFFICE OF DEFENSE LENDING

ASSIGNMENT OF FUNCTIONS

By virtue of the authority vested in me as Assistant Secretary of the Treasury by Treasury Department Order No. 181–3 dated December 7, 1954 (19 F. R. 8488) and Treasury Department Order No. 185 dated June 28, 1957 (22 F. R. 4730), it is ordered as follows:

1. There are established in the Office of Defense Lending a position of Director and a position of Assistant Director.

2. There are assigned to the Director all of the functions of the Secretary of the Treasury under Reorganization Plan No. 1 of 1957 (22 F. R. 4633), under section 409 of the Federal Civil Defense Act of 1950 and under section 302 of the Defense Production Act of 1950, as amended, which have been transferred to me by Treasury Department Order No. 181–3 and Treasury Department Order No. 185. The Director may make provisions for the performance of any of these functions by subordinates in the Office of Defense Lending. In the absence or disability of the Director, the Assistant Director shall perform, as Acting Director, all of the functions assigned to the Director.

3. This order shall be effective July 1, 1957.

Dated: July 1, 1957.

[SEAL] LAURENCE B. ROBBINS, *Assistant Secretary of the Treasury.*

[F. R. Doc. 57-5739; Filed, July 15, 1957; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 15, Corr.]

COLORADO

AMENDMENT TO SMALL TRACT CLASSIFICATION; SMALL TRACT OPENING (PUBLIC SALE); CORRECTION

Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), Classification No. 15, appearing as document 57-5204 in the FEDERAL REGISTER of June 28, 1957, on page 4585 is corrected to show the purchase price of the tract described as Reference No. 65, NW¼NE¼NW¼SE¼ to be $550 instead of $500.

MAX CAPLAN, *State Supervisor.*

JULY 8, 1957.

[F. R. Doc. 57-5726; Filed, July 15, 1957; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOUISIANA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following parishes in the State of Louisiana a pro-

duction disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA

Acadia.	Iberia.
Allen.	Jefferson Davis.
Avoyelles.	Lafayette.
Beauregard.	Pointe Coupee.
Calcasieu.	St. Landry.
Cameron.	St. Martin.
Catahoula.	St. Mary.
Evangeline.	Vermilion.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named parishes after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 11th day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-5718; Filed, July 15, 1957; 8:48 a. m.]

MISSOURI

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Missouri a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Butler.	Pemiscot.
Dunklin.	Scott.
Mississippi.	Stoddard.
New Madrid.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 11th day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-5719; Filed, July 15, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES, GREAT LAKES-BORDEAUX/HAMBURG RANGE EASTBOUND CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7820-2, between the member lines of the Great Lakes-Bordeaux/Hamburg Range Eastbound Conference, modifies the basic agreement of that conference (No. 7820, as amended) to provide (1) for the elimination from the scope of the agreement trade from Canada, the St. Lawrence River, Nova Scotia, New Brunswick and Newfoundland to Continental ports of Europe within the Bordeaux/Hamburg Range; (2) that the conference will be known as the United States Great Lakes-Bordeaux/Hamburg Range Eastbound Conference; and (3) that conference meetings may be held at such places as shall be directed by the chairman instead of being held at Chicago as presently provided in the agreement. Agreement No. 7820, as amended, presently covers the trade eastbound from ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, New Brunswick and Newfoundland to Continental ports of Europe within the Boreaux/Hamburg Range.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 11, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-5720; Filed, July 15, 1957; 8:49 a. m.]

MEMBER LINES, TRANS-PACIFIC PASSENGER CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 131-227, between the member lines of the Trans-Pacific Passenger Conference, modifies the basic agreement of that conference (No. 131, as amended), by adding a new by-law (D-23), Circuit Tours of the Pacific, providing for a reduction from established fares, as unanimously agreed by the regular member lines, on traffic involving a trans-pacific voyage of a member lines of the Australian group and a member line of the Orient group of that conference.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 11, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-5721; Filed, July 15, 1957; 8:49 a. m.]

IVABAN-FAR EAST SERVICE AND BULL INSULAR LINE, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8081, between the carriers comprising the Ivaran Lines-Far East Service joint service and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from the Far East to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 11, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-5722; Filed, July 15, 1957; 8:49 a. m.]

Office of the Secretary

CARL R. FAUST

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Carl R. Faust.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 20, 1957.
4. Title of position: Director, Chemical & Rubber Division.
5. Name of private employer: E. I. du Pont de Nemours & Company, Wilmington, Delaware.

CARLTON HAYWARD,
Director of Personnel.

MAY 21, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

E. I. du Pont de Nemours & Company, Inc.
Sterling Drug.
American and Foreign Power, Inc.
N & W Railway.
American Telephone & Telegraph Company.
Bank Deposits.

Dated: July 1, 1957.

CARL R. FAUST.

[F. R. Doc. 57-5703, Filed, July 15, 1957; 8:45 a. m.]

WALTER H. LEO

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Walter H. Leo.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: July 1, 1957.
4. Title of position: Director, Iron and Steel Division.
5. Name of private employer: Sheffield Steel Division, Armco Steel Corporation, Middletown, Ohio.

CARLTON HAYWARD,
Director of Personnel.

APRIL 17, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Armco Steel Corporation.
Bank Deposits.

Dated: July 1, 1957.

WALTER H. LEO.

[F. R. Doc. 57-5704; Filed, July 15, 1957; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-73]

GENERAL ELECTRIC CO.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the General Electric Company, Atomic Power Equipment Department, 2151 South First Street, San Jose, California, on July 1, 1957, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct and operate a nuclear test reactor (NTR), designed to operate at a power level of 30 kilowatts and to be located at General Electric Company's Vallecitos Atomic Laboratory, Alameda County, California. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 9th day of July 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-5725; Filed, July 15, 1957; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8357 et al.]

SOUTHWEST AIRWAYS CO.; CHANGE OF NAME CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the petition of Southwest Airways Company for reissuance of its certificate of public convenience and necessity for route No. 76 under a different name.

Notice is hereby given that the hearing in the above-entitled matter previously assigned to be held on July 23, 1957, at 10:00 a. m., in Room 226-B, Old Mint Building, Fifth and Mission Streets, San Francisco, California, before Examiner Ferdinand D. Moran has been postponed until July 25, 1957, at 10:00 a. m. at the same place and will be held before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., July 10, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5761; Filed, July 15, 1957; 8:55 a. m.]

[Docket No. 8865]

COMPANIA MEXICANA DE AVIACION, S. A.

NOTICE OF HEARING

In the matter of the application of Compania Mexicana de Aviacion, S. A., for a foreign air carrier permit authorizing it to engage in foreign air transportation of persons, property, and mail between (a) the terminal points Mexico City, Mexico and Chicago, Illinois, via intermediate points in Mexico; and (b) between the terminal points Mexico City, Mexico and San Antonio, Texas, via intermediate points in Mexico.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled application is assigned for July 17, 1957, at 10:00 a. m., e. d. s. t., in Room 1011, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Chief Examiner Francis W. Brown.

Dated at Washington, D. C., July 11, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5826; Filed, July 15, 1957; 9:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11645, 11646; FCC 57M-663]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In the matter of American Telephone and Telegraph Company, Docket No. 11645; charges, classifications, regulations and practices for and in connection with private line services and channels; the Western Union Telegraph Company, Docket No. 11646; charges, classifications, regulations and practices for and in connection with domestic leased facility service.

The Hearing Examiner having under consideration a Motion for Prehearing Conference filed July 8, 1957, on behalf of the Acting Chief, Common Carrier Bureau; and

It appearing that all counsel have informally agreed to waive the time of filing requirements of § 1.745 of the Commission's rules and to a grant of the motion; now therefore,

It is ordered, This 9th day of July 1957, pursuant to § 1.813 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C., at 10:00 a. m. on Wednesday, July 31, 1957, for a hearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;
2. The possibility of stipulating with respect to facts;
3. The procedures to be followed prior to and at the hearing;
4. The limitation of the number of witnesses; and
5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5751; Filed, July 15, 1957; 8:53 a. m.]

[Docket No. 12068; FCC 57M–660]

FLORENCE BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068, File No. BP–10850, for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 8th day of July 1957, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., July 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–5752; Filed, July 15, 1957; 8:53 a. m.]

[Docket Nos. 12077, 12078, FCC 57M–665]

CARIBBEAN ATLANTIC AIRLINES, INC., AND AREONAUTICAL RADIO, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In the matter of Applications submitted by Caribbean Atlantic Airlines, Inc., San Juan, Puerto Rico, and, Docket No. 12077, File Nos. 14730/32/33/34/35 A–P/L–L and 14731/36 AA–P–LX, Aeronautical Radio, Inc., Washington, D. C., Docket No. 12078, File Nos. 20438/39/40/41/42 A–P/L–L and 20444/45 AA–P–LX, for authorizations covering aeronautical fixed facilities in Puerto Rico and the American Virgin Islands.

It is ordered, This 9th day of July 1957, on the Hearing Examiner's own motion, that a prehearing conference, in accordance with § 1.813 of the rules, will be held in the above-entitled matter at 10:00 a. m., July 23, 1957, in the Commission's offices at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–5753; Filed, July 15, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6762]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION

JULY 10, 1957.

Take notice that on July 1, 1957, an application was filed with the Federal Power Commission pursuant to Section 203 of the Federal Power Act by Northern States Power Company (hereinafter called NSP), a corporation organized under the laws of the State of Minnesota and doing business in said State and the States of North Dakota and South Dakota with its principal business office at Minneapolis, Minnesota, seeking an order authorizing it to purchase and acquire the Farmington Electric Distribution System of Central Electric & Gas Company (hereinafter called Central), a Delaware Corporation with its principal business office at Lincoln, Nebraska. NSP proposes to acquire from Central the electric distribution system now owned by Central in Farmington and environs, Dakota County, Minnesota, together with the franchise, contracts, easements, leases, permits and rights-of-way pertaining thereto serving approximately 891 customers in the Farmington area. NSP states that the consideration for the facilities to be acquired will be $225,000 in cash as a base purchase price subject to payment to Central of any adjustments of base purchase price provided for in the Agreement of Sale and for Central's accounts receivable and materials and supplies on hand pertaining to the Farmington Electric Distribution System. NSP proposes to use the facilities to be acquired to serve the public in the area formerly served by the Farmington Electric Distribution System and will undertake all duties and legal obligations with respect to such facilities and their operations.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of August 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–5706; Filed, July 15, 1957; 8:46 a. m.]

[Docket No. G–9638]

UNITED GAS PIPE LINE CO.

NOTICE OF MOTION TO AMEND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 9, 1957.

Take notice that United Gas Pipe Line Company (Petitioner), a Delaware corporation, with principal place of business at Shreveport, Louisiana, filed on June 14, 1957, a motion to amend certificate of public convenience and necessity issued by order of the Commission on May 28, 1956, as amended December 11, 1956, and January 14, 1957, in the matter of United Gas Pipe Line Company, Docket No. G–9638, authorizing Petitioner to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the motion which is on file with the Commission and open for public inspection.

The aforesaid certificate authorized Petitioner, among other things, to construct and operate certain line taps and appurtenant facilities for the purpose of selling and delivering natural gas in interstate commerce to the Utilities Board of the Town of Foley, Alabama (Riviera Utilities) (1) for resale and distribution in the municipalities of Bon Secour, Foley, Loxley, Magnolia Springs, Southport and Summerdale, Alabama, (2) for resale to the Naval Air Station at Barin Field and (3) for resale to customers adjacent to Riviera Utilities' transmission lines.

By the instant motion, Petitioner seeks to have the aforesaid certificate amended so as to authorize Petitioner to sell and deliver natural gas to Riviera Utilities for resale to the Town of Robertsdale, Alabama.

The estimated annual and peak day gas requirements for the Town of Robertsdale in Mcf. for the first 3 years of operation together with the presently authorized and the revised gas requirements of Riviera Utilities are as follows:

Year	(Proposed) Robertsdale	Present authorization	Revised requirements including Robertsdale
Annual:			
1	24,320	182,851	207,171
2	28,469	201,124	229,593
3	33,017	220,774	253,791
Peak day:			
1	217	1,608	1,825
2	243	1,713	1,956
3	269	1,819	2,088

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–5707; Filed, July 15, 1957; 8:46 a. m.]

[Docket No. G–12212]

CITIZENS GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 9, 1957.

Take notice that Citizens Gas Company (Applicant), an Illinois corporation having its principal place of business in Tuscola, Illinois, filed on March 11, 1957, an application and on April 19, 1957, a supplement thereto for an order under section 7 (a) of the Natural Gas Act directing Panhandle Eastern Pipe Line Company to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to sell and deliver to Applicant sufficient natural gas for distribution and resale to the public, in Hammond, Illinois, and environs to meet fifth year requirements, all as more fully described in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to make interconnection with the pipeline facilities of Panhandle at a tap approximately 1200 feet south of Hammond, Illinois, at which point there would be located a town border station. From said point, Applicant's distribution line would consist of a 4-inch pipe which would extend in a northerly direction to the village limits and into the Village of Hammond.

The total estimated construction cost of the proposed distribution system is $67,489, and will amount to $87,000 at the end of the fifth year of operation. Applicant proposes to finance the proposed facilities by the issuance of 5 percent cumulative Citizens Gas Company debenture bonds in the amount of $75,000 to which company stockholders have subscribed.

Applicant states that it will require no additional peak day gas allocation from Panhandle in order to serve Hammond, which at present has no gas service. The estimated annual and peak day requirements of Applicant for service in Hammond are as follows:

Year	Annual Mcf	Peak day demand Mcf
1	13,778	168
2	20,042	200
3	21,522	215
4	23,018	232
5	23,689	239

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 4, 1957, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washinton 25, D. C., in accordance with the rules of practice and procedure (18 CFR 108 or 1.10) on or before August 16, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–5708; Filed, July 15, 1957; 8:46 a. m.]

[Docket No. G–12859]

ALGONQUIN GAS TRANSMISSION CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

JULY 9, 1957.

Algonquin Gas Transmission Company (Algonquin) on June 10, 1957, tendered for filing First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11–A and 12 to its FPC Gas Tariff, Original Volume No. 1, proposing an annual increase in its rates and charges for jurisdictional sales of $1,962,972, or 6.2 percent, based on estimated sales for the year ending August 31, 1958, which Algonquin proposes as a test year.

The proposed increase is stated to be based on (1) the recent rate increase application filed by Texas Eastern Transmission Corporation (Texas Eastern), its sole supplier, which was suspended until November 10, 1957, by order issued June 7, 1957, in Docket No. G–12706; (2) a rate of return of 6½ percent and associated income taxes; and (3) increases in operating expenses to reflect, among other things, increased wages, additional employees and increased costs of supplies and materials.

Algonquin requests an effective date of July 11, 1957, or, if suspension is ordered, that the duration of the suspension period be made concurrent with that of Texas Eastern's proposed increase.

Since the proposed increased rates and charges of Texas Eastern have been suspended and have not yet been shown to be justified, Algonquin's reliance on the proposed increased rates and charges of Texas Eastern is subject to the same infirmity. Additionally, Algonquin has not fully supported other aspects of its proposed increased rates and charges, including rate of return and associated income taxes, increases in operating expenses to reflect, among other things, increased wages, additional employees and increased costs of supplies and materials.

The customer companies and the state commissions were invited to submit comments on the proposed increase. To date, comments have been received from the Massachusetts Department of Public Utilities and 15 customer companies, all of which request suspension or assume that the filing will be suspended. In addition, four of the customers question the "roll in" of the present average 1,045 Btu content of the gas into the rate with no commitment or guarantee as to the maintenance of such heating value.

The increased rates and charges provided for in the revised tariff sheets tendered by Algonquin on June 10, 1957, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Algonquin's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11–A and 12, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's Regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR, Chapter I), a public hearing be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission, contained in Algonquin's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11–A and 12.

(B) Pending such hearing and decision thereon, Algonquin's proposed First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11–A and 12, are each hereby suspended, and their use deferred until November 10, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by Sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–5709; Filed, July 15, 1957; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

JOHN D. YOUNG

NOTICE OF APPOINTMENT AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. John D. Young, Management Consultant, McKinsey and Company, Washington, D. C., as an Advisor, in the Office of the Director, in the Office of Defense Mobilization. Mr. Young's statement of his business interests is set forth below.

Dated: July 2, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

None.

Dated: July 2, 1957.

JOHN D. YOUNG.

[F. R. Doc. 57–5701; Filed, July 15, 1957; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SURPLUS PROPERTY UTILIZATION PROGRAM

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

Sections 2–249.10, 2–249.20 and 2–249.30 of Part 2 of the Statement of Organization and Delegations of Authority are hereby amended so as to read as follows:

SEC. 2–249.10 *Delegation of authority: Regional Directors—Real property.* This delegation relates to the disposal and utilization of surplus real property and related personal property for educational and public health purposes pursuant to

section 203 (k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, with respect to such property located within his jurisdiction, is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon where the acquisition and improvement cost of the property was $150,000 or less;

(2) To execute instruments in modification of previous transfers where the acquisition and improvement cost of the land and improvements thereon involved in the modification action was $150,000 or less;

(3) To execute all instruments with respect to land and improvements thereon where the acquisition and improvement cost exceeded $150,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office;

(4) To execute all instruments relating to the transfer of improvements for removal and use away from the site, including improvements located outside his jurisdiction, but intended for removal to and use within his jurisdiction; and

(5) To execute all modifying or retransfer instruments affecting improvements originally disposed of for removal and use away from the site.

SEC. 2-249.20 *Delegation of authority: Regional Property Coordinators—Real property.* (a) In each region the representative of the program of disposal and utilization of surplus real and related personal property for educational and public health purposes contemplated by section 203 (k) of the Federal Property and Administrative Services Act of 1949, as amended, is the Regional Property Coordinator.

(b) Each Regional Property Coordinator, with respect to the disposal for educational and public health purposes of surplus real property and related personal property within his jurisdiction, is authorized:

(1) To request and accept assignments from Federal agencies of

(i) Improvements for removal and use away from the site;

(ii) Improvements for removal to and use in another regional jurisdiction; and

(iii) Land and improvements thereon where the acquisition and improvement cost of the property was $150,000 or less;

(2) Consistent with the policies and procedures set forth in applicable regulations of the Department, to make determinations incident to the disposal of assigned property described in (b) (1) (i) and (iii) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in (b) (1) (i) and (iii) above;

(4) To execute instruments of transfer relating to property described in (b) (1) (i) above;

(5) To execute instruments necessary to carry out actions incident or corollary to the health or educational transfer of property described in (b) (1) (iii) above;

(6) Except for execution of instruments of conveyance to the educational or health transferee, to take all action with respect to land and improvements thereon where the acquisition and improvement cost exceeded $150,000 where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office; and

(7) Incident to the exercise of the authority hereinbefore provided, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

(c) Each Regional Property Coordinator, with respect to the disposal for educational and public health purposes, of surplus real property and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, is authorized to take the actions set forth in (b) (2), (3), (4) and (7) above;

(d) From the foregoing delegation there is reserved to the Division of Surplus Property Utilization authority to request and accept assignments of property from Federal agencies whose disposal authority is exempted from the provisions of the Federal Property and Administrative Services Act of 1949, as amended, by section 602 (d) thereof.

(e) Each Regional Property Coordinator, with respect to property within his jurisdiction previously disposed of for educational and public health purposes, is authorized:

(1) Consistent with the policies and procedures set forth in applicable regulations of the Department, to make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of

(i) Improvements for removal and use away from the site; and

(ii) Land and improvements thereon where the acquisition and improvement cost of the property involved in the current action was $150,000 or less;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To take all action with respect to land and improvements thereon where the acquisition and improvement cost of the property involved in the current action exceeded $150,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office;

(5) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(6) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

SEC. 2-249.30 *Delegation of authority: Regional Property Coordinators—Personal property.* (a) In each region the representative of the program of donation of surplus personal property for educational, public health, and civil defense purposes contemplated by section 203 (j) of the Federal Property and Administrative Services Act of 1949, as amended, and Federal Civil Defense Administration Delegation 5, is the Regional Property Coordinator.

(b) Each Regional Property Coordinator, with respect to the allocation for donation for educational, public health, and civil defense purposes of surplus personal property located within his jurisdiction, is authorized:

(1) To make determinations, consistent with the policies and procedures set forth in applicable regulations of the Department, concerning the usability of and need for surplus personal property by educational or health institutions and civil defense organizations;

(2) To allocate surplus personal property and to take all actions necessary to accomplish donation or transfer of property so allocated, consistent with the policies and procedures set forth in applicable regulations of the Department;

(3) To designate individuals recommended by State agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

(4) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(c) Each Regional Property Coordinator, with respect to surplus personal property located within his jurisdiction, is authorized to allocate such property to any other regional jurisdiction and to take the actions set forth in (b) (1) above in connection with such out-of-region allocation.

(d) Each Regional Property Coordinator, to whose jurisdiction surplus personal property has been allocated by another Regional Property Coordinator in exercise of the authority set forth in (c) above, is authorized to take the action respecting such property set forth in (b) (2) and (4) above.

(e) Each Regional Property Coordinator, with respect to personal property located within his jurisdiction and in the possession of State agencies for subsequent donation for educational, public health, and civil defense purposes, is authorized:

(1) To approve sales by State agencies (a) where the acquisition cost of the items listed for sale does not exceed $25,000 and (b) as the Division of Surplus Property Utilization specifically directs; and

(2) To approve destruction or abandonment of property in the custody of State agencies after a determination in writing that the property has no commercial value or that the cost of care and handling would exceed the estimated proceeds from its sale, except that where the acquisition cost of the property was more than $1,000 (estimated if not known), the determination must be approved by the Division of Surplus Property Utilization.

(f) Each Regional Property Coordinator, with respect to personal property located within his jurisdiction previously donated for educational and public health purposes, is authorized:

(1) To make determinations and take actions appropriate thereto, consistent with the policies and procedures set forth in applicable regulations of the Department, concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(2) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph;

(3) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and to request refunds or payments; and

(4) To approve sales, destruction, or abandonment of such property by donees, subject to the same limitations as are set forth in (e) (1) and (2) above.

(g) The authority herein delegated, or any part hereof, may, with the concurrence of the Regional Director, be redelegated in writing by the Regional Property Coordinator to Assistant Regional Property Coordinators or to his other operating or administrative assistants.

This supersedes sections 2-249.10, 2-249.20, and 2-249.30 of Part 2, Department of Health, Education, and Welfare Statement of Organization and Delegations of Authority, Amendment October 26, 1956 (21 F. R. 8372).

Dated: July 10, 1957.

[SEAL] M. B. FOLSOM, *Secretary.*

[F. R. Doc. 57-5733; Filed, July 15, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 11, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33998: *Billets and scrap iron and steel between Cleveland, Ohio, and Pennsylvania points.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on iron or steel billets, carloads, and scrap iron and steel and related articles, carloads; billets from Donora and Donora (Baird), Pa., to Cleveland, Ohio; scrap iron or steel, from Cleveland, Ohio, to Donora and Donora (Baird), Pa.

Grounds for relief: Truck competition and circuitous routes.

Tariffs: Supplement 60 to Pennsylvania Railroad Company's ICC 3240 and 7 other tariffs.

FSA No. 33999: *Methanol from Military, Kans., to Chicago, Ill.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on methanol (methyl alcohol), tank-car loads, from Military, Kans., to Chicago, Ill.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 140 to Agent Prueter's ICC A-3991.

FSA No. 34000: *Pipe or tubing—Eastern points to Minnesota and Wisconsin points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on pipe or tubing, iron or steel, wrought, not plate or sheet, noibn, carloads, from Sparrows Point, Md., Benwood, W. Va., Lorain, Ohio, Aliquippa, Pa., and other specified points in Ohio and Pennsylvania, to specified points in Minnesota and Wisconsin.

Grounds for relief: Barge-truck competition and circuitous routes.

Tariffs: Supplement 54 to Agent C. W. Boin's ICC A-1034 and 1 other tariff.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-5710; Filed, July 15, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 8-4650]

STEIN, BOTWINICK & CO., INC.

ORDER REVOKING BROKER-DEALER REGISTRATION

JULY 8, 1957.

In the matter of Stein, Botwinick & Company, Inc., 40 Exchange Place, New York, N. Y.; File No. 8-4650.

The Commission having instituted proceedings under section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the registration as a broker and dealer of Stein, Botwinick & Company, Inc., and whether under section 15A (b) (4) of that act, Benjamin Botwinick and Leonard Stein are each a cause of an order of revocation, if entered;

Hearings having been held after appropriate notice, the Division of Trading and Exchanges having filed proposed findings, and the hearing examiner having filed a recommended decision;

Registrant having requested withdrawal from registration;

The Commission having this day issued its findings and opinion; on the basis of said findings and opinion.

It is ordered, That the registration as a broker and dealer of Stein, Botwinick & Company, Inc. be, and it hereby is, revoked, and that its request for withdrawal from registration be, and it hereby is, denied, and it is found that Benjamin Botwinick and Leonard Stein are each a cause of the revocation of the registration of Stein, Botwinick & Company, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5713; Filed, July 15, 1957; 8:47 a. m.]

[File No. 1-2115]

BELLANCA CORP.

AMENDMENT TO ORDER AND NOTICE OF HEARING

JULY 9, 1957.

I. The Commission's order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934, dated April 24, 1957, is hereby amended in the following respects:

II. The first sentence of section V shall read as follows: "In or about August 1955, registrant entered into a contract for the acquisition of approximately 17 percent of the capital stock of Waltham Watch Company, Waltham, Massachusetts * * *." Subparagraph numbered 1 under section V shall read as follows: "In the report of the acquisition of Waltham on a Form 8-K filed on September 12, 1955, registrant failed to disclose that it was obligated under the sales agreement to offer to purchase the remaining 83 per cent of the stock of Waltham for cash or in exchange for Bellanca stock at a later date. Registrant further failed to disclose the nature of the financing agreement entered into in connection with the acquisition of Waltham." There shall be added to section V the following subparagraph: "3. Registrant failed to file a Form 8-K to report the disposition of its shares of Waltham in or about October 1956."

Section X is hereby amended to read as follows:

1. Registrant failed to file with the Commission the semiannual report for the six month period ended June 30, 1956, required by Rule X-13A-13 and Form 9-K pursuant to section 13 of the act.

2. Registrant did not file a Form 10-K Annual Report for the year 1956 on or before April 30, 1956 as required by Rule X-13A-1 pursuant to section 13 of the act.

On June 21, 1957 registrant did file its Form 10-K Annual Report for the year 1956 but said Annual Report was false and misleading in the following respects:

(a) Registrant failed to disclose that Sydney L. Albert is the parent of the registrant as required by Item 3.

(b) Registrant failed to disclose as required by Item 4 of Form 10-K that the sale of assets of Piasecki Aircraft Corporation resulted in the withdrawal by the registrant from the aircraft parts manufacturing business, a former principal activity.

(c) Registrant failed to disclose, as required by Item 6 of Form 10-K, material facts with respect to the shares of stock of registrant reported to be owned by an officer and director of the registrant.

(d) Information reported under Item 9 of Form 10-K is false and misleading and registrant has failed to disclose material facts required to be reported therein, more particularly concerning the interest of officers, directors and their associates in the following transactions:

(i) The sale by registrant of its shares of common stock of N. O. Nelson Company to Automatic Washer Company.

(ii) The exchange of 100,000 shares of the common stock of registrant for 262,-

500 shares of Automatic Washer common stock.

(iii) The acquisition of Big Tankers Corporation and North-Western Tanker Corporation by registrant's subsidiary, Oleum-Atlantic Corporation, from a director of the registrant.

(iv) The acquisition and disposition of shares of common stock of the Selby Shoe Corporation.

(v) The transaction whereby H. M. Reedall is stated to have earned $95,500 as a commission for his services in connection with the acquisition of N. O. Nelson Company.

(vi) Registrant failed to disclose material facts with respect to its contract with Bankers Life and Casualty Co., and the interest of officers, directors and their associates in that transaction.

(vii) Registrant failed to disclose the interest of officers, directors and their associates in the distribution of the proceeds from the sale of assets of the registrant to Piasecki Aircraft Corporation.

(viii) Registrant failed to disclose the interest of officers, directors and their associates in Big Tankers Corporation and North-Western Tanker Corporation and the extent of the liability incurred as a result of the purchase of said companies by registrant.

(ix) Registrant failed to disclose that personal use had been made of registrant's securities by officers and directors of the registrant, more particularly in the following instances: (a) the shares of the common stock of Pierce-Governor Company involved in the contract for the exchange of shares of Waltham Watch Company common stock for shares of the common stock of Pierce-Governor Company were personally used by Sydney L. Albert; (b) the shares of common stock of Automatic Washer owned by registrant; (c) 50,000 shares of the common stock of the registrant issued to its wholly owned subsidiary, Oleum-Atlantic Corporation, were personally used by Sydney L. Albert; (d) 20,000 shares of Automatic Washer owned by registrant were pledged by Sydney L. Albert as collateral for a personal loan made in April, 1956.

(x) Registrant failed to disclose that at the time of the various loans alleged to have been made to it, and for its benefit, by Sydney L. Albert, the said Sydney L. Albert owned in excess of 75 percent of registrant's common stock.

(e) The financial statements and notes thereto are inaccurate and inadequate with respect to the amounts at which major assets are shown in the balance sheet, the reported net income of registrant, and with respect to the inability of the certified public accountants, who examined the consolidated financial statements of the registrant and subsidiaries, to express an overall opinion of the financial statements."

Except to the extent herein amended the original order and notice of hearing dated April 24, 1957 shall remain in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5714; Filed, July 15, 1957; 8:47 a. m.]

[File No. 7-1891]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 9, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in El Paso Natural Gas Company, Class B Common Stock; File No. 7-1891.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Pacific Coast Stock Exchanges.

Upon receipt of a request, on or before July 24, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5715; Filed, July 15, 1957; 8:47 a. m.]

[File No. 70-3602]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE OF PROMISSORY NOTES BY SUBSIDIARIES TO BANKS AND TO PARENT COMPANY

JULY 9, 1957.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by New England Electric System ("NEES"), a registered holding company, and twenty-five of its public-utility subsidiaries ("the borrowing companies"), namely, Amesbury Electric Light Company ("Amesbury"), Attleboro Electric Company ("Attleboro"), Central Massachusetts Gas Company ("Central Mass."), Essex County Electric Company ("Essex"), Granite State Electric Company ("Granite"), Haverhill Electric Company ("Haverhill"), Lawrence Electric Company ("Lawrence"), Lawrence Gas Company ("Lawrence Gas"), The Lowell Electric Light Corporation ("Lowell"), Lynn Gas and Electric Company ("Lynn"), The Mystic Power Company ("Mystic"), Mystic Valley Gas Company ("Mystic Valley"), New England Power Company ("NEPCO"), Northampton Electric Lighting Company ("Northampton"), Northampton Gas Light Company ("Northampton Gas"), North Shore Gas Company ("North Shore"), Northern Berkshire Electric Company ("Northern"), Norwood Gas Company ("Norwood"), The Pequot Gas Company ("Pequot"), Quincy Electric Company ("Quincy"), Southern Berkshire Power & Electric Company ("Southern"), Suburban Electric Company ("Suburban"), Wachusett Gas Company ("Wachusett"), Weymouth Light and Power Company ("Weymouth"), and Worcester County Electric Company ("Worcester"). NEES and the borrowing companies have designated sections 7, 10, and 12 of the act and Rules U-42 (b) (2) and U-43 thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue from time to time through December 31, 1957, unsecured promissory notes maturing not later than March 31, 1958, (a) to banks in the aggregate principal amount of $50,664,000, and (b) to NEES in the aggregate principal amount of $16,315,000, or a total of $66,979,000. The maximum amount of the proposed notes to be outstanding at any one time is stated at $57,484,000. The proceeds of the proposed borrowings are to be used to pay then outstanding notes due to banks or to NEES, and to provide new money for construction expenditures or to reimburse the treasury therefor. The notes will bear interest at not in excess of the prime rate (presently 4 percent per annum) charged by banks for similar loans at the time such loans are made. Provisions will be made for certain subsidiaries to pay their bank indebtedness in whole or in part with borrowings from NEES, or vice versa. In the case of notes issued to NEES to prepay notes to banks, the interest rate will be the then prime interest rate, but not in excess of the inerest rate on the notes being repaid to the date of their maturity. In the case of notes issued to banks to prepay notes to NEES, if the interest rate is increased, NEES will file an amendment hereto, to become effective only pursuant to rule or order of the Commission.

Each of the borrowing companies proposes that if any permanent financing is done prior to the maturity of the indebtedness to be issued hereunder, it will apply the proceeds therefrom in reduction of, or in total payment of, note indebtedness then outstanding; that the balance of note indebtedness then unissued hereunder, if any, will be reduced by the amount, if any, by which the proceeds of such permanent financing exceeds note indebtedness at the time outstanding; and that the maximum amount of note indebtedness proposed to be outstanding hereunder will be reduced by the amount of the proceeds of such permanent financing.

The following table shows for each borrowing company (1) the aggregate amount of notes proposed to be issued to banks and to NEES, and (2) the maximum amount of notes to be outstanding with banks and with NEES at any one time.

[000's omitted]

Borrowing company	Aggregate amount of notes to be issued		Maximum amount of notes to be outstanding		
	Banks	NEES	Banks	NEES	Banks or NEES
Amesbury	$875	$550	$675	$350	$200
Attleboro		585		585	
Central Massachusetts	825		825		
Essex	3,800		3,800		
Granite	1,000	1,000			1,000
Haverhill	3,400		3,400		
Lawrence	1,475	6,250		4,775	1,475
Lawrence Gas	2,030		2,030		
Lowell	2,000		2,000		
Lynn	2,700		2,700		
Mystic	125		125		
Mystic Valley	3,500		3,500		
NEPCO	9,500		9,500		
Northampton	660		660		
Northampton Gas		530		530	
Northern Berkshire	1,055		1,055		
North Shore	750		750		
Norwood		580		580	
Pequot	49		49		
Quincy	2,225	2,225			2,225
Southern	1,345	1,345			1,345
Suburban	4,650		4,650		
Wachusetts	550		550		
Weymouth	3,250	3,250			3,250
Worcester	4,900		4,900		
Total	50,664	16,315	41,169	6,820	9,495

While no definite arrangements have yet been made by any of the borrowing companies, it is expected that borrowings from banks will be made from any one or more of the following:

The First National Bank of Boston, Boston, Mass.
Second Bank-State Street Trust Co., Boston, Mass.
The Chase Manhattan Bank, N. Y.
The Hanover Bank, N. Y.
Irving Trust Co., N. Y.
The New York Trust Co., N. Y.
The First National City Bank of N. Y.
Hartford National Bank & Trust Co., Hartford, Conn. (Mystic River Branch).
First National Bank, Northampton, Mass.
Northampton National Bank, Northampton, Mass.
South Shore National Bank, Quincy, Mass.
Norfolk County Trust Co., Quincy, Mass.
Quincy Trust Co., Quincy, Mass.
Haverhill National Bank, Haverhill, Mass.
The Andover and Merrimac National Bank, Haverhill, Mass.
First National Bank, Adams, Mass.
Greylock National Bank, Adams, Mass.
North Adams National Bank, North Adams, Mass.
North Adams Trust Co., North Adams, Mass.
First National Bank, Malden, Mass.
Malden Trust Co., Malden, Mass.
Middlesex County National Bank, Everett, Mass.
Union National Bank, Lowell, Mass.
Arlington Trust Co., Lawrence, Mass.
Bay State Merchants National Bank, Lawrence, Mass.
Attleboro Trust Co., Attleboro, Mass.
First National Bank, Attleboro, Mass.
Merchants National Bank, Salem, Mass.
Naumkeag Trust Co., Salem, Mass.
Guaranty Bank & Trust Co., Worcester, Mass.
The Mechanics National Bank of Worcester, Mass.
Worcester County Trust Co., Worcester, Mass.

Incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated at not exceeding $200 for each applicant-declarant.

It is stated that no action by any regulatory commission other than this Commission is necessary to carry out the proposed transactions except, in the case of Granite, an order of authorization from the Public Utilities Commission of New Hampshire.

Notice is further given that any interested person may, not later than July 24, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5730; Filed, July 15, 1957; 8:51 a. m.]

[File No. 24SF-1963]

AL-KEM MINES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 10, 1957.

I. Eldorado Uranium Corporation, hereinafter referred to as the "issuer," a Nevada corporation, Austin, Nevada, filed with the Commission on September 13, 1954, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to a proposed offering of 2,800,000 shares of its 1-cent par value common stock, to be offered at 10 cents per share for an aggregate of $280,000.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and thereafter, for the same purpose, filed further amendments to the said notification and offering circular representing, among other things, that the name of the issuer had been changed to Al-Kem Mines, Inc., and that the filed materials related to a proposed offering of 280,000 shares of its 35-cent par value common stock, to be offered at $1.00 per share for an aggregate of $280,000.00; and

II. The Commission has reasonable cause to believe that:

A. The notification contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The stock of the issuer reported in the notification, as last amended heretofore, to have been issued for certain unpatented mining claims purchased from Altoe G. Weis, and more particularly the failure to disclose that Weis acquired the said stock as trustee for himself and other persons; and

2. The stock of the issuer agreed to be sold, sold and issued by the issuer and by Altoe G. Weis, an officer, director and affiliate of the issuer prior to the date of the last amendment to Item 3 of the notification, and more particularly the failure to disclose that Weis had contracted to sell approximately 107,700 shares of the issuer's stock prior to the date of the last amendment to Item 3 of the notification; and

B. The offering circular contains, as last amended heretofore, untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The stock which the issuer was obligated to issue in addition to the stock reported in the said circular to be outstanding and reserved for options;

2. The interest of Altoe G. Weis, an officer, director and affiliate of the issuer, in stock of the issuer represented to have been issued to him;

3. The direct and indirect material interests in the issuer of Altoe G. Weis, an affiliate, director and officer of the issuer, by security holdings, contracts, options and otherwise;

4. The price, terms and conditions on which stock of the issuer had been, was being and would be offered and sold to stockholders and certain other persons, and more particularly the failure to disclose that stock of the issuer had been, was and would be offered to stockholders

and certain other persons at par value, 35 cents per share, whereas stock of the issuer was and would be offered to the general public at $1.00 per share; and

5. The liabilities of the issuer, and more particularly the failure to disclose that the issuer may have incurred contingent liabilities under section 12 of the Securities Act of 1933, as amended, in connection with stock sales; and

C. The use of the offering circular, as last amended heretofore, would operate as a fraud and deceit upon the purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5731; Filed, July 15, 1957; 8:51 a. m.].

[File No. 8-4183]

MICHAEL RAYMOND CO., INC.

FINDINGS, OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

JULY 9, 1957.

In the matter of Michael Raymond Co., Inc., 111 Broadway, New York, N. Y.; File No. 8-4183.

BROKER-DEALER REGISTRATION

GROUNDS FOR REVOCATION

Injunctions

Where registered broker and dealer is temporarily enjoined by state court from engaging in securities business on basis of complaint that it engaged in security transactions while insolvent, made fraudulent representations and defrauded customers, and registrant's president and controlling stockholder is permanently enjoined on basis of complaint that he engaged in acts and practices for the purpose of deceiving and defrauding the investing public, *held*, under all the circumstances in public interest to revoke the registrant's registration as a broker and dealer.

Appearances:

Edward O. B. Reid, of the New York Regional Office of the Commission, for the Division of Trading and Exchanges.

Stanley Kligfeld, for Michael Raymond Co., Inc., and Michael Raymond.

This proceeding involves the question whether under section 15 (b) of the Securities Exchange Act of 1934 ("act") we should revoke the registration as a broker and dealer of Michael Raymond Co., Inc. ("registrant"), a member of the National Association of Securities Dealers, Inc. ("NASD"), and whether, under Section 15A (b) (4) of the act, we should find that Michael Raymond, president, director and together with his wife the owner of all the stock of registrant, is the cause of any order of revocation which may be issued.[1]

After appropriate notice a hearing was held. Proposed findings and conclusions were filed by the Division of Trading and Exhanges, which waived a recommended decision by the hearing examiner. Registrant and Raymond also waived a recommended decision. Our findings are based upon an independent review of the record.

The order for proceedings alleges, and we find, that registrant is temporarily enjoined by a decree dated November 18, 1955, and Raymond has been permanently enjoined by a decree dated September 19, 1956, both issued by the Supreme Court of the State of New York, County of New York, from engaging in the securities business. The injunction against registrant was based on a verified complaint and accompanying affidavit which alleged, among other things, that during 1955 registrant engaged in security transactions while insolvent; that registrant and Raymond made fraudulent representations, and defrauded customers of more than $40,000 worth of securities by failing to make payment for and deliver securities to customers entitled thereto; and that Raymond was in full charge of registrant's affairs and responsible for all its acts and practices. The injunction against Raymond was based on a verified complaint which alleged that during 1955, Raymond engaged in acts and practices for the purpose of deceiving and defrauding the investing public. Raymond consented to the permanent injunction but denied the allegations as to fraud.

In view of the injunctions entered against registrant and Raymond, and the nature of the violations alleged in the complaints in the injunction proceedings, we conclude that it is necessary and appropriate in the public interest to revoke registrant's registration as a broker and dealer.[2] We also find that Raymond is a cause of our order of revocation.

Accordingly, it is ordered, That the registration as a broker and dealer of Michael Raymond Co., Inc. be, and it hereby is, revoked, and it is found that Michael Raymond is a cause of this order of revocation.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5732; Filed, July 15, 1957; 8:51 a. m.]

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[1] Section 15 (b) of the act, as here pertinent, provides that we may revoke the registration of a broker or dealer if we find it is in the public interest and that such broker or dealer or any officer, director or controlling person thereof is enjoined by any court of competent jurisdiction from engaging in any conduct or practice in connection with the sale of securities.

Under section 15A (b) (4) no broker or dealer may be admitted to or continued in membership in a national securities association if such broker or dealer or any partner, officer or director or any person controlling or controlled by such broker or dealer was a cause of any order of revocation, suspension or expulsion which is in effect.

[2] Revocation of registration as a broker and dealer will terminate registrant's NASD membership.

FEDERAL REGISTER

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MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter G—Miscellaneous Regulations

[FHA Instruction 444.1]

PART 383—FARM HOUSING LOANS

REVISION IN AGREEMENTS WITH PRIOR LIENHOLDERS

Paragraphs (b) and (c) of § 383.11, Title 6, Code of Federal Regulations (21 F. R. 3480) are combined as paragraph (b) and revised to prescribe changes in connection with obtaining agreements with prior lienholders. The new paragraph (b) reads as follows:

§ 383.11 *Preparation of loan docket.*

* * *

(b) *Agreements with prior lienholders.* Agreements with prior lienholders regarding enforcement of objectionable provisions of their liens or giving notice of foreclosure or assignment of their liens, or both, will be obtained when required by § 307.2 (i) (6) of this chapter.

(Sec. 510, 63 Stat. 437; 42 U. S. C. 1480)

Dated: July 3, 1957.

[SEAL] K. H. HANSEN, *Administrator, Farmers Home Administration.*

[F. R. Doc. 57-5765; Filed, July 16, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR CELERY[1]

On April 25, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 2912) regarding a proposed revision of United States Standards for Celery.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Celery are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.560 U. S. Extra No. 1.
51.561 U. S. No. 1.
51.562 U. S. No. 2.

UNCLASSIFIED

51.563 Unclassified.

COUNT

51.564 Requirements as to count.

APPLICATION OF TOLERANCES

51.565 Application of tolerances.

DEFINITIONS

51.566 Stalk.
51.567 Similar varietal characteristics.
51.568 Well developed.
51.569 Well formed.
51.570 Clean.
51.571 Well trimmed.
51.572 Compact.
51.573 Damage.
51.574 Green.
51.575 Fairly well blanched.
51.576 Mixed blanch.
51.577 Average midrib length.
51.578 Branch.
51.579 Length of stalk.
51.580 Fairly well developed.
51.581 Fairly well formed.
51.582 Fairly compact.
51.583 Reasonably well developed.
51.584 Reasonably well formed.
51.585 Fairly well trimmed.
51.586 Serious damage.
51.587 Diameter.
51.588 Length of seedstem.

AUTHORITY: §§ 51.560 to 51.588 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.560 *U. S. Extra No. 1.* "U. S. Extra No. 1" consists of stalks of celery of similar varietal characteristics which are well developed, well formed, clean, well trimmed, compact, and which are free from blackheart, brown stem, soft

(Continued on p. 5625)

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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rot, doubles and free from damage caused by freezing, growth cracks, horizontal cracks, pithy branches, seedstems, suckers, wilting, blight, other disease, insects or mechanical or other means. Stalks shall be green unless specified as fairly well blanched, or mixed blanch.

(a) The average midrib length of the outer whorl of branches shall not be less than 7 inches.

(b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side, end or bottom of the container to within 1½ inches of the corresponding opposite side, end or top of the container. Such measurement shall not include the bulge. In any container when stalk length is specified, it shall be the minimum length in terms of whole inches of even number, as 12 inches, 14 inches, etc., in accordance with the facts.

(c) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects.* 10 percent, by count, in any lot for stalks which fail to meet the requirements of the grade, including therein not more than 2 percent for soft rot;

(2) *For off-length stalks.* 5 percent, by count, in any lot for stalks which fail to meet the minimum length required or specified; and,

(3) *For off-length midribs.* 5 percent, by count, in any lot for stalks which fail to meet the requirements as to average midrib length.

§ 51.561 *U. S. No. 1.* "U. S. No. 1" consists of stalks of celery of similar varietal characteristics which are fairly well developed, fairly well formed, well trimmed, fairly compact, and which are free from blackheart and soft rot and free from damage caused by freezing, growth cracks, horizontal cracks, pithy branches, seedstems, suckers, dirt, doubles, wilting, blight, other disease, insects or mechanical or other means. Stalks shall be green unless specified as fairly well blanched, or mixed blanch.

(a) Unless otherwise specified, the average midrib length of the outer whorl of branches shall be not less than 6 inches.

(b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side, end or bottom of the container to within 1½ inches of the corresponding opposite side, end or top of the container. Such measurement shall not include the bulge. In any container when stalk length is specified, it shall be the minimum length in terms of whole inches of even number, as 12 inches, 14 inches, etc., in accordance with the facts.

(c) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects.* 10 percent, by count, in any lot for stalks which fail to meet the requirements of the grade, including therein not more than 2 percent for soft rot;

(2) *For off-length stalks.* 5 percent, by count, in any lot for stalks which fail to meet the minimum length required or specified; and,

(3) *For off-length midribs.* 5 percent, by count, in any lot for stalks which fail to meet the requirements as to average midrib length.

§ 51.562 *U. S. No. 2.* "U. S. No. 2" consists of stalks of celery of similar varietal characteristics which are reasonably well developed, reasonably well formed, fairly well trimmed and are free from blackheart and soft rot and free from serious damage caused by freezing, growth cracks, horizontal cracks, pithy branches, seedstems, dirt, doubles, wilting, blight, other disease, insects or mechanical or other means. Stalks shall be green unless specified as fairly well blanched, or mixed blanch.

(a) Unless otherwise specified, the average midrib length of the outer whorl of branches shall be not less than 4 inches.

(b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side, end or bottom of the container to within 1½ inches of the corresponding opposite side, end or top of the container. Such measurement shall not include the bulge. In any container when stalk length is specified, it shall be the minimum length in terms of whole inches of even number, as 12 inches, 14 inches, etc., in accordance with the facts.

(c) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects.* 10 percent, by count, in any lot for stalks which fail to meet the requirements of the grade, including therein not more than 2 percent for soft rot;

(2) *For off-length stalks.* 5 percent, by count, in any lot for stalks which fail to meet the minimum length required or specified; and,

(3) *For off-length midribs.* 5 percent, by count, in any lot for stalks which fail to meet the requirements as to average midrib length.

UNCLASSIFIED

§ 51.563 *Unclassified.* "Unclassified" consists of stalks of celery which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

COUNT

§ 51.564 *Requirements as to count.* (a) The number of stalks of celery in the container may be specified by numerical count or in terms of dozens or half-dozens. Variations from the number specified shall be permitted as follows: *Provided,* That the average for the lot is not less than the number specified:

Specified number per package:	*Variations permitted in individual packages*
24 stalks or less	1 stalk variation.
25 to 50 stalks, incl	3 stalk variation.
51 to 70 stalks, incl	4 stalk variation.
More than 70 stalks	5 stalk variation.

APPLICATION OF TOLERANCES

§ 51.565 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified:

(1) For packages which contain 20 specimens or more and a tolerance of 10 percent or more is provided, individual packages in any lot may contain not more than one and one-half times the tolerance specified. For packages which contain 20 specimens or more and

a tolerance of less than 10 percent is provided, individual packages may contain not more than double the tolerance specified except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain less than 20 specimens, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package: *Provided*, That for packages which contain 6 specimens or less, individual packages in any lot are not restricted as to the percentage of defects: *And provided further*, That not more than one specimen which is affected by decay or otherwise seriously damaged and one off-size specimen may be permitted in any package.

DEFINITIONS

§ 51.566 *Stalk.* "Stalk" means an individual plant.

§ 51.567 *Similar varietal characteristics.* "Similar varietal characteristics" means that the stalks in any package have the same general appearance and character of growth.

§ 51.568 *Well developed.* "Well developed" means that the branches are of good width and thickness in relation to the length of midribs and type of celery and that the heart branches are of reasonable number, length and stockiness.

§ 51.569 *Well formed.* "Well formed" means that the branches are fairly straight and not more than slightly curved or twisted.

§ 51.570 *Clean.* "Clean" means that the stalk is practically free from dirt or other foreign material. Stalks shall be permitted to have a small amount of dirt on the inside of the branches or in the heart branches which cannot be removed by good commercial methods of washing.

§ 51.571 *Well trimmed.* "Well trimmed" means that not more than 2 relatively thin, short or spindly, or coarse and fibrous outer branches remain; that the main root has been cut off so as not to extend more than 1½ inches below the point of attachment of the lowest outer branch; that secondary rootlets are not of such number or length as to materially affect the appearance of the stalk; and, that the appearance is not materially affected by the presence of discolored leaves or by excessive removal of leaves or portions of leaves.

§ 51.572 *Compact.* "Compact" means that the branches on the stalk are fairly close together throughout most of their length.

§ 51.573 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the celery stalk or the general appearance of the stalks in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks when more than 2 branches are affected by growth cracks which are over one-half inch in length, or when more than 6 branches have growth cracks;

(b) Horizontal cracks when more than 3 branches have horizontal cracks which are over one-half inch in length, or when more than 6 branches have horizontal cracks;

(c) Pithy branches when more than 2 are pithy in that portion of the midrib between a point 1½ inches above the point of attachment to the base and the first node, or between a point 1½ inches below the first node and the point of attachment to the base, or when pith occurs at both ends of the midrib and more than a total of 1½ inches is affected: *Provided*, That stalks having 6 outer branches or less shall have not more than one-third of the outer branches affected by pith as described above;

(d) Seedstems when the length of seedstem exceeds twice the diameter of the stalk or 8 inches in length (see §§ 51.587 and 51.588);

(e) Dirt when there is caked dirt on the stalk, or when dirt is present between the branches to the extent that the appearance is materially affected;

(f) Doubles when not separated and the appearance is materially affected, or when separated and either of the stalks is badly curved;

(g) Disease:

(1) Brown stem, cracked stem and crater blotch when materially affecting more than 2 branches, or when the aggregate area exceeds two-thirds of a square inch on the branches; and,

(2) Rust when more than 5 hair-like lines are present on a stocky inner branch or branches or when the aggregate area exceeds 1 square inch on the other branches;

(h) Insects when worms are present, or when insect injury occurs on heart branches, or when insect injury affects the midrib portion of more than 2 branches, or when injury on other portions materially affects the appearance of the stalk; and,

(i) Mechanical injury when the root has been cut off too closely leaving the branches without support; when more than 2 branches are materially scuffed or bruised; when the branches have been broken above the first node to an extent which materially affects the appearance; or when more than 2 branches are broken below the first node except that all branches may be cut below the first node provided the stalk is of the length specified.

§ 51.574 *Green.* "Green" means that the midrib portions of the outer branches on the stalk are generally green to light green color.

§ 51.575 *Fairly well blanched.* "Fairly well blanched" means that the midrib portions of the outer branches on the stalk are generally of a creamy white to pale green color.

§ 51.576 *Mixed blanch.* "Mixed blanch" consists of green and fairly well blanched stalks of celery in the same container.

§ 51.577 *Average midrib length.* "Average midrib length" means the average length of all the branches in the outer whorl measured from the point of attachment at the base to the first node.

§ 51.578 *Branch.* "Branch" means the leaf of a stalk and consists of the edible stem-like portion and the tops or leaf blades.

§ 51.579 *Length of stalk.* "Length of stalk" means the distance from where the root is cut off to a point which represents the average length of the longest branches.

§ 51.580 *Fairly well developed.* "Fairly well developed" means that the branches are of fairly good width and thickness in relation to the length of midribs and type of celery and that there is not excessive open space in the center of the stalk.

§ 51.581 *Fairly well formed.* "Fairly well formed" means that the branches are reasonably straight and not more than moderately curved or twisted.

§ 51.582 *Fairly compact.* "Fairly compact" means that the branches on the stalk are reasonably close together throughout most of their length.

§ 51.583 *Reasonably well developed.* "Reasonably well developed" means that the branches are of reasonable width and thickness in relation to the length of midribs and type of celery.

§ 51.584 *Reasonably well formed.* "Reasonably well formed" means that the branches are not crooked, curved or twisted to the extent that the appearance of the stalk is seriously affected.

§ 51.585 *Fairly well trimmed.* "Fairly well trimmed" means that the main root has been cut off so that it does not extend more than 3 inches below the point of attachment of the lowest outer branch, and that secondary rootlets are not of such number or length as to seriously affect the appearance of the stalk.

§ 51.586 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the celery stalk or the general appearance of the stalks in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Growth cracks when more than 4 branches are affected by growth cracks, which are over one-half inch in length, or when more than 8 branches have growth cracks;

(b) Horizontal cracks when more than 5 branches have horizontal cracks which are over one-half inch in length, or when more than 8 branches have horizontal cracks;

(c) Pithy branches when more than 4 are pithy in that portion of the midrib between a point 1½ inches above the point of attachment to the base and the first node, or between a point 1½ inches below the first node and the point of attachment to the base, or when pith occurs at both ends of the midrib and more than a total of 1½ inches is affected: *Provided*, That stalks having 6 outer branches or less shall have not more than one-half of the outer branches affected by pith as described above;

(d) Seedstems when the length of seedstem exceeds 3 times the diameter of the stalk (See §§ 51.587 and 51.588);

(e) Dirt when dirt is badly caked on the stalk;

(f) Doubles when the inner branches are not fairly well protected;

(g) Disease:

(1) Brown stem, cracked stem and crater blotch when seriously affecting more than 4 branches, or when the aggregate area exceeds 1 square inch on the branches; and,

(2) Rust when more than 15 hair-like lines are present on an inner branch or branches, or when there is more than 1½ square inches in the aggregate on the outer branches;

(h) Insects when worms are present, or when insect injury affects the midrib portion of more than 4 branches, or when injury on other portions seriously affects the appearance of the stalk; and,

(i) Mechanical injury when the root has been cut off too closely leaving the branches without support; when more than 4 branches are materially scuffed or bruised; when the branches have been broken above the first node to an extent which seriously affects the appearance; or when more than 4 branches are broken below the first node except all branches may be cut below the first node provided the stalk is of the length specified.

§ 51.587 *Diameter.* "Diameter" means the greatest dimension of the stalk measured at a point 2 inches above the point of attachment of the lowest outer branch to the base.

§ 51.588 *Length of seedstem.* "Length of seedstem" means the distance from the base of the outer branches of the stalk to the top of the actual seedstem, exclusive of any leaves or leaf-stems attached to the top of the seedstem.

The United States Standards for Celery contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Celery which have been in effect since August 15, 1946 (§§ 51.560 to 51.581).

Dated: July 12, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-5820; Filed, July 16, 1957; 8:55 a. m.]

TITLE 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Part 1 is issued by the Comptroller of the Currency under authority of paragraph Seventh of section 5136 of the Revised Statutes, as amended (12 U. S. C. 24).

The purpose of the part is to prescribe the limitations and restrictions under which national banks and State member banks of the Federal Reserve System may purchase investment securities for their own account and to define the term "investment securities".

Under the terms of paragraph Seventh of section 5136 of the Revised Statutes, a national bank may purchase for its own account investment securities under such limitations and restrictions as the Comptroller of the Currency may by regulation prescribe. The term "investment securities" is defined to mean marketable obligations, evidencing the indebtedness of any person, copartnership, association, or corporation in the form of bonds, notes and/or debentures commonly known as investment securities under such further definition of the term investment securities as may by regulation be prescribed by the Comptroller of the Currency.

Under the existing regulation there has been doubt as to the eligibility of certain small issues of special revenue obligations because of the distribution requirements set forth in paragraphs (a) and (b) of Section I. This Part clarifies the position that has been taken by the Comptroller. While the distribution standards as provided in paragraphs (a) and (b) of Section I of the present regulation and paragraphs (1) and (2) of Section 1.2 of the proposed regulation may not be met by small special revenue issues, it is recognized that many of such issues possess a high degree of credit soundness which assures marketability to the point contemplated by section 5136 of the Revised Statutes.

The existing restrictions governing the purchase or sale of securities by banks under repurchase or resale agreements are no longer considered desirable and should be deleted. Experience has shown that repurchase or resale transactions in securities are used for the lending and borrowing of money. They will be treated as loan or borrowing transactions governed by sections 5200 and 5202 of the Revised Statutes (12 U. S. C. 84, 82) and not by section 5136 of the Revised Statutes (12 U. S. C. 24). Under the authority contained in section 5200, paragraph 8, a regulation is being issued to permit a larger loan limitation on the security of certain obligations of the United States.

The present restrictions governing the amortization of premiums paid on investment securities should be amended to permit amortization to the maturity date rather than the call date of an issue if the Federal Internal Revenue Laws disallow amortization deductions from gross income when computed to the nearest call date. Also amendments should be provided to clarify the section pertaining to securities convertible into stock. It is also advisable to incorporate a provision carrying out administrative practices requiring that all investment securities be supported by adequate information in the files of the bank as to their investment quality.

Sec.
1.1 Scope and application.
1.2 Definition of the term "investment securities".
1.3 Limitations and restrictions on purchase of investment securities for bank's own account.
1.4 Exception to limitations and restrictions.

AUTHORITY: §§ 1.1 to 1.4 issued under R. S. 5136, as amended; 12 U. S. C. 24.

§ 1.1 *Scope and application.* (a) This part is issued by the Comptroller of the Currency under authority of paragraph Seventh of section 5136 of the Revised Statutes, as amended (12 U. S. C. 24);

(b) This part applies to the purchase for its own account of investment securities by a national bank or a State member bank of the Federal Reserve System.

§ 1.2 *Definition of the term "investment securities".* (a) An obligation of indebtedness which may be purchased for its own account by a national bank or State member bank of the Federal Reserve System in order to constitute an "investment security" within the meaning of paragraph Seventh of section 5136 of the Revised Statutes, must be a marketable obligation, i. e., it must be salable under ordinary circumstances with reasonable promptness at a fair value; and except as provided in paragraphs (b) and (c) of this section there must be present one or both of the following characteristics:

(1) A public distribution of the securities must have been provided for or made in a manner to protect or insure the marketability of the issue; or,

(2) Other existing securities of the obligor must have such a public distribution as to protect or insure the marketability of the issue under consideration.

(b) In the case of investment securities for which a public distribution as set forth in paragraph (a) (1) or (2) of this section cannot be so provided, or so made, and which are issued by established commercial or industrial businesses or enterprises, that can demonstrate the ability to service such securities, the debt evidenced thereby must mature not later than ten years after the date of issuance of the security and must be of such sound value or so secured as reasonably to assure its payment; and such securities must, by their terms, provide for the amortization of the debt evidenced thereby so that at least 75 percent of the principal will be extinguished by the maturity date by substantial periodic payments: *Provided*, That no amortization need be required for the period of the first year after the date of issuance of such securities.

(c) Special revenue obligations of States or local governments or of duly constituted public authorities thereof which possess a high degree of credit soundness, so as to assure sale under ordinary circumstances with reasonable promptness at a fair value, but which do not meet the distribution standards of paragraph (a) (1) or (2) of this section,

may be considered to constitute "investment securities."

(d) Where the security is issued under a trust agreement, the agreement must provide for a trustee independent of the obligor, and such trustee must be a bank or trust company.

(e) All purchases of investment securities by national and State member banks for their own account must be securities "in the form of bonds, notes, and/or debentures, commonly known as investment securities"; and every transaction which is in fact such a purchase must, regardless of its form, comply with this part.

§ 1.3 *Limitations and restrictions on purchase of investment securities for bank's own account.* (a) Although the bank is permitted to purchase "investment securities" for its own account for purposes of investment under the provisions of R. S. 5136 and this part, the bank is not permitted otherwise to participate as a principal in the marketing of securities.

(b) The statutory limitation on the amount of the "investment securities" of any one obligor or maker which may be held by the bank is to be determined on the basis of the par or face value of the securities, and not on their market value.

(c) The purchase of "investment securities" in which the investment characteristics are distinctly or predominantly speculative, or the purchase of securities which are in default, whether as to principal or interest, is prohibited.

(d) Purchase of an investment security at a price exceeding par or face value is prohibited, unless the bank shall:

(1) Provide for the regular amortization of the premium paid so that the premium shall be entirely extinguished at or before the maturity of the security, and the security (including premium) shall at no intervening date be carried at an amount in excess of that at which the obligor may legally redeem such security, unless the amortization which would be necessary to meet the latter requirement would not be allowable as a deduction from gross income under applicable Federal Internal Revenue laws and regulations issued thereunder, in which case the rate of amortization shall be sufficient to extinguish the premium by maturity; or

(2) Set up a reserve account to amortize the premium, said account to be credited periodically with an amount not less than the amount required for amortization under subparagraph (1) of this paragraph.

(e) Purchase of securities convertible into stock at the option of the issuer is prohibited.

(f) Purchase of securities convertible into stock at the option of the holder or with stock purchase warrants attached is prohibited if the price paid for such security is in excess of the investment value of the security itself, considered independently of the stock purchase warrants or conversion feature. If it is apparent that the price paid for an otherwise eligible security reflects the investment value of the security and does not include any speculative value based upon the presence of a stock purchase warrant or conversion option, the purchase of such security is not prohibited. If the price paid for a convertible security provides a yield reasonable similar to that of non-convertible securities of similar quality and maturity, a speculative value will not be deemed to exist.

(g) All investment securities shall be supported by adequate information in the files of the bank as to their investment quality.

§ 1.4 *Exception to limitations and restrictions.* The restrictions and limitations of this part do not apply to securities acquired through foreclosure on collateral, or acquired in good faith by way of compromise of a doubtful claim or to avert an apprehended loss in connection with a debt previously contracted, or to real estate securities acquired pursuant to section 24 of the Federal Reserve Act, as amended.

Effective date. This part shall become effective 30 days from date of publication in the FEDERAL REGISTER.

[SEAL] RAY M. GIDNEY,
Comptroller of the Currency.

JULY 11, 1957.

[F. R. Doc. 57-5828; Filed, July 16, 1957; 8:56 a. m.]

PART 6—LOANS MADE BY NATIONAL BANKS SECURED BY DIRECT OBLIGATIONS OF THE UNITED STATES

Part 6 is issued by the Comptroller of the Currency with the approval of the Secretary of the Treasury under authority of paragraph (8) of section 5200 of the Revised Statutes, as amended (12 U. S. C. 84), and section 321 (b) of the act of August 23, 1935, (49 Stat. 713).

The purpose of the part is to prescribe conditions under which national banks may make loans secured by direct obligations of the United States.

(1) Under the terms of paragraph (8) of section 5200 of the Revised Statutes, national banks may lend to a single borrower up to 25 percent of capital and surplus on obligations secured by not less than a like amount of bonds or notes of the United States, certificates of indebtedness of the United States, Treasury bills of the United States, or obligations fully guaranteed both as to principal and interest by the United States. Because of a proposed change in the Investment Securities Regulation which will place resale and repurchase transactions in bonds under sections 5200 and 5202 of the Revised Statutes (12 U. S. C. 84, 82) rather than section 5136 of the Revised Statutes (12 U. S. C. 24), the present 25 percent limitation is believed to be to restrictive with respect to loans to one borrower which are secured by not less than a like amount of direct obligations of the United States. Under section 5136, resale and repurchase transactions in direct obligations of the United States are not limited to any specific percentage of a bank's capital and surplus. The issuance of this part is necessary to implement the making of such loans from 25 percent to 100 percent of the bank's capital and surplus provided they are secured by direct obligations of the United States which will mature within 18 months.

Sec.
6.1 Scope and application.
6.2 General authorization.

AUTHORITY: §§ 6.1 and 6.2 issued under R. S. 5200, as amended; 12 U. S. C. 84.

§ 6.1 *Scope and application.* (a) This part is issued by the Comptroller of the Currency with the approval of the Secretary of the Treasury under authority of paragraph (8) of section 5200 of the Revised Statutes, as amended (12 U. S. C. 84), and sec. 321 (b) of the act of August 23, 1935 (49 Stat. 713);

(b) This part applies to loans made by national banks secured by direct obligations of the United States which will mature in not exceeding 18 months.

§ 6.2 *General authorization.* The obligations to any national banking association in the form of notes of any person, copartnership, association, or corporation, secured by not less than a like amount of direct obligations of the United States which will mature in not exceeding eighteen months from the date such obligations to such national banking associations are entered into shall be limited to 75 per centum of the capital and surplus of such association in addition to the 10 per centum of such capital and surplus prescribed in the opening paragraph of said section 5200 and the 15 per centum limitation referred to in paragraph (8) of section 5200.

Effective date. This part shall become effective 30 days from date of publication in the FEDERAL REGISTER.

[SEAL] RAY M. GIDNEY,
Comptroller of the Currency.

Approved: July 11, 1957.

G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 57-5827; Filed, July 16, 1957; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-421]

PART 60—AIR TRAFFIC RULES

SPECIAL CIVIL AIR REGULATION; SPECIAL AIR TRAFFIC RULES FOR VICINITY OF PHOENIX, ARIZ.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of July 1957.

Part 60 of the Civil Air Regulations contains the air traffic rules applicable to all aircraft operated anywhere in the United States. They apply equally to all civil, military, public, and foreign aircraft. The air traffic rules are adopted by the Civil Aeronautics Board pursuant to the Civil Aeronautics Act of 1938, as amended, which authorizes the Board to adopt "air traffic rules governing the flight of, and for the navigation, protection, and identification of, aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between aircraft, and between aircraft and land or water vehicles" (49 U. S. C. 551). Under certain conditions

military aircraft of the United States and aircraft engaged in special flight operations may deviate from these air traffic rules.

The Administrator has advised the Board that "a grave safety hazard exists" in the airspace immediately west of Phoenix, Arizona, which requires immediate regulatory action by the Board. In particular, Green Civil Airway No. 5 and Victor Civil Airway No. 16 are projected almost due west from Phoenix and immediately west of Phoenix are almost coincidental. Beginning at a point approximately 13 miles west of Sky Harbor Airport, in Phoenix, and thence 16 miles farther west there lies an airway segment through which a considerable amount of traffic from Luke Air Force Base moves. These flights are conducted in jet-propelled aircraft and consist primarily of student training missions, many of which are aerial gunnery flights. Most of the flights from Luke Air Force Base which cross the airways proceed toward caution and restricted areas farther south, within which special military flight training activities are conducted.

A conflict in the use of the airspace over Green 5 and Victor 16 has developed between civil and military interests in this area and efforts to resolve this conflict on a voluntary basis have been unsatisfactory. In brief, civil users of the airways involved contend that, in order to make operationally feasible let-downs and climb-outs to and from Phoenix airports, civil aircraft should not be required to fly above 4,000 feet m. s. l. in the airspace in question. Military authorities contend, on the other hand, that trial operations have been conducted in which military aircraft crossed the airways at 3,000 feet m. s. l. and that such operations proved highly dangerous because of the midair accident potential both between military jet aircraft and between military aircraft and civil itinerant aircraft at low altitudes. Moreover, the military contends that the severe turbulence common to this area at low altitudes presents a particular hazard for student pilots flying formation in high-speed aircraft. Since there are as many as 1,200 military crossings of these airways every day and civil traffic along these airways is very heavy, it is apparent that safe vertical separation of these crossing aircraft is essential.

While the Board has authority to establish rules under section 601 of the act to provide for a safe separation altitude between crossing aircraft, the Board considers it desirable to delegate this authority to the Administrator to establish special air traffic rules to be applicable to the specific airspace involved, since this is a local problem which the Administrator is equipped to handle. To give effect to the rules prescribed by the Administrator in this area it is necessary for the Board in this instance to preclude the military from exercising its deviation authority pursuant to § 60.1 of Part 60 of the Civil Air Regulations.

On the basis of the information received from the Administrator, the Board finds that an emergency requiring immediate action exists in respect of safety in air commerce and that notice and public procedure hereon are contrary to the public interest, and the Board finds that good cause exists for making this regulation effective on less than 30 days' notice.

Interested persons desiring to present written data setting forth their views with respect to the rules herein adopted are requested to submit such matter to the Board on or before September 16, 1957. All communications so received will be considered by the Board and the rules adopted pursuant hereto will be further evaluated in the light of the comments submitted.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 12, 1957.

1. Contrary provisions of § 60.1 of Part 60 of the Civil Air Regulations notwithstanding, military aircraft of the United States armed forces shall comply with all air traffic rules prescribed in Part 60 of the Civil Air Regulations and all special air traffic rules prescribed by the Administrator, pursuant to authority contained herein, in the airspace identified as Green Civil Airway No. 5 and Victor Civil Airway No. 16 within the area covered by such airways west of 112°10' W. longitude and east of 112°35' W. longitude unless otherwise authorized by the Administrator.

2. The Administrator is authorized to prescribe such air traffic rules as he may deem necessary in the interest of safety in air commerce for the operation of any or all flights traveling on or traversing Green Civil Airway No. 5 and Victor Civil Airway No. 16 within the area covered by such airways west of 112°10' W. longitude and east of 112°35' W. longitude.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 1005, 52 Stat. 1007, 1023; 49 U. S. C. 551, 645)

Effective: July 12, 1957.

Adopted: July 12, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-5824; Filed, July 16, 1957; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6714]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MARCUS & SMITH BROS., INC., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Marcus & Smith Bros., Inc., et al., New York, New York, Docket 6714, June 19, 1957]

In the Matter of Marcus & Smith Bros., Inc., a Corporation; and Ben Smith and Barney Marcus, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by failing, in branding and invoicing fur products, to comply with requirements of the act.

Following an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Marcus & Smith Bros., Inc., a corporation, and its officers, and Ben Smith and Barney Marcus, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, offering for sale, transportation or distribution of fur products in commerce, or in connection with the manufacture for sale, sale, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products:

(a) Non-required information mingled with required information;

(b) Required information in abbreviated form or in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices showing:
(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;
(b) That the fur product contains or is composed of used fur, when such is a fact;
(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;
(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;
(e) The name and address of the person issuing such invoices;
(f) The name of the country of origin of any imported furs used in the fur product.

By "Decision of the Commission," report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 19, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5775; Filed, July 16, 1957; 8:46 a. m.]

[Docket 6725]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

COLONIAL MANUFACTURING CO., INC., ET AL.

Subpart — *Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.810 *Buyers' corporate or other agent.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Colonial Manufacturing Co., Inc., et al., Oklahoma City, Okla., Docket 6725, June 13, 1957]

In the Matter of Colonial Manufacturing Company, Inc., a Corporation; N. F. Raupe Brokerage Company, a Partnership; and L. J. Wilkes, Jack W. Wilkes, and L. T. Wilkes, Individually and as, Chairman of the Board; President; and Secretary-Treasurer, Respectively, of Colonial Manufacturing Company, Inc., and as Copartners in the N. F. Raupe Brokerage Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of jellies and preserves in Oklahoma City with paying illegal brokerage fees on purchases of foodstuffs from a brokerage firm owned by its officers, 90 percent of whose business involved sales to it, with the result that it was receiving brokerage on its own purchases, in violation of sec. 2 (c) of the Robinson-Patman amendment to the Clayton Act.

Following an agreement between the parties providing for the entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Colonial Manufacturing Company, Inc., a corporation, and its officers, and the individual respondents, L. J. Wilkes, Jack W. Wilkes and L. T. Wilkes, individually and as officers of Colonial Manufacturing Company, Inc., and partners in the N. F. Raupe Brokerage Company, their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products for their own account or for the account of any of them.

It is further ordered, That the respondent N. F. Raupe Brokerage Company, a partnership, and L. J. Wilkes, Jack W. Wilkes and L. T. Wilkes, individually and as partners in the said N. F. Raupe Brokerage Company, and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the purchase of food products in commerce as "commerce" is defined in the aforesaid Clayton Act do forthwith cease and desist from receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation or any allowance or discount in lieu thereof upon any purchase of food products by or for the account of Colonial Manufacturing Company, Inc., where either of the individual respondents L. J. Wilkes, Jack W. Wilkes or L. T. Wilkes, individually or collectively are the agents, representatives or intermediaries acting for or in behalf of or are subject to the direct or indirect control of said Colonial Manufacturing Company, Inc., or any other buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5777; Filed, July 16, 1957; 8:47 a. m.]

[Docket 6736]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

VITASAFE CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.75 *Free goods or services;* § 13.260 *Terms and conditions.* Subpart—*Enforcing dealings or payments wrongfully:* § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1955 *Free goods;* § 13 2080 *Terms and conditions.* Subpart—*Shipping, for payment demand, goods in excess of or without order:* § 13.2195 *Shipping, for payment demand, goods in excess of or without order.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Vitasafe Corporation et al., New York, N. Y., Docket 6736, June 18, 1957]

In the Matter of Vitasafe Coporation, a Corporation, and David Josefowitz, and Samuel Josefowitz, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in New York City with representing falsely in advertising in newspapers, magazines, etc., that a 30-day supply of their "Vitasafe C. F. Capsules" vitamin and mineral product would be sent free to persons responding to the advertisements and that such persons were under no obligation to purchase additional supplies; when in fact they were required to remit 25¢ in order to secure such "free" supply, and the offer was part of a scheme under which, after the 30-day supply, respondents shipped additional monthly supplies to persons answering the advertisements, mailed them statements requesting payment therefor and, when payment was not received, placed the accounts in the hands of a collecting agency and attorney to enforce collection—continuing this practice even after receiving notification from recipients to discontinue sending the monthly supplies.

Following an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Vitasafe Corporation, a corporation, and its officers, and respondents David Josefowitz and Samuel Joseowitz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their Vitasafe C. F. Capsules or any other article of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication that merchandise is free when payment of any nature is required before the merchandise will be delivered and the necessity for such payment not clearly disclosed at the outset.

2. Representing, directly or by implication, that a supply of respondents' product is offered free, when the offer is used as a means of enrolling those who accept the offer in a plan whereby additional supplies of the product are shipped monthly to such persons at an additional charge, unless the conditions of the plan are clearly set out in the offer.

3. Shipping additional merchandise and attempting to collect the price thereof, when the right of refusing such merchandise has been granted, after the required notification of refusal has been given to respondents.

4. Refusing to cancel orders for undelivered merchandise when the right of cancellation exists and the required notice of cancellation has been given to respondents.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 18, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5776; Filed, July 16, 1957; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 141c, 146a, 146c; 22 F. R. 3108) are amended as indicated below:

1. Section 141a.49 is amended by changing the section headnote and paragraph (a) (3) to read as follows:

§ 141a.49 *Penicillin-streptomycin-bacitracin ointment; penicillin-dihydrostreptomycin-bacitracin ointment; penicillin-streptomycin-bacitracin methylene disalicylate ointment; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate ointment*—(a) *Potency.* • • •

(3) *Bacitracin methylene disalicylate content.* Proceed as directed in subparagraph (2) of this paragraph, except prepare the sample as follows: Place a representative portion of the sample (usually approximately 1 gram, accurately weighed) or the entire contents of a single-dose container in blending jar, add 99 milliliters of a 2.0-percent aqueous solution of sodium bicarbonate and 1 milliliter of a 10-percent aqueous solution of polysorbate 80 and blend for 3 minutes in a high-speed blender. Allow the foam to subside, remove an aliquot of the solution, and dilute to 1 unit per milliliter with 1.0-percent phosphate buffer, pH 6.0.

2. Part 141c is amended by adding the following new section:

§ 141c.236 *Tetracycline-nystatin for oral suspension*—(a) *Potency*—(1) *Tetracycline content.* Reconstitute the powder as directed in the labeling of the drug. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask and make to mark with 0.01 *N* HCl. Withdraw an aliquot from the volumetric flask and dilute to a concentration of 0.24 microgram per milliliter (estimated) using *M*/10 phosphate buffer, pH 4.5, and proceed as directed in § 141c.218 (a). Its content of tetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Nystatin content.* Reconstitute the powder as directed in the labeling of the drug. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a blending jar containing 150 milliliters of dimethyl formamide. Blend for 2 minutes in a high-speed blender and then dilute an aliquot with sufficient dimethyl formamide to give a concentration of 400 units per milliliter (estimated). Further dilute this solution with 1-percent phosphate buffer, pH 6.0, to give a concentration of 20 units per milliliter (estimated). Proceed as directed in § 141c.224 (b). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) or § 141a.26 (e) of this chapter.

(c) *pH.* Using the suspension prepared as directed in the labeling, proceed as directed in § 141a.5 (b) of this chapter.

3. Section 146a.70 is amended in the following respects:

a. The section headnote, the introduction to paragraph (a), and paragraph (a) (1) are amended to read as follows:

§ 146a.70 *Penicillin-streptomycin-bacitracin ointment; penicillin-dihydrostreptomycin-bacitracin ointment; penicillin-streptomycin-bacitracin methylene disalicylate ointment; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate ointment*—(a) Penicillin-streptomycin-bacitracin ointment, penicillin - dihydrostreptomycin - bacitracin ointment, penicillin-streptomycin-bacitracin methylene disalicylate ointment, and penicillin - dihydrostreptomycin-bacitracin methylene disalicylate ointment conform to all requirements prescribed by § 146a.54 for penicillin-streptomycin ointment and penicillin-dihydrostreptomycin ointment, except that:

(1) It contains the equivalent of not less than 500 units of bacitracin per gram, except if it is intended for udder instillation in cattle each dose, as recommended in its labeling, shall contain not less than the equivalent of 5,000 units of bacitracin. The bacitracin used conforms to the requirements of § 146e.401 (a) of this chapter, except § 146e.401 (a) (1), (2), and (4), but its potency is not less than 30 units per milligram. The bacitracin methylene disalicylate used conforms to the requirements of § 146e.416 (a) of this chapter.

b. Paragraph (a) (2) is amended by inserting the words "or bacitracin methylene disalicylate" after the word "bacitracin".

c. Paragraph (a) (3) is amended by inserting the words "or bacitracin methylene disalicylate" after the word "bacitracin", in both places at which it occurs.

d. Paragraph (b) (2) is amended by inserting the words "or bacitracin methylene disalicylate" after the word "bacitracin".

4. Part 146c is amended by adding the following new section:

§ 146c.236 *Tetracycline-nyastatin for oral suspension.* Tetracycline-nystatin for oral suspension conforms to all requirements and procedures prescribed by § 146c.205 for tetracycline powder, except § 146c.205 (f), and except that:

(a) When reconstituted as directed in the labeling, each milliliter shall contain not less than 25 milligrams of tetracycline and not less than 25,000 units of nystatin. The nystatin used conforms to the standards prescribed by § 146c.224 (a).

(b) The pH of the suspension, when reconstituted as directed in its labeling, is not less than 4.5 and not more than 5.5.

(c) Each package shall bear on its label and labeling the total number of grams of tetracycline and the total number of units of nystatin contained therein, and the number of milligrams of tetracycline and the number of units of nystatin per milliliter when reconstituted as directed in the labeling. The expiration date of the drug shall be 12 months.

(d) In addition to complying with the requirements of § 146c.205 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and specific rotation. He shall

also submit in connection with his request a sample consisting of not less than 6 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(e) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (d) of this section shall be:

(1) $5.00 for each immediate container in the sample of the batch.

(2) $4.00 for each immediate container of the nystatin used in making the batch.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 10, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-5792; Filed, July 16, 1957; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

SALES, ASSIGNMENTS, PLEDGES AND PARTICIPATIONS

Section 222.16 is amended to read as follows:

§ 222.16 *Sales, assignments, pledges and participations.* (a) The mortgagee shall not assign, transfer, convey or pledge an insured mortgage or group of insured mortgages to any person, firm or corporation, public or private, other than an approved mortgagee, whether individually or in trust for another: *Provided*, That this paragraph shall not be construed to apply to a transfer of a mortgage to an approved mortgagee in its trust or other fiduciary capacity if provision is made that, upon termination of the fiduciary relationship, any insured mortgage or mortgages held in the trust or other fiduciary estate shall be transferred to an approved mortgagee rather than to the beneficiary.

(b) The mortgagee shall not dispose of any partial interest in an insured mortgage or group of insured mortgages by means of an agreement, arrangement or device (including a declaration of trust, a participation certificate or a trust certificate) unless (1) it files with the Commissioner a copy of the proposed legal instruments, together with a prospectus and such other material and information as the Commisioner may require, and (2) the proposed agreements or legal instruments provide that one approved mortgagee will be the mortgagee of record under the contract of insurance and that the Commissioner shall have no obligation to recognize or deal with any other party except the approved mortgagee of record with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., July 12, 1957.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57-5791; Filed, July 16, 1957; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238) and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210; 25 U. S. C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commisioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454-7), notice was given of the intention to modify Secs. 130.24, 130.26, and 130.28 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project, Mountana, that are subject to the jurisdiction of the several irrigation districts, as follows:

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from the publication of the notice. No objections were submitted. Accordingly, §§ 130.24, 130.26 and 130.28 are modified as follows:

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1958, an assessment of $240,002 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 73,482 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1958, an assessment of $44,872 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 13,659 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed, for the season of 1958, an assessment of $16,484 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 5,993 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

M. A. JOHNSON,
Acting Area Director.

[F. R. Doc. 57-5768; Filed, July 16, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

CLAIMS ALLEGING INSURANCE CONTRACT WHERE THERE IS NO APPLICATION FOR INSURANCE ON FILE

1. Section 6.150 is revised to read as follows:

§ 6.150 *Claims alleging insurance contract where there is no application for insurance on file.* In those cases where claim is made alleging that a person made valid application for yearly renewable term (War Risk) insurance or United States Government life insurance, and that the insurance is subject to reinstatement, or that such insurance matured by reason of the total and permanent disability or death of the person at a time when the insurance was in force, and, in case of death, that there was a valid designation of beneficiary, or that there is entitlement to total disability benefits, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and, if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained, a record of insurance will be established in accordance with such finding. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged would not be valid or not subject to reinstatement, or determined that the said person did not become permanently and totally disabled, or die at a time when the insurance would have been in force if insurance had been applied for, or, in case of death, if it be determined that there was no valid designation of beneficiary, the claimant will be so informed and will be notified that, unless he desires to appeal to the Administrator, a disagreement exists as to the matters in controversy as contemplated by the provisions of section 19 of the World War Veterans' Act, 1924, as amended, as far as the Veterans Administration is concerned. Further, the claimant will be informed that an appeal may be taken from the decision to the Administrator of Veterans Affairs by giving notice in writing in accordance with § 19.2 of this chapter. The Chief Insurance Director or Deputy Chief Insurance Director will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the claims activity having jurisdiction over the insurance death claim.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interprets or applies secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. Section 8.70 is revised to read as follows:

§ 8.70 *Claims alleging insurance contract where there is no application for insurance on file.* In those cases where claim is made alleging that a person made valid application for National Service life insurance, and that the insurance is subject to reinstatement or a waiver of payment of premiums is in order, or that the insurance matured by reason of the death of the insured at a time when the insurance was in force, and that there was a valid designation of beneficiary, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and, if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained, a record of insurance will be established in accordance with such finding. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance would not be valid or not subject to reinstatement, or determined that the said person did not die at a time when the insurance would have been in force if insurance had been applied for, or, in case of death, if it be determined that there was no valid designation of beneficiary, the claimant will be so informed and will be notified that, unless he desires to appeal to the Administrator, a disagreement exists as to the matters in controversy as contemplated by the provisions of section 617 of the National Service Life Insurance Act of 1940, as amended, as far as the Veterans Administration is concerned. Further, the claimant will be informed that an appeal may be taken from the decision to the Administrator of Veterans Affairs by giving notice in writing in accordance with § 19.2 of this chapter. The Chief Insurance Director or Deputy Chief Insurance Director will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the claims activity in the office having jurisdiction over the insurance death claim.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interprets or applies sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective July 17, 1957.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 57-5781; Filed, July 16, 1957; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Subchapter B—Carriers by Motor Vehicles

PART 180—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 17th day of April A. D. 1957.

The matter of applications designated Forms B. M. C.-44,[1] B. M. C.-45,[1] and B. M. C.-46[1] (§§ 7.44, 7.45, and 7.46), prescribed, by orders entered November 12, 1940 (5 F. R. 4698), and March 19, 1942 (7 F. R. 2601), as supplemented by orders entered September 17, 1943 (8 F. R. 13193), December 11, 1945 (11 F. R. 746, 747), December 27, 1951 (17 F. R. 234), June 13, 1952 (17 F. R. 5952-5953), July 1, 1953 (18 F. R. 4257), March 10, 1954 (19 F. R. 1462), and May 14, 1954 (19 F. R. 2967), being under further consideration, and the changes to be effectuated by this order being minor changes not requiring rule-making procedure under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a), and good cause appearing therefor:

It is ordered, That Part 7 be, and it is hereby, amended as follows:

§ 7.45 *B. M. C. 45 (Revised).* Application for authority under section 5, Interstate Commerce Act, to acquire control of a motor carrier or motor carriers through ownership of stock, or otherwise.

It is further ordered, That Part 180 be, and it is hereby, amended as follows:

In § 180.1 *Application for authority to merge properties or franchises*, retain paragraph (a), and amend paragraphs (b) and (c) so as to read as follows:

(b) The original of each such application and five copies thereof shall be filed with this Commission, one copy thereof shall be furnished to each of the Directors of Districts of the Bureau of Motor Carriers in which are located the headquarters of the carriers involved in the application, and one copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which said carriers operate. Applicants are not required to give notice to competitors since notice of such filing will be by publication in the FEDERAL REGISTER, as provided in § 1.240 of this chapter.

(c) Proof of service of copies of the application as provided in paragraph (b) of this section shall be made in connection with and as part of the original application filed with this Commission.

In § 180.6 *Application for approval of temporary operation*, retain paragraph (a), and amend paragraphs (b) and (c) so as to read as follows:

(b) The original of each such application and five copies thereof, shall be filed with this Commission, one copy thereof shall be furnished to each of the Directors of Districts of the Bureau of Motor Carriers in which the headquarters of applicants are located, and one copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to

[1] Filed as part of original document.

regulate the business of transportation by motor vehicle in each State in which the applicants operate. Applicants are not required to give notice to competitors since notice of such filing will be by publication in the FEDERAL REGISTER, as provided in § 1.240 of this chapter.

(c) Proof of service of copies of the application as provided in paragraph (b) of this section shall be made in connection with and as part of the original application filed with this Commission.

§ 180.50 *Application for authority to acquire control.* (a) Applications for authority under section 5, Interstate Commerce Act, to acquire control of a motor carrier or motor carriers through ownership of stock, or otherwise, shall be in the form and contain the information called for in the form of application, designated Form B. M. C.-45 (Revised) (§ 7.45 of this chapter).

(b) The original of each such application and five copies thereof shall be filed with this Commission, one copy thereof shall be furnished to each of the Directors of Districts of the Bureau of Motor Carriers in which are located the headquarters of the carriers involved in the application, and one copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which said carriers operate. Applicant is not required to give notice to competitors since notice of such filing will be by publication in the FEDERAL REGISTER, as provided in § 1.240 of this chapter.

(c) Proof of service of copies of the application as provided in paragraph (b) of this section shall be made in connection with and as part of the original application filed with this Commission.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and with the Director of the Division of the Federal Register.

And it is further ordered, That this order shall become effective on August 1, 1957.

(24 Stat. 383, as amended, 49 Stat. 546, as amended, 49 U. S. C. 12, 304, Interpret or apply secs. 1, 5, 24 Stat. 379, as amended, 380, as amended, 49 Stat. 544, as amended, 555, as amended; 49 U. S. C. 1, 5, 303, 312)

By the Commission, Division 4.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-5786; Filed, July 16, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

NOTICE OF EXTENSION OF TIME RELATING TO PROPOSED FREIGHT ZONES

The date for filing data, views or arguments with respect to proposed freight zones listed in the notice issued on July 3, 1957, is hereby extended to July 23, 1957.

[SEAL] C. J. BLANFORD, *Market Administrator.*

JULY 9, 1957.

[F. R. Doc. 57-5817; Filed, July 16, 1957; 8:54 a. m.]

[7 CFR Part 963]

[AO-296]

IRISH POTATOES GROWN IN UPPER PENINSULA OF MICHIGAN AND FLORENCE AND MARINETTE COUNTIES IN WISCONSIN

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.0 et seq.), notice is hereby given of a public hearing to be held in the Court House, Supervisors' Room, Marquette, Michigan, beginning at 9:30 a. m., local time, August 5, 1957, with respect to proposed Marketing Agreement No. 136 and Order No. 63 regulating the handling of Irish potatoes grown in the Upper Peninsula of Michigan, and Florence and Marinette Counties in Wisconsin. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of the marketing agreement and order, hereinafter set forth, or appropriate modifications thereof.

Growers and shippers in the Upper Peninsula of Michigan as represented by the Upper Peninsula Potato Growers Association, requested a hearing on the following proposed marketing agreement and order authorizing regulation of the handling of potatoes in the proposed production area.

DEFINITIONS

§ 963.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 963.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 963.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 963.4 *Production area.* "Production area" means all territory within the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Keweenaw, Gogebic, Houghton, Iron, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft, all in the Upper Peninsula in Michigan, and Florence and Marinette Counties in Wisconsin.

§ 963.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 963.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 963.7 *Seed potatoes.* "Seed potatoes" or "seed" means all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State in which the potatoes were grown.

§ 963.8 *Table stock potatoes.* "Table stock potatoes" or "table stock" means and includes all potatoes not included within the definition of "seed potatoes."

§ 963.9 *Handle.* "Handle" is synonymous with "ship" means to sell or transport potatoes, or cause potatoes to be sold or transported, within the production area or between the production area and any point outside thereof. This definition of "handle" shall not be applicable to potatoes that are transported within the production area for grading or storing therein.

§ 963.10 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes.

§ 963.11 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of potatoes for market.

§ 963.12 *Grading.* "Grading" is synonymous with "preparing for market" and means the sorting or separating of potatoes into grades and sizes for market purposes.

§ 963.13 *Grade and size.* "Grade" means any of the officially established grades of potatoes, and "size" means any of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) State standards for potatoes issued by the State in which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 963.14 *Pack.* "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits recommended by the committee and approved by the Secretary.

§ 963.15 *Container.* "Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other unit used in the packaging, transportation or sale of potatoes.

§ 963.16 *Committee.* "Committee" means the Upper Peninsula of Michigan Potato Committee established pursuant to § 963.25.

§ 963.17 *District.* "District" means each of the geographic divisions of the production area initially established or as reestablished pursuant to § 963.32.

§ 963.18 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 963.19 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 963.20 *Washed potatoes.* "Washed potatoes" means potatoes cleaned by water that meet standards of cleanness established by the Secretary pursuant to committee recommendations. The U. S. Standards for Potatoes (§§ 51.1540-51.1599 of this title) shall be the basis for standards of cleanness and determinations and certification of cleanness shall be by the Federal-State Inspection Service.

§ 963.21 *Label.* "Label" means to mark, brand, or otherwise designate on containers, the official grade, or size, or both, of potatoes therein.

COMMITTEE

§ 963.25 *Establishment and membership.* (a) The Upper Peninsula of Michigan Potato Committee consisting of nine members, of whom six shall be producers and three shall be handlers, is hereby established.

(b) Each person selected as a committee member or alternate shall be a producer or a handler respectively, or an officer or employee thereof, in the district for which selected and each such person shall be a resident of such district.

(c) For each member of the committee there shall be an alternate who shall have the same qualifications as the member. The alternate member shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for the unexpired term of said member is selected and has qualified.

§ 963.26 *Selection.* (a) The Secretary shall select from each District two producer members and their alternates, also one handler member and his alternate.

(b) Any person selected by the Secretary as a committee member or as an alternate shall file a written acceptance with the Secretary within ten days after being notified of such selection to qualify for the position.

§ 963.27 *Term of office.* (a) The term of office of committee members shall begin as of July 1 and end as of June 30. The term of office by producer members shall be for three years. The term of office of the producer members of the initial committee shall be so determined by the Secretary that one-third shall be for a term of one year, one-third for a term of two years, and one-third for a term of three years. The term of office of alternate producer members, and of handler members and alternates shall be for one year. No producer member and no handler member shall serve for more than three consecutive terms.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 963.28 *Procedure.* (a) Six members of the committee shall be necessary to constitute a quorum and six concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing. When any assembled meeting is held, all votes shall be cast in person.

§ 963.29 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 963.30 *Duties.* The committee shall have the following duties:

(a) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, select subcommittees, and adopt such rules and procedures for the conduct of its business as it may deem advisable.

(b) Act as intermediary between the Secretary and any producer or handler.

(c) Appoint such employees, agents, and representatives as it may deem necessary and determine the salaries and define the duties of each such individual.

(d) Keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative.

(e) Furnish the Secretary promptly copies of the minutes of each committee meeting, an annual report of the committee's operations for the preceding fiscal period, and such other reports or information as may be requested by the Secretary.

(f) Consult, cooperate, and exchange information with other marketing agreement committees and other agencies or individuals in connection with proper committee activities and objectives.

(g) Take any proper action necessary to carry out the provisions of this subpart.

§ 963.31 *Members' expenses.* Committee members and alternates shall be reimbursed for expenses necessarily incurred in the performance of their duties and in the exercise of their powers under this subpart.

§ 963.32 *Districts.* (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1: Alger, Delta, Schoolcraft, Luce, Mackinac and Chippewa Counties in Michigan;

District No. 2: Marquette, Iron, Dickinson and Menominee Counties in Michigan and Florence and Marinette Counties in Wisconsin; and

District No. 3: Houghton, Baraga, Keweenaw, Ontonagon and Gogebic Counties in Michigan.

(b) The Secretary, upon recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided,* That there shall be no change in the total number of committee members or in the total number of districts. In recommending any such changes in districts or representation, the committee shall give consideration to (1) the relative importance of new producing sections; (2) changes in the relative position of existing districts with respect to production; (3) the geographic location of producing sections as they would affect the efficiency of administering this part; and (4) other relevant factors.

§ 963.33 *Nominations.* The Secretary may select the members of the Upper Peninsula of Michigan Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) The committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers and

handlers, respectively, in each of the districts designated in § 963.32 in which the term of office of committee members, and their respective alternates, will commence the following July 1;

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following June 30 of each year;

(d) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than May 31 of each year;

(e) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(f) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(g) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(h) If nominations are not made within the time and in the manner specified by the Secretary pursuant to this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this part.

§ 963.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 963.33, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this part.

EXPENSES AND ASSESSMENTS

§ 963.40 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare a budget for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

§ 963.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part. The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. In order to provide funds to carry out the functions of the committee handlers may make advance payment of assessments.

§ 963.42 *Assessments.* (a) Handlers shall share expenses upon the basis of the fiscal period. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro-rata share of the committee's expenses. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during the fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during such fiscal period.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were handled by the first handlers thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or became inoperative.

§ 963.43 *Refunds.* At the end of each fiscal period funds arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one fiscal year's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure, or during any period of suspension of any or all of the provisions of this part.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

§ 963.44 *Fiscal reports.* The books of the committee shall be audited by a competent accountant at least once each fiscal period and at such other times as the committee may deem necessary or as the Secretary may request. A copy of each audit report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers.

RESEARCH AND DEVELOPMENT

§ 963.47 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes. The expenses of such projects shall be paid from funds collected pursuant to § 963.42.

REGULATION

§ 963.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, quality, and maturity in different packs, or any other shipping units;

(2) Supply of potatoes by grade, size, quality, and maturity in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy and it shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 963.51 *Recommendations for regulations.* The committee shall recommend to the Secretary grade, size, quality, and maturity regulations, or amendments thereto, or modifications thereof, whenever it finds that such regulations as provided in § 963.52 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate the handling of potatoes, for the purposes authorized in § 963.54. The committee may also recommend amendment, termination, or suspension of any regulation issued under this part.

§ 963.52 *Issuance of regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities or maturity of any or all varieties of table stock or of seed potatoes, or both, during any period; or

(2) Regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for washed and unwashed table stock, for seed, for different portions of the production area, for different markets, for different packs, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(3) Require that potatoes handled hereunder shall be labeled to show the official grade, or size, or both, thereof;

(4) Provide a method through rules and regulations issued pursuant to this part for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both; or

(5) Establish in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) The Secretary may amend any regulations issued under this subpart whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also suspend or terminate any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(c) The Secretary shall notify the committee of the issuance of any such regulation, amendment, suspension, or termination and the committee shall give reasonable notice thereof to handlers.

§ 963.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 963.42, 963.52, 963.54, or 963.60, or any combination thereof.

§ 963.54 *Handling for specified purposes.* (a) Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary shall issue special regulations, or modify, suspend, or terminate requirements in effect pursuant to §§ 963.42, 963.52, 963.60, or any combination thereof, in order to facilitate the handling of potatoes for the following purposes whenever he finds that to do so will tend to effectuate the declared policy of the act:

(1) Shipments of potatoes for export;

(2) Shipments of potatoes for relief or to charitable institutions;

(3) Shipments of potatoes for manufacture into specified products or by-products;

(4) Shipments of potatoes for livestock feed within the production area generally or any specified portions thereof;

(5) Shipments of potatoes for planting within the production area; and

(6) Shipments of potatoes for other purposes which the Secretary may specify.

(b) Whenever the handling of seed potatoes is not subject to the same regulations as is the handling of table stock potatoes issued pursuant to §§ 963.42, 963.52, and 963.60, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to § 963.55, to prevent diversion of such shipments from seed potato channels.

§ 963.55 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent potatoes shipped pursuant to § 963.54 from entering channels of trade for other than the specific purpose authorized therefor.

(b) The committee, with the approval of the Secretary, may also prescribe rules and regulations governing the issuance, and the contents, of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall first file applications with the committee to ship such potatoes;

(2) Handlers shall obtain inspection provided by § 963.60, or pay the pro rata share of expenses provided by § 963.42, or both, in connection with such potatoes; and

(3) Handlers shall obtain Certificates of Privilege from the committee prior to effecting the particular shipments.

(c) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that potatoes shipped by him for the purposes stated in the Certificate of Privilege were handled contrary to the provisions of this subpart.

(d) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 963.60 *Inspection and certification.* (a) During any period in which the handling of potatoes is regulated pursuant to this subpart, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 963.53 or § 963.54, or both.

(b) Regarding, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided*, That such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated under rules and regulations recommended by the committee, and approved by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal-State or Federal inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate

is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall accompany each carload or truckload.

EXEMPTIONS

§ 963.65 *Procedure.* The committee may adopt, with approval of the Secretary, the rules and procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 963.66 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee:

(1) That by reason of a regulation issued pursuant to § 963.52 he will be prevented from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area during the season or a specific portion thereof; and

(2) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship or have shipped the potatoes described thereon and evidence of such certificate shall be made available to subsequent handlers of such potatoes.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee:

(1) That by reason of a regulation issued pursuant to § 963.52 he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area during the season; and

(2) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the potatoes described thereon and evidence of such certificate shall be made available to subsequent handlers of such potatoes.

§ 963.67 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 963.68 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. The appeal must be taken promptly after such determination by the committee. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a determination concerning the application, which determination shall be final. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

REPORTS

§ 963.70 *Reports.* Upon the request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection:

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of potatoes received and disposed of by types of outlets during specific periods;

(2) Sales records including dates, car or truck numbers, and inspection certificate numbers;

(3) Record of shipments handled under exemption certificates including number of such certificates;

(4) Record of all potatoes handled pursuant to §§ 963.53 and 963.54 including certificate of privilege and inspection certificate numbers, if any.

(b) All such reports shall be held under appropriate protective classification in custody by the committee, or duly authorized individuals or agencies thereof, so that the information contained therein which may adversely affect a competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to, or requested by, the committee pursuant to this section.

COMPLIANCE

§ 963.75 *Compliance.* No handler shall handle potatoes except in conformance with the provisions of this subpart and the rules and regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 963.80 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 963.81 *Right of the Secretary.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States under the act or otherwise. The members of the committee (including successors and alternates), and any agent or employee, shall be subject to removal by the Secretary at any time. Each and every act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 963.82 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 963.83 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of potatoes for market: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30, of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 963.84 *Proceedings when terminated, suspended, or inactive.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustes shall continue in such capacity until discharged by the Secretary and shall proceed pursuant to directions of the Secretary's liquidation order.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 963.85 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or

(b) Release or extinguish any violation of this subpart or of any regulations issued under this subpart, or

(c) Affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 963.86 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employe of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 963.87 *Personal liability.* (a) No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such sucessor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

§ 963.88 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 963.89 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 963.90 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 963.91 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 963.92 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 12th day of July 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-5819; Filed, July 16, 1957; 8:55 a. m.]

[1] Applicable only to the proposed marketing agreement.

[7 CFR Part 993]

[Docket No. AO-201-A3]

DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS OF MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and amended order, hereinafter referred to as the "order", are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and any further amendments which may be adopted as the result of this proceeding also will be effective pursuant to said act. Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business on the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed amendments of the order are formulated, was held in San Francisco, California on April 8, 1957. The hearing was initiated pursuant to a notice thereof which was published in the FEDERAL REGISTER (22 F. R. 2135) on March 30, 1957. The notice of hearing included proposed further amendments submitted by the Prune Administrative Committee, hereinafter referred to as the "committee", the administrative agency established pursuant to the order. The notice also contained a further amendment proposed by the Prune Section of the California Farm Bureau Federation.

Material issues. The material issues, presented on the record of the hearing, and involving the proposals of the committee, were concerned with amending the order to:

(1) Define the term "consumer package";

(2) Apply a minimum size limitation to prunes in consumer packages, with implementing inspection and certification requirements, irrespective of whether the estimated season average price to producers for prunes is below or above parity;

(3) Authorize, in below-parity situations, the prescribing of pack specifications for the packing of prunes in consumer packages according to size categories, with implementing identification, inspection, and certification requirements;

(4) Authorize, in above-parity situations, the same regulation as referred to in (3) above;

(5) Apply the minimum size limitation referred to in (2) above and authorize the application of the pack regulation referred to in (3) to persons who repackage prunes into consumer packages within the continental United States;

(6) Authorize the Secretary to establish and maintain during the remainder of a crop year, the minimum standards of quality and maturity and inspection requirements for prunes provided in § 993.50 as proposed to be amended, if he finds during such year that the estimated

season average price for prunes during such year will exceed parity;

(7) Authorize the Secretary to provide for the orderly disposition of any unsold surplus tonnage prunes (standard and substandard) if he determines during a crop year that the estimated season average price for prunes for that crop year will exceed parity;

(8) Establish a different formula for determining a handler's share of excess assessment monies; and

(9) Make such other changes in the order as may be necessary to make the entire order conform with the proposed amendments thereto.

The material issue, presented on the record of the hearing, and involving the proposal of the Prune Section of the California Farm Bureau Federation, was concerned with amending the order to:

(10) Reduce the number of affirmative votes required for the committee's adoption of its marketing policy recommendations.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The order should be amended to add a definition of the term "consumer package." This should be done by renumbering present § 993.20, *Part and subpart*, as § 993.21 and by inserting immediately prior thereto a new § 993.20, *Consumer package*. It is proposed to regulate the handling of prunes in consumer packages by applying a minimum size limitation, as discussed in material issue (2), and pack specifications as to size, as discussed in material issue (3). Therefore, it is necessary to identify the prunes subject to these proposed regulatory measures by defining the term "consumer package."

"Consumer package" should be defined to mean: (a) Any container holding less than 10 pounds of standard prunes or standard processed prunes; or (b) any container holding less than 10 pounds of prunes and other dried fruit of which the net weight of prunes, either standard processed prunes or standard prunes, is more than 60 percent of the total weight of the mixture.

The limitation of 10 pounds should be adopted in the definition to differentiate between consumer packages and bulk containers. Packages holding less than 10 pounds of prunes cover practically all prunes sold at retail for human consumption as prunes and it is proposed to improve consumer acceptance thereof by the aforesaid minimum size requirement and pack specifications as to size. Within this weight limit would be included those packages of prunes recognized by the trade as being for consumer purchase, such as one and two-pound blind cartons, transparent packages, and hermetically sealed glass and tin containers. On the other hand, it is not necessary to apply these proposed regulatory measures to prunes in bulk containers due ot the relatively small quantity of such prunes sold at the retail level in the United States for human consumption as prunes. Bulk containers are recognized by the industry and are defined in the United States Standards for Grades of Dried Prunes (7 CFR 52.3181–52.3188) as those holding 10 pounds or more of prunes.

The definition should include standard prunes when such prunes constitute the contents of the package. Ordinarily, standard prunes (i. e., natural condition prunes which meet the minimum standards of quality prescribed therefor under the order) are not packed and shipped in consumer packages. However, it is necessary to extend the definition to cover standard prunes to forestall an undesirable exemption from the proposed regulations that would otherwise exist in the event standard prunes are packed and shipped in consumer packages.

The term "consumer package" also should include standard processed prunes when such prunes constitute the contents of the package. Standard processed prunes, as understood in the industry and as defined in the order, are prunes that have been cleaned, or treated with water or steam, and meet the minimum standards of quality prescribed therefor under the order. After treatment with hot water or steam and drained, the prunes are packaged and the only moisture, other than that contained within the prune itself is the slight amount of moisture which may adhere to the surface of the prune.

It is not intended that the definition cover dried prunes which have been further treated to a point where they require no further cooking or stewing before serving. Because of the nature of these packs of prepared, ready-to-serve prunes, it would be impracticable to apply to such prunes the same size restriction and pack specifications as would be applied to prunes which are "processed" in the sense the latter term is customarily understood in the industry. The moisture content of prepared ready-to-serve prunes is much greater than that of "processed" prunes. The containers in which they are packed contain varying amounts of free liquid. Therefore, any container of prunes containing free liquid should be construed as not being within the scope of the definition.

The definitions of the terms "standard prunes" and "standard processed prunes" set forth in the order specify that such prunes shall meet any applicable size standards which may be prescribed pursuant to the order. Up to the present time, no such standards have been prescribed. While it is proposed to apply a minimum standard size restriction to prunes in consumer packages, this restriction would not apply to prunes in bulk containers. Therefore, in the absence of the application of an additional size restriction to prunes other than those in consumer packages, standard prunes or standard processed prunes which are packed in bulk containers and which are smaller than the minimum size proposed to be permitted in consumer packages would not be "substandard prunes," as that term is defined in § 993.9.

In general, mixed dried fruit containing prunes in packages of consumer size should be excluded from the definition of "consumer package" since it would be extremely difficult to apply a minimum size requirement and pack specifications to one component of a mixture of several dried fruits. However, inasmuch as the weight of the prunes in recognized packs of mixed dried fruit is not more than 60 percent of the total weight of the mixture, it is possible that handlers may circumvent the intent of the proposed minimum size restriction and pack specifications by increasing the perecntage of prunes in the total weight of the mixture to more than 60 percent. Consequently, the definition of "consumer package" should include these uncommon packs as a safeguard against this possibility.

(2) In the interest of the public as well as that of the industry and the trade, §§ 993.49 and 993.50 of the order should be amended to include provisions, with implementing inspection requirements, which would prohibit the shipment to domestic or export markets, or other final disposition of prunes by handlers of any lot of consumer packages of prunes averaging in count smaller than 100 per pound, irrespective of whether the estimated season average price to producers for prunes is below or above parity.

The present order authorizes volume regulation in below parity situations and the application of minimum standards of quality to the handling of prunes in both below and above-parity situations. While the order also authorizes the application of minimum size standards in below-parity situations, size regulation has not heretofore been employed. The instant proposal would provide further assurance that the prunes in consumer packages will be of a quality suitable for human consumption as prunes.

In general, small prunes (those with an average count of 100 or more per pound) have less sugar, possess less desirable flavor and texture, and are less mature than larger prunes. Therefore, the smallness of such prunes is a definite factor of quality and maturity. It is also true that the number of pits and skins in a given weight of small prunes is greater than the number in the same weight of larger prunes. In general, the ratio of pit weight to the flesh weight of the prune increases as the prune decreases in size. For these reasons, such small prunes are generally unsuitable for human consumption as prunes. While this small size category does include some mature and meaty prunes, it invariably contains a fairly large percentage of prunes that have a relatively small flesh and sugar content, are largely skin and pits, and are considered unsuitable for human consumption as prunes. Since prunes are graded by handlers into respective size categories by diameter screening and not by specific gravity, small prunes that may be mature and meaty are commingled with those unsuitable for human consumption as prunes and it would be difficult, as well as uneconomical, for handlers to separate them. Consequently, the pack of small prunes as a whole is unsuitable for use as human food in the form of prunes. Beyond this, consumers usually associate such small prunes with immaturity and inferior quality, and generally consider them unsuitable.

The average count of 100 prunes per pound was selected as the logical number of prunes separating those sizes of prunes which should be permitted in consumer packages and those which should be excluded. The next smaller size prunes presently packed in the industry is 100/120 which permits an average maximum count per pound of 120 prunes. Only a very small percentage of the total prune production is packed in consumer packages according to the scale 100/120. Prunes smaller than 120 are generally classed as one group and designated as 121/ups. Larger prunes are customarily size-graded within 10 point ranges such as 90/100, 80/90, and 70/80. A size regulation prohibiting the handling of 90 to 100 prunes per pound (90/100's) in consumer packages would be too stringent a regulation at least initially, while a regulation which prohibited the handling of 121/ups in consumer packages would have practically no effect.

Competition in the marketing of prunes is based to a considerable extent on the price factor. The sales, at a discount, of prunes which fail to meet the proposed size requirements, because such prunes are generally unsuitable to consumers, have depressed prices for larger sizes of prunes sold in consumer packages. When consumers buy prunes which turn out to be unsatisfactory for eating as prunes, rather than the bargain represented, disappointment ensues and future consumer purchases of prunes are affected adversely. Elimination of part of the demand for prunes causes financial loss to producers not only as to price per unit but also as to total value of the production. If the proposed size regulation is put into effect the interest of the consumer would be protected and, through improved consumer acceptance of prunes, increased consumption should be obtained which is in the interest of producers.

The proposed regulation would not withhold from the consuming public any portion of the prune production that is suitable for human consumption. The small prunes which are not suitable for marketing in consumer packages for human consumption as prunes, would, to the extent that they are satisfactory for the purpose, be used for the manufacture of such human food products as prune juice or prune products wherein the prunes lose their form and identity as prunes. While the manufacturing outlet returns a smaller price per pound to the producer than does the market for prunes in consumer packages, it was testified at the hearing that this differential would be more than offset by the improved demand for prunes in consumer packages which would occur by reason of the proposed regulation.

The hearing evidence indicates that only a very small percentage of all shipments of prunes in consumer packages has been comprised of lots wherein the prunes averaged smaller than a count of 100 per pound. It follows that the proposed regulation would eliminate only a small percentage of the total prune production from consumer packages. Since this small percentage has been a detriment to the orderly marketing of larger prunes in consumer packages, it was testified that it should be eliminated from such containers and diverted to other uses.

No provision should be made in the order for modifying the proposed minimum size limitation insofar as the average count of 100 prunes per pound in consumer packages is concerned. The proponents expressed the firm view at the hearing that a change in the 100 average-count limitation in consumer packages to some other minimum count would be of such far-reaching importance to the industry that it should occur only through an amendment of the order in accordance with the provisions of the act.

Since the proposed regulation is expressed in terms of an average, it is necessary to specify an appropriate degree of uniformity for the minimum size in order to limit the extent to which the prunes may vary in size. This should be done by prescribing that, for prunes of such minimum size, in a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. This is the same variation permitted in § 52.3186 (a) (2) of the United States Standards for Grades of Dried Prunes (7 CFR 52.3186 (a) (2)). This requirement as to uniformity of size would prevent the blending of very small prunes with large prunes in order to make the aggregate meet the 100 average-count limitation. On the other hand, the requirement would permit a reasonable degree of variation which is needed in the light of the cost and physical limitations involved in the size-grading of prunes. In view of technological advances which may be made in size-grading techniques and changes which may occur in consumer preferences as to uniformity of size of prunes, procedures also should be authorized in the amended order to permit this requirement for uniformity of size in connection with the minimum size to be modified or changed.

The minimum size limitation should be applied on a lot basis because it would be uneconomical and impractical for handlers to size-grade the prunes as closely as would be required if the limitation were applied on an individual package basis.

Each handler, before shipping or otherwise making final disposition of prunes in consumer packages, should be required, at his expense, to have an inspection made by the designated inspection agency to determine whether the prunes meet the minimum size requirement and to obtain, and submit to the committee, a certificate showing that the prunes meet such requirement. These inspection and certification requirements are necessary for administrative purposes and to insure compliance with the order.

(3) Section 993.49 of the order should be amended to include provisions which would require, in below-parity situations, the prescribing of reasonable and appropriate pack specifications for the packing of prunes in consumer packages in accordance with commercially recognized size categories, together with reasonable and appropriate tolerances. As an incident of such specifications, it should be required that each consumer package of prunes, unless specifically excepted, be identified by appropriate means, such as labels, to show that the size of the prunes (by lot) comply with the applicable pack specification. The amendment should provide implementing inspection requirements. It should also specify that no handler shall ship or otherwise make final disposition of consumer packages of prunes unless they are packed according to such specifications or subsequent modifications thereof and are correctly identified.

Evidence presented at the hearing shows that the wide disparity in the sizes of prunes in consumer packages has often led to dissatisfaction on the part of consumers. It was testified that consumer packages frequently have been mislabeled as to the size of the prunes contained therein and that consumers have not received value for their purchases, which has tended to increase consumer dissatisfaction. Other testimony referred to instances of consumer packages which contained no information as to the size of the prunes in the package. In these instances consumers have no way of knowing, when the contents of the unopened package are not visible, whether they will obtain value corresponding to the purchase price. These practices have served to reduce the acceptability of prunes to consumers, hurt the demand for prunes and, hence, affect producer returns adversely. It was testified that by failing to pack in consumer packages prunes which are reasonably uniform in size and by failing to represent the true size of prunes in the package, a handler can underprice his competitor who is conscientiously trying to give the public a good and uniform product, and thereby gain an unfair advantage. This practice is detrimental to the public and the industry.

The instant proposal is designed to eliminate the undesirable practices described above by requiring that prunes packed in consumer packages shall be reasonably uniform in size, in accordance with commercially recognized size categories, and that the packager correctly identify the size of the prunes in the package. Thereby, consumer acceptance of prunes would improve with a consequent increase in the demand for prunes and in producer returns.

Provision should be made in the order to permit modification of the pack specifications by rule-making procedures in the event the need therefor is demonstrated. As the industry operates under this regulation, experience may demonstrate the need for decreasing or increasing the number of permissible size categories (while maintaining coverage of eligible range of sizes), redefining them, changing the tolerances therefor, or modifying the identification requirements.

Because it would be impracticable and uneconomical for handlers to grade prunes so closely as to size as would be necessary if the pack specification regulation were applied on an individual package basis, the regulation, except for identification requirements, should be limited in application, to lots, on a lot basis.

Authority should be provided in the order to permit reasonable and appropriate tolerances to be prescribed in connection with the size categories designated in the regulation. These tolerances would be needed to attain reasonable uniformity in the sizes of prunes in each permissible size category, while at the same time, it would be necessary to permit some variation to occur therein to give appropriate recognition to the cost and physical limitations involved in the size-grading of prunes.

Incidental to and as a part of the pack regulation proposed, each consumer package of prunes, unless excepted, should be identified by an appropriate label, seal, stamp or tag affixed to the package, showing the pack specification applicable to the size of the prunes in the specific lot. These identification requirements would facilitate effectuation of the intent of the proposal. It was testified that these requirements should not work any hardship on handlers. Since handlers now identify the contents of most consumer packages by labeling or other means, it was testified that they would not incur much additional expense, if any, in complying with these means of establishing identity.

Authorization should be provided in the order to permit the exemption of any particular type of consumer package of prunes from these labeling requisites if these requirements, under particular circumstances, are unnecessary. For example, operations under the proposed regulation may disclose that the labeling of certain consumer packages is unnecessary due to the visibility of their contents to the consumer. As another example, it could develop that labeling as to the size of the prunes in the consumer package would serve no useful purpose on certain packs purchased for use by the military service.

Before disposing of prunes in consumer packages, handlers should be required to comply with the inspection provisions hereinafter set forth in the proposed amendment so that it can be determined whether such prunes are packed in accordance with the applicable pack specification and are properly labeled.

(4) It was proposed at the hearing that authority be provided in the order so that the proposed pack regulation could be made effective in above-parity situations. In support of this proposal, it was contended that such regulation would contribute to the orderly marketing of prunes in the public interest for many of the same reasons advanced as justification for this regulation in below-parity situations. It was further contended that the discontinuance of the pack regulation in above-parity situations would serve to detract from the benefits to be obtained by consumers and the industry from this regulation in below-parity situations. While the arguments made for the proposal are meritorious, section 2 (3) of the act does not authorize such regulation in above-parity situations. Therefore, the proposed pack regulation in above-parity situations must be and is denied.

(5) Proposed amendments of the order were set forth in the notice of hearing which prescribed that any person who repackages prunes into consumer packages within the continental United States must comply with the proposed minimum size limitation, discussed above in material issue (2), and with the proposed regulatory measure for pack specifications as to size, discussed in material issue (3). In order to effectuate these contemplated requirements, it was proposed in the notice of hearing to add repackaging as a function of handling. This would have the effect of including, as handlers under the order, those persons who repackage prunes into consumer packages within the continental United States and, in turn, would require the new handlers within the area to have the prunes which would be repackaged in California inspected and certified by the named inspection agency and those prunes which would be repackaged elsewhere within the continental United States to be inspected and certified by another inspection agency. These proposals were made because the possibility was contemplated that the effectiveness of the proposed size limitation and pack regulation would be significantly lessened if these two regulatory measures were not applied to repackagers of prunes other than the present handlers under the order.

At the hearing, however, it was contended that the proposed inspection and certification requirements should not be applied to this new class of handlers mainly because the cost and task of obtaining inspection and certification on repackaged prunes would be so onerous and burdensome to them as to discourage them from dealing in prunes. While it was testified that the committee could use reporting techniques to obtain information on repackaging activity, it was conceded that such techniques would be less effective from the standpoint of absolute enforcement than would be the requirement of inspection and certification. It was indicated that compliance by repackagers under the proposed extension of the regulations in all likelihood would be a difficult problem due to the nature of their operations, their scattered location throughout the United States and their number which, it was testified, slightly exceeds the number of present handlers in California. The hearing evidence created doubt as to whether this compliance problem could be resolved with a reasonable degree of success by relying on reports from trade and handler sources to establish packaging violations.

Conflicting evidence was presented at the hearing as to whether the effectiveness of the proposed minimum size limitation and pack regulation would be lessened if repackagers in the United States were not covered. On the one hand, apprehension was expressed that, if they were not covered, they would find it profitable to increase the quantity of prunes handled and distributed by them free of regulation. On the other hand, it was testified that, if the proposed regulations were applied to present handlers only, the quantity of prunes repackaged by unregulated repackagers would not be likely to increase because persons in the trade, due to the investment required in packing machinery, can acquire consumer packages of prunes at a lower cost directly from present handlers than that which would be incurred if they acquire the prunes in bulk and repackage them. In this regard, it was testified that the tendency has been for repackaging in trade channels to decrease and for the present handlers to pack more and more of the total quantity of prunes which are packed in consumer packages. The greater weight of evidence and logic indicates that the quantity of prunes repackaged in trade channels in the United States into consumer packages now constitutes only a very small percentage of the total pack of prunes in consumer packages, and that such quantity would not increase to nullify the effectiveness of the proposed minimum size limitation and pack regulation if these regulatory measures were applied only to handlers as now defined in the order.

The hearing evidence was unclear as to the number and location of repackagers, the quantity of prunes repackaged by them and the exact nature of their operations. This condition was at least partly ascribable to the fact that repackagers in the trade did not appear at the hearing to describe their operations or to testify regarding the desirability or advisability of extending the regulations to cover them.

In view of all of the foregoing, it is concluded that the hearing evidence does not justify the extension of the proposed regulations to repackagers. It is further concluded that the proposed minimum size limitation and the proposed pack regulation would tend to effectuate the declared policy of the act without regulation of repackagers. If lack of order coverage of repackagers should prove in the future to be a problem needing resolution, the order could be amended at that time to resolve this problem if the then existing facts and circumstances justify that action. Accordingly, the various amendatory proposals included in the notice of hearing and those proposed at the hearing to regulate repackagers of prunes are denied.

(6) Section 993.50 (a) should be amended to make it clear that the Secretary has the authority, if he finds during a crop year that the estimated season average price for prunes will exceed parity, to invoke, for the remaining portion of that crop year, the provisions of § 993.50 including the minimum size requirement discussed above in material issue (2) and the provisions of proposed § 993.64.

The present provisions of § 993.50 (a) clearly authorize the Secretary to establish and maintain, for a crop year, minimum standards of quality and maturity and grading and inspection requirements as to prunes, if he finds prior to or at the beginning of the crop year, that such price will exceed parity. However, it is not clearly specified in the present order that the Secretary has the authority to apply these regulations to the handling of prunes for the remaining portion of a crop year if he makes an above-parity finding during a crop year.

It could happen, as it did happen in the 1950–51 crop year, that the below-parity quality regulations of the order would have to be suspended if, contrary to the expectation at the beginning of the crop year, it was found later in the year that prune prices would average above parity for that year. Clear authorization for invoking the provisions of § 993.50 in this situation would permit, without question, the continuing orderly marketing of prunes in the public interest. The proposed amendment would provide assurance to consumers and manufacturers that they would continue to receive, without interruption, prunes of such quality and maturity as are desirable for their respective purposes. This continuity would serve to prevent the irreparable harm to consumer acceptance of prunes which could result if a time gap occurred in the maintenance of regulation. This proposal, therefore, would be in the interest of both producers and consumers.

(7) The order should be amended by the addition of a new section, § 993.64, which would eliminate any doubt concerning the Secretary's authority to provide for the orderly disposition of unsold surplus tonnage in the event that he should find, during a crop year when surplus tonnage withholding requirements have been in effect under the order, that the estimated season average price for prunes for that crop year will exceed parity. The provisions of the new section should specify in these circumstances that the Secretary shall issue an order providing for the liquidation of the unsold surplus tonnage (both standard and substandard) then on hand by disposal in such outlets, at such times, and in accordance with such terms and conditions as he may determine to be appropriate in the circumstances. It should be further provided that, in determining these terms and conditions, the Secretary should give consideration to the recommendations, if any, which may be submitted by the committee.

If salable and surplus tonnage regulations were put into effect for a crop year and if the Secretary later found during such year that prune prices would average above parity, it would be necessary for him to suspend those regulations, since no authority exists for the maintenance of prices to producers above the parity level. Under these conditions, it could happen that handlers, at the time of the suspension action, would be holding for the account of the committee a quantity of unsold surplus tonnage which, if it were all released to them forthwith for use as salable tonnage, would create disorderly marketing conditions for prunes which would be harmful to the industry, the trade, and the public. It is possible that an uncontrolled release of this nature would cause handlers and the trade to reduce prune prices to such an extent that prices to producers would average below parity for the crop year. This situation would not be in keeping with the objectives of the act.

The proposed amendment to the order would avert these eventualities by providing authorization to prescribe procedures for orderly disposition of the unsold surplus standard and substandard tonnage. This could be done through the prescribing of outlets, quantities to be offered for sale during specified periods of time, committee's sales price, and such other terms and conditions as may be appropriate. Moreover, it would be necessary to protect the interests of equity holders in the pooled tonnage and to provide for the payment of pooling costs. In devising the liquidation terms, the recommendations of the committee, if any were submitted, would be helpful to the Secretary as the membership of the committee would be intimately acquainted with prune marketing conditions.

(8) Section 993.81 (c) should be amended to change the formula used to determine a handler's share of assessments collected during a crop year and not expended in connection with that year's operation, and which constitutes a surplus or excess of funds, above expenses, for that year's operations.

The present provisions of § 993.81 (c) require that such excess shall be refunded or credited to a handler in the same proportion that the amount of assessments paid by him is a fractional part of the total amount of assessments paid by all handlers. This formula produces equitable results only so long as all handlers have paid their assessments in full. In general, if a handler pays less than the full amount he owes, whether by design, bankruptcy, or otherwise, the present formula would give him a greater share of the excess than that to which he is rightfully entitled. Moreover, in these circumstances, he would receive a refund or credit even if he had paid less than his pro rata share of the committee's expenses. At the same time, other handlers who had paid the full amount of their assessments would receive smaller refunds than they would have received if the delinquent handler had paid his assessments in full and, in effect, would pay more than their pro rata share of the committee's expenses based on the salable tonnage handled by them.

In order to avoid these inequitable results, § 993.81 (c) should be amended to limit the distribution of excess assessment monies to those handlers who pay more than their proportionate shares of the committee's expenses and to further provide that each such handler's share of such excess shall be the difference between the assessments he paid to the committee in connection with its previous year's operations and his pro rata share of such expenses. Under this proposal, each handler would receive a share of the excess to which he is rightfully entitled. If a handler paid less than his pro rata share of the committee's expenses or paid only the amount of that share, he would not receive any refund or credit from the excess. This proposal would change neither the basis for the payment of assessments nor the handler's obligation to pay his full share of the assessments.

(9) As a result of the hearing, it has been necessary to make some minor changes in the order to bring it into conformity with the proposed amendments. The record contains evidence that these conforming changes by the Secretary are necessary to clarify the details of the order.

(10) It was proposed by the Prune Section of the California Farm Bureau Federation that § 993.34 should be amended to reduce the affirmative votes required for the committee's adoption of its marketing policy recommendations from three-fourths to two-thirds of its members present at a meeting.

In support of this proposal, it was contended, among other arguments, that the present voting procedure required excessive unanimity in support of marketing policy propositions and that the proposed reduction would facilitate the arrival at committee recommendations on these propositions. It was further contended that the proposal would give less power to a minority of committee members which, in past instances, had prevented the adoption of marketing policy recommendations that had strong support.

In opposition, it was contended, among other arguments, that the marketing policy decisions of the committee were of vital importance to all segments of the industry and, therefore, should be supported by at least the degree of unanimity presently required. It was further contended that the proposal would not provide sufficient protection to the smaller segments of the industry against the will of the larger segments.

The proposal did not receive the support of the committee whose membership is comprised of representatives from all segments of the industry. Moreover, at the hearing, only one witness affirmatively supported the proposal and it was vigorously opposed by other witnesses who testified regarding it.

While there may be some merit in the proposal in that decisions of the committee might be facilitated, the record is lacking in evidence to support the proposal. Therefore, the proposal is denied.

Rulings on proposed findings and conclusions. At the hearing, the Presiding Officer required the filing of briefs not later than May 1, 1957, by parties interested in filing briefs with respect to facts presented in evidence and the conclusions to be drawn therefrom. Briefs were filed on behalf of: (1) California Packing Corporation, by R. L. Engell; (2) Rosenberg Bros. & Co., Inc., by F. Ehrenfeld; and (3) Valley View Packing Co., Inc., by J. P. Rubino. The briefs contained proposed findings of fact, conclusions, and arguments with respect to the proposals presented at the hearing. Each of these briefs opposed the proposal which would require, for the committee's adoption of marketing policy recommendations, the affirmative vote of at least two-thirds (instead of the present 75 percent requirement) of the committee

members present. Every point covered in these briefs has been considered carefully along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the suggested findings and conclusions contained in these briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions, is denied on the basis of the facts found and stated in connection with this recommended decision.

General findings. (a) The findings hereinafter set forth are supplementary and in addition to the findings and determinations which were made in connection with the original issuance of this marketing agreement and order (14 F. R. 5254) issued on August 22, 1949, and as supplemented by further findings and determinations made in connection with an amendment of the agreement and order (16 F. R. 8437) issued on August 17, 1951, and by the findings and determinations made in connection with the amendment of the agreement and order (19 F. R. 1301) issued on March 3, 1954. Except the finding as to the base period for the parity computation, and except insofar as such findings and determinations may be in conflict with the findings set forth herein, all of the said previous findings and determinations are hereby ratified and confirmed.

(b) The marketing agreement and order, as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The marketing agreement and order, as hereby proposed to be further amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(d) There are no differences in the production and marketing of dried prunes in the production area covered by this marketing agreement and order, as hereby proposed to be further amended, which require the application of different terms or provisions to different parts of such area.

Recommended amendments to the order. The following further amendments of the amended marketing agreement and order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Renumber present § 993.20, *Part and subpart*, as § 993.21 and insert, immediately prior thereto, a new § 993.20 to read as follows:

§ 993.20 *Consumer package.* "Consumer package" means: (a) Any container of prunes holding less than 10 pounds of standard processed prunes or standard prunes; or (b) any container holding less than 10 pounds of prunes and other dried fruit of which the net weight of prunes, either standard processed prunes or standard prunes, consists of more than 60 percent of the total weight of the mixture.

2. Amend paragraph (b), *Regulation*, of § 993.49, by deleting the same and inserting, in lieu thereof, the following:

(b) *Regulation* — (1) *Grade.* Continuing until such grade regulation is modified or changed by subsequent grade regulation prescribed by the Secretary, except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for standard prunes or standard processed prunes.

(2) *Size.* No handler shall ship or otherwise make final disposition of any lot of consumer packages of prunes unless the average count of the prunes contained in such lot is 100 or less per pound. In determining whether a lot of consumer packages of prunes conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of the recommendation and information submitted by the committee and other available information, modify or change this tolerance for uniformity of size.

(3) *Establishment of pack specifications as to size.* The Secretary shall, upon the basis of the recommendation and information submitted by the committee and other available information, prescribe pack specifications for the packing of prunes in consumer packages according to such commercially recognized size categories as may be deemed to be reasonable and appropriate, and also such tolerances for use in connection with such size categories as may be deemed to be reasonable and appropriate. As a part of, and in implementation of, the pack specifications prescribed, each consumer package of prunes shall be identified by an appropriate label, seal, stamp, or tag affixed to such container by the handler, showing that the size of the prunes in the lot from which the container was packed conforms to the applicable pack specification: *Provided*, That the Secretary may, upon the basis of the recommendation and information submitted by the committee and other available information, exempt any particular type of consumer package of prunes from these identification requirements if these requirements, under particular circumstances, are unnecessary. Continuing until such pack specifications are modified or changed by other pack specifications prescribed by the Secretary, no handler shall ship or otherwise make final disposition of consumer packages of prunes unless such prunes are packed and labeled in accordance with such specifications as to size.

3. Amend paragraph (c), *Superseding regulation*, of said § 993.49 to read as follows:

(c) *Subsequent regulation.* In case the committee should recommend to the Secretary that the minimum standards as to grade, or the requirement as to uniformity of size in connection with the minimum size, or the pack specifications as to size, as provided for respectively in subparagraphs (1), (2), and (3) of paragraph (b) of this section, should be modified or changed, or that minimum standards as to sizes of prunes should be made effective for application to prunes other than those packed in consumer packages, it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, and such other information as the Secretary may request. The Secretary, upon the basis of the recommendation and information submitted by the committee and other available information, shall issue such subsquent regulation if he finds that to do so would tend to effectuate the declared policy of the act. Any such subsequent regulation, insofar as it applies to grade, shall not be below the applicable minimum standards for grades of standard prunes or standard processed prunes, as set forth in § 993.97 (Exhibit A). Any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any such pack specifications as to size shall provide reasonable and appropriate tolerances for each of the respective size categories. Any subsequent regulation issued by the Secretary may later be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant, and the committee, in submitting any recommendation therefore to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made: *Provided*, That, at all times, the regulation as to grade and size (except the size requirement, referred to in subparagraph (2) of paragraph (b) of this section) shall be comparable, so far as practicable, to the then current regulation in effect with respect to the receiving of natural condition prunes by handlers from producers or dehydrators. So long as any subsequent regulation is in effect, each handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes in conformity therewith. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each subsequent regulation issued by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. In addition, the committee shall give written notice by registered mail of each subsequent regulation issued by the Secretary to all handlers of whom the committee has a record.

4. Amend paragraph (d), *Inspection*, of said § 993.49 to read as follows:

(d) *Inspection.* Each handler shall, at his own expense, before shipping or otherwise making final dispostion of prunes (unless they are specifically excepted in this section), cause an inspection to be made of such prunes to determine whether they meet the grade requirements referred to in subparagraph (1) of paragraph (b) of this section and, for consumer packages, the minimum grade and size requirements and pack specifications, including labeling, referred to in subparagraphs (1), (2), and (3) of paragraph (b) of this section, and, if any are in effect, the subsequent requirements made effective pursuant to paragraph (c) of this section. Each such handler shall not ship or otherwise make final disposition of such prunes for any use (unless they are specifically excepted in this section) if they do not meet the then applicable requirements. Such handler shall obtain a certificate that such prunes meet the aforementioned requirements which are then applicable, and shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory.

5. Amend paragraph (a), *Determination*, of § 993.50 to read as follows:

(a) *Determination.* If, prior to or at any time during a crop year, the Secretary should find that the estimated season average price for prunes for that crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such finding is set forth, and, in such order, he may provide that, for such crop year or remaining portion thereof, as the case may be, the handling of prunes shall be in accordance with the provisions set forth in this section and, if applicable, in accordance with the provisions of § 993.64.

6. Amend paragraph (c), *Disposition of prunes by handlers*, of said § 993.50 to read as follows:

(c) *Disposition of prunes by handlers.* In lieu of the requirements set forth in § 993.49, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards as to grade set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be. No handler shall ship or otherwise make final disposition of any lot of consumer packages of prunes unless the average count of the prunes contained in such lot is 100 or less per pound. In determining whether a lot of consumer packages of prunes conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of a recommendation and information submitted by the committee and other available information, modify or change this tolerance for uniformity of size. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than the uses above referred to in this paragraph. Such disposition without regard to quality of prunes shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the inspection agency to determine whether they meet all applicable grade standards and the minimum size requirement, as set forth in this paragraph, and he shall obtain from that inspection agency a certificate that such prunes meet the aforementioned applicable requirements and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Notwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each interhandler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this paragraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for each particular purpose meet the minimum grade and size requirements prescribed in this paragraph.

7. Add a new section, § 993.64, immediately after § 993.63 to read as follows:

§ 993.64 *Disposition of unsold surplus tonnage in case of a determination during a crop year that the estimated season average price for prunes for that crop year will exceed parity.* In the event that the Secretary should find, during a crop year when surplus tonnage withholding requirements have been in effect pursuant to this part, that the estimated season average price for prunes for that crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order providing for the orderly disposition of the unsold surplus tonnage (standard and substandard) then on hand in such outlets, at such times, and in accordance with such terms and conditions as he may determine to be appropriate in the circumstances. In determining what terms and conditions shall be imposed, the Secretary shall give consideration to recommendations, if any, which may be submitted by the committee.

8. Amend paragraph (c), *Use and refund of excess funds from assessments*, of § 993.81 to read as follows:

(c) *Use and refund of excess funds from assessments.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be applied to certain expenses as hereinafter set forth but, in any event, shall be refunded by the committee in accordance with the provisions hereof. Such excess funds may be applied by the committee during the period of five months subsequent to such crop year in paying the expenses of the committee incurred in connection with the new crop year. The committee shall, however, from funds on hand, including assessments collected during the new crop year, distribute or otherwise make available, within six months after the beginning of the new crop year, the aforesaid excess, as verified by audit, to each handler who paid more than his pro rata share of the committee's expenses for the previous crop year. Each such handler's share of such excess shall be the difference between the assessments he paid to the committee in connection with its previous year's operations and his pro rata share of such expenses. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee upon the termination hereof shall be distributed in such manner as the Secretary may direct.

Dated: July 12, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-5818; Filed, July 16, 1957; 8:55 a. m.]

Commodity Stabilization Service

[7 CFR Part 730]

RICE

NOTICE OF PROPOSED CHANGES IN 1957 ACREAGE ALLOTMENT AND MARKETING QUOTA REGULATIONS WITH RESPECT TO THE DEFINITION OF ACREAGE AND APPORTIONMENT OF ACREAGE HISTORY AND ALLOTMENT UPON DISSOLUTION OF A PARTNERSHIP

The 1957 regulations for establishment of rice acreage allotments (21 F. R. 8423), and regulations pertaining to rice marketing quotas for the 1957 crop of rice (22 F. R. 2982) define the term "rice acreage" in §§ 730.811 (n) and 730.851 (u), respectively, as excluding "• • • (5) any excess rice acreage which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the date established by the county committee

with the approval of the State committee so that rice cannot be harvested therefrom."

Under this definition any rice acreage in excess of the rice allotment that is destroyed shall not be considered rice acreage, but any rice acreage in excess of the permitted acreage which is destroyed on a farm to comply with an acreage reserve agreement or conservation reserve contract under the Soil Bank program is included in the farm rice acreage. To eliminate two inconsistent definitions of "rice acreage", consideration is being given to amending item (5) of §§ 730.811 (n) and 730.851 (u) of said regulations by deleting the words "any excess rice acreage" and substituting therefor the following words "• • • any acreage planted to rice in excess of the farm rice acreage allotment, or where applicable, the permitted acreage of rice under an acreage reserve agreement or conservation reserve contract under the Soil Bank program • • •"

Section 730.822 (d) of the 1957 regulations for establishment of rice acreage allotments reads as follows:.

(d) Upon dissolution of a partnership, the partnership's history of rice production shall be apportioned among the partners in such proportion as agreed upon in writing by the partners and approved by the State Committee.

The intent of this regulation when issued was to permit the members of a bona fide partnership to divide the rice history acreages credited to the partnership by agreement upon the dissolution of such partnership because of the fact that one or the other was to become the successor in interest in the partnership. It was not intended by such a provision to permit the placing of a monetary value on personal rice history acreages or rice acreage allotments.

Since it now appears that in some cases partnerships are being formed during one program year and dissolved in the following year primarily for the purpose of transferring personal rice history acreages and allotments from one person to another, consideration in being given to amending the above section, by deleting the period at the end of the section, and inserting in lieu thereof a colon and the following language: "*Provided*, That if a partnership was formed in a year when allotments were in effect and is dissolved after July 31, 1957, in less than five consecutive crop years after the partnership became effective, the rice acreage allotment established for the partnership and the rice history acreages credited to the partnership for each of the years during its existence shall be divided among the partners in the same proportion that each contributed to the allotment established for the partnership at the time such partnership was formed. The rice history acreage credited to each of the partners for the years prior to the time the partnership was formed shall revert to the person to whom it was originally credited."

Prior to the adoption of such amendments, consideration will be given to any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, CSS, USDA, Washington 25, D. C. All submissions must be postmarked not later than ten days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued this 11th day of July, 1957.

[SEAL] CLARENCE L. MILLER,
Associate Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-5821; Filed, July 16, 1957; 8:56 a. m.]

NOTICES

DEPARTMENT OF STATE

[Delegation of Authority 74-3]

[Public Notice 151]

ADMINISTRATOR, BUREAU OF SECURITY AND CONSULAR AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN POWERS, DUTIES AND FUNCTIONS

By virtue of the authority vested in the Secretary of State by section 4 of the act of May 26, 1949, as amended by the Mutual Security Act of 1956 (5 U. S. C. 151c), and pursuant to the provisions of section 310 of the Organization Manual of the Department of State, paragraph numbered (3) of Delegation of Authority No. 74 of November 27, 1953, as amended (Public Notices 132, 142, and 149, 18 F. R. 7898, 20 F. R. 6589, and 22 F. R. 228) relating to the administration and enforcement of the immigration and nationality laws by the Administrator, Bureau of Security and Consular Affairs, is hereby amended to read as follows:

(3) The authority delegated under paragraph (1) of this order shall be deemed to include the authority to redelegate the powers, duties, and functions so delegated.

Dated: July 2, 1957.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary
for Administration.

[F. R. Doc. 57-5772; Filed, July 16, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 8]

WASHINGTON

CANCELLATION OF DATE OF SALE OF SMALL TRACTS

JULY 9, 1957.

1. Pursuant to Redelegation Order No. 541 of April 21, 1954, the sale of the following described lands heretofore scheduled for sale at public auction at 2:00 p. m., Saturday, 17 August 1957, at the old Armory, located at Western and Lenora, Seattle, Washington, is hereby cancelled:

T. 34 N., R. 2 W., W. M.,
Sec. 6, Lots 10 thru 16 (inclusive).

2. All further action toward disposal of the aforesaid lands pursuant to the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682 (a)), as amended, is hereby suspended pending a supplemental classification investigation and a final determination of the propriety of such disposing at public auction under the Small Tract Act.

FRED J. WEILER,
State Supervisor.

[F. R. Doc. 57-5769; Filed, July 16, 1957; 8:45 a. m.]

[Classification 512]

CALIFORNIA

SMALL TRACT CLASSIFICATION; AMENDED

JULY 8, 1957.

Effective immediately paragraphs 6, 7 and 8 of Federal Register Document 57-3603, appearing on pages 3187, 3188 and 3189 of the issue for May 4, 1957, are hereby revoked and the following paragraphs are substituted therefor:

6. The above described tracts, except those for which statutory preference claimants exercise their rights, will be sold at public auction at a public sale to be held at the Community House, Government Camp which lies ½ mile east of Summit City, California, at 1:00 p. m., local time, and 2:00 p. m., local time on July 26, 1957. The sale at 1:00 p. m. will be open only to those persons who qualify for veterans' preference under the provisions outlined in paragraph 8, of this order. The 2:00 p. m. sale will be open to the public generally but will be held only if any of the tracts described in paragraph 4, above, remain unsold after the 1:00 p. m. sale. Bids may be made personally by an individual or his agent at the sale, or by mail. Bids sent by mail will be considered only if received at the Land Office, 10th Floor, California Fruit Building, 4th and J Streets, Sacramento, California, prior to 10:00 a. m., local time, on July 26, 1957.

7. To facilitate the completion of the sale, all oral bidders at the 1:00 p. m. sale should bring with them a photostatic copy of their discharge papers or other acceptable certification of proof of right to veterans' preference as outlined in paragraph 8.

7a. Each bid sent by mail must clearly show: (a) The full name and mailing address of the bidder; (b) Classification Order No. 512; (c) the legal description of the tract for which the bid is made, described in accordance with paragraph 4, of this order. Each bid must be accompanied by the full amount of the bid in the form of a certified or cashier's check, post office money order, or a bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. A photostatic copy of bidder's discharge papers or other certification showing proof of veterans' preference as outlined in paragraph 8, of this order, must accompany the bid. Such papers will be returned promptly after the sale. Bids for separate lots must be enclosed in separate envelopes but payment and proof of veterans' preference need only accompany the highest bid, providing all other bids designate the envelope containing the payment and the veterans' preference proof. Each envelope must be addressed to the Manager, Sacramento Land Office, 10th Floor, California Fruit Building, 4th and J Streets, Sacramento, California, and carry in the lower left-hand corner of its face the following information and nothing else:

(a) "Bid for Small Tract Sale"; (b) "California Order No. 512"; (c) "Veterans' Preference", if the bidder is entitled to such preference; (d) the description of the tract for which the bid is made; described in accordance with paragraph 4, of this order. Sender's name and address should be shown on reverse side of the envelope.

8. All valid applications filed prior to March 11, 1957, will be granted the preference rights provided for by 43 CFR 257.7 (a). In accordance with 43 CFR 257.14 (e), each tract at the 1:00 p. m. sale will be awarded to the highest bidder among persons entitled to veterans' preference. No person will be awarded more than one tract unless he is an agent acting for one or more persons. Persons entitled to veterans' preference, in brief are: (a) Honorably discharged veterans who served at least 90 days after September 15, 1940; (b) surviving spouse or minor orphan children of such veterans; and (c) with the consent of the veteran, the spouse of living veterans. Veterans who were discharged on account of wounds or disability incurred in the line of duty, or the surviving spouse or minor children of veterans killed in line of duty are eligible for veterans' preference regardless of whether such servicemen served less than 90 days after September 15, 1940.

JEAN M. F. DUBOIS,
Acting Officer in Charge,
Northern Field Group,
Sacramento, California.

[F. R. Doc. 57-5770; Filed, July 16, 1957; 8:45 a. m.]

Geological Survey

CHILKOOT LAKE AND RIVER, ALASKA

POWER SITE CLASSIFICATION NO. 439

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 C. F. R. 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights, including the rights of the natives of Alaska, if any; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

CHILKOOT LAKE AND RIVER, ALASKA

All lands adjacent to Chilkoot Lake below the 200-foot contour and to a point on the Chilkoot River one-fourth mile downstream from the outlet of Chilkoot Lake. See Skagway Quadrangle (Reconnaissance Series).

The area of the lands described aggregates about 4,300 acres.

Dated: July 10, 1957.

ARTHUR A. BAKER,
Acting Director.

[F. R. Doc. 57-5767; Filed, July 16, 1957; 8:45 a. m.]

National Park Service

[Region 4 Order 3, Amdt. 3]

SUPERINTENDENTS

DELEGATION OF AUTHORITY

1. A new paragraph (g) and reading as follows, is added to section 1:

(g) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., section 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C., 1952 ed., section 484), and review of the grantees' biennial reports and their acceptance when satisfactory.

2. A new paragraph (h) and reading as follows, is added to section 2:

(h) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., section 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C., 1952 ed., section 484), and review of the grantees' bienniel reports and their acceptance when satisfactory.

3. A new paragraph (n) and reading as follows, is added to section 3:

(n) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., section 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C., 1952 ed., section 484), and review of the grantees' bienniel reports and their acceptance when satisfactory.

(National Park Service Order 14)

HERBERT MAIER,
Acting Regional Director,
Region Four.

[F. R. Doc. 57-5771; Filed, July 16, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ILLINOIS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the States of Illinois a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ILLINOIS

Alexander.	Macoupin.
Bond.	Madison.
Clark.	Marion.
Clay.	Massac.
Christian.	Menard.
Clinton.	Monroe.
Coles.	Montgomery.
Crawford.	Morgan.
Cumberland.	Moultrie.
Douglas.	Perry.
Edgar.	Pope.
Edwards.	Pulaski.
Effingham.	Randolph.
Fayette.	Richland.
Franklin.	St. Clair.
Gallatin.	Saline.
Greene.	Sangamon.
Hamilton.	Scott.
Hardin.	Shelby.
Jackson.	Union.
Jasper.	Wabash.
Jefferson.	Washington.
Jersey.	Wayne.
Johnson.	White.
Lawrence.	Williamson.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 12th day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-5822; Filed, July 16, 1957; 8:56 a. m.]

MINNESOTA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Minnesota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Blue Earth.	Hennepin.
Carver.	Kandiyohi.
Chippewa.	Kittson.
Clearwater.	Le Sueur.
Dakota.	Lac Qui Parle.

MINNESOTA—Continued

Lincoln.	Renville.
Marshall.	Roseau.
Nicollet.	Scott.
Pennington.	Sibley.
Pipestone.	Swift.
Polk.	Wright.
Red Lake.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above named counties after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 12th day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-5823; Filed, July 16, 1957; 8:56 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-74]

AMF ATOMICS

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that AMF Atomics, a division of American Machine & Foundry Company, 261 Madison Avenue, New York, N. Y., on July 3, 1957, filed an application under section 104d of the Atomic Energy Act of 1954 for a license to export a one-megawatt, pool-type, light water moderated and cooled, research reactor to the Societa Ricerche Impianti Nucleari, Via Filippo Turati 8, Milano, Italy. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 9th day of July 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-5766; Filed, July 16, 1957; 8:45 a. m.]

[Docket No. 50-50]

NORTH AMERICAN AVIATION, INC.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to North American Aviation, Inc., substantially in the form set forth below unless within fifteen (15) days after publication in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is annexed a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the proposed facility and the principal factors considered in reviewing the application for a license. For further details see the application for a license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Notice is also hereby given that if the Commission issues the construction permit the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor at the proposed site if it is found that the reactor has been constructed in accordance with the specifications contained in the terms and conditions of the construction permit, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

Dated at Washington, D. C., this 11th day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

APPENDIX A

CONSTRUCTION PERMIT

No. CPRR-

North American Aviation, Inc. (hereinafter "North American"), on January 24, 1957, filed its application for Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct and operate a nuclear reactor (hereinafter "the reactor").

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. North American proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. North American is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. North American is technically qualified to design and construct the reactor.

E. North American has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to North American will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954, and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Atomic Energy Commission hereby issues a construction permit to North American to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

A. The earliest date for the completion of the reactor is July 15, 1957. The latest date for completion of the reactor is October 30, 1957. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in Canoga Park, California, specified in the application.

C. The facility authorized for construction is a homogeneous solution-type reactor utilizing highly enriched uranyl sulfate as fuel in distilled light water and designed to operate at a power level of five watts, as described in the application.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to North American pursuant to section 104c of the act, which license shall expire twenty (20) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

Director,
Division of Civilian Application.

APPENDIX B

MEMORANDUM

Part I—Location and description. North American Aviation, Inc., has filed an application with the Commission for a license to construct a research reactor, to be known as Model L-47, in its Vanowen facility at 21600 Vanowen Street, Canoga Park, California. The reactor site is within the corporate city limits of Los Angeles, approximately 25 miles from the downtown Los Angeles area. It is in the western end of the San Fernando Valley, in an area that is used primarily for residential and farming purposes.

The specific reactor to be built by North American is for the purpose of demonstration and experimentation. The reactor is to be operated and demonstrated as a prototype, for sale purposes. The experimentation is intended for the purpose of accurately establishing reactor characteristics such as operating performance, critical mass, neutron fluxes, radiation levels, and beam strengths. Estimates of these characteristics have been made, but the experimentation will be for the purpose of obtaining exact values and developing additional detailed information.

The reactor is a completely self-contained unit to be located in a room having a ventilation system separate from the remainder of the laboratory.

The reactor is of the homogeneous type designed to operate at a power level of 5 watts with a maximum thermal neutron flux of 10^8 neutrons/cm²-sec. in the core. Because of the very low power level, no cooling is necessary other than that associated with natural air and water convection in the core and shield. The fuel is to be enriched (approximately 93 per cent) uranyl sulfate dissolved in distilled water. The water serves as moderator. The over-all temperature coefficient of reactivity is approximately —0.025 percent per degree Centigrade so that a 16° C. temperature rise will compensate for the full 0.4 percent reactivity. The core is a stainless steel sphere about 12 inches in diameter, containing about 13 liters of solution. The critical mass is estimated to be from 1,000 to 1,500 grams of U-235. A throat on the top of the sphere permits expulsion of expanding fuel solution into a cap in the event of a major power excursion. The cap has an overflow annulus, with two small holes for drainage, which forms a temporary retention volume of approximately three liters to prevent rapid return of the fuel solution to the core after such an excursion.

Contained in the top of the cap is a chamber for recombination of stoichiometric mixtures of hydrogen and oxygen. The catalyst used for such recombination is platinized alumina pellets. A 120-watt resistance heater resting in a sleeve within the cylindrical container provides a means of drying the pellets, if necessary, and permits heating the catalyst at startup to assure initiation of the recombination reaction.

The core vessel is surrounded by six inches of lead, which serves both as reflector and primary shield. The core reflector assembly is located near the center of a steel tank, eight feet in diameter and eight feet high, which holds borated water that serves as the secondary shield. The core vessel is the main component of the primary enclosure, and the water tank forms the secondary enclosure.

The pressure inside the core is maintained at 22 inches of mercury below atmospheric pressure. This is done for three reasons. First, in the event of a leak the flow will be into the primary enclosure. Second, in the event of a power surge the low pressure in the core vessel causes formation of large bubbles, thereby reducing reactivity by displacing fuel solution. Third, low pressure tends to reduce the possibility of explosive recombination of mixtures of hydrogen and oxygen.

A one-fourth inch fill and drain line connects the bottom of the core to the fuel solution mixing bowl outside the borated-water tank. A branch of this line runs to the outside of the water tank on the opposite side near the base where it is capped. Both branches are laid along the base of the tank to facilitate laying of lead brick shielding blocks over them prior to removal of the water in the tank in the event that the branches should become radioactive. The mixing bowl, which is used for charging, sampling, and distilling fuel solution, is sealed vacuum-tight.

Two one-fourth inch gas lines exit from the top of the core above the recombination chamber. These lines provide for the removal of active volatile products from the core. The lines are bent in the primary shield to prevent radiation streaming. As in the case of the fuel lines the gas lines are laid along the base of the tank and exit from the tank slightly above the base. A removable cap on each line just outside the tank allows access for experimental purpose or for adjusting gas pressure within the reactor. Should it become necessary to withdraw radioactive gases from the reactor core, it may be done with the use of evacuated cylinders. This technique has been employed with two reactors very similar to the L-47—the WBNS and KEWB—which have been operating at North American, Inc., for some time.

Each of the fuel and gas lines has two remote control valves within the water shield, one adjacent to the primary shield and one just inside the outer tank. The use of the two valves is in keeping with the double enclosure design philosophy.

The reactor has one control rod and one safety rod. Both of these rods are aluminum cylinders wrapped with cadmium sheet which pass vertically through thimbles in the core sphere and cap. Each rod has a possible 10 inches of travel, corresponding to its 10 inches of neutron absorbing length. In the fully raised position the rods extend through the overflow reservoir, with the lower extremities at the fuel-solution level. Lead end pieces provide continuity of the shielding when the rods are raised during operation.

Raising and lowering of the rods is by flexible cables driven by electric motors. An electromagnet attachment between rod and cable releases the rod for a scram shut-down. The motors driving the rods are under manual control but their switches are interlocked so that although both rods may be simultaneously inserted only one can be withdrawn at a time. Each rod is estimated to control 1.8 percent excess reactivity and the rate of withdrawal of each rod corresponds to an average rate of 0.009 percent reactivity addition per second.

Reactor control is based on information received from two separate circuit channels. The two channels have the following listed components:

Channel I. 1. A highly enriched, fixed position fission chamber.

2. An electronic power supply.

3. A preamplifier-amplifier combination capable of 100,000 pulses per second.

4. A log count rate meter with a range of 1 to 100,000 counts per second.

5. A period computer with a range of at least —50 to +5 seconds:

6. A log n recorder with ±3 percent accuracy.

Channel II. 1. A BF_3 filled pulse chamber mounted so as to be easily moved by the operator to give (in conjunction with the associated equipment) the following full-scale ranges:

(a) 10 watts.
(b) 2 watts.
(c) 400 milliwatts.
(d) 80 milliwatts.
(e) 16 milliwatts.
(f) 3.2 milliwatts.
(g) 0.64 milliwatt.

2. A battery power supply.

3. A pulse amplifier capable of handling 20,000 counts per minute with losses not to exceed 5 percent.

4. A linear count rate computer with 20,000 counts per minute at full scale.

5. An indicating count rate meter with ±3 percent accuracy.

The reactor safety instrumentation will be designed to scram the reactor and prevent startup if any of the following conditions exist:

1. A-C power not on.
2. Key switch on the control console not on.
3. Manual scram button pressed.
4. High-level count rate on either channel (100,000 counts per sec. on Channel I and approximately 20,000 counts per minute on Channel II).
5. Low-level count rate on Channel II (20 counts per sec.).
6. Too short a period on Channel II (5 sec. or less).
7. High reactor gas pressure (8 inches or more of mercury, absolute).
8. Low water level in the shield tank (1 inch or more below normal level).
9. Earthquake (greater than magnitude four on the Richter scale).

Experimental facilities consist of one central exposure tube with an inner diameter of 1.18 inches and four auxiliary tubes each with an inner diameter of 0.37 inch. Each exposure facility contains a stainless steel primary enclosure tube which is welded to the core vessel and mold. A similar secondary enclosure tube traverses the diameter of the water tank and is welded to the tank. The secondary enclosure tubes may be exposed to the atmosphere by removing a lock and cover plate. All five exposure tubes may be used as pneumatic transfer facilities.

A neutron beam tube and a gamma-ray beam tube, each 2.07 inches in diameter, extend through the water tank to the outer edge of the core assembly. Coaxial with the gamma-ray tube is a 1 inch diameter lead insert extending completely through the reflector which may be removed to achieve maximum beam intensity. Nominal values for neutron currents out of the beam tubes are 5×10^5 thermal neutrons/cm²-sec. and 5×10^4 fast neutrons/cm²-sec. Nominal value for current out of the gamma ray beam tube is 10^6 gammas/cm²-sec.

Part II—safety evaluation. The L-47 reactor will operate at a very low power level (5 watts). For this reason the buildup of radioactive materials will not be extremely dangerous from the radioactivity standpoint even if the barriers are lost. Neither high temperatures nor radical temperature fluctuations will exist. A negative temperature coefficient of reactivity of about 0.025 percent per degree Centigrade, in addition to the various safety circuits, prevents excessive temperature rise. Since this is a homogeneous, solution-type reactor, the temperature coefficient will be "prompt".

In the event the control and safety rods do not function properly, so that the excess reactivity is not controlled by the rods, several factors still act to control the reactor sufficiently to prevent a serious excursion. Assuming a starting core temperature of 20° C. and the maximum value of excess reactivity (0.4 percent), the negative temperature coefficient of reactivity would allow a temperature increase to only 36° C., assuming good mixing. A higher localized temperature (e. g., in the center) could result from a sudden power surge. However, the low pressure (8 inches of mercury absolute) within the core results in boiling at approximately 65° C. This boiling, and the evolution of radiolytic gases (H_2 and O_2) would further act to decrease the magnitude of a nuclear excursion. In addition, the low initial core pressure and the presence of a gas recombination system minimizes the magnitude of a potential explosion of hydrogen and oxygen during an excursion. The overflow cap provided above the reactor core reduces any expansion pressures accompanying an excursion. This retention volume (about 3 liters) with only two small holes for drainage back into the core sphere, prevents any immediate return of reactivity after solution is thrown out of the core sphere into the overflow cap. Because of the low excess reactivity (0.4 percent maximum) it is not considered possible that any excursion could be violent enough to expel fuel solution from the reactor core. The provision for overflow from the core is intended as an added safety factor.

In the event of an extreme power excursion or hydrogen-oxygen explosion the strength of the core vessel would serve to contain the explosion. The core vessel and cap are designed to withstand an internal pressure of 300 psi., according to the ASME boiler code. Further, the six inches of lead surrounding the core vessel would serve to absorb energy from an explosion and the water tank acts as an additional barrier to dissipate shock energy.

The six inches of lead around the reactor core, because of its reflector action on the neutrons, also permits only a negligible nuclear effect on the reactor as a result of density changes or other perturbations in the secondary water shield.

Beam ports, control rod channels, and irradiation ports in the L-47 are all double walled tubes. The radioactive gas and fuel handling systems, with the double valve system described, are also double enclosed. Thus two simultaneous fractures or weld failures are necessary to allow radioactivity to escape outside the reactor shield. Shield water level and core pressure scram interlocks will detect failure of either enclosure.

The applicant calculates that the maximum operation dose rate at 5 watts power level at the shield tank surface is 7 mrem/hr. and the radiation level at the wall of the adjoining room is 1.5 mr/hr. We note that these levels are such that the limits set out

in 10 CFR 20, "Standards for Protection Against Radiation" are not likely to be exceeded.

With respect to possible reactor malfunction the applicant postulates the maximum credible accident as a simultaneous rupture of the core vessel and shield tank as a result of an external cause such as a falling aircraft. In that event a maximum of 4 curies of gaseous fission products would be released to the atmosphere based on infinite 5 watt operation. Assuming a wind speed of two meters per second the maximum dosage to any individual downwind on the nearest perimeter of the facility would be 0.6 millirem.

We concur in the above conclusion of the applicant, and note that even in the extreme case postulated, a case which we are willing to assume for discussion purposes but which we do not consider credible, radiation dosages in excess of those permissible under 10 CFR 20 would not be imposed on persons outside the reactor room.

The principal safety features of this reactor are:

1. Low power level (5 watts) and hence low fission product inventory.
2. Prompt negative temperature coefficient (-2.5×10^{-4} percent per C.).
3. Low excess reactivity (0.4 percent).
4. Low operating pressure in the core (8 inches of mercury absolute).
5. Gas recombiner which minimizes possible hydrogen-oxygen explosion.
6. Complete double enclosure of fuel and fission products.
7. Acceptable hazards relative to possible reactor accidents.

Part III—technical qualifications. The education, training, and experience of the personnel responsible for the design and operation of the facility are considered adequate to insure safe operation.

Part IV—financial qualifications. Current assets of North American Inc., at September 30, 1956, were $350 million while current liabilities were $238 million, equivalent to a current ratio of 1.5 to 1. Net sales increased from $315.2 million in 1952 to $913.9 million in 1956. At the same time net income after taxes increased from $7.8 million in 1952 to $28.7 million in 1956.

Part V—conclusions. Based upon the above considerations, it is concluded that:

(a) There is sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

(b) The applicant is technically and financially qualified to engage in the proposed activities.

Dated at Washington, D. C., this 11th day of July 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-5788; Filed, July 16, 1957; 8:49 a. m.]

[Docket Nos. F-44, 50-56]

AEROJET-GENERAL NUCLEONICS AND AEROJET-GENERAL CORP.

NOTICE OF ISSUANCE OF LICENSES

In the matter of Aerojet-General Nucleonics, Docket F-44; Aerojet-General Corporation, Docket 50-56.

Please take notice that no petitions to intervene having been filed following the publication of notice of the proposed actions in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, the Atomic Energy Commission has issued (1) Licenses R-13 and R-14 authorizing Aerojet-General Nucleonics to possess, operate, and transfer to any authorized person two 100-milliwatt nuclear reactors designated by AGN as Serial Numbers 106 and 108 and (2) Licenses R-15 and R-16 authorizing Aerojet-General Nucleonics' parent company, Aerojet-General Corporation, to acquire and further transfer to any authorized person title to the reactors.

Dated at Washington, D. C., this 11th day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-5790; Filed, July 16, 1957; 8:49 a. m.]

[Docket 50-32]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF AMENDMENT TO LICENSE

Please take notice that no petitions to intervene having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4327, the Atomic Energy Commission has amended License R-10 to permit Aerojet-General Nucleonics to operate the reactor which is the subject thereof at a power level not in excess of 5 watts. License R-10 had authorized the reactor's operation at a power level not in excess of 100 milliwatts.

Dated at Washington, D. C., this 11th day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-5790; Filed, July 16, 1957; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12008; FCC 57M-676]

NOBLE-DE KALB BROADCASTING CO., INC. (WKTL)

ORDER CONTINUING HEARING

In re application of Noble-de Kalk Broadcasting Company, Inc. (WKTL), Kendallville, Indiana, Docket No. 12008, File No. BP-10883; for construction permit.

The Hearing Examiner having under consideration a petition entitled "Petition to Postpone Resumption of Hearing" filed by Miami County Broadcasting Company, Inc. on July 10, 1957;

It appearing that a prehearing conference was held on June 24, 1957, at which time it was ordered that the parties would exchange certain measurement data on July 15, and that the hearing would commence on July 29, 1957; and

It further appearing that the petitioner has measurement data which appears likely to remove the question of interference involved in this proceeding but that the preparation of such data for exchange cannot be completed by July 15; and

It further appearing that the applicant and the Broadcast Bureau have agreed to the granting of this petition and to a waiver of the four-day rule;

It is ordered, This 11th day of July, 1957, that the petition of Miami County Broadcasting Company, Inc. is granted; that the date for exchange of measurement data is continued from July 15 to August 30; and the date of hearing is continued from July 29, to September 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5793; Filed, July 16, 1957; 8:50 a. m.]

[Docket No. 12025; FCC 57M-674]

JOSEPH E. YOUNG (KACT)

ORDER CONTINUING HEARING CONFERENCE

In re application of Joseph E. Young, (KACT), Andrews, Texas, Docket No. 12025, File No. BP-10910; for construction permit.

On July 9, 1957, the Hearing Examiner received a lengthy telegram from the applicant in the above-entitled matter in response to the "Order Following Prehearing Conference" of July 2, 1957. The telegram, in part, indicated that a hearing in the matter might not be necessary. The Hearing Examiner has been advised by counsel for the Commission's Broadcast Bureau that the applicant has informed the Bureau by telephone that he will shortly file a petition to dismiss the proceeding and ask that the Commission return the application to the processing line. Counsel for the Broadcast Bureau has concurred informally with the Hearing Examiner that a further prehearing conference at this time would serve no useful purpose.

Accordingly, it is ordered, This 11th day of July 1957, that the prehearing conference heretofore scheduled for July 12, 1957, is continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5794; Filed, July 16, 1957; 8:50 a. m.]

[Docket Nos. 12095, 12096; FCC 57-746]

WAYNE M. NELSON AND FRED H. WHITLEY

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Wayne M. Nelson, Concord, North Carolina, Docket No. 12095, File No. BP-10936; Fred H. Whitley, Dallas, North Carolina, Docket No. 12096, File No. BP-10987; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1957;

The Commission having under consideration the above-captioned applications of Wayne M. Nelson and Fred H. Whitley, each for a construction permit for a new standard broadcast station to operate on 960 kilocycles with powers of 500 watts and one kilowatt, respectively, at Concord and Dallas, North Carolina, respectively;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; that the Cabarrus Broadcasting Company, licensee of Station WEGO, Concord, North Carolina, by pleading filed March 4, 1957, and by letter dated March 30, 1957, has alleged, inter alia, that a grant of the application of Wayne M. Nelson would be in contravention of § 3.35 of the Commission's rules on multiple ownership in view of the overlap of his proposed service area with the service area of Station WHIP, Mooresville, North Carolina, of which Nelson is licensee; and that the proposed operation of Fred H. Whitley would be involved in objectionable interference with Station WSPA, Spartanburg, South Carolina (950kc, 5kw, DA-N, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 13, 1957, of the aforementioned interference and allegation and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the licensee of Station WSPA opposed a grant of the application of Fred H. Whitley by letter dated April 1, 1957; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the application of Wayne M. Nelson would be in contravention of the provisions of § 3.35 of the Commission's rules on multiple ownership.

3. To determine whether the proposed operation of Fred H. Whitley would be involved in objectionable interference with Station WSPA, Spartanburg, South Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That the Cabarrus Broadcasting Company and The Spartan Radiocasting Company, licensees of Stations WEGO and WSPA, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5795; Filed, July 16, 1957; 8:50 a. m.]

[Docket No. 12097; FCC 57-747]

JACKSON COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Nathan L. Goetz, Robert Goetz and Merlin J. Meythaler d/b as Jackson County Broadcasting Company, Maquoketa, Iowa, Docket No. 12097, File No. BP-10882; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1957;

The Commission having under consideration the above-captioned application of Nathan L. Goetz, Robert Goetz and Merlin J. Meythaler d/b as Jackson County Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1320 kilocycles with a power of 500 watts, daytime only, at Maquoketa, Iowa;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation and the operation proposed by Parks Robinson (whose application, File No. BP-11060, requests a construction permit for a new standard broadcast station to operate on the same frequency with the same power at Viroqua, Wisconsin) would result in mutual interference; that Parks Robinson has agreed to accept the interference which would be caused to his proposal; and that the proposed operation would cause objectionable interference to Station KROS, Clinton, Iowa (1340kc, 250w, U); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated April 9, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that a timely reply to the Commission's letter was filed by the applicant and that by letter of June 18, 1957, the applicant agreed to accept the interference which would be caused by the proposal of Parks Robinson; and

It further appearing that the licensee of Station KROS requested that the subject application be designated for hearing, by letter of April 17, 1957; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Station KROS, Clinton, Iowa, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, if a grant of the subject application would serve the public interest.

It is further ordered, That the Clinton Broadcasting Corporation, licensee of Station KROS, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, in the event of a grant of the subject application, said grant shall be upon condition that the permittee accept any interference that may result in the event of a grant of the application of Parks Robinson, File No. BP-11060, for a new station to operate in

Viroqua, Wisconsin, on 1320 kc, with 500 watts power, daytime only.

Released: July 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5796; Filed, July 16, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8613]

SUSPENDED PASSENGER FARE INCREASE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 31, 1957, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., July 12, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5825; Filed, July 16, 1957; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-12604, G-12605]

BEN L. BEALL ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 10, 1957.

In the matters of Ben L. Beall, et al., Docket No. G-12604; J. W. Cunningham, et al., Docket No. G-12605.

Take notice that Ben L. Beall (Beall), et al., and J. W. Cunningham (Cunningham), et al., independent producers, filed separate applications on May 20, 1957 in Docket Nos. G-12604 and G-12605, respectively, for authority to abandon and render service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Beall, et al., in their application in Docket No. G-12604 seeks permission and approval to abandon natural gas service to Hope Natural Gas Company (Hope) from acreage located in the Murphy District, Ritchie County, West Virginia, being rendered pursuant to a contract dated June 19, 1923, which service was previously authorized in Docket No. G-5406.

Cunningham, et al., in their application in Docket No. G-12605 seek authority to continue the service to Hope proposed to be abandoned by Beall, et al.

The applications state that by instrument dated August 27, 1956, Cunningham, et al., acquired the interests of Beall, et al., in the acreage dedicated under the aforementioned contract with Hope.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 7, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5773; Filed, July 16, 1957; 8:46 a. m.]

[Docket Nos. G-12734, G-12753]

SHERMAN NELSON AND TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 11, 1957.

In the matters of Sherman Nelson, Docket No. G-12734; Texas Illinois Natural Gas Pipeline Company, Docket No. G-12753.

Take notice that Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation, with its principal place of business in Chicago, Illinois, filed an application on June 17, 1957, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a tap at a point on its existing 20-inch Haggist lateral in Duval County, Texas, in order to purchase and receive natural gas produced by Sherman Nelson, all as more fully represented in the application in Docket No. G-12753, which is on file with the Commission and open to public inspection.

Sherman Nelson (Nelson), an independent producer, filed an application on June 14, 1957, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce to Texas Illinois for resale from the Juan R. Lopez No. 1 Gas Well located in the Ybanez Field, Duval County, Texas, all as more fully represented in the application in Docket No. G-12734, which is on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 7, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure, a hearing will be held on August 7, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5797; Filed, July 16, 1957; 8:51 a. m.]

[Docket No. G-12272]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 11, 1957.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, filed an application on March 22, 1957, for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation and modification of certain facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authorization for:

(1) Abandonment and salvage of the Sweetie Peck Gasoline Plant, purification and dehydration plant facilities, plus one of the two 880 horsepower compressors in the Sweetie Peck Compressor Station, all in Upton County, Texas;

(2) The construction and operation of approximately 5 miles of 4½-inch O. D. pipeline extending from a point of connection with Applicant's existing Sweetie Peck Plant to a point of connection with the Magnolia Petroleum Company's Pegasus Gasoline Plant, all in Upton County; and

(3) The modification of the remaining 880 horsepower compressor at Sweetie Peck to transmit casinghead gas through the proposed five-mile pipeline to Magnolia's Pegasus Plant.

Applicant states that the Sweetie Peck Plant was built as a small portion of a major project authorized in Docket No. G-1629 and began operation in May 1952. The plant was designed to have a capacity of 15,000 Mcf daily. During 1952 only 8,560 Mcf daily were treated in the plant. By 1956, inlet volumes were down to 3,040 Mcf daily indicating that production was only about 35 percent of what it was originally. Since the Sweetie Peck Plant is now much larger than necessary, processing cost per Mcf of gas is more than double that of Applicant's company-wide average casinghead gas processing cost.

Under the present proposal, after the plant is dismantled, casinghead gas from the Sweetie Peck area will be processed with Pegasus area gas in Magnolia's Pegasus Plant which has excess capacity.

Magnolia presently processes other gas produced in the Pegasus area for El Paso and it will add the Sweetie Peck gas to that now processed.

Applicant states that it will receive approximately the same volumes of residue gas from the Sweetie Peck production as it would receive if it used the existing Sweetie Peck processing facilities.

In return for its services, Magnolia will retain 50 percent of the liquids recovered from processing the Sweetie Peck gas and has the right to purchase from El Paso the remaining 50 percent of the liquids at prices set forth in the agreement between the two parties dated January 30, 1957. By letter agreement dated December 30, 1956, El Paso may buy back from Magnolia 50 percent of the liquids upon giving Magnolia six months notice of its intention to do so.

The facilities to be retired actually cost $486,467. Applicant will spend $46,700 to remove and repair them. The difference between the two figures gives Applicant a "Salvage Credit" of $439,767.

The remodeling of the single 880 horsepower compressor facility is estimated to cost an estimated $46,000, and the proposed five-mile 4½-inch O. D. pipeline to Pegasus is estimated to cost $33,000. Communications and contingencies are expected to bring the total cost for new facilities to $96,000. Applicant will finance the proposal from funds on hand. The retired facilities will be used in future construction.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 7, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5798; Filed, July 16, 1957; 8:51 a. m.]

[Docket No. G-12531]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 11, 1957.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation with its principal place of business in Salt Lake City, Utah, filed an application on May 6, 1957, pursuant to section 7 of the Natural Gas Act, for authority to construct and operate facilities for the sale and delivery of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate 36.9 miles of 8⅝ inch O. D. lateral pipeline running northwest from a tap on Applicant's 20-inch Spokane lateral in southern Adams County, Washington, to two measuring and regulating stations to be located near the beet sugar refinery of Utah-Idaho Sugar Company at the City of Moses Lake, Grant County, Washington. The 36.9 mile lateral line is proposed not only to render direct interruptible service for Utah-Idaho's sugar beet processing needs, but it is also proposed for service to the City of Moses Lake for resale in that community.

Applicant states that in the proceedings in Docket No. G-8934 it was authorized to serve Moses Lake from its Wenatchee, Washington, lateral, but subsequent studies indicated that the Spokane lateral would be closer to the city and a more practical source of supply. For this reason it filed the subject application to serve Moses Lake from the Spokane lateral.

The total gas requirements of Utah-Idaho and Moses Lake are estimated by Applicant as follows:

Year of operation	1	2	3
Peak day (Mcf)	12,200	12,610	12,900
Annual (Mcf)	1,291,470	1,343,470	1,380,670
Average annual load factor (percent)	29	29	29

Utah-Idaho is expected to use a maximum of 11,000 Mcf daily in treating sugar beets and the third year peak day demand of Moses Lake is estimated at about 1,900 Mcf. The town will use gas mainly for space heating of homes, civic buildings, and commercial customers.

Applicant estimates that the proposed pipeline and appurtenant facilities will cost $1,226,078, which will be defrayed from funds currently available.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 8, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5799; Filed, July 16, 1957; 8:51 a. m.]

[Docket Nos. G-10381, G-10382]

CITIES OF CLAY AND STURGIS, KY.

NOTICE OF APPLICATIONS

JULY 11, 1957.

In the matters of City of Clay, Kentucky, Docket No. G-10381; City of Sturgis, Kentucky, Docket No. G-10382.

Take notice that on May 10, 1956, the City of Clay, Kentucky, and the City of Sturgis, Kentucky (both Kentucky municipal corporations), filed their respective applications for an order, pursuant to section 7 (a) of the Natural Gas Act, directing Texas Gas Transmission Corporation (Texas Gas), to establish physical connection of its transportation facilities with those of applicants' proposed natural gas systems, and to sell and deliver to applicant's their natural gas requirements for distribution and sale to the public in the respective areas, and as more fully described in their respective applications.

The City of Clay proposes to construct a transmission line from the Texas Gas 26-inch line near Providence, Kentucky, northwardly to Diamond, Kentucky, and to Clay, Kentucky, and to Wheatcroft, Kentucky, a distance of approximately eleven miles, and the proposed service area will be that area along said transmission line and within a reasonable distance therefrom, including the communities of Diamond, Clay and Wheatcroft and their environs.

The City of Sturgis, Kentucky, proposes to jointly own said transmission line with the City of Clay, and said City of Sturgis further proposes to construct its transmission line from Wheatcroft, Kentucky, northwesterly and northerly to Sturgis, Kentucky.

An agreement has been made between the cities of Clay, Kentucky, and Sturgis, Kentucky, whereby they will jointly own said transmission line extending from the Texas Gas 26-inch line to Wheatcroft, Kentucky, and the City of Sturgis, Kentucky, proposes to construct, own and operate its transmission line extending from Wheatcroft, Kentucky, northwesterly to Sullivan, Kentucky, and then northerly to Sturgis, which transmission line will extend over a distance of approximately nine miles from Wheatcroft, Kentucky, to Sturgis, Kentucky. The proposed service area will be that area along the transmission line and within a reasonable distance therefrom, including the community of Sullivan, Kentucky, and the City of Sturgis, Kentucky, and their environs. Natural gas distribution systems will be constructed in said proposed service area.

The applicants propose to construct and to own and operate a natural gas distribution system for the Cities of Clay and Sturgis, respectively, and for the entire proposed service areas. The estimated total cost of these projects is $604,800, which will be financed by applicants through the sale of bonds. Included with the applications of the respective cities are agreements with the Housing and Home Finance Agency to finance the construction of the proposed distribution systems through the purchase of the cities' bonds in the total sum of $673,000.

The estimated annual gas requirements and peak day gas requirements in Mcf for the City of Clay at 15.025 psia for the first three years of operation, are as follows:

	1st year	2d year	3d year
Annual (Mcf)	14,560	25,680	36,540
Peak day (Mcf)	201.2	358.2	555.6

The City of Sturgis estimates peak day and annual requirements as follows (at 15.025 psia):

	1st year	2d year	3d year
Annual (Mcf)	23,940	47,100	71,000
Peak (Mcf)	237.6	544.9	855.0

Texas Gas timely filed on July 13, 1956, pursuant to § 1.9 (a) of the Commission's Rules of Practice and Procedure, answers to the aforesaid applications wherein it states that it has no objections to rendering the service requested by applicants: *Provided:* (1) That applicants satisfy the Commission as to the present and future economic feasibility of the proposed project on the basis of applicants' estimated third year requirements for said project; (2) that the maximum day delivery obligation of Texas Gas to City of Clay does not exceed the third year requirement of 556 Mcf at 15.025 psia or the maximum third year requirement of City of Sturgis of 855 Mcf at 15.025 psia; (3) that Texas Gas shall not be obligated to render service until the facilities proposed in Docket No. G–10062 have been placed in service; (4) that the facilities necessary to receive, transport and distribute the gas are completed by the applicants not later than June 1, 1957; and (5) that applicants execute a service agreement acceptable to Texas Gas within 45 days after the issuance of any order from the Federal Power Commission, authorizing the requested service to be effective upon the commencement of deliveries.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 5, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–5800; Filed, July 16, 1957; 8:51 a. m.]

[Docket Nos. G–2058, G–12863]

GULF INTERSTATE GAS CO.

ORDER DENYING REHEARING, MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, SUSPENDING PROPOSED CHANGE IN TARIFF, AND PROVIDING FOR HEARING

JULY 11, 1957.

In the matter of Gulf Interstate Gas Company, Docket No. G–2058; and Gulf Interstate Gas Company, Docket No. G–12863.

Gulf Interstate Gas Company (Gulf Interstate), on May 14, 1957, tendered for filing Second Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, purporting to effect a change in the cost-of-service tariff prescribed by the Commission's order and accompanying Opinion No. 251, issued May 20, 1953, in Docket No. G–2058, granting Gulf Interstate a certificate of public convenience and necessity.

By letter dated June 7, the Commission rejected the proposed filing, stating that no application had been filed to modify the certificate order and the proposed rate change filing was therefore premature. The Commission further stated that in the event application is made to modify the Commission's order issued May 20, 1953, and such modification is ordered, the proposed tariff change could be retendered for filing.

On June 17, 1957, Gulf Interstate filed an application for rehearing on the order rejecting its proposed filing, and, in the alternative, an application for an order modifying the certificate order issued May 20, 1953. By the same instrument Gulf Interstate also retendered for filing Second Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, with the request that it be made effective as of July 1, 1957, on less than 30 days notice required by section 4 (d) of the Natural Gas Act and § 154.22 of the Commission's regulations thereunder.

Gulf Interstate contends in its application for rehearing that no application for modification of the certificate order is necessary because that order, i. e., (C) (ii) of the order issued May 20, 1953, was fully complied with when Gulf Interstate filed the cost-of-service tariff therein prescribed. In support of that contention Gulf Interstate refers to the Commission's order issued June 26, 1953, accepting Gulf Interstate's tariff "for filing as satisfactorily complying with the conditions with respect thereto contained in the Commission's order issued on May 20, 1953."

Apparently, Gulf Interstate is contending that, under the order issued May 20, 1953, upon acceptance of the cost-of-service tariff the condition of the order was fully complied with, and Gulf Interstate could have immediately thereafter as well as now file for a change in its tariff without permission for such filing by the Commission. We find such over-simplification of the intent of the order issued May 20, 1953, to be without merit. It is our view, therefore, that Gulf Interstate's application for rehearing should be denied.

As heretofore indicated, however, Gulf Interstate has also applied for modification of that certificate order, by deleting therefrom paragraph (C) (ii).

As one of the conditions for the granting of the certificate of public convenience and necessity to Gulf Interstate in Docket No. G–2058, the Commission's order issued May 20, 1953, provides in paragraph (C) (ii) as follows: "Within 60 days after the issuance of this order, Gulf Interstate shall file an appropriate FPC Gas Tariff satisfactory to the Commission, which shall include a proper rate schedule based on a cost-of-service formula which will provide for a depreciation rate not in excess of 3½ percent per annum; a rate of return upon a depreciated rate base which shall not exceed 6 percent per annum; provision for crediting Federal income tax accruals against working capital requirements; and specifications of the basic formula on a Btu basis for credits which will accrue to United Fuel Gas for hydrocarbons extracted by Gulf Interstate or by any third person."

In the filing of May 14, 1957, rejected by our letter of June 7, 1957, and by the filing retendered on June 17, 1957, Gulf Interstate proposed to change the foregoing condition by increasing the rate of return therein prescribed from 6 percent per annum to 6¾ percent per annum.

Upon consideration of the views expressed in our letter of rejection dated June 7, 1957, the application for modification of the order issued May 20, 1953, and the retendered proposed filing, we find that it is appropriate and in the public interest that paragraph (C) (ii) of the order issued May 20, 1953, in Docket No. G–2058, as set out above, be modified by deleting therefrom the portion of that paragraph reading "a rate of return upon a depreciated rate base which shall not exceed 6 percent per annum" and substituting therein the clause reading "a reasonable rate of return upon a depreciated rate base."

However, Gulf Interstate's proposed increase in its rate of return from 6 percent to 6¾ percent per annum, which, together with related income taxes, would result in increased transportation charges of approximately $1,899,000 per year, to United Fuel Gas Company (Gulf Interstate's only customer), has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We further find, therefore, that it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that we enter upon a hearing, pursuant to the authority contained in that Act, particularly sections 4 and 15, concerning the lawfulness of Gulf Interstate's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by Second Revised Sheet No. 5, and, pending such hearing and decision thereon, said Second Revised Sheet No. 5 to Gulf Interstate's FPC Gas Tariff, Original Volume No. 1, should be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The application for rehearing filed by Gulf Interstate on June 17, 1957, is denied.

(B) Paragraph (C) (ii) of the order issued May 20, 1953, in Docket No. G–2058, is amended, to the extent and only to the extent of deleting therefrom the clause reading: "a rate of return upon a depreciated rate base which shall not exceed 6 percent per annum;" and substituting therefor the following: "a reasonable rate of return upon a depreciated rate base." In all other respects the aforementioned order issued May 20, 1953, shall remain in full force and effect.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held at a date to be designated by notice from the Secretary of the Commission, concerning the lawfulness of the rates, charges, classifications, and services contained in Gulf Interstate's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by Second Revised Sheet No. 5, retendered for filing on June 17, 1957, as set forth above.

(D) Pending such hearing and decision thereon, Second Revised Sheet No. 5 to Gulf Interstate's FPC Gas Tariff, Original Volume No. 1, is suspended and the use thereof deferred until December 17, 1957, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–5801; Filed, July 16, 1957; 8:52 a. m.]

[Docket Nos. G–12251, G–12252]

OKMAR OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 11, 1957.

In the matters of Okmar Oil Company, Docket No. G–12251; B. E. Talkington, et al., Docket No. G–12252.

Take notice that Okmar Oil Company (Okmar)[2] and B. E. Talkington, et al. (Talkington),[3] independent producers, filed separate applications on March 18, 1957, for authority to render and abandon service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

The respective applications seek authority for:

(1) Talkington, et al., to abandon service to Hope Natural Gas Company (Hope) from the Shimer, Camden and Parr Leases located in the Sheridan District, Calhoun County, West Virginia, being rendered pursuant to contracts dated February 1, 1951, July 8, 1952, and January 31, 1952, as amended, respectively, which service was previously authorized in Docket Nos. G–5591, G–5611 and G–5618, respectively.

(2) Okmar to continue the sales to Hope proposed to be abandoned by Talkington, et al.

The applications state that by instrument of assignment dated January 11, 1957, Okmar acquired said leases and gas wells thereon from Talkington, et al., subject, among other things, to the aforementioned contracts, as amended.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 7, 1957 at 9:30 a.m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–5802; Filed, July 16, 1957; 8:52 a. m.]

[Docket Nos. G–11480, G–11619]

TEXAS EASTERN TRANSMISSION CORP. AND MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 11, 1957.

In the matters of Texas Eastern Transmission Corporation, Docket No. G–11480; and The Manufacturers Light and Heat Company, Docket No. G–11619.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation, having its principal place of business at Texas Eastern Building, Shreveport, Louisiana, filed on November 14, 1956, an application and on November 23, 1956, an amendment thereto, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Texas Eastern to construct and operate certain natural gas facilities, as hereinafter described.

[1] Commissioner Digby would grant rehearing but otherwise concurs in the order.

[2] Applicant is a co-partnership composed of Adolph Beren, H. H. Beren and I. H. Beren.

[3] Et al. parties are Philip Lemon, Dewey Harris, D. J. Dennison, B. F. Smith, W. R. Ayers, Henry Haslebacher, Gertrude N. King (Executrix of the will of W. O. King, deceased), William B. Patton, Alfred W. Schroath, Josie M. Iden, Charles Harvey Donahoe, and Ray Blake, Jr.

Texas Eastern proposes to construct and operate a meter and regulating station and appurtenant facilities on its existing 30-inch Oakford Storage line in Westmoreland County, Pennsylvania, at a point approximately 1,300 feet south of the junction of said line with the Penn-Jersey line for the purpose of delivering natural gas to The Manufacturers Light and Heat Company.

Texas Eastern estimates that the cost of its proposed facilities will be $38,202, which it will finance from funds on hand.

The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on December 18, 1956, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing it to construct and operate certain gas facilities as hereinafter described.

Manufacturers proposes to construct .57 mile of 12-inch transmission pipeline, beginning at a point in Salem Township, Westmoreland County, Pennsylvania, on Texas Eastern's 30-inch line at a point 1,300 feet south of the junction of that line with Texas Eastern's 24-inch Penn-Jersey Line and extending northwesterly .57 mile to Manufacturers' Delmont Compressor Station for the purpose of receiving gas from Texas Eastern at this point.

The estimated cost of the proposed facilities is $46,000, which will be financed by The Columbia Gas System, Inc.

The proposed construction is to enable Manufacturers to receive up to 12,000 Mcf per day into its Clinton County line from Texas Eastern at the proposed connection in order to meet its natural gas requirements in the area north and east of Hickory. This delivery is to be part of Texas Eastern's presently authorized deliveries to Columbia companies.

The said applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 12, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5803; Filed, July 16, 1957; 8:52 a. m.]

[Dockets Nos. G-12763, G-12764]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND MARENGO CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 11, 1957.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G-12763; Marengo Corporation, Docket No. G-12764.

Take notice that Transcontinental Pipe Line Corporation (Transco), a Delaware corporation with its principal place of business in Houston, Texas, and Marengo Corporation (Marengo), an Alabama corporation, with its principal place of business in Linden, Alabama, filed separate applications on June 19, 1957, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, for authority to construct, lease and operate natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Transco by its application in Docket No. G-12763 seeks authority to construct and operate a 4-inch tap and a meter station located on its 30-inch main line at its existing Linden, Alabama Measuring and Regulating Station site in order to sell gas on an interruptible basis to Gulf States Paper Corporation and to deliver such gas to Marengo Corporation (Marengo) for the account of Gulf States Paper Corporation, all in Marengo County, Alabama.

Marengo is a newly formed company organized solely to render service to and for the Gulf States Paper Corporation. Marengo filed a companion application in Docket No. G-12764 on June 19, 1957, for a certificate of public convenience and necessity authorizing the operation and leasing from the City of Linden of a transmission line proposed to transport the gas to be received from Transco at the Linden measuring station to the Gulf States paper mill. The proposed line to be operated by Marengo and owned by the City of Linden will comprise about 15 miles of 6⅝-inch pipe and appurtenances. Marengo will also buy gas from the City of Linden for resale to the paper company.

Transco states that the paper plant will require up to a maximum of 6,000 Mcf per day of gas. Marengo estimates the entire requirements of the plant for the first three years as follows:

	1	2	3
Daily (Mcf)	4,000	5,000	6,000
Annual (Mcf)	1,400,000	1,750,000	2,100,000

Gulf States has built a new paper pulp mill about 15 miles from the City of Linden and 9 miles west of Demopolis. The plant was located at this point upon the assurance of the availability of the natural gas fuel essential for the manufacture of full-bleached pulp of high brightness.

Transco's proposed facilities are estimated to cost $17,000 to be financed from cash on hand.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 7, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5804; Filed, July 16, 1957; 8:52 a. m.]

[Docket No. G-8708 et al.]

PAN AMERICAN PETROLEUM CORP. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

JULY 11, 1957.

Notice is hereby given that the application filed by Pan American Petroleum Corporation, et al., in Docket No. G-8708 in the above-entitled proceeding and scheduled for a hearing to be held on July 18, 1957, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for hearing at a subsequent date to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5805; Filed, July 16, 1957; 8:52 a. m.]

[Docket No. G-8708 et al.]

PAN AMERICAN PETROLEUM CORP. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

JULY 11, 1957.

In the matters of Pan American Petroleum Corporation, et al., Docket No. G-8708, et al.; Continental Oil Company, Docket Nos. G-11460, G-11613, G-12009.

Notice is hereby given that the applications filed by Continental Oil Company in Docket Nos. G-11460, G-11613, and G-12009 in the above-entitled proceeding and scheduled for a hearing to be held on July 18, 1957, at 9:30 a. m., e. d. s. t., are hereby severed therefrom and continued for hearing at a subsequent date to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5806; Filed, July 16, 1957; 8:53 a. m.]

[Docket No. G-8708 et al.]

PAN AMERICAN PETROLEUM CORP. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

JULY 11, 1957.

In the matters of Pan American Petroleum Corporation, et al., Docket No. G-8708, et al., Amerada Petroleum Corporation, Docket Nos. G-11649 and G-11750.

Notice is hereby given that the applications filed by Amerada Petroleum Corporation in Docket Nos. G-11649 and G-11750 in the above-entitled proceeding and scheduled for a hearing to be held on July 18, 1957, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for hearing at a subsequent date to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5807; Filed, July 16, 1957; 8:53 a. m.]

[Docket Nos. G-11179, G-12166]

ROBERT F. ROBERTS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 11, 1957.

In the matters of Robert F. Roberts, Operator, et al., Docket No. G-11179; The Texas Company, Docket No. G-12166.

Take notice that Robert F. Roberts, Operator, et al.[1] (Roberts) and The Texas Company (Texas), independent producers, filed separate applications on October 1, 1956 and March 7, 1957 in Docket Nos. G-11179 and G-12166, respectively, for authority to render and abandon natural gas service, pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

The respective Applicants seek authority for:

(1) Texas to abandon its sale of natural gas to United Gas Pipe Line Company (United) from the Brumble-Studdard Unit Well No. 1 in the Bethany Field, Panola County, Texas, being made pursuant to a contract dated March 13, 1951, as amended, which sale was previously authorized in Docket No. G-4822.

(2) Roberts to continue service from the Brumble-Stoddard Unit to United proposed to be abandoned by Texas.

The applications state that Texas, by instrument dated May 4, 1956, subleased to Robert F. Roberts its interest in the Travis Peak Zone underlying the Brumble-Studdard Unit No. 1, and, in addition, other gas sands between depths of 2,500 and 6,300 feet, subject, among other things, to an over-riding royalty reservation by Texas and the aforementioned contract of March 13, 1951, as amended, with United.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 7, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings, pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5808; Filed, July 16, 1957; 8:53 a. m.]

[1] Roberts files as operator for himself and other nonoperating parties. Parties and their respective interests covered are: Roberts, 41.598 percent; Tex-Mex Drilling Company (a co-partnership consisting of W. S. Fields, Jr., and Bert Fields, Jr., Trust), 31.000 percent; Hudnall, Pirtle & Loetterle (a co-partnership consisting of J. S. Hudnall, George W. Pirtle and G. J. Loetterle), 18.750 percent. Bert Fields, not covered by Roberts' filing herein, has an 8.652 percent working interest in the unit and was authorized in Docket No. G-4567 to sell his share under his own contract with United dated September 16, 1947.

[Docket No. G-11967]

GREENBRIER OIL CO. AND THEO. HAMM BREWING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 11, 1957.

Take notice that Greenbrier Oil Company (Greenbrier)[1] and Theo. Hamm Brewing Company (Hamm), independent producers, filed a joint application on February 11, 1957, for authority to render and abandon service, pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application, which is on file with the Commission and open to public inspection.

The joint application seeks authority for:

(1) Hamm to abandon service to Tennessee Gas Transmission Company (Tennessee) from certain acreage located in the North Louise Field, Wharton County, Texas, being rendered pursuant to a contract dated December 29, 1953. Hamm was authorized to continue the operations involved in the sale of gas from said acreage in addition to other acreage adjacent thereto, on November 2, 1956, in Docket No. G-3250.

(2) Greenbrier to render service from the acreage, pursuant to section 7 (c) of the act, proposed to be abandoned by Hamm.

The joint application states that by instrument of assignment dated November 1, 1956, Hamm sold and transferred to William Hamm, Jr. (Hamm, Jr.), among other acreage, the SW/4 of Section 42, W. C. R. R. Co. (Frank Page Survey), Wharton County, Texas, which, in addition to the SE/4 of said Section 42, is dedicated to a basic gas sales contract dated December 29, 1953, as supplemented, between Hamm and Tennessee. The aforesaid SE/4 is not involved in the assignment, and Hamm will continue to render service therefrom.

By instrument dated November 27, 1956, Hamm, Jr., assigned an undivided 60.2 percent interest in said SW/4 of Section 42 to his partners in Greenbrier in the following proportions:

Individual	*Interest (percent)*
Marie H. Ankeny	17.9
Margaret H. Kelley	17.9
Theodora Lang	17.9
De Walt H. Ankeny	2.0
James E. Kelley	2.0
William H. Lang	2.0
Joseph A. Maun	0.5

Greenbrier states that it drilled its Greenbrier-Koch Estate No. 1 Well on said SW/4 of Section 42, Wharton County, Texas, subsequent to the assignment, and proposes herein to sell gas from said well to Tennessee, pursuant to the terms of the existing contract dated December 29, 1953, as supplemented, between Hamm and Tennessee. The subject contract was ratified by Greenbrier on November 1, 1956.

[1] Greenbrier is a co-partnership composed of William Hamm, Jr., Marie H. Ankeny, Margaret H. Kelley, Theodora Lang, D. H. Ankeny, James E. Kelley, William H. Lang, and Joseph A. Maun.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 8, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5809; Filed, July 16, 1957; 8:53 a. m.]

[Docket No. G-12601]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 11, 1957.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation with its principal place of business in Salt Lake City, Utah, filed an application on May 17, 1957, for authorization, pursuant to section 7 of the Natural Gas Act, to construct and operate facilities for selling and delivering natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate a measuring and regulating station on its existing 22-inch main transmission line, approximately 3 miles southeast of Pocatello, Idaho, in order to sell and deliver up to 19,807 Mcf per day of firm and interruptible gas to Intermountain Gas Company for resale and distribution in the communities of Blackfoot, Shelley, and Idaho Falls, Idaho, and their environs. Intermountain will construct the necessary transmission and distribution facilities for bringing service to the towns named. From Pacific's proposed meter station in Bannock County, Intermountain will construct a 10-inch lateral line to Blackfoot and Shelley in Bingham County, and to Idaho Falls in Bonham County, Idaho, in addition to gas distribution systems for each of the three communities.

Applicant estimates the peak day requirements of the communities in Mcf at 14.73 psia to be as follows:

Community	1st year	2d year	3d year
Idaho Falls:			
Firm	5,564	6,820	6,820
Interruptible	9,535	9,605	10,175
Total Idaho Falls	15,099	16,425	16,995
Blackfoot:			
Firm	1,256	1,609	1,609
Interruptible	471	471	471
Total Blackfoot	1,727	2,080	2,080
Shelley:			
Firm	373	471	471
Interruptible	261	261	261
Total Shelley	634	732	732
Total firm	7,193	8,900	8,900
Total interruptible	10,267	10,337	10,907
Total firm and interruptible	17,460	19,237	19,807

Applicant states that its proposed facilities would enable Intermountain to bring natural gas service to three communities in the State of Idaho, while bringing substantial revenues to Pacific Northwest for a very small investment. Intermountain has the approval of the Idaho Commission and the necessary franchises.

Applicant estimates the total capital cost of its proposed facilities at $36,750, which will be financed from currently available funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 8, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5810; Filed, July 16, 1957; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3604]

MISSOURI EDISON CO. AND UNION ELECTRIC CO.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION OF PRO RATA SHARE BY PARENT

JULY 10, 1957.

Notice is hereby given that Union Electric Company ("Union"), a public utility company and registered holding company and Missouri Edison Company ("Missouri"), a public utility subsidiary of Union, have filed a joint application with this Commission, pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), and have designated sections 6 (b), 9 and 10 thereof and Rule U-50 (a) (1) and (3) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Missouri proposes to issue and sell 71,429 additional shares of its common stock at a price of $20 per share, aggregating $1,428,580. Union proposes to acquire such shares, under the terms of a common stock agreement between Union and Missouri, less such number of shares as may be sold by Missouri pursuant to a rights offering to its other stockholders. Missouri proposes to offer to the holders of its common stock, other than Union, the right to subscribe for additional shares of such stock at the price of $20 per share on the basis of 3 shares for each 7 shares held of record by such stockholder.

Union now owns 166,495 shares of the 166,667 outstanding shares of common stock of Missouri, and the remaining 172 shares are held by 7 stockholders. Missouri proposes to mail to each stockholder, other than Union, an individual letter constituting the common stock subscription offer and enclosing a subscription form. No fractional shares will be issued, but, pursuant to such offering holders of shares not exactly divisible by seven upon subscribing for the maximum number of whole shares to which they are entitled may subscribe for one additional share of Missouri common stock. The subscription offer will expire on the 14th day after its date. Union will relinquish its preemptive right to purchase additional common stock of Missouri to the extent necessary to permit other stockholders to exercise their subscription rights in full.

The proceeds from the issuance and sale of the common stock by Missouri will be used to provide Missouri with funds to repay at their maturity on August 31, 1957, bank notes which are expected to amount to $1,325,000 on that day, and to finance, in part, Missouri's construction program.

The application states that the issue and sale of the common stock of Missouri is subject to the jurisdiction of the Public Service Commission of Missouri, and that acquisition of such common stock by Union is subject to the jurisdiction of that Commission and also to the jurisdiction of the Illinois Commerce Commission. Applications for authorization of the above transactions are being filed with such Commissions. No Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that Missouri's expenses in connection with the above transactions will not exceed $545 and that Union's expenses will not exceed $600.

Notice is further given that any interested person may, not later than July 29, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the Act or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5778; Filed, July 16, 1957; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 159]

IOWA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Calhoun (tornado occurring on or about July 4).

Offices: Small Business Administration Regional Office, Federal Office Building, 21st Floor, 911 Walnut Street, Kansas City 6, Mo. Small Business Administration Branch Office, Federal Office Building, Room 705, 15th & Dodge Streets, Omaha 2, Nebr.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1958.

Dated: July 5, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5779; Filed, July 16, 1957; 8:47 a. m.]

[Declaration of Disaster Area 160]

MICHIGAN

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Michigan;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Livingston and Oakland (tornado occurring on or about July 4).

Office: Small Business Administration Regional Office, U. S. Post Office & Courthouse, Rooms 618, 620, 622, 211 W. Congress Street, Detroit 26, Mich.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1958.

Dated: July 5, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5780; Filed, July 16, 1957; 8:47 a. m.]

VETERANS ADMINISTRATION

CHIEF MEDICAL DIRECTOR ET AL.

DELEGATION OF AUTHORITY TO ORDER ADVERTISING

In the Delegations of Authority, a new section 7 is added as follows:

SEC. 7. *Delegation of authority to the Chief Medical Director, Managers of Veterans Administration hospitals and regional offices with medical activities, and Directors of Veterans Administration outpatient clinics to order advertising.* Ethical paid announcements of professional opportunities may be placed in professional journals, or other professional recruiting media, for the recruitment of professional personnel in the Department of Medicine and Surgery, who are not subject to Civil Service laws and regulations. Authority to order such advertising or notice is hereby delegated to the Chief Medical Director, Managers of Veterans Administration hospitals and regional offices with medical activities, and Directors of Veterans Administration outpatient clinics pursuant to section 12 of the act of August 2, 1946, Public Law 600, 79th Congress.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 57-5782; Filed, July 16, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Amdt. 2 to Taylor's I. C. C. Order 86]

FT. WORTH AND DENVER RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 86 and good cause appearing therefor:

It is ordered, That:

Taylor's I. C. C. Order No. 86, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., August 15, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., July 15, 1957, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 9, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-5785; Filed, July 16, 1957; 8:48 a. m.]

[Notice 173]

MOTOR CARRIER APPLICATIONS

JULY 12, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the

Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1184 (Sub No. 9), filed July 1, 1957, GEORGE F. BURNETT COMPANY, INC., P. O. Box 2538, 20450 West Ireland Road, South Bend 14, Ind. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks and buses* (as defined in *Descriptions in Motor Carrier Certificates, Ex Parte No. MC–45*), including *parts and accessories* when moving at the same time and with the vehicle of which they are a part and on which they are to be installed, in secondary movements, in truckaway and driveaway service, from New York, N. Y., Baltimore, Md., and South Bend, Ind., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, St. Louis, Mo., and the District of Columbia. RESTRICTION: Applied-for authority to be restricted to transportation of vehicles originally manufactured in Stuttgart, Germany. Applicant is authorized to transport similar commodities in all states in the United States and the District of Columbia, except Arizona, Arkansas, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

HEARING: September 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 3009 (Sub No. 23), filed May 17, 1957, WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Applicant's attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M. C. C. 467, commodities in bulk, and those requiring special equipment, (1) between Birmingham, Ala., and Meridian, Miss., over U. S. Highway 11, serving no points applicant is not already authorized to serve, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; and (2) between Birmingham, Ala., and Jackson, Miss., from Birmingham over U. S. Highway 11 to Meridian, Miss., thence over U. S. Highway 80 to Jackson, and return over the same route, serving no points applicant is not already authorized to serve, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: Applicant states no service is sought or will be rendered between Birmingham and Meridian over U. S. Highway 11. Applicant is authorized to transport similar commodities in Alabama, Louisiana, and Mississippi.

HEARING: September 18, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 3009 (Sub No. 24), filed May 27, 1957, WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Applicant's attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Meridian, Miss., and Safford and Wagarville, Ala., as follows: (1) from Meridian over Mississippi Highway 19 to the Mississippi-Alabama State line, thence over Alabama Highway 10 to Pine Hill, Ala., thence over Alabama Highway 5 to Safford, and return over the same route, serving all intermediate points, including the plant site of the Marathon Corporation near Naheola, Ala.; (2) from Catherine, Ala., over Alabama Highway 28 to junction Alabama Highway 79, thence over Alabama Highway 79 to junction Alabama Highway 10 at or near Nanafalia, Ala., and return over the same route, serving all intermediate points; (3) from Pine Hill, Ala., over Alabama Highway 5 to Wagarville, Ala., and return over the same route, serving all intermediate points; and (4) from Thomasville, Ala., over U. S. Highway 43 to junction Alabama Highway 10 at or near Dixons Mills, Ala., and return over the same route, serving all intermediate points. Applicant is authorized to transport similar commodities in Alabama, Louisiana, and Mississippi.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 18, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 8544 (Sub No. 16), (Amended) filed June 1, 1957, GALVESTON TRUCK LINE CORPORATION, 6844, Navigation Boulevard, Houston 11, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, liquid commodities in bulk, household goods as defined by the Commisssion, livestock, and commodities requiring special equipment, between points in Wisconsin, Michigan, Illinois, Missouri, Iowa, Indiana, Ohio, Nebraska, Kansas, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Tennessee, Kentucky, and Alabama.

NOTE: Applicant states: "It desires to inform the Commission that if common carriers of property by motor vehicle presently attempting to serve the area for which application for permanent authority is hereby made, shall herein advise the Commission that he, they or it will render service, including pickup and delivery service, to each and every person, firm, partnership, or corporation requesting or requiring such service, within the scope of his, their or its certificate(s) or convenience and necessity, without regard to any legal or illegal, bona fide or otherwise, strike or other labor dispute or disturbance, of any kind of nature, unless such carriers are physically prevented from so doing, or without regard as to whether or not demand is made upon him, them or it to deny or restrict service to any person, firm, partnership or corporation by any association, union, federation or other combination, which might be or claim to be the representative, whether same be true or not, and whether duly certified or not, and whether or not such demand to deny or restrict such service to such person, firm, partnership or corporation by such association, union, federation or other combination be under and by virtue of pre-existing arrangement, whether written, oral or otherwise; and further, that he, they or it shall thereafter expressly waive the beneficial provisions contained in section 212 (a) of Part II of the Interstate Commerce Act; that Applicant, GALVESTON TRUCK LINE CORPORATION, shall thereafter amend this application as will thereafter seek or request only such authority as will assure to each individual of the shipping public continuous and adequate service without regard to any such limitations or restrictions enumerated above."

Applicant is authorized to conduct operations in Texas, Oklahoma, Ohio, Kansas, Arkansas and Missouri.

NOTE: The effect of the amendment is to also exclude the transportation of commodities requiring special equipment, in addition to those other named commodities excepted.

PRE-HEARING CONFERENCE: The pre-hearing conference in the above-entitled proceeding previously assigned on July 16, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner B. E. Stillwell presiding is cancelled, and the application assigned for pre-hearing conference on August 27, 1957, at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), at the Baker Hotel, Dallas, Tex., with Commissioner Everett Hutchinson presiding.

No. MC 28439 (Sub No. 76), filed June 20, 1957, DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm and industrial tractors*, and *farm and industrial machinery*, from Minneapolis, Minn., and points within 10 miles thereof, to points in Pennsylvania, New Jersey, New York, Delaware, Maryland, Virginia, District of Columbia, Maine, Massachusetts, Connecticut, Rhode Island, New Hampshire and West Virginia. Duplication of authority should be eliminated. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, Kentucky, North Carolina, Tennessee, Wisconsin, Mississippi, Massachusetts, Pennsylvania, West Virginia, Maryland, New York, North Carolina, Maine, New Hampshire, Vermont, New Jersey, Delaware, Rhode Island, Virginia, Georgia, South Carolina, Iowa, Florida, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

HEARING: September 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 29886 (Sub No. 103), filed June 14, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend 21, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Power shovels* and *parts thereof* when moving with the complete shovel, from Findlay, Ohio, to all points in the United States. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: September 11, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 29886 (Sub No. 104), filed July 1, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend 21, Ind. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks and buses* (as defined in *Descriptions in Motor Carrier Certificates, Ex Parte No. MC–45*), including *parts and accessories* when moving at the same time and with the vehicle of which they are a part and on which they are to be installed, in secondary movements, in truckaway and driveaway service, from South Bend, Ind., to points in Kansas, Oklahoma, Colorado, Wyoming, and Montana, and the points of St. Louis and Kansas City, Mo., and Philadelphia, Pa. RESTRICTION: applied-for authority to be restricted to the transportation of vehicles originally manufactured in Stuttgart, Germany. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: September 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 30837 (Sub No. 226), filed June 25, 1957, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, (not including trailers), in initial movements, in truckaway service, from Kenosha, Wis., to points in that part of Wyoming on and south of a line beginning at the Nebraska-Wyoming State line near Van Tassell, Wyo., and extending along U. S. Highway 20 to Shoshoni, Wyo., thence along Wyoming Highway 789 to Riverton, Wyo., thence along U. S. Highway 26 to junction U. S. Highway 287, thence along U. S. Highway 287 to Moran, Wyo., thence along U. S. Highway 187 to junction Wyoming Highway 22, and thence along Wyoming Highway 22 to the Idaho-Wyoming State line. Applicant is authorized to transport similar commodities throughout the United States.

NOTE: Applicant has authority in Certificate No. MC 30837, dated April 15, 1955, to transport new automobiles, new chassis, new bodies, and parts thereof, in initial movements, in truckaway service, from Kenosha, Wis., to points in that part of Wyoming north of the above-described line; however, the current description of the subject line is as shown above. Duplication with present authority to be eliminated.

HEARING: September 26, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 37926 (Sub No. 9), filed June 18, 1957, RUSSELL HARRISON WRIGHT, doing business as R. H. WRIGHT, Main Street, Greensboro, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Poultry and cow manure, poultry by-products, crab meal* and *bone meal*, from the plant of Melson Fertilizer Co., Inc. at or near Georgetown, Del., to points in Virginia, Delaware, Maryland, New Jersey, those in New York on and south of U. S. Highway 20 and those in Pennsylvania on and east of U. S. Highway 220.

HEARING: September 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 38541 (Sub No. 9), filed June 20, 1957, DENNIS E. WHITE, doing business as WHITE MOTOR EXPRESS, 713 Fourth Avenue, South, Nashville, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway Nat'l. Bank Building, Nashville, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Louisville, Ky., and Nashville, Tenn., from Louisville over U. S. Highway 31–W to Nashville, and return over the same route, serving the intermediate point of Franklin, Ky., and points within five miles of Franklin, Ky., as off-route points. Applicant is authorized to conduct similar operations in Kentucky and Tennessee.

HEARING: September 11, 1957, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 42329 (Sub No. 134), filed April 24, 1957, HAYES FREIGHT LINES, INC., 628 East Adams, Springfield, Ill. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat* and *Packing House Products*, as defined by the Commission, from Springfield, Ill., to points in Massachusetts, New York, Pennsylvania, New Jersey, Maryland, Louisiana, Texas, Alabama, Georgia, North Carolina, South Carolina and Florida. Applicant is authorized to conduct operations in Missouri, Iowa, Illinois, Indiana, Ohio, Kentucky, Tennessee, and Michigan.

HEARING: September 18, 1957, at the U. S. Court Rooms and Federal Building, Springfield Ill., before Examiner James I. Carr.

No. MC 45386 (Sub No. 5), filed June 21, 1957, BEE LINE TRUCK DISPATCH, a Corporation, 2713 San Pablo Avenue, Oakland, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Explosives*, from Creed, Calif., to points in Washington. Applicant is authorized to transport explosives in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington.

HEARING: September 9, 1957, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 50132 (Sub No. 27), filed June 20, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Urea* (agricultural grade), in bags, from Woodstock, Tenn., to points in Arizona, New Mexico, and California, and *exempt commodities*, as defined by the Commission, on return.

HEARING: September 16, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 60079 (Sub No. 9), filed June 20, 1957, FARMERS SERVICE CENTER, doing business as FARSCO FREIGHT LINES, Wicomico Church, Va. Applicant's attorney: Glenn F. Morgan, 1006 Warner Building, Washington 4, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Baltimore, Md. and the junction of U. S. Highway 301 and Virginia Highway 3 over U. S. Highway 301 serving the intermediate point of Owens, Va. and the off-route point of Dahlgren, Va.; *empty containers or other such incidental facilities* (not specified) on return. Applicant is authorized to conduct operations in Maryland, Virginia, Pennsylvania, New Jersey, Delaware, New York, Ohio, and the District of Columbia, and by this application seeks authority to serve over a direct route points it already is authorized to serve.

HEARING: September 11, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 226.

No. MC 82449, filed February 12, 1936, A. H. CORNWELL, Arthur, Ill., REOPENED FOR ORAL HEARING solely to determine whether applicant has been engaged as a *common carrier*, over irregular routes, on June 1, 1935 and continuously since, in the transportation of: *Compressed oxygen acetylene, nitrogen, hydrogen*, and *other commercial gases*, in tanks or cylinders, and *empty tanks or cylinders*, between Indianapolis, Ind., on the one hand, and, on the other, Arthur and Decatur, Ill.

HEARING: September 17, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 90760 (Sub No. 14), filed June 6, 1957, RUSSELL D. ENOS, 1012 East Williams Street, Danville, Ill. Applicant's attorney: Clyde Meachum, 704–710 Baum Building, Danville, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Candy*, from the site of the plant of Fred W. Amend Co., at Danville, Ill., to Detroit, Mich., Cleveland, Ohio, Pittsburgh and Philadelphia, Pa., Asbury Park, Jersey City, Newark and Westville, N. J., Baltimore, Md., Washington, D. C., Waterford and Albany, N. Y., points in the New York, N. Y. Commercial Zone as defined by the Commission, E. Hartford, Conn., and Boston and Summerville, Mass.; (2) *Cane sugar*, in 100 pound bags, from Brooklyn, N. Y., Baltimore, Md., and Philadelphia, Pa., to the site of the plant of Fred W. Amend Co., at Danville, Ill. Applicant is authorized to conduct operations in Indiana, Illinois, Wisconsin, Michigan, Tennessee, Kentucky, Ohio, and Missouri.

HEARING: September 19, 1957, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Examiner James I. Carr.

No. MC 92722 (Sub No. 13), filed July 1, 1957, ROBERT R. WALKER, INC., 1818 West Sample Street, South Bend, Ind. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks and buses* (as defined in *Descriptions in Motor Carrier Certificates, Ex Parte No. MC–45*), including *parts and accessories* when moving at the same time and with the vehicle of which they are a part and on which they are to be installed, in secondary movements, in truckaway and driveaway service, from New Orleans, La., and South Bend, Ind., to points in Texas, Louisiana, Mississippi, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Arkansas, Oklahoma, Kansas, Missouri, Kentucky, Illinois and Indiana. RESTRICTION: Applied-for authority to be restricted to the transportation of vehicles originally manufactured in Stuttgart, Germany. Applicant is authorized to transport similar commodities in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: September 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 92983 (Sub No. 231), filed June 24, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, in bulk, (1) from points in Michigan, Nebraska, Utah, Colorado, Idaho, Louisiana, and Washington, to Omaha, Nebr., and St. Bernard, Ohio; and (2) between Omaha, Nebr., and St. Bernard, Ohio. Applicant is authorized to transport liquid sugar, in bulk, in tank vehicles, in Iowa, Missouri, Kansas, Nebraska, Texas, and Louisiana.

HEARING: September 27, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 92983 (Sub No. 234), filed June 27, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid detergents*, in bulk, in tank vehicles, from Calvert City (Marshall County), Ky., and points within ten (10) miles thereof, to points in Alabama, Georgia, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: September 13, 1957, at the Kentucky Hotel, Louisville, Ky., before Examiner Richard H. Roberts.

No. MC 93890 (Sub No. 14), filed July 1, 1957, McDOWALL TRANSPORT, INC., P. O. Box 3231, Orlando, Fla. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks and buses* (as defined in *Descriptions in Motor Carrier Certificates, Ex Parte No. MC–45*), including *parts and accessories* when moving at the same time and with the vehicle of which they are a part and on which they are to be installed, in secondary movements, in truckaway and driveaway service, from Jacksonville, Fla., to points in Florida, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Kentucky, West Virginia, Ohio and Indiana. RESTRICTION: Applied-for authority to be restricted to the transportation of vehicles originally manufactured in Stuttgart, Germany. Applicant is authorized to transport similar commodities in Florida, Illinois, Indiana, Kentucky, Michigan, and Ohio.

HEARING: September 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 102401 (Sub No. 1), filed May 3, 1957, TAYLOR HEAVY HAULING, INC., 412 East Tutt Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a common carrier, over irregular routes, transporting: *Aluminum sash and frames*, restricted so that only shipments 8 feet in height or greater will be transported, from Niles, Mich., to points in the United States, including the District of Columbia, but excluding Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movements.

HEARING: September 11, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner James I. Carr.

No. MC 104481 (Sub No. 8), filed June 19, 1957, MOORMAN TRUCKING COMPANY, INC., 125 West Allen Street, Bloomington, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificate*, 61 M. C. C. 209, from the site of the National Gypsum Company plant near East Shoals (Raney Spur), Ind., (on U. S. Highway 50) to points in Tennessee and points in Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marles, Marion, Mississippi, Monroe, Montgomery, New Madrid, Osage, Perry, Pemiscot, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, Scott, Shannon, Shelby, Stoddard, Warren, Washington and Wayne Counties, Mo.; and *rejected and damaged shipments* of the commodities specified from the above destination territory to the site of the National Gypsum Company plant near East Shoals (Raney Spur), Ind., on return. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, and Wisconsin.

HEARING: September 11, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner James I. Carr.

No. MC 107227 (Sub No. 50), filed May 22, 1957, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, truck tractors*, and *truck chassis*, in initial movements, in truckaway service, from Seattle, Wash., to points in the United States except points in Montana, Washington, that part of Idaho north of and including Idaho County, and that part of Oregon north of and including Lane, Deschutes, Crook, Grant, and Baker Counties, and *damaged shipments* of the above-described units on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 5, 1957, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107227 (Sub No. 51), filed June 24, 1957, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, excepting trailers other than government owned compressed gas trailers empty or loaded with compressed gas (other than liquefied petroleum gas), in secondary movements, in truckaway service, between points in Nevada, on the one hand, and, on the other, points in Arizona, New Mexico and Texas: Applicant is authorized to transport motor vehicles throughout the United States.

HEARING: September 5, 1957, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107227 (Sub No. 53), filed June 26, 1957, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers*, except those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Berkeley, Calif., to points in the United States, excepting points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, and *damaged shipments of trailers* on return; and (2) *trucks*, in secondary movements, in truckaway service, from Berkeley, Calif., to points in the United States, excepting points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and *damaged shipments of trucks* on return. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: September 5, 1957, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107640 (Sub No. 35), filed May 31, 1957, MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building, roofing and insulating materials* (as more fully described in the application), in straight or mixed shipments, from Waukegan, Ill., to points in Nebraska, Minnesota, North Dakota, South Dakota, Pennsylvania and that portion of New York on and west of New York Highway 98, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to transport similar commodities as a contract carrier in Illinois, Michigan, Indiana, Ohio, Wisconsin, Missouri, Kentucky, Iowa, Nebraska, Pennsylvania, West Virginia, and Minnesota.

NOTE: Applicant has filed an application as a common carrier for the same authority as requested above, which has been assigned Docket No. MC 114021 (Sub No. 4).

HEARING: September 25, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 108053 (Sub No. 16), filed May 8, 1957, LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P. O. Box 310, Fremont, Nebr. Applicant's attorney: Erle W. Francis, 214 West Sixth Street, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products and articles distributed by meat packing houses*, as defined by the Commission, from Louisville, Ky. and points in Indiana to Reno and Las Vegas, Nev., Salt Lake City, Utah, Denver, Colorado, and points in California, Washington, and Oregon; *damaged shipments of the above-named commodities* and *empty containers or other such incidental facilities (not specified)* used in transporting the commodities on return. Applicant is authorized to conduct operations in New Mexico, Kansas, Arizona, Texas, California, Colorado, Illinois, Minnesota, Missouri, Nebraska, South Dakota, and Iowa.

HEARING: September 12, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner James I. Carr.

No. MC 108678 (Sub No. 14), filed May 6, 1957, LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Crude coal tar* and *crude coal tar oil products*, in bulk, in tank vehicles, between points in Marion County, Ind., on the one hand, and, on the other, points in Illinois, Michigan, Ohio, Kentucky, and West Virginia. Applicant is authorized to transport similar commodities in Indiana, Louisiana, and Ohio.

HEARING: September 9, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner James I. Carr.

No. MC 109352 (Sub No. 2), filed June 21, 1957, ELIZABETH JANE ATKINSON, doing business as W. HUNTER ATKINSON, Cresson and Kingsley Streets, Philadelphia 27, Pa. Applicant's attorney: Manuel Sidkoff, Suite 1212–1225, 1528 Walnut Street, Philadelphia 2, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Knocked down cartons* and *empty containers*, from Pettys Island, N. J., to McKees Rocks, Pa. Applicant is authorized to transport empty containers from Butler and McKees Rocks, Pa., to the above-specified origin point.

HEARING: September 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 109451 (Sub No. 74), filed May 9, 1957, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Anderson, Ind., to points in Illinois, Kentucky, Ohio, and the lower peninsula of Michigan. *Acids*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois. Applicant is authorized to conduct similar operations in Indiana, Missouri, Michigan, Illinois, Ohio, Wisconsin, Kentucky, Georgia, Tennessee, West Virginia, Pennsylvania, Iowa, Alabama, Florida, and Mississippi.

HEARING: September 5, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner James I. Carr.

No. MC 109637 (Sub No. 45), filed June 3, 1957, GASOLINE TRANSPORT CO., a Corporation, 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from North Pekin, Ill., and points within 10 miles of North Pekin, to points in Indiana, Iowa, Kentucky and Missouri, *Empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified, on return. Applicant is authorized to transport petroleum and petroleum products from and to points in Kentucky, Indiana, Tennessee, and Illinois.

HEARING: September 19, 1957, at the U. S. Court Rooms and Federal Building, Springfield, Ill., before Examiner James I. Carr.

No. MC 109637 (Sub No. 49), filed June 20, 1957, GASOLINE TRANSPORT CO., a Corporation, 4107 Bells Lane, Louisville 11, Ky. Applicant's attorney: H. T. Willis, Kentucky Home Life Building, Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Louisville, Ky., and points within ten (10) miles thereof, to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin. Applicant is authorized to transport Petroleum and petroleum products in Illinois, Indiana, Kentucky, Ohio, and Tennessee.

HEARING: September 9, 1957, at 11:00 o'clock a. m., at the Kentucky Hotel, Louisville, Ky., before Examiner Richard H. Roberts.

No. MC 109677 (Sub No. 13), filed June 18, 1957, FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N. Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lignon liquor*, in bulk, in tank vehicles, from Corinth, N. Y. to Baltimore and Leslie, Md., Cambridge, Mass., Philadelphia, Plymouth Meeting, Lancaster, Mount Union and Morrisville, Pa., Jackson, Niles and Black Fork, Ohio, and the ports of entry on the international boundary line between the United States and Canada at Champlain and Rouses Point, N. Y. Applicant is authorized to conduct operations in New York, New Jersey, and Maine.

HEARING: September 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 109682 (Sub No. 21), filed July 1, 1957, BOLIN DRIVEAWAY CO., a Corporation, 26400 Lakeland Boulevard, Cleveland 32, Ohio. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks and buses* (as defined in *Descriptions in Motor Carrier Certificates, Ex Parte No. MC–45*), including *parts and accessories* when moving at the same time and with the vehicle of which they are a part and on which they are to be installed, in secondary movements, in truckaway and driveaway service, from New York, N. Y., Baltimore,

Md., and South Bend, Ind., to points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Ohio, Indiana and the District of Columbia. RESTRICTION: Applied-for authority to be restricted to the transportation of vehicles originally manufactured in Stuttgart, Germany. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: September 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 110505 (Sub No. 30), filed June 20, 1957, RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Telescoping and/or folding bleacher gym seats*, from Rochester, Ind., to points in the United States, and *damaged and rejected shipments* of the above-specified commodities from points in the United States to Rochester, Ind.

HEARING: September 17, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner James I. Carr.

No. MC 110841 (Sub No. 7), filed June 20, 1957, PORT NORRIS EXPRESS CO., INC., Port Norris, N. J. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Soda ash*, in bulk, in dump trucks, from Claymont, Del., and points within ten miles of Claymont, to points in Cumberland and Salem Counties, N. J.; *fluorspar*, in bulk, in dump trucks, from Wilmington, Del., and points within ten miles of Wilmington, to points in Cumberland and Salem Counties, N. J.; *lime*, in bulk, in dump trucks, from Thomasville, Pa., and points within ten miles of Thomasville, to points in Cumberland County, N. J.; and *zinc oxide*, in bulk, in dump trucks, from Palmerton, Pa., and points within ten miles of Palmerton, to points in Cumberland County, N. J.

HEARING: September 16, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 111159 (Sub No. 38), filed April 29, 1957, MILLER PETROLEUM TRANSPORTERS, LTD., a corporation, P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, in bulk, in tank vehicles, from Moscow, Ala., to points in Mississippi. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

HEARING: September 17, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 111170 (Sub No. 37), filed May 9, 1957, WHEELING PIPE LINE, INC., Box 270, El Dorado, Ark. Applicant's attorney: John Paul Jones, 1012 Edway Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, except asphalt, as defined by the Commission in 61 M. C. C. 209, between points in Shelby County, Tenn., Arkansas, Missouri, and Illinois. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Indiana, Louisiana, Mississippi, Missouri, Tennessee, and Texas.

NOTE: Applicant states it seeks no duplicating authority.

HEARING: September 24, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 111472 (Sub No. 49), filed June 17, 1957, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Farm tractors, agricultural implements, and parts thereof*, from Charles City, Iowa to points in Kansas, Ohio, Colorado, Montana, and Wyoming. Applicant is authorized to transport similar commodities throughout the United States except Florida, Nevada, North Carolina, South Carolina, and the District of Columbia.

HEARING: September 20, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 112573 (Sub No. 5), filed June 13, 1957, RYE McILLWAIN, Main Street, Parsons, Tenn. Applicant's attorney: Edwin C. Townsend, Parsons, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Untreated wooden ties and lumber*, from points in Benton, Decatur, Henderson, and Perry Counties, Tenn., to points in Massac County, Ill. Applicant is authorized to transport similar commodities in Illinois and Tennessee.

HEARING: September 16, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Joint Board No. 281, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 112582 (Sub No. 5), filed June 24, 1957, T. M. ZIMMERMAN COMPANY, a Corporation, 227 West Commerce Street, Chambersburg, Pa. Applicant's attorneys: Rhoads, Sinon & Brader, State Street Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Foods* and *foodstuffs* requiring the use of controlled mechanically refrigerated equipment, between Chambersburg, Pa., and points within 25 miles thereof, and points in Ohio, West Virginia, Virginia, Maryland, Delaware, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine and the District of Columbia, and (2) *materials* and *supplies* used or useful in the manufacture and distribution of foods and foodstuffs requiring the use of controlled mechanically refrigerated equipment, from points in Ohio, West Virginia, Virginia, Maryland, Delaware, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine and the District of Columbia to Chambersburg, Pa. Applicant is authorized to conduct similar operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: September 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 112617 (Sub No. 33), filed June 28, 1957, LIQUID TRANSPORTERS, INC., P. O. Box 5135, Cherokee Station, Louisville 5, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trinidad asphalt*, in bulk, in tank vehicles, from Zionsville, Ind., to points in Kentucky. Applicant is authorized to transport similar commodities in Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: September 13, 1957, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 112763 (Sub No. 4), filed June 26, 1957, WILLIAM C. WOODARD, doing business as WOODARD TRUCK LINES, P. O. Box 206, Springfield, Tenn. Applicant's attorney: James C. Havron, Nashville Trust Bldg., Nashville, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber (wood blocks used in manufacture of heels for shoes and boots)* from points in Vermont and New York to points in Tennessee; *empty containers or other such incidental facilities (not specified) used in transporting the named commodity* on return.

HEARING: September 26, 1957, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Richard H. Roberts.

No. MC 112763 (Sub No. 5), filed June 26, 1957, WILLIAM C. WOODARD, doing business as WOODARD TRUCK LINES, P. O. Box 206, Springfield, Tenn. Applicant's attorney: James C. Havron, Nashville Trust Building, Nashville, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from points in Tennessee to points in Kentucky, Ohio, Illinois, Indiana, and North Carolina; *empty containers or other such incidental facilities (not specified) used in transporting lumber* on return.

HEARING: September 26, 1957, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Richard H. Roberts.

No. MC 114004 (Sub No. 14), filed May 22, 1957, ARKANSAS TRUCKING CO., INC., P. O. Box 1750, Little Rock, Ark. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, initial movements by the truckaway method, from points in Indiana to points in the United States. Applicant is authorized to transport the above-specified commodity from specified points in Arkansas to points in the United States.

HEARING: September 16, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner James I. Carr.

No. MC 114021 (Sub No. 4), filed June 3, 1957, MIDWEST TRANSPORT COMPANY OF ILLINOIS, 7000 So. Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building, roofing and insulating materials*, (as more fully described in the application), in straight or mixed shipments, from Waukegan, Ill., to points in Nebraska, Minnesota, North Dakota, South Dakota, Pennsylvania and that portion of New York on and west of New York Highway 98, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to transport similar commodities as a contract carrier in Illinois, Michigan, Indiana, Ohio, Wisconsin, Missouri, Kentucky, Iowa, Nebraska, Pennsylvania, West Virginia, and Minnesota.

NOTE: Applicant has filed an application as a contract carrier for the same authority as requested above, which has been assigned Docket No. MC 107640 (Sub No. 35).

HEARING: September 25, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 115732 (Sub No. 2), filed June 7, 1957, FRANK C. MARTIN, doing business as MARTIN PROPANE TRANSPORT, 517 North Chancery Street, McMinnville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Doe Run, Ky. (near Bradenburg, Ky.), to points in Lincoln County, Tenn.

HEARING: September 27, 1957, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116701, filed May 27, 1957, SEAGO, INC., P. O. Box 304, McComb, Miss. Applicant's attorney: Joe N. Pigott, 109 North Broadway, P. O. Box 940, McComb, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* and *other building materials*, from points in Mississippi to points in Arkansas, Illinois, Louisiana, Kentucky, Indiana, Missouri, and Tennessee: *feed*, from points in Arkansas, Missouri, Illinois, and Tennessee to points in Mississippi; and *building materials* and *prefabricated buildings*, from Washington Court House, Ohio, to points in Louisiana.

HEARING: September 23, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Richard H. Roberts.

No. MC 116736, filed June 12, 1957, D. F. PAYNE, doing business as DON PAYNE TRUCKING COMPANY, 223 Echo Dale Lane, Knoxville, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Concrete blocks, cinder blocks* and *brick*, from Knoxville, Tenn., to points in Kentucky and North Carolina.

HEARING: September 30, 1957, at the U. S. Court Rooms, Knoxville, Tenn., before Joint Board No. 389, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116737, filed June 12, 1957, I. FRED ROGERS, doing business as ROGERS TRUCKING COMPANY, 726 West Emerald Avenue, Knoxville, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Concrete blocks, cinder blocks*, and *brick*, from Knoxville, Tenn., to points in Kentucky and North Carolina.

HEARING: September 30, 1957, at the U. S. Court Rooms, Knoxville, Tenn., before Joint Board No. 389, or if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116752, filed June 13, 1957, HARRY G. SCHULER, 31 Graham Avenue, Hanover Township, Pa. Applicant's attorney: Charles L. Casper, Miners Nat'l. Bank Building, Wilkes-Barre, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Children's dresses in process of manufacture and component parts thereof; piece goods;* and *sewing machines and component parts thereof* for Pioneer Manufacturing Company, Inc., its affiliates and subsidiaries, between (1) Wilkes-Barre, Pa. and Jersey City and Barnegat, N. J.; and (2) between Sumter, S. C. and Wilkes-Barre, Plymouth, and Carbondale, Pa.

HEARING: September 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 116772, filed June 24, 1957, FRY COAL AND STONE COMPANY, North Main Street, Mercersburg, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in pressurized tank vehicles, from Morgantown, W. Va. to points in New York, Pennsylvania, Maryland, Virginia, and Ohio.

HEARING: September 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

MOTOR CARRIERS OF PASSENGERS

No. MC 103033 (Sub No. 1), filed June 17, 1957, (Clarifying Amendment) published in the July 3, 1957 issue, on Page 4698, ALEXANDRIA, BARCROFT AND WASHINGTON TRANSIT COMPANY, a Corporation, doing business as A. B. & W. TRANSIT CO., 600 North Royal Street, Alexandria, Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *contract carrier, over* irregular routes, transporting: *Passengers and their baggage*, between points within the territory authorized as an origin territory for charter operations in the State of Virginia and the District of Columbia and points in the territory now authorized to be served in charter operations. Applicant holds Certificate No. MC 1800 and (Sub Nos. 22 and 23) as a common carrier.

HEARING: Remains as assigned for July 31, 1957, at the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 12.

No. MC 116768 (Sub No. 1), filed June 25, 1957, (Clarifying amendment), published in FEDERAL REGISTER July 3, 1957, at page 4698, THOMAS PARRAN, JR., doing business as SUBURBAN TRANSIT CO., 10715 Colesville Road, Silver Spring, Md. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers and their baggage*, between points within the territory authorized as an origin territory for charter operations in the State of Maryland and the District of Columbia and points in the territory now authorized to be served in charter operations.

HEARING: Remains as assigned for July 31, 1957, at the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 120.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 35334 (Sub No. 41), filed June 26, 1957, COOPER-JARRETT, INC., 311 West 14th Street, Kansas City, Mo. Applicant's attorney: Irving Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (not including those requiring refrigeration), between junction U. S. Highway 23 and Ohio Highway 18, at Fostoria, Ohio, and junction U. S. Highway 224 and Ohio Highway 18, approximately two miles west of Tiffin, Ohio, from junction U. S. Highway 23 and Ohio Highway 18 at Fostoria, over Ohio Highway 18 to junction U. S. Highway 224, approximately two miles west of Tiffin, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Chicago, Ill., and New York, N. Y. Applicant is authorized to conduct similar operations in Connecticut, Illinois, Indiana, Kansas, Missouri, Nebraska, New Jersey, New York, Pennsylvania, and Ohio.

No. MC 35628 (Sub No. 207), filed June 28, 1957, INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except Class A and B explosives, dangerous inflammables, household goods as defined by the Commission, and commodities in bulk, between Peoria, Ill., and Danville, Ill., over U. S. Highway 150, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Chicago, Ill., and Lawrenceville, Ill., and between Peoria, Ill., and the Indiana-Ohio State line. Applicant is authorized to conduct similar operations in Illinois, Iowa, Kentucky, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia.

No. MC 38170 (Sub No. 16), filed June 26, 1957, WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Euclid Division of General Motors Corporation plant, located on Ohio Highway 91 between Hudson and Darrowville in Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to transport similar commodities in Michigan and Ohio.

NOTE: By the instant application, applicant states it is merely seeking authority to be in a position to afford less than truckload service in addition to its presently authorized truckload service.

No. MC 50544 (Sub No. 41), filed July 1, 1957, THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, Texas and Pacific Building, Dallas 2, Tex. Applicant's attorney: Tom L. Farmer, Law Dept., The Texas and Pacific Motor Transport Company, Texas and Pacific Building, Dallas 2, Tex. For authority to operate as a *common carrier* transporting: *General commodities*, between Dallas, Tex., and Sherman, Tex. over U. S. Highway 75 as an alternate route for operating convenience only, serving no intermediate points and serving the termini for the purpose of joinder only, in connection with applicant's authorized regular route operations between Dallas and Sherman over U. S. Highways 80, 377, and 82, and Texas Highway 10, subject to the restriction that carrier's service shall be limited to that which is auxiliary to, or supplemental of, train service of The Texas and Pacific Railway Company, and such other restrictions imposed in Certificate No. MC 50544 as may be pertinent. Applicant is authorized to conduct operations in Texas and Louisiana.

No. MC 66562 (Sub No. 1371), filed July 2, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives, moving in express service*, between Brunswick, Maine and Farmington, Maine, from Brunswick over Maine Highway 196 to junction U. S. Highway 202, thence over U. S. Highway 202 to junction Main Highway 106, thence over Maine Highway 106 to junction Maine Highway 133, and thence over Maine Highway 133 to Farmington, and return over the same routes, serving the intermediate and off-route points of Lisbon Falls, Lewiston, Leeds Junction, Livermore Falls, and Wilton, Maine, subject to the restrictions that service performed will be limited to that which is auxiliary to or supplemental of express service, and that shipments transported be limited to those moving on a through bill of lading or express receipt covering, in addition to the motor carrier movement by applicant, and immediately prior or immediately subsequent movement by rail. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1372), filed July 2, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N. Y. For authority to operate as a common carrier, over regular routes, transporting: *General commodities, including Class A and B explosives, moving in express service, and railroad baggage moving under the tariffs and billing of the Norfolk and Western Railway*, between (1) Cincinnati, Ohio and Sardinia, Ohio, over Ohio Highway 74, serving the intermediate points of Newton, Batavia, Williamsburg and Mt. Orab; (2) Portsmouth, Ohio and Sardinia, Ohio, from Portsmouth over Ohio Highway 104 to Rushtown, thence over unnumbered highway via McDermott to junction Ohio Highway 73, thence over Ohio Highway 73 to junction Ohio Highway 74, thence over Ohio Highway 74 to junction unnumbered highway known as Lawshe Road west of Peebles, thence over unnumbered highway via Lawshe to junction Ohio Highway 74, and thence over Ohio Highway 74 to Sardinia, and return over the same routes, serving the intermediate and off-route points of McDermott, Peebles, Seaman, and Winchester, Ohio, subject to the restrictions that service shall be limited to that which is auxiliary to or supplemental of express service, and that shipments transported will be limited to those moving on a through bill of lading or express receipt. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1373), filed July 2, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives, moving in express service*, between Newark, N. J., and Brunswick, N. J., over U. S. Highway 1, subject to the restriction that service to be performed will be limited to that which is auxiliary to or supplemental of express service and that shipments transported will be limited to those moving on a through bill of lading or express receipt covering, in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 75463 (Sub No. 15), filed June 28, 1957, REED LINES, INC., 209 Canal Street, Defiance, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Tin or terne plate*, plain, painted, lacquered or lithographed, from Aliquippa and Irvin (Allegheny County), Pa., and Weirton, W. Va., to Delta, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application from Delta, Ohio, to Aliquippa and Irvin (Allegheny County), Pa., and Weirton, W. Va.

No. MC 97699 (Sub No. 6), filed July 3, 1957, BARBER TRANSPORTATION COMPANY, 321 Sixth Street, Rapid City, S. Dak. Applicant's attorney: Floyd M. Baird, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving O'Neill, Nebr., as a junction point, in connection with the operations of applicant and Barber Transportation Company, lessee and operator of Martinson and Martinson, doing business as Middlewest Nebraska Motor (MC–F 6450).

NOTE: This application to be handled concurrently with MC–F 6450.

No. MC 105559 (Sub No. 2), filed June 28, 1957, WALTER R. YOUNG, doing business as YOUNG TRUCKING Co., 213 South Wapello Street, Ottumwa, Iowa. Applicant's attorney: Kenneth F. Dudley, P. O. Box 557, 106 North Court Street, Ottumwa, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Frozen animal food*, in vehicles equipped with mechanical temperature-control devices, from Ottumwa, Iowa to points in Wisconsin on and south of Wisconsin Highway 64.

No. MC 116783, filed July 1, 1957, CARL KREBS, 23 Eustace Place, Fort Thomas, Ky. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Crushed stone, lime, sand* and *gravel*, in dump trucks, from points in Anderson Township, Hamilton County, Ohio, to points in Campbell County, Ky., and *refused or rejected shipments* of the above-specified commodities on return.

No. MC 116784, filed June 17, 1957, A. W. BOUCHILLON AND W. A. SANDERS, a Partnership, doing business as BOUCHILLON AND SANDS, P. O. Box 188, Hernando, Miss. Applicant's attorney: Joel P. Walker, Jr., Hernando, Miss. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including household goods* as defined by the Commission, and *commodities in bulk*, but excluding those of unusual value, Class A and B explosives, and those requiring special equipment, between Memphis, Tenn., and Hernando, Miss., from within the corporate limits of Memphis over U. S. Highway 51 to the Town of Hernando, and return over the same route, serving all intermediate points.

PETITIONS

No. MC 75320 (Sub No. 34), CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, Springfield, Mo. Applicant's attorney: John F. Carr, 926 Woodruff Building, Springfield, Mo. PETITION filed May 6, 1957, for (1) Formal opinion as to interpretation to be placed upon certain restrictive wording contained in motor carrier certificate No. MC 75320 (Sub No. 34) dated February 1, 1952, and (2) Removal of such restrictive wording. That portion of the authority in the subject certificate here involved reads:

General commodities, *except those not suitable for transportation in a van-type trailer, in quantities of 5,000 pounds or more.*

Between Little Rock, Ark., and Hot Springs, Ark.: From Little Rock over U. S. Highway 70 to Hot Springs, and return over the same route.

Between Pine Bluff, Ark., and junction U. S. Highway 70 and Arkansas Highway 17.: From Pine Bluff over U. S. Highway 79 and junction Arkansas Highway 17, thence over Arkansas Highway 17 to junction U. S. Highway 70, and return over the same route.

Service is authorized to and from all intermediate points on the above specified routes.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 116787, filed July 3, 1957, B & F TRANSPORTATION, INC., 1249 New York Avenue NE., Washington, D. C. Applicant's attorney: D. Jay Hyman, 401 Tower Building, 1401 K Street NW., Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Pasteurized milk, buttermilk*, and *cream*, in containers, from Washington, D. C., to Cedar Point, Md., Portsmouth, Va., and Parris Island, S. C.; *empty containers* and *rejected shipments* of the above-specified commodities, from the above-specified destination points to Washington, D. C.; *disabled motor vehicles and their contents* in towing service, between Washington, D. C., and points in Maryland and Virginia, within 25 miles of Washington, on the one hand, and, on the other, points in Maryland, Pennsylvania, Virginia, and West Virginia, within 100 miles of Washington, D. C.; *powdered milk and condensed milk*, in containers (other than hermetically sealed), from Hamden, Deposit, Cannonsville, Delhi, Mexico, and Prattsburg, N. Y.; and points in Pennsylvania and Maryland, to Norfolk, Va.; *powdered milk*, in containers (other than hermetically sealed) from Hamden, Deposit, Cannonsville, Delhi, Mexico, and Prattsburg, N. Y., and points in Pennsylvania, and those in Maryland, to points in Florida, and from the above-specified points in New York, points in Pennsylvania, and those in Maryland (except Baltimore), to points in North Carolina, South Carolina, and Georgia; and *concentrated milk*, in containers (other than hermetically sealed) from Frederick, Md., and Washington, D. C., to Key West, Fla.

NOTE: This application is directly related to the proceeding in MC–F 6636.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–6630. Authority sought for purchase by ECK MILLER CONTRACT CO., INC., 1125 Sweeney Street, Owensboro, Ky., of a portion of the operating rights of ECK MILLER TRANSFER CO., 421 East Second Street, Owensboro, Ky., and for acquisition by LESTER E. YEAGER, Executor and Trustee of the Estate of James C. Ellis, 1922 Lexington Avenue, Owensboro, Ky., of control of such rights, through the purchase. Applicants' attorneys: George S. Wilson, Masonic Bldg., Owensboro, Ky., and Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *Such commodities* as require the use of special equipment by reason of size or weight and *parts* thereof when moving in connection therewith, as a *common carrier*, over irregular routes, from points in Indiana, Illinois, Kentucky, and Tennessee within 150 miles of Owensboro, Ky., to points in Ohio, Indiana, Illinois, Missouri, Tennessee, Virginia, West Virginia, and the lower peninsula of Michigan; *such commodities* as require the use of special equipment by reason of size or weight, but not including motor vehicles, from points in Ohio, Indiana, Illinois, Missouri, Tennessee, Virginia, West Virginia, and the lower peninsula of Michigan, to points in Indiana and Kentucky within 150 miles of Owensboro, Ky., including Owensboro; *oil well and mine machinery, pipe and supplies*, between points in Indiana, Illinois, Kentucky and Tennessee within 200 miles of Owensboro, Ky., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Tennessee, Mississippi and Georgia, and between points within 35 miles of Owensboro, Ky., on the one hand, and, on the other, points in West Virginia. Vendee holds no authority from this Commission. Application has been filed for temporary authority under section 210a (b).

No. MC–F–6636. Authority sought for purchase by B & F TRANSPORTATION, INC., 1249 New York Avenue NE., Washington, D. C., of the operating rights of LOUIS BRODSKY, doing business as B & F TRANSPORTATION COMPANY, 1249 New York Avenue NE., Washington, D. C., and MORRIS FOX, 1249 New York Avenue NE., Washington, D. C., and for acquisition by LOUIS BRODSKY and MORRIS FOX, of control of such rights through the purchase. Applicants' attorney: D. Jay Hyman, 401 Tower Building, Washington 5, D. C. Operating rights sought to be transferred: (1) LOUIS BRODSKY, *canned goods*, as a *contract carrier*, over regular routes, from certain points in Pennsylvania, New York, Delaware and Virginia to Baltimore, Md., from Woodbine, Md., to Baltimore, Md., and Washington, D. C., between Washington, D. C., and Baltimore, Md., serving no intermediate points; *fruits* and *produce*, from Bridgeton, N. J., and Baltimore, Md., to Richmond, Va., from Washington, D. C., to New York, N. Y., serving certain intermediate points; *beer, ale*, and *wine*, from New York, N. Y., to Washington, D. C., serving certain intermediate points, *empty beverage containers*, from Washington, D. C., to New York, N. Y., serving certain intermediate points; *such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials, and supplies used in the conduct of such business*, over irregular routes, from, to and between certain points in Pennsylvania, West Virginia, Maryland, Delaware, Virginia, and the District of Columbia; and (2) MORRIS FOX, *powdered milk and condensed milk*, in containers (other than hermetically sealed), *concentrated milk, pasteurized milk, buttermilk*, and *cream, disabled motor vehicles and their contents in towing service*, as a *common carrier*, over irregular routes, from, to and between certain points in Pennsylvania, New York, Maryland, Virginia, North Carolina, Florida, South Carolina, Georgia, West Virginia, and the District of Columbia. Vendee holds no authority from this Commission. Application has not been filed for temporary authority under section 210a (b).

NOTE: No. MC 116787 filed July 5, 1957, is a matter directly related.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-5787; Filed, July 16, 1957; 8:49 a. m.]

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 12, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15

days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34001: *T. O. F. C.—petroleum products—Texas points to Kansas City, Mo.-Kans.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum products, viz.: greases, oils, waxes, and stock sprays with petroleum base, carloads from Beaumont, Chaison, and Houston, Tex., to Kansas City, Mo.-Kans., and group points.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 38 to Agent Kratzmeir's tariff I. C. C. 4233.

FSA No. 34002: *Grains, grain products and feed from Columbus, Ohio group.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coarse grains, grain products, and animal or poultry feed, carloads from Columbus, Ohio and grouped origins to specified points in North Carolina and South Carolina.

Grounds for relief: Modified short-line distance formula, maintenance of origin rate relationship with Cincinnati, Ohio and circuitous routes.

Tariff: Supplement 189 to Agent Spaninger's tariff I. C. C. 1325.

FSA No. 34003: *Returned containers—Oklahoma points to W. T. L. and Illinois territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on empty returned beverage containers carloads of varying minimum weights as described in the application from specified points in Oklahoma to specified point in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin.

Grounds for relief: Circuitous routes.

Tariff: Supplement 233 to Agent Kratzmeir's tariff I. C. C. 4109.

FSA No. 34004: *Aluminum metals—Badin, N. C., to St. Louis, Mo., group.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum billets, ingots, pigs or slabs, carloads from Badin, N. C., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-5784; Filed, July 16, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FRIEDRICH RHEIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Friedrich Rhein, Bederstrasse 78, Zurich 2, Switzerland; Claim No. 61604; Vesting Order Nos. 17829 and 17903; $998.55 in the Treasury of the United States.

Executed at Washington, D. C., on July 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5811; Filed, July 16, 1957; 8:53 a. m.]

MEINE ALBERT SIJBESMA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Meine Albert Sijbesma, Haskerdijken, The Netherlands; Claim No. 60271; Vesting Order Nos. 17837 and 17915; $793.07 in the Treasury of the United States.

Executed at Washington, D. C., on July 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5812; Filed, July 16, 1957; 8:53 a. m.]

JOHANNA DOLLING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Johanna Dolling, c/o Werner Esperstedt, Ochsenfurt, Klinge 43, Germany; Claim No. 7141; Vesting Order No. 2161; $460.89 in the Treasury of the United States.

Executed at Washington, D. C., on July 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5813; Filed, July 16, 1957; 8:54 a. m.]

MARIE THERESE COUNTESS GALEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marie Therese Countess Galen, Tyrol, Austria; Claim No. 63530; Vesting Order No. 9068; $1,033.48 in the Treasury of the United States.

Five (5)—Liquidation of United Steel Works Corporation under Law No. 27 of the Allied High Commission for Germany Participation Certificates, dated January 1, 1953, registered in the name of the Attorney General, as evidenced by Certificate Numbers M 15807 through M 15811 inclusive, each in the face amount of $1,000.

A one-half (½) undivided interest in two (2)—Liquidation of United Steel Works Corporation under Law No. 27 of the Allied High Commission for Germany Participation Certificates, dated January 1, 1953, registered in the name of the Attorney General, as evidenced by Certificate Number D 981 in the face amount of $500., and Certificate Number C 4621 in the face amount of $100.

A one-half (½) undivided interest in Scrip Certificate Number 002369 in the face amount of $40., payable to bearer, dated January 1, 1953, for Liquidation of United Steel Works Corporation under Law No. 27 of the Allied High Commission for Germany Participation Certificates.

All of the above described securities are presently in the custody of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on July 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5814; Filed, July 16, 1957; 8:54 a. m.]

ALBERT SPANJER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below.

Albert Spanjer, The Hague, Holland, L. S. Claim No. 78; Cities Service Company 5/69 Debenture No. 20452, in the principal amount of $1,000.

Martijn Frankenhuis, Baarn, Holland, L. S. Claim No. 868; Cities Service Company 5/50, Debenture No. 28666, in the principal amount of $1,000.

Evalina Groen, Surrey, England, L. S. Claim No. 893; Cities Service Company 5/50, Debenture No. 33026, and Union Pacific Railroad Company 4/47, Bond No. 53217, all in the principal amount of $1,000 each.

Ella Korijn, also known as Ella Koryn, New York, New York, L. S. Claim No. 894; $392.08 in the Treasury of the United States.

Vesting Order No. 18521.

Executed at Washington, D. C., on July 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5815; Filed, July 16, 1957; 8:54 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF JEANETTE BOAS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the following securities:

The State of the Netherlands for the benefit of:

Jeanette and Louis Boas; L. S. Claims Nos. 59 and 111; Cities Service Company 5/58, Debenture No. 48661, and Kansas City Southern Railway Company 3/50, Bond No. 26334, all in the principal amount of $1,000 each, Norfolk & Western Railway Company 4/96, Bond No. 15152 in the principal amount of $1,000 and Bonds Nos. 4747/8, in the principal amount of $500 each.

Hendrik Hartogh; L. S. Claim No. 870 $3,136.64 in the Treasury of the United States.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on July 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5816; Filed, July 16, 1957; 8:54 a. m.]

FEDERAL REGISTER

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JUL 1957

MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR WALNUTS (JUGLANS REGIA) IN THE SHELL[1]

On May 21, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 3519) regarding a proposed revision of United States Standards for Unshelled English Walnut (Juglans regia).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Walnuts (Juglans regia) in the Shell are hereby promulgated pursuant to the authority contained in the agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GENERAL

Sec.
51.2945 Application.
51.2946 Grading chart.
51.2947 Method of inspection.

GRADES

51.2948 U. S. No. 1.
51.2949 U. S. No. 2.
51.2950 U. S. No. 3.

UNCLASSIFIED

51.2951 Unclassified.

SIZE SPECIFICATIONS

51.2952 Size specifications.

VARIETY OR TYPE SPECIFICATIONS

51.2953 Variety or type specifications.

TOLERANCES FOR GRADE DEFECTS

51.2954 Tolerances for grade defects.

APPLICATION OF TOLERANCES

51.2955 Application of tolerances.

DEFINITIONS

Sec.
51.2956 Practically clean.
51.2957 Bright.
51.2958 Fairly uniform color.
51.2959 Splits.
51.2960 Injury by discoloration.
51.2961 Damage.
51.2962 Well dried.
51.2963 Dark discoloration.
51.2964 Rancidity.
51.2965 Fairly clean.
51.2966 Serious damage.
51.2967 Very serious damage by shriveling.
51.2968 Diameter.

AUTHORITY: §§ 51.2945 to 51.2967 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.2945 *Application.* The standards contained in this subpart apply only to varieties of walnuts commonly known as English or Persian walnuts (Juglans regia). They do not apply to walnuts commonly known as black walnuts (Juglans nigra).

§ 51.2946 *Grading chart.* The walnut grading chart[2] to which reference is made in §§ 51.2948, 51.2949 and 51.2950 has been prepared by the United States Department of Agriculture as a part of this subpart.

§ 51.2947 *Method of inspection.* In determining the grade of a lot of walnuts, all of the nuts in the sample first should be graded for size and then examined for external defects. The same nuts then should be cracked and examined for internal defects. The nuts must meet the requirements for both external and internal quality in order to meet a designated grade.

GRADES

§ 51.2948 *U. S. No. 1.* "U. S. No. 1" consists of walnuts, the shells of which are dry, practically clean, bright, fairly uniform in color, and free from splits,

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The walnut grading chart was filed with original document (F. R. Doc. 57-4116) and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D. C. Printed copies of the charts are attached to each copy of these standards issued by the United States Department of Agriculture.

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FEDERAL REGISTER

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CODIFICATION GUIDE—Con.

injury by discoloration and free from damage caused by broken shells, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity, insects or any insect injury, and free from damage caused by mold, shriveling or other means. (See § 51.2954.)

(a) This grade shall contain at least 50 percent, by count, of walnuts having kernels which are not darker in color than "light" (see grading chart), and which are free from defects of U. S. No. 1 grade. Higher percentages of nuts with kernels not darker than "light", which are free from defects of U. S. No. 1 grade, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

§ 51.2949 *U. S. No. 2.* "U. S. No. 2" consists of walnuts, the shells of which are dry, practically clean, free from splits, and free from damage caused by broken shells, perforated shells, adhering hulls, discoloration or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity, insects or any insect injury, and free from damage caused by mold, shriveling or other means. (See § 51.2954.)

(a) This grade shall contain at least 30 percent, by count, of walnuts having kernels which are not darker in color than "light" (see grading chart), and which are free from defects of U. S. No. 2 grade. Higher percentages of nuts with kernels not darker in color than "light", which are free from defects of U. S. No. 2 grade, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

§ 51.2950 *U. S. No. 3.* "U. S. No. 3" consists of walnuts, the shells of which are dry, fairly clean, free from splits and free from damage caused by broken shells, and free from serious damage caused by discoloration, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity, insects or any insect injury, and free from damage caused by mold, shriveling or other means. (See § 51.2954.)

(a) There shall be no requirements in this grade for the percentage of walnuts having kernels which are "light" in color. However, the percentage of walnuts in any lot having kernels which are not darker than "light" (see grading chart), and which are free from defects of U. S. No. 3 grade, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

UNCLASSIFIED

§ 51.2951 *Unclassified.* "Unclassified" consists of walnuts in the shell which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE SPECIFICATIONS

§ 51.2952 *Size specifications.* Size shall be specified in accordance with the facts in terms of one of the following classifications:

(a) *Mammoth size.* Mammoth size means walnuts of which not over 12 percent, by count, pass through a round opening $^{96}/_{64}$ inches in diameter;

(b) *Jumbo size.* Jumbo size means walnuts of which not over 12 percent, by count, pass through a round opening $^{80}/_{64}$ inches in diameter;

(c) *Large size.* Large size means walnuts of which not over 12 percent, by count, pass through a round opening $^{77}/_{64}$ inches in diameter; except that for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $^{76}/_{64}$ inches;

(d) *Medium size.* Medium size means walnuts of which at least 88 percent, by count, pass through a round opening $^{77}/_{64}$ inches in diameter, and of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter;

(e) *Standard size.* Standard size means walnuts of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter;

(f) *Baby size.* Baby size means walnuts of which at least 88 percent, by count, pass through a round opening $^{74}/_{64}$ inches in diameter, and of which not over 10 percent, by count, pass through a round opening $^{60}/_{64}$ inch in diameter; and,

(g) *Minimum diameter, or minimum and maximum diameter.* In lieu of one of the foregoing classifications, size of walnuts may be specified in terms of

minimum diameter or minimum and maximum diameter: *Provided*, That not more than 12 percent, by count, pass through a round hole of the specified minimum diameter, and at least 88 percent, by count, pass through a round hole of any specified maximum diameter.

VARIETY OR TYPE SPECIFICATIONS

§ 51.2953 *Variety or type specifications.* The variety or type of any lot of walnuts in the shell may be specified in accordance with the facts as follows:

(a) If the lot is of one named variety, that variety name may be specified, or if the lot is of the Placentia Perfection variety and/or like types, it may be specified as "Budded": *Provided*, That not over 10 percent, by count, of the walnuts in the lot are of another variety or type than that specified; and,

(b) If the lot is a mixture of two or more distinct varieties or types or consists of seedlings, it may be specified as "Soft Shells" or "Mixed Varieties".

TOLERANCES FOR GRADE DEFECTS

§ 51.2954 *Tolerances for grade defects.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted for the respective grades as indicated. All percentages shall be determined on the basis of count. Terms in quotation marks refer to color classifications illustrated on the grading chart.

Grade	External (shell) defects	Internal (kernel) defects	Color of kernels
U. S. No. 1....	10 percent for splits. In addition 5 percent total, for defects other than splits, including not over 3 percent serious damage.	10 percent total, including not more than 6 percent serious damage, but not over five-sixths of the latter amount, or 5 percent affected by insects or insect injury.	No tolerance for the required 50 percent or any larger percentage of "light" kernels specified.
U. S. No. 2....	10 percent for splits. In addition 5 percent for defects other than splits.	20 percent total, including not more than 10 percent serious damage, but not over one-half of this latter amount, or 5 percent, affected by insects or insect injury.	No tolerance for the required 30 percent or any larger percentage of "light" kernels specified.
U. S. No. 3....	10 percent for splits. In addition 10 percent total, for defects other than splits, including not over 5 percent serious damage by adhering hulls.	30 percent total, including not more than 20 percent serious damage, but not over one-half of the latter amount, or 10 percent for very serious damage by shriveling or serious damage by causes other than shriveling.	No tolerance for any percentage of "light" kernels specified.

APPLICATION OF TOLERANCES

§ 51.2955 *Application of tolerances.* The tolerances provided in these standards are on a lot basis, and they shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the walnuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2956 *Practically clean.* "Practically clean" means that from the viewpoint of general appearance the walnuts are practically free from adhering dirt or other foreign matter and that individual walnuts are not damaged by such means. A slight chalky deposit on the shell is characteristic of many bleached nuts and shall not be considered as dirt or foreign matter.

§ 51.2957 *Bright.* "Bright" means a fairly light, attractive appearance. A slight chalky deposit on the shell shall not be considered as affecting brightness.

§ 51.2958 *Fairly uniform color.* "Fairly uniform color" means that the shell color of individual nuts does not contrast materially with the general color of the lot.

§ 51.2959 *Splits.* "Splits" means walnuts with shell halves separated at the suture but held together by the kernel.

§ 51.2960 *Injury by discoloration.* "Injury by discoloration" means that the color of affected portions of the shell contrasts materially with the color of the rest of the shell of the individual nut.

§ 51.2961 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the walnut. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Broken shells when any material portion of the shell is missing or the halves are completely broken apart and separated;

(b) Perforated shells when the area affected aggregates more than one-fourth of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than 5 percent of the shell surface;

(d) Discoloration (or stain) which covers, in the aggregate, one-fifth or more of the surface of the shell of an individual nut, and which is medium brown, light reddish brown or gray contrasting with the color of the rest of the shell or the majority of shells in the lot; or darker discoloration covering a smaller area if the appearance is equally objectionable;

(e) Mold which is white or grey, inconspicuous and thinly scattered over more than one-fourth of the surface of the entire kernel; or any white or grey mold which is thick and conspicuous; or any yellow, blue, green or other colored mold; and,

(f) Shriveling when more than 5 percent of the surface of the kernel, including both halves, is severely shriveled; or a greater area is affected by various degrees of shriveling producing an equally objectionable appearance. (See grading chart.) Kernels which are thin in cross section but which are otherwise normally developed, shall not be considered as damaged.

§ 51.2962 *Well dried.* "Well dried" means that the kernels are firm and crisp, not pliable or leathery.

§ 51.2963 *Dark discoloration.* "Dark discoloration" means that the color of the kernel is darker than "dark amber". (See grading chart.)

§ 51.2964 *Rancidity.* "Rancidity" means the stage of deterioration in which the kernel has developed a rancid flavor. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness, the stage at which the flavor is flat but not distasteful.

§ 51.2965 *Fairly clean.* "Fairly clean" means that from the viewpoint of general appearance the lot is not seriously damaged by adhering dirt or other foreign matter and that individual walnuts are not coated or caked with dirt or foreign matter. Both the amount of surface affected and the color of the dirt shall be taken into consideration.

§ 51.2966 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance or the edible or shipping quality of the walnut. Decay, rancidity and insects or insect injury shall be considered serious damage. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration (or stain) which covers, in the aggregate, one-third or more of the surface of the shell of an individual nut and which is brown, reddish brown or grey contrasting sharply with the color of the rest of the shell or the majority of shells in the lot; or darker discoloration covering a smaller area if the appearance is equally objectionable;

(b) Perforated shells when the area affected aggregates more than three-eighths of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than one-eighth of the shell surface in the aggregate;

(d) Mold which is white or grey, thick and conspicuous and covers one-eighth or more of the surface of the entire kernel; or yellow, green, blue or other colored mold which covers 5 percent or more of the surface of the entire kernel; and,

(e) Shriveling when both halves of the kernel are affected by severe shriveling over an area totaling more than one-eighth of the surface; or when both halves are affected over a greater area by various degrees of shriveling producing an equally objectionable appearance. (See grading chart.) When one of the halves of the kernel shows no shriveling, the kernel shall not be considered damaged unless the other half shows shriveling to the extent that over 50 percent of its surface is severely shriveled or a greater area is affected by various degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section, but which are otherwise normally developed shall not be considered as damaged.

§ 51.2967 *Very serious damage by shriveling.* "Very serious damage by shriveling" means that more than one-half of the surface of the entire kernel is severely shriveled or that a greater area is affected by various degrees of shriveling producing an equally objectionable appearance.

The United States Standards for Walnuts (Juglans regia) in the Shell contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Unshelled English Walnuts (Juglans regia) which have been in effect since Sept. 30, 1939.

Dated: July 12, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-5830; Filed, July 17, 1957; 8:45 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

SPOT CHECKS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 et seq.), the Agricultural Act of 1949, as amended (7 U. S. C. 1441 (a) et seq.), the Sugar Act of 1948, as amended (7 U. S. C. 1100 et seq.), and the Soil Bank Act (7 U. S. C. 1801 et seq.). The amendment provides that the Deputy Administrator, in addition to the State or county committee as now provided in the regulations, may require the spot checking of the work of any reporter on any farm. Since the issuance of the regulations occasions have arisen where it would be desirable for a prompt spot check to be made without the action of a State or county committee. The harvest of crops, including tobacco, is about to begin in many areas and has been completed recently in other areas; evidence of the acreage of such crops may be destroyed in the near future; and in many instances it is desirable in the interest of the efficient administration of the various programs covered by the regulations that a spot check be made promptly without the delay attendant to action by State or county committees. Accordingly, it is found pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that notice and public procedure in connection with this amendment is impractical, unnecessary, and contrary to the public interest, and that for the same reason this amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 718.11 of the regulations is amended to read as follows:

§ 718.11 *Spot checks.* The State or county committee or the Deputy Administrator may at any time require a spot check of the acceptability of the work performed by any reporter or reporters pursuant to § 718.7 on any farm or farms. The person authorized to make such spot check shall enter on the farm if such entry will facilitate the spot checking. Upon request of any interested producer the person authorized to do the spot checking shall obtain and exhibit to the producer his authorization in writing to spot check the farm of the interested producer.

(Sec. 374, 375, 52 Stat. 65, 66; sec. 401, 63 Stat. 1054; sec. 403, 61 Stat. 932; sec. 124, 70 Stat. 198; 7 U. S. C. 1153, 1374, 1375, 1421)

Done at Washington, D. C., this 12th day of July 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-5832; Filed, July 17, 1957; 8:46 a. m.]

[1023—Allotments—(Burley, Flue, Fire, Air, Sun—58)—1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1958–59 MARKETING YEAR

GENERAL

Sec.
725.911 Basis and purpose.
725.912 Definitions.
725.913 Extent of calculations and rule of fractions.
725.914 Instructions and forms.
725.915 Applicability of §§ 725.911 to 725.928.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

725.916 Determination of 1958 preliminary acreage allotments for old farms.
725.917 1958 old farm tobacco acreage allotment.
725.918 Adjustments of acreage allotments for old farms, corrections of errors made in acreage allotments for old farms, and allotments for overlooked old farms.
725.919 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.
725.920 Reallocation of allotments released from farms removed from agricultural production.
725.921 Farms divided or combined.
725.922 Determination of normal yields for old farms.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

725.923 Determination of acreage allotments for new farms.
725.924 Time for filing application.
725.925 Determination of normal yields for new farms.

MISCELLANEOUS

725.926 Determination of acreage allotments and normal yields for farms returned to agricultural production.
725.927 Approval of determinations made under §§ 725.911 to 725.926, and notices of farm acreage allotments.
725.928 Application for review.

AUTHORITY: §§ 725.911 to 725.928 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66 Stat. 597, as amended, Pub. Law No. 85-92; 7 U. S. C. 1301, 1313, 1315, 1363.

GENERAL

§ 725.911 *Basis and purpose.* (a) The regulations contained in §§ 725.911 to 725.928 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1958 farm acreage allotments and normal yields for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 725.911 to 725.928 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1958–59 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.911 to 725.928, public notice (22 F. R. 3202) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 725.911 to 725.928, which were submitted have been duly considered within the limits permited by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that State and county committees may prepare and mail notices of farm acreage allotments for fire-cured tobacco and dark air-cured tobacco as early as possible prior to the referenda to be held with respect to such kinds of tobacco, it is essential that the regulations in §§ 725.911 to 725.928, inclusive, be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 725.912 *Definitions.* As used in §§ 725.911 to 725.928, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Committees": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 725.911 to 725.928.

(b) "County office manager": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 725.911 to 725.928.

(c) "Department": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 725.911 to 725.928.

(d) "Deputy Administrator": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 725.911 to 725.928.

(e) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "Farm": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 725.911 to 725.928.

(g) "New Farm" means a farm on which tobacco will be harvested in 1958 for the first time since 1952. If in accordance with applicable law and regulations, no 1955, 1956, or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956 or 1957, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this part shall include the meaning described in paragraph (c) of § 725.916 with respect to 1957 harvested acreage.

(h) "Old Farm" means a farm on which tobacco was harvested in one or more of the five years 1953 through 1957. If in accordance with applicable law and regulations, no 1955, 1956 or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956 or 1957 respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this part shall include the meaning described in paragraph (c) of § 725.916 with respect to 1957 harvested acreage.

(i) "Cropland": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 725.911 to 725.928.

(j) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1957 into the total of the 1957 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(k) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(l) "Operator": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 725.911 to 725.928.

(m) "Person": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 725.911 to 725.928.

(n) "Producer": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 725.911 to 725.928.

(o) "Secretary": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 725.911 to 725.928.

(p) "State administrative officer": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 725.911 to 725.928.

(q) "Tobacco" means:

(1) Burley tobacco type 31; flue-cured tobacco types 11, 12, 13 and 14; fire-cured tobacco type 21, fire-cured tobacco types 22, 23, and 24; dark air-cured tobacco types 35 and 36; and Virginia sun-cured tobacco type 37, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23 and 24, dark air-cured or Virginia sun-cured tobacco shall be considered respectively either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23 and 24, dark air-cured or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.913 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one hundreth acre. The rule of fractions will be to round upward fractions of more than five-thousands and to round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00, and 0.0051 would be 0.01).

§ 725.914 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 725.915 *Applicability of §§ 725.911 to 725.928.* Sections 725.911 to 725.928 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1958 in the case of burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, and July 1, 1958 in the case of flue-cured tobacco. However, the applicability of §§ 725.911 to 725.928, in the case of fire-cured tobacco and dark air-cured tobacco, is contingent upon the proclamation of national marketing quotas for such kinds of tobacco for the three marketing years beginning October 1, 1958 by the Secretary of Agriculture and approval thereof by growers voting in referenda pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.916 *Determination of 1958 preliminary acreage allotments for old farms.* The 1958 preliminary acreage allotment for an old tobacco farm shall be the 1957 farm acreage allotment with the following exceptions:

(a) If the harvested acreage (as that term is explained in paragraph (c) of this section) of flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco on the farm in each of the three years 1955–57 was less than 75 percent of the farm acreage allotment for each of such respective years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1953–57: *Provided*, That any 1958 preliminary allotment shall not exceed the 1957 farm acreage allotment or be less than 0.01 acre.

(b) If the harvested acreage (as that term is explained in paragraph (c) of this section) of burley tobacco on the farm in each of the five years 1953–57 was less than 50 percent of the farm acreage allotment for each of such respective years, the 1958 preliminary allotment shall be the largest acreage of tobacco harvested on the farm in any one of such five years, but not less than 0.01 acre.

(c) For the purposes of paragraphs (a) and (b) of this section, the 1956 and 1957 harvested acreage, respectively, shall include any acreage on the farm applicable to the kind of tobacco involved which is devoted in 1956 or 1957, respectively, to participation in the Acreage Reserve Program or the Conservation Reserve Program. Also, for such purposes, the 1956 and 1957 harvested acreage, respectively, shall be deemed to be the 1956 or 1957 acreage allotment, respectively, in any case, except involving flue-cured tobacco for 1956, in which (1) the tobacco planted acreage in 1956 or 1957, respectively, was less than the 1956 or 1957 acreage allotment, respectively, for such farm; (2) the owner or operator of such farm notified the county committee not later than May 1, 1957 in the case of flue-cured tobacco, and not later than August 1, 1956 or 1957, respectively, for other kinds of tobacco, that he desired to preserve such allotment; and (3) no quantity of excess tobacco produced on the farm prior to January 1, 1957 in the case of flue-cured tobacco, and prior to January 1, 1956 or 1957, respectively, in the case of other kinds of tobacco, and carried over or stored to postpone or avoid payment of penalty, has been reduced because the 1957 flue-cured acreage allotment, or the 1956 or 1957 acreage allotment, respectively, for other kinds of tobacco, was not fully planted.

(d) If the county and State committees determine that a farm has been retired from agricultural production, no 1958 preliminary acreage allotment (or 1958 farm tobacco acreage allotment) shall be determined for such farm: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production.

(e) For the purpose of determining 1958 preliminary acreage allotments, the 1957 farm acreage allotment shall mean the correctly determined 1957 farm acreage allotment prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year, except that the 1957 farm acreage allotment as referred to in paragraphs (a), (b) and (c) of this section shall mean the 1957 allotment after any such reduction.

§ 725.917 *1958 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 725.916 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 725.918 shall not exceed the State acreage allotment: *Provided*, That in the case of burley tobacco, the farm acreage allotment shall not be less than the smallest of (a) the 1957 allotment, (b) fifty-hundredths of an acre, or (c) 10 percent of the cropland in the farm: *Provided further*, That no 1957 burley tobacco allotment of seventy-hundredths of an acre or less shall be reduced more than one-tenth of an acre, and no 1957 burley tobacco farm acreage allotment of more than seventy-hundredths of an acre will be reduced to less than six-tenths of an acre.

§ 725.918 *Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.* Notwithstanding the limitations contained in § 725.916, the individual 1958 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of the State committee or its representative as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed one-tenth of one percent of the total acreage allotted to all tobacco farms in the State for the 1957–58 marketing year.

§ 725.919 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1958 shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that faliure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) If a bill of nonwarehouse sale for each nonwarehouse sale of tobacco produced on a farm fails to show (1) the pounds of tobacco marketed (actual or estimated weight), (2) the amount paid therefor, (3) the signature of the farm operator and (4) the date of such sale, the farm operator shall be deemed to have failed to account for disposition of tobacco marketed from the farm, and in the event that a satisfactory account of such disposition is not otherwise furnished, including the execution and submission of a bill of nonwarehouse sale for each nonwarehouse sale of tobacco from the farm and the payment of all additional penalty, if any, the allotment next established for such farm and kind of tobacco shall be reduced.

(d) If any producer files, or aids or acquiesces in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1957, the acreage allotment for the farm shall be reduced, as provided in this section, except that if each producer on the farm establishes to the satisfaction of the county and State committees that the filing of, or aiding or acquiescing in the filing of, the false report was unintentional on his part and that he could not reasonably have been expected to know that the report was false, reduction of the allotment will not be required if the report is corrected and payment of all additional penalty is made.

(e) Any such reduction shall be made with respect to the 1958 farm acreage allotment, provided it can be made no later than (1) April 1, 1958 in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia or (2) May 1, 1958 in all other States. If the reduction cannot be so made effective with respect to the 1958 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made no later than corresponding dates to be specified in a subsequent year. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1958 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified, or for which satisfactory proof of disposition has not been furnished, or with respect to which the false acreage report was filed, shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purpose of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown or with respect to which a false acreage report was filed in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c) or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a), (b), (c) or (d) of this section.

§ 725.920 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment

shall not exceed 20 percent of the acreage of cropland on the farm (50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco).

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm or due to a false acreage report.

§ 725.921 *Farms divided or combined.* (a) If land operated as a single farm in 1957 will be operated as two or more farms in 1958 or is otherwise required under the definition of a farm to be divided for 1958 the 1958 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in 1957 bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that the 1958 tobacco acreage allotment determined, or which otherwise would have been determined, for the entire farm shall, if the farm to be divided for 1958 consists of two or more tracts which were separate and distinct farms before being combined within the past five years (1953–57), be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment when combined: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth of an acre or 10 percent of the 1958 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1957 are combined and operated in 1958 as a single farm, the 1958 allotment shall be the sum of the 1958 allotments determined for each of the farms comprising the combination, or, in the case of burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1958.

(c) If a farm is to be divided in 1958 in settling an estate the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments.

§ 725.922 *Determination of normal yields for old farms.* The county committee will determine a normal yield for each farm for which a 1958 tobacco acreage allotment was established by first obtaining the average of the three highest yields for such farms in any three years during the period 1950–55, or if tobacco was grown in less than three years of such period the yield for one year or the average yield of two years in such period. If in any case the preliminary yield so obtained exceeds 125 percent or is less than 80 percent of the county check yield (to be ascertained as hereafter provided) such preliminary yield shall be adjusted to the applicable percentage, and any preliminary yield may be also adjusted for drought, flood, or other abnormal conditions affecting the yield, but the yield so adjusted shall not exceed 125 percent or be less than 80 percent of the county check yield. If the total production extension for all farms in the county in 1956 obtained by multiplying the 1956 acreage allotment for each farm by the preliminary yield so computed for such farm in 1956 varies more than one percent from the total production extension obtained by multiplying the county check yield by the total of all allotted tobacco acreage in the county for 1956, the preliminary yield for each farm will then be factored to the extent required to eliminate any variance. Subject to the approval of the State committee, the yields may be further factored to provide a yield for each farm in the county that is not more than 125 percent or less than 80 percent of the county check yield. The yield for the farm thus determined shall be the normal yield for the farm: *Provided*, That if the farm has been reconstituted since 1950, the normal yield for such farm shall be determined by the county committee by appraisal taking into consideration available yield data for the land involved and yields established as heretofore provided in this section for similar farms in the community. State committees or their representatives are authorized to make changes or require changes to be made in farm preliminary normal yields per acre which are necessary to result in a normal yield that is determined in accordance with §§ 725.911 to 725.928 whether or not a producer questions or appeals the normal yield as determined for the farm to the State committee; however, such changes shall not be permitted to result in a weighted yield per acre for all farms in the county that is in excess of 102 percent of the county check yield. The county check yield shall be determined by the Deputy Administrator on the basis of the average of the three highest yields in the county in any three years during the period 1950–55 adjusted where necessary so as to conform with and, except for factoring, to not exceed 125 percent or be less than 80 percent of the State check yield; such State check yield to be determined by the Deputy Administrator on the basis of the average of the three highest yields in the State in any three years during the period 1950–55, but not to exceed 125 percent or be less than 80 percent of the average of the three high year averages of all States.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.923 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 725.920, for a new farm shall be that acreage which the county committee with the approval of the State committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from the date of discharge: *And provided further*, That production of tobacco on a farm in 1955, 1956 or 1957 for which, in accordance with applicable law and regulations no 1955, 1956 or 1957 tobacco acreage allotment, respectively, was determined shall not be deemed such experience for any producer.

(2) The farm operator shall live on and obtain 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco allotment is established for the 1958–59 marketing year.

(4) The farm shall be operated by the owner thereof.

(5) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1953–57 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1952 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1953–57 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in the section of this part governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the 1958 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 725.924 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office prior to February 16, 1958, unless the farm operator was discharged from the armed services subsequent to December 31, 1957, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.925 *Determination of normal yields for new farms.* The normal yield for a new farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 725.922 for similar farms in the community.

MISCELLANEOUS

§ 725.926 *Determination of acreage allotments and normal yield for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 725.911 to 725.925, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain, for any purpose and which is returned to agricultural production in 1958, or which was returned to agricultural production in 1957 too late for a 1957 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1958 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 725.922 for similar farms in the community.

§ 725.927 *Approval of determinations made under §§ 725.911 to 725.926, and notices of farm acreage allotments.* (a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by or on behalf of the State committee, and the State committee may revise or require revision of any determinations made under §§ 725.911 to 725.926. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been approved by or on behalf of the State committee.

(b) The county committee shall mail a written notice of the farm acreage allotment and marketing quota to the operator of each farm shown by the records of the county committee to be entitled to such allotment. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. A copy of such notice, containing thereon the date of mailing, shall be kept among the records of the county committee; and, upon request, a copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided*, That the notice of allotment for any farm shall, insofar as practicable, be mailed no later than (i) April 1, 1958, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia, or (ii) May 1, 1958, in all other States.

(d) If the county committee determines with the approval of the State committee that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1958–59 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1958–59 marketing year.

§ 725.928 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. This procedure governing the review of farm acreage allotments and marketing quotas is contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 12th day of July 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-5883; Filed, July 17, 1957; 8:56 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 14, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY AND MATURITY REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order

No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date specified herein. This amendment establishes maturity requirements for the listed varieties of avocados which will be applicable on and after the time the shipment of such varieties is permitted. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon, with respect to the varieties specified in this amendment, was not available to the Avocado Administrative Committee until July 9, 1957; determinations as to the time of maturity of the varieties of avocados covered by this amendment were made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is therefore ordered, That the provisions of § 969.314 (Avocado Order 14, as amended; 22 F. R. 3652, 4251) are hereby further amended as follows:

1. Amend paragraph (b) (2) by deleting from Table I the references and dates pertaining to the Trapp, Waldin, Petersen, Pinelli, and Tonnage varieties of avocados.

2. Amend paragraph (b) (3) by deleting from the provisions preceding subdivision (i) thereof the reference "(iii)" and inserting, in lieu thereof, the reference "(iv)."

3. Amend Table II, paragraph (b) (3), by adding thereto the following:

TABLE II

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Trapp	7–29–57	14 oz.; 3⅜ in.	8–12–57	12 oz.; 3⅜ in.	8–26–57	10 oz.; 3⅜ in.	9–16–57
Waldin	8– 5–57	16 oz.; 3⅝ in.	8–19–57	14 oz.; 3⅝ in.	9– 2–57	11 oz.; 3⅝ in.	9–30–57
Petersen	8– 5–57	12 oz.; 3⅜ in.	8–19–57	11 oz.; 3⅜ in.	9– 2–57	10 oz.; 3⅜ in.	9–23–57
Pinelli	8–19–57	18 oz.	8–26–57	16 oz.	9– 2–57	12 oz.	9–23–57
Tonnage	8–26–57	14 oz.; 3⅜ in.	9– 2–57	12 oz.; 3⅜ in.	9– 9–57	10 oz.; 2 1⅜ in.	9–23–57

4. Amend paragraph (b) (3) by adding thereto the following new subdivision (iv):

(iv) Except as otherwise provided in this section, no handler shall handle any avocados of the varieties listed in Column (1) of Table II prior to 12:01 a. m., e. s. t., of the date listed for the respective variety in Column (2) of such table.

The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., July 22, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 12, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57–5829; Filed, July 17, 1957; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

In Federal Register Document 57–5494, filed July 5, 1957, the effective date of revocation of subparagraph (3) of § 6.309 (f) should have been "September 6, 1957" rather than "upon publication in the FEDERAL REGISTER."

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–5884; Filed, July 17, 1957; 8:57 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (17) and (18) are added to § 6.311 (i) as set out below.

§ 6.311 *Department of Agriculture.* * * *

(i) *Commodity Stabilization Service.* * * *

(17) General Sales Manager.
(18) Deputy General Sales Manager.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–5858; Filed, July 17, 1957; 8:51 a. m.]

Chapter III—Foreign and Territorial Compensation

PART 350—TERRITORIAL POST DIFFERENTIALS AND TERRITORIAL COST-OF-LIVING ALLOWANCES

EXCLUSION OF CERTAIN EMPLOYEES

Effective upon publication in the FEDERAL REGISTER, § 350.3 is amended as set out below.

§ 350.3 *Exclusion of certain employees.* No territorial post differential or territorial cost-of-living allowance shall be paid to Governors of Territories as defined in the regulations in this part; or, during the period of his contract, to any employee serving under a contract, as defined in § 350.1 (h), on the effective date of the regulations in this part. Any employee serving under a contract shall be compensated according to the terms of such contract for the period thereof.

(Sec. 202, Part II, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–5857; Filed, July 17, 1957; 8:51 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter A—General Provisions

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 1—GENERAL

1. Subparagraph (6) of paragraph (a) *Terms used in this chapter* of § 1.1 *Definitions* is amended to read as follows:

(6) The term "day" when computing the period of time for taking any action provided in this chapter, including the taking of an appeal, shall include Sundays and legal holidays, except that when the last day of the period so computed falls on a Sunday or legal holiday, the period shall run until the end of the next day which is neither a Sunday nor a legal holiday.

2. Subdivision (iv) of subparagraph (4) of paragraph (b) *Terms used in Subchapter B of this chapter* of § 1.1 *Definitions* is revoked.

3. Subparagraph (14) of paragraph (b) *Terms used in subchapter B of this chapter* of § 1.1 *Definitions* is amended to read as follows:

(14) The term "pay off or discharge", as used in section 256 of the Immigration and Nationality Act, means the signing off the articles of a crewman or the termination in any manner of his service and presence on board the vessel or aircraft on which he arrived in the United States.

PART 2—SERVICE RECORDS; FEES

The fifth and twenty-first items of § 2.5 are amended so that when taken with the introductory material they will read as follows:

§ 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are prescribed:

* * * * * * *

For filing application for Alien Registration Receipt Card in lieu of one lost, mutilated, or destroyed, or in changed name, or in lieu of form other than I–151 ..... 5.00

* * * * * * *

For filing application for preexamination. (The fee and application shall not be required of an alien who has filed an application for adjustment of status under section 4 of the Displaced Persons Act of 1948, as amended, or section 6 of the Refugee Relief Act of 1953, as amended; for suspension of deportation; a previous application for preexamination, or an application for adjustment of status under section 245 or 248 or for creation of a record of admission for permanent residence under section 249 of the Immigration and Nationality Act.) 25.00

* * * * * * *

PART 6—BOARD OF IMMIGRATION APPEALS: APPEALS; REOPENING AND RECONSIDERATION

1. Subparagraph (6) of paragraph (b) *Appellate jurisdiction* of § 6.1 *Board of Immigration Appeals* is amended to read as follows:

(6) Decisions of district directors or the Assistant Commissioner, Examinations Division, on applications for the advance exercise of the discretionary authority contained in section 212 (d) (3) of the Immigration and Nationality Act, as provided in Part 212 of this chapter;

2. Paragraph (c) of § 6.1 *Board of Immigration Appeals* is amended to read as follows:

(c) *Jurisdiction by certification.* The Commissioner, an assistant commissioner, a regional commissioner, or the Board may in any case arising under subparagraph (1) through (6) of paragraph (b) of this section require certification of such case to the Board.

3. Subdivision (iii) of subparagraph (1) of paragraph (h) *Referral of cases to the Attorney General* of § 6.1 *Board of Immigration Appeals* is amended, so that when taken with the introductory material to subparagraph (1), it will read as follows:

(1) The Board shall refer to the Attorney General for review of its decision all cases which:

* * * * *

(iii) The Commissioner or an assistant commissioner requests be referred to the Attorney General for review.

4. The first sentence of § 6.2 *Reopening or reconsideration* is amended to read as follows: "Reconsideration or reopening of any case in which a decision has been made by the Board, whether requested by the Commissioner, an assistant commissioner, a regional commissioner, or by the party affected by the decision, shall be only upon written motion to the Board."

5. The second sentence of § 6.11 *Notice of appeal* is amended to read as follows: "An appeal is taken by filing Notice of Appeal, Form I–290A, in triplicate, with the district director having administrative jurisdiction over the case, within the time specified in the governing sections of this chapter."

6. The headnote and the first sentence of paragraph (c) of § 6.21 *Motion to reopen or motion to reconsider* are amended to read as follows:

(c) *Distribution of motion papers when the Commissioner, an assistant commissioner, or a regional commissioner is the moving party.* Whenever a motion to reopen or a motion to reconsider is made by the Commissioner, an assistant commissioner, or a regional commissioner, he shall cause one copy of the motion to be served upon the alien or party affected, as provided in §§ 292.11 and 292.12 of this chapter, and shall cause the record in the case and one copy of the motion to be filed directly with the Board, together with proof of service upon the alien or other party affected. * * *

PART 7—REGIONAL COMMISSIONERS: APPEALS

Subparagraph (12) of paragraph (a) *Appellate jurisdiction* of § 7.1 *Regional commissioners* is revoked.

PART 9—AUTHORITY OF COMMISSIONER, REGIONAL COMMISSIONERS, AND ASSISTANT COMMISSIONERS

Paragraphs (r), (s), (hh), (ii), (nn), and (oo) of § 9.5a *Authority of Regional Commissioners* are revoked.

PART 10—FORMAL APPLICATIONS AND PETITIONS

The first sentence of § 10.1 *General* is amended to read as follows: "Every formal application or petition shall be submitted in accordance with the instructions accompanying it or contained therein, such instructions being hereby incorporated into the particular section of the regulations in this chapter requiring its submission.

(Sec. 501, 65 Stat. 290, sec. 103, 66 Stat. 173; 5 U. S. C. 140, 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which are editorial in nature or relieve restrictions and are clearly advantageous to persons affected thereby, relate to agency procedure and management.

Dated: July 8, 1957.

[SEAL] HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: June 11, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 57–5867; Filed, July 17, 1957; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6575]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WILLIAM ADAMS, INC., AND JACK S. LANDES

Subpart—*Misbranding or mislabeling:* § 13.1325 *Source or origin:* place: *Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* foreign product as domestic.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, William Adams, Inc., et al., New York, N. Y., Docket 6575, June 20, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a company in New York City with selling cutlery assembled from English or domestic blades and tines and Japanese handles without disclosing the foreign origin of the handles, and with representing on containers of English cutlery combined with Japanese handles that such products were of English origin.

Following hearings in New York and Washington, the hearing examiner made his initial decision, including order to cease and desist. Thereafter, having placed the matter on its own docket for review, the Commission modified the order to render it applicable to products

originating in any foreign country, excised a final paragraph of the order as lacking evidentiary support and the relevant findings, and in other respects adopted the initial decision on June 20 as that of the Commission.

The order to cease and desist as thus modified is as follows:

It is ordered, That the respondent, William Adams, Inc., a corporation, and its officers and respondent Jack S. Landes, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cutlery or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly—

1. Offering for sale or selling cutlery containing handles made in Japan, or in any other foreign country other than England, combined with other parts made in England which bear the legend "William Adams, Sheffield England" or any other legend indicative of English origin without clearly disclosing the country of origin of the handles;

2. Offering for sale or selling cutlery containing handles made in Japan, or any other foreign country, combined with other parts made in the United States without clearly disclosing the foreign origin of the handles;

3. Offering for sale or selling any product, any substantial part of which was made in Japan, or in any other foreign country, without clearly disclosing the foreign origin of such part;

4. Representing by words or symbols on the containers in which cutlery or other products, made in substantial part in Japan, or any other foreign country other than England, are shipped, or in any other manner, that such products are of English origin.

It is further ordered, That respondents' motion to dismiss be, and the same hereby is, denied.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 20, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5842; Filed, July 17, 1957; 8:48 a. m.]

[Docket 6720]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HASKINS CANNING CORP.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Haskins Canning Corporation, Lubec, Me., Docket 6720, June 19, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a sardine cannery in Lubec, Me., in selling through brokers, with allowing certain customers a 5 percent discount from list or market price on their purchases of canned sardines and paying its brokers in those cases 10 cents per case, which was less than its brokerage fee of 3 percent or 5 percent of the purchase price—thus allowing those customers a discount in lieu of brokerage in an amount equal to the difference between the percentage discount and the 10 cents per case—in violation of section 2 (c) of the Robinson-Patman amendment to the Clayton Act.

Following an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Haskins Canning Corporation, a corporation, its officers, representatives, agents or employees, directly or through any corporate or other device, in connection with the sale and distribution of sardines, or other food products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying, granting or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, any allowance or discount in lieu of brokerage, or any part or percentage thereof, by selling its sardines, or other food products, to such buyer at prices reflecting a reduction from the prices at which sales of such sardines, or other food products, are currently being effected by respondent to other buyers where such reduction in price is accompanied by a reduction in the regular rate of commission, brokerage or other compensation currently being paid by respondent to its brokers; or

2. Selling sardines, or other food products, direct to some buyers, without the use of brokers, at prices reflecting a reduction from the prices at which sales of such sardines, or other food products, are currently being effected by respondent to others, where such reduction reflects or is in lieu of the full brokerage normally paid, or any part or percentage thereof; or

3. In any other manner, paying, granting or allowing, directly or indirectly, to any buyer, or anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyers, anything of value as a commission, brokerage or other compensation or any allowance or discount in lieu thereof upon, or in connection with any sale of sardines, or other food products, to such buyer for its own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Haskins Canning Corporation, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 19, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5843; Filed, July 17, 1957; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF INORGANIC BROMIDES RESULTING FROM FUMIGATION WITH METHYL BROMIDE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of inorganic bromides and methyl bromide from fumigation with methyl bromide in or on certain nuts. The request for tolerances for methyl bromide as such was subsequently withdrawn.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order for only inorganic bromides from methyl bromide fumigation will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by changing § 120.123 (f) to read as follows:

§ 120.123 *Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.* * * *

(f) 200 parts per million in or on almonds, Brazil nuts, bush nuts, butternuts, cashew nuts, chestnuts, cottonseed, filberts (hazelnuts), hickory nuts, peanuts, pecans, pistachio nuts, walnuts.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: July 11, 1957.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 57-5834; Filed, July 17, 1957; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter A—Regulations

PART 520—EMPLOYMENT OF STUDENT LEARNERS

PART 521—EMPLOYMENT OF APPRENTICES

PART 523—EMPLOYMENT OF MESSENGERS

PART 528—ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS, HANDICAPPED PERSONS, STUDENT WORKERS, STUDENT LEARNERS, APPRENTICES, AND MESSENGERS AT SUBMINIMUM WAGE RATES

MISCELLANEOUS AMENDMENTS

On June 6, 1957 notice was published in the FEDERAL REGISTER (22 F. R. 3971) that the Administrator proposed to amend Parts 520, 521, 523, and 528 of Title 29, Code of Federal Regulations. The purpose of this amendment, as stated in the proposal, is to provide a single uniform procedure for the annulment or withdrawal of subminimum wage certificates issued pursuant to section 14 of the Fair Labor Standards Act of 1938 by extending the application of Part 528 to certificates issued for the employment of student-learners, apprentices, and messengers.

The notice afforded interested persons a period of fifteen days in which to submit written exceptions to the proposed actions. This period expired on June 21, 1957 and no exceptions have been submitted. The amendments as proposed are therefore adopted. In addition, several nonsubstantive editorial changes are also made in Parts 520, 521, 523, and 528 as hereinafter set forth.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (15 F. R. 3174; Noted at 5 U. S. C. 611), and General Order No. 45-A (15 F. R. 3290), Parts 520, 521, 523, and 528 of Title 29, Code of Federal Regulations, are hereby amended as follows:

1. Paragraphs 520.6 (f) and 520.6 (g) are hereby revoked.

2. Section 520.8 is hereby revoked and a new § 520.8 issued to read as follows:

§ 520.8 *Duration of certificates.* A special student-learner certificate may be issued for a period not to exceed the length of one school year unless a longer period is found to be justified by extraordinary circumstances. No certificate shall authorize employment training beyond the date of graduation.

3. Section 520.9 is hereby revoked and a new § 520.9 issued to read as follows:

§ 520.9 *Compliance with established standards.* No provision of the regulations contained in this part, or of any certificate issued pursuant thereto, shall excuse noncompliance with higher standards applicable to student-learners which may be established under any other Federal law, or any State law, municipal ordinance or trade union agreement.

4. In § 520.10 (a) the phrase "in denying, granting, or cancelling a special student-learner certificate" is hereby revised to read "in denying or granting a special student-learner certificate".

5. Section 521.9 is hereby revoked and a new § 521.9 issued to read as follows:

§ 521.9 *Amendment of this part.* The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

6. Section 521.10 is hereby amended to read as follows:

§ 521.10 *Investigations and hearings.* The Administrator or his authorized representative may conduct an investigation, which may include a public hearing, prior to issuing or denying an application for a special certificate. Interested persons shall be given notice of any such hearing by publication in the FEDERAL REGISTER and shall be afforded an opportunity to present their views.

7. In § 521.11 (a) the phrase "in denying, granting, or cancelling a special certificate" is hereby revised to read "in denying or granting a special certificate".

8. Section 521.12 is hereby revoked.

9. Section 523.12 is hereby revoked.

10. The headnote of Part 528 is hereby amended to read as set forth above.

11. Section 528.1 is hereby amended by deleting the phrase "issued pursuant to Parts 522, 524, and 527 of this chapter" and inserting in its place the phrase "issued pursuant to Parts 520, 521, 522, 523, 524, and 527 of this chapter".

12. Section 528.5 is hereby amended to read as follows:

§ 528.5 *Proceedings for withdrawal or annulment.* The officer authorized to withdraw or annul a certificate under § 528.3 shall institute proceedings by a letter mailed to the employer and, where appropriate, to the apprenticeship agency (in the case of apprentice certificates) or the responsible school official (in the case of student-learner certificates), setting forth alleged facts which may warrant such annulment or withdrawal and advising him that such an annulment or withdrawal of the scope provided in § 528.7 will take effect at a time specified unless facts are presented which convince the authorized officer that such action should not be taken. The letter shall advise such person, agency, or official of the right to respond by mail or to appear by or with counsel or by other duly qualified representative at a specified time and place. If there is no timely objection to the withdrawal or annulment thus proposed, it shall be deemed effective according to the terms of the letter instituting the annulment or withdrawal proceeding without the necessity of any further action. If objection to the annulment or withdrawal as proposed is made within the specified time the further proceedings shall be as informal as practicable commensurate with orderly dispatch and fairness. Department of Labor investigation files or reports or portions thereof may be considered in such proceedings to the extent they are made available for examination during the proceedings. If objection to the proposed annulment or withdrawal is made by such specified time, the authorized officer shall, after considering all pertinent matter presented, mail a letter to the employer and, where appropriate, to the apprenticeship agency or the responsible school official, setting out his findings of specific pertinent facts and conclusions and his order concerning the proposed annulment or withdrawal. In proceedings instituted for annulment, the order may provide for withdrawal instead of annulment if the proof warrants such withdrawal but fails to support adequately the annulment. Such an order shall be deemed issued and effective according to its terms when mailed.

13. In § 528.6 the first sentence is hereby amended to read as follows: "Any employer and, when appropriate, any apprenticeship agency or responsible school official, who expressed timely objection to the proposed action prior to issuance of an order of annulment or withdrawal may obtain review, limited to the question of whether the findings of fact support the order under the regulations in this part."

(Sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214)

These amendments shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 12th day of July 1957.

NEWELL BROWN, *Administrator, Wage and Hour and Public Contracts Divisions.*

[F. R. Doc. 57-5880; Filed, July 17, 1957; 8:56 a. m.]

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 776—INTERPRETATIVE BULLETIN ON THE GENERAL COVERAGE OF THE WAGE AND HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

DELETION OF CERTAIN CROSS REFERENCES

In accordance with the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 15 F. R. 3174), General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), and section 3 (a) of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1002 (a)), paragraph (a) of § 776.10 is hereby amended by deleting from the second sentence of said paragraph in all three places where such material appears the following parenthetical material: "(see Subpart B of this part)".

This amendment shall be effective upon publication in the FEDERAL REGISTER.

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

Signed at Washington, D. C., this 12th day of July 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57–5879; Filed, July 17, 1957; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter N—Transportation

PART 202—TRANSPORTATION BY AIRCRAFT OTHER THAN MILITARY AIR TRANSPORT SERVICE

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments have been made to Part 202:

1. Section 202.4 (a) and (m) have been revised to read as follows:

§ 202.4 *Authorization.* Competent authorities listed in § 202.2 (d) may authorize traffic of the following categories transported on military aircraft without reimbursement. Any traffic transported under the provisions of this part will be properly identified.

(a) Military personnel of the United States (including midshipmen or cadets of the Army, Navy, Air Force, and Coast Guard) in active Federal Service, while in a duty status on a requirement basis, or while in a leave status on a space available basis. Orders directing permanent change of station or temporary duty travel, or authorizing leave, will constitute authority.

* * * * *

(m) Civilian employees of the Department of Defense, of other Government agencies, of Government contractors, and technical advisers to military authorities when engaged in activities for the Department of Defense and traveling on orders issued by competent authority.

2. Section 202.7 (c) (1) has been revised to read as follows:

§ 202.7 *Additional authorizations.* * * *

(c) Commands listed in § 202.11 may authorize nonreimbursable travel for:

(1) Representatives of information media (that is, press, radio, news, and so forth) on assignments to cover military events. (In addition, these representatives may be furnished transportation in the event of spot news stories of transcendent National interest for which commercial or charter facilities cannot be obtained.)

3. Section 202.11 has been amended by the addition at the end of the list of "Commanders, Numbered Air Forces and their equivalents."

Section 202.11, as revised reads as follows:

§ 202.11 *Delegation of authority.* The following commands may authorize nonreimbursable travel for the individuals listed in § 202.7 (c):

Department of the Army: Chief of Staff, United States Army; Commanding Generals, Oversea Commands; Commanding Generals, Continental Armies and Military District of Washington; Chief, Army Field Forces.

Department of the Navy: Chief of Naval Operations; Commanders-in-Chief of Fleets; Commandant, U. S. Marine Corps; Commanding Generals, Fleet Marine Forces; Commanding Generals, Air Fleet Marine Forces; Commander, Air Force, Atlantic Fleet; Commander, Air Force, Pacific Fleet; Chief of Naval Air Training; Commanders, Sea Frontiers; Commandants, Naval Districts and River Commands; Commandant, Coast Guard (when assigned Navy for operational control); Naval Force Commanders.

Department of the Air Force: Chief of Staff, United States Air Force; Commanders, Major Air Commands, Zone of Interior and Overseas; Commander Civil Air Patrol, USAF; Commanders, Numbered Air Forces and their equivalents.

Delegation of this authority below the commands listed above is not authorized.

4. Section 202.13 has been revised to read as follows:

§ 202.13 *Release from claim for injury or death.* Personnel specified in §§ 202.4 (j), (k), (1), (2), 202.6 (c) and 202.7 (c) (1) will be required to sign the release form specified below, unless otherwise exempt when physically or mentally unable or in an emergency under the provisions of this part.

(E. O. 9886, 12 F. R. 5689, 3 CFR, 1947 Supp.)

VAL HOGUE,
Assistant Administrative Secretary, Office of the Secretary of Defense.

[F. R. Doc. 57–5877; Filed, July 17, 1957; 8:55 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MYSTIC RIVER, MYSTIC, CONN.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.95 (b) governing the operation of the Connecticut State Highway Department bridge across Mystic River at Mystic, Connecticut, is hereby amended in order to relieve congestion of highway traffic during the period June 1 to September 30, inclusive, effective on and after publication of this amendment in the FEDERAL REGISTER, as follows:

§ 203.95 *Mystic River at Mystic, Conn.* * * *

(b) *Connecticut State Highway Department bridge.* (1) From June 1 to September 30, inclusive, between the hours of 7:00 a. m. and 6:00 p. m. each day, the drawspan of the bridge shall be required to open for the passage of vessels only at thirty (30) minute intervals at 10 minutes after and 20 minutes before each hour, except in an emergency. Each opening to be of five (5) minutes duration unless river traffic requires more or less to clear the drawspan. These regulations would not apply to vessels owned or operated by the United States nor to vessels employed for police or fire protection by any town or municipality touching on the Mystic River.

(2) From October 1 to May 31, inclusive, at any time between sunrise and one hour after sunset, and from June 1 to September 30, inclusive, at any time between sunrise and 7:00 a. m. and from 6:00 p. m. to one hour after sunset, the draw of this bridge shall be opened immediately upon receipt of the call signal for the passage of commercial vessels, vessels owned or operated by the United States, and vessels employed for police or fire protection by any town or municipality touching on the Mystic River, and as soon as practicable and in no case later than 20 minutes after receipt of the call signal for the passage of all other vessels which cannot pass the closed bridge: *Provided,* That from October 1 to May 31, inclusive, the draw need not be opened from 7:00 to 7:45 a. m., from 12 noon to 12:15 p. m., from 12:45 to 1:00 p. m., or from 4:15 to 5:00 p. m. (local time), for the passage of vessels other than vessels owned or operated by the United States and vessels employed for police or fire protection by any town or municipality touching on Mystic River.

(3) At any time throughout the year between one hour after sunset and sunrise the draw shall be opened for the passage of commercial vessels, vessels owned or operated by the United States, and vessels employed for police or fire protection by any town or municipality touching on the Mystic River, upon notice to the drawtender given at least one hour in advance of the time the vessel desires to pass through the draw.

(4) The call signal for opening the draw shall be one long blast and two short blasts. If the draw cannot be opened immediately, a red flag or ball should be conspicuously displayed on the bridge.

[Regs., June 26, 1957, 823.01 (Mystic River, Conn.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 57–5851; Filed, July 17, 1957; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

[DMEA Order 1, amended, Amdt. 4]

DMEA 1—GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

FORM AND FILING

In the formulation of this amendment there has been no consultation with industry representatives or trade association representatives because special circumstances have rendered such consultation impracticable.

Region I in section 3 of DMEA Order 1, amended, is redefined to abolish the Alaska District of Region I and to transfer the responsibilities of the executive officer of that district to the executive officer of the Northwest District. The introductory portion of the section and Region I, as amended, read as follows:

SEC. 3. *Form and filing.* An application for aid in any specified exploration project must be in quadruplicate on forms which may be obtained from and filed with either:

The Defense Minerals Exploration Administration, Department of the Interior, Washington 25, D. C.

or the nearest Defense Minerals Exploration Administration field executive officer as indicated by the following addresses:

Area Served and Address

Region I: Idaho, Montana, Oregon, Washington, and Alaska—South 157 Howard Street, Spokane 4, Washington. Applicants for Alaskan projects may file applications with the Bureau of Mines office at Juneau, Alaska, for forwarding to the DMEA Executive Officer, Region I.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. 2154)

Dated: July 12, 1957.

C. O. MITTENDORF,
Administrator, Defense Minerals Exploration Administration.

[F. R. Doc. 57–5835; Filed, July 17, 1957; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.1, paragraphs (e) and (l) (i) (ii) are amended and paragraph (p) (4) is added as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* * * *

(e) *Commissioned officers, Public Health Service.* (1) Officers of the Public Health Service who were detailed for duty with the Army or Navy are included as officers in the active service. On or after November 11, 1943, commissioned officers of the Public Health Service, regular and reserve, who (i) are detailed for duty with the Army, Navy, or Coast Guard; (ii) are serving in time of war outside the continental limits of the United States or in Alaska, regardless of whether the disability or death was suffered prior or subsequent to November 11, 1943: *Provided, however,* That benefits may not be awarded for any period prior to November 11, 1943; or (iii) perform active service in time of war or of emergency involving the national defense (Pub. Law 492, 84th Cong.) and following the issuance of an Executive order declaring the commissioned corps of the Public Health Service a part of the military forces of the United States are also included. In regard to subdivision (iii) of this subparagraph, the Executive order was published on June 29, 1945, effective July 29, 1945. Hence, on and after the latter date and to and including July 3, 1952, the above-described commissioned officers of the Public Health Service, with respect to active service performed, shall be considered as in active military or naval service and included within the acts administered by the Veterans Administration: *Provided, however,* That if disability was incurred after July 25, 1947, and prior to May 11, 1951, or after January 31, 1955, the rates payable and criteria are those provided by Part II, Veterans Regulation 1 (a), as amended. On and after May 11, 1951, and prior to February 1, 1955, the rates payable and criteria are those provided by Part I, Veterans Regulation 1 (a), as amended, including those who incurred disability after June 26, 1950. Commissioned officers of the Public Health Service retired for any cause during the period from July 29, 1945, to July 3, 1952, inclusive, are in the same category as retired officers of the Armed Forces with respect to benefits payable under the laws administered by the Veterans Administration and are therefore subject to the provisions of § 3.300.

(2) Active service of a commissioned officer of the Public Health Service rendered on or after July 4, 1952, shall be deemed to be active military service in the Armed Forces of the United States for the purpose of all laws administered by the Veterans Administration authorizing the payment of compensation and pension: *Provided,* That no payments shall be made under this subparagraph for any period prior to January 1, 1957.

(Sec. 501 (b) (1), Pub. Law 881, 84th Cong.)

* * * * *

(l) *Reserve Officers and members of the Enlisted Reserves; members of the National Guard of the United States and the federally recognized National Guard of the several States, Territories, and the District of Columbia*—(i) *Reserve service.* * * *

(ii) *Public Law 159, 75th Congress, as modified by Public Law 732, 75th Congress (act of June 25, 1938), as amended by section 501 (f), Public Law 881, 84th Congress; Navy, Marine Corps, and Coast Guard.* For periods on and after June 15, 1933, in time of peace, members of the Naval (organized and volunteer) and Marine Corps Reserves are considered as performing active service while performing active duty with or without pay, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties. By virtue of section 211, Public Law 8, 77th Congress, the provisions of this subdivision are applicable to Reserve Officers and enlisted members of the Coast Guard Reserve (except temporary members thereof) who rendered such service on or after February 19, 1941, in time of peace. Compensation may be payable for disease or injury connected with such service, regardless of the period for which the reservist was called to duty, where the liberalizing definition of service contained in Public Law 732, 75th Congress (act of June 25, 1938) as amended by Public Law 881, 84th Congress (act of August 1, 1956), is not invoked; however, where such liberalizing definition is invoked, compensation is payable only for injury (sickness or disease being excluded).

* * * * *

(p) *Commissioned officers of the Coast and Geodetic Survey.* * * *

(4) Active service of a commissioned officer of the Coast and Geodetic Survey rendered on or after July 29, 1945, shall be deemed to be active military service in the Armed Forces of the United States for the purpose of all laws administered by the Veterans Administration authorizing the payment of compensation and pension: *Provided,* That no payments shall be made under this subparagraph for any period prior to January 1, 1957.

(Sec. 501 (d), Pub. Law 881, 84th Congress) (Sec. 16, 40 Stat. 88, as amended, sec. 1, 46 Stat. 847, sec. 4, 48 Stat. 9, 50 Stat. 305, sec. 304, 52 Stat. 1181, as amended, 53 Stat. 813, sec. 4, 54 Stat. 864, as amended, sec. 1–3, 211, 55 Stat. 598–599, 12, sec. 2, 56 Stat. 1038, as amended, 1072, sec. 10, 57 Stat. 556, sec. 1, 2, 212, 58 Stat. 324, 325, 689, as amended, Vet. Reg. 1 (a), as amended, Vet. Reg. 10, as amended, 65 Stat. 40, 68 Stat. 789, sec. 501, Pub. Law 881, 84th Cong., 70 Stat. 881, 883; 5 U. S. C. 133s, note, 33 U. S. C. 855a, 857, 34 U. S. C. 855c, 855c–1, 38 U. S. C. 238, 238c–e, 704, 730, 745, 747, ch. 12A, 42 U. S. C. 213, 50 U. S. C. App. 1591, 1592, E. O. 8929, 6 F. R. 5581, 3 CFR 1943 Cum. Supp.; E. O. 9575, 10 F. R. 7895, E. O. 9666, 11 F. R. 1, 3 CFR 1945 Supp.; E. O. 10349, 17 F. R. 3769; E. O. 10356, 17 F. R. 4967, E. O. 10362, 17 F. R. 5413, E. O. 10367, 17 F. R. 5929, 3 CFR 1952 Supp.)

2. In § 3.212, paragraph (d) is amended to read as follows:

§ 3.212 *Effective dates of awards of disability compensation.* * * *

(d) (1) The effective date of an award of disability compensation or pension (original or amended) to or for a veteran who has been issued an honorable discharge pursuant to the findings of a Department of the Army, Department of the Air Force, Treasury Department, or Department of the Navy Board of Review, under section 301, Public Law 346, 78th Congress, will be the date authorized by the law under which pension or compensation is payable but not prior to the date of the finding of the board of review or, if the finding was approved by the secretary of the service depart-

ment concerned, the date of such approval.

(2) (i) In those cases where the claim for disability compensation or pension is reopened within one year from August 1, 1956, under section 501 (u), Public Law 881, 84th Congress, the effective date of an award to or for a veteran who has had his military or naval record corLaw 601, 79th Congress, as amended by rected pursuant to section 207, Public Public Law 220, 82d Congress, will, if otherwise in order, be the date on which the application was filed for correction of the military or naval record or the date of filing of the original claim for Veterans Administration benefits, whichever is the later, but in no event prior to August 2, 1946. Where the claim with the Veterans Administration is reopened under the last cited law on and after August 2, 1957, payments may, if otherwise in order, be made from the date on which the application was filed for correction of the military or naval records or the date of filing of the reopened claim for Veterans Administration benefits, whichever is later.

(ii) In original or pending claims, compensation will be payable from the date the application was filed for correction of military or naval records if the claim is filed within one year from the date of separation from service. If the claim for compensation is filed more than one year after the date of separation from service, compensation will be payable from the date of claim or the date the application was filed for correction of military or naval records, whichever is the later. In original or pending claims for pension, benefits will be payable from the date of the claim for pension or the date the application was filed for correction of military or naval records, whichever is the later.

(3) When corrections as to character of discharge, active duty status, line of duty, or willful misconduct are administratively made by the service departments, other than through boards of review or corrections, based on new evidence or change in policy and views, or both, the award may not be made effective prior to the date of the issuance of the corrected report or the date of the recertification.

3. In § 3.296, paragraphs (b) and (c) are amended to read as follows:

§ 3.296 *Concurrent payment of benefits to same person.* * * *

(b) Where a person is entitled to compensation from the Bureau of Employees' Compensation based upon disability due to service in the Armed Forces and is also entitled based upon service in the Armed Forces to compensation or pension under the laws administered by the Veterans Administration, he shall elect which benefit he shall receive. Compensation or pension may not be paid in such instances by the Veterans Administration concurrently with compensation from the Bureau of Employees' Compensation. The foregoing rule is not applicable where the benefit paid by the Bureau of Employees' Compensation is based upon civilian employment. Where the same disability, held by the Bureau of Employees' Compensation to have been incurred in civilian employment, is also the basis of a claim with the Veterans Administration, the evidence developed by the Bureau of Employees' Compensation will generally rebut the presumption of service connection. Where not thus rebutted, the Bureau of Employees' Compensation should be advised of the award of disability compensation, and they will discontinue payments of their benefit as they hold the two findings to be incompatible. In those cases where retroactive benefits are payable under section 4, Public Law 108, 81st Congress, there shall be subtracted from any benefit which such Reserve personnel, or the dependents of such deceased reservists, may be eligible to receive under such act such benefits as may already have been paid to the particular payee by either the Veterans Administration or the Department of Labor (Bureau of Employees' Compensation). Reservists are not entitled to benefits from the Bureau of Employees' Compensation for disability incurred or death on or after January 1, 1957.

(Secs. 501 (f) and 502, Pub. Law 881, 84th Cong.)

(c) (1) Under the laws administered by the Veterans Administration there is no bar against the receipt of disability compensation concurrently with retirement pay by an officer of the commissioned corps of the Public Health Service who was retired for any cause other than disability incurred while he is deemed to have been in the active military service (see § 3.1 (e)): *Provided*, That compensation based on disability incurred before July 4, 1952, may not be paid by the Veterans Administration concurrently with retirement pay if the former commissioned officer was retired for nondisability purposes between July 29, 1945, and July 3, 1952, inclusive. Compensation based on disability incurred before July 4, 1952, may be paid concurrently with retirement pay if the commissioned officer was retired for nondisability purposes before July 29, 1945, or between July 4, 1952, and December 31, 1956, inclusive. If any officer of the commissioned corps of the Public Health Service, who was retired at a time when said corps was not a military service, should be recalled to active duty at a time when the corps is a military service, his pay while on such active duty would be "active service" pay within the meaning of paragraph (a) of this section, and during such active service said officer would not be entitled to receive compensation or pension under the laws administered by the Veterans Administration. But, so long as such officer is not recalled to active duty, his right to receive compensation or pension would not be affected by the fact that the active commissioned corps had become a military service. Regarding concurrent payments of disability compensation, pension, or retired pay and pay from the service departments, see § 3.299.

(2) Under section 501 (b) (2), Public Law 881, 84th Congress, active service of commissioned officers of the Public Health Service on or after July 4, 1952, is deemed to be active military service in the Armed Forces of the United States for the purpose of all laws administered by the Veterans Administration authorizing the payment of compensation and pension: *Provided*, That no benefits may be paid under the cited section prior to January 1, 1957. Therefore, if both the retirement and the disability occur after December 31, 1956, the prohibition against the concurrent payment of compensation or pension and retirement pay contained in section 15, Public Law 144, 78th Congress, will apply. Similarly if the disability for which the commissioned officer was retired was incurred after July 3, 1952, but prior to January 1, 1957, and eligibility for compensation arises solely by virtue of section 501 (b) (1), Public Law 881, 84th Congress, such compensation would not be payable concurrently with retirement pay.

(Sec. 15, 57 Stat. 559; 38 U. S. C. ch. 12A)

4. In § 3.299, the headnote is amended, the present text is designated paragraph (a) and a new paragraph (b) is added as follows:

§ 3.299 *Action where veteran acquires or returns to extended or other active duty status.* * * *

(b) Compensation or pension may not be paid on or after January 1, 1957, concurrently with active duty pay to a commissioned officer of the Public Health Service during any period that the officer is in an active duty status. The requirements for suspension of compensation or pension and for waiver of such benefits for periods of field training, instructions, other duty, or drill contained in paragraph (a) of this section are also applicable to commissioned officers of the Public Health Service.

(Par. XIII, Vet. Reg. 10, as amended, sec. 610, 63 Stat. 1019; 38 U. S. C. ch. 12A)
(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective July 18, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-5856; Filed, July 17, 1957; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1443]

[Los Angeles 0149047]

CALIFORNIA

MODIFYING DEPARTMENTAL ORDER OF APRIL 8, 1903, WHICH WITHDREW LANDS FOR USE OF MISSION INDIANS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The departmental order of April 8, 1903, temporarily withdrawing from entry and settlement certain public lands in California pending their reservation for use of the Mission Indians, is hereby modified to the extent necessary to permit the granting of a right-of-way to the State of California under Section 2477, United States Revised Statutes (43 U. S. C. 932) for the construction of State Highway Route No. 195 over and across the following-described lands, and as shown on maps on file in the Bureau of Land Management (LA 0149047) subject to any valid existing rights:

SAN BERNARDINO MERIDIAN

T. 9 S., R. 1 W.,
Sec. 31, SW¼SE¼.

The area described contains 40 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 11, 1957.

[F. R. Doc. 57-5837; Filed, July 17, 1957; 8:47 a. m.]

[Public Land Order 1444]

[Fairbanks 013010]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES; PARTLY REVOKING PUBLIC LAND ORDER NO. 255 OF DECEMBER 15, 1944

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, excepting disposals of materials under the act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185–1187), and reserved for use of the Department of the Air Force as the Northway TACAN Site:

Beginning at a point from which Corner No. 5 of U. S. Survey No. 2630, Northway, Alaska, bears N. 30°00' E., 1569.19 feet, thence
S. 60°00' E., 1,786.63 feet;
S. 30°00' W., 2,000.00 feet;
N. 60°00' W., 1,786.63 feet;
N. 30°00' E., 2,000.00 feet to point of beginning.

The tract described contains 82.03 acres.

2. It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

3. Public Land Order No. 255 of December 15, 1944, which withdrew certain lands in Alaska for use of the War Department for military purposes, is hereby revoked so far as it affects the lands described in paragraph 1 of this order.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 12, 1957.

[F. R. Doc. 57-5838; Filed, July 17, 1957; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdts. 2-2, 7-20, and 8-27]

[Docket No. 11989; FCC 57-751]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

AVAILABILITY OF ADDITIONAL FREQUENCIES

In the matter of amendment of Parts 2, 7 and 8 of the Commission's rules to make available additional frequencies in the Maritime Mobile Service in the range 157.3 to 162.0 Mc; Docket No. 11989.

1. This proceeding was instituted on April 3, 1957, by a Commission Notice of Proposed Rule Making and was published in the FEDERAL REGISTER April 10, 1957 (22 F. R. 2367). The rule making was proposed as a result of the recent Hague Agreement concerning the use and standardization of maritime mobile VHF radiotelephone frequencies by Baltic and North Sea Administrations.

2. Although the Hague Agreement does not directly involve the U. S., certain frequency pairs included in the Agreement do not coincide with pairs presently authorized for use by the U. S. maritime mobile service. Therefore, in the interest of providing the maximum number of standardized communication channels for the maritime mobile service it was proposed that Parts 2, 7 and 8 be amended to make available the compatible frequencies shown in the attached Appendix in lieu of presently assigned frequencies in this range. In effect, this would involve interchanging the presently authorized ship frequencies in the coast/ship frequency pairs 161.9/157.4 and 162.0/157.3 Mc and adding a new pair midway between the above pairs, thus making the pairing 161.9/157.3, 161.95/157.35 and 162.0/157.4, respectively.

3. The American Telephone and Telegraph Company filed the only comments relative to this proceeding. These comments contended that the subject rule making would not provide an adequate number of VHF public correspondence channels to meet the demand for major port operations. The proposed rule making is not an allocation proceeding, but is intended only to rearrange certain VHF frequency pairs and add one pair within bands already allocated to the maritime mobile service in order to provide compatibility of operation with those administrations subject to the Hague Agreement. A petition for rule making relative to the provision of additional VHF maritime mobile frequencies may be filed or a statement relative to the position of any interested party may be presented during the forthcoming hearing concerning allocations between 25 and 890 Mc, Docket No. 11997.

4. The American Telephone and Telegraph Company comments also include a recommendation that the provisions of §§ 7.307 (a) (1) and 8.356 (a) (1) permitting transmission and reception on the same frequency by VHF shipboard and coast stations, under certain conditions, be deleted. (The reason given is that push-to-talk operation introduces difficult technical and operating problems at coast stations and is entirely unsuitable for normal two way telephone service.) This recommendation appears to be beyond the scope of this proceeding. The American Telephone and Telegraph Company's comments express general concurrence and support of the proposed rule making.

5. Inasmuch as the Hague Agreement goes into effect October 1, 1957, it appears logical that the amendments ordered herein should also become effective on this date.

6. It appearing, that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended;

7. *It is ordered*, That effective October 1, 1957, Parts 2, 7 and 8 of the Commission's rules are amended as set forth below.

8. *It is further ordered*, That the proceedings in Docket 11989 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: July 11, 1957.

Released: July 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Those portions of § 2.104 (a) (5) pertaining to the frequency band between 157.3 and 157.4 Mc and the band 161.85–162.00 Mc are amended to read as follows:

5	6	7	8	9	10	11
					157.30	MARITIME MOBILE. (NG7).
					157.35	Do. (NG7)
					157.40	Do. (NG7)
(US24)		161.85–162.00 (NG1).	Maritime Mobile.	Coast.	161.90	Coast. (NG7, 19, 37)
					161.95	Do. (NG7)
					162.00	Do. (NG7)

2. Part 7 of the rules is amended in the following particulars:

A. Section 7.132 (a) (2) is amended by changing that portion of the table dealing with the frequency band 156.35 Mc to 162.05 Mc to read as follows:

156.35 Mc to 162.05 Mc[3]	F3; and for brief operating signals F1 and F2 also F0 for brief testing and for minimizing interference to operation on adjacent radio channels used by any coast station in the same geographical area.

B. Amend § 7.304 (b) to read as follows:

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by public coast stations employing telephony by means of frequency modulation subject to and in accordance with the provisions of other applicable sections of this subpart and Subpart E of this part:

156.8 161.9 161.95 162.0

C. Amend § 7.307 (a) (1) to read as follows:

(1) For transmission and reception on the same radio channel:

156.8 Mc for calling and safety purposes; 157.3 Mc, 157.35 Mc and 157.4 Mc for working (under exceptional circumstances wherein the method of working prescribed in subparagraph (2) of this paragraph would not be practicable) at locations where interference is not caused to the use of any of these frequencies for reception from ship stations as contemplated under subparagraph (2) of this paragraph.

D. Amend § 7.307 (a) (2) to read as follows:

(2) For transmission on one radio-channel and associated reception on a different radio channel:

For transmission (Mc)	For reception (Mc)
161.90	157.30
161.95	157.35
162.00	157.40

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

E. Amend § 7.308 by adding a new paragraph (d) to read as follows:

(d) The carrier frequency 161.95 Mc is assignable to any public coast station employing frequency modulation for telephony: Provided (1) the carrier frequency 161.95 Mc normally shall be assigned only to a station licensee who already is licensed to use the carrier frequencies 161.9 Mc and/or 162.0 Mc to provide service to the particular harbor(s) or port(s) involved and who is utilizing the assigned frequency or frequencies at maximum capacity to provide such service under the prevailing conditions of operation; OR the applicant for authority to use 161.95 Mc is not in a position to use the carrier frequency 161.9 Mc or 162.0 Mc because the use thereof in the geographic area involved would create interference to stations already authorized to use these carrier frequencies; and (2) the licensee of any coast station to which the carrier frequency(s) 161.9 and/or 162.0 Mc is already assigned who applies for additional authority to use the carrier frequency 161.95 Mc shall fully justify a need for such additional frequency assignment; and (3) any other applicant for authority to use the carrier frequency 161.95 Mc shall show a need for such frequency assignment in lieu of the carrier frequency 161.9 Mc and/or 162.0 Mc, (4) the frequency 161.95 Mc may be authorized only on the condition that the applicant for the involved coast station authorization shall have made a satisfactory showing that operation on this frequency and its associated ship station frequency 157.35 Mc in the respective geographic area(s) will not cause harmful interference to the service of any station of the maritime mobile service when operated on any of the following frequencies: 157.3, 157.4, 161.9 or 162.0 Mc. In the discretion of the Commission this showing shall include the results of initial operation on the coast station frequency 161.95 Mc and the ship station frequency 157.35 Mc under developmental station licenses over an adequate period of time and under conditions prescribed, if necessary, by the Commission.

3. Part 8 of the rules is amended in the following particulars:

A. Section 8.351 (c) (2) is amended to read as follows:

(2) Available for ship stations only:

157.3 157.35 157.4

B. Amend § 8.356 (a) (1) to read as follows:

(1) For ship station transmission to public coast station when the same radio-channel is used for transmission by the coast station (under exceptional circumstances wherein the method of working prescribed in subparagraph (2) of this paragraph would not be practicable) in areas where interference is not caused to the use of any of these frequencies by ship stations working as contemplated under subparagraph (2) of this paragraph:

157.3 Mc 157.35 Mc 157.4 Mc

C. Amend § 8.356 (a) (2) to read as follows:

(2) For transmission to public coast stations when a different radio-channel is used for transmission by the coast station:

For ship station transmission (MC):	For ship station reception (Mc)
157.30	161.90
157.35	161.95
157.40	162.00

D. Amend § 8.356 (a) by adding a new subparagraph (3) as follows:

(3) In respect to coast stations of the United States, the frequency 157.35 Mc may be used only for communication with any public coast station which has been authorized to operate on the associated coast station frequency 161.95 Mc under the provisions of § 7.308 (d).

E. Amend § 8.545 (a) (2) (i) to read as follows:

(i) The equipment shall be capable of being used for the effective transmission and reception of class F3 emission on the frequencies 156.3 Mc, 156.8 Mc, and on the working frequency 157.3, 157.35 or 157.4 Mc as necessary for communication with one or more public coast stations serving the area in which the vessel is navigated.

F. Amend § 8.545 (a) (2) (iii) to read as follows:

(iii) The radiotelephone transmitter shall have a power output of at least 20 watts. The transmitter shall be considered to be capable of meeting this power requirement when it is properly adjusted for use with a ship station transmitting antenna meeting the requirements of these rules and has been demonstrated or is of a type that has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 20 watts unmodulated radio frequency carrier power into 50 ohms effective resistance on each of the frequencies 156.8 mc, 156.3 mc and any of the frequencies 157.3, 157.35 or 157.4 mc.: *Provided*, That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

[F. R. Doc. 57-5868; Filed, July 17, 1957; 8:53 a. m.]

[Docket No. 11830; FCC 57-752]

[Rules Amdt. 3-81]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS, AINSWORTH, NEBR.; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations (Ainsworth, Nebraska), Docket No. 11830; Rules Amdt. 3-81.

1. The Commission has before it for consideration a petition filed April 26, 1957, by Triple-City Broadcasting Company, permittee of Television Station KDLO-TV, Channel 3, Florence, South Dakota, for reconsideration, in part, of the Commission's Report and Order, issued in this proceeding on March 28, 1957 (FCC 57-312), assigning Channel 3+ to Ainsworth, Nebraska, and changing the offset carrier designations at Rapid City, South Dakota, from 3+ to 3−, and at Miles City, Montana, from 3− to 3 even.

2. Petitioner contends that since its Station KDLO-TV operates with a −10 kc carrier offset, the Commission's action in this case would place KDLO-TV and KOTA-TV, Rapid City, South Dakota, whose transmitter sites are 289 miles apart, in the position of operating non-offset. Petitioner urges instead the following Channel 3 offset schedule:

City	Offset	
	Present	Proposed
	kc	kc
Rapid City, S. Dak.	+10	0
Cheyenne, Wyo.	0	−10
Alamosa, Colo.	−10	0
Gallup, N. Mex.	0	−10

3. We noted in our Report and Order in this proceeding that counterproposals had been submitted urging that Channel 16, or some other UHF Channel, or that VHF Channel 7, 8 or 12 be assigned to Ainsworth rather than Channel 3. However, the Commission rejected these proposals and assigned Channel 3.

4. At the time we issued our Report and Order in this proceeding Channel 8 could not be assigned to Ainsworth in accordance with our rules since on November 21, 1956, we had issued a Report and Order in Docket No. 11831, assigning Channel 8 to Hay Springs, Nebraska, only 145 miles from Ainsworth. However, on May 24, 1957, we released a Report and Order in Docket No. 11987, changing the assignment in Hay Springs, from Channel 8 to Channel 4, thus making Channel 8 available for assignment in Ainsworth.

5. We have carefully reconsidered the various proposals and counterproposals advanced in the instant proceeding. We reaffirm our view, set out in our Report and Order of March 28, 1957, that the assignment of a first VHF channel to Ainsworth, rather than a UHF channel as suggested by one party, would serve the public interest in affording a first service to a large area. We believe, however, that the public interest would be better served by the assignment of Channel 8 to Ainsworth rather than Channel 3 since it would require less disruption on an overall basis to existing stations.

6. Since we are now assigning Channel 8 to Ainsworth in place of Channel 3, Triple-City's petition is rendered moot.

7. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (e), (f), (g), (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

8. In view of the foregoing: *It is ordered*, That effective August 16, 1957, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned to read as follows:

City	*Channel No.*
Ainsworth, Nebr.	8—
McCook, Nebr.	3+, 17

Change the offset carrier requirement only at Rapid City, South Dakota from 3− to 3+ and at Miles City, Montana from 3 even to 3−.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 11, 1957.

Released: July 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5869; Filed, July 17, 1957; 8:53 a. m.]

[Docket No. 12026; FCC 57-765]

[Rules Amdt. 16-16]

PART 16—LAND TRANSPORTATION RADIO SERVICES

SCOPE OF SERVICE

In the matter of amendment of Subpart H of Part 16, rules governing the Railroad Radio Service, to permit licensees in that service to install mobile units in the vehicles of other persons furnishing certain services under contract; Docket No. 12026; Rules Amdt. 16-16.

At a session of the Federal Communications Commission held at its offices on the 11th day of July 1957;

The Commission having under consideration amendment of its Railroad Radio Service Rules (Subpart H of Part 16) to permit a licensee in that service to install licensed mobile units in vehicles of other persons furnishing to the licensee, under contract, a service or facility necessary in connection with railroad operation or maintenance;

It appearing that the Commission on May 15, 1957, adopted a Notice of Proposed Rule Making in this matter which was published in the FEDERAL REGISTER on May 22, 1957 (22 F. R. 3599) in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing that the period in which interested persons were afforded an opportunity to submit comments with respect thereto has expired; and

It further appearing that the Association of American Railroads has filed a statement in support of the Commission's proposal, and that no objection or adverse comments have been received; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, that authority therefor is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That effective August 19, 1957, Subpart H of Part 16 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Delete the text of present paragraph (b) of § 16.352 and insert "[Reserved]"

2. Add a new § 16.357 to read as follows:

§ 16.357 *Scope of service.* (a) Base and mobile stations in this service may secondarily be used for any communications which are necessary in connection with railroad operation or maintenance, including use in connection with the operation of land motor vehicles engaged in the pickup, delivery, or transfer between stations of property shipped, continued in, or destined for shipment by railroad common carrier; provided interference is not caused to stations authorized under the provisions of § 16.352 (a).

(b) In addition to the provisions of § 16.3 (a) a licensee of a base station in this service may install mobile units licensed to him in the vehicles of other persons furnishing to the licensee, under contract, a facility or service within the purview of paragraph (a) of this section: *Provided*, That the communications involved are exclusively in connection with such facility or service: *And provided further*, That in each case the licensee and such person shall comply with the agreement requirements set forth in § 16.3 (a) (2).

[F. R. Doc. 57-5870; Filed, July 17, 1957; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 34—SOUTHEASTERN REGION

SUBPART—LACASSINE NATIONAL WILDLIFE REFUGE, LOUISIANA

FISHING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.12 I have determined that the use of boats in connection with commercial and noncommercial fishing may be permitted on the waters of the Lacassine National Wildlife Refuge, Louisiana, without interfering with the primary purpose of the area. Accordingly, §§ 34.72, 34.73, and 34.74 are deleted and § 34.71 is amended to read as follows:

§ 34.71 *Fishing permitted.* Commercial and noncommercial fishing is permitted during the daylight hours in all waters of the Lacassine National Wildlife Refuge in accordance with the conditions and restrictions specified in this section.

(a) *Entry.* Entry on and use of the refuge for any purpose are governed by Parts 18 and 21 of this chapter. Persons must follow such routes of travel within the refuge as are designated by posting by the officer in charge.

(b) *State fishing laws.* Each fisherman must comply with the applicable State fishing laws and regulations, and must have in his possession and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for fishing in the waters of the refuge.

(c) *Use of boats.* The use of powered boats or floating devices of any description is permitted on all waters of the refuge provided that only boats powered by outboard motors of 7½ horsepower or less are permitted for the purpose of fishing in the refuge impoundments.

(d) *Closed season.* During periods of waterfowl concentrations and other wildlife concentrations and for protection of wildlife plantings, commercial or noncommercial fishing may be closed on such areas of the refuge as may be determined by the officer in charge to be necessary to provide adequate protection for wildlife. Such limitations or restrictions shall be clearly designated by posting.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Inasmuch as the foregoing regulations are relaxations of existing restrictions applicable to the Lacassine National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.). They shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued at Washington, D. C., and dated July 12, 1957.

A. V. TUNISON,
Acting Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57-5836; Filed, July 17, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 973]

[Docket No. AO-178-A9]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture with respect to proposed amendments to the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order were formulated, was conducted at Minneapolis, Minnesota, on February 6–8, 1957, pursuant to notice thereof issued on January 30, 1957, and published in the FEDERAL REGISTER on February 2, 1957 (22 F. R. 705).

The material issues of record relate to:

1. Revision of the definition of "handler" as to (a) bargaining-type cooperative associations and (b) coverage of "vendors", or "peddlers".

2. Revision of "pool plant" performance requirements, including a proposed "system" basis of maintaining pool plant qualification.

3. Clarification of the definitions of "producer" and "producer milk".

4. Clarification of the Class I milk definition as to diverted milk and sterilized whole milk in metal containers.

5. Revision of rules governing interplant transfers of milk and cream.

6. Inclusion of specific language regarding accounting procedure for nonfat milk solids used to fortify Class I milk items.

7. Revision of seasonal adjustments in Class I price differentials and method of computing supply-demand adjustments.

8. Revision of application of location differentials.

9. Inclusion of a provision regarding the accounting for butterfat in skim milk.

10. Revision of methods of payment to producers and cooperative associations.

11. The accounting and classification of shrinkages and overages where other source milk is handled in conjunction with producer milk.

12. Revision of base milk computations.

13. Clarification of order definitions and other language.

In connection with consideration of proposal No. 15 in the notice of hearing, which related to revision of Class I price differentials and modification of the formula for supply-demand adjustments to the Class I price, counsel for several of the handlers offered a modification of such proposal. The modification suggested would increase the Class I price payable by a peddler to a bottling cooperative by an amount, to be fixed by the market administrator after notice and hearing, approximating the actual costs of processing, packaging, delivery, and other services performed by the cooperative. The Presiding Officer ruled that the proposed modification of proposal No. 15 was not appropriate since it was outside the scope of the notice of hearing and evidence thereon was denied. An offer of proof was made. It is determined that the ruling of the Presiding Officer was correct and such ruling is hereby affirmed.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The definition of "handler" should be revised in its application to bargaining-type cooperative associations.

The major producers' organization proposed to remove from the definition of "handler" any cooperative association which does not operate a pool plant, i. e., a bargaining-type association. Proponents testified that it would be possible for the bargaining-type association, if one were to become involved in the Minneapolis-St. Paul market, to have a higher utilization than the market average and thus collect from handlers, at class prices, a greater amount of money than its producer-members would be entitled to in the aggregate under the marketwide pool. This would place on the association, as an intermediate party, an obligation to the pool which is now borne directly by the handler receiving the producers' milk. Proponents indicated further that difficult enforcement problems, with detrimental effect on payments to producers generally, could result if such an association, for one reason or another, failed to pay monies due the producer-settlement fund.

It is concluded that the definition should be revised to remove bargaining-type cooperatives for the same reasons as are expressed later in this decision in connection with issue (10) concerning the collection of producer payments by cooperative associations.

A proposal of several handlers would include under the definition of handler any secondary handler, or "peddler", who receives his entire supply of milk and cream in processed form in consumer packages for distribution in the marketing area on routes. The following reasons were given in support of this proposal:

(a) To correct abuses which have led to the chaotic and unsettled conditions now prevailing and to restore orderly marketing in the area.

(b) To require jobbers and large distributors to pay the minimum class prices fixed by the order to insure that all producers receive uniform prices.

(c) To permit the market administrator to take action against jobbers or large distributors who, directly or indirectly, violate or unlawfully evade the minimum price provisions of the order.

(d) To prevent the continuance of unfair trade practices in the market.

This proposal to amend the handler definition is closely associated also with another proposal of handlers, i. e., that the order establish a minimum charge (over the Class I price) to be paid by peddlers to cooperative associations for any processing and packaging costs incurred in preparing bottled milk for sale to consumers (on which an offer of proof was made as discussed previously in this decision.)

The record does not indicate how the regulation of peddlers as handlers would eliminate, or even mitigate, any of the complaints of the proponent handlers concerning disrupted conditions in the resale market. The cooperative supplier of milk to a peddler must pay the minimum class prices fixed by the order (or their equivalent) in settling with the marketwide pool. Also, the function of "peddling," or distributing, Class I milk is one which may be performed by the cooperative supplier, if it chooses, as well as the peddler. To regulate peddlers would not eliminate the possibility that the cooperative association supplying milk to a peddler might start its own routes in the marketing area, selling at whatever resale prices it choose to fix, or might engage the peddler as its own employee. The regulation of peddlers as handlers likewise would not insure that a cooperative supplier would pay the announced uniform price to its member producers. On the other hand, the requirement that a peddler report to the market administrator, as a handler, and the corollary requirement that the market administrator audit the peddler's books and records, without the purpose of imposing specific monetary obligations on the peddler, would be fruitless and burdensome to both the peddler and to the regulation. It is concluded that the inclusion of peddlers under the definition of handler would have little or no effect in relieving the problems to which complaint was directed or any other problem brought to light by the hearing. The proposal therefore is denied.

(2) The delivery performance requirements on supply-type plants to maintain pool plant status should be revised.

The major producers' organization proposed revision of the definition of "pool plant" as to those plants which act as "supply" plants for bottling-type plants from which Class I milk is distributed in the marketing area on routes. The definition would be revised for the purposes of (a) clarification of order language, (b) modifying the period in the fall months during which delivery of more than 50 percent of the plant's supply of milk eligible for sale in fluid form as Grade A milk within the marketing area automatically qualifies the plant for pool status during the succeeding several months, (c) permitting pool plants to retain pool status on a unit, or "system," basis under certain conditions, and (d) crediting farm shipments of milk to bottling plants toward qualification of country supply plants. Related proposals suggested conforming amendments affecting other sections of the order.

Certain other producer associations suggested a more limited system basis for maintaining qualification of supply plants, while a third group of producer organizations proposed to include in the pool all plants with Grade A milk located within a radius of 100 miles of the Minnesota Transfer Viaduct in St. Paul.

The definition of pool plant should be clarified in its application to plants where both Grade A milk and Grade B (manufacturing quality) milk are received. There was considerable discussion in the record as to whether the term "pool plant" should apply, inclusively, to both sides of a building when one side is devoted primarily to the receiving and processing of manufacturing-type milk while the other side of the building is utilized mainly for the receiving and shipment to market (or processing) of producer (Grade A) milk.

For most periods in the past, application of the order has treated both sides of a dual-type plant as a single operation. A single exception has been made in the case of certain facilities under the regulation of the Federal milk order for the Chicago, Illinois, marketing area, from which milk is regularly shipped to the latter market. The latter facilities were under regulation in the Chicago market prior to the introduction of the marketwide pooling and pool plan qualification provisions into the Minneapolis-St. Paul order. During a period of a few months beginning in April 1956 (the pool plant qualification provisions became effective February 1, 1956) plants with dual operations were required to report only on their Grade A milk operations. It was soon noted following the submission of reports on this basis that in some cases dual-type plants showed little or no shrinkage of producer milk. Because of this the market administrator resumed in September 1956 the requirement, in all such cases, of a report covering both Grade A milk and manufacturing milk. It was found to be administratively impracticable to make a complete check of the utilization of producer milk, and to arrive at its proper classification, without applying the order to each dual plant as one unit.

Experience has shown that there is little or no basis for clear-cut product accounting with respect to Grade A milk utilization as compared with the use of manufacturing milk when both are handled on the same premises. In the absence of an order it might be sufficient for proprietary handlers, or even cooperatives, to assume that all Grade A milk not specifically accounted for had been transferred to the manufacturing side of the plant, and to consolidate the plant records for both types of milk. Under a strict system of classification, however, the results of this practice are a distortion of the amount of shrinkage, or overage, which exists in the plant on producer milk, a consequent loss of money to the pool, and an audit which does not test the reasonableness of the reported transfer of Grade A milk to the manufacturing operation. It is concluded that the order should provide clearly for the audit of manufacturing operations when Grade A milk is handled on the same premises, that the audit findings on manufacturing milk should be consolidated with Grade A milk operations to determine shrinkage or overage, for the handler's entire operation, and that the overall figures be used as the basis for computing such shrinkage or overage. This requires, as provided for herein, the rewording of certain other provisions of the order as well as the pool plant definition.

Under the present order the phrase "dairy farm supply" has been applied to mean the Grade A milk supply of the particular plant. This is a reasonable interpretation of language since the milk presumably eligible for disposition in the fluid market is not the Grade B, or manufacturing milk, but rather that portion (Grade A) of the supply of the handler which is eligible under the applicable health requirements for fluid use in the marketing area. However, the milk to which the order applies, and which is the basis for pool plant qualification, may be specified with greater clarity. Appropriate revisions of language have been made in the pool plant definition.

The final decision of December 30, 1955, supporting the order amendments effective February 1, 1956, pointed out that, based on 1953 and 1954 data, the months of August, September, October, and November have been the months of lowest supply in the Minneapolis–St. Paul market. These were the months in which the market drew most heavily on supply-plant sources of milk, and for this reason it was concluded that the qualification for pool status and maintenance of such status by a supply plant should be based primarily upon its delivery performance in such four months. Official notice is taken of such decision. More recent data on deliveries of milk by producers show, however, that dairy production during the month of July has become less than during the month of November. Since the need for milk from supply plants is potentially greater in July than in November, the order should be revised to specify July–October as the period to be used, in the future, in determining whether a supply-type plant may maintain pool plant status until July 1 of the following year, without shipping any specific percentage of milk. It may be noted that the new four-month period will coincide with the months specified in the order as the base-making period for producers. However, since the revised provision could not become effective by July 1 this year, it is provided that the present delivery performance requirements for supply-type plants be retained in effect as nearly in their present form as is consistent with the other changes in the regulation adopted in this decision. Thus, a determination as to whether a supply plant retains status automatically for the period December 1957 through June 1958, inclusive, will be made accordingly on the basis of delivery performance during the months of August through November 1957 and milk of producers which was received at a country supply plant on more than 45 days, during April, May and June 1957 will continue, for August through November 1957, to be credited as a delivery to market from such plant even though received at a bottling plant in the latter months.

The system basis of qualification, as proposed by the largest producer association, would permit country supply plants to retain pool status on the basis of their combined deliveries of milk to bottling-type pool plants rather than on the deliveries of the supply plants individually. By the terms of the producers' proposal the plants involved would have to be owned and operated by the handler or cooperative. Any plant new to the market would be required to qualify for pool status on an individual basis before becoming part of a plant system. Proponents testified that economies may be achieved and better service in the delivery of milk to market can be provided if plants are permitted to retain pool status on a system basis.

The number of country receiving plants operated by the principal producer association in the Minneapolis-St. Paul market has decreased as the result of the introduction of the farm tank delivery system. A large portion of the total market supply is now delivered to market by means of farm tanks without being assembled by receipt at outlying plants. Some of the outlying pool plants, although used for supplying supplemental milk in the low production months, serve an additional purpose in being available to receive for manufacture milk that represents seasonal reserves and week-

end and holiday excesses. Under the present provisions of the order the qualification for the pool of each supply plant operated by the same handler or cooperative must be maintained by the shipment of the required percentage of milk or butterfat from such plant to the market. However, with the rather rapid, and drastic, changes which have taken place in the market's farm to plant delivery system, there would be appreciable economies in the transportation of milk and in the handling of reserve milk if from time to time larger quantities of milk could be moved to market from one supply plant of a handler while less than the amount needed to maintain qualification could be moved from another. The proposal would encourage greater integration of supply operations by the cooperatives, which have responsibility for marketing, on behalf of producers, practically all the milk supply of the market, and therefore should be adopted.

The privilege of establishing a plant system should not be limited, however, to plants owned and operated by a given handler or cooperative. In view of the market organization of the milk supply, under which the largest cooperative association of producers markets, on behalf of other cooperatives, substantial amounts of milk, greater latitude in establishing plant systems will make possible maximum benefit from the provision. Thus, the provision adopted enables cooperatives, or handlers, the opportunity to make their own arrangements for a system of supply plants where more than one cooperative or handler is involved in marketing of the milk, provided, of course, that the market administrator is given written notice specifying the plants to be included in the plant system and the period during which such system will be in effect. Since the adoption of such provision affords wide latitude in the qualification of country supply plants for pooling, it is not deemed necessary to provide also, in conjunction with such provision, that farm shipments of milk to bottling plants be credited toward qualification of country supply plants.

The principal producer association further testified that the order should provide for the withdrawal of plants from the pool, but not for temporary periods such as a month or two. In this milkshed a number of plants frequently dispose of milk for fluid use in distant markets. At certain times of the year it could be advantageous to withdraw a plant from the pool to serve an outside market on a temporary basis and then bring the milk back into the Minneapolis-St. Paul market to share in the pool for the remainder of the year. At present a pool plant qualified on the basis of fall shipments (August–November) can be withdrawn at any time after such qualification period and automatically regain pool status at any time prior to the following August 1. Thus, the outlets of such plant during the period of withdrawal can be reserved to the advantage of the dairy farmers at such plant, while in other months such dairy farmers are provided the opportunity of sharing the Class I sales of the Minneapolis-St. Paul market with those producers who serve such market on a year-round basis. This can result not only in instability in the supply of the Minneapolis-St. Paul market, but also may provide a procurement advantage in the case of the plant temporarily withdrawn from the pool. In order to insure stability in the market's supply and a maximum degree of equalization among producers regularly serving the market, it is concluded that any plant withdrawn from the market should not be permitted to regain pool status until the next July, the beginning of the revised fall qualification period.

As stated previously, a proposed amendment was offered under which all supply-type plants located within a 100-mile radius of the Minnesota Transfer Viaduct in St. Paul would be deemed to be pool plants as to their Grade A milk supplies irrespective of delivery performance. The importance of having each pool plant establish its association with the market through delivery performance prior to pooling has been indicated previously in the December 1955 decision and in this decision in connection with the discussion of diverted milk. In view of the reasons set forth in such discussions, the proposal to include all plants within the specified distance of the market regardless of specific association with the market is denied.

(3) The definitions of "producer" and "producer milk" should be revised; milk diverted from pool plants to nonpool plants should not be retained in the pool as producer milk.

A producers' association proposed revisions of the definitions of "producer" and "producer milk". As a corollary proposal, a new definition, "producer for other markets", was offered. The principal purposes of these proposals were to clarify present order language and to prevent disadvantage to producers as the result of diversions of milk to nonpool plants.

The definition of "producer" should be revised to make reference to that milk which is eligible for sale in fluid form as Grade A milk within the marketing area. The revised definition would exclude automatically, for the period of degrading, the milk of any dairy farmer who has been degraded by an appropriate health authority. It is only reasonable that producers furnish milk qualified for use in fluid form in the market to share in the pool returns.

At the present time the order permits the unlimited diversion of producer milk from any pool plant to a nonpool plant, i. e., producer milk may be moved from the farm, without first being received in a pool plant, to a nonpool plant in unlimited quantities, for either Class I or Class II use, and for indefinite periods of time, without losing eligibility for the pool as producer milk.

Proponents of the revised definition of producer suggested that all diverted milk be classified and priced as Class I milk. Although proponents would continue diversions of milk if such milk were classified as Class I milk, it was complained that a provision which permits milk to be left in the pool while diverted without condition is subject to abuses which may be detrimental to all producers serving the market. It was testified that classification of all diverted milk as Class I milk would mitigate these abuses.

The rapid growth of the bulk tank delivery system has increased the problems of defining supplies in the presence of diversion privilege. As discussed in connection with the revised definition of pool plant, it is important to the stability of the market that there be some method of delineating milk primarily associated with the market from milk having only a casual association. It may be noted in this connection that nearly all milk within the confines of the present milkshed for this market, whether a part of the present Minneapolis-St. Paul supply, or shipped elsewhere, is marketed under the control of a plant operator, usually a cooperative. There is little milk available within the milkshed to enter the Minneapolis-St. Paul market as milk marketed by individual producers.

Any substantial amount of milk entering the market would be brought in at the direction of some marketing organization. Also, most, if not all, milk needing either Minnesota or Wisconsin State health requirements for Grade A milk is a potential source of supply for the Minneapolis-St. Paul market.

Ordinarily under regulation the privilege of diverting milk without loss of its eligibility for pooling is based upon the need to find outlets for the market's reserve milk where sufficient manufacturing facilities are lacking at pool plants. Frequently, diversions are permitted only during those months when production is greatest. Although in the Minneapolis-St. Paul market, as in some other markets, bottling plants do not maintain appreciable manufacturing facilities, neither do they handle quantities of milk substantially greater than their Class I needs. Cooperative suppliers furnish milk in about the amounts desired by handlers. Also, there are adequate processing facilities for reasonable reserves of market milk at country pool plants. Several country pool plants also receive, in addition to Grade A milk, substantial quantities of manufacturing grade milk a portion of which could be diverted to other outlets in the unlikely event an emergency in the handling of Grade A milk supplies at country pool plants might occur.

There are several small bottling plants located throughout the production area but not regulated as handlers, which receive their supplies of milk almost exclusively from cooperatives under the order. Such plants normally take milk on only five days during the week, and in varying amounts from season to season. Prior to the advent of the tank delivery system such plants were supplied with milk first received at pool plants, particularly country pool plants. At present the major portion of the milk is diverted from pool plants to such outside bottling plants in farm tanks. Producers testified that since at times all milk in a tank is not unloaded at a single plant, and the trucks sometimes pick up additional milk at farms after a partial unloading, it is not always possible to know which producer's milk is diverted to the outside bottling plant and which remains

in the tank for delivery elsewhere to another outside plant or to a pool plant. Proponents suggested the diversion of milk at the Class I price in order to continue the accommodation of these plants with pooled milk.

Although the milk received by such outside bottling plants historically has been pooled as producer milk, and thereby may be said to have had definite association with the Minneapolis-St. Paul market over a period of time, it may be argued with equal force that the milk needed by such plants is not available to the Minneapolis-St. Paul handlers at any time and therefore, from a marketing standpoint, the connection with the latter market of the producers supplying such milk is only incidental and not based on a proper premise, i. e., that to be pooled their milk should be available to regulated handlers at all times. If it can be shown in fact that such outside bottling plants are an integral part of the Minneapolis-St. Paul market, it would be appropriate at some future hearing to give consideration to the attachment to the presently regulated marketing area of the primary areas in which milk is distributed by these plants. It is concluded that the suggested diversion of milk as Class I should be denied. However, this action would not preclude the available alternatives of receiving producer milk at pool plants and then transferring such milk to unregulated bottling plants or the assignment of dairy farmers to such plants on a permanent basis.

There are a number of unregulated plants at or near the present limits of the milkshed from which milk is shipped in fluid form to other markets. Such plants, with the diversion privilege, are in a position to send milk not needed for outside markets to the Minneapolis-St. Paul market in farm tanks to qualify for base in the fall months and then share in the pool for the remainder of the year as diverted milk. A relatively small outlet in the marketing area could be the vehicle for qualifying as producer milk vastly larger quantities of milk than are actually needed to supply the requirements of the marketing area outlet obtained. Thus, the outside plant operator could qualify substantial quantities of milk for pooling, to share in the returns to all producers, while avoiding full plant qualification through delivery performance on the basis of the plant's total eligible supply, and at the same time reserving attractive outlets on the outside for himself or his own dairy farmers. In addition, the outside plant operator, while qualifying milk for the pool, could avoid the same auditing procedure as is applied in the case of milk in pool plants and the consequent possibility of being charged for overages or shrinkages as in the case of pool plants. The restriction of the diversion privilege to the flush production months, as suggested by certain producer groups, would not mitigate this potential problem. Under these conditions it would be possible for milk never logically a part of the Minneapolis-St. Paul market supply to be pooled with the regular supply of the market, and to dilute the returns of these producers producing the regular supply. Since there are adequate processing facilities for producer milk at country pool plants, the diversion of milk for manufacturing purposes is not required as a means of obtaining adequate outlets.

The present privilege of diverting producer milk also poses the problem of determining when a given quantity of milk has been temporarily moved to a nonpool plant as contrasted to an actual withdrawal, "shift", or disassociation of milk from the market. Under the present order, the plant operator either "shifts" or "diverts" milk at his option. The exercise of this option provides those handlers who are in a position to move milk readily to nonpool plants considerable latitude in the delivery performance required to qualify a supply plant as a pool plant since a "shift" of milk from the market may be used as a device for reducing the total producer milk supply of a plant on a temporary basis even though it is the intention of the plant operator that such supply will be pooled the balance of the year. The delivery performance required of pool plants is defeated if all plants are permitted the option of declaring milk of individual producers either in the pool (by diversion) or out of the pool (by shifting or withdrawal) at will. The exercise of such option by some handlers would provide them an advantage over other handlers not in a position to make such a choice. The requirement that all milk to be considered as producer milk for pooling be received at a pool plant(s) will place all plant operators on equal footing with respect to qualification of milk for the pool and therefore should be adopted.

Therefore, it is concluded that the proposals for the diversion of producer milk as Class I milk and the unlimited diversion in certain months should be denied. The "producer" definition is revised accordingly. In view of the order language adopted it is not necessary to include a definition of "producer for other markets".

(4) The Class I milk definition should be clarified as to sterilized milk and milk drinks in hermetically sealed metal containers.

The major producer organization proposed clarification of that portion of the definition of Class I milk which excludes flavored milk drinks in hermetically sealed containers. They contended that the omission of a reference to the type of material of which the container is composed could make possible the classification as Class II milk of milk drinks produced from Grade A milk and packaged in paper cartons with the words "hermetically sealed" stamped on the container.

The original classification of flavored milk drinks in hermetically sealed containers as Class II milk was limited to such products processed from ungraded milk. Such products sold in this market customarily have been packaged in metal containers. The classification of milk drinks produced from Grade A milk as Class II milk merely as the result of the addition of the words "hermetically sealed" on a paper container would be contrary to the original intent of the Class II milk definition. It is concluded that the classification provisions should be clarified to include in Class II milk any milk or milk drink which is sterilized and packaged in hermetically sealed metal containers.

In view of the discussion of diverted milk under issue No. 3, the Class I definition need not be revised to accommodate milk diverted for fluid use.

(5) The rules regarding the classification of milk involved in interplant movement should be revised.

The order language should be clarified to identify as "transfers" those movements of milk received at pool plants and then moved to other pool plants or to nonpool plants.

The major producer association proposed the classification and pricing as Class I milk of bulk cream which is transferred to a purchaser whose plant is located more than 100 miles from the marketing area. At the hearing, proponents suggested that the proposal be modified to classify as Class I milk only that cream shipped in bulk to a plant located more than 100 miles from the marketing area which packages, processes, or distributes milk or cream in fluid form. This modification would permit dual-type plant operators who have established markets for Grade B cream in distantly located ice cream plants to continue these shipments without the necessity for the classification of an equivalent quantity of Grade A cream as Class I milk. Proponents requested assurance, however, that such cream would not find its way into fluid milk or cream sales at distant plants without classification as Class I milk. They stressed the fact that there are adequate facilities in the Minneapolis-St. Paul market to provide manufacturing outlets for all butterfat in producer milk not needed for Class I uses, and that there is no advantage to producers in the shipment of bulk cream to distant outlets for utilization in products covered by Class II milk.

At the present time, there are facilities available in pool plants to manufacture daily approximately 4.0 million pounds of milk. These facilities provide more than adequate outlets for bulk cream separated from reserves of Class I milk and the seasonal excesses of Grade A milk inasmuch as the total daily receipts of Grade A milk are about 2.5 million pounds. There is little, if any, need for transporting bulk cream to more distant plants for manufacture. In these circumstances the additional expense of verifying the utilization of bulk cream in manufactured products at distant plants in other markets would not be warranted. However, it is not necessary in assuring producers of the full value of their milk when shipped out of the market by the handler to inhibit the sale of Grade B cream for ice cream manufacture in plants located beyond the limits of the milkshed. Thus, it is provided that producer milk will be Class I milk automatically if transferred as cream in bulk to any nonpool plant located more than 100 miles from the Minnesota Transfer Viaduct over University Avenue in St.

Paul which disposes of milk in fluid form on routes.

Other revisions in the transfer provisions have been made for clarification and in recognition of the elimination of the diversion privilege.

(6) The order should be clarified as to the basis of computing, for pricing purposes, the volume of nonfat dry milk and any other condensed milk product used in reconstituting or to fortify Class I milk items.

Producers proposed that the order be made specific concerning the method of determining the volumes of nonfat dry milk and condensed milk products used in the reconstitution or fortification of the various items of Class I milk. By administrative application the volumes of nonfat dry milk or condensed milk products so used are converted to their skim milk "equivalent" and the Class I price is applied to the "equivalent" amount.

Nonfat dry milk or condensed milk products which might be utilized to fortify, or in the reconstitution of, Class I milk products are required to come from Grade A milk. The skim milk from which the milk solids are derived ordinarily are products in Class II milk and priced at the manufacturing milk level. However, when these finished products are converted for Class I utilization the addition of the milk solids increases the value and saleability of the end product in Class I milk. The value of each pound of nonfat milk solids utilized by addition to, or as, a Class I product has a value to the handler the same as every other pound contained therein. Neither the form in which, nor the source from which, such milk solids are obtained alter their value to the handler for this purpose, and they may not be distinguished on the basis of cost of production, need for regular supplies, sanitary requirements, seasonality of production, or value to consumers.

Since the Class I price provisions are designed to encourage producers to deliver an adequate and dependable supply of milk in all seasons, the returns to producers for one portion of Class I milk should not be reduced below the level of the remaining portion disposed of in such class. The effect of computing the value of the added nonfat milk solids on actual weight rather than on a skim milk "equivalent" basis, in a Class I product, would be to alter the accounting method for such solids as compared with an equivalent quantity of such solids contained in skim milk in fluid form which is utilized in the same product, in another Class I product, or even in Class II milk. For example, the actual weight basis of accounting for the added nonfat dry milk used in fortifide skim milk (Class I) has the effect, from a pricing standpoint, of retaining in Class II milk a portion of the producer milk utilized in the production of such Class I product even though it represents the only end use resulting from the producer milk involved. This is equivalent to granting the handler a price reduction with respect to a portion of his Class I milk. Therefore, the accounting procedure to be used in the case of this and any condensed milk product should continue to be based on the pounds of milk or skim milk required to produce such product and a specific provision to this effect is adopted.

(7) The pattern of seasonal adjustments in Class I price differentials and the method of computing supply-demand adjustments should be revised.

The major producers' organization proposed that seasonal adjustments of Class I milk price differentials, which are added to the basic formula price, be revised to the following: $1.00 for November, $0.70 for December through June, and $1.10 for July through October. This revision would reduce differentials 10 cents in November and December and increase differentials 10 cents in May and June.

Proponents supported this proposal for revision in the Class I price differentials primarily on the basis that the proposed differentials would complement, and contribute to the effectiveness of, the base and excess plan in encouraging producers to adjust the production of milk seasonally more in accord with seasonal changes in Class I milk requirements.

Producers have responded to the seasonal changes in Class I price differentials and the base and excess plan by producing relatively more milk in November and December in recent years. For example, producer receipts of Grade A milk increased in November and December 1956, 16 and 19 percent, respectively, as compared to the same months of 1955. Class I sales, on the other hand, have not increased as rapidly as producer receipts in the months of November and December.

The alignment of seasonal changes in the Class I price differentials with the months when base and excess prices are paid should give further encouragement to producers to improve their production pattern. Therefore, it is concluded that the Class I price differentials should be $0.70 for December through June, $1.00 for November, and $1.10 for July through October, as proposed. The annual average of these differentials would not be changed.

In addition, the same producers' organization submitted proposed revisions of the supply-demand adjustment provisions. Proponents would compute a "current" supply-demand ratio by adjusting the Class I utilization percentage for the corresponding month of the previous year by any change from the previous year to the present in the supply-demand ratio (based on data for the second and third preceding months). They proposed that the "standard" monthly supply-demand ratio should be revised to a range of 70–80 percent for the months of July through November, and a range of 60–70 percent December through June. Another proposed revision would change the rate of adjustment to 1 cent per percentage point plus or minus when the proposed "current supply-demand ratio" deviates from the proposed "standard supply-demand ratio".

Producers, in general, contend that the supply-demand adjustments computed under the amendment order of February 1, 1956, have resulted in adjustments to the Class I price that have not accurately reflected supply and demand conditions in the market. They testified that at times the supply-demand adjustments have added to the Class I price when production has increased relative to sales, and subtracted from the Class I price when production has decreased relative to sales. In addition, they stressed the importance of maintaining Class I price adjustments in alignment with those computed under the Chicago order inasmuch as the production areas of the two markets overlap in part, and it is possible to shift some producers or plants between the two markets.

The first supply-demand adjustor employed under this order was the supply-demand adjustor as computed under the Chicago order. This provision applied only when the amount of the adjustment computed was in excess of 6 cents, plus or minus. During the low production seasons of 1954 and 1955, the Minneapolis-St. Paul market experienced relatively short supplies of Grade A milk in relation to the market demand for fluid milk and cream. However, for most of this period the supply-demand adjustments under the Chicago order reduced the Class I price by more than 6 cents and thus, a corresponding minus adjustment was applicable under the Minneapolis-St. Paul order. The minus supply-demand adjustments which applied in the Chicago market during 1954 and 1955 reflected the increase in supplies of milk in relation to sales in such market. The corresponding adjustments applicable under Order No. 73 reduced Class I prices in the Minneapolis-St. Paul market, but did so contrary to supply-demand trends in the market.

The Minneapolis-St. Paul order was amended February 1956, to provide supply-demand adjustments based on the relationship of producer receipts of Grade A milk to Class I sales (volume of fluid milk plus "milk equivalent" of cream) in the local market. The supply-demand provisions, under the amended order, provided for "current supply-demand rations" computed on the basis of the relationship of producer receipts of Grade A milk and Class I sales for the second and third months preceding the month for which the price was being computed. In addition, it provided for "standard supply-demand ratios" computed on the basis of the relationship of producer receipts of Grade A milk and Class I sales in the corresponding months in 1954. This was done simultaneously with the introduction of a marketwide pool and pool plant qualification provisions, which had significant impact on the supplies of milk available for the market. At the same time, ordinances requiring the delivery of Grade A milk were adopted by the two major cities in the marketing area.

Since the February 1956 amendment, supplies of Grade A milk have increased in excess of the increase in the sales of fluid milk and cream. For example, the annual average monthly receipts of producer milk for 1956 increased 20 percent over producer receipts in 1954, whereas Class I sales increased 8 percent in the same period. The increases in producer receipts represent, of course, somewhat greater volumes of milk than the increases in Class I sales since Class I sales represent only about 76 percent of total producer receipts. Producer receipts of Grade A milk have continued, in recent months, to increase at a greater rate than the sales of fluid milk and cream. These increases, mainly through the addition of producers to the market by the cooperative associations, have caused marked changes in the monthly relationships of producer supplies and Class I sales since 1954, the year for which data were used in computing standard utilization percentages for the present order.

Except for the first nine months of 1956, the data submitted by proponents fail to support the claim that the proposed method of computing the "current" supply-demand ratio would alleviate the contra-seasonal effects of the present supply-demand adjustor. There was abundant testimony in the record concerning recent changes in the available supplies of Grade A milk for this market. Any recent change in supply would have only small influence on the adjustment if current supply-demand ratios were based on the experience of the previous year to the extent proposed. There was no showing that the relationship between the experience of the previous year and the standard, or "norm" would provide over a substantial period of time a more accurate basis of estimating immediate and prospective supply and demand conditions than the relationship between the experience of recent months and the norm.

Proponents' proposed standard supply-demand ratios, with a range of 10 percentage points within which no price adjustment would be effective, would minimize to a great extent any changes in price as the result of changes in the relationship of producer receipts and Class I sales. Supply-demand adjustments should be promptly responsive to shifts in the relationship between supply and demand, particularly in a market located in a heavy milk producing region such as east central Minnesota. The provision should be constructed in such a manner that price adjustments are insignificant when market supply and demand are in proper balance—that is, when the market needs are supplied and there is a reasonable reserve of milk. In this connection, it was testified that the market would be adequately supplied when Class I sales are between 80 and 85 percent of supplies at the time during the year when production is at its lowest point. More specifically, in two of the lowest production months of 1956, September and October, when the sales-supply ratios were 88 percent and 86 percent, respectively, it was not necessary to purchase emergency supplies of milk, as had been necessary in corresponding periods of previous years. In view of the above, it is concluded that the standard supply-demand ratios should be revised as follows:

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	88	October–November.
February	82	November–December.
March	78	December–January.
April	73	January–February.
May	71	February–March.
June	70	March–April.
July	68	April–May.
August	66	May–June.
September	70	June–July.
October	82	July–August.
November	88	August–September.
December	88	September–October.

The present order provides for adjusting the Class I price by 2 cents for each 2 full percentage points that the current supply-demand ratio deviates from the standard supply-demand ratio, with a maximum adjustment of 24 cents plus or minus. Proponents proposed that the adjustment rate should be 1 cent per full percentage point. In view of the revisions in the table of standard percentages, and the desirability of somewhat greater flexibility in the adjustment, it is concluded that the adjustment rate should be 1.5 cents per full percentage point, but not to exceed a maximum of 24 cents. Using the adopted standard utilization percentages the average monthly Class I price adjustment in 1956 would have been plus 2.5 cents, as compared to plus 3.4 cents under the present order (the latter adjustment would have been slightly less without the suspension order affecting the Class I price differential and supply-demand adjustments for October and November 1956).

(8) The handler location adjustment provision should be modified for clarification.

Producers proposed that the provision for location adjustment credits to handlers with respect to milk received at various pool plant locations be clarified. It was pointed out that in the past question has been raised as to the location at which the Class I price applies in cases where milk is moved from the plant at which it is received from producers to another pool plant in a different price zone.

The statute provides that "for milk purchased from producers or associations of producers • • • prices shall be uniform as to all handlers, subject only to adjustments for • • • (3) the locations at which delivery of such milk • • • is made to such handlers". Each handler purchasing from producers or from a cooperative association pays for milk received at his plant. The present order should be clarified to eliminate any doubt that the point of pricing to the proprietary handler is his plant when milk is received from a plant operated by a cooperative association. On this principle the obligation of the handler to producers is the same whether the milk is received from individual producers or purchased from a cooperative association after the milk has been first received from individual producers at the cooperative's plant.

The price obligation to the pool of such cooperative association, however, is determined by the zone in which the transferor-plant is located. In the case of milk received from producers at a proprietary handler's plant in one location differential zone and moved to a pool plant in another zone the obligation to the pool with respect to such milk also will be established by the location of the plant where the milk was received from producers. Although the point of pricing to the transferee-handler differs under the two situations described, the place of value of the milk transferred in relation to the pooled value of all milk is determined in each case by the location of the plant where the individual producer's milk is first received.

The proposed clarification of language continues the administrative interpretation of the order now in effect. No opposition testimony was introduced at the hearing.

(9) A butterfat allowance of 0.065 percent should be provided to handlers who are not able to show specific tests as to the butterfat content of skim milk.

There has been an administrative problem with respect to the determination of the butterfat content of skim milk. Handlers with adequate records have been permitted to claim butterfat in skim milk. Some handlers do not have testing equipment adequate to ascertain with reasonable accuracy the butterfat content remaining in skim milk after separation. A study by the market administrator indicates an average butterfat content of approximately 0.065 percent for skim milk used by handlers in manufacturing dairy products. It appears that 0.065 percent is a reasonable factor for use in the absence of adequate tests or records. Butterfat in skim milk may be a substantial factor in the shrinkage experienced by a plant engaged in receiving and separating milk and disposing of the cream and fluid skim milk in different channels.

The proposed amendment would relieve an administrative problem and tend to bring about a greater degree of equity among handlers in determining the butterfat content of skim milk.

(10) The provisions of the order describing the manner in which handlers shall make payments to producers and cooperative associations should be revised.

A producers' association proposed revision of the provisions of the order relating to payments for producer milk. The proposal would (1) provide for payment to a bargaining-type cooperative which collects for its members at the uniform, or blended, price in lieu of payment at class prices, (2) include an interest charge to handlers of 5 percent per annum on overdue payments, and (3) provide for partial, or "advance" payments to producers on or before the 20th day of the month for deliveries during the first 15 days of the month.

Under the present order, a proprietary handler is required to make payment at not less than the class prices for milk received from a bargaining-type cooperative (not operating a plant). Such a cooperative currently is included under the definition of "handler". This requirement makes the association a medium between the market administrator

and the plant operator who received the milk for the obligations of the latter to the producer-settlement and administrative assessment funds. Such an association does not have physical assets in the form of a plant and it is possible that it might have limited financial resources.

The producer-settlement fund, or "pool", is a sensitive method for distributing the proceeds to producers for milk produced for market. It cannot operate to promote the objectives of the order unless equalization payments are made promptly when due. Any failure to so pay monies due the pool represents a serious obstruction to the maintenance of orderly marketing conditions for producers since orderly marketing requires assurance that all producers receive full and prompt payment for their milk. If a condition of uncertainty as to responsibility for pool payments were to exist, the order could not operate effectively to maintain orderly marketing conditions and all producers would lose the principal advantages the regulation affords. In this connection it should be noted that monies owed to the producer-settlement fund by a handler buying from members of a cooperative may not be, on the basis of utilization of the milk at the class prices, monies owing solely to such members, but rather represent monies belonging to producers collectively, including many affiliated with other associations, or possibly with no association. Such is the case whenever the utilization of milk in Class I by the handler settling through the cooperative is greater than the average of such utilization by all handlers in the market, since its members are entitled only to the uniform prices as in the case of other producers. In the event the cooperative has no physical assets and limited financial resources, problems of order enforcement are created which would not exist if payment for milk and administrative assessments were made by the proprietary handler directly to the market administrator.

Under the proposal the proprietary handler receiving milk from members of this type of cooperative would be responsible for remitting directly to the market administrator all monies due producers other than his own as the result of the market equalization of producer returns through the producer-settlement fund. Possible disagreement between the cooperative and the handler as to the adequacy of the payment made, or due, which might result in delay of payment to the producer-settlement fund, or a delay in an enforcement action, may be avoided. The incidence of responsibility would remain with the proprietary handler who actually received and utilized the milk. If the handler failed to pay the producer-settlement fund he would make his assets immediately subject to enforcement action. Thus, the market administrator's ability to enforce payments would be enhanced.

It has been customary in this market for cooperatives which operate pool plants to collect from proprietary handlers at the class prices for milk delivered to the latter. Some of this milk is transferred to the proprietary handlers after receipt at a pool plant. However, an increasing proportion of the market supply is being delivered in farm tanks so that the proprietary handler's plant is the plant of first receipt. In order to facilitate operation of the pool appropriate language is provided to make it clear that payment by the handler for milk received in farm tanks from a cooperative association which operates a pool plant may be made to the cooperative. The cooperative, in turn, is made responsible for payment of any monies due the producer-settlement fund in connection therewith. The provision for payment to the producer-settlement fund by the cooperative is not intended, however, to relieve the proprietary handler of, in the case of failure to pay, any obligation to the cooperative for milk received from the latter.

In view of the above, it is concluded that the proposal under which a bargaining-type cooperative would receive payment for milk for its members at the uniform price (base and excess prices in certain months) should be adopted.

The cooperative association with the greatest number of producers supplying the market applies a 5 percent per annum interest charge with respect to overdue obligations on producer milk sold to proprietary handlers. Such association proposed the marketwide application of the same rate of interest on all producer milk received by handlers. Proponents testified that they do not intend, however, by this proposal that a handler be permitted to defer his obligations to producers indefinitely, or even temporarily, merely by payment of the interest charge.

A charge of interest on monies due producers or the market administrator will encourage prompt payment of obligations by handlers and assist in facilitating the operation of the order. Monies owed producers or the market administrator but retained by handlers beyond the due dates are, in effect, borrowed, and a reasonable charge for interest is proper as payment for the use of such monies. Since a monthly basis of computing obligations is used, the interest rate is established on a similar basis.

A proposal for partial payments, to be made on or before the 20th day of the month of delivery of the milk, was offered by the same producer association. Such payments would apply to milk caused to be delivered to a handler by a cooperative association during the first 15 days of the month. Such a provision had been included in the order at a previous time and proponents sought its reincorporation as part of the plan for producer payments.

Since handlers receive and dispose of most, if not all, of the milk they handle prior to the date on which payment is required, it is only reasonable that payments to producers be made promptly. The provision requested would not require payments to producers in advance of disposition of the milk but would merely expedite such payments. The provision, however, should be made equally applicable to milk received by a handler from producers who are not members of a cooperative association in order to provide a method of payment uniform to all producers.

The rate of partial payment proposed was the Class I price of the preceding month. In view of the ultimate value of milk to producers at the uniform price, it is concluded that a more appropriate basis for partial payments would be the uniform price for the preceding month, except that for any month when base and excess prices are payable, the base price should be used in making partial payments for the succeeding month. Also, in order to remove the possibility that overpayments might be required, partial payment should be made on or before the 25th day (24th day in the case of a cooperative association) of the month, and no partial payment is required in the case of the producer who discontinues the delivery of milk during the month.

(11) The method of assigning plant shrinkage to producer milk and other source milk in dual-type pool plants should be revised; the method of assigning overages should not be revised; a uniform butterfat testing program for milk of individual producers should not be adopted at this time.

Several producer associations proposed the allocation of butterfat and skim milk which is accounted for either as "shrinkage" or "overage" in dual-type plants on a pro rata basis between receipts of Grade A milk and Grade B milk (manufacturing milk). These associations, which have producers of both types of milk as members, object to the assignment of all shrinkage or overage to the Grade A operation regardless of in which operation it may have occurred. They pointed out that this problem has been enhanced by the delivery of milk in farm tanks from farms to market, and the consequent smaller amounts of Grade A milk received in dual-type supply plants.

At the present time, any shrinkage or overage of milk resulting from the operation of a dual-type plant is assigned to the Grade A milk operation. Thus, all overage occurring in this type of plant is classified and priced as Class II milk in the pool to the extent of the Class II milk available, and any balance is classified and priced as Class I milk. All shrinkage, regardless of origin, is assigned to Class I milk and priced accordingly.

Reference has been made to the continuing shift to deliveries of Grade A milk in bulk tanks direct from farms to bottling plants in the market. For at least some of the dual-type supply plants this movement has reduced the proportion of Grade A milk receipts in relation to Grade B receipts. As the proportion of Grade A milk receipts to manufacturing milk receipts decreases, the present method of assigning shrinkage could become burdensome to the manufacturing milk operation. It is not the intent of the shrinkage provisions that the Grade A milk pool should benefit from the fact that a Grade B milk operation also is present in the dual-type plant. The allocation of shrinkage on a pro rata basis should provide equitable treatment with respect to shrinkage resulting from both operations in dual-type pool plants. The assignment of shrinkage in this manner should remove also any disadvantage to regulated plants in relation to unregulated manufacturing plants in the pricing of milk in shrinkage which may have resulted from the previous method of allocation and classification.

The allocation of shrinkage on a pro rata basis will not change the classification of shrinkage, occurring in the Grade A milk operation, as Class I milk. However, that portion of total shrinkage prorated to the manufacturing milk operation will be deducted, as part of other source milk, from the total volume of milk classified as Class II milk.

Under the present order, skim milk and butterfat, including that contained in Grade B milk, is accounted for in Class II milk products (manufactured milk products) on a "used to produce" basis, thus, where other source milk is utilized the weights and producer butterfat tests reported by dual-type handlers are used, in general, to establish the total receipts of such milk and its butterfat content. There should be, in the dual-type plant, little, if any, overage which should be assigned to manufacturing operations inasmuch as the handler is credited with manufacturing milk on the basis of his records of the amounts and butterfat tests of such milk. Thus, it is reasonable to attribute any overage to the Grade A milk operation. Furthermore, to allow overage on manufacturing milk (Class II milk products) according to the relationship of such milk to total receipts of milk in the plant would provide an opportunity to assign, as the result of faulty records or for some other reason, an undue amount of producer milk to Class II milk where substantial amounts of milk are utilized in the manufacturing milk side of the plant. The consistent reporting of overages by certain plants, particularly certain dual-type supply pool plants, was pointed out at the hearing. It was contended that the improper testing of producer milk could be the source of such overages. It is concluded that the allocation of overages on pro rata basis would not insure proper accounting for milk and therefore should be denied. It is further concluded that the present provisions which allocate overages of skim milk and butterfat to the class in which utilized should be continued.

In connection with the proposal to provide for the proration of shrinkage between producer milk and manufacturing milk in a pool plant, a suggestion was made that a complete milk testing program, affecting cooperative members and producers who are not members alike, be instituted by the market administrator to insure that the "undertesting" of milk of individual producers at a pool plant operated by a cooperative will not be practiced in order to secure competitive advantage over other producers in the sale of milk within the market.

The largest association of producers first suggested that the testing program to be carried on by the market administrator for all producers be mandatory, i.e., that handlers (including cooperative handlers) be required to make settlement with the pool on the basis of the determination of tests made by the market administrator. Later in the hearing, however, a representative of such association indicated, on examination, that they would have no objection to a program under which the market administrator would merely "check" the tests made by cooperative handlers in those situations where discrepancies frequently occur. Other cooperatives represented at the hearing were noncommittal on any broad testing program by the market administrator involving members of cooperatives.

Such a program requires financing. Three possible methods of financing were referred to in the record. The major producer association first recommended a special assessment or fee on all producers; later in the hearing the association representative suggested that if such an assessment were not possible from this hearing, a portion of the funds accruing from the administrative assessment on handlers might be utilized for the proposed testing program. As the result of questions asked the representative of such association, a third possible method of financing was mentioned. The latter method would prorate the testing expense to those handlers or cooperatives which consistently show overages of butterfat in their plants.

The ramifications of such a program should be explored more fully before its adoption in the order. The current hearing did not reveal the attitudes of sizeable groups of producers who would be affected. The most outspoken representative of producers did not have a definite program in mind. The question of financing is, of course, important, and might require the revision or elimination of provisions, such as §§ 973.90 and 973.91, in the present order, which were not eligible for modification in any major respect on the notice of this hearing. Recently, the market administrator has embarked on a program of verifying tests of milk and products as shipped from country pool plants to bottling plants. This, and certain order revisions included in this decision, may relieve in large measure some of the problems underlying the proposal for a uniform butterfat testing program. In view of the above, it is concluded that the proposal for a marketwide milk testing program of producer milk by the market administrator should not be adopted at this time.

(12) The base-rating provisions should be modified.

The provisions for the computation and transfer of producer bases were reviewed in connection with other proposals offered at the hearing, particularly proposals regarding pool plant qualification requirements and the diversion of producer milk supplies.

The present base computation provisions should be clarified as to the applicability of such provisions to milk delivered by dairy farmers to a plant which becomes a pool plant after the beginning (July 1) of the base-making period. Since the purpose of the base-rating provisions are to encourage producers to deliver milk more evenly throughout the year in accordance with the relatively even seasonal pattern of fluid milk and cream sales, dairy farmers should be eligible to receive bases computed on their deliveries, during the July–October period, to the plant at which their milk is received, even though the plant may become a pool plant on a subsequent date. In this connection, it is necessary to insure that the base-rating provisions will not impede the entry of a new plant into the market where dairy farmers under the "new producer" clause of such provisions would receive a base of 30 percent of their deliveries. Producers at such plants should be given an opportunity to establish bases on terms equal with producers whose milk was received at a pool plant during the July–October base-making period. Dairy farmers brought onto the market through entry of a plant do not have control, as individuals, over the ultimate destination of their milk. For this reason it should be provided that such dairy farmers will receive a base calculated in the same manner as producers already on the market. However, to accomplish this it is necessary that such plant furnish to the market administrator records of its receipts from each such producer during the preceding base-making period. If such information is not made available to the market administrator with respect to any producer delivering to such plant, such a producer necessarily would be allowed status as a new producer under the base computation provisions until he could establish a base in the next base-making period. The revision will assure dairy farmers coming onto the market in this way that they will not be denied a base computed in the same manner as other producers simply because, for one reason or another, the plant receiving their milk did not qualify as a pool plant for the full base-making period.

Another issue involved transfers of base. The major producer association, marketing more than 80 percent of the producer milk received by bottling plants in the marketing area, complains that producers frequently sell bases to other producers, often to producers who are new to the market. They point out that producers who have striven to level production have observed new producers purchase bases without the necessity of developing an even production pattern through past effort. Thus, it is alleged that a new producer may "buy" his way into the market on an equal standing with producers who have demonstrated their ability to produce in accordance with the seasonal needs of the market.

The transfer of bases from a producer to another producer who has no base is not detrimental to the returns of other producers since it does not increase the total amount of base milk computed. The order currently prevents any producer from inflating, through a transfer the total amount of base computed for all producers, by designating as excess milk any milk delivered by the transferor producer after the transfer but prior to the next July 1. Although in certain

instances under base plans effective only a few months of the year administrative convenience has dictated some limitation on transfers, the restrictions suggested if applied in connection with a base plan which is operative over a six months' period, as in Minneapolis-St. Paul, could develop more significant problems than those presented. It is concluded that the base transfer provisions should not be revised.

A further revision of the base computation provisions should be made to insure that producers will make base in accordance with their respective abilities to deliver milk during the entire base-making period. The producer who enters the market after the base-making period begins, or the producer who leaves the market before the end of such period, does not serve to supply the market to the same extent as the producer who is on the market during the entire period. The present plan permits the producer considerable leeway insofar as deliveries are concerned before his base is reduced by infrequency of deliveries during the base-making period. Under the present provision all daily bases of regular producers are computed by dividing total deliveries in the four-month (July–October) period by the number of days of production represented by such deliveries, but not less than 90.

Revision of the computation to employ in the computation the full number of days from the date of the producer's first delivery during the base-making period to the end of the period (October 31), but not less than 105 days, will give added incentive to producers to stay on the market during the entire base-making period, and will provide maximum base in relation to deliveries to those producers who supply milk during the entire four-month period. Under this plan a producer must deliver a major share of the base-making period to receive his maximum base. On the other hand, setting the minimum number of days of delivery to be used in the calculation of base at 105 will insure a degree of flexibility so that the producer will not be unduly penalized for temporary interruption to his delivery of milk caused by disaster, degrading of his milk by the health authorities, or other temporary conditions beyond his control.

(13) Certain changes should be made to incorporate a number of conforming and clarifying changes in order language for administrative purposes.

The section of the order entitled "Other source milk diverted by a cooperative" should be deleted. Since the amendment of the order to replace individual-handler pools with a market-wide pool, this section has had no significance.

The term "delivery period" should be replaced by the term "month" wherever used in the order since the latter term is precisely descriptive of the period of time involved in those instances where the term "delivery period" has been used under various provisions of the order.

In connection with testimony relating to the definitions of "plant", "pool plant", and "producer" reference was made to the shifting of plants previously under the Chicago order to regulation under the Minneapolis-St. Paul order. It is foreseeable that quantities of milk from a single handler could be sent to both of these markets. Under the present provisions of the order a handler in the Minneapolis-St. Paul market delivering only minor amounts of milk to another Federally regulated market could have his plant regulated under the order for the latter market, even though such handler were delivering the major portion of his milk locally. The proximity of other Federal order markets, such as Duluth-Superior, further enhances this possibility which would be contrary to the principle of applying the regulation on the basis of primary association with a market. Therefore, in order to follow this principle throughout the order, it is concluded that the provision which permits a handler exemption from regulation under more than one order should be revised to provide that a handler must dispose of a greater portion of his milk in the area regulated by another milk marketing agreement or order than by the Minneapolis-St. Paul order, and such milk must be fully subject to class pricing and pooling under the other regulation to be exempt from this regulation.

Certain minor conforming changes in the order have been necessitated and made in recognition of the changes proposed with issues discussed previously. These changes do not have substantive effect on the operations of the order.

The order should be redrafted and reissued because of the substantial number of changes resulting from amendments proposed herein and the conforming changes involved.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

§ 973.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 973.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 973.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 973.4 *Minneapolis-St. Paul, Minnesota, marketing area.* "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory (a) within the corporate limits of the cities of Minneapolis, Robbinsdale and Wayzata, in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear Lake, in Ramsey County; and West St. Paul and South St. Paul, in Dakota County; and (b) within the following townships and villages: Brooklyn township, Crystal village, St. Anthony village, Golden Valley village, St. Louis Park village, Orono township, Excelsior village, Excelsior township, Minnetonka township, Edina village, Bloomington township, and Richfield village in Hennepin County; Fridley village and Fridley township, in Anoka County; Mounds View township, White Bear township, Falcon Heights village, Lauderdale village, Roseville village, and New Canada township, in Ramsey County; Grant township, Oakdale township, Woodbury township, Cottage Grove township, Newport township, and Newport village, in Washington County; and Mendota township, Mendota village, Inver Grove township and Inver Grove village in Dakota County; all in the State of Minnesota.

§ 973.5 *Market administrator.* "Market administrator" means the person designator pursuant to § 973.20 as the agency for the administration of this order.

§ 973.6 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 973.7 *Route.* "Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop, including any governmentally operated institution, but excluding any disposition of skim milk or butterfat not eligible for sale in fluid form as Grade A milk or cream in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 973.8 *Plant.* "Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. Under this definition any separate portion of a premises or facilities qualified under § 973.9 (b) used to receive, process, or otherwise handle milk which is subject to the class price provisions of another milk marketing agreement or order issued pursuant to the act shall be deemed to be a separate plant. This definition shall not include any building, premises, facilities, or equipment used primarily (a) to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s), or (b) to transfer milk from one conveyance to another in transit from farm to plant of first receipt.

§ 973.9 *Pool plant.* "Pool plant" means any plant meeting the conditions of paragraphs (a) or (b) of this section, but not any plant withdrawn pursuant to paragraph (d) of this section, any plant exempt pursuant to § 973.62, or the plant of a producer-handler.

(a) A plant in which milk is processed or packaged and from which not less than 15 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area, is equal to 40 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area in any of the months of January through June, or to 60 percent or more of such total receipts in any of the months of July through December; or

(b) (1) Except as provided in subparagraph (2) of this paragraph and subject to paragraph (c) of this section, any plant from which during any month 50 percent or more of such plant's total receipts for such month of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (i) a plant(s) which has qualified pursuant to paragraph (a) of this section, (ii) any other plant(s) located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (iii) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided*, That if during each of the months of July through October, beginning in 1958, 50 percent or more of such plant's total receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following June: *And provided further*, That if during each of the months of August through November 1957, 50 percent or more of such plant's total receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through June 1958;

(2) Producer milk which was received on more than 45 days during the months of April, May, and June 1957 at a pool plant qualified under this paragraph, which milk is caused to be delivered from farms to a pool plant(s) described in paragraph (a) of this section during any of the months of August, September, October, or November 1957, shall be considered for the purposes of this paragraph as having been received at the plant at which it was received during April, May, and June 1957, and as having been shipped from thence to the plant(s) described in paragraph (a) of this section: *Provided*, That the producers of such milk are listed on the payroll reports (of the respective plants) submitted pursuant to § 973.32 and appropriately noted on the reports of receipts and utilization submitted pursuant to § 973.30.

(c) Beginning with July 1958, two or more pool plants may be considered as a unit for the purpose of computation of the required percentage of deliveries prescribed in paragraph (b) (1) of this section in maintaining pool plant status pursuant to such subparagraph: *Provided*, That the market administrator is given written notice by handler(s) operating such plants which specifies the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in the designation of plants to be included in the unit, shall be furnished on or before the 8th day following the month to which the notice applies. In any of the months of November through June a unit shall not include any such plant which was not qualified as a pool plant either individually or as a member of another unit, during each of the preceding months of July through October, inclusive;

(d) Upon notice by the handler in writing received by the market administrator, or postmarked, on or before the last day of any month, any plant qualified as a pool plant pursuant to paragraph (b) of this section may be withdrawn from pool plant status beginning with the next month: *Provided however*, That any such plant withdrawn from pool plant status may not regain status prior to the next July 1 and then only by meeting the requirements set forth prior to the first proviso in paragraph (b) (1) of this section in the manner of a plant qualifying for pool plant status for the first time.

§ 973.10 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

§ 973.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is received from the farm at a pool plant.

§ 973.12 *Producer milk.* "Producer milk" or "milk received from producers" means milk produced by one or more producers (as defined in § 973.11).

§ 973.13 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant(s): *Provided*, That any cooperative association qualifying as a handler pursuant to this paragraph shall be, for the purposes of making payments pursuant to § 973.84, the handler also with respect to producer milk caused to be delivered from the account of such association from the farms of producers to the pool plant(s) of another handler(s); or (b) any person in his capacity as the operator of any other plant from which milk is disposed of as Class I milk within the marketing area on a route(s). This definition shall not apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities.

§ 973.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 973.15 *Producer-handler.* "Producer-handler" means any person who both produces milk eligible for sale in fluid form as Grade A milk within the marketing area and is a handler, and who receives no milk directly from the farms of other producers and not more than 50,000 pounds of milk (3.5 percent milk equivalent of butterfat) during the month from other handlers which are cooperative associations: *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, packaging, or distribution of such milk are the personal enterprise, and the personal risk, of such person.

§ 973.16 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that skim milk and butterfat (a) contained in producer milk, and (b) received from a pool plant(s).

§ 973.17 *Base milk.* "Base milk" means producer milk received by a handler from a producer(s) during each of the months of January through June which is not in excess of such producer's daily base computed pursuant to § 973.75, multiplied by the number of days in such month.

§ 973.18 *Excess milk.* "Excess milk" means producer milk received by a handler from a producer(s) during each of the months of January through June

which is in excess of base milk received from such producer during such month.

MARKET ADMINISTRATOR

§ 973.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 973.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 973.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 973.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.91;

(c) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 973.30 or (2) made payments pursuant to §§ 973.80, 973.84, and 973.86; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(e) Verify each handler's reports and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(f) Prepare and disseminate to the public such statistics and information concerning the operations under this order as he deems advisable and as do not reveal confidential information;

(g) On or before the 5th working day of each month, mail to all handlers and make public announcement of the Class I price computed pursuant to § 973.53, and the butterfat differential computed pursuant to § 973.56 (a) for the then current month, and the Class II price computed pursuant to § 973.54 and the butterfat differential computed pursuant to § 973.56 (b) for the preceding month; and

(h) On or before the 13th day after the end of each month, mail to all handlers and make public announcement of the uniform price computed pursuant to § 973.71, or the uniform prices for base milk and excess milk computed pursuant to § 973.72, whichever is applicable.

REPORTS, RECORDS AND FACILITIES

§ 973.30 *Monthly reports of receipts and utilization.* (a) On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 973.13 (a) shall report to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class II milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other pool plants.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including on a skim milk equivalent basis any nonfat milk solids used to fortify (or as an additive to) any milk product as described in § 973.45, and including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(4) The aggregate quantities of base milk and excess milk received (for January through June); and

(5) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) On or before the 8th day after the end of each month, each handler who operates a nonpool plant as referred to in § 973.13 (b) shall report to the market administrator his total receipts, his utilization of milk and milk products, his total disposition of Class I milk, including as a separate figure the quantity of Class I milk disposed of within the marketing area on routes, and such other information with respect to all receipts and utilization as the market administrator may prescribe.

§ 973.31 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

§ 973.32 *Reports as to producers and cooperative associations of producers.* On or before the last day of each month, each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (a) the total pounds of milk delivered with the average butterfat test thereof, and (b) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved.

§ 973.33 *Records and facilities.* Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights, and tests for butterfat and for other content, of all other skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 973.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 973.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by each handler during each month which is required to be reported pursuant to § 973.30 (a) and (b) shall be classified by the market administrator pursuant to the provisions of §§ 973.41 through 973.46.

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 through 973.46, inclusive, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk, flavored milk drinks (except any such item disposed of as animal feed and sterilized milk or milk drinks in metal containers hermetically sealed), cream (sweet or sour, including mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream), and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section, including shrinkage computed pursuant to § 973.42 not eligible for classification as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) stored in a public cold storage warehouse as frozen cream, contained in any item included under paragraph (a) of this section disposed of as animal feed, or used to produce a milk product other than those specified in paragraph (a) of this section; and (2) in shrinkage assigned to other source milk pursuant to § 973.42.

§ 973.42 *Shrinkage.* The market administrator shall determine, for each handler, shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each of such handler's pool plants separately; and

(b) Prorate the sum of the shrinkages of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between receipts at such plant of producer milk and other source milk.

§ 973.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 973.44 *Interplant movements.* Skim milk and butterfat transferred by a handler from a pool plant in any of the forms specified in § 973.41 (a) to a pool plant or a nonpool plant shall be classified as provided in paragraphs (a), (b), and (c) of this section.

(a) As Class I milk if transferred to another pool plant unless utilization in Class II milk is mutually indicated to the market administrator in the reports submitted for both such plants for the month in which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class at the transferee plant: *Provided*, That if other source milk has been received at either or both plants, the milk so transferred shall be classified at both plants so as to return the higher class utilization to producer milk;

(b) As Class II milk if transferred in bulk to a nonpool plant, except as provided in paragraph (c) (2) and (3) of this section: *Provided*, That (1) the handler claims the transfer as Class II milk on his report of receipts and utilization submitted on or before the 8th day after the end of the month in which the transfer was made; (2) records are maintained for the nonpool plant which show the receipts and utilization of all skim milk and butterfat at such plant, including the transferred quantities, and such records are made available to the market administrator for purposes of verification; and (3) there had been actually utilized in such nonpool plant not less than an equivalent amount of skim milk and butterfat (i) in frozen cream for storage in such plant or at a public cold storage warehouse, or (ii) to produce a milk product included in Class II milk: *Provided*, That if verification of such records does not disclose that an equivalent amount of skim milk and butterfat had been used in such products of Class II milk, the balance of skim milk and butterfat so transferred shall be classified as Class I milk;

(c) As Class I milk if transferred to a nonpool plant: (1) In consumer packages; (2) in bulk as any such item of § 973.41 (a), except cream, to a plant located more than 100 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota; or (3) in bulk as cream to a plant located as described in subparagraph (2) of this paragraph from which milk is disposed of in fluid form on routes.

§ 973.45 *Computation of milk in each class.* For each month the market administrator shall correct mathematical and other obvious errors in the monthly report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler: *Provided*, That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, and any other product condensed from milk or skim milk, are utilized by such handler either (a) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (b) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

§ 973.46 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall determine the classification of milk received from producers in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided*, That if the pounds of skim milk in other source milk exceeds the total pounds of skim milk classified as Class II milk, an amount equal to the difference shall be subtracted from Class I milk: *Provided further*, That any other source milk subject to the class price provisions of another marketing agreement or order issued pursuant to the act shall be allocated to Class I milk before any additional other source milk is so allocated;

(2) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk contained in receipts from other pool plants, in accordance with its classification as determined pursuant to § 973.44 (a); and

(3) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II milk. Any amount in excess of that in Class II milk shall be subtracted from Class I milk. The amounts so subtracted shall be called "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 973.50 *Class prices.* Each handler shall pay, at the time and in the manner set forth in §§ 973.80 through 973.84, not less than the prices set forth in §§ 973.53 and 973.54 for all milk received during each month from producers and cooperative associations: *Provided*, That with respect to skim milk and butterfat transferred from the pool plant of, or caused to be delivered as producer milk by, a cooperative association which is a handler to the pool plant of another handler, the applicable class price shall be that for the location of the latter plant.

§ 973.51 *Basic formula price.* The basic formula price to be used in determining the Class I price shall be the highest of the following: The price for Class II milk computed pursuant to § 973.54 for the preceding month, or the prices computed from the formulas set forth in paragraphs (a) and (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the preceding month at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Companies and Locations
Borden Co., Mount Pleasant, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) (1) Multiply by 6 the simple average of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York, as reported by the Department of Agriculture during the preceding month; (2) add 2.4 times the weekly prevailing price of "Cheddars" during the preceding month on the Wisconsin Cheese Exchange, as reported by the Department of Agriculture; (3) divide the resulting sum by 7; (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

§ 973.52 *Supply and demand ratio.* On or before the 5th working day of each

month the market administrator shall make the following computations based upon information obtained from handlers' reports of receipts and utilization:

(a) Determine the total receipts of milk from all producers (including receipts from own farm production) during the second and third preceding months;

(b) Determine the total pounds of milk and milk products disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk, but converting cream to its 3.5 percent milk equivalent) during the same two months; and

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio."

§ 973.53 *Class I price.* Subject to the differentials provided in §§ 973.55 and 973.56 (a), the price for Class I milk shall be the basic formula price computed pursuant to § 973.51, plus 70 cents for the months of December through June; plus $1.10 for July through October; and plus $1.00 for November: *Provided,* That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio:

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	88	October–November.
February	82	November–December.
March	78	December–January.
April	73	January–February.
May	71	February–March.
June	70	March–April.
July	68	April–May.
August	66	May–June.
September	70	June–July.
October	82	July–August.
November	88	August–September.
December	88	September–October.

§ 973.54 *Class II price.* Subject to the differential computed pursuant to § 973.56 (b) the price for Class II milk shall be that computed by the market administrator as follows: (1) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York, as reported by the Department of Agriculture during the month; (2) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk, for human consumption f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and (4) subtract 75.2 cents therefrom.

§ 973.55 *Location differential to handlers.* (a) With respect to milk received as producer milk at a pool plant and classified as Class I milk, the price per hundredweight computed pursuant to § 973.53 shall be reduced by the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

Miles:	Cents
0 to 15	0
15 to 20	8
20 to 30	10
30 to 40	12
40 to 50	14
50 to 60	15
60 to 70	16
70 or over	[1]17

[1] Plus an additional 1-cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 973.56 *Butterfat differentials to handlers.* If the average butterfat content of the Class I milk or Class II milk, computed pursuant to § 973.46 (c), for any handler for the month is more or less than 3.5 percent, there shall be added to, or subtracted from, the applicable class price per hundredweight, computed pursuant to §§ 973.53 and 973.54, for each one-tenth of 1 percent that the average butterfat content of such class is above or below 3.5 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the Department of Agriculture for the preceding month, add 25 percent during each of the months of December through June, and 35 percent during each of the remaining months, and divide the sum obtained by 10.

(b) *Class II milk.* To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the Department of Agriculture for the month, add 21.14 percent, and divide the sum obtained by 10.

§ 973.57 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to, or comparable with, the price specified.

APPLICATION OF PROVISIONS

§ 973.60 *Application to producer-handlers.* Sections 973.40 through 973.46, 973.50 through 973.56, 973.62 through 973.64, 973.70 through 973.73, 973.75 through 973.77, 973.80 through 973.87 and 973.90 through 973.93 shall not apply to the handling of milk by producer-handlers.

§ 973.61 *Producer-handlers.* Any handler claiming producer-handler status shall furnish to the market administrator, for verification, evidence of his qualifications as a producer-handler pursuant to § 973.15 and shall furnish evidence of subsequent changes made in the manner of producing, securing, or distributing milk that affect such qualifications as a producer-handler; such verification by the market administrator shall be made within 15 days of receipt of the evidence and shall be effective as of the first day of the month during which verification is made.

§ 973.62 *Milk under more than one Federal order.* Milk received at a plant qualified as a pool plant under § 973.9 (a) shall be exempt from the provisions of this order if the conditions of paragraphs (a) and (b) of this section are met: *Provided,* That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 973.33:

(a) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the act either on routes or through plants regulated by such other marketing agreement or order than is disposed of from such plant in the Minneapolis-St. Paul marketing area either on routes or through other pool plants; and

(b) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

§ 973.63 *Payment for overage.* If any skim milk or butter fat has been subtracted pursuant to § 973.46 (a)[3] (3) or (b) the market administrator, in computing the value of milk for any handler pursuant to § 973.70, including a handler whose sole source of supply is a pool plant(s), shall add an amount computed by multiplying the pounds of skim milk or butterfat so subtracted by the applicable class price.

§ 973.64 *Butterfat in fluid skim milk.* A handler may claim, for classification purposes, pursuant to §§ 973.40 through 973.46, butterfat in skim milk either disposed of to others or used in the manufacture of milk products, by specifying the butterfat content of such skim milk in his report for the month filed pursuant to § 973.30 (a), or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.065 percent as the butterfat content per hundredweight of such skim milk: *Provided,* That if the handler at any time after discontinuing the accounting of butterfat in skim milk desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the month during which such change shall become effective.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 973.70 *Computation of the value of milk.* (a) For each month the total value of the milk received by each handler from producers or associations of producers (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association) during such month shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class prices, adding together the resulting amounts, and adding any amounts computed for such handler pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Any amount computed pursuant to § 973.63; and

(2) If any skim milk or butterfat received in other source milk (except other source milk which is classified and priced under the class price provisions of another marketing order issued pursuant to the act) has been allocated to Class I pursuant to § 973.46 in any month when total receipts of producer milk at all pool plants exceed 105 percent of Class I milk, the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and at the Class II price.

(b) For each month the total obligation to the producer-settlement fund for each handler who during such month disposed of Class I milk within the marketing area on routes from a nonpool plant shall be a sum of money computed by the market administrator by multiplying the pounds of skim milk or butterfat in other source milk so disposed of by the difference between the applicable Class I milk and Class II milk prices: *Provided,* That this paragraph shall not apply for any month in which the total receipts of producer milk at all pool plants do not exceed 105 percent of Class I milk.

§ 973.71 *Computation of uniform price.* For each of the months of July through December, the market administrator shall compute a uniform price per hundredweight for producer milk as follows:

(a) Combine into one total the values computed pursuant to § 973.70 for all handlers who filed reports pursuant to § 973.30, and who are not in violation of §§ 973.70, 973.80 or 973.84 for the preceding month;

(b) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.81, and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 973.82;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for milk of 3.5 percent butterfat content.

§ 973.72 *Computation of uniform price for base milk.* For each of the months of January through June, the market administrator shall compute a price per hundredweight for base milk of producers as follows:

(a) Make the same computations required pursuant to § 973.71 (a), (b), (c), and (d);

(b) Subtract an amount computed by multiplying the pounds of excess milk included in these computations by the Class II price plus 8 cents (hereinafter referred to as the "uniform price for excess milk" of 3.5 percent butterfat content);

(c) Divide the resulting sum by the total hundredweight of base milk included in these computations; and

(d) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "unifom price for base milk" of 3.5 percent butterfat content.

§ 973.73 *Notification of handlers.* On or before the 13th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class, computed pursuant to §§ 973.46 and 973.70, and the totals of such amounts and values;

(b) The uniform price (§ 973.71), or the uniform prices for base milk and excess milk (§ 973.72), whichever is applicable;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The amounts to be paid by each handler pursuant to §§ 973.80, 973.84, 973.86, 973.90, 973.91 and 973.92.

DETERMINATION OF BASES

§ 973.75 *Computation of base for each producer.* (a) Each producer whose milk is received at a pool plant(s) during any portion of the period July–October, inclusive, shall have a daily base computed by the market administrator, to be applicable during the following January through June, inclusive, equal to the total pounds of such producer's milk so delivered in the 4-month period divided by the number of days, but not less than 105 days, from the date of his first delivery in such 4-month period to, and including, October 31: *Provided,* That the daily base of any producer whose milk was received during any portion of such July–October period at a plant which subsequently is qualified as a pool plant shall be computed, in similar manner, on the basis of such producer's deliveries to such plant in such July–October period.

(b) Any producer not eligible to receive a base pursuant to the provisions of paragraph (a) of this section, including any producer for whom a base may not be computed pursuant to paragraph (a) of this section because of lack of information concerning such producer's deliveries in the applicable July–October period, shall have a base for each of the months of January through June equal to 30 percent of such producer's deliveries to a pool plant during such month.

§ 973.76 *Establishing new bases.* Any producer for whom a base has been established pursuant to § 973.75 (a) may relinquish such base for the following base-paying period by notifying the market administrator prior to December 31. The daily base of such producer shall then be determined pursuant to § 973.75 (b).

§ 973.77 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period.

(b) The base of a producer may be moved from one handler to another, and may be transferred from such producer to another producer: *Provided,* That all deliveries of milk by a producer who has transferred his base to another producer shall be excess milk until July 1 next following such transfer.

PAYMENTS FOR MILK

§ 973.80 *Time and method of payment.* Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) On or before the 10th day after the end of the month in which the skim milk or butterfat was received, to a cooperative association which is a handler, at not less than the applicable class prices for all skim milk and butterfat received from a pool plant(s) operated by such cooperative association or caused by it to be delivered to such handler from producers' farms, less the amount of payment made pursuant to paragraph (c) of this section.

(b) On or before the 21st day after the end of the month during which the milk was received, to each producer for milk not caused to be delivered to such handler by a cooperative association which is a handler, as follows: *Provided,* That such payment shall be made, upon request, to a cooperative association which is not a handler, or to its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 20th day after the end of such month.

(1) For the months of July through December, at not less than the uniform

price computed pursuant to § 973.71, subject to the butterfat and location differentials set forth in §§ 973.81 and 973.82, and less the amount of payment made pursuant to paragraph (c) of this section; and

(2) For the months of January through June, at not less than the price for base milk computed pursuant to § 973.72 for all base milk received from such producer, and at not less than the uniform price for excess milk for all milk received from such producer in excess of his base milk, subject in both cases to the butterfat and location differentials set forth in §§ 973.81 and 973.82, and less the amount of payment made pursuant to paragraph (c) of this section.

(c) Handlers shall make partial payments to producers and cooperative associations pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That in the event any producer discontinues shipping to such handler during the month, such partial payment shall not be made and full payment for all milk received from such producer during such month shall be made pursuant to paragraphs (a) and (b) of this section.

(1) On or before the 25th of each month, each handler shall make payment, except as set forth in subparagraph (2) of this section, to each producer, at not less than the applicable uniform price computed pursuant to §§ 973.71 (f) or 973.72 (d) for the preceding month, for the milk of such producer received by such handler during the first 15 days of the current month;

(2) On or before the 24th day of each month, each handler shall make payment to a cooperative association which is not a handler for milk of producers from whom such association has received written authorization to collect payment, at not less than such uniform price for the preceding month, for all such milk received by such handler during the first 15 days of the current month; and

(3) On or before the 24th day of each month, each handler shall make payment to a cooperative association which is a handler, at not less than the applicable uniform price for the preceding month pursuant to §§ 973.71 (f) or 973.72 (d), for all skim milk and butterfat received from a pool plant(s) operated by such cooperative association, or caused by such association to be delivered from the producers' farms to such handler, during the first 15 days of the current month.

(4) All payments made pursuant to this paragraph shall be subject to the butterfat and location differentials pursuant to §§ 973.81 and 973.82.

§ 973.81 *Butterfat differential to producers.* If, during the month, any handler has received milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in § 973.80 (b) and (c), shall add to the applicable price, for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent not less than, and shall deduct for each one-tenth of one percent that such average butterfat content is below 3.5 percent not more than, an amount computed by adding 21.14 percent to the simple average of the daily wholesale selling prices per pound of Grade AA (93-score) butter at New York, as reported by the Department of Agriculture during the month, and dividing the sum obtained by 10.

§ 973.82 *Location differential to producers.* In making payments pursuant to § 973.80 (b) and (c) for milk received at a pool plant, each handler shall deduct from the applicable price payable to such producers the amount indicated below for the distance that such pool plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

Miles:	Cents
0 to 15	0
15 to 20	8
20 to 30	10
30 to 40	12
40 to 50	14
50 to 60	15
60 to 70	16
70 or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 973.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 973.84 and 973.86 and out of which he shall make all payments due handlers pursuant to §§ 973.85 and 973.86: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 973.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each month each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, as follows:

(a) Each handler who operates a pool plant(s) shall pay the amount, if any, by which the total value computed for him pursuant to § 973.70 (a) for such month is greater than the total of the amounts payable by such handler pursuant to § 973.80 (b) and (c): *Provided*, That payment made by a cooperative association as a handler pursuant to this paragraph with respect to milk transferred to another handler from the pool plant of such cooperative association, or caused to be delivered to such handler from the farms of producers for the account of such cooperative association, shall not relieve the transferee-handler of any obligation on any such milk which is due the cooperative association, or otherwise due pursuant to §§ 973.80 through 973.92, inclusive;

(b) Each handler who receives his entire supply of milk from a pool plant(s) shall pay the amount, if any, computed for him pursuant to § 973.63; and

(c) Each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who disposes of milk as described in § 973.70 (b) shall pay the amount computed for him pursuant to such paragraph.

§ 973.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each month, the market administrator shall pay, subject to the proviso of § 973.83, to each handler for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 973.80 (b) and (c) is more than the total computed for him pursuant to § 973.70 (a).

§ 973.86 *Adjustments to payments.* (a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments to the producer-settlement fund pursuant to § 973.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payment to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 973.80, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 973.87 *Statement to producers.* In making payment to individual producers as required by § 973.80, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month involved, and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk received from the producer, and for the months of January through June, the pounds of base milk and the pounds of excess milk;

(c) The minimum rate (or rates) at which payment to the producer is required pursuant to § 973.80;

(d) The rate used in making the payment if such rate is other than the applicable minimum;

(e) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.91, together with a description of the respective deductions; and

(f) The net amount of the payment to the producer.

MISCELLANEOUS

§ 973.90 *Expense of administration.* (a) As his pro rata share of the expense of the administration hereof, each handler who operates a pool plant(s) shall pay to the market administrator, on or before the 15th day after the end of the month, 1.5 cents per hundredweight, or such amount not exceeding 1.5 cents per hundredweight as the Secretary from time to time may prescribe, with respect to all receipts within the month of (1) producer milk, including such handler's own farm production, and (2) other source milk which is classified as Class I milk.

(b) Each handler who does not operate a pool plant(s) shall make such payment only with respect to other source milk disposed of as Class I milk within the marketing area on routes.

§ 973.91 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 973.80, shall make a deduction of 2 cents per hundredweight, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 18th day after the end of such month. Such monies shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from, said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.92 *Adjustment of overdue accounts.* Any balance due from a handler pursuant to §§ 973.80, 973.84, 973.86 and this section for which remittance has not been made by the close of business on the last day of any month shall be increased 1/10 of 1 percent on the first day of the following month.

§ 973.93 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, by the handler against whom the obligation is sought to be imposed; and

(d) Any obligation of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 973.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

EFFECTIVE TIME, SUSPENSION AND TERMINATION

§ 973.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 973.101.

§ 973.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 973.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 973.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Issued at Washington, D. C., this 12th day of July 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-5831; Filed, July 17, 1957; 8:45 a. m.]

[7 CFR Part 982]

[Docket Nos. AO-298; AO-238-A8]

MILK IN RED RIVER VALLEY AND CENTRAL WEST TEXAS MARKETING AREAS

PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Zodiac Room of the Kemp Hotel in Wichita Falls, Texas, beginning at 10:00 a. m., c. s. t., on August 6, 1957.

Subjects and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Red River Valley marketing area and the Central West Texas marketing area and to the alternative possibilities of expanding the present Central West Texas marketing area or of issuing a separate order to regulate the handling of milk in the Red River Valley marketing area, which area might include all or a portion of the area proposed to be added to the Central West Texas marketing area.

The hearing on the proposed marketing agreement and order proposals therefore is to determine whether (1) the handling of milk in the additional area proposed to be regulated is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects interstate or foreign commerce, (2) the issuance of a marketing agreement or order regulating all or a portion of the proposed area, or the extension of the Central West Texas marketing area to include all or a portion of such area is justified, and (3) the provisions specified in the proposals or some other provisions, appropriate to the terms of the Agricultural Marketing Agreement Act, will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Marketing agreement and order regulating the handling of milk in the Red River Valley Marketing Area proposed by the Central Oklahoma Milk Producers Association.

DEFINITIONS

§ .1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ .2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ .3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency as may be authorized to perform the price reporting functions specified in this part.

§ .4 *Red River Valley marketing area.* "Red River Valley marketing area", hereinafter called "marketing area" means all territory included within the counties of Comanche, Carter, Murray, Grady, Tillman, Cotton, Jackson and Kiowa, all within the State of Oklahoma, and Archer, Clay, Wichita, Wilbarger, Hardeman, Cottle, King, Knox, Baylor, Throckmorton, Young, Jack, Foard and Palo Pinto, all within the State of Texas, including the Sheppard Air Force Base, the Altus Air Force Base, the Ft. Sill Artillery and Guided Missile School and all other installations of the Federal Government included within the above specified counties.

§ .5 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ .6 *Producer.* "Producer" means any person other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received during the month at a pool plant: *Provided,* That if such milk is diverted from a pool plant by a handler as defined in § .12 (a) to a nonpool plant for his account, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted: *And provided further,* That if such milk is diverted from a pool plant by a handler as defined in § .12 (b) to a nonpool plant for his account any day during the months of February through August, or on not more than 10 days during any month, the milk so diverted shall be deemed to have been received at a pool plant as the location of the plant from which diverted.

§ .7 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlets (except pool plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ .8 *Distributing plant.* "Distributing plant" means an approved plant located within the marketing area or an approved plant located outside the marketing area from which Class I milk equal to not less than 50 percent of its receipts of producer milk and fluid milk products from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which Class I milk equal to not less than 20 percent of such receipts is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

§ .9 *Supply plant.* "Supply plant" means an approved plant from which fluid milk products equal to not less than 50 percent of its receipts of producer milk during the month are shipped during such month to distributing plants: *Provided,* That any plant which qualifies as a supply plant for each of the months during the period September through December shall, upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through July.

§ .10 *Pool plant.* "Pool plant" means a distributing plant, or a supply plant, except a plant of a producer-handler.

§ .11 *Nonpool plant.* "Nonpool plant" means any milk, manufacturing or processing plant other than a pool plant.

§ .12 *Handler.* "Handler" means:

(a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § .6; or

(b) Any person in his capacity as the operator of one or more approved plant: *Provided,* That if a person operates more than one pool plant he may, upon written application to the market administrator, be considered as a separate handler for the month with respect to one or more of his pool plants if no fluid milk products or producers are transferred during the month between such plant(s) and other pool plant(s) of such handler.

§ .13 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ .14 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk or producer milk.

§ .15 *Producer milk.* "Producer milk" means all skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § .6.

§ .16 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, eggnog, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ .17 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ .18 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of February through July which is not in excess of such producer's daily average base computed pursuant to § .90 multiplied by the number of days in such month.

§ .19 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of February through July which is in excess of the base milk of such producer for such months, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § .90.

MARKET ADMINISTRATOR

§ .25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ .26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To adminsiter its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ .27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § .86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § .85) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ .30 and .31 or payments pursuant to §§ .80 through .86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, and notify each handler of the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price; and the Class II butterfat differential; both for the preceding month; and

(2) The 11th day of each month, the uniform price(s), and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ .30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ .31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of March through August the aggregate quantity of base milk received at his pool plant(s) for the preceding month;

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name, (ii) the total pounds of milk received from such producer, including, for the months of February through July, the pounds of base milk, (iii) the days for which milk was received from such producer, if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(3) On or before the first day other source milk is received in the form of a fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(4) On or before the day prior to diverting producer milk pursuant to § .6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted; and

(5) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ .32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and disbursements of money so deducted.

§ .33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, until further written notification from the market administrator.

In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ .40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § .30 (a) shall be classified each month by the market administrator, pursuant to the provisions of §§ .41 through .45.

§ .41 *Classes of utilization.* Subject to the conditions set forth in § .42 through § .45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat: (1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of as skim milk and used for livestock feed; and (4) in shrinkage not to exceed 2 percent respectively of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § .6) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent, it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § .6) and other source milk respectively.

§ .42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ .43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization in Class II milk in their reports submitted pursuant to § .30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § .45.

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk.

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool plant from which no fluid milk products are distributed in routes and which is located less than 250 miles by the shortest hard surface highway distance, as determined by the market administrator, from the plant from which transfererd or diverted shall be classified Class I milk unless, (1) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § .30 for the month within which such transaction occurred, (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant to the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § .30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only", (3) the handler gives the market administrator sufficient notice to allow him to verify such Class II disposition in advance, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) such cream is not disposed of by the transferee under Grade A label.

§ .44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § .30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ .45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § .41 (b);

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided,* That if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received in bulk from plants regulated pursuant to other orders issued pursuant to the act, less any equivalent amounts of skim milk in other source milk allocated to Class I milk at each of such plants respectively: *Provided,* That, if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § .43 (a);

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk.

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk.

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ .50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § .51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pounds at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0, and

(2) From the simple average as computed by the market administrator of the weighted average of carlot prices per pounds for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ .51 *Class prices.* Subject to the provisions of §§ .52 and .53, inclusive, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the months shall be as follows:

(a) *Class I milk.* The Class I milk price shall be the basic formula price for the preceding month plus a fixed differential during all months of the year in an amount sufficient to bring the Class I price in this marketing area in alignment with the Class I prices prevailing in the Central Oklahoma, the Tulsa-Muskogee, the Texas Panhandle, the Central West Texas and the North Texas milk marketing orders and agreements, as amended.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

American Foods Co., Miami, Okla.
Muskogee Dairy Products Co., Muskogee, Okla.
Page Milk Co., Coffeyville, Kans.
Pet Milk Co., Siloam Springs, Ark.
Real Test Foods Co., Tulsa, Okla.

Provided, That skim milk and butterfat utilized in the manufacture of cottage cheese shall be priced at the above price plus 60 cents.

§ .52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § .45 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § .51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ .53 *Location differential to handlers.* For that milk which is received from producers at pool plants located more than a specified distance outside the marketing area, compute a location differential that will take into account the cost of transporting milk and preserving intermarket price alignment with other Federal milk marketing orders and agreements.

§ .54 *Rate of compensatory payments on unpriced milk.* The rate of compensatory payment per hundredweight shall be calculated as follows:

(a) For the months of January through August subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price, adjusted by the Class I butterfat differential and in the case of fluid milk products by the Class I location differential.

(b) For the months of September through December, subtract, the uniform to producers from the Class I milk price.

APPLICATION OF PROVISIONS

§ .60 *Producer-handlers.* Sections .40 through .45; .50 through .53; .61, .62 and .70 through .75; and .80 through .87 shall not apply to a producer-handler.

§ .61 *Plants subject to other Federal orders.* A plant specified in paragraphs (a) or (b) of this section and located outside the Red River marketing area shall be a nonpool plant for purposes of this part except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § .30), and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk was disposed of from such plant during the six months period immediately preceding to retail or wholesale outlets (except pool plants or nonpool plants) in the Red River marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant for each of the preceding months of September through December.

(c) In case skim milk or butterfat, which is priced under other Federal orders is disposed of as Class I milk in the marketing area on a route operated by or for a person subject to regulation as a handler defined in such order, and the price which such handler is required to pay under other Federal orders for milk which would be classified as Class I milk under this part, is less than the Class I. price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk on routes in the marketing area) an amount equal to the difference between the value as determined pursuant to this part and its value as determined pursuant to other Federal orders.

§ .62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 15th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § .54.

DETERMINATION OF PRICES TO PRODUCERS

§ .70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § .45 by the applicable class price, and total the resulting amounts (and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § .53);

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § .45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § .54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § .45 (a) (7) and (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to §. 45 (a).

(5) and (b) for the preceding months or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § .45 (a) (4) and (b) for the current month, whichever is less, respectively.

§ .71 *Computation of the uniform price.* For each of the months of August through January, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § .70 for the producer milk of all handlers who submit reports prescribed in § .30 and who have made payments for the previous month pursuant to § .80 or § .82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than the 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 4.0 percent by the butterfat differential computed pursuant to § .73 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § .80 (a) (2);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ .72 *Computation of uniform prices for base milk and excess milk.* For each of the months of February through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § .30, and who have made payments for the previous month pursuant to § .80 or § .82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price; (2) multiply any additional hundredweight of such milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the aggregate value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and substract 4 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract an amount determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § .71 (a) through (d).

(d) Divide the result obtained pursuant to paragraph (c) of this section by the total hundredweight of base milk of handlers included in these computations.

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f. o. b. market.

§ .73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § .52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ .74 *Location differential to producers.* The applicable uniform price to be paid for producer milk received at a pool plant located more than a specified number of miles outside the marketing area shall be reduced by the same amount computed under § .53.

PAYMENTS

§ .80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) in this section, each handler shall make payments to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month;

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § .85, (iii) plus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such handler has not received full payment from the market administrator pursuant to § .83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative, each handler shall (i) pay to the cooperative association on or before the 13th and 27th day of each month, in lieu of payments pursuant to paragraphs (a) respectively of this section, an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer, (ii) submit to the cooperative association on or before the 10th day of each month written information which shows for each member producer (*a*) the total pounds of milk received during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (c) the number of days on which milk was received, (*d*) for the months of February through July the amount of base and excess milk received, and (*e*) the amounts withheld by the handler in payment for supplies sold, and (iii) submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association, and

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination, and

(c) On or before the 15th day after the end of each month, each handler shall pay each cooperative association which operates a pool plant for skim milk or butterfat received from such cooperative association during such month an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class pursuant to § .41 through § .44 by the class price.

§ .81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "Producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ .62, .82 and .84: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ .82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § .70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ .83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § .70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ .84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ .85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § .80, shall deduct 8 cents per hundredweight, or such amount not exceeding 8 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ .86 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay the market administrator, for each of his approved plants, 6 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk classified as Class I, or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ .87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2 year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ .90 *Computation of daily average base for each producer.* Subject to the rules set forth in § .91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through December by the number of days in this period. The daily average base for each producer thereafter shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days in this period.

§ .91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the periods of February through July by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(i) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(ii) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler after January 1 for more than 45 consecutive days shall forfeit his base.

§ .92 *Announcement of established bases.* On or before January 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ .100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ .101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ .102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ .103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except §§ .34, .89, and .91 through .93, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ .110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ .111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

ADDITIONAL PROPOSALS

Proposed by Central West Texas Milk Producers Association.

1. Amend § 982.6 by adding thereto the counties of Archer, Clay, Wichita, Wilbarger, Hardeman, Cottle, King, Knox, Baylor, Throckmorton, Young, Jack, Foard and Palo Pinto all within the State of Texas, including the Sheppard Airforce Base, and all other installations of the Federal government included within the above specified counties.

2. Make the association a handler on bulk tank milk whenever the association gives the handler and the market administrator prior notice in writing.

3. Require equalization payments on unpriced milk used in Class I equal to the difference between the Class I and Class II price.

4. Extend indefinitely on a year-round basis the cheese credit on milk used in Cheddar cheese.

5. Eliminate the custom bottling credit.

6. Eliminate the 15 percent exclusion factor contained in §§ 982.7 (b) and 982.62.

Proposed by Malsby's Dairy.

7. Amend § 982.6 by including as a part of the marketing area Palo Pinto County in the State of Texas.

8. Amend § 982.61 to provide that any plant which is fully regulated under the Central West Texas order during the months of the base-forming period (September through December) shall continue to be so regulated under such order through the following base-operating period (March through June) irrespective of the disposition of Class I milk in another marketing area, so long as said plant is an approved plant.

Proposed by the Colvert Dairy Products Company.

9. Define the proposed marketing area to include the following counties:

McCurtain.	McClain.
Choctaw.	Garvin.
Pushmataha.	Murray.
Atoka.	Carter.
Bryan.	Love.
Coal.	Canadian.
Okfuskee.	Grady.
Hughes.	Stephens.
Seminole.	Jefferson.
Pontotoc.	Caddo.
Johnston.	Comanche.
Marshall.	Cotton.

Proposed by the Central Dairy Products Company.

10. Add to the proposed marketing area the following counties:

Harman.	Beckham.
Greer.	Custer.
Washita.	

Proposed by the Fairmont Foods Company.

11. Define the proposed marketing area to include the Clinton-Sherman Air Force Base and the following counties:

Caddo.	Johnston.
Washita.	Atoka.
Custer.	Choctaw.
Greer.	Coal.
Beckham.	McClain.
Grady.	Pottawatomie.
Stephens.	Seminole.
Murray.	Hughes.
Carter.	Marshall.
Pontotoc.	Garvin.
Bryan.	Love.
Jefferson.	

Proposed by Oak Farms Dairies.

12. Exclude eggnog and frozen dairy product mixes from the definition of fluid milk product contained in section 16 of the proposed order.

13. Compute location differentials to handlers in terms of specific amounts for designated points or plants, rather than on the basis of mileage from a certain point.

14. Eliminate paragraph (c) of section 61 of the proposed order relating to handlers subject to other orders.

Proposed by the Carnation Company.

15. Include within the proposed marketing area the following counties:

TEXAS

Wichita.	Foard.
Clay.	Hardeman.
Archer.	Young.
Baylor.	Jack.
Wilbarger.	Montague.

OKLAHOMA

Cotton.	Kiowa.
Tillman.	Jefferson.
Jackson.	Comanche.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C. or from the Market Administrator, P. O. Box 35225, Airlawn Station, Dallas, Texas, or may be there inspected.

Dated: July 10, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-5881; Filed, July 17, 1957; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 110]

DESTRUCTION OF RECORDS OF RAILROAD COMPANIES

NOTICE OF PROPOSED RULE MAKING

JULY 3, 1957.

Notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that revised regulations to govern the destruction of records of railroad companies which are set forth below in tentative form are to be prescribed by the Commission. Any interested person may on or before August 15, 1957 file with the Commission's Secretary written views or arguments to be considered in this connection, and may request oral argument thereon. After consideration of representations so received and with such changes as may seem warranted because of them, an order will be entered making the revised regulations effective after due notice to carriers which will be subject thereto.

The proposed revised regulations are to be issued under authority contained in section 20 (7) (b) of the Interstate Commerce Act, as amended. (34 Stat. 594, 35 Stat. 648, 54 Stat. 918; 49 U. S. C. 20.) This notice will be published in the FEDERAL REGISTER.

[SEAL] HAROLD D. McCOY,
Secretary.

Sec.
110.0 Regulations prescribed.
110.1 Introduction.
110.2 Authority to destroy records.
110.3 Photographic copies.
110.4 Supervision of destruction.
110.5 Record of destroyed records.
110.6 Carriers going out of business.
110.7 Prescribed periods of retention.

AUTHORITY: §§ 110.0 to 110.7 issued under sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended, 49 U. S. C. 20.

SPECIAL NOTE: Section 20 (7) (b) of the Interstate Commerce Act includes the following provision:

Any person who shall knowingly and willfully make, cause to be made, or participate in the making of, any false entry in any annual or other report required under this section to be filed, or in the accounts of any book of accounts or in any records or memoranda kept by a carrier, or required under this section to be kept by a lessor or other person, or who shall knowingly and willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such accounts, records, or memoranda, • • • shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction to a fine of not more than five thousand dollars or imprisonment for not more than two years, or both such fine and imprisonment: *Provided*, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of such carriers, lessors, or other persons as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

§ 110.0 *Regulations prescribed.* Effective ----------, 1957, all railroad companies not independently operated as electric lines, including lessors thereof, shall comply with the regulations in this subpart before destroying any operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents.

§ 110.1 *Introduction.* The following regulations specify the records and documents which may be destroyed and prescribe the length of time the same shall be preserved, but mention of a record or document hereinafter imposes no requirement that it shall be installed if its purpose is otherwise being adequately served. Compliance with the regulations in this subpart will not exempt a carrier from statutory requirements, other than provisions of the Interstate Commerce Act, for retention of records or documents for periods longer than those prescribed in this subpart.

§ 110.2 *Authority to destroy records—*(a) *General authority.* Railroad companies which are not independently operated as electric lines may destroy records or documents named or described in the regulations in this subpart after they have been preserved for the prescribed periods of time. Permanent records are those which may not be destroyed without special authority.

(b) *Special authority.* A carrier subject to the provisions of the regulations in this subpart proposing to destroy records or documents which are not named or described in the regulations in this subpart, or which if named or described have not been retained for the period required by the regulations in this subpart, may request special authority to destroy them. Applications for such special authority shall describe in detail the records or documents to be destroyed and shall explain why their continued retention is unnecessary.

§ 110.3 *Photographic copies.* (a) Records and documents may be destroyed if they have been suitably photographed, and the microfilm is retained in lieu of the original record or document for the period prescribed for such originals, subject however to the following limitations:

(1) The records listed in § 110.7 with a permanent retention period may not be destroyed after being photographed for preservation unless special authority is first secured as provided in § 110.2 (b).

(2) Records and documents listed in the following items of § 110.7 shall be retained in their original form throughout the entire period of retention prescribed for them respectively, unless special authority to destroy them is first secured as provided in § 110.2 (b):

Item	*Description*
1	Corporate elections.
6	Records of securities owned.
15	Tax records.
51 (a)	Original payrolls and summaries.
55 (a)	Registers of audited invoices and vouchers, and indexes thereto.
(b)	Paid drafts, paid checks, and receipts for cash paid out.
(c)	Paid and canceled vouchers, audit office copies of vouchers, and supporting papers.
60 (a)	Registers of bills collectible and indexes thereto.
70 (c)	Records and memoranda pertaining to depreciation of road and equipment.
(d)	Contracts and other agreements relating to the construction, acquisition, or sale of road property.
334	Correspondence which pertains to records or documents required by this subsection to be retained in original form.

(3) The records and documents listed below, which are required under the regulations in this subpart to be retained two years or more, shall be retained in their original form at least two years, even after they have been photographed for preservation:

Item	*Description*
13	Original records summarizing the results of or non-carrier operations for entry in the general books.
21	Miscellaneous records pertaining to agents' accounts.
30	Records of revenue.
31	Interline freight settlements.
33	Records of passenger receipts.
36	Records of revenue from operations other than transportation.
50	Labor records which pertain to transportation employees covered by the Hours of Service Act.
110	Signal department records.
132	Records and reports of equipment in and out of service.
151	Diversion of freight.
173	Records of hours of service.
179	Car movements.
180	Car distribution.
210	Claim register.
211	Claim papers.
230 to 257	Agencies, yards, and accounting bureaus.
270 to 283	Joint associations, bureaus, and similar agencies.
300 (k) to 300 (o)	Locomotive inspection and repair reports.
334	Correspondence which pertains to records or documents required by this subsection to be retained two years in original form.

(b) To be acceptable in lieu of original records, photographic copies must meet the following minimum requirements:

(1) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read, or reproduce such photographic copies.

(2) Any significant characteristic, feature, or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made.

(3) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified speci-

men of such form shall be on the film for reference.

(4) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidential destruction.

§ 110.4 *Supervision of destruction.* (a) Within six months after the effective date of the regulations in this subpart, or within six months after becoming subject to this provision, each carrier shall appoint an officer or other responsible employee to supervise the destruction of records and documents. Such appointment shall be by formal corporate act of the carrier's Board of Directors.

(b) Authority to supervise the destruction of carrier records maintained by an association, joint bureau, etc., may be delegated to the manager or other chief officer by the supervising officer of each member line.

(c) The Board of Directors at its option may by a similar formal act of appointment delegate to a bank, trust company, or similar institution having custody of railroad records in the normal course of business, the authority to destroy such records upon compliance with the requirements of the regulations in this subpart.

§ 110.5 *Record of destroyed records.* (a) The supervising officer or other designated employee shall maintain a record of all carrier records and documents which have been destroyed pursuant to the regulations in this subpart, except those the retention of which is optional with the carrier. However, the record shall include all records and documents destroyed under the supervision of persons other than the supervising officer pursuant to § 110.4 (b) and (c), including those the retention of which is optional and which could be omitted if the supervising officer had directed the destruction.

(b) The record shall be available for inspection in the office of the supervising officer and shall be in such detail that the destroyed records or documents may be identified and the time, place, and method of destruction can be established. If the destruction is by accident or at the hand of an unauthorized person not subject to the carrier's control, then the record shall include a statement of the relevant circumstances.

§ 110.6 *Carriers going out of business.* The records and documents relating to operations of a Carrier subject to the regulations in this subpart may be destroyed without regard to the prescribed periods of retention after carrier status is abandoned for purposes of the Interstate Commerce Act: *Provided however,* (a) If the carrier is a corporation being dissolved by act of the authority which created it, the records may not be destroyed until dissolution is otherwise complete, and (b) if the carrier is not incorporated or is being kept alive for purposes other than carrier operations, records relating to former carrier operations may not be destroyed until all transactions relating to such operations are completed.

§ 110.7 *Prescribed periods of retention.* The following list describes the purpose for which a record is necessary and the prescribed periods shall be observed even if a record by some other name serves the described purpose. If identical copies of the same document serve more than one such described purpose, only one copy is required to be retained by the regulations in this subpart.

Item	Description of records	Period to be retained
	CORPORATE AND FINANCIAL	
1	Corporate elections:	
	(a) Proxies of holders of voting securities	3 years.
	(b) Lists of holders of voting securities presented at meetings	Do.
	(c) Qualification oaths of judges of election	Optional.
	(d) Qualification oaths of directors	Do.
	(e) Ballots cast and tabulations of vote	3 years.
	(f) Judges' reports of election results	Do.
2	Minute books of directors', executive committee's, stockholders', and other meetings	Permanent.
3	Code and cipher books, file copies of	Optional.
4	Capital stock records:	
	(a) Capital stock ledger	10 years.
	(b) Capital stock certificates, records of or stubs of	Do.
	NOTE: If the information shown on the stubs described in this item 4 (b) is recorded in permanent records, the stubs are required to be retained only for a period of three years.	
	(c) Stock transfer register	Do.
	(d) Memoranda and bills of sale or of transfer of capital stock	2 years.
	(e) Capital stock subscription notices and requests for allotment	1 year.
	(f) Canceled capital stock certificates. (See item 7.)	
5	Bond records:	
	(a) Registered bond ledger	10 years.
	(b) Records or stubs of bonds	Do.
	NOTE: If the information shown on the stubs described in this item 5 (b) is recorded in permanent records, the stubs are required to be retained only for a period of three years.	
	(c) Memoranda and bills of sale or of transfer of registered bonds	2 years.
	(d) Records of interest coupons paid and unpaid	Do.
	(e) Funded debt subscription notices and requests for allotment	1 year.
	(f) Canceled bonds, paid interest coupons, and unissued bonds. (See item 7.)	
6	Record of securities owned:	
	Record of securities owned, in treasury, or with custodians	10 years after disposition.
7	Retired securities:	
	Stock certificates, bonds, notes, interest coupons, receiver's certificates, and temporary certificates taken up and canceled.	Optional, but see sec. 110.5.
8	Reports to stockholders:	
	(a) Annual reports or statements to stockholders, file copies of	Permanent.
	(b) Supporting papers	10 years.
9	Ledgers:	
	(a) General and auxiliary ledgers and indexes thereto, except as provided for elsewhere in these regulations.	Permanent.
	(b) Balance sheets of general ledgers	10 years.
	(c) Trial balance sheets of general and auxiliary ledgers	Do.
10	General journals	Permanent.
11	Cash books:	
	(a) Original general cash books	15 years.
	(b) Auxiliary cash books	6 years.
12	Journal entries:	
	(a) Original general journal entries	Permanent.
	(b) Copies of general journal entries and supporting papers	15 years.
13	Original records of auxiliary or noncarrier operations:	
	Original records summarizing the results of auxiliary or noncarrier operations for entry in general books.	Do.
	NOTE: Ledgers, journals, abstracts, reports, vouchers, tickets, etc., shall be retained for the same periods as are provided for similar documents elsewhere in these regulations.	
14	Deeds and other title papers and franchises	Permanent.
15	Contracts, leases, and agreements, except those provided for in items 70 and 230	5 years after termination, expiration or completion.
16	Tax records:	
	(a) Copies of schedules and returns to taxing authorities for tax purposes	6 years.
	(b) Records of appeals, tax bills, and statements	6 years after settlement.
17	Copies of applications to and authorities from regulating bodies for the issuance of stocks, bonds and other securities. (See item 300q.)	Permanent when approved: optional when denied.
18	Fidelity bonds:	
	Records and files of fidelity bonds of employees	3 years after expiration of coverage.
19	Insurance records:	
	(a) Schedules of fire and other insurance, also records of payment of premiums and of amounts recovered.	3 years.
	(b) Insurance policies	2 years after expiration of coverage.
	(c) Record of policies in force	Do.
	(d) Inspector's reports of condition of property	Optional.
	(e) Reports of property in transit covered by insurance, such as cotton at compresses, cotton in transit, etc.	Do.
	(f) Telegraphic reports of merchandise at terminals, in warehouses, compresses, etc.	Do.
	(g) Letter and telegraphic reports of fire damages	Do.
	(h) Reports of minor losses by fire not covered by insurance or less than minimum amount collectible.	Do.
20	Treasurer's records:	
	(a) Statements and summaries of balances on hand and with depositaries	3 years.
	(b) Statements from depositaries of funds received, disbursed, and transferred	Do.
	(c) Authorities for and statements of transfer of funds from one depositary to another.	Do.
	(d) Records pertaining to verifications of treasurer's cash, or securities	2 years.
	(e) Records of outstanding vouchers, checks, drafts, etc., issued and not presented	3 years.

Item	Description of records	Period to be retained
	EXPENDITURES—Continued	
54	Distribution of expenditures for material and supplies: Records and memoranda showing the detailed distribution of expenditures for materials and supplies chargeable to all accounts, including memorandum recapitulation sheets.	4 years.
55	Vouchers:	
	(a) Register of audited invoices and vouchers and indexes thereto	15 years.
	(b) Paid drafts, paid checks, and receipts for cash paid out	6 years.
	(c) Paid and canceled vouchers, audit office copies of vouchers, and supporting papers.	Do.
	(d) Lists containing authorities for payments of specific vouchers	Optional.
	(e) Lists of vouchers transmitted to agents and others	2 years.
	(f) Reports or index of vouchers to be made, with notations of dates of issue	1 year.
	(g) Defect and repair cards attached to bills supporting vouchers. (See item 125.)	Optional.
	MISCELLANEOUS ACCOUNTS RECEIVABLE	
60	Bills collectible:	
	(a) Register of bills collectible and indexes thereto	15 years.
	(b) Audited bills issued for collection, and supporting papers which do not accompany the original bills	4 years.
	(c) Periodical statements of unsettled accounts, except trial balance sheets	Optional.
	(d) Record or index of bills to be issued, with notations of dates of issue	Do.
	ROAD AND EQUIPMENT PROPERTY RECORDS	
70	Road and equipment records:	
	(a) Records and memoranda of the cost or the inventory value of road property	Permanent.
	(b) Records and memoranda of the cost or the inventory value of equipment	3 years after sale or retirement.
	(c) Records and memoranda pertaining to depreciation of road and equipment	20 years.
	(d) Contracts and other agreements relating to the construction, acquisition, or sale of road property.	10 years after termination, expiration or completion of contract or agreement, sale or retirement.
	(e) Contracts and other agreements relating to the construction, acquisition, or sale of equipment.	3 years after termination or completion of contract or agreement.
	(f) Records, reports, statements, and memoranda showing the details of all debits and credits on account of the cost of road and equipment property, such as bills, invoices, vouchers, and supporting papers, including work orders, bills of lading, freight bills, passenger tickets, work orders, job tickets, check rolls, material requisitions, and similar records if transcribed into records covered by items (a) to (e) above.	3 years. If not transcribed into records covered by items (a) to (e) above.
	(g) Estimates, authorities for expenditures and completion reports for new lines, extensions, additions and betterments made.	Permanent.
	(h) Estimates, detail records, and memoranda, when the expenditures were not authorized.	Optional.
	(i) Detail records and memoranda used in preparation of estimates, if summarized in records covered by item (g) above.	Do.
71	Engineering records:	
	(a) Maps, profiles, plans, specifications, estimates of work, records of engineering studies, and similar records pertaining to extension, addition, and betterment projects which have been abandoned.	Permanent.
	(b) Maps, profiles, plans, specifications, estimates of work, records of engineering studies and similar records pertaining to extension, addition, and betterment projects which have been abandoned.	3 years after abandonment.
	PURCHASES AND STORES	
80	Material ledgers:	
	(a) Record of material and supplies on hand	4 years.
	(b) Telegraphic reports of supplies on hand other than fuel	Optional.
	(c) Balance sheets of material and supplies received, issued, and on hand at division storehouses, shops, and other places.	2 years.
81	Inventories of materials and supplies:	
	(a) General inventories of materials and supplies on hand, with record of adjustments between accounts	Do.
	(b) Storekeepers' and clerks' cards and other detail records pertaining to the taking of inventories, if abstracted into records covered by (a) above.	1 year.
	(c) Minor inventories of materials and supplies on hand, if not used for adjustments.	Do.
82	Purchases and sales:	
	(a) Copies of orders for the purchase of materials and supplies	2 years.
	(b) Invoices for materials and supplies purchased whether attached to vouchers or filed separately. (See item 55c.)	6 years.

Item	Description of records	Period to be retained
	CORPORATE AND FINANCIAL—continued	
20	Treasurer's records—Continued	
	(c) Periodical statements of working cash balances	Optional.
	(d) Bank deposit books, and stubs, ledgers, or records of checks	3 years.
	(e) Slips or statements giving the postings of miscellaneous receipts and payments of funds.	Do.
	(f) Lists of vouchers, drafts and checks showing mailing dates	Optional.
	(g) Copies of deposit slips	2 years.
21	Miscellaneous accounts relating to agents' accounts:	
	(a) Agents' periodical station office records or ledgers of agents' accounts showing debits and credits from various sources.	3 years.
	(b) Records and files of indemnity bonds incident to transportation and other charges.	Do.
	(c) General office records relating to extension of credit for transportation and other charges.	2 years after discontinuance of credit arrangement.
	(d) Statements of corrections in agents' accounts	3 years.
22	Traveling accountants' and auditors' reports: Reports of examinations, audits, and transfers by special accountants, traveling auditors, time inspectors, weight inspectors, etc., and supporting papers.	Do.
	REVENUES	
30	Record of revenue: Records summarizing the debits and credits arising from settlements with agents, conductors, and others, and from interline settlements with other carriers, as follows: freight, passenger, baggage, sleeping car, parlor and chair car, milk, express, other passenger-train, mail, switching, demurrage, refrigerator, buffet, hotel and restaurant, station, news and boat, privileges, parcel room, storage, demurrage, telephone and telegraph, rentals and privileges, grain elevator, power, rents of buildings and other property, and miscellaneous.	4 years.
31	Interline freight settlements:	
	(a) Abstracts, recapitulations, correction accounts, and summaries	Do.
	(b) Statements of differences	1 year after disposition.
32	Unsettled waybills:	
	(a) Record of unsettled waybills, waybills in suspense, etc	Do.
	(b) Tracers and supporting papers concerning unsettled freight waybills	Until receipt of settlement.
33	Records of passenger receipts: Distribution of revenue statements, or recapitulation of passenger revenue by stations; conductors' accounts; ferry and steamer accounts.	4 Years.
34	Interline passenger settlements: Interline ticket reports, summaries, statements of differences, statements of corrections, and accounts current pertaining to settlements of interline passenger revenue between carriers, passenger associations, and mileage and scrip bureaus.	Do.
35	Records of cash fare collections on trains	2 years.
36	Records of revenue from operations other than transportation:	
	(a) Records summarizing the debits and credits to the various accounts	4 years.
	(b) Records of station and train privileges, parcel and other coin locks, telephone, telegraph, rents, and miscellaneous revenue.	2 years.
	(c) Originals and copies of telegrams	1 year.
	EXPENDITURES	
50	Daily or periodic reports of labor, material and supplies: Time books, time slips, overtime tickets, delayed-time tickets, work orders, job tickets, check rolls, and other papers pertaining to services of employees and reports of material and supplies used.	2 years.
51	Payroll records:	
	(a) Original payrolls and summaries	55 years.
	(b) Applications for payroll changes not authorized	Optional.
	(c) Authorizations for payroll changes not authorized	Do.
	(d) Records and memoranda pertaining to deductions from payrolls	Do.
	(e) Receipted pay checks, receipted time tickets, certificates issued for wages, discharge tickets, and other evidences of payments for services rendered by employees. (See items 20e, f.)	3 years.
	(f) Canceled pay checks drawn in favor of "bearer" in payment of wages for which receipts are not required, or other records retained by carrier.	Optional.
	(g) Comparative or analytical statements of payrolls	Do.
52	Assignments, attachments, and garnishments:	
	(a) Record of assignment, attachment, and garnishment of employees' salaries	1 year.
	(b) Files containing assignments, attachments, garnishments, notices of suits, notices of release, and correspondence relating thereto.	Do.
53	Distribution of labor expenditures: Record showing detailed distribution of labor expenditures charged to all accounts, including memoranda and memorandum recapitulation sheets.	4 years.

Item	Description of records	Period to be retained
	PURCHASES AND STORES—continued	
82	Purchases and sales—Continued	
	(c) Advices from individuals and companies acknowledging receipt of orders for materials and supplies and notices of shipment.	Optional.
	(d) Bids and offers for the sale or purchase of material and supplies	1 year.
	(e) Contracts for the purchase or sale of materials and supplies	4 years.
	(f) Advices or requisitions from storekeepers and others for the purchase of materials and supplies.	2 years.
	(g) Lists or records of invoices transmitted to or from storekeepers	Optional.
	(h) Receipts or delivery tickets issued for material and supplies received in installments and subsequently surrendered with and in support of invoices or bills showing full information.	Do.
	(i) Freight bills covering charges on materials and supplies	4 years.
	(j) Reports of scrap on hand	2 years.
	(k) Authorities for the sale of scrap and other material and supplies	Do.
	(l) Price records of purchases	6 years.
83	Materials and supplies received:	
	(a) Records or reports of materials and supplies received by carriers	5 years.
	(b) Records of inspecting and testing materials and supplies	1 year.
	(c) Records of materials and supplies released and returned to stock	2 years.
	(d) Orders on other carriers for, and records of receipt of, material for repairs of foreign cars.	Do.
84	Materials and supplies issued:	
	(a) Records and reports of materials and supplies issued	3 years.
	(b) Records and reports of materials and supplies transferred from one department or division to another.	2 years.
	(c) Requisitions and receipts for materials and supplies issued	1 year.
	(d) Price records of materials and supplies issued, file copies	4 years.
85	Manufactured stock:	
	(a) Shop orders or requisitions for the manufacture of stock	2 years.
	(b) Records and reports of manufactured stock	Do.
86	Oil and waste reports and records	1 year.
87	Company fuel:	
	(a) Detailed record of fuel purchased	5 years.
	(b) Reports and record of fuel delivered to fueling stations	2 years.
	(c) Records and untranscribed reports of fuel received and issued at fueling stations, except records covered by item (h) below.	Do.
	(d) Reports from fueling stations of fuel received, issued, on hand, and transferred to other stations, if transcribed to records covered by (c) above.	1 year.
	(e) Daily reports of fuel on hand	Optional.
	(f) Reports and records showing the detailed distribution of expenditures for fuel chargeable to all accounts, including fueling station balance sheets.	5 years.
	(g) Reports of labor handling company fuel	1 year.
	(h) Requisitions and receipts from enginemen and others for fuel supplied	Optional.
88	Dining and cafe car supplies:	
	(a) Conductors' and stewards' reports of supplies, drawn, consumed, and on hand	1 year.
	(b) Conductors' and stewards' requisitions and receipts for supplies	Do.
	(c) Commissary inventories	Do.
	WAY AND STRUCTURES	
100	Authorities for expenditures for repairs of roadway and structures	Optional.
101	Records of roadway and track work performed:	
	(a) Reports and records of rail and cross-ties laid, ballast applied, and work performed on roadway and track, by quantities, locations, or otherwise.	2 years.
	(b) Records and reports of spur tracks laid and taken up	Do.
102	Reports and records of repairs and renewals of buildings, bridges, and other structures	Do.
103	Reports of buildings, bridges, and other structures painted	Do.
104	Records of signal servicing and operations	Do.
105	Inspection records:	
	(a) Reports of condition of roadway and structures	Do.
	(b) Reports of inspection of bridges	Do.
	(c) Reports of broken rails	Do.
	(d) Reports of inspection of scales	Do.
106	Reports of derailments	Do.
	RECORDS REQUIRED BY SIGNAL INSPECTION ACT	
110	Signal department records:	
	(a) Tests of gas and vacuum type lightning arresters	1 year.
	(b) Tests of signal mechanisms	2 years.
	(c) Tests of switch circuit controllers	1 year.
	(d) Tests of shunt fouling circuits	Do.
	(e) Tests of electric locks	2 years.
	(f) Tests of relays	Do.
	(g) Tests of insulation resistance	8 years.
	(h) Tests of mechanical locking	4 years.
	(i) Tests of approach locking	1 year.

Item	Description of records	Period to be retained
	RECORDS REQUIRED BY SIGNAL INSPECTION ACT—continued	
110	Signal department records—Continued	
	(j) Tests of time locking	1 year.
	(k) Tests of route locking	Do.
	(l) Tests of indication locking	2 years.
	(m) Tests of traffic locking	1 year.
	(n) Switch obstruction tests	Do.
	(o) Tests of valve locks and valve magnets	Do.
	(p) Tests of cross protection	Do.
	(q) Tests of time releases and timing relays	Do.
	(r) Tests of restoring feature on power switches	Do.
	(s) Tests of movable bridge locking	Do.
	(t) Tests of roadway elements ATC, ATS, and ACS	Do.
	(u) Tests of acknowledgment and cut-in circuits	Do.
	(v) Periodic tests of ATC, ATS, and ACS	Do.
	(w) Tests of engine relays ATC, ATS, and ACS	4 years.
	(x) Daily or after trip tests ATC, ATS, and ACS	1 year.
	(y) Departure test ATC, ATS, and ACS	Do.
	SHOPS AND ENGINEHOUSES	
120	Records and reports of repairs to locomotives, cars, and other equipment	3 years.
121	Authorities for expenditures for repairs to locomotives, cars, and other equipment	Optional.
122	Records and reports of repairs needed on locomotives, cars, and other equipment	Do.
123	Record of locomotive boilers:	
	(a) Steam locomotives	6 years.
	(b) Record of boiler inspection of diesel locomotives, where required	4 years.
124	Records and reports of trucks, wheels, and axles removed and applied:	
	(a) to steam locomotives	6 years.
	(b) to diesel locomotives	Do.
125	Defect and repair cards:	
	(a) Defect and repair cards, stubs or records of	Optional.
	(b) Defect and repair cards attached to bills supporting vouchers. (See item 55g.)	Do.
	(c) Lists and statements transmitting defect and repair cards for preparation of bills.	Do.
	(d) Improper-repair cards	Do.
	(e) Reports of cars forwarded or received under defect cards	Do.
126	Inspection records:	
	(a) Certificates of inspection of equipment purchased	3 years.
	(b) Records and reports of locomotives and cars inspected	1 year.
	(c) Firebox inspection reports	Do.
	(d) Spark-arrester and ashpan inspection reports	Do.
	(e) Locomotive boiler inspection and repair reports. (See items 300k to 300o.)	
127	Records and reports of locomotives and cars received, forwarded, and on hand at shops	Do.
128	Reports of service and mileage of individual locomotives	2 years.
129	Records and reports of cars light-weighed and stenciled	Do.
130	Records and reports of equipment numbers changed	Optional after equipment is retired.
131	Patent records	2 years.
132	Records and reports of equipment in and out of service	Do.
133	Records and reports of locomotive failures	1 year.
134	Records of engines ordered and dispatched	Do.
135	Reports of passenger cars cleaned, iced, and similarly prepared for service	Optional.
	TRAFFIC	
150	Tariffs and other rate authorities:	
	(a) Tariffs, classifications, division sheets, and circulars relative to the transportation of persons or property, in the general files of the traffic or other department in which the complete official file is maintained.	2 years after expiration or cancelation.
	(b) Tariffs, classifications, division sheets, and circulars in other departments and at agencies, if copies of the same issues of such tariffs, etc., are preserved in the general files referred to in (a) above.	Optional after expiration or cancellation.
	(c) Applications for and file copies of special-rate orders authorizing the sale of passenger fare tickets at reduced rates.	2 years.
	(d) Requests and receipts from agents and others for tariffs, classifications, division sheets, and circulars.	Optional.
	(e) Written requests on carrier from persons and companies for quotations of rates and copies of carrier's quotations.	Do.
	(f) Copies of concurrences filed with the Interstate Commerce Commission and with other regulating bodies	2 years after cancelation.
	(g) Authorities for the transportation of property, free or at reduced rates, and supporting papers.	3 years.
	(h) Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and circulars affecting the transportation of persons or property.	3 years after cancelation of tariff, etc.
151	Diversion of freight:	
	Records for diversion or reconsignment of freight	2 years.

Item	Description of records	Period to be retained
	TRAFFIC—continued	
152	Market, weather and crop reports:	
	Market quotations, weather and crop reports, and other surveys received from agents and others, when not affecting claims.	Optional.
153	Public time-tables:	
	Public time-tables and descriptive literature and records and correspondence regarding compilation, publication, and distribution of time-tables, etc., for use of the public.	Do.
154	Ticket records:	
	(a) Copies of orders on printing houses for ticket stock	2 years.
	(b) Record of ticket stock received, issued, and destroyed	Do.
	(c) Requisitions and receipts for tickets and cash fare receipts furnished agents and conductors.	Do.
	(d) Bulletins of tickets lost or stolen	Optional.
	(e) Records and files pertaining to the extension of time limits of tickets, granted	2 years.
	(f) Records and files pertaining to the extension of time limits of tickets, not granted	Optional.
155	Baggage check records:	
	(a) Copies of orders for the purchase of baggage checks	2 years.
	(b) Record of baggage, parcel, and storage checks received, issued and destroyed	Do.
	(c) Requisitions and receipts for baggage checks, excess baggage checks, and storage checks furnished agents, baggagemen, and transfer companies.	Do.
	(d) Bulletins of baggage checks lost or stolen	Optional.
156	Tickets and checks:	
	(a) Used and canceled tickets, checks, etc., the reports of which, showing their sale or issue, have been audited, as follows: Bar checks. Berth checks. Bridg toll tickets. Clergy certificates. Commutation and trip tickets. Exchange train tickets. Extra fare tickets. Ferry tickets. Meal checks. Milk tickets. One-way and round-trip passenger fare tickets upon which the name of the user does not appear: Parlor car tickets. Permits to ride on freight trains. Seat checks. Sleeping car tickets. Train checks. Transfer checks or coupons. Validation pasters when attached to any of the above tickets. Water tickets.	Do.
	(b) Used and canceled tickets, passes, etc., the reports of which, showing their sale or issue, have been audited (except as provided for free tickets in item 178) as follows: One-way and round-trip passenger fare tickets upon which the name of the user is shown. Trip and telegraphic passes collected. Free passenger fare tickets collected. Prepaid orders. Exchange orders. Validation pasters when attached to any of the above tickets. Stop-over pasters.	Do.
	(c) Used mileage books and scrip books on which the name of user is shown and passenger-fare credentials, the reports of which showing their sale or issue have been audited; coupons, auditors' stubs, contract portion signed by purchaser and other detachments from such books on which transportation has been performed; and identification slips required by the conditions of any of these tickets.	6 months.
	(d) Used mileage books and scrip books on which the name of the user is not shown, the reports of which showing their sale or issue have been audited, and the coupons, auditors' stubs, and other detachments from such books on which transportation has been performed.	Optional.
	(e) Used caretakers' tickets	2 years.
	(f) Used baggage checks, parcel room checks, storage checks, excess baggage checks (including C. O. D.), excess baggage book coupons, and baggage scrip, the reports of which have been audited.	Optional.
	(g) Unused or unissued tickets, if record is kept in accordance with Item 154 (b)	Do.
	(h) Unused baggage checks, if record is kept in accordance with item 155 (b)	Do.
	(i) Redeemed tickets, redeemed mileage and scrip book covers, and redeemed credentials.	6 months.
	(j) Redeemed portions of conductor's cash fare and duplex tickets	Do.
	(k) Redeemed and canceled orders issued by conductors for refund of extra fares assessed on extra-fare trains.	Do.
	(l) Used book ticket stubs	Do.

Item	Description of records	Period to be retained
	TRAFFIC—continued	
157	Records and reports of tickets redeemed, including claimant's receipt for cash refund	2 years.
158	Records, circulars, and settlements, regarding conventions, excursions, and similar matters.	Do.
	TRANSPORTATION	
170	Dispatchers' records:	
	(a) Train sheets	3 years.
	(b) Train-order books or dispatchers' copies of train orders	Do.
	(c) Train orders—operators' copies	6 months.
	(d) Train orders—trainmen's copies	Optional.
	(e) Clearance cards or orders—operators' copies	6 months.
	(f) Clearance cards or orders—trainmen's copies	Optional.
	(g) Operators' block reports	6 months.
	(h) Daily reports of trains moved	2 years.
171	Employees' timetables:	
	(a) Official file of employees' timetables	Do.
	(b) Receipts for timetables	Duration of time-table.
172	Records of crews:	
	(a) Train register or roster	1 year.
	(b) Records of crews called, including call boy records	Do.
173	Records of hours of service:	
	(a) Records of hours of service of train and station employees. (See item 300j)	3 years.
	(b) Train-delay reports. (See item 300j)	Do.
174	Locomotive mileage:	
	(a) Records of movement of locomotives	1 year.
	(b) Reports of locomotive mileage, from division offices	Do.
175	Conductors' train and car reports:	
	(a) Reports showing the dates and numbers of trains, the initials and numbers of cars, the movement of cars, and the mileage of cars and trains (i. e., wheel reports), if not transcribed into other records.	2 years.
	(b) Reports showing dates and numbers of trains, the initials and numbers of cars, the movement of cars, and the mileage of cars and trains (i. e., wheel reports), if transcribed into other records for retention.	Do.
	(c) Reports of cars interchanged with connecting lines	Do.
	(d) Reports of cars on hand at nonagency stations	1 year.
	(e) Train books showing crews, car-seal records, cars moved, etc	2 years.
176	Train accidents:	
	(a) Record of train accidents	Do.
	(b) Reports of train accidents by conductors, enginemen, or others	Do.
	(c) Reports of damage to equipment by accidents	Do.
177	Conductors' passenger, freight, and dining car reports:	
	(a) Reports of cash collections, if transcribed to records covered by item 35	1 year.
	(b) Reports of cash collections, if not transcribed to records covered by item 35	2 years.
	(c) Stubs of cash fare receipts or conductors' portions of duplex tickets	Optional.
	(d) Reports of passengers carried, or of tickets, mileage coupons, etc., collected or honored.	2 years.
	(e) Reports of passes honored or collected	1 year.
	(f) Pass identification slips	Optional.
	(g) Sleeping car identification checks and envelopes	Do.
	(h) Reports of passengers handled in sleeping and parlor cars	1 year.
	(i) Envelopes for enclosing tickets, passes, etc., collected	Optional.
	(j) Slips or memorandas for freight received at nonagency stations	2 years.
	(k) Conductors' monthly balance sheets and supporting papers	Do.
	(l) Conductors' daily or weekly balance sheets, when figures are combined on monthly balance sheet.	1 year.
178	Passes and free tickets:	
	(a) Copies of orders on printing houses for pass stock	Do.
	(b) Records of pass stock received, distributed, and destroyed	Do.
	(c) Requests for passes; copies or stubs of requests for passes; and receipts for passes.	2 years.
	(d) Records of passes issued	Do.
	(e) Records of passes received from other carriers	Do.
	(f) Stubs of trip passes	Do.
	(g) Records of annual or term passes honored	Optional.
	(h) Unexpired, surrendered, or partially used annual or term passes	Do.
	(i) Void, unused, or unissued passes	Do.
	(j) Records of free passenger fare tickets issued	2 years.
	(k) Reports of trip passes issued	Do.
	(l) Bulletins of lost and outlawed passes, file copies of	Optional.
	(m) Bulletins of lost and outlawed passes, other than file copies of	Do.
179	Car movements:	
	(a) Records of movement of cars, home and foreign	2 years.
	(b) Junction card reports from other carriers of cars interchanged, when data are transcribed to records provided for in (a) above.	Optional.
	(c) Records and reports of cars switched	2 years.
	(d) Minor records pertaining to the handling and movement of equipment if the movements are recorded in records covered by (a) above.	Optional.

Item	Description of records	Period to be retained
	TRANSPORTATION—continued	
180	Car distribution:	
	(a) Records of car allotment and distribution	2 years.
	(b) Records of cars ordered, furnished, and loaded	Do.
	(c) Telegraphic and other reports of cars on hand and required	1 year.
	(d) Reports of unfilled car orders	Do.
181	Per diem and mileage reports:	
	(a) Per diem and mileage reports made and received, including reclaims	2 years.
	(b) Per diem and mileage discrepancy and adjustment reports	Do.
182	Records and reports pertaining to embargoes, congested traffic, and similar matters	1 year.
183	Reports of or certificates of train-rules examination	2 years.
184	Records of ticket punches	1 year after use of punch is discontinued.
185	Import and export: Records and reports pertaining to import and export freight, bonded freight and baggage, steamships' engagements, etc.	2 years.
186	Marine equipment: Records and reports pertaining to the operation of marine and floating equipment:	
	(a) Blueprints and specifications covering construction of boats	Duration of vessel.
	(b) Major repair records	Do.
	(c) Boat damage records	5 years.
	(d) Personnel records	1 year after termination of service.
	(e) Tug masters', tug engineers', ferry pilots' logs	Permanent.
	(f) Tug dispatcher's tow order and float sheet	3 years.
	(g) Cooperative towing reports	2 years.
	(h) Floatmen's reports	3 years.
	(i) Barge, lighter and scow captain's daily reports	5 years.
	(j) Directional check sheets	3 years.
	(k) Demurrage records	2 years.
187	Railway mail service:	
	(a) Records and reports of mail service, mail failures, and detentions, fines, deductions, and irregularities	Do.
	(b) Records and reports of mail pouches received and distributed	1 year.
188	Property protection service: Reports and records in connection with policing the company's property, detective service, investigations of robberies, and attempts to defraud the company when not the subject of claim against the carrier.	Optional.
189	Loss and damage prevention: Reports and records in connection with the prevention of loss and damage to freight shipments.	Do.
	CLAIMS	
210	Claim registers:	
	(a) Claim registers, card or book indexes, and other records in connection with the recording of overcharge, loss and damage, personal injury, fire, and other claims presented against carriers.	6 years.
	(b) Records showing the details of authorities issued to agents, carriers, and others for participation in freight claims.	3 years.
211	Claim papers:	
	(a) All papers substantiating personal injury claims, whether such papers are filed separately or attached to vouchers. (See item 55c.)	6 years after settlement or rejection.
	(b) All papers substantiating overcharge, loss and damage, fire, and other claims, whether such papers are filed separately or attached to vouchers. (See item 55c.)	3 years after settlement or rejection.
	(c) Claim jackets, if all information thereon appears in records covered by (a) and (b) above.	Optional.
	(d) Claim bases constituting a duplicate record of claims if the substantiating papers are filed with another interested carrier.	2 years after settlement.
212	Records of personal injury: Reports and statements regarding personal injuries, when not necessary to support claims or vouchers.	3 years.
213	Records of fire and other damages to property of others: Reports and statements of trackmen and other employees regarding injuries by fire or otherwise to property of others, when not necessary to support claims or vouchers.	2 years.
214	Records of stock killed or injured: Reports and statements by trainmen, trackmen, and other employees regarding stock killed or injured, when not necessary to support claims or vouchers.	Do.
215	Records of unclaimed, over, short, damaged, and refused freight: Tracers, reports, and other records pertaining to unclaimed, over, short, damaged, and refused freight when not necessary to support claims or vouchers.	1 year.
216	Sales orders: Authorities for the disposal of unclaimed, damaged, and refused freight.	3 years.

Item	Description of records	Period to be retained
	AGENCIES, YARDS AND ACCOUNTING BUREAUS	
230	Bills of lading and releases:	
	(a) Consignors' shipping orders, consignors' shipping tickets, and copies of bills of lading.	2 years.
	(b) Shippers' order-notify bills of lading taken up and canceled	Do.
	(c) Contracts covering risks of carriers in transportation and storage	Do.
	(d) Shipping contracts for transportation of caretakers of freight	Do.
	(e) Releases for deliveries at nonagency stations	Do.
	(f) Bills of lading and shipping tickets lifted on inbound shipments	Do.
231	Freight loading records:	
	(a) Records of loading, unloading and inspection of cars	3 years.
	(b) Records and reports of carload and less-than-carload shipments transferred	2 years.
	(c) Records of cars iced, refrigerated, heated, or ventilated	Do.
	(d) Records of unloading, loading, feeding, and watering livestock	Do.
	(e) Duplicates of above records. (See item 336a.)	
232	Weighing of freight: Records, reports, orders, and tickets pertaining to the weighing of carload and less-than-carload shipments. (For duplicates see item 336a.)	4 years.
233	Freight waybills:	
	(a) Local waybills	2 years.
	(b) Interline waybills received from other carriers	Do.
	(c) Copies of interline waybills made to other carriers	Do.
	(d) Company freight waybills	1 year.
	(e) Memoranda or slips on which are listed waybills sent to audit office, if such memoranda or slips are not used in auditing the accounts.	Optional.
	(f) Duplicates of above records. (See item 336a.)	
234	Card waybills:	
	(a) Card waybills, when used as revenue billing	2 years.
	(b) Card waybills, when shipments are covered by other revenue waybills	1 year.
	(c) Card waybills for nonrevenue shipments	Do.
	(d) Home route car waybills	Do.
235	Car cards, placards, and car certificates:	
	(a) Car cards, side cards, placards and copies of car certificates when used for routing purposes or to show contents or condition of cars and with rules for handling.	Optional.
	(b) Inspection certificates for cars containing explosives, forwarding agents' original	2 years.
236	Reports, records, and instructions regarding the makeup of trains	1 year.
237	Records of freight stopped in transit: Records and reports showing the particulars in connection with shipments stopped, such as grain to be cleaned or milled, lumber to be dressed, posts or poles to be sorted, livestock to be fed, cotton to be compressed, etc.; and those showing particulars in regard to reshipment to final destination. (For duplicates see item 336a.)	3 years.
238	Freight bills and settlements:	
	(a) Copies of freight bills for freight and other charges	2 years.
	(b) Copies of agents' settlements with consignors and consignees	Do.
	(c) Agents' settlements between carriers	Do.
	(d) Lists of bills sent to audit office for collection and credit	Do.
	(e) Reports of uncollected freight charges	Do.
	(f) Duplicates of above records. (See item 336a.)	
239	Freight corrections:	
	(a) Records and reports of correction notices	Do.
	(b) Duplicates of above records. (See item 336a.)	
240	Freight records:	
	(a) Records of and receipts for delivery of freight to consignees and connecting carriers.	3 years.
	(b) Freight checkers' records	Do.
	(c) Orders from consignees for delivery of freight	Do.
	(d) Transfer records of freight received from and delivered to connecting carriers	Do.
	(e) Records for the diversion or reconsignment of freight	Do.
241	Notices of freight arrivals: Copies of notices to consignees of the arrival of freight	2 years.
242	Records of shipments accorded pick-up, delivery, drayage, c. o. d. or substitute highway service:	
	(a) Reports and manifests of shipments accorded pick-up, delivery or drayage service.	Do.
	(b) Records and reports of c. o. d. shipments billed and received	Do.
	(c) Reports and manifests of shipments handled in substitute highway service	Do.
243	Freight reports:	
	(a) Reports and abstracts of commercial waybills made and received	Do.
	(b) Reports and abstracts of company freight waybills made and received	Do.
	(c) Passing reports at junction points of through waybills forwarded to and received from connecting carriers.	1 year.

Item	Description of records	Period to be retained
	AGENCIES, YARDS AND ACCOUNTING BUREAUS—continued	
243	Freight reports—Continued	
	(d) Passing reports of waybills covering freight moving over divisions, bridges, etc.	1 year.
	(e) Reports of shipments received or forwarded, not covered by waybills, such as coal, ore, etc.	2 years.
	(f) Duplicates of above records. (See item 336a.)	
244	Switching records:	
	(a) Reports and records pertaining to revenue switching	Do.
	(b) Switching orders, switching tickets, and switching waybills	Do.
	(c) Duplicates of above records. (See item 336a.)	
245	Demurrage and storage records:	
	(a) Records of cars arrived, placed, and released and of accruals of demurrage	Do.
	(b) Reports to auditing department and to demurrage and storage bureaus of accruals and collections of demurrage and storage charges.	Do.
	(c) Reports of uncollected demurrage and storage charges	Do.
	(d) Duplicates of above records. (See item 336a.)	
246	Miscellaneous collections by agents: Records and reports of overcollection of freight and other charges (with record of refund or disposition); sale of unclaimed freight; sale of water; icing, weighing, reconsignment, loading, and unloading charges; garnishee fees, etc. (For duplicates see item 336a.)	Do.
247	Car records and interchange reports:	
	(a) Records and reports of cars received, forwarded, and on hand and wanted, including interchange with connecting line.	Do.
	(b) Telegraphic report of cars interchanged at junctions, when data are transcribed into other records.	1 year.
	(c) Telegraphic report of movement of freight, when data are transcribed into other records.	Do.
	(d) Record of car seals applied, released, and on hand	Do.
	(e) Yard car books showing cars on various yard tracks and industrial tracks	Do.
	(f) Daily reports of loaded cars passing yards	Optional.
	(g) Duplicates of above records. (See item 336a.)	
248	Ticket records:	
	(a) Records of tickets received, sold, and on hand	2 years.
	(b) Inventories of tickets at agencies	Do.
	(c) Records of adjustments and corrections on ticket reports	Do.
	(d) Stubs of tickets, etc.	6 months after audit.
	(e) Envelopes and receipts for stop-over tickets deposited with agents at stop-over points.	Optional.
	(f) Duplicates of above records. (See item 336a.)	
249	Ticket reports:	
	(a) Reports of sale of tickets, sale of mileage books, collection for baggage, etc. (For duplicates, see item 336a.)	2 years.
	(b) Report of credit claimed for tickets redeemed or issued in exchange	Do.
250	Sleeping, parlor, and chair car records: Sleeping, parlor, and chair car diagrams and correspondence in connection with reservations.	Optional.
251	Baggage records:	
	(a) Baggage records	2 years.
	(b) Baggage waybills and manifests	Do.
	(c) Waybills for milk and cream and for return of empty containers	1 year.
	(d) Records of excess and c. o. d. baggage checks issued	2 years.
	(e) Releases for baggage in bad order	Do.
	(f) Receipts from agents, baggagemasters, and others for valuable letters and packages.	Optional.
	(g) Receipts for lost and mismatched baggage checks	Do.
	(h) Transfer company checks and manifests	Do.
	(i) Duplicates of above records. (See item 336a.)	
252	Agency cash books	6 years.
253	Remittances:	
	(a) Agents' and conductors' remittance slips, bank deposit slips, and supporting papers, not provided for elsewhere.	2 years.
	(b) Agents' records of remittances	Do.
	(c) Statements of cash and other cash papers deposited with agents by conductors	Do.
	(d) Duplicates of above records. (See item 336a.)	
254	Relief claims:	
	(a) Register of agents' relief claims	Do.
	(b) Agents' relief claims and supporting papers	Do.
255	Station records summarizing the debits and credits on account of revenues, remittances, claims, etc.	Do.
256	Agents' balance sheets:	
	(a) Monthly balance sheets and supporting papers	3 years.
	(b) Daily and weekly balance sheets, when figures are combined on monthly balance sheets.	1 year.
	(c) Daily and weekly balance sheets and supporting papers, when figures are not combined and carried to monthly balance sheets.	3 years.
	(d) Duplicates of above records. (See item 336a.)	
257	Other agency and yard records: All records at agencies and yards not otherwise provided for in these regulations	1 year.

Item	Description of records	Period to be retained
	JOINT ASSOCIATIONS, BUREAUS, AND SIMILAR AGENCIES	
	NOTE: Ledgers, journals, vouchers, bills, and other records of joint associations, etc., shall be retained for the same periods as are provided for such documents elsewhere in these regulations.	
270	Rules, regulations, and instructions to carriers, agents, and others	3 years after expiration or cancellation.
271	Statements of expenses of agencies and apportionment between carriers and others	3 years.
272	Statements of receipts of agencies and apportionment between carriers and others	Do.
273	Statements of freight handled, by carriers, commodities, gateways, or otherwise	Do.
274	Statements of passenger business, by carriers, classes, gateways, or otherwise	Do.
275	Reports from carriers or agents of carriers showing freight handled, passengers carried, and other information, if summarized in records covered by items 271 to 274.	Optional.
276	Working papers and records tabulating data for records covered by items 273 and 274	Do.
277	Waybills:	
	(a) Copies of waybills received from carriers or agents of carriers, if such copies contain no information other than that appearing on the original waybills.	Do.
	(b) Abstracts or lists accompanying copies of waybills covered by (a) above, when used only for checking the copies received.	Do.
278	Weighing and inspection of freight:	
	(a) Weight agreements, such as those providing for acceptance of shippers' weights, subject to inspection of books, etc.	4 years.
	(b) Records and reports covering the settlement with shippers and carriers for undercharges in weight.	Do.
	(c) Records and reports of shipments moving under weight agreements	Do.
	(d) Weighmasters' oaths, weight tickets, weight certificates, and reports of weighmasters.	Do.
	(e) Reports to carriers of shipments weighed or inspected, of corrections made on waybills, and similar matters.	Do.
	(f) Duplicates of above records. (See item 336a.)	
279	Demurrage and storage:	
	(a) Records summarizing the accruals of demurrage and storage charges	2 years.
	(b) Reports and statements to carriers of demurrage and storage, and file copies thereof.	Do.
	(c) Reports from agents of carriers of accruals of demurrage and storage charges, of cars received, placed, and released, of constructive placement, etc.	Do.
	(d) Records and supporting papers covering the cancellation or refund of demurrage and storage charges.	Do.
	(e) Duplicates of above records. (See item 336a.)	
280	Validating of tickets: Records and reports pertaining to the validating of passenger fare tickets. (For duplicates see item 336a.)	Do.
281	Mileage-book settlements:	
	(a) Records and reports pertaining to settlements with carriers and passengers regarding mileage books, scrip books, reduced-rate credentials, and similar tickets.	Do.
	(b) Record of tickets redeemed, including claimants' receipts for cash refunds	Do.
	(c) Duplicates of above records. (See item 336a.)	
282	Statements, schedules, and bills rendered steamship or other carriers covering the amount due for tickets issued in exchange for orders, file copies of.	4 years.
283	Clergy permits: Applications for clergy permits, and records and reports pertaining to the issuance and use of clergy permits.	2 years.
	REPORTS TO REGULATORY AGENCIES	
	NOTE: The supporting papers referred to in item 300 are those requisite to support the reports named, and not elsewhere provided for in these regulations. If figures for such reports are assembled on memorandum sheets, such sheets constitute a part of the supporting papers and shall be retained accordingly.	
300	Financial and statistical reports:	
	(a) Annual report forms. Financial, operating, and statistical summaries, file copies of, and supporting papers.	Permanent.
	(b) Monthly reports of revenues and expenses, file copies of, and supporting papers	1 year.
	(c) Monthly reports of selected income and balance sheet items, file copies of, and supporting papers.	Do.
	(d) Monthly reports of operating statistics, file copies of, and supporting papers	Do.
	(e) Monthly reports of analysis of passenger traffic, file copies of, and supporting papers.	Do.
	(f) Monthly reports of employees, service and compensation, file copies of, and supporting papers.	Do.
	(g) Quarterly report of freight commodity statistics, file copies of, and supporting papers.	2 years.
	(h) Quarterly report on expenditures for additions and betterments, file copies of, and supporting papers.	1 year.
	(i) Monthly accident reports, file copies of, and supporting papers	3 years.
	(j) Monthly reports of hours of service, file copies of, and supporting papers	2 years.

Item	Description of records	Period to be retained
	REPORTS TO REGULATORY AGENCIES—continued	
300	Financial and statistica reports—Continued	
	(k) Monthly locomotive boiler inspection and repair reports, file copies of, and supporting papers.	2 years.
	(l) Annual locomotive boiler inspection and repair reports, file copies of, and supporting papers.	5 years.
	(m) Special orders from Interstate Commerce Commission for repairs to locomotive boilers, and file copies of special repair reports covering such repairs.	2 years.
	(n) Quarterly boiler inspection and repair reports, other than steam locomotive, file copies of, and supporting papers.	5 years.
	(o) Specification cards for locomotive boilers, file copies of, and supporting blueprints and alteration reports.	1 year after boiler is retired.
	(p) Freight car location reports, file copies of, and supporting papers	1 year.
	(q) Reports to regulating bodies regarding expenditures of proceeds from sale of authorized securities, file copies of, and supporting papers.	5 years.
	ADMINISTRATIVE, FINANCIAL, AND STATISTICAL REPORTS	
310	Monthly or other periodical statements of general balance sheet, income, and retained income accounts, comparative or otherwise.	2 years.
311	Monthly or other periodical statements of revenues and expenses, comparative or otherwise, and analyses of increases and decreases.	Do.
312	Monthly or periodical statements of estimated or approximate revenues and expenses, when not used as bases for crediting or charging the accounts.	Optional.
313	Agents' daily or weekly reports of tonnage, revenue, or receipts, used only for preparing statements of estimated revenues or the movement of traffic.	Do.
314	Monthly or other periodical statements of tonnage handled, by tons, ton-miles, commodities, divisions, or otherwise.	2 years.
315	Monthly or other periodical statements of car-miles, train-miles, and movements of freight and passenger cars.	Do.
316	Monthly or other periodical statements of performances of locomotives	Do.
317	Monthly or other periodical statements of employees by duties, days, compensation, or otherwise.	Do.
318	Monthly or other periodical statements of passenger traffic, by number of passengers, passenger-miles, divisions, or otherwise.	Do.
319	Working papers or records on which are assembled figures for records covered by items 310, 311, 314–318.	Do.
320	Miscellaneous statistical reports, statements, and summaries used for administrative purposes only. (Not otherwise provided for herein.)	Optional.
	MISCELLANEOUS	
330	Records of employees:	
	(a) Applications for employment, reports and certificates of examinations, service records, efficiency tests, employees' rosters, and other similar records pertaining to employees.	1 year after termination of service.
	(b) Applications for employment and replies thereto not resulting in employment of applicant.	Optional.
331	Instructions to agents and others:	
	(a) Books and circulars of instructions to agents and others, in the general file of the department in which the complete official file is maintained.	3 years after expiration or cancellation.
	(b) Surplus copies of books and circulars of instructions and copies in other departments and at agencies, if copies of the same issues are preserved in the general file referred to in (a) above.	Optional.
332	Land, industrial, and immigration department records:	
	(a) Reports, records, and correspondence containing inquiries from and replies to prospective homeseekers and industries regarding localities and conditions.	2 years.
	(b) Agents' periodical itinerary reports	1 year.
	(c) Agents' periodical field or work reports	Do.
	(d) Periodical reports from agents, industries, and others, furnishing data for annual reports for industrial, commercial, and agricultural directories, and similar publications.	Do.
333	Provident department records:	
	Records of provident departments, such as employees' relief, hospital, insurance and savings departments, other than records pertaining to the receipt and disbursement of funds.	1 year after termination.
	NOTE: The records pertaining to the receipt and disbursement of funds must be retained for the same periods as are provided for similar records elsewhere in this order.	
334	Correspondence:	
	(a) Correspondence and records thereof relating to subjects listed in items 1 to 333 inclusive.	For the period prescribed for the records to which the correspondence relates.
	(b) Operators' copies of telegrams, including relay copies, if the original or other copies of such messages are retained, as provided for in (a) above.	Optional.
	(c) Stenographers' notebooks and phonograph and other mechanical device records, if transcripts thereof are retained, as provided for in (a) above.	Do.
	(d) Extra copies of letters, etc., used for tracing or following up correspondence, or for other purposes, if original or other copies are retained as provided for in (a) above.	Do.
335	Data processing:	
	Tabulating cards, tapes, and other media used in the compilation of accounts and statistics and other data, when the results are transcribed to other records covered by these regulations.	Do.
336	(a) Duplicate copies of records and documents covered by items 231–233; 237–239; 243–249; 251, 253, 256, when held by agents.	See § 110.7.
	(b) Duplicates of other accounts, records, and memoranda listed in these regulations when they are not provided for otherwise and when they contain no information other than that shown on the originals.	Optional.
337	The official record of records and documents destroyed (see § 110.5)	Permanent.

[F. R. Doc. 57–5711; Filed, July 17, 1957; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 19, 24]

[143.44]

CUSTOMS WAREHOUSE OFFICERS, REIMBURSEMENT OF TRANSPORTATION EXPENSES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that, under the authority contained in sections 161 and 251 of the Revised Statutes, section 501 of the Independent Offices Appropriation Act, 1952, sections 524, 555, and 624, 46 Stat. 741, as amended, 743, and 759 (5 U. S. C. 22, 19 U. S. C. 66, 5 U. S. C. 140, 19 U. S. C. 1524, 1555, and 1624), it is proposed to amend §§ 19.5 (d) and 24.17 (c) of the Customs Regulations.

The purpose of the proposed amendments is to provide for reimbursement to the Government by proprietors of customs bonded warehouses of the transportation expenses of customs warehouse officers whose salaries are fully reimbursable for going from one customs bonded warehouse to another within port limits during official hours. The terms of the proposed amendments, in tentative form, are as follows:

1. Section 19.5 (d) is hereby amended to read as follows:

§ 19.5 *Customs warehouse officer; compensation of.* * * *

(d) If any customs warehouse officer has charge of more than one warehouse, the charge for his compensation and transportation expenses shall be equitably apportioned among the respective warehouse proprietors concerned.

2. Section 24.17 (c) is hereby amended to read as follows:

§ 24.17 *Other services of officers; reimbursable.* * * *

(c) When services are rendered within the port limits, no charge shall be made for transportation expenses incurred except in the case of a customs warehouse officer whose compensation is fully reimbursable in which case the transportation expenses for going from one customs bonded warehouse to another within port limits during official hours shall be apportioned among the warehouse proprietors concerned. No charge shall be made for transportation of a warehouse officer to his first assignment or from his last assignment.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 11, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57–5854; Filed, July 17, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

JOINT REGULATION FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

SUPPLEMENT

CROSS REFERENCE: For Supplement No. 1 to joint regulation for small purchases utilizing Imprest Funds jointly issued by General Services Administration, Department of the Treasury and General Accounting Office, see F. R. Doc. 57–5931, General Services Administration, *infra*.

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957. Supp. 166]

REPUBLIC INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C., secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $1,606,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Republic Insurance Company, Dallas, Texas.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57–5855; Filed, July 17, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–9482 etc.]

SEABOARD OIL CO., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 10, 1957.

In the Matters of Seaboard Oil Company,[1] Docket No. G–9482; W. W. Woodworth,[2] Docket No. G–9832; Shell Oil Company, Docket Nos. G–10633, G–10634, G–11775; Harper Oil Company, Operator,[3] Docket No. G–10810; Fairman Drilling Company,[4] Docket Nos. G–10869–G–10873, inclusive; Phillips Petroleum Company, Docket No. G–11136; The Atlantic Refining Company, Docket Nos. G–11189, G–12358; Ernest G. Smith, Operator,[5] Docket No. G–11504; Lloyd G. Jackson, et al., d. b. a. Frazier Gas Company,[6] Docket No. G–11597; Parks and Wilson Gas Company, Glenn L. Haught, Agent, Docket No. G–11589; J. F. Deem, Docket No. G–11599; Amerada Petroleum Corporation, Docket No. G–11679; Clark Knight Drilling Company, Inc., Operator,[7] Docket No. G–11727; Daubes Oil Department,[8] Docket No. G–11733; Hunt Oil Company, Docket No. G–11740; Southwest Gas Producing Company, Inc., Operator, et al.,[9] Docket No. G–11745; G. H. Vaughn Production Company, Operator, et al.,[10] Docket No. G–11746; Carnes W. Weaver, Docket No. G–11748; Kilroy Properties Incorporated, et al.,[11] Docket No. G–11753; Cities Service Oil Company, Operator, et al.,[12] Docket No. G–11755; Pan American Petroleum Corporation, Operator,[13] Docket No. G–11756; C. J. Oates, Docket No. G–11770; Midwest Oil Corporation, Operator, et al.,[14] Docket No. G–11776; John E. Lydle, Docket No. G–11903; Midstates Oil Corporation, Docket No. G–11916; N. M. Jackson, et al., Hays and Company, Inc., Agent,[15] Docket No. G–11994; Humble Oil & Refining Company, Docket Nos. G–12016, G–12034; Don M. Rounds, d. b. a. Don M. Rounds Company, Docket No. G–12038; Ashland Oil & Refining Company, Docket No. G–12056; Sunray Mid-Continent Oil Company, Docket No. G–12113; Mobil Producing Company, Docket No. G–12115; Delta Drilling Company, Docket No. G–12116; Union Oil Company of California,[16] Docket No. G–12160; The Shamrock Oil and Gas Corporation, Operator,[17] Docket No. G–12261; Lon H. Cron, Operator, et al.,[18] Docket No. G–12271; The Ohio Oil Company, Docket No. G–12282; White Eagle Oil Company and/or Helmerich and Payne, Inc., Operator, et al.,[19] Docket No. G–12349; Dade Petroleum, Inc.,[20] Docket No. G–12445; The Preston Oil Company, Docket No. G–12486; Maurice E. Forney and Charles J. Worrel, Docket No. G–12527; William Herbert Hunt Trust Estate, Docket Nos. G–12528, G–12529; Pioneer Production Corporation, Docket No. G–12533.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce, sell, and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

See footnotes at end of document.

Docket No. G–; Location of Field; and Buyer

9482; Delhi, West Delhi, and Big Creek Fields, Franklin, Madison, and Richland Parishes, Louisiana; Texas Eastern Transmission Corporation.

9832; Asphaltum Field, Jefferson County, Oklahoma; Lone Star Gas Company.

10633; La Gloria Field, Jim Wells and Brooks Counties, Texas; Texas Illinois Natural Gas Pipe Line Company.

10634; La Gloria Field, Jim Wells and Brooks Counties, Texas; Transcontinental Gas Pipe Line Corporation.

10810; Cement Field, Caddo County, Oklahoma; Alliance Oil and Gas Company.

10869–10873, inclusive; Luthersburg-Deemer Field, Clearfield County, Pennsylvania; New York State Natural Gas Corporation.

11136; West George West Field, Live Oak County, Texas; Texas Eastern Transmission Corporation.

11189–12160; Camrick Southeast Field, Beaver County, Oklahoma; Natural Gas Pipeline Company of America.

11504; Hackers Creek District, Lewis County, West Virginia; Equitable Gas Company.

11597; Triadelphia District, Logan County, West Virginia; Hope Natural Gas Company.

11598; Murphy District, S. H. Parks Farm, Ritchie County, West Virginia; Hope Natural Gas.

11599; Troy District, R. E. Garrett, et al., Lease, Gilmer County, West Virginia; Hope Natural Gas Company.

11679; Spraberry Field, Upton County, Texas; El Paso Natural Gas Company.

11727; South Trousdale Field, Edwards County, Kansas; Cities Service Gas Company.

11733; Eureka Field, Grant and Alfalfa Counties, Oklahoma; Cities Service Gas Company.

11740; Waskom Field, Harrison County, Texas; Texas Eastern Transmission Corporation.

11745; Terryville Field, Lincoln Parish, Louisiana; Texas Gas Transmission Corporation.

11746; West Lisbon Field, Lincoln Parish, Louisiana; Texas Gas Transmission Corporation.

11748; East Slick Field, Goliad County, Texas; United Gas Pipe Line Corporation.

11753; Dolly, Newton County Texas; Texas Eastern Transmission Corporation.

11755; Acreage in Grant, Seward, and Martin Counties, Kansas, and Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

11756; Northeast Noelke Field, Crockett County, Texas; El Paso Natural Gas Company.

11770; W. Panhandle Field, Hutchinson County, Texas; Frank C. and Elizabeth P. Henderson Trusts No. 2.

11775; Big Sandy Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

11776; Bethany-Longstreet Area, De Soto Parish, Louisiana; Texas Eastern Transmission Corporation.

11903; Union District, Ralph Sommerville Farm, Ritchie County, West Virginia; Carnegie Natural Gas Company.

11916; Athens Field, Claiborne Parish, Louisiana; Arkansas-Louisiana Gas Company.

11994; W. G. Schoolcraft Farm, Lee District, Calhoun County, West Virginia; Hope Natural Gas Company.

12016; Linam "A", Kutter "E" Units, Cooper Jal Field, Lea County, New Mexico; El Paso Natural Gas Company.

12034; Hostetter Field, McMullen County, Texas; Texas Eastern Transmission Corporation.

12038; West Plains-North Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

12056; Waskom Field, Harrison County, Texas; Arkansas-Louisiana Gas Company.

12113; Jack Herbert and Amacker Tippett Fields, Upton County, Texas; El Paso Natural Gas Company.

12115; Garland Field, Big Horn County, Wyoming; Montana-Dakota Utilities Company.

12116; Rodessa Field, Georgia Tyler Well No. 1, Marion County, Texas; Arkansas-Louisiana Gas Company.

12261; Hugoton Field, Hansford and Ochiltree Counties, Texas; Northern Natural Gas Company.

12271; Bloomington Field, Victoria County, Texas; United Gas Pipe Line Company.

12282; Logansport Field, De Soto Parish, Louisiana; Texas Eastern Transmission Corporation.

12349; Adams Ranch,[9] Meade County, Kansas; Colorado Interstate Gas Company.

12358; Mocane Field, Beaver County, Oklahoma; Colorado Interstate Gas Company.

12445; Sibley Field, Webster Parish, Louisiana; United Gas Pipe Line Company.

12486; Unnamed field in Greene County, Pennsylvania, and Logan, Tyler, and Monongalia Counties, West Virginia; The Manufacturers Light and Heat Company; United Fuel Gas Company.

12527; North Hagist Ranch, McMullen County, Texas; Texas Eastern Transmission Corporation, assignee of Wilcox Trend Gathering System, Inc.

12528; Guedin Field, San Patricio County, Texas; Texas Eastern Transmission Corporation.

12529; Puerto Bay, Aransas County, Texas; Texas Eastern Transmission Corporation.

12533; Acreage in Ochiltree County, Texas; Northern Natural Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 31, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 26, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[1] Seaboard Oil Company is filing for its percentage interest in the Delhi Gasoline Plant and is a party by assignment to the gas sales contract dated April 15, 1948, between Sun Oil Company, et al., Seller, and Texas Eastern Transmission Corporation, Buyer. Applicant was rendering service before and since June 7, 1954.

[2] Applicant was rendering service before and since June 7, 1954.

[3] Harper Oil Company, Operator, is filing for itself and the nonoperator, Cornell Oil Company. Each owns 50 percent interest. Harper is the only signatory party to the gas sales contract involved herein.

[4] Fairman Drilling Company in Docket Nos. G–10869, G–10870, and G–10871 is a partnership composed of Hermes Fairman, Harry Fairman, Frank Fairman, Ernest Fairmah, Roy Fairman, Earl Fairman, Milo Fairman and Hubert Griffiths. Each of the abovenamed parties is a signatory seller party to the gas sales contract involved in each docket, and each contract is dated March 15, 1956. In Docket Nos. G–10872 and G–10873, in addition to the signatory seller parties to the gas sales contracts as hereinbefore listed, John Kovats acquired by assignment from Applicants a ¼ working interest in the subject leases and has attained a signatory seller status thereby to each of the contracts involved in the respective two dockets, both contracts being dated July 24, 1956.

[5] Applicant is filing for himself. Applicant and his wife, Blanche C. Smith, are signatory seller parties to the gas sales contract dated September 11, 1956.

[6] Lloyd G. Jackson, Hal Pack, E. B. Curry, W. F. Robinson, S. E. McDonald, C. A. Joyce and C. B. Morris, d. b. a. Frazier Gas Company, are all signatory seller parties to the gas sales contract dated October 18, 1956.

[7] Applicant is filing for itself and lists in the application numerous nonoperating owners of working interests. All are signatory seller parties to the gas sales contract involved herein.

[8] Applicants are Leon Daube and Carol Daube Sutton, d. b. a. Daubes Oil Department. Both are signatory seller parties to the gas sales contract dated December 6, 1956.

[9] Applicant is filing for itself and on behalf of W. C. Feazel, Miss Lallage Feazel, Mrs. Gertrude Feazel Anderson and G. M. Anderson, which parties are known as the Feazel Interests. All are signatory seller parties to the gas sales contract dated November 23, 1956. In addition, as Operator, Applicant lists the owners of working interest and the percentage of interest of each, who are parties to an operating agreement which covers the W. E. Dowling #1, C. S. Dye #1, Dorothy Dowling #1, Dunn Estate #1, and M. L. Dowling #1 Units.

[10] Original application was filed by H. W. Klein, Operator, for himself and numerous nonoperating owners of working interests listed in the application. All are signatory seller parties to the gas sales contract dated December 10, 1956. Amendment to application filed June 3, 1957, stated that H. W. Klein's interests were assigned to G. H. Vaughn Production Company.

[11] Applicants, Kilroy Properties, Inc., Slick Oil Corporation, H. E. Dishman, Earl C. Hankamer and Douglas V. Marshall, are all signatory seller parties to the gas sales contract dated October 3, 1956, as amended.

[12] Applicant is filing for itself covering gas produced below the base of the "Permian System" underlying leases in Kansas and for itself and nonsignatory co-owners for all gas produced underlying the Beard Unit in Beaver County, Oklahoma. Applicant is the only signatory seller party to the gas sales contract dated January 1, 1957.

[13] Applicant is filing for itself and on behalf of nonoperating owners of working interests. Applicant is the sole signatory seller party to the gas sales contract dated November 15, 1956.

[14] Applicant is filing for itself and on behalf of nonoperating owners of working interests listed in the application. In addition to Applicant, all nonoperators have become parties to the gas sales contract dated May 24, 1956, either by ratification or assignment.

[15] Hays and Company, Inc., Agent, is filing for N. M. Jackson, et al. Those parties comprising the "et al." are not indicated in the application.

[16] Application covers ratification agreement dated August 3, 1956, of basic contract dated January 6, 1956, between the Atlantic Refining Company and Natural Gas Pipeline Company of America. Applicant and purchaser are both signatory parties to the ratification agreement. Atlantic was authorized in Docket No. G–9980 covering basic contract. Docket No. G–12160 covers further an amendment dated November 20, 1956, which adds additional acreage to its contract dated August 3, 1956.

[17] The Shamrock Oil and Gas Corporation, Operator, is filing for itself and lists Humble Oil & Refining Company as nonoperator owning ¼ interest in two leases covering 960 acres. Shamrock is the only signatory seller party to the gas sales contract dated February 28, 1957.

[18] Lon H. Cron, Operator, is filing for himself and on behalf of the following nonoperators: Edson Petroleum Company, J. D. Hedley, R. P. Brewer, Jr., F. C. Hixon and E. J. Gracey. All are signatory seller parties to the gas sales contract dated January 8, 1957.

[19] Applicant is filing for itself and on behalf of R. E. Adams. Both are signatory seller parties to the gas sales contract dated February 14, 1957. The Texas Company is also listed as the owner of the remaining working interest.

[20] Applicant attained signatory party status to sales contract involved by assignment.

[F. R. Doc. 57–5774; Filed, July 17, 1957; 8:45 a. m.]

[Project No. 2204]

COLORADO

NOTICE OF LAND WITHDRAWAL

JULY 12, 1957.

In the matter of City and County of Denver, Board of Water Commissioners.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2204 for which completed application for license was filed May 31, 1957. Under said section 24 these lands are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

All portions of the following described subdivisions lying within the dam reservoir, powerhouse, operators quarters, gauging station sites and access road rights-of-way, as delimited on map Exhibits "K" sheets 1 through 4 (F. P. C. Nos. 2204–4, 5, 6, and 7).

6TH PRINCIPAL MERIDIAN

T. 1 N., R. 78 W.,
Sec. 19: N½ Lot 2 (NW¼SW¼).
T. 1 N., R. 79 W.,
Sec. 23: E½NE¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 24: W½NW¼, SE¼NW¼, NE¼SW¼, SW¼NE¼;
Sec. 26: W½NE¼;
Sec. 27: E½NE¼, SE¼SW¼, NW¼SE¼;
Sec. 34: NW¼NE¼, NE¼NW¼;
Sec. 35: N½NW¼, SW¼NW¼.

Also all portions of the following described subdivisions lying within 35 feet of centerline survey of the 69 kv transmission line location as delimited on map Exhibit "K" (F. P. C. No. 2204–9).

T. 1 N., R. 79 W.,
Sec. 13: SW¼NW¼, NW¼SW¼;
Sec. 14: SE¼SE¼;
Sec. 23: NE¼NE¼, S½NE¼.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128) is applicable to those portions of the aforesaid land embraced in transmission line right-of-way.

The area of United States land reserved pursuant to the filing of this application for license is approximately 387.77 acres of which approximately 378.70 acres are within the dam, reservoir, powerhouse, operators quarters, gauging station areas and access road right-of-ways, and approximately 9.07 acres are within the 69 kv transmission line right-of-way. Of the total area approximately 234.87 acres have been heretofore reserved in connection with Power Site Reserve No. 133.

Copies of revised Exhibit "K" maps (F. P. C. Nos. 2204–4, 5, 6, 7 and 9) are being transmitted to the Bureau of Land Management and Geological Survey.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–5840; Filed, July 17, 1957; 8:47 a. m.]

[Docket No. G–12841]

SUN OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATE AND PROVIDING FOR HEARING

JULY 12, 1957.

Sun Oil Company (Sun) on June 13, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas produced from Levelland Field, Hockley County, Texas, which sale is subject to the jurisdiction of this Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of Change, dated June 11, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Sun's FPC Gas Rate Schedule No. 1.
Effective date: [1] July 14, 1957.

In support of its proposal, Sun states that the proposed rate is not in excess of the value of the gas in the production area. It also asserts that arm's-length bargaining and the recognition of favored-nation contractual clauses, which purportedly serve as the basis for the increased rate and charge here proposed, would provide allowance for the variable economic conditions which may prevail over the contractual term of the sales agreement.

Sun requests waiver of the thirty day notice period provided under section 4 (d) of the Natural Gas Act, and § 154.94 (b) of the regulations thereunder, with respect to the proposed change in its rate schedule, and proposes that such change be permitted to become retroactively effective as of March 11, 1957. It states as basis therefor that the increase proposed by it is a favored-nations incident to the increased price paid by the purchaser here, El Paso, to Phillips Petroleum Company, pursuant to the effectuation of a contractual escalation clause which latter increase, after suspension until March 11, 1957 by the Commission in Docket No. G–11217, has been since placed into effect subject to refund.

The increased rate and charge so proposed by Sun has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) Good cause has not been shown that the 30-day notice period provided in § 154.94 (b) of the Commission's regulations under the Natural Gas Act should be waived with respect to Supplement No. 4 to Sun's FPC Gas Rate Schedule No. 1, and the request therefor should be denied.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's general rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 14, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) The request by Sun of waiver of the 30-day notice period provided in Section 4 (d) of the Natural Gas Act and § 154.94 (b) of the Commission's regulations thereunder, be and the same is hereby denied.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired; unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] The stated effective date is the first day after expiration of the required thirty days notice.

[F. R. Doc. 57–5860; Filed, July 17, 1957; 8:51 a. m.]

[Docket No. G–12641]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 12, 1957.

Take notice that on May 27, 1957, Lone Star Gas Company, a Texas corporation having its principal place of business in Dallas, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of certain natural gas facilities for the purpose of providing interruptible gas service directly to the Johns-Manville Products Corporation plant near Denison, Grayson County, Texas, all as more fully described in the application which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought include approximately 0.48 mile of 4-inch transmission line from Applicant's 10-inch Interstate Line EA at a point in Grayson County, Texas, west to the Johns-Manville plant, and a measuring and regulating station for service to the plant which will use the gas to operate two boilers and one silica dryer in the manufacture of transite pipe and related materials.

Applicant estimates that Johns-Manville's requirements will be 1,400 Mcf per maximum day and 456,000 Mcf per year during each of the first three years of operation. The estimated total capital cost of the proposed facilities is $13,494 which will be financed out of funds currently on hand.

This matter is one which should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 14, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by this application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5861; Filed, July 17, 1957; 8:52 a. m.]

[Docket No. G-7270]

PLYMOUTH OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 12, 1957.

Take notice that Plymouth Oil Company (Applicant), a Delaware corporation with principal place of business at 223 Fourth Avenue, Pittsburgh 22, Pennsylvania, filed on December 1, 1954, as amended on April 8, 1957, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application and amendment thereto which are on file with the Commission and open for public inspection.

Applicant sells natural gas in interstate commerce from production of certain leases, units or acreage located in the area hereinafter designated to the respective purchasers as indicated for resale.

Source of Gas; Purchaser; and Date of Contract and FPC Gas Rate Schedule Number

Standifer Lease, Benedum Field, Upton County, Texas; Texas Gas Products Corporation (formerly Upton Gas Products Company); 11-14-49; No. 6.

Alford Lease, Benedum Field, Upton County, Texas; Texas Gas Products Corporation (formerly Upton Gas Products Company); 11-14-49; No. 7.

Group I Lands, Benedum Field, Upton and Reagan Counties, Texas; Pecos Company (formerly Denton Oil Company); 12-29-53; No. 8.

Group II Lands, Benedum Field, Upton and Reagan Counties, Texas; Pecos Company (formerly Denton Oil Company); 12-29-53; No. 9.

Rodessa, Paluxy, Travis Peak and Cotton Valley "D" Zones, Greenwood Field, Caddo Parish, Louisiana; Arkansas Louisiana Gas Company; 4-9-52; No. 3.

On April 8, 1957, Applicant filed an amendment to its original application in this proceeding requesting permission to withdraw that portion of its application, particularly section (1) of Part II thereof, which pertains to its sales of gas to the Pecos Company (Pecos) from the Benedum Field, Upton and Reagan Counties, Texas, and its sales of gas to Texas Gas Products Corporation (Texas Products) from the Standifer and Alford Leases, Benedum Field, Upton County, Texas. The reason given for the withdrawal of the aforementioned portion of its application is that said sales to Pecos and Texas Products are made under contracts with operators of gasoline plants providing for a price to be paid for Applicant's gas which is a percentage of the proceeds received by the operators from the resale of the residue gas. In the amendment to its application, Applicant also requested permission to withdraw its FPC Gas Rate Schedule Nos. 6, 7, 8 and 9 under which the above-mentioned sales to Pecos and Texas Products are made.

Applicant states in the amendment to its application that it does not intend to withdraw that portion of its original application relating to its sales in the Greenwood Field, Caddo Parish, Louisiana, to Arkansas Louisiana Gas Company and renews its request for a certificate of public convenience and necessity authorizing it to sell natural gas to Arkansas Louisiana as requested in its original application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 3, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5862; Filed, July 17, 1957; 8:52 a. m.]

[Docket No. G-11804 etc.]

AMERADA PETROLEUM CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 12, 1957.

In the matters of Amerada Petroleum Corporation, Docket No. G-11804; Frio-Tex Oil and Gas Company, Docket No. G-12403; Texam Oil Corporation et al., Docket No. G-12423; Standard Oil Company of Texas, Docket No. G-12563; Quintana Petroleum Corporation et al., Docket No. G-12581; Lee Brothers Oil Company et al., Docket No. G-12602.

Take notice that there have been filed with the Federal Power Commission in the above-captioned dockets, applications for authority to render natural gas service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Each of the above-named independent producers, hereinafter referred to as Applicants, seeks authority to sell natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transco) for resale from production in District 1 in Texas as indicated below:

Applicant; Docket No.; and Field

Amerada Petroleum Corporation; G-11804; Dilworth Field, McMullen County.

Frio-Tex Oil and Gas Company; G-12403; West Big Foot Field.

Texam Oil Corporation, et al.; G-12423; Dilworth Field, McMullen County.

Standard Oil Company of Texas; G-12563; Dilworth, South Tilden and Henry Fields, McMullen County, and Washburn Ranch Field, La Salle County.

Quintana Petroleum Corporation, et al.; G-12581; Washburn Ranch Field, La Salle County.

Lee Brothers Oil Company, et al.; G-12602; White Kitchen Field, La Salle County.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 8, 1957 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5863; Filed, July 17, 1957; 8:52 a. m.]

[Docket No. G-12503]

TEXAS EASTERN TRANSMISSION CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 12, 1957.

Take notice that on May 2, 1957, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation having its principal place of business in Shreveport, Louisiana, and Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation having its principal place of business in Houston, Texas, filed a joint application in Docket No. G-12503 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Transco to sell natural gas to The East Ohio Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, and Hope Natural Gas Company (Consolidated Companies), and authorizing Texas Eastern to receive said gas from Transco and redeliver it to the Consolidated Companies, all as more fully described in the application, which is on file with the Commission and open for public inspection. An amendment to said application was filed on May 23, 1957. The service is to be rendered only until December 31, 1957.

The total contract quantity of natural gas involved is 3,000,000 Mcf, with a total maximum daily limitation of 15,000 Mcf and a minimum daily limitation of 3,000 Mcf. The presently authorized facilities of Applicants are adequate to render the services for which authorization is herein requested without adverse effect on other customers, and no additional construction is proposed.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 14, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by this application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5864; Filed, July 17, 1957; 8:52 a. m.]

[Docket No. G-12569]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 12, 1957.

Take notice that on May 14, 1957, United Gas Pipe Line Company, a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed an application, as supplemented on June 11, 1957, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing it to construct and operate certain natural gas facilities to render direct interruptible service to two industrial plants in the Bayou Casotte industrial area in Jackson County, near Pascagoula, Mississippi.

Applicant proposes to construct and operate approximately 17.7 miles of 12-inch pipeline and appurtenant facilities, from a point of connection near Milepost 171 with its main Lirette-Mobile 12-inch transmission line in Jackson County, Mississippi, south to the Bayou Casotte area, approximately 2 miles east of Pascagoula. This line will parallel in existing 8-inch lateral now serving the Pascagoula area. Applicant also proposes to construct and operate approximately 1.0 mile of 8-inch tap line from the proposed 12-inch line, a sales meter and regulator station and appurtenant facilities for direct service to the H. K. Porter Company for use in its magnesium oxide and refractory brick plant now under construction; and approximately 0.5 mile of 6-inch tap line from the proposed 12-inch line, sales meter and regulator station and appurtenant facilities for direct service to the Coastal Chemical Corporation for use in its chemical plant also now under construction.

The estimated natural gas requirements of these customers for each of the first three years of operation are:

Customer	Peak day	Annual
	Million cubic feet	*Million cubic feet*
Coastal Chemical Corp.	1,000	300,000
H. K. Porter Co.	6,000	1,606,000
Total	7,000	1,906,000

The gas will be sold to both consumers on an interruptible basis. Coastal Chemical will require service by September 1, 1957, and Porter Company by May 1, 1958.

The estimated total capital cost of constructing the proposed facilities is $919,763 which will be financed out of current working funds.

This matter is one which should be disposed of as promptly as possible under applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 14, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by said application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a report therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5865; Filed, July 17, 1957; 8:52 a. m.]

[Docket No. G-12842]

WARREN PETROLEUM CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATE AND PROVIDING FOR HEARING

JULY 12, 1957.

Warren Petroleum Corporation (Warren) on June 13, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas produced from Slaughter Field, Cochran, Hockley and Terry counties, Texas, which sale is subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 11, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 6 to Warren's FPC Gas Rate Schedule No. 22.
Effective date: [1] July 14, 1957.

In support of the increased rate, Warren cites the exchange in economic circumstances experienced by it, with the decline in purchasing power, since negotiation of the sales contract which constitutes the afore-described basic rate schedule. It states that it intends to present cost of service data in support of the increased rate and charge at a sub-

[1] The stated effective date is the first day after expiration of the required thirty days notice.

sequent date, but that it does not desire action upon its proposal to be withheld pending such submission.

Warren in effect requests waiver of the 30-day notice period provided under section 4 (d) of the Natural Gas Act and § 154.94 (b) of the regulations thereunder, with respect to the proposed change in its rate schedule, and proposes that such change be permitted to become retroactively effective as of March 11, 1957. It states as basis therefor that the increase proposed by it is a favored-nations incident to the increased price paid by the purchaser here, El Paso, to Phillips Petroleum Company, pursuant to the effectuation of a contractual escalation clause, which latter increase, after suspension until March 11, 1957, by the Commission in Docket No. G–11217, has been since placed into effect subject to refund.

The increased rate and charge so proposed by Warren has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) Good cause has not been shown that the 30-day notice period provided in § 154.94 (b) of the Commission's regulations under the Natural Gas Act should be waived with respect to Supplement No. 6 to Warren's FPC Gas Rate Schedule No. 22, and the request therefore should be denied.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's general rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 14, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) The request by Warren of waiver of the 30-day notice period provided in section 4 (d) of the Natural Gas Act and § 154.94 (b) of the Commission's regulations thereunder, be and the same is hereby denied.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–5866; Filed, July 17, 1957; 8:52 a. m.]

FEDERAL RESERVE SYSTEM

OTTO BREMER CO.

NOTICE OF REQUEST FOR DETERMINATION AND ORDER FOR HEARING THEREON

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 (12 U. S. C. 1843) and section 5 (b) of the Board's Regulation Y (12 CFR 222.5 (b)), by Otto Bremer Company, St. Paul, Minnesota, a bank holding company, for a determination by said Board that each of the companies listed below and the activities thereof are of the kind described in those provisions of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the act:

1. Citizens Agency, Inc.
2. The Saulpaugh Corporation.
3. Western State Agency, Inc.
4. New England Insurance Agency.
5. Drovers Exchange Agency & Realty, Inc.
6. Williston Realty Company.
7. Willmar Investment Company.

Inasmuch as section 4 (c) (6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing.

It is hereby ordered, That pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 and in accordance with sections 5 (b) and 7 (a) of the Board's regulation Y (12 CFR 222.5 (b), 222.7 (a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on August 20, 1957, at 10 o'clock a. m., at the office of the Federal Reserve Bank of Minneapolis, 73 South Fifth Street, in the City of Minneapolis, State of Minnesota, before a hearing examiner selected by the Civil Service Commission pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted in accordance with rules of practice for formal hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The Board's rules of practice for formal hearings provide, in part, that "all such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however*, That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be public.

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before August 9, 1957, a written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing examiner's decision in due course.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER, *Secretary.*

JULY 12, 1957.

[F. R. Doc. 57–5841; Filed, July 17, 1957; 8:48 a. m.]

GENERAL ACCOUNTING OFFICE

JOINT REGULATION FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

SUPPLEMENT

CROSS REFERENCE: For Supplement No. 1 to joint regulation for small purchases utilizing Imprest Funds jointly issued by General Services Administration, Department of the Treasury and General Accounting Office, see F. R. Doc. 57–5931, General Services Administration, *infra*.

GENERAL SERVICES ADMINISTRATION

[Supplement No. 1]

JOINT REGULATION FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

SUPPLEMENT

1. *Purpose.* This Supplement revises the Joint Regulation to broaden the utilization of the fund and to amend provisions relative to bonding necessitated by the enactment of Public Law 323, 84th Congress, approved August 9, 1955.

2. *Revisions.* The revisions to the original Joint Regulation, dated March 10, 1952, are as follows:

PART II—UTILIZATION

Paragraph 7. *Availability.*

Subparagraph b is revised to read as follows:

b. The following are typical of the types of procurement or payment for which the use of Imprest Funds would be suitable in making direct cash payments to creditors:

(1) Emergency, fill-in, occasional, or special purchases of articles or services;

(2) Repairs of equipment;

(3) Perishable foodstuffs;

(4) Public utility bills less than $15.00;

(5) Items such as postage stamps, parcel post, c. o. d. postal charges, local drayage, transportation tokens or passes, and taxi fares.

c. In addition, the following types of direct cash payments may be made:

(1) Emergency travel advance not exceeding $50.00 (for example, where travel orders are issued too late to obtain an advance through regular disbursing channels), vouchered on Standard Form No. 1012–Revised, approved by an officer authorized to approve travel advances. Such voucher will state that payment by the Imprest Fund Cashier is required.

(2) Reimbursement for travel expenses where the payment to the traveler does not exceed $50.00, submitted on Standard Form No. 1012–Revised, certified by a duly authorized certifying officer. In cases where cash payment for transportation service is the only travel expense, and is within the $15.00 limitation exclusive of the transportation tax, established in the Standardized Government Travel Regulations, reimbursement may be made when vouchered on Standard Form No. 1012–Revised, certified by a duly authorized certifying officer.

Paragraph 10. *Sales taxes.*

This paragraph is revised to read as follows:

10. *Sales taxes.* The use of Government Tax Exemption Certificates, S. F. No. 1094–Revised, will not be required for small purchases or payments made in cash through the use of the imprest fund procedures.

PART IV—ACCOUNTABILITY

Paragraph 14.

14. *Bonding of imprest fund cashiers.* Each person designated as an imprest fund cashier (and his alternate) must be bonded in accordance with the standards and conditions set forth in Treasury Department Circular No. 169, dated November 1, 1955 (31 CFR Part 226). The penal sum covering an imprest fund cashier included in a bond shall be sufficient to protect the interests of the United States but not less than the amount of the imprest fund. It should be noted that the amount of the fund it not the sole determining factor of the penal sum, since the revolving nature of the fund may multiply the risk of loss.

3. *Effective date.* The provisions of this Supplement and the revised procedures prescribed hereunder will become effective immediately.

FRANKLIN G. FLOETE,
Administrator of General Services.
JOSEPH CAMPBELL,
Comptroller General of the United States.
W. RANDOLPH BURGESS,
Secretary of the Treasury.

JULY 15, 1957.

[F. R. Doc. 57–5931; Filed, July 17, 1957; 8:58 a. m.]

No. 138——8

[Delegation of Authority 298]

ATTORNEY GENERAL

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF WATER TREATMENT PLANT AND 8-INCH WATER LINE, FEDERAL REFORMATORY, EL RENO, OKLA.

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (hereinafter referred to as "the act"), authority is hereby delegated to the Attorney General to dispose of one (1) Water Treatment Plant and 3,000 feet of 8-Inch Water Line serving the Federal Reformatory, El Reno, Okla., by sale upon such terms as may be deemed advantageous to the United States: *Provided*, That in case of a negotiated disposal not less than the appraised fair market value shall be obtained.

2. The authority conferred herein shall be exercised in accordance with the act and the regulations of the General Services Administration issued pursuant thereto; except, however, that no screening of the property as required by GSA Reg. 2–IV–202.05 need be conducted, it having been determined that such screening among Federal agencies would accomplish no useful purpose, since the property subject to disposal hereunder serves and will continue to serve the Department of Justice installation.

3. The Attorney General shall submit to the appropriate committees of Congress an explanatory statement of the type required by sec. 203 (e) of the act, as amended, in case of a negotiated disposal. A copy of each such statement shall be furnished to the General Services Administration.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of Justice.

5. This delegation of authority shall be effective as of the date hereof.

Dated: July 12, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57–5853; Filed, July 17, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

JULY 12, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1–2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X–14 adopted pursuant to section 14 (a) of the act.

On July 3, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, July 14 through July 23, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–5844; Filed, July 17, 1957; 8:48 a. m.]

[File No. 8–4222]

NIELSEN INVESTMENT CO.

FINDINGS, OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

JULY 10, 1957.

In the matter of Harold L. Nielsen doing business as Nielsen Investment Co., Twin Falls, Idaho, File No. 8–4222.

BROKER-DEALER REGISTRATION

GROUNDS FOR REVOCATION

Injunction

Where registered broker and dealer is permanently enjoined by federal district court

from engaging in the securities business while he is insolvent and his books and records are not current, from selling unregistered securities and from engaging in deceptive and fraudulent acts and practices held, under all the circumstances in public interest to revoke registrant's registration as a broker and dealer.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the registration as a broker and dealer of Harold L. Nielsen, doing business as Nielsen Investment Co. ("registrant"), a sole proprietor.[1] The order for proceedings alleges that registrant is permanently enjoined from engaging in or continuing certain conduct and practices in connection with the purchase and sale of securities. Registrant filed an answer and consent to revocation in which he waived a hearing.

Registrant is permanently enjoined by a decree dated November 21, 1956, of the United States District Court for the District of Idaho, Southern Division, from engaging in the securities business while insolvent and his books and records are not current, from selling unregistered securities not exempt from registration under the Securities Act of 1933, and from effecting securities transactions while his aggregate indebtedness to all other persons exceeds 2,000 per centum of his net capital. The complaint in that action, and the affidavits filed in support of a motion for the issuance of an injunction, recite that registrant engaged in the activities which the decree entered by the Court enjoins.

In view of the injunction entered against registrant and the nature of the conduct enjoined, we find that the public interest requires the revocation of registrant's registration.

Accordingly, it is ordered, That the registration of Harold L. Nielsen, doing business as Nielsen Investment Co. as a broker and dealer be, and it hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5846; Filed, July 17, 1957; 8:49 a. m.]

[File No. 8-4573]

DALE LANPHERE

FINDINGS, OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

JULY 10, 1957.

In the matter of Percy Dale Lanphere, doing business as Dale Lanphere, Empire State Building, Spokane 13, Washington, File No. 8-4573.

[1] Section 15 (b) as here applicable provides that we may revoke the registration of a broker or dealer if we find that it is in the public interest and that such broker or dealer is enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practices in connection with the purchase or sale of any security.

BROKER-DEALER REGISTRATION

GROUNDS FOR REVOCATION

Injunction

Where registered broker-dealer is enjoined, on basis of violation of Securities Act of 1933, from selling securities unless and until such securities are registered with the Securities and Exchange Commission, held, registration revoked.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the registration as a broker and dealer of Percy Dale Lanphere, doing business as Dale Lanphere ("registrant").[1] Registrant filed a consent to the revocation of its registration and waived a hearing.

Registrant is permanently enjoined by a judgment, dated December 11, 1956, of the United States District Court for the Eastern District of Washington, Northern Division, from selling securities unless and until a registration is in effect with the Securities and Exchange Commission as to such securities. The complaint in that action recites that registrant, as underwriter, sold stock of Dawn Uranium and Oil Company in violation of the registration provision of the Securities Act of 1933, and registrant's consent in the instant proceedings states that the injunction was based on a violation of that act.

We find that the public interest requires the revocation of registrant's registration.

Accordingly, it is ordered, That the registration of Percy Dale Lanphere, doing business as Dale Lanphere, as a broker and dealer be, and it hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-5845; Filed, July 17, 1957; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request No. 21]

AMERICAN SCIENTIFIC TECHNICAL RESEARCH ORGANIZATION, INC.

WITHDRAWAL OF REQUEST TO OPERATE AS SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 217 of the Small Business Act of 1953, as amended, the request to American Scientific Technical Research Organization, Inc., published in 21 F. R. 2262, on April 6, 1956, to operate as a small business production pool for defense and the requests to the companies therein listed to participate in the operations of such pool, are hereby withdrawn.

That part of the above approval which provided that "no act or omission to act pursuant to this approved program shall be construed to be within the prohibition of the antitrust laws of the Federal Trade Commission Act of the United States" is likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to this withdrawal.

(Sec. 217 of Pub. Law 163, 83d Cong.; E. O. 10493, Oct. 16, 1953, 18 F. R. 6583)

Dated: July 10, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-5847; Filed, July 17, 1957; 8:49 a. m.]

[Declaration of Disaster Area 152, Amdt. 1]

MISSOURI

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 152, dated June 18, 1957, for the State of Missouri, is hereby amended as follows:

By including in paragraph 1 thereof the Counties of Iron, Washington and Gasconade (floods beginning on or about June 30, 1957).

Dated: July 5, 1957.

W. NORBERT ENGLES,
Deputy Administrator.

[F. R. Doc. 57-5849; Filed, July 17, 1957; 8:49 a. m.]

[Declaration of Disaster Area 161]

IOWA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about June 14, 1957, because of the disastrous effects of heavy rains, damage resulted to residences and business property located in certain areas in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in Harrison County (including any areas adjacent to Harrison County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Federal Office Building, 21st Floor, 911 Walnut Street, Kansas City 6, Mo.

Small Business Administration Branch Office, Federal Office Building, Room 705, 15th and Dodge Streets, Omaha 2, Nebr.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1958.

Dated: July 5, 1957.

W. NORBERT ENGLES,
Deputy Administrator.

[F. R. Doc. 57-5848; Filed, July 17, 1957; 8:49 a. m.]

TARIFF COMMISSION

[Investigation 64]

GARLIC

INSTITUTION OF INVESTIGATION AND ORDER FOR HEARING

Investigation instituted. Upon application of the California Garlic Growers Association, Gilroy, California, received July 9, 1957, the United States Tariff Commission, on the 12th day of July 1957, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether garlic, provided for in paragraph 770 of the Tariff Act of 1930 is, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered. A public hearing in this investigation will be held beginning at 10 a. m., e. s. t., on December 3, 1957, in the Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D. C. Interested parties desiring to appear and be heard at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D. C., and at the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: July 12, 1957.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-5850; Filed, July 17, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; CORRECTION

JULY 10, 1957.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, section 2.5, dated April 21, 1954 (19 F. R. 2473), the Order Providing for Opening of Public Lands dated February 13, 1957, appearing in 22 F. R. 1070-71, is hereby corrected to exclude the following described tracts:

SALT LAKE MERIDIAN

T. 25 S., R. 9 W.,
Sec. 33: NE¼.
T. 26 S., R. 9 W.,
Sec. 6: Lots 1, 2, 3, 4, 5, SW¼NE¼, SE¼NW¼.

Containing 466.37 acres.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-5839; Filed, July 17, 1957; 8:47 a. m.]

OREGON

REVOCATION OF AIR NAVIGATION SITE WITHDRAWAL NO. 31

JULY 9, 1957.

Pursuant to a report of the Civil Aeronautics Administration, United States Department of Commerce, and by virtue of authority contained in section 4 of the act of May 24, 1928 (45 Stat., 49 U. S. C. 214), and pursuant to the authority delegated by section 2.5, Bureau of Land Management Order No. 541 of April 21, 1954 (19 F. R. 2473), as amended, it is ordered as follows:

1. Air Navigation Site Withdrawal No. 31, established July 15, 1929, and modified October 28, 1949, affecting lands described below, is hereby revoked:

WILLAMETTE MERIDIAN, OREGON

T. 36 S., R. 5 W.
Sec. 9: N½SW¼NW¼SE¼, SE¼SW¼NW¼SE¼, SE¼NE¼SW¼, NE¼SE¼SW¼, NW¼SW¼SE¼.

Approximately 37.5 acres.

2. The above-described lands are revested Oregon and California Railroad Grant lands and are valuable for the perpetual production of timber.

3. These lands have been classified for retention in Federal ownership to be managed for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principle of sustained yield as authorized under the act of August 28, 1937 (50 Stat. 874).

4. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land laws.

5. Beginning at 10 a. m. on August 14, 1957, the lands described in paragraph 1 above will (subject to valid existing rights) become subject to location or leasing under the mining and mineral leasing laws.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 57-5859; Filed, July 17, 1957; 8:51 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. Fairbanks 013530, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and mineral leasing laws, but excepting the disposal of materials under the Materials Act. The applicant desires the land for an Administrative Site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

ESTER DOME

FAIRBANKS AREA, ALASKA

A parcel of land situated on Ester Dome lying approximately 15 miles northwest of Fairbanks, Alaska, more particularly described as follows:

Starting at the bench mark on Ester Dome, Ester No. 1, located at approximately latitude 64°52'45" N., longitude 148°03'08" W., thence South 54°15' E. 4.5 chains to Station No. 1 and the Point of Beginning; thence North 8.0 chains to Station No. 2; thence West 8.0 chains to Station No. 3; thence South 8.0 chains to Station No. 4; thence East 8.0 chains to Station No. 1 and the Point of Beginning.

Containing approximately 6.4 acres.

L. T. MAIN,
Operations Supervisor.

[F. R. Doc. 57-5878; Filed, July 17, 1957; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FALMOUTH STOCKYARDS

DEPOSTING OF STOCKYARD

It has been ascertained that the Falmouth Stockyards, Falmouth, Kentucky, originally posted on February 26, 1931, under the name of Pendleton County Cooperative Stockyards, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which no longer

is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefor, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 15th day of July 1957.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-5882; Filed, July 17, 1957; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FRONTIER FREIGHT FORWARDERS, INC. AND D. C. ANDREWS & CO.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8232 between Frontier Freight Forwarders, Inc., Miami, Florida, and D. C. Andrews & Co., New York, New York, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 15, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-5875; Filed, July 17, 1957; 8:55 a. m.]

PORT OF SEATTLE AND MATSON TERMINALS, INC.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8235, between the Port of Seattle and Matson Terminals, Inc., provides for the leasing by the Port of Seattle of certain shore and pier structure areas, referred to as Pier 48 and adjacent areas, to Matson Terminals. Matson Terminals will assess rates, charges, rules and regulations contained in Seattle Terminals Tariff No. 2-D, WNT. No. 21, revisions thereto or reissues thereof, except as to freight traffic from or to the Hawaiian Islands, on which Matson's Terminal Tariff No. 6-A, WNT. No. 7 will apply. Wharfage and wharf demurrage on all traffic will be remitted by Matson Terminals to the Port of Seattle.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 15, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-5876; Filed, July 17, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12067; FCC 57M-681]

WHAS, INC.

ORDER CONTINUING HEARING

In re application of WHAS, Inc., Louisville, Kentucky; Docket No. 12067, File No. BPCT-1950; for construction permit to change transmitter and antenna location.

The Hearing Examiner having under consideration a motion, filed on July 9, 1957, on behalf of WHAS, Inc., the applicant in the above-entitled proceeding, requesting that the hearing now scheduled to be held on September 30, 1957, be continued until December 4, 1957; and

It appearing that sufficient "good cause" has been set forth in the said motion to justify a grant of the relief requested therein; and

It further appearing that counsel for WLEX-TV, Inc., Community Broadcasting Company, and the Commission's Broadcast Bureau, the other parties to the proceeding, do not oppose a grant of the said motion and have agreed to waive the provisions of § 1.745 of the Commission's rules in order to permit immediate consideration thereof;

It is ordered, This 12th day of July 1957, that the above motion be, and it is hereby, granted, and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., Wednesday, December 4, 1957, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5871; Filed, July 17, 1957; 8:54 a. m.]

[Docket Nos. 12089, 12090; FCC 57-743]

PORT CITY TELEVISION CO., INC. AND BAYOU BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Port City Television Company, Inc., Baton Rouge, Louisiana; Docket No. 12089, File No. BPCT-2262; for construction permit for new television broadcast station. Bayou Broadcasting Corporation, Baton Rouge, Louisiana; Docket No. 12090, File No. BMPCT-4417; for modification of construction permit for new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 11th day of July 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 18 in Baton Rouge, Louisiana; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications and the replies to the above letters, the Commission finds that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television stations;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Port City Television Company, Inc. and Bayou Broadcasting Corporation are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order to determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant difference between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunities to be heard, Port City Television Company, Inc. and Bayou Broadcasting Corporation, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5872; Filed, July 17, 1957; 8:54 a. m.]

[Docket Nos. 12091, 12092; FCC 57-744]

SOUTHWEST STATES, INC., AND KENYON BROWN

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southwest States, Inc., Amarillo, Texas; Docket No. 12091, File No. BPCT-2199; Kenyon Brown, Amarillo, Texas; Docket No. 12092, File No. BPCT-2275; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Amarillo, Texas; and

It appearing that the above-captioned applications are mutually exclusive in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing, and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments filed thereto and the replies to the above letters, the Commission finds that Southwest States, Inc., and Kenyon Brown are legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast stations;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Southwest States, Inc., and Kenyon Brown are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order to determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant difference between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Southwest States, Inc., and Kenyon Brown, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issue specified in this order.

Released: July 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5873; Filed, July 17, 1957; 8:54 a. m.]

[Docket Nos. 12093, 12094; FCC 57-745]

ELKO BROADCASTING CO. AND NEVADA RADIO-TELEVISION, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Elko Broadcasting Company, Elko, Nevada; Docket No. 12093, File No. BPCT-2200; Nevada Radio-Television, Inc., Elko, Nevada; Docket No. 12094, File No. BPCT-2278; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 10 in Elko, Nevada; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that Nevada Radio-Television, Inc., proposes to locate its main studio outside the city limits of Elko, the principal city; that it has requested a waiver of § 3.613 (a) of the rules for so locating its main studio, and has made a showing in support thereof; and that the Commission finds that good cause exists for a waiver; and

It further appearing that upon due consideration of the above-captioned applications, the amendments filed thereto and the replies to the above letters, the Commission finds that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Elko Broadcasting Company and Nevada Radio-Television, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order to determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience, and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Elko Broadcasting Company and Nevada Radio-Television, Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the day fixed for the hearing and present evidence on the issues specified in this order.

Released: July 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5874; Filed, July 17, 1957; 8:54 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 139

Washington, Friday, July 19, 1957

JUL 19 1957

MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) and (2) of § 6.102 and paragraph (s) (1) and (2) of § 6.302 are revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-5919; Filed, July 18, 1957; 8:51 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.322]

PART 301—ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT SERVING OUTSIDE THE UNITED STATES

SUBPART E—UNHEALTHFUL POSTS

Pursuant to section 853 of the Foreign Service Act of 1946, as amended, and section 503 of Executive Order 10261 dated June 27, 1951, as amended, the following changes in the list of unhealthful places in § 301.61 established by Executive Order No. 5644 of June 8, 1931, as amended by the second paragraph of Executive Order No. 6942 of January 8, 1935, Executive Order No. 7062 of June 5, 1935, Executive Order No. 10000 of September 16, 1948, as amended, and Departmental Regulations 108.149 of March 13, 1952; 108.224 of June 1, 1954; and 108.295 of August 15, 1956 are made:

1. The following places are designated as unhealthful, effective as of January 1, 1942:

Hue; Viet-Nam.
Kirkuk, Iraq.
Mogadisico, Trust Territory of Somaliland.

2. The designation of Belize, British Honduras as unhealthful is cancelled, effective as of the signature date of this regulation. The cancellation of this designation shall not affect any credit which has accrued for service at Belize prior to the date of this regulation.

3. The following name changes are made effective as of the signature date of this regulation:

Accra, Gold Coast to Accra, Ghana.
Khartoum, Anglo-Egyptian Sudan to Khartoum, Sudan.

(Secs. 303, 443, 853, 60 Stat. 1002, 1006, 1024, sec. 207, 62 Stat. 194, 1205; 22 U. S. C. 843, 888, 1093, 5 U. S. C. 118h)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

JULY 5, 1957.

[F. R. Doc. 57-5935; Filed, July 18, 1957; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

ELIGIBLE WHEAT AND DETERMINATION OF QUANTITY

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 2405 containing the specific requirements of the 1957-crop wheat price support program are hereby amended as follows:

1. Section 421.2238 (c) (1) is amended to also make wheat grading "Sample" because of test weight only but not less than 40 pounds per bushel eligible for price support if it otherwise grades No. 3 or better so that the amended subparagraph (1) reads as follows:

§ 421.2238 *Eligible wheat.* * * *
(c) * * *

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(1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or 5 because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (iii) wheat of any class grading No. 4, 5 or "Sample" on the factor of test weight only but otherwise meeting the requirements stated in subdivision (i) or (ii) of this subparagraph and having a test weight of not less than 40 pounds per bushel; or (iv) wheat of the class Mixed Wheat, consisting of mixtures of grades of eligible wheat as stated in subdivision (i), (ii) or (iii) of this subparagraph provided such mixtures are the natural products of the field.

2. Section 421.2240 (c) is amended by extending the schedule therein to apply to wheat testing as low as 40 pounds per bushel so that the amended paragraph reads as follows:

§ 421.2240 *Determination of quantity.* * * *

(c) When the quantity of wheat is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60-pound wheat:

For wheat testing:	Percent
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83
49 pounds or over, but less than 50 pounds	82
48 pounds or over, but less than 49 pounds	80
47 pounds or over, but less than 48 pounds	78
46 pounds or over, but less than 47 pounds	77
45 pounds or over, but less than 46 pounds	75
44 pounds or over, but less than 45 pounds	73
43 pounds or over, but less than 44 pounds	72
42 pounds or over, but less than 43 pounds	70
41 pounds or over, but less than 42 pounds	68
40 pounds or over, but less than 41 pounds	67

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 15th day of July 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57–5932; Filed, July 18, 1957; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 618, Revised]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE-FRINGED BEETLE

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.72–2 of the regulations supplemental to notice of quarantine No. 72 relating to the white-fringed beetle (7 CFR 1956 Supp. 301.72–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the administrative instructions in 7 CFR 1956 Supp., § 301.72–2a are hereby revised to read as follows:

§ 301.72–2a *Administrative instructions designating regulated areas under the white-fringed beetle quarantine and regulations.* Infestations of white-fringed beetles have been determined to exist, in the quarantined States, in the respective counties, parishes, cities, sections, townships, militia districts, and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such civil divisions and parts thereof are hereby designated as white-fringed beetle regulated areas within the meaning of the provisions in this subpart:

ALABAMA

Baldwin County. S½ T. 3 S., Rs. 3 and 4 E.; SE¼ T. 3 S., R. 2 E.; Tps. 4 and 5 S., Rs. 3 and 4 E.; E½ Tps. 4 and 5 S., R. 2 E.; Tps. 6 and 7 S., R. 4 E.; E½ T. 7 S., R. 3 E.; E½ and secs. 3, 4, 5, 6, 7, 8, 9, and 10, T. 6 S., R. 3 E.; secs. 1, 2, 3, 10, 11, and 12, T. 6 S., R. 2 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; secs. 6 and 7, T. 8 S., R. 4 E.; S⅔ T. 7 S., R. 5 E.; and T. 7 S., R. 6 E.

Clarke County. N½ T. 8 N., R. 3 E., and S½ T. 9 N., R. 3 E., including all of the town of Grove Hill; and all that area lying within the corporate limits of the town of Jackson.

Coffee County. That part of the county lying south of the South line of T. 6 N.

Conecuh County. T. 5 N., Rs. 9, 10, 11, 12, 13, and 14 E.; T. 6 N., Rs. 10, 11, 12, and 13 E.; and those parts of T. 4 N., R. 7 E., T. 5 N., Rs. 7 and 8 E., T. 6 N., Rs. 8 and 9 E., Tps. 7 and 8 N., R. 9 E., and Tps. 7, 8, and 9 N., R. 10 E., lying in Conecuh County.

Covington County. All of Covington County.

Crenshaw County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E., and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E., including all of the town of Luverne.

Dale County. Secs. 25 and 36, T. 4 N., R. 25 E.; secs. 28, 29, and 30, T. 4 N., R. 26 E.

Dallas County. Tps. 13, 14, 15, 16, and 17 N., Rs. 10 and 11 E.; N½ of T. 15 N., Rs. 6, 7, 8, and 9 E.; T. 16 N., Rs. 7, 8, and 9 E.

Escambia County. Tps. 1, 2, and 3 N., Rs. 6, 7, and 8 E.; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and all area south thereof to the Alabama State line.

Geneva County. All of Geneva County.

Houston County. All of Houston County west of west line of R. 28 E.

Jefferson County. Secs. 17, 18, 19, and 20, T. 18 S., R. 3 W., and that area included within the corporate limits of the city of Birmingham.

Lowndes County. All of T. 14 N., R. 12 E.

Marengo County. Secs. 28, 29, 30, 31, 32, and 33, T. 16 N., R. 3 E.; and secs. 4, 5, 6, 7, 8, and 9, T. 15 N., R. 3 E.

Mobile County. All of Mobile County.

Monroe County. All of Monroe County.

Montgomery County. Tps. 16 and 17 N., Rs. 17, 18, and 19 E.; and that part of T. 18 N., R. 18 E., lying in Montgomery County.

Washington County. All of Washington County.

Wilcox County. N½ T. 10 N., Rs. 6, 7, 8, 9, 10, and 11 E.; T. 11 N., Rs. 8, 9, 10, and 11 E.; T. 12 N., Rs. 9 and 10 E.; that part of T. 12 N., R. 8 E., lying south of the Alabama River; and those portions of T. 13 N., Rs. 8 and 9 E., lying east of the Alabama River and south of Pine Barren Creek.

FLORIDA

Escambia County. All of Escambia County.

Holmes County. S⅔ T. 6 N., R. 15 W., except secs. 18, 19, 30, and 31; NE¼ and secs. 22, 23, and 24, T. 5 N., R. 15 W., including all of the town of Smyrna; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 5 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 14 W.; and E½ of Tps. 4, 5, 6, and 7 N., R. 18 W.

Jackson County. All of Jackson County east of Cowarts Creek and the Chipola River.

Okaloosa County. That part of the county lying north of the south line of T. 2 N.

Santa Rosa County. All of Santa Rosa County.

Walton County. That part of the county lying north of the south line of T. 3 N.

GEORGIA

Baldwin County. That area included within the corporate limits of the city of Milledgeville, and an area one mile wide beginning at the north corporate limits of Milledgeville extending northerly along U. S.

Highway No. 441 with said highway as a center line for a distance of one mile.

Ben Hill County. That area included within a circle having a 2-mile radius and center at the Ben Hill County Courthouse in Fitzgerald, including all of the city of Fitzgerald.

Berrien County. That area included within the corporate limits of the city of Nashville.

Bibb County. That area included within the Georgia Militia Districts of East Macon, Godfrey, Viheville, Hazzard, and Howard; and that portion of the Georgia Militia District of Rutland lying east of a line beginning at the point where U. S. Highway No. 41 crosses the north boundary of said militia district (Tobesofkee Creek) and running southward along said highway to its junction with Hartley Bridge Road and thence southwestward along said road to the west boundary line of said militia district.

Bleckley County. That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a boundary beginning at the intersection of Georgia State Highway 112 and the Bleckley-Twiggs County line, thence northeast along said county line to the intersection of the Bleckley, Twiggs, Wilkinson, and Laurens County lines, thence southeast for a distance of 1 mile along the Bleckley-Laurens County line, and thence northwest to the point of beginning.

Bulloch County. That area included within a circle having a 2-mile radius and center at the Bulloch County Courthouse in Statesboro, including all of the city of Statesboro; and that area included within a circle having a 1-mile radius and center at the Georgia and Florida Railroad depot in Portal, including all of the town of Portal.

Burke County. That area, comprising parts of Georgia Militia Districts numbers 60 and 62, bounded on the east by Fitz Branch, on the south by a line beginning at the intersection of Georgia State Highway 56 and the Hephzibah Road and extending due east to its intersection with Fitz Branch, on the west by Hephzibah Road, and on the north by Brier Creek, including all of the city of Waynesboro.

Candler County. That area included within a circle having a 1¼-mile radius and center at the intersection in Metter of Georgia State Highways 23 and 46, including all of the city of Metter.

Coffee County. That area included within the corporate limits of the city of Douglas; an area 2 miles wide beginning at the north corporate limits of the city of Douglas and extending northward along U. S. Highway No. 441 with said highway as a centerline to and bounded on the north by Seventeen Mile Creek; that area included within a circle having a 2-mile radius and center at the Atlanta, Birmingham and Coast Railroad depot in Ambrose, including all of the town of Ambrose; and an area 3 miles wide beginning at a line projected due east and due west from a point on the Georgia and Florida Railroad 1 mile northwest of the railroad depot in Broxton, and extending northwesterly with said railroad as a centerline to and bounded on the north by Georgia State Highway 107.

Crawford County. That area included within a circle having a 1½-mile radius and center at the intersection in Roberta of U. S. Highway No. 80 and Georgia State Highway 7, including all of the city of Roberta and the town of Knoxville.

Crisp County. That area included within the corporate limits of the city of Cordele.

Dodge County. That area included within land lots numbers 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41, and 42 in the Fifteenth Land District, and land lots numbers 278, 279, 280, 281, 282, 289, 290, 291, 292, 293, 294, 295, 306, 307, 308, 309, 310, 311, and 312 in the Sixteenth Land District, including all of the city of Eastman.

Emanuel County. That area included within a circle having a 1½-mile radius and center at the Union Grove Methodist Church in Georgia Militia District No. 49.

Fulton County. That area included within the corporate limits of the city of East Point.

Greene County. That area included within the corporate limits of the city of Greensboro.

Houston County. That area included within the lower Fifth Georgia Militia District, including all of the city of Warner Robins and all of Robins Air Force Base; an area 2 miles wide beginning north of Perry and bounded on the north by Mossy Creek and extending southward along U. S. Highway No. 41 with said highway as a centerline to and bounded on the south by Georgia State Highway 26, including all of the city of Perry; and an area 2 miles wide beginning north of Clinchfield and bounded on the north by Big Indian Creek and extending southwesterly along the Southern Railway with said railway as a centerline to and bounded on the south by Burnham Branch southwest of Grovania, including all of the communities of Clinchfield and Grovania.

Irwin County. That area included within a circle having a ½-mile radius and center at the intersection in Irwinville of Georgia State Highway 32 and the Jefferson Davis Memorial State Park Road; that area included within a circle having a 2-mile radius and center at the Irwin County Courthouse at Ocilla, including all of the city of Ocilla; an area 1 mile wide bounded on the south and east by the Irwin-Coffee County line and extending northwesterly along the Atlanta, Birmingham and Coast Railroad with said railroad as a centerline for a distance of 1¼ miles beyond the Atlanta, Birmingham and Coast Railroad depot in Wray; and an area 2 miles wide beginning at the Atlanta, Birmingham and Coast Railroad in Georgia Militia Distict No. 1661 and extending southeasterly along Georgia State Highway 32 with said highway as a centerline to the east boundary of said militia district.

Jasper County. That area included within Georgia Militia Districts numbers 262, 289, and 295; and that portion of Georgia Militia Districts numbers 288 and 291 lying south of Whiteoak and Murder Creeks.

Jefferson County. That area included within the corporate limits of the city of Louisville; and that area included within a circle having a 1-mile radius and center at the Central of Georgia Railway depot in Bartow, including all of the town of Bartow.

Johnson County. That area included within the corporate limits of the city of Wrightsville; and an area 1 mile wide beginning at the west corporate limits of Wrightsville and extending southwesterly along Georgia State Highway 15 with said highway as a centerline to the Ohoopee River.

Laurens County. Those portions of the Georgia Militia Districts of Dublin, Dudley, and Harvard included within an area 2 miles wide beginning at the west corporate limits of Dublin and extending northwesterly along the Macon, Dublin and Savannah Railroad with said railroad as a centerline to the Laurens-Wilkinson and Laurens-Bleckley County lines, including all of the towns of Dudley and Montrose and that portion of Allentown lying in Laurens County; that area included within the corporate limits of the city of Dublin; an area 2 miles wide beginning at the north corporate limits of Dublin and extending northward along Georgia State Highway 29 with said highway as a centerline for a distance of 3 miles; and that portion of the Georgia Militia District of Smith lying north of the Macon, Dublin and Savannah Railroad and east of Shaddock Creek.

Macon County. That area lying east of Flint River including the cities of Marshallville and Montezuma; and that area included within the corporate limits of Oglethorpe.

Monroe County. That area included within the corporate limits of the city of Forsyth.

Montgomery County. That area bounded on the east by the Montgomery-Toombs County line, on the south by Rocky Creek, on the west by Georgia State Highway 29, and on the north by Swift Creek; and those areas included within the corporate limits of the city of Mount Vernon and the town of Alley.

Newton County. That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale.

Peach County. That area included within the Georgia Militia District of Fort Valley, including all of the city of Fort Valley; and that area included within the corporate limits of the town of Byron.

Putnam County. That area included within the Georgia Militia District of Ashbank.

Richmond County. That portion of the Georgia Militia District of Forest Hills bounded on the south by Raes Creek and Lake Olmsted and on the west by the Berkman Road and a line extended due north from the point of intersection of the Berkman and Washington Roads.

Screven County. That area included within a circle having a 2-mile radius and center at the Screven County Courthouse in Sylvania, including all of the city of Sylvania.

Sumter County. That area included within the corporate limits of the city of Americus; and an area 1 mile wide beginning at the east corporate limits of Americus and extending along U. S. Highway No. 280 with said highway as a centerline to Mill Creek.

Taylor County. That area included in the Georgia Militia District of Reynolds, including all of the town of Reynolds; and that area included within a circle having a 2½-mile radius and center at Taylor County Courthouse in Butler, including all of the town of Butler.

Toombs County. That area bounded on the east by the east boundaries of the Georgia Militia Districts of Vidalia and Center, on the south by Rocky Creek, on the west by the Toombs-Montgomery County line, and on the north by Swift Creek, including all of the city of Vidalia.

Treutlen County. That area included within the corporate limits of the city of Soperton; and an area 1 mile wide beginning at the south corporate limits of Soperton and extending southeasterly along Georgia State Highway 29 with said highway as a centerline to the Treutlen-Montgomery County line.

Turner County. That area bounded on the east by a line parallel to and ½ mile east of the Sycamore town limits, on the south by a line parallel to and ½ mile south of the Sycamore town limits, on the west by a line parallel to and ½ mile west of the Sycamore town limits, on the north by a line parallel to and ½ mile north of the Sycamore town limits, and the projections of such lines to their intersections; including all of the town of Sycamore; and that part of the Georgia Militia District of Clements included within a circle having a ¾-mile radius and center at the Bethel School.

Twiggs County. That portion of the Georgia Militia District of Higgsville bounded on the east by the Twiggs-Wilkinson County line, on the south by the Twiggs-Bleckley County line, on the north by a line parallel to and 3½ miles north of the Twiggs-Bleckley County line, on the west by a line parallel to and 1 mile west of the Twiggs-Wilkinson County line, and the projections of such lines to their intersections, including

all of those portions of the towns of Allentown and Danville lying in Twiggs County.

Washington County. That area included within a circle having a 5-mile radius and center at the Washington County Courthouse in Sandersville, including all of the city of Sandersville and the city of Tennille.

Wheeler County. That area included within land lots numbers 40, 41, 42, 43, 48, 49, 50, 51, 70, 71, 72, 73, 78, 79, 80, 81, 100, 101, 102, and 103, in the Eleventh Land District, including all of the town of Alamo.

Wilkinson County. That portion of the Georgia Militia District of Turkey Creek bounded on the west by the Wilkinson-Twiggs County line, on the south by the Wilkinson-Laurens County line, on the east by a line parallel to and 1¾ miles east of the Wilkinson-Twiggs County line, on the north by a line parallel to and 3½ miles north of the Wilkinson-Laurens County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Wilkinson County.

LOUISIANA

East Baton Rouge Parish. T. 7 S., Rs. 1 and 2 E.

Jefferson Parish. That part lying north of the township line between Tps. 14 and 15 S.

Orleans Parish. All of Orleans Parish, including the city of New Orleans.

Plaquemines Parish. That part lying north of the township line between Tps. 15 and 16 S.

Saint Bernard Parish. All of Saint Bernard Parish.

Saint Tammany Parish. Secs. 38, 39, and 40, T. 7 S., R. 11 E.; secs. 40 and 41, T. 8 S., R. 11 E.; and that area lying south of the north line of T. 10 N.; secs. 33 and 43, T. 4 S., R. 10 E.; secs. 3 and 4, T. 5 S., R. 10 E.; secs. 26, 27, 28, 33, 34, 35, 36, and 39, T. 7 S., R. 14 E.

Tangipahoa Parish. Secs. 26, 27, 28, 33, 34, and 35, T. 5 S., R. 7 E.; secs. 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 35, and 36, T. 6 S., R. 7 E.; secs. 19, 22, 23, 24, 26, 27, 30, 31, 39, 40, and 41, T. 6 S., R. 8 E., including all of the town of Hammond; secs. 32, 33, and 50, T. 3 S., R. 7 E.; and secs. 4, 5, 8, 9, 10, 50, and 54, T. 4 S., R. 7 E., including all of the town of Amite.

Washington Parish. All of Tps. 1, 2, 3, and 4 S., R. 14 E.; E⅔ Tps. 3 and 4 S., R. 13 E.; E½ Tps. 1 and 2 S., R. 13 E.; secs. 23, 24, 25, 34, 36, 44, 45, 46, 47, 48, 51, 52, 53, and 54, T. 2 S., R. 10 E.; secs. 3, 8, 9, 10, 14, 15, 16, 17, 20, 21, 39, 40, 41, 42, 43, 46, 48, 49, 50, and 51, T. 3 S., R. 10 E.; secs. 19, 20, 29, 30, 31, 32, 38, and 39, T. 2 S., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 37, 38, 39, 40, 41, 43, 49, and 50, T. 3 S., R. 11 E., and that portion of the Parish lying between the M. & O. Railroad and Bogue Chitta River, south of the northern boundary of sec. 44, T. 3 S., R. 11 E., and along the Franklinton-Enon-Sun Highway to the east boundary of T. 4 S., R. 12 E., and the Parish line.

MISSISSIPPI

Attala County. Secs. 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 14 N., R. 7 E.; secs. 19, 30, and 31, T. 14 N., R. 8 E.; sec. 6 T. 13 N., R. 8 E.; secs. 1 and 2, T. 13 N., R. 7 E.

Clarke County. Secs. 4, 5, 6, 7, 8, and 9, T. 2 N., R. 14 E.; secs. 4, 5, 8, and 9, T. 4 N., R. 15 E.; secs. 6, 7, and 18, T. 2 N., R. 16 E.; sec. 31, T. 3 N., R. 16 E.; secs. 34, 35, and 36, T. 3 N., R. 15 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 2 N., R. 15 E.; W½ T. 1 N., R. 14 E.; and W½ T. 10 N., R. 9 W.

Copiah County. Secs. 31, 32, 34, 35, and 36, T. 1 N., R. 2 W.; N½ T. 10 N., R. 8 E.; and N½ T. 1 N., R. 1 E., lying west of Pearl River.

Covington County. All of Covington County.

Forrest County. All of Forrest County.

George County. Secs. 27, 28, 29, 32, 33, 34, 35, and 36, T. 1 S., R. 6 W., including all of the town of Lucedale; N½ T. 2 S., R. 6 W., except secs. 6, 7, and 18; secs. 5, 6, 7, 8, 17, and 18, T. 2 S., R. 5 W.; and that part of secs. 31 and 32, T. 1 S., R. 5 W., lying south of Mississippi State Highway No. 15; and W½ of T. 3 S., R. 5 W.

Greene County. Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 2 N., R. 8 W.; and secs. 1, 2, 11, and 12, T. 2 N., R. 6 W., including all of the City of Leaksville.

Hancock County. All of Hancock County.

Harrison County. All of Harrison County.

Hinds County. Secs. 2, 3, 4, 9, 10, and 11, T. 7 N., R. 1 W.; E⅝ T. 6 N., R. 3 W.; W½ T. 6 N., R. 2 W.; and that area within the corporate limits of Jackson.

Jackson County. All of Jackson County.

Jasper County. T. 3 N., R. 10 E.; W⅔ T. 2 N., R. 10 E.; secs. 3, 4, 5, 6, 32, 33, and 34, T. 1 N., R. 10 E.; secs. 1, 2, and 3, T. 10 N., R. 13 W.; T. 1 N., R. 13 E.; that portion of T. 10 N., R. 9 W., and E⅔ T. 10 N., R. 10 W., lying in Jasper County.

Jefferson Davis County. All of Jefferson Davis County.

Jones County. All of Jones County.

Kemper County. SW¼ T. 10 N., R. 18 E.; secs. 4, 5, and 6, T. 9 N., R. 18 E.

Lamar County. All of Lamar County.

Lauderdale County. Tps. 5 and 6 N., Rs. 15 and 16 E.; S½, T. 7 N., Rs. 15 and 16 E.; secs. 31 and 32, T. 8 N., R. 17 E.; and secs. 5 and 6, T. 7 N., R. 17 E.

Lawrence County. That part lying east of Pearl River and that portion of T. 8 N., R. 21 W., lying west of Pearl River.

Leake County. Secs. 31 and 32, T. 11 N., R. 8 E.; secs. 34, 35, and 36, T. 11 N., R. 7 E.; W½ T. 10 N., R. 8 E.; E½ T. 10 N., R. 7 E.; and T. 9 N., R. 8 E.

Lincoln County. T. 7 N., R. 8 E.; and E½ T. 7 N., R. 7 E.

Marion County. All of Marion County.

Neshoba County. Secs. 15, 16, 17, 20, 21, 22, 27, 28, and 29, T. 9 N., R. 13 E.

Newton County. Secs. 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, T. 5 N., R. 11 E.

Pearl River County. All of Pearl River County.

Perry County. All of Perry County.

Pike County. Secs. 31, 32, and 33, T. 4 N., R. 8 E.; secs. 34, 35, and 36, T. 4 N., R. 7 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T. 3 N., R. 7 E.; secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 3 N., R. 8 E.

Rankin County. T. 3 N., Rs. 2 and 3 E.; T. 4 N., Rs. 1 and 2 E.; and Tps. 5 and 6 N., Rs. 1 and 2 E.

Scott County. W⅔ T. 8 N., R. 8 E.; and secs. 3, 4, 5, and 6, T. 7 N., R. 8 E.

Simpson County. All of Simpson County.

Smith County. W½ of T. 10 N., R. 14 W., and secs. 3, 4, 9, 10, 15, and 16, T. 1 N., R. 8 E.

Stone County. All of Stone County.

Walthall County. All of Tps. 1 and 2 N., Rs. 9, 10, 11, 12, and 13 E.

Warren County. All that area lying within the corporate limits of the city of Vicksburg, and that area included within a boundary beginning at a point where Halls Ferry Road intersects the corporate limits of the city of Vicksburg, thence southeast along said road to the point of its intersection with the range line between Rs. 3 and 4 E., thence south along the range line to the SE. corner sec. 42, T. 15 N., R. 3 E., thence west along the section line to the Mississippi River, thence north along the east bank of the Mississippi River to said corporate limits, and thence along the south corporate limits to the point of beginning.

Wayne County. Secs. 19, 20, 29, 30, 31, and 32, T. 7 N., R. 5 W.; secs. 24, 25, and 36, T. 7 N., R. 6 W.; secs. 6, 7, and 18, T. 8 N., R. 6 W.; secs. 1, 2, 11, 12, 13, and 14, T. 8 N., R. 7 W.

NORTH CAROLINA

Anson County. An area 2 miles wide beginning at the Anson-Union County line and extending easterly along the Seaboard Air Line Railroad with said railroad as a center line to a due north-south line projected through the point of intersection of said railroad with the east corporate limits of Polkton, including all of the towns of Peachland and Polkton.

Brunswick County. All of Eagles Island.

Cumberland County. That area included within a circle having a 4½-mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

Duplin County. That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending northwesterly along U. S. Highway No. 117 with said highway as a center line for a distance of 3 miles.

Edgecombe County. That portion of the city of Rocky Mount lying in Edgecombe County.

Harnett County. An area 4 miles wide bounded on the north by the Harnett-Wake County line and extending along U. S. Highway No. 15–A with said highway as a center line for a distance of 5 miles.

Jones County. An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately 1½ miles south of the Atlantic Coast Line Railroad depot in Pollicksville, and extending southerly with said railroad as a center line for a distance of 3 miles.

Nash County. That portion of the city of Rocky Mount lying in Nash County.

New Hanover County. That area included within the corporate limits of the city of Wilmington; all of Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and all that part of Masonboro Township lying north of the Sunset Park-Winter Park Road.

Onslow County. That area 3½ miles wide extending along U. S. Highway 17 with said highway as a center line from Southwest Creek on the south to Starky Creek on the north, including all of the city of Jacksonville; and all of that portion of Onslow County included within the boundaries of the Camp Lejeune Marine Base.

Pender County. All of that portion of Pender County lying west of a line parallel to and 8 miles west of the Pender-Onslow County line.

Union County. An area 2 miles wide beginning at a line projected due north and due south from a point where the west corporate limits of Marshville intersect the Seaboard Air Line Railroad and extending easterly with said railroad as a center line to the Union-Anson County line, including all of the town of Marshville.

Wake County. An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of intersection of U. S. Highway No. 15–A and the Norfolk Southern Railway, approximately 1½ miles east of the Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U. S. Highway No. 15–A with said highway as a center line to the Wake-Harnett County line, including all of the town of Fuquay Springs.

Wayne County. All of Goldsboro Township, including all of the city of Goldsboro; an area 2 miles wide beginning at the west boundary of Goldsboro Township and extending northwesterly along U. S. Highway No. 70 with said highway as a centerline to the Wayne-Johnston County line; an area 2 miles wide beginning at the north boundary of Goldsboro Township and extending northerly along the Atlantic Coast Line Railroad with said railroad as a center line to the Wayne-Wilson County line, including all of the towns of Pikeville and Fremont; and an area bounded on the north

by the Atlantic and East Carolina Railway, on the west by Stony Creek, on the south by the Neuse River, and on the east by a line beginning at the junction of U. S. Highway No. 70 and North Carolina State Highway 111 and extended due north and due south to its intersections with the north and south boundaries, including all of Seymour Johnson Field.

SOUTH CAROLINA

Beaufort County. That area bounded on the east by Wimbee Creek and Bull River, on the south by Whale Branch and the Coosaw River, on the west by Haulover Creek, and on the north by a line parallel to and one-half mile north of the Seaboard Air Line Railroad between Wimbee and Haulover Creeks.

TENNESSEE

Hamilton County. That area included within a circle having a ½-mile radius and center at the office of the Shell Oil Corporation bulk plant located on Jersey Pike Road.

Hardeman County. That area included within a circle having a 3-mile radius and center at the courthouse in Bolivar.

Shelby County. All of Shelby County.

Tipton County. That area within a circle having a ½-mile radius and center at the E. L. Reed homeplace, excluding any area not in Tipton County and including that area within the corporate limits of the town of Mason.

These revised administrative instructions add to the regulated areas the County of Washington, Alabama, and certain localities in the counties of Kemper, Neshoba, Newton, and Smith, Mississippi. They also extend the areas now under regulation in the parishes of St. Tammany, Tangipahoa, and Washington, Louisiana, and the counties of Copiah, George, Greene, Lauderdale, Lawrence, Marion, Perry, Pike, Simpson, and Walthall, Mississippi. The county of Fairfield, South Carolina is removed from the regulated areas.

These instructions should become effective as soon as possible with respect to the newly regulated areas in order to control the movement therefrom of articles that might spread the white-fringed beetle and with respect to the area removed from regulation in order to be of maximum benefit to affected shippers. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and contrary to the public interest, and good cause is found for the issuance thereof effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

The foregoing administrative instructions shall be effective July 19, 1957, and shall supersede administrative instructions designating regulated areas effective November 8, 1956 (7 CFR, 1956 Supp., 301.72–2a).

Done at Washington, D. C., this 15th day of July 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57–5915; Filed, July 18, 1957; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.572 *Plum Order 19*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 20, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 22, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship from any shipping point during any day any package or container of Ace plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller-sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) As used herein, "U. S. No. 1," "fairly uniform in size," "serious damaged," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57–5902; Filed, July 18, 1957; 8:47 a. m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.573 *Plum Order 20*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 20, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 20, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship from any shipping point during any day any package or container of Elephant Heart plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph.

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also

made on the particular calendar day by such shipper of the full quantity of such smaller-sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) As used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1, of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5903; Filed, July 18, 1957; 8:47 a. m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.574 *Plum Order 21*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 20, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 22, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship any package or container of Late Santa Rosa plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) As used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5904; Filed, July 18, 1957; 8:48 a. m.]

[Plum Order 22]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.575 *Plum Order 22*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 20, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 22, 1957; this section should be applicable, to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship any package or container of Sharkey plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) As used herein, "U. S. No. 1," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.5130 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5905; Filed, July 18, 1957; 8:48 a. m.]

[Plum Order 23]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.576 *Plum Order 23*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 20, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 22, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship any package or container of Kelsey plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than

thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) As used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) §§ 51.1520 to 51.1530 of this title) "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipments.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5906; Filed, July 18, 1957; 8:48 a. m.]

[Plum Order 24]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.577 *Plum Order 24*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 20, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 22, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship from any shipping point during any day any package or container of Emily plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths ($1^{13}/_{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths ($1^{13}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of the following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenths ($1^{10}/_{16}$) inches in diameter: *Provided*, That individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenths ($1^{10}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of the following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths ($1^{13}/_{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths ($1^{13}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller-sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) As used herein, "U. S. No. 1," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5907; Filed, July 18, 1957; 8:48 a. m.]

[Plum Order 25]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.578 *Plum Order 25*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 20, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 29, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship from any shipping point during any day any package or container of Queen Ann plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths ($1^{13}/_{16}$) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths ($1^{13}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the foresaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller-sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) As used herein, "U. S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural

Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5908; Filed, July 18, 1957; 8:49 a. m.]

[Plum Order 26]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.579 *Plum Order 26*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 20, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 25, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 20, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship from any shipping point during any day any package or container of Laroda plums unless such plums grade at least U. S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller-sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) As used herein, "U. S. No. 1," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5909; Filed, July 18, 1957; 8:49 a. m.]

[Plum Order 27]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.580 *Plum Order 27*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 1, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about August 5, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 1, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship any package or container of Giant plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenths (1 10/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenths (1 10/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) As used herein, "U. S. No. 1," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5910; Filed, July 18, 1957; 8:49 a. m.]

[Plum Order 28]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.581 *Plum Order 28*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for

preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 1, 1957. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 9, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 9, 1957, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about August 5, 1957; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 1, 1957, and ending at 12:01 a. m., P. s. t., November 1, 1957, no shipper shall ship any package or container of Late Duarte plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths ($1\frac{13}{16}$) inches in diameter: *Provided,* That individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all such lot does not exceed thirty-three and one-third (33⅓) percent; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) As used herein, "U. S. No. 1," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (Fresh) (§§ 51.1520 to 51.1530); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 16, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5911; Filed, July 18, 1957; 8:49 a. m.]

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR INITIAL FISCAL PERIOD

Notice was published in the July 4, 1957, daily issue of the FEDERAL REGISTER (22 F. R. 4730) that consideration was being given to the proposals regarding the expenses and the fixing of the rate of assessment for the initial fiscal period ending March 31, 1958, under the marketing agreement and Order No. 120 (7 CFR Part 1020; 22 F. R. 3514) regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1020.201 *Expenses and rate of assessment for the initial fiscal period*—(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the initial fiscal period beginning May 21, 1957, and ending March 31, 1958, will amount to $7,922.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles apricots shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar ($1.00) per ton of apricots so handled by such handler during such initial fiscal period.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of apricots are now being made; (2) the rate of assessment is applicable to all apricots shipped during the aforesaid initial fiscal period; and (3) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Apricot Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 15, 1957.

[SEAL] ROY W. LENNARTSON.
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-5912; Filed, July 18, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 26]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The Terminal VOR procedure No. 17 for Redstone (Army) Airport, Huntsville, Alabama, appearing in Amendment No. 256 and published in the FEDERAL REGISTER on July 6, 1957 (22 F. R. 4746) is hereby corrected to read: "Distance, Rocket FM@ or abeam HUA-RBn to Rny, 3.8" instead of "Distance Rocket FM@ or abeam HUA-RBn to Rny, 3.2".

This amendment shall become effective on August 3, 1957.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 12, 1957.

[F. R. Doc. 57-5885; Filed, July 18, 1957; 8:45 a. m.]

[Amdt. 27]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 29 AUGUST 1957, DUE TO DECOMMISSIONING OF LFR.							
City, Austin; State, Tex; Airport Name, Mueller; Elev 631'; Fac Class SBMRLZ; Ident, Aus; Procedure No. 1, Amdt 12; Eff Date, 16 Mar 57; Sup Amdt No. 11; Dated, 9 Feb 57							
Perryville FM	PHX-LFR	Direct	4000	T-dn	300-1	300-1	200-½
Phoenix VOR	PHX-LFR	Direct	2600	C-dn	500-1	600-1	600-1½
Tolleson Int*	PHX-LFR	Direct	2600	A-dn	800-2	800-2	800-2

*Int W crs PHX-LFR and GBN-VOR R-027.
Procedure turn S side E crs, 081 Outbnd, 261 Inbnd, 2600' within 10 miles. 4000' within 15 miles.
Beyond 15 miles NA. (Nonstandard due to high terrain to the North.)
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 264—1.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles, climb to 2500' on W crs, make a climbing right turn, returning to LFR at 4000'.
CAUTION: Hills and tower 2905' 6 miles SSW of airport.

City, Phoenix; State, Ariz; Airport Name, Sky Harbor; Elev, 1124'; Fac Class, SBMRAZ; Ident, PHX; Procedure No. 1, Amdt 9, Eff Date, 17 Aug 57; Sup Amdt No. 8; Dated, 29 Dec 56

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Amarillo VOR	TDW-MHW	Direct	5000	T-dn	300-1	NA	NA
Amarillo LFR	TDW-MHW	Direct	5000	C-dn	700-1	NA	NA
Bivins Int	TDW-MHW	Direct	5300	A-dn	NA	NA	NA
Panhandle Int	TDW-MHW	Direct	4900				
Conway Int	TDW-MHW	Direct	4900				
Claude Int	TDW-MHW	Direct	4900				
Palo Duro Int	TDW-MHW	Direct	4900				
Tower Int	TDW-MHW	Direct	5000				
Sam Int	TDW-MHW	Direct	5300				

Teardrop procedure turn, 092 outbnd, 254 inbnd, 4900' within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach course, 4400'.
Crs and distance, facility to airport, 254—3.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 mi after passing TDW, climb to 5000' on crs of 254° within 20 mi.
NOTE: Air carrier use not authorized.

City, Amarillo; State, Tex; Airport Name, Tradewind; Elev 3636'; Fac Class, MHW; Ident, TDW; Procedure No. 1; Amdt 1; Eff Date, 17 Aug 57; Sup Amdt No. Orig; Dated, 29 Jun 57

3. The very high frequency omnirange procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Austin RBn	AUS-VOR	Direct	2000	T-dn	300-1	300-1	*300-1
3 mi DME fix R-355	AUS-VOR (Final)	Direct	1600	C-dn	400-1	500-1	500-1½
				S-dn-16R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*200-½ authorized on Runways 16R, 34L, 12R and 30L only.
Procedure turn W side crs, 355 Outbnd, 175 Inbnd, 2000′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, VOR 1600′; AUS FM or DME fix 2.4 on R-175 AUS VOR 1300′**.
**Descent below 1300′ authorized only after passing AUS FM, DME fix 2.4 on R-175.
Crs and distance, facility to airport, 175—4.9 VOR to airport; 175—2.5 from 2.4 DME fix to airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, turn left, climb to 2000′ on R-100 within 20 mi.
CAUTION: Tank 855′ MSL 1.2 mi W final approach crs 2.3 mi NW of airport.

City, Austin; State, Tex; Airport Name, Mueller; Elev 631′; Fac Class, BVOR; Ident, AUS; Procedure No. 1; Amdt 7; Eff Date, 29 Aug 57; Sup Amdt No. 6; Dated, 31 Mar 56

HSV-VOR	Ballard Int.* (Final)	Direct	2200	T-dn	300-1	300-1	300-1
Ballard Int.*	Chemical Int.# (Final)	Direct	1700	C-d	400-1	500-1	500-1½
				C-n	600-2	600-2	600-2
				A-dn	NA	NA	NA

*Ballard Int.: Int. HSV-VOR R-238 and HUA-VOR R-351.
#Chemical Int: Int. HSV-VOR R-238 and HUA-VOR R-275.
(HUA-VOR is on Redstone AAF.)
Procedure turn N side of crs 058 Outbnd, 238 Inbnd, 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 238—17.9.)
Minimum altitude over Ballard Int on final approach crs, 2200′.
Crs and distance, Ballard Int to airport, 238—14.2.
Minimum altitude over Chemical Int, 1700′.
Crs and distance, Chemical Int to airport, 238—4.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left and return to HSV-VOR on R-238 at 3000′.
NOTE: No weather reporting facilities available.
Air carrier use not authorized.

City, Decatur; State, Ala; Airport Name, Pryor Field; Elev 591′; Fac Class, VOR; Ident, HSV; Procedure No. 1, Orig; Eff Date, 17 Aug 57

Windsor LFR	Windsor VOR	Direct	2700	T-dn@	500-1	500-1	500-1
				C-dn#	700-1	700-1	700-1½
				A-dn#	800-2	800-2	800-2

@300-1 take-off authorized Rny-33 only.
Procedure turn East side of course, 170 Outbnd, 350 Inbnd, 2700′ within 10 miles.
Minimum altitude over QG VOR on final approach, 2700′.
Course and distance, Int* to airport 350°—5.0 mi.
#Maintain 2700′ until passing Int*, after which descend to authorized minimums.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Int*, climb to 2300′ on NW crs Windsor LFR to Warren Int.
*Int. R-350 QG and R-081 YIP or brng 255 to RML LFR.
NOTE: Dual VOR or VOR and ADF receivers required for this procedure.
AIR CARRIER NOTE: Sliding scale not authorized.

City, Detroit; State, Mich; Airport Name, Detroit City; Elev 626′; Fac Class, BVOR; Ident, QG; Procedure No. 1, Amdt 1; Eff Date, 17 Aug 57; Sup Amdt No. Orig; Dated, 29 Jun 57

Cave Creek Int	PHX-VOR	Direct	5000	T-dn	300-1	300-1	200-½
Perryville FM	PHX-VOR	Direct	4000	C-dn	500-1	600-1	600-1½
Phoenix LFR	PHX-VOR	Direct	2600	A-dn	800-2	800-2	800-2
Thunderbird Int*	PHX-VOR	Direct	4000				
McDowell Int**	PHX-VOR	Direct	5000				
Ocotillo Int#	PHX-VOR	Direct	4000				
Tolleson Int##	PHX-VOR	Direct	2600				

*Int. PHX R-325 and HYM R-065.
**Int. PHX R-015 and HYM R-065.
#Int. PHX R-146 and HYM R-090.
##Int. PHX R-258 and GBN R-027.
Procedure turn S side crs, 080 Outbnd, 260 Inbnd, 2600′ within 10 miles%. 4000′ within 15 miles. Beyond 15 miles NA. (Nonstandard due high terrain to the North.)
%CAUTION: 2970′ obstruction 5 mi N of crs, 13 mi E of VOR.
Minimum altitude over facility on final approach crs, @2100′.
@Descent below 1900′ not authorized until ABEAM of PHX LFR, Inbnd.
Crs and distance, facility to airport, 256—5.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles, climb to 2500′ on R-256, make a climbing right turn, returning to VOR at 4000′.
CAUTION: Hills and tower 2905′ 6 mi SSW of airport.

City, Phoenix; State, Ariz; Airport Name, Sky Harbor; Elev, 1124′; Fac Class, BVOR; Ident, PHX; Procedure No. 1, Amdt 6; Eff Date, 17 Aug 57; Sup Amdt No. 5; Dated, 29 Dec 56

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AUS VOR	Plateau Int	Direct	3000	T-dn#	300-1	300-1	200-1½
Lake Travis Int	Plateau Int	Direct	2300	C-dn	400-1	500-1	500-1½
Plateau Int	Burnet Int (Final)	Direct	1400	S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Not less than 300-1 authorized for take-off on runways 3-21, 16L-34R, and 12L-30R.
Procedure turn W side NW crs, 305 Outbnd, 125 Inbnd, 3000′ within 10 mi of Plateau Int. Beyond 10 mi NA.
No glide slope. Minimum altitude at Plateau Int 2300′, Burnet Int 1400′.
Distance, Burnet Int to Rny 12, 2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles of Burnet Int., climb to 2000′ on SE crs ILS within 20 miles, or when directed by ATC, turn left, climb to 2000′, proceed direct to AUS-VOR, or turn right, climb to 2100′ on R-175 within 20 mi.

City, Austin; State, Tex; Airport Name, Mueller; Elev, 631′; Fac Class, ILS-IAUS; Ident VOR-AUS, NW crs ILS; Procedure No. ILS-12R, Amdt 3; Eff Date, 29 Aug 57; Sup Amdt No. 2; Dated, 16 Mar 57

Austin VOR	LOM	Direct	2000	T-dn#	300-1	300-1	200-½
Austin RBn	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Smithville RBn	Webberville Int	Direct	1900	S-dn-30L:			
Bergstrom RBn	LOM	Direct	2000	ILS	300-¾	300-¾	300-¾
Webberville Int	LOM (Final)	Direct	2000	ADF	400-1	400-1	400-1
				A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

#All aircraft are restricted to 300-1 minima for take-off on Runways 3-21, 16L-34R, and 12L-30R.
Procedure turn E side SE crs, 125 Outbnd, 305 Inbnd, 2000′ within 10 miles. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 2000′* ILS, minimum altitude over LOM inbnd final 1200′ ADF.
*2000′ will intercept glide slope 0.5 mi after passing OM.
Altitude of G. S. and distance to approach end of Rny at OM 2120—5.1; at MM 820—0.4.
Crs and distance, LOM to airport, 305—5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 5.1 mi of LOM (ADF) climb to 3000′ on NW crs ILS (305) within 20 miles, or when directed by ATC, turn right, climb to 2000′, proceed direct to VOR.
NOTE: 400-1 required when glide slope not used. No approach lights. All installed components of ILS must be operating or alternate minima of 800-2 apply.

City, Austin; State, Tex; Airport Name, Mueller; Elev 631′; Fac Class, ILS-IAUS; Ident, LOM-AU; Procedure No. ILS-30L, Amdt 14, Comb ILS-ADF; Eff Date, 29 Aug 57; Sup Amdt No. 13; Dated, 13 Apr 57

St. James Int	LMM	Direct	1700	T-dn	300-1	300-1	200-½
Riverhead VOR	LMM	Direct	1700	C-dn	500-1	600-1	600-1½
Fire Island Int	LMM	Direct	1700	S-dn-6:			
Blanchard Int ILS	OM (Final)	Direct	1700	ILS	200-½	200-½	200-½
Blanchard Int ADF	OM (Final)	Direct	*800	ADF*	400-1	400-1	400-1
				A-dn:			
				ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn S side SW crs, 237 Outbnd, 057 Inbnd, 1700′ within 10 mi of OM.
Minimum altitude at glide slope int inbnd, 1700′ ILS. Minimum altitude over OM inbnd final 800′ * ADF.
*ADF approach: descent to airport minimums authorized after passing OM; if OM not received, maintain 800′ until passing LMM and circling minimums apply.
Altitude of glide slope and distance to approach end of runway at OM 1655′—4.7; at MM 310′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0.6 mi after passing LMM (ADF) make right climbing turn as soon as practical to 1700′ returning to ILS LMM, and hold SW.
NOTE: Runway 10-28 closed nights.

City, Islip: State, N Y; Airport Name, MacArthur Field; Elev 98′; Fac Class, ILS-ISL; Ident, LMM-SL; Procedure No. 1, Amdt 4, Comb ILS-ADF; Eff Date, 17 Aug 57; Sup Amdt No. 3; Dated, 29 May 54

MSN-LFR	Truax Int#	Direct	2500	T-dn	300-1	300-1	200-½
Int 099R LNR-VOR and Back crs MSN-ILS.	Truax Int#	Direct	2500	C-dn	600-1	600-1	600-1½
Mendota VHF Int	Truax Int#	Direct	2500	S-dn	400-1	400-1	400-1
MSN-LOM	Truax Int#	Direct	2500	A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 359 Outbnd, 179 Inbnd, 2500′ within 10 mi.
No glide slope. Altitude over Truax Int #2000′. No markers; distance from Truax Int #3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Truax Int#, climb to 2400′ on S crs ILS within 20 mi.
Truax Int: Int 270 brng to Truax Rbn and N crs MSN ILS. (To be shown on AL charts only.)
NOTE: If Truax Rbn not operative, VFR minimums apply.

City, Madison; State, Wis; Airport Name, Truax Field; Elev 859′; Fac Class, ILS MSN; Ident, MHW TAX; Procedure No. 2, Amdt 1, Back crs ILS approach utilizing ADF fix; Eff Date, 17 Aug 57; Sup Amdt No. Orig; Dated, 29 Dec 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 12, 1957.

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TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 710—ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN

REVISION OF PART

Part 710 is revised to read as follows:

Subpart A—General

Sec.
710.1 Nomenclature.
710.2 Engagement to serve.

Subpart B—Additional Service Obligation Required of Certain Midshipmen

710.3 Enlisted members.
710.4 Members separated from the Naval Academy.

Subpart C—Age, Moral, and Citizenship Requirements, Marriage

710.5 Age and citizenship requirements.
710.6 Moral requirements.
710.7 Marriage.

Subpart D—Sources of Nominations

710.8 Appointments by the Vice-President, each Senator, Representative, and Delegate.
710.9 Appointments by the Commissioners, D. C.
710.10 Appointments by the President at large.
710.11 Appointments from the enlisted men of the Regular Navy and the Marine Corps.
710.12 Appointments from the enlisted men of the Naval Reserve and the Marine Corps Reserve.
710.13 Vacancies.
710.14 Appointments from among the sons of deceased officers, soldiers, sailors, and marines of the World Wars and other periods.
710.15 Appointments from among the honor graduates of educational institutions which are designated as "honor schools" by the Department of the Army or by the Navy Department, and the members of the Naval Reserve Officers' Training Corps.
710.16 Appointments from among the sons of persons who have been or shall hereafter be awarded the Congressional Medal of Honor.
710.17 Qualified alternates and qualified competitors.
710.18 Appointments from—Puerto Rico; the Canal Zone; the Republic of the Philippines; and from American Republics (other than the United States) and Canada.

Subpart E—Nomination Procedures

710.19 Statutory provisions and deadlines.
710.20 Residence requirement.
710.21 Nomination of alternates.
710.22 Information regarding entrance requirements and first year's work.
710.23 Competitive examinations by the Civil Service Commission.

Subpart F—Methods of Admission

710.24 Statutory requirement regarding mental examinations.
710.25 Scholastic examinations.
710.26 Instructions and registration.
710.27 Information on the tests.
710.28 Three methods of qualifying mentally.
710.29 Determination of the order of successful candidates.
710.30 Candidates failing achievement tests.
710.31 Determination of satisfactory scores.
710.32 Renominated candidates.
710.33 Tests for candidates nominated for readmission.
710.34 Time for reporting for admission.
710.35 Certificate forms.

ADMISSION BASED ON COLLEGE CERTIFICATE

710.36 Requirements for admission based on college certificate.
710.37 Evaluation of courses.
710.38 Length of college attendance.
710.39 Accredited schools and colleges.
710.40 Preliminary college certificate.
710.41 Tentative acceptance.
710.42 Special requirements.
710.43 Completion of record essential.

ADMISSION BASED ON HIGH SCHOOL CERTIFICATE AND SUBSTANTIATING EXAMINATION

710.44 Requirements for admission based on high school certificate and substantiating examination.
710.45 Low grades, irregular date and other special circumstances.
710.46 Responsibility of school authorities.
710.47 Description of unit of admission requirements.
710.48 Decision as to acceptance or rejection of a certificate.
710.49 Certificates covering uncompleted high school work.
710.50 Submission of essential certificate papers in time.
710.51 List of secondary school subjects which can be used for certification (Form 11).
710.52 Definition of unit.
710.53 Admission by certificate methods—a privilege.

ADMISSION BY REGULAR EXAMINATION

710.54 Regular examination.

Subpart G—Physical Requirements

710.55 Physical standards.
710.56 Three categories of physical examinations.
710.57 Preliminary physical examination.
710.58 Formal physical examination.
710.59 Physical reexamination.

Subpart H—Appendixes to Regulations Governing the Admission of Candidates into the Naval Academy as Midshipmen

710.60 Appendix I—Entrance procedure, equipment and pay.
710.61 Appendix II—Appointments from without the United States.
710.62 Appendix III—Definition of certain of the subjects listed in secondary school certificates.
710.63 Appendix IV—Physical standards and disqualifying defects.
710.64 Appendix V—Installations conducting preliminary physical examinations for the U. S. Naval Academy.
710.65 Appendix VI—Installations conducting formal physical examinations for the U. S. Naval Academy.
710.66 Appendix VII—Course of instruction.

AUTHORITY: §§ 710.1 to 710.66 issued under sec. 6011, 70A Stat. 375; 10 U. S. C. 6011. Interpret or apply secs. 6951–6974, 70A Stat. 428; 10 U. S. C. 6951–6974.

SUBPART A—GENERAL

§ 710.1 *Nomenclature.* The students of the Naval Academy are called Midshipmen. Upon acceptance and execution of the required oath of office, they are issued appointments as Midshipmen in the United States Navy which are signed by the Secretary of the Navy by direction of the President of the United States. All of the sources of nomination for appointment are established by law and no one can be appointed unless duly nominated by or from an authorized source. Detailed information concerning entrance procedure, equipment and pay is contained in Appendix I (§ 710.60).

§ 710.2 *Engagement to serve.* Title 10, United States Code, section 6959 reads as follows:

SEC. 6959. *Midshipmen: agreement for length of service.* Each midshipman who is a citizen or national of the United States shall sign an agreement that, unless sooner separated, he will—

(1) Complete the course of instruction at the Naval Academy;

(2) Accept an appointment and serve as a commissioned officer of the Regular Navy, the Regular Marine Corps, or the Regular Air Force for at least three years immediately after graduation; and

(3) Accept an appointment as a commissioned officer in the reserve component of the Navy or the Marine Corps or as a Reserve in the Air Force for service in the Air Force Reserve and remain therein until the sixth anniversary of his graduation if an appointment in the regular component of that armed force is not tendered to him or if he is permitted to resign as a commissioned officer of that component before that anniversary.

If the midshipman is a minor and has parents or a guardian, he may sign the agreement only with the consent of the parents or guardian.

SUBPART B—ADDITIONAL SERVICE OBLIGATION REQUIRED OF CERTAIN MIDSHIPMEN

§ 710.3 *Enlisted members.* Enlisted members of the Armed Forces qualified for admission as midshipmen at the U. S. Naval Academy, who accept appointments as midshipmen, will not be discharged from their enlistment contracts or from their period of obligated service during the continuation of their midshipman status except for reasons of acceptance of commission or for physical disability.

§ 710.4 *Members separated from the Naval Academy.* Members separated from the U. S. Naval Academy, except for reasons specified in article 3 above, shall have their appointment as a midshipman terminated and their enlisted status shall be resumed. Members so reverted to enlisted status shall be continued in such enlisted status until expiration of enlistment, or for the remainder of their obligated service, as appropriate, or until sooner discharged. In computing the unexpired portion of an enlistment contract or period of obligated service, time served as a midshipman shall be counted as time served under such contract or period of obligated service. (Act of June 25, 1956, 70 Stat. 333, 50 U. S. C. 1411, 1412.)

SUBPART C—AGE, MORAL, AND CITIZENSHIP REQUIREMENTS, MARRIAGE

§ 710.5 *Age and citizenship requirements.* (a) All candidates are required to be male citizens of the United States and must be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which they enter the Naval Academy. (10 U. S. C. 6958.)

(b) If the candidate has not reached his seventeenth birthday on or before July 1, or if he will have reached his twenty-second birthday on or before July 1 of the calendar year in which he expects to enter the Naval Academy, he will be ineligible for admission.

§ 710.6 *Moral requirements.* Candidates must be of good moral character. No candidate who has been dismissed in accordance with Title 10, United States Code, section 6961, or who is permitted to resign in lieu of dismissal, shall be reappointed or allowed to reenter the Naval Academy.

§ 710.7 *Marriage.* No person who is married, or who has been married, shall be admitted as a midshipman to the Naval Academy. Midshipmen shall not marry, and any midshipman who becomes married or who is found to be married shall be recommended for discharge.

SUBPART D—SOURCES OF NOMINATIONS

§ 710.8 *Appointments by the Vice-President, each Senator, Representative, and Delegate.* Appointments by the Vice-President, each Senator, Representative, and Delegate are allowed a maximum of 5 midshipmen at the Naval Academy at any one time. The selection of candidates, by competitive examination or otherwise, for vacancies in the quotas of Senators, Representatives, and Delegates in Congress is entirely in the hands of each Senator, Representative, and Delegate in Congress having a vacancy; and all applications for appointments or inquiries relative to competitive examinations should be addressed accordingly.

§ 710.9 *Appointments by the Commissioners, D. C.* Appointments by the Commissioners, D. C., are allowed a maximum of 5 midshipmen at the Naval Academy at any one time. The selection of candidates to fill vacancies for the District of Columbia is performed by the Board of Commissioners of the District of Columbia, and the appointments are made by the President.

§ 710.10 *Appointments by the President at large.* The law authorizes the President to appoint 75 midshipmen each year, to be selected by competitive examination from the United States at large. The appointments of midshipmen at large are given by the President to the sons and adopted sons of officers and enlisted personnel of the Regular Army, Navy, Marine Corps, Air Force, and Coast Guard for the reason that officers and enlisted personnel, owing to the nature of their duties, are unable to establish permanent residence and thus be in a position to secure nominations for their sons from their Senators and Representatives. Stepsons are not eligible for these appointments. Adopted sons must have been adopted prior to having reached the age of 15 years in order to be eligible. Applications should be addressed directly to the Chief of Naval Personnel, Navy Department, Washington 25, D. C., and should give the full name, date of birth, home address, and present address of the candidate, the full name, grade or rate of his parent, and in case of an adopted son evidence should be submitted as to date of adoption.

§ 710.11 *Appointments from the enlisted men of the Regular Navy and the Marine Corps.* (a) The law authorizes the Secretary of the Navy to appoint each year 160 enlisted men of the regular Navy and Marine Corps who are not more than 22 years of age on July 1 of the year it is desired to enter and who enlisted in the Navy or Marine Corps on or before July 1 of the preceding year. Enlisted men who can fulfill the requirements as to age and length of service should make known to their commanding officers early in their enlistments their desire to become candidates for admission to the Naval Academy. The initial selection steps directed by the Bureau of Naval Personnel usually begin in the Spring of each year to determine eligibility for assignment to the United States Naval Preparatory School convening in September. Only men assigned to this school are eligible to compete for appointment to the Naval Academy by the Secretary of the Navy. Enlisted men failing in the examinations for midshipman will be required to serve out their terms of enlistment.

(b) For further information in regard to enlisting in the Navy, candidates should apply to the nearest Navy Recruiting Station.

§ 710.12 *Appointments from the enlisted men of the Naval Reserve and the Marine Corps Reserve.* (a) The law authorizes the Secretary of the Navy to appoint each year 160 midshipmen, to be selected as a result of competitive examination of enlisted men of the Naval Reserve and the Marine Corps Reserve, hereinafter referred to as the Reserve.

(b) Candidates must not be more than 22 years of age and have been members of the Reserve for one year by July 1 of the year of entrance to the Naval Academy. In addition, candidates must be members of a drilling unit of the Reserve, be recommended by their commanding officers, have maintained efficiency in drill attendance with their Reserve units, and must meet the same mental and physical requirements as other candidates for appointment to the Naval Academy.

(c) Men in Reserve classes NROTC, NACP, and aviation cadet program, are not eligible to enter from the enlisted quotas.

(d) For further information regarding details of enlistment and service thereafter, candidates should apply to the nearest Navy Recruiting Station.

§ 710.13 *Vacancies.* In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (a) enlisted men of the United States Navy and Marine Corps, (b) enlisted men of the Naval Reserve or Marine Corps Reserve, or (c) by the President at large, is not filled, the Secretary of the Navy may fill the vacancies in such quota by appointing other candidates, from any other of such sources, who were found best qualified on examination for admission into the Academy and not otherwise appointed.

§ 710.14 *Appointments from among the sons of deceased officers, soldiers, sailors, and marines of the World Wars and other periods.* (a) Title 10, United States Code, § 6954, authorizes in addition that there may be, at any one time, 40 midshipmen from the United States at large, to be appointed by the President from among the sons of members of the Armed Forces of the United States, who were killed in action or have died, or may hereafter die, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during (1) World War I or World War II (as each is defined by laws providing service-connected compensation or pension benefits for veterans of World War I and World War II and their dependents); or (2) the period beginning June 27, 1950 and ending on January 31, 1955: *Provided,* That the determination of the Veterans' Administration as to service connection of the cause of death shall be binding upon the Secretary of the Navy: *Provided further,* That all such appointees are otherwise qualified for admission: *And provided further,* That appointees under this act shall be selected in order of merit as established by competitive examination.

(b) No recommendation or endorsement from any source is necessary. All applications for appointment or for further information should be addressed to the Chief of Naval Personnel, Navy Department, Washington 25, D. C. Full name and date of birth of applicant should be given; also full name, grade, and date of death of his parent.

§ 710.15 *Appointments from among the honor graduates of educational institutions which are designated as "honor schools" by the Department of the Army or by the Navy Department, and the members of the Naval Reserve Officers' Training Corps.* (a) Title 10, United States Code, § 6954, authorizes the Secretary of the Navy to appoint not more than 20 midshipmen annually to the Naval Academy from among the honor graduates of educational institutions which are designated as "honor schools" by the Department of the Army or by the Navy Department in accordance with regulations established by the Secretary of the Navy, and from among members of the Naval Reserve Officers' Training Corps.

(b) The 20 appointments authorized in the above law will be made as a result of competitive examinations. These examinations will be open to candidates selected in accordance with paragraph (c) of this section. The Secretary of the Navy has approved the establishing of separate competing groups with a maximum of 10 appointments being allowed from the honor military school nominees and 10 from the Naval Reserve Officers' Training Corps nominees except that in the event less than 10 qualify for appointment from either group the quota of that group may be filled by appointment of excess qualified nominees from the other group.

(c) The candidates for the competitive examinations mentioned in paragraph (b) of this section will be selected in accordance with the following:

(1) The Navy Department will obtain a list of "honor schools" from the Department of the Army each year, and three honor graduates as defined by the Army Regulations may be designated each year by the head of each such school; similar action will be taken in the

case of the three honor graduates designated by the head of each "honor school" selected by the Navy Department. The candidates from these "honor schools" whose standing indicates that they will be honor graduates of said schools in June of the year in which the examination will be held will also be eligible to be nominated as candidates from such schools to compete in the examination, but will not be considered for appointment in case they do not fulfill the requirements which would entitle them to be honor graduates at the time of their graduation.

(2) Three candidates may be nominated each year by the president of each of the educational institutions in which a Naval Reserve Officers' Training Corps unit is established. Each such candidate must be a regularly enrolled contract student in the Naval Reserve Officers' Training Corps and must have completed a minimum of 1 year's scholastic work in that corps at the time of entrance to the Naval Academy.

(3) All students nominated as candidates in accordance with subparagraphs (1) and (2) of this paragraph must meet the requirements as to age, moral qualifications, etc., as set forth herein.

(d) The 10 candidates in each group passing the entrance examinations with the highest rating will, if physically qualified, be appointed in order of their standing on the list. In case of failure of any of these candidates to pass physically, the candidates passing the examination with a standing below that of the first 10 on each competitive list will be called for admission in the order of their mental standing to fill the vacancies caused by physical failure or rejection for any other reason of candidates who have qualified mentally above them on the list.

§ 710.16 *Appointments from among the sons of persons who have been or shall hereafter be awarded the Congressional Medal of Honor.* (a) Title 10, United States Code, section 6954, provides that the President may also appoint as midshipmen at the Academy sons of persons who have been awarded the Medal of Honor for acts performed while in the armed forces: *Provided*, That such appointees are otherwise (i. e., under 10 U. S. C. sec. 6958) qualified for admission.

(b) No recommendation or endorsement from any source is necessary. All applications for appointment or for further information should be addressed to the Chief of Naval Personnel, Navy Department, Washington 25, D. C. Full name and date of birth of applicant should be given; also full name and grade or rate of person awarded medal.

§ 710.17 *Qualified alternates and qualified competitors.* Title 10, United States Code, section 6956, provides that when upon determination that upon the admission of a new class to the United States Naval Academy, the total number of midshipmen will be less than the number authorized, the Secretary of the Navy may within his discretion and within the capacity of the Academy nominate additional midshipmen to be admitted in such class in such number to meet the needs of the armed services, but not to exceed the authorized strength of the brigade of midshipmen, from qualified candidates holding alternate appointments and other qualified candidates holding competitive appointments from the remaining sources of admission authorized by law recommended and found to be qualified by the Academic Board of the Academy, at least two-thirds of those so appointed to be from among qualified alternate candidates nominated by the Vice President, Members of the Senate and House of Representatives of the United States, Delegates and Resident Commissioners, the Commissioners of the District of Columbia, and the Governor of the Canal Zone, and not more than one-third of those so appointed to be from among qualified candidates holding competitive appointments from sources authorized by law other than those holding such alternate appointments. This law provides that these appointments shall be in addition to and not in lieu of appointments otherwise authorized by law. The only candidates eligible for consideration under this law are those who were found mentally and physically qualified for admission under alternate or competitive nominations from authorized sources in the year for which they are being considered under the provisions of this law. Special application for consideration is unnecessary because the Academic Board at the Naval Academy will automatically review and classify in order of merit the available records of all candidates in this category in each year that additional admissions are possible. The candidate should insure, however, that a transcript of his school record including the endorsement by the school principal is available to the Academic Board.

§ 710.18 *Appointments from—Puerto Rico; the Canal Zone; the Republic of the Philippines; and from American Republics (other than the United States) and Canada.* These appointments are covered in Appendix II (§ 710.61).

SUBPART E—NOMINATION PROCEDURES

§ 710.19 *Statutory provisions and deadlines.* (a) Title 10, United States Code, section 6956 reads as follows:

> (a) The Secretary of the Navy shall, as soon as possible after the first of June of each year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of graduation in the following year, or that may occur for other reasons, for which the member or delegate is entitled to nominate a candidate and one or more alternates.
>
> (b) A nomination following notification under subsection (a) shall be made by the fourth of March of the year following that in which notice of the vacancy is given. However, if the candidate dies or declines the nomination, or if the nomination cannot be made by reason of a vacancy in the membership of the Senate or the House of Representatives, the nomination may be made, as determined by the Secretary, not later than the date of the final entrance examination for that year.
>
> (c) Nomination of candidates to fill vacancies for the District of Columbia, and selection of all candidates at large, shall be made by the fourth of March of the year in which the candidates are to enter the Academy.
>
> (d) If the annual quota of midshipmen from—
>
> (1) Enlisted men of the Regular Navy and the Regular Marine Corps;
>
> (2) Enlisted men of the Naval Reserve and the Marine Corps Reserve; or
>
> (3) At large by the President;
>
> is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.
>
> (e) If it is determined that, upon the admission of a new class to the Academy, the number of midshipmen at the Academy will be below the authorized number, the Secretary may fill the vacancies by nominating additional midshipmen from qualified candidates designated as alternates and from other qualified candidates who competed for nomination and are recommended and found qualified by the Academic Board. At least two-thirds of those nominated under this subsection shall be from qualified alternates under clauses (2)–(8) of section 6954 (a) of this title, and the remainder shall be from qualified candidates who competed for appointment under any other provision of law. An appointment of a nominee under this subsection is an additional appointment and is not in place of an appointment otherwise authorized by law.
>
> (f) The failure of a member of a graduating class to complete the course with his class does not delay the appointment of his successor.

(b) Nominations received from each Senator, Representative, or Delegate by the 1st day of February will enable a candidate to register for the March scholastic examinations. Nominees from the same sources received between February 1st and March 4th if too late for March tests may be considered for the May tests. All nominations for competitive type appointments must be received by February 1st as competitive examinations will be held only in March.

§ 710.20 *Residence requirement.* Candidates allowed for States, congressional districts, Territories, and the District of Columbia must be actual residents of such States, congressional districts, Territories, or District of Columbia, respectively, from which they are nominated. (10 U. S. C. 6958.)

§ 710.21 *Nomination of alternates.* The number of alternates that may be nominated for any one vacancy for midshipman shall be restricted to five. Alternate and principal candidates have the same privileges with regard to taking the scholastic entrance tests. In lieu of a principal and five alternates, six candidates may be nominated to take the entrance examinations on a competitive basis, the one passing highest to receive the principal appointment. Regardless of method of qualifying mentally the number of candidates designated for any one vacancy must be limited to six.

§ 710.22 *Information regarding entrance requirements and first year's work.* As soon as nominated, a copy of these entrance regulations will be forwarded direct to each candidate in order that he may be fully informed regarding service requirements and the mental and physical qualifications of candidates. A syllabus of the first year's work at the Naval Academy is shown elsewhere in this pamphlet to enable each candidate to spend his time profitably at his local school and thus be better prepared to pursue the course at the Naval Academy after appointment.

§ 710.23 *Competitive examinations by the Civil Service Commission.* It is the policy of some Senators and Representatives to have the United States Civil Service Commission hold special competitive examinations for the purpose of enabling them to select their nominees. These special competitive examinations have no bearing upon the candidate's mental qualifications for admission as midshipman, as the Naval Academy requirements must also be met. All of the details concerning the special competitive examinations are handled by the Senator or Representative concerned and the United States Civil Service Commission in Washington, and correspondence relative thereto should be addressed accordingly.

SUBPART F—METHODS OF ADMISSION

§ 710.24 *Statutory requirement regarding mental examinations.* Title 10, United States Code, section 6958 (a) (2) reads as follows:

> Each candidate for admission to the Naval Academy • • • shall be examined according to such regulations as the Secretary of the Navy prescribes, and if rejected at one examination may not be examined again for admission to the same class unless recommended by the Academic Board.

(This refers to mental examinations.)

§ 710.25 *Scholastic examinations.* For admission in 1958 and thereafter the scholastic examinations for the Naval Academy will consist of the tests of the College Entrance Examination Board. All competitive candidates must take the College Board tests that are administered in March of the year of admission to the Naval Academy. Noncompetitive candidates may take either the December or the March administrations of tests by the College Entrance Examination Board. In unusual circumstances by special permission of the Naval Academy or where late nominations received between February 1st and March 4th make it mandatory, a noncompetitive candidate may be permitted to take the May tests. A noncompetitive candidate who completed the proper series of tests prior to being officially designated as a candidate for admission to the Academy may designate that series as his Naval Academy entrance tests. In any case, the complete series of tests, i. e., the Aptitude Test and the required achievement tests which the candidate designates as his entrance tests must have been, or must be, taken on a single examination date. The Naval Academy will not accept a division of tests undertaken on different dates. The particular College Entrance Examination Board tests which a candidate must take, if he is qualifying other than by the college certificate method, depend upon whether the candidate's nomination is competitive or noncompetitive and upon whether his secondary school certificate has been accepted or will be acceptable at the close of the normal school year in May or June. (See § 710.28.)

§ 710.26 *Instructions and registration.* Each duly nominated candidate shall register with the College Entrance Examination Board as promptly as possible after receiving the necessary instructions from the Bureau of Naval Personnel, Navy Department, Washington, D. C. These instructions will include information as to the latest registration date for each of the several administrations of the tests. If it is impracticable to obtain from the Naval Academy an opinion concerning acceptance or rejection of the candidate's school record or to make a personal estimate of certificate prospects in advance of the appropriate registration date, a candidate should register for the complete series of tests, i. e., the Aptitude Test, and the achievement tests in English Composition, Intermediate or Advanced Mathematics and Social Studies. The candidate must accept responsibility for this decision and any candidate who undertakes the full series of tests, including Social Studies, will be passed or failed on the test scores alone.

§ 710.27 *Information on the tests.* Complete information on the tests—dates of administration, location of testing centers, dates by which applicants must register, method of application, sample questions, etc.—is published in a booklet entitled *College Board Tests.* This bulletin, published annually by the College Board, may be obtained without charge by writing to:

> The College Entrance Examination Board, Post Office Box 592, Princeton, N. J.
> or
> The College Entrance Examination Board, Post Office Box 27896, Los Angeles 27, Calif.

For the majority of candidates, the examining points are in the communities in which they live. It is expected that few, if any, candidates, will have to travel more than 75 miles. For young men who take the College Entrance Examination Board tests after formal nomination as candidates for admission to the Naval Academy, the costs of the tests will be borne by the Department of the Navy. A copy of this publication is sent to each candidate at the time he is informed of his nomination. It may also be available for reference in the office of the principal, guidance counselor, or librarian of most high and preparatory schools. All those qualifying mentally and physically, who are entitled to appointment in order of nomination, will be notified by the Bureau of Naval Personnel when to report to the Academy for appointment as midshipman.

§ 710.28 *Three methods of qualifying mentally.* There are three separate and distinct methods of qualifying mentally for admission to the Naval Academy:

(a) By College Certificate—§§ 710.36 to 710.43 (applicable to noncompetitive candidates only);

(b) By High School Certificate and Substantiating Examination—§§ 710.44 to 710.53;

(c) By Regular Examination—§ 710.54.

§ 710.29 *Determination of the order of successful candidates.* In determining the order of successful candidates from any of the purely competitive sources such as Presidential nominees of the sons of members of the regular armed services, and Coast Guard, those from the regular Navy and Marine Corps, those from the Naval and Marine Corps Reserves, those from honor military schools and Naval Reserve Officers' Training Corps units, etc., and those who are specifically required by the Member of Congress nominating them to take all of the College Entrance Examination Board tests required for admission to the Naval Academy on a competitive basis, the average of the scores received in the Scholastic Aptitude Test and the achievement tests in English and Intermediate or Advanced Mathematics will be used. Candidates who must also submit to examination in Social Studies must obtain a satisfactory score in that test, but it will not be used in determining relative standing in competitive lists.

§ 710.30 *Candidates failing achievement tests.* In case a candidate has failed any of the College Entrance Examination Board achievement tests taken for purposes of qualifying for appointment to the Naval Academy he is disqualified for that year. If he attempts admission in a subsequent year he must take the regular examinations, or obtain certificate credit as follows: "Credits claimed for subjects on a certificate by a candidate who has registered a failure in a College Entrance Examination Board achievement test taken for purposes of qualifying for appointment to the Naval Academy cannot be allowed. To overcome the certain disallowance of such credits the submitted certificate must show that the subjects on which he failed have been reviewed at some duly accredited school subsequent to such failure. Such review work must be done in regular school course and the marks assigned must meet the requirements of the Academic Board." Postgraduate work in secondary school or college work in advanced related branches of the failed subject or subjects may be offered in lieu of review work. (The Academic Board has established 60 clock hours of classroom work as its minimum for a half year's work in secondary school and 120 clock hours as its minimum for a full year's work. In regard to college work, the board requires approximately 50 clock hours, or 3 semester hours of credit, for a half year's work and 100 clock hours, or 6 semester hours, for a full year's work.)

§ 710.31 *Determination of satisfactory scores.* Satisfactory scores in the College Entrance Examination Board tests will be determined by the Academic Board of the Naval Academy. No candidate shall be admitted unless in the opinion of the Academic Board, he shows the requisite mental qualifications.

§ 710.32 *Renominated candidates.* Candidates who have qualified by one of the three prescribed methods in a preceding year will not be required again to qualify mentally in the event of renomination. The only exceptions to this rule are as stated in the following paragraph and in cases in which candidates

are required to compete for appointments.

§ 710.33 *Tests for candidates nominated for readmission.* Former midshipmen who may be nominated for readmission to the Naval Academy, and who were deficient in the academic work of the first year of the course at the time of separation, must requalify by passing the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English and Intermediate or Advanced Mathematics.

§ 710.34 *Time for reporting for admission.* Candidates will be required to enter the Academy immediately after passing the prescribed mental and physical examinations, or at such times as the Secretary of the Navy may designate. Normally candidates are required to report for admission on the last Monday in June. Notification of the date and hour of reporting will be issued each eligible candidate by the Bureau of Naval Personnel, Navy Department, Washington 25, D. C.

§ 710.35 *Certificate forms.* (a) Immediately upon its acceptance of the nomination of a candidate, the Bureau of Naval Personnel will send him the Naval Academy certificate forms and other pertinent papers. The high school record, and college record, if any, should be submitted to the Naval Academy at the earliest practicable date on the appropriate certificate forms. Certificates should include all entries required by the form covering work that has been completed and should list subjects scheduled for completion in the current school year with information to indicate the ultimate credit value of each incomplete or proposed course. Regardless of whether or not a candidate is a high school graduate or whether or not he wishes to qualify by one or the other of the certificate methods, he should have his school records submitted.

(b) No assurance can be given that certificate action can be reported to a candidate prior to the entrance examination date unless his certificate or certificates are received at the Naval Academy on or before February 10.

ADMISSION BASED ON COLLEGE CERTIFICATE

§ 710.36 *Requirements for admission based on college certificate.* The Academic Board will consider and may admit without mental examination a candidate who presents a properly attested certificate (Form I) that he is or has been a regularly enrolled student in good standing without condition in a university, college, or technological school accredited by the United States Naval Academy: *Provided,* That:

(a) He submits also a properly attested certificate (Form II) that he has been graduated from an accredited secondary school, indicating that he has shown proficiency in 7 units of certain required subjects and in at least 8 units of optional subjects. These subjects are listed in § 710.51. If some of the necessary 15 units (mentioned above) are lacking from the candidate's secondary school record, the deficiency may be made up by showing completion of acceptable college work in the lacking subject or subjects. College credits used for the purpose of making up deficiencies in the secondary school certificate must, however, be in excess of the minimum requirements for an acceptable college certificate.

(b) At the time of entry into the Naval Academy he will have satisfactorily (low or barely passing grades may not be considered satisfactory) completed a year's work in the university, college, or technological school, with a minimum of 24 semester hours in English, natural science, social science, or languages, at least 6 of which shall be in college English and/or history, and 6 shall be in college mathematics, selected from such subjects as college algebra, plane trigonometry, analytical geometry, calculus, differential equations, etc.

§ 710.37 *Evaluation of courses.* It is the policy of the Naval Academy to evaluate the courses offered in the college certificate in terms of semester hours. A semester hour of credit implies that, in addition to outside preparation, the subject has required one classroom recitation of approximately 1 hour in length each week for a semester of not less than 16 weeks; or one double-length laboratory or practical work period for the same length of time. In general, where this definition is approximated, it is the policy to abide by the credit values indicated by the certifying institutions.

§ 710.38 *Length of college attendance.* The length of college attendance prescribed is defined as requiring actual full-time attendance for one regular school year during which the candidate pursues courses constituting a normal year load. Deficiencies not in excess of nine semester hours of credit may be made up as the result of regular class work in extension classes of fully accredited colleges and universities provided such work is in excess of the normal year of college work. Extension classes are defined as classes which meet beyond regular day school hours. Under no circumstances will credit be allowed for correspondence or tutoring work or for a subject for which credit has been established as the result of an examination alone.

§ 710.39 *Accredited schools and colleges.* The Naval Academy does not maintain a restricted list of accredited colleges, universities, and technological schools. It accredits, for certification purposes, any of the standard colleges, universities, technological schools of collegiate rank and 2-year junior colleges that are fully and unqualifiedly accredited by the various State boards of education which prescribe collegiate standards in their respective States, or by any of the recognized accrediting agencies such as the New England Association of Colleges and Secondary Schools, the Association of Colleges and Secondary Schools of the Middle States and Maryland, the Association of Colleges and Secondary Schools of the Southern States, the North Central Association of Colleges and Secondary Schools, and the Northwest Association of Secondary and Higher Schools. In case of doubt as to the accredited status of the institution under consideration, specific inquiry should be addressed to the Superintendent, United States Naval Academy, Annapolis, Md., giving the name of the institution.

§ 710.40 *Preliminary college certificate.* A nominee who contemplates qualifying by certificate only but who has not completed the required year of college work at the time of receipt of nomination for appointment should submit his high school record on the prescribed form and should have a preliminary college certificate (Form I) submitted showing the courses contemplated or in progress and the amount of credit in semester hours to be assigned for each course. For instance, a college certificate submitted at the end of the first semester should show the first semester grade for each course and should indicate the courses to be pursued during the second semester and the amount of credit to be assigned eventually for each. A certificate submitted prior to the receipt of any grades should indicate the courses to be pursued during the full school year and the credit value of each course.

§ 710.41 *Tentative acceptance.* When review of a nominee's secondary school and college certificates discloses that the secondary record is acceptable and that the college record through the first semester or first two quarters meets requirements as to subjects studied and grades received with formal acceptance dependent only upon satisfactory completion of the final term's courses, tentative acceptance will be reported. Acceptance of the college certificate will become final upon receipt of a supplementary statement from the college registrar or other authorized official attesting satisfactory standing in studies and conduct during the final term.

§ 710.42 *Special requirements.* If an informal opinion is rendered which involves modification of the nominee's schedules of courses, or if the quality of his work is such that special additional requirements must be imposed, it will be the responsibility of the nominee to decide which of the College Entrance Examination Board tests he should take for purposes of completing his scholastic qualification for admission. The decision of the nominee should depend upon his ability to effect such changes as may be necessary in his courses or, as the case may be, upon his own estimate of his ability to meet such other specific requirements as may have been imposed.

§ 710.43 *Completion of record essential.* If the supplementary statement cannot be mailed to the Naval Academy by June 25 and if the nominee receives from the Chief of Naval Personel an authorization to report at the Naval Academy for admission before it is mailed, he must bring it with him and present it when he reports. It is the specific responsibility of each nominee to insure compliance with this limiting date, and failure to do so can conceivably result in cancellation of the nomination. A nominee who is an alternate has no ready means of knowing when he may become eligible for admission and should not be deterred from taking every possible step to insure submission of essential certificate papers. An incomplete record when a nominee becomes eligible for call can result in the conclusion that the individual has abandoned his candidacy. The nominee is encouraged to submit certificates prior to completion of the first term of the school year immediately preceding entrance to the Naval Academy. An early review of the record of completed work and of courses proposed for completion may reveal defects which can be offset by slight changes in the final semester schedule. As previously stated, the certificate action reports issued by the Naval Academy state clearly such ensuing steps on the candidate's part as may be necessary to complete his case. When in doubt, however, communications addressed to the Superintendent, United States Naval Academy, Annapolis, Md., will be answered as promptly as possible.

ADMISSION BASED ON HIGH SCHOOL CERTIFICATE AND SUBSTANTIATING EXAMINATION

§ 710.44 *Requirements for admission based on high school certificate and substantiating examination.* (a) The Academic Board will consider and may admit a candidate provided that:

(1) He submits a properly attested certificate (Form II) that he has been graduated from an accredited secondary school, indicating that he has shown proficiency in 7 units of certain required subjects and in at least 8 units of optional subjects. These subjects are listed in a following table. However, if some of the necessary 15 units (mentioned above) are lacking from the candidate's secondary school record, the deficiency may be made up by transferring credits assigned for acceptable college work in the lacking subject or subjects to the secondary school record.

(b) The above-mentioned certificate is accepted by the Academic Board as evidence that the candidate can pursue successfully the course at the Naval Academy.

(3) This evidence is further substantiated by the candidate's attainment of acceptable scores on the College Entrance Examination Board Scholastic Aptitude Test, and achievement tests in English Composition and Intermediate or Advanced Mathematics.

(b) Candidates whose certificates are rejected because of low grades or who for reasons mentioned below cannot satisfy the requirements in a secondary school certificate have the right to demonstrate their qualifications by taking and scoring acceptably in the Regular Examination.

§ 710.45 *Low grades, irregular date and other special circumstances.* (a) If the certificate (Form II) submitted shows evidence of low grades, or of grades below the standards of acceptance set by higher institutions to which the certifying school is accredited, the certificate will be rejected.

(b) A certificate showing graduation at an irregular date will be rejected; that is, at a date other than the regular date set for the graduation of a class of which the applicant is a member.

(c) When the credits submitted have been obtained in more than one secondary school, it is advisable to have the credits and marks obtained at the previous school reported to the later school for incorporation in the final certificate. If this is impracticable, the candidate will be permitted to forward certificates from each institution to be judged together.

§ 710.46 *Responsibility of school authorities.* The secondary school certifying a candidate stands sponsor for his success under conditions explained on the official Form II certificate, and it is expected that the responsible school authority will recommend only those candidates, who, in his or her opinion, have scholastic background needed to pursue successfully a difficult college course in which the emphasis is placed principally on engineering subjects; and who have those qualities of character necessary for success in an institution where training for effective leadership is of paramount importance.

§ 710.47 *Description of unit of admission requirements.* In order to facilitate the comparison of credits submitted by various institutions in fulfillment of admission requirements with one another, the academic board has given its approval to the following statement formulated by the National Conference Committee on Standards of Colleges and Secondary Schools descriptive of a unit of admission requirements: "A unit represents a year's study in any subject in a secondary school, constituting approximately a quarter of a full year's work. A 4-year secondary school curriculum should be regarded as representing not more than 16 units of work." This statement is designed to afford a standard of measurement for the work done in secondary schools. It takes the 4-year high-school course as a basis and assumes that the length of the school year is from 36 to 40 weeks, that a period is from 40 to 60 minutes in length, and that the study is pursued for 4 or 5 periods a week; but under ordinary circumstances a satisfactory year's work in any subject cannot be accomplished in less than one hundred and twenty 60-minute periods or their equivalent. Schools organized on any other than a 4-year basis can, nevertheless, estimate their work in terms of this unit. Not more than 1½ units of credit can be allowed for work done in fully accredited night high schools or in fully accredited schools of comparable character where the classes meet other than in regular day school hours. No credit will be allowed in a certificate, or as evidence of review to offset low grades or a failure on the entrance examinations for work done in correspondence courses, under a tutor, or in nonaccredited schools.

§ 710.48 *Decision as to acceptance or rejection of a certificate.* The acceptance or rejection of a certificate will depend on the evidence it shows as to the thorough completion of the work submitted. The records made in the Academy by midshipmen admitted by certificate will influence the academic board in its future consideration of certificates submitted by the schools or colleges from which these midshipmen come. Final decision as to the acceptance or rejection of any certificate rests with the academic board. A certificate will not be formally considered unless submitted on one of the above-noted forms, except that official college transcript forms may be used for record of academic work when attached to our Form I certificate. All work essential to the acceptance of the certificate or certificates must have been completed by the end of the regular school year in order to establish eligibility for admission to the Naval Academy in that year. Summer school work will not be accepted for entry in the year in which it is completed. High school and college certificates should be submitted to the Superintendent of the Naval Academy as early as practicable, and not later than June 25 for the class entering that year (see § 710.49). As soon as nominated each candidate will receive copies of the certificate forms from the Bureau of Naval Personnel. For additional forms, address the Bureau of Naval Personnel, Navy Department, Washington 25, D. C.

§ 710.49 *Certificate covering uncompleted high school work.* (a) Certificate or certificates covering high school work still uncompleted will be reviewed informally and the nominee will be furnished a report of the academic board's action in his case. This report will indicate clearly necessary further steps, if any, on his part to complete his certificate papers. If certificates are fully acceptable and require no further evidence of school work, no other action on his part will be necessary with regard to school records and he will be so informed.

(b) A certificate submitted for a nominee who has additional subjects in course for which final marks have not been assigned should indicate clearly the subjects that are still being pursued together with an average of the marks assigned in each subject in course at the time of the submission of the certificate.

(c) If an informal opinion is rendered which involves modification of his schedule of courses or if the quality of his work is such that special additional requirements must be imposed, it will be the nominee's responsibility to decide whether to take the full regular entrance examination. The nominee's decision, naturally, should depend upon his ability to effect such changes as may be necessary in his courses or, as the case may be, upon his own estimate of his ability to meet such other specific requirements as may have been imposed.

(d) When review of the secondary school record reveals that subjects studied and grades received fulfill requirements and that formal acceptance of the certificate is dependent only upon successful completion of courses in progress in the final semester, tentative acceptance will be reported. In such case, acceptance of the certificate will become final upon receipt of a supplementary statement from the school attesting satisfactory standing in studies and con-

duct during the final semester. The statement must also include indication of eligibility for graduation and the secondary school diploma unless evidence of graduation was presented previously.

(e) If the supplementary statement cannot be mailed to the Naval Academy by June 25 and if the nominee receives from the Chief of Naval Personnel his authorization to report at the Naval Academy for admission before it is mailed, he must bring it with him and present it upon reporting.

§ 710.50 *Submission of essential certificate papers in time.* (a) It is the specific responsibility of each nominee to insure compliance with this limiting date, and failure to do so can conceivably result in cancellation of the nomination. A nominee who is an alternate has no ready means of knowing when he may become eligible for admission and should not be deterred from taking every possible step to insure submission of essential certificate papers. An incomplete record when a nominee becomes eligible for call can result in the conclusion that the individual has abandoned his candidacy.

(b) The nominee is encouraged to submit certificates prior to completion of the first term of the school year immediately preceding entrance to the Naval Academy. An early review of the record of completed work and of courses proposed for completion may reveal defects which can be offset by slight changes in the final semester schedule.

(c) As previously stated, the certificate action reports issued by the Naval Academy state clearly such ensuing steps on the nominee's part as may be necessary to complete his case. When in doubt, however, communications addressed to the Superintendent, United States Naval Academy, Annapolis, Maryland, will be answered as promptly as possible.

§ 710.51 *List of secondary school subjects which can be used for certification (Form 11).* The list of subjects and of the corresponding weights in units is as follows:

(a) Required subjects	7
Optional subjects	8
Total units needed for an acceptable certificate	15

Candidates are not admitted on condition.

(b) Required and optional subjects: Every certificate must show evidence of proficiency in seven units of required subjects and at least eight units of optional subjects chosen from the following:

	Designation	Maximum units allowed
Group I—English (maximum of three units allowed and required)		
English I	I	
English II	II	
English III	III	
English IV	IV	
Group II—Mathematics (three units required of which at least two must be algebra and one plane geometry: units in excess of three count as optional. Three semesters of algebra will be acceptable for the algebra requirement if the school certifies that the candidate has covered satisfactorily the material listed under mathematics A1 and A2 as described in a following paragraph in this pamphlet. In such a case two units of algebra will be allowed toward certification.)		
Algebra to quadratics	A1	1
Algebra, quadratics and beyond	A2	1
Algebra, advanced	B	½
Plane geometry	C	1
Solid geometry	D	½
Plane trigonometry	E	½
Higher mathematics		
Group III—History (one unit of United States history required: other units count as optional)		
History, ancient	A	1
History, European	B	1
History, English	C	1
History, United States	D	1
History, modern European	E	1
History, World	F	1
Group IV—Sciences, drawing, and languages (all units count as optional. A candidate who does not present acceptable school or college credit in physics or chemistry will be required to demonstrate by performance in the Aptitude Test his capacity to pursue studies along engineering and scientific lines)		
Physics (recitation, laboratory), first year	I	1
Physics (recitation, laboratory), second year	II	1
Chemistry (recitation, laboratory) first year	I	1
Chemistry (recitation, laboratory), second year	II	1
Biology (recitation, laboratory)	I	1
General Science (recitation, laboratory)	I	1
Psychology	I	1
Mechanical drawing, first year	I	1
Mechanical drawing, second year	II	1
French, first year	I	1
French, second year	II	1
French, third year	III	1
Spanish, first year	I	1
Spanish, second year	II	1
Spanish, third year	III	1
German, first year	I	1
German, second year	II	1
German, third year	III	1
Italian, first year	I	1
Italian, second year	II	1
Italian, third year	III	1
Latin, first year	I	1
Latin, second year	II	1
Latin, third year	III	1
Latin, fourth year	IV	1
Group V—Miscellaneous (all units count as optional)		
Physical geography (recitation, laboratory)		1
Botany (recitation, laboratory)		1
Zoology (recitation, laboratory)		1
Geology		1
Astronomy		1
Physiology		1
Civics		1
Problems of democracy		1
American problems		1
Citizenship		1
Sociology		1
Social science		1
Current events		½
Commercial law		½
Commercial history		½
Commercial arithmetic		½
Commercial geography		½
Economics		1
Economic history		½
Economic geography		½
Industrial problems		½
Public speaking		½
Elementary law		½
Advanced arithmetic		½
Manual training		1
Journalism		1
Occupations		½

(c) Such other standard subjects as are included in the usual high-school or college courses under the general divisions of language, mathematics, philosophy, science, economics, and law will be allowed. Subjects such as penmanship, stenography, typewriting, bookkeeping, Bible, free-hand drawing, music, drill, agriculture, teacher training, and student activities will not be allowed.

§ 710.52 *Definition of unit.* The definition of unit and of the ground covered by the designated subjects is given in § 710.47. Credits must correspond to the unit values of the respective subjects. Greater credit than indicated will not be allowed; less credit will be understood as evidence that the entire subject has not been completed.

§ 710.53 *Admission by certificate methods—a privilege.* Admission by either of the certificate methods is a privilege which the Academic Board may accord to those whom it considers, on the basis of school records presented, to be worthy of the exemptions allowed and to be capable of pursuing successfully the Naval Academy course.

ADMISSION BY REGULAR EXAMINATION

§ 710.54 *Regular examination.* A candidate who cannot qualify under either of the methods described in §§ 710.36 to 710.43 and §§ 710.44 to 710.53, that is, who cannot submit an acceptable certificate as required by one of those methods, can qualify mentally for admission to the Naval Academy by scoring acceptably in the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English Composition, Intermediate or Advanced Mathematics and Social Studies. An unacceptable score in any one of these tests will be sufficient to cause rejection of the candidate.

SUBPART G—PHYSICAL REQUIREMENTS

§ 710.55 *Physical standards.* All candidates for the Naval Academy must meet the physical standards established by the Secretary of the Navy. These standards are outlined in detail in Appendix IV (§ 710.63).

§ 710.56 *Three categories of physical examinations.* Physical examinations are divided into three categories: (a) Preliminary physical examination; (b) formal physical examination; and (c) physical reexamination. Each of these is discussed in §§ 710.57 to 710.59 under the appropriate heading.

§ 710.57 *Preliminary physical examination.* (a) The Departments of the Navy, Army and Air Force have made available to all candidates for the Naval Academy facilities where a careful preliminary physical examination can be obtained at no expense to the candidate other than the cost of such travel and subsistence as may be necessary. The preliminary physical examinations are conducted by medical specialists under conditions approximating as closely as possible those of the formal physical examinations given by the medical examining boards authorized to conduct formal examinations.

(b) The preliminary examinations are authorized primarily for the convenience of candidates and prospective candidates. They serve to reveal obviously disqualifying defects which may preclude admission as midshipman. While failure to meet the established physical standards may cause rejection on the preliminary physical examination, the Medical Examiner should not discourage correction of defects when they are generally considered amenable to treatment. Candidates are urged to avail themselves of this opportunity and thus spare themselves the needless expense and disappointment which may result from the late discovery of disqualifying defects.

(c) Where considered desirable for obviously well motivated candidates, the Medical Examiner should bring to the attention of the candidate the provisions for waiver of minor physical defects outlined in paragraph (a) (3) of Appendix IV (§ 710.63 (a) (3)).

(d) Preliminary physical examinations are conducted at any of the places listed in Appendix V (§ 710.64) and will be given to any candidate who presents an authorization from the Chief of Naval Personnel, or from a member of Congress, or who is a son or dependent relative of a member of the Armed Forces and presents a request signed by the member concerned. It is advisable to communicate with the activity selected for physical examination to arrange an appointment.

(e) The report of the preliminary physical examination of a candidate, whether a civilian or a member of the Armed Forces, shall be submitted on Standard Form 88 (Report of Medical Examination) in triplicate, and on Standard Form 89 (Report of Medical History) in the candidate's own handwriting. The report of physical examination shall be distributed as follows: A copy to the congressman, parent or guardian who requested the examination; a copy to the Chief of Naval Personnel (Naval Academy Midshipman Branch), Navy Department, Washington 25, D. C., and the original Standard Form 88 with Standard Form 89 to the Chief, Bureau of Medicine and Surgery, Navy Department, Washington 25, D. C.

§ 710.58 *Formal physical examination.* (a) Each candidate who receives an official notification from the Bureau of Naval Personnel, Navy Department, Washington 25, D. C., authorizing him to report for formal physical examination must bear all expenses for travel and subsistence incident to this examination. The formal physical examinations will be conducted usually during the period from May 1 to May 10 each year and every eligible candidate will be notified by the Bureau of Naval Personnel when and where to report for the examination. Normally, it will require only 1 day. In case of urgent necessity for change in the place or date of examination, within the 10-day period, written or telegraphic request should be addressed to the Bureau of Naval Personnel, address as above.

(b) In order to determine coordination, strength, and endurance of the body musculature, a physical aptitude examination will be given in conjunction with the formal physical examination. The Physical Aptitude Examination will consist of a series of tests, such as leg lifts, sit-ups, pull-ups, push-ups, Burpee, squat jump, duck walk, arm dip, broad jump, and arm hang. The results of these tests will indicate strength of arms, legs, and the torso, and the ability to coordinate all body parts. Also included in this battery of tests will be movements which will bring out disqualifying orthopedic defects such as shoulder and knee malfunctions. Failure to obtain a passing grade in this examination will be cause for rejection.

(c) When reporting for the formal physical examination, it is recommended that each candidate have with him an athletic supporter and shorts suitable for use when undergoing the required physical exercises.

(d) Installations conducting formal physical examinations for the U. S. Naval Academy are listed in Appendix VI (§ 710.65).

§ 710.59 *Physical reexamination.* Candidates rejected by a medical examining board because of defects which can be corrected promptly, or who desire reexamination for other reasons, may be given a reexamination by the Board of Medical Review at the United States Naval Acadamy, Annapolis, Md., upon authorization by the Chief of Naval Personnel. Candidates desiring to avail themselves of this privilege must make written request to the Chief of Naval Personnel by June 1. The physical reexaminations will be conducted late in June. The cost of travel to and from Annapolis, and subsistence, must be borne by the candidate. Those who are found qualified by the Board of Medical Review and who are otherwise eligible for appointment may remain at Annapolis for the brief period prior to actual admission as midshipman. See paragraph (a) (3) of Appendix IV (§ 710.63 (a) (3)) for procedure to request waiver of minor physical defects.

SUBPART H—APPENDIXES TO REGULATIONS GOVERNING THE ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN

§ 710.60 *Appendix I—Entrance procedure, equipment and pay*—(a) *General.* Candidates for whom there are vacancies, who have subscribed the "Engagement to Serve" and who have met the mental, moral, and physical requirements will receive appointments as midshipmen and be admitted as such to the Naval Academy.

(b) *Age.* Each candidate will be required to certify on honor his exact age.

(c) *Loyalty certificate.* In keeping with the policy of the Department of Defense and as directed by the Secretary of the Navy, candidates for appointment as midshipman are required to execute a loyalty certificate.

(1) The purpose of this certificate is to aid in determining whether the candidate's conduct or associations, past or present, have been such as to cast any doubt whatever upon his loyalty to the Government of the United States.

(2) The loyalty certificate includes a list of those agencies, groups, etc., designated by the Attorney General of the United States to be totalitarian, fascist, communist or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

(3) The admission of conduct or association, past or present, within the purview of acts as defined in the certificate, or association with any of the groups or organizations designated by the Attorney General, shall preclude appointment pending investigation and determination of eligibility by the Department of the Navy.

(4) False representation, or failure fully to disclose conduct or associations defined in the certificate shall constitute grounds for trial before a general court-martial with possible consequent conviction and imprisonment, or for separation from the naval service under conditions other than honorable, with or without any preceding court-martial procedure.

(d) *Oaths.* (1) each candidate for midshipman upon entrance will be required to take oath of office as follows:

I, ----------, of the State of ---------- aged ---- years ---- months, having been appointed a midshipman in the United States Navy, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; So Help Me God.

(2) He will also be required to subscribe to the following under oath:

For and in consideration of the privileges, opportunities, and benefits afforded me during the continuance of my service as a midshipman, I agree to and with the Superintendent of the United States Naval Academy, as follows:

First: To enter the service of the Navy of the United States and to the utmost of my power and ability to be in everything conformable and obedient to the several requirements and lawful commands of the officers who may be placed over me.

Second: I oblige myself, during such service, to comply with and be subject to the Uniform Code of Military Justice and such other laws and regulations as are or shall be established by the Congress of the United States or other competent authority.

Third: To submit to treatment for the prevention of smallpox, typhoid (typhoid prophylaxis), and to such other preventive measures as may be considered necessary by naval authorities.

(e) *Course of instruction.* All midshipmen at the Naval Academy take the same course of instruction except in Foreign Languages. The course is of 4 years' duration and is designed for the purpose of training students to become officers in the Navy. The word "officers" as used in the foregoing sentence means officers of the line and does not include officers of the Medical Corps, Dental Corps, etc. No special courses are offered. No midshipman, regardless of his special qualifications or advanced education, can be

given advanced standing upon his admission to the Naval Academy and no one is admitted or readmitted to other than the fourth (freshman) class. However, advanced education should be beneficial in that it should enable a midshipman to stand near the top of his class. His relative standing in his class upon graduation has an important bearing on promotions after being commissioned an officer in the Navy. Readmitted midshipmen who previously completed successfully one or more years of the Naval Academy course, may request advancement to a higher class after re-entry. There can be no deviation from the statutory age limits contained in § 710.5.

(f) *Commissions.* Graduates of the Naval Academy who at graduation meet all requirements are commissioned as ensigns in the Navy and from each graduating class a limited number may be commissioned as second lieutenants in the Marine Corps and in the United States Air Force. Their commissions may be revoked at any time during the first 3 years following graduation from the Naval Academy. On successful completion of the probationary period, officers are permanently commissioned. Officers whose commissions are revoked shall be discharged from the service, without advance pay or allowances.

(g) *Pay.* The pay of the Midshipman is $1,333.80 a year, commencing at the date of his admission. Its purpose is to permit him to pay all of his expenses; i. e., uniforms, books, equipment, laundry, income tax, etc., while at the Naval Academy.

(h) *Regulation entrance outfit.* Midshipmen, immediately upon entrance, will be required to purchase from the midshipmen's storekeeper a regulation entrance outfit. Slide rules and drawing sets are furnished as part of the outfit. Candidates are advised, therefore, not to purchase these items prior to entering the Academy.

(i) *Deposit.* Each candidate who has qualified mentally and physically must, before being admitted as a midshipman, deposit with the midshipmen's storekeeper the sum of $100, to be used in part payment to cover cost of uniforms, clothing, textbooks, etc. The amount deposited is not refunded, but is expended for clothing and textbooks, which become the property of the midshipman. This deposit should be made in the form of cash, cashier's check, certified check, traveler's check, or postal or telegraph money order and must not be made payable to the order of the Superintendent of the United States Naval Academy but should be made payable to the candidate's own order and presented to the midshipmen's storekeeper at the Naval Academy at the time of entrance. Commercial paper made payable in any other form causes needless delay and inconvenience.

(j) *Fiscal provisions.* The required regulation entrance outfit, plus the additional uniforms, clothing, and textbooks required the first year, are valued at approximately $1,000. Candidates are required to deposit a minimum of $100 as a prerequisite to appointment as midshipman. This $100 deposit is supplemented by an entrance credit of $600 upon first admission to the Naval Academy. The $600 credit is a loan advanced by the Government to be subsequently repaid by deductions from the midshipman's pay. Thus the sum of $700 is available toward defraying the cost of the uniforms and equipment essential during the first year. Repayment of the indebtedness is accomplished by monthly deductions of $20 from the midshipman's pay, beginning in October of the second year at the Naval Academy and continuing until the indebtedness is liquidated. Any midshipman desiring to do so may repay this $600 entrance credit from personal funds immediately after appointment as midshipman. This sum is not required and only that portion of it that is not expended is recoverable should a midshipman subsequently be separated. Midshipmen who are involuntarily separated from the Naval Academy prior to repayment of the entrance credit, are required to turn in all articles of uniform and equipment deemed suitable for reissue, to an amount sufficient to liquidate the indebtedness. If reclaimed articles are insufficient to cover the indebtedness, the remainder of the debt is canceled. Midshipmen applying for voluntary separation for their own convenience are required to repay in full the amount of indebtedness prior to such separation.

(k) *Allowances.* Upon being admitted to the Naval Academy, midshipmen receive the travel and transportation allowances prescribed in paragraph 5001, Joint Travel Regulations. A mileage allowance of 6 cents per mile is payable for all authorized travel within the United States. A monetary allowance of 5 cents per mile is payable for all authorized land travel outside the United States. In addition, reimbursement will be made for the actual cost of passage fares on commercial vessels if sea travel is involved and provided no Government transportation is available. In the event travel originates outside the United States, candidates must contact the nearest naval activity for information as to the availability of Government transportation before endeavoring to procure commercial transportation. The money to which entitled is paid after the candidates have become midshipmen.

(l) *Reporting date.* Candidates are usually sworn in as midshipmen on the day they are accepted for admission, i. e., the date of reporting at the Naval Academy as designated in the authorization to report issued by the Bureau of Naval Personnel. Due to limited living accommodations in the city of Annapolis candidates are urged to time their arrival at Annapolis to coincide as closely as possible with the reporting date, keeping in mind, however, that transportation facilities between Washington and Baltimore and Annapolis are not unlimited. Those arriving in Annapolis a day or two prior to actual reporting date may take advantage of berthing and messing facilities made available in Bancroft Hall, the midshipmen's dormitory. The cost for bed and meals per day is equal to the cost of a midshipman's daily ration allowance.

(m) *Evidence of birth.* Candidates admitted as midshipmen will be required to submit to the Superintendent, U. S. Naval Academy, for transmission to the Bureau of Naval Personnel upon admission, or as soon as practicable thereafter, evidence of birth. A certified copy of the public record of birth is the best evidence of birth. Supporting evidence will be required if the name on the evidence of birth is not identical with the name being used.

(n) *Social Security card.* Every candidate on reporting for appointment must present his Social Security card. If an individual has not obtained a social security number as a result of work experience prior to entering, he should obtain one based on the strength of expected employment as a midshipman.

(o) *Statement of Personal History.* Each midshipman, except Foreign Nationals, shortly after entrance, will be required to complete a Statement of Personal History. Candidates should be prepared to furnish such information as:

(1) Names and locations of all schools attended.

(2) Family names, dates and places of birth of parents, service data if parents are or were in Armed Forces, naturalization numbers of parents if applicable.

(3) Relatives in Foreign Countries—relationship and location.

(4) Names and addresses of former employers.

(5) Names and addresses of three credit and five personal references. (Credit references may be those of parents.)

(6) Residences during past fifteen years. (Dates—street addresses—cities required.)

§ 710.61 *Appendix II—Appointments from without the United States*—(a) *Appointments from Puerto Rico.* One midshipman is allowed from Puerto Rico, who must be a native of that island. The appointment is made by the President, on the recommendation of the Governor of Puerto Rico. At present, five midshipmen are also allowed from Puerto Rico, appointed on the nomination of the Resident Commissioner.

(b) *Appointments from Canal Zone.* Title 10, United States Code, section 6954 provides that there shall be at the United States Naval Academy one midshipman to be selected from among the sons of civilians residing in the Canal Zone and the sons of civilian employees of the United States Government and the Panama Canal Company residing in the Republic of Panama, whose appointment shall be made by the Secretary of the Navy on the recommendation of the Governor of the Canal Zone.

(c) *Appointments from the Republic of the Philippines.* (1) Title 10, United States Code, section 6957 provides that the Secretary of the Navy is authorized to permit, for the President of the United States, not exceeding four Filipinos at a time to receive instruction at the United States Naval Academy at Annapolis, Md. The Filipinos receiving instruction under authority of this law shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. Applicants for appointment under provisions of this law must be addressed through diplomatic channels of the applicant's country. Nominations must reach the State Department in Washington, D. C., by January 1.

(2) The following regulations are established for candidates from the Republic of the Philippines:

(i) Each such candidate must:

(*a*) Be an unmarried, bona fide male citizen of the Republic of the Philippines, and, unless otherwise approved by the Secretary of the Navy, be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which he enters the Naval Academy.

(*b*) Possess physical qualifications as specified in this part. All candidates must undergo a physical examination and a physical aptitude examination by a board of medical examiners designated by the Chief of Naval Personnel. The formal physical examination of candidates from the Republic of the Philippines will be conducted by the Permanent Medical Examining Board at the United States Naval Academy at the time of reporting for admission. Such candidates are therefore urged to undergo careful preliminary examination by qualified medical personnel informed of the physical requirements set forth elsewhere in this part before leaving their homes for the Naval Academy. Those with obviously disqualifying defects may be spared the needless expense of the trip to Annapolis. However, in case of reasonable doubt as to whether defects are disqualifying, it is recommended that telegraphic inquiry be addressed to the Superintendent, U. S. Naval Academy, Annapolis, Md., U. S. A.

(*c*) Be proficient in reading, writing, and speaking idiomatic English and meet the following scholastic entrance requirements:

(*1*) Candidates may qualify for admission by either of the following two methods:

(*i*) Certificates from accredited secondary schools and colleges of the United States of America. See §§ 710.36 to 710.53.

(*ii*) Taking the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English Composition and Intermediate or Advanced Mathematics.

(2) Candidates from the Republic of the Philippines will be given the same examination in English Composition as other candidates, but due consideration will be accorded these foreign students when evaluating test results. These candidates will not be given the examination in Social Studies. Each candidate shall submit a certificate from his Government that he is conversant with the literature and history of his native country and that he has:

(*i*) In literature, completed a course in the literature of his native language equivalent in general to 2 years of secondary school work in literature in the United States.

(*ii*) In history, completed a course in the history of his native country equivalent in general to a 1-year history course in the secondary schools of the United States.

(3) In lieu of these two certifications, a candidate from the Republic of the Philippines may produce evidence of having acquired the units for literature and/or United States history from accredited schools of the United States or of the Republic of the Philippines.

(*4*) See §§ 710.25 to 710.27 for the sources of information as to time, place, etc., of College Entrance Examination Board tests.

(d) *Appointments from American Republics (other than the United States) and Canada.* (1) Title 10, United States Code, section 6957 provides that the Secretary of the Navy is authorized to permit, upon designation of the President of the United States, not exceeding 20 persons at a time from the American Republics (other than the United States) and Canada to receive instruction at the United States Naval Academy at Annapolis, Md. Not more than three persons from any one of such Republics, or Canada, shall receive instruction under authority of this law at the same time. The persons receiving instructions under authority of this law shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exemptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. Application for appointment under the provisions of this law must be addressed through the appropriate diplomatic channels of the applicant's country. Nominations must reach the State Department in Washington, D. C., by January 1.

(2) The following regulations are established for candidates from American Republics (other than the United States) and Canada:

(i) Each candidate must:

(*a*) Be an unmarried, bona fide male citizen of the country transmitting the request, and, unless otherwise approved by the Secretary of the Navy, be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which he enters the Naval Academy.

(*b*) Possess physical qualifications as specified in this pamphlet. All candidates must undergo a physical examination and a physical aptitude examination by a board of medical examiners designated by the Chief of Naval Personnel. The formal physical examination of candidates from other American Republics and the Dominion of Canada will be conducted by the Permanent Medical Examining Board at the United States Naval Academy at the time of reporting for admission. Such candidates are therefore urged to undergo careful preliminary examination by qualified medical personnel informed of the physical requirements set forth elsewhere in this part before leaving their homes for the Naval Academy. Those with obviously disqualifying defects may be spared the needless expense of the trip to Annapolis. However, in case of reasonable doubt as to whether defects are disqualifying it is recommended that telegraphic inquiry be addressed to the Superintendent, United States Naval Academy, Annapolis, Md., U. S. A.

(*c*) Be proficient in reading, writing, and speaking idiomatic English and meet the following scholastic entrance requirements:

(*1*) Candidates may qualify for admission by either of the following two methods:

(*i*) Certificates from accredited secondary schools and colleges of the United States of America. See §§ 710.36 to 710.53.

(*ii*) Taking the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English Composition and Intermediate or Advanced Mathematics.

(2) Candidates from the American Republics will be given the same examination in English Composition as other candidates, but due consideration will be accorded these foreign students when evaluating test results. These candidates will not be given the examination in Social Studies. Each candidate shall submit a certificate from his Government that he is conversant with the literature and history of his native country and that he has:

(*i*) In literature, completed a course in the literature of his native language equivalent in general to 2 years of secondary school work in literature in the United States.

(*ii*) In history, completed a course in the history of his native country equivalent in general to a 1-year history course in the secondary schools of the United States.

(3) In lieu of these two certifications, a candidate from an American Republic may produce evidence of having acquired the units for literature and/or United States history from accredited schools of the United States.

(*4*) Candidates from Canada will not be examined in Social Studies but must meet the same requirements in English as a citizen of the United States. In lieu of the examination in Social Studies, a candidate from Canada will be required to submit a certificate of equivalent study (a 1-year secondary school course) of the history of Canada, or produce evidence of having acquired the unit for United States history from accredited schools of the United States.

(5) See §§ 710.25 to 710.27 for the sources of information as to time, place, etc., of College Entrance Examination Board tests. The naval attaché or a diplomatic representative of the United States in the candidate's country shall in the cases of all candidates from other American Republics furnish a report as to the candidate's proficiency in the use of idiomatic English.

(*d*) Each Government concerned should submit the names of candidates as early as possible in order that they may qualify for entrance during the month of March and enter the Naval Academy in July except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

(*e*) In lieu of the oath of allegiance to the United States, a substitute oath will be required, in substance as follows:

I, ----------, a citizen of ----------, aged ------ years -------- months, having been appointed a midshipman at the United States Naval Academy; do solemnly swear to comply with all regulations for the police and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear not to divulge any information of military value which I may obtain, directly or indirectly in consequence of my presence at the United States Naval Academy, to any alien government; and do agree that I shall be withdrawn from the United States Naval Academy if deficient in conduct, health, or studies.

(*f*) Notification shall be made to each foreign government concerned that students found by proper authority to be unsatisfactory in conduct, studies, or health would be accorded the same consideration given other midshipmen regarding withdrawal from the Academy, or repetition of a year's work.

§ 710.62 *Appendix III—Definition of certain of the subjects listed in secondary school certificates.*

MATHEMATICS

A1. ALGEBRA TO QUADRATICS (ONE UNIT)

The four fundamental operations for rational algebraic expressions.

Factoring, determination of highest common factor and lowest common multiple by factoring.

Fractions, including complex fractions, and ratio and proportion.

Meaning, use, and evaluation of formulas.

Graphical representation.

Linear equations, both numerical and literal, containing one or two unknown quantities.

Problems depending on linear equations.

Radicals, including the extraction of the square root of polynomials and of numbers.

Exponents, including fractional and negative.

Numerical trigonometry—the use of the sine, cosine, and tangent in solving right triangles.

A2. QUADRATICS AND BEYOND (ONE UNIT)

Quadratic equations, both numerical and literal.

Simple cases of equations with one or more unknown quantities that can be solved by the methods of linear or quadratic equations.

Problems depending on quadratic equations.

Graphical solution of quadratic equations.

Simultaneous equations in three unknowns.

The solution of simple cases of equations of degree higher than the second.

Elementary theory and use of logarithms.

Variation.

The binomial theorem for positive integral exponents.

The formulas for the *n*th term and the sum of the terms of arithmetic and geometric progressions, with applications.

It is assumed that pupils will be required throughout the course to solve numerous problems which involve putting questions into equations. Some of these problems should be chosen from mensuration, from physics, and from commercial life. The use of graphical methods and illustrations, particularly in connection with the solution of equations, is also expected.

B. ADVANCED ALGEBRA (ONE-HALF UNIT)

Permutations and combinations, limited to simple cases.

Complex numbers, with graphical representation of sums and differences.

Determinants, chiefly of the second, third, and fourth orders, including the use of minors and the solution of linear equations.

Numerical equations of higher degree, and as much of the theory of equations, with graphical methods, as is necesary for their treatment, including Descartes' rule of signs and Horner's method, but not Sturm's functions or multiple roots.

C. PLANE GEOMETRY (ONE UNIT)

The usual theorems and constructions of good textbooks, including the general properties of plane rectilinear figures; the circle and the measurement of angles; similar polygons; areas; regular polygons, and the measurement of the circle.

The solution of numerous original exercises.

Application to the mensuration of lines and plane surfaces.

D. SOLID GEOMETRY (ONE-HALF UNIT)

The usual theorems and constructions of good textbooks, including the relations of planes and lines in space; the properties and measurement of prisms, pyramids, cylinders, and cones; the sphere and the spherical triangle.

The solution of numerous original exercises.

Applications to the mensuration of lines, surfaces, and solids.

E. PLANE TRIGONOMETRY (ONE-HALF UNIT)

Definitions and relations of the six trigonometric functions as ratios; circular measurements of angles.

Proofs of principal formulas, in particular for the sine, cosine, and tangent of the sum and the difference of two angles, of the double angle and the half angle, the product expressions for the sum or the difference of two sines or of two cosines, etc.; the transformation of trigonometric expressions by means of these formulas.

Solutions of trigonometric equations of a simple character.

Theory and use of logarithms (without the introduction of work involving infinite series).

The solution of right and oblique triangles and practical applications.

ENGLISH I, II, III AND IV

The study of English in school has two main objects: (A) Command of correct and clear English, spoken and written; (B) ability to read with accuracy, intelligence, and appreciation; familiarity with a few masterpieces.

A. GRAMMAR AND COMPOSITION (ONE AND ONE-HALF UNITS)

The first object requires instruction in grammar and composition. English grammar should ordinarily be reviewed in the secondary school; and correct spelling and grammatical accuracy should be rigorously exacted in all written work during the four years. The principles of English composition governing punctuation, the use of words, sentences, and paragraphs should be thoroughly mastered; and practice in composition, oral as well as written, should extend throughout the secondary school period. Written exercises should include letter writing, narration, description, and simple exposition and argument. It is advisable that subjects for this work be taken from the student's personal experience, general knowledge, and studies other than English, as well as from his reading in literature. Finally, special instruction in language and composition should be accompanied by concerted effort of teachers in all branches to cultivate in the student the habit of using good English in his recitations and various exercises, whether oral or written.

B. LITERATURE (ONE AND ONE-HALF UNITS)

The second object is sought by the reading and study of English and American literature in a progressive course covering four years. The student should be trained to read aloud with expression and clarity and to read silently with swift comprehension. He should be encouraged to commit to memory some of the more notable passages both in verse and in prose. As an aid to literary appreciation he should be further advised to acquaint himself with the most important facts in the lives of the authors whose works he reads and with their place in literary history. The aim is to foster in the student the habit of intelligent reading and to develop a taste for good literature, by giving him a first-hand knowledge of some of its best specimens. He should read the books carefully, but his attention should not be so fixed upon details that he fails to appreciate the main purpose and charm of what he reads.

HISTORY

A. Ancient history, comprising the history of the ancient world and of Greece and Rome to the year 476 A. D. (One unit.)

B. European history, including both medieval and modern. (One unit.)

C. English history. (One unit.)

D. United States history. (One unit required. The standard year course in United States history, or a year course embracing both United States history and civil government, will fulfill this requirement.)

E. Modern European history. (One unit.)

F. World history. (One unit.)

§ 710.63 *Appendix IV—Physical standards and disqualifying defects*—(a) *General.* The physical standards outlined in the succeeding paragraphs are prescribed for candidates. The standards are established to secure uniformity in conducting physical examinations and in interpreting physical fitness of candidates for admission to the U. S. Naval Academy. The object is to procure personnel who are physically fit and temperamentally adapted to the conditions of naval life and who will be physically fit for appointment to commissioned grade when duly qualified otherwise therefor. The standards prescribed are intended to preclude from acceptance, those individuals who present contagious or infectious disease which would be likely to endanger the health of other personnel, those who are likely to require repeated admissions to the sick list, prolonged hospitalization, or invaliding from service, and those who present any condition which would be reasonably likely to disqualify for appointment to commissioned status or result in early retirement for physical disability.

(1) Candidates will save valuable time and money for themselves and the Government by procuring careful complete physical and dental examinations prior to reporting for their formal physical examinations in order that temporary disqualifying defects may be remedied. (See § 710.57.)

(2) The candidate should insist that his medical and dental examiner fully inform him of all his physical defects and whether or not such defects are considered disqualifying for entrance to the U. S. Naval Academy under these standards.

(3) Under certain circumstances, the Chief of Naval Personnel may authorize waivers of minor physical defects for candidates who are properly motivated, academically qualified and otherwise entitled to admission to the Naval Academy. Individual requests for such waivers of minor physical defects will be entertained by a Board of Officers convened by the Chief of Naval Personnel for the purpose. Request for such a waiver must be in writing by the candidate addressed to the Chief of Naval Personnel prior to June 1 or within 10 days of the formal physical examination, or reexamination.

(4) Since a history of having had certain illnesses which are recurrent and/or progressive in nature is disqualifying for entrance and for retention in the U. S. Naval Academy it is of paramount importance that the candidate inform the medical and dental examiner in detail of his past medical record. The candidate who fails to inform his examiner of his past medical record in order to gain entrance into the U. S. Naval Academy has not accomplished his goal if he must be discharged because of a recurrent or progressive disease subsequent to his entrance thereto.

(b) *Medical history.* In order to assist the examiner in conducting the physical examination, it is required that a careful history be obtained. An applicant for entry into the U. S. Naval Academy, upon reporting for examination, shall first be required to complete Standard Form 89 (Report of Medical History). The use of this form is not required in case of a candidate appearing before his own family physician and dentist. When used, the data on the completed form shall be reviewed, and elaborated upon by the examiner whenever it is necessary to present a more complete picture of the individual's medical history.

(c) *Psychiatric disorders.* The following conditions are causes for rejections:

(1) Psychotic disorders:

(i) Schizophrenic reactions.

(ii) Affective reactions.

(iii) Paranoid reactions.

(2) Psychiatric disorders with demonstrable physical etiology or associated structural changes in the brain:

(i) Psychotic disorders with demonstrable physical etiology or associated structural changes in the brain.

(ii) Nonpsychotic mental disorders with demonstrable physical etiology or associated structural changes in the brain.

(3) Psychoneurotic disorders:

(i) Anxiety reaction.

(ii) Dissociative reaction.

(iii) Conversion reaction.

(iv) Phobic reaction.

(v) Obsessive-compulsive reaction.

(vi) Neurotic-depressive reaction.

(vii) Somatization reaction.

(viii) Hypochondriacal reaction.

(4) Character and behavior disorders:

(i) Pathological personality types:

(*a*) Schizoid personality.

(*b*) Paranoid personality.

(*c*) Cyclothymic personality.

(*d*) Inadequate personality.

(*e*) Antisocial personality.

(*f*) Asocial (amoral) personality.

(*g*) Sexual deviate.

(ii) Immaturity reactions:

(*a*) Emotional-instability reaction.

(*b*) Passive-dependency reaction.

(*c*) Passive-aggression reaction.

(*d*) Aggressive reaction.

(*e*) Immaturity with symptomatic habit reaction.

(5) Disorders of intelligence:

(1) Mental deficiency, primary.

(2) Mental deficiency, secondary.

(3) Specific learning defect.

(d) *Weight, height and miscellaneous considerations.* (1) The applicant's weight should be well distributed and in proportion to age, height and skeletal structure. The purpose of the standard is to facilitate detection and disqualification of the unduly obese and to avoid disqualifying muscular, healthy applicants.

Height (inches)	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78
Weight (pounds):															
Minimum	112	116	120	124	128	132	136	140	144	148	152	156	160	164	168
Maximum	160	165	170	175	181	186	192	197	203	209	214	219	225	230	235

NOTE: The figures in the table above are for growing youths and are for the guidance of medical officers in connection with the other data obtained at the examination, a consideration of which will determine the candidate's physical eligibility.

(2) The applicant's height should be measured in inches to the nearest one-half inch without shoes. The table below sets forth the minimum and maximum heights acceptable for candidates for the U. S. Naval Academy.

	Inches
Minimum	64
Maximum	78

(3) The following miscellaneous conditions are causes for rejection:

(i) Any deformity which is repulsive or which prevents the proper functioning of any part to a degree interfering with military efficiency.

(ii) Deficient muscular development or deficient nutrition.

(iii) Evidences of physical characteristics of congenital asthenia, such as slender bones, a weak ill-developed thorax, nephroptosis, gastroptosis, constipation, and "drop" heart, with its peculiar attenuation and weak and easily fatigued musclature.

(iv) All acute communicable diseases.

(v) All diseases and conditions which are not easily remediable or that tend physically to incapacitate the individual, such as: chronic malaria or malarial cachexia; tuberculosis; leprosy, actinomycosis; recurrent attacks of rheumatic fever within the previous five years, rheumatoid arthritis; osteomyelitis; malignant diseases of all kinds in any location; hemophilia; purpura; leukemia of all types; pernicious anemia; sickle cell anemia; trypanosomiasis; filariasis which has produced permanent disability or deformity, history of any acute attack of filariasis within 6 months of date of examination, or the finding of microfilaria in the blood stream; chronic metallic poisoning, allergic manifestations such as hay fever, if more than mild or if likely to cause more than minimal loss of time from duty or if associated with nasal polyps or hyperplastic sinusitis; asthma or a histroy of asthma, including so-called "childhood" asthma, unless there is a trustworthy history of freedom from seizures since six or seven years of age and provided that seizures prior to that time were not severe or prolonged and did not require extensive therapy; allergic conjunctivitis, allergic dermatoses, or allergic rhinitis particularly if there is associated hyperplastic sinusitis or nasal polyps, or a history thereof, when in the opinion of the examiner, the condition is likely to frequently recur, or to cause more than minimal loss of time from duty or otherwise is of present or future clinical significance.

(e) *The endocrine glands and metabolism.* The following conditions are causes for rejection:

(1) Toxic goiter; thyroid adenoma with pressure symptoms or of such size as to interfere with wearing a uniform.

(2) Cretinism; hypothyroidism; myxedema, spontaneous or postoperative (with clinical manifestations and diagnosis not based solely on low basal metabolic rate).

(3) Gigantism or acromegaly; diabetes insipidus, Simmonds' disease; Cushing's syndrome; other diseases because of a disorder of the pituitary gland.

(4) Frohlich's syndrome, if severe.

(5) Hyperparathyroidism and hypoparathyroidism when the diagnosis is supported by adequate laboratory studies.

(6) Addison's disease.

(7) Glycosuria if persisting; diabetes mellitus. If sugar is found in the urine, further specimens, voided in the presence of the physician or authorized assistant, should be examined. In doubtful cases the fasting blood sugar and glucose tolerance tests should be obtained. In the presence of diabetes mellitus in a parent, sibling, or grandparent, a standard glucose tolerance test is required.

(8) Nutritional deficiency diseases (including sprue, beriberi, pellagra, and scurvy) which are severe or not readily remediable or in which permanent pathological changes have been established.

(9) Gout.

(10) Hyperinsulinism when established by adequate investigation and if regarded by the examiners as of sufficient degree to disqualify for military service.

(f) *The eyes.* (1) For enrollment in the U. S. Naval Academy a minimum visual acuity of 20/20 each eye is required (request for waiver of minor visual acuity defect may be submitted). No squinting or visual aids are allowed and the test letters should be read correctly and promptly. Refraction is not required for entrance into the U. S. Naval Academy unless medically indicated. Depth perception shall be examined using the Verhoeff Stereopter and the findings reported in accordance with Art. 15–62 (12) (a) and (b), Manual of the Medical Department. (See subparagraph (4) (xiv) of this paragraph.)

(2) Disease of the eye grounds shall be cause for rejection.

(3) Both eyes must be free from any disfiguring or incapacitating abnormality and from acute or chronic disease.

(4) The following conditions are causes for rejection:

(i) Trachoma.

(ii) Chronic conjunctivitis, or xerophthalmia.

(iii) Pterygium encroaching upon the cornea.

(iv) Complete or extensive destruction of the eyelids, disfiguring cicatrices, adhesions of the lids to each other or to the eyeball.

(v) Inversion or eversion of the eyelids, or lagophthalmus.

(vi) Trichiasis, ptosis, blepharospasm, or chronic blepharitis.

(vii) Epiphora, chronic dacryocystitis, or lachrymal fistula.

(viii) Chronic keratitis, ulcers of the cornea, staphyloma, or corneal opacities encroaching on the pupilliary area and reducing the acuity of vision below the standard.

(ix) Irregularities in the form of the iris, or anterior or posterior synechiae sufficient to reduce the visual acuity below the standard.

(x) Opacities of the lens or its capsule sufficient to reduce the acuity of vision below the standard, or progressive cataract of any degree.

(xi) Extensive coloboma of the choroid or iris, absence of pigment (albino), glaucoma, iritis, or extensive or progressive choroiditis of any degree.

(xii) Retinitis, detachment of the retina, neuroretinitis, optic neuritis, or atrophy of the optic nerve.

(xiii) Loss or disorganization of either eye, or pronounced exophthalmos.

(xiv) Pronounced nystagmus, well-marked strabismus, or lack of continuous and complete third degree binocular fusion.

(xv) Diplopia, or night blindness.

(xvi) Abnormal condition of the eye due to disease of the brain.

(xvii) Malignant tumors of lids or eyeballs.

(xviii) Asthenopia.

(xix) Any organic disease of either eye.

(g) *Color perception.* (1) It is essential that all candidates for the Naval Academy have normal color perception. Candidates shall be considered qualified if they pass one of the American Optical Company pseudo-isochromatic plate test sets listed in subparagraph (2) below or if they pass the Farnsworth Lantern test. Candidates who fail to pass the American Optical Company pseudo-isochromatic plate test shall be considered qualified if they pass the Farnsworth Lantern test. The results obtained with the Farnsworth Lantern shall be considered final in the resolution of all cases of questionable color perception. Where available the Farnsworth Lantern shall be used to test color perception in lieu of the AOC plate tests.

(2) When the American Optical Company pseudo-isochromatic plate test set is used for determination of color perception, a color vision test lamp with daylight filter or a fluorescent light with a daylight tube shall be used for illumination. The examinee shall not be allowed to trace the patterns or otherwise touch the test plates. The plates shall be shown at a distance of thirty inches and two seconds allowed to identify each plate. If the examinee hesitates, he should be asked again to "read the numbers." If he fails to respond, the examiner must turn to the next plate without comment. Qualification of examinees using the American Optical Company pseudo-isochromatic test plates is ascertained as follows:

(i) When the twenty plate test set (number N3–885–960) is used and the examinee reads correctly seventeen of the twenty plates, demonstration plates excluded, he is qualified.

(ii) When the eighteen plate test set (number 65–15–388–6606) is used and the examinee reads correctly fourteen of the eighteen plates, demonstration plate excluded, he is qualified.

(iii) When the fourteen plate test set (number 65–15–299–8186) is used and the examinee reads correctly ten of the fourteen plates, demonstration plate excluded, he is qualified.

(3) Detailed instructions for the administration of the Farnsworth Lantern test, as well as the criteria for passing the test, are engraved on a metal plate which is permanently attached to the instrument and shall be followed without exception. These instructions have been reprinted as enclosure (1) to BuMed [Bureau of Medicine and Surgery] Instruction 6730.2. The results of the test shall be recorded in item 64 of the Report of Medical Examination as "Passed FaLant" or "Failed FaLant."

(h) *The ears.* The following conditions are causes for rejection:

(1) The total loss of an external ear, marked hypertrophy or atrophy, or disfiguring deformity of the organ.

(2) Atresia of the external auditory canal, or tumors of this part.

(3) Acute or chronic suppurative otitis media, or chronic catarrhal otitis media.

(4) Mastoiditis, acute or chronic.

(5) Existing perforation of either membrana tympani.

(6) Deafness of one or both ears.

(7) Any diminution of auditory acuity in either ear, below 15/15 by whispered voice, below 40/40 by standard clock, or below 20/20 by coin click, or a significant auditory acuity loss as demonstrated by audiogram if such test has been performed.

(8) Any acute or chronic disease of the external, middle, or internal ear.

(i) *The skin.* The following conditions are causes for rejection:

(1) Eczema of long standing or which is resistant to treatment; allergic dermatosis, if severe.

(2) Chronic impetigo; sycosis; carbuncle; acne upon face or neck which is so pronounced as to amount to positive deformity.

(3) Actinomycosis; dermatitis herpetiformis; mycosis fungoides.

(4) Extensive psoriasis; ichtyosis; chronic lichen planus.

(5) Elephantiasis.

(6) Scabies; pediculosis (if indicative of unhygienic habits).

(7) Ulcerations of the skin not amenable to treatment, or those of long standing or of considerable extent, or of syphilitic or malignant origin.

(8) Extensive, deep, or adherent scars that interfere with muscular movements, or that show a tendency to break down and ulcerate.

(9) Naevi and other erectile tumors if extensive, disfiguring, or exposed to constant pressure.

(10) Obscene, offensive, or indecent tattooing.

(11) Pilonidal cyst or sinus if evidenced by presence of readily palpable tumor mass or if there is a history of inflammation or of purulent discharge.

(12) Lupus vulgaris; other tuberculous skin lesions.

(13) Lupus erythematosus, discoid or generalized; scleroderma.

(14) Epidermolysis bullosa; pemphigus.

(15) Plantar warts on weight-bearing areas, if of significance.

(j) *The head and face.* The following conditions are causes for rejection:

(1) Tinea in any form.

(2) All benign tumors which are of sufficient size to interfere with the wearing of military headgear, or subject to chronic irritation.

(3) Imperfect ossification of the cranial bones or persistence of the anterior fontanelle.

(4) Extensive cicatrices, especially such adherent scars as show a tendency to break down and ulcerate.

(5) Depressed fractures or other depressions, or loss of bony substance of the skull, unless the examiner is certain the defect is slight and will cause no future trouble.

(6) Monstrosity of the head, or hydrocephalus.

(7) Hernia of the brain.

(8) Deformities of the skull of any degree associated with evidence of disease of the brain, spinal cord, or peripheral nerves.

(9) Extreme ugliness.

(10) Unsightly deformities, such as large birthmarks, large hairy moles, extensive cicatrices, mutilations due to injuries or surgical operations, tumors, ulcerations, fistulae, atrophy of a part of the face, or lack of symmetrical development.

(11) Persistent neuralgia, tic douloureux, or paralysis of central nervous origin.

(12) Ununited fractures of the maxillary bones, deformities of either maxillary bone interfering with mastication or speech, extensive exostosis, necrosis, or osseous cysts.

(13) Chronic arthritis of the temporomandibular articulation, badly reduced or recurrent dislocations of this joint, or ankylosis, complete or partial.

(k) *The mouth, nose, pharynx, larynx, trachea, and esophagus.* The following conditions are causes for rejection:

(1) Harelip, unless adequately repaired, loss of the whole or a large part of either lip, unsightly mutilations of the lips from wounds, burns, or disease.

(2) Malformation, partial loss, atrophy, or hypertrophy of the tongue, split or bifid tongue, or adhesions of the tongue to the sides of the mouth, provided these conditions interfere with mastication, speech, or swallowing, or appear to be progressive.

(3) Malignant tumors of the tongue, or benign tumors that interfere with its functions.

(4) Marked stomatitis, or ulcerations, or severe leukoplakia.

(5) Ranula if at all extensive, or salivary fistula.

(6) Perforation or extensive loss of substance or ulceration of the hard or soft palate, extensive adhesions of the soft palate to the pharynx, or paralysis of the soft palate.

(7) Loss of the nose, malformation, or deformities thereof that interfere with speech or breathing, or extensive ulcerations.

(8) Perforated nasal septum if considered causative of symptoms or local pathology, or likely to do so.

(9) Nasal obstruction due to septal deviation, hypertrophic rhinitis, or other causes, and particularly if sufficient to produce mouth breathing.

(10) Acute or chronic inflammation of the accessory sinuses of the nose, hay fever, or allergic rhinitis (see paragraph (d) (3) (v) of this section).

(11) Atrophic rhinitis.

(12) Malformations or deformities of the pharynx of sufficient degree to interfere with function.

(13) Postnasal adenoids interfering with respiration or associated with middle-ear disease.

(14) Marked enlargement of the tonsils or markedly diseased tonsils.

(15) Laryngitis from any cause.

(16) Paralysis of the vocal cords, or aphonia.

(l) *The neck.* The following conditions are causes for rejection:

(1) Cervical adenitis of other than benign origin, including cancer, Hodgkin's disease, leukemia, tuberculosis, syphilis, etc.

(2) Adherent or disfiguring scars from disease, injuries, or burns.

(3) Thyroid adenoma interfering with breathing or with the wearing of clothing; exophthalmic goiter or thyroid enlargement from any cause associated with toxic symptoms or which is disfiguring.

(4) Benign tumors or cysts which are so large as to interfere with the wearing of a uniform or military equipment.

(5) Torticollis.

(6) Tracheal openings, thyroglossal or cervical fistulae.

(7) Restricted mobility sufficient to limit the normal range of motion.

(m) *The spine.* The following conditions are causes for rejection:

(1) Lateral deviation of the spine from the normal midline of such degree that it impairs normal function or is likely to do so.

(2) Curvature of the spine of such degree that function is interfered with or is likely to be interfered with, or in which there is noticeable deformity when the applicant is dressed (scoliosis, hyphosis, or lordosis).

(3) Fracture or dislocation of the vertebrae.

(4) Vertebral caries (Pott's disease).

(5) Abcess of the spinal column or its vicinity.

(6) Osteo-arthritis of the spinal column, partial or complete.

(7) Fracture of the coccyx; spina bifida; spondylolisthesis; other congenital anomalies of the lumbosacral spine if associated with symptoms of a chronic or recurrent nature or if in the opinion of the examiner of such a degree or type as to predispose to mechanical instability.

(8) Active arthritic processes from any cause.

(9) Herniation of intervertebral disc (nucleus pulposus) or history of operation for this condition.

(n) *The thorax.* The following conditions are causes for rejection:

(1) Congenital malformations or acquired deformities which result in reducing the chest capacity and diminishing the respiratory function to such a degree as to interfere with vigorous physical exertion or to produce disfigurement when the applicant is dressed.

(2) Pronounced contractions or markedly limited mobility of the chest wall following pleurisy or empyema.

(3) Deformities of the scapulae sufficient to interfere with the carrying of equipment.

(4) Absence or faulty development of the clavicle.

(5) Old fracture of the clavicle where there is much deformity or interference with the carrying of equipment; ununited fractures, or partial or complete dislocation of either end of the clavicle.

(6) Suppurative periostitis or caries or necrosis of the ribs, the sternum, the clavicles, or the scapulae.

(7) Old fractures of the ribs with faulty union, if interfering with function.

(8) Benign tumors or cysts of the breast or chest wall which are so large as to interfere with the wearing of a uniform or of equipment.

(9) Unhealed sinuses of the chest wall.

(10) Scars of old operations for empyema unless the examiner is assured that the respiratory function is entirely normal.

(11) Pneumoconiosis, extensive pulmonary fibrosis or pulmonary emphysema.

(12) Acute or chronic pleurisy or empyema.

(13) Pneumothorax, hydrothorax, or hemothorax.

(14) Tumors of the lung, pleura or mediastinum.

(15) Chronic bronchitis, bronchiectasis, abscess of the lung, pulmonary infiltration of undetermined origin, asthma (see paragraph (d) (3) (v) of this section), cystic disease of the lung.

(16) Actinomycosis, nocardiosis, blastomycosis, coccidioidomycosis, aspergillosis or histoplasmosis if there is reason to suspect recent activity of the disease process.

(17) Sarcoidosis.

(18) Hydatid or echinococcus cysts of the lung.

(19) Disqualifying defects demonstrable by a roentgenographic examination of the chest, such as:

(i) Evidence of reinfection (adult) type tuberculosis, active or inactive, other than slight thickening of the apical pleura or thin solitary fibroid strands.

(ii) Evidence of active primary (childhood) type tuberculosis.

(iii) Extensive calcification of the pleura, lung parenchyma or hilum, if of questionable stability or of such size and extent as to interfere with pulmonary function.

(iv) Evidence of fibrous or serofibrinous pleuritis, except moderate diaphragmatic adhesions with or without blunting or obliteration of the costophrenic sinus.

(o) *The heart and blood vessels.* The following conditions are causes for rejection:

(1) All diastolic murmurs.

(2) Apical systolic murmurs, when persistent in both the recumbent and upright positions, when moderate in intensity, when transmitted to the axilla, and when not abolished nor significantly diminished in intensity by forced breathing.

(3) Harsh systolic murmurs, heard at aortic area, even of less than moderate intensity with diminished or absent second sound.

(4) Pulmonic systolic murmurs, blowing or rough, low pitched, of more than moderate intensity.

(5) All valvular diseases of the heart, congenital heart disease, or pathological murmurs.

(6) Hypertrophy or dilation of the heart.

(7) History of evidence of pericarditis, endocarditis, myocarditis, angina pectoris, coronary occlusion, or coronary atherosclerosis.

(8) A heart rate of 100 or over, or of 50 or under, when these are proved to be persistent in the recumbent posture and on observation and reexamination over a sufficient period of time.

(9) Marked cardiac arrhythmia or irregularity, or an authenticated history of paroxysmal tachycardia, or auricular fibrillation or flutter.

(10) Arteriosclerosis.

(11) Arterial hypertension, essential hypertension (hypertensive vascular disease). The diagnosis of essential hypertension, especially in the earlier phases when blood pressure is still variable, requires judgment tempered by experience and with evaluation of any family history of hypertension, the vascular reac-

tion to special tests, and repeated blood pressure and pulse rate determinations. In general, a persistent systolic blood pressure above 130, or a persistent diastolic blood pressure above 84 (fifth phase), is cause for rejection, particularly if associated with a labile pulse rate or evidence of vasomotor lability, or with positive family history of hypertensive vascular disease (sitting blood pressure values). The objective is to disqualify those applicants who are most likely to develop severe and incapacitating hypertension within a relatively short time. Generally, youthful applicants with a healthy vascular system are to be considered qualified even though blood pressure values sometimes exceed the standard.

(12) Aneurysm of any variety in any situation.

(13) Intermittent claudication.

(14) Raynaud's disease, acrocyanosis.

(15) Thrombophlebitis of one or more extremities, if there is a persistence of the thrombus or any evidence of obstruction to circulation in the involved vein or veins.

(16) An authenticated history of rheumatic fever or chorea within the past 5 years, or a history of more than one attack of rheumatic fever.

(17) Arterial hypotension if it is causing, or has caused, symptoms.

(p) *The abdomen.* The following conditions are causes for rejection:

(1) Wounds, injuries, cicatrices, or muscular ruptures of the abdominal walls sufficient to interfere with function.

(2) Fistulae or sinuses from visceral or other lesions or following operation.

(3) Hernia of any variety.

(4) Large tumors of the abdominal wall.

(5) Scar pain, if severe or causing persistent or recurring complaints.

(6) Chronic diseases of the stomach or intestine or a history thereof, including such diseases as peptic ulcer, regional ileitis, ulcerative colitis and diverticulitis.

(7) Gastric resection, gastro-enterostomy, or bowel resection.

(8) Chronic appendicitis.

(9) Ptosis of the stomach or intestines.

(10) Acute or chronic disease of the liver, gall bladder, pancreas, or spleen.

(11) Chronic peritonitis or peritoneal adhesions.

(12) Chronic enlargement of the liver.

(13) Chronic enlargment of the spleen if marked.

(14) Jaundice.

(q) *The perineum and the pelvis including the sacroiliac and lumbosacral joints.* The following conditions are causes for rejection:

(1) Malformation and deformities of the pelvis sufficient to interfere with function.

(2) Disease of the sacroiliac or lumbosacral joints.

(3) Urinary fistula.

(4) Stricture or prolapse of the rectum.

(5) Fissure of the anus or pruritus ani.

(6) Fistula in ano or ischiorectal abscess.

(7) External hemorrhoids sufficient in size to produce marked symptoms; internal hemorrhoids, if large or accompanied by hemorrhage, or protruding intermittently or constantly.

(8) Incontinence of feces.

(r) *The genito-urinary system and venereal disease.* (1) All candidates for the U. S. Naval Academy shall receive a serologic test for syphilis. This test shall be conducted at the time of the final physical examination.

(i) When albumin, casts, hemoglobin, or red blood cells are found in the urine, the applicant shall not be accepted unless further study proves such findings to be of no significance. Such further study, if desired, should include daily complete examinations of the urine for at least 3 days and such other tests as are necessary, unless the presence of albumin and casts is associated with enlargement of the heart, high blood pressure, or other evidence of cardiovascular disease of such degree that a diagnosis of renal disease may be made immediately. When albumin is constantly or intermittently present, the underlying pathological condition should, if possible, be determined and stated as the cause for rejection; but if albuminuria be present daily during a period of 3 days, it should be regarded as reason for rejection, even if the origin cannot be determined.

(ii) If glucose is found in the urine, further observation is indicated, including an estimation of the 24-hour amount of urine and the employment of other tests to demonstrate the possible existence of diabetes. Blood-sugar values and blood-sugar tolerance tests must be normal if such an applicant is to be found qualified; the glycosuria must be shown to have been transient and not a persistent condition.

(iii) When the specific gravity of the specimen first examined is under 1.010, further observation of the applicant and repeated complete urinary examinations are indicated.

(iv) When serological test for syphilis is positive, the possibility of a false positive test should be considered. In view of the possibility of error in such a test, the candidate giving a positive reaction will have the opportunity for a physical reexamination subject to the conditions set forth herein under the heading "Physical Reexamination."

(2) The following conditions are causes for rejection:

(i) Acute or chronic nephritis, diabetes, mellitus or insipidus, or glycosuria if accompanied by abnormal response to blood sugar tests. In the presence of diabetes mellitus in a parent, sibling or grandparent, a standard glucose tolerance test is a requiremènt.

(ii) Blood, pus, or albumin in the urine, if persistent.

(iii) Floating kidney, hydronephrosis, pyonephrosis, pyelitis, tumor of the kidney, renal calculi, or absence of one kidney.

(iv) Acute or chronic cystitis.

(v) Vesical calculi, tumors of the bladder, incontinence of urine, enuresis, or retention of urine.

(vi) Hypertrophy, abscess, or chronic infection of the prostate gland.

(vii) Urethral stricture or urinary fistula.

(viii) Epispadias or hypospadias, except for minor displacements of the urethral orifice with no impairment in function of micturition, and no symptoms of irritation.

(ix) Phimosis when prepuce is adherent in whole or in part to the glans.

(x) Hermaphroditism.

(xi) Amputation of the penis.

(xii) Varicocele, if large and painful, or hydrocele upon original appointment.

(xiii) Atrophy of both testicles or loss of both.

(xiv) Undescended testicle (acceptable if unilateral, abdominal and unassociated with hernia), infantile genital organs.

(xv) Chronic orchitis or epididymitis.

(xvi) A persistently positive serologic test for syphilis.

(xvii) Syphilis in any stage, or a clearly defined history thereof.

(xviii) Any active venereal infection, acute or chronic, or any active infectious process resulting therefrom.

(xix) Reiter's disease.

(s) *The extremities.* The following conditions are causes for rejection:

(1) All anomalies in the number, the form, the proportion, and the movements of the extremities which produce noticeable deformity or interfere with function.

(2) Atrophy of the muscles of any part, if progressive or if sufficient to interfere with function.

(3) Benign tumors if sufficiently large to interfere with function.

(4) Ununited fracture, fractures with shortening or callus formation sufficient to interfere with function, old dislocations unreduced or partially reduced, complete or partial ankylosis of a joint, or relaxed articular ligaments permitting of frequent voluntary or involuntary displacement.

(5) Reduced dislocation or united fractures with incomplete restoration of function.

(6) Amputation of any portion of a limb (except fingers or toes if there is no interference with military activities), or resection of a joint.

(7) Excessive curvature of a long bone or extensive, deep, or adherent scars interfering with motion.

(8) Severe sprains.

(9) Disease of the bones or joints.

(10) Chronic synovitis, or floating cartilage, or other internal derangement in a joint (particularly of knee joint with history of disability).

(11) Varicose veins in an extremity when they cover a large area or are markedly tortuous or much dilated, or are associated with edema or hemorrhoids, or are accompanied by subjective symptoms.

(12) Varices of any kind situated in the leg below the knee, if associated with varicose ulcers or scars from old ulcerations; chronic edema of a limb.

(13) Chronic or obstinate neuralgias, particularly sciatica.

(14) Adherent or united fingers (web fingers).

(15) Deviation of the normal axis of the forearm to such a degree as to interfere with the proper execution of the manual of arms.

(16) (i) Permanent flexion or extension of one or more fingers, as well as irremediable loss of motion of these parts, if sufficient to interfere with proper execution of duties.

(ii) Total loss of either thumb.

(iii) Mutilation of either thumb to such an extent as to produce material loss of flexion or strength of the member.

(iv) Loss of more than one phalanx of the right index finger.

(v) Loss of the terminal and middle phalanges of any two fingers on the same hand.

(vi) Entire loss of any finger except the little finger of either hand or the ring finger of the hand not used in writing.

(17) Perceptible lameness or limping.

(18) Knock-knee, when the gait is clumsy or ungainly, or when subjective symptoms of weakness are present; bowlegs if so marked as to produce noticeable deformity when the applicant is dressed.

(19) (i) Clubfoot unless the defect is so slight as to produce no symptoms during vigorous exercise.

(ii) Pes cavus if extreme and causing symptoms.

(iii) Flatfoot when accompanied with symptoms of weak foot or when the foot is weak on test. Pronounced cases of flatfoot attended with decided eversion of the foot and marked bulging of the inner border, due to inward rotation of the astragalus, are disqualifying regardless of the presence or absence of subjective symptoms.

(20) Loss of either great toe or loss of any two toes on the same foot.

(21) Overriding or superposition of any of the toes to such a degree as will produce pain when wearing the military shoe.

(22) Ingrowing toenails when marked or painful.

(23) (i) Hallux valgus when sufficiently marked to interfere with locomotion or when accompanied by a painful bunion.

(ii) Bunions sufficiently pronounced to interfere with function.

(iii) Hammertoes when existing to such a degree as to interfere with function when wearing shoes.

(iv) Webbing of all the toes.

(v) Corns or calluses on the sole of the foot when they are tender or painful.

(24) (i) Hyperidrosis or bromidrosis when present to a marked degree.

(ii) Habitually sodden feet with blistered skin.

(iii) Unusually large or deformed feet for which proper shoes cannot be readily obtained.

(25) Severe fungoid infection of nailbeds.

(26) Surgical procedures involving joints, unless at least a six-month period since operation has elapsed and providing full function has been restored.

(t) *The nervous system.* The following conditions are causes for rejection:

(1) Neurosyphilis of any form (general paresis, tabes dorsalis, meningovascular syphilis).

(2) Degenerative disorders (multiple sclerosis, encephalomyelitis, cerebellar and Friedreich's ataxia, athetoses, Huntington's chorea, muscular atrophies and dystrophies of any type, cerebral arteriosclerosis.

(3) Residuals of infection (moderate and severe residuals of poliomyelitis, meningitis and abscesses, paralysis agitans, postencephalitic syndromes, Sydenham's chorea).

(4) Peripheral nerve disorder (chronic or recurrent neuritis or neuralgia of an intensity which is periodically incapacitating, multiple neuritis, neurofibromatosis).

(5) Residuals of trauma (residuals of concussion or severe cerebral trauma, post-traumatic cerebral syndrome, incapacitating severe injuries to peripheral nerves).

(6) Paroxysmal convulsive disorders and disturbances of consciousness (grand mal, petit mal, and psychomotor attacks, syncope, narcolepsy, migrane).

(7) Miscellaneous disorders (tics, spasmodic torticollis, spasms, brain and spinal cord tumors, whether operated upon or not, cerebrovascular disease, congenital malformations, including spina bifida if associated with neurological manifestations and meningocele even if uncomplicated, Meniere's disease).

(u) *Dental.* (1) The attention of the dental examiner is invited to § 710.63 (a).

(2) Standards. (i) Every candidate shall be given a Type 2 dental examination by a dental officer of the military services who shall record his findings in the Report of Medical Examination.

(ii) A candidate for appointment as midshipman must have a minimum of 16 natural permanent teeth of which a minimum of 8 must be in each arch. He must have all missing teeth, which if not replaced would cause unsightly space or significantly reduce masticatory or incisal efficiency, replaced by bridges or partial dentures which are well designed and in good condition. He must have received all required dental treatment including permanent restoration of teeth damaged by dental caries except minor or questionable carious areas.

(3) Disqualifying defects. (i) Lack of satisfactory incisal or masticatory function.

(ii) Failure to have a minimum of 8 natural permanent teeth in each arch.

(iii) Unreplaced teeth which cause unsightly spaces or significantly reduce masticatory function.

(iv) Carious teeth except minor or questionable carious areas. Active duty enlisted personnel who are candidates should not be disqualified for caries but appointments arranged for remedial treatment.

(v) Infectious or chronic diseases of the soft tissue of the oral cavity.

(vi) Marked malocclusion resulting in severe dento-facial deformity.

(vii) Orthodontic appliances attached to teeth for continued treatment are disqualifying, but retainer appliances are permissible.

(viii) Unsatisfactory restorations, bridges, or dentures.

(ix) Apical or periodontal infection which requires bridges, or dentures.

(x) Perforations from the oral cavity into the nasal cavity or maxillary sinus.

(xi) Tumors or cysts of the oral cavity which require treatment or may require treatment in the foreseeable future.

§ 710.64 *Appendix V—Installations conducting preliminary physical examinations for the U. S. Naval Academy.*

ALABAMA

Anniston—USAH, Fort McClellan.
Birmingham:
USNAS.
USN Recruiting Station.
Foley—USNAAS, Barin Field.
Daleville—USAH, Fort Rucker.
Montgomery—Maxwell AFB.

ALASKA

Adak—U. S. Naval Station.
Kodiak—U. S. Naval Station.

ARIZONA

Fort Huachuca—USAH.
Phoenix—USNAF, Litchfield Park.
Tucson—Davis Monthan AFB.

ARKANSAS

Little Rock—USN Recruiting Station.
Fort Smith—Camp Chaffee.

CALIFORNIA

Alameda—U. S. Naval Station.
Barstow:
Station Hospital, U. S. Marine Corps.
Supply Center.
China Lake—Station Hospital, USNOTS.
Corona—USNH.
El Centro—USNAAS.
Fairfield—Travis AFB.
Livermore—Parks AFB.
Long Beach—USNAS, Los Alamitos.
Los Angeles—USN Recruiting Station and ONOP.
Moffet Field—USNAS.
Mojave—USMCAAS.
Monterey—USAH, Fort Ord, USNNAS.
Oakland—USNH.
Oceanside—USNH.
Port Hueneme—Station Hospital, USNCBC.
Riverside—March AFB.
San Diego—USNH, USNAS N. Island.
San Francisco:
USN Dispensary, 50 Fell Street.
USN Recruiting Station and ONOP.
Treasure Island—USN Station.
USN Shipyard.
Letterman AH.
Santa Ana—Station Hospital, USMCAS.
Stockton:
USN Supply Center (Stockton Annex).
Vallejo—USNH, Mare Island.

CANAL ZONE

Coco Solo—Infirmary, USN Station.

COLORADO

Colorado Springs—USAH, Fort Carson.
Denver:
Fitzsimons AH, Lowry AFB, USNAS.
USN Recruiting Station and ONOP.

CONNECTICUT

New London—Station Hospital, USN Sub Base.

CUBA

Guantanamo Bay—USN.

FLORIDA

Green Cove Springs—USN Station.
Jacksonville—USNAS, USNH.
Pensacola—USNAS, USNH.
Miami—Station Hospital, USMCAS.
Tampa—MacDill AFB.
Key West—USNAS, USNH.

GEORGIA

Albany—USMC Supply Center.
Atlanta—USAH, Fort McPherson, USNAS.
Augusta—USAH, Camp Gordon.
Brunswick—USNAAS, Glynco.
Columbus—USAH, Fort Benning.

Hinesville—USAH, Camp Stewart.
Macon—USN Recruiting Station and ONOP.
Valdosta—Moody AFB.

HAWAII

Honolulu:
Hickam AFB, Naval Medical Unit.
Tripler Army Hospital, USNAS.
Barbers Point, USN Base, Pearl Harbor.

IDAHO

Pocatello—USNOrd Plant.

ILLINOIS

Belleville—Scott AFB.
Chicago—USN Recruiting Station and ONOP.
Glenview—USNAS.
Great Lakes—USNH, USNTC.

INDIANA

Indianapolis:
USAH, Fort Benjamin Harrison.
USN Recruiting Station.

IOWA

Des Moines—USN Recruiting Station.

KANSAS

Fort Leavenworth—USAH.
Hutchinson—Station Hospital, USNAS.
Junction City—Fort Riley.
Olathe—USNAS.

KENTUCKY

Ashland—USN Recruiting Station.
Fort Knox—USAH.
Hopkinsville—USAH, Fort Campbell.
Louisville—USN Recruiting Station.

LOUISIANA

New Orleans:
USAH—Camp Leroy Johnson.
US Naval Station.
USNAS.
USN. Recruiting Station and ONOP.
Shreveport—Barksdale AFB.

MAINE

Brunswick—Station Hospital, USNAS.
Portland—USN Recruiting Station.

MARYLAND

Aberdeen—USAH, Aberdeen Proving Ground.
Annapolis—USNA.
Bainbridge—USNH.
Baltimore—USN Recruiting Station.
Bethesda—USNH, National Naval Medical Center.
Fort George G. Meade—USAH.
Patuxent River—USAS.

MASSACHUSETTS

Ayer—USAH, Fort Devens.
Boston—USN Recruiting Station and ONOP.
Chelsea—USNH.
Chicopee Falls—Westover AFB.
South Weymouth—USNAS.

MICHIGAN

Detroit—USN Recruiting Station & ONOP.
Grosse Ile—USNAS.
Mount Clemens—Selfridge AFB.

MINNESOTA

Minneapolis:
Station Hospital, USNAS.
USN Recruiting Station and ONOP.

MISSISSIPPI

Biloxi—Keesler AFB.
Gulfport—USN Const. Batt. Center.

MISSOURI

Kansas City—USN Recruiting Station and ONOP.
Newbury—USAH, Fort Leonard Wood.
St. Louis:
USNAS
USN Recruiting Station and ONOP.

MONTANA

Butte—USN Recruiting Station and ONOP.
Great Falls—Great Falls AFB.

NEBRASKA

Lincoln—USNAS.
Omaha:
Offutt AFB.
USN Recruiting Station and ONOP.

NEVADA

Fallon—USNAAS.
Hawthorne—USN Ammunition Depot.

NEW HAMPSHIRE

Portsmouth—USNH.

NEW JERSEY

Atlantic City—USNAS.
Lakehurst—USNAS.
Red Bank—USAH, Fort Monmouth.
Trenton—USAH, Fort Dix.

NEW MEXICO

Albuquerque—USN Recruiting Station and ONOP.
Las Cruces—USNOM Test Facility, White Sands.
Roswell—Walker AFB.

NEW YORK

Albany—USN Recruiting Station and ONOP.
Buffalo—USN Recruiting Station and ONOP.
Hempstead, L. I.—Mitchel AFB.
Geneva—Sampson AFB.
Governors Island—USAH, Fort Jay.
New York City:
USNAS, Floyd Bennett Field.
USN Recruiting Station and ONOP.
Niagara Falls—USNAS.
St. Albans, L. I.—USNH.
West Point—U. S. Army Hospital, USMA.

NORTH CAROLINA

Camp Lejeune—USNH.
Cherry Point—Station Hospital, USMCAS.
Fayetteville—USAH, Fort Bragg.
Raleigh—USN Recruiting Station and ONOP.

NORTH DAKOTA

Fargo—USN Recruiting Station.

OHIO

Akron—USNAS.
Cincinnati—USN Recruiting Station and ONOP.
Cleveland—USN Finance Center.
Columbus—USNAS, USN Recruiting Station.
Dayton—Wright-Patterson AFB.

OKLAHOMA

Lawton—USAH, Fort Sill.
Norman—USNATTC.
Oklahoma City—USN Recruiting Station.

OREGON

Astoria—Station Hospital, USNAS, Tongue Point.
Portland—USN Recruiting Station.

PENNSYLVANIA

Mechanicsburg—USN Supply Center.
Middletown—Olmstead AFB.
Phoenixville—Valley Forge AH.
Philadelphia:
USNH, 17th and Pattison Avenue.
USN Recruiting Station and ONOP.
Pittsburgh—USN Recruiting Station and ONOP.
Willow Grove—USNAS.

PUERTO RICO

Rodriquez—AH.

RHODE ISLAND

Newport—USNH.
Quonset Point—Station Hospital, USNAS.

SOUTH CAROLINA

Beaufort—USNH.
Charleston—USNH.
Columbia:
USAH, Fort Jackson.
USN Recruiting Station.
Sumter—Shaw AFB.

TENNESSEE

Memphis—USNAS, USNH.
Nashville—USN Recruiting Station and ONOP.
Smyrna—Stewart AFB.

TEXAS

Beeville—USNAAS Chase Field.
Corpus Christi—USNAS, USNH.
Dallas:
USNAS.
USN Recruiting Station and ONOP.
El Paso—William Beaumont AH.
Houston:
Ellington AFB.
USN Recruiting Station and ONOP.
Killeen—USAH, Fort Hood.
Orange—USN Station.
San Antonio—Fort Sam Houston, Randolph AFB.

UTAH

Ogden—Hill AFB.
Salt Lake City—USN Recruiting Station and ONOP.

VIRGINIA

Accotink—USAH, Fort Belvoir.
Chincoteague—Station Hospital, USNAS.
Hampton—USAH, Langley AFB.
Lee Hall—USAH, Fort Eustis.
Little Creek—USN Amphibious Base.
Norfolk—USNAS, USN Station.
Oceana—USNAS.
Petersburg—USAH, Fort Lee.
Portsmouth—USNH.
Quantico—USNH.

WASHINGTON

Bremerton—USNH, Naval Base.
Seattle:
USNAS.
USAH, Fort Lawton.
Spokane—USNAS.
Tacoma:
Fort Lewis, Madigan AH.
McChord AFB, USN Station.
Whidbey Island, Oak Harbor—USNAS.

WASHINGTON, D. C.

Anacostia—USNAS.
Bolling AFB.
U. S. Naval Dispensary.
Walter Reed AH—Physical Examining Section (Outpatient Clinic).

HOSPITAL SHIPS

U. S. S. "Haven."

GUAM—USNH

JAPAN

Yokosuka—USNH.

§ 710.65 *Appendix VI—Installations conducting formal physical examinations for the U. S. Naval Academy.*

U. S. Naval Hospital, Chelsea, Mass.
U. S. Naval Hospital, St. Albans, Long Island, N. Y.
U. S. Naval Hospital, Philadelphia, Pa.
Permanent Board of Medical Examiners, U. S. Naval Academy, Annapolis, Md.
U. S. Naval Hospital, Portsmouth, Va.
U. S. Naval Hospital, Charleston, S. C.
U. S. Naval Hospital, Memphis, Tenn.
U. S. Naval Hospital, Pensacola, Fla.
U. S. Naval Hospital, Key West, Fla.
U. S. Naval Hospital, Jacksonville, Fla.
U. S. Naval Hospital, Corpus Christi, Tex.
U. S. Naval Air Station, Dallas, Tex.
U. S. Naval Hospital, Great Lakes, Ill.
U. S. Naval Air Station, Olathe, Kans.
Fitzsimons Army Hospital, Denver, Colo.
U. S. Naval Hospital, San Diego, Calif.
U. S. Naval Hospital, Oakland, Calif.
U. S. Naval Hospital, Bremerton, Wash.
Naval Medical Unit, Tripler Army Hospital, Honolulu, T. H.
Infirmary, U. S. Naval Station, Coco Solo, C. Z.

The U. S. Naval Hospital, Bainbridge, Maryland, will provide similar service to the enlisted candidates at the U. S. Naval Preparatory School, U. S. Naval Training Center, Bainbridge, Md., upon completion of the scholastic entrance examinations.

§ 710.66 *Appendix VII—Course of instruction.* All midshipmen at the Naval Academy take the same course of instruction except in Foreign Languages. The course is of 4 years' duration. Instruction, drills, and exercises are designed to provide them with a basic education and knowledge of the naval profession and to prepare them for the duties of a junior line officer of the Navy. High and exacting academic standards prevail. Only candidates who are equipped to assimilate rapidly, who possess retentive memories, and are capable of intense application may reasonably expect to complete the course.

FOURTH CLASS—FRESHMAN YEAR

SUMMER TERM

Departments	Total hours	Subjects	Textbooks
Executive	19	Orientation	U. S. Naval Academy Regulations, Orientation Movies.
	48	Infantry drill	
Seamanship and Navigation	57	Practical seamanship	Elementary Seamanship (by Department of Seamanship and Navigation).
		Basic instruction in knot-tying, pulling whaleboats, sailing, visual communications and handling motor launches.	Seamanship (NavPers 16118B). Bluejacket's Manual.
Ordnance and Gunnery	42	Small arms	
Marine Engineering	34	General marine engineering, basic shop practices and elementary drawing.	Technical Drawing, by Giesecke, Mitchell, and Spencer, third edition, 1949.
Aviation	2	Introduction to naval aviation	
Electrical Engineering	2	Chemistry	Department's Measurements and Mathematical Operations (mimeo).
English, History, and Government.	27	Library and Museum orientation	The Book of the Navy, by Roberts and Brentano.
		Readings in naval history	Webster's New Collegiate Dictionary.
		Lectures in naval history.	Handbook for Writers, by Leggett, Mead, and Charvat (Second Edition).
		Examination	
Foreign Languages	1	Language interviews and assignment to language courses.	
Physical Education	30	Physical achievement tests. Basic instruction in swimming, boxing, and wrestling. Orientation in 5 additional sports.	Physical Education Plebe Summer Drill Manual (revised).
Hygiene	5	Personal hygiene, including social and mental hygiene, oral hygiene, care of the eyes, preventable diseases, and rules for maintaining health.	No textbook is required. Moving pictures are employed.

The total hours shown above represent the maximum. The admission of the new fourth class usually begins on the last Monday in June and continues through the early part of the summer. The extent of individual participation depends upon the date of entrance.

Annual leave of absence during the summer will not be granted to midshipmen of the fourth class (1st year students).

FIRST AND SECOND TERMS

Departments	Studies pursued during regular academic year (Summer term not included) 4th class—(1st year's work)	Periods per week	Number of weeks (Examination week not included)	Total periods of 50 minutes: Recitations	Practical work	Evening[1] lectures	Examination (hours)
Executive:							
1st term	Infantry drills	2	10		20		
2nd term	do	2	9		18		
Seamanship and navigation:							
1st term	Practical instruction	1	17		17		
2nd term	do	1	8		8	3	
Marine engineering:							
1st term	Engineering drawing and descriptive geometry.	6	19		114		2.5
2nd term	Engineering drawing (continued).	6	8		48		3.0
	Naval boilers	4	9	18	18		2.0
Mathematics:							
1st term	Plane trigonometry	5.1	8	40			
	College algebra	5	3	16			
	Plane analytic geometry	5	8	40			2.5
2nd term	Solid analytic geometry	5	2.8	14			
	Calculus	5	14.2	71			2.5
Electrical engineering:							
1st term	Chemistry	4.75	18	49	36		3.0
2nd term	do	4.75	17	46	34		3.0
English, history, and government:							
1st term	Composition and literature	3	18	53			2.5
2nd term	do	3	17	51			2.5
Foreign languages:							
1st term	Regular course or advanced course.	3	18	53			3.0
2nd term	do	3	17	51			3.0
Physical education:							
1st term	Physical education program	1.6	18		28		
2nd term	do	2	17		34		

[1] Evening lectures are given outside the regular academic day and are not included in "Periods per week."

EXECUTIVE DEPARTMENT

Infantry Drills; watch standing, continued indoctrination.

DEPARTMENT OF SEAMANSHIP AND NAVIGATION

Drills in deck seamanship, boat handling, Rules of the Road, lookout procedures, communications, and signaling. In preparation for the first cruise, a series of lectures is given at the end of the year for indoctrination in shipboard functions.

DEPARTMENT OF MARINE ENGINEERING

FIRST TERM

Engineering drawing and descriptive geometry. A basic study of the principles of engineering drawing and of intersections of lines, planes and solids and the development of geometrical surfaces, and their practical application to engineering drawing. Instruction in the use of drawing instruments and mechanical drafting procedures leading to creation of accurate, legible drawings. Applications of orthographic and isometric projection to engineering drawings. Sketching and drawing standard fastenings and pipe fittings, employing data obtained from tables of standards. Making freehand sketches from models and pencil working drawings from sketches. Producing simple detailed working drawings from dimensioned assemblies.

Textbook: Technical Drawing, by Giesecke, Mitchell, Spencer, 1949 edition.

SECOND TERM

Engineering drawing. A continuation of the work of the first term leading to producing simple assembly drawings from detail drawings; a simple set of ship's lines from a table of offsets, and a simple, original design project.

Textbook: Technical Drawing, by Giesecke, Mitchell, Spencer, 1949 edition.

Naval boilers. An elementary, descriptive course in naval boilers, their design, construction and operation. Briefly covers the history and development of steam generating units, with emphasis on marine boilers used by the U. S. Navy. The marine propulsion steam cycle and function of the boiler unit therein, boiler components, boiler water treatment, the specifications, testing and combustion of fuel oil, descriptions of operation boiler types, including forced circulation and nuclear power plants, are studied.

Textbook: Naval Boilers, by Latham, 1956 edition.

DEPARTMENT OF MATHEMATICS

FIRST TERM

Plane Trigonometry. Slide Rule; Definition of trigonometric functions of any angle, numerical value of functions of special angles; identities; Slide Rule solution of right triangles; Functions of related angles; Radians; Graphs; Functions of composite angles; Logarithmic solution of right triangles; Law of sines, law of cosines; Inverse trigonometric functions; Trigonometric equations.

College Algebra. Inequalities; Complex numbers: definitions, rules of operation, polar form, DeMoivre's Theorem, roots; Theory of Equations: remainder theorem, synthetic division; Fundamental Theorem of Algebra, graphs, Descartes' Rule of Signs, rational roots, solution of equations.

Plane Analytic Geometry. Fundamental ideas of analytic geometry: The straight line, including equations, properties, and applications; The conic sections, including equations, properties, and applications; Transformation of coordinates and simplification of equations; Curve sketching; Polar coordinates; Parametric equations.

Textbooks and Slide Rule:

Dietzgen Slide Rule Model 1733 with Manual.

Plane Trigonometry, 3d edition, by Sparks and Rees.

Brief College Algebra, revised edition, by Hart.

Brief Analytic Geometry, second edition, by Mason and Hazard.

Logarithmic and Trigonometric Tables by Department of Mathematics (Reference book).

SECOND TERM

Solid Analytic Geometry. Fundamental concepts: Equations of planes and lines in space; Quadric surfaces.

Calculus. Concepts of variable, function, limit; The process of differentiation; Formulas for differentiating polynominals; Application of derivatives to rates and tangents; Successive differentiation and curve sketching; Application of derivatives to maxima and minima problems; Differentials; Integration of polynominals; The definite integral; The Fundamental Theorem of Integral Calculus, and application to areas, volumes, moments, etc.; Differentiation of general algebraic, implicit and transcendental functions, and applications; Application of derivatives to related rates, curvature, radius of curvature; Differentiation of parametric equations.

Textbooks:

Brief Analytic Geometry, second edition, by Mason and Hazard.

Unified Calculus, by Smith, Salkover and Justice.

DEPARTMENT OF ELECTRICAL ENGINEERING

FIRST AND SECOND TERMS

Chemistry. Fundamentals of chemical theory with a study of the properties of metals and non-metals. Among specific topics studied in *chemical theory* are the laws of chemical change, atomic structure and the periodic table, kinetic molecular theory and the gas laws, thermo-chemistry, solutions, chemical equilibrium, ionization, electrochemistry, radioactivity and nuclear reactions. *Metals* studied include the alkali and alkaline earth metals, aluminum, and iron. *Non-metals* studied are limited to oxygen, hydrogen, halogens, nitrogen and sulfur families, carbon and simple organic compounds. *Practical naval applications* such as corrosion, water treatment, explosives, chemical warfare, and nuclear energy from fission and fusion reactions are also included. The laboratory work includes both descriptive and quantitative experiments, and a brief introduction to the principles of semi-micro qualitative analysis applied to a few of the more common cations.

Textbooks:

Sisler, VanderWerf, and Davidson, College Chemistry, 1953.

Department's Chemistry Laboratory Manual and Department Notes, 1956 edition.

DEPARTMENT OF ENGLISH, HISTORY, AND GOVERNMENT

FIRST TERM

Composition and Literature. Primary emphasis is on composition—exposition, narration, and argumentation. Writing techniques are illustrated by selections from twenty-seven leading American authors. The course is divided into ten units: Autobiographical Writing, Character Portrayal, Narration and Reporting, Comparison and Contrast, Development of an Idea, Understanding American Poetry, Correspondence, Understanding American Fiction, Argument, and Public Speaking. Each unit is concluded by a theme, a stated quiz, or a speech. There are four library periods, coinciding with theme days.

Textbooks:

Handbook for Writers, Leggett, Mead, and Charvat.

Major American Writers, Jones, Leisy, and Ludwig.

Webster's New Collegiate Dictionary.

A Guide to Efficient Study.

SECOND TERM

Composition and Literature. The objective content of the term's work is a chronological survey of English literature, but the emphasis on practice in speaking and writing is continued. The course is divided into six units: The Elizabethan Period, The Seventeenth Century, The Eighteenth Century, The Early Nineteenth Century, The Later Nineteenth Century, and The Twentieth Century. Each unit is concluded by a theme. There are four library periods coinciding with theme days, and there is a Library Paper which covers the library work of both terms.

Textbooks:

Handbook for Writers, Leggett, Mead, and Charvat.

British Poetry and Prose, Lieder, Lovett, and Root.

Webster's New Collegiate Dictionary.

Shakespeare: Five Plays.

DEPARTMENT OF FOREIGN LANGUAGES

FIRST AND SECOND TERMS

Regular course. Brief elementary pronunciation course conducted using departmental pamphlets or suitable regular texts; essentials of grammar; conversation on area material.

Textbooks:

Beginning Spanish, A Cultural Approach, by Armitage and Meiden.

The University of Chicago Spanish Dictionary, by Castillo and Bond.

De Que Hablamos? by Starnes and Fernandez.

Primer Curso de Ingles, by Sparkman.

Beginning French, A Cultural Approach, by Hendrix and Meiden.

Larousse's French-English, English-French Dictionary, DuBois et al.

Lectures Litterairea Graduees, by Crouteau and Selvi.

Beginning German, Alternate edition, by Schinnerer.

Auf dem Dorfe, by Meyer (Top Sections only).

In der Stadt, by Meyer (Top Sections only).

Langenscheidt's German-English, English-German Dictionary, by Klatt and Golze.

Himmel, Meine Schuhe!, by Froschel (Top Sections only).

Erzählt Mir Was!, by Blauth and Roderbourg.

Say it in German, by Evans and Roseler (Top Sections only).

Pamphlet on Portuguese Pronunciation.

Brazilian Portuguese Grammar, by Sa Pereira.

McKay's Modern Portuguese-English, English-Portuguese Dictionary, by Richardson and Sa Pereira.

Departmental Transcription (Portuguese).

Russian Conversation and Grammar, by Lemieux.

Russian-English Dictionary, by Smirnitzky.

Present Day Italian, by Russo.

McKay's Modern Italian-English, English-Italian Dictionary, by Purves.

Sotto un Cielo Azzurro, by Russo.

Advanced course. (Those midshipmen who have the equivalent of at least one year of college French or Spanish, and who qualify by examination, are permitted to enroll in the advanced course.) Accelerated Course, First Term. Thereafter parallels the Third Class Regular Course.

Textbooks:

Beginning Spanish, A Cultural Approach, by Armitage and Meiden.

The University of Chicago Spanish Dictionary, by Castillo and Bond.

Platicas y Temas, by Guyer and Ugarte.

Antologia de Cuentos Espanoles, by Hill and Buceta.

Naval Phraseology, U. S. Naval Institute.

Beginning French, A Cultural Approach, by Hendrix and Meiden.

Larousse's French-English, English-French Dictionary, by DuBois et al.

Carmen et Autres Nouvelles, by Merimee (edited by Blondheim).

DEPARTMENT OF PHYSICAL EDUCATION

FIRST AND SECOND TERMS

Fundamentals of swimming, boxing, wrestling, gymnastics, golf, tennis, posture, volleyball, basketball, handball, and squash racquets. Tests in applied strength, agility, swimming, boxing, wrestling, and gymnastics.

Textbook: Physical Education Drill Manual.

Dated: July 15, 1957.

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Acting Judge Advocate General.

[F. R. Doc. 57-5920; Filed, July 18, 1957; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6580]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

U. S. PACKAGING CORP, ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits:* § 13.25 *Competitors and their products:* Competitors' products; § 13.180 *Quantity.* Subpart—*Misrepresenting oneself and goods*—goods: § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, U. S. Packaging Corporation et al., Bridgeport, Conn., Docket 6580, June 21, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a company engaged in Bridgeport, Conn., in packaging snow-making chemicals in pressurized over-sized containers only partially filled, under the trade name of "Frosty Snow", for sale mainly during the Christmas season, with representing falsely in advertising and counter displays furnished to dealers that because its containers were larger than those of competitive brands, a larger amount of snow would be produced therefrom, and that the amount of snow produced from an ounce of its material was substantially greater than that produced by an ounce of competitors'.

After approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent U. S. Packaging Corporation, a corporation, and its officers, and Abraham O. Samuels, H. R. Shepherd, Jack Schenberg, and Herbert L. Cohen, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of materials or preparations for use in making artificial snow, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That the size of the container is a determination of the amount of artificial snow that will be produced therefrom.

(b) That respondents' product will produce more artificial snow than competitive brands by any method of measurement or determination, unless such is the fact.

2. Offering for sale or selling their products in containers or packages of a size or capacity in excess of that reasonably required for packaging the quantity of product actually contained therein.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 21, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-5901; Filed, July 18, 1957; 8:47 a. m.]

[Docket 6723]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROY M. BLOOM, INC. AND ROY M. BLOOM

Subpart—*Advertising falsely or misleadingly:* § 13.135 *Nature:* Product or service; § 13.170 *Qualities or properties of product or service.* Subpart—*Using misleading name*—goods: § 13.2315 *Nature;* § 13.2325 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Roy M. Bloom, Inc., et al., New York, N. Y., Docket 6723, June 21, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in New York City with representing falsely in advertisements in newspapers, by circulars, etc., and by use of the words "Air Conditioner", that its "Port-a-Temp" device—a rubber and plastic receptacle in which a fan drew air through a fiber glass filter over two small cans of refrigerant (required to be cooled periodically in the refrigerator) and expelled it through grilled openings in the front of the housing—performed all the functions of an air conditioner, and would purify and deodorize and significantly dehumidify and cool hot air in the home, office, automobile, etc.

Following an agreement between counsel for a consent order disposing of the charges, the hearing examiner made his initial decision and order to cease and desist which became on June 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Roy M. Bloom, Inc., a corporation, and its officers and respondent Roy M. Bloom, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their device or apparatus designated "Port-A-Temp", or any other device or apparatus of substantially similar construction and designed to operate on the same or similar principle, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Air Conditioner", or any other word or words of similar import or meaning, either alone or in combination with any other word or words, to designate, describe or refer to said device or apparatus.

2. Representing, directly or by implication, that said device will purify, dehumidify, deodorize or cool air.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 21, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-5900; Filed, July 18, 1957; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ASSAY REQUIREMENTS FOR ANTIBIOTIC DRUGS EXEMPTED FROM CERTIFICATION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502 (1), 507 (c), 701 (a), 52 Stat. 1055, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; 21 U. S. C. 352 (1), 357 (c), 371 (a)), the following statement of interpretation is issued:

§ 146.11 *Assay requirements for antibiotic drugs exempted from certification.* (a) On December 3, 1953, the regulations for the certification of antibiotic and antibiotic-containing drugs were amended to exempt penicillin troches and bacitracin ointment from the certification requirements under section 507 of the Federal Food, Drug, and Cosmetic Act, provided the drugs comply with certain prescribed standards. Since that time a number of veterinary preparations that contain penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, or bacitracin have also been exempted, under certain conditions. One of these conditions is that the label of each package shall bear an expiration date which is determined from the date "during which the batch was last assayed and released by the manufacturer."

(b) It has come to the attention of the Food and Drug Administration that a number of manufacturers and/or repackers do not test these drugs to determine if they comply with the standards prescribed for them by the regulations. It is the position of the Food and Drug Administration that if each batch of such drugs is not tested by the manufacturer or his agent to determine whether it complies with the standards of identity, strength, quality, and purity prescribed for it, the batch is not exempt from certification and it may be deemed to be misbranded under section 502 (1) of the act when in interstate commerce.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1050, as amended, sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: July 12, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-5916; Filed, July 18, 1957; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54393]

CERTAIN IMPORTED ARTICLES SUBJECT TO INTERNAL REVENUE TAXES

Correction

In F. R. Doc. 57-5662, appearing at page 4912 of the issue for July 12, 1957, the following changes should be made:

1. In item 1 under Part 19, the reference "§ 270.199 of this chapter" should read "26 CFR 270.199".

2. The headings should read as set forth above.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.323]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

MISCELLANEOUS AMENDMENTS

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations, are

hereby amended in the following respects:

1. Paragraph (a) of § 41.100 *Temporary workers and trainees,* is amended to read as follows:

(a) No alien shall be accorded consideration as a nonimmigrant under the provisions of section 101 (a) (15) (H) of the act unless the consular officer shall have received from the Immigration and Naturalization Service a petition filed by the alien's prospective employer and approved in accordance with the provisions of section 214 (c) of the act. Subject to the provisions of § 42.28 of this chapter, consular officers shall, upon receipt of such a petition, grant the nonimmigrant status indicated in the petition: *Provided,* That the approval of such a petition shall not, of itself, establish that the alien is a bona fide nonimmigrant or that he is otherwise eligible to receive a nonimmigrant visa.

2. Section 42.26 *Procedure in granting preference,* is amended to read as follows:

§ 42.26 *Procedure in granting preference status.* No alien shall be accorded consideration as a quota immigrant entitled to first, second, third, or fourth preference status unless the consular officer shall have received from the Immigration and Naturalization Service a petition filed and approved in accordance with the provisions of section 204 or section 205 of the act. Subject to the provisions of § 42.28, consular officers shall, upon receipt of such a petition, grant the status indicated in the petition, but further consideration of the case of such immigrant shall be in the order of his priority among other immigrants in the same classification as determined under the provisions of § 42.25.

3. Section 42.27 *Petitions for nonquota immigrant status,* is amended to read as follows:

§ 42.27 *Procedure in granting nonquota status in petition cases.* No alien shall be accorded consideration as a nonquota immigrant entitled to the status of minister of a religious denomination under the provisions of section 101 (a) (27) (F) (i) of the act, or to the status of a child or spouse of a citizen of the United States under the provisions of section 101 (a) (27) (A) of the act, unless the consular officer shall have received from the Immigration and Naturalization Service a petition filed and approved in accordance with the provisions of section 204 or section 205 of the act. Subject to the provisions of § 42.28, consular officers shall, upon receipt of such a petition, grant the status indicated in the petition, but further consideration of the case of such immigrant shall be in the order of his priority among other immigrants in the same classification as determined by the date on which the approved petition was filed with the Attorney General.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: July 8, 1957.

RODERIC L. O'CONNOR,
Administrator, Bureau of Security and Consular Affairs.

[F. R. Doc. 57-5936; Filed, July 18, 1957; 8:54 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

MISCELLANEOUS AMENDMENTS

The following amendments to the rules of practice in patent cases are made to take effect thirty days after publication in the FEDERAL REGISTER. Advance notice of proposed rule making was not given since the changes relate to minor details of procedure and clarification of language, and such publication was not considered necessary or useful.

The purpose of the amendment to § 1.304 is to make the computation of time the same in the review of Patent Office decisions by Civil action as in the review by appeal and the amendment is made in exercise of the authority under 35 U. S. C. 142, 145 and 146.

1. Section 1.7 is amended by:

a. Cancelling the phrase "unless otherwise indicated" in the first sentence.

b. Inserting the words "in the Patent Office after the word "fee", first occurrence.

c. Adding the following sentence: "See § 1.304 for time for appeal or for commencing civil action."

2. Section 1.23 is amended by cancelling "or postal notes payable in Washington, D. C." from the first sentence.

3. Section 1.36 is amended by cancelling the second sentence and substituting: "An attorney or agent, except an associate attorney or agent whose address is the same as that of the principal attorney or agent, will be notified of the revocation of his power of attorney or authorization and the applicant will be notified of the withdrawal of the attorney or agent."

4. Section 1.76 is amended by cancelling the first sentence and substituting: "When the oath is attached to and refers to the petition, specification and claim to which it applies, the specification need not be signed. Otherwise it must be signed by the applicant in person."

5. Paragraph (g) of § 1.84 is amended by inserting the following sentence before the last sentence: "Arrows may be required, in proper cases, to show direction of movement."

6. Section 1.153 is amended by cancelling the word "specific" and the words "or permitted" in the second sentence.

7. Section 1.154 is amended by cancelling the words "and residence" in paragraph (a).

8. Section 1.162 is amended by adding the following sentence: "Where the plant is a newly found plant the oath must also state that it was found in a cultivated area."

9. Section 1.163 is amended by adding the following at the end of paragraph (a): "In the case of a newly found plant, the specification must particularly point out the location and character of the area where the plant was discovered."

10. Section 1.196 is amended by inserting the word "appealed" before the word "claim" in the first sentence of paragraph (b).

11. Paragraph (b) of § 1.203 is amended by cancelling the second sentence, and by cancelling the words "upon a proper showing" in the fourth sentence.

12. Section 1.248 is amended by changing the words "or registered mail" in paragraph (d) to read "mail which may also be certified or registered."

13. Section 1.273 is amended by cancelling the words "sworn proof of" in the last sentence of paragraph (b) and substituting "a statement signed by the attorney as to".

14. Section 1.304 is amended by inserting the following sentence before the last sentence: "The times specified herein are calendar days. If the last day of the time specified for appeal or commencing a civil action falls on a Saturday, Sunday or legal holiday, the time is extended to the next day which is neither a Saturday, Sunday nor a holiday."

15. Section 1.317 is amended by cancelling the last phrase reading "and a verified statement in support of the petition" and substituting in place thereof "and a verified showing (as for example that the delay was unavoidable) in support of the petition."

16. Section 1.341, paragraph (c) is amended by cancelling the words "served for three years" in the last sentence and substituting "actively served for four years".

(Sec. 1, 66 Stat. 793; 35 U. S. C. 6. Interpret or apply sec. 1, 66 Stat. 802, 803; 35 U. S. C. 142, 145, 146)

Dated: July 15, 1957.

[SEAL] ROBERT C. WATSON,
Commissioner of Patents.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-5918; Filed, July 18, 1957; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

DEPENDENCY AND INDEMNITY COMPENSATION

1. Immediately following § 4.422a, a new centerhead and §§ 4.424 through 4.427 are added as follows:

DEATHS PRIOR TO JANUARY 1, 1957

Sec.
4.424 Right of election.
4.425 Nonduplication of benefits.
4.426 Finality of election.
4.427 Elections within class of dependents.

AUTHORITY: §§ 4.424 to 4.427 issued under sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply sec. 209, 70 Stat. 867; 38 U. S. C. 1119.

§ 4.424 *Right of election*—(a) *Widow or child.* Any person who, on or after December 31, 1956, is eligible as a widow or child for death compensation under any other law administered by the Veterans Administration by reason of a death occurring before January 1, 1957, may receive dependency and indemnity compensation upon application therefor, without regard to clause (1) of section 209 (c) of the act.

(Sec. 206 (a) (1), Pub. Law 881, 84th Cong.)

(b) *Parent.* Any person who, on or after December 31, 1956, is eligible as a parent, or, but for his annual income, would be eligible as a parent, for death compensation under any other law administered by the Veterans Administration by reason of a death occurring on or before that date may receive dependency and indemnity compensation upon application therefor, without regard to clause (1) of section 209 (c) of the act; however, the annual income limitations established by section 205 of the act shall apply to each such parent.

(Sec. 206 (a) (2), Pub. Law 881, 84th Cong.)

(c) *Form of election.* The application for dependency and indemnity compensation need not be made on a specific form. A statement in writing over the payee's signature (or the signature of the fiduciary) may be accepted as a valid application for dependency and indemnity compensation.

(d) *Limitation on election.* An application for dependency and indemnity compensation may not be filed or withdrawn after the death of the widow, child or parent.

(e) *Bureau of Employees' Compensation cases.* (1) Except as provided in subparagraph (2) of this paragraph, a person who had elected to receive benefits under the Federal Employees' Compensation Act based on military service of the same veteran may elect to receive dependency and indemnity compensation. The commencing date of an award will be determined under § 4.445 (a). The award will be subject to offset of payments received as provided in § 4.425 (c) (1).

(2) A person who received benefits under the Federal Employees' Compensation Act based on service in the Public Health Service or received a lump sum settlement in lieu of monthly payments (as authorized by sec. 14 of the Federal Employees' Compensation Act) was not "eligible * * * for death compensation" on December 31, 1956, based on the same death and may not elect dependency and indemnity compensation.

§ 4.425 *Nonduplication of benefits*—(a) *Widows.* Whenever the widow of a deceased person is granted dependency and indemnity compensation, payments to her and to the children of the deceased person, including children over the age of 18 and children not in the widow's custody, shall thereafter be made under Title II, Public Law 881, 84th Congress, and payments shall not thereafter be made to them by reason of the death of the deceased person under:

(1) Any other law administered by the Veterans Administration providing for the payment of compensation or pension, or

(2) The Federal Employees' Compensation Act.

(Sec. 206 (b) (1), Pub. Law 881, 84th Cong.)

(b) *Children (no widow) and parents.* Whenever the child or parent of any deceased person is granted dependency and indemnity compensation, payments shall not thereafter be made to such child or parent by reason of the death of the deceased person under:

(1) Any other law administered by the Veterans Administration providing for the payment of compensation or pension, or

(2) The Federal Employees' Compensation Act.

(Sec. 206 (b) (2), Pub. Law 881, 84th Cong.)

(c) *Adjustments.* (1) When an award of dependency and indemnity compensation is made covering a period for which death compensation, servicemen's indemnity or benefits under the Federal Employees' Compensation Act based on military service have been paid to the same payee based on the same death, the award of dependency and indemnity compensation shall be made subject to payments of death compensation or benefits under the Federal Employees' Compensation Act over the same period, and to installments of servicemen's indemnity due on or after the commencing date of the award of dependency and indemnity compensation.

(2) When a retroactive award of dependency and indemnity compensation is made to or for a child over the age of 18 years and the widow has received death compensation on behalf of such child at a higher rate than the rate of dependency and indemnity compensation which is payable to her over the same period, the difference will be offset against the award of dependency and indemnity compensation otherwise payable for the child. If awards of dependency and indemnity compensation are being made for more than one child over the age of 18, the amount to be offset will be equally divided.

§ 4.426 *Finality of election.* A person shall be considered to have been "granted dependency and indemnity compensation" when he (or his fiduciary) has negotiated one check for this benefit or dies after filing an application and prior to receipt or negotiation of a check. There is no right of reelection.

§ 4.427 *Elections within class of dependents*—(a) *Children.* If children of a deceased person are receiving death compensation under any other law administered by the Veterans Administration, and all such children have not applied for dependency and indemnity compensation, (1) dependency and indemnity compensation to each such child shall not exceed the amounts which would be paid if the application had been made by, or on behalf of, all such children, and (2) benefits paid to each child under any other law administered by the Veterans Administration providing for the payment of death compensation, shall not exceed the amounts which would be paid to him if no such application had been made.

(Sec. 206 (c), Pub. Law 881, 84th Cong.)

(b) *Parents.* If there are two parents of a deceased person eligible for dependency and indemnity compensation, and an application for benefits is not made by both parents, (1) dependency and indemnity compensation paid to the parent who applies therefor shall not exceed the amounts which would be paid to him if both parents had so applied, and (2) benefits paid to the other parent under any other law administered by the Veterans Administration providing for the payment of death compensation shall not exceed the amounts which would be paid to him if no such application had been made.

(Sec. 206 (d), Pub. Law 881, 84th Cong.)

2. In § 4.445, paragraph (h) is revoked as follows:

§ 4.445 *Commencing dates of original awards of dependency and indemnity compensation.* * * *

(h) *Bureau of Employees' Compensation cases.* [Revoked]

This regulation is effective July 19, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-5921; Filed, July 18, 1957; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1445]

[Idaho 05295]

IDAHO

RESERVING PUBLIC LANDS WITHIN CACHE NATIONAL FOREST FOR USE OF FOREST SERVICE AS ROADSIDE ZONES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Cache National Forest in Idaho are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as roadside zones:

BOISE MERIDIAN

FRANKLIN BASIN, FOREST DEVELOPMENT ROAD, ROADSIDE ZONE

A strip of land 100 feet on each side of the center line of Franklin Basin Idaho Road through the following legal subdivisions:

T. 15 S., R. 41 E., unsurveyed,
Sec. 2, N½SW¼ and SE¼SW¼;
Sec. 3, N½S½;
Sec. 4, S½SW¼;
Sec. 5, S½S½;
Sec. 8, W½NW¼;
Sec. 11, NE¼NW¼, W½NE¼, NW¼SE¼, and E½SW¼;
Sec. 14, NE¼NW¼, SW¼NE¼, and W½SE¼;
Sec. 23, W½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 24, W½SW¼, SE¼SW¼, and SE¼SE¼;
Sec. 25, E½NW¼, SW¼NW¼, and W½SW¼;
Sec. 35, E½NE¼;
Sec. 36, SW¼NW¼, N½SW¼, and SE¼SW¼.
T. 16 S., R. 41 E.,
Sec. 1, NE¼NW¼, W½NE¼, NW¼SW¼SE¼, and S½SW¼SE¼;
Sec. 12, W½NE¼, N½SE¼, and SE¼SE¼.
T. 16 S., R. 42 E.,
Sec. 18, W½NW¼, N½SW¼, and SE¼SW¼;
Sec. 19, W½W½;
Sec. 30, W½W½.
The tracts described contain 37.6 acres.

SAINT CHARLES CANYON, FOREST DEVELOPMENT ROAD, ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of Saint Charles Canyon Road through the following legal subdivisions:

T. 15 S., R. 42 E.,
Sec. 23, SE¼SW¼, S½SE¼, and NE¼SE¼;
Sec. 24, N½SW¼, SE¼NW¼, and S½NE¼;
Sec. 27, NE¼SE¼.
T. 15 S., R. 43 E.,
Sec. 17, lots 1 and 2, SE¼SW¼, and NE¼SE¼;
Sec. 19, lots 1, 2, 3, and 4, NE¼NW¼, and N½NE¼;
Sec. 20, N½NW¼.

The tracts described contain 29.6 acres.

ST. CHARLES–GREEN CANYON, FOREST DEVELOPMENT ROAD, ROADSIDE ZONE

A strip of land 100 feet on each side of the center line of St. Charles-Green Canyon Road through the following legal subdivisions:

T. 15 S., R. 42 E.,
Sec. 25, N½SE¼, N½SW¼, and SW¼SW¼;
Sec. 26, SE¼SE¼;
Sec. 34, SE¼NE¼;
Sec. 35, N½NE¼, NE¼NW¼, and S½NW¼.
T. 15 S., R. 43 E.,
Sec. 29, NW¼NE¼ and N½NW¼;
Sec. 30, lots 5 and 6, N½NE¼, NE¼NW¼, and S½NW¼.
T. 16 S., R. 42 E.,
Sec. 2, W½W½;
Sec. 11, W½W½;
Sec. 14, W½W½;
Sec. 22, S½NE¼, NW¼SE¼, and E½SE¼;
Sec. 23, W½NW¼ and SW¼SW¼;
Sec. 26, N½NW¼, SE¼NW¼, and E½SW¼.

The tracts described contain 25.2 acres.

MEADOW VIEW, FOREST DEVELOPMENT ROAD, ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of Meadow View Road through the following legal subdivisions:

T. 10 S., R. 42 E., partly unsurveyed
Sec. 29, S½NE¼SW¼ and SE¼SW¼;
Sec. 32, E½NW¼ and W½SW¼.
T. 12 S., R. 41 E.,
Sec. 1, NE¼NE¼ (unsurveyed).
T. 11 S., R. 41 E.,
Sec. 27, W½NW¼, SE¼NW¼, and E½SW¼;
Sec. 34, NE¼NW¼, N½NE¼, and SE¼NW¼;
Sec. 35, S½N½;
Sec. 36, SW¼NW¼, N½SW¼, W½SE¼, and SE¼SE¼.
T. 11 S., R. 42 E., unsurveyed,
Sec. 5, W½NW¼ and SW¼;
Sec. 7, E½SE¼;
Sec. 8, W½W½;
Sec. 17, W½W½;
Sec. 20, N½NW¼, SE¼NE¼, NE¼SW¼, and W½SE¼;
Sec. 29, W½NE¼, SE¼NE¼, and E½SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, W½NW¼, SE¼NW¼, NE¼SW¼, and W½SE¼.
T. 12 S., R. 42 E.,
Sec. 4, lot 2, SW¼NE¼, and W½SE¼;
Sec. 8, NW¼NW¼, SE¼NW¼, and S½NE¼;
Sec. 6, lot 4, SE¼NW¼, SW¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 9, S½NW¼, NE¼NW¼, W½NE¼, and SE¼NE¼;
Sec. 10, S½N½;
Sec. 11, SW¼NW¼, N½SW¼, and N½SE¼;
Sec. 12, W½NW¼SW¼ and E½W½SE¼.

The tracts described contain 112.97 acres.

STRAWBERRY—SHARON, FOREST HIGHWAY, ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of Strawberry—Sharon Forest Highway through the following legal subdivisions:

T. 12 S., R. 41 E., partly unsurveyed,
Sec. 36, E½SW¼, S½NE¼, and NE¼NE¼.
T. 12 S., R. 42 E.,
Sec. 20, S½SW¼, W½SE¼, and NE¼SE¼;
Sec. 21, N½NE¼ and NW¼SW¼;
Sec. 22, N½N½;
Sec. 23, N½N½;
Sec. 29, NW¼NW¼;
Sec. 30, lots 3 and 4, SE¼NW¼, S½NE¼, and NE¼NE¼;
Sec. 31, lot 1.
T. 13 S., R. 41 E., partly unsurveyed,
Sec. 1, NW¼SW¼, W½NW¼, and NE¼NW¼;
Sec. 2, E½SE¼;
Sec. 3, SE¼SW¼ and SW¼SE¼;
Sec. 9, W½SE¼ and S½NE¼;
Sec. 10, N½N½;
Sec. 11, W½NW¼, SE¼NW¼, NW¼NE¼, and N½SW¼NE¼.
The tracts described contain 58.2 acres.

The order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

JULY 12, 1957.

[F. R. Doc. 57-5887; Filed, July 18, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 115]

REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

SALE OF TIMBER

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 28, 1937 (50 Stat. 874) and Revised Statutes 2478 (43 U. S. C. 1201), and as a result of the removal of marketing requirements for timber on the O & C lands (22 F. R. 2186), it is proposed to revise the regulations in §§ 115.15–115.84 as indicated below.

Interested persons may submit in triplicate written comments, suggestions or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER C. ERNST,
Assistant Secretary of the Interior.

JULY 15, 1957.

The present §§ 115.15 to 115.84, including the center heads preceding and within such portion of this part are revoked and the following issued in lieu thereof:

SALE OF TIMBER

Sec.
115.15 Statutory authority.
115.16 Definitions.
115.17 Annual timber sale plan.
115.18 Advertising.
115.19 Appraisal and measurement.
115.20 Competitive sales.
115.21 Negotiated sales.
115.22 Qualifications of bidders.
115.23 Deposits with bids.
115.24 Conduct of sales.
115.25 Award of contract.
115.26 Contract forms.
115.27 Performance bonds.
115.28 Payments.
115.29 Time for cutting.
115.30 Extension of time.
115.31 Reappraisals.
115.32 Assignments.

§ 115.15 *Statutory authority.* The act of August 28, 1937 (50 Stat. 874, 43 U. S. C. 1181a) authorizes the sale of timber from the Revested Oregon and California and Reconveyed Coos Bay Wagon Road Lands and directs that such lands shall be managed for permanent forest production and the timber thereon sold, cut and removed in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating streamflow and contributing to the economic stability of local communities and industries and providing recreational facilities.

§ 115.16 *Definitions.* Except as the context may otherwise indicate, as the terms are used in §§ 115.15 to 115.32 and in contracts issued thereunder:

(a) "Bureau" means Bureau of Land Management, Department of the Interior.

(b) "Director" means the Director of the Bureau of Land Management.

(c) "Authorized Officer" means the Government official who has been duly authorized to sign a contract for the sale of timber from O & C lands or to supervise operations and take action under such contract.

(d) "O. and C. Lands"—see § 115.2

(e) "Timber" means standing trees, downed trees, logs or forest products of any type.

(f) "Salvage" means trees that have been killed or are dying because of wind, fire, insects, disease or other similar cause, or defective trees or logs remaining from a previous logging operation.

§ 115.17 *Annual timber sale plan.* Plans for the sale of timber from the O. and C. lands will be developed annually. Suggestions from prospective purchasers of such timber may be received to assist in the development of a sound annual timber sale plan. Such plan shall be advertised before the commencement of each calendar year or as soon thereafter as possible in a newspaper of general circulation in the marketing area in which the timber is located. Such advertisement shall indicate generally the probable time when the various tracts of timber included in the plan will be offered for sale, and the probable location and anticipated volumes of such tracts. The authorized officer may subsequently change, alter or amend the annual timber sale plan.

§ 115.18 *Advertising.* (a) Competitive timber sales shall be advertised in a newspaper of general circulation in the area in which the timber is located and a notice of the sale shall be posted in a conspicuous place in the office where bids are to be submitted. Such advertisement shall be published on the same day once a week for two consecutive weeks, except that sales amounting to less than 500 M board feet, need be published once only.

(b) The advertisement of sale shall state the location by legal description of the tract or tracts on which timber is being offered, the species, estimated quantities, the unit of measurement, appraised values, time and place for receiving and opening of bids, minimum deposit required, the access situation, the method of bidding, the office where additional information may be obtained, and such additional information as the authorized officer may deem necessary.

§ 115.19 *Appraisal and measurement.* All timber to be sold shall be appraised and in no case shall be sold at less than the appraised value. Such timber shall be measured by tree cruise, log scale, weight, or such other form of measurement as the authorized officer determines to be in the public interest.

§ 115.20 *Competitive sales.* All sales other than those specified in § 115.21 shall be made only after inviting competitive bids through publication and posting. Sales shall not be held sooner than one week after the last advertisement. No competitive sales shall be offered by the authorized officer unless there is access to the sale area which is available to anyone who is qualified to bid.

§ 115.21 *Negotiated sales.* (a) When it is determined by the authorized officer to be in the public interest, he may sell at not less than the appraised value, without advertising or calling for bids, timber not exceeding an estimated volume of 100 M board feet or, if the timber is not measured in board feet, a quantity not exceeding $2,000 in appraised value; *Provided,* That not more than two such sales may be made to or for the benefit of any one person, partnership, association or corporation in any period of twelve consecutive months.

(b) When it is determined by the authorized officer to be in the public interest or to be necessary for the normal conduct of logging, he may sell to a holder of a timber sale contract, during the term thereof, without advertising or calling for bids, additional timber not to exceed 250 M board feet within or near the contract area. Such sale of additional timber shall be at not less than the appraised value at the time of the additional sale.

(c) Timber on the right-of-way of a logging road and danger trees adjacent to the right-of-way may be sold at not less than the appraised value without advertising or calling for bids to (1) a permittee who constructs a road pursuant to a permit issued under this part or (2) a contractor who is constructing a road with Government funds.

§ 115.22 *Qualifications of bidders.* A bidder for the sale of timber must be authorized to transact business in the State of Oregon and must have submitted a deposit in advance of sale as required by § 115.23.

§ 115.23 *Deposits with bids.* Sealed bids must be accompanied by a deposit of not less than 10 per cent of the appraised value of the timber. For timber offered at oral auction, bidders must make a deposit of not less than 10 per cent of the appraised value prior to the opening of the bidding. The authorized officer may, in his discretion, require larger deposits. Deposits may be in the form of cash, money orders, bank drafts, cashiers' or certified checks made payable to the Bureau of Land Management, or bid bonds of a corporate surety shown on the approved list of the United States Treasury Department. Upon conclusion of the bidding, the bid deposits of all bidders, except the high bidder, shall be returned. Except for corporate surety bid bonds, the deposit of the successful bidder will be applied on the purchase price at the time the contract is signed by the authorized officer.

§ 115.24 *Conduct of sales.* (a) Bidding at competitive sales shall be conducted by the submission of written sealed bids, oral bids, or a combination of both as directed by the authorized officer. In the event of a tie in high sealed bids, the highest bidder shall be determined by oral auction among the high bidders. If no oral bid is made which is higher than the sealed bids, the highest bidder shall then be determined by lot. In oral auction sales the high bidder must confirm his bid in writing immediately upon being declared the high bidder. Except for the first bid, no oral bid will be considered or recorded which is not higher than the highest preceding bid.

(b) At the request of the authorized officer, or the officer conducting the sale, bidders must furnish evidence of qualification in conformance with section 115.22 or if such evidence has already been furnished, make appropriate reference to the record containing it.

(c) When it is in the interest of the Government to do so the authorized officer may reject any or all bids and may waive minor deficiencies in the bids or the timber sale advertisement.

(d) If no bid is received within the time specified in the advertisement of sale, and if the authorized officer determines that there has been no significant rise in the market value of the timber, he may in his discretion, keep the sale open for not to exceed 90 days by posting notice thereof in a conspicuous place in the office where bids are to be submitted. If during such period a written bid is submitted, together with the required deposit, for not less than the advertised appraised value, a notice of such bid shall be posted immediately after receipt of such bid for seven successive days in the same office and in the same manner. If no other written bid is received during the seven day posting period, the sole bidder shall be deemed the high bidder. If, however, during such seven day posting period other written bids are received, an oral auction shall be conducted in the usual manner for those who have submitted written bids. The authorized officer shall notify those who have submitted written bids of the time and place of the oral auction. The written bids shall be considered the initial bids in such oral auction. If there is a tie in the high written bids that are submitted during the seven day posting period and if no higher bid is offered during the oral auction, the party who first submitted the high bid shall be deemed the high bidder.

§ 115.25 *Award of contract.* (a) The authorized officers may require the high bidder to furnish such information as is necessary to determine the ability of the bidder to perform the obligations of the contract. The contract shall be awarded to the high bidder, unless he is not qualified or responsible, or unless all bids are rejected. If the high bidder is not qualified or responsible, the contract may be offered and awarded for the amount of the high bid to the highest of the other bidders who is qualified, responsible, and willing to accept the contract.

(b) Within 30 days after receipt of the contract the successful bidder shall sign and return the contract, together with any required performance bond; *Provided,* That the authorized officer may, in his discretion, extend such period an additional 30 days if the extension is applied for in writing and granted in writing within the first 30-day period. If the successful bidder fails to comply within the stipulated time, his bid de-

posit shall be forfeited as liquidated damages.

§ 115.26 *Contract forms.* All sales shall be made on contract forms approved by the Director. The authorized officer may include additional provisions in the contract to cover conditions peculiar to the sale area, such as road construction, logging methods, silvicultural practices, reforestation, snag felling, slash disposal, fire prevention, fire control, and protection of improvements, watersheds and recreational values. Such additional provisions shall be made available for inspection by prospective bidders during the advertising period.

§ 115.27 *Performance bonds.* A performance bond of not less than 20 percent of the total contract price will be required for contracts of $2,000 or more. When the total contract price is less than $2,000, bond requirements, if any, will be in the discretion of the authorized officer. The performance bond may be:

(a) Bond of a corporate surety shown on the approved list issued by the United States Treasury Department and executed on an approved standard form.

(b) Personal surety bond, executed on an approved standard form if the authorized officer determines the principals and bondsmen are capable of carrying out the terms of the contract; or

(c) Cash bond, or

(d) Negotiable securities of the United States.

§ 115.28 *Payments.* (a) No part of any timber sold may be cut or removed unless advance payment has been made as provided in the contract.

(b) For sales under $2,000 the full amount shall be paid prior to or at the time the authorized officer signs the contract. For sales of $2,000 or more the authorized officer may allow payment by installments as provided below:

(1) Installment payments shall be determined by the authorized officer but in no case shall be less than 10 percent of the total purchase price. For cruise sales the first installment shall be paid prior to or at the time the authorized officer signs the contract. The second installment shall be paid prior to the commencement of cutting operations. Remaining installments shall be due and payable without notice whenever the value of the timber cut shall equal the sum of the second and subsequent installments paid by the purchaser. The total amount of the purchase price must be paid prior to 60 days before the expiration date of the contract. The purchaser shall not be entitled to a refund on a cruise sale even though the amount of timber cut, removed or designated for cutting may be less than the estimated total volume shown in the contract.

(2) For scale sales installment payments shall be made in the same manner as in subparagraph (1) of this paragraph, except that if it is determined after all designated timber has been cut that the total payments made under the contract exceed the total value of the timber measured, such excess shall be returned to the purchaser.

§ 115.29 *Time for cutting.* Time for cutting timber sold shall not exceed a period of two years except that such time for cutting may be extended as provided in § 115.30.

§ 115.30 *Extension of time.* If the purchaser shows that his delay in cutting was due to causes beyond his control and without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Such written request must be received not later than 30 days prior to the expiration date of the time for cutting but not earlier than 90 days prior thereto. Additional extensions may be granted if the purchaser submits the same type of written request not later than 30 days prior to the expiration date of an extension but not earlier than 90 days prior thereto. No extension may be granted without reappraisal as provided in § 115.31.

§ 115.31 *Reappraisals.* If an extension is granted as provided in § 115.30, each species of timber remaining on the contract area, title to which has not passed to the purchaser, shall be reappraised by the authorized officer. Such reappraised prices shall become the new unit prices for the purpose of computing the reappraised total purchase price, except that the new unit prices shall not be less than the unit prices that were in effect during the original time for cutting or previous extension.

§ 115.32 *Assignments.* (a) The purchaser may not assign the contract or any interest therein without the written approval of the authorized officer. An assignment shall contain all the terms and conditions agreed upon by the parties thereto.

(b) The authorized officer will not approve any proposed assignment involving contract performance unless the assignee (1) is authorized to transact business in the State of Oregon; (2) submits such information as is necessary to assure the authorized officer of his ability to fulfill the contract; and (3) furnishes a performance bond as required by § 115.28 or obtains a commitment from the previous surety to be bound by the assignment when approved. Upon approval of an assignment by the authorized officer, the assignee shall be entitled to all the rights and subject to all the obligations under the contract, and the assignor shall be released from any further liability under the contract.

[F. R. Doc. 57-5889; Filed, July 18, 1957; 8:45 a. m.]

[43 CFR Part 185]

General Mining Regulations

Disposal of Certain Reserved Minerals

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Revised Statutes 2478 (43 U. S. C. 1201) it is proposed to issue regulations implementing the provisions of the act of July 20, 1956 (70 Stat. 592). The act of July 20, 1956 amends the act of July 17, 1914 (38 Stat. 509, 30 U. S. C., sec. 122) to permit the disposal of certain reserved mineral deposits under the mining laws of the United States. The act obviates the necessity for the reconveyance of the surface title in order to obtain a patent under the United States mining laws, as required by the James W. Bell decision, 52 L. D. 197. The proposed regulations appear below.

Interested persons may submit in triplicate written comments, suggestions or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the Federal Register.

Dated: July 15, 1957.

Fred G. Aandahl,
Assistant Secretary of the Interior.

Part 185 is supplemented by adding thereto a new subpart including the following sections:

SUBPART H—DISPOSAL OF MINERALS RESERVED BY THE ACT OF JULY 17, 1914 (38 STAT. 509)

Sec.
185.160 Purpose.
185.161 Minerals reserved by the Act of July 17, 1914 subject to mineral location, entry and patenting.
185.162 Mineral subject to disposition.
185.163 Procedure necessary to authorize entry of the land by a mineral claimant.

Authority: §§ 185.160 to 185.163 issued under R. S. 2478; 38 Stat. 509; 30 U. S. C. 122, as amended by 70 Stat. 592.

§ 185.160 *Purpose.* The act of July 20, 1956 (70 Stat. 592), which amended the act of July 17, 1914 (38 Stat. 509; 30 U. S. C. sec. 122) was enacted to permit the disposal of certain reserved mineral deposits under the mining laws of the United States.

§ 185.161 *Minerals reserved by the act of July 17, 1914 subject to mineral location, entry and patenting.* The act of July 17, 1914 (38 Stat. 509; 30 U. S. C. sec. 122), as amended by the act of July 20, 1956 (70 Stat. 592), provides in part as follows:

• • • such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law: *Provided, however,* That all mineral deposits heretofore or hereafter reserved to the United States under this Act which are subject, at the time of application for patent to valid and subsisting rights acquired by discovery and location under the mining laws of the United States made prior to the date of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), shall hereafter be subject to disposal to the holders of those valid and subsisting rights by patent under the mining laws of the United States in force at the time of such disposal. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval of the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may re-enter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom; and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages:

§ 185.162 *Mineral subject to disposition.* The act of 1956 applies only to:

(a) Any mineral discovered and located under the United States mining laws prior to February 25, 1920, and reserved to the United States under the act of July 17, 1914 (38 Stat. 509; 30 U. S. C. 122) in the patent for the land and held under a valid mining location subsisting on the date that the patent application for the mining claim was filed. "Oil" reserved under the act of 1914 has been held to include oil shale. See 52 L. D. 329.

(b) Any of the other minerals within the boundaries of the mining claim reserved to the United States under the act of 1914 in the patent for the land but excepting such of those minerals as may be covered by a mineral lease or permit until such time as the rights either under the lease or permit are extinguished or terminated.

§ 185.163 *Provisions of the mineral patent.* (a) Each patent issued under the act of July 20, 1956, shall name discovered reserved mineral as well as the other minerals reserved to the United States and shall recite that in accordance with the reservation in the land patent, the mineral patentee, and its successors (or his heirs and assigns, if a person), shall have the right to prospect for, mine and remove the mineral or minerals for which the patent is issued.

(b) If, when the mineral entry is approved for patenting, there is a subsisting mineral lease or permit for any of the reserved minerals, the mineral patent shall identify the lease or permit and shall expressly except and exclude from the mineral conveyed by the patent, the mineral covered by the lease or permit, but shall provide that the exception and exclusion shall be effective only so long as any rights under either the lease or permit shall exist.

[F. R. Doc. 57-5888; Filed, July 18, 1957; 8:45 a. m.]

Office of the Secretary

[43 CFR Part 9]

Leases, Permits, and Easements for Public Works

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of September 3, 1954 (68 Stat. 1146) and Revised Statutes 2478 (43 U. S. C. 1201), it is proposed to issue regulations implementing the said act of September 3, 1954, supra, so far as it relates to public lands administered by the Department of the Interior. The proposed regulations are set forth below.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the Federal Register.

Fred A. Seaton,
Secretary of the Interior.

July 12, 1957.

A new part is added as follows:

PART 9—LEASES, PERMITS, AND EASEMENTS FOR PUBLIC WORKS

Sec.
9.1 Statutory authority.
9.2 Applicability of regulations; where to apply.
9.3 General provisions.
9.4 Applications; modification; transfers; renewals.
9.5 Terms and conditions of easements.
9.6 Terms and conditions of leases and permits.
9.7 Appeals.

Authority: §§ 9.1 to 9.7 issued under R. S. 2478; 43 U. S. C. 1201.

§ 9.1 *Statutory authority.* The act of September 3, 1954 (68 Stat. 1146; 43 U. S. C. 931c, 931d) authorizes the head of any Federal department or agency having jurisdiction over public lands and national forests of the United States, to grant permits, leases, or easements, under certain conditions, to States, counties, cities, towns, townships, municipal corporations, or other public agencies for the purpose of constructing and maintaining public buildings and other public works on such lands. National parks and monuments are not subject to the provisions of the act. The authority granted by the act is in addition to and not in derogation of any authority conferred upon the Seretary of the Interior to grant permits, leases, easements, or rights-of-way.

§ 9.2 *Applicability of regulations; where to apply.* (a) The regulations of this part apply only to public lands under the administration of the Department of the Interior. For regulations applicable to other Federal public lands, the appropriate titles of this code should be consulted.

(b) For public lands under the administration of the Bureau of Land Management, applications shall be filed in the proper land office in the State or for lands in a State in which there is no land office, shall be filed with the Bureau of Land Management, Washington 25, D. C., except that applications for lands in North Dakota or South Dakota shall be filed in the land office at Billings, Montana, applications for lands in Kansas or Nebraska shall be filed in the land office at Cheyenne, Wyoming, and for lands in Oklahoma in the land office at Sante Fe, New Mexico.

(c) For public lands under the administration of the United States Fish and Wildlife Service, applications shall be filed in the local office of the hatchery, refuge, or other station which has jurisdiction over the lands.

(d) For public lands under the administration of the Bureau of Reclamation, applications shall be filed in the office of the Regional Director who has jurisdiction over the lands.

(e) For public lands under the administration of the Bureau of Indian Affairs, applications shall be filed in the office of the superintendent of the agency which has jurisdiction over the lands, or for lands for which there is no agency, in the office of the Area Director who has jurisdiction over the lands.

(f) For public lands under the administration of other Bureaus of the Department of the Interior, applications shall be filed in the appropriate local office of such Bureau.

§ 9.3 *General provisions.* The following terms and conditions apply to all leases, permits, and easements granted under the regulations of this part.

(a) All minerals, together with the right to mine and remove the same under applicable laws and regulations, will be reserved to the United States.

(b) The term of all leases, permits, and easements will be fixed by the authorized officer but may not exceed 30 years. Such instruments will be renewable at the discretion of such officer who at the request of the grantee, may also authorize modification of the permitted use of the lands and the transfer of the instrument to another qualified public agency.

(c) Applicants will be required to pay the fair market value of the permit, lease, or easement, as determined by appraisal by the authorized officer. Periodic payments or a lump-sum payment, both payable in advance, will be required at the discretion of such officer: (1) When periodic payments are required, the applicant will be required to make the first payment before the lease, permit, or easement will be issued; (2) upon the voluntary relinquishment of such an instrument before the expiration of its term, any payment made for any unexpired portion of the term will be returned to the payer upon a proper application for repayment to the extent that the amount paid covers a full permit, lease, or easement year or years after the formal relinquishment. The amount to be so returned will be the difference between the total payments made and the value of the expired portion of the term calculated on the same basis as the original payments.

(d) Leases, permits, and easements will be terminable by the authorized officer upon a finding (1) of failure by the holder to comply with their terms, (2) that all or part of the land is being devoted to uses other than the use specified in the lease, permit, or easement, (3) that the lands are not being used for the purpose so specified, or (4) that the lease, permit, or easement has been transferred to another without the consent of the authorized officer.

§ 9.4 *Applications; modifications; transfers; renewals.* (a) Applicants for a permit, lease, or easement must file an application, in triplicate (quadruplicate if the lands are administered by the United States Fish and Wildlife Service) and in typewritten form. No particular form is prescribed, but the application must include (1) the name and post office address of the applicant, (2) the legal description of the lands desired or, if not surveyed according to the rectangular system of surveys, the description of the lands in sufficient detail to permit their accurate identification on the ground,

and if an easement for a right-of-way is involved, the maps specified in § 244.6 of this title, (3) a statement showing the purposes for which the lands would be used, and (4) the name and title of the person making application, together with a statement showing his authority to make application on behalf of the applicant.

(b) Holders of leases, permits, or easements may make application (1) to add to or change the use of the lands, (2) to transfer the instrument to another public agency qualified under the act and complying with these regulations, or (3) to renew the instrument at the end of its term. No form is specified but the matter should be fully explained by the applicant. Each such application must be in triplicate (quadruplicate if the lands are administered by the United States Fish and Wildlife Service).

§ 9.5 *Terms and conditions of easements.* The terms and conditions of easements issued under the regulations of this part will be governed by the regulations of Part 244 of this title, including § 244.17 of this title, insofar as they are applicable and insofar as they do not conflict with regulations in this part.

§ 9.6 *Terms and conditions of leases and permits.* (a) Leases and permits issued under the regulations of this part will contain (1) the usual terms and conditions required by law, public policy, and insofar as possible, by Department of the Interior procedures and (2) such other terms and conditions which the authorized officer considers necessary for the proper development of the land, for the protection of public property, and for the protection of the public interest.

(b) Any minerals subject to the leasing laws in the lands under lease or permit under the regulations may be disposed of to any qualified person under applicable laws and regulations. Until other rules and regulations are issued, other minerals are not subject to disposition or, except by an authorized Federal agency, to prospecting.

(c) A lessee or permittee will not be permitted to cut timber from the land without prior permission from the authorized officer.

§ 9.7 *Appeals.* An appeal pursuant to the rules of practice of the Department of the Interior may be taken from the decision of an authorized officer.

[F. R. Doc. 57-5893; Filed, July 18, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12034; FCC 57-759]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; EUGENE-CORVALLIS, OREG.

At a session of the Federal Communications Commission held at its Offices in Washington, D. C. on the 11th day of July 1957.

The Commission has before it for consideration a petition filed July 8, 1957, by the Oregon State Board of Higher Education on behalf of the State of Oregon requesting that the time within which to file reply comments in this proceeding be extended from July 11 to July 22; an opposition to the petition for extension filed by Liberty Television, Inc. on July 9; and a reply to Liberty's opposition filed by the State Board on July 10.

The State Board of Higher Education asserts that it has filed comments in this proceeding; that Liberty Television has also filed lengthy comments and attachments; and that adequate reply to Liberty's comments cannot be completed and filed by July 11.

The Commission is of the view that the State Board of Higher Education has advanced good cause for extending the time for filing reply comments in this proceeding and that such extension will serve the public interest, convenience and necessity.

In view of the foregoing: *It is ordered,* That the time for filing reply comments in the above-entitled proceeding is extended from July 11 to July 22, 1957.

Released: July 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5922; Filed, July 18, 1957; 8:52 a. m.]

[47 CFR Part 3]

[Docket No. 12075; FCC 57-760]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; ALEXANDRIA-ST. CLOUD, MINN.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 11th day of July 1957.

The Commission has before it for consideration a petition filed July 3, 1957, by St. Cloud Television Company for an extension of time within which to file comments in this proceeding from July 12 to July 22, 1957; an opposition to the aforesaid petition filed by Central Minnesota Television Company on July 8; and a reply to the above opposition filed by St. Cloud on July 9.

Petitioner alleges that it is a newly formed Minnesota Corporation, organized for the purpose of applying for a television station in St. Cloud, Minnesota; that it is engaged in preparing an application for a station on Channel 7 in St. Cloud and intends to file comments in opposition to the proposed rule making to shift Channel 7 from St. Cloud to Alexandria, Minnesota; that the Notice of Rule Making in this proceeding was not released until July 2, 1957, affording it only 10 days in which to prepare its comments; and that this period is too short to enable it to make a proper presentation.

The Commission is of the view that St. Cloud Television Company has advanced good cause for extending the time for filing comments in this proceeding and that such extension will serve the public interest, convenience and necessity.

In view of the foregoing: *It is ordered,* That the time for filing comments in the above-entitled proceeding is extended from July 12 to July 22, 1957; and that reply comments may be filed within 10 days from the latter date.

Released: July 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5922; Filed, July 18, 1957; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

[Docket No. AO-262-A3]

MILK IN TEXAS PANHANDLE MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk, of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Texas Panhandle marketing area. Interested parties may file exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and the order amending the order, as amended, were formulated was held at Amarillo, Texas, on June 12, 1957 (22 F. R. 4055).

The material issues of record relate to:

1. Suspending the supply-demand adjuster; and

2. Considering Class I milk prices.

Separate action was taken on Issue No. 1 by means of a suspension order issued by the Assistant Secretary on June 28, 1957, effective as of July 1, 1957. This decision, therefore, is confined to a consideration of Class I milk prices.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof.

The present Class I milk pricing provision in the order (§ 911.51 (a)) should be continued.

When the order was promulgated, the Class I milk price provision was made to expire after 20 months of operation. The purpose was to provide for a review and appraisal of the supply-demand situation after having had operating experience under the order for approximately 18 months. It was felt that after such a period of operation, the statistical information available would provide a basis for establishing a Class I pricing provision in the order which would reflect and be responsive to changes in supply and demand conditions.

It is expected that a hearing will be held in the near future on a proposal for a substantial increase in the size of the marketing area. If, as a result of such hearing, the marketing area were extended to encompass all or a major portion of the additional area proposed, additional handlers would be brought under regulation, and the volume of milk would be greatly increased. At the present time no figures are available on either the additional volume of milk or the percentage of it which would be classified as Class I milk. Under these circumstances, a Class I pricing provision based on supply-demand conditions existing during the past year probably would not be applicable to a changed market situation.

It is concluded that the development of a more permanent Class I pricing provision should be deferred until such time as consideration also can be given to the proposed expanded marketing area.

Producers proposed an increase in the Class I price. The record shows that, since the inception of the order in January 1956, receipts of producer milk have increased slightly faster than Class I sales. During the January–March period of 1957, the ratio of producer receipts to Class I sales was 111 percent as compared with 104 percent for the same period a year earlier. Thus, the production trend in relation to sales during the past year was such that some progress has been made toward providing an adequate supply of milk for the market.

In view of the foregoing situation, it is concluded that the present Class I milk price provision in the order should be continued.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order amending the order, as amended, is recommend as the detailed and appropriate means whereby the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as hereby proposed to be amended:

Delete § 911.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of July through February and plus $1.85 during all other months.

Filed at Washington, D. C., this 16th day of July 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-5914; Filed, July 18, 1957; 8:50 a. m.]

[7 CFR Part 1003]

DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

ESTABLISHMENT OF FREE, RESTRICTED, AND WITHHOLDING PERCENTAGES FOR 1957-58 CROP YEAR

Notice is hereby given that there is being considered a proposed rule to establish free, restricted, and withholding percentages, as hereinafter set forth, in connection with the handling of marketable Deglet Noor and Zahidi varieties of dates for the 1957–58 crop year beginning August 1, 1957, and ending July 31, 1958. The proposed rule, which is based on the unanimous recommendation of the Date Administrative Committee and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 127 and Marketing Order No. 103 (7 CFR Part 1003) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission must be received by the Director not later than the close of business on the next following business day.

The propored percentages for marketable Deglet Noor and Zahidi dates are based on estimates submitted by the Date Administrative Committee, as follows:

Item	Varieties	
	Deglet Noor	Zahidi
	1,000 pounds	
1. Uncertified handler carryin	2,369	285
2. Estimated marketable production	33,300	1,337
3. Total subject to regulation	35,669	1,622
4. Estimated trade demand	23,000	1,100
5. Plus desirable carryout	4,000	200
6. Less certified handler carryin	2,381	0
7. Free poundage	24,619	1,300
8. Restricted poundage (item 3 minus 7)	11,050	322

Although the free poundage of Deglet Noor dates of 24,619,000 pounds is 69.02 percent of the estimated supply subject to regulation, the committee unanimously recommended that the free percentage be rounded to 70 percent, making the restricted percentage 30 percent and the withholding percentage 42.9 percent. On the basis of the above estimates of production and carryin, a free percentage of 70 would provide 23,349,300 pounds of whole and pitted Deglet Noor dates for shipment in 1957–58 which compares with estimated shipments in the 1956–57 crop year of 23,093,000 pounds. In addition, 4,000,000 pounds of such dates would be made available for carryout on July 31, 1958. The estimated trade demand of 1,100,000 pounds for Zahidi dates compares with estimated shipments of whole and pitted Zahidi dates in the 1956–57 crop year of 1,110,000 pounds.

No restriction is proposed on the quantity of marketable Khadrawy dates which may be handled. The estimated supply of this variety for the 1957–58 crop year approximates the estimated trade demand therefor.

Average return to California producers for 1957 crop dates will not exceed the price level specified in section 2 (1) of the aforesaid act.

The proposed rule is as follows:

§ 1003.205 *Free, restricted and withholding percentages.* The free percentage, restricted percentage, and withholding percentage of marketable dates of the Deglet Noor variety shall be, for the crop year beginning August 1, 1957, and ending July 31, 1958, as follows:

Free percentage, 70 percent; restricted percentage, 30 percent; and withholding percentage, 42.9 percent. The free percentage, restricted percentage, and withholding percentage of marketable dates of the Zahidi variety shall be, for the crop year beginning August 1, 1957, and ending July 31, 1958, as follows: Free percentage, 80 percent; restricted percentage, 20 percent; and withholding percentage, 25 percent.

Dated: July 15, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-5913; Filed, July 18, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2509, Amdt. 25]

HEADS OF BUREAUS

DELEGATIONS OF AUTHORITY, GENERAL

JULY 11, 1957.

1. Order No. 2509, as amended, is further amended as hereinafter indicated:

Paragraph (g) of section 50 *Contracts; Bureaus* (17 F. R. 6793, 8634; 19 F. R. 433, 7417) is amended to read as follows:

(g) As used in this section, the term "bureau" means The Alaska Railroad, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the United States Fish and Wildlife Service, the Geological Survey, the National Park Service, the Office of Territories, the Southeastern Power Administration and the Southwestern Power Administration.

Section 52 *Leases* (17 F. R. 6793; 19 F. R. 433) is amended to read as follows:

SEC. 52. *Leases.* (a) The head of a bureau and the Solicitor may exercise the authority vested in the Secretary pursuant to Regulations of the General Services Administration, Title 2, Real Property Management, to perform all functions with respect to acquisition by lease of space in buildings and land incidental to the use thereof when:

(1) The space is found by the Administration to be special purpose in character under section 1 (d) of Reorganization Plan 18 of 1950.

(2) The space is required for use incidental to, in conjunction with, and in close proximity to, space which has been found by the Administration to be special purpose.

(3) The space is leased for no rental, or for a nominal consideration of $1.00 per annum.

(4) The space is located in Puerto Rico, the Virgin Islands, or the Territories of Alaska and Hawaii.

(5) The agency has been specifically authorized by the Administration to perform any or all such functions.

(b) The head of a bureau and the Solicitor may, in writing, redelegate or authorize written redelegation of the authority granted in this section. Each redelegation shall be published in the FEDERAL REGISTER.

(c) The authority granted under this section shall be exercised in compliance with applicable regulations and statutory requirements and shall be subject to the availability of appropriations.

(d) As used in this section, the term "bureau" means The Alaska Railroad, the Bonneville Power Administration, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the United States Fish and Wildlife Service, the Geological Survey, the National Park Service, the Office of Territories, the Southeastern Power Administration, and the Southwestern Power Administration.

2. Authority with respect to contracts for construction, supplies, or services and authority with respect to the lease of space which was previously vested in the Director of the former Fish and Wildlife Service and which was included in the authority delegated severally on November 3, 1956 (21 F. R. 8513) to the Director, Bureau of Commercial Fisheries, and the Director, Bureau of Sport Fisheries and Wildlife, may be exercised by such officers until 90 days from the date of this amendment to Order No. 2509 unless sooner revoked or superseded by or pursuant to an action of the Commissioner of Fish and Wildlife. Any authority with respect to contracts for construction, supplies, or services and any authority with respect to the lease of space which was continued in force pursuant to the document issued by the Secretary of the Interior on November 3, 1956 (21 F. R. 8513), empowering other officers and employees of the United States Fish and Wildlife Service to exercise certain authority, is continued in force until 90 days from the date of this amendment to Order No. 2509 unless sooner revoked or superseded by or pursuant to an action of the Commissioner of Fish and Wildlife.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-5890; Filed, July 18, 1957; 8:45 a. m.]

[Order 2821]

COMMISSIONER AND EMPLOYEES OF UNITED STATES FISH AND WILDLIFE SERVICE

DELEGATIONS OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

JULY 11, 1957.

SECTION 1. *Commissioner of Fish and Wildlife.* (a) The Commissioner of Fish and Wildlife may exercise all of the authority of the Secretary of the Interior with respect to any matter relating to fish and wildlife, except

(1) The signing of correspondence addressed to the President;

(2) The exercise of powers delegated by the President to the Secretary without any authorization for redelegation;

(3) The issuance of regulatory documents, which are subject to codification in the Code of Federal Regulations (44 U. S. C., 305; 1 CFR 1.10), and which do not fall within the provisions of paragraph (b) of this section;

(4) The making of apportionments of funds in connection with Federal aid in fish or wildlife restoration;

(5) The appointment or removal of Commissioners as provided in the Alaska Game Law of January 13, 1925, as amended (43 Stat. 739; 48 U. S. C. 208);

(6) The taking of actions required by sections 3 and 4 of the Whaling Treaty Act of August 9, 1950 (64 Stat. 421, 422; 16 U. S. C., 916a, 916b) to be taken by the Secretary of the Interior;

(7) The appointment of the advisory committee of the American fisheries industry, provided for in section 2 (c) of the act of July 1, 1954 (68 Stat. 376; 15 U. S. C. 713c-3 (c));

(8) The exercise of the authority contained in the act of June 25, 1934 (48 Stat. 1213; 15 U. S. C. 522) relating to monopolization and restraint of trade by associations of persons engaged in the fishery industry;

(9) The submission of reports to the President or the Congress;

(10) The designation of a representative of the Department referred to in section 8 (a) of the Fish and Wildlife Act of 1956 (70 Stat. 1119);

(11) The submission of reports to the United States Tariff Commission under section 9 (b) of the Fish and Wildlife Act of 1956 supra;

(12) The approval of fisheries loan authorizations in excess of $50,000.

(b) The authority granted in paragraph (a) of this section includes authority to take any action which, as provided in Title 50 of the Code of Federal Regulations, may be taken by an authorized representative of the Secretary of the Interior or an officer or employee of the United States Fish and Wildlife Service, such as the issuance of orders or regulations which

(1) Extend or reopen, pursuant to Part 6, Title 50, Code of Federal Regulations, the hunting seasons on migratory game birds to compensate for emergency closures to prevent forest fires;

(2) Prescribe a temporary closure of the open seasons on any species of big game animals, pursuant to Part 46, Code of Federal Regulations, in any area in Alaska where necessary;

(3) Prescribe, pursuant to Subchapter C, Title 50 Code of Federal Regulations, the terms and conditions to govern hunting, fishing, trapping, and recreational activities on wildlife conservation areas;

(4) Pursuant to Part 102, Title 50, Code of Federal Regulations, shorten, lengthen, or reopen for limited periods, and impose further restrictions on the means, methods and areas of fishing and on the catch of fish otherwise permitted to be taken for commercial purposes in Alaska.

(c) The authority granted in paragraph (a) of this section shall not be construed as including authority in any matter covered by a delegation from the Secretary of the Interior to the Commissioner of Fish and Wildlife, expressly, or as the head of a bureau, such as authority with respect to defense functions relating to fishery commodities or products, authority with respect to personnel management, authority to designate certifying officers, etc. Authority in such matters is delegated to the Commissioner by other documents.

(d) The Commissioner of Fish and Wildlife may, in writing, redelegate or authorize written redelegation of the authority granted in paragraph (a) of this section, except that authority to approve fisheries loan authorizations may be redelegated only to the Director, Bureau of Commercial Fisheries.

SEC. 2. *Other officers or employees of the Service.* Each officer or employee of the United States Fish and Wildlife Service is empowered to continue to exercise authority vested in such person or position by the document issued by the Secretary of the Interior on November 3, 1956 (21 F. R. 8513) for 90 days from the date of this order, unless such authority is sooner revoked or superseded by or pursuant to an action of the Commissioner of Fish and Wildlife.

SEC. 3. *Revocation.* The following orders and amendments thereof are revoked, but this action shall not be construed as affecting the provisions of section 2 of this order.

1798, 2240, 2409, 2532, 2570, 2584, 2711, 2817 (21 F. R. 8032).

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-5892; Filed, July 18, 1957; 8:45 a. m.]

[Order 2822]

DEFENSE FUNCTIONS

DELEGATIONS OF AUTHORITY

JULY 11, 1957.

SECTION 1. *Delegation of authority.* Except as provided in section 3 of this order and in redelegations, which the Secretary may make or has continued, to agencies outside of the Department of the Interior, all functions and powers which are or may be vested in the Secretary of the Interior by delegations or redelegations issued pursuant to the Defense Production Act of 1950, as amended, or issued pursuant to any other law by virtue of authority delegated to him under the Defense Production Act of 1950, as amended, may be performed and exercised:

(a) In so far as these functions and powers relate to domestic exploration for metals and minerals, by the Administrator of the Defense Minerals Exploration Administration;

(b) In so far as these functions and powers relate to solid fuels and the distribution of petroleum coke, and to metals and minerals, other than domestic exploration for metals and minerals, by the Director of the Office of Minerals Mobilization;

(c) In so far as these functions and powers relate to fishery commodities or products, by the Commissioner of Fish and Wildlife; and

(d) In so far as these functions and powers relate to petroleum or gas, other than the distribution of petroleum coke, by the Director of the Office of Oil and Gas.

SEC. 2. *Electric power.* The defense functions of the Secretary relating to electric power fall within the assignment of the Assistant Secretary—Water and Power Development, who is one of the Secretarial officers already empowered by section 1 of Order No. 2509, as amended (17 F. R. 6793, 8634; 22 F. R. 2218) to exercise the authority of the Secretary with respect to various matters relating to defense, including electric power.

SEC. 3. *Limitations.* (a) Section 1 of this order does not authorize any officer mentioned in that section to:

(1) Perform any function or exercise any power which cannot be redelegated by the Secretary of the Interior under the provisions of any delegation of authority to the Secretary;

(2) Redelegate any power or function to any person other than an officer or employee of the bureau or office which he heads;

(3) Appoint or employ any person under section 710 of the Defense Production Act of 1950, as amended; or

(4) Issue orders or directives relating to petroleum, gas, or solid fuels.

(b) Existing arrangements for Department representation on interagency and interdepartmental committees and boards dealing with defense functions are hereby confirmed, but the function of specifying the arrangements for such representation as may be necessary is reserved to the Secretary.

(c) The function of establishing policies pertaining to defense matters involving two or more defense areas is reserved to the Secretary.

SEC. 4. *Access roads.* (a) The Director of the Office of Minerals Mobilization is directed to exercise the function of certifying access roads in connection with the production of metallurgical coal to the Secretary of Commerce under section 6 of the Defense Highway Act of 1941, as amended (23 U. S. C., sec. 106) and section 12 of the Federal-Aid Highway Act of 1950 (64 Stat. 791), pursuant to the Presidential memorandum of March 3, 1952.

(b) The Administrator of the Defense Minerals Exploration Administration is similarly directed to exercise the function of certifying access roads in connection with the exploration for strategic and critical metals and minerals and related development.

SEC. 5. *Effect on prior actions.* (a) Interior Defense Delegation 1 (19 F. R. 9057) to the Administrator of General Services respecting metals and minerals is continued in force. Defense Solid Fuels Administration Delegation 1 (16 F. R. 4590) to the Secretary of Commerce respecting the distribution of coal chemicals produced as byproducts of coke made from coal is continued in force. Petroleum Administration for Defense Delegation 1 (16 F. R. 3389) to the Business and Defense Services Administration [N. P. A.], Department of Commerce, respecting certain products of petroleum and gas origin is continued in force. Defense Minerals Exploration Administration Order 1, as amended, and redelegations made by the Administrator of the Defense Minerals Exploration Administration are continued in force. This order shall not be deemed to affect the Voluntary Agreement Relating to Foreign Petroleum Supply, dated May 1, 1953 (18 F. R. 4262), as amended April 15, 1954 (19 F. R. 2278).

(b) This order supersedes Order No. 2781 (20 F. R. 316). (Defense Production Act of 1950, as amended (50 U. S. C. App., sec. 2153); Sec. 168 of the Internal Revenue Code; E. O. 10480, as amended (18 F. R. 4939, 6201, 19 F. R. 7249); Defense Mobilization Order I-7, as amended (18 F. R. 5366, 19 F. R. 7348); Defense Mobilization Order I-13 (19 F. R. 7348); Defense Mobilization Order VII-5, as amended (18 F. R. 6408, 19 F. R. 7349); Defense Transport Administration Delegation No. 6, as amended, and continued by Organization Order DTA 1, as amended (16 F. R. 4149, 19 F. R. 1071, 20 F. R. 4550); NPA Delegation No. 9, continued by Business and Defense Services Administration Regulation No. 1 (17 F. R. 1908, 18 F. R. 6337); Department of Agriculture, Defense Food Delegation No. 2, Revision 1 (17 F. R. 2369); Federal Civil Defense Administration Delegation 3 (20 F. R. 5957); Federal Civil Defense Administration Delegation 4 (20 F. R. 8733))

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-5891; Filed, July 18, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

GRACE LINE, INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of Grace Line, Inc., for written permission of the Maritime Administrator under section 805 (a) of the Merchant Marine Act, 1936, 46 U. S. C., 1223, to permit operation of its owned vessel "Oregon" by the charterer of said vessel, States Marine Lines, on a voyage commencing on or about July 23, 1957, carrying lumber from United States north Pacific ports to United States Atlantic ports, north of Cape Hatteras.

Any person, firm, or corporation having an interest in such application and desiring a hearing on issues pertinent to section 805 (a) should notify the Secretary, Maritime Administration, on or before July 22, 1957, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administrator.

If no request for hearing and petition for leave to intervene is received within

the specified time, the application will be processed without a hearing.

Dated: July 18, 1957.

By order of the Maritime Administrator.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 57-5996; Filed, July 18, 1957; 12:04 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6908]

GREAT LAKES ENFORCEMENT CASE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-entitled matter previously assigned to be held on July 24, 1957, at 10:00 a. m. in Room 810, Post Office and Court House Building, Los Angeles, California, before Examiner Merritt Ruhlen has been postponed until August 27, 1957, at 10:00 a. m. at the same place.

Dated at Washington, D. C., July 11, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-5933; Filed, July 18, 1957; 8:53 a.m.]

[Docket No. 8680]

WORLD WIDE AIRLINES, INC., ENFORCEMENT CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 48 issued to World Wide Airlines, Inc.

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on July 16, 1957, is postponed until July 30, 1957, at 10:00 a. m., d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., July 12, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-5934; Filed, July 18, 1957; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12089, 12090; FCC 57M-690]

PORT CITY TELEVISION CO., INC. AND BAYOU BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of Port City Television Company, Inc., Baton Rouge, Louisiana, Docket No. 12089, File No. BPCT-2262; for construction permit for new television broadcast station; Bayou Broadcasting Corporation, Baton Rouge, Louisiana, Docket No. 12090, File No. BMPCT-4417; for modification of construction permit for new television broadcast station.

It is ordered, This 15th day of July 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 16, 1957, in Washington, D. C.

Released: July 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F. R. Doc. 57-5924; Filed, July 18, 1957; 8:52 a. m.]

[Docket Nos. 12091, 12092; FCC 57M-689]

SOUTHWEST STATES, INC., AND KENYON BROWN

ORDER SCHEDULING HEARING

In re applications of Southwest States, Inc., Amarillo, Texas, Docket No. 12091, File No. BPCT-2199; Kenyon Brown, Amarillo, Texas, Docket No. 12092, File No. BPCT-2275; for construction permits for new television broadcast stations.

It is ordered, This 15th day of July 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 16, 1957, in Washington, D. C.

Released: July 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F. R. Doc. 57-5925; Filed, July 18, 1957; 8:52 a. m.]

[Docket Nos. 12093, 12094; FCC 57M-688]

ELKO BROADCASTING CO. AND NEVADA RADIO-TELEVISION, INC.

ORDER SCHEDULING HEARING

In re applications of Elko Broadcasting Company, Elko, Nevada, Docket No. 12093, File No. BPCT-2200; Nevada Radio-Television, Inc., Elko, Nevada, Docket No. 12094, File No. BPCT-2278; for construction permits for new television broadcast stations.

It is ordered, This 15th day of July 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 16, 1957, in Washington, D. C.

Released: July 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F. R. Doc. 57-5926; Filed, July 18, 1957; 8:52 a. m.]

[Docket Nos. 12095, 12096; FCC 57M-691]

WAYNE M. NELSON AND FRED H. WHITLEY

ORDER SCHEDULING HEARING

In re applications of Wayne M. Nelson, Concord, North Carolina, Docket No. 12095, File No. BP-10936; Fred H. Whitley, Dallas, North Carolina, Docket No. 12096, File No. BP-10987; for construction permits.

It is ordered, This 15th day of July 1957, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 1, 1957, in Washington, D. C.

Released: July 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F. R. Doc. 57-5927; Filed, July 18, 1957; 8:52 a. m.]

[Docket No. 12097; FCC 57M-692]

JACKSON COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Nathan L. Goetz, Robert Goetz and Merlin J. Meythaler, d/b as Jackson County Broadcasting Company, Maquoketa, Iowa, Docket No. 12097, File No. BP-10882; for construction permit.

It is ordered, This 15th day of July 1957, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 1, 1957, in Washington, D. C.

Released: July 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F. R. Doc. 57-5928; Filed, July 18, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6763]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION

JULY 12, 1957.

Take notice that on July 3, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northern States Power Company (hereinafter called NSP), a corporation organized under the laws of the State of Minnesota and doing business in said State and the States of North Dakota and South Dakota with its principal business office at Minneapolis, Minnesota, seeking on order authorizing the issuance of $18,000,000, principal amount of First Mortgage Bonds, Series due August 1, 1987. NSP proposes to issue the aforesaid $18,000,000 of First Mortgage Bonds, Series due August 1, 1987 under and secured by the Trust Indenture, dated February 1, 1937 from NSP to Harris Trust and Savings Bank, Trustee, as supplemented, including the Supplemental Trust Indenture to be dated as of August 1, 1957 which will set forth the terms of the proposed issue. NSP proposes to sell the $18,000,000 of First Mortgage Bonds under competitive bidding. The proceeds from the sale of the First Mortgage Bonds will be added to the general funds of NSP. The general funds of NSP augmented by the proceeds of the sale of the First Mortgage Bonds will be used for (1) prepayment of $5,000,000 of short-term bank loans made June 17, 1957; (2) for expenditures under NSP's construction program during the last eight months of 1957, estimated at $27,600,000; and (3) for the proposed redemption and payment of Wisconsin Hydro Electric Company's long-term debt and bank loans amounting to approximately $3,200,000. NSP expects that the First Mortgage Bonds will be issued on August 22, 1957.

Take further notice that NSP in a supplement filed July 3, 1957, to the application seeks authorization to include a non-callable provision in the Supplementary Trust Indenture authorizing the issuance of the $18,000,000 First Mortgage Bonds. Under this proposed amendment to the Supplemental Trust Indenture no bonds of the proposed Series due August 1, 1987, may be redeemed prior to August 1, 1962.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 29th day of July 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5898; Filed, July 18, 1957; 8:46 a. m.]

[Docket No. E-6764]

DUKE POWER CO.

NOTICE OF APPLICATION

JULY 12, 1957.

Take notice that on July 5, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Duke Power Company ("Applicant"), a corporation organized under the laws of the State of New Jersey and doing business in the States of North Carolina and South Carolina, with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance of $50,000,000, principal amount of -- percent non-convertible, unsecured Sinking Fund Debentures due 1982. Applicant proposes to issue the aforesaid $50,000,000 of Debentures under and pursuant to the provisions of a Trust Indenture to be made and executed between the Applicant and Chemical Corn Exchange Bank, Trustee, and to be dated September 1, 1957. A sinking fund will provide for retirement of $1,250,000 of the Debentures annually prior to September 1 of each year commencing in 1962. Applicant proposes to issue the $50,000,000 of Debentures under competitive bidding. The proceeds from the sale of the Debentures will be used for the purpose of financing in part the cost of construction of additions to Applicant's electric generating, transmission and distribution facilities; and also for the purpose of reimbursing (in whole or in part) Applicant's treasury for expenditures made therefrom between April 1, 1957 and the date when the proceeds of such new securities will be available to Applicant for such construction, including the payment by Applicant of any note or notes outstanding when the proceeds of such new securities issued by Applicant pursuant to section 204 (e) of the Federal Power Act become available for the purpose of reimbursing Applicant's treasury for such expenditures, or for the purpose of providing funds necessary for such construction pending the issuance of such new securities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of August 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5897; Filed, July 18, 1957; 8:46 a. m.]

[Docket No. G-10841]

GULF INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 12, 1957.

Take notice that Gulf Interstate Gas Company (Applicant), a Delaware corporation having its principal place of business in Houston, Texas, filed an application on August 1, 1956, and on August 27, 1956, a supplement thereto, for a certificate of public convenience and necessity authorizing the construction and operation of certain additional compression facilities aggregating 19,500 horsepower and appurtenances and miscellaneous small gathering lines and measuring stations to connect new supplies of gas contracted for by United Fuel Gas Company (United Fuel) in Southern Louisiana, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

United Fuel has requested Applicant to deliver to it in the year 1957 a total of approximately 152,859,000 Mcf on a 15.025 psig basis in order to meet the growing requirements of its markets. Applicant proposes to attach to its system additional gas reserves found in the following fields: Lake Hatch, North Maxie, Northeast Rayne, Southeast Houma, Luling, North Chalkley and Thornwell.

In order to transport the additional gas to United Fuel in Kentucky, Applicant proposes to construct four new compressor stations (Nos. 3, 5, 7 and 9) and additions to two existing main line stations (Nos. 1 and 10). The station locations and horsepower to be installed, as alleged in the application, are:

Station No.	County or parish	State	Horsepower to be installed
10	Acadia	Louisiana	2,000
9	Rapides	do	4,500
7	Humphrey	Mississippi	3,500
5	Alcorn	do	3,500
3	Macon	Tennessee	3,500
1	Stanton	Kentucky	3,500

Applicant alleges that the following gathering lines and measuring stations are required to connect the new supplies of gas in South Louisiana with the facilities of the Gulf Interstate Gas Company. Gathering lines totaling eleven (11) miles of 6" x 0.280" wall pipe and four (4) measuring stations are necessary to connect new supplies at Southeast Houma, North Maxie and Thornwell. Four (4) miles of 4" x 0.237" wall pipe and two (2) measuring stations are necessary to connect new supplies at North Rayne and North Chalkley. Two (2) additional measuring stations are required at Luling and Lake Hatch.

The estimated cost of the proposed facilities is $8,965,000 including $475,000 for the additional gathering lines and measuring stations, which Applicant proposes to finance by current funds which are available to the company and by temporary bank loans.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 15, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5899; Filed, July 18, 1957; 8:46 a. m.]

[Docket No. G-12428]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 12, 1957.

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business at 25 Faneuil Hall Square, Boston, Massachusetts, filed on April 16, 1957, an application for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing it to increase the maximum daily quantity of natural gas which it is authorized to sell to Buzzards Bay Gas Company (Buzzards Bay) from 3,060 Mcf to 3,260 Mcf, and to The Connecticut Gas Company (Connecticut Gas) from 16,190 Mcf to 17,290 Mcf through existing facilities beginning September 1, 1957, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes no additional facilities nor additional gas supply.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 14, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5894; Filed, July 18, 1957; 8:46 a. m.]

[Docket No. G-12650]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 12, 1957.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, filed an application on May 28, 1957, pursuant to Section 7 of the Natural Gas Act, for authority to construct and operate facilities to render additional natural gas service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 4-inch tap with metering and regulating appurtenances on El Paso's existing 30-inch O. D. Permian-San Juan crossover line in order to serve additional gas to a present resale gas customer, Southern Union Gas Company, in Valencia County, New Mexico. Southern Union, which is franchised to operate in the county, will resell the gas to 25 domestic consumers and to a uranium ore beneficiation plant of Homestake-New Mexico Partners. Homestake will spend $25,000 for the 4½-inch 2½-mile long lateral line to serve the plant. Southern Union will construct a 1,500 foot-long 2-inch line tapping the plant pipeline to serve 25 domestic consumers near the plant. The biggest user of the gas will be Homestake. The plant will burn gas to generate steam for heating a carbonate leaching solution to treat 750 dry tons of uranium ore every day of the week. The solution will be treated with caustic to precipitate yellow oxide of uranium. The ore will be crushed prior to the chemical treatment using electric crushers drawing their current from gas engine driven generators.

The estimated 25 domestic customers, representing a population of 100, will use gas for the usual domestic purposes replacing liquefied petroleum gas and wood fuel.

Applicant quotes Southern Union's estimates of the first three years of full operation as 2,750 Mcf annually for residential customers, 418,290 Mcf annually for the uranium plant, giving a total demand of 421,040 Mcf each year. The peak day requirement is given as 38 Mcf residential and 1,250 Mcf for the plant, giving a total of 1,288 Mcf for each of the three years.

Applicant states that the plant has been designed to operate on natural gas and the uranium concentrate sales contract between Homestake and the Atomic Energy Commission was written on the assumption that gas would be the fuel.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 7, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5896; Filed, July 18, 1957; 8:46 a. m.]

[Docket No. G-12876]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

JULY 12, 1957.

Phillips Petroleum Company (Phillips) on June 14, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 12, 1957.

Purchaser: Panhandle Eastern Pipe Line Company (Panhandle).

Rate schedule designation: Supplement No. 8 to Phillips' FPC Gas Rate Schedule No. 61.

Effective date: [1] July 15, 1957.

In support of the increased rate and charge Phillips states that the proposed increase results from the application of a provision in its rate schedule that if, at the end of fifteen years from and after the date of such rate schedule (February 1, 1937), the weighted average royalty rate being paid on gas produced in Moore County, Texas, is in excess of ⅛ of 4 cents per Mcf at 16.4 psia, then the price to be paid thereafter shall be increased in the amount such royalty rate exceeds ⅛ of 4 cents per Mcf. Phillips bases its proposed increase on the weighted average royalty rate being paid for gas delivered to major pipeline companies and Phillips in Moore County in December 1956, rather than the weighted average rate being paid by Phillips in that county during that month.

Panhandle protests Phillips' proposed increase as inconsistent with the provisions of the rate schedule, contending that such rate schedule provides for a single adjustment based on the weighted average royalty rate being paid in Moore County on February 1, 1952, and does not permit continuing adjustments as evidenced by Phillips' use of the rate being paid in December 1956. Panhandle also contends that the rate should be decreased by reason of other provisions of the rate schedule.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Phillips, if later.

The instant rate schedule has been the subject of previous hearings in Docket No. G-10908 resulting from the filing by Phillips on June 29, 1956, of a proposed "correction" in its June 1954 billing statement under the rate schedule. By order issued in that docket on April 5, 1957, the Commission determined the rate effective on June 7, 1954, to be that set forth in Phillips' initial filing and held that the "correction" constituted a change in rate which would only be accomplished by a proper filing in conformity with the Commission's regulations under the Natural Gas Act.

The instant filing of a change in rate raises many of the questions upon which evidence was received at the hearing in Docket No. G-10908. Incorporation of pertinent evidence in that proceeding in the record to be made in this docket should permit expeditious disposition of the questions raised by the instant filing.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 15, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-5895; Filed, July 18, 1957; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATOR, REGION VI (SAN FRANCISCO)

DELEGATION OF AUTHORITY TO REDELEGATE CERTAIN AUTHORITY TO, AND TO DESIGNATE AN ACTING DIRECTOR FOR NORTHWEST OPERATIONS, REGION VI

1. The Regional Administrator, Region VI, San Francisco, California, Housing and Home Finance Agency, is hereby authorized to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated to the Regional Administrator with respect to programs administered under the Community Facilities Administration (Part VI, 21 F. R. 10188, December 19, 1956, as amended) for exercise concerning matters within his jurisdiction (the counties of Adams, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Shoshone, Valley, and Washington in the state of Idaho; and the states of Montana; Oregon; and Washington).

2. The Regional Administrator, Region VI, San Francisco, California, Housing and Home Finance Agency, is hereby authorized to designate by position title the Regional officer or officers next in order who shall act in the place and stead of the Director for Northwest Operations, Region VI, in the event such Director is unable to act by reason of his absence, illness, or other cause. Each officer so designated shall, while acting as "Acting Director for Northwest Operations, Region VI," exercise all the powers and functions and assume the duties and responsibilities which have been delegated or assigned to such Director.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 12th day of August 1957.

ALBERT M. COLE, *Housing and Home Finance Administrator.*

[F. R. Doc. 57-5929; Filed, July 18, 1957; 8:53 a. m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION IV (CHICAGO, ILLINOIS)

REDELEGATION OF AUTHORITY WITH RESPECT TO URBAN PLANNING GRANT PROGRAM

The Regional Director of Urban Renewal, Region IV (Chicago, Illinois), Housing and Home Finance Agency, is hereby authorized within such Region to exercise the authority delegated to the HHFA Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective December 23, 1954 (20 F. R. 428-429, January 19, 1955), as amended, with respect to grants for urban planning authorized under section 701 of the Housing Act of 1954, as amended (68 Stat. 640, as amended, 40 U. S. C. 461), except those authorities which under paragraph 5 of such delegation may not be redelegated.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 21st day of May 1957.

JOHN P. MCCOLLUM, *Regional Administrator, Region IV.*

[F. R. Doc. 57-5930; Filed, July 18, 1957; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 16, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34005: *Sand—Arkansas, Missouri, and Oklahoma points to Jamestown, N. Y.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sand, noibn, carloads, from Gurion, Ark., Klondike, Ludwig, Pacific, Mo., Gate, Mill Creek, and Roff, Okla., to Jamestown, N. Y.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 112 to Agent Kratzmeir's tariff I. C. C. 4135.

FSA No. 34006: *Lettuce—Texas points to Arkansas points and Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lettuce, carloads from specified points in Texas on the Panhandle and Santa Fe Railway Company to Jonesboro and Little Rock, Ark., and Memphis, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 356 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 34007: *Volcanic ash—Colorado points to the southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ash, scoria or slag, volcanic, carloads from Antonito, Crater, Howard and Mesita, Colo., to points in Arkansas, Louisiana (west of the Mississippi River), southern Missouri, New Mexico, Oklahoma and Texas.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 10 to Agent Kratzmeir's tariff I. C. C. 4252.

FSA No. 34008: *Superphosphates and fertilizer compounds to Spartanburg, S. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphates and fertilizer compounds from Wilmington and Acme, N. C., to Spartanburg, S. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 83 to Agent Spaninger's tariff I. C. C. 1510.

FSA No. 34009: *Fullers earth—Florida and Georgia points to southern*

points. Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fullers earth, carloads from Jamieson, Magnet Cove, Quincy, Fla., Attapulgus, Faceville, Quality, and Roddenbery, Ga., to Norco, La., Heathman, Miss., and South Washington, Va.

Grounds for relief: Modified short-line distance formula, and circuitous routes.

Tariff: Supplement 75 to Agent Spaninger's tariff I. C. C. 1491.

FSA No. 34010: *Slag—Carteret, N. J., to Mobile, Ala., and New Orleans, La.* Filed by St. Louis-San Francisco Railway Company, for itself and interested rail carriers. Rates on slag, granulated, carloads from Carteret, N. J., to Mobile, Ala., and New Orleans, La.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 34011: *T. O. F. C. service—Pennsylvania Railroad Company.* Filed by The Pennsylvania Railroad Company, for itself and on behalf of The Long Island Railroad Company. Rates on property of various kinds, loaded in or on trailers and transported on railroad flat cars between Detroit, Mich., and Toledo, Ohio, on one hand, and New Brunswick, N. J., and New York, N. Y., on the other; also between Toledo, Ohio, on one hand, and Conshohocken, Philadelphia, West Chester, Pa., Freehold, Riverside and Trenton, N. J., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 5 to The Pennsylvania Railroad Company's tariff I. C. C. No. 3543.

FSA No. 34012: *Foodstuffs—Onset, Mass., to official territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on canned cranberry cocktail, jelly, juice or sauce, carloads from Onset, Mass., to specified points in official (including Illinois) territory.

Grounds for relief: Modified short-line distance formula, origin relationship with South Hanson, Mass., and circuitous routes.

Tariffs: Supplements 8 and 9 to Agent C. W. Boin's tariff I. C. C. A–1105.

FSA No. 34013: *Sugar—Eastern points to official, Illinois and northwestern territories.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on sugar, beet or cane, in bulk, carloads in self-clearing permanently enclosed cars from Philadelphia, Pa., and other eastern points to points in official, Illinois, and northwestern territories.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariffs: Supplements 53 and 7 to Agent C. W. Boin's tariffs I. C. C. A–1059 and A–1087, respectively, and Supplement 249 to Reading Company's tariff I. C. C. 2323.

FSA No. 34014: *Barium sulphate—North Atlantic ports to West Virginia points.* Filed by O. E. Schultz, Agent for interested rail carriers. Rates on crude, unground barium sulphate (barytes ore), in bulk, in open top equipment, carloads from Albany and New York, N. Y., Boston, Mass., Philadelphia, Pa., and Norfolk, Va. (import traffic) to Charleston and South Charleston, W. Va., and Huntington, W. Va.

Grounds for relief: Circuitous routes.

Tariffs: Supplements 20 and 51 to Agent C. W. Boin's tariffs I. C. C. A–1116 and A–1017, respectively, supplement 232 to Agent O. E. Swenson's tariff I. C. C. 591, and supplements 216 and 45 to Agent R. B. LeGrande's tariffs I. C. C. 253 and 256, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-5917; Filed, July 18, 1957; 8:50 a. m.]

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Washington, Saturday, July 20, 1957

JUL 20 1957
MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[Administration Letter 383 (440)]

PART 332—PROCESSING INITIAL LOANS

LOANS TO HOMESTEAD ENTRYMEN

1. Section 332.14 (a) (3), Title 6, Code of Federal Regulations (20 F. R. 3672) is hereby revoked in order to eliminate the special policy provisions applicable to Farm Ownership borrowers.

2. Section 332.14 (b) (2) and (4), Title 6, Code of Federal Regulations (20 F. R. 3673) is revised to incorporate reference to the making of subsequent loans and to read as follows:

§ 332.14 *Loans to homestead entrymen.* * * *

(b) *Loan processing.* Existing Farm Ownership policies, procedures, and loan authorities will be followed, except as follows:

* * * * * *

(2) *Special items in development of Farm Ownership dockets.* Loan dockets for loans to homestead entrymen will be prepared and distributed in accordance with §§ 332.1 to 332.13 or §§ 333.1 to 333.3, whichever is applicable, except as modified by this subparagraph.

* * * * * *

(4) *Loan closing.* Except as provided by this section, Farm Ownership loans will be closed in accordance with §§ 332.1 to 332.13 or §§ 333.1 to 333.3, whichever is applicable. Real estate mortgage forms in series FHA–186 will be used for direct loans and forms in series FHA–443 will be used for insured loans.

(R. S. 161, sec. 41, 50 Stat. 528, as amended, sec. 4, 64 Stat. 100; 5 U. S. C. 22, 7 U. S. C. 1015, 40 U. S. C., 442)

Dated: July 15, 1957.

[SEAL] H. C. SMITH, *Acting Administrator, Farmers Home Administration.*

[F. R. Doc. 57-5971; Filed, July 19, 1957; 8:52 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 475—EMERGENCY FEED PROGRAM

REVOCATION

Pursuant to authority from the Secretary under an order entitled "Transfer and Reservation of Functions with Respect to the Emergency Livestock Feed Program," 22 F. R. 2301, April 5, 1957, as amended 22 F. R. 2438, April 11, 1957, the provisions of "The Emergency Feed Program" 19 F. R. 5199, August 18, 1954, are revoked insofar as they apply to programs undertaken under section 301 of Public Law 480, 83d Congress on and after July 11, 1957.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Issued this 16th day of July 1957.

[SEAL] CLARENCE L. MILLER, *Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 57-5970; Filed, July 19, 1957; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 6]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS, 1957

DETERMINATION AND PRORATION OF QUOTA DEFICITS, MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, hereinafter called the "act", for the purpose of (1) determining and prorating deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands for sugar to be marketed in the continental United States in 1957 and

(Continued on p. 5787)

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FEDERAL REGISTER

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(2) rescinding the limitation, already inoperative, on the importation of sugar within quotas from countries not members of the International Sugar Agreement.

Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area or Cuba is to be prorated to other such areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202 (a) (2) of the act, shall first be prorated to other domestic areas on the basis of the quotas then in effect, and the remainder of such deficit to be prorated to other domestic areas and Cuba on the basis of quotas then in effect.

The act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

In order to afford sellers of sugar in affected areas an adequate opportunity to plan marketings and to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress) and the Administrative Procedure Act (60 Stat. 237) Sugar Regulation 811, as amended (21 F. R. 10332; 22 F. R. 369, 423, 3751, 4360, 4463, 4847) is hereby further amended as follows:

1. Section 811.93 of Part 811, as amended (22 F. R. 4847), is hereby rescinded and a new § 811.93 is hereby added to read as follows:

§ 811.93 *Determination and proration of area deficits and adjusted quotas*—(a) *Deficit in quotas established in § 811.91.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1957, Hawaii, Puerto Rico and the Virgin Islands will be unable by 27,970, 259,437 and 1,083 short tons of sugar, raw value, respectively, to market the quotas established for such areas in § 811.91.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202 (a) (2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.91 established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 128,490 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.91 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.91 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	98,256	2,119,354
Mainland cane sugar	30,234	652,146
Hawaii	00	1,127,970
Puerto Rico	00	1,179,437
Virgin Islands	00	16,083

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 160,000 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to § 811.92 for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.92 for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein and in paragraph (b) of this section
Domestic beet sugar	57,851	2,177,205
Mainland cane sugar	17,801	669,947
Hawaii	00	1,127,970
Puerto Rico	00	1,179,437
Virgin Islands	00	16,083
Cuba	84,348	3,174,413

Quotas for foreign countries other than Cuba remain as established in § 811.92.

2. Section 811.97 of Part 811 (21 F. R. 10322) is hereby rescinded.

Statement of bases and considerations. The processing of the sugarcane crops in Puerto Rico and the Virgin Islands has been completed and the supply of sugar available to fill the 1957 mainland quotas after filling the local quota is approximately 920,000 and 15,000 short tons, raw value, respectively. Current estimates of 1957 processings in Hawaii indicate maximum shipments to the mainland within the 1957 quota of 1,100,000 short tons, raw value. Accordingly, deficits of 27,970, 259,437 and 1,083 short tons, raw value, respectively, in the mainland quotas for Hawaii, Puerto Rico and the Virgin Islands are determined. All of the deficits for Hawaii and the Virgin Islands and 99,437 short tons, raw value, of the deficit for Puerto Rico are within that portion of the respective quotas established in § 811.91 pursuant to section 202 (a) (2) of the act and the remaining 160,000 short tons, raw value, of the deficit for Puerto Rico is applicable to that portion of the quota established pursuant to section 202 (a) (1) of the act. Thus, pursuant to section 204 (a) of the act 128,490 tons representing the section 202 (a) (2) portions of the deficit are prorated to domestic areas, to the extent each such area is able to market additional sugar, on the basis of quotas for such areas as established in § 811.91 of Sugar Regulation 811, Amendment 5, and 160,000 tons are prorated to domestic areas, able to market the additional sugar, and to Cuba on the basis of the quotas in effect after proration of the 128,490 tons.

Despite these prorations of deficits, the quotas for Hawaii, Puerto Rico and the Virgin Islands remain in effect at the levels provided for in § 811.91 of Part 811, Amendment 5, as provided for in section 204 (c) of the act.

Section 811.97 limited the importation of sugar from countries not participating in the International Sugar Agreement of 1953 in accordance with the obligations of this country under Article 7 of that Agreement. The United States Government has notified the International Sugar Council that under the conditions prevailing in the sugar market this year, the limitations imposed under Article 7 are not operative. Thus, § 811.97 serves no purpose at this time and, accordingly, is rescinded.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 925; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 17th day of July 1957.

[SEAL] MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-5968; Filed, July 19, 1957; 8:51 a. m.]

Subchapter H—Determination of Wage Rates

[Sugar Determination 861.10, Amdt.]

PART 861—SUGAR BEETS; CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON, AND WESTERN NEVADA

WAGE RATES; 1957 CROP

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), the determination of fair and reasonable wage rates for California, southwestern Arizona, southern Oregon, and western Nevada, issued March 18, 1957, as Part 861, § 861.10 (22 F. R. 1927) is hereby amended by deleting subdivision (i) (*a*) and (*b*) of § 861.10 (a) (1) and substituting in lieu thereof the following:

(i) *When employed on a time basis.*

(*a*) For thinning, hoeing, or weeding:

California (except Imperial Valley), southern Oregon and western Nevada; 75 cents per hour.

Imperial Valley and southwestern Arizona; 70 cents per hour.

(*b*) For pulling, topping, loading, or gleaning:

California (except Imperial Valley), southern Oregon and western Nevada; 80 cents per hour.

Imperial Valley and southwestern Arizona; 75 cents per hour.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The 1957 wage determination for California, southwestern Arizona, southern Oregon and western Nevada established hourly wage rates of 75 and 80 cents per hour for hand labor in non-harvest and harvest work, respectively, compared with wage rates of 70 and 75 cents per hour provided in the 1956 wage determination for these regions. Following the issuance of the 1957 wage determination the California Beet Growers Association requested the Department to consider the establishment, as a separate wage district, of the region known as the Imperial Valley, California since the labor conditions in that region are distinctly different from the remaining sugar beet producing regions of California. Accordingly, the hearing held in connection with fair and reasonable wage rates for the 1957 crop of sugar beets was reopened at El Centro, California on June 7, 1957.

(b) *Public hearing.* At the reopened hearing representatives of the California Beet Growers Association and representatives of several local growers' associations presented testimony. No testimony was presented by workers or their representatives. The witnesses recommended that the Imperial Valley be established as a separate wage district from any other portion of the sugar beet producing area; that the hourly wage rates for work on the 1957 crop in such wage district be established at 70 cents per hour for thinning, hoeing or weeding and 75 cents per hour for pulling, topping, loading or gleaning sugar beets; and that piecework rates be as agreed upon between the producer and the worker provided that the earnings of workers at such agreed-upon piecework rates be not less than the applicable hourly rates for the operation involved.

The witnesses testified in support of their recommendations as follows: (1) The labor market for the Imperial Valley is completely separate and distinct from the rest of California; (2) the entire schedule of crop production in the Imperial Valley ranges from 3 to 9 months later than practically every other portion of the area covered by the original determination; (3) different climatic conditions prevail in the Imperial Valley than are found elsewhere in the area, with the possible exception of a portion of the San Joaquin Valley; (4) Imperial Valley sugar beet growers on the average receive less income from their crops and their costs of production are on the average higher than elsewhere in the state; (5) with respect to a substantial quantity of sugar beets which are shipped to points outside the Valley for processing, growers are required to absorb part of the freight cost, ranging from 52 to 60 cents per ton of beets; (6) sugar beet yields per acre and sucrose content of sugar beets in the Imperial Valley are practically identical with the average yields per acre and sucrose content for the state; (7) the trend in both yield per acre and sucrose content in the Imperial Valley is definitely downward; (8) the advent of leaf hoppers, virus yellows, and nematodes, all of which have been recently discovered in the Valley, unquestionably will further detract from previously established production levels; (9) in a recent survey of production costs conducted by the Extension Service of the University of California, the costs of producing an acre of sugar beets in the Imperial Valley have been found to be substantially in excess of the average cost of producing sugar beets elsewhere in the state; (10) the average return per ton of sugar beets to the Imperial Valley sugar beet grower is considerably less than for other portions of the sugar beet producing area, because of the differences in the net selling prices constituting the basis of payment in those other areas, as compared with the Imperial Valley; (11) the prevailing wage rates for workers in the Imperial Valley are 70 cents per hour or less, whereas in other parts of the sugar beet producing area the prevailing wages generally are substantially above the minimums established in wage determinations for the 1957 crop; (12) the cost to sugar beet producers in the Imperial Valley would be increased by about $3.50 per acre if the hourly wage rates of 75 and 85 cents as established remained in effect; (13) if the 1957 wage determination is not amended, the sugar beet growers' costs will be increased unfairly and unreasonably and growers in the Valley will have to increase the wages of their workers in all other crops to meet the higher rates established as prevailing rates in the sugar beet fields; (14) the result will be unwarranted, unjustified, and indefensible economic losses suffered by such growers solely through the operation of the Sugar Act which should not, if properly administered, affect them in any way; (15) based upon the factors customarily considered by the Secretary in establishing wage rates, the rates applicable to Imperial Valley should be no higher than the rates established for regions other than California; (16) that 90 percent of the hand work of thinning, hoeing, and harvesting sugar beets has been done by Mexican Nationals; (17) that there are substantial other costs, such as transportation and other considerations, required of the growers under the International Agreement for the employment of Mexican Nationals which result in a labor cost of approximately $1.00 per hour; (18) that sugar beet growers generally pay the same hourly rates for sugar beet work as for work in other crops; (19) the efficiency of workers in the Imperial Valley is less than in other parts of the State because of extreme temperatures and other factors, resulting in higher costs to the grower; (20) that the Imperial Valley is geographically semi-isolated from other areas of the State by distances ranging from 50 to 100 miles of relatively uninhabited mountains and desert regions; (21) that because of climate and soil conditions, sugar beet growers have significant problems in preventing and fighting diseases and pests of the sugar beet crop, which is important in this high-cost production area; (22) that as long as the minimum rate determined under the wage determination was at or below the level which was being paid in the Valley the finding was of little consequence, but that producers are concerned by the higher minimums established for the 1957 crop which actually raised the prevailing rate in the Valley; (23) that these wage levels would increase costs to growers in the Imperial Valley in excess of 1 million dollars if applied to all of the workers employed in the Valley; and (24) a raise in wages for sugar beet workers would automatically result in an increase in wages for all other field workers because workers do not understand receiving a lower wage for work in other crops than they receive for work in sugar beets.

The witness for the California Beet Growers Association introduced a study pertaining to sugar beet costs and cultural practices. This study was compiled by the University of California Agricultural Extension Service from information supplied by County Farm Advisors and the California Beet Growers Association. The data show that the cost of producing sugar beets in the Imperial Valley is $12.35 per ton based on a 20-ton yield. According to this study the cost of producing sugar beets in the Imperial Valley is less than the cost per ton of producing sugar beets in 5 counties in California, and higher than the cost in 12 counties. The data indicate that the simple average of costs per ton of beets for all of California, excluding the Imperial Valley, is $11.83 per ton based on a yield of approximately 20 tons per acre.

(c) *The amended 1957 wage determination.* This amendment provides wage rates of 70 cents per hour for thinning, hoeing, or weeding sugar beets and 75 cents per hour for pulling, topping, loading, or gleaning sugar beets for Imperial Valley, California and southwestern Arizona.

Consideration has been given to the recommendations and evidence submitted at the public hearing, to the standards customarily considered in wage determinations, to information obtained by investigation and to other pertinent factors. Data recently obtained by the Department through field study covering the returns, costs, and profits of sugar beet production have been recast to reflect prospective price and production conditions for the 1957 crop. Analysis of these data indicates that during recent years the net income position of Imperial Valley growers has declined in relation to the net income position of growers in other regions of California. The change has occurred as a result of lower income per ton of sugar beets, due in part to reduction in sucrose content, and because of increases in non-labor costs. Such costs in the Imperial Valley are influenced by the charges for custom services of land preparation, planting, fertilization, cultivation, and harvesting. In the Imperial Valley custom services are used to a greater extent than in other regions of the State.

Wage determinations for 1938 through 1945 provided hourly rates for southern California, including the Imperial Valley, at levels which were 5 cents per hour less than the hourly rates provided for northern California. These rate differentials were established primarily because of historical wage differences in the two regions of the State. In the 1946 wage determination the hourly wage rate differentials were eliminated in view of the generally rising trend of farm wage levels, although differentials in piecework rates were maintained until specific piecework rates were discontinued in 1950. The hourly rate differentials were not restored in subsequent determinations inasmuch as analysis of pertinent factors in relationship to the levels of hourly rates established in the wage determinations did not indicate a need for the restablishment of wage differentials.

In view of the recent analysis of the income position of growers in the Imperial Valley as compared with growers in other regions of the State, the close relationship between minimum and prevailing wage levels in the Imperial Valley, the uniformity of the labor supply, and the differences in production conditions as compared with other regions of California, it is deemed equitable to provide the same level of wage rates for the 1957 crop in the Imperial Valley that was provided for the 1956 crop. The rates provided in this amendment are the same as those established for the 1957 crop in other regions of the sugar beet area.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929 as amended, 7 U. S. C. 1131)

Issued this 17th day of July 1957.

[SEAL] MARVIN L. MCLAIN,
Assistant Secretary of Agriculture.

[F. R. Doc. 57-5969; Filed, July 19, 1957; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 111]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.411 *Valencia Orange Regulation 111*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 18, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 21, 1957, and ending at 12:01 a. m., P. s. t., July 28, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 808,500 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 19, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6017; Filed, July 19, 1957; 11:59 a. m.]

[Lemon Reg. 696]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.803 *Lemon Regulation 696*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any

special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 17, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 21, 1957, and ending at 12:01 a. m., P. s. t., July 28, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 18, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6009; Filed, July 19, 1957; 9:15 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.324 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the area committee for Area No. 3, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from July 22, 1957, through October 12, 1957, no handler shall ship any lot of any variety of potatoes grown in Area No. 3, except potatoes for processing, if the potatoes in such lot are more than "slightly skinned," as such term is defined in the United States Standards for Potatoes (§ 51.1540–51.1559 of this title): *Provided,* That not to exceed a total of 100 hundredweight of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements if the handler thereof reports to the area committee for Area No. 3, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(2) For the purpose of determining who shall be entitled to the exception set forth in the proviso in subparagraph (1) of this paragraph (i) "producer" means any individual, partnership, corporation, association, landlord-tenant relationship, community property ownership, or any other business unit engaged in the production of potatoes for market; and (ii) it is intended that such exception shall apply separately to each farm of a producer and only to the potatoes grown on such farm.

(3) Except as otherwise provided, terms used in this section shall have the same meanings as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 17, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division.

[F. R. Doc. 57-5949; Filed, July 19, 1957; 8:47 a. m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

§ 1017.301 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017; 22 F. R. 26), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, in that shipments of onions grown in this production area are expected to begin on July 22, 1957; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of onions, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* During the period from July 22, 1957, through August 24, 1957,

(1) Except as otherwise provided in this section no handler shall ship onions of the yellow or brown varieties unless such onions are of a size not smaller than 2 inches minimum diameter, with not more than 5 percent, by weight, of a size smaller than 2 inches in diameter;

(2) Each handler may make one shipment of less than one ton per day without regard to the inspection requirements of this part; and

(3) Shipments of onions may be made for the following purposes without regard to the regulatory, assessment and inspection requirements of this part: (i) Export; (ii) relief or charity; (iii) livestock feed; or (iv) planting.

(4) The term "diameter" as used in this section shall have the same meaning as when used in the United States Standards for Northern Grown Onions (7 CFR §§ 51.2830–51.2847); and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017; 22 F. R. 26).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 17, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division.

[F. R. Doc. 57-5967; Filed, July 19, 1957; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54400]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

AUTHORITY TO INCUR EXPENSES

Section 24.31 of the Customs Regulations is hereby deleted in its entirety since the instructions contained in the section relate to the authority of principal officers of customs to obligate the customs appropriation for purchases of articles or services other than personal and are of no interest to the general public.

(R. S. 161, 251; 5 U. S. C. 22, 19 U. S. C. 66)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 12, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-5956; Filed, July 19, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 32]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

The purpose of this supplement is (1) to bring § 4b.112–1 into line with the regulatory requirements governing the determination of stall speeds published in CAR amendment 4b–3; (2) to inform manufacturers of methods acceptable to CAA for showing compliance with § 4b.401 concerning the continued rotation of turbine engines (§ 4b.401–3) and (3) to submit a corrected figure 4 for § 4b.612–2. The formula of figure 4 has been corrected to make it consistent with the vertical scale on the chart and an example has been added to show the use of the chart.

1. Section 4b.112–1 is revised to read as follows:

§ 4b.112–1 *Procedure for determining stalling speeds (CAA policies which apply to § 4b.112* (c)). (a) Since all performance requirements are based upon some function of the stalling speeds, accurate measuring methods and careful piloting technique should be employed during the tests required for determination of these speeds. The essential items to be considered when conducting tests to determine the stalling speeds are as follows:

(1) The airspeed system should have the same characteristics as outlined in § 4b.612–1 (a) (2). Preferably, an independent test airspeed system should be employed in measuring the stalling speeds such as a shielded or swivel impact pressure sensing head used in conjunction with a trailing static bomb. The airspeed system lag should be a minimum with the impact and static systems dynamically balanced to minimize the error associated with changing ambient pressure. With the above described airspeed system, the applicant may elect to use the minimum airspeed obtained during the maneuver, or may determine and apply the lag correction associated with changing airspeed (deceleration) to the minimum values obtained above. If the latter option is elected, the applicant should determine the correct lag factors to be applied under varying dV/dt conditions. If the airspeed system is not dynamically balanced, adequate corrections should be made.

(2) A satisfactory method of determining the correct lag associated with changing airspeed to be applied for balanced systems only in subparagraph (1) of this paragraph is to simulate the airspeed variations associated with stall tests, utilizing the airspeed system installed in the aircraft. For this purpose an additional airspeed instrument having a known calibration should be inserted in the airspeed system adjacent to the pressure source, and a velocity-time history of instantaneous values for true and lagging total pressures be obtained by photo-recorder. It is necessary that a steady deceleration rate appropriate to that used during actual flight tests be maintained sufficiently long to allow the system lag to stabilize. The simulated velocity-time history should be appropriately corrected to the conditions existing in the actual stall flight tests.

(3) If the stalling speed tests are to be conducted with the propellers delivering zero thrust, some dependable method such as a propeller slipstream rake by means of which zero thrust condtion can be ascertained should be available in flight. The general practice of establishing zero thrust r. p. m. by calculation is also acceptable. For the turbo-propeller and turbo-jet powered aircraft of conventional design, the stall speed can be determined with flight idle power, in lieu of zero thrust, if it can be shown that this power does not materially affect the stall speed. If the stall speed is materially affected by the above power, corrections should be made to zero thrust condtions. Analytical corrections will be acceptable if satisfactory accounting is made for the effects of propeller efficiency, slipstream, altitude, and other pertinent variables. The stall speed should be determined below an altitude of 10,000 feet, where practicable, to minimize the altitude effect on flight idle power.

(4) An accurate method for determining the fuel load should be established for the purpose of ascertaining the airplane's gross weight and c. g. position at the time of each stall.

(5) Test instrumentation should consist of the usual sensitive indicators, especially sensitive tachometers, in order to be able to maintain r. p. m. which results in zero thrust. The time history during the stall should be recorded photographically, and should include those data indicated in paragraph (c) (4) of this section.

(b) The test methods required in the options that follow (see also figure 1) are for the purpose of determining accurately the stalling speed used to calculate the pertinent performance climb requirements. The airplane loading during these tests will depend upon the c. g. weight range desired for approval, and whether the climb requirements are based on stalling speeds obtained with a fixed, or variable, c. g. position as indicated in subparagraphs (1) and (2) of this paragraph. In any case, the stalling speeds should be based on tests conducted for the most critical c. g.-weight combination, within the allowable tolerance specified in § 4b.100–1.

(1) *Climb requirement based on stalling speed at the most forward c. g. position desired for certification.* (i) Under this option, the applicant should measure stalling speeds at the maximum forward c. g. position for certification and at the maximum landing weight. However, in some cases where the forward c. g. limit is variable with weight, this would require that stalling speed tests be conducted at a weight and c. g. position outside of the approved structural limit. In lieu of this, and if the applicant so desires, he may measure the stalling speeds at the maximum forward c. g. position for maximum landing weight and also at the maximum forward c. g. position desired for certification and its associated weight.

(ii) It is only necessary to conduct stall speed tests for one or two loading conditions, as indicated above, if the weight range from maximum takeoff to minimum landing weight, and the variations in c. g. positions are within the allowable tolerances specified in § 4b.100–1 (b) (2) with respect to both maximum takeoff and minimum landing weights. (See figure 1, option 1, case A.) In cases where a large variation of weight exists, it may be necessary to make an additional check of the stalling speed at the most forward c. g. position corresponding to mximum takeoff weight. (See figure 1, option 1, case B.)

(2) *Climb requirement based on stalling speed varying with c. g. position.* If this option is elected, the applicant should conduct a sufficient number of tests to adequately establish the variation of stalling speed with center of gravity position. In any case, the stalling speed should be measured at the maximum forward c. g. position desired for certification and at the most rearward c. g. position desired for the purpose of varying the climb requirement with c. g. position. In the event that the above configurations do not encompass the maximum takeoff weight considering the allowable tolerances, stalling speed test should also be conducted at the maximum takeoff weight and its appropriate c. g.

(c) The deceleration rate actually utlized in each test may be obtained from the velocity-time history provided by photo-recorder data. For the purpose of determining the above deceleration rate, dV/dt should be based on the average slope of the velocity-time history, from a speed 10 percent above the minimum speed obtained with the test airspeed system, down to the minimum speed. (This method should not be used in calculating the appropriate lag corrections indicated in § 4b.112–1 (a) (1) and (2).)

(d) Configurations: The stalling speed should be demonstrated in the configuration shown in subparagraphs (1) and (2) of this paragraph.

(1) *Configurations for demonstrating stalling speed* V_{s_0}, § 4b.112 (a).

Weight—maximum landing or maximum weight at required c. g. position.
C. g. position—as required in paragraph (b) of this section.
Wing flaps—landing position.
Landing gear—extended.
Engines—idling or not more than sufficient power for zero thrust at a speed not greater than 110 percent of the stall speed.
Propeller controls—normal takeoff pitch.
Cowl flaps—closed.
Trim speed—1.4 V_{s_0}.

(2) *Configuration for demonstrating stalling speeds V_{s_1}, § 4b.112 (b).*

Weight—maximum landing or maximum weight at required c. g. position.
C. g. position—as required in paragraph (b) of this section.
Wing flaps—en route, takeoff and approach positions.
Landing gear—retracted.
Engines—idling or not more than sufficient power for zero thrust at a speed not greater than 110 percent of the stall speed.
Propeller controls—normal takeoff pitch.
Cowl flaps—closed.
Trim speed—1.4 V_{s_1}.

(e) Test procedure and required data: (1) A sufficient number of representative stalls should be conducted for each airplane configuration and for each c. g. location as required in paragraphs (b) and (d) of this section in order to provide for accurate determination of the stall speeds at a dV/dt equals 1 m. p. h./sec. The minimum number of stalls required will depend on the range of flap angles and other variable factors (such as variable c. g. position in determining the minimum climb requirement) which are proposed by the applicant. In cases where the flap positions have not been predetermined, it is permissible to conduct tests using four or more equally spaced flap angles. Based upon four equally spaced flap settings, an acceptable minimum number of representative stalls for each flap angle should be four. The minimum number of stalls at each flap angle should be increased if a lesser number of flap settings is proposed. For other configurations and variables a lesser number of stalls should be acceptable once a basic stall speed versus flap angle curve has been determined. Not more than zero propeller thrust should be used, as determined in paragraph (a) (3) of this section.

(2) The stalling speed tests should be conducted in accordance with the procedure outlined in § 4b.112 (c).

(3) Since the trim speed (1.4 V_{s_1}) and the speed at which zero thrust r. p. m. is set (not more than 1.1 V_{s_1}) are a function of the stall speed, a practice run should be made in order to determine the approximate stalling speed.

(4) The following data should be recorded photographically for each stall:

Vertical acceleration.
Angle of attack.
Elevator angle.
Air speed.
Altimeter.
R. p. m.

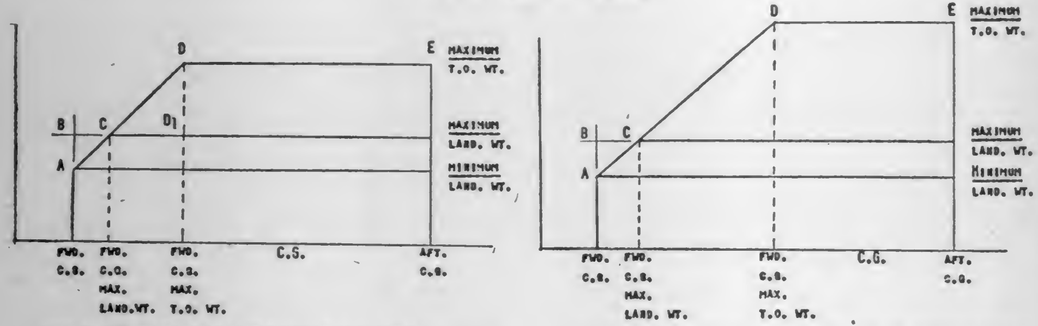
(5) In addition to the photorecorder record, the following data should be recorded for each stall:

Torque pressure.
C. g. position.
R. p. m. for zero thrust at 1.1 V_s.
Time.
Weight.
Ambient air temperature.
Wing flap position.
Landing gear position.
IAS at stall warning.
Nature of stall warning.

(6) In subparagraph (4) of this paragraph, the following data may be omitted if the exception clause of § 4b.160 (c) (2) is applicable, or if during the demonstration of stall charactertistics no marginal conditions existed and the elevator control was utilized to the full extent of its rearward (up elevator) travel. Under these circumstances the procedure used for stalling the aircraft to determine stall speeds, and recovery therefrom, should duplicate that used during the stall characteristics demonstration.

Elevator angle.
Angle of attack.
Vertical acceleration.

FIGURE 1—Weight-C. G. Position.



Case A. This case may be used when it is possible to conduct stalling speed tests at the c. g.-weight combinations in options (1) or (2) below provided the test weights are within the tolerance limits of 4b.100–1 (b) (2) for both maximum takeoff and minimum landing weights. In this case, stalling speeds for all flap positions may be calculated for the performance weight range from the stall test data at these weights.

Option (1)—For climb requirements based on stalling speed at most forward c. g. position.

(A) Tests may be conducted at c. g.-weight combination only, that is, point "*B*".

(B) In lieu of (A) tests should be conducted at c. g.-weight combination points "*A*" and "*C*".

Option (2)—For climb requirements based on stalling speed varying with c. g. position.

(A) Tests should be conducted at c. g.-weight combination points "*A*", "*C*", and "D_1" in order to adequately establish the variation of stalling speed with c. g. position.

Case B. This case should be used when the test weights shown in Case A do not fall within the tolerance limits of § 4b.100–1 (b) (2) for both maximum takeoff and minimum landing weights. In this case stalling speeds for the retracted, en route, and takeoff flap should be calculated for the entire performance weight range from the stall test data of the highest weight tested, and stalling speeds for the approach flap should be calculated for the entire performance weight range from stall test data at the lower weights tested. Stalling speeds for the landing flap should be calculated for the entire performance weight range from stall test data at both weights.

NOTE: Both weights are necessary in this latter case since the en route climb requirement is based on stall speed for the landing flap setting and appropriate weight.

Option (1)—For climb requirements based on stalling speed at most forward c. g. position.

(A) Tests may be conducted at two c. g.-weight combinations, that is, points "*B*" and "*D*".

(B) In lieu of (A) tests should be conducted at c. g-weight combination points "*A*", "*C*", and "*D*".

Option (2)—For climb requirements based on stalling speed varying with c. g. position.

(A) Tests should be conducted at three or more equally spaced c. g.-weight combinations between points "*A*" and "*D*" in order to adequately establish the variation of stalling speed with c. g. position.

2. A new § 4b.401–3 is added to read as follows:

§ 4b.401–3 *Continued rotation of turbine engines (CAA policies which apply to § 4b.401 (c)).*—(a) If means are not provided to completely stop the rotation of turbine engines it should be shown that continued rotation, either windmilling or controlled, of a shutdown turbine engine will not cause:

(1) Powerplant (including engine and accessories) structural damage which will adversely affect other engines or the aircraft structure,

(2) Flammable fluid to be pumped into a fire or onto an ignition source, or

(3) A vibration mode which will adversely affect the aerodynamic or structural integrity of the airplane.

(b) Feathered propellers, brakes, doors or other means used to control turbine engine rotation need not produce a complete stop of engine rotation[1] unless the continued rotation will cause any of the conditions set forth in paragraph (a) of this section.

(c) If engine induction air duct doors, or shaft, or other types of brakes[2] are provided to control turbine engine rotation, no single fault or failure of the system controlling engine rotation should cause the inadvertent travel of the doors toward the closed position, or the inadvertent energizing of braking means, unless compensating features are provided to assure that engine failure or a critical operating condition will not occur.

3. Section 4b.612–2 is amended by revising figure 4 as follows:

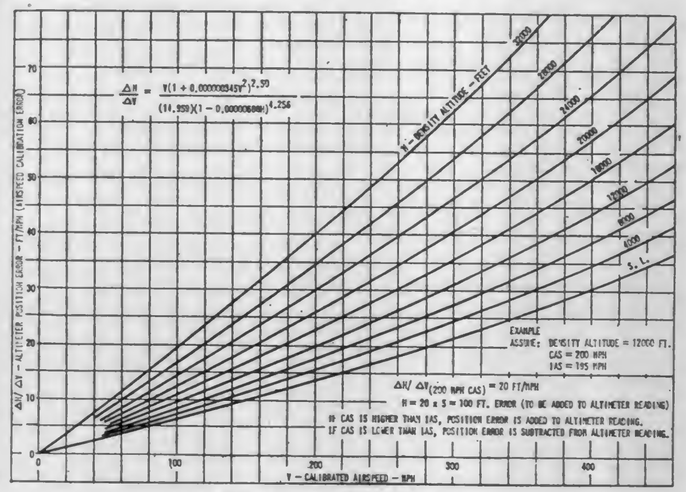


FIGURE 4—Altimeter Position Error.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended, 49 U. S. C. 551)

This supplement shall become effective August 15, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 12, 1957.

[F. R. Doc. 57-5833; Filed, July 19, 1957; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 9; Correction]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

The La Crosse, Wisconsin, omnirange station is scheduled for relocation to Nodine, Minnesota, in March of 1958 instead of August 1, 1957. Therefore, the pertinent civil airway alterations appearing in Amendment 9 of Part 600 of the regulations of the Administrator, published on June 28, 1957, in 22 F. R. 4565, are corrected as follows in order to conform with the date of the relocation:

1. In Item 4, the amendment to § 600.6002 is cancelled.

2. In Item 10, the amendment to § 600.6082 is cancelled.

3. In Item 12, the amendment to § 600.6097 is cancelled.

4. In Item 14, the amendment to § 600.6129 *VOR civil airway No. 129 (Rockford, Ill., to Eau Claire, Wis.)* is corrected by changing "the Rockford omnirange 278° True and the Lone Rock omnirange 162° True radials" to read: "the Rockford omnirange 276° True and the Lone Rock omnirange 164° True radials".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This correction to Amendment 9 shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

JULY 15, 1957.

[F. R. Doc. 57-5937; Filed, July 19, 1957; 8:45 a. m.]

[Amdt. 11; Correction]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The La Crosse, Wisconsin, omnirange station is scheduled for relocation to Nodine, Minnesota, in March of 1958 instead of August 1, 1957. Therefore, the pertinent control area, control zone and reporting point alterations appearing in Amendment 11 to Part 601 of the regulations of the Administrator, published on June 28, 1957, in 22 F. R. 4566, are corrected as follows in order to conform with the date for the relocation:

1. In Item 4, the amendment to § 601.1243 is cancelled.

2. In Item 12, the amendment to § 601.2221 is cancelled.

3. In Item 14, amend the section reference "601.2405" to read: "601.2409" wherever it appears in that item.

4. In Item 27, the amendment to § 601.7001 is corrected by deleting "Nodine, Minn., omnirange station" and "La Crosse, Wis., omnirange station".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This correction to Amendment 11 shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

JULY 15, 1957.

[F. R. Doc. 57-5938; Filed, July 19, 1957; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 57-31]

DRYDOCKING OF PASSENGER, TANK, CARGO, AND MISCELLANEOUS VESSELS

Notices regarding proposed changes in the navigation and vessel inspection

[1] It may be assumed that the conditions in paragraph (a) of this section will not occur at engine rotor speeds up to 400 r. p. m.

[2] The provision of doors or brakes is a protective feature to assure that the conditions of paragraph (a) of this section will not occur. Such provision, therefore, should be of a high order of reliability, and the probability should be remote that doors or brakes will not function normally on demand.

regulations were published in the FEDERAL REGISTER dated March 7, 1957 (22 F. R. 1433–1439), March 28, 1957 (22 F. R. 2047), and May 4, 1957 (22 F. R. 3185, 3186), as Items I through XVIII of the Agenda to be considered by the Merchant Marine Council. Pursuant to these notices a public hearing was held on May 7, 1957, by the Merchant Marine Council at Washington, D. C. This document is the fifth of a series covering the regulations considered at this public hearing. The first document (CGFR 57–26) deals with inspection of cargo gear on passenger, cargo, and miscellaneous vessels. The second document (CGFR 57–27) deals with lifesaving, fire protection, and grain loading requirements for passenger, cargo, and miscellaneous vessels. The third document (CGFR 57–29) deals with cargo tanks for liquefied inflammable gases and anhydrous ammonia, stowage of baled cotton, and use of equivalents or alternative procedures respecting dangerous cargoes. The fourth document (CGFR 57–30) deals with crew accommodations on tank ships.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised. With respect to Item IV—Drydocking of Passenger, Tank, Cargo, and Miscellaneous Vessels, changes were made in the proposed regulations. The major changes in the proposed regulations remove requirements regarding "calendar year" as a period of time in determining when vessels are required to be drydocked and substitutes therefor maximum periods between drydockings and the aggregate amount of service in such period to be in definite periods of time.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), and Treasury Department Order CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER:

Subchapter D—Tank Vessels

PART 31—INSPECTION AND CERTIFICATION

SUBPART 31.10—INSPECTIONS

Section 31.10–20 is amended by revising paragraphs (a) and (b) to read as follows:

§ 31.10–20 *Drydocking or hauling out—TB/ALL.* (a) Each steel hull tank vessel shall be placed in a drydock or on a slipway or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

(1) Each tank vessel shall be drydocked or hauled out at intervals not to exceed 18 months if it operates in salt water an aggregate of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each tank vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operates in salt water an aggregate of 6 months or less in each 12-month period since it was last drydocked or hauled out. When a tank vessel exceeds this aggregate amount of service in salt water in any 12-month period since it was last drydocked or hauled out, it shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each tankship shall be drydocked or hauled out at intervals not to exceed 60 months if it operates exclusively in fresh water.

(4) Tank barges used in fresh water service exclusively need not be drydocked or hauled out during the first 60-month interval after date of build, but shall be drydocked or hauled out between that time and the end of 120th month after date of build, and at least once in each 60-month interval thereafter.

(b) Each wood hull tank vessel shall be placed in drydock or on a slipway or hauled out for examination at intervals not to exceed 48 months.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter H—Passenger Vessels

PART 71—INSPECTION AND CERTIFICATION

SUBPART 71.50—DRYDOCKING

Section 71.50–1 is amended to read as follows:

§ 71.50–1 *When required.* (a) All vessels shall be placed in drydock or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

(1) Each vessel shall be drydocked or hauled out at intervals not to exceed 18 months if it operates in salt water an aggregate of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operates in salt water an aggregate of 6 months or less in each 12-month period since it was last drydocked or hauled out. When a vessel exceeds this aggregate amount of service in salt water in any 12-month period since it was last drydocked or hauled out, it shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each vessel shall be drydocked or hauled out at intervals not to exceed 60 months if it operates exclusively in fresh water.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404–409, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter I—Cargo and Miscellaneous Vessels

PART 91—INSPECTION AND CERTIFICATION

SUBPART 91.40—DRYDOCKING

Section 91.40–1 is amended to read as follows:

§ 91.40–1 *When required.* (a) All vessels shall be placed in drydock or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

(1) Each vessel shall be drydocked or hauled out at intervals not to exceed 18 months if it operates in salt water an aggregate of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operates in salt water an aggregate of 6 months or less in each 12-month period since it was last drydocked or hauled out. When a vessel exceeds this aggregate amount of service in salt water in any 12-month period since it was last drydocked or hauled out, it shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each vessel shall be drydocked or hauled out at intervals not to exceed 60 months if it operates exclusively in fresh water.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Dated: July 15, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 57–5957; Filed, July 19, 1957; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[B. A. I. Order 378, Amdt. 4]

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

INSPECTION AND CERTIFICATION

Pursuant to the provisions of sections 4 and 5 of the act of May 29, 1884, as amended (21 U. S. C. 112, 113), section 10 of the act of August 30, 1890 (21 U. S. C. 105), section 1 of the act of February 2, 1903, as amended (21 U. S. C. 112, 113, 120, 121), the act of March 4, 1907 (21 U. S. C. 80, 81, 82, 86), and the act of July 24, 1919 (21 U. S. C. 96), Part 91 of Title 9 of the Code of Federal Regulations, governing the inspection and handling of livestock for exportation is hereby amended by changing § 91.5 to read as follows:

§ 91.5 *Inspection and certification at the port of export.* All animals offered for exportation to any foreign country shall be inspected by a Department veterinarian at the port of export, and if upon such inspection, and examination of the certificates required under § 91.4, said animals are found to be free from evidence of communicable disease and exposure thereto, the export certificate, issued by the said Department veterinarian to accompany the animals from the port of export, shall contain a statement to that effect: *Provided, however,* That inspection and certification at the port of export shall not be required in the case of animals offered for exportation to Mexico or to Canada through ports along the United States land borders designated in § 91.3, if the certificates required under § 91.4 were issued or endorsed by a Department veterinarian, specifically authorized by the Director of Division for the purpose, in compliance with procedures of inspection specified by the Division to guard against the dissemination of disease to such countries.

Effective date. This amendment shall become effective upon issuance.

The amendment relieves certain restrictions presently imposed and should be made effective immediately to be of maximum benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 10, 26 Stat. 417, sec. 1, 32 Stat. 791, as amended; 21 U. S. C. 105, 112, 113, 120. Interprets or applies 34 Stat. 1263, 41 Stat. 241, sec. 1, 32 Stat. 791, as amended; 21 U. S. C. 80–82, 86, 96, 121)

Done at Washington, D. C., this 17th day of July 1957.

[SEAL] B. T. SHAW,
Administrator, Agricultural Research Service.

[F. R. Doc. 57–5953; Filed, July 19, 1957; 8:48 a. m.]

Subchapter F—Poultry Improvement

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of §§ 147.22 and 147.25 of Auxiliary Provisions on National Poultry and Turkey Improvement Plans (9 CFR 1956 Supp., 147.22, 147.25), promulgated under section 101 (b) of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 429), §§ 145.26, 145.28, and 145.31 of Part 145, Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. Section 145.26 *U. S. Performance Tested Parent Stock; annual summary* is amended by changing subdivisions (v), (vi) and (vii) of subparagraph (2) of paragraph (b) to read:

(v) Adult mortality for 240 days;

(vi) Average egg production in percent for a period of 240 days, hen-housed basis;

(vii) Average egg production in percent for a period of 240 days, hen-day basis;.

2. Section 145.28 *Central random sample meat production test* is amended by changing paragraph (f) to read:

(f) Pen egg production and mortality shall be recorded daily for a period of 240 days.

3. Section 145.31 *On-the-farm performance test; meat production* is amended by changing paragraph (e) to read:

(e) Pen egg production and mortality shall be recorded daily for a period of 240 days.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

These amendments are based on recommendations of the General Conference Committee. The amendments relieve certain restrictions presently imposed under the National Poultry Improvement Plan, and should be made effective promptly in order to be of maximum benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 101, 58 Stat. 734, as amended; 7 U. S. C. 429)

Done at Washington, D. C., this 16th day of July 1957.

[SEAL] B. T. SHAW,
Administrator, Agricultural Research Service.

[F. R. Doc. 57–5954; Filed, July 19, 1957; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

DEFINITION OF "CLASS 2 (A) LOAN"

In § 201.1 paragraph (1) is amended to read as follows:

§ 201.1 *Definitions.* • • •

(1) "Class 2 (a) loan" means a loan which is for the purpose of financing the construction of a new structure which is to be used exclusively for other than residential or agricultural purposes: *Provided,* That nothing in this paragraph shall prevent the temporary use of such a structure for residential purposes while the borrower constructs a new dwelling to replace a previous dwelling, which he occupied as an owner or a tenant, which was destroyed or damaged to such an extent that reconstruction is required as a result of a flood, fire, earthquake, storm or other catastrophe which the President, pursuant to section 2 (a) of Public Law 875, approved September 30, 1950, has determined to be a major disaster and the Credit Application is filed within one year from the date of such determination.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703)

Issued at Washington, D. C., July 16, 1957.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57–5968; Filed, July 19, 1957; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6242]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CLAIM OF RIGHT

On July 7, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided, under parts V and VI of subchapter Q, relating to claim of right and other limitations, of chapter 1 of the Internal Revenue Code of 1954, as amended by Pub. Law 384 (84th Cong.), approved August 12, 1955, was published in the FEDERAL REGISTER (21 F. R. 5059). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted subject to the changes set forth below:

PARAGRAPH 1. Paragraph (a) of § 1.1341–1 is revised by adding after subparagraph (2) a new subparagraph (3).

PAR. 2. Paragraph (b) of § 1.1341–1 is revised as follows:

(A) By deleting the abbreviation "i. e." appearing in subparagraph (1) (i) and (ii) and inserting in lieu thereof "that is".

(B) By deleting "See paragraph (h)" in the last sentence of subparagraph (1) (ii) and inserting in lieu thereof "See paragraph (i)".

PAR. 3. Paragraph (d) of § 1.1341–1 is revised as follows:

(A) Subparagraph (1) is revised.

(B) Subparagraph (2) is revised by adding immediately after subdivision (ii) thereof new subdivisions (iii) and (iv).

(C) Subparagraph (4) (i) is revised by deleting all but the first three sentences thereof.

(D) Subparagraph (4) (iii) is revised

(1) By deleting the word "tax" in the last sentence of example (1), and inserting in lieu thereof "$2,600 ($12,700 less $10,100)".

(2) By changing the number of example (2) to (4) and adding new examples (2) and (3).

PAR. 4. Paragraph (e) of § 1.1341–1 is revised.

PAR. 5. Paragraph (h) of § 1.1341–1 is relettered as paragraph (i), and there is inserted immediately before relettered paragraph (i) a new paragraph (h):

PAR. 6. The historical note at the end of § 1.1342 is amended.

[SEAL] C. W. STOWE,
Acting Commissioner of Internal Revenue.

Approved: July 17, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided, are hereby prescribed under parts V and VI of subchapter Q of chapter 1 of the Internal Revenue Code of 1954:

Sec.

1.1341 Statutory provisions; computation of tax where taxpayer restores substantial amount held under claim of right.
1.1341–1 Restoration of amounts received or accrued under claim of right.
1.1342 Statutory provisions; computation of tax where taxpayer recovers substantial amount held by another under claim of right.
1.1342–1 Computation of tax where taxpayer recovers substantial amount held by another under claim of right; effective date.
1.1346 Statutory provisions; recovery of unconstitutional Federal taxes.
1.1346–1 Recovery of unconstitutional taxes.
1.1347 Statutory provisions; claim against United States involving acquisition of property.
1.1347–1 Tax on certain amounts received from the United States.

AUTHORITY: §§ 1.1341 to 1.1347–1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

CLAIM OF RIGHT

§ 1.1341 *Statutory provisions; computation of tax where taxpayer restores substantial amount held under claim of right.*

SEC. 1341. *Computation of tax where taxpayer restores substantial amount held under claim of right*—(a) *General rule.* If—

(1) An item was included in gross income for a prior taxable year (or years) because it appeared that the taxpayer had an unrestricted right to such item;

(2) A deduction is allowable for the taxable year because it was established after the close of such prior taxable year (or years) that the taxpayer did not have an unrestricted right to such item or to a portion of such item; and

(3) The amount of such deduction exceeds $3,000,

then the tax imposed by this chapter for the taxable year shall be the lesser of the following:

(4) The tax for the taxable year computed with such deduction; or

(5) An amount equal to—

(A) The tax for the taxable year computed without such deduction, minus

(B) The decrease in tax under this chapter (or the corresponding provisions of prior revenue laws) for the prior taxable year (or years) which would result solely from the exclusion of such item (or portion thereof) from gross income for such prior taxable year (or years).

For purposes of paragraph (5) (B), the corresponding provisions of the Internal Revenue Code of 1939 shall be chapter 1 of such code (other than subchapter E, relating to self-employment income).

(b) *Special rules.* (1) If the decrease in tax ascertained under subsection (a) (5) (B) exceeds the tax imposed by this chapter for the taxable year (computed without the deduction) such excess shall be considered to be a payment of tax on the last day prescribed by law for the payment of tax for the taxable year, and shall be refunded or credited in the same manner as if it were an overpayment for such taxable year.

(2) Subsection (a) does not apply to any deduction allowable with respect to an item which was included in gross income by reason of the sale or other disposition of stock in trade of the taxpayer (or other property of a kind which would properly have been included in the inventory of the taxpayer if on hand at the close of the prior taxable year) or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business. This paragraph shall not apply if the deduction arises out of refunds or repayments made by a regulated public utility (as defined in section 1503 (c) without regard to paragraph (2) thereof) if such refunds or repayments are required to be made by the government, political subdivision, agency, or instrumentality referred to in such section.

§ 1.1341–1 *Restoration of amounts received or accrued under claim of right*—(a) *In general.* (1) If, during the taxable year, the taxpayer is entitled under other provisions of chapter 1 of the Internal Revenue Code of 1954 to a deduction of more than $3,000 because of the restoration to another of an item which was included in the taxpayer's gross income for a prior taxable year (or years) under a claim of right, the tax imposed by chapter 1 of the Internal Revenue Code of 1954 for the taxable year shall be the tax provided in paragraph (b) of this section.

(2) For the purpose of this section "income included under a claim of right" means an item included in gross income because it appeared from all the facts available in the year of inclusion that the taxpayer had an unrestricted right to such item, and "restoration to another" means a restoration resulting because it was established after the close of such prior taxable year (or years) that the taxpayer did not have an unrestricted right to such item (or portion thereof).

(3) For purposes of determining whether the amount of a deduction described in section 1341 (a) (2) exceeds $3,000 for the taxable year, there shall be taken into account the aggregate of all such deductions with respect to each item of income (described in section 1341 (a) (1)) of the same class.

(b) *Determination of tax.* (1) Under the circumstances described in paragraph (a) of this section, the tax imposed by chapter 1 of the Internal Revenue Code of 1954 for the taxable year shall be the lesser of—

(i) The tax for the taxable year computed under section 1341 (a) (4), that is, with the deduction taken into account, or

(ii) The tax for the taxable year computed under section 1341 (a) (5), that is, without taking such deduction into account, minus the decrease in tax (under chapter 1 of the Internal Revenue Code of 1954 or under chapter 1 (other than subchapter E) of the Internal Revenue Code of 1939 or under the corresponding provisions of prior revenue laws) for the prior taxable year (or years) which would result solely from the exclusion from gross income of all or that portion of the income included under a claim of right to which the deduction is attributable. For the purpose of this subdivision, the amount of the decrease in tax is not limited to the amount of the tax for the taxable year. See paragraph (i) of this section where the decrease in tax for the prior taxable year (or years) exceeds the tax for the taxable year.

(2) If the taxpayer computes his tax for the taxable year under the provisions of section 1341 (a) (5) and subdivision (ii) of subparagraph (1) of this paragraph, the amount of the restoration shall not be taken into account in computing taxable income or loss for the taxable year, including the computation of any net operating loss carryback or carryover or any capital loss carryover.

(3) If the tax determined under subparagraph (1) (i) of this paragraph is the same as the tax determined under subparagraph (1) (ii) of this paragraph, the tax imposed for the taxable year under chapter 1 shall be the tax determined under subparagraph (1) (i), and section 1341 and this section shall not otherwise apply.

(c) *Application to deductions which are capital in nature.* Section 1341 and this section shall also apply to a deduction which is capital in nature otherwise allowable in the taxable year. If the deduction otherwise allowable is capital in nature, the determination of whether the taxpayer is entitled to the benefits of section 1341 and this section shall be made without regard to the net capital loss limitation imposed by section 1211. For example, if a taxpayer restores $4,000 in the taxable year and such amount is a long-term capital loss, the taxpayer will, nevertheless, be considered to have met the $3,000 deduction requirement for purposes of applying this section, although the full amount of the loss might not be allowable as a deduction for the taxable year. However, if the tax for the taxable year is computed with the deduction taken into account, the deduction allowable will be subject to the limitation on capital losses provided in section 1211, and the capital loss carryover provided in section 1212.

(d) *Determination of decrease in tax for prior taxable years*—(1) *Prior taxable years.* The prior taxable year (or years) referred to in paragraph (b) of this section is the year (or years) in which the item to which the deduction is attributable was included in gross income under a claim of right and, in addition, any other prior taxable year (or years) the tax for which will be affected by the exclusion from gross income in such prior taxable year (or years) of such income.

(2) *Amount of exclusion from gross income in prior taxable years.* (i) The amount to be excluded from gross income for the prior taxable year (or years) in determining the decrease in tax under section 1341 (a) (5) (B) and paragraph (b) (1) (ii) of this section shall be the amount restored in the taxable year, but shall not exceed the amount included in gross income in the prior taxable year (or years) under the claim of right to which the deduction for the restoration is attributable, and shall be adjusted as provided in subdivision (ii) of this subparagraph.

(ii) If the amount included in gross income for the prior taxable year (or years) under the claim of right in question was reduced in such year (or years) by a deduction allowed under section 1202 (or section 117 (b) of the Internal Revenue Code of 1939 or corresponding provisions of prior revenue laws), then the amount determined under subdivision (i) of this subparagraph to be excluded from gross income for such year (or years) shall be reduced in the same proportion that the amount included in gross income under a claim of right was reduced.

(iii) The determination of the amount of the exclusion from gross income of the prior taxable year shall be made without regard to the capital loss limitation contained in section 1211 applicable in computing taxable income for the current taxable year. The amount of the exclusion from gross income in a prior taxable year (or years) shall not exceed the amount which would, but for the application of section 1211, be allowable as a deduction in the taxable year of restoration.

(iv) The rule provided in subdivision (iii) of this subparagraph may be illustrated as follows:

Example. For the taxable year 1952, an individual taxpayer had long-term capital gains of $50,000 and long-term capital losses of $10,000, a net long-term gain of $40,000. He also had other income of $5,000. In 1956, taxpayer restored the $50,000 of long-term gain. He had no capital gains or losses in 1956 but had other income of $5,000. If his tax liability for 1956, the taxable year of restoration, is computed by taking the deduction into account, the taxpayer would be entitled to a deduction under section 1211 of only $1,000 on account of the capital loss. However, if the taxpayer computes his tax under section 1341 (a) (5) and paragraph (b) (1) (ii) of this section, it is necessary to determine the decrease in tax for 1952. In such a determination, $50,000 is to be excluded from gross income for that year, resulting in a net capital loss for that year of $10,000, and a capital loss deduction of $1,000 under section 117 (d) of the 1939 Code (corresponding to section 1211 of the 1954 Code) with carryover privileges. The difference between the tax previously determined and the tax as recomputed after such exclusion for the years affected will be the amount of the decrease.

(3) *Determination of amount of deduction attributable to prior taxable years.* (i) If the deduction otherwise allowable for the taxable year relates to income included in gross income under a claim of right in more than one prior taxable year and the amount attributable to each such prior taxable year cannot be readily identified, then the portion attributable to each such prior taxable year shall be that proportion of the deduction otherwise allowable for the taxable year which the amount of the income included under the claim of right in question for the prior taxable year bears to the total of all such income included under the claim of right for all such prior taxable years.

(ii) The rule provided in subdivision (i) of this subparagraph may be illustrated as follows:

Example. Under a claim of right, A included in his gross income over a period of three taxable years an aggregate of $9,000 for services to a certain employer, in amounts as follows: $2,000 for taxable year 1952, $4,000 for taxable year 1953, and $3,000 for taxable year 1954. In 1955 it is established that A must restore $6,750 of these amounts to his employer, and that A is entitled to a deduction of this amount in the taxable year 1955. The amount of the deduction attributable to each of the prior taxable years cannot be identified. Accordingly, the amount of the deduction attributable to each prior taxable year is:

$$1952—\$6{,}750\times\frac{\$2{,}000}{\$9{,}000}=\$1{,}500$$

$$1953—\$6{,}750\times\frac{\$4{,}000}{\$9{,}000}=\$3{,}000$$

$$1954—\$6{,}750\times\frac{\$3{,}000}{\$9{,}000}=\$2{,}250$$

(4) *Computation of amount of decrease in tax.* (i) In computing the amount of decrease in tax for a prior taxable year (or years) resulting from the exclusion from gross income of the income included under a claim of right, there must first be ascertained the amount of tax previously determined for the taxpayer for such prior taxable year (or years). The tax previously determined shall be the sum of the amounts shown by the taxpayer on his return or returns, plus any amounts which have been previously assessed (or collected without assessment) as deficiencies or which appropriately should be assessed or collected, reduced by the amount of any refunds or credits which have previously been made or which appropriately should be made. After the tax previously determined has been ascertained, a recomputation must then be made to determine the decrease in tax, if any, resulting from the exclusion from gross income of all or that portion of the income included under a claim of right to which the deduction otherwise allowable in the taxable year is attributable.

(ii) No item other than the exclusion of the income previously included under a claim of right shall be considered in computing the amount of decrease in tax if reconsideration of such other item is prevented by the operation of any provision of the internal revenue laws or any other rule of law. However, if the amounts of other items in the return are dependent upon the amount of adjusted gross income, taxable income, or net income (such as charitable contributions, foreign tax credit, deductions for depletion, and net operating loss), appropriate adjustment shall be made as part of the computation of the decrease in tax. For the purpose of determining the decrease in tax for the prior taxable year (or years) which would result from the exclusion from gross income of the item included under a claim of right, the exclusion of such item shall be given effect not only in the prior taxable year in which it was included in gross income but in all other prior taxable years affected by the inclusion of the item (for example, prior taxable years affected by a net operating loss carryback or carryover or capital loss carryover).

(iii) The rules provided in this subparagraph may be illustrated as follows:

Example (1). For the taxable year 1954, a corporation had taxable income of $35,000, on which it paid a tax of $12,700. Included in gross income for the year was $20,000 received under a claim of right as royalties. In 1957, the corporation is required to return $10,000 of the royalties. It otherwise has taxable income in 1957 of $5,000, so that without the application of section 1341 it has a net operating loss of $5,000 in that year. Facts also come to light in 1957 which entitle the corporation to an additional deduction of $5,000 for 1954. When a computation is made under § 1.1341–1 (b) (1) (i), the corporation has no tax for the taxable year 1957. When a computation is made under § 1.1341–1 (b) (1) (ii), the tax for 1957, without taking the restoration into account, is $1,500, based on a taxable income of $5,000. The decrease in tax for 1954 is computed as follows:

Tax shown on return for 1954		$12,700
Taxable income for 1954 upon which tax shown on return was based		35,000
Less: Additional deduction (on account of which credit or refund could be made)		5,000
Total		30,000
Tax on $30,000 (adjusted taxable income for 1954)		10,100
Tax on (adjusted taxable income for 1954)		10,100
Taxable income for 1954, as adjusted	$30,000	
Less exclusion of amount restored	10,000	
Taxable income for 1954 by applying § 1.1341–1 (b) (1) (ii)	20,000	
Tax on $20,000		6,000
Decrease in tax for 1954 by applying § 1.1341–1 (b) (1) (ii)		4,100
Tax for 1957 without taking the restoration into account		1,500
Amount by which decrease exceeds the tax for 1957 computed without taking restoration into account		2,600

(The $2,600 is treated as having been paid on the last day prescribed by law for the payment of the tax for 1957 and is available as a refund. In addition the taxpayer has made an overpayment of $2,600 ($12,700 less $10,100) for 1954 because of the additional deduction of $5,000.)

Example (2). Assume the same facts as in example (1) except that, instead of the corporation being entitled to an additional deduction of $5,000 for 1954, it is determined that the corporation failed to include an item of $5,000 in gross income for that year. The decrease in tax for 1954 is computed as follows:

Tax shown on return for 1954	$12,700
Taxable income for 1954 upon which tax shown on return was based	35,000
Plus: Additional income (on account of which deficiency assessment could be made)	5,000
Total	40,000
Tax on $40,000 (adjusted taxable income for 1954)	15,300
Tax on $40,000 (adjusted taxable income for 1954)	15,300
Taxable income for 1954 as adjusted	$40,000
Less exclusion of amount restored	10,000
Taxable income for 1954 by applying § 1.1341–1 (b) (1) (ii)	30,000
Tax on $30,000	10,100
Decrease in tax for 1954 by applying § 1.1341–1 (b) (1) (ii)	5,200
Tax for 1957 without taking the restoration into account	1,500
Amount by which decrease exceeds the tax for 1957 computed without taking the restoration into account	3,700

(The $3,700 is treated as having been paid on the last day prescribed by law for the payment of the tax for 1957 and is available as a refund. In addition the taxpayer has a deficiency of $2,600 ($15,300 less $12,700) for 1954 because of the additional income of $5,000.)

Example (3). For the taxable year 1954, a corporation had taxable income of $25,000, on which it paid a tax of $7,500. Included in gross income for the year was $10,000 received under a claim of right as commissions. In 1956, the corporation is required to return $5,000 of the commissions. The corporation has a net operating loss of $10,000 for 1956, excluding the deduction for the $5,000 restored. When a computation is made under either § 1.1341–1 (b) (1) (i) or § 1.1341–1 (b) (1) (ii), the corporation has no tax for the taxable year 1956. The decrease in tax for 1954 is computed as follows:

Tax shown on return for 1954	$7,500
Taxable income for 1954 upon which tax shown on return was based	25,000
Less: Additional deduction (on account of net operating loss carryback from 1956)	10,000
Net income as adjusted	15,000
Tax on $15,000 (adjusted taxable income for 1954)	4,500
Tax on $15,000 (adjusted taxable income for 1954)	4,500
Taxable income for 1954, as adjusted	$15,000
Less: exclusion of amount restored	5,000
Taxable income for 1954, by applying § 1.1341–1 (b) (1) (ii)	10,000
Tax on $10,000	3,000
Decrease in tax for 1954 by applying § 1.1341–1 (b) (1) (ii)	1,500
Tax for 1956 without taking the restoration into account	None
Amount by which decrease exceeds the tax for 1956 computed without taking the restoration into account	1,500

(The $1,500 is treated as having been paid on the last day prescribed by law for the payment of the tax for 1956 and is available as a refund. In addition, the taxpayer has an overpayment of $3,000 ($7,500 less $4,500) for 1954 because of the net operating loss deduction of $10,000.)

Example (4). For the taxable year 1946 a married man with no dependents, who kept his books on the cash receipts and disbursements basis, filed a return (claiming two exemptions) disclosing adjusted gross income of $42,000, deductions amounting to $12,000, and a net income of $30,000. Gross income included among other items salary in the amount of $15,000 and rental income in the amount of $5,000. During the taxable year he donated $10,000 to the American Red Cross and in his return claimed a deduction of $6,300 on account thereof, representing the maximum deduction allowable under the 15-percent limitation imposed by section 23 (o) of the Internal Revenue Code of 1939 for the year 1946. In computing his net income he omitted interest income amounting to $6,000 and neglected to take a deduction for interest paid in the amount of $4,500. The return disclosed a tax liability of $11,970, which was assessed and paid. In 1955, after the expiration of the period of limitations upon the assessment of a deficiency or the allowance of a refund for 1946, the taxpayer had to restore the $5,000 included in his gross income in 1946 as rental income. The amount of the decrease in tax for 1946 is $2,467.62, computed as follows:

Tax previously determined for 1946	$11,970.00
Net income for 1946 upon which tax previously determined was based	30,000.00
Less: Rents included under claim of right	5,000.00
Balance	25,000.00
Adjustment for contributions (add 15 percent of $5,000)	$750.00
Net income as adjusted	25,750.00
Tax on $25,750	9,502.38
Amount of decrease in tax for 1946:	
Tax previously determined	11,970.00
Tax as recomputed	9,502.38
Decrease in tax	2,467.62

The recomputation to determine the amount of the decrease in tax for 1946 does not take into consideration the barred item of $6,000 representing interest received, which was omitted from gross income, or the barred item of $4,500 representing interest paid for which no deduction was allowed. See subdivision (ii) of this subparagraph.

(e) *Method of accounting.* The provisions of section 1341 and this section shall be applicable in the case of a taxpayer on the cash receipts and disbursements method of accounting only to the taxable year in which the item of income included in a prior year (or years) under a claim of right is actually repaid. However, in the case of a taxpayer on the cash receipts and disbursements method of accounting who constructively received an item of income under a claim of right and included such item of income in gross income in a prior year (or years), the provisions of section 1341 and this section shall be applicable to the taxable year in which the taxpayer is required to relinquish his right to receive such item of income. Such provisions shall be applicable in the case of other taxpayers only to the taxable year which is the proper taxable year (under the method of accounting used by the taxpayer in computing taxable income) for taking into account the deduction resulting from the restoration of the item of income included in a prior year (or years) under a claim of right. For example, if the taxpayer is on an accrual method of accounting, the provisions of this section shall apply to the year in which the obligation properly accrues for the repayment of the item included under a claim of right.

(f) *Inventory items, stock in trade, and property held primarily for sale in the ordinary course of trade or business.* (1) Except for amounts specified in subparagraph (2) of this paragraph the provisions of section 1341 and this section do not apply to deductions attributable to items which were included in gross income by reason of the sale or other disposition of stock in trade of the taxpayer (or other property of a kind which would properly have been included in the inventory of the taxpayer if on hand at the close of the prior taxable year) or property held by the taxpayer primarily for sale to customers in the ordinary course of the taxpayer's trade or business. This section is, therefore, not applicable to sales returns and allowances and similar items.

(2) The provisions of section 1341 and this section apply to deductions which arise out of refunds or repayments made by a regulated public utility, as defined in section 1503 (c) (1) or (3) and § 1.1502–2 (g), if such refunds or repayments are required to be made by the government, political subdivision, agency, or instrumentality referred to in such section. Thus, deductions attributable to refunds of charges for the sale of natural gas under rates approved temporarily by a proper governmental authority are eligible for the benefits of section 1341 and this section, if such refunds are required by the governmental authority.

(g) *Bad debts.* The provisions of sections 1341 and this section do not apply to deductions attributable to bad debts.

(h) *Legal fees and other expenses.* Section 1341 and this section do not apply to legal fees or other expenses incurred by a taxpayer in contesting the restoration of an item previously included in income. This rule may be illustrated by the following example:

Example. A sold his personal residence to B in a prior taxable year and realized a capital gain on the sale. C claimed that under an agreement with A he was entitled to a 5-percent share of the purchase price since he brought the parties together and was instrumental in closing the sale. A rejected C's demand and included the entire amount of the capital gain in gross income for the year of sale. C instituted action and in the taxable year judgment is rendered against A who pays C the amount involved. In addition, A pays legal fees in the taxable year which were incurred in the defense of the action. Section 1341 applies to the payment of the 5-percent share of the purchase price to C. However, the payment of the legal fees, whether or not otherwise deductible, does not constitute an item restored for purposes of section 1341 (a) and § 1.1341–1 (a).

(i) *Refunds.* If the decrease in tax for the prior taxable year (or years) determined under section 1341 (a) (5) (B) and paragraph (b) (1) (ii) of this section exceeds the tax imposed by chapter 1 for the taxable year computed without the deduction, the excess shall be considered to be a payment of tax for the taxable year of the deduction. Such payment is deemed to have been made on the last day prescribed by law for the payment of tax for the taxable year and shall be refunded or credited in the same manner as if it were an overpayment of tax for such taxable year.

§ 1.1342 *Statutory provisions; computation of tax where taxpayer recovers substantial amount held by another under claim of right.*

SEC. 1342. *Computation of tax where taxpayer recovers substantial amount held by another under claim of right*—(a) *General rule.* If—

(1) An item was deducted from gross income for a prior taxable year (or years) because it appeared that another person held an unrestricted right to such item as a result of a court decision in a patent infringement suit (whether or not the taxpayer is a party to such suit); and

(2) Gross income is increased for the taxable year because it was established after the close of such prior taxable year (or years) that such other person did not have an unrestricted right to such item or to a portion of such item because of the subsequent reversal of such court decision on the ground that such decision was induced by fraud or undue influence; and

(3) The amount of such increase in gross income exceeds $3,000, then the tax imposed by this chapter for the taxable year shall be the lesser of the following:

(4) The tax for the taxable year computed with the gross income so increased; or

(5) An amount equal to—

(A) The tax for the taxable year computed without such increase in gross income, plus

(B) The increase in tax (including interest) under this chapter (or the corresponding provisions of prior revenue laws) for the prior taxable year (or years) which would result solely from the elimination of such item (or portion thereof) as a deduction from gross income for such prior taxable year (or years).

(b) *Special rule.* For purposes of subsection (a) (5) (B) interest shall be computed from the due date of the return for such prior taxable year to the due date of the return for the taxable year.

[Added to the Internal Revenue Code of 1954 by sec. 3 of P. L. 384, 84th Congress, effective for taxable years beginning after December 31, 1954.]

§ 1.1342–1 *Computation of tax where taxpayer recovers substantial amount held by another under claim of right; effective date.* Section 1342 shall apply with respect to taxable years beginning after December 31, 1954.

OTHER LIMITATIONS

§ 1.1346 *Statutory provisions; recovery of unconstitutional Federal taxes.*

SEC. 1346. *Recovery of unconstitutional Federal taxes.* Income (excluding interest) attributable to the recovery during the taxable year of a tax imposed by the United States which has been held unconstitutional, and in respect of which a deduction was allowed in a prior taxable year, may be excluded from gross income for the taxable year, and the deduction allowed in respect thereof in such prior taxable year treated as not having been allowable, if—

(1) The taxpayer elects in writing (at such time and in such manner as may be prescribed by regulations prescribed by the Secretary or his delegate) to treat such deduction as not having been allowable for such prior taxable year, and

(2) The taxpayer consents in writing to the assessment, within such period as may be agreed on, of any deficiency resulting from such treatment, even though the statutory period for the assessment of any such deficiency had expired before the filing of such consent.

§ 1.1346–1 *Recovery of unconstitutional taxes*—(a) *In general.* (1) A taxpayer who recovers unconstitutional Federal taxes which were paid or accrued and for which a deduction was allowed in a prior taxable year may elect, as provided in paragraph (b) of this section, to exclude the income (exclusive of interest) attributable to such recovery from his gross income in the taxable year of recovery. Any such exclusion of income is subject to the requirements of section 1346 and this section.

(2) If a taxpayer elects to receive the benefits of section 1346, the income (exclusive of interest) attributable to the recovery of the unconstitutional Federal tax will be treated as an offset to the deduction allowed therefor in a prior taxable year (or years). The taxpayer's return for the prior taxable year (or years) with respect to which the statutory period for the assessment of a deficiency has expired will be opened only for the purpose of reducing the deduction allowed for the unconstitutional Federal tax and assessing the resulting deficiency or deficiencies, if any. (An election under section 1346 may be made only if the taxpayer consents in writing to such assessment. See paragraph (b) of this section.) No other adjustment will be allowed.

(3) If the disallowance of the deduction allowed in respect of a prior taxable year results in a deficiency for that year, the deficiency will be assessed against the taxpayer within the period agreed upon between the taxpayer and the district director with respect to the taxable year of the prior deduction, even though the statutory period for the assessment may have expired prior to the filing of the consent.

(4) If a taxpayer does not elect under the provisions of section 1346 and this section to exclude the tax recovered from gross income in the taxable year of recovery, the tax recovered shall, from the standpoint of its inclusion in or exclusion from gross income, be governed by the provisions of section 111.

(b) *Manner of making election.* (1) The election provided for in paragraph (a) of this section shall be made by the taxpayer filing a statement in writing that he elects to treat the deduction allowed in a prior taxable year for the unconstitutional tax as not having been allowable for such taxable year. Such a statement must be filed with the taxpayer's return for the taxable year in which the recovery of the unconstitutional tax or taxes occurs. No other method of making the election is permitted. The statement of election must contain a description of the tax recovered, the date of recovery, the taxable year in which paid or accrued, and the taxable year for which the deduction was allowed. The statement of election must also contain a statement signifying the taxpayer's consent (i) to treat the deduction or portion thereof allowed in a prior year with respect to the unconstitutional tax as not allowable for that year and (ii) to the assessment, in respect of the taxable year for which the deduction was allowed, of any deficiency, together with interest thereon as provided by law, resulting from disallowance of the deduction or portion thereof, even though the statutory period for the assessment of any such deficiency may have expired before the filing of such consent.

(2) The term "recovery," as used in this section, includes not only refund or credit of taxes previously paid, but also the cancellation of a purported tax liability which was accrued and deducted for a prior taxable year but never actually paid.

§ 1.1347 *Statutory provisions; claims against United States involving acquisition of property.*

SEC. 1347. *Claims against United States involving acquisition of property.* In the case of amounts (other than interest) received by a taxpayer from the United States with respect to a claim against the United States involving the acquisition of property and remaining unpaid for more than 15 years, the tax imposed by section 1 attributable to such receipt shall not exceed 30 percent of the amount (other than interest) so received.

§ 1.1347–1 *Tax on certain amounts received from the United States.* (a) In the case of an amount (other than interest) received from the United States by an individual under a claim involving acquisition of property and remaining unpaid for more than 15 years, the tax imposed by section 1 attributable to such amount shall not exceed 30 percent of the amount (other than interest) so received. For the purpose of section 1347 and this section, such amount shall not include any amount received from the United States which constitutes interest, whether such interest was included in the claim or in any judgment thereon or has accrued on such judgment.

(b) To determine the application of section 1347 and this section to a particular amount, the taxpayer shall first compute the tax imposed by section 1 upon his entire taxable income, including the amount specified in paragraph (a) of this section, without regard to the limitation on tax provided in section 1347. The proportion of the tax, so computed, indicated by the ratio which the taxpayer's taxable income attributable to the amount specified in paragraph (a), computed as prescribed in paragraph (c) of this section, bears to his total taxable income, is the portion of the tax attributable to such amount. If this portion of the tax exceeds 30 percent of the amount specified in paragraph (a), that portion of the tax shall be reduced to 30 percent of such amount.

(c) In determining the portion of the taxable income attributable to any

amount specified in paragraph (a), the taxpayer shall allocate to such amount received and to the gross income derived from all other sources, the expenses, losses, and other deductions properly attributable thereto, and shall apply any general expenses, losses, and other deductions (which cannot be properly apportioned otherwise) ratably to the gross income from all sources. The amount specified in paragraph (a), less the deductions properly attributable thereto and less its proportion of any general deductions, shall be the taxable income attributable to such amount. The taxpayer shall submit with his return a statement fully explaining the manner in which such expenses, losses, and deductions are allocated or apportioned.

[F. R. Doc. 57-5965; Filed, July 19, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

[Docket No. AO-297]

MILK IN MISSISSIPPI DELTA MARKETING AREA

HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Holiday Room, Holiday Inn, Greenwood, Mississippi, beginning at 10 a. m., c. s. t., on Tuesday, August 6, 1957, with respect to a proposed marketing agreement and order to regulate the handling of milk in the Mississippi Delta marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions, which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof.

The hearing on the proposed marketing agreement and order is to determine whether (1) the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) the issuance of a marketing agreement or order regulating the handling of milk in the area is justified, and (3) the provisions specified in the proposals or some other provisions, appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will best tend to effectuate the declared policy of the act.

The proposed marketing agreement and order, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the A & M Dairy of the Co-operative Creamery Association, and the Mississippi Milk Producers' Association: Proposal No. 1.

DEFINITIONS

§ 905.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 905.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 905.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 905.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 905.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 905.6 *Mississippi Delta Marketing Area.* "Mississippi Delta Marketing Area", hereinafter called the "marketing area", means all the territory within the following counties: Coahoma, Quitman, Tallahatchie, Sunflower, Bolivar, Washington, Leflore, Grenada, Carroll, Montgomery, Leake, Attala, Holmes, Humphreys, Yazoo, Sharkey, and Issaquena, all within the State of Mississippi.

§ 905.7 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equals to not less than 70 percent of its receipts of producer milk and fluid milk products from other pool plants is disposed of during the months of September through January and which disposed of 50 percent of its receipts of producer milk during the months of February through August, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which not less than 20 percent of such Class I milk is disposed of during the months on routes and through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 905.8 *Supply plant.* "Supply plant" means (a) an approved plant from which fluid milk products equal to not less than 60 percent of its producer milk, during the month, are shipped to distributing plants: *Provided,* That any plant which qualifies as a supply plant during each of the months of September through January shall be designated as a supply plant for the following months of February through August unless the operator of such plant notifies the market administrator on or before January 31, that such status is not desired.

§ 905.9 *Pool plant.* "Pool plant" means either a distributing plant or a supply plant, except a plant operated by a producer-handler.

§ 905.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant other than a pool plant.

§ 905.11 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlet (except milk distributing or processing plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

§ 905.12 *Handler.* "Handler" means:

(a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 905.13; or

(b) Any person in his capacity as the operator of one or more approved plants: *Provided,* That if a person operates more than one pool plant he may, upon written application to the market administrator, be considered as a separate handler for the month with respect to one or more of his pool plants, if no fluid milk products or producers are transferred during the month between such plant(s) and other pool plant(s) of such handler.

§ 905.13 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received during the month at a pool plant: *Provided,* That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of January through August, or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 905.14 *Producer milk.* "Producer milk" means only the skim milk or butterfat contained in milk (a) received at the plant directly from producer, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 905.13.

§ 905.15 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, and (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 905.16 *Producer-handler.* "Producer-handler" means any handler who produces milk and operates an approved plant and who received no milk from other producers or other approved plants or from a cooperative association, or other source milk, and who disposes of less than a daily average of 3,300 pounds of Class I milk through routes in the marketing area during the month.

§ 905.17 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 905.18 *Fluid milk product.* "Fluid milk product" means all skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, and sterilized products contained in hermetically sealed containers).

MARKET ADMINISTRATOR

§ 905.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 905.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 905.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 905.95, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 905.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handlers records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 905.30 and 905.31, or payments pursuant to §§ 905.90, and 905.93 through 905.98;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing;

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 905.51 (a) and the Class I butterfat differential computed pursuant to § 905.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 905.51 (b) and the Class II butterfat differential computed pursuant to § 905.52 (b) both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 905.71, and the butterfat differential computed pursuant to § 905.91; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk, computed pursuant to § 905.72, and the butterfat differential computed pursuant to § 905.91;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler; and

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 905.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such months as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk; and for the months of March through July, the total quantity of base milk received;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 905.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator;

(1) On or before the 20th day after the end of the month for each of his fluid milk plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July, the total pounds of base and excess milk, (iii) the number of days on which milk was received from such producer if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk, or cream at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) On or before the day prior to diverting producer milk pursuant to § 905.13, his intention to divert such milk, the date(s) of such diversion and

the nonpool plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

(c) Each handler who receives producer milk for which payment is to be made to a cooperative association pursuant to § 905.90 (e) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month.

(2) On or before the 10th day after the end of each month:

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions.

§ 905.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 905.33 *Retention of records.* All books and records required under this part to be made available to the market administrator, shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 905.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at pool plants and which is required to be reported pursuant to § 905.30 shall be classified by the market administrator pursuant to the provisions of §§ 905.41 through 905.46.

§ 905.41 *Classes of utilization.* Subject to the conditions set forth in §§ 905.43 and 905.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, and sterilized products contained in hermetically sealed containers); and (2) contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph, on hand at the end of the month; and (3) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) disposed of and used for livestock feed; (3) contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping; and (4) in shrinkage not to exceed 2 percent of skim milk and butterfat, respectively, in producer milk and other source milk.

§ 905.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 905.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise:

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 905.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified as follows:

(a) If transferred in the form of fluid milk products to the pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 905.30, subject in any event to the conditions set forth in subparagraph (3) of this paragraph:

(1) As Class I milk, if transferred from a distributing plant to a pool plant or from a supply plant to a supply plant;

(2) Pro rata to the amounts of skim milk and butterfat, respectively, remaining in each class in the plant(s) of the transferee handler after subtraction pursuant to § 905.46 (a) (5) and the corresponding step of paragraph (b) thereof of any skim milk or butterfat classified pursuant to subparagraph (1) of this paragraph, if transferred from a supply plant to a distributing plant.

(3) (i) In no event shall the skim milk or butterfat assigned to Class II milk exceed the amount thereof remaining in Class II in the plant(s) of the transferee handlers after subtraction of other source milk pursuant to § 905.46, and any additional amount of such skim milk or butterfat shall be classified as Class I milk; and

(ii) If either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to producer milk of both handlers.

(b) As Class I milk if transferred to a producer-handler in the form of fluid milk products;

(c) As Class I milk if transferred or diverted in the form of bulk milk, skim milk, or cream to a nonpool plant, unless the following conditions are met:

(1) The transferring handler claims utilization in a product specified in § 905.41 (b);

(2) The operator of the nonpool plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant, and the market administrator is permitted to audit such books and records for the purpose of verification; and

(3) The Class I milk in the nonpool plant does not exceed the receipts of butterfat and skim milk in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, cream, or skim milk so transferred or diverted.

§ 905.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 905.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month, with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 905.42 (b);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk, except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided*, That if the pounds of skim milk in other source milk exceed the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk, the pounds of skim milk in fluid milk products received from plants regulated pursuant to other orders issued pursuant to the act, less any equivalent amounts of skim milk in other source milk allocated to Class I milk at each of such plants, respectively: *Provided*, That if the pounds of skim milk to be subtracted exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk contained in fluid milk products received from the pool plants of other handlers, according to the classification of such skim milk as determined pursuant to § 905.44 (a);

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 905.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) Divide the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, by 3.5 and multiply by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago Butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month, by the Department of Agriculture, and multiply by 7.5;

(c) The average of the basic of field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Kraft Cheese Co., Houston.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

§ 905.51 *Class prices.* Subject to the provisions of § 905.52 and § 905.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.65 during the months of March, April, May, June, and July, and plus $2.05 during all other months.

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the price determined pursuant to § 905.50 (c); plus 20 cents per hundredweight for the months September through January and plus 10 cents per hundredweight for the months February through August.

§ 905.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 905.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 905.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles outside the marketing area, by shortest hard surfaced highway distance, as determined by the market administrator, and which is transferred in the form of fluid milk products to another pool plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 905.51 (a) shall be reduced by 10 cents: *Provided*, That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 905.46 (a) (1), (2) and (3), and the comparable steps in § 905.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made first to plants to which the location differential is applicable.

§ 905.54 *Rate of compensatory payments on unpriced milk.* The rate of compensatory payment per hundredweight shall be calculated as follows:

(a) For the months of March through August, subtract the Class II milk price adjusted by the Class II butterfat differential, from the Class I milk price, adjusted by the Class I butterfat differential; and

(b) For the months of September through February, subtract the uniform price to producers from the Class I milk price.

APPLICATION OF PROVISIONS

§ 905.60 *Producer-handlers.* Sections 905.40 through 905.46, 905.50 through 905.53, 905.61, 905.62, and 905.70 through 905.72, 905.80 through 905.83, and 905.90 through 905.98 shall not apply to a producer-handler.

§ 905.61 *Plants subject to other Federal orders.* The provisions of this order shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk is disposed of during the month from such plant to retail or wholesale outlets (except pool plants) in the Mississippi Delta marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That if such distributing plant disposed of Class I milk during the month in the marketing areas of more

than one other Federal order, the marketing area in which the most Class I milk is disposed shall determine the Federal order under the provisions of which such plant shall be regulated.

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant during each of the preceding months of August through March.

§ 905.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 15th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund, an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area, during the month, by the rate of compensatory payment calculated pursuant to § 905.54.

DETERMINATION OF UNIFORM PRICE

§ 905.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his pool plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butter fat for previous months;

(e) In the case of a handler operating a pool plant which was not a pool plant under this part during each of the preceding five months, add an amount calculated by multiplying the difference between the Class I and the Class II prices adjusted by the appropriate butterfat differentials by any figure determined as follows: Any amount by which the hundredweight of skim milk or butterfat in inventory classified for such month, pursuant to § 905.41 (a) (2) is less than the least hundredweight of skim milk or butterfat respectively, deducted pursuant to § 905.46 (a) (4) and (b) for such handler for any month since such plant was not a pool plant;

(f) Add for each month of July an amount calculated by multiplying by 40 cents the hundredweight by which the inventory classified pursuant to § 905.41 (a) (2) for the preceding month exceeds any inventory so classified for the preceding February; and

(g) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk, pursuant to § 905.46 (a) (2) and (b), by the rate of compensatory payment as determined pursuant to § 905.54, for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products.

§ 905.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, f. o. b. market as follows:

(a) Combine into one total the values computed pursuant to § 905.70 for the producer milk of all handlers who submit reports prescribed in § 905.30 and who have made payments for the previous month pursuant to § 905.90 or § 905.97;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 4.0 percent by the butterfat differential computed pursuant to § 905.91, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 905.90 (c) (1);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 905.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. market as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 905.30, and who have made payments for the previous month pursuant to § 905.90 or § 905.97, as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price; (2) Multiply any additional hundredweight of such milk by the Class I milk price; and (3) Add together the resulting amounts;

(b) Divide the aggregate value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract an amount determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculation set forth in § 905.71 (a) through (d);

(d) Divide the result obtained pursuant to paragraph (c) of this section by the total hundredweight of base milk of handlers included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content, f. o. b. market.,

BASE RATING

§ 905.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers of pool plants from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 905.81 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the months.

§ 905.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month, for which such base is to be transferred to the person named in such notice. The entire daily base of a producer may be moved from one handler to another handler.

§ 905.83 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 905.90 *Payments to producers.* Except as provided in paragraph (e) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through February for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 905.71, subject to the butterfat differential computed pursuant to § 905.91 and the location differential computed pursuant to § 905.92, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section, and deductions made pursuant to § 905.94;

(c) On or before the 15th day after the end of each of the months of March through July, after allowance for the amount of payment made pursuant to paragraph (a) of this section for deductions made pursuant to § 905.94, and for other proper deductions authorized in writing by such producer, as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 905.72 for the quantity of base milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 905.91 and the location differential computed pursuant to § 905.92;

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 905.72 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 905.91 and the location differential computed pursuant to § 905.92;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In lieu of payments pursuant to paragraphs (a), (b) and (c) of this section, each handler shall make payment to a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 26th day of each month, an amount equal to not less than the Class II price for the preceding month, multiplied by the hundredweight of milk received during the first 15 days of the month from such producers, and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable uniform price pursuant to paragraph (a) of §§ 905.71 and 905.72, multiplied by the hundredweight of milk received from such producers to which each such price is applicable, subject to the butterfat differential computed pursuant to § 905.91 and the location differential computed pursuant to § 905.92, less payment made such cooperative association pursuant to subparagraph (1) of this paragraph, and proper deductions authorized in writing by such producers or such cooperative associations.

(f) On or before the 13th day after the end of the month, each handler shall pay to each cooperative association which is also a handler, for milk received from it not less than the value of such milk as classified pursuant to § 905.44 (a) at the applicable respective class prices, including differentials prescribed by the order.

§ 905.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 905.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 905.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest half cent.

§ 905.92 *Location differentials to producers.* In making payment to producers pursuant to § 905.90, the applicable uniform prices to be paid for producer milk received at a pool plant located 50 miles outside the Mississippi Delta marketing area, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced 10 cents per hundredweight.

§ 905.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth under which such error occurred.

§ 905.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 905.90, shall deduct 8 cents per hundredweight, or such amount not exceeding 8 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer. In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 905.90 (d).

§ 905.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, for such months, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handler's own production; (b) other source milk allocated to Class I milk pursuant to § 905.46 (a) (2) and (b); and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 905.96 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 905.62, 905.93 and 905.97, and out of which he shall make all payments pursuant to §§ 905.93 and 905.98: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 905.97 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 905.70, for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 905.98 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 905.70, for such month is less than the amount owed by

him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 905.99 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay any handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (a) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 905.100 *Effective time.* The provisions of the part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 905.101.

§ 905.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 905.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 905.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 905.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 905.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by Winco Dairy Association, Louisville, Mississippi: Proposal No. 2.

§ 905.6 *Mississippi Delta Marketing Area.* Winston and Choctaw counties in the State of Mississippi should be included in the marketing area.

Proposed by New Albany Dairy Products, New Albany, Mississippi: Proposal No. 3.

Marketing Area. Consider the inclusion of Benton and Tippah counties in the marketing area.

Proposed by Avent's Dairy, Oxford, Mississippi: Proposal No. 4.

Marketing Area. Consider the inclusion in the marketing area of the following counties: DeSoto, Tate, Marshall, Union, Pontotoc.

Proposed by Grenada Farms, Inc., Grenada, Mississippi: Proposal No. 5.

Marketing Area. Consider the inclusion of the counties of Panola, Lafayette, Yalobusha, Calhoun, and Chickasaw, all in the State of Mississippi, as part of the marketing area.

Proposed by Houston Dairy, Inc., Houston, Mississippi: *Proposal No. 6.*

Marketing Area. Consider the inclusion of the counties of Chickasaw, Lee, Prentiss, Alcorn, Tippah, Union, Pontotoc, Calhoun, Webster, Choctaw, and Clay, all in the State of Mississippi, as part of the marketing area.

Proposed by Cooperative Diaries, Inc., Columbus, Mississippi: *Proposal No. 7.*

Marketing Area. Consider inclusion in the marketing area of the counties of Panola, Yalobusha, Calhoun, Monroe, Clay, Lowndes, Oktibbeha, Noxubee, Kemper, and Webster, all in the State of Mississippi.

Proposed by Miller Brothers Dairy, West Point, Mississippi: *Proposal No. 8.*

Marketing area. Consider the inclusion of Clay and Monroe counties, all in the State of Mississippi, as part of the marketing area.

Proposed by Clarksdale Dairy, Clarksdale, Mississippi: *Proposal No. 9.*

Marketing Area. Consider inclusion in the marketing area of the county of Tunica, Mississippi.

Proposed by Walker Farms, Stoneville, Mississippi: *Proposal No. 10.*

Mississippi Delta Marketing Area. "Mississippi Delta Marketing Area", hereinafter called the "marketing area", should include all the territory within the following counties: Coahoma, Quitman, Tallahatchie, Sunflower, Bolivar, Washington, Leflore, Grenada, Carroll, Montgomery, Leake, Attala, Holmes, Humphreys, Yazoo, Sharkey, Issaquena, and Warren, all within the State of Mississippi.

Proposed by Barber Pure Milk Company, Tupelo, Mississippi: *Proposal No. 11.*

Marketing Area. Consider the inclusion of the counties of Lee, Itawamba, Prentiss, Tishomingo, Alcorn, Tippah, and Benton, all in the State of Mississippi, as part of the marketing area.

Proposed by LuVel Dairy Products, Inc., Kosciusko, Mississippi; *Proposal No. 12.*

Marketing Area. Consider the inclusion of the counties of Winston, Choctaw, and Webster, all in the State of Mississippi, as part of the marketing area.

Proposal No. 13.

Distributing plant. Consider lowering the percentage requirements to qualify a distributing plant.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 16th day of July 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 57-5948; Filed, July 19, 1957; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

FEDERAL FACILITIES CORPORATION

AMENDMENT TO CHARTER

Whereas the Charter of Federal Facilities Corporation provides in Section 12 thereof, "The right to alter, amend or repeal this Charter is expressly reserved";

Now, therefore, (a) Section 2 of said Charter is hereby amended by deleting therefrom "Secretary of the Treasury" wherever the same appears in said section and substituting for the deleted words in each case "Administrator of General Services".

(b) Section 12 of said Charter is hereby amended by deleting the period at the end thereof and adding the words "to the Administrator of General Services".

(c) Sections 2 and 9 of the said Charter are hereby amended by deleting therefrom the words "an Administrator", "The Administrator", and "Administrator" and substituting for the stricken words "a Director", "The Director", and "Director", respectively.

(d) The foregoing amendments shall become effective concurrently with the taking effect of an Executive order of the President amending section 4 of Executive Order 10678 of September 20, 1956, 21 F. R. 7199, so as to delete therefrom "Secretary of the Treasury" and substitute "Administrator of General Services" and directing transmittal of documents to the Administrator of General Services.

In witness whereof, the Secretary of the Treasury has executed this Amended Charter under his official seal, this 28th day of June 1957.

[SEAL] FRED C. SCRIBNER, JR., *Acting Secretary of the Treasury.*

[F. R. Doc. 57-5958; Filed, July 19, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CARROLL COUNTY LIVESTOCK AUCTION CO. ET AL.

POSTED STOCKYARDS

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U. S. C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

ARKANSAS

Carroll County Livestock Auction Co., Berryville; June 11, 1957.

DeQueen Livestock Commission Co., DeQueen; June 14, 1957.

Eureka Springs Sales Company, Eureka Springs; June 11, 1957.

Farmers Livestock Auction Company, Harrison; June 12, 1957.

Montgomery County Auction, Mt. Ida; June 13, 1957.

COLORADO

R. P. Lewis & Son Auction Co., Lajunta; June 11, 1957.

Fowler Auction Company, Fowler; June 12, 1957.

LOUISIANA

Dominique Stock Yards, Inc., Baton Rouge; June 13, 1957.

W. H. Hodges and Company, Crowley; June 12, 1957.

Coltharp's Commission Barn, DeRidder; June 11, 1957.

Eunice Stockyard, Eunice; June 13, 1957.

Ed Harris Livestock Commission Company (formerly Harris and Stutson Livestock Commission Company), Ferriday; June 10, 1957.

W. H. Hodges and Company, Lacassine, June 12, 1957.

Dominique's Stockyard, Lafayette; June 13, 1957.

Dominique's, Inc., Opelousas; June 13, 1957.

W. H. Hodges and Company, Tallulah; June 21, 1957.

W. H. Hodges and Company, New Roads; June 20, 1957.

SOUTH DAKOTA

Timber Lake Sale Company, Timber Lake; June 27, 1957.

Cresbard Sales Company, Cresbard; June 27, 1957.

TEXAS

Gillespie County Livestock Sales Company, Fredericksburg; June 14, 1957.

Frio Livestock Sales Company, Pearsall; June 12, 1957.

Southwest Livestock Auction Company, Uvalde; June 12, 1957.

Uvalde Livestock Sales Company, Uvalde; June 12, 1957.

LaGrange Livestock Auction Company, LaGrange; June 21, 1957.

Jackson County Livestock Exchange, Edna; May 3, 1957.

Done at Washington, D. C., this 16th day of July 1957.

[SEAL] DAVID M. PETTUS, *Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 57-5950; Filed, July 19, 1957; 8:48 a. m.]

FARMERS & RANCHERS LIVESTOCK COMMISSION CO.

PROPOSED POSTING OF STOCKYARD

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the Farmers & Ranchers Livestock Commission Company, Paris, Texas, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act. Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 16th day of July 1957.

[SEAL] DAVID M. PETTUS, *Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 57-5951; Filed, July 19, 1957; 8:48 a. m.]

FARMERS SALE CO., ET AL.

DEPOSTING OF STOCKYARDS

It has been ascertained that the Farmers Sale Company, Carroll, Iowa, originally posted on June 11, 1957, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), and the Fairfield Livestock Commission Company, Fairfield, Iowa, originally posted on April 2, 1957, as being subject to said act, no longer come within the definition of a stockyard under the act for the reason that they no longer meet the area requirements. Accordingly, notice is given to the owners thereof and to the public that such livestock markets are no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary

to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 16th day of July 1957.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57-5952; Filed, July 19, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12021, 12022; FCC 57M-694]

OK BROADCASTING CO. AND E. O. RODEN & ASSOCIATES

ORDER CONTINUING HEARING

In re applications of Jules J. Paglin & Stanley W. Ray, Jr., d/b as OK Broadcasting Company, Mobile, Alabama; Docket No. 12021, File No. BP-10590; E. O. Roden, W. I. Dove, James E. Reese, Zane D. Roden and Bruce H. Gresham d/b as E. O. Roden & Associates, Gulfport, Mississippi; Docket No. 12022, File No. BP-10879; for construction permits.

At the oral request of counsel for the Chief of the Broadcast Bureau, who stated that an application mutually exclusive with the above-entitled applications has been filed in time to be consolidated with them for comparative consideration: *It is ordered*, This 16th day of July 1957, that hearing in the above-entitled proceeding now scheduled to commence on July 22, 1957, is continued to September 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5963; Filed, July 19, 1957; 8:50 a. m.]

[Docket Nos. 12069, 12070; FCC 57M-693]

KIRKWOOD BROADCASTING CO. AND ST. CHARLES COUNTY BROADCASTING CO.

NOTICE SCHEDULING PRE-HEARING CONFERENCE

In re applications of James R. Roberts, Robert D. Rapp and Martha M. Rapp d/b as Kirkwood Broadcasting Company, Kirkwood, Missouri; Docket No. 12069, File No. BP-10863; St. Charles County Broadcasting Company, St. Charles, Missouri; Docket No. 12070, File No. BP-11066; for construction permits.

A pre-hearing conference in the above-entitled matter will be held at the offices of the Commission at 10:00 a. m., Friday, July 26, 1957.

Dated: July 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-5964; Filed, July 19, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12667]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 16, 1957.

Take notice that on May 31, 1957, The Ohio Fuel Gas Company (Applicant), an Ohio corporation having its principal place of business in Columbus, Ohio, filed an application in Docket No. G-12667, pursuant to section 7 (b) of the Natural Gas Act for permission to abandon resale service to Valley City Gas Service which retails natural gas in the unincorporated community of Valley City and vicinity, Medina County, Ohio.

Valley City Gas Service has entered into an agreement with Applicant for the sale of its properties to Applicant for $10,000, which sale was approved by the Public Utilities Commission of Ohio on May 22, 1957.

Applicant will operate the Valley City distribution system without interruption of service to existing consumers. No additional service is contemplated. The Public Utilities Commission of Ohio exercises jurisdiction over the retail rates involved.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 20, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5939; Filed, July 19, 1957; 8:45 a. m.]

[Docket No. G-12881]

BENEDUM-TREES OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 15, 1957.

Benedum-Trees Oil Company (Benedum-Trees) on June 19, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Benedum-Trees' FPC Gas Rate Schedule No. 4.
Effective date: [1] July 20, 1957.

In support of the proposed favored-nations rate increase, the producer cites contractual obligations for such increase and states the contract resulted from arm's-length bargaining and the favored-nations clause therein was a method to allow for varying economic conditions during the long terms of the contract.

The increased rate of Phillips Petroleum Company to El Paso Natural Gas Company, which triggered the subject increase, was suspended by Commission's order issued October 10, 1956, in Docket No. G-11217, and was made effective subject to refund on March 11, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 20, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5940; Filed, July 19, 1957; 8:45 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Benedum-Trees, if later.

[Docket No. G-8754 etc.]

L. D. BROWN AND SAM TRANT ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

JULY 15, 1957.

In the matters of L. D. Brown and Sam Trant, et al., Docket No. G-8754, et al.; The Carter Oil Company, Docket Nos. G-11109, G-11224; Skelly Oil Company, Docket Nos. G-11620, G-11663; Sunray Mid-Continent Oil Company, Docket Nos. G-11661, G-11662, G-11762; Tidewater Oil Company, Docket No. G-11768.

Notice is hereby given that the applications filed in Docket Nos. G-11109; G-11224, G-11620, G-11663, G-11661, G-11662, G-11762, and G-11768, in the above-entitled proceedings and scheduled for a hearing to be held on July 18, 1957, at 9:30 a. m., e. d. s. t., are hereby severed therefrom and continued for hearing at a subsequent date to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5941; Filed, July 19, 1957; 8:45 a. m.]

[Docket No. G-10725]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 15, 1957.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, with principal place of business in Oklahoma City, Oklahoma, filed on July 9, 1956, as amended July 30, 1956, an application for a certificate of public convenience and necessity and for permission to abandon service, pursuant to sections 7 (c) and (b) of the Natural Gas Act, authorizing Applicant to render and terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes:

(1) To reclaim 3.5 miles of 10-inch pipeline and replace with a like amount of 16-inch pipeline on the Saginaw-Springfield line in Newton County, Missouri.

(2) To reclaim 5.2 miles of 10-inch pipeline now being used to serve the City Utilities of Springfield, Missouri (City Utilities), for resale in that town. The town is an existing customer of Applicant.

(3) To reclaim 1.9 miles of 6-inch pipeline now being used to serve Springfield, Missouri.

(4) To sell-in-place to City Utilities 4.5 miles of 10-inch pipeline and appurtenances now being used to serve Springfield.

(5) To construct and operate 9 miles of 16-inch pipeline to be used to serve Springfield and nearby Galloway, which are now served by Applicant.

(6) To construct and operate 3.8 miles of 8-inch pipeline to be used to serve the outskirts of Springfield and Galloway.

The total estimated cost of Applicant's proposals is $459,200 which will be financed by Applicant out of treasury cash.

The aforesaid facilities will be used for the purpose of enabling Applicant to continue the sale and delivery of natural gas to City Utilities for resale and for use by City Utilities as fuel in both its new and old electric generating plants. The new power plant will replace the old power plant which has become obsolete and inadequate but which will be retained in a stand-by capacity for meeting emergencies and possible partial peak day service. The annual gas requirements of the old plant at 14.73 psia for the period ending March 31, 1957 was 2,864,448 Mcf. The old plant requirements for each of the next three years it is estimated will be 696,220 Mcf. The estimated requirements of the new plant for 1958 are 2,247,796 Mcf; for 1959—2,516,338 Mcf and for 1960—2,819,691 Mcf.

Applicant is presently rendering service to The Gas Service Company (Gas Service) for resale to 4 mainline-tap customers. This service is rendered through 4 individual mainline taps on that section of the aforesaid 10-inch line (lying along Battlefield Road) which Applicant proposes to sell to City Utilities. City Utilities is willing to take over and render the service under its regular rates, rules and regulations upon acquisition of the line. Gas Service is willing to transfer the service rendered to these 4 domestic consumers to City Utilities.

Applicant states that its existing high pressure lines, regulating and measuring equipment are located partially in the City of Springfield, Missouri, in a heavily congested residential area and that the safety of said area requires that these facilities be relocated in a less populated area. Applicant states that it has been replacing sections of its 10-inch Saginaw-Springfield line with 16-inch sections for the past several years. The replacement of pipe as proposed will increase the capacity of this line which will enable Applicant to meet the firm peak-day requirements of the Cities of Springfield and Galloway, Missouri for the heating season of 1957-1958 and thereafter. Applicant's proposals will reduce the overload on its Saginaw and Pierce City Compressor Stations.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 13, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 3, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5942; Filed, July 19, 1957; 8:46 a. m.]

[Docket No. G-12882]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 15, 1957.

Amerada Petroleum Corporation (Amerada) on June 24, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 21, 1957.
Purchaser: Texas Illinois Natural Gas Pipe Line Company.
Rate schedule designation: Supplement No. 8 to Amerada's FPC Gas Rate Schedule No. 8.
Effective date: [1] September 1, 1957.

In support of the proposed periodic rate increase,[2] Amerada states the in-

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Amerada, if later.

[2] Plus proportionate increase in Texas occupation tax at 7 percent level.

crease represents a contract price agreed upon as a result of arm's length bargaining in good faith.

The Commission has suspended two previous periodic increases under the aforementioned rate schedule in Dockets Nos. G–9385 and G–10999, and the present rate is in effect subject to refund.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–5943; Filed, July 19, 1957; 8:46 a. m.]

[Docket No. G–12880]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 15, 1957.

Sun Oil Company (Sun) on June 24, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Change, dated June 19, 1957.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 4 to Sun's FPC Gas Rate Schedule No. 30. Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 58. Supplement No. 4 to Sun's FPC Gas Rate Schedule No. 61. Supplement No. 1 to Sun's FPC Gas Rate Schedule No. 65.

Effective date:[1] July 25, 1957.

In support of the proposed favored-nation rate increases, Sun cites the contractual obligations for such increases and states the contracts resulted from arm's length bargaining and the favored-nation clause therein was a method to allow for varying economic conditions during the long terms of the contracts. Sun also, states the proposed rate does not exceed the value of gas in the area.

The increased rate of Phillips Petroleum Company to El Paso Natural Gas Company, which triggered the subject increases, was suspended by Commission's order issued October 10, 1956, in Docket No. G–11217, and was made effective subject to refund on March 11, 1957.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 25, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–5944; Filed, July 19, 1957; 8:46 a. m.]

[1] Commissioner Digby dissenting.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Sun, if later.

GENERAL SERVICES ADMINISTRATION

[Supplement No. 1]

JOINT REGULATION FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

SUPPLEMENT

Correction

In F. R. Doc. 57–5931, appearing at page 5726 of the issue for Thursday, July 18, 1957, the title for W. Randolph Burgess at the end of the document should read *Acting Secretary of the Treasury.*

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–2235]

OPERATOR CONSOLIDATED MINES CO.

AMENDED ORDER AND NOTICE OF HEARING

JULY 12, 1957.

I. Operator Consolidated Mines Company (hereinafter called "registrant"), a corporation organized and incorporated under the laws of the State of Nevada, filed an application for registration of its common stock, ten cents ($0.10) par value, with the San Francisco Mining Exchange ("the Exchange") on October 25, 1935, on Form 10, pursuant to section 12 of the Securities Exchange Act of 1934 ("the Exchange Act") and the rules and regulations adopted by the Commission thereunder, and filed a duplicate original Form 10 with the Commission. The registration of such securities on the Exchange became effective on June 1, 1936.

II. Registrant failed to file with the Exchange and the Commission current reports on Form 8–K pursuant to section 13 of the Exchange Act for the months of May through November 1956 in regard to the following transactions:

1. On May 29, 1956, registrant's board of directors levied Assessment No. 15 of 2 cents a share on registrant's capital stock. Thereafter and continuing through September 17, 1956, registrant sold an undisclosed number of delinquent shares without registration thereof under the Securities Act of 1933 (Securities Act). These transactions by the issuer in its own securities were required to be reported by Items 7 and 8 of Form 8–K.

2. On August 30, 1956, registrant's board of directors entered into a contract with California Uranium Mines, Inc. (California Uranium) whereby registrant immediately issued to the latter a control block of 1,360,000 of its shares (and obligated itself to issue an additional 2,175,840 shares after increase in its authorized capital) to acquire the assets of California Uranium. The acquisition of assets by the registrant and change in its control were required to be reported by Items 1 and 2 of Form 8–K.

3. By action of its stockholders at a special meeting held on October 30, 1956, registrant's authorized capital stock was increased to $1,000,000, comprised of 10,000,000 shares of 10¢ par value stock. This action of stockholders was required to be reported by Item 11 of Form 8–K.

4. By action of its stockholders at a special meeting held on November 30, 1956, effective December 19, 1956, registrant's capital stock was made non-assessable. This change in registrant's securities pursuant to a vote of stockholders was required to be reported by Items 4 and 11 of Form 8–K.,

III. On or about January 10, 1957, registrant filed with the Exchange and the Commission a current report on Form 8–K, pursuant to section 13 of the Exchange Act, for the month of December 1956. The Commission has reason to believe that the Form 8–K so filed was false and misleading in the following regards:

1. In claiming an exemption from registration under the Securities Act for the issuance and sale to California Uranium of 1,360,000 shares of registrant's common stock, pursuant to an agreement of lease and option of November 27, 1956 which provided for the transfer to registrant by Ajax Tungsten Corporation ("Ajax") of certain interests in various mining claims and equipment in the New Coso Mining District, Inyo County, California. In this regard registrant falsely stated that 1,133,840 shares of said total shares had previously been registered with the Commission under the Securities Act and omitted to state that a public distribution of some or all of said total shares was intended to be made without registration, in violation of the Securities Act.

2. In representing that the property acquired by registrant from Ajax under the agreement was more than adequate consideration for said 1,360,000 shares valued at par, issued by registrant to California Uranium, but also representing that the only consideration to be received by Ajax as seller of the property was $65,000 in cash and minimum monthly production royalties. In this regard the only disclosed consideration paid by California Uranium for said 1,360,000 shares was $15,000 paid by California Uranium to Ajax as a down payment on the said $65,000 to be paid to Ajax on registrant's behalf.

3. In representing that there was no existing or prior relationship whatsoever with registrant between California Uranium or Ajax, directly or indirectly, other than that Archie B. Meiklejohn is Secretary of both registrant and California Uranium.

4. In omitting to state that the issuance and sale of said 1,360,000 shares was part of a plan to issue a total of 3,535,840 shares to California Uranium pursuant to a contract dated August 30, 1956.

IV. On or about April 25, 1957, registrant filed with the Exchange and the Commission an annual report on Form 10–K, pursuant to section 13 of the Exchange Act, for the year 1956. The Commission has reason to believe that the financial statements filed as a part of the Form 10–K are false and misleading:

1. In failing to state that registrant has a contingent liability under section 12 of the Securities Act to an undisclosed number of persons to whom 7,600 unregistered shares of California Uranium (a predecessor of registrant) were sold for $38,200 during 1956.

2. In failing to properly state its liabilities by not including in current liabilities the entire amount payable within one year in connection with an agreement of lease and option on the Ajax Tungsten Corporation contract.

3. In including in a note to the financial statements a statement to the effect that "There are literally millions of barrels in place beneath this 320 acre tract."

4. In failing to state in respect of assessments levied, the aggregate and per-share amounts of assessments levied, the number of shares forfeited for non-payment of assessments and the present status of such shares.

5. In reporting as receipts of the registrant loans made individually by Gillespie and Welbert, and another loan by them jointly to California Uranium.

6. In that other items of receipts and disbursements reported as those of registrant were in fact those of California Uranium, including sales of securities, 6,700 shares of California Uranium for $33,700, 100,000 shares of registrant for $9,947.25, and disbursements including payment on machinery contract of $15,000 and one-half interest in Bradley Oil Lease of $48,743.15.

V. *It is ordered,* That a public hearing, pursuant to section 19 (a) (2) of the 1934 Act, be held at 10:00 a. m., P. s. t., on Thursday, August 22, 1957, at the offices of the Los Angeles Branch Office of the Commission, Room 1737, U. S. Post Office and Court House, Los Angeles, California, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of registrant on the San Francisco Mining Exchange for failure to comply with section 13 of the Act and the rules and regulations adopted thereunder, as set forth in paragraphs II, III and IV above.

It is further ordered, That Mr. William W. Swift is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the San Francisco Mining Exchange and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceeding should file with the Hearing Officer or the Secretary of the Commission on or before August 16, 1957, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–5945; Filed, July 19, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Rev. 4)]

REGIONAL DIRECTORS

DELEGATION RELATING TO FINANCIAL ASSISTANCE INCLUDING DISASTER LOANS, PROCUREMENT AND TECHNICAL ASSISTANCE, AND ADMINISTRATION

I. Pursuant to the authority vested in the Administrator by the Small Business Act of 1953, as amended, 67 Stat. 232, 15 U. S. C. 631 (Supp. II, 1952), as amended, 69 Stat. 547, 15 U. S. C. 631 (Supp. III, 1952), Reorganization Plan No. 2 of 1954, dated April 29, 1954, effective June 30, 1954 (83d Cong., 2d Sess.) relating to the transfer of functions from the Reconstruction Finance Corporation to the Small Business Administration in connection with loans made by said Reconstruction Finance Corporation to victims of floods or other catastrophes, and Reorganization Plan No. 1 of 1957, dated April 29, 1957, effective at the close of June 30, 1957 (85th Cong., 1st Sess.), there is hereby delegated to each Regional Director within his region the authority:

A. *General.* To carry out all functions listed in Section 202 of SBA–100, Administrative Manual.

B. *Specific—Financial assistance.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA–500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000; and

(c) Disaster loans in an amount not exceeding $50,000.

2. To decline the following types of loans:

(a) Direct business loans;

(b) Participation business loans; and

(c) Disaster loans.

3. To approve or decline Limited Loan Participation loans.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

Wendell B. Barnes, Administrator

By ----------
(Regional Director)

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Committee, by the issuance of Certificates of Modification; and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the

original authorization providing that no adverse change has occurred since the loan application was approved.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To establish Disaster Field Offices upon receipt of advice of the designation of a disaster area and to advise on the making of disaster loans, to appoint as a processing representative any bank in the disaster area, and to close Disaster Field Offices when no longer advisable to maintain such offices.

14. To take the following actions in the administration, collection and liquidation of business or disaster loans;

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation whcih caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

15. To sell, lease or sublease, and enter into contracts for the sale, lease or sublease of any real estate, chattels, or interests therein, now or hereafter held by the Small Business Administration or its Administrator; and to assign leases and subleases of any real estate, chattels or interests therein, now or hereafter held by the Small Business Administration or its Administrator.

16. To assign and transfer without representation, recourse or warranty, modify, surrender, satisfy, discharge, release, subordinate, and cancel, in whole or in part, judgments and judgment liens when approved by the United States Attorney; also without approval: notes, claims, bonds, real estate mortgages, contracts for the sale of real or personal property, deeds of trust, deeds to secure debt, chattel mortgages, beneficial interests under trust instruments, tax liens, tax subrogations, policies of insurance or rights thereunder, patents and assignments of patents, patent applications, licenses, trade-marks, trade names, copyrights, shoprights, and any other liens, rights, charges on, or interests in or to real or personal property now or hereafter held by the Small Business Administration or its Administrator and to assent to the assignment and transfer, modification, surrender, satisfaction, discharge, release, subordination and cancellation, in whole or in part, of the same.

17. To assign, indorse, transfer and deliver, without representation, recourse of warranty, notes, bonds, debentures, evidence of indebtedness, stock certificates, scrip, warrants, voting trust certificates, certificates of deposit for money or security, and other instruments of similar or like nature now or hereafter held by, issued to or registered in the name of the Small Business Administration or its Administrator; and, when approved by the United States Attorney, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials, representing claims allowed against or interests in receivership, bankruptcy or other estates; proofs of claim in bankruptcy, receivership or decedents' estates.

18. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

19. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

20. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

21. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

22. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

23. To covenant, not to sue, and otherwise agree not to enforce the liability of obligations.

24. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

25. To take peaceable custody of collateral, as mortgages in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

26. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

27. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

28. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

29. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledges, owner or otherwise, and to exercise any rights or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA–400, Agency Policy Manual and SBA–600, PTA Manual:

30. To make a determination that an individual firm, together with its affiliates, is a "small business" in accordance with SBA standards.

31. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

32. To deny an application for a Certificate of Competency when the Regional Director agrees with an adverse survey report as the production or credit, unless application for an SBA loan is being filed, which loan must be approved in the Washington Office.

Administrative. To take the following actions in accordance with the limitations of such delegations as set forth in SBA–100, Administrative Manual, and SBA–200, Controller's Manual.

33. To administer oaths of office.

34. To certify to the Controller for payment, employee suggestion awards, for suggestions put into effect in the Region, in an amount not to exceed $100 for each award.

35. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

36. To determine the need for an Imprest Fund.

37. To approve (a) annual and sick leave, (b) leave without pay, not to exceed 30 days, and (c) overtime for employees under your supervision.

38. To (a) make emergency purchases not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes, (b) authorize purchases not in excess of such limitations for payment from an Imprest Fund, and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

39. In connection with the establishment of Disaster Loan Offices, to (a) obligate SBA to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and (c) procure (without dollar limitation) emergency supplies and materials.

40. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

41. To (a) authorize or approve official travel and (b) administratively approve travel reimbursement claims.

42. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

43. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

44. To approve the transportation of household effects of employees under your supervision upon notification of approval of personnel action.

C. *Correspondence.* To sign all correspondence, including Congressional correspondence relating to the functions of the Regional Office, except communications involving new policy matters which shall be referred to the appropriate Washington Office for clearance.

II. The specific authority delegated in subsections I. B. 2 (a) and (b), 13, 15, 16, 17, 23, 32, 34, 35, 36 and 37 (c) may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Regional Director.

IV. All previous authority delegated by the Administrator to each Regional Director, except Delegation of Authority No. 32, dated July 19, 1956, to the New York Regional Director, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: July 1, 1957.

WENDELL B. BARNES,
Adiminstrator.

[F. R. Doc. 57–5947; Filed, July 19, 1957; 8:47 a. m.]

[Declaration of Disaster Area 160, Amdt. 1]

MICHIGAN

AMENDMENT TO DECLARATION OF DISASTER AREA

Declaration of Disaster Area 160, dated July 5, 1957, for the State of Michigan, is hereby amended as follows:

By including in paragraph 1 thereof the County of Wayne (cloudburst beginning on or about July 7, 1957, and subsequent flood).

Dated: July 9, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57–5946; Filed, July 19, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 17, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34015: *Sand—Attica, Ind., to Bement, Ill.* Filed by R. G. Raasch, Agent, for and on behalf of the Wabash Railroad Company. Rates on sand (other than bank, blast, core, engine, filter, fire, loam, moulding or silica), in open top cars, carloads from Attica, Ind., to Bement, Ill.

Grounds for relief: Competition of motor trucks from wayside pits to job site.

Tariff: Supplement 143 to Wabash Railroad Company's tariff I. C. C. 7685.

FSA No. 34016: *Bituminous coal—From River King Mine, Ill., to Iowa and Minnesota points.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous fine screened coal, carloads from River King Mine, Ill., to Mason City, Cedar Rapids, Iowa, and Minneapolis, Minn.

Grounds for relief: Gas pipe-line competition and circuitous routes.

Tariff: Supplement 1 to Agent Raasch's tariff I. C. C. 882.

FSA No. 34017: *Asphalt—Rogerslacy, Miss., to Memphis, Tenn.* Filed by Southern Railway Company, Agent, for itself and interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum, tank-car loads from Rogerslacy, Miss., to Memphis, Tenn.

Grounds for relief: Market competition with Crupp, Miss.

Tariff: Supplement 84 to Alternate Agent J. H. Marque's tariff I. C. C. 424.

FSA No. 34018: *Paper and paper articles in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on paper and paper articles, carloads between points in southern territory; also between such points, on one hand, and St. Louis, Mo., and intermediate points on certain lines

between St. Louis and the Ohio River, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 1 to Agent Spaninger's tariff I. C. C. 1601.

FSA No. 34019: *Lime to Ft. Lauderdale, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lime, carloads from specified points in Alabama, Tennessee and Virginia to Ft. Lauderdale, Fla.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 87 to Agent Spaninger's tariff I. C. C. 1345.

FSA No. 34020: *Crude rubber—Louisiana and Texas points to Athens, Ga.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, viz: artificial, synthetic or neoprene, straight or mixed carloads from Lake Charles and West Lake Charles, La., Baytown, Borger, Dowling, Houston, Odessa, and Port Neches, Tex., to Athens, Ga.

Grounds for relief: Market and barge-truck competition and circuitous routes.

Tariffs: Supplement 233 to Agent Kratzmeir's tariff I. C. C. 4087. Supplement 358 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 34021: *Crude rubber to Belcamp, Md., and South Bound Brook, N. J.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, artificial, synthetic or neoprene, straight or mixed carloads from Lake Charles and West Lake Charles, La., Baytown, Borger, Dowling, Houston, and Port Neches, Tex., to Belcamp, Md., and South Bound Brook, N. J.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 359 to Agent Kratzmeir's tariff I. C. C. 4139. Supplement 234 to Agent Kratzmeir's tariff I. C. C. 4087.

FSA No. 34022: *Roofing and building materials—Shreveport, La., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and building materials, carloads from Shreveport, La., to Chicago, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 235 to Agent Kratzmeir's tariff I. C. C. 4087.

FSA No. 34023: *Pigeon or poultry grit—Barre, Vt., to central and trunk line territories.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on pigeon or poultry grit, carloads from Barre, Vt., to specified points in central and trunk line territories.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 232 to Agent Swenson's tariff I. C. C. 591.

FSA No. 34024: *T. O. F. C. service—Commodities between points in the southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on freight, loaded in or on trailers and transported on railroad flat cars, also freight loaded in demountable trailer bodies and transported in open-top railroad cars between points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, also between points in these states and Memphis, Tenn.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 21 to Agent Kratzmeir's tariff I. C. C. 4251.

FSA No. 34025: *Acids and chemicals—Corpus Christi, Tex., to eastern points.* Rates on acids and chemicals, carloads, including tank-car loads from Corpus Christi, Tex., to Amcelle, Md., Celco and Pearisburg, Va., and Celriver, S. C.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 357 to Agent Kratzmeir's tariff I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-5955; Filed, July 19, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

B. A. v. d. BOVENKAMP-HILLEBRANTS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. B. A. v. d. Bovenkamp-Hillebrants, Diepenveen, The Netherlands; Claim No. 60516; $1,012.82 in the Treasury of the United States.

60 shares of ten cents par value common stock of Keta Gas and Oil Corporation, registered in the name of the Attorney General which shares are presently in the custody of the Federal Reserve Bank of New York, New York, N. Y.

42 shares of $5.00 par value common stock of Swan Finch Oil Corporation, registered in the name of the Attorney General, which shares are presently in the custody of the Federal Reserve Bank of New York, N. Y.

Vesting Order Nos. 17836, 17889, 17915, and 17950.

Executed at Washington, D. C., on July 16, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5959; Filed, July 19, 1957; 8:49 a. m.]

C. H. VAN LANGELAAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

C. H. van Langelaan, Executor u/w Suzanna Geertruida van Langelaan, Amsterdam, The Netherlands; Claim No. 60260; Vesting Order No. 17901; $567.14 in the Treasury of the United States.

Executed at Washington, D. C., on July 16, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5960; Filed, July 19, 1957; 8:50 a. m.]

YUTAKA TERAMOTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Yutaka Teramoto, 916 Higashi-Honjo, Kamiminabe-Mura, Hidaka-Gun, Wakayama-ken, Japan; Claim No. 62251; Vesting Order No. 13875; $150.00 in the Treasury of the United States.

Executed at Washington, D. C., on July 16, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5961; Filed, July 19, 1957; 8:50 a. m.]

LENA WAJSBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lena Wajsberg, 38 Oldenburger Strasse, Berlin, N. W. 21, Germany; Claim No. 62305; Vesting Orders Nos. 4316 and 6421; $2,711.37 in the Treasury of the United States.

Executed at Washington, D. C., on July 16, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-5962; Filed, July 19, 1957; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 141

Washington, Tuesday, July 23, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL AERONAUTICS BOARD

Effective upon publication in the FEDERAL REGISTER, paragraph (k) is added to § 6.337 as set out below.

§ 6.337 *Civil Aeronautics Board.* • • •

(k) One Deputy Congressional Liaison Officer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-5993; Filed, July 22, 1957; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 931—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

ORDER REGULATING HANDLING OF MILK

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AUTHORITY: §§ 931.0 to 931.101 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

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FEDERAL REGISTER

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inafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in said marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 931.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1957. Any delay beyond that date in the effective date of this order amending the order will impair the proper operation of the order and will seriously threaten the orderly marketing of milk in the Cedar Rapids-Iowa City marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Deputy Administrator, Agricultural Marketing Service, on May 29, 1957 (22 F. R. 3882) and the final decision having been issued by the Assistant Secretary of Agriculture on July 2, 1957 (22 F. R. 4824). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order) of more than 50 percent of the milk covered by this order amending the order which is marketed with the Cedar Rapids-Iowa City marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period, April 1957, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cedar Rapids-Iowa City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended to read as follows:

DEFINITIONS

§ 931.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 931.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 931.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 931.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 931.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 931.6 *Cedar Rapids-Iowa City marketing area.* "Cedar Rapids-Iowa City marketing area" hereinafter called the "marketing area", means all the territory within the corporate limits of the cities of Cedar Rapids and Iowa City, both in the State of Iowa.

§ 931.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of April through June, and (2) on not more than one-half the days on which milk was delivered from a farm during any of the months of July through March: *Provided,* That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

§ 931.8 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 931.9 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 931.10 (a).

§ 931.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided,* That if such shipments are not less than 50 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

§ 931.11 *Nonpool plant.* "Nonpool plant" mean any milk manufacturing, processing or bottling plant other than a pool plant.

§ 931.12 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more distributing or supply plants.

(b) Any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 931.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 931.14 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 931.7.

§ 931.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, ice cream mix,

evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 931.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 931.17 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 931.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 931.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 931.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 931.87: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 931.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 931.30 and 931.31, or payments pursuant to §§ 931.80, 931.84, 931.86, 931.87, and 931.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 931.50 (a) and the Class I butterfat differential pursuant to § 931.51 (a) both for the current month; and the minimum prices for Class II milk and Class III milk pursuant to § 931.50 (b) and (c) and the Class II and Class III butterfat differentials pursuant to § 931.51 (b) and (c), all for the preceding month; and

(2) The 10th day after the end of each month the uniform price pursuant to § 931.71 and the producer butterfat differential pursuant to § 931.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests the percentage of the milk caused to be delivered by the cooperative association or its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 931.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 931.7;

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(g) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 931.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer:

(1) His name and address,

(2) The total pounds of milk received from such producer,

(3) The number of days, if less than the entire month, for which milk was received from such producer,

(4) The average butterfat content of such milk, and

(5) The net amount of such handler's payment together with the price paid and the amount and nature of any deductions.

§ 931.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 931.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 931.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 931.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 931.41 through 931.46.

§ 931.41 *Classes of utilization.* Subject to the conditions set forth in § 931.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product and (2) not accounted for as Class II milk or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat which are not accounted for as Class III milk and which are used to produce any product other than a fluid milk product.

(c) Class III milk shall be all skim milk and butterfat (1) used to produce butter, Cheddar cheese, animal feed, casein and nonfat dry milk solids; (2) contained in inventory of fluid milk products on hand at the end of the month; (3) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 931.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (4) in shrinkage of other source milk.

§ 931.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 931.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 931.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, except a producer-handler, unless utilization in another class is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 931.30: *Provided,* That the skim milk or butterfat so assigned to another class shall be limited to the amount thereof remaining in Class II milk and in Class III milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 931.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product; and

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant unless:

(1) The transferring or diverting handler-claims classification in Class II milk or in Class III milk in a written statement submitted to the market administrator by the operators of both the pool plant and the nonpool plant on or before the 7th day after the end of the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) An equivalent amount of skim milk and butterfat has been used at the nonpool plant during the month in the indicated utilization.

§ 931.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in each class for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 931.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 931.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk assigned to producer milk pursuant to § 931.41 (c) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk and in Class III milk, in series beginning with Class III milk, an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class in series beginning with Class III milk, the pounds of skim milk in other source milk received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk and in Class III milk, respectively, the pounds of skim milk subtracted from each class pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 931.44 (a);

(8) Subtract from the remaining pounds of skim milk in Class III milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class III milk, the difference shall be subtracted from Class I milk; and

(9) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 931.50 *Class prices.* Subject to the provisions of §§ 931.51 and 931.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 15 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the period from the 16th day of the preceding month

through the 15th day of the current month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Plant Location

Amboy Milk Products Co., Amboy, Ill.
Borden Company, Dixon, Ill.
Borden Company, Sterling, Ill.
Carnation Company, Morrison, Ill.
Carnation Company, Oregon, Ill.
Carnation Company, Waverly, Iowa.
United Milk Products Company, Argo Fay, Ill.

(c) *Class III milk price.* The Class III milk price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Subtract 6 cents from the Chicago butter price for the month and multiply the remainder by 4.2.

(2) From the simple average, as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the month by the Department, subtract 6.5 cents and multiply the remainder by 7.913. If the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the midpoint between the simple averages (using in each price series the midpoint of any price range as one price) as computed by the market administrator, of the weekly Chicago wholesale carlot prices per pound of nonfat dry milk solids in barrels for human consumption, spray and roller process, respectively, as reported within the month by the Department and 8.5 cents, rather than 6.5 cents, shall be deducted in making this computation.

§ 931.51 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 931.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.140.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.120.

(c) *Class III price.* Subtract 6 cents from the Chicago butter price for the current month and multiply the remainder by 0.120.

§ 931.52 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the Cedar Rapids and Iowa City, Iowa, City Halls, by the shortest hard surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 931.50 (a) shall be reduced by 10 cents for the first 65 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearer of the Cedar Rapids and Iowa City City Halls: *Provided,* That for the purpose of calculating the location differential adjustment applicable pursuant to this section, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class III milk and Class II milk in the transferee plant after making the calculations prescribed in § 931.46 (a) (5) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 931.53 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 931.60 *Producer-handler.* Sections 931.40 through 931.46, 931.50 through 931.52, 931.70, 931.71, and 931.80 through 931.88, shall not apply to a producer-handler.

§ 931.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 931.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Cedar Rapids-Iowa City marketing area than in the marketing area regulated pursuant to such other orders: *Provided,* That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 931.30) and allow verification of such reports by the market administrator.

§ 931.62 *Handlers operating nonpool plants.* None of the provisions from §§ 931.44 through 931.52, inclusive, or from §§ 931.70 through 931.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 13th day after the end of each month pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 931.63.

§ 931.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of December through June, subtract from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk, the Class III price adjusted by the Class III butterfat differential; and

(b) During the months of July through November subtract from the Class I price f. o. b. such nonpool plant the uniform price to producers adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 931.70 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 931.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of producer milk classified in Class III less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 931.46 (a) (8) and the corresponding step of (b);

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 931.46 (a) (2) and (3) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 931.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided,* That if the source of any such fluid milk product received at a pool plant is not clearly established, such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

§ 931.71 *Computation of uniform price.* For each of the months the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within 50 miles of the City Hall of Cedar Rapids or Iowa City, as follows:

(a) Combine into one total the values computed pursuant to § 931.70 for all handlers who made the reports prescribed in § 931.30 for such month, except those in default of payments required pursuant to § 931.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 931.82;

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section.

PAYMENT FOR MILK

§ 931.80 *Time and method of payment for producer milk.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed in accordance with § 931.71, subject to the butterfat differential computed pursuant to § 931.81 and less location differential deductions pursuant to § 931.82.

(b) On or before the 12th day after the end of each month during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and exercises such authority, an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 931.81 *Butterfat differentials to producers.* The uniform price to be paid each producer shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate, rounded to the nearest one-tenth cent, of 0.120 times the Chicago butter price.

§ 931.82 *Location differentials to producers.* The uniform price to be paid producers for milk received at a pool plant located 50 miles or more from the Cedar Rapids and Iowa City, Iowa, City Halls, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 10 cents for the first 65 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearer of the Cedar Rapids and Iowa City, City Halls.

§ 931.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 931.62, 931.84 and 931.86, and out of which he shall make all payments to handlers pursuant to §§ 931.85 and 931.86.

§ 931.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler pursuant to § 931.70 for such month exceeds the obligation pursuant to § 931.80 of such handler to producers for milk received during the month.

§ 931.85 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 931.80, of such handler to producers for milk received during the month exceeds the value of milk for such handler computed pursuant to § 931.70: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 931.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 931.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 931.87 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 12th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 931.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 931.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 931.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from such producer (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 12th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions as are authorized by such producers and, on or before the 12th day after the end of each month, pay over such deductions to the association rendering such such services.

§ 931.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money, irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transactions involving fraud or willful concealment of a fact, material to the obligation, on

the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 931.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 931.91 *Suspension or termination.* The Secretary shall, whenever he finds this subpart, or any provision hereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 931.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations hereunder the final accrual or ascertainment of which require further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 931.93 *Liquidation.* Upon the suspension or termination of provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 931.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 931.101 *Separability of provisions.* If any provisions of this subpart or its application to any person or circumstance is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 18th day of July 1957, to be effective on and after August 1, 1957.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 57-6012; Filed, July 22, 1957; 8:52 a. m.]

[Pear Order 9]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 939.309 *Pear Order 9*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 28, 1957. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 11, 1957, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department and notice thereof given to handlers and growers; necessary supplemental information was not available to the Department until July 16, 1957; shipments of the current crop of such pears are expected to begin on or about July 29, 1957, and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 28, 1957, and ending at 12:01 a. m., P. s. t., July 1, 1958, no handler shall ship:

(i) Any Beurre D'Anjou pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 180 size: *Provided,* That, Beurre D'Anjou pears may be shipped when bearing unhealed broken skin punctures measuring not to exceed three-sixteenths (3/16) of one inch in diameter or depth, as the case may be, if they otherwise grade at least U. S. No. 1, and are of a size not smaller than the 135 size: *Provided further,* That, (*a*) Beurre D'Anjou pears grown in the Wenatchee or Yakima Districts which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size, and (*b*) Beurre D'Anjou pears grown in the Medford District which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks or frost injury, if such pears are not very seriously misshapen, or, which fail to meet the requirement with respect to russeting specified in the U. S. No. 2 grade, may be shipped if such pears are of a size not smaller than the 180 size;

(ii) Any Beurre Bosc pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 180 size: *Provided,* That, Beurre Bosc pears grown in the Yakima District which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size: *Provided, further,* That, Beurre Bosc pears grown in the Medford District which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks, or frost injury, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size;

(iii) Any Doyenne du Comice pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 165 size: *Provided,* That, Doyenne du Comice pears grown in the Medford District which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks or frost injury, if such pears are not very seriously misshapen or which fail to meet the requirement with respect to russeting specified in the U. S. No. 2 grade, may be shipped if such pears are of a size not smaller than the 165 size;

(iv) Any Winter Nelis pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 210 size: *Provided,* That, Winter Nelis pears which grade at least U. S. No. 1 may be shipped in sizes smaller than the 210 size but not smaller than the 225 size: *Provided further,* That, Winter Nelis pears grown in the Medford District which fail to meet the requirement with respect to shape specified in the U. S. No. 2 grade, only because of healed hail marks or frost injury, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 210 size; and

(v) Any Beurre Easter pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 165 size.

(2) As used herein, "U. S. No. 1," "U. S. No. 2," "hail marks," "russeting," "frost injury," and "seriously misshapen" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties (§§ 51.1300–51.1321 of this title), and "135 size," "165 size," "180 size," "210 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 135, 165, 180, 210, or 225 pears, respectively, in a standard western pear box (inside dimensions, 18 inches long by 11½ inches wide by 8½ inches deep), and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 17, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5994; Filed, July 22, 1957; 8:49 a. m.]

PART 952—MILK IN AUSTIN-WACO, TEXAS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 952.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Austin-Waco, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than August 1, 1957. Any delay beyond that date in the effective date of this order amending the order, as amended, will impair the proper operation of the order and will seriously threaten the orderly marketing of milk in the Austin-Waco, Texas, marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Deputy Administrator, Agricultural Marketing Service, on May 21, 1957 (22 F. R. 3688), and the final decision having been issued by the Assistant Secretary of Agriculture on July 11, 1957 (22 F. R. 5580). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective August 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by this order amending the order, as amended, which is marketed within the Austin-Waco, Texas, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period June 1957, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Austin-Waco, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete § 952.10 and substitute therefor the following:

§ 952.10 *Fluid milk plant.* "Fluid milk plant" means (a) a distributing plant or a supply plant, and (b) any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area if such plant is owned and operated by a cooperative association, and 75 percent or more of the milk of the members of such association, including receipts pursuant to § 952.13 (b), is received at the fluid milk plants of other handlers.

2. Delete § 952.13 and substitute therefor the following:

§ 952.13 *Handler.* "Handler" means (a) any person in his capacity as the operator of one or more approved plants, and (b) a cooperative association with respect to the milk of any producer (1) which it diverts to a nonfluid milk plant, or (2) which it causes to be delivered directly from the farm, in bulk tank pickup truck(s) owned and/or controlled by such association, to the fluid milk plant of another handler: *Provided,* That such milk shall be deemed to have been received by the cooperative association at the location of the fluid milk plant to which it is delivered, except that such milk shall be considered as a receipt of producer milk by the operator of such fluid milk plant for the purpose of §§ 952.41 (b) (4), 952.42, 952.46 (a) (1) and 952.95.

3. Delete § 952.15 (b) and substitute therefor the following:

(b) Diverted for his account by the operator of a fluid milk plant or cooperative association from such plant to a nonfluid milk plant during the period January through July and on not more than one-third of the days of delivery during the month for the period August through December: *Provided,* That milk so diverted shall be deemed to have been

received by the diverting handler at the plant from which it was diverted.

4. Delete § 952.18 and substitute therefor the following:

§ 952.18 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which milk is received from the dairy farm(s) of such person but from no other dairy farm: *Provided,* That such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

5. In § 952.41 (b) (4) delete the following: "(5 percent with respect to skim milk during the months of April, May and June)".

6. Delete § 952.46 (a) (5) and substitute therefor the following:

(5) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 952.41 (a) (1) received from the fluid milk plants of other handlers and in milk received from a cooperative association in its capacity as a handler pursuant to § 952.13 (b) (2), according to the classification of such skim milk as determined pursuant to § 952.44 (a);

7. In § 952.73 delete paragraphs (a), (b), (c) and (d) and substitute therefor the following:

(a) Compute the value on a 4.0 percent butterfat basis of excess milk used by such handler in Class II milk by multiplying the hundredweight of such milk by the price for Class II milk of 4.0 percent butterfat content. If the Class I milk utilization exceeds the receipts of base milk from producers, multiply the hundredweight of such excess used as Class I milk by the Class I price applicable to such handler's plant location; add such amount to the total value of milk used as Class II milk; and divide the total value by the hundredweight of receipts from producers of excess milk. The result, less any fraction of a cent per hundredweight, shall be known as the price for excess milk of 4.0 percent butterfat content for such handler at the fluid milk plant;

(b) Compute the value of base milk received by such handler from producers by subtracting the total value computed for excess milk pursuant to paragraph (a) of this section from the value obtained pursuant to § 952.71 (c); and divide the value obtained by the hundredweight of base milk. This result, less any fraction of a cent per hundredweight, shall be the price for base milk of 4.0 percent butterfat content for such handler at fluid milk plants in Zone I.

8. Delete § 952.90 (d) and substitute therefor the following:

(d) On or before the 13th and 26th days of each month in lieu of the payments pursuant to paragraphs (a), (b) and (c) of this section, respectively, each handler shall pay to a cooperative association for milk which it caused to be delivered to such handler from producers and for which such cooperative association is not a handler pursuant to § 952.13, if such cooperative association is authorized to collect such payments for its member-producers and has so requested the handler, an amount equal to the sum of the individual payments otherwise payable to such producers.

9. Redesignate § 952.90 (e) as § 952.90 (f) and add a new § 952.90 (e) to read as follows:

(e) On or before the 13th and 26th days of each month, each handler shall pay to a cooperative association for milk which was caused to be delivered to such handler by such cooperative association, and for which such cooperative association is a handler pursuant to § 952.13 (b), an amount not less than the value of such milk computed by multiplying the pounds of such milk allocated to each class pursuant to § 952.46 by the applicable class prices including the differentials prescribed by the order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 18th day of July 1957, to be effective on and after August 1, 1957.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 57-6011; Filed, July 22, 1957; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6637]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ELLIOT KNITWEAR, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclbosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act: *Maker or seller, etc.* Subpart—*Using misleading name—* Goods: § 13.2280 *Composition:* Wool Products Labeling Act.[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Elliot Knitwear, Inc., et al., New York, N. Y., Docket 6637, June 25, 1957]

[1] New.

In the Matter of Elliot Knitwear, Inc., a Corporation, Elliot Import Corporation, a Corporation, Herman Gross, Individually and as an Officer of Said Corporations, and Herman Gross and Samuel I. Gross, Individually and as Copartners Doing Business as Elliot Glove Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated corporations, their common president, and a business in which he was a copartner, with common office in New York City, with violating the Wool Products Labeling Act by tagging wool products deceptively with respect to their constituent fibers, labeling as "Pure Cashmere" sweaters which contained a substantial quantity of fiber other than cashmere, failing to identify the manufacturer, and failing in other respects to conform to requirements of the act.

Following an agreement between the parties containing a consent order to cease and desist purporting to dispose of all the proceeding except as to the use of the word "Cashmora" on labels attached to certain of respondents' products, as alleged in the complaint, the hearing examiner made his initial decision and order to cease and desist which became on June 25 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Elliot Knitwear, Inc., and Elliot Import Corporation, both corporations, and their officers, and Herman Gross, individually and as an officer of said corporations, and Herman Gross and Samuel I. Gross, individually and as copartners trading and doing business under the firm name of Elliot Glove Company, or under any other name, and respondents' respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool products, as "wool products" are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such wool products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each of such wool products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner;

a. The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, (5) the aggregate of all other fibers;

b. The maximum percentage of the total weight of the wool products, of any non-fibrous loading, filling, or adulterating matter;

c. The name or registered identification number of the manufacturer of such wool products, or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to use the common generic name when naming fibers in the required information.

4. Using the name of any person, other than the manufacturer of the product on the stamp, tag, label or other mark of identification affixed to such product unless accompanied by appropriate words showing that the product was not manufactured by such person.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 25, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-5988; Filed, July 22, 1957; 8:48 a. m.]

[Docket 6666]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LAKELAND-DEERING NURSERIES SALES ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.135 *Nature:* Product or service; § 13.170 *Qualities or properties of product or service;* § 13.180 *Quantity:* Offered. Subpart—*Using misleading name*—Goods: § 13.2315 *Nature.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lakeland-Deering Nurseries Sales et al., New York, N. Y., Docket 6666, June 25, 1957]

In the Matter of Lakeland-Deering Nurseries Sales, a Corporation, and Henry L. Hoffman, Chester Carity, Lillian Zogheb and Allen Lekus, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a company in New York City, engaged in selling nursery products to the public by mail, with making false representations in newspaper advertisements, circulars, etc., regarding the physical characteristics, color, season and amount of bloom, etc., of their "Lythrum Morden Gleam" and Shasta Daisy plants.

Following an agreement between the parties for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 25 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Lakeland-Deering Nurseries Sales, a corporation, and its officers; Henry L. Hoffman, Chester Carity, Lillian Zogheb, and Allen Lekus, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the plants Lythrum Morden Gleam or Shasta Daisy (Chrysanthemum Maximum) in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, by description, depiction, failure to reveal, or otherwise, that the purchaser will receive more than one variety of the plant Shasta Daisy, unless such be the fact;

2. Using the term "Chrysanthemum Maximum" without contiguously, conspicuously, and coincidentally stating the common name for such plant, to wit, "Shasta Daisy";

3. Representing, directly or indirectly, by description, depiction, failure to reveal, or otherwise, the physical characteristics of the plant Lythrum Morden Gleam (including size at maturity, rate of growth, season of bloom, color or amount of bloom) unless such representations hold true in all areas where said plant is advertised and sold by respondents: *Provided, however,* That respondents may represent the physical characteristics of said plant as respondents have grown it.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 25, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-5987; Filed, July 22, 1957; 8:47 a. m.]

[Docket 6676]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

INTERNATIONAL PAPER CO.

Subpart—*Acquiring stock, or assets, etc., of competitor:* 13.5 *Acquiring stock, or assets, etc., of competitor.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 7, 38 Stat. 731; 15 U. S. C. 18) [Cease and desist order, International Paper Company, New York, N. Y., Docket 6676, June 25, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the world's largest integrated paper company—with productive capacity more than three times as great as its largest competitor—with violation of section 7 of the Clayton Act by its acquisition of the second largest producer of lumber in the Pacific Northwest and the corporation holding a majority of its stock.

Following an agreement between counsel containing consent order, the hearing examiner made his initial decision and order which became on June 25 the decision of the Commission.

By the order, International is required to divest itself within ten years of the stock interest held by the acquired companies in a major competitor in the West Coast market; forbidden to acquire any interest in any competing mill for the next ten years; and required to sell to independent purchasers during the same period, 40 percent of the paper and paperboard production of its proposed Pacific Coast mill.

The order to cease and desist is as follows:

It is ordered, That Respondent, International Paper Company, shall divest itself absolutely, in good faith, of all the stock in Longview Fibre Company which was acquired through the merger of The Long-Bell Lumber Corporation and The Long-Bell Lumber Company with Respondent. As an initial step in such divestiture Respondent shall forthwith transfer said stock to a bank or trust company to be approved by the Commission as voting trustee, under a voting trust agreement in a form to be approved by the Commission. Such divestiture shall be completed by sale of said stock within ten years from the date of this order. Respondent shall not sell any such stock, directly or indirectly, to any officer, director, employee, agent or subsidiary of, or anyone otherwise directly or indirectly under the control or influence of, Respondent or any of its officers or directors.

It is further ordered, That for a period of ten years from the date of the issuance of this order by the Federal Trade Commission, Respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, by merger, consolidation, purchase of physical assets, or acquisition of stock or other share capital, any interest in any paper or paperboard mill located in any present state of the United States which competes with any mill of Respondent.

It is further ordered, That for a period of ten years from the date of the issuance of this order by the Federal Trade Commission, Respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, by merger, consolidation, purchase of physical assets, or acquisition of stock or other share capital, any interest in any plant located in any present state of the United States which produces products made or converted from paper or paperboard and which competes with any plant of Respondent.

It is further ordered, That from the date of the commencement of commer-

cial production at its proposed paper and paperboard mill in the Pacific Coast area and until ten years from the date of this order Respondent shall cease and desist from supplying paperboard manufactured at such mill to any purchaser, or to any converting plant owned or controlled by Respondent unless Respondent shall comply with the following conditions:

Prior to the commencement of each calendar year in which paperboard is to be supplied, Respondent shall contract to sell during such calendar year to non-integrated wholesalers, non-integrated converters and other non-integrated purchasers located in the eleven Western state area (meaning in each case purchasers who are not engaged, nor to the knowledge of Respondent controlled by others engaged, in such area in the manufacture of paperboard of a type and grade similar to that manufactured at such mill of the Respondent), a number of tons of paperboard equal to 40 percent of the tons of paperboard expected to be produced at such mill during the calendar year, provided, that if a lesser amount of such paperboard is so contracted to be sold prior to the commencement of such calendar year, then a number of tons of paperboard equal to the balance of such 40 percent shall be made available by the Respondent to non-integrated purchasers of the character described above who thereafter make written request to purchase any part thereof during such calendar year, to the extent and subject to the terms set forth below:

1. The number of tons included in such balance shall be reduced at the end of each month during such calendar year by the number of tons for which contracts of sale are made during such month, or by an amount equal to one-twelfth of the original balance, whichever is greater;

2. All contracts of sale shall be subject to Respondent's standard credit requirements, shall be at Respondent's standard prices, and on its standard terms and conditions, in such area, and in weights, finishes and roll widths regularly made at such mill. No such contract need call for deliveries at a rate disproportionate to the uncontracted for expected production of paperboard at such mill during the balance of such year.

It is further ordered, That from the date of the commencement of commercial production at its proposed paper and paperboard mill in the Pacific Coast area and until ten years from the date of this order Respondent shall cease and desist from supplying paper manufactured at such mill to any purchaser, or to any converting plant owned or controlled by Respondent, unless Respondent shall comply with the following conditions:

Prior to the commencement of each calendar year in which paper is to be supplied, Respondent shall contract to sell during such calendar year to non-integrated wholesalers, non-integrated converters and other non-integrated purchasers located in the eleven Western state area (meaning in each case purchasers who are not engaged, nor to the knowledge of Respondent controlled by others engaged, in such area, in the manufacture of paper of a type and grade similar to that manufactured at such mill of the Respondent), a number of tons of paper equal to 40 percent of the tons of paper expected to be produced at such mill during the calendar year, provided, that if a lesser amount of such paper is so contracted to be sold prior to the commencement of such calendar year, then a number of tons of paper equal to the balance of such 40 percent shall be made available by the Respondent to non-integrated purchasers of the character described above who thereafter make written request to purchase any part thereof during such calendar year to the extent and subject to the terms set forth below:

1. The number of tons included in such balance shall be reduced at the end of each month during such calendar year by the number of tons for which contracts of sale are made during such month, or by an amount equal to one-twelfth of the original balance, whichever is greater;

2. All contracts of sale shall be subject to Respondent's standard credit requirements, shall be at Respondent's standard prices, and on its standard terms and conditions, in such area, and in weights, finishes and roll widths regularly made at such mill. No such contract need call for deliveries at a rate disproportionate to the uncontracted for expected production of paper at such mill during the balance of such year.

It is understood that not all the paper and paperboard to be supplied to non-integrated buyers under this order need be produced at Respondent's Pacific Coast mill, but shall be paper and paperboard of similar types and grades.

It is further understood that the number of tons of paper and the number of tons of paperboard expected to be produced during a calendar year at such mill shall be determined for purposes of this order by a bona fide estimate by the Respondent until one full calendar year has elapsed after the commencement of commercial operations at such mill, and thereafter shall be deemed to be the number of tons of paper and the number of tons of paperboard that were produced during the immediately preceding calendar year at such mill.

Jurisdiction is retained so that Respondent may at any time hereafter petition the Commission for construction or modification of this order, which the Commission will consider and, upon proper showing by Respondent, allow to the extent it finds such construction or modification to be warranted and consistent with section 7 of the Clayton Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondent International Paper Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to divest and to cease and desist.

Issued: June 25, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5984; Filed, July 22, 1957; 8:47 a. m.]

[Docket 6733]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

INSTITUTIONAL FOODS CO., INC., AND LABON THORNTON

Subpart — *Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.810 *Buyers' corporate or other agent.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Institutional Foods Company, Inc., et al., Docket 6733, June 21, 1957]

In the Matter of Institutional Foods Company, Inc., a Corporation, and Labon Thornton, Individually and as President of Institutional Foods Company, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a wholesale distributor of canned and packaged foods principally to schools in eastern North Carolina, with office in Raleigh, N. C., with receiving illegal brokerage from sellers on substantial purchases of food products made through an incorporated brokerage firm in which its president and his wife owned a half interest and of which the president was also the salaried manager, thereby violating section 2 (c) of the Robinson-Patman amendment to the Clayton Act.

After approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 21, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Institutional Foods Company, Inc., a corporation, and Labon Thornton, individually and as president and half owner of Institutional Foods Company, Inc., and their respective officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the purchase by respondents, or either of them, of food products in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from receiving or accepting, directly or indirectly from any seller anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof, upon any purchases of food products by respondents for their own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 21, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5986; Filed, July 22, 1957; 8:47 a. m.]

[Docket 6741]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

APOLLO CO., INC. AND HENRY L. ZIFF

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Apollo Company, Inc., et al., Detroit, Mich., Docket 6741, June 26, 1957]

In the Matter of Apollo Company, Inc., a Corporation, and Henry L. Ziff, Individually and as an Officer and Director of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Detroit, Mich., with preticketing its boys' and men's belts with fictitious and exaggerated price figures, whereby it placed in the hands of retail outlets a means for deceiving the purchasing public as to the usual retail price.

Following an agreement between counsel for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Apollo Company, Inc., a corporation, and its officers and Henry L. Ziff, individually and as an officer and director of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act of men's and boys' belts, do forthwith cease and desist from:

1. Representing, by pre-ticketing or in any manner, that certain amounts are the usual and regular retail price of their products when such amounts are in excess of the prices at which their products are usually and regularly sold at retail.

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail price of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 26, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-5985; Filed, July 22, 1957; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1472—CONDUCT OF RENEGOTIATION

PLACE FOR FILING

Section 1472.5 (d) *Place for filing* is amended by deleting the name and address of the Chicago Regional Renegotiation Board.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: July 18, 1957.

THOMAS COGGESHALL, *Chairman.*

[F. R. Doc. 57-6007; Filed, July 22, 1957; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

CONEY ISLAND CREEK, NEW YORK

Pursuant to the provisions of section 5 of the River and Harbor Act of 18 August 1894 (23 Stat. 362; 33 U. S. C. 499), § 203.170 is hereby revoked and § 203.190 (f) is hereby amended to include the bridge at Stillwell Avenue, Brooklyn, New York, N. Y., as follows:

§ 203.170 *Coney Island Creek, New York City; City of New York highway and trolley bridge at Stillwell Avenue.* [Revoked.]

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

• • • • • •

(3-a) Coney Island Creek; City of New York highway bridges at Harway (Cropsey) and at Stillwell Avenues. At least 24 hours' advance notice required, except that the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York.

[Regs., June 21, 1957, 823.01 (Coney Island Creek, N. Y.)—ENGWO] (Sec. 5, 23 Stat. 362; 33 U. S. C. 499)

HERBERT M. JONES, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 57-5972; Filed, July 22, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1438]

[New Mexico 025192]

NEW MEXICO

RESERVING LANDS WITHIN LINCOLN NATIONAL FOREST FOR USE OF DEPARTMENT OF THE AIR FORCE IN DEVELOPMENT OF SOLAR FURNACE FOR EXPERIMENTAL PURPOSES

Correction

In F. R. Document 57-5276, appearing in the issue for Saturday, June 29, 1957, at page 4613, the date "June 24, 1957," should be inserted at the end of the document.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

[Docket No. AO 192-A3]

WALNUTS GROWN IN CALIFORNIA, OREGON AND WASHINGTON

RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments of Marketing Agreement No. 105 and Order No. 84, as amended (7 CFR Part 984), hereinafter referred to as the "Order," regulating the handling of walnuts grown in California, Oregon and Washington. The order is effective pursuant to provisions

of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and any amendments which may be adopted as a result of this proceeding will also be effective pursuant to said act. Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than fifteen days after publication of this document in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the presently recommended amendments of the order are formulated was held in San Francisco, California on May 1 and 2, 1957, pursuant to a notice thereof which was published in the FEDERAL REGISTER on April 25, 1957 (22 F. R. 2916). The notice contained amendments which had been proposed to the Secretary of Agriculture, hereinafter referred to as the "Secretary," by the Walnut Control Board which is the administrative body for the Walnut Marketing Agreement and Order. The principal purpose of the proposed amendments is to introduce a requirement for a minimum standard of quality on shelled walnuts.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals relating to: (1) Definitions of the terms "merchantable walnuts," "substandard walnuts," "to handle," "handler," "to pack," "packer," "sheller," "manufacturer," "distributor" and "sound kernel"; (2) the method of handling vacancies on the Control Board which occur during the normal term of office; (3) clarification of the grade and size regulations now in effect for unshelled walnuts; (4) establishment of a minimum standard and authority for additional grade and size regulations for shelled walnuts together with inspection and certification requirements relating thereto; (5) disposition of substandard shelled walnuts; (6) reporting requirements in connection with disposition of substandard shelled walnuts; (7) requirements for maintaining books and records; (8) interhandler transfers; (9) minor changes in administrative procedures and clarification of present procedures; (10) conforming changes.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof are set forth below. (Numbers in parentheses are those used in the Order as proposed to be amended which differ from those in the present order.)

1. *Certain definitions—Merchantable walnuts.* Section 984.9 should be amended to add shelled walnuts to the present definition. With the introduction of the proposed minimum grade and size requirements for shelled walnuts it will be necessary to identify those shelled walnuts that meet the requirements. Since the term "merchantable" is now used to identify unshelled walnuts meeting the requirements of the grade, it is appropriate that a comparable term be used to identify shelled walnuts meeting the proposed minimum grade and size requirements.

Substandard walnuts. A new section (§ 984.10) should be added to identify unshelled or shelled walnut material which does not meet the grade and size requirements proposed to be established for shelled walnuts. It was proposed at the hearing that only shelled walnuts be included in the substandard category. However, control of all substandard material should be exercised by the Board in order to preclude its use in merchantable walnut channels. Therefore, lots of inshell walnuts which sampling indicates will not meet the minimum standard if shelled should not be required to be shelled but should be accounted for and disposed of in authorized substandard outlets. Identification of all such material is necessary to control its disposition into outlets which are not competitive with merchantable walnuts.

To handle. Section 984.11 (§ 984.12) should be amended by deleting the words, "or by handlers to packers or shellers for packing, shelling, further processing or handling," from the present definition which had the effect of placing responsibility for program requirements on the last handler who places walnuts in the channels of commerce. This deletion would have the effect of placing the responsibility for complying with the regulations and obligations incident to handling on the person who first performs the handling function.

It is the intention of the present definition to consider walnuts "handled" when delivered to the "trade" by the last receiving handler, who is then responsible for meeting program obligations. The complexity of many packers', processors', and shellers' operations has created administrative difficulties in accurately and equitably determining when walnuts are sold or delivered to the "trade." In addition, considerable work and record keeping by both handlers and the Board has proved necessary to follow and account for the walnuts through several transactions until they are placed in distributive trade channels. On the basis of this experience, it is desirable that program administration be simplified by holding the first person who obtains walnuts direct from the grower responsible for program obligations incident to "handling" except for transfers discussed in connection with proposed § 984.85.

While it is intended to exempt from program obligations sales by growers to packers, shellers, and manufacturers, it is not intended to exempt growers where sales by growers would result in by-passing the handling function normally performed by these handlers. Where such by-passing occurs, either the grower or the buyer must perform the handling function and the facts should determine who is the handler. If the grower is responsible for the transaction which by-passes the regular handler (packer, sheller, or manufacturer), then the grower should be the handler. Conversely, if a buyer, such as a wholesaler or retailer, is responsible for by-passing the regular channels by seeking out the grower, then the buyer should be considered the handler.

Provision should also be included to exempt authorized disposition of substandard walnuts from "handling." The addition of the proposed grade and size requirements for shelled walnuts will result in a category of walnuts defined as substandard shelled walnuts and unshelled walnuts unsuitable for shelling. This will not be permitted to move in normal channels of trade and should therefore be excluded from handling when disposed of in an authorized manner.

The first sentence of the section should be changed to refer to "manufacturer" instead of "for use in manufacturing" to clearly refer to the persons who should be included in the term "manufacturer" which is now proposed to be specifically defined.

Handler. Section 984.12 (§ 984.13) should be amended to include any person who handles unshelled or shelled walnuts rather than specify categories of handlers and rely on interpretation to cover all persons who handle. The present definition relies on the term "distributor" to cover any person other than a packer or a sheller who handles walnuts. The net effect of the present definition of handler, therefore, is to include all persons who handle walnuts but the form of the definition has caused administrative difficulties. This amendment is clarifying in nature and will avoid the implication that some persons performing the handling function may be excluded from being classified as a "handler." The amendment does not constitute any substantive change in the intent of the present definition of "handler."

To pack. Section 984.13 (§ 984.14) should be amended by deleting the last four words in the present definition, which are: "in any manner whatsoever." These words have added nothing to the meaning and no change in this definition is intended by their deletion.

Packer. Section 984.14 (§ 984.15) should be amended to include any person engaged in the business of packing walnuts or who has walnuts packed for his account. The person actually controlling the disposition into channels of trade of such walnuts is intended to be the "packer" as the term is used in connection with the walnut program. Therefore, the intent of the provision should be clarified by referring to the business operation and by including as a packer any person who has walnuts packed for his account. The definition of a packer is not intended to include persons who do preparation of walnuts prior to delivering them to another person for handling.

Sheller. Section 984.16 (§ 984.17) should be amended to include any person who has walnuts shelled for his account and by deleting the words "or who prepares the kernels for market." Program operating experience has indicated a need for clearly fixing responsibility for program obligations in instances where walnuts are shelled by someone other than the owner. The person having disposition rights to the walnuts when they

are shelled should be responsible for meeting the obligations on them. This would include a person shelling walnuts owned by himself or a person owning walnuts who has another person shell them for him under a contractual arrangement. Thus a person shelling walnuts for another person's account, and not having any control of the walnuts other than for purposes of removing the shells from them, should not be responsible for meeting program obligations on them.

Persons who do not shell walnuts but otherwise prepare walnut kernels for market should not be included under the definition of "sheller" inasmuch as they perform a function after the kernels have been placed in the channels of trade. Excluding them from the definition is consistent with the proposed amended definition of the term "to handle" in that it places obligations arising from the handling of shelled walnuts on the sheller, who is the primary handler.

Manufacturer. A new section (§ 984.18) should be added to specifically state that bakers, ice cream manufacturers, candy, and other food product manufacturers are those referred to by the term "manufacturer" in the proposed amended definition of "to handle." It was testified at the hearing that these three specifically named categories of use are the only ones that should now be included in the definition of "manufacturer" for purposes of program administration. However, it was recognized that other food "manufacturers" may become direct purchasers of walnuts from growers in the future. Therefore, the definition should be broad enough to include all persons who may become subject to program administration.

Distributor. Section 984.17 in the present order should be deleted. This definition as presently used establishes a category of persons who become liable for program obligations as handlers on walnuts which have not previously been subjected to such obligations. In view of the proposed revision in the definition of "handler" to include all persons who handle walnuts, and the reasons therefor, this definition is no longer necessary.

Sound kernel. Section 984.18 (984.19) should be amended to include pieces of walnut kernels which will not pass through a round opening 6/64ths of an inch in diameter instead of the present 1/8th of an inch. It is necessary to allow slightly smaller pieces of kernels to be included in the sound kernel weight in order to bring this factor into conformity with the proposed minimum standard for shelled walnuts.

Vacancy. Section 984.37 should be amended to provide a more flexible method for filling vacancies that may occur among members or alternates of the Walnut Control Board. The present provisions require that the Board carry out established nomination procedures and submit a candidate to the Secretary within thirty days after the vacancy occurs. Oftentimes no practical or useful purpose would be served in filling vacancies occurring near the end of the term when the remaining member or alternate is available to serve until expiration of the term. At such times the Board will be concerned with members and alternates for the new term and will be obtaining nominations for all positions, including those that may be vacant. When such vacancy occurs the Board should announce it to the group concerned so that they may submit to the Board for transmission to the Secretary recommendations as to a successor, or whether the position should be left vacant. On the basis of the information thus obtained, the Secretary may fill the vacancy or take no action. It is intended that the Board will carry out regular nomination procedures in all other cases. This section should continue to permit the Secretary to make a selection after thirty days if no nomination has been received, where it is deemed that the vacancy should be filled.

Establishment of grade and size regulation for unshelled walnuts. Section 984.43 should be amended to clarify its provisions by separating it into two subparagraphs, one providing for a minimum standard of quality and size for unshelled walnuts to be operative irrespective of the relationship of prices to parity, and the second providing authorization for grade and size regulations more restrictive than the minimum standard unless returns to producers are determined to be above their parity. The first paragraph should refer to the minimum standard which remains in effect when prices are above parity. Since technological change or changes in the standard of consumer acceptability may make it desirable at some later date to modify the minimum standard established hereby, provisions should be included to allow the Secretary, on the basis of a Control Board recommendation or other information, to modify such minimum standard. The second paragraph should provide authority to establish pack specifications such as those presently effective in § 984.402 and § 984.403 and a more restrictive minimum standard of quality when returns to producers are below parity. No substantive change in present practices is intended by the proposed amendment.

Establishment of grade and size regulation for shelled walnuts. A new section (§ 984.45) should be added to the present order specifying that no handler shall handle shelled walnuts unless such walnuts are equal to or better than the requirements of the U. S. Commercial Grade as defined in the then effective United States Standard for Shelled English Walnuts (Juglans Regia) and the minimum size should be pieces, not more than 5 percent of which will pass through a round opening 6/64ths inch in diameter. This minimum standard, for reasons hereafter given, should remain in effect regardless of the relationship of grower returns to parity and should include provision for modification should changes in technology or the pattern or nature of consumption occur which alter the standard of consumer acceptability.

Under the present order, shelled walnuts used in satisfaction of surplus withholding requirements have been required to meet the U. S. Commercial Grade, although there have been no grade requirements for shelled walnuts sold in normal markets. In establishing this requirement for shelled walnuts tendered as surplus, the industry and the Secretary recognized the unacceptability of shelled walnuts of a quality lower than U. S. Commercial Grade. Substandard shelled walnuts (those not meeting the proposed minimum standard), even though they may be edible, are not considered acceptable by consumers due to inferior flavor or appearance, or both. To the extent that substandard walnut material comes to the attention of consumers, it places all walnuts in disrepute and thereby has the effect of reducing consumption of walnuts in general. It is anticipated that removal of substandard walnut material from the market will tend to increase the demand for all walnuts.

The present minimum size permitted under the U. S. Commercial Standard is pieces not more than 2 percent of which will pass through a round opening 1/8th inch in diameter. Experience has indicated that this standard is unduly restrictive and that pieces of walnut kernels not more than 5 percent of which will pass through a round opening 6/64ths of an inch in diameter results in lots of acceptable material for which there is considerable demand. Therefore, the minimum size permitted under the standard herein proposed should be pieces not more than 5 percent of which will pass through a round opening 6/64ths of an inch in diameter.

Testimony was received at the hearing that the existence of substandard shelled walnut material on the market provides buyers with an alternative product, although of inferior quality, which makes it possible to bring pressure on sellers to reduce the prices of acceptable quality walnut kernels. The presence of substandard shelled walnuts on the market has at times created misunderstanding between buyers and sellers due to uncertainty as to the quality of the walnuts being traded. This uncertainty has a depressing effect on the prices of shelled walnuts of all qualities. It is anticipated that proper identification of walnuts and assurance that any lot of shelled walnuts is of acceptable merchantable quality will increase buyer confidence and result in more sales at better prices. It is also anticipated that most users of substandard walnut material would change to merchantable quality walnuts, even at higher prices, if the substandard material were not available, and thus increase the use of merchantable quality walnuts.

The industry estimates that production of substandard quality walnuts averages about 4 percent of the total production each year. It was testified that the quality of walnuts produced can be influenced through cultural practices, and that some growers, because of poor cultural practices, generally produce inferior quality walnuts. A substantial portion of the substandard walnuts are produced by trees growing on land which has been subdivided for building purposes, and consequently on which the production of walnuts is incidental and

is not the primary purpose for which the land is used. Due to their low initial value and the high costs of processing necessary to render substandard walnuts salable, growers have never realized any substantial returns from production of such walnuts, and there are no known instances where growers depend on the production of such substandard walnuts for their primary source of income. Because the market for all walnuts is depressed by the presence of substandard walnuts and walnut material, it is anticipated that elimination of all substandard walnuts from the market will result in an increase in total grower returns which will more than offset the loss of income from substandard walnuts. It is also anticipated that the introduction of a minimum standard of quality will result in improvement of the general quality of walnuts produced since it will provide a direct incentive to growers to produce better quality walnuts through improved cultural practices.

It was proposed in the notice of hearing that provision be made to include authority for additional grade and size regulations for use at some future date in the event the industry proposed establishment of a more restrictive minimum standard or pack specifications when prices were not determined to be above parity. It was testified that the industry has no present plans to introduce additional grade and size regulations above the established minimum standard of the U. S. Commercial Grade and that should an additional regulation ever be imposed it would probably be in the nature of a more restrictive minimum standard since it did not appear practical to establish pack specifications on shelled walnuts due to the many different commercial packs and lack of uniformity among packs of different handlers. Establishment of additional grade and size regulations would require some industry reorientation and clarification of the application of a number of other provisions in the order. It is concluded, therefore, that this authority should not be included in the marketing order at this time without benefit of a public hearing to clarify the intended method of operation.

Inspection and certification of shelled walnuts. A new section, (§ 984.46) should be added to authorize inspection and certification procedures, and identification requirements for shelled walnuts to provide a means of administering the minimum standard proposed to be established.

As in the case of unshelled walnuts, the inspection and certification procedures should require each handler, prior to or upon handling shelled walnuts, to obtain a certificate indicating that the shelled walnuts have been inspected and that there is conformance with the minimum standard of quality. The information required to be on the certificate should include the date of inspection, identity of the handler, quantity of walnuts inspected, and such other information that the Board may find necessary. Copies of the certificate should be furnished to the handler and the Control Board. Inspection and certification procedures are necessary to determine whether shelled walnuts conform to the minimum standard established in § 984.45.

All inspected shelled walnuts should be identified by stamps or other means under the supervision of, and in a manner prescribed by the Control Board. This identification is necessary for the Control Board to insure compliance with the minimum standard requirement for all shelled walnuts shipped in normal trade channels.

Provision should be included in this section for the Board to require as a condition of shipment, reinspection of shelled walnuts which it has reason to believe may have deteriorated due to length of time in storage or storage conditions. Such reinspection would be at the handler's expense. If shelled walnuts so reinspected meet the minimum standard requirements, they should then be recertified prior to being permitted to move into normal channels of trade. If such walnuts are not reinspected or upon reinspection fail to meet the requirements of the minimum standard, they should be disposed of as substandard walnuts in an authorized manner.

In order to apply the proposed grade regulation on shelled walnuts for processing, provision should be made for inspection and certification prior to processing, and for the Control Board to establish such procedures as are necessary to insure compliance with the inspection and certification requirements. By chopping or otherwise processing walnuts, it is possible to partially obliterate evidence of defects and thereby make inspection after processing difficult or ineffective. Such practices would make possible circumvention of the intent of the quality regulation of shelled walnuts. Therefore, this provision is necessary.

Provision should be included to authorize certification for processing of lots of shelled walnuts having excess shrivel but otherwise meeting the requirements of the minimum standard. This provision is desirable because during some seasons in some localities walnuts are produced which are characterized by an excessive amount of shrivel although otherwise of acceptable quality. In the normal course of processing by methods such as chopping or slicing, most of such shrivelled material is blown from the product. It was testified that lots of shelled walnuts containing shrivel up to approximately 20 percent by weight and otherwise meeting the requirements of the minimum standard can be so processed and will meet the requirements of the minimum standard after processing, and that lots containing substantially more than 20 percent total shrivel cannot be economically processed. Therefore, the amount of shrivel in any such lot of shelled walnuts should be limited to a maximum of 20 percent, by weight. Provision should also be included to require reinspection of such walnuts after they have been processed. It is indicated that sufficient shrivelled walnut material will be removed during processing that the lot will normally meet the requirements of the minimum standard after processing. Reinspection would insure that the material had been properly processed. This provision should be subject to modification by the Secretary on the basis of a Control Board recommendation or other information. Experience with operating the proposed inspection requirement and shrivel allowance or changes in processing methods may indicate that modification is desirable in the future.

Disposition of substandard walnuts. A new section (§ 984.63) should be added to require that disposition of substandard walnut material be made only in animal feed, oil, or other outlets not competitive with existing normal markets for walnuts. In order that these disposition requirements may be met, authorization should be included for the Board to establish procedures and safeguards to insure compliance with such requirements. This new section is necessary to provide for disposition of substandard walnut material into outlets which will not be competitive with existing normal markets for merchantable shelled walnuts, inasmuch as the establishment of a minimum standard of quality will result in the creation of a supply of walnut material of inferior quality which will not be permitted to be sold in normal markets.

Reports of disposition of substandard walnuts. A new section (§ 984.75) should be added to provide for reports by handlers concerning their production, holdings and disposition of substandard walnuts. Provision should be included authorizing the Control Board to require such information as it may deem necessary for effective administration, and each handler should be required to submit such reports as the Board may request. When substandard walnuts are disposed of in authorized outlets or delivered to another person for such disposition the handler's report should show such information as the date, name and address of the person to whom delivered, lot identification, quantity, and the approved use that will be made of such walnuts. Reporting requirements are necessary to account for total utilization of the crop for marketing policy purposes, to permit eligible material to satisfy surplus obligations and to properly administer the requirements relating to the minimum standard that is proposed to be established.

Books and other records. A new section (§ 984.79), should be added to specifically require handlers to maintain such records of walnuts received, held and disposed of as the Board may specify for purposes of carrying out its administrative responsibilities. Provision should also be made limiting the time that such books and records must be retained by handlers to a period of two years following the end of the marketing year to which the transactions relate. The order presently provides for examination of a handler's premises and audit of his records by the Control Board or by the Secretary for the purpose of insuring compliance with program requirements. There is no present provision requiring that certain records be kept except in connection with surplus withholdings and there is no limit specified as to the length of time such records must be retained. Addition of this proposal to the

present order will provide a basis for clarifying requirements in this respect that are now implied but have not been specifically set forth.

Interhandler transfers for meeting control obligations. Section 984.85 should be amended by deleting the present section and replacing it with a new section entitled "Interhandler transfers." The new section should provide that when walnuts are transferred from one handler to another for packing or shelling, the program requirements, including withholding obligations, inspection and assessments, be complied with upon disposition by the person who receives the walnuts for packing or shelling. In the normal course of operations, packers and shellers have occasion to transfer orchard run walnuts or walnuts resulting from processing and grading operations to other persons for packing or shelling. These transfers would normally be considered "handling" of the walnuts involved. In contrast to other normal handling operations, however, such transfers constitutes acquisition of raw material by packers or shellers similar to purchases directly from growers. Program obligations are proposed to be based on merchantable unshelled or shelled walnuts handled and such obligations should not be applied to uncertified walnuts. It is, therefore, not intended that walnuts transferred as raw material from one person to another for packing or shelling should be considered "handling" for purposes of obligations.

The present section which is proposed to be deleted provides that when walnuts are transferred from one person solely for the purpose of satisfying the second person's control obligation, the transferring handler may apply for and obtain relief from any control obligation that he may have assumed on such lot. It is intended that the substance of this provision be continued in the new section. However, it should be clearly indicated that in all such transfers the seller's program obligations be waived and that the transfers be made in conformity with such procedures as the Board may require. This is necessary to relieve the seller from program obligation on such walnuts since they would not be handled when disposed of in this manner.

It should also be clearly provided that all transfers of walnuts from one handler to another except those above specified constitute "handling" operations on which the first handler is subject to assessments and control obligations. This is necessary to conform to the definition of "to handle" and to clearly establish the point where program obligations apply when interhandler transfers are made.

Disposition of merchantable restricted walnuts withheld. Section 984.61 should be amended to provide that the proceeds of any export sales made by the Board, as well as by handlers, after deducting expenses applicable thereto, be paid to the handler who withheld the walnuts so sold. Although the Board has no authority to retain monies accrued from export sales in excess of the amounts necessary to meet expenses incurred in connection with such sales, the question of disposition of funds in such cases is not specifically covered by provisions of the present section. This amendment is necessary for purposes of clarification.

Disposition of surplus walnuts withheld. Section 984.62 should be amended by deleting the words "into such other channels" in subparagraph (1) of paragraph (b) and inserting in lieu thereof the words "for such other uses." This is desirable for purposes of clarity and form, and does not constitute a substantive change in the provision.

Subparagraph (2) of paragraph (b) should also be amended to make the determination with respect to acceptance of delivery of surplus walnuts possible at any time prior to December 15 rather than the present limited period of December 1 to December 15. This is desirable in the interest of improved administration and to permit possible earlier disposition of surplus.

Expenses. Section 984.65 should be amended by inserting the word "merchantable" before the word "shelled" in the second sentence thereof to conform with the proposed new definition of merchantable walnuts. This sentence should also be amended by inserting the words "or declared for handling" after the words "shelled walnuts handled". This merely clarifies the provision by specifying that shelled walnuts declared for handling as well as walnuts handled should be considered in allocating expenses, and does not constitute a substantive change in the method of allocating expenses between unshelled and shelled walnuts.

Assessments. Section 984.66 should be amended by deleting the last sentence of paragraph (e), subparagraph (1) and substituting in its place a requirement that refunds be prorated on the basis of the ratio of each handler's assessment obligation to the total assessment obligation of all handlers. It is the intent of the program that operating cost be borne by handlers on the basis of walnuts handled, and that refunds be calculated on the basis of each handler's obligation in proportion to the total obligations of all handlers. The present provisions of this section would provide such equity in adjusting individual accounts at the end of the season only if all handlers had paid exactly what they owed on the basis of their total handlings. Operating experience, however, has indicated that handlers are sometimes in an overpaid position at the end of the season as a result of cancelling declarations or certifications on which assessment payment has already been made, and instances have occurred where handlers have been delinquent in their assessment payments at the end of the marketing year. This situation could be met under the proposed modification and would result in each handler being credited with an amount equal to the difference between his share of the total expenses for the marketing year and the amount paid in by him for the year.

Reports of handler carryover. Section 984.68 should be amended by changing the date of January 31 in the first sentence therein to January 15. The proposed earlier date will give the Board additional time necessary to study the industry position and submit its recommendation to the Secretary by February 15 in accordance with other provisions of the order. Operating experience has demonstrated that the earlier date allows ample time for handlers to submit to the Board reports required by this section. These reports are used by the Board as a basis for recommending revision of control percentages when such changes are deemed desirable.

Reports of merchantable walnuts shipped from stock. Section 984.69 should be amended to provide that the Board may require inclusion of other information that may be necessary in addition to the information now specified. This is necessary to authorize the Board to obtain additional information which may be deemed to be necessary.

The first sentence of *Verification of reports,* § 984.76 (§ 984.77) should be amended to clarify the provision thereof by making reference to "reports filed by handlers" instead of "reports made by handlers" as this is a reference to written reports which must be submitted to the Control Board. It should also clearly authorize Board access to any handler's premises where walnuts are held to observe the handler's operations and thereby ascertain compliance with such requirements as inspection of shelled walnuts for processing before they are actually processed and to insure proper disposition of substandard shelled walnuts.

Postponement of control obligation upon the filing of a bond. Section 984.81 should be amended by inserting the words "not to exceed" preceding the words "the applicable bonding rate" in the second sentence of paragraph (d). This addition is desirable in order that the provisions contained in the second sentence be consistent with provisions in the third sentence of paragraph (d) which requires that purchases of walnuts by the Control Board shall be at the lowest prices consistent with requirements established for merchantable restricted and surplus walnuts. The amended provision will permit acquisition at the lowest price but will set the applicable bonding rate established for each pack as the highest price which may be paid.

Revision of control percentages. Section 984.82, should be amended by deleting the reference to § 984.53 (b) and inserting in its place § 984.52 (a). The paragraph proposed to be amended relates to a review of the control percentages established for a marketing year and a recommendation to the Secretary of the changes that the Board deems desirable using the standards prescribed in §§ 984.47 (d) and 984.52 (a). The present reference to § 984.53 (b) is incorrect since no standards are prescribed in that section.

Adjustment on revision of control percentages, § 984.83 and Application of control percentage and bonding rates after end of marketing year, § 984.84, should be amended by inserting the word "declared" after the word "handled,". This amendment is desirable to conform with the present proposed provisions of the order which make it possible to declare shelled walnuts for handling. The order presently provides that handlers

may declare shelled walnuts for handling and thereby assume control obligations and assessments prior to actually handling them.

Although this practice was not proposed for change, some limitations will result from adoption of a minimum standard of quality for shelled walnuts. In order to levy assessments and control obligations on shelled walnuts declared for handling, it will be necessary that they be inspected and certified as merchantable. Only in this way can it be determined that a lot of shelled walnuts declared for handling will eventually be handled in compliance with the minimum standard.

As a result of the amendments heretofore recommended, a number of conforming changes are necessary. The major heading immediately following § 984.41 should be expanded to read "Grade and Size Regulation of Unshelled Walnuts", in order to better outline the program regulation of quality and size set forth in proposed § 984.43, and § 984.44. A new major heading should be inserted immediately following § 984.44 entitled "Grade and Size Regulation of Shelled Walnuts". This will serve to outline the requirements of proposed §§ 984.45 and 984.46 which deal with grade and size regulation of shelled walnuts and inspection and certification procedure relating thereto. The present major heading entitled "Reports" should be expanded to read "Reports and Books and Other Records". The change in this major heading will render it more descriptive of the material that is proposed to be included thereunder.

In order to conform to the proposed new usage of the definition "merchantable walnuts" the word "unshelled" should be inserted after the word "merchantable" wherever it appears in § 984.19 (§ 984.20) *Handler carryover*, paragraph (a); § 984.20 (§ 984.21) *Trade demand*, paragraph (a); § 984.32 *Establishment and membership*, paragraph (a) (3); § 984.52 *Recommendation for marketable surplus and diversion percentages*, paragraph (d), subparagraph (4); § 984.55 *Determination of sound kernel weight*, paragraph (a); § 984.56 *Minimum sound kernel content requirement for surplus*, paragraph (a); § 984.66 *Assessments;* § 984.68 *Reports of handler carryover;* § 984.73 *Reports of interstate handling within the area of production;* § 984.81 *Postponement of control obligation upon the filing of a bond*, paragraph (c) (1), and in the proviso in paragraph (f); and § 984.82 *Revision of control percentages.*

To conform to the new definition of "to handle" which places the responsibility for compliance with program regulations on the first handler, the provisos at the end of paragraph (a) in each of § 984.49 *Withholding merchantable restricted walnuts* and § 984.54 *Withholding surplus walnuts*, are obsolete and should be deleted.

To conform to the proposed deletion of the term "Distributor," the words "and distributors" in § 984.32 *Establishment of membership*, paragraph (a) (2), and § 984.34 *Nominations*, seventh sentence; and the words "or packers or distributors" in the second sentence, and "distributor" in the seventh sentence of § 984.34 are obsolete and should be deleted.

To conform with the proposed new definition of "merchantable walnuts," the word "merchantable" should be inserted before the word "shelled" wherever it appears in § 984.19 (§ 984.20) *Handler carryover*, paragraph (b); § 984.20 (§ 984.21) *Trade demand*, paragraph (b); § 984.52 *Recommendation of diversion and surplus percentages*, paragraph (b), subparagraphs (5), (6) and (7); § 984.54 *Withholding surplus walnuts*, paragraph (b); § 984.55 *Determination of sound kernel weight*, paragraph (b); § 984.66 *Assessments;* § 984.68 *Reports of handler carryover;* § 984.71 *Reports of shelled walnuts handled;* § 984.73 *Reports of interstate handling within the area of production;* § 984.81 *Postponement of control obligations upon the filing of a bond*, paragraph (c) (2); and, § 984.82 *Revision of control percentages.*

Since the word merchantable is now proposed to apply to shelled walnuts as well as unshelled walnuts § 984.21 (§ 984.22) *Merchantable free walnuts* and § 984.22 (§ 984.23) *Merchantable restricted walnuts* should be amended by inserting the word "unshelled" after the words "means those" in both sections. This will make it clear that these sections continue to apply only to unshelled walnuts. For the same reason the word "unshelled" should be inserted before the word "walnuts" wherever it appears in § 984.16 *Pack;* § 984.44 *Certification of merchantable walnuts;* § 984.47 *Recommendation for merchantable free restricted and allocation percentages;* § 984.48 *Establishment of merchantable free restricted and allocation percentage regulation by the Secretary;* § 984.49 *Withholding restricted walnuts;* § 984.52 *Recommendation for marketable surplus and diversion percentages*, paragraph (b) subparagraphs (2) and (3); and § 984.69 *Reports of merchantable walnuts shipped from stock.*

In order to conform with proposed amendments to § 984.43, § 984.44 *Certification of merchantable walnuts* should be amended by deleting the words "pack specifications and minimum requirements prescribed" and inserting in lieu thereof the words "grade and size regulations effective".

Since it is now proposed to establish in § 984.45 a minimum standard of quality for shelled walnuts, the provisions of § 984.56 *Minimum sound kernel content requirements for surplus* should be amended by deleting the words "of the U. S. Commercial Grade" and inserting in lieu thereof the words "for merchantable shelled walnuts established pursuant to § 984.45".

Reports of merchantable restricted and surplus walnuts held. Section 984.70 should be amended by substituting the word "unshelled" for the word "merchantable" enclosed in parentheses in the last sentence. This is necessary to conform to the proposed new definition of merchantable walnuts which includes both unshelled and shelled walnuts. The intended reference in this instance is to unshelled walnuts.

In order to conform to the change proposed in the definition of merchantable walnuts the word "unshelled" should be inserted between the words "merchantable" and "walnuts" wherever they appear in § 984.80 *Cancellation of certificates*, § 984.81 *Postponement of control obligation upon the filing of a bond*, paragraphs (d), (e), and (f), § 984.86 *Exchange of walnuts withheld*, and § 984.88 *Exemptions.*

Cancellation of certificates. Section 984.80 should be amended by inserting the words "or surplus" before the word "certificates" in paragraph (c). In the interest of clarity, simplified administration and conformity with the proposal to require inspection and certification of all shelled as well as unshelled walnuts, provisions for cancellation of surplus certificates as well as merchantable restricted certificates is desirable.

Exemptions. Section 984.88 should be amended by deleting the word "merchantable" in paragraph (b) thereof and inserting in its stead the word "unshelled". It was testified by the proponents that it has not been the practice of the Control Board to require growers selling walnuts under this exemption to meet program requirements. Therefore, on the basis of operating experience it is desirable that this provision not limit such sales of unshelled walnuts to merchantable only.

If the amendments herein proposed are favored in referendum by growers and an amended order is issued by the Secretary it will be necessary to determine its application on stocks of shelled walnuts then held by handlers. It was testified at the hearing that should these amendments become effective it would be desirable to exempt all shelled walnuts from the proposed minimum grade and size regulation that had been declared for handling prior to the effective date of the new regulation. However, all handlers should declare and identify to the Walnut Control Board any such carryover so that exemption from the regulation can be established. It is therefore proposed that all shelled walnuts declared for handling prior to the effective date of the proposed grade and size regulation be exempted from such regulation and that all shelled walnuts not declared for handling prior to the effective date be subject to all amended program regulations regardless of the crop year of their production.

Ruling on proposed findings and conclusions. At the conclusion of the hearing the presiding officer set May 20, 1957, as the time by which briefs from interested parties with respect to testimony presented in evidence at the hearing and the conclusions to be drawn therefrom must be mailed to the hearing clerk of the Department. No such briefs have been received.

General findings. (a) The findings hereinafter set forth are supplementary and in addition to the findings and determinations which were made in connection with the issuance of the marketing agreement and order (13 F. R. 4344), and the amendments thereto (19 F. R. 4214 and 20 F. R. 5387). All of said provisions, findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The Marketing Agreement and Order as hereby proposed to be further amended and all the terms and conditions thereof will tend to effectuate the declared policy of the act;

(c) Marketing Agreement and Order as hereby proposed to be further amended will be applicable to only the persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held.

Recommended further amendment of the marketing agreement and order. The following amended marketing agreement and order is recommended as the appropriate means by which the foregoing conclusions may be carried out:

SUBPART—ORDER REGULATING HANDLING

DEFINITIONS

§ 984.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 984.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 984.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 984.4 *Area of production.* "Area of production" means the States of California, Oregon, and Washington.

§ 984.5 *Control Board or Walnut Control Board.* "Control Board" or "Walnut Control Board" means the Control Board established pursuant to § 984.32.

§ 984.6 *Marketing year.* "Marketing year," for the purposes of this part, means the twelve months from August 1 to the following July 31, both inclusive.

§ 984.7 *Walnuts.* "Walnuts" means only walnuts of the "English" (Juglans Regia) varieties grown in the States of California, Oregon, and Washington.

§ 984.8 *Unshelled walnuts.* "Unshelled walnuts" means walnuts the kernels of which are contained in the shell.

§ 984.9 *Merchantable walnuts*—(a) *Unshelled.* "Merchantable unshelled walnuts" means all unshelled walnuts meeting the minimum grade and size regulations set forth in § 984.43.

(b) *Shelled.* "Merchantable shelled walnuts" means all shelled walnuts meeting the grade and size regulations effective pursuant to § 984.45.

§ 984.10 *Substandard walnuts.* "Substandard walnuts" means all walnuts (whether unshelled or shelled) the kernels of which do not meet the minimum standard prescribed for merchantable shelled walnuts.

§ 984.11 *Shelled walnuts.* "Shelled walnuts" is synonymous with "kernels" and means walnuts after the shells are removed.

§ 984.12 *To handle.* "To handle" means to sell, consign, transport or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, unshelled or shelled, in the current of commerce either within the area of production, or from such area to any point outside thereof, or for a manufacturer within the area of production to purchase directly from a grower. Except for the purposes set forth in § 984.73, the term "to handle" shall not include sales and deliveries within the area of production by growers to handlers, interhandler transfers pursuant to § 984.85 (a) and (b), or the authorized disposition of merchantable restricted, surplus, or substandard walnuts.

§ 984.13 *Handler.* "Handler" means any person who handles unshelled or shelled walnuts.

§ 984.14 *To pack.* "To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as unshelled walnuts.

§ 984.15 *Packer.* "Packer" means any person who is engaged in the business of packing walnuts or has walnuts packed for his account and handles them as unshelled walnuts.

§ 984.16 *Pack.* "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable unshelled walnuts, packed in accordance with the pack specifications prescribed pursuant to § 984.43.

§ 984.17 *Sheller.* "Sheller" means any person who is engaged in the business of shelling walnuts or has walnuts shelled for his account and handles them as shelled walnuts.

§ 984.18 *Manufacturer.* "Manufacturer" means any person who uses walnuts in the production of bakery goods, ice cream, candy, or other food products.

§ 984.19 *Sound kernel.* "Sound kernel" means a kernel or portion of kernel which will not pass through a round opening 64/64 inch in diameter and which otherwise meets the requirements of U. S. Commercial Grade as set forth in the effective United States Standards for Shelled English Walnuts. The lot tolerances provided in such standards shall not apply to individual kernels or portions thereof. This definition may be revised or amended by the Secretary, upon recommendation of the Control Board.

§ 984.20 *Handler carryover.* "Handler carryover," as of any date, means:

(a) *Unshelled.* All merchantable unshelled walnuts (except those held in satisfaction of control obligations), wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable unshelled walnuts in ungraded lots then held by a handler for packing as merchantable unshelled walnuts;

(b) *Shelled.* All merchantable shelled walnuts (except those held as surplus) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable shelled walnuts in unshelled lots, then held by a handler for shelling.

§ 984.21 *Trade demand*—(a) *Unshelled.* The quantity of merchantable unshelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone: *Provided*, That there may also be considered in the making of such computation merchantable unshelled walnuts which will be acquired for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States;

(b) *Shelled.* The quantity of merchantable shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone: *Provided*, That there may also be considered in the making of such computation merchantable shelled walnuts which will be acquired for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States.

§ 984.22 *Merchantable free walnuts.* "Merchantable free walnuts" means those unshelled walnuts certified by the Control Board as merchantable free which are included in the merchantable free percentages established by the Secretary pursuant to § 984.48.

§ 984.23 *Merchantable restricted walnuts.* "Merchantable restricted walnuts" means those unshelled walnuts certified by the Control Board as merchantable restricted which are included in the merchantable restricted percentage established by the Secretary pursuant to § 984.48.

§ 984.24 *Merchantable allocation percentage.* "Merchantable allocation percentage" means the ratio of the merchantable restricted percentage to the merchantable free percentage as established by the Secretary pursuant to § 984.48. It may be adjusted to the nearest whole number or tenths place.

§ 984.25 *Marketable walnuts.* "Marketable walnuts" means those walnuts, unshelled or shelled, which are included in the marketable percentage established by the Secretary pursuant to § 984.53.

§ 984.26 *Surplus walnuts.* "Surplus walnuts" means those walnuts, unshelled or shelled, certified by the Control Board as surplus which are included in the surplus percentage established by the Secretary pursuant to § 984.53.

[1] The provisions identified with an asterisk (*) apply only to the proposed amended marketing agreement.

§ 984.27 *Diversion percentage.* "Diversion percentage" means the ratio of the surplus percentage to the marketable percentage established by the Secretary pursuant to § 984.53. It may be adjusted to the nearest whole number or tenths place.

§ 984.28 *Control percentages.* "Control percentages" means the merchantable free, merchantable restricted, marketable and surplus percentages established by the Secretary pursuant to § 984.48 and § 984.53, respectively.

§ 984.29 *Control obligations.* "Control obligations" means the quantity of walnuts each handler must withhold to meet the merchantable restricted or the surplus percentage established by the Secretary pursuant to § 984.48 and § 984.53, respectively.

§ 984.30 *Light amber halves and pieces.* "Light amber halves and pieces" means bulk shelled walnuts consisting of kernels meeting the requirements of U. S. Commercial Grade Light Amber Halves and Pieces, as set forth in the United States Standards for Shelled English Walnuts.

§ 984.31 *Part and subpart.* "Part" means the order regulating the handling of walnuts grown in California, Oregon, and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California, Oregon, and Washington shall be a "subpart" of such part.

ADMINISTRATIVE BODY

§ 984.32 *Establishment and membership.* (a) A Control Board is hereby established, consisting of ten members, selected by the Secretary, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and shall have the same qualifications as the member for whom each is an alternate. One member and one alternate member shall be selected from nominees by each of the following groups or from among other qualified persons belonging to such groups:

(1) The cooperative packers doing business within the State of California;

(2) All packers, other than the cooperative packers, doing business within the State of California;

(3) The group of cooperative packers or other than cooperative packers doing business within the State of California, who, during the preceding marketing year, handled more than 50 percent of the merchantable unshelled walnuts handled by packers located within the State of California;

(4) Those growers of walnuts whose orchards are located in California and who market their walnuts through cooperative packers;

(5) All other growers of walnuts whose orchards are located in California;

(6) Those growers whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the packer group specified in subparagraph (3) of this paragraph;

(7) The packers whose plants are located within the States of Oregon or Washington;

(8) The growers of walnuts whose orchards are located within the States of Oregon or Washington;

(9) Shellers of walnuts within the area of production who are handlers but who are not packers.

(b) The tenth member shall be selected after the selection of the nine members from the above specified groups and after opportunity for such nine members to nominate the tenth member.

§ 984.33 *Term of office.* Incumbent members and alternate members on the effective date hereof shall continue in office through June 30, 1955, and shall serve along with a member and alternate member to be selected by the Secretary for this period to represent the group specified in § 984.32 (a) (9) after considering nominations submitted by such group. Beginning on July 1, 1955, the term of office of Control Board members and alternate members shall be for a period of two years. Members and their respective alternates shall be selected by the Secretary and shall serve until their respective successors shall be selected and shall qualify.

§ 984.34 *Nominations.* (a) Each of the nine groups specified in § 984.32 may nominate one person as member and one person as alternate; and the nine members selected to represent such groups may nominate, by majority vote, one person as member and one person as alternate for the tenth member. Nominations for each group of packers shall be submitted on the basis of ballots to be mailed by the Control Board to all handlers in such group whose pack for the preceding marketing year is on record with the Control Board. Nominations on behalf of growers who market their walnuts through cooperative packers shall be submitted on the basis of ballots cast by each such cooperative packer for its growers. Nominations on behalf of growers who market their walnuts through other than cooperative packers shall be submitted after ballot by such growers pursuant to announcements by press releases through the United States Department of Agriculture to the principal papers in the walnut producing area in California, Oregon, and Washington. Such releases shall provide pertinent information, including the names of incumbents from the areas involved and the locations where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing. All votes cast by cooperative packers, packers other than cooperative packers, or for cooperative grower groups, shall be weighted according to the tonnage of merchantable walnuts (computed to the nearest whole ton in case of fractions) recorded as certified for handling by each packer, or for the cooperative grower group during the preceding marketing year, and if less than one ton is recorded for any such packer, or grower group, such vote shall be weighted as one ton. All votes cast by individual growers shall be given equal weight: *Provided,* That when growers marketing through cooperative packers and growers marketing through other than cooperative packers are in the same group entitled to submit nominations, the vote for the nominee receiving the largest number of votes of growers marketing through other than cooperative packers shall be weighted according to the combined tonnage of merchantable walnuts of such other than cooperative packers recorded as certified for handling by them during the preceding marketing year.

(b) Nominations for the sheller group shall be submitted on the basis of ballots to be mailed by the Control Board to all shellers of record who are handlers but who are not packers. All votes cast by such shellers shall be weighted according to the quantity of shelled walnuts handled by each such sheller during the preceding marketing year.

(c) Nominations received in the foregoing manner by the Control Board shall be reported to the Secretary on or before June 15, 1955, and each second year thereafter, together with a certificate of all necessary tonnage data and other information deemed by the Control Board to be pertinent or requested by the Secretary. If the Control Board fails to report nominations to the Secretary in the manner hereinbefore specified on or before June 15 of any nomination year, the Secretary may select the member or alternate without nomination. If nominations for the tenth member or alternate are not submitted on or before August 1 of any such year, the Secretary may select such member or alternate without nomination.

§ 984.35 *Qualification.* Any person selected as a member or alternate of the Control Board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, within thirty days after he ceases to be such member or employee, became disqualified to serve further and his position on the Control Board shall be deemed vacant.

§ 984.36 *Alternates.* (a) An alternate for a member of the Control Board shall act in the place and stead of such member in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) In the event any member of the Control Board and his alternate are both unable to attend a meeting of the Control Board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this paragraph, a cooperative handler group and a cooperative grower group in the same State shall be considered the same group.

§ 984.37 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation or disqualification of any member or alternate of the Control Board a successor for his unexpired term shall be selected by the Secretary after consideration of nominations or recommendations which may be submitted by members of the group in which such vacancy exists, unless such selection is deemed unnecessary by the Secretary. If a nomination is not made by members of the group and reported to the Secretary within thirty days after such vacancy occurs, the Secretary may fill such vacancy without nomination.

§ 984.38 *Expenses.* The members of the Control Board shall serve without compensation, but shall be allowed their necessary expenses.

§ 984.39 *Powers.* The Control Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 984.40 *Duties.* The duties of the Control Board shall be as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties, and fix the bonds of such employees;

(e) To cause the books of the Control Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Control Board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made;

(f) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith; and

(g) To investigate compliance with the provisions of this part.

§ 984.41 *Procedure.* (a) The members of the Control Board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The Control Board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Control Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Control Board.

(b) All decisions of the Control Board, except where otherwise specifically provided, shall be by majority vote of the members present. The presence of six members shall be required to constitute a quorum.

(c) The Control Board may vote by mail or telegram upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Control Board.

GRADE AND SIZE REGULATION OF UNSHELLED WALNUTS

§ 984.43 *Establishment of grade and size regulations for unshelled walnuts—*(a) *Minimum standard.* No handler shall handle unshelled walnuts unless such walnuts are equal to or better than the requirements of third quality and baby size. This minimum standard may be modified by the Secretary on the basis of a recommendation of the Control Board or other information. Until modified or superseded the terms "third quality" and "baby size" as used herein shall have the same meaning as these terms are presently defined in § 984.402. Except as provided in paragraph (b) of this section, such minimum standard and the provisions of this part relating to administration thereof shall continue in effect irrespective of whether the season average price for walnuts is above the parity level specified in section 2 (1) of the act.

(b) *Additional grade and size regulations.* When the season average price of walnuts is not determined to be above parity, the Board may recommend to the Secretary additional grade and size regulations in the form of a more restrictive minimum standard than that specified in paragraph (a) of this section and/or pack specifications as to grades and sizes that may be handled. If the Secretary finds on the basis of such recommendation or other information that additional grade and size regulations would tend to effectuate the declared policy of the act, he shall establish such regulations. No person shall handle unshelled walnuts except in accordance with the regulations effective hereunder.

§ 984.44 *Certification of merchantable unshelled walnuts.* (a) Each handler, at his own expense, shall obtain an appropriate inspection certificate for each lot of merchantable unshelled walnuts handled or to be handled by him and for each lot of merchantable restricted walnuts withheld by him. Such certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such information as is specified in paragraph (b) (1), (2), or (3) of this section, the identity of the handler, the quantity and pack of merchantable unshelled walnuts in such lot, date of inspection, and that the unshelled walnuts covered by such certificate conform to the grade and size regulations effective pursuant to § 984.43. Copies of each certificate issued shall be furnished by the inspector to the handler and the Control Board.

(b) Three types of certificates may be issued, all of which shall contain the information specified in paragraph (a) of this section and, in addition, the following information:

(1) "Shipping certificates," covering merchantable unshelled walnuts shipped, which shall show the date of shipment, name and address of carrier, railroad car number, whether for interstate, or export shipment and, if for export, the country of destination;

(2) "Stock certificates," covering lots of merchantable unshelled walnuts to be handled, which shall show the handler's lot number;

(3) "Restricted certificates," covering lots of merchantable restricted walnuts to be withheld, which shall show the handler's lot number and location of the lot at time of inspection.

(c) All unshelled walnuts handled shall be identified by seals or stamps affixed to the container by the handlers under the supervision of the Control Board or the designated inspectors. All lots covered by stock certificates or restricted certificates shall be identified by tags affixed to the containers by the handlers under the supervision of the Control Board or the designated inspectors. The Control Board may require that all unshelled walnuts covered by stock or restricted certificates be identified by seals affixed to the containers by the handlers under the supervision of the Control Board or the designated inspectors.

(d) The shipment of unshelled walnuts from a lot covered by a stock inspection certificate shall be reported to the Control Board. Such reports shall be submitted by the handler or the designated inspectors, at such intervals and in such form as the Control Board may prescribe, pursuant to § 984.69.

(e) Whenever the Control Board determines that the length of time in storage or conditions of storage of any lot of unshelled walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of unshelled walnuts shall be reinspected at the handler's expense and must be recertified as merchantable prior to shipment.

GRADE AND SIZE REGULATION OF SHELLED WALNUTS

§ 984.45 *Establishment of grade and size regulation of shelled walnuts.* No handler shall handle shelled walnuts unless such walnuts are equal to or better than the requirements of the U. S. Commercial Grade as defined in the then effective United States Standards for Shelled English Walnuts (Juglans Regia), and the minimum size shall be pieces not more than 5 percent of which will pass through a round opening 5/64 inch in diameter. This minimum standard may be modified by the Secretary on the basis of a recommendation of the Control Board or other information. Such minimum standard and the provisions of this part relating to administration thereof shall continue in effect irrespective of whether the season av-

erage price for walnuts is above the parity level specified in section 2 (1) of the act.

§ 984.46 *Inspection and certification of shelled walnuts.* (a) Each handler, at his own expense, shall obtain an appropriate inspection certificate for each lot of shelled walnuts handled or to be handled by him. Such certificates shall be issued by the inspectors designated by the Control Board. All such certificates shall show the identity of the handler, the quantity of shelled walnuts covered by such certificate, date of inspection, and that such walnuts conform to the minimum standard prescribed pursuant to § 984.45. The Control Board may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this section. Copies of each certificate issued shall be furnished by the inspector to the handler and Control Board.

(b) All shelled walnuts handled shall be identified by stamps or other means of identification affixed to the shipping container by the handler under the supervision of the Control Board or the designated inspectors.

(c) Whenever the Control Board determines that the length of time in storage or conditions of storage of any lot of shelled walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of shelled walnuts shall be reinspected at the handler's expense and recertified as merchantable prior to shipment.

(d) Processing of shelled walnuts: No handler shall slice, chop, grind, or in any manner change the form of shelled walnuts unless such walnuts have been certified as merchantable or as suitable for processing pursuant to paragraph (e) of this section. The Control Board shall establish such procedures as are necessary to insure that all such walnuts are inspected and certified prior to any such processing.

(e) Certification of shelled walnuts for processing: Any lot of shelled walnuts which, upon inspection, fails to meet the minimum standard effective pursuant to § 984.45 solely due to excess shrivel may be certified for processing provided that the total amount of shrivel does not exceed 20 percent, by weight, of the lot. All such walnuts must be reinspected after processing and shall be certified as merchantable if the processed material meets the effective minimum standard. The provisions of this paragraph may be modified by the Secretary, upon recommendation of the Control Board or other information.

ALLOCATION OF MERCHANTABLE UNSHELLED WALNUTS

§ 984.47 *Recommendation for merchantable free, restricted and allocation percentage.* (a) For the purposes of this section, and §§ 984.48, 984.52, 984.53, and 984.82, the area of production shall be divided into District 1, consisting of the State of California, and District 2, consisting of the States of Oregon and Washington.

(b) Whenever the Control Board finds that the supply of merchantable unshelled walnuts exceeds or is likely to exceed the trade demand therefor and that it would tend to effectuate the declared policy of the act to establish the percentages of merchantable unshelled walnuts during a marketing year which shall be free and restricted respectively, it shall recommend to the Secretary merchantable free, restricted, and allocation percentages. Such recommended percentages shall be uniform for the entire production area for any marketing year as to which the Control Board finds that the proportion which each district's production of merchantable unshelled walnuts during that marketing year will bear to the total production of merchantable unshelled walnuts in both districts during that year will be within the range of 90 percent to 93 percent for District 1, and 7 percent to 10 percent for District 2, all numbers inclusive; said ranges are referred to hereinafter as the normal relative merchantable unshelled production of the respective districts. For any marketing year as to which the Control Board finds, on the basis of the latest official forecast of the United States Department of Agriculture and other relevant factors, that the production of merchantable unshelled walnuts in the two districts will not be their normal relative merchantable unshelled production, the Control Board shall recommend as to whether or not an allocation between the two districts of the quantity of merchantable unshelled walnuts represented by the merchantable free and restricted percentages should be made by the establishment of different such percentages for the two districts. Such recommendation by the Control Board of different percentages for the two districts shall give reasonable effect to the degree to which the merchantable unshelled production of each district during that marketing year will vary from the normal relative merchantable unshelled production of that district, and such other factors as the Control Board shall deem relevant: *Provided, however,* That in no event shall the restricted percentage recommended for either district be less than one-half of the restricted percentage recommended for the other district.

(c) In making its recommendations, the Control Board shall furnish to the Secretary, not later than September 20 of that marketing year, the following estimates and recommendations, each of which shall be adopted by the affirmative vote of at least six members of the Control Board:

(1) Its estimate of the quantity of merchantable unshelled walnuts to be produced and packed during such year in each district;

(2) Its estimate of the handler carryover of merchantable unshelled walnuts as of August 1;

(3) Its estimate of the trade demand for merchantable unshelled walnuts (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand, consideration shall be given to the estimated trade carryover at the beginning and end of the marketing year;

(4) Its recommendation as to the merchantable free, restricted and allocation percentages to be fixed for unshelled walnuts produced in the area and in each district.

(d) The Control Board shall also furnish to the Secretary of a complete report of the proceedings of the Control Board meeting at which the recommended merchantable free, restricted and allocation percentages to be fixed by the Secretary were adopted, together with a complete statement of all factors which the Control Board considered in formulating its recommendation relative to different percentages in the two districts.

§ 984.48 *Establishment of merchantable free, restricted and allocation percentage regulations by the Secretary.* (a) Whenever the Secretary finds from the recommendations of the Control Board and supporting information supplied by the Control Board, or from any other available information, that to establish the percentages of merchantable unshelled walnuts which shall be free and restricted, respectively, during any marketing year, would tend to effectuate the declared policy of the act, he shall establish such percentages. In establishing such merchantable free and restricted percentages, the Secretary shall give consideration to the ratio of the estimated trade demand for merchantable unshelled walnuts (with appropriate adjustments for such handler carryover as may have theretofore contributed to the restricted percentage and for a desirable level of handler carryover at the end of the marketing year), to the sum of the estimated production of merchantable unshelled walnuts and the handler carryover of merchantable unshelled walnuts which has not theretofore contributed to the restricted percentage, to the recommendations submitted to him by the Control Board, and to such other pertinent information as he deems appropriate. The merchantable allocation percentage shall also be established by the Secretary.

(b) Uniform free, restricted, and allocation percentages shall be established for the entire production area for any marketing year when the Secretary shall determine, on the basis of the Control Board's recommendations, the latest official forecast of the United States Department of Agriculture, and other relevant factors, that each district's merchantable unshelled production during that marketing year will be within its normal relative merchantable unshelled production. For any marketing year as to which the Secretary finds, on the basis of the aforesaid crop forecast, and other relevant factors, that the production of merchantable unshelled walnuts in the two districts will not be their normal relative merchantable unshelled production, the Secretary may allocate between the two districts the quantities of merchantable unshelled walnuts represented by the merchantable free and restricted percentages by establishing different percentages for the two districts. In establishing different free, restricted, and allocation percentages for the two districts, the Secretary shall give reasonable effect to the degree to which the merchantable unshelled production of each district during that marketing year will vary from the normal relative merchantable unshelled production of that district, and to such other factors as the Secretary shall deem relevant: *Provided, however,* That in no event shall the restricted percentage established for either district be less than one-half of the restricted percentage established for the other district.

§ 984.49 *Withholding merchantable restricted walnuts.* (a) Except as otherwise provided in § 984.81, whenever a regulation has been established by the Secretary under the provisions of § 984.48, each handler, before or upon handling any unshelled walnuts, shall have withheld from handling a quantity of merchantable unshelled walnuts equal to the merchantable allocation percentage, by weight, of such quantity handled or certified for handling by him.

(b) The quantity of walnuts hereby required to be withheld shall constitute and may be referred to as the "merchantable restricted obligation" of a handler. The merchantable unshelled walnuts handled by any handler in accordance with the provisions of this subpart shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

CONTROL OF SURPLUS WALNUTS

§ 984.52 *Recommendation for marketable, surplus, and diversion percentages.* (a) Whenever the Control Board finds that the total supply of walnuts, unshelled and shelled, expressed in terms of sound kernel weight, exceeds or is likely to exceed the total trade demand therefor, and that it would tend to effectuate the declared policy of the act to establish marketable and surplus percentages on unshelled and shelled walnuts, it shall recommend to the Secretary marketable, surplus, and diversion percentages. Such recommended percentages shall be uniform for the entire production area for any marketing year as to which the Control Board finds that the proportion which each district's total production of walnuts during that marketing year will bear to the total production of walnuts in both districts during that year will be within the range of 88 percent to 91 percent for District 1, and 9 percent to 12 percent for District 2, all numbers inclusive; said ranges are referred to hereinafter as the normal relative total production of the respective districts. For any marketing year as to which the Control Board finds, on the basis of the latest official forecast of the United States Department of Agriculture and other relevant factors, that the total production of walnuts in the two districts will not be their normal relative total production, the Control Board shall recommend as to whether or not an allocation between the two districts of the quantity of walnuts represented by the marketable and surplus percentages should be made by the establishment of different such percentages for the two districts. Such recommendation by the Control Board of different percentages for the two districts shall give reasonable effect to the degree to which the total production of each district during that marketing year will vary from the normal relative total production of that district, and such other factors as the Control Board shall deem relevant: *Provided, however,* That in no event shall the surplus percentage recommended for either district be less than one-half of the surplus percentage recommended for the other district.

(b) In making this recommendation, the Control Board shall furnish to the Secretary, not later than September 20 of each marketing year, the following estimates and recommendation, each of which shall be adopted by the affirmative vote of at least six members of the Control Board:

(1) Its estimate of the orchard-run productions in each district for that marketing year;

(2) Its estimate of the quantity of merchantable unshelled walnuts to be produced and packed during such year expressed in terms of sound kernel weight;

(3) Its estimate of the handler carryover of merchantable unshelled walnuts as of August 1, expressed in terms of sound kernel weight;

(4) Its estimate of merchantable unshelled trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act) expressed in terms of sound kernel weight; in determining such trade demand, consideration shall be given to the estimated trade carryover of merchantable unshelled walnuts at the beginning and end of the marketing year;

(5) Its estimate of merchantable shelled walnut production during such marketing year;

(6) Its estimate of merchantable shelled handler carryover as of August 1;

(7) Its estimate of merchantable shelled trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand, consideration shall be given to the estimated trade carryover of merchantable shelled walnuts at the beginning and end of the marketing year;

(8) Its recommendation as to the marketable, surplus, and diversion percentages to be fixed for walnuts produced in the area and in each of the districts.

(c) The Control Board shall also furnish to the Secretary a complete report of the proceedings of the Control Board meeting at which the recommended marketable, surplus and diversion percentages to be fixed by the Secretary were adopted, together with a complete statement of all factors which the Control Board considered in formulating any recommendation relative to different percentages in the two districts.

§ 984.53 *Establishment of marketable, surplus, and diversion percentage regulations by the Secretary.* (a) Whenever the Secretary finds from the recommendation of the Control Board and supporting information supplied by the Control Board, or from any other available information, that to establish the percentages of walnuts which shall be marketable and surplus, respectively, during any marketing year would tend to effectuate the declared policy of the act, he shall establish such percentages. The applicable diversion percentage shall also be established by the Secretary.

(b) Uniform marketable, surplus, and diversion percentages shall be established for the entire production area for any marketing year when the Secretary shall determine, on the basis of the Control Board's recommendations and the latest official forecast of the United States Department of Agriculture and other relevant factors, that the proportion which each district's production of orchard-run walnuts during that marketing year will be within its normal relative total production. For any marketing year as to which the Secretary finds, on the basis of the aforesaid crop forecast and other relevant factors, that the production of orchard-run walnuts in the two districts will not be their normal relative total production, the Secretary may allocate between the two districts the quantities of orchard-run walnuts represented by the marketable and surplus percentages by establishing different percentages for the two districts. In establishing different percentages for the two districts the Secretary shall give reasonable effect to the degree to which the orchard-run production of each district during that marketing year will vary from the normal relative total production of that district, and to such other factors as the Secretary shall deem relevant: *Provided, however,* That in no event shall the surplus percentage established for either district be less than one-half of the surplus percentage established for the other district.

§ 984.54 *Withholding surplus walnuts.* (a) Except as otherwise provided in § 984.81, whenever a regulation has been established for a marketing year by the Secretary under the provisions of § 984.53, each handler, before or upon handling any walnuts, unshelled or shelled, shall have withheld from handling a quantity of walnuts having a sound kernel weight equal to the diversion percentage of the sound kernel weight of all unshelled walnuts handled or certified for handling, and the actual net weight of all shelled walnuts handled or declared for handling by him.

(b) Any handler may, at any time prior to the end of the marketing year, satisfy his surplus obligation with respect to merchantable shelled walnuts by declaring to the Control Board his intention to handle a specified quantity of merchantable shelled walnuts which he then owns and has on hand and by withholding a quantity of walnuts having a sound kernel weight equal to the diversion percentage of the actual net weight of merchantable shelled walnuts so declared for handling. Such declaration and withholding may be canceled by the handler prior to the end of the marketing year.

(c) Walnuts withheld as surplus shall be set aside and thereafter held for the account of the Control Board at the expense of the handler and, from the date of withholding, at all times thereafter shall be held by the handler, available for inspection by the Control Board or

its agents. Such walnuts shall be stored in such manner as to maintain them in the same condition as when certified for surplus, except for loss through fire, acts of God, acts of war, riot, or other conditions beyond the handler's control. Upon demand of the Control Board, they shall be delivered to the Control Board f. o. b. rail car or truck at handler's warehouse or point of storage. All such surplus walnuts so withheld by the handler shall be at the time of withholding placed by the handler, at his own expense, in suitable containers, which may be prescribed by the Control Board, and identified by appropriate seals or stamps and tags to be furnished by the Control Board and to be affixed to the containers by the handler under the direction and supervision of the Control Board or its designated inspectors.

(d) The quantity of walnuts hereby required to be withheld shall constitute and may be referred to as the "diversion surplus" or the "diversion surplus obligation" of a handler. The walnuts handled by any handler in accordance with the provisions hereof shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

§ 984.55 *Determination of sound kernel weight*—(a) *For merchantable unshelled walnuts handled.* All merchantable unshelled walnuts handled or certified for handling by any handler during a marketing year shall be included in the total sound kernel weight for such handler at the unshelled weight thereof, as shown by the applicable inspection certificates issued pursuant to § 984.44, multiplied by the sound kernel content percentage of such walnuts, as determined by the Control Board's designated inspectors. The inspection procedure for determining the sound kernel content of merchantable unshelled walnuts handled or certified for handling shall be prescribed by the Control Board, with the approval of the Secretary. The sound kernel percentage of each lot of walnuts certified in accordance with § 984.44 shall be shown for each pack and size on the certificates issued under § 984.44: *Provided*, That if a handler does not store merchantable unshelled walnuts covered by stock certificates in such a manner as to permit accurate identification with respect to each certificate, the sound kernel weight for such walnuts shipped from such lots may be determined by multiplying the unshelled weights of each pack and size reported to the Control Board, pursuant to § 984.69, by the cumulative average sound kernel content percentage of all of the merchantable unshelled walnuts of such packs and sizes certified for such handler from the beginning of the current season to the date on which the report of shipment is received by the Control Board.

(b) *For merchantable shelled walnuts handled.* All merchantable shelled walnuts handled or declared for handling by any handler during the marketing year shall be included in the total sound kernel weight for such handler at the actual net weight thereof, as shown by the reports submitted by him pursuant to § 984.71, or as shown by such handler's records.

§ 984.56 *Minimum sound kernel content requirement for surplus*—(a) *For unshelled walnuts.* Any lot of unshelled walnuts, the kernel weight of which is offered to meet any part or all of a handler's surplus obligation, must contain at least such minimum percentage of sound kernels as is established by the Control Board, with the approval of the Secretary: *Provided*, That any lot that is disposed of as surplus in export pursuant to § 984.62 (a) must meet the requirements for merchantable unshelled walnuts established pursuant to § 984.43.

(b) *For shelled walnuts.* Any lot of shelled walnuts offered to meet any part or all of a handler's surplus obligation must contain such minimum percentage of sound kernels as is established by the Control Board, with the approval of the Secretary: *Provided*, That any lot which is disposed of as surplus in export pursuant to § 984.62 (a) must meet the requirements for merchantable shelled walnuts established pursuant to § 984.45. The requirements of this paragraph may be modified by the Control Board with the approval of the Secretary.

§ 984.57 *Inspection and certification of surplus.* It shall be the duty of each handler to cause an inspection to be made of all walnuts withheld by him in satisfaction of his surplus obligation. Such inspection shall be performed by inspectors designated by the Control Board and in such manner as shall be determined by the Control Board, with the approval of the Secretary. The cost thereof shall be paid by the handler. A certificate of such inspection shall be issued which shall show the identity of the handler, the number and type of containers in the lot, and whether the walnuts are unshelled or shelled. If the walnuts are unshelled, the certificate shall show the total weight of unshelled walnuts in the lot and the percentage, by weight, of sound kernels in the lot; and, if shelled, the total weight of shelled walnuts and the percentage by weight of sound kernels in the lot: *Provided*, That the certificate with respect to any lot of unshelled surplus walnuts to be exported pursuant to § 984.62 (a) shall show the size and quality of such walnuts in accordance with the minimum standards and pack specifications established pursuant to § 984.43; and, that the certificate with respect to any lot of shelled surplus walnuts to be exported pursuant to § 984.62 (a) shall show the grade, size and color of such walnuts, in accordance with the United States Standards for Shelled English Walnuts. Copies of each certificate shall be furnished to the handler and the Control Board.

§ 984.58 *Storage facilities.* The Control Board may rent and operate, or arrange for the use of facilities for storage and handling of surplus walnuts withheld.

DISPOSITION OF CONTROLLED WALNUTS

§ 984.61 *Disposition of merchantable restricted walnuts withheld*—(a) *By shelling.* Any handler may shell the merchantable restricted walnuts which he withholds pursuant to § 984.49 or deliver them for shelling to an authorized sheller.

(1) Any person within the area of production who desires to become an authorized sheller may submit an application to the Control Board. Such authorization shall be granted to applicants for a period of one year upon submission to the Control Board of an agreement in writing to:

(i) Shell such merchantable restricted walnuts within the area of production;

(ii) Use such merchantable restricted walnuts as he may receive for no other purpose than shelling;

(iii) Dispose of or deliver such merchantable restricted walnuts as unshelled walnuts to no one other than an authorized sheller;

(iv) Comply fully with all laws and regulations applicable to the shelling of walnuts;

(v) Pursuant to the provisions of § 984.74 report to the Control Board the receipt of any lot of merchantable restricted walnuts; and

(vi) Permit, at his own expense, such inspection as the Control Board may require to determine compliance with the provisions of this subparagraph.

(b) *By export.* Sale or shipment of merchantable restricted walnuts, withheld pursuant to § 984.49, for export to destinations outside (1) the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone and, (2) Canada or Cuba when included in the trade demand estimate, shall be made only by the Control Board. The Control Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory outlets. Sales for export shall be made by the Control Board only on execution of an agreement to prevent reimportation into the United States; and in the case of export to Canada or Mexico, such walnuts shall be sold only on the basis of a delivered price, duty paid. A handler, at his request, shall be authorized to act as agent of the Control Board upon such terms and conditions as the Control Board may specify in negotiating export sales from merchantable restricted walnuts withheld by him, or a handler may be so authorized with respect to merchantable restricted walnuts withheld by others; and when so acting, shall be entitled to receive a commission of 5 percent of the export sales price, f. o. b. area of production. The proceeds of any export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler withholding the walnuts so sold by the Control Board.

§ 984.62 *Disposition of surplus walnuts withheld*—(a) *By export.* Sale or shipment of surplus walnuts, withheld pursuant to § 984.54, for export to destinations outside (1) the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone and, (2) Canada or Cuba when included in the trade demand estimate, shall be made only by the Control Board and shall be governed by the provisions of § 984.61 (b). The sound kernel weight of merchantable restricted walnuts and shelled surplus walnuts so exported shall be credited against the surplus obligation of the exporting handler who is acting as agent for the Control Board, unless such exporting handler shall advise the Control Board, on or before July 31, of the quantities and lots of such exported walnuts that he does not wish to have so credited. At any time on or before July 31, upon written request of any handler who is an authorized export agent of the Control Board, the Board shall transfer any part or all of such handler's export credits in the Board's accounts to such other handler as he may designate.

(b) *By other than export.* Surplus walnuts which are not disposed of pursuant to paragraph (a) of this section, shall be pooled and shall be disposed of by the Control Board upon the best terms and at the highest price obtainable consistent with te ultimate complete disposition of surplus, subject to the following conditions:

(1) No such surplus walnuts shall be sold in the United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone other than to governmental agencies or to charitable institutions for charitable purposes, or for diversion into walnut oil, poultry or animal feed, or for such other uses as the Control Board finds to be noncompetitive with existing normal markets for walnuts and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets.

(2) The Control Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year, as to the percentage of surplus walnuts withheld which may be accepted for pooling and disposition prior to February 15 of the same marketing year. On or after February 15 of any marketing year, the Control Board shall not accept for pooling and disposition any surplus walnuts in excess of a handler's accumulated surplus obligation.

(3) Any surplus walnuts remaining unsold as of August 31 of the marketing year following the marketing year in which such surplus walnuts were withheld shall be disposed of as soon as practicable through the most readily available outlets, within the limitations of subparagraph (1) of this paragraph.

(c) *Disposition of proceeds from sales of pooled surplus.* Expenses incurred by the Control Board in receiving, handling, holding, and disposing of pooled surplus walnuts shall be charged against the proceeds of sales of such surplus walnuts. The remaining proceeds from the disposition of pooled surplus walnuts shall be distributed by the Control Board to handlers in proportion to their contributions thereto, measured in sound kernel weight.

§ 984.63 *Disposition of substandard walnuts.* Substandard walnuts may be disposed of only for manufacture into oil, livestock feed, or for such other uses as the Control Board determines to be noncompetitive with existing normal markets for walnuts and with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in such normal markets.

EXPENSES AND ASSESSMENTS

§ 984.65 *Expenses.* The Control Board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each marketing year, for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate. Such expenses for a marketing year shall be allocated between merchantable unshelled walnuts handled or certified for handling and merchantable shelled walnuts handled or declared for handling on the general basis of the respective estimate costs of operation.

§ 984.66 *Assessments*—(a) *Establishment of assessment rates by the Secretary.* The Secretary shall fix separate rates of assessments for each marketing year to be paid by each handler with respect to merchantable unshelled walnuts handled or certified for handling and with respect to merchantable shelled walnuts handled or declared for handling. At any time during or after a marketing year, the Secretary may increase either or both of these rates of assessment to apply respectively to all merchantable unshelled walnuts handled or certified for handling during the marketing year or to all merchantable shelled walnuts handled or declared for handling during such year to secure sufficient funds to cover the expenses authorized by § 984.65, or any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board upon demand. The Control Board shall include with its recommendation of expenses pursuant to § 984.65, its recommendation in respect to the separate assessment rates to be fixed by the Secretary.

(b) *Requirement for payment.* Each handler of merchantable unshelled walnuts and merchantable shelled walnuts shall, with respect to the merchantable unshelled walnuts handled or certified for handling by him and the merchantable shelled walnuts handled or declared for handling by him, pay to the Control Board, upon demand, his pro rata share of the expenses which the Secretary finds are reasonable and are likely to be incurred during each marketing year. Each handler's share of such expenses shall be: For merchantable unshelled walnuts handled or certified for handling during the applicable marketing year, the ratio between the total quantity of merchantable unshelled walnuts handled or certified for handling by him and the total quantity of such walnuts handled or certified for handling by all handlers during such marketing year; for merchantable shelled walnuts handled or declared for handling the ratio of the weight of merchantable shelled walnuts handled or declared for handling by him during the applicable marketing year and the weight of all merchantable shelled walnuts handled or declared for handling during such marketing year by all handlers.

(c) *Suit to enforce payment.* The Control Board may, with the approval of the Secretary, maintain suits in its own name or in the names of its members, to enforce the payment of assessments levied under this section.

(d) *Expenses of surplus walnut operations.* The Control Board is authorized to use funds derived from assessments collected pursuant to paragraph (b) of this section to defray expenses incurred by the Control Board in discharging its obligations, pursuant hereto, with respect to surplus walnuts withheld. All such expenses shall be deducted from the proceeds obtained by the Control Board from the sale or other disposal of pooled surplus walnuts pursuant to § 984.62 (b).

(e) *Accounting and refunds.* (1) Any money collected as assessments during any marketing year and not expended in connection with the respective marketing year's operations hereunder, may be used and shall be refunded by the Control Board in accordance with the provisions of this part. Such excess funds may be used by the Control Board during the four months subsequent to such marketing year in paying the expenses of the Control Board in connection with the new marketing year. The Control Board shall, however, from funds on hand, including assessments collected during the new marketing year, distribute or make available within five months after the beginning of the new marketing year the aforesaid excess to the handlers from whom assessments were collected. Such refunds to each handler shall be made on the basis of the ratio of his assessment obligation to the total assessment obligation of all handlers.

(2) Any money collected from assessments hereunder and remaining unexpended in the possession of the Control Board upon the termination of this part shall be distributed in such manner as the Secretary may direct.

REPORTS AND BOOKS AND OTHER RECORDS

§ 984.68 *Reports of handler carryovers.* Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Control Board a written report of:

(a) All merchantable unshelled walnuts (except such as may be certified and held to meet the handler's merchantable restricted obligation or his surplus obligation in accordance with the provisions of §§ 984.49 and 984.54), including the estimated quantity of merchantable unshelled walnuts in ungraded lots to be packed as merchantable unshelled walnuts, held by him on the first day of August and January, respectively, showing the pack (if unshelled) and location thereof and the quantities:

(1) Which theretofore have been certified for handling and on which the merchantable restricted obligation has previously been met;

(2) Which have been packed as merchantable unshelled walnuts but have not been certified and on which the merchantable restricted obligation has not been met; and

(3) Which are estimated as merchantable unshelled but have not been packed as merchantable unshelled and are to be so packed.

(b) All merchantable shelled walnuts (except such as may be certified and held as surplus in accordance with the provisions of § 984.54), including the estimated quantity of merchantable shelled walnuts in unshelled lots to be shelled, held by him on the first day of August and January, respectively, showing the locations thereof and the quantities:

(1) On which the surplus obligation, if applicable, has previously been met;

(2) Which have been shelled but have not been certified and on which the surplus obligation, if applicable, has not been met; and

(3) Which are estimated as merchantable shelled walnuts to be produced, but have not yet been shelled.

§ 984.69 *Reports of merchantable unshelled walnuts shipped from stock.* Each handler, upon shipping merchantable unshelled walnuts from a lot covered by a stock certificate shall submit a report, at such intervals and in such form as the Control Board may prescribe, showing the pack, quantity, date of shipment, name and address of carrier, railroad car number, whether for interstate, intrastate, or export shipment, and if for export, the country of destination and such other information pertaining thereto as the Control Board may specify.

§ 984.70 *Reports of merchantable restricted and surplus walnuts held.* Each handler, from time to time, on demand of the Control Board, shall file with the Control Board a report of the merchantable restricted and surplus walnuts held by him pursuant to the provisions of §§ 984.49 and 984.54, as of any date specified by the Control Board. Such reports at the request of the Control Board may be in the form of confirmations of the records of the Control Board of such handler's holdings. Such reports shall show the quantity, pack (if unshelled), location, and the applicable handler's lot number of the walnuts covered thereby.

§ 984.71 *Reports of merchantable shelled walnuts handled.* Each handler who handles merchantable shelled walnuts at any time during a marketing year shall submit to the Control Board, in such form and at such intervals as the Control Board may prescribe, reports showing the net weight so handled by him and such other information pertinent thereto as the Control Board may specify.

§ 984.72 *Reports of disposition of merchantable restricted walnuts withheld*—(a) *Reports of intention to dispose.* Each handler before he disposes of any quantity of merchantable restricted walnuts held by him, shall file with the Control Board a report of his intention to dispose of such walnuts. This report shall be filed not less than five days prior to the date on which such walnuts are disposed of, unless the five-day period is expressly waived by the Control Board.

(b) *Report of disposition accomplished.* Each handler, within fifteen days after the disposition of any quantity of merchantable restricted walnuts, shall file with the Control Board a report of the actual disposition of such walnuts.

(c) *Requirements of reports.* The reports required by this section shall show the quantity, pack, location, the applicable handler's storage lot numbers, and the inspection certificate numbers of the walnuts covered thereby, and the disposition which is intended or which has been accomplished.

§ 984.73 *Reports of interstate handling within the area of production.* Within the area of production, any shipment of walnuts from California to Oregon or Washington, from Oregon to Washington, and from Oregon or Washington to California, for sale or delivery to a handler shall be reported to the Control Board by the shipper at time of shipment and by the handler immediately upon receipt of such shipment. The report by the shipper shall show the date of shipment, the quantities shipped, whether orchard-run, merchantable unshelled, or merchantable shelled, and the identity of the consignee. The report by the consignee shall show the date of receipt of the walnuts so shipped, the quantities and categories of the walnuts so received, the identity of the shipper, and shall include a certification to the United States Department of Agriculture and to the Control Board that the walnuts so received will be handled in accordance with regulations established pursuant to the provisions of § 984.48 or § 984.53.

§ 984.74 *Reports of receipts of merchantable restricted walnuts for shelling.* Each authorized sheller, immediately upon receipt of any lot of merchantable restricted walnuts, shall report to the Control Board the quantity and pack of the walnuts so received, the identity of the person from whom received, and, within fifteen days after the disposition of such walnuts, shall report such disposition to the Control Board.

§ 984.75 *Reports of disposition of substandard walnuts.* Each handler shall submit, in such form and at such intervals as the Board may determine, reports, certified to the Board and the Secretary of Agriculture, of (a) his production and holdings of substandard walnuts, and (b) the disposition of all substandard walnuts, including all deliveries of such walnuts to any other person, showing the quantity, lot, date, name and address of the person to whom delivered, the approved use and such other information pertaining thereto as the Control Board may specify.

§ 984.76 *Other reports.* Upon request of the Control Board, made with the approval of the Secretary, each handler shall furnish to the Control Board in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein) such other information as will enable the Control Board to perform its duties and exercise its powers hereunder.

§ 984.77 *Verification of reports.* For the purpose of checking and verifying reports filed by handlers or the operations of handlers under the provisions of this part, the Control Board, through its duly authorized agents shall have access to any handler's premises wherein walnuts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any walnuts so held by such handler and any and all records of the handler with respect to the holding or disposition of all walnuts which may be held or which may have been disposed of by such handler, including records with respect to acquirements, packing, shelling, and shipment of both unshelled and shelled walnuts, as applicable. Each handler shall furnish all labor necessary to facilitate such inspections as the Control Board may make of such handler's holdings of any walnuts. Each handler shall store all merchantable restricted and surplus walnuts held by him in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to inspection certificates of respective lots and of all such walnuts held or disposed of theretofore.

§ 984.78 *Certification of reports.* All reports submitted to the Control Board as required in this subpart shall be certified to the United States Department of Agriculture and to the Control Board as to the completeness and correctness of the information contained therein.

§ 984.79 *Books and other records.* Each handler shall maintain such records of walnuts received, held and disposed of by him as may be prescribed by the Control Board for the purpose of performing its functions under this subpart. Such books and records shall be retained and be available for examination by authorized representatives of the Control Board and the Secretary for a period of two years after the end of the marketing year in which the recorded transactions are completed.

MISCELLANEOUS PROVISIONS

§ 984.80 *Cancellation of certificates.* (a) Stock certificates covering merchantable unshelled walnuts which have not been handled may be cancelled for accounting purposes by the Control Board, at the request of any handler, and such handler's merchantable restricted, surplus and assessment obligations, pursuant to §§ 984.49, 984.54, and 984.66 (b), respectively, shall be adjusted to reflect any such cancellation: *Provided*, That no such cancellations or adjustments shall be made after the close of the marketing year in which the walnuts are certified.

(b) Except as provided in paragraph (d) of this section, no shipping certificate or stock certificate shall be cancelled after the walnuts covered by such certificate have been handled in trade channels for unshelled walnuts, and (except as provided in §§ 984.66 (b) and 984.83) no adjustments shall be made in a handler's control or assessment obligation with respect to merchantable unshelled walnuts which have been handled.

(c) Merchantable restricted or surplus certificates shall be cancelled to facilitate withholding and assessment accounting in connection with any exchanges of merchantable restricted or surplus walnuts as provided in § 984.86 and to correct the record with respect to any excess withholdings by handlers. The handler shall be responsible for initiating any such cancellations.

(d) The Board may make adjustments in handler's control and assessment obligations upon satisfactory proof being furnished by such handler that merchantable unshelled walnuts held by him were destroyed by fire, flood, or by any other means beyond the handler's control: *Provided*, That no such adjustments shall be made after September 1 of the succeeding marketing year.

§ 984.81 *Postponement of control obligation upon the filing of a bond*—(a) *Right to postpone control obligations.* Compliance by any handler with the requirements of §§ 984.49 and 984.54 as to the time when merchantable restricted and surplus walnuts shall be withheld shall be deferred to any date desired by the handler, but as to the merchantable restricted obligation, not later than December 31 of the marketing year; and as to the surplus obligation, not later than March 1 of the marketing year with respect to obligations accumulated between August 1 and January 31, inclusive, and not later than August 31 of the succeeding marketing year with respect to obligations accumulated between February 1 and July 31, inclusive, of such marketing year. Such deferment shall be granted only upon the execution and delivery by such handler to the Control Board before he handles any walnuts of such marketing year of a written undertaking that, on or prior to the dates specified by such handler, he will have fully satisfied his control obligations as prescribed in §§ 984.49 and 984.54.

(b) *Filing of bond.* Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the Control Board and with a surety or sureties acceptable to the Control Board, in the amount or amounts stated below, conditioned upon full compliance with such undertaking. The amount of the bond for deferment of the merchantable restricted obligation shall be the amount obtained by multiplying the poundage bearing the lowest bonding rate or rates which could have been selected for withholding from the packs handled or certified for handling, by the applicable bonding rate or rates. The amount of the bond for deferment of the surplus obligation shall be the total deferred surplus obligation of the handler, in terms of sound kernel weight, multiplied by the bonding rate established pursuant to paragraph (c) of this section. The cost of such bond or bonds shall be borne by the handler filing the same.

(c) *Bonding rates*—(1) *Merchantable restricted.* The bonding rate for merchantable restricted walnuts for each pack shall be an amount per pound representing the season's domestic opening price for such bulk pack net to packer f. o. b. shipping point which shall be computed at 95 percent of the opening price for such bulk pack announced by the packer or packers who, during the preceding marketing year, handled two-thirds of the merchantable unshelled walnuts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding marketing year, using the minimum number of packers to represent a volume of two-thirds of the total volume handled. If such opening prices involve different prices announced by two or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding marketing year by each such packer.

(2) *Surplus walnuts.* The bonding rate for surplus walnuts shall be based upon the price per pound for bulk "light amber halves and pieces" and shall be computed at 95 percent of the weighted average domestic price f. o. b. shipping point at which such grade was sold or offered for sale during the calendar week in which the Secretary establishes the marketable and surplus percentages pursuant to § 984.53 of this subpart, by any handler or handlers who during the preceding marketing year, handled 51 percent of the merchantable shelled walnuts handled by all handlers: *Provided*, That if "light amber halves and pieces" are not sold or offered for sale during the aforesaid calendar week, the Control Board shall designate the nearest comparable grade of bulk merchantable shelled walnuts sold or offered for sale during such week by the aforesaid handler or handlers. Such handlers shall be selected in order of volume handled in the preceding marketing year, using a minimum number of handlers to represent a volume of 51 percent of the total volume of merchantable shelled walnuts handled during such year. The price or prices of such handler or handlers so selected shall be reported to the Control Board and shall be certified by such handler or handlers to the United States Department of Agriculture and to the Control Board as to their correctness. If prices from two or more handlers are involved for the designated grade, the prices so reported shall be averaged on the basis of the quantity of merchantable shelled walnuts handled during the preceding marketing year by each such handler. Such rate may be modified by the Control Board with the approval of the Secretary.

(d) *Replacement by Control Board.* (1) Any sums collected through default of a handler on his bond shall be used by the Control Board to purchase walnuts from handlers as provided herein. With respect to default on a bond for a merchantable restricted obligation, a quantity of merchantable unshelled walnuts represented by the sum collected through such default; and with respect to default on a bond for surplus obligation, to the extent such obligation is not satisfied by exportation of merchantable unshelled walnuts, a quantity of sound kernels, or the equivalent thereof in unshelled walnuts represented by the sum collected through such default. Purchases in connection with merchantable restricted walnuts shall be made from the merchantable unshelled walnuts with respect to which the merchantable restricted obligation has not been met and at not to exceed the applicable bonding rate for each pack. Purchases in connection with surplus walnuts shall be made from walnuts with respect to which the surplus obligation has not been met: *Provided*, That if merchantable unshelled walnuts or walnuts are not available on which the merchantable restricted or surplus obligation, respectively, have not been met the Control Board may make purchases of walnuts on which the respective Control Board obligations have been met, in which event the seller's respective control obligation shall be reduced accordingly. The Control Board shall at all times purchase the lowest priced walnuts or packs offered, consistent with the requirements established for merchantable restricted and surplus walnuts, and when offered at the same prices, the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings.

(2) Walnuts purchased to satisfy control obligations shall be turned over to those handlers who have defaulted on their bonds, for disposition pursuant to §§ 984.61 and 984.62. The quantity delivered to each handler shall be that quantity represented by the sums collected through default, and the different grades of merchantable unshelled walnuts, if any, shall be apportioned as nearly as practicable among the various packers in the ratio that the quantity of walnuts to be delivered to each packer is to the total quantity purchased by the Control Board with bonding funds.

(e) *Disposition of excess funds.* After the Control Board has purchased walnuts to the extent and in the manner provided in paragraph (d) of this section, any unexpended sums which have been collected by the Control Board through default of handlers on their bonds remaining in possession of the Control Board at the end of a marketing year shall be used to reimburse the Control Board for its expenses, including administrative and other costs, incurred in the collection of such sums and in the purchase of walnuts, any balance remaining, shall be refunded to the handlers from whom such sums were collected in proportion to the respective collections thereunder. If the Control Board is unable to purchase walnuts to the extent and as provided in paragraph (d) of this section, any unexpended sums which have been collected by the Control Board through default of a handler on his bond shall be used to reimburse the Control Board for its expenses, including administrative and other costs incurred in the collection of such sums and in the attempt to purchase such walnuts, and any balance shall be distributed among all handlers in proportion to the quantity of merchantable unshelled walnuts or of sound kernels handled by them during the marketing year in which the default occurred.

(f) *Satisfaction of control obligations.* Collection by the Control Board upon any bond or bonds filed pursuant to the provisions of this section shall be deemed a satisfaction of the merchantable restricted or surplus obligations represented by such collection: *Provided*, That merchantable unshelled or surplus walnuts turned over to handlers are disposed of pursuant to §§ 984.61 and

984.62. A handler who has defaulted on his bond shall be credited on his merchantable restricted obligation with that quantity of merchantable unshelled walnuts represented by the sums collected on account of such default, and on his surplus obligation with that quantity of sound kernels represented by the sums collected on account of such default.

§ 984.82 *Revision of control percentages.* (a) The Secretary, on request of the Control Board made at any time prior to February 15 of any marketing year (or if the Control Board shall fail so to request, on request within like time of two or more handlers who have handled during the immediately preceding marketing year at least 10 percent of the total tonnage of merchantable unshelled walnuts or of merchantable shelled walnuts, respectively, handled by all handlers during such marketing year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable unshelled walnuts or merchantable shelled walnuts, respectively, available for sale will not be sufficient to supply the respective trade demand therefor and provide an adequate carryover, may decrease the merchantable restricted percentage or the surplus percentage, respectively, to conform to such finding.

(b) The Control Board prior to February 15 of each year for which a control percentage has been established, shall review on the basis of actual production in each of the two districts the control percentages established for that year, and shall recommend to the Secretary on or before that date such changes of the control percentages established for each district as are necessary in order to give reasonable effect, on the basis of such actual production, to the standards prescribed in §§ 984.47 (b) and 984.52 (a). The Secretary on such recommendation by the Control Board (or if the Control Board shall fail to make a recommendation then on request not later than February 15 of two or more handlers who have handled during the immediately preceding marketing year at least 10 percent of the total tonnage of merchantable unshelled walnuts or of merchantable shelled walnuts, respectively, handled by all handlers in their district during such marketing year) and after a finding of fact that the merchantable restricted or surplus percentage established for that marketing year as to walnuts produced in either district is too high for that district in relation to said standards, the Secretary shall decrease accordingly such percentage for that district: *Provided, however,* That in no event shall the merchantable restricted or surplus percentage of one district, as thus changed, be less than one-half of such percentage as established for the other district.

§ 984.83 *Adjustment upon revision of control percentages.* Upon any revision in the control percentages, the control obligation of each handler with respect to the walnuts handled, declared, or certified for handling by him for the entire marketing year shall be recomputed in accordance with such revised control percentages. From the walnuts still held by a handler to meet his control obligations and from such surplus walnuts that may have been delivered by him to the Control Board pursuant to § 984.62 (b) and which are still held by the Control Board, the handler shall be permitted to select insofar as practicable, under the supervision and direction of the Control Board, the particular walnuts to be removed from the walnuts withheld.

§ 984.84 *Application of control percentage and bonding rates after end of marketing year*—(a) *Control percentages.* The control percentages established for any marketing year shall continue in effect with respect to all walnuts, for which the control obligations have not been previously met, which are handled, declared, or certified for handling by any handler after the end of such marketing year. After such percentages are established for the new marketing year, the control obligations for all such walnuts theretofore handled, declared or certified for handling during the marketing year shall be adjusted to the newly established percentages.

(b) *Bonding rates.* The bonding rates established for any marketing year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to § 984.81 (b), after the end of such marketing year and until such bonding rates are modified. After bonding rates are established for a new marketing year, the new rates shall be applicable and any bond or bonds theretofore given for that marketing year shall be adjusted to the new rates.

§ 984.85 *Interhandler transfers.* (a) Within the area of production unshelled walnuts other than merchantable free walnuts may be sold or delivered by one handler to another for packing or shelling and the receiving packer or sheller shall comply with the regulations made effective pursuant to this part with respect to such walnuts.

(b) A handler may, for the purposes of meeting his control obligations, acquire walnuts from another handler, and any assessments, control obligations and inspection requirements with respect to walnuts so transferred shall be waived insofar as the seller is concerned. The Board, with the approval of the Secretary, may establish methods and procedures including necessary reports for such transfers.

(c) Except as provided in paragraphs (a) and (b) of this section, whenever transfers of walnuts are made from one handler to another, the first handler thereof shall comply with all of the regulations effective pursuant to this part.

§ 984.86 *Exchange of walnuts withheld.* Any handler who has withheld walnuts pursuant to the requirements of §§ 984.49 and 984.54 and has had them certified as walnuts eligible to meet his control obligations, may exchange therefor, in the case of merchantable restricted walnuts, an equal quantity by weight of other merchantable unshelled walnuts, or in the case of surplus walnuts, an equal quantity, by weight of sound kernels, of other walnuts meeting the grade requirements for surplus. Any such exchange shall be made under the supervision and direction of the Control Board or its designated inspectors, with appropriate inspection and certification of the walnuts received in exchange.

§ 984.87 *Assistance of Control Board in meeting control obligations.* The Control Board, on written request, may assist handlers in accounting for their control obligations and may aid any handler in acquiring walnuts to meet any deficiency in a handler's control obligation, or in accounting for and disposing of walnuts withheld.

§ 984.88 *Exemptions*—(a) *Exempt packs of merchantable unshelled walnuts.* The control percentages established pursuant to §§ 984.48 and 984.53 shall not apply to separate packs of merchantable unshelled walnuts of which not over 12 percent by count pass through a round opening 9/64 inches in diameter.

(b) *Walnuts not subject to regulation.* Except as otherwise provided in this section, nothing contained in this part shall be construed to authorize any limitation of the right of any person to handle unshelled or shelled walnuts for consumption by charitable institutions, for distribution by relief agencies, sale to governmental agencies for school lunch purposes, or in such minimum quantities or types of shipments as the Control Board may, with the approval of the Secretary, prescribe.

(1) No assessment shall be levied pursuant to § 984.66 (b) on walnuts disposed of for the purposes or in the quantities specified in or pursuant to this paragraph.

(2) The Control Board shall prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as it deems necessary to effectuate the provisions of this section.

§ 984.89 *Compliance.* Except as provided in this subpart, no person shall handle walnuts, unshelled or shelled, during any marketing year in which this subpart and any regulation issued by the Secretary hereunder are in effect unless such person has previously met the obligations imposed by each such regulation and the provisions of this subpart.

§ 984.90 *Rights of the Secretary.* The members of the Control Board (including successors and alternates), and any agent, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Control Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the Control Board shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. If the Control Board, for any reason, fails to perform its duties or exercise its powers under this subpart, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 984.91 *Personal liability.* No member or alternate of the Control Board nor any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate or employee, except for acts of dishonesty.

§ 984.92 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 984.93 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 984.94 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof except with respect to acts done under and during the existence hereof.

§ 984.95 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 984.96 *Effective time and termination*—(a) *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington: *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such walnuts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current marketing year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the Control Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Control Board, of all funds and property then in the possession or under the control of the Control Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Control Board and the joint trustees to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Control Board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been transferred or delivered by the Control Board or its members, pursuant to this section, shall be subject to the same obligation imposed upon the members of the said Control Board and upon said joint trustees.

§ 984.97 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 984.98 *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all such signatures were contained in one original.*

§ 984.99 *Additional parties.* After the effective date hereof, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.*

§ 984.100 *Request for order.* Each signatory handler hereto requests the Secretary to issue an order pursuant to the act regulating the handling of walnuts grown in the States of California, Oregon, and Washington in the same manner as provided in this agreement.*

Dated: July 17, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6010; Filed, July 22, 1957; 8:52 a. m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 992.209 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal year ending May 31, 1958, will amount to $22,439.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 18, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-5995; Filed, July 22, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[IOD Delegation 22]

INTERNATIONAL OPERATIONS DIVISION

AUTHORITY TO SIGN PROOFS OF CLAIM AND OTHER DOCUMENTS

Pursuant to the authority vested in me by Commissioner Delegation Order No. 32 (I. R. B. 1956–22) and Delegation Order No. 36 (I. R. B. 1956–37), the incumbents of, and persons acting in, the positions listed below in the International Operations Division, are hereby authorized to sign proofs of claim and other documents asserting obligations incurred under the internal revenue laws (including taxes, penalties and interest), in order to claim and collect such obligations in any proceeding under the Bankruptcy Act and any receivership, decedent's estate, corporate dissolution, or other insolvency proceeding:

Division Headquarters:

Assistant Director, International Operations Division.
Chief, Collection Activities Branch.
Special Procedures Officer.

Puerto Rico:

Officer in Charge.
Chief, Collection Branch.

The Authority herein delegated may not be redelegated.

Dated: June 21, 1957.

[SEAL] L. HAROLD MOSS,
Director of International Operations.

[F. R. Doc. 57-5998; Filed, July 22, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Blackfoot 055575]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 15, 1957.

Pursuant to determination DA–487–Idaho of the Federal Power Commission and in accordance with Order No. 541, sec. 2.5 of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2473–2476 it is ordered as follows:

The lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws, subject to the provisions of sec. 24 of the Federal Power Act of June 10, 1920 (41 Stat. 10675; 16 U. S. C. 18) as amended.

BOISE MERIDIAN, IDAHO

T. 6 S., R. 6 E.,
Sec. 5, N½SE¼.

The area described totals 80 acres of public land.

The lands are located in Owyhee County about one-fourth to one-half mile south of the Snake River and four miles northeast of Bruneau, Idaho. The lands have been developed under desert land entry, Blackfoot 055575, by Ruth H. Minnix, who has water rights necessary for their development. Any applicant under this order will be required to file evidence of a water right sufficient to irrigate all the irrigable portions of the lands. Any applicants adverse to the present entrywoman, according to Departmental rules, will be required to reimburse the entrywoman for all the improvements which cannot be removed from the land without injury to the improvements or to the land.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required, in whole or in part, for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulations provided in the preceding paragraph.

Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby opened to filing of applications and selections in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the application and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land, and small tract laws by qualified veterans of World War II and, or, the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284, as amended), presented prior to 10:00 a. m. on August 20, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 19, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (1) and (2) above presented prior to 10:00 a. m., on November 19, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights under Paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of their certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

MICHAEL T. SOLAN,
Acting Supervisor.

[F. R. Doc. 57-5981; Filed, July 22, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 311]

MARKET AGENCIES AT KANSAS CITY STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on April 27, 1956 (15 A. D. 387), continuing in effect to and including May 30, 1958, an order issued on February 25, 1952 (11 A. D. 198), authorizing the respondents, Market Agencies at Kansas City Stock Yards, Kansas City, Missouri, to assess the current schedule of rates and charges.

By documents filed on June 26 and July 11, 1957, the respondents requested

authority to put into effect a new schedule of rates and charges designated as Tariff No. 12. The proposed schedule is set forth below.

DEFINITIONS

A consignment, for the purpose of assessing a selling charge, is all the livestock of one species (cattle, calves and bulls to be considered of different species) belonging to one person consigned to one market agency to be offered for sale during the trading hours of one day.

A purchase order, for the purpose of assessing buying charges, is all the livestock of one species (cattle, calves and bulls to be considered as of different species) bought at any time but shipped to or delivered to one person on one market day.

A weight draft, for the purpose of determining extra draft charges is all the animals of one species sold to one buyer in one lot at the same price.

A person, is an individual, a partnership, a corporation and/or an association of any such unit acting as one.

Cattle, are animals of the bovine species, weighed in drafts, the average weight of the animal in which is 400 pounds or over.

Calves, are animals of the bovine species, weighed in drafts, the average weight of the animal in which is under 400 pounds.

Bulls, are uncastrated male animals of the bovine species weighing 700 pounds or over.

Swine, are all swine irrespective of weight.

Sheep, are animals of the ovine species, irrespective of weight, including lambs and goats.

BUYING, SELLING AND RESELLING CHARGES

(Irrespective of the manner of arrival) [1]

Cattle	*Per head*
Consignment of 1 head and 1 head only	$1.60
First 5 head in each consignment	1.35
Next 10 head in each consignment	1.25
Each head over 15 in each consignment	1.15
T. B. or Bang reactors, cripples, and post-mortem	1.70
Bulls 700 pounds or over	1.85
Calves	
Consignment of 1 head and 1 head only	.85
First 5 head in each consignment	.70
Next 10 head in each consignment	.60
Each head over 15 in each consignment	.50
T. B. or Bangs reactors, cripples, and post-mortem	.85
Hogs	
Consignments of 1 head and 1 head only	$0.65
First 10 head in each consignment	.45
Next 15 head in each consignment	.40
Each head over 25 in each consignment	.35
Cripples and post-mortems	.75
Sheep	
Consignment of 1 head and 1 head only	$0.60
First 10 head in each 225 in each consignment	.40
Next 20 head in each 225 in each consignment	.35
Next 30 head in each 225 in each consignment	.30
Next 40 head in each 225 in each consignment	.20
Next 125 in each 225 in each consignment	.10
Cripples and post-mortems	.65

[1] Exception: The charge on a consignment arriving by rail shall not exceed an amount equal to $25.00 multiplied by the number of single-deck cars in the consignment plus an amount equal to $35.00 multiplied by the number of double-deck cars in that consignment.

EXTRA SERVICE CHARGES

Checks and deposits. When necessary or requested there shall be a charge on each consignment of:

(a) Ten cents for each additional check or cash payment.

(b) Ten cents for each additional deposit or bank draft or credit.

(c) Ten cents for each check over one drawn in favor of a trucker in payment of charges due him for transportation of livestock.

(d) Ten cents for each account of sales over one necessary or furnished an owner of livestock at his request.

Drafts. In those cases where more than three drafts are necessary or requested, a charge of thirty cents per draft for each draft in a consignment in excess of three in any one consignment.

Livestock entered in the American Royal Livestock Show. In addition to the regular charges the following will be made on all entries of livestock:

	Per car
Fat cattle	$15.00
Stocker and feeders	15.00
Hogs	10.00
Sheep	10.00
	Per head
Each single head regardless of species	$0.50
Each group under a car lot	.50

A car lot is a lot of not less than 15 fat cattle or 20 feeder cattle, or 25 hogs or 50 sheep.

MISCELLANEOUS CHARGES

Yard fire insurance coverage. To defray the cost for this Exchange to employ agencies to insure livestock against fire or lightning and consequent damage thereof for the patrons of the Kansas City Live Stock Market and others while within the boundaries of the Kansas City Stock Yards the following charges will be made: 7 cents per car on all rail shipment of livestock. On livestock received by truck there shall be collected from the consignor at the rate of 1 cent per head on cattle, calves, bulls, hogs, sheep or goats; but in no case shall the total exceed 10 cents per car of not more than 35 cattle, calves or bulls and 60 hogs and 120 sheep or goats.

National Livestock and Meat Board. To help defray the cost of the program to increase the consumption of meat, the following charges shall be made on all livestock sold at these yards by members of this Exchange:

Rail:	*Per car*
Livestock, all species	50¢
	Per head
Cattle	2¢
Calves and hogs	⅔¢
Sheep, lambs or goats	⅔¢

No maximum—provided however, that upon written objection filed with the Exchange by the producer within 60 days, the amount collected by the market agency will be refunded by the Kansas City Livestock Exchange direct to the producer, but in no instance shall the market agency be relieved from the obligation of making the deduction.

The market agencies making this deduction shall pay such amounts deducted to Kansas City Livestock Exchange who in turn will remit monthly the amount received from such collections less amount of refunds and expenses attached thereto, to the National Livestock and Meat Board, Chicago, Illinois, to be used for the purpose of increasing the consumption of meat. Each account sales from which this deduction has been made shall be stamped or printed, "The National Livestock & Meat Board Fund" to increase meat consumption.

Brand Inspection Charges. (Collected at the request of the Texas Southwestern Cattle Raisers Association, Incorporated.) The sum of eight cents per head shall be deducted from the proceeds of all cattle originating in or shipped from the State of Texas for the purpose of determining ownership of all such cattle.

BUYING CHARGES

The rate for buying livestock shall be the same as the rates for selling (like species) except as follows:

1. When livestock bought by the purchaser himself from other firms is paid for by the market agency, the regular buying commission shall be charged the buyer,

2. When livestock bought by the purchaser himself from other firms is picked up and/or billed out or any other assistance, except payment, is rendered in the purchase of the livestock, by the market agency, one-half of the regular commission shall be charged to the buyer.

3. When livestock consigned to a market agency for sale is sold to a buyer who requests that the services necessary prior to shipping out or trucking out be performed by the market agency, one-fourth the regular commission shall be charged to the buyer.

4. When necessary to purchase and pick up a car from more than two agencies 50¢ per additional agency over two shall be charged—maximum additional charge $3.00—same shall apply to truck-out or driven out shipments (50¢ per agency over two up to 26,000 pounds, maximum additional charge $3.00 each additional 26,000 pounds).

5. A market agency, using livestock out of a shipment received for sale, to fill, in whole or part, an order received from a buyer will be presumed to be acting solely as the agent of the consignor and shall collect the regular selling charges from the consignor, collection shall also be made from the buyer, to cover expenses incurred, of an amount equal to one-half the regular buying charge.

NOTE: The extra draft charges applicable to the sale of livestock shall not apply to livestock purchased.

The proposed schedule of rates and charges, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 17th day of July 1957.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57-6013; Filed, July 22, 1957; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

OCEANIC STEAMSHIP CO.

NOTICE OF APPLICATION

Notice is hereby given of the application of The Oceanic Steamship Company for written permission under section 805

(a) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, to permit its parent organization, the Matson Navigation Company, to operate the SS. "Matsonia" on one voyage, carrying passengers and their baggage and automobiles between the Pacific Northwest and Hawaii and between the Pacific Northwest and California, said voyage to commence at San Francisco on or about March 26, 1958, and proceed: San Francisco, Seattle, Honolulu, San Francisco.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should, within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, notify the Secretary, Maritime Administration, and file petition for leave to intervene in accordance with its rules of practice and procedure.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

Dated: July 18, 1957.

By order of the Maritime Administrator.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-5999; Filed, July 22, 1957; 8:50 a. m.]

Office of the Secretary

RAYMOND E. HEBERT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 23, 1957, 22 F. R. 461.

A. Deletions: None.
B. Additions: None.

This statement is made as of July 11, 1957.

Dated: July 15, 1957.

RAYMOND E. HEBERT.

[F. R. Doc. 57-5978; Filed, July 22, 1957; 8:46 a. m.]

R. CHESTER REED

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 18, 1956, 21 F. R. 340; July 20, 1956, 21 F. R. 5463; January 15, 1957, 22 F. R. 293.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 4, 1957.

Dated: July 5, 1957.

R. CHESTER REED.

[F. R. Doc. 57-5979; Filed, July 22, 1957; 8:46 a. m.]

ROBERT W. NISSEN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 25, 1956, 21 F. R. 5596; January 23, 1957, 22 F. R. 461.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 6, 1957.

Dated: July 8, 1957.

ROBERT W. NISSEN.

[F. R. Doc. 57-5980; Filed, July 22, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-75]

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the National Advisory Committee for Aeronautics, 1512 H Street NW., Washington, D. C., on July 8, 1957, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct and operate a zero power nuclear reactor (critical experiment facility) to be located at the NACA Lewis Flight Propulsion Laboratory near Cleveland, Ohio. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 15th day of July 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-5973; Filed, July 22, 1957; 8:45 a. m.]

[Docket No. 50-76]

AEROJET-GENERAL NUCLEONICS

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that Aerojet-General Nucleonics, San Ramon, California, on July 9, 1957, filed an application under section 104d of the Atomic Energy Act of 1954 for a license to export a 100-milliwatt nuclear reactor to the Laboratoires R. Derveaux, Boulogne, France. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 15th day of July 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-5974; Filed, July 22, 1957; 8:45 a. m.]

[Docket No. 27-1]

WOODBURY CLAY CO.

NOTICE OF APPLICATION FOR RADIOACTIVE WASTE DISPOSAL FACILITY LICENSE

Please take notice that an application for a license to provide waste disposal services has been filed by the Woodbury Clay Company, 403 Allegheny Street, Holidaysburg, Pennsylvania.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 15th day of July 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-5976; Filed, July 22, 1957; 8:45 a. m.]

[Docket No. 50-77]

CATHOLIC UNIVERSITY OF AMERICA

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that The Catholic University of America, Washington, D. C., on July 10, 1957 filed an application under section 104c of the Atomic Energy Act of 1954 for a license to acquire, possess and operate on the University grounds a 100-milliwatt research reactor designated by the manufacturer, Aerojet-General Nucleonics, as Model AGN-201, Serial No. 101. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 15th day of July 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-5975; Filed, July 22, 1957; 8:45 a. m.]

COMMERCIAL WASTE DISPOSAL SERVICES

PROCEDURES FOR PUBLISHING NOTICE OF RECEIPT OF APPLICATION AND ISSUANCE OF LICENSES

Applications received by the Atomic Energy Commission for licenses to provide waste disposal services for wastes containing byproduct or special nuclear material will be made available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C. Notice of the filing of these applications and issuance of the resulting licenses will be published in the FEDERAL REGISTER.

Dated at Washington, D. C., this 15th day of July 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-5977; Filed, July 22, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11835; FCC 57M-695]

TOWN AND COUNTRY RADIO, INC.

ORDER SCHEDULING HEARING

In re application of Town and Country Radio, Inc., Rockford, Illinois; Docket No. 11835, File No. BP-10484; for construction permit.

The Hearing Examiner having under consideration the necessity of designating a date for further hearing in this proceeding;

It appearing that the record was closed on January 28, 1957, and an Initial Decision was released on April 15, 1957, but that the Commission on July 3, 1957, reopened the record as requested by one of the respondents and enlarged the issues; and

It further appearing that the applicant has informally requested a hearing date prior to the August recess;

It is ordered, This 16th day of July 1957, that further hearing will commence on July 29, 1957, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6000; Filed, July 22, 1957; 8:50 a. m.]

[Docket No. 11975; FCC 57M-696]

TELRAD, INC. (WESH-TV)

ORDER ADVANCING DATE OF HEARING

In re application of Telrad, Inc. (WESH-TV), Daytona Beach, Florida; Docket No. 11975, File No. BMPCT-4150; for modification of construction permit.

It is ordered, This 16th day of July 1957, that the further hearing now scheduled for July 25, 1957, is advanced to July 23, 1957, at 2:00 p. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6001; Filed, July 22, 1957; 8:50 a. m.]

[Docket Nos. 12091, 12092; FCC 57M-699]

SOUTHWEST STATES, INC., AND KENYON BROWN

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Southwest States, Inc., Amarillo, Texas; Docket No. 12091, File No. BPCT-2199; Kenyon Brown, Amarillo, Texas; Docket No. 12092, File No. BPCT-2275; for construction permits for new television broadcast stations (Channel 7).

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 17th day of July 1957, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., July 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6002; Filed, July 22, 1957; 8:50 a. m.]

[Docket No. 12097; FCC 57M-698]

JACKSON COUNTY BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Nathan L. Goetz, Robert Goetz and Merlin J. Meythaler, d/b as Jackson County Broadcasting Company, Maquoketa, Iowa; Docket No. 12097, File No. BP-10882; for construction permit.

It is ordered, This 17th day of July 1957, that a prehearing conference is scheduled for Wednesday, July 24, 1957, at 1:00 p. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6003; Filed, July 22, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6716, E-6760]

CITIZENS UTILITIES CO.

NOTICE OF POSTPONEMENT OF HEARING

JULY 16, 1957.

Upon consideration of the request of Counsel on behalf of Citizens Utilities Company for postponement of the hearing now scheduled for July 22, 1957, at Newport, Vermont;

Notice is hereby given that said hearing is postponed to be held commencing at 10:00 a. m., e. d. s. t., August 7, 1957, in Hearing Room No. 42, Post Office Building, Newport, Vermont.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-5983; Filed, July 22, 1957; 8:47 a. m.]

[Docket No. G-12376, etc.]

GENERAL AMERICAN OIL COMPANY OF TEXAS ET AL.

NOTICE OF DATE OF HEARING

JULY 18, 1957.

In the matters of General American Oil Company of Texas, Docket Nos. G-12376 and G-12377; Warren Petroleum Corporation, G-12378; Fain & McGaha, Operator, et al., G-12379 and G-12380; Walter Pendleton, Jr., Operator, et al., G-12381; Pendleton & Vaughn, a partnership, G-12382; C. T. Palmer, Operator, et al., G-12383 and G-12384; Frank F. DuBose, G-12385 and G-12386; Bluebonnet Oil Corp., Operator, et al., G-12387 and G-12388.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on August 5, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications in the above-entitled proceedings: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Notice of the applications filed herein was published in the FEDERAL REGISTER of June 12, 1957 (22 F. R. 4141). The final date for filing protests and petitions to intervene was June 27, 1957.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6004; Filed, July 22, 1957; 8:51 a. m.]

[Docket No. G-9978 etc.]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF MOTIONS TO MODIFY ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JULY 17, 1957.

Take notice that Pacific Northwest Pipeline Corporation, Houston, Texas, filed on March 13, 1957, a motion to modify the orders of the Federal Power Commission issuing certificates of public convenience and necessity in Docket Nos. G-9978, issued June 18, 1956; G-10968, issued January 28, 1957; G-11093, issued January 10, 1957; G-11432, issued February 14, 1957, authorizing the sale of natural gas to the various purchasers in the respective applications without limitation as to the volumes to be delivered and sold.

The applications state that Applicant "proposes to sell the maximum daily and annual volumes" and list such volumes as follows:

Docket No.	Customer	Distribution area	Estimated peak day	Third year (MCF) annual
G-9978	Utah Gas Service Co.	Vernal, Utah	1,578	297,806
G-10068	Intermountain Gas Co., Inc.	Bancroft, Idaho	99	8,482
		Kimberly, Idaho	444	39,361
G-11093	Western Slope Gas Co.	Grand Junction, Colo.	3,000	150,000
G-11432	Intermountain Gas Co., Inc.	Declo, Idaho	45	4,200

Applicant alleges that the Commission's orders in said dockets authorized the delivery of gas as proposed in the applications, and that such orders may be construed to limit the volumes of gas permitted to be delivered by Applicant. Applicant further states it was not the intention of Applicant to apply for a limited certificate of public convenience and necessity, but rather to indicate the presently estimated requirements of the purchaser.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 15, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6005; Filed, July 22, 1957; 8:51 a. m.]

[Docket No. G-12884]

TRUNKLINE GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED TARIFF CHANGES AND EXECUTED SERVICE AGREEMENT

JULY 17, 1957.

Trunkline Gas Company (Trunkline), on June 14, 1957, tendered for filing Original Sheets Nos. 6-A, 6-B, 6-C and 6-D; First Revised Sheets Nos. 3, 4 and 22; Second Revised Sheets Nos. 5, 9, 23, 24, 28, 30, 31 and 32; Third Revised Sheet No. 34; and Fourth Revised Sheet No. 1, to its FPC Gas Tariff, Original Volume No. 1. The tendered tariff sheets proposed to substitute a two-part rate schedule with demand and commodity components (Rate Schedule P-1) and an interruptible excess gas rate schedule (Rate Schedule R-1) for the presently effective cost of service rate prescribed for service to its parent, Panhandle Eastern Pipe Line Company (Panhandle), as a condition to the certificate issued May 4, 1950, in Docket No. G-882, et al., which authorized construction and operation of Trunkline's facilities. In addition, a new general service rate schedule (Rate Schedule G-1), optional for customers taking less than 2,000 Mcf of gas per day and required for those taking more, was also tendered. This new schedule contains a two-part demand and commodity rate. The present general service rate schedule is for sales of less than 2,000 Mcf per day and contains a straight volumetric rate and was also required by the order issuing the aforesaid certificate. Trunkline proposed other tariff changes, including (1) a modification of the present Btu adjustment provision for sales to small general service customers; (2) new forms of service agreement; and (3) changes purportedly intended for clarification. An executed service agreement with Panhandle for service under the new Rate Schedule P-1 was also tendered.

Trunkline states that the proposed filing will result in no increase in rates presently in effect, including the cost of service rate, based upon sales for the year 1956, as adjusted. An effective date of August 1, 1957, is requested.

In support of its claim that a change in rate form is necessary, Trunkline states that it has entered into gas exploration operations, so as to enable it to make larger sales for resale to more distributors and also some direct sales. Trunkline states that it now has 18 resale customers other than Panhandle instead of the one relatively minor other sale which it had at the time operations commenced. Trunkline further states that the existing form of rate (where all other revenues received are credited to the Panhandle cost of service) furnishes little incentive to increase sales to present customers, to make new sales, or to expand capacity.

Trunkline's purported support for the proposed changes include (1) $221,000 adjustment to purchased gas costs, an unspecified part of which is stated to be involved in rate proceedings; and (2) minimum bank balances ($1,000,000) and an item "gas purchased lag" ($538,000) in working capital allowance and an income tax credit of only 33⅓ percent to working capital instead of the 65.55 percent ordered in Docket No. G-9034. These items, among others, are questionable and should be further investigated.

Comments received from the Central Illinois Public Service Company and the City of Fairfield, Illinois, state that the proposed new general service rate will result in substantial incease in the cost of gas. The City of Fairfield recommends a full and complete investigation.

The tariff changes, including proposed Rate Schedule G-1 and service agreement thereunder, proposed by Trunkline on June 14, 1957, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classification, and services contained in Trunkline's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by the tariff sheets listed above, including Rate Schedule G-1, and the executed service agreement with Panhandle, and that such proposed filing and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Ch. I), a public hearing be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission, contained in Trunkline's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Original Sheets Nos. 6-A, 6-B, 6-C and 6-D; First Revised Sheets Nos. 3, 4 and 22; Second Revised Sheets Nos. 5, 9, 23, 24, 28, 30, 31 and 32; Third Revised Sheet No. 34; and Fourth Revised Sheet No. 1, and the concurrently tendered service agreement with Panhandle.

(B) Pending such hearing and decision thereon, the proposed Original Sheets Nos. 6-A, 6-B, 6-C, and 6-D; First Revised Sheets Nos. 3, 4, and 22; Second Revised Sheets Nos. 5, 9, 23, 24, 28, 30, 31, and 32; Third Revised Sheet No. 34; and Fourth Revised Sheet No. 1, to Trunkline's FPC Gas Tariff, Original Volume No. 1, and the aforesaid executed service agreement with Panhandle, are each hereby suspended, and their use deferred until January 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6006; Filed, July 22, 1957; 8:51 a. m.]

THE RENEGOTIATION BOARD

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

The Statement of Organization published in the issue of February 13, 1952 (F. R. Doc. 52-1774; 17 F. R. 1400), as amended in full in the issue of September 28, 1956 (F. R. Doc. 56-7859; 21 F. R. 7467), is hereby further amended, effective at the close of business June 30, 1957, as follows:

1. In section 3 (b), the words "maintains four" are deleted from the first sentence and the words "maintains three" are inserted in lieu thereof.

2. Subparagraph (1) of section 3 (b), setting forth the name and address of the Chicago Regional Renegotiation Board, is deleted in its entirety and subparagraphs (2), (3) and (4) are renumbered subparagraphs (1), (2) and (3), respectively.

Dated: July 18, 1957.

THOMAS COGGESHALL, *Chairman.*

[F. R. Doc. 57-6008; Filed, July 22, 1957; 8:51 a. m.]

[1] Commissioner Connole's dissenting opinion filed as part of the original document.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1083]

INTERSTATE HOLDING CORP.

AMENDED ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF AND ORDER FOR HEARING

JULY 17, 1957.

I. Interstate Holding Corporation (Interstate), a Tennessee corporation, 315 Angelus, Memphis 12, Tennessee, filed with the Commission on March 8, 1957, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating, as amended, to an offering of 12,400 shares of its non-voting Class A stock, par value $5.00 per share, and 12,400 shares of its voting Class B stock, par value 1 cent per share, in units, each unit consisting of 100 shares of Class A stock and 100 shares of Class B stock, at $1,501.00 per unit, for an aggregate of $186,124.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) and Regulation A promulgated thereunder.

The Commission on July 8, 1957, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261.

II. The Commission has reasonable cause to believe that, in addition to the grounds specified in its order of July 8, 1957 referred to hereinabove:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification failed to contain the information required by Item 2, and more specifically the response failed to contain the names and addresses of all affiliates of Interstate, and particularly, G & S Corporation was not named as an affiliate;

2. The notification failed to contain the information required by Item 9 with respect to unregistered securities of an affiliated issuer of Interstate, G & S Corporation, issued by G & S Corporation within one year prior to the filing of the notification;

3. The notification failed to contain the information required by Item 10 with respect to offerings of securities in progress and contemplated by an affiliated issuer of Interstate, to wit, G & S Corporation;

4. The offering circular failed to contain a statement of cash receipts and disbursements of Interstate, as required; and

5. The offering circular failed to describe all direct and indirect interests of each of Interstate's officers, directors, promoters, and persons controlling Interstate, in Interstate and its affiliates and in material transactions effected within two years prior to the filing of the notification and material proposed transactions to which Interstate or any of its predecessors or affiliates were or were to be parties, as required, in that, among other things, the offering circular failed to describe (i) the terms, conditions, and other arrangements pertaining to loans made and to be made by Interstate to such persons, (ii) investments made and to be made by Interstate in securities of affiliated issuers including securities of G & S Corporation and Comico Corporation, and (iii) arrangements made and to be made by Interstate and Comico for the rental of office space from such persons;

B. The notification and offering circular contain untrue statements of material fact and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The identity of affiliates of Interstate;

2. The securities of affiliated issuers issued and proposed to be issued by such persons;

3. The direct and indirect interests of Interstate's officers, directors, promoters, and controlling persons in Interstate and in material transactions effected and proposed to be effected to which Interstate or any of its predecessors or affiliates were or were to be parties;

4. The business transactions contemplated to be effected between Interstate and its directors, officers, promoters, and between Interstate and companies in which said persons are interested; and

5. The purposes for which the net cash proceeds to Interstate from the sale of the securities were to be used; and

C. The offering has been, is being, and would be made in violation of section 17 of the Securities Act of 1933, as amended, in that use has been, is being, and would be made of an offering circular which contains false and misleading statements of material facts as is specified hereinabove.

III. *It is therefore ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, on the basis of the above and the grounds specified in the order issued on July 8, 1957 in this matter, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

IV. A written request for hearing was received by the Commission from Interstate on July 15, 1957.

V. The Commission deeming it necessary and appropriate to determine whether to vacate the amended temporary suspension order or to enter an order permanently suspending the exemption;

It is hereby further ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission to be held at 10 a. m., eastern daylight time, August 1, 1957, at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

1. Whether the statements set forth in section II of this amended order, and in section II of the order of July 8, 1957, are true; and

2. Whether this amended order suspending the exemption under Regulation A with respect to Interstate should be vacated or made permanent.

It is further ordered, That James G. Ewell, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Interstate Holding Corporation, 315 Angelus, Memphis 12, Tennessee, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before July 30, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5989; Filed, July 22, 1957; 8:48 a. m.]

[File No. 24FW-797]

FIDELITY TRUST OF AMERICA

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 15, 1957.

I. Fidelity Trust of America ("Fidelity"), a Texas corporation, Fidelity Building, Dallas, Texas, filed with the Commission on November 27, 1953, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 30,000 shares of its no par value common stock at $10.00 per share for an aggregate of $300,000.00 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and

Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. Council M. Forsyth, President, Director, and an affiliate of Fidelity, is subject to a judgment and decree entered on or about April 5, 1956 in the United States District Court for the Eastern District of Texas permanently enjoining him from further selling securities in violation of sections 5 and 17 of the Securities Act of 1933, as amended; and

B. Fidelity is permanently enjoined by an injunction entered on or about January 8, 1957 in the District Court of Garden County, Nebraska, from further selling securities in violation of the Blue Sky Law of Nebraska.

III. *It is therefore ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5990; Filed, July 22, 1957; 8:48 a. m.]

[File No. 812-1089]

MUTUAL INVESTMENT COMPANY OF AMERICA

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING SALE OF INVESTMENT COMPANY SHARES AT LESS THAN PUBLIC OFFERING PRICE

JULY 15, 1957.

Mutual Investment Company of America ("MICA"), a registered open-end diversified management investment company, and J. Henry Helser & Co. ("Helser"), a registered investment advisor, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 22 (d) of the act the sale to certain clients of Helser of shares of MICA at their net asset value.

Helser conducts an investment management service from various offices located along the west coast. The Helser plan of operation, ordinarily speaking, involves an absolute discretionary power of attorney to Helser for the management of brokerage accounts established in the client's name. Such accounts, in many instances, are actively traded by Helser and are "margin accounts". The company does not render an individual investment service insofar as selection of securities and margining of accounts are concerned. An annual management fee of 4 percent is charged on the so-called "net equity" of accounts of $10,000 or less.

Helser and J. Henry Helser, individually, were codefendants in an action brought by this Commission in the United States District Court, for the Northern District of California, Southern Division (Civil Action No. 34,229), to enjoin the defendants from further violation of the Investment Advisors Act of 1940. Various orders were issued in said proceedings in which Helser undertook to revise certain business practices and to bring them within compliance with said act, including, among other things, an agreement not to open any new account under $2,500.

The application states that Helser manages a number of small investment accounts of less than $2,500 which, because of their size, do not lend themselves to the Helser plan of operation, and considering all the facts, it would be more advantageous to these investors to own investment company shares. It is proposed that Helser, who is also a registered broker-dealer and has entered into a distribution contract with MICA Fund Distributors, Inc., the principal underwriter for MICA, will offer MICA shares to these small clients. Such offering will be made on the basis of an effective prospectus of MICA, and, if the offer is accepted, the investment account of these clients will be liquidated and part or all of the proceeds applied to the purchase of MICA shares. No purchase will be made by Helser for a client's account under a discretionary power of attorney. Subject to the granting of this application, it is intended that the small account holders shall have a thirty day period within which they may purchase MICA shares at net asset value, without the imposition of a sales load. MICA will receive the full net asset value and the sale at that price will represent a concession of the sales load by MICA's principal underwriter and Helser.

Section 22 (d) of the act, among other things, prohibits the sale of redeemable securities of a registered investment company below the current public offering price described in the prospectus, with certain exceptions. The current offering price of MICA shares described in the prospectus is the net asset value plus certain stated percentages thereof as a sales load. Section 6 (c) of the act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

In support of said application it is asserted by applicants that it would be unfair to the small Helser clients who have already paid a management fee to have to pay a further fee for, in effect, transferring their investment. In addition it is stated that the expected increase in growth of MICA from its present size of approximately $250,000, would be advantageous to MICA in making it more stable and broadening the base of its potential distribution because of greater sales appeal.

Notice is further given that any interested person may, not later than July 25, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5991; Filed, July 22, 1957; 8:48 a. m.]

[File No. 7-1892]

LONE STAR CEMENT CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 16, 1957.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Lone Star Cement Corporation Common Stock; File No. 7-1892.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Boston Stock Exchanges.

Upon receipt of a request, on or before July 31, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-5992; Filed, July 22, 1957; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-VIII-2]

MANAGER, DISASTER FIELD OFFICE, FARGO, N. DAK.

DELEGATION RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 3) dated April 18, 1957, there is hereby redelegated to the Manager, Disaster Field Office, Fargo, North Dakota, the authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loan:

(a) Disaster loans in an amount not exceeding $20,000.

2. To decline the following types of loan:

(a) Disaster loans in an amount not exceeding $20,000.

B. *Correspondence.* To sign all non-policy-making correspondence, except Congressional correspondence relating to A.1 and A.2.

II. The specific authorities delegated above may not be redelegated.

Dated: July 1, 1957.

R. C. ALM, *Regional Director, Region VIII.*

[F. R. Doc. 57-5997; Filed, July 22, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Crafts, Inc., 18th Street and Carter Avenue, Ashland, Ky.; effective 7-19-57 to 7-18-58 (children's dresses).

Burro Mfg. Co., 107 East Markham Street, Little Rock, Ark.; effective 7-11-57 to 7-10-58 (men's cotton work pants and shirts).

Colonial Blouse Co., 112 Line Street, Pottsville, Pa.; effective 7-16-57 to 7-15-58 (women's cotton and nylon blouses).

Cotton City Wash Frocks, Inc., 52 12th Street, Fall River, Mass.; effective 7-8-57 to 7-7-58 (misses' and women's cotton wash dresses).

Florida Garments, Inc., 3108 Jefferson Street, Tampa Fla.; effective 7-5-57 to 7-4-58 (men's work trousers, dungarees, walking shorts).

Hollywood Corset Co., Athens Mill Building, North Faulk Street, Athens, Tex.; effective 7-16-57 to 7-15-58 (brassieres).

Edward Hyman Co., Prentiss, Miss.; effective 7-12-57 to 7-11-58; workers engaged in production of men's cotton garments only (doctors' and technicians' coats and smocks).

Jamestown Shirt Corp., Jamestown, Tenn.; effective 7-3-57 to 7-2-58 (sport shirts).

Jasper Brassiere Co., Jasper, Ala.; effective 7-8-57 to 7-7-58 (brassieres).

Perfection Garment Co., Inc., Martinsburg, W. Va.; effective 7-2-57 to 7-1-58 (children's and ladies' dresses).

Pioneer Manufacturing Co., Inc., 83 Waller Street, Wilkes-Barre, Pa.; effective 7-15-57 to 7-14-58 (children's dresses).

Reynolds Textile Co., 219 South Main Street, Clinton, Mo.; effective 7-8-57 to 7-7-58 (men's work clothing).

Tropical Garment Manufacturing Co., 2508 Ivy Street, Tampa, Fla.; effective 7-5-57 to 7-4-58 (men's work and sport shirts, shorts, and hobby jeans).

Wood Garment Manufacturing Co., Inc., Crane, Mo.; effective 7-3-57 to 7-2-58 (men's and boys' trousers, hobby jeans and dungarees; girls' and ladies' dungarees).

Wood Garment Manufacturing Co., Inc., Republic, Mo.; effective 7-3-57 to 7-2-58 (men's dress pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number or proportion of learners authorized are indicated.

G. Forest Braithwaite, Manufacturer of Hypatia Foundation Garments, 105 West Main Street, Ripley, N. Y.; effective 7-3-57 to 7-2-58; two learners (corsets and one-piece foundation garments).

Giffin Sportswear Co., Inc., 505 West Market Street, Carlisle, Ky.; effective 7-9-57 to 7-8-58; five learners (children's outergarments).

Rhea Manufacturing Co., Colquitt Division, Colquitt, Ga.; effective 7-8-57 to 7-7-58; five learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (misses' sportswear).

Strutwear, Inc., 1015 Sixth Street South, Minneapolis, Minn.; effective 7-5-57 to 7-4-58; five learners (women's underwear, sleepwear, and blouses).

West Union Garment Co., Inc., West Union, W. Va.; effective 7-11-57 to 7-10-58; 10 learners (brassieres, sun halters, blouses).

The following learner certificate was issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Temple Manufacturing Co., Temple, Okla.; effective 7-8-57 to 1-7-58; 55 learners (men's and boys' dress pants).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Broadway Hosiery Mills, 53 Burton Street, W. Asheville, N. C.; effective 7-19-57 to 7-18-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Granite Hosiery Mills, 838 South Main Street, Mt. Airy, N. C.; effective 7-8-57 to 7-7-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Sussex Hosiery Mills, Inc., Concord, N. C.; effective 7-8-57 to 7-7-58; five learners for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.70 to 522.74, as amended).

Northern Ohio Telephone Co., Plymouth, Ohio; effective 7-16-57 to 7-15-58.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Alabama Textile Product Corp., Crestview, Fla.; effective 7-9-57 to 7-8-58; 5 percent of the total number of factory production workers in the production of men's shorts (men's shorts).

Giffin Manufacturing Co., 10-14 East High Street, Mt. Sterling, Ky.; effective 7-9-57 to 7-8-58; 5 learners for normal labor turnover purposes (men's shorts).

The Giffin Manufacturing Co., Inc., 226 West Main Street, and 246 East Main Street, Carlisle, Ky.; effective 7-9-57 to 7-8-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's shorts).

Haleyville Textile Mills, Inc., No. 2, Hartselle, Ala.; effective 7-8-57 to 1-7-58; 15 learners for plant expansion purposes (knitted undergarments and sleepwear).

Samette Manufacturing Co., Inc., 119 Church Street, Ephrata, Pa.; effective 7-5-57 to 7-4-58; five learners for normal labor turnover purposes (women's woven and knitted underwear and nightwear).

Strutwear, Inc., 1015 Sixth Street, South Minneapolis, Minn.; effective 7-5-57 to 7-4-58; five learners for normal labor turnover purposes (women's underwear and sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Empire Cap Co., 982 East 105th Street, Cleveland, Ohio; effective 7-8-57 to 1-7-58; authorizing the employment of two learners for normal labor turnover purposes, in the occupations of sewing machine operators, hand sewer, and finishing operations involving hand sewing, each for a learning period of 240 hours at the rate of 85 cents an hour (sport caps).

Fashion Park, Inc., 432 Portland Avenue, Rochester, N. Y.; effective 7-8-57 to 1-7-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of hand sewer and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, outercoats, sportcoats, slacks).

Giffin Sportswear Co., Inc., 64 Elm Street, Carlisle, Ky.; effective 7–9–57 to 1–8–58; authorizing the employment of five learners for normal labor turnover purposes, in the occupations of sewing machine operators and pressers, each for a learning period of 320 hours at the rate of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (women's and men's sanitary apparel).

Haspel Brothers, Inc., 2527 St. Bernard Avenue, New Orleans, La.; effective 7–8–57 to 1–7–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, final presser and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's and boys' summer clothing).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Atlas Products Corp., Toa Alta, P. R.; effective 6–24–57 to 6–23–58; authorizing the employment of eight learners for normal labor turnover purposes, in the occupation of machine stitching for a learning period of 480 hours at the rates of 51 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (leather work gloves).

Consolidated Cigar Corp. of P. R., Caguas, P. R.; effective 6–18–57 to 6–17–58; authorizing the employment of 112 learners for normal labor turnover purposes, in the occupations of: (1) cigar making and packing, each for a learning period of 320 hours at the rates of 50 cents an hour for the first 160 hours and 58 cents an hour for the remaining 160 hours; (2) sorting, sizing and tying, each for a learning period of 240 hours at the rate of 50 cents an hour; and (3) machine stripping and inspectors, each for a learning period of 160 hours at the rate of 50 cents an hour (cigar manufacturing).

Contessa, Inc., 151 Marina Street, Malgor Building, San Juan, P. R.; effective 6–11–57 to 6–10–58; authorizing the employment of 12 learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 42 cents an hour for the first 240 hours and 49 cents an hour for the remaining 240 hours (ladies' underwear).

El Dorado Import & Export, Inc., 106 Padial Street (Int.), Caguas, P. R.; effective 6–17–57 to 11–14–57; authorizing the employment of 55 learners for plant expansion purposes, in the occupations of millinery sewing and millinery assembling, each for a learning period of 480 hours at the rates of 45 cents an hour for the first 240 hours and 53 cents an hour for the remaining 240 hours (replacement certificate) (women's millinery).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 15th day of July 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–5982; Filed, July 22, 1957; 8:47 a. m.]

FEDERAL REGISTER

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Washington, Wednesday, July 24, 1957

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; MAINE

On July 16, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units for the county identified below was determined to be as herein set forth. The average value heretofore established for said county, which appears in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, is hereby superseded by the average value set forth below for said county.

MAINE	*Average value*
County:	
Aroostook	$25,000

(Sec. 41, 50 Stat. 428, as amended; 7 U. S. C. 1015)

Dated: July 18, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-6015; Filed, July 23, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGTABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR FRESH CRANBERRIES FOR PROCESSING[1]

On June 4, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 3881) regarding a proposed issuance of United States Standards for Fresh Cranberries for Processing.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Fresh Cranberries for Processing are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GENERAL

Sec.
51.3030 General.

GRADES

51.3031 U. S. No. 1.

UNCLASSIFIED

51.3032 Unclassified.

DEFINITIONS

51.3033 Clean.
51.3034 Mature.
51.3035 Fairly well colored.
51.3036 Damage.
51.3037 Diameter.

AUTHORITY: §§ 51.3030 to 51.3037 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.3030 *General.* (a) These standards apply only to the commonly cultivated Cranberry (Vaccinium macrocarpon).

(b) The primary purpose of these standards is for classifying Cranberries intended for manufacture of strained sauce. When used for other styles of packs such as cocktail, whole sauce, etc., other size and quality requirements may be specified using the quality factors and defects established in these standards.

GRADES

§ 51.3031 *U. S. No. 1.* "U. S. No. 1" consists of fresh cranberries which are clean, mature, fairly well colored and which are not soft or decayed and which are free from worms or worm holes and which are free from damage caused by bruises, scars, freezing, sunscald, foreign material, disease, insects or mechanical or other means.

(a) The minimum diameter shall be nine-thirty-seconds of an inch.

(Continued on p. 5855)

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

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(b) Incident to proper grading and handling, the following tolerances, by count, shall be permitted in any lot:

(1) 3 percent for cranberries which fail to meet the size requirement;

(2) 20 percent for cranberries which fail to meet the color requirements for individual cranberries;

(3) 10 percent for cranberries which fail to meet the remaining requirements of the grade but not more than one-half of this amount, or 5 percent, shall be allowed for berries which have worm holes or which are soft or affected by decay: *Provided*, That an additional tolerance of 2 percent for berries which are soft or affected by decay, or a total of not more than 7 percent, for berries which have worm holes or which are soft or affected by decay, shall be allowed en route or at destination: *And provided further*, That not more than one-half of 1 percent, included in the above tolerances, shall be allowed for Black Rot; and,

(4) One-tenth (1/10) of 1 percent for cranberries infested with worms.

UNCLASSIFIED

§ 51.3032 *Unclassified.* "Unclassified" consists of cranberries which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

DEFINITIONS

§ 51.3033 *Clean.* "Clean" means that the cranberries are practically free from dirt, dust, spray residue, or other adhering foreign material.

§ 51.3034 *Mature.* "Mature" means that the cranberry has reached the stage of development which will insure the proper completion of the ripening process.

§ 51.3035 *Fairly well colored.* "Fairly well colored" means that 75 percent of the surface of the individual cranberry, in the aggregate, shows pink or red color characteristic of the variety.

§ 51.3036 *Damage.* "Damage" means any defect which materially affects the edible or processing quality of the cranberry. The following shall be considered as damage:

(a) Foreign material when the processing quality of the cranberries in the container is materially affected; and,

(b) Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) Bruises or scars which materially affect the edible or processing quality of the individual cranberry; and,

(2) Insects when any insect injury affects an aggregate area of the surface of the individual cranberry greater than that of a circle one-eighth inch in diameter.

§ 51.3037 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the berry.

The United States Standards for Fresh Cranberries for Processing contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: July 19, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6014; Filed, July 23, 1957; 8:45 a. m.]

Chapter IV—Federal Crop Insurance Corporation

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The following amendments to riders, issued pursuant to § 420.7 of the above identified regulation (20 F. R. 3526, 5765, 8071; 21 F. R. 49, 1381, 4473, 5883, 6858, 7314, 7787, 8534, 9897; 22 F. R. 2076, 2796, 3284) are hereby published:

1. An amendment, effective for the 1958 crop year in the county designated below, revising section 5, and adding section 10 and section 11 to the Rider No. 1 for the 1957 and succeeding crop years to the Multiple Crop Insurance Policy as follows:

5. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, plus any acreage owned by him and worked for him by a sharecropper(s), or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting or worked by the insured as a sharecropper, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

10. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. An election once made shall continue in effect for subsequent crop years unless changed by the insured or the Corporation and if no election is made insurance will be provided on the basis of combined crop protection.

11. Notwithstanding the provisions of County Rider No. 1 to the Multiple Crop Insurance Policy for St. Martin Parish, Louisiana, sweet potatoes will not be an insurable crop for the 1958 and succeeding crop years.

This above amendment is applicable in the following county:

Louisiana—§ 420.66.
St. Martin—§ 420.66–1.

2. An amendment, effective for the 1958 crop year in the counties designated below, revising section 5 and adding section 10 to the Rider No. 1 for the 1957 and succeeding crop years to the Multiple Crop Insurance Policy as follows:

5. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, plus any acreage owned by him and worked for him by a sharecropper(s), or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting or worked by the insured as a sharecropper, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

10. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. An election once made shall continue in effect for subsequent crop years unless changed by the insured or the Corporation and if no election is made insurance will be provided on the basis of combined crop protection.

This above amendment is applicable in the following counties:

Arkansas—§ 420.53.
Arkansas—§ 420.53–1.
Louisiana—§ 420.66.
Vermilion—§ 420.66–2.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; U. S. C. 1506, 1516)

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Manager,
Federal Crop Insurance Corporation.

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Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-247-A4]

PART 916—MILK IN UPSTATE MICHIGAN MARKETING AREA

ORDER AMENDING ORDER, REGULATING HANDLING

Sec.

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AUTHORITY: §§ 916.0 to 916.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 916.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upstate Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe with respect (a) to all receipts within the month of milk from producers, including milk of such handlers' own production, (b) to any other source milk allocated to Class I pursuant to §§ 916.46 and 916.47, and (c) the applicable amount specified in § 916.84 (a) (2) or (b) (2).

(b) *Additional findings.* It is necessary in the public interest to make this part effective not later than August 1, 1957. Any delay beyond that date in the effective date of this part will impair the proper operation of the part and will threaten the orderly marketing of milk in the Upstate Michigan marketing area. The provisions of the said part are well known to handlers, the recommended decision having been issued by the Acting Deputy Administrator, Agricultural Marketing Service, on June 4, 1957 (22 F. R. 4021) and the final decision having been issued by the Acting Secretary of Agriculture on July 3, 1957. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this part effective August 1, 1957, and that it would be contrary to the public interest to delay the effective date of this part for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this part of more than 50 percent of the milk covered by this part which is marketed within the Upstate Michigan marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this part is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this part is approved or favored by at least two-thirds of the producers who, participated in a referendum and who during the determined representative period March 1957, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upstate Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended to read as follows:

DEFINITIONS

§ 916.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 916.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 916.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 916.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 916.5 *Upstate Michigan marketing area.* "Upstate Michigan marketing area", hereinafter referred to as the "marketing area" means all of the territory, including all municipal corporations, within: the counties of Manistee, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Charlevoix, Emmett, Cheboygan, and Wexford; Presque Isle County except for the civil townships of Krakow and Presque Isle; all in the State of Michigan.

§ 916.6 *Distributing plant.* "Distributing plant" means all the premises, buildings, and facilities of any milk processing or packaging plant from which any fluid milk product is disposed of during the month on a route in the marketing area.

§ 916.7 *Supply plant.* "Supply plant" means all the premises, buildings, and facilities of any milk receiving plant from which milk or skim milk conforming to the sanitation requirements of any duly constituted health authority relating to milk for consumption in the marketing area in the form of fluid milk products is moved during the month to a distributing plant.

§ 916.8 *Pool plant.* "Pool plant" means:

(a) A distributing plant other than that of a producer-handler, or one described in § 916.82 or § 916.83, from which during the month:

(1) Disposition of fluid milk products on routes in the marketing area equals or exceeds the smaller of:

(i) Twenty percent of such plant's receipts from qualified dairy farmers, or

(ii) 150,000 pounds; and

(2) Total disposition of fluid milk products on routes during the month equals or exceeds 50 percent of receipts of fluid milk products from qualified dairy farmers and supply plants.

(b) A supply plant from which during the month 50 percent or more of receipts from qualified dairy farmers is moved to a pool distributing plant. Any supply plant that was a pool plant during each of the months of July through January immediately preceding shall continue as a pool plant for each of the following months of February through June unless written request to the contrary is filed with the market administrator on or before the first day of such month.

§ 916.9 *Handler.* "Handler" means:

(a) The operator of a pool plant(s) in his capacity as such;

(b) The operator of any nonpool distributing plant; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

§ 916.10 *Qualified dairy farmer.* "Qualified dairy farmer" means a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for consumption in the marketing area in the form of a fluid milk product.

§ 916.11 *Producer.* "Producer" means any qualified dairy farmer whose milk is received directly from the farm at a pool plant or is diverted from a pool plant for the account of a handler or a cooperative association. Milk so diverted for the account of the operator of a pool plant shall be deemed to have been received at the pool plant from which diverted.

§ 916.12 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but received no milk from other producers.

§ 916.13 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 916.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products and cream, except (1) receipts from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products or cream, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 916.15 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which the Secretary determines:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 916.16 *Fluid milk product.* "Fluid milk product" means milk, flavored milk, skim milk, buttermilk, half-and-half, or other mixtures of cream and milk containing less than 18 percent butterfat.

§ 916.17 *Route.* "Route" means a delivery (including delivery by a vendor, or sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk form to any milk processing plant.

MARKET ADMINISTRATOR

§ 916.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 916.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 916.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 916.74;

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 916.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 916.30 through 916.33, or (2) payments pursuant to §§ 916.70, 916.72, 916.74, and 916.75;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to § 916.51, and the handler butterfat dif-

ferential computed pursuant to § 916.52; and

(2) On or before the 12th day of each month the uniform price for the preceding month, computed pursuant to § 916.61, and the producer butterfat differential computed pursuant to § 916.62.

REPORTS, RECORDS, AND FACILITIES

§ 916.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler operating a pool plant(s), each cooperative association that is a handler pursuant to § 916.9 (c), and, except as otherwise provided in §§ 916.32 and 916.33, each handler operating a nonpool distributing plant, shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received (in lieu thereof milk received from qualified dairy farmers at a nonpool distributing plant), (b) all skim milk and butterfat in the form of fluid milk products or cream received from pool plants of other handlers, and (c) all other source milk:

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ 916.31 *Payroll reports.* On or before the 20th day of each month each handler who received milk from producers or qualified dairy farmers shall report his producer payroll for the preceding month which shall show:

(a) The pounds of milk received from each producer or qualified dairy farmer and the percentage of butterfat contained therein;

(b) The amount and date of payment to each producer or qualified dairy farmer or to a cooperative association; and

(c) The nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 916.32 *Producer-handler reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 916.33 *Exempt handler reports.* Each handler exempt pursuant to § 916.82 or § 916.83 shall report to the market administrator his disposition of fluid milk products on routes in the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 916.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records, of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form, (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled, (c) inventories of all dairy products on hand at the beginning and end of each month, and (d) payments to producers and cooperative associations.

§ 916.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 916.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 916.30, shall be classified (separately as skim milk and butterfat) in the classes set forth in § 916.41.

§ 916.41 *Classes of utilization.* Subject to the conditions set forth in §§ 916.42 and 916.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in the form of fluid milk products; and (2) not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraphs (a) or (c) of this section; (2) disposed of as fluid cream; (3) in shrinkage of producer milk up to 2 percent of receipts from producers; and (4) in fluid milk products and cream in inventory at the end of the month.

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce butter, dry milk (either whole or nonfat) or cheese in any form except cottage cheese; (2) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (3) in shrinkage of other source milk.

§ 916.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred to the pool plant of another handler without first having been received for the purpose of weighing and testing in the transferor handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ 916.43 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to the pool plant of another handler in the form of milk or skim milk shall be Class I utilization, unless utilization in another class is indicated by both handlers in their reports submitted pursuant to § 916.30: *Provided,* That in no event shall the amount so classified in such class be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk or skim milk from a pool plant to a nonpool plant shall be Class I utilization unless all of the following conditions are met:

(1) Utilization in another class is indicated by the handler in his report submitted pursuant to § 916.30;

(2) The operator of the transferee plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in such class or moved such amount to another nonpool plant which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in such class;

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such utilization.

(c) Skim milk and butterfat disposed of from a fluid milk plant to a producer-handler shall be Class I utilization.

§ 916.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 916.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I, and Class II and Class III utilization for such handler.

§ 916.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 916.41 (b) (3);

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another marketing agreement or order

issued pursuant to the act and disposed of in the same form as received;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat remaining in other source milk;

(d) Subtract from the remaining pounds of butterfat in Class II and Class I, in series beginning with Class II, the pounds of butterfat in inventory of fluid milk products and cream on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers in such classes pursuant to § 916.43 (a); and

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class, in series beginning with the lowest-priced utilization.

§ 916.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 916.46.

§ 916.48 *Computation of total producer milk in each class.* The amounts computed pursuant to §§ 916.46 and 916.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class will be determined.

MINIMUM PRICES

§ 916.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.:

PRESENT OPERATOR AND LOCATION

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; substract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The average of the basic or field prices per hundredweight reported to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

Kraft Foods Co., Cadillac, Mich.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Kraft Foods Co., Clare, Mich.

§ 916.51 *Class prices.* Subject to the provisions of §§ 916.52 and 916.53 the prices per hundredweight to be paid by each handler, f. o. b. his pool plant for milk received from producers or from cooperative associations during the month, shall be as follows:

(a) *Class I milk.* Through June 30, 1958 the Class I milk price shall be the basic formula price plus $1.05 during the months of February through June and plus $1.45 during the months of July through January.

(b) *Class II milk.* The Class II milk price shall be the basic formula price.

(c) *Class III milk.* The Class III milk price shall be the basic formula price less 20 cents.

§ 916.52 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to § 916.51, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the producer butterfat differential determined pursuant to § 916.62.

§ 916.53 *Handler location adjustments.* For milk which is received from producers at a pool plant located more than 90 miles but not more than 110 miles, by shortest highway distance, as determined by the market administrator, from the Court House in either Grayling or Manistee, whichever is closer, and utilized as Class I, the price shall be the price effective pursuant to § 916.51 (a), less 12 cents, and less 1 cent additional for each 20 miles or fraction thereof over 110 miles.

§ 916.54 *Use of equivalent price.* If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF PRICES TO PRODUCERS

§ 916.60 *Value of producer milk.* The value of producer milk received during the month by each handler at pool plants shall be computed by the market administrator as follows:

(a) Multiply the hundredweight of producer milk in each class pursuant to § 916.48 by the applicable respective class prices, adjusted pursuant to §§ 916.52 and 916.53, and add together the resulting amounts;

(b) Add the value of any excess utilization deducted from each class pursuant to § 916.46 (g) and the corresponding step of § 916.47 computed at the applicable class price; and

(c) Add the amount obtained through multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 916.46 (d) and the corresponding step of § 916.47; or

(2) The hundredweight of producer milk classified as Class II milk (except as shrinkage) for the preceding month.

§ 916.61 *Computation of the uniform price.* For each month, the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content delivered to pool plants (before location adjustment), as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 916.60;

(b) Add, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtract, if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 916.62 multiplied by 10;

(c) Add the aggregate of the values of the applicable producer location adjustments pursuant to § 916.63;

(d) Add not less than one half of the unobligated balance in the producer equalization fund;

(e) Divide the resulting amount by the hundredweight of milk received from producers; and

(f) Subtract not less than 6 cents nor more than 7 cents.

§ 916.62 *Producer butterfat differential.* In making payments pursuant to § 916.70, the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 916.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 916.63 *Producer location adjustments.* In making payments to producers or cooperative associations pursuant

to § 916.70 a handler may deduct, with respect to all milk received by him from producers at a pool plant located by shortest highway distance as determined by the market administrator, more than 90 miles from the Court Houses in both Grayling and Manistee the amount per hundredweight applicable to the pool plant as set forth in § 916.53.

§ 916.64 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price computed pursuant to § 916.61 and the butterfat differential computed pursuant to § 916.62;

(c) The amount to be paid by such handler pursuant to §§ 916.70, 916.74, and 916.75; and

(d) The amount due such handler from the producer-equalization fund, or the amount to be paid by such handler to the producer-equalization fund, as the case may be.

PAYMENT FOR MILK

§ 916.70 *Time and method of payment.* (a) (1) Except as provided in paragraph (b) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 916.61 adjusted by the butterfat differential pursuant to § 916.62 and the location adjustment pursuant to § 916.63.

(2) If by such date a handler has not received full payment pursuant to § 916.73, he may reduce his total payments to all producers and cooperative associations uniformly by not more than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the 15th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 916.71 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 916.72 and 916.84 (including any adjustments thereto pursuant to § 916.76) and out of which he shall make all payments pursuant to § 916.73 (including any adjustments thereto pursuant to § 916.76).

§ 916.72 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 916.60 shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 916.70.

§ 916.73 *Payments out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 916.60 is less than the total minimum amount required to be paid by him pursuant to § 916.70, less any unpaid obligations of such handler to the market administrator pursuant to § 916.72: *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necesary funds become available.

§ 916.74 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect (a) to all receipts within the month of milk from producers, including milk of such handlers' own production, (b) to any other source milk allocated to Class I pursuant to §§ 916.46 and 916.47, and (c) the applicable amount specified in § 916.84 (a) (2) or (b) (2).

§ 916.75 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 916.70 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 916.70 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 916.76 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due: and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 916.77 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to § 916.72 through § 916.76 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 916.78 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless, within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 916.80 *Milk caused to be delivered by cooperative associations.* Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ 916.81 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 916.32, 916.34 and 916.35.

§ 916.82 *Handler exemption.* A handler who operates a plant from which an average of less than 100 points (one point being defined as one pint of half-and-half or one quart of any other Class I product) of Class I milk per day is disposed of in the marketing area during the month on route(s) shall, with respect to such plant, be exempted for such month from all provisions of this part except §§ 916.33, 916.34 and 916.35.

§ 916.83 *Milk subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area, either during the month or during the average of the 12 preceding months, exceeds that in the Upstate Michigan marketing area shall be exempted for such month from all the provisions hereof except §§ 916.33, 916.34 and 916.35 unless the Secretary determines that such plant is more appropriately regulated under this part.

§ 916.84 *Handler operating a nonpool distributing plant.* Each handler, other than a producer-handler or one exempt pursuant to §§ 916.82 or 916.83, who during the month operates a nonpool distributing plant, shall, in lieu of the payments required pursuant to §§ 916.70 through 916.74, pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 916.30, his obligations shall be as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class III price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 916.74 with respect to Class I milk disposed of on routes in the marketing area.

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligations shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the lesser of the amount computed pursuant to paragraph (a) (1) of this section, or any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 916.60 for milk received from qualified dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to qualified dairy farmers for milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 916.31, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 916.74 had such plant been a pool plant.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 916.90 *Effective time.* The provisions of this part, or of any amendment of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 916.91 *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provisions thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provisions thereof.

§ 916.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 916.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 916.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 916.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 19th day of July 1957 to be effective August 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-6039; Filed, July 23, 1957; 8:52 a. m.]

[Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. The provisions of § 957.316 (b) (1) (22 F. R. 4785, July 9, 1957) are hereby amended to read as follows:

(b) *Order.* (1) Except as otherwise provided in this section, during the period from July 24, 1957, through September 20, 1957, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean," which means that at least 90 percent of such potatoes are "fairly clean," as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), and

(i) If they are of the round varieties (including, but not being limited to, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 1⅞ inches minimum diameter,

(ii) If they are of the White Rose variety, such potatoes meet the requirements of the U. S. No. 2, or better, grade, 5 ounces minimum weight: *Provided,* That any such potatoes that grade not less than U. S. No. 1, may be shipped if they are of 2 inches minimum diameter and 4 ounces minimum weight, and (iii) If they are of any other variety (including, but not being limited to, Russet Burbank, Early Gem, and Kennebec varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of 2 inches minimum diameter and 4 ounces minimum weight.

as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated July 19, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6040; Filed, July 23, 1957; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING RATES OF ASSESSMENT FOR 1957

On June 12, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 4135) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1957, under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U. S. C. 851 et seq.).

The notice provided a period of 30 days for interested parties to file data, views or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

a. Section 131.157 is added to read as follows:

§ 131.157 *Budget of expenses and rates of assessment for the calendar year 1957*—(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order (§§ 131.1 to 131.96), for the maintenance and functioning of said Agency during the calendar year 1957, will amount to $37,290.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $9,275.55 on hand with said Control Agency on January 1, 1957, from assessments collected during the calendar year 1956, leaving a balance of $28,014.45 to be collected during the calendar year 1957.

(b) *Rates of assessment.* Of the amount of $28,014.45 to be collected during the calendar year 1957, the sum of $21,571.12 shall be assessed against handlers who are manufacturers, and $6,443.33 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1957 by each handler who is a manufacturer shall be $15.50 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1956 and the pro rata share of such expenses to be paid for the calendar year 1957 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $2.37 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order (§§ 131.1 to 131.96).

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order (§§ 131.1 to 131.96).

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1957 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1957, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1956 and prepayments of a portion of their 1957 assessments by manufacturer and wholesaler handlers; (3) nearly all such funds have now been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER.

(49 Stat. 781-782; 7 U. S. C. 851-855)

Done at Washington, D. C., this 18th day of July 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 57-6042; Filed, July 23, 1957; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 43-7]

PART 43—GENERAL OPERATION RULES

VARIATION OF AIRCRAFT MAXIMUM WEIGHTS WITH ALTITUDE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of July 1957.

It has been brought to the attention of the Civil Aeronautics Board that difficulty has been encountered in the interpretation of the Civil Air Regulations with respect to the provisions concerning variation of aircraft maximum weights with altitude for transport category airplanes. In order to clarify the Board's intention in this matter, this amendment to Part 43 of the Civil Air Regulations is being promulgated.

The presently effective certification regulations applicable to transport category airplanes, contained in Part 4b of the Civil Air Regulations, require the determination of the maximum certificated weights. The provisions of this part permit, at the option of the applicant for type certification, the establishment of different maximum weights for the airplane at each altitude and for each practicably separable operating condition; e. g., take-off, en route, and landing. In addition, the applicant is permitted to elect the altitudes at which maximum weights are to be established. In other words, the applicant may request certification of an airplane at sea level only or up to any altitude he might choose. If the applicant chooses a high airport elevation for certification, he may vary the maximum weights of the airplane for the various airport elevations between sea level and the highest airport elevation or he may establish the maximum weights for one airport elevation and use those weights for all airport elevations below the one selected. For example, if the airplane will be operated out of airports at elevations of 5,000 feet or less, the airplane's maximum take-off and landing weights will be determined for an altitude of 5,000 feet and those weights will be used for all operations; or, on the other hand, the weight can be varied for intermediary airport elevations since this usually results in higher maximum weights for lower airport elevations.

In addition to the aforementioned certification requirements, Part 4b requires that an Airplane Flight Manual be prepared by the applicant. The regulations applicable to this Airplane Flight Manual require that the weight limitations determined in accordance with that part be listed as operating limitations of the airplane. Therefore, if the applicant chooses to vary the weight of the airplane with altitude, this variation becomes an operating limitation on the airplane. Accordingly, if he chooses to certificate the airplane at sea level only, the airplane would be limited to operations out of and into sea level airports. Similarly, if the applicant certificates the airplane for an airport elevation of 5,000 feet, the airplane would be limited to operations out of and into airports at elevations of 5,000 feet or less and if, in addition, he does not choose to vary the airplane's weight with altitude, the weights established for 5,000 feet would be applicable for all airports up to the 5,000-foot elevation. If, however, the applicant chooses to vary the weight with altitude, the airplane weight limitation at a particular airport would depend on the airport elevation.

Presently effective provisions of Parts 40, 41, and 42 of the Civil Air Regulations prohibit take-offs and landings of large transport category airplanes in passenger service at airports with elevations outside the altitude range for which maximum take-off and landing weights have been determined, and, further, provide that the weight of the airplane at take-off and landing shall not exceed the authorized maximum take-off and landing weights for the elevation of the airport at which the take-off or landing is made. This provision in Parts 40, 41, and 42 was specifically included in the text for passenger-carrying airplanes for the convenience of the operator since these airplanes are subject to performance operating limitations which are applicable over and above the certification limitations required by Part 4b. It became evident that singling out air carrier passenger service gave the erroneous impression to some operators that non-air-carrier and cargo service were not subject even to the certification limitations.

The intent of Draft Release No. 55-29 was to correct this impression by indicating directly that the certification limitations of Part 4b are applicable to all airplanes certificated in accordance with the transport category performance requirements, irrespective of the type of operation involved.

With respect to cargo operations under Parts 40 and 41, it should be noted that they may be conducted in accordance with provisions established by the Administrator under Part 42. Under Part 42, the Administrator has developed Civil Aeronautics Manual material applicable to transport category airplanes in cargo operations which prohibits the weight of the airplane at take-off from exceeding the authorized maximum take-off weight for the elevation of the airport from which the take-off is made. Therefore, when cargo operations are conducted under Part 42 the same take-off limitations apply as apply to passenger-carrying airplanes.

The Board has adopted Special Civil Air Regulations applicable to C-46, DC-3, and L-18 airplanes. Special Civil Air Regulation No. SR-406C requires that the C-46 airplane in passenger service be re-certificated under the provisions of Part 4b of the Civil Air Regulations by a date certain. Special Civil Air Regulation No. SR-407, applicable to the DC-3 and L-18, permits the maximum certificated weights for these airplanes to be increased if the performance requirements of either Part 4a or Part 4b are complied with. The provisions of Part 4a permit certification with sea level data only. This limitation of Part 4a with respect to sea level data has led to additional confusion when an airplane so certificated is operated in accordance with Part 43. It was the Board's intention that, if operators of DC-3 or L-18 airplanes re-certificate their airplanes in accordance with the provisions of Special Civil Air Regulation No. SR-407, the operating limitations contained in the Airplane Flight Manual would establish the weights for the airplane after the re-certification since under the provisions of Part 43 it is required that all airplanes be operated in accordance with the limitations contained in the Airplane Flight Manual.

It was proposed in a notice of proposed rule making published in the FEDERAL REGISTER (20 F. R. 9312) and circulated to the industry as Civil Air Regulations Draft Release No. 55-29 to amend the present operating regulations to prohibit all transport category airplanes certificated under the provisions of Part 4a or Part 4b, or re-certificated in accordance with SR-406C or SR-407, from operating at altitudes exceeding the altitude for which maximum certificated weights have been established.

It was apparent from the comments received on Draft Release No. 55-29 that misinterpretation of the regulations was even more widespread than previously believed. Accordingly, supplemental notice was given in the FEDERAL REGISTER (21 F. R. 1867) and circulated to the industry as Civil Air Regulations Draft Release No. 56-8 that a public discussion would be of constructive assistance to a more general understanding of the problems involved.

Pursuant to the supplemental notice, a meeting was held to discuss this subject on April 12, 1956, in Washington, D. C. Since most of the confusion with respect to this subject stems from operations involving DC-3 and L-18 type airplanes, participants in this meeting were predominantly operators of such airplanes. In explanation of the Board's proposal, it was pointed out that Special Civil Air Regulation No. SR-407 contains a provision which permits an increase in the maximum certificated weight in accordance with the transport category provisions contained in Part 4a or Part 4b; and that SR-407 includes a note indicating that the application of transport category performance requirements usually results in establishment of maximum certificated weights which vary with altitude. Therefore, if an operator requested and received approval under SR-407 for an increase in take-off weight, such weight would decrease as the elevation of the airport increases from which the operation is conducted. To clarify the situation as it pertains to the variation-of-weights-with-altitude requirements for all transport category airplanes, Part 43 is being amended by limiting operations to airport elevations where the weight has been determined and requiring that the airplane at take-off and landing shall not exceed the authorized maximum take-off and landing weights established for the altitude.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends

Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective August 23, 1957.

By adding a new § 43.11 to read as follows:

§ 43.11 *Transport category airplane weight limitations.* (a) No transport category airplane or airplane certificated in accordance with the transport category performance requirements shall be taken off from any airport located at an elevation outside of the altitude range for which maximum take-off weights have been determined, and no airplane shall depart for an airport of intended destination or have any airport specified as an alternate which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at take-off shall not exceed the authorized maximum take-off weight for the elevation of the airport from which the take-off is to be made.

(c) The weight at take-off shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

Effective: August 23, 1957.

Adopted: July 19, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-6044; Filed, July 23, 1957; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6617]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RENOR CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Renor Company, Inc. (Milwaukee, Wis.), et al., Docket 6617, June 27, 1957]

In the Matter of Renor Company, Inc., a Corporation, and John T. Benson, Craig Benson and Charles B. Ryan, Individually and as Officers of Said Corporation; Glenn W. Braun and Clyde Witt, Copartners Trading as Rennel Products; Charles J. Braun and Rose Marie Witt, Copartners Trading as Rennel Sales; and John T. Benson and Craig Benson, Copartners Trading as The Rennel Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation in Milwaukee, Wis., and a partnership of its officers doing business in Chicago, Ill., each selling only in its own State a laxative preparation under the names "Renor Concentrate" and "Rennel Concentrate", respectively, with disseminating by mail and in commerce newspaper advertisements which represented that the preparation constituted an effective treatment for obesity.

Following proceedings during which the complaint was amended to include radio broadcasts and dismissed as to four individual respondents, the hearing examiner made his initial decision and order to cease and desist from which counsel for respondents appealed on the question of the Commission's jurisdiction under section 12 (a) (1) of the Federal Trade Commission Act as amended by the Wheeler-Lea Act. Having heard the matter on briefs, the Commission denied the appeal and on June 27 adopted the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Renor Company, Inc., a corporation and its officers; respondents John T. Benson, Craig Benson and Charles B. Ryan, individually and as officers of said corporation; and respondents John T. Benson and Craig Benson, copartners, trading as The Rennel Company, or under any other name, and respondents' agents, representatives and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated as Renor Concentrate or Rennel Concentrate or of any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or names or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication:

(a) That said preparation constitutes a competent or effective treatment for obesity,

(b) That said preparation will reduce the weight of the user.

By "Final Order", report of compliance was required as follows:

It is ordered, That the respondent Renor Company, Inc., a corporation, and respondent Charles Ryan, individually and as an officer of said corporation, and respondents John T. Benson and Craig Benson, individually and as officers of said corporation, and as copartners trading as The Rennel Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: June 27, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6026; Filed, July 23, 1957; 8:49 a. m.]

[Docket 6548]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

O-JIB-WA MEDICINE CO. ET AL

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.* Subpart—*Misrepresenting oneself and goods—Goods:* § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, O-Jib-Wa Medicine Co. et al., Flint, Mich., Docket 6548, June 27, 1957]

In the Matter of Kenneth W. Shafe, Individually and Trading as O-Jib-Wa Medicine Co., and Kenneth G. Morrish, Individually and Doing Business as Continental Products Company and as General Sales and Production Manager of O-Jib-Wa Medicine Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two individuals in Flint, Mich., with representing falsely in advertisements in newspapers that their medicinal preparation "O-Jib-Wa Bitters", and the similar product "Oscoda Bitters" prepared for out-of-State distribution, constituted effective treatments for rheumatism, arthritis, and other diseases and their symptoms, and charging one of them with making the same representations for the latter product on order sheets and in letters.

Following hearings in due course, the hearing examiner made his initial decision, including findings and order to cease and desist, from which both counsel filed cross-appeals. The Commission, after hearing the matter on briefs and oral argument, on June 27 denied respondents' appeal and granted that of complaint counsel, modified certain findings and conclusions of the initial decision, and substituted its order for that of the hearing examiner.

The order to cease and desist, as thus modified, is as follows:

I. *It is ordered,* That the respondent Kenneth W. Shafe, individually and trading as O-Jib-Wa Medicine Company, or trading under any other name, and the respondent Kenneth G. Morrish, individually and trading as Continental Products Company, or trading under any other name, and as manager of O-Jib-Wa Medicine Company, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of either of the preparations now designated as "O-Jib-Wa Bitters" and "Oscoda Bitters," or any other product of substantially the same composition or possessing substantially similar properties, whether sold under the same name or any other names, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication that either of said preparations, however taken:

(a) Constitutes an adequate, effective or reliable treatment for, will arrest the progress of, correct the underlying causes of or cure any form of arthritis or rheumatism;

(b) Constitutes an adequate, effective or reliable treatment for the symptoms or manifestations of any form of arthritis or rheumatism, including pain, swelling and stiffness or will afford relief from the aches, pains or other discomforts thereof;

(c) Will stop backache, cleanse the blood of poisons or waste, promote better digestion or give one pep or vitality;

(d) Is an adequate, effective or reliable treatment for indigestion, overtaxed nerves or any disease or disorder of the stomach, liver, kidneys, blood or the symptoms thereof.

B. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of the preparation designated "Oscoda Bitters," which advertisement contains any of the representations prohibited in paragraph I (A) hereof.

II. *It is further ordered,* That the respondent Kenneth G. Morrish, individually and trading as Continental Products Company, or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation now designated as "Oscoda Bitters," or of any other product of substantially the same composition or possessing substantially similar properites, whether sold under the same name or under any other name, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication that said preparation, however taken, constitutes an adequate, effective or reliable treatment for any form of rheumatism, arthritis, neuritis, sciatica or the symptoms thereof or for any disease or disorder of the blood, stomach, liver, kidneys or nervous system or the symptoms thereof.

B. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce directly or indirectly the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of the respondent's said preparation, which advertisement contains any of the representations prohibited in paragraph II (A) hereof.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents, Kenneth W. Shafe and Kenneth G. Morrish, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

It is further ordered, That the initial decision of the hearing examiner, as modified by the Commission, is hereby adopted as the decision of the Commission.

Issued: June 27, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6027; Filed, July 23, 1957; 8:49 a. m.]

[Dockets 6659, 6661, 6663, 6664]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WALKER-SCOTT CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.155 *Prices:* Comparative; exaggerated as regular and customary; § 13.235 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act. Subpart—*Using misleading name—Goods:* § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist orders: Walker-Scott Corp. d. b. a. Walker-Scott Co., San Diego, Calif., Docket 6659; Meier & Frank Co., Portland, Oreg., Docket 6661; Lipman, Wolfe & Co., Portland, Oreg., Docket 6663; and Harold B. Toplon d. b. a. Urist & Toplon, Los Angeles, Calif., Docket 6664; June 27, 1957]

In the Matter of Walker-Scott Corporation, a Corporation, Doing Business as Walker-Scott Company; Meier & Frank Co., a Corporation; Lipman, Wolfe & Company, a Corporation; Harold B. Toplon, an Individual Doing Business as Urist & Toplon

These four consolidated cases were heard by a hearing examiner on the complaint of the Commission charging an individual in Los Angeles, Calif., concessionaire and operator of the fur departments of the three corporate retailer respondents located in San Diego, Calif., and Portland, Oreg., and said retailers, with violating the Fur Products Labeling Act by fictitious pricing of fur products in advertising fur sales, failing to reveal in advertising and invoicing essential information, and failing in other respects to conform to requirements of the act.

Following an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 27 the decision of the Commission.

The four orders to cease and desist are as follows:

Order as to the Respondent Walker-Scott Corporation, a Corporation, Doing Business as Walker-Scott Company (Respondent in Docket No. 6659)

It is ordered, That respondent Walker-Scott Corporation, a corporation trading as Walker-Scott Company, or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, lease, assignment, or agreement, in connection with the introduction into commerce, or the sale, advertisement, offer for sale, transportation, or distribution in commerce of any fur product, or in connection with the sale, advertisement, offer for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product.

2. Setting forth on invoices required information in abbreviated form.

3. Failing to set forth on invoices an item number or mark assigned to fur products.

B. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of any animal or animals producing the fur or furs contained in fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent regular course of business;

3. Makes use of comparative prices or percentage savings claims unless such compared prices or savings claims are based upon current market values or upon a bona fide compared price which was in effect during a period of time designated in such advertisement;

4. Makes use of any pricing or savings claims or representations of the types referred to in paragraph B 2 and 3 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

Order as to the Respondent Meier & Frank Co., a Corporation (Respondent in Docket No. 6661)

It is ordered, That respondent Meier & Frank Co., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, lease, assignment, or agreement, in connection with the introduction into commerce, or the sale, advertisement, offer for sale, transportation, or distribution in commerce of any fur product, or in connection with the sale, advertisement, offer for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product.

2. Setting forth required information in abbreviated form.

B. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of any animal or animals producing the fur or furs contained in fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

2. Contains the name or names of any anmial or animals other than the name or names specified in Paragraph B 1 (a) above.

3. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent regular course of business.

4. Makes use of comparative prices or percentage savings claims unless such compared prices or savings claims are based upon current market values or upon a bona fide compared price which was in effect during a period of time designated in such advertisement.

5. Makes use of any pricing or savings claims or representations of the types referred to in Paragraph B 3 and 4 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

Order as to the Respondent Lipman, Wolfe & Company, A Corporation (Respondent in Docket No. 6663)

It is ordered, That respondent Lipman, Wolfe & Company, a corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, lease, assignment, or agreement, in connection with the introduction into commerce, or the sale, advertisement, offer for sale, transportation, or distribution in commerce of any fur product, or in connection with the sale, advertisement, offer for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form.

(b) Required information mingled with nonrequired information.

(c) Required information in improper sequence.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product.

2. Setting forth required information in abbreviated form.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) That the fur products contain or are composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

(b) That the fur products are composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

2. Represents directly or by implication that fur products are being offered at prices which are at or below wholesale prices or that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent regular course of business.

3. Makes use of comparative prices or percentage savings claims unless such compared prices or savings claims are based upon current market values or upon a bona fide compared price which

was in effect during a period of time designated in such advertisement.

4. Represents fur products as being clearance stock, or a special purchase at closeout prices, or as being from the stock of another who is leaving the fur business, where contrary to the fact.

5. Makes use of any pricing or savings claims or representations of the types referred to in Paragraph C 2 and 3 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

Order as to the Respondent Harold B. Toplon, an Individual Doing Business as Urist & Toplon (Respondent in Docket No. 6664)

It is ordered, That respondent Harold B. Toplon, an individual doing business as Urist & Toplon or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, lease, assignment, or agreement, in connection with the introduction into commerce, or the sale, advertisement, offer for sale, transportation, or distribution in commerce of any fur product, or in connection with the sale, advertisement, offer for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially by colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product.

2. Setting forth on invoices required information in abbreviated form.

3. Failing to set forth on invoices an item number or mark assigned to fur products.

B. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of any animal or animals producing the fur or furs contained in fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(c) That the fur products are composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

2. Contains the name or names of any animal or animals other than the name or names specified in paragraph B 1 (a) above.

3. Represents directly or by implication that fur products are being offered at prices which are at or below wholesale prices or that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent regular course of business.

4. Makes use of comparative prices or percentage savings claims unless such compared prices or savings claims are based upon current market values or upon a bona fide compared price which was in effect during a period of time designated in such advertisement.

5. Represents fur products as being clearance stock or a special purchase at closeout prices, or as being from the stock of another who is leaving the fur business, where contrary to the fact.

6. Makes use of any pricing or savings claims or representations of the type referred to in Paragraph B 3 and 4 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 27, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6028; Filed, July 23, 1957; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter N—Irrigation Projects; Construction Costs

PART 141—PARTIAL PAYMENT CONSTRUCTION CHARGES ON INDIAN IRRIGATION PROJECTS

ASSESSMENT AND COLLECTION OF ADDITIONAL CONSTRUCTION COSTS; CORRECTION

In Federal Register Document 57-5239, published on page 4728, issue dated July 4, 1957, the title of the issuing officer, Hatfield Chilson, should read "Acting Secretary of the Interior."

D. OTIS BEASLEY, *Administrative Assistant Secretary.*

JULY 17, 1957.

[F. R. Doc. 57-6019; Filed, July 23, 1957; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6243]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CAPITAL GAINS AND LOSSES

On November 15, 1955, notice of proposed rulemaking regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under parts I, II, and III of subchapter P of chapter 1 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (20 F. R. 8471). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations, which also give effect to the amendment made by section 5 of the Life Insurance Company Tax Act of 1955, are hereby adopted:

CAPITAL GAINS AND LOSSES

TREATMENT OF CAPITAL GAINS

Sec.
1.1201 Statutory provisions; alternative tax.
1.1201-1 Alternative tax.
1.1202 Statutory provisions; deduction for capital gains.
1.1202-1 Deduction for capital gains.

TREATMENT OF CAPITAL LOSSES

1.1211 Statutory provisions; limitation on capital losses.
1.1211-1 Limitation on capital losses.
1.1212 Statutory provisions; capital loss carryover.
1.1212-1 Net capital loss carryover.

GENERAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

1.1221 Statutory provisions; capital asset defined.
1.1221-1 Meaning of terms.
1.1222 Statutory provisions; other terms relating to capital gains and losses.
1.1222-1 Other terms relating to capital gains and losses.
1.1223 Statutory provisions; holding period of property.
1.1223-1 Determination of period for which capital assets are held.

AUTHORITY: §§ 1.1201 to 1.1223-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

CAPITAL GAINS AND LOSSES

TREATMENT OF CAPITAL GAINS

§ 1.1201 *Statutory provisions; alternative tax.*

SEC. 1201. *Alternative tax*—(a) *Corporations.* If for any taxable year the net long-term capital gain of any corporation exceeds the net short-term capital loss, then, in lieu of the tax imposed by sections 11, 511, 802 (a), 821 (a) (1) or (b), and 831 (a), there

is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

(1) A partial tax computed on the taxable income reduced by the amount of such excess, at the rates and in the manner as if this subsection had not been enacted, and

(2) An amount equal to 25 percent of such excess, or, in the case of a taxable year beginning before April 1, 1954, an amount equal to 26 percent of such excess.

In the case of a taxable year beginning before April 1, 1954, the amount under paragraph (2) shall be determined without regard to section 21 (relating to effect of change of tax rates).

(b) *Other taxpayers.* If for any taxable year the net long-term capital gain of any taxpayer (other than a corporation) exceeds the net short-term capital loss, then, in lieu of the tax imposed by sections 1 and 511, there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

(1) A partial tax computed on the taxable income reduced by an amount equal to 50 percent of such excess, at the rate and in the manner as if this subsection had not been enacted, and

(2) An amount equal to 25 percent of the excess of the net long-term capital gain over the net short-term capital loss.

[Section 1201 (a) as amended by sec. 5 of the Life Insurance Company Tax Act for 1955, effective for taxable years beginning after December 31, 1954. For taxable years beginning before January 1, 1955, section 1201 (a) did not provide that the alternative tax would be in lieu of the tax imposed by section 802 (a).]

§ 1.1201–1 *Alternative tax*—(a) *Corporations.* In case the net long-term capital gain of any corporation exceeds the net short-term capital loss, section 1201 (a) imposes an alternative tax in lieu of the tax imposed by sections 11, 511, 821 (a) (1) or (b), and 831 (a), if and only if such alternative tax is less than the tax imposed by such sections. For taxable years beginning after December 31, 1954, the alternative tax shall also be in lieu of the tax imposed by section 802 (a) if such alternative tax is less than the tax imposed by such section. The alternative tax is not in lieu of the personal holding company tax imposed by section 541, or of any other tax not specifically set forth in section 1201 (a). The alternative tax is the sum of (1) a partial tax computed at the rates provided by sections 11, 511, 802 (a) (for taxable years beginning after December 31, 1954), 821 (a) (1) or (b), and 831 (a) on the taxable income of the taxpayer decreased by the amount of the excess of the net long-term capital gain over the net short-term capital loss, and (2) an amount equal to 25 percent of such excess or, in the case of a taxable year beginning before April 1, 1954, an amount equal to 26 percent of such excess. In the computation of the partial tax the special deductions provided for in sections 243, 244, 245, 247, 922, and 941 shall not be recomputed as the result of the reduction of taxable income by the excess of net long-term capital gain over net short-term capital loss.

(b) *Other taxpayers.* In case the net long-term capital gain of a taxpayer (other than a corporation) exceeds the net short-term capital loss, section 1201 (b) imposes an alternative tax in lieu of the tax imposed by sections 1 and 511, if and only if such alternative tax is less than the tax imposed by sections 1 and 511. The alternative tax is not in lieu of any other tax not specifically set forth in section 1201 (b). The alternative tax is the sum of—

(1) A partial tax, computed at the rates provided by sections 1 and 511 on the taxable income reduced by an amount equal to 50 percent of the excess of the net long-term capital gain over the net short-term capital loss, plus

(2) 25 percent of the excess of the net long-term capital gain over the net short-term capital loss.

See § 1.1–3 for rule relating to the computation of the limitation on tax under section 1 (c) in cases where the alternative tax is imposed. See § 1.34–2 (a) for rule relating to the computation of the dividend received credit under section 34 and § 1.35–1 (a) for rule relating to the computation of credit for partially tax-exempt interest under section 35 in cases where the alternative tax is imposed.

(c) *Tax-exempt trusts and organizations.* In applying section 1201 in the case of tax-exempt trusts or organizations subject to the tax imposed by section 511, the only amount which is taken into account as capital gain or loss is that which is taken into account in computing unrelated business taxable income under section 512. Under section 512, the only amount taken into account as capital gain or loss is that resulting from the application of section 631 (a), relating to the election to treat the cutting of timber as a sale or exchange.

(d) *Joint returns.* In the case of a joint return, the excess of any net long-term capital gain over any net short-term capital loss is to be determined by combining the long-term capital gains and losses and the short-term capital gains and losses of the spouses.

(e) *Application of section.* The following example illustrates the application of the provisions of section 1201 and of this section in the case of an individual taxpayer:

Example. A, a single individual, has for the calendar year 1954 taxable income (exclusive of capital gains and losses) of $99,400. He realizes in 1954 a gain of $50,000 on the sale of a capital asset held for 19 months and sustains a loss of $20,000 on the sale of a capital asset held for five months. He has no other capital gains or losses. Since the alternative tax is less than the tax otherwise computed under section 1, the tax payable is the alternative tax, that is $74,298. The tax is computed as follows:

Tax Under Section 1

Taxable income exclusive of capital gains and losses	$99,400
Net long-term capital gain (100 percent of $50,000) - $50,000	
Net short-term capital loss (100 percent of $20,000) - 20,000	
Excess of net long-term capital gain over the net short-term capital loss	30,000
	129,400

Tax Under Section 1—Continued

Deduction of 50 percent of excess of net long-term capital gain over the net short-term capital loss (section 1202)	$15,000
Taxable income	114,400
Tax under section 1	80,136

Alternative Tax Under Section 1201 (b)

Taxable income	$114,400
Less 50 percent of excess of net long-term capital gain over net short-term capital loss (section 1201 (b) (1))	15,000
Taxable income exclusive of capital gains and losses	99,400
Partial tax (tax on $99,400)	66,798
Plus 25 percent of $30,000	7,500
Alternative tax under section 1201 (b)	74,298

§ 1.1202 *Statutory provisions; deduction for capital gains.*

SEC. 1202. *Deduction for capital gains.* In the case of a taxpayer other than a corporation, if for any taxable year the net long-term capital gain exceeds the net short-term capital loss, 50 percent of the amount of such excess shall be a deduction from gross income. In the case of an estate or trust, the deduction shall be computed by excluding the portion (if any), of the gains from the taxable year from sales or exchanges of capital assets, which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

§ 1.1202–1 *Deduction for capital gains.* (a) In computing gross income, adjusted gross income, taxable income, net capital gain, and net capital loss, 100 percent of any gain or loss (computed under section 1001, recognized under section 1002, and taken into account without regard to sections 1201–1241, inclusive) upon the sale or exchange of a capital asset shall be taken into account regardless of the period for which the capital asset has been held. Nevertheless, the net short-term capital gain or loss and the net long-term capital gain or loss must be separately computed. In computing the adjusted gross income or the taxable income of a taxpayer other than a corporation, if for any taxable year the net long-term capital gain exceeds the net short-term capital loss, 50 percent of the amount of the excess is allowable as a deduction from gross income under section 1202.

(b) For the purpose of computing the deduction allowable under section 1202 in the case of an estate or trust, any long-term or short-term capital gains which, under sections 652 and 662, are includible in the gross income of its income beneficiaries as gains derived from the sale or exchange of capital assets must be excluded in determining whether, for the taxable year of the estate or trust, its net long-term capital gain exceeds its net short-term capital loss. To determine the extent to which such gains are includible in the gross income of a beneficiary, see the regulations under sections 652 and 662. For example, during 1954 a trust realized a gain of $1,000 upon the sale of stock held for 10 months. Under the terms of the trust instrument all of such gain must be distributed during the taxable year to A, the sole income beneficiary. Assuming that under section 652 or 662 A must include all of such gain in his gross income, the trust is not entitled to any deduction with respect to such gain under section 1202. Assuming A had no other capital gains or losses for 1954, he would be entitled to a deduction of $500 under section 1202. For purposes of this section, an income beneficiary shall be any beneficiary to whom an amount is required to be distributed, or is paid or credited, which is includible in his gross income.

(c) The provisions of this section may be illustrated by the following example:

Example. A, an individual, had the following transactions in 1954:

Long-term capital gain	$6,000	
Long-term capital loss	4,000	
Net long-term capital gain		$2,000
Short-term capital loss	1,800	
Short-term capital gain	300	
Net short-term capital loss		1,500
Excess of net long-term capital gain over net short-term capital loss		500

Since the net long-term capital gain exceeds the net short-term capital loss by $500, 50 percent of the excess, or $250, is allowable as a deduction under section 1202.

TREATMENT OF CAPITAL LOSSES

§ 1.1211 *Statutory provisions; limitation on capital losses.*

SEC. 1211. *Limitation on capital losses*—(a) *Corporations.* In the case of a corporation, losses from sales or exchanges of capital assets shall be allowed only to the extent of gains from such sales or exchanges.

(b) *Other taxpayers.* In the case of a taxpayer other than a corporation, losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges, plus the taxable income of the taxpayer or $1,000, whichever is smaller. For purposes of this subsection, taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets and without regard to the deductions provided in section 151 (relating to personal exemptions) or any deduction in lieu thereof. If the taxpayer elects to pay the optional tax imposed by section 3, "taxable income" as used in this subsection shall be read as "adjusted gross income".

§ 1.1211–1 *Limitation on capital losses.* (a) Section 1211 (a) provides that, in the case of a corporation, losses from sales or exchanges of capital assets shall be allowed as deductions only to the extent of the gains from such sales or exchanges, and section 1211 (b) provides that, in the case of a taxpayer other than a corporation, losses from sales or exchanges of capital assets shall be allowed as a deduction only to the extent of the gains from such sales or exchanges, plus the taxable income of the taxpayer or $1,000, whichever is smaller. For purposes of section 1211 (b), taxable income is to be computed without regard to gains or losses from sales or exchanges of capital assets and without regard to the deductions provided in section 151 (relating to personal exemptions) or any deduction in lieu thereof. For example, the deductions available to estates and trusts under section 642 (b) are in lieu of the deductions allowed under section 151, and, in the case of estates and trusts, are to be added back to taxable income for the purposes of section 1211 (b).

(b) The provisions of section 1211 (b) may be illustrated by the following examples:

Example (1). A, an individual with one exemption allowable as a deduction under section 151, has the following transactions in 1954:

Taxable income exclusive of capital gains and losses		$4,400
Deductions provided in section 151		600
Taxable income for purposes of section 1211 (b)		5,000
Long-term capital gain	$1,000	
Long-term capital loss	5,300	
Net long-term capital loss	4,300	
Amount deductible under section 1211 (b)		1,000

Example (2). B, an individual with one exemption allowable as a deduction under section 151, has the following transactions in 1954:

Taxable income exclusive of capital gains and losses		$90
Deductions provided in section 151		600
Taxable income for purposes of section 1211 (b)		690
Long-term capital gain	$1,000	
Long-term capital loss	5,200	
Net long-term capital loss	4,200	
Amount deductible under section 1211 (b)		690

In example (1), the net long-term capital loss of $4,300 is allowable in 1954 only to the extent of $1,000 since the latter amount is smaller than the taxable income of $5,000. The remaining $3,300 of the net long-term capital loss becomes a net capital loss to be carried over to succeeding years. In example (2), since taxable income for purposes of section 1211 (b) is $690 and since that amount is smaller than the $4,200 net long-term capital loss and is less than $1,000, only $690 of the net long-term capital loss of $4,200 is allowable in 1954, leaving a net capital loss of $3,510 to be carried over. For carryover of a net capital loss, see § 1.1212–1.

(c) See section 582 (c) for modification of the limitation under section 1211 (a) in the case of a bank, as defined in section 581.

(d) In the case of a joint return, the limitation under section 1211 (b), relating to the allowance of losses from sales or exchanges of capital assets, is to be computed and the net capital loss determined with respect to the combined taxable income and the combined gains and losses of the spouses.

(e) In case the tax is computed under section 3 (relating to optional tax if adjusted gross income is less than $5,000) the term "taxable income" as used in section 1211 (b) shall be read as "adjusted gross income".

§ 1.1212 *Statutory provisions; capital loss carryover.*

SEC. 1212. *Capital loss carryover.* If for any taxable year the taxpayer has a net capital loss, the amount thereof shall be a short-term capital loss in each of the 5 succeeding taxable years to the extent that such amount exceeds the total of any net capital gains of any taxable years intervening between the taxable year in which the net capital loss arose and such succeeding taxable year. For purposes of this section, a net capital gain shall be computed without regard to such net capital loss or to any net capital losses arising in any such intervening taxable years, and a net capital loss for a taxable year beginning before October 20, 1951, shall be determined under the applicable law relating to the computation of capital gains and losses in effect before such date.

§ 1.1212–1 *Net capital loss carryover.* (a) Any taxpayer sustaining a net capital loss may, under section 1212, carry over such loss to each of the five succeeding taxable years and treat it in each of such five succeeding taxable years as a short-term capital loss to the extent not allowed as a deduction against any net capital gains of any taxable years intervening between the taxable year in which the net capital loss was sustained and the taxable year to which carried. The carryover is thus applied in each succeeding taxable year to offset any net capital gain in such succeeding taxable year. The amount of the net capital loss carryover may not be included in computing a new net capital loss of a taxable year which can be carried forward to the next five succeeding taxable years. Under section 1212, a net capital loss for a taxable year beginning before October 20, 1951, is to be determined under the applicable law relating to the computation of capital gains and losses in effect before such date. Thus, where the applicable law for a taxable year beginning before October 20, 1951, provided that only certain percentages of the gain or loss recognized upon the sale or exchange of a capital asset should be taken into account in computing net capital loss, such percentages are to be taken into account in computing net capital loss for any such taxable year under section 1212. In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 871 and the regulations thereunder for special rules on capital loss carryovers.

(b) The practical operation of the provisions of section 1212 may be illustrated by the following example:

Example. (1) For the taxable years 1952 to 1956, inclusive, an individual with one exemption allowable under section 151 (or corresponding provision of prior law) is assumed to have a net short-term capital loss, net short-term capital gain, net long-term capital loss, net long-term capital gain, and taxable income (net income for 1952 and 1953) as follows:

	1952	1953	1954	1955	1956
Carryover from prior years:					
From 1952		($50,000)	($29,500)	($29,500)	
From 1954				(19,500)	($13,000)
Net short-term loss (computed without regard to the carryovers)	($30,000)	(5,000)	(10,000)	—	
Net short-term gain (computed without regard to the carryovers)					
Net long-term loss	(20,500)			40,000	
Net long-term gain		25,000	(10,000)	(5,000)	
Net income or taxable income, computed without regard to capital gains and losses, and, after 1953, without regard to the deduction provided by section 151	500	500	500	1,000	500
Net capital gain (computed without regard to the carryovers)		20,500		36,000	
Net capital loss	(50,000)		(19,500)		
Deduction allowable under section 1202			None	None	1,000
Taxable income (after deductions allowable under sections 151 and 1202)			None	None	900

(2) *Net capital loss of 1952.* The net capital loss is $50,000. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (i) gains (in this case, none) from such sales or such exchanges, and (ii) net income (computed without regard to capital gains and losses) of $500. This amount may be carried forward in full as a short-term loss to 1953. However, in 1953 there was a net capital gain of $20,500, as defined by section 117 (a) (10) (B) of the Internal Revenue Code of 1939, and limited by section 117 (e) (1) of the 1939 Code, against which this net capital loss of $50,000 is allowed in part. The remaining portion—$29,500—may be carried forward to 1954 and 1955 since there was no net capital gain in 1954. In 1955 this $29,500 is allowed in full against net capital gain of $36,000, as defined by section 1222 (9) (B) and limited by section 1212.

(3) *Net capital loss of 1954.* The net capital loss is $19,500. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (i) gains (in this case, none) from such sales or exchanges and (ii) taxable income (computed without regard to capital gains and losses and the deductions provided in section 151) of $500. This amount may be carried forward in full as a short-term loss to 1955. The net capital gain in 1955, before deduction of any carryovers, is $36,000. The $29,500 balance of the 1953 loss is first applied against the $36,000, leaving a balance of $6,500. Against this amount the $19,500 loss arising in 1954 is applied, leaving a loss of $13,000, which may be carried forward to 1956. Since this amount is treated as a short-term capital loss in 1956 under section 1212, the excess of the net long-term capital gain over the net short-term capital loss is $2,000 ($15,000 minus $13,000). Half of this excess is allowable as a deduction under section 1202. Thus, after also deducting the exemption allowed as a deduction under section 151 ($600) the taxpayer has a taxable income of $900 for 1956.

(c) (1) The following rules shall be applied in computing net capital loss carryovers by husband and wife:

(i) If a husband and wife making a joint return for any taxable year made separate returns for the preceding year, any net capital loss carryover of each spouse from such preceding taxable year may be carried forward to the taxable year as a short-term capital loss to the extent provided by section 1212.

(ii) If a joint return was made for the preceding taxable year, any net capital loss carryover from such preceding taxable year may be carried forward to the taxable year as a short-term capital loss to the extent provided by section 1212.

(iii) If a husband and wife making separate returns for any taxable year made a joint return for the preceding taxable year, any net capital loss carryover from such preceding taxable year shall be allocated to the spouses on the basis of their individual net capital losses which gave rise to such net capital loss carryover, and the net capital loss carryover so allocated to each spouse may be carried forward by such spouse to the taxable year as a short-term capital loss to the extent provided in section 1212.

(iv) If separate returns are made both for the taxable year and the preceding taxable year, any net capital loss carryover of each spouse from such preceding taxable year may be carried forward by such spouse to the taxable year as a short-term capital loss to the extent provided in section 1212.

(2) The provisions of subdivisions (i) and (iii) of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. If H and W, husband and wife, make a joint return for 1955, having made separate returns for 1954 in which H had a net capital loss of $3,000 and W had a net capital loss of $2,000, in their joint return for 1955 they would have a short-term capital loss of $5,000 (the sum of their separate net capital loss carryovers from 1954), allowable to the extent provided by section 1212. If, on the other hand, they make separate returns in 1955 following a joint return in 1954 in which their net capital loss was $5,000 allocable $3,000 to H and $2,000 to W, the carryover of H as a short-term capital loss for the purpose of his 1955 separate return would be $3,000 and that of W for her separate return would be $2,000, each allowable to the extent provided by section 1212.

GENERAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

§ 1.1221 *Statutory provisions; capital asset defined.*

SEC. 1221. *Capital asset defined.* For purposes of this subtitle, the term "capital asset" means property held by the taxpayer (whether or not connected with his trade or business), but does not include—

(1) Stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business;

(2) Property, used in his trade or business, of a character which is subject to the allowance for depreciation provided in section 167, or real property used in his trade or business;

(3) A copyright, a literary, musical, or artistic composition, or similar property, held by—

(A) A taxpayer whose personal efforts created such property, or

(B) A taxpayer in whose hands the basis of such property is determined, for the purpose of determining gain from a sale or exchange, in whole or in part by reference to the basis of such property in the hands of the person whose personal efforts created such property;

(4) Accounts or notes receivable acquired in the ordinary course of trade or business for services rendered or from the sale of property described in paragraph (1); or

(5) An obligation of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue.

§ 1.1221–1 *Meaning of terms.* (a) The term "capital assets" includes all classes of property not specifically excluded by section 1221. In determining whether property is a "capital asset", the period for which held is immaterial.

(b) Property used in the trade or business of a taxpayer of a character which is subject to the allowance for depreciation provided in section 167 and real property used in the trade or business of a taxpayer is excluded from the term "capital assets". Gains and losses from the sale or exchange of such property are not treated as gains and losses from the sale or exchange of capital assets, except to the extent provided in section 1231. See § 1.1231–1. Property held for the production of income, but not used in a trade or business of the taxpayer, is not excluded from the term "capital assets" even though depreciation may have been allowed with respect to such property under section 23 (l) of the Internal Revenue Code of 1939 before its amendment by section 121 (c) of the Revenue Act of 1942. However, gain or loss upon the sale or exchange of land held by a taxpayer primarily for sale to customers in the ordinary course of his business, as in the case of a dealer in real estate, is not subject to the provisions of sections 1201–1241, inclusive.

(c) A copyright, a literary, musical, or artistic composition, and similar property are excluded from the term "capital assets" if held by a taxpayer whose personal efforts created such property, or if held by a taxpayer in whose hands the basis of such property is determined, for the purpose of determining gain from a sale or exchange, in whole or in part by reference to the basis of such property in the hands of the person whose personal efforts created such property. As to the application of section 1231 to the sale or exchange of such property held by such a taxpayer, see § 1.1231–1. For purposes of section 1221 (3), the phrase "similar property" includes, for example, such property as a theatrical production, a radio program, a newspaper cartoon strip, or any other property eligible for copyright protection (whether under statute or common law), but does not include a patent or an invention, or a design which may be protected only under the patent law and not under the copyright law.

(d) Section 1221 (4) excludes from the definition of "capital asset" accounts or notes receivable acquired in the ordinary course of trade or business for services rendered or from the sale of stock in trade or inventory or property held for sale to customers in the ordinary course of trade or business. Thus, if a taxpayer acquires a note receivable for services rendered, reports the fair market value of the note as income, and later sells the note for less than the amount previously reported, the loss is an ordinary loss. On the other hand, if the taxpayer later sells the note for more than the amount originally reported, the excess is treated as ordinary income.

(e) Obligations of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue, are excluded from the term "capital assets." An obligation may be issued on a discount basis even though the price paid exceeds the face amount. Thus, although the Second Liberty Bond Act (31 U. S. C. 754) provides that United States Treasury bills shall be issued on a discount basis, the issuing price paid for a particular bill may, by reason of competitive bidding, actually exceed the face amount of the bill. Since the obligations of the type described in this paragraph are excluded from the term "capital assets", gains or losses from the sale or exchange of such obligations are not subject to the limitations provided in sections 1201–1241, inclusive. It is, therefore, not necessary for a taxpayer (other than a life insurance company taxable under part I of subchapter L of chapter 1 of the Internal Revenue Code of 1954 as amended by the Life Insurance Company Tax Act of 1955, and, in the case of taxable years beginning before January 1, 1955, subject to taxation only on interest, dividends, and rents) to segregate the original discount accrued and the gain or loss realized upon the sale or other disposition of any such obligation. See section 454 (b) with respect to the original discount accrued. The provisions of this paragraph may be illustrated by the following examples:

Example (1). A (not a life insurance company) buys a $100,000, 90-day Treasury bill upon issuance for $99,998. As of the close of the forty-fifth day of the life of such bill, he sells it to B (not a life insurance company) for $99,999.50. The entire net gain to A of $1.50 may be taken into account as a single item of income, without allocating $1 to interest and $0.50 to gain. If B holds the bill until maturity his net gain of $0.50 may similarly be taken into account as a single item of income, without allocating $1 to interest and $0.50 to loss.

Example (2). The facts in this example are the same as in example (1) except that the selling price to B is $99,998.50. The net gain to A of $0.50 may be taken into account without allocating $1 to interest and $0.50 to loss, and, similarly, if B holds the bill until maturity his entire net gain of $1.50 may be taken into account as a single item of income without allocating $1 to interest and $0.50 to gain.

§ 1.1222 *Statutory provisions; other terms relating to capital gains and losses.*

SEC. 1222. *Other terms relating to capital gains and losses.* For purposes of this subtitle—

(1) *Short-term capital gain.* The term "short-term capital gain" means gain from the sale or exchange of a capital asset held for not more than 6 months, if and to the extent such gain is taken into account in computing gross income.

(2) *Short-term capital loss.* The term "short-term capital loss" means loss from the sale or exchange of a capital asset held for not more than 6 months, if and to the extent that such loss is taken into account in computing taxable income.

(3) *Long-term capital gain.* The term "long-term capital gain" means gain from the sale or exchange of a capital asset held for more than 6 months, if and to the extent such gain is taken into account in computing gross income.

(4) *Long-term capital loss.* The term "long-term capital loss" means loss from the sale or exchange of a capital asset held for more than 6 months, if and to the extent that such loss is taken into account in computing taxable income.

(5) *Net short-term capital gain.* The term "net short-term capital gain" means the excess of short-term capital gains for the taxable year over the short-term capital losses for such year.

(6) *Net short-term capital loss.* The term "net short-term capital loss" means the excess of short-term capital losses for the taxable year over the short-term capital gains for such year.

(7) *Net long-term capital gain.* The term "net long-term capital gain" means the excess of long-term capital gains for the taxable year over the long-term capital losses for such year.

(8) *Net long-term capital loss.* The term "net long-term capital loss" means the excess of long-term capital losses for the taxable year over the long-term capital gains for such year.

(9) *Net capital gain*—(A) *Corporations.* In the case of a corporation, the term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges.

(B) *Other taxpayers.* In the case of a taxpayer other than a corporation, the term "net capital gain" means the excess of—

(i) The sum of the gains from sales or exchanges of capital assets, plus taxable income (computed without regard to the deductions provided by section 151, relating to personal exemptions or any deduction in lieu thereof) of the taxpayer or $1,000, whichever is smaller, over

(ii) The losses from such sales or exchanges.

For purposes of this subparagraph, taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets. If the taxpayer elects to pay the optional tax under section 3, the term "taxable income" as used in this subparagraph shall be read as "adjusted gross income."

(10) *Net capital loss.* The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under section 1211. For the purpose of determining losses under this paragraph, amounts which are short-term capital losses under section 1212 shall be excluded.

§ 1.1222–1 *Other terms relating to capital gains and losses.* (a) The phrase "short-term" applies to the category of gains and losses arising from the sale or exchange of capital assets held for six months or less; the phrase "long-term" to the category of gains and losses arising from the sale or exchange of capital assets held for more than six months. The fact that some part of a loss from the sale or exchange of a capital asset may be finally disallowed because of the operation of section 1211 does not mean that such loss is not "taken into account in computing taxable income" within the meaning of that phrase as used in sections 1222 (2) and 1222 (4).

(b) In the definition of "net short-term capital gain", as provided in section 1222 (5), the amounts brought forward to the taxable year under section 1212 are short-term capital losses for such taxable year.

(c) Gains and losses from the sale or exchange of capital assets held for not more than six months (described as short-term capital gains and short-term capital losses) shall be segregated from gains and losses arising from the sale or exchange of such assets held for more than six months (described as long-term capital gains and long-term capital losses).

(d) In the case of a corporation, the term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges, which losses include any amounts brought forward pursuant to section 1212. In the case of a taxpayer other than a corporation, the term "net capital gain" means the excess of (1) the sum of the gains from sales or exchanges of capital assets, plus taxable income (computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions provided by section 151, relating to personal exemptions, or any deductions in lieu thereof) of the taxpayer or $1,000, whichever is smaller, over (2) the losses from such sales or exchanges, which losses include amounts brought forward under section 1212. Thus, in the case of estates and trusts, taxable income for the purposes of section 1222 (9) (B) (i) shall be computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions allowed by section 642 (b) to estates and trusts in lieu of personal exemptions. In the case of a taxpayer whose tax liability is computed under section 3, the term "taxable income", for purposes of this paragraph, shall be read as "adjusted gross income." For application of the term "net capital gain," in computing the capital loss carryover under section 1212, see § 1.1212–1 (b).

(e) The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under section 1211. However, amounts which are short-term capital losses under section 1212 are excluded in determining such "net capital loss".

(f) See section 165 (g) and section 166 (e), under which losses from worthless stocks, bonds, and other securities (if they constitute capital assets) are required to be treated as losses under sections 1201–1241 from the sale or exchange of capital assets, even though such securities are not actually sold or exchanged. See also section 1231 and § 1.1231–1 for the determination of whether or not gains and losses from the involuntary conversion of capital assets and from the sale, exchange, or involuntary conversion of certain property used in the trade or business shall be treated as gains and losses from the sale

or exchange of capital assets. See also section 1236 and § 1.1236–1 for the determination of whether or not gains from the sale or exchange of securities by a dealer in securities shall be treated as capital gains, or whether losses from such sales or exchanges shall be treated as ordinary losses.

(g) In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 871 and the regulations thereunder for the determination of the net amount of capital gains subject to tax.

§ 1.1223 *Statutory provisions; holding period of property.*

SEC. 1223. *Holding period of property.* For purposes of this subtitle—

(1) In determining the period for which the taxpayer has held property received in an exchange, there shall be included the period for which he held the property exchanged if, under this chapter, the property has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as the property exchanged, and, in the case of such exchanges after March 1, 1954, the property exchanged at the time of such exchange was a capital asset as defined in section 1221 or property described in section 1231. For purposes of this paragraph—

(A) An involuntary conversion described in section 1033 shall be considered an exchange of the property converted for the property acquired, and

(B) A distribution to which section 355 (or so much of section 356 as relates to section 355) applies shall be treated as an exchange.

(2) In determining the period for which the taxpayer has held property however acquired there shall be included the period for which such property was held by any other person, if under this chapter such property has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as it would have in the hands of such other person.

(3) In determining the period for which the taxpayer has held stock or securities received upon a distribution where no gain was recognized to the distributee under section 1081 (c) (or under section 112 (g) of the Revenue Act of 1928, 45 Stat. 818, or the Revenue Act of 1932, 48 Stat. 705), there shall be included the period for which he held the stock or securities in the distributing corporation before the receipt of the stock or securities on such distribution.

(4) In determining the period for which the taxpayer has held stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under section 1091 relating to wash sales) of the loss from the sale or other disposition of substantially identical stock or securities, there shall be included the period for which he held the stock or securities the loss from the sale or other disposition of which was not deductible.

(5) In determining the period for which the taxpayer has held stock or rights to acquire stock received on a distribution, if the basis of such stock or rights is determined under section 307 (or under so much of section 1052 (c) as refers to section 113 (a) (23) of the Internal Revenue Code of 1939), there shall (under regulations prescribed by the Secretary or his delegate) be included the period for which he held the stock in the distributing corporation before the receipt of such stock or rights upon such distribution.

(6) In determining the period for which the taxpayer has held stock or securities acquired from a corporation by the exercise of rights to acquire such stock or securities, there shall be included only the period beginning with the date on which the right to acquire was exercised.

(7) In determining the period for which the taxpayer has held a residence, the acquisition of which resulted under section 1034 in the nonrecognition of any part of the gain realized on the sale or exchange of another residence, there shall be included the period for which such other residence had been held as of the date of such sale or exchange. For purposes of this paragraph, the term "sale or exchange" includes an involuntary conversion occurring after December 31, 1950, and before January 1, 1954.

(8) In determining the period for which the taxpayer has held a commodity acquired in satisfaction of a commodity futures contract there shall be included the period for which he held the commodity futures contract if such commodity futures contract was a capital asset in his hands.

(9) Any reference in this section to a provision of this title shall, where applicable, be deemed a reference to the corresponding provision of the Internal Revenue Code of 1939, or prior internal revenue laws.

(10) *Cross reference.* For special holding period provision relating to certain partnership distributions, see section 735 (b).

§ 1.1223–1 *Determination of period for which capital assets are held.* (a) The holding period of property received in an exchange by a taxpayer includes the period for which the property which he exchanged was held by him, if the property received has the same basis in whole or in part for determining gain or loss in the hands of the taxpayer as the property exchanged. However, this rule shall apply, in the case of exchanges after March 1, 1954, only if the property exchanged was at the time of the exchange a capital asset in the hands of the taxpayer or property used in his trade or business as defined in section 1231 (b). For the purposes of this paragraph the term "exchange" includes the following transactions: (1) An involuntary conversion described in section 1033, and (2) a distribution to which section 355 (or so much of section 356 as relates to section 355) applies. Thus, if property acquired as the result of a compulsory or involuntary conversion of other property of the taxpayer has under section 1033 (c) the same basis in whole or in part in the hands of the taxpayer as the property so converted, its acquisition is treated as an exchange and the holding period of the newly acquired property shall include the period during which the converted property was held by the taxpayer. Thus, also, where stock of a controlled corporation is received by a taxpayer pursuant to a distribution to which section 355 (or so much of section 356 as relates to section 355) applies, the distribution is treated as an exchange and the period for which the taxpayer has held the stock of the controlled corporation shall include the period for which he held the stock of the distributing corporation with respect to which such distribution was made.

(b) The holding period of property in the hands of a taxpayer shall include the period during which the property was held by any other person, if such property has the same basis in whole or in part in the hands of the taxpayer for determining gain or loss from a sale or exchange as it would have in the hands of such other person. For example, the period for which property acquired by gift after December 31, 1920, was held by the donor must be included in determining the period for which the property was held by the taxpayer if, under the provisions of section 1015, such property has, for the purpose of determining gain or loss from the sale or exchange, the same basis in the hands of the taxpayer as it would have in the hands of the donor.

(c) In determining the period for which the taxpayer has held stock or securities received upon a distribution where no gain was recognized to the distributee under section 1081 (c) (or under section 112 (g) of the Revenue Act of 1928, 45 Stat. 818, or the Revenue Act of 1932, 48 Stat. 705), there shall be included the period for which he held the stock or securities in the distributing corporation before the receipt of the stock or securities on such distribution.

(d) If the acquisition of stock or securities resulted in the nondeductibility (under section 1091, relating to wash sales) of the loss from the sale or other disposition of substantially identical stock or securities, the holding period of the newly acquired securities shall include the period for which the taxpayer held the securities with respect to which the loss was not allowable.

(e) The period for which the taxpayer has held stock, or stock subscription rights, received on a distribution shall be determined as though the stock dividend, or stock right, as the case may be, were the stock in respect of which the dividend was issued if the basis for determining gain or loss upon the sale or other disposition of such stock dividend or stock right is determined under section 307. If the basis of stock received by a taxpayer pursuant to a spin-off is determined under so much of section 1052 (c) as refers to section 113 (a) (23) of the Internal Revenue Code of 1939, and such stock is sold or otherwise disposed of in a taxable year which is subject to the Internal Revenue Code of 1954, the period for which the taxpayer has held the stock received in such spin-off shall include the period for which he held the stock of the distributing corporation with respect to which such distribution was made.

(f) The period for which the taxpayer has held stock or securities issued to him by a corporation pursuant to the exercise by him of rights to acquire such stock or securities from the corporation will, in every case and whether or not the receipt of taxable gain was recognized in connection with the distribution of the rights, begin with and include the day upon which the rights to acquire such stock or securities were exercised. A taxpayer will be deemed to have exercised rights received from a corporation to acquire stock or securities therein where there is an expression of assent to the terms of such rights made by the taxpayer in the manner requested or authorized by the corporation.

(g) The period for which the taxpayer has held a residence, the acquisition of which resulted under the provisions of section 1034 in the nonrecognition of any part of the gain realized on the sale or exchange of another residence, shall include the period for which such other residence had been held as of the date of such sale or exchange. See § 1.1034–1. For purposes of this paragraph, the term "sale or exchange" includes an involuntary conversion occurring after December 31, 1950, and before January 1, 1954.

(h) If a taxpayer accepts delivery of a commodity in satisfaction of a commodity futures contract, the holding period of the commodity shall include the period for which the taxpayer held the commodity futures contract, if such futures contract was a capital asset in his hands.

(i) If shares of stock in a corporation are sold from lots purchased at different dates or at different prices and the identity of the lots cannot be determined, the rules prescribed by the regulations under section 1012 for determining the cost or other basis of such stocks so sold or transferred shall also apply for the purpose of determining the holding period of such stock.

(j) Any reference in section 1223 or this section to another provision of the Internal Revenue Code of 1954 is, where applicable, to be deemed a reference to the corresponding provision of the Internal Revenue Code of 1939, or prior internal revenue laws. The provisions of prior internal revenue laws here intended are the sections referred to in the sections of the 1939 Code which correspond to the sections of the 1954 Code referred to in section 1223. Thus, the sections corresponding to section 1081 (c) are section 371 (c) of the Revenue Act of 1938 and section 371 (c) of the 1939 Code. The sections corresponding to section 1091 are section 118 of each of the following: The Revenue Acts of 1928, 1932, 1934, 1936, and 1938, and the 1939 Code.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: July 18, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

[F. R. Doc. 57–6029; Filed, July 23, 1957; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1446]

[BLM 034316 (S. D.)]

RESERVING LANDS WITHIN BLACK HILLS NATIONAL FOREST FOR USE OF FOREST SERVICE, DEPARTMENT OF AGRICULTURE: AS THE PACTOLA ADMINISTRATIVE SITE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34–36; U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands within the Black Hills National Forest in South Dakota, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as the Pactola Administrative Site:

BLACK HILLS PRINCIPAL MERIDIAN

T. 2 N., R. 5 E.,
Sec. 25, W½W½
Sec. 26, NE¼ and N½SE¼

The area described contains 400 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

JULY 18, 1957.

[F. R. Doc. 57–6030; Filed, July 23, 1957; 8:50 a. m.]

[Public Land Order 1447]

[BLM 038003]

ARKANSAS

RESERVING PUBLIC LANDS WITHIN OUACHITA NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADDITIONS TO JACK CREEK AND BARD SPRINGS RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Ouachita National Forest in Arkansas are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as additions to the Jack Creek and Bard Springs Recreation Areas, which were established by Public Land Order No. 1335 of August 27, 1956:

FIFTH PRINCIPAL MERIDIAN

JACK CREEK RECREATION AREA

T. 4 N., R. 27 W.,
Sec. 3, lot 9.
The tract described contains 39.54 acres.

BARD SPRINGS RECREATION AREA

T. 4 S., R. 28 W.,
Sec. 20 SE¼NW¼NE¼, S½NE¼NE¼, and N½S½NE¼.

The areas described aggregate 70 acres.

This order shall take precedence over, but not otherwise affect the existing reservation of the lands for national forests purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

JULY 18, 1957.

[F. R. Doc. 57–6031; Filed, July 23, 1957; 8:51 a. m.]

TITLE 29—LABOR

Chapter XII—Federal Mediation and Conciliation Service

PART 1401—AVAILABILITY OF INFORMATION

PLACES AT WHICH INFORMATION MAY BE OBTAINED

Section 1401.1 is hereby revised to read as follows:

§ 1401.1 *Places at which information may be obtained.* Any individual, employer or union, or representative thereof, desiring information regarding the operations of the Service within a region should communicate with the regional office of the Service in the region in which the labor dispute or other matter exists with respect to which information is sought. General inquiries for information concerning the Service should be addressed to the Federal Mediation and Conciliation Service, 14th and Constitution Avenue NW., Washington 25, D. C. The location of regional offices of the Service and their respective jurisdictions are as follows:

Region No., Address, and Jurisdiction

1—Room 1016, Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.—Maine; New Hampshire; Vermont; Connecticut; Rhode Island; Massachusetts; New York; and northern New Jersey (counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren).

2—Room 1015, Jefferson Building, 1015 Chestnut Street, Philadelphia 7, Pa.—Pennsylvania; Delaware; Maryland; District of Columbia; West Virginia; Southern New Jersey (counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem); northern Virginia (City of Alexandria, and counties of Frederick, Arlington, Fairfax, Clarke, Loudoun, Prince William, Fauquier, Warren, Shenandoah, Rockingham, Page, Rappahannock, Culpeper, Stafford, King George, Madison, Greene, Northampton and Accomac).

3—Room 346 Peachtree at 7th Street Building, 50 Seventh Street NE., Atlanta 23, Ga.—Virginia (except those areas under Region 2 jurisdiction); southwest Kentucky (counties of Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Marshall, Calloway, Livingston, Todd, Lyon, Trigg, Caldwell, Crittenden, Union, Webster, Hopkins, Christian, Muhlenberg, Logan and Simpson; Tennessee; North Carolina; South Carolina; Georgia; Florida; Alabama; Mississippi; Louisiana; Puerto Rico; and the Virgin Islands.

4—Room 435, Old Federal Building, Public Square and Superior Street, Cleveland 14, Ohio—Indiana (counties of Clark and Floyd); Kentucky (except the counties under Region 3 jurisdiction); Ohio; Michigan; (lower peninsula; upper peninsula under Region 5 jurisdiction).

5—Room 1515 Consumers Building, 220 South State Street, Chicago 4, Illinois—Illinois (except the counties under Region 6 jurisdiction); Indiana (except Clark and Floyd counties under Region 4 jurisdiction); Wisconsin; Minnesota; North Dakota; South Dakota; and Michigan (upper peninsula; lower peninsula under Region 4 jurisdiction).

6—Room 404, Old Custom House Building, 815 Olive Street, St. Louis 1, Mo.—Iowa; Missouri; southwest Illinois (counties of Calhoun, Greene, Jersey, Madison, Macoupin, Monroe, Randolph, and St. Clair); Arkansas; Nebraska; Kansas; Oklahoma; and Texas (except El Paso and Hudspeth counties under Region 7 jurisdiction).

7—Room 332, Appraisers Building, 630 Sansome Street, San Francisco 11, California — Washington; Oregon; California; Idaho; Montana; Wyoming; Nevada; Utah; Colorado; Arizona; New Mexico; southwest Texas (counties of El Paso and Hudspeth); Alaska; Hawaii; and Guam.

(Sec. 202, 61 Stat. 153, as amended; 29 U. S. C. 172)

JOSEPH F. FINNEGAN,
Director.

JULY 15, 1957.

[F. R. Doc. 57-6024; Filed, July 23, 1957; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

PART 107—CHIGNIK AREA

PART 116—SOUTHEASTERN ALASKA AREA

MISCELLANEOUS AMENDMENTS

Basis and purpose. In compliance with the requirements of § 104.5 announcement is made that the number of units of gear registered by districts to fish in the week ending July 27, 1957 is as follows:

	Units
Naknek-Kvichak district	469
Nushagak district	294
Egegik district	96
Ugashik district	59

1. Notwithstanding the provisions of § 104.5 fishing is permitted in the week ending July 27, 1957, as follows:

Naknek-Kvichak district: From 9 o'clock antemeridian July 22 to 3 o'clock antemeridian July 23 and from 9 o'clock antemeridian July 25 to 3 o'clock antemeridian July 26.

Nushagak district: From 9 o'clock antemeridian July 22 to 9 o'clock antemeridian July 23 and from 9 o'clock antemeridian July 25 to 9 o'clock antemeridian July 26.

Egegik district: From 9 o'clock antemeridian July 22 to 3 o'clock postmeridian July 23 and from 9 o'clock antemeridian July 25 to 3 o'clock postmeridian July 26.

Ugashik district: From 9 o'clock antemeridian July 22 to 3 o'clock postmeridian July 23 and from 9 o'clock antemeridian July 25 to 3 o'clock postmeridian July 26.

2. Paragraph (b) of § 107.3, as amended July 4, 1957, 22 F. R. 4729, is further amended by deleting the text and substituting in lieu thereof "from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday."

3. Section 116.8b is amended by adding the following proviso: *"Provided,* That an additional quota of 7500 short tons may be taken during 1957 only in the combined Sumner Strait, Clarence Strait, Southern, and South Prince of Wales Island regulatory fishing districts."

The above changes shall become effective immediately upon publication in the FEDERAL REGISTER.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

SETON H. THOMPSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-6072; Filed, July 22, 1957; 4:09 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 81, 221]

INDIAN MONEY ACCOUNTS AND PRIORITY OF CLAIMS

LAST ILLNESS AND FUNERAL EXPENSES

JULY 17, 1957.

Notice is hereby given of intention to revise §§ 81.25 and 221.10, Title 25 of the Code of Federal Regulations, to read as set forth below. The purpose of these revisions is to clarify the responsibilities of the Superintendents of the Bureau of Indian Affairs concerning their authorization of last illness and funeral expenses from Individual Indian Money accounts, and also to limit the amounts of such expenses not previously authorized, to which priority of payment will be extended on the basis of claims filed against an Indian's estate.

All interested persons are hereby given the opportunity to submit in writing views, data, and arguments concerning the proposed revisions, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

1. Section 81.25 is revised to read as follows:

§ 81.25 *Priority of claims.* (a) Claims shall be allowed priority in payment in the following order, except as is otherwise provided in paragraph (b) of this section:

(1) Probate fee;

(2) Claims for expenses not previously authorized, for last illness not in excess of $500, and for funeral not in excess of $250;

(3) Unsecured claims of indebtedness to the United States or any of its agencies;

(4) Unsecured claims of indebtedness to the tribe of which the decedent was a member or to any of its subsidiary organizations;

(5) Claims of the state on account of social security or old-age assistance payments; and

(6) Claims of general creditors, including that portion of expenses of last illness not previously authorized in excess of $500 and that portion of funeral charges not previously authorized in excess of $250.

(b) The preference of the probate fee and of other claims may be deferred, in the discretion of the Examiner, in making adjustments or compromises beneficial to the estate.

(c) No claims of general creditors shall be allowed if the value of the estate is $1,500 or less and the decedent is survived by a spouse or by one or more minor children. If the estate is valued in excess of $1,500, or if the estate is valued at $1,500 or less and the decedent is not survived by a spouse or by any minor children, the claims of general creditors may be allowed in the discretion of the Examiner of Inheritance. If the income of the estate is not sufficient to permit the payment of allowed claims of general creditors within three years from the date of allowance, the unpaid balance of such claims shall not be enforceable against the estate or any of its assets.

2. Section 221.10 is revised to read as follows:

§ 221.10 *Funds of deceased Indians.* Funds of a deceased Indian may be disbursed:

(a) For the payment of obligations previously authorized, including authorized expenses of last illness;

(b) For authorized funeral expenses;

(c) For support of dependent members of the family of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of probable heirs;

(d) For necessary expenses to conserve the estate pending the completion of probate proceedings;

(e) For probate fees and claims allowed pursuant to Parts 81 and 82 of this chapter.

[F. R. Doc. 57-6021; Filed, July 23, 1957; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 717, 719]

[Administrative Order 488]

CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY; NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY; SWEATER AND KNIT SWIMWEAR INDUSTRY

RESIGNATION OF COMMITTEE CHAIRMAN, DESIGNATION OF NEW CHAIRMAN, AND APPOINTMENT OF COMMITTEE MEMBER

Jaime Benitez, of Rio Piedras, Puerto Rico, appointed a public member and chairman of Industry Committee Nos. 31-C, 31-D, and 31-E by Administrative Order No. 483 (22 F. R. 3757), has resigned from these Committees.

The Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby designates Mr. John W. McConnell of Ithaca, New York, as chairman, and also hereby appoints Mr. David M. Helfeld of Rio Piedras, Puerto Rico to serve on Industry Committee Nos. 31-C, 31-D, and 31-E, as a representative of the public.

This order amends Administrative Order No. 483, as previously amended by Administrative Order No. 486.

Signed at Washington, D. C., this 18th day of July 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-6048; Filed, July 23, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12106; FCC 57-786]

TELEVISION BROADCAST STATIONS; BRAINERD-FAIRMONT-MANKATO, MINN.; ESTHERVILLE, IOWA

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations; Brainerd-Fairmont-Mankato, Minn.; Estherville, Iowa; Docket No. 12106.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration three conflicting petitions for amendment of § 3.606 *Table of assignments,* Television Broadcast Stations. The first was filed on May 3, 1957, and amended on May 22, 1957, by KNUJ, Inc., and requests that Channel 12 be assigned to Mankato, Minnesota, by substituting Channel 37 for Channel 12 at Brainerd, Minnesota, as follows:

City	Channel No.	
	Present	Proposed
Brainerd, Minn.	12	37
Mankato, Minn.	15—	12, 15—

The second was filed on May 28, 1957, by Minnowa Broadcasting Co. and requests that Channel 12 even be assigned to Fairmont, Minnesota, without any other changes in the Table except a change in the offset carrier requirement at Brainerd from 12 even to 12— and at Ironwood, Michigan, from 12— to 12+. The third request was filed on June 17, 1957 by Lee Radio, Inc., and requests that Chanel 12 be assigned to Estherville, Iowa, without any other changes in the Table. A reply and opposition to the Minnowa petition was filed by KNUJ, Inc., on June 25, 1957, and a reply and opposition to the Lee Radio petition was filed by this party on June 27, 1957.

3. In support of their requests petitioners urge that the proposals would conform to the rules; would provide a first local television service; and would provide a first service to substantial areas and populations.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data.

5. Any interested person who is of the view that the proposals herein should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 15, 1957, written data, views, or arguments setting forth his comments. Comments in support of the proposals may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established.

6. Authority for the adoption of the amendments proposed is contained in sections 1, 4 (i), and (j), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 18, 1957.

Released: July 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6035; Filed, July 23, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

AIR NAVIGATION FACILITIES WITHDRAWAL NO. 58-1

JULY 12, 1957.

By virtue of the authority vested in the Secretary, Department of the Interior, by section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 211-214) and pursuant to the authority delegated to the Director, Bureau of Land Management, of August 16, 1950, as amended, and redelegated by Order No. 541 of April 21, 1954 (19 F. R. 2473), as amended, it is ordered as follows:

Subject to valid existing rights, the following described revested Oregon and California Railroad grant lands in Lane County, are hereby withdrawn from all forms of appropriation under the public land laws, including mining and mineral leasing laws, except grazing leases and management and disposal of forest resources which shall remain under the administration of the Bureau of Land Management in conformity with the act of August 28, 1937 (50 Stat. 874), and reserved for use by the Civil Aeronautics Administration, Department of Commerce, as an air navigation facilities site.

WILLAMETTE MERIDIAN, OREGON

T. 15 S., R. 7 W.,
Sec. 7: Lots 11, 12, SW¼SE¼.

The area described aggregates 110.90 acres.

VIRGIL T. HEATH,
State Supervisor.

Notice for Filing Objections to Air Navigation Facilities Withdrawal No. 58-1

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain lands may file their objections in duplicate in the office of the State Supervisor, Bureau of Land Management, 1001 N. E. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon. In case objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced. Where a hearing is held, the opponents may state their views and the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination as to whether the order should be rescinded, modified, or let stand, will be given to all interested parties of record and the general public.

VIRGIL T. HEATH,
State Supervisor.

JULY 12, 1957.

[F. R. Doc. 57-6020; Filed, July 23, 1957; 8:46 a. m.]

Bureau of Reclamation

MARBLE CANYON PROJECT, ARIZONA AND UTAH

FIRST FORM RECLAMATION WITHDRAWAL

MARCH 14, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following described lands from public entry under

the first form of withdrawal as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SALT LAKE BASE AND MERIDIAN, UTAH

T. 41 S., R. 1 W.,
Sec. 20, Lot 1, E½, E½NW¼, SW¼NW¼, E½SW¼;
Sec. 29, E½, E½NW¼, NE¼SW¼;
Sec. 33, W½W½.
T. 42 S., R. 1 W.,
Sec. 4, Lots 3, 4, 5, 6 and 7, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 5, Lots 1 and 2, S½NE¼, E½SE¼;
Sec. 8, E½NE¼, E½SW¼, SE¼;
Sec. 9, Lots 1 to 6 incl., W½NE¼, E½W½, NW¼SE¼;
Sec. 17, E½NE¼, SE¼;
Sec. 20, E½E½;
Sec. 21, W½, S½SE¼;
Sec. 27, W½SW¼, SW¼SE¼;
Sec. 28, E½, NW¼, W½SW¼;
Sec. 29, E½NE¼, SW¼NW¼, S½;
Sec. 30, Lots 2, 3 and 4, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 31, all;
Sec. 33, NE¼, W½NW¼, E½SE¼;
Sec. 34, all;
Sec. 35, SW¼, W½SE¼.
T. 43 S., R. 1 W.,
Sec. 1, Lot 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 3, all;
Sec. 4, Lot 1, SE¼NE¼, SW¼, NE¼SE¼, S½SE¼;
Sec. 5, Lots 3 and 4, S½NW¼, NE¼SW¼, SE¼;
Sec. 6, Lots 1 and 2, S½NE¼;
Sec. 8, Lots 1, 2 and 5, SW¼NE¼;
Sec. 9, Lots 1 to 4 incl., S½N½, N½S½;
Sec. 10, all;
Sec. 11, Lots 1 to 4 incl., S½N½, SW¼;
Sec. 12, Lots 2, 3, and 4, SW¼NE¼, S½NW¼;
Sec. 14, W½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 15, E½, E½W½;
Sec. 22, N½NE¼;
Sec. 23, N½, NE¼SW¼, SE¼;
Sec. 24, W½;
Sec. 25, W½;
Sec. 26, NE¼, E½SE¼;
Sec. 33, SW¼NE¼, NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 35, E½E½.
T. 44 S., R. 1 W.,
Sec. 1, all;
Sec. 3, N½, N½S½;
Sec. 4, N½NE¼, SE¼NE¼;
Sec. 11, Lots 3 and 4, N½NE¼;
Sec. 12, all, unsurveyed.
T. 44 S., R. 1 E.,
Secs. 5, 6, 7 and 8, all.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 42 N., R. 5 E.,
Sec. 32, E½, unsurveyed;
Sec. 33, all, unsurveyed.

The above area aggregates approximately 17,255.89 acres.

E. G. NIELSEN,
Assistant Commissioner.

[74973]

JULY 18, 1957.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Marble Canyon Project, Arizona and Utah

MARCH 14, 1957.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the States of Arizona and Utah, for use in connection with the Marble Canyon Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 57-6022; Filed, July 23, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 157 (Amended), Revocation]

OFFICE OF STRATEGIC INFORMATION

REVOCATION NOTICE

JULY 1, 1957.

The material appearing in 20 F. R. 7233 is hereby revoked.

The Office of Strategic Information, as defined by Department Order No. 157 (amended) of August 23, 1955, in the Office of the Secretary of Commerce is hereby abolished.

The Office of the Assistant Secretary of Commerce for Administration shall make disposition of the personnel, funds, equipment and records of the Office of Strategic Information.

This order revokes Department Order No. 157 (amended) of August 23, 1955.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-6018; Filed, July 23, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[Notice 1 of Requirement of Certification—1957]

ENTRY OF SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

SUGAR REQUIREMENTS AND QUOTAS

Pursuant to § 817.4 of this part (13 F. R. 127; 14 F. R. 1169, 16 F. R. 12847), notice is hereby given that the direct-consumption portion of the 1957 sugar quota for Cuba, amounting to 375,000 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.4 of this part, after the close of business on July 23, 1957, and for the remainder of the calendar year 1957, Collectors of Customs shall not permit the entry into the continental United States from Cuba of any direct-consumption sugar unless and until the certification described in § 817.4 (a) is issued.

Issued this 19th day of July 1957.

[SEAL] THOS. H. ALLEN,
Acting Director,
Sugar Division,
Commodity Stabilization Service.

[F. R. Doc. 57-6041; Filed, July 23, 1957; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8681]

TRANS-ALASKAN AIRLINES, INC.; ENFORCEMENT CASE

NOTICE OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 42 issued to Trans-Alaskan Airlines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, and regulations thereunder, that a hearing in the above-entitled matter is assigned to be held on July 30, 1957, at 10:00 a. m., e. d. t., in Room 1011, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., July 19, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6045; Filed, July 23, 1957; 8:54 a. m.]

[Docket No. 8682]

SOURDOUGH AIR TRANSPORT

POSTPONEMENT OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 37 issued to Antone R. Johansen and Dorothy Johansen, d/b/a Sourdough Air Transport.

Notice is hereby given that the hearing in the above-entitled matter now assigned for July 24, 1957, has been postponed to August 14, 1957, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., July 19, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6047; Filed, July 23, 1957; 8:54 a. m.]

[Docket Nos. 8863, 8864]

AERONAVES DE MEXICO, S. A.

NOTICE OF HEARING

In the matter of the application of Aeronaves de Mexico, S. A. for a foreign air carrier permit to engage in foreign air transportation between the terminal points Mexico City, Mexico, and New York, New York, via the intermediate point Washington, D. C., Docket No. 8863.

In the matter of the application of Aeronaves de Mexico, S. A., for a foreign air carrier permit to engage in foreign air transportation between the terminal points Mexico City, Mexico and New Orleans, Louisiana via intermediate points in Mexico, Docket No. 8864.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled application is assigned for July 30, 1957, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Chief Examiner Francis W. Brown.

Dated at Washington, D. C., July 19, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6046; Filed, July 23, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10968 etc.; FCC 57M-705]

GREAT LAKES TELEVISION, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Great Lakes Television, Inc., Buffalo, New York, Docket No. 10968, File No. BPCT-1812; Leon Wyskatycki, d/b as Greater Erie Broadcasting Company, Buffalo, New York, Docket No. 10969, File No. BPCT-1827; WKBW-TV, Inc., Buffalo, New York, Docket No. 10970, File No. BPCT-1841; for construction permits for new television stations (Channel 7).

It is ordered, This 19th day of July 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which was directed by the Commission in its Memorandum Opinion and Order of July 18, 1957, and that the said hearing shall be held in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Wednesday, July 31, 1957.

Released: July 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6037; Filed, July 23, 1957; 8:52 a. m.]

[Docket No. 10968, etc.; FCC 57-772]

GREAT LAKES TELEVISION, INC., ET AL.

MEMORANDUM OPINION AND ORDER REOPENING HEARING RECORD

In re applications of Great Lakes Television, Inc., Buffalo, New York, Docket No. 10968, File No. BPCT-1812; Leon Wyszatycki, d/b as Greater Erie Broadcasting Company, Buffalo, New York, Docket No. 10969, File No. BPCT-1827; WKBW-TV, Inc., Buffalo, New York, Docket No. 10970, File No. BPCT-1841; for construction permits for new television stations (channel 7).

1. The Commission has before it for consideration (1) Joint Request for Official Notice filed by Greater Erie Broadcasting Company and Great Lakes Television, Inc. on September 11, 1956; (2) Opposition to Joint Request for Official Notice and Request for Alternative Relief filed by WKBW-TV on September 20, 1956; (3) Comment on Joint Request for Official Notice filed by the Broadcast Bureau on September 20, 1956; and (4) Reply to Opposition filed by Greater Erie Broadcasting and Great Lakes Television, Inc. on September 27, 1956.

2. These pleadings stem from the fact that the financial qualifications of WKBW-TV, which were at issue in this proceeding, are based in part on a bank loan, the availability of which is subject to the condition precedent of a network affiliation. The record discloses that WKBW-TV would satisfy this condition precedent through an affiliation with American Broadcasting Company, and in evidence thereof, presented an executory agreement whereby ABC agreed to affiliate with WKBW-TV in the event that applicant received the grant. The executory agreement, dated September 29, 1954, provides for the execution of the standard ABC affiliation contract no earlier than 90 days and no later than six months after WKBW-TV should receive a grant for the Buffalo, Channel 7, facility, the affiliation contract to expire no later than two years from the date of execution of the executory agreement (September 29, 1956). Thus, by its own terms, this agreement expired no later than September 29, 1956.

3. Great Lakes and Greater Erie allege that American Broadcasting Company has since the close of the record in this proceeding affiliated with station WGR-TV in Buffalo and that this fact is disclosed by copies of the ABC-WGR affiliation contract filed with the Commission in accordance with its Rules. We are asked to take official notice of our network files in order to ascertain the accuracy of the foregoing. Based on this allegation, petitioners contend that the ABC affiliation is no longer available to WKBW-TV, and it is, therefore, no longer able to meet the condition precedent to its bank loan, and can no longer establish itself as financially qualified to construct and operate its proposed station.

3a. In its opposition, WKBW-TV contends that the Commission must reach its decision on the basis of the record, and cannot go outside the record to take official notice of facts not disclosed therein. Alternatively, WKBW-TV requests that, in the event the Commission takes official notice of the ABC-WGR affiliation contract, the record in this proceeding be reopened in order to admit affidavits demonstrating that the bank no longer requires a network affiliation as a condition precedent to its loan.

4. In their reply to the opposition, Great Lakes and Greater Erie contend that by WKBW-TV's failure to controvert the fact of the ABC-WGR contract in its opposition, it has waived its right to do so in the record. They further argue that the alternative relief requested should be denied as an untimely attempt to amend its application.

5. In essence, we are here requested to take official notice of Commission records and to conclude therefrom that WKBW-TV, Inc. is financially disqualified. WKBW-TV, Inc. has, however, demanded its right to show the contrary. (Section 7 (d) Administrative Procedure Act.) Under these circumstances, the facts involved being material to our decision, the problem can be resolved only by reopening the record.

6. We turn now to WKBW's request to show, in a reopened record, that its financial qualifications are unaffected. Our policy prohibits an applicant in a comparative hearing from improving the comparative features of its proposal subsequent to the latest date at which our rules would allow amendment of its application. However, financial qualifications, like legal qualifications, constitute absolute rather than comparative features of an application. An applicant must establish his financial qualifications at the threshold of a proceeding, but once he has done so such qualifications will not be compared with the like qualifications of his competitors. (See Scripps Howard Radio, Inc. v. FCC 7 RR 2001.) Thus, we do not regard WKBW's request as being a belated attempt to improve its competitive position.

7. Although it is not our policy to permit applicants, who have failed in the hearing process to prove their financial qualifications, to amend their applications to cure the defect, we are not here confronted with such a situation. The Examiner found on the basis of the facts of record that at the time of this hearing WKBW-TV, Inc. was financially qualified. Events transpiring subsequent to the closing of the record, due largely to the passage of time and not within the control of the applicant, have served to cast doubt on the facts of record. We are not asked to permit WKBW-TV to show a new source of funds, but merely to show that the same funds are available from the same source with a restrictive condition of the loan removed. The form of the relief requested by WKBW-TV, however, would deny the other parties the right to cross-examine the witnesses presented to prove the present status of its bank loan or to offer evidence in rebuttal and, consequently, consideration of the affidavits submitted by WKBW-TV as requested must be denied. Nevertheless, WKBW-TV equitably should be afforded an opportunity to show the present availability of the loan in question.

Accordingly, it is ordered, That the Joint Request for Official Notice filed by Great Lakes and Greater Erie and the Request for Alternative Relief filed by WKBW-TV are denied.

It is further ordered, On the Commission's own motion, that the record in this proceeding be Reopened and the matter Remanded to the Hearing Examiner for

the limited purpose of (1) permitting amendment of the application of WKBW–TV to show the terms of its loan agreement, if any, with the Manufacturers and Traders Trust Co.; (2) taking evidence on the following issues:

(a) To determine whether there is presently outstanding an agreement of affiliation between WKBW–TV and American Broadcasting Company which would satisfy the requirements of the loan commitment of the Manufacturers and Traders Trust Co.; and

(b) In the event of a negative finding on issue (a) above, to determine whether WKBW–TV presently has a loan commitment from the Manufacturers and Traders Trust Co. adequate to establish, in conjunction with other matters of record herein, the financial qualifications of WKBW–TV to construct and operate its proposed station; and

(3) the issuance of a supplement to the Initial Decision restricted to such issues; and

It is further ordered, That the further hearing required herein be held as expeditiously as possible.

Adopted: July 18, 1957.

Released: July 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–6036; Filed, July 23, 1957; 8:52 a. m.]

[Docket No. 12089, 12090; FCC 57M–704]

PORT CITY TELEVISION CO., INC., AND BAYOU BROADCASTING CORP.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Port City Television Company, Inc., Baton Rouge, Louisiana, Docket No. 12089, File No. BPCT–2262; for construction permit for new television broadcast station; Bayou Broadcasting Corporation, Baton Rouge, Louisiana, Docket No. 12090, File No. BMPCT–4417; for modification of construction permit for new television broadcast station.

It is ordered, This 18th day of July 1957, that a prehearing conference, in accordance with § 1.813 of the rules, will be held in the above-entitled matter at 11:00 a. m., July 25, 1957, in the Commission's offices at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–6038; Filed, July 23, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–10739, etc.]

ATLANTIC REFINING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 18, 1957.

In the matters of The Atlantic Refining Company, Docket No. G–10739; Wilcox Trend Gathering System, Inc., Docket Nos. G–10840, G–11782; Robert Mosbacher, Operator, et al., Docket No. G–11681; Edwin W. Pauley, Docket No. G–12481.

Take notice that on July 31, 1956, Wilcox Trend Gathering System, Inc. (Wilcox), a Delaware corporation having its principal place of business at Houston, Texas, filed at Docket No. G–10840 an application for a certificate of public convenience and necessity, as supplemented October 23, and December 27, 1956, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of two supply laterals and appurtenances to be installed in the Tulsita-Wilcox Field, Bee County, Texas, and the Chicolete Creek Field, Lavaca and Jackson Counties, Texas, in order to receive natural gas to be purchased from The Atlantic Refining Company (Atlantic), pursuant to a 20-year gas sales contract dated March 1, 1956, between Wilcox and Atlantic. Said contract will be assigned by Wilcox to Texas Eastern Transmission Corporation (Texas Eastern), as buyer.

Wilcox proposes the following facilities:

(a) Approximately 1.42 miles of 3½-inch O. D. supply lateral pipeline extending from Atlantic's G. L. Courtney No. 10–B well in the Tulsita-Wilcox Field to a point of connection with Wilcox's existing 14-inch main transmission line at Milepost 85.6 in Bee County, Texas, together with a meter station and appurtenant equipment. Estimated cost is $17,800.

(b) Approximately 2.52 miles of 4½-inch O. D. supply lateral pipeline extending from Atlantic's Neuhaus No. 1 well in the Chicolete Creek Field to a point of connection with Wilcox's existing 16-inch main transmission line at Milepost 22.4 in Lavaca County, Texas, together with a meter station and appurtenant equipment. Estimated cost is $33,800.

The estimated total cost of $51,600 for the above proposed facilities is to be financed from corporate funds.

Also take notice that on January 24, 1957, Wilcox filed in Docket No. G–11782 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following supply lateral pipelines with appurtenances, in Goliad County, Texas:

(a) Approximately 1.44 miles of 3½-inch O. D. pipeline, together with a meter station, to extend from a point of connection on Wilcox's existing Melrose Field lateral to a point in the Poehler Field, in order to receive natural gas produced by Atlantic and Edwin W. Pauley (Pauley) from the Bluntzer No. 1–B well in said Poehler Field. Atlantic operates the well.

(b) Approximately 1.33 miles of 3½-inch O. D. pipeline, together with a meter station, to extend from a point of connection on Wilcox's existing Weesatche Field lateral to a point in the East Poehler Field, in order to receive natural gas produced by Robert Mosbacher, Operator (Mosbacher), et al., from the Henry J. Koenig No. 1 well in said East Poehler Field.

(c) Approximately 1.44 miles of 6⅝-inch O. D. pipeline partially looping Wilcox's existing 3-inch West Weesatche Field lateral from Milepost 0.01 to Milepost 1.43 to increase the capacity of said lateral in order to transport the additional volumes of gas which will become available from the Poehler and East Poehler Fields. Facilities described in (a) and (c) above will be interconnected to the West Weesacte lateral through other existing lines.

Wilcox states that the estimated total initial cost of the above proposed facilities is approximately $64,300, which cost is to be financed from corporate funds.

On July 12, 1956, Atlantic filed in Docket No. G–10739 an application for a certificate of public convenience and necessity, as amended December 12, 1956, covering the above sales of gas to Texas Eastern, assignee of Wilcox, under the aforesaid sales contract dated March 1, 1956, as amended. In addition to the above Tulsita-Wilcox, Chicolete Creek and Poehler Fields, said sales contract, as amended, includes acreage from six other fields, namely, the West George West Field, Live Oak County, Texas; in McMullen County, Texas, the Baker-Wilcox, Loma Alta and Rhode Ranch Fields; and in De Witt County, Texas, the Meyersville and Koenig Fields. Wilcox did not apply in its instant docket for facilities to take gas from these later six fields as such fields are already connected to Wilcox's existing facilities authorized at Docket Nos. G–1959 and G–2208.

In addition to Atlantic the following related independent producer applications have been filed:

Docket No.	Applicant	Date filed	Contract date
G–11681	Robert Mosbacher, Operator, et al	Dec. 28, 1956	Nov. 28, 1956
G–12481	Edwin W. Pauley	Apr. 25, 1957	Feb. 1, 1956

Mosbacher, as Operator, is filing for itself and also for W. T. Mendell, a co-owner (10 percent) and signatory seller party with Mosbacher (90 percent) of the acreage in East Poehler Field involved herein.

Pauley has excuted his own contract, dated Februray 1, 1956, for the sale of his interest in the gas to be sold in the Poehler Field and states that Atlantic is the operator of the well.

Proposed deliveries from the Poehler and East Poehler Fields will be made at the meter stations to be installed by Wilcox as proposed herein. Proposed deliveries from the Meyersville and Koenig Fields will be made in the respective fields.

Producers' facilities consist of customary lease equipment.

Wilcox further states that it will transport the gas received from Producer Applicants for redelivery to Texas Eastern at Provident City, Texas, and that Texas Eastern will transport the subject gas in interstate commerce for resale.

Said applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 20, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–6025; Filed, July 23, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1091]

IRA HAUPT & CO.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION FOR EXEMPTION FROM REQUIREMENT THAT UNIT INVESTMENT TRUST ISSUE REDEEMABLE SECURITIES

JULY 17, 1957.

In the matter of Ira Haupt & Co. (Municipal Investment Trust Fund, Series A), (File No. 812–1091).

Notice is hereby given that Ira Haupt & Co., a registered broker-dealer and sponsor and depositor of the Municipal Investment Trust Fund, Series A, ("the Trust") a registered unit investment trust fund, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("the act") for exemption from the provisions of sections 2 (a) (31), 4 (2) and 22 (e) of the act to the extent that these sections require the securities issued by the Trust to be redeemable either by the Trust or a person designated by the Trust as its agent. Applicant also seeks the same exemption with respect to any other unit investment trust fund established in the future by applicant under a trust agreement substantially identical in terms with the trust agreement hereinafter summarized.

The Trust was established April 29, 1957 by a trust indenture and agreement entered into between the depositor and Guaranty Trust Company of New York, as trustee. Pursuant to the trust agreement the depositor will deposit with the trustee $5,000,000 principal amount of bonds, the interest income on which will be exempt from Federal income taxes, and will receive certificates representing 5,000 units representing undivided fractional interests in the trust fund. These certificates will be sold by the depositor to an underwriting group to be formed for the purpose of their public distribution. The price to the public of a unit will be approximately its current net asset value as determined by the depositor plus an underwriting commission of 4.166 percent of such value.

The trust agreement provides that as the bonds which were originally deposited are redeemed, matured or otherwise liquidated the proceeds will be distributed annually, and there will be no reinvestment nor substitution of securities except in certain refundings. The depositor will determine which bonds shall be sold from time to time upon the happening of certain specified events or for the purpose of redeeming outstanding certificates which the depositor has repurchased.

The trust agreement also provides that the depositor will repurchase the certificates from the holders and has the right, at its election, to either resell the same or present the same to the trustee for redemption. The price at which certificates are repurchased will be determined by the depositor on the last business day of the week in which certificates are presented for repurchase, and payment will be made on the next business day. The price at which the certificate will be redeemed by the Trust will be determined by the depositor on the day in which it is presented to the Trust for redemption, which date may not be more than four days after the repurchase date. Both the repurchase and redemption prices are to be determined by the depositor on the basis, among other things, of the bid prices for the underlying bonds on the date of repurchase or redemption. If the depositor refuses to repurchase a certificate the trustee is required within sixty days after notice of such refusal to appoint a successor depositor, and pending such appointment the trustee shall act in the capacity of the depositor. If the trustee is unable to appoint a successor depositor it is required to liquidate the Trust.

The Commissioner of Internal Revenue has ruled that the Trust will not constitute an association taxable as a corporation for Federal income tax purposes, and interest on the deposited bonds which is exempt from Federal income tax will not constitute taxable income to the Trustee or to the certificate holders.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to section 6 (c);

It is ordered, Pursuant to section 40 (a) of the act, that a hearing on the aforesaid application under the applicable provisions of the act and of the rules of the Commission thereunder be held on the 5th day of August 1957, at 10:00 a. m., in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice on or before the date provided in that rule, setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That William W. Swift, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the certificates issued by the Trust are redeemable securities within the meaning of section 2 (a) (31) of the act if the depositor in the repurchase of the same is not acting as an agent of the Trust, and there is no absolute right in the certificate holder to present the same to the Trustee for redemption.

(2) Whether, if the certificates issued by the Trust are not redeemable securities, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act to exempt the trust from the provisions of section 4 (2) (C) of the act requiring a unit investment trust to issue only redeemable securities.

(3) Whether, if the certificates issued by the Trust are redeemable securities, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act to exempt the Trust from the provisions of section 22 (e) of the act prohibiting the Trust from suspending the right of redemption or postponing the date of payment or satisfaction upon redemption of the certificates for more than seven days after the tender of the certificates to the Trust or its agent designated for that purpose for redemption.

(4) Whether, in connection with the granting of an exemption from the provisions of section 4 (1) or 22 (e) of the act, the Commission should impose con-

ditions and if so, the nature of such conditions.

(5) Whether, to the extent the application seeks exemption from sections 4 (2) and 22 (e) of the act for any other unit investment trust hereafter established by the applicant as depositor, the application should be dismissed.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Ira Haupt & Co. and Guaranty Trust Company of New York and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6016; Filed, July 23, 1957; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 19, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2306 (Deviation No. 1), STRICKLAND MOTOR FREIGHT LINES, INC., 3011 Gulden, P. O. Box 5689, Dallas, Texas, accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Cleveland, Ohio and Newark, N. J., as follows: from Cleveland over the Ohio Turnpike, Pennsylvania Turnpike, and New Jersey Turnpike to Newark and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Cleveland and Newark over the following routes: from Cleveland over Ohio Highway 84 to junction Ohio Highway No. 46, thence Ohio Highway No. 46 to Ashtabula, Ohio, thence U. S. Highway No. 20 to junction New York Highway No. 78, thence New York Highway No. 78 to junction New York Highway No. 33, thence New York Highway No. 33 to Batavia, New York, thence New York Highway No. 5 to Albany, New York, thence New York Highway No. 9J to Junction U. S. Highway No. 9, thence U. S. Highway No. 9 to Newark, New Jersey, and return over the same routes.

No. MC-2894 (Deviation No. 1), RED STAR TRANSIT COMPANY, INC., 7950 Dix Avenue, Detroit 9, Mich., accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Toledo, Ohio and junction of U. S. Highways 24 and 24-A, as follows: from Toledo over U. S. Highway 24-A to its junction with U. S. Highway 24 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Toledo, Ohio and the junction of U. S. Highways 24 and 24-A over U. S. Highway 24.

No. MC-8902 (Deviation No. 1), THE WESTERN EXPRESS COMPANY, 1277 East 40th Street, Cleveland 14, Ohio, accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, between Interchange No. 1 and Interchange No. 12, over the Massachusetts Turnpike and various access routes as a deviation route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from the Massachusetts-New York State line over U. S. Highway 20 to Boston, Mass.; from Pittsfield, Mass., over Massachusetts Highway 9 to Boston, Mass.; from junction Massachusetts Highway 41 and U. S. Highway 20 over Massachusetts Highway 41 to junction Massachusetts Highway 102, thence over Massachusetts Highway 102 to junction U. S. Highway 20, and return over these routes.

No. MC-10928 (Deviation No. 1), SOUTHERN-PLAZA EXPRESS, INC., P. O. Box 837, Dallas 21, Texas, filed July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Joplin, Mo., as follows: from Tulsa over the Will Rogers Turnpike to Joplin, Mo. and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Tulsa, Okla., and Joplin, Mo., over U. S. Highway 66.

No. MC-15214 (Deviation No. 1), MERCURY MOTORWAYS, INC., 947 Louise Street, South Bend, Ind., accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction Michigan Highway 205 and U. S. Highway 112, and junction Indiana Highway 212 and U. S. Highway 20, as follows: from the junction of Michigan Highway 205 and U. S. Highway 112 over U. S. Highway 112 to Niles, Mich., thence over U. S. Highway 112 and Michigan Highway M-60 to New Buffalo, Mich., thence over U. S. Highway 12 to Indiana Highway 212, thence over Indiana Highway 212 to U. S. Highway 20, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the above described commodities between the same points over the following pertinent routes: from Chicago over U. S. Highway 12 to Michigan City, Ind., thence over U. S. Highway 35 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., and thence over U. S. Highway 33 to Elkhart; from South Bend over U. S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 120 to Bristol, Ind., (also from South Bend over U. S. Highway 20 to junction Indiana Highway 112, thence over Indiana Highway 112 to Elkhart, Ind., thence over Indiana Highway 120 to Bristol), thence over Indiana Highway 15 to junction U. S. Highway 131, thence over U. S. Highway 131 to Mottville, Mich., and thence over U. S. Highway 112 to Detroit, and return over the same routes.

No. MC-31389 (Deviation No. 1), McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N. C., accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Albany, N. Y., and Suffern, N. Y. as follows: from Albany over the New York State Thruway to Suffern, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Albany over U. S. Highway 9 to New York; from Albany over U. S. Highway 9W to Newburgh, N. Y., thence over New York Highway 32 to junction New York Highway 17, thence over New York Highway 17 to New York-New Jersey State Line, thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U. S. Highway 1, thence over U. S. Highway 1 to Newark, and return over the same routes.

No. MC 42329 (Deviation No. 1), HAYES FREIGHT LINES, INC., 39 South La Salle Street, Chicago 3, Ill., accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Memphis, Tenn., and St. Louis, Mo., as follows: from Memphis over U. S. Highway 61 to junction with Missouri Highway 25 at or near Cape Girardeau, Mo., thence over Missouri Highway 25 to junction U. S. Highway 61 at or near Festus, Mo., and thence over U. S. Highway 61 to St. Louis and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Memphis, Tenn., and St. Louis, Mo., over a route which passes near or through East Cairo and East St. Louis, Ill., over U. S. Highway 51 and Illinois Highway 3.

No. MC 44592 Sub 1 (Deviation No. 1), MIDDLE ATLANTIC TRANSPORTATION CO., INC., 10720 Memphis Avenue, Cleveland 9, Ohio, accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Harrisburg, Pa., and Pittsburgh, Pa., as follows: from Harrisburg over U. S. Highway 11 to Chambersburg, Pa., thence over U. S. Highway 30 to Pittsburgh, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Harrisburg, Pa., and Pittsburgh, Pa., over U. S. Highway 22 via Amity Hall and Ebensburg, Pa.

No. MC 59625 (Deviation No. 1), DELAWARE TRUCKING COMPANY, INC., 301 West Seymour Street, Muncie, Ind., filed July 17, 1957. Attorney for said carrier, Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. Carrier proposes to operate as a *common carrier* of *various commodities* over a deviation route between Muncie, Ind., and Detroit, Mich., as follows: from Muncie, Ind., over Indiana Highway 3 to Fort Wayne, thence over U. S. Highway 27 to its junction with U. S. Highway 112 at or near Coldwater, Mich., thence over U. S. Highway 112 to Detroit, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Muncie, Ind., and Detroit, Mich., over the following pertinent route: from Muncie, Ind., over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to St. Marys, Ohio, thence over U. S. Highway 33 to Wapakoneta, Ohio, and return over U. S. Highway 25 via Toledo, Ohio, to Detroit, and return over the same route.

No. MC-74721 (Deviation No. 1) MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio, accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, between Philadelphia, Pa., and Wilkes-Barre, Pa., over the Northern Extension of the Pennsylvania Turnpike and various access highways, as a deviation route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Lewistown over U. S. Highway 522 to junction U. S. Highway 11, thence over U. S. Highway 11 to Scranton, Pa. and thence over U. S. Highway 611 to Easton; from Philadelphia over U. S. Highway 611 to Easton, and return over the same routes.

No. MC-105957 (Deviation No. 1), DELTA MOTOR LINE, INC., P. O. Box 8367, Battlefield Station, Jackson 4, Mich., accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Jackson, Miss., and New Orleans, La., as follows: from Jackson over U. S. Highway 49 to junction Mississippi Highway 13, near Mendenhall, Miss.; thence over Mississippi Highway 13 to Columbia, Miss.; thence over Mississippi Highway 35 to the Mississippi-Louisiana State Line; thence over Louisiana Highway 21 to Covington, La.; thence over U. S. Highway 190 to approaches to the Lake Pontchartrain Causeway (Bridge) near Mandeville, La.; thence via said approachways and via Lake Pontchartrain Causeway (Bridge) over Lake Pontchartrain to unnumbered approaches and highways extending from southern end of Lake Pontchartrain Causeway (Bridge) to intersection with U. S. Highway 61 near New Orleans, La.; thence over U. S. Highway 61 to New Orleans and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Jackson, Miss. and New Orleans, La. over U. S. Highway 51.

MOTOR CARRIERS OF PASSENGERS

No. MC-1501 (Deviation No. 1), THE GREYHOUND CORPORATION (EASTERN GREYHOUND LINES), 2600 Hamilton Avenue, Cleveland 14, Ohio, accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route as follows: from the junction of U. S. Highway 20 and the Massachusetts Turnpike at Interchange No. 2 (Lee Interchange) via the Massachusetts Turnpike to the eastern terminus of the Massachusetts Turnpike at Interchange No. 14 near Weston, Mass.; also from Springfield, Mass. via access streets and access road to Interchange No. 6 of the Massachusetts Turnpike (Indian Orchard Interchange); also from junction U. S. Highway 20 and Massachusetts State Highway No. 15 near Sturbridge, Mass. via Massachusetts State Highway No. 15 to Interchange No. 9 of the Massachusetts Turnpike (Route 15 extension Interchange) and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from the junction of U. S. Highway 1 and Massachusetts Highway 128 over Massachusetts Highway 128 to junction Massachusetts Highway 37; from Boston, Mass. over U. S. Highway 20 via Worcester, Mass. to Springfield, Mass. (also Boston over Massachusetts Highway 9 to Worcester); from Worcester over Massachusetts Highway 12 to junction U. S. Highway 20, thence over U. S. Highway 20 via Charlton City, Mass. to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 via Sturbridge to the Massachusetts-Connecticut State Line; from Boston over Massachusetts Highway 9 to Worcester, Mass. (also from Boston over U. S. Highway 20 via Northboro, Mass., to junction unnumbered highway at a point approximately one mile southwest of Northboro, Mass., thence over unnumbered highway via Shrewsbury, Mass., to junction Massachusetts Highway 9 at a point approximately three miles east of Worcester, Mass., thence as specified above to Worcester), thence over Massachusetts Highway 12 to junction U. S. Highway 20, thence over U. S. Highway 20 via Fiskdale, Mass., to Springfield, Mass., thence over Massachusetts Highway 116 to Holyoke, Mass., thence over U. S. Highway 202 to junction U. S. Highway 5, thence over U. S. Highway 5 to Northampton, Mass., thence over Massachusetts Highway 9 to Pittsfield, Mass. (also from Springfield, Mass. over U. S. Highway 20 via West Springfield, Mass., to Pittsfield, Mass.; also from West Springfield, Mass. over U. S. Highway 5 to junction U. S. Highway 202 west of Holyoke, Mass.), thence over U. S. Highway 20 to Albany, N. Y.; and return over these routes.

No. MC-1501 (Deviation No. 2), GREYHOUND CORPORATION (EASTERN GREYHOUND LINES), 2600 Hamilton Avenue, Cleveland 14, Ohio, accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* between Philadelphia, Pa., and Wilkes-Barre, Pa., over the Northeastern Extension of the Pennsylvania Turnpike and various access roads, as a deviation route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from Baltimore over U. S. Highway 1 to Lansdowne, Pa., thence over unnumbered highway to Philadelphia, Pa., thence over U. S. Highway 611 via East Stroudsburg and Stroudsburg, Pa., to Daleville, Pa.; thence over Pennsylvania Highway 502 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to Scranton, Pa., and thence over U. S. Highway 11 to Northumberland; from Swiftwater over Pennsylvania Highway 940 to Blakeslee, Pa., thence over Pennsylvania Highway 115 to Kingston; from Blakeslee Corners over Pennsylvania Highway 115 to Saylorsburg, Pa., thence over Pennsylvania Highway 12 to Stockertown, Pa., and thence over Pennsylvania Highway 115 to Easton; from Bartonsville over Pennsylvania Highway 12 to Saylorsburg; from Wilkes-Barre over unnumbered highway to Pittston; from Dupont over Pennsylvania Highway 315 to Wilkes-Barre; from East Stroudsburg over U. S. Highway 209 to junction Pennsylvania Highway 196 (formerly Pennsylvania Highway 190) thence over Pennsylvania Highway 196 to junction Pennsylvania Highway 90, thence over Pennsylvania Highway 90 to Paradise

Valley, Pa., thence over Pennsylvania Highway 196 (formerly Pennsylvania Highway 615) to Mt. Pocono; from junction New U. S. Highway 611 and Old U. S. Highway 611 over New U. S. Highway 611 to junction Old U. S. Highway 611; and return over the same routes.

No. MC–2890 (Deviation No. 1), AMERICAN BUSLINES, INC., 1341 P Street, Lincoln 8, Nebr., accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* between the Indiana-Illinois State line near West Point Interchange, Ind. and South Bend Interchange, Ind. over Northern Indiana Toll Road and various approaches, for operating convenience only serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Chicago, Ill., and South Bend, Ind. over a route described as follows: from Chicago over U. S. Highway 41 to Hammond, Ind., (also from Chicago over city streets via Calumet City, Ill., to Hammond), thence over U. S. Highway 20 via Gary, Ind. to junction U. S. Highway 421 (formerly Indiana Highway 43), thence over U. S. Highway 421 to Michigan City, Ind., thence over Indiana Highway 29 to junction U. S. Highway 20, thence over U. S. Highway 20 to South Bend, Ind.

No. MC–2890 (Deviation No. 2), AMERICAN BUSLINES, INC., 1341 P Street, Lincoln, Nebr., accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* between Dallas, Texas, and Fort Worth, Texas over the Dallas-Fort Worth Turnpike as a deviation route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Dallas and Fort Worth over U. S. Highway 80.

No. MC–107586 (Deviation No. 1), CONTINENTAL BUS SYSTEM, INC. (CONTINENTAL TRAILWAYS), 315 Continental Avenue, Dallas, Texas, accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Dallas and Fort Worth over U. S. Highway 7 and Texas Highways 183, 356 and 121.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–6033; Filed, July 23, 1957; 8:51 a. m.]

[Notice 174]

MOTOR CARRIER APPLICATIONS

JULY 19, 1957.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time (or 9:30 o'clock a. m., Local Daylight Saving Time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 18738 (Sub No. 24), filed July 8, 1957, SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago 27, Ill. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Inselrock* and *concrete slabs*, from North Judson, Ind., to points in Ohio, Illinois, those in the lower peninsula of Michigan, St. Louis, Mo., and Louisville, Ky., and *damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct similar operations in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio.

HEARING: July 26, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Lacy W. Hinely.

No. MC 31820 (Sub No. 25), filed June 3, 1957, (Amended), AUTOMOTIVE CONVEYING CO. OF NEW JERSEY, INC., P. O. Box 595, Mahwah, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passenger automobiles and trucks, passenger automobile and truck chassis*, in initial movements, in truckaway and driveaway service, from Mahwah, N. J., to St. Louis, Mo., and points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, and Wisconsin. Applicant is authorized to transport similar commodities in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: September 10, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 43038 (Sub No. 404), filed July 1, 1957, COMMERCIAL CARRIERS, INC., 3399 E. McNichols Road, Detroit 12, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service, from the site of the Cadillac Motor Car Division of General Motors Corporation in Detroit, Mich., to all points in Texas. Applicant is authorized to conduct similar operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 27, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 57932 (Sub No. 4), filed June 18, 1957, NORTH SHORE TRANSPORTATION CO., INC., 121–06 Merrill Street, Jamaica 34, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cast iron* and *steel pipe* and *fittings*, between points in the New York, N. Y., Commercial Zone as defined by the Commission in 1 M. C. C. 665 on the one hand, and, on the other, points in Westchester County, N. Y. Applicant is authorized to conduct operations in New York and New Jersey.

HEARING: September 20, 1957, at the New York Public Service Commission, 199 Church Street, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 59336 (Sub No. 15), filed July 15, 1957, U. S. TRUCK COMPANY, INC., 2290 24th Street, Detroit, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Enrico Fermi Atomic Energy Plant, located in Frenchtown Township, Monroe County, Mich., as an off-route point in connection with applicant's authorized regular route operations between Detroit, Mich., and Toledo, Ohio. Applicant is authorized to transport similar commodities in Michigan and Ohio.

HEARING: July 31, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 73905 (Sub No. 2), filed June 14, 1957, CIRILO FLETCHER and ELIZABETH FLETCHER, a partnership, doing business as CITCHER TRANSPORTATION COMPANY, 784 Fulton Street, Brooklyn, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Furniture*, between New York, N. Y., on the one hand, and, on the other, points in New Jersey, Connecticut, Massachusetts and Pennsylvania, and points in New York within 50 miles of New York, N. Y.

NOTE: Applicant states the purpose of this application is to remove the modification "uncrated" from the commodity description in existing authority. Applicant is authorized to transport furniture in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania.

HEARING: September 11, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 74164 (Sub No. 3), filed April 2, 1957, WEST FARMS EXPRESS, INC., 3622 Park Avenue, Bronx, N. Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New York, N. Y., on the one hand, and, on the other, points in Westchester County, N. Y.

HEARING: September 5, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 109708 (Sub No. 6), filed June 26, 1957, ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 3820 Lewin Avenue, Baltimore, Md. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tallow* and *grease*, from Reckord (Harford County), Md., to Wilmington and Delmar, Del., and Philadelphia, Pa.

HEARING: September 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 199.

No. MC 110525 (Sub No. 337), filed June 28, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, between Toledo, Ohio, on the one hand, and, on the other, points in Brooke and Monongalia Counties, W. Va., Monroe and Erie Counties, N. Y., and Allegheny, Beaver and Washington Counties, Pa. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 112206 (Sub No. 4), filed June 19, 1957, STAPLE TRUCKING SERVICE, INC., 102 Junius Street, Brooklyn 12, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise* as is dealt in by manufacturers or distributors of electronic and electrical products and devices and household appliances, and *equipment, materials and supplies* used or useful in the manufacture, sale and distribution of such commodities, between points in Clark Township, Newark and Rockaway, N. J. and points in the New York, N. Y., Commercial Zone as defined by the Commission in 1 M. C. C. 665 and those in Nassau and Westchester Counties, N. Y. Applicant is authorized to conduct operations in New York and New Jersey.

HEARING: September 23, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 114711 (Sub No. 1), filed June 24, 1957, FRANK SASLOVSKY, doing business as ASSOCIATED CARRIAGE SERVICE, 1465 38th Street, Brooklyn 18, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Crated and uncrated baby carriages and baby furniture*, from New York, N. Y. to points in New Jersey within 60 miles of New York, N. Y., *damaged and returned shipments of the named commodities* on return. Applicant now holds authority in Permit No. MC 114711 to transport uncrated baby carriages within the same territory. All duplicating authority will be eliminated.

HEARING: September 25, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 115537, filed August 23, 1955, (REOPENED FOR FURTHER HEARING), LOUIS PALADINO, 44 Blackford Ave., Yonkers, N. Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Homing pigeons*, in seasonal operations during the period between March 1st and October 31st of each year, both inclusive, between New York, N. Y., points in Westchester County, N. Y., and points in Fairfield County, Conn., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Somerset and Union Counties, N. J., and New York, N. Y.

FURTHER HEARING: September 9, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 115791 (Sub No. 1), filed June 17, 1957, WILLIAM SFORZA, FRANK SFORZA AND MICHAEL J. SFORZA, a Partnership, doing business as SFORZA BROTHERS TRANSPORTATION COMPANY, 1143 Sackett Avenue, Bronx 61, N. Y. Applicant's attorney: Evan Howell, 839 17th Street NW., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fuel oil and asphalt*, in bulk, in tank vehicles, from Perth Amboy and Linden, N. J., to New York, N. Y., and points in Nassau and Suffolk Counties, N. Y.

HEARING: September 12, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 116179 (Sub No. 1), filed June 7, 1957, ANDREW KOMAR, doing business as KOMAR'S TRUCKING, R. D. 2, Box 164c, Bound Brook, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery for the manufacture of corrugated boxes*, from Linden, N. J., to points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Ohio and Pennsylvania. *Returned and rejected machinery for the manufacture of corrugated boxes*, on return.

HEARING: September 19, 1957, at the U. S. Court Rooms, Newark, N. J., before Examiner Robert A. Joyner.

No. MC 116410 (Sub No. 2), filed June 28, 1957, R. W. BRADSHAW TRANSFER, Hudson, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rough and dressed lumber*, between points in North Carolina, Pennsylvania, West Virginia, Virginia, Kentucky, Ohio and Indiana. Applicant is authorized to conduct operations in Ohio, North Carolina, District of Columbia, Maryland, West Virginia, Pennsylvania, South Carolina, Georgia, Tennessee, and Kentucky.

HEARING: September 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 116721, filed June 10, 1957, BIG T TRUCKING CORP., 6102 20th Avenue, Brooklyn, N. Y. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sewer pipe* and *sewer pipe fittings*, from Liverpool, Palmyra and Uhrichsville, Ohio, to Glendale, Long Island, N. Y., and *damaged and rejected shipments* of the above-specified commodities on return movements.

HEARING: September 5, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 116733, filed June 12, 1957, EDWARD HAGMANN AND EDWARD C. HAGMANN, a Partnership, doing business as HAGMANN TRUCKING CO., Ryerson Road, Lincoln Park, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6. N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Machinery*, and *machinery parts*, between points in Morris, Passaic, Bergen, Essex, and Union Counties, N. J., on the one hand, and, on the other, points in New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and Delaware.

HEARING: September 6, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 116759, filed June 20, 1957, EUGENE POTTS, Fox Hollow Road, R. D. 2, Williamsport, Pa. Applicant's representative: Lester L. Greevy, 29 West Fourth Street, Williamsport, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Steel castings, patterns* and *machinery*, between Williamsport, Pa., on the one hand, and, on the other, Lynchburg, Va., Atlantic City, N. J., and Binghamton and Buffalo, N. Y.

NOTE: Applicant states the commodities specified are to be transported for Darling Valve & Manufacturing Co.

HEARING: September 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 116770, filed June 24, 1957, ACTIVE CARTAGE LIMITED, 230 Eastern Avenue, Toronto, Ontario, Canada. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Steel*, moving on pole-trailer equipment, between Lackawanna, N. Y. and ports of entry on the international boundary line between the United States and Canada at or near Buffalo and Niagara Falls, N. Y.

HEARING: September 24, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 116801, filed July 8, 1957, S. H. GILBERT, doing business as S. H. GILBERT TRUCK LINE, 725 Caldwell, Corbin, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Bell, Harlan and Knox Counties, Ky., to points in Ohio.

HEARING: September 13, 1957, at the U. S. Court Rooms, Louisville, Ky., before Joint Board No. 37, or if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 116786, filed July 1, 1957, PAUL A. PEDERSON, P. O. Box 417, Chester, Va. Applicant's attorney: Garland M. Harwood, Jr., State Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Radio-active materials*, in special containers, between points in the United States.

HEARING: September 26, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 216), filed June 26, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, General Solictor, Public Service Coordinated Transport (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between Wayne Township, N. J., and Oakland, N. J., serving all intermediate points, from junction Ratzer Road and Oakwood Drive in Wayne, N. J., over Ratzer Road to junction Black Oak Ridge Road and New Jersey Highway 23, thence over Black Oak Ridge Road to junction Paterson-Hamburg Turnpike, thence over Paterson-Hamburg Turnpike to junction Wanaque Avenue in Pompton Lakes, N. J., thence over Wanaque Avenue to junction Colfax Avenue, thence over Colfax Avenue to junction West Oakland Avenue in Oakland, N. J., thence over West Oakland Avenue to junction Ramapo Valley Road, thence over Ramapo Valley Road to junction Franklin Avenue, thence over Franklin Avenue to junction Rutgers Drive, thence over Rutgers Drive to junction Harvard Way, thence over Harvard Way to junction Princeton Terrace, thence over Princeton Terrace to junction Rutgers Drive in Oakland, N. J., and return over the same route to junction Colfax Avenue and Lakeside Avenue in Pompton Lakes, N. J., thence over Lakeside Avenue to junction Wanaque Avenue, thence over Wanaque Avenue to junction Colfax Avenue and thence over the same route to junction Ratzer Road at Oakwood Drive in Wayne, N. J. (2) between junction Ratzer Road and Church Lane and junction Paterson-Hamburg Turnpike and Black Oak Ridge Road, Wayne Township, N. J., from junction Ratzer Road and Church Lane over Church Lane to junction Paterson-Hamburg Turnpike, thence over Paterson-Hamburg Turnpike to junction Black Oak Ridge Road, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in New Jersey and New York.

HEARING: October 7, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 52980 (Sub No. 11), filed April 5, 1957, ROYAL BLUE COACHES, INC., 8 Main Street, Clinton, N. J. Applicant's attorney: Paul F. Barnes, 225 South 15th Street Philadelphia 2, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Allentown, Pa., and Hammonton and Bordentown, N. J.: (a) from Allentown, over U. S. Highway 309 to junction Pennsylvania Highway 73, thence over Pennsylvania Highway 73 to the Pennsylvania-New Jersey State line, thence over New Jersey Highway 73 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 206 (Hammonton), and return over the same route, serving no intermediate points, and (b) from Allentown, Pa., over U. S. Highway 22 to junction North-South Pennsylvania Turnpike, thence over the North-South Pennsylvania Turnpike to junction of West-East Pennsylvania Turnpike, thence over the West-East Pennsylvania Turnpike to junction of New Jersey Turnpike, thence over the New Jersey Turnpike to junction of U. S. Highway 206 (Bordentown), and return over the same route, serving no intermediate points. Applicant is authorized to conduct similar operations in Pennsylvania, New York, and New Jersey.

HEARING: September 13, 1957, at the New Jersey Board of Public Utility Commissioners State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 67.

No. MC 116766 (Sub No. 1), filed July 11, 1957, W. M. A. TRANSIT COMPANY, 4421 Southern Avenue SE., Bradbury Heights, Md. Applicant's attorneys: Earl M. Foreman and D. Jay Hyman, Tower Building, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers and their bagagge*, between points within the territory authorized as an origin territory for charter operations in Maryland (including Fort George G. Meade), Virginia and the District of Columbia, and points in the territory now authorized to be served in charter operations. Applicant is authorized to conduct common carrier operations in Maryland and the District of Columbia.

HEARING: September 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., (before Joint Board No. 68.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12661, filed June 3, 1957, SAMUEL STEPHEN SANTANIELLO, doing business as SANTANIELLO'S TOURS, 932 Bangs Avenue, Asbury Park, N. J. For a license (BMC 5) authorizing operations as a *broker* at Asbury Park, N. J., in arranging for the transportation in interstate or foreign commerce, by motor vehicle, of *Groups of passengers and their baggage*, in the same vehicle with passengers, beginning and ending at Asbury Park, N. J., and extending to points in New York, Maryland, Delaware, Virginia, Pennsylvania, New Jersey (including points in Monmouth, Ocean and Middlesex Counties, N. J.), and the District of Columbia.

HEARING: September 18, 1957, at the U. S. Court Rooms, Newark, N. J., before Joint Board No. 119, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 19201 (Sub No. 100), filed July 2, 1957, PENNSYLVANIA TRUCK LINES, INC., 116 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building (P. O. Box 432), Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *articles of unusual value, commodities in bulk*, and *those requiring special equipment*, but excluding Class A and B explosives, and household goods as defined by the Commission, in service auxiliary to, or supplemental of rail service of The Pennsylvania Railroad Company, (1) between Canton, Ohio and Akron, Ohio over Ohio Highway 8, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (a) between Kensington, Ohio and Lima, Ohio, (b) between Cleveland, Ohio and Marietta, Ohio, and (c) between Wooster, Ohio and Akron, Ohio; (2) between Akron, Ohio and Montrose, Ohio, over Ohio Highway 18, serving no intermediate points, but serving Montrose, Ohio for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (a) between Wooster, Ohio and Akron, Ohio, and (b) between Cleveland, Ohio and Marietta, Ohio; (3) between junction U. S. Highway 21 and Ohio Highway 176, immediately south of Ghent, Ohio, and junction Ohio Highway 176 and Ohio Highway 18, east of Montrose, Ohio, over Ohio Highway 176, serving no intermediate points, but serving the termini points for purposes of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (a) between applicant's proposed operations between Akron, Ohio and Montrose, Ohio (described in (2) above), and (b) between Cleveland, Ohio and Marietta, Ohio; and (4) between junction Ohio Highways 8 and 82, west of Macedonia, Ohio, and junction Ohio Highway 14 and U. S. Highway 21, within the corporate limits of Cleveland, Ohio, from junction Ohio Highways 8 and 82 over Ohio Highway 8 to Bedford, Ohio, thence over Ohio Highway 14 to junction U. S. Highway 21, and return over the same route, serving no intermediate points, but serving junction Ohio Highways 8 and 82, and junction Ohio Highway 14 and U. S. Highway 21 for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (a) between Akron, Ohio and Macedonia, Ohio, (b) between Cleveland, Ohio and Marietta, Ohio, and (c) between Wooster, Ohio and Akron, Ohio. Applicant is authorized to transport similar commodities in Indiana, Ohio, Pennsylvania, and West Virginia. RESTRICTION: (*In connection with* (1), (2), *and* (3) *above:*) (a) The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company; and (b) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service. RESTRICTION: (*In connection with* (4) *above:* (a) The service by motor vehicle to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, the train service of The Pennsylvania Railroad Company, hereinafter called the Railroad; (b) Carrier shall not render any service to or from any point not a station on the rail lines of the Railroad; (c) Shipments transported by carrier shall be limited to those which it receives from or delivers to the Railroad under a through bill of lading covering, in addition to movement by said carrier, a prior or subsequent movement by rail; and (d) All contractual arrangements between carrier and the Railroad shall be reported to the Interstate Commerce Commission and shall be subject to revision if and as the Commission shall find it to be necessary in order that such arrangements shall be fair and equitable to the parties.

NOTE: Dual operations or common control may be involved.

No. MC 66562 (Sub No. 1370) (CORRECTION), filed June 21, 1957, published page 4699 issue of the FEDERAL REGISTER July 3, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Building, Atlanta 3, Ga. The foregoing notice of the filing of the subject application indicated authority was sought to transport the commodities named therein, between Pensacola, Fla., and *Elgin* Air Force Base, Fla., in error. The correct name of the Air Force Base is *Eglin* Air Force Base, Fla.

No. MC 75872 (Sub No. 17), filed July 5, 1957, BOSTON & MAINE TRANSPORTATION COMPANY, 1 Monsignor O'Brien Highway, Cambridge, Mass. Applicant's attorney: R. G. Bleakney, Jr., Law Dept., Boston and Maine Railroad, 150 Causeway Street, Boston 14, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, in substitute motor-for-rail service which is auxiliary to or supplemental of rail service of the Boston and Maine Railroad, between Beverly, Mass. and Rockport, Mass., from Beverly over Massachusetts Highway 127 to Rockport; also, from Beverly over Massachusetts Highway 22 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to Gloucester, Mass., thence over Massachusetts Highway 127 to Rockport, and return over the same routes, serving all intermediate points which are stations on the rail line of Boston and Maine Railroad, subject to the restrictions that the service to be performed shall be limited to that which is auxiliary to or supplemental of rail service of the Boston and Maine Railroad, that applicant shall not serve any point not a station on the rail lines of the Boston and Maine Railroad, that shipments transported shall be limited to those moving under railroad or Railway Express Agency billing, that authority to transport Class A and B explosives shall be limited in point of time to a period of five years from the effective date of the certificate, and such further conditions as the Commission, in future may find necessary to impose in order to restrict applicant's operation to service which is auxiliary to or supplemental of rail service. Applicant is authorized to conduct operations in New Hampshire, Maine, Massachusetts, and Vermont.

No. MC 92983 (Sub No. 236), filed July 9, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Refermented distillers slop*, in bulk, in tank vehicles, from Muscatine, Iowa, to Pekin, Ill.

No. MC 110388 (Sub No. 9), filed July 5, 1957, UNION PACIFIC MOTOR FREIGHT COMPANY, 1416 Dodge Street, Omaha 2, Nebr. Applicant's attorney: John J. Burchell, 1416 Dodge Street, Omaha 2, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities in bulk*, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Portland, Oreg., and Troutdale, Oreg., from Portland over U. S. Highway 30 to Troutdale, (also over Alternate U. S. Highway 30, also known as Banfield Expressway, to junction of U. S. Highway 30, thence over U. S. Highway 30 to Troutdale, and also over unnumbered county road known as Northeast Halsey Street, sometimes called Barr Road to Troutdale), and return over the same routes, serving the intermediate or off-route points of Hemlock, Rockwood, and Fairview, Oregon.

NOTE: Applicant states that the proposed service shall be limited to that which is auxiliary to, or supplemental of, the rail service of Union Pacific Railroad Company. Applicant is authorized to conduct operations in Wyoming, Idaho, Utah, Kansas, Missouri, Iowa, Oregon, Nevada, and Colorado.

PETITIONS

No. MC 67916 (Sub No. 13), THE NEW YORK CENTRAL RAILROAD COMPANY, 466 Lexington Avenue, New York 17, N. Y. Applicant's attorney: Herbert Burstein, 466 Lexington Avenue, New York 17, N. Y. PETITION FOR REOPENING, RECONSIDERATION AND MODIFICATION OF ORDERS dated September 18, 1952, and March 31, 1954, wherein applicant is authorized to operate as a *common carrier*, by motor vehicle of *general commodities* (without exceptions) between specified points in New York, Ohio, Pennsylvania, Indiana, and Illinois, over regular routes, serving intermediate and off-route points which are stations on the rail lines of applicant, subject to certain specified conditions. These conditions include the imposition of certain key point restrictions which bar applicant from transportation of shipments between said key points, or through, or to, or from, more than one of said key points. By the instant petition applicant seeks the elimination therefrom of the conditions naming Erie, Pa., Buffalo, N. Y., Cleveland, Toledo, and Columbus, Ohio, Elkhart, Ind., Chicago and Kankakee, Ill., as key points, insofar as such key points are applicable to commodities handled in Railway Express service, and milk, cream, newspapers and newspaper supplements moving in rail baggage service.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–6584, published in the May 22, 1957, issue of the FEDERAL REGISTER on page 3615. Supplemental application filed July 11, 1957, shows R. J. BABCOCK, 11 Oak Street SE., Minneapolis, Minn., H. H. JANKE, 2941 West 36th Street, Chicago, Ill., and R. E. THEEL, 2303 Third Avenue, North, Fargo, N. Dak., as the persons in control of Dakota Transfer & Storage Co.

No. MC–F 6621 (corrected) published in the July 3, 1957, issue of the FEDERAL REGISTER on page 4701. The original publication indicated that GALEN J. ROUSH and RUTH ROUSH were the controlling stockholders of ROADWAY EXPRESS, INC., whereas it should have shown GALEN J. ROUSH only.

Mo. MC–F 6638. Authority sought for purchase by CALVIN D. ZIMMERMAN, Mifflin, Pa., of a portion of the operating rights of SHOEMAKER BROTHERS, INC., 1006 West College Avenue, State College, Pa. Applicants' attorney: John A. R. Welsh, Mifflintown, Pa. Operating rights sought to be transferred: *Clay products*, as a *common carrier* over irregular routes, from points in Centre County, Pa., to points in Massachusetts, Connecticut, New York, New Jersey, Ohio, Delaware, Maryland and West Virginia. Vendee is authorized to operate as a *common carrier* in Delaware, Pennsylvania, Maryland, New Jersey, New York, Virginia, Massachusetts, Rhode Island, Connecticut, Ohio, West Virginia,

and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6639. Authority sought for purchase by BABCOCK & LEE FREIGHT LINES, INC., 1002 Third Avenue North, Billings, Mont., of a portion of the operating rights of KATHERINE M. LEE AND TIM M. BABCOCK, doing business as BABCOCK AND LEE, 1002 Third Avenue North, Billings, Mont., and for acquisition by TIM M. BABCOCK and KATHERINE M. LEE, both of Billings, of control of such rights through the purchase. Applicants' attorney: Franklin S. Longan, 319 Securities Building, Billings, Mont. Operating rights sought to be transferred: *General Commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Billings, Mont., and Absarokee, Mont., and between Roundup, Mont., and Billings, Mont., serving certain intermediate points. Vendee holds no authority from this Commission, but its controlling stockholders control, through stock ownership and management, BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., which is authorized to operate as a *common carrier* in Montana, North Dakota, South Dakota, and Wyoming. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6640. Authority sought for purchase by BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., 1002 Third Avenue North, Billings, Mont., of a portion of the operating rights of KATHERINE M. LEE AND TIM M. BABCOCK, doing business as BABCOCK AND LEE, 1002 Third Avenue North, Billings, Mont., and for acquisition by TIM M. BABCOCK and KATHERINE M. LEE, both of Billings, of control of such rights through the purchase. Applicants' attorney: Franklin S. Longan, 319 Securities Building, Billings, Mont. Operating rights sought to be transferred: *Petroleum crude oil*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, between points in Dawson, Prairie, Wibaux, Fallon, Rosebud, McCone and Musselshell Counties, Mont.; *aviation gasoline*, in bulk, in tank vehicles, from Sinclair, Wyo., to the site of the Miles City, Mont., Municipal Airport. Vendee is authorized to operate as a *common carrier* in Montana, North Dakota, South Dakota, and Wyoming. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6641. Authority sought for purchase by PIEDMONT MOUNTAIN FREIGHT LINES, INC., 403 B Street, North Wilkesboro, N. C., of a portion of the operating rights of THE MOUNTAIN TRANSIT CORPORATION, (WILLIAM M. JENNINGS, JR., and C. E. HAWTHORNE, CO-RECEIVERS), P. O. Box 155, Wytheville, Va. Applicants' attorney: W. L. Osteen, P. O. Box 785, North Wilkesboro, N. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route, between Wytheville, Va., and Independence, Va., serving the intermediate and off-route point of Rural Retreat, Va.; *lumber*, over irregular routes, from points in Alleghany and Wilkes Counties, N. C., Wythe and Bland Counties, Va., to points in Maryland and West Virginia. Vendee is authorized to operate as a *common carrier* in North Carolina, Virginia, New York, Pennsylvania, Maryland, South Carolina, and Georgia. Application has been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–6637. Authority sought for control and merger by SOMERSET BUS CO., INC., U. S. Highway 22, Mountainside, N. J., of the operating rights and property of THE GREEN FLYER, INC., doing business as GREEN FLYER, 444 Hillside Avenue, Hillside, N. J., and for acquisition by FRANK J. NOLL and MAE A. NOLL, both of 138 De Lacey Avenue, North Plainfield, N. J., ISIDOR M. NOLL and TERESA M. NOLL, both of 262 Hillside Avenue, Springfield, N. J., of control of such rights and property through the transaction. Applicants' attorney: Wilmer A. Hill, Transportation Building, Washington 6, D. C. Operating rights sought to be controlled and merged: *Passengers and their baggage*, as a *common carrier*, over a regular route, between Fanwood, N. J., and New York, N. Y., serving certain intermediate points, over two alternate regular routes for operating convenience only. SOMERSET BUS CO., INC., is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–6034; Filed, July 23, 1957; 8:51 a. m.]

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 19, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34026: *Cement—Alabama points to Lebanon, Tenn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cement and related commodities, carloads from North Birmingham and Phoenixville, Ala., to Lebanon, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 95 to Agent Spaninger's tariff I. C. C. 1447.

FSA No. 34027: *Petroleum products—Cody, Wyo., to Idaho and Montana points.* Filed by Chicago, Burlington & Quincy Railroad Company, Agent, for interested rail carriers. Rates on gasoline and refined oil, illuminating or burning, tank-car loads from Cody, Wyo., to specified points in Idaho and Montana.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 17 to Chicago, Burlington & Quincy Railroad Company's tariff I. C. C. 20474.

FSA No. 34028: *Sand—Tennessee points to official and W. T. L. territories.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sand, carloads from Camden, Hollow Rock, Lipe, and Sawyers Mill, Tenn., to Points in official, Illinois and western trunk-line territories.

Grounds for relief: Short-line distance formula and circuitous routes.

FSA No. 34029: *Lumber and forest products—British Columbia to U. S. points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber and forest products, carloads from specified points in British Columbia, Canada on the Pacific Great Eastern Railway Company to various destinations in the United States in defined groups in Agent W. J. Preuter's tariff I. C. C. 1474.

Grounds for relief: Circuitous routes.

Tariff: Supplement 277 to Agent Prueter's tariff I. C. C. 1474.

FSA No. 34030: *Industrial alcohols—Corpus Christi, Tex., to Minnesota and North Dakota.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on industrial alcohols, tank-car loads from Corpus Christi, Tex., to specified points in Minnesota and North Dakota.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 114 to Agent Kratzmeir's tariff I. C. C. 4064.

FSA No. 34031: *Volume L. C. L. class rates between official and Illinois territories.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on various commodities moving on volume less-than-carload rates as described in the application, between points in official and Illinois territories, on the one hand, and points on the Belt Railway Company of Chicago and the Southern Railway System in Illinois territory, on the other.

Grounds for relief: Short-line distance formula, carrier competition and circuitous routes.

Tariff: Supplement 20 to Agent C. W. Boin's tariff I. C. C. A–1051.

FSA No. 34032: *All commodities to Manitowoc, Wis.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on merchandise, straight or mixed carloads from points in New England and trunk line territories to Manitowoc, Wis.

Grounds for relief: Circuitous routes.

Tariff: Supplement 4 to D & H Railroad Tariff I. C. C. No. 298 and five other tariffs.

FSA No. 34033: *Chlorinated phenol solution—St. Louis, Mo., group to New Orleans, La., group.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on chlorinated phenol petroleum solution, carloads from St. Louis, Mo., and East St. Louis, Ill., to New Orleans, La., and points in the New Orleans switching district.

Grounds for relief: Circuitous routes.

Tariff: Supplement 58 to Agent Spaninger's tariff I. C. C. 1548.

FSA No. 34034: *Caustic soda—McIntosh and Huntsville, Ala., to Virginia points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from McIntosh and Huntsville, Ala., to Amphill, Covington and Hopewell, Va.

Grounds for relief: Competition and circuitous routes.

Tariff: Supplement 2 to Agent Spaninger's tariff I. C. C. 1536.

FSA No. 34035: *Soda ash—Lake Charles, La., to Boylston, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on soda ash, in bulk, in cars or in bulk in bags or barrels, straight or mixed carloads from Lake Charles, La., to Boylston, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 236 to Agent Kratzmeir's tariff I. C. C. 4087.

FSA No. 34036: *Perlite rock—Antonito and Florence, Colo., to National City, Mich.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on perlite rock, carloads from Antonito and Florence, Colo., to National City, Mich.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 32 to Agent Prueter's tariff I. C. C. A–4171.

FSA No. 34037: *Tea—North Atlantic and Hampton Roads ports to Indianapolis, Ind.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on tea, carloads from Albany and New York, N. Y., Baltimore, Md., Boston, Mass., Philadelphia, Pa., Norfolk, Va., and other Hampton Roads ports to Indianapolis, Ind.

Grounds for relief: Port competition with New Orleans, La., and other Gulf ports, port relationships and circuitous routes.

Tariffs: Supplement 50 to Agent C. W. Boin's tariff I. C. C. A–1017 and two other tariffs.

FSA No. 34038: *Crude petrolatum—Lake Charles and West Lake Charles, La., to Empire, N. C.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude petrolatum, tank-car loads from Lake Charles and West Lake Charles, La., to Empire, N. C.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariffs: Supplement 130 to Agent Kratzmeir's tariff I. C. C. 4118.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–6032; Filed, July 23, 1957; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Colonial Shirt Corp., Woodbury, Tenn.; effective 7–21–57 to 7–20–58 (dress and sport shirts).

Morris Freezer & Co., Inc., 1200 West Main, Wytheville, Va.; effective 7–19–57 to 7–18–58 (boys' woven shirts).

Lanier Manufacturing Co., 112 Russell Street, Easley, S. C.; effective 7–19–57 to 7–18–58 (men's sport shirts).

Tic Tac Co., Inc., Dicoy Creek Road, Camden, S. C.; effective 7–18–57 to 7–17–58 (children's outerwear).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J.; effective 7–20–57 to 7–19–58. Workers engaged in the manufacture of men's pants only (men's pants).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J.; effective 7–20–57 to 7–19–58. Workers engaged in the production of ladies' shorts and slacks only (ladies' shorts and slacks).

Wythe Shirt Manufacturing Corp., West Spring Street, Wytheville, Va.; effective 7–19–57 to 7–18–58 (boys' woven shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number or proportion of learners authorized are indicated.

Era's, Inc., Mooresville, N. C.; effective 7–11–57 to 7–10–58; 10 learners (ladies' nylon and cotton dusters).

Hemlock Manufacturing Co., 923 Hamilton Street (Rear), Allentown, Pa.; effective 7–15–57 to 7–14–58; five learners (women's lingerie, blouses).

Horton Garment Co., Atchison, Kans.; effective 7–11–57 to 7–10–58; 10 learners (junior dresses).

M & H Dress Manufacturing Co., Inc., 410 Washington Street, Jermyn, Pa.; effective 7–11–57 to 7–10–58; 10 learners (contract sewing, ladies' cotton dresses).

Pickenbrock Co., Dyersville, Iowa; effective 7–15–57 to 7–14–58; five learners (women's cotton wash uniforms and pajamas).

Relda Apparel Manufacturing Co., Inc., 47 Main Street, Hughesville, Pa.; effective 7–9–57 to 7–9–58; 10 learners (women's dresses).

Rita's Sportswear, 242 North Main Street, Moscow, Pa.; effective 7–22–57 to 7–21–58; 10 learners (children's wear, women's blouses).

Style Rite Robes, Inc., 1531 Washington Avenue, St. Louis, Mo.; effective 7–15–57 to 7–14–58; 10 learners (men's and boys' lounging robes).

Whiteville Garment Manufacturing Co., Wilmington Road, Whiteville, N. C.; effective 7–12–57 to 7–11–58; 10 learners, (denim jeans).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Jamestown Shirt Corp., Jamestown, Tenn.; effective 7–10–57 to 1–9–58; 30 learners (sport shirts).

Manufacturers' Sportswear, Inc., Meadow at Maple Streets, Scranton, Pa.; effective 7–31–57 to 1–30–58; 25 learners (trousers).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Aberdeen Hosiery Mills, Co., Inc., Aberdeen, N. C.; effective 7–15–57 to 1–14–58; 13 learners for plant expansion purposes (seamless).

The Batesville Co., Batesville, Miss.; effective 7–10–57 to 1–9–58; 25 learners for plant expansion purposes (seamless).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Alco Canning Co., Inc., Water Street, Lubec, Maine; effective 7–12–57 to 1–11–58; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupation of sardine packer for a learning period of 160 hours at the rates of 80 cents an hour for the first 80 hours and 85 cents an hour for the remaining 80 hours (sardines).

Gibberman Brothers & Co., 2600 Fifth Avenue, Rock Island, Ill.; effective 7–12–57 to 1–11–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's dress clothing).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 16th day of July 1957.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 57–6023; Filed, July 23, 1957; 8:47 a. m.]

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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6712]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DICTOGRAPH PRODUCTS, INC., ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1490 *Nature, in general;* § 13.1520 *Personnel or staff;* [*Misrepresenting oneself and goods*]—Goods: § 13.1663 *Individual's special selection or situation;* § 13.1760 *Terms and conditions;* [*Misrepresenting oneself and goods*]—Prices: § 13.1817 *Reductions for prospect referrals.*[1] Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1882 *Prices.* Subpart—*Securing orders falsely, misleadingly or improperly:* § 13.2170 *Securing orders falsely, misleadingly or improperly.* Subpart—*Securing signatures wrongfully:* § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Dictograph Products, Inc. (Jamaica, L. I., N. Y.), Docket 6712, July 3, 1957]

In the Matter of Dictograph Products, Inc., a Corporation, Fire Detective, Inc., a Corporation, and Herman Perl, Richard E. Rudolph, Arthur J. Waldorf, and Malte J. Carlson, Individually and as Officers of Fire Detective, Inc., and Stanley Osserman, Individually and as Chairman of the Board of Directors of Fire Detective, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Jamaica, Long Island, N. Y., and the corporate purchaser in Newark, N. J., of its entire production of home fire alarm systems for sale to the public through franchise dealers whose salesmen gave demonstrations in homes of prospects, with supplying to said franchise dealers literature upon which were based the following acts and representations of said salesmen:

Representing falsely that such salesmen were not salesmen but demonstrators only, desiring to make a fire-prevention talk to specially selected homes;

Employing "scare tactics" to make sales by exhibiting news clippings and horror pictures to prospective purchasers;

Misrepresenting the cost of the system and representing falsely that purchasers could earn all or most of it by referring names of other prospects;

Inducing purchasers to sign in blank contracts and promissory notes upon the representation that the total cost would be only slightly above the amount earned by supplying names of prospects and subsequently returning them filled in with the total cost and carrying charges, contrary to the representations made; and

Failing to notify the purchaser that the contract and note would be discounted with a finance company or bank and that carrying charges would be added.

Following an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Dictograph Products, Inc., a corporation, Fire Detective, Inc., a corporation and their officers, and Herman Perl, Richard E. Rudolph, Arthur J. Waldorf and Malte J. Carlson, individually and as officers of Fire Detective, Inc., and Stanley Osserman, individually and as Chairman of the Board of Directors of Fire Detective, Inc., their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined by the Federal Trade Commission Act, of fire detection or fire alarm systems do forthwith cease and desist from:

1. Representing, directly or by implication:

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[1] New.

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(a) That respondents' salesmen only desire to make fire prevention talks or demonstrations;

(b) That respondents' representatives are not salesmen but are only demonstrators;

(c) That prospective purchasers or their homes have been specially selected for demonstration purposes;

(d) That the total or monthly cost of respondents' fire alarm system will be reduced in any amount by the submission of names of prospective purchasers under respondents' referral program;

(e) That the identity of those supplying names of prospective purchasers will not be revealed to said prospective purchasers;

(f) That the contract or promissory note for the purchase price of the system will not be discounted or failing to reveal that such will be discounted;

(g) That carrying charges will not be added to the total cost of the system or failing to reveal that carrying charges will be added.

2. Inducing the purchase of respondents' products by employing "scare tactics" by exhibiting newspaper clippings and horror pictures calculated to unduly arouse parents emotionally as to the need to protect themselves and their children from the hazards of fire.

3. Misrepresenting in any manner the amount of money any purchaser or prospective purchaser will probably or may reasonably expect to receive from the submission of names of prospects under respondents' referral program.

4. Using any referral program in inducing the sale of their fire alarm system unless, (1) all of the terms and conditions thereof are fully explained to the purchaser or prospective purchaser prior to consummation of the sale, (2) any person submitting the name of a prospect who cannot be solicited for any reason is given the option of submitting a replacement name, and (3) the promised sum of money is actually paid to the purchaser who submitted the name of a prospect to whom a demonstration or sale of the system is made pursuant to such referral.

5. Supplying franchise dealers or their representatives with any literature or other material containing or suggesting any of the statements, representations, acts or practices prohibited by paragraphs, 1 through 4 of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6057; Filed, July 24, 1957; 8:47 a. m.]

[Docket 6715]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROBERTS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.155 *Prices:* Fictitious marking; usual as reduced, special, etc.; § 13.235 *Source or origin:* Maker or seller, etc.: Fur Products Labeling Act. Subpart—*Concealing or obliterating law required and informative marking:* § 13.516 *Fur products tags or identification.* Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Roberts, Inc. (Oklahoma City, Okla.), et al., Docket 6715, July 3, 1957]

In the Matter of Roberts, Inc., a Corporation; Victor Halote and Samuel Halote, Individually and as Officers of Roberts, Inc.; also Individually and as Copartners Trading as Halote Bros.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Oklahoma City, Okla., and trading also in Beverly Hills, Calif., with violating the Fur Products Labeling Act by labeling fur products with fictitious prices and removing required labels; by invoicing falsely with respect to artificially colored furs and the name of animals producing certain furs; by advertising which contained other than the prescribed animal names, falsely represented prices as wholesale or less and as reduced, and "sales" as liquidating their entire stock; and by failing in other respects to conform to the requirements of the Act.

Following agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 3, 1957, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Roberts, Inc., a corporation, and its officers, and Victor Halote and Samuel Halote, individually and as officers of said corporation; and the said Victor Halote and Samuel Halote, individually and as copartners separately trading under the firm name of Halote Bros., or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the offering for sale, sale, advertising, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the regular price or value of such product when such price or value is not that at which such product is regularly sold by respondents.

2. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed in the Rules and Regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

e. The name of the country of origin of any imported furs used in the fur product.

3. Setting forth on labels attached to fur products:

a. The name or names of any animal or animals other than the name or names provided for in paragraph A (2) (a) above.

b. Required information in handwriting.

B. Removing or participating in the removal of labels required by the Fur Products Labeling Act to be affixed to fur products, prior to the time any fur product is sold and delivered to the ultimate consumer.

C. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

e. The name and address of the person issuing such invoices;

f. The name of the country of origin of any imported furs contained in the fur product;

g. The item number or mark pertaining to such products as required by Rule 40 of the regulations under the Fur Products Labeling Act.

2. Using on invoices the name or names of any animal or animals other than the name or names provided for in paragraph C (1) (a) above.

3. Setting forth required information in abbreviated form.

4. Using the term "blended" to describe any fur products which are dyed or tip-dyed.

D. Falsely or deceptively advertising fur products through the use of any advertisement, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur products contain or are composed of bleached, dyed, or other-

wise artificially colored fur, when such is a fact;

c. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

d. The name of the country of origin of imported furs contained in fur products.

2. Contains the name or names of any animal or animals other than the name or names provided for in paragraph D (1) (a) above.

3. Represents directly or by implication:

a. That fur products are offered at prices at or below wholesale prices when contrary to fact, or that the regular or usual price of any fur product is any amount in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business;

b. That any of such products represent a clearance or a liquidation of their stocks of fur products, contrary to fact;

c. That any such products are for sale at reduced prices as a special clearance or liquidation of stocks of fur products, contrary to fact.

E. Using percentage savings claims and comparative prices in advertising unless such claims and prices are based upon current market values, or unless the designated time of a bona fide compared price is given.

F. Making use of pricing claims or representations in advertising of the type referred to in paragraph D (3) (a) and E above, unless respondents maintain full and adequate records disclosing the facts upon which such claims or representations are in fact based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6055: Filed, July 24, 1957; 8:46 a. m.]

[Docket 6726]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JULIUS HOFFERT, INC., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Julius Hoffert, Inc., et al., New York, N. Y., Docket 6726, July 2, 1957]

In the Matter of Julius Hoffert, Inc., a Corporation, and Julius Hoffert and Bert Edwards, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with invoicing fur products falsely through setting forth required information in abbreviated form, in violation of the Fur Products Labeling Act.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Julius Hoffert, Inc., a corporation, and its officers, and respondents Julius Hoffert and Bert Edwards, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction, or manufacture for introduction, into commerce, or the sale, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the manufacture for sale, sale, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of furs which have been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

e. The name and address of the person issuing such invoice;

f. The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth on invoices of fur products:

a. Information, required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, in abbreviated form.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6054; Filed, July 24, 1957; 8:46 a. m.]

[Docket 6730]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

THE HOUSE OF KUDRA FURS ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; §13.155 *Prices:* Comparative; exaggerated as regular and customary; § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, The House of Kudra Furs et al., Trenton, N. J., Docket 6730, July 6, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Trenton, N. J., with violating the Fur Products Labeling Act by invoicing which named an animal other than that producing a particular fur; by advertising in newspapers which falsely represented the prices of fur products as reduced when the so-called regular prices were fictitious, and misrepresented comparative prices and percentage savings and values; and by failing in other respects to conform to the labeling and other requirements of the act.

Following an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent The House of Kudra Furs, a corporation, and its officers, and respondent George M. Kudra, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to such fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products required information which is mingled with non-required information.

3. Failing to set forth on labels the information required by Rule 36 of the rules and regulations promulgated under the Fur Products Labeling Act, when a fur product is composed of two or more sections containing different animal furs.

4. Failing to affix labels to fur products showing item numbers required under Rule 40 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing fur products by:

1. Failing to show:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, which such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in a fur product.

C. Falsely or deceptively advertising fur products, through the use of any

advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent, regular course of their business;

2. Represents directly or by implication that fur products are of a certain value or quality unless such representations or claims are true in fact;

3. Makes use of comparative prices and percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time;

4. Makes pricing claims or representations of the type referred to in paragraphs C-1, 2 and 3 above unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6056; Filed, July 24, 1957; 8:46 a. m.]

[Docket 6740]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

INTERCOAST RESEARCH CO., INC., ET AL.

Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1425 *Government connection;* § 13.1450 *Individual or private business as educational, religious or research institution;* § 13.1490 *Nature, in general.* Subpart—*Using misleading name*—Vendor: § 13.2380 *Government connection;* § 13.2410 *Individual or private business being educational, religious or research institution or organization;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Intercoast Research Co., Inc., et al., New York, N. Y., Docket 6740, July 6, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in New York City of printed mailing forms for use by collection agencies, merchants, etc., in obtaining information concerning their debtors, with using on such forms the term "Office of Security Service", representing thereby that requests for information concerning delinquent debtors were from the U. S. Government or its agency, and with using the name "Consumers Statistical Surveys" to represent that it was engaged in research.

Following an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Intercoast Research Co., Inc., a corporation, and its officers, and respondent Anthony E. Malito, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors or the offering for sale, sale or distribution of forms, or other materials, for use in obtaining information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using or placing in the hands of others for use, any forms, letters, questionnaires, or material, printed or written, which do not clearly and expressly state that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors.

2. Using the term "Office of Security Service," or any other word or phrase of similar import to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that requests for information concerning delinquent debtors are from the United States Government or any agency or branch thereof, or that their business is in any way connected with the United States Government.

3. Using the name "Consumers Statistical Surveys," or any other name of similar import to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that respondents are engaged in research.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6058; Filed, July 24, 1957; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

HUNGRY HORSE DAM AND RESERVOIR, SOUTH FORK FLATHEAD RIVER, MONTANA

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U. S. C. 709), the following regulations are hereby prescribed to govern the use and operation of Hungry Horse Dam and Reservoir on South Fork Flathead River, Montana, for flood control purposes:

§ 208.90 *Hungry Horse Dam and Reservoir.* The Bureau of Reclamation shall operate Hungry Horse Dam and Reservoir in the interests of flood control as follows:

(a) Releases from Hungry Horse Reservoir shall be restricted to quantities which will not cause downstream flows or stages to exceed, insofar as possible within stipulated limitations, any one of the following criteria:

(1) When flood control is required above Flathead Lake, releases from Hungry Horse Reservoir will be limited so that, exclusive of a minimum release required for the maintenance of fishlife, they will, so far as practicable, prevent the Flathead River at Columbia Falls from exceeding a flow of 70,000 cubic feet per second when Flathead Lake elevation is at or below 2891.9 feet, or smaller flows, varying inversely with lake stage to 28,000 cubic feet per second when Flathead Lake elevation is 2894.0 feet.

(2) When flood control is required for the Lower Columbia River, releases from Hungry Horse Reservoir shall not exceed an average of 3,000 cubic feet per second during flood protection periods. Such periods are defined as the intervals beginning five days prior to the date that flows at The Dalles are predicted to exceed 500,000 cubic feet per second and ending five days prior to the time when such flows are predicted to recede to 500,000 cubic feet per second.

(b) Storage space in Hungry Horse Reservoir shall be kept available for flood control purposes in accordance with the Flood Control Storage Reservation Diagram currently in force, except when storage of flood water is necessary as prescribed in paragraph (a) of this section. Any water temporarily stored in the flood control space indicated by the Flood Control Storage Reservation Diagram currently in force shall be released as rapidly as can be safely accomplished without causing either the downstream flows to exceed the criteria prescribed in paragraph (a) of this section or causing the flow in the South Fork Flathead River below Hungry Horse Dam to exceed 20,000 cubic feet per second. The Flood Control Storage Reservation Diagram in force as of the promulgation of this section is that dated June 11, 1957, File No. 208.90 A, and is on file in the office of the Chief of Engineers, Department of the Army, Washington, D. C., and in the office of the Commissioner, Bureau of Reclamation, Washington, D. C. Revisions of the Flood Control Storage Reservation Diagram may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation, and from that date until replaced shall be the Flood Control Storage Reservation Diagram currently in force for the purpose of this section. Copies of the Flood Control Storage Reservation Diagram currently in force shall be kept on file in and may be obtained from the office of the District Engineer, Corps of Engineers, and the Regional Director, Bureau of Reclamation, in charge of the locality, and from the Administrator, Bonneville Power Administration.

(c) In the event that the reservoir level rises above elevation 3560 at the dam (top of the spillway gates), or is expected to rise to or above that level within the next 48 hours, subsequent operation of the dam shall be such as to cause downstream flows and stages to exceed as little as possible the criteria prescribed in paragraph (a) of this section and in no event, to cause the maximum subsequent release from the reservoir to exceed the estimated maximum flow that would have occurred subsequently under the conditions which existed prior to the construction of the dam.

(d) Nothing in this section shall be construed to require dangerously rapid changes in magnitudes of releases or that releases be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(e) The Bureau of Reclamation shall procure current basic hydrologic data necessary for forecasting inflows to Hungry Horse Reservoir in conformance with procedures mutually agreed to, make such current determinations of required flood control storage reservation from the Flood Control Storage Reservation Diagram currently in force and make current calculations of permissible releases from the reservoir as are required to accomplish the flood control objectives prescribed in this section.

(f) The Bureau of Reclamation shall keep the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, currently advised of reservoir release, reservoir storage, and such other operating data as the District Engineer may request, and also of those basic operating criteria which affect the schedule of operation. Also, the Bureau of Reclamation shall keep the Administrator, Bonneville Power Administration, currently advised of reservoir releases.

(g) The flood control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of emergency. Requests for and action on such modifications may be made by any available means of communication and the action taken by the District Engineer shall be confirmed in writing under date of the same day to the office of the Regional Director of the Bureau of Reclamation in charge of the operations and to the Administrator of the Bonneville Power Administration, the power marketing agency.

[Regs., June 11, 1957, ENGWE] (Sec. 7, 58 Stat. 890, as amended; 33 U. S. C. 709)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-6049; Filed, July 24, 1957; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 57-32]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

PART 12—CERTIFICATION OF SEAMEN

FIRST ASSISTANT ENGINEER OF VESSELS NOT OVER 2,000 HORSEPOWER AND EXAMINATION OF LIFEBOATMEN AND ABLE SEAMEN

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated March 7, 1957 (22 F. R. 1433-1439), March 28, 1957 (22 F. R. 2047), and May 4, 1957 (22 F. R. 3185, 3186), as Items I through XVIII of the Agenda to be considered by the Merchant Marine Council. Pursuant to these notices a public hearing was held on May 7, 1957, by the Merchant Marine Council at Washington, D. C. This document is the sixth of a series covering the regulations considered at this public hearing. The first document (CGFR 57-26) deals with inspection of cargo gear on passenger, cargo, and miscellaneous vessels. The second document (CGFR 57-27) deals with lifesaving, fire protection, and grain loading requirements for passenger, cargo, and miscellaneous vessels. The third document (CGFR 57-29) deals with cargo tanks for liquefied inflammable gases and anhydrous ammonia, stowage of baled cotton, and use of equivalents or alternative procedures respecting dangerous cargoes. The fourth document (CGFR 57-30) deals with crew accommodations on tank ships. The fifth document (CGFR 57-31) deals with drydocking of passenger, tank, cargo, and miscellaneous vessels.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised. The following items considered at the public hearing held May 7, 1957, as revised, are adopted and included in this document:

ITEM II—LIFEBOATMEN, EXAMINATION AND DEMONSTRATION OF ABILITY

ITEM III—LICENSE AS FIRST ASSISTANT ENGINEER OF STEAM AND MOTOR VESSELS OF NOT OVER 1,000 HORSEPOWER

The proposal in Item II of the Agenda was changed with respect to the handling of a boat in a heavy sea and the operation of davits. The examination for lifeboatmen as adopted materially changes the scope of the examination in 46 CFR 12.10-5. In the future the applicant will be examined as a lifeboat commander in addition to being a skilled member of a boat crew. The portion of the lifeboatmen's examination syllabus with respect to being a lifeboat commander is based on a portion of the able seamen's examination syllabus in 46 CFR 12.05-9 (b) (2) and (3). For these items changes were made to clarify the language and, therefore, editorial changes are made in 46 CFR 12.05-9 (b) (2) and (3) regarding the able seamen's examination syllabus so that the description of the examination syllabus will be the same as in 46 CFR 12.10-5 (b) (2) and (3) regarding the lifeboatmen's examination syllabus.

The proposal in Item III of the Agenda was revised so that third assistant engineers with unlimited licenses who are twenty-one years of age or over will be eligible for an examination as first assistant engineer of towing or ferry vessels of not over 2,000 horsepower. In view of the increase in the horsepower from 1,000 horsepower to 2,000 horsepower, the provisions in 46 CFR 10.10-13 (a) (4) and 10.10-15 (a) (4) were likewise revised.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and Treasury Department Order CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER:

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

SUBPART 10.10—PROFESSIONAL REQUIREMENTS FOR ENGINEER OFFICERS' LICENSES (INSPECTED VESSELS)

1. Section 10.10-13 (a) is amended by revising subparagraph (4) and by adding a new subparagraph (5), reading as follows:

§ 10.10-13 *First assistant engineer; steam vessels.* (a) * * *

(4) Three years' service as oiler, watertender, or fireman on steam vessels for a license as first assistant engineer of steam towing or ferry vessels of not more than 2,000 horsepower.

(5) While holding a license as third assistant engineer of steam vessels of any horsepower, three months' service as third assistant engineer or observer first assistant engineer on steam vessels for a license as first assistant engineer of steam towing or ferry vessels of not over 2,000 horsepower.

2. Section 10.10-15 (a) is amended by revising subparagraph (4) and by adding a new subparagraph (5), reading as follows:

§ 10.10-15 *First assistant engineer; motor vessels.* (a) * * *

(4) Three years' service as oiler or fireman on motor vessels for a license as first assistant engineer of motor towing or ferry vessels of not more than 2,000 horsepower.

(5) While holding a license as third assistant engineer of motor vessels of any horsepower, three months' service as third assistant engineer or observer first assistant engineer on motor vessels for a license as first assistant engineer of motor towing or ferry vessels of not over 2,000 horsepower.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438-4442, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 68 Stat. 484, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 231, 233, 225, 237, 367, 247, 526f, 526p, 1333, 710c, 50 U. S. C. 198)

PART 12—CERTIFICATION OF SEAMEN

SUBPART 12.05—ABLE SEAMEN

1. Section 12.05-9 (b) is amended by revising subparagraphs (2) and (3) to read as follows:

§ 12.05-9 *Examination and demonstration of ability.* * * *

(b) * * *

(2) The clearing away, swinging out, and lowering of lifeboats and life rafts, the handling of lifeboats under oars and sails, including questions relative to the proper handling of a boat in a heavy sea;

(3) The operation and functions of commonly used types of davits;

SUBPART 12.10—LIFEBOATMAN

2. Section 12.10-5 is amended to read as follows:

§ 12.10-5 *Examination and demonstration of ability.* (a) Before a lifeboatman's certificate may be granted, the applicant must prove to the satisfaction of the Coast Guard by oral or written examination and by actual demonstration that:

(1) He has been trained in all the operations connected with the launching of lifeboats and life rafts and the use of oars and sails;

(2) He is acquainted with the practical handling of boats themselves; and,

(3) He is capable of taking command of a boat's crew.

(b) The oral or written examination shall be conducted only in the English language and shall consist of questions regarding:

(1) Lifeboats and life rafts, the names of their essential parts, and a description of the required equipment;

(2) The clearing away, swinging out, and lowering of lifeboats and life rafts, the handling of lifeboats under oars and sails, including questions relative to the proper handling of a boat in a heavy sea; and,

(3) The operation and functions of commonly used types of davits.

(c) The practical examination shall consist of a demonstration of the applicant's ability to carry out the orders incident to launching lifeboats, and the use of the boat's sail, and to row.

(R. S. 4405, 4417a, 4488, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 49 Stat. 1936, sec. 1, 52 Stat. 753, 55 Stat. 579; 46 U. S. C. 375, 391a, 481, 643, 672, 367, 689, 672b, 672-1, 672-2)

Dated: July 18, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 57-6069; Filed, July 24, 1957; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 15-9]

[Docket No. 9288; FCC 57-790]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

LOW POWER COMMUNICATION DEVICES

In the matter of amendment of Part 15 of the Commission's rules governing restricted radiation devices concerning low power communication devices.

1. On December 21, 1955, the Commission, by a First Report and Order, adopted a revision of Part 15 of its rules which concerns the regulation of incidental and restricted radiation devices. The amendments included general rules applicable to the operation of all such devices as well as rules specifically applicable to radio receivers and to incidental radiation devices. The Commission stated that it would adopt rules applicable to other types of restricted radiation devices as soon as the problems involved were resolved. On July 11, 1956, the Commission, by a Second Report and Order, further revised Part 15 and promulgated rules governing the radiation from Community Antenna Television Systems. On November 8, 1956, the Commission adopted a Third Notice of Proposed Rule Making concerning Low Power Communication Devices.

2. A Low Power Communication Device is defined as a restricted radiation device, exclusive of those employing conducted or guided radio frequency techniques, used for the transmission of information by radiation of electromagnetic energy. Examples of such devices are wireless microphones, phonograph oscillators, radio controlled garage door openers and radio controlled models.

3. The Commission proposed in its November 1956 Notice that low power communication devices be operated on frequencies below 1600 kc. In the band 10-1600 kc, the proposal contained field strength limitations and, alternatively, power input and antenna length limits for the bands 160-190 kc and 510-1600 kc. No comments directed to these particular limitations have been received. Recently, however, additional radiation data were obtained for low power communication devices operating in the

band 510–1600 kc. The data indicate the advisability of reducing the power in order to further limit the area within which interference may occur. Therefore, the maximum allowable input power in the band 510–1600 kc has been reduced from 200 to 100 milliwatts as set forth in Section 15.204 of the appended rules.

4. The Commission also proposed that the frequency 27.12 Mc[1] be available for the operation of low power communication devices. Comment has been received objecting to the exclusion of all operating frequencies above 1600 kc except 27.12 Mc. The Telectron Company points out in its comment that such action by the Commission will deprive the public of the simpliest, most economical and reliable form of radio controlled garage door opener. A considerable number of such devices operate at VHF frequencies and radiate for very short periods of time. The Telectron Company manufactures such a device that operates on a frequency between 230 and 310 Mc. A door can be operated at distances up to 75 feet when the radiation is kept within the limits set forth in the Commission's rules pertaining to radio receivers. The device is expected to operate on an average of only a few seconds per day.

5. The Commission has reconsidered its proposal to restrict to 27.12 Mc the operation of low power communication devices on frequencies above 1600 kc and has decided to provide for operations of short duration on frequencies above 70 Mc, provided the radiated field does not exceed the field that may be radiated on the same frequency by a receiver. A field limit is imposed rather than a power input for the following reasons. While a power input limitation provides a convenient method of determining compliance with the rule, it is expected that a wide variety of devices will qualify for operation. Certain devices will operate with rather limited radiation efficiency, while for others the efficiency is expected to be quite high, even for physically small radiating elements. Thus, values of power input which would be required to obtain the permitted fields or to obtain proper operation of some devices would, if permitted in other devices, produce excessive radiation which might be capable of causing harmful interference over a wide area, particularly if used in clear or high locations. While the radiation efficiency at 27.12 Mc may also be fairly high for the specified length of the radiating element, the services which may be affected are already subject to ISM interference and cannot rely on low values of field strength, or be as critical with regard to interference as the services above 70 Mc.

6. The Port-O-Vox Company has objected to the proposal to make the frequency 27.12 Mc available for the use of low power communication devices operating without an individual license. In its comments, Port-O-Vox alleges that unlicensed operation by untrained inexperienced persons on the frequency 27.12 Mc may prove harmful to the authorized radio services and our national defense and security programs.

7. The Commission recognizes that in permitting operation without an individual license, the user must be required to take precautionary measures in order to minimize the likelihood of interference to the authorized radio services. Such precautions, in fact, constitute the foundation for the regulation of restricted radiation devices. The Commission believes there is a need for permitting the use of the frequency 27.12 Mc by low power communication devices in the manner set forth in its proposal. In addition to satisfying this need, it is expected that the added advantage of surveillance and control will be realized due to concentrating large groups of such devices about one frequency of the spectrum. The advantages to be gained seem to overbalance the risks that might be involved. As a precautionary measure, however, we have decided to further restrict operations on 27.12 Mc by decreasing the maximum allowable input power to 100 milliwatts and by limiting the size of the antenna that can be used. Further restrictions will be considered if future experience deems it necessary to do so.

8. In commenting on this proposal, a number of broadcasters have expressed concern that the Commission's proposal to provide the frequency 27.12 Mc for the operation of low power communication devices will preclude further licensing of wireless microphones as remote pickup broadcast stations under Part 4 of the rules and terminate further consideration of any amendment to Part 4 to make special provision for these low power devices. The Commission wishes to make it clear that the actions taken herein do not affect the present licensing policy under Part 4 of the Rules and are not to be construed as prejudicial to any action it may wish to take with respect to the special use of wireless microphones in connection with preparation for and production of broadcast programs under Part 4.

9. The Commission has received comments concerning the Radar-Eye, a protective alarm device. This device emits a continuous carrier at about 300 Mc and sets up a standing wave pattern in the vicinity of the object to be protected. Movement of any person in this area disturbs the standing wave pattern and triggers an alarm in the Radar-Eye. The comment requested that provision be made for the operation of this device. However, the Commission considers this device to fall outside the scope of the regulations appended to this Order since the definition of low power communications contained therein does not encompass such detecting devices.

10. In consideration of the high probability of interference that can be expected from low power communication devices which employ class B emission (damped waves) the Commission did not provide the broad bands of frequencies that are required for such operation. In order to make the regulations clear in this respect, the appended rules include a provision that specifically prohibits the operation of low power communication devices that produce class B emissions.

11. The American Telephone and Telegraph Company has stated in its comments that restricted radiation devices should be regulated on the basis that no interference be caused and that fixed or arbitrary limitations upon power and field intensity should be applied only as criteria or guides. It suggests further that the responsibility for eliminating interference should be a cooperative matter between the user of the device and the authorized service being interfered with, taking into account the importance of each system at the time harmful interference is experienced and the ease and economy of improvement in design in each system to prevent the interference. Finally, A T & T argues that limiting the field strength without making allowance for the location in which the device is used would be unnecessarily restrictive.

12. These comments of the AT & T are based upon a misunderstanding of the legal framework of Part 15 of the Commission's Rules. For their suggestions of treating the maximum radiation limitations as norms and requiring a cooperative program of interference elimination between the owner of an interfering low power device and an interfered with licensed service, while appropriate for consideration in adopting rules for licensed services cannot, irrespective of their merits, be fitted into the framework of Part 15 of the rules, which relate to the conditions under which no license will be required under section 301 for the operation of radio transmitting devices. The fixed maxima of radiation for the various devices are the limits of radiation at which they can generally be expected to operate without becoming devices which by their interference potentialities affect interstate and foreign commerce. The additional requirement that they do not cause interference is in recognition of the fact that even at these extremely low radiation limits they will in some special circumstances cause interference and thus their continued unlicensed operation would be illegal under section 301.[2] Consequently, short of adopting a licensing scheme of a type which would clearly be infeasible and much more burdensome on the public, we must adhere to the principal expressed throughout this part of the rules of determining on fixed radiation limits and superimposing thereon a non-interference requirement.

13. The Commission believes that the public interest will be served by adopting the rules set forth below governing Low Power Communication Devices. Authority for the adoption of the attached rules is contained in section 4 (i), 301 and 303 (f) of the Communications Act of 1934, as amended.

[1] Center frequency of band 26.97–27.27 Mc.

[2] We recognize that for some devices, e. g., Incidental Radiation Devices, we have so far prescribed only the non-interference test. This is because for these devices, the Commission does not feel that it has adequate information as to what is the maximum radiation which will create an undue interference hazard.

14. In view of the foregoing considerations, *It is ordered*, That effective August 19, 1957, Part 15 of the Commission's Rules and Regulations be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: July 18, 1957.

Released: July 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Amend Part 15 as follows:

1. Add the following definition to § 15.4.

(f) *Low power communication device.* A low power communication device is a restricted radiation device, exclusive of those employing conducted or guided radio frequency techniques, used for the transmission of signs, signals (including control signals), writing, images and sounds or intelligence of any nature by radiation of electromagnetic energy.

Examples: Wireless microphone, phonograph oscillator, radio controlled garage door opener and radio controlled models.

2. Add the following to Part 15 as Subpart E:

SUBPART E—LOW POWER COMMUNICATION DEVICES

Sec.
15.201 Frequencies of operation.
15.202 Radiation limitation below 1600 kc.
15.203 Alternative requirement for operation on frequencies between 160 kc and 190 kc.
15.204 Alternative requirement for operation on frequencies between 510 kc and 1600 kc.
15.205 Operation in the frequency band 26.97–27.27 Mc.
15.206 Operation above 70 Mc.
15.207 Class B emission prohibited.
15.208 Certification requirements.
15.209 Location of certificate.
15.210 Interference from low power communication devices.

§ 15.201 *Frequencies of operation.* (a) A low power communication device may be operated on any frequency in the bands 16–490 kc, 510–1600 kc and 26.97–27.27 Mc.

(b) Other frequencies above 70 Mc may be used for operations of short duration in accordance with the requirements set forth in § 15.206.

§ 15.202 *Radiation limitation below 1600 kc.* A low power communication device, which operates on any frequency between 10 and 490 kc or between 510 and 1600 kc shall limit the radiation so that the field strength does not exceed the value specified in the following table:

Frequency (kc)	Distance (feet)	Field strength (uv/m)
10–490	1,000	$\frac{2400}{F(kc)}$
510–1600	100	$\frac{24000}{F(kc)}$

§ 15.203 *Alternative requirement for operation on frequencies between 160 kc and 190 kc.* In lieu of meeting the radiation limitation, stated in § 15.202, a low power communication device operating on a frequency between 160 and 190 kc need only meet the following requirements:

(a) The power input to the final radio frequency stage (exclusive of filament or heater power) does not exceed one watt.

(b) All emissions below 160 kc or above 190 kc are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 50 feet.

§ 15.204 *Alternative requirement for operation on frequencies between 510 and 1600 kc.* In lieu of meeting the radiation limitation stated in § 15.202, a low power communication device operating on a frequency between 510 and 1600 kc inclusive need only meet the following requirements:

(a) The power input to the final radio stage (exclusive of filament or heater power) does not exceed 100 milliwatts.

(b) The emissions below 510 kc or above 1600 kc are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 10 feet.

(d) Low power communication devices obtaining their power from the lines of public utility systems shall limit the radio frequency voltage appearing on each power line to 200 microvolts or less on any frequency from 510 kc to 1600 kc. Measurements shall be made from each power line to ground both with the equipment grounded and with the equipment ungrounded.

NOTE: One method of determining radio frequency voltage on the power line is described in "Military Specification for Interference Measurement" MIL–I–16910 (SHIPS) dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia 2, New York. Note that this procedure calls for grounding the equipment under test, whereas the Commission's rules call for measurements both with the equipment grounded and with the equipment ungrounded.

§ 15.205 *Operation within the frequency band 26.97–27.27 Mc.* A low power communication device may operate within the band 26.97–27.27 Mc (27.12 Mc±150 kc) provided it complies with all of the following requirements:

(a) The carrier of the device shall be maintained within the band 26.97–27.27 Mc.

(b) All emissions, including modulation products, below 26.97 Mc or above 27.27 Mc shall be suppressed 20 db or more below the unmodulated carrier.

(c) The power input to the final radio stage (exclusive of filament or heater power) shall not exceed 100 milliwatts.

(d) The antenna shall consist of a single element that does not exceed 5 feet in length.

§ 15.206 *Operation above 70 Mc.* A low power communication device may be operated on any frequency above 70 Mc. provided it complies with all of the following conditions:

(a) Operation is limited to one second duration and to occur not more than once in 30 seconds.

(b) The radiated field on any frequency from 70 Mc to 1000 Mc does not exceed the limits specified for receivers in § 15.62.

(c) The radiated field on any frequency above 1000 Mc does not exceed 500 microvolts per meter at a distance of 100 feet.

(d) The device is provided with means for automatically limiting operation within the time restrictions specified in this section.

§ 15.207 *Class B emission prohibited.* Operation of low power communication devices that produce Class B emissions (damped waves) is prohibited.

§ 15.208 *Certification requirements.* (a) No low power communication device manufactured after January 1, 1958 shall be operated without a station license unless it has been certificated to demonstrate compliance with the requirements in this part.

(b) The owner or operator need not certificate his own low power communication device, if it has been certificated by the manufacturer or distributor.

(c) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to assure that all production units comply with the technical requirements of this subpart.

(d) The certificate may be executed by a technician skilled in making and interpreting the measurements that are required to assure compliance with the requirements of this part.

(e) The certificate shall contain the following information:

(1) The operating conditions under which the device is intended to be used.

(2) The antenna to be used with the device.

(3) A statement certifying that the device can be expected to comply with the requirements of this subpart under the operating conditions specified in the certificate.

(4) The month and year in which the device was manufactured.

§ 15.209 *Location of certificate.* The certificate shall be permanently attached to the device and shall be readily visible for inspection.

§ 15.210 *Interference from low power communication devices.* Notwithstanding the other requirements of this part, the operator of a low power communication device, regardless of date of manufacture, which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been eliminated.

[F. R. Doc. 57-6076; Filed, July 24, 1957; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 52]

PART 5—DIVISIONS OF JOINT RATES APPLICABLE TO RAILWAY FUEL

FILING OF STATEMENTS OF DIVISIONS OF JOINT RATES APPLICABLE TO RAILWAY FUEL

At a session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 11th day of July A. D. 1957.

The regulations governing the divisions of joint rates applicable to railway fuel being under consideration.

And it appearing that by order dated December 22, 1915, the effectiveness of which was postponed by orders of February 11 and March 4, 1916, until May 1, 1916, the Commission promulgated regulations requiring the filing with the Commission of division sheets or statements showing divisions of joint rates applicable to railway fuel coal and also, by order dated February 14, 1916, promulgated regulations requiring the filing of division sheets or statements of divisions of joint rates applicable to railway fuel other than coal, by May 1, 1916. These orders also required the filing of amendments to or changes in divisions of such joint rates.

It further appearing that the practices which the filing of said division sheets was designed to correct can, under existing conditions, be effectively controlled or policed if the said orders are modified to require the carriers to furnish only such division sheets and statements as may be hereafter requested by the Commission or a Bureau thereof for use by the Commission or the general public.

And it further appearing that modification of the orders hereinafter provided being a relaxation of the regulations prescribed, rule making procedure under section 4 (a) of the Administrative Procedure Act (5 U. S. C., § 1003) is deemed unnecessary.

It is ordered, That the orders of December 22, 1915, as amended by orders of February 11 and March 4, 1916, and the order of February 14, 1916, be and they are hereby, modified or further modified, as the case may be, to provide that carriers subject to the act, to regulate commerce shall furnish upon request therefor by the Interstate Commerce Commission or any Bureau thereof, copies of division sheets or statements of divisons, including amendments thereto or changes therein, which in any wise affect or determine the division of joint rates applicable upon shipments of railway fuel coal and railway fuel other than coal, to which said carriers are a party.

The Commission reserves the right, should such action be deemed necessary, to further modify this regulation by restoring any or all regulations changed hereby, upon appropriate notice.

It is further ordered, That 49 CFR Part 5—Division of Joint Rates Applicable to Railway Fuel, be, and the same is hereby, revised by deleting in their entirety § 5.1 and § 5.2 and substituting in lieu thereof the following:

§ 5.1 *Filing of Statements of divisions of joint rates applicable to railway fuel coal and railway fuel other than coal.* Carriers subject to the act to regulate commerce shall furnish upon request therefor by the Interstate Commerce Commission or any Bureau thereof, copies of division sheets or statements of divisions, including amendments thereto or changes therein, which in any wise affect or determine the division of joint rates applicable upon shipments of railway fuel coal and railway fuel other than coal, to which said carriers are a party.

It is further ordered, That notice of this order be given to common carriers by rail subject to part I of the act by posting said copy in the office of the Secretary and filing a copy with the Director, Division of the Federal Register.

It is further ordered, That this order shall become effective September 3, 1957.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-6060; Filed, July 24, 1957; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—CAMAS NATIONAL WILDLIFE REFUGE, IDAHO

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.11, and in accordance with subsection (a) of section 4 of the Migratory Bird Hunting Stamp Act as amended August 12, 1949 (63 Stat. 600, 16 U. S. C. 718d (a)), I have determined that the hunting of migratory game birds may be permitted on portions of the Camas National Wildlife Refuge, Idaho, without interfering with the primary purpose of the refuge. Accordingly, a new subpart and a centerhead note, reading as set forth above, are added, together with a new section, reading as follows:

§ 31.31 *Hunting of migratory game birds permitted.* Migratory game birds may be taken on a portion or portions of the Camas National Wildlife Refuge in accordance with the Provisions of Part 6 of this chapter within areas of the refuge designated as open to the hunting of migratory game birds each year by suitable posting by the refuge officer in charge, subject to the conditions and restrictions in Parts 18 and 21 of this chapter: *Provided*, That hunting dogs, not to exceed two in number, may be used on such areas for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Inasmuch as the foregoing amendments are relaxations of existing restrictions applicable to the Camas National Wildlife Refuge, Idaho, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.), and they shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued at Washington, D. C., and dated July 19, 1957.

D. H. JANZEN, *Director, Bureau of Sport Fisheries and Wildlife.*

[F. R. Doc. 57-6074; Filed, July 24, 1957; 8:51 a. m.]

PART 31—PACIFIC REGION

SUBPART—RED ROCK LAKES MIGRATORY WATERFOWL REFUGE, MONTANA

MISCELLANEOUS AMENDMENTS

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.11, I have determined that hunting may be permitted on portions of the Red Rock Lakes Migratory Waterfowl Refuge, Montana, without interfering with the primary purpose of the area. Accordingly, §§ 31.283, 31.284, 31.285, and 31.286 are deleted and §§ 31.281 and 31.282 are amended to read as follows:

§ 31.281 *Hunting of migratory game birds permitted.* Migratory game birds (other than snow geese) may be taken in accordance with the provisions of Parts 6, 18, and 21 of this chapter within a portion or portions of the Red Rock Lakes Migratory Waterfowl Refuge each year on open areas designated by suitable posting by the refuge officer in charge: *Provided*, That hunting dogs, not to exceed two in number, may be used for the purpose of retrieving dead or wounded birds, but such dogs may not be allowed to run at large on the public shooting grounds or elsewhere on the refuge.

§ 31.282 *Hunting of moose permitted.* Moose may be taken on the Red Rock Lakes Migratory Waterfowl Refuge in such numbers and by such means as may be mutually determined by the Regional Director, Region I (Pacific Region), of the Bureau of Sport Fisheries and Wildlife and the Montana Fish and Game Commission after a joint annual survey of range conditions and census of the moose population on a portion or portions of the area designated as open to hunting by suitable posting by the refuge officer in charge and in accordance with the conditions and restrictions of Parts 18 and 21 of this chapter.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Inasmuch as the foregoing amendments are relaxations of existing restrictions applicable to the Red Rock Lakes Migratory Waterfowl Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.), and they shall become effective immediately upon pulication in the FEDERAL REGISTER.

Issued at Washington, D. C., and dated July 19, 1957.

D. H. JANZEN, *Director, Bureau of Sport Fisheries and Wildlife.*

[F. R. Doc. 57-6075; Filed, July 24, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 250, 251]

LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS; IMPORTATION OF DISTILLED SPIRITS, WINES AND BEER

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON, *Commissioner.*

In order to simplify the procedures for filing Form 1627A at the port of diversion where spirits are diverted to a port other than the specified port, and to provide for the destruction of unused red strip stamps abroad, it is proposed to amend 26 CFR Parts 250 and 251 as follows:

PARAGRAPH 1. 26 CFR Part 250 is amended as follows:

(A) Section 250.246 is amended to read as follows:

§ 250.246 *Credit of red strip stamps against requisition where distilled spirits are diverted to other than specified ports.* In the event of diversion of all or part of the spirits to a port or ports other than the port specified in Form 1627 filed with the Form 428, the importer shall prepare a supplemental statement, in duplicate, on Form 1627A for each such port. He shall submit both copies to the collector of customs who approved the Form 428, who will, after execution, retain the copy and return the original to the importer. The importer or his agent will file the original with the warehouse or consumption entry at the designated port of diversion. Diverted spirits may not be released from customs custody until either Form 1627A has been filed with the collector of customs at the port of diversion, or the collector of customs who approved Form 428 has authorized such release. The collector of customs at the port of diversion will execute the original of Form 1627A to show the number and denomination of stamps shown by the usual customs examination to have been attached to the containers, and transmit the Form 1627A to the collector of customs who approved the Form 428. The collector of customs who approved the requisition will credit the Form 428 accordingly, stamp on the copy of Form 1627A "Strip stamps credited", and send the copy to the importer who filed the application. Such importer may then take credit for the stamps on Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

PAR. 2. 26 CFR Part 251 is amended as follows:

(A) Section 251.87 is amended to read as follows:

§ 251.87 *Credit of red strip stamps against requisition on diversion of spirits to other than specified port.* In the event of diversion of all or part of the spirits to a port or ports other than the port specified in Form 1627 filed with the Form 428, the importer shall prepare a supplemental statement, in duplicate, on Form 1627A for each such port. He shall submit both copies to the collector of customs who approved the Form 428, who will, after execution, retain the copy and return the original to the importer. The importer or his agent will file the original with the warehouse or consumption entry at the designated port of diversion. Diverted spirits may not be released from customs custody until either Form 1627A has been filed with the collector of customs at the port of diversion, or the collector of customs who approved Form 428 has authorized such release. The collector of customs at the port of diversion will execute the original of Form 1627A to show the number and denomination of stamps shown by the usual customs examination to have been attached to the containers, and transmit the Form 1627A to the collector of customs who approved the Form 428. The collector of customs who approved the requisition will credit the Form 428 accordingly, stamp on the copy of Form 1627A "Strip stamps credited", and send the copy to the importer who filed the application. Such importer may then take credit for the stamps on Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

(B) By inserting a new section, reading as follows, immediately after § 251.89:

§ 251.89a *Destruction of red strip stamps abroad.* When for any reason a foreign bottler or exporter has on hand a quantity of red strip stamps which are not to be affixed to containers for export to the United States, and it is impractical to return such stamps to the importer from whom they were received, the collector of customs who approved the requisition, Form 428, may, on application (in triplicate) by the importer, authorize the destruction of the stamps abroad. The application shall show the denomination, quantity, and serial numbers of the stamps, the name and address of the foreign bottler or exporter who has possession of the stamps, and the reasons why destruction abroad is requested. If the collector of customs approves the application for destruction he will return the original and one copy of the application to the importer who will forward both to the foreign bottler or exporter abroad. On receipt of the approved application, the stamps may be destroyed provided such destruction is under the supervision of a Foreign Service officer of the United States of America, or of a Treasury Department officer stationed abroad, or of an excise official of the foreign government concerned, and such officer certifies to the destruction of the stamps on the approved application. After destruction, the original of the application bearing the required certificate of destruction will be returned, through the foreign bottler or exporter and the importer, to the collector of customs. The collector of customs will credit the Form 428 accordingly, stamp on the copy of the application "Strip stamps credited", and send the copy to the importer who filed the application. Such importer may then take credit for the stamps on Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

[F. R. Doc. 57-6071; Filed, July 24, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 101]

PROTECTION OF THE COMMERCIAL FISHERIES OF ALASKA

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 232; 5 U. S. C. 1003), and the authority contained in the act of June 6, 1924 (43 Stat 465; 48 U. S. C. 221 et seq.) as amended and supplemented, and the act of August 12, 1954 (68 Stat. 698; 16 U. S. C. 1021), notice is hereby given that the Secretary intends to take the following action:

Adopt certain amended regulations permitting and governing the time, means, methods and extent of fishing for commercial fish in the waters of Alaska, and related matters.

The foregoing amendments are to become effective about March 1, 1958 and, unless self-terminating, are to continue in effect until further notice.

Interested persons are hereby given an opportunity to participate in considering changes in the regulations by presenting their views, data, or arguments in writing to the Director of the Bureau of Commercial Fisheries, Department of the Interior, Washington 25, D. C., on or before November 22, 1957, or by presenting their views at a series of open discussions scheduled to be held as follows:

Dillingham, Alaska; October 7.
Anchorage, Alaska; October 9.
Homer, Alaska, October 10.
Kodiak, Alaska; October 12.
Cordova, Alaska; October 14.
Juneau, Alaska; October 21.
Sitka, Alaska; October 22.
Yakutat, Alaska; October 23.
Ketchikan, Alaska; October 24.
Petersburg, Alaska; October 25.
Seattle, Washington; November 13, 14 and 15.

The hour and place of each meeting will be announced by the local representative of the Bureau of Commercial Fisheries at the places indicated above.

FRED A. SEATON,
Secretary of the Interior.

JULY 20, 1957.

[F. R. Doc. 57-6073; Filed, July 24, 1957; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF DRIED CURRANTS[1]

MISCELLANEOUS AMENDMENTS

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards for Grades of Dried Currants (7 CFR 52.981-52.985), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). The amendments as hereinafter set forth provide for (1) a change in the definition and terminology for "poorly developed, blowovers" to "undeveloped, worthless"; and (2) elimination of the definition and explanation of methods for ascertaining "moldy" currants.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Change the applicable paragraphs and subparagraphs of the indicated sections to read:

a. Section 52.983 (a) (4):

(4) Not more than 1 percent, by weight, of dried currants may be undeveloped, worthless.

b. Section 52.983 (b) (4):

(4) Not more than 2 percent, by weight, of dried currants may be undeveloped, worthless.

c. Section 52.984 (c):

(c) "Undeveloped, worthless" refers to extremely light currants that are lacking in sugary tissue indicating incomplete development; are completely shriveled and hard; possess fine wrinkles on smaller units and moderately deep wrinkles on slightly larger units; and are commonly referred to as "worthless."

2. In § 52.984, delete paragraph (f) and subparagraph (1) of paragraph (f) in their entirety; renumber paragraph (g) as "(f)"; renumber (h) as "(g)".

3. In Table I, change left-hand caption of "Poorly developed blowovers____" to "Undeveloped, worthless____".

4. In § 52.985 (work sheet) in left-hand column of captions, under "Defects", change words "Poorly developed, blowovers____" to "Undeveloped, worthless____".

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: July 22, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-6083; Filed, July 24, 1957; 8:53 a. m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[7 CFR Part 1010]

[Docket No. AO-276-A1]

MILK IN WILMINGTON, DEL., MARKETING AREA

HEARING ON PROPOSED AMENDMENTS TO TENTATIVE APPROVED MARKETING AGREEMENT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the opening of a public hearing to be held in the DuBarry Room of the duPont Hotel, 11th and Market Streets, Wilmington, Delaware, beginning at 9:30 a. m., e. d. t., on July 29, 1957. The hearing is called for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order regulating the handling of milk in the Wilmington, Delaware, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Inter-State Milk Producers Cooperative, Inc.:

1. Amend § 1010.50 (a) by striking out the words "through August, 1957" contained therein.

2. Amend the Class I price formula in § 1010.50 (a) with respect to:

(a) Adjusting the figures in the table entitled "Class I price schedule—Class I price per hundredweight" in § 1010.50 (a) (6).

(b) Replacing the seasonal adjustment factors now applied in § 1010.50 (a) (3), (4), and (5).

(c) Including a new subparagraph in § 1010.50 (a) which will add a new component index representing changes in rates paid by farmers for hired labor.

Proposed by the Wilmington Milk Dealers Association:

3. Amend § 1010.50 by deleting all of the language of paragraph (a) preceding subparagraph (1), and substituting therefor the following:

(a) *Class I milk.* For each month from the effective date of this order the price per hundredweight of Class I milk shall be the price computed pursuant to subparagraphs (1) through (6) of this paragraph: *Provided,* That in no event shall this price be any more or less than the announced price for Order 61 minus 15 cents.

Proposed by the Dairy Division:

4. Make such other changes as may be required to make the marketing agreement and order in their entirety conform with any amendment thereto that may result in this hearing.

Copies of this notice of hearing and of the order, now in effect, may be procured from the Market Administrator, Fox Building, 12th Floor, 1612 Market Street, Philadelphia 3, Pennsylvania; or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 22d day of July 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-6084; Filed, July 24, 1957; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 024456]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 18, 1957.

In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 27 N., R. 23 W.,
Sec. 6, lots 7 and 8, S½NE¼
T. 27 N., R. 24 W.,
Sec. 2, lots 1, 2, 3, and 4.

The area described totals 282.52 acres of public lands. This land is located 15 miles west of Kalispell, Montana, and two miles north of Marion, Montana. The tracts are approximately two miles from a county road.

These tracts are located within the exterior boundaries of the Flathead National Forest, as established by proclamation dated March 2, 1907, and Executive Order 7082, June 22, 1935.

Minerals have been acquired by the United States by deed of October 19, 1955.

The above described lands shall be opened subject to valid existing rights and the requirements of applicable law, to such application, selections and locations as are permitted on national forest lands, effective at 10:00 a. m., on July 18, 1957.

Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relative to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice, can be found in Title 43 in the Code of Federal Regulations.

These lands are not subject to the provisions of the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284), as amended, granting a preference right of application to veterans of World War II and others.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 57-6050; Filed, July 24, 1957; 8:45 a. m.]

[Montana 024456]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 18, 1957.

1. In an exchange made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 36 N., R. 30 E.,
Sec. 19, lots 1, 2, E½NW¼.

2. The area described above totals 145.92 acres of lands. This tract is located 9 miles north of Loring, Montana. It has rolling terrain supporting an average stand of native grasses, with no timber or water. The soil is medium to shallow depth loam of glacial origin. The tract is not suitable for crop production, due to its rolling surface, and will not be classified as suitable for disposal under the homestead or desert land laws.

All minerals are reserved to the former owners of the land.

3. No applications for these lands will be allowed under the homestead, desert land, small tract, or other non-mineral public land law, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing rights and the requirements of applicable laws, the lands described in paragraph 1 above, are hereby opened to filing of applications and selections in accordance with the following:

(a) Applications and selections under the non-mineral public land laws on the lands described in paragraph 1 above, may be presented to the Land Office Manager, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747), 43 U. S. C. 279-284, as amended), presented prior to 10:00 a. m. on August 23, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 21, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 21, 1957, will be considered simultaneously filed at that hour.

5. Persons claiming veterans' preference rights under paragraph (2) must enclose with their applications proper evidence of military or naval service, preferably a complete photocopy of the certificate of honorable discharge. Persons claiming preference rights based up on valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice, can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 57-6051; Filed, July 24, 1957; 8:45 a. m.]

[Oregon 03945]

OREGON

NOTICE OF HEARING ON PROPOSED WITHDRAWAL OF PUBLIC LAND

JULY 16, 1957.

Notice is hereby given that a public hearing will be held beginning 10:00 a. m., Friday, August 23, 1957, in Room 216, Pacific Power and Light Building, 119 East Second Street, The Dalles, Oregon. The subject of the hearing will be the withdrawal and reservation of public land adjacent to the Deschutes River, in Sherman and Wasco Counties, proposed by the United States Fish and Wildlife Service in cooperation with the Oregon State Game Commission.

The proposal would withdraw, subject to valid existing rights, the public lands hereafter described from all forms of appropriation under the public land laws, including the general mining laws, except leasing under the mineral leasing laws and leasing under section 15 of the Taylor Grazing Act.

The proposed withdrawal and reservation would retain in public ownership the land described below for the purpose of providing access for the public to fish in the Deschutes River, as set forth in the Notice of Proposed Withdrawal and Reservation of Lands, Oregon 03945, published in the FEDERAL REGISTER on January 27, 1956, Volume 21, page 613.

The lands are described as follows:

WILLAMETTE MERIDIAN, OREGON

T. 3 S., R. 14 E.,
Sec. 13, SW¼SW¼NE¼, E½SW¼NW¼, SW¼SW¼NW¼, SE¼NW¼, N½N½SW¼, SW¼NW¼SW¼, N½SE¼;
Sec. 14, E½SE¼, E½SW¼SE¼;
Sec. 23, W½E½NE¼, E½W½NE¼, SW¼SW¼NE¼, E½NE¼SW¼, SE¼SW¼, NW¼NE¼SE¼, W½SE¼;
Sec. 35, W½E½NE¼, SW¼NE¼.
T. 2 S., R. 15 E.,
Sec. 13, S½NE¼SW¼, SE¼NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 23, E½SW¼NE¼, SW¼SW¼NE¼, SE¼NE¼, E½NE¼SW¼, N½NE¼SE¼, SW¼NE¼SE¼, NW¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼;
Sec. 24, N½NW¼NE¼, NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼;
Sec. 26, E½NW¼, NE¼SW¼, SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼;
Sec. 27, SE¼SW¼SW¼, SE¼SW¼, S½NW¼SE¼, SW¼SE¼;
Sec. 33, S½SE¼;
Sec. 34, SW¼SW¼NE¼, E½NW¼, E½W½NW¼, E½SW¼, E½NW¼SW¼, SW¼SW¼, W½NW¼SE¼, NW¼SW¼SE¼.
T. 3 S., R. 15 E.,
Sec. 3, SW¼SW¼NW¼, W½W½SW¼;
Sec. 4, Lots 1 and 2, N½SW¼NE¼, SE¼NE¼, S½SW¼NW¼, SW¼SE¼NW¼, SW¼, E½NE¼SE¼, SW¼NW¼SE¼, S½SE¼;
Sec. 5, SE¼SE¼NE¼, NE¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 7, E 20 acres of lot 4, SW¼SE¼NE¼, S½SW¼NE¼, E½NE¼SW¼, SW¼NE¼SW¼, SE¼SW¼, N½SE¼, E½SE¼SE¼;
Sec. 8, SW¼NW¼SW¼, W½SW¼SW¼, E½SE¼SE¼, SW¼SE¼SE¼;
Sec. 9, E½NW¼, E½W½NW¼, NW¼NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼;
Sec. 17, NE¼NE¼, S½NW¼NE¼, S½N½, N½SW¼, N½NE¼SE¼, NW¼SE¼;
Sec. 18, E 20 acres of lot 1, lot 2, lot 3, NE¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, W½NE¼NW¼, NW¼SE¼NW¼, NE¼NE¼SE¼.
T. 1 S., R. 16 E.,
Sec. 4, Lot 3, W½SE¼NW¼, NW¼NE¼SW¼;
Sec. 5, SE¼NW¼SE¼, SW¼SE¼;
Sec. 8, SW¼NE¼NE¼, SE¼NE¼, E½NE¼NW¼, NE¼SE¼NW¼, NW¼SE¼, E½SW¼SE¼;

Sec. 20, W½E½NE¼, N½NW¼SE¼, SW¼NW¼SE¼;
Sec. 30, SE 10 acres lots 3, E 20 acres lot 4, NW¼NE¼, W½SW¼NE¼, E½SW¼, W½NW¼SE¼, NW¼SW¼SE¼;
Sec. 31, E 20 acres lot 1, E 20 acres lot 2, SE¼NW¼, N½NE¼SW¼, SE¼NE¼SW¼, W½NE¼SE¼, SE¼NE¼SE¼, NW¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, SE¼SE¼;
Sec. 32, W½SW¼SW¼, SE¼SW¼SW¼.
T. 2 S., R. 16 E.,
Sec. 5, Lot 4, NW¼SW¼NW¼;
Sec. 6, Lots 1 and 2, S 20 acres of lot 3, S½NE¼, SE¼NW¼, E½SW¼, NE¼NW¼SE¼, W½W½SE¼;
Sec. 7, E 20 acres lot 1, E 20 acres lot 2, E 20 acres lot 3, lot 4, NE¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, W½E½SW¼;
Sec. 18, Lots 1 and 2, W½E½W½;
Sec. 19, Lot 1, NW¼NE¼NW¼.

The above described lands total 5,017.92 acres.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent, and extent; and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof not later than August 20, 1957, with the State Supervisor, Bureau of Land Management, P. O. Box 3861, 1001 N. E. Lloyd Boulevard, Portland 8, Oregon.

VIRGIL T. HEATH,
State Supervisor.

JULY 16, 1957.

[F. R. Doc. 57-6032; Filed, July 24, 1957; 8:45 a. m.]

ALASKA

PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR BUREAU OF LAND MANAGEMENT AMENDED

Notice of the proposed withdrawal and reservation of land in the Bureau of Land Management in the Anchorage, Alaska, area, was published in the FEDERAL REGISTER, June 19, 1957, Volume 22, Number 118, Page 4327. The area embraced by this application, which is identified by the serial number, Anchorage 033091, was in error and is hereby corrected to read as follows:

ANCHOR RIVER AREA

SEWARD MERIDIAN

T. 5 S., R. 14 W.,
Sec. 20, SW¼NW¼SW¼, W½SE¼NW¼SW¼.
T. 5 S., R. 15 W.,
Sec. 10, W½SW¼SE¼NW¼, NW¼SE¼SE¼NW¼, NE¼SW¼SE¼NW¼.
Sec. 13, N½SE¼SE¼, SW¼SE¼NE¼, SW¼NE¼NE¼SE¼, NW¼NE¼SE¼, S½NE¼SE¼.

Aggregating 87.5 acres.

L. T. MAIN,
Operations Supervisor.

[F. R. Doc. 57-6053; Filed, July 24, 1957; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 177-14]

FISCAL ASSISTANT SECRETARY OF THE TREASURY

DELEGATION OF AUTHORITY TO MAKE CERTAIN LOANS TO DISTRICT OF COLUMBIA

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 there is hereby transferred to the Fiscal Assistant Secretary of the Treasury the function of making loans pursuant to the Act of June 2, 1950, 64 Stat. 195, as amended by the District of Columbia Public Works Act of 1954, 68 Stat. 103, to the Board of Commissioners of the District of Columbia for the expansion of the District of Columbia water system at rates of interest fixed by the Secretary of the Treasury in accordance with section 2 (d) of the amended act.

Dated: July 19, 1957.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-6070; Filed, July 24, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10968, etc.; FCC 57M-707]

GREAT LAKES TELEVISION, INC., ET AL.

ORDER SCHEDULING HEARING CONFERENCE

In re applications of Great Lakes Television, Inc., Buffalo, New York; Docket No. 10968, File No. BPCT-1812; Leon Wyszatycki, d/b as Greater Erie Broadcasting Company, Buffalo, New York; Docket No. 10969, File No. BPCT-1827; WKBW-TV, Inc., Buffalo, New York; Docket No. 10970, File No. BPCT-1841; for construction permits for new television stations.

It is ordered, This 19th day of July 1957, that a hearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Tuesday, July 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6077; Filed, July 24, 1957; 8:51 a. m.]

[Docket Nos. 11786, 11787; FCC 57M-709]

WEST SHORE BROADCASTING CO. AND WESTPORT BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York; Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut; Docket No. 11787, File No. BP-9972; for construction permits.

It is ordered, This 19th day of July 1957, on the Hearing Examiner's own motion, that the further conference now in indefinite continuance is rescheduled for Tuesday, September 3, 1957, at 10:00 a. m., and that the evidentiary hearing also now in indefinite continuance is rescheduled for Tuesday, September 24, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6078; Filed, July 24, 1957; 8:51 a. m.]

[Docket Nos. 11880, 11881; FCC 57-771]

BIRNEY IMES, JR. (WMOX) AND MISSISSIPPI BROADCASTING CO.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Birney Imes, Jr. (WMOX), Meridian, Mississippi; Docket No. 11880, File No. BP-10163; Mississippi Broadcasting Company, Carthage, Mississippi; Docket No. 11881, File No. BP-10637; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues filed December 28, 1956, by Birney Imes, Jr., licensee of Station WMOX, Meridian, Mississippi; (2) a reply to subject petition filed January 22, 1957, by the Commission's Broadcast Bureau; (3) an opposition to subject petition filed January 29, 1957 by Mississippi Broadcasting Company; and (4) a reply by Birney Imes, Jr., filed February 5, 1957.

2. The hearing issues in the above-entitled proceeding, among others, now state:

4. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, whether a grant of the Carthage, Mississippi proposal or one of the Meridian, Mississippi proposals, herein, would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event that one of the Meridian, Mississippi, proposals is favored under Issue 4, which of the operations proposed by the Southern Television Corporation and Birney Imes, Jr. for Meridian, Mississippi, would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each of said applicants to own and operate its station as proposed.

(b) The proposals of each of said applicants with respect to the management and operation thereof.

(c) The programming service proposed in each of said applications.

3. On April 8, 1957, Southern Television Corporation's application was dismissed. The effect of this with respect to the issues as they now stand is to eliminate entirely any need for the introduction of evidence under Issue 5.[1] Because the Southern dismissal occurred after Imes' petition to enlarge was filed, the ensuing discussion will attempt to take the dismissal into account.

4. Imes' basic contention was that the hearing issues, in providing for a comparison on the usual criteria only with respect to the two Meridian applications in the event the 307 (b) issue was resolved in favor of Meridian, established a procedure which conflicts with the Supreme Court decision in FCC v. Allentown Broadcasting Company, 349 U. S. 358, 99L. Ed. 1147. Imes urged that the issues be modified to permit the usual comparison of all three applicants. The effect of Southern Television dismissal upon the Imes petition can be viewed in two ways. It can be said that the elimination of the need for any evidence under Issue 5 has rendered the petition moot because that which Imes complained of, a comparison between the two Meridian applicants rather than between all three applicants, has been eliminated. However, viewing the petition in its entirety, the Commission believes that one of Imes' basic purposes was to have his application judged on the usual comparative issues as well as the 307 (b) basis. This is made clear by some of the arguments which will be mentioned subsequently. For this reason, we shall attempt to analyze the petition in the light of the changed circumstances and with Imes' basic intent in mind.

5. Imes' interpretation of the Allentown case, supra, is the key to the petition to enlarge. While conceding that the Supreme Court held that the Commission could give controlling importance to the choice of local service principle, Imes urges that the Court did not go so far as to say that this would be done without having a record made on the other factors as well. Petitioner's position is best explained by the following excerpt from the petition to enlarge:

> We believe the Supreme Court charted a middle course between the holding of the Court of Appeals and the position urged by the Commission. It did not go along with the lower court in holding that section 307 (b) is only one of several equal factors to be weighed by the Commission. The Supreme Court agreed with the Commission that whether or not the other factors were found to be equal, the Commission could within its discretion hold that, on the record before it, the choice-of-local-service principle outweighed all other factors. But we do not believe that the Supreme Court went as far as the Commission when it holds that in a section 307 (b) case it is not even required to admit evidence on non-engineering factors—that it can make up its mind in advance that it is inconceivable that any non-engineering evidence could have any bearing on the ultimate decision. The repeated references in the opinion to the type of hearing held and the findings made show clearly that the Supreme Court believed that before a decision is made, the parties must be given an opportunity to make a complete record on all aspects of the case. Once such a hearing is held the Commission has wide latitude in deciding that one or several considerations are entitled to superior or even controlling weight, but it must permit the parties to make a complete showing.

6. Petitioner illustrates with two non-engineering factors the alleged importance of obtaining a complete record. He contends that a grant of an application for Meridian will result in a very substantial portion of the population now receiving broadcast service of WCOC receiving a second primary service, and that a healthier competitive situation will be created in Meridian by the addition of a second high power facility. However, states petitioner, if the Carthage application is granted, a small community will receive its first station, but the grant will go to an applicant which already has a powerful facility in Meridian and will result in a substantial duplication of service area between WCOC and the proposed Carthage station. A second factor is the staffing plans of the Carthage station consisting of four people and the operating budget of $17,265 which, petitioner contends, are not adequate to provide live programming proposed for 43 percent of the time and wire programming for 15 percent of the time during the proposed 12 hours a day operation, seven days a week.

7. As an alternative to the foregoing, Imes, requests that the finding in the designation order that Mississippi Broadcasting Company is "technically • • • and otherwise qualified" be deleted and an issue be added which reads as follows:

> To determine whether Mississippi Broadcasting Company in view of its proposals as to staff and operating expenses is technically and otherwise qualified to operate its station in the manner proposed by its application.

8. In reply to the petition, the Commission's Broadcast Bureau argues that the petitioner's contention is exactly the opposite of the Court's holding in the Allentown case. The Bureau contends that the Court supported the Commission's view that it must first determine which community has the greater need for additional service and then determine which applicant can best serve that community need. Since neither of the Meridian applicants would render primary service to Carthage, nor would the Carthage applicant furnish primary service to Meridian, the Bureau maintains that, if it were decided that Carthage was the community of greater need, then the Carthage applicant would better serve this community, provided that it shows that it is qualified to and will establish a local outlet in Carthage; and conversely, if Meridian should be the community of greater need, then the Meridian applicant would better serve that need. The Bureau submits that a comparison of the significant differences between the Carthage applicant and the Meridian applicant is unnecessary.

9. With respect to the other matters raised by the petitioner (paragraph 6, supra), the Bureau states that no claim is made that the overlap involved would disqualify the applicant, and, in the absence of disqualification, the only purpose that could be served by the addition of a multiple ownership issue would be for comparative purposes which, the Bureau asserts, is not warranted. As to the staffing plans for the Carthage station, the Bureau believes that the facts as alleged by petitioner raise a serious question as to whether, in the light of the programming which it has proposed and the limited staff with which it proposes to effectuate such programming, Mississippi Broadcasting Company would be qualified to provide the outlet for local self-expression in Carthage, Mississippi, which it proposes and whether the proposed station would serve as such an outlet. The Bureau contends that, in the event that the facts as developed on the record should fail to sustain the value of the Mississippi proposal as a local outlet for Carthage, it believes that the Commission would be justified in denying its application irrespective of a showing of the existence of greater need for a first station in Carthage than for an improvement of the facilities of an existing station in Meridian, notwithstanding that it may be found that Mississippi is technically qualified to construct and operate its station as proposed.

10. In opposition to the petition, Mississippi Broadcasting Company concurs with the Broadcast Bureau's interpretation of the Allentown case. As to the staffing plans for its Carthage station, Mississippi now states that in addition to the one first-class engineer (radio operator) all announcers will have a third-class radio operator license so that they can also operate the transmitter when they are on duty, and that the first-class engineer-announcer, who will serve 36 hours as announcer, will be available for maintenance work at all times and will be paid overtime rates for any and all hours over 40. Mississippi also states that, with the salesman also doubling as an announcer and with other employees as announcers, the station manager will be freed to concentrate on programming; and that the Carthage station will have available the expert experience of the chief engineer of Station WCOC whenever a need for his services arises.

11. The Allentown decision does not require enlargement of the issues. On several occasions since the Supreme Court announced its opinion in that case, the Commission has stated the policy which would be adhered to consistent with the rationale of that case insofar as it related to the application of section 307 (b) of the act. In Courier-Times, 13 RR 1292, 1294, where a request was made for inclusion of a programming issue, we refused to enlarge the issues for the reason that where a 307 (b) determination had to be made, "a comparison of programming proposals or other comparative qualifications . . . would be completely unnecessary as long as basic requirements of the Commission have been met" (Ibid., p. 1295). The Commission ruled in like manner in Southern Indiana Broadcasters, 14 RR 117, 119. A somewhat fuller discussion of the problem in slightly different circumstances is contained in our recent decision in Mercer Broadcasting Co., et al., 22 FCC 1009, 1027 et seq., 13 RR 891, 911 et seq. There, although comparative issues were included in the designation order, the Commission ruled that the Examiner did not err in omitting findings and conclu-

[1] The dismissal also has the effect of rendering unnecessary any consideration of Southern's petition filed December 28, 1956.

sions under these issues since the case was properly disposed of on 307 (b) considerations, citing Allentown, supra.[1] The instant petition filed by Imes presents no facts which indicate the necessity for deviating from the above described policy for it is clear that the decisive question in this proceeding is which community, Carthage or Meridian, has the greater need for the service proposed for it. There is no allegation that one or the other applicant will serve the city of the other. Whether or not either of the towns is in fact a "community", as that term is used in section 307 (b), is a question which is not presented here. Therefore, were we to enlarge the issues to allow the comparative showing urged by Imes, additional hearing time would be consumed solely for the purpose of taking evidence which is unnecessary to a decision and upon which no findings or conclusions need be based. The Commission is unable to find any language in Allentown, supra, on the basis of which it can be said that evidence on the comparative qualifications of the applicants must be taken before it may be decided that such evidence is unnecessary in view of the requirements of section 307 (b). For these reasons, the petition to enlarge issues to permit a comparison of the applicants will be denied.[2]

12. It is our opinion that the petitioner has made a reasonable showing as to the deficiency in the staffing plans of the proposed Carthage station and that enlargement of issues in this respect is justified. Moreover, we note in this connection that the Carthage station proposes to operate with a directional antenna system. The Commission's Rules (§§ 3.93 and 3.66) require that a first-class radio operator shall be in actual charge and shall be on duty at the transmitter location when a directional antenna system is involved. However, Mississippi proposes to employ only one first class operator as set forth in paragraph 10 above.

Accordingly, *It is ordered*, This 18th day of July 1957, that the above-entitled petition of Birney Imes, Jr. to enlarge the issues is granted insofar as it requests an issue inquiring into the staffing plans of Mississippi Broadcasting Company, and in all other respects, the petition is denied.

It is further ordered, That, in view of the recent dismissal of the application of Southern Television Corporation, Meridian, Mississippi, the hearing issues are modified to bring the issues current with the present situation, and the hearing issues are enlarged as follows:

1. To determine the areas and populations which would receive primary service from the operation proposed by the Mississippi Broadcasting Company, and the availability of other primary service to such areas and population.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMOX, and the availability of other primary service to such areas and populations.

3. To determine whether the operation proposed by Birney Imes, Jr. would comply with §§ 3.28 (c) and 3.188 (b) (1) of the Commission's Rules, and whether, if it does not comply, circumstances exist which warrant waivers of said sections.

4. To determine whether Mississippi Broadcasting Company in view of its proposals as to staff and operating expenses is qualified to operate its station in the manner proposed by its application.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient, and equitable distribution of radio service.

6. To determine in light of the evidence adduced pursuant to the foregoing which if either, of the applications should be granted.

Released: July 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6079; Filed, July 24, 1957; 8:52 a. m.]

[Docket No. 11956; FCC 57M-708]

AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of American Telephone and Telegraph Company, Docket No. 11956; charges, classifications, regulations and practices for and in connection with channels for off-the-air pickup and relay of television program material.

The Hearing Examiner having under consideration informal agreement of all parties regarding date for the hearing herein;

It is ordered, This 19th day of July 1957, that, pursuant to informal agreement of all parties, the hearing herein, now scheduled for July 29, 1957, is continued without date, pending action by the Commission on the petition to terminate proceeding, filed by American Telephone and Telegraph Company, and related pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6080; Filed, July 24, 1957; 8:52 a. m.]

[Docket Nos. 12104, 12105; FCC 57-782]

RALPH D. EPPERSON AND WILLIAMSBURG BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ralph D. Epperson, Williamsburg, Virginia; Docket No. 12104, File No. BP-10958; Mary Cobb and Richard S. Cobb, d/b as Williamsburg Broadcasting Co., Williamsburg, Virginia; Docket No. 12105, File No. BP-11199; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of July 1957;

The Commission having under consideration the above-captioned applications of Ralph D. Epperson, and of Mary Cobb and Richard S. Cobb, d/b as Williamsburg Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 740 kilocycles, with a power of 500 watts, daytime only, at Williamsburg, Virginia;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the operation of both proposals would result in mutually destructive interference and would cause objectionable interference to Station WMBL, Morehead City, North Carolina (740 kc, 1 kw, Day); and that the applicants' estimates of the area and population to be served within the proposed 0.5 mv/m contours each differ considerably; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 16, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either of the applications would be in the public interest; and

It further appearing that by letters dated May 17, 1957, the licensee of Station WMBL requested that both applications be designated for hearing; and

It further appearing that a timely reply to the Commission's letter was filed by each of the applicants; and

It further appearing that the application of William E. Benns, Jr., and Barbara Benns d/b as Chesterfield Broadcasting Company, File No. BP-10740, which was formerly mutually exclusive with the above-captioned applications, was amended on July 15, 1957, to specify a different frequency; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operations of Ralph D. Epperson and the Williamsburg Broadcasting Co. would cause objectionable interference to Station WMBL, Morehead City, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine which proposal herein would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each applicant to own and operate the proposed station.

(b) The proposal of each applicant with respect to management and operation of the proposed station.

(c) The programming service proposed in the application of each of said two applicants.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the Carteret Broadcasting Company, licensee of Station WMBL, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.387 of the Commission's Rules, in person or by an attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: July 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6081; Filed, July 24, 1957; 8:52 a. m.]

[Docket No. 12098 etc.; FCC 57-778]

MOUNTAIN VIEW BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mountain View Broadcasting Company, Jonesboro, Tennessee; Docket No. 12098, File No. BP-10900; Eugene Slatkin and Boyce H. Hanna d/b as Cleveland County Broadcasting Company, Shelby, North Carolina; Docket No. 12099, File No. BP-11062; L. C. Young tr/as Scott County Broadcasting Co., Gate City, Virginia; Docket No. 12100, File No. BP-11082; Daniel Gabriel and Arnold H. Johnson d/b as Lee County Broadcasting Company, Pennington Gap, Virginia; Docket No. 12101, File No. BP-11141; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of July 1957;

The Commission having under consideration the above-captioned applications of the Mountain View Broadcasting Company and of Eugene Slatkin and Boyce J. Hanna d/b as Cleveland County Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1590 kilocycles with powers of 5 kilowatts and one kilowatt, respectively, daytime only at Jonesboro, Tennessee, and Shelby, North Carolina, respectively; and of L. C. Young tr/as Scott County Broadcasting Co. and of Daniel Gabriel and Arnold H. Johnson d/b as Lee County Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1570 kilocycles with powers of 250 watts and one kilowatt, respectively, daytime only, at Gate City and Pennington Gap, Virginia, respectively;

It appearing that all of the applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the proposed operation of the Mountain View Broadcasting Company would cause excessive interference to the proposed operation of the Cleveland County Broadcasting Company, would receive some interference from the latter proposal and would also receive some adjacent channel interference from the proposed operation of the Scott County Broadcasting Co. and that the operation of the proposals of the Scott County Broadcasting Co. and the Lee County Broadcasting Company would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 30, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that timely replies were filed by all subject applicants; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the proposals herein would cause to and receive from each other, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would best provide a fair, efficient and equitable distribution of radio service.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's Rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: July 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6082; Filed, July 24, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12298]

ILLINOIS POWER CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 19, 1957.

Take notice that Illinois Power Company (Applicant), having its principal place of business in Decatur, Illinois, filed on March 28, 1957, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transportation facilities with Applicant's proposed facilities and to sell and deliver to Applicant its natural gas requirements for the village of Ridge Farm and environs, Vermilion County, Illinois, all as more fully represented in the Application.

Applicant proposes to construct and operate approximately 7,550 feet of 4-inch lateral transmission pipeline from a connection with Panhandle's 12-inch line extending westward to the corporate limits of the Village of Ridge Farm, Illinois, and a natural gas distribution system for service therein.

The estimated cost of the proposed construction is $128,000, which will be financed from funds on hand.

The total annual and peak day requirements of Applicant for the Village of Ridge Farm and environs are estimated as follows:

Year	Requirements, mcf.	
	Peak day	Annual
First	310	10,790
Second	530	42,400
Third	640	59,550
Fourth	700	68,310
Fifth	740	73,400

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 5, 1957, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

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[1] Inclusion of the standard comparative issue in 307 (b) cases was the practice until the Supreme Court's decision in Allentown made it clear that this was unnecessary.

[2] It goes without saying that in the absence of enlargement of the issues, evidence with respect to the comparative qualifications of the applicants is inadmissible.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 23, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6067; Filed, July 24, 1957; 8:49 a. m.]

[Docket No. G-12371, etc.]

NORTHERN NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 19, 1957.

In the matters of Northern Natural Gas Company, Docket No. G-12371; Parker Petroleum Co., Inc., Operator, et al., Docket No. G-11595; Cabot Carbon Company, Docket No. G-11659; Novi Gas Company, Docket No. G-11660; The Texas Company, Docket No. G-11682; Union Oil Company of California, Docket No. G-11713; The Carter Oil Company, Docket No. G-11739; Sinclair Oil & Gas Company, Docket No. G-11744; J. M. Huber Corporation, Docket No. G-11766; Harper Oil Company, Operator, et al., Docket No. G-12110; Sun Oil Company (Southwest Division), Docket No. G-12548.

Take notice that on April 9, 1957, Northern Natural Gas Company (Northern) filed in Docket No. G-12371 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of:

(1) Approximately 21.4 miles of field lines varying in diameter from 4 to 10 inches, to extend from a point of connection with Northern's existing Beaver Compressor Station, to seven wells in the Elmwood-Southwest Camp Creek Area (Elmwood Area), all in Beaver County, Oklahoma, together with a dehydration station and seven field metering stations, in order to purchase and receive natural gas produced in the Elmwood Area by Parker Petroleum Co., Inc., Operator (Parker), et al., Union Oil Company of California (Union), The Carter Oil Company (Carter), Sinclair Oil & Gas Company (Sinclair), and Harper Oil Company, Operator (Harper), et al.; and

(2) Approximately 9.0 miles of field lines varying in diameter from 4 to 8 inches to extend from a point of connection with Northern's existing Skellytown-Beaver transmission system to eight wells in the Perryton-Barlow Area, all in Ochiltree County, Texas, together with a dehydration plant and eight field metering stations, in order to purchase and receive natural gas produced in the Perryton-Barlow Area by Cabot Carbon Company (Cabot), Novi Gas Company (Novi), The Texas Company (Texas Company), J. M. Huber Corporation (Huber), and Sun Oil Company (Southwest Division) (Sun).

Northern states that the estimated total initial cost of the facilities proposed herein by Northern is $666,000, which cost is to be financed from company funds.

Also take notice that the following related producer applications have been filed covering the above proposed sales to Northern:

Docket No.	Applicant	Date filed	Contract date
G-11595	Parker	Dec. 14, 1956	Nov. 13, 1956
G-11659	Cabot	Dec. 26, 1956	Oct. 15, 1956
G-11660	Novi	do	Nov. 20, 1956
G-11682	Texas Company.	Dec. 28, 1956	Nov. 26, 1956
G-11713	Union	Jan. 8, 1957	Dec. 12, 1956
G-11739	Carter	Jan. 14, 1957	Nov. 19, 1956
G-11744	Sinclair	Jan. 16, 1957	Nov. 15, 1956
G-11766	Huber	Jan. 22, 1957	[1] Nov. 26, 1956
G-12110	Harper	Feb. 25, 1957	Jan. 14, 1957
G-12548	Sun	May 8, 1957	Apr. 11, 1957

[1] As amended Jan. 2, 1957.

All of the above producers, except Parker and Harper, have filed their respective applications to cover only their own interests in the leases involved herein since each of such producers has its own separate contract with Northern.

Parker, in Docket No. G-11595, as Operator, filed on its own behalf and on behalf of the following co-owners, all of whom, together with Parker, are signatory seller parties to the same gas sales contract dated November 13, 1956, namely, John R. Dow, Daniel N. League and Loren B. Corliss. Parker's application shows the percentum of ownership of all of the co-owners in the six units in which it is the operator. In two of the units, Carter, Sinclair, and Panhandle Eastern Pipe Line Company (Panhandle) are shown to own working interests. Carter and Sinclair, having their own separate contracts with Northern, filed separately in Docket Nos. G-11739 and G-11744, respectively.

Harper, as Operator, in Docket No. G-12110, filed on its own behalf and for the following nonoperator co-owners, all of whom, together with Harper, are signatory seller parties to the same gas sales contract dated January 14, 1957, namely, Ambassador Oil Corporation, Hudson Gas and Oil Corporation, Harvey D. McLean, John B. Baird and V. V. Jacomini. The percentum of interest of all co-owners in the units operated by Harper are listed in Exhibit C to the application, Docket No. G-12110.

Producers' facilities consist of customary lease equipment. Proposed deliveries will be made at the proposed meter stations to be installed by Northern adjacent to each of the wells involved herein.

Northern will transport the gas received from the Producer Applicants herein commingled with its other gas supplies for sale in other states.

Northern states that no additional markets are proposed to be served by Northern other than those previously authorized by the Commission.

In addition to the facilities described above, Northern also states that it proposes to construct and operate additional field lines and meter stations to enable it to purchase and receive natural gas produced from any additional wells that may be completed in the two subject areas.

All of the above applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 20, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6068; Filed, July 24, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3640]

GOLDENBERG CO.

APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 18, 1957.

In the matter of the Goldenberg Company, Class "A" Common Stock, 6% Preferred Stock, File No. 1-3640.

Philadelphia-Baltimore Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company's preferred and common stocks are nominally quoted at ¼ or less and the Company has failed to file the information, documents and reports required by the Exchange and by section 13 (a) of the Securities Exchange Act of 1934.

Upon receipt of a request, on or before August 5, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6062; Filed, July 24, 1957; 8:48 a. m.]

[File No. 24S-1517]

PROFILE MINES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 19, 1957.

I. Profile Mines, Inc. ("Profile"), an Idaho corporation, filed with the Commission on January 28, 1957 a notification and an offering circular, and subsequently filed amendments thereto, relating to an offering of 2,000,000 shares of its common stock, par value 10¢ a share, at 10¢ a share, for an aggregate of $200,000.00 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. In connection with the offering use has been made of letters and other written communications describing Profile and its properties, and containing coupons which could be used to request offering circulars, prepared or authorized by Profile or persons associated with Profile or its affiliates for such use which letters and other written communications were proposed to be and were sent, given and otherwise communicated to more than ten persons, which letters and other written communications had not been filed with the Commission prior to the use thereof, as required;

2. Written offers of securities of Profile have been made notwithstanding that an offering circular had not concurrently or previously been given to the offerees, or had not been sent to the offerees under such circumstances that the offering circular would normally have reached such offerees at or prior to the time of such written offers, notwithstanding that such written offers did not comply with the exception for which provision is made in Rule 256 (d); and

3. The offering circular failed to state the price, terms, and conditions on which securities of Profile were to be offered, and the number of units to be offered, as required.

B. The offering circular and other sales literature contain untrue statements of material fact and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The minerals and ores on properties of Profile;

2. The operations conducted and to be conducted on the properties of Profile;

3. The exploratory and development work performed on the properties of Profile and the results thereof; and

4. The price, terms and conditions on which securities of Profile had been, were being, and would be offered and sold, and the number of units which had been, were being, and would be offered and sold; and

C. The offering has been, is being and would be made in violation of section 17 of the Securities Act of 1933, as amended, in that use had been, is being and would be made of an offering circular and other sales literature which contain false and misleading statements of material facts as is specified hereinabove.

III. *It is therefore ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Profile Mines, Inc. and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given to the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 57-6063; Filed, July 24, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request 22]

WYOMING VALLEY MANUFACTURERS POOL, INC.

WITHDRAWAL OF REQUEST TO OPERATE AS A SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN THE OPERATIONS OF SUCH POOL

Pursuant to section 217 of the Small Business Act of 1953, as amended, the request to Wyoming Valley Manufacturers Pool, Inc., published in 19 F. R. 1428, on March 13, 1954, to operate as a small business production pool for defense and the requests to the companies therein listed to participate in the operations of such pool, are hereby withdrawn.

That part of the above approval which provided that no act or omission to act pursuant to this approved program shall be construed to be within the prohibition of the antitrust laws of the Federal Trade Commission Act of the United States is likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to this withdrawal.

(Sec. 217 of Pub. Law 163, 83d Cong.; E. O. 10493, Oct. 16, 1953, 18 F. R. 6583)

Dated: July 18, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-6064; Filed, July 24, 1957; 8:48 a. m.]

[Declaration of Disaster Area 162]

INDIANA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Indiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Marion (floods beginning on or about July 10).

Offices: Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Ill.; Small Business Administration Branch Office, Federal Building, Room 505, Indianapolis, Ind.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1958.

Dated: July 15, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-6065; Filed, July 24, 1957; 8:48 a. m.]

TARIFF COMMISSION

[Investigation 18]

DRIED FIGS AND FIG PASTE

INVESTIGATION INSTITUTED AND HEARING SET

Institution of investigation. By direction of the President, dated July 18, 1957, the United States Tariff Commission on the 19th day of July 1957 instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether dried figs and fig paste are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the marketing agreement and order program and other programs with respect to figs and fig paste undertaken by the Department of Agriculture, or to reduce substantially the amount of products processed in the United States from domestic figs or fig paste with respect to which such programs are being undertaken.

Hearing. A public hearing in this investigation will be held in the Tariff Commission Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. d. s. t., on August 20, 1957. All parties interested will be given opportunity to be present, to produce evidence, and to be heard.

Request to appear. Interested parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., at least 3 days in advance of the date set for the hearing.

I hereby certify that the above investigation was instituted and hearing ordered by the United States Tariff Commission on July 19, 1957.

Issued: July 19, 1957.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-6066; Filed, July 24, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 22, 1957.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34039: *Grain and products from Colorado and Nebraska points to Missouri River cities.* Filed by The Union Pacific Railroad Company, for itself and interested rail carriers. Rates on grain, grain products and related articles, also seeds, carloads from specified points in Colorado and Nebraska on the Union Pacific to Kansas City and St. Joseph, Mo., Atchison and Leavenworth, Kans.

Grounds for relief: Circuitous routes.

Tariff: Supplement 85 to Union Pacific Railroad Company's tariff I. C. C. 5166.

FSA No. 34040: *Cement and clinkers within official territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on cement (common hydraulic, masonry, mortar, natural, or portland), carloads, also cement clinker, carloads from specified points in Maryland, New Jersey, New York, Pennsylvania, and West Virginia to specified points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Agent H. R. Hinsch's tariff I. C. C. 4788.

FSA No. 34041: *Machinery and parts—Cordele, Ga., to official territory border points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on machinery, machines and parts thereof, carloads from Cordele, Ga., to Ashland, Ky., Charleston and Kenova, W. Va., Cairo, Ill., Evansville, Ind., Cincinnati, Ohio and other named Ohio River crossings or nearby border points in Kentucky, Indiana, Illinois, and Ohio.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 2 to Agent Spaninger's tariff I. C. C. 1536.

FSA No. 34042: *Brick and related articles from Hebron, N. Dak.* Filed by The Northern Pacific Railway Company for itself and interested rail carriers. Rates on brick and related articles, carloads from Hebron, N. Dak., to specified points in Iowa, Minnesota, and Wisconsin.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 8 to Northern Pacific Railway Company's tariff I. C. C. 9831.

FSA No. 34043: *Molasses residuum—Philadelphia, Pa., to New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on molasses residuum distillery liquid, tank-car loads from Philadelphia, Pa., to New Orleans, La.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 34044: *Anti-knock compound—Baton Rouge and North Baton Rouge, La., to eastern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on motor fuel anti-knock compound, tank-car loads, from Baton Rouge and North Baton Rouge, La., to specified points in Delaware, Maryland, New Jersey, and Pennsylvania.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-6059; Filed, July 24, 1957; 8:47 a. m.]

[No. 32229]

CLASS RATES

TWIN CITIES TO IOWA

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 16th day of July A. D. 1957.

There being under consideration the matter of rates and charges, and rules, regulations, and practices affecting such rates and charges, applicable on interstate or foreign commerce of class rates applicable from Minneapolis and St. Paul, Minn. to Cedar Falls, Cedar Rapids, Clinton, Davenport, Marion and Waterloo, Iowa, and other Iowa points or points in Illinois taking the same rates, as set forth in;

Middlewest Motor Freight Bureau, Agent: Supplement 61 to MF-I. C. C. 257; Items 2010 and 5000;

or as the same may be amended or reissued:

It appearing that upon consideration of the tariff schedules and protests thereto, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondent's attorneys in fact, and the individual carriers, who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing, at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-6061; Filed, July 24, 1957; 8:48 a. m.]

MAIN
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FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 22 NUMBER 144

Washington, Friday, July 26, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (2) of § 6.142 and paragraph (a) (13) of § 6.342 are amended and a new subparagraph (16) is added to § 6.342 (a) as set out below.

§ 6.142 *Housing and Home Finance Agency.* • • •

(c) *Federal Housing Administration.* • • •

(2) Until December 31, 1957, six Zone Operations Commissioners.

§ 6.342 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* • • •

(13) One Assistant Commissioner for Operations, Urban Renewal Administration.

• • • • • •

(16) One Assistant Commissioner for Program Planning and Development, Urban Renewal Administration.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-6117; Filed, July 25, 1957; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 485—SOIL BANK

SUBPART—VIOLATIONS PROCEDURE

CIVIL PENALTY

The Soil Bank regulations applicable to violations, 22 F. R. 2411, as amended in 22 F. R. 4779, are hereby further amended by adding § 485.295 as follows:

§ 485.295 *Liability for civil penalty.* If an acreage reserve agreement is knowingly and willfully violated in any one or more of the following respects—(a) harvesting an acreage of the commodity in excess of the acreage permitted to be harvested under the agreement, (b) harvesting a crop from the acreage reserve, or (c) grazing the acreage reserve—there shall be assessed a civil penalty equal to 50 per centum of the total compensation payable for compliance with the agreement. If a conservation reserve contract is knowingly and willfully violated during any year of the contract period in any one or more of the following respects—(1) harvesting an acreage of soil bank base crops in excess of the acreage permitted to be harvested under the contract, (2) harvesting a crop from the conservation reserve, or (3) grazing the conservation reserve—there shall be assessed a civil penalty equal to 50 per centum of the total annual and practice payments payable for compliance with such contract for the year in which the violation occurs. The civil penalty shall be assessed against the producer or producers committing such violation or violations, and shall be in addition to the forfeiture or refund prescribed for such violation. The producers committing such violation or violations shall be jointly and severally obligated for the amount of such civil penalty.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812. Interpret or apply sec. 123, 70 Stat. 198; 7 U. S. C. 1811)

Done at Washington, D. C., this 23d day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6096; Filed, July 25, 1957; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE QUARANTINE AND REGULATIONS

On May 28, 1957, there was published in the FEDERAL REGISTER (22 F. R. 3725), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making concerning proposed notice of quarantine No. 79 relating to the soybean cyst nematode and related

(Continued on p. 5913)

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FEDERAL REGISTER

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regulations. After due consideration of all relevant matters presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Public Law 85–36; 71 Stat. 32, 33), the quarantine and regulations to appear in 7 CFR 301.79, 301.79–1 et seq., are hereby issued as follows:

QUARANTINE

Sec.
301.79 Notice of quarantine.

REGULATIONS

301.79–1 Definitions.
301.79–2 Designation of regulated area.
301.79–3 Soybean cyst nematodes; conditions of movement.
301.79–4 Other regulated articles; conditions of movement.
301.79–5 Use of certificates or limited permits with shipments.
301.79–6 Protecting certified articles.
301.79–7 Conditions governing the issuance of certificates and limited permits.
301.79–8 Assembly of articles for inspection.
301.79–9 Cancellation of certificates or limited permits.
301.79–10 Inspection and disposal.
301.79–11 Nonliability of Department.

AUTHORITY: §§ 301.79 to 301.79–11 issued under sec. 9, 37 Stat. 318, secs. 103, 106, Pub. Law 85–36, 85 Cong.; 7 U. S. C. 162. Interpret or apply sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161.

QUARANTINE

§ 301.79 *Notice of quarantine.* Under the authority conferred by sections 103 and 106 of the Federal Plant Pest Act (Public Law 85–36, 171 Stat. 32, 33) and sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended, 7 U. S. C. 161, 162), and after public hearing, it has been determined that it is necessary to quarantine the States of Missouri, North Carolina, and Tennessee to prevent the spread of the soybean cyst nematode (Heterodera glycines Ichinohe), which causes a dangerous disease of soybeans and certain other plants, and which has not heretofore been widely prevalent or distributed within and throughout the United States, and said States are hereby quarantined and regulations are hereinafter prescribed (§§ 301.79–1 to 301.79–11) governing the movement of the soybean cyst nematode and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved by mail or otherwise, by any person, from any quarantined State into or through any other State, Territory, or District of the United States in any manner or method or under conditions other than those prescribed in the regulations, as from time to time amended: (a) Soil, separately or with other things; (b) nursery stock and other plants with roots attached; (c) true bulbs, corms, rhizomes, and tubers; (d) root crops; (e) soybeans; (f) small grains; (g) ear corn; (h) hay, straw, fodder and plant litter of any kind; (i) seed cotton; (j) used farm tools, implements, and harvesting machinery; (k) used construction and maintenance equipment; (l) used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers; and (m) other farm products and farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and unlimited by the foregoing, any other products and articles of any character whatsoever, not covered by paragraphs (a) through (l) of this section, when it is determined in accordance with the regulations, that they present a hazard of spread of soybean cyst nematodes. However, the requirements of this quarantine and other regulations with respect to such products, articles, and means of conveyance are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of soybean cyst nematodes, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of soybean cyst nematodes and other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of soybean cyst nematodes within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles, and means of conveyance to which the regulations apply, making it safe to modify be making less stringent the requirements contained in the regulations, except § 301.79–3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated areas or portions thereof and for such products, articles, and means of conveyance, as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas. Under the Federal Plant Pest Act, no person shall knowingly move any soybean cyst nematodes into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory, or District, or knowingly accept delivery of such nematodes so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.79–1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Soybean cyst nematode.* The nematode known as the soybean cyst nematode (Heterodera glycines Ichinohe), in any stage of development.

(b) *Infestation.* The presence of the soybean cyst nematode.

(c) *Regulated area.* Any county, other minor civil division, farm, or other premises, or part thereof, designated in administrative instructions under § 301.79–2 as a regulated area.

(d) *Regulated articles.* Soybean cyst nematodes, means of conveyance, and other products and articles of any character whatsoever, the movement of which is regulated by the soybean cyst nematode quarantine (§ 301.79) and the regulations in §§ 301.79–1 through 301.79–11.

(e) *"Moved" ("movement," "move").* Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(f) *Interstate.* From any State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(h) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing, or for treatment.

(i) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(j) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(k) *Inspector.* An inspector of the United States Department of Agriculture.

(l) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.79–2 *Designation of regulated areas.* The Director of the Plant Pest Control Division shall, from time to time, in administrative instructions promulgated by him, list the counties, other minor civil divisions, farms, or other premises, or parts thereof, in the quarantined States, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed

necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such civil divisions, other premises, and parts thereof, as regulated areas. Any civil division, premises or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the soybean cyst nematode therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, premises, or part thereof, as a regulated area.

§ 301.79–3 *Soybean cyst nematodes; conditions of movement.* Live soybean cyst nematodes may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District and delivery of such nematodes so moving may be accepted only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director. The permit shall be securely attached to the outside of the container of the nematodes when they are so moved.

§ 301.79–4 *Other regulated articles; conditions of movement*—(a) *Designated articles.* Unless exempted by administrative instructions, the following may be moved from any regulated area into or through any point outside of the regulated areas only if accompanied by a valid certificate or limited permit issued in compliance with § 301.79–7 and if the applicable requirements of §§ 301.79–5 and 301.79–6 are also met; soil, separately or with other things; nursery stock and other plants with roots attached; true bulbs, corms, rhizomes and tubers; root crops; soybeans; small grains; ear corn; hay, straw, fodder, and plant litter of any kind; seed cotton; used farm tools, implements and harvesting machinery; used construction and maintenance equipment; and used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers. However, regulated articles of kinds within this paragraph which originate outside of the regulated areas and are moving through or are being reshipped from a regulated area may be moved from such regulated area into or through any point outside of the regulated areas without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated areas in a manner satisfactory to an inspector and do not present a hazard of spread of the soybean cyst nematode. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated areas.

(b) *Articles determined to present hazards.* When it has been determined by an inspector that, due to contamination with the soybean cyst nematode, a hazard of spread of the nematode is presented by any farm products, farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, other means of conveyance, or, unlimited by the foregoing, any other products or articles of any character whatsoever, not covered by paragraph (a) of this section or § 301.79–3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated articles may be moved from any regulated area into or through any point outside of the regulated areas only after they have been cleaned, treated, or otherwise disinfested to the satisfaction of the inspector or when they are going under limited permit as required by the inspector.

§ 301.79–5 *Use of certificates or limited permits with shipments.* Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.79–4 shall have such certificate or permit securely attached to the outside thereof, when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

§ 301.79–6 *Protecting certified articles.* Subsequent to certification as provided in § 301.79–7, regulated articles must be loaded, handled, and shipped, only under such protection and safeguards against infestation as are required by the inspector.

§ 301.79–7 *Conditions governing the issuance of certificates and limited permits*—(a) *Certificates.* Certificates may be issued by the inspector for the movement of the regulated articles designated in § 301.79–4 (a) under any of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by the inspector and found to be free of infestation.

(3) When they have been treated to destroy infestation under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(4) When grown, produced, manufactured, stored, or handled in such manner that, in the judgement of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of non-certified regulated articles under § 301.79–4 to specified destinations for limited handling, utilization, or processing, or for treatment.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

§ 301.79–8 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.79–4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.79–9 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of the soybean cyst nematode.

§ 301.79–10 *Inspection and disposal.* Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.79–11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

This quarantine and the related regulations shall be effective on July 26th, 1957.

The purpose of the quarantine and regulations is to prevent the spread of the soybean cyst nematode from

Missouri, North Carolina, and Tennessee, where it is known to occur, to other parts of the United States. The regulations provide methods whereby most host material and other carriers may be inspected or treated or otherwise made eligible for interstate movement from the regulated areas. The regulations also govern movement of live soybean cyst nematodes for scientific purposes.

The quarantine and regulations are supplemented by administrative instructions listing regulated areas and providing certain exemptions from specified requirements (§§ 301.79–2a, 301.79a, post).

This quarantine and its related regulations should be effective as soon as possible in order to be of maximum benefit in preventing the interstate movement of the soybean cyst nematode. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 23rd day of July 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57–6128; Filed, July 25, 1957; 8:55 a. m.]

[P. P. C. 624]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

On May 28, 1957, there was published in the FEDERAL REGISTER (22 F. R. 3728), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making to designate regulated areas under the proposed soybean cyst nematode regulations. After due consideration of all relevant matters presented, and pursuant to § 301.79–2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79–2, supra), under the Federal Plant Pest Act (Pub. Law 85–36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions to appear in 7 CFR 301.79–2a are hereby issued as follows:

§ 301.79–2a *Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.* Infestations of the soybean cyst nematode have been determined to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, other civil divisions, farms, other premises, and parts thereof, are hereby designated as soybean cyst nematode regulated areas within the meaning of the provisions in this subpart:

MISSOURI

New Madrid County. The property owned and operated by George L. Neumann, located approximately 2.9 miles east of Conran, at the southeast corner where a gravel road turns north after proceeding east ½ mile from its intersection with State Highway M.

Pemiscot County. That portion of the county lying east and south of a line extending from a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending southward along State Highway B to the point where it joins State Highway 84; thence west along State Highway 84 to a point where the highway joins State Highway C; thence southward along State Highway C to the point where it meets State Highway F; thence due south to the point where it intersects the Missouri-Arkansas State line.

Stoddard County. The property owned by Earnest Kellett and operated by Bern Abernathy, W½NE¼ sec. 16, T. 27 N., R. 12 E.

NORTH CAROLINA

New Hanover County. That area bounded by a line beginning at the North East Cape Fear River Bridge on A. C. L. Railroad and extending southward along said railroad to Prince George Creek, thence along said creek westward to Highway U. S. 117, thence southward along U. S. 117 to a drain ditch approximately one-tenth mile south of the entrance to the North Carolina Vegetable Research Station, thence following a line in a northwesterly direction to the point where Prince George Creek empties into the North East Cape Fear River, thence upstream following said river to said A. C. L. Railroad bridge.

The property owned and operated by W. A. Buck, located on west side of Highway U. S. 117, across from Wrightsboro school and approximately 1,400 feet north of intersection of Highway U. S. 117 and Winter Park-Wrightsboro Road.

The property owned and operated by P. Buis, located on south side of Black Swamp Road approximately 1.6 miles east of Blue Clay Road.

The property owned and operated by J. D. Murray, located at end of Murrayville Road 2.2 miles from the intersection with Black Swamp Road.

The property known as Top Notch Farm, located at the west end of Chair Road and owned by the Peschau Estate.

The property owned and operated by A. G. Seitter, Sr., located on the west side of U. S. Highway 117 and approximately 50 feet north of junction of U. S. Highway 117 and Winter Park-Wrightsboro Road.

The property owned and operated by Alex Trask, located west of Blue Clay Road beginning at a point approximately 1,000 feet north of intersection of Blue Clay Road and Black Swamp Road and extending northward along Blue Clay Road for approximately 1,400 feet to a ditch separating the Trask and Cox properties.

The property owned and operated by Alex Trask, located on north side of Black Swamp Road and approximately 1.3 miles east of Blue Clay Road.

The property owned and operated by Raiford Trask, located on east side of the Blue Clay Road and bounded on the west by the Blue Clay Road beginning at the intersection of the Blue Clay Road and Black Swamp Road and extending north for 2,400 feet, on the south by the Black Swamp Road beginning at junction of Blue Clay and Black Swamp Roads and extending eastward seventenths mile, on the north by a line beginning at northern terminus of west boundary and extending eastward parallel to the south boundary for seven-tenths mile, and on the east by a line connecting the east termini of the north and south boundaries.

The property owned and operated by Raiford Trask, located on east side of Blue Clay Road 1.4 miles north of point where Blue Clay Road crosses A. C. L. Railroad.

The property owned and operated by Raiford Trask as a packing and storage area, located just south of Wrightsboro Station on west side of A. C. L. Railroad; and that property owned and operated by Alex Trask as a packing and storage area, located just south of Wrightsboro Station on east side of A. C. L. Railroad.

Pender County. That area bounded on the north by N. C. Highway 210, on the east by the Moore-Town Road, on the south by the Moore-Town Road and on the west by a line beginning on N. C. Highway 210 four-tenths mile west from the junction of N. C. Highway 210 and the Moore-Town Road and extending due south to Moore-Town Road.

The property owned and operated by P. Brask, known as Marlboro Farm, located on west side of U. S. Highway 117, approximately seven-tenths mile north of Paul's Place. Also that property owned and operated by P. Brask adjoining Marlboro Farm on the south.

The property owned and operated by P. Katalinic, located on east and west side of U. S. Highway 117 at junction of Stag Park Road and U. S. Highway 117.

The property owned and operated by Paul Paskas, located approximately 1.9 miles west of Paul's Place and three-tenths mile north of N. C. Highway 40 (formerly Highway 210).

The property owned and operated by C. Heide Trask, located on south side of N. C. Highway 210 and 1.5 miles west of junction of U. S. Highway 117 and N. C. Highway 210.

The property owned and operated by C. Heide Trask, located on Moore-Town Road four-tenths mile from its intersection with N. C. Highway 210.

TENNESSEE

Dyer County. The entire county.
Lake County. The entire county.
Lauderdale County. Civil Districts 4, 5, 9, and 13.
Obion County. Civil Districts 5, 9, and 12.

Since publication on May 28, 1957, of the proposed regulated areas there have been a number of additional soybean cyst nematode infestations discovered. Consequently, certain of the areas designated herein are larger than originally proposed.

These administrative instructions list the localities that are regulated under the new soybean cyst nemadtode quarantine to become effective July 26, 1957. They must be made effective concurrently with such quarantine to effectuate the purposes thereof. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the instructions effective less than 30 days after publication in the FEDERAL REGISTER, and they shall become effective July 26, 1957.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85–36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 23rd day of July 1957.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F. R. Doc. 57–6130; Filed, July 25, 1957; 8:56 a. m.]

[P. P. C. 623]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SOYBEAN CYST NEMATODE

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

On May 28, 1957, there was published in the FEDERAL REGISTER (22 F. R. 3727), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to proposed administrative instructions exempting certain articles from proposed soybean cyst nematode quarantine regulations (7 CFR 301.79, 301.79–1 et seq., supra). After due consideration of all relevant matters presented, and pursuant to § 301.79 of said regulations under the Federal Plant Pest Act (Pub. Law 85–36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions to be designated as 7 CFR 301.79a are hereby issued as follows:

§ 301.79a *Administrative instructions exempting certain articles from specified requirements.* (a) It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from any regulated area, as hereinafter provided. The following articles are hereby exempted from the requirements of § 301.79–4 (a) under the conditions set forth hereinafter:

(1) Root crops, such as turnips, carrots, and sweetpotatoes, when moving to a designated processing plant, or when washed free of soil and thereafter protected from infestation to the satisfaction of the inspector;

(2) Soybeans if the beans and any containers for the beans did not come in contact with the soil during harvesting and if the beans are moving forthwith to a designated oil mill or storage facility for crushing or uses other than planting;

(3) Small grain if the grain and any containers for the grain did not come in contact with the soil during harvesting and if the grain is moving forthwith to a designated storage facility for uses other than planting;

(4) Ear corn when harvested from the stalk and placed, without coming in contact with the soil, in a wagon or truck for direct transportation to storage or other handling facility;

(5) Hay, straw, fodder and plant litter of any kind, when harvested and handled so that in the judgment of the inspector no infestation would be transmitted thereby;

(6) Seed cotton when moving to designated gins;

(7) Used farm tools and implements, when washed, steam cleaned, air cleaned, or otherwise treated, and thereafter protected from infestation, to the satisfaction of the inspector. (This exemption does not apply to mechanical cotton or corn pickers, combines, or hay balers, or to cotton picking sacks.)

(8) Trucks, wagons, railway cars, aircraft, boats, and other means of conveyance determined to present a hazard under § 301.79–4 (b), when treated to the satisfaction of the inspector.

(b) Information as to designated processing plants, oil mills, storage facilities, and gins may be obtained from the inspector.

The foregoing administrative instructions relieve restrictions and therefore under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) may be made effective less than 30 days after publication in the FEDERAL REGISTER. They shall become effective July 26, 1957.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85–36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 23d day of July 1957.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F. R. Doc. 57–6129; Filed, July 25, 1957; 8:55 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1958–59 MARKETING YEAR

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 728.808 is issued to announce the results of the wheat marketing quota referendum for the marketing year, July 1, 1958 through June 30, 1959 under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for wheat for the 1958–59 marketing year (22 F. R. 2905). The Secretary announced (22 F. R. 2920) that a referendum would be held on June 20, 1957 to determine whether wheat producers were in favor of or opposed to marketing quotas for the marketing year July 1, 1958 through June 30, 1959. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 728.808 *Proclamation of the results of the wheat marketing quota referendum for the marketing year 1958–59.* In a referendum of farmers who will be subject to quotas on the 1958 crop of wheat held on June 20, 1957, 235,039 eligible farmers voted. Of those voting 202,668 or 86.2 percent favored quotas for the marketing year beginning July 1, 1958. Therefore, wheat marketing quotas will be in effect for the 1958–59 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Issued this 23d day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57–6100; Filed, July 25, 1957; 8:48 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.53, Rev., Supp. 4]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NORTH DAKOTA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631), the Agricultural Stabilization and Conservation North Dakota State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 39,077 acres established for North Dakota by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 304 de Lendrecie Building, Fargo, North Dakota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of North Dakota. These bases and procedures incorporate the following:

§ 850.57 *North Dakota*—(a) *Proportionate share areas.* North Dakota shall be divided into two proportionate share areas comprising the separate sugar beet producing regions of the State, one of which is served by the American Crystal Sugar Company and the other by the Holly Sugar Corporation. These areas shall be designated the "Eastern Area" and the "Western Area", respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 85 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 15 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 39,077 acres. Acreage allotments computed as aforestated are established as follows: Eastern Area—34,666 acres and Western Area—4,411 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Eastern Area—693.0 acres for new producers, 385.9 acres for appeals and 21.7 acres for adjustments in initial shares; Western Area—89.0 acres for new producers, 45.4 acres for appeals and 94.8 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53.

(d) *Establishment of individual farm proportionate shares*—(1) *For old Producers*—(i) *Farm bases.* For each farm in the Eastern Area whose operator is a tenant, the farm base shall equal the "1956 crop share established for the farm" which was operated by him for the 1956 crop year. For each farm in such area whose operator is a tenant without a personal sugar beet production record in the period used in the area for establishing shares for the 1956 crop (§ 850.30) and for each farm in such area whose operator is not a tenant, the farm base shall equal the "1956-crop share established for the farm". For each farm in the Western Area, the farm base shall equal the "1956-crop share established for the farm". The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustment made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30 if it had been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 805.53 applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in one area shall be realloted to the other area.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103–A or other similar written notice.

(6) *Determination provisions prevail.* The bases and procedure set forth in this section are issued in accordance with and subject to the provisions of § 850.53.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation North Dakota State Committee for determining farm proportionate shares in North Dakota in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops. North Dakota is again divided into the same two areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by using in each case the "1956-crop share established for the farm", as that term is defined, as the base in prorating the acreage available for such producers. The procedure for establishing farm shares for new producers meets the related requirements of § 850.30.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Dated: July 2, 1957.

[SEAL] MELVIN H. HOLTE,
Chairman, Agricultural Stabilization and Conservation North Dakota State Committee.

Approved: July 17, 1957.

THOMAS H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57–6099; Filed, July 25, 1957; 8:48 a. m.]

[Sugar Determination 850.53, Rev. Supp. 9]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

ILLINOIS FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631) the Agricultural Stabilization and Conservation Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 2,358 acres established for Illinois by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 232, U. S. Post Office and Court House, Springfield, Illinois, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Illinois. These bases and procedures incorporate the following:

§ 850.62 *Illinois*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53.

(b) *Establishment of individual farm proportionate shares.* For each farm in Illinois for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 2,358 acres so as to coincide with the acreage of 1957-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agri-

cultural Stabilization and Conservation Illinois State Committee for determining farm proportionate shares in Illinois in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. Sup. 1132)

Dated: July 2, 1957.

[SEAL] SIDNEY V. CAUGHEY,
Chairman, Agricultural Stabilization and Conservation Illinois State Committee.

Approved: July 17, 1957.

THOMAS H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57-6097; Filed, July 25, 1957; 8:47 a. m.]

[Sugar Determination 850.53, Rev. Supp. 11]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

IOWA FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631), the Agricultural Stabilization and Conservation Iowa State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 1,746 acres established for Iowa by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at the Iowa Building, 505 Sixth Avenue, Des Moines, Iowa, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Iowa. These bases and procedures incorporate the following:

§ 850.64 *Iowa*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53.

(b) *Establishment of individual farm proportionate shares.* For each farm in Iowa for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 1,746 acres as to coincide with the acreage of 1957-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Iowa State Committee for determining farm proportionate shares in Iowa in accordance with the determination of proportionate shares for the 1957 crop of sugar beets as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecesary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. Sup. 1132)

Dated: July 2, 1957.

[SEAL] MAX M. SOETH,
Chairman, Agricultural Stabilization and Conservation Iowa State Committee.

Approved: July 17, 1957.

THOMAS H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57-6098; Filed, July 25, 1957; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES, CALIF.

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957-58 SEASON

Notice was published in the July 11, 1957, daily issue of the FEDERAL REGISTER (22 F. R. 4889) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1957-58 season under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 951.212 *Expenses and rate of assessment for the 1957-58 season*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the season beginning April 1, 1957, and ending on March 31, 1958, both dates inclusive, will amount to $25,250.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at six mills ($0.006) per standard package, or the equivalent thereof in weight, of Tokay grapes shipped by such handler during said season.

As used herein, the terms "handler," "ships," "shipped," "season," and "standard package" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, July 22, 1957, to become effective 30 days after the publication hereof in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-6095; Filed, July 25, 1957; 8:47 a. m.]

PART 1018—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

ORDER REGULATING HANDLING OF MILK

Sec.
1018.0 Findings and determinations.

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EFFECTIVE TIME, SUSPENSION, OR TERMINATION

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AUTHORITY: §§ 1018.0 to 1018.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1018.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to each hundredweight of butterfat and skim milk contained in (a) producer milk, and (b) other source milk allocated to Class I milk, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant: *Provided,* That if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the regular rate multiplied by the number of accounting periods.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than August 1, 1957, and fully effective not later than September 1, 1957. Any delay beyond these dates will seriously threaten the orderly marketing of milk in the Southeastern Florida marketing area. The provisions of this order are known to handlers. The public hearing upon which this order is based was conducted on September 5-7, 10-14, 1956. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on June 11, 1957 (22 F. R. 4080). The final decision was issued by the Assistant Secretary of Agriculture on July 11, 1957, and published in the FEDERAL REGISTER on July 16, 1957. Thus, handlers have known of these impending requirements for some time and have had opportunity to be prepared. Further, for the month of August 1957, the provisions hereof which will be effective will not require payments to producers on milk received during the month, and thus will allow further opportunity for handlers to become familiar with provisions of the order. Also, marketing conditions continue to remain unstabilized, each day the effective date of the order is delayed. The order also provides that payments to producers during the months of March 1958 through February 1959 be based on their average daily deliveries of milk to handlers during the preceding period of August through January. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective August 1, 1957, and fully effective September 1, 1957, and that it would be contrary to the public interest to delay the effective date of this order for thirty days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, which is marketed within the Southeastern Florida marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which

is produced for sale in the said marketing area;

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (April 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1018.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1018.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1018.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1018.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1018.5 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 1018.6 *Southeastern Florida marketing area.* "Southeastern Florida marketing area" hereinafter called the "marketing area" means all territory included within the counties of Dade, Broward, Monroe, and Palm Beach, all in the State of Florida. All government reservations and incorporated municipalities within this territory shall be considered part of the marketing area as herein defined.

§ 1018.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable, to agencies of the United States Government located in the marketing area, for fluid consumption), which milk is received at a pool plant.

§ 1018.8 *Producer-handler.* "Producer-handler" means any person who, during the month: (a) produces milk; (b) distributes Class I milk on routes in the marketing area; and (c) receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1018.41 (a) from pool plants or other sources.

§ 1018.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A producer-handler;

(c) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of in the marketing area on routes; and

(d) Any person in his capacity as the operator of a plant from which milk in the form of products designated as Class I milk pursuant to § 1018.41 (a) is shipped to pool plants.

§ 1018.10 *Route.* "Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1018.41 (a), but does not include delivery to a milk receiving or processing plant.

§ 1018.11 *Pool plant.* "Pool plant" means a plant described under paragraph (a) or (b) of this section which is not a plant operated by a dairy farmer in his capacity as a producer-handler, and which is not a facility described in paragraph (c) of this section:

(a) A plant from which a volume of Class I milk equal to not less than 10 percent of the volume of Class I milk of such plant is disposed of during the month in the marketing area on routes, and at which the total volume of Class I milk is equal to not less than 50 percent of the volume of receipts at the plant of milk from dairy farmers which meet the inspection requirements pursuant to § 1018.7 and other receipts in the form of milk products designated as Class I milk pursuant to § 1018.41 (a);

(b) A plant from which, during the month, a volume of milk and skim milk equal to at least the required percentage (specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 1018.7 is shipped to plants which are pool plants pursuant to paragraph (a) of this section, such required percentages being 50 percent in each of the months of December through March, and 40 percent in other months; and

(c) Pool plant as defined in this section shall not be deemed to include any building, premises, facilities, the primary function of which is to hold or store bottled milk or milk products in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

§ 1018.12 *Nonpool plant.* "Nonpool plant" means any milk receiving or processing plant other than a pool plant.

§ 1018.13 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk received at pool plants directly from producers.

§ 1018.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in a form of products designated as Class I milk pursuant to § 1018.41 (a) except (1) receipts from pool plants, (2) inventory at the beginning of the month or accounting period, or (3) producer milk; and

(b) Milk products in any form other than those designated as Class I milk pursuant to § 1018.41 (a) received from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1018.15 *Cream.* "Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

§ 1018.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1018.17 *Chicago powder price.* "Chicago powder price" means the carlot price per pound of nonfat dry milk solids, spray process, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1018.18 *Base milk.* "Base milk" means producer milk received by a handler from a producer which is not in excess of such producer's daily base determined pursuant to § 1018.90, multiplied by the number of days of production for which such producer delivered milk during the month.

§ 1018.19 *Excess milk.* "Excess milk" means producer milk received by a handler which is in excess of base milk.

MARKET ADMINISTRATOR

§ 1018.20 *Designation.* The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 1018.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1018.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1018.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1018.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1018.30 through 1018.32, or payments pursuant to §§ 1018.80 through 1018.86;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(h) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 5th day of each month, the Class I price and the Class I butterfat differential, both for the current month, and the Class II price and the Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform prices computed pursuant to § 1018.72 and the producer butterfat differential, all for the preceding months; and

(k) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

REPORTS, RECORDS AND FACILITIES

§ 1018.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for each of the plants with respect to which he is a handler for such month, and for each accounting period in each month, in the detail and on the forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of:

(1) Producer milk;

(2) Receipts from pool plants in the form of products designated as Class I pursuant to § 1018.41 (a);

(3) Other source milk; and

(4) Inventories in the form of products designated as Class I milk pursuant to § 1018.41 (a) on hand at the beginning and end of the month or accounting period.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area;

(c) Such other information with respect to receipts and utilization as the market administrator may request;

(d) The total quantity of base milk and the total quantity of excess milk received; and

(e) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1018.45 (d), shall submit a summary report of the same information for the entire month.

§ 1018.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, separately, the pounds of base milk and the pounds of excess milk, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk as defined pursuant to § 1018.14 (a) is received at his pool plants, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times as the market administrator shall prescribe.

§ 1018.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to requirements of this part, including, but not limited to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1018.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in conection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1018.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat required to be reported for pool plants pursuant to § 1018.30 (a) shall be classified by the market administrator,

pursuant to the provisions of §§ 1018.41 through 1018.45.

§ 1018.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1018.42 through 1018.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of milk, skim milk, frozen milk (whole or concentrated), concentrated milk, reconstituted milk, chocolate milk, and fortified milk or skim milk (not including the volume represented by nonfat dry milk used for fortificaton thereof), and

(2) Not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Contained in inventories in the form of milk products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of each month and accounting period;

(3) Nonfat dry milk used to fortify milk or skim milk; and

(4) In total shrinkage of skim milk and butterfat, respectively, such shrinkage to be prorated to producer milk and other source milk: *Provided,* That Class II classificaton of shrinkage prorated to skim milk and butteraft, respectively, in producer milk shall not exceed 2 percent of skim milk and butterfat in producer milk.

§ 1018.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk, unless the handler who received such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1018.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant in the form of milk products designated as Class I milk pursuant to § 1018.41 (a) shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk within the accounting period used by each handler, and skim milk and butterfat so transferred shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1018.30: *Provided,* That the skim milk or butterfat so assigned, to Class II milk shall be limited to the respective amounts thereof remaining in Class II milk at the pool plants of the receiving handler after the subtraction of other source milk and beginning inventory pursuant to § 1018.45;

(b) Skim milk and butterfat transferred in bulk form as milk or skim milk to a nonpool plant shall be classified as Class I milk unless:

(1) The transferee plant is located less than 350 miles from the location of the main U. S. Post Office in Boca Raton, Florida, by the shortest hard-surfaced highway distance, as determined by the market administrator;

(2) The transferring handler claims classification in Class II milk in his report;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant, in such indicated use, the quantity transferred in excess of such actual use shall be classified as Class I milk; and

(c) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified as Class I milk unless:

(1) The transferring handler claims classification in Class II milk;

(2) The handler gives the market administrator sufficient notice to allow him to verify the shipment;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the quantity transferred in excess of such actual use shall be classified as Class I milk.

§ 1018.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1018.30 (a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided,* That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1018.45 *Allocation of skim milk and butterfat classified.* (a) For each month or other accounting period as described in paragraph (d) of this section, the pounds of skim milk remaining in each class after making the following computations with respect to the pool plants of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler:

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1018.41 (b) (4);

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk not priced as Class I milk under another Federal order: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk priced as Class I milk under another Federal order: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of milk products in the form of products designated as Class I milk pursuant to § 1018.41 (a) on hand at the beginning of the month or other accounting period: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(5) Subtract the pounds of skim milk in milk products in the form of products designated as Class I milk pursuant to § 1018.41 (a) received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned pursuant to § 1018.43 (a);

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in Class II milk, and then subtract any remaining excess from Class I. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class; and

(d) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plants, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

MINIMUM PRICES

§ 1018.50 *Class prices.* Subject to the provisions of § 1018.51, the class prices per hundredweight of milk to be paid by each handler shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be $7.00 per hundredweight for the first eighteen months beginning with the effective date of prices pursuant to this section. Following such eighteen-month period the Class I price shall be subject to adjustments pursuant to paragraphs (b), (c), and (d) of this section as follows: Plus or minus (as indicated) the amounts provided in paragraph (b) and (c) of this section, the resulting price to be adjusted so that it does not exceed, or fall below by more than 25 cents, the price computed for the month pursuant to paragraph (d) of this section;

(b) Calculate a feed-wage price adjustment as follows:

(1) Compute a feed price index by (i) dividing the latest per hundredweight monthly price for 20 percent dairy ration in the marketing area as reported by the Federal State Crop Reporting Service by 3.82 and multiplying by 50, (ii) dividing the latest per hundredweight monthly price for citrus pulp feed in the marketing area as reported by the Federal State Crop Reporting Service by 2.28 and multiplying by 50, and (iii) adding the results of the computations pursuant to subdivisions (i) and (ii) of this subparagraph;

(2) Compute a weekly wage rate index by dividing the average of the weekly wage rate for industrial workers in Dade County for the latest month for which such data is available as furnished by the Florida Industrial Commission by 63.18 and multiply by 100;

(3) Multiply the result pursuant to subparagraph (1) of this paragraph by 0.6 and the result pursuant to subparagraph (2) of this paragraph by 0.4, add the resulting amounts, and round the total to the nearest whole number, which rounded total shall be known as the feed-wage index; and

(4) Calculate a feed-wage price adjustment as follows: From the feed-wage index subtract 100, and multiply the result by 4.5 cents, such result to be considered as a negative amount if the feed-wage index is less than 100;

(c) In arriving at the Class I price for each month after the first eighteen months beginning with the effective date of prices pursuant to this section, the market administrator shall calculate a supply-demand price adjustment as follows:

(1) Calculate the percentage that producer milk in the second preceding month is of the Class I milk in pool plants in the same month, round the figure to the nearest full percent, and determine the amount by which this result is less than the minimum, or greater than the maximum, percentage indicated for the month in the table in subparagraph (4) of this paragraph;

(2) Calculate the percentage that producer milk in the third preceding month is of the Class I milk in pool plants in the same month, round the figure to the nearest full percent, and determine the amount by which this result is less than the minimum, or greater than the maximum, percentage indicated for the month in the table in subparagraph (4) of this paragraph;

(3) If both rounded percentages pursuant to subparagraphs (1) and (2) of this paragraph are less than the applicable minimums, add 4 cents times the smallest of the differences between the rounded percentages and the applicable minimums, and if both rounded percentages pursuant to subparagraphs (1) and (2) of this paragraph are more than the applicable maximums, subtract 4 cents times the smallest of the differences between the rounded percentages and the applicable maximums; and

(4)

Month in which milk received	Minimum percentage	Maximum percentage
Aug., Sept., Oct., Nov., Dec., Jan., Feb.	106	111
March, April, May, June, July	110	115

(d) To the highest of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, add $3.50:

(1) To the average of the basic field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the preceding month at the following plants or places for which prices have been reported to the market administratof or to the Department of Agriculture:

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Bellesville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the period ending with the 25th day of the preceding month by 0.625; and

(2) The price per hundredweight computed as follows: Multiply the Chicago butter price for the preceding month by 4.0, add 20 percent thereof, and add to such sum 7.5 times the amount by which the Chicago powder price for the preceding month exceeds 5 cents;

(e) *Class II milk price.* The minimum Class II Price per hundredeweight shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 4; and

(2) Add 2.5 cents to the Chicago powder price and multiply the result by 8.5.

§ 1018.51 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the location of the main U. S. Post Office in Boca Raton, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, when moved to another pool plant, or classified as Class I milk without such movement, the Class I price specified in § 1018.50 shall be reduced at the rate set forth in the following schedule:

	Rate per Hundredweight (cents)
Distance (miles):	
60 but not more than 70	13.0
For each additional 10 miles or fraction thereof over 70 an additional	1.5

Provided, That for the purpose of calculating such locations differential, milk in the form of any milk product designated as Class I milk pursuant to § 1018.41 (a) transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1018.45 (a) (1) through (4), and the comparable steps in paragraph (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1018.52 *Rate of compensatory payment.* (a) Except as provided in paragraph (b) of this section, the rate of compensatory payment per hundredweight to be paid by pool plants, or by nonpool plants pursuant to § 1018.62 (a) shall be calculated as follows: (1) If the milk is received from farmers at a nonpool plant within the State of Florida, subtract the Class II price from the Class I price adjusted by the Class I location differential at such plant; or (2) if the milk is received from farmers at a nonpool plant outside the State of Florida, subtract the price pursuant to § 1018.50 (d) (2) from the Class I price adjusted for the Class I location differential at such plant;

(b) If other source milk is received at a pool plant in a form other than milk or skim milk, the rate of compensatory payment per hundredweight with respect to such receipts shall be computed by subtracting the Class II price from the Class I price at the plant where such other source milk is received.

§ 1018.53 *Use of equivalent prices.* If, for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1018.60 *Producer-handler.* Sections 1018.50 through 1018.53, 1018.61, 1018.62, 1018.70 through 1018.75, and 1018.80 through 1018.86 shall not apply to a producer-handler.

§ 1018.61 *Plants subject to other Federal orders.* Upon determination by the Secretary pursuant to this section, any plant specified in paragraphs (a) and (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require

and allow verification of such reports by the market administrator:

(a) Any plant meeting the requirements of a pool plant pursuant to § 1018.11 (b) but not pursuant to § 1018.11 (a) which, if it were not a pool plant under this part, would be subject to the classification and pricing provisions of another order issued pursuant to the act; and

(b) Any plant which does not dispose of a greater volume of Class I milk on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

§ 1018.62 *Handlers operating nonpool plants.* On or before the 25th day after the end of each month, each handler (except as provided in § 1018.60) operating a nonpool plant from which Class I milk is disposed of on routes in the marketing area shall pay to the market administrator for deposit into the producer-settlement fund the amount calculated pursuant to paragraph (a) of this section unless the handler elects to pay the amount computed pursuant to paragraph (b) of this section:

(a) Multiply the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month by the rate of compensatory payment pursuant to § 1018.52; or

(b) Any plus amount resulting from the following computation: from an amount equal to the value of milk which would be computed pursuant to § 1018.70 for such month if the plant were a pool plant, adjusted by the butterfat differential pursuant to § 1018.73, deduct the gross payments made by such handler to dairy farmers for milk approved by a duly constituted health authority as described in § 1018.7.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1018.70 *Computation of the obligation of each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1018.45 by the applicable class price as adjusted by the location differentials pursuant to § 1018.51, and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1018.45 (a) (7) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the Class II price and the Class I price by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1018.45 (a) (5) and the corresponding step of § 1018.45 (b) for the preceding accounting period, or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.45 (a) (4) and the corresponding step of § 1018.45 (b) for the current accounting period, whichever is less; and

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.45 (a) (2) by the applicable rate determined by § 1018.52: *Provided*, That this provision shall not apply in any month in which more than 95 percent of producer milk in all handlers' plants is classified as Class I milk.

§ 1018.71 *Aggregate value used to determine producer prices.* For each month, the market administrator shall compute an aggregate value from which to determine the uniform prices for base milk and excess milk of 4.0 percent butterfat content, at the market, as follows:

(a) Combine into one total the values computed pursuant to § 1018.70 for the producer milk of all handlers who submitted reports prescribed in § 1018.30 and who are not in default of payments pursuant to § 1018.80 and § 1018.82;

(b) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1018.74; and

(c) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund.

§ 1018.72 *Computation of uniform base and excess prices.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk, each of 4.0 percent butterfat content, at the market, as follows:

(a) Compute the total value, on a 4.0 percent butterfat basis, of excess milk for all handlers whose receipts are included in the computation pursuant to § 1018.71 as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II price plus 4 cents, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content at the market;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of producer milk computed pursuant to § 1018.71;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content at the market.

§ 1018.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased 7.5 cents for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively.

§ 1018.74 *Location differential to producers.* The applicable uniform prices computed pursuant to § 1018.72 to be paid for base milk and excess milk received at a pool plant located 60 miles or more from the location of the main U. S. Post Office in Boca Raton by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received, at the rates set forth in § 1018.51.

§ 1018.75 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform prices for base and excess milk computed pursuant to § 1018.72, and the butterfat differentials;

(c) The amount and value of his base milk and excess milk, respectively, and the totals thereof; and

(d) The amounts to be paid by such handler pursuant to §§ 1018.82, 1018.85, and 1018.86, and the amount due such handler pursuant to § 1018.83.

PAYMENTS

§ 1018.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(2) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform prices for base milk and excess milk pursuant to § 1018.72, adjusted by the butterfat and location differentials to producers, multiplied by the respective hundredweight of base milk and excess milk received from such producer, subject to the following adjustment: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1018.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1018.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter

not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator; and

(b) Upon receipt of a written request from a cooperative associaton which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to that date on which payments are due individual producers, pay the cooperative association for milk received from the producer-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the total pounds of base milk and excess milk, (iv) the amount or rate and nature of any authorized deductions to be made from payments, and (v) the amount and nature of payments due pursuant to § 1018.84.

§ 1018.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 1018.82 and out of which he shall make all payments pursuant to § 1018.83: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1018.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1018.70 is greater than the amount owed by him for such milk at the uniform prices determined pursuant to § 1018.72, adjusted by the producer butterfat and location differentials.

§ 1018.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1018.70, is less than the amount owed by him for such milk at the uniform prices determined pursuant to § 1018.72, adjusted by the producer butterfat and location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1018.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1018.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1018.80, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative associaton pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

§ 1018.86 *Expense of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, and (b) other source milk allocated to Class I milk pursuant to § 1018.45 (a) (2) and the corresponding step in § 1018.45 (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant: *Provided*, That if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the regular rate multiplied by the number of accounting periods, or, after the expiration of one year from the effective date hereof, such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 1018.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exits, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE RATING

§ 1018.90 *Computation of daily base for each producer.* Subject to the rules set forth in § 1018.91, a daily base, effective for 12 months beginning March 1 of each year, shall be computed for each producer by dividing the total pounds of milk received from such producer at all pool plants during the months of August through January immediately preceding by the number of days beginning with the first day of delivery by such producer during such months through the last day of January, inclusive, or by 150, whichever is greater: *Provided,* That any producer who, during the preceding months of August through January, delivered his milk to a nonpool plant which subsequently became a pool plant shall be assigned a base in the same manner calculated from his deliveries during such August-January period to such plant.

§ 1018.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1018.90 to each person for whose account milk was delivered to plants as described in § 1018.90 during the months of August through January: *Provided,* That any producer who has not earned a base or any producer who elects to relinquish his base by giving written notice to the market administrator, shall be allotted a base equal to 75 percent of his deliveries for each succeeding month until new bases are announced for all producers, except that no base shall be assigned under this proviso during the period March 1 through February of the following year to any person who, on or after such March 1, transfers to another person the base he earned during the preceding period of August through January;

(b) An entire base may be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders, or their heirs, and by the person to whom such base is to be transferred.

§ 1018.92 *Announcement of established bases.* On or before February 25th of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the producer's daily base to be effective for the 12-month period, beginning March 1 of such year.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1018.100 *Effective time.* The provisions of the part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1018.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto.

§ 1018.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1018.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including account receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1018.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1018.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 23d day of July 1957, to be effective as follows:

Sections 1018.0 through 1018.22 (i), 1018.30 through 1018.45 and 1018.86 through 1018.111 of this order shall be effective on and after August 1, 1957; and all of the remaining terms and provisions of this order (§§ 1018.22 (j) and (k) and 1018.50 through 1018.85) shall be effective on and after September 1, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6094; Filed, July 25, 1957; 8:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1940–1950)

FILING OF CERTAIN REQUESTS FOR RECONSIDERATION, HEARING, AND REVIEW BY CAREER RAILROAD WORKERS

Regulations No. 3, as amended (20 CFR 403.1 et seq.) are further amended as follows:

1. Section 403.708 (b) is amended to read:

§ 403.708 *Reconsideration.* • • •

(b) *Time and place of filing request for reconsideration.* The request for reconsideration shall be made in writing, and filed at an office of the Bureau or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this part) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing reconsideration with respect to his application to establish a period of disability under section 216 (i) of the act, at an office of the Railroad Retirement Board, within 6 months from the date of mailing notice of the initial determination unless such time is extended as provided in §§ 403.701 (j) and 403.711 (a).

2. Section 403.709 (b) is amended to read:

§ 403.709 *Hearing.* • • •

(b) *Time and place of filing request for hearing.* (1) The request for hearing shall be made in writing and filed at an office of the Bureau, or with a referee, or with the Office of Appeals Council in the Social Security Administration, or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this part) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing a hearing with respect to his application to establish a period of disability under section 216 (i) of the act, at an office of the Railroad Retirement Board.

(2) If no request for reconsideration has been filed, as provided in § 403.708 (a) and (b), the request for hearing must be filed within 6 months from the date of mailing notice of the initial determination, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a). If a request for reconsideration has been filed, the request for hearing must be filed prior to the expiration of 3 months after the date of mailing notice of the reconsidered determination, or within 6 months after the date of mailing notice of the initial determination, whichever is later, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a). In any case, other than one where hearing is authorized under section 205 (c) (7) of the act, in which the notice of initial determination was mailed prior to August 1, 1956, the request for hearing must be filed within the time specified above, or on or before February 1, 1957, whichever is later, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a).

3. Section 403.710 (b) is amended to read:

§ 403.710 *Appeals Council proceedings on certification and review.* • • •

(b) *Review of referee's decision or Bureau's revised determination.* (1) If a referee has made a decision or the Bureau has revised its determination as provided in § 403.709 (k), any party thereto may request the Appeals Council to review such decision or revised determination. The request for review shall be made in writing and filed with an office of the Bureau, a referee, or the Appeals Council, or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this part) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing review with respect to his application to establish a period of disability under section 216 (i) of the act, with an office of the Railroad Retirement Board. The request for review shall be filed within 60 days from the date of mailing notice of the referee's decision or the Bureau's revised determination except as is provided in §§ 403.701 (j) and 403.711 (a).

(2) The Appeals Council may, in its discretion, decline a party's request for the review of a referee's decision or the Bureau's revised determination, or the Council may, within 90 days from the date of mailing notice of such decision or revised determination, review such decision or revised determination on its own motion. Notice of the action by the Appeals Council in determining to review on its own motion or granting or declining a party's request for review shall be mailed to the parties at their last known addresses.

(Secs. 205, 1102, 49 Stat. 624, as amended, 647, as amended; 42 U. S. C. 405, 1302. Interpret or apply sec. 221, 68 Stat. 1081; as amended; 42 U. S. C. 421)

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: July 22, 1957.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-6118; Filed, July 25, 1957; 8:52 a. m.]

[Regs. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950——)

FILING OF APPLICATIONS FOR DETERMINATIONS OF PERIODS OF DISABILITY BY CAREER RAILROAD WORKERS

Regulations No. 4, as amended (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.605 is amended to read:

§ 404.605 *Place of filing applications.* Applications shall be filed (in person, by mail, or otherwise) at an office of the Bureau, or with an employee of the Administration who has been duly authorized to receive such applications at a place other than such an office; or, in cases of claimants who are not residing in the United States, such applications may be filed at an office maintained outside the United States by the United States Foreign Service; or, in cases of claimants having 10 or more years of service in the railroad industry (see Subpart O of this part) or of claimants entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 30, 1951, who file applications to establish periods of disability under section 216 (i) of the act, such applications may be filed at an office of the Railroad Retirement Board.

2. Section 404.608 is amended to read:

§ 404.608 *When an application is considered to have been filed.* Except as otherwise provided in this subpart, an application is considered to have been filed only as of the date the application is received at an office of the Bureau or by an employee of the Administration authorized to receive it or, in cases of claimants who are not residing in the United States, at an office maintained outside the United States, by the United States Foreign Service; or, in cases of claimants having 10 or more years of service in the railroad industry (see Subpart O of this part) or of claimants entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 30, 1951, who file applications to establish periods of disability under section 216 (i) of the act, as of the date the application is received at an office of the Railroad Retirement Board. If the application is deposited in and transmitted by the United States Mail and the fixing of the date of delivery as the date of filing would result in a loss or impairment of benefit rights, the application will be considered to have been received as of the date of mailing. The date appearing on the postmark (when available and legible) shall be prima facie evidence of the date of mailing.

3. Section 404.610 is amended to read:

§ 404.610 *Execution and filing of requests and notices.* Except as otherwise provided in this subpart, any request for a determination or decision relating to a person's right to monthly benefits, a lump-sum death payment, or a recomputation of a primary insurance amount, or relating to the revision of records of earnings, or any notice, provided for by the regulations in this part, shall be in writing and shall be signed by the person authorized to execute an application under § 404.603. Such requests and notices shall be filed at an office of the Bureau or with an employee of the Administration who is authorized to receive them, or, in cases of persons who are not residing in the United States, they may be filed at an office maintained outside the United States by the United States Foreign Service. In cases of persons having 10 or more years of service in the railroad industry (see Subpart O of this part) or of persons entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 30, 1951, who have filed applications to establish periods of disability under section 216 (i) of the act, requests and notices with respect to such applications may be filed at an office of the Railroad Retirement Board.

4. The title of § 404.611 is amended to read: *"Effect of applications filed with the Railroad Retirement Board on its forms."*

(Secs. 205, 1102, 49 Stat. 624, as amended, 647, as amended; 42 U. S. C. 405, 418. Interpret or apply sec. 216, 68 Stat. 1080, as amended; 42 U. S. C. 416)

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: July 22, 1957.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-6119; Filed, July 25, 1957; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 19]

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART H—PRICE NEGOTIATION POLICIES AND TECHNIQUES

The following Subpart H has been added to Part 3. Subpart H, price Negotiation Policies and Techniques prescribes price negotiation policies and techniques. It is applicable to negotiated contracts only, and includes all such contracts whether of the fixed-price type or cost-reimbursement type. It also applies to those subcontracts which are subject to approval or review by contracting officers. Finally, the new Subpart H is applicable to the negotiation of revised prices (e. g., in contracts providing for price escalation, price redetermination), and revision of fees under an incentive plan.

There are detailed discussions of the responsibility of contracting officers and other personnel; preparation for negotiation; selection of contract type; conduct of negotiations; selection of offerors for negotiation and award; pricing of individual contracts; the relationship between cost, profit, and price; pricing techniques; and audit as a pricing aid.

Sec.	
3.800	Scope of subpart.
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3.801–1	General.
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3.802	Preparation for negotiation.
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3.805 Selection of offerors for negotiation and award.
3.806 Pricing individual contracts.
3.807 Cost, profit and price relationships.
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3.808–1 General.
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3.808–4 Profit.
3.808–5 Subcontracting.
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3.809 Audit as a pricing aid.
3.810 Exchange of information.
3.811 Record of price negotiation.

AUTHORITY: §§ 3.800 to 3.811 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, 638, 66 Stat. 537; 41 U. S. C. 151–162.

§ 3.800 *Scope of subpart.* This subpart sets forth the price negotiation policies and techniques applicable to negotiated prime contracts and those subcontracts which are subject to approval or review within a Department. The principles in this subpart apply to negotiation of prices on all types of contracts and to revised prices as well as initial prices.

§ 3.801 *Basic policy.*

§ 3.801–1 *General.* It is the policy of the Department of Defense to procure supplies and services from responsible sources at fair and reasonable prices calculated to result in the lowest ultimate over-all cost to the Government. Sound pricing depends primarily upon the exercise of sound judgment by all personnel concerned with the procurement.

§ 3.801–2 *Responsibility of Contracting Officers.* (a) Contracting officers, acting within the scope of their appointments (and in some cases acting through their authorized representatives) are the exclusive agents of their respective Departments to enter into and administer contracts on behalf of the Government in accordance with this subchapter and Departmental procedures. Each contracting officer is responsible for performing or having performed all administrative actions necessary for effective contracting. The contracting officer shall exercise reasonable care, skill and judgment and shall avail himself of all of the organizational tools (such as the advice of specialists in the fields of contracting, finance, law, contract audit, mobilization planning, engineering, traffic management and cost analysis) necessary to accomplish the purpose as, in his discretion, will best serve the interests of the Government.

(b) To the extent services of specialists are utilized in the negotiation of contracts, the contracting officer must coordinate a team of experts, requesting advice from them, evaluating their counsel, and availing himself of their skills as much as possible. The contracting officer shall obtain simultaneous coordination of the specialist efforts to the greatest practical extent. He shall not, however, transfer his own responsibilities to them. Thus, the final negotiation of price, including price redetermination and evaluation of cost estimates, remains the responsibility of the contracting officer.

§ 3.801–3 *Responsibility of other personnel.* Personnel, other than the contracting officer, who determine industrial mobilization plans and type, quality, quantity, and delivery requirements for items to be purchased, can influence the degree of competition obtainable as well as have a material effect upon prices. Failure to finalize requirements in sufficient time to allow—

(a) A reasonable period for preparation of request for proposals;

(b) Preparation of quotations by offerors;

(c) Contract negotiation and preparation; and

(d) Adequate manufacturing lead time;

causes delinquency in delivery and uneconomical prices. Requirements issued on an urgent basis or with unrealistic delivery schedules should be avoided since they generally increase price or restrict desired competition. Personnel determining requirements, specifications, mobilization plans, adequacy of sources of supply, and like matters have responsibility in such areas, equal to that of the contracting officer, for timely, sound, and economical procurement.

§ 3.802 *Preparation for negotiation.*

§ 3.802–1 *Product or service.* Knowledge of the product or service, and its use, is essential to sound pricing. Before soliciting quotations, every contracting officer should develop, where feasible, an estimate of the proper price level or value of the product or service to be purchased. Such estimates may be based on a physical inspection of the product and review of such items as drawings, specifications, job process sheets, and prior procurement data. When necessary, requirements and technical specialists should be consulted. The primary responsibility for the adequacy of specifications and for the delivery requirements must necessarily rest with requirements and technical groups. However, the contracting officer should be aware of the effect which these factors may have on prices and competition, and should, prior to award, inform requirements and technical groups of any unsatisfactory effect which their decisions have on prices or competition.

§ 3.802–2 *Selection of prospective sources.* Selection of qualified sources for solicitation of proposals is basic to sound pricing. Proposals should be invited from a sufficient number of competent potential sources to insure adequate competition. (See also §§ 1.302, 1.307, 3.101, 3.104, 3.105 and 12.102 of this chapter.)

§ 3.802–3 *Requests for proposals.* Requests for proposals shall contain the information necessary to enable a prospective offeror to prepare a quotation properly. The request for proposals shall be as complete as possible with respect to: Item description or statement of work; specifications; Government-furnished property, if any; required delivery schedule; and contract clauses. If a price breakdown is required, the request for proposals shall so state. Requests for proposals shall specify a date for submission of proposals; any extension of time granted to one prospective offeror shall be granted uniformly to all. Each request for proposals shall be released to all prospective offerors at the same time and no offeror shall be given the advantage of advance knowledge that proposals are to be requested. Generally, requests for proposals shall be in writing. However, in appropriate cases, such as the procurement of perishable subsistence, oral requests for quotations are authorized.

§ 3.803 *Type of contract.* The selection of an appropriate contract type and the negotiation of prices are related and should be considered together. Section 3.402 lists some of the factors for this joint consideration. The objective is to negotiate a contract type and price that includes reasonable contractor risks and provides the contractor with the greatest incentive for efficient and economical performance. When negotiations indicate the need for using other than a firm fixed price contract, there should be compatibility between the type of contract selected and the contractor's accounting system.

§ 3.804 *Conduct of negotiations.* Evaluation of offerors' or contractors' proposals, including price revision proposals, by all personnel concerned with the procurement, as well as subsequent negotiations with the offeror or contractor, shall be completed expeditiously. Complete agreement of the parties on all basic issues shall be the objective of the contract negotiations. Basic questions should not be left for later agreement during price revision or other supplemental proceedings. Cost and profit figures of one offeror or contractor shall not be revealed to other offerors or contractors.

§ 3.805 *Selection of offerors for negotiation and award.* (a) The normal procedure in negotiated procurements, after receipt of initial proposals, is to conduct such further negotiations as may be required to obtain the agreement most advantageous to the Government. There are certain instances where, despite the existence of conditions which required procurement by negotiation (§ 3.102), adequate competition is obtained and the low price or prices are determined to be fair and reasonable. In such instances, award may be made without further negotiation as to price to that responsible firm submitting the proposal which is most advantageous to the Government.

(b) Where the contracting officer considers that the initial proposals are too high or where there is inadequate pricing knowledge to justify an award on the basis of the initial proposals, further negotiations shall be conducted as follows:

(1) Where a responsible offeror submits a responsive proposal which is substantially lower than those submitted in all other proposals, negotiations may be conducted only with that offeror; or

(2) Where several responsible offerors submit proposals which are so grouped that a moderate reduction in price might make any one of the group low, further negotiations should normally be confined to offerors within such grouping.

Whenever negotiations are conducted with more than one offeror there shall be a strict avoidance of auction techniques. No information regarding the number or identity of the offerors participating in the negotiations shall be made available to the public or to anyone whose official duties do not require such knowledge. No indication shall be made to any offeror of a price which must be met to obtain further consideration. Whenever negotiations are being conducted with several offerors, while such negotiations may be conducted successively, all offerors participating in such negotiations shall be offered an equitable opportunity to submit such revisions in their proposals as may result from the negotiations. All offerors shall be informed that after the submission of final prices, no information will be furnished to any offeror until award has been made.

(c) The procedures set forth in § 3.805 (a) and (b) above may not be applicable in appropriate cases when procuring research and development, or special services (such as architect-engineer services) or when cost reimbursement type contracting is anticipated. Award of a contract may be properly influenced by the proposal which promises the greatest value to the Government in terms of possible performance, ultimate productibility, growth potential and other factors rather than the proposal offering the lowest price or probable cost and fixed fee.

(d) Whenever in the course of negotiation a substantial change is made in the Government's requirements, for example, increases or decreases in quantities or material changes in the delivery schedules, all offerors shall be given an equitable opportunity to submit revised proposals under the revised requirements.

§ 3.806 *Pricing individual contracts.* (a) Each contract shall be priced separately and independently, and no consideration shall be given to losses or profits realized or anticipated in the performance of other contracts. This prohibition shall not be construed to prevent the negotiation of fixed overhead and other rates applicable to several contracts during annual or other specific periods, or to prohibit forward pricing agreements applicable to several contracts.

(b) Contracting officers shall not rely on profit limiting statutes as remedies for ineffective pricing. Such statutes generally provide for the recapture of excessive profits, but they do not recapture the costs of inefficiency and waste which may result from failure to negotiate reasonable prices initially. Similarly, price redetermination clauses shall not be used as a substitute for the negotiation of reasonable prices at the inception of contracts.

§ 3.807 *Cost, profit, and price relationships.* (a) When products are sold in the open market, costs are not necessarily the controlling factor in establishing a particular seller's price. Similarly where competition may be ineffective or lacking, estimated costs plus estimated profit are not the only pricing criteria. In some cases, the price appropriately may represent only a part of the seller's cost and include no estimate for profit or fixed fee, as in research and development projects where the contractor is willing to share part of the costs. In other cases, price may be controlled by competition as set forth in § 3.805 (a). The objective of the contracting officer shall be to negotiate fair and reasonable prices in which due weight is given to all relevant factors, including those in § 3.101.

(b) Profit is only one element of the price proposal and normally represents a smaller proportion of the total price than do such other estimated elements as labor and material. While the public interest requires that excessive profits be avoided, the contracting officer should not become so preoccupied with particular elements of a contractor's estimate of cost and profits that the most important consideration, the total price itself, is distorted or diminished in its significance. Government procurement is primarily concerned with the reasonableness of a negotiated price and only secondarily with the eventual cost and profit.

(c) Particularly where effective competition is lacking the estimate for profit or the proposed fixed fee should be analyzed in the same manner as all other elements of price, applying tests and considerations discussed in § 3.808–4. A fair and reasonable provision for profit cannot be made by simply applying a certain predetermined percentage to the cost estimate or selling price of a product. If, for example, a factor of 10 percent were used as a flat percentage rate for estimating profit in a situation where two sources were needed to meet the requirement, the result might be grossly inequitable. If one supplier proposes to and produces at a unit cost of $1,000 and the second at a unit cost of $1,500, with a flat 10 percent factor applied to both transactions as estimated profit, the second and higher cost supplied would receive $150 profit while the lower cost supplier would receive only $100.

§ 3.808 *Pricing techniques.*

§ 3.808–1 *General.* Policies set forth in this part may be applied in a variety of ways in the evaluation of offerors' or contractors' proposals and in the negotiation of contract prices. The extent to which any particular method, or combination of methods, should be used will depend upon the judgment of the contracting officer. The following paragraphs describe several of the principal price negotiation techniques and the circumstances under which each may be used. The considerations set forth herein are equally applicable to initial and subsequent price negotiations.

§ 3.808–2 *Price analysis.* (a) Some form of price analysis should be made in every procurement, even when competitive proposals have been submitted. The presence of effective competition, however, may make it possible to limit considerably the degree of price analysis required.

(b) One form of price analysis is the comparison of prior quotations and contract prices with current quotations for the same or similar end items. To provide a suitable basis for comparison, appropriate allowances may have to be made for differences in such factors as specifications, quantities ordered, time for delivery, Government-furnished materials, and the general level of business and prices.

(c) Rough yardsticks may often be developed (in such terms as dollars per pound, per horsepower, or other units) to point up apparent gross inconsistencies which should be subjected to additional pricing techniques, including cost analysis. Such yardsticks should be considered as an indispensable adjunct to cost analysis, since a study of a single offeror's estimated costs in sole source situations will not indicate whether the proposed price is fair and reasonable in comparison with other products of the same kind.

§ 3.808–3 *Cost analysis.* (a) The need for cost analysis depends on the effectiveness of the methods of price analysis outlined in § 3.808–2, the amount of the proposed contract, and the cost and time needed to accumulate the information necessary for analysis. When cost analysis is undertaken, the contracting officer must exercise judgment in determining the extent of the analysis. Cost analysis is desirable whenever:

(1) Effective competition has not been obtained;

(2) A valid basis for price comparison has not been established, because of the lack of definite specifications, the novelty of the product, or for other reasons;

(3) Price comparisons have revealed apparent inconsistencies which cannot be satisfactorily explained or otherwise reasonably accounted for;

(4) The prices quoted appear to be excessive on the basis of information available;

(5) The proposed contract is of a significant amount and is to be awarded to a sole source;

(6) The proposed contract will probably represent a substantial percentage of the contractor's total volume of business; or

(7) A cost-reimbursement, incentive, price redeterminable, or time and material contract is negotiated.

(b) Cost analysis involves the evaluation of specific elements of cost and the effect on prices of such factors as:

(1) Allowances for contingencies;

(2) The necessity for certain costs;

(3) The reasonableness of amounts estimated for the necessary costs;

(4) The basis used for allocation of overhead costs; and

(5) The appropriateness of allocations of particular overhead costs to the proposed contract.

(c) Among the several types of cost comparisons that should be made, where the necessary data are available, are comparisons of a contractor's or offeror's current estimated costs with:

(1) Actual costs previously incurred by the contractor or offeror; and with its last prior estimate for the same or similar item or with a series of prior estimates;

(2) Current estimates from other possible sources; and

(3) Prior estimates or historical costs of other contractors manufacturing the same or related items.

(d) Forecasting future trends in costs from historical cost experience is of primary importance in pricing. In periods of either rising or declining costs, an adequate cost analysis must include some evaluation of the trends. Even in periods of relative price stability, trend analysis of basic labor and materials costs should be undertaken in cases involving production of recently developed, complex equipment. In some cases, probable increases in labor efficiency, and reductions in material spoilage as a contractor's work force gains in experience with such new products can be predicted statistically. Efficiency curves may be devised to predict the reduction in the spoilage rate; learning curves may be devised to evaluate reductions in labor hours. Effective use of learning curves depends on the presence of the following elements:

(1) Direct labor should represent a substantial element of the total price;

(2) The contract price should be large enough to warrant the time spent in collecting the statistical data necessary to construct valid curves;

(3) The proposed contract should cover production over a relatively long period;

(4) A substantial body of historical labor cost data must be available; and

(5) The product must be a complex, non-standard item requiring a substantial amount of assembly labor (where relatively large amounts of automatic machinery are to be employed, or the product is a relatively standard item, learning curves may be of little value).

§ 3.808–4 *Profit*—(a) *General.* Where competition is adequate and effective and proposals are on a firm fixed-price basis, the contracting officer normally need not consider in detail the amount of estimated profit included in a price. However, when detailed analysis of profit is appropriate due to lack of competition or for some other reason, the factors discussed in the following paragraphs should be considered. (See § 3.807 (c).)

(b) *Degree of risk.* The degree of risk assumed by the contractor should influence the amount of profit a contractor is entitled to anticipate. For example, where a portion of the risk has been shifted to the Government through price redetermination provisions, unusual contingency provisions, or other risk-reducing measures, the amount of profit to which the contractor is reasonably entitled is less than where the contractor assumes all risk.

(c) *Extent of Government assistance.* The Department of Defense encourages its contractors to perform their contracts with the minimum of financial, facility, or other assistance from the Government. Where extraordinary financial, facility, or other assistance must be furnished to a contractor by the Government, such extraordinary assistance should have a modifying effect in determining what constitutes a fair and reasonable profit.

(d) *Contribution to the defense effort.* The contractor's past and present performance and cooperation in such areas as engineering (including inventive, design simplification, and developmental contributions) and quality control should, in appropriate measure, affect the amount of profit.

(e) *Character of contractor's business.* Recognition must be given to the type of business normally carried on by the contractor, the complexity of manufacturing techniques, the rate of capital turnover, and the effect of each individual procurement upon such business. For example, where a contractor is engaged in an industry where the turnover of working capital is low, generally the profit objective on individual contracts is higher than in those industries where the turnover is more rapid.

(f) *Contractor's performance.* In addition to the factors set forth in § 3.101, the contractor's performance should, particularly when prices are being redetermined, be evaluated in such areas as quality of product, quality control, scrap and spoilage, efficiency in cost control (including need for and reasonableness of costs incurred), meeting delivery schedule, timely compliance with contractual provisions, creative ability in product development (giving consideration to commercial potential of product), management of subcontract programs, and any unusual services furnished by the contractor. To encourage and maintain a high degree of contractor efficiency and economy, the negotiator must recognize that good performance deserves a greater opportunity for profit than poor performance.

§ 3.808–5 *Subcontracting.* (a) The amount and quality of subcontracting may be a major factor influencing price. Since a large portion of the procurement dollar is spent by prime contractors in subcontracting for work, raw materials, parts, and components, efficient purchasing practices by a contractor will contribute heavily toward efficient and economical production.

(b) While basic responsibility rests with the prime contractor for decisions to "make or buy," for selection of subcontractors, and for subcontract prices and subcontract performance, the contracting officer must have adequate knowledge of those elements and their effects on prime contract prices. Consequently, during price negotiations, when circumstances warrant such action, the contracting officer may require the offeror or contractor to furnish adequate information, for use in evaluating the proposed price, with respect to:

(1) The purchasing practices of the prime contractor;

(2) The principal components to be subcontracted and the contemplated subcontractors, including (A) the degree of competition obtained, (B) cost or price analyses or price comparisons accomplished, and (C) the extent of subcontract supervision;

(3) The types of subcontracts; i. e., firm fixed-price or other (see § 3.401); and

(4) The estimated total extent of subcontracting, including procurement of purchased parts and materials.

The evaluation of total subcontracting should not be reduced to applying arbitrary percentages of profit to subcontract prices in negotiating the prime contract price. Such elements as economies achieved through "make or buy" decisions, and the necessity of close supervision of subcontractors performing complex work (through the furnishing of engineering or other technical assistance), should be fully considered.

(c) When the prime contract is to be placed on a firm fixed-price basis, there is no need, for pricing purposes, to provide for review or approval by the contracting officer of subcontracts prior to their placement.

(d) When the prime contract is not to be placed on a firm fixed price basis, review of subcontracts prior to placement may be desirable since the ultimate cost to the Government will depend in part on subcontract prices and performance. Prime contract provisions requiring advance notification, review, or approval of subcontracts shall be consistent with the type of contract and the conditions applicable to its use as described in Subpart D of this part. For example, if the contract is on a firm fixed-price basis except for a clause permitting price escalation resulting from cost increases for certain materials, the prime contract may limit the contracting officer's right of review to subcontracts for materials covered by the escalation clause. In the case of cost reimbursement type contracts, advance notification, prior consent, or approval of subcontracts is required as set forth in § 7.203–3 of this subchapter. Contract provisions requiring advance notification to the contracting officer of proposed subcontracts for materials, components, and other purchases may be appropriate both for information as to sources and prices and to provide an opportunity for review and for approval or objection by the contracting officer prior to award of the subcontracts. Such provisions are particularly necessary when:

(1) The prime contractor's purchasing policy and system or performance thereunder are considered inadequate;

(2) Subcontracts are for items for which there is no cost information or for which the proposed prices appear unreasonable, and the amounts involved are substantial;

(3) Close working arrangements or other business or ownership affiliations exist between the prime and the subcontractor which may preclude the free use of competition or result in higher subcontract prices than would otherwise be obtained;

(4) A subcontract is being proposed at a price less favorable than that which has been given by the subcontractor to the Government, all other factors such as manufacturing period and quantity being comparable; or

(5) A subcontract is to be placed on a price redetermination, fixed-price incentive, time and material, or cost-reimbursement basis.

The contract provisions relating to subcontracts should be consistent with the amount and character of subcontract work and with the over-all character of the prime contract, involving the Government to the minimum extent practicable in the contractor's exercise of management responsibility, but giving reasonable assurance that the Government is receiving the greatest practicable return for its expenditure. Provisions in prime fixed-price contracts relating to subcontract review may, as appropriate, be confined to one major subcontract; to certain classes of subcontracts; may set a floor above which advance approval of proposed subcontracts may be required before placement; or may be tailored to cover unusual or particular circumstances. In those instances where a contractor's purchasing system has been deemed adequate, review of subcontracts generally may not be necessary. However, contracting officers shall conduct periodic reviews of the application of the system to insure conformance therewith.

(e) In cases where the prime contract reserves a right for the contracting officer to review or approve subcontracts, the prime contract shall also reserve to the Government the right to inspect and audit the books and records of such subcontractors. Whenever such first tier subcontracts are of the cost-reimbursement, price redetermination, fixed-price incentive, or time and material type, a similar right shall be reserved to the Government to inspect and audit the books and records of lower tier subcontractors: *Provided*, That such a right shall not be reserved below the point where a firm fixed-price subcontract intervenes.

§ 3.808–6 *Sole source items.* When purchases of standard commercial or modified standard commercial items are to be made from sole source suppliers, use of the techniques of price and cost analysis may not always be possible. In such instances and consistent with the volume of procurement normally consummated with the contractor, the contractor's price lists and discount or rebate arrangements should be examined and negotiations conducted on the basis of the "best user," "most favored customer" or similar practice customarily followed by the contractor. Such price negotiations should consider the volume of business anticipated for a fixed period, such as a fiscal year, rather than the size of the individual procurement being negotiated.

§ 3.809 *Audit as a pricing aid*—(a) *General.* The audit services within the Military Departments should be utilized as a pricing aid by the contracting officer to the fullest extent appropriate when the dollar amount involved is sufficiently large to, or special circumstances exist which warrant the time and expense required for the particular type of advisory audit, special survey, or audit analysis of price or cost desired. Judicious use of audit services will expedite proper pricing. The determination as to the necessity of an audit report for pricing purposes is the responsibility of the contracting officer. When requesting audit services, the contracting officer shall state the purpose for which the report is to be used and define any specific areas of audit examination which should be given special attention.

(b) *Application.* Except for contracts containing retroactive price revision clauses, pricing techniques are concerned mainly with estimates of future costs. Therefore, audit reports for either retroactive or prospective pricing should not only establish costs accrued to a specific cut-off point for price proposal purposes but also should include cost trends and other available information which would be of assistance to the contracting officer in price negotiation. Such audit reports will serve a useful purpose in:

(1) The evaluation of contingency allowances, overhead allocations, purchasing management efficiency, and similar cost elements;

(2) Both the initial and subsequent pricing of contracts containing price revision clauses;

(3) Establishing limitations on costs and price revision adjustments; and

(4) Establishing negotiated overhead rates for cost-reimbursement type contracts.

(c) *Condition for use.* Close coordination between the audit agency and procurement personnel will assist in determining the necessity of audit of price or cost proposals or the necessity of special surveys relating to contractor's accounting or purchasing systems. Some of the conditions under which the contracting officer should consider the use of audit services include:

(1) Inadequate knowledge concerning the contractor's accounting policies, cost systems, or substantially changed methods or levels of operation;

(2) Previous unfavorable experience indicating doubtful reliability of the contractor's estimating, accounting, or purchasing methods;

(3) Procurement of a new product for which cost experience is lacking; and

(4) Contract performance requiring a substantial period of time.

§ 3.810 *Exchange of information.* In appropriate cases it is desirable to exchange and coordinate specialized information regarding a contractor between Military Departments, bureaus, technical services and other procuring activities since it will provide uniformity of treatment of major issues and it may aid in the resolution of particularly difficult or controversial issues.

§ 3.811 *Record of price negotiation.* At the conclusion of each negotiation of an initial or a revised price, the contracting officer shall promptly prepare or cause to be prepared a memorandum, setting forth the principal elements of the price negotiation, for inclusion in the contract file and for the use of any reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of the initial or revised price.

PERKINS MCGUIRE,
Assistant Secretary of Defense
(Supply and Logistics).

JULY 22, 1957.

[F. R. Doc. 57–6102; Filed, July 25, 1957; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PERSONS INCLUDED IN ACTS IN ADDITION TO COMMISSIONED OFFICERS AND ENLISTED MEN

In § 3.1, paragraph (m) is amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* * * *

(m) *Cadets and midshipmen.* Cadets and midshipmen (Army, Navy and Coast Guard) suffering from disabilities incurred in the line of duty while assigned to duties constituting war service, which includes practice cruises at sea but excludes practice maneuvers at West Point, during the period of one of the hostilities enumerated in Veterans Regulations 1 (a), as amended (limited in the case of the Coast Guard to service on or after January 28, 1915), or during service within the purview of Public Law 28, 82d Congress, are entitled to compensation for such disability at the rate provided in Part I, Veterans Regulation 1 (a), as amended, if otherwise entitled. Cadets and midshipmen (Army, Navy, Coast Guard, and Air Force) who are disabled by reason of a wound or injury received or a disease contracted while pursuing the prescribed course of instruction at the academies and in line of duty (limited in the case of the Coast Guard to such courses of instruction on or after January 28, 1915) are entitled to compensaton at the rate prescribed in Part II, Veterans Regulation 1 (a), if otherwise entitled. Midshipmen (Navy and Coast Guard) assigned to practice cruises, or cadets or midshipmen otherwise actually assigned to active duty for a total of at least 90 days during a period of hostilities enumerated in Veterans Regulation 1 (a), as amended (limited in the case of the Coast Guard to service on or after January 28, 1915), or during service within the purview of Public Law 28, 82d Congress, who are now suffering from a disability permanent and total in degree, but which is not connected with any period of service, are entitled to a pension at the rate prescribed in Part III, Veterans Regulation 1 (a), if otherwise entitled. Service as a cadet at the United States Military Academy, or as a midshipman at the United States Naval Academy, or as a cadet at the United States Coast Guard Academy on or after December 7, 1941, and before 12 o'clock noon, December 31, 1946, shall be considered active military or naval service in World War II for the purposes of laws administered by the Veterans Administration (sec. 10, Pub. Law 144, 78th Cong.). However, such service on and after June 27, 1950, does not by virtue of Public Law 28, 82d Congress, confer entitlement to disability compensation at the rates provided by Part I, Veterans Regulation 1 (a), as amended.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective July 26, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-6101; Filed, July 25, 1957; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 33—CENTRAL REGION

SUBPART—SWAN LAKE NATIONAL WILDLIFE REFUGE, MISSOURI

FISHING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.12, I have determined that additional noncommercial fishing may be permitted on certain waters of the Swan Lake National Wildlife Refuge, Missouri, without interfering with the primary purpose of the area. Accordingly, §§ 33.222, 33.223, 33.224, and 33.225 are deleted and § 33.221 is amended to read as follows:

§ 33.221 *Fishing permitted.* Noncommercial fishing is permitted during daylight hours on such borrow pits and on those portions of the waters and natural shorelines of Silver Lake and Swan Lake within the Swan Lake National Wildlife Refuge as may be designated as open to fishing each year by suitable posting by the refuge officer in charge, subject to all the conditions and restrictions specified in Parts 18 and 21 of this chapter: *Provided,* That rowboats, canoes, and other similar floating devices may be launched and landed at such points as may be designated for the purpose by the refuge officer in charge and may be operated only in the areas open to fishing. The use of motorboats, either inboard or outboard, is prohibited on all waters of the refuge except for official use.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendment has the effect of relieving restrictions applicable to the Swan Lake National Wildlife Refuge, it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Issued at Washington, D. C., and dated July 22, 1957.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-6085; Filed, July 25, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Part 33]

METERED REPLY PRIVILEGE

DISCONTINUANCE

With a view toward more efficient operation of the Postal Establishment, the Postmaster General proposes to discontinue the distribution by meter license holders of envelopes and cards with return postage prepaid by postage meter stamps. It is therefore proposed that, effective October 1, 1957, the amendment to 39 CFR, Chapter I which follows be put into effect.

Although this proposed change relates to a proprietary function of the Government, the Postmaster General desires to voluntarily observe the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003) in this case so that patrons of the Postal Service may have an opportunity to present written views concerning the proposed regulation. Such written views may be submitted to Edwin A. Riley, Director, Division of Postal Services, Bureau of Operations, Post Office Department, Washington 25, D. C., at any time prior to August 30, 1957.

PART 33—METERED STAMPS

§ 33.5 *Metered reply postage* is hereby rescinded.

NOTE: The corresponding section in the Postal Manual is 143.5

(R. S. 161, 396, as amended; sec. 5, 41 Stat. 583, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 273, 291a)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-6093; Filed, July 25, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1957 Dept. Circular 990]

3⅝ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES E–1957

OFFERING OF CERTIFICATES

JULY 22, 1957.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 3⅝ percent Treasury Certificates of Indebtedness of Series E–1957, in exchange for 2 percent Treasury Notes of Series C–1957, maturing August 15, 1957, or 2¾ percent Treasury Notes of Series D–1957, maturing August 1, 1957. Exchanges will be made par for par in the case of the Series D–1957 notes, and at par with an adjustment of interest as of August 1, 1957, in the case of the Series C–1957 notes. In addition to the amount offered for exchange, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these certificates at par to Government Investment Accounts. The books will be open only on July 22 through July 24 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing notes are offered the privilege of exchanging all or any part of such notes for 4 percent Treasury Certificates of Indebtedness of Series C–1958 or 4 percent Treasury Notes of Series A–1961, which offerings are set forth in Department Circulars Nos. 991 and 992, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates will be dated August 1, 1957, and will bear interest from that date at the rate of 3⅝ percent per annum, payable on a semiannual basis on December 1, 1957. They will mature December 1, 1957. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before August 1, 1957, or on later allotment, and may be made only in Treasury Notes of Series C–1957, maturing August 15, 1957, or Treasury Notes of Series D–1957, maturing August 1, 1957, which will be accepted at par, and should accompany the subscription.

Coupons dated August 15, 1957, must be attached to the notes of Series C–1957 when surrendered, and accrued interest from February 15, 1957, to August 1, 1957 ($9.22652 per $1,000) will be paid to subscribers following acceptance of the notes. In the case of the notes of Series D–1957, coupons dated August 1, 1957, should be detached by holders and cashed when due.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 57-6114; Filed, July 25; 1957; 8:51 a. m.]

[1957 Dept. Circular 991]

4 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C–1958

OFFERING OF CERTIFICATES

JULY 22, 1957.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 4 percent Treasury Certificates of Indebtedness of Series C–1958, in exchange for 2 percent Treasury Notes of Series C–1957, maturing August 15, 1957; 2¾ percent Treasury Notes of Series D–1957, maturing August 1, 1957; 3¼ percent Treasury Certificates of Indebtedness of Series D–1957, maturing October 1, 1957, or 1½ percent Treasury Notes of Series EO–1957, maturing October 1, 1957. Exchanges will be made par for par in the case of the Series D–1957 notes; at par with an adjustment of interest as of August 1, 1957, in the case of the Series C–1957 notes and the Series D–1957 certificates, and at par with an adjustment of interest as of October 1 in the case of the Series EO–1957 notes. In addition to the amount offered for exchange, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these certificates at par to Government Investment Accounts. The books will be open only on July 22 through July 24 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing securities are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Notes of Series A–1961, which offering is set forth in Department Circular No. 992, issued simultaneously with this circular, and holders of the two August maturities are also offered the privilege of exchanging all or any part of such securities for 3⅝ percent Treasury Certificates of Indebtedness of Series E–1957, which offering is set forth in Department Circular No. 990, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates will be dated August 1, 1957, and will bear interest from that date at the rate of 4 percent per annum, payable semiannually on February 1 and August 1, 1958. They will mature August 1, 1958. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before August 1, 1957, or on later allotment, and may be made only in Treasury Notes of Series C–1957, maturing August 15, 1957, Treasury Notes of Series D–1957, maturing August 1, 1957, Treasury Certificates of Indebtedness of Series D–1957, maturing October 1, 1957, or Treasury Notes of Series EO–1957, maturing October 1, 1957, which will be accepted at par, and should accompany the subscription. Coupons dated August 15, 1957, must be attached to the notes of Series C–1957 when surrendered and accrued interest from February 15, 1957, to August 1, 1957 ($9.22652 per $1,000) will be paid to subscribers following acceptance of the notes. Coupons dated October 1, 1957, must be attached to the certificates of Series D–1957 when surrendered, and accrued interest from April 1, 1957, to August 1, 1957 ($10.83333 per $1,000) will be paid to subscribers following acceptance of the certificates. Coupons dated October 1, 1957, must be attached to the notes of Series EO–1957 when surrendered, and accrued interest from April 1, 1957, to October 1, 1957 ($7.50 per $1,000) will be credited, accrued interest from August 1, 1957, to October 1, 1957 ($6.63043 per $1,000) on the certificates to be issued will be charged, and the difference ($0.86957 per $1,000) will be paid to subscribers following acceptance of the notes. In the case of the notes of Series D–1957, coupons dated August 1, 1957, should be detached by holders and cashed when due.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 57-6115; Filed, July 25, 1957; 8:52 a. m.]

[1957 Dept. Circular 992]

4 PERCENT TREASURY NOTES OF SERIES A–1961

OFFERING OF NOTES

JULY 22, 1957.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for notes of the United States, designated 4 percent Treasury Notes of Series A–1961, in exchange for 2 percent Treasury Notes of Series C–1957, maturing August 15, 1957; 2¾ percent Treasury Notes of Series D–1957, maturing August 1, 1957; 3¼ percent Treasury Certificates of Indebtedness of Series D–1957, maturing October 1, 1957, or 1½ percent Treasury Notes of Series EO–1957, maturing October 1, 1957. Exchanges will be made par for par in the case of the Series D–1957 notes; at par with an adjustment of interest as of August 1, 1957, in the case of the Series C–1957 notes and the Series D–1957 certificates, and at par with an

adjustment of interest as of October 1 in the case of the Series EO–1957 notes. In addition to the amount offered for exchange, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these notes at par to Government Investment Accounts. The books will be open only on July 22 through July 24 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing securities are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Certificates of Indebtedness of Series C–1958, which offering is set forth in Department Circular No. 991, issued simultaneously with this circular, and holders of the two August maturities are also offered the privilege of exchanging all or any part of such securities for 3⅝ percent Treasury Certificates of Indebtedness of Series E–1957, which offering is set forth in Department Circular No. 990, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated August 1, 1957, and will bear interest from that date at the rate of 4 percent per annum, payable semiannually on February 1 and August 1 in each year until the principal amount becomes payable. They will mature August 1, 1961, and will not be subject to call for redemption prior to maturity. However, they will be redeemable at the option of the holders on August 1, 1959, at par and accrued interest, if notice in writing of intention to redeem on that date is given to the Office of the Treasurer of the United States or to any Federal Reserve Bank or Branch on or before May 1, 1959, and the notes are temporarily surrendered to the office to which notice is given for the purpose of having an appropriate stamp placed on them to indicate that they will be redeemed on August 1, 1959, and for detaching coupons dated subsequent to that date.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before August 1, 1957, or on later allotment, and may be made only in Treasury Notes of Series C–1957, maturing August 15, 1957, Treasury Notes of Series D–1957, maturing August 1, 1957, Treasury Certificates of Indebtedness of Series D–1957, maturing October 1, 1957, or Treasury Notes of Series EO–1957, maturing October 1, 1957, which will be accepted at par, and should accompany the subscription. Coupons dated August 15, 1957, must be attached to the notes of Series C–1957 when surrendered, and accrued interest from February 15, 1957, to August 1, 1957 ($9.22652 per $1,000) will be paid to subscribers following acceptance of the notes. Coupons dated October 1, 1957, must be attached to the certificates of Series D–1957 when surrendered, and accrued interest from April 1, 1957, to August 1, 1957 ($10.83333 per $1,000) will be paid to subscribers following acceptance of the certificates. Coupons dated October 1, 1957, must be attached to the notes of Series EO–1957 when surrendered, and accrued interest from April 1, 1957, to October 1, 1957 ($7.50 per $1,000) will be credited, accrued interest from August 1, 1957, to October 1, 1957 ($6.63043 per $1,000) on the notes to be issued will be charged, and the difference ($0.86957 per $1,000) will be paid to subscribers following acceptance of the notes. In the case of the notes of Series D–1957, coupons dated August 1, 1957, should be detached by holders and cashed when due.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 57–6116; Filed, July 25, 1957; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Fairbanks 012485]

ALASKA

WITHDRAWING PUBLIC LANDS FOR SCHOOL PURPOSES

JULY 22, 1957.

By virtue of the authority vested in the Secretary of the Interior by the Act of May 31, 1938 (52 Stat. 593; 48 U. S. C. 353a), and pursuant to Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior for school purposes:

CHEVAK SCHOOL RESERVE

Beginning at a point from which the Northwest corner of the Alaska Native School Building bears S. 24° W., 50 feet, thence approximate latitude 61°30' N., longitude 165°35' W., thence

N. 66° W., 150 feet;
S. 24° W., 220 feet;
S. 66° E., 425 feet;
N. 24° E., 220 feet;
N. 66° W., 275 feet to point of beginning.

The tract described contains 2.10 acres.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 57–6086; Filed, July 25, 1957; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

ALBERT W. GILMER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Albert W. Gilmer on July 1, 1957 in the Department of the Army. Mr. Gilmer is serving as Chief of the Philadelphia Ordnance District, Philadelphia, Pennsylvania.

Mr. Gilmer is presently employed as a partner with Barnes, Dechert, Price, Myers and Rhoads, Philadelphia, Pennsylvania.

Mr. Gilmer's statement of his personal business interests is set forth below.

Dated: July 20, 1957.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

(a) Commercial Banking Corp., Philadelphia, Pa., director.
(b) Freihofer Baking Co., Philadelphia, Pa., director.
(c) William Freihofer Baking Co., Philadelphia, Pa., director.
(d) Gates Engineering Co., Wilmington, Del., secretary.
(e) Wilmington Realty Co., Wilmington, Del., secretary.
(f) Delaware Valley Steel Works, Inc., Wilmington, Del., secretary.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

(a) Chicago & Northwestern Railway, Chicago, Ill., stockholder.
(b) East Sugar Loaf Coal Co., Philadelphia, Pa., stockholder.
(c) Petroleum Conversion Corp., Wilmington, Del., stockholder.
(d) Lehigh Coal & Navigation Co., Bethlehem, Pa., stockholder.
(e) The Macco Chemical Co., Cleveland, Ohio, stockholder.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

(a) Barnes, Dechert, Price, Myers and Rhodes (law firm), Philadelphia, Pa., partner.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 3, 1957.

ALBERT W. GILMER.

[F. R. Doc. 57–6104; Filed, July 25, 1957; 8:49 a. m.]

KENNETH B. COATES

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Kenneth B. Coates on July 1, 1957 in the Department of the Army. Mr. Coates is serving as Chief of the Detroit Ordnance District, Detroit, Michigan.

Mr. Coates is presently retired.

Mr. Coates' statement of his personal business interests is set forth below.

Dated: July 20, 1957.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

1. Names of any corporation of which I am, or within sixty (60) days preceding this appointment have been, an officer or director:

Michigan Plating & Stamping Co., Grand Rapids, Mich., director.

Watson Industries, Inc., 7405 Lyndon Ave., Detroit 38, Mich., secretary and director.

B/W Controller Corp., East Maple Rd., Birmingham, Mich., secretary and director.

2. Names of any corporation of which I own, or within sixty (60) days preceding this appointment have owned, any stocks or other financial interests:

Michigan Plating & Stamping Co., Grand Rapids, Mich., stockholder.

Watson Industries, Inc., 7405 Lyndon Ave., Detroit 38, Mich., stockholder.

B/W Controller Corp., East Maple Rd., Birmingham, Mich., stockholder.

National Steel Corp., Grant Building, Pittsburgh, Pa., stockholder.

3. Names of any partnerships in which I am, or within sixty (60) days preceding this appointment have been, a partner:

None.

4. Names of any other businesses in which I own, or within sixty (60) days preceding this appointment have owned, any similar interest:

Real Estate: Livingston County, Brighton, Mich.

Insurance: Northwestern Mutual; Equitable; Travellers.

Dated: June 26, 1957.

KENNETH B. COATES.

[F. R. Doc. 57–6105; Filed, July 25, 1957; 8:50 a. m.]

EDWARD F. MCCROSSIN

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Edward F. McCrossin on July 1, 1957, in the Department of the Army. Mr. McCrossin is serving as Chief of the New York Ordnance District.

Mr. McCrossin is self-employed. He is the sole owner of McCrossin and Company, New York.

Mr. McCrossin's statement of his personal business interests is set forth below.

Dated: July 20, 1957.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporations of which I am, or within 60 days preceding this appointment have been, an officer or director:

a. Seaboard Fire & Marine Insurance Co. of New York, director.
b. Yorkshire Insurance Co. of New York, director.
c. Yuba Consolidated Goldfields, Inc. of Maine, director.

2. The names of any corporations in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

a. Stockholder (investments):
Alabama Power Co.
American Metals, Ltd.
American Tel. & Tel. Co.
American Equitable Assurance Co.
American Zinc, Lead & Smelting Co.
Crown Cotton Mills of Dalton, Ga.
Cherokee Royalty Co., Beaumont, Tex.
Fire Association of Philadelphia, Pa.
General Electric Co.
Home Insurance Co.
Irving Trust Co. of New York City.
Inland Steel Co.
Kennecott Copper Co.
Mississippi River Fuel Corp.
Mountain Fuel Supply Co.
National Steel Corp.
Pacific Gas & Electric Co.
Seaboard Fire & Marine Insurance Co.
Socony Mobile Oil Co.
Standard Oil of California.
Standard Oil of Indiana.
Standard Oil of New Jersey.
Union Carbide & Carbon Corp.
West Virginia Pulp & Paper Co.
F. W. Woolworth Co.
Yorktown Products Corp.
Yuba Consolidated Goldfields.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

a. McCrossin & Co., Consulting Engineers, sole owner.

Dated: July 1, 1957.

EDWARD F. MCCROSSIN.

[F. R. Doc. 57–6106; Filed, July 25, 1957; 8:50 a. m.]

CHARLES F. MOSHER

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Charles F. Mosher on July 1, 1957 in the Department of the Army. Mr. Mosher is serving as Chief of the Rochester Ordnance District, Rochester, New York.

Mr. Mosher is presently retired.

Mr. Mosher's statement of his personal business interests is set forth below.

Dated: July 20, 1957.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

Henderson-Mosher Inc.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests;

Eastman Kodak Co.
Rochester Gas & Electric Corp.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been a partner;

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest;

None.

Dated: June 27, 1957.

CHARLES F. MOSHER.

[F. R. Doc. 57-6107; Filed, July 25, 1957; 8:50 a. m.]

BENJAMIN B. MATHIS

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Benjamin B. Mathis on July 1, 1957 in the Department of the Army. Mr. Mathis is serving as Chief of the Springfield Ordnance District, Springfield, Massachusetts.

Mr. Mathis is presently employed by A. J. Stonina, Inc., Chicopee, Massachusetts.

Mr. Mathis' statement of his personal business interests is set forth below.

Dated: July 20, 1957.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

A. J. Stonina, Inc., president, director, and assistant treasurer.

2. The names of any corporation in which I own, or within 60 preceding this appointment have owned, any stocks, bonds, or other financial interests:

Package Machinery.
Four Corner Uranium.
Bates Mfg. Co.
Diversified Stock Fund.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: June 27, 1957.

BENJAMIN B. MATHIS.

[F. R. Doc. 57-6108; Filed, July 25, 1957; 8:50 a. m.]

BYRON C. HEACOCK

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Byron C. Heacock on July 1, 1957 in the Department of the Army. Mr. Heacock is serving as Chief of the San Francisco Ordnance District, San Francisco, California.

Mr. Heacock is presently retired.

Mr. Heacock's statement of his personal business interests is set forth below.

Dated: July 20, 1957.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

a. F. E. Booth Co., San Francisco, director.
b. Caterpillar Tractor Co., Peoria, Ill., director.
c. South Pacific Airlines, Inc., San Francisco, Calif., director.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

a. F. E. Booth Co., San Francisco, Calif., stockholder, note holder.
b. Caterpillar Tractor Co., Peoria, Ill., stockholder.
c. Oakland Bank of Commerce, Oakland, Calif., stockholder.
d. Scott Paper Co., Chester, Pa., stockholder.
e. South Pacific Airlines, Inc., San Francisco, Calif., stockholder.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: June 30, 1957.

BYRON C. HEACOCK.

[F. R. Doc. 57-6109; Filed, July 25, 1957; 8:50 a. m.]

JOHN S. PFEIL

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. John S. Pfeil on July 1, 1957 in the Department of the Army. Mr. Pfeil is serving as Chief of the Boston Ordnance District, Boston, Massachusetts.

Mr. Pfeil is presently employed by Stone and Webster, Inc., Boston, Massachusetts.

Mr. Pfeil's statement of his personal business interests is set forth below.

Dated: July 20, 1957.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this apopintment have been, an officer or director: Stone & Webster Realty Corp.

2. The names of any corporation in which I own, or within 60 days preceding this apopintment have owned, any stocks, bonds or other financial interests:

West Coast Transmission Co.
Massachusetts Investors Trust.
General Motors Corp.
Continental Baking Co.
Hertz Corp.
New York Omnibus Co.
Eaton & Howard Trust.
Eastern Utilities Associates.
Incorporated Investors Trust.
Bank of America.
Newton-Waltham Bank & Trust Co.
Norfolk County Trust Co.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 1, 1957.

JOHN S. PFEIL.

[F. R. Doc. 57-6110; Filed, July 25, 1957; 8:51 a. m.]

CLAUDE S. LAWSON

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Claude S. Lawson on July 10, 1957 in the Department of the Army. Mr. Lawson is serving as Chief of the Birmingham Ordnance District, Birmingham, Alabama.

Mr. Lawson is presently employed by the United States Pipe and Foundry Company, Birmingham, Alabama.

Mr. Lawson's statement of his personal business interests is set forth below.

Dated: July 20, 1957.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director;

United States Pipe and Foundry Co., chairman of the board of directors, president, and director.
Louisville & Nashville Railroad Co., director.
Birmingham Trust National Bank, director.
Jefferson Federal Savings & Loan Association, director.
Birmingham Fire & Casualty Co., director.
Canada Dry Ginger Ale, Inc., director.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests;

United States Pipe and Foundry Co., stockholder.
Louisville & Nashville Railroad Co., stockholder.
Birmingham Trust National Bank, stockholder.
Birmingham Fire & Casualty Co., stockholder.
Nashville, Chattanooga & St. Louis Railway, stockholder.
Vulcan Life Insurance Co., stockholder.
Skyland Life Insurance Co., stockholder.
Canada Dry Ginger Ale, Inc., stockholder.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner;

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest;

None.

Dated: July 9, 1957.

C. S. LAWSON.

[F. R. Doc. 57-6111; Filed, July 25, 1957; 8:51 a. m.]

RALPH M. BESSE

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Ralph M. Besse on July 5, 1957 in the Department of the Army. Mr. Besse is serving as Chief of the Cleveland Ordnance District, Cleveland, Ohio.

Mr. Besse is presently employed by the Cleveland Electric Illuminating Company, Cleveland, Ohio.

Mr. Besse's statement of his personal business interests is set forth below.

Dated: July 20, 1957.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated November 28, 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director;

Cleveland Electric Illuminating Co., executive vice president and director.
The CEICO Co., president.
The Cleveland Trust Co., director.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests;

Bank of America, stockholder.
Canada General Fund, Ltd., stockholder.
Cleveland Trust Co., stockholder.
Cleveland Electric Illuminating Co., stockholder.
Controls Co. of America, stockholder.
Diamond Portland Cement Co., stockholder.
Dow Chemical Co., stockholder.
Gerber Products Co., stockholder.
Massachusetts Investors Trust Co., stockholder.
National Screw & Mfg. Co., stockholder.
Ohio Oil Co., stockholder.
Prince Marine Drilling & Exploration Co., stockholder and holder of debentures.
Producing Properties, Inc., stockholder and holder of debentures.
Socony Mobil Oil Co., Inc., stockholder.
Standard Oil of New Jersey, stockholder.
Steel Improvement & Forge Co., stockholder.
Television Electronics Fund, stockholder.
U. S. Gypsum Co., stockholder.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have owned, any similar interest;

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest;

None.

Dated: July 2, 1957.

RALPH M. BESSE.

[F. R. Doc. 57-6112; Filed, July 25, 1957; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

MICAMOLD CORPORATION OF VIRGINIA AND BECKLEY MANUFACTURING CORP.

EXTENSION OF TIME FOR INTERESTED PERSONS TO SUBMIT VIEWS

On July 10, 1957, notice was published in the FEDERAL REGISTER (22 F. R. 4866) of the pending reviews of the actions denying renewals of certain learner certificates for which application had been made by the Micamold Corporation of Virginia and the Beckley Manufacturing Corporation. The notice advised that until and including July 29, 1957, any interested person could file with the undersigned a written statement of his views on the denial actions described. On July 22, 1957, counsel for the said Micamold Corporation of Virginia and the said Beckley Manufacturing Corporation orally requested an extension of time to and including August 23, 1957, for the submittal of their views on this matter. I propose to grant the request and in doing so it is deemed proper that all interested persons have an equal time for the submittal of such views.

Therefore, notice is hereby given that the time for any interested person to file such views on the denial actions described, as provided in the said notice published at 22 F. R. 4866, is hereby extended to and including August 23, 1957.

Signed at Washington, D. C., this 23d day of July 1957.

WILLIAM B. GROGAN,
Authorized Representative of the Administrator.

[F. R. Doc. 57-6127; Filed, July 25, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11940, 11941; FCC 57M-714]

SARKES TARZIAN, INC., AND GEORGE A. BROWN, JR.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Sarkes Tarzian, Inc., Bowling Green, Kentucky, Docket No. 11940, File No. BPCT-2114; George A. Brown, Jr., Bowling Green, Kentucky, Docket No. 11941, File No. BPCT-2131; for construction permits for new television stations (Channel 13).

By agreement of the parties: *It is ordered*, This 22d day of July 1957, that the prehearing conference presently scheduled to be held at 9:00 a. m., July 23, 1957, in the offices of the Commission, Washington, D. C., is continued to a date to be set by a further order herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6120; Filed, July 25, 1957; 8:53 a. m.]

[Docket No. 11945; FCC 57M-713]

BOROUGH OF LEMOYNE, PA.

ORDER SCHEDULING HEARING

In re application of Borough of Lemoyne, Pennsylvania, Lemoyne, Pennsylvania, Docket No. 11945, File No. 9350-PF-P/L-L; for authorization in the fire radio service.

It is ordered, this 22d day of July 1957, that hearing in the above-styled proceeding will be held on September 17,

1957, in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6121; Filed, July 25, 1957; 8:53 a. m.]

[Docket No. 12002; FCC 57-766]

FERNANDINA BEACH BROADCASTERS (WSIZ)

ORDER AMENDING ISSUES

In re application of Marshall W. Rowland & Carol C. Rowland d/b as Fernandina Beach Broadcasters (WSIZ), Douglas, Georgia, Docket No. 12002, File No. BP-10822; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of July 1957;

The Commission having under consideration (1) "Protest" filed on March 21, 1957, by WDMG, Inc; (2) "Reply to Protest" filed on April 1, 1957, by Fernandina Beach Broadcasters; (3) "Memorandum Opinion and Order" (FCC 57-377) released on April 23, 1957, by the Commission; (4) "Petition for review of Examiner's ruling" filed on May 27, 1957, by WDMG, Inc.; (5) "Opposition to 'Petition for review of Examiner's ruling'" filed on June 5, 1957, by the Broadcast Bureau; and (6) "Reply to petition for review of Examiner's ruling" filed on June 6, 1957, by Fernandina Beach Broadcasters;

It appearing that the Hearing Examiner refused to permit the cross-examination of Marshall W. Rowland with regard to the programming of Station WFBF, Fernandina Beach, Florida, a station owned and operated by the applicant, on the ground that such evidence was immaterial and irrelevant to the issues in this proceeding;

It further appearing that the issues to which petitioner's appeal is directed specifically limit the inquiry to whether the "applicant's proposed programming is designed to serve the needs of the Douglas, (Georgia) area" and "whether the applicant has made misrepresentations to the Commission concerning the proposed programming of the Douglas area";

It further appearing that the operation of Station WFBF is not at issue in this protest proceeding;

It further appearing that in the absence of a clear showing of abuse of discretion by an Examiner the Commission is reluctant to entertain petitions for review of evidentiary matters while a hearing is in progress and that there is no indication of such an abuse under the circumstances herein above detailed;

It further appearing that upon reappraisal of those documents that are now before the Commission a second time as viewed in the light of the subsequent pleadings, the Commission is of the opinion that the manner in which the Fernandina Beach station has carried out the programming representation made to the Commission in its application will provide an important indication of whether the applicant may be relied on to carry out the proposals made in the subject application proceeding, that this question of reliability should be considered as a part of the public interest determination, and that the issues should be enlarged on the Commission's own motion to make this determination possible;

It is ordered, That the petition for review of the Hearing Examiner's ruling is denied:

And it is further ordered, That upon the Commission's own motion, the issues are enlarged by addition of the following issue as to which the burden of proceeding with the introduction of evidence and the burden of proof is placed upon the applicant:

To determine the extent to which the proposed programming representations made to the Commission by the applicant in its Fernandina Beach, Florida (WFBF) application have been adhered to and to determine in light of the facts whether the applicant can be relied upon to operate as proposed in the application at issue herein.

Released: July 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6122; Filed, July 25, 1957; 8:53 a. m.]

[Docket No. 12025; FCC 57M-711]

JOSEPH E. YOUNG (KACT)

ORDER CONTINUING HEARING

In re application of Joseph E. Young (KACT), Andrews, Texas, Docket No. 12025, File No. BP-10910; for construction permit.

It is ordered, This 22d day of July 1957, by the Hearing Examiner on his own motion,

That, pending action on a petition filed by the applicant in the above-entitled matter on July 17, 1957, to remove the application from hearing status, the hearing heretofore scheduled for July 25, 1957, is continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6123; Filed, July 25, 1957; 8:53 a. m.]

[Docket Nos. 12030, 12031; FCC 57M-710]

WHATCOM COUNTY BROADCASTERS AND BIRCH BAY BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Donald T. Haveman, Jules Cohen and Sylvia D. Kessler d/b as Whatcom County Broadcasters, Bellingham-Ferndale, Washington, Docket No. 12030, File No. BP-10753; George A. Wilson & L. N. Ostrander d/b as Birch Bay Broadcasting Company, Blaine, Washington, Docket No. 12031, File No. BP-10848; for construction permits.

The Hearing Examiner having under consideration a Petition for Continuance of Hearing Date filed July 15, 1957, on behalf of Whatcom County Broadcasters, and also, for the limited purposes hereinafter indicated, a Petition to Amend Construction Application and a Petition for removal from the Hearing Docket, both of which were filed by Birch Bay Broadcasting Company on July 3, 1957; and

It appearing from the Whatcom petition that its pleading was filed at the request of counsel for the respondent Radio Station KJR, and that the adversary parties Whatcom and KJR, through their engineering consultants and in cooperation with the Commission's engineering staff, are engaging in informal conferences which are expected to lead to complete agreement upon the engineering exhibits and written evidence to be offered in evidence at a hearing on the requested continuance date of July 30, 1957 (instead of the now scheduled hearing date of July 24, 1957); and

It further appearing that the prehearing conferences contemplated by Section 1.841 of the Commission's Rules are not required and would not conduce to the orderly dispatch of the Commission's business because of the informal conference progress accomplished and anticipated as set out in the preceding paragraph, and that the evidentiary hearing should be commenced at the time and as requested in the Whatcom petition; and

It further appearing from the petition and from the pleadings filed by Birch Bay[1] that the applicant Birch Bay Broadcasting Company has manifested a desire and intention not to prosecute its application as now constituted, in that Birch Bay seeks leave to prosecute an application for the use of the 1220 kc. frequency instead of the 930 kc. frequency requested in its pending application, and has simultaneously requested that its application be dismissed without prejudice and subject to reinstatement and amendment, and thus appears to have disclaimed its further interest as an applicant in this proceeding; and

It further appearing that cognizance is taken of the Birch Bay pleadings only for the purpose of ascertaining the status of Birch Bay as an applicant in this proceeding, such limited consideration being required because the pleadings seek: (1) Advance authority to amend the application to specify a different frequency without submitting the actual amendment and essential facts, a type of relief not authorized by or consistent with the Commission's rules, and (2) removal from the hearing docket and dismissal without prejudice of the Birch Bay application, thus presenting matters which are excluded from the jurisdiction of the designated Hearing Examiner by section 0.231 of the Commission's rules; and

It further appearing that the Birch Bay applicant, unlike all other parties in this proceeding, is not represented by an attorney in the Washington area, and hence should be notified with assured dispatch of the action herein taken by a registered or certified, special delivery, air mail letter; now therefore,

It is ordered, This 22d day of July 1957, that the Petition for Continuance of Hearing Date be and the same is hereby granted, and the hearing now scheduled to be commenced on July 24, 1957 is continued until 10:00 a. m. on Tuesday, July 30, 1957, and: *It is further ordered,* That a copy of this order be sent by registered or certified, special delivery, airmail to the Applicant Birch Bay Broadcasting Company or its authorized representative as shown by the Commission's records.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6124; Filed, July 25, 1957; 8:54 a. m.]

[1] It is noted that the Birch Bay pleadings are also deficient in that an insufficient number of copies were filed (Rule 1.749), and proofs of service are not shown thereon (Rule 1.767).

[Docket Nos. 12077, 12078; FCC 57M-712]

CARIBBEAN ATLANTIC AIRLINES, INC., AND AERONAUTICAL RADIO, INC.

ORDER CONTINUING HEARING CONFERENCE

In the matter of applications submitted by Caribbean Atlantic Airlines, Inc., San Juan, Puerto Rico, Docket No. 12077, File Nos. 14730/32/33/34/35 A-P/L-L and 14731/36 AA-P-LX; Aeronautical Radio, Inc., Washington, D. C., Docket No. 12078, File Nos. 20438/39/40/41/42 A-P/L-L and 20444/45 AA-P-LX; for authorizations covering aeronautical fixed facilities in Puerto Rico and the American Virgin Islands.

The Hearing Examiner having under consideration a written informal request filed July 19, 1957, by Caribbean Atlantic Airlines, Inc., an applicant in the above-entitled matter, which asks that the prehearing conference heretofore scheduled to be held July 23, 1957, be continued without date; and

It appearing that counsel for Aeronautical Radio, Inc., and counsel for the Chief of the Safety and Special Radio Services Bureau of the Commission have consented to the requested postponement, and that the "four-day" rule has been waived; and

It further appearing that the parties may be able to consult together and obviate the necessity for a hearing;

It is ordered, This 22d day of July 1957, that the prehearing conference heretofore scheduled for July 23, 1957, in the above-entitled matter be continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6125; Filed, July 25, 1957; 8:54 a. m.]

[Docket Nos. 12102, 12103; FCC 57-779]

MUSIC BROADCASTING CO. (WGRD) AND GREAT TRAILS BROADCASTING CORP. (WING)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Music Broadcasting Company (WGRD), Grand Rapids, Michigan, Docket No. 12102, File No. BML-1638; for authority to operate specified pre-sunrise hours; Great Trails Broadcasting Corporation (WING), Dayton, Ohio, Docket No. 12103, File No. BR-292; for renewal of license.

1. The Commission has under consideration (1) the application (BML-1638) of Music Broadcasting Company for modification of license to change hours of operation of Station WGRD, Grand Rapids, Michigan, from daytime only to specified hours (including daytime hours and specified hours prior to local sunrise), operating on 1410 kilocycles with power of one kilowatt; (2) the application (BR-292) of Great Trails Broadcasting Corporation for renewal of license of Station WING, Dayton, Ohio, operating on 1410 kilocycles with a power of five kilowatts, unlimited time, employing the use of a directional antenna at night; and (3) a motion filed June 7, 1957, by Music Broadcasting Company (WGRD), requesting that its application either be granted without hearing or designated for hearing in a comparative proceeding with the application (BR-292) for renewal of license of WING.[1] In various pleadings filed with the Commission it has been the position of Great Trails Broadcasting Corporation that its application for renewal of license of WING should be granted without hearing, and that the WGRD application should be designated for hearing because of interference to the operation of WING, and that WING be made a party to said hearing.

2. A resume of the history of this dispute will be helpful in the understanding of what is involved. In 1947, Station WGRD was licensed to operate on 1410 kc, daytime only, but, pursuant to the provisions of § 3.87 of the Commission's rules and regulations, it operated prior to local sunrise almost from the inception of its operation. Such operation continued for almost six years until November 17, 1953, when, on complaint by WING, the Commisison ordered WGRD to cease operation prior to sunrise because of resulting interference to WING. See 10 R. R. 20, 35, 554. The Commission's action was affirmed by the Court of Appeals on November 18, 1954. Music Broadcasting Company v. Federal Communications Commission, 95 US. App. D. C. 12, 217 F. 2d 339, 11 R. R. 2025. Thereafter, on August 30, 1955, WGRD filed its above-captioned application for modification of license to specify operation during pre-sunrise hours, and requested that, if its application could not be granted without hearing, it be designated for comparative hearing with the then pending application for renewal of license of WING. By letter of June 26, 1956, WGRD pointed out that WING itself was operating during pre-sunrise hours with its daytime facilities, pursuant to the permissive provisions of Section 3.87, and that other stations similarly operating on 1410 kilocycles with daytime facilities were causing a higher degree of interference to WING than would the pre-sunrise operation of WGRD. It was claimed that, under these circumstances, WGRD would not cause objectionable interference to WING and could, therefore, operate during pre-sunrise hours pursuant to Section 3.87. It was stated that WGRD was planning to resume such operation on September 1, 1956, unless advised that its interpretation of the facts or of Section 3.87 was erroneous or not in accord with the public interest. On July 24, 1956, the Commission by staff action advised WGRD that it could not agree with the engineering considerations submitted in support of the argument that WGRD would not cause interference to WING. On August 9, 1956, WGRD filed a petition for reconsideration; on August 20, 1956, WING filed an opposition thereto; and on August 27, 1956, WGRD filed a reply to said opposition. Meanwhile, on August 17, 1956, the Commission addressed a section 309 (b) letter to WGRD pointing out that the operation proposed in its modification application (BML-1638 would result in interference to Stations WING, Dayton, Ohio; WKBH, LaCrosse, Wisconsin; KQV, Pittsburgh, Pennsylvania; WLBJ, Bowling Green, Kentucky, and WGTH (now WPOP), Hartford, Connecticut, and informed WGRD that, therefore, the Commission was unable to find that a grant of its application would serve the public interest. On September 7, 1956, WGRD responded to the section 309 (b) letter, reiterating its contentions that its proposed operation would not cause objectionable interference to WING, and that, even if interference should result, its application should be granted without hearing or designated for a comparative hearing with the still pending application for renewal of license of WING.

3. At this stage, in addition to the above-captioned applications by WGRD and WING, there was also pending before the Commission WGRD's petition for reconsideration of the Commission's action of July 24, 1956, in denying permission for the resumption of operation by WGRD pursuant to § 3.87 of the Commission's rules. On January 2, 1957, the Commission addressed two letters to WGRD and WING, jointly. The first letter (FCC 57-8) supplemented the Commission's 309 (b) letter of August 17, 1956, to Station WGRD, and stated that the Commission could not, consistent with the provisions of section 309 of the Communications Act, grant either application, and that both applications must be designated for hearing to determine whether either or both should be granted. The second letter (FCC 57-9) dealt with WGRD's petition for reconsideration and advised both WGRD and

[1] Music Broadcasting made the same request in its application for modification of license filed August 30, 1955.

WING that so long as Station WING operated during pre-sunrise hours under the permissive provisions of § 3.87, i. e., with daytime facilities, it was not entitled to invoke the other portions of the rule to prohibit similar operation by another station, and that, therefore, Station WGRD might resume pre-sunrise operation if Station WING was in fact operating with its nondirectional facility during such period.

4. Both WGRD and WING filed timely responses to the joint section 309 (b) letter of January 2, 1957. In its response WING reiterated at length its reasoning that its application for renewal of license should be granted and that the WGRD modification application should be designated for hearing, with WING being made a party to the proceeding.[2] In its response WGRD advised that it would proceed with the comparative hearing at the proper time. It also stated that, upon receipt of the letter of January 2, 1957, with respect to pre-sunrise operation pursuant to Section 3.87 of the Rules, it had contacted WING to discuss arrangements for simultaneous operation of both stations with daytime facilities during pre-sunrise hours, but that WING had advised that it had elected to operate with its licensed nighttime facilities during such hours. Alleging that this decision by WING raised public interest questions, WGRD requested that in the designation of the WING renewal application for hearing there be included issues (1) to determine the facts, circumstances and reasons motivating Station WING to operate with its nighttime facilities during pre-sunrise hours, and (2) to determine whether such operation was in the public interest.

5. On June 7, 1957, WGRD filed a motion requesting that its modification application be immediately granted without hearing or designated for hearing with the WING renewal application.

6. Station WGRD is now licensed for operation during daytime hours only, i. e., from local sunrise to local sunset. Its pending application seeks a modification of license to operate specified hours, but the only change sought in its presently licensed operating schedule is the authority to commence operating prior to sunrise during nine months of the year (all months except May, June and July). Its avowed purpose in filing the application is to be able to operate under the authority of a license during those pre-sunrise hours during which it formerly operated pursuant to § 3.87 of the Commission's rules. The only impediment to a grant of its application without hearing is the question of objectionable interference during pre-sunrise hours to WING and other existing stations. Likewise, the WING renewal application could be granted without hearing if it were not for the mutual interference with the proposed operation of WING during pre-sunrise hours.

7. In prosecuting its application WGRD has strenuously contended that, if its application may not be granted without a hearing because of interference to WING, its application should be designated for a comparative hearing with the WING renewal application to determine which station, if not both, should be permitted to operate during the hours immediately preceding sunrise. Just as strenuously, WING has contended that its renewal application should be granted without hearing, and that the WGRD application should be designated for hearing. Both WGRD and WING have presented lengthy written arguments in support of their respective contentions.

8. It was WGRD's original and basic contention that there are no skywave graphs in the Commission's rules which have been adopted by the Commission for use in calculating the degree of skywave interference among stations during the hour-before-sunrise period,[3] and that "in the absence of such information in the standards no showing of interference among stations during these hours can be made and consequently no interference can be considered." This contention is premised upon the fact that Figure 2 (10% Skywave Signal Range) of § 3.190 of the Commission's rules is indicative of the average skywave field intensity at the second hour after sunset. It is true that Figure 2 refers to the situation at the second hour after sunset, but it does not follow that the curves therein depicted are inapplicable for the determination of interference during pre-sunrise hours or any hours during the night.

9. It is neither the purpose nor the intent of the rules governing the licensing and operation of standard broadcast stations to provide means for a precise evaluation of interference effects or for the consideration of such an evaluation in each specific station assignment problem. Rather it is their intent and purpose to provide, with due consideration of all the factors involved and of their complexity, criteria which can be generally applied to proposed station assignments to determine their acceptability or nonacceptability in terms of acceptable or non-acceptable interference. Figure 2, as is the case with many other graphs incorporated in the Commission's rules, results from a statistical analysis of a large number of recorded field intensity measurements accumulated over a period of months. It presents the analysis of this data in terms of the numerical value of field intensity exceeded for various percentages of time plotted against distance. And, as stated in § 3.185 (e) of the rules, it is to be used in applying the criteria for determining the extent of nighttime interference that may be involved in an application for standard broadcast facilities on regional channels such as is here involved.

10. Of course, the interference estimates arrived at on the basis of the use of Figure 2 and other graphs and charts are not intended to be indicative of that which obtains in any particular instance between say two particular stations over any distance at any particular time. Obviously, when it is considered that signal transmission characteristics vary constantly from minute to minute, hour to hour, day to day, month to month, and year to year, it is utterly impractical if not impossible to take into consideration the situation for each particular minute, hour, day, week, month or year in determining how two or more stations may operate. Hence, for the purpose of making station assignments we consider it entirely reasonable and practical that Figure 2 should be used to estimate interference during nighttime hours for any hour in any month in any year, and we see no reason why it should not be so used in the hearing hereinafter ordered.[4]

11. Station WGRD further contends that, even if the nighttime skywave curves (Figure 2) are applied, its proposed pre-sunrise operation would not contribute to the interference to WING, since the value of the interference from its proposal would be less than 50 percent of the RSS limitation from WKBH, LaCrosse, Wisconsin and WLBJ, Bowling Green, Kentucky, which stations, WGRD asserts, currently operate with daytime facilities prior to sunrise pursuant to the permission granted by § 3.87. Station WGRD made its calculation of interference on the basis of the daytime facilities of such stations. However, inasmuch as either or both of these stations may at any time voluntarily return to their licensed nighttime operations or be ordered to do so by the Commission, their licensed nighttime facilities may not be so lightly disregarded. To the contrary, the licensed nighttime facilities of existing stations must be given primary consideration in the determination of the effect of the WGRD proposal with respect to interference conditions.

12. In its response to the Commission's 309 (b) letter, Station WING reiterated its contention that its renewal application should not be designated for hearing with the WGRD modification application, being of the view that its license could be renewed and later modified in a hearing on the WGRD application to require the acceptance of interference from WGRD operating as proposed. However, WING acknowledges that designation of its renewal application for hearing in a consolidated proceeding might be appropriate "if the granting of the WGRD application required some modification of the license of WING such as the curtailment of its hours of operation, reduction in its power or the use by it of a different directional antenna pattern." However, Station WING has for many years maintained that the operation of WGRD during pre-sunrise hours caused "undue interference" to the operation of WING, and Station WGRD, as indicated by its letters of September 7, 1956 and February 11, 1957, contends that, if its application could not be granted without hearing, a hearing should determine whether WING should be required to cease operation prior to sunrise or to modify its directional antenna operation during the hours in question. Accordingly, we are convinced that pursuant to sections 307 (d), 308 and 309 of the Communications Act the dispute must be settled in a comparative hearing.

13. One more matter is left for discussion. After the Commission by letter of January 2, 1957, had advised both WGRD and WING that WGRD could operate during pre-sunrise hours so long as WING was operating with its licensed daytime facilities during the same period, Station WING elected to operate during pre-sunrise hours with its licensed nighttime facilities rather than under the permissive authority of § 3.87 of the rules. Station WGRD has requested that, in designating the WING renewal application for hearing, the Commission should include issues to determine the the reasons for WING's election and to determine whether such operation was in the public interest. The Commission has many times in the past made the finding that the licensed operation of WING was in the public interest, and, in the absence of any factual allegations of improper motivation, we see no basis for investigating the reasons why WING preferred to operate under its license in preference to § 3.87, especially when operation under its license affords greater protection against interference from WGRD and other stations. The request of WGRD for inclusion of issues is therefore denied.

14. In view of the above: *It is ordered*, That the "Motion for Grant or Immediate Designation for Hearing" filed June 7, 1957, by Music Broadcasting Company is granted to the extent indicated below and otherwise is denied:

15. *It is further ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

(1) To determine the areas and populations which would receive primary nighttime service from the proposed operations of Station WGRD and Station WING, and the availability of other primary nighttime service to such areas and populations.

(2) To determine the nature and extent of the interference that each of the operations proposed in the above-entitled applications would cause to and receive from each other, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

(3) To determine whether the proposed operation of Station WGRD would cause objectionable nighttime interference to Stations WKBH, LaCrosse, Wisconsin; KQV, Pittsburgh, Pennsylvania; WLBJ, Bowling Green, Kentucky; WPOP, Hartford, Connecticut; or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary nighttime service to such areas and populations.

(4) To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, whether, if both applications may not be granted in full, a grant of the application of Great Trails Broadcasting Corporation or that of Music Broadcasting Company would better provide a fair, efficient and equitable distribution of radio service.

(5) To determine in the light of the evidence adduced pursuant to the foregoing issues to what extent each of the above-captioned applications should be granted.

16. *It is further ordered*, That WKBH, Incorporated; Allegheny Broadcasting Corporation; Bowling Green Broadcasters, Inc.; and Tele-Broadcasters of Connecticut, Inc., licensees of Stations WKBH, KQV, WLBJ, and WPOP, respectively, are made parties to the proceeding.

17. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Adopted: July 18, 1957.

Released: July 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-6126; Filed, July 25, 1957; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 23, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34045: *Manure—Southwestern territory to southern territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barnyard or stable manure, carloads from points in southwestern territory to points in southern territory.

Grounds for relief: Short-line distance formula, truck-competition, and circuitous routes.

Tariff: Supplement 219 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 34046: *Livestock—Western points to lower Mississippi River crossings.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on livestock, carloads from points in western trunk line territory to Baton Rouge and New Orleans, La., Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Circuitous routes.

Tariff: Supplement 53 to Agent Kratzmeir's tariff I. C. C. 3462. Supplement 54 to Agent Kratzmeir's tariff I. C. C. 4013.

FSA No. 34047: *All commodities—Chicago, Ill., and group to Columbus, Ga.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Chicago, Ill., and points grouped with and taking Chicago rates to Columbus, Ga.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 40 to Agent Raasch's tariff I. C. C. 789.

FSA No. 34048: *All commodities—Chicago, Ill., group to Clearwater, Fla.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, all kinds, mixed carloads from Chicago, Ill., and points grouped with Chicago and taking same rates to Clearwater, Fla.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 40 to Agent Raasch's tariff I. C. C. 789.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6113; Filed, July 25, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 8-3984]

DANIEL & CO., LTD.

ORDER REVOKING BROKER-DEALER REGISTRATION AND EXPELLING FROM NATIONAL SECURITIES ASSOCIATION

JULY 18, 1957.

In the matter of Daniel & Co., Ltd., 1411 Pennsylvania Avenue NW., Washington, D. C.

A proceeding having been instituted pursuant to sections 15 (b) and 15 A of the Securities Exchange Act of 1934 to determine whether to revoke the registration as a broker and dealer of Daniel & Co., Ltd. and whether to suspend or expel registrant from membership in the National Association of Securities Dealers, Inc., and whether Daniel Price is a cause of any order of revocation, suspension or expulsion which may be issued;

A hearing having been held after appropriate notice, and the hearing examiner having filed a recommended decision;

The Commission having this day issued its Findings and Opinion; on the basis of said Findings and Opinion.

It is ordered, That the registration of Daniel & Co., Ltd. as a broker and dealer be, and it hereby is, revoked and that Daniel & Co., Ltd., be, and it hereby is,

[2] Station WGRD filed a statement in reply to WING's response.

[3] The WGRD specified hours proposal contemplates operation during pre-sunrise hours for a maximum of 1¼ hours during four months of the year. Otherwise, the pre-sunrise operation will occur in the hour immediately preceding sunrise.

[4] For the purpose of licensing standard broadcast stations, daytime hours are clearly defined by § 3.6 of the rules as the hours between sunrise and sunset. The remaining hours between sunset and sunrise are divided by §§ 3.7 and 3.10 into a nighttime and an experimental period, respectively. Operation during the period between 12:00 midnight and local sunrise is permissible under two conditions: (1) Under the specific provisions of a license, and (2) in the absence of a license for that period, under the provisions of § 3.87, which, with some exceptions, permits operation with daytime facilities between 4:00 a. m., and local sunrise if there is no notice given by the Commission of "undue interference". In obtaining a license for operation during this period it is clear from the further provision of §§ 3.10, 3.23 and 3.79 that interference under "nighttime" conditions must be taken into account.

expelled from membership in the National Association of Securities Dealers, Inc., and it is found that Daniel Price is a cause of this order of revocation and expulsion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6092; Filed, July 25, 1957; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10568]

ARMER, INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 22, 1957.

In the matters of Armer, Inc., Docket No. G-10568; Gulf Oil Corporation, Docket No. G-10630; Gulf Oil Corporation, Docket No. G-10631; Phoebe Duffield Lease, Ronald Boyles, Agent, Docket No. G-10650; John E. Lydle, Docket No. G-10651; E. E. Fogelson, Docket No. G-10695; The Texas Company, Docket No. G-11040; L. M. Ayers, et al., Docket No. G-11134.

Take notice that the persons listed below (Applicants) filed in the above-captioned proceedings as hereinafter tabulated separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing each Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection

Each Applicant proposes to sell natural gas in interstate commerce from production of certain units, leases, or acreage as tabulated to the purchaser as indicated for resale.

Docket Nos.	Dates filed	Applicants and addresses	Sources of gas	Purchasers
G-10568	6-13-56	Armer, Inc., 710 Petroleum Bldg., Wichita 2, Kans.	An interest in Joe Morris B Gas Unit, Camrick Field, Texas Co., Okla.	Kansas-Nebraska Natural Gas Co., Inc.
G-10630	6-21-56 8-13-56	Gulf Oil Corp., P. O. Box 1166, Pittsburgh 30, Pa.	Eumont, Jalmat and Tubb Gas Pools, Lea Co., N. Mex.	Permian Basin Pipeline Co.
G-10631	6-21-56	Gulf Oil Corp., P. O. Box 1166, Pittsburgh 30, Pa.	Monument McKee Ellenburger Field, Lea Co., N. Mex.	Do.
G-10650	6-26-56	Phoebe Duffield Lease,[1] c/o Ronald Boyles, Spencer, W. Va.	Washington District, Calhoun Co., W. Va.	Hope Natural Gas Co.
G-10651	6-26-56	John E. Lydle, Box 1308, Akron, Ohio.	W. L. Jones, Jefferson District, Pleasants Co., W. Va.	Do.
G-10695	7- 2-56	E. E. Fogelson, 2512 Cedar Springs Rd., Dallas, Tex.	Straberry Trend Area, Midland and Upton Counties, Tex.	El Paso Natural Gas Co.
G-11040	9- 7-56	The Texas Co., P. O. Box 2332, Houston 1, Tex.	Texas-Hugoton Field, Hansford Co., Tex.	Phillips Petroleum Co.
G-11134	9-25-56	L. M. Ayers,[2] 417 Hoodridge Dr., Pittsburgh 34, Pa.	George J. Arnold Heirs, Center District, Calhoun Co., W. Va.	Hope Natural Gas Co.

[1] Filed by Ronald Boyles as Agent.
[2] Filed by L. M. Ayers for Self and as Agent for others.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 13, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G. Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6103; Filed, July 25, 1957; 8:49 a. m.]

[Docket No. G-12013]

ZENITH GAS SYSTEM, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 22, 1957.

Take notice that on February 14, 1957, Zenith Gas System, Inc. (Applicant), a Delaware corporation having its principal offices in Alva, Oklahoma, filed an application pursuant to section 7 (c) of the Natural Gas Act for authority to sell natural gas to Cities Service Gas Company (Ciites Service) from the Blanche Sterling Gas Unit in the Hardtner Field, Barber County, Kansas, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant's facilities consist of customary lease equipment. Proposed deliveries will be made at the wellhead and will commence upon receipt of authorization. Daily contract delivery rate is 500 Mcf.

Cities Service will transport the gas received from applicant commingled with its other gas supplies for sale in other states. Cities Service's facilities required to enable it to take gas from the subject area were certificated by the Commission in Docket No. G-8780.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 23, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6087; Filed, July 25, 1957; 8:45 a. m.]

[Docket No. G-12346]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 22, 1957.

Take notice that on April 4, 1957, Michigan Gas Storage Company (Applicant), a Michigan corporation having its principal place of business in Jackson, Michigan, filed an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to install 3,800 additional horsepower of compressor capacity at its Muskegon River Compressor Station, and to make certain operating improvements in its Winterfield and Cranberry Lake Storage Fields in Clare and Osceola counties, Michigan, all as more fully described in its application which is on file with the Commission and open to public inspection.

The proposed operating improvements include the construction and operation of an unspecified length of 4-inch pipelines to 35 new and 35 existing gas wells, and approximately 6 miles of 6 and/or 8-inch field lines. Applicant also asks authority to increase the average maximum pressure in its storage reservoirs from 625 psig to 640 psig.

The proposed new facilities are stated to be necessary to enable Applicant to meet the requirements of its sole customer, Consumers Power Company, during the winter of 1957-58.

The total estimated cost of the facilities for which authorization is sought in this application, to be financed by bank loans maturing in 1959, is $2,461,000.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 22, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6088; Filed, July 25, 1957; 8:45 a. m.]

[Docket No. G-12515]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 22, 1957.

Take notice that on May 3, 1957, Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation having its principal place of business in Houston, Texas, filed in Docket No. G-12515 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to South Jersey Gas Company (South Jersey), all as more fully represented in its application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver up to 800 Mcf of natural gas per day to South Jersey under Applicant's LTF-3 Rate Schedule extending from August 1, 1957 through the 1957-1958 heating season (in addition to those volumes presently being served under other rate schedules). This proposed LTF gas will be used to help meet South Jersey's anticipated requirements during the coming heating season.

Applicant states that it will have adequate gas available for this proposed service because of excess capacity for a limited period during the build-up of markets authorized on March 1, 1957, in Docket No. G-10000, particularly since the Tidewater area of the Carolinas is not expected to begin taking gas until late in 1958. No new facilities are proposed.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 23, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6089; Filed, July 25, 1957; 8:46 a. m.]

[Docket No. G-12572]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 22, 1957.

Take notice that on May 15, 1957, Hope Natural Gas Company (Applicant), a West Virginia corporation having its principal place of business in Clarksburg, West Virginia, filed in Docket No. G-12572, an application pursuant to section 7 (c) for a certificate of public convenience and necessity authorizing the replacement of certain old compression facilities with a single new 440 horsepower compressor unit at Applicant's existing Maxwell Compressor Station in Doddridge County, West Virginia, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to replace nine obsolete compressor units with one modern new 440 horsepower unit which will compress the same amount of gas as the old units, about 2,500 Mcf per day. The new compressor unit is estimated to cost a total of $115,000 which will be paid from cash on hand. The old units and equipment will be sold for scrap.

No new market or capacity is sought by this application which seeks solely to eliminate the cost of operating obsolete machinery by substituting a more efficient modern compressor.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 22, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6090; Filed, July 25, 1957; 8:46 a. m.]

[Docket No. G-12626]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 22, 1957.

Take notice that on May 23, 1957, Texas Eastern Transmission Corporation (Applicant), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed, in Docket No. G-12626, an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public conven-

ience and necessity authorizing the exchange of natural gas with Humble Oil and Refining Company (Humble) for a period ending June 1, 1960, all as more fully represented in the application which is on file with the Commission and open to public inspection. This application was supplemented on June 4, 1957.

Applicant proposes to deliver gas to Humble in exchange and payment for equivalent quantities of gas concurrently purchased by Applicant from Humble in the Carthage Field, Panola County, Texas. Humble received a certificate in Docket No. G-3081 for the aforesaid sale of gas to Applicant.

Applicant proposes to deliver the exchange gas to Humble at its Mile Post 55.87 at the intersection of Applicant's Baytown-Beaumont 20-inch loop line with Humble's pipeline in Jefferson County, Texas, at the side of a meter station installed by Humble. Applicant estimates it will deliver approximately 28,000 MMcf of gas to Humble during the three-year period terminating June 1, 1960.

Applicant states that no additional facilities will be required for the proposed delivery to Humble.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 22, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of Section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6091; Filed, July 25, 1957; 8:46 a. m.]

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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR–422]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 10—CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES OF CURRENT DESIGN

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of July 1957.

Part 4b of the Civil Air Regulations contains rules governing the design of transport category airplanes. For a number of years, this part has established airworthiness requirements for this category of airplanes by prescribing detailed provisions to be met for the issuance of a type certificate. However, the advent of turbine-powered airplanes (jets, turbo-props, etc.) has brought about operations at considerably higher speeds and altitudes than those involving reciprocating engine airplanes. These higher speeds and altitudes as well as certain inherent characteristics of turbine engines have introduced numerous new technical and design problems and have necessitated re-evaluation and amendment of many provisions in Part 4b.

In recent years the Board has amended Part 4b by introducing numerous technical provisions more specifically applicable to turbine-powered airplanes. These were included in amendments pertaining to structural flight characteristic, powerplant installation, and other provisions. It is believed that Part 4b as now written is applicable to turbine-powered airplanes with but one exception; namely, airplane performance. In the future, further amendments to this part, other than those relating to performance, will be comparatively minor in nature mainly reflecting the latest experience in the certification and operation of these airplanes.

The performance requirements presently in Part 4b were first promulgated almost twelve years ago. They are now considered by the Board to be in a form not suitable for direct application to turbine-powered airplanes.

The Administrator of Civil Aeronautics is in receipt of a large number of applications for type certification of turbine-powered airplanes. However, the so-called "non-retroactive" clause of § 4b.11 (a) of Part 4b does not make applicable to a particular airplane type any amendment which is adopted after an application is filed by the manufacturer for type certification of that airplane. Thus, most of these airplanes are not now required to meet some of the latest effective provisions of Part 4b unless the Board prescribes otherwise. With so many applications for type certificates pending, it is essential that the Board establish adequate requirements which will effectively apply to the type certification of turbine-powered transport category airplanes. This Special Civil Air Regulation is being promulgated for that purpose.

This Special Civil Air Regulation is being made effective with respect to all turbine-powered transport category airplanes not yet certificated. In essence, it prescribes a revised set of performance requirements for turbine-powered airplanes and incorporates such of the recent amendments to Part 4b as the Administrator finds necessary to insure that the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

The performance requirements contained herein include not only the performance requirements necessary for the certification of an airplane, but also the complementary performance operating limitations as applicable under Parts 40,

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41, and 42 of the Civil Air Regulations. In promulgating this new performance code, the Board intends that the resulting level of safety will be generally similar to the level of safety established by the performance code as expressed by the provisions now contained in Parts 4b and 40 (or 41 or 42 as appropriate) for reciprocating engine airplanes. To attain this, many of the performance provisions have been modified for better applicability to turbine-powered airplanes, some in the direction of liberalization, others in the direction of improvement in the required performance.

A significant change being made is the introduction of full temperature accountability in all stages of performance, except the landing distances required. The introduction of full temperature accountability will insure that the airplane's performance is satisfactory irrespective of the existing atmospheric temperature. The performance requirements heretofore applicable did not give sufficient assurance in this respect.

The reason for omitting the direct application of temperature accountability in the requirement for landing distances is that this stage of performance always has been treated in a highly empirical fashion whereby temperature effects are taken into account indirectly together with the effects of other operational factors. Long range studies on rationalization of airplane performance so far have not yielded a satisfactory solution to the landing stage of performance. The Board hopes, however, that continued studies will result in a solution of this problem in the near future.

The introduction of full temperature accountability has necessitated a complete re-evaluation of the minimum climb requirements. Since the prescribed climb must now be met at all temperatures rather than to be associated with standard temperature, the specific values of climb have been altered. In each instance, the change has been in the downward direction because, although the previous values were related to standard temperature, a satisfactory resultant climb performance was attained at temperatures substantially above standard. While values of minimum climb performance specified in the new code will tend to increase the maximum certificated weights of the airplane for the lower range of temperatures, they will limit these weights for the upper range of temperatures, giving adequate assurance of satisfactory climb performance at all temperatures.

In considering the various stages of flight where minimum values of climb have been heretofore established, the Board finds that in two of the stages (all-engines-operating en route and one-engine-inoperative en route) the establishment of minimum values of climb is unnecessary because, in the case of the all-engines-operating stage, it has been found not to be critical and the case of the one-engine-inoperative stage is now more effectively covered by the en route performance operating limitations.

Considering that the minimum climbs being prescribed affect mainly the maximum certificated weights of the airplane but not the maximum operating weights, the Board, in adopting the new performance code, places considerable emphasis on the ability of the airplane to clear obstacles on take-off and during flight. To this end, criteria for the take-off path, the en route flight paths, and the transition from take-off to the en route stage of flight have been prescribed to reflect realistic operating procedures. Temperature is fully accounted for in establishing all flight paths and an expanding clearance between the take-off path and the terrain or obstacles is required until the en route stage of flight is reached.

In order to insure that the objectives of the prescribed performance are in fact realized in actual operations, the manufacturer is required to establish procedures to be followed in the operation of the airplane in the various conditions specified in the regulation. These procedures, each designed for a specific airplane, will permit the operator to utilize the full performance capabilities of the airplane more readily than if the regulations prescribed all-inclusive procedures. The use of these procedures in determining compliance with the requirements governing take-off, en route, and landing stages, will also add considerable flexibility to the regulation.

The new performance requirements establish more clearly than heretofore which of the performance limitations are conditions on the airworthiness certificate of the airplane. In addition to the maximum certificated take-off and landing weights, there are included limitations on the take-off distances and on the use of the airplane within the ranges of operational variables, such as altitude, temperature, and wind. Since these limitations are in the airworthiness certificate, they are applicable to all type operations conducted with the airplane.

The new performance code contains values for minimum climb expressed as gradients of climb, in percent, rather than as rates of climb, in feet per minute, as has been the case heretofore. The Board believes that the gradient of climb is more direct in expressing the performance margins of the airplane. Use of the gradient eliminates the influence of the stalling speed on the required climb. Heretofore, higher rates of climb were required for airplanes with higher stalling speeds. The only differentiation in the new code with respect to the required climb is between two and four-engine airplanes. This type of differentiation is of long standing in the regulations, being applicable to the one-engine-inoperative stage of flight. It is now being expanded to the take-off and approach stages.

The new performance requirements contained herein are based on the best information presently available to the Board. It is realized, however, that due to the present limited operating experience with turbine-powered transport airplanes, improvement in the requirements can be expected as a result of the direct application of the code to specific designs of new airplanes. There are certain areas in the new requirements where additional refinement of details might be advisable. This is so particularly in the case of the requirements pertaining to the landing stage of flight. It is anticipated that, after further study of the regulation and especially after its application in the design, certification, and operation of forthcoming turbine-powered airplanes, the desirability of changes may become more apparent. It is the intent of the Board to consider without delay such changes as might be found necessary. Only after the provisions of this Special Civil Air Regulation are reasonably verified by practical application will the Board consider incorporating them on a more permanent basis into Parts 4b, 40, 41, and 42 of the Civil Air Regulations.

This Special Civil Air Regulation is not intended to compromise the authority of the Administrator under § 4b.10 to impose such special conditions as he finds necessary in any particular case to avoid unsafe design features and otherwise to insure equivalent safety.

Interested persons have been afforded an opportunity to participate in the making of this regulation (21 F. R. 6091), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective August 27, 1957.

Contrary provisions of the Civil Air Regulations notwithstanding, all turbine-powered transport category airplanes for which a type certificate is issued after the effective date of this Special Civil Air Regulation shall comply with the following:

1. The provisions of Part 4b of the Civil Air Regulations, effective on the date of application for type certificate; and such of the provisions of all subsequent amendments to Part 4b, in effect prior to the effective date of this special regulation, as the Administrator finds necessary to insure that

the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

2. In lieu of §§ 4b.110 through 4b.125, and 4b.743 of Part 4b of the Civil Air Regulations, the following shall be applicable:

PERFORMANCE

4T.110 *General.* (a) The performance of the airplane shall be determined and scheduled in accordance with, and shall meet the minima prescribed by, the provisions of §§ 4T.110 through 4T.123. The performance limitations, information, and other data shall be given in accordance with § 4T.743.

(b) Unless otherwise specifically prescribed, the performance shall correspond with ambient atmospheric conditions and still air. Humidity shall be accounted for as specified in paragraph (c) of this section.

(c) The performance as affected by engine power and/or thrust shall be based on a relative humidity of 80 percent at and below standard temperatures and on 34 percent at and above standard temperatures plus 50° F. Between these two temperatures the relative humidity shall vary linearly.

(d) The performance shall correspond with the propulsive thrust available under the particular ambient atmospheric conditions, the particular flight condition, and the relative humidity specified in paragraph (c) of this section. The available propulsive thrust shall correspond with engine power and/or thrust not exceeding the approved power and/or thrust less the installational losses and less the power and/or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

4T.111 *Airplane configuration, speed, power, and/or thrust; general.* (a) The airplane configuration (setting of wing and cowl flaps, air brakes, landing gear, propeller, etc.), denoted respectively as the take-off, en route, approach, and landing configurations, shall be selected by the applicant except as otherwise prescribed.

(b) It shall be acceptable to make the airplane configurations variable with weight, altitude, and temperature, to an extent found by the Administrator to be compatible with operating procedures required in accordance with paragraph (c) of this section.

(c) In determining the accelerate-stop distances, take-off flight paths, take-off distances, and landing distances, changes in the airplane's configuration and speed, and in the power and/or thrust shall be in accordance with procedures established by the applicant for the operation of the airplane in service, except as otherwise prescribed. The procedures shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The Administrator shall find that the procedures can be consistently executed in service by crews of average skill.

(2) The procedures shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(3) Allowance shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

4T.112 *Stalling speeds.* (a) The speed V_{s_0} shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Zero thrust at the stalling speed, or engines idling and throttles closed if it is shown that the resultant thrust has no appreciable effect on the stalling speed;

(2) If applicable, propeller pitch controls in the position necessary for compliance with subparagraph (1) of this paragraph;

(3) The airplane in the landing configuration;

(4) The center of gravity in the most unfavorable position within the allowable landing range;

(5) The weight of the airplane equal to the weight in connection with which V_{s_0} is being used to determine compliance with a particular requirement.

(b) The speed V_{s_1} shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Zero thrust at the stalling speed, or engines idling and throttles closed if it is shown that the resultant thrust has no appreciable effect on the stalling speed;

(2) If applicable, propeller pitch controls in the position necessary for compliance with subparagraph (1) of this paragraph; the airplane in all other respects (flaps, landing gear, etc.) in the particular configuration corresponding with that in connection with which V_{s_1} is being used;

(3) The weight of the airplane equal to the weight in connection with which V_{s_1} is being used to determine compliance with a particular requirement.

(c) The stall speeds defined in this section shall be the minimum speeds obtained in flight tests conducted in accordance with the procedure of subparagraphs (1) and (2) of this paragraph.

(1) With the airplane trimmed for straight flight at a speed of 1.4 V_s and from a speed sufficiently above the stalling speed to insure steady conditions, the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed one knot per second.

(2) During the test prescribed in subparagraph (1) of this paragraph, the flight characteristics provisions of § 4b.160 shall be complied with.

4T.113 *Take-off; general.* (a) The take-off data in §§ 4T.114 through 4T.117 shall be determined under the conditions of subparagraphs (1) and (2) of this paragraph.

(1) At all weights, altitudes, and ambient temperatures within the operational limits established by the applicant for the airplane.

(2) In the configuration for take-off (see § 4T.111).

(b) Take-off data shall be based on a smooth, dry, hard-surfaced runway, and shall be determined in such a manner that reproduction of the performance does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the take-off surface shall be smooth water, while for skiplanes it shall be smooth dry snow. In addition, the take-off data shall be corrected in accordance with subparagraphs (1) and (2) of this paragraph for wind and for runway gradients within the operational limits established by the applicant for the airplane.

(1) Not more than 50 percent of nominal wind components along the take-off path opposite to the direction of take-off, and not less than 150 percent of nominal wind components along the take-off path in the direction of take-off.

(2) Effective runway gradients.

4T.114 *Take-off speeds.* (a) The critical-engine-failure speed V_1, in terms of calibrated air speed, shall be selected by the applicant, but shall not be less than the minimum speed at which controllability by primary aerodynamic controls alone is demonstrated during the take-off run to be adequate to permit proceeding safely with the take-off using average piloting skill, when the critical engine is suddenly made inoperative.

(b) The minimum take-off safety speed V_2, in terms of calibrated air speed, shall be selected by the applicant so as to permit the gradient of climb required in § 4T.120 (a) and (b), but it shall not be less than:

(1) $1.2 \cdot V_{s_1}$ for two-engine propeller-driven airplanes and for airplanes without propellers which have no provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(2) 1.15 V_{s_1} for propeller-driven airplanes having more than two engines and for airplanes without propellers which have provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(3) 1.10 times the minimum control speed V_{MC}, established in accordance with § 4b.133.

(c) If engine failure is assumed to occur at or after the attainment of V_2, the demonstration in which the take-off run is continued to include the take-off climb, as provided in paragraph (a) of this section, shall not be required.

4T.115 *Accelerate-stop distance.* (a) The accelerate-stop distance shall be the sum of the following:

(1) The distance required to accelerate the airplane from a standing start to the speed V_1;

(2) Assuming the critical engine to fail at the speed V_1, the distance required to bring the airplane to a full stop from the point corresponding with the speed V_1.

(b) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the accelerate-stop distance, provided that such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airplane.

(c) The landing gear shall remain extended throughout the accelerate-stop distance.

4T.116 *Take-off path.* The take-off path shall be considered to extend from the standing start to a point in the take-off where a height of 1,000 feet above the take-off surface is reached or to a point in the take-off where the transition from the take-off to the en route configuration is completed and a speed is reached at which compliance with § 4T.120 (c) is shown, whichever point is at a higher altitude. The conditions of paragraphs (a) through (i) of this section shall apply in determining the take-off path.

(a) The take-off path shall be based upon procedures prescribed in accordance with § 4T.111 (c).

(b) The airplane shall be accelerated on or near the ground to the speed V_2 during which time the critical engine shall be made inoperative at speed V_1 and shall remain inoperative during the remainder of the take-off.

(c) Landing gear retraction shall not be initiated prior to reaching the speed V_2.

(d) The slope of the airborne portion of the take-off path shall be positive at all points.

(e) After the V_2 speed is reached, the speed throughout the take-off path shall not be less than V_2 and shall be constant from the point where the landing gear is completely retracted until a height of 400 feet above the take-off surface is reached.

(f) Except for gear retraction and propeller feathering, the airplane configuration shall not be changed before reaching a height of 400 feet above the take-off surface.

(g) At all points along the take-off path starting at the point where the airplane first reaches a height of 400 feet above the take-off surface, the available gradient of climb shall not be less than 1.4 percent for two-engine airplanes and 1.8 percent for four-engine airplanes.

(h) The take-off path shall be determined either by a continuous demonstrated take-off, or alternatively, by synthesizing from segments the complete take-off path.

(1) If the take-off path is determined by the segmental method, the provisions of subparagraphs (1) through (4) of this paragraph shall be specifically applicable.

(1) The segments of a segmental take-off path shall be clearly defined and shall be related to the distinct changes in the configuration of the airplane, in power and/or thrust, and in speed.

(2) The weight of the airplane, the configuration, and the power and/or thrust shall be constant throughout each segment and shall correspond with the most critical condition prevailing in the particular segment.

(3) The segmental flight path shall be based on the airplane's performance without ground effect.

(4) Segmental take-off path data shall be checked by continuous demonstrated take-offs to insure that the segmental path is conservative relative to the continuous path.

4T.117 *Take-off distance.* The take-off distance shall be the horizontal distance along the take-off path from the start of the take-off to the point where the airplane attains a height of 35 feet above the take-off surface as determined in accordance with § 4T.116.

4T.118 *Climb; general.* Compliance shall be shown with the climb requirements of §§ 4b.119 and 4b.120 at all weights, altitudes, and ambient temperatures, within the operational limits established by the applicant for the airplane. The airplane's center of gravity shall be in the most unfavorable position corresponding with the applicable configuration.

4T.119 *All-engine-operating landing climb.* In the landing configuration, the steady gradient of climb shall not be less than 4.0 percent, with:

(a) All engines operating at the available take-off power and/or thrust;

(b) A climb speed not in excess of 1.4 V_{s_0}.

4T.120 *One-engine-inoperative climb*—(a) *Take-off; landing gear extended.* In the take-off configuration at the point of the flight path where the airplane's speed first reaches V_2, in accordance with § 4T.116 but without ground effect, the steady gradient of climb shall be positive with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust existing in accordance with § 4T.116 at the time the airplane's landing gear is fully retracted;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the time retraction of the airplane's landing gear is initiated;

(3) The speed equal to the speed V_2.

(b) *Take-off; landing gear retracted.* In the take-off configuration at the point of the flight path where the airplane's landing gear is fully retracted, in accordance with § 4T.116 but without ground effect, the steady gradient of climb shall not be less than 2.5 percent for two-engine airplanes and not less than 3.0 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the take-off power and/or thrust available at a height of 400 feet above the take-off surface and existing in accordance with § 4T.116;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the time the airplane's landing gear is fully retracted;

(3) The speed equal to the speed V_2.

(c) *Final take-off.* In the en route configuration, the steady gradient of climb shall not be less than 1.4 percent for two-engine airplanes and not less than 1.8 percent for four-engine airplanes, at the end of the take-off path as determined by § 4T.116, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the time retraction of the airplane's flaps is initiated;

(3) The speed equal to not less than 1.25 V_{s_1}.

(d) *Approach.* In the approach configuration such that V_{s_1} does not exceed 1.10 V_{s_0}, the steady gradient of climb shall not be less than 2.2 percent for two-engine airplanes and not less than 2.8 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust;

(2) The weight equal to the maximum landing weight;

(3) A climb speed not in excess of 1.5 V_{s_1};

4T.121 *En route flight paths.* With the airplane in the en route configuration, the flight paths prescribed in paragraphs (a) and (b) of this section shall be determined at all weights, altitudes, and ambient temperatures within the limits established by the applicant for the airplane.

(a) *One engine inoperative.* The one-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 1.4 percent for two-engine airplanes and 1.8 percent for four-engine airplanes. It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engine(s).

(b) *Two engines inoperative.* For airplanes with four engines, the two-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 0.6 percent. It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engines.

(c) *Conditions.* In determining the flight paths prescribed in paragraphs (a) and (b) of this section, the conditions of subparagraphs (1) through (4) of this paragraph shall apply.

(1) The airplane's center of gravity shall be in the most unfavorable position.

(2) The critical engine(s) shall be inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust.

(3) Means for controlling the engine cooling air supply shall be in the position which provides adequate cooling in the hot-day condition.

(4) The speed shall be selected by the applicant.

4T.122 *Landing distance.* The landing distance shall be the horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 knots in the case of seaplanes or float planes) from a point at a height of 50 feet above the landing surface. Landing distances shall be determined for standard temperatures at all weights, altitudes, and winds within the operational limits established by the applicant for the airplane. The conditions of paragraphs (a) through (f) of this section shall apply.

(a) The airplane shall be in the landing configuration. During the landing, changes in the airplane's configuration, in power and/or thrust, and in speed shall be in accordance with procedures established by the applicant for the operation of the airplane in service. The procedures shall comply with the provisions of § 4T.111 (c).

(b) The landing shall be preceded by a steady gliding approach down to the 50-foot height with a calibrated air speed of not less than 1.3 V_{s_0}.

(c) The landing distance shall be based on a smooth, dry, hard-surfaced runway, and shall be determined in such a manner that reproduction does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the landing surface shall be smooth water, while for skiplanes it shall be smooth dry snow. During landing, the airplane shall not exhibit excessive vertical acceleration, a tendency to bounce, nose over, ground loop, porpoise, or water loop.

(d) The landing distance shall be corrected for not more than 50 percent of nominal wind components along the landing path opposite to the direction of landing and not less than 150 percent of nominal wind components along the landing path in the direction of landing.

(e) During landing, the operating pressures on the wheel braking system shall not be in excess of those approved by the manufacturer of the brakes, and the wheel brakes shall not be used in such a manner as to produce excessive wear of brakes and tires.

(f) If the Administrator finds that a device on the airplane other than wheel brakes has a noticeable effect on the landing distance and if the device depends upon the operation of the engine and the effect of such a device is not compensated for by other devices in the event of engine failure, the landing distance shall be determined by assuming the critical engine to be inoperative.

4T.123 *Limitations and information*—(a) *Limitations.* The performance limitations on the operation of the airplane shall be established in accordance with subparagraphs (1) through (4) of this paragraph. (See also § 4T.743.)

(1) *Take-off weights.* The maximum take-off weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with § 4T.120 (a), (b), and (c) for altitudes and ambient temperatures within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(2) *Landing weights.* The maximum landing weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with §§ 4T.119 and 4T.120 (d) for altitudes and ambient temperatures within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(3) *Take-off and accelerate-stop distances.* The minimum distances required for take-off shall be established at which compliance is shown with the generally applicable provisions of this regulation and with §§ 4T.115 and 4T.117 for weights, altitudes, temperatures, wind components, and runway gradients, within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(4) *Operational limits.* The operational limits of the airplane shall be established by the applicant for all variable factors required in showing compliance with this regulation (weight, altitude, temperature, etc.). (See §§ 4T.113 (a) (1) and (b), 4T.118, 4T.121, and 4T.122.)

(b) *Information.* The performance information on the operation of the airplane shall be scheduled in compliance with the generally applicable provisions of this regulation and with §§ 4T.116, 4T.121, and 4T.122 for weights, altitudes, temperatures, wind components, and runway gradients, as these may be applicable, within the operational limits of the airplane (see paragraph (a) (4) of this section). In addition, the performance information specified in subparagraphs (1) through (3) of this paragraph shall be determined by extrapolation and scheduled for the ranges of weights between the maximum landing and maximum take-off weights established in accordance with paragraphs (a) (1) and (2) of this section. (See also § 4T.743.)

(1) Climb in the landing configuration (see § 4T.119);

(2) Climb in the approach configuration (see § 4T.120 (d));

(3) Landing distance (see § 4T.122).

AIRPLANE FLIGHT MANUAL

§ 4T.743 *Performance limitations, information, and other data*—(a) *Limitations.* The airplane's performance limitations shall be given in accordance with § 4T.123 (a).

(b) *Information.* The performance information prescribed in § 4T.123 (b) for the application of the operating rules of this regulation shall be given together with descriptions of the conditions, air speeds, etc., under which the data were determined.

(c) *Procedures.* For all stages of flight, procedures shall be given with respect to airplane configurations, power and/or thrust settings, and indicated air speeds, to the extent such procedures are related to the limitations and information set forth in accordance with paragraphs (a) and (b) of this section.

(d) *Miscellaneous.* An explanation shall be given of significant or unusual flight or ground handling characteristics of the airplane.

3. In lieu of §§ 40.70 through 40.78, 41.27 through 41.36 (d), and 42.70 through 42.83, of Parts 40, 41, and 42 of the Civil Air Regulations, respectively, the following shall be applicable:

OPERATING RULES

40T.80 *Transport category airplane operating limitations.* (a) In operating any passenger-carrying transport category airplane certificated in accordance with the performance requirements of this regulation, the provisions of §§ 40T.80 through 40T.84 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) The performance data in the Airplane Flight Manual shall be applied in determining compliance with the provisions of §§ 40T.81 through 40T.84. Where conditions differ from those for which specific tests were made, compliance shall be determined by approved interpolation or computation of the effects of changes in the specific variables if such interpolations or computations give results substantially equalling in accuracy the results of a direct test.

40T.81 *Airplane's certificate limitations.* (a) No airplane shall be taken off at a weight which exceeds the take-off weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the take-off. (See §§ 4T.123 (a) (1) and 4T.743 (a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of the airport of destination and for the ambient temperature anticipated there at the time of landing. (See §§ 4T.123 (a) (2) and 4T.743 (a).)

(c) No airplane shall be taken off at a weight which exceeds the weight shown in the Airplane Flight Manual to correspond with the minimum distance required for take-off on the runway to be used. The take-off distance shall correspond with the elevation of the airport, the effective runway gradient, and the ambient temperature and wind component existing at the time of take-off. (See §§ 4T.123 (a) (3) and 4T.743 (a).)

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See §§ 4T.123 (a) (4) and 4T.743 (a).)

40T.82 *Take-off obstacle clearance limitations.* No airplane shall be taken off at a weight in excess of that shown in the Airplane Flight Manual to correspond with a take-off path which clears all obstacles either by at least a height equal to $(35+0.01D)$ feet vertically, where D is the distance out along the intended flight path from the end of the runway in feet, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond the boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances prescribed, it shall be assumed that the airplane is not banked before reaching a height of 50 feet as shown by the take-off path data in the Airplane Flight Manual, and that a maximum bank thereafter does not exceed 15 degrees. The take-off path considered shall be for the elevation of the airport, the effective runway gradient, and for the ambient temperature and wind component existing at the time of take-off. (See §§ 4T.123 (b) and 4T.743 (b).)

40T.83 *En route limitations.*—(a) *One engine inoperative.* No airplane shall be taken off at a weight in excess of that which, according to the one-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit compliance with either subparagraph (1) or subparagraph (2) of this paragraph at all points along the route. The net flight path used shall be for the ambient temperatures anticipated along the route. (See §§ 4T.123 (b) and 4T.743 (b).)

(1) The slope of the net flight path shall be positive at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 miles on either side of the intended track.

(2) The net flight path shall be such as to permit the airplane to continue flight from the cruising altitude to an alternate airport where a landing can be made in accordance with the provisions of § 40T.84 (b), the net flight path clearing vertically by at least 2,000 feet all terrain and obstructions along the route within 5 miles on either side of the intended track. The provisions of subdivisions (i) through (vii) of this subparagraph shall apply.

(i) The engine shall be assumed to fail at the most critical point along the route.

(ii) The airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix, except that the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(iii) The net flight path shall have a positive slope at 1,000 feet above the airport used as the alternate.

(iv) An approved method shall be used to account for winds which would otherwise adversely affect the flight path.

(v) Fuel jettisoning shall be permitted if the Administrator finds that the operator has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(vi) The alternate airport shall be specified in the dispatch release and shall meet the prescribed weather minima.

(vii) The consumption of fuel and oil after the engine becomes inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

(b) *Two engines inoperative.* No airplane shall be flown along an intended route except in compliance with either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90 minutes away from an airport at which a landing can be made in accordance with the provisions of § 40T.84 (b), assuming all engines to be operating at cruising power.

(2) No airplane shall be taken off at a weight in excess of that which, according to the two-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit the airplane to continue flight from the point where two engines are assumed to fail simultaneously to an airport where a landing can be made in accordance with the provisions of § 40T.84 (b), the net flight path having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The net flight path considered shall be for the ambient temperatures anticipated along the route. The provisions of subdivisions (i) through (iii) of this subparagraph shall apply. (See §§ 4T.123 (b) and 4T.743 (b).)

(i) The two engines shall be assumed to fail at the most critical point along the route.

(ii) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to the airport and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

(iii) The consumption of fuel and oil after the engines become inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

40T.84 *Landing limitations*—(a) *Airport of destination.* No airplane shall be taken off at a weight in excess of that which, in accordance with the landing distances shown in the Airplane Flight Manual for the elevation of the airport of intended destination and for the wind conditions anticipated there at the time of landing, would permit the airplane to be brought to rest at the airport of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. The weight of the airplane shall be assumed to be reduced by the weight of the fuel and oil expected to be consumed in flight to the airport of intended destination. Compliance shall be shown with the conditions of subparagraphs (1) and (2) of this paragraph. (See §§ 4T.123 (b) and 4T.743 (b).)

(1) It shall be assumed that the airplane is landed on the most favorable runway and direction in still air.

(2) It shall be assumed that the airplane is landed on the most suitable runway considering the probable wind velocity and direction and taking due account of the ground handling characteristics of the airplane and of other conditions (i. e., landing aids, terrain, etc.). If full compliance with the provisions of this subparagraph is not shown, the airplane may be taken off if an alternate airport is designated which permits compliance with paragraph (b) of this section.

(b) *Alternate airport.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the provisions of paragraph (a) of this section, provided that the airplane can be brought to rest within 70 percent of the effective length of the runway.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

Effective: August 27, 1957.

Adopted: July 23, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-6165; Filed, July 26, 1957; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 28]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Int R-331° LGB and SE crs BUR-LFR	BUR-LFR	Direct	5000	T-dn*	300-1	300-1	300-1
Int R-272 LGB and S crs BUR-LFR	BUR-LFR	Direct	5000	C-d	900-1½	900-1½	900-1½
Simi Intersection#	BUR-LFR	Direct	4800	C-n	900-2	900-2	900-2
Chatsworth "H"	BUR-LFR (Final)	Direct	1500	S-d-7	600-1	600-1	600-1
				S-n-7	700-1½	700-1½	700-1½
				A-dn	900-2	900-2	900-2

*400-1 required for take-off when departing via SE crs BUR-LFR. 200-½ authorized for take-off on Rny 25 for more than 2-engine aircraft only.
CAUTION: When departing via SE crs BUR-LFR, establish crs on SE crs BUR-LFR as soon as practical after take-off.
Procedure turn S side of NW crs, 278° Outbnd, 098° Inbnd. (On top not below 5000' within 10 mi NW of Chatsworth HWF.)
#After procedure turn or after leaving Simi Int cross Chatsworth RBN inbound not below 4800'. All approaches must be started from on top. Apply sliding scale for tops reported at Simi Int. as follows: Tops 5000'. Ceiling 600-d (700-n); 5500'—900; 6000'—1300; 6500'—1700; 7000'—2100; 7500'—2500.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 094—2.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles, climb to 5000' on SE course within 20 miles.
CAUTION: Terrain above flight altitude paralleling final approach on the North. 2000' terrain 2.2 mi NE of airport rising to 3126' approximately 3.5 mi ENE of airport.
AIR CARRIER NOTE: Sliding scale prohibited below ¾ mi for takeoff and for straight-in landing minimums. Sliding scale not applicable to circling minimums.

City, Burbank; State, Calif; Airport Name, Lockheed Air Terminal; Elev 764'; Fac Class, SBML; Indent, BUR; Procedure No. 1, Amdt 7; Eff Date, 24 Aug 57; Sup Amdt No. 6; Dated, 3 Aug 57

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Corbin VAR	LOZ RBn	Direct	3000	T-dn	300-1	300-1	
				C-d	500-1	500-1	
				C-n	500-1½	500-1½	
				A-dn	800-2	800-2	

Procedure turn N side of crs, 230 outbnd, 050 inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a climbing right turn to 2500' and hold SW of the London BMH at 2500' within 10 miles.

City, London; State, Ky; Airport Name, London; Elev, 1201'; Fac Class, BMH; Ident, LOZ; Procedure No. 1; Orig; Eff Date, 24 Aug 57

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Burbank LFR	LOM	Direct	*5000	T-dn#	300–1	300–1	300–1
Saugus Int	LOM	Direct	7000	C-d	900–1½	900–1½	900–1½
Simi Int	LOM	Direct	4600	C-n	900–2	900–2	900–2
Broome Int	LOM	Direct	4600	S-dn–7	400–1	400–1	400–1
Malibu Int	LOM	Direct	5000	A-dn	900–2	900–2	900–2
Shoreline Int	LOM	Direct	5000				
Newhall LFR	LOM	Direct	6000				
Fillmore VOR	LOM	Direct	5000				
Fillmore VOR	ILS W crs	R-120	5000				
Int W crs ILS and Fillmore VOR R-120	LOM (Final)	Direct	4600				

*4600′ authorized after course is established westbound on ILS localizer.
#400–1 required for takeoff when departing via SE crs BUR LFR. 200–½ authorized for takeoff on Rny 25 for more than 2-engine aircraft only.
CAUTION: When departing via SE crs BUR LFR establish crs on SE crs BUR LFR as soon as practical after takeoff.
Procedure turn S side of crs, 256 Outbnd, 076 Inbnd, 4600′ within 10 miles of LOM. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 4600′.
Altitude of G. S. and distance to appr end of rny at OM 4577—11.9, at MM 1331—1.7, at inner compass locator 924—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right and climb to 4600′ on W crs of BUR ILS within 10 mi west of LOM. Alternate missed approach, when directed by ATC, climb to 3000′ on SE crs of BUR LFR, then make 180° right turn, continuing climb to 5000′ while homing on BUR LFR and hold at BUR LFR in nonstandard 2 minute pattern on SE crs, or if directed by ATC, climb to 5000′ on SE crs of BUR LFR.
AIR CARRIER NOTE: Sliding scale prohibited below ¾ mi for takeoff and straight-in landing minimums. Sliding scale not applicable to circling minimums.
NOTE: Provision for use with inoperative ILS components not applicable.
CAUTION: 2000′ terrain 2.2 miles NE of airport rising to 3126′ approximately 3.5 mi ENE of airport.

City, Burbank; State, Calif; Airport Name, Lockheed Air Term; Elev, 764′; Fac Class, ILS; Ident, BUR; Procedure No. 1, Amdt 9; Eff Date, 24 Aug 57; Sup Amdt No. 8; Dated 3 Aug 57

4. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
														Surveillance approach			
241	274	5	4600	10	4600	15	4600	20	4600	25	4600	30	5000	T-dn#	300–1	300–1	300–1
274	308	5	4600	10	4600	15	5000	20	5000	25	5000	30	6000	C-d	900–1½	900–1½	900–1½
308	349	5	4600	10	5500	15	6000	20	7000	25	7000	30	7000	C-n	900–2	900–2	900–2
349	087	5	5000	10	7000	15	8500	20	9000	25	10000	30	10500	S-dn–7	500–1	500–1	500–1
087	241	5	4600	10	5000	15	5000	20	5000	25	5000	30	5000	A-dn	900–2	900–2	900–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
#400–1 required for takeoff when departing via SE crs BUR LFR. 200–½ authorized on Rny 25 for aircraft of more than 2 engines.
CAUTION: When departing via SE crs BUR LFR, establish crs on the SE crs BUR LFR as soon as practical after takeoff.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right and climb to 4600′ on W crs of BUR ILS within 10 mi W of LOM, or when directed by ATC, climb to 3000′ on SE crs of BUR LFR, then make 180° right turn continuing climb to 5000′ while homing on BUR LFR and hold at BUR LFR in non-standard 2 minute pattern on SE crs, or if directed by ATC, climb to 5000′ on SE crs of BUR LFR.
AIR CARRIER NOTE: Sliding scale prohibited below ¾ mi for takeoff and straight-in landing minimums. Sliding scale not applicable to circling minimums.
CAUTION: 2000′ terrain 2.2 miles NE of airport rising to 3126′ approximately 3.5 mi ENE of airport.

City, Burbank; State, Calif; Airport Name, Lockheed Air Terminal; Elev, 764′; Fac Class, Lockheed; Ident, Radar; Procedure No. 1, Amdt 2; Eff Date, 24 Aug 57; Sup Amdt No. 1; Dated, 3 Aug 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 24, 1957.

[F. R. Doc. 57–6187; Filed, July 26, 1957; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 112]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.412 *Valencia Orange Regulation 112*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 25, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 28, 1957, and ending at 12:01 a. m., P. s. t., August 4, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 854,700 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 26, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57–6204; Filed, July 26, 1957; 11:26 a. m.]

[Lemon Reg. 697]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.804 *Lemon Regulation 697*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 24, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 28, 1957, and ending at 12:01 a. m., P. s. t., August 4, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 279,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 25, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57–6190; Filed, July 26, 1957; 9:00 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1957, Supp. 3]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1957

EMERGENCY CONSERVATION MEASURES TO RESTORE TO PRODUCTIVE USE LAND DAMAGED BY NATURAL DISASTERS

Pursuant to the authority vested in the Secretary of Agriculture under secton 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and Public Law 85–58, the 1957 National Agricultural Conservation Program, approved July 2, 1956 (21 F. R. 5034), as amended July 18, 1956 (21 F. R. 5480), and March 1, 1957 (22 F. R. 1427), is further amended as follows:

A new § 1101.897 is added as follows:

§1101.897 *Practice F–4: Emergency conservation measures to restore to productive use land damaged by natural disasters.* (a) This practice is applicable only in counties designated by the Secretary as counties in which wind erosion,

floods, hurricanes, or other natural disasters have created new conservation problems which (1) if not treated will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage which is unusual in character and, except for wind erosion, is not of the type which would recur frequently in the same area, and (4) will be so costly to rehabilitate that Federal assistance is required to return the land to productive agricultural use.

(b) Emergency conservation practices may be approved by the Administrator, ACPS, upon recommendation by the State and county committees and designated representatives of the Soil Conservation Service and Forest Service at both the State and county levels. Eligible measures shall be specified in the wording of the practice as approved for use in the county. Cost-sharing may be offered under this practice only for replacing a practice or restoring the land to its normal productive capacity and may not be offered for the solution of conservation problems existing prior to the disaster involved.

(c) The cost-share computed for any person for this practice shall not be increased in accordance with § 1101.830, and shall not be included with the cost-shares computed for such person for other practices in applying the maximum Federal cost-share limitation in § 1101.831. The total of all Federal cost-shares for this practice to any person with respect to farms and ranches in any one county shall not exceed the sum of $1,500, except that, with the written prior approval of the State committee, a higher maximum may be approved in individual cases upon justification by the farmer or rancher on the basis of exceptional need and his inability to otherwise carry out the work.

(d) Costs for this practice will be shared only for eligible measures carried out on or after July 1, 1956, and only if cost-sharing is requested by the farm or ranch operator within 30 days after the practice is approved for use in the county or before the date on which performance of the eligible measures is started, whichever is the later. With the approval of the county committee, costs of performing this practice may be shared with farmers or ranchers who carry out eligible measures on their lands or, with the permission of the owners or operators of adjacent or nearby lands, on such adjacent or nearby lands.

(e) The maximum Federal cost-share for this practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but not in excess of 80 percent of the average cost of performing the practice.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 71 Stat. 176; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 24th day of July 1957.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 57–6162; Filed, July 26, 1957; 8:50 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

NECESSITY FOR PROMPT PAYMENT AND DELIVERY IN SPECIAL CASH ACCOUNTS

Section 220.113 is added to read as follows:

§ 220.113 *Necessity for prompt payment and delivery in special cash accounts.* (a) The Board of Governors recently received an inquiry concerning whether purchases of securities by certain municipal employees' retirement or pension systems on the basis of arrangements for delayed delivery and payment, might properly be effected by a creditor subject to this part in a special cash account under § 220.4 (c).

(b) It appears that in a typical case the supervisors of the retirement system meet only once or twice each month, at which times decisions are made to purchase any securities wished to be acquired for the system. Although the securities are available for prompt delivery by the broker-dealer firm selected to effect the system's purchase, it is arranged in advance with the firm that the system will not accept delivery and pay for the securities before some date more than seven business days after the date on which the securities are purchased. Apparently, such an arrangement is occasioned by the monthly or semimonthly meetings of the system's supervisors. It was indicated that a retirement system of this kind may be supervised by officials who administer it as an incidental part of their regular duties, and that meetings requiring joint action by two or more supervisors may be necessary under the system's rules and procedures to authorize issuance of checks in payment for the securities purchased. It was indicated also that the purchases do not involve exempted securities, securities of the kind covered by § 220.4 (c) (3), or any shipment of securities as described in § 220.4 (c).

(c) This part provides that a creditor subject thereto may not effect for a customer a purchase in a special cash account under § 220.4 (c) unless the use of the account meets the limitations of § 220.4 (a) and the purchase constitutes a "bona fide cash transaction" which complies with the eligibility requirements of § 220.4 (c) (1) (i). One such requirement is that the purchase be made "in reliance upon an agreement accepted by the creditor (broker-dealer) in good faith" that the customer will "promptly" make full cash payment for the security, if funds sufficient for the purpose are not already in the account; and, subject to certain exceptions, § 220.4 (c) (2) provides that the creditor shall promptly cancel or liquidate the transaction if payment is not made by the customer within seven business days after the date of purchase. As indicated in the Board's interpretation at 1940 Federal Reserve Bulletin 1172, a necessary part of the customer's undertaking pursuant to § 220.4 (c) (1) (i) is that he "should have the necessary means of payment readily available when he purchases a security in the special cash account. He should expect to pay for it immediately or in any event within the period (of not more than a very few days) that is as long as is usually required to carry through the ordinary securities transaction."

(d) The arrangements for delayed delivery and payment in the case presented to the Board and outlined above clearly would be inconsistent with the requirement of § 220.4 (c) (1) (i) that the purchase be made in reliance upon an agreement accepted by the creditor in good faith that the customer will "promptly" make full cash payment for the security. Accordingly, the Board said that transactions of the kind in question would not qualify as a "bona fide cash transaction" and, therefore, could not properly be effected in a special cash account, unless a contrary conclusion would be justified by the exception in § 220.4 (c) (5).

(e) Section 220.4 (c) (5) provides that if the creditor, "acting in good faith in accordance with" § 220.4 (c) (1), purchases a security for a customer "with the understanding that he is to deliver the security promptly to the customer, and the full cash payment to be made promptly by the customer is to be made against such delivery", the creditor may at his option treat the transaction as one to which the period applicable under § 220.4 (c) (2) is not the seven days therein specified but 35 days after the date of such purchase. It will be observed that the application of § 220.4 (c) (5) is specifically conditioned on the creditor acting in good faith in accordance with § 220.4 (c) (1). As noted above, the existence of the arrangements for delayed delivery and payment in the case presented would prevent this condition from being met, since the customer could not be regarded as having agreed to make full cash payment "promptly". Furthermore, such arrangements clearly would be inconsistent with the requirement of § 220.4 (c) (5) that the creditor "deliver the security promptly to the customer".

(f) Section 220.4 (c) (5) was discussed in the Board's published interpretation, referred to above, which states that "it is not the purpose of (§ 220.4 (c) (5)) to allow additional time to customers for making payment. The 'prompt delivery' described in (§ 220.4 (c) (5)) is delivery which is to be made as soon as the broker or dealer can reasonably make it in view of the mechanics of the securities business and the bona fide usages of the trade. The provision merely recognizes the fact that in certain circumstances it is an established bona fide practice in the trade to obtain payment against delivery of the security to the customer, and the further fact that the mechanics of the trade, unrelated to the customer's readiness to pay, may sometimes delay such delivery to the customer".

(g) In the case presented, it appears that the only reason for the delay is related solely to the customer's readiness to pay and is in no way attributable to the mechanics of the securities business. Accordingly, it is the Board's view that the exception in § 220.4 (c) (5) should not be regarded as permitting the transactions in question to be effected in a special cash account.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78h, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 57–6138; Filed, July 26, 1957; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter M—Military and Armed Services, Housing Mortgage Insurance

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

PAYMENT REQUIREMENTS

Section 292a.11 is amended to read as follows:

§ 292a.11 *Payment requirements.* The mortgage shall provide for monthly payments on the first day of each month by the mortgagor to the mortgagee on account of interest and principal. Such monthly payments will be on a level annuity basis. The Commissioner will estimate the time necessary to complete the project and will establish the date of the first payment to principal.

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f)

Issued at Washington, D. C., July 24, 1957.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57–6148; Filed, July 26, 1957; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XX—Office of Contract Settlement, General Services Administration

[Reg. 11, Rev., Amdt. 2]

PART 2011—PRESERVATION OF RECORDS

EXEMPTIONS

Part 2011 Preservation of records, is hereby further amended by modifying § 2011.4a to read as follows:

§ 2011.4a *Exemptions.* The provisions of this part and section 443 of the act of June 25, 1948 (62 Stat. 705; 18 U. S. C. 443) do not apply to (a) war contractor records title to which is transferred to a Government agency, (b) war contractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act (57 Stat. 380; 44 U. S. C. 366 et seq.), or (c) war contractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States.

(Sec. 1, 62 Stat. 705, as amended; 18 U. S. C. 443)

Dated: July 19, 1957.

FRANKLIN G. FLOETE,
Administrator of General Services.

Approved:

JOSEPH CAMPBELL,
Comptroller General of the United States.

[F. R. Doc. 57–6139; Filed, July 26, 1957; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.168 (a) (2) prescribing an anchorage area over Hampton Flats is amended to include an explosives handling berth W, the addition of a new subdivision (ii) prescribing regulations for the explosives handling berth W, and the redesignation of the present subdivision (ii) as (iii) and revision thereof to include the explosives handling berth W, as follows:

§ 202.168 *Hampton Roads, Va., and adjacent waters*—(a) *Hampton Roads.* • • •

(2) *Anchorage B, Hampton Flats (Naval).* Shoreward of a line described as follows: Beginning at latitude 37°00′00″, longitude 76°22′08″; thence to latitude 36°59′08.5″, longitude 76°19′04.5″; thence to latitude 36°57′57.5″, longitude 76°20′46.5″; and thence to latitude 36°58′56″, longitude 76°23′47″, including within the above-described limits an Explosives Handling Berth W covering a circular area of 1,200 yards diameter with its center at latitude 36°58′18″, longitude 76°20′51″.

• • • • •

(ii) Vessels shall not be anchored within 300 yards of Explosives Handling Berth W when that berth is occupied by a vessel handling explosives.

(iii) Anchorage B, including Explosives Handling Berth W, is reserved for the use of Naval vessels, but in the absence of the fleet the Captain of the Port may, in his discretion, permit the anchorage and berth to be used by merchant vessels. Upon notification that need for occupancy by Naval vessels is expected, the Captain of the Port may cause a sufficient area in the anchorage to be vacated to accommodate the number of Naval vessels scheduled to arrive.

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[Regs., 5 July 1957, 800.212 (Hampton Roads, Va.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.241 is hereby prescribed making it unlawful to require the opening of bridges across the Intracoastal Waterway from the Virginia-North Carolina boundary to Key West, Florida, and tributaries thereto, for boats carrying appurtenances unessential to navigation as follows:

§ 203.241 *The Intracoastal Waterway from the Virginia-North Carolina Boundary to Key West, Florida, and Tributaries thereto; Bridges.* (a) Bridges over the above-captioned navigable waters will be operated in accordance with § 203.240. The regulations contained in this section shall be considered as additional to those contained in § 203.240.

(b) Drawbridges shall not be required to open for craft carrying appurtenances unessential to navigation and any vessel operator who causes a bridge to be opened in order to clear appurtenances unessential for navigation shall be considered in violation of the regulations of this section.

(c) Appurtenances unessential for navigation shall include but not be limited to fishing outriggers, radio or television antennae, false stacks, and masts purely for ornamental purposes. Appurtenances unessential to navigation will not include flying bridges, sailboat masts, pile driver leads, spud frames on hydraulic dredges, or other items of equipment clearly necessary to the intended use of the vessel.

(d) Owners of drawbridges shall report to the proper District Engineer the names of any vessels requiring bridge openings considered to be in violation of this section. The District Engineer may at any time cause an inspection to be made of any craft utilizing the above-captioned navigable waters and is empowered to decide in each case whether or not the appurtenances are unessential to navigation. If the District Engineer decides a vessel has appurtenances unessential to navigation, he shall notify the vessel owner of his decision, specifying a reasonable time for making the alterations. If the vessel owner is aggrieved by the decision of the District Engineer, he may within 30 days after receipt of the request to perform necessary alterations, appeal the decision to the District Engineer in writing. After receipt by the District Engineer, the appeal will be forwarded through channels to the Secretary of the Army. If the Secretary of the Army rules that an appurtenance is unessential to navigation, the District Engineer shall again specify to the vessel owner a reasonable time for making necessary alterations to the appurtenance, and after the expiration of the time specified, any operation of the

vessel on the above-captioned navigable waters in such a manner as to require drawbridge openings shall be deemed in violation of the regulations of this section, unless the necessary alterations shall have been made.

[Regs., 2 July 1957, 823.01 (Atlantic Intracoastal Waterway)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.135 (a) is hereby amended modifying the boundary of an existing danger zone in the waters of the Gulf of Mexico south from Choctawhatchee Bay, Florida, as follows:

§ 204.135 *Gulf of Mexico, south from Choctawhatchee Bay; guided missiles test operations area, Headquarters Air Proving Ground Command, United States Air Force, Eglin Air Force Base, Florida*—(a) *The danger zone.* The waters of the Gulf of Mexico south from Choctawhatchee Bay within an area described as follows: Beginning at a point five nautical miles southeasterly from USC&GS Station Tuck 3, at latitude 30°23'10.74", longitude 86°48'17.525", three nautical miles offshore of Santa Rosa Island; thence easterly three nautical miles offshore and parallel to shore, to a point south of Apalachicola Bay, Florida, latitude 29°33'00", longitude 85°00'00"; thence southeasterly to latitude 29°17'30", longitude 84°40'00"; thence southwesterly to latitude 28°40'00", longitude 84°49'00"; thence southeasterly to latitude 28°10'00", longitude 84°30'00"; thence 270° true to longitude 86°48'00"; thence due north along longitude 86°48'00" to the intersection of the line with a circle of five nautical miles radius centered on USC&GS Station Tuck 3, at latitude 30°23'10.074", longitude 86°48'17.525"; thence northeasterly along the arc of the circle to the point of beginning.

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[Regs., 8 July 1957, 800.2121 (Mexico, Gulf of)—ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

4. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.157 governing the use and navigation of a restricted area in Chesapeake Bay at Little Creek, Virginia, is hereby amended to reduce the size of the area, revising paragraph (a), as follows:

§ 207.157 *Chesapeake Bay, Lynnhaven Roads; Navy amphibious training area*—(a) *The restricted area.* Beginning at latitude 36°55'47", longitude 76°11'04.5"; thence to latitude 36°59'04", longitude 76°10'11"; thence to latitude 36°58'28.5", longitude 76°07'54"; thence to latitude 36°55'27.5", longitude 76°08'42"; thence westerly along the shore and across the mouth of Little Creek to the point of beginning.

• • • • •

[Regs., 10 July 1957, 800.2121 (Chesapeake Bay, Va.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-6132; Filed, July 26, 1957; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

YOSEMITE NATIONAL PARK; REGISTRATION OF VEHICLES

Section 20.16, entitled *Yosemite National Park,* is amended by the addition of paragraph (f), reading as follows:

(f) *Registration of vehicles.* Motor vehicles driven or moved upon a park road in Yosemite National Park must be registered and properly display current license plates. Such registration may be with a State or other appropriate authority or, in the case of motor vehicles operated exclusively on park roads, with the Superintendent of the Park. An annual registration fee of $6 will be charged for vehicles registered with the Superintendent which are not connected with the operation of the Park.

(Sec. 3, 39 Stat. 535, as amended, 16 U. S. C. 3)

Issued this 1st day of July 1957.

JOHN C. PRESTON,
Superintendent,
Yosemite National Park.

[F. R. Doc. 57-6135; Filed, July 26, 1957; 8:45 a. m.]

PART 20—SPECIAL REGULATIONS

PLATT NATIONAL PARK; SPEED AMENDMENT

1. Section 20.17 *Platt National Park* is amended by the addition of paragraph (b) to read as follows:

(b) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42, are as follows:

(1) The maximum speed of all vehicles on the Perimeter Road is limited to 25 miles per hour.

(2) On that part of Oklahoma State Highway No. 18 within the Park the maximum speed shall be limited to 35 miles per hour.

(3) On all dangerous curves, posted as such, on all roads within the Park the maximum speed is limited to 25 miles per hour.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 5th day of July 1957.

WILLIAM E. BRANCH,
Superintendent,
Platt National Park.

[F. R. Doc. 57-6134; Filed, July 26, 1957; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 130—NORTH PACIFIC AREA

Basis and purpose. The North Pacific Fisheries Act, approved August 12, 1954, 68 Stat. 698; 16 U. S. C. 1021 et seq., authorized the Secretary of the Interior to prohibit fishing by United States nationals on the high seas of the North Pacific Ocean in waters contiguous to the waters of Alaska. The area has been extended southward to latitude 48 degrees 30 minutes north by amendment of the act. Therefore, Part 130 of Subchapter F is amended to read as follows:

Sec.
130.1 Definition.
130.2 Salmon fishing prohibited, exception.

AUTHORITY: §§ 130.1 and 130.2 issued under sec. 12, 68 Stat. 700, as amended, Pub. Law. 85-114; 16 U. S. C. 1031.

§ 130.1 *Definition.* The North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of latitude 48 degress 30 minutes west and east of longitude 175 degrees west, exclusive of the waters of Alaska as defined in Part 101 of this subchapter.

§ 130.2 *Salmon fishing prohibited, exception.* No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon, except by trolling in the North Pacific area, as defined in this part: *Provided,* That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49 degrees north.

Salmon net fishing by U. S. nationals is presently prohibited on the high seas off California, Oregon, Washington, and Alaska. These amendments, authorized by legislation approved July 24, 1957, will extend such protection to salmon on the high seas off British Columbia. The salmon runs are in progress at this time, and for their conservation it is imperative that protection on the high seas be extended throughout their range on the Pacific Coast immediately. These regulations, therefore, shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

FRED A. SEATON,
Secretary of the Interior.

JULY 25, 1957.

[F. R. Doc. 57-6203; Filed, July 26, 1957; 11:04 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 182]

INDUSTRIAL ALCOHOL

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] C. W. STOWE,
Acting Commissioner of Internal Revenue.

In order to provide for the approval of methods of operation in lieu of those specified in the regulations and to provide for the use of additional denaturants without test by authorized chemists, 26 CFR Part 182 is amended as follows:

PARAGRAPH 1. By inserting two new sections, reading as follows, immediately after § 182.322:

§ 182.322a *Variations in methods of operation.* The Director, Alcohol and Tobacco Tax Division, may approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 182.322b.

§ 182.322b *Application.* A proprietor who proposes to employ methods of operation other than as provided in this part shall submit a letterhead application to do so, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the need therefor. The assistant regional commissioner will make such inquiry as is necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

PAR. 2. Section 182.705 is amended by changing the third sentence to read, "Denaturants which are required to be tested shall not be mixed or mingled with approved denaturants until they have been approved by the authorized chemist."

PAR. 3. Section 182.706 is amended by changing the first sentence to read, "The storekeeper-gauger shall take a 1-pint sample of each lot of each denaturant which must be tested and forward or deliver the sample to the authorized chemist."

PAR. 4. Section 182.707 is amended to read as follows:

§ 182.707 *Denaturants not required to be tested.* Synthetic oils approved by the Director, Alcohol and Tobacco Tax Division, essential oils as defined in part 212 of this chapter, pure chemicals (liquid or solid), or U. S. P. or N. F. substances used as denaturing materials, if delivered to the storekeeper-gauger in the original sealed package of a reputable manufacturer of chemicals, bearing a label descriptive of its contents placed thereon by the manufacturer, need not be submitted for a test except when the Director, Alcohol and Tobacco Tax Division, shall so direct. Each lot of other denaturants received will be tested as provided in this subpart unless, as to each lot received, the denaturer furnishes a statement showing that the denaturant conforms in all respects to the specifications prescribed under part 212 of this chapter. The statement shall show the name and address of the vendor, the kind and quantity of the denaturant, and a description of the containers in which received. The statement shall be signed by the proprietor or his authorized agent and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that the denaturant described above to the best of my knowledge and belief conforms in all respects to the specifications prescribed under the provisions of 26 CFR Part 212 for such denaturant." The assistant regional commissioner is authorized to require samples of denaturants to be obtained for testing in the regional laboratory.

[F. R. Doc. 57-6146; Filed, July 26, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U. S. STANDARDS FOR CHRISTMAS TREES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Christmas Trees pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GENERAL

Sec.
51.3085 General.

GRADES

51.3086 Grades.

TOLERANCES

51.3087 Tolerances.

CULLS

51.3088 Culls.

SIZE

51.3089 Size.

BASIS FOR CALCULATING PERCENTAGES

51.3090 Basis for calculating percentages.

STANDARD BUNDLES

51.3091 Standard bundles.

DEFINITIONS

51.3092 Density.
51.3093 Taper.
51.3094 Balance.
51.3095 Fresh.
51.3096 Clean.
51.3097 Healthy.
51.3098 Fairly clean.
51.3099 Damage.
51.3100 Minor deformities.
51.3101 Noticeable deformities.
51.3102 Handle.
51.3103 Height.

AUTHORITY: §§ 51.3085 to 51.3103 issued under Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.3085 *General.* The standards contained in this subpart are applicable to sheared or unsheared trees of the coniferous species which are normally marketed as Christmas trees. The large majority of the Christmas trees marketed are one of the following species: Douglas fir (Pseudotsuga taxifolia); Balsam fir (Abies balsamea); Black spruce (Picea mariana); Eastern Red cedar (Juniperus virginiana); White spruce (Picea glauca); Scotch pine (Pinus sylvestria); Norway spruce (Picea excelsa); Red pine (Pinus resinosa); and Eastern White pine (Pinus alba).

GRADES

§ 51.3086 *Grades.* (a) The grades for Christmas trees shall be U. S. Premium, U. S. No. 1 and U. S. No. 2. Each tree shall possess the characteristics typical of the species and meet the minimum requirements for each factor of the grade specified as shown in Table I:

TABLE I

Factor	U. S. Premium	U. S. No. 1	U. S. No. 2
Density	Medium	Medium	Light.
Taper	Normal	Normal (flaring or candlestick if tree is otherwise U. S. Premium).	Normal (flaring or candlestick if tree is otherwise U. S. No. 1).
Balance	4 complete faces	3 complete faces	2 complete faces.
Foliage	Fresh, clean and healthy	Fresh, clean and healthy	Fresh, fairly clean, and free from damage.
Deformities	Not more serious than minor.	Not more serious than minor (noticeable deformities permitted if tree is otherwise U. S. Premium).	Not more serious than minor (noticeable deformities permitted if tree is otherwise U. S. No. 1).

(b) In addition, the butt of each tree shall be smoothly cut and all side branches below the first whorl shall have been removed.

(c) Unless otherwise specified, the length of the handle shall approximate 1¼ inches for each foot of tree height.

TOLERANCES

§ 51.3087 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the trees in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for trees which fail to meet the requirements of the next grade lower than that specified.

CULLS

§ 51.3088 *Culls.* "Culls" consist of individual Christmas trees which fail to meet the requirements of any of the foregoing grades.

SIZE

§ 51.3089 *Size.* (a) In addition to the statement of grade, the height of the tree shall be stated in terms of one foot or two foot units. The following are examples of height designations which are commonly used:

4 feet or less.
4–6 feet.
6–7 feet or 6–8 feet.
7–8 feet.
8–10 feet.
10 feet and up.

(b) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the trees in any lot may fail to meet the height specified.

BASIS FOR CALCULATING PERCENTAGES

§ 51.3090 *Basis for calculating percentages.* Percentages shall be calculated on the basis of count using the individual tree as the unit. Trees are often tied in bundles for convenience in handling and shipping and to prevent excessive drying. In obtaining the sample for inspection, representative bundles should be selected. All the trees within the bundle or any portion of them may be used for inspection.

STANDARD BUNDLES

§ 51.3091 *Standard bundles.* (a) Any lot of trees may be specified as standard bundles when each bundle contains trees of the same species and the number and height of the trees conforms to the following requirements as set forth in Table II:

TABLE II

Height of tree:	Number of trees per bundle
2 feet and less	10–12
2–4 feet	7–8
4–6 feet	5–6
6–7 feet	4
7–8 feet	3
8–10 feet	2
over 10 feet	1

(b) In order to allow for variations incident to proper handling, not more than 10 percent, by count, of the bundles in any lot may fail to meet the requirements for Standard Bundles.

DEFINITIONS

§ 51.3092 *Density.* "Density" means the amount of foliage present. Factors contributing to the degree of density are: the number and size of branches within the whorl, distance between whorls, number and arrangement of branchlets on each branch, the extent of internodal branching, needle arrangement and needle length. Species differ in their habit of growth and some species do not have internodal branches. Density should be judged on the basis of species characteristics.

§ 51.3093 *Taper.* "Taper" means the relationship of the width of the tree to its height. Flaring, normal, and candlestick taper are the terms used to designate degrees of taper. Flaring taper means that the general shape of the tree, on its best side, forms a cone whose base is 70 percent or more of its height. If the base of the cone is from 40 to 70 percent, the tree has normal taper. If the base of the cone is less than 40 percent of its height, the tree has candlestick taper. Taper must be scored on the basis of species characteristic. The taper of some species forms a cone whereas the taper of other species more nearly resembles a teardrop.

§ 51.3094 *Balance.* "Balance" means the overall structure of the tree. Each tree shall be considered to have four quarters or faces; also three segments, namely the bottom branches, the middle and the top. A decided gap, unduly long branches, or uneven density in any of the segments make a defective face. Balance must be considered on the basis of species characteristics. Some species characteristically have branches uniformly spaced in the whorl. Other species characteristically have irregular number and spacing of branches in the whorl.

§ 51.3095 *Fresh.* "Fresh" means that the needles are pliable and turgid. Needles shall be generally firmly attached with only a slight amount or no shattering.

§ 51.3096 *Clean.* "Clean" means that the tree is practically free from moss, lichen growth, vines or other foreign material.

§ 51.3097 *Healthy.* "Healthy" means that the foliage possesses a thrifty, fresh, natural green appearance characteristic of the species.

§ 51.3098 *Fairly clean.* "Fairly clean" means that the tree is moderately free from moss, lichen growth, vines or other foreign material.

§ 51.3099 *Damage.* "Damage" means any defect which materially affects the appearance of the foliage of the tree. The following shall be considered as damage:

(a) Noticeable presence of galls on the branches;

(b) Abnormal loss of needles;

(c) Abnormal curling of needles;

(d) Noticeable presence of dead twigs; and,

(e) Discoloration of needles when present to an extent that causes the tree to appear "spotty".

§ 51.3100 *Minor deformities.* "Minor deformities" means defects which are not particularly noticeable and which do not affect the general appearance of the tree. Such defects include slight crooks and forks in the stem.

§ 51.3101 *Noticeable deformities.* "Noticeable deformities" means defects which affect the appearance to some extent, but which do not seriously affect the appearance. Such defects include weak branches, multiple leaders, broken branches and "woody base", a condition of extensive, abnormally bare areas on the lower branches.

§ 51.3102 *Handle.* "Handle" means the base of the tree trunk below the first whorl.

§ 51.3103 *Height.* "Height" for unsheared trees means the distance from the point of attachment of the lowest whorl to a point at which the longest branch in the top whorl, when bent upward touches the central leader of the tree; and for sheared trees means the distance from the point of attachment of the lowest whorl to the top of the central leader.

Dated: July 24, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6160; Filed, July 26, 1957; 8:49 a. m.]

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF PROCESSED RAISINS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards for Grades of Processed Raisins (7 CFR, 52.1841–52.1852), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). The amendments as hereinafter set forth provide for: (1) a change in tolerance for definitely dark berries in "well-bleached" color for Sulfur Bleached and Golden Seedless Thompson Seedless Raisins; (2) a change in the definition and terminology from "poorly developed, blowovers" to "undeveloped, worthless"; (3) correction in the definition for "2 Crown" size Muscat Raisins; and (4) elimination of the definition and explanation of methods for ascertaining "moldy" raisins.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Change the applicable paragraphs and subparagraphs of the indicated sections to read:

Section 52.1844 (a):

(a) "Well-bleached color" (or "extra fancy color") means that the raisins are practically uniform in color and may range from yellow or golden to light amber color with a predominating yellow or golden color and that not more than ½ of 1 percent, by weight, of all the raisins may be definitely dark berries.

Section 52.1845 (a) (3):

(3) Not more than 1 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1845 (b) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1845 (c) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless; except that in "Small" (or "midget") size not more than 3 percent, by weight, of raisins may be undeveloped worthless;

Section 52.1846 (b) (3):

(3) "2 Crown" means raisins that will pass through round perforations 34/64 inch in diameter but will not pass through round perforations 24/64 inch in diameter.

Section 52.1847 (a) (4):

(4) Not more than 1 percent, by weight, of raisins, may be undeveloped, worthless;

Section 52.1847 (b) (4):

(4) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1847 (c) (4):

(4) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1847a (a) (2):

(2) Not more than 1 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1847a (b) (2):

(2) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1849 (a) (3):

(3) Not more than 1 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1849 (b) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1849 (c) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1851 (d):

(d) "Undeveloped, worthless" refers to extremely light berries that are lacking in sugary tissue indicating incomplete development; are reddish in color; are completely shriveled and hard; possess fine wrinkles on smaller units and moderately deep wrinkles on slightly larger units; and are commonly referred to as "worthless".

2. In § 52.1851, delete paragraph (g) and subparagraphs (1) and (2) of paragraph (g) in their entirety; renumber paragraph (h) as "(g)"; renumber paragraph (i) as "(h)".

3. In § 52.1852 (worksheet) in left-hand column of captions, under "Defects", change words "Poorly developed, blowovers:" to "Undeveloped, worthless:"

4. In § 52.1852 (worksheet) in lowest right-hand block under caption of "Maximum by weight (percent)" change figure "1" to "½".

5. In Tables, I, II, IIA, III, change left-hand caption of "Poorly developed, blowovers------" to "Undeveloped, worthless------".

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: July 24, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6161; Filed, July 26, 1957; 8:50 a. m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF MINIMUM GRADE AND CONDITION STANDARDS FOR NATURAL CONDITION LAYER MUSCAT RAISINS AND MINIMUM GRADE STANDARDS FOR PACKED LAYER MUSCAT RAISINS

Notice is hereby given that there is being considered a proposed rule to modify the minimum grade and condition standards for natural condition Layer Muscat raisins and minimum grade standards for packed Layer Muscat raisins as hereinafter set forth. The proposed rule, which is based on the recommendation of the Raisin Administrative Committee and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 109, as amended, and Marketing Order No. 89, as amended (20 F. R. 6435, 21 F. R. 5182) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday or Sunday, such submission must be received by the Director not later than the close of business on the next following business day.

The proposed modification would relax, for the 1957-58 crop year, the requirements with respect to maximum permissible moisture content of 18 percent for natural condition Layer Muscat raisins and 23 percent for packed Layer Muscat raisins, as prescribed by the aforesaid order. These requirements were relaxed for most of the 1955–56 and all of the 1956–57 crop year because the then available data indicated that such requirements were unduly restricting the marketing of such raisins. A study of moisture requirements for Layer Muscat raisins was initiated during the 1955–56 crop year but results were inconclusive. This study was continued during the 1956–57 crop year, however, rain, which fell early in the crop year, caused abnormal damage and again the results were inconclusive. The Raisin Administrative Committee requested that the study on this matter be continued through the 1957–58 crop year and that there be no limitation on moisture content of Layer Muscats in the 1957–58 crop year. Indications are that further study during the 1957–58 crop year is necessary before appropriate maximum moisture content requirements for natural condition Layer Muscat raisins and packed Layer Muscat raisins can be established.

The proposed modification, which would be effective 1:00 a. m., P. d. s. t., September 1, 1957, and continuing until 12:00 midnight, P. d. s. t., August 31, 1958, is as follows:

(1) Section 989.97 B 3 is, pursuant to the authority contained in § 989.58 (b) of the order, hereby modified so as to change the parenthetical phrase therein reading "(except Layer Muscats shall not exceed 18 percent)" to read "(except that there shall be no maximum permissible percentage for moisture content

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

of Layer Muscats)" and by changing subparagraph (d) of said section to read as follows:

(d) Of such quality and condition that, when processed in accordance with good commercial practice, will, except with respect to moisture content, meet "U. S. Grade B" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

(2) The requirement set forth in § 989.59 (a) (2) (iii) that Layer Muscat raisins in packed form at least meet the minimum grade standards prescribed in "U. S. Grade B" as contained in effective United States Standards for Grades of Processed Raisins is, pursuant to the authority contained in § 989.59 (b) of the order, modified, insofar as operation under the order is concerned, to eliminate therefrom the moisture content restriction set forth in § 52.1847 a (b) of said standards.

Dated: July 23, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-6143; Filed, July 26, 1957; 8:47 a. m.]

Agricultural Research Service

[9 CFR Part 131]

[Docket A016-A5]

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

AMENDED RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the rules of practice and procedure governing formulation of Marketing Agreements and Marketing Orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given of the filing with the Hearing Clerk of the amended recommended decision of the Director of the Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, with respect to a proposed amendment to the marketing agreement and to the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Interested parties may file written exceptions to this amended recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. Testimony with respect to proposed amendments to the Marketing Agreement and to the Order, as amended, was received at a public hearing held at Kansas City, Missouri, July 23, 1956, pursuant to notice published in the FEDERAL REGISTER on June 23, 1956 (21 F. R. 4519). At the close of the hearing interested parties were given until August 27, 1956, to file proposed findings and conclusions. Upon the basis of the evidence adduced at the hearing and the record thereof a recommended decision was issued by the Acting Chief, Animal Inspection and Quarantine Branch, United States Department of Agriculture, and published in the FEDERAL REGISTER on October 31, 1956 (21 F. R. 8326). Such recommended decision afforded interested parties 20 days from the date of its publication to file written exceptions thereto. Upon application by the Control Agency such time for filing exceptions was extended to January 2, 1957 (21 F. R. 8411). On March 8, 1957 a notice of the reopening of the hearing held at Kansas City on July 23, 1956 was published in the FEDERAL REGISTER (22 F. R. 1521). Such notice stated that the reopened hearing would be held in Kansas City, Missouri on April 15, 1957 for the purpose of receiving additional evidence with respect to the proposed amendment regarding "bids" contained in Proposal Number 5, and specified that the reopened hearing would be confined to evidence on the issues set forth in said notice regarding "bids."

Testimony with respect to the proposed amendment regarding "bids" was received at the public hearing held in Kansas City, Missouri on April 15, 1957. At the conclusion of the hearing interested parties were given thirty days in which to file proposed findings and conclusions.

The material issue presented on the record of the reopened hearing is whether a handler's bid, made in response to an invitation to bid on the purchase of serum or virus, should be made at the bidder's filed price which is effective at the time such bid is made.

Findings and conclusions. On the basis of the evidence adduced at the hearings of July 25, 1956 and April 15, 1957, and on the records thereof, it is hereby found and concluded as follows:

The findings, conclusions and recommended order contained in the recommended decision of the Acting Chief, Animal Inspection and Quarantine Branch, issued on October 22, 1956 and published in the FEDERAL REGISTER on October 31, 1956 (21 F. R. 8326) are hereby confirmed and adopted with the exception of the following amendments:

1. Delete item 5 of the Findings and Conclusions and substitute therefor the following:

5. Section 131.53 should be amended so as to prohibit each manufacturer and wholesaler handler from making any bids, offers to sell, agreements or contracts to sell serum or virus at prices, discounts or terms of sale different from those set forth in his filed price list which is effective at the time any such offer, agreement or contract is made.

The record discloses that bids, private offers to sell, and agreements or contracts to sell serum or virus at prices different than the seller's effectively posted prices have been a disturbing element in the orderly marketing of serum or virus. The private negotiations generally occur in the early spring and fall and usually take the form of a handler soliciting purchasers at a price lower than the currently posted prices and in the event of obtaining sufficient orders the handler will then post a new price list and make deliveries after the lower price has become effective. He will then inform purchasers that this is a temporary price cut and they should buy before the price goes up. Such practices tend to lower the price of the products generally to an uneconomic level, as the handler's immediate competitors will be forced to lower their prices to meet the competition or run the risk of losing their customers. A chain reaction of lowered prices over a wide area may occur as the scope of competition increases, resulting in uneconomic and disorderly marketing. Further, those manufacturers engaged in producing their required 40 percent reserve of serum for May 1 are thereby prevented from participating in the spring competition at the risk of losing their customers, and the fall market for their production is again subjected to such price cutting practices.

The record further discloses that bids submitted by manufacturer and wholesaler handlers in response to invitations to bid on the purchase of serum or virus have had similar disturbing effect on the orderly marketing of the products. These have taken the form of the submission of undue and excessively low bids. The recommended amendment with respect to bids would have a deterrent effect upon such practices. The record shows, however, that at least two problems will arise under such recommended amendment. One is the disclosure of an amended price filing prior to its dissemination to all handlers and the other is the time at which a new price is considered to be filed. The order requires the Control Agency, upon receipt of an amended price list, to immediately give notice in writing of such amended price list to each of the handlers. In the past it has been the practice to mail handlers all amended price lists on the date of filing, however, information in regard to such filings is given over the telephone or other media at any time upon request therefor. Under the recommended amendment with respect to bids disclosure of an amended price prior to its dissemination to all handlers would give the person receiving such information an unfair advantage over those handlers filing an amended price for the purpose of submitting a sealed bid. Regulations prohibiting the disclosure of the filing of a new or amended price list, or its contents, by any means other than by mailing such lists should, therefore, be adopted by the Control Agency. At present the regulations of the Control Agency are silent with respect to when a price list is considered to be filed. Regulations should be adopted by the Control Agency covering all phases of the filing of price lists.

It is contemplated that the recommended amendment with respect to bids shall not become final until regulations with respect to the aforesaid dissemination of price lists and the time of filing of price lists have been issued by the Control Agency and approved by the Secretary.

2. Delete the "Rulings on proposed findings and conclusions" and substitute therefor the following:

Rulings on proposed findings and conclusions. At the conclusion of the Hearing of July 23, 1956, briefs were filed by the Control Agency, the State of Florida and the American Serum Company. At the conclusion of the reopened Hearing of April 15, 1957, briefs were filed by the Control Agency and the American Serum Company. All proposed findings and conclusions contained in each of these briefs were carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the proposed findings and conclusions contained in the aforesaid briefs are inconsistent with the findings and conclusions contained herein such proposed findings and conclusions are denied.

3. Amend paragraph (a) of § 131.0 of the recommended order as follows:

Insert the words "and April 15, 1957," following the date July 23, 1956.

4. Delete § 131.54 of the recommended order and substitute a new § 131.54.

As changed, the regulations read as set forth below.

Done at Washington, D. C., this 24th day of July 1957.

[SEAL] L. C. HEEMSTRA,
Director,
Animal Inspection and Quarantine Division.

SUBPART A—ORDER REGULATING HANDLING

Sec.
131.0 Findings and determinations.

DEFINITIONS

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131.2 Act.
131.3 Person
131.4 Serum and virus.
131.5 Handler.
131.6 To handle.
131.7 To market.
131.8 Wholesaler.
131.9 Dealer.
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CONTROL AGENCY

131.21 Membership.
131.22 Nominations.
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ASSESSMENTS

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131.42 Division of assessments.
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131.71 Unfair methods of competition and unfair trade practices.
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SERUM RESERVE

131.79 Emergency reserve.

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131.81 Classes of buyers.
131.82 Uniform sales invoices.
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131.86 Agents; Secretary may designate.
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131.90 Separability of provisions.

AMENDMENTS

131.101 Who may propose.
131.102 Notice and hearing.

EFFECTIVE TIME AND TERMINATION

131.111 Effective time.
131.112 Termination; how accomplished and when effective.
131.113 Liquidation.

§ 131.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the anti-hog-cholera serum and hog-cholera virus marketing agreement act (7 U. S. C. 851 et seq.), and the rules of practice and procedure governing formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (Part 132 of this chapter) a public hearing was held at Kansas City, Missouri, on July 23, 1956, and April 15, 1957, upon a proposed marketing agreement and a proposed order regulating the handling of anti-hog-cholera serum and hog-cholera virus. Upon the basis of the evidence adduced at the hearing and the record thereof, it is found that:

(1) The said marketing agreement, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which a hearing has been held;

(3) All handling of anti-hog-cholera serum and hog-cholera virus is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Order relative to handling. It is therefore ordered that on and after the effective time hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and such terms and conditions are as follows:

DEFINITIONS

§ 131.1 *Secretary.* The Secretary of Agriculture of the United States.

§ 131.2 *Act.* Anti-hog-cholera Serum and Hog-cholera virus Marketing Agreement Act (49 Stat. 781; 7 U. S. C. 851 et seq.).

§ 131.3 *Person.* Individual, partnership, corporation, association, or any other business unit.

§ 131.4 *Serum and virus*—(a) *Serum.* Anti-hog-cholera serum manufactured in compliance with standards and regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

(b) *Virus.* Virulent, modified, or inactivated hog-cholera virus, or any derivative or variation of hog-cholera virus, which is used alone or in connection with anti-hog-cholera serum to protect hogs against hog cholera, manufactured in compliance with regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

§ 131.5 *Handler.* Any person who is engaged in the handling of anti-hog-cholera serum or hog-cholera virus.

§ 131.6 *To handle.* To sell, to ship, or in any way put serum or virus into the channels of trade.

§ 131.7 *To market.* To consign or to sell or in any other manner transfer or convey title to, or any interest in, serum or virus, or to enter into any contract or arrangement to do or have done any of the said acts.

§ 131.8 *Wholesaler.* That class of buyers comprising (a) persons or agencies who do not administer serum or virus but are regularly engaged in purchasing and maintaining stocks of serum or virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found

by the Control Agency on submitted evidence acceptable to said Control Agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the storing of serum or virus marketed, the absorbing of all expenses incidental to the advertising and selling of serum or virus, after receipt by them, to other trade groups, together with the providing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (b) any State or Federal Agency, or any farmer cooperative association who regularly purchases, for delivery within a definite period of time and pays for at seller's posted prices at time of delivery, serum or virus in specified quantities adequate, in the opinion of the Control Agency, to justify such classification.

§ 131.9 *Dealer.* That class of buyers comprising veterinarians and other persons regularly engaged in administering serum or virus for service charges, drug stores, county farm bureaus, purchasers of serum for use in U. S. licensed stock yards vaccination, and agencies who maintain stocks of serum or virus in sufficient quantities under proper storage and distributive facilities for resale to ultimate consumers (owners of swine).

§ 131.10 *Manufacturer or producer.* Any person who manufactures or produces and is engaged in the handling or distribution of serum or virus.

§ 131.11 *Distributor.* Any person who does not manufacture serum or virus, but is engaged in the handling or distribution of serum or virus.

§ 131.12 *Control agency.* The agency established pursuant to §§ 131.21 to 131.33.

§ 131.13 *Books and records.* Any books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, memoranda, or other data pertaining to the business of the person in question.

§ 131.14 *Subsidiary.* Any person, of or over whom or which a handler or an affiliate of a handler has, or several handlers collectively have, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

§ 131.15 *Affiliate.* Any person and/or subsidiary thereof, who or which has, either directly or indirectly, actual or legal control of or over a handler, whether by stock ownership or in any other manner.

§ 131.16 *Dollar volume.* The sum of money received from the total yearly sales of serum and virus less any credit allowed for returned serum and virus.

CONTROL AGENCY

§ 131.21 *Membership.* A control agency is hereby established consisting of 12 members, who shall hold office until their successors are selected and qualified.

§ 131.22 *Nominations.* The members and their respective alternates shall be selected by the Secretary annually at least 15 days prior to the termination of the term of office of their respective predecessors. Such selections shall be made by the Secretary from the respective nominees of groups hereinafter designated to make nominations. Nominations shall be made on December 1 of each year in the following manner: The handlers who are manufacturers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are manufacturers marketing their products principally through other channels, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are wholesalers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates. The handlers who are wholesalers marketing their products principally through other channels may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates.

§ 131.23 *Selection.* Each of the 12 members of the Control Agency and their alternates shall be selected by the Secretary from the individuals in each of the four groups comprising the nominees for membership and/or alternates who receive the highest numbers, successively, of votes cast by handlers entitled to vote for nominees in each group. The Secretary may designate an individual to serve as an alternate for more than one member of the same group. No two individuals from the same partnership, corporation, association, or any other business unit, including agents, affiliates, subsidiaries, and/or representatives thereof, shall be selected for membership in or serve as members of the control agency at the same time. The nominees in each instance shall be nominated by a vote of the handlers who are entitled under the provisions of this subpart to vote for such nominees. At any election of nominees each handler shall be entitled to cast one vote on behalf of himself, agents, partners, affiliates, subsidiaries, and/or representatives for each of the members of the control agency and their respective alternates for whom he is entitled to vote.

§ 131.24 *Term of office.* Members of the control agency and their respective alternates, shall be selected annually for a term of one year beginning the first day of January, and shall serve until their respective successors shall be selected and shall qualify. Any individual selected as a member of the control agency or an alternate shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative.

§ 131.25 *Vacancies.* To fill any vacancy occasioned by the removal, resignation, or disqualification of any member of the control agency or an alternate, a successor for his unexpired term shall be selected by the Secretary from nominees selected by the respective group of handlers in whose representation the vacancy has occurred, such nominees to be determined by the selection by the proper group as specified in § 131.22, two nominees for each vacancy to be filled, and selected in the manner specified in § 131.23. Such selection of nominees shall be made within 30 days after such vacancy occurs. If a nomination is not made within such 30 days, the Secretary may select an individual to fill such vacancy.

§ 131.26 *Election of officers.* The members of the control agency shall select a chairman from their membership, and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The agency shall select such other officers and adopt such rules not inconsistent with the provisions of this subpart for the conduct of its business as it may deem advisable. The agency shall give to the Secretary or his designated agent the same notice of meetings of the control agency as is given to members of the agency and their alternates.

§ 131.27 *Compensation.* A reasonable compensation to be determined by the control agency, to be paid to the Secretary of the control agency, and the expenses of the members of the control agency while engaged in the business of the control agency, shall be necessary expenses to be incurred by the control agency for its maintenance and functioning under this subpart.

§ 131.28 *Powers.* The control agency shall have power:

(a) To administer, as hereinafter specifically provided, the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart; and

(e) The control agency, subject to the disapproval of the Secretary, may select an executive committee of not more than four members who shall be empowered to act for the control agency in the routine administration of this subpart, at such times as the control agency is not meeting and cannot be conveniently convened for the purpose. Any and all acts of the executive committee shall be subject to the approval of the control agency, which shall take action with respect to any act of the executive committee at the next meeting of the control agency held immediately following any action by the executive committee.

§ 131.29 *Duties.* It shall be the duty of the control agency:

(a) To act as intermediary between the Secretary and any handler;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;

(e) To establish and/or foster any agency for the purpose of securing new or improved markets for the serum and virus industry through marketing research. The expenses of such expansion or improvement of markets through research shall be a necessary expense incurred by the control agency for its maintenance and functioning, and shall be defrayed by it from funds collected pursuant to §§ 131.41 through 131.45; and

(f) To make such disbursements as may be necessary to meet expenses necessarily incurred by the control agency for its maintenance and functioning under the provisions of this subpart.

§ 131.30 *Procedure.* (a) All decisions of the control agency except where otherwise specifically provided, shall be by a three-fourths (¾) vote of the members who have qualified by filing their written acceptance and who are eligible to vote.

(b) The control agency may provide for voting by its members by mail or telegraph upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the control agency.

(c) If a member of the control agency shall be a party in interest to any dispute or complaint, or a representative of such party in interest, he shall, for the purpose of the consideration of such dispute or complaint, be disqualified as a member of the control agency. Such disqualification, however, shall not be deemed to create a vacancy in the control agency.

(d) The alternate for each member of the control agency shall have the power to act in the place and stead of such member in his absence and/or in the event of his removal, resignation, or disqualification until a successor for such member's unexpired term has been selected.

§ 131.31 *Removal or suspension of members.* The members of the control agency (including alternates, successors, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control agency, shall be subject to removal or suspension by the Secretary at any time.

§ 131.32 *Disapproval of decisions by Secretary.* Each and every order, regulation, decision, determination, or other act of the control agency, shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 131.33 *Funds.* All funds received by the control agency, pursuant to any provision of this subpart, shall be used solely for the purpose specified and shall be accounted for in the following manner:

(a) The Secretary shall require the control agency and its members, or alternates acting as members, to account for all receipts and disbursements.

(b) Upon the removal or expiration of the term of office of any member of the control agency, or of an alternate acting as a member, such member or alternate shall account for all receipts and disbursements, and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and/or claims vested in such member or alternate pursuant to this subpart.

(c) Any funds derived from assessments or any other source which have not been expended by the Control Agency at the end of a calendar year shall be carried over by the control agency, to be expended during the suceeding calendar year.

(d) Upon the termination or suspension of this subpart or of any provision thereof, the funds of the control agency shall be disposed of in the manner provided in § 131.113.

ASSESSMENTS

§ 131.41 *Handler assessment.* Each manufacturer and wholesaler handler shall pay the control agency, as provided in §§ 131.42 through 131.45, such handler's pro rata share, as may be approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the control agency during any period specified by the Secretary for the maintenance and functioning of the control agency, as set forth in this subpart.

§ 131.42 *Division of assessments.* (a) The pro rata share of the expenses of the control agency to be borne by handlers who are wholesalers shall be determined as follows: Multiply the number of wholesalers of record on December 31st of the preceding calendar year by 1/10 of one percent and then multiply the result thereof by the total expense of the control agency for the current year. The resulting sum shall be the pro rata share of the expenses of the control agency of handlers who are wholesalers, and shall be assessed as set forth in § 131.43: *Provided*, That the pro rata share so computed shall not exceed thirty-three and one-third percent (33⅓ percent) of the total expense of the control agency. In the event the pro rata share so computed exceeds thirty-three and one-third percent (33⅓ percent), the pro rata share of such handlers shall be adjusted to thirty-three and one-third percent of the total expense of the control agency.

(b) The pro rata share of the expenses of the control agency to be borne by handlers who are manufacturers shall be the balance remaining after deducting the pro rata share of the wholesaler handlers from the total expense of the control agency, and shall be assessed as set forth in § 131.45.

(c) The assessments of all handlers may be adjusted from time to time by the control agency, with approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings of the Secretary of estimated expenses or actual expenses of the control agency during the calendar year.

§ 131.43 *Method of wholesaler handler assessments.* (a) As his pro rata share of the expenses of the Control Agency to be borne by all wholesaler handlers, each wholesaler handler shall pay to the control agency a sum computed on the basis of the dollar volume of serum and virus marketed by such handler during the preceding calendar year at the following applicable rates:

(1) Ten thousand dollars, or less—$25.00;

(2) Over ten thousand dollars—at a rate per ten thousand dollars, or fraction thereof, to be fixed by the Secretary based upon the ratio between the dollar volume of marketings of each wholesaler handler whose marketings are in excess of ten thousand dollars and the total dollar volume of marketings of all wholesaler handlers whose marketings are in excess of ten thousand dollars.

(b) The pro rata share of all wholesaler handlers shall be obtained by assessing the first ten thousand dollars or less of the dollar volume of serum and virus marketed by each wholesaler handler, and if the sum obtained is not sufficient to cover the total amount of the pro rata share of all wholesaler handlers such additional amounts as are necessary to be assessed shall be assessed in the manner set forth in paragraph (a) (2) of this section. If the total sum obtained by assessing the first ten thousand dollars, or less, of the dollar volume of serum and virus marketed by each wholesaler is greater than the pro rata share of all wholesaler handlers, the rate of assessment for ten thousand dollars, or less, shall be adjusted by the Secretary to an amount that will return the sum necessary to cover the pro rata share of all wholesaler handlers. The amount of each wholesaler handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. Such pro rata share shall be subject to the approval of the Secretary. The pro rata share of each wholesaler handler shall be paid as follows: $25.00 on or before January 15, of each year and the remaining sum, if any, within fifteen (15) days after being billed therefor. Such payments shall be made to the disinterested agency which shall transmit the total amount received to the control agency without disclosing the amount paid by each handler. In the event the Secretary adjusts the pro rata share of each wholesaler handler to an amount less than $25.00, the excess paid shall be credited on such handler's pro rata share of the following year's assessment.

§ 131.44 *Fee to accompany application for classification.* Each application for classification as a wholesaler shall be accompanied by a fee of twenty-five dollars ($25.00). If the application is rejected such fee shall be refunded to the applicant. If the application is approved the fee shall be retained and used for the maintenance and functioning of the control agency as such applicant's pro rata share of expenses of such agency for the year in which the application is approved.

§ 131.45 *Method of manufacturer handler assessments.* The pro rata share of expenses to be paid by each manufacturer handler shall be based upon such handler's percentage of the total dollar volume of serum and virus marketed by all such handlers during the preceding calendar year. The amount of each manufacturer handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. The pro rata share of each manufacturer handler shall be paid as follows: An amount equal to one-half of the previous year's assessment shall be due and payable on or before February 1 of each year, and the remaining balance assessed shall be due and payable on or before July 1 of each year. Such payments shall be made to the disinterested agency which shall transmit the amount received to the control agency without disclosing the amount paid by each handler.

REPORTS AND RECORDS

§ 131.48 *Reports.* (a) On or before March 15 of each year, each manufacturer and wholesaler handler shall furnish the Secretary, through a disinterested agency to be selected by the control agency and approved by the Secretary, a report, which shall be sworn to, setting forth the dollar volume of serum and virus marketed in domestic and foreign commerce by such handler during the preceding calendar year. On or before June 15 of each year, each manufacturer handler shall file a report with the Secretary, which shall be sworn to, setting forth the cubic centimeter volume of completed serum such handler had on hand May 1 of such year, and setting forth the cubic centimeter volume of serum marketed in domestic and foreign commerce by such handler during the preceding calendar year. Each handler shall furnish such other information with respect to the production and marketing of serum or virus as the Secretary may request.

(b) The disinterested agency shall make reports to the Secretary with respect to the marketings of serum and virus and collections of assessments under this subpart upon request therefor by the Secretary, and shall promptly transmit to the control agency all sums of money received by it from handlers in payment of assessments. The Secretary shall inform the agency concerning the total amount of the pro rata share of manufacturer handlers and the total amount of the pro rata share of wholesaler handlers of the expenses of the control agency.

§ 131.49 *Records.* Each handler shall keep and maintain for a period of two years accounts and records showing, to the extent that he is concerned therewith, the manufacture, receipt, delivery, sale, prices, and disposition of serum and virus in sufficient detail as will enable the Secretary to ascertain and determine the extent to which such handler is complying with the terms and provisions of this subpart; and each handler shall, upon the request of a duly authorized representative of the Secretary, permit him at all reasonable times to have access to and copy such records. Any information furnished to or acquired by the Secretary or his representative pursuant to this paragraph shall be subject to the provisions of section 8 (d) (2) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (d) (2)).

FILING OF PRICES

§ 131.51 *Filing of price list.* Each manufacturer and wholesaler handler shall file with the Secretary and the control agency a separate list of his selling prices in the United States, including terms of sale and discounts, to each class of buyer defined in this subpart or under the provisions thereof, other than those specified in § 131.55. Each such handler's prices, discounts, and terms of sale shall be uniform for all buyers in each classification of the trade as defined by the control agency pursuant to this subpart.

§ 131.52 *Modification of price list.* The price list filed by a manufacturer or wholesaler handler may, subject to the limitations set forth in § 131.54, be modified at any time by such handler by filing a new or amended list of prices, including discounts and terms of sale, which shall only become effective when said new or amended list shall have been on file for three days in any office designated by the control agency: *Provided, however,* That in the event such list is mailed by registered letter or telegraphed to such office, it shall be deemed to have been filed either (a) at the time during usual business hours it is actually delivered in such office, or (b) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is earlier.

§ 131.53 *Notification of new or amended price lists.* The control agency shall immediately upon receipt of any such new or amended price list, give written notice thereof to each of the handlers and to the Secretary. All price lists shall be made immediately available to the daily and trade press and to the consuming public by employing a means of communication at least as rapid as that used to notify the handlers and the Secretary.

§ 131.54 *Offers, contracts, sales.* Each manufacturer and wholesaler handler shall make no sales unless he has an effective price list, including discounts and terms of sale, as set forth in § 131.51, filed with the control agency. No manufacturer or wholesaler handler shall make any bid, or offer to sell, or enter into an agreement or contract to sell serum or virus, or in any manner sell serum or virus at prices, discounts, or terms of sale different from those set forth in his filed price list which is effective at the time any such bid, offer, agreement, contract, sale, or delivery is made. No manufacturer or wholesaler handler shall file a new or amended price list until his most recently filed price list for any class of buyers becomes effective, and no such handler shall withdraw any filed price list prior to the effective date of such price list.

§ 131.55 *Filed prices not applicable to sales outside United States.* The provisions with respect to the filing of prices shall not apply to any sales made by any handler for delivery outside the United States.

§ 131.56 *Secretary may suspend and declare ineffective price lists.* If the Secretary has reason to believe, from economic data directly available to him or secured by him under the provisions of the act, that any price list, term of sale or discount, in whole or in part, is inequitable to consumers or handlers by reason of the fact that it may cause immediate injury by impeding the carrying out of this subpart or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemptions from the antitrust laws, he may suspend the effectiveness of such price list, term of sale or discount, in whole or in part, pending an investigation which shall be completed as soon as practicable, and he shall report such suspension to the control agency, who shall in turn immediately notify the handler whose price filing has been suspended. The Secretary may declare a filed price, discount, or term of sale, in whole or in part, to be ineffective if, after an investigation and an opportunity to be heard has been afforded the handler whose price filing is questioned, the Secretary finds from the facts presented during such investigation that such price list, term of sale, or discount, in whole or in part, is inequitable as measured by the standards set up in this section.

UNFAIR PRACTICES

§ 131.71 *Unfair methods of competition and unfair trade practices.* The following are unfair methods of competition and unfair trade practices, and are prohibited:

(a) The payment or allowance of rebates, refunds, commissions or unearned discounts, either in the form of money or otherwise, or extending to certain purchasers special services or privileges not extended to all purchasers under like conditions;

(b) Selling serum or virus at less than reasonable market value;

(c) The giving away or selling other products at less than reasonable market value to a purchaser or user of serum or virus, for the purpose or with the effect of influencing the sale of serum or virus;

(d) Maliciously enticing away the employees of competitors;

(e) Defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by any other false representation of character or conduct or of the serum or virus handled by them;

(f) The sale or offering for sale of any serum or virus by any false means or device;

(g) Shipping of serum or virus on consignment;

(h) Withholding from or inserting in an invoice information which makes the invoice, in whole or in part, a false record of the transaction covered by the invoice;

(i) The making, causing, or permitting to be made, or publishing of any false, untrue, misleading, or deceptive statement by means of advertisement or otherwise, concerning the grade, quality, quantity, character, nature, origin, preparation, or use of serum or virus.

§ 131.72 *Distributor handlers advertising as manufacturers.* The use by handlers who are distributors of the words "Serum Company", "Serum Laboratories" or other equivalent words on letterheads, signs, advertising matter, and otherwise where such practice tends to mislead and deceive purchasers and consumers into belief that such distributor is a manufacturer, where in fact he is not, is prohibited.

SERUM RESERVE

§ 131.79 *Emergency reserve.* Each manufacturer who is a handler shall have available on May 1 of each year a supply of completed serum equivalent to not less than 40 percent of his previous year's sales.

MISCELLANEOUS PROVISIONS

§ 131.81 *Classes of buyers.* The control agency, subject to the disapproval of the Secretary, shall upon the basis of a written request supported by economic data sufficiently adequate to warrant a conclusion that such definition is neither unreasonable nor discriminatory, define all classes of buyers not defined in this subpart, and shall, subject to the disapproval of the Secretary, determine in specific cases whether any person who is a handler or who is about to become a handler comes within any class of buyers herein or hereafter defined, and shall compile, subject to the disapproval of the Secretary, lists of persons comprising each class of buyers, such lists and additions thereto to be filed immediately with the Secretary and distributed to the manufacturer and wholesaler handlers.

§ 131.82 *Uniform sales invoices.* The control agency, subject to the disapproval of the Secretary, may formulate and adopt uniform sales invoices for manufacturer and wholesaler handlers. After the adoption of such uniform sales invoices, all sales of serum or virus by such handlers to all classes of buyers shall be made in accordance with the terms of such invoices, and prices and terms of sale therein shall conform to the seller's filed prices and terms of sale, effective at the time of making sales covered by such invoices.

§ 131.83 *Agents and distributional outlets.* The control agency is authorized to require that each manufacturer and wholesaler handler file with such agency a list of his agents and distributional outlets for the marketing of serum or virus. Whenever the control agency by regulation requires that manufacturer and wholesaler handlers list with the control agency such handlers' agents and distributional outlets, any movement or transfer of serum or virus by a manufacturer or wholesaler handler to any person not listed with the control agency as such handler's agent or distributional outlet shall, for the purpose of this subpart, be considered to be a sale of serum or virus to such person.

§ 131.84 *Compliance.* No person shall handle serum or virus except in conformity with the provisions of this subpart and the rules and regulations issued pursuant thereto.

§ 131.85 *Duration of benefits, privileges, and immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall not extend or be construed to extend further than is necessary for the purpose of carrying out the provisions of this subpart and shall cease upon its termination except with respect to acts done under and during the existence of this subpart, and benefits, privileges, and immunities conferred by this subpart upon any party subject hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this subpart.

§ 131.86 *Agents; Secretary may designate.* The Secretary may by designation in writing name any person (not subject to this subpart), including any officer or employee of the Government or of the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 131.87 *Committees; Secretary may select.* The Secretary may select such committees to meet with or advise the control agency as he deems necessary for the proper functioning of the control agency under the provisions of this subpart. One such committee or its representative shall represent the interests of consumers. The expenses for the maintenance and functioning of the advisory committees may be included within the budget submitted to the Secretary for approval, pursuant to § 131.41, and may be met by the control agency from funds paid to it for the maintenance and functioning of the control agency.

§ 131.88 *No derogation or modification of rights of Secretary or of the United States.* Nothing contained in this subpart is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, and/or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 131.89 *Liability of members and employees of control agency.* No member of the control agency nor any employee thereof shall be held responsible individually in any way whatsoever to any handler subject to this subpart or any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty. The contractual obligations of the handlers under this subpart are several and not joint, and no handler shall be liable for the default of any other handler.

§ 131.90 *Separability of provisions.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, and/or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

AMENDMENTS

§ 131.101 *Who may propose.* Amendments to this part may, from time to time, be proposed by handlers subject hereto or by the control agency.

§ 131.102 *Notice and hearing.* After due notice and opportunity for hearing and upon determination by the Secretary that the proposed amendment has been incorporated in the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by the Secretary on the 2d day of December 1936, the Secretary shall amend this subpart in conformance with such amendment to the said marketing agreement, and such amendment shall become effective at such time as the Secretary may designate.

EFFECTIVE TIME AND TERMINATION

§ 131.111 *Effective time.* This subpart shall become effective at such time as the Secretary may determine the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by him on the 2d day of December 1936, has been executed by all the handlers of seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing year and may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways specified.

§ 131.112 *Termination; how accomplished and when effective.* (a) The Secretary may at any time terminate this subpart as to all parties subject thereto by giving at least seven days' notice by means of a press release or in any other manner which the Secretary may determine.

(b) The Secretary shall terminate this subpart at the end of the then current marketing period (December 31) whenever he finds that such termination is favored by all the handlers of not less than seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing period.

(c) This subpart shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 131.113 *Liquidation.* Upon the termination or suspension of this subpart or of any provisions thereof, the members of the control agency then functioning, or such other persons as the Secretary may from time to time designate, shall, if so ordered by the Secretary, liquidate the business of the control agency under this subpart, and dispose of all funds and property then in the possession or under the control of the control agency, together with claims for any funds which are unpaid or property not delivered at the time of such termination. The control agency or such other persons as the Secretary may designate (a) shall continue in such capacity until discharged by the Secretary (b) shall, from time to time, account for all receipts and disbursements and/or deliver all funds and property on hand, together with the books and records of the control agency, to such person or persons as the Secre-

tary shall direct, and (c) shall, upon the request of the Secretary, execute such assignments, or other instruments necessary or appropriate to vest in such person or persons full title to all the funds, property, and/or claims vested in the control agency pursuant to this subpart. Any funds collected for expenses, pursuant to the provisions of this subpart, and held by the control agency or such person or persons, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the control agency or such person or persons, shall be returned to the contributing handlers in proportion to the contributions of each handler, or shall be expended by the control agency for a purpose not inconsistent with the provisions of this subpart and in a manner which the handlers shall determine by a three-fourths vote of such handlers. The control agency or such person or persons shall observe the procedure governing the actions of the control agency as established under the provisions of § 131.30. Any person to whom funds, property, and/or claims have been delivered by the control agency or its members upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, and/or claims as are imposed upon the members of the control agency.

[F. R. Doc. 57-6163; Filed, July 26, 1957; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

1958 Crop of Extra Long Staple Cotton

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO A NATIONAL MARKETING QUOTA; NATIONAL, STATE AND COUNTY ALLOTMENTS, FIXING OF A DATE FOR HOLDING A REFERENDUM AND FORMULATION OF REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.), the Secretary of Agriculture is preparing to determine as soon as practicable whether a national marketing quota is required to be proclaimed for the 1958 crop of extra long staple cotton (hereinafter referred to as "ELS cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1958 crop of ELS cotton and will issue regulations pertaining to acreage allotments for such cotton.

Section 347 (b) of the act provides that whenever during any calendar year, not later than October 15, the Secretary determines that the total supply of ELS cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of ELS cotton produced in the next calendar year. It further provides that the Secretary shall determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales adequate to make available a normal supply of ELS cotton taking into account (1) the estimated carry-over at the beginning of the marketing year which begins in the next calendar year, and (2) the estimated imports during such marketing year. The national Marketing Quota for ELS cotton can not be less than the larger of 30,000 bales or a number of bales equal to 30 per centum of the estimated domestic consumption plus exports of ELS cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

In order that the Agricultural Stabilization and Conservation State and county committees may properly perform their functions in connection with allotments for the 1958 crop of ELS cotton, it will be necessary to issue any such proclamation and to determine the national, State and county allotments as soon as practicable.

As defined in section 301 of the act, for purposes of the determinations provided for in section 347 (b) of the act, "total supply" of ELS cotton for any marketing year is the carry-over at the beginning of such marketing year, plus the estimated production of ELS cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of ELS cotton into the United States during such marketing year; "carry-over" of ELS cotton for any marketing year is the quantity of ELS cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current nor any Government stocks of ELS cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act; "normal supply" of ELS cotton for any marketing year is the estimated domestic consumption of ELS cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of ELS cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carry-over; and "marketing year" for ELS cotton is the period August 1–July 31. For purposes of the supply determinations required to be made under section 347 (b) of the act, the term "ELS cotton" refers to all American-Egyptian, Sea Island and Sea-land cotton (both the continental United States and Puerto Rico), and to all similar types of cotton imported from Egypt, Anglo-Egyptian Sudan, and Peru.

Section 344 (a) of the act provides that whenever a national marketing quota is proclaimed, the Secretary shall determine and proclaim a national allotment for the crop of ELS cotton to be produced in the next calendar year. The national allotment for ELS cotton for 1958 is that acreage, based upon the national average yield per acre of ELS cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, which is required to make available from such crop an amount of cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1958 crop of ELS cotton, such allotment will be apportioned among the States, as provided by section 344 (b) of the act, on the basis of the acreage planted to ELS cotton during the 5 calendar years 1952, 1953, 1954, 1955, and 1956 with adjustments during such period as provided under the act and the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U. S. C. 1801 et seq.).

The regulations which the Secretary will issue pertaining to acreage allotments for the 1958 crop of ELS cotton are expected to be substantially the same as the regulations pertaining to acreage allotments for the 1957 crop of ELS cotton. (21 F. R. 8275, 9627; 22 F. R. 493, 3365, 3651) ("Farm" defined in § 718.2 of the regulations pertaining to Determination of Acreage and Performance (22 F. R. 3747)). The regulations will provide for approval by the Secretary and publication thereof in the Federal Register of State and county allotments and State and county reserves. It is proposed that insofar as practicable farm reconstitutions be made before farm allotments are initially established for 1958 in cases where changes in the size of the farm as finally constituted for 1957 are known to the county committee.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota, the Secretary shall conduct a referendum by secret ballot, of farmers engaged in the production of ELS cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1958 crop of ELS cotton, it is expected that the Secretary will fix the date of the referendum reasonably close to the final date of December 15, 1957 for holding it in order to allow maximum time for establishing 1958 farm allotments and issuing notices thereof to farmers. Section 362 of the act provides that notice of the farm allotment established for each farm shown by the records of the county committee to be entitled to such allotment shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, the apportionment of the national allotment to the States and the State allotments to the counties, fixing a date for holding a referendum, and the formulation of regulations pertaining to acreage allotments for the 1958 crop of ELS cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice in the Federal Register. The date of the postmark will be considered as the date of any submission.

Done at Washington, D. C., this 18th day of July 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] Clarence L. Miller,
Acting Administrator.

[F. R. Doc. 57-6164; Filed, July 26, 1957; 8:50 a. m.].

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

July 19, 1957.

Pursuant to authority delegated to me by Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), the following described lands reconveyed to the United States in an exchange of land made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

Sixth Principal Meridian

T. 7 S., R. 91 W.,
Sec. 19, NE¼NE¼;
Sec. 20, NW¼NW¼, S½NW¼.

The area described totals 160 acres of public lands.

These lands lie about 8 miles south and 4 miles east of Silt, Colorado. The lands are mountainous in character with shallow, generally rocky soils supporting pinon juniper, sagebrush, oakbrush, and other shrubs with grasses and weeds in the understory. None of this land is suitable for farming or for small tract development. Minerals in the lands have been reserved to private parties.

No application for these lands will be allowed under the homestead, desert land, small tract or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, presented prior to 10:00 a. m. on August 24, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 23, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements, in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

Max Caplan,
State Supervisor.

[F. R. Doc. 57-6133; Filed, July 26, 1957; 8:45 a. m.]

Bureau of Reclamation

WALKER RIVER PROJECT, CALIFORNIA

ORDER OF REVOCATION

August 7, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of September 13, 1902, and August 20, 1904, in so far as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

Mount Diablo Meridian, California

Township 9 North, Range 22 East,
Sec. 2, lot 4 and SW¼NW¼;
Sec. 11, SW¼NE¼.

The above areas aggregate 120.40 acres.

G. W. Lineweaver,
Assistant Commissioner.

[65313]

Bureau of Land Management

July 22, 1957.

I concur.

Lot 4 and SW¼NW¼, sec. 2, were withdrawn by Public Land Order No. 1252 of November 15, 1955, under the jurisdiction of the Department of the Interior for use of the Department of Fish and Game of the State of California in connection with the Topaz Lake Public Fishing Area. The SW¼NE¼, sec. 11, is included in an application for withdrawal filed by the Forest Service, Department of Agriculture (Sacramento 047165); with respect to which lands, applications under the public-land laws will be suspended in accordance with 43 C. F. R. 295.10 until action or the application for withdrawal has been taken.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento 14, California.

Edward Woozley,
Director,
Bureau of Land Management.

[F. R. Doc. 57-6136; Filed, July 26, 1957; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY

DELEGATION OF AUTHORITY RELATIVE TO ST. LAWRENCE SEAWAY POWER PROJECT, ST. LAWRENCE SEAWAY NAVIGATION PROJECT, AND GREAT LAKES CONNECTING CHANNELS PROJECT

The following delegation was made by the Secretary of Defense on July 22, 1957:

I. *Delegation of authority.* A. The following delegation of authority is promulgated pursuant to the authority vested in me by Subsection 202 (f) of the National Security Act of 1947, 61 Stat. 495, as. amended, and Reorganization Plan No. 6 of 1953.

1. I hereby delegate to the Secretary of the Army full power and authority to act for and in the name of the Secretary of Defense, and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to P. L. 891, 81st Congress, 2d Session, insofar as such action is related to the St. Lawrence Seaway Power Project, the St. Lawrence Seaway Navigation Project, and the Great Lakes Connecting Channels Project.

2. All requests for waiver of the navigation and vessel inspection laws of the United States made hereunder by the Secretary of the Army to the head of any department or agency responsible for the administration of such laws shall be deemed to have been made by the Secretary of Defense and with the full authority and power of the Secretary of Defense.

B. The authority delegated herein may not be redelegated.

II. *Cancellation.* Delegation of Authority to the Secretary of the Army published at 20 F. R. 6361 is hereby superseded and cancelled.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

[F. R. Doc. 57-6131; Filed, July 26, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 57-66, between the member lines of the Pacific Westbound Conference, modifies the basic agreement of that conference (No. 57, as amended) to provide that the rates to Saigon shall be $6.50 over the Hongkong rates, instead of $4.00 as presently provided in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 24, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-6147; Filed, July 26, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12098-12101; FCC 57M-720]

MOUNTAIN VIEW BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Mountain View Broadcasting Company, Jonesboro, Tennessee, Docket No. 12098, File No. BP-10900; Eugene Slatkin and Boyce H. Hanna, d/b as Cleveland County Broadcasting Company, Shelby, North Carolina, Docket No. 12099, File No. BP-11062; L. C. Young, tr/as Scott County Broadcasting Co., Gate City, Virginia, Docket No. 12100, File No. BP-11082; Daniel Gabriel and Arnold H. Johnson, d/b as Lee County Broadcasting Company, Pennington Gap, Virginia, Docket No. 12101, File No. BP-11141; for construction permits.

It is ordered, This 23d day of July 1957, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1957, in Washington, D. C.

Released: July 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6149; Filed, July 26, 1957; 8:48 a. m.]

[Docket Nos. 12102, 12103; FCC 57M-718]

MUSIC BROADCASTING CO. (WGRD) AND GREAT TRAILS BROADCASTING CORP. (WING)

ORDER SCHEDULING HEARING

In re applications of Music Broadcasting Company (WGRD) Grand Rapids, Michigan, Docket No. 12102, File No. BML-1638; for authority to operate specified pre-sunrise hours; Great Trails Broadcasting Corporation (WING) Dayton, Ohio, Docket No. 12103, File No. BR-292; for renewal of license.

It is ordered, This 23d day of July 1957, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence October 7, 1957, in Washington, D. C.

Released: July 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6150; Filed, July 26, 1957; 8:48 a. m.]

[Docket Nos. 12104, 12105; FCC 57M-719]

RALPH D. EPPERSON AND WILLIAMSBURG BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Ralph D. Epperson, Williamsburg, Virginia, Docket No. 12104, File No. BP-10958; Mary Cobb and Richard S. Cobb, d/b as Williamsburg Broadcasting Co., Williamsburg, Virginia, Docket No. 12105, File No. BP-11199; for construction permits.

It is ordered, this 23d day of July 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1957, in Washington, D. C.

Released: July 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6151; Filed, July 26, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

JULY 23, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On July 14, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, July 24 through August 2, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6140; Filed, July 26, 1957; 8:46 a. m.]

[File No. 811-423]

GREAT AMERICAN LIFE UNDERWRITERS, INC.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION FOR ORDER DECLARING COMPANY NOT AN INVESTMENT COMPANY

JULY 22, 1957.

The Great American Life Underwriters, Inc. ("Applicant"), a registered face-amount certificate company, having filed an amended application pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission declaring that Applicant is not, or has ceased to be, an investment company by reason of the exception contained in section 3 (c) (8) of the act, or, in the alternative, that the Commission issue an order pursuant to section 6 (c) of the act exempting Applicant from the act on the ground that it is not an investment company, being primarily engaged in the life insurance business through a controlled company and enter an order declaring that Applicant is not or has ceased to be an investment company;

The Commission having given public notice of the filing of such amended application and having therein given all interested persons an opportunity to request that a hearing be held thereon (Investment Company Act Release No. 2542); and

The Commission having received requests from certain stockholders of Applicant that a hearing be held with respect to said matter; and

The Commission having considered said requests and it appearing to the Commission that it is appropriate, in the public interest and in the interest of investors that a hearing be held with respect to said amended application for the purpose of affording interested persons an opportunity to be heard with respect to said amended application;

It is ordered, Pursuant to section 40 (a) of the act that a hearing on the aforesaid amended application under the appropriate provisions of the act and of the rules and regulations thereunder be held on the 23d day of October 1957, at 10:00 o'clock a. m., in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission, his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that rule setting forth any issues of law or fact which he desires to controvert, or any additional issues which he deems raised by this Notice and Order or by such amended application.

It is further ordered, That James Ewell, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the amended application, and that upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to it specifying additional matters and questions upon further examination:

1. Whether the Applicant is not, or has ceased to be, an investment company by reason of the exception provided in section 3 (c) (8) of the act.

2. Whether the Applicant is primarily engaged through a controlled company in the life insurance business.

3. Whether the requested exemption from all the provisions of the act pursuant to section 6 (c) of the act is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and the provisions of the act.

4. Whether, in the event the Commission grants the amended application pursuant to either section 8 (f) or section 6 (c) of the act, it is necessary or appropriate in the public interest and consistent with the protection of investors to impose conditions.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to The Great American Life Underwriters, Inc., and that notice to all persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

It is further ordered, That The Great American Life Underwriters, Inc., shall give notice of this hearing to all of its stockholders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this Notice and Order to his last known address at least 20 days prior to the date set for said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6141; Filed, July 26, 1957; 8:46 a. m.]

[File No. 812-1093]

COLONIAL FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES FROM UNDERWRITING SYNDICATE

JULY 22, 1957.

Notice is hereby given that The Colonial Fund, Inc. ("Colonial"), a registered open-end, diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 10 (f) the proposed purchase by Colonial of not exceeding 2,000 shares of -- percent Cumulative Convertible Preferred Stock of McLouth Steel Corporation ("McLouth") to be publicly offered in the near future.

The application recites that James H. Orr, one of the seven directors of Colonial, is a director of The First Boston Corporation an investment banking firm. None of the other Directors or Advisory Board members of Applicant is an affiliated person of an investment banking firm. Applicant states it is informed that The First Boston Corporation expects to act as representative of a group of underwriters of 105,000 shares of said Preferred Stock.

It is represented that the Directors of Colonial have authorized the purchase by Colonial at the public offering price, of not exceeding 2,000 shares of said Preferred Stock subject to market conditions at the time of offering, such purchase to be made from underwriters or members of the selling group, if any, other than The First Boston Corporation.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director or member of an advisory board is an affiliated person, unless the Commission by order upon application grants an exemption therefrom. The application states that since Orr is an affiliated person of an investment banking firm which is part of the principal underwriting group of said Preferred Stock, the proposed transaction is subject to the provisions of section 10 (f).

McLouth, a Michigan corporation, is engaged in the production and sale of flat rolled carbon and stainless steel products, both in finished and semi-finished form. Its sales are made principally to the automotive industry. The Corporation is one of three major producers of carbon steel and one or two major producers of stainless steel in the Detroit area.

The application states that if Colonial were to purchase all of 2,000 shares of Preferred Stock authorized by its directors it would acquire 1.9 percent of the total offering, and assuming a price of $100 a share the purchase would represent an investment of $200,000 or approximately 0.5 percent of the total assets of Colonial as of April 30, 1957.

It is represented that the proposed purchase by Colonial is consistent with its stated investment policies. Colonial considers it desirable to be in a position to purchase said Preferred Stock on the original offering in order to have reasonable assurance of being able to obtain a substantial block of the Preferred Stock and to avoid the possibility of a higher price after the underwriting syndicate has been dissolved.

Notice is further given that any interested person may, not later than July 31, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing

upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed, Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6142; Filed, July 26, 1957; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bannon Mills, Inc., Seventh and Union Streets, Lebanon, Pa.; effective 7-18-57 to 7-17-58 (infants' and children's outerwear).

Bestform Foundations of Pa., Inc., Cherry and Baumer Streets, Johnstown, Pa.; effective 8-3-57 to 8-2-58 (brassieres).

Clayburne Manufacturing Co., Inc., Clayton, Ga.; effective 8-5-57 to 8-4-58 (sport shirts).

Horton Garment Co., Horton Kans.; effective 7-19-57 to 7-18-58 (dresses).

Hunter-Sadler Co., Strauss Street, Tupelo, Miss.; effective 7-16-57 to 7-15-58 (jackets, shirts).

The Joanie Jan Co., Walnut Ridge, Ark.; effective 7-19-57 to 7-18-58 (wash frocks).

Linden Manufacturing Co., Linden, Ala.; effective 7-21-57 to 7-20-58 (cotton dresses).

C. A. Neuburger Co., Division of Sherman Wash Wear, Inc., 908-914 South Main Street, Oshkosh, Wis.; effective 7-30-57 to 7-29-58. Learners may not be engaged at special minimum wage rates in production of separate skirts (dresses).

Page Manufacturing Co., 508 West Main Street, Lexington, Ky.; effective 7-17-57 to 7-16-58 (women's dresses).

R & G Shirt Corp., Parksley, Va.; effective 7-28-57 to 7-27-58 (boys' sport shirts).

Renovo Shirt Co., Inc., Mena, Ark.; effective 7-27-57 to 7-26-58 (sport shirts).

Searcy Co., Inc., Enterprise, Ala.; effective 7-19-57 to 7-18-58 (men's sport shirts).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 8-1-57 to 7-31-58 (work pants, shirts).

Toby Manufacturing Co., Inc., 620 Franklin Avenue, Essex, Baltimore, Md.; effective 7-28-57 to 7-27-58 (work pants).

Top-Notch Manufacturing Co., Inc., 400 South Kansas Street, El Paso, Tex.; effective 7-19-57 to 7-18-58 (denim overalls).

Weatherbee Coats, Inc., 461 East Federal Street, Youngstown, Ohio; effective 7-17-57 to 7-16-58 (ladies' rainwear).

Whiteville Manufacturing Co., Inc., Wilmington Road, Whiteville, N. C.; effective 7-18-57 to 7-17-58 (pants, slacks, jackets).

The following learner certificate was issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Mylcraft Manufacturing Co., Inc., North Main Plant, Rich Square, N. C.; effective 7-31-57 to 7-30-58; 10 learners (ladies' pajamas).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carlisle Manufacturing Co., Monroe, Utah; effective 7-19-57 to 1-18-58; 25 learners (men's shirts).

Jasper Brassiere Co., Jasper, Ala.; effective 7-17-57 to 1-16-58; 10 learners (brassieres).

Maury Manufacturing Co., Inc., Mount Pleasant, Tenn.; effective 7-17-57 to 1-16-58; 30 learners (men's sport shirts).

Temple Manufacturing Co., Temple, Okla.; effective 7-19-57 to 1-7-58; 55 learners (supplemental certificate) (men's and boys' dress pants).

United Garment Manufacturing Co., Iron Mountain, Mich.; effective 7-16-57 to 1-15-58; 25 learners (outerwear for women and children).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Budd Cigar Co., Clark Street, Quincy, Fla.; effective 7-25-57 to 7-24-58; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of: (1) cigar machine operators for a learning period of 320 hours at the rate of 80 cents an hour; and (2) cigar packers (cigars retailing for 6 cents or less), and machine strippers, each for a learning period of 160 hours at the rate of 80 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Morris Manufacturing Co., Newbern, Tenn.; effective 7-22-57 to 7-21-58; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Duke Hosiery Corp., 70 Eighth Street Place, SE., Hickory, N. C.; effective 7-17-57 to 7-16-58; 5 percent of the total number of factory production workers for normal labor turnover purposes. Workers engaged in finishing operations only (seamless).

Mayo Knitting Mill, Inc., Chestnut Street, Tarboro, N. C.; effective 7-22-57 to 7-21-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Unique Knitting Co., Acworth, Ga.; effective 7-22-57 to 7-21-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.70 to 522.74, as amended).

Western States Telephone Co., Inc., Truth or Consequences, N. Mex.; effective 7-15-57 to 7-14-58.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Strutwear, Inc., Underwear Division, 1015 Sixth Street South, Minneapolis, Minn.; effective 7-15-57 to 12-26-57; 20 additional learners for plant expansion purposes (supplemental certificate) (women's underwear and sleepwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Maisak-Handler Shoe Co., Inc., Senath (Dunklin County), Mo.; effective 8-1-57 to 7-31-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Brady Manufacturing Co., Inc., Ramseur, N. C.; effective 7-22-57 to 1-21-58; authorizing the employment of 5 learners for normal labor turnover purposes in the occupations of sewing machine operator and presser, each for a learning period of 320 hours at the rates of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (men's handkerchiefs).

Palm Beach Co., Danville, Ky.; effective 8-1-57 to 1-31-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, and hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's coats).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 22d day of July 1957.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 57-6137; Filed, July 26, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ERNEST BACHMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Ernest Bachmann, Grabenstrasse 1, Schaffhausen, Switzerland; Claim No. 62317, Vesting Order No. 17829; $1092.73 in the Treasury of the United States.

Executed at Washington, D. C., on July 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6152; Filed, July 26, 1957; 8:48 a. m.]

SELMA BARUTH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Selma Baruth, Ramat-Gan, Tel Benyamin, Israel; Claim No. 63591; Vesting Order No. 643; one-eighth (⅛) of $2,345.33 in the Treasury of the United States.

Executed at Washington, D. C., on July 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6153; Filed, July 26, 1957; 8:48 a. m.]

CEMENTIA HOLDING, A. G.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Cementia Holding, A. G., Zurich, Switzerland; Claim No. 42838; Vesting Order No. 1418; $1,350.93 in the Treasury of the United States.

All right, title, interest and claim of any name or nature whatsoever in and to all obligations, contingent or otherwise and whether or not matured, owing to Cementia Holding, A. G. by Atlantic-Pacific Trading Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to sue for and collect such obligations.

Executed at Washington, D. C., on July 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6154; Filed, July 26, 1957; 8:48 a. m.]

ELIZABETH FOEHR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Elizabeth Foehr, as successor in interest to Alice Foehr, deceased, Stuttgart, Germany; Claim 39388; Cash in the Treasury of the United States $3,750.00 (representing three-fourths of the amount originally claimed by Alice Foehr, deceased).

Executed at Washington, D. C., on July 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6155; Filed, July 26, 1957; 8:49 a. m.]

PIJO GASPAROVIC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Pijo Gasparovic, Calle de Julio 654 Cipolletti, Province of Rio Negro, Argentina; Claim No. 38464; Voluntary turnover; $61.16 in the Treasury of the United States.

Executed at Washington, D. C., on July 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6156; Filed, July 26, 1957; 8:49 a. m.]

WILHELM BENJAMIN REPPMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Wilhelm Benjamin Reppmann, Oss, The Netherlands; Claim No. 42943; Vesting Order No. 291; Property described in Vesting Order No. 291 (7 F. R. 9834—November 26, 1942) relating to Patent Application Serial No. 332,822 (now United States Letters Patent No. 2,330,625).

Executed at Washington, D. C., on July 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6157; Filed, July 26, 1957; 8:49 a. m.]

NINISTIFTUNG IN GLARUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant Property, and Location

Ninistiftung in Glarus c/o Rahel Frischman, Tel-Aviv, Israel; Claim No. 60918; Vesting Order No. 18234; $12,200.30 in the Treasury of the United States.

Executed at Washington, D. C., on July 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6158; Filed, July 26, 1957; 8:49 a. m.]

MARIA WEINBERGER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Maria Weinberger, Vienna XIII, Austria; Claim No. 62480; Hans Weinberger, Post Werfen, Austria; Claim No. 62481; Margarethe Markl, Vienna XIII, Austria; Claim No. 62482; Vesting Order No. 17938; $46,800.00 principal amount of United Steel Works Corporation Participation Certificates, 4⅞%, 1968, dated January 1, 1953, evidenced by Certificates Nos. C4618/20 at $100.00 each, D980 at $500.00 and M15761/15806 at $1,000.00 each, presently in the custody of the Federal Reserve Bank of New York for safekeeping and $99.99 principal amount of Script for Participation Certificates of United Steel Works Corporation, Scrip No. 002368, dated January 1, 1953, presently in the custody of the Federal Reserve Bank of New York for safekeeping, to the claimants in the following proportions: Two-fifths (2/5ths) thereof to Maria Weinberger, one-fifth (1/5th) thereof to Hans Weinberger, two-fifths (2/5ths) thereof to Margarethe Markl.

Executed at Washington, D. C., on July 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6159; Filed, July 26, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 24, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34049: *Caustic soda—Canton, N. C., to Foley, Fla.* Filed by The Southern Railway Company, for itself, and interested rail carriers. Rates on liquid caustic soda, tank-car loads from Canton, N. C., to Foley, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 39 to Agent Spaninger's tariff I. C. C. 1538.

FSA No. 34050: *Crude petrolatum—Port Arthur, Tex., group to Laurel, Miss.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude petrolatum, tank-car loads from Port Arthur and West Port Arthur, Tex., to Laurel, Miss.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 131 to Agent Kratzmeir's tariff I. C. C. 4118.

FSA No. 34051: *Grains and grain products from and to points on The Georgia and Florida Railroad.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coarse grains, grain products, soybeans and animal and poultry feed, carloads between points on the Georgia & Florida Railroad, between points on the Georgia & Florida on the one hand, and points in southern territory, Indiana and Illinois, on the other; also from Columbus, Ohio to Georgia & Florida Railroad stations.

Grounds for relief: Short-line distance formulas, grouping, and circuitous routes.

Tariffs: Supplement 20 to Agent Spaninger's tariff I. C. C. 1571 and four other schedules.

FSA No. 34052: *Grain transit rates between southern points and points on Georgia and Southern Railroad.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on grain, feed and related articles, carloads between points in southern territory and points on, or via, the Georgia and Florida Railroad, accorded transit privileges en route.

Grounds for relief: Modified short-line distance formula, grouping and circuitous routes.

Tariff: Supplement 8 to Agent Spaninger's tariff I. C. C. 1579.

FSA No. 34053: *Woodpulp—Brewton, Ala., to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads from Brewton, Ala., to specified points in official (including Illinois) territory, also Ohio River Crossing and Virginia Gateways.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 25 to Agent Spaninger's tariff I. C. C. 1555.

FSA No. 34054: *Woodpulp—Demopolis and Green Tree, Ala., to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads from Demopolis and Green Tree, Ala., to points in official (including Illinois) territory, also Ohio River Crossings, St. Louis, Mo., East St. Louis, Ill., and Virginia Gateways.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 25 to Agent Spaninger's tariff I. C. C. 1555.

FSA No. 34055: *Pulpboard and fiberboard—Chicago, Ill., to Muskogee, Okla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pulpboard and fiberboard, noibn, carloads from Chicago, Ill., to Muskogee, Okla.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 47 to Agent Kratzmeir's tariff I. C. C. 4198.

FSA No. 34056: *Scrap or waste paper—Texas points to Denver, Colo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on scrap or waste paper, carloads from Houston and Waco, Tex., to Denver, Colo.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 111 to Agent Kratzmeir's tariff I. C. C. 4136.

FSA No. 34057: *Grain and products—Missouri points to Baton Rouge and New Orleans, La.* Filed by The Kansas City Southern Railway Company, for itself and interested rail carriers. Rates on grain, grain products, and related articles, also seeds, carloads from specified points in Missouri on the Missouri-Kansas-Texas Railroad to Baton Rouge and New Orleans, La., for export.

Grounds for relief: Circuitous routes through competing transit point.

Tariff: Supplement 39 to The Kansas City Southern Railway Company's tariff I. C. C. 5303.

FSA No. 34058: *Trailership service—Motor-ocean-motor, Pan Atlantic Steamship—Class rates.* Filed by Pan-Atlantic Steamship Corporation, for itself and interested motor carriers. Rates on property moving on class rates, loaded in or on motor truck trailers and transported aboard ship in trailership service between port terminals at Baltimore, Md., Boston, Mass., Jersey City, N. J., and Philadelphia, Pa., and Houston, Tex., on traffic from or to points in New England and trunk line territories, and to or from points in Louisiana and Texas.

Grounds for relief: Rail-ocean, ocean-rail, and rail-ocean-rail competition.

Tariffs: Pan Atlantic Steamship Corporation tariffs I. C. C. 258 and 271, also Supplement 1 to the latter tariff.

FSA No. 34059: *Trailership service—Motor-ocean-motor, Pan-Atlantic Steamship—Commodity rates.* Filed by Pan-Atlantic Steamship Corporation, for itself and interested motor carriers. Rates on property, moving on commodity rates, loaded in motor truck trailers and transported aboard ship in trailership service, between port terminals at Baltimore, Md., Boston, Mass., Jersey City, N. J., and Philadelphia, Pa., in the East, and Houston, Tex., in the Southwest, applicable on traffic from or to points in New England and trunk line territories and to or from points in Texas.

Grounds for relief: Rail-ocean, ocean-rail, and rail-ocean-rail competition.

Tariffs: Pan Atlantic Steamship Corporation tariff I. C. C. 257, Supplement 8, and its tariff I. C. C. 269.

FSA No. 34060: *Trailership service—Motor-ocean-motor, Pan-Atlantic Steamship—Class rates.* Filed by Pan-Atlantic Steamship Corporation, for itself and for interested motor carriers. Rates on property, moving on class rates, loaded in or on motor-truck trailers and transported aboard ship in trailer-ship service between Baltimore, Md., Boston, Mass., New York, N. Y., and Philadelphia, Pa., on one hand, and Charleston and Georgetown, S. C., Jacksonville, Miami, Panama City, Pensacola, Port St. Joe and Tampa, Fla., Mobile, Ala., and New Orleans, La., on the other, on traffic from or to points in New England and trunk line territories to or from points in the Southwest.

Grounds for relief: Rail-ocean, ocean-rail, and rail-ocean-rail competition.

Tariffs: Pan-Atlantic Steamship Corporation tariffs, I. C. C. 269 and 266 and supplement 1 to the latter.

FSA No. 34061: *Trailership service—Motor-ocean-motor, Pan-Atlantic Steamship—Class rates.* Filed by Pan-Atlantic Steamship Corporation, for itself and interested motor carriers. Rates on property, moving on class rates, loaded in motortruck trailers and transported aboard ship in trailership service between Charleston and Georgetown, S. C., Jacksonville, Miami, Panama City, Pensacola, Port St. Joe and Tampa, Fla., Mobile, Ala., New Orleans, La., and Houston and Galveston, Tex., on traffic between such ports and between points in the Southeast and Southwest.

Grounds for relief: All-rail, rail-ocean, and ocean-rail competition.

Tariffs: Pan-Atlantic Steamship Corporation tariff I. C. C. 269. Pan-Atlantic Steamship Corporation tariff I. C. C. 267.

FSA No. 34062: *Sulphuric acid—Fort Worth, Tex., to Longino, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Fort Worth, Tex., to Longino, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 360 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 34063: *Crushed stone—Greencastle, Ind., to Charleston, Ill.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on crushed stone, in bulk, in open-top cars, carloads from Greencastle, Ind., to Charleston, Ill.

Grounds for relief: Motor truck competition.

Tariff: Supplement 104 to New York Central Railroad Company's tariff I. C. C. 1438.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6144; Filed, July 26, 1957; 8:47 a. m.]

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

MISCELLANEOUS AMENDMENTS

JUNE 26, 1957.

The Organization Minutes of the Interstate Commerce Commission relating to the organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, pursuant to section 17 of the Interstate Commerce Act as amended, revised to March 25, 1957 (22 F. R. 3987), as amended (22 F. R. 4702), have been further amended, effective immediately, to clarify the assignment of duties to Division 2 and the Board of Suspension by revising Items 4.3 (e), 7.3 and 8.4 to read as follows:

Item 4.3 (e) Sections 15 (7), 216 (g), 218 (c), 307 (g) and (i), and 406 (e), relating to the disposition (1) by declining to suspend or (2) by entering an order of investigation or (3) by entering an order of investigation and suspension, either on its own motion or on petitions or requests for suspension of schedules and tariffs, and relating to authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and IV, as ancillary to such investigations or such investigation and suspension proceedings: (1) when there are petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, or (2) when there are involved petitions for suspension of schedules or tariffs filed in purported compliance with any decision, order, or requirement of the Commission or a Division thereof, or (3) when such matter is certified to the Division by the Board of Suspension; and including authority to vacate or discontinue orders in proceedings instituted by Division Two, Division Two acting as an appellate division, or Board of Suspension, wherein respondents have cancelled the matter under investigation or suspension, except in those instances where authority has been delegated to the Board of Suspension.

Item 7.3 *Board of Suspension.* Sections 15 (7), 216 (g), 218 (c), 307 (g) and (i), and 406 (e), relating to the initial disposition (1) by declining to suspend or (2) by entering an order of investigation or (3) by entering an order of investigation and suspension, either on its own motion or on petitions or requests for suspension of schedules and tariffs, and relating to authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and IV, as ancillary to such investigations or such investigation and suspension proceedings; and the authority, prior to submission of evidence, to enter orders discontinuing any proceeding instituted by it when the schedules or tariffs under which the proceeding arose have been canceled. This delegation of authority shall not include (1) petitions or requests relating to schedules or tariffs filed in purported compliance with any decision or order of the Commission or a Division thereof, (2) petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, nor (3) any action in connection with suspensions to be taken during or after formal hearings or investigations. The Board may certify to Division Two any matter which, in its judgment, should be passed upon by that Division or the Commission.

and

Item 8.4 Division Two is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Board of Suspension or the Fourth Section Board shall be assigned or referred for consideration and action. When so acting, it shall have all authority which the Board is authorized to exercise. Decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6145; Filed, July 26, 1957; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 146

Washington, Tuesday, July 30, 1957

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3216, 3379, containing the specific requirements for the 1957-crop grain sorghums price support program are hereby amended as follows:

1. Section 421.2433 (a) (1) is amended by adding the following to the list of terminal markets and basic support rates per 100 pounds:

Stockton, California	$2.70

2. Section 421.2433 (a) (6) (i) is amended to include Stockton, California so that the amended subdivision reads as follows:

(6) (i) Notwithstanding the foregoing provisions of this paragraph, the support rate for grain sorghums shipped by rail or water and stored at any of the following terminal markets for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate shall be equal to the applicable terminal rate:

Los Angeles, California; San Francisco, California; Stockton, California; Corpus Christi, Texas; Galveston, Texas; Houston, Texas; Port Arthur, Texas; New Orleans, Louisiana.

3. Section 421.2433 (a) (6) (ii) is amended to provide a deduction from the terminal rate for grain sorghums received by truck at Stockton, California so that the amended subdivision reads as follows:

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for grain sorghums received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction from the terminal rate as follows:

Terminal:	*Amount of deduction (cents per 100 pounds)*
Los Angeles, California; San Francisco, California; Stockton, California	8
Corpus Christi, Texas; Houston, Texas; Galveston, Texas; Port Arthur, Texas; New Orleans, Louisiana	11

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421)

Issued this 24th day of July 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-6197; Filed, July 29, 1957; 8:50 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

DESIGNATION AND USE OF ACREAGE RESERVE

Section 485.214 (c) of the regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, as amended and supplemented, is hereby amended to read as follows:

(c) The acreage reserve shall not be grazed after December 31, 1956, or the date the agreement is filed, whichever is later, and prior to January 1, 1958, unless the Secretary, after the Governor of the State in which the farm is located has certified that there is a need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster. Leasing of the acreage reserve to others for grazing purposes is prohibited. The restriction against grazing shall not apply to a crop which matured and normally would be harvested in 1956, unless harvesting of the

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FEDERAL REGISTER

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crop in 1956 would have been in violation of a 1956 acreage reserve agreement.

(1) Except as provided in subparagraph (2) of this paragraph, a written request to graze the acreage reserve, on a form approved by the Administrator, must be filed with the county committee in which the producer agrees to a deduction from the compensation payable under the agreement of an amount equal to $6.00 per acre times the total number of acres in the acreage reserve. If the compensation payable under the agreement amounts to less than $6.00 per acre times the total number of acres in the acreage reserve, the amount of the deduction shall be the amount of compensation payable under the agreement. If the request is approved and written consent to graze is given by the county committee, permission to graze the acreage reserve shall extend through December 31, 1957.

(2) Where a Disaster Relief Feed Grain Program is in operation, grazing the acreage reserve may be permitted by the Secretary for the duration of the disaster without making a deduction from the compensation payable under the agreement.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 25th day of July 1957.

[SEAL] E. L. PETERSON, *Acting Secretary.*

[F. R. Doc. 57-6198; Filed, July 29, 1957; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED FREESTONE PEACHES; CORRECTION

In Federal Register Document 52-5068 appearing at page 4384 of the issue for Friday, June 21, 1957, the following change is made:

1. In the twenty-first line of § 52.2614 insert the following between the word "to" and "fa-": "distribute the product evenly, inclining the sieve slightly to".

Dated: July 25, 1957.

[SEAL] FRANK E. BLOOD, *Acting Deputy Administrator, Marketing Services.*

[F. R. Doc. 57-6192; Filed, July 29, 1957; 8:49 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 5]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR 1957 CROP

MISCELLANEOUS AMENDMENTS

Basis and Purpose. The amendments herein are issued under the Agricultural Adjustment Act of 1938, as amended, and are for the purpose of providing for establishing farm normal wheat yields on a harvested basis; for determining farm normal yields for irrigated and nonirrigated wheat; for issuing marketing certificates rather than marketing cards in cases where farmers obtain downward adjustments in their farm marketing excesses on account of actual production; and for substituting wheat in nonlicensed storage for wheat which has been placed in licensed storage to postpone or avoid the marketing penalty.

The amendments to make the determination of farm normal yields on a harvested basis are consistent with the method of determining county normal yields, which is on a harvested basis. The amendment to provide the method for determining a farm normal yield where both irrigated and nonirrigated lands have been used for the production of wheat on the farm is necessary to supply a deficiency now existing in the regulations. The use of irrigation has greatly increased yields and created a distinct upward trend in normal yields. The proposed amendment is designed to give recognition to that trend. The amendments providing for the issuance of a marketing certificate rather than a marketing card in any case where a downward adjustment has been granted in the farm marketing excess on account of actual production is intended to prevent farmers from marketing more wheat without payment of penalty than should be permitted on the basis of the actual production established in connection with the downward adjustment. The amendment to permit the substitution of wheat in non-licensed storage for wheat which has been placed in licensed storage for the purpose of postponing or avoiding the marketing penalty is consistent with the provision of the regulations for substituting wheat in licensed storage for wheat in non-licensed storage.

Since producers are now harvesting and marketing their 1957 crop wheat, it is necessary that these amendments become effective as soon as possible. It is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and the amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

The regulations pertaining to wheat marketing quotas for the 1957 crop of wheat are amended as follows:

1. Section 728.753 (b) is amended by inserting the word "harvested" between the words "per" and "acre".

2. Section 728.753 (c) is amended by inserting in the first sentence the word "harvested" between the words "per" and "acre".

3. Section 728.753 is further amended by adding a new paragraph (d) to read as follows:

(d) *Irrigated and nonirrigated yields.* Where irrigated and nonirrigated wheat are produced on the same farm a separate normal yield shall be established for each classification on the basis of the applicable factors in paragraph (b) or (c) of this section (paragraph (c) to apply where records on an irrigated and nonirrigated basis are not available for each of the applicable ten years), and the normal yield for the farm shall be determined by computing the average of the irrigated and nonirrigated normal yields so determined, weighted by the actual acreages of irrigated and nonirrigated wheat on the farm for 1957. Where there is no wheat acreage for 1957, the normal yield for such a farm shall be the average of the irrigated and nonirrigated normal yields, weighted by the acreages which it is determined by the county committee were contributed to the 1957 farm wheat acreage allotment by the production in prior years of irrigated and nonirrigated wheat.

4. Section 728.767 is amended by changing the period at the end of the first sentence of paragraph (a) to a colon and adding the following proviso: "*Provided*, That no marketing card will be issued if the farm marketing excess determined under § 728.759 is adjusted under § 728.762."

5. The first sentence of § 728.768 is amended by striking out the word "or" immediately preceding "(d)", by changing the period at the end thereof to a comma, and by adding the following: "or (e) where the producer is ineligible to receive a marketing card because the farm marketing excess determined under § 728.759 was adjusted under § 728.762."

6. Section 728.783 is amended by inserting immediately prior to the last sentence of paragraph (b) the following: "Wheat produced on a farm by any producer may be placed in non-licensed storage and substituted for excess wheat for any year which was properly stored in licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty, if a written request so to do is filed with the county committee and approval of such committee is granted in writing upon the determination of the county committee that the wheat to be stored in non-licensed storage is of a quality equal to or better than the wheat in licensed storage, and the wheat in an amount equal to the amount in licensed storage for which substitution is desired is stored in non-licensed storage in accordance with paragraphs (b) and (d) of this section and is secured by a good and sufficient bond of indemnity or the deposit of funds in escrow, as provided in said paragraph (d). When all requirements for non-licensed storage have been met in accordance with this section, the warehouse receipt covering the wheat in licensed storage shall be returned to the person who deposited it.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 301, 52 Stat. 38, as amended; 55 Stat. 203, as amended; 7 U. S. C. 1301, 1340)

Done at Washington, D. C., this 25th day of July 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. L. PETERSON, *Acting Secretary of Agriculture.*

[F. R. Doc. 57-6200; Filed, July 29, 1957; 8:50 a. m.]

PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO FARM MARKETING QUOTAS FOR 1957 CROP OF RICE

MISCELLANEOUS AMENDMENTS

The purposes of the amendments herein are to establish the monetary rate of penalty for any farm marketing excess determined in connection with the 1957 rice marketing quota program at 50 per centum of the June 15, 1957 parity price of rice as required by section 356 (a) of the Agricultural Adjustment Act of 1938, as amended, and to correct typographical errors.

Since the purposes of these amendments are to announce the penalty in cents per pound calculated in accordance with a mathematical formula prescribed by statute, and to correct typographical errors, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date, is unnecessary, and the amendments herein shall become effective upon the date of their publication in the FEDERAL REGISTER.

The regulations pertaining to farm marketing quotas for the 1957 crop of rice are hereby amended as follows:

1. Section 730.876 is amended to read as follows:

§ 730.876 *Rate of penalty.* The rate of penalty applicable to 1957 crop rice shall be 2.88 cents per pound, which is 50 per centum of the parity price per pound of rice as of June 15, 1957, which is determined to be 5.77 cents per pound.

2. Section 730.884 (b) is amended by changing in the fourth sentence "§ 730.883 (g)" to "§ 730.884 (g)".

3. Section 730.892 is amended by striking out in the second sentence the words

"price of consideration" and inserting in lieu thereof the words "price or consideration".

(Sec. 375, 52 Stat. 66; as amended; 7 U. S. C. 1375. Interpret or apply sec. 356, 52 Stat. 62, as amended; 7 U. S. C. 1356)

Done at Washington, D. C., this 25th day of July 1957. Witness my hand and seal of the Department of Agriculture

[SEAL] E. L. PETERSON,
Acting Secretary of Agriculture.

[F. R. Doc. 57-6199; Filed, July 29, 1957; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 696, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.803 (Lemon Regulation 696, 22 F. R. 5789) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 25, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6191; Filed, July 29, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 1]

PART 48—OPERATION OF MOORED BALLOONS AND LARGE KITES

POLICIES AND INTERPRETATIONS

The purpose of this supplement is to promulgate the policies and interpretations of the Administrator concerning (1) the operation of a gyro-glider as a large kite within the purview of Part 48 of this title, and (2) the conditions and procedures for operating moored balloons and kites, including gyro-gliders, under the terms of a permit issued by the CAA for such operations.

The following policies and interpretations are hereby adopted:

48.1-1 Operation of a gyro-glider as a large kite (CAA interpretations which apply to § 48.1).
48.3-1 Conditions for issuance of a permit (CAA policies which apply to § 48.3).
48.3-2 Operation closer than 500 feet to the base of any cloud (CAA policies which apply to § 48.3 (a)).
48.3-3 Operation during the hours of darkness (CAA policies which apply to § 48.3 (b)).
48.3-4 Operation when the ground visibility is less than three miles (CAA policies which apply to § 48.3 (c)).
48.3-5 Operation at altitudes more than 500 feet above the surface (CAA policies which apply to § 48.3 (d)).
48.3-6 Operating within five miles of the boundary of an airport (CAA policies which apply to § 48.3 (e)).
48.4-1 Form and content of notice (CAA policies which apply to § 48.4).
48.4-2 Action on notice (CAA policies which apply to § 48.4).
48.5-1 Acceptable rapid deflation device (CAA policies which apply to § 48.5).

AUTHORITY: §§ 48.1-1 to 48.5-1 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

§ 48.1-1 *Operation of a gyro-glider as a large kite (CAA interpretations which apply to § 48.1).* As used in this part the term "kite" includes a gyro-glider operated by means of a towline attached to a vehicle on the surface. Such a device, therefore, must be operated in accordance with the provisions of this part. (Where the gyro-glider is operated in free flight, it is considered to be an aircraft and must be certificated and operated in accordance with the applicable regulations for such aircraft.)

§ 48.3-1 *Conditions for issuance of a permit (CAA policies which apply to § 48.3).* The procedure established for obtaining a permit for operation under this section is as follows:

(a) *Application.* Application for a permit will be made on Form ACA-400.[1]

(b) *Inspection.* When the application forms are submitted to the local inspector, the applicant should make arrangements with the inspector for inspection of the balloon or kite. At such time as a balloon or kite is presented for inspection, the applicant will also be required to present for inspection the following suitable items of equipment which are to be used in the operation of the balloon or kite:

(1) A rope, cable, or other mooring device.

(2) A mechanism for raising or lowering the kite or balloon.

(3) When required by § 48.5, a device or means of rapid deflation.

(c) *Permit issued.* When the application has been approved, the applicant will receive a permit, Form ACA-663. This permit will list the operations approved, and will incorporate the special provisions and limitations applicable to the type of operation,[2] as well as any other conditions which the inspector deems necessary for reasons of safety.

(d) *Duration.* The permit will contain an expiration date which will allow ample time to complete the operation. However, such expiration date will not exceed one year from the effective date of the permit. It may be surrendered by the holder or cancelled by the Administrator at any time.

(e) *Transfer of permit.* A permit is not transferable. A person desiring to take over the operations authorized a holder of a current permit must submit a new application, which will be processed in the same manner as an original issuance.

(f) *Special provisions.* The permit will contain such special provisions or conditions as the approving inspector may deem necessary in the interest of safety or appropriate to good operating practices.

§ 48.3-2 *Operation closer than 500 feet to the base of any cloud (CAA policies which apply to § 48.3 (a)).* Permit for operation of a moored balloon or kite under this section will be granted by the Administrator, subject to the following conditions:

(a) The operation will be conducted only during the period specified in the permit.

(b) The operation will not jeopardize the safety of aircraft taking off, landing, letting down through the clouds, or operating en route; and

(c) The mooring cable for the balloon or kite is clearly marked at intervals with colored pennants or streamers visible for at least one mile; except that a towed kite, generally referred to as a gyro-glider, need not have the towing-mooring cable marked at intervals with colored pennants or streamers unless in the opinion of the inspector such marking is necessary for reasons of safety to aerial navigation.

§ 48.3-3 *Operation during the hours of darkness (CAA policies which apply to § 48.3 (b)).* Permit for operation of a moored balloon or kite under this section will be granted by the Administrator for operation without obstruction or hazard lighting, subject to the following conditions:

(a) The balloon or kite is operated in the congested area of any city or town at an altitude at which it is shielded by adjacent structures or buildings, so that it will not create an additional hazard to aircraft, or

(b) The operating location is such that any structure of the same height in the immediately adjacent area would not be considered an obstruction to air navigation as provided in TSO-N18,[3] or

(c) The advertising displays or other similar forms of lighting on the balloon or kite afford a warning equivalent to that required for towers, poles, and similar obstructions.[4]

(d) When operation of the balloon or kite cannot be in accordance with paragraphs (a), (b), and (c) of this section, a permit may be granted, subject to the following conditions:

(1) The balloon or kite is equipped with at least two 100-watt lamps enclosed in aviation red fresnal or prismatic obstruction light globes, and installed in such manner as to insure their visibility to an aircraft approaching from any angle; except that a towed kite, generally referred to as a gyro-glider, may be equipped with position lights normally required for rotorcraft at night when, in the opinion of the inspector, such lighting will provide safety to aerial navigation.

(2) The mooring cable for the balloon or kite is clearly marked at intervals with red hazard lights, visible in all directions. Spacing of lights should be such that the location of the cable is clearly defined; except that the towing-mooring cable of a towed kite, generally referred to as a gyro-glider, need not be marked with hazard lights when, in the opinion of the inspector, such lighting is not necessary for reasons of safety to aerial navigation.

§ 48.3-4 *Operation when the ground visibility is less than three miles (CAA policies which apply to § 48.3 (c)).* A permit for the operation of a moored balloon or kite under this section will be granted only under the following conditions:

(a) The balloon or kite is operated in the congested area of a city or town at an altitude at which it will be shielded by adjacent structures or buildings so that it will not create a hazard to aircraft, or

(b) The operating location is such that any other obstruction of the same height would not be considered an obstruction to air navigation as provided in TSO-N18.

§ 48.3-5 *Operation at altitudes more than 500 feet above the surface (CAA policies which apply to § 48.3 (d)).* A permit will be granted for operation of a moored balloon or kite, subject to the following conditions:

(a) The mooring cable for the balloon or kite is clearly marked at intervals with colored pennants or streamers visible for at least one mile; except that a towed kite, generally referred to as a gyro-glider, need not have the towing-mooring cable marked at intervals with colored pennants or streamers unless, in the opinion of the inspector, such marking is necessary for reasons of safety to aerial navigation.

(b) The location of the operation will not be considered an obstruction to aircraft operating on a civil airway, or approaching or departing from an airport, as provided in TSO-N18.

§ 48.3-6 *Operating within five miles of the boundary of an airport (CAA policies which apply to § 48.3 (e)).* (a) A permit to operate a moored balloon or kite other than a gyro-glider will be granted under this section, subject to the following conditions:

(1) The operation is not conducted within the approach area of any runway.

(2) The operation will not interfere with, or produce an obstruction to aircraft in the traffic pattern.

(3) The mooring cable of the balloon or kite is clearly marked at intervals with colored pennants or streamers visible for at least one mile.

(4) The balloon or kite will not be operated closer than 500 feet below the ceiling.

(5) The operation will not be conducted when the visibility is less than three miles, or at night.

(b) A permit to operate a towed kite, generally referred to as a gyro-glider, will be granted under this section for operation on or within five miles of an airport, subject to such conditions as the inspector deems necessary for safety to aerial navigation.

§ 48.4-1 *Form and content of notice (CAA policies which apply to § 48.4).* No particular form has been developed for use in giving notice of intent to operate a moored balloon, kite, or gyro-glider under the provisions of § 48.4. Such notice may be in letter form, submitted in triplicate to the district office for the area in which the operations are to be conducted.

§ 48.4-2 *Action on notice (CAA policies which apply to § 48.4).* Prior to the expiration of the 30-day notice, the applicant will be notified by the local district office to which notice has been given as to whether or not his proposed operation comes within the provisions of § 48.4.

§ 48.5-1 *Acceptable rapid deflation device (CAA policies which apply to § 48.5).* The device or means of automatic rapid deflation should:

(a) Be a device or method that has been expressly produced by a manufacturer for this purpose, and has demonstrated its reliability through previous use, or

(b) Be a device or method deemed by the inspector as adequate. In this connection, an inspector may require a demonstration of the device or method.

This supplement shall become effective August 1, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 24, 1957.

[F. R. Doc. 57-6188; Filed, July 29, 1957; 8:48 a. m.]

[1] Copies of this form may be obtained from the local district office and should be filled out in ink or typed. See Appendix D for a list of these offices. A sample application for each type of operation is shown in Appendices A, B, and C. Appendices A, B, C, and D are not filed with the Federal Register Division.

[2] See §§ 48.3-2 through 48.3-6 for these special provisions and conditions.

[3] TSO-N18, entitled "Criteria for Determining Obstructions to Air Navigation," may be obtained, without charge, from Civil Aeronautics Administration, Publications Unit, Washington 25, D. C.

[4] This information is included in CAA's "Obstruction Marking Manual," available from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., price 30 cents.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 202]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. Section 608.14, the El Toro, California, area (R-293 formerly D-293), amended October 31, 1951, in 16 F. R. 11066, is rescinded.

2. Section 608.14, the San Diego, California, area (R-297 formerly D-297), amended October 31, 1951, in 16 F. R. 11066, is rescinded.

3. Section 608.52, the Wendover, Utah, area (R-258), amended October 20, 1955, in 20 F. R. 7902, is further amended by changing the "Controlling Agency" column to read: "Commander, Wendover Air Force Base, Utah".

This amendment shall become effective 0001 e. s. t., August 29, 1957.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 24, 1957.

[F. R., Doc. 57-6189; Filed, July 29, 1957; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1448]

[Utah 017071]

UTAH

EXTENDING THE BOUNDARIES OF UINTA NATIONAL FOREST

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U. S. C. 471), and section 1 of the act of June 4,

1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The boundaries of the Uinta National Forest are hereby extended to include the following-described public lands in Utah, and, subject to valid existing rights and the provisions of existing withdrawals, the lands are hereby made a part of the said national forest and hereafter shall be subject to all laws and regulations applicable thereto:

SALT LAKE MERIDIAN

T. 9 S., R. 2 E.,
Sec. 31, S½S½SE¼.
T. 10 S., R. 2 E.,
Sec. 6, lots 5, 6, 7, 8, 9, 10, SE¼NE¼, SE¼NW¼, and E½SE¼;
Sec. 7, lots 5, 6, 7, 8, 9, 10, E½NE¼, and NE¼SE¼;
Sec. 18.

The areas described aggregate 1,450.33 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 24, 1957.

[F. R. Doc. 57-6171; Filed, July 29, 1957; 8:46 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 408—SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES IN BOULDER CITY, NEVADA

A new part is added to Title 43, Chapter II, reading, as follows:

Sec.
408.1 Definition.
408.2 Limitation on sales.
408.3 Beer licenses.
408.4 Duration of license.
408.5 Schedule of charges.
408.6 Prohibition against dispensing of beer by persons under 21.
408.7 Prohibition against sales and ejection from licensed establishments.
408.8 Hours of sale.
408.9 Cancellation of licenses.
408.10 Cancellation of leases or business permits.

AUTHORITY: §§ 408.1 to 408.10 issued under sec. 1, 54 Stat. 437, 43 U. S. C 617u.

§ 408.1 *Definition.* The term "beer" as used in this part shall mean beer as defined by the statutes of Nevada as they exist on July 15, 1957, or as they are thereafter amended.

§ 408.2 *Limitation on sales.* No alcoholic beverage of any kind, except beer, shall be sold in Boulder City, Nevada, and such sales may only be made by the holder of a beer license.

§ 408.3 *Beer licenses.* Only the holder of a business permit shall be eligible to receive a license to sell beer, which must be obtained at the Boulder City Municipal Office. The number of such licenses outstanding at any time will be limited to such number as the City Manager determines satisfactorily meets the needs of the community.

§ 408.4 *Duration of license.* Each license for the sale of beer, hereafter issued, shall be issued for a calendar year, or the remainder of that calendar year in which issued, payable in advance. A license issued on January 1 and prior to April 1 shall pay the full annual charge; a license issued on April 1 and prior to July 1 shall pay three-quarters (¾) of the annual charge; a license issued on July 1 and prior to October 1 shall pay one-half (½) of the annual charge; a license issued on October 1 and prior to January 1 shall pay one-quarter (¼) of the annual charge. Failure for a period of ten (10) days after the due date to make the required payment shall automatically result in cancellation of the license. No license shall be issued thereafter in that year to the offending licensee.

§ 408.5 *Schedule of charges.* The schedule of charges for licenses to sell beer issued hereafter shall be:

Retail sale at a bar, for consumption on the premises or elsewhere	$100.00
Retail sale in a restaurant for consumption therein or elsewhere	100.00
Wholesale, from storage in Boulder City	100.00
Retail sale for consumption off the premises	80.00

§ 408.6 *Prohibition against dispensing of beer by persons under 21.* No person under the age of 21 shall sell or handle beer in any manner for any licensee.

§ 408.7 *Prohibition against sales and ejection from licensed establishments.* No intoxicated person, nor person who appears to be intoxicated, shall be served with beer. No person under the age of 21 shall be served with beer or allowed to drink beer on the premises. All noisy and disorderly persons shall be promptly ejected from establishments licensed under the regulations in this part for the sale of beer.

§ 408.8 *Hours of sale.* If, for any reason, conditions warrant, the City Manager may establish hours during which beer may be sold.

§ 408.9 *Cancellation of licenses.* Any outstanding license shall be subject to cancellation at any time for violation of the regulations in this part by the duly authorized agent of the Government and the Bureau of Reclamation will refuse to grant or renew a license to any person, firm, or corporation who, as the holder of a license, has failed to comply with the regulations in this part.

§ 408.10 *Cancellation of leases or business permits.* The business permit and/or lease held by any person, firm or corporation selling beer without a license in violation of the regulations in this part shall be subject to cancellation at any time by the duly authorized agent of the Government.

These regulations shall become effective on July 15, 1957, and supersede City Order No. 22, Regulations to Govern the Sale and Distribution of Beer in Boulder City, Nevada, approved October 4, 1939.[1]

HATFIELD CHILSON,
Acting Secretary of the Interior.

JULY 24, 1957.

[F. R. Doc. 57-6170; Filed, July 29, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP

ADDITIONAL TIME FOR FILING DATA, VIEWS, OR ARGUMENTS

Proposed United States Standards for Grades of Frozen Raw Breaded Shrimp were set forth in the notice which was published in the FEDERAL REGISTER of May 18, 1957 (22 F. R. 3484).

In consideration of comments and suggestions received indicating the need for further study of the proposal by industry, notice is hereby given of an additional period of time until October 16, 1957, within which written data, views, or arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed United States Standards for Grades of Frozen Raw Breaded Shrimp.

Dated: July 25, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-6194; Filed, July 29, 1957; 8:49 a. m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

ESTABLISHMENT OF SALABLE AND SURPLUS PERCENTAGES FOR DRIED PRUNES FOR 1957-58 CROP YEAR

Notice is hereby given that the Secretary is considering a proposed rule to establish a salable percentage of 90 percent and a surplus percentage of 10 percent for California dried prunes during the 1957-58 crop year. Said crop year will begin on August 1, 1957 and end on July 31, 1958. The proposed rule, which is based upon the recommendation of the Prune Administrative Committee (hereinafter referred to as the "committee") and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. Said marketing program, as amended, is made effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto

[1] Not published in the FEDERAL REGISTER.

which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the seventh day after the date of publication of this notice in the FEDERAL REGISTER. In the event the seventh day after publication should fall on a legal holiday, Saturday, or Sunday, such submissions must be received by the Director not later than the close of business on the next following business day.

The proposed percentages are based on the following estimates (in terms of natural condition weight of dried prunes) for the 1957-58 crop year: (1) A carryin of 44,800 tons on August 1, 1957; (2) a 1957 production of 171,000 tons; (3) a total supply of 215,800 tons (item 1 plus item 2); (4) disappearance in regular commercial trade channels of 173,900 tons (122,700 tons for United States and Canadian markets and 51,200 tons for export markets); (5) a carryout of 24,800 tons on July 31, 1958; (6) a surplus tonnage of 17,100 tons (item 3 less the sum of items 4 and 5); and (7) a salable tonnage of 153,900 tons (item 2 less item 6).

A salable tonnage of 153,900 tons together with the estimated carryin of 44,800 tons would provide 173,900 tons to meet the committee's estimate of disappearance in regular commercial trade channels and leave a carryout of 24,800 tons on July 31, 1958. A carryout of this quantity of dried prunes is not considered excessive in view of trade requirements existing in recent seasons for prunes early in a crop year prior to the time new crop is available for marketing in volume.

It appears from data presently available that the estimated season average price to producers for dried prunes of the 1957 crop will not exceed the price level specified in section 2 (1) of the aforesaid act.

The proposed rule is as follows:

§ 993.205 *Dried prune salable and surplus tonnage percentages for the 1957-58 crop year.* The salable percentage for dried prunes produced in California shall be 90 percent for the crop year beginning August 1, 1957, and ending July 31, 1958, and the surplus percentage for such dried prunes shall be 10 percent for said crop year.

Dated: July 24, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-6193; Filed, July 29, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CATTLE SANITARY BOARD OF NEW MEXICO

AUTHORIZATION FOR INSPECTION OF LIVESTOCK

The Cattle Sanitary Board of New Mexico, pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 217a), has filed a written application with the Secretary of Agriculture for authority to act as an official livestock inspection agency with respect to livestock originating in or shipped from the State of New Mexico. It is found that the applicant is an agency of the State of New Mexico, that branding and marking of livestock as a means of establishing ownership prevails by custom or statute in said State, that no other application of a similar nature has been filed with the Department of Agriculture, and that it is necessary to authorize the Cattle Sanitary Board of New Mexico to charge and collect a reasonable and nondiscriminatory fee at posted stockyards which are subject to the provisions of the act for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from the State of New Mexico for the purpose of determining the ownership of such livestock.

Therefore, after consideration of such application and all data, views and arguments submitted as a result of the notice of proposed rule making in connection therewith published in the FEDERAL REGISTER on May 30, 1957 (22 F. R. 3821), and pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended, the following authorization is granted to become effective 30 days after publication in the FEDERAL REGISTER:

Authorization. The Cattle Sanitary Board of New Mexico is hereby authorized, with respect to livestock originating in or shipped from the State of New Mexico, to charge and collect, at those stockyards posted under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), at which the said Cattle Sanitary Board of New Mexico may register as a market agency to perform such inspection, reasonable and non-discriminatory fees for the inspection of brands, marks and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. Such charges as are authorized to be made under this authority shall be collected by the market agency or person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and shall be paid by it to the said Cattle Sanitary Board of New Mexico. Such inspection charges and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and the regulations issued thereunder.

(7 U. S. C. 217a)

Done at Washington, D. C., this 24th day of July 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 57-6168; Filed, July 29, 1957; 8:45 a. m.]

UTAH VALLEY AUCTION CO.

DEPOSTING OF STOCKYARD

It has been ascertained that the Utah Valley Auction Company, Springville, Utah, originally posted on January 27, 1955, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public market. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 25th day of July 1957.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-6195; Filed, July 29, 1957; 8:49 a. m.]

CLARK COUNTY LIVESTOCK AUCTION ET AL.

POSTED STOCKYARDS

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets

named below were stockyards within the definition of that term contained in section 302 of the act (7 U. S. C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

ARKANSAS

Name of stockyard:	Date of posting
Clark County Livestock Auction, Arkadelphia	June 21, 1957
Union County Livestock Auction, El Dorado	June 22, 1957
Nettleton Stockyards & Auction Market, Nettleton	June 29, 1957
Glenn Edgar Livestock Commission Co., Batesville	June 28, 1957
Weldon Auction Sales, Inc., Weldon	June 27, 1957
Union Stockyards, Pine Bluff	June 26, 1957
Eudora Livestock Auction, Eudora	June 26, 1957
Mammoth Spring Livestock Auction Co., Mammoth Spring	June 29, 1957
Malvern Commission Company, Malvern	June 21, 1957

KANSAS

Dodge City Livestock Commission Co., Dodge City	June 27, 1957

TEXAS

Kerr County Commission Company, Kerrville	June 24, 1957

WYOMING

Lander Sales Commission Company, Lander	June 27, 1957

Done at Washington, D. C., this 25th day of July 1957.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57-6196; Filed, July 29, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 234]

MURWAL, INC., ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter Murwal, Inc., Walter Schick, 17 State Street, New York 4, New York; E. Treitel & Co., Ltd., Dashwood House, 69, Old Broad Street, London E. C. 2, England, respondents; Case No. 234.

The respondents, Murwal, Inc., Walter Schick, and E. Treitel & Co., Ltd., having been charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder; and

The said respondents having been duly served with the charging letter, Murwal, Inc. and Walter Schick having appeared and demanded an oral hearing, and E. Treitel & Co., Ltd., having appeared and answered herein;

This case was referred to the Compliance Commissioner, who held a hearing at which the respondents Murwal, Inc. and Walter Schick were present and represented by counsel.

The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and all the evidence and arguments submitted by the respondents in opposition thereto, has transmited to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, U. S. Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that the respondents be denied export privileges in the manner and in accordance with the qualifications hereinafter set forth, together with which report he has transmitted also the transcript of testimony at the hearing, all exhibits submitted, the charging letter, and answer.

After reviewing and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Murwal, Inc. was and now is engaged in the export business in New York and during all said times Walter Schick was and now is its president, a director, controlling stockholder and, for all practical purposes, he was and is Murwal, Inc. (Wherever hereafter reference is made to Schick such reference will include as well Murwal, Inc.)

2. At all times hereinafter mentioned, E. Treitel & Co. Ltd. was and now is engaged in the import and export business in London, England.

3. Heretofore, on or about the 16th day of March 1955, following previous negotiations and some purchases of tin plate, Treitel ordered about 250,000 pounds of tin plate from Schick and, at the same time, indicated that a total of 300 tons might be taken. This total actually was reached.

4. Prior to the time that Schick shipped the first lot of tin plate so ordered by Treitel, the only information given to him by Treitel as to the ultimate consignee and the ultimate destination of the tin plate under discussion was that it was for "West European buyers."

5. At all times involved herein tin plate was permitted, under Bureau of Foreign Commerce regulations, to be shipped under general license, GRO, to West European consignees and destinations but no shipment thereof was permitted to be made, except pursuant to a validated license, to any Soviet Bloc country.

6. In accordance with instructions from Treitel, which informed Schick that the sale had to be financed by means of a "switch" transaction or "triangular" deal, Schick exported from the United States a first lot of about 175 metric tons of tin plate.

7. For the purpose of accomplishing said exportation under general license, GRO, Schick (a) caused to be executed and had authenticated a shipper's export declaration in which it was certified as true and correct that a Swiss firm was the ultimate consignee, that Switzerland was the country of ultimate destination, and that a Belgian firm was the intermediate consignee, and on said declaration he further certified that the exportation was under GRO; (b) caused to be executed and obtained a bill of lading naming the Belgian firm as the "notify" party and stating that the exportation was under GRO; and (c) prepared and issued a commercial invoice naming the Swiss firm as the customer.

8. The said lot of tin plate was not being purchased by the Swiss firm named as customer, it was not destined for Switzerland, and Schick had no reason to assume or believe that the Swiss firm mentioned by him as consignee was the true consignee or that the ultimate destination was Switzerland. In truth and in fact, he knew or should have known that neither statement was true and correct.

9. Thereafter, and prior to Schick's making three additional exportations of tin plate from the United States, Treitel informed Schick that this tin plate was to go to Hungary as the ultimate destination.

10. Schick informed Treitel that tin plate was not permitted to be exported to Hungary under general license, made known to it his unwillingness to apply for an export license, and refused to make said exportations disclosing Hungary as the country of ultimate destination. He informed Treitel that he was willing to make the exportations in the same manner as the first lot was exported.

11. Treitel thereupon agreed that the exportations be handled in the same manner as the first lot was handled except that it authorized Schick to make such shipments naming Belgium as the country of ultimate destination and provided him with the name of another Belgian firm to be designated as ultimate consignee.

12. Both Treitel and Schick well knew that Belgium was not the country of ultimate destination and that the named consignee was not the ultimate consignee but they resorted to the use of said destination and consignee for the purpose of accomplishing the three subsequent exportations under general license GRO and thus avoiding application to the Bureau of Foreign Commerce for validated license or licenses authorizing the exportations to Hungary. (While it is not known whether the applications would have been granted, statistics indicate and it was testified by Schick that applications for licenses to export tin plate to Hungary were at that time receiving favorable consideration in some cases.)

13. Schick thereafter, with Treitel's co-operation and agreement, exported from the United States to Belgium, under general license GRO, three additional lots of tin plate (64 metric tons, 36½ metric tons, and 20 metric tons), and (a) in each of the shipper's export declarations, named the Belgian firm designated by Treitel as ultimate consignee and Belgium as the country of ultimate destination, (b) issued invoices to said Belgium firm as buyer, and (c) had executed and obtained bills of lading naming Antwerp as the port of discharge and indicating Belgium as the country of destination.

14. Each of the four lots of tin plate, after arrival at Antwerp, Belgium, was diverted and transshipped to Hungary without authority from or permission of the Bureau of Foreign Commerce as was required by the export control regulations.

And, from the foregoing, the following are my conclusions:

A. The respondents Murwal, Inc. and Walter Schick did knowingly make and cause to be made false representations to, and they concealed material facts from, the Bureau of Foreign Commerce and the Collector of Customs, in connection with the preparation, submission, issuance, and use of export control documents in violation of §§ 381.2 and 381.5 of the Export Regulations, then in effect;

B. The respondents Murwal, Inc., Walter Schick, and E. Treitel & Co. Ltd. did knowingly export or cause to be exported from the United States and did thereafter cause to be diverted and transshipped to unauthorized persons and destinations, United States commodities contrary to the terms, provisions, and conditions of export control documents in violation of §§ 370.2 (a), 371.4, 371.8, and 381.6 of the Export Regulations, then in effect;

C. The respondents Murwal, Inc., Walter Schick, and E. Treitel & Co. Ltd. caused to be disposed of, transported, and forwarded exportations from the United States, knowing that with respect to such exportations violations of the Export Control Law and regulations promulgated thereunder were about to and were intended to occur, in violation of § 381.4 of the Export Regulations;

D. The respondents Murwal, Inc., Walter Schick, and E. Treitel & Co. Ltd. acted in concert to bring about violations of the Export Regulations in violation of § 381.3 of the said regulations, then in effect.

In connection with his recommendation that the remedial action hereinafter provided be taken, the Compliance Commissioner said,

> I am finding that Schick, which includes his firm, Murwal, Inc., acted in concert with Treitel to export and have exported the last three lots of tin plate from the United States under general license GRO, naming falsely the consignee and the country of ultimate destination, that they did this with knowledge that Hungary was the ultimate destination and that transshipment there was not permitted under U. S. export control regulations unless Department of Commerce permission was granted therefor, and that Treitel thereafter transshipped said tin plate to Hungary without such permission. (As to Schick's causing the transshipment to Hungary, see Malatkofski v. U. S., 179 F. 2d 905, 916.) I am finding also that, with respect to the first shipment which also was transshipped to Hungary, Schick had no reasonable ground for believing that Switzerland was the country of ultimate destination or that the consignee named by him was the ultimate consignee and that, by certifying on the documents these facts, which in fact were not so, he thereby made false statements on export control documents.
>
> In my opinion, Treitel was never the prime actor in this chain of events and that, had Schick not been willing to work out the scheme, there would have been no violation. For this reason, I recommend that Treitel be denied export privileges for twelve months but that this entire denial of export privileges be suspended upon condition that, during the period of twelve months following the date of the order, it complies fully with all export control regulations, all as more particularly set forth in the proposed order to be submitted herewith.
>
> Effective remedial action must be taken against Schick and Murwal, Inc. Factors entering into my recommendation in this connection are the nonstrategic nature of the goods, the large financial losses which Murwal, Inc. will incur as a result of the action, the fact that all papers and correspondence were produced and none withheld, the fact that under the regulations in effect at the time of the violations validated export licenses might have been issued authorizing the direct shipment to Hungary, the relatively small profit earned by it on three of the four lots shipped, and possible losses of bank connections and mill privileges. On the other side, there was not here a mere failure to report to the Bureau of Foreign Commerce the possibility that the goods might be transshipped to Hungary, an element serious enough standing alone, but, in addition, there seems to have been a wilful scheme contrived by Schick to circumvent the regulations following a warning letter sent to him by reason of a previous infraction. For these reasons and upon the whole record, including my observations of Schick at the hearing and my opinion of the testimony given by him, it is my recommendation that Schick and Murwal, Inc. be denied export privileges for one year, of which four months shall be effective immediately and the remaining eight months suspended, conditioned upon full compliance with all export control regulations during the twelve months following the date of the order, all as more particularly set forth in the proposed order to be submitted herewith.

Now, after careful consideration of the entire record and being of the opinion that the recommendation of the Compliance Commissioner is fair and just and that this order is necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which Murwal, Inc. or Walter Schick appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Except as qualified in Part IV, Subdivisions (A) and (B) thereof, the respondents, Murwal, Inc., Walter Schick, and E. Treitel & Co. Ltd., for a period of one year from the date hereof, hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control documents, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denials of export privileges, to the extent that any respondent may be affected thereby, shall extend not only to each of them, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. (A) Murwal, Inc. and Walter Schick, without further order of the Bureau of Foreign Commerce, shall have their export privileges restored to them conditionally, four months following the date hereof, the condition for such restoration being that during the four months following the date hereof, the said respondents shall comply in all respects with this order, and thereafter, until twelve months from the date hereof, they shall comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

(B) Anything in Part II hereof to the contrary notwithstanding, the effectiveness of this order denying export privileges to E. Treitel & Co. Ltd. shall be stayed and it shall not be operative as to it upon the condition that, for twelve months following the date hereof, said respondent and parties related to it shall not knowingly violate any export control law or regulation.

V. The privileges so conditionally permitted to the respondents, under Parts IV (A) and IV (B) hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that any such respondent at any time has knowingly failed to comply with the conditions applicable to him or it as set forth in Parts IV (A) and IV (B) hereof, in which event Part II hereof, insofar as it shall apply to such respondent, shall then be and become effective (a) as to Murwal, Inc. or Walter Schick for an additional eight months thereafter or until one year from the date hereof, whichever shall be the later, and (b) as to E. Treitel & Co. Ltd. for twelve months thereafter, without thereby preventing the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, such respondents and related parties as are involved therein shall have the right to appeal therefrom, as provided in the export regulations.

VI. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when a respondent or any related party is prohibited under the terms

hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, on behalf of or in any association with such respondent or related party, or (c) do any of the foregoing acts with respect to any exportation in which such respondent or related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: July 24, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-6169; Filed, July 29, 1957; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. F-17, F-28, F-35]

AMF ATOMICS, INC., AND AMERICAN MACHINE & FOUNDRY CO.

AMENDMENTS TO CONSTRUCTION PERMIT AND LICENSES

Please take notice that the Atomic Energy Commission has amended Facility Export Licenses XR-3 and XR-4 and Construction Permit CPRR-7 to permit AMF Atomics, Inc., to transfer all of its right, title and interest therein to its parent, American Machine & Foundry Company. American Machine & Foundry Company shall hereinafter be the holder of said licenses and construction permit.

Dated at Washington, D. C., this 22d day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-6166; Filed, July 29, 1957; 8:45 a. m.]

[Docket No. 50-78]

AMERICAN RADIATOR AND STANDARD SANITARY CORP.

APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the American Radiator and Standard Sanitary Corporation, 1682 Broadway, Redwood City, California, on July 12, 1957, filed an application under Section 104c of the Atomic Energy Act of 1954 for a license to construct and operate a nuclear reactor designed to operate at a power level of one watt and to be located at Mountain View, California. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 22d day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-6167; Filed, July 29, 1957; 8:45 a. m.]

[Docket No. 50-37]

GENERAL DYNAMICS CORP.

PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a facility license (authorizing operation as a critical experiment facility pursuant to section 104 (c) of the Atomic Energy Act of 1954) to General Dynamics Corporation, San Diego, California, substantially in the form set forth as Annex "A" unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is included as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the facility and the principal factors considered in reviewing the application for a license. A construction permit authorizing General Dynamics to construct the facility was issued by the Commission on June 18, 1957. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

The proposed license incorporates—as one of its conditions—a requirement that no critical experiment other than the uranium foil experiments described in the application may be conducted in the facility until a description of the experiment and a Hazards Summary Report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

Dated at Washington, D. C., this 25th day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE

1. Pursuant to the Atomic Energy Act of 1954 (hereinafter "the act") the Atomic Energy Commission (hereinafter "the Commission") has found:

a. That the utilization facility authorized for construction by Construction Permit No. CPCX-7 dated June 18, 1957, and issued to the General Dynamics Corporation (hereinafter "General Dynamics") has been constructed and will operate in conformity with the application as amended (as described hereinafter) and in conformity with the act and the rules and regulations of the Commission.

b. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public.

c. General Dynamics is technically and financially qualified to operate the facility.

2. Subject to the Conditions and requirements incorporated herein, the Commission hereby licenses General Dynamics:

a. Pursuant to Section 104c of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate as a utilization facility the critical experiments facility designated below.

b. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to use in operation of the facility the special nuclear material covered by License No. SNM-69 as amended, issued to General Dynamics.

c. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of By-Product Material", to possess, but not to separate from the fuel, such by-product material as may be produced from operation of the facility.

3. This license applies to the facility which is owned by General Dynamics and located at Torrey Pines, Mesa in San Diego, California, and described in General Dynamics' application filed October 26, 1956, and amendments to the application filed on December 10, 1956, December 12, 1956, January 28, 1957, February 18, 1957, March 28, 1957, and June 3, 1957, (hereinafter "the application").

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

5. No critical experiment other than the uranium foil experiments described in the application may be conducted in the facility until a description of the experiment and a Hazards Summary Report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

6. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

7. This license is effective as of the date of issuance and shall expire at midnight June 18, 1962, unless sooner terminated.

For the Atomic Energy Commission.

Director,
Division of Civilian Application.

Date of issuance:

APPENDIX "A"

I. *Experiments.* General Dynamics is authorized to perform the critical experiments described in the application. Any changes in the experiments as described in the application must be authorized by the Commission.

II. *Operating restrictions.* General Dynamics shall operate the facility in accordance with the procedures described in the application.

III. *Records.* In addition to those otherwise required under this license, General Dynamics shall keep the following records:

a. Facility operating records.

b. Records containing a description, procedures, and results for each critical experiment performed.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of General Dynamics as measured at the point of such release or discharge.

d. Records of emergency scrams, including reasons for emergency shutdowns.

IV. *Reports.* General Dynamics shall immediately report to the Commission any

indication or occurrence of a possible unsafe condition relating to the operation of the facility.

ANNEX "B"

MEMORANDUM

Part I—Introduction. General Dynamics Corporation on October 26, 1956, filed an application for a Class 104 license, defined in Section 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter 1, CFR, to construct and operate a critical experiments facility and an initial series of experiments involving uranium foils. On December 10, 1956, December 12, 1956, January 28, 1957, February 18, 1957, and March 28, 1957, General Dynamics filed amendments to its license application.

Notice of proposed issuance of a construction permit was published in the FEDERAL REGISTER on June 1 and Construction Permit CPCX-7 was issued on June 18, 1957.

On June 3, 1957, General Dynamics filed an amendment to its application providing detailed and current information concerning the critical assembly, experiments to be performed therein, the operating procedures to be followed, and a final hazards analysis.

On June 20, 1957, representatives of the Commission inspected the facility and determined that it was constructed substantially in accordance with the design set forth in the license application.

There is set forth below our considerations of the information furnished by General Dynamics and our analysis of the hazards associated with operation of the facility.

Part II—Description of the facility—Site. The facility has been constructed substantially as described in the memorandum previously published in the FEDERAL REGISTER and is at the location described therein. This location is 700 feet from the nearest site boundary (across a 175-foot deep canyon), 1,200 feet from a small sewage treatment plant (the nearest off-site building), and 1,900 feet from the nearest point on U. S. Highway 101. Location of the nearest on-site permanent building will be not less than 400 feet from the critical assembly. The ridge line of the mesa previously forming a high barrier between the experiment facility and the nearest on-site building has been removed. However, the tops of the experimental buildings will remain below the level of the mesa top. A linear accelerator building may be placed within 100 feet of the critical facility. Population around the site is at present sparse, being concentrated to the south, but it is estimated that by 1970, approximately 4,000 persons will be living within a two-mile radius.

Reactor. The facility is to be located in two buildings, an experiment cell and a control building. These will be separated from each other and from other buildings on the site by an earth ridge.

The reactor core tank is located on the floor of the experiment building and a graphite block reflector is stacked around it. The possible use of beryllium or water as a reflector has been abandoned. The core will be similar in design to that previously described but the moderating material will be zirconium hydride rather than beryllium. Fuel will consist of one-mil uranium foils interleaved between 108-mil zirconium hydride bars, assembled in aluminum cans of one-inch square cross section.

Five poison-bearing control rods will be used, worth a total of about 7 percent in reactivity. Three of these will be used as safety rods, two of which will be worth at least 1.2 percent each and the third about 2.2 percent. The reactor may be operated without water in the core (to simulate water or air cooling media), and no water dump has been provided. A secondary control system consists of two ¼-inch thick Boral curtains operating on two sides of the core in pockets between the core tank and the reflector. Each of these curtains is worth about six per cent reactivity. These curtains are positioned by a cable-drum-drive, coupled through magnetic clutches to drive motors. Position of the curtain is indicated by microswitches actuated by a potentiometer coupled to the curtain drive and position may also be observed on the television system.

Instrumentation and safety systems. Safety instrumentation includes two neutron level scram channels and one period scram channel which also supplies an additional level scram signal. Two compensated ion chambers and two fission chambers feed neutron level information channels, and one additional compensated ion chamber feeds a period indicating channel. At all times a minimum of three high-level scrams will be set at 25 watts or less. For most experiments a setting of one watt will be used. Checkout procedures assure that operation will not be begun unless the three power channels and one period channel are operating properly.

A minimum of 2 counts per second on each of 2 count rate recorders is required by an interlock before the control system can be actuated.

Control and safety rod motion, safety curtain motion, and the water fill system are all actuated by a single lever switch. The action desired is chosen by means of a selector switch, preventing the performance of more than one control action at a time.

An interlock prevents opening of the circulating system valve if the core tank is not filled. Another interlock interrupts control system power if a gate to the experimental area is opened. (The control building is outside this area.)

Included in the control console and directly in front of the operator's chair is a locked box containing toggle switches which enable by-passing interlocks during construction and trouble-shooting. Pilot lights indicate switches in the by-pass position. Closing the cover of this box automatically resets all by-pass switches. Operating procedures forbid bringing the assembly to criticality under any circumstances without locking the box.

Part III—Technical qualifications of the applicant. The technical staff of General Atomic Division of General Dynamics Corporation, including more than 20 persons with advanced degrees in the various fields of science and engineering, is well qualified for activities in nuclear science and technology. In addition to the broad technical background of the staff, several of its members have had long experience in various phases of the nuclear activity of the AEC and its contractors.

It is concluded that the applicant is technically qualified to operate the facility.

Part IV—Financial qualifications of the applicant. At the time consideration was given to the issuance of a construction permit covering this facility a review was made of the applicant's financial qualifications. The construction permit issued on January 18, 1957, reflects that the Commission had determined that the applicant was qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR.

Part V—Experiments. Experiments to be performed with the critical facility include measurement of the following:

1. Critical mass as a function of reactor geometry and composition.
2. Control rod effectiveness.
3. Effect of beam holes in the reflector. No fuel-bearing experiments are proposed.
4. Core void coefficient, using aluminum or magnesium to simulate voids.
5. Core distortion experiments.
6. Temperature coefficient of reactivity with and without water in the core.
7. Flux distribution in core and reflector.

Part VI—Hazards analysis—General considerations. Detailed operating procedures have been formulated whose purpose is to limit the excess reactivity which may be present at any time in the facility to a value smaller than that controlled by any safety rod.

A safety committee composed of three responsible scientists has been formed. This committee will require a written outline of each experiment to be performed, including a statement of the maximum excess reactivity required and the name of the physicist responsible for the experiment. Operators will perform no experiment before receiving such an outline approved by the committee. At least two scientists including the person responsible for the experiment in progress must be present in the contral room during critical experiments.

Adequate nuclear material handling and storage procedures have been formulated and all operations involving such procedures will be reviewed by the Custodian of special nuclear material and by the Safeguard Committee.

Accident analysis. Various accidents have been postulated by the applicant and their effects have been analyzed. A maximum accident was considered in which it was assumed that a very large amount of excess reactivity was suddenly inserted by some unknown mechanism into the core. All safety systems were assumed to be ineffective, vaporization of uranium and the consequent pressure rise and expansion of the core being assumed as the only available shutdown mechanism. The results of this accident indicate that 3.7 megawatt-seconds of energy would be released as a result of a three percent step insertion of reactivity. The release of all the fission products formed in a 4 megawatt-second excursion would not subject persons at the nearest site boundary to radiation levels in excess of the maximum permissible exposure levels set out in 10 CFR 20, "Standards for Protection Against Radiation". In analysis of this accident, however, it was assumed that all the energy produced remained in the fuel, heating and eventually vaporizing it. While it is recognized that an excursion resulting from a three percent step reactivity addition would be of a very short period, and that heat will not be transferred out of the fuel as readily as in a liquid moderated reactor, it does appear that the assumption of no heat transfer to the moderator lacks conservatism. However, if calculations had been based on the opposite heat transfer assumption, that the entire core is uniformly heated and vaporized, an energy release of slightly over 100 megawatt-seconds would have been calculated. Even this overly-conservative assumption combined with a complete release of fission products would not indicate personal injury at the site boundary although exposures would be somewhat above permissible or desirable levels.

Part VII—Conclusion. The applicant has described in detail the facility, its safety features, and the procedures to be followed and experiments to be performed in its operation. Based upon the Commission's review and amplification of the maximum accident postulated by the applicant it is concluded that such accident would not result in undue hazard to the public. In view of these and the other considerations outlined above it is concluded that the facility may be operated at the location described without undue risk to the health and safety of the public.

For the Division of Civilian Application.

H. L. PRICE,
Director.

JULY 25, 1957.

[F. R. Doc. 57-6186; Filed, July 26, 1957; 12:30 p. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 8863, 8864]

AERONAVES DE MEXICO, S. A.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Aeronaves de Mexico, S. A., for a foreign air carrier permit to engage in foreign air transportation between the terminal points Mexico City, Mexico, and New York, New York, via the intermediate point Washington, D. C., Docket No. 8863.

In the matter of the application of Aeronaves de Mexico, S. A., for a foreign air carrier permit to engage in foreign air transportation between the terminal points Mexico City, Mexico, and New Orleans, Louisiana, via intermediate points in Mexico, Docket No. 8864.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceedings, now assigned for July 30, 1957, is postponed to August 6, 1957, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Chief Examiner Francis W. Brown.

Dated at Washington, D. C., July 24, 1957.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 57-6201; Filed, July 29, 1957; 8:50 a. m.]

[Docket No. 8681]

TRANS-ALASKAN AIRLINES, INC.; ENFORCEMENT CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 42 issued to Trans-Alaskan Airlines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, and regulations thereunder, that a hearing in the above-entitled matter heretofore assigned to be held on July 30, 1957, is hereby re-assigned to be held on August 6, 1957, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., July 25, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6202; Filed, July 29, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12435]

DAVIS-KELLY OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 24, 1957.

Take notice that on April 18, 1957, Davis-Kelly Oil Company (Applicant), a West Virginia corporation having its principal place of business in Morgantown, West Virginia, filed an application pursuant to section 7 (b) of the Natural Gas Act for permission to abandon the sale of natural gas to Hope Natural Gas Company (Hope) from acreage in the Grant District, Ritchie County, West Virginia.

Applicant states that the volume of gas available for delivery to Hope under the contract covering this sale has declined to the point where it is no longer economically feasible to continue the operation. Applicant has entered into an agreement with Hope dated August 22, 1956, providing for the cancellation of the present sales contract.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 27, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6172; Filed, July 29, 1957; 8:46 a. m.]

[Docket No. G-12610]

LOUISIANA NEVADA TRANSIT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 23, 1957.

Take notice that on May 20, 1957, Louisiana Nevada Transit Company (Applicant), a Nevada corporation having its principal place of business in Ada, Oklahoma, filed in Docket No. G-12610 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of six existing taps, certain lateral lines, and metering and regulating facilities attached to its main interstate natural gas pipeline system in Arkansas and Louisiana, all as more fully described in its application which is on file with the Commission and open to public inspection.

The customers and facilities concerned in this application are:

(1) Consolidated Chemical Industries, Division of Stauffer Chemical Company, near Springhill, Webster Parish, Louisiana, connected by a 1,974-foot, 2-inch pipeline lateral from Applicant's main 8-inch interstate transmission line. Cost: $1,030. Annual gas requirements: 4,332 Mcf.

(2) Bruner Ivory Handle Company at Hope, Arkansas, connected by a tap on Applicant's 4-inch Hope Water and Light Company pipeline which branches off Applicant's 6-inch lateral serving the community of Hope. Cost: $569. Annual requirements: 24,000 Mcf.

(3) Hope Basket Company, Hope, Arkansas, served by a 4,346-foot, 2-inch pipeline tapping Applicant's 6-inch Hope lateral. Five domestic customers are also served from this 2-inch line. Cost: $2,238. Annual requirements: approximately 24,000 Mcf.

(4) Anthony Manufacturing Company, Hope, Arkansas, served by a 900-foot, 3-inch pipeline connected to Applicant's 4-inch branch line at Hope. Cost: $956. Annual requirements: 18,000 Mcf.

(5) Cotton Valley Solvents, Inc., a gasoline plant in Webster Parish, Louisiana, served by a 2,448-foot, 2-inch pipeline tapping Applicant's main 8-inch transmission line about four miles north of the Cotton Valley Field. Cost: $2,209. Annual requirements: Not stated.

(6) Town of Serepta, Webster Parish, Louisiana, located nine miles south of the Louisiana-Arkansas border, served at retail from a tap on Applicant's main 8-inch pipeline. Cost: $947. Annual requirements: 12,000 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 26, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6173; Filed, July 29, 1957; 8:46 a. m.]

[Docket No. G-12141]

WILCOX TREND GATHERING SYSTEM, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 23, 1957.

Take notice that on March 4, 1957, Wilcox Trend Gathering System, Inc. (Applicant), a Delaware corporation having its principal place of business in Houston, Texas, filed in Docket No. G-12141 an application pursuant to section 7 (c) of the Natural Gas Act, which application was supplemented April 8, 1957, for a certificate of public convenience and necessity authorizing the continued operation of certain heretofore uncertificated facilities for the receiving of natural gas from certain producers in Texas, all as more fully described in the application which is on file with the Commission and open to public inspection.

These facilities, all including metering and regulating facilities, and the related producer applications are as follows:

(1) Approximately 1.55 miles of 3½ inch O. D. lateral supply pipeline from Applicant's existing Meyersville Field lateral to a point in East Meyersville Field, both in Dewitt County, Texas, to receive natural gas from Kirkwood & Company (sale authorized in Docket No. G-7626) whose acquisition by Holland-American Petroleum Corporation is the subject of a pending application in Docket No. G-11180; and from Sunray Mid-Continent Oil Company whose application in Docket No. G-3127 for a certificate covering the sale of gas to Texas Eastern Transmission Corporation, assignee of Applicant in G-12141, is pending. Total cost of facilities to Applicant: $20,430.98.

(2) Approximately 0.17 mile of 3½ inch O. D. lateral supply pipeline from Applicant's existing 4-inch Meyersville Field lateral to a point in the Doehrmann Field, Dewitt County, Texas, to receive natural gas from Kirkwood & Company (sale authorized in Docket No. G-10051) whose acquisition by Holland-American Petroleum Corporation is the subject of pending application in Docket No. G-11180. Cost of facilities to Applicant: $5,573.40.

(3) Approximately 1.95 miles of 3½ inch O. D. lateral supply pipeline from Applicant's existing West Weesatche Field lateral to a point in the Enke Field, Goliad County, Texas, to receive natural gas from Johnny Mitchell Trustee No. 2 (sale authorized in Docket No. G-10138). Cost of facilities to Applicant: $27,328.89.

(4) Approximately 0.83 mile of 3½ inch O. D. lateral supply pipeline from Applicant's existing West Weesatche lateral to a point in the Melrose Field, Goliad County, Texas, to receive natural gas from Harry Bass Drilling Company (sale authorized in Docket No. G-9125). Cost of facilities: $11,351.87.

(5) Approximately 0.62 mile of 3½-inch O. D. lateral supply pipeline from Applicant's existing Dial Field lateral to a point in the Gladys Powell Field, Goliad County, Texas, to receive natural gas from Sinclair Oil & Gas Company and Morris Cannan (sales authorized in Docket Nos. G-8493 and G-4417, respectively). Cost of facilities $9,498.07.

(6) Approximately 2.0 miles of 4½-inch O. D. lateral supply pipeline from Applicant's existing 6-inch Yoward Field lateral to a point in the Holzmark-Wilcox Field, Bee County, Texas, to receive natural gas from Gasoline Production Company, Mim Oil Company, The Texas Company and Tidewater Oil Company (sales authorized in Docket Nos. G-7031, G-9940, G-4820 and G-3721, respectively). Cost of facilities: $29,631.82.

(7) Approximately 4.28 miles of 4½-inch O. D. lateral supply pipeline from Applicant's existing Holzmark-Wilcox Field lateral to a point in the Singleton Field, Bee County, Texas, to receive natural gas from South Texas Oil and Gas Company (sale authorized in Docket No. G-6704). Cost of facilities: $59,829.59.

(8) Approximately 1.53 miles of 3½-inch O. D. lateral supply pipeline from Applicant's existing Holzmark-Wilcox Field lateral to a point in the Ragsdale Field, Bee County, Texas, to receive natural gas from The Texas Company (sale authorized in Docket No. G-4820). Cost of facilities: $18,438.49.

(9) Approximately 1.27 miles of 3½-inch O. D. lateral supply pipeline from Applicant's existing Minoak Field lateral to a point in the Ragsdale Field, Bee County, Texas, to receive natural gas from Bright & Schiff (sales to Applicant's assignee, Texas, Eastern Transmission Corporation, covered by two dockets: one in pending Docket No. G-5558 where temporary authorization was issued on January 11, 1955, and the other certificated on June 4, 1956 in Docket No. G-7439). Cost of facilities: $14,467.89.

(10) Approximately 0.01 mile of 3½-inch O. D. lateral supply pipeline from Applicant's existing Peeler Field lateral to a point in the West George West Field, Live Oak County, Texas to receive natural gas from R. O. Mangum (sale authorized in Docket No. G-9465). Cost of facilities: $3,789.37.

(11) Approximately 0.47 mile of 3½-inch O. D. lateral supply pipeline from Applicant's existing Kittie Field lateral to a point in the Sunset Field, Live Oak County, Texas, to receive natural gas from F. W. Carr, J. R. Meeker and Tidewater Oil Company (sales authorized in Docket Nos. G-4887, G-9524 and G-3721, respectively). Cost of facilities: $9,609.21.

Applicant will transport the gas received from the above-mentioned producers for redelivery to Texas Eastern Transmission Corporation at Provident City, Texas. Texas Eastern will transport such gas in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 26, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6174; Filed, July 29, 1957; 8:46 a. m.]

[Docket Nos. G-12065, G-12514]

ADA OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 23, 1957.

Take notice that Ada Oil Company, Operator (Applicant), an independent producer, filed applications for authority to abandon and render natural gas service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Applicant on May 3, 1957 filed its application in Docket No. G-12514 for permission and approval to abandon the sale of natural gas to Phillips Petroleum Company (Phillips) from production in the Liverpool Field, Brazoria County, Texas, which sale is covered by an agreement dated February 2, 1954, as amended. Phillips processes said gas in its Chocolate Bayou Gasoline Plant and resells the residue gas to Texas Illinois Natural Gas Pipeline Company (Texas Illinois), under its FPC Gas Rate Schedule No. 41. Concurrently with its abandonment application, Ada filed a notice of cancellation of its FPC Gas Rate Schedule No. 2, pursuant to § 154.97 of the rules. The reasons stated for the cancellation were expiration of the term of contract with Phillips and execution of a new contract dated November 1, 1956 for sales by Ada directly to Texas Illinois.

Phillips, by letter dated May 1, 1957 to Ada, states it will not oppose an application for abandonment by Ada.

Prior thereto, on February 21, 1957, as amended, on April 30, 1957, Ada filed an application in Docket No. G–12065 for authorization to sell the subject gas directly to Texas Illinois pursuant to the aforementioned new contract dated November 1, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 28, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6175; Filed, July 29, 1957; 8:46 a. m.]

TARIFF COMMISSION

WATCH MOVEMENTS

REPORT TO THE PRESIDENT

JULY 25, 1957.

The United States Tariff Commission today submitted to the President its second periodic report on the developments in the trade in watch movements since the modification on July 27, 1954, of the concession thereon granted in the trade agreement with Switzerland signed January 9, 1936. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952 (17 F. R. 9125). That order prescribes procedures for the periodic review of escape-clause actions with a view to determining whether a concession that has been modified or withdrawn may be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

The Commission's first report with respect to watch movements under Executive Order 10401 was dated July 25, 1956. At that time the Commission advised the President that the conditions of competition between imported and domestic watch movements had not so changed during the preceding 2 years as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401.

In submitting its second report with respect to watch movements to the President under Executive Order 10401, the Commission arrived at the same conclusion that it reached in the first report, but this time based its conclusion on the conditions of competition during the past year.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

DONN N. BENT, *Secretary.*

[F. R. Doc. 57–6179; Filed, July 29, 1957; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 8 (a)]

REQUEST TO PARTICIPATE IN ACTIVITIES OF ARMY ORDNANCE INTEGRATION COMMITTEE ON TRACKS FOR TRACKLAYING TYPE VEHICLES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the voluntary plan entitled, "Plan and Regulations of Ordnance Corps Covering Integration Committee on Tracks for Tracklaying Type Vehicles," amended to extend membership eligibility in accordance with the Defense Production Act Amendments of 1955, was approved by the Attorney General, after consultation with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Defense Mobilization.

This amended voluntary plan has been approved by the Director of the Office of Defense Mobilization and has been found to be in the public interest as contributing to the national defense.

Contents of request. You are requested to participate in the activities of an integration committee in accordance with the enclosed voluntary plan entitled, "Plan and Regulations of Ordinance Corps Covering Integration Committee on Tracks for Track Laying Type Vehicles," as amended pursuant to the Defense Production Act Amendments of 1955.

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I have approved the voluntary plan and have found it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Industrial Operations Branch, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C.?

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Integration Committee on Tracks for Track Laying Type Vehicles and your participation therein are within the limits set forth in the voluntary plan.

Your cooperation in this matter will be appreciated.

Sincerely yours,

GORDON GRAY, *Director.*

The following companies have accepted the request to participate in the amended plan and this list supersedes the list of acceptances published in 16 F. R. 10791, October 23, 1951.

ACCEPTANCES

Burgess-Norton Manufacturing Company, Geneva, Illinois.
Firestone Industrial Products Company, Akron, Ohio.
General Motors Corporation, Dayton, Ohio.
The General Tire & Rubber Company, Wabash, Indiana.
B. F. Goodrich Company, Akron, Ohio.
The Goodyear Tire & Rubber Company, Akron, Ohio.
Kingston Products Corporation, Bronson, Michigan.
The Ohio Rubber Company, Willoughby, Ohio.
United States Rubber Company, Detroit, Michigan.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: July 25, 1957.

GORDON GRAY, *Director.*

[F. R. Doc. 57–6185; Filed, July 29, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1090]

SECURITIES COMPANY OF MASSACHUSETTS, INC., AND INVESTMENT TRUST OF BOSTON

NOTICE OF FILING OF APPLICATION FOR ORDER OF EXEMPTION

JULY 23, 1957.

Notice is hereby given that Securities Company of Massachusetts, Incorporated ("Securities"), which was formerly the underwriter of shares of Investment Trust of Boston ("Trust"), a registered open-end management investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act proposed payments by Securities to investors of amounts held in escrow in their behalf as more fully set forth below.

The application makes the following representations:

The underwriting agreement between Securities and the Trust was terminated by action of the Trustees of the Trust on June 5, 1957. Prior thereto Securities, in connection with its distribution of shares of the Trust, had entered into "Letters of Intention" with individual investors, pursuant to which the investors indicated an intention of purchasing $25,000 or more of shares of the Trust within a twelve-month period. If the investor purchased the amount indicated within the stated period, he would have the benefit of the lower offering price applicable to a single transaction in that amount. As orders were placed pursuant to these letters, the investor paid the current public offering price applicable to each purchase, and Securities held on deposit in a special escrow account the difference between the purchase price actually paid and the purchase price to which the investor would be entitled if he purchased the total amount of shares of the Trust indicated in his "Letter of Intention." Twelve "Letters of Intention" were outstanding and not completed on June 5, 1957, when Securities ceased to be able to furnish shares in completion of them, and in connection with these letters Securities holds in escrow a total of $5,434.48. Securities proposes to ask each dealer who had a customer with an incomplete "Letter of Intention" to obtain a letter from the investor stating whether or not he intended to complete the purchase program under his "Letter of Intention." If the investor states he did intend to complete his purchases, Securities will refund the sum of money held on deposit as to him. If an investor states he did not intend to complete the purchases, Securities will pay to the dealer from whom such investor has made his previous purchases the additional dealers' discount applicable to the lesser number of shares actually purchased.

Among other things, section 22 (d) of the act, with certain exceptions not applicable here, prohibits a principal underwriter of a registered investment company, or a dealer, from selling redeemable securities of such registered investment company except at a current offering price described in the prospectus. Since the proposal set forth above may involve the sale of shares of the Trust below the normal public offering price thereof described in the prospectus in contravention of the provisions of section 22 (d) of the act, Securities seeks an order pursuant to section 6 (c) of the act exempting its proposed refund of a portion of the offering price from the provisions of section 22 (d) of the act.

Section 6 (c) of the act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally, any transaction from any provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than August 7, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–6176; Filed, July 29, 1957; 8:47 a. m.]

[File No. 24D–1619]

LOCKHART BASIN URANIUM CORP.

ORDER VACATING ORDER OF SUSPENSION

JULY 23, 1957.

Lockhart Basin Uranium Corporation (Lockhart), a Utah corporation, 419–27th Street, Ogden, Utah, filed with the Commission on March 4, 1955, a notification on Form 1–A and offering circular, and subsequently filed amendments thereto, relating to an offering, as amended, of 2,500,000 of its 10¢ par value common stock, to be offered at 10¢ per share for an aggregate of $250,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

The Commission on May 21, 1957, ordered, pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the conditional exemption under Regulation A sought for the offering be temporarily suspended on the grounds that the terms and conditions of Regulation A had not been complied with in that Form 2–A reports of sales, as required by Rule 224, had not been filed and the offering circular was misleading by failing to reflect certain post-filing developments.

Subsequent to the Commission's action temporarily suspending the exemption, a Form 2–A report of sales was filed and petitions were submitted to establish, among other things, that (1) the offering was never commenced, nor is one intended under the filing; (2) no sales were made under the filing; (3) the failure to file the report of sales and to amend the circular to reflect post-filing developments was due to the failure of Lockhart's officers to appreciate the necessity for such action in light of the status of the offering, and (4) other mitigating factors.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors,

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said order of temporary suspension be, and it hereby is, vacated; and

It is further ordered, That the said petition is construed to be a request for withdrawal of the Regulation A notification filed by Lockhart and same is hereby permitted to be withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–6177; Filed, July 29, 1957; 8:47 a. m.]

[File No. 8–5102]

MCINNES & CO., INC.

FINDINGS, OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION AND EXPELLING FROM NATIONAL SECURITIES ASSOCIATION

In the matter of McInnes & Co., Inc., 203 Huntington Building, Miami 32, Florida; File No. 8–5102.

These were private proceedings under sections 15 (b) and 15A (*l*) (2) of the Securities Exchange Act of 1934 ("Exchange Act") to determine whether the broker-dealer registration of McInnes & Co., Inc. ("registrant") should be revoked, and whether registrant should be suspended or expelled from membership in the National Association of Securities Dealers, Inc. ("NASD").[1]

Registrant filed an answer and consent to revocation in which it waived a hearing and recommended decision and admitted all but one of the violations alleged in the order for proceedings.[2] On the basis of the answer and consent we find that registrant accepted monies and securities from customers without disclosing its insolvency,

[1] Section 15 (b) of the Exchange Act, as here pertinent, provides that we may revoke the registration of a broker or dealer if we find it is in the public interest and that such broker or dealer has willfully made any false or misleading statement in any application for registration or in any document supplemental thereto, or has willfully violated any provision of the Securities Act of 1933 or of the Exchange Act or of any rule or regulation thereunder.

Under section 15A (*l*) (2) of the Exchange Act we may suspend for not more than 12 months or expel from a national securities association any member thereof who has violated any provision of the Exchange Act or willfully violated any provision of the Securities Act or any rule under such acts if we find such action to be necessary or appropriate in the public interest or for the protection of investors.

A notice of withdrawal of registration was filed by registrant but did not become effective because of the institution of these proceedings within thirty days, as provided by 17 CFR 240.15b–6.

[2] The answer and consent denied an allegation in the order for proceedings that registrant's application for registration was false and misleading in that it failed to state that Joseph Kenneth Edlin controlled registrant. While full and adequate disclosure in applications for registration is essential to the performance of our function of supervising brokers and dealers for the protection of investors, in view of registrant's admission of willful violations including violations of the antifraud provisions of the Securities Act and the Exchange Act, and its consent to revocation, we have concluded that the public interest will be satisfied by disposing of these proceedings on the basis of such admissions and consent.

transacted business while its aggregate indebtedness exceeded 2,000 percent of its net capital, and made false and misleading statements and omissions in the sale of securities of Alabama General Insurance Company with respect to the return on the investment in such securities and the government contracts of a subsidiary of that company, offered and sold securities of that company although they were not registered under the Securities Act, made false and misleading statements in its application for registration in that it failed to disclose certain officers and directors, and failed to file promptly amendments correcting information which had become inaccurate, and failed to make and keep current required books and records. Accordingly we find that registrant willfully violated sections 5 (a), 5 (c) and 17 (a) of the Securities Act, sections 10 (b), 15 (b), 15 (c) (1), 15 (c) (3) and 17 (a) of the Exchange Act and 17 CFR 240.10b–5, 240.15b–2, 240.15c1–2, 240.15c3–1 and 240.17a–3 under the latter act.

We conclude that it is in the public interest to revoke registrant's registration as a broker and dealer and to expel registrant from membership in the NASD. In the answer and consent registrant and Raymond McInnes, president of registrant, agree that the latter may be found to be a cause of any order of revocation issued in this matter, and we so find.

Accordingly it is ordered, That the registration of McInnes & Co., Inc., as a broker and dealer be, and it hereby is, revoked and that registrant be, and it hereby is, expelled from membership in the National Association of Securities Dealers, Inc., and that the notice of withdrawal from registration filed by registrant be, and it hereby is, not permitted to become effective; and it is found that Raymond McInnes is a cause of such revocation and expulsion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–6178; Filed, July 29, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–173]

UNKNOWN NATIONAL OF RUMANIA

In re: Debt owing to unknown national of Rumania; F–63–60 (Arosa).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Swiss Credit Bank, New York Agency, 25 Pine Street, New York 5, New York, arising out of an account entitled, "Swiss Credit Bank, Arosa, Switzerland, 'Blocked Account'," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by a national of Rumania, name unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 23, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57–6180; Filed, July 29, 1957; 8:47 a. m.]

[Vesting Order SA–175]

CITY OF BUDAPEST MUNICIPAL SAVINGSBANK CO., LTD.

In re: Debt owing to City of Budapest Municipal Savingsbank Company Limited, also known as Budapester Hauptstadtische Gemeinde Sparkassa Akt.; F–34–1147.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled, "Budapester Hauptstadtische Gemeinde Sparkassa Akt., V. Dorottya Utca 4, Budapest, Hungary," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by City of Budapest Municipal Savingsbank Company Limited, also known as Budapester Hauptstadtische Gemeinde Sparkassa Akt., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 23, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57–6182; Filed, July 29, 1957; 8:47 a. m.]

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FEDERAL REGISTER

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Washington, Wednesday, July 31, 1957

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; MISSISSIPPI

On July 19, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MISSISSIPPI

County	Average value	County	Average value
Adams	$20,000	Lamar	$20,000
Alcorn	20,000	Lauderdale	20,000
Amite	20,000	Lawrence	20,000
Attala	20,000	Leake	20,000
Benton	20,000	Lee	20,000
Bolivar	25,000	Leflore	25,000
Calhoun	20,000	Lincoln	20,000
Carroll	25,000	Lowndes	20,000
Chickasaw	20,000	Madison	20,000
Choctaw	20,000	Marion	20,000
Claiborne	20,000	Marshall	20,000
Clarke	20,000	Monroe	20,000
Clay	20,000	Montgomery	20,000
Coahoma	25,000	Neshoba	20,000
Copiah	20,000	Newton	20,000
Covington	20,000	Noxubee	20,000
De Soto	20,000	Oktibbeha	20,000
Forrest	20,000	Panola	25,000
Franklin	20,000	Pearl River	20,000
George	20,000	Perry	20,000
Greene	20,000	Pike	20,000
Grenada	20,000	Pontotoc	20,000
Hancock	20,000	Prentiss	20,000
Harrison	20,000	Quitman	25,000
Hinds	20,000	Rankin	20,000
Holmes	25,000	Scott	20,000
Humphreys	25,000	Sharkey	25,000
Issaquena	25,000	Simpson	20,000
Itawamba	20,000	Smith	20,000
Jackson	20,000	Stone	20,000
Jasper	20,000	Sunflower	25,000
Jefferson	20,000	Tallahatchie	25,000
Jefferson Davis	20,000	Tate	20,000
Jones	20,000	Tippah	20,000
Kemper	20,000	Tishomingo	20,000
Lafayette	20,000	Tunica	25,000
		Union	20,000

MISSISSIPPI—Continued

County	Average value
Walthall	$20,000
Warren	25,000
Washington	25,000
Wayne	20,000
Webster	20,000
Wilkinson	$20,000
Winstoh	20,000
Yalobusha	20,000
Yazoo	25,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: July 26, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57–6222; Filed, July 30, 1957; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54407]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

REVOCATION OF DESIGNATION OF YSLETA, TEXAS, AS CUSTOMS PORT OF ENTRY

JULY 24, 1957.

By an ordinance of the City Council of El Paso, Texas, approved March 15, 1955, under the authority of Art. 1175 (2) of the Revised Statutes of Texas, the boundaries (corporate limits) of El Paso were extended so as to annex certain additional territory, including the town of Ysleta, Texas.

The boundaries of a customs port of entry have been held to coincide with the territory within the corporate limits of the city or town designated as a customs port. Thus, the town of Ysleta, annexed by the city of El Paso, is now within the limits of the customs port of El Paso. Therefore, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), it is ordered that the designation of Ysleta, Texas, as a customs port of entry in Customs Collection District No. 24 (El Paso) be, and it is hereby, revoked, effective on the date of publi-

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FEDERAL REGISTER

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cation of this Treasury Decision in the FEDERAL REGISTER.

Section 1.1 (c), Customs Regulations, is amended by deleting "(E. O. 2702, Sept. 7, 1917)." opposite "El Paso, Tex." in the column headed "Ports of entry" in District No. 24 (El Paso); by adding "(T. D. 54407)" opposite "El Paso, Tex." in the column headed "Ports of entry" in said district; and by deleting "Ysleta, Tex. (E. O. 7632, June 15, 1937; 2 F. R. 1042)." from such column.

Publication of notice of the proposed revocation of the designation of Ysleta as a customs port, under the provisions of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c), is deemed unnecessary, as the port known as Ysleta is now within the limits of the customs port of El Paso, the customs office and personnel will be retained, and service to the public will not be affected.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-6217; Filed, July 30, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Amdt. 2]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. The provisions of § 957.316 (b) (1) (22 F. R. 4785; 22 F. R. 5862) are hereby amended to read as follows:

(b) *Order.* (1) Except as otherwise provided in this section, during the period from July 29, 1957, through September 20, 1957, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean," which means that at least 90 percent of such potatoes are "fairly clean," as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), and

(i) If they are of the round varieties (including, but not being limited to, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 1⅞ inches minimum diameter,

(ii) If they are of the White Rose variety, such potatoes meet the requirements of the U. S. No. 2, or better, grade, 5 ounces minimum weight: *Provided*, That any such potatoes that grade not less than U. S. No. 1, may be shipped if they are of 2⅛ inches minimum diameter or 4 ounces minimum weight,

(iii) If they are of the Kennebec variety, such potatoes meet the requirements of U. S. No. 2, or better, grade, and are of 2 inches minimum diameter or 4 ounces minimum weight, and,

(iv) If they are of any other variety (including, but not being limited to, Russet Burbank, and Early Gem varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of 2⅛ inches minimum diameter or 4 ounces minimum weight,

as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated July 26, 1957, to become effective July 29, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6227; Filed, July 30, 1957; 8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

REDEFINING OF WORDS "STATE" OR "STATES"

The amendment of the Wagner-Peyser Act enacted on August 1, 1956 (48 Stat. 113, as amended; 70 Stat. 910, 29 U. S. C. 49), redefined the words "State" or "States", as used therein, to include the Territory of Guam.

Therefore, pursuant to authority contained in section 12 of the Wagner-Peyser Act (48 Stat. 117, as amended; 29 U. S. C. 49k), and for the purpose of reflecting the present application of that act, § 602.1 (b) of Title 20 of the Code of Federal Regulations is hereby amended to read as follows:

(b) "State" includes the several States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.

(Sec. 12, 48 Stat. 117, as amended; 29 U. S. C. 49k)

Signed at Washington, D. C., this 25th day of July 1957.

JAMES T. O'CONNELL
Acting Secretary of Labor.

[F. R. Doc. 57-6208; Filed, July 30, 1957; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6244]

PART 194—LIQUOR DEALERS

PART 225—WAREHOUSING OF DISTILLED SPIRITS

PART 230—BOTTLING OF TAXPAID SPIRITS

PART 231—TAXPAID WINE BOTTLING HOUSES

PART 235—RECTIFICATION OF SPIRITS AND WINES

EXPORT STORAGE PROCEDURES

On November 17, 1956, a notice of proposed rule making with respect to amendments of 26 CFR Parts 194, 225, 230, 231 and 235 was published in the FEDERAL REGISTER (21 F. R. 8973). The purposes of the proposed amendments as set forth in the notice are: (1) to eliminate existing requirements regarding an especially constructed export storage room (including any requirement for describing such room on a proprietor's notice) to be used for the storage of taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, and to provide, in lieu thereof, for segregated storage of such products pending transfer or exportation; (2) to authorize wholesale liquor dealers who are qualified as such under the Federal Alcohol Administration Act to establish export storage on their premises, and to receive, transfer, and remove for exportation taxpaid distilled spirits bottled, and taxpaid wines bottled or packaged, especially for export with benefit of drawback; (3) to authorize the proprietor of any internal revenue bonded warehouse to establish and use export storage on premises contiguous to the bonded premises; (4) to authorize the proprietor of any taxpaid bottling house, taxpaid wine bottling house, or rectifying plant, to establish

and use export storage on his premises; (5) to authorize the proprietor of any internal revenue bonded warehouse, taxpaid bottling house, taxpaid wine bottling house, or rectifying plant to establish and use export storage at locations other than in connection with the qualified premises; (6) to conform 26 CFR Part 225 to 26 CFR Part 252 with respect to (a) shipments to the armed services of the United States, and (b) evidence of exportation; (7) to provide for the acceptance of railway express receipts as evidence of exportation; and (8) to make certain editorial changes.

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No written comments were received within the 30-day period prescribed.

It has been determined administratively to further amend these regulations to liberalize the requirements relating to instances of non-inspection by customs officers. Certain editorial and technical changes are also being made. The amendments so published are hereby adopted, subject to the following modifications:

1. Paragraph 2 (F) of the notice is amended as follows:

(A) The first sentence of § 225.826a is amended to read: "Whenever the customs officer at the port of exportation is unable to certify to the actual inspection of the spirits, he shall make his return on Form 206 stating therein the reasons why the spirits were not inspected by him."

(B) The third sentence of § 225.826b, which begins "When the distilled spirits", is amended by striking the words "These distilled spirits will be shipped or delivered only for consumption or use outside of the jurisdiction", and inserting in lieu thereof the words "These distilled spirits will not be shipped or delivered for consumption or use in any place subject to the application".

2. Paragraph 2 (G) of the notice is renumbered paragraph 2 (H), and a new paragraph 2 (G) is inserted, as follows:

(G) Section 225.827 is amended to read as follows:

§ 225.827 *Return of inspection and lading.* After the customs officer or designated storekeeper-gauger has executed his certificate of inspection on Form 206 he shall forward all copies to the collector of customs, together with Form 1520 and Form 696, if any.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

3. Paragraphs 2 (H) and 2 (I) of the notice are renumbered paragraphs 2 (J) and 2 (K), respectively, and a new paragraph 2 (I) is inserted, as follows:

(I) By inserting a new section, reading as follows, immediately after § 225.831:

§ 225.831a *Credit in cases of non-inspection.* Where distilled spirits were not inspected by a customs officer at the port of export, credit on the export bond may be allowed, if the regulations were complied with in other respects, the identity of the shipment is established by collateral evidence, as provided in § 225.826a, and the exportation without customs inspection was not to avoid inspection or with intent to defraud the revenue.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

4. Paragraph 2 (H) of the notice, which has been renumbered paragraph 2 (J), is amended, as follows:

(J) Section 225.832 is amended to read as follows:

§ 225.832. *Proof of landing.* Whenever required by the assistant regional commissioner, an owner exporting distilled spirits without payment of tax under an export bond shall, within six months from the date of exportation, or such additional time as may be granted under § 225.837, file evidence satisfactory to the assistant regional commissioner that the distilled spirits described in the application for export have been landed at some port outside the jurisdiction of the United States. The landing certificate must give such description as will readily identify the spirits to which it relates.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

5. Paragraph 3 (C) of the notice is renumbered paragraph 3 (E), and new paragraphs 3 (C) and 3 (D) are inserted, as follows:

(C) Section 230.204 is amended as follows:

(1) By striking, in the first sentence, the words ", except distilled spirits bottled especially for export with benefit of drawback,".

(2) By inserting, immediately following the first sentence, the following new sentence: "Distilled spirits bottled especially for export with benefit of drawback will be stamped in accordance with the provisions of 26 CFR 252.55."

(D) Section 230.351 is amended by striking ", and the entrance door of the export storage room, if any".

6. Paragraph 4 (C) of the notice is amended by inserting in the first sentence of § 231.100, immediately following "has been paid may", the phrase ", subject to the provisions of § 231.30,".

7. Paragraphs 5 (D) and 5 (E) of the notice are renumbered paragraphs 5 (E) and 5 (F), respectively, and a new paragraph 5 (D) is inserted, as follows:

(D) Section 235.629 is amended as follows:

(1) By striking, in the first sentence, the words ", except distilled spirits bottled especially for export with benefit of drawback,".

(2) By inserting, immediately following the first sentence, the following new sentence: "Distilled spirits bottled especially for export with benefit of drawback will be stamped in accordance with the provisions of 26 CFR 252.55."

8. Paragraph 5 (F) of the notice is renumbered paragraph 5 (H), and a new paragraph 5 (G) is inserted, as follows:

(G) Section 235.901 is amended by striking "and export storage rooms", and inserting in lieu thereof "room".

As modified, the amendments read as set forth below.

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

Approved: July 25, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

PARAGRAPH 1. 26 CFR Part 194 is amended as follows:

(A) The second sentence of § 194.1, which begins "The provisions of", is amended as follows:

(1) By striking the word "and" in the phrase "and the posting".

(2) By changing the period at the end of the sentence to a semicolon and adding "and the storage by wholesale dealers of distilled spirits and wines for export with benefit of drawback."

(B) By adding, immediately following Subpart P, the following new subpart:

SUBPART Q—DISTILLED SPIRITS AND WINES FOR EXPORT WITH BENEFIT OF DRAWBACK

§ 194.270 *General.* Distilled spirits bottled especially for export with benefit of drawback and wines bottled or packaged especially for export with benefit of drawback may be received, stored, and exported by wholesale liquor dealers, as provided in §§ 194.271 through 194.274.

§ 194.271 *Distilled spirits for export.* A wholesale liquor dealer who holds a Federal Alcohol Administration Act permit, issued pursuant to the provisions of 27 CFR Part 1, to engage in the business of purchasing distilled spirits and wines for resale at wholesale, may receive, store, and export taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback.

§ 194.272 *Wines for export.* A wholesale liquor dealer who holds a Federal Alcohol Administration Act permit, issued pursuant to the provisions of 27 CFR Part 1, to engage in the business of purchasing wine for resale at wholesale, may receive, store, and export wines bottled or packaged especially for export with benefit of drawback.

§ 194.273 *Export storage.* Where a wholesale liquor dealer intends to receive, store, and export distilled spirits bottled, or wines bottled or packaged, especially for export with benefit of drawback, he must provide storage for such articles on his wholesale dealer premises. During storage of such distilled spirits and wines on the dealer's premises they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers at any time during the wholesaler's business hours.

§ 194.274 *Regulations made applicable.* The provisions of Part 252 of this chapter relating to the receipt for storage, removal, and exportation of distilled spirits bottled, and wines bottled or packaged, especially for export with benefit of drawback shall apply to the receipt for storage, removal, and exportation of such distilled spirits and wines by wholesale liquor dealers.

§ 194.275 *Records.* The provisions of subpart M regarding records and reports relating to liquors for domestic use are hereby extended to export storage transactions permitted under the provisions of this subpart: *Provided*, That a separate Form 338, appropriately identified, shall be submitted for each month in which there are any export storage transactions relating to distilled spirits.

PAR. 2. 26 CFR Part 225 is amended as follows:

(A) Section 225.82 is amended to read as follows:

§ 225.82 *Contiguous off-premises export storage.* If the proprietor of an internal revenue bonded warehouse intends to receive, store, and remove taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, he must, except as provided in § 225.82a, provide for the storage of such articles off the bonded premises but contiguous thereto. During storage of such distilled spirits and wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. The provisions of Part 252 of this chapter relating to the receipt for storage, removal, and exportation of distilled spirits and wines bottled or packaged especially for export with benefit of drawback shall apply to such distilled spirits and wines received and stored under the provisions of this section. Records covering export storage transactions at premises provided under the provisions of this section shall be maintained and reports shall be rendered in accordance with the provisions of Subpart VV of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 225.82:

§ 225.82a *Noncontiguous off-premises export storage.* The proprietor of an internal revenue bonded warehouse may provide storage at any noncontiguous location for the receipt, storage, and removal of taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept and reports shall be rendered in accordance with the applicable provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) Section 225.156 is amended by striking the fifth sentence, which begins "Every proprietor of".

(D) Section 225.817 is amended by inserting, immediately after the first sentence, the following new sentence: "Where shipment is made for exportation for use of the armed services of the United States as provided in § 225.826b, the destination may be shown as "foreign" with a specific destination in navy code and the name of the vessel will be omitted."

(E) Section 225.826 is amended by striking from the first sentence the words "in every instance".

(F) By inserting two new sections, reading as follows, immediately after § 225.826:

§ 225.826a *Certificate of noninspection.* Whenever the customs officer at the port of exportation is unable to certify to the actual inspection of the spirits, he shall make his return on Form 206 stating therein the reasons why the spirits were not inspected by him. The officer shall, after the vessel, aircraft, car, or other conveyance has cleared, examine the records of the delivering and exporting steamship, or transport lines for the purpose of verifying the particulars stated in the Form 206, and will make his certification accordingly. If the records examined show that containers of similar description were laden on the exporting vessel, aircraft, car, or other conveyance for the designated port, the officer shall set forth in his certification, in addition to other data indicated by the form, the date and hour of lading.

(68A Stat. 645; 26 U. S. C. 5243)

§ 225.826b *Shipment to Armed Services.* When distilled spirits are to be removed without payment of tax for export to the armed services of the United States, Form 206 will be modified to show that the distilled spirits are consigned to the armed services Port Transportation Officer and the location of the supply base or place of delivery. On removal of the spirits, the exporter will consign them to the designated officer and will forward the original and one copy of Form 206, with Form 1520 attached, to such officer. When the distilled spirits are received at the supply base or other designated place of delivery, the armed services Port Transportation Officer will, in the space reserved for the certification of the collector of customs on Form 206, receipt for the quantity of distilled spirits received, and state that "These distilled spirits will not be shipped or delivered for consumption or use in any place subject to the application of the internal revenue laws of the United States." After signing the form, and indicating his title, the designated officer will return the original of Form 206, with Form 1520 attached, direct to the assistant regional commissioner of the region from which the distilled spirits were shipped, and retain the other copy for his records. The assistant regional commissioner will credit the exporter's bond account for the quantity of distilled spirits receipted for on Form 206.

(68A Stat. 647; 26 U. S. C. 5247)

(G) Section 225.827 is amended to read as follows:

§ 225.827 *Return of inspection and lading.* After the customs officer or designated storekeeper-gauger has executed his certificate of inspection on Form 206 he shall forward all copies to the collector of customs, together with Form 1520 and Form 696, if any.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

(H) Section 225.831 is amended to read as follows:

§ 225.831 *Evidence of exportation.* Exportation of distilled spirits may be evidenced by (a) a copy of the export bill of lading (in the case of railway express shipments to contiguous foreign countries, copy of the express receipt, showing the identity of the containers and the quantities shipped, and otherwise conforming to the requirements for bills of lading) issued by the exporting carrier, or (b) a certificate by the agent or representative of the export carrier showing actual exportation of the distilled spirits, or (c) a certification by an armed services Port Transportation Officer, as to the lading of the distilled spirits for a foreign destination when shipped for exportation for use of the armed services of the United States, or (d) a certificate of landing whenever the assistant regional commissioner shall have reason to believe that the shipment is not a bona fide exportation.

(68A Stat. 647; 26 U. S. C. 5247)

(I) By inserting a new section, reading as follows, immediately after § 225.831:

§ 225.831a *Credit in cases of non-inspection.* Where distilled spirits were not inspected by a customs officer at the port of export, credit on the export bond may be allowed, if the regulations were complied with in other respects, the identity of the shipment is established by collateral evidence, as provided in § 225.826a, and the exportation without customs inspection was not to avoid inspection or with intent to defraud the revenue.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

(J) Section 225.832 is amended to read as follows:

§ 225.832 *Proof of landing.* Whenever required by the assistant regional commissioner, an owner exporting distilled spirits without payment of tax under an export bond shall, within six months from the date of exportation, or such additional time as may be granted under § 225.837, file evidence satisfactory to the assistant regional commissioner that the distilled spirits described in the application for export have been landed at some port outside the jurisdiction of the United States. The landing certificate must give such description as will readily identify the spirits to which it relates.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

(K) Section 225.1085 is amended by adding the following sentence at the end of the section: "Where the proprietor of an internal revenue bonded warehouse provides export storage under §§ 225.82 or 225.82a, and sales are to be consummated at any such export storage premise, he must first qualify as a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1."

PAR. 3. 26 CFR Part 230 is amended as follows:

(A) Section 230.49 is amended to read as follows:

§ 230.49 *Export storage.* If the proprietor of a taxpaid bottling house intends to receive, store, and remove taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, he must, except as provided in § 230.49a, provide for the storage of such products on the premises of the taxpaid bottling house, or on contiguous wholesale liquor dealer premises. During storage of such distilled spirits and wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. Records covering export storage transactions conducted under the provisions of this section shall be maintained and reports shall be rendered in accordance with the provisions of Subpart V of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 230.49:

§ 230.49a *Off-premises export storage.* The proprietor of a taxpaid bottling house may provide storage at any location off of his bottling house premises for the receipt, storage, and removal of taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept, and reports rendered, as a wholesale liquor dealer, in accordance with the applicable provisions of Part 194 of this chapter. If sales are to be consummated at any premise established under the provisions of this section, the proprietor must first qualify as a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1, and must pay special occupational tax under the provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) Section 230.204 is amended as follows:

(1) By striking, in the first sentence, the words ", except distilled spirits bottled especially for export with benefit of drawback,".

(2) By inserting, immediately following the first sentence, the following new sentence: "Distilled spirits bottled especially for export with benefit of drawback will be stamped in accordance with the provisions of 26 CFR 252.55."

(D) Section 230.351 is amended by striking ", and the entrance door of the export storage room, if any".

(E) Section 230.352 is amended by inserting a comma after the word "vault", and by striking "on the entrance door of the export storage room, if any;".

PAR. 4. 26 CFR Part 231 is amended as follows:

(A) Section 231.41 is amended to read as follows:

§ 231.41 *Export storage.* If the proprietor of a taxpaid wine bottling house intends to receive, store, and remove taxpaid wines bottled or packaged especially for export with benefit of drawback, he must, except as provided in § 231.41a, provide for the storage of such wines on the premises of the taxpaid wine bottling house. During storage of such wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. Records covering export storage transactions conducted under the provisions of this section shall be maintained in accordance with the provisions of Subpart H of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 231.41:

§ 231.41a *Off-premises export storage.* The proprietor of a taxpaid wine bottling house may provide storage at any location off of his wine bottling house premises for the receipt, storage, and removal of taxpaid wines which have been bottled or packaged especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept as a wholesale liquor dealer, in accordance with the applicable provisions of Part 194 of this chapter. If sales are to be consummated at any premise established under the provisions of this section, the proprietor must first qualify as a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1, and must pay special occupational tax under the provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) Section 231.100 is amended to read as follows:

§ 231.100 *General.* Wine manufactured or produced in the United States and on which the internal revenue tax has been paid may, subject to the provisions of § 231.30, be bottled or packaged especially for export in a taxpaid wine bottling house. On exportation of the wine there may be allowed a drawback equal in amount to the tax found to have been paid thereon.

(68A Stat. 614; 26 U. S. C. 5062)

PAR. 5. 26 CFR Part 235 is amended as follows:

(A) Section 235.105 is amended to read as follows:

§ 235.105 *Export storage.* If the rectifier intends to receive, store, and remove taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, he must, except as provided for in § 235.105a, provide for the storage of such products on the premises of the rectifying plant, or on contiguous wholesale liquor dealer premises. The receiving room may not be used for such storage. During storage of such distilled spirits and wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. Records covering export storage transactions conducted under the provisions of this section shall be maintained and reports shall be rendered under the provisions of Subpart JJ of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 235.105:

§ 235.105a *Off-premises export storage.* The rectifier may provide storage at any location off of his rectifying plant premises for the receipt, storage, and removal of taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept, and reports rendered, as a wholesale liquor dealer, in accordance with the applicable provisions of Part 194 of this chapter. If sales are to be consummated at any premise established under the provisions of this section, the proprietor must first qualify as a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1, and must pay special occupational tax under the provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) The last sentence of § 235.584 is amended to read as follows: "He will then remove the packages to export storage in accordance with the applicable provisions of Part 252 of this chapter, securely attach the canceled stamps to the original of the Form 237 and immediately forward the original and the additional copy of the Form 237 to the assistant regional commissioner."

(D) Section 235.629 is amended as follows:

(1) By striking, in the first sentence, the words ", except distilled spirits bottled especially for export with benefit of drawback,".

(2) By inserting, immediately following the first sentence, the following new sentence: "Distilled spirits bottled especially for export with benefit of drawback will be stamped in accordance with the provisions of 26 CFR 252.55."

(E) Section 235.632 is amended as follows:

(1) By inserting a comma after the phrase "such cases must", and by striking "be immediately removed to the finished products room,".

(2) By inserting, immediately following "§ 235.104", the following: ", be immediately removed to the finished products room or, in the case of products bottled especially for export with benefit of drawback, to the export storage maintained on the bottler's premises as provided in § 235.105:".

(F) Section 235.705 is amended as follows:

(1) By inserting a comma after the phrase "then sealed and", and by striking "immediately removed to the finished products room,".

(2) By inserting, immediately following "§ 235.104", the following: ", be immediately removed to the finished products room or, in the case of products bottled especially for export with benefit of drawback, to the export storage maintained on the bottler's premises as provided in § 235.105".

(G) Section 235.901 is amended by striking "and export storage rooms", and inserting in lieu thereof "room".

(H) Section 235.902 is amended by inserting a comma after the word "vault", and by striking "on the entrance door of the export storage room, if any;".

[F. R. Doc. 57-6218; Filed, July 30, 1957; 8:48 a. m.]

[T. D. 6245]

PART 252—DRAWBACK OF LIQUORS EXPORTED

EXPORT PROCEDURES

On November 17, 1956, a notice of proposed rule making with respect to amendments of 26 CFR Part 252 was published in the FEDERAL REGISTER (21 F. R. 8976). The purposes of the proposed amendments as set forth in the notice are: (1) to provide that qualified wholesale liquor dealers may receive, transfer, and remove for exportation taxpaid distilled spirits bottled, and taxpaid wines bottled or packaged, especially for export with benefit of drawback; (2) to permit the proprietor of any taxpaid bottling house, taxpaid wine bottling house, rectifying plant, or internal revenue bonded warehouse, regardless of where located, to engage in export storage transactions; (3) to permit a freer movement of taxpaid spirits and wines for export by liberalizing the requirements dealing with transfers between any established export storage facilities; (4) to conform to changes which are concurrently being made in other parts of this chapter which will eliminate requirements for separate storage rooms for the storage of taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback; (5) to remove most of present requirements for Government control and supervision of transfers between, or removals from, export storage; (6) to provide for the use of overprinted strip stamps of bottles of distilled spirits bottled for export; (7) to insert clarifying language governing the requirements for records and reports; (8) to eliminate, in the case of shipment to the armed services of the United States, the requirement for clearance of forms through the collector of customs after a certification by an armed services Port Transportation Officer; (9) to provide for the acceptance of railway express receipts as evidence of exportation; and (10) to conform to a change made by the Bureau of Customs.

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No written comments were received within the 30-day period prescribed.

It has been determined administratively to further amend these regulations (1) to expedite the processing of claims for drawback of tax, and (2) to liberalize the requirements relating to instances of noninspection by customs officers. The amendments so published are hereby adopted subject to the following modifications:

1. Paragraph 1 of the notice is renumbered paragraph 2, and a new paragraph 1 is inserted, as follows:

PARAGRAPH 1. Section 252.41 is amended to read:

§ 252.41 *General.* Whenever, under the provisions of this subpart, the exporter desires drawback on a shipment of distilled spirits or wines withdrawn for exportation or for use as supplies on vessels prior to the submission to the assistant regional commissioner of all required proof of exportation, use, or lading for use, he shall file bond in accordance with the provisions of this subpart.

2. Paragraphs 2 to 16, inclusive, of the notice are renumbered paragraphs 4 to 18, respectively, and a new paragraph 3 is inserted, as follows:

PAR. 3. Section 252.43 is amended as follows:

(A) By striking "evidence satisfactory", and inserting in lieu thereof "and has submitted";

(B) By striking "of exportation, affidavit of lading and intended", and inserting in lieu thereof ": (1) an export bill of lading issued by the exporting carrier in the case of a shipment withdrawn for exportation; or (2) a receipt signed by the master or other authorized officer of the vessel in the case of a shipment withdrawn for";

(C) By inserting a period after "supplies on vessels", and by striking the balance of the sentence, starting at ", or proof of loss".

3. Paragraph 17 of the notice, amending § 252.90, is renumbered paragraph 19, and is amended to read:

PAR. 19. Section 252.90 is amended as follows:

(A) By striking, in the first sentence, the words "the" and "room" from the phrase "the export storage room";

(B) By amending the second sentence to read: "The exporter will also execute his claim and entry for drawback on all copies of the form and deliver all copies to the proprietor of the premises from which the distilled spirits or wines are to be removed."

4. Paragraphs 18 and 19 of the notice are renumbered paragraphs 21 and 22, and a new paragraph 20 is inserted, as follows:

PAR. 20. By inserting a new section, reading as follows, immediately after § 252.90:

§ 252.90a *Claim and entry signed by agent.* Where a claim and entry on Form 1582 or 1582–A is signed by an agent, proper power of attorney authorizing the agent to execute the claim for the exporter must be filed, on Form 1534, with the assistant regional commissioner with whom the claim is filed.

5. Paragraph 20 of the notice, amending § 252.92 is renumbered paragraph 23, and is amended to read:

PAR. 23. Section 252.92 is amended as follows:

(A) By striking, from the first sentence, the words "the" and "room" from the phrase "the export storage room";

(B) By striking the second sentence, which begins "In part 2 of Form 1582";

(C) By adding, at the end of the section, the following new sentence: "The exporter will also execute his claim and entry for drawback on all copies of the form and deliver all copies to the proprietor of the premises from which the distilled spirits or wines are to be removed."

6. Paragraph 21 of the notice, amending § 252.93, is renumbered paragraph 24, and is amended to read:

PAR. 24. Section 252.93 is amended to read as follows:

§ 252.93 *Removal from export storage.* Where distilled spirits or wines which have been bottled or packaged especially for export with benefit of drawback are to be removed from export storage for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, the cases or packages will be inspected by the proprietor and removed.

7. Paragraph 22 of the notice is renumbered paragraph 25.

8. Paragraph 23 of the notice, amending § 252.95, is renumbered paragraph 26, and is amended to read:

PAR. 26. Section 252.95 is amended as follows:

(A) By amending the first sentence to read "When the spirits or wines are shipped, the proprietor will execute the certificate of removal on the Form 1582 or the Form 1582–A (as the case may be).";

(B) By striking the second sentence, which begins "One copy of the claim".

9. Paragraph 24 of the notice, amending § 252.96, is renumbered paragraph 27, and is amended to read:

PAR. 27. Section 252.96 is amended as follows:

(A) By amending the heading to read "Forwarding of claim and entry.";

(B) By inserting a new first sentence which reads:

"One copy of the claim and entry will be immediately forwarded to the assistant regional commissioner by the proprietor and the original and remaining copy will be delivered to the exporter.";

(C) The existing first sentence is amended as follows:

(1) By striking "The exporter will complete the claim and entry for draw-

back of tax on the distilled spirits or wines, on all", and inserting in lieu thereof "On receipt of the";

(2) By striking the word "received" from the phrase "received from the proprietor";

(3) By striking "of the export storage room and immediately shall", and inserting in lieu thereof "the exporter shall immediately";

(4) By striking "and appropriate arrangements have been made with the collector of customs and a customs bonded warehouse has been established for use by the Armed Services Port Transportation Officer,";

(D) By striking the last sentence, which begins "Where a claim and entry".

10. Paragraph 25 of the notice, amending § 252.97, is renumbered paragraph 28, and is amended to read:

PAR. 28. Section 252.97 is amended as follows:

(A) The first sentence is amended by striking "rooms";

(B) The third sentence, which begins "All distilled spirits or wines", is amended by striking, at the end of the sentence, the words "in care of the collector of customs".

11. Paragraphs 26 to 30, inclusive, of the notice are renumbered Paragraphs 29 to 33, respectively, and a new paragraph 34 is inserted, as follows:

PAR. 34. The first sentence of § 252.109 is amended to read: "Whenever the inspecting officer is unable to certify to the actual inspection of the spirits or wines, he shall make his return on Form 1582, or Form 1582–A, stating therein the reasons why the spirits or wines were not inspected by him."

12. Paragraph 31 of the notice, amending § 252.110, is renumbered paragraph 35, and is amended to read:

PAR. 35. Section 252.110 is amended to read as follows:

§ 252.110 *Shipment to the armed services, certificate of lading.* In the case of shipments of distilled spirits or wines with benefit of drawback for use by military personnel of the United States, the armed services Port Transportation Officer will, when the shipment is received at the supply base or other designated place of delivery, in the space reserved for the certification of the collector of customs on Form 1582 or Form 1582–A, as the case may be, receipt for the quantity of distilled spirits or wines received, and state that: "These spirits (or wines) will not be shipped or delivered for consumption or use in any place subject to the application of the internal revenue laws of the United States." After signing the form and indicating his title, the designated officer will retain one copy of the form for his records and will transmit the original to the assistant regional commissioner of the region from which the distilled spirits or wines were shipped.

13. Paragraph 32 of the notice, amending § 252.112, is renumbered paragraph 36, and is amended to read:

PAR. 36. Section 252.112 is amended to read as follows:

§ 252.112 *Allowance of claim*—(a) *Where bond is filed.* Where bond has been filed under the provisions of this subpart, the assistant regional commissioner will, on receipt of the claim on Form 1582 or 1582–A from the proprietor, examine the claim and the records of his office pertinent to the distilled spirits or wines covered by the claim to determine whether such spirits or wines have been taxpaid, the amount claimed has been correctly computed, and the transaction has been in accordance with law and regulations. If the claimant has furnished the required export bill of lading in the case of a shipment for export, or the required receipt in the case of a shipment for use as supplies on a vessel, the assistant regional commissioner may allow the claim and charge the amount allowed against the bond. On receipt of the Form 1582 or 1582–A executed by the collector of customs, or by the armed services officer in the case of shipments for use by military personnel of the United States, and of satisfactory evidence of exportation or of lading as supplies on vessels (including the certified copy of Customs Form 5125 in the case of supplies for vessels employed in the fisheries), the assistant regional commissioner will credit the bond as provided in § 252.48.

(b) *Where no bond is filed.* Where a claim for drawback is filed for distilled spirits or wines shipped for use as supplies on aircraft, or where no bond is furnished to support claims for drawback filed on shipments for exportation or for use as supplies on vessels, the assistant regional commissioner will, on receipt of the claim on Form 1582 or Form 1582–A, accompanied by the certificate of use in the case of supplies for use on aircraft, from the collector of customs, or from the armed services Port Transportation Officer in the case of shipments for use by military personnel of the United States, examine the claim and the records of his office pertinent to the distilled spirits or wines covered by the claim to determine whether such spirits or wines have been taxpaid, the amount claimed is correctly computed, the transaction has been in accordance with law and regulations, and that evidence satisfactory to him of exportation, lading as supplies on vessels (including the certified copy of Customs Form 5125 in the case of supplies for vessels employed in the fisheries), or lading and use as supplies on aircraft has been filed. He will then allow or disallow the claim in accordance with existing law and regulations. If the claim is not allowed in full, the assistant regional commissioner will notify the claimant in writing of the reasons for any disallowance.

14. Paragraph 33 of the notice is renumbered paragraph 38, and a new paragraph 37 is inserted, as follows:

PAR. 37. Section 252.113 is amended to read as follows:

§ 252.113 *Allowance in cases of non-inspection.* Where the spirits or wines were not inspected by a customs officer at the port of export, the claim for drawback may be allowed, provided that the regulations were complied with in other respects, the identity of the shipment is established by collateral evidence, as provided in § 252.109, and the exportation without customs inspection was not to avoid inspection or with intent to defraud the revenue.

15. Paragraph 34 of the notice is renumbered paragraph 44, and new paragraphs 39, 40, 41, 42, and 43, reading as follows, are inserted:

PAR. 39. Section 252.138 is amended as follows:

(A) The second sentence, which begins "The customs officer shall inspect", is amended by inserting a period after the phrase "in triplicate", and by striking the rest of the sentence.

(B) The fourth sentence, which begins "He will then cause", is amended by striking the word "superintend" and inserting in lieu thereof the word "permit".

(C) The last sentence is amended to read: "The customs officer shall then execute his certificate of inspection, gauge, and lading, on all copies of Form 1629, forward one copy of Form 1629 and Form 696 to the exporter, and return the original and one copy of each form to the collector of customs."

PAR. 40. Section 252.139 is amended to read as follows:

§ 252.139 *Customs certification of clearance.* On receipt of Form 1629, completed as to certification of inspection, gauge, and supervision of lading, and upon clearance of the exporting conveyance, the collector of customs will complete his certificate of clearance on the original and one copy of Form 1629. He will forward the original of the Form 1629 and the original Form 696 (with scalped stamps attached) to the assistant regional commissioner of the region in which the exporter is located. He shall retain the remaining copy of Forms 1629 and 696.

PAR. 41. Section 252.140 is amended as follows:

(A) The first sentence is amended as follows:

(1) By striking "collector of customs" from the phrase "696 from the collector of customs", and inserting in lieu thereof "customs officer";

(2) By striking "received from the collector of customs";

(B) The second sentence, which begins "He shall then", is amended by inserting, immediately following "forward the claim", the words ", Form 1629, and the copy of Form 696, together";

(C) By striking the last sentence.

PAR. 42. Section 252.142 is amended by striking the first word, "The", and inserting in lieu thereof the words "Except for §§ 252.109 and 252.113, the".

PAR. 43. The second sentence of § 252.162 is amended to read: "The officer must also certify on the receipt that the beer will not be shipped or delivered for consumption or use in any place subject to the application of the internal revenue laws of the United States."

As modified, the amendments read as set forth below.

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 26, 1957.

FRED C. SCRIBNER, Jr.
Acting Secretary of the Treasury.

PARAGRAPH 1. Section 252.41 is amended to read:

§ 252.41 *General.* Whenever, under the provisions of this subpart, the exporter desires drawback on a shipment of distilled spirits or wines withdrawn for exportation or for use as supplies on vessels prior to the submission to the assistant regional commissioner of all required proof of exportation, use, or lading for use, he shall file bond in accordance with the provisions of this subpart.

PAR. 2. The third sentence of § 262.42, which begins "A separate bond", is amended to read: "Whenever an exporter maintains export storage in more than one internal revenue region, a separate bond must be filed for each such region."

PAR. 3. Section 252.43 is amended as follows:

(A) By striking "evidence satisfactory", and inserting in lieu thereof "and has submitted";

(B) By striking "of exportation, affidavit of lading and intended", and inserting in lieu thereof ": (1) an export bill of lading issued by the exporting carrier in the case of a shipment withdrawn for exportation; or (2) a receipt signed by the master or other authorized officer of the vessel in the case of a shipment withdrawn for";

(C) By inserting a period after "supplies on vessels", and by striking the balance of the sentence, starting at ", or proof of loss".

PAR. 4. Section 252.49 is amended as follows:

(A) By striking the word "rooms".

PAR. 5. Section 252.50 is amended to read as follows:

§ 252.50 *Wines.* Any person qualified as a proprietor of a taxpaid wine bottling house, who has established export storage at the taxpaid wine bottling house, in conformity with the provisions of Part 231 of this chapter, may bottle or package, especially for export with benefit of drawback, at his taxpaid wine bottling house, wines manufactured or produced in the United States on which an internal revenue tax has been paid.

PAR. 6. Section 252.55 is amended to read as follows:

§ 252.55 *Bottle export stamps.* An export strip stamp shall be affixed to each bottle of distilled spirits bottled especially for export with benefit of drawback. The red strip stamps prescribed in Parts 230 or 235 of this chapter shall be overprinted by the proprietor and used for this purpose. The overprinting will be accomplished by printing in black ink the word "EXPORT" in boldface 8-point century or gothic type in the center of the stamp between the words "bottle" and "stamp". Bottle export stamps shall be accounted for as red strip stamps, and the provisions of Parts 230 and 235 of this chapter relating to red strip stamps shall be applicable to such bottle export stamps.

(68A Stat. 614; 26 U. S. C. 5062)

PAR. 7. The second and third sentences of § 252.65 are amended by striking the words "the" and "room" from the phrase "the export storage room".

PAR. 8. The first sentence of § 252.66 is amended by striking "and supervision of the deposit in the export storage room".

PAR. 9. The last sentence of § 252.71, which begins "The proprietor", is amended to read "The proprietor shall hold such cases or packages pending inspection by the storekeeper-gauger and will then deposit the cases or packages in export storage.".

PAR. 10. Section 252.74 is amended as follows:

(A) The headnote is amended to read: "Removal to export storage".

(B) The third sentence, which begins "He will then", is amended to read as follows: "The proprietor will then remove the bottled or packaged spirits or wines to export storage on the bottling or packaging premises."

(C) The fourth sentence, which begins "The storekeeper-gauger will note", is amended to read as follows: "The storekeeper-gauger will note on each copy of the form 230, 237 or 1684, immediately following the proprietor's statement, a signed statement of his examination of the cases or packages, as follows:

"The ---------- described
(Cases or packages)
above as bottled or packaged especially for export were inspected by me on ----------, 19 --, and removed to export storage.
Signed ----------
(Storekeeper-gauger)"

PAR. 11. Section 252.79 is amended to read as follows:

§ 252.79 *Removal to export storage.* After completion of bottling, and casing, or packaging and execution by the proprietor of his certificate on Form 230 or Form 230 and 1684, as the case may be, of the quantity of wine bottled or packaged, he will remove the wine to export storage on the bottling or packaging premises, pending shipment, unless the wine is to be shipped immediately for export or use as supplies on vessels or aircraft.

PAR. 12. Section 252.82 is amended to read as follows:

§ 252.82 *Record by rectifiers and proprietors of taxpaid bottling houses.* Records and reports relating to the receipt, rectification, bottling, packaging, and disposition of distilled spirits and wines bottled or packaged especially for export with benefit of drawback, by rectifiers, shall be maintained in accordance with the provisions of Part 235 of this chapter. Records and reports relating to the receipt, bottling, packaging, and disposition of distilled spirits and wines bottled or packaged especially for export with benefit of drawback, by proprietors of taxpaid bottling houses, shall be maintained in accordance with the provisions of Part 230 of this chapter.

PAR. 13. By inserting a new section, reading as follows, immediately after § 252.82:

§ 252.82a *Record by wholesale liquor dealer.* Every wholesale liquor dealer who maintains export storage on his premises shall maintain records and render reports relating to the receipt and disposition of distilled spirits bottled especially for export with benefit of drawback, and wines bottled or packaged especially for export with benefit of drawback, in accordance with the applicable provisions of Part 194 of this chapter. Forms 1656 shall be preserved for a period of two years and, during such period, shall be available during business hours for inspection by any internal revenue officer.

(68A Stat. 619; 26 U. S. C. 5114)

PAR. 14. Section 252.84 is amended as follows:

(A) By striking "the" and "room" in the phrase "the export storage room".

PAR. 15. Section 252.85 is amended to read as follows:

§ 252.85 *Use of export storage.* Export storage established by a proprietor of an internal revenue bonded warehouse, taxpaid bottling house, or rectifying plant, contiguous to or on his qualified premises, as the case may be, under the provisions of Parts 225, 230, or 235 of this chapter, respectively, may be used for the storage, pending exportation or transfer to other premises for export storage, of taxpaid distilled spirits and wines bottled or packaged especially for export by the proprietor or other qualified persons. Export storage established by a proprietor of a taxpaid wine bottling house under the provisions of Part 231 of this chapter, may be used for the storage, pending exportation or transfer to other premises for export storage, of taxpaid wines bottled or packaged especially for export with benefit of drawback by the proprietor or other qualified persons. Export storage provided by a wholesale liquor dealer under the provisions of Part 194 of this chapter, or by a proprietor of an internal revenue bonded warehouse, taxpaid bottling house, or rectifying plant, at locations noncontiguous to or off the qualified premises, as the case may be, under the provisions of Parts 225, 230, or 235 of this chapter, respectively, may be used for the storage, pending exportation or transfer to other premises for export storage, of taxpaid distilled spirits which have been bottled and stamped especially for export with benefit of drawback and are in immediate containers having a capacity not in excess of one wine gallon, and taxpaid wines which have been bottled or packaged especially for export with benefit of drawback.

(49 Stat. 985, 68A Stat. 614; 27 U. S. C. 206, 26 U. S. C. 5062)

PAR. 16. Section 252.86 is amended to read as follows:

§ 252.86 *Notice of transfer, Form 1656.* Distilled spirits and wines bottled or packaged especially for export may,

pursuant to notice on Form 1656, and subject to the limitations set forth in § 252.85, be transferred from any export storage established under the provisions of Parts 194, 225, 230, 231, and 235 of this chapter, to any other export storage established thereunder for storage, pending transfer to other premises for export storage or removal for direct exportation or use as supplies on vessels or aircraft. Form 1656 will be executed in triplicate (or quadruplicate if the consignee is located in another region) by the consignor-proprietor.

PAR. 17. Section 252.87 is revoked.

PAR. 18. The headnote and first sentence of § 252.88 are amended to read as follows:

§ 252.88 *Transfer from export storage.* On shipment of the cases or packages described on Form 1656, the proprietor will execute the report of removal on all copies of the form, retain one copy, and, in the case of intraregion shipments, forward the original and one copy to the assistant regional commissioner.

PAR. 19. Section 252.90 is amended as follows:

(A) By striking, in the first sentence, the words "the" and "room" from the phrase "the export storage room";

(B) By amending the second sentence to read: "The exporter will also execute his claim and entry for drawback on all copies of the form and deliver all copies to the proprietor of the premises from which the distilled spirits or wines are to be removed."

PAR. 20. By inserting a new section, reading as follows, immediately after § 252.90:

§ 252.90a *Claim and entry signed by agent.* Where a claim and entry on Form 1582 or 1582–A is signed by an agent, proper power of attorney authorizing the agent to execute the claim for the exporter must be filed, on Form 1534, with the assistant regional commissioner with whom the claim is filed.

PAR. 21. Section 252.91 is amended to read as follows:

§ 252.91 *Packages of distilled spirits to be gauged.* Where distilled spirits to be removed have been packaged especially for export with benefit of drawback, the proprietor of the export storage shall gauge the packages prior to preparation of his notice on Form 1582: *Provided,* That where inspection discloses no evidence of loss and removal is made within thirty days from the time of packaging the distilled spirits for export with benefit of drawback, the filling gauge shall be considered the gauge at time of removal. The storekeeper-gauger at a rectifying plant, taxpaid bottling house, or internal revenue bonded warehouse, shall supervise the gauging of the distilled spirits by such proprietor. Report of gauge will be made by the proprietor on Form 1520, in triplicate (appropriately modified), and a copy of the report of gauge shall be attached to each copy of Form 1582 and considered a part thereof. The report of gauge will be checked by the storekeeper-gauger, by verifying the gauge of a representative number of packages, selected at random.

PAR. 22. By inserting a new section, reading as follows, immediately after § 252.91:

§ 252.91a *Packages of wines to be gauged.* Where wines to be removed from export storage have been packaged especially for export with benefit of drawback, the proprietor shall gauge the packages prior to preparation of his notice on Form 1582–A: *Provided,* That where inspection discloses no evidence of loss and removal is made within thirty days from the time of packaging the wines for export with benefit of drawback, the filling gauge shall be considered the gauge at time of removal. Report of gauge will be made by the proprietor on Form 1520, in triplicate (appropriately modified), and a copy of the report of gauge shall be attached to each copy of Form 1582–A and considered a part thereof.

PAR. 23. Section 252.92 is amended as follows:

(A) By striking, from the first sentence, the words "the" and "room" from the phrase "the export storage room";

(B) By striking the second sentence, which begins "In part 2 of Form 1582";

(C) By adding, at the end of the section, the following new sentence: "The exporter will also execute his claim and entry for drawback on all copies of the form and deliver all copies to the proprietor of the premises from which the distilled spirits or wines are to be removed."

PAR. 24. Section 252.93 is amended to read as follows:

§ 252.93 *Removal from export storage.* Where distilled spirits or wines which have been bottled or packaged especially for export with benefit of drawback are to be removed from export storage for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, the cases or packages will be inspected by the proprietor and removed.

PAR. 25. Section 252.94 is amended to read as follows:

§ 252.94 *Export marks.* Before distilled spirits or wines are removed from export storage for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, the exporter will place on the Government head of each package or the Government side of each case, in plain and durable letters and figures the words "Exported by" followed by the name of the exporter, the city and State in which he is located, and the date of removal: *Provided,* That if the exporter is the bottler or packager of the spirits or wines, or is the person for whom such spirits or wines were bottled or packaged, as indicated by the markings on the case or package, then the name of the exporter and the city and State in which he is located need not again be shown: *Provided further,* That in the case of shipment for deposit in a foreign-trade zone, there shall be inserted, immediately following the words "For Export From U. S. A.," the words "via F. T. Z. No." followed by the number of the zone.

PAR. 26. Section 252.95, is amended as follows:

(A) By amending the first sentence to read "When the spirits or wines are shipped, the proprietor will execute the certificate of removal on the Form 1582 or the Form 1582–A (as the case may be).";

(B) By striking the second sentence, which begins "One copy of the claim".

PAR. 27. Section 252.96 is amended as follows:

(A) By amending the heading to read "Forwarding of claim and entry.";

(B) By inserting a new first sentence which reads: "One copy of the claim and entry will be immediately forwarded to the assistant regional commissioner by the proprietor and the original and remaining copy will be delivered to the exporter.";

(C) The existing first sentence is amended as follows:

(1) By striking "The exporter will complete the claim and entry for drawback of tax on the distilled spirits or wines, on all", and inserting in lieu thereof "On receipt of the";

(2) By striking the word "received" from the phrase "received from the proprietor";

(3) By striking "of the export storage room and immediately shall", and inserting in lieu thereof "the exporter shall immediately";

(4) By striking "and appropriate arrangements have been made with the collector of customs and a customs bonded warehouse has been established for use by the Armed Services Port Transportation Officer,";

(D) By striking the last sentence, which begins "Where a claim and entry".

PAR. 28. Section 252.97 is amended as follows:

(A) The first sentence is amended by striking "rooms";

(B) The third sentence, which begins "All distilled spirits or wines", is amended by striking, at the end of the sentence, the words "in care of the collector of customs".

PAR. 29. Section 252.98 is amended as follows:

(A) The first sentence is amended by striking "room".

(B) The fourth sentence, which begins "The bill of lading", is amended by striking "as the shipper".

PAR. 30. The first and second sentences of § 252.99 are amended by striking "room" from the phrase "export storage room".

PAR. 31. Section 252.101 is amended as follows:

(A) The first sentence is amended by striking "the" and "room" from the phrase "the export storage room".

(B) The fourth sentence, which begins "The assistant regional", is amended by striking "room".

PAR. 32. The last sentence of § 252.105, which begins "Upon receipt of", is amended by striking "room".

PAR. 33. The first sentence of § 252.106 is amended by striking "room".

PAR. 34. The first sentence of § 252.109 is amended to read: "Whenever the inspecting officer is unable to certify to the actual inspection of the spirits or wines, he shall make his return on Form 1582, or Form 1582–A, stating therein the reasons why the spirits or wines were not inspected by him."

PAR. 35. Section 252.110 is amended to read as follows:

§ 252.110 *Shipment to the armed services, certificate of lading.* In the case of shipments of distilled spirits or wines with benefit of drawback for use by military personnel of the United States, the armed services Port Transportation Officer will, when the shipment is received at the supply base or other designated place of delivery, in the space reserved for the certification of the collector of customs on Form 1582 or Form 1582–A, as the case may be, receipt for the quantity of distilled spirits or wines received, and state that: "These spirits (or wines) will not be shipped or delivered for consumption or use in any place subject to the application of the internal revenue laws of the United States." After signing the form and indicating his title, the designated officer will retain one copy of the form for his records and will transmit the original to the assistant regional commissioner of the region from which the distilled spirits or wines were shipped.

PAR. 36. Section 252.112 is amended to read as follows:

§ 252.112 *Allowance of claim—*(a) *Where bond is filed.* Where bond has been filed under the provisions of this subpart, the assistant regional commissioner will, on receipt of the claim on Form 1582 or 1582–A from the proprietor, examine the claim and the records of his office pertinent to the distilled spirits or wines covered by the claim to determine whether such spirits or wines have been taxpaid, the amount claimed has been correctly computed, and the transaction has been in accordance with law and regulations. If the claimant has furnished the required export bill of lading in the case of a shipment for export, or the required receipt in the case of a shipment for use as supplies on a vessel, the assistant regional commissioner may allow the claim and charge the amount allowed against the bond. On receipt of the Form 1582 or 1582–A executed by the collector of customs, or by the armed services officer in the case of shipments for use by military personnel of the United States, and of satisfactory evidence of exportation or of lading as supplies on vessels (including the certified copy of Customs Form 5125 in the case of supplies for vessels employed in the fisheries), the assistant regional commissioner will credit the bond as provided in § 252.48.

(b) *Where no bond is filed.* Where a claim for drawback is filed for distilled spirits or wines shipped for use as supplies on aircraft, or where no bond is furnished to support claims for drawback filed on shipments for exportation or for use as supplies on vessels, the assistant regional commissioner will, on receipt of the claim on Form 1582 or Form 1582–A, accompanied by the certificate of use in the case of supplies for use on aircraft, from the collector of customs, or from the armed services Port Transportation Officer in the case of shipments for use by military personnel of the United States, examine the claim and the records of his office pertinent to the distilled spirits or wines covered by the claim to determine whether such spirits or wines have been taxpaid, the amount claimed is correctly computed, the transaction has been in accordance with law and regulations, and that evidence satisfactory to him of exportation, lading as supplies on vessels (including the certified copy of Customs Form 5125 in the case of supplies for vessels employed in the fisheries), or lading and use as supplies on aircraft has been filed. He will then allow or disallow the claim in accordance with existing law and regulations. If the claim is not allowed in full, the assistant regional commissioner will notify the claimant in writing of the reasons for any disallowance.

PAR. 37. Section 252.113 is amended to read as follows:

§ 252.113 *Allowance in cases of non-inspection.* Where the spirits or wines were not inspected by a customs officer at the port of export, the claim for drawback may be allowed, provided that the regulations were complied with in other respects, the identity of the shipment is established by collateral evidence, as provided in § 252.109, and the exportation without customs inspection was not to avoid inspection or with intent to defraud the revenue.

PAR. 38. Section 252.114 is amended by inserting, immediately after the words "export bill of lading" the following: "(in the case of railway express shipments to contiguous foreign countries, copy of the express receipt, showing the identity of the containers and the quantities shipped, and otherwise conforming to the requirements for bills of lading)".

PAR. 39. Section 252.138 is amended as follows:

(A) The second sentence, which begins "The customs officer shall inspect", is amended by inserting a period after the phrase "in triplicate", and by striking the rest of the sentence.

(B) The fourth sentence, which begins "He will then cause", is amended by striking the word "superintend" and inserting in lieu thereof the word "permit".

(C) The last sentence is amended to read: "The customs officer shall then execute his certificate of inspection, gauge, and lading, on all copies of Form 1629, forward one copy of Form 1629 and Form 696 to the exporter, and return the original and one copy of each form to the collector of customs."

PAR. 40. Section 252.139 is amended to read as follows:

§ 252.139 *Customs certification of clearance.* On receipt of Form 1629, completed as to certification of inspection, gauge, and supervision of lading, and upon clearance of the exporting conveyance, the collector of customs will complete his certificate of clearance on the original and one copy of Form 1629. He will forward the original of the Form 1629 and the original Form 696 (with scalped stamps attached) to the assistant regional commissioner of the region in which the exporter is located. He shall retain the remaining copy of Forms 1629 and 696.

PAR. 41. Section 252.140 is amended as follows:

(A) The first sentence is amended as follows:

(1) By striking "collector of customs" from the phrase "696 from the collector of customs" and inserting in lieu thereof "customs officer";

(2) By striking "received from the collector of customs";

(B) The second sentence which begins "He shall then", is amended by inserting, immediately following "forward the claim", the words ", Form 1629, and the copy of Form 696, together";

(C) By striking the last sentence.

PAR. 42. Section 252.142 is amended by striking the first word, "The", and inserting in lieu thereof the words "Except for §§ 252.109 and 252.113, the".

PAR. 43. The second sentence of § 252.162 is amended to read: "The officer must also certify on the receipt that the beer will not be shipped or delivered for consumption or use in any place subject to the application of the internal revenue laws of the United States."

PAR. 44. The second sentence of § 252.183 is amended by striking "the quantity chargeable against such certificate, Form 646, and".

[F. R. Doc. 57-6219; Filed, July 30, 1957; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

FISH CULTURAL STATIONS

CROSS REFERENCE: For order affecting the tabulation in § 17.1, see F. R. Doc. 57-6210, General Services Administration, Public Buildings Service, Transfer of property known as San Angelo Fish Cultural Station, San Angelo, County of Tom Green, Texas, in Notices section, *infra.*

Subchapter F—Alaska Commercial Fisheries

PART 105—ALASKA PENINSULA AREA

EXTENSION OF FISHING TIME

Basis and purpose. On the basis of improvement in the red salmon run in the Bear River district of the Alaska Peninsula Area it has been determined that additional fishing time can be allowed.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, paragraph (a) of § 105.5, as amended June 28, 1957, is further amended by deleting "to 6 o'clock antemeridian Monday" at the end of the text and substituting in lieu thereof "to 6 o'clock antemeridian Friday, from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Saturday, and from 6 o'clock postmeridian Saturday to 6 o'clock antemeridian Monday."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

JULY 29, 1957.

[F. R. Doc. 57-6268; Filed, July 29, 1957; 3:09 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 938]

[AO-294]

POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed Marketing Agreement No. 135 and Order No. 38 (hereinafter referred to as the "marketing agremeent and order") regulating the handling of Irish potatoes grown in certain designated counties in the Red River Valley of North Dakota and Minnesota (the counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnoman, Wilken, Otter Tail, Becker and Clay of the State of Minnesota), to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed marketing agreement and order were formulated was held at Grand Forks, North Dakota, on May 20–22, 1957, pursuant to notice thereof which was published April 10, 1957, in the FEDERAL REGISTER (22 F. R. 2362). Such notice set forth the proposed marketing agreement and order which were sponsored by growers of Irish potatoes in the Red River Valley as represented by the Red River Valley Potato Growers Association.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority for the committee to incur expenses and to levy assessments on the commodity handled;

(d) The authority to establish marketing research and development projects for the commodity covered by the marketing agreement and order;

(e) The method for limiting the handling of the commodity grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of special shipments of the commodity and modifications or amendments of grade, size and quality regulations;

(h) The requirement of inspection and certification of the commodity handled;

(i) The relaxation of regulations in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements upon handlers;

(k) The requirements of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in §§ 938.78 through 938.91 and published in the FEDERAL REGISTER (22 F. R. 2362; April 10, 1957), which are common to marketing agreements and marketing orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) Findings with respect to the right to exercise Federal jurisdiction: The Red River Valley, comprised of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey Counties in North Dakota, and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker and Clay Counties in Minnesota, is one of the important potato production areas in the United States and it is recognized as such by growers, handlers, receivers, and others engaged in the potato industry. This important late potato production area is located along the Red River of the north and is made up of the aforementioned eleven counties along the Eastern border of North Dakota and eleven counties along the northern end of the western border of Minnesota. These Red River Valley Counties, on the basis of the 1954 agricultural census, account for approximately 95 percent of North Dakota's and about two-thirds of Minnesota's potato production.

In 1956 North Dakota's estimated production was 12.4 million hundredweight and Minnesota's was 11.2 million, compared with 1956 total U. S. Fall potato production of 166.0 million hundredweight. Similarly, for the preceding 5 crop years, 1951–55, North Dakota's production estimate averaged 9.4 million hundredweight annually, Minnesota's averaged 8.4 million, and total U. S. Fall States averaged 142.5 million hundredweight annually.

Shipments of North Dakota potatoes from the 1956 crop totaled approximately 15 thousand carlot equivalents for the season through February 1957; for the same period Minnesota's shipments totaled approximately ninety-six hundred carlot equivalents. During the 5 previous crop years, 1951–55, shipments for North Dakota averaged annually 16.8 thousand carlot equivalents and Minnesota shipments averaged annually 11.2 thousand carlot equivalents.

Ninety-five percent or more of the Red River Valley potato shipments are marketed outside the valley. Marketing conditions and data with respect to North Dakota also are representative of the Minnesota counties within the Valley because 95 percent or more of North Dakota production and marketings therefrom originate in the Red River Valley portion of that State.

North Dakota and Minnesota potatoes are distributed extensively in the States lying south of the Great Lakes and between the Appalachians and the Rockies. Chicago is the chief market for Red River Valley potatoes. Carlot unloads of Minnesota potatoes were reported in 75 of the 100 cities covered in 1956 (Exhibit 6 of the hearing record). For the same period, and from the same official source, truck unloads were reported in 17 of the 32 cities covered. For the same year, North Dakota potatoes were unloaded in 68 U. S. and 1 Canadian city. Similarly for 1955 (Exhibit 7), Minnesota potatoes were unloaded in 82 U. S. cities and 1 Canadian city and potatoes from North Dakota in 75 U. S. and 2 Canadian cities.

Unloads of North Dakota and Minnesota potatoes during 1955 and in 1956, which are representative of usual marketing conditions during the past 5 seasons, were larger in Chicago than in any of the other 100 U. S. cities listed in the above identified unloads report. Growers and handlers throughout the Red River Valley commonly accept the Chicago potato market as the most important market area in reflecting current levels, daily changes, discounts and premiums for their potatoes. Chicago is commonly accepted as the basing point for potato prices from which calculations are made, with allowances for freight and other essential adjustments, to provide a basis for trading both at shipping points within the Red River Valley and at delivery points outside the valley.

Growers and handlers of Red River Valley potatoes maintain close, constant communications with receiving markets outside the production area, such as Minneapolis-St. Paul, Chicago, Milwaukee, Kansas City, St. Louis, Cincinnati, Louisville, Memphis, and other similar points in the general area of distribution in the Central and Southern States. These communications are maintained through telephone, telegraph, teletype, radio, market news reports, commercial bulletins, letters, personal visits, and other modern media. Both shipping point sellers and terminal receivers exchange information as to supplies and prices. Prices at shipping point in the production area and at terminals outside the production area tend to move together around average price levels. Factors affecting supplies at such shipping points are soon known and reflected in prices both at shipping points and at receiving markets outside the production area. Also, shifts in supplies at terminal markets, either in the quantity or quality on hand, or estimated as available or to become available, affects prices at terminals and, due to the rapid, constant communications between such terminals and handlers within the Red River Valley, such changes in prices are soon reflected in the offerings and bids, with resultant sales prices and, ultimately, prices to growers in the production area. The prices at which potatoes are sold and bought in the production area are directly related by close tie in with prices for potatoes in receiving markets outside the production area. Potatoes are sold by Red River Valley handlers on a basis of delivery at receiving markets, also in other cases on the basis of buyers taking title at shipping point in the production area. In other instances handlers consign potatoes to receiving markets or, in some instances, consign cars of potatoes to points within Minnesota, such as Minneapolis, with the idea of diverting such potatoes to outside points when a sales contract has been concluded. In these latter cases, shipments consigned to Minneapolis or other points within Minnesota frequently are diverted to points outside such State and outside the production area. Some potatoes from the production area are transported and sold in Canada, others in Cuba.

On the basis of the foregoing, it is hereby found and determined that all sales of potatoes grown in the production area which are destined for distribution outside of such production area and all transportation of such potatoes between points within the production area and any point outside of such production area are in the current of interstate or foreign commerce, or directly burden, obstruct, or affect such commerce. It is concluded, therefore, that the right to exercise Federal jurisdiction with respect to the marketing agreement and order for Red River Valley potatoes, hereinafter set forth, is established.

(2) The need for a marketing agreement and order program for Red River Valley potatoes is supported by substantial evidence in the record of hearing on which specific findings, as follows, are made:

The model type of farming unit most common to the Red River Valley is predominately one of "cash grains and specialty crops production."

About ninety percent of farms in the production area consist of cropland.

About two-thirds of this cropland is devoted each year to growing close grown grains or flaxseed and about one-third to production of specialty crops and legumes.

Specialty row crops, in order of their widespread usage on Red River Valley farms and economic contribution to farm income over time, are potatoes, corn, sugar beets, and soybeans. Historically potatoes have been a part of the area's farm economy for about 50 years.

Farm value of potatoes in the Red River Valley has ranged from approximately 16 to 30 million dollars annually during the 1953 thru 1956 seasons, averaging about 26 million dollars. During the eight seasons, 1949–56, total farm value of potatoes ranged from about 16 to 40 million dollars annually, averaging about 29 million dollars.

The season average farm price for North Dakota potatoes, which are determined representative of Red River Valley potato prices during the seasons 1949 thru 1956, ranged from $1.03 to $2.91 per hundredweight. Industry witnesses represented that these farm prices were relatively low in six of the eight seasons and depressingly low in four of such seasons. They also represented that a healthy farm economy for the Red River Valley cannot exist with the prices obtained during these four years.

Prices received for potatoes by North Dakota farmers, which as above determined are representative of Red River Valley farm prices for potatoes, during the seasons 1949–1955, were below parity in all but two (1951 and 1952) seasons. The 1954 North Dakota farm price of $1.51 per cwt. was 65 percent of parity, the 1955 season farm price for the same area of $1.94 per cwt. was 92 percent of parity. The 1956 preliminary farm price of potatoes for North Dakota is estimated at $1.30 per cwt.

Prices of potatoes vary with the size of the crop grown in the production area, also with the quality and size of tubers available for market from the production area. The size and quality of the potato crop in competing areas also affect prices for potatoes grown in the production area.

Yields per acre of potatoes have a direct relationship to the size, usually to the quality, also, of the potato crop in the Red River Valley.

The demand for potatoes is relatively inelastic. Growers and handlers can adjust supplies of marketable potatoes by limiting the grades, sizes, qualities and maturities of potatoes sold or transported in commerce between the production area and points outside thereof.

Some growers and handlers in the Red River Valley indulge in marketing practices which tend to depress the prices producers receive for their potatoes. Some of these practices are shipment of small sizes; shipment of lower grades, or portions thereof, when price levels do not justify; shipment of potatoes which the housewife does not readily accept when potatoes from competing areas with better appearance, more uniform and preferred sizes, are available for her alternative choices.

Lower grades and discounted sizes of potatoes tend to substitute for better quality and preferred sizes of potatoes which return higher prices to growers. The sale of such lower grades and nonpreferred sizes of Red River Valley potatoes tends to depress the average prices received by producers thereof.

The adjustment of supplies from the production area by means of grade, size, quality, or maturity regulations limiting marketings to those qualities and sizes which are acceptable in the potato market at preferred prices tends to improve growers' prices for potatoes.

The Red River Valley potato industry sells in competition with potatoes from other areas. Some competing areas have developed merchandising programs catering to the consumers' reqdirements so that potatoes from the Red River Valley sell only at discounted prices. Red River Valley producers deem it important as sound marketing practice to supply the buying trade with potatoes comparing favorably in quality and price with competing supplies.

In the absence of a program as provided in the proposed marketing agreement and order, many Red River Valley growers and handlers will offer and sell any potatoes that will bring a price regardless of whether such potatoes be number ones, twos, or culls, and regardless of the effects of such sales on the potato market and the price structure.

The potato marketing situation changes from year to year due to total supplies, as well as due to changes in the grade, size, quality, and maturity of such supplies. Red River Valley producers and handlers have found from state marketing programs, and from other experience, that elimination of some grades, sizes, and qualities of potatoes tends to improve grower prices. The year to year changes in supplies introduce marketing conditions that the industry representatives find cannot be coped with adequately under the states' programs and a Federal marketing agreement and order, as hereinafter provided, is needed to provide flexibility of operation to meet such changing marketing conditions. The exercise of the authority in the proposed order with respect to the establishment and maintenance in effect of minimum standards

of quality, in terms of grades and sizes, together with grading and inspection requirements, when prices are above the parity level would tend to effectuate such orderly marketing of production area potatoes as will be in the public interest.

Upon the basis of the foregoing, it is hereby concluded that adequate need exists for a marketing agreement and order as hereinafter set forth.

(3) A definition of the agricultural commodity to be regulated under the proposed marketing agreement and order is necessary to distinguish it from other agricultural commodities. The agricultural commodity grown in the production area, scientifically known as "Solanum tuberosum," is commonly known in the production area and in receiving markets outside the production area as "potatoes," or "Irish potatoes." Such definitions should include all varieties of potatoes grown in the production area, some of the common varieties of which are the Red Pontiacs, Cobblers, Kennebecs, Russet Burbank, White Rose, Triumphs, Red La Sota, Red Warbas, and Dazoka. The definition of the term "potatoes," as hereinafter set forth, provides a basis for determining, and distinguishing from other agricultural commodities, the agricultural commodity for which regulation is authorized under the proposed marketing agreement and order.

"Production area" is defined to mean the territory in which potatoes must be grown before becoming subjected to regulation authorized by the proposed marketing agreement and order. Such territory includes all the area within the boundaries of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey Counties in North Dakota and of Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay Counties, in Minnesota, which geographic area is commonly referred to locally, as well as in other potato producing areas, as the Red River Valley.

The Red River Valley as comprised of the above named counties is one of the important potato producing areas within the United States. Its boundaries are distinct, well delineated, and well known by producers and handlers within the valley as well as by potato handlers from outside the area. The 11 counties constituting the North Dakota portion of the production area are grouped along the eastern border of North Dakota and the 11 counties constituting the remainder of the production area are similarly located along the northern part of the western border of Minnesota. The Red River of the North runs between these two groups of counties, drains the valley and gives the area the chief identification for its common name. The western boundary of the Red River Valley, as set forth in this definition, is distinct as also is the eastern boundary in the State of Minnesota. All boundaries of the Red River Valley are based on county lines; they are well known by producers and handlers; and the record of hearing shows that they provide a practical basis for delimiting the production area. In addition, these boundaries do not pass through any major potato producing sections, so the prospect of confusion or difficulty in administration of a potato marketing program for this production area because of potatoes being grown close to or on both sides of the boundary lines is reduced to a minimum by reason of the boundaries as set forth. This proposed production area has been used under marketing agreement and order programs operated by the States of North Dakota and of Minnesota for the past several years. Experience under these States' programs has found the production area established by this definition to be practicable and workable. The territory included within the production area under the proposed Federal marketing agreement and order will be the same as the areas established in the past under the States' programs, and also the same as established as boundaries of the Red River Valley Potato Growers Association. The same varieties of potatoes are grown in the Minnesota and North Dakota portions of the proposed Red River Valley production area and the markets for both portions are the same. To exclude any portion of the production area would tend to defeat the purpose of the proposed marketing agreement and order in that poor quality potatoes from a section outside the area could then be marketed free from regulations and thereby depress the prices of regulated potatoes. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act: and this production area, as set forth in the notice of hearing and as hereinafter set forth under the proposed marketing agreement and order, provides the smallest regional production area practicable for carrying out the objective of the marketing agreement and order and of the Agricultural Marketing Agreement Act of 1937, as amended.

(4) The terms "handler" and "shipper" are synonymous in the production area and in receiving markets. Handlers sell or transport potatoes, or cause the sale or transportation of potatoes, and their activities place or have the effect of placing potatoes upon the market, and thereby affecting the prices received by growers.

Handlers are to be subject to the regulation authorized by the marketing agreement and order. Handlers should include persons who are responsible for the sale or transportation of potatoes between the production area and any point outside thereof or who cause potatoes to be so sold or transported. The act of handling potatoes (as such activities are hereinafter discussed) makes a person a handler. More than one handler may be involved in the handling of a given lot of potatoes and each such person should be responsible for complying with the terms of the marketing agreement and order.

Common or contract carriers transporting potatoes which are owned by another person are performing a handling activity or function insomuch as they are transporting potatoes, but such handling should not be regulated under the marketing agreement and order because such carriers are not responsible for the grade, size, quality, and maturity of the potatoes being transported. Neither are they responsible for the introduction of such potatoes into commerce. The interest of common or contract carriers in such potatoes is to transport them for a service charge to destinations selected by others. The responsibility for the grade, size, quality and maturity of such potatoes delivered to a common or contract carrier, with the consequent effect of such sale or transportation upon the market for potatoes and the price of such potatoes to growers, should be borne solely by the person or persons responsible for delivering such potatoes to the carrier or by the person who causes such potatoes to be delivered to such carriers. Therefore, the term handler, which is synonymous with shipper, should mean any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or causes potatoes to be handled.

The terms "handle" and "ship" are synonymous in the marketing agreement and order. The sale or the transportation of potatoes grown in the production area has a direct effect on the market for potatoes grown in the Red River Valley, also on the market for potatoes grown in other areas, and such act or acts, individually or collectively, should be within the definition of handle.

The great bulk of potatoes marketed from the Red River Valley are first stored for varying periods of time, then run over a grader, usually a combination grader and washer, separated into grades and sizes, placed in appropriate containers, then sold at shipping point for movement to markets outside of the production area or transported to such markets and title is transferred at destination. These activities cover the major portion of the crop that is sold and transported as tablestock. Seed potatoes are handled in much the same manner, in that they too are stored and later separated into appropriate grades, and sizes for the seed trade, and either sold at shipping point or transported to receiving point where title is passed to the receiver.

Some Red River Valley potatoes are also sold or transported in other manners. At times, potatoes immediately following digging are picked up either mechanically or by hand and a separation is made at this time which leaves some of the potatoes behind and others are placed in containers and transported to market either by rail or truck. Such potatoes often do not go through a packing house and over conventional type grading equipment, however, some grading takes place in that they are prepared for the market in which they are sold. While the amount of potatoes handled in this manner is relatively small, such sales or transportation of potatoes have a direct effect upon the potato market and the prices received by growers for potatoes. The act of the person making such sales or causing such sales to be

made, or of the person who transports, or who causes the transporting of potatoes to market, each constitutes handling of such potatoes.

The transportation or movement of potatoes from the field where grown to storage or to packing houses or for processing within the production area is not included within the definition of handle as set forth in the marketing agreement and order. The movement of potatoes from the field where grown to storage or for processing outside the production area should be classed as within the definition of handle because such potatoes are then in commercial market channels affecting growers prices and should meet market requirements established under the marketing agreement and order.

The definition of handle should not include the activities of a producer in his capacity as producer. Such activities should include the production, digging, and the harvesting of potatoes. All activities subsequent to harvest which have a definite bearing on the market for potatoes which include the sale or transportation of potatoes directly to market should be within the definition of handle.

The definition of handle should not include the sale of potatoes at retail by a person in his capacity as a ratailer.

The movement of potatoes from storage in the production area to a packing house within the production area for the purpose of having such potatoes graded or prepared for market should not be considered an act of handling because such movement is considered under this program to be within the function of the producer, and not a part of the marketing process. The movement to fresh market of potatoes which have been graded should be included in the definition of handle. Also, the movement or sale of potatoes which have been graded, but which are not considered as a part of the tablestock supply and which include culls, pickouts, or other off grade, off size types of potatoes, should be considered as handling and should be subject to the appropriate authority in the proposed marketing agreement and order. Such movement is included within the activity of transporting potatoes to market. Such transportation is a handling activity and should be subject to regulation under the proposed marketing agreement and order.

On the basis of the foregoing it is hereby concluded that the sale or transportation of potatoes effectuating the movement of such potatoes from any point within the production area to any point outside thereof should be within the definition of handle in the proposed marketing agreement and order.

(5) Certain terms and provisions of the proposed order should be defined and explained for purpose of designating specifically their applicability and limitations whenever they are used.

(a) The defintions of Secretary, act, and person, as set forth in the notice of hearing were not in controversy at the hearing. These terms are used in marketing agreements and marketing orders effective under the statute and indicate, respectively, the officials of the Department of Agriculture who may exercise authority under the proposed marketing agreement and order, the official citations of the legal authority of the program, and the identity of the individuals and others embraced within the meaning of the term "person." The use of such terms in the marketing agreement and order is essential to the basic framework thereof and should therefore be set forth therein.

"Producer" is a commonly understood term throughout the production area. Any person engaged within the production area in the production of potatoes for market is commonly classed as a producer within the Red River Valley and such person should be included within the definition of producer in the proposed marketing agreement and order. Any person who has an ownership interest in the potatoes produced should be classed as a producer and the definition should be limited to those persons who have such ownership interest. The term producer should not include laborers or others who perform work for fee or for hire in producing the potatoes, as they have no ownership interest in the commodity. The term producer as used in the proposed marketing agreement and order provides the basis for determining eligibility for voting in nominations and other procedures relating to the qualifications of membership on the Red River Valley Potato Committee. Also, the term producer provides a basis for determining qualifications for eligibility for exemptions under the marketing agreement and order.

"Grading" is usually a mechanical operation whereby potatoes are carried by a mechanical conveyor over a series of moving screens, revolving rollers, or tables where sizes are determined and good quality, as represented by preferred grades and sizes or both, are sorted from the poor, so the potatoes which are to go to preferred price outlets are separated from those going to lower price outlets. This grading or preparation for market is an operation which applies to all potatoes grown in the production area even though the extent to which the potatoes are sorted may vary considerably according to the types of outlets. Red River Valley potatoes are currently graded or prepared for market as part of the handling process whereby the potatoes are sorted into classifications based on grade, variety, size, quality, or maturity. Some of the usual or typical classifications are U. S. Fancy, U. S. No. 1, U. S. Commercials, U. S. No. 2, in combination with a size designation 2 inch minimum, Size A, or 2 inch minimum-3½ maximum, Red River Reds (such term indicating variety), and similar designations of value attributes based on commonly accepted measures of potato characteristics.

A definition of "grading" or "prepare for market," based on the foregoing should also be set forth in the proposed marketing agreement and order. Such definition should mean the sorting or preparation of potatoes into grades and sizes by any means, including any repacking, regrading, or resorting of potatoes which may have been previously prepared for market.

Definitions of "grade" and "size" are incorporated in the proposed marketing agreement and order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations are issued, should be defined as comprehending the equivalents of the meanings assigned to these terms (i) in the official standards for potatoes issued by the United States Department of Agriculture (7 CFR §§ 51.1540 to 51.1559 and §§ 51.1575 to 51.1587), (ii) in the state standards for potatoes issued by the State in which potatoes are shipped, (iii) in modifications or amendments of such standards, and in variations of such standards by regulations under the proposed marketing agreement and order. Regulations under such marketing agreement and order can then use such terms ("grade" and "size") with the constant meaning assigned thereto in such standards or in such modified or amended standards, or such regulations can vary such terms by prescribing, for example, a percentage of a grade, as may be required at the time of issuing such regulation. Inspectors of the Federal or Federal-State Inspection Service are qualified to certify the grade and size of potatoes grown in the proposed production area, in terms of any of the aforesaid standards, or modifications, amendments, or variations thereof.

The United States Standards for Potatoes provide that in order to meet certain grade requirements potatoes shall be mature. According to the same standards, "mature" means that the outer skin (epidermis) does not loosen or "feather" readily during ordinary handling and that practically no skin has been removed from the potatoes. The same standards also set forth various skinning classifications. The record of hearing shows that "maturity" as now used by the industry, as interpreted by Federal-State Inspectors and certified on the basis of such inspections, and as the proposed marketing agreement and order should provide, means the basis, as set forth in the aforesaid skinning classification or modifications or adaptations thereof, for determining the extent or degree to which any lot of potatoes is mature, or falls short of qualifying as mature potatoes. "Maturity" should be defined as set forth in the proposed marketing agreement and order.

The term "varieties" is included in the marketing agreement and order so that the committee may recognize the real differences in the characteristics of different varieties and differences in types of regulations which might be considered and recommended therefor. The great bulk of potatoes now being produced in the proposed production area fall within the general group known as red or red skinned varieties, such as Pontiacs, Red Wabas, and others. However, round white varieties such as Cobblers, Kennebec, Cherokee, and others, and long whites such as Russet Burbank, Early Gem, White Rose, and others, are also grown. Differences by groups of varieties should be recognized by the committee in their deliberations and the marketing agreement and order should authorize different regulations by

different varieties. It is particularly important, especially in the development of a new variety, that the marketing agreement and order should contain authority to provide special treatment, such as freedom from regulations, for each variety. The means set forth in the definition of "varieties" is appropriate for determining different varieties of potatoes grown in the production area.

The terms "seed potatoes" or "seed," "tablestock potatoes" or "tablestock" and "washed potatoes" are terms commonly used in the production area. Testimony shows that "seed potatoes" or "seed," as the terms are commonly used in the proposed production area, includes only potatoes which are certified, tagged, or otherwise appropriately identified as such by the official seed certifying agency of the State of North Dakota or the State of Minnesota. "Tablestock" potatoes as testified at the hearing has a common meaning in the production area and is used to refer to potatoes offered for use on the fresh market. This term as commonly used in the production area also includes potatoes used for livestock feed, potato chips, etc.—as a residual type classification to refer to all potato stocks other than "seed." Hence, the total of "seed potatoes" plus "tablestock" potatoes includes all potatoes to be covered by the marketing agreement and order.

"Washed potatoes" as the term is used in the production area is defined to mean potatoes that have been cleaned by water and in addition meet the degree of cleanness measured by standards of cleanness in the United States Standards for Potatoes or modifications thereof. Interpretations of cleanness can be made by official inspectors of the Federal, or Federal-State, Inspection Service. The proposed marketing agreement and order, therefore, provides that such standard of cleanness shall be the basis for standards of cleanness to be established by the Secretary pursuant to committee recommendations.

The terms "seed potatoes" or "seed," "tablestock potatoes" or "tablestock" and "washed potatoes" are incorporated into the marketing agreement and order because different regulations are authorized under appropriate circumstances for each.

The term "pack" is commonly used throughout the production area by the Red River Valley potato industry. It refers to one or more of the combinations of factors relating to the grade, variety, quality, size, and maturity of the potatoes in particular containers. For example, "U. S. No. 1" and "U. S. No. 2" refer to particular grades. Differences in pack are also recognized by the size of the package. For example, potatoes in ten-pound bags are referred to as a ten-pound pack. A pack of U. S. No. 1 Reds –2" –3" would use grade, variety, and size factors. It is essential that such differentiation should be authorized in the marketing agreement and order so that appropriate regulations tailored to the particular pack involved, and the market demands therefor, may be made effective and thereby tend to achieve the declared policy of the act. Pack should be defined as a basis for distinguishing the various sizes of shipping units in which potatoes are packaged, as well as the contents of the packages in terms of the quantity of potatoes and the grade and size thereof. The definition for the term pack should therefore, be as set forth in the proposed marketing agreement and order.

"Container" should be defined in the marketing agreement and order as a basis for differentiating among the numerous shipping units in which potatoes move to market and for the permissible application of different regulations to such different shipping units. The Red River Valley potato industry, as represented by growers and shippers at the hearing, indicated that undesirable practices in the marketing of potatoes relating to net weights and numerous container types and sizes tend to create disorderly marketing conditions. Use of authority enacted in the recent container amendment to the act will provide a basis for alleviation of the problems associated with containers. The principal containers used at present in marketing potatoes are burlap bags, paper bags, mesh bags, paper and mesh bags, polyethylene bags, boxes, pallets, and bulk loads.

The definition of "Committee" is incorporated in the marketing agreement and order to identify the administrative agency responsible for assisting in the administration of the program. Committee means the Red River Valley Potato Committee as authorized by the act and which is necessary and incidental to the operation of the marketing agreement and order.

"District" should be defined in the marketing agreement and order as referring to each of the geographical sections or divisions of the production area, either as initially established or as later reestablished, in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable from the standpoint of the present situation and should provide a practical basis for the purposes intended.

"Fiscal period" should be defined to mean the period beginning and ending on the dates as recommended by the committee and approved by the Secretary. This definition provides authority for the committee and the Secretary to set the beginning of a fiscal period relatively close to the opening of a marketing season so that a minimum of expenses may be incurred by the committee prior to receipt of revenue. There is a definite break in shipments between one potato marketing season and another in the production area and no difficulty should be encountered in establishing the beginning of one marketing year and the close of another. Such flexibility should facilitate operations under the marketing agreement and order.

The definition of "export" is incorporated in the marketing agreement and order because different regulations thereunder are authorized for export shipment than for domestic shipments. Export markets may have requirements which differ from the domestic markets and special regulations may be justified. Export should be defined to include all shipments of potatoes outside the continental United States.

No evidence was offered to support the provisions of § 938.21 "Label" in the notice of hearing, hence this section is dropped.

(b) The Red River Valley Potato Committee, composed of fourteen producer members, is the administrative agency sponsored by the industry to aid the Secretary in administering the marketing agreement and order and in carrying out the declared policy of the act. For the past several years fourteen members have made up the board of directors of the Red River Valley Potato Growers Association, and the Red River Valley Potato Control Board, as set up to administer the States' marketing and promotion programs. These two organizations have been operating for several years with a committee of fourteen producer members on each, and have operated marketing and promotional programs for the potato industry in a geographic area identical with the proposed production area which is to be administered by the Red River Valley Potato Committee. Industry representations show that experience with the two aforementioned committees of fourteen members each has established this as a satisfactory number of committee members to adequately and equitably represent the industry. As a result of this success with 14-member committees giving ample representation to the producers in the proposed production area it is recommended that the proposed Red River Valley Potato Committee also should have 14 members. Testimony at the hearing was that many producers are also handlers and as a result of the operations of committees now serving the potato industry it has been found that a 14-member committee composed entirely of producers will have among its members those who are also handlers and in such manner both producers and handlers will be adequately represented. Experience with these two committees also shows that any program which serves potato producers also serves the handlers. This plan of representation has received intensive study by the industry and after thorough consideration by the industry, based both upon study and experience, such representation is considered appropriate and equitable.

Each member and alternate of the Red River Valley Potato Committee selected to represent producers in a particular district should be a producer of potatoes, or an officer or employee of a corporate producer or other type of business unit engaged in producing potatoes in such district and each such person should reside within the production area. Some qualified persons may not reside in the district where their principal interest lies. Industry representations show that if such person can otherwise qualify for committee membership by reason of farming operations in a particular district but with residence in another district, these facts should not prevent his selection to represent a particular district even though his residence is outside of such district but

within the production area. Producers who have the above qualifications should be intimately acquainted with the problems of producing potatoes grown in such district and each may reasonably be expected to present accurately the problems incident to production or marketing of potatoes grown in such district. For obvious reasons the qualifications of each alternate should be the same as for the respective member for whom he may act. Such qualifications should help to assure that the interests of the producer group from which each is selected will be adequately represented in committee deliberations.

Circumstances may arise when it is impossible for a member or members to attend particular meetings of the committee or where positions are vacant because of resignations or for other reasons. In such situations it is desirable for the respective alternates to serve in lieu of the members so that there will be no interruption of committee operations and to assure producers in all districts of the production area representation in the conduct of all committee business. Also, industry representation shows that alternates could relieve members by performing assigned tasks necessary for administration of the program.

The selection of committee members and alternates on the basis of districts, as set forth in the marketing agreement and order, provides a practicable and equitable manner of representation. The geographical basis for the extent and selection of the committee membership is related to the acreage and production of potatoes within the production area so that such selection thereby provides an equitable basis for committee representation.

A provision for redistricting is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. Future shifts or other changes in the development of acreage within the production area cannot be foreseen at the present time. Therefore, it is desriable to provide flexibility of operation, so that if it should be in the best interests of the administration of the proposed marketing agreement and order to change the boundaries of some districts, the committee may so recommend, and the Secretary take, such action.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed within ten days after notification of appointment so that the committee will not be unduly delayed. This requirement is necessary so that the Secretary may be in a position to promptly select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to indicate his willingness and intention to serve on the committee.

The term of office of committee members and alternates under the proposed program should be for two years beginning on July 1 and ending June 30 and any additional period needed for the selection and qualification of his successors. This will establish an orderly procedure for changing the membership of the committee. The term of office should be for two years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service in assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office occurs during a period prior to the commencement of a marketing season and hence should allow adequate time for the committee to organize and start operating before the opening of each season.

Provisions are made in the marketing agreement and order for staggered terms of office of the committee members and alternates. Under this provision, six of the initial committee members and their alternates will serve for a term ending on the second June 30 following their appointment; the remaining eight of the initial committee members and their alternates will serve for a term of office ending on the first June 30 following appointment. The establishment of such staggered terms will provide for more efficient administration of the program in that members and alternates constituting the newly appointed members of the committee will benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the marketing agreement and order.

The potato industry within the proposed production area has used a similar method of designating committee membership on the Red River Valley Potato Growers Association and the Red River Valley Potato Control Board. Industry representatives show that growers believe this to be a satisfactory method of determining terms of office; the terms of office for the membership of the Red River Valley Potato Committee under the Federal program should be the same.

The industry established the position that no member should serve for more than three consecutive terms so that fresh points of view could be brought before the agency, also so that responsibilities of membership could be spread among more farmers. This industry policy is deemed reasonable and desirable. Therefore, it is incorporated in the terms and provisions of the marketing agreement and order.

The industry representations established that a quorum of the Red River Valley Potato Committee should consist of ten members and ten concurring votes should be necessary for passing any motion or approving any action of the committee. Such quorum and voting requirements, constituting a minimum of over two-thirds of the membership are deemed reasonable and adequate by the industry. The committee should be authorized to vote by telephone, telegraph, or other means of communication when matters to be considered are so routine it would be unreasonable to call for an assembled meeting, or, on the other hand, when rapid action is necessary for an emergency. Votes cast at other than assembled meetings should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting however, all votes should be cast in person, so as to preclude participation by members and alternates who did not participate in the assembled meeting deliberations.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act because such powers are authorized to be granted by the enabling statutory authority. They are common to marketing agreements and marketing orders operating under the act and necessary so that an agency of the character set forth in the proposed marketing agreement and order can function.

The committee's duties as set forth in the marketing agreement and order are necessary for the discharge of its responsibilities. It should be recognized that these specified duties are not necessarily all inclusive in that there may be other duties which are incidental to and not inconsistent with the terms and conditions of the act and the marketing agreement and order which the committee may need to perform in connection with its operations under the programs.

Provisions are made in the proposed marketing agreement and order to require that the committee receive and consider complaints and petitions from growers, in connection with the operations of the proposed program, and that consideration will be initiated within five days following receipt of appropriate presentation to the committee. A request or petition from 50 percent of the producers in a producing section or 30 producers whichever is smaller is also provided. These provisions are desirable in that they assure growers they will receive the consideration of their problems that the committee would normally provide in any instance. These provisions do not preclude growers and committee from making arrangements for consideration of problems and complaints in manners that would be satisfactory and convenient for the committee and growers.

Committee members and alternates should be reimbursed for reasonable expenses necessarily incurred when they are engaged in committee business. These expenses should be paid because it would be unfair for committee members and alternates, who are to serve on the committee without compensation, in the interest of the industry, to be required to bear such expenses, in addition to the time lost in their business.

The Red River Valley Potato Committee is the agency established pursuant to the terms and conditions authorized by the act. Nominations for membership on this committee are provided by the terms of the marketing agreement and order as a method for selecting such membership so that the wishes of the affected industry with respect to membership on such agency may be made known to the Secretary.

The methods for calling and conducting nomination meetings, with the rules set forth for determining the rights and

privileges of participating in producers' meetings for expressing preferences for membership on the committee, as set forth in the notice of hearing and as set forth in the proposed marketing agreement and order were declared acceptable, equitable, feasible and were supported by substantial evidence by industry representatives.

The methods set forth in the marketing agreement and order for calling and conducting producer meetings to express preferences for nominations for membership on the committee are substantially the same as those followed by the Red River Valley Potato Association and by the potato industry in the same valley in providing membership on similar committees under State orders. These methods have proven acceptable and practical under the State programs. The industry representatives declare they will be acceptable and practical for the Federal program.

It is found that the provisions for nominations in the marketing agreement and order accord with the wishes of the Red River Valley Potato industry and that such terms and conditions are incidental to, not inconsistent with, and they are necessary to effectuate, the other provisions of the marketing agreement and order.

(c) It is found from the record of the hearing that expenses would have to be incurred by the committee in the administration of the proposed program. These expenses, which should be reasonable, include, but should not be limited to, salaries for secretary, manager, and field personnel, rent for office space and office equipment, supplies and travel expense. Expenses incurred by the committee in operating the marketing agreement and order must, under the act, be borne by handlers. The most practical way of distributing the costs of the program among handlers is to require each handler who first handles potatoes, subject to regulation under the proposed program, to pay his pro rata share of such expenses on the basis of the ratio of his total potato shipments under the proposed marketing agreement and order, as the first handler thereof, to the total of such potato shipments by all such handlers, during a particular fiscal period. According to the record all of the production area potatoes are inspected by the Federal-State Inspection Service serving the area. In most cases, the person who first shipped the potatoes also applied for inspection, and in such instances the inspected shipments could serve as a basis for computing assessments due. Such person is the one who started the commodity on its way to market. Therefore, such person, i. e., the first handler, should be the person who is to pay the assessments. For potatoes which are not so inspected, the handler responsible for the assessment should continue to be the handler who first handles the potatoes and should be so designated by the committee. The requirement that the first handlers pay assessments on potatoes will preclude multiple assessments on potatoes that are handled more than once; and handlers will be able to arrange their operations accordingly.

A similar method of levying and collecting assessments has been used by the Red River Valley Potato Control Board for several years and has proven successful and satisfactory under that program. The method of defraying expenses through assessments on shipments has the support of producers and handlers within the proposed production area.

Good business practices require that the committee prepare a budget prior to the beginning of each fiscal period. Such a budget should show estimated income and expenses necessary for the administration of the marketing agreement and order for the fiscal period for which the budget is prepared. Producers within the production area have several seasons' exprience in preparing budgets for the Red River Valley Potato Control Board under the States' orders. With such experience any budget prepared by the committee as representatives of the industry which is to pay the expenses should be a realistic, practical, and businesslike budget. If unforeseen expenses should occur, or other unforeseen happenings come about, such as a partial crop failure, so that assessments collected are not sufficient to defray the expenses of the committee during a particular fiscal period, the committee should be authorized to recommend that the Secretary approve an amended budget and fix an increased rate of assessment to balance necessary committee expenses and revenue. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve an amended budget and, if he finds that the then current rate of assessment is insufficient to cover committee administration of the proposed marketing agreement and order, he should be authorized to increase the rate of assessment. Such increased rate should apply to all potatoes handled under the proposed marketing agreement and order during such fiscal period, including those previously handled, by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Except as indicated below, handlers should be entitled to a proportionate refund of any excess assessments collected and which remain at the end of a fiscal period. Refunds should be credited to respective contributory handlers against their operations of the following fiscal period, unless payments should be demanded, in which event proportionate refunds should be paid.

If and when a committee should be required to liquidate its affairs upon termination of the marketing program, considerable expense would be involved in the liquidation process. The affairs of the committee which are to be liquidated would usually result from a number of years' operations. It would be appropriate, therefore, for the maintenance and functioning of the committee that, of the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, a reasonable amount should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained upon the basis of the committee's recommendation and Secretary's approval to cover the expenses of final liquidation in the event of the termination of the marketing agreement and order. All funds collected under the marketing agreement and order should be used solely for operations thereunder.

It is a matter of good business practice to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that the administration of the committee as the agency of the Secretary will be readily subject to inspection at any time by the Secretary. The responsibility of the Secretary for committee's activities, funds for agency operations, and the marketing policies, establish additional basis for requiring full accounting and records of all committee actions. The committee should have periodic audit reports at appropriate times, such as at the end of each fiscal period or at such other times as may be necessary and provide copies to the Secretary to enable him to maintain appropriate supervision and control over the committee's activities and operations. Copies of the audit report should also be available in the office of the committee for inspection by interested producers and handlers.

The Red River Valley potato industry has operated under state marketing order programs which provided for incurring expenses and payment of such expenses from assessments on shipments. Assessments have been levied, collected, and accounted for under the States' programs in a manner substantially parallel to the provisions and methods set forth in the proposed marketing agreement and order.

The industry representatives intend that the existing state programs and the Federal marketing agreement and order should operate in co-operation with one another so that mutually beneficial services, such as accounting, management, staff, and similar operating facilities, can be used economically and in the best interests of each organization representing growers. This is a businesslike, practical arrangement which should help to improve growers' returns, It is practical and feasible that the Red River Valley Potato Committee under the Federal marketing agreement and order should be authorized to provide, with approval of the Secretary, for collection through state agencies of assessments levied under the marketing agreement and order.

(d) It was testified that the potato industry wishes to avail itself of the authority granted by the act for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes. Such authorization should be included in the proposed marketing agreement and order.

Through the medium of research investigation, the committee could be able to assemble and evaluate data on growing, harvesting, shipping, marketing, and other factors with respect to potatoes which would be of value in determining what regulations could be established, in accordance with the act and the proposed marketing agreement and order, for the benefit of the potato industry in the production area. As the committee becomes more aware of the value and need for marketing research and development, other projects will undoubtedly be initiated, the need for which may not have been foreseen during the course of the hearing. The committee should be empowered to engage in such projects (except advertising projects which are not permitted by the act), to spend assessment funds for them, and to consult and cooperate with appropriate agencies with regard to their establishment. The committee may be limited by lack of facilities and trained technicians in carrying out any such projects; and it should be authorized to enter into contracts for their development with qualified agencies, such as State Universities, and public and private agencies. Prior to engaging in any such activities, the committee should of course submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including the cost and the objectives to be accomplished, so as to insure, among other things that the projects are within the purview of the act and the proposed marketing program. The cost of any such projects should be included in the budget for approval and such cost should be defrayed by the use of assessment funds as authorized by the act.

(e) Potato prices in receiving markets, also at shipping points, and in turn, to producers, are directly affected by the quantity and quality of potatoes being sold or transported and available for sale or transportation to market during any period.

The quantity and quality of potatoes being transported to market during any period is a function of the accumulated plans of growers and handlers in disposing of potato crops available for market during such periods.

Growers and handlers who have developed plans for marketing potato crops consider the total supplies they have for market, the grade, size, quality, and the maturity of such potatoes, and give consideration to similar factors with respect to supplies in competing production areas. Growers and handlers in the Red River Valley, as well as other competing areas, also consider the trend and level of consumer income, general marketing or merchandising programs, such as the sale and shipment of potatoes in particular types of containers and within particular size and quality ranges, and the maintenance of orderly flow of potatoes to market so that receiving markets are supplied with adequate quantities of potatoes, with the objective of maximizing their returns. These factors are important in the consideration given by all growers and handlers who market Red River Valley potatoes. The accumulation of such individual plans provides a general marketing pattern for the Red River Valley in much the same manner as such plans also develop in other areas.

It is essential in the interest of promoting orderly marketing and improving growers prices that the industry representation, as established by the Red River Valley Potato Committee, should consider such plans as soon as practical after the beginning of each season and the plans that the industry should follow for the coming season in marketing particular grades, sizes, and qualities of potatoes in different kinds of packs and the amount of such potatoes which should be marketed during the particular marketing year.

The procedures and methods which are outlined in the marketing agreement and order for developing the institution of marketing policy statements relating to the grade, size, quality, and maturity regulations which may be attempted during subsequent periods are similar and parallel to industry marketing plans usually followed in the Red River Valley and should provide a practical basis for the committee to obtain appropriate data and information relating to potatoes grown in the Red River Valley. A marketing policy is essential each season to provide an overall plan or policy for the committee and the industry to follow with respect to the marketing of potatoes in the production area. In addition, members of the industry, including both growers and handlers, should be provided with the information regarding the policy and regulations which might be recommended by the committee. Insomuch as the factors set forth in the proposed marketing agreement and order are those commonly considered by growers and handlers in marketing their potatoes in their efforts to maximize producers' returns and such factors provide a practical basis which the committee should take into consideration in developing its marketing policies, they are adequate and proper for the intended purposes.

A report on the marketing policy considered and formulated by the committee should be prepared for distribution to the growers and handlers and a copy of such report should be made available to the Secretary. The initial marketing policy offered by the committee for any marketing season should be submitted to the Secretary prior to, or simultaneously with, its initial recommendations for regulations. This would help to insure proper notice to all interested parties. The reports on marketing policy and regulation should be submitted to the Secretary and presented to the industry by the committee. The Red River Valley Potato Committee is the administrative agency established for local administration of the proposed marketing agreement and order. One of the primary functions of the committee is to advise the Secretary, as part of the administration of the marketing agreement and order, in connection with marketing policies and the grade, size, quality, maturity and other regulations that should be effective. Insomuch as the committee is given the responsibility for this important phase of local administration the committee should be authorized to consider and recommend any and all regulations which are set forth by the marketing agreement and order for the Secretary to issue thereunder.

As heretofore indicated the quantity and quality of potatoes grown in the production area and sold or transported to markets during any period have a direct effect upon the total quantity and the composition of such supplies which, in turn, have a direct effect upon the prices received for potatoes in the market and the prices returned to Red River Valley producers. Limitation of the handling of poorer grades, off quality, less desirable sizes, and maturity of potatoes grown in the production area as authorized by the marketing agreement and order provides a method for adjusting the total quantity of potatoes, and the composition thereof, which may move to markets, and in turn such limitation provides a means for tending to increase prices of the more desirable grades, sizes, maturities, and qualities and to promote more orderly marketing and increase the returns to producers of such potatoes. Promotion of the more orderly marketing of potatoes grown in the production area may be effectuated through the types of packs of such potatoes that can be shipped and the kinds and types of containers in which such potatoes may be shipped. Also more orderly marketing may be promoted through the handling of particular grades, sizes, qualities, and maturities of potatoes differently for different varieties, and for washed and unwashed table stock as well as differently for table stock and for seed, and for different portions of the production area, or any combination of the foregoing during any period.

A means for measuring the grade, size, quality, and maturity of potatoes is provided in the standards issued by the United States Department of Agriculture (7 CFR §§ 51.1540–51.1559; and §§ 51.1575–51.1587) for potatoes. The United States Standards for Potatoes, as well as the United States Consumers Standards for Potatoes and State Standards, provide the common and accepted means for determining the grade, size, quality, and maturity of potatoes grown in the production area. Such standards are widely used throughout the production area both by producers and by shipping point handlers, as well as buyers, all of whom are generally acquainted with such standards as commonly used in their market transactions. The lower grades and off qualities include not only the unclassified potatoes as set forth in the Federal standards for potatoes, which are commonly referred to as culls, but also potatoes which show defects as set forth and described in such standards and in any modification or variation based thereon, which may be considered desirable by the Secretary.

In the interests of promoting more orderly marketing conditions for potatoes grown in the production area and improving prices paid to growers, authority should be provided in the marketing agreement and order for limiting the grades, sizes, qualities and maturities of potatoes which may be placed in any given pack or container. This type of limitation would provide an additional means for tailoring the supply of mar-

ketable potatoes to demand for the most desirable grades, sizes, qualities and maturities depending upon the particular outlet involved.

Growers receive different prices for different varieties of potatoes also for different grades, sizes, qualities, maturities and packs of such potatoes grown in such production area. It is generally recognized in the production area as well as in receiving markets that potatoes of the round red varieties, including but not limited to Red Pontiacs, Red Warbas, Triumphs, and other varieties noted for their red skin, are preferred by buyers in certain parts of the receiving market in which Red River Valley potatoes are generally distributed. Also similar recognition is given to a somewhat distinct demand for particular grades and sizes of white potatoes such as Cobblers, Kennebecs, and similar varieties. Also, a somewhat distinct demand is recognized in the receiving trade for particular grades and sizes of long type varieties of potatoes such as the Russet Burbank, Gems, White Rose and others. The potato growers and handlers within the production area recognize such differentials and they attempt to market their potatoes accordingly in an effort to maximize their returns and bring about the highest prices for their products. The proposed marketing agreement and order should give similar recognition to such differences and the terms and provisions thereof should authorize different regulations by grades, size, quality, and maturity for different varieties, also different regulations for table stock and for seed. The potato industry in the Red River Valley customarily ships sizeable amounts of washed potatoes, also a large portion of the crop is shipped as unwashed potatoes. The record of hearing shows that a proportion of the crop which can be shipped as washed stock meeting grades, such as U. S. No. 1 grade, may be somewhat less than for unwashed stock. In the interest of preserving equitable portions of the market for growers and shippers of washed and unwashed stock the proposed marketing agreement and order should provide, as set forth herein, authority for issuing regulations differently for washed and unwashed table stock potatoes. Also authority should be included in the marketing agreement and order for different regulations by grade, size, quality, and maturity for different portions of the production area to take care of such matters as disaster arising from storms, hail, and other situations beyond the control of the growers and shippers.

In order to promote more orderly marketing, regulations should be authorized for different packs so the industry can best meet the demands of the receiving market. Similarly, different regulations should be authorized for different sizes or types of containers or any combination of the foregoing during any period so that the committee can advise the Secretary who in turn can issue regulations based on preferred demand for particular packs or containers including the grades, sizes, quality and maturity of the contents thereof, in the interest of maximizing returns to growers.

The industry indicated that no regulation under the proposed marketing agreement and order applicable to seed should modify or impair the official seed specifications established by the official seed certification agency of the State in which the potatoes were grown. Such industry policy is hereby confirmed as the policy which should be followed under the terms and provisions of the marketing agreement and order.

The permissive use of the authority to fix the size, weight, capacity, dimensions, and pack of containers will allow the committee to reduce or eliminate any deceptive practice which a few members of the potato industry might be inclined to follow. This is not a particularly disturbing problem at the present time, but if a new type of container should enter the marketing of Red River Valley potatoes such type of container should be eliminated if it causes misleading merchandising practices thereby tending to confuse buyers of potatoes grown in the production area. The committee would be able to determine such practices which tend to reduce prices to growers and recommend regulation, which the Secretary may issue, to eliminate such undesirable practices.

The marketing agreement and order should authorize different regulations for any period so that the committee and the Secretary may take account of the different supply and demand conditions as they may arise and become apparent. This becomes particularly important in that the committee may wish to begin the season with one type of regulation (e. g., one prescribing grade, size and maturity requirements) but as harvesting progresses and the information with respect to the total size and composition of the crop in the production area as well as competing areas becomes more apparent the committee may wish to vary the regulation so as to prohibit the shipment of particular grades and sizes or to allow the shipment of particular grades and sizes. It is particularly important that this flexibility should be provided in the marketing agreement and order as set forth.

(f) The committee should be authorized to recommend and the Secretary to establish, in any period when the season average prices for potatoes grown in the production area may be above parity, such minimum standards of quality and maturity and such grading and inspection requirements as will effectuate orderly marketing as will be in the public interest. Some potatoes are of such low quality they do not give consumer satisfaction at any time because of waste and the large amount of time consumed in preparing them. Consumers do not receive proper value for their expenditures for such low quality potatoes; and even when prices are above parity, it is not in the public interest, either of the producers, handlers or consumers to permit shipments of such poor quality. Shipments of excessively skinned potatoes also tend to disrupt general marketing conditions for the commodity and the discounted prices received for such potatoes adversely affect growers' prices. The marketing agreement and order should authorize the establishment of such minimum standards of quality and maturity as will effectuate such orderly marketing as will be in the public interest. It is also necessary that such authority should include grading and inspection requirements so that such minimum standards of quality and maturity may be determined whenever such regulations are in effect.

The proposed marketing agreement and order authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, pack, maturity, container, or other appropriate regulations which are necessary for the improvement of growers' returns and for the development of more orderly marketing conditions for production area potatoes which are subject to regulations. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate such regulation.

When regulations are issued adequate notice of such regulations should be given to the committee and in turn the committee should give reasonable notice to handlers. Any change in requirements under a regulation requires handlers to change their operations in order to conform with the limitations of the new regulations. Such changes in operations require time with respect to packing house management and related activities, as well as the adjustment of supplies bought at particular prices and the replenishment of supplies to meet commitments. It is anticipated in the interest of good management that the committee will provide general notice to producers and handlers of recommendations to the Secretary relating to grade, size, quality, maturity and any other regulations or amendments thereto. Persons to be affected by such regulations or changes therein will thereby have advance notice of the obligations, or change in obligations which are to affect them. Such advance notice, with the adequate notice given by the Secretary to the committee and in turn the reasonable notice given by the committee to handlers, should provide ample opportunity for all producers and handlers to adjust their operations within the time between issuance and effective date of regulations or changes therein. Representatives of the proponents indicated that ten days elapsed time should offer reasonable notice for regulations imposing additional limitations on handling and twenty-four hours elapsed time could be construed as ample reasonable notice with respect to amendments relieving restrictions.

The members of the committee will be in close contact with producers and handlers in the production area and should be in a position to know the length of time which handlers would need to adjust their operations to meet proposed

regulations including the relaxations thereof and still be able to accomplish the declared policy of the act. It is anticipated that the length of time may vary and that the committee will recommend to the Secretary an effective date for each regulation which will permit handlers to so adjust their operations in view of the foregoing.

Most shipments of Red River Valley potatoes are in carlots or trucklots. Some small shipments, such as for 50 hundredweight, are made, but they constitute a small percentage of total sales. Small sales or shipments, such as to individual household purchasers, convenience purchases by friends or tourists and similar "nuisance" purchases present difficult operating problems if inspection must be performed on each. Administrative difficulties caused by regulating the grade, size, quality, or maturity of such small shipments, and the certification that such shipments are inspected and conform to such grade, size, qualities, or maturity would make it uneconomical, undesirable and impractical to attempt to do so in many cases. Under such circumstances and others which can readily be determined by the committee, regulation in all respects of such small shipments may not be administratively feasible, in that producers' prices may not be sufficiently enhanced to offset costs. It may be desirable, for example, to exempt small shipments from the proposed marketing program's mandatory inspection or payment of assessments, or both. In such instances, however, the committee could still recommend that handlers be required to have such shipments meet the then current grade, size, quality, and maturity regulations.

It is concluded, therefore, that the committee should be authorized to recommend, and the Secretary to establish, minimum quantities which would not be completely subject to regulations under the marketing agreement and order. The committee and the Secretary should use such authority to relieve minimum quantities from required inspection and certification and assessments thereon. The foregoing provisions would thus permit flexible operation of the marketing agreement and order in a practical way. The use of such authority will tend to minimize financial burdens upon handlers making such small shipments.

The Secretary should be authorized, upon the basis of recommendations and information submitted by the committee, or other available information to modify, suspend, or terminate grade, size, quality, maturity or other regulations for the handling of "table stock potatoes" for other than disposition in normal domestic fresh markets. The committee should be well qualified because of the experience and knowledge of its individual members and experience in the operation of the State marketing orders, to recommend such modifications, suspensions, or terminations as would be in the best interests of the Red River Valley potato industry and which would tend to effectuate the declared policy of the act. Additional authority to exempt shipments of potatoes from inspection or from assessment should be set forth in the marketing agreement and order in order to facilitate shipment of potatoes in a manner that will help to increase growers returns.

Potatoes moving to or sold in certain outlets, such as those specified in proposed § 938.54 of the marketing agreement and order, are usually handled differently than fresh shipments for retail markets, or such outlets usually accept different grades, sizes, qualities, maturities, packs, containers, or combinations for which different prices are returned. Ordinarily potatoes sold or shipped to such outlets would not be competitive to the same extent as other "table stock" shipments with potatoes sold on the domestic fresh market.

Certain outlets for potatoes, such as for livestock feed and starch, provide a salvage outlet for culls and off-grade and off-size potatoes and other potatoes for which there is no other market. Potatoes moving to these markets are of low value and disposal in any such type of outlet is deemed only a salvage operation by producers and growers, so authority should be included in the marketing agreement and order to allow reflection of industry judgment as to whether such marketings should bear costs of inspection and assessments. Committee members familiar with these markets should be able to recommend and the Secretary to designate such outlets to which potatoes from the production area may move without payment of assessments or obtaining inspection of such potatoes. However, supervision of these potatoes should be maintained through the use of Certificates of Privilege, as hereinafter authorized, to prevent these potatoes, which are free of certain regulations, and of lower quality or less desirable sizes, from competing with potatoes which are subject to such limitations.

Export requirements for potatoes differ materially on occasion from domestic market requirements. Certain market outlets, such as Cuba or Mexico, for example, prefer certain grades, sizes and qualities of potatoes which usually are discounted on the domestic market. Canada, for example, prefers potatoes of grades, sizes, qualities, and maturity which are more common to our own domestic table stock market. However, if there should be a demand from export outlets for off grades and off sizes for livestock feed or other uses, provisions should be made for dealing with them. The committee and the Secretary should have the requisite authority to effect the appropriate modification, suspension, or termination of regulations for export shipments differently depending upon the demands of such outlets. Export markets are usually additional outlets for Red River Valley potatoes. Unless the committee has the authority to recommend and the Secretary to issue regulations to meet the requirements of the export markets, loss of markets may occur, thereby tending to prevent the accomplishment of the declared policy of the act.

The marketing agreement and order should provide that special consideration may be given to shipments of potatoes for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shipper and the receiver, and are not considered as being in competition with the usual table stock shipment.

The committee should be authorized to recommend and the Secretary to provide that potatoes shipped for manufacture or conversion into specified products should not be regulated to the same extent as table stock potatoes or that regulations thereon be suspended or terminated. Shipments of potatoes for such manufacture or conversion reduce the supply of potatoes available for shipment from the production area to the domestic fresh market; and therefore such shipments for manufacture or conversion tend to increase the value of the crop. The committeee should be given the authority to recommend which shipments should be classed as being for manufacture or conversion into specified products because committee members should be in a position to appraise market conditions and determine whether such products are competitive with domestic fresh markets for potatoes. New potato products may be developed from time to time, some of which may and some of which may not be competitive with table stock potatoes. The committee should be in a favorable position to assess such competition, if any, between such products and fresh table stock potatoes. It is concluded that the committee and the Secretary should have the necessary authority with respect to such modifications, suspensions and terminations for special shipments of potatoes from the production area.

The committee should also be authorized to recommend and the Secretary to provide that shipments of potatoes for livestock feed should not be regulated, or to recommend and provide the modification or suspension of regulations so as to facilitate the movement of potatoes to such outlets. Livestock feed provides a salvage outlet for potatoes that is not competitive with the domestic fresh potato market. When such outlets are available they would tend to furnish a source of revenue for potatoes that otherwise would not be permitted to be handled because of failure to comply with grade, size, quality, maturity or other regulations. Off grades, off sizes, and other poor quality potatoes should be allowed to move with freedom from grade and size requirements to livestock feed outlets and thereby augment growers' returns for the total crop.

The committee should also be empowered to recommend similar special treatment, through modification, suspension, or termination or regulation, applicable to shipments for other purposes or products, the effect of which would be to increase growers' returns generally, and which later may be specified by the committee with the approval of the Secretary. (g) The authority contained in the marketing agreement and order for

modifying, suspending, or terminating regulations should be accompanied by the additional administrative authority for the committee to prescribe with the approval of the Secretary adequate safeguards to prevent shipments made thereunder from entering market channels contrary to the provisions of such special regulations.

Testimony was offered at the hearing by representatives of the seed potato industry of the production area that adequate safeguards should be authorized to prevent the movement of seed potatoes onto the table stock market, unless such seed potatoes meet regulations applicable to the table stock market.

Such safeguards should include such limitations, or appropriate qualifications on shipments, as might be necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards could include, among others, the mandatory inspection requirements so that the committee may have an accurate record of the grade, size, quality and maturity of potatoes shipped to special outlets, applications to make such special shipments, reports by handlers on the number of such shipments and the amounts of potatoes shipped, and assurances by the purchasers that the potatoes would be used for the purpose designated.

In order to maintain appropriate identification of shipments of potatoes to special outlets, the safeguards may provide for the issuance of Certificates of Privilege to handlers of such potatoes, and in addition, require that such handlers obtain such certificates on all shipments by them to such special outlets. Certificates of Privilege issued by the committee could serve as an indication of the authority for the handlers to make such shipments and as a means of identifying specific shipments. Such Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations or other available information, so that the issuance of such certificates might be handled in an orderly and efficient manner which can be made known to all handlers.

The committee should be authorized by the marketing agreement and order to deny as well as to rescind Certificates of Privilege when such action would be necessary to prevent abuse of the exemption conferred thereby. The committee should be authorized to exercise the authority necessary and incidental to the proper administration of the marketing agreement and order, which should include the authority to rescind or deny such certificates. Such action, however, should be based on evidence satisfactory to it that a handler to whom a Certificate of Privilege had been issued handled potatoes covered thereby contrary to the provisions of such certificate. Applications for Certificates of Privilege should be handled promptly. Notice from the committee with respect to rescinding or denying of any Certificates of Privilege should be given promptly to the applicants. Likewise, any appeals from committee action with respect to an application or the denial of a Certificate of Privilege should be handled promptly. Representatives of the proponents indicated that prompt notice and prompt handling should be construed to mean that action should be taken within seven days. This is believed to be a reasonable construction of prompt notice and prompt action and such obligation on the part of the committee appears reasonable. Such prompt action by the committee is essential in order that handlers may adjust operations to meet the market requirements and the requirements of the program. If the committee should rescind or deny a Certificate of Privilege, such action should be in terms of a specified period of time. Applicants affected by the denial of such a certificate or applicants affected by the denial or the rescinding of such a certificate, should have the right of appeal to the committee for a reconsideration. They should, of course, also have the right to request the Secretary to review such action and such right is hereby recognized and confirmed.

These provisions for prompt action by the committee are desirable in that growers need to know the action taken by the committee as soon as possible so they, in turn, may pursue courses they feel desirable.

The requirement that handlers transfer Certificates of Privilege with the potatoes covered by such certificates is necessary so that all subsequent handlers of such potatoes may know that such potatoes have met the provisions of the program. When Certificates of Privilege accompany potatoes, handlers can then quickly determine whether the potatoes meet the requirements of the proposed program.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain records relevant to safeguards and to Certificates of Privilege and should submit reports thereon to the Secretary, when requested, in order to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order.

(h) According to the record evidence inspection of potatoes grown in the production area by the Federal-State Inspection Service is mandatory under present applicable State marketing regulations. Potato producers and handlers in the proposed production area are well acquainted with the Federal, and the Federal-State Inspection Services and the requirements of the United States Standards for Potatoes, also the United States Consumer Standards for Potatoes as indicated by the fact that they pack potatoes meeting such requirements and market potatoes accordingly. Such inspection service is available throughout the production area and with reasonable notice inspection has been and can be given on all shipments at reasonable times.

Provisions should be included in the marketing agreement and order for mandatory inspection and certification by the Federal, or the Federal-State, Inspection Service of all shipments of potatoes grown in the production area and shipped to points outside the production area so as to insure compliance under the program. Such inspection and certification requirements should apply to all potatoes shipped under regulations issued under the marketing agreement and order except when relieved from inspection pursuant to § 938.53 or § 938.54 thereof, or both, for the reasons heretofore set forth. Such requirements are necessary so that the shipper thereof as well as subsequent handlers, the committee, and other interested parties may determine if such shipments comply with the regulations in effect and applicable thereto. However, in order to obtain flexibility in administering this program and under such circumstances as may be warranted these requirements should be subject to modification or pursuant to § 938.53 or § 938.54, or both.

All potatoes handled under the terms of the proposed marketing agreement and order during periods of regulation thereunder, should have a valid inspection certificate applicable thereto. When potatoes that have been inspected and certified are removed from the containers in which they were so inspected and certified such potatoes lose their identity in so far as the previously issued inspection certificate is concerned. The inspection certificate loses its applicability to such potatoes. Therefore, inspection and certification should be required with respect to any potatoes that are handled after they are repacked, regraded, or resorted, or further prepared for market, or rehandled as smaller lots. The marketing agreement and order provides that any such potatoes shall not be handled unless they are inspected and certified except when exempted by the Secretary. Such inspection and certification of repacked, regraded or resorted potatoes or potatoes that have been further prepared for market or are rehandled as smaller lots are also necessary for effective operation of the program.

The committee should be authorized to recommend and the Secretary to require that all lots of potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to each container thereof by the handlers thereof, under the direction or supervision of the Federal, or Federal-State, Inspection Service or the committee. Such identification requirement could result in more efficient and affective administration of the program because compliance problems would be minimized. When potatoes that have been identified and certified as a single lot are identified by such seals, stamps, or tags prior to any handling, it may not be necessary in certain instances to require separate inspection on loads or parts of loads of such potatoes. The committee should be able, as experience in operation under this program is acquired, to indicate the instances when

the identification requirement would facilitate handling of such potatoes in quantities smaller than those in which was originally inspected. The marketing agreement and order therefore should contain such authority for the Committee and the Secretary.

In view of the perishable nature of potatoes and their susceptibility to deterioration, which under certain conditions may be fairly rapid, the committee, with the approval of the Secretary, should be authorized to fix the length of time inspection certificates may be valid insofar as the requirements of the proposed marketing agreement and order are concerned. This would assure to the extent feasible, that an inspection certificate properly reflects the grade, size, and quality of a particular lot of inspected potatoes at the time it is handled.

Copies of inspection certificates issued by the Federal-State Inspection Service within the proposed production area are now available to the Red River Valley Potato Control Board. Such copies of inspection certificates could be available jointly to the proposed Red River Valley Potato Committee and the Board. If, for some reason, the Red River Valley Potato Control Board should not operate, such copies of inspection certificates could still be made available to the Red River Valley Potato Committee. The Federal and the Federal-State Inspection Services indicate they will be able to supply promptly copies of the inspection certificates so both organizations may properly discharge their respective administrative responsibilities under each program.

Responsibility for obtaining the requested inspection certificates should fall on each handler who handles regulated potatoes because each lot of such potatoes must be identified and certified with respect to grade, size, quality, maturity and other regulatory requirements at the time of handling. Each handler, regardless of whether the first or a subsequent handler, should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification are essential to proper administration of the marketing agreement and order so that a determination could be made as to whether each shipment accords with the grade, size, quality, maturity, and other pack regulations issued thereunder. Each handler who first handles potatoes should be required to obtain inspection, but subsequent handlers should not be permitted to handle potatoes unless a properly issued inspection certificate valid under the terms of the marketing agreement and order applies to such shipment and when required accompanies the shipment. If a handler should receive potatoes which have not been inspected he should have them inspected before selling or otherwise handling them. This requirement is necessary so that the committee could obtain evidence in forms of inspection certificates which it needs to carry out its appropriate functions in determining if specific shipments have been inspected and if they otherwise meet requirements of the marketing agreement and order and regulations issued pursuant thereto.

Truckers and other carriers can be supplied with copies of inspection certificates or evidence thereof to accompany each lot of potatoes. The committee should be authorized to recommend and the Secretary to issue regulations requiring truckers and other carriers of potatoes subject to regulation under proposed §§ 938.52 to 938.55, inclusive, to accompany such potatoes with evidence of inspection in the form of a valid inspection certificate or evidence thereof which may be required to be surrendered to such authority or agency as designated by the Secretary upon the committee recommendation. The presence of a valid inspection certificate or evidence thereof will simplify the determination of the inspection of such potatoes and thereby reduce the expense of the committee and thereby tending to accomplish the purposes of the act.

The committee is charged under the powers of the marketing agreement and order with administration of its terms and provisions. Appropriate and proper administration necessitate inclusion of authority for requiring truckers with potatoes to have with them evidence of inspection of each such shipment. Such authority is incidental to, not inconsistent with, and necessary to effectuate the other provisions of the marketing agreement and order.

(i) Certain hazards such as floods, drought, hail, or tornadoes, may result in potatoes which have hollow heart, growth cracks, secondary growth, jumbo and small potatoes and other conditions which are beyond the control of the growers; other conditions such as blight, frost damage, and dry rot may not be evident until after potatoes have been put in storage. Farmers are close to these problems and are aware of conditions beyond control of handlers and growers and, hence as the committee is composed of producers they can properly advise with respect to such facts and conditions.

These hazards are encountered in the production and storing of potatoes grown in the producton area and are beyond the control and reasonable expectation of the growers of such potatoes or the handlers who may buy and store them. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned, the committee should be given authority to issue exemption certificates to permit qualified applicants to handle their equitable proportion of all shipments from their respective producing regions. The committee by reason of its knowledge of the conditions and problems applicable to the production and storing of potatoes in the various producing regions of the production area should be well qualified to judge each applicant's case in a fair and equitable manner, in the light of the information which the applicant may furnish to substantiate his request for exemption, and to fix the quantity of exempted potatoes which each such applicant may ship. It is reasonable to require all such applicants for exemption to furnish the committee with satisfactory evidence to support their applications.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the orderly and equitable operation of the marketing agreement and order. In addition, provision should be made that the committee shall take an appeal under consideration within 7 days from the date it is submitted and the appellant shall be notified of the action taken thereunder within 14 days from the date of such submission. The provisions as herein found and determined incidental and necessary to the effectuation of the program should therefore be incorporated in the marketing agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedures established by the committee for granting exemptions and exemptions granted pursuant to such procedures. This is desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(j) The committee should have the authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the proposed marketing agreement and order. It is difficult to anticipate every type of report or kind of information which the committee may require; but it should have the authority to request reports and information, as needed, including those of the types set forth in the proposed marketing agreement and order, and at such times and in such manner as it may deem necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information or reports in order to protect handlers from unreasonable requests thereon.

Any reports and records submitted for committee use by individual handlers should remain under protective classification and be disclosed to none other than persons authorized by the Secretary. Any reported information released to the industry should be on a composite basis and no such release of information should disclose either the identity of handlers or their operations. This will assure that the information contained in the reports which may adversely affect a competitive position of a reporting handler in relation to other handlers will not be disclosed.

Since it is possible that a question could arise with respect to the verification of the information obtained in the reports submitted under the program, handlers should be required to maintain complete records on their receipts, handling, and dispositions of potatoes for not less than two succeeding years. Evidence shows

that handlers usually keep such records for their own business operations for periods of at least two years and no hardship would be imposed by requirements of this type under the proposed marketing agreement and order.

(k) Except as provided in the marketing agreement and order, no handler should be permitted to handle potatoes, the handling of which is prohibited pursuant to the marketing agreement and order; and no handler should be permitted to handle potatoes except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one or more handlers, although possibly of small impact individually on the industry measured by the proportion of potatoes handled by the respective handler, would be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of §§ 938.78 through 938.88, and of §§ 938.89 through 938.91, as published in the FEDERAL REGISTER of April 10, 1957 (22 F. R. 2362) are common to marketing agreements and marketing orders now operating. Each such section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate to the effective operation of the proposed marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the proposed marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions should, therefore, be included in the proposed marketing agreement and order.

General findings. Upon the basis of evidence introduced in the hearing and record thereof it is found that:

(1) The marketing agreement and order hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefore as will tend to establish as prices to producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements as may be incidental thereto as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said marketing agreement and order authorize regulation of the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, a proposed marketing agreement and order upon which a hearing has been held.

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, as far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. Interested parties were allowed until June 8, 1957, to file briefs with respect to findings and conclusions based on evidence produced at the hearing. No opposition appeared at the hearing. Proponents indicated they would file no briefs and urged prompt action due to the need for making the proposed program available for a producer referendum prior to potato harvest. No briefs were filed. No rulings are necessary.

DEFINITIONS

§ 938.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 938.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 938.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 938.4 *Production area.* "Production area" means all territory included within the boundaries of the Counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota, and of Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of the State of Minnesota.

§ 938.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 938.6 *Handle or ship.* "Handle" or "ship" means to sell or transport potatoes, or cause the sale or transportation of potatoes, in the current of the commerce between the production area and any point outside therof.

§ 938.7 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes.

§ 938.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 938.9 *Grading.* "Grading" is synonymous with "prepare for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

§ 938.10 *Grade and size.* "Grade" means any of the officially established grades of potatoes, and "size" means any of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559, inclusive of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587, inclusive of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) State standards for potatoes issued by the State in which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 938.11 *Maturity.* "Maturity" means the stage of development or condition of the outer skin (epidermis) of the potato determined according to skinning classifications defined by the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive of this title).

§ 938.12 *Varieties.* "Varieties" means all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 938.13 *Seed potatoes.* "Seed potatoes" or "seed" means all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State in which the potatoes were grown.

§ 938.14 *Table stock potatoes.* "Table stock potatoes" or "table stock" means all potatoes not included within the definition of "seed potatoes."

§ 938.15 *Washed potatoes.* "Washed potatoes" means potatoes cleaned by water that meet standards of cleanness established by the Secretary pursuant to committee recommendations. The United States Standards for Potatoes (§§ 15.1540 to 15.1559, inclusive of this title) shall be the basis for standards of cleanness and determinations and certification of cleanness shall be by the Federal, or the Federal-State, Inspection Service.

§ 938.16 *Pack.* "Pack" means a quantity of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 938.17 *Container.* "Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other receptacle used in the packaging, transportation, or sale of potatoes.

§ 938.18 *Committee.* "Committee" means the Red River Valley Potato Committee, established pursuant to § 938.25.

§ 938.19 *District.* "District" means each of the geographical divisions of the production area established pursuant to § 938.32.

§ 938.20 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 938.21 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

COMMITTEE

§ 938.25 *Establishment and membership.* (a) The Red River Valley Potato Committee consisting of fourteen members, all of whom shall be producers, is hereby established.

(b) Each person selected as a committee member or alternate shall be a producer or an officer or employee of a producer in the district for which selected and each such person shall be a resident of the production area.

(c) For each member of the committee there shall be an alternate who shall have the same qualifications as the member. An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ 938.26 *Selection.* (a) Committee members and alternates shall be selected by the Secretary on the basis of districts as established pursuant to § 938.32. One member and one alternate member shall be selected from each district.

(b) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 938.27 *Term of office.* (a) The term of office of committee members and alternates shall be two years beginning July 1 and ending June 30, except that of the initial fourteen members selected, six shall serve for a term ending on the second June 30 following their selection and eight shall serve for a term ending on the first June 30 following their selection. Each of the initial fourteen alternate members shall be selected to serve for the same term of office as the respective member from each district. No member shall serve for more than three consecutive terms.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 938.28 *Procedure.* (a) Ten members of the committee shall be necessary to constitute a quorum and ten concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication. Any vote cast at such meeting shall be confirmed promptly in writing. If any assembled meeting is held, all votes shall be cast in person.

§ 938.29 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this subpart.

§ 938.30 *Duties.* The committee shall have the following duties.

(a) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, select subcommittees and adopt such rules and procedures for the conduct of its business as it may deem advisable.

(b) Act as intermediary between the Secretary and any producer or handler.

(c) Appoint such employees, agents, and representatives as it may deem necessary and determine the salaries and define the duties of each.

(d) Keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative.

(e) Furnish the Secretary promptly with copies of the minutes of each committee meeting, and the annual report of the committee's operations for the preceding fiscal period, and such other reports or information as may be requested by the Secretary.

(f) Subject to § 938.75 (b), consult, cooperate, and exchange information with other marketing agreement committees and other agencies or individuals in connection with proper committee activities and objectives.

(g) Take any proper action necessary to carry out the provisions of this subpart.

(h) To establish and pay the expenses of advisory committees for the purpose of consulting with Federal, State, or other appropriate agencies with respect to marketing research and development projects pursuant to § 938.47.

(i) To receive and consider complaints and petitions from growers with respect to marketing problems arising in connection with operations of this part and to initiate consideration by the committee within five days following receipt of appropriate presentations to the committee. A request or petition for consideration by 50 percent of the producers in a producing section, as determined by the committee, or 30 producers, whichever is smaller, shall be deemed adequate for invoking this duty.

§ 938.31 *Members' expneses.* Committee members and their respective alternates when acting on committee business may be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 938.32 *Districts.* (a) For the purpose of selecting committee members and alternates, the following districts of the production area are hereby initially established:

North Dakota District No. 1—Pembina County.
North Dakota District No. 2—Walsh County, that portion east of Highway 18.
North Dakota District No. 3—Towner and Cavalier Counties.
North Dakota District No. 4—Grand Forks and Nelson Counties.
North Dakota District No. 5—Traill and Steele Counties.
North Dakota District No. 6—Cass and Richland Counties.
North Dakota District No. 7—Ramsey and Walsh (that portion west of Highway 18) Counties.
Minnesota District No. 1—Kittson County.
Minnesota District No. 2—Marshall County.
Minnesota District No. 3—Pennington and Red Lake Counties.
Minnesota District No. 4—Polk County.
Minnesota District No. 5—Mahnomen and Norman Counties.
Minnesota District No. 6—Otter Tail and Wilken Counties.
Minnesota District No. 7—Clay and Becker Counties.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area. In recommending any such changes in districts, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative positions of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part and (4) other relevant factors: *Provided*, That there shall be no change in the total number of districts. No change in districting may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting may be made within less than six months prior to such date.

§ 938.33 *Nominations.* The Secretary may select the members of the Red River Valley Potato Committee and their respective alternates from nominations which may be made in the following manner, or from other eligible persons:

(a) Nominations for members and alternates of the committee may be submitted by producers, or groups thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each district in which the term of office of a committee member and alternate will commence the following July 1;

(2) In arranging for such meetings, the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following June 30;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than May 31 of each year;

(5) Only producers who reside within the production area may participate in designating nominees for committee members and their alternates.

(6) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this part.

§ 938.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 938.33, or from previously unselected nominees on the current nominee list from the district involved or from other eligible persons. If the names of nominees to fill any vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this part.

EXPENSES AND ASSESSMENTS

§ 938.40 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 938.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for its maintenance and functioning and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this part.

§ 938.42 *Assessments.* (a) Handlers shall share expenses on the basis of each fiscal period. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessment shall be in payment of such handler's pro rata share of the committee's expenses. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during such fiscal period.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were handled by the first handler thereof during such fiscal period.

(d) The committee, with the approval of the Secretary, may provide for collection of assessments through State agencies.

§ 938.43 *Fiscal reports.* The books of the committee shall be audited by a competent accountant at the end of each fiscal period and at such other time as the committee may deem necessary or as the Secretary may request. Copies of each audit report shall be furnished the Secretary and a copy shall be made available at the principal office of the committee for inspection by producers and handlers.

§ 938.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operation of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operation during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practicable be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 938.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and may make available committee information and data to any person, or to any employee of an agency or its agent, authorized by the committee as its agent with the approval of the Secretary, to conduct such projects.

REGULATION

§ 938.50 *Marketing policy.* Each season prior to or at the same time as initial recommendations are made pursuant to § 938.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping potatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices for potatoes, including prices by grade, size, and quality in different packs, or in different containers;

(b) Supply of potatoes by grade, size, quality, and maturity in the production area and in other potato producing areas;

(c) The trend and level of consumer income;

(d) Establishing and maintaining orderly marketing conditions for potatoes;

(e) Orderly marketing of potatoes as will be in the public interest; and

(f) Other relevant factors.

§ 938.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 938.50, may recommend regulations to the Secretary whenever it finds that such regulations as provided for in this subpart will tend to effectuate the declared policies of the act.

§ 938.52 *Issuance of regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities of any or all varieties of table stock or of seed potatoes, or any combination of the foregoing during any period;

(2) Regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for washed and unwashed table stock for seed, for different sizes and types of containers, for different portions of the production area, for different packs, or for any combination of the foregoing, during any period.

(3) Provide a method through rules and regulations issued pursuant to this part for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both.

(4) Establish in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) No regulation applicable to seed shall modify or impair the official seed certification specification and requirements established by the official seed certification agency of the State in which the potatoes were grown.

(c) The Secretary may amend or modify any regulation issued under this subpart whenever he finds from the recommendations of the committee or other available information that such regulation as amended or modified would tend to effectuate the declared policy of the act. In like manner, the Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(d) The Secretary shall notify the committee of each regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 938.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments of potatoes will be free from requirements in effect pursuant to § 938.42 or § 938.60, or both.

§ 938.54 *Handling for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate requirements in effect pursuant to §§ 938.42 to 938.60, inclusive, in order to facilitate handling of the following special shipments of potatoes:

(a) Shipments of potatoes for export;

(b) Shipments of potatoes for distribution by relief agencies, or for charitable institutions;

(c) Shipments of potatoes for manufacture or conversion into specified products;

(d) Shipments of potatoes for livestock feed;

(e) Other shipments which the Secretary may specify.

§ 938.55 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent potatoes handled pursuant to § 938.54 from entering channels of trade for other than the specific purpose authorized therefor, and the rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle potatoes pursuant to § 938.54.

(2) Handlers shall obtain inspection required by § 938.60, or pay the assessment levied pursuant to § 938.42, or both, in connection with shipments made under § 938.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of potatoes affected or to be affected under the provisions of § 938.54.

(b) The committee may rescind or deny Certificate of Privilege to any handler if proof is obtained that potatoes handled by him for the purposes stated in § 938.54 were handled contrary to the provisions of this part. The right to be informed promptly of the basis for rescinding or denying a Certificate of Privilege shall be preserved to the holder thereof or applicant therefor. In addition, the right of appeal to the committee and in turn to the Secretary from any action rescinding or denying such certificate shall be preserved to the holder thereof, or applicant therefor.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 938.60 *Inspection and certification.* (a) During any period in which the handling of potatoes is regulated pursuant to § 938.52 or § 938.54, or both, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 938.53 or § 938.54, or both.

(b) Regarding, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal, or Federal-State, Inspection Service. Such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated upon recommendation by the committee, and approval by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal, or Federal-State, inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

EXEMPTIONS

§ 938.65 *Policy.* (a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 936.52, is or will be prevented from shipping or having shipped during the then current marketing season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation,

issued pursuant to § 938.52, is prevented from shipping during the then current marketing season as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 938.66 *Rules and procedures.* The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures shall provide for processing applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 938.65), and for such other procedures as may be necessary to carry out the provisions in this section and § 938.65.

§ 938.67 *Granting exemptions.* The committee shall issue certificates of exemption to any qualified applicant who furnished adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation:

(b) That by reason of regulations issued pursuant to § 938.52, in case of an applicant who is a producer, he will be prevented from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 938.52, in case of an applicant who is a handler who has acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the person identified therein to ship or have shipped the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 938.68 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 938.69 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

REPORTS

§ 938.75 *Reports.* Upon the request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection: (a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of potatoes received and disposed of by types of outlets during specific periods;

(2) Sales records including dates, car or truck numbers, and inspection certificate numbers;

(3) Record of shipments handled under exemption certificates including number of such certificates;

(4) Record of all potatoes handled pursuant to § 938.53 and § 938.54 including Certificates of Privilege and inspection certificate numbers, if any.

(b) All such reports shall be held under appropriate protective classification in custody by the committee, or duly authorized individuals or agencies thereof, so that the competitive position of any handler in relation to other handlers will not be disclosed. Compilation of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 938.76 *Compliance.* No handler shall handle potatoes except in conformance with the provisions of this subpart and the rules and regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 938.77 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

§ 938.78 *Right of the Secretary.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States. The members of the committee (including successors and alternates), and any agent or employee, shall be subject to removal by the Secretary at any time. Each and every act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 938.79 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 938.80 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 938.81 *Proceedings when terminated, suspended, or inactive.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary and shall proceed pursuant to directions of the Secretary's liquidation order.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 938.82 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not: (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or of any regulation issued under this subpart;

(b) Release or extinguish any violation of this subpart or of any regulation issued under this subpart; or

(c) Affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 938.83 *Agents.* The Secretary may by designation in writing name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 938.84 *Personal liability.* (a) No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee's activities for which he is responsible and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the designated successor, agency, or person the right to all such property and funds and all claims vested in such member or alternate.

§ 938.85 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any persons by virtue of this subpart shall cease upon the termination of this subpart except with respect to acts done under and during the existence of this subpart.

§ 938.86 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 938.87 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 938.88 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 938.89 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be therein inspected.

Issued at Washington, D. C., this 26th day of July 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-6220; Filed, July 30, 1957; 8:48 a. m.]

[1] Applicable only to the proposed marketing agreement.

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 681]

HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN THE NEEDLEWORK INDUSTRIES

PIECE RATE FOR HAND-BRAIDING LEATHER BUTTONS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) and pursuant to authority provided in section 6 (a) (2) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U. S. C. 206 (a) (2)) and General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), that the Administrator of the Wage and Hour and Public Contracts Divisions proposes to amend the regulations relating to homeworkers in industries in Puerto Rico other than the needlework industries, contained in Title 29, Code of Federal Regulations, Part 681, by amending § 681.9 to read as follows:

§ 681.9 *Minimum piece rates prescribed by the Administrator.* A minimum piece rate of 36 cents a gross for homeworkers in Puerto Rico engaged in the handbraiding of leather buttons, 24 to 30 ligne, by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather; all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

This proposed amendment is deemed necessary in order to make the piece rates commensurate with the minimum hourly rate for this work. If adopted, the proposal will effect approximately the same percentage increase in the presently established piece rate as resulted from the increase from 53 cents to 63 cents per hour in the minimum hourly rate which became effective June 17, 1957, as recommended by Industry Committee No. 29-A (22 F. R. 3852).

Prior to the adoption of this proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto, which are submitted in writing to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., on or before August 16, 1957.

Signed at Washington, D. C., this 25th day of July 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57-6209; Filed, July 30, 1957; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

ENFORCEMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

PROPOSED AMENDMENT OF DEFINITION OF "CHEMICAL PRESERVATIVE"; PROPOSED EXEMPTION OF FRUITS AND VEGETABLES BEARING CHEMICAL PRESERVATIVES APPLIED PRIOR TO HARVEST FROM LABELING REQUIREMENTS

Notice is given that the Commissioner of Food and Drugs, pursuant to authority conferred on the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 403 (k), 701 (a), 52 Stat. 1048, 1055; 21 U. S. C. 343 (k), 371 (a)) and delegated to him by the Secretary (22 F. R. 1045), proposes to amend the definition of the term "chemical preservative" contained in § 1.12 (a) (3) of the Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act (21 CFR 1.12 (a) (3)) and to exempt from the labeling requirements of section 403 (k) of the act fruits and vegetables with respect to chemical preservatives applied as pesticide chemicals prior to harvest.

The purpose of the amendment to the definition of the term "chemical preservative" is to make clear that the Food and Drug Administration does not interpret that term as including chemicals applied to foods for their insecticidal and herbicidal properties. (It does interpret the term as applying to fungicides.) The

exemption of fruits and vegetables from the labeling requirements of section 403 (k) with respect to chemical preservatives applied as pesticide chemicals prior to harvest is in recognition of the fact that it is impracticable for shippers of fruits and vegetables to label these articles with the names of each fungicide that may have been used by the grower prior to harvest.

All interested persons are invited to present theirs views in writing regarding the proposals published herein, and to submit such comments or suggestions in quintuplicate prior to the thirtieth day following the publication of this notice in the FEDERAL REGISTER. Comments and suggestions should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C.

The proposals are as follows:

1. To amend § 1.12 *Food; labeling • • • chemical preservatives* by adding thereto the following: "or chemicals applied for their insecticidal or herbicidal properties." As amended, § 1.12 (a) (3) will read as follows:

(a) • • • (3) The term "chemical preservative" means any chemical that, when added to food, tends to prevent or retard deterioration thereof; but does not include common salt, sugars, vinegars, spices or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.

2. To further amend § 1.12 by adding thereto the following new paragraph:

(f) A fruit or vegetable shall be exempt from compliance with the requirements of section 403 (k) of the act with respect to a chemical preservative applied to the fruit or vegetable as a pesticide chemical prior to harvest.

Dated: July 24, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-6205; Filed; July 30, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

[Draft Release No. 57-15]

CONTROL OF AIRSPACE AT HIGH ALTITUDES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Part 60 of the Civil Air Regulations as hereinafter set forth.

These proposed amendments were previously circulated in Civil Air Regulations Draft Release No. 57-11 in a more abbreviated form as agenda items for the recent Air Traffic Rules Conference held in Washington, D. C., on June 13-14, 1957. It should be noted that as a result of this conference, the amendment to § 60.45 proposed in Draft Release No. 57-11 has been modified. It is considered advisable to proceed with the rule-making process of the proposals hereinafter set forth, apart from the other conference items, in order to facilitate the early implementation of the high altitude plans for improved and expanded air traffic control services.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by August 26, 1957. Copies of such communications will be available after August 28, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Part 60 of the Civil Air Regulations contains the air traffic rules which apply to aircraft operated anywhere in the United States, including the several Territories and possessions of the United States. Under Part 60, the Administrator has designated those areas in which he presently exercises control over air traffic as control areas or control zones. Currently effective § 60.60 of Part 60 defines a "control area" as an airspace of defined dimensions, designated by the Administrator, extending upwards from an altitude of 700 feet above the surface, within which air traffic control is exercised, and a "control zone" as an airspace of defined dimensions, designated by the Administrator, extending upwards from the surface, to include one or more airports, and within which rules additional to those governing flight in control areas apply for the protection of air traffic. The consistent and rapid growth of air traffic, coupled with the greatly increased speed ranges inherent in the advanced type of aircraft now in use, has resulted in a considerable strain on the effectiveness of present-day air traffic control services to handle safely and expeditiously the volume of air traffic. Today the capacity of important parts of the Federal airway system is at times overtaxed. In certain areas, the volume and nature of the traffic are such that the airway facilities and services cannot assure its efficient flow in bad weather. Even while the capacity of the system is thus being overtaxed by bad weather operations alone, yet another demand is becoming increasingly apparent; namely, en route control of traffic in good weather. This demand arises from the higher speeds of many aircraft which make avoidance of collision by sight more difficult, and from the great increase in traffic volume.

In order to cope with the demands being made on the present air traffic control system and to provide for future requirements, the Civil Aeronautics Administration has developed a comprehensive plan calling for improved and expanded air traffic control services. In formulating this plan, the Administrator has found that improved effectiveness of the air traffic control system can be gained in two ways: (1) By extending the system framework, and (2) by increasing the ability of air traffic control facilities to handle safely a greatly increased flow of traffic. The former is possible by enlarging the areas in which air traffic control is exercised; the latter by improved equipment and techniques.

Since it is axiomatic that the highest aircraft speeds are encountered at high altitude, it is apparent that the traffic separation problem inherent in operations at high speeds should be resolved, at least initially, at high altitudes. It is, therefore, planned to expand the system framework so as to include all that airspace at and above 24,000 feet, exclusive of prohibited and restricted areas, as airspace within which air traffic control is exercised. Although it is not contemplated that all aircraft operating in such airspace will be subject to the instrument flight rules, it is clear that this initial implementation will enable the Administrator to determine what facilities and control techniques will be required to accommodate all traffic.

The plan envisages implementation in two phases; the first will include that airspace at and above 24,000 feet, exclusive of prohibited and restricted areas, while the second phase will lower the floor of this controlled airspace to 15,000 feet when experience and necessary facilities permit.

The air traffic rules which would be applicable initially in this airspace are similar to those presently prescribed for flight in control areas. Thus, the rules proposed herein do not eliminate VFR or "on top" flight operations. One significant difference between this controlled airspace and the currently used control area is the matter of dimensions. For example, control areas are normally designated along civil airways that are 10 miles wide and the floor of a control area is set at 700 feet above the surface. This new controlled airspace would have a floor of 24,000 feet and its lateral boundaries would be those of the continental United States.

Flight operations in this "continental control area" would be subject to the air traffic rules of Part 60 which, among other things, prescribe requirements both for aircraft operations during good weather conditions when pilots may rely upon seeing each other to insure separation, and for aircraft operations during poor weather conditions when pilots cannot insure their own separation.

Another significant change herein proposed is the increase in the minimum weather conditions prescribed for VFR flight within the "continental control area." The aircraft that are expected to make the greatest use of this area are the high performance aircraft whose airspeeds are such that the present VFR minimums may not provide sufficient time for pilots to observe and avoid each other. It is believed that the risk of collision in this area will be alleviated if the minimum visibility for VFR flight is increased to 5 miles and the clearance from clouds minimums are increased to 1,000 feet vertically and one mile horizontally. Additionally, such an increase would require a greater number of flight operations to be conducted in accordance with the instrument flight rules with separation being assured by air traffic control.

It should be clearly understood that the proposed plan contemplates that air traffic control of flights conducted in the "continental control area" will extend to all aircraft operating in accordance with the instrument flight rules.

With respect to the control of all IFR flights, the Administrator of Civil Aeronautics proposes to establish the following navigation procedures to govern flights conducted in the "continental control area." The results of his studies indicate that it is not feasible at this time to provide effective IFR air traffic control services for flight operations on a completely random basis with existing navigation and control techniques. It is considered, therefore, that IFR flight operations will have to be conducted to the maximum extent possible on a system of routes, if a reasonable volume of traffic is to be handled safely and expeditiously.

The plan for the route structure and navigation at high altitude is based on a demarcation altitude which effectively separates piston-engined aircraft from jet aircraft; 26,000 feet being a practical maximum altitude for the former and 27,000 feet being a minimum altitude for normal en route operation for the latter.

The present system of colored and Victor airways will extend up to but not include 27,000 feet mean sea level (MSL).

At and above 27,000 feet MSL, navigation will be conducted primarily on designated high altitude L/MF or VOR facilities, with L/MF facilities being phased out as TACAN and VORTAC facilities are phased in and the airborne equipments are implemented.

The designated navigation aids will delineate the high altitude route system to be employed at and above 27,000 feet. It is contemplated that these routes will be given a special designation and will be coded. The designated navigation aids will also serve to define the route to be flown by IFR flights which must operate outside the high altitude route system.

In addition to the foregoing, it is believed vitally important, in order to provide effective and safe air traffic control, that the route of flight be accurately determined for all IFR flights, regardless of the altitude, when such flights are conducted within controlled airspace, or in other words when conducted within control zones and control areas, as well as within the continental control area proposed herein. If an entire flight is to be conducted along a civil airway, the route should be described by indicating the type and number of the airway. On the other hand, if a flight is of the direct route type, but still within controlled airspace, which may join or cross civil airways, or terminate within civil airways, the route of flight should be indicated by the names of radio fixes over which the flight will pass and should be flown on a direct course between the navigational aids forming such route. Accordingly, it is proposed herein to amend § 60.45 so as to require that all IFR flights in controlled airspace being flown on routes other than civil airways be flown on the direct course between the aids forming such routes.

At the recent Air Traffic Rules Conference, it was recommended by the Department of Defense that the current provisions of § 60.45 which require that aircraft be flown to the right on L/MF airways and on designated radials of VOR airways, be amended in favor of a single uniform rule which would require that, on any airway, IFR aircraft be flown "along the center line of the airway." The discussions and comment on this recommendation indicated support for such an amendment. It was pointed out that the amendment, in addition to providing a uniform rule for all airway flight, would also provide a standard to be observed by those aircraft being navigated with direction finding equipment.

It is realized that the maintenance of a specific track may not always be possible with a high degree of precision; however, the rule takes into account the operational tolerances involved. The present practice of achieving lateral separation by use of right side operation on L/MF airways will be retained by including the phrase, "unless otherwise authorized by air traffic control."

This proposal would introduce the phrase "continental control area" into Part 60 and would add therein an appropriate definition. In addition, it is deemed advisable to introduce another phrase, "controlled airspace", and define it as including control zones, control areas, and the continental control area. The use of this single phrase, where appropriate, will avoid complexity and achieve brevity of expression.

The Board recently adopted Civil Air Regulations Amendment 60-6 which contained certain provisions relating to the flight testing of aircraft. It is not intended, nor is it expected, that any procedure developed pursuant to the provisions of Amendment 60-6 will be inconsistent or incompatible with the rules proposed herein for operation in the "continental control area."

The current high altitude quadrantal rules applicable to IFR operations in uncontrolled airspace above 29,000 feet would conflict with the rules proposed herein. Accordingly, appropriate amendments to the high altitude quadrantal rules are contained in this proposal.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 60 of the Civil Air Regulations be amended.

1. By amending § 60.30 by redesignating paragraph (b) as paragraph (c), and by adding a new paragraph (b) to read as follows:

§ 60.30 *Ceiling and distance from clouds.* • • •

(b) *Within the continental control area.* Aircraft shall not be flown less than 1,000 feet vertically and one mile horizontally from any cloud formation;

2. By amending § 60.31 by redesignating paragraph (d) as paragraph (e), and by adding a new paragraph (d) to read as follows:

§ 60.31 *Visibility.* • • •

(d) *Flight visibility within the continental control area.* When the flight visibility is less than 5 miles, no person shall operate an aircraft within the continental control area;

3. By amending § 60.32 (a) by changing the title thereof to read *"Within controlled airspace."*

4. By amending the introductory paragraph of § 60.41 to read as follows:

§ 60.41 *IFR flight plan.* Prior to take-off from a point within a control zone or prior to entering controlled airspace, a flight plan shall be filed with air traffic control. Such flight plan shall contain the following information unless otherwise authorized by air traffic control.

5. By amending § 60.43 to read as follows:

§ 60.43 *Air traffic clearance.* Prior to take-off from a point within a control zone or prior to entering controlled airspace, an air traffic control clearance shall be obtained from air traffic control.

6. By amending § 60.44 by changing the title of paragraph (a) to read *"Within controlled airspace"*, by changing the title of paragraph (b) to read *"Elsewhere"*, and by deleting paragraph (c).

7. By amending § 60.45 to read as follows:

§ 60.45 *Course to be flown.* Aircraft operating IFR in controlled airspace shall be flown as follows unless otherwise authorized by air traffic control.

(a) *On civil airways.* Along the center line of the airway.

(b) *On other routes.* Along the direct course between the navigational aids or fixes defining the route.

8. By amending § 60.47 by deleting the phrase "Within control zones and control areas" at the beginning of the section and inserting in lieu thereof the phrase "Within controlled airspace".

9. By amending § 60.60 by amending the definition of an "Air traffic clearance" by deleting the words "a control zone or control area" at the end of the definition and inserting in lieu thereof the words "controlled airspace" and by adding in proper alphabetical order the following new definitions:

§ 60.60 *Definitions.* • • •

Controlled airspace. Controlled airspace is that airspace designated by the Administrator as a control zone, control area, or the continental control area, within which air traffic control is exercised.

Continental control area. The continental control area is an area designated by the Administrator which includes that airspace within the continental United States at and above 24,000 feet (mean sea level), exclusive of prohibited and restricted areas.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., July 19, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 57-6228; Filed, July 30, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-162]

SUBMISSION OF DATA BY INDEPENDENT PRODUCERS; REVISION OF FORM

ORDER FIXING DATE FOR ORAL ARGUMENT

JULY 25, 1957.

The Commission, on April 18, 1957, issued a notice of proposed rulemaking wherein it proposed to prescribe FPC Form No. 301–1956, Independent Producers Report of Natural Gas Transactions for the Year Ending December 31, 1956.

General public notice of this proposed rulemaking was given by publication in the FEDERAL REGISTER on April 24, 1957 (22 F. R. 2882) and mailing notices to interested parties, including State and Federal regulatory agencies. In response to the notice, 297 replies were received of which 241 were completed forms and 56 were comments invited by the notice.

These comments variously assert that the form (1) would cause an excessive burden of work and expense, (2) is illegal in that it requires the filing of information with respect to matters over which the Commission has no jurisdiction, (3) would make public information that should not be divulged, and (4) requires information that could serve no useful purpose in the Commission's regulation of producers. A further suggestion was made that the Commission require the information only from those larger independent producers supplying the bulk of the natural gas moving in interstate commerce. Hearings were requested either before the Commission or the Bureau of the Budget.

In order to provide full opportunity to all interested parties who have commented on the promulgation of FPC form No. 301–1956 we will afford an opportunity to support their position by briefs to be filed not later than August 26, 1957. We will thereafter on September 5, 1957, hear oral argument upon the matters and issues presented. Counsel so appearing should consolidate their arguments, where possible, to avoid undue repetition.

The Commission orders:

(A) Oral argument will be heard on September 5, 1957, commencing at 10:00 a. m., e. d. s. t., in Hearing Room of the Commission, 441 G Street NW., Washington, D. C., on behalf of persons who by May 20, 1957, had filed comments in response to our invitation in the notice issued April 18, 1957.

(B) Persons desiring to be heard on oral argument shall advise the Secretary by August 20, 1957, of the time requested, and time allotted will be announced on the day of argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6211; Filed, July 30, 1957; 8:46 a. m.]

NOTICES

POST OFFICE DEPARTMENT

HIGHWAY POST OFFICE SERVICE

DECENTRALIZATION

Following are excerpts taken from Regional Circular No. 322 of the Post Office Department, dated July 8, 1957:

I. *Purpose.* To further decentralize work now performed in the Bureau of Transportation, by authorizing each region to contract for highway post office service. This authority does not apply to routes under negotiated contracts with railroads and paid out of railway transportation funds.

II. *Authority.* A. Each fiscal year, each Regional Director shall appoint a committee to open and mark bids.

B. Each Regional Director and Regional Transportation Manager is authorized subject to regulations prescribed by the Assistant Postmaster General, Bureau of Transportation, to issue orders and perform other duties as shown below. These actions will be performed in the name of the United States of America by the Regional Director or Regional Transportation Manager. The actions are:

1. Advertising and establishing routes.
2. Awarding and signing contracts.
3. Renewing contracts.
4. Contracting with subcontractors.
5. Approving subcontracts and terminating recognition of subcontracts.
6. Readjusting contractor's pay.
7. Removing contractors and subcontractors.
8. Taking action in matters resulting from the death or removal of contractors or subcontractors.
9. Discontinuing routes.

The foregoing decentralization is effective August 15, 1957.

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 57-6226; Filed, July 30, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-017938]

COLORADO

REVOKING AIR NAVIGATION SITE WITHDRAWAL

July 24, 1957.

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to the authority delegated by section 2.5, of Bureau of Land Management Order No. 541, of April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Air Navigation Site Withdrawal No. 255, dated December 20, 1948, affecting lands described below, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 86 W.,
Sec. 1, N½SE¼NE¼SE¼, SE¼SE¼NE¼SE¼.
T. 5 S., R. 84 W.,
Sec. 6, S½NW¼ of lot 11, and NE¼NW¼ of lot 11; (All of NW¼, lot 11, except 2.5 acres, described as the NW¼NW¼, lot 11).

The areas described total approximately 13.94 acres of public land.

The lands are located in Eagle County, Colorado. One tract is located approximately 2 miles west and north from Eagle, Colorado. The other tract is located approximately one mile north and west of Gypsum, Colorado.

The soils are generally shallow and rocky, lying on steep slopes. The vegetation is of the mountain-browse aspect, dominant species being Gamble Oak, Serviceberry, and Birch Leaf Mahogany. The lands are not considered suitable for any agricultural use except grazing.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph two hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference

rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on August 29, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 28, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on November 28, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on November 28, 1957.

Persons claiming veterans' preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to: The Manager, Colorado Land Office, Room 357, New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL, *Acting State Supervisor.*

JULY 24, 1957.

[F. R. Doc. 57-6224; Filed, July 30, 1957; 8:49 a. m.]

[Classification 15]

COLORADO

SMALL TRACT CLASSIFICATION: AMENDMENT; SMALL TRACT OPENING: (PUBLIC SALE)

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), Classification Order No. 15 appearing as Federal Register Document 57-5204 on pages 4585 and 4586, the issue of June 28, 1957, is hereby amended to read as follows: Under paragraph 2, "Three of these small tracts, described in paragraph 4 below, are covered by applications from persons entitled to preference under 43 CFR 257.5 (a)." is amended to read, "Four of these small tracts, • • •." In the tabulation under paragraph 4, reference No. 63 should be asterisked (*), to show that this tract is under application from an individual having statutory preference.

J. ELLIOTT HALL, *Acting State Supervisor.*

JULY 24, 1957.

[F. R. Doc. 57-6225; Filed, July 30, 1957; 8:49 a. m.]

Bureau of Reclamation

LOWER YELLOWSTONE PROJECT, MONTANA-NORTH DAKOTA

ORDER OF REVOCATION

DECEMBER 14, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, (19 F. R. 5004), I hereby revoke Departmental Order of April 9, 1940, which affects the following described land; provided, however, that such revocation shall not affect any other orders withdrawing or reserving the land hereinafter described:

FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 151 N., R. 104 W.,
Sec. 18, lot 7.

The above area aggregates 4.84 acres.

E. G. NIELSEN, *Acting Commissioner.*

[1809274]

JULY 24, 1957.

I concur.

The lands will be disposed of under the provisions of the act of March 31, 1950 (64 Stat. 39; 43 U. S. C. 3756).

EDWARD WOOZLEY, *Director, Bureau of Land Management.*

[F. R. Doc. 57-6207; Filed, July 30, 1957; 8:45 a. m.]

Geological Survey

[Power Site Cancellation 113]

CALIFORNIA

POWER SITE CLASSIFICATIONS CANCELLED IN PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classifications Nos. 138, 267, 300, and 366 are hereby cancelled in so far and to the extent that they affect the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 12 S., R. 24 E.,
Sec. 22, NE¼SW¼;
Sec. 36, SE¼NE¼.
T. 13 S., R. 24 E.,
Sec. 30, E½SE¼.
T. 11 S., R. 25 E.,
Sec. 27, SW¼SW¼;
Sec. 31, NE¼SW¼, S½SE¼SW¼, N½SE¼, NE¼SW¼SE¼, N½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 32, SW¼SW¼;
Sec. 33, E½;
Sec. 34, lots 8, 9, and NW¼NW¼.
T. 12 S., R. 25 E.,
Sec. 4, lots 1, 2, SW¼NE¼, and W½SE¼;
Sec 5, lot 3;
Sec. 6, NE¼ lot 1 and S½ lot 2;
Sec. 7, lot 1;
Sec. 8, NW¼NW¼;
Sec. 9, W½NE¼ and NW¼SE¼;
Sec. 10, E½W½;
Sec. 15, SE¼SE¼ and NE¼NW¼;
Sec. 16, SW¼SW¼;
Sec. 17, SE¼SE¼;
Sec. 20, NE¼NE¼;
Sec. 24, NW¼SE¼;
Sec. 27, N½NE¼;
Sec. 31, lot 2 and S½NE¼;
Sec. 32, S½NW¼.
T. 12 S., R. 26 E.,
Sec. 15, SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 18, lot 4;
Sec. 20, E½NW¼ and SW¼NW¼;
Sec. 21, lots 5, 6, and SE¼SW¼;
Sec. 27, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 28, lot 2;
Sec. 36, W½.

The area described aggregates 2,901 acres.

Dated: July 23, 1957.

ARTHUR A. BAKER, *Acting Director.*

[F. R. Doc. 57-6206; Filed, July 30, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-72]

ISTHMIAN LINES, INC.

AMENDED NOTICE OF HEARING

The notice published in the FEDERAL REGISTER on April 10, 1957 concerning a public hearing to be held under sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended, upon an application of Isthmian Lines, Inc., for an operating-differential subsidy agreement, is hereby amended to delete the descriptions of the Round-the-World Service and the Persian Gulf Service and to substitute in lieu thereof the following service descriptions. In all other respects the notice of April 10, 1957 remains unchanged.

ROUND-THE-WORLD WESTBOUND SERVICE

From United States Atlantic ports via the Panama Canal, completing loading at California ports, with the privilege of carrying cargo from U. S. Atlantic ports to Hawaii and Hawaiian exports onward to foreign ports, and thence:

(a) To ports in the Far East (the Philippines and the Continent of Asia from Hong Kong south to and including Thailand),

(b) To ports in Indonesia and Malaya (including Singapore),

(c) To ports in southwest Asia (Suez to Burma, inclusive),

(d) To ports in Africa on the Red Sea and Gulf of Aden, and

(e) To ports in the Mediterranean when the Suez Canal is available; otherwise via the Cape of Good Hope,

returning to Eastern Canadian and U. S. Atlantic ports.

SAILING FREQUENCY

A total of 24 to 36 sailings a year, of which a minimum of 6 and a maximum of 12 sailings a year would turn at Indonesia-Malaya

and return to U. S. Atlantic ports via the Philippines, Hawaii, and the Panama Canal, while a minimum of 18 and a maximum of 24 sailings a year would continue around the world.

PERSIAN GULF SERVICE

Trade Route No. 18

Between United States Atlantic ports, with the privilege of calling at United States ports on the Gulf of Mexico and Eastern Canadian ports, via the Suez Canal, when available, otherwise via the Cape of Good Hope, and ports in Iran, Saudi Arabia, Bahrein Island, Kuwait, Iraq, West Pakistan and India, with the privilege of calling at ports on the Red Sea and Gulf of Aden and in the Eastern Mediterranean—12 to 24 sailings a year.

The hearing will be before an Examiner, at a time and place to be announced, in accordance with the Federal Maritime Board's Rules of Practice and Procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding are requested to notify the Secretary of the Federal Maritime Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said Rules of Practice and Procedure.

By order of the Federal Maritime Board.

Dated: July 26, 1957.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-6216; Filed, July 30, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

AMENDMENT TO JULY 1957 MONTHLY SALES LIST

The price listing for the Commodity Credit Corporation Monthly Sales List for July 1957 is amended, effective July 18, 1957, as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) by the addition of the following:

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Pea beans (36,000 bags).	Domestic or export: Market price but not less than $8.17 per hundredweight, f. o. b. cars at points of production. Available Chicago CSS Commodity Office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1053; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: July 25, 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice-President, Commodity Credit Corporation.

[F. R. Doc. 57-6221; Filed, July 30, 1957; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 163]

ILLINOIS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Will and Kankakee (flood beginning on or about July 12).

Office: Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Illinois.

2. A special field office to receive and process such applications will be established in the Public Works Building, Corner of DesPlaines and Van Buren Streets, Joliet, Illinois.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1958.

Dated: July 19, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-6212; Filed, July 30, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10648 etc.]

LONE STAR PRODUCING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 25, 1957.

In the matters of Lone Star Producing Company, Docket No. G-10648; J. D. Sprecher, Docket No. G-10777; R. S. Shannon, Docket No. G-11014; Pan American Petroleum Corporation, Docket No. G-12483.

Take notice that the persons listed below (Applicants) filed in the above-captioned proceedings as hereinafter tabulated separate applications for certificates of public convenience and necessity; pursuant to section 7 (c) of the Natural Gas Act, authorizing each Applicant to continue to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Each Applicant proposes to continue the sale of natural gas in interstate commerce from production of certain units, leases or acreage as tabulated to the purchaser as indicated for resale.

Docket Nos.	Dates filed	Applicants and addresses	Sources of gas	Purchasers
G-10648	6-26-56	Lone Star Producing Co., 301 South Harwood St., Dallas 1, Tex.	An interest in W. B. Gibson Unit, Golden Trend Area, Garvin County, Okla.	Lone Star Gas Co.
G-10777	7-20-56	J. D. Sprecher, Drilling Contractor, Box 299, Casper, Wyo.	An interest in Ace Unit, Powder Wash Gas Field, Moffat County, Colo.	Mountain Fuel Supply Co.
G-11014	9- 4-56	R. S. Shannon, 603 Midland Savings Bldg., Denver 2, Colo.	Hiawatha Field, Sweetwater County, Wyo.	Do.
G-12483	4-26-57	Pan American Petroleum Corp., 511 South Boston Ave., Tulsa 3, Okla.	Allison Unit Area, Blanco Mesa Verde and North Los Pinos-Dakota Fields, San Juan County, N. Mex., and Archuleta and La Plata Counties, Colo.	El Paso Natural Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 19, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6229; Filed, July 30, 1957; 8:50 a. m.]

[Docket No. G-12399]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF APPLICATION

JULY 25, 1957.

Take notice that Natural Gas Pipeline Company of America (Applicant), a Delaware Corporation, with its principal place of business at 122 South Michigan Avenue, Chicago 3, Illinois, filed on April 12, 1957, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport an additional 185,000 Mcf of natural gas per day for resale to municipalities and local utility companies at any point on its existing system extending from Fritch, Texas to Joliet, Illinois. No additional direct sales or increase in volumes to such existing consumers are proposed by applicant. The facilities proposed to be constructed will consist of approximately 59 miles of 36'' loop pipeline, approximately 336.6 miles of 30'' loop pipelines, an aggregate of 29,750 additional horsepower at existing compressor stations and additional metering facilities at Joliet, Illinois.

The estimated cost of the proposed facilities is $62,668,000. The proposed financing includes the issuance of bonds and common stock and the use of funds on hand.

It is anticipated that the proposed facilities will be in operation by January 1, 1960, however the present scheduled pipe deliveries extend into the first quarter of 1960. This proposed increase of 185,000 Mcf per day of natural gas is over and above the increase of 485,000 Mcf per day of natural gas requested by application filed in Docket No. G-9966. Applicant states that the additional volume of 185,000 Mcf of natural gas per day is not intended by it for direct sales of gas for industrial use in the Chicago-Gary area, nor will any part of such volume resulting from the proposed increase in system capacity be made available for resale by any local distributing companies, to the United States Steel Company or the Inland Steel Company in the Chicago-Gray area, pending decision by the Commission on the application of Midwestern Gas Transmission Company in Docket No. G-9451. It is further alleged that the filing of this application is made at this time for the purpose of enabling Applicant to comply with the requirements set forth in the Commission's Opinion No. 299 and order issued December 4, 1956, in Docket No. G-4280, et al.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 1, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6230; Filed, July 30, 1957; 8:50 a. m.]

[Docket No. G-3128 etc.]

E. W. CAMPBELL ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 25, 1957.

In the matters of E. W. Campbell and E. S. Villines,[1] Docket Nos. G-3128-G-3130, incl.; Bright and Schiff,[2] Docket No. G-5558; Pan American Petroleum Corporation,[3] Docket No. G-7535; Pan American Petroleum Corporation, Docket No. G-8708; J. P. Neill et al.,[4] Docket No. G-10903; The Carter Oil Company, Docket Nos. G-11109, G-11224, G-11921, G-11922; Continental Oil Company, Docket Nos. G-11460, G-12009; Frank J. Hall et al.,[6] Docket No. G-11607; Continental Oil Company, Operator,[7] Docket No. G-11613; Skelly Oil Company, Operator, Docket No. G-11620; Amerada Petroleum Corporation, Docket Nos. G-11649, G-11750, G-11901, G-12042; Sunray Mid-Continent Oil Company, Docket Nos. G-11661, G-11662, G-11762, G-11878; Skelly Oil Company, Docket Nos. G-11663, G-12146; Tidewater Oil Company, Docket No. G-11768; Shell Oil Company, Docket Nos. G-11853, G-12147; Keating Drilling Company, Operator, et al.,[9] Docket No. G-11858; Sunnyland Contracting Company, Inc., Docket No. G-11881; C. V. Lyman, d. b. a. Lyman-Damascus Operations, Docket No. G-11885; Nue-Wells Pipe Line Company, Docket No. G-11886; Appell Drilling Company, Operator, et al.,[7] Docket No. G-11887; Colorado Western Exploration, Inc., Operator,[8] Docket No. G-11896; Holland-American Petroleum Corporation, Operator, et al.,[9] Docket No. G-11897; Lyons & Logan, Operator, et al.,[10] Docket No. G-11899; S. H. Killingsworth, Operator, et al.,[11] Docket No. G-11919; Phillips Petroleum Company,[12] Docket No. G-12039; Jack W. Grigsby, Operator, et al.,[13] Docket No. G-12040; Western Natural Gas Company, Docket No. G-12041; Union Oil and Gas Corporation of Louisiana, Operator, et al.,[14] Docket No. G-12043; The British American Oil Producing Company, Docket No. G-12044; Jay Kornfeld, Operator, et al.,[15] Docket No. G-12143; Musgrove Petroleum Corporation, Operator, et al.,[16] Docket No. G-12144; Lyons & Logan, Operator, et al.,[17] Docket No. G-12145; George W. Graham, Operator, et al.,[18] Docket No. G-12389; Tidewater Oil Company,[19] Docket No. G-12522.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce, sell, and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-, Location of Field, and Buyer

3128-3130 inclusive; Hugoton Field, Kearny and Stanton Counties, Kansas; Cities Service Gas Company.

5558; Ragsdale Field, Bee County, Texas; Texas Eastern Transmission Corporation.

7535; Langlie-Mattix and Cooper-Jal Fields, Lea County, New Mexico; El Paso Natural Gas Company.

8708; Panhandle Field, Gray County, Texas; Phillips Petroleum Company.

10903; Andrews Field, Andrews County, Texas; Phillips Petroleum Company.

11109, 12039; Camrick Southeast Pool, Beaver County, Oklahoma; Natural Gas Pipeline Company of America.

11224, 11661, 11662; Bethany-Longstreet Field, De Soto Parish, Louisiana; Texas Eastern Transmission Corporation.

11460; West Delta Area, Plaquemines Parish, Louisiana; Tennessee Gas Transmission Company.

11607, 12145; Greenwood-Waskom Field, Caddo Parish, Louisiana; Arkansas Louisiana Gas Company.

11613;[6] Meyersville and East Meyersville Fields, De Witt and Victoria Counties, Texas; Texas Eastern Transmission Corporation.

11620; Unnamed field in Meade County, Kansas; Panhandle Eastern Pipe Line Company.

11649; Eumont Field, Lea County, New Mexico; Permian Basin Pipeline Company.

11663; NE/4 Sec. 16, 27N-9W, San Juan County, New Mexico; El Paso Natural Gas Company.

11750; Tilden Area, McMullen County, Texas; Transcontinental Gas Pipe Line Corporation.

11762; Harper Ranch, Clark County, Kansas; Northern Natural Gas Company.

11768; Brown & Altman "B" Unit, Emperor Field, Winkler County, Texas; Permian Basin Pipeline Company.

11853; Farnsworth Field, Ochiltree County, Texas; Northern Natural Gas Company.

11858; Light-Greenough Field, Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

11878; East Blackwell Field, Kay County, Oklahoma; Frank E. Kirkpatrick, Jr.

11881; Bully Camp Field, La Fourche and Terrebonne Parishes, Louisiana; Tennessee Gas Transmission Company.

11885; North Alice Field, Jim Wells County, Texas; Tennessee Gas Transmission Company.

11886; North Alice Field, Jim Wells County, Texas; Tennessee Gas Transmission Company (transportation a/c C. V. Lyman, d. b. a. Lyman-Damascus Operations).

11887; North Alice Field, Jim Wells County, Texas; C. V. Lyman, d. b. a. Lyman-Damascus Operations.

11896, 12146; Blanco Field, San Juan County, New Mexico; El Paso Natural Gas Company.

11897; West Mission Valley Field, Goliad and Victoria Counties, Texas; Transcontinental Gas Pipe Line Corporation.

11899; San Salvador Field, Hidalgo County, Texas; Trunkline Gas Company.

11901; Blackwell Field, Kay County, Oklahoma; Frank E. Kirkpatrick, Jr.

11919; Rodessa Field, Cass County, Texas; Arkansas Louisiana Gas Company.

11921; Greenwood Field, Morton County, Kansas; Colorado Interstate Gas Company.

See Appendix concerning all footnotes.

11922; Acreage in Morton County, Kansas; Panhandle Eastern Pipe Line Company.

12009; Odem Field, San Patricio County, Texas; Tennessee Gas Transmission Company.

12040; Carthage Field, Panola County, Texas; Texas Gas Transmission Corporation.

12041; Karon Field, Live Oak County, Texas; Texas Eastern Transmission Corporation (assignee of Wilcox Trend Gathering System, Inc.).

12042, 12147; Eumont Field, Lea County, New Mexico; El Paso Natural Gas Company.

12043; West Rock Island Field, Colorado County, Texas; Tennessee Gas Transmission Company.

12044; Maley Field, Cheyenne County, Nebraska; Kansas Nebraska Natural Gas Company, Inc.

12143, 12144; Rugoton Field, Barber County, Kansas; Cities Service Gas Company.

12389; West Holly Field, De Witt County, Texas; Texas Eastern Transmission Corporation.

12522; Langlie-Mattix Field, Lea County, New Mexico; El Paso Natural Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 26, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

[1] Applicants were rendering service on and since June 7, 1954.

[2] Applicant was rendering service on and since June 7, 1954. Application was supplemented on May 13, 1957.

[3] J. P. Neill is filing for himself and on behalf of George H. Marsh. Both are signatory seller parties to the gas sales contract dated February 23, 1956, which limits production to horizons down to 5,000 feet.

[4] Applicants, Frank J. Hall, Moran Tank Company, J. B. Markham and H. N. K. Brookings, are all signatory seller parties to the gas sales contract dated November 23, 1956.

[5] Continental Oil Company, Operator, is filing for itself and lists parties owning working interests as follows: Continental, The Atlantic Refining Company, and E. A. Bosl. Continental is the only signatory seller party to the sales contract dated August 20, 1956.

[6] Keating Drilling Company, Operator, is filing for itself and on behalf of the following nonoperators who are all signatory seller parties to the gas sales contract dated January 23, 1957: The British American Oil Company, The Superior Oil Company, Leon J. Caine, Emby Kaye, W. W. Lynch, N. E. Loomis, H. H. Coffield, George W. Pirtle, P. O. Penn, M. W. Staples, T. A. Hester, and Byron W. Beebe. In addition, The Carter Oil Company owns a non-operating working interest but has negotiated a separate gas sales contract.

[7] Appell Drilling Company, Operator, is filing for itself and on behalf of the following nonoperators who are also signatory seller parties to the sales contract dated November 8, 1956: W. H. Appell, Bernard Peyton, and Flamingo Ventures.

[8] Colorado Western Exploration, Inc., Operator, is filing for itself and on behalf of coowners as follows: Alexander M. Arnstein, Seymour Gross, Hargrove Oil and Gas Company, and N. V. Kinsey. Colorado Western Exploration, Inc., is the only signatory seller party to the gas sales contract dated October 29, 1956.

[9] Holland-American Petroleum Corporation, Operator, is filing for itself and on behalf of nonoperators, Gulf Oil Corporation and George A. Musselman. All are signatory seller parties to the ratification agreement dated November 28, 1956, of a basic gas sales contract dated January 10, 1958, as amended, between Western Natural Gas Company and Trans-Continental Gas Pipe Line Company.

[10] Lyons & Logan, a copartnership composed of C. H. Lyons, Sr., G. L. Logan, C. H. Lyons, Jr., Hall M. Lyons, G. F. Abendroth, E. L. Hilliard and J. T. Palmer, Operator, is filing for itself and on behalf of the nonoperator, C. H. Lyons, Sr. C. H. Lyons, Sr., owns 100 percent working interest in the subject lease and is the only signatory seller party to the gas sales contract dated January 25, 1957.

[11] S. H. Killingsworth, Operator, is filing for himself and on behalf of F. R. Jackson, Sam Sklar, Sam Y. Dorfman, Albert Sklar, Leonard Phillips, Paul R. Walker, Morris B. White, August Erickson, S. L. Florsheim, Jr., David Crow, J. R. Butler, Douglas Whitaker, Walter Stewart, Clint T. Steed, Mrs. Ruth Ashcroft, S. D. Steed, B. A. Skipper, G. G. Stanford, Don M. Reese and Crescent Oil & Gas Corporation. All are signatory seller parties to the sales contract dated October 22, 1956.

[12] Phillips Petroleum Company, nonoperator, is filing for its 12.5% interest in the McDonald Gas Unit and is a signatory party to the ratification agreement dated December 12, 1956, of a basic gas sales contract dated January 6, 1956, between The Atlantic Refining Company and Natural Gas Pipeline Company of America. Purchaser has also signed the ratification agreement. Atlantic Refining Company has received authorization for the basic gas sales contract in Docket No. G-9980.

[13] Jack W. Grigsby, Operator, is filing for himself and on behalf of nonoperators, Shallow Oil Company, Inc., and Fred Whitaker. Jack W. Grigsby and Shallow Oil Company, Inc., are the only signatory seller parties to the gas sales contract dated February 12, 1957. The contractual relationship of Fred Whitaker is not stated.

[14] Union Oil and Gas Corporation of Louisiana, Operator, is filing for itself and on behalf of the following nonoperators: Humble Oil and Refining Company, R. H. Goodrich, and W. H. Cocke. All are signatory seller parties to the gas sales contract dated January 30, 1957.

[15] Jay Kornfeld, Operator, is filing for himself and on behalf of the following nonoperators: Ralph Gore, Theodore Gore, and M. & L. Oil Company. All are signatory seller parties to the gas sales contract dated January 27, 1957.

[16] Musgrove Petroleum Corporation, Operator, is filing for itself and on behalf of six nonoperators, listed in the application. All co-owners are signatory seller parties to the gas sales contract dated February 22, 1957.

[17] Lyons & Logan, Operator, a copartnership composed of C. H. Lyons, Sr., G. L. Lyons, C. H. Lyons, Jr., Hall M. Lyons, G. F. Abendroth, E. L. Hilliard and J. T. Palmer, is filing for itself and on behalf of the following nonoperators: C. T. McCord, Jr., Addison O. Wood, Special, Perry G. Holloway, Succession of Ed E. Hurley, and Midwest Oil Company. All members of the copartnership and all nonoperators listed above except Addison O. Wood, Special, and Perry G. Holloway, are signatory seller parties to the gas sales contract dated February 18, 1957. In addition, Operator lists the percentage of working interest of Sohio Petroleum Company, which company has negotiated a separate contract.

[18] George W. Graham is filing as operator for himself and for Gladys Isbell Graham and Cathryn Graham Whaling, nonoperators. Each of said Applicants is a signatory seller party to the gas sales contract involved herein.

[19] Tidewater Oil Company, Operator, is filing to cover two supplemental agreements dedicating additional acreages to a basic casinghead gas sales contract. Tidewater is the only signatory seller party to the two supplemental agreements involved herein. The acreage covered by the July 15, 1955, supplemental agreement is owned by Tidewater, Roy G. Barton and J. Hiram Moore (application lists percentum of each), while acreage covered by the September 26, 1955, agreement is 100% owned by Tidewater.

[F. R. Doc. 57-6231; Filed, July 30, 1957; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 45]

SAN ANGELO FISH CULTURAL STATION (I-TEX-546) SAN ANGELO, COUNTY OF TOM GREEN, TEXAS

TRANSFER OF PROPERTY

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated March 20, 1957, that property known as San Angelo Fish Cultural Station (I-Tex-546), San Angelo, County of Tom Green, Texas, and more particularly described in said deed, has been transferred from the United States to the State of Texas.

2. The above-described property was transferred to the State of Texas for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

F. MORAN McCONIHE,
Commissioner,
Public Buildings Service.

JULY 19, 1957.

[F. R. Doc. 57-6210; Filed, July 30, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 175]

MOTOR CARRIER APPLICATIONS

JULY 26, 1957.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., U. S. s. t. (or 9:30 o'clock a. m., local d. s. t., if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 15583 (Sub No. 13), filed July 15, 1957, WILBUR H. JOHNS, 327 North Reservoir, Lancaster, Pa. Applicant's attorney: William S. Livengood, Jr., 227 State Street, Harrisburg, Pa. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Pharmaceutical and cosmetic products* and *printed material* advertising the same for Lambert-Hudnut Mfg. Labs. Inc., of Lititz, Pa., from Lititz, Pa., to Cleveland and Toledo, Ohio, Detroit, Mich., and Chicago, Ill. *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, and *rejected and damaged shipments* of the above-specified commodities on return. Applicant holds Certificates No. MC 78118 and (Sub Nos. 1 and 3). Section 210, dual operations, may be involved.

HEARING: September 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 22182 (Sub No. 13), filed July 12, 1957, UNIVERSITY OVERLAND EXPRESS, INC., 852 McGrath Highway, Somerville 45, Mass. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier,* over irregular routes, transporting: *Passenger automobiles* and *trucks, passenger automobile* and *truck chassis,* in initial movements, in truckaway and driveway service, from Mahwah, N. J. to St. Louis, Mo., and points in Florida, Georgia, Alabama, Mississippi, Louisiana, Kentucky, Indiana, Illinois, Michigan, and Wisconsin. Applicant is authorized to conduct operations in Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, Vermont, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, West Virginia, Tennessee, Ohio, and the District of Columbia.

HEARING: September 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 31600 (Sub No. 426), filed July 3, 1957, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street., Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Liquid chocolate, liquid chocolate products* and *cocoa butter,* in bulk, in tank vehicles, from New York, N. Y., Newark, N. J., Milwaukee, Wis., and Mansfield, Mass., to Hershey, Pa. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Connecticut, New Hampshire, New Jersey, Pennsylvania, Vermont, Maine, Delaware, Ohio, Illinois, Kentucky, South Carolina, North Carolina, and Maryland.

HEARING: September 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 47336 (Sub No. 9), filed July 10, 1957, ECLIPSE MOTOR LINES, INC., Box 507, Bridgeport, Ohio. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier,* over irregular routes, transporting: *Ferro-Alloys, including Aluminum-Manganese-Silicon, Ferro-Chrome, Ferro-Chrome-Silicon, Ferro-Silicon-Chrome, Ferro-Manganese, Ferro-Silicon, Silicon-Calcium, Silico-Manganese,* and *Silicon Metal,* from points in Salem Township, Monroe County, Ohio to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, and West Virginia, and *empty containers* from points in the above named destination states to Salem Township, Monroe County, Ohio. Applicant is authorized to conduct operations in Pennsylvania, West Virginia, Ohio, Maryland, New York, Indiana, and the District of Columbia.

HEARING: September 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 71902 (Sub No. 58), filed July 12, 1957, UNITED TRANSPORTS, INC., 4900 Santa Fe Street, Oklahoma City, Okla. For authority to operate as a *common carrier,* over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, by the truckaway method, from the site of the plant of Cadillac Motor Car Division of General Motors Corporation in Detroit, Mich., to all points in Missouri, Kansas, Oklahoma, Texas, Arizona and New Mexico. Applicant is authorized to conduct similar operations in Arizona, Kansas, Indiana, Missouri, New Mexico, Ohio, Oklahoma, and Texas.

HEARING: September 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 86913 (Sub No. 4), filed July 10, 1957, SILER MOTOR LINES, INCORPORATED, North Second Avenue, Extension, Siler City, N. C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Lumber,* except plywood and veneer, from points in New York, Pennsylvania, and Maryland, to points in North Carolina. Applicant is authorized to conduct operations in North Carolina, Maryland, Pennsylvania, New Jersey, Virginia, and the District of Columbia.

HEARING: September 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 106644 (Sub No. 35), filed May 31, 1957, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. For authority to operate as a *common carrier,* over irregular routes, transporting: *Commodities,* the transportation of which because of size, weight or handling require the use of special equipment, and of *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, except knitting machines, between points in Texas, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Georgia, Florida, South Carolina and North Carolina, on the one hand, and, on the other, points in Maryland, Delaware, Pennsylvania, New Jersey, New York, and Massachusetts, and the District of Columbia. Applicant is authorized to transport similar commodities between points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. Carrier holds Permit No. MC 104724; section 210, dual operations, may be involved.

PRE-HEARING CONFERENCE: September 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Director Paul Coyle presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 107975 (Sub No. 5), filed July 12, 1957, KENNETH E. ALLISON, Hungerford, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier,* over irregular routes, transporting: (1) *Canned foods,* from Hungerford, Pa., to points in Wisconsin, and (2) *raw onions*

and *dried beans* from points in Wisconsin, Michigan, Illinois and Indiana to Hungerford, Pa. Applicant is authorized to conduct operations in Maryland, Pennsylvania, Delaware, New York, Connecticut, Michigan, Indiana, Illinois, and New Jersey.

HEARING: September 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 108369 (Sub No. 2), filed July 3, 1957, RAYMOND J. HOLBEN, 529 Ethel Street, Allentown, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meat, meat products and meat by-products*, as defined by the Commission, from Philadelphia, Pa., to points in Delaware, Maryland and the District of Columbia. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to transport similar commodities from Philadelphia, Pa., to specified counties in New Jersey.

HEARING: September 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 109136 (Sub No. 13), filed July 15, 1957, THE ORIOLE TERMINAL & TRANSPORTATION CO., 6301 Quad Avenue, Baltimore 5, Md. Applicant's attorney: Charles F. Riddle, 1835 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from the Army Chemical Center near Edgewood, Md. to the District of Columbia and points in Virginia on and east of U. S. Highway 1. Applicant is authorized to transport the named commodity from the above-mentioned Army Chemical Center to points in specified areas in Pennsylvania (including Philadelphia), Delaware, and New Jersey.

HEARING: September 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 109443 (Sub No. 11), filed July 15, 1957, SEABOARD TANK LINES INC., 2202 Riverside Drive, Scranton 9, Pa. Applicant's attorney: Paul F. Barnes, 811 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Macungie, Pa. and points within ten (10) miles of Macungie, to points in Hunterdon and Warren Counties, N. J. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, and New York.

HEARING: September 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 109451 (Sub No. 78), filed July 8, 1957, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: William J. Guenther, 1511 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between points in Lawrence County, Ohio, and Boyd County, Ky., on the one hand, and, on the other, Atlanta, Ga., and points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Ohio, Tennessee, Missouri and Wisconsin. Applicant is authorized to transport similar commodities in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

HEARING: September 5, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner James I. Carr.

No. MC 109637 (Sub No. 51), filed July 5, 1957, GASOLINE TRANSPORT CO., 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Polyvinyl acetate*, in bulk, in tank vehicles, from Cincinnati, Ohio to Atlanta, Ga., Buffalo, N. Y., Chicago, Ill., Dallas, Tex., Kansas City, Mo., Linden, N. J., Memphis, Tenn., and St. Paul, Minn. Applicant is authorized to conduct operations in Indiana, Kentucky, Illinois, and Tennessee.

HEARING: September 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 110525 (Sub No. 338), filed July 15, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ethylene gas*, in bulk, in manifold cylinder trailers, from West Port Arthur, Tex., to Parlin, N. J. Applicant is authorized to transport the named commodity from Orange, Tex., to Henry Clay, Del.

HEARING: September 20, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 112846 (Sub No. 15), filed July 2, 1957, CLARE M. MARSHALL, INC., P. O. Box 611, Oil City, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum white mineral oil*, in bulk, in tank vehicles, from Petrolia, Pa., to Suffern, N. Y. Applicant is authorized to conduct similar operations in Delaware, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: September 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 114021 (Sub No. 4) (Correction), published on page 5665, issue of July 17, 1957. Name of applicant was shown as MIDWEST TRANSPORT COMPANY OF ILLINOIS in error. The correct name of applicant is MIDWEST *TRANSFER* COMPANY OF ILLINOIS.

No. MC 116527 (Republication) filed March 18, 1957, published in June 5, 1957, issue, E. J. MILLER, 1226 Sawyer Avenue, Akron; Ohio. Applicant's attorney: Charles R. Iden, 220 First National Tower, Akron 8, Ohio. This is a second notice of an application which as originally filed incorrectly described the territory proposed to be served. At a hearing held on July 15, 1957, applicant was allowed to amend the application to correct the error and otherwise reduce the territory proposed to be served by the elemination of New York and evidence was received in support of the application as amended. The examiner's report and recommended order will not be served until a lapse of 30 days after this republication within which time any person who may have been prejudiced by the allowance of the amendment may file an appropriate petition for a further hearing. If any such petition is received applicant may reply thereto within 50 days from the date of this republication and further proceedings on the application will be deferred until the petition has been acted upon. Authority sought: *Contract carrier*, over irregular routes, transporting: *Milled, veneered and finished lumber, doors, windows, window frames, aluminum and wooden storm windows and doors, wooden and asphalt shingles, asphalt tile, plywood, plywood products, nails, screws, hinges* and *construction hardware* and *similar materials* dealt in by retail and wholesale lumber dealers, uncrated, and/or in bulk, (1) from New Milford, Ohio, an unincorporated community located on Ohio Highway 18 between Rootstown and Edinburg, Ohio, to points in that portion of Pennsylvania and West Virginia located on and *west* of U. S. Highway 219 commencing at Hamburg, N. Y., continuing south to its junction with U. S. Highway 33 at Elkins, W. Va., and located on and north of U. S. Highway 33 from Elkins west on said highway to the West Virginia-Ohio State line. *Returned shipments* of the above-described commodities, on return; (2) between New Milford, Ohio, and Leroy, N. Y., Bay City, Gladwin, Freeland, Hemlock, Birch Run, Davison, Milan and Kalamazoo, Mich., and Elwood, Ind., limited to transportation of the specified commodities between lumber yards owned, controlled or affiliated with consignor or its parent or affiliated companies.

No. MC 116733 (Correction) filed June 12, 1957, published issue of July 24, 1957, EDWARD HAGMANN AND EDWARD C. HAGMANN, a Partnership, doing business as HAGMANN TRUCKING CO., Ryerson Road, Lincoln Park, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Machinery*, and *machinery parts*, between points in Morris, Passaic, Bergen, Essex, and Union Counties, N. J., on the one hand, and, on the other, points in New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and Delaware.

NOTE: The applicant states in the application that the operations sought have been conducted continuously since 1922.

HEARING: Remains as assigned September 6, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 116795, filed July 5, 1957, LAWRENCE G. WILLMAN, doing business as WILLMAN TRUCKING CO., 1037 Bacon Street, Erie, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Water heaters and parts thereof*, from Erie, Pa., to points in Illinois, Indiana, Kentucky, Michigan, New York, New Jersey, Ohio, Pennsylvania, Tennessee, Georgia, Virginia, West Virginia, Missouri, Massachusetts and Los Angeles, Calif.; *water heaters and parts thereof*, and *materials used or useful in the manufacture or assembly of water heaters*, from points in Illinois, Indiana, Kentucky, Michigan, New York, New Jersey, Ohio, Pennsylvania, Tennessee, Georgia, Virginia, West Virginia, Missouri and Massachusetts, to Erie, Pa.; and *unfinished heads for water heaters*, from Los Angeles, Calif., to Erie, Pa.

HEARING: September 16, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 116802 (Sub No. 1), filed July 25, 1957, ARMORED CAR SERVICES, INC., 2304 Wilson Boulevard, Arlington, Va. For authority to operate as a common carrier, over irregular routes, transporting: *Currency*, and *securities*, in armored car service, between Washington, D. C., Montgomery, Prince Georges and Charles Counties, Md., City of Alexandria, Va., and Arlington, Fairfax, and Prince William Counties, Va.

HEARING: September 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 116812, filed July 15, 1957, CHARLES R. FISHER, 351 West Pitt Street, Bedford, Pa. Applicant's attorney: John A. Vuono, 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Marble*, uncrated, from Hoboken, N. J., and Cleveland, Ohio, to points in Allegheny County, Pa.

HEARING: September 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

MOTOR CARRIERS OF PASSENGERS

No. MC 93396 (Sub No. 3), filed June 28, 1957, YELLOW LIMOUSINE SERVICE, INC., Southeast Corner, Broad and Spring Garden Streets, Philadelphia, Pa. Applicant's attorney: Gordon G. Parry, Jr., 1719 Packard Building, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, limited to the transportation of not more than eleven (11) passengers, not including the driver, nor children under the age of ten (10) years when not occupying a single seat in any one vehicle, between Philadelphia, Pa., on the one hand, and, on the other, New York, N. Y., and points in New Jersey, Delaware, and Maryland.

NOTE: Applicant's attorney states that the instant application constitutes an extension of an existing operation in one sense only, namely, that the capacity of the vehicles being used is to be increased from not more than six passengers, not including the driver, nor children under the age of 10 years, when not occupying a single seat, to not more than 11 passengers, not including the driver, nor children under the age of 10 years, when not occupying a single seat. This is the only change in the operation which the applicant is authorized to perform, as set forth in Certificate No. MC 93396, dated July 9, 1954.

HEARING: September 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

APPLICATION FOR BROKERAGE LICENSES

No. MC 12663, filed July 9, 1957, LINCOLN TERMINAL COMPANY, First Street, Lakewood, N. J. For a license (BMC 5) authorizing operations as a *broker* at Lakewood, Atlantic City, and points in New Hanover and Raritan Townships, N. J. in arranging for the transportation in interstate or foreign commerce by motor vehicle of *passengers and groups of passengers*, and *express, baggage* and *newspapers* in the same vehicle with passengers, between points in the United States.

HEARING: September 19, 1957, at the U. S. Court Rooms, Newark, N. J., before Joint Board No. 119, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 19201 (Sub No. 101), filed July 15, 1957, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *General commodities, including commodities in bulk, and those requiring special equipment*, but excluding Class A and B explosives and household goods as defined by the Commission, in service auxiliary to, or supplemental of rail service of The Pennsylvania Railroad Company, (a) between Emporium, Pa., and Port Allegany, Pa., from Emporium over U. S. Highway 120 to junction Pennsylvania Highway 155, thence over Pennsylvania Highway 155 to Port Allegany, and return over the same route; (b) between Wilcox, Pa., and Degolia, Pa., from Wilcox over U. S. Highway 219 to Degolia, and return over the same route; (c) between junction U. S. Highways 219 and 6 at or near Lanyz Corners, Pa., and Smethport, Pa., from junction U. S. Highways 219 and 6 over U. S. Highway 6 to Smethport, and return over the same route, serving intermediate points on the above routes which are stations on the rail lines of The Pennsylvania Railroad Company, serving Degolia, Pa., for purposes of interchange only, and serving junction U. S. Highways 219 and 6 for purposes of joinder only; (2) *General commodities*, including *commodities in bulk and those requiring special equipment*, but excluding Class A and B explosives and household goods as defined by the Commission, in service auxiliary to, or supplemental of rail service of The Pennsylvania Railroad Company except express and baggage service, (a) between Ridgway, Pa., and Wilcox, Pa., serving intermediate points which are stations on the rail line of The Pennsylvania Railroad Company, from Ridgway over U. S. Highway 219 to Wilcox, and return over the same route; (b) between St. Marys, Pa., and junction Pennsylvania Highway 255 and U. S. Highway 219, near Johnsonburg, Pa., serving no intermediate points but serving junction Pennsylvania Highway 255 and U. S. Highway 219 for purposes of joinder only, from St. Marys over Pennsylvania Highway 255 to junction U. S. Highway 219, and return over the same route. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Indiana and West Virginia.

NOTE: Dual operations or common control may be involved.

No. MC 30319 (Sub No. 81), filed July 15, 1957, SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including air freight*, having a prior or subsequent movement by air, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Centerville, La., and North Bend, La., from junction U. S. Highway 90 and Louisiana Highway 317 at Centerville over Louisiana Highway 317 to North Bend, La., a distance of approximately seven miles, and return over the same route, serving the intermediate points of Cabot and Bayou Sale, La. Applicant is authorized to conduct similar operations in Louisiana and Texas.

No. MC 105556 (Sub No. 28), filed July 10, 1957, HOUCK TRANSPORT COMPANY, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Conduits, drain tile, sewer pipe*, concrete; *flooring cement; drain tile fittings*, concrete; *beams*, structual, concrete; *brick*, concrete; *blocks*, building, concrete or gypsum, from Mandan, N. Dak., and points within 10 miles thereof to points in South Dakota and Montana. Applicant is authorized to conduct operations in Montana, North Dakota, South Dakota, and Wyoming.

No. MC 108937 (Sub No. 15), filed July 12, 1957, MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul 14, Minn. Applicant's representative: Raymond L. Stevens, above address. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, and except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over the following regular routes: (1) between St. Paul, Minn., and junction U. S. Highway 65 and Minnesota Highway 218 near Clinton Falls, Minn., from St. Paul over

city streets to Minneapolis, Minn., thence over U. S. Highway 65 to junction Minnesota Highway 218 near Clinton Falls, Minn.; (2) between Mankato, Minn., and Faribault, Minn., from Mankato over Minnesota Highway 60 to Faribault; (3) between Glencoe, Minn., and Litchfield, Minn., from Glencoe over Minnesota Highway 22 to Litchfield; (4) between St. Paul, Minn., and Clara City, Minn., from St. Paul over city streets to Minneapolis, Minn., thence over Minnesota Highway 7 to Clara City; (5) between Grove City, Minn., and Sherburn, Minn., from Grove City over Minnesota Highway 4 to Sherburn; (6) between Gaylord, Minn., and Northfield, Minn., from Gaylord over Minnesota Highway 19 to Northfield; (7) between Jordan, Minn., and New Prague, Minn., from Jordan over Minnesota Highway 21 to New Prague; (8) between Montgomery, Minn., and Faribault, Minn., from Montgomery over Minnesota Highway 21 to Faribault; (9) between Nicollet, Minn., and junction Minnesota Highway 99 and Minnesota 21, from Nicollet over Minnesota Highway 99 to junction Minnesota Highway 21; (10) between Gaylord, Minn., and St. Peter, Minn., from Gaylord over Minnesota Highway 22 to St. Peter; (11) between Nicollet, Minn., and junction Minnesota Highway 111 and Minnesota Highway 22, from Nicollet over Minnesota Highway 111 to junction Minnesota Highway 22; (12) between Blooming Prairie, Minn., and Lewisville, Minn., from Blooming Prairie over Minnesota Highway 30 to Lewisville; and in connection with routes 1 to 12 above, return over the same routes, serving no intermediate points. Applicant is authorized to conduct similar operations in Minnesota, Iowa, and Wisconsin.

No. MC 112668 (Sub No. 12), filed July 15, 1957, HARVEY R. SHIPLEY AND SONS, INC., R. F. No. 1, Finksberg, Md. For authority to operate as a *common carrier*, over irregular routes transporting: *Ground soapstone*, in bulk, in dump vehicles, from Marriottsville, Md. to Bloomsbury, N. J. and Asbury, N. J.

No. MC 114890 (Sub No. 6), (Amended) formerly assigned No. MC 86928 (Sub No. 28), filed June 19, 1957, published issue July 3, 1957, page 4699, C. E. REYNOLDS, 2209 Range Line, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the plant of the Grace Chemical Company at or near Woodstock, Tenn., to Atlas, Jasper County, Mo., and *returned or rejected shipments* of anhydrous ammonia on return. Applicant is authorized to transport similar commodities in Arkansas, Kansas, Missouri, Oklahoma and Texas. Applicant holds Certificate Nos. MC 114890 and Sub No. 3; dual operations under section 210 may be involved.

NOTE: Application has been amended to apply for common carrier authority in lieu of contract carrier authority.

MOTOR CARRIERS OF PASSENGERS

No. MC 13300 (Sub No. 59), filed July 11, 1957, CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N. C. Applicant's attorney: Robert E. Quirk, Investment Building, Washington 5, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between junction U. S. Highways 70–A and 70, east of Efland, N. C., and junction combined U. S. Highways 29–A and 70–A and combined U. S. Highways 29 and 70, west of Thomasville, N. C., from junction U. S. Highway 70–A (formerly U. S. Highway 70) and U. S. Highway 70, approximately 1.8 miles east of Efland, over new U. S. Highway 70 to Greensboro, N. C., thence over new combined U. S. Highways 29 and 70 to junction combined U. S. Highways 29–A and 70–A (formerly combined U. S. Highways 29 and 70) and combined U. S. Highways 29 and 70, approximately 2.6 miles west of Thomasville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Delaware, Maryland, North Carolina, Pennsylvania, and Virginia.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE.

No. MC 111231 (Sub No. 29), filed June 13, 1957, JONES TRUCK LINES, INC., 514 East Emma Avenue, Springdale, Ark. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between St. Louis, Mo., and the Missouri-Arkansas State line, from St. Louis over U. S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to the Missouri-Arkansas State line, and return over the same route, serving the intermediate points of Dexter, Bernie, Townley, Malden, the junction of Missouri Highway 25 and U. S. Highway 62 at or near McGuires, McGuires, Clarkton, Holcomb, White Oak, Frisbee, Ipley, Kennett, Caruth, Senath, Bucoda, Arbyrd and Cardwell, Mo.; (2) between Clarkton, Mo., and Gideon, Mo., over Missouri Highway 62, serving no intermediate points; (3) between Malden, Mo., and junction Dunklin County Supplementary Route "J" and Missouri Highway 53, over Dunklin County Supplementary Route "J", serving the intermediate point of Malden Air Force Base; (4) between junction U. S. Highway 62 and Missouri Highway 25 at or near McGuires, Mo., and the Missouri-Arkansas State line, over U. S. Highway 62, serving the intermediate point of Campbell, Mo., and the sites of Campbell Machine and Welding Co., and the Missouri-Arkansas Power Company (both located on U. S. Highway 62 just west of Campbell, Mo.); (5) between Campbell, Mo., and Holcomb, Mo., over Missouri Highway 53, serving the intermediate point of Gibson, Mo.; (6) between Caruth, Mo., and Arbyrd, Mo., from Caruth over Dunklin County Supplementary Route "Y" to junction Missouri Highway 164, thence over Missouri Highway 164 to Arbyrd, and return over the same route, serving all intermediate points; and (7) between Hornersville, Mo., and junction Dunklin County Supplementary Route "YY" and Missouri Highway 164 over Dunklin County Supplementary Route "YY", serving no intermediate points. Applicant is authorized to conduct similar operations in Arkansas, Illinois, Kansas, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: This application is directly related to No. MC–F 6611, which was published in the June 26, 1957 issue of the FEDERAL REGISTER on page 4489.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6642. Authority sought for control by PILOT FREIGHT CARRIERS, INC., Polo Road and Cherry Street Ext. (P. O. Box 615), Winston-Salem, N. C., of ARLINGTON TRANSPORTATION CO., 1422 Park Avenue, Cranston, R. I., and for acquisition by R. Y. SHARPE, SARAH L. SHARPE, and EILEEN L. SHARPE, all of 981 Arbor Road, Winston-Salem, N. C., H. C. SHARPE, 3714 North Cherry Street, Winston-Salem, N. C., E. G. LACKEY, 765 Roslyn Road, Winston-Salem, N. C., SHIRLEY S. DUNCAN, 78 Purvis Drive, Triangle, Va., and K. Y. SHARPE, Route No. 1, Pfafftown, N. C., of control of ARLINGTON TRANSPORTATION CO. through the acquisition by PILOT FREIGHT CARRIERS, INC. Applicants' attorneys: Zelby & Burstein, 135 Broadway, New York 6, N. Y., and Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be controlled: *General commodities*, (including antiques), with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between New Bedford, Mass., and New York, N. Y., serving all intermediate and certain off-route points; *general commodities*, with exceptions as specified above over irregular routes between New York, N. Y., and points in New Jersey within 15 miles of New York, N. Y., on the one hand, and, on the other, Boston, Mass.; household goods, as defined by the Commission, between points in Providence and Kent Counties, R. I., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, and Vermont; *groceries, leather, textile machinery, wearing apparel, cast stone, chip stone, cinder blocks, manufactured stone building material, barrels, cement pipe, fire clay, fresh fruits and vegetables,*

scrap metal, tile, rubber, tires, tire fabric, wire, carnival equipment, electrical equipment used or useful in the distribution and transmission of electric power, *fireworks, glass, picture frames, malt beverages, empty malt-beverage containers, machinery, metal castings, paper, paper products* and *scrap rubber*, from, to or between points and areas, varying with the commodity transported, in New York, Massachusetts, Rhode Island, Connecticut, New Hampshire, New Jersey, Vermont and Maine. PILOT FREIGHT CARRIERS, INC., is authorized to operate as a *common carrier* in North Carolina, Maryland, Pennsylvania, Delaware, Virginia, New York, New Jersey, South Carolina, Tennessee, Ohio, West Virginia, Connecticut, Rhode Island, Massachusetts, Florida, Georgia and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6643. Authority sought for purchase by BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill., of the operating rights of WILLIAM LEE HOBBY, doing business as HOBBY TRUCK SERVICE, La Harpe, Ill. Applicants' attorney: Russell B. James, 547 West Jackson Boulevard, Chicago 6, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Burlington, Iowa, and Sciota, Ill., and Stronghurst, Ill., serving all intermediate points and the off-route point of Raritan, Ill. Vendee is authorized to operate as a *common carrier* in Colorado, Nebraska, Missouri, Illinois, Iowa, Montana, and Wyoming. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6644. Authority sought for purchase by CEMENT TRANSPORTS, INC., 305 Simons Building, Dallas, Texas, of the operating rights of CHEMICAL EXPRESS, 305 Simons Building, Dallas, Texas, and for acquisition by RAY SMITH and J. E. BOULBOULLE, both of Dallas, and MRS. HOMER MEYERS, 206 Baptist Building, Little Rock, Ark., of control of such rights through the purchase. Applicants' attorney: W. D. White, 1700 Mercantile Bank Building, Dallas, Texas. Operating rights sought to be transferred: *Cement*, in bulk, as a *contract carrier* over irregular routes from Maryneal, Tex., to points in New Mexico. Vendee holds no authority from this Commission but is affiliated with SMITH TRANSIT, INC., which is authorized to operate as a *common carrier* in Texas, Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Arizona, Colorado, and Utah. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6645. Authority sought for control by CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham Street, McKees Rocks, Pa., of MOTOR AGE TRANSIT LINES, INC., 16 Foundry Street, Buffalo 7, N. Y., and for acquisition by MILTON E. HARRIS and RUTH K. HARRIS, both of McKees Rocks, of control of MOTOR AGE TRANSIT LINES, INC., through the acquisition by CONTINENTAL TRANSPORTATION LINES, INC. Applicant's attorney: Robert H. Shertz, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Niagara Falls, N. Y., and Buffalo, N. Y., between Buffalo, N. Y., and Pittsburgh, Pa., and between Pittsburgh, Pa., and Washington, Pa., serving all intermediate and certain off-route points. CONTINENTAL TRANSPORTATION LINES, INC., is authorized to operate as a *common carrier* in Pennsylvania, Ohio, Maryland, West Virginia, New York and New Jersey. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6646. Authority sought for purchase by P. S. DUBREY TRUCKING CO., INC., 539 Hartford Turnpike, Shrewsbury, Mass., of the operating rights and property of CURLEY'S TRANSPORTATION CO., INC., 312 Main Street, Sanford, Maine, and for acquisition by PAUL S. DUBREY, 11 Wesley Drive, Leicester, Mass., of control of such rights and property through the purchase. Applicants' attorney: Benjamin B. Levenson, 11 Beacon Street, Boston 8, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Sanford, Maine, and Providence, R. I., between Smithtown, N. H., and South Barre, Mass., and between Boston, Mass., and Waterville, Maine, serving certain intermediate and off-route points; *malt beverages*, from Providence, R. I., to Boston, Mass., serving all intermediate points; *empty malt-beverage containers*, from Boston, Mass., to Providence, R. I., serving all intermediate points; *general commodities*, except explosives, articles of unusual value, household goods as defined by the Commission, and bulk commodities, over irregular routes between points within 20 miles of Boston, Mass., Providence, R. I., and Sanford, Maine, except points in New Hampshire, and Lebanon, Berwick, and South Berwick, Maine, and points in Maine on and east of U. S. Highway 1. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Rhode Island, New Hampshire, Pennsylvania and Connecticut. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6647. Authority sought for purchase by THE INTER MONT EXPRESS, INC., 518 Bluefield Avenue, Bluefield, W. Va., of a portion of the operating rights of THE MOUNTAIN TRANSIT CORPORATION, (WILLIAM M. JENNINGS, JR., AND C. E. HAWTHORNE, CO-RECEIVERS), Wytheville, Va. Applicants' attorney: Harold F. Porterfield, Box 86, Bluefield, W. Va. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Wytheville, Va., and Bluefield, W. Va., serving the intermediate and off-route points of Bland, Bastian, and Rocky Gap, Va. Vendee is authorized to operate as a *common carrier* in West Virginia, Virginia, Kentucky, and Tennessee. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6648. Authority sought for lease by SEABOARD FOOD EXPRESS, INC., 4550 West Colonial Drive, Orlando, Fla., of a portion of the operating rights of WILLIAM D. BUIE, (WILLIAM B. BUIE, ADMINISTRATOR), North Railroad Avenue, Dillon, S. C., and for acquisition by CATHARINE L. BARNES, also of Orlando, of control of such rights through the lease. Applicants' attorney: Harry F. Gillis, Mills Building, Washington, D. C. Operating rights sought to be leased: *Frozen foods*, as a *common carrier* over irregular routes from Dillon, S. C., to points in North Carolina, Tennessee, Virginia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, and the District of Columbia, and from points in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, and North Carolina, to Dillon, Columbia, and Charleston, S. C., and Durham and Wrightsville Sound, N. C. Lessee is authorized to operate as a *common carrier* in Maryland, Mississippi, New York, Pennsylvania, Alabama, Florida, New Jersey, North Carolina, South Carolina, Louisiana, Georgia, Virginia, Massachusetts, Ohio, Connecticut, Delaware, Rhode Island, Illinois, Indiana, West Virginia, Tennessee, Texas, Maine, New Hampshire, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6649. Authority sought for purchase by COAST TRUCK LINES, INC., 1540 Fourth Avenue South, Seattle, Wash., of a portion of the operating rights and property of LEE & EASTES, INC., 2326 Airport Way, Seattle, Wash., and for acquisition by C. G. SOIKE, also of Seattle, of control of such rights and property through the purchase. Applicants' attorney: Henry T. Ivers, 1405 Hoge Building, Seattle 4, Wash. Operating rights sought to be transferred: *General commodities*, without exception, as a *common carrier* over regular routes between Seattle, Wash., and Prosser, Wash., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Seattle, Wash., and Puyallup, Wash., between Auburn Junction, Wash., and Auburn, Wash., between Seattle, Wash., and Portland, Oreg., between Renton, Wash., and Sumner, Wash., and between Puyallup, Wash., and Tacoma, Wash., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, between Portland, Oreg., and Pasco, Wash., serving certain intermediate and off-route points; *household goods*, as defined by the Commission, between Portland, Oreg., and Pasco, Wash., serving certain interme-

diate and off-route points. Vendee is authorized to operate as a *common carrier* in Washington and Oregon. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6650. Authority sought for control and merger by LEE TRANSPORTATION COMPANY, Room 430, 111 North Fourth Street, St. Louis 2, Mo., of the operating rights and property of OWL TRUCK SERVICE, INC., 1429 North 18th Street, St. Louis, Mo., and for acquisition by C. A. MACFALL, JR., 30 Lake Pembroke Drive, Ferguson 21, Mo., of control of such rights and property through the transaction. Applicants' attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Macomb, Ill., and St. Louis, Mo., between Carthage, Ill., and St. Louis, Mo., between Peoria, Ill., and Macomb, Ill., between Cuba, Ill., and Fiatt, Ill., and between Macomb, Ill., and Quincy, Ill., serving certain intermediate and off-route points; alternate routes for operating convenience only between Quincy Ill., and White Hall, Ill., and between Virginia, Ill., and junction Illinois Highway 78 and U. S. Highway 24; *household goods*, as defined by the Commission, over irregular routes, between Macomb, Ill., on the one hand, and, on the other, points in the ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission, and those in St. Louis County, Mo., other than those in said commercial zone; *livestock*, from points in McDonough County, Ill., to East St. Louis, Ill.; *feed, grain, grain products, agricultural machinery and implements*, and *petroleum products*, in containers, from points in the ST. LOUIS, MO.–EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission, to points in McDonough County, Ill. LEE TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Missouri, Tennessee, Arkansas, Illinois and Iowa. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6651. Authority sought for purchase by ALLEGHENY FREIGHT LINES, INCORPORATED, Winchester, Va., of a portion of the operating rights of KENNY MOTOR EXPRESS, INC., 801 Shore Avenue, Pittsburgh, Pa., and for acquisition by J. M. GROVE, Luray, Va., and F. E. SIRBAUGH, 137 Oates Avenue, Winchester, Va., of control of such rights through the purchase. Applicants' attorney: Jerome Solomon, 1325 Grant Building, Pittsburgh 19, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Pittsburgh, Pa., and Sutton, W. Va., serving all intermediate and certain off-route points; between Fairmont, W. Va., and Bridgeport, W. Va., as an alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in West Virginia, Virginia, Pennsylvania, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57–6214; Filed, July 30, 1957; 8:47 a. m.]

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 26, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–629 (Deviation No. 1), HELM'S EXPRESS, INC., Box 268, Pittsburgh 30, Pa., filed July 19, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Harrisburg, Pa., and Fogelsville, Pa., as follows: from Harrisburg over U. S. Highway 422 to Reading, Pa., thence over U. S. Highway 222 to Trexlertown, Pa., thence over Pennsylvania Highway 100 to Fogelsville and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Harrisburg, Pa., and Fogelsville, Pa., over U. S. Highway 22.

No. MC–2229 (Deviation No. 1), RED BALL MOTOR FREIGHT, INC., P. O. Box 3148, 1210 South Lamar Street, Dallas, Tex., filed July 22, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over U. S. Highway 80.

No. MC–10761 (Deviation No. 1), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman, Detroit 9, Mich., filed July 24, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Toledo, Ohio, and Junction U. S. Highways 24 and 24–A as follows: from Toledo over U. S. Highway 24–A to its junction with U. S. Highway 24 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Toledo, Ohio, and Junction U. S. Highways 24 and 24–A over U. S. Highway 24.

No. MC–42487 (Deviation No. 1), CONSOLIDATED FREIGHTWAYS, INC., 431 Burgess Drive, Menlo Park, Calif., filed July 22, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Chicago, Ill., and Billings, Mont., as follows: from Chicago over U. S. Highway 20 to Sioux City, Iowa; thence over U. S. Highway 77 to its junction with South Dakota Highway 50; thence over South Dakota Highway 50 to Yankton, S. Dak.; thence over U. S. Highway 81 to its junction with U. S. Highway 16; thence over U. S. Highway 16 to Rapid City, S. Dak.; thence over U. S. Highway 14 to its junction with South Dakota Highway 24; thence over South Dakota Highway 24 to Belle Fourche, S. Dak.; thence over U. S. Highway 212 to Broadus, Mont.; thence over Montana Highway 8 to Crow Agency, Mont.; thence over U. S. Highway 87 to Billings and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Chicago, Ill., and Billings, Mont. over the following pertinent route: from Chicago, over U. S. Highway 12 to its junction with U. S. Highway 14; thence over U. S. Highway 14 to Harvard, Ill.; thence over Illinois Highway 173 to its junction with Illinois Highway 76; thence over Illinois Highway 76 to the Illinois-Wisconsin State Line; thence over Wisconsin Highway 140 to U. S. Highway 14; thence over U. S. Highway 14 to Madison, Wis.; thence over U. S. Highway 51 to its junction with Wisconsin Highway 73; thence over Wisconsin Highway 73 to its junction with Wisconsin Highway 13; thence over Wisconsin Highway 13 to its junction with U. S. Highway 10; thence over U. S. Highway 10 to Fairchild, Wis.; thence over U. S. Highway 12 to Eau Claire, Wis.; thence over U. S. Highway 53 to Cameron, Wis.; thence over U. S. Highway 8 to Minneapolis, Minn.; thence over U. S. Highway 52 to Fargo, N. Dak.; thence over U. S. Highway 10 to Billings, and return over the same route.

No. MC–66808 (Deviation No. 1), POWELL BROS. TRUCK LINES, INC., P. O. Box 269, Springfield, Mo., filed July 22, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Joplin, Mo., as follows: from Tulsa over the Will Rogers Turnpike to Joplin and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Tulsa, Okla., and Joplin, Mo., over U. S. Highway 66.

No. MC–66808 (Deviation No. 2), POWELL BROS. TRUCK LINES, INC., P. O. Box 269, Springfield, Mo., filed July 22, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Sprinfield, Mo., and Junction Alternate U. S. Highway 71 and U. S. Highway 60, as follows: from Springfield over U. S. Highway 60 to junction U. S. Highway 60 and Alternate U. S. Highway 71 approximately 4 miles east of Neosho, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Springfield, Mo., and Junction Alternate U. S. Highway 71 and U. S. Highway 60 over the following route: from Springfield over U. S. Highway 66 to Carthage, thence over Alternate U. S. Highway 71 to junction U. S. Highway 60 approximately 4 miles east of Neosho, and return over the same route.

No. MC–89913 (Deviation No. 1), FRISCO TRANSPORTATION COMPANY, 351 North Main Street, Springfield, Mo., filed July 22, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Joplin, Mo., and Tulsa, Okla., as follows: from Joplin over the Will Rogers Turnpike to Tulsa, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Joplin, Mo., and Tulsa, Okla., over U. S. Highway 66.

MOTOR CARRIERS OF PASSENGERS

No. MC–2661 (Deviation No. 1), INDIAN TRAILS, INC., 119 South Washington Street, Owosso, Mich., accepted for filing July 15, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over three deviation routes as follows: (a) between junction U. S. Highway 31 and Indiana Turnpike and Chicago, Ill., over the Indiana Turnpike; (b) between junction Indiana Highway 39 and U. S. Highway 20, and junction Indiana Highway 39 and Indiana Turnpike, over Indiana Highway 39; and (c) between junction U. S. Highway 12 and Indiana Highway 212, and junction U. S. Highway 20 and Indiana Highway 212, over Indiana Highway 212 and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from Port Austin over Michigan Highway 25 via Caseville and Unionville, Mich., to Bay City, Mich., thence over U. S. Highway 23 to Flint, Mich., thence over Michigan Highway 78 via Perry and Charlotte, Mich., to Battle Creek, Mich., and thence over U. S. Highway 12 via Kalamazoo, Mich., and Michigan City, Ind., to Chicago; from Chicago over U. S. Highway 20 via Rolling Prairie, Ind., to South Bend, Ind., thence over U. S. Highway 31 to Niles, Mich., and thence over Michigan Highway 40 to junction U. S. Highway 12; from South Bend over Indiana Highway 2 to junction U. S. Highway 20 near Rolling Prairie; from Michigan City over Indiana Highway 29 to junction U. S. Highway 20; and return over the same routes.

No. MC–109598 (Deviation No. 1), CAROLINA SCENIC STAGES, P. O. Box 767, Spartanburg, S. C., filed July 18, 1957. Carrier proposes to operate as a *common carrier* of motor vehicle of *passengers* over two deviation routes: (A) between Spartanburg, S. C., and Greenville, S. C. as follows: from Spartanburg over U. S. Highway 29A to Lyman, thence over U. S. Highway 29 to Greenville; (B) between Chester, S. C., and Winnsboro, S. C. as follows: from Chester over U. S. Highway 321 to Winnsboro; and return over these routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from Spartanburg over U. S. Highway 29 to junction unnumbered South Carolina Highway east of Jackson Mill, thence over unnumbered highway via Jackson Mill to Lyman, South Carolina, thence over South Carolina Highway 292 to Duncan, S. C., and then over South Carolina Highway 290 to Greer, S. C., thence from Greer, S. C. to Greenville, S. C. over South Carolina Highways 94, 291, 23–24 and U. S. Highway 29; from Chester, S. C. over U. S. Highway 321 and South Carolina Highways 22, 16 and 38 to Winnsboro; and return over these routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57–6215; Filed, July 30, 1957; 8:47 a. m.]

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 26, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34064: *Cement—Hannibal, Mo., to trunk line and New England territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, common, hydraulic, masonry, mortar, natural or portland, carloads from Hannibal, Mo., to specified points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, and Rhode Island.

Grounds for relief: Short-line distance formulas and circuitous routes.

Tariff: Supplement 83 to Agent Hinsch's tariff I. C. C. 3826.

FSA No. 34065: *Substituted service—motor-rail-motor, M-K-T lines.* Filed by Middlewest Motor Freight Bureau, Agent, for interested rail carriers and the Jones Truck Lines, Inc. Rates on freight of various kinds, loaded in motor-truck trailers and transported on railroad flat cars between St. Louis, Mo., and Fort Worth, Tex., also between Kansas City, Kans., and Fort Worth, Tex.

Grounds for relief: Motor truck competition.

Tariff: Supplement 58 to Middlewest Motor Freight Bureau, Agent, tariff MF–I. C. C. 223.

FSA No. 34066: *Petroleum and products—Kansas and Missouri to Kansas points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads from specified points in Kansas and Missouri to specified points in Kansas.

Grounds for relief: Short-line distance formula, motor-truck-competition, and circuitous routes.

Tariff: Agent Prueter's tariff I. C. C. A–4208.

FSA No. 34068: *Lime—Davenport and Linwood, Iowa to central territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on lime, common, hydrated, quick or slacked, carloads from Davenport and Linwood, Iowa to specified points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 31 to Agent Hinsch's tariff I. C. C. 4397.

FSA No. 34069: *Paper and articles—Merrill, Wis., to southwestern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, carloads from Merrill, Wis., to points in southwestern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 48 to Agent Kratzmeir's tariff I. C. C. 4198.

FSA No. 34070: *Tin plate—St. Louis, Mo., group to Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on tin plate, terne plate, and tin-mill black plate, carloads from St. Louis, Mo., and East St. Louis, Ill., to Beaumont, Houston, Port Arthur, West Port Arthur, Arlington, Dallas, and Farmers Branch, Tex.

Grounds for relief: Barge competition and circuitous routes.

Tariff: Supplement 123 to Agent Kratzmeir's tariff I. C. C. 4170.

FSA No. 34071: *Silica gel and silica gel catalyst—Cincinnati, Ohio, to Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on silica gel and silica gel catalyst, carloads from Cincinnati, Ohio to points in Texas.

Grounds for relief: Circuitous routes.

Tariff: Supplement 204 to Agent Kratzmeir's tariff I. C. C. 4115.

FSA No. 34072: *Barytes—Arkansas and Missouri points to Louisiana points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barite

(barytes) ground, carloads from Butterfield, Malvern, National, Ark., Cadet, Fountain Farm, Mineral Point, Potosi, Tiff, Vineland, and Valles Mines, Mo., to Rose Bluff and West Lake Charles, La.

Grounds for relief: Maintenance of rates same as to Lake Charles, La., and circuitous routes.

Tariff: Supplement 84 to Agent Kratzmeir's tariff I. C. C. 4092.

FSA No. 34073: *Grain and products—Arkansas and Missouri to Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain and grain products, carloads from specified points in Arkansas and Missouri to specified points in Texas on the Kansas City Southern Railway Company.

Grounds for relief: Circuitous routes.

Tariff: Supplement 12 to Agent Kratzmeir's tariff I. C. C. 4238.

AGGREGATE OF INTERMEDIATES

FSA No. 34067: *Scrap iron—Cleveland, Ohio to Donora, Pa., group.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on scrap iron, carloads from Cleveland, Ohio to Donora and Donora (Baird), Pa.

Grounds for relief: Maintenance of rates without observance in construction combination rates from or to points beyond the above named points.

Tariffs: Supplement 6 to Baltimore and Ohio Ry. Company's tariff I. C. C. 24355 and four other tariffs.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-6213; Filed, July 30, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-174]

UNKNOWN NATIONALS OF RUMANIA

In re: Debts owned by unknown nationals of Rumania; F-27-7312.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Credit Lyonnais, Old Account, Geneva, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 23, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6181; Filed, July 29, 1957; 8:47 a. m.]

[Vesting Order SA-176]

CENTRAL CORPORATION OF BANKING COMPANIES

In re: Debt owing to Central Corporation of Banking Companies; F-34-76.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National Bank of Boston, Boston 6, Massachusetts, arising out of an account entitled, "Central Corporation of Banking Companies, Budapest, Hungary," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Central Corporation of Banking Companies, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 23, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6183; Filed, July 29, 1957; 8:48 a. m.]

[Vesting Order SA-177]

CENTRAL CORPORATION OF BANKING COMPANIES

In re: Debt owing to Central Corporation of Banking Companies; F-34-76.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15,

New York, arising out of an account entitled, "Central Corporation of Banking Companies," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Central Corporation of Banking Companies, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 23, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6184; Filed, July 29, 1957; 8:48 a. m.]

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Washington, Thursday, August 1, 1957

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 519—FRESH IRISH POTATOES

SUBPART—LIVESTOCK FEED DIVERSION PROGRAM XMD 3A

The provisions of the livestock feed program (21 F. R. 7683) are hereby revised to extend the program to 1957-crop potatoes, to extend the termination date of the program, and to provide an increased rate of payment during the extended period. Sections 519.130, 519.133, 519.134, 519.138, and 519.142 of this subpart are revised to read as follows:

§ 519.130 *General statement.* In order to encourage the domestic consumption of fresh Irish potatoes produced in the continental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payment for the diversion of 1956 and 1957-crop potatoes for use as livestock feed, subject to the terms and conditions hereinafter set forth. Information relating to this program and forms prescribed for use hereunder may be obtained from the following:

Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Offices of the State Agricultural Stabilization and Conservation Committees in the respective States.

County Agricultural Stabilization and Conservation Committees in the respective counties.

§ 519.133 *Period of program.* This program will be effective from the date of this announcement and continue until further notice, but in any event not later than September 30, 1957.

§ 519.134 *Rate of payment.* The rate of payment per 100 pounds of potatoes meeting the requirements of Specification A as defined in § 519.140 and which are diverted as prescribed in § 519.139 will be 50 cents for potatoes diverted during the months of October, November, and December 1956; 40 cents during the months of January, February, and March 1957; 30 cents during the months of April, May, and June 1957; and 40 cents during the months of July, August, and September, 1957. No payment will be made for any fractional part of 100 pounds and such quantities shall be disregarded.

§ 519.138 *Period of diversion.* The potatoes in connection with which payments are to be made must be diverted (a) after the date of approval of the diverter's application, (b) within the time period specified in the approved application, and (c) in any event on or before September 30, 1957.

§ 519.142 *Claim for payment.* In order to obtain payment the diverter must submit a properly executed "Invoice and Certificates of Inspection and Diversion," Form CSS–118, to the State ASC Office which approved his application. All such claims shall be filed not later than November 30, 1957.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated: July 29, 1957.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 57-6287; Filed, July 31, 1957; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 927—MILK IN THE NEW YORK-NEW JERSEY MILK MARKETING AREA

SUBPART—CLASSIFICATION AND ACCOUNTING RULES AND REGULATIONS

TEMPORARY AMENDMENT

The rules and regulations (7 CFR 927.100 et seq.) relating to the accounting procedure for the classification of milk heretofore issued pursuant to the provisions of § 927.36 of the order, as amended, regulating the handling of

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FEDERAL REGISTER

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milk in the New York metropolitan milk marketing area (7 CFR 927.1 et seq.) shall be effective for regulating the handling of milk in the New York-New Jersey milk marketing area and are further amended temporarily as follows:

1. Delete from any sections of the rules and regulations all references to Class I–C.

2. Amend § 927.100 by changing the section reference from "§ 927.128" to "§ 927.129".

3. Amend § 927.101 to read as follows:

§ 927.101 *Orders.* "The orders" means Order No. 27 as amended, issued by the Secretary, and any concurrent and complementary orders issued by the New York State Commissioner of Agriculture and Markets or the Director of the New Jersey Office of Milk Industry.

4. Amend § 927.103 by changing the order section reference from "§ 927.60" to "§ 927.65".

5. Amend § 927.127 by deleting the words "marketing area" and substituting the words "metropolitan district".

6. Amend § 927.143 by revising paragraph (a) as follows:

(a) If the plant is a non-pool plant, the excess shall be considered to have been received in the form of the product or products leaving or on hand at the plant which yield the lowest net return to producers, after deduction of butterfat in the opening inventories or received at the plant in like form: *Provided*, That if there is an excess of milk, such milk shall be considered to have been received in the form of milk from an undisclosed source.

Delete from paragraph (b) the words "outside the marketing area".

Delete paragraph (c).

7. Amend § 927.144 by adding the word "remaining" between the words "Deduct" and "butterfat" in the opening sentence.

Insert a new first paragraph:

Deduct butterfat in opening inventories, or received, in the form of packaged milk or products derived from milk produced in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk from butterfat on hand at or leaving the plant in like forms to the extent possible and any remainder of such butterfat shall be deducted from the butterfat in the products in which it is determined to have been used.

8. Amend § 927.180 by deleting the words "and in the form of exempt milk".

9. Amend § 927.182 by changing the order references from "§ 927.78" to "§ 927.83".

10. Amend § 927.200 by changing the section reference in paragraph (c) from "§ 927.202 (c)" to "§ 927.202 (d)".

11. Amend § 927.201 by changing the section reference in paragraph (c) from "§ 927.202 (c)" to "§ 927.202 (d)".

12. Amend § 927.202 by revising as follows:

§ 927.202 *Milk assignment.* (a) Tabulate the classes of all butterfat received in the form of milk (total of the butterfat deducted from the several classes pursuant to §§ 927.175 and 927.180, the butterfat resulting after the additions pursuant to § 927.181, and butterfat classified as Class I–A pursuant to § 927.181, as such deductions or additions are modified by any interchanges made pursuant to § 927.182), tabulating that part of Class III subject to the butter-cheese adjustment and that part of Class III not subject to the butter-cheese adjustment.

(b) Butterfat in milk received from producers which is exempt pursuant to § 927.65 (h) (1) and exempt milk received from the handler's own farm shall be assigned pro rata to the classifications of milk in the plant after first assigning all milk from pool plants to Class I–A.

(c) Butterfat in the form of milk received from the plant of a handler at which milk is received from farms which is exempt pursuant to § 927.65 (h) (1) shall be assigned pro rata to Class III not subject to the butter-cheese adjustment and Class III subject to the butter-cheese adjustment, which has been tabulated pursuant to paragraph (a) of this section. Any remaining butterfat in such milk shall be assigned, to the extent possible, to butterfat in other classes in the following sequence: (1) Class II; (2) Class I–B; (3) Class I–A.

(d) Butterfat received in the form of non-pooled milk, including non-pooled milk from dairy farmers, shall be assigned pro rata, as far as possible, to Class I–B, Class III not subject to the butter-cheese adjustment and Class III subject to the butter-cheese adjustment, which have been tabulated pursuant to paragraph (a) of this section. Any remaining non-pooled butterfat shall be assigned to Class II, as far as possible, and then to Class I–A.

(e) Classes of butterfat remaining after the assignments pursuant to paragraphs (b), (c) and (d) of this section may be interchanged with classes of butterfat remaining after the assignments pursuant to §§ 927.200 (b), 927.201 (b) and 927.204 (b), which are based on the products covered by § 927.170.

(f) After the assignments pursuant to paragraphs (b), (c), (d) and (e) of this section at the option of the handler or handlers involved, butterfat in pooled milk from other plants may be assigned to any of the remaining classes of butterfat received in the form of milk: *Provided*, That butterfat in the form of milk received directly from dairy farmers in the amount sufficient to qualify such plant as a pool plant pursuant to paragraphs (a) or (b) of § 927.29 shall be assigned to the butterfat in the Class I–A milk leaving the plant which is distributed to outlets which are not other plants: *Provided further*, That the butterfat in pool milk which has been classified at the shipping plant in accordance with § 927.33 (a) shall, to the extent possible, be first assigned to the same class of butterfat: *Provided further*, That any remaining butterfat so classified shall first be assigned pro rata to the remaining classes of butterfat excepting Classes I–A and II, to the extent possible. Any remaining butterfat shall be first assigned to Class I–A and then to Class II.

(g) Compute the classification of milk received from producers by converting the pounds of butterfat in each class to pounds of milk equivalent of the average test of milk received from producers: *Provided*, That in the case of plants handling breed milk or other special milk (such as hi-test), the butterfat in such special milk shall be converted to milk equivalent of the average test established for such special milk, and the remaining butterfat shall be converted to milk equivalent of the average test of the remaining milk.

13. Amend § 927.203 by revising as follows:

§ 927.203 *Skim milk assignment.* (a) Packaged skim milk derived from milk produced in accordance with methods and standards of the American Association of Medical Milk Commissions for the production of certified milk shall be assigned to skim milk in like forms on hand at or leaving the plant.

(b) Pooled fluid skim milk shall be assigned, as far as possible, to skim milk subject to the fluid skim differential: *Provided*, That if there is not sufficient skim milk available to be assigned to all skim milk subject to the fluid skim milk differential and to fluid skim milk established to have been utilized in the standardization of cream and sour cream, fluid skim milk shall be assigned to such standardization before any is assigned to skim milk in cultured milk drinks.

(c) Exempt fluid skim milk shall be assigned pro rata to the remaining skim milk subject to the fluid skim differential and skim milk not subject to the fluid skim differential.

(d) Pooled skim milk from separate sources may be assigned at the option of the handler or handlers involved to either the skim milk subject to the fluid skim differential or the skim milk not subject to the fluid skim differential after the assignments pursuant to paragraphs (a), (b) and (c) of this section.

(e) After the assignments pursuant to paragraphs (a), (b), (c) and (d) of this section non-pooled fluid skim milk shall be assigned to any remaining skim milk subject to the fluid skim differential. Any remaining non-pooled fluid skim milk shall be assigned to skim milk not subject to the fluid skim differential.

14. Amend § 927.204 by changing the section reference in paragraph (c) from "§ 927.202 (c)" to "§ 927.202 (d)".

15. Amend § 927.220 by revising the sentence before the last sentence to read as follows: "In the event that an audit has not been necessary for the previous month, opening inventories shall be treated as receipts of non-pooled product: *Provided*, That butterfat in the opening inventories of milk and dairy products at any plant which is a pool plant for August 1957, but was not a pool plant in July 1957, shall be handled as if such butterfat were received in the current month and shall be eliminated from classifications pro rata in the same manner as are receipts of like products."

16. Amend § 927.275 by changing the order section reference from "§ 927.77 (b)" to "§ 927.82 (b)".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 25th day of July 1957 to be effective, upon prior approval by the Secretary of Agriculture, on August 1, 1957.

[SEAL] C. J. BLANFORD,
Market Administrator.

Approval of Temporary Amendment

Pursuant to provisions of § 927.36 of the order, as amended, regulating the handling of milk in the New York-New Jersey milk marketing area (7 CFR, Part 927), it is hereby determined that an emergency exists which requires the immediate adoption of the temporary amendment issued by the Market Administrator of said order on July 25, 1957, amending rules and regulation (7 CFR 927.100 et seq.), heretofore issued by him pursuant to said order. Said temporary amendment is herby approved to become effective August 1, 1957.

It is necessary that the said temporary amendment to the rules and regulations issued by the Market Administrator be made effective on Aguust 1, 1957, in order to effectuate the terms and provisions of the said order as amended effective August 1, 1957, and to avoid the existence of rules and regulations inconsistent with provisions of the order, as so amended. The changes effected by this amendment do not require substantial or extensive preparation by handlers prior to the effective date. Accordingly, notice of proposed rule making, public procedure thereon, and publication hereof 30 days prior to the effective date specified herein are found to be impracticable, unnecessary, and contrary to the public interest.

Copies of the temporary amendment to the rules and regulations may be procured from the Market Administrator, 205 East 42nd Street, New York 17, New York.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 26th day of July 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-6232; Filed, July 30, 1957; 12:30 p. m.]

PART 927—MILK IN THE NEW YORK-NEW JERSEY MILK MARKETING AREA

NOTICE OF FREIGHT ZONES AND ZONES FOR MINOR CIVIL DIVISIONS

Notice is hereby given of the freight zones and zones for minor civil divisions which have been determined and which are hereby announced pursuant to § 927.42 and § 927.71, respectively, of the amended order regulating the handling of milk in the New York-New Jersey milk marketing area (7 CFR Part 927, 22 F. R. 4643) effective on August 1, 1957.

Notices of zones proposed to be determined and publicly announced pursuant to said amended order together with opportunity for interested parties to submit written data, views and arguments with respect thereto were issued on July 3, 1957 (22 F. R. 4886), July 8, 1957 (22 F. R. 5577), and July 9, 1957 (22 F. R. 5634). All data, views and arguments submitted have been carefully considered in the determination of the zones hereinafter set forth.

The aforesaid amended order requires that freight zones and zones for minor civil divisions determined and announced pursuant to §§ 927.42 and 927.71 thereof be used in the preparation of certain reports required by the proviso in § 927.50 of said order to be filed by handlers not later than August 10, 1957, and in connection payments which handlers are required to make for milk received on and after August 1, 1957. Accordingly, the zones hereinafter set forth should be effective with respect to said required reports and said payments (rather than 30 days or more after publication) in order to effectuate the provisions of the aforesaid amended order.

§ 927.500 *Freight zones.* Freight zones determined pursuant to § 927.42 are as follows:

Plant locations	*Freight zones*
Accord, N. Y.	81–90
Adams, N. Y.	291–300
Adams Center, N. Y.	291–300
Addison, N. Y.	231–240
Afton, N. Y.	151–160
Akeley, Pa.	361–370
Albany, N. Y.	131–140
Aldovin, Pa.	141–150
Alfred, N. Y.	281–290
Allamuchy, N. J.	41–50
Allendale, N. J.	11–20
Allentown, Pa.	76–80
Allenwood, N. J.	41–50
Altamont, N. Y.	141–150
Altmar, N. Y.	261–270
Amenia, N. Y.	76–80
Amsterdam, N. Y.	161–170
Ancramdale, N. Y.	91–100
Andes, N. Y.	131–140
Andover, N. J.	31–40
Andover, N. Y.	271–275
Antwerp, N. Y.	291–300
Apulia, N. Y.	211–220
Arcade, N. Y.	326–330
Arkport, N. Y.	276–280
Asbury Park, N. J.	41–50
Auburn, N. Y.	231–240
Au Sable Forks, N. Y.	276–280
Avoca, N. Y.	251–260
Bainbridge, N. Y.	161–170
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Ballston Lake, N. Y.	151–160
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Baptistown, N. J.	41–50
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Beacon, N. Y.	41–50
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Champlain, N. Y.	311–320
Charlotte, Vt.	261–270
Charlton, N. Y.	151–160
Chateaugay, N. Y.	331–340
Chatham, N. J.	1–10
Chatham, N. Y.	111–120
Chaumont, N. Y.	301–310
Cherry Valley, N. Y.	171–175
Chester, N. J.	26–30
Chittenango Station, N. Y.	226–230
Christiana, Pa.	121–125
Churubusco, N. Y.	341–350
Cincinnatus, N. Y.	181–190
Circleville, N. Y.	61–70
Clarksville, N. Y.	141–150
Cleona, Pa.	141–150
Clifford, Pa.	111–120
Clifton, N. J.	1–10
Climax, N. Y.	111–120
Clinton, N. Y.	221–225
Clyde, N. Y.	261–270
Cobleskill, N. Y.	151–160
Cochecton, N. Y.	91–100
Cohocton, N. Y.	261–270
Cohoes, N. Y.	131–140
Cokesbury, N. J.	41–50
Colonie, N. Y.	131–140
Columbia, N. Y.	191–200
Columbia Cross Roads, Pa.	201–210
Conklin, N. Y.	141–150
Convent, N. J.	11–20
Cooperstown, N. Y.	181–190
Copake, N. Y.	91–100
Copenhagen, N. Y.	271–275
Corinth, N. Y.	176–180
Corning, N. Y.	226–230
Corry, Pa.	381–390
Cortland, N. Y.	191–200
Coventry, N. Y.	151–160
Coxsackie, N. Y.	111–120
Cresskill, N. J.	1–10
Croghan, N. Y.	271–275

Plant locations	*Freight zones*
Crown Point, N. Y.	231–240
Cuba, N. Y.	301–310
Danbury, Conn.	41–50
Davenport Center, N. Y.	151–160
Deansboro, N. Y.	211–220
Deer River, N. Y.	271–275
De Kalb Junction, N. Y.	321–325
Delaware, N. J.	51–60
Delhi, N. Y.	141–150
Delmar, N. Y.	131–140
Deposit, N. Y.	131–140
De Witt, N. Y.	231–240
Dolgeville, N. Y.	191–200
Douglas Crossing, N. Y.	301–310
Dover, Delaware	141–150
Dover, N. J.	21–25
Downsville, N. Y.	131–140
Dryden, N. Y.	191–200
Dundee, N. Y.	231–240
Durhamville, N. Y.	226–230
Dushore, Pa.	161–170
Eagle Mills, N. Y.	141–150
East Freetown, N. Y.	181–190
East Greenbush, N. Y.	126–130
East Smithfield, Pa.	191–200
East Syracuse, N. Y.	231–240
East Worcester, N. Y.	161–170
Easton, Pa.	51–60
Eaton, N. Y.	211–220
Edmeston, N. Y.	181–190
Edwards, N. Y.	301–310
Elizabethville, Pa.	151–160
Elkland, Pa.	241–250
Ellenburg, N. Y.	331–340
Ellenburg Center, N. Y.	331–340
Ellenville, N. Y.	76–80
Ellicottville, N. Y.	341–350
Elliotsburg, Pa.	181–190
Elmira, N. Y.	211–220
Elnora, N. Y.	151–160
Elton, N. Y.	331–340
Endicott, N. Y.	161–170
Englishtown, N. J.	31–40
Essex, N. Y.	261–270
Evans Mills, N. Y.	291–300
Fairdale, Pa.	141–150
Fair Haven, Vt.	201–210
Fairlawn, N. J.	1–10
Farmingdale, N. J.	31–40
Fayetteville, N. Y.	226–230
Ferndale, N. Y.	81–90
Fillmore, N. Y.	311–320
Flemington, N. J.	31–40
Florence, Vt.	231–240
Fly Creek, N. Y.	191–200
Fort Ann, N. Y.	191–200
Fort Covington, N. Y.	341–350
Fort Edward, N. Y.	176–180
Fort Hunter, N. Y.	161–170
Fort Plain, N. Y.	176–180
Foster, Pa.	131–140
Frankfort, N. Y.	201–210
Franklin, N. Y.	161–170
Franklin Lakes, N. J.	11–20
Franklindale, Pa.	181–190
Franklinville, N. Y.	326–330
Fraser, N. Y.	151–160
Freehold, N. J.	31–40
Frenchtown, N. J.	51–60
Frewsburg, N. Y.	371–375
Fulton, N. Y.	251–260
Fultonville, N. Y.	171–175
Galeton, Pa.	251–260
Gardiner, N. Y.	61–70
Garfield, N. J.	1–10
Geneva, N. Y.	251–260
Georgetown, N. Y.	201–210
Gillette, N. J.	11–20
Glenfield, N. Y.	251–260
Glenmont, N. Y.	131–140
Glens Falls, N. Y.	181–190
Gloversville, N. Y.	176–180
Gorham, N. Y.	261–270
Goshen, N. Y.	41–50
Gouverneur, N. Y.	301–310
Gracie, N. Y.	201–210
Grand Gorge, N. Y.	131–140
Granville, N. Y.	191–200
Graybills, Pa.	161–170
Great Barrington, Mass.	111–120
Great Bend, Pa.	131–140
Greencastle, Pa.	211–220
Greene, N. Y.	161–170
Greenfield Center, N. Y.	161–170
Greenwich, N. Y.	171–175
Groton, N. Y.	201–210
Groveland, N. Y.	281–290
Grover, Pa.	201–210
Guilford, N. Y.	161–170
Hagaman, N. Y.	161–170
Hague, N. Y.	211–220
Halcott Center, N. Y.	121–125
Halcottville, N. Y.	131–140
Hamburg, N. J.	31–40
Hamden, N. Y.	151–160
Hamilton, N. Y.	201–210
Hammond, N. Y.	311–320
Hammondsport, N. Y.	251–260
Hancock, N. Y.	121–125
Hankins, N. Y.	101–110
Hannibal, N. Y.	251–260
Hanover, N. J.	11–20
Hanover, Pa.	176–180
Harpursville, N. Y.	141–150
Harkness, N. Y.	281–290
Hartwick, N. Y.	181–190
Hasbrouck Heights, N. J.	1–10
Herkimer, N. Y.	191–200
Heuvelton, N. Y.	326–330
Highland Mills, N. Y.	31–40
Hightstown, N. J.	31–40
Hillsdale, N. Y.	101–110
Hillside, N. J.	1–10
Himrod, N. Y.	231–240
Hobart, N. Y.	141–150
Hogansburg, N. Y.	351–360
Holland Patent, N. Y.	221–225
Homer, N. Y.	191–200
Honesdale, Pa.	91–100
Honey Brook, Pa.	111–120
Hoosick Falls, N. Y.	161–170
Hornell, N. Y.	271–275
Horseheads, N. Y.	211–220
Houghton, N. Y.	301–310
Howard, Pa.	226–230
Hubbardsville, N. Y.	201–210
Hudson, N. Y.	101–110
Hudson Falls, N. Y.	181–190
Ilion, N. Y.	201–210
Indian Castle, N. Y.	181–190
Interlaken, N. Y.	221–225
Irona, N. Y.	321–325
Iselin, N. J.	1–10
Ithaca, N. Y.	201–210
Jamesburg, N. J.	26–30
Jay, N. Y.	271–275
Jeffersonville, N. Y.	101–110
Johnson, N. Y.	51–60
Johnsonburg, N. J.	41–50
Johnson City, N. Y.	151–160
Johnstown, N. Y.	171–175
Keeseville, N. Y.	281–290
Kenwood, N. Y.	211–220
Kinderhook, N. Y.	111–120
Kingsley, Pa.	126–130
Kingston, N. Y.	76–80
Kirkwood, N. Y.	141–150
Kortright Station, N. Y.	141–150
Kyserike, N. Y.	81–90
Laceyville, Pa.	151–160
Lacona, N. Y.	281–290
La Fargeville, N. Y.	301–310
Lafayette, N. J.	31–40
Lake Katrine, N. Y.	81–90
Lake Luzerne, N. Y.	181–190
Lake Placid, N. Y.	276–280
Lakeville, N. Y.	291–300
Lakewood, N. J.	41–50
Lakewood, Pa.	121–125
Lambertville, N. J.	51–60
Lancaster, Pa.	131–140
Lacham, N. Y.	131–140
Lawrenceville, Pa.	231–240
Lebanon, N. J.	31–40
Lebanon, N. Y.	201–210
Lebanon, Pa.	131–140
Leon, N. Y.	361–370
Leonardsville, N. Y.	191–200
Le Raysville, Pa.	161–170
Lewisburg, N. J.	41–50
Lewisburg, Pa.	171–175
Lexington, N. Y.	111–120
Liberty, N. Y.	91–100
Liberty, Pa.	211–220
Liberty Corner, N. J.	21–25
Limerick, N. Y.	291–300
Lincoln, Pa.	131–140
Linden, N. J.	1–10
Lindley, N. Y.	231–240
Lisbon, N. Y.	331–340
Lisle, N. Y.	171–175
Little Falls, N. Y.	191–200
Little Valley, N. Y.	341–350
Little York, N. Y.	201–210
Littlestown, Pa.	181–190
Liverpool, N. Y.	231–240
Livingston, N. J.	1–10
Loch Arbour, N. J.	41–50
Locke, N. Y.	211–220
Long Branch, N. J.	31–40
Long Bridge, N. J.	41–50
Long Valley, N. J.	31–40
Lookout, Pa.	111–120
Loudonville, N. Y.	131–140
Lowville, N. Y.	261–270
Lycoming, N. Y.	271–275
Lyons Falls, N. Y.	241–250
MacDougall, N. Y.	241–250
Madrid, N. Y.	341–350
Malden-on-Hudson, N. Y.	91–100
Mallory, N. Y.	251–260
Malone, N. Y.	331–340
Manasquan, N. J.	41–50
Manchester Depot, Vt.	191–200
Manlius, N. Y.	226–230
Manorkill, N. Y.	131–140
Mansfield, Pa.	211–220
Manville, N. J.	21–25
Marathon, N. Y.	181–190
Marcellus, N. Y.	231–240
Margaretville, N. Y.	126–130
Marlboro, N. J.	26–30
Marshall, N. Y.	211–220
Martville, N. Y.	251–260
Massena Springs, N. Y.	351–360
Matamoras, Pa.	51–60
Maybury Mills, N. Y.	191–200
Mayfield, N. Y.	176–180
Mayville, N. Y.	391–400
Mechanicville, N. Y.	151–160
Mehoopany, Pa.	141–150
Menands, N. Y.	131–140
Mendham, N. J.	21–25
Meshoppen, Pa.	141–150
Metuchen, N. J.	11–20
Mexico, N. Y.	261–270
Middlebush, N. J.	21–25
Middleburg, N. Y.	141–150
Middleburg, Pa.	181–190
Middlebury, Vt.	241–250
Middlebury Center, Pa.	231–240
Middletown, N. Y.	51–60
Middletown Springs, Vt.	211–220
Middleville, N. Y.	201–210
Middle Grove, N. Y.	161–170
Midland Park, N. J.	11–20
Mifflinburg, Pa.	181–190
Mifflintown, Pa.	201–210
Milanville, Pa.	91–100
Milford, N. Y.	176–180
Millerstown, Pa.	181–190
Millerton, N. Y.	81–90
Mill Hall, Pa.	211–220
Millport, Pa.	291–300
Milton, Pa.	161–170
Minetto, N. Y.	261–270
Minoa, N. Y.	231–240
Mohawk, N. Y.	191–200
Moira, N. Y.	331–340
Montgomery, N. Y.	61–70
Monticello, N. Y.	76–80
Montour Falls, N. Y.	211–220
Montrose, Pa.	141–150
Montvale, N. J.	11–20
Moravia, N. Y.	211–220
Moriah, N. Y.	241–250
Moriah Center, N. Y.	241–250

Plant locations	Freight zones
Morristown, N. J	11-20
Morrisville, N. Y	211-220
Mount Joy, Pa	141-150
Mount Kisco, N. Y	21-25
Mount Upton, N. Y	161-170
Mount Vernon, N. Y	1-10
Munnsville, N. Y	211-220
Myerstown, Pa	131-140
Nanuet, N. Y	11-20
Natural Bridge, N. Y	281-290
Neptune, N. J	41-50
Netcong, N. J	26-30
New Albany, Pa	176-180
Newark, N. J	1-10
Newark Valley, N. Y	176-180
New Berlin, N. Y	181-190
New Brunswick, N. J	11-20
Newburgh, N. Y	41-50
New City, N. Y	11-20
Newfoundland, N. J	21-25
Newfoundland, Pa	91-100
New Hartford, N. Y	211-220
New Haven Jct., Vt	251-260
New Holland, Pa	126-130
New Kingston, N. Y	131-140
New Lebanon, N. Y	131-140
New Market, N. J	11-20
New Milford, Pa	131-140
New Paltz, N. Y	61-70
Newport, N. Y	201-210
Newton, N. J	41-50
New Woodstock, N. Y	211-220
New York Mills, N. Y	211-220
Nichols, N. Y	181-190
Nicholson, Pa	131-140
Niskayuna, N. Y	141-150
Norfolk, N. Y	341-350
North Bennington, Vt	171-175
North Bergen, N. J	1-10
North Bangor, N. Y	331-340
North Chatham, N. Y	111-120
North Haledon, N. J	1-10
North Harford, N. Y	191-200
North Lawrence, N. Y	341-350
North Orwell, Pa	181-190
North Tarrytown, N. Y	11-20
North Winfield, N. Y	201-210
Norwich, N. Y	176-180
Nunda, N. Y	291-300
Nutley, N. J	1-10
Oakhurst, N. J	31-40
Ogdensburg, N. Y	331-340
Oliver Crossing, N. Y	251-260
Onativia, N. Y	221-225
Oneida, N. Y	221-225
Oneonta, N. Y	161-170
Oquaga, N. Y	141-150
Oriskany Falls, N. Y	211-220
Osceola, Pa	241-250
Oswego, N. Y	261-270
Otego, N. Y	171-175
Otisville, N. Y	61-70
Owego, N. Y	171-175
Oxford, N. J	51-60
Oxford, N. Y	171-175
Oxford Depot, N. Y	41-50
Painted Post, N. Y	226-230
Palmer, N. Y	176-180
Parsippany, N. J	11-20
Passaic, N. J	1-10
Paterson, N. J	1-10
Pattersonville, N. Y	151-160
Pawling, N. Y	51-60
Peekskill, N. Y	26-30
Penn Yan, N. Y	241-250
Perth Amboy, N. J	11-20
Perry, N. Y	301-310
Peru, N. Y	281-290
Peruton, N. Y	201-210
Petersburg, N. Y	151-160
Philadelphia, N. Y	291-300
Phillipsburg, N. J	51-60
Philmont, N. Y	101-110
Phoenix, N. Y	241-250
Pierrepont Manor, N. Y	281-290
Pine Brook, N. J	1-10
Pine Bush, N. Y	61-70
Pine City, N. Y	211-220
Pine Hill, N. Y	111-120
Pine Plains, N. Y	81-90
Plainfield, N. J	11-20
Plainsboro, N. J	31-40
Plattsburg, N. Y	291-300
Pleasant Mount, Pa	101-110
Pleasant Valley, N. Y	61-70
Pleasantville, N. Y	11-20
Point Pleasant, N. J	41-50
Poland, N. Y	201-210
Port Allegany, Pa	291-300
Port Chester, N. Y	11-20
Port Crane, N. Y	161-170
Port Jervis, N. Y	51-60
Portlandville, N. Y	171-175
Port Murray, N. J	41-50
Port Royal, Pa	201-210
Portville, N. Y	301-310
Potsdam, N. Y	331-340
Poughkeepsie, N. Y	51-60
Prattsburg, N. Y	261-270
Prattsville, N. Y	126-130
Preakness, N. J	1-10
Preble, N. Y	201-210
Prices Switch, N. J	41-50
Prospect Park, N. J	1-10
Pulaski, N. Y	271-275
Putnam Station, N. Y	211-220
Queensbury, N. Y	181-190
Randolph, N. Y	351-360
Raritan, N. J	21-25
Ravena, N. Y	121-125
Ray Brook, N. Y	281-290
Red Bank, N. J	31-40
Red Hook, N. Y	81-90
Remsen, N. Y	221-225
Rensselaer, N. Y	131-140
Rhinebeck, N. Y	76-80
Richfield Springs, N. Y	181-190
Richmondville, N. Y	151-160
Ridgewood, N. J	1-10
Riverside, N. J	61-70
Rochelle Park, N. J	1-10
Rockaway, N. J	11-20
Rockdale, N. Y	161-170
Rock Royal, N. Y	141-150
Rock Springs, Pa	241-250
Rome, N. Y	226-230
Roscoe, N. Y	101-110
Roseland, N. J	1-10
Rosendale, N. Y	76-80
Roseville, Pa	211-220
Roxbury, N. Y	131-140
Rushville, Pa	151-160
Rutland, Vt	221-225
St. Johnsville, N. Y	181-190
Salisbury, Vt	241-250
Salisbury Center, N. Y	191-200
Saratoga Springs, N. Y	161-170
Saugerties, N. Y	81-90
Sauquoit, N. Y	211-220
Sayre, Pa	191-200
Schenectady, N. Y	141-150
Schenevus, N. Y	161-170
Schoharie, N. Y	141-150
Schuylerville, N. Y	161-170
Scotia, N. Y	141-150
Seeley Creek, N. Y	210-220
Seward, N. Y	161-170
Sharon Springs, N. Y	161-170
Sheds Corners, N. Y	201-210
Sherburne, N. Y	181-190
Sherburne-4 Corners, N. Y	181-190
Sherrill, N. Y	221-225
Shrewsbury, N. J	31-40
Sidney, N. Y	151-160
Signac, N. J	1-10
Sinclairville, N. Y	371-375
Skaneateles, N. Y	226-230
Skaneateles Junction, N. Y	231-240
Skinners Eddy, Pa	151-160
Slate Hill, N. Y	51-60
Smithboro, N. Y	181-190
Smiths Basin, N. Y	181-190
Smithville Flats, N. Y	171-175
Smyrna, N. Y	191-200
Solsville, N. Y	211-220
Somerville, N. J	21-25
South Columbia, N. Y	191-200
South Dayton, N. Y	361-370
South Glens Falls, N. Y	181-190
South Kortright, N. Y	141-150
South Montrose, Pa	141-150
South New Berlin, N. Y	171-175
South Waverly, Pa	191-200
Spencer, N. Y	191-200
Springdale, N. J	31-40
Spring Lake, N. J	41-50
Spring Mills, Pa	211-220
Spring Valley, N. Y	11-20
Springville, Pa	141-150
Stamford, N. Y	131-140
Starrucca, Pa	126-130
State Bridge, N. Y	226-230
Steamburg, N. Y	341-350
Stephentown, N. Y	131-140
Stewart Station, N. Y	41-50
Stillwater, N. J	51-60
Stillwater, N. Y. (Chenango County)	161-170
Stillwater, N. Y. (Saratoga County)	151-160
Stuyvesant Falls, N. Y	101-110
Suffern, N. Y	11-20
Sugar Grove, Pa	371-375
Summit, N. J	1-10
Sussex, N. J	41-50
Syracuse, N. Y	231-240
Theresa, N. Y	301-310
Thompson, Pa	121-125
Three Bridges, N. J	31-40
Throop, N. Y	231-240
Ticonderoga, N. Y	226-230
Tioga, Pa	226-230
Toms River, N. J	51-60
Towanda, Pa	176-180
Tranquility, N. J	31-40
Trenton, N. J	41-50
Troy, N. Y	131-140
Troy, Pa	191-200
Trumansburg, N. Y	211-220
Truxton, N. Y	201-210
Tuckerton, Pa	101-110
Tully, N. Y	211-220
Tunkhannock, Pa	131-140
Tylerville, N. Y	281-290
Ulster, Pa	181-190
Unadilla, N. Y	161-170
Union, N. J	1-10
Union City, N. J	1-10
Union City, Pa	391-400
Unionville, N. Y	41-50
Upper Saddle River, N. J	11-20
Utica, N. Y	211-220
Vail, N. J	51-60
Van Hornesville, N. Y	181-190
Vergennes, Vt	251-260
Vernon, N. Y	226-230
Vernon Center, N. Y	226-230
Waddington, N. Y	341-350
Wadhams, N. Y	251-260
Wallace, N. Y	251-260
Walton, N. Y	141-150
Warwick, N. Y	41-50
Washington, N. J	41-50
Washingtonville, N. Y	41-50
Waterford, N. Y	141-150
Watertown, N. Y	281-290
Waterville, N. Y	211-220
Watervliet, N. Y	131-140
Watkins Glen, N. Y	211-220
Waverly, N. Y	191-200
Wayland, N. Y	271-275
Websters Crossing, N. Y	281-290
Weedsport, N. Y	241-250
Wellsboro, Pa	231-240
Wellsbridge, N. Y	161-170
Wellsburg, N. Y	201-210
Wellsville, N. Y	281-290
West Burlington, Pa	191-200
West Chazy, N. Y	301-310
West Coxsackie, N. Y	111-120
West Edmeston, N. Y	191-200
West Harpersfield, N. Y	141-150
West Lee, N. Y	231-240
West Leyden, N. Y	241-250
West Nyack, N. Y	11-20
West Pawlett, N. Y	191-200
West Valley, N. Y	351-360
West Warren, Pa	171-175
West Winfield, N. Y	191-200
Westfield, Pa	251-260
Westminster, Md	201-210
Westmoreland, N. Y	221-225
Westport, N. Y	251-260
Whallonsburg, N. Y	251-260
Whippany, N. J	11-20
Whitehall, N. Y	201-210
Whitehouse, N. J	31-40
Whitesboro, N. Y	211-220
Whitesville, N. Y	271-275
White Plains, N. Y	11-20
Whiting, Vt	231-240
Whitney Point, N. Y	171-175
Williamstown, N. Y	251-260
Willseyville, N. Y	191-200
Windham, N. Y	111-120
Windsor, N. Y	131-140
Winthrop, N. Y	341-350
Wolcott, N. Y	261-270
Woodbridge, N. J	1-10
Woods Corners, N. Y	181-190
Worcester, N. Y	161-170
Wyalusing, Pa	161-170
Wynantskill, N. Y	141-150
Wyckoff, N. J	11-20
Wysox, Pa	171-175
Youngs Crossing, N. Y	201-210
Youngsville, N. Y	101-110

§ 927.501 *Zones for minor civil divisions.* Zones for minor civil divisions determined pursuant to § 927.71 are as follows: (Where not otherwise specified, incorporated villages are in the same zone as the township in which they are located.)

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK

Putnam, Rockland, and Westchester Counties	1-50

ALBANY COUNTY

Albany city	131-140
Berne town	131-140
Bethlehem town	121-130
Coeymans town	111-120
Cohoes city	131-140
Colonie town	131-140
Green Island town	131-140
Guilderland town	131-140
New Scotland town	131-140
Rensselaerville town	121-130
Watervliet city	131-140
Westerlo town	121-130

COLUMBIA COUNTY

Ancram town	91-100
Austerlitz town	101-110
Canaan town	111-120
Chatham town	111-120
Claverack town	91-100
Clermont town	81-90
Copake town	91-100
Gallatin town	81-90
Germantown town	81-90
Ghent town	101-110
Greenport town	91-100
Hillsdale town	101-110
Hudson city	91-100
Kinderhook town	101-110
Livingston town	81-90
New Lebanon town	121-130
Stockport town	101-110
Stuyvesant town	101-110
Taghkanic town	91-100

DELAWARE COUNTY

Andes town	111-120
Colchester town	101-110
Hancock town	101-110
Middletown town	111-120

DUTCHESS COUNTY

Amenia town	71-80
Beacon city	1-50
Beekman town	51-60
Clinton town	71-80
Dover town	51-60

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

DUTCHESS COUNTY—continued

East Fishkill town	1-50
Fishkill town	1-50
Hyde Park town	61-70
La Grange town	51-60
Milan town	81-90
Northeast town	81-90
Pawling town	51-60
Pine Plains town	81-90
Pleasant Valley town	61-70
Poughkeepsie city	51-60
Poughkeepsie town	51-60
Red Hook town	71-80
Rhinebeck town	71-80
Stanford town	71-80
Union Vale town	61-70
Wappinger town	1-50
Washington town	61-70

GREENE COUNTY

Ashland town	111-120
Athens town	101-110
Cairo town	101-110
Catskill town	91-100
Coxackie town	101-110
Durham town	111-120
Greenville town	111-120
Hunter town	91-100
Jewett town	101-110
Lexington town	111-120
New Baltimore town	111-120
Windham town	111-120

ORANGE COUNTY

Blooming Grove town	1-50
Chester town	1-50
Cornwall town	1-50
Crawford town	61-70
Deerpark town	51-60
Goshen town	1-50
Greenville town	51-60
Hamptonburgh town	1-50
Highlands town	1-50
Middletown city	51-60
Minisink town	1-50
Monroe town	1-50
Montgomery town	51-60
Mount Hope town	51-60
Newburgh city	1-50
Newburgh town	1-50
New Windsor town	1-50
Port Jervis city	51-60
Tuxedo town	1-50
Wallkill town	51-60
Warwick town	1-50
Wawayanda town	1-50
Woodbury town	1-50

RENSSELAER COUNTY

Brunswick town	131-140
East Greenbush town	121-130
Grafton town	131-140
Nassau town	121-130
North Greenbush town	131-140
Poestenkill town	131-140
Rensselaer city	121-130
Sand Lake town	121-130
Schodack town	111-120
Stephentown town	131-140
Troy city	131-140

SULLIVAN COUNTY

Bethel town	81-90
Callicoon town	91-100
Cochecton town	81-90
Delaware town	91-100
Fallsburgh town	71-80
Forestburg town	61-70
Fremont town	101-110
Highland town	71-80
Liberty town	81-90
Lumberland town	61-70
Mamakating town	61-70
Neversink town	91-100
Rockland town	91-100
Thompson town	71-80
Tusten town	71-80

MINOR CIVIL DIVISIONS IN THE STATE OF NEW YORK—Continued

ULSTER COUNTY

Denning town	91-100
Esopus town	61-70
Gardiner town	61-70
Hardenbergh town	111-120
Hurley town	81-90
Kingston city	71-80
Kingston town	81-90
Lloyd town	61-70
Marbletown town	81-90
Marlborough town	51-60
New Paltz town	61-70
Olive town	91-100
Plattekill town	51-60
Rochester town	71-80
Rosendale town	71-80
Saugerties town	81-90
Shandaken town	91-100
Shawangunk town	51-60
Ulster town	81-90
Warwarsing town	71-80
Woodstock town	81-90

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA

BERKS COUNTY

Adamstown borough	111-120
Albany township	81-90
Alsace township	101-110
Amity township	91-100
Bally borough	81-90
Bechtelsville borough	91-100
Bern township	101-110
Bernville borough	110-120
Bethel township	111-120
Birdsboro borough	101-110
Boyertown borough	91-100
Brecknock township	101-110
Caernarvon township	101-110
Centerport borough	101-110
Centre township	101-110
Colebrookdale township	91-100
Cumru township	101-110
District township	81-90
Douglas township	91-100
Earl township	91-100
Exeter township	101-110
Fleetwood borough	91-100
Greenwich township	81-90
Hamburg borough	101-110
Heidelburg township	111-120
Hereford township	81-90
Jefferson township	111-120
Kenhorst borough	101-110
Kutztown borough	81-90
Laureldale borough	101-110
Lenhartsville borough	91-100
Longswamp township	81-90
Lower Alsace township	101-110
Lower Heidelburg township	101-110
Lyons borough	91-100
Maidencreek township	91-100
Marion township	111-120
Maxatawny township	81-90
Mohnton borough	111-120
Mount Penn borough	101-110
Muhlenberg township	101-110
North Heidelburg township	111-120
Oley township	91-100
Ontelaunee township	101-110
Penn township	111-120
Perry township	91-100
Pike township	91-100
Reading city	101-110
Richmond township	91-100
Robeson township	101-110
Robesonia borough	111-120
Rockland township	91-100
Ruscombmanor township	91-100
St. Lawrence borough	101-110
Shillington borough	101-110
Shoemakersville borough	101-110
Sinking Spring borough	111-120
South Heidelberg township	111-120
Spring township	101-110
Strausstown borough	111-120
Temple borough	101-110

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

BERKS COUNTY—continued

Tilden township	101–110
Topton borough	81–90
Tulpehocken township	111–120
Union township	101–110
Upper Bern township	101–110
Upper Tulpehocken township	101–110
Washington township	81–90
Wernersville borough	111–120
West Lawn borough	101–110
West Leesport borough	101–110
West Reading borough	101–110
Windsor township	91–100
Womelsdorf borough	111–120
Wyomissing borough	101–110
Wyomissing Hills borough	101–110

BUCKS COUNTY

Bedminster township	61–70
Bensalem township	51–60
Bridgeton township	51–60
Bristol borough	51–60
Bristol township	51–60
Buckingham township	51–60
Chalfont borough	61–70
Doylestown borough	51–60
Doylestown township	51–60
Dublin borough	61–70
Durham township	51–60
East Rockhill township	61–70
Haycock township	61–70
Hilltown township	61–70
Hulmeville borough	51–60
Ivyland borough	61–70
Langhorne borough	51–60
Lower Makefield township	1–50
Lower Southampton township	51–60
Middletown township	51–60
Milford township	71–80
Morrisville borough	1–50
New Britain borough	61–70
New Hope borough	41–50
Newtown borough	51–60
Nockamixon township	51–60
Northampton township	51–60
Perkasie borough	61–70
Plumstead township	51–60
Quakertown borough	71–80
Richland township	71–80
Riegelsville borough	61–70
Sellersville borough	71–80
Silverdale borough	61–70
Solebury township	51–60
Springfield township	61–70
Telford borough	71–80
Tinicum township	51–60
Trumbauersville borough	71–80
Tullytown borough	1–50
Upper Makefield township	51–60
Upper Southampton township	51–60
Warminster township	61–70
Warrington township	61–70
Warwick township	51–60
West Rockhill township	71–80
Wrightstown township	51–60
Yardley borough	41–50

CARBON COUNTY

Franklin township	91–100
Kidder township	91–100
Lower Towamensing township	81–90
Mauch Chunk borough	101–110
Penn Forest township	91–100
Towamensing township	81–90

CHESTER COUNTY

Caln township	91–100
Charlestown township	91–100
Coatesville city	101–110
East Brandywine township	101–110
East Caln township	91–100
East Coventry township	81–90
East Goshen township	91–100
East Nantmeal township	91–100
East Pikeland township	81–90
Easttown township	81–90
East Vincent township	91–100
East Whiteland township	91–100

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

CHESTER COUNTY—continued

Honey Brook borough	111–120
Honeybrook township	101–110
North Coventry township	91–100
Phoenixville borough	81–90
Sadsbury township	111–120
Schuylkill township	81–90
South Coventry township	91–100
Spring City borough	81–90
Tredyffrin township	81–90
Upper Uwchlan township	101–110
Valley township	101–110
Wallace township	91–100
Warwick township	81–90
West Brandywine township	111–120
West Caln township	101–110
West Goshen township	91–100
West Nantmeal township	101–110
West Sadsbury township	111–120
West Vincent township	91–100
West Whiteland township	91–100
Willistown township	81–90

LEHIGH COUNTY

Alburtis borough	81–90
Allentown city	71–80
Bethlehem city	61–70
Catasauqua borough	71–80
Coopersburg borough	71–80
Coplay borough	71–80
Emmaus borough	71–80
Fountain Hill borough	71–80
Hanover township	61–70
Heidelberg township	81–90
Lower Macungie township	71–80
Lower Milford township	71–80
Lowhill township	81–90
Lynn township	81–90
Macungie borough	81–90
North Catasauqua	71–80
North Whitehall township	71–80
Salisbury township	71–80
Slatington borough	81–90
South Whitehall township	71–80
Upper Macungie township	81–90
Upper Milford township	71–80
Upper Saucon township	71–80
Washington township	81–90
Weisenberg township	81–90
Whitehall township	71–80

LUZERNE COUNTY

Bear Creek township	101–110
Buck township	91–100
Butler township	111–120
Conyngham township	111–120
Dennison township	101–110
Dorrance township	111–120
Fairview township	111–120
Foster township	101–110
Freeland borough	111–120
Hanover township	111–120
Hazle township	111–120
Hazleton city	111–120
Hollenback township	111–120
Plains township	111–120
Rice township	111–120
Slocum township	111–120
Sugarloaf township	111–120
West Hazleton borough	111–120
White Haven borough	101–110
Wilkes-Barre city	111–120
Wright township	101–110

MONROE COUNTY

Barrett township	71–80
Chestnuthill township	81–90
Coolbaugh township	81–90
Delaware Water Gap borough	61–70
East Stroudsburg borough	71–80
Eldred township	81–90
Hamilton township	71–80
Jackson township	71–80
Middle Smithfield township	71–80
Mount Pocono borough	81–90
Paradise township	71–80
Pocono township	71–80
Polk township	81–90

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

MONROE COUNTY—continued

Price township	71–80
Ross township	71–80
Smithfield township	61–70
Stroud township	61–70
Stroudsburg borough	61–70
Tobyhanna township	81–90
Tunkhannock township	81–90

MONTGOMERY COUNTY

Ambler borough	71–80
Bridgeport borough	71–80
Collegeville borough	81–90
Conshohocken borough	71–80
Douglass township	81–90
East Greenville borough	81–90
East Norriton township	71–80
Franconia township	71–80
Greenlane borough	81–90
Hatfield township	71–80
Hatfield borough	61–70
Horsham township	61–70
Lansdale borough	61–70
Limerick township	81–90
Lower Frederick township	81–90
Lower Gwynedd township	61–70
Lower Moreland township	61–70
Lower Pottsgrove township	81–90
Lower Providence township	71–80
Lower Salford township	71–80
Marlborough township	71–80
Montgomery township	71–80
New Hanover township	81–90
Norristown borough	71–80
North Wales borough	61–70
Perkiomen township	81–90
Pottstown borough	91–100
Red Hill borough	81–90
Royersford borough	81–90
Salford township	71–80
Schwenksville borough	81–90
Skippack township	71–80
Souderton borough	71–80
Telford borough	71–80
Towamencin township	61–70
Trappe borough	81–90
Upper Dublin township	61–70
Upper Frederick township	81–90
Upper Gwynedd township	61–70
Upper Hanover township	81–90
Upper Merion township	71–80
Upper Pottsgrove township	91–100
Upper Providence township	81–90
Upper Salford township	71–80
West Norriton township	71–80
Worcester township	71–80

NORTHAMPTON COUNTY

Allen township	71–80
Bangor borough	61–70
Bath borough	61–70
Bethlehem city	61–70
Bushkill township	61–70
Chapman borough	71–80
East Allen township	61–70
East Bangor borough	51–60
Easton city	51–60
Forks township	61–70
Freemansburg borough	61–70
Glendon borough	61–70
Hanover township	71–80
Hellertown borough	71–80
Lehigh township	81–90
Lower Mount Bethel township	51–60
Lower Nazareth township	61–70
Lower Saucon township	61–70
Moore township	71–80
Nazareth borough	61–70
Northampton borough	71–80
North Catasauqua borough	71–80
Palmer township	61–70
Pen Argyl borough	61–70
Plainfield township	61–70
Portland borough	51–60
Roseto borough	61–70
Stockertown borough	61–70
Tatamy borough	61–70
Upper Mount Bethel township	51–60

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

NORTHAMPTON COUNTY—continued

Upper Nazareth township	61–70
Walnutport borough	81–90
Washington township	51–60
West Easton borough	61–70
Williams township	61–70
Wilson borough	61–70
Wind Gap borough	61–70

PIKE COUNTY

Blooming Grove township	61–70
Delaware township	61–70
Dingman township	51–60
Greene township	71–80
Lackawaxen township	61–70
Matamoras borough	51–60
Milford township	51–60
Milford borough	51–60
Palmyra township	71–80
Porter township	61–70
Shohola township	61–70
Westfall township	51–60

WAYNE COUNTY

Berlin township	81–90
Bethany borough	91–100
Buckingham township	111–120
Canaan township	91–100
Cherry Ridge township	81–90
Clinton township	91–100
Damascus township	81–90
Dreher township	91–100
Dyberry township	91–100
Hawley borough	81–90
Honesdale borough	81–90
Lake township	81–90
Lebanon township	91–100
Lehigh township	91–100
Manchester township	101–110
Mount Pleasant township	101–110
Oregon township	91–100
Palmyra township	81–90
Paupack township	81–90
Preston township	111–120
Prompton borough	91–100
Salem township	91–100
Scott township	111–120
South Canaan township	91–100
Starrucca borough	111–120
Sterling township	91–100
Texas township	81–90
Waymart borough	101–110

LACKAWANNA COUNTY

Abington township	111–120
Archbald borough	101–110
Benton township	111–120
Blakely borough	101–110
Carbondale city	101–110
Carbondale township	101–110
Clarks Green borough	111–120
Clarks Summit borough	111–120
Clifton township	101–110
Covington township	101–110
Dickson City borough	101–110
Dunmore borough	101–110
Elmhurst township	101–110
Fell township	101–110
Greenfield township	101–110
Jefferson township	91–100
Jermyn borough	111–120
Lehigh township	91–100
Madison township	91–100
Mayfield borough	101–110
Moosic borough	111–120
Moscow borough	101–110
Newton township	111–120
North Abington township	111–120
Olyphant borough	101–110
Ransom township	111–120
Roaring Brook township	101–110
Scott township	111–120
Scranton city	101–110
South Abington township	111–120
Spring Brook township	101–110
Taylor borough	111–120
Throop borough	101–110
Vandling borough	101–110
Winton borough	101–110

MINOR CIVIL DIVISIONS IN THE STATE OF PENNSYLVANIA—Continued

LANCASTER COUNTY

Adamstown borough	111–120
Brecknock township	111–120
Caernarvon township	111–120
East Cocalico township	111–120
East Earl township	111–120
Sadsbury township	111–120
Salisbury township	111–120
West Cocalico township	111–120

SUSQUEHANNA COUNTY

Ararat township	111–120
Clifford township	111–120
Forest City borough	111–120
Gibson township	111–120
Herrick township	111–120
Lenox township	111–120
Thompson township	111–120
Uniondale borough	111–120

CARBON COUNTY

Bowmanstown borough	91–100
East Penn township	91–100
Lausanne township	111–120
Lehigh township	111–120
Mahoning township	91–100
Packer township	101–110
Weissport borough	91–100

SCHUYLKILL COUNTY

Coaldale borough	111–120
Delano township	111–120
East Brunswick township	101–110
Rahn township	111–120
Rush township	111–120
Ryan township	111–120
Tamaqua borough	111–120
Walker township	101–110
West Penn township	101–110

MINOR CIVIL DIVISIONS IN THE STATE OF CONNECTICUT

FAIRFIELD COUNTY

Bethel town	1–50
Brookfield town	51–60
Danbury town	1–50
New Fairfield town	51–60
Redding town	1–50
Ridgefield town	1–50

LITCHFIELD COUNTY

Sharon town	71–80

Issued at New York, N. Y., this 25th day of July 1957.

[SEAL] C. J. BLANDFORD,
Market Administrator.

[F. R. Doc. 57-6233; Filed, July 30, 1957; 12:30 p. m.]

[Amdt. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 3, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of paragraph (b) of § 958.324 (22 F. R. 5790) are hereby amended to read as follows:

(b) (1) During the period from August 5, 1957, through June 30, 1958, inclusive, no handler shall ship potatoes of any variety grown in Area 3 unless such potatoes grade at least U. S. No. 2 and, in addition, (i) If such potatoes are of the long varieties, they are of a size not smaller than 2 inches in diameter or 4 ounces in weight, and (ii) if such potatoes are of the round varieties (including, but not limited to, Irish Cobbler, Katahdin, Kennebec, Bliss Triumph, and Pontiac) they are of a size not smaller than 2 inches in diameter and are fairly well shaped, free from damage caused by second growth, growth cracks, sunburn, and cuts, free from surface scab which covers an area of more than 25 percent of the surface of the potato in the aggregate, and free from pitted scab which affects the appearance of the potato to a greater extent than the amount of the surface scab permitted: *Provided*, That an additional tolerance of five percent shall be allowed for potatoes which do not meet the specified requirements relating to shape, damage caused by second growth, growth cracks, sunburn, and cuts, and freedom from scab, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title).

(2) During the period August 5 through October 12, 1957, inclusive, no handler shall ship any lot of any variety of potatoes grown in Area No. 3, except potatoes for processing, if the potatoes in such lot are more than "slightly skinned", as such term is defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title): *Provided*, That not to exceed a total of 100 hundredweight of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements if the

handler thereof reports to the area committee for Area No. 3, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) For the purpose of determining who shall be entitled to the exception set forth in the proviso in subparagraph (2) of this paragraph (i) "producer" means any individual, partnership, corporation, association, landlord-tenant relationship, community property ownership, or any other business unit engaged in the production of potatoes for market; and (ii) it is intended that such exception shall apply separately to each farm of a producer and only to the potatoes grown on such farm.

(4) Except as otherwise provided, terms used in this section shall have the same meanings as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958),

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of July to become effective August 5, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-6239; Filed, July 31, 1957; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Supp. 2]

PART 507—AIRWORTHINESS DIRECTIVES

MISCELLANEOUS AMENDMENTS

This amendment to Part 507 contains all airworthiness directives issued from January 14, 1957, through June 17, 1957.

Because individual notice to operators of aircraft has already been given by issuance of the Airworthiness Directives direct to subscribers to a Civil Aeronautics Administration mailing service; and because compliance with the provisions of such directives cannot, in the interest of safety, be suspended to permit normal rule making procedures in accordance with section 4 of the Administrative Procedures Act, the following regulation changes are adopted to become effective upon publication in the FEDERAL REGISTER.

Section 507.10 (a) is amended as follows:

1. 49-5-2 Franklin Engines as it appeared in 21 F. R. 9489 is amended to read:

49-5-2 FRANKLIN ENGINES (Applies to all airplanes equipped with Franklin 6A4-150-B3 and 6V4-178-B32 engines having AC fuel pumps).

Superseded by 52-28-2.

2. 52-13-2 Lockheed, subparagraph IV A (2) as it appeared in 21 F. R. 9514 is amended to read:

(2) Perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switch is open when the throttles are moved forward out of the reverse position, unless it is shown that failure of any of the reverse safety switches to open will be clearly apparent to the flight crew by reason of improper operation of the propeller control system. Because of the many technical considerations involved, analyses showing that the objective of this revision has been accomplished should be referred to the CAA for engineering evaluation and approval.

3. 52-14-1 Douglas, subparagraph III C as it appeared in 21 F. R. 9515 is amended to read:

C. At each nearest scheduled service to 350 hours, perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switch is open when the throttles are moved forward out of the reverse position, unless it is shown that failure of any of the reverse safety switches to open will be clearly apparent to the flight crew by reason of improper operation of the propeller control system. Because of the many technical considerations involved, analyses showing that the objective of this revision has been accomplished should be referred to the CAA for engineering evaluation and approval.

4. 52-14-2 Consolidated-Vultee, subparagraph V C as it appeared in 21 F. R. 9515 is amended to read:

C. At each nearest scheduled service to 350 hours, perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switch is open when the throttles are moved forward out of the reverse position, unless it is shown that failure of any of the reverse safety switches to open will be clearly apparent to the flight crew by reason of improper operation of the propeller control system. Because of the many technical considerations involved, analyses showing that the objective of this revision has been accomplished should be referred to the CAA for engineering evaluation and approval.

5. 52-15-1 Boeing, subparagraph III C as it appeared in 21 F. R. 9516 is amended to read:

C. At each nearest scheduled service to 350 hours, perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switch is open when the throttles are moved forward out of the reverse position, unless it is shown that failure of any of the reverse safety switches to open will be clearly apparent to the flight crew by reason of improper operation of the propeller control system. Because of the many technical considerations involved, analyses showing that the objective of this revision has been accomplished should be referred to the CAA for engineering evaluation and approval.

6. 52-15-2 Martin, subparagraph II A (2) as it appeared in 21 F. R. 9516 is amended to read:

(2) At each nearest scheduled service to 350 hours, perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switch is open when the throttles are moved forward out of the reverse position, unless it is shown that failure of any of the reverse safety switches to open will be clearly apparent to the flight crew by reason of improper operation of the propeller control system. Because of the many technical considerations involved, analyses showing that the objective of this revision has been accomplished should be referred to the CAA for engineering evaluation and approval.

7. 52-16-1 Martin, subparagraph II A 2 as it appeared in 21 F. R. 9516 is amended to read:

(2) At each nearest scheduled service to 350 hours, perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switch is open when the throttles are moved forward out of the reverse position, unless it is shown that failure of any of the reverse safety switches to open will be clearly apparent to the flight crew by reason of improper operation of the propeller control system. Because of the many technical considerations involved, analyses showing that the objective of this revision has been accomplished should be referred to the CAA for engineering evaluation and approval.

8. 52-16-2 Martin, subparagraph II A 2 as it appeared in 21 F. R. 9517 is amended to read:

(2) At each nearest scheduled service to 350 hours, perform an electrical check of the reverse safety switches in the pedestal assembly to assure that the switch is open when the throttles are moved forward out of the reverse position, unless it is shown that failure of any of the reverse safety switches to open will be clearly apparent to the flight crew by reason of improper operation of the propeller control system. Because of the many technical considerations involved, analyses showing that the objective of this revision has been accomplished should be referred to the CAA for engineering evaluation and approval.

9. 56-16-2 Lockheed, subparagraphs 1 and 2 as they appeared in 22 F. R. 2417 are revised to read:

1. The rudder and elevator servo disconnect mounting bracket installations in the primary flight control aystem must be inspected by dye penetrant or equivalent method, at 125-hour intervals until item 2 is accomplished. Defective servo mounting brackets must be discarded.

2. To be accomplished as soon as possible but not to exceed next overhaul period after parts become available. The rudder and elevator servo must be reinforced by installation of a secondary servo support bracket to provide additional support and vibration dampening.

10. 53-11-1 Beech, third subparagraph as it appeared in 21 F. R. 9525 is amended to read:

Check the static balance of the ruddevators (moveable tail surfaces) to ascertain that the static balance is within acceptable limits. This check, once accomplished before the specified date, need not be repeated at each periodic inspection but must be made again each time the ruddevators are repaired or repainted.

11. 56-2-3 Rolls-Royce, first subparagraph as it appeared in 21 F. R. 9541 is amended to read:

Compliance required as indicated after a maximum of 725 hours service time, except that when Rolls Royce Modifications 335 and 348 have been accomplished the maximum service time may be increased to 750 hours.

The last sentence of this section is revised to read: "Operation beyond 750 hours total time is not authorized."

12. 56-26-2 Piper as it appeared in 22 F. R. 2421 is amended by inserting the word, "all" in the first line directly following "Applies to" and by revising the compliance statement to read:

Compliance required as soon as possible but not later than March 1, 1957.

13. 56-24-2 Convair and Martin as it appeared in 22 F. R. 2420 is revised by adding the following sentence to the statement of applicability: "Also applies to Convair 340 aircraft with CV-440 nacelles and equipped with PR-58E5-29 carburetors; and to Convair 440 aircraft equipped with PR-58E5-29 carburetors."

It is further amended by adding the following sentence to subparagraph 2: "This applies to PR-58E5-17 and -27 carburetor settings only. The primary purpose of this change is to provide correct fuel flow for takeoff power. It does not materially affect fuel flow for maximum continuous power."

The following statement of compliance is added as a final paragraph:

Compliance with items 1 and 3 is not directly related to item 2, and should be accomplished as soon as possible regardless of the time of compliance with item 2.

14. 56-15-5 De Havilland as it appeared in 22 F. R. 2417 is amended by revising the second and third subparagraphs to read:

The de Havilland Service strongly recommend that all these components and their associated fittings be carefully inspected for cracks on all aircraft at the earliest opportunity, and thereafter at every 600 hours or 12 months, whichever is sooner. The paint should be removed from the components and after inspection they should be reprotected. The de Havilland Service also strongly recommends that concurrent with the above inspection, the tailplane upper attachment fitting, P/N 4.FS.1935, which is attached to the forward face of Bulkhead 7 and through which the tailplane attachment eye bolt-spars, be inspected for cracks, particularly in the region of the rivets.

The CAA concurs and considers compliance with de Havilland Service Technical News Sheet CT (104) No. 123, Issue 3, dated November 12, 1956, mandatory. The initial inspection, unless already accomplished, should be at the earliest opportunity but not later than September 1, 1956, and thereafter at the repetitive period indicated.

15. 56-16-1 De Havilland as it appeared in 22 F. R. 2417 is amended to read:

56-16-1 DE HAVILLAND Applies to all Model 104 "Dove" aircraft.

Cancelled. For those operators who may desire to retain the effectiveness of the inertia switch after removal of the M/F radio equipment and associated fairlead, the aircraft manufacturer advises that a service bulletin will be issued describing alternative means of repositioning the inertia switch.

16. 56-17-1 Curtiss-Wright as it appeared in 22 F. R. 2417 is amended by revising the statement of compliance to read:

Compliance required by July 1, 1957.

17. 56-17-2 De Havilland as it appeared in 22 F. R. 2418 is amended by adding the following new subparagraph (b):

(b) Incorporation of De Havilland Modifications 3/731, 3/744 and 3/745 is required by November 1, 1957, as outlined in D. H. Engineering Bulletin Series "O" No. 34, dated January 21, 1957. When these Modifications are incorporated, the operating restrictions in section (a) above will no longer be required.

18. 44-20-2 Boeing as it appeared in 21 F. R. 9450 is amended by adding a new subparagraph 3 under A to read:

X-ray inspection. This type of inspection is required annually. Inspect by X-ray all inaccessible portions of the 24SRT spar chord members for their entire length. This inspection may coincide with the annual inspection noted under 2. above.

19. 56-25-2 Bell as it appeared in 22 F. R. 2421 is amended by revising the parenthetical sentence to read: "(Bell Mandatory Service Bulletin No. 113, Revision B, dated October 23, 1956, covers this same subject.)"

20. 53-24-4 Piper as it appeared in F. R. 9527 is amended by revising the statement of applicability to read:

Applies to PA-18, S/N 18-1 to 18-3000 inclusive, PA-20, S/N 20-1 to 20-928 inclusive, PA-22, S/N 22-1 to 22-1689 inclusive.

21. The following new airworthiness directives are added:

57-1-1 DE HAVILLAND Applies to all Model 104 "Dove" aircraft.

Compliance required as indicated.

A case of severe corrosion of the mainplane lower spar boom, between ribs 7 and 7A has been reported. In addition intercrystalline corrosion has been found on both upper and lower spar booms. In most cases it has been confined to the vicinity of the wheel well bay, but a few aircraft have been found to have corrosion in regions further outboard along the wing. De Havilland recommend that the wing main spar booms be inspected for signs of this corrosion and have issued Technical News Sheet CT (104) No. 125 Issue 2, dated December 12, 1956, providing instructions to carry out recommended inspections of the wing main spar booms from rib No. 1 to wing tip.

The British Air Registration Board considers the inspections called for in the de Havilland Technical News Sheet mandatory in which the CAA concurs. Accordingly, unless already accomplished, the initial inspection between ribs 7 and 7A, detailed in TNS No. 125 Issue 2 should be carried out as soon as possible but not later than February 16, 1957, with the remainder of the inspections required as soon as possible but not later than the next renewal of the Certificate of Airworthiness. Repetitive inspections recommended in the TNS must be continued until corrective measures covered therein are carried out.

57-1-2 PIPER Applies to Model PA-23, Serial Nos. 23-1 to 23-844 inclusive.

Compliance required not later than February 15, 1957.

The following inspection and action is necessary in order to prevent the possibility of stabilizer failure or malfunction in the event the proper number of bolts are not found attaching the front stabilizer fittings, right and left, Part No. 17093-00.

Inspect the two front stabilizer attachment fittings and ascertain that there are three bolts securing each fitting to the longitudinal stringer and the bulkhead (two in the stringer and one in the bulkhead). If less than three bolts have been used, the unsatisfactory condition must be corrected. It will be necessary to remove the stabilizer fairing on the bottom side, and to use a mirror to make the inspection. (Piper Service Bulletin No. 150 of December 21, 1956, covers this same subject.)

57-1-3 WRIGHT ENGINES Applies to all Models TC18DA1, DA2, DA3, DA4, and TC18EA1, EA2, and EA3 engines.

Compliance required at overhauls accomplished after May 1, 1957.

To improve the durability of the impeller drive gear assemblies of the subject engines, the following parts must be incorporated as soon as possible but not later than the first overhaul after May 1, 1957:

Part No.	*Name*
430768N	Pinion and bushing assembly—impeller drive secondary outer.
145361N	Pinion—impeller drive secondary outer.
146096Y	Bushing—impeller drive secondary outer pinion.
430767N	Pinion and bushing assembly—impeller drive secondary inner.
145655N	Pinion—impeller drive secondary inner.
146095Y	Bushing—impeller drive secondary inner pinion.

57-2-2 LYCOMING Applies to all aircraft incorporating Lycoming GO-480-A series engines.

Compliance required as indicated.

To reduce the possibility of encountering piston burning, the following must be accomplished:

(Pending further investigation to be conducted by the pertinent aircraft, engine, and carburetor manufacturers, item 3 will be held in abeyance. Compliance with this item therefore is not mandatory until further notice.)

1. Prior to next flight and every 50 hours thereafter, check the linkage of the mixture control arm to insure that the lever arm on the carburetor is in the full rich position when the cockpit control is set in this position.

2. Prior to next flight the following placard must be placed in a prominent position on the instrument panel or control pedestal: "This aircraft must be operated with engine mixture controls in the FULL RICH position under all operating conditions. Manual Leaning is not permitted. Move the mixture control out of FULL RICH only when stopping the engine."

3. Compliance required by February 25, 1957, and thereafter any time an engine is changed or any part of the aircraft or engine induction system is altered.

Flight check at 65% normal rated power in level flight to insure that the fuel consumption of each engine is within the limits specified on the Lycoming Power and Fuel chart for the particular engine model. This check may be conducted with an accurate fuel flowmeter or by any other accurate method of determining actual fuel consumption. Engines which do not conform to these limits will not be considered airworthy until the carburetor has been readjusted to provide the specified inflight fuel flow. Carburetor flow bench reading are not acceptable for this check.

In addition to the above, further recommendations to preclude piston burning are contained in Lycoming Service Bulletins Nos. 215, 218, and Lycoming Letter to All Owners and Operators, dated January 28, 1957.

57-3-1 CONVAIR Applies to all Convair 240 series aircraft.

Compliance required at 12,000 hours of operation and as indicated below.

As a result of several reports concerning cracks in the main outboard landing gear fitting, the following inspection should be conducted on all Model 240 series aircraft:

1. Inspect Part No. 240-1650716 for cracks running fore and aft on the inboard and outboard face of the fitting, above the fitting boss at the point of tangency of the boss and plate. This inspection must be made at each 1,000 hours of operation following the initial inspection at 12,000 hours.

2. Parts which have cracks not exceeding 2 inches in length may remain in service when properly stop-drilled with a 0.25 inch drill, and inspected daily for further crack progression or other damage.

3. Parts with cracks exceeding 2 inches in length must be replaced with an acceptable part. When replaced with a new part

the above inspections are not required until the replacement part has 12,000 hours of operation, at which time the above inspection procedure, item 1, is again in effect.

57–3–2 DOUGLAS, LOCKHEED Applies to Lockheed Constellation Series airplanes and Douglas DC–7 series airplanes with Wright engines.

Compliance required not later than December 1, 1957.

Under certain cold weather operating conditions it is possible for the fuel inlet strainer and other parts in the engine master control to become clogged with ice as a result of entrained water in the fuel freezing on the screen. This has caused a loss of power on all engines simultaneously.

To relieve strainer icing, a screen having a bypass valve Bendix P/N 386204 should be installed in replacement of the screen not having a bypass valve. Bendix Service Bulletin No. 797 covers this subject. It should be noted that the incorporation of the screen with bypass will not positively prevent power loss from fuel ice; therefore, work is continuing to develop a means to protect other portions of the master control downstream of the inlet strainer. If necessary, a supplement to this note will be published when additional information becomes available.

57–3–3 DOUGLAS, LOCKHEED Applies to Lockheed Constellation series and Douglas DC–7 series airplanes.

Compliance required by April 1, 1957 for Constellation aircraft and by May 1, 1957 for DC–7 aircraft.

Under certain cold weather operating conditions the perforated paper covering around the Purolator micronic filter elements are subject to accumulation of ice as a result of entrained water crystals in the fuel freezing on this covering. This interferes with proper fuel filtering by causing the fuel to pass through the bypass valve in the filter unit.

To make the micronic filter less susceptible to clogging by ice, the perforated paper covering around the filter element is to be removed. Removal of the perforated cover does not affect the filtering characteristics of the filter element. Filter elements without the paper covering are identified as Purolator P/N 30868–3.

57–3–4 MARTIN Applies to all 202, 202A, and 404 aircraft.

Compliance recommended at the next engine change or airplane overhaul but required not later than April 1, 1958, except that compliance with item 7 shall be required not later than July 1, 1958.

Results of investigation of an accident involving an uncontrolled Zone III fire and of several incidents involving combustion heater system malfunctioning indicate the necessity of improving the fire-resistant qualities of certain parts in the nacelle area and increasing the margin of safety of the combustion heater control systems. The following modifications are required to accomplish these ends:

1. Replace anti-icing heater ram air ducts in the nacelles (at least up to the air damper) with fireproof ducting material or lag or coat the aluminum ducting to materially retard the time of burn through.

2. Lag, with fireproof material, the exposed portion in Zone III (in front of forward spar) of the fuel line from the selector valve to the tank.

3. Fire detector coverage shall be provided in the detector system in at least the following areas of each nacelle if not previously installed:

a. On aft side of firewall in the vicinity of the pressure transmitters.

b. On outboard side of nacelle between the two electrical junction boxes.

c. On inboard side of nacelle in area of the main fuel supply strainer.

d. On forward side of front spar at the fuel selector valve.

e. On the inboard and outboard sides of the nacelle at station 434.2 and approximately 20 inches circumferentially from the nacelle top center line.

4. Make following changes in anti-icing heater fuel supply and control system. (Applicable to 202 and 202A aircraft only.)

Aluminum tubing in Zone III replaced with steel. Install new fuel supply tap points with restrictors. Provide an additional solenoid fuel shutoff valve in series hydraulically in parallel electrically with existing cycling control valve in fuel control box (each heater). Circuitry of present low heat warning light revised to indicate overheat warning. Overheat lockout circuit added. Material of cover attaching clips in each fuel control box changed to steel.

5. Install firebell similar to that in Model 404. (Applicable to 202 and 202A aircraft only.)

6. Make following changes in cabin heater fuel supply and control systems. (Applicable to 202 and 202A aircraft only.)

Aluminum tubing within boundaries of nacelles replaced with steel. Material of cover attaching clips in each fuel control box changed to steel. Overheat lockout circuit added.

7. Make following changes in anti-icing and cabin heater fuel supply and control systems. (Applicable to 404 aircraft only.)

Add an additional solenoid control valve (in series hydraulically and in parallel electrically) in anti-icing and cabin heater fuel control boxes. Change material of cover attaching clips in each fuel control box to steel.

8. The fire emergency procedure and flight manual shall be changed to provide for actuation of the fuel selector to shut off the fuel and crossfeed early in the emergency sequence, immediately prior to or after closing the firewall shutoff valve.

The following Martin Service Instruction Letters cover acceptable methods of compliance with these modifications: Nos. 202/202A–40 and 404–72 cover item 1; Nos. 202/202A–42 and –42A cover item 4; No. 202/202A–43 covers item 5; Nos. 202/202A–45 and –45A cover item 6; Nos. 404–74 and –74A cover item 7.

57–4–1 CESSNA Applies to all Model 310 aircraft prior to and including serial No. 35392, except those incorporating aileron hinges having Part Nos. 0824006–1 and –2.

Compliance required not later than April 15, 1957, and at 100–hour intervals of operation thereafter:

Inspect the outboard aileron hinge for cracks in the upper flange, adjacent to the bearing. Any hinges found cracked should be replaced with the new, redesigned outboard aileron hinge (P/N 0824006–1 left, and 0824006–2 right). When the redesigned outboard aileron hinge is installed, this special inspection is no longer required.

To facilitate hinge replacement, it is permissible to cut a standard size inspection opening in the wing lower skin, below the outboard hinge, attachment point. (Cessna Service Bulletin No. 310–7 covers this same subject.)

57–5–1 CURTISS-WRIGHT Applies to all C–46 Series aircraft.

Compliance required by August 1, 1957.

During emergency extension of the landing gear, hydraulic dump valves are actuated in the landing gear hydraulic system to vent fluid directly overboard in order to prevent trapped fluid from preventing the lowering of the landing gear.

On early model aircraft this fluid was vented overboard on the inboard side of the nacelles directly aft of the exhaust stack. This has resulted in fires in areas where no fire detection or protection is provided.

In order to prevent this occurrence, items (1), (2), or (3) should be accomplished.

(1) The vent line should be rerouted to vent from nacelle tail cone in accordance with Curtiss-Wright Service Bulletin C–46–1226 or Curtiss-Wright Dwg. No. 20–575–3206.

(2) The vent line should be rerouted to return to the main system as outlined in Change "A" of T. O. 01–25LA–209.

(3) The vent line should be rerouted to an approved equivalent of Items (1) or (2).

Either Item (1) or (2) may have been accomplished on later model aircraft at the factory or by the military; however, the aircraft may have been further modified and should be inspected for compliance.

57–5–2 DE HAVILLAND Applies to all Model 104 "Dove" Aircraft up to and including Serial No. 04465 which have not had Dove Mod. 870 incorporated.

Compliance required as indicated.

Tests and inspections of the wing have revealed the possibility of small spanwise cracks existing in the upper spar boom joints at ribs 10 and 11, and in the lower spar boom joint at ribs 8 and 9. The cracks occur in the verticle flange, between 0.1 and 0.2 inches from the horizontal flange.

1. Where suitable equipment is available, it is recommended that X-ray examinations of the spar joints be made by April 30, 1957, following the recommendations in Technical News Sheet CT (104) No. 134, Issue 3. Unless the booms are X-rayed, they must be considered as having cracks.

2. When X-rayed and no cracks are found, no further action is necessary unless the aircraft is less than two years old, in which case a precautionary X-ray examination should be made approximately one year after the first X-ray and repaired if cracks are found.

3. When X-ray results are positive, incorporation of the repair scheme called for in the Technical News Sheet is classified as mandatory by the British Air Registration Board and to be completed by September 30, 1957, with which the CAA concurs. (De Havilland Service Technical News Sheet CT (104), No. 134, Issue 3, dated February 1, 1957, also covers this.)

57–5–3 PIPER, Model PA–23 Applies to Serial Nos. 23–1 to 23–903 inclusive.

Compliance required at the next 100-hour inspection but not later than May 1, 1957.

The following careful examination and action is required to overcome excessive wear and possible failure of the elevator push-pull tube.

1. Careful examination should be made of the wear area on the elevator push-pull tube at the points where it passes through the fiber rollers. Any tube that shows wear exceeding 0.005 inch must be replaced.

2. Obtain four each of nylon block, Piper part number 19225–00 and eight AN960–516 washers. Remove the four bearings, part number 80012–67 and the six washers, part number 81342–61 from the fiber roller installation and reuse in the nylon block installation. Install the above parts, except for the rollers, in accordance with the sketch and instructions shown in Piper Service Bulletin No. 151 dated February 11, 1957.

57–5–4 PRATT & WHITNEY Applies to all Wasp Jr. and Military R–985 Series engines, except those used in helicopters.

Compliance required at next overhaul.

It has been found that an earlier AD was not effective in preventing crankshaft cracking at the thrust nut threads and possible loss of the propeller in flight as failures of these crankshafts are still occurring. Increased strength afforded the old design crankshaft by the rework on (1) below has been determined to be necessary to raise the level of safety of these engines. This rework included the smoothly blended thread roots and a closely controlled undercut depth and the special inspections and shot peening as required by AD 56–26–3.

At the next overhaul, accomplish either (1) or (2) below:

1. Except for the new design crankshafts noted in (2) below, or those marked "14F–56" at the front end between the locking holes for the propeller retaining nut, the crankshaft is to be subjected to a special magnetic inspection procedure, shadowgraph inspection, necessary radius in the thread root, and shot peening of the thrust bearing nut threaded area. Because of the special equipment and techniques involved, only those activities approved by P&WA will be able to accomplish this rework, inspection, and shot peening. Interested parties should contact "Technical Supervisor, Service Department, Pratt & Whitney Aircraft, East Hartford 8, Connecticut," for approval and detail instructions. Crankshafts reworked in accordance with these special instructions can be identified by the marking 14F–56 on the front end near the propeller retaining nut locking holes.

2. New design crankshafts which can be identified by P/N's 261278, 261279, or 264164 on the front end near the propeller retaining nut locking holes may be installed. These crankshafts incorporated roll hardened threads and these threads should not be reworked.

NOTE: In the event of oil leakage in the front section of the engine during any operation, immediately conduct the following inspection:

(1) Remove the propeller, thrust nut cover, nut, slinger and spacer.

(2) Carefully clean the area to be inspected.

(3) Using a dye penetrant and a six to ten power optical glass, check for the presence of cracks. If any crack is found, the crankshaft must be replaced.

(P&WA Service Bulletin No. 1488, dated October 10, 1956, covers this subject.)

This supersedes AD 56–26–3.

57–6–1 COLONIAL Applies to Model C1 aircraft serial numbers 2 thru 10 inclusive, and serial No. 13.

Compliance required by May 1, 1957.

To prevent unwanted extension of the landing gear, a more positive lock must be installed for the landing gear selector valve lever in accordance with Colonial Service Bulletin No. 1 dated January 25, 1957.

57–6–2 MARTIN Applies to all Models 202, 202A and 404 aircraft.

Compliance required as indicated.

As a result of a number of failures in service, the engine mount attaching studs should be replaced as indicated below:

1. Replace the engine mount studs with approved studs whenever the Quick Engine Change unit is removed for major overhaul, but at intervals not exceeding 1,600 hours flight time. Both the stud and engine mount installation should be made with care since misalignment and/or improper torque could cause failure of the stud in service. (Installation techniques are included in Martin Service Instruction letter 404–50).

2. If the engine mount studs are replaced with approved thru-bolt installations, the replacement program of above Item 1 is not applicable, and this Airworthiness Directive no longer applies. (Martin Service Instruction Letter 202/202A of October 1, 1956, covers this same subject).

This supersedes A. D. 51–29–4.

57–6–3 PRATT & WHITNEY Applies to all P&WA Wasp Major engines.

Compliance required as soon as possible but not later than May 31, 1957.

As a result of propeller shaft oil transfer bearing failures, several cases of loss of propeller control occurred which made it impossible to feather the affected propellers. It has been determined that brazing of the propeller shaft oil transfer tube adapter to the propeller shaft oil transfer bearing is subject to failure if the brazing is not adequate.

To assure that the brazed joint is satisfactory, the following inspection must be accomplished on bearings with brazed oil tube transfer adapters:

1. X-ray the brazed joints to determine if brazing is satisfactory (limits established by Pan American World Airways and/or Pratt & Whitney Aircraft).

2. Subject the bearing to 1,500 p. s. i. hydraulic pressure test.

3. Conduct a dye penetrant inspection of the brazed joints.

If the bearing does not pass these inspections it must be repaired or replaced.

A new bearing, P/N 341627, which has eliminated the brazed joints, is available and may be used. This new bearing does not require the above mandatory inspections. Information on inspection procedure and limitations is available from Pratt & Whitney Aircraft.

57–6–4 WRIGHT Applies to all aircraft incorporating Wright C18CA, C18CB, TC18DA, and TC18EA series engines.

Compliance required as indicated.

Results of recent investigations indicate that the engine front section bearing durability can be improved by accomplishing the following:

1. At next engine overhaul the engine front section must be assembled with the propeller shaft thrust bearing (ball bearing) *BEHIND* the radial bearing (roller bearing) as viewed from the propeller end of the engine. (Wright Aeronautical Division Service Bulletin Nos. C18C–252, TC18D–255, and TC18E–66 cover this same subject). Propellers must be balanced in accordance with instructions contained in applicable propeller manufacturer's recommendations.

2. Engines overhauled after April 15, 1957, must incorporate engine propeller shaft thrust bearings (ball bearings) and radial bearings (roller bearings) that have been inspected for proper internal bearing clearances in accordance with instructions issued by the Wright Aeronautical Division in their Service Letter dated March 22, 1957.

57–7–1 BELL Applies to all Model 47H–1 helicopters Serial Nos. 1347 through 1349, 1351 through 1360, and 1362 through 1371.

Compliance required as indicated.

Due to reported looseness of synchronized elevator assemblies and cracking of elevator shafts, the following daily inspection and rework are required:

1. Daily inspection: In order to determine that looseness of the elevator assembly is not excessive, the following inspection must be conducted daily until rework, Item 2 is accomplished.

a. Hold end of elevator and move gently in vertical and horizontal directions (both sides) to check for looseness. Looseness may be in the four rivets that secure the shoulder fittings to the elevator shift, between the shoulder fittings and the elevator shaft, or in the bolts and tapered bushings securing the two sections of the elevator at the elevator splice coupling.

b. If looseness is found, the elevator assembly should be removed so that the rework and additional inspections of Item 2 be accomplished.

2. Rework or replacement of loose or cracked elevator assemblies must be completed prior to the next flight.

a. Inspect elevator shafts at tapered bushing holes for cracks or hole elongation. Remove rivets which attach shoulder fittings, Part No. 47–267–404–3, to elevator shaft and to inboard elevator rib. Slide shoulder fittings away from ribs and inspect elevator shafts and shoulder fittings with a 10 power glass for cracks or rivet hole elongation.

b. If shafts are cracked, replace the elevator assembly.

c. If shoulder fittings are cracked, replace the shoulder fittings.

d. If no cracks are found, remove burrs from holes and rework elevator shafts in accordance with Bell Service Bulletin No. 117.

This bulletin describes in detail the procedure for removing existing filler plugs from elevator shafts, inserting new plugs, Part No. 47–267–420–5, attaching shoulder fittings to the elevator ribs and shafts, installing and securing a spring pin, Part No. MS171600, reassembling splice coupling, Part No. 47–267–433–1, reassembling elevator assemblies with two additional AN173–20A bolts and the four 79B1–3–4 tapered bushings previously removed. If the tapered bushing holes are elongated, four 79B1–3–5 tapered bushings must be used in place of the –4 tapered bushings removed.

(Bell Service Bulletin No. 117 covers this same subject.)

57–7–2 BELL Applies to Bell Model 47 helicopters except the following: Model 47G 1529, 1689 and up; 47G2–1506, 1957 and up; Model 47H–1 1361, 1534 and up; Model 47J–1420, 1421, 1423, 1424, 1428 and up.

Compliance required as indicated.

1. In order to insure that rotor hub equalizer link assembly, Part No. 47–120–025–1, is assembled with sufficient threads engaged to meet safety requirements, the following inspection must be conducted and part reworked as necessary by April 15, 1957, unless Item 2 has been accomplished.

a. Inspect rod end, P/N 47–120–025–7, for adequate distance between end of shank to safety inspection hole, 0.230 to 0.270 inch required.

b. Inspect for adequate distance between shank end of P/N 47–120–025–5 rod end shank end of P/N 47–120–025–7 rod end. Maximum of 15/32 (0.468) inch is allowed.

NOTE: If dimension between rod ends exceeds 15/32 (0.468) inch, hub assembly must be rerigged and link assemblies must be adjusted until this dimension is below this valve.

2. Rework on, or before, next overhaul of main rotor hub assembly. Rework link assemblies, Part No. 47–120–025–1, which do not meet condition described in above inspection, Item 1.a, as follows:

a. Remove link assembly, Part No. 47–120–025–1 from main rotor hub assembly and remove rod end, Part No. 47–120–025–7 from link assembly.

b. Drill a No. 50 (0.070) inch diameter hole through shank at a point 0.230–0.270 inch from shank end and 90 degrees from existing inspection hole.

c. Reassemble link assembly, install on hub assembly, and rerig hub assembly. Use new safety inspection hole to determine that rod end has sufficient threads engaged.

(Bell Service Bulletin No. 118SB dated 2/1/57 covers this same subject.)

57–7–3 VICKERS Applies to all Viscount 700 Series Aircraft.

Compliance required as indicated.

As a result of wing flap attachment difficulties on a Viscount aircraft, Vickers Armstrong issued the following corrective measures with concurrence of the British Air Registration Board. The CAA concurs with this action and considers compliance therewith mandatory for both flap assemblies:

A. *Bolt inspection.* On aircraft having 1500 or less landings, inspect for tightness, all the lower bolts attaching the 8 flap beam units (supporting brackets) to the wing trailing edge false spar member at the next check period nearest to 100 flying hours unless already accomplished. The bolts may be considered tight if the head cannot be turned. For guidance, to check looseness of bolts, the manufacturer suggests a torque loading applied to nuts of 100 inch-pounds for 5/16 inch diameter bolts; 250 inch-pounds for 3/8 inch diameter bolts. The bolts have the following part numbers:

number 1 flap support unit bolt P/N 70003–2359; number 2 flap support unit bolt P/N 72403–2445 and 70103–2645; number 3 flap support unit bolt P/N 70103–2639; number 4 flap support unit bolt P/N 70107–459. Loose nuts are to be tightened immediately and relocked.

B. *Bolt replacement.* 1. Bolts P/N 72403–2445, 70103–2645 and 70103–2639 at flap support bracket units number 2 and 3 respectively, right and left side must be replaced with new bolts every 1500 landings.

2. Bolts P/N 70003–2359 and 70107–459, at flap support bracket units number 1 and 4 respectively, right and left side must be replaced with new bolts every 2500 landings.

C. *Flap beam (supporting bracket) attachment fitting at wing trailing edge false spar member inspection.* 1. (a) As soon as possible but within next 135 flying hours visually inspect for cracks all four lower flap support attachment fittings aft of the wing trailing edge member (false spar) on right and left sides. This initial inspection is not required if these fittings were thoroughly examined during the flap bolt inspections of Item A or bolt replacement of Item B.

(b) This inspection must be repeated each 135 flying hours.

2. (a) Inspect visually for cracks all the flap support attachment fittings forward of the trailing edge member (false spar) top and bottom right and left sides at flap positions two and three not later than next 385 flying hours.

(b) Repeat this inspection at intervals not exceeding 600 flying hours thereafter.

3. Cracked fittings must be replaced.

4. Modification D2175 has been prepared by Vickers to improve the design at the lower flap beam attachments. This modification must be incorporated within the next 400 hours on aircraft exceeding 3,000 landings. Upon incorporation of this modification the inspections called for in items C. 1. and C. 2. above may be discontinued.

57–8–1 BELL Applies to all 47 series helicopters with tail rotor drive shafts, Part numbers 47–644–115–1, 47–644–126–3, 47–644–172–3, 47–644–177–1, 47–644–179–7, 47–644–180–1, 47–644–186–1, 47–644–187–1, 47–644–187–5, and 46–644–214–1, having less than 100 hours' service time and all spares of these part numbers.

Compliance required as indicated.

Due to suspected defective materials, the listed tail rotor drive shafts must be inspected for evidence of longitudinal cracks, as follows:

1. Inspect all spare shafts by magnaflux methods immediately.

2. Shafts installed on helicopters and having less than 100 hours' service time must be thoroughly cleaned and inspected daily with at least a ten-power magnifying glass, and inspected by magnaflux methods not later than the next ten flying hours. The daily inspections may be discontinued upon completion of the magnaflux inspection.

3. Spare shafts and helicopters delivered from Bell after April 15, 1957, have these inspections accomplished and may be identified by a double interlocking magnaflux stamp in approximately the centers of the shafts.

This AD covers the same inspections required by CAA telegraphic instructions, dated April 12 and 17, 1957.

57–8–2 BELL Applies to all Bell Model 47B–3, 47D, 47D–1, 47G and 47H–1 helicopters equipped with Parker check valves in the oil system.

Compliance required at next oil change and every 25 hours thereafter until replacement is accomplished.

Several failures of the hinge in the oil system Parker check valve, Part No. 1111–517703, 1111–517704, or 1111–517744, have occurred resulting in restriction of the flow of oil from the pump. To preclude recurrence of such failures, the following must be accomplished:

1. At the next oil change and every 25 hours thereafter, remove, disassemble, and inspect the oil system Parker check valve, Part No. 1111–517703, 1111–517704, or 1111–517744, for wear or failure of the hinge and freedom of operation. If defects are found, replace the valve.

2. James Pond Clark check valve, Part No. 879A–10TT, has been approved as a replacement valve. The 25 hours inspection outlined above may be discontinued when the valve is installed.

(Bell Service Bulletin No. 119 dated March 15, 1957, covers this same subject.)

57–8–4 HARTZELL PROPELLERS Applies to all Hartzell HC–83X and HC–93Z three-bladed feathering propellers installed on Aero Commander Models 520, 560, 560A, 560E and 680, Beech Model 50, and Royal Gull aircraft.

Compliance required as soon as possible but not later than May 15, 1957.

There have been several cases reported that screw P/N AN501–A10–6 securing the RG–50 safety link bar unscrewed, without breaking the safety wire, from the link arm mounting pin P/N A–872–1 located at piston end of pitch change link arm P/N A–861 on Hartzell HC–83X and HC–93Z three-bladed feathering propellers installed on twin engine aircraft. This occurs because link arm P/N A–861 rotates during propeller operation and thus applies a torsional force to the link arm mounting pin P/N A–872–1, thereby causing it to rotate. To preclude possible loss of propeller blade pitch control from this cause, accomplish the following modification on these propellers:

1. Feather propeller and remove safety link RG–50 and link pin A–872–1 from propeller pitch change piston.

2. Replace screw AN501–A10–6 with screw AN501–A10–18 that will extend through safety link pin P/N A–872–1 a maximum of two threads.

3. Peen projecting end of screw to prevent screw from backing out of link pin.

4. Replace safety link and link pin assembly in the piston. Be sure safety link RG–50 is not held away from piston lug surface due to peened screw threads bottoming in pin hole. (This AD covers the same subject as CAA telegraphic instructions dated April 12, 1957.)

(Hartzell Service Bulletin No. 46 covers this same subject.)

57–8–5 PIPER Applies to all Piper PA–23 Aircraft.

To be accomplished as soon as possible but not later than next five hours operation unless already accomplished.

In view of reported cases of cracks in several parts of the empennage system on the subject aircraft, it is considered necessary to thoroughly inspect the following parts for cracks, using fluorescent or dye penetrant method of inspecting: Elevator torque tube casting P/N 17033–00; Front stabilizer attachment Bracket P/N 17049–00; Elevator horn assembly P/N 17066–00; Rudder horn assembly P/N 17060–00.

Upon completion of inspection reassemble in accordance with Piper Service Bulletin No. 146–A. Defective castings must be replaced with serviceable parts.

(This AD covers the same inspection required by CAA telegraphic instructions dated April 18, 1957.)

57–8–6 VICKERS Applies to Viscount 744 and 745 Type Aircraft.

Compliance required as indicated.

In view of a recent horizontal stabilizer buckling incident compliance with the following is required:

1. Effective immediately the following placard must be installed in full view of the pilot: "Turbulent Air Penetration—165—Knots—Flaps Up—Landing Gear Up."

(This placard required regardless of compliance with Item 2.)

2. Compliance required by August 31, 1957, with Vickers modification D.1906. This modification introduces new horizontal stabilizer skin panels of 18 gauge, specification L.73 material between stations 34.36 and 99.13 in lieu of the 20 gauge panels of specification L.72.

57–8–7 WRIGHT ENGINES Applies to all TC18DA and TC18EA series engines.

Compliance required at overhauls accomplished after May 1, 1957.

To improve the durability of the impeller drive gear assemblies of the subject engines, impeller drive secondary pinion bushings part numbers 170217, 170148, 145213 and 171190 are not eligible for use in engines overhauled after May 1, 1957. (This supersedes AD Note 57–1–3.)

57–9–1 AERO DESIGN Applies to all Model 520 aircraft, serial nos. 31 and above, and to all Model 560, 560A and 680 aircraft.

Compliance required not later than the next three hours of flight or May 15, 1957, whichever occurs first and at 100 hour intervals thereafter.

As a result of finding cracks in the aileron bellcrank casting in the vicinity of the aileron push-pull rod attach bolt, the following action is considered necessary unless already accomplished.

Inspect, using dye penetrant or fluorescent methods, all aileron bellcrank castings P/N 3510005 on bellcrank assembly P/N 4510004–401 and 402 for cracks in upper or lower lugs to which the aileron push-pull rod attaches. Remove rod to make the inspection, replace all castings found defective and reattach push-pull rod, making certain no clearance exists between casting lugs and rod-end bearing inner race before tightening bolt. Use shim washers to eliminate clearance. The 100-hour reinspection of casting P/N 3510005 may be discontinued upon installation of revised casting under development by Aero Design. (Aero Design S. B. No. 41, dated April 19, 1957, provides a sketch of the part and defines the area to be inspected.)

This AD covers the same inspection required by CAA telegraphic instructions dated April 25, 1957.

57–10–1 MOONEY Applies to Model M–20 Aircraft Serial Nos. 1002 through 1126 incorporating main landing gear retracting bellcrank bracket P/N 5035.

To be accomplished as soon as practicable but not later than July 1, 1957.

Cracks have been reported in the main landing gear retracting bellcrank bracket P/N 5035. In one case, complete failure of the bracket resulted in jamming the elevator control system. Therefore, it is required that bracket P/N 5035 be replaced by new redesigned brackets P/N 5101 which have a .095 inch wall tubing.

The revised retracting bellcrank bracket P/N 5101 incorporated a reinforcing angle at the lower front corner and a cross member between the gear bungee fittings. (Mooney Service letter 20–22 covers this same subject.)

57–10–2 PIPER Applies to all Model PA–23 aircraft.

Compliance required as soon as possible but not later than June 15, 1957.

It has been reported that the flare on the oil pressure gage line has cracked or broken where it attaches to the connector fitting on the aft side of the firewall resulting in loss of oil pressure.

Inspect both right and left oil pressure line flares to determine whether or not they are normal and also to determine that the lines in the area of the flares are not cracked or broken.

Lines that are cracked or broken or have defective flares should be cut off and reflared. Care should be taken that there is no line strain against the fitting or the retainer block and that the line into the fittting is straight. If the line is too short for this repair, it should be cut off and spliced using a connector and flexible hose, Piper P/N 17766–07 or equivalent.

(Piper Immediate Action Service Bulletin No. 152 covers this same subject.)

57–11–1 CURTISS-WRIGHT Applies to all C–46 series aircraft.

Compliance required as indicated.

Numerous instances have been found where unapproved non-conformity Elevator Spring Tab Cartridge Assemblies, Curtiss-Wright P/N 20–530–5710, or portions of this assembly, have been installed on C–46 aircraft. Use of these unapproved assemblies or parts of assemblies can prove to be hazardous.

Accordingly, an inspection should be made of these asemblies for conformity to approved data. This inspection should be accomplished not later than August 31, 1957.

It will be necessary to remove and disassemble the unit to make the inspection. Listed below are the drawing numbers of the assembly and its component parts, with a brief discussion of each. Copies of these drawings are available upon payment of reproduction costs from the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, P. O. Box 1689, Fort Worth 1, Texas. It is not necessary to obtain these drawings for the required inspection but in cases of doubt they are available.

20–530–5710—Cartridge Assembly Elevator Spring Tab. 20–530–5716—Barrel—Elevator Spring Tab Cartridge Material—8630 Normalized Seamless Steel Tubing I. D.—1.125 +0.001, —0.000 Lapped or honed, unplated. O. D. 1.312 Threaded both ends $1^{5}/_{16}$—18NEF–3. Between threaded ends part may be machined to 1.242 diameter or stock size, machined to clean up. Outside cad-plated.

20–530–5712—Cap—Elevator Spring Tab Cartridge Material—1.500 hex. 24ST.

20–530–5711—Cap—Elevator Spring Tab Cartridge Material—17ST forging (Curtiss-Wright). These caps are also approved to be machined from 24ST bar stock. It has also been noted that these caps have been made from cast aluminum which is unapproved. These unapproved parts can be identified by their rough appearance and will show a tensile strength of approximately 32,000 psi under a hardness test and should be destroyed.

20–530–5717—Spring—Elevator Spring Tab Cartridge. This is a single spring (Curtiss-Wright). Material—0.124 diameter, music wire (cad-plated). Tensile strength 260,000 psi. O. D. 1.004 ±0.03 Free length 4.09 ±0.08 in. Spring rate 40 ±2.4 pounds per inch.

There is also a satisfactory dual spring installation. Outer Spring—Same dimensions and material as Curtiss-Wright Spring except it has more coils and a spring rate of 35 ±2.4 pounds per inch. Inner Spring—0.675 O. D. 0.076 Diameter music wire. Free length 3.56 ±0.08 inch. Spring rate 10.6 pounds per inch. Both inner and outer spring are cad-plated.

20–530–5743—Shaft Assembly Elevator Spring Tab Cartridge. This assembly is made up of the following parts:

20–530–5714—Shaft—Elevator Spring Tab Cartridge. Stock material 0.625 Diameter x 5.20 8630 steel. Tensile strength 65,000 psi. For use with the single spring the shaft is ground and polished to 0.3101 +0.0000, —0.0005 diameter except for a 0.600 diameter collar, 0.150 wide, 2.863 inches from one end. The shaft has $^{5}/_{16}$—24NF–3 threads 0.750 long at each end. With the exception of the threads the shaft is hard chrome plated with a finish diameter of 0.3110 +0.0009, —0.0000. For use with the dual spring the 2.863 dimension is 2.782, the 0.150 dimension is 0.312 and the 0.600 dimension is 0.500, all other dimensions and finishes are the same.

20–530–5713—Clevis—Elevator Spring Tab Cartridge. Material 24ST. The lugs have a thickness of 0.100 +0.000, —0.010. The threaded portion is 0.500 O. D. This part is pinned to the 20–530–5714 shaft with a 0.125 dia. x 0.75 in. 1020–1025 steel pin peened on both ends.

20–530–5715—Plunger—Elevator Spring Tab Cartridge. Material S. B. 1100 x 0.870 Mfg. by Chrysler Corp. Amplex Div. This material is known as "Super-Ollite" and is made of powdered iron and copper and has the appearance of iron. In no case should steel or any other solid material be used.

For use with the single spring the plunger has a single taper while for use with the double spring and additional shoulder is machined on the taper for the center spring.

The inspection should primarily cover the material, dimensions, and the required finishes listed. Care should be taken to inspect for rust, corrosion, or interference which may affect the operation of the cartridge. The springs should also be checked dimensionally and for proper spring rate. All assemblies or portions of assemblies which do not conform should be removed. Only approved parts obtained from a reputable source, with evidence of approval should be installed.

57–11–2 PIPER Applies to all Piper PA–23 aircraft.

Compliance required as indicated.

1. The 5-hour compliance provision for thorough fluorescent or dye inspection of the empennage parts may be extended to August 1, 1957, provided interim visual inspections for cracks at 25-hour intervals are conducted on the following parts: elevator torque tube castings, P/N 17033–00 and 17033–01; front stabilizer attachment bracket, P/N 17049–00; elevator horn assembly, P/N 17066–00; rudder horn assembly, P/N 17060–00; fin attachment casting, P/N 17072–00; rudder torque tube bracket, P/N 17062–00. Removal of only fairings, covers and tail cone required for visual inspections on these parts. If any cracks are found, replace cracked parts with new parts with the following exceptions.

A. If only one crack is found in part 17049–00 and is between upper rivet hole and top of casting it need not be replaced until parts are available but not later than August 1, 1957.

B. Parts other than 17049–00 with cracks located in edges, webs, flanges, edges of holes, fillet radii, tubular sections, flat portions, tangs and projections revealed by dye penetrant or fluorescent inspection, are acceptable when no individual part contains more than five cracks, or any crack that extends entirely between two holes, or any crack of greater length than 1½ inches, may be used until replacement parts are available provided such cracks do not become visible during the visual inspections to be made every 25 hours.

2. Upon completion of the dye penetrant or fluorescent inspection, parts found free from cracks, and/or new replacement parts, must be reinspected visually every 100 hours.

3. Replacement of new parts or reassembly of old parts must be done in accordance with Piper Service Bulletin No. 155 dated May 2, 1957, to avoid misalignment or possible distortion.

This supersedes A. D. Note 57–8–5 and CAA telegraphic instructions dated May 2, 1957.

57–12–1 BELL Applies to Model 47H–1 Helicopters Serial Nos. 1347 thru 1349 and 1351 thru 1371.

Compliance required as soon as possible but not later than August 1, 1957.

Due to possible misalignment in the fore and aft synchronized elevator control pulley quadrant which may cause the control cables to be misaligned and cause chafing, the following inspection and rework is necessary.

1. Inspect the synchronized elevator control cables for alignment into the cable groove on the forward 47–267–112–5 pulley quadrant and the aft 47–267–410–1 elevator pulley quadrant. Inspect the forward 47–267–112–5 pulley quadrant support bracket bolt holes for elongation. If alignment and bolt holes are satisfactory, no rework to the support bracket is necessary.

2. If bolt hole elongation or misalignment exist, the rework as outlined in Bell Service Bulletin No. 111 is required.

(Bell Service Bulletin No. 111, dated March 15, 1957, covers this same subject.)

57–12–2 BELL Applies to Model 47H–1 helicopters Serial Nos. 1349; 1351 thru 1360; 1362; 1363; 1365 thru 1371.

Compliance required as soon as possible but not later than August 1, 1957.

In order to prevent possible failure of the tail boom attach bolts the following inspection and rework should be accomplished.

1. Visually inspect the four (4) tail boom attach fittings 47–265–026–1 and –2 on the forward bulkhead to determine if all eight (8) bolt hole locations (2 in each fitting) have been spot faced. It is necessary to remove the baggage compartment floor section in order to make this inspection.

2. If it is found that any or all the bolt hole locations have not been spot faced, it required that they be spot faced in accordance with the instructions given in Bell Mandatory Service Bulletin No. 116, dated November 9, 1956.

57–12–3 BELL Applies to Model 47J helicopters Serial No. 1420 thru 1426; 1429 thru 1433; 1435 thru 1439; and 14441; 1559; 1562; 1574.

Compliance required prior to July 1, 1957.

In order to preclude the failure of the engine sprag spindle P/N 47–612–167–1, due to over-torquing of the AN320–10 nut, the following modification must be accomplished:

1. Remove spindle after first removing the 47–612–166 links from the spindle and 47–612–158 brace assemblies.

2. Install one AN6–17 bolt with one AN960–616L washer under the head in the spindle.

3. Reinstall the previously removed links on the spindle. Drill a No. 52 (0.062 dia.) hole in one castellation of the AN320–10 nut for safety wire. Reinstall the AN960–1016 washer and AN320–10 nut. After positioning links, torque AN320–10 nut to 150 in. lbs.

NOTE: One AN364–1018 nut may be substituted for the drilled AN320–10 nut.

4. Install one AN960–616L washer and one AN310–6 nut on end of AN6–17 bolt. Torque to 160–190 in. lbs. and install one AN381–3–12 cotter key.

5. Replace spindle. Resafety attach bolts and safety AN320–10 nut (if used) to the spindle attach bolts.

6. Connect the links, using previously removed hardware.

(Bell Mandatory Service Bulletin No. 120 dated March 29, 1957, covers this same subject.)

57–12–4 BELL Part "A" below applies to the following Model 47 helicopters having metal tail rotor blades: 47B, 47B3, 47D, 47D1, 47G, 47G–2, 47H–1, and 47J. Part "B" below applies to the following 47 helicopters having metal tail rotor blades P/N 47–642–102–5: 47B, 47B3, 47D, 47D1, 47G, 47G–2, and 47H–1.

Compliance required as soon as possible but not later than August 1, 1957.

PART A: Due to the possibility of excessive play in the metal tail rotor blade and hub assembly and the pitch control mechanism which can result in blade flutter, the inspection as required in Part "A" of Bell Mandatory Service Bulletin No. 121SB, dated April 2, 1957, must be accomplished.

PART B: Metal tail rotor blades, P/N 47–642–102–5 should be inspected for proper thickness at blade Station 14.00. This thick-

ness should be a minimum of 0.750 inch at the thickest part of the blade. Blades measuring less than 0.750 inch are required to be removed and replaced with acceptable blades. Part "B" of Bell Mandatory Service Bulletin No. 121SB, dated April 2, 1957, covers this same subject.

57-12-5 CONVAIR Applies to all Convair Model 340 aircraft.

Compliance as indicated below:

Several reports have been received of cracks occurring in the spar of the left hand elevator in the area of the cut outs for the tab controls. The cracks originated in the area of the bolts that attach the support bracket for the tab control idler to the spar and in some cases, the cracks extend to a corner of one of the spar cut outs. Reports also indicate that the two angles P/N 340-22l0114-110 and -111 above and below the spar openings have been cracked.

1. Compliance required as soon as possible but not later than the next 100 hours of operation unless already accomplished and at each 250 hours of operation thereafter. Inspect the left hand elevator spar for cracking as described above. If cracks are found, they shall be repaired before the next flight. Convair "Service Airgram" No. 212, dated March 15, 1957, Sections 1 through 7 illustrate a satisfactory means of repairing cracks in the elevator main spar.

2. The special inspection period specified in Item 1 above may be discontinued and the regular inspection periods resumed after the following is accomplished:

(a) Repair of all cracks found during the inspection of the left hand elevator spar as indicated in Item 1.

(b) Reinforce the elevator spar in the vicinity of the tab control idler attachment. A satisfactory means of reinforcing the elevator spar is described in Sections 8 and 9 of Convair "Service Airgram" No. 212. Reinforcement to be accomplished regardless of whether or not cracks are found.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 24, 1957.

[F. R. Doc. 57-6234; Filed, July 31, 1957; 8:45 a. m.]

[Amdt. 10]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.12 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the portion which reads: "Bozeman, Mont., radio range station; the intersection of the southeast course of the Bozeman, Mont., radio range and the west course of the Livingston, Mont., radio range; Livingston, Mont., radio range station;" to read: "Bozeman, Mont., radio range station; Livingston, Mont., nondirectional radio beacon;"

2. Section 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the name of the facility "Los Angeles, Calif., radio range station" to read: "Los Angeles, Calif., nondirectional radio beacon".

3. Section 600.101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)* is amended by changing the name of the facility "Los Angeles, Calif., radio range station;" to read: "Los Angeles, Calif., nondirectional radio beacon;".

4. Section 600.104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.)* is amended by changing the portion which reads: "the intersection of the north course of the San Antonio, Tex., radio range and the southwest course of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station;" to read: "the intersection of the north course of the San Antonio, Tex., radio range and a line bearing 226° True from the Austin, Tex., nondirectional beacon; Austin, Tex., nondirectional radio beacon; Waco, Tex., radio range station;" and by changing the portion which reads: "From the Kansas City, Mo., radio range station via the Omaha, Nebr., radio range station; Sioux City, Iowa, radio range station;" to read: "From the Omaha, Nebr., radio range station via the Sioux City, Iowa, radio range station;".

5. Section 600.106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border)* is amended by changing the portion between the Macon, Ga., radio range station and the Bowling Green, Ky., radio range station to read: "Macon, Ga., radio range station to the Atlanta, Ga., radio range station. From the Nashville, Tenn., radio range station via the intersection of the northwest course of the Nashville, Tenn., radio range and the southwest course of the Bowling Green, Ky., radio range; Bowling Green, Ky., radio range station;".

6. Section 600.108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing the first portion to read: "From the Los Angeles, Calif., nondirectional radio beacon via the intersection of a line bearing 260° True from the Los Angeles nondirectional radio beacon and the southeast course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station to the Santa Barbara, Calif., radio range station."

7. Section 600.210 *Red civil airway No. 10 (Amarillo, Tex., to Augusta, Ga.)* is amended by changing the portion which reads: "Wichita Falls, Tex., radio range station; the intersection of the southeast course of the Wichita Falls, Tex., radio range and the north course of the Fort Worth, Tex., radio range; Dallas, Tex., radio range station; Shreveport, La., radio range station;" to read: "Wichita Falls, Tex., radio range station; Dallas, Tex., nondirectional radio beacon; Shreveport, La., radio range station;".

8. Section 600.232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.)* is amended by changing the portion which reads: "From the Austin, Tex., radio range station" to read: "From the Austin, Tex., nondirectional radio beacon".

9. Section 600.248 *Red civil airway No. 48 (Helena, Mont., to Livingston, Mont.)* is revoked.

10. Section 600.252 is amended to read:

§ 600.252 *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).* From the Memphis, Tenn., radio range station via the Muscle Shoals, Ala., radio range station; the intersection of the southeast course of the Muscle Shoals, Ala., radio range and the north course of the Birmingham, Ala., radio range to the Birmingham, Ala., radio range station.

11. Section 600.265 is amended to read:

§ 600.265 *Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).* From the Los Angeles, Calif., nondirectional radio beacon via the intersection of a line bearing 175° True from the Los Angeles nondirectional radio beacon and a line bearing 279° True from the Oceanside, Calif., nondirectional radio beacon; Oceanside, Calif., nondirectional radio beacon; Julian, Calif., nondirectional radio beacon to the Hayfield Lake, Calif., nondirectional radio beacon.

12. Section 600.268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.)* is amended by changing the portion which reads: "From the intersection of the west course of the Fort Worth, Tex., radio range and the northwest course of the Waco, Tex., radio range via the intersection of the northwest course of the Waco, Tex., radio range and the west course of the Dallas, Tex., radio range to the Dallas, Tex., radio range station." to read: "From the intersection of the west course of the Fort Worth, Tex., radio range and the northwest course of the Waco, Tex., radio range via the intersection of the northwest course of the Waco, Tex., radio range and a line bearing 255° True from the Dallas nondirectional radio beacon to the Dallas, Tex., nondirectional radio beacon."

13. Section 600.293 *Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.)* is revoked.

14. Section 600.602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.)* is amended by changing the entire first portion to read: "From the intersection of the north course of the Crestview, Fla., radio range and the southeast course of the Craig, Ala., AFB., radio range via the interesection of the southeast course of the Craig, Ala., AFB radio range and the south course of the Birmingham, Ala., radio range to the Birmingham, Ala., radio range station."

15. Section 600.605 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.)* is amended by changing the portion which reads: "the intersection of the northeast course of the Waco, Tex., radio range and the south course of the Dallas, Tex., radio range; Dallas, Tex., radio range station;" to read: "the intersection of the northeast course of the Waco, Tex., radio range and a line bearing 185° True from the Dallas nondirectional radio beacon; Dallas, Tex., nondirectional radio beacon;".

16. Section 600.6005 *VOR civil airway No. 5 (Jacksonville, Fla., to London, Ontario)* is amended by changing the portion which reads: "Mansfield, Ohio, omnirange station, including an east alternate from the Appleton omnirange station to the Mansfield omnirange station via the intersection of the Appleton omnirange 050° True and the Mansfield omnirange 173° True radials;" to read: "Mansfield, Ohio, omnirange station;".

17. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Youngstown, Ohio, omnirange station, including a north alternate;" to read: "Youngstown, Ohio, omnirange station;".

18. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing the portion which reads: "Cross City, Fla., omnirange station, including a west alternate from the Fort Myers omnirange station to the Cross City omnirange station via the Tampa, Fla., omnirange station and the intersection of the Tampa omnirange 012° True and the Cross City omnirange 150° True radials;" to read: "Cross City, Fla., omnirange station, including a west alternate from the Fort Myers omnirange station to the Cross City omnirange station via the Tampa, Fla., omnirange station and the intersection of the Tampa omnirange 012° True and the Cross City omnirange 150° True radials and also an east alternate from the Lakeland omnirange station to the Cross City omnirange station via the Gainesville, Fla., omnirange station;".

19. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 230° True radials; Dayton, Ohio, omnirange station, including a north alternate; Appleton, Ohio, omnirange station, including a north alternate via the intersection of the Dayton omnirange 060° True and the Appleton omnirange 277° True radials; Wheeling, W. Va., omnirange station, including a north alternate via the point of intersection of the Mansfield, Ohio, omnirange 121° True and the Wheeling omnirange 282° True radials;" to read: "Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 230° True radials; point of intersection of the Indianapolis omnirange 084° True and the Dayton omnirange 261° True radials; Dayton, Ohio, omnirange station, including a north alternate from the Indianapolis omnirange station to the Dayton omnirange station via the point of intersection of the Indianapolis omnirange 069° True and the Fort Wayne, Ind., omnirange 182° True radials; Appleton, Ohio, omnirange station, including a south alternate via the point of intersection of the Dayton omnirange 099° True and the Appleton omnirange 244° True radials; Wheeling, W. Va., omnirange station, including a south alternate via the point of intersection of the Wheeling omnirange 252° True radial with the Appleton omnirange direct radial to the Morgantown, W. Va., omnirange station;".

20. Section 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.)* is amended by changing the portion which reads: "Cleveland, Ohio, omnirange station; Erie, Pa., omnirange station, including a north alternate;" to read: "Cleveland, Ohio, omnirange station; Jefferson, Ohio, omnirange station; Erie, Pa., omnirange station, including a north alternate from the Cleveland omnirange station to the Erie omnirange station via the point of intersection of the Cleveland omnirange 049° True and the Carleton, Mich., omnirange direct radial to the Jefferson, Ohio, omnirange station;".

21. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the portion which reads: "Big Spring, Tex., omnirange station, including a north alternate from the Wink omnirange station to the Big Spring omnirange station via the intersection of the Wink omnirange 066° True and the Big Spring omnirange 271° True radials;" to read: "Big Spring, Tex., omnirange station, including a north alternate from the Wink omnirange station to the Big Spring omnirange station via the point of intersection of the Midland, Tex., omnirange 007° True and the Big Spring omnirange 260° True radials;".

22. Section 600.6036 *VOR civil airway No. 36 (Toronto, Ontario, to New York, N. Y.)* is amended by changing the portion which reads: "Buffalo, N. Y., omnirange station;" to read: "Buffalo, N. Y., omnirange station, including a south alternate from the Toronto omnirange station to the Buffalo omnirange station via the intersection of the Toronto omnirange 172° True and the Buffalo omnirange 294° True radials;".

23. Section 600.6038 *VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.)* is amended by changing the portion which reads: "Appleton, Ohio, omnirange station, including a south alternate via the point of intersection of the Findlay omnirange 144° True and the Mansfield, Ohio, omnirange 241° True radials;" to read: "Appleton, Ohio, omnirange station, including a south alternate via the point of intersection of the Findlay omnirange 144° True radial with the Sidney, Ohio, omnirange direct radial to the Tiverton, Ohio, omnirange station;".

24. Section 600.6043 is amended to read:

§ 600.6043 *VOR civil airway No. 43 (Columbus, Ohio, to Erie, Pa.).* From the Appleton, Ohio, omnirange station via the Tiverton, Ohio, omnirange station; Youngstown, Ohio, omnirange station; to the Erie, Pa., omnirange station.

25. Section 600.6047 *VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.)* is amended by changing all before the Waterville, Ohio, omnirange station to read: "From the Louisville, Ky., omnirange station via the Nabb, Ind., omnirange station; Cincinnati, Ohio, omnirange station; Sidney, Ohio, omnirange station, including a west alternate from the Cincinnati omnirange station to the Sidney omnirange station via the point of intersection of the Cincinnati omnirange 004° True radial with the Dayton, Ohio, Dayton Airport ILS localizer southwest course and the point of intersection of the Dayton Airport ILS localizer southwest course with the Sidney omnirange direct radial to the Cincinnati omnirange station; Findlay, Ohio, omnirange station; Waterville, Ohio, omnirange station;".

26. Section 600.6055 *VOR civil airway No. 55 (Dayton, Ohio to Green Bay, Wis.)* is amended by changing the portion which reads: "From the Dayton, Ohio, omnirange station via the Fort Wayne, Ind., omnirange station, including a west alternate; Goshen, Ind., omnirange station;" to read: "From the Dayton, Ohio, omnirange station via the Fort Wayne, Ind., omnirange station, including a west alternate via the point of intersection of the Fort Wayne omnirange 162° True with the Sidney, Ohio, omnirange 279° True radials; Goshen, Ind., omnirange station, including a west alternate via the point of intersection of the Goshen omnirange 168° True with the Fort Wayne omnirange direct radial to the Peotone, Ill., omnirange station;".

27. Section 600.6066 is amended by changing the caption to read: "*VOR civil airway No. 66 (San Diego, Calif., to Sulphur Springs, Tex.)*" and by changing the portion which reads: "intersection of the Midland omnirange 090° True and the Abilene omnirange 247° True radials;" to read: "point of intersection of the Midland omnirange 084° True and the Big Spring, Tex., omnirange 139° True radials;".

28. Section 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.)* is amended by changing the portion which reads: "intersection of the San Antonio omnirange 168° True and the Corpus Christi omnirange 321° True radials;" to read: "intersection of the San Antonio omnirange 167° True and the Corpus Christi omnirange 321° True radials;".

29. Section 600.6072 *VOR civil airway No. 72 (Troy, Ill., to Albany, N. Y.)* is amended by changing the portion which reads: "Youngstown, Ohio, omnirange station; Bradford, Pa., omnirange station;" to read: "Youngstown, Ohio, omnirange station; point of intersection of the Fitzgerald, Pa., omnirange 304° True and the Bradford omnirange 260° True radials; Bradford, Pa., omnirange station;".

30. Section 600.6076 is amended to read:

§ 600.6076 *VOR civil airway No. 76 (Lubbock, Tex., to Galveston, Tex.).* From the Lubbock, Tex., omnirange station via the Big Spring, Tex., omnirange station; San Angelo, Tex., omnirange station, including a north alternate via the point of intersection of the Big Spring omnirange 124° True and the San Angelo omnirange 024° True radials; Austin, Tex., omnirange station; Houston, Tex., omnirange station; to the Galveston, Tex., omnirange station.

31. Section 600.6081 is amended by changing the caption to read: *"VOR civil airway No. 81 (Midland, Tex., to Salt Lake City, Utah)"* and by adding a new last portion to read: "From the Grand Junction, Colo., omnirange station via the Myton, Utah, omnirange station; to the Salt Lake City, Utah, omnirange station."

32. Section 600.6102 is amended to read:

§ 600.6102 *VOR civil airway No. 102 (Lubbock, Tex., to Wichita Falls, Tex.).* From the Lubbock, Tex., omnirange station via the Guthrie, Tex., omnirange station; to the Wichita Falls, Tex., omnirange station, including a south alternate via the intersection of the Guthrie omnirange 103° True and the Wichita Falls omnirange 247° True radials.

33. Section 600.6126 *VOR civil airway No. 126 (Chicago, Ill., to New York, N. Y.)* is amended by changing the portion which reads: "Cleveland, Ohio, omnirange station; Erie, Pa., omnirange station;" to read: "Cleveland, Ohio, omnirange station; Jefferson, Ohio, omnirange station; Erie, Pa., omnirange station;".

34. Section 600.6133 is amended to read:

§ 600.6133 *VOR civil airway No. 133 (Parkersburg, W. Va., to Flint, Mich.).* That airspace over United States territory from the Parkersburg, W. Va., omnirange station via the point of intersection of the Wheeling, W. Va., omnirange 252° True radial with the Appleton, Ohio, omnirange direct radial to the Morgantown, W. Va., omnirange station; Tiverton, Ohio, omnirange station; Mansfield, Ohio, omnirange station; intersection of the Mansfield omnirange 345° True and the Salem omnirange 140° True radials; Salem, Mich., omnirange station; to the point of intersection of the Salem omnirange 342° True and the Lansing, Mich., omnirange 068° True radials.

35. Section 600.6144 *VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.)* is amended by changing the portion which reads: "Findlay, Ohio, omnirange station; Mansfield, Ohio, omnirange station; Morgantown, W. Va., omnirange station;" to read: "Findlay, Ohio, omnirange station; Appleton, Ohio, omnirange station; Morgantown, W. Va., omnirange station;".

36. Section 600.6159 *VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.)* is amended by changing the portion which reads: "Orlando, Fla., omnirange station; Cross City, Fla., omnirange station; to the Albany, Ga., omnirange station." to read: "Orlando, Fla., omnirange station; point of intersection of the Orlando omnirange 306° True and the Lakeland, Fla., omnirange 012° True radials; Gainesville, Fla., omnirange station; point of intersection of the Tallahassee, Fla., omnirange 091° True and the Cross City, Fla., omnirange 333° True radials; to the Albany, Ga., omnirange station, including a west alternate from the Orlando omnirange station to the Albany omnirange station via the point of intersection of the Orlando omnirange 306° True with the Lakeland, Fla., omnirange 012° True radials, the Cross City, Fla., omnirange station and the point of intersection of the Tallahassee, Fla., omnirange 091° True with the Cross City, Fla., omnirange 333° True radials."

37. Section 600.6163 *VOR civil airway No. 163 (Brownsville, Tex., to Oklahoma City, Okla.)* is amended by changing the portion which reads: "intersection of the Alice omnirange 350° True and the San Antonio omnirange 168° True radials;" to read: "intersection of the Alice omnirange 350° True and the San Antonio omnirange 167° True radials:".

38. Section 600.6184 is amended to read:

§ 600.6184 *VOR civil airway No. 184 (Erie, Pa., to Philipsburg, Pa.).* From the Erie, Pa., omnirange station via the point of intersection of the Bradford, Pa., omnirange 260° True and the Fitzgerald omnirange 304° True radials; Fitzgerald, Pa., omnirange station; to the Philipsburg, Pa., omnirange station.

39. Section 600.6188 *VOR civil airway No. 188 (Detroit, Mich., to New York, N. Y.)* is amended by changing the portion which reads: "That airspace of United States territory from the Carleton, Mich., omnirange station via the Jefferson, Ohio, omnirange station; Fitzgerald, Pa., omnirange station;" to read: "That airspace over United States territory from the Carleton, Mich., omnirange station via the Jefferson, Ohio, omnirange station; point of intersection of the Bradford, Pa., omnirange 260° True and the Fitzgerald omnirange 304° True radials; Fitzgerald, Pa., omnirange station;".

40. Section 600.6195 is amended by changing the caption to read: *"VOR civil airway No. 195 (Oakland, Calif., to Fortuna, Calif.)"* and by changing the portion which reads: "to the Red Bluff, Calif., omnirange station." to read: "Red Bluff, Calif., omnirange station; to the Fortuna, Calif., omnirange station."

41. Section 600.6197 *VOR civil airway No. 197 (Toledo, Ohio, to Detroit, Mich.)* is revoked.

42. Section 600.6200 is amended by changing the caption to read: *"VOR civil airway No. 200 (Ukiah, Calif., to Kremmling, Colo.)"* and by adding a new last portion to read: "From the Utah Lake, Utah, omnirange station via the Myton, Utah, omnirange station; to the Kremmling, Colo., omnirange station."

43. Section 600.6202 is amended to read:

§ 600.6202 *VOR civil airway No. 202 (Tucson, Ariz., to Truth or Consequences, N. Mex.).* From the Tucson, Ariz., radio range station via the point of intersection of a straight line bearing 157° True from the Tucson radio range station with the Cochise omnirange 257° True radial; Cochise, Ariz., omnirange station; San Simon, Ariz., omnirange station; to the Truth or Consequences, N. Mex., omnirange station.

44. Section 600.6210 is amended by changing the caption to read: *"VOR civil airway No. 210 (Los Angeles, Calif., to Wheeling, W. Va.)"* and by adding a new last portion to read: "From the point of intersection of the Indianapolis, Ind., omnirange 069° True and the Fort Wayne, Ind., omnirange 182° True radials via the Sidney, Ohio, omnirange station; Tiverton, Ohio, omnirange station; intersection of the Tiverton omnirange 096° True and the Wheeling omnirange 282° True radials; to the Wheeling, W. Va., omnirange station."

45. Section 600.6232 is added to read:

§ 600.6232 *VOR civil airway No. 232 (Cleveland, Ohio, to Fitzgerald, Pa.).* From the point of intersection of the Cleveland, Ohio, omnirange direct radial to the Jefferson, Ohio, omnirange station with the Chardon omnirange 280° True radial via the Chardon, Ohio, omnirange station; to the Fitzgerald, Pa., omnirange station.

46. Section 600.6275 is added to read:

§ 600.6275 *VOR civil airway No. 275 (Cincinnati, Ohio, to Detroit, Mich.).* From the Cincinnati, Ohio, omnirange station via the point of intersection of the Cincinnati omnirange 004° True and the Dayton omnirange 208° True radials; Dayton, Ohio, omnirange station; point of intersection of the Findlay omnirange 211° True radial with the Sidney, Ohio, omnirange direct radial to the Fort Wayne, Indiana, omnirange station; Findlay, Ohio, omnirange station; Waterville, Ohio, omnirange station; to the Carleton, Mich., omnirange station.

47. Section 600.6276 *VOR civil airway No. 276 (Yardley, Pa., to Monmouth, N. J.)* is amended by adding a new last sentence to read: "The portion of this airway which conflicts with the Lakehurst Caution Area (C–24) is excluded."

48. Section 600.6277 is amended to read:

§ 600.6277 *VOR civil airway No. 277 (Plain City, Ohio, to Keeler, Mich.).* From the point of intersection of the Sidney omnirange 109° True radial with the Appleton, Ohio, omnirange direct radial to the Dayton, Ohio, omnirange station via the Sidney, Ohio, omnirange station; Fort Wayne, Ind., omnirange station; to the Keeler, Mich., omnirange station.

49. Section 600.6278 is added to read:

§ 600.6278 *VOR civil airway No. 278 (Guthrie, Tex., to Fort Worth, Tex.).* From the Guthrie, Tex., omnirange station to the Fort Worth, Tex., omnirange station.

50. Section 600.6279 is added to read:

§ 600.6279 *VOR civil airway No. 279.* [Unassigned.]

51. Section 600.6602 *VOR civil airway No. 1502 (San Francisco, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "From the Lone Rock, Wis., omnirange station via the intersection of the Lone Rock omnirange 103° True and the Milwaukee omnirange 273° True radials; to the Milwaukee, Wis., omnirange station. From the Lansing, Mich., omnirange station to the Salem, Mich., omnirange station. From the Erie, Pa., omnirange station via the Bradford, Pa., omnirange station;" to read: "From the Lone Rock, Wis., omnirange station via the intersection of the Lone Rock omnirange 103° True and the Milwaukee omnirange 273° True radials; Milwaukee, Wis., omnirange station; Muskegon, Mich., omnirange station; Lansing, Mich., omnirange station; Salem, Mich., omnirange station; Windsor, Ont., omnirange station; Erie, Pa., omnirange station; Bradford, Pa., omnirange station;".

52. Section 600.6604 *VOR civil airway No. 1504 (San Francisco, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "to the Carleton, Mich., omnirange station. From the Cleveland, Ohio, omnirange station via the Wheeling, W. Va., omnirange station;" to read: "Carleton, Mich., omnirange station; intersection of the Carleton omnirange 097° True and the Cleveland omnirange 327° True radials; Cleveland, Ohio, omnirange station; Wheeling, W. Va., omnirange station;".

53. Section 600.6606 *VOR civil airway No. 1506 (San Francisco, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Mansfield, Ohio, omnirange station;" to read: "Appleton, Ohio, omirange station;".

54. Section 600.6608 *VOR civil airway No. 1508 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "to the Carleton, Mich., omnirange station. From the Jefferson, Ohio, omnirange station via the Fitzgerald, Pa., omnirange station;" to read: "Carleton, Mich., omnirange station; Jefferson, Ohio, omnirange station; point of intersection of the Bradford, Pa., omnirange 260° True and the Fitzgerald omirange 304° True radials; Fitzgerald, Pa., omnirange station;".

55. Section 600.6612 *VOR civil airway No. 1512 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "From the Indianapolis, Ind., omnirange station via the Dayton, Ohio, omnirange station;" to read: "From the Indianapolis, Ind., omnirange station via the intersection of the Indianapolis, omnirange 084° True and the Dayton omnirange 261° True radials; Dayton, Ohio, omnirange station;".

56. Section 600.6614 *VOR civil airway No. 1514 (San Francisco, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "From the Indianapolis, Ind., omnirange station via the Dayton, Ohio, omnirange station;" to read: "From the Indianapolis, Ind., omnirange station via the intersection of the Indianapolis omnirange 084° True and the Dayton omnirange 261° True radials; Dayton, Ohio, omnirange station;".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., August 29, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 24, 1957.

[F. R. Doc. 57-6235; Filed, July 31, 1957; 8:45 a. m.]

[Amdt. 12]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.248 *Red civil airway No. 48 control area (Helena, Mont., to Livingston, Mont.)*, is revoked.

2. Section 601.293 *Red civil airway No. 93 control area (Lincoln, Nebr., to Omaha, Nebr.)*, is revoked.

3. Section 601.1002 is amended to read:

§ 601.1002 *Control area extension (Austin, Tex.).* The airspace within a 40-mile radius of the Austin nondirectional radio beacon, excluding the portion which overlaps restricted area (R–343).

4. Section 601.1070 *Control area extension (Oceanside, Calif.)* is revoked.

5. Section 601.1071 *Control area extension (Burbank, Calif.)* is amended by changing the last portion to read: "and on the west by a line 5 miles west of and parallel to a direct line between the Burbank, Calif. ILS outer marker and the intersection of the southeast course of the Camarillo, Calif., radio range with a line bearing 260° True from the Los Angeles, Calif., nondirectional radio beacon."

6. Section 601.1074 *Control area extension (Los Angeles, Calif.)* is revoked.

7. Section 601.1137 is amended to read:

§ 601.1137 *Control area extension (Big Spring, Tex.).* The airspace within a 35-mile radius of the Big Spring omnirange station.

8. Section 601.1155 *Control area extension (Omaha, Nebr.)* is amended by adding the following portion to present control area extension: "All of the airspace southeast of Omaha within a 25-mile radius of the Omaha omnirange station bounded on the north by VOR civil airways Nos. 6 and 8 and on the west by VOR civil airway No. 15."

9. Section 601.1203 *Control area extension (Stuttgart, Ark.)* is revoked.

10. Section 601.1203 is added to read:

§ 601.1203 *Control area extension (Montague, Calif.).* Within 5 miles either side of a line bearing 170° True extending from the Montague nondirectional radio beacon to a point 10 miles south.

11. Section 601.1211 *Control area extension (Dallas, Tex.)* is amended by changing the name of the facility: "Dallas, Tex. radio range station" to read: "Dallas, Tex., nondirectional radio beacon."

12. Section 601.1223 *Control area extension (Miramar, Calif.)* is amended by deleting the words which read: "excluding the airspace below 15,000 feet MSL, which lies within restricted area (R–297)."

13. Section 601.1267 is amended to read:

§ 601.1267 *Control area extension (Springfield, Ill.).* The airspace within a 15-mile radius of Springfield omnirange station extending clockwise from the centerline of VOR civil airway No. 233 north of Springfield to the centerline of VOR civil airway No. 50 west of Springfield, and within a 25-mile radius of the omnirange station extending clockwise from the centerline of VOR civil airway No. 50 west of Springfield to the centerline of VOR civil airway No. 233 north of Springfield, Ill.

14. Section 601.1282 is amended to read:

§ 601.1282 *Control area extension (Wichita, Kans.).* All of the airspace bounded on the north by a line 10 miles north of and parallel to the 259° True and 79° True radials of the Emporia, Kans., omnirange, on the east by a line 10 miles east of and parallel to the 209° True and 29° True radials of the Emporia, Kans., omnirange to and along the southern boundary of Red civil airway No. 105 to a point at latitude 37°45'00", longitude 96°04'15", thence direct to latitude 37°22'00", longitude 96°11'00", thence direct to latitude 37°08'30", longitude 96°11'00"; on the south by a line 10 miles south of and parallel to the 85° True and 265° True radials of the Anthony, Kans., omnirange; on the west by a line 10 miles west of and parallel to the 195° and 15° True radials of the Hutchinson, Kans., omnirange; that airspace within 5 miles either side of a direct line extending from the Wichita, Kans., omnirange station to the Tulsa, Okla., omnirange station.

15. Section 601.1323 *Control area extension (Dallas, Tex.) (Dallas-Houston-Austin Area)* is amended by changing the last portion which reads: "to the Dallas, Texas, radio range station." to read: "to the Dallas, Tex., nondirectional radio beacon."

16. Section 601.1334 is amended to read:

§ 601.1334 *Control area extension (Del Rio, Tex.).* That airspace over United States territory within a 55-mile radius of Laughlin Air Force Base, Del Rio, Tex.

17. Section 601.1373 is amended to read:

§ 601.1373 *Control area extension (Chattanooga, Tenn.).* That airspace within a 30-mile radius of the Chattanooga omnirange station.

18. Section 601.1422 is amended to read:

§ 601.1422 *Control area extension (Duluth, Minn.).* The airspace within a 25-mile radius of the Duluth Airport in-

cluding the airspace within a 30-mile radius of the Duluth omnirange station bounded on the north by the 274° True radial of the Duluth omnirange and on the east by VOR civil airway No. 13.

19. Section 601.1430 is added to read:

§ 601.1430 *Control area extension (Wichita Falls, Tex.).* That airspace bounded on the northwest by VOR civil airway No. 102–S, on the east by VOR civil airway No. 77, and on the south by VOR civil airway No. 278.

20. Section 601.1431 is added to read:

§ 601.1431 *Control area extension (Bozeman, Mont.).* Within 5 miles either side of the southeast course of the Bozeman radio range extending from the radio range station to a point 10 miles southeast.

21. Section 601.1432 is added to read:

§ 601.1432 *Control area extension (Billings, Mont.).* The airspace northwest of Billings, Mont., within a 20-mile radius of the Billings omnirange station bounded on the south by VOR civil airway No. 2 and on the east by VOR civil airway No. 19.

22. Section 601.1433 is added to read:

§ 601.1433 *Control area extension (Ephrata, Wash.).* The airspace north of VOR airway No. 2 within a 25-mile radius of the Ephrata omnirange station, excluding the portion which overlaps Coulee Dam restricted area (R–248).

23. Section 601.1434 is added to read:

§ 601.1434 *Control area extension (Key West, Fla.).* The airspace within 5 miles either side of a direct line extending from the Key West, Fla., radio range station to the Tamiami, Fla., nondirectional radio beacon, excluding the airspace above 20,000 feet MSL.

24. Section 601.1983 *Three mile radius zones* is amended by deleting the following airport: "Pocatello, Idaho: Phillips Airport."

25. Section 601.1984 *Five mile radius zones* is amended by adding the following airports.

Chattanooga, Tenn: Lovell Field.
Fayetteville, Ark: Fayetteville-Drake Field.

26. Section 601.2025 *Big Spring, Tex., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 191° True radial of the Big Spring omnirange extending from the 5-mile radius zone to the omnirange station."

27. Section 601.2027 *Dallas, Tex., control zone* is amended by changing the portion which reads: "within 2 miles either side of the south course of the Dallas radio range extending from the radio range station to the Duncanville fan marker," to read: "within 2 miles either side of a 185° True bearing extending from the Dallas nondirectional radio beacon to the Duncanville fan marker,".

28. Section 601.2029 *Fort Worth, Tex., control zone* is amended by changing the portion which reads: "within 2 miles either side of the south course of the Fort Worth radio range extending to the intersection of the south course of the Fort Worth radio range with the west course of the Dallas, Tex., radio range," to read: "within 2 miles either side of the south course of the Fort Worth radio range extending to its intersection with a line bearing 255° True from the Dallas, Tex., nondirectional radio beacon,".

29. Section 601.2089 *Cleveland, Ohio, control zone* is amended by adding the following portion to read: "and within 2 miles either side of the extended centerline of Runway 23–R extending to a point 18 miles northeast of the end of the runway."

30. Section 601.2111 *Louisville, Ky., control zone* is amended by deleting the portion which reads: "extending 2 miles either side of a line bearing 87° True from Bowman Field to a point 11 miles east of the field,".

31. Section 601.2118 *Langley AFB, Va., control zone* is revoked.

32. Section 601.2118 is added to read:

§ 601.2118 *Hampton Roads, Va., control zone.* Within a 5-mile radius of Langley AFB and within 2 miles either side of the extended centerline of Runway 25 extending from the 5-mile radius zone to a point 6 miles southwest of the Morrison nondirectional radio beacon, excluding the portion which overlaps restricted area R–49.

33. Section 601.2136 *Chattanooga, Tenn., control zone* is revoked.

34. Section 601.2136 is added to read:

§ 601.2136 *Newport News, Va., control zone.* Within a 5-mile radius of Patrick Henry Airport and within 2 miles either side of the ILS localizer course extending from the localizer to a point 10 miles southwest of the outer marker, excluding the portion which overlaps the Hampton Roads, Va. (Langley AFB) control zone.

35. Section 601.2149 is amended to read:

§ 601.2149 *Jacksonville, Fla., control zone.* Within a 5-mile radius of Imeson Airport, within 2 miles either side of the 64° True radial of the Jacksonville omnirange extending from the omnirange station to a point 10 miles northeast, within 2 miles either side of the east course of the Jacksonville radio range extending from the radio range station to the Fort George Island fan marker and including the airspace within a 3-mile radius of Mayport Naval Auxiliary Air Station.

36. Section 601.2179 is amended to read:

§ 601.2179 *Los Angeles, Calif., control zone.* Within a 5-mile radius of the Los Angeles International Airport, within 2 miles either side of the ILS east course extending from the localizer to a point 6 miles east of the airport, and within 2 miles either side of a line bearing 338° True from the Los Angeles nondirectional radio beacon extending to the Burbank, Calif., control zone.

37. Section 601.2180 *Oakland, Calif., control zone* is amended by changing the last portion which reads: "and within 2 miles either side of the southeast course of the Oakland radio range extending from the radio range station to the Fremont fan marker." to read: "and within 2 miles on the southwest side and 7 miles on the northeast side of the southeast course of the Oakland radio range extending from the radio range station to the Fremont fan marker."

38. Section 601.2187 is amended to read:

§ 601.2187 *San Francisco, Calif., control zone.* Within a 5-mile radius of the San Francisco International Airport, within 2 miles either side of the northwest course of the San Francisco radio range extending from the radio range station to a point 10 miles northwest, within 10 miles on the northwest side and 7½ miles on the southeast side of the northeast course of the San Francisco radio range extending from the radio range station to a point 9 miles northeast, and within 2 miles on the southwest side of the southeast course of the San Francisco radio range extending from the radio range station to a point 5 miles southeast. The portions of this control zone which overlap the Oakland, Calif., control zone are excluded.

39. Section 601.2298 *Omaha, Nebr., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 72° True and 252° True radials of the Omaha omnirange extending from the Offutt AFB 5-mile radius zone to a point 2 miles northeast of the omnirange station."

40. Section 601.2301 is amended to read:

§ 601.2301 *Waco, Tex., control zone.* Within a 5-mile radius of Waco Municipal Airport, within a 5-mile radius of James Connally AFB, Waco, Tex., within 2 miles either side of direct lines from James Connally AFB extending northward to the West nondirectional radio beacon and eastward to the Prairie Hill nondirectional radio beacon.

41. Section 601.2332 is amended to read:

§ 601.2332 *Beaumont, Tex., control zone.* Within a 5-mile radius of Jefferson County Airport, Beaumont, Tex., within 2 miles either side of the north course of the Beaumont radio range extending from the radio range station to a point 10 miles north, within 2 miles either side of the 64° True and 244° True radials of the Beaumont omnirange extending from the 5-mile radius zone to a point 10 miles southwest of the omnirange station, and within 2 miles either side of the Beaumont ILS localizer northwest course extending from the 5-mile radius zone to a point 10 miles northwest of the airport.

42. Section 601.2410 is added to read:

§ 601.2410 *Pocatello, Idaho, control zone.* Within a 5-mile radius of Phillips Airport, Pocatello, Idaho, within 2 miles either side of the west course of the Pocatello radio range extending from the radio range station to a point 10 miles west, and within 2 miles either side of a line bearing 45° True from Phillips Airport extending to a point 10 miles northeast of the airport.

43. Section 601.2411 is added to read:

§ 601.2411 *Clinton, Okla., control zone.* Within a 7-mile radius of Clinton-Sherman AFB, Clinton, Okla., and within 2 miles either side of the extended centerline of Runway 17/35 extending from the Air Force Base to points 9 miles north and south of the Air Force Base.

44. Section 601.2412 is added to read:

§ 601.2412 *Mineral Wells, Tex., control zone.* The airspace beginning at a point at latitude 32°47'40", longitude 97°58'30" on Highway 180, extending clockwise along the arc of a 5 mile radius circle centered on the Mineral Wells Airport to a line 2 miles northeast of and parallel to the 319° True radial of the Mineral Wells omnirange, thence southeastward along this parallel line to and including a 3-mile radius of the Mineral Wells Airport thence clockwise to a point at latitude 32°47'40", thence east along this latitude to point of beginning; within 2 miles either side of the 319° True and 139° True radials of the Mineral Wells omnirange extending from the 5-mile radius zone to a point 10 miles southeast of the omnirange station.

45. Section 601.2413 is added to read:

§ 601.2413 *Hoquiam, Wash., control zone.* Within a 3-mile radius of Bowerman Airport, Hoquiam, Wash., excluding the portion above 14,500 feet MSL.

46. Section 601.4012 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the name of the facility "Livingston, Mont., radio range station;" to read: "Livingston, Mont., nondirectional radio beacon;".

47. Section 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)* is amended by changing the name of the facility "Los Angeles, Calif., radio range station" to read: "Los Angeles, Calif., nondirectional radio beacon;".

48. Section 601.4104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.)* is amended by changing the name of the facility "Austin, Tex., radio range station;" to read: "Austin, Tex., nondirectional radio beacon;" and by changing the reporting point which reads: "intersection of the south course of the Fort Worth, Tex., radio range and the west course of the Dallas, Tex., radio range;" to read: "intersection of the south course of the Fort Worth, Tex., radio range and a line bearing 255° True from the Dallas, Tex., nondirectional radio beacon;".

49. Section 601.4106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border)* is amended by deleting the following reporting point: "Chattanooga, Tenn., radio range station;".

50. Section 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing the reporting point which reads: "The intersection of the west course of the Los Angeles, Calif., radio range and the southeast course of the Camarillo, Calif., radio range;" to read: "The intersection of a line bearing 260° True from the Los Angeles, Calif., nondirectional radio beacon and the southeast course of the Camarillo, Calif., radio range;".

51. Section 601.4210 *Red civil airway No. 10 (Amarillo, Tex., to Augusta, Ga.)* is amended by changing the name of the facility "Dallas, Tex., radio range station;" to read: "Dallas, Tex., nondirectional radio beacon;".

52. Section 601.4248 *Red civil airway No. 48 (Helena, Mont., to Livingston, Mont.)* is revoked.

53. Section 601.4265 is amended to read:

§ 601.4265 *Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).* The intersection of a line bearing 175° True from the Los Angeles, Calif., nondirectional radio beacon and the southwest course of the Long Beach, Calif., radio range.

54. Section 601.4293 *Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.)* is revoked.

55. Section 601.6036 is amended to read:

§ 601.6036 *VOR civil airway No. 36, control areas (Toronto, Ontario, Canada to N. Y.).* All of VOR civil airway No. 36, including south alternates.

56. Section 601.6055 is amended to read:

§ 601.6055 *VOR civil airway No. 55 control areas (Dayton, Ohio, to Green Bay, Wis.).* All of VOR civil airway No. 55 including west alternates, but excluding the airspace between the main airway and its west alternate from the Fort Wayne, Ind., omnirange station to the Goshen, Ind., omnirange station.

57. Section 601.6081 is amended to read:

§ 601.6081 *VOR civil airway No. 81 control areas (Midland, Tex., to Salt Lake City, Utah).* All of VOR civil airway No. 81, including east alternates.

58. Section 601.6102 is amended to read:

§ 601.6102 *VOR civil airway No. 102 control areas (Lubbock, Tex., to Wichita Falls, Tex.).* All of VOR civil airway No. 102, including a south alternate.

59. Section 601.6133 is amended to read:

§ 601.6133 *VOR civil airway No. 133 control areas (Parkersburg, W. Va., to Flint, Mich.).* All of VOR civil airway No. 133.

60. Section 601.6159 is amended to read:

§ 601.6159 *VOR civil airway No. 159 control areas (Miami, Fla., to Albany, Ga.).* All of VOR civil airway No. 159, including a west alternate.

61. Section 601.6195 is amended to read:

§ 601.6195 *VOR civil airway No. 195 control areas (Oakland, Calif., to Fortuna, Calif.).* All of VOR civil airway No. 195 including a west alternate.

62. Section 601.6197 *VOR civil airway No. 197 control areas (Toledo, Ohio, to Detroit, Mich.)* is revoked.

63. Section 601.6200 is amended to read:

§ 601.6200 *VOR civil airway No. 200 control areas (Ukiah, Calif., to Kremmling, Colo.).* All of VOR civil airway No. 200.

64. Section 601.6202 is amended to read:

§ 601.6202 *VOR civil airway No. 202 control areas (Tucson, Ariz., to Truth or Consequences, N. Mex.).* All of VOR civil airway No. 202.

65. Section 601.6210 is amended to read:

§ 601.6210 *VOR civil airway No. 210 control areas (Los Angeles, Calif., to Wheeling, W. Va.).* All of VOR civil airway No. 210.

66. Section 601.6232 is added to read:

§ 601.6232 *VOR civil airway No. 232 control areas (Cleveland, Ohio, to Fitzgerald, Pa.).* All of VOR civil airway No. 232.

67. Section 601.6275 is added to read:

§ 601.6275 *VOR civil airway No. 275 control areas (Cincinnati, Ohio, to Detroit, Mich.).* All of VOR civil airway No. 275.

68. Section 601.6277 is amended to read:

§ 601.6277 *VOR civil airway No. 277 control areas (Plain City, Ohio, to Keeler, Mich.).* All of VOR civil airway No. 277.

69. Section 601.6278 is added to read:

§ 601.6278 *VOR civil airway No. 278 control areas (Guthrie, Tex., to Fort Worth, Tex.).* All of VOR civil airway No. 278.

70. Section 601.6279 is added to read:

§ 601.6279 *VOR civil airway No. 279 control areas.* [Unassigned.]

71. Section 601.7001 VOR domestic reporting points is amended by adding the following reporting points:

Greentown Intersection: The intersection of the Wilkes-Barre-Scranton, Pa. omnirange 117° True (127° M) and the Stroudsburg, Pa., omnirange 000° True (010° M) radials.

Buck Hill Intersection: The intersection of the Stroudsburg, Pa., omnirange 345° True (355° M) and the Stillwater, N. J., omnirange 298° True (309° M) radials.

Pecks Pond Intersection: The intersection of the Wilkes-Barre-Scranton, Pa., omnirange 136° True (146° M) and the Stroudsburg, Pa., omnirange 000° True (010° M) radials.

Geyserville Intersection: The intersection of the Ukiah, Calif., omnirange 147° True and the Point Reyes, Calif. omnirange 352° True radials.

Union Pass Intersection: The intersection of the Daggett, Calif., omnirange 078° True and the Needles, Calif., omnirange 004° True radials.

Farmington, N. Mex., omnirange station.

and by revoking the following reporting point:

Branchville Intersection: The intersection of the Stroudsburg, Pa., omnirange 055° True and the Wilkes-Barre-Scranton, Pa., omnirange 117° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. August 29, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 24, 1957.

[F. R. Doc. 57-6236; Filed, July 31, 1957; 8:45 a. m.]

[Amdt. 203]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. Section 608.18, the Pinecastle, Florida, area (R-340) amended February 27, 1957, in 22 F. R. 1115, is rescinded.

2. Section 608.18, the Pinecastle, Florida, area (R-165) amended February 27, 1957, in 22 F. R. 1115, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Pinecastle, Fla., restricted area (R-165) (Orlando).	Within a 6 mile radius of latitude 29°06'52", longitude 81°42'55".	Surface to unlimited.	Continuous...	COMFLTAIR, Jacksonville, Fla.

3. Section 608.25, the Fort Campbell, Kentucky, area (R-63) amended February 5, 1957, in 22 F. R. 716, is further amended by changing the "Designated Altitudes" column to read: "Surface to 40,000 feet MSL".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 23, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 24, 1957.

[F. R. Doc. 57-6237; Filed, July 31, 1957; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter F—Standards for Safety Devices

PART 260—STANDARD FOR DEVICES TO PERMIT THE OPENING OF HOUSEHOLD REFRIGERATOR DOORS FROM THE INSIDE

Pursuant to the provisions of section 3 of the act of August 2, 1956, "To require certain safety devices on household refrigerators shipped in interstate commerce," the following commercial standards are prescribed:

Sec.
260.1 Definitions.
260.2 Scope and application.
260.3 General requirements.
260.4 Detailed requirements.
260.5 Tests.
260.6 Provision for changes in the standard.

AUTHORITY: §§ 260.1 to 260.6 issued under sec. 3, 70 Stat. 953; 15 U. S. C. 1213.

§ 260.1 *Definitions.* As used in this standard, unless the context specifically states otherwise:

(a) The term "act" means Public Law 930, 84th Congress, 2d Session, H. R. 11969.

(b) The term "device" means the mechanism or the means provided for enabling the doors of household refrigerators to be opened from the inside.

(c) The term "effective date" means the date under the provisions of the act after which all household refrigerators manufactured and introduced or delivered for introduction into interstate commerce must comply with this standard. This date is October 30, 1958.

(d) The term "household refrigerator" means a cabinet or any part of a cabinet designed for the storage of food at temperatures above 32° F., having a source of refrigeration and intended for household use.

(e) The term "opened" as applied to a refrigerator door means to effect release of the latching mechanism so that a trapped child would have to apply little or no further effort in order to escape.

(f) The term "shelving" means any shelf, basket, drawer, or baffle which can be readily removed from the refrigerator without the use of tools.

§ 260.2 *Scope and application.* This standard shall apply to devices furnished with household refrigerators manufactured and introduced or delivered for introduction into interstate commerce after the effective date which enable such refrigerators to be opened from the inside. The requirements of this standard shall apply to household refrigerators in their normal operating position only. The releasing feature(s) of the device shall be accessible from all spaces which (a) are bounded by interior walls or shelving, (b) are directly accessible when the exterior hinged door(s) is (are) opened, and (c) have a minimum dimension of 8 inches or more and a volume of two cubic feet or more either with all shelving in place or as the result of the removal or the rearrangement of any or all of the shelving.

§ 260.3 *General requirements.* Household refrigerators shall be equipped with a device enabling the doors thereof to be opened easily from the inside, either by the application of an outwardly directed force to the inside of the door, or by the rotation of a knob similar to a conventional doorknob. The device shall not render the refrigerator unsatisfactory for the preservation of food under any or all normal conditions of use.

§ 260.4 *Detailed requirements*—(a) *Releasing forces.* As determined by the tests called for in § 260.5, the device (1) shall permit the refrigerator door to be opened on the application of a force equivalent to one which, if directed perpendicularly to the plane of the door and applied anywhere along the latch edge of the inside of the closed door, shall not exceed 15 pounds, (2) shall permit the refrigerator door to be opened on the application of clockwise or counterclockwise turning moment of not more than 5 in.-lb. to a knob on the door through an angle of rotation of 45° (±15°) in either direction, or (3) shall function automatically to permit the door to be opened with a force of 15 pounds or less applied as described in subparagraph (1) of this paragraph whenever space(s) exist or is (are) created with dimensions and volumes exceeding the dimensions and volumes imposed by § 260.2.

(b) *Description and location of knob(s).* The knob(s) shall resemble a conventional doorknob in shape and size, and shall be mounted near the latch side of the door extending into the cabinet at least ¼ inch beyond any inner door surface within a six-inch radius of the knob center. The knob(s) shall be mounted in such a manner that there is a minimum of ¾ inch clearance between the inner periphery of the knob(s) and adjacent inner door surfaces. The knob(s) shall be located so as to provide the accessibility required by § 260.2.

(c) *Wear.* The device shall comply with the requirements of paragraph (a) of this section after 300,000 cycles of operation of the door as determined by the tests called for in § 260.5.

(d) *Protection against adverse effects from spillage, cleaning, defrosting, and condensation.* Devices shall be designed so that spillage of foods or beverages, cleaning or defrosting in accordance with manufacturer's recommendations, or normal condensation will not so adversely affect the operation of the device as to result in its failure to meet the requirements of paragraph (a) of this section, as determined by the tests called for in § 260.5.

(e) *Devices which permit door to be opened as a result of forces or turning moments applied to movable components inside the refrigerator.* Those components of a device upon which the safety features of the device depend shall not break, crack, permanently deform, nor show other visible damage when subjected to forces and moments called for in the tests under § 260.5 (c). The requirements of paragraph (a) of this section, shall be satisfied after the device has been subjected to the tests under § 260.5 (c).

(f) *Power supply.* The device shall operate in accordance with the requirements of this standard with the electric, gas, or other fuel supply either on or off.

§ 260.5 *Tests.* It is the intent of this standard that where tests are not specified, the general and detailed requirements shall be checked by inspection, simple measurement, and by consideration of pertinent standard commercial practices. Compliance with requirements of § 260.4 (a), (c), (d) and (e) shall be checked with the aid of the following tests:

(a) *Test for releasing force on door.* The force measurements shall be made by means of a force gage with a calibrated accuracy within ±0.3 pound when measuring a force of 15 pounds. The dial of the gage shall be graduated with finest divisions not exceeding 0.2 pound, and the full-scale range shall not exceed 30 pounds. Measurements shall be made at three points on the door near the inside latch edge—one point near the top of the interior space created by removal of all shelving, one point near the bottom, and one point midway between these two points. The requirements of § 260.4 (a) (1) shall be satisfied.

(b) *Test for knob torque.* The measurement of the turning moment required to operate the knob release shall be made with a torque gage adapted for attachment to the knob or knob shaft. The gage shall have a calibrated accuracy within ±0.10 in.-lb. when measuring a moment of 5 in.-lb. The finest graduations on the dial of the gage shall correspond to a moment increment not greater than 0.10 in.-lb., and the full-scale range shall not exceed 10 in.-lb. in each direction from the null reading. The turning moment shall be applied so as to rotate the knob the full amount required for release, in both a clockwise and a counterclockwise direction. The angle of rotation required for release shall be checked by means of an angle gage adapted to measure the angle of rotation about the longitudinal axis of the knob shaft. The gage shall have a calibrated accuracy within ±1° at an angle of 45°, and the finest divisions shall not exceed 1°. The requirements of § 260.4 (a) (2) shall be satisfied.

(c) *Tests for strength of device components which affect the safety features of the device.* These tests shall apply only to devices which permit the door to be opened as a result of forces or turning moments applied to movable components inside the refrigerator.

A turning moment of 20 in.-lb. shall be applied for 50 successive operations in a clockwise direction, followed by 50 successive similar operations in a counterclockwise direction, to components designed to permit the door to be opened as a result of the application of a turning moment to them. The turning moment shall be applied to the outer periphery of the component provided. The gage used for registering the moment applied shall have a calibrated accuracy within ±0.4 in.-lb. when measuring a moment of 20 in.-lb. The finest graduations on the dial of the gage shall correspond to a moment increment not greater than 0.4 in-lb. and the full scale range of the gage shall not exceed 40 in.-lb. in each direction from the null reading. The turning moment applied in each operation shall be applied for a period of time sufficient for the component to come to rest after completing the extent of movement for which designed. A pushing force of 20 pounds shall be applied for 50 successive operations, followed, if applicable, by 50 successive similar operations with a pulling force, to components designed to permit the door to be opened as a result of the application of a force to them. Areas which may be, in service, subjected to pushing or pulling forces which create maximum stresses, as for example, points on the outer periphery of components designed to transmit a turning moment, or unsupported portions of members or areas designed for transmitting a force, shall be subjected to test. The gage used for registering the force applied shall have a calibrated accuracy within ±0.4 pound when measuring a force of 20 pounds. The finest graduations on the dial of the gage shall correspond to a force not in excess of 0.4 pound and the full-scale range shall not exceed 40 pounds.

Upon being subjected to the tests in this paragraph, no device component on which the safety features of the device depend shall break, crack, permanently deform, or show other visible damage. The device must satisfy the requirements of § 260.4 (a) after being subjected to the tests in this paragraph.

(d) *Simulated use test.* Tests shall be conducted on the completely assembled refrigerator in its normal operating position to determine that the release device complies with the requirements of § 260.4 during and after 300,000 cycles of door operation, and following exposure to spillage of foods and beverages, to cleaning and defrosting in accordance with manufacturer's recommendations, and to condensation. The equipment provided for operating the door shall open the door sufficiently on each cycle to assure a complete cycle of operation for the latch mechanism.

§ 260.6 *Provision for changes in the standard.* Section 5 of the act provides for the possibility of changes in the commercial standard first established pursuant to section 3 of the act and allows a period of one year and ninety days for compliance with such changes after they are published. Any person wishing to propose a change in this commercial standard shall submit to the Director, National Bureau of Standards, United States Department of Commerce, Washington 25, D. C., the proposed change. Before a change is recommended, the Director, National Bureau of Standards, shall secure advice and consultation from public or private sources including particularly the household refrigerator manufacturing industry and the Children's Bureau of the Department of Health, Education, and Welfare, and shall then forward such proposal with his recommendation to the Secretary of Commerce for such action as the Secretary deems appropriate.

The standards prescribed herein shall become effective upon publication in the FEDERAL REGISTER.

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved: July 26, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-6223; Filed, July 31, 1957; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PENICILLIN-NEOMYCIN OINTMENT

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended by adding the following new sections:

§ 141a.93 *Penicillin-neomycin ointment*—(a) *Potency*—(1) *Total penicillin content; crystalline penicillin content; procaine penicillin content.* Proceed as directed in § 141a.35 (a) (1), (2), and (3).

(2) *Neomycin content.* Prepare the sample as directed in § 141a.8 (a), except use 0.10 *M* phosphate buffer, pH 8.0, and add sufficient penicillinase to inactivate the penicillin present. Proceed as directed in § 141e.410 (b) (1) of this chapter. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b).

§ 146a.62 *Penicillin-neomycin ointment.* Penicillin-neomycin ointment conforms to all requirements and is subject to all procedures prescribed by § 146a.26 for penicillin ointment, except that:

(a) It contains neomycin, and it may contain more than one salt of penicillin. The neomycin used conforms to the standards prescribed by § 146e.410 (a) (2) of this chapter.

(b) It may contain cortisone or a suitable derivative of cortisone.

(c) In lieu of the labeling prescribed by § 146a.26 (c) (1) (ii), (iv), and (v), each package shall bear on the outside wrapper or container and the immediate container the number of units of each kind of penicillin and the number of milligrams of neomycin per gram; if it contains cortisone or a derivative of cortisone, the name and quantity of each; and the statement "For udder instillation of cattle only." Each package shall also bear on its label and labeling, if it contains cortisone or a derivative of cortisone, after the name "penicillin-neomycin ointment," wherever it appears, the words "with _____," the blank being filled in with the common or usual name of such other ingredient, in juxtaposition with such name.

(d) In addition to complying with the requirements of § 146a.26 (d), a person

who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH; and the number of units of each kind of penicillin salt and the number of milligrams of neomycin in each gram of the batch. He shall also submit in connection with his request a sample consisting of not less than 6 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making the batch.

(e) The fees for the services rendered with respect to the samples submitted in accordance with paragraph (d) of this section shall be:

(1) $5.00 for each immediate container of ointment.

(2) $4.00 for each immediate container of the neomycin used in making the batch.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order will become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 25, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-6238; Filed, July 31, 1957; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART I—GENERAL PROVISIONS

RELEASE OF INFORMATION

Sections 1.521 and 1.522 are revised to read as follows:

§ 1.521 *Special restrictions concerning social security records.* Information received from the Social Security Administration may be filed in the veteran's claims folder without special provision. Such information will be deemed privileged and may not be released by the Veterans Administration except that the amount of a social security payment made to the claimant in conjunction with a Veterans Administration benefit payment may be disclosed to the claimant. Any request from outside the Veterans Administration for social security information will be referred to the Social Security Administration for such action as they deem proper.

§ 1.522 *Determination of the question as to whether disclosure will be prejudicial to the mental or physical health of claimant.* Determination of the question when disclosure of information from the files, records, and reports, will be prejudicial to the mental or physical health of the claimant, beneficiary, or other person in whose behalf information is sought, will be made by the Chief Medical Director; Director, Professional Services, of a hospital; or the chief medical officer as defined in § 17.31 of this chapter.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interpret or apply sec. 30, 43 Stat. 615, as amended, Vet. Reg. 11, as amended; 38 U. S. C. 456, ch. 12A)

This regulation is effective August 1, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-6266; Filed, July 31, 1957; 8:52 a. m.]

PART 17—MEDICAL

PAYMENT OF FEDERAL AID; CHANGE IN EFFECTIVE DATE

The effective date of § 17.165, published in 22 F. R. 4193, as amended in 22 F. R. 4419, is changed from August 1, 1957, to October 1, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-6267; Filed, July 31, 1957; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1449]

[Sacramento 047465]

CALIFORNIA

RESERVING PUBLIC LANDS IN CONNECTION WITH HONEY LAKE WATERFOWL MANAGEMENT AREA, ADDITIONAL TO THOSE RESERVED BY PUBLIC LAND ORDER NO. 759 OF OCTOBER 22, 1951

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, the act of September 2, 1937 (50 Stat. 917; 16 U. S. C. 669–669i) and the act of March 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661–666c), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved under the jurisdiction of the Department of the Interior for use by the State of California Department of Fish and Game as a part of the Honey Lake Waterfowl Management Area, under such conditions as may be prescribed by the Secretary of the Interior:

MOUNT DIABLO MERIDIAN

T. 28 N., R. 14 E.,
Sec. 13, lots 1, 2, and 3;
Sec. 14, lots 1, 2, 3, and 4;
Sec. 15, lot 1 and NE¼NW¼.

The areas described aggregate 185.18 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 25, 1957.

[F. R. Doc. 57-6251; Filed, July 31, 1957; 8:48 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter G—Emergency Operations

[General Order 75, Rev., Amdt. 1]

PART 308—WAR RISK INSURANCE

INTERIM BINDERS; CHANGE IN EXPIRATION DATES

Sections 308.4 *Period of Interim binders if insurance thereunder does not attach*, 308.106 *Standard form of war risk hull insurance interim binder*, 308.205 *Standard form of war risk protection and indemnity insurance interim binder*, and 308.305 *Standard form of Second Seamen's war risk interim binder*, of this part are hereby amended by changing the expiration dates therein from "September 7, 1957, G. M. T." to "September 7, 1958, G. M. T.".

(Sec. 204, 49 Stat. 1987, as amended, 46 U. S. C. 1114)

Dated: July 29, 1957.

By order of the Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-6265; Filed, July 31, 1957; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 125—RAILROAD ACCIDENTS: REPORTS AND CLASSIFICATION

MONTHLY REPORTS OF RAILROAD ACCIDENTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 25th day of July 1957.

By notice of December 1, 1955, the Commission informed the rail carriers subject to its Rules Governing the Monthly Reports of Railroad Accidents and other interested parties of proposed revisions of the rules; by notice of December 29, 1955, it informed the rail carriers and other interested parties that it had under consideration the making confidential of Monthly Reports of Railroad Accidents filed on Form T; by notice of January 26, 1956, it informed the public that the above-described matters had been consolidated into a single proceeding; certain of the above-described notices contained provisions for the reception of written views by interested persons respecting the matters described therein; and by notice of November 26, 1956, the Commission, by way of further extension, permitted persons interested in the proceedings to file, on or before February 1, 1957, written statements of their views on the above-described matters and to file, before February 15, 1957, requests for oral argument;

The Commission's Rules Governing Monthly Reports of Railroad Accidents, as set forth in Appendix A to its Order of November 23, 1956, as amended by its Order of December 27, 1956, became effective January 1, 1957;

In response to the notices described in the second preceding paragraph hereof, the Commission received from rail carriers subject to its Rules Governing the Monthly Reports of Railroad Accidents and from railroad labor organizations the representations described in Appendix C, which is attached hereto and made a part hereof,[1] but no request was made for oral argument;

Upon consideration, or further consideration as the case might be, of the matters and things involved in the Commission's Rules Governing the Monthly Reports of Railroad Accidents, and in the written representations of parties thereto:

It is ordered, That § 125.9, as set forth below, be added to the Commission's Rules Governing the Monthly Reports of Railroad Accidents, as set forth in Appendix A to the order of November 23, 1956, that §§ 125.11 and 125.12 be eliminated in their entirety and that §§ 125.11 and 125.12 as set forth below, be substituted therefor, that § 125.15 (b) be eliminated in its entirety, and that § 125.15 (c) be modified and amended as set forth below;

It is further ordered, That 49 CFR Part 125 be amended by adding thereto § 125.9, as set forth below, that §§ 125.11 and 125.12 be eliminated in their entirety and that §§ 125.11 and 125.12 as set forth below, be substituted therefor, that § 125.15 (b) be eliminated in its entirety, and that § 125.15 (c) be modified and amended as set forth below.

It is further ordered, That a copy of this order shall be served on common carriers subject to the provisions of the Accident Reports Act, and that notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register;

And it is further ordered, That this order shall become effective September 1, 1957, except as to accidents occurring prior to that date.

(Sec. 12, 24 Stat. 383, as amended; sec. 1, 36 Stat. 350; 49 U. S. C. 12; 45 U. S. C. 38. Interpret or apply sec. 20, 24 Stat. 386, as amended; Sec. 3, 36 Stat. 351; 49 U. S. C. 20; 45 U. S. C. 40)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[1] Filed as part of original document.

§ 125.9 *Public examination of reports only after approval.* Accident reports made by railroads in compliance with the rules in this part shall be for the information of the Commission and shall be open to public inspection only upon prior approval of an application by this Commission. Applications for public inspection will be granted if the Commission is satisfied that such inspection will not result in a violation of section 4 of the Accidents Reports Act and is for the purpose of obtaining information to be presented before Federal and other governmental bodies, or which will contribute to the promotion of safety in railroad operations.

§ 125.11 *Definition of "Arising from the operation of a railroad".* The term refers only to the conduct of railroad activities as an operating entity. It includes the construction, installation, inspection, protection, operation, servicing or maintenance of all railroad facilities or equipment, including those acts of commission or omission performed in and about such facilities or equipment. The term does not refer to sales or traffic work; real estate, industrial, forestry, or agricultural development work; legal, financial, statistical, accounting, or public relations work; or similar executive, professional, or clerical work not involving the operation of a railroad as an operating entity.[1]

§ 125.12 *Definition of "Accidents".* (a) An accident is a collision, derailment, or other event resulting in injury to persons, equipment, or roadbed as hereinafter defined in § 125.21 and which is incurred in the operation of a common carrier engaged in interstate or foreign commerce by railroad as hereinbefore defined in § 125.11.

(b) As used in this part, "accident" and "injury" are not synonymous terms. An accident presupposes an occurrence. An injury is a result.

(c) An "accident" which results in an "injury" to a person presupposes an occurrence, such as coming in contact with a locomotive, car, machine, device, apparatus, tool, on-track or off-track vehicle, material, or other object; a slip, a trip, or a fall; or any unforeseen mishap.

§ 125.15 *"Accidents" not to be reported.* * * *

(b) [Delete in its entirety, without renumbering subsequent paragraphs.]

(c) Extraordinary forces of nature are those which the records of weather conditions at the location of the accident indicate have not previously occurred. No accident is reportable which is caused by an extraordinary force of nature, except that when the failure of signal or interlocked switch apparatus, caused by unusual weather, even though combined with one of those forces, contribute to the occurrence. Such accidents arise from the operation of a railroad.

[1] Even though there may be no witness of an accident, if there is any evidence which indicates that an accident, due to the operation of a railroad, may be presumed to have occurred, a report of an accident must be made. In contrast, a mere suspicion, unsupported by any evidence that an accident due to the operation of a railroad may be presumed to have occurred, must not be used as justification for the making of a report of an accident.

[F. R. Doc. 57-6262; Filed, July 31, 1957; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 33—CENTRAL REGION

SUBPART—HORICON NATIONAL WILDLIFE REFUGE, WISCONSIN

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.11, and in accordance with subsection (a) of section 4 of the Migratory Bird Hunting Stamp Act as amended August 12, 1949 (63 Stat. 600; 16 U. S. C. 718d (a)), I have determined that migratory birds and resident species of game birds and mammals, as defined by State law or regulation, may be taken by hunting on portions of the Horicon National Wildlife Refuge, Wisconsin, without interfering with the primary purpose of the area. Accordingly, a new subpart and a center headnote, as set forth above, and §§ 33.87 and 33.88, reading as follows, are added:

§ 33.87 *Hunting of migratory game birds permitted.* Migratory game birds may be taken in accordance with the provisions of Part 6 of this chapter on such portion or portions of the Horicon National Wildlife Refuge as may be designated as open to the hunting of migratory game birds each year by suitable posting by the refuge officer in charge, subject to the conditions and restrictions in Parts 18 and 21 of this chapter and such regulations as may be prescribed by the Wisconsin Conservation Commission: *Provided*, That the use of dogs for hunting purposes is prohibited.

§ 33.88 *Hunting of resident game permitted.* Resident species of game birds and mammals, as defined by State law or regulation, may be taken within the Horicon National Wildlife Refuge at such times, in such numbers, and by such means as may be mutually determined each year by the Regional Director, Region 3 (Central Region), of the Bureau of Sport Fisheries and Wildlife and the Wisconsin Conservation Commission and only on such areas as may be designated as open to hunting by suitable posting by the refuge officer in charge. Hunting on the refuge shall be in accordance with the conditions and restrictions of Parts 18 and 21 of this chapter and such regulations as may be prescribed by the Wisconsin Conservation Commission.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments have the effect of relieving restrictions applicable to the Horicon National Wildlife Refuge, compliance with the 30-day advance publication provision is not required, and they shall become effective immediately upon publication in the

FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Issued at Washington, D. C., and dated July 26, 1957.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57-6244; Filed, July 31, 1957; 8:47 a. m.]

PART 33—CENTRAL REGION

SUBPART—LOWER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.11, I have determined that migratory birds and resident species of game birds and mammals, as defined by State law or regulation, may be taken by hunting on portions of the Lower Souris National Wildlife Refuge, North Dakota, without interfering with the primary purpose of the area. Accordingly, a new subpart and center headnote, as set forth above, and §§ 33.101 and 33.102, reading as follows, are added:

§ 33.101 *Hunting of migratory game birds permitted.* Migratory game birds may be taken in accordance with the provisions of Part 6 of this chapter on such portion or portions of the Lower Souris National Wildlife Refuge as may be designated as open to the hunting of migratory game birds each year by suitable posting by the refuge officer in charge, subject to the conditions and restrictions in Parts 18 and 21 of this chapter: *Provided,* That hunting dogs, not to exceed two per hunter, may be used on such areas for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

§ 33.102 *Hunting of resident game.* Resident species of game birds and mammals, as defined by State law or regulation, may be taken within the Lower Souris National Wildlife Refuge at such times, in such numbers, and by such means as may be determined each year by the Regional Director, Region 3 (Central Region), of the Bureau of Sport Fisheries and Wildlife, only on such areas as may be designated as open to hunting by suitable posting by the refuge officer in charge. Hunting on the refuge shall be in accordance with the conditions and restrictions of Parts 18 and 21 of this chapter and the applicable laws and regulations of the State of North Dakota.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments have the effect of relieving restrictions applicable to the Lower Souris National Wildlife Refuge, compliance with the 30-day advance publication provision is not required, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Issued at Washington, D. C., and dated July 26, 1957.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57-6245; Filed, July 31, 1957; 8:47 a. m.]

PART 33—CENTRAL REGION

SUBPART—SWAN LAKE NATIONAL WILDLIFE REFUGE, MISSOURI

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.11, and in accordance with subsection (a) of section 4 of the Migratory Bird Hunting Stamp Act as amended August 12, 1949 (63 Stat. 600; 16 U. S. C. 718d (a)), I have determined that migratory game birds may be taken on portions of the Swan Lake National Wildlife Refuge, Missouri, without interfering with the primary purpose of the area. Accordingly, a new center headnote, as set forth above, and a new section, reading as follows, are added:

§ 33.226 *Hunting of migratory game birds permitted.* Migratory game birds may be taken in accordance with the provisions of Part 6 of this chapter on such portion or portions of the Swan Lake National Wildlife Refuge as may be designated as open to the hunting of migratory game birds each year by suitable posting by the refuge officer in charge, subject to the conditions and restrictions in Parts 18 and 21 of this chapter and such regulations as may be prescribed by the State of Missouri Conservation Commission: *Provided,* That the use of dogs for hunting purposes is prohibited.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendment has the effect of relieving restrictions applicable to the Swan Lake National Wildlife Refuge, it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Issued at Washington, D. C., and dated July 26, 1957.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57-6246; Filed, July 31, 1957; 8:47 a. m.]

PART 35—NORTHEASTERN REGION

SUBPART—MOOSEHORN NATIONAL WILDLIFE REFUGE, MAINE

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.11, I have determined that resident species of game birds and mammals, as defined by State law or regulation, may be taken by hunting on portions of the Moosehorn National Wildlife Refuge, Maine, without interfering with the primary purpose of the area. Accordingly, a new center headnote, as set forth above, and § 35.37, reading as follows, are added:

§ 35.37 *Hunting of resident game.* Resident species of game birds and mammals, as defined by State law or regulation, may be taken within the Moosehorn National Wildlife Refuge at such times, in such numbers, and by such means as may be determined each year by the Regional Director, Region 5 (Northeastern Region), of the Bureau of Sport Fisheries and Wildlife, only on such areas as may be designated as open to hunting by suitable posting by the refuge officer in charge. Hunting on the refuge shall be in accordance with the conditions and restrictions of Parts 18 and 21 of this chapter and the applicable laws and regulations of the State of Maine.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments have the effect of relieving restrictions applicable to the Moosehorn National Wildlife Refuge, compliance with the 30-day advance publication provision prescribed by section 4 (c) of the Administrative Procedure Act is not required, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003 (c)).

Issued at Washington, D. C., and dated July 29, 1957.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57-6269; Filed, July 31, 1957; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 998]

[Docket No. AO-259-A2]

MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

EXTENSION OF TIME FOR COMPLETING REFERENDUM

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for completing the referendum as provided in the referendum order as included in the decision of the Assistant Secretary, July 11, 1957 (22 F. R. 5581), with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area, which was issued July 11, 1957 (22 F. R. 5581), is hereby extended from July 26, 1957 to and including August 9, 1957.

Dated: July 26, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6240; Filed, July 31, 1957; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGIC PRODUCTS

ADENOVIRUS VACCINE

Notice is hereby given of intention to promulgate regulations pursuant to section 351 of the Public Health Service Act, as amended (42 U. S. C. 262). The purpose of the proposed regulations, set forth below, is to adopt additional standards designed to assure the continued safety, purity and potency of adenovirus vaccine, a new product. In the interests of the public health and to avoid unnecessary delay in the issuance of licenses, it is also proposed that such regulations as may be adopted will be made effective upon their publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing in triplicate, to the Surgeon General, Public Health Service, Washington 25, D. C. All relevant material received not later than 21 days after publication of this notice in the FEDERAL REGISTER will be considered.

1. Part 73 would be amended by the addition, immediately after § 73.105, of the following new subheading and new sections (§§ 73.110 to 73.115 inclusive):

ADDITIONAL STANDARDS: ADENOVIRUS VACCINE

§ 73.110 *The product*—(a) *Proper name and definition.* For the purpose of section 351 (a) (2) of the act and § 73.1 (j), the proper name of this product shall be "Adenovirus Vaccine" with a designation of the types of virus included in the vaccine. Such vaccine shall consist of an aqueous preparation of one or more adenoviruses grown in monkey kidney tissue cultures inactivated by a suitable method. Where more than one type of virus is used in the preparation of the vaccine, equal proportions of each type shall be combined with a tolerance for each component of 5 percent of the total volume.

(b) *Strains of virus.* Strains of adenovirus used in the preparation of the vaccine shall be identified by historical records, infectivity tests, and immunological methods. Any strain of virus may be used that produces a vaccine meeting the safety and potency requirements in §§ 73.112 and 73.113, provided that no strain with passage in malignant cells of human or animal origin shall be used as a seed for vaccine production, and that the seed material must have been maintained in monkey kidney cultures for at least 10 passages prior to use.

(c) *Monkey kidney tissue.* Only cynomolgus, rhesus monkeys or other species of equal suitability, in overt good health, that have reacted negatively to tuberculin within 2 weeks prior to use shall be used as a source of kidney tissue for the production of virus. Each animal shall be examined at necropsy under the supervision of a qualified pathologist for gross signs of disease. If there is any gross pathological lesion of any significance to their use in the preparation of vaccine, the kidneys shall be discarded. Kidney tissue from monkeys that have been used previously for experimental purposes shall not be used, except that monkeys in overt good health, used for the safety or potency tests of adenovirus vaccines with negative clinical findings (§§ 73.112 and 73.113) that have reacted negatively to tuberculin prior to such test, may be used within two weeks of the end of the test period. The monkeys shall not at any time have been housed in the same building where monkeys actually infected with or exposed to poliovirus are housed, and due precautions shall be taken to prevent cross infection from any infected or potentially infected monkeys on the premises.

§ 73.111 *Production of adenovirus vaccine*—(a) *Cultivation of the virus.* Virus for preparing vaccine shall be grown with aseptic technique in monkey kidney cell cultures using a synthetic medium. Suitable antibiotics in the minimum concentration required may be used. If penicillin is used, not more than 200 units per milliliter may be added. Phenol red may not exceed a concentration of 0.002 percent.

(b) *Filtration.* Within 72 hours preceding the beginning of inactivation, the virus suspensions shall be filtered or clarified by a method having an efficiency at least equivalent to a Selas 02 type filter.

(c) *The virus titer.* The titer of each virus pool after filtration shall be determined by a suitable method. It shall also be demonstarted that each virus pool possesses adenovirus group antigen by the complement-fixing test.

(d) *Inactivation of virus.* The virus shall be inactivated, as evidenced by the test in tissue culture as set forth in § 73.112, through the use of an agent or method which has been demonstrated to be effective in the hands of the manufacturer in inactivating a series of at least 5 consecutive lots of adenovirus vaccine. If formaldehyde is used for inactivation, it shall be added to the virus suspension to a final concentration of USP formaldehyde solution of at least 1:4000. The inactivation shall be conducted under controlled conditions of pH and time at a temperature of 36°–38° C. As an indication of inactivation, not less than two samples shall be removed during the inactivation process and treated as prescribed in § 73.112 (b) (1). Regardless of the concentration of formaldehyde used, the total heating period shall be not less than 20 hours and at least three times the period required for the reduction of live virus to a point where no virus is detected in a 5-milliliter sample when tested in accordance with § 73.112 (b) (1). At the end of the heating period, a sample shall be removed for the single strain tissue culture safety test.

§ 73.112 *Tests for safety.* In the preparation of the product, the following tests relating to safety shall be conducted by the manufacturer:

(a) *The virus pool.* (1) Prior to inactivation, each virus pool shall be tested for the presence of B virus and Mycobacterium tuberculosis by suitable animal and culture methods;

(2) Each single strain virus pool shall be shown to be free of lymphocytic choriomeningitis virus and other mouse pathogens by intracerebral injection into 10 or more mice which shall be observed daily for at least 21 days. All mice which die during the observation period shall be studied as to the possible cause of death. A negative test shall not be valid unless at least 8 mice survive the full observation period and unless the virus pool was found free of agents pathogenic for mice; and

(3) An identity test shall be done on each virus pool using appropriate monovalent adenovirus serums free from poliomyelitis antibodies. Such serums shall have been prepared from animals immunized with virus grown in other than the tissue used for the neutralization test. The identity tests shall be done (i) in monkey kidney and (ii) in HeLa or other equally susceptible cells. The tissue cultures shall be observed for 7 days. Those showing cytopathogenic effect in the presence of type specific serum shall be

subcultured in monkey kidney cells or HeLa cells. The subcultures shall be maintained for 7 days and observed for cytopathogenic effect. Only virus pools free of unidentified cytopathogenic agents and free of all viruses pathogenic to man other than adenoviruses may be used for vaccine production.

(b) *Single strain tissue culture test for adenovirus.* (1) The samples specified in § 73.111 (d) shall be placed immediately after sampling in contact with sodium bisulfite or a similar formaldehyde neutralizing substance that will stop the inactivation process. Each sample shall be dialyzed or rendered non-toxic to tissue culture cells by an appropriate method which does not affect the detection of live virus. An amount of fluid representing at least 5 milliliters of the original virus pool shall be inoculated into monkey kidney or other equally susceptible tissue cultures. The tissue cultures shall be maintained for 7 to 12 days and examined at intervals. At the end of the above period, the cell sheet shall be removed from each culture vessel, broken up by an appropriate means, suspended in a portion of its culture fluid equal to at least 10 percent of the volume which was present during incubation, and inoculated into corresponding fresh tissue culture preparations. Any fluids recovered prior to refeeding during original observation period shall be held at 2°–5° C. A volume of each fluid representing at least 10 percent of the total volume shall be subcultured to fresh tissue culture. All subcultures shall be examined for at least 7 days. This test shall be considered negative only if no cellular degeneration occurs attributable to any virus.

(2) A sample of at least 500 milliliters of each single strain pool shall be fully subjected to the following testing procedure in tissue culture cells, with half the sample in monkey kidney cells and half in suitable human cells of demonstrated high susceptibility to adenovirus and poliovirus. The entire sample shall be dialyzed and rendered non-toxic for tissue culture cells. Each half of the sample shall be inoculated into 4 or more tissue culture bottles of suitable capacity so that direct observation of the culture cells is possible under conditions which assure the growth of adenovirus, poliovirus or simian viruses should infective particles of any one of these viruses be present in the vaccine. The monkey kidney cell cultures shall be performed as described in § 73.102 (b) except that a third subculture shall be included after 21 days of incubation of the initial culture and that this subculture shall be made by suspending the cell sheet. The initial human cell cultures shall be observed for at least 12 days. A subculture shall be made on each fluid at each refeeding and on the suspension of each cell sheet in the culture fluid removed at the end of the observation period. The inoculum for the subcultures shall be a volume of at least 2 percent of that of the fluid being studied. The subculture shall be examined frequently and refed as required, and maintained for a period of at least 12 days. If a cytopathogenic effect occurs during the test, the vaccine pool shall be held until the matter is resolved. If active poliomyelitis virus or adenovirus is indicated, the strain pool shall not be used for inclusion in a final vaccine. If other viruses are present, the pool shall not be used unless it can be demonstrated that such viruses did not originate from the strain pool being tested.

(c) *Final vaccine pool tissue culture test.* No less than 1,500 milliliters of the final vaccine pool without final preservative, prepared by pooling the individual single strain preparations, shall be tested in accordance with § 73.102 (b) and (c).

(d) *Final test for active virus in monkeys.* Final bulk vaccine shall be tested in monkeys as prescribed in § 73.102 (e) except that the test may be applied to vaccine before it is placed in final containers, and the sample may be dialyzed in order to remove sodium bisulfite or the sodium bisulfite formaldehyde complex before injection intraspinally and intracerebrally into monkeys. In no case, however, shall dialyzed vaccine be used for the intramuscular injection of the monkeys. The test is considered negative if the histological and other studies leave no doubt that virus infections attributable to the vaccine did not occur.

(e) *Exclusion of certain pools from final vaccine.* Pools which fail to pass the tissue culture safety tests prescribed in this section shall not be included in final vaccine, unless it can be clearly shown that the cytopathogenic agent occurred in the test system and not in the vaccine pool. No pool shall be subjected to reprocessing.

§ 73.113 *Potency test.* Each lot of vaccine shall be subjected to a potency test which permits an estimation of the antigenic capacity of the vaccine in comparison with a reference vaccine distributed by the National Institutes of Health. This shall be done using at least 6 animals for each dilution of each vaccine tested and measuring the neutralizing antibody response of the animals receiving test vaccine and others receiving reference vaccine in simultaneous tests. The average antibody level for each type shall equal or exceed the corresponding value of the reference vaccine.

§ 73.114 *General requirements*—(a) *Separate facilities.* The personnel, equipment and supplies used in the manufacture of adenovirus vaccine shall be separated from personnel, equipment or supplies used in conection with any other pathogenic virus to the extent necessary to prevent cross-contamination.

(b) *Final container tests.* Tests shall be made on final containers for identity, safety, and sterility, in accordance with § 73.70.

(c) *Release of vaccine.* A lot of vaccine shall not be released unless all required safety tests have given negative results.

(d) *Extraneous protein.* Extraneous protein capable of producing allergenic effects on human subjects shall not be added to the final virus production medium. If animal serum is used at any stage, its calculated concentration in the final medium shall not exceed 1:1,000,000.

(e) *Nitrogen content.* The final vaccine shall have a protein nitrogen content of less than 0.02 milligram per milliliter.

(f) *Dose.* These additional standards for adenovirus vaccine are based on a human dose not exceeding 1.0 milliliter for a single injection.

(g) *Labelling.* In addition to compliance with the requirements of §§ 73.50 to 73.55, inclusive, the label or package enclosure shall include an appropriate statement indicating the type and amount of each antibiotic added, if any. The preservative used shall be stated on the label, as well as allergenic substances added, if any, and the source, composition, and method of inactivation of the viruses.

(h) *Dating.* The expiration date shall be not more than 6 months after either the date of manufacture, as defined in § 73.78 (a), or the date of issue from cold storage. The date of issue shall be not more than 6 months after such date of manufacture, and the product prior to issue shall be kept constantly at a temperature not exceeding 10° C.

(i) *Requirements for samples and protocols.* For each lot of vaccine, the following material shall be submitted to the Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland:

(1) A 2,500-milliliter sample of the final vaccine taken at the latest possible stage of production before the addition of preservative.

(2) A 200-milliliter bulk sample of the final vaccine containing all preservatives.

(3) A total of at least 200-milliliter sample of the final vaccine in final labelled containers.

(4) Protocol showing the history of the lot and the results of all of the tests which were carried out by the manufacturer.

§ 73.115 *Equivalent methods.* The provisions of § 73.105, permitting modifications in methods if found equivalent in assuring safety, purity, and potency, shall be applicable to the additional standards relating to adenovirus vaccine (§§ 73.110 to 73.114, inclusive).

Dated: July 11, 1957.

[SEAL] L. E. BURNEY,
Surgeon General,
Public Health Service.

Dated: July 12, 1957.

J. M. HAYS,
Surgeon General of the Army.
B. E. BRADLEY,
Acting Surgeon General of the Navy.

Approved: July 26, 1957.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 57–6270; Filed, July 31, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 141, 201]

[Docket Nos. R–158, R–159]

UNIFORM SYSTEMS OF ACCOUNTS

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE FOR ORAL ARGUMENT

JULY 26, 1957.

In the matters of amendment of Uniform System of Accounts Respecting Treatment of Deferred Taxes on Income, Docket No. R–158; amendment of Uniform System of Accounts for Public Utilities and Licensees and Annual Report Form No. 1 Respecting Treatment of Deferred Taxes on Income, Docket No. R–159.

The Commission, on January 7, 1957, issued a notice of proposed rulemaking in docket No. R–158 wherein it proposed to amend the Uniform System of Accounts for natural gas companies to provide for deferred tax accounting for Federal income tax accruals under the liberalized depreciation methods allowed under the 1954 revisions to the Internal Revenue Code.

On February 8, 1957, a notice was issued in Docket No. R–159 proposing similar amendments to the Uniform System of Accounts for Public Utilities and Licensees.

General public notice of the proposals was given by publication in the FEDERAL REGISTER on April 2, 1957, (22 F. R. 2185) and mailing notices to interested parties, including State and Federal regulatory agencies. In response to the notices, 25 replies were received in Docket No. R–158 and 37 in Docket No. R–159.

While in each case a majority of the responses indicated general approval of the proposed amendments, three general objections were raised which are of considerable importance.

No requests for hearing or oral argument were made, but in order to provide full opportunity to all interested parties who have commented on the amendments to the systems of accounts we will afford an opportunity to support their position by briefs to be filed not later than September 9, 1957. We will thereafter on September 17, 1957, hear oral argument upon the matters and issues presented. Since the issues in the two dockets are parallel they should be consolidated for the purpose of such argument. Counsel so appearing should consolidate their arguments, where possible, to avoid undue repetition.

The Commission orders:

(A) The proceedings in docket No. R–158 is hereby consolidated with proceedings in docket No. R–159 for the purpose of the oral argument provided for in paragraph (B) hereof.

(B) Oral argument will be heard on September 17, 1957, commencing at 10:00 a. m., e. d. s. t., in a Hearing Room of the Commission, 441 G Street NW., Washington, D. C., on behalf of persons who have filed comments in response to our invitation in the notices issued January 7 and February 8, 1957.

(C) Persons desiring to be heard on oral argument shall advise the Secretary by September 4, 1957, of the time requested, and time allotted will be announced on the day of argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–6253; Filed, July 31, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 176]

[Ex Parte No. MC–19]

TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

JULY 15, 1957.

In North American Van Lines, Inc. v. United States, —— Fed. 2d ——, a criminal proceeding, the United States Court of Appeals for the Sixth Circuit, held that the definition of household goods in Rule 1 of the rules prescribed in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, (49 CFR 176.1), is ambiguous in certain respects.

Notice is hereby given of the proposal to accord consideration to the necessity and desirability of clarifying the definition of household goods contained in Rule 1 to remove doubt which may exist concerning the commodities included in the definition and for the purpose of giving consideration to the substitution of the following for § 176.1 (Rule 1):

§ 176.1 *Definitions.* As used in the rules in this part:

(a) The term "household goods" means (1) personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; (2) furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and (3) articles, including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods.

(b) The following construction shall be given the definition in paragraph (a) of this section: Subparagraph (1) shall be construed to include only property transported as an incident of a move by a householder from one dwelling to another, and shall not be construed to include property moving from a factory or store, except such property as the householder has purchased with intent to use in his dwelling and which is transported at the request of the householder and as an incident of a move by the householder from one dwelling to another; subparagraph (2) shall be construed to include the commodities mentioned therein only when transported as an incident to the removal of the establishment, or a portion thereof, from one location to another and shall not be construed to include such commodities when transported as an incident to the purchase, sale, lease, or rental of the commodities by the shipper or consignee; subparagraph (3) shall be construed to include only objects of art, displays, exhibits, antiques, and other articles of unusually delicate or fragile nature or of extraordinary value which because of such nature or value require the specialized handling and equipment usually employed in moving household goods, and shall not be construed to include ordinary articles of commerce though they be uncrated nor commodities of delicate or fragile nature which because of crating or other preparation for shipment do not require specialized handling and equipment usually employed in moving household goods.

(c) Where any other terms used in the rules in this part are defined in section 203 (a) of Part II of the Interstate Commerce Act, such definitions shall be controlling. Where terms are used in these rules which are neither defined herein nor in said section 203 (a), they shall have the ordinary practical meaning of such terms.

The construction in paragraph (b) of subparagraph (1) in paragraph (a) is based on North American Van Lines, Inc., Extension—New Furniture, 49 M. C. C. 368, 371. The construction of subparagraph (2) is based on Practices of Motor Common Carriers of Household Goods, 53 M. C. C. 177, the report cited therein, Shapiro Extension—Shuffleboards, 49 M. C. C. 634, Shannon Spring Bed Mfg. Co., Inc., v. North American Van, 61 M. C. C. 73, and Andrew G. Nelson, Inc.—Investigation of Operations, 63 M. C. C. 407. The construction of subparagraph (3) is based on Practices of Motor Common Carriers of Household Goods, 53 M. C. C. 177, Automobile Shippers, Inc., Ext.—Show Cars and Displays, 67 M. C. C. 201, Neptune Storage, Inc., Extension—Tabulating Machines, 67 M. C. C. 319, George B. Holman & Co., Inc., Ext.—Television Equipment, 49 M. C. C. 242, and Administrative Ruling No. 90, question 3.

No oral hearing is contemplated but anyone desiring to make representations to the Commission with respect to the subject matter of this notice may do so by the submission of written data, views, or arguments. An original and 14 copies of such representations should be filed with the Commission at its office in Washington, D. C., on or before September 1, 1957.

Notice to the general public shall be given by depositing a copy hereof in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57–6263; Filed, July 31, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[Treasury Dept. Order 168-1]

CONTINUANCE OF SALE OF CERTAIN U. S. SECURITIES BEARING FACSIMILE SIGNATURE OF FORMER SECRETARY OF THE TREASURY

Pursuant to the provisions of R. S., sec. 161, 5 U. S. C. 22, it is hereby ordered:

1. That the sale and issue of United States Savings Bonds of Series E and H, pursuant to Department Circulars Nos. 653, Fourth Revision, and 905, Revised, continue and that the existing stocks be used notwithstanding the fact that the bonds of such stocks bear the facsimile signature of the former Secretary of the Treasury. All savings bonds issued or reissued pursuant to said Department circulars or applicable regulations by the Treasury, directly or through authorized issuing agents, shall be valid and binding obligations notwithstanding the fact that they bear the facsimile signature of the former Secretary. The term "existing stocks" as used herein means stocks of bonds of Series E and H now on order, as well as stocks thereof presently on hand in the Treasury Department and at its issuing agencies, including the Federal Reserve Banks and Branches.

2. That the sale and issue of 2 percent Depositary Bonds under the provisions of Department Circular No. 660, dated May 23, 1941, continue as heretofore, and that the stock on hand in the Treasury Department continue to be used notwithstanding the fact that the bonds bear the facsimile signature of the former Secretary of the Treasury. All 2 percent Depositary Bonds issued or reissued pursuant to said Department circular or applicable regulations shall be valid and binding obligations notwithstanding the fact that they bear the facsimile signature of the former Secretary.

3. That any checks bearing the facsimile signature of the former Secretary of the Treasury which may be issued in payment of August 1, 1957 interest on United States Savings Bonds shall be valid and binding.

This order shall be effective immediately.

Dated: July 29, 1957.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 57-6330; Filed, July 31, 1957; 11:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 35]

REDELEGATION OF AUTHORITY

ATTORNEY FEES

JULY 26, 1957.

Order 551, as amended, is further amended to add a new section under the heading Functions Relating to Funds and Fiscal Matters, to read as follows:

SEC. 269. *Attorney fees:* The approval of the employment of attorneys for individual Indians and the determination and payment of fees paid on a quantum meruit basis from restricted or trust funds.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 57-6247; Filed, July 31, 1957; 8:48 a. m.]

Bureau of Land Management

[Classification No. 26]

COLORADO

SMALL TRACT CLASSIFICATION

JULY 24, 1957.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling 19.498 acres in Gilpin County, Colorado, as suitable for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 73 W.,
The Dorothy Lee Placer Mining Claim, Mineral Survey 20707, Colorado, lying in the NW¼ of Sec. 11, containing 19.498 acres which have not been subdivided into small tracts.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 57-6252; Filed, July 31, 1957; 8:49 a. m.]

[Order No. 645]

HEARING EXAMINERS

DELEGATION OF AUTHORITY TO CONDUCT HEARINGS ARISING UNDER THE ACT OF AUGUST 13, 1954

JULY 24, 1957.

1. Pursuant to section 1.5 of Secretarial Order No. 2583, as amended February 16, 1954 (19 F. R. 1021), Hearing Examiners of the Bureau of Land Management are hereby designated to schedule and conduct hearings as provided for in section 7 (c) of the above-cited Act (30 U. S. C. 521; 68 Stat. 708) and the regulations in 43 CFR Part 186.

2. Hearing Examiners shall conduct such hearings in the State or States in which they are assigned to conduct hearings in other public land matters.

3. The procedures with respect to notice of such hearings and the conduct therof, and in respect to decisions of Hearing Examiners and appeals therefrom, shall follow the regulations in 43 CFR Part 221, relating to contests or protests affecting public lands of the United States.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 57-6248; Filed, July 31, 1957; 8:48 a. m.]

[Document 154]

ARIZONA

AIR NAVIGATION SITE WITHDRAWAL

JULY 19, 1957.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to the authority delegated by section 2.5 of Bureau of Land Management Order No. 541 of April 21, 1954 (19 F. R. 2473) as amended, it is ordered as follows:

Subject to valid existing rights, the following described public land in the State of Arizona is hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for the Civil Aeronautics Administration, United States Department of Commerce, for installation and maintenance of air navigational facilities to be known as the St. Johns, Arizona, VOR facility.

GILA AND SALT RIVER MERIDIAN

T. 12 N., R. 30 E.,
All lands lying within fifteen feet of the centerline of an access road through the following described subdivisions:
Sec. 14: N½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 23: NW¼NE¼, NE¼NW¼.
Also all of the following lands:
Sec. 23: S½NW¼, N½SW¼.

The public lands described contain 162.44 acres, more or less.

It is intended that the above described land shall be returned to the administration of the Department of the Interior when no longer needed for the purpose for which it is reserved.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 57-6249; Filed, July 31, 1957; 8:48 a. m.]

[Sacramento 054340]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

JULY 25, 1957.

Pursuant to determinations DA-881 and DA-892, California, of the Federal Power Commission and in accordance with order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473-2476), it is ordered as follows:

1. The lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the mining laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
California			MOUNT DIABLO MERIDIAN, CALIFORNIA
DA-881	Power Project No. 137 of June 26, 1925.	For mining purposes only.	T. 7 N., R. 14 E., Sec. 10, SE¼NE¼ Eldorado National Forest.
DA-892	Power Project No. 233 of October 23, 1923.	do	T. 36 N., R. 3 E., Sec. 3, Lot 2. T. 37 N., R. 3 E., Sec. 27, Lot 1; Shasta National Forest (lands lying within the reservoir and project boundary only).

The area described totals approximately 114.13 acres, more or less, of public lands with the national forests.

2. As to land described in DA-881, this restoration is subject to the prior right of the licensee for Project No. 137 and its successors to use, for project purposes as provided by the license for Project No. 137, those portions of the land within the project boundary as shown on the map designated Exhibit "K" (FPC No. 137-87) and filed in the office of the Federal Power Commission on March 6, 1935; as to lands described in DA-892, this restoration is subject to the prior right of the licensee for Project No. 233 and its successors to use, for project purposes as provided by the license for Project No. 233, those portions of the lands within the project boundary as shown on the map designated Exhibit "K"-2 (FPC No. 233-P3-31) and filed in the office of the Federal Power Commission.

3. The lands described shall be subject to application by the State of California for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulations provided in paragraph 2.

4. As to lands described in DA-881, this restoration is subject to the further condition that the locator or his lawful successor in interest shall use and occupy the land so located for mining purposes only and no facility or activity shall be erected or conducted thereon for other purposes until such time as compliance with the United States mining laws has been made and patent issued; as to lands described in DA-892, this restoration is subject further to the provision, that the applicant, his successors and assigns shall by means of substantial dikes or other adequate structures, confine all mine tailings and other debris in such manner that they shall not be carried by storm waters or otherwise into the Pit River or any tributary thereof; and subject to the further provision that the applicant or his lawful successor in interest shall use and occupy the land so located for mining purposes only and no facility or activity shall be erected or conducted thereon for other purposes until such time as compliance with the United States mining laws has been made and patent issued.

5. Subject to valid existing rights and the provisions of existing withdrawals, the stipulations of paragraph 2, and the right of the State of California as specified in paragraph 3, the lands described shall be open to location, entry and patenting under the United States Mining Laws, commencing at 10:00 a. m., local time, on August 30, 1957; subject to stipulations quoted in paragraph 4, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors and assigns, and recorded in the county records and in the United States Land Office at Sacramento, California, before any rights attached thereto.

6. The lands are within the exterior limits of Eldorado and Shasta National Forests and are therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, granting preference rights to veterans of World War II and others.

7. Inquiries concerning these lands shall be addressed to the Manager, Land Office, California Fruit Building, 10th Floor, 4th and J Streets, Sacramento 14, California.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-6250; Filed, July 31, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INDIANA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Indiana a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

Benton.	Monroe.
Blackford.	Montgomery.
Boone.	Morgan.
Clark.	Ohio.
Clay.	Orange.
Crawford.	Owen.
Daviess.	Parke.
Dearborn.	Perry.
Dubois.	Pike.
Floyd.	Posey.
Fountain.	Putnam.
Gibson.	Randolph.
Greene.	Ripley.
Hamilton.	Scott.
Hancock.	Shelby.
Harrison.	Spencer.
Hendricks.	Sullivan.
Jackson.	Switzerland.
Jay.	Tippecanoe.
Jefferson.	Vanderburgh.
Jennings.	Vermillion.
Knox.	Vigo.
Lawrence.	Warren.
Marion.	Warrick.
Martin.	Washington.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 26th day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6241; Filed, July 31, 1957; 8:46 a. m.]

MICHIGAN

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Michigan a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN

Bay.	Livingston.
Clinton.	Midland.
Genesee.	Oakland.
Gratiot.	Saginaw.
Huron.	Sanilac.
Ingham.	Shiawassee.
Isabella.	Tuscola.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 26th day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6242; Filed, July 31, 1957; 8:46 a. m.]

SOUTH DAKOTA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of South Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Lincoln.	Turner.
Minnehaha.	Union.
Moody.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 26th day of July 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57–6243; Filed, July 31, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–12658]

JOHN H. WARE, 3D, ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 26, 1957.

In the matter of John H. Ware, 3d, C. E. Martin, Ralph N. Evans, E. P. Farber and Charles Simons, Original Incorporators of Counties Gas Company; Docket No. G–12658.

Take notice that John H. Ware, 3d, C. E. Martin, Ralph N. Evans, E. P. Farber and Charles Simons, original incorporators of Counties Gas Company (Applicants), with principal office at 45 South Third Street, Oxford, Pennsylvania, filed on May 29, 1957, an application, pursuant to Section 7 (a) of the Natural Gas Act, for an order directing The Manufacturers Light and Heat Company (Manufacturers) to establish physical connection of its natural gas transmission facilities with the facilities of and sell natural gas to Applicants' company, which will be organized under the laws of the Commonwealth of Pennsylvania and which will be engaged in the local distribution of natural gas to the public in Centre and Clearfield Counties, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants propose to construct and operate 5½ miles of 5-inch lateral pipeline from a connection with Manufacturers' Clinton County line near Bigler in Bradford Township, Clearfield County, Pennsylvania to the communities of Philipsburg, South Philipsburg and Chester Hill and elsewhere in Rush Township, Centre County, Pennsylvania and to sell and distribute natural gas in these communities and the communities of Wallaceton and in portions of Bradford, Boggs, Morris and Decatur Townships in Clearfield County, Pennsylvania. Applicants do not plan initially to construct an integrated distribution system, but propose to serve customers in the above communities from interconnections with its proposed 5-inch line, with the exception of Philipsburg, where it proposes to convert to natural gas use a portion of an existing steam heat distribution system.

The estimated natural gas requirements for the proposed service are as follows:

Year of service	Requirements in Mcf	
	Annual	Peak day
1	413,901	1,948
2	417,651	1,978
3	423,166	2,038

The gas will be used for residential, commercial and industrial purposes. Of the peak day requirements, 1,000 Mcf is for the use of the West Decatur plant of The General Refractories Company, which manufactures refractory brick.

The estimated total cost of the proposed facilities is $138,485, which will be financed by the sale of common stock in the amount of $15,000; by the sale locally of 5½ percent notes in the amount of $75,000 and an advance in aid of construction by General Refractories Company in the amount of $53,280.

This matter is one which should be disposed of as promptly as possible under applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 19, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by said application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6254; Filed, July 31, 1957; 8:49 a. m.]

[Docket No. E–6766]

PORTLAND GENERAL ELECTRIC CO. ET AL.

ORDER INSTITUTING INVESTIGATION

JULY 26, 1957.

In the matters of Portland General Electric Company, Crown Zellerbach, Company, Publishers Paper Company, Pacific Power & Light Company, Oregon Pulp and Paper Company; Docket No. E–6766.

Pursuant to the provisions of section 10 (f), of the Federal Power Act, we are required to determine and assess headwater improvement benefit charges against the owner of any project directly benefited by upstream improvements constructed by the United States. The United States has constructed and operates seven reservoir storage projects on tributaries of the Willamette River in Oregon which may directly benefit downstream non-federal hydroelectric developments.

The projects constructed and operated by the United States in the Willamette River basin are: (1) The Detroit Project at mile 48.5 on the North Santiam River; (2) the Big Cliff Project at mile 45.7 on the North Santiam River; (3) the Cottage Grove Project at mile 29 on the Coast Fork of the Willamette River; (4) the Dorena Project at mile 7 on the Row River; (5) the Lookout Point Project at mile 21.3 of the Middle Fork of the Willamette River; (6) the Dexter Project at mile 18 on the Middle Fork of the Willamette River; and (7) the Fern Ridge Project at mile 23.6 on the Long Tom River.

The operation of the seven aforesaid federal projects may benefit the T. W. Sullivan Project of Portland General Electric Company, the West Linn Project of Crown Zellerbach Company, and the Oregon City Project of Publishers Paper Company, all located at approximately mile 25.5 on the Willamette River. The operation of the Detroit and Big Cliff Projects of the United States may also benefit the Stayton Project of Pacific Power & Light Company at mile 19 on the North Santiam River, the Station S Project of Portland General Electric Company at the junction of Mill Creek with the Willamette River, and the Salem Project of the Oregon Pulp and Paper Company at the junction of Mill Creek with the Willamette River.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders: An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether any of the above designated non-federal projects located downstream from the above designated headwater improvements constructed by the United States is directly benefited by the construction and operation of such upstream improvements of the United States and, if it so finds, to determine the equitable proportion of the annual charges to be paid by the owner of any project so benefited for interest, maintenance and depreciation on such upstream

improvements constructed by the United States.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6255; Filed, July 31, 1957; 8:49 a. m.]

[Docket No. G–12950]

SUPERIOR OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 26, 1957.

The Superior Oil Company (Superior) on June 28, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 27, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Superior's FPC Gas Rate Schedule No. 30.

Effective date: [1] July 29, 1957.

In support of the proposed rate increase, Superior states that the contract results from arm's-length bargaining in good faith and that the proposed rate is just and reasonable and less than the price paid for other gas of similar quality.

The increased rate of Phillips Petroleum Company to El Paso Natural Gas Company, which triggered the subject increase, was suspended by Commission order issued October 10, 1956, in Docket No. G–11217, and was made effective subject to refund on March 11, 1957.

The increased rate and charge so proposed by Superior has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's general rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 29, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6256; Filed, July 31, 1957; 8:49 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Superior, if later.

[Docket No. G–12949]

SUPERIOR OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 26, 1957.

The Superior Oil Company (Superior) on June 27, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 26, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 7 to Superior's FPC Gas Rate Schedule No. 9. Supplement No. 8 to Superior's FPC Gas Rate Schedule No. 10. Supplement No. 6 to Superior's FPC Gas Rate Schedule No. 8.

Effective date: [1] July 28, 1957.

In support of the proposed rate increases, Superior states that the contracts result from arm's-length bargaining in good faith and that the proposed rates are just and reasonable and less than the price paid for other gas of similar quality.

The increased rate of Phillips Petroleum Company to El Paso Natural Gas Company, which triggered the subject increases, was suspended by Commission order issued October 10, 1956, in Docket No. G–11217, and was made effective subject to refund on March 11, 1957.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplement be and they are each hereby suspended and the use thereof deferred until December 28, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6257; Filed, July 31, 1957; 8:50 a. m.]

[Docket No. G–12948]

EL PASO NATURAL GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEETS

JULY 26, 1957.

El Paso Natural Gas Company (El Paso), on June 28, 1957, tendered for filing First Revised Sheets Nos. 44 and 47, Third Revised Sheets Nos. 11–A, 18, 27–B, 27–C and 27–E, Fourth Revised Sheet No. 34, Fifth Revised Sheets Nos. 8 and 17, Sixth Revised Sheets Nos. 4, 6 and 19, Seventh Revised Sheet No. 10 and 36, Ninth Revised Sheet No. 10 and Tenth Revised Sheets Nos. 14–A and 15 to its FPC Gas Tariff, Original Volume No. 1.[1] Said tendered revised sheets are intended to be made effective on August 1, 1957, and propose an annual increase in rates and charges for jurisdictional sales amounting to $16,670,537, based upon sales for the year ended April 30, 1957, as adjusted. The proposed increase is 10.5 percent over the rates and charges now being collected by El Paso, subject to refund if so ordered by the Commission in the proceedings in Docket No. G–4769.[2]

The proposed increase is stated to be based principally on (1) adjusted purchased gas costs to reflect (a) a contract escalation of 1 cent per Mcf effective January 1, 1958, on all El Paso purchases in the Permian Basin and (b) a rate increase filed by Phillips Petroleum Company which became effective as of March 11, 1957, subject to refund, in Docket No. G–11217; (2) a rate of return of 6½ percent and associated income taxes; (3) increased plant investment; (4) increased operating expenses; and (5) increased taxes.

[1] Supplemental information was filed by El Paso on July 22, 1957.

[2] Hearings in Docket No. G–4769 have been completed and the matter is before the presiding examiner for decision.

The California Public Utilities Commission and four of El Paso's customer companies have requested suspension of the proposed increased rates.

It appears that El Paso's proposed increase includes a number of questionable items, including but not limited to rate base and computation of working capital, claimed future costs of gas, depreciation expense, rate of return, classification and allocation of costs, and the computation of Federal income tax.

The increased rates and charges provided in said revised sheets, as tendered on June 28, 1957, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The aforesaid Tenth Revised Sheets Nos. 14–A and 15 to El Paso's FPC Gas Tariff, Original Volume No. 1, provide for the sale of natural gas for resale for industrial use only, and, therefore, under the provisions of the Natural Gas Act, are not subject to suspension.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in El Paso's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the revised tariff sheets tendered on June 28, 1957; and that the aforesaid First Revised Sheets Nos. 44 and 47, Third Revised Sheets Nos. 11–A, 18, 27–B, 27–C and 27–E, Fourth Revised Sheet No. 34, Fifth Revised Sheets Nos. 8 and 17, Sixth Revised Sheets Nos. 4, 6 and 19, Seventh Revised Sheets Nos. 11 and 36, and Ninth Revised Sheet No. 10 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services, contained in El Paso's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the aforesaid revised sheets tendered for filing on June 28, 1957.

(B) Pending such hearing and decision thereon, El Paso's proposed First Revised Sheets Nos. 44 and 47, Third Revised Sheets Nos. 11–A, 18, 27–B, 27–C and 27–E, Fourth Revised Sheet No. 34, Fifth Revised Sheets Nos. 8 and 17, Sixth Revised Sheets Nos. 4, 6, and 19, Seventh Revised Sheets Nos. 11 and 36, and Ninth Revised Sheet No. 10 to its FPC Gas Tariff, Original Volume No. 1, are hereby suspended and the use thereof deferred until January 1, 1958, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6258; Filed, July 31, 1957; 8:50 a. m.]

[Docket No. G–12951]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 26, 1957.

Shell Oil Company (Shell) on July 1, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 26, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 108. Supplement No. 4 to Shell's FPC Gas Rate Schedule No. 134. Supplement No. 2 to Shell's FPC Gas Rate Schedule No. 142. Supplement No. 4 to Shell's FPC Gas Rate Schedule No. 15. Supplement No. 9 to Shell's FPC Gas Rate Schedule No. 17.
Effective date: [1] August 1, 1957.

In support of the proposed rate increases, Shell cites the contracts and states that the operation of the favored-nation clauses therein protect Shell against increases in cost and is the first increase in basic price for the gas since January 1, 1953. In further support of the proposed rate increases, Shell states its basic wage rates alone have increased by 22 percent since January 1, 1953, and that the proposed increases do little more than advance by six months the periodic increases (1¢ per Mcf) due under the contracts on January 1, 1958.

The increased rate of Phillips Petroleum Company to El Paso Natural Gas Company, which triggered the subject increase, was suspended by Commission order issued October 10, 1956, in Docket No. G–11217, and was made effective subject to refund on March 11, 1957.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until January 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6259; Filed, July 31, 1957; 8:50 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Shell, if later.

[Docket No. G–12952]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 26, 1957.

Shell Oil Company (Operator) on July 1, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of this Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 26, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 10 to Shell's FPC Gas Rate Schedule No. 19.
Effective date: [1] August 1, 1957.

In support of the proposed rate increase, Shell cites the contract and states that the operation of the favored-nation clause therein protects Shell against increases in cost and is the first increase in basic price for the gas since January 1, 1953. In further support of the proposed rate increase, Shell states its basic wage rates alone have increased by 22 percent since January 1, 1953 and that the proposed increase does little more than advance by six months the periodic increases (1¢ per Mcf) due under the contracts on January 1, 1958.

The increased rate of Phillips Petroleum Company to El Paso Natural Gas Company, which triggered the subject increase, was suspended by Commission order issued October 10, 1956, in Docket No. G–11217, and was made effective subject to refund on March 11, 1957.

The increased rate and charge so proposed by Shell has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's general rules of practice and procedure and the regulations under the Natural Gas Act, (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6260; Filed, July 31, 1957; 8:50 a. m.]

[Docket No. G–12953]

SHELL OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 26, 1957.

Shell Oil Company (Operator), et al. (Shell) on July 1, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 26, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 7 to Shell's FPC Gas Rate Schedule No. 18. Supplement No. 9 to Shell's FPC Gas Rate Schedule No. 20.
Effective date: [1] August 1, 1957.

In support of the proposed rate increases, Shell cites the contracts and states that the operation of the favored-nation clauses therein protect Shell against increases in cost and is the first increase in basic price for the gas since January 1, 1953. In further support of the proposed rate increases, Shell states its basic wage rates alone have increased by 22 percent since January 1, 1953 and that the proposed increases do little more than advance by six months the periodic increase (1¢ per Mcf) due under the contracts on January 1, 1958.

The increased rate of Phillips Petroleum Company to El Paso Natural Gas Company, which triggered the subject increase, was suspended by Commission order issued October 10, 1956, in Docket No. G–11217, and was made effective subject to refund on March 11, 1957.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until January 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6261; Filed, July 31, 1957; 8:50 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Shell, if later.

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–V–8]

BRANCH MANAGER, SAN JUAN, PUERTO RICO

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by the Administrator by Delegation No. 30 (Revision 4) dated July 1, 1957, there is hereby redelegated to the Branch Manager, San Juan, Puerto Rico Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 201 of SBA–100.

B. *Specific—Financial assistance.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA–500, Financial Assistance Manual:

1. To approve disaster loans in an amount not exceeding $20,000;

2. To decline disaster loans;

3. To approve direct business loans up to $10,000;

4. To approve participation business loans up to $50,000, provided that:

a. A bank will participate to the extent of not less than 25 percent;

b. The bank's 25 percent may include short-term loans outstanding not more than six months, or long-term loans on which repayments have been made promptly as originally scheduled, considering such loans in computing the bank's participation, as though they constituted new exposure on the part of the bank; however, the bank's share in the loan must be equal to at least the outstanding loan, or loans, to be refunded with a part of the new loan, or 25 percent of the full loan, whichever is the larger;

5. To approve or decline Limited Loan Participation Loans;

6. To enter into Disaster Participation Agreements with banks;

7. To approve, after disbursement or partial disbursement of loan, salary of new employees, not to exceed $10,000 per annum;

8. To do and to perform all and every act and thing requisite, necessary, and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration;

9. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories;

b. Release, or consent to the release, of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full;

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies;

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans;

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments;

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted;

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan;

h. Modify or amend Authorizations approved under this Delegation of Authority, and also loans as set forth in paragraphs 1, 3, 4 and 5 of this Delegation of Authority, heretofore approved by Regional Director, by the issuance of Certificates of Modification.

10. To extend, or consent to the extension of, the maturity date or time of payment, to change or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property;

11. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments pursuant thereto and secured thereby;

12. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby;

13. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property;

14. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby;

15. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quitclaim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfactions pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof;

16. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interest of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes;

17. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved;

18. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises;

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA–600, Procurement and Technical Assistance Manual and Chapters V and VII, SBA–400, Agency Policy Manual:

19. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers;

Administrative. 20. To administer oaths of office:

21. To approve (a) annual and sick leave, and (b) leave without pay not to exceed 30 days for employees under your supervision;

22. To (a) make emergency purchases not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes, and (b) authorize purchases not in excess of such limitations for payment from an Imprest Fund;

23. In connection with the establishment of Disaster Loan Offices, to (a) obligate SBA to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and (c) procure (without dollar limitation) emergency supplies and materials;

24. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered;

C. *Correspondence.* To sign all correspondence, including Congressional correspondence, relating to the functions of the Branch Office, except communications involving new policy matters.

II. The authorities delegated above may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated to the Branch Manager is hereby rescinded without prejudice to actions taken under all such Delegations of Authority, if any, to the date hereof.

Effective date: July 22, 1957.

JAMES F. HOLLINGSWORTH,
Regional Director.

[F. R. Doc. 57–6264; Filed, July 31, 1957; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–178]

INTERCONTINENTALE A. G.

In re: Debt owing to Intercontinentale A. G.; F–34–239.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Rohner, Gehrig & Co., Inc., 78 Front Street, New York 5, New York, in the amount of $250.00, arising out of an account payable to Intercontinentale A. G., Budapest, Hungary, maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Intercontinentale A. G., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57–6271; Filed, July 31, 1957; 8:53 a. m.]

[Vesting Order SA–179]

ELISA VASS

In re: Property owned indirectly by Mrs. Elisa Vass; F–34–1696, F–49–702.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Bank of New York, 48 Wall Street, New York 15, New York, arising out of an account entitled, "Rotterdamsche Bank, N. V., Rotterdam, Holland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same, excepting, however, the sum of $5.26,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which as of September 15, 1947, was owned indirectly by Joseph Vass and is owned indirectly by Mrs. Elisa Vass, nationals of Hungary as defined in Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57–6272; Filed, July 31, 1957; 8:53 a. m.]

[Vesting Order SA–185]

UNKNOWN NATIONALS OF BULGARIA, HUNGARY AND RUMANIA

In re: Property owned indirectly by unknown nationals of Bulgaria, Hungary and Rumania; F–63–139 (Zurich—SA); F–11–227; F–34–1693; F–57–1257; F–63–139 (Zurich) Temp. II.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, in the amount of $18,434.06, being a portion of funds on deposit in an account entitled, "Union Bank of Switzerland, Old Account, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Bulgaria, Hungary, and Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57–6278; Filed, July 31, 1957; 8:54 a. m.]

[Vesting Order SA–184]

UNKNOWN NATIONALS OF BULGARIA, HUNGARY AND RUMANIA

In re: Property owned indirectly by unknown nationals of Bulgaria, Hungary and Rumania; F–63–139 (Zurich—SA); F–11–227; F–34–1693; F–57–1257; F–63–139 (Zurich) Temp. I.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Bank of New York, 48 Wall Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, Zurich, Switzerland, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Bulgaria, Hungary and Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57–6277; Filed, July 31, 1957; 8:54 a. m.]

[Vesting Order SA–180]

BANQUE CHRISSOVELONI S. A. R.

In re: Debt owing to Banque Chrissoveloni S. A. R.; F–57–98.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, N. Y., arising out of an account entitled, "Banque Chrissoveloni, S. A. R., Bucharest, Blocked Account", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banque Chrissoveloni S. A. R., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57–6273; Filed, July 31, 1957; 8:53 a. m.]

[Vesting Order SA–181]

BANQUE CHRISSOVELONI S. A. R.

In re: Debt owing to Banque Chrissoveloni S. A. R.; F–57–98.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in the amount of $28,752.10 as of February 10, 1956, arising out of an account entitled "Banque Chrissoveloni S. A. R., Bucharest, Roumania," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banque Chrissoveloni S. A. R., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57–6274; Filed, July 31, 1957; 8:53 a. m.]

[Vesting Order SA–182]

UNKNOWN NATIONALS OF RUMANIA

In re: Property owned indirectly by unknown nationals of Rumania; F–63–139 (Zurich–SA), F–57–1257, F–63–139 (Zurich) Temp. I.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Agency of The Royal Bank of Canada, 68 William Street, New York 5, New York, arising out of an account entitled, "Union Bank of Switzerland, Zurich, Switzerland, General Ruling Account No. 6," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57–6275; Filed, July 31, 1957; 8:53 a. m.]

[Vesting Order SA–183]

UNKNOWN NATIONALS OF BULGARIA, HUNGARY AND RUMANIA

In re: Property owned indirectly by unknown nationals of Bulgaria, Hungary and Rumania; F–63–139 (Zurich—SA); F–11–227; F–34–1693; F–57–1257; F–63–139 (Zurich) Temp. I.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Agency of The Royal Bank of Canada, 68 William Street, New York 5, New York, arising out of an account entitled, "Union de Banques Suisses, Zurich, Switzerland, Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Bulgaria, Hungary and Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57–6276; Filed, July 31, 1957; 8:53 a. m.]

[Vesting Order SA–186]

UNKNOWN NATIONALS OF RUMANIA

In re: Property owned indirectly by unknown nationals of Rumania; F–63–139 (Zurich—SA), F–57–1257, F–63–139 (Zurich) Temp. I.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, General Ruling Account No. 6, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned indirectly by nationals of

Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6279; Filed, July 31, 1957; 8:54 a. m.]

[Vesting Order SA-187]

UNKNOWN NATIONALS OF HUNGARY

In re: Property owned indirectly by unknown nationals of Hungary; F-63-139 (Zurich-SA), F-34-1693, F-63-139 (Zurich) Temp. I.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Dominick & Dominick, 14 Wall Street, New York 5, New York, arising out of an account entitled, Union de Banques Suisses, Zurich Account No. 18 General Ruling #6, maintained at the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Hungary, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6280; Filed, July 31, 1957; 8:54 a. m.]

[Vesting Order SA-192]

HUNGARIAN-ITALIAN BANK, LTD.

In re: Debt owing to the Hungarian-Italian Bank, Limited, also known as Banca Ungaro-Italiana S. A.; F-34-32.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York, New York, arising out of an account entitled, "Banca della Svizzera Italiana, Lugano, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by the Hungarian-Italian Bank, Limited, also known as Banca Ungaro-Italiana S. A., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6285; Filed, July 31, 1957; 8:55 a. m.]

FEDERAL REGISTER

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AUG 5 1957
MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

GENERAL SERVICES ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (10) of § 6.333 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-6346; Filed, Aug. 1, 1957; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATED SWEETENED GRAPE JUICE[1]

On January 11, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 241) regarding a proposed issuance of the United States Standards for Grades of Frozen Concentrate for Grape Beverage.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards, now designated, Grades of Frozen Concentrated Sweetened Grape Juice are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act (or with applicable state laws and regulations).

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

Sec.
52.2451 Product description.
52.2452 Types of frozen concentrated sweetened grape juice.
52.2453 Styles of frozen concentrated sweetened grape juice.
52.2454 Grades of frozen concentrated sweetened grape juice.

FILL OF CONTAINER

52.2455 Recommended fill of container.

FACTORS OF QUALITY

52.2456 Ascertaining the grade and score for frozen concentrated sweetened grape juice.
52.2457 Ascertaining the rating for the factors which are scored.
52.2458 Color.
52.2459 Defects.
52.2460 Flavor.

EXPLANATIONS AND METHODS OF ANALYSIS

52.2461 Definition of terms used in these standards.
52.2462 Methods of analysis.

LOT INSPECTION AND CERTIFICATION

52.2463 Ascertaining the grade of a lot.

SCORE SHEET

52.2464 Score sheet for frozen concentrated sweetened grape juice.

AUTHORITY: §§ 52.2451 to 52.2464 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1621.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.2451 *Product description.* Frozen concentrated sweetened grape juice is prepared from unfermented single-strength grape juice from sound properly mature fresh grapes which, with or without aging, or depectinization, is then concentrated. Single-strength grape juice or natural grape essence or a combination of single-strength grape juice and natural grape essence may be mixed to the concentrate and packed with the addition of nutritive sweetening ingredient and with or without ascorbic acid. Edible fruit acid may be added to adjust the flavor. The product is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

(Continued on p. 6079)

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FEDERAL REGISTER

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1957–58 Edition

(Revised through June 1)

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§ 52.2452 *Types of frozen concentrated sweetened grape juice*—(a) *Type I.* Frozen concentrated sweetened grape juice prepared from grapes of the slip-skin varieties of the Concord type of the Labrusca species. Not less than 50 percent of the total soluble solids of the finished concentrate shall be derived from the grapes.

(b) *Type II.* Frozen concentrated sweetened grape juice prepared from a mixture of Type I with one or more varieties other than Type I. Not less than 50 percent of the total soluble solids of the finished concentrate shall be derived from the grapes, of which, not less than one-half shall be derived from Type I grapes.

§ 52.2453 *Styles of frozen concentrated sweetened grape juice.* Brix value of the finished concentrate (including added sweetening ingredient) shall be not less than the following for the respective dilution factor of frozen concentrated sweetened grape juice:

Dilution factor	Minimum Brix value of finished concentrate including added sweetening ingredient
	Degrees
1 plus 1	24.8
1 plus 2	35.5
1 plus 3	45.4
1 plus 4	54.5
1 plus 5	62.8
1 plus 6	70.7

§ 52.2454 *Grades of frozen concentrated sweetened grape juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrated sweetened grape juice which reconstitutes properly and of which the reconstituted product possesses a good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrated sweetened grape juice which reconstitutes properly and of which the reconstituted product possesses a reasonably good color; is reasonably free from defects; possesses a reasonably good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrated sweetened grape juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.2455 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such is not a factor of quality for the purpose of these grades. It is recommended that the container be filled with frozen concentrated sweetened grape juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.2456 *Ascertaining the grade.* (a) The grade of frozen concentrated sweetened grape juice is ascertained by considering the factors of quality which are not scored and those which are scored as follows:

(1) *Factors which are not scored.* Ease of mixing into grape juice beverage.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	40
Defects	20
Flavor	40
Total score	100

(b) The scores for the factors of color, defects, and flavor are determined immediately after the grape juice beverage has been prepared by thoroughly mixing the frozen concentrate with a specific volume of water as directed by the manufacturer.

§ 52.2457 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2458 *Color*—(a) *(A) classification.* Frozen concentrated sweetened grape juice of which the prepared grape juice beverage possesses a good color may be given a score of 34 to 40 points. "Good color" has the following meanings with respect to the types of frozen concentrated sweetened grape juice.

(1) *Type I.* A bright reddish-purple color characteristic of a grape juice beverage properly prepared from Concord type grape juice and, in addition, the grape juice beverage prepared conforms to the following requirements:

Minimum absorbancy at 520 millimicrons	[1] 4.0
Minimum absorbancy ratio	[1] 1.5

(2) *Type II.* A bright color characteristic of a grape juice beverage properly prepared from Type I juice and from varietal type or varietal types of juice other than Type I and, in addition, the grape juice beverage prepared conforms to the following requirements:

Minimum absorbancy at 520 millimicrons	[1] 4.0
Minimum absorbancy ratio	[1] 1.5

(b) *(B) classification.* If the prepared grape juice beverage possesses a reasonably good color a score of 28 to 33 points may be given. Frozen concentrated sweetened grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" has the following meanings with respect to the types of frozen concentrated sweetened grape juice:

(1) *Type I.* A reddish-purple color characteristic of a grape juice beverage prepared from Concord type grape juice and which color may be slightly dull but which is not off color for any reason.

(2) *Type II.* A color that reflects to a reasonable extent the appearance characteristic of a grape juce beverage prepared from Type I juice and from any varietal type or varietal types of juice other than Type I and which color may be slightly dull but not off color for any reason.

(c) *(SStd.) classification.* Frozen concentrated sweetened grape juice that fails to meet the requirements of paragraph (b) of this section may be given a

[1] Determined according to instructions § 52.2462.

score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2459 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from sediment and other residue, from tartrate crystals, from particles of skin, particles of seed, and from other defects.

(b) (*A*) *classification.* Frozen concentrated sweetened grape juice of which the prepared grape juice beverage is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present not more than a slight amount of sediment and residue; is practically free from tartrate crystals; and is free from particles of skin, particles of seed, and from other defects.

(c) (*B*) *classification.* If the prepared grape juice beverage is reasonably free from defects a score of 14 to 16 points may be given. Frozen concentrated sweetened grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present not more than a moderate amount of sediment and residue; may possess a slight amount of tartrate crystals; may possess not more than a trace of particles of skin, particles of seed, and other defects.

(d) (*SStd.*) *classification.* If the prepared grape juice beverage fails to meet the requirements of paragraph (c) of this section a score of 0 to 13 points may be given. Frozen concentrated sweetened grape juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2460 *Flavor*—(a) (*A*) *classification.* Frozen cencentrated sweetened grape juice of which the prepared grape juice beverage possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a fine distinct and normal flavor, typical of well-matured grapes for the variety or varieties and is free from any objectionable flavors and objectionable odors of any kind. To score in this classification the prepared grape juice beverage and concentrate shall meet the following additional requirements:

BEVERAGE

(1) *Type I. Brix*—not less than 13.0 degrees.

Acid—not less than 0.40 gram per 100 milliliters nor more than 0.65 gram per 100 ml., calculated as tartaric acid.

Brix-acid ratio—the ratio of Brix value to acid is not less than 20 to 1 nor more than 34 to 1.

CONCENTRATE

Methyl anthranilate[3] (naturally occurring)—not less than the following for the respective dilution factor of frozen concentrated sweetened grape juice.

Dilution factor	Minimum methyl anthranilate (naturally occurring) (mg./l.)
1 plus 1	0.4
1 plus 2	.8
1 plus 3	1.2
1 plus 4	1.6
1 plus 5	1.6
1 plus 6	1.6

BEVERAGE

(2) *Type II. Brix*—not less than 13.0 degrees.

Acid—not less than 0.40 gram per 100 milliliters nor more than 0.65 gram per 100 ml., calculated as tartaric acid.

Brix-acid ratio—the ratio of Brix value to acid is not less than 20 to 1 nor more than 34 to 1.

CONCENTRATE

Methyl anthranilate[3] (naturally occurring)—not less than the following for the respective dilution factor of frozen concentrated sweetened grape juice.

Dilution factor	Minimum methyl anthranilate (naturally occurring) (mg./l.)
1 plus 1	0.2
1 plus 2	.4
1 plus 3	.6
1 plus 4	.8
1 plus 5	.8
1 plus 6	.8

(b) (*B*) *classification.* If the prepared grape juice beverage possesses a reasonably good flavor a score of 28 to 33 points may be given. Frozen concentrated sweetened grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means a reasonably typical flavor of reasonably well matured grapes for the varietal type or varietal types and is free from objectionable flavors and objectionable odors of any kind. To score in this classification the prepared grape juice beverage shall meet the following additional requirements:

(1) *Type I. Brix*—not less than 13.0 degrees.

Acid—not less than 0.30 gram per 100 milliliters nor more than 0.65 gram per 100 milliliters, calculated as tartaric acid.

Brix-acid ratio—the ratio of Brix value to acid is not less than 18 to 1 nor more than 36 to 1.

(2) *Type II. Brix*—not less than 13.0 degrees.

Acid—not less than 0.30 gram per 100 milliliters nor more than 0.65 gram per 100 milliliters, calculated as tartaric acid.

Brix-acid ratio—the ratio of Brix value to acid is not less than 18 to 1 nor more than 36 to 1.

(c) (*SStd.*) *classification.* If the frozen concentrated sweetened grape juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given. Frozen concentrated sweetened grape juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

[3] Determined according to instructions § 52.2462.

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.2461 *Definition of terms used in these standards.* (a) "Brix" means the degrees Brix of the reconstituted grape juice beverage when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing grape juice beverage at a temperature other than 20 degrees C. (68 degrees F.), the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists."[3] The degrees Brix of grape juice beverage may be determined by any other method which gives equivalent results.

(b) "Acid" means the grams of acid (calculated as tartaric acid) per 100 milliliters of the reconstituted grape juice beverage determined by titration with standard sodium hydroxide solution using phenolphthalein as an indicator.

(c) "Brix-acid ratio" means the ratio between the degrees Brix as determined in this section and the acid in grams per 100 milliliters of reconstituted grape juice beverage.

(d) "Dilution factor" is the ratio of the volumes of water to the volume of concentrate. This factor is provided by the manufacturer's directions for preparing the desired grape juice beverage (i. e., 3 plus 1 implies 3 volumes of water to one volume of concentrate).

(e) "Absorbancy ratio" means the ratio of absorbancy reading at 520 millimicrons to the absorbancy reading at 430 millimicrons.

§ 52.2462 *Methods of analysis*—(a) *Methyl anthranilate*—(1) *Reagents.* (i) Hydrochloric acid—dilute 81 milliliters (ml.) of HCL to 100 ml. with H_2O.

(ii) Sodium nitrite solution—dissolve 3 grams (gm.) of $NaNO_2$ in 200 ml. of H_2O.

(iii) Hydrazine sulfate solution—dissolve 5 gm. of $N_2H_4 \cdot H_2SO_4$ in 200 ml. of H_2O.

(iv) Sodium carbonate solution—dissolve 50 gm. of Na_2CO_3 in 150 ml. of H_2O.

(v) Sodium - a - naphthol-2-sulfonate solution—dissolve 4.7 gm. of the sulfonate in 100 ml. of H_2O.

(vi) Standard solution of methyl anthranilate—dissolve 0.25 gm. of methyl anthranilate in 60 ml. of 95 percent ethyl alcohol and dilute with H_2O to 500 ml.

(2) *Apparatus.* Kjeldahl distillation apparatus and steam generator recommended by committee on micro-chemical apparatus, Div. Anal. Chem., A. C. S. Illustrated 8th Edition, 1955, fig. 77 and 78, A. O. A. C. or equals may be used.

(3) *Standard curve.* (i) Dilute 20 ml. of standard solution of methyl anthranilate to 1 liter with H_2O (equivalent to 10 micrograms per ml.).

(ii) Prepare series of solution for standard curve by transferring 0–5 ml. of solution (i) into 100 ml. volumetric flask. Dilute to ca. 80 ml. with H_2O.

(iii) Then add as follows:

(*a*) 1 ml. HCl and 1 ml. sodium nitrite solution. Invert flask and let stand 2 minutes.

(*b*) 3 ml. hydrazine sulfate solution. Invert flask and let stand 1 minute.

(*c*) 2 ml. sodium-a-naphthol-2-sulfonate solution. Invert flask.

(*d*) Immediately add 3 ml. sodium carbonate solution, dilute to 100 ml. volume with H_2O, let stand 10 minutes.

(*e*) Adjust and maintain temperature of solution at 25°±1° C.

(*f*) Read absorbancy at 490 millimicrons, in a spectrophotometer or colorimeter, against a blank, carried through entire procedure, set at zero absorbancy.

(iv) Plot standard curve of concentration (microgram per 100 ml. of final solution) of methyl anthranilate against absorbancy of standard solutions.

(4) *Determination.* Use a 100 ml. volumetric flask as receiver. Add 5 ml. of water to just cover or seal end of extended condenser tube. Transfer 15–25 ml. of sample concentrate into distillation flask. Collect about (ca.) 80 ml. of distillate. Treat as under subparagraph (3) (iii) of this paragraph. Obtain concentration (micrograms/100 ml. of final solution) of methyl anthranilate from standard curve (see subparagraph (3) (iv) of this paragraph).

$$\text{Methyl anthranilate (mg./liter)} = \frac{\text{micrograms per 100 ml. of final solution}}{\text{ml. of concentrate sample}}$$

(b) *Absorbancy and absorbancy ratio.* Absorbancy and absorbancy ratio shall be obtained as follows:

(1) The concentrate shall be reconstituted as for beverage purposes at 25 degrees C., using MacIlavaine's pH 3.2 buffer as the diluent. (The MacIlavaine's buffer should be absolutely clear and show no turbidity whatsoever.)

(2) 5 ml. aliquot of reconstituted sample (1) shall be further diluted to 100 ml. with MacIlavaine's pH 3.2 buffer.

(3) Filter 50 ml. of solution (2) through sintered glass crucible 4-cm. diameter, 4.5-cm. height, medium porosity.

(4) Read absorbancy of filtrate on a spectrophotometer at 520 millimicron wavelength with a 0.025 mm. width slit and at 430 millimicron wavelength with a 0.05 mm. width slit.

$$\text{Absorbancy} = 2 - \log T, \text{ where } T = \text{percentage transmittancy}$$

$$\text{Corrected absorbancy} = \frac{\text{observed absorbancy} \times 20}{\text{thickness of cell (in cm.)}}$$

$$\text{Absorbancy ratio} = \frac{\text{corrected absorbancy at 520 millimicrons}}{\text{corrected absorbancy at 430 millimicrons}}$$

LOT INSPECTION AND CERTIFICATION

§ 52.2462 *Ascertaining the grade of a lot.* The grade of a lot of frozen concentrated sweetened grape juice covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.2463 *Score sheet for frozen concentrated sweetened grape juice.*

Size and kind of container			----
Container mark or identification			----
Label (including dilution factor)			----
Net contents (fluid ounces)			----
Type (Concord, blended)			----
Brix of the reconst. beverage			----
Acid (as tartaric) (gram/100 ml.)			----
Brix-acid ratio			----
Factors	**Score points**		
Color	40	(A) 34–40 (B) [1] 28–33 (SStd.) [1] 0–27	----
Defects	20	(A) 17–20 (B) [1] 14–16 (SStd.) [1] 0–13	----
Flavor	40	(A) 34–40 (B) [1] 28–33 (SStd.) [1] 0–27	----
Total score	100		
Grade			----

[1] Indicates limiting rule.

[3] Copies of this publication are available for inspection in the Office of the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington, D. C.

Effective time. The United States Standards for Grades of Frozen Concentrated Sweetened Grape Juice (which is the first issue) contained in this subpart shall become effective November 1, 1957.

Dated: July 29, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6288; Filed, Aug. 1, 1957; 8:45 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED SQUASH (SUMMER TYPE)[1]

On April 16, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 2615) regarding a proposed issuance of the United States Standards for Grades of Canned Squash (Summer Type).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Squash (Summer Type) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.3581 Product description.
52.3582 Styles of canned squash.
52.3583 Grades of canned squash.

FILL OF CONTAINER AND DRAINED WEIGHT

52.3584 Recommended fill of container.
52.3585 Drained weights.

FACTORS OF QUALITY

52.3586 Ascertaining the grade.
52.3587 Ascertaining the rating for the factors which are scored.
52.3588 Color.
52.3589 Defects.
52.3590 Character.

LOT INSPECTION AND CERTIFICATION

52.3591 Ascertaining the grade of a lot.

SCORE SHEET

52.3592 Score sheet for canned squash.

AUTHORITY: §§ 52.3581 to 52.3592 issued under sec. 205, 60 Stat. 1090, as amended, 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.3581 *Product description.* "Canned squash (summer-type)" is the canned product prepared from clean, sound, succulent, immature summer type squash, hereinafter called canned squash, which has been washed, properly trimmed and sorted. The product is packed in accordance with good commercial practice and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.3582 *Styles of canned squash.* (a) "Whole" means canned squash consisting of whole squash with stems removed.

(b) "Sliced crosswise" means canned squash consisting of units cut at right angle to the longitudinal axis into slices of approximately uniform thickness with parallel surfaces.

(c) "Cut" means canned squash cut into units which are not uniform in size or shape or which do not conform to any of the foregoing styles.

§ 52.3583 *Grades of canned squash.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned squash that possesses similar varietal characteristics; that possesses a normal flavor; that possesses a good color; that is practically free from defects; that possesses a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned squash that possesses similar varietal characteristics; that possesses a normal flavor; that possesses a fairly good color; that is fairly free from defects; that possesses a fairly good character; and that for those factors which are rated in accordance with the scoring system outlined in this sub-

part the total score is not less than 70 points.

part the total score is not less than 70 points.

(c) "Substandard" is the quality of canned squash that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.3584 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned squash be filled with squash as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.3585 *Drained weights*—(a) *General.* The minimum drained weight recommendations for canned squash in table I hereof are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Method for ascertaining drained weight.* The drained weight is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve to facilitate drainage, and allow the product to drain for two minutes. The drained weight is the weight of the sieve and the product less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 3 size can (404 x 414) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended drained weights.* Compliance with the recommended drained weights is determined by averaging the drained weight from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(1) The average of the drained weights from all of the containers meets the recommended drained weights.

(2) One-half or more of the containers meets the recommended drained weight; and

(3) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF CANNED SQUASH

Container size or designation	Maximum headspace allowable (measured from top of double seam)	Styles of canned (summer type) squash	
		Whole	Sliced or cut
	16th of an inch		
8-ounce tall	7.6	4.5	5
No. 303	9.4	12	12
No. 2	9.7	14.6	15.2
No. 10	13.6	72	72

FACTORS OF QUALITY

§ 52.3586 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors which are not scored.* (i) Varietal characteristics;

(ii) Flavor.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Defects	40
Character	40
Total score	100

(b) *Normal flavor.* "Normal flavor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.3587 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.3588 *Color*—(a) *(A) classification.* Canned squash that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color of the squash is bright and typical of young and tender squash of similar varietal characteristics which has been properly processed.

(b) *(C) classification.* Canned squash that possesses a fairly good color may be given a score of 14 to 16 points. Canned squash that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color of the squash is typical of fairly young and tender squash of similar varietal characteristics which has been properly processed.

(c) *(SStd.) classification.* Canned squash that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3589 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, sand, grit, or silt, poorly cut units, units damaged by mechanical injury, and units damaged by discoloration, scars, insect injury, or damaged by other means.

(1) "Unit" means a whole squash or a portion of a squash.

(2) "Damaged unit" means any unit damaged by discoloration, scars, insect injury, or by other means except damaged by mechanical injury to the extent that the appearance or eating quality is materially affected.

(3) "Seriously damaged" means damaged to the extent that the appearance or eating quality of the unit is seriously affected.

(4) "Harmless extraneous vegetable material" means leaves, detached stems or portions thereof, or similar vegetable material.

(5) "Poorly cut" means units with attached stems or stem material, very ragged units, pieces of less than ½ slice in sliced style squash and pieces measuring ½ inch or less in the longest dimension for cut style.

(6) "Damaged by mechanical injury" means broken or mashed to such an extent that the appearance or eating quality of the unit is seriously affected.

(7) "Sand, grit, or silt" means any particle of earthy material.

(b) *(A) classification.* Canned squash that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product contains no grit, sand, or silt that affects the eating quality or appearance of the canned squash; that for each 12 ounces of drained weight there may be present not more than one piece of harmless extraneous vegetable material. The combined weight of all other defects and defective units shall not exceed 12 percent of the drained weight of the units: *Provided,* That

(1) Not more than 4 percent, by weight, is of damaged units and of such 4 percent not more than one-fourth thereof or 1 percent, by weight, of all the units consist of units that are seriously damaged; or

(2) Not more than 10 percent, by weight, is of poorly cut units, or of units damaged by mechanical injury, or any combination thereof of not more than 10 percent, by weight: *Provided,* That poorly cut units with attached stems or stem material does not exceed 2 percent, by weight.

(c) *(C) classification.* If the canned squash is fairly free from defects a score of 28 to 33 points may be given. Canned squash that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the product may contain a trace of sand, grit, or silt that does not materially affect the eating quality or appearance of the canned squash; that for each 12 ounces of drained weight there may be present not more than two pieces of harmless extraneous vegetable material. The combined weight of all other defects and defective units shall not exceed 20 percent of the drained weight of the units: *Provided,* That

(1) Not more than 8 percent, by weight, is of damaged units and of such 8 percent, not more than one-fourth thereof or 2 percent, by weight, of all the units consist of units that are seriously damaged.

(2) Not more than 15 percent, by weight, is of poorly cut units, or of units damaged by mechanical injury, or any combination thereof of not more than 15 percent, by weight: *Provided,* That poorly cut units with attached stems or stem material does not exceed 5 percent, by weight.

(3) *(SStd.) classification.* Canned squash that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3590 *Character*—(a) *General.* The factor of character refers to the fleshy texture, the tenderness, and the degree of development of the seeds.

(b) *(A) classification.* Canned squash that possesses a good character may be given a score of 34 to 40 points. "Good character" means that the units are practically intact, are fleshy and tender, that the seeds are in the immature stage, and that not more than 5 percent, by weight, of the units may be of fairly good character.

(c) *(C) classification.* If the canned squash possesses a fairly good character a score of 28 to 33 points may be given. Canned squash that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units may show slight disintegration, may have lost to a considerable extent their fleshy texture, may be fairly tender, and that the seeds may have passed the immature stage of maturity, but are not hard and that not more than 10 percent, by weight, of the units fail to meet the requirements for fairly good character.

(d) *(SStd.) classification.* Canned squash that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3591 *Ascertaining the grade of a lot.* The grade of a lot of Canned Squash (Summer Type) covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.3592 *Score sheet for canned squash.*

Size and kind of container			----
Container marks or identification			----
Label			----
Net weight (ounces)			----
Drained weight (ounces)			----
Style (whole, sliced, cut)			----
Factors	**Score points**		
Color	20	(A) 17–20 (C) [1] 14–16 (SStd.) [1] 0–13	----
Defects	40	(A) 34–40 (C) [1] 28–33 (SStd.) [1] 0–27	----
Character	40	(A) 34–40 (C) [1] 26–33 (SStd.) [1] 0–27	----
Total score	100		
Grade			----
Flavor and odor			----

[1] Indicates limiting rule.

The United States Standards for Grades of Canned Squash (Summer Type) (which is the first issue) contained in this subpart shall become effective 30 days after date of publication hereof in the FEDERAL REGISTER.

Dated: July 30, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-6289; Filed, Aug. 1, 1957; 8:45 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO RICE MARKETING QUOTAS FOR THE 1957 CROP OF RICE

Correction

In F. R. Doc. 57-3461, appearing at page 2982 of the issue for Saturday, April 27, 1957, the following change should be made:

In the headnote for § 730.862 (a), the word "access" should read "excess".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 697, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.804 (Lemon Regulation 697, 22 F. R. 5953) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 30, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6343; Filed, Aug. 1, 1957; 8:53 a. m.]

PART 1015—CUCUMBERS GROWN IN FLORIDA

ORDER REGULATING HANDLING

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AUTHORITY: §§ 1015.0 to 1015.88 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1015.0 *Findings and determinations.* (a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31 as amended; 7 U. S. C. 601 et seq; 68 Stat. 906, 1047), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was opened at Fort Myers, Florida, on May 28, 1956, upon a proposed marketing agreement and a proposed marketing order regulating the handling of cucumbers grown in Florida south or east of the Suwannee River. The hearing was recessed June 1, 1956, and reopened at Fort Myers, Florida, November 5–9, 1956, and continued at West Palm Beach, Florida, November 12–13, 1956. Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to cucumbers produced in the production area by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as the prices to the producers thereof, parity prices, and by protecting the interests of the consumer (i) by approaching the level of prices which is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such cucumbers above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of cucumbers as will be in the public interest;

(2) This order authorizes regulation of the handling of cucumbers grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities as specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to different subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such different terms applicable to the different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of cucumbers grown in the production area; and

(5) All handling of cucumbers, as defined in this order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping cucumbers covered by this order) of more than 50 percent of the volume of cucumbers covered by this order have signed a marketing agreement regulating the handling of cucumbers grown in the production area, and

(2) The issuance of this order is approved or favored by at least two-thirds of the producers of cucumbers who participated in a referendum held during the period May 13 through May 20, 1957, and who, during the determined representative period (August 1, 1955 to July 31, 1956), have been engaged within the production area in the production of cucumbers for market.

Order relative to handling. It is, therefore, ordered that, on and after the effective time hereof the handling of cucumbers grown in Florida south or east of the Suwannee River shall be in conformity to and in compliance with the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1015.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1015.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1015.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1015.4 *Production area.* "Production area" means all territory in the State of Florida south or east of the Suwannee River.

§ 1015.5 *Cucumbers.* "Cucumbers" means all varieties of the edible fruit (Cucumis sativus) commonly known as cucumbers and grown within the production area.

§ 1015.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of cucumbers owned by another person) who handles cucumbers or causes cucumbers to be handled.

§ 1015.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place cucumbers in the current of the commerce between the production area and any point outside thereof: *Provided,* That such terms shall not include: (a) The transportation, sale, or delivery of cucumbers by a producer to a handler registered as such with the committee and who has adequate facilities within the production area for grading; or (b) the transportation to and sale of cucumbers at auction markets designated by the committee. In the event a producer sells cucumbers other than as indicated in paragraphs (a) and (b) of this section, such producer shall be the first handler of such cucumbers.

§ 1015.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of cucumbers for market.

§ 1015.9 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of cucumbers into grades, sizes, and packs for market purposes.

§ 1015.10 *Grade and size.* "Grade" means any one of the established grades of cucumbers and "Size" means any one of the established sizes of cucumbers set forth for each grade in U. S. Standards for Cucumbers (§§ 51.2220 to 51.2238 of this title) issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 1015.11 *Pack.* "Pack" means a unit of cucumbers in any type of container which falls within specific weight limits or within specific grade, or size limits, or both, recommended by the committee and approved by the Secretary.

§ 1015.12 *Container.* "Container" means a box, bag, crate, hamper, tub, basket, package, carton, or any other type of unit used in the packaging, transportation, sale, shipment, or handling of cucumbers.

§ 1015.13 *Committee.* "Committee" means the Florida Cucumber Committee, established pursuant to § 1015.22.

§ 1015.14 *Fiscal period.* "Fiscal period" means the period beginning August 1 and ending July 31 following.

§ 1015.15 *District.* "District" means each of the geographic divisions of the production area initially established pursuant to § 1015.24, or as reestablished pursuant to § 1015.25.

§ 1015.16 *Export.* "Export" means the shipment of cucumbers beyond the boundaries of the continental United States.

COMMITTEE

§ 1015.22 *Establishment and membership.* (a) The Florida Cucumber Committee consisting of twelve members, of whom eight shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Persons selected as committee members or alternates to represent producers or handlers shall be producers or handlers, respectively, or officers or employees of a producer or handler, respectively, in the district for which selected, and a resident of the production area.

§ 1015.23 *Terms of office.* (a) The term of office of committee members, and their respective alternates, shall be for one year and shall begin as of August 1 and end as of July 31 of the following year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1015.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The counties of Dade, Broward, Palm Beach, St. Lucie, Indian River, Martin and Okeechobee in the State of Florida;

District No. 2. The counties of Lee, Collier, Charlotte, Hendry, Monroe and Glades in the State of Florida;

District No. 3. The counties of Hardee, Manatee, DeSoto, Highlands, Hillsborough, Polk, Sarasota and Pinellas in the State of Florida; and

District No. 4. All of the remaining counties within the production area not included in Districts 1, 2, and 3.

§ 1015.25 *Redistricting.* The committee may recommend, and pursuant thereto the Secretary may approve, the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in cucumber acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting; and (e) other relevant factors. In order to provide for nomination and selection of committee members and alternates on the basis of a redistricted production area, the committee shall make such recommendation for redistricting no later than February 1, and, if approved by the Secretary on or before March 15, such redistricting shall become effective at the beginning of the succeeding term of office.

§ 1015.26 *Selection.* The Secretary shall select two producer members and one handler member of the committee with their respective alternates from each district.

§ 1015.27 *Nomination.* The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to July 1 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year;

(d) Only producers may participate in designating nominees for committee members and alternates. In the event a person is engaged in producing cucumbers in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces cucumbers, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1015.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 1015.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1015.24 through 1015.26, inclusive.

§ 1015.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing his acceptance with the Secretary within ten days after being notified of such selection.

§ 1015.30 *Vacancies.* To fill committee vacancies, an incumbent alternate member may be selected by the Secretary to fill the position on the committee vacated by the respective member for whom he was alternate, or the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 1015.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1015.24 through 1015.26, inclusive.

§ 1015.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1015.32 *Procedure.* (a) Eight members of the committee shall be necessary to constitute a quorum and eight concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 1015.33 *Expenses and compensation.* Committee members and alternates may be reimbursed for reasonable expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 1015.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1015.35 *Duties.* It shall be, among other things, the duty of the committee:

(a) As soon as practical after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to cucumbers;

(f) To prepare marketing policies from time to time;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemption;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each report shall be furnished to the Secretary and a copy of each report shall be made available at the principal office of the committee for inspection by producers and handlers;

(m) To prepare and submit to the Secretary at the close of each fiscal period an annual report on operations; and

(n) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1015.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of cucumbers handled by him under regulation as the first handler thereof during a fiscal period and the total quantity of cucumbers handled by all handlers under regulation as first handlers thereof during such fiscal period.

§ 1015.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1015.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles cucumbers shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all cucumbers which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1015.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including, but not being limited to, books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1015.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Except as provided in paragraph (b) of this section, each handler entitled to a proportionate refund of the excess assessments collected shall be credited at the end of a fiscal period with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Upon approval by the Secretary, such reserve may be established and maintained in an amount not to exceed one fiscal period's operating expenses and may be used to cover the necessary expenses of liquidation in the event of termination of this part and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal period when there is a crop failure and during any period of suspension of any or all of the provisions of this part. Such reserve may also be used by the committee to finance its operations during any fiscal period prior to the time that assessment income is sufficient to cover such expenses but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practicable such funds shall be returned pro rata to the persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1015.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cucumbers. Such projects shall be financed from assessments collected.

REGULATION

§ 1015.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 1015.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in handling cucumbers during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to cucumbers. The committee shall publicly announce the submission of each such marketing policy report

and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of cucumbers including prices by grades, sizes, and quality in different packs, in the production area and in competing areas;

(b) Supply of cucumbers, by grade, size, and quality in the production area, and in other production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting cucumber prices; and

(e) Other relevant factors.

§ 1015.51 *Recommendations for regulations.* The committee, upon complying with the requirements of §§ 1015.32 and 1015.50, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this subpart, will tend to effectuate the declared policies of the act.

§ 1015.52 *Issuance of regulations.* The Secretary shall limit the handling of cucumbers whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, maturities, varieties, or packs of cucumbers during any period; or

(b) Limit the handling of particular grades, sizes, qualities, maturities, or packs of cucumbers differently, for different varieties, for different portions of the production area, for different containers, for different purposes specified in § 1015.54, or any combination of the foregoing, during any period; or

(c) Limit the handling of cucumbers by establishing, in terms of grades, or sizes, or both: (1) Minimum standards of quality and maturity which shall be effective irrespective of whether the seasonal average price of cucumbers is in excess of the parity level specified in section 2 (1) of the act; and/or (2) pack specifications for the several commercially recognized grades of equal or better quality than the said minimum standards of cucumbers which may be handled pursuant to subparagraph (1) of this paragraph; or

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of cucumbers.

§ 1015.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 1015.42, 1015.52, 1015.54, 1015.60, or any combination thereof.

§ 1015.54 *Shipments for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1015.42, 1015.52, 1015.53, or § 1015.60 or any combination thereof, in order to facilitate handling of cucumbers for the following purposes:

(a) For export;

(b) For relief or for charity;

(c) For conversion into pickles or relishes; or

(d) For other purposes or products which may be specified by the committee, with the approval of the Secretary.

§ 1015.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1015.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent handling of cucumbers pursuant to § 1015.54 from entering channels of trade for other than the specific purpose authorized therefore, and rules governing the issuance and the contents of Certificates or Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include any or all requirements that:

(1) Handlers shall file applications with the committee to ship cucumbers pursuant to § 1015.54; or

(2) Handlers shall obtain inspection provided by § 1015.60, or pay the assessment levied pursuant to § 1015.42, or both, in connection with shipments made under § 1015.54; or

(3) Handlers shall obtain Certificates of Privilege from the committee to handle cucumbers pursuant to the provisions of § 1015.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that cucumbers handled by him for the purposes stated in § 1015.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of cucumbers covered by such applications, the number of such applications denied and certificates granted, the quantity of cucumbers handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1015.60 *Inspection and certification.* (a) During any period in which handling of cucumbers is regulated pursuant to § 1015.52 or § 1015.54, or any combination thereof, no handler shall handle cucumbers unless each such handling is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 1015.53 or § 1015.54, or both.

(b) Regrading, resorting, or repacking any lot of cucumbers shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. In such event, the person responsible shall be considered the first handler of the regraded, resorted, or repacked quantity and liable for the payment of assessments thereon pursuant to § 1015.42, No handler shall handle cucumbers after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each lot of such cucumbers is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided,* That the committee, with approval of the Secretary, may provide for waiving inspection requirements on any cucumbers in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such cucumbers meet the applicable quality and other standards then in effect.

(c) Prior to handling any lot of cucumbers, the handler shall obtain an inspection certificate for such lot from the Federal-State Inspection Service. Upon recommendation of the committee with approval of the Secretary, every such inspection certificate shall show, in addition to such other information as the committee may specify, the name and address of the handler, the quantity, grade, size, and pack of the cucumbers in the lot, and that the cucumbers conform to the pack specifications, if any, and the minimum standards of quality and maturity prescribed pursuant to § 1015.52. Each lot so inspected and certified shall, upon recommendation of the committee with approval of the Secretary, be identified by appropriate seals, stamps, or tags affixed to each of the containers by the handler under the direction and supervision of the committee or the inspection service, showing that the minimum standards of quality and maturity have been met and, in addition, the particular pack specifications of the lot, if such pack specifications are then in effect.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When the cucumbers are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 1015.65 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 1015.66 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that, by reason of a regulation issued pursuant

to § 1015.52, he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's cucumbers have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of cucumbers specified thereon. Such certificate shall be transferred with such cucumbers at time of transportation or sale.

§ 1015.67 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 1015.68 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1015.69 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued or denied, a record of the quantity of cucumbers covered by such exemption certificates, a record of the amount of cucumbers handled under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 1015.65, 1015.66, 1015.67, or § 1015.68, or any combination thereof.

REPORTS

§ 1015.70 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of cucumbers received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such cucumbers; and (4) the identification of the inspection certificates and the exemption certificates, if any, pursuant to which the cucumbers were handled, together with the destination of each exempted disposition, and of all cucumbers handled pursuant to § 1015.53, or § 1015.54, or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which might adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years after the particular fiscal period such records of the cucumbers received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

EFFECTIVE TIME AND TERMINATION

§ 1015.75 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1015.76 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who, during a representative period, have been engaged in the production for market of cucumbers: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such cucumbers produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1015.77 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1015.78 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

COMPLIANCE

§ 1015.80 *Compliance.* Except as provided in this part, no handler shall handle cucumbers, the handling of which has been prohibited by the Secretary in accordance with the provisions of this part, and no handler shall handle cucumbers except in conformity to the provisions of this part.

MISCELLANEOUS PROVISIONS

§ 1015.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to approve or disapprove of the same at any time. Upon such disapproval, the disapproved section of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1015.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1015.84 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1015.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1015.86 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1015.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1015.88 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Dated: July 30, 1957, to become effective September 3, 1957.

Witness my hand and the official seal of the United States Department of Agriculture.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 57-6341; Filed, Aug. 1, 1957; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt. 44-2]

PART 44—FOREIGN AIR CARRIER REGULATIONS

DEFINITION OF UNITED STATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of July, 1957.

The Civil Aeronautics Act of 1938, as amended, defines United States as "the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying airspace thereof." However, Part 44 of the Civil Air Regulations defines United States as "the continental United States and any outlying Territories under its jurisdiction (including the Canal Zone)."

While it is clear that it is the Board's intent that the definition of United States contained in Part 44 should be at least as broad as the definition in the Act, some doubt and confusion may be created by the difference in the language used in Part 44 and the act.

Accordingly, to clarify the intent of the Board, the definition of United States contained in Part 44 is being amended to make it identical with the definition contained in the Civil Aeronautics Act.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 44 of the Civil Air Regulations (14 CFR Part 44, as amended) effective July 26, 1957.

By amending § 44.1 (a) (3) to read as follows:

§ 44.1 *Definitions.* (a) • • •

(3) *United States.* United States means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying airspace thereof.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-6347; Filed, Aug. 1, 1957; 8:54 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 602—SPECIAL AIR TRAFFIC CONTROL INSTRUCTION

GREEN CIVIL AIRWAY 5, AND VOR CIVIL AIRWAY 16; REVOCATION

The subject matter contained in § 602.1 is now covered substantially in new Part 603, Special Air Traffic Rules. Therefore, § 602.1 *Green Civil Airway No. 5, and VOR Civil Airway No. 16,* published on June 12, 1957, in 22 F. R. 4133, is no longer necessary and is hereby revoked.

(Sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 30, 1957.

[F. R. Doc. 57-6335; Filed, Aug. 1, 1957; 8:52 a. m.]

PART 603—SPECIAL AIR TRAFFIC RULES

GREEN CIVIL AIRWAY 5 AND VICTOR CIVIL AIRWAY 16

Civil Aeronautics Board Special Civil Air Regulation No. SR-421, adopted June 12, 1957 (22 F. R. 5628), delegated to the Administrator of Civil Aeronautics the authority to prescribe such air traffic rules as he may deem necessary in the interest of safety in air commerce for the operation of any or all flights traveling on or traversing Green Civil Airway No. 5 and Victor Civil Airway No. 16 within the area covered by such airways between the longitudes 112°10′ W and 112°35′ W.

Due to the density of air traffic operating under VFR and VFR conditions on certain portions of Green Civil Airway No. 5 and Victor Civil Airway No. 16, the Administrator finds that a collision hazard may be created unless flights conducted along or across certain portions of such airways are conducted at specified altitudes.

Accordingly, the following special air traffic rules are issued for the protection of air traffic and shall govern the operation of all aircraft on Green Civil Airway No. 5 and Victor Civil Airway No. 16, within the area covered by such airways between longitudes 112°10′ W. and 112°35′ W. Inasmuch as immediate action is required for the protection of air traffic operating in such area, the Administrator finds that compliance with the notice and public procedure provisions of the Administrative Procedure Act would be contrary to the public interest, and these rules are therefore adopted to become effective upon publication in the FEDERAL REGISTER.

§ 603.1 *Green Civil Airway No. 5 and Victor Civil Airway No. 16.* The following special air traffic rules shall apply to all aircraft operated under the Visual Flight Rules or Visual Flight Rules conditions within Green Civil Airway No. 5 and Victor Civil Airway No. 16, between the longitudes 112°10′ W., and 112°35′ W.:

(a) *Crossing aircraft.* (1) Military jet aircraft based at Luke Air Force Base engaged in training operations which cross the airways specified above shall be operated only within the following areas at the altitudes prescribed therefor:

(i) Between longitudes 112°10′ W. and 112°28′ W. at an altitude of 8,000 feet MSL: *Provided,* That when the ceiling is below 8,000 feet (9,000 feet MSL), such aircraft shall cross between the longitudes 112°16′ W. and 112°28′ W. at an altitude of 3,000 feet MSL: *Provided further,* That this subsection shall not apply to such aircraft during take-off from Luke Air Force Base.

(ii) Between longitudes 112°28′ W. and 112°35′ W., between the altitudes of 700 feet above the surface and 4,000 feet MSL.

(2) All other aircraft which cross the airways specified above shall be operated only within the following areas at the altitudes prescribed therefor, unless special authorization from Air Traffic Control has been obtained:

(i) When the ceiling is 8,000 feet (9,000 feet MSL) or more, between longitudes 112°10′ W. and 112°28′ W. either at an altitude of not less than 9,000 feet MSL or at an altitude of 7,000 feet MSL or below.

(ii) When the ceiling is less than 8,000 feet (9,000 feet MSL) between longitudes 112°16′ W. and 112°28′ W. either

at an altitude of not less than 4,000 feet MSL or at an altitude of 2,000 feet MSL or below.

(iii) Between longitudes 112°28' W. and 112°35' W. at an altitude of not less than 5,000 feet MSL.

(b) *En route traffic.* All en route aircraft operating along Civil Airways Green No. 5 and Victor No. 16 entering the area of such airways specified above for the purpose of flight through such area, shall be operated in the following areas at the altitudes prescribed therefor, unless special authorization from Air Traffic Control has been obtained:

(1) Between longitudes 112°28' W. and 112°35' W. at an altitude of not less than 5,000 feet MSL.

(2) When the ceiling is at least 8,000 feet (9,000 feet MSL), between longitudes 112°10' W. and 112°28' W. either at an altitude of not less than 9,000 feet MSL or at an altitude of 7,000 feet MSL or below.

(3) When the ceiling is less than 8,000 feet (9,000 feet MSL), between longitudes 112°16' W. and 112°28' W. either at an altitude of not less than 4,000 feet MSL or at an altitude of 2,000 feet MSL or below.

(c) "Ceiling" as used in these rules shall mean the ceiling reported by the U. S. Weather Bureau at Sky Harbor Airport, Phoenix, Arizona.

The foregoing special air traffic rules shall be in effect Mondays through Fridays, between the hours of 0600 and 1800 MST.

These rules shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 1005, 52 Stat. 1007, 1023; 49 U. S. C. 551, 645)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 30, 1957.

[F. R. Doc. 57-6336; Filed, Aug. 1, 1957; 8:53 a. m.]

[Amdt. 204]

PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing in Item 8 in Amendment 201 and published in the FEDERAL REGISTER on July 11, 1957 in 22 F. R. 4879 is hereby corrected to read: "Section 608.51, the Fort Hood, Texas area (R-219)" instead of "Section 608.51, the Fort Hood, Texas area (R-291) and 33,000 feet instead of 30,000 feet in the Designated Altitude column".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This correction shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 26, 1957.

[F. R. Doc. 57-6291; Filed, Aug. 1, 1957; 8:45 a. m.]

[Amdt. 6]

PART 617—AIR TRAFFIC CONTROL RULES

MISCELLANEOUS AMENDMENTS

This amendment revises certain rules under which air traffic control tower operators issue clearances to aircraft. Several significant changes have been included in this amendment to: (a) clarify taxi clearance procedures; (b) revise and clarify the visibility observation procedures; and (c) provide basic procedures for the operation of high intensity approach lights. This amendment has been included in the ANC "Procedures for the Control of Air Traffic" Manual and has been coordinated with the Army, Air Force, Navy, Coast Guard, and with the civil operators through the Aircraft Owners and Pilots Association, National Business Aircraft Association, Air Line Pilots Association, and Air Transport Association of America. These revised rules should be made effective without delay in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and therefore, not required.

1. Section 617.22 (e) (6) is amended to read:

§ 617.22 *Control of traffic on and in vicinity of landing area.* • • •

(e) *Control of traffic in the traffic pattern.* • • •

(6) Sufficient separation should be effected between aircraft in flight in the traffic pattern to allow the spacing of arriving and departing aircraft as outlined in the foregoing.

NOTE: At many airports the location of the control tower will not permit accurate determination of separation between the paths of successive aircraft in the pattern, landing or taxiing on the same runway or taxiway, particularly when the movement of these aircraft is at an angle to the controller's line of vision. Extreme caution, therefore, should be exercised in the issuance of specific control instructions which are used to prevent collision. For example, when a succeeding aircraft is overtaking the aircraft ahead a specific control instruction might turn the preceding aircraft into the path of the other.

2. Section 617.24 (b) (2) (i) and (3) (i) are amended to read:

§ 617.24 *Radiotelephone technique.* • • •

(b) *Calls and replies.* • • •

(2) • • •

(i) CAA air traffic communications stations—by the name of the location followed by the word "Radio."

Examples:
"Washington Radio."
"Norfolk Radio."

• • • • • •

(3) Aircraft call signs. • • •

(i) Military aircraft—by the name of the service or unit name followed by the complete service serial number or trip number.

Examples:
"Air Force seven eight two nine four."
"Air Evac One fifty nine."
"Navy four three six one."
"National Guard two one six one."
"Army two four six eight."

3. Subparagraphs (6) through (11) of § 617.24 (b) are redesignated (8) through (13).

4. A new § 617.24 (b) (6) is added to read:

(6) The call-up procedure to be utilized in airport traffic control radiotelephone communications shall consist of the following:

Item	Example
(i) Designation of the station called.	Waco one eight one four.
(ii) This is	This is.
(iii) Designation of the calling station.	Cleveland Tower.
(iv) Invitation to reply	Over.

5. A new § 617.24 (b) (7) is added to read:

(7) The reply to an initial call-up shall consist of:

Item	Example
(i) Designation to the station called.	Cleveland Tower.
(ii) This is	This is.
(iii) Designation of the answering station.	Waco one eight one four.
(iv) Invitation to reply	Over.

6. Subparagraph (11) of § 617.24 (b) as redesignated to subparagraph (13) is revoked.

7. Section 617.25 (a) (2), (b) (4), and (b) (5) are amended to read:

§ 617.25 *Standard traffic clearances and phraseologies*—(a) *Traffic clearances.* • • •

(2) A clearance issued by an airport traffic control tower is authority for a pilot to proceed only insofar as known air traffic conditions and field conditions are concerned and does not constitute authority for a pilot to violate any Military or Civil Air Regulations. The relay of information or advice to pilots from the airport management or a commanding officer is permitted. When such relay of advice is undertaken by controllers, the pilot shall be informed of the source of the message. However, denial of clearance for take-off shall be based only on considerations of traffic. No violations of § 60.19 of the Civil Air Regulations shall be reported unless a take-off is made contrary to a controller's clearance based solely on traffic conditions.

• • • • • •

(b) *Standard phraseologies for traffic clearances.* • • •

(4) Clearance to Taxi:

(i) Taxi Clearance Limit: A taxi clearance limit is a runway, a runway intersection, a taxi strip, a ramp, or other point to which a taxiing aircraft may be cleared. Normally, the taxi clearance limit specified will permit an aircraft to proceed to a specific point without delay or without causing confliction to other traffic under tower jurisdiction. If a potential conflict exists, aircraft shall be held at, or cleared to, a taxi clearance limit short of the area in which the potential conflict exists to await further taxi clearance.

(ii) Clearance to taxi shall be in the following form:

(*a*) Inbound Aircraft:

(*1*) Identification.

(*2*) "Cleared to" (Clearance Limit).

(*3*) Any special information relative to the use of taxi strips, intersecting runways, obstructions, maintenance operations, or other field activity or condition.

(*4*) Essential ground traffic as specified in § 617.26 (a) (3).

Example:
"United seven cleared to the ramp, taxi west on center strip, mowing equipment to the right of the center strip."

(b) Outbound Aircraft:

(*1*) Identification.

(*2*) "Cleared to" (Clearance Limit).

NOTE: If a clearance limit is to a point short of the take-off runway, the runway to be used shall be specified preceding the phrase "Cleared to" as shown in the example below.

(*3*) Wind (direction and velocity).

(*4*) Altimeter and Time. These items may be omitted if an aircraft operator has stated in writing to the chief controller that this service is not desired.

(*5*) Any special information relative to use of taxi strips, intersecting runways, obstructions, maintenance operations, or other field activity or condition.

(*6*) Essential ground traffic information as specified in § 617.26 (a) (3).

Example: Initial Taxi Clearance.
"Air Force four one five two seven runway two two left, cleared to intersection runway nine left and runway one eight. Wind southwest one five, altimeter two nine nine five, time one six five six. Taxi north on east ramp, e ast on runway nine left, hold short of the intersection."

Example: Subsequent Taxi Clearance.
"Air Force five two seven cleared to runway two two left, taxi east on runway nine left."

Example:
"Navy nine five one two cleared to runramp, east on runway nine left, hold short way four left, wind northeast one five, altimeter two nine nine five, time zero eight three zero. Taxi south on the ramp. Aircraft parked along the left edge of the ramp."

(c) Clearance to taxi from one point to another on the landing area:

(*1*) Identification

(*2*) "Cleared to" (Clearance Limit).

(*3*) Any special information.

(*4*) Essential ground traffic information as specified in § 617.26 (a) (3).

Example: Initial Taxi Clearance.
"Beechcraft three five two K Cleared to intersection of runway four left and runway three six. Taxi east on center strip. Hold short of the intersection."

Example: Subsequent Taxi Clearance.
"Beechcraft three five two K Cleared to hangar. Taxi east on center strip."

Example:
"TWA thirty four cleared to hangar four."

(5) Clearance for take-off. Clearance for take-off shall be in the following form:

(i) Identification.

(ii) Any special information.

(iii) "Cleared for take-off."

Example:
"Air Force six seven three four, cleared for take-off."

8. Section 617.28 (b) is amended to read:

§ 617.28 *Preventive control.* • • •

(a) • • •

(b) *Conditions under which preventive control may be applied.* Preventive control has an immediate application at locations which have one or more of the following types of activities:

(1) Military primary flying schools.

(2) Military transitional schools.

(3) Locally based squadrons or groups of military aircraft.

(4) Local civilian operators or schools.

9. Section 617.29 (a), (c), (e), and (f) are amended to read:

§ 617.29 *Special VFR operations within a control zone.* (a) Under § 60.30 and § 60.31 of Chapter I, of this title, pilots conducting flight in accordance with visual flight rules must obtain an air traffic clearance:

(1) Before flying in a control zone when the ceiling within the control zone is reported to be less than 1,000 feet.

(2) Before flying in a control zone closer than 500 feet vertically under, 1,000 feet vertically over, or 2,000 feet horizontally from any cloud formation.

NOTE: When operating in accordance with a clearance issued by air traffic control, aircraft shall remain clear of clouds.

(3) Before flying in a control zone when the flight visibility within the control zone is less than three miles.

(4) Before landing, taking off, or entering the traffic pattern of an airport within the control zone when the official ground visibility is reported to be less than three miles at the airport about which the control zone is centered.

NOTE: The official weather observation for the airport about which the control zone is centered shall be used where observations are made at more than one airport in the zone.

• • • • • •

(c) When the ground visibility is less than three miles but not less than one mile, local VFR flights may be authorized in the zone (shooting landings, etc.) only if provision is made for the recall of these aircraft when traffic conditions become too congested to permit their continuance. The most practical method of doing this is only to clear aircraft which can maintain a continuous guard on the control tower frequency.

• • • • • •

(e) Operations of signal to indicate ground visibility of less than three miles and/or a ceiling of less than 1,000 feet.

(1) The following procedures shall be observed when the ground visibility is officially reported to be less than three miles and/or the ceiling less than 1,000 feet.

(i) Operate the appropriate light signal.

(*a*) Rotating beacon during daylight hours.

(*b*) Flashing wind direction indicator lights between sunset and sunrise.

(ii) Recall all aircraft operating in the traffic pattern without a clearance.

(*f*) Authority for issuance of traffic clearance to VFR operations:

(1) The airport controller shall coordinate with the appropriate center prior to issuing traffic clearance for VFR flight in a control zone at less than the basic VFR weather minimums (500 feet vertically and 2,000 feet horizontally from clouds and three miles visibility and a ceiling of 1,000 feet.)

10. Section 617.30 (e) (2), (f) (1), (f) (3), (h) (3), and (h) (4) are amended to read as follows:

§ 617.30 *Operating instructions for airport traffic control towers.* • • •

(e) *Operation of field lighting system.* • • •

(2) Floodlights and Runway Lights: Floodlights and runway lights, except as outlined above, shall be used in accordance with the following:

(i) As soon as the pilot of an aircraft is cleared to taxi out, the taxiways which he is to use shall be illuminated and as the pilot approaches the take-off position, the runway lights for the runway-in-use shall be switched on. The floodlights shall not be turned on until the pilot has taxied onto the runway and is facing the direction for take-off. The floodlights and the runway lights shall not be turned off until the pilot has cleared the edge of the field or requests that they be turned off.

(ii) When a pilot is approaching to land, the runway lights shall be turned on as soon as the pilot reports in the control zone. The floodlights for the runway-in-use shall be lighted as soon as the aircraft is identified near the field unless the pilot requests that they be left off. In the latter event, they shall be lighted briefly, before the aircraft enters the landing glide, to ascertain that the landing area to be used is clear of obstacles. If the floodlights are used for landing, they shall not be turned off before the pilot has turned onto a taxi strip, or intersecting runway, unless it is necessary for the pilot to taxi toward an unshadowed floodlight unit.

(iii) As far as practicable, the airport traffic controller shall light only those portions of intersecting runways and taxi strips which the pilot must use in taxing to the administration building, hangar line, or parking area.

(iv) Brightness settings for variable and/or high intensity runway lights shall be in accordance with general guides established by the operating agency. Brightness settings shall be varied as requested by the pilot.

(*a*) High Intensity Approach Lights. High intensity approach lights shall be lighted:

(*1*) At any time of day or night when instrument approaches are being conducted.

(*2*) At any time if requested by the pilot; or

(*3*) When deemed advisable by the controller.

(*b*) Brightness settings shall be in accordance with general guides established by the operating agency. Settings shall be varied as requested by the pilot.

(*f*) *Altimeter settings.* (1) Recording and using altimeter settings: The "altimeter setting" issued by the weather reporting station at 0100, 0700, 1300, and 1900 Eastern Standard Time shall be recorded on a suitable altimeter setting record form. The Altimeter Setting Indicator shall be the primary instrument for obtaining altimeter settings in the tower and all personnel shall refer

to the Indicator for this data. No altimeter settings are to be obtained from the aircraft type altimeter (except where altimeter settings indicators are not installed). The aircraft type altimeter is to be used only as a secondary means of checking the Altifneter Setting Indicator or as a primary instrument in case of malfunctioning of the latter.

• • • • •

(3) Comparisons between the readings of the indicator and the official altimeter setting issued by the U. S. Weather Bureau are necessary each six hours as in the case of the aircraft type altimeter. This shall be accomplished by completion of a separate altimeter record for the indicator. The "Correction Factor" should be entered on this form. For example, an altimeter setting of 30.01 is received from the Weather Bureau. The Altimeter Setting Indicator reads 30.00. The correction factor, "+0.01" is entered on the form. Thus, the actual altimeter setting is the value indicated by the instrument, plus or minus the correction factor. In the event the average wind velocity at the stated hours (0100, 0700, 1300, and 1900) exceeds 45 miles per hour, the instructions relative to obtaining the correction factor will not be effective and the previously determined correction factor will remain in use until a correction factor can be obtained when the average wind velocity is less than 45 miles per hour.

(h) *Report information concerning aircraft in difficulty, aircraft accidents and known hazardous conditions of flight.* • • •

(3) Weather information procedures:

(i) Reporting impending weather conditions: An airport traffic controller shall assist the local weather observer by calling to his attention:

(a) Any difference between the actual weather condition as observed from the tower to those indicated by the current report; and

(b) Impending changes in weather conditions whenever, because of their unexpectedness, there is a possibility that they may not be observed immediately by the local weather observer.

(4) Dissemination of weather information observed by airport traffic control tower personnel. Airport traffic control personnel may transmit to pilots and air traffic control facilities concerned, without prior reference to the weather reporting station, elements of weather information which can be directly observed by means of instruments or radar, such as wind direction, wind velocity, altimeter settings, storms and precipitation areas.

(i) An airport traffic controller may not transmit any observed elements of weather information requiring judgment of an observer as to value, such as ceiling, amount of cloudiness and visibility unless such weather report has either been composed or verified by the weather reporting station, or unless the controller is acting as an official weather observer and is properly certificated for the elements being reported.

(ii) The airport traffic controller may advise the appropriate center or pilots of observed weather in general, such as "thunderstorm east of the field," "large breaks in the overcast," "visibility is lowering to the south," or any other such general statements which do not give actual values of the elements. In such cases, the weather station shall also be advised of such information.

(iii) Weather information, for use in responding to requests from pilots, shall be obtained from the nearest official weather reporting station or from official weather reports.

11. Section 617.30 (h) (4) (v) through (v) (*f*) is revoked.

(Sec. 205, 52 Stat. 984, as amended, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE, *Administrator.*

JULY 26, 1957.

[F. R. Doc. 57-6294; Filed, Aug. 1, 1957; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 4—SPECIAL PROVISIONS APPLICABLE TO BUTTER

PART 5—SPECIAL PROVISIONS APPLICABLE TO EGGS

PART 6—SPECIAL PROVISIONS APPLICABLE TO POTATOES AND ONIONS

AMENDMENT OF REQUIREMENTS APPLICABLE TO CERTAIN REPORTS

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1952 ed. §§ 1–17a), Parts 4, 5, and 6, Chapter I, Title 17, Code of Federal Regulations (17 CFR Parts 4, 5, and 6), are hereby amended by adding at the end of §§ 4.01, 5.01, and 6.01 the following paragraph: "The requirements of this section shall not apply to any clearing member of a board of trade (exchange) if, with respect to each clearing member thereof, such board of trade (exchange) reports the above-described information to the Commodity Exchange Authority in a form and manner approved by the Act Administrator."

The effect of this amendment is to liberalize the existing requirement of reports on Forms 400, 500, and 600, by individual clearing members by providing an alternative whereby equivalent information may be filed by exchange clearing associations.

Since this amendment will operate to relieve or liberalize an existing requirement and will not adversely affect the public, it is hereby found that notice and public procedure under section 4 of the Administrative Procedure Act are unnecessary, and that this amendment should be made effective within less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Issued: July 30, 1957.

[SEAL] EARL L. BUTZ, *Acting Secretary.*

[F. R. Doc. 57-6345; Filed, Aug. 1, 1957; 8:54 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.324]

PART 40—DIPLOMATIC VISAS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 42—VISAS: DOCUMENTION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

MISCELLANEOUS AMENDMENTS

Parts 40, 41, and 42, Chapter I, Title 22 of the Code of Federal Regulations, are hereby amended in the following respects:

1. Paragraph (d) *Photographs* of § 40.7 *Application for diplomatic visa* is amended to read as follows:

(d) *Photographs.* Except as otherwise provided in this paragraph, every alien who makes application for a diplomatic visa shall furnish with his application identical photographs of himself, in such number as may be required in the discretion of the consular officer. A child under ten years of age shall not be required to furnish photographs unless he is the bearer of a separate passport. The photographs shall reflect a reasonable likeness of the alien as of the time they are furnished, and shall be two inches by two inches in size, unmounted, without head covering, have a light background, and clearly show a full front view of the facial features of the alien. Each copy of the photograph shall be signed by the person making the application with the full name of the alien in such a manner as not to obscure the alien's features. The photograph requirement may be waived in the discretion of the diplomatic or consular officer in the case of any alien granted a diplomatic visa. A signed notation of any such waiver shall be made in the space provided in the application form for the alien's photograph.

2. Section 41.3 *Claimant to United States nationality* is amended to read as follows:

§ 41.3 *Claimant to United States nationality.* A person whose case fulfills the conditions of section 360 (b) of the act and who continues to claim that he is a national of the United States may apply for a certificate of identity as provided in section 360 (b) of the act. (See §§ 50.24–50.40 of this chapter.)

3. Section 41.11 *Authority to issue nonimmigrant visas in the Department* is amended to read as follows:

§ 41.11 *Authority to issue nonimmigrant visas in the Department.* The Director of the Visa Office of the Department and such members of his staff as he may designate are authorized, in their discretion, to issue nonimmigrant visas to qualified aliens in the United States (a) who are within a class of nonimmigrants described in section 101 (a) (15) (A) or section 101 (a) (15) (G) of the act, or within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3, or NATO–4, (b) who have been duly notified to the Secretary of State in such nonimmigrant status, and (c) who, after a temporary absence, desire to reenter the United States in the nonimmigrant status specified in the visa.

4. Paragraph (c) *Numbering,* of § 41.12 *Procedure in issuing nonimmigrant visa,* is amended to read as follows:

(c) *Notations on visa.* The V-number of the application of each alien included in a nonimmigrant visa shall be inserted in the space provided therefor in the visa stamp. If the visa is being issued upon the basis of a petition filed with and approved by the Attorney General, in the case of a nonimmigrant under the provisions of section 101 (a) (15) (H) of the act, the number and date of approval of the petition shall be noted in the visa stamp, and the period for which the alien's admission has been authorized shall be noted immediately below the visa stamp.

5. Paragraph (a) of § 41.16 *Revalidation of nonimmigrant visa* is amended to read as follows:

(a) A nonimmigrant visa issued to a nonimmigrant under the provisions of section 101 (a) (15) of the act may be revalidated in the same classification at the original visa-issuing office or other consular office: *Provided,* That (1) such visa was originally issued for less than the maximum period of forty-eight months validity or for less than multiple applications for admission, or both; (2) such visa is about to expire, or expired less than twelve months prior to the application for revalidation, or has become invalid by reason of having been used for the number of applications for admission specified therein; and (3) the consular officer is satisfied that the alien is a bona fide nonimmigrant and is otherwise eligible to receive such a nonimmigrant visa, including the possession of a valid passport, if required,

6. Section 41.17 *Refusal of nonimmigrant documentation,* is amended by the addition of the following paragraph at the end thereof:

(g) A passport which is valid indefinitely for the return of the bearer to the country whose government issued such passport shall be deemed to have the required minimum period of validity as specified in section 212 (a) (26) of the act.

7. Paragraph (f) of § 41.65 *Procedures applicable to crew-list visas,* is amended to read as follows:

(f) A fee of $2 shall be charged for the visaing of any crew list (Tariff of Fees, Foreign Service of the United States of America), except that no fee shall be charged for a crew-list visa issued in the case of an American vessel, or for the issuance of a supplemental crew-list visa in the case of any vessel or aircraft. The receipt of the prescribed fee for the issuance of a crew-list visa shall be evidenced by a rubber-stamp or typed notation placed within the visa stamp in the place designated "Fee Notation" and properly completed in the following form:

Service No. _____
Tariff Item No. _____
Fee Paid: U. S. $_____
Local CY, equiv. _____

8. Section 42.13 *Determination of quota to which an immigrant is chargeable* is amended by the addition of the following paragraph at the end thereof:

(d) A quota immigrant spouse who is not attributable by as much as one half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle may, as provided in section 202 (a) (2) of the act, be charged to the quota of his accompanying spouse, including the Asia-Pacific quota, the quota for Chinese persons, or any other Asia-Pacific triangle quota.

9. Paragraph (a) of § 42.22 *Aliens not to be registered or to retain registration on a quota-waiting list* is amended to read as follows:

(a) Except as provided otherwise in this section, the following classes of aliens shall not have their names entered or retained on a quota or subquota waiting list:

(1) Aliens who enter the United States in violation of the immigration laws.

(2) Aliens who are in the United States in willful violation of their nonimmigrant status.

(3) Aliens who are within one of the classes of excludable aliens described in section 212 (a) (17) of the act, unless the Attorney General has consented to their reapplication for admission into the United States.

(4) Aliens who are in the United States as exchange visitors under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948, as amended. (62 Stat. 6; 66 Stat. 276)

10. Paragraph (a) *Insertion of pertinent data* of § 42.41 *Procedure in issuing immigrant visa* is amended to read as follows:

(a) *Insertion of pertinent data.* In issuing an immigrant visa, the pertinent information shall be inserted in the designated blank spaces provided on the visa side of Form 256. The dates to be inserted in the appropriate spaces on the visa shall be in a form which shows the day, month, and year, in that order, and the name of the month shall be spelled out—such as; "24 December 1952". A symbol specified in § 42.3 shall be used to indicate the classification of the immigrant and the visa. If the visa is being issued upon the basis of a petition approved by the Attorney General, the number and date of approval of such petition shall be inserted in the space provided for the visa petition number on the visa side of Form 256.

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: July 22, 1957.

RODERIC L. O'CONNOR, *Administrator, Bureau of Security and Consular Affairs, Department of State.*

[F. R. Doc. 57-6305; Filed, Aug. 1, 1957; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

CORRECTION OF AMENDMENT

In amendment 1 published in the FEDERAL REGISTER July 17, 1957 (22 F. R. 5631), the amendment should read:

1. Section 141a.49 is amended by changing the section headnote to read as set forth below and by adding to paragraph (a) a new subparagraph (3), reading as follows:

§ 141a.49 *Penicillin-streptomycin-bacitracin ointment; penicillin-dihydrostreptomycin-bacitracin ointment; penicillin-streptomycin-bacitracin methylene disalicylate ointment; penicillin-dihydrostreptomycin-bacitracin methylene disalicylate ointment*—(a) *Potency.* • • •

(3) *Bacitracin methylene disalicylate content.* Proceed as directed in subparagraph (2) of this paragraph, except prepare the sample as follows: Place a representative portion of the sample (usually approximately 1 gram, accurately weighed) or the entire contents of a single-dose container in blending jar, add 99 milliliters of a 2.0-percent aqueous solution of sodium bicarbonate and 1 milliliter of a 10-percent aqueous solution of polysorbate 80 and blend for 3 minutes in a high-speed blender. Allow the foam to subside, remove an aliquot of the solution, and dilute to 1 unit per milliliter with 1.0-percent phosphate buffer, pH 6.0.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Dated July 26, 1957.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 57-6296; Filed, Aug. 1, 1957; 8:46 a. m.]

PART 141c—CHLORTETRACYCLINE (OR TET-

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DEHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DEHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146a, 146b, 146c, 146e; 21 CFR, 1956 Supp.; 22 F. R. 3107, 3108, 3110, 3111, 3112) are amended as indicated below:

1. Section 141c.234 is amended by changing the headnote and paragraph (a) (1) to read as follows:

§ 141c.234 *Capsules tetracycline hydrochloride and novobiocin; capsules tetracycline phosphate complex and novobiocin*—(a) *Potency*—(1) *Tetracycline hydrochloride content; tetracycline phosphate complex content.* Proceed as directed in § 141c.231 (a) (1). Its potency is satisfactory if it contains the equivalent of not less than 85 percent of the number of milligrams of tetracycline hydrochloride that it is represented to contain.

2. In § 146a.52 *Procaine penicillin and crystalline penicillin in oil,* paragraph (b) is amended to read as follows:

(b) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of this section shall be:

(1) $5.00 for each immediate container of the batch.

(2) $4.00 for each 60-milligram package of crystalline penicillin submitted in accordance with paragraph (a) (3) of this section.

(3) $10.00 for the 300-milligram packages submitted in accordance with paragraph (a) (3) of this section.

3. In § 146a.54 *Penicillin-streptomycin ointment* • • •, paragraph (d) (1) is amended to read as follows:

(d) • • •

(1) $5.00 for each immediate container of the ointment.

4. In § 146a.58 *Penicillin and streptomycin* • • •, paragraph (e) (1) is amended to read as follows:

(e) • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), (v), and (vi) of this section; $5.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $10.00 for all immediate containers submitted in accordance with paragraph (d) (3) (i) (*b*) and (d) (4) (ii) of this section.

5. In § 146b.104 *Streptomycin tablets* • • •, paragraph (b) is amended to read as follows:

(b) *Packaging.* In all cases the immediate container shall be a well closed container or a tight container as defined by the U. S. P. and it may contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

6. In § 146b.110 *Streptomycin otic* • • •, paragraph (d) (3) (ii) is amended by changing the figure "5" to "6".

7. In § 146b.121 *Streptomycin-erythromycin ointment* • • •, paragraph (e) (1) is amended to read as follows:

(e) • • •

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section; $5.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) of this section.

8. In § 146b.124 *Streptomycin-polymyxin-neomycin ointment* • • •, paragraph (d) is amended by changing subparagraph (3) (ii) and (iii) to read as follows:

(ii) The streptomycin or dihydrostreptomycin used in making the batch: 6 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) The polymyxin B used in making the batch: 5 packages containing approximately equal portions of not less than 0.5 gram each.

9. In § 146c.221 *Tetracycline hydrochloride for intramuscular use,* subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the number "24" to "36".

10. Section 146c.227 *Chlortetracycline spray dressing* • • • is amended as follows:

a. Paragraph (d) (3) (i) (*a*) is changed to read:

(d) • • •

(3) • • •

(i) • • •

(*a*) For all tests except sterility; 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 or more than 12 immediate containers.

b. Paragraph (e) (1) is changed to read:

(e) • • •

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*) (ii), and (iii) of this section; $10.00 for all containers submitted in accordance with paragraph (d) (3) (i) (*b*) of this section.

11. In § 146c.229 *Tetracycline-nystatin oral suspension,* paragraph (d) is amended to read:

(d) The fee for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (c) of this section shall be:

(1) $5.00 for each immediate container of the batch.

(2) $4.00 for each package of the nystatin used in making the batch.

12. Section 146c.233 *Tetracycline oleandomycin oral suspension* is amended as follows:

a. In paragraph (e) the figure "7" is changed to "6".

b. Paragraph (f) (1) is changed to read:

(f) • • •

(1) $5.00 for each immediate container of the batch.

13. Section 146c.234 is amended as follows:

a. The section headnote and the introductory paragraph are changed to read as follows:

§ 146c.234 *Capsules tetracycline hydrochloride and novobiocin; capsules tetracycline phosphate complex and novobiocin.* Capsules tetracycline hydrochloride and novobiocin and capsules tetracycline phosphate complex and novobiocin are capsules that conform to all requirements and procedures prescribed by § 146c.204 for tetracycline hydrochloride capsules and tetracycline phosphate complex capsules, except that:

b. Paragraph (b) is changed to read:

(b) The moisture content of the capsules is not more than 4 percent if it contains tetracycline hydrochloride and not more than 9 percent if it contains tetracycline phosphate complex.

c. Paragraph (c) is amended by inserting the words "or tetracycline phosphate complex capsules" immediately after "tetracycline hydrochloride capsules."

14. Section 146e.407 *Bacitracin-tyrothricin ointment* is amended by adding the following new subparagraph to paragraph (a):

(3) In lieu of the samples required by § 146e.402 (d) (3) (i), a minimum of 6 packages of the batch should be submitted.

15. In § 146e.419 *Bacitracin-neomycin-polymyxin troches* • • •, paragraph (d) (3) (i) is amended to read as follows:

(d) • • •

(3) • • •

(i) The batch; 1 troche for each 5,000 troches in the batch, but in no case less than 30 troches or more than 100 troches, collected by taking single troches at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

16. In § 146e.424 *Bacitracin-neomycin-polymyxin with vasoconstrictor* • • •, paragraph (a) (7) is amended by changing the second sentence to read as follows: "He shall also submit in connection with his request a sample consisting of not less than 7 packages of the bacitracin-neomycin-polymyxin with vasoconstrictor, and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the polymyxin used in making the batch."

Notice and public procedure are not necessary prerequisites to the promulgation of this order since the amendments dealing with changes in fees included in this order are necessary to provide, equip, and maintain an adequate certification service; and the remaining amendments were drawn in collaboration with interested members of the affected industry and delay in their publication would not be in the public interest.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 29, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-6297; Filed, Aug. 1, 1957; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6245]

PART 252—DRAWBACK OF LIQUORS EXPORTED

EXPORT PROCEDURES

Correction

In Federal Register Document 57-6219, appearing at page 5997 of the issue for Wednesday, July 31, 1957, the following signature should appear above the signature of the Acting Commissioner of Customs: "RUSSELL C. HARRINGTON, *Commissioner.*"

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 57-5856, appearing at page 5685 in the issue dated July 18, 1957, the following changes should be made:

1. In the first line of amendatory paragraph 1, and of § 3.1 (l), in the related position in the text, "(i)" should read "(1)".

2. In § 3.212 (d) (2), the seventh, eighth, ninth, and tenth lines should read as follows: "had his military or naval record corrected pursuant to section 207, Public Law 601, 79th Congress, as amended by Public Law 220, 82d Congress, will, if".

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter H—Passenger Vessels

[CGFR 57-36]

PART 72—CONSTRUCTION AND ARRANGEMENT

STRUCTURAL FIRE PROTECTION FOR PASSENGER VESSELS

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated March 7, 1957 (22 F. R. 1433-1439); March 28, 1957 (22 F. R. 2047), and May 4, 1957 (22 F. R. 3185, 3186), as Items I through XVIII of the Agenda to be considered by the Merchant Marine Council. Pursuant to these notices a public hearing was held on May 7, 1957, by the Merchant Marine Council at Washington, D. C. This document is the eighth of a series covering the regulations considered at this public hearing. The first document (CGFR 57-26) deals with inspection of cargo gear on passenger, cargo, and miscellaneous vessels. The second document (CGFR 57-27) deals with lifesaving, fire protection, and grain loading requirements for passenger, cargo, and miscellaneous vessels. The third document (CGFR 57-29) deals with cargo tanks for liquefied inflammable gases and anhydrous ammonia, stowage of baled cotton, and use of equivalents or alternative procedures respecting dangerous cargoes. The fourth document (CGFR 57-30) deals with crew accommodations on tank ships. The fifth document (CGFR 57-31) deals with drydocking of passenger, tank, cargo, and miscellaneous vessels. The sixth document (CGFR 57-32) deals with the first assistant engineer of vessels not over 2,000 horsepower and examination of lifeboatmen and able seamen. The seventh document (CGFR 57-33) deals with miscellaneous amendments respecting dangerous cargoes, and is being processed for printing.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised. With respect to Item VIII—Structural Fire Protection for Passenger Vessels, changes were made in 46 CFR 72.05-5 (m), 72.05-5 (n) (2), Table 72.05-10 (e), 72.05-10 (j), and 72.05-30 (e) to eliminate any possible misinterpretation. The amendments described in Item VIII, as revised, are adopted and included in this document.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and Treasury Department Order CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER:

SUBPART 72.05—STRUCTURAL FIRE PROTECTION

1. Section 72.05-5 is amended by revising paragraph (a) (4) and (f) (2) and by adding new paragraphs (m) and (n), which read as follows:

§ 72.05-5 *Definitions.* • • •

(a) • • •

(4) Open decks and enclosed promenades in way of lifeboat embarkation or lowering positions. (4) (See also paragraph (m) of this section.)

• • • • • •

(f) • • •

(2) Open decks and enclosed promenades except in way of lifeboat embarkation and lowering positions. (14) (See also paragraph (m) of this section.)

• • • • • •

(m) Spaces which might be considered as open decks due to the presence of permanent openings to the weather in one or more sides, or where any or all sides may be completely open to the weather, will be considered as interior or enclosed spaces for the purpose of this subpart if any spot on the overhead is more than 15 feet from the nearest opening to the weather. This requirement shall only apply to those portions of the space as are under a deck or canopy, but it shall not be considered as a restriction against permanent opening or a restriction against the materials used for a canopy. This paragraph shall not apply to open or enclosed promenades having a nominal width of 15 feet or less. This paragraph shall be applicable only to vessels contracted for on or after October 1, 1957.

(n) For vessels contracted for on or after October 1, 1957, where balconies are installed opening into a space, the following general requirements shall be met:

(1) For the purpose of meeting main vertical zone bulkhead spacing, the length of the space to which the balcony is open will be considered as being increased by an amount equal to the gross area of the balcony divided by the average width of the space.

(2) Where balconies are formed by penetrating one or more decks, the bulkheads in the upper portion of the space are, in effect, part of a stepped or recessed deck and should be treated as such for fire control purposes. In this regard, particular attention should be given to

the protection of openings with proper doors of the type indicated in § 72.05–25 (b) (9).

(3) Two means of escape shall be provided for each balcony, at least one of which shall be independent of the space to which the balcony is open.

2. Section 72.05–10 (j) is amended to read as follows:

§ 72.05–10 *Type, location, and construction of fire control bulkheads and decks.* • • •

(j) Where "B" Class panels are used, all four edges of the panel shall be retained by continuous steel or equivalent metal flanges on both sides of the panel offering at least ¾ inch coverage. The top and bottom flanges shall be so attached to the structural decks above and below so as to support and restrain the panels in the event of fire. Other methods of construction may be specifically approved by the Commandant if determined to be equivalent.

3. Table 72.05–10 (e) in § 72.05–10 is amended by inserting a footnote 1 at the intersection of line 9 and column 9 after the letter "C" and this footnote reads as follows:

[1] Class C bulkheads may be used between two similar spaces, such as between two similar storerooms. However, a Class A–0 bulkhead shall be used between dissimilar spaces, such as a storeroom and a dissimilar workshop.

4. Section 72.05–15 is amended by revising paragraph (b) and (d) to read as follows:

§ 72.05–15 *Ceilings, linings, trim, and decorations in accommodation spaces and safety areas.* • • •

(b) Bulkheads, linings, and ceilings may have a combustible veneer within a room not to exceed 2/28 of an inch in thickness. However, combustible veneers shall not be used in passageways or stairway enclosures, or in spaces specifically restricted by Tables 72.05–10 (d) through (g).

• • • • •

(d) Combustible veneers, trim, decorations, etc. shall not be used in or extend into hidden spaces such as behind linings or ceilings or in the interior of double bulkheads.

5. Section 72.05–30 is amended by revising paragraph (c) and by adding paragraphs (d), (e), and (f), which read as follows:

§ 72.05–30 *Windows and air ports.* • • •

(c) Windows in Class B–0 bulkheads shall be fitted with wire inserted glass. Such windows opening onto passageways may not extend below the normal height of the storm rails.

(d) Windows in Class B–15 bulkheads shall be fitted with wire inserted glass. In addition, such windows shall be fitted with a suitable steel or equivalent metal shutter capable of being operated manually as well as automatically by means of a fusible link.

(e) Windows in interior "A" Class bulkheads shall be fitted with suitable steel or equivalent metal shutter capable of being operated manually as well as automatically from the control station by the same system used for the fire doors as noted in § 72.05–25 (b) (9) (ii). The metal shutter shall be insulated to meet the applicable bulkhead requirements.

(f) Windows or air ports opening onto lifeboat embarkation or lowering spaces from service, cargo, or machinery spaces, or from control or accommodation spaces other than those containing only incombustible veneers and trim and fire resistant furnishings, shall be fitted with wire inserted glass. Other windows or air ports opening onto open decks or enclosed promenades need not have wire inserted glass.

6. Section 72.05–40 is amended to read as follows:

§ 72.05–40 *Insulation, other than for structural fire protection.* (a) Any insulation installed for heat and comfort, refrigeration (including air conditioning), or for any other purpose, and all material incidental to its installation, shall be approved Incombustible Materials. This paragraph shall not apply to such insulation installed in cargo spaces, refrigerated storerooms, individual refrigerator boxes, nor to pipe and machinery coverings or laggings within the machinery spaces. Refrigeration insulation installations contracted for prior to October 1, 1957, may be of material of no greater combustibility than cork board.

7. Section 72.05–50 (e) is amended to read as follows:

§ 72.05–50 *Ventilation.* • • •

(e) Where of necessity, ducts pass through main vertical zone bulkheads, automatic fire dampers shall be fitted adjacent to the bulkhead. The duct between the bulkhead and the damper shall meet the applicable bulkhead requirements. The damper shall be fitted on at least one side of the bulkhead with a visible indicator showing whether the damper is in the open or closed position. The indicator may be connected to the manual operating device rather than the damper blade so that it might show as being open when it had automatically closed, but could never be open if the indicator showed it to be closed. The damper shall be capable of being manually closed from both sides of the bulkhead. The operating positions for the damper shall be marked as required by § 78.47–53 of this subchapter.

(R. S. 4405, as amended, 4462, as amended: 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Dated: July 26, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard Commandant.

[F. R. Doc. 57–6329; Filed, Aug. 1, 1957; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12007; FCC 57–808]

[Rules Amdt. 3–82]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Moultrie, Georgia and Waycross, Georgia), Docket No. 12007.

1. The Commission has before it for consideration the conflicting proposals set out in its Notice of Proposed Rule Making released on April 29, 1957 (FCC 57–415) and published in the FEDERAL REGISTER on May 2, 1957 (22 F. R. 3128) to assign Channel 8 to either Moultrie or Waycross, Georgia, in response to petitions for rule making filed by Colquitt Broadcasting Company and John H. Phipps, respectively.

2. Comments were filed by Colquitt Broadcasting Company, Moultrie, Georgia, John H. Phipps, Thomasville, Georgia, John F. Pidcock and Roy F. Zass d/b as Radio Station WMGA, Moultrie, Georgia, Teletronics, Inc., Waycross, Georgia, Selma and Dallas County Chambers of Commerce, City of Selma, Alabama, Deep South Broadcasting Company, Selma, Alabama, and Capitol Broadcasting Company, Montgomery, Alabama. A number of letters were also filed urging the assignment of Channel 8 to either Moultrie or Waycross.

3. Colquitt Broadcasting Co. is the licensee of standard broadcast Station WMTM at Moultrie and requests that Channel 8 be assigned to that community. Colquitt states that Moultrie has been allocated only one channel, UHF Channel 48, for which no application has been filed; that in view of the difficulties experienced by many UHF operators and the lack of general acceptance of UHF television by the public in the area, Colquitt does not want to apply for a UHF station in Moultrie; but that if a VHF channel is allocated to Moultrie, Colquitt will file an application therefor, and if it obtains a construction permit, will construct and operate a television station in Moultrie designed to serve the needs of Valdosta, Tifton, and Thomasville, as well as the rest of the area; and that a transmitter site is available where a station on Channel 8 could render city-grade service to Moultrie, while at the same time complying with the required minimum separations. Colquitt alleges that the area within the Grade B contour of a Moultrie station (based on 100 kw and 700 feet antenna height and the proposed site in the center of a triangle formed by the cities of Valdosta, Tifton, and Thomasville) will contain 346,950 persons and that a first Grade B service would be provided to 53,523 persons in Georgia and Florida. Colquitt submits that Moultrie and the nearby communities of Valdosta, Tifton, and Thomasville are important population, industrial, educational, and farming centers and that these communities and the counties in which they are located are more populous and important than Waycross and the county in which it is located. Colquitt estimates the population of Moultrie at 17,500 and Colquitt County at 35,300 and that of Waycross 20,700 and Ware County 32,100. It asserts that Moultrie receives VHF service from WALB–TV at Albany and WCTV at Thomasville and urges therefore that a UHF channel would not be feasible in this area whereas Waycross, because of the distance to the nearest VHF stations (73 miles to Jacksonville and 96 miles to Savannah) could utilize a UHF channel without fear of direct VHF competition. Colquitt alleges that 54 percent of the households in Ware County are equipped with television sets and only 34 percent of the households in Colquitt County are so equipped and that these figures point up the greater need for television service in Moultrie than in Waycross.

4. John H. Phipps, permittee of Station WCTV at Thomasville, and Teletronics, Inc., prospective applicant for Channel 8 in Waycross, urge the assignment of Channel 8 to Waycross and oppose the assignment in Moultrie. Phipps states that Waycross and its surrounding area now have no opportunity for local self expression through television since the nearest station is approximately 75 miles away in Jacksonville, Florida; that Channel 8 can be allocated to Waycross in full compliance with all required mileage separations; that the only television channel now assigned to Waycross, UHF Channel 16, will probably not be usable in the foreseeable future since there are almost no UHF receivers in the area; that Phipps, through his operation of Station WCTV, is experienced in the operation of a small town, rural area television station; and that if Channel 8 is allocated to Waycross, he will file an application therefor and will endeavor to provide a high-quality television service to the area. Phipps alleges that the population within the Grade B contour (based on 316 kw and 1,000 feet antenna height) of a station on Channel 8 would be 313,985 persons and that within the Grade A, 132,067 persons. The population receiving a first Grade B service is computed at 208,639 persons. For the Moultrie area the persons within the Grade B contour are computed to be 504,033 and those within the Grade A, 262,080. The number of persons computed to receive a first Grade B service in Moultrie would be 187,620. The "white area" in Moultrie is 4,118 square miles and in Waycross 7,234 square miles. Phipps submits that Waycross is the larger community since the 1950 Census figure for Waycross is 18,999 whereas for Moultrie it is 11,639. He alleges further, that Waycross and its surrounding area receive neither a Grade A or B service from any outside station while Moultrie and its surrounding area receive strong Grade B signals from two stations.

5. Deep South Broadcasting Company, permittee of television Station WSLA on Channel 8 in Selma, Alabama, and an applicant for a modification of construction permit to specify a new transmitter site (File No. BMPCT–2100, Docket No. 11371) opposes the assignment of Channel 8 to Moultrie. Deep South asserts that the site specified by petitioner for a Channel 8 operation in Moultrie would be less than the 220 mile co-channel separation required by § 3.610 of the Commission's Rules from the transmitter site specified in WSLA's application for modification of construction permit, so that the effect of the action requested by Colquitt would be to make the site proposed by Deep South in BMPCT–2100 unavailable. Deep South urges that the assignment of Channel 8 to Moultrie, a small community of only 11,639, could negate the assignment in Selma, a community of 22,840 and preclude the bringing of a Grade A service to 584,365 people and Grade B service to an additional 285,500 persons. Finally, Deep South contends that the issue in this proceeding is not merely between Moultrie and Waycross, but rather between Selma and Waycross on the one hand and Moultrie on the other.

6. Capitol Broadcasting Co., licensee of Station WCOV–TV at Montgomery, Alabama, opposes the assignment of Channel 8 to Moultrie. It submits that it filed a Petition for Rule Making on May 24, 1957, requesting deintermixture of Montgomery by two alternative methods, one of which would assign Channel 8 to Montgomery. In view of the fact that Montgomery and Moultrie are only 165 miles apart, the requests are conflicting. Capitol notes, however, that the proposal to assign Channel 8 to Waycross does not conflict with its request or with the application of Deep South to move its site.

7. The Mayor of Selma and the Selma and Dallas County Chamber of Commerce urge the adoption of the Phipps' proposal for Waycross since the Colquitt proposal would preclude a grant of Deep South's application referred to above.

8. In reply to Colquitt,[1] Deep South argues that the statistics submitted by Colquitt for the communities of Valdosta, Tifton, and Thomasville are not significant since these communities have their own assignments, receive service at the present time, and the proposal would not assign a channel to these communities. Deep South urges that the most important factor—one which has been declared of the first priority—is the bringing of a first service to people and communities. Deep South computes, on the basis of equal power and antenna heights in Moultrie and Waycross (100 kw and 700 feet), that a first service would be brought by a Moultrie station to 2,485 square miles and 58,525 persons, whereas the Waycross station would bring a first service to 5,380 square miles and 152,660 persons. Further, the Moultrie station would bring a first service to only 3 towns with a population of 14,241, while a Waycross station would bring a first service to 6 towns with a total population of 39,616. Deep South suggests that the higher percentage of set figures for Waycross than for Moultrie is explained by the fact that Waycross has been in the fringe area of the Jacksonville stations from October 1949, whereas the Moultrie area has been receiving service only since April 1954. In its Reply to Colquitt, Capitol Broadcasting alleges that the Waycross proposal would serve, almost in its entirety, the white area covered by the Moultrie proposal plus an additional area and that this would be true for any powers and antenna heights utilized.

9. In reply to Colquitt, Phipps argues that Moultrie is 25 to 39 miles from the other communities with which Colquitt lumps Moultrie for statistical purposes. Phipps asserts that Waycross is the larger and more important of the two communities and submits that based on the use of 316 kw and 1,000 feet antenna height, Waycross would provide a first service to 208,639 persons as against 187,620 persons for Moultrie.

10. In reply to the proponents of the Waycross assignment, Colquitt contends that the population computations, based on operation with 316 kw and 1,000 feet antenna height, is unrealistic; but that even using the figures advanced by Mr. Phipps, the Moultrie assignment would serve 265,655 more people than an assignment in Waycross.[2]

11. We are here presented with two conflicting requests for the assignment of Channel 8 in communities in southern Georgia. Channel 8 may be assigned in either community in conformance with our rules and without any other changes in the Table of Assignments; however, the assignment to Moultrie would require a transmitter site located about 16 miles southeast of the city. The assignment of Channel 8 in Moultrie further conflicts with a petition for the assignment of Channel 8 to Montgomery by Capitol Broadcasting and an application for removal of site by Deep South in Selma. Without considering the question of these conflicts, and having carefully reviewed all the comments, reply comments and submitted data, we are of the view that the proposal to assign Channel 8 to Waycross is to be preferred over its assignment to Moultrie.

12. Waycross is the larger community. The 1950 Census figures are 11,639 for Moultrie and 18,899 for Waycross. Colquitt estimates these populations to be 17,500 for Moultrie and 20,700 for Waycross. Colquitt has emphasized the population and industrial importance of nearby communities; but while television assignments are expected to bring service to areas around communities, they are made primarily to principal

[1] On July 5, 1957, Colquitt filed a Motion to Strike certain portions of the reply comments of Phipps and Deep South on the ground that they are not reply comments but submission of new material. On July 9, 1957, Deep South filed a reply to this Motion and on July 15, 1957, Colquitt filed a Reply. An Opposition to the Colquitt Motion was filed by Phipps on July 16, 1957, and a reply to the opposition by Colquitt on July 23, 1957. We are of the view that the comments of Phipps and Deep South are admissible as reply comments and should be considered in the proceeding. In view of this we are denying the Colquitt Motion to Strike.

[2] Colquitt advances several other contentions which go to qualifications of the parties in the proceeding. These arguments are not germane to the rule making herein.

cities in which the station is to be located. While the submitted data shows that more persons will be located within the proposed Grade B contour of a Moultrie station than a Waycross station, the evidence points up the fact that many more people will receive a first service from a station at Waycross. Figures were computed by several parties, using different assumptions as to power and height. These estimates of "white area" populations range from 53,523 to 187,620 for Moultrie and from 152,660 to 208,639 for Waycross. While there is some divergence in the assumed powers and heights, the difference in the number of persons receiving a first service is the greatest for 100 kw and 700 feet—assumptions which appear to be most reasonable for communities the size of Moultrie and Waycross. Moultrie is well within the Grade B signal contour of two stations in communities 25 and 35 miles distant. The nearest station to Waycross is about 75 miles distant. Colquitt has argued that because of the isolated situation of Waycross, the use of a UHF channel is feasible for that community. However, according to the figures supplied by Colquitt and uncontested by the others, there is a greater percentage of television receivers in the Waycross area, apparently, VHF-only sets. Accordingly, we are of the view that the assignment of Channel 8 to Waycross would serve the public interest and is to be preferred to the assignment to Moultrie.

13. Authority for the adoption of the amendment herein is contained in section 304 (i), 301, 303 (c), (d), (f), (r) and 307 (b) of the Communications Act of 1934, as amended.

14. In view of the foregoing, *It is ordered*, That, effective August 30, 1957, the Table of Assignments contained in § 3.606, of the Commission's rules and regulations is amended, insofar as the community named is concerned, as follows:

City	*Channel No.*
Waycross, Georgia	8+, 16

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: July 25, 1957.

Released: July 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6316; Filed; Aug. 1, 1957; 8:49 a. m.]

[Docket No. 12028; FCC 57-823]

[Rules Amdt. 11-12]

PART 11—INDUSTRIAL RADIO SERVICES

In the matter of petition of Motrel, Incorporated for amendment of Part 11 of the Commission's Rules to permit electric utilities in the Power Radio Service to engage in one-way signaling on mobile service frequencies to indicate electric line outages, Docket No. 12028.

1. In a Notice of Public Proceeding of May 15, 1957 (FCC 57-523 released May 17, 1957) the Commission announced the filing by Motrel, Incorporated (Motrel) of a petition requesting amendment of Subpart F: Power Radio Service of Part 11—Rules Governing the Industrial Radio Services, to permit electric utilities in the said Service to engage in one-way signaling on mobile service frequencies to indicate electric line outages. The Motrel proposal was characterized as contemplating that an unattended fixed station would be automatically activated by virtue of an electric power line failure, and would thereby intermittently transmit a distinctive radio signal (indicating the location of the outage) to an attended base station.

2. After setting forth Motrel's contentions with respect to its proposal the Notice invited the views and comments of interested parties, and expressed a desire that such views and comments primarily concern themselves with a number of specified questions presented by the said proposal. In connection with the foregoing it was the Commission's purpose to preliminarily consider all supporting and opposing viewpoints, to the end that any codified rule proposal subsequently issued in the proceeding might better reflect the consensus of all available opinion.

3. Further examination of Motrel's original proposal, a study of reports submitted by Motrel in connection with developmental authorizations heretofore issued, and a reading of all comments filed in this proceeding, disclose a virtual unanimity of thinking with respect to all major aspects of the outage-locating problem. In view thereof and in further view of what appears to be an immediate need for devices of the type contemplated by Motrel, the Commission concludes that a further notice (containing a codified rule proposal) is neither necessary nor appropriate, and that it should forthwith effect such amendments to its rules as will permit operation in the manner requested. Accordingly, after brief consideration of the major points raised in the comments, such is here done.

4. On the basis of the thirty-five comments filed herein the Commission concludes that there is a definite and compelling need in the power industry for an automatic system of locating outages in electric power and transmission lines, and that devices utilizing "space radio" are more practical and economical than devices which rely upon wire circuits for their operation. With respect to the question of dependability it is clear that, although devices of the latter description would be adequate for outages of a routine variety, they would be as vulnerable to natural disasters as would the very power lines they are designed to monitor. Space radio devices, on the other hand, need not necessarily be of such limited reliability.

5. A majority of the parties commenting suggest that there is, perhaps, a greater need for the devices in question in rural areas than in urban areas. The Commission is persuaded, however, that whereas great distances and a comparative scarcity of communications facilities contribute to the need in rural areas, the increased complexity and density of power systems in urban areas serve as balancing factors. Accordingly, the Commission cannot conclude that, on the basis of need, the proposed usage of mobile service frequencies should be subject to geographical or population limitations. In this connection it is noted that none of the comments actually advocate or support such limitations.

6. All parties seem agreed that radio outage locators of the Motrel type can be operated on mobile service frequencies without causing harmful interference to the mobile service and that the probability of such harmful interference is not increased by virtue of the fact that the proposed device is unattended and automatically activated. Several parties condition their remarks in this regard with suggestions that, with respect to a particular failure in an electric power line system, the automatic transmissions should be limited both in number and in duration. In these comments duration times of from one to three seconds are described as appropriate. Motrel's original filings proposed that its unit would transmit ten seconds per minute for five minutes and thereafter turn itself off; in its later developmental reports, however, it discloses that satisfactory results can be obtained if provision is made for transmissions of two seconds duration, to be rendered a total of five times and with one-minute intervals. The foregoing considerations are reflected in the amendment being here adopted in that such amendment will permit "a total of five transmissions of up to three seconds each, no two transmissions to commence in the same sixty-second period." With transmissions thus limited, the Commission concludes that the mobile service will be afforded an adequate measure of protection from the time-utilization standpoint.

7. On this question of harmful interference the Motrel proposal contemplates a plate power input of fifteen watts to the final radio frequency stage of the transmitter, and a number of comments were apparently offered with such a limitation in mind. The Commission believes that for the outage locator to be of practical utility in all areas of the country, a permissible power input of fifty watts should be provided for. In light of the time limitations contained in the amendment, and in the further light of the fact that these fixed operations will be subject to the condition that no harmful interference be caused to any station in the mobile service operating on the same frequency, the locators should prove to be no great problem to the mobile service despite their operation at fifty watts.

8. For purposes of extending transmitter-range and reducing the possibility of harmful interference to neighboring users on the same frequency, Hancock-Wood Electric Cooperative, Inc. advances the possibility of making provision for "beaming" the signals from outlying locators toward the home office or base receiver of the licensee. To the same ends, the Cleveland Electric Illuminating Company suggests that the locators might transmit their signals to strategic microwave stations and be channeled from there to central dispatching points. Depending upon the prevailing situation in any particular location, one or both of the above features might be advantageous to the licensee involved, and the amendment here being adopted will not preclude their incorporation into the system to be installed; they are not, however, mandatorily required by the amendment. Also on the point of reducing the possibility of interference, Motorola, Inc. believes that the automatic cycling device of the transmitter should be designed in such a way that mechanical failures would normally lead to a shut-down of the radio equipment. This, of course, would be a desirable design feature; the Commission feels, however, that it need not be the subject of a specific rule provision, since (as pointed out above) the amendment being adopted limits the duration and number of transmissions, and since existing rules in Part 11 prohibit the radiation of a constant carrier.

9. On the basis of the comments received, the Commission concludes that the proposed use of unattended, automatically activated transmitters would be compatible with the "shared basis" policy of frequency assignment in the Power Radio Service. In this connection a licensee seeking to use mobile service frequencies for these fixed operations will be limited to such of those frequencies (above 25 Mc) as are already assigned to him for mobile purposes. This limitation, the Commission feels, will tend to reduce any frequency coordination problems, and will tend to assure that this fixed use of mobile service frequencies will be purely secondary in character.

10. Of the thirty-five parties commenting, only three suggest that requirements be made for blanket control of the outage locators from one or more attended base stations in the radio system. However, none of these three parties advances reasons in support of such suggestion, and the Commission, in light of the interference considerations heretofore discussed, sees no necessity for such blanket control from the purely operational point of view. The Commission has also considered the question of mandatory blanket control from the standpoint of compliance with Conelrad requirements (Subpart N of Part 11), and has again concluded that such mandatory control is not essential. In this connection, the Commission views the contemplated transmissions as falling within the exception set forth in § 11.703 (a) (1) of the Conelrad rules, in that they would normally be "of an emergency nature affecting the national safety or the safety of people and property." In view of the unattended nature of the operation, however, it is believed appropriate to incorporate into the amendment the substance of the condition to the above exception set forth in § 11.703 (a) (3). Accordingly, no transmitter will be allowed to transmit its call letters or geographical location except by means of special code.

11. The National Committee for Utilities Radio (NCUR) points out that some licensees may wish to effect a means of blanket control for their own personal convenience. The amendment being adopted will not preclude such operations.

12. By Order of May 1, 1957 (FCC 57-456 released May 3, 1957), the Commision denied a petition by NCUR for amendment of the power rules to permit stations in the Power Radio Service to transmit, on a secondary basis, audio tones and impulses on mobile service frequencies for signaling and other operational purposes. This petition was denied on the basis that the matters to which the petition was directed are within the broad scope of inquiry in the proceeding in Docket No. 11997 re the allocation of frequencies in the 25–890 Mc band. In the instant proceeding, in addition to supporting the Motrel proposal, NCUR and several other parties urge, in effect, that the Commission reconsider its May 1 action and adopt a rule sufficiently broad to permit the above uses. The Commission's decision to deny the NCUR petition was based in part upon the wide range of possible application of the proposed usage and upon an apparent lack of urgency therefor. In contrast, there appears to be an immediate need for Motrel's proposed usage—a usage of but limited application. Notwithstanding the foregoing, the Commission is currently re-examining the NCUR petition in light of the comments filed in this proceeding. If after this re-examination is completed the Commission is persuaded to the NCUR position, it will issue an order in nullification of its May 1 action; such order, if issued, will be in advance of the commencement of the 25–890 proceeding previously referred to. Meanwhile, no valid purpose would be served by delaying finalization of the instant proceeding.

13. Upon consideration of all of the comments filed herein and of all other matters relevant in this proceeding, the Commission concludes that an amendment permitting electric utilities in the Power Radio Service to engage in one-way signaling in the manner outlined above will materially serve the public interest, convenience and necessity. The authority for such amendment is set forth in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

14. In view of the foregoing, *It is ordered*, This 25th day of July 1957, that, effective September 3, 1957, Part 11 of the Commission's Rules is hereby amended in the manner set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: July 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 11.253 is amended by the addition of new paragraph (d), which reads as follows:

(d) A mobile service licensee in the Power Radio Service may be authorized to operate an Operational Fixed Station on any mobile service frequency above 25 Mc already assigned to the licensee, where such fixed operation is for the sole purpose of automatically indicating failures in electric power transmission or distribution systems. All such fixed operations are subject to the condition that no harmful interference be caused to any station in the mobile service operating on the same frequency, and are further subject to the following limitations, requirements and exemptions:

(1) The plate power input to the final radio frequency stage of any transmitter shall not exceed fifty watts.

(2) Without the necessity of the showing specified by § 11.103 (b), and notwithstanding the other provisions of § 11.103, authorizations will be issued for types A1, A2 or F2 emission with a maximum authorized bandwidth not to exceed that permissible for mobile service use of the frequency involved.

(3) With respect to a particular failure in an electric power system, an Operational Fixed Station licensed pursuant to this paragraph is limited to a total of five transmissions of up to three seconds each, no two transmissions to commence in the same sixty-second period.

(4) No transmitter shall transmit its call letters or geographical location except by means of special code.

(5) All Operational Fixed Stations licensed pursuant to this paragraph are exempt from the requirements of §§ 11.54 (e) (2), 11.107 (c), 11.152 and 11.154: *Provided, however*, That all transmitter adjustments or tests having potential effect upon the proper operation of such Stations shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph.

[F. R. Doc. 57-6317; Filed, Aug. 1, 1957; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 33]

EXPORT APPLES AND PEARS

MINIMUM QUALITY REQUIREMENTS FOR SHIPMENTS IN EXPORT

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of existing regulations, 7 CFR Part 33, governing the exportation of apples and pears issued pursuant to the authority contained in the Export Apple and Pear Act (sec. 7, 48 Stat. 124; 7 U. S. C. 587).

The proposed revision changes the minimum quality requirements for apples, other than early varieties, shipped or transported in foreign commerce from U. S. Utility grade to U. S. No. 1 Cookers grade. U. S. No. 1 Early grade shall be continued as the minimum requirement for export of early varieties of apples.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed revision should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

Delete paragraph (a) of § 33.13 *Minimum quality requirements for shipment in export* and insert in lieu thereof the following:

§ 33.13 *Minimum quality requirements for shipments in export*—(a) *Apples.* Any lot of apples in packages shipped or transported in foreign commerce must meet each minimum requirement of U. S. No. 1 Cookers grade or U. S. No. 1 Early grade, as specified in the United States Standards for Apples (21 F. R. 5084), subject to the tolerances for the applicable grade, except that such apples shall not contain apple maggots and, of such apples, not more than 2 percent may have apple maggot injury, and not more than 2 percent may be infested with San Jose scale: *Provided,* That any lot of apples in containers conspicuously marked "cannery" may be shipped or transported, as aforesaid, if such lots of apples meets each minimum requirement of the U. S. No. 2 grade, as specified in the U. S. Standards for Apples for Processing (16 F. R. 8511; 7 CFR 51.106), subject to a tolerance of 10 percent for defects of this grade and an additional tolerance of 5 percent for apples below any specified minimum size, and an additional tolerance of 10 percent for apples above any specified maximum size.

Dated: July 30, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Service.

[F. R. Doc. 57-6344; Filed, Aug. 1, 1957; 8:54 a. m.]

[7 CFR Part 943]

[Docket No. AO-231-A9]

HANDLING OF MILK IN NORTH TEXAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk, of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the North Texas marketing area. Interested parties may file exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and the order amending the order, as amended, were formulated was conducted at Dallas, Texas, on March 19 and 20, 1957 (22 F. R. 1402).

A separate recommended decision dealing with the issue of the supply-demand adjustment affecting the Class I price was issued on April 12, 1957 (22 F. R. 2675).

The remaining material issues of record related to:

1. Modifying the definition of pool plant and producer;
2. Restricting the definition of producer-handler;
3. Revising the definition of base milk;
4. Providing for proration of the 2 percent shrinkage presently permitted in Class II and elimination of provision permitting skim milk and butterfat disposed of for livestock feed to be classified as Class II milk;
5. Providing for a compensatory payment on other source milk disposed of as Class I milk;
6. Providing an alternative Class II price for each of the months of April, May and June;
7. Changing the rate of location differential on excess milk;
8. Removing the administrative assessment from Class II milk; and
9. Making such other changes as might be necessitated by the adoption of the above proposals.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof:

1. The definition of pool plant should be revised to include an approved plant located in the marketing area which is operated by a cooperative association which has producer members whose milk is delivered directly to the pool plants of other handlers. The present order provides that a plant operated by a cooperative association will be a pool plant if 75 percent of the milk of the producer members of such association is delivered to the pool plants of other handlers, during the months of September through December.

Conditions in the North Texas market are changing rapidly. The major cooperative association in the market is primarily a bargaining organization, and its plants are operated primarily to handle the excess supplies of milk which occur seasonally. They are also used to balance the day-to-day requirements of handlers. This association attempts to furnish handlers who purchase milk from it, the amount of milk they require each day and manufactures the remainder of the milk in its own plants.

With the increased production that has developed the cooperative fears that there may come a time when it would be difficult and perhaps impossible for it to meet the 75 percent requirement provided in the present order. They proposed that the percentage required to be delivered to other pool plants be reduced to 50 percent.

Since the milk handled by the association in its own plants constitutes most of the reserve supply of the market and is needed seasonally for the bottling requirements of the market, it is appropriate that such milk should be pooled and share in the uniform price computed for the market. Rather than limiting participation in the pool on the basis of the percentage of the milk of member producers which is received at the pool plants of other handlers, it should be provided that any plant located within the marketing area, and which is operated by a cooperative association which has member producers whose milk is delivered directly to the pool plants of other handlers, will be a pool plant.

All of the plants which are engaged primarily in handling the excess supplies of the market are located within the marketing area which is widespread and to a large degree coextensive with the milkshed. All pool plants located outside the marketing area meet the requirements of either a distributing plant or a supply plant. The proposed definition will not affect the status of any pool plant now on the market.

Producers proposed modifying the proviso in the producer definition relative to diversion when milk is delivered every other day.

The present proviso in the order provides that milk may be diverted any day during the months of January through July and on not more than 15 days during any other month. During the months of August through December, a problem exists with respect to producers with farm bulk tanks whose milk is delivered on an every-other-day basis.

With the present wording, conceivably all of the milk of such producers could be diverted during 15 days, whereas with can shippers whose milk is delivered daily, diversion is limited to half of their deliveries during the month. The latter is the intent of the application of this limitation provision in the order; thus, the wording of the diversion proviso should be modified and clarified.

It is concluded that producers' proposal should be adopted to provide that, during the months of August through December, diversion should be limited to not more than half the days of delivery during any such month.

2. The definition of producer-handler should be revised, but no limitation as to the volume of milk handled should be placed on such a person.

The producers' association proposed that producer-handlers lose their status as such and become fully regulated handlers if they received any other source milk or disposed of at least 100,000 pounds of milk per month as Class I milk to persons other than handlers. It was their contention that any producer-handler could gain a competitive advantage over other handlers and disrupt the market by disposing of all his own production as Class I milk and supplementing such production by the purchase of unregulated, unpriced milk or the reconstitution of fluid products from powdered or condensed milk. They also argued that any producer-handler who disposed of more than 100,000 pounds of Class I milk in any month, by this very fact, constituted a threat to the market.

To permit producer-handlers to dispose of other source milk as Class I milk in the marketing area would give them a competitive advantage over regulated handlers. It would permit them to dispose of unpriced milk or reconstituted milk in competition with regulated handlers who are required to pay the full Class I price for all milk disposed of as Class I milk. This situation becomes especially important in view of the conclusion expressed below that fully regulated handlers be required to make a compensatory payment to the producer-settlement fund with respect to other source milk which is disposed of as Class I milk in the marketing area. It is concluded, therefore, that a producer-handler who disposes of, as Class I milk, other source milk received either in fluid form or as concentrated products which are reconstituted, should lose his status as a producer-handler and become a fully regulated handler under the order.

The record evidence shows that some producer-handlers receive other source milk in the form of Class II products, particularly cottage cheese, which are disposed of in the form in which received. The receipt and disposition of Class II products by producer-handlers do not have a disruptive effect on the orderly marketing of milk in the area. Producer-handlers, therefore, should be permitted to receive and dispose of other source milk in the form of nonfluid milk products for Class II use without affecting their status as producer-handlers.

The evidence does not show that the volume of own-farm-production now being distributed by producer-handlers is disrupting marketing conditions in the North Texas marketing area. There is only one producer-handler whose volume exceeds the proposed limitation of 100,000 pounds of Class I milk per day, and there is no showing that his operations have had an adverse effect on the general stability of the market.

Disruptive conditions could develop if handlers who have been regulated were to adjust their operations to acquire producer-handler status by producing a small proportion of their requirements and securing the remainder of their milk from other pool plants. If such a situation were to develop, it would result in the producers who ship milk to a pool plant carrying all the seasonal reserve associated with the Class I sales of the producer-handler without sharing in the Class I sales of the producer-handler's own production. There may be times, however, when a producer-handler may find it necessary to purchase small quantities of milk from other handlers to fulfill his requirements. The record evidence reveals that such purchases are few and at no time have they exceeded five percent of the production of the producer-handler. Occasional small purchases of this nature would not disrupt the orderly marketing process. It is concluded that a producer-handler should be permitted to purchase from other pool plants an amount of milk equal to not more than five percent of his own production without losing his status as a producer-handler. Such a tolerance would permit a producer-handler to secure supplemental milk in an emergency; however, it would prevent his being in a position to make the producers who furnish milk to pool plants responsible for bearing the reserve milk associated with his Class I sales.

3. The definition of base milk should be revised to permit a producer to receive the base price for an amount of milk equal to his daily base multiplied by the number of days in the month without delivering milk to a pool plant every day.

The order now requires that a volume of milk at least equal to his earned base be delivered to a pool plant from each day's production if the producer is to receive the maximum return for his base milk. The intent of this provision was to prevent producers from shipping a volume of milk equal to their bases for the entire delivery period during a portion of the month and sending their milk to a nonpool plant for the remainder of the month. It appears unlikely that this practice would develop to any great extent; certainly not to the point where it would endanger the supply of milk for the market at any time during the month. Since the base plan is effective only during the months of relatively flush production, it is unlikely that a producer could find a market for such milk other than at a manufacturing plant. Fluid milk plants would be unlikely to take on milk which would be available only in the flush months and then only for a portion of each month. As manufacturing plants would pay approximately the excess price provided by the order, there would be no incentive for producers to seek such an outlet and there would be no disruption of the regulated market if some of them did so.

The proponents argued that the present provision works a hardship on producers with bulk tanks on the farm whose milk is delivered to market every other day.

In a 31-day month some producers would have only 30 days' milk received at a pool plant and this would be paid for only 30 days of base delivery. Other producers would have 32 days' milk delivered, but would be credited with base deliveries for only 31 days.

Adoption of the proposal would also result in quite a saving in the man hours required to compute producer-payrolls, particularly in the case of milk which is diverted or received at more than one plant during the month. It is now necessary to check each producer's deliveries for each day to determine whether he shipped for that particular day an amount equal to his daily base. Under the amendment it would be necessary only to check the producer's total deliveries for the month against the producer's daily base multiplied by the number of days in the delivery period.

The advantages inherent in the amendment would outweigh any disadvantages that might result from it.

4. The order should not be amended to provide for proration of the two percent shrinkage presently permitted in Class II; however, the shrinkage tolerance above two percent for skim milk applicable to producer milk during the April–June period should be discontinued; and the special provision permitting skim milk and butterfat disposed of in bulk for livestock feed, to be classified in Class II, should be eliminated.

Under the proposal of the producers' association the provisions relating to shrinkage would be altered so that the two percent shrinkage presently permitted to be classified in Class II would be prorated in accordance with the total utilization of milk in the plant. Under this plan, a plant whose utilization is entirely in Class I would be permitted no shrinkage in Class II, while in a plant that had some utilization in Class II, the two percent shrinkage would be divided between Class I and Class II in the ratio that total receipts in the plant were divided between Class I and Class II utilization. Producers further proposed that the maximum shrinkage tolerance of two percent, presently applicable to producer milk, also should be applied to other source milk; in addition, the provisions relating to classification in Class II milk of skim milk and butterfat disposed of in bulk for livestock feed and the special five percent shrinkage tolerance for skim milk during April through June should be discontinued. It was argued that loss due to shrinkage on Class I milk in a handler's plant should be considered as a cost of doing business and producers should receive the Class I price for such milk rather than the Class II price. Producers also testified that there is no

need for a special Class II milk classifica-

in Class II milk when it is processed as

and handlers of such milk to "ride the

need for a special Class II milk classification for milk disposed of in bulk for livestock feed or for a special shrinkage allowance on skim milk during the flush production season.

During the past several years, the total shrinkage incurred by all handlers subject to regulation was less than 1.5 percent. If this shrinkage had been paid for at the Class I instead of the Class II milk price, it would have raised the values of Class I milk only about three cents per hundredweight.

When the order was promulgated, the establishment of the price differential took into consideration the shrinkage provision included in the order. The record evidence does not afford a sufficient basis for prorating the shrinkage classification in accordance with the total utilization in the plant.

Producers proposed limiting the amount of shrinkage on other source milk in Class II to two percent of the receipts of other source milk. This proposal should be denied. Such milk is deducted from the lowest use class under the allocation provisions. To classify any of it as Class I would result in reimbursing producers for shrinkage incurred on milk they did not produce. In view of the recommendation to levy a compensatory payment on other source milk allocated to Class I it could also result in handlers being required to make a compensatory payment on plant shrinkage.

Producers testified that when the order was first issued, there was need for provision in the order to permit shrinkage up to five percent on skim milk during the season of flush production because of inadequate facilities for handling reserve supplies in the market. The cream from such reserve milk was used, but the skim milk was dumped for want of an economic outlet for it. Since then facilities for the movement and the manufacture of such reserve supplies of milk have been expanded and improved. Cooperative associations have acquired manufacturing facilities and now are in a position to service the market in the handling of such reserve supplies of milk. It is concluded that the shrinkage tolerance provision for skim milk in excess of two percent is no longer needed and, therefore, should be eliminated.

The butterfat in the milk from route returns generally is salvaged by handlers. Sometimes the skim milk from such returns is disposed of to farmers for livestock feed and sometimes it is dumped and considered as shrinkage. In either case, the skim milk and butterfat disposed of in this manner presently is permitted to be classified as Class II milk. During the past year, skim milk and butterfat classified as Class II milk, which was reported disposed of for livestock feed or as shrinkage, together amounted to less than two percent of the total receipts of producer and other source milk. It is concluded that the shrinkage provision provided in the order is adequate to accommodate the situation in the market without a special classification provision for milk disposed of for livestock feed. However, this should not preclude the classification of skim milk in Class II milk when it is processed as a manufactured product and used in poultry or other concentrate livestock feeds.

5. A compensatory payment should be assessed on other source milk disposed of as Class I milk.

Record testimony shows that other source milk has come in from unregulated markets in Oklahoma and Iowa. The amount of unpriced other source milk allocated to Class I milk under Order No. 43 tripled from January 1955 to January of 1957. Most of this other source milk has been received in the form of nonfluid milk products which have been reconstituted into Class I products by handlers under the North Texas order. During the same period, receipts of producer milk increased from 117 percent of Class I disposition to 131 percent of Class I disposition; which shows that adequate supplies of producer milk were available to the market for Class I use.

An important function of the order is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies may be obtained easily and cheaply during the months of flush production when most markets have receipts of milk considerably greater than necessary to supply their current fluid requirements. If adjoining milksheds dispose of their seasonal surplus in each other's Class I markets, the result would be confused and disorderly marketing conditions. Class I prices would be demoralized, production of milk would be impaired, and the future permanent supply of milk for both markets would be in jeopardy. Such disorderly marketing conditions would be contrary to the purposes of the Agricultural Marketing Agreement Act. Therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, it is necessary that some method of compensating for, or neutralizing the effect of, the advantage created for unpriced milk should be provided as an essential provision of this order.

One possible alternative would be to extend price regulation under the order to all milk plants which supply milk either directly or indirectly to the North Texas market. This alternative is not feasible under the order, either economically or administratively. It would open the market pool to anyone who supplied only a token amount of milk to a plant serving the marketing area. Milk from farmers which is not regularly needed or associated with the market and primarily is used for manufacturing purposes, would share in the Class I sales and prices. It would permit producers and handlers of such milk to "ride the pool" without performing a necessary service to the market. Furthermore, such regulation would be cumbersome, expensive, difficult to enforce and it would interfere with the acquisition of needed supplemental supplies of milk for the market. It would not be possible or desirable to limit the number of plants or the area from which milk might be purchased. In order to bring such plants under regulation, it would be necessary to establish transfer and allocation rules individually tailored for various plant locations, markets and supplies. Milk would have to be accounted for in its disposition from these plants to its various destinations and uses to determine its classification. It also would be necessary to ascertain sources of supply other than receipts directly from farmers and determine what priority should be given such supplies in the allocation of Class I milk. Other complications would be involved with regard to classification of inventories. Earlier inventories, as well as sales, would have to be ascertained and classified. Classification might depend upon transactions made in the past for which adequate records were not kept. Producer prices would be fixed for milk already purchased and sold. Such regulation would greatly multiply required record keeping and auditing problems.

It is concluded that it is not practicable to price all milk which may enter the market. However, it is necessary to make provision to prevent the displacement of producer milk by such unpriced milk for the purpose of cost advantage. The only alternative available under the order is to make a charge against unpriced milk used in Class I to the extent necessary to remove any advantage in using such milk in lieu of priced milk from producers.

In the case of other source milk received in the form of concentrated products such as condensed skim milk or nonfat dry milk, the cost to the handler of such products is approximately the Class II price provided under the North Texas order. When such products are reconstituted and utilized as Class I milk the cost to the handler of such product is less than the Class I price by approximately the difference between the Class I price and the Class II price. In order to equalize costs between handlers and remove any price advantage a handler might have through the reconstitution of manufactured dairy products into fluid milk products, the rate of compensatory payment on other source milk received in the form of concentrated products should be the difference between the Class I price and the Class II price, adjusted by the applicable butterfat differential. Since the cost of transporting concentrated milk products is very slight this payment should not be adjusted by the location differential regardless of the point of origin.

In addition to the other source milk which enters the market in the form of concentrated products there are times when fluid milk is imported from unregulated markets for use as Class I milk.

During the months of relatively flush production when the North Texas market is amply supplied with milk, the markets from which such milk may be obtained are likewise in plentiful supply and the alternative outlet for such milk is in manufactured dairy products. A fair index of the value of such milk in manufactured dairy products is the Class II provided by the North Texas order. To remove the price advantage that a handler might achieve by purchasing surplus milk from other markets for use as Class I milk, a compensatory payment should be assessed on such milk equal to the difference between the Class I price and the Class II price. Since the handler must pay the cost of transporting such milk from the plant of origin to the marketing area, the rate of the payment should be reduced by the amount of the location differential which would apply at the plant of origin were it a regulated plant under the North Texas order. It appears that fluid milk would be available to North Texas handlers from unregulated markets during the months of January through June. It is concluded, therefore, that during these months the compensatory payment should be equal to the difference between the Class I and Class II prices adjusted for location and the butterfat content of the milk.

During the remainder of the year, when milk is in much shorter supply and there is a much greater market for fluid milk for bottled use, it is not likely that North Texas handlers would find it possible to purchase fluid milk at its value for manufacturing. During these months it is likely that the minimum price at which North Texas handlers would be able to purchase fluid milk from unregulated sources would be one equivalent to the uniform price computed under the North Texas order. It is concluded, therefore, that during the months of July through December the compensatory payment on other source milk received by handlers in fluid form should be computed at a rate equal to the difference between the uniform price and the Class I price. As in the case of the compensatory payment for the period January through June, this difference should be adjusted for location and the butterfat content of the milk.

In computing the applicable location differential, if a handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk should be considered to have been received from the plants in sequence according to the smallest location adjustment applicable.

Compensatory payments, however, should not apply to milk entering the marketing area from a plant regulated under another order since its proper classification and price will be determined pursuant to the other order.

6. The price of Class II milk during the months of April, May and June should be revised to reflect the butter-nonfat dry milk formula price, less 20 cents, or the average price paid by three local manufacturing plants, whichever is higher.

Producers proposed that the butter-nonfat dry milk formula price, less 18 cents should be considered as an alternative along with the price paid by local manufacturing plants for the period April through June and whichever is the higher should determine the price of Class II milk. They testified that this was needed to place a "floor" under the Class II price during this period.

The present pricing provision for Class II milk during the months of April, May and June is based on prices paid by three local manufacturing plants. Such prices primarily have reflected prices paid for ungraded milk for manufacturing uses. Producers' association testified that the Class II price for seasonal reserve Grade A milk of producers is dependent upon the price determined for a continually decreasing volume of ungraded milk handled in the three manufacturing plants. They contended that providing for an alternative price based upon the butter-nonfat dry milk price formula less the approximate differential that has existed during the past two years between it and prices paid by local manufacturing plants would provide a means to assure a price representative of the true value of Class II milk.

During April, May and June of 1955 the average price computed under the butter powder formula was $3.33 and the average price paid by the local plants was $3.12. In 1956 the average prices for the same months were $3.40 and $3.20, respectively. It is concluded, therefore, that a floor equal to the butter-powder price, less 20 cents, would maintain the Class II price in proper alignment with the values of milk for manufacturing.

7. The location differential should not apply to excess milk.

Producers Creamery Company proposed that the location adjustment applicable to excess milk should be revised to limit it to that quantity utilized as Class I milk instead of applying to all excess milk. Testimony showed that under the present provisions of the order the price for excess milk to producers supplying milk to North Texas pool plants located in Springfield or Monett, Missouri, was 30 to 35 cents per hundredweight less than prices paid by local condenseries in the area during the base operating period. It was contended such inequitable pricing was causing producers, whose milk has been associated with the North Texas market and is needed for fluid use during certain months, to shift to supplying local condenseries.

The producer location differential should not apply to excess milk. Excess milk is utilized primarily in manufactured dairy products. There is very little difference in the value of milk for manufacturing which can be associated with the location of the plant at which milk is received. Hence, the value of excess milk is essentially the same at any point in the milkshed. Most of the time the excess price will be identical to the Class II price which represents the value of ungraded milk for use in manufactured dairy products. The deduction of a location differential from the excess price therefore results in producers receiving for Grade A milk, less than the value of ungraded milk for manufacturing at the point where the milk is produced.

8. No change should be made in the manner of assessing the costs of administering the order. One of the producer cooperative associations proposed that the administrative assessment be levied only on that milk classified as Class I, rather than on all milk received from producers and other source milk allocated to Class I.

It was the contention of the cooperative association that they had established facilities for taking care of the excess supplies of the market and for balancing the supply to meet the individual requirements of the handlers. As a result, most of the Class II milk in the market is now handled by the cooperative associations. They also stated that, in most instances, they have assumed the responsibility of making payments for milk to their member producers. They expressed the view that as a consequence, the amount of auditing and verification required to be performed by the market adminstrator was lessened considerably in the plants which they operate and in which most of the milk is classified as Class II milk. Accordingly, they feel that limiting the assessment to Class I milk would result in a more equitable apportionment of the costs of administering the order.

The fact that the cooperative plants have primarily a Class II utilization does not reduce the costs of auditing such a plant appreciably below those incurred in auditing a comparable plant having a predominantly Class I utilization. In either plant the market adminstrator must verify the reported receipts of milk and its utilization. It is concluded, therefore, that the administrative assessment should continue to be assessed on all producer milk and on other source milk which is allocated to Class I.

9. Provision should be made to increase the reserve in the producer-settlement fund to accommodate larger payment clearances demanded of it under present conditions in the market.

During recent months, because of increasing volume of milk in the market, fewer pool plants drawing larger amounts out of the settlement fund, and a short-time schedule under the order to make clearances, the market administrator has been experiencing difficulty in administering payment clearances through the producer-settlement fund. To accommodate this situation § 943.71 (b) should be revised to provide for adding one-fourth of the cash balance on hand to the producer-settlement fund in the computation of the uniform price instead of one-half such balance as presently provided in the order. This should have the effect of doubling the reserve in the fund gradually over a number of months. Such increased reserve should be adequate to meet the needs for administering the producer-settlement fund under present conditions in the market.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market.

These briefs contained proposed findings of fact, conclusions and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and amendment to the order. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended:

1. Amend § 943.10 to read as follows:

§ 943.10 *Pool plant.* "Pool plant" means (a) a distributing plant, (b) a supply plant, or (c) any plant located within the marketing area, which has been approved by a municipal health authority having jurisdiction in the marketing area, at which milk is received from dairy farmers holding permits or authorization from such health authority and which is operated by a cooperative association having member producers whose milk is delivered directly to the pool plants of other handlers.

2. Amend the proviso in § 943.13 to read as follows: "*Provided*, That if such milk is diverted by a handler for his account from a pool plant to a nonpool plant any day during the months of January through July and on not more than half the days of delivery during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted. 'Producer' shall not include any person during periods of temporary degrading by such health department if such health authority notifies the operator of the pool plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval."

3. Delete § 943.17 and substitute therefor the following:

§ 943.17 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from producers;

(c) Disposes of no other source milk as Class I milk; and

(d) Receives from pool plants an amount of milk equal to not more than 5 percent of his own production.

4. Amend § 943.18 to read as follows:

§ 943.18 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of March through June of each year which is not in excess of each producer's daily average base computed pursuant to § 943.80 multiplied by the number of days in such month.

5. Delete § 943.41 (b) and substitute therefor the following:

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of (i) as bulk milk or skim milk during the months of March through August, (ii) as bulk cream during any month, and (iii) as ungraded bulk milk or skim milk during any month, to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption: *Provided*, That, the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the month;

(3) In frozen cream stored in a public cold storage warehouse and not removed within 30 days after date of storage;

(4) In shrinkage up to 2 percent of skim milk and butterfat in receipts from producers and in shrinkage of other source milk received in the form of fluid milk products; and

(5) In inventory at the end of the month of fluid milk products.

6. Delete subparagraph (3) of § 943.46 (a) and substitute therefor the following:

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received during the month in a form other than fluid milk products;

7. Renumber subparagraphs (4) through (10) of § 943.46 (a) as subparagraphs (5) through (11), respectively, and add as subparagraph (4) the following:

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received during the month in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the Act;

8. Amend § 943.51 (b) to read as follows:

(b) *Class II milk.* For each of the months of April, May and June the price computed pursuant to § 943.50 (b) less 20 cents or the price computed pursuant to § 943.50 (c), whichever is higher; and for each of the other months of the year, the higher of the prices computed pursuant to § 943.50 (b) or (c); rounded in each case to the nearest one-tenth cent.

9. Amend § 943.53 by deleting the phrase, "in § 943.46 (a) (1) through (7)" and substituting therefor the phrase "in 943.46 (a) (1) through (8)."

10. Amend § 943.70 (b) by deleting the reference to "§ 943.46 (a) (10)" and substituting therefor a reference to "§ 943.46 (a) (11)."

11. Delete § 943.70 (c) and substitute therefor the following:

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 943.46 (a) (8) and the corresponding step of paragraph (b);

(d) Add the amount computed by multiplying the difference between the applicable Class II price and the applicable Class I price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 943.46 (a) (3) and the corresponding step of paragraph (b); and

(e) Add the amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 943.46 (a) (4) and the corresponding step of paragraph (b) by the difference between the applicable Class II price and the applicable Class I price during the months of January through June, and by the difference between the applicable Class I price and the uniform price computed pursuant to § 943.72 during the months of July through December, adjusted in both cases by the differentials set forth in § 943.52 (a) and § 943.53: *Provided*, That, for the purposes of calculating such location differential, if such handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I shall be considered to have been received from the plants in sequence according to the smallest location differential applicable.

12. Amend § 943.71 (b) by deleting the phrase "one-half" and substituting therefor the phrase "one-fourth."

13. Delete § 943.91 (b) and substitute therefor the following:

(b) In making payments to producers pursuant to § 943.90 (a) or (c) the applicable uniform price computed pursuant to § 943.72 and the applicable uniform price for base milk computed pursuant to § 943.73 to be paid for producer milk received at a pool plant located more than 110 miles from the City Hall of Dallas, Tex., by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the City Hall in Dallas.

Issued at Washington, D. C., this 30th day of July 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-6340; Filed, Aug. 1, 1957; 8:53 a. m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING CONCERNING MODIFICATION OF THE MINIMUM STANDARDS AS TO GRADE FOR NATURAL CONDITION PRUNES AND THE MINIMUM STANDARDS AS TO GRADE FOR PROCESSED PRUNES

Notice is hereby given that there is being considered a proposed rule to modify the minimum standards as to grade for natural condition prunes and the minimum standards as to grade for processed prunes as hereinafter set forth. The proposed rule, which is based upon information received from the Prune Administrative Committee and other pertinent information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and amended order, hereinafter referred to as the "order", are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the seventh day after the date of publication of this notice in the FEDERAL REGISTER, except that, if said seventh day after publication should fall on a legal holiday, Saturday, or Sunday, such submission must be received by the Director not later than the close of business on the next following business day.

The establishment of the proposed rule would reduce the tolerance allowance for the defects of off-color and inferior meat condition in the minimum standards for natural condition prunes and in the minimum standards for processed prunes which are set forth in § 993.97 (Exhibit A) of the order. This would be accomplished by changing, in each of the minimum standards, the present combined tolerance allowance of 20 percent, by weight, to 15 percent, by weight, for the defects of off-color, inferior meat condition, and the nine other defects defined in the minimum standards. Since the combined tolerance allowance of 10 percent, by weight, presently specified for the said nine other defects in each of the minimum standards would remain unchanged, the proposal would thereby permit a tolerance of only 5 percent, by weight, rather than 10 percent, by weight, for the defects of off-color and inferior meat condition, if the combined tolerance allowance of 10 percent, by weight, were fully used by other defects.

Off-color prunes or those with inferior meat condition are generally objectionable to consumers and manufacturers. Off-color prunes noticeably detract from a desirable appearance of the pack and may reflect color characteristics of immature fruit. Prunes with inferior meat condition may be fibrous, woody or otherwise inferior and adversely affect eating quality. Both defects are often associated with immaturity of prunes. The establishment of the rule proposed herein, by reducing the quantity of such prunes available for human consumption as prunes and for use in the manufacture of prune products, would improve consumer and manufacturer acceptance of prunes and thus tend to effectuate the declared policy of the act.

The initial minimum grade standards adopted pursuant to the promulgation hearing held in March 1949 were related to the inception of the order and designed to avoid unusual difficulty in compliance therewith by the industry. However, the intent was expressed at the 1949 hearing that, as the industry was able and as the circumstances warranted, the minimum grade specifications should be made more stringent in order to encourage the consumption of prunes for the benefit of the industry. The present proposal to modify the standards was supported by the committee at its meeting of July 12, 1957 by 13 affirmative votes, with seven members voting negatively and one member abstaining. The committee failed to make a recommendation on the proposed modification pursuant to § 993.34 inasmuch as at least 75 percent of the members present failed to vote affirmatively as required by that section. Nevertheless, after eight years of operations under the order, the need for the industry to begin to carry out its expressed intent to further improve the quality of prunes marketed is abundantly clear.

Inasmuch as it appears that the supply of dried prunes for the 1957–58 crop year will exceed the demand therefor in regular commercial trade channels and that volume regulation under the order will be used to tailor the supply available for disposition in such channels to conform with the demand of those outlets, it is logical that such tailored supply should include only those prunes of better quality and that the prunes of less desirable quality and substandard prunes should be included in the remaining surplus portion for disposition in non-competitive outlets. The proposed modifications of the minimum grade standards would aid in attaining these objectives.

This proposal is in conformity with the tentative views of the Secretary of Agriculture which were expressed to the committee regarding its preliminary marketing policy for the 1957–58 crop year which it adopted on June 18, 1957.

It appears from data presently available that the estimated season average price to producers for dried prunes of the 1957 crop will not exceed the price level specified in § 2 (1) of the aforesaid act.

The proposed modifications, which would become effective 12:01 a. m., P. d. s. t., August 16, 1957, are as follows:

a. Pursuant to the authority contained in paragraph (c) of § 993.48 of the order, subparagraph (5) of paragraph C of § 993.97 *Exhibit A*, I, *Minimum standards for natural condition prunes*, is hereby changed to read as follows:

(5) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed fifteen percent (15%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

b. Pursuant to the authority contained in paragraph (c) of § 993.49 of the order, subparagraph (6) of paragraph C of § 993.97 *Exhibit A*, II, *Minimum standards for processed prunes*, is hereby changed to read as follows:

(6) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed fifteen percent (15%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

c. Otherwise, the minimum standards prescribed in § 993.97 of the order continue in effect as presently effective.

Dated: July 30, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-6342; Filed, Aug. 1, 1957; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Parts 296, 298]

FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

NOTICE OF PROPOSED RULE MAKING

In compliance with section 4 of the Administrative Procedure Act, notice is hereby given that the Maritime Administrator proposes to issue the following regulations governing Federal ship mortgage and loan insurance under Title XI, Merchant Marine Act, 1936, as amended (46 U. S. C. 1271–1279), pursuant to sections 204 (46 U. S. C. 1114) and 1108 (46 U. S. C. 1278) of the Merchant Marine Act, 1936, as amended; Reorganization Plan No. 21 of 1950 (3 CFR, 1950 Supp., page 173); Department of Commerce Statement of Organization and Functions of Federal Maritime Board and Maritime Administration (18 F. R. 5518;

20 F. R. 494; 21 F. R. 504); and Department of Commerce, Department Order No. 117 (Amended) of September 3, 1953, and amendments thereto.

All persons who desire to submit data, views, or arguments for consideration in connection with the proposed regulations should file the same in writing with the Secretary, Maritime Administration, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Dated: July 30, 1957.

CLARENCE G. MORSE,
Maritime Administrator.

1. Subchapter D is hereby changed to read "Federal Ship Mortgage and Loan Insurance."

2. A new part designated as Part 298 is hereby added to this title reading as follows:

[General Order 29, Revised]

PART 298—REGULATIONS GOVERNING FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

Sec.
298.1 Purpose.
298.2 Definitions.
298.3 Applications.
298.4 Eligibility requirements.
298.5 Additional information; examination of records; inspection of property.
298.6 Prior loans; refinancing.
298.7 Actual cost; maximum insurance payable.
298.8 Loans; mortgages.
298.9 After assignment.
298.10 Premium charges.
298.11 Applicability of the regulations in this part.

AUTHORITY: §§ 298.1 to 298.11 issued under Sections 204 (46 USC 1114) and 1108 (46 USC 1278) of the Merchant Marine Act, 1936, as amended; Reorganization Plan No. 21 of 1950 (3 CFR 173, Supp. 1950); Department of Commerce Statement of Organization and Functions of Federal Maritime Board and Maritime Administration (18 FR 5518; 20 FR 494; 21 FR 504); and Department of Commerce, Department Order No. 117 (Amended) of September 3, 1953, and amendments thereto. Interprets or applies Title XI, Merchant Marine Act, 1936, as amended (46 USC 1271–1279).

§ 298.1 *Purpose.* The purpose of this part is to prescribe rules and regulations to carry out the provisions of Title XI of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1271–1279).

§ 298.2 *Definitions.* (a) As used in the regulations in this part—

(1) The term "act" means the Merchant Marine Act, 1936, as amended;

(2) The terms which are defined in the act shall have the same meaning as prescribed in the act;

(3) The term "Administrator" includes the Maritime Administrator who by virtue of Reorganization Plan No. 21 of 1950 (3 CFR, 1950 Supp., page 173), Department of Commerce Statement of Organization and Functions of Federal Maritime Board and Maritime Administration (18 F. R. 5518; 20 F. R. 494; 21 F. R. 504), and Department of Commerce, Department Order No. 117 (amended) of September 3, 1953, and amendments thereto, is authorized to perform the duties and functions of the Secretary of Commerce under Title XI of the act; and the Acting Maritime Administrator, the Deputy Maritime Administrator and other officials of the Maritime Administration authorized from time to time to perform the duties and functions of the Administrator under Title XI of the act; and

(4) The term "Administration" means the Maritime Administration of the Department of Commerce as created by Reorganization Plan No. 21 of 1950.

(b) As used in Title XI of the act and in the regulations in this part—

(1) The term "borrower" shall be deemed to include the original borrower under a loan and his successors and assigns approved by the Administrator;

(2) In the case of a loan, amounts paid or obligated to be paid, as the case may be, for the construction, reconstruction or reconditioning (including designing, inspecting, outfitting and equipping) of any vessel or vessels, for the purpose of determining "actual cost" under sections 1101 (f) and 1104 (b) (4) of the act and § 298.7, may include, unless found by the Administrator to be unfair or unreasonable—

(i) The amount or amounts included in the contract or contracts for the construction, reconstruction or reconditioning (including designing, inspecting, outfitting and equipping) of the vessel or vessels, provided such contract or contracts shall include, in addition to profit, only those items (other than items expressly excluded below) normally included in such contract or contracts as contractor's items of cost,

but shall not include—

(i) Amounts contributed or to be contributed by the Government,

(ii) Commitment fees on the loan and/or mortgage,

(iii) Charges under § 298.3 (d) and section 1104 (e) of the act,

(iv) Premium charges under § 298.10 and section 1104 (d) of the act,

(v) Interest on the loan and/or mortgage or other borrowings,

(vi) Fees, commissions or charges for securing the loan and/or mortgage,

(vii) Fees or charges for preparing, printing and/or filing application and supporting documents, for securing approval of the application, and for preparing, printing and/or processing documents relating to the loan and/or mortgage and the insurance thereof by the Administrator, or

(viii) Predelivery vessel operating expenses, vessel insurance premiums and any other items which, based upon generally accepted accounting principles, may not be capitalized as proper costs of the vessel or vessels to the owner;

(3) In the case of a loan, amounts paid for the construction, reconstruction or reconditiong (including designing, inspecting, outfitting and equipping) of any vessel or vessels, for the purpose of determining the maximum insurance payable pursuant to the proviso to the definition of the term "actual cost" in section 1101 (f) of the act, shall be limited (i) to amounts paid on account of the items permitted to be included in the determination of "actual cost" in accordance with the preceding paragraph, where such maximum insurance payable is determined and approved by the Administrator for the purpose of the contract of insurance at or prior to the time such contract is entered into, or (ii) to amounts paid on account of the items (not in excess of the respective amounts of the items) actually included in the determination of "actual cost" in accordance with the preceding paragraph for the purpose of the contract of insurance, where such maximum insurance payable is not determined and approved by the Administrator for the purpose of the contract of insurance at or prior to the time such contract is entered into;

(4) In the case of a mortgage, amounts paid or obligated to be paid, as the case may be, for the construction, reconstruction or reconditioning (including designing, inspecting, outfitting and equipping) of any vessel or vessels, for the purpose of determining "actual cost" under sections 1101 (f) and 1104 (a) (2) of the act and § 298.7, may include, unless found by the Administrator to be unfair or unreasonable—

(i) The amount or amounts included in the contract or contracts for the construction, reconstruction or reconditioning (including designing, inspecting, outfitting and equipping) of the vessel or vessels, provided such contract or contracts shall include, in addition to profit, only those items (other than items expressly excluded below) normally included in such contract or contracts as contractor's items of cost,

(ii) Commitment fees on the loan and/or mortgage,

(iii) Interest on the loan,

(iv) Fees, commissions or charges for securing the loan and/or mortgage,

(v) Fees or charges for preparing, printing and/or filing application and supporting documents, for securing approval of the application, and for preparing, printing and/or processing documents relating to the loan and/or mortgage and the insurance thereof by the Administrator, and

(vi) Commitment fees and interest on borrowings (not included in the loan) the proceeds from which are used to pay obligations constituting a part of "actual cost",

but shall not include—

(i) Amounts contributed or to be contributed by the Government,

(ii) Charges under § 298.3 (d) and section 1104 (e) of the act.

(iii) Premium charges under § 298.10 and section 1104 (d) of the act.

(iv) Interest on the mortgage, or

(v) Predelivery vessel operating expenses, vessel insurance premiums and any other items which, based upon generally accepted accounting principles, may not be capitalized as proper costs of the vessel or vessels to the owner;

(5) In the case of a mortgage, amounts paid for the construction, reconstruction or reconditioning (including designing, inspecting, outfitting and equipping) of any vessel or vessels, for the purpose of determining the maximum insurance payable (in addition to that permitted under § 298.7 (b)) pursuant to the proviso to the definition of the term "actual cost" in section 1101 (f) of the act, shall be limited (i) to amounts paid on account of the items permitted to be included in the determination of "actual cost" in accordance with the preceding paragraph, where such maximum insurance payable is determined and approved by the Administrator for the purpose of the contract of insurance at or prior to the time such contract is entered into, or (ii) to amounts paid on account of the items (not in excess of the respective amounts of the items) actually included in the determination of "actual cost" in accordance with the preceding paragraph for the purpose of the contract of insurance, where such maximum insurance payable is not determined and approved by the Administrator for the purpose of the contract of insurance at or prior to the time such contract is entered into; and

(6) The proviso to the definition of the term "actual cost" in section 1101 (f) of the act is construed as a limitation on insurance payable in respect of the unpaid principal of a loan or mortgage and not as a limitation or restriction on insurance payable as interest thereon nor as a limitation or restriction on the pledge of the faith of the United States, as provided in section 1103 (e) of the act, to the payment of the interest on and the unpaid balance of the principal of mortgages and loans insured under Title XI of the act. Accordingly, the terms "maximum insurance payable" and "maximum insurance payable pursuant to the proviso to the definition of the term 'actual cost' in section 1101 (f) of the act" as used in the regulations in this part means maximum insurance payable in respect of the principal of a loan or mortgage and not in respect of the interest thereon.

§ 298.3 *Applications.* (a) Any United States citizen may make application to the Administration for mortgage or loan insurance, and for commitments to insure, in accordance with the act and the regulations in this part and such other terms as the Administrator may prescribe.

(b) Simultaneous applications may be submitted for mortgage insurance and loan insurance.

(c) Applications must be in form, contain information, be accompanied by supporting documents and be certified as prescribed or approved by the Administrator. Applications shall be on file with the Administration complete with all supporting documents and data in sufficient time to permit the Administration to make a full and complete investigation and to take all other action required in respect thereof and in any event no later than 90 days prior to the anticipated date of the closing of the transaction.

(d) Each application must be accompanied by payment pursuant to section 1104 (e) of the act in the amount of $100.00 or one-half of one per centum of the original principal amount of the mortgage or loan to be insured, whichever is less, which payment shall be retained by the Administration irrespective of the final disposition of the application. After preliminary consideration of the application, the applicant shall pay to the Administrator upon request such additional amount or amounts as the Administrator may deem reasonable for the investigation of the application for insurance, for the appraisal of properties offered for insurance, for the issuance of commitments, and for the inspection of such properties during construction, reconstruction or reconditioning: *Provided*, That such charges shall not aggregate more than one-half of one per centum of the original principal amount of the mortgage or loan to be insured. Any additional amount or amounts so paid shall be retained by the Administration if the application is approved, or if not approved, one-half of the additional amount or amounts shall be retained by the Administration. Unless otherwise agreed by the mortgagor or borrower and the mortgagee or lender, all such amounts shall be paid by the mortgagor or borrower.

(e) Upon approval of an application, and upon payment of all amounts charged under the preceding § 298.3 (d) and of all premium charges (if any) which shall then be due and payable in accordance with section 1104 (d) of the act and § 298.10, a commitment to insure and/or insurance contract, as the case may be, as contemplated by section 1103 of the act, will be made or entered into with the mortgagee or lender and/or the mortgagor or borrower, as determined or approved by the Administrator. The commitment to insure and/or insurance contract shall be as prescribed or approved by the Administrator.

§ 298.4 *Eligibility Requirements.* (a) To be eligible for insurance under Title XI of the act, a mortgage shall conform to the requirements of section 1101 (a) of the act and, excepting as otherwise provided in section 1106 of the act, to section 1104 (a) of the act.

(b) To be eligible for insurance under Title XI of the act, a loan shall conform to the requirements of sections 1101 (b) and 1104 (b) of the act, and its status in respect of other loans or indebtedness of the borrower shall be subject to the approval of the Administrator. In the case of interest on loans, the requirements stated in section 1104 (b) (6) of the act shall be construed to mean interest (exclusive of premium charges for insurance) at a rate not to exceed 5 per centum per annum on the amount of the unpaid principal at any time, or not to exceed 6 per centum per annum if the Administrator finds that in certain areas or under special circumstances the mortgage or lending market demands it, the same as provided for interest on mortgages under section 1104 (a) (5) of the act.

(c) Subject to the approval of the Administrator in each instance, mortgages and loans otherwise eligible for insurance may be insured with respect to vessels which are subject to existing preferred mortgages as defined in the Ship Mortgage Act, 1920, as amended, provided such existing mortgages are first lien mortgages and secure obligations held exclusively by the United States as mortgagee under such mortgages.

(d) No commitment to insure a mortgage or loan will be made by the Administrator unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the mortgage or loan will be executed or made will be, in his opinion, economically sound, and no mortgage or loan, unless executed or made pursuant to a prior commitment, will be insured unless the Administrator finds, at or prior to the time the insurance becomes effective, that the property or project with respect to which the mortgage or the loan is executed or made will be, in his opinion, economically sound.

(e) To be eligible, a mortgage shall secure bonds, notes, or other obligations having maturity dates satisfactory to the Administrator but not to exceed twenty years from the date of its execution. In no event will a mortgage be insured for a term longer than the economic life of the mortgaged property, as determined by the Administrator. Ordinarily, the economic life of a vessel will be determined as running not more than twenty years from the date of completion of the original construction of the vessel and not from the date of completion of any reconstruction or reconditioning thereof.

(f) The United States citizenship of each mortgagor, borrower, mortgagee and lender, and his successors and assigns, if any, shall be established within the meaning of section 2 of the Shipping Act, 1916, as amended, sections 37 and 38 of the Merchant Marine Act, 1920, as amended, and section 905 (c) of the Merchant Marine Act, 1936, as amended, to the satisfaction of the Administrator. In the case of a mortgage or loan involving a trust indenture, the mortgagee or lender will be deemed to be a citizen if the trustee designated in such trust indenture, and his successors and assigns as trustee, if any, so qualifies as a citizen of the United States.

(g) Unless otherwise approved by the Administrator, no loan will be insured unless the vessel is designed to meet, and no mortgage will be insured unless the vessel, at the time of execution of the mortgage, meets (1) all requirements to entitle her to the highest classification and rating for vessels of the same age and type in the American Bureau of Shipping, and (2) all requirements of applicable laws, treaties and conventions, and the rules and regulations issued thereunder, including, without limitation thereto, the International Convention for Safety of Life at Sea, 1929, as amended by the 1948 Convention, and all laws, rules and regulations administered by the United States Coast Guard, the Bureau of Customs, Treasury Department, and the Federal Communications Commission, or their successors.

(h) All construction, reconstruction and reconditioning of vessels for which loan or mortgage insurance is granted shall be performed in a shipyard or shipyards within the continental limits of the United States, and all vessels constructed, reconstructed or reconditioned with Title XI aid shall upon completion be documented under the laws of the United States.

(i) Unless otherwise approved by the Administrator, competitive bids shall be required for all construction, reconstruction and reconditioning of vessels for

which loan or mortgage insurance is granted and the work shall be awarded to the lowest responsible bidder.

(j) To be eligible for loan and/or mortgage insurance, the applicant shall submit evidence satisfactory to the Administrator showing that at the time of execution of the contract of insurance he will have working capital (determined in accordance with generally accepted accounting principles) in an amount equal to at least the following (less any payments made on account thereof), which working capital will be available for the proposal under application:

(1) In the case of a loan, which will be replaced by a mortgage, an amount equal to the sum of the following:

(i) Complement of the loan, e. g. 25 per centum of "actual cost" as determined in accordance with § 298.7 (a) where the loan is 75 percentum of such "actual cost",

(ii) Interest and commitment fees on the loan,

(iii) Interest and commitment fees on borrowings (not included in the loan) the proceeds from which are used to pay obligations constituting a part of "actual cost",

(iv) Charges under § 298.3 (d) and section 1104 (c) of the act,

(v) Loan insurance premium charges under § 298.10 and section 1104 (d) of the act,

(vi) Fees, commissions or charges for securing the loan and/or mortgage,

(vii) Fees or charges for preparing, printing and/or filing application and supporting documents, for securing approval of the application, and for preparing, printing and/or processing documents relating to the loan and/or mortgage and the insurance thereof by the Administrator,

(viii) Commitment fees on the mortgage loan accruing during the period prior to execution of the mortgage, and

(ix) Such other expenditures as may be required to effect delivery of the vessel or vessels.

In addition to the foregoing, unless available from the proceeds of the mortgage, the sum of the following shall be provided:

(x) One annual amortization of mortgage loan, including both principal and interest,

(xi) One year's premiums for vessel insurance, including Marine and Hull, Protective and Indemnity, and War Risk Insurance,

(xii) One year's mortgage insurance premium charge under § 298.10 and section 1104 (d) of the act, and

(xiii) Any additional amount determined by the Administrator to be necessary by reason of other activities of the mortgagor not covered by subsection (1) below.

(2) In the case of a loan only, an amount equal to the sum of items (i) through (ix) of subparagraph (1) of this paragraph, excepting item (viii).

(3) In the case of a mortgage only, an amount equal to the sum of the following:

(i) Complement of the mortgage, e. g. 25 per centum or 12½ per centum, as the case may be, of "actual cost" as determined in accordance with § 298.7 (a).

(ii) Charges under §298.3 (d) and section 1104 (c) of the act.

(iii) One annual amortization of mortgage loan, including both principal and interest,

(iv) One year's premiums for vessel insurance, including Marine and Hull, Protective and Indemnity, and War Risk Insurance,

(v) One year's mortgage insurance premium charge under § 298.10 and section 1104 (d) of the act, and

(vi) Any additional amount determined by the Administrator to be necessary by reason of other activities of the mortgagor not covered by paragraph (1) of this section.

(k) To be eligible for loan and/or mortgage insurance, the applicant shall submit evidence satisfactory to the Administrator showing that at the time of execution of the contract of insurance he will have net worth (equity capital) composed of outstanding paid-in capital stock, paid-in surplus or earned surplus, or a combination of any or all of the foregoing, but not less than 50 per centum of which net worth (equity capital) shall be represented by common stock, in an amount equal to at least the following:

(1) Complement of the mortgage, e. g. 25 per centum or 12½ per centum, as the case may be, of "actual cost" as determined in accordance with § 298.7 (a), or of the loan (if not to be replaced by a mortgage), e. g. 25 per centum of "actual cost" as determined in accordance with § 298.7 (a).

(2) Plus, in the case of a mortgage, one pro rata portion of the proposed outstanding principal of the mortgage, e. g. 1/20th on a twenty-year mortgage or 1/10th on a ten-year mortgage, etc.

(l) The foregoing minimum financial requirements shall be met by all applicants for insurance under Title XI of the act, in addition to any similar requirement or requirements previously or concurrently imposed and currently required to be maintained under said Title XI or other law or regulation administered by the Administrator, the Federal Maritime Board or others, or under any covenant or agreement by which the applicant is bound.

(m) Unless the Administrator finds that the mortgage contains other financial covenants adequate to safeguard the interests of the United States as referred to in § 298.8 (h), the mortgage shall contain provisions requiring that so long as the obligation or obligations secured thereby shall remain unpaid,

(1) No capital shall be withdrawn;

(2) No share capital shall be redeemed or converted into debt;

(3) No dividend shall be paid;

(4) No loan or advance (except advances to cover current expenses of the mortgagor) shall be made, either directly or indirectly, to any stockholder, director, officer, or employee of the mortgagor or to any related company (as hereinafter defined);

(5) No investment shall be made in the securities of any related company (as hereinafter defined);

(6) No indebtedness to any stockholder, director, officer, or employee of the mortgagor or to any related company (as hereinafter defined) existing on the date of execution and delivery of the mortgage and having a stated maturity of more than one year from such date, shall be repaid in whole or in part;

(7) No salary (including the value or amount of any bonus, commission or other form of direct compensation) at a rate in excess of $25,000.00 per annum shall be paid; and

(8) No fixed assets shall be acquired other than those required for the normal maintenance and operation of any vessel or vessels owned by the mortgagor;

if, after such transaction or transactions and after excluding any amount or amounts otherwise required to be maintained or set aside by the mortgagor for other purposes pursuant to any law or regulation or any covenant or agreement by which the mortgagor is bound, the amount of the mortgagor's working capital (determined in accordance with generally accepted accounting principles) would be less than the sum of items (x), (xi), (xii) and (xiii) of paragraph (j) (1) of this section, or the amount of the mortgagor's net worth (defined as aforesaid) would be less than the amount stated in paragraph (k) of this section or, if said net worth shall be in excess of the then outstanding principal balance of the mortgage by more than 10 per centum, an amount equal to 110 per centum of the principal balance of the mortgage from time to time outstanding, provided that the mortgagor shall have requested and the Administrator shall have given his prior written consent to a reduction to the latter amount. The term "related company" as used in this paragraph shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the mortgagor. The term "control" (including the terms "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the mortgagor (or related company) whether through ownership of voting securities, by contract or otherwise.

§ 298.5 *Additional information; examination of records; inspection of property.* (a) The mortgagor, mortgagee, borrower or lender, as the case may be, shall from time to time (both prior to and after the insurance becomes effective) promptly upon his request, such reasonable, material and pertinent reports, evidence, proof or information, in addition to that furnished in the application or otherwise available to the Administrator, bearing on the eligibility of the mortgage or loan, the economic soundness of the property or project, and other matters pertaining to the mortgage or loan and the insurance thereof by the Administrator, as the Administrator may reasonably deem necessary or appropriate in connection with the performance of his duties and functions under Title XI of the act.

(b) The mortgagor or borrower, as the case may be, shall from time to time (both prior to and after the insurance becomes effective) permit the Administrator, upon his request, to make such reasonable, material and pertinent examination and audit of its books, records and accounts, and to take such information therefrom and make such transcripts or copies thereof, as the Administrator may reasonably deem necessary or appropriate in connection with the performance of his duties and functions under Title XI of the act.

(c) The mortgagee or lender, as the case may be, shall from time to time (both prior to and after the insurance becomes effective) permit the Administrator, upon his request, to make such reasonable, material and pertinent examination and audit of its records and books of account pertaining to the mortgage or loan and the obligations secured by the mortgage or evidencing the loan and the commitment to insure and/or insurance contract, and to take such information therefrom and make such transcripts or copies thereof as the Administrator may reasonably deem necessary or appropriate in connection with the performance of his duties and functions under Title XI of the act.

(d) The Administrator shall have access at all reasonable times to all vessels and other property with respect to which the mortgage or loan is or is intended to be executed or made for the purpose of making such inspection as the Administrator may deem necessary or appropriate in connection with the performance of his duties and functions under Title XI of the act.

(e) Provisions to implement the matters referred to in paragraphs (a), (b), (c) and (d) of this section shall be included in the commitment or commitments to insure, the insurance contract or contracts, the loan agreement, the mortgage and/or the shipyard contract as may be appropriate.

§ 298.6 *Prior loans; refinancing.* (a) No mortgage securing a loan or advance made prior to the enactment of Title XI of the act will be insured, and no mortgage will be insured for refinancing in whole or in part any existing mortgage indebtedness except as provided in section 1106 of the act. The insurance of a mortgage for refinancing in whole or in part an insured loan secured by a chattel mortgage shall not be considered as prohibited by section 1106 of the act or by the preceding sentence. In the case of mortgages insured under said section 1106, the principal amounts of such mortgages, the eligibility requirements of such mortgages, the amounts of insurance, the limits on insurance payable by the Administrator, and other terms, to the extent not specified in the act or the regulations in this part, shall be as determined or approved by the Administrator.

(b) In the case of any mortgage insured for refinancing an existing purchase money mortgage indebtedness under section 1106 (l) of the act the amount of the mortgage may, subject to the approval of the Administrator, include the unpaid principal balance of the existing mortgage (not to exceed 75 per centum of the purchase price of the vessel or 75 per centum of the Administrator's determination of the fair and reasonable value of the vessel, whichever is the lesser) if the vessel covered thereby is a comparatively new vessel, as determined by the Administrator, purchased by the mortgagor.

§ 298.7 *Actual cost; maximum insurance payable.* (a) Actual cost for the purpose of loan insurance shall be determined by the Administrator in accordance with sections 1101 (f) and 1104 (b) (4) of the act and § 298.2 (b) (2) prior to the making of an advance under the loan and the execution of the contract of insurance. Actual cost for the purpose of mortgage insurance shall be determined by the Administrator in accordance with sections 1101 (f) and 1104 (a) (2) of the act and § 298.2 (b) (4) prior to the execution, delivery and recordation of the mortgage and the execution of the contract of insurance. If the insurance contract is prepared and entered into on the basis of an advance determination of the maximum insurance payable, such maximum insurance payable shall be determined by the Administrator in lieu of actual cost in accordance with the proviso to the definition of the term "actual cost" in section 1101 (f) of the act and § 298.2 (b) (3) or (5), as the case may be (and, if applicable, paragraph (b) of this section) at or prior to the time the contract of insurance is entered into.

(b) The Administrator shall not in any event pay as insurance under Title XI of the act in respect of the unpaid principal amount of a loan or mortgage an amount in excess of that permitted under the proviso to the definition of the term "actual cost" in section 1101 (f) of the act, determined in accordance with said section 1101 (f) and with § 298.2 (b) (3) or (5), as the case may be. The maximum insurance payable as aforesaid may include the unpaid principal balance of an existing mortgage covering a comparatively new vessel purchased by the mortgagor and included, in accordance with § 298.6 (b), in a mortgage insured for refinancing under section 1106 (1) of the act.

(c) Unless otherwise agreed by the mortgagee and the Administrator, a mortgage shall only be insured on the basis of an advance determination of maximum insurance payable, determined as provided in paragraph (b) of this section.

§ 298.8 *Loans; mortgages.* (a) The loan may be any loan or advance of credit other than a mortgage (excluding chattel mortgage) loan. It shall be upon such terms and conditions as may be agreed upon between the lender and the borrower and approved by the Administrator and not inconsistent with Title XI of the act or the regulations in this part. The loan shall be guaranteed or secured in such manner as may be agreed upon between the lender and borrower and/or other parties and as may be approved by the Administrator and not inconsistent with the act. The terms and conditions of the loan shall be embodied in an appropriate loan agreement as prescribed or approved by the Administrator.

(b) The mortgage shall be a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, or a mortgage which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended. It shall cover the vessel or vessels whose construction, reconstruction or reconditioning is financed under Title XI of the act and, except as otherwise approved by the Administrator, shall be a first and prior lien on said vessel or vessels. The mortgage shall be as prescribed or approved by the Administrator, and the obligations secured thereby shall be otherwise guaranteed or secured in such manner as may be agreed upon between the mortgagor and mortgagee and/or other parties and as may be approved by the Administrator and not inconsistent with Title XI of the act or the regulations in this part, and the status of the mortgage as a preferred mortgage or as a mortgage which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended, shall be established to the Administrator's satisfaction.

(c) (1) In the case of the insurance of a loan for the construction, reconstruction or reconditioning of a vessel or vessels, or in the case of a commitment to insure a mortgage on a vessel or vessels to be constructed, reconstructed or reconditioned, the terms and conditions for the performance of the work shall be embodied in an appropriate contract or contracts as prescribed or approved by the Administrator which shall, unless otherwise required or approved by the Administrator, include—

(i) Provision for the furnishing of satisfactory insurance by the contractor or in lieu thereof an undertaking by the contractor satisfactory to the Administrator to replace or repair loss or damage and for the furnishing of a satisfactory performance bond by the contractor if required by the Administrator,

(ii) Provisions for the performance of the work substantially in accordance with contract plans and specifications approved by the Administration, and requiring the prior approval of the Administration of any substantial change in the contract plans and specifications or any change in the contract plans and specifications which increases the contract price,

(iii) Provision permitting representatives of the Administration to have access to the vessel or vessels or other property and to all work being performed by the contractor or contractors at all reasonable times during performance, including but not limited to attendance at final trials, for the purpose of inspecting and ascertaining that the vessel is being built or has been completed substantially in accordance with contract plans and specifications approved by the Administration, and

(iv) Provision for payment for the work according to progress of performance, for the certification by an independent naval architect of the performance of the work for which progress pay-

ments are being made and of the performance of such work substantially in accordance with contract plans and specifications approved by the Administrator before each payment is made, and for the vesting of title to the work in the borrower according to payments made subject only to the lien or other rights of the contractor for additional amounts due and unpaid.

(2) At the same time, the loan agreement or the commitment to insure mortgage, as the case may be, shall, unless otherwise required or approved by the Administrator, contain provisions requiring—

(i) That the borrower's right, title and interest in, to and under the contract or contracts for the construction, reconstruction or reconditioning (including designing, inspecting, outfitting and equipping) of the vessel or vessels shall be assigned to the lender and its assigns, and that such contracts shall not be modified without the prior written consent of the Administrator,

(ii) That the borrower or proposed mortgagor, as the case may be, shall furnish to the Administration two copies of all working plans, schedules and sketches promptly after approval by the owner and the regulatory bodies concerned, and one copy of all correspondence between the shipyard contractor, owner and/or regulatory bodies pertaining to plan approval and contract changes promptly after the same is issued,

(iii) That the borrower or proposed mortgagor, as the case may be, shall cause records to be kept of all amounts paid by or for its account for the construction, reconstruction or reconditioning (including designing, inspecting, outfitting and equipping) of the vessel or vessels, and shall furnish in duplicate to the Administrator, as such payments are made, evidence in the form of signed receipts from the contracting party and executed certificates of payment by the borrower or proposed mortgagor, as the case may be, satisfactory to the Administrator, of all such payments, together with executed copies of naval architects certificates referred to in subparagraph (1) (iv) of this paragraph, and, in the case of an insured loan, executed copies of the covering requisition for payment referred to in subdivision (iv) of this subparagraph,

(iv) In the case of an insured loan, that payments shall not be advanced by the lender except on receipt of appropriate requisitions for payment from the borrower certified by the borrower and accompanied by executed copies of naval architects certificates referred to in subparagraph (1) (iv) of this paragraph, and

(v) That the borrower or proposed mortgagor shall furnish to the Administrator at or immediately prior to the time the mortgage is placed on the vessel (or in the case of an insured loan at such earlier time, if any, as a demand is made and assignment tendered to the Administrator pursuant to the contract of insurance and section 1105 of the act) a statement of an independent certified accountant or firm of accountants of the total amount paid by or for the account of the borrower or proposed mortgagor for the construction, reconstruction or reconditioning (including designing, inspecting outfitting and equipping) of the vessel or vessels, together with a breakdown of such total according to items for which paid (both the total amount paid and the breakdown to be limited in the case of an insured loan to items, and their respective amounts, included in the Administrator's determination of "actual cost" for the purpose of the loan, and in the case of a mortgage, to items permitted to be included in the Administrator's determination of "actual cost" for the purpose of the mortgage) and accompanied by a certificate by an independent naval architect that all work covered by said payments has been completed subtantially in accordance with the contract plans and specifications approved by the Administration.

(d) The loan agreement shall, unless otherwise required or approved by the lender and the Administrator, include provisions—

(1) For the payment at the outset, from sources other than the loan, by or for the account of the owner, of not less than 12½ percent of "actual cost" as determined for the purpose of the loan and, thereafter, when the aggregate of the payment so made from sources other than the loan and the payments made from the loan equals 50 percent of said "actual cost" (and before any additional payments are made from the loan), a further payment from sources other than the loan in such additional amount as will make the total of such payments equal not less than 25 percent of said "actual cost", and

(2) For payments direct to the shipyard or other contractors except where the payment is for reimbursement of the borrower for amounts previously expended by or for the account of the borrower on account of "actual cost" in excess of the payments required by or for the account of the borrower under the preceding item.

(e) Provisions governing defaults, the rights and obligations of the parties in respect thereto, and other provisions, as appropriate, shall be included in the mortgage or loan agreement, the contract of insurance and/or the commitment to insure. In the case of any default specified in section 1105 (a) (1) or section 1105 (a) (2) of the act, no demand shall be made prior to the expiration of thirty days after the default and then only if there shall have been a failure on the part of the mortgagor or borrower to remove and remedy the default within said thirty days: *Provided, however,* That this requirement shall be inapplicable if the Administrator shall have given notice of his intention to terminate the contract of insurance in accordance with said section 1105 (a) (1) or section 1105 (a) (2), as the case may be. Neither the mortgage nor the loan agreement shall impair the right of the mortgagor or borrower to remedy and remove any default within thirty days after the default, and in no event shall an obligation be imposed on the mortgagor or borrower to pay accelerated principal or increased interest without the prior written consent of the Administrator.

(f) The contract of insurance shall provide that any default arising under the loan agreement or the mortgage solely by reason of the failure of the borrower or mortgagor to perform an obligation to the Administrator thereunder (where such obligation runs only to the Administrator or, if a joint obligation to the Administrator and the lender or mortgagee, where such obligation has been satisfied as to the lender or mortgagee) shall not entitle the lender or mortgagee to demand payment of the insurance, except with the prior written approval of the Administrator. The contract of insurance shall also provide for the termination of insurance at the option of the Administrator for the failure of the lender or mortgagee, as the case may be, to pay premiums due under the contract of insurance and then or theretofore paid therefor by the borrower or mortgagor to the lender or mortgagee, after written demand therefor by the Administrator, or to perform and comply with specified conditions and covenants of the contract of insurance, after notice of breach is given by the Administrator.

(g) The mortgage shall include provisions, as appropriate, for the maintenance of the vessel or vessels in class and the maintenance of insurance on the vessel or vessels. The mortgage and/or loan agreement shall also include such other covenants by the mortgagor or borrower as the mortgagee or lender and/or the Administrator shall require.

(h) The imposition of financial covenants upon the borrower or mortgagor under the circumstances of the particular financing is regarded by the Administrator as the initial responsibility of the lender or mortgagee. If the Administrator finds that the proposed loan agreement and/or mortgage contains provisions (including in the case of a mortgage, provisions in respect of the repayment of the mortgage indebtedness and the maintenance of working capital and net worth) adequate to safeguard the interests of the United States, no further conditions will be imposed by the Administrator. However, if the Administrator finds that the loan agreement and/or mortgage does not contain such provisions, then the Administrator will require the inclusion of provisions deemed by him to be adequate for this purpose. In the case of a mortgage, such provisions will include a requirement, applicable to all mortgaged vessels except mortgaged vessels while operating under or subject to the provisions of an operating-differential subsidy agreement, that the net income of the mortgaged vessel or vessels for each fiscal year of the mortgagor (after all applicable costs and expenses, including reasonable allocation of overhead and provision for Federal income taxes, but before provision for depreciation) determined in accordance with the system of accounts prescribed in General Order 22 (Revised), as amended (46 CFR Part 282) to the extent applicable, and to the extent not applicable, in accordance with sound accounting principles, be treated or applied, within 120 days after the end of each fiscal year, as follows (in the order named and to the extent available):

(1) First there shall be deducted an amount equal to the principal amount of the obligation or obligations secured by the mortgage or mortgages, as the case may be, on the vessel or vessels required to be paid by the mortgagor during such fiscal year, plus an amount (to be specified in the mortgage) representing a reasonable return on the mortgagor's investment in the vessel or vessels at the time of execution of the mortgage exclusive of all borrowed capital;

(2) If any balance remains, an amount equal to one year's pro rata share of the original principal amount of the obligation or obligations secured by the mortgage or mortgages, as the case may be, on the vessel or vessels shall be deposited by the mortgagor into a fund satisfactory to the Administrator, the withdrawal from which (including the purpose for which the withdrawal is to be used) shall require, to the extent such approval is not provided by the terms of the mortgage, the prior written approval of the Administrator; and

(3) If any balance remains, an amount equal to 50 per centum thereof shall be deposited into the fund referred to in subparagraph (2) of this paragraph, subject to withdrawal as therein provided.

Such provisions, in the case of a mortgage, will also include a requirement for the maintenance of working capital and net worth as required by § 298.4 (m) and such further or other provisions and requirements as the Administrator may deem appropriate in the particular case.

(i) In the event an assignment of the mortgage and of the obligations secured by the mortgage or of the loan agreement and the obligations evidencing the loan shall be tendered to the Administrator, the assignment shall be as prescribed or approved by the Administrator and annexed to the contract of insurance, the mortgage or the loan agreement, or the obligations secured by the mortgage or evidencing the loan, as the case may be, and shall be duly executed by or on behalf of the mortgagee or lender and proper evidence of such execution shall accompany the assignment. Such assignment shall include the assignment to the Administrator of all collateral or security for the mortgage or the obligations secured by the mortgage or the loan agreement or the obligations evidencing the loan, as the case may be, and all policies of insurance held by the mortgagee or lender pursuant to the mortgage or loan agreement, as the case may be.

(j) Unless otherwise approved by the Administrator, the mortgagee or lender shall not at any time require or accept any collateral, security, note(s), obligation(s) or debt(s) in respect of an insured mortgage or loan except such as is subject to assignment to the Administrator upon demand for payment of insurance pursuant to the contract of insurance.

(k) When the property with respect to which the mortgage or loan is executed or made consists of two or more vessels or other units, the mortgage or loan agreement, the commitment to insure and/or the contract of insurance shall contain provisions as appropriate, setting forth the extent to which the same shall be effective and other related matters in the event less than all of said vessels or units shall have, during the continuance of the commitment to insure or of the insurance, become the subject of actual or constructive total loss, been requisitioned for title, or been sold or otherwise disposed of.

(l) Provisions with respect to—

(1) The amendment or supplementation of the mortgage and the obligations secured thereby or the insured loan and the obligations evidencing such loan, including all documents in connection therewith, and the waiver of or consent to defaults of the mortgagor or borrower thereunder,

(2) The release or compromise of claims under the mortgage or loan agreement against the mortgagor or borrower,

(3) The sale, assignment or transfer of the mortgage or loan agreement and the obligations secured by the mortgage or evidencing the loan or the vessel or vessels or other property with respect to which the mortgage or loan is executed or made or the mortgage or charter of said vessel or vessels or other property,

(4) The enforcement or exercise by the mortgagee or lender of any right, power or remedy pursuant to the mortgage or the loan agreement,

(5) The consent by the Administrator to any of the foregoing,

(6) The furnishing by the mortgagee or lender to the Administration, at the time of each advance under the loan or mortgage, of a statement, in duplicate, of the amount of the advance, the date of such advance, and the total amount advanced to date, and

(7) The maintenance of the United States citizenship of the mortgagee,

shall be included in the mortgage or loan agreement, the commitment to insure, the contract of insurance and/or other documents in connection therewith, as may be appropriate. Each successor or assign of the mortgagor, mortgagee, borrower or lender, as the case may be, shall be subject to the eligibility requirements of the act and the regulations in this part and to the approval of the Administrator (except as to the latter, to the extent that advance approval may be provided in any of the aforementioned documents).

(m) If the mortgage is to secure bonds, notes or other obligations bearing interest (exclusive of premium charges for insurance) at a rate in excess of 5 per centum per annum on the amount of the unpaid principal, the mortgagor and mortgagee shall furnish the Administrator with evidence showing that in the particular area or under the special circumstances prevailing the mortgage or lending market demands it. The same requirement shall apply to loans with corresponding interest rates.

§ 298.9 *After assignment and payment of insurance.* (a) As used in this section, the term "Administrator" includes the Secretary of Commerce.

(b) After the acceptance by the Administrator of an assignment of a mortgage and the obligation or obligations secured by the mortgage, and any collateral or security therefor and policies of insurance held by the mortgagee pursuant thereto, upon the default of the mortgagor and the payment by the Administrator to the mortgagee of the unpaid principal amount of the mortgage and unpaid interest thereon to the date of payment, reduced by the amount of any insurance premium due and payable by the mortgagee pursuant to the contract of insurance, pursuant to Section 1105 (a) (1) of the act and the contract of insurance—

(1) The Administrator shall have (in addition to such other rights or remedies, if any, as he may have) the right in his discretion, to take any and all action authorized by sections 1105 (c) (1) and 1105 (d) of the act and, to the extent not in express conflict with the action authorized by said sections 1105 (c) (1) and 1105 (d), or with this section, any and all action provided for in or authorized or permitted by or in respect of the mortgage and the obligation or obligations secured by the mortgage, and any collateral or security therefor and policies of insurance maintained by the mortgagor pursuant thereto (including all action provided for in or authorized or permitted by or in respect of any of said documents by the mortgagee, by the Administrator or by the Administrator as assignee of the mortgagee); and the interest of the Administrator as the insurer of the mortgage and as assignee of the mortgagee, including his interest for the purpose of asserting, pursuing or enforcing said rights and remedies, shall be as provided in paragraph (d) of this section;

(2) In the event of an actual or constructive total loss or a compromise constructive total loss or a requisition of title to or use of the vessel or vessels (or any of them) or other property covered by the mortgage, all insurance or other payments therefor shall be paid to the Administrator and shall be applied by the Administrator in accordance with the interest of the Administrator as provided in paragraph (d) of this section and, if any balance remains, in accordance with the interest of the mortgagor (or other party in interest) as provided in paragraph (e) of this section;

(3) The Administrator shall have the right to pursue to final collection all claims arising under or in respect of the mortgage or the obligation or obligations secured thereby, or any collateral or security therefor or policies of insurance maintained by the mortgagor pursuant thereto, against the mortgagor or any other party or parties liable thereunder;

(4) The mortgagee shall have no further rights or remedies under or in respect of, or interest in, the mortgage or the obligation or obligations secured thereby, or any collateral or security therefor or policies of insurance maintained by the mortgagor pursuant thereto, or the contract of insurance, or the vessel or vessels or other property covered by the mortgage, or any cash, securities or other property which may at

any time be collected, received, realized or held by or for the Administrator (or others) in respect thereof, but the mortgagee shall remain obligated to comply with the provisions of section 1105 (c) (1) of the act applicable to mortgagees; and

(5) The mortgagor (or other party in interest) shall have (in addition to such other rights or remedies, if any, as it may have) such rights as are provided for the mortgagor (or other party in interest) in sections 1105 (c) (1) and 1105 (d) of the act and, to the extent not in express conflict with said sections 1105 (c) (1) and 1105 (d), or with this section, in the mortgage and the obligation or obligations secured thereby, and any collateral or security therefor and policies of insurance maintained by the mortgagor pursuant thereto; and the interest of the mortgagor (or other party in interest), including its interest for the purpose of asserting, pursuing or enforcing said rights and remedies, shall be as provided in paragraph (e) of this section: *Provided, however,* That the rights and interest of the mortgagor (or other party in interest) shall at all times be subordinate to, and not in derogation of, the rights and interest of the Administrator, and that all property purchased by the Administrator at foreclosure proceedings or other public sale shall be free of any rights or interest of the mortgagor (or other party in interest).

(c) After the acceptance by the Administrator of an assignment of a loan agreement and the obligation or obligations evidencing a loan, and any collateral or security therefor or policies of insurance held by the lender pursuant thereto, upon the default of the borrower and the payment by the Administrator to the lender of the unpaid principal amount of the loan and unpaid interest thereon to the date of payment, reduced by the amount of any insurance premium due and payable by the lender pursuant to the contract of insurance, pursuant to section 1105 (a) (2) of the act and the contract of insurance—

(1) The Administrator shall have (in addition to such other rights or remedies, if any, as he may have) the right, in his discretion to take any and all action authorized by sections 1105 (c) (2) and 1105 (d) of the act and, to the extent not in express conflict with the action authorized by said sections 1105 (c) (2) and 1105 (d), or with this section, any and all action provided for in or authorized or permitted by or in respect of the loan agreement and the obligation or obligations evidencing the loan, and any collateral or security therefor and policies of insurance maintained by the borrower pursuant thereto (including all action provided for in or authorized or permitted by or in respect of all said documents by the lender, by the Administrator or by the Administrator as assignee of the lender); and the interest of the Administrator as the insurer of the loan and as assignee of the lender, including his interest for the purpose of asserting, pursuing or enforcing said rights and remedies, shall be as provided in paragraph (d) of this section;

(2) In the event of an actual or constructive total loss or a compromised constructive total loss or a requisition of title to or use of the vessel or vessels (or any of them) or other property in respect of which the loan is made, all insurance or other payments therefor shall be paid to the Administrator and shall be applied by the Administrator in accordance with the interest of the Administrator as provided in paragraph (d) of this section and, if any balance remains, in accordance with the interest of the borrower (or other party in interest) as provided in paragraph (e) of this section;

(3) The Administrator shall have the right to pursue to final collection all claims arising under or in respect of the loan agreement or the obligation or obligations evidencing the loan, or any collateral or security therefor or policies of insurance maintained by the borrower pursuant thereto, against the borrower or other parties liable thereunder;

(4) The lender shall have no further rights or remedies under or in respect of, or interest in, the loan agreement or the obligation or obligations evidencing the loan, or any collateral or security therefor or policies of insurance maintained by the borrower pursuant thereto, or the contract of insurance, or the vessel or vessels or other property in respect of which the loan is made, or any cash, securities or other property which may at any time be collected, received, realized or held by or for the Administrator (or others) in respect thereof, but the lender shall remain obligated to comply with the provisions of section 1105 (c) (2) of the act applicable to lenders; and

(5) The borrower (or other party in interest) shall have (in addition to such other rights or remedies, if any, as it may have) such rights as are provided for the borrower (or other party in interest) in sections 1105 (c) (2) and 1105 (d) of the act and, to the extent not in express conflict with said sections 1105 (c) (2) and 1105 (d), or with this section, in the loan agreement and the obligation or obligations evidencing the loan, and any collateral or security therefor and policies of insurance maintained by the borrower pursuant thereto; and the interest of the borrower (or other party in interest), including his interest for the purpose of asserting, pursuing or enforcing said rights and remedies, shall be as provided in paragraph (e) of this section: *Provided, however,* That the rights and interest of the borrower (or other party in interest) shall at all times be subordinate to, and not in derogation of, the rights and interest of the Administrator, and that all property purchased by the Administrator at foreclosure proceedings or other public sale shall be free of any rights or interest of the borrower (or other party in interest).

(d) The interest of the Administrator as insurer of the mortgage or loan and as assignee of the mortgagee or lender, as the case may be (including his interest for the purpose of asserting, pursuing or enforcing any or all of the rights and remedies stated in paragraphs (b) (1), (2) and (3) and (c) (1), (2) and (3) of this section), in the mortgage or loan agreement and the obligation or obligations secured by the mortgage or evidencing the loan, as the case may be, in the collateral or security for the mortgage or loan agreement or the obligation or obligations secured by the mortgage or evidencing the loan, as the case may be, in the policies of insurance maintained by the mortgagor or borrower pursuant to the mortgage or loan agreement, as the case may be, in the vessel or vessels or other property covered by the mortgage or in respect of which the loan is made, as the case may be, and in any cash, securities or other property (other than property purchased by the Administrator at foreclosure proceedings or other public sale and any payments or receipts for the requisition, sale, charter, operation or other use or disposition of any such property, all of which property, payments and receipts shall belong to and vest exclusively in the Administrator) which may at any time be collected, received, realized or held by or for the Administrator (or others) in respect thereof (including payments referred to in paragraphs (b) (2) and (c) (2) of this section), shall be an amount equal to the total of—

(1) All amounts of unpaid principal and unpaid interest (before reduction by the amount of any insurance premium due and payable by the mortgagee or lender, as the case may be, pursuant to the provisions of the contract of insurance) paid by the Administrator to the mortgagee or lender, as the case may be, under section 1105 (a) (1) or section 1105 (a) (2) of the act and the contract of insurance, together with all interest and other amounts which shall have become due and payable by the mortgagor or borrower under the mortgage or loan agreement, as the case may be, and/or the obligation or obligations secured by the mortgage or evidencing the loan, as the case may be, subsequent to said payment by the Administrator to the mortgagee or lender, as the case may be,

(2) Insurance premiums, if any, due to the Administrator under the mortgage or loan agreement, as the case may be, including insurance premiums due to the Administrator as assignee of the mortgagee or lender, as the case may be, and

(3) The expenses (including administrative expenses) incurred and advances and disbursments made by the Administrator (or the United States) in the assertion, pursuit and/or enforcement of the rights and remedies, or any of them, stated in paragraph (b) (1) or paragraph (c) (1) of this section, as the case may be, and all other expenses (including administrative expenses) incurred and advances and disbursements made by the Administrator (or the United States) in connection with the vessel or vessels (or any of them) or other property (other than those incurred or made in respect of any vessel or vessels or other property purchased by the Administrator at foreclosure proceedings or other public sale, after the time of acquisition of title at such foreclosure proceedings or other public sale), or otherwise allocable thereto in amounts

determined by the Administrator to be fair and reasonable,

after deducting therefrom all cash payments theretofore made to the Administrator on account of said items; and such interest shall be discharged and satisfied in full before discharging and satisfying any interest of the mortgagor (or other party in interest).

(e) The interest of the mortgagor or borrower (or other party in interest), including its interest for the purpose of asserting, pursuing or enforcing any or all of the rights stated in paragraphs (b) (5) and (c) (5) of this section, in the mortgage or loan agreement and the obligation or obligations secured by the mortgage or evidencing the loan, as the case may be, in the collateral or security for the mortgage or loan agreement or the obligation or obligations secured by the mortgage or evidencing the loan, as the case may be, in the policies of insurance maintained by the mortgagor or borrower pursuant to the mortgage or loan agreement, as the case may be, in the vessel or vessels or other property covered by the mortgage or in respect of which the loan is made, as the case may be, and in any cash, securities or other property (other than property purchased by the Administrator at foreclosure proceedings or other public sale and any payments or receipts for the requisition, sale, charter, operation or other use or disposition of any such property, all of which property, payments or receipts shall as stated above belong to and vest exclusively in the Administrator) which may at any time be collected, received, realized or held by or for the Administrator (or others) in respect thereof (including payments referred to in paragraphs (b) (2) and (c) (2) of this section, shall be a residual interest after full discharge and satisfaction of the interest of the Administrator as provided in § 298.9 (d) above, and the Administrator shall pay or otherwise account therefor to the mortgagor or borrower (or other party in interest) as he deems proper, but without liability for so doing.

§ 298.10 *Premium charges.* (a) Premium charges for the insurance of mortgages and loans under Title XI of the act shall be payable at rates as fixed by the Administrator and as set forth in the respective commitments to insure and/or contracts of insurance, but in the case of mortgages insured under section 1103 (a) and loans insured under section 1103 (b) within the maximum and minimum rates prescribed by section 1104 (d) of the act. The maximum and minimum rates applicable to insurance of mortgages under section 1106 shall not be less than those for mortgages insured under section 1103 (a) of the act.

(b) Such premium charges shall be computed on the average principal amount of the mortgage or loan to be outstanding during the annual period with respect to which such premium is paid. In the case of a loan, the computation of average principal amount to be outstanding shall take into account all advances to be made under the loan during the annual period. In the case of a mortgage, the computation of average principal amount to be outstanding shall take into account all fixed payments required under the mortgage. Any premium so paid shall be subject to reduction by credit upon the next premium when due, or by refund if no further premium shall be due, for advances over-estimated, for voluntary prepayments permitted under the mortgage or the loan agreement, and for extraordinary payments required under the mortgage or the loan agreement (such as proceeds of insurance upon total loss applied in reduction of principal, additional payments contingent on earnings, etc.), and shall be subject to increase for advances underestimated and for all fixed payments required under the mortgage or the loan agreement which are delinquent, any such increase to be added to the amount of the next premium when due, or, if no further premium shall be due, shall be paid by the mortgagee or lender within thirty days after receipt by the mortgagee or lender from the Administrator of written notice thereof.

(c) Premium charges shall be paid to the Administrator by the mortgagee or lender annually in advance, the first such premium charge to be paid at the time of the execution and delivery of the contract of insurance, and each subsequent premium charge to be paid on or before each succeeding anniversary date. The mortgage or the loan agreement, as the case may be, shall provide that the mortgagor or borrower shall pay to the mortgagee or lender the amount required for the payment of each premium charge at least sixty days before the payment of such charge to the Administrator is due (except for the first payment which shall be made not later than the time such payment is made by the mortgagee or lender to the Administrator and except for any increased premium or any deficient premium which shall be made not later than fifteen days before such payment is due by the mortgagee or lender to the Administrator), and shall further provide that the failure of the mortgagor or borrower to make such payment shall be a default under the mortgage or shall give the lender the right to mature the loan, as the case may be. The contract of insurance shall require the mortgagee or lender to pay said premium charges to the Administrator when due as aforesaid (subject only to such period of grace as may be provided in the contract of insurance), but in the case of each such payment only to the extent of the amount required therefor and then or theretofore paid therefor by the mortgagor or borrower to the mortgagee or lender, as the case may be.

(d) Unless otherwise specified by the Administrator, all premium charges may be paid by check (which need not be certified) payable to "Maritime Adm.—Commerce", delivered in person or sent through the mails to the Maritime Administration, Washington 25, D. C., accompanied by a letter stating that the payment is of a premium charge under the contract of insurance and specifying the period covered by the payment. In the event that the Administrator at any time determines that the amount of any premium payment is not correct, he shall promptly give notice thereof to the mortgagee or lender with a copy thereof to the mortgagor or borrower, as the case may be, specifying the correct amount, the basis of computation thereof, and the amount of the deficiency or excess, and the mortgagee or lender, as the case may be, shall promptly (within thirty days from the date of recipt of said notice) pay or cause to be paid to the Administrator the amount of such deficiency, and in the case of any excessive payment to the Administrator, the Administrator shall promptly remit to the mortgagee or lender the amount of such excess.

(e) In the event the insurance shall terminate by reason of (1) the payment in full of the obligation or obligations secured by the mortgage or the obligation or obligations evidencing the loan in accordance with the terms of said obligation or obligations and of the mortgage or the loan agreement, as the case may be, or (2) the payment of the insurance to the lender or mortgagee, as the case may be, in full, in cash, pursuant to section 1105 (a) (1) or section 1105 (a) (2) of the act and the contract of insurance, then the obligation to pay premiums shall cease as of the date of such termination and any paid and unearned premiums shall be refunded to the lender or mortgagee, as the case may be. In the event the insurance shall terminate for any other reason, the obligation to pay premiums shall cease as of the date of such termination and any paid and unearned premiums shall not be refunded.

(f) The lender or mortgagee shall pay or be liable to pay premiums as provided in this section, but in the case of each such payment or liability only to the extent of the amount required therefor and then or theretofore paid by the borrower to the lender or by the mortgagor to the mortgagee, as the case may be.

§ 298.11 *Applicability of the regulations in this part.* (a) The regulations in this part shall be applicable to all applications for insurance, commitments to insure and contracts of insurance (except as to the latter where entered into pursuant to a prior commitment) made, issued or entered into after the effective date of this part, and all mortgages and loans covered thereby, except as may be otherwise required or approved by the Administrator and provided in said applications, commitments, contracts, mortgages and/or loans (including as to the latter, the loan agreements).

(b) The regulations in this part supersede Part 296 of this title and General Order No. 29 (as amended) dated April 13, 1939 (4 F. R. 1621) as of the effective date of this part, but shall not affect any commitment to insure or contract of insurance issued or entered into prior to said effective date, or any mortgage or loan covered thereby, including the provisions of any rules and regulations forming a part of or otherwise applicable to any such commitment, contract, mortgage or loan.

(c) The regulations in this part may be amended by the Administrator at any

time. No such amendment shall affect any commitment to insure or contract of insurance theretofore issued or entered into or any mortgage or loan covered thereby, including the provisions of any rules and regulations forming a part of or otherwise applicable to any such commitment, contract, mortgage or loan, but all such amendments shall be effective as to any application for insurance, commitment to insure or contract of insurance (except as to the latter where entered into pursuant to a prior commitment) made, issued or entered into after the effective date thereof, and any mortgage or loan covered thereby, except as may be otherwise approved by the Administrator and provided in said application, commitment, contract, mortgage and/or loan (including as to the latter, the loan agreement).

(d) Nothing in the regulations in this part shall be deemed to impose any obligations on the United States, the Secretary of Commerce, the Administrator, or the Administration in addition to those contained in Title XI of the act or other provisions of law or the contracts or commitments entered into under the authority of said Title XI.

Effective date. The regulations in this part shall be effective 30 days after publication (in form as finally adopted) in the FEDERAL REGISTER.

[F. R. Doc. 57-6295; Filed, Aug. 1, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12064]

RADIO BROADCAST SERVICES

TECHNICAL STANDARDS CONCERNING POWER LIMITATION OF CLASS IV AM BROADCAST STATIONS

In the matter of amendment of Part 3 of the Commission's rules and regulations and Technical Standards Concerning the Power Limitation of Class IV AM Broadcast Stations; Docket No. 12064.

The Commission has before it for consideration the request of Community Broadcasters Association, Inc., filed on July 24, 1957, for an extension of time to October 1, 1957, for the filing of comments in the above-entitled proceeding.

On June 24, 1957, the Commission, upon petition of Community Broadcasters Association, Inc., released a Notice of Proposed Rule Making in this proceeding specifying that interested parties may file comments on or before August 2, 1957. Community in its subject request submits that the proceeding involves detailed study of the entire radio broadcast structure as it affects Class IV stations and that its legal and engineering counsel require additional time within which to complete their studies and prepare comments.

The Commission believes, in light of the complex and far-reaching problems involved in the amendments proposed in this proceeding, that the requested extension of time for submitting comments with respect to the amendments is warranted and will not unduly delay the proceeding.

In view of the foregoing: *It is ordered*, That the aforesaid request of Community Broadcasters Association, Inc., is granted and that the time for filing comments in the above-entitled proceeding is extended from August 2, 1957, to October 1, 1957, with reply comments to be filed within 20 days from the last date for filing original comments.

Adopted: July 25, 1957.

Released: July 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6318; Filed, Aug. 1, 1957; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 12114; FCC 57-810]

TELEVISION BROADCAST STATIONS; HIBBING-BEMIDJI, MINN.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, (Hibbing-Bemidji, Minnesota); Docket No. 12114.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has under consideration § 3.606 *Table of assignments*, Television Broadcast Stations, with specific regard to the community of Hibbing, Minnesota. The Commission is of the view that it should examine the possibility of providing a VHF assignment for Hibbing. One method of accomplishing this would be the assignment of Channel 13 to Hibbing by substituting Channel 9 for Channel 13 at Bemidji, Minnesota, as follows:

City	Channel No.	
	Present	Proposed
Bemidji, Minn	13-, 24-	9, 24-
Hibbing, Minn		13-

This proposal would require the substitution of Channel 8 for Channel 9 at Kenora, Canada.

3. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data.

4. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 23, 1957, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

6. In accordance with the provisions of § 1.764 of the rules, the original and 14 copies of all written comments shall be furnished the Commission.

Adopted: July 25, 1957.

Released: July 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6319; Filed, Aug. 1, 1957; 8:50 a. m.]

[47 CFR Part 4]

[Docket No. 12116; FCC 57-830]

EXPERIMENTAL, AUXILIARY, AND SPECIAL SERVICES

OPERATION OF LOW POWER TELEVISION BROADCAST REPEATER STATIONS

In the matter of amendment of Part 4 of the Commission's rules and regulations to permit the operation of Low Power Television Broadcast Repeater Stations; Docket No. 12116.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On June 27, 1957, the Commission adopted a Memorandum Opinion and Notice of Further Proposed Rule Making in Docket No. 11331 instituting further rule making on proposed rules for UHF boosters designed to fill in shadow areas within the Grade A contours of UHF stations but rejecting proposals which had been advanced in that proceeding for VHF boosters. Governor McNichols of Colorado in a document dated July 2, 1957, labeled "Amended and Supplemental Petition to Petition of May 15, 1957," requests that hearings be held for the purpose of establishing, on the basis of engineering evidence, that VHF boosters are preferable and better adapted to geographical conditions in the West than UHF translators. The Commission treated Governor McNichols' pleading as a petition for reconsideration and, to the extent that he seeks rule making on proposals for VHF boosters, the Commission has this day granted it.

3. Governor McNichols submits that VHF boosters are less expensive and offer means for providing television service at a relatively low cost to the sparsely settled areas of the Far West now without service. He maintains that while UHF translators may be desirable for other sections of the country they are ill-suited for the rugged, mountainous terrain prevalent in the Far West and urges that there is no reason why both translators and VHF boosters should not be authorized, with each employed where appropriate. He asserts that technical advances have been made in the manufacture of booster equipment and submits that the operation of VHF boosters can be adjusted to meet standards that would be promulgated by the Commission.

4. The Commission's Notice of Rule Making initiating the proposal for UHF boosters in Docket No. 11331 proposed the operation of UHF boosters designed to fill in shadow areas of UHF stations. Nevertheless many parties, including Governor McNichols, filed comments urging the authorization of VHF boosters. The bulk of the comments, however, were not supported by adequate engineering data and failed to suggest appropriate performance standards for equipment. In addition, the great majority of unauthorized booster installations investigated by the Commission were found to consist of such poorly designed apparatus that interference to other stations and services would be highly likely. The Commission felt compelled, therefore, on the basis of the information available to it at that time, to reject the proposals which urge the authorization of the types of operations being conducted by the unauthorized VHF boosters prevalent in the Far West.

5. The Commission was of the view further, on the basis of the information in the record, that applying the same types of restrictions and safeguards to the operation of VHF boosters as have been applied to UHF translators, with a view to minimizing the possibility of interference, would not solve the problem. The translators operate in the uncongested top 14 UHF channels where operating requirements and equipment standards can safely be reduced to the barest minimum with little danger of harmful interference to other stations and services. VHF boosters, on the other hand, would operate in a highly congested portion of the spectrum and one in which the channels allocated for television have been interspersed with frequencies allocated to other service, including those devoted to the protection of life and property. The Commission concluded, therefore, that the equipment and operating requirements for VHF boosters could not be sufficiently relaxed to make them feasible for providing low cost service to sparsely settled areas. On the other hand, failure to provide adequate equipment and operating standards would risk creating harmful interference to other important and vital services. Accordingly, on the basis of the information then available, the Commission rejected proposals for VHF boosters.[1]

6. Governor McNichols now asks that we afford the proponents for VHF boosters an opportunity to demonstrate by the submission of engineering evidence that VHF boosters can meet the standards promulgated by the Commission and can provide service to the public without causing harmful interference.

7. The Commission has been vitally concerned with the problem of bringing television service to all sectors of the nation, both large cities and sparsely settled regions. Much of our time in the past few years has been spent on this problem. Last year we authorized a new type of service—UHF translators—with a view to serving sparsely settled areas unable to support their own stations and beyond the range of existing stations. Our experience since the adoption of the new translator rules indicates that they offer great promise of making television service available to many areas now lacking it. But Governor McNichols argues that translators are not suitable for all areas—especially the rugged terrain found in many sectors of the Far West—and asks for the opportunity of demonstrating that VHF boosters along with translators, should be authorized. Upon its reconsideration of this matter the Commission has concluded that rule making should be initiated to consider the feasibility of authorizing low power TV repeater stations employing either VHF or UHF channels. Accordingly, the Commission is proposing the adoption of rules, as set out below, governing a new type of service—Low Power Television Broadcast Repeater Stations.

8. The proposed new rules endeavor to provide a low power television repeater service which would authorize the operation of low power stations in any area where the signal of a regular television broadcast station is of such low intensity, due to the distance or terrain shadowing involved, that it is unuseable. Such low power stations would be authorized to operate on the same channel as the station being rebroadcast, or on any other television broadcast channel, under conditions relating to the equipment to be used and the operational parameters, as well as safeguards against interference to other radio services and direct reception of television signals from other stations. Thus, repeater stations could be used to rebroadcast the signals of television broadcast stations on any television channel and in any location, provided no interference is caused and specified conditions are met.

9. The proposed power limitation for low power television repeater stations is one watt input to the plate of the final radio frequency amplifier. The Commission believes that this limitation is required to insure a minimum amount of interference to other radio services and direct reception from television broadcast stations. Provision is made for the use of directional antennas, which further protect against interference while at the same time permit the signal in the desired direction and location to be enhanced. No maximum antenna height is proposed.

10. The proposed licensing and operating requirements for repeaters are reduced to the barest minimum consistent with the need for protection against interference in an effort to keep costs as low as possible. The equipment must be type approved. This can be accomplished by a manufacturer sending a sample transmitter to the Commission's laboratory in Laurel, Maryland. Provision is made for remote control operation, provided the equipment meets certain additional requirements for this type of operation. Where remote control operation is utilized, and the equipment is approved for automatic operation at a remote control point, an operator holding a license of any grade may make the necessary observations at the control point. However, in all other cases the rules would require a licensed operator holding a first or second class license.

11. Low power television repeater stations would be licensed to any qualified individual, group of individuals, existing station licensees, etc. The proposed rules permit more than one repeater to be licensed to the same applicant, whether or not for the same area. No maximum number of repeaters to be licensed to the same applicant is specified.

12. The Commission believes that the public interest, convenience and necessity would be served by rule making in this matter and is proposing the adoption of the amendments set out in the Appendix attached hereto. Although Governor McNichols requests that hearings on this matter be held in Colorado, it is felt that, at least in this initial stage, the proceeding can be better accomplished on the basis of written comments directed toward the proposed rules. The Commission will determine at a later date what further proceedings, including oral hearings or demonstrations, may be necessary or desirable.

13. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), (p) and (r) and 307 (b) of the Communications Act of 1934, as amended.

14. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before October 1, 1957, a written statement setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within 30 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

15. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished to the Commission.

Adopted: July 29, 1957.

Released: July 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Part 4 of the Commission rules as follows:

1. Add a new subparagraph (3) to § 4.1 (c) to read as follows:

(3) Low Power Television Broadcast Repeater (Subpart I).

2. Add a new paragraph (e) to § 4.11 to read as follows:

(e) If application is for construction permit for a new low power television

[1] For the same general reasons the Commission rejected proposals for VHF translators in the translator rule making proceeding in Docket No. 11611.

broadcast repeater station or to make changes in an existing station, FCC Form 325 shall be filed; if for a station license, FCC Form 326 shall be filed; if for renewal of station license, FCC Form 327 shall be filed.

3. Add a new class of station to the list in paragraph (a) of § 4.18 as follows:

Low power television broadcast repeater station:	October 1.

4. Delete paragraph (a) of § 4.20 and substitute the following:

§ 4.20 *Renewal of license.* (a) Unless otherwise directed by the Commission each application for renewal of license of an auxiliary broadcast station or a television broadcast booster station shall be filed at the same time the renewal of license of the broadcast station with which it is associated is filed; and each application for renewal of license of any other service covered by this part shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

5. Delete § 4.21 and substitute the following:

§ 4.21 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation or proceeding which after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing license authorized by this part, the Commission may, in its discretion, grant a temporary extension of such license: *Provided however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

6. Delete paragraph (a) of § 4.22 and substitute the following:

§ 4.22 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new station, or for change of existing service or facilities authorized by this Part, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

7. Delete paragraph (a) of § 4.23 and substitute the following:

§ 4.23 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of a construction permit or license for a service authorized by this part or for consent to voluntary transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control) or FCC Form 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control, and except for an experimental broadcast station, shall be filed at the same time as the application for transfer of control of the broadcast station with which it is associated is filed.

8. Add a new § 4.24 to read as follows:

§ 4.24 *Antenna structures.* (a) Applications for construction permits or modification of construction permits shall be accompanied by FCC Form 401–A in triplicate in all cases when:

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure other than an antenna structure and does not increase the overall height of such man-made structure by more than 20 feet, or

(2) The antenna structures proposed to be erected will exceed an overall height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure (other than an antenna structure) or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet.

(b) Description of antenna structure: When required to be submitted, by the terms of paragraph (a) of this section, FCC Form 401–A shall be submitted in triplicate. There shall be attached to each copy of the form a sketch showing the antenna and supporting structure as well as a map showing the location of the antenna, landing areas in the vicinity thereof, and all tall structures that may affect the requirement for marking the antenna or supporting structure.

9. Add a new Subpart I to read as follows:

SUBPART I—LOW POWER TELEVISION BROADCAST REPEATER STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

Sec.
4.901 Definitions.
4.902 Frequency assignment.
4.903 Interference.

ADMINISTRATIVE PROCEDURE

4.911 Administrative procedure.

LICENSING POLICIES

4.931 Purpose and permissible service.
4.932 Eligibility and licensing requirements.
4.933 [Reserved]
4.934 Remote control operation.
4.935 Power limitations.
4.936 Emission and bandwidth.
4.937 Antenna location.

EQUIPMENT

4.950 Equipment and installation.
4.951 Equipment changes.

TECHNICAL OPERATION

4.961 Frequency tolerance.
4.962 Frequency monitors and measurements.
4.963 Time of operation.
4.964 Station inspection.
4.965 Posting of station and operator's licenses.
4.966 Operator requirements.
4.967 Marking and lighting of antenna structures.
4.968 Additional orders.
4.969 Copies of rules.

OPERATION

4.981 Station records.
4.982 [Reserved]
4.983 Station identification.
4.984 Rebroadcasts.

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.901 *Definitions.* (a) Low power television broadcast repeater station: A broadcasting station operated solely for the purpose of receiving and retransmitting the signals of a television broadcast station by means of apparatus having a power input to the plate of the final radio frequency amplifier not in excess of 1 watt.

(b) Primary station: The television broadcasting station radiating the signals which are retransmitted by a low power television broadcast repeater station.

§ 4.902 *Frequency assignment.* (a) A low power television broadcast repeater station may be assigned any television broadcast channel.

(b) No minimum distance separation is specified for low power television broadcast repeater stations. However, the separation shall in all cases be adequate to prevent interference to other stations broadcasting or rebroadcasting television programs.

§ 4.903 *Interference.* (a) An application for a new low power television broadcast repeater station or for changes in the facilities of an existing station shall contain a satisfactory showing that the proposed operation can be conducted without causing interference to the reception of any existing broadcast or non-broadcast station. The showing shall be prepared by a competent electronics engineer or technician and shall include:

(1) Information as to the call sign, channel number, and location of any television broadcast station, television broadcast translator station, television broadcast booster station, or other low power television broadcast repeater station which may be received at any location within 25 miles of the site of the proposed operation together with an accurate estimate of the number of persons obtaining such reception.

(2) A suitable map of the area within 25 miles of the site of the proposed station showing the location of the proposed station, inhabited areas, and terrain features.

(3) Information as to the extent to which the directive properties of individual home receiving antennas will be used to eliminate interference and the approximate number and location of individual receiving installations existing and potential, which may be affected.

(b) The licensee of a low power television broadcast repeater station shall assume full responsibility for satisfying all valid complaints of interference. For the purpose of this rule, interference will be considered to exist when the transmissions of the repeater station repeatedly interrupts or otherwise degrades reception of a useable signal. In the case of television, a signal will be considered useable if it is received with sufficient strength to control the vertical and horizontal synchronizing circuits of the affected TV receiver. The licensee of the repeater station will be expected to provide such technical assistance and materials as may be necessary to restore the service lost because of interference by the repeater either by modifying the installation so as to reject the interfering signal from the repeater or so as to obtain the desired service from the repeater without interference from the direct signal: *Provided, however,* The licensee of the repeater station is not obligated to modify existing receiving antenna installations to take advantage of improved service which may be obtained from the repeater. Refusal of a complainant to permit the application of remedies which are demonstrably capable of eliminating interference will relieve the licensee of the repeater station of further responsibility for the correction of the interference to that complainant.

(c) A low power television broadcast repeater station will not be protected from interference from other classes of television broadcast stations. Applicants shall cooperate with licensees of other low power television broadcast repeater stations in the area, in the selection of channels and the location and installation of apparatus so as to minimize the probability of mutual interference. If interference between low power television broadcast repeater stations develops the licensees shall resolve it by mutual agreement. If unable to reach such agreement the Commission will require an equitable time sharing arrangement.

(d) It shall be the responsibility of the licensee of low power television broadcast repeater station to correct any condition of interference caused by the radiation of radio frequency energy outside its assigned channel or resulting from interference with direct reception of signals from television broadcast stations. Upon notice by the Commission that such interference is being caused, operation of the repeater station shall be suspended and shall not be resumed until the interference has been eliminated, or it can be demonstrated that the interference is not due to any of the above causes: *Provided, however,* That short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

(e) In each instance where suspension of operation is required, the licensee of the repeater shall submit a full report to the Commission, after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

ADMINISTRATIVE PROCEDURE

§ 4.911 *Administrative procedure.* See §§ 4.11 to 4.24 inclusive.

LICENSING POLICIES

§ 4.931 *Purpose and permissible service.* (a) A low power television broadcast repeater station will be authorized solely for the purpose of receiving and retransmitting the signals of a television broadcast station for direct reception on conventional TV receivers by the general public. The signals may not be altered in any way as to content or technical characteristics other than frequency and amplitude. Independent transmissions by the repeater station are forbidden except for the use of locally generated signals to actuate the apparatus in connection with maintenance tests and measurements of limited duration.

(b) Adequate precautions shall be taken to prevent the retransmission of signals other than those of the primary station.

(c) Low power television broadcast repeafer stations may not be used for the relaying of television signals to other stations.

§ 4.932 *Eligibility and licensing requirements.* (a) A license for a low power television broadcast repeater station may be issued to any qualified individual, organized group of individuals, broadcast station licensee or local civic governmental body, upon an appropriate showing that plans for financing the installation and operation of the station are adequate to insure continuation of the operation for the period of the license.

(b) A low power television broadcast repeater station will not be authorized to duplicate the service provided by a television broadcast translator station in any area served by such stations.

(c) More than one low power television broadcast repeater station may be licensed to the same applicant whether or not such stations serve substantially the same area, upon an appropriate showing of need for such additional stations.

(d) Only one channel will be assigned to each low power television broadcast repeater station. Additional low power television broadcast repeater stations may be authorized to provide additional reception. A separate application is required for each low power television broadcast repeater station and each application shall be complete in all respects.

§ 4.933 [Reserved.]

§ 4.934 *Remote control operation.* (a) Unless an operator holding a valid First or Second Class Radiotelephone operators license issued by the Commission is to be on duty at the place where the repeater apparatus is located at all times when the apparatus is in operation, the station will be considered to be remotely controlled. Remote control operation will be authorized only upon compliance with the following conditions:

(1) A control point shall be established within the area served by the repeater station at which a licensed radio operator of the grade specified above shall be stationed during all periods of operation.

(2) The control point shall be equipped with suitable apparatus to enable the operator on duty to observe the transmissions of the repeater station and detect any condition of improper operation which results in emissions outside the authorized channel or spurious emissions within the authorized channel and to correct such conditions from the control point.

(3) Means shall be provided at the control point so that the operator on duty may turn the transmitter on and off at will. This control circuit shall be so designed and installed that any failure of the circuit which results in loss of control will place the transmitter in a non-radiating condition.

(4) The transmitter and its associated controls shall be so installed and protected as to be inaccessible to unauthorized persons.

(b) Upon a satisfactory showing of need, the requirements above for constant attendance by a technically qualified licensed radio operator may be waived provided that apparatus approved for automatic operation pursuant to Section 4.950 is employed.

(c) In cases where such automatic operation is authorized, the control point need not be continuously manned or equipped with apparatus to detect the conditions of improper operation controlled by the automatic devices. However, observations shall be made at the control point within one hour after the repeater goes into operation and during operation at intervals not in excess of six hours by an operator holding a Restricted Radiotelephone Operators Permit or of the grades specified above, who shall take steps to promptly correct any condition of improper operation observed. The Commission shall be supplied with the name and telephone number of a person who can be contacted at any time during the license period of the repeater station and who can, upon instructions from the Commission, turn the transmitter off from the control point or the transmitter site within 15 minutes after such instructions are given.

§ 4.935 *Power limitation.* A low power television broadcast repeater station will not be authorized to operate with power in excess of 1 watt (d. c. plate current x d. c. plate voltage) input to the plate of the final radio frequency amplifier. Where a simple linear radio frequency amplifier is employed for the repeater transmitter, the overall gain of the amplifier shall not exceed 80 decibels.

§ 4.936 *Emissions and bandwidth.* (a) The license of a low power television broadcast repeater station will authorize transmission of the visual signal by amplitude modulation (A5) and the accompanying aural signal by frequency modulation (F3). The authorized bandwidth will be 6,000 kilocycles.

(b) Spurious emissions, including radio frequency harmonics, intermodu-

lation products, distortion products, radio frequency energy generated within the repeater apparatus, and signals resulting from the retransmission of signals received outside the channel of the primary station shall be attenuated at least 40 decibels below the peak amplitude of the retransmitted visual carrier of the primary station in all cases. Greater attenuation will be required if such spurious emissions cause interference to any authorized radio service.

§ 4.937 *Antenna location.* (a) An applicant for a new low power television broadcast repeater station or for a change in the facilities of an existing station shall endeavor to select a site which will provide a line-of-sight transmission path to the entire area intended to be served and at which there is available a suitable signal from the primary station or stations. The transmitting antenna should be placed above growing vegetation and trees lying in the direction of the area intended to be served to minimize the possibility of signal absorption by foliage.

(b) A site within 5 miles of the area intended to be served is to be preferred if the conditions in paragraph (a) of this section can be met.

(c) Consideration should be given to accessibility of the site at all seasons of the year and to the availability of facilities for the maintenance and operation of the low power television broadcast repeater station.

(d) Consideration should be given to the existence of strong radio frequency fields from other transmitters at the low power television broadcast repeater site and the possibility that such fields may result in the retransmission of signals originating on frequencies other than that of the primary station.

EQUIPMENT

§ 4.950 *Equipment and installation.* (a) An application for construction permit for a new low power television broadcast repeater station or for changes in the facilities of an existing station shall specify equipment which has been type approved by the Commission.

(b) Type approval will be granted only after tests have been made at the Commission's Laboratory, Laurel, Maryland. Manufacturers may submit a production model for type approval and such approval, if granted, will be considered to apply to all identical models manufactured under that type number. No change, either mechanical or electrical, may be made in any type approved apparatus without prior approval of the Commission upon appropriate application therefor. Type approval may be withdrawn at any time if the apparatus fails to meet the requirements under which type approval was granted.

(c) Type approval will be granted only if the apparatus meets the following requirements:

(1) The amplifiers shall be so designed that the overall electrical characteristics of the incoming signals will not be significantly altered upon retransmission except as to amplitude and/or frequency.

(2) The overall characteristics of the apparatus shall be such that emissions appearing on any discrete frequency more than 3 Mc above or below the upper and lower limits respectively of the assigned UHF channel, or more than 1 Mc above or below the upper and lower limits respectively of the assigned VHF channel, shall be attenuated no less than 40 decibels below the peak amplitude of the retransmitted visual carrier of the primary station, regardless of whether such emissions are generated within the repeater apparatus or are produced as the result of an external signal introduced into the input circuits of the repeater.

(3) Means shall be provided for measuring the d. c. plate current and d. c. plate voltage of the final radio frequency amplifier.

(4) The transmitter shall be mounted on racks or in totally enclosed frames protected as required by Article 810 of the national Electrical Code.

(d) Apparatus intended for automatic operation under the provisions of § 4.93 (b) shall meet the following additional requirements:

(1) The transmitter shall be equipped with suitable automatic circuits to maintain the operation essentially linear and the output constant within 1 db under conditions where the input signal varies 40 decibels.

(2) The transmitter shall be equipped with suitable automatic circuits which will place the apparatus in an inoperative condition should any normally non-oscillating circuit go into oscillation.

(3) The transmitter shall be equipped with suitable automatic circuits which will place the apparatus in an inoperative condition in the absence of both a visual and aural signal from the primary station.

(4) If frequency conversion is employed, the local oscillator shall be sufficiently stable to meet the requirements of § 4.961 (b).

(e) Any manufacturer desiring to submit a repeater for type approval shall supply the Commission with full specification details (two sworn copies) as well as the test data specified in this section. If this information appears to meet the requirements of the rules, shipping instructions will be issued to the manufacturer. The shipping charges to and from the Laboratory at Laurel, Maryland, shall be paid for by the manufacturer. Approval of a repeater will only be given on the basis of the data obtained from a sample repeater submitted to the Commission for test.

(1) In approving a repeater upon the basis of the tests conducted by the Laboratory, the Commission merely recognizes that the type of repeater has the inherent capability of functioning in compliance with the rules, if properly constructed, maintained, and operated.

(2) Additional rules with respect to withdrawal of type approval, modification of type approval equipment, and limitations on the findings upon which type approval is based are set forth in Part 2, Subpart F, of this chapter.

(f) The installation of a low power television broadcast repeater station shall be made only by, or under the direct supervision of, a qualified electronics engineer, and any repairs or adjustments made during or subsequent to the installation, which could result in improper operation, shall be made by or under the direct supervision of an operator holding a valid first or second class radiotelephone operators license issued by the Commission.

(g) The choice of transmitting and receiving antennas is left to the discretion of the applicant. In general the transmitting antenna should be designed to provide maximum signal over the area intended to be served and to minimize radiation over other areas, particularly those in which interference could be caused to the reception of other stations. The Commission reserves the right to require the use of a suitable directive transmitting antenna to confine the radiation to a given direction and area. In cases where the repeater station employs a simple linear radio frequency amplifier in which the input circuit is tuned to the same frequency as the output circuit, the installation shall be so arranged as to provide isolation between the antenna used for receiving the primary station and the transmitting antenna at least 20 decibels greater than the overall amplification of the linear amplifier. If the location and directive properties of the receiving and transmitting antennas are used to provide any part of this 20 decibel differential, the construction shall be sufficiently sturdy to withstand physical hazards such as exposure to the elements, falling objects, etc., which could damage the installation and diminish the electrical isolation between the input and output.

§ 4.951 *Equipment changes.* (a) Formal application (FCC Form 326) is required for any of the following changes:

(1) Replacement of the transmitter as a whole or any modification which could result in a change in the electrical characteristics or overall performance of the repeater station installation.

(2) A change in the transmitting antenna system, including the direction of radiation, directive antenna pattern, or transmission line.

(3) An increase in the authorized overall height of the antenna above ground of more than 20 feet or which will result in an overall height above ground of more than 170 feet.

(4) A change in the control point or control system.

(5) Any change in the location of the transmitter except a move within the same building or upon the same tower or pole, and any horizontal change in the antenna location of the transmitting antenna in excess of 500 feet.

(6) A change of frequency assignment.

(7) A change of authorized operating power.

(b) Other equipment changes not specifically referred to above may be made at the discretion of the licensee, provided that the Engineer in Charge of the radio district in which the low power television broadcast repeater station is located and the Commission's Washington, D. C. office, are notified in writing upon completion of such changes, and provided, further, that the changes are appropriately reflected in the next application for renewal of license of the low power television broadcast repeater station.

TECHNICAL OPERATION

§ 4.961 *Frequency tolerance.* (a) In cases where the channel assigned to a low power television broadcast repeater station is the same as that of the primary station, the visual and aural carrier frequencies of the retransmitted signals shall be identical with those of the primary station.

(b) In cases where the channel assigned to a low power television broadcast repeater station is not the same as that of the primary station the frequency of the transmitted visual and aural carriers shall be maintained within .01 percent of the assigned carrier frequencies if retransmission is of a UHF channel and within .005 percent of the assigned frequency if retransmission is on a VHF channel.

§ 4.962 *Frequency monitors and measurements.* The licensee of a low power television broadcast repeater station is not required to provide means for measuring the operating frequencies of the repeater transmitter. However, only equipment having the required stability will be approved for use.

§ 4.963 *Time of operation.* (a) A low power television broadcast repeater station is not required to adhere to any regular schedule of operation. However, the licensee of a repeater station is expected to provide a dependable service to the extent that such is within its control and to avoid unwarranted interruptions to the service provided.

(b) If causes beyond the control of the licensee require that a low power television broadcast repeater station remain inoperative for a period in excess of 10 days, the Engineer in Charge of the radio district in which the station is located shall be notified promptly in writing, describing the cause of failure and the steps taken to place the station in operation again, and shall be notified promptly when the operation is resumed.

(c) Failure of a low power television broadcast repeater station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuance of operation and the license of the station will be cancelled.

(d) A low power television broadcast repeater station shall not be permitted to radiate during extended periods when signals of the primary station are not being retransmitted.

§ 4.964 *Station inspection.* The licensee of a low power television broadcast repeater station shall make the station and the records required to be kept by this Part available for inspection by representatives of the Commission.

§ 4.965 *Posting of station and operators licenses.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation shall be posted in a conspicuous place in the room in which the transmitter is located so that all terms thereof are visible: *Provided:*

(1) If the transmitter is operated by remote control pursuant to § 4.934, the station license shall be posted in the above described manner at the control point.

(2) If the transmitter is installed so as to be exposed to the elements and posting of the license would result in its being so exposed, the license or a photo copy thereof may be kept in the possession of the operator in charge of the transmitter. If a photo copy is used, the original license shall be conveniently available for inspection by a representative of the Commission.

(b) The original of each station operator license shall be posted at the place where he is on duty: *Provided, however,* That if the original license of a station operator is posted at another radio transmitting station in accordance with the Rules governing that class of station and is there available for inspection by a representative of the Commission, a verification card (Form 758–F) is acceptable in lieu of the posting of such license: *Provided, further, however,* That if the operator in charge holds a restricted radiotelephone operator permit of the card form, he shall not post that permit but keep it in his personal possession.

§ 4.966 *Operator requirements.* (a) Except as provided in § 4.934 (b), the actual operation of a low power television broadcast repeater station shall be carried on only by an operator holding a valid First or Second Class Radiotelephone Operator License issued by the Commission.

(b) Any repairs or adjustments to a low power television broadcast repeater station which might result in improper operation of the equipment shall be made only by or under the direct supervision of a person holding a valid first or second class radiotelephone operator license issued by the Commission.

(c) The licensed operator on duty and in charge of a low power television broadcast repeater station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the low power television broadcast repeater station.

§ 4.967 *Marking and lighting of antenna structures.* The marking and lighting on antenna structures employed at a low power television broadcast repeater station, where required, will be specified in the authorization issued by the Commission. Part 17 of the Commission's rules sets forth the conditions under which such marking and lighting will be required and the responsibility of the licensee with regard thereto.

§ 4.968 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders, in each case as may be deemed necessary.

§ 4.969 *Copies of rules.* The licensee of a low power television broadcast repeater station shall have current copies and all outstanding amendments of Part 3, Part 4, and Part 17 of the Commission's rules available for use by the operator in charge, and is expected to be familiar with those rules relating to the operation of a low power television broadcast repeater station. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at nominal cost.

OPERATION

§ 4.981 *Station records.* (a) The licensee of a low power television broadcast repeater station shall maintain an operating log showing the following:

(1) Hours of operation.

(2) Call letters, channel, and location of primary station or stations.

(3) Time of periodic observation required by § 4.934 (a) (2), and operating conditions, signed by the operator making the observation.

(4) A record of all repairs, adjustments, maintenance, tests, and equipment changes, showing the date of such events, the names and qualifications of the person performing the operation and a brief description of the matter logged.

(b) Where an antenna structure is required to be illuminated, see § 17.38 of this chapter.

(c) The operating log shall be made available upon request to any authorized representative of the Commission.

(d) Station records shall be retained for a period of two years.

§ 4.983 *Station identification.* (a) The call sign of a low power television broadcast repeater station shall be transmitted in international Morse Code at the beginning and end of each period of operation and during operation, within 5 minutes of the hour and half hour. Transmission shall be accomplished by means of an automatic keying device which will turn the visual and aural carriers on and off in the proper sequency.

(b) The Commission may, in its discretion, specify other means of station identification.

(c) Call signs for a low power television broadcast repeater station will be made up of the initial letter K or W followed by the channel number assigned to the repeater and two letters. In the case of Channels 2 through 9, the channel number shall be preceded with the digit 0, e. g., 02, 03, etc. The use of the initial letter will generally follow the pattern used in the broadcast service. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered.

§ 4.984 *Rebroadcasts.* (a) The term "rebroadcast" means the reception by radio of the programs or other signals of a radio or television station and the simultaneous or subsequent retransmis-

sion of such programs or signals for direct reception by the general public.

(b) The licensee of a low power television broadcast repeater station shall not rebroadcast the programs of any television broadcast station or other low power television broadcast repeater station without obtaining prior consent of the station whose signals or programs are proposed to be retransmitted. The Commission shall be notified of the call letters of each station rebroadcast and the licensee of the low power television broadcast repeater station shall certify that express authority has been received from the licensee of the station whose programs are retransmitted.

(c) A low power television broadcast repeater station is not authorized to rebroadcast the transmissions of any class of station other than a television broadcast station or another low power television broadcast repeater station.

[F. R. Doc. 57-6320; Filed, Aug. 1, 1957; 8:50 a. m.]

[47 CFR Part 9]

[Docket No. 12115; FCC 57-824]

AVIATION SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 9.433 (b) (6), Part 9 *Aviation services*, to make the frequency 127.3 Mc secondarily available for international enroute operations on the east coast of the United States; Docket No. 12115.

1. Notice is hereby given of proposed rule making in the above-captioned matter.

2. It is proposed to amend Part 9 of the Commission's rules, as shown below, to make provision for the use of the frequency 127.3 Mc for international aeronautical en route operations on the east coast of the United States, on a secondary basis to domestic operations.

3. At the present time, the only very high frequency available exclusively for international aeronautical en route operations is 126.9 Mc.

4. During the past ten years, international air carrier operations have increased substantially, and Aeronautical Radio, Inc. (ARINC) has represented that the frequency 126.9 Mc is presently congested in the Miami area.

5. In order to enhance the safety of life and property, ARINC has requested the Commission to make 127.3 Mc available for international enroute communications on the east coast of the United States.

6. It appears that the use of 127.3 Mc for international enroute communications in the manner requested is compatible with the existing U. S. domestic operations on the same frequency.

7. Annex 10 to the Convention on International Civil Aviation (Chicago, 1944) recommends use of the frequency 127.3 Mc for international enroute communications service where communications service on the existing international frequency 126.9 Mc is inadequate.

8. The proposed amendment is issued pursuant to the authority contained in sections 303 (c), (h), and (r) of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 3, 1957, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

10. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 25, 1957.

Released: July 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 9, Aviation Services, as indicated below:

Delete subparagraph (6) of § 9.433 (b) and substitute a new subparagraph (6) to read as follows:

(6) *Common frequencies.*

126.9 Mc (for use by aeronautical en route stations serving international operations).

127.3 Mc (for use, on a secondary basis to operations on domestic routes, by aeronautical en route stations serving international operations on the east coast of the United States).

129.5 Mc (for use on all chains).

[F. R. Doc. 57-6321; Filed, Aug. 1, 1957; 8:50 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a facility license pursuant to section 104 (b) of the Atomic Energy Act of 1954, to General Electric Company substantially in the form set forth as Annex "A" unless within thirty (30) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR, Part 2). There is included as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the facility and the principal factors considered in reviewing the application for a license. A construction permit authorizing General Electric Company to construct the facility was issued by the Commission on May 14, 1956, and a license was issued on July 29, 1957, pursuant to section 104 (c) of the act, authorizing operation as a critical experiments facility. For further details see the application for license at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C., this 30th day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX A

LICENSE

No. DPR-1

1. Pursuant to the Atomic Energy Act of 1954 (hereinafter "the act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter "the Commission") has found:

a. That the utilization facility authorized for construction by Construction Permit No. CPPR-3, dated May 14, 1956, and issued to the General Electric Company (hereinafter "GE"), has been constructed and will operate in conformity with the application as amended and in conformity with act and the rules and regulations of the Commission;

b. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

c. GE is technically and financially qualified to operate the facility.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses GE:

a. Pursuant to section 104 (b) of the Atomic Energy Act of 1954, and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as a utilization facility the nuclear reactor designated below;

b. Pursuant to the act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to receive, possess and use 25 kilograms of contained uranium 235 in the form of uranium-oxide as fuel for operation of the facility;

c. Pursuant to the act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," to possess, but not to separate such byproduct material as may be produced in the operation of the facility.

3. This license applies to the facility which is owned by GE and located in Alameda County, California, and described in GE's application dated January 10, 1956, revision

to the application dated February 28, 1956, and amendments to the application, as revised, filed on January 29, 1957, March 11, 1957, April 15 and 22, 1957, June 13 and 26, 1957, July 1, 5 and 12, 1957 (hereinafter "the application").

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

5. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

6. This license is effective as of the date of issuance and shall expire at midnight May 14, 1963, unless sooner terminated.

7. This license supersedes License No. CX-2 issued to GE on July 29, 1957.

For the Atomic Energy Commission.

Director,
Division of Civilian Application.

Date of issuance:

APPENDIX A

I. *Operating Restrictions.* Unless further authorized by the Commission:

a. GE shall operate the facility in accordance with the procedures described in the application.

b. GE shall not operate the facility at thermal power levels in excess of 20,000 kilowatts.

II. *Records.* In addition to those otherwise required under this license and applicable regulations, GE shall keep the following records:

a. Facility operating records, including power levels.

b. Records showing radioactivity released or discharged into the air or water beyond the effective control of GE as measured at the point of such release or discharge.

c. Records of emergency scrams, including reasons for emergency shutdowns.

III. *Reports.* The licensee shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

ANNEX B

MEMORANDUM

Description of facility—1. *General.* The license application and subsequent amendments submitted by the General Electric Company for the Developmental Boiling Water Reactor at the Vallecitos Atomic Laboratory describe the site, facility and operations planned. An earlier license authorized operation of the reactor as a critical facility for specific experiments up to a power level of 1 kw. In a notice published on July 12, 1957, in the FEDERAL REGISTER indicating the Commission's intention to grant a license for the critical experiments, a description was given of the reactor location, general features of the facility, and characteristics of the reactor relevant to its operation in critical experiments. In the description below, only those features which are different and specifically relevant to power operation will be discussed.

Specifically, the site, general facility and reactor descriptions of the previous publication are directly applicable except for the following:

a. The head will be installed on the reactor pressure vessel replacing the temporary "spider" used during the critical experiments. The system will be operated at temperatures and pressures up to about 545° F. and 1,000 psi, respectively. Convection and forced circulation of the coolant will be used with single and dual steam cycles.

b. The containment building will be sealed and precaution will be taken to maintain its integrity. This will include evacuation of all personnel and complete sealing, with the ventilation system turned off, during the first approach to high pressure operation. In subsequent operation, normal ventilation and personnel access procedures will be followed

c. The core will nominally consist of stainless steel-clad UO_2 platetype fuel elements. However, as part of a program of fuel development, one rod-type element of UO_2 pellets clad with zirconium alloy will be used throughout a portion of the core lifetime.

d. A pressure balancing line will be utilized between the reactor pressure vessel and a chamber on the top of the control rod drives. This will permit insertion of the control rods without operating against the full reactor pressure.

e. Instrumentation previously installed inside the reactor vessel for the critical experiments will be re-installed in the normal positions outside the reactor tank.

2. *Water and steam flow.* Under power operation heat is removed from the reactor core by water which enters at the bottom of the fuel elements and is heated as it rises through the elements. At some point during the passage through the element the water will start to boil. The water and steam will continue to rise through the remainder of the element and in the chimney that is provided above the element. After leaving the chimney the water will flow downward around the outside of the core to re-enter at the bottom in natural convection circulation. For forced circulation, baffles are inserted to prevent this downward flow, and circulation from above the elements to a position below the baffles is achieved by a pump, through an external circuit. Steam leaves the vessel through a pipe near the top of the reactor vessel. A moisture baffle is provided which removes most of the entrained water. The saturated steam then flows through a 6-inch carbon steel line containing a flow nozzle, an isolation valve, a steam pressure reducing station (1,000 psi to 450 psi) and a centrifugal purifier. The purifier raises the quality of the steam to 99.5 percent before delivery to the steam turbine. The turbine has ten stages, operates at 3600 rpm and drives a generator capable of delivering 5200 kw at 2200 volts.

The steam enters the turbine through the main throttle valve which has the dual functions of throttling steam to the turbine during startup and of trip-closing under certain emergency conditions in the turbine-generator plant. The steam passes from the throttle valve through the governor control-valve to the high pressure end of the turbine and to the condenser. Water from the hot well passes through filters, and a portion passes through demineralizers and oxygen removal equipment as necessary, then to the reactor by feedwater pumps. In normal operation, in order to maintain constant pressure on the reactor, a portion of the high pressure steam flows continually through a bypass line directly to the condenser. The amount of this flow is regulated by a throttle-valve in the line which is controlled by the reactor pressure. In the event of closure of the turbine throttle valve, all the steam flows through the bypass line directly to the condenser. Non-condensable gases are removed from the main condenser by air ejectors and discharged through a ten-minute hold-up tank to the stack.

Dual cycle operation of the system will be simulated by simultaneous production of steam directly in the reactor and in a steam generator using hot water from the reactor vessel. The steam produced directly in the reactor is delivered to the turbine as noted above but the steam produced in the generator is exhausted to the stack. The steam generator is located in the containment vessel and hot water is circulated to it by means of the forced circulation loop. The steam generator can be used either with forced circulation with the reactor baffles installed or with circulation of a portion of the water through the external loop while the reactor is being cooled by internal natural convection circulation.

3. *Instrumentation and control.* The nuclear instrumentation consists of a total of six channels. These indicate neutron level during reactor startup, low-level operation, power operation, and supply reactor power level and period protection. The detectors are located in metal sleeves which extend through the concrete shielding in front of the reactor vessel at the center of the core and "look at" the reactor core through a flux "window" created by a 12-inch diameter stainless steel-clad aluminum cylinder projecting inward through the vessel wall to a point six inches from the three-foot core. This "window" provides a neutron path free from the variable attenuation which would result from density changes in an equivalent water path.

The reactor startup system is interlocked to prevent withdrawal of control rods until the low-level channels are operating and counting at a pre-chosen level. This level is normally provided by a neutron source.

The reactor will be scrammed by the following incidents: loss of electrical power; 125 percent of full power; short period when the reactor power is at 10 percent or less of full power; activity in the container air higher than either of two pre-set levels; activity in the stack gas higher than either of two pre-set levels; high activity in the steam; low water level in the reactor vessel; seismographic signal; high steam flow; high building pressure; high condenser pressure; low recirculating water flow (optional); loss of control rod air pressure; and short circuit or severing of ion chamber cable.

The isolating valves in the building ventilation lines close automatically as a result of the following incidents: loss of electrical power; very high air activity; very high stack gas activity; and high building pressure.

The steam line isolating valve closes, which sends the steam to the emergency heat exchanger, in response to the following incidents: loss of electrical power; very high stack gas activity; high steam activity; low water level in reactor vessel; seismographic signal; high steam flow; high building pressure; high condenser pressure; and low condenser circulating water pressure.

4. *Containment.* The reactor containment building is a vertical cylindrical vessel 48 feet in diameter and 99 feet high with hemispherical heads. The lower 85 feet, containing the reactor shielding and steam generating equipment, is below grade level and is supported on a dished concrete pad. An 18-inch thick, three section steel missile shield is installed over the reactor vessel. The container is an ASME code vessel with certain exceptions, such as: no internal pressure relief devices are installed; vessel as a whole will not be stress relieved as required for vessels containing lethal gases; no allowance is made for corrosion.

The vessel is designed for a pressure of 45 psig at 292° F. with a seismic factor of 0.134 g. It was tested at 56.25 psig before the penetrations were installed and stress measurements indicated no excessive stresses. A leak rate of less than 1 percent of its volume per day was indicated at 45 psig, which is within the design specification of less than 1 percent per day at 20 psig. After installation of the equipment access port and prior to startup of the reactor, a final pressure test will be made to confirm the leakage rate. Pressure tests will be repeated after major modifications or repairs to the vessel or any other time that the applicant feels necessary.

The vessel is ventilated normally through a 24-inch inlet duct through the vessel wall, and a 24-inch outlet duct leading to a stack extending 70 feet above the ground.

The ducts are equipped with isolation valves that close automatically in about 0.5 seconds when activated by incidents previously described. The automatic valves are backed up by manually operated valves.

Operation of the facility. Operation of the BWR will be limited to a maximum power level of 20,000 thermal kw maximum with the average power during any ten-hour period not to exceed 12,000 thermal kw. Power operation will be initiated only after results of the critical experiments are analyzed and compared with physics calculations to assure that there are no major discrepancies which might have a bearing on safety. For example, the reactor will not be operated with known positive void or temperature coefficients of reactivity. If major discrepancies are revealed, data will be analyzed and a new hazards evaluation report issued for AEC review before operation at significant power.

When satisfactory nuclear parameters have been confirmed the reactor will be brought up to pressure at low power using natural circulation of the coolant. Following this, the instruments, controls and equipment will be rechecked for calibration and operability at pressure. Flux and void distributions will be measured at temperature and pressure. The stability of the reactor will be determined during gradual load changes. Operating stability of the reactor against "chugging" phenomena will be determined at pressures of 600 to 1,100 psia. Serious "chugging" during operation will scram the reactor and the cause will be determined and corrective measures taken before operation is continued.

Later programs will include operation with forced circulation and dual cycle. This will be followed by operation with one rod-type UO_2 fuel element substituted for a central plate-type element. Flux patterns will be determined at low power to limit the maximum heat flux in the rod-type element to 370,000 BTU/sq. ft./hr. This heat flux provides an adequate safety factor to prevent burn-out and a possible zirconium-water reaction under normal transient conditions. The rod-type fuel element will be tested for a long term burn-up with new plate-type fuel added to the core to compensate for burn-up.

The control system will be interlocked in such a manner that the control rods cannot be withdrawn without a neutron source of sufficient strength to produce an adequate counting rate for start-up.

The estimated schedule for the operation is:

Power start-up—two weeks.

Natural circulation testing—one month.

Dual cycle and forced circulation testing—one month.

Fuel testing—over one year.

Safety considerations. The reactor is expected to have favorable nuclear characteristics and inherent stability throughout the operations planned by the applicant. We agree with the applicant that the inherent stability of the reactor and safeguards provided will make it possible for the reactor to be operated without undue hazard to the health and safety of the operating personnel or the public. The principal factors contributing to this conclusion are discussed in subsequent portions of this report.

An analysis by the applicant has shown that the BWR has considerable similarity in its nuclear behavior to that exhibited by the Borax I and Borax II reactors. These reactors have been demonstrated to be inherently safe and stable as operating reactors and have inherent shutdown mechanisms for protection against transients caused by rapid insertion of reasonable amounts of reactivity. In addition the BWR is similar to the EBWR that has been operated for several months by the Argonne National Laboratory, except the latter is operated at lower pressures (300 psi v. 1,000 psi) and without forced cooling. The EBWR has been demonstrated to be a stable operating reactor. It is expected that higher pressure and forced cooling will add to the stability of BWR.

Furthermore, by what appears to be reasonable comparison and calculation, the applicant has demonstrated that the BWR reactor would not be seriously damaged and very few, if any, fission products would be released, even if a step increase of 1.7 percent reactivity should be experienced. He has also shown to our satisfaction that there are no credible accidental mechanisms by which excess reactivity approaching the equivalent of 1.7 percent step change could be inserted. Some of the worst situations which might develop are discussed later.

The reactor will not be vulnerable to a metal-water reaction during the initial operating period since the core is made of stainless steel and uranium dioxide. It will later be operated with one zirconium-clad fuel element. The amount of zirconium will be about 14 pounds which could yield only a relatively small amount of energy in a metal-water reaction.

The reactor will be operated with negative void and temperature coefficients of reactivity at all times. Determination of these coefficients will be made by the applicant before full power operation and during the course of operation when significant core changes are made. Calculations show that the pressure coefficient is negative.

Other reactivity effects were considered by the applicant but were calculated to be small and although favorable are expected to add little to the inherent stability of the system. Therefore, these effects were not included in the transient analysis. For example, it was found that the loss of reactivity due to metal expansion during a transient would be approximately 0.3 percent.

Doppler broadening in U–235 was not considered since Argonne National Laboratory was unable experimentally to detect any such effect in a thermal reactor.

Prior to operation the magnitude and sign of the temperature and void coefficients will have been determined on the low power critical experiments which were described in a previous paper. Not only will measurements be made to determine average coefficients but such variables as void size and location will be studied as well.

Accident analysis. For every reactor there are conditions or combinations of conditions which could result in accidental release of fission products from the reactor and against which the public must be protected. These accidents, and the conditions which might initiate them will be dependent upon the design and operating conditions and must be evaluated on the basis of the best technical judgment for each reactor. The applicant has investigated several accidents whose occurrence is considered credible. Some of these involve the release of high pressure water and the associated nitrogen-16 and other normal activities. However, in no case does it appear credible that an accident would lead to a release from the primary system of significant quantities of fission products.

Among the accidents which apparently involve the greatest potential hazard and are considered by the applicant to be within the limits of credibility are: rupture of primary system pressure vessel; cold water accident; control rod failure; dropping of fuel element into core; break in steam line or turbine rupture; and startup accident. Discussion of the possible cause, safeguards against and consequences of these accidents follows:

a. *Rupture of primary system pressure vessel.* Sudden rupture of the vessel was assumed to occur with the reactor operating under high pressure and temperature conditions in the primary system. Such failure would release steam containing some radioactivity to the volume within the reactor shield and then to the containment vessel. The isolation valves in the building ventilation ducts would be closed by a high pressure or radiation level signal and the building pressure would reach an estimated 45 psi. Calculations show that the missile shield could not be raised high enough to damage the containment vessel and would protect the vessel from rupture by missiles. Calculations also show that even if any fuel elements were thrown from the core in this accident, they would be cooled sufficiently by radiation and air convection to prevent melting and release of fission product activity. To protect against this accident, the vessel was constructed in accordance with the ASME code and was hydrostatically tested at 1,825 psi and will be operated at 1,000 psi. In the event of over-pressure without relief from the relief valves, stretching of the head bolts would be expected to relieve pressure before failure. Even if the rupture should occur and the isolation valve failed to work, the radioactivity of the steam is so low that no serious public hazard would result.

b. *Cold water accident.* The following sequence of events were considered by the applicant to be necessary before cold water could be injected into the reactor by the circulating pump.

(1) Valves must be open with cold water in the recirculating loop.

(2) Operator must violate operation instructions by failing to start pump before withdrawing rods.

(3) Flowmeter must incorrectly indicate flow in excess of 1,000 GPM, allowing the flow interlock to permit withdrawal of control rods.

(4) Operator fails to observe operating instructions, and starts pump at high speed while the reactor is operating.

The consequences of this accident were calculated assuming that the pump starts instantly, delivering 9,000 GPM of 180° F. water into the reactor vessel. This is a pessimistic assumption because it will actually take some time for the pump to get up to speed, so that the subcooling will develop more gradually than assumed. The maximum momentary subcooling under the assumed conditions would be 180° F., which would lead to a 6.3 fold increase in reactor power. Thus the accident would not be serious when operating at low power. However, at high power, the power increase would cause parts of the central portion of the core to melt.

A central element is worth 1.6 percent k so that complete melting and removal from the core of a single central element would stop this transient. More likely, however, central portions of several elements might melt.

The non-volatile fission products from the melted portions of the core would remain in the reactor water, where they would eventually be removed by the clean-up system. The volatile portions would enter the main steam line, resulting in a high activity level in this line, causing the steam line activity monitor to trip the main steam isolation valve, and confining the activity within the reactor vessel.

The normal result of cold water addition would be scramming of the reactor at 125 percent of normal power. However, if this safeguard failed, along with others noted above, with the consequent melting of part of the core as indicated, release of fission products beyond the primary system is considered incredible. The accident itself would not breach the primary system and simultaneous rupture of the system from an independent event appears incredible.

c. *Control rod failure.* The sequence of failures required to initiate this accident are as follows:

(1) A rod sticks during withdrawal.

(2) The separation limit switch on this rod fails in the "engaged" position, allowing the rod drive motor to withdraw the stop nut.

(3) The indicator light switch fails so that the operator does not realize that the rod is being withdrawn.

(4) The operator fails to notice that the reactivity did not increase while the rod was being withdrawn.

(5) The rod becomes free and is withdrawn from the reactor by low pressure air.

The severity of this accident is reduced by orifices installed in the low pressure air lines. These orifices reduce the speed at which rods can be withdrawn by low pressure air, so that 10 seconds is required to expel a rod. This accident would be most severe when the effectiveness of the rod is greatest, which occurs when the central rod is withdrawn during startup at high temperature. Under these conditions, the central rod is worth 4.5 percent k. Calculations show that the reactor would reach power after 0.6 second, when the reactivity would exceed prompt criticality by 0.27 percent and the period would be 18 ms. This excursion would be terminated by formation of steam, even if the reactor had not already been shut down by operation of the period scram. It appears therefore that fission products would not be released as a result of this accident.

d. *Fuel element dropped into core.* Dropping a fuel element into the core could only cause an accident if the control rods were withdrawn during loading so that the reactor was almost critical prior to adding the fuel. Such a procedure is contrary to operating procedures prescribed in this application and would require errors on the part of control room operators and loaders who must check to insure that rods are inserted before adding fuel. The effect of adding a fuel element to the outside of the core was calculated to be 0.08 percent k. The statistical weight of a central element is about twenty times greater than that of a fringe element, so a central element might be worth 1.6 percent k. In a central position, the additional element would have to be inserted between the four adjacent elements, and it is not possible to insert or drop an element into place under water in less than one second. Such an insertion in one second would result in ramp addition of reactivity at the rate of 1.6 percent per second. Such a ramp would increase the reactor power to operating level 0.32 seconds after prompt criticality at which time the period would be 10 ms, and a total of 1.2 percent k would have been added. The period trip would have started to insert rods before the reactor passed prompt critical, so rods would be shutting the reactor down at this time. The level trip would also operate if the reactor exceeded operating power. If both these trips failed to operate, steam would be formed when the reactor attained operating power, and the reactor would continue to operate with 1.6 percent k in voids. The enclosure isolation valves would be closed by operation of the building air monitor interlock. Any personnel on the reactor top would be exposed to some radiation but not to injurious amounts or to released fission products.

e. *Break in steam line or turbine rupture.* If the steam isolation valves failed to close following a break in the external steam system, steam starting at 1,000 psi, would initially be released through the steam line, which has six bends, at less than 100 pounds per second. The pressure would initially fall less than 100 psi in 7 seconds and it would take more than three minutes to reduce the pressure to 100 psi. By this time, the activity in the water due to nitrogen-16 and oxygen-18 would have been reduced to a level such that the manual stop valve could be closed without excessive gamma exposure. Before this time, the reactor would have been shut down due to high steam flow and reactor water level trips, and due to formation of steam in the reactor core.

If release of steam were to continue, it is estimated that 42 percent of the water in the system would flash to steam by the time the system reached atmospheric pressure. The remaining water, which would be kept within the vessel by the steam baffles, would fill the vessel to a height more than one foot above the active portion of the core. Evaporation of the water remaining above the core would suffice to remove fission product heat from the fuel elements for several hours. This accident would result in contamination of the area near the break and evacuation of personnel but no gross damage from radioactivity would be expected.

f. *Startup accident.* For this accident to take place, it is postulated that the following failures must all occur:

(1) Failure of administrative procedures regarding installation of the source before startup or failure of source counting rate interlock.

(2) Failure of operator to "scram" reactor if neutron level does not increase when rods are withdrawn. (If "scram" button does not operate, rod motion can be stopped by opening the DC Power switch.)

(3) Failure of period and level trips to "scram" reactor. About 3.3 percent k will be added at a slow ramp rate and it is calculated that termination of the power transient would occur due to steam formation before this amount of k would be added. Therefore, no serious damage would be expected.

None of the above postulated accidents which are believed to be credible would yield a significant release of fission products to the environment. To demonstrate the added safeguards afforded by the site the applicant considered a hypothetical, but not credible, accident in which a release of a reasonable portion of the fission product inventory was involved and determined the resulting exposure levels at the nearest site boundary.

It was assumed that, subsequent to operation of the reactor for a long period of time at 40,000 KW which would be twice its proposed power level, an excursion of unknown origin would rupture the reactor vessel, releasing all of the energy stored in the hot water and raising the enclosure pressure to 45 psig. It was further assumed that the incident would result in the melting of 20 percent of the core and that 20 percent of the contained fission products in the melt would be released to the enclosure. To provide a mechanism beyond the measured leakage rate for releasing the fission products from the containment vessel, it was also assumed by the applicant that simultaneous with the hypothetical accident the containment vessel ventilating valves would fail to operate properly and would remain open for a limited period of time longer than normal. The time involved before release was considered sufficient to allow 50 percent mixing of the fission products with the air in the enclosure. Other assumptions were made relative to the volume of gas passing through the two ventilating valves taking into account flow restrictions in duct work and piping. Because of the small effect on the external doses these assumptions are not discussed in detail. Assuming a temperature inversion and a one meter per second wind directed towards the nearest site boundary (600 meters away) a person in the center of the fission product cloud would, according to the applicant, receive an exposure of about 1.5 roentgens. In addition to this leakage, a continuous leakage of 1 percent per day was postulated (which exceeds the estimated leakage rate for the final container). The subject at the same location would receive an additional exposure of about 1.3 roentgens in 24 hours. The direct radiation from the reactor containment vessel at this same point is small since the hilly terrain offers considerable shielding.

It was assumed by the applicant, for the purpose of internal dosage calculations, that all of the gaseous products and one-half of the non-volatile products would leak out at the rate calculated for the external exposure case.

The applicant assumed that the incident would be preceded by 100 hours of 40,000 kilowatt operation preceded by one year of 12,000 kilowatt operation. It was also assumed that the exposed person would remain at 600 meters from the reactor on the center line of the cloud and that the cloud would not rise from the ground. The dose to the critical organ for each specific isotope was computed from the beginning of the inhalation to infinity.

The integrated dose to the bone, due primarily to strontium and cesium isotopes was found to be slightly less than 2 rep. The dose to the thyroid (strongly influenced by the higher power operation immediately prior to the incident) was computed to be 25 rep. The integrated dose to the lungs was computed to be about 30 rep integrated over 60 days, about 2 rep of which would be received in the first day.

The fall-out dose at the nearest property boundary was calculated and found to be about 3r for the integrated dose for the first 10 hours or 0.5r for the integrated dose for the first hour, using the same assumptions as were used for calculating external exposure from the cloud. We are satisfied that this hypothetical accident would result in exposures greater than those resulting from any accident which can reasonably be considered credible and, even for this hypothetical accident, the results appear tolerable. We conclude, therefore, that any credible accident would not endanger the health and safety of the public.

Possibility of development of additional potential hazards. The safety problems of this type of reactor are generally well understood as a result of the experience with the Borax experiments and more recently the Commission's EBWR. Nevertheless, the possibility exists that this experience has not revealed all the effects characteristic of the proposed system. For example, should an accident occur which leads to "chugging", its consequences, on the basis of present knowledge of this phenomenon, can be predicted only qualitatively. Another phenomenon not fully understood has to do with the possible occurrence of unstable power oscillations under certain conditions of operation. Such oscillations have been observed in the kinetic experiments conducted in the SPERT facility in Idaho.

Since it appears that these effects have sufficiently long time constants to allow corrective action and since there exists for this reactor a wide margin of safety against the release of fission products to the environment, it is believed that the risk involved in these cases is well within acceptable limits.

Conclusion. For the foregoing reasons we conclude that the reactor can be operated without endangering the health and safety of the public.

Technical qualifications. General Electric Company has more than 16 years of experience in the field of atomic energy. The Atomic Power Equipment Department of General Electric, which is responsible for the developmental boiling water reactor project, was organized in 1955, and the managerial personnel have many years of experience in the design, testing and operation of nuclear reactors at Argonne, Hanford, Oak Ridge, and West Milton. Based on the foregoing it is concluded that GE is technically qualified to operate the facility.

Financial qualifications. As evidence of its financial qualifications General Electric submitted with its application a copy of its

latest annual report to its stockholders. At the time consideration was given to the issuance of a construction permit to GE a review was made of the consolidated statement of financial position contained in the annual report and it was concluded that GE was financially qualified to assume responsibility for the payment of Commission charges for the special nuclear material to be furnished by the Commission, to undertake and carry out the proposed use of the material for a reasonable period of time, and to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR, Parts 50 and 70.

For the Division of Civilian Application.

July 30, 1957.

H. L. PRICE,
Director.

[F. R. Doc. 57-6315; Filed, July 31, 1957; 12:30 p. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Power Site Cancellation No. 123]

PACK AND MILL CREEKS, UTAH
(COLORADO RIVER BASIN)

POWER SITE CLASSIFICATION NO. 377 CANCELLED IN PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 377, approved April 10, 1946, is hereby cancelled in so far as and to the extent that it affects the following described land:

SALT LAKE MERIDIAN, UTAH

T. 26 S., R. 21 E.,
Sec. 12, NE¼NW¼NW¼ (NE¼ lot 2).

The area described aggregates approximately 10 acres.

Dated: July 25, 1957.

ARTHUR A. BAKER,
Acting Director.

[F. R. Doc. 57-6298; Filed, Aug. 1, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in Beltrami County, Minnesota, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 29th day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6290; Filed, Aug. 1, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 11]

STATEMENT OF ORGANIZATION

Recent changes in the organization of the Civil Aeronautics Board require that:

1. Public Notice PN 10 be revoked;

2. The following statement of the Board's central and field organization be promulgated as Public Notice PN 11; effective July 18, 1957:

GENERAL STATEMENT

Sec.
01.1 Creation and authority.
01.2 Purpose and mission.
01.3 Functions.
01.4 Offices.

OFFICES OF MEMBERS

02.1 Functions of the Board.
02.2 Functions of the Chairman.

BUREAU OF HEARING EXAMINERS

03.1 Chief Examiner.
03.2 Economic Proceedings Division.
03.3 Safety Enforcement Proceedings Division.
03.4 Docket Section.

BUREAU OF AIR OPERATIONS

04.1 Director.
04.2 International Operations Division.
04.3 Routes Division.
04.4 Carrier Relations and Services Division.
04.5 Rates Division.
04.6 Alaska Liaison Office.
04.7 Bureau Counsel.

BUREAU OF SAFETY

05.1 Director.
05.2 Activities Common to All Divisions.
05.3 Air Carrier Division.
05.4 Airworthiness Division.
05.5 General Rules Division.
05.6 Investigation Division.
05.61 Investigation Field Service.
05.7 Hearing and Reports Division.
05.8 Technical Division.
05.9 Analysis Division.

OFFICE OF CARRIER ACCOUNTS AND STATISTICS

06.1 Chief.
06.2 Regulations and Reports Division.
06.3 Field Audits Division.
06.4 Research and Statistics Division.

OFFICE OF THE GENERAL COUNSEL

07.1 General Counsel and Immediate Office.
07.2 Rules and Legislation Division.
07.3 Litigation and Research Division.
07.4 Opinion Writing Division.

OFFICE OF COMPLIANCE

08.1 Office of Compliance.

OFFICE OF CONGRESSIONAL LIAISON AND PUBLIC INFORMATION

09.1 Office of Congressional Liaison and Public Information.

OFFICE OF THE SECRETARY AND COMPTROLLER

010.1 Organization.
010.2 Documentation.
010.3 Administrative Functions.

FIELD ORGANIZATION

011.1 Bureau of Air Operations.
011.2 Bureau of Safety.
011.3 Office of Carrier Accounts and Statistics.

GENERAL STATEMENT

SECTION 01.1 *Creation and authority.* The Civil Aeronautics Board, as distinguished from the Civil Aeronautics Administration, is an independent agency headed by a Board composed of five Members who are appointed by the President with the advice and consent of the Senate for six year terms. The President annually designates one of the Members as Chairman and another as Vice Chairman. The Board, established effective June 30, 1940, pursuant to Reorganization Plans III and IV, exercises the functions of rule making (including the prescription of rules, regulations, and standards), adjudication, and investigation as prescribed in the Civil Aeronautics Act of 1938, as amended.

SEC. 01.2 *Purpose and mission.* The Civil Aeronautics Act of 1938 sets forth the basic principles which guide the Board and prescribes the authority pursuant to which it discharges its responsibilities. The mission of the Board is to foster and encourage the development of an air transportation system which will be adequate for the present and future needs of the foreign and domestic commerce of the United States, the postal service and the national defense; to preserve the inherent advantages of air transportation, and to regard as in the public interest competition to the extent necessary to assure the sound development of an air transportation system adjusted to the national needs; and to regulate air commerce in such manner as to best promote its development and safety.

SEC. 01.3 *Functions.* In general, the Board performs four chief functions: (1) Regulation of the economic aspects of United States air carrier operations, both domestic and international; (2) promulgation of safety standards in the form of Civil Air Regulations; (3) investigation and analysis of aircraft accidents; (4) cooperation and assistance in the establishment and development of international and domestic air transportation. These functions are briefly described in the following paragraphs:

(a) *Economic regulation.* The Board grants or denies "certificates of public convenience and necessity" to American flag carriers for both domestic and international operation and "permits" to foreign carriers; prescribes or approves rates and rate practices of air carriers and determines mail rates; fosters the safe and expeditious transportation of mail and seeks to insure that reasonable and adequate service to the public is rendered by air carriers, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; approves or disapproves business relationships between air carriers, including contracts, agreements, interlocking relationships, consolidations, mergers, and acquisitions of control and issues appropriate regulations for the purpose of carrying out these functions. The Board investigates upon complaint or upon its own initiative anything done or omitted to be done by any person or group in contravention of the provisions of the Civil Aeronautics Act; and takes appropriate action to enforce the act.

(b) *Safety regulation.* The Board prescribes safety rules and regulations, including standards for the issuance of airman certificates, aircraft type, production and airworthiness certificates and air carrier operating certificates; and suspends or revokes such certificates.

(c) *Accident investigation and analysis.* The Board prescribes rules of notification and reporting of accidents involving civil aircraft; reviews reports of accidents and determines, after investigation to the extent required, the probable cause of accidents. Formal reports by the Board are made public when deemed to be in the public interest. The Board conducts special studies and research, establishing basic causative and statistical factors and prepares air safety bulletins for the purpose of reducing the number of aircraft accidents and preventing their recurrence.

(d) *Development of international civil aviation.* The Board consults with and assists the State Department in the negotiation of agreements with foreign governments for the establishment or development of air transportation, air navigation, air routes and services; keeps informed with respect to operations of foreign air lines and foreign aviation policies. The Board provides information for and coordinates with the International Civil Aviation Organization in the development of all international safety and operational standards. The Board contributes to the expense and personnel requirements of the Air Coordinating Committee; provides information and advice in the Committee's examination of aviation problems and in its recommendations establishing the United States viewpoint on international and domestic aviation matters.

SEC. 01.4 *Offices.* The central office of the Board is located in the Department of Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington 25, D. C. All meetings of the Board, unless otherwise directed by the Board, are held at the above address. The Board's field offices are located in Alaska and principal cities of the country. The locations of these offices are set forth in Sections 011.1, 011.2 and 011.3.

OFFICES OF MEMBERS

SEC. 02.1 *Functions of the Board.* The Board Members are charged with carrying out the duties and responsibilities devolving upon the Board under the act. Action initiated pursuant to the Board's own initiative or by any document authorized or required to be filed with the Board originates in or is referred to the appropriate organizational unit for study and recommendation to the Board in accordance with the description of functions outlined hereinafter. In cases other than those in which action is taken pursuant to a final delegation of authority, or in which the responsibility is that of the Chairman (see section 02.2 below), final action is taken by the Board. (See Public Notice PN 8 for statements of final delegations of authority). The staff of the Board is organized into the following major organizational components:

(a) Bureau of Hearing Examiners.
(b) Bureau of Air Operations.
(c) Bureau of Safety.
(d) Office of Carrier Accounts and Statistics.
(e) Office of the General Counsel.
(f) Office of Compliance.
(g) Office of Congressional Liaison and Public Information.
(h) Office of the Secretary and Comptroller.

SEC. 02.2 *Functions of the Chairman.* (a) In addition to his duties as a Member of the Board, the Chairman serves as presiding officer at meetings of the Board, determines the order in which day-to-day matters will receive attention of the Board, and by virtue of his role as Chairman, acts as spokesman for the Board before committees of Congress. In the absence or disability of the Chairman, the foregoing duties are exercised by the Vice Chairman.

(b) Pursuant to Reorganization Plan No. 13 of 1950, the Chairman is responsible for the executive and administrative functions of the Board, including functions with respect to the appointment and supervision of personnel, the distribution of business among such personnel and among major organizational components of the Board, and the use and expenditure of funds. The Chairman is assisted by an Executive Assistant in the exercise of these functions.

(c) Under the terms of Reorganization Plan No. 13, the Chairman, in exercising the functions enumerated above, is limited by (1) the general policies of the Board and by such regulatory decisions, findings and determinations as the Board, pursuant to law, may make; (2) the requirement that the appointment by the Chairman of the heads of major organizational components under the Board shall be subject to the approval of the Board, provided that personnel employed regularly and full time in the immediate offices of Members of the Board other than the Chairman shall not be affected by the provisions of Reorganizational components under the reservation to the Board of its functions with respect to revising budget estimates and with respect to determining the distribution of appropriated funds according to major program purposes.

BUREAU OF HEARING EXAMINERS

SEC. 03.1 *The Chief Examiner* is responsible for the conduct of all formal proceedings under Titles IV, VI and X of the Civil Aeronautics Act of 1938, as amended, in accordance with the requirements of the Procedural Regulations. The Bureau of Hearing Examiners consists of the following organizational components:

(a) Economic Proceedings Division.
(b) Safety Enforcement Proceedings Division.
(c) Docket Section.

SEC. 03.2 *The Economic Proceedings Division* conducts prehearing conferences and public hearings, arising under Titles IV and X of the Act. The Hearing Examiner, as the presiding officer, exercises the powers and responsibilities assigned by Part 302, rules of practice in Economic Proceedings, and the authority delegated by the Board. In appropriate cases, the Hearing Examiner prepares a recommended or an initial decision setting forth Findings, Conclusions and Recommendations.

SEC. 03.3 *The Safety Enforcement Proceedings Division* conducts hearings held in connection with formal proceedings under sections 602 and 609 of the Civil Aeronautics Act of 1938, as amended, relating to the issuance, suspension and revocation of air safety certificates, including: presiding at hearings; supervising regional dockets, including maintenance of a calendar of cases for the regions; and drafting an initial decision containing Findings, Conclusion and Order.

SEC. 03.4 *The Docket Section* examines all applications, complaints and petitions for compliance with the requirements of the Procedural Regulations, advises and assists persons filing documents with respect to filing requirements; maintains the Official Docket binder on all formal proceedings and issues periodic reports on the status of docketed cases; maintains a copy of all dockets, financial and operational statistical reports, comments on proposed rules and similar material for public reference; and makes official service of notices, reports, decisions and rules on parties to proceedings.

BUREAU OF AIR OPERATIONS

SEC. 04.1 *The Director* supervises the Bureau of Air Operations, which is responsible for development and interpretation of economic data and advice involving policy and procedure to be followed in the economic regulation of domestic, overseas, and international air transportation. The Bureau of Air Operations consists of the following organizational components:

(a) International Operations Division.
(b) Routes Division.
(c) Carrier Relations and Services Division.
(d) Rates Division.
(e) Alaska Liaison Office.

SEC. 04.2 *The International Operations Division* advises on the formulation of positions to be taken by the United States on international civil aviation matters involving economic foreign policy; serves as liaison between the Board and the Department of State; provides representation, when so designated, in connection with international conferences and bilateral and multilateral relations with foreign countries. In the discharge of these duties the International Operations Division analyzes economic data bearing on the problems to be dealt with.

SEC. 04.3 *The Routes Division* is concerned with the legal and economic as-

pects of matters arising under sections 401, 402, 404, 405 (e), 416 and 1002 of the Civil Aeronautics Act of 1938, as amended, relating to the authorizations of routes and other services required to meet the objectives of the act, whether by issuance of certificate of public convenience and necessity, foreign air permit or exemption order, and relating to the determination of the route patterns and the carriers required to provide such services. The Routes Division develops for consideration by the Board statements of policy and program objectives, and recommends or takes action, where authority has been delegated, with respect to specific matters pending before the Board.

SEC. 04.4 *The Carrier Relations and Services Division* is concerned with the legal and economic aspects of all carrier relationships matters arising under sections 401 (i), 402 (h), 407 (a), 407 (b), 407 (c), 408, 409, 411, 412, 1002 (i), and 1102 of the act and to matters arising under sections 401, 402, 404, 405 (e), 416 and 1002 of the Civil Aeronautics Act of 1938, as amended, and section 6 (b) of the Air Commerce Act, as amended, relating to the authorizations of supplemental charter and indirect carrier services required to meet the objectives of the Act. The Carrier Relations and Services Division develops for consideration by the Board statements of policy and program objectives, and recommends, or takes action, where authority has been delegated, with respect to specific matters pending before the Board.

SEC. 04.5 *The Rates Division* is concerned with the economic and legal aspects of matters relating to the fixing of the compensation to be paid to the airlines by the Government for the transportation of United States mail, including a determination of the service and subsidy elements of such compensation, pursuant to section 406 of the act, and Reorganization Plan No. 10 of 1953, determination of commercial rates pursuant to sections 403, 404, and 1002 of the act and the commercial rate aspects of International Air Transport Association resolutions. With respect to these matters, the Rates Division prepares for consideration of, and adoption by, the Board statements of policy and of program objectives and recommends or takes action where authority has been delegated with respect to specific cases pending before the Board.

SEC. 04.6 *The Alaska Liaison Office* is concerned with the administration of the Act and the Economic Regulations as they relate to matters affecting pilot-owners and to tariff and service matters affecting Alaskan air carriers; advising the Board and the Bureau Director on Alaskan air transportation problems; and conferring with the Alaskan air carriers, government and civic bodies and with users of air transportation in Alaska.

SEC. 04.7 *Bureau Counsel.* An attorney from the Bureau of Air Operations is designated as Bureau Counsel to present the Bureau's position in formal proceedings before the Board arising under the Civil Aeronautics Act, as amended.

BUREAU OF SAFETY

SEC. 05.1 *The Director* supervises the Bureau of Safety, which is responsible for developing and recommending to the Board the adoption of new or revised Civil Air Regulations; making appropriate recommendations to the Board regarding international activities as reflected by the operation of the International Civil Aviation Organization; and making appropriate recommendations to the Board in regard to those matters considered by the Air Coordinating Committee and requiring Board action and the investigation and analysis of aircraft accidents. The Bureau of Safety consists of the following organizational components:

(a) Air Carrier Division.
(b) Airworthiness Division.
(c) General Rules Division.
(d) Investigation Division.
(e) Hearing and Reports Division.
(f) Technical Division.
(g) Analysis Division.

SEC. 05.2 *Activities Common to All Divisions.* Each division, within its own area of specialization, participates in the activities of the International Civil Aviation Organization with respect to the development of international standards, recommended practices, procedures and manual material for international civil aviation. Their participation involves the preparation of United States positions for meetings, attendance at meetings as members of the United States delegations, and preparation of United States replies to inquiries from ICAO and other countries on matters within their jurisdiction, the analysis of the results of meetings and the initiation of implementing action when appropriate. The divisions make recommendations for modification to United States standards, practices, and procedures when it is necessary and in the best interest of the United States aviation to conform to the international standards. Members of the divisions attend other meetings regarding aviation matters falling within the field of interest of the Board and within the technical competence of the Bureau of Safety. They are responsible for preparing the United States positions on matters with which the Air Coordinating Committee is concerned and in which the Board has a primary interest and assists other components of the Air Coordinating Committee in preparation of the recommendations on matters in which the Board has a secondary or indirect interest. They continually examine procedures, manuals, and other aviation materials relating to the Civil Air Regulations to insure their proper interpretation and application. The divisions are responsible for providing technical assistance, interpretation of pertinent rules, regulations, and procedures in accident investigation. They are responsible for analyzing deficiency reports, accident trends, etc., and initiating corrective action in the interest of safety in aviation.

SEC. 05.3 *The Air Carrier Division* analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum safety standards with respect to air carrier operations involving the certification of air carrier airmen, aircraft operational procedures, and inspection and overhaul of aircraft, engines, propellers, and appliances, and air traffic rules; conducts technical research with respect to transport-type aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and other organizational units of the Board on any matter involving safety regulation of air carrier operations.

SEC. 05.4 *The Airworthiness Division* analyzes the need for and develops engineering findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum design and performance safety standards for type, airworthiness, and production certification of aircraft, engines, propellers, and appliances; conducts engineering research of the airworthiness aspects of aircraft, equipment, and their operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and its organizational components on problems of an engineering nature.

SEC. 05.5 *The General Rules Division* analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations or amendments to existing regulations prescribing minimum safety standards which have general application to all phases of civil aviation such as: the certification of pilots (student, private, and commercial), mechanics, control tower operators, and parachute riggers, aircraft operational procedures, inspection and overhaul of aircraft engines, propellers, and appliances, airmen schools, and repair stations, transportation of explosives, and other dangerous articles, and air traffic rules applicable to all phases of aviation, civil and military; conducts technical research of nontransport-type aircraft, equipment and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and its organizational components on matters relating to the general safety problems of operations, utilization of equipment, certification of airmen and air agencies.

SEC. 05.6 *The Investigation Division* directs and assists in the investigation of aircraft accidents to determine their probable cause, and develops current techniques for such investigations. It makes recommendations as to the need for, and participates in, public inquiries and the taking of depositions; makes recommendations for corrective action to prevent recurring accidents; develops educational material in various specialized phases of air safety; and in the interest of accident prevention, conducts research and special studies relating to

hazards potentially capable of resulting in serious accidents.

SEC. 05.61 *The Field Service of the Investigation Division* investigates accidents and hazardous conditions involving civil aircraft of United States registry and accidents to foreign civil aircraft occurring within the United States; reports facts, conditions, and circumstances and reaches conclusions with respect to probable causes of such accidents; coordinates research with other interested governmental agencies and industry representatives regarding such accidents; and participates in the conferences thereon and as members of the Board of Inquiry at subsequent public inquiries.

SEC. 05.7 *The Hearing and Reports Division* arranges for and conducts public accident inquiries in order to ascertain the facts, conditions, circumstances, and probable cause of accidents involving aircraft; prepares all evidence, takes depositions, administers oaths and issues subpenas for witnesses and documents incident to such inquiries; prepares and presents to the Board for adoption preliminary statements of fact and formal accident investigation reports; and arranges for the reproduction of exhibits and factual documents of accident investigation for parties to the investigation.

SEC. 05.8 *The Technical Division* directs the investigation of the technical aspects of aircraft accidents, including necessary testing of failed parts, involving the engineering problems of aerodynamics, aircraft structure, applicable meteorological factors, powerplants, propellers, electrical radio and electronic instruments, and related equipment; assists in conduct of public inquiries and in the preparation of the technical portion of reports of accidents; assembles technical data relating to aircraft accidents and aeronautical hazards and prepares technical analysis of aircraft accidents; makes recommendations on technical problems to eliminate aeronautical hazards; and represents the Board at conferences held to obtain action on technical aviation matters.

SEC. 05.9 *The Analysis Division* classifies and analyzes all reports of accidents or incidents involving aircraft in order to establish their basic causal and statistical factors; makes statistical analysis of civil aircraft accidents to isolate elements requiring corrective action and to determine accident trends; compiles statistical reports for the information of the Board and the public, and issues safety studies, bulletins, and accident reports.

OFFICE OF CARRIER ACCOUNTS AND STATISTICS

SEC. 06.1 *The Chief* supervises the Office of Carrier Accounts and Statistics, which is responsible for recommending economic regulations related to the general accounting and statistical reporting programs and participating with the General Counsel in the formulation of such regulations; approves all accounting and economic statistical data prepared for release as an official publication; represents the Board at interdepartmental, industry and international conferences at the direction of the Board; insures effective coordination with other Offices and Bureaus; and exercises administrative and technical direction of the functions of the Office. The Office of Carrier Accounts and Statistics consists of the following organizational components:

(a) Regulations and Reports Division.
(b) Field Audits Division.
(c) Research and Statistics Division.

SEC. 06.2 *The Regulations and Reports Division* develops and recommends uniform systems of accounts and uniform systems of periodic financial, operational and accounting reports, and necessary revisions thereof for all air carriers; drafts instructions and letters of interpretation; recommends modification or waiver of uniform requirements; provides expert advice and assistance on accounting matters; comments on prospectuses relating to the issuance of securities by air carriers when so requested by the Securities and Exchange Commission; conducts desk audit of carrier financial and statistical reports filed with the Board; and maintains liaison with accounting personnel in private, public, and government practice.

SEC. 06.3 *The Field Audits Division* conducts field examinations of accounts and records of air carriers to insure adherence to the accounting and reporting requirements; obtains correction by carriers of deficiencies in accounting and reporting practices as revealed by audit; collects data requested by other organizational units of the Board requiring access to carrier records; maintains close liaison with the Office of Compliance, reporting all significant violations of the accounting and reporting requirements to that Office for direct enforcement action; refers to other appropriate components for information and action data indicating possible violations of the Act or of the Economic Regulations and any other data of interest or value; provides expert advice and assistance on auditing matters; and maintains Liaison with auditing personnel in industry and other Federal agencies.

SEC. 06.4 *The Research and Statistics Division* conducts comprehensive economic surveys and studies related to the development and regulation of civil air transport; develops instructions for the conduct of periodic traffic surveys and other research projects and supervises the technical performance of such projects; prepares recurrent reports of operational and financial data; prepares special reports to meet stipulated requirements; provides statistical and analytical services for Members of the Board and the various Offices and Bureaus of the Board, as required; prepares statistical indexes and develops techniques for forecasting traffic factors; provides expert advice and assistance on statistical matters; provides cartographic and mechanical drafting services; operates a centralized IBM tabulating service; and maintains liaison with statistical personnel in industry and government.

OFFICE OF THE GENERAL COUNSEL

SEC. 07.1 *The General Counsel and Immediate Office* supervises the Office of the General Counsel, which is responsible for advising the Board and the staff in connection with the legal aspects of economic and safety regulatory activities; represents the Board in litigation negotiations, and conferences involving legal considerations and where the proceedings present complex, novel or significant matters, and serves on governmental (e. g., Air Coordinating Committee) and international (e. g., International Civil Aviation Organization) committees; advises the Members and the staff on the legal aspects in (1) international law and international civil aviation matters as they affect the Board's regulatory responsibilities (2) routes, route structures and operating authorizations, (3) carrier relations and labor problems, and (4) rates. The Office of General Counsel consists of the following organizational components:

(a) Rules and Legislation Division
(b) Litigation and Research Division
(c) Opinion Writing Division

SEC. 07.2 *The Rules and Legislation Division* drafts testimony and statements for use by the Board Members or staff members for hearings before Congressional committees; presents testimony at hearings upon proposed legislation; examines legislative proposals of interest to the Board and prepares legislative reports thereon; drafts proposed legislation and reports on the status of legislative activity; prepares, reviews and interprets economic, safety and procedural regulations and amendments thereto, and insures that the proper procedural steps are followed in the promulgation thereof; and provides legal advice and assistance on matters relating to defense mobilization and internal administration.

SEC. 07.3 *The Litigation and Research Division* represents the Board, in collaboration with the Department of Justice, in court actions to which the Board is a party, or is interested, in order to sustain action previously taken by the Board, including preparation of the record, drafting of all necessary briefs, motions and other documents and argument of the case before the court; and performs legal research for and renders legal opinions based thereon on matters of general interest or applicability.

SEC. 07.4 *The Opinion Writing Division* in accordance with instructions of the Board drafts opinions, orders, certificates and permits in cases where the issues, substantive or procedural, warrant formal expression by the Board; and recommends to the Board appropriate action on petitions for reconsideration of previously prepared orders and with respect to other motions or petitions filed at any time after the Examiner's report is issued.

OFFICE OF COMPLIANCE

SEC. 08.1 *The Office of Compliance* is responsible for the development and execution of a program designed to obtain

observance of the economic provisions of the Civil Aeronautics Act of 1938, as amended, and of all economic orders, regulations and other requirements promulgated by the Board. The Office of Compliance initiates and conducts investigations of alleged violations; seeks to obtain voluntary compliance by informal action; negotiates, where appropriate, formal stipulations and other consent agreements to cease and desist from illegal practices or recommends the issuance of an appropriate Board order; seeks adjustment of informal complaints; presents evidence and argument in formal economic enforcement proceedings; institutes and prosecutes civil and criminal actions; and maintains liaison with other government agencies in connection with enforcement activities

OFFICE OF CONGRESSIONAL LIAISON AND PUBLIC INFORMATION

SEC. 09.1 *The Office of Congressional Liaison and Public Information* is responsible for maintaining an effective exchange of information between the Board and Congress and for keeping the aviation industry, the press and the general public advised of the major actions of the Board.

OFFICE OF THE SECRETARY AND COMPTROLLER

SEC. 010.1 *Organization.* The Office of the Secretary and Comptroller of the Board consists of the following organizational components:

(a) Minutes Section.
(b) Budget and Fiscal Section.
(c) Carrier Payments Section.
(d) Management Section.
(e) Personnel Section.
(f) General Services Section.
(g) Publications Section.
(h) Library.

SEC. 010.2 *Documentation.* The Secretary is responsible for recording all formal actions of the Board; the processing, including review as to accuracy, form and content, of all documents evidencing such action; and for authenticating Board records for any official purpose. Pursuant to the Civil Aeronautics Act of 1938, as amended, the Secretary has legal custody of records and documents as specified therein.

SEC. 010.3 *Administrative functions.* The Secretary and Comptroller is responsible for providing budget, fiscal, management, personnel and other administrative services to the Board and the staff which include: (a) developing the Board's annual budget estimates for "Salaries and Expenses" as well as estimates of appropriations for "Payments to Air Carriers" and the justification of these estimates before the Bureau of the Budget and the Appropriations Committees of Congress; (b) developing the Board's annual fiscal plan for utilizing its appropriation for "Salaries and Expenses" and maintaining a system for administrative control of expenditures to conform with such plan and the requirements of law and of regulations; (c) disbursement of, and accounting for, subsidy payments to air carriers in accordance with the provisions of Reorganization Plan No. 10 of 1953, which involves, among other things, review and processing of the carriers' monthly billings; (d) appraisal of and recommendations concerning the organization of the Board, distribution of functions, operating procedures and management techniques and maintenance of a Manual setting forth current organization, methods and administrative practices; (e) recommending and administering personnel policies and programs and insuring that the same comply with the law and regulations; (f) provision for space, equipment, supplies, communications, reproduction and other resources and facilities.

FIELD ORGANIZATION

SEC. 011.1 *Bureau of Air Operations.* The Alaska Liaison Office of the Bureau is located at Loussac-Sogn Building, Anchorage, Alaska (P. O. Box 2219).

SEC. 011.2 *Bureau of Safety.* Field offices of the Bureau are located at the following addresses:

Field Office Address and Territory

Federal Building, New York International Airport, Jamaica, N. Y.—Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Virginia.

P. O. Box 931, Miami International Airport, Miami 48, Fla.—North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi and Louisiana east of the 91st meridian.

6127 West Cermak Road, Cicero, Ill.—Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Minnesota, North Dakota.

Federal Office Building, 911 Walnut Street, Kansas City, Mo.—Missouri, Iowa, South Dakota, Nebraska, Kansas, Wyoming, Colorado, Texas, Oklahoma, Arkansas, and Louisiana, except that portion east of the 91st meridian.

506 Santa Monica Boulevard, Santa Monica, Calif.—New Mexico, Arizona and that portion of California and Nevada south of the following boundary: intersection of the coastline and the 36th parallel eastward to longitude 118°36', thence northerly along the ridge of the Sierra Nevada Mountains to longitude 119°30' and parallel 38° to the Utah State line.

P. O. Box 86, Oakland Airport Station, Oakland 14, Calif.—Utah and the northern portion of Nevada and California north of Santa Monica office boundary.

Room 202, Administration Building, King County Airport, Seattle 8, Wash.—Washington, Oregon, Idaho, and Montana.

P. O. Box 2219, Anchorage, Alaska—Alaska.

SEC. 011.3 *Office of Carrier Accounts and Statistics.* Field offices of the Office of Carrier Accounts and Statistics are located at 2 Park Avenue, Room 2004, New York 16, New York; the Old Mint Building, Room 218, Fifth and Mission Streets, San Francisco, California; and the Pacific Building, Room 1401, 327 N. E. First Avenue, Miami 32, Florida.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-6348; Filed, Aug. 1, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11735; FCC 57M-735]

NEVADA TELECASTING CORP. (KAKJ)

MEMORANDUM OPINION AND ORDER DESIGNATING LOCATION OF HEARING

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada; Docket No. 11735.

1. The hearing in this revocation case is now scheduled for September 9, 1957. For some time it has been contemplated that the hearing would be held at a convenient point in California, where the parties in interest live (though the grant is for Reno, Nevada). A field hearing is appropriate in a proceeding like the present one, where possible revocation of an outsanding authorization and loss of investment are involved, and the respondent, as here, has requested such a hearing. The Broadcast Bureau does not object to hearing in California. It is agreed by counsel for respondent and the Bureau that Los Angeles would be the most convenient place in California to hold the hearing.

2. Accordingly: *It is ordered,* This 29th day of July 1957, that the hearing will begin on September 9, 1957, at 10 a. m., in Los Angeles, California, at a place to be designated.

Released: July 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6322; Filed, Aug. 1, 1957; 8:51 a. m.]

[Docket Nos. 12089, 12090; FCC 57M-732]

PORT CITY TELEVISION CO., INC., AND BAYOU BROADCASTING CORP.

NOTICE OF FURTHER PREHEARING CONFERENCE

In re applications of Port City Television Company, Inc., Baton Rouge, Louisiana, Docket No. 12089, File No. BPCT-2262; for construction permit for new television broadcast station; Bayou Broadcasting Corporation, Baton Rouge, Louisiana, Docket No. 12090, File No. BMPCT-4417; for modification of construction permit for new television broadcast station.

Notice is hereby given that further prehearing conference in the above-entitled matter will be held at 10:00 a. m., September 9, 1957, in the Commission's offices in Washington, D. C.

Dated: July 25, 1957.

Released: July 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6323; Filed, Aug. 1, 1957; 8:51 a. m.]

[Docket Nos. 11880, 11881; FCC 57M-724]

BIRNEY IMES, JR. (WMOX) and MISSISSIPPI BROADCASTING CORP.

ORDER SCHEDULING HEARING CONFERENCE

In re applications of Birney Imes, Jr. (WMOX), Meridian, Mississippi, Docket No. 11880, File No. BP-10163; Mississippi Broadcasting Company, Carthage, Mississippi, Docket No. 11881, File No. BP-10637; for construction permits.

The Commission by Memorandum Opinion and Order dated July 18, 1957, released July 22, 1957, having modified and enlarged the issues in the above-entitled proceeding;

It is ordered, This the 24th day of July 1957, that a further hearing conference in the above-entitled proceeding will be held on Monday, September 9, 1957, beginning at 10:00 a. m., in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6324; Filed, Aug. 1, 1957; 8:51 a. m.]

[Docket Nos. 12102, 12103; FCC 57M-728]

MUSIC BROADCASTING CO. (WGHD) AND GREAT TRAILS BROADCASTING CORP. (WING)

NOTICE OF PREHEARING CONFERENCE

In re applications of Music Broadcasting Company (WGHD) Grand Rapids, Michigan, Docket No. 12102, File No. BML-1638, for authority to operate specified pre-sunrise hours; Great Trails Broadcasting Corporation (WING) Dayton, Ohio, Docket No. 12103, File No. BR-292, for renewal of license.

A prehearing conference will be held Tuesday, September 3, 1957, at 2:00 p. m., in the offices of the Commission, Washington, D. C.

Dated: July 25, 1957.

Released: July 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6325; Filed, Aug. 1, 1957; 8:51 a. m.]

[Cuban Change List No. 3]

CUBAN RADIO STATIONS

NOTIFICATION OF NEW STATIONS, CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

JUNE 21, 1957.

Notification of new Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with part III, section F of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

CUBAN RADIO STATIONS

Call letters	Location	Power kw	Antenna	Time of operation	Class	Expected date of commencement of operation
CMJS (new)	Ciego de Avila, Camaguey	*800 kilocycles* 1	ND	U	II	
CMDP (new)	Victoria de las Tunas, Oriente	*1,280 kilocycles* 0.25	ND	U	IV	

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6328; Filed, Aug. 1, 1957; 8:51 a. m.]

[Docket No. 12117; FCC 57-831]

BEST CABS, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of application of Best Cabs, Inc., 203 West 9th Street, Wichita, Kansas, Docket No. 12117, File Nos. 10649-LX-PL-L, 20415-LX-L; for radio station authorization in the Taxicab Radio Service.

1. The Commission has before it for consideration a Protest Against Grant of Application, filed on June 28, 1957, by City Cabs, Inc. of Wichita, Kansas; a Motion to Dismiss Protest or for Alternative Relief, filed on July 8, 1957, by Best Cabs, Inc. and a Reply to "Motion to Dismiss Protest or for Alternative Relief" filed July 12, 1957, by City Cabs, Inc. The protest is directed against the action of the Commission on May 31, 1957, granting application (File No. 20415-LX-L) of Best Cabs, Inc. for authorization in the Taxicab Radio Service to cover one base station and 100 mobile units.

2. The protestant, City Cabs, Inc., claims that it is a party, in interest within the meaning of section 309 (c) of the Communications Act of 1934, as amended, on the ground that it is the licensee of Taxicab Radio Stations KAA640 and KAD446, authorized to operate in Wichita, Kansas and that the grantee, Best Cabs, Inc., will compete with the protestant and thereby cause a systematic loss of revenue to protestant. The protestant alleges that it will lose approximately 90 percent of its net profit if the grantee operates radio-equipped cabs, but claims that this loss of net revenue would not exceed 10 percent if the cabs were to be operated without radio. It further alleges that the economic injury which protestant will sustain, and which may force it out of business, is of significant magnitude and is directly attributable to the grant of a radio station authorization to the grantee.

3. Best Cabs, Inc. cites two prior Commission cases in this field in support of its argument that protestant has no standing under section 309 (c) to challenge its grant. (Yellow Cab Company v. Service Livery, Inc. (1953) 9 Pike and Fisher R. R. 122 (a) and Safety Cab Company v. Royal Cab Company. (1955) 13 Pike and Fisher R. R. 449.) But we have, on full and careful reconsideration of this question, concluded that a competitor, such as City Cabs, Inc., has standing to protest a new authorization which will cause it economic injury separate and independent from that which would result from the mere operation of a competing company. We believe this conclusion is compelled by the Sanders case (Sanders Brothers Radio Station v. Federal Communications Commission. 309 U. S. 470, cf. T. E. Allen and Sons, Inc. 9 Pike and Fisher R. R. 197).

4. We have also examined the protest and find it meets the second criterion of section 309 (c), namely, that the facts relied upon have been specified with particularity. We are, accordingly, designating the protest for hearing on the issues specified by the protestant, with one exception. Issue No. (5), directed to whether Best Cabs, Inc. possesses the requisite character qualifications, is omitted as superfluous in view of issues Nos. (2) and (4), going to alleged misrepresentations and protestant's issue No. (6), now No. (5), the general public interest issue. The critical question of the grantee's character qualifications is subsumed under these issues. We are not, however, adopting any of these issues, and therefore the burden of proceeding and the burden of proof on each of the issues is placed on the protestant.

5. The remaining question is whether we should, as requested by the protestant, postpone the effective date of the protested authorization until a decision in this matter after hearing. Section 309 (c) provides that "the effective date of the Commission's action shall be postponed unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." The Senate Report on H. R. 5614 amending section 309 (c) [1] reads, in part, as follows:

> It must be recognized that there will be cases where protestants will plead facts to which the Commission cannot demur, although, on the basis of all of the facts available, it is clear that the likelihood is extremely remote that the protested grant will ultimately have to be set aside. In such circumstances, the Commission should not be precluded from considering whether the public interest requires the protested authorization to remain in effect, but the Commission must affirmatively find and set forth reasons in its decisions as to why the

[1] 1 Pike and Fisher R. R. 10:373.

observance of the economic provisions of the Civil Aeronautics Act of 1938, as amended, and of all economic orders, regulations and other requirements promulgated by the Board. The Office of Compliance initiates and conducts investigations of alleged violations; seeks to obtain voluntary compliance by informal action; negotiates, where appropriate, formal stipulations and other consent agreements to cease and desist from illegal practices or recommends the issuance of an appropriate Board order; seeks adjustment of informal complaints; presents evidence and argument in formal economic enforcement proceedings; institutes and prosecutes civil and criminal actions; and maintains liaison with other government agencies in connection with enforcement activities

OFFICE OF CONGRESSIONAL LIAISON AND PUBLIC INFORMATION

SEC. 09.1 *The Office of Congressional Liaison and Public Information* is responsible for maintaining an effective exchange of information between the Board and Congress and for keeping the aviation industry, the press and the general public advised of the major actions of the Board.

OFFICE OF THE SECRETARY AND COMPTROLLER

SEC. 010.1 *Organization.* The Office of the Secretary and Comptroller of the Board consists of the following organizational components:

(a) Minutes Section.
(b) Budget and Fiscal Section.
(c) Carrier Payments Section.
(d) Management Section.
(e) Personnel Section.
(f) General Services Section.
(g) Publications Section.
(h) Library.

SEC. 010.2 *Documentation.* The Secretary is responsible for recording all formal actions of the Board; the processing, including review as to accuracy, form and content, of all documents evidencing such action; and for authenticating Board records for any official purpose. Pursuant to the Civil Aeronautics Act of 1938, as amended, the Secretary has legal custody of records and documents as specified therein.

SEC. 010.3 *Administrative functions.* The Secretary and Comptroller is responsible for providing budget, fiscal, management, personnel and other administrative services to the Board and the staff which include: (a) developing the Board's annual budget estimates for "Salaries and Expenses" as well as estimates of appropriations for "Payments to Air Carriers" and the justification of these estimates before the Bureau of the Budget and the Appropriations Committees of Congress; (b) developing the Board's annual fiscal plan for utilizing its appropriation for "Salaries and Expenses" and maintaining a system for administrative control of expenditures to conform with such plan and the requirements of law and of regulations; (c) disbursement of, and accounting for, subsidy payments to air carriers in accordance with the provisions of Reorganization Plan No. 10 of 1953, which involves, among other things, review and processing of the carriers' monthly billings; (d) appraisal of and recommendations concerning the organization of the Board, distribution of functions, operating procedures and management techniques and maintenance of a Manual setting forth current organization, methods and administrative practices; (e) recommending and administering personnel policies and programs and insuring that the same comply with the law and regulations; (f) provision for space, equipment, supplies, communications, reproduction and other resources and facilities.

FIELD ORGANIZATION

SEC. 011.1 *Bureau of Air Operations.* The Alaska Liaison Office of the Bureau is located at Loussac-Sogn Building, Anchorage, Alaska (P. O. Box 2219).

SEC. 011.2 *Bureau of Safety.* Field offices of the Bureau are located at the following addresses:

Field Office Address and Territory

Federal Building, New York International Airport, Jamaica, N. Y.—Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Virginia.

P. O. Box 931, Miami International Airport, Miami 48, Fla.—North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi and Louisiana east of the 91st meridian.

6127 West Cermak Road, Cicero, Ill.—Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Minnesota, North Dakota.

Federal Office Building, 911 Walnut Street, Kansas City, Mo.—Missouri, Iowa, South Dakota, Nebraska, Kansas, Wyoming, Colorado, Texas, Oklahoma, Arkansas, and Louisiana, except that portion east of the 91st meridian.

506 Santa Monica Boulevard, Santa Monica, Calif.—New Mexico, Arizona and that portion of California and Nevada south of the following boundary: intersection of the coastline and the 36th parallel eastward to longitude 118°36', thence northerly along the ridge of the Sierra Nevada Mountains to longitude 119°30' and parallel 38° to the Utah State line.

P. O. Box 86, Oakland Airport Station, Oakland 14, Calif.—Utah and the northern portion of Nevada and California north of Santa Monica office boundary.

Room 202, Administration Building, King County Airport, Seattle 8, Wash.—Washington, Oregon, Idaho, and Montana.

P. O. Box 2219, Anchorage, Alaska—Alaska.

SEC. 011.3 *Office of Carrier Accounts and Statistics.* Field offices of the Office of Carrier Accounts and Statistics are located at 2 Park Avenue, Room 2004, New York 16, New York; the Old Mint Building, Room 218, Fifth and Mission Streets, San Francisco, California; and the Pacific Building, Room 1401, 327 N. E. First Avenue, Miami 32, Florida.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-6348; Filed, Aug. 1, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11735; FCC 57M-735]

NEVADA TELECASTING CORP. (KAKJ)

MEMORANDUM OPINION AND ORDER DESIGNATING LOCATION OF HEARING

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada; Docket No. 11735.

1. The hearing in this revocation case is now scheduled for September 9, 1957. For some time it has been contemplated that the hearing would be held at a convenient point in California, where the parties in interest live (though the grant is for Reno, Nevada). A field hearing is appropriate in a proceeding like the present one, where possible revocation of an outsanding authorization and loss of investment are involved, and the respondent, as here, has requested such a hearing. The Broadcast Bureau does not object to hearing in California. It is agreed by counsel for respondent and the Bureau that Los Angeles would be the most convenient place in California to hold the hearing.

2. Accordingly: *It is ordered,* This 29th day of July 1957, that the hearing will begin on September 9, 1957, at 10 a. m., in Los Angeles, California, at a place to be designated.

Released: July 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6322; Filed, Aug. 1, 1957; 8:51 a. m.]

[Docket Nos. 12089, 12090; FCC 57M-732]

PORT CITY TELEVISION CO., INC., AND BAYOU BROADCASTING CORP.

NOTICE OF FURTHER PREHEARING CONFERENCE

In re applications of Port City Television Company, Inc., Baton Rouge, Louisiana, Docket No. 12089, File No. BPCT-2262; for construction permit for new television broadcast station; Bayou Broadcasting Corporation, Baton Rouge, Louisiana, Docket No. 12090, File No. BMPCT-4417; for modification of construction permit for new television broadcast station.

Notice is hereby given that further prehearing conference in the above-entitled matter will be held at 10:00 a. m., September 9, 1957, in the Commission's offices in Washington, D. C.

Dated: July 25, 1957.

Released: July 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6323; Filed, Aug. 1, 1957; 8:51 a. m.]

[Docket Nos. 11880, 11881; FCC 57M-724]

BIRNEY IMES, JR. (WMOX) and MISSISSIPPI BROADCASTING CORP.

ORDER SCHEDULING HEARING CONFERENCE

In re applications of Birney Imes, Jr. (WMOX), Meridian, Mississippi, Docket No. 11880, File No. BP-10163; Mississippi Broadcasting Company, Carthage, Mississippi, Docket No. 11881, File No. BP-10637; for construction permits.

The Commission by Memorandum Opinion and Order dated July 18, 1957, released July 22, 1957, having modified and enlarged the issues in the above-entitled proceeding;

It is ordered, This the 24th day of July 1957, that a further hearing conference in the above-entitled proceeding will be held on Monday, September 9, 1957, beginning at 10:00 a. m., in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6324; Filed, Aug. 1, 1957; 8:51 a. m.]

[Docket Nos. 12102, 12103; FCC 57M-728]

MUSIC BROADCASTING CO. (WGHD) AND GREAT TRAILS BROADCASTING CORP. (WING)

NOTICE OF PREHEARING CONFERENCE

In re applications of Music Broadcasting Company (WGHD) Grand Rapids, Michigan, Docket No. 12102, File No. BML-1638, for authority to operate specified pre-sunrise hours; Great Trails Broadcasting Corporation (WING) Dayton, Ohio, Docket No. 12103, File No. BR-292, for renewal of license.

A prehearing conference will be held Tuesday, September 3, 1957, at 2:00 p. m., in the offices of the Commission, Washington, D. C.

Dated: July 25, 1957.

Released: July 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6325; Filed, Aug. 1, 1957; 8:51 a. m.]

[Cuban Change List No. 3]

CUBAN RADIO STATIONS

NOTIFICATION OF NEW STATIONS, CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

JUNE 21, 1957.

Notification of new Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with part III, section F of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

CUBAN RADIO STATIONS

Call letters	Location	Power kw	Antenna	Time of operation	Class	Expected date of commencement of operation
		800 kilocycles				
CMJS (new)	Ciego de Avila, Camaguey	1	ND	U	II	
		1,580 kilocycles				
CMDP (new)	Victoria de las Tunas, Oriente	0.25	ND	U	IV	

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6328; Filed, Aug. 1, 1957; 8:51 a. m.]

[Docket No. 12117; FCC 57-831]

BEST CABS, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of application of Best Cabs, Inc., 203 West 9th Street, Wichita, Kansas, Docket No. 12117, File Nos. 10649-LX-PL-L, 20415-LX-L; for radio station authorization in the Taxicab Radio Service.

1. The Commission has before it for consideration a Protest Against Grant of Application, filed on June 28, 1957, by City Cabs, Inc. of Wichita, Kansas; a Motion to Dismiss Protest or for Alternative Relief, filed on July 8, 1957, by Best Cabs, Inc. and a Reply to "Motion to Dismiss Protest or for Alternative Relief" filed July 12, 1957, by City Cabs, Inc. The protest is directed against the action of the Commission on May 31, 1957, granting application (File No. 20415-LX-L) of Best Cabs, Inc. for authorization in the Taxicab Radio Service to cover one base station and 100 mobile units.

2. The protestant, City Cabs, Inc., claims that it is a party, in interest within the meaning of section 309 (c) of the Communications Act of 1934, as amended, on the ground that it is the licensee of Taxicab Radio Stations KAA640 and KAD446, authorized to operate in Wichita, Kansas and that the grantee, Best Cabs, Inc., will compete with the protestant and thereby cause a systematic loss of revenue to protestant. The protestant alleges that it will lose approximately 90 percent of its net profit if the grantee operates radio-equipped cabs, but claims that this loss of net revenue would not exceed 10 percent if the cabs were to be operated without radio. It further alleges that the economic injury which protestant will sustain, and which may force it out of business, is of significant magnitude and is directly attributable to the grant of a radio station authorization to the grantee.

3. Best Cabs, Inc. cites two prior Commission cases in this field in support of its argument that protestant has no standing under section 309 (c) to challenge its grant. (Yellow Cab Company v. Service Livery, Inc. (1953) 9 Pike and Fisher R. R. 122 (a) and Safety Cab Company v. Royal Cab Company. (1955) 13 Pike and Fisher R. R. 449.) But we have, on full and careful reconsideration of this question, concluded that a competitor, such as City Cabs, Inc., has standing to protest a new authorization which will cause it economic injury separate and independent from that which would result from the mere operation of a competing company. We believe this conclusion is compelled by the Sanders case (Sanders Brothers Radio Station v. Federal Communications Commission. 309 U. S. 470, cf. T. E. Allen and Sons, Inc. 9 Pike and Fisher R. R. 197).

4. We have also examined the protest and find it meets the second criterion of section 309 (c), namely, that the facts relied upon have been specified with particularity. We are, accordingly, designating the protest for hearing on the issues specified by the protestant, with one exception. Issue No. (5), directed to whether Best Cabs, Inc. possesses the requisite character qualifications, is omitted as superfluous in view of issues Nos. (2) and (4), going to alleged misrepresentations and protestant's issue No. (6), now No. (5), the general public interest issue. The critical question of the grantee's character qualifications is subsumed under these issues. We are not, however, adopting any of these issues, and therefore the burden of proceeding and the burden of proof on each of the issues is placed on the protestant.

5. The remaining question is whether we should, as requested by the protestant, postpone the effective date of the protested authorization until a decision in this matter after hearing. Section 309 (c) provides that "the effective date of the Commission's action shall be postponed unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." The Senate Report on H. R. 5614 amending section 309 (c) [1] reads, in part, as follows:

> It must be recognized that there will be cases where protestants will plead facts to which the Commission cannot demur, although, on the basis of all of the facts available, it is clear that the likelihood is extremely remote that the protested grant will ultimately have to be set aside. In such circumstances, the Commission should not be precluded from considering whether the public interest requires the protested authorization to remain in effect, but the Commission must affirmatively find and set forth reasons in its decisions as to why the

[1] 1 Pike and Fisher R. R. 10:373.

public interest requires the grant to remain in effect.

The committee is well aware of the very real inconvenience to the public which would result if a protested grant is permitted to stay in effect and it is ultimately determined that the grant must be set aside and the service terminated. However, in exercising its limited discretion to continue a protested authorization in effect, the Commission would have to consider not only the need for the new service in question, but also the likelihood that the grant in question would ultimately have to be set aside. The committee feels that these requirements will minimize the possibility of the public being deprived of a service on which it has come to rely. In any event, we do not believe that, to insure against the remote possibility that an operating service may have to be taken off the air, it is necessary or advisable to preclude any operation by a station pending a protest hearing regardless of any countervailing public interest considerations.

6. Congress has indicated that the Commission, in exercising its discretion under section 309 (c), should consider two factors; (1) the need for the service and (2) the likelihood that the grant in question would ultimately have to be set aside. On the first factor there is a clear public interest need for this authorization. The Board of Commissioners of the City of Witchita have twice found, over the objections of City Cabs, Inc., that there is a need for a second taxicab service in Wichita; and obviously, this authorization permitting the use of radio by Best Cabs, Inc., would substantially further the utilization and development of this needed second taxicab service. Against this public need, we must balance the likelihood of the authorization having to be set aside. While we wish to emphasize that we cannot now state what our conclusions will be in the light of the hearing record, we do not feel, upon our examination of the pleading, that the protestant has made out a prima facie case that the grant is not in the public interest. On the contrary, it is our present tentative belief that the grant to Best Cabs, Inc., particularly in view of its explanatory letter of February 22, 1957 (filed May 8, 1957), and the submission on May 28, 1957, of the certified copy of the Certificate of Convenience and Necessity of the Board of Commissioners of the City of Wichita, is and will be found to be in the public interest. Accordingly, we affirmatively find the public interest requires that the grant remain in effect; and accordingly, the effective date of the Commission's action here in question will not be postponed.

7. In view of the foregoing: *It is ordered*, That the subject protest is granted; that the request for postponement of effective date is denied; and that pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified by subsequent order, upon the following issues:

(1) To determine whether applicant is eligible for a radio station under § 16.401 (a) (1) of the Commission's rules.

(2) To determine whether applicant willfully, intentionally, and deliberately misrepresented its eligibility in its application, as originally filed.

(3) To determine whether the resubmitted original applications, as amended by the amendment executed May 27, 1957, is a valid and proper application which, under the law, may be acted upon by the Commission.

(4) If it is determined under issue (3) that the resubmitted application, as amended, is valid, to determine whether in that application Applicant willfully, intentionally, and deliberately misrepresented its eligibility status.

(5) To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience, and necessity would be served by a grant of the above-captioned application; and

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant; and

It is further ordered, That, City Cabs, Inc. and the Chief, Safety and Special Radio Services Bureau are made parties to the proceeding herein; and

It is further ordered, That to avail themselves of the opportunity to be heard, the grantee herein and the above parties hereto, shall, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, within 20 days of the mailing of this Memorandum Opinion and Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing, when determined, and present evidence on the issues specified herein.

Adopted: July 29, 1957.

Released: July 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6327; Filed, Aug. 1, 1957; 8:51 a. m.]

[Docket No. 12113; FCC 57-806]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 12113.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Bangor, Maine	281	260

3. The purpose of the proposed amendment is to delete Channel 281 (presently unassigned) from the allocations to Bangor, Maine, so that a proposed FM broadcast station to be established on Mt. Washington, New Hampshire, may receive the signals of Station WBCN, Boston, Massachusetts, now operating on Channel 281, for rebroadcasting without interference from a Bangor station operating on Channel 281 in the event that the channel is subsequently assigned in the area.

4. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before August 26, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments on briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 25, 1957.

Released: July 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6326; Filed, Aug. 1, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[E-6768]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JULY 30, 1957.

Take notice that on July 29, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northwestern Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska, with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of short-term notes in the aggregate principal amount of not to exceed $500,000 to be issued and delivered from time to time to such bank or banks making the loan or loans to be evidenced by such notes. Applicant proposes to issue the notes on or about August 15, 1957, and from time to time thereafter. Each note will be dated as of the date of issuance and delivery thereof and will mature not more than 360 days from said date. The interest rates on such notes is expected to be the prime commercial rate in New York at the time or times of issuing the notes. The proceeds will be used to finance construction expenditures.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 12th day of August 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6306; Filed, Aug. 1, 1957; 8:48 a. m.]

[Docket No. G-12954]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 29, 1957.

The Atlantic Refining Company (Atlantic) on July 1, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: Letter, dated June 24, 1957, Notice of Change, dated June 28, 1957.
Purchaser: Texas Illinois Natural Gas Pipeline Company.
Rate schedule designation: Supplement No. 1 to Atlantic's FPC Gas Rate Schedule No. 159. Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 159.
Effective date: [1] August 1, 1957.

In support of the proposed rate increase resulting from a renegotiation of the contract rate, Atlantic cites the contract provision that the rate for the five year period commencing August 1, 1957, shall be determined by negotiation between the parties, states that the contract provision was desirable, the negotiations were at arms-length, and that the going market price reflected by a recently negotiated contract was in excess of the proposed increased rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Atlantic, if later.

(B) Pending such hearing and decision thereon, said supplements are hereby suspended and the use thereof deferred until January 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6307; Filed, Aug. 1, 1957; 8:48 a. m.]

[Docket No. G-12955]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 29, 1957.

Gulf Oil Corporation (Gulf) on July 1, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 24, 1957.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 2 to Gulf's FPC Gas Rate Schedule No. 46.
Effective date: [2] August 1, 1957.

In support of the proposed periodic rate increase Gulf states that the proposed rate represents the fair and reasonable market value of the gas since the gas is of excellent quality and relatively high in heating value and pressure.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Gulf, if later.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until January 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commissions' rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6308; Filed, Aug. 1, 1957; 8:48 a. m.]

[Docket No. G-12956]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 29, 1957.

Gulf Oil Corporation (Gulf) on July 1, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 24, 1957.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 3 to Gulf's FPC Gas Rate Schedule No. 66.
Effective date: [1] August 1, 1957.

In support of the proposed periodic rate increase, Gulf states that the proposed rate represents the fair and reasonable market value of the gas, since the gas is of excellent quality and relatively high in heating value and pressure.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18

[3] Commissioner Digby dissenting.

CFR, Chapter I), a public hearing be

the applicable rules and regulations and

tively, filed applications pursuant to sec-

struction and operation of a tap on its main 22-inch pipeline, with metering and

nary permit for proposed Project No. 2208 located on the Yaak River, a tribu-

from Humble to Transcontinental Gas Pipe Line Corporation (Transco) at its

CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc 57-6309; Filed, Aug. 1, 1957; 8:48 a. m.]

[Docket No. G-12053]

HOME GAS CO. AND ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 29, 1957.

Take notice that Home Gas Company (Home), 800 Union Trust Building, Pittsburgh, Pennsylvania and Algonquin Gas Transmission Company (Algonquin), 25 Faneuil Hall Square, Boston 9, Massachusetts filed on February 20, 1957, a joint application, pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing them to establish and maintain an emergency connection between the pipelines of Applicants to be used for rendering emergency natural gas service in the event of unforeseen interruption of service to either company, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants propose to install taps and necessary appurtenances at the point of crossing of Home's 8-inch transmission line and Algonquin's 26-inch transmission line in the Town of Ramapo, Rockland County, New York, which point is approximately 9½ miles west of the eastern end of Home's line.

The total cost to Home is estimated at $8,600 and the cost to Algonquin is estimated at $2,400.

Applicants propose to enter into an agreement providing for the redelivery during a 60-day period of any gas delivered by one party to the other, or for payment if redelivery within 60 days is not practicable.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 29, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6310; Filed, Aug. 1, 1957; 8:48 a. m.]

[Docket No. G-12484 etc.]

ATLANTIC REFINING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 29, 1957.

In the matters of The Atlantic Refining Company, Operator, Docket No. G-12484; United Gas Pipe Line Company, Docket No. G-12551; The British-American Oil Producing Company Docket No. G-12751.

Take notice that on May 10, 1957, United Gas Pipe Line Company (United), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed in Docket No. G-12551, an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a purchase meter station with separator and appurtenant facilities, to be installed near Milepost 421.5 on its existing 30-inch Agua Dulce-Sterlington transmission pipeline in the Cadeville Field, Ouachita Parish, Louisiana, in order to purchase and receive natural gas produced in the Cadeville Field by The Atlantic Refining Company (Atlantic), Operator, and The British-American Oil Producing Company (British-American). The estimated total cost of the proposed facilities is $9,086, to be financed from current working funds.

On April 26, and June 17, 1957, Atlantic in Docket No. G-12484 and British-American in Docket No. G-12751, respectively, filed applications pursuant to section 7 (c) of the Natural Gas Act for certificates authorizing the above sales of natural gas to United to be made pursuant to separate 20-year gas sales contracts, each dated March 22, 1957, executed by and between United and each of said producers. Producers' facilities consist of customary lease equipment and field lines.

Daily contract volumes consist of a maximum of 1,500 Mcf of oil-well gas and volumes of gas-well gas ratable with other deliveries in the field. United will transport the gas received from the Cadeville Field commingled with its other gas supplies for sale in other states.

Said applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 29, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6311; Filed, Aug. 1, 1957; 8:48 a. m.]

[Docket No. G-12793]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 29, 1957.

Take notice that on June 25, 1957, Pacific Northwest Pipeline Corporation (Pacific Northwest), a Delaware corporation having its principal place of business in Salt Lake City, Utah, filed in Docket No. G-12793 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of a tap on its main 22-inch pipeline, with metering and regulating equipment, in order to sell natural gas on an interruptible basis directly to San Francisco Chemical Company (San Francisco Chemical) at a point about two and one-half miles northwest of Sage, Lincoln County, Wyoming, all as more fully described in the application which is on file with the Commission and open to public inspection.

Pacific Northwest estimates that San Francisco Chemical will require a maximum of 300 Mcf per day and an average of 67,000 Mcf annually during the first three years of operation. San Francisco Chemical will construct its own facilities from the meter station to the plant site. The gas is to be used in the production of fertilizer. The estimated cost of Pacific Northwest's facilities is $12,930 which will be defrayed from current operating funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 29, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6312; Filed, Aug. 1, 1957; 8:49 a. m.]

[Project No. 2208]

NORTHERN LIGHTS, INC.

NOTICE OF APPLICATION FOR AMENDMENT OF PRELIMINARY PERMIT

JULY 29, 1957.

Public notice is hereby given that Northern Lights, Inc., of Sandpoint, Idaho, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for an amendment of its preliminary permit for proposed Project No. 2208 located on the Yaak River, a tributary of the Kootenai River in Lincoln County, Montana, and affecting lands of the United States within the Kootenai National Forest. The proposed amendment incorporates an additional site to be known as Lower Yaak Dam approximately 4.2 miles downstream from the proposed Five Mile Dam. Lower Yaak Dam is at river mile 0.8 in Section 4, T. 32 N., R. 34 W., P. M. Montana, creating a reservoir with normal pool elevation at 2,080 and 16,500 acre-feet capacity; a powerhouse with installed capacity of about 4,550 KW. operating under an average head of 185 feet. By including this site in the permit, Northern Lights will now develop the full head in this portion of the Yaak River to the backwater of the Corps of Engineers' proposed Katka Dam on the Kootenai River. The amendment further revises the permit by changing the average head of 300 feet to 280 feet and the installed capacity of 6,650 KW. to 6,200 KW. for the proposed "Five Mile Dam" development. The power to be developed will be used by Northern Lights to serve its present and future customers, and will replace power that is now purchased from the Bonneville Power Administration.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is September 11, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6313; Filed, Aug. 1, 1957; 8:49 a. m.]

[Docket Nos. G-11857 and G-12305]

HUMBLE OIL & REFINING CO. AND GAS GATHERING CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 29, 1957.

Take notice that on January 30, 1957, Humble Oil & Refining Company (Humble), in Docket No. G-11857, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, covering the proposed sale of natural gas to Gas Gathering Corporation (Gas Gathering) from the Bayou des Glaise Field, Iberville Parish, Louisiana.

Also take notice that on March 29, 1957, Gas Gathering filed in Docket No. G-12305 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 5½ miles of 6-inch pipeline connecting Gas Gathering's existing field facilities in the Happytown Field, St. Martin Parish, Louisiana, to the Bayou des Glaise Field in Iberville Parish, Louisiana, and, in addition, for authorization to sell said gas purchased from Humble to Transcontinental Gas Pipe Line Corporation (Transco) at its existing delivery point located approximately 7 miles north of the Happytown Field in Coupee Parish, Louisiana, pursuant to an agreement dated February 15, 1957, executed by and between Gas Gathering and Transco.

Transco will transport the gas received from Gas Gathering commingled with its other gas supplies for sale in other States.

Said applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 29, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6314; Filed, Aug. 1, 1957; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING COMMUNITY DISPOSITION SUPERVISOR, RICHLAND, WASHINGTON

The officers described by position title or by individual name in the list below are hereby designated to act in the place and stead of the Community Disposition Supervisor, Richland, Washington, with the title of "Acting Community Disposition Supervisor" and with all the powers, rights, and duties delegated or assigned to the Community Disposition Supervisor, in the event the Community Disposition Supervisor is unable to act by

[1] Commissioner Digby dissenting.

reason of his absence, illness, or other cause, provided that no officer designated in the list below shall serve in such acting capacity unless all other officers whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Assistant Community Disposition Supervisor for Operations;
2. Wilbur Y. Dent.

Effective as of the 2d day of August 1957.

[SEAL] ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 57-6299; Filed, Aug. 1, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 30, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34074: *Nitroparaffins—Sterlington, La., to Peoria, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on nitroparaffins, namely, nitroethane, nitromethane, nitropropane, tank-car loads, from Sterlington, La., to Peoria, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 238 to Agent Kratzmeir's tariff I. C. C. 4087.

FSA No. 34075: *Latex—Baton Rouge and North Baton Rouge, La., to Dayton, Ohio.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), tank-car loads from Baton Rouge and North Baton Rouge, La., to Dayton, Ohio.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 34076: *Gravel—Dickason Pit, Ind., to Arthur, Ill.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on road surfacing gravel, carloads from Dickason Pit, Ind., to Arthur, Ill.

Ground for relief: Motor truck competition from roadside pit to job site.

Tariff: Supplement 87 to Chicago & Eastern Illinois Railroad Company's tariff I. C. C. 144.

FSA No. 34077: *Wool and mohair—New Mexico points to North Atlantic ports.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on wool and mohair, carloads from specified points in New Mexico in southwestern territory to Boston, Mass., Baltimore, Md., New York, N. Y., Newport News, and Norfolk, Va., and Philadelphia, Pa., and points grouped therewith.

Grounds for relief: Motor-truck competition, and circuitous routes.

Tariff: Supplement 60 to Agent Prueter's tariff I. C. C. 1539.

FSA No. 34078: *Petroleum and products—Montana points to Steelton, Minn.* Filed by The Great Northern Railway Company, for itself and on behalf of the Duluth, Missabe and Iron Range Railway Company. Rates on petroleum and petroleum products, tank-car loads from Billings, East Billings, and Laurel, Mont., to Steelton, Minn.

Grounds for relief: Market competitive rate relations with Duluth, Minn.

Tariff: Supplement 3 to Great Northern Railway Company tariff I. C. C. A-3854.

FSA No. 34079: *Substituted service-motor-rail-motor, C. G. W. Ry.* Filed by Midwest Haulers, Inc., for the Chicago Great Western Railway Company and Masters Freight Service, Inc. Rates on various commodities, loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and St. Paul, Minn., on traffic originating at or destined to points beyond named terminals.

Grounds for relief: Motor truck competition.

FSA No. 34080: *T. O. F. C.—Classes and commodity rates between Missouri River cities and southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in or on trailers, also demountable trailer bodies, and transported on railroad flat cars between Atchison and Leavenworth, Kans., St. Joseph, Mo., and points grouped therewith, on one hand, and points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas, also Memphis, Tenn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 41 to Agent Kratzmeir's tariff I. C. C. 4233.

FSA No. 34081: *Sulphuric acid-Baton Rouge, La., to Nacogdoches, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Baton Rouge, La., to Nacogdoches, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 108 to Agent Kratzmeir's tariff I. C. C. 4161.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6304; Filed, Aug. 1, 1957; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 14 (a)]

WITHDRAWAL OF REQUEST TO PARTICIPATE IN ACTIVITIES OF B-47 PRODUCTION COMMITTEE

The B-47 Production Committee formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has been deactivated and accordingly the request published in 16 F.R. 8852, August 31, 1951, to participate in the formation and activities of that Committee in accordance with the voluntary plan entitled "Plan for the Formation of a B-47 Production Committee" transmitted to and accepted by those companies listed in the above cited FEDERAL REGISTER, has been withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that withdrawal.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: July 30, 1957.

GORDON GRAY,
Director.

[F. R. Doc. 57-6303; Filed, Aug. 1, 1957; 8:48 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 117-56]

AMERICAN PEACE CRUSADE

ORDER TO REGISTER AS COMMUNIST-FRONT ORGANIZATION

Herbert Brownell, Jr., Attorney General of the United States, petitioner v. American Peace Crusade, respondent.

Upon hearings duly held by the Board on a petition filed by the Attorney General of the United States, acting pursuant to section 13 (g) of the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, 64 Stat. 987, et seq.), the Board on July 26, 1957, issued and caused to be served on the parties of record, an order reading as follows:

Having this day issued its Report in which, after a hearing upon a petition filed under subsection (a) of section 13 of the Subversive Activities Control Act of 1950, as amended, the Board finds that the American Peace Crusade, respondent herein, is a Communist-front organization under the provisions of the said Act, it is

Ordered that the American Peace Crusade shall register as a Communist-front organization pursuant to the said Act.

By the Board.

(Signed) Dorothy McCullough Lee, Chairman, (Signed) Francis A. Cherry, Member, (Signed) R. Lockwood Jones, Member, (Signed) James R. Duncan, Member, (Signed) Thomas J. Donegan, Member.

July 26, 1957,
Washington, D. C.

[SEAL] DOROTHY MCCULLOUGH LEE,
Chairman.

JULY 26, 1957.

[F. R. Doc. 57-6300; Filed, Aug. 1, 1957; 8:47 a. m.]

[Docket No. 115-55]

CALIFORNIA LABOR SCHOOL, INC.

ORDER TO REGISTER AS COMMUNIST-FRONT ORGANIZATION

Herbert Brownell, Jr., Attorney General of the United States petitioner v. California Labor School, Inc., respondent.

Upon hearings duly held by the Board on a petition filed by the Attorney General of the United States, acting pursuant to section 13 (g) of the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, 64 Stat. 987, et seq), the Board on May 21, 1957, issued and caused to be served on the parties of record, an order reading as follows:

Having this day issued its Report in which, after a hearing upon a petition filed under section 13 (a) of the Subversive Activities Control Act of 1950, as amended, the Board finds that the California Labor School, Inc., respondent herein, is a Communist-front organization under the provisions of the said Act, it is

Ordered that the California Labor School, Inc., shall register as a Communist-front organization under section 7 of the said Act.

By the Board.

(Signed) Dorothy McCullough Lee, Chairman, (Signed) Francis A. Cherry, Member, (Signed) R. Lockwood Jones, Member, (Signed) James R. Duncan, Member, (Signed) Thomas J. Donegan, Member.

May 21, 1957,
Washington, D. C.

[SEAL] DOROTHY MCCULLOUGH LEE,
Chairman.

JULY 26, 1957.

[F. R. Doc. 57-6301; Filed, Aug. 1, 1957; 8:47 a. m.]

[Docket No. 106-53]

CIVIL RIGHTS CONGRESS

ORDER TO REGISTER AS COMMUNIST-FRONT ORGANIZATION

Herbert Brownell, Jr., Attorney General of the United States, petitioner v. Civil Rights Congress, respondent.

Upon hearings duly held by the Board on a petition filed by the Attorney General of the United States, acting pursuant to section 13 (g) of the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, 64 Stat. 987, et seq), the Board on July 26, 1957, issued and caused to be served on the parties of record, an order reading as follows:

Having this day issued its Report in which, after a hearing upon a petition filed under subsection (a) of section 13 of the Subversive Activities Control Act of 1950, as amended, the Board finds that the Civil Rights Congress, respondent herein, is a Communist-front organization under the provisions of the said Act, it is

Ordered that the Civil Rights Congress shall register as a Communist-front organization pursuant to the said Act.

By the Board.

(Signed) Dorothy McCullough Lee, Chairman, (Signed) Francis A. Cherry, Member, (Signed) R. Lockwood Jones, Member, (Signed) James R. Duncan, Member, (Signed) Thomas J. Donegan, Member.

July 26, 1957,
Washington, D. C.

[SEAL] DOROTHY MCCULLOUGH LEE,
Chairman.

JULY 26, 1957.

[F. R. Doc. 57-6302; Filed, Aug. 1, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-188]

UNKNOWN NATIONALS OF BULGARIA, HUNGARY AND RUMANIA

In re: Property owned indirectly by unknown nationals of Bulgaria, Hungary and Rumania; F-63-139 (Zurich-SA); F-11-227; F-34-1693; F-57-1257; F-63-139 (Zurich) Temp. I.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, Zurich, Switzerland, Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Bulgaria, Hungary and Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57-6281; Filed, July 31, 1957; 8:54 a. m.]

[Vesting Order SA-189]

UNKNOWN NATIONALS OF BULGARIA, HUNGARY AND RUMANIA

In re: Property owned indirectly by unknown nationals of Bulgaria, Hungary and Rumania; F-63-139 (Zurich-SA); F-11-227; F-34-1693; F-57-1257; F-63-139 (Zurich) Temp. I.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Bulgaria, Hungary and Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6282; Filed, July 31, 1957; 8:54 a. m.]

[Vesting Order SA-190]

UNKNOWN NATIONALS OF BULGARIA, HUNGARY AND RUMANIA

In re: Property owned indirectly by unknown nationals of Bulgaria, Hungary and Rumania; F-63-139 (Zurich-SA); F-11-227; F-34-1693; F-57-1257; F-63-139 (Zurich) Temp. II.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, Blocked Account, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Bulgaria, Hungary and Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6283; Filed, July 31, 1957; 8:55 a. m.]

[Vesting Order SA-191]

UNKNOWN NATIONALS OF BULGARIA, HUNGARY AND RUMANIA

In re: Property owned indirectly by unknown nationals of Bulgaria, Hungary and Rumania; F-63-139 (Zurich-SA); F-11-227; F-34-1693; F-57-1257; F-63-139 (Zurich) Temp. I.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, Zurich," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same.

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Bulgaria, Hungary and Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6284; Filed, July 31, 1957; 8:55 a. m.]

[Vesting Order SA-193]

UNKNOWN NATIONALS OF RUMANIA

In re: Property owned indirectly by unknown nationals of Rumania, F-27-7922, F-57-1257.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Bankers Trust Company, 16 Wall Street, New York 15, New York, arising out of an account entitled, "Schuhmann & Cie, Lyon, France," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Rumania, names unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claim Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 25, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6284; Filed, July 31, 1957; 8:55 a. m.]

[Vesting Order SA-194]

DREHER-HAGGENMACHER ERSTE UNGARISCHE AKTIENBRAUEREI A. G.

In re: Debt owing to Dreher-Haggenmacher Erste Ungarische Aktienbrauerei A. G., also known as Dreher-Haggenmacher First Hungarian Breweries, Ltd.; F-34-1005, F-63-60 (St. Gall).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Credit Bank, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $59,363.40, being a portion of the blocked account entitled, "Credit Suisse, St. Gall, Switzerland", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Dreher-Haggenmacher Erste Ungarische Aktienbrauerei A. G., also known as Dreher-Haggenmacher First Hungarian Breweries, Ltd., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 29, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6331; Filed, Aug. 1, 1957; 8:52 a. m.]

[Vesting Order SA-195]

DREHER-HAGGENMACHER ERSTE UNGARISCHE AKTIENBRAUEREI A. G.

In re: Debt owing to Dreher-Haggenmacher Erste Ungarische Aktienbrauerei A. G., also known as Dreher-Haggenmacher First Hungarian Breweries, Ltd.; F-34-1005, F-63-60 (St. Gall).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 29, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6332; Filed, August 1, 1957; 8:52 a. m.]

[Vesting Order SA-195]

DREHER-HAGGENMACHER ERSTE UNGARISCHE AKTIENBRAUEREI A. G.

In re: Debt owing to Dreher-Haggenmacher Erste Ungarische Aktienbrauerei A. G., also known as Dreher-Haggenmacher First Hungarian Breweries, Ltd.; F-34-1005, F-63-60 (St. Gall).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Agency of the Royal Bank of Canada, 68 William Street, New York 5, New York, in the sum of $75,000.00, arising out of a blocked account entitled, "Credit Suisse, St. Gall, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Dreher-Haggenmacher Erste Ungarische Aktienbrauerei A. G., also known as Dreher-Haggenmacher First Hungarian Breweries, Ltd., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 29, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6333; Filed, Aug. 1, 1957; 8:52 a. m.]

[Vesting Order SA-196]

DREHER-HAGGENMACHER ERSTE UNGARISCHE AKTIENBRAUEREI A. G.

In re: Debt owing to Dreher-Haggenmacher Erste Ungarische Aktienbrauerei

A. G., also known as Dreher-Haggenmacher First Hungarian Breweries, Ltd.; F-34-1005, F-63-60 (St. Gall).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, in the sum of $70,000.00 arising out of a blocked account entitled, "Swiss Credit Bank, St. Gall, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Dreher-Haggenmacher Erste Ungarische Aktienbrauerei A. G., also known as Dreher-Haggenmacher First Hungarian Breweries, Ltd., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949 as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on July 29, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-6334; Filed, Aug. 1, 1957; 8:52 a. m.]

AUG 7 1957
MAIN
READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
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FEDERAL REGISTER

VOLUME 22 NUMBER 150

Washington, Saturday, August 3, 1957

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

REVISION OF REGULATIONS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 11th day of June A. D. 1957.

The matter of accounting regulations prescribed for railroad companies, which are not independently operated as electric lines, being under consideration pursuant to provisions of section 20 of the Interstate Commerce Act, as amended; and,

It appearing, that by an order entered August 15, 1952, the Uniform System of Accounts for Railroad Companies, Issue of 1952, was prescribed but has since been variously modified by subsequent orders, and it is deemed necessary for proper reference that the regulations and the several modifications should be consolidated and published in revised form:

It is ordered, That the regulations prescribed by the order of August 15, 1952, including modifications thereof to December 31, 1956, which regulations so modified are hereby referred to and made a part hereof, be, and they are hereby, published in revised form to be cited as the Uniform System of Accounts for Railroad Companies, Issue of 1957; and,

It is further ordered, That notice of this order shall be given to railroad companies subject to its provisions and to the general public by depositing a copy thereof, with the attached regulations in revised form, in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS
(As of January 1, 1957)

The following are now available:

Title 14, Parts 1–39 (Rev. 1956) ($6.75)

Title 14, Parts 40–399 (Rev. 1956) ($6.00)

Title 46, Part 146 to end ($2.00)

Title 49, Parts 71–90 (Rev. 1956) ($6.25)

All pocket supplements and revised books have been previously announced except Titles 1–3 and the supplement to the General Index.

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AUTHORITY: §§ 10.00 to 10.825 issued under sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20.

NOTE: In this part the numbers assigned to sections thereof include as a whole number, following the decimal point, the number of the prescribed account. Where references throughout the regulations are to an account, as such, only the account number portion of the section number is used. For example: Account 101, "Freight," may be mentioned in the instructions or in the text of another account, and will be found as § 10.101 under operating revenues. Sections devoted to instructions, as distinguished from the texts of the prescribed accounts, are numbered serially § 10.01 to § 10.08, inclusive, with appropriate sub-numbers following a dash.

APPLICATION

§ 10.00 *Regulations prescribed.* Pursuant to provisions of an order entered August 15, 1952, as subsequently amended, carriers by railroad subject to provisions of the Interstate Commerce Act and not independently operated as electric lines, and each lessor of such a carrier, shall comply with regulations in this part which, as presented hereinafter, include all modifications thereof effective January 1, 1957, and prior thereto.

ACCOUNTING INSTRUCTIONS

INVESTMENT IN ROAD AND EQUIPMENT

§ 10.01 *General instructions.* The carrier's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries made in the accounts provided in this part for investment in road and equipment. Where the full information is not recorded in the general books, the entries therein shall be supported by other records in which the full details shall be shown. Such general book entries shall contain sufficient reference to the detail records to permit ready identification, and the detail records shall be filed in such manner as to be readily accessible for examination by representatives of the Interstate Commerce Commission.

§ 10.01–1 *Accounts for investment in road and equipment.* The accounts prescribed in this classification, except in connection with the acquisition of transportation property as provided in accounts 733, "Acquisition adjustment," and 734, "Donations and grants—Cr.," are designed to show the investment of the carrier in property devoted to transportation service. The carrier's investment in physical property other than transportation property is provided for in balance-sheet account 737, "Miscellaneous physical property." "The carrier" means the accounting carrier, except when otherwise specifically indicated. The carrier's records shall be kept in such form that expenditures for additions and betterments may be reported separately from those for original road, original equipment, and road extensions, and shall show separately the expenditures under each authorized addition and betterment project. (See balance-sheet account 731, "Road and equipment property," and 732, "Improvements on leased property.") When a building or structure is used primarily for transportation purposes it is not contemplated that parts of such buildings or structures rented to others will be carried in account 737; nor is it contemplated that irregular parcels of land acquired in connection with acquisition of right-of-way which have no value as commercial property shall be transferred to account 737, either for the purpose of making right-of-way boundaries more or less regular or for the purpose of eliminating from account 731 the cost of unoccupied lands between tracks in yards and terminals.

§ 10.01–2 *Items to be charged.* To these accounts shall be charged the cost of original road, original equipment, road extensions, additions, and betterments; also the estimated values at time of acquisition of right of way and other road and equipment property donated to the carrier, except that unless authorized by the Commission no charges shall be made to these accounts after July 1, 1914, for donations received previously to that date. Applications to the Commission for including such items in the road and equipment accounts shall contain full information concerning the source and character of the donations.

(a) When the property change involves: (1) the acquisition of units and minor items of road property (other than land or tracks) such as defined in paragraphs (e) and (c) of § 10.01–7 *Road property retired* the cost of which is less than $500.00; (2) the betterment of road property (see "Betterments" under paragraph (c) of this section), the betterment cost of which is less than $500.00, the cost of the units and minor items of road property acquired under (1) and betterment costs under (2) shall be charged to operating expenses.

The retirement of units and minor items of road property shall be accounted for in accordance with § 10.01–7 *Road property retired.*

(b) The carrier shall not parcel expenditures or retirements under a general plan for the purpose of bringing the accounting therefor within this rule, neither shall it combine unrelated items of property for the purpose of excluding the accounting therefor from the rule.

(c) The carrier is permitted to adopt for the purpose of its accounting a limit of less than the aforesaid amounts provided it first files with the Commission the maximum amount which it proposes to adopt and makes no subsequent change in this amount except by authority of the Commission, except that when the carrier adopts a limit of less than $500 in reporting property changes for valuation purposes it shall adopt a like minimum for accounting purposes in order to coordinate the original cost with the physical property included in the inventory.

"Construction" includes all processes connected with the acquisition and construction of original road and equipment, road extensions, additions, and betterments.

"Original road" means the land and road property provided and arranged for in the original plan for the construction of a new road. When the acquisition of any road property under the original plan is deferred, such property when acquired, shall be considered an addition. Original road shall not include road property which, under the original plans for the road, it is proposed to substitute at some time subsequent to the beginning of commercial operations, for the property originally installed and used for transportation operations, such as steel bridges substituted for trestles.

"Original equipment" means equipment provided and arranged for under the original plan for the construction of

a new road. When the acquisition of such equipment under the original plan is deferred, such equipment, when acquired, shall be considered as additions.

"Road extensions" means the land and road property provided and arranged for in the original plan for the construction of extensions of existing main lines, additional branch lines, and extensions of existing branch lines. When the acquisition of any road property under the original plan is deferred, such property, when acquired, shall be treated as an addition. Road extensions shall not include road property which, under the original plan for the extensions, it is proposed to substitute, at some time subsequent to the beginning of commercial operations for the property originally installed and used for transportation in connection with the commercial operations, such as steel bridges substituted for trestles.

"Equipment" means the rolling stock, boats, and highway vehicles devoted to transportation service, the cost of which is includible in the equipment accounts.

"Road property" means transportation property other than equipment.

"Additions" are additional facilities, such as additional equipment, tracks (including timber and mine tracks), buildings, bridges, and other structures; additions to such facilities, such as extensions to tracks, buildings, and other structures; additional ties laid in existing tracks; and additional devices applied to facilities, such as air brakes applied to cars not previously thus equipped. When a unit of property is retired from service and replaced with property of like purpose, the newly acquired property shall, for the purpose of this classification, be considered as an addition, and the cost thereof accounted for accordingly. (See § 10.01–7 *Road property retired.*)

"Betterments" are improvements of parts (minor items) of existing facilities through the substitution of superior parts for inferior parts replaced. The cost chargeable to the accounts of this classification is the excess cost of new parts over the cost at current prices of new parts of the kind replaced.

"Cost" shall be actual money costs to the carrier. Where a portion of the funds expended by or for the carrier has been obtained by grants from governmental agencies, or by donations from individuals or others, the accounting shall be in accordance with paragraphs (1), (2), or (3) of this section as may be applicable.

(1) *Donations from individuals or others.* The entire cost of constructing transportation property to which the carrier acquires exclusive title and exclusive right of use shall be included in these accounts without deduction on account of contributions received from others. The money value of donations shall be credited to account 734, "Donations and grants—Cr."

NOTE: Amounts billed against a lessee company for a proportion of the cost of constructing facilities under a contract which covers the joint use of such facilities but does not transfer title, shall be credited by the owning company to account 508, "Joint facility rent income," and charged by the lessee to account 541, "Joint facility rents." The entire cost of the facilities shall be charged by the owning company to the appropriate accounts of this classification.

(2) *Joint projects.* Contributions by governmental agencies, or individuals toward construction of projects involving joint use of facilities by the carrier and others after completion of the project shall not be considered donations and only the cost borne by the carrier in connection with the construction of these projects shall be included in these accounts. In accounting for the cost to the carrier of projects involving joint use of facilities by the carrier and others, such costs shall be first applied to the cost of construction of railway facilities includible in accounts other than 2½, "Other right-of-way expenditures," or 39, "Public improvements—Construction," any remaining balance to be included in account 2½, or account 39, as appropriate.

Illustrations of joint projects referred to are:

(i) Jointly owned tracks, interlockers, etc.;

(ii) Construction or widening of highways, spillways, drainage canals, farm and other private passes, pipe lines, drains and other facilities across the carrier's right of way;

(iii) Construction of overhead or undergrade crossings;

(iv) Installation of warning signals to protect highway traffic.

(3) *Public improvement projects other than joint projects.* In connection with public improvement projects which do not involve joint use by the carrier and others of the facilities after completion of the projects such as reconstruction and relocation of tracks and appurtenant facilities at the expense of governmental agencies, the ledger value of the property retired shall be credited and the cost of constructing the new property shall be charged to the appropriate accounts of this classification. The sum contributed by the governmental agencies unless contract specifies otherwise shall be applied first to reduce or cancel the amount that otherwise would be charged to operating expenses or depreciation reserve in accounting for the retirements, and the remainder, if any, representing cost of railroad property only, shall be credited to account 734, "Donations and grants—Cr." The projects here referred to are those such as occur in connection with the carrying out of flood control, reclamation and other public projects where it becomes necessary to abandon a part of the line of road and relocate it.

§ 10.01–3 *Basis of charges.* The charges to the accounts of this classification shall be based upon the cost of the property acquired. When the consideration given for the purchase or the improvement of property the cost of which is chargeable to the accounts of this classification is other than money, the money value of the consideration at the time of the transaction shall be charged to these accounts, and the actual consideration shall be described in the record in sufficient detail to identify it. The carrier shall be prepared to furnish the Commission, upon demand, the particulars of its determination of the actual cash value of the consideration, if other than money.

§ 10.01–4 *Cost of construction.* It is intended that the accounts for road property and equipment shall include the cost of construction of such property. The cost of construction shall include the cost of labor, materials and supplies, work-train service, special machine service, transportation, contract work, protection from casualties, injuries and damages, privileges, and other analogous elements in connection with such work. The several items of cost here referred to are defined as follows:

(a) "Cost of labor" includes the amount paid for labor expended by the carrier's own employees, including the cost of labor expended for preliminary work, such as sinking test holes or making soundings for tunnels, grading, buildings, and other structures; and cost of labor expended in laying and taking up tracks for temporary use in construction, except the cost of labor expended on tracks provided for the protection of traffic during the progress of addition and betterment work. Office expenses and traveling and other personal expenses of employees, when borne by the carrier, shall be considered a part of the cost of the labor, as shall also the cost of fidelity bonds and employers' liability insurance premiums. When officers or employees are specially assigned to construction work, their pay and their traveling and incidental expenses while thus engaged shall be included in the cost of the work. No charge shall be made against road and equipment accounts for the pay of officers and employees who merely render services incidentally in connection with extensions, additions, or betterments, although traveling and incidental expenses incurred by such officers and employees solely on account of such work shall be included in the account to which the cost of the work is chargeable.

(b) "Cost of materials and supplies" includes the purchase price of materials and supplies, including small tools, at the point of free delivery, plus the cost of inspection and loading assumed by the carrier; also a suitable proportion of store expenses. (See § 10.04–16 *Material store expenses* and § 10.04–17 *Stationery store expenses.*) In calculating the cost of materials used, proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc.; for the value of the material recovered from temporary tracks, scaffolding, cofferdams, and other temporary structures used in construction; and for the value of small tools recovered and used for other purposes.

(c) "Cost of work-train service" includes amounts paid to others for rent and maintenance of equipment used; cost of labor of enginemen, trainmen, and enginehousemen, including wages of engine crews and train crews held in readiness for such service; and cost of fuel and other supplies consumed in connection with the operation of work trains. It shall also include the cost of maintaining the carrier's own equipment used in construction service. However, no rent or return upon the investment in such equipment shall be included as a part of the cost of work-train service.

(d) "Cost of special machine service" includes the cost of labor expended and of materials and supplies consumed in maintaining and operating steam shovels, scrapers, rail unloaders, ballast unloaders, pile drivers, dredges, ditchers, weed burners, and other labor-saving machines; also rents paid for use of such machines. (See Note A under account 37, "Roadway machines," and tenth paragraph of general account 50, "Equipment.")

(e) "Cost of transportation" includes the amounts paid to other companies or individuals for the transportation of men, materials and supplies, special machine outfits, appliances, and tools in connection with construction. Freight charges paid foreign lines for the transportation of construction material to the carrier's line shall be included, so far as practicable, as a part of the cost of the material.

(f) "Cost of contract work" includes amounts paid for work performed under contract by other companies, firms, or individuals, and costs incident to the award of the contract.

(g) "Cost of protection from casualties" includes expenditures for protection against fire, such as payments for discovery or extinguishment of fires, cost of detecting and prosecuting incendiaries, witness fees in relation thereto, amounts paid to municipal corporations and others for fire protection, and other analogous items of expenditure in connection with construction work.

(h) "Cost of injuries and damages" includes expenditures on account of injuries to persons or damage to property when incident to construction projects, and shall be included in the cost of the work in connection with which the injury or damage occurs. It also includes that portion of premiums paid for insuring property applicable to the period prior to the completion or coming into service of the property insured. Insurance recovered on account of compensation paid for injuries to persons incident to construction shall be credited to the accounts to which such compensation is charged, and insurance recovered on account of damages to property incident to construction shall be credited to the accounts chargeable with the expenditures necessary for restoring the damaged property. The cost of injuries and damages incident to the removal of old structures, or parts thereof, shall be charged to operating expenses, except that such costs in connection with the removal of old structures which are incumbrances on newly acquired lands shall be included in account 2, "Land for transportation purposes," or 3, "Grading," as may be appropriate. (See § 10.01–7 *Road property retired.*)

(i) "Cost of privileges" includes compensation for temporary privileges, such as the use of public property or streets, in connection with the construction of the property of the carrier.

§ 10.01–5 *Excavated material.* The cost of disposing of material excavated in connection with construction shall be considered as a part of the cost of the work, except that when such material is used for filling, the cost of removal and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used.

§ 10.01–6 *Items to be credited.* To these accounts shall be credited the ledger value of property retired.

"Ledger value of property" is the value at which the property is carried in the property investment account in the general ledger of the carrier. In case the value of any item of property is not shown separately in the ledger the ledger value of that item shall be its proportionate share of the value of the entire group in which the particular property is included.

"Property retired" means a unit of property whether replaced or not and a minor item not replaced, which is sold, abandoned, demolished, dismantled, or otherwise withdrawn from transportation service.

§ 10.01–7 *Road property retired.* (a) When a unit of road property, other than land, is retired from service, or a minor item is retired and not replaced, the ledger value of the unit or minor item shall be credited to the appropriate road accounts of this classification at the time of retirement from service. The amount of this credit shall be charged concurrently as follows:

(1) *For depreciable property.* The service value (ledger value less value of salvage) shall be charged, and insurance recovered, if any, shall be credited to account 735, "Accrued depreciation—Road and equipment." The charge for the salvage shall be in accordance with the disposition of the material recovered. The cost of dismantling or demolishing the property, if borne by the carrier, shall be charged to account 270, "Dismantling retired road property," or account 306, "Dismantling retired shop and power plant machinery," as may be appropriate.

NOTE: When property included in the depreciable accounts but excluded from the depreciation base is retired, the service value (including engineering expenditures assignable to the retired property but not included in the depreciation base) shall be charged to operating expenses.

(2) *For nondepreciable property.* The service value (ledger value less value of salvage) shall be charged to account 267, "Retirements; Road." The cost of dismantling or demolishing the property, if borne by the carrier, shall be charged to account 270, "Dismantling retired road property." The charge for the salvage shall be in accordance with the disposition of the material recovered.

An equitable proportion of any balances carried in accounts 72 to 77, inclusive, applicable to the road property retired, shall be credited thereto concurrently and charged to account 267, "Retirements; Road."

NOTE: For parts (minor items) of road property retired and replaced for both depreciable and nondepreciable accounts the cost of replacement including cost of removal, shall be charged to the accounts in operating expenses appropriate for the cost of repairing such property.

(b) The term "service value" as applied to road property means the ledger value thereof less the value of the salvage recovered therefrom.

(c) The term "minor item" as applied to road property means the associated parts of which units of road property are composed.

(d) The term "value of salvage" means the amount received for property retired, or for the material salvaged therefrom if sold; or if retained, the value at which the property or the material salvaged therefrom is chargeable to account 712, "Material and supplies," or other accounts of this system of accounts. When such material is retained and again used by the carrier, the value shall be determined by deducting a fair allowance for depreciation from current prices of the material as new. If the retired property is held without being torn down the estimated value of the salvage therefrom shall be included in account 741, "Other assets," until the salvage is recovered.

(e) The term "unit of road property" means those items of road property that are listed in § 10.01–15 *List of accounting units of property for railroads.*

(f) *Leased property.* When a unit of road property used but not owned, other than land, the rent for which is includible in account 542 "Rent for leased roads and equipment," is retired from service, or a minor item is retired and not replaced, the service value of nondepreciable property shall be charged to account 267, "Retirements; Road," by the lessee and the service value of depreciable property shall be charged to the depreciation reserve account by either the lessee or lessor, as appropriate. If under terms of the lease the lessor is obligated to reimburse the lessee for additions and betterments and is credited with the ledger value of retired property, the lessor shall credit the ledger value of the retired property to account 731, "Road and equipment property." If under terms of the lease the lessee bears the cost of additions and betterments without reimbursement and is not obligated to reimburse the lessor for the ledger value of retired property, the lessee shall credit the ledger value to account 732, "Improvements on leased property." The salvage shall be accounted for by the company that has title thereto and charged in accordance with the disposition of the material recovered.

When the lessee makes settlement with the lessor currently for retirements of property leased, the lessee shall credit to account 721, "Investments in affiliated companies," or 722, "Other investments," as applicable, the service value of nondepreciable property charged to account 267, "Retirements; Road," and the lessor shall make corresponding charge to account 769, "Amounts payable to affiliated companies," or other liability accounts, as may be appropriate.

The lessee shall furnish the lessor such information as is required to perform the necessary accounting.

§ 10.01–8 *Property changes*—(a) *Changes in line of road.* When changes are made in a line of road for the purpose of reducing curves or grades, or to eliminate bridges, tunnels, or other

physical features, the part of the line so changed shall be considered property retired and its ledger value credited to the property accounts. The new line of road, including land, grading, ballast, track elements, and other transportation facilities serving it, shall be considered an addition and its cost charged to the property accounts. The cost of such track changes which do not involve change in the existing roadbed shall be charged to operating expenses, even though the tracks may be dismantled in the process, but resulting track extensions or reductions shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to property accounts.

(b) *Relocation of yard tracks.* The cost of shifting or rearranging tracks within a yard shall be charged to operating expenses, even though the tracks may be dismantled in the process, but resulting increases or decreases in grading, ballast, or track length shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to the property accounts. However, dismantled tracks which are replaced by other tracks outside the existing yard shall be retired from the property accounts. In that case the replacement tracks plus any net increase in trackage due to the yard reconstruction shall be accounted for as additions.

(c) *Major renewals.* (1) When the cost of renewals of a unit of road property, or of a unit of equipment, exclusive of the expense of dismantling and of repairs of old parts reused exceeds fifty percent of the replacement cost new of the kind and class as rebuilt at the time of rebuilding, the unit shall be considered as rebuilt. This rule does not apply to renewal of a unit of roadway property the replacement cost new of which does not exceed $35,000.

(2) The rebuilt unit shall be accounted for as an addition and the old unit accounted for as retired from service. The term "cost of renewals" means the cost of material (other than second-hand parts remaining in the rebuilt unit) plus the cost of labor used in the rebuilding process, exclusive of the expense of dismantling and repairing old parts reused.

(3) The charge to the appropriate road and equipment account for the rebuilt units shall be the sum of (i) the value of the reused parts determined by deducting a fair allowance for depreciation from current prices of new material, and (ii) the cost of labor and additional material applied; both exclusive of the expense of dismantling and repairing old parts reused.

§ 10.01–9 *Equipment retired.* The instructions for accounting for equipment retired are contained in the text of general account 50, "Equipment."

§ 10.01–10 *Land retired.* When any land, the cost of which is included in the accounts of this classification, is retired, the ledger value shall be credited to account 2, "Land for transportation purposes." If the land is retained by the carrier, its estimated value shall be charged to balance-sheet account 737, "Miscellaneous physical property," the necessary adjustment of the difference between the ledger value and the estimated value on acount of the loss in the property due to its retirement from transportation service shall be made through account 621, "Miscellaneous debits". If sold, the difference between the ledger value credited to account 2 and the amount received for the land shall be adjusted through accounts 607, "Miscellaneous credits," or 621, "Miscellaneous debits," as appropriate.

§ 10.01–11 *Adjustment for converted property.* If a unit of equipment by its transfer from one class of service to another, with or without physical conversion, becomes includible in a primary investment account other than that in which it has been carried, it shall be accounted for as retired. (See the text of general account 50, "Equipment.")

In accounting for the retirement of such a unit the retirement accounting should be on a basis consistent with the accounting which would be proper if the carrier were to make no further use of it, as in the case of demolition or sale. Following this principle, the salvage value to be used in arriving at the service value shall be the ledger value of the unit less an allowance to reflect consumed, expired or lost usefulness and in no case shall it be less than the estimated value of the scrap and reusable parts which would be recovered if the unit were dismantled. In arriving at this salvage value, the amount which would have been paid, had the old unit in its second-hand condition been purchased from another company, and the further use which it is contemplated will be made of the unit after conversion, are factors to be given consideration.

In accounting for the unit as converted, its ledger value shall be the estimated salvage value used in the retirement accounting less any salvage recovered and not used in the conversion process plus all expenditures for labor and material necessary to fit the unit for its future use, but not in excess of the cost (at current market prices of labor and material) of a new unit of equal capacity and equal expectation of life in service, less a suitable allowance on account of the second-hand portions remaining therein.

NOTE: The procedure outlined in the foregoing with regard to the transfer of equipment from one class of service to another shall be followed in accounting for fixed property when by its transfer from one class of service to another it becomes includible in a primary investment account other than that in which it has been carried.

§ 10.01–12 *Expenses in connection with additions and betterments.* The cost of removing old material from equipment and from buildings, bridges, wharves, tracks, and other fixed improvements, shall be charged to the appropriate operating expense accounts. Such charges shall include the cost of removing old foundations and filling old excavations, and restoring condition of grounds after addition and betterment work; and maintaining or protecting traffic during the progress of addition and betterment work, including the cost of constructing, maintaining, and removing temporary tracks required for maintaining traffic during the progress of the work.

§ 10.01–13 *Interpretation of item lists.* Lists of "items," "details," etc., have been given as a part of this classification for the purpose of clearly indicating the application of the accounting rules in specific cases. The lists in every case are to be considered as merely representative, and not as excluding from any account analogous items which happen to be omitted from the list appended. On the other hand, the appearance of an item in a list warrants the inclusion of the item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list. The item of boilers, for example, will be found under accounts 18, 27, 37, 44, and 45, and the proper charge in any one instance must be determined by the text of the account.

§ 10.01–14 *Submission of questions.* To the end that uniformity of accounting may be maintained from year to year, carriers shall submit all questions of doubtful interpretation of the accounting rules to the Commission for consideration and decision.

§ 10.01–15 *List of accounting units of property for railroads.* (a) This list of units is established for the purpose of designating the items of property the cost of which shall be written out of road and equipment accounts when the property is retired and replaced. When property is retired and not replaced the cost thereof shall be written out of road and equipment accounts whether or not it constitutes a unit as established in this list.

(b) The cost of replacing minor items, i. e., the component parts of which units of property are composed, shall be charged to operating expenses except for betterments.

(c) The cost of additional units of property, or of additions to units of property in the form of minor items, shall be charged to road and equipment accounts, except as excluded therefrom under the minimum rule.

(d) The units listed are to be considered representative and not as excluding from any account analogous units which are omitted from the list. Where additional units are desired in a given account, appropriate designations may be selected, preferably from a list in other accounts. It is contemplated that the list of units contained herein will be revised and amended from time to time as experience and conditions warrant. All items listed are subject to the effective minimum rule.

Account 3, Grading

A retaining wall, riprap (hand placed), a protecting dyke, a protecting crib, a wing dam, a revetment, mattress, pipe or other structures to provide drainage. Each entire installation.

Account 5, Tunnels and Subways

The entire masonry, entire timber, and entire metal lining of a tunnel or subway, including portals and wing walls.
Drainage. Each entire installation.
Lighting. Each entire installation.
Ventilation. Each entire installation.

Account 6, Bridges, Trestles, and Culverts

A steel superstructure.
A concrete or stone substructure.
A concrete trestle, a complete bridge or approach.
A timber trestle, a complete bridge or approach.
Complete machinery for operating a movable span.
A protecting dyke, a protecting crib (a fender), a wing dam, a complete culvert. Each entire installation.

Account 7, Elevated Structures

Any applicable units listed under account 6, "Bridges, trestles, and culverts".

Account 13, Fences, Snowsheds, and Signs

A complete snowshed.
One continuous mile of right-of-way fence.
One continuous mile of permanent sand or snow fence.

Account 16, Station and Office Buildings

A complete building, including attached platform.
A complete platform structurally detached from a building.
Each retaining wall installation.
Each timber trestle installation.
Each coal pocket installation.
Each outside steam, water, air, etc., pipe line installation.
Each storm or sanitary sewer installation.
A complete fence.
Paving. Each complete installation.
A station stockyard. Each complete installation.
A track scale.
A track scale pit.
An outside crane or conveying system for handling freight.
A motor truck.
A motor tractor.
Any applicable units listed under other accounts.

Account 17, Roadway Buildings

Any applicable units listed under accounts 16, "Station and office buildings," and 44, "Shop machinery."

Account 18, Water Stations

A complete water supply piping system.
A dam or reservoir.
A pump house.
Pumping machinery. Each complete installation.
A water tank. Each complete installation.
A complete track trough at one location.
A water crane. Complete with pit.
A water treating plant.

Account 19, Fuel Stations

A trestle-type coaling station.
Mechanical coaling station. Each complete installation.
A complete fuel supply system, including appurtenances.
A pump house.
A fuel oil storage tank (large).

Account 20, Shops and Engine Houses

A complete building, including attached platform.
A complete platform structurally detached from a building.
A turntable.
A turntable pit.
A transfer table with machinery.
A transfer table pit.
A cinder pit. Each complete installation.
A sand storage and handling and drying apparatus.
Outdoor bins. Each complete installation.
A smoke stack not mounted on boiler.
A lorry track system (outside).
A boiler washing plant. Each complete installation.
An overhead crane, outside.
Each outside pipe installation, steam, air, water, etc.
Each sewer installation, storm or sanitary.
Paving. Each complete installation.
Each shop fence or wall installation.
Any applicable unit under account 16, "Station and office buildings".

Account 21, Grain Elevators

A complete building, including attached platform.
A complete platform structually detached from a building.
A conveyor system complete.
An elevator system complete.
A blowing system complete.
For additional items see account 16, "Station and office buildings," and 44, "Shop machinery".

Account 22, Storage Warehouses

A complete building, including attached platform.
A complete platform structurally detached from a building.
For additional items see account 16, "Station and office buildings," and 44, "Shop machinery".

Account 23, Wharves and Docks

A timber float bridge.
A steel float bridge.
A wharf (including pile clusters).
A timber incline.
A bulkhead.
Jetties or breakwater.
Ferry racks (including pile clusters).
Float racks.
Each complete machinery installation.
For additional items, see accounts 3 "Grading," 6, "Bridges, trestles, and culverts," and 44, "Shop machinery".

Account 24, Coal and Ore Wharves

Car dumper complete.
Timber bridges.
Steel bridges.
Each complete machinery installation.
A loading or unloading machine complete.
Each coal or ore pocket installation.
For additional items, see accounts 6, "Bridges, trestles, and culverts," 16, "Station and office buildings," 20, "Shops and engine houses," 23, "Wharves and docks," and 44, "Shop machinery".

Account 26, Communication Systems

A complete mile section or complete installation if less than a mile of pole line including cross arms, wires and appurtenances.
Each mile or complete installation of cable with associated parts.
Each mile or complete installation of conduit with associated parts.
A complete tower.
A complete installation at each location constituting a separate means of communication, such as radio, radar, carrier telephone, teletype, or other communication systems.
For additional items see account 16, "Station and office buildings".

Account 27, Signals and Interlockers

A signal system installation complete, or section thereof, with associated parts, including masts, batteries, relays, ladder, etc.
A complete mile section or complete installation if less than a mile, of pole line including cross arms, wires and appurtenances.
Each mile or complete installation if less than one mile of cable with associated parts.
Each mile or complete installation if less than one mile of conduit with associated parts.
Switch movement with associated parts.
A complete building.
An interlocking plant complete (excluding machine).
An interlocking machine.
Signal bridge complete.
Each highway crossing protection installation complete.
Each car retarder installation complete.
A traffic control or C. T. C. system installation complete.

Account 29, Power Plants

Any applicable units listed under accounts 16, "Station and office buildings," and 20, "Shops and enginehouses".

Account 31, Power Transmission Systems

A continuous mile, or a separate installation if less than a mile, of catenary complete including catenary hangers, trolley wire and appurtenances.
A continuous mile, or a separate installation if less than a mile, of transmission line, including poles, wires, transformers, switches, and other appurtenances.
Each outside steam, air, etc., pipe line installation.
A manhole.
Substation or switching station complete.
Each mile, or installation if less than a mile, of third rail.
A catenary bridge or support.
A high-tension transmission tower.
Any applicable units listed under accounts 26, "Communication systems," and 27, "Signals and interlockers".

Account 35, Miscellaneous Structures

Any applicable units listed under other accounts.

Account 37, Roadway Machines

Each roadway machine complete including accessories.

Account 39, Public Improvements—Construction

Any applicable units listed under other accounts.

Account 44, Shop Machinery

A machine (including foundation and motor, if any), such as lathes, shapers, slotters, boring machines.
Equipment, such as ash handling.
A furnace.
A boiler installation complete.
A motor vehicle used in shops only.
Testing equipment.
Overhead crane, complete.

Account 45, Power Plant Machinery

A power plant machine, including foundation, such as a turbine, rectifier, dynamo, generator.
Any applicable unit listed under account 44, "Shop machinery".

Account 51, Steam Locomotives

A complete locomotive.
A locomotive, exclusive of tender.
A tender.
A locomotive booster.

Account 52, Other Locomotives

Diesel electric, lead or booster, i. e., "A" or "B" units.
Diesel electric. Extra or spare motors.
Electric locomotive.
Gasoline locomotive.
Gas turbine locomotive.

Account 53, Freight-Train Cars

A complete car.
Motor equipment of a motor driven car.
A propulsion motor including generator.
A freight container, complete.

Account 54, Passenger-Train Cars

A complete car, including interior furnishings.
Motor equipment of a motor driven car.
A propulsion motor, including generator.

Account 56, Floating Equipment

A complete vessel or boat, exclusive of machinery.
Machinery: a boiler, a motor, an engine.

Account 57, Work Equipment

(a) Rail equipment:
(1) A complete car or machine.
(2) A boiler.
(3) An engine.
(4) A motor.
(5) Machinery equipment (with or without tractive machinery) such as concrete mixer, snow plow, derrick, steam shovel, or pile driver.
(6) A complete motor equipment.
(b) Floating equipment—Work:
(1) A complete vessel or boat.
(2) A boiler.
(3) An engine.
(4) A motor.

Any applicable units listed under other accounts.

Account 58, Miscellaneous Equipment

A complete vehicle.

OPERATING REVENUES AND OPERATING EXPENSES

§ 10.02 *General instructions.* The carrier's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries made in the accounts provided herein for railway operations. Where the full information is not recorded in the general books, the entries therein shall be supported by other records in which the full details shall be shown. Such general book entries shall contain sufficient reference to the detail records to permit ready identification, and the detail records shall be filed in such manner as to be readily accessible for examination by representatives of the Interstate Commerce Commission.

§ 10.02–1 *Operating accounts.* The accounts of this classification are designed to show the revenues and expenses (including the maintenance of the facilities used) of the carrier's railway operations, including rail-line transportation, water-line transportation, if any, and services incident to transportation.

"Transportation" includes the receipt, conveyance, and delivery of traffic.

"Rail-line transportation" includes not only the conveyance of traffic over tracks, but also the necessary conveyance by water transfers (ferriage, lighterage, and floatage) either between track terminals or between track terminals and points not reached by tracks.

Carriers are at liberty to subdivide the general and primary accounts here given, but if this option be exercised a statement of the accounts adopted shall be filed with the Interstate Commerce Commission.

"The carrier" means the accounting carrier, except when otherwise specifically indicated.

§ 10.02–2 *Unaudited items affecting operating accounts.* When it is known that a transaction has occurred which affects operating revenues or operating expenses, but the amount involved and its effect upon the accounts cannot be determined with absolute accuracy, the amount thereof shall be estimated and included in the appropriate operating and balance-sheet accounts. Any such estimate shall be revised whenever and at the time a substantial change is indicated and shall be finally adjusted as soon as the exact amount is determined. The carrier is not required to anticipate items which would not appreciably affect the operating accounts.

Any change in practice of accounting for accruals or any unusual accruals involving substantial amounts shall be reported promptly to the Commission. Accruals shall not be recorded for purely speculative items, but shall be limited to reasonable estimates on reliable information of transactions that will be consummated.

§ 10.02–3 *Delayed items.* Delayed items and adjustments, except adjustments pertaining to account 735, "Accrued depreciation—Road and equipment," arising during the current year which are applicable to prior years, shall be included in the same account which would have been charged or credited if the item had been taken up or adjusted in the year to which it pertained. When the amount of the delayed item is relatively so large that its inclusion in the appropriate account for the current year would seriously distort the revenues, expenses or income of the current year, the amount of the delayed item may be credited to account 520, "Delayed income credits," or charged to account 557, "Delayed income debits," as may be appropriate.

When the amount of a delayed item is relatively so large that its inclusion in the accounts for a single month will seriously distort those accounts it may be distributed in equal monthly charges to the remaining months of the calendar year.

"Delayed items" are items representing transactions which occurred before the calendar year.

§ 10.02–4 *Miscellaneous operations.* The revenues and expenses of miscellaneous operations involving the use of such facilities as hotels, restaurants, grain elevators, storage warehouses, power plants, cold storage plants, etc., shall not be included in the accounts of this classification unless the operation of the facilities is conducted by the railway companies in connection with furnishing transportation services.

§ 10.02–5 *Submission of questions.* To the end that uniformity of accounting may be maintained from year to year, carriers shall submit all questions of doubtful interpretation of the accounting rules to the Commission for consideration and decision.

§ 10.02–6 *Stockyards.* The revenues and expenses arising from the operation of stockyards shall not be included in operating revenue or operating expense accounts unless the operation of the facilities is conducted in connection with the transportation of livestock. It is not intended, however, that revenues and expenses arising from incidental public stockyards service rendered by stockyards primarily devoted to transportation services shall be excluded from operating revenues and expenses.

Operating Revenues

§ 10.03 *Special instructions.*

§ 10.03–1 *Accounts for operating revenues.* The accounts provided for operating revenues are designed to show amounts of money which a carrier becomes entitled to receive from transportation and from operations incident thereto.

Credits to the revenue accounts shall as nearly as practicable be upon the basis of accruals of revenue.

Uncollected tariff charges on unclaimed and refused shipments of freight, such refused shipments having been transported in accordance with the contract of shipment, shall be charged to the appropriate revenue account to which shall be credited the proceeds derived from the sale of such unclaimed and refused freight.

The carrier's tariff charges on lost, destroyed, or damaged shipments, for which charges neither consignees nor consignors are liable, shall be charged to the revenue accounts previously credited.

Except as otherwise provided in this section, the revenue accounts shall include collections in excess of proper charges, such collections being subject to refund, and there shall be charged to the revenue accounts uncollectible revenue charges determined after the service has been rendered.

§ 10.03–2 *Interpretation of item lists.* Lists of items to be credited and of items to be charged have been given as a part of the text of this classification for the purpose of clearly indicating the application of the accounting rules. They are not to be considered as comprising all the items creditable or chargeable to the several accounts, but merely as representative of them.

The items contained in the lists of items to be charged to the respective accounts are chargeable only when such items have been, through oversight, included in the credits to the accounts, or they are items of revenue payable to others for service to be rendered in accordance with the tariff provisions applicable to the rates upon which the credits to the several accounts have been based.

§ 10.03–3 *Accruals of revenues.* In order that operating revenue accounts may as nearly as practicable include the full amount of revenues accruing to the carrier each month, the carrier shall accrue currently in the appropriate revenue and balance-sheet accounts estimates of unaudited items affecting revenues. If these estimates are not fully adjusted in the following month, the balances in the balance-sheet accounts shall be kept separately by months until each is adjusted. The carrier is not required to anticipate items which would not appreciably affect the revenue accounts.

§ 10.03–5 *Delayed items.* Cancellation of entries recorded in balance-sheet accounts relating to operating revenues of former years shall be recorded in accordance with § 10.02–3 *Delayed items.*

Operating Expenses

§ 10.04 *Special instructions.*

§ 10.04–1 *Accounts for operating expenses.* The accounts prescribed for operating expenses are designed to show expenses of furnishing transportation service including the expense of maintenance and depreciation of the plant used in the service. The accounting shall be, as nearly as practicable, upon the basis of accruals.

"Road property" means transportation property other than equipment.

Following the texts of the primary operating expense accounts, there is a condensed grouping of the same accounts to be used by Class II carriers. For purposes of this condensed classification, carriers are divided into two general classes, designated respectively Class I and Class II. Class I shall include all carriers having annual operating revenues of $3,000,000 or more; and Class II, all carriers having annual operating revenues less than $3,000,000. In applying this grouping to any switching or terminal company which is operated as a joint facility of owning or tenant railways, the sum of the annual railway operating revenues, the joint facility rent income, and the totals of the joint facility accounts in operating expenses, shall be used in determining its class.

Beginning with the calendar year 1956, the classification of carriers for accounting purposes shall be based on the average annual operating revenues for the 3-year period ended with the calendar year 1955; and, subsequently, if at the close of any calendar year the average of the annual operating revenues for the latest 3-year period is greater or less than the amount applicable to the class in which the carrier has been, its class for the second succeeding year shall change accordingly and the carrier shall remain in such class for a period of not less than three consecutive years; Provided that: (1) Carriers which have operated for a period less than three calendar years shall be classified upon the basis of the average amount of their annual operating revenues for the latest period of such operation; (2) newly organized carriers which commence operations for revenue subsequent to January 1, 1956, shall be assigned to classes, as above defined, on the basis of their operating revenues known or estimated for a year; and (3) carriers shall within 60 days after the close of a calendar year notify the Commission when a change in classification for accounting purposes has taken place.

§ 10.04–2 *Maintenance expenses.* The accounts provided for maintenance of road property and of equipment are designed to show the cost of repairs and also the loss through depreciation of the property used in operations, including all such expenses resulting from ordinary wear and tear of service, exposure to the elements, inadequacy, obsolescence, or other depreciation, or from accident, fire, flood, or other casualty.

The cost of repairs which has been provided for in the several repair accounts shall include the cost of inspecting to determine the repairs necessary, and of adjusting or repairing parts, both of road property and of equipment, such as the repairing of locomotives, cars, frogs, switches, rails, etc.; the cost of inspecting and testing after repairs have been made, such as the testing of locomotives after repairs to determine whether the repairs have been properly made, and the running of repaired locomotives light in order to break them in for regular service; incidental costs of repairs, such as the construction or removal of false work in connection with maintenance, cost of demolishing retired road property and disposing of the wreckage therefrom when the property is dismantled by or for the carrier; cost of maintaining or protecting traffic during the progress of construction work, including the cost of constructing, maintaining and removing temporary tracks required for maintaining traffic during the progress of the work; cost of mowing and beautifying grounds around buildings; repairing fences, sidewalks, driveways, and streets within or adjacent to such grounds; cost of removing snow from roofs of buildings (when not removed by those employed in the buildings); cost of periodical restoration of seasonal features, such as gardens, shrubbery, and lawns; cost of operating hothouses in connection with the work of beautifying grounds; and cost of clearing and removing casual incumbrances, such as ice, snow, and fallen timber.

Distinct maintenance accounts have been provided for expenses of a general character, such as superintendence, stationery and printing, and injuries to persons, which, on account of established practice, it is deemed advisable to segregate.

§ 10.04–3 *Cost of repairs.* It is intended that the repair accounts of this classification shall include the cost of labor, materials and supplies, work-train service, floating equipment work service, special machine service, contract work, privileges, protection from casualties, and other analogous items of expense in connection with the maintenance of the plant used in railway service. The several items of cost here referred to are defined as follows:

(a) "Cost of labor" includes amounts paid for the labor of the carrier's own employees. Except where otherwise specified in the text of the accounts, the cost of boarding, traveling, and other incidental expenses of employees shall be included in the accounts to which the pay of the employees is chargeable.

(b) "Cost of materials and supplies" includes the cost of materials and supplies, including small tools, at the point of free delivery, plus freight charges of foreign lines, and the costs of inspection and loading assumed by the carrier; also a proportion of store expenses (see § 10.04–16 *Material store expense*). It should not, however, include expenses of transportation over the carrier's line. In calculating the cost of materials used proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc., and for the value of the material recovered from property repaired and from temporary tracks, scaffolding, cofferdams, and other temporary structures used in repair work.

(c) "Cost of work-train service" includes cost of labor of enginemen, trainmen, and enginehouse men, including the wages of engine crews and train crews held in readiness for such service; and the cost of fuel and other supplies consumed in connection with the operation of work trains.

(d) "Cost of floating equipment work service" includes cost of labor of crews, including wages of crews held in readiness for service; and the cost of fuel and other supplies consumed in connection with the operation of floating equipment work service.

(e) "Cost of special machine service" includes the cost of labor expended and of materials and supplies consumed in operating steam shovels, scrapers, rail unloaders, ballast unloaders, pile drivers, dredges, ditchers, weed burners, and other labor-saving machines; also rents paid for use of such machines.

(f) "Cost of contract work" includes amounts paid for work performed under contract by other companies, firms, or individuals and specific expenses incident to the award of the contract.

(g) "Cost of privileges" includes amounts paid for special privileges, such as the temporary use of public property or streets, in connection with the repairs of the property of the carrier. (Periodical payments for such privileges in connection with permanent use of public property for railway operations shall be included in the income accounts.)

(h) "Cost of protection from casualties" includes expenditures for protection against damage by fire, flood, etc., such as payments for discovery or extinguishment of fires, cost of detecting and prosecuting incendiaries, expense for witnesses in relation thereto, amounts paid to municipal corporations and others for fire protection, and other analogous items of expense in connection with repair work, but does not include insurance premiums paid to assure reimbursement for prospective losses.

§ 10.04–4 *Royalties on appliances.* The royalties for patent rights on mechanical appliances used in repairs of equipment shall be included in the cost of the repairs.

§ 10.04–5 *Road property retired.* The service value (ledger value less salvage and insurance recovered, if any) of road property retired and replaced with property of like purpose, together with the cost of demolishing and removing the retired property, shall be accounted for in accordance with § 10.01–7 *Road property retired.*

§ 10.04–6 *Distribution of charges for nondepreciable road property retired.* In case the amount chargeable to operating expenses for nondepreciable property retired, as provided in § 10.01–7 *Road property retired,* is relatively large and its inclusion would seriously distort the expenses for the year, the carrier, if so authorized by the Commission, may charge the amount thereof to account 743, "Other deferred charges," and distribute it thereafter in accordance with the provisions of that account to operating expenses of the current and succeeding years.

§ 10.04–7 *Adjustment for converted property.* When a unit of equipment or fixed property by its transfer from one class of service to another, with or without physical conversion, becomes includible in a primary investment account other than that in which it has been carried, the procedure outlined in § 10.01–11 *Adjustment for converted property* shall be followed.

§ 10.04–8 *Depreciation accounting; road property.* (a) There shall be charged monthly to operating expenses or other appropriate accounts and credited to account 735, "Accrued depreciation—Road and equipment," during the service life of depreciable road property amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. The charges for currently accruing depreciation shall be computed in conformity with the group plan by applying to the original cost, or the estimated original cost of the road property as found for valuation purposes, such percentage rates as will distribute the service value by the straight-line method in equal annual charges to operating expenses or other accounts during the estimated life of the property. Pending the compilation of the original cost figures to a current date, the carrier shall use as a depreciation base such figures as far as they have been summarized and add thereto the cost for the subsequent years as recorded in its Order No. 3 records and accounts. Such adjustment of original cost figures as may be necessary after the original cost figures have been summarized by the Commission to a current date shall be made at that time.

NOTE: If a carrier submits proof that the actual cost to it of the depreciable road property which it owns or the actual cost to the owner of the depreciable road property which it uses and for which depreciation accounting is required, was substantially different from the original cost figures for valuation purposes, with the approval of the Commission, such carrier may use such actual cost figures as the depreciation base.

(b) As soon as the information can be assembled the carrier shall file with the Commission composite annual percentage rates estimated to be applicable to the original cost or estimated original cost of the property in each primary account covering depreciable road property owned or used by it. These percentage rates shall be based on the estimated service values and service lives of the road property developed by a study of the carrier's history and experience and such engineering and other information as may be available with respect to future conditions. Such percentage rates shall, for each primary account comprised of more than one class of road property, produce a charge for depreciation based on the original cost or estimated original cost of the depreciable property included in such account equal to the sum of the amounts that would otherwise be chargeable as depreciation for each of the various classes of property included in such account. The annual percentage rates when filed shall be accompanied by a sworn statement showing the bases therefor and the methods employed in their computation.

(c) The carrier shall keep such records of depreciable property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service life indications by mortality, turnover, or other appropriate methods; also such records as will reflect the percentage of value of the salvage for property retired from each class of depreciable property. The carrier shall be prepared at any time, upon direction of the Commission, to compute and submit for its approval revised percentage rates in cases where existing rates are deemed inapplicable.

(d) A separate composite annual percentage rate for each account covering depreciable property shall be used in computing depreciation charges. Such composite rates shall be those which are from time to time prescribed by the Commission except, that where no rates for any class of property have previously been prescribed for the carrier's use by the Commission, the carrier's estimate of composite annual percentage rates computed in accordance with paragraph (b) of this instruction shall be used prior to the date such rates are prescribed by the Commission.

(e) In computing monthly charges the annual percentage rates shall be applied to the depreciation base as of the first of each month and the result divided by twelve.

(f) In the event annual percentage rates prescribed by the Commission, in the judgment of the carrier, become no longer currently applicable, it shall in like manner file revised annual percentage rates which in its judgment should be established. Where property is acquired for which no rates have been prescribed the carrier shall immediately compile and submit to the Commission appropriate estimates developed in accordance with the provisions of paragraph (b) of this instruction.

(g) For the purpose of the group plan of depreciation accounting for road property the following primary accounts under § 10.0 *Road*, are classed as depreciable accounts:

1. Engineering (as appropriately assigned, but not distributed, to the other depreciable accounts in arriving at the amounts used as the depreciation base).
2½. Other right-of-way expenditures.
3. Grading (depreciable property recorded in this account).
5. Tunnels and subways.
6. Bridges, trestles and culverts.
7. Elevated structures.
13. Fences, snowsheds, and signs.
16. Station and office buildings.
17. Roadway buildings.
18. Water stations.
19. Fuel stations.
20. Shops and enginehouses.
21. Grain elevators.
22. Storage warehouses.
23. Wharves and docks.
24. Coal and ore wharves.
26. Communication systems.
27. Signals and interlockers.
29. Power plants.
31. Power-transmission systems.
35. Miscellaneous structures.
37. Roadway machines.
39. Public improvements—construction.
44. Shop machinery.
45. Power-plant machinery.

NOTE: With respect to accounts 2½, 3, 5, and 39, carriers may confine the accruals to the depreciable property recorded therein by applying the percentage rates to the aggregate cost of such property (omitting nondepreciable property), in computing depreciation charges, or they may request percentage rates covering obsolescence due to the premature retirement of certain nondepreciable property, in which case the composite percentage rates will be applied to the total amount recorded in each of the accounts in computing depreciation charges.

(h) The accounting for depreciation on road property leased from others shall be in accordance with § 10.05–2 *Leased road and equipment; depreciation.* The depreciation on road property includible in operating expenses by the lessee under that instruction shall be computed and stated under the group plan in accordance with the foregoing instructions pertaining to the carrier's own road property.

(i) The term "group plan" means the plan under which depreciation charges are accrued upon the basis of the original cost of depreciable road property for each primary road account using the service lives of the individual depreciable units in the accounts and properly weighting to determine the composite annual rate of depreciation. Upon the retirement of a unit of property, its full service value is chargeable to account 735, "Accrued depreciation—Road and equipment," whether or not the particular item has attained the average service life.

(j) The owning carrier shall include in the depreciation accounts in operating expenses the charges for depreciation on units of depreciable property jointly used with one or more other carriers. The owning carrier shall credit and each using carrier shall charge the appropriate joint facility accounts in operating expenses with the amounts billed by the owning carrier against each using carrier for its proportion of the service loss on property retired from service whether billed currently as depreciation or when retirements occur as the loss in service value. The using carriers shall be required to account for depreciation or retirement of units of road property jointly used but not owned only to the extent of their contract liability. The same principle shall apply to terminal companies and their nonowner tenants in accounting for depreciation accruals or retirement charges recorded in the accounts of the terminal companies.

(k) If the cause of the retirement of the unit or units of road property is not a recognized factor in depreciation and the loss is not covered by insurance, the carrier may upon proof that the charge will result in unduly depleting the depreciation reserve, and with the approval of the Commission, charge all or a part of the service value of the property, less the estimated depreciation accrued thereon, to account 743, "Other deferred charges," and distribute it from that account to account 267, "Retirements—Road."

§ 10.04–9 *Joint facility accounts.* Accounts thus designated have been provided for the joint users of tracks, bridges, yards, wharves, stations, and other facilities to indicate the proper accounting for settlements which cover income and operating expenses in connection with the use of such facilities, and for settlement covering cost of yard service. When the compensation for the use of facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned by the operating company among the joint facility operating expense and income accounts. The creditor shall show the distribution of these charges upon its bills, and such distribution shall be adhered to by the debtor.

Train service in connection with the line haul of traffic, including that operated under a joint arrangement for the benefit of two or more carriers is not considered a joint facility operation and the settlements between carriers covering items chargeable to accounts 392 to 403, inclusive, shall not be included in the joint facility accounts. (See Case 297, Accounting Bulletin No. 15.)

§ 10.04–10 *Clearing accounts.* In recognition of the fact that certain expenditures incident to the construction and the operation of property are not chargeable directly to any particular property investment or expense account, clearing accounts have been provided for the purpose of securing an equitable distribution of such items to the proper primary accounts, as hereinafter set forth.

§ 10.04–11 *Gravel and sand pits and quarries.* When a gravel or sand pit or quarry is opened for operations likely to extend over a long period, an account shall be set up designated "Operations of gravel pit at _____," or "Operations of quarry at _____," as the case may be. To this account shall be charged:

(a) That part of the cost of the land in excess of its estimated value after the gravel, sand, or stone has been removed, the amount thus charged being concurrently credited to the property account in which the cost of the land is included.

(b) Amounts paid for the right to enter upon and remove ballast from land not owned by the carrier.

(c) The cost of sinking test holes.

(d) The expenses for clearing, stripping, draining, and ditching the land, and of moving and changing fences and buildings preparatory to opening the pit or quarry.

(e) The cost, in excess of the estimated salvage value, of rails and fastenings used in constructing tracks to and in the gravel pit or quarry, the estimated salvage being carried in an appropriate suspense account.

(f) The cost, in excess of the estimated salvage value, of ties and other material, and of labor expended on such tracks.

(g) The cost of labor and train service employed in producing, quarrying, and loading ballast, including the cost of operation, repairs, and depreciation of stationary engines, steam shovels, stone crushers, and other similar machinery, and the pay and expenses of watchmen.

(h) The cost of explosives and hand tools, and miscellaneous expenses.

(i) The cost of installing, operating, and maintaining signals and interlockers at gravel pits.

Credit to these accounts shall be made each month to cover the cost of ballast material produced during the month. The cost of production shall include the expenses directly assignable to the monthly output, plus a proportion of the expenses not directly assignable, such as cost of land, tracks, machinery, and interlockers. This latter amount shall be computed upon the basis of the ratio which the monthly output bears to the total estimated yardage to be taken from the pit.

When any portion of the product of such pits or quarries is sold, the cost thereof shall be credited to this clearing account, and the profit thereon, if any, shall be credited to revenue account 143, "Miscellaneous."

§ 10.04–12 *Power plant operations.* The accounting for the expenses of maintaining and operating an electric, steam, or other power plant (both building and machinery) shall be determined by the purpose for which the power produced is used.

When the power plant is intended and used for producing power solely for the carrier's own operations and the cost of operating the plant is chargeable to clearing account "Shop expenses," or to any one specific account for operating expenses the expenses of maintenance shall be charged to the appropriate maintenance accounts, and the cost of operation to the account appropriate according to the use of the power.

When the power from such a plant is properly chargeable to more than one account, the expenses of maintaining and operating the plant shall be included in clearing account "Power plant operations." The expense of maintenance shall be cleared from that account to the appropriate maintenance accounts for operating expenses. The expenses of operation shall be apportioned to the appropriate accounts upon the basis of quantity of power used for the various purposes.

When a part of the power produced by a power plant is sold and the remainder is used in the carrier's own operations, the cost of maintaining and operating the plant shall be charged to a clearing account. The expense of maintenance shall be cleared from that account to the appropriate maintenance account in operating expenses. The proportion of the expenses of operation assignable to the power sold, on the basis of ratio of quantity of power sold to total quantity of power produced, shall be credited to this clearing account and charged to account 445, "Producing power sold." The remainder of the cost of operation shall be distributed to the appropriate expense accounts for the carrier's own operations, in the manner indicated in the preceding paragraphs.

When power plants are intended and used solely for furnishing power to others, the investment therein shall be included in balance sheet account 737, "Miscellaneous physical property," and the operation shall not be included in the accounts of this classification. (See § 10.02–4 *Miscellaneous operations* and income account 534, "Expenses of miscellaneous operations.")

§ 10.04–14 *Maintaining transmission and distribution systems.* The accounting for the maintenance of transmission systems and distribution systems shall be in accordance with instructions pertaining to power plant operations.

§ 10.04–15 *Shop expenses.* A clearing account entitled "Shop expenses" shall be kept, to which shall be charged items of expense at shops, enginehouses, repair tracks, and other places at which mechanical work is done, not assignable directly to specific accounts. Such expenses shall be apportioned among the various accounts affected. The basis of distribution shall be the relative proportion which the total amount of charges to "Shop expenses" bears to the total of the directly distributed labor. To avoid monthly fluctuations in the ratio of shop expenses to the total of distributed labor, carriers are permitted to make the monthly apportionment on the basis of a percentage of the distributed labor, provided the shop expense account be adjusted and closed out at the end of each year. The expenses assignable to this account are as follows:

(a) *General shop employees.* The pay of general foremen in small shops, who exercise direct supervision over all departments unassisted by department foremen; the pay of department foremen, assistant department foremen, other supervising or directing employees, and their clerks; pay of chauffeurs and oilers; pay of sweepers, cleaners, roustabouts, and other unskilled laborers employed in general work in and about shops and shop grounds; pay of watchmen, gatekeepers, and policemen at shops, repair tracks, and other places at which mechanical work is done; pay of employees while attending fires or fire drills; and pay of employees while making, repairing, or having charge of small shop tools.

(b) *Power.* The cost of fuel used in steam and other power plants in producing power for shops and for other places at which mechanical work is done; cost of oil, grease, waste, and other material used in the operation of such power plants; pay of stationary engineers, firemen, electricians, coal handlers, and other employees engaged in production of power; cost of carbon brushes, fuses, lamps, picks, pokers, scuttles, shovels, and other small tools and supplies; and cost of water and power purchased. (See § 10.04–12 *Power plant operations.*)

(c) *Heating.* The cost of fuel and other supplies used for heating shops and other places at which mechanical work is done, shop offices, watchmen's and gatekeepers' boxes, and inspectors' shanties; and the pay of firemen, coal handlers, and other employees engaged in operating heating boilers. (See § 10.04–12 *Power plant operations.*)

(d) *Lighting.* The cost of electric current, gas, oil, torches, lamp burners, lamp chimneys, lamps not permanently attached to buildings, incandescent lamps and carbons, and other material used in

lighting shops and shop offices, repair tracks, and other places at which mechanical work is done, and cost of material used and labor expended in operating electric-light plants and repairing electric-light and other lamps at shops. (See § 10.04–12 *Power plant operations.*)

(e) *Switching locomotives.* All expenses, including wages, fuel, and supplies, of operating switching locomotives when exclusively assigned to switching service at shops. (The expenses of incidental switching at shops by locomotives in transportation switching service shall be charged to appropriate transportation accounts.)

(f) *Shop supplies.* Fuel for forge and other shop work; supplies and small tools used by mechanics on miscellaneous work and not durable; test-room and laboratory supplies used in connection with shop work; lubricating material for shop machinery and tools; water used at shops and shop offices, repair tracks, and other places at which mechanical work is done; and other supplies used generally in shop work.

LIST OF SUPPLIES AND SMALL TOOLS

Acid.
Adzes.
Ammonia.
Auger bits.
Augers.
Axes.
Basins.
Bath brick.
Battery brushes.
Beeswax.
Bell cord.
Bluestone.
Bone, granulated.
Borax.
Bottles.
Braces and bits.
Brooms.
Brushes, dust.
Brushes, file.
Brushes, oil.
Brushes, paint.
Brushes, scrub.
Brushes, sweeping.
Brushes, varnish.
Brushes, wall.
Brushes, whitewash.
Brushes, window.
Buckets.
Carpenter tools furnished apprentices.
Casehardening compound.
Cement, belt.
Chalk.
Chalk lines.
Chamois skins.
Charcoal.
Chisels.
Clamps, hand.
Coal picks.
Compound for B. S. hammers.
Compound for grinding.
Compound for hydraulic jacks.
Compound for welding.
Corks.
Cosmic to prevent rust.
Crayon.
Cups, tin.
Cushion beaters.
Dippers.
Disinfectants.
Ditching lines.
Drill bits.
Drinking cups.
Drinking glasses.
Dustpans.
Emery.
Emery boxes.
Emery cloth.
Emery paper.
Faucets.
File cards.
Files.
Fire hooks for stationary boilers.
Fire shovels for stationary boilers.
Flags.
Flannel, canton.
Forks.
Forks, coke.
Funnels.
Gimlets.
Glue.
Gluepots.
Glycerin.
Graphite.
Grindstones.
Ground glass.
Hack-saw blades.
Hammers.
Hammers, babbitt.
Hand leathers.
Handles for tools.
Hatchets.
Hoes.
Keel.
Lampblack.
Lead.
Lye.
Mallets.
Marking brushes.
Marking pots.
Measures, liquid.
Mineral paste.
Mop handles.
Mops.
Muslin.
Nippers.
Oil cans.
Oilstones.
Padlocks.
Paint pots.
Picks.
Pipe-joint grease.
Pliers.
Plumbago.
Polish.
Polish, stove.
Potash.
Prisms.
Rakes.
Rasps.
Ratchet braces.
Red lead.
Resin.
Rope.
Rules.
Sal ammoniac.
Sand soap.
Sandpaper.
Saw blades.
Saws, hand.
Scoops.
Screw drivers.
Screws.
Shellac.
Shovels.
Slate pencils.
Slates.
Sledges.
Soap.
Soda.
Solder.
Soldering fluid.
Spelter solder.
Spigots for oil barrels.
Spirit-level vials.
Spirit levels.
Sponges.
Sprinkling cans.
Squares.
Squirts (lubricating).
Stencil brushes.
Tacks.
Tape lines.
Tapes, metallic.
Tool steel for small hand tools.
Tripoli.
Trucks.
Twine.
Washbasins.
Wheelbarrows.
Whetstones.
White lead.
Whiting.
Window cloths.
Wire.
Wire brushes.
Wrenches.
Zinc cakes.
Zincs.

(g) *Incidental expenses.* Watchmen's uniforms, clocks, and call boxes; traveling expenses connected with the operation of shops and not directly chargeable to other accounts; removal of snow and ice from transfer tables and shop yards; cleaning of privy vaults; cost of ice for shops; and other undistributed shop expenses.

§ 10.04–16 *Material store expenses.* To a clearing account called "Material store expenses" shall be charged expenses in connection with purchasing, handling and storing material in and distributing it from the company's storehouses, including the pay of officers and employees in the purchasing and store departments and their traveling, office, and other expenses; also all expenses, including wages, fuel, and supplies, of operating switching locomotives when exclusively assigned to the service of switching at material storehouses. (Expenses of incidental switching at material yards by locomotives in regular switching service shall be charged to the appropriate transportation accounts.) The pay and expenses of men employed in purchasing or inspecting a single class of material, such as ties, shall be added as store expenses to the cost of that particular material.

The total amount of storehouse expense charged to this account shall be so distributed among the accounts to which material has been charged that the amounts thus distributed will be, for each account, in proportion to the value of the material issued chargeable thereto, except that the amount representing the purchasing department expenses shall be apportioned on the value of the material issued which was purchased by that department. To avoid monthly fluctuations in the ratio of store expenses to the value of material purchased or issued, carriers may make a monthly apportionment on the basis of fair percentage rates, provided the store expense account be adjusted and closed out at the end of each year.

§ 10.04–17 *Stationery store expenses.* A clearing account entitled "Stationery store expenses" shall be kept, to which shall be charged expenses in connection with purchasing, handling, and storing stationery, and for distributing it from the stationery stores, including the pay of officers and employees in the stationery store department and their traveling, office, and other expenses. The amounts charged to this account shall be apportioned to the accounts to which is charged stationery issued from the store, upon the basis of the charges to these accounts for such stationery. To avoid monthly fluctuations in the ratio of store expenses to the value of material issued or purchased, carriers may make a monthly apportionment on the basis of fair percentage rates, provided the stationery store expense account be adjusted and closed out at the end of each year.

§ 10.04–18 *Insurance.* Provision has been made in each of the general accounts for premiums paid and amounts set aside for fire and other insurance. Amounts of insurance recovered on account of losses shall be credited to the accounts to which the losses are chargeable.

§ 10.04–19 *Equalization of maintenance expenses.* The cost of maintaining way and structures and equipment shall be included in the appropriate primary accounts in the month in which the expense is incurred. In case the carrier adopts a budget or estimate for all or a part of the calendar year of expenses includible in one or more primary maintenance accounts or for the general accounts 200, "Maintenance of way and structures," and 300, "Maintenance of equipment," an equitable monthly proportion of the difference between the budgeted or estimated expenses and the actual expenses chargeable each month may be debited or credited as appropriate to account 280, "Equalization—Way and structures," or account 338, "Equalization—Equipment," with contra entries in account 773, "Equalization reserves." If certain primary accounts only are budgeted the carrier's records shall show for amounts included in the equalization accounts the amount of the equalization assignable to each such primary account.

Amounts included in account 773, "Equalization reserves," in accordance with the foregoing paragraph, shall be cleared therefrom at the close of each calendar year through the equalization accounts originally charged or credited.

§ 10.04–20 *Accruals of expenses.* In order that operating expense accounts may as nearly as practicable include the full amount of expenses incurred by the carrier each month, the carrier shall accrue currently in the appropriate expense and balance-sheet accounts estimates of unaudited items affecting expenses. If these estimates are not fully adjusted in the following month, the balances in the balance-sheet accounts shall be kept separately by months until each is adjusted. The carrier is not required to anticipate items which would not appreciably affect the expense accounts.

§ 10.04–22 *Interpretation of item lists.* Lists of "items," "details," etc., have been given as a part of this classification for the purpose of clearly indicating the application of the accounting rules in specific cases. The lists in every case are to be considered as merely representative and not as excluding from any account analogous items which happen to be omitted from the list appended. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list—for example, the item of blank books under accounts 276, 334, 358, 410, and 458—and the proper charge in any one instance must be determined by the text of the account.

§ 10.04–23 *Delayed items.* Cancellation of entries recorded in balance-sheet accounts relating to operating expenses of former years shall be recorded in accordance with § 10.02–3 *Delayed items.*

§ 10.04–24 *Depreciation accounting; equipment.* The accounting for depreciation of equipment shall be in accordance with the following:

(a) There shall be currently charged to operating expenses, and other accounts and credited to account 735, "Accrued depreciation—Road and equipment," during the service life of equipment, amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. These charges for currently accruing depreciation shall be computed at such percentage rate of the ledger value of the equipment that the service value may be distributed under the straight-line method in equal annual charges to operating expenses and other accounts during the estimated service life of the equipment.

(b) All depreciation charges to operating expenses, and other accounts and concurrent credits to account 735, "Accrued depreciation—Road and equipment," shall be made monthly in conformity with the group plan of accounting for depreciation. The term "group plan" as applied to equipment depreciation accounting means the plan under which "depreciation" charges are accrued upon the basis of the ledger value of the property included in each equipment primary account (51 to 54 and 56 to 58, all inclusive), using the average service life thereof properly weighted and, upon the retirement of any unit of such property, its full service value is charged to account 735, "Accrued depreciation—Road and equipment," whether or not the particular item has attained the estimated average service life. In determining such monthly charges and credits the annual percentage rates shall be applied to the ledger value, as of the first of each month, of the respective primary equipment accounts and the result divided by 12.

(c) For purposes of analysis the carrier shall maintain subsidiary records in which the reserve is broken down into component parts corresponding to each equipment primary account (51 to 54 and 56 to 58, all inclusive) showing in these records also in complete detail by each such primary account the current credits and debits to the reserve. Such detailed information shall be reported annually to this Commission.

(d) In determining monthly depreciation charges to operating expense, and other accounts, and the corresponding credits to the depreciation reserve, the annual percentage rates applied to the ledger value of the property included in each primary equipment account (51 to 54 and 56 to 58, all inclusive) shall be those which are prescribed from time to time by this Commission, except that where no rates previously have been prescribed, the carrier's estimate of the annual percentage rates computed in accordance with this instruction shall be used.

(e) The carrier shall keep such records of equipment retirements, as will reflect the service lives and value of salvage of each class of equipment; shall maintain in convenient and accessible form engineering and other data bearing on prospective service lives; and shall be prepared at any time upon direction of this Commission to compute and submit for its approval, new percentage rates to take the place of those based on service lives or value of salvage found to be inaccurate.

(f) If the cause of retirement of a unit of equipment is not a recognized factor in depreciation but is a cause against which the carrier is insured the depreciation reserve shall be credited with the full amount of the insurance recovered. If the cause is not a recognized factor in depreciation and the loss is not covered by insurance the carrier may upon proof that the charge will result in unduly depleting the depreciation reserve and with the approval of this Commission charge all or a part of the service value of the unit to account 743, "Other deferred charges," and distribute it from that account to account 330, "Retirements—Equipment."

(g) For the purpose of the group plan of depreciation accounting for equipment, the following primary accounts under account 50, "Equipment," are classed as depreciable accounts:

51. Steam locomotives.
52. Other locomotives.
53. Freight-train cars.
54. Passenger-train cars.
56. Floating equipment.
57. Work equipment.
58. Miscellaneous equipment.

(h) The accounting for the depreciation of leased equipment shall be in accordance with § 10.05–2 *Leased road and equipment; depreciation.* The depreciation on equipment includible in operating expenses by the lessee under that instruction shall be stated under the group plan in accordance with the foregoing instructions pertaining to the carrier's owned equipment.

INCOME, RETAINED INCOME, AND GENERAL BALANCE SHEET

§ 10.05 *General instructions.* The carrier's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries made in the accounts provided herein for income, retained income, and general balance sheet. Where the full information is not recorded in the general books, the entries therein shall be supported by other records in which the full details shall be shown. Such general book entries shall contain sufficient reference to the detail records to permit ready identification, and the detail records shall be filed in such manner as to be readily accessible for examination by representatives of the Interstate Commerce Commission.

§ 10.05–1 *General ledger accounts.* When the title and definition of an income, retained income, or general balance-sheet account clearly indicate that it is a summary of other accounts, it is not required that a special ledger account shall be kept under such a title to include the balances from the accounts usually kept in the ledger, but in such case the titles of the subaccounts in the ledger shall give references by numbers, titles, or both, to the income, retained income, or general balance-sheet account prescribed herein of which they are subdivisions.

§ 10.05–2 *Leased road and equipment; depreciation.* The carrier shall include in operating expenses charges for depreciation on road property and equipment used but not owned the rent for which is includible in account 542, "Rent for leased roads and equipment," and shall maintain the same records of service lives, salvage values, etc., as provided for owned road property and equipment. The amount currently to be charged to account 542, "Rent for leased roads and equipment," is the excess of the total compensation over the amount chargeable by the carrier to the depreciation accounts in operating expenses. If settlement between the carrier and the lessor is not currently made, the amount of the depreciation accrued during the period of the lease shall be credited by the carrier to account 785, "Accrued depreciation—Leased property." The necessary adjustments of the difference between the balance thus accrued in that account and the actual amount of settlement shall appropriately be made through account 607, "Miscellaneous credits," or account 621, "Miscellaneous debits," at the time settlement for depreciation on the property is made with the lessor.

The carrier shall not include in the depreciation account in operating expenses any charges for depreciation of equipment used but not owned when the rents therefor are included in the rent for equipment and joint facility rent accounts 503 to 508 and 536 to 541, inclusive.

§ 10.05–3 *Closing general ledger.* Accounts shall be written up, posted to the general ledger and balanced monthly. The final entries for any month shall be made not later than 60 days after the last day of the month for which the accounts are stated, except that the period within which the final entries for the month of December shall be made may be extended to such date in the following March as shall not interfere with the preparation and filing of annual reports as required by the Interstate Commerce Act.

Income

§ 10.06 *Special instructions.*

§ 10.06–1 *Income accounts defined.* Income accounts are those designed to show, as nearly as practicable, for each fiscal period, the total amount of money

lighting shops and shop offices, repair tracks, and other places at which mechanical work is done, and cost of material used and labor expended in operating electric-light plants and repairing electric-light and other lamps at shops. (See § 10.04–12 *Power plant operations.*)

(e) *Switching locomotives.* All expenses, including wages, fuel, and supplies, of operating switching locomotives when exclusively assigned to switching service at shops. (The expenses of incidental switching at shops by locomotives in transportation switching service shall be charged to appropriate transportation accounts.)

(f) *Shop supplies.* Fuel for forge and other shop work; supplies and small tools used by mechanics on miscellaneous work and not durable; test-room and laboratory supplies used in connection with shop work; lubricating material for shop machinery and tools; water used at shops and shop offices, repair tracks, and other places at which mechanical work is done; and other supplies used generally in shop work.

LIST OF SUPPLIES AND SMALL TOOLS

Acid.
Adzes.
Ammonia.
Auger bits.
Augers.
Axes.
Basins.
Bath brick.
Battery brushes.
Beeswax.
Bell cord.
Bluestone.
Bone, granulated.
Borax.
Bottles.
Braces and bits.
Brooms.
Brushes, dust.
Brushes, file.
Brushes, oil.
Brushes, paint.
Brushes, scrub.
Brushes, sweeping.
Brushes, varnish.
Brushes, wall.
Brushes, whitewash.
Brushes, window.
Buckets.
Carpenter tools furnished apprentices.
Casehardening compound.
Cement, belt.
Chalk.
Chalk lines.
Chamois skins.
Charcoal.
Chisels.
Clamps, hand.
Coal picks.
Compound for B. S. hammers.
Compound for grinding.
Compound for hydraulic jacks.
Compound for welding.
Corks.
Cosmic to prevent rust.
Crayon.
Cups, tin.
Cushion beaters.
Dippers.
Disinfectants.
Ditching lines.
Drill bits.
Drinking cups.
Drinking glasses.
Dustpans.
Emery.
Emery boxes.
Emery cloth.
Emery paper.
Faucets.
File cards.
Files.
Fire hooks for stationary boilers.
Fire shovels for stationary boilers.
Flags.
Flannel, canton.
Forks.
Forks, coke.
Funnels.
Gimlets.
Glue.
Gluepots.
Glycerin.
Graphite.
Grindstones.
Ground glass.
Hack-saw blades.
Hammers.
Hammers, babbitt.
Hand leathers.
Handles for tools.
Hatchets.
Hoes.
Keel.
Lampblack.
Lead.
Lye.
Mallets.
Marking brushes.
Marking pots.
Measures, liquid.
Mineral paste.
Mop handles.
Mops.
Muslin.
Nippers.
Oil cans.
Oilstones.
Padlocks.
Paint pots.
Picks.
Pipe-joint grease.
Pliers.
Plumbago.
Polish.
Polish, stove.
Potash.
Prisms.
Rakes.
Rasps.
Ratchet braces.
Red lead.
Resin.
Rope.
Rules.
Sal ammoniac.
Sand soap.
Sandpaper.
Saw blades.
Saws, hand.
Scoops.
Screw drivers.
Screws.
Shellac.
Shovels.
Slate pencils.
Slates.
Sledges.
Soap.
Soda.
Solder.
Soldering fluid.
Spelter solder.
Spigots for oil barrels.
Spirit-level vials.
Spirit levels.
Sponges.
Sprinkling cans.
Squares.
Squirts (lubricating).
Stencil brushes.
Tacks.
Tape lines.
Tapes, metallic.
Tool steel for small hand tools.
Tripoli.
Trucks.
Twine.
Washbasins.
Wheelbarrows.
Whetstones.
White lead.
Whiting.
Window cloths.
Wire.
Wire brushes.
Wrenches.
Zinc cakes.
Zincs.

(g) *Incidental expenses.* Watchmen's uniforms, clocks, and call boxes; traveling expenses connected with the operation of shops and not directly chargeable to other accounts; removal of snow and ice from transfer tables and shop yards; cleaning of privy vaults; cost of ice for shops; and other undistributed shop expenses.

§ 10.04–16 *Material store expenses.* To a clearing account called "Material store expenses" shall be charged expenses in connection with purchasing, handling and storing material in and distributing it from the company's storehouses, including the pay of officers and employees in the purchasing and store departments and their traveling, office, and other expenses; also all expenses, including wages, fuel, and supplies, of operating switching locomotives when exclusively assigned to the service of switching at material storehouses. (Expenses of incidental switching at material yards by locomotives in regular switching service shall be charged to the appropriate transportation accounts.) The pay and expenses of men employed in purchasing or inspecting a single class of material, such as ties, shall be added as store expenses to the cost of that particular material.

The total amount of storehouse expense charged to this account shall be so distributed among the accounts to which material has been charged that the amounts thus distributed will be, for each account, in proportion to the value of the material issued chargeable thereto, except that the amount representing the purchasing department expenses shall be apportioned on the value of the material issued which was purchased by that department. To avoid monthly fluctuations in the ratio of store expenses to the value of material purchased or issued, carriers may make a monthly apportionment on the basis of fair percentage rates, provided the store expense account be adjusted and closed out at the end of each year.

§ 10.04–17 *Stationery store expenses.* A clearing account entitled "Stationery store expenses" shall be kept, to which shall be charged expenses in connection with purchasing, handling, and storing stationery, and for distributing it from the stationery stores, including the pay of officers and employees in the stationery store department and their traveling, office, and other expenses. The amounts charged to this account shall be apportioned to the accounts to which is charged stationery issued from the store, upon the basis of the charges to these accounts for such stationery. To avoid monthly fluctuations in the ratio of store expenses to the value of material issued or purchased, carriers may make a monthly apportionment on the basis of fair percentage rates, provided the stationery store expense account be adjusted and closed out at the end of each year.

§ 10.04–18 *Insurance.* Provision has been made in each of the general accounts for premiums paid and amounts set aside for fire and other insurance. Amounts of insurance recovered on account of losses shall be credited to the accounts to which the losses are chargeable.

§ 10.04–19 *Equalization of maintenance expenses.* The cost of maintaining way and structures and equipment shall be included in the appropriate primary accounts in the month in which the expense is incurred. In case the carrier adopts a budget or estimate for all or a part of the calendar year of expenses includible in one or more primary maintenance accounts or for the general accounts 200, "Maintenance of way and structures," and 300, "Maintenance of equipment," an equitable monthly proportion of the difference between the budgeted or estimated expenses and the actual expenses chargeable each month may be debited or credited as appropriate to account 280, "Equalization—Way and structures," or account 338, "Equalization—Equipment," with contra entries in account 773, "Equalization reserves." If certain primary accounts only are budgeted the carrier's records shall show for amounts included in the equalization accounts the amount of the equalization assignable to each such primary account.

Amounts included in account 773, "Equalization reserves," in accordance with the foregoing paragraph, shall be cleared therefrom at the close of each calendar year through the equalization accounts originally charged or credited.

§ 10.04–20 *Accruals of expenses.* In order that operating expense accounts may as nearly as practicable include the full amount of expenses incurred by the carrier each month, the carrier shall accrue currently in the appropriate expense and balance-sheet accounts estimates of unaudited items affecting expenses. If these estimates are not fully adjusted in the following month, the balances in the balance-sheet accounts shall be kept separately by months until each is adjusted. The carrier is not required to anticipate items which would not appreciably affect the expense accounts.

§ 10.04–22 *Interpretation of item lists.* Lists of "items," "details," etc., have been given as a part of this classification for the purpose of clearly indicating the application of the accounting rules in specific cases. The lists in every case are to be considered as merely representative and not as excluding from any account analogous items which happen to be omitted from the list appended. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list—for example, the item of blank books under accounts 276, 334, 358, 410, and 458—and the proper charge in any one instance must be determined by the text of the account.

§ 10.04–23 *Delayed items.* Cancellation of entries recorded in balance-sheet accounts relating to operating expenses of former years shall be recorded in accordance with § 10.02–3 *Delayed items.*

§ 10.04–24 *Depreciation accounting; equipment.* The accounting for depreciation of equipment shall be in accordance with the following:

(a) There shall be currently charged to operating expenses, and other accounts and credited to account 735, "Accrued depreciation—Road and equipment," during the service life of equipment, amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. These charges for currently accruing depreciation shall be computed at such percentage rate of the ledger value of the equipment that the service value may be distributed under the straight-line method in equal annual charges to operating expenses and other accounts during the estimated service life of the equipment.

(b) All depreciation charges to operating expenses, and other accounts and concurrent credits to account 735, "Accrued depreciation—Road and equipment," shall be made monthly in conformity with the group plan of accounting for depreciation. The term "group plan" as applied to equipment depreciation accounting means the plan under which "depreciation" charges are accrued upon the basis of the ledger value of the property included in each equipment primary account (51 to 54 and 56 to 58, all inclusive), using the average service life thereof properly weighted and, upon the retirement of any unit of such property, its full service value is charged to account 735, "Accrued depreciation—Road and equipment," whether or not the particular item has attained the estimated average service life. In determining such monthly charges and credits the annual percentage rates shall be applied to the ledger value, as of the first of each month, of the respective primary equipment accounts and the result divided by 12.

(c) For purposes of analysis the carrier shall maintain subsidiary records in which the reserve is broken down into component parts corresponding to each equipment primary account (51 to 54 and 56 to 58, all inclusive) showing in these records also in complete detail by each such primary account the current credits and debits to the reserve. Such detailed information shall be reported annually to this Commission.

(d) In determining monthly depreciation charges to operating expense, and other accounts, and the corresponding credits to the depreciation reserve, the annual percentage rates applied to the ledger value of the property included in each primary equipment account (51 to 54 and 56 to 58, all inclusive) shall be those which are prescribed from time to time by this Commission, except that where no rates previously have been prescribed, the carrier's estimate of the annual percentage rates computed in accordance with this instruction shall be used.

(e) The carrier shall keep such records of equipment retirements, as will reflect the service lives and value of salvage of each class of equipment; shall maintain in convenient and accessible form engineering and other data bearing on prospective service lives; and shall be prepared at any time upon direction of this Commission to compute and submit for its approval, new percentage rates to take the place of those based on service lives or value of salvage found to be inaccurate.

(f) If the cause of retirement of a unit of equipment is not a recognized factor in depreciation but is a cause against which the carrier is insured the depreciation reserve shall be credited with the full amount of the insurance recovered. If the cause is not a recognized factor in depreciation and the loss is not covered by insurance the carrier may upon proof that the charge will result in unduly depleting the depreciation reserve and with the approval of this Commission charge all or a part of the service value of the unit to account 743, "Other deferred charges," and distribute it from that account to account 330, "Retirements—Equipment."

(g) For the purpose of the group plan of depreciation accounting for equipment, the following primary accounts under account 50, "Equipment," are classed as depreciable accounts:

51. Steam locomotives.
52. Other locomotives.
53. Freight-train cars.
54. Passenger-train cars.
56. Floating equipment.
57. Work equipment.
58. Miscellaneous equipment.

(h) The accounting for the depreciation of leased equipment shall be in accordance with § 10.05–2 *Leased road and equipment; depreciation.* The depreciation on equipment includible in operating expenses by the lessee under that instruction shall be stated under the group plan in accordance with the foregoing instructions pertaining to the carrier's owned equipment.

INCOME, RETAINED INCOME, AND GENERAL BALANCE SHEET

§ 10.05 *General instructions.* The carrier's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries made in the accounts provided herein for income, retained income, and general balance sheet. Where the full information is not recorded in the general books, the entries therein shall be supported by other records in which the full details shall be shown. Such general book entries shall contain sufficient reference to the detail records to permit ready identification, and the detail records shall be filed in such manner as to be readily accessible for examination by representatives of the Interstate Commerce Commission.

§ 10.05–1 *General ledger accounts.* When the title and definition of an income, retained income, or general balance-sheet account clearly indicate that it is a summary of other accounts, it is not required that a special ledger account shall be kept under such a title to include the balances from the accounts usually kept in the ledger, but in such case the titles of the subaccounts in the ledger shall give references by numbers, titles, or both, to the income, retained income, or general balance-sheet account prescribed herein of which they are subdivisions.

§ 10.05–2 *Leased road and equipment; depreciation.* The carrier shall include in operating expenses charges for depreciation on road property and equipment used but not owned the rent for which is includible in account 542, "Rent for leased roads and equipment," and shall maintain the same records of service lives, salvage values, etc., as provided for owned road property and equipment. The amount currently to be charged to account 542, "Rent for leased roads and equipment," is the excess of the total compensation over the amount chargeable by the carrier to the depreciation accounts in operating expenses. If settlement between the carrier and the lessor is not currently made, the amount of the depreciation accrued during the period of the lease shall be credited by the carrier to account 785, "Accrued depreciation—Leased property." The necessary adjustments of the difference between the balance thus accrued in that account and the actual amount of settlement shall appropriately be made through account 607, "Miscellaneous credits," or account 621, "Miscellaneous debits," at the time settlement for depreciation on the property is made with the lessor.

The carrier shall not include in the depreciation account in operating expenses any charges for depreciation of equipment used but not owned when the rents therefor are included in the rent for equipment and joint facility rent accounts 503 to 508 and 536 to 541, inclusive.

§ 10.05–3 *Closing general ledger.* Accounts shall be written up, posted to the general ledger and balanced monthly. The final entries for any month shall be made not later than 60 days after the last day of the month for which the accounts are stated, except that the period within which the final entries for the month of December shall be made may be extended to such date in the following March as shall not interfere with the preparation and filing of annual reports as required by the Interstate Commerce Act.

Income

§ 10.06 *Special instructions.*

§ 10.06–1 *Income accounts defined.* Income accounts are those designed to show, as nearly as practicable, for each fiscal period, the total amount of money

that a carrier becomes entitled to receive for services rendered, the returns accrued upon investments, the accrued costs paid or payable for the services rendered by it, the losses sustained by it, the amounts accrued for taxes, for use of moneys and for use of properties of others, and the appropriations made from income during the period. The net balance of income (or loss) shall be carried to retained income.

§ 10.06–2 *Delayed items.* The carrier shall account for delayed items and adjustments and cancellation of entries recorded in balance-sheet accounts relating to income of former years in accordance with the instructions contained in § 10.02–3 *Delayed items.*

§ 10.06–3 *Unaudited items.* When the amount of any item affecting income cannot be accurately determined in time for inclusion in the accounts of the month in which the transaction occurs, the amount of the item shall be estimated and in such form included in the proper income account with contra entry to the appropriate balance-sheet account. When the item is audited the necessary adjustments shall be made through the accounts in which the estimate was recorded. If, during the interval between the date of inclusion of the item in the accounts and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustments shall be made in the current accounts to cover such difference. The carrier is not required to anticipate items which would not appreciably affect the accounts.

Retained Income

§ 10.07 *Special instructions.* This group of accounts forms the connecting link between the income accounts and general balance sheet account 798, "Retained income—Unappropriated." They are designed to show the changes in retained income during each fiscal period as affected by the balance of the income accounts as reported for the period; by any disposition of retained income made at the option of the carrier; and by miscellaneous gains and losses not accounted for elsewhere.

General Balance Sheet

§ 10.08 *Special instructions.*

§ 10.08–1 *Balance sheet accounts.* Balance sheet accounts are intended to disclose the financial condition of the carrier as of a given date by showing the assets, liabilities, capital stock, and related items, and the retained income or deficit of the carrier.

§ 10.08–2 *Discount, premium, and assessment on capital stock.* Separate ledger accounts shall be provided for each subclass of capital stock issued or assumed by the accounting company to cover discount suffered and premium realized at the sale or resale of capital stock. General levies or assessments against stockholders shall be credited to the appropriate ledger accounts for the subclass of capital stock against which the levy or assessment is made.

The total of net debit balances in these ledger accounts shall be included in account 793, "Discount on capital stock," and the total of net credit balances in account 794, "Premiums and assessments on capital stock."

By the term "discount" is meant the excess of the par value of stocks issued or assumed, plus dividends declared and accrued at the date of sale, over the money value of the consideration received at their sale.

By the term "premium" is meant the excess of the money value of the consideration received at the sale of stocks over the sum of their par value and dividends declared and accrued at the date of sale.

Discount on each subclass of capital stock may be offset or reduced by charges to account 794, "Premiums and assessments on capital stock," to the extent that net gains from premiums or assessments have been included therein or to account 795, "Paid-in surplus," to the extent that net gains from reacquisition and resale or retirement of capital stock applicable to such subclass have been included therein. Any remaining discount may be amortized by charges to account 555, "Stock discount extinguished through income"; account 616, "Stock discount extinguished through retained income"; or discount may be retained and carried in account 793, "Discount on capital stock," until the stock to which the discount applies is retired.

In case the accounting company is permitted and elects with the approval of the Commission, to distribute all or any part of the net balance of paid-in surplus to its stockholders, the amount thus distributed shall be charged to account 795, "Paid-in surplus."

When an issue of capital stock, or any part thereof, is reacquired either by purchase or through donations by shareholders, and is not canceled or held as treasury stock, it shall be charged at its par value or if stock without par value at the proportionate amount at which the particular class of stock is included in account 791, "Capital stock issued," to account 715, "Sinking funds"; 716, "Capital and other reserve funds"; 717, "Insurance and other funds", as may be appropriate.

The difference between the amount at which reacquired stock was recorded in account 791, "Capital stock issued," and the amount paid by the accounting company for such stock, including any premium or discount applicable to such subclass carried in account 794, "Premiums and assessments on capital stock," or in account 793, "Discount on capital stock," and the commissions and expense in connection with its reacquisition shall be included in account 795, "Paid-in surplus": *Provided, however,* That the excess of a debit over the amount of accumulated net gains applicable to such subclass included in paid-in surplus shall be charged to account 621, "Miscellaneous debits."

When reacquired capital stock is resold the difference between the amount at which such stock is included in a particular asset account and the net sale price realized when resold shall be included in account 795, "Paid-in surplus": *Provided, however,* That the excess of a debit over the amount of accumulated net gains applicable to each subclass of capital stock resold included in paid-in surplus shall be charged to account 621, "Miscellaneous debits."

In no case shall discount on capital stock be charged to or included in any account as a part of the cost of acquiring property or as a part of the cost of operation.

§ 10.08–3 *Discount, expense, and premium on funded debt.* Ledger accounts shall be provided to cover the discounts, expense, and premiums at the sale or resale of each subclass of funded debt and of receivers' and trustees' securities issued for the benefit of or assumed by the company. For explanation of "subclass" see account 765, "Funded debt unmatured."

By the term "discount" is meant the excess of the par value of funded debt securities (of whatever kind) issued or assumed, and the accrued interest thereon, over the actual cash value of the consideration received for such securities.

By the term "premium" is meant the excess of the actual cash value of the consideration received for funded debt securities (of whatever kind) issued or assumed over the par value of such securities and the accrued interest thereon.

By the term "expense" is meant all expense in connection with the issue and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees for issuing or recording mortgages and trust deeds; cost of engraving and printing bonds, certificates of indebtedness, and other negotiable paper having a life of more than one year; fees paid trustees provided for in mortgages and trust deeds; fees paid for legal services to trustees relative to mortgage securities; fees and commissions paid underwriters and brokers for marketing such evidences of debt; and other like expense except taxes for issuing or recording mortgages and trust deeds and for issuing bonds or other evidences of long term debt which shall be charged to account 532, "Railway tax accruals."

The total of the net debit balances remaining in these several accounts should be included in account 742, "Unamortized discount on long-term debt," and the total of the net credit balances in account 783, "Unamortized premium on long-term debt."

Each fiscal period there shall be charged to income account 548, "Amortization of discount on funded debt," a proportion (based upon the ratio of such fiscal period to the remaining life of the respective securities reckoned from the beginning of the period to the date of maturity of the debt to which the charges relate) of each of the debit balances in these accounts, and correspondingly there shall be credited to income account 517, "Release of premiums on funded debt," a similar proportion of each of the credit balances in these accounts. When the total discount and expense applicable to any particular issue of securities does not exceed $25,000, carriers may charge the entire amount to account 548, "Amortization of discount on funded debt," at time of issue.

When any funded debt which has been actually issued to bona fide holders for value is reacquired by the accounting company, that proportion of the balance remaining in the accounts containing discount, expense, and premium on funded debt for the subclass of the security reacquired applicable to the portion reacquired shall be credited or charged thereto, as may be appropriate, and concurrently charged or credited to retained income. Such proportion shall be based upon the ratio of the par value of the security reacquired to the par value of all the securities of the subclass actually outstanding immediately before such reacquirement.

In case, however, the premium realized or discount suffered at the prior sale of the securities reacquired has been included (in excess of the amount authorized in the text of road and equipment account 76, "Interest during construction") in an asset account other than the premiums and discounts account, such asset account shall be concurrently adjusted through retained income to the extent of such excess of the premium or discount previously included therein with respect to the securities reacquired.

Except as provided for in road and equipment account 76, "Interest during construction," no discount and expense on funded debt shall be charged to or included in any account as a part of the cost of acquiring any property, tangible or intangible, or as a part of the cost of operation.

§ 10.08–4 *Contingent assets and liabilities.* Contingent assets and liabilities shall not be included in the body of the balance-sheet statement, but shall be shown in detail in a supplementary statement accompanying the balance-sheet statement. Contingent assets are those without value to the accounting company until the fulfillment of conditions regarded as uncertain. Contingent liabilities include items which may, under certain conditions, become obligations of the company, but are neither direct nor assumed obligations on the date of the balance sheet.

§ 10.08–5 *Book value of securities owned.* (a) The investment in securities other than those issued or assumed by the accounting company shall be recorded in these accounts at the money value, at the time of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends. The accounting company shall write down the ledger value of any securities to the extent of impairment in their value. Fluctuations in market value shall not be recorded however. Securities shall be written down to reflect anticipated loss in value or written off entirely if there be no reasonable prospect of realizing any value whatever therefrom. Adjustments in the ledger values of securities shall not be delayed beyond the year in which a loss is claimed for income tax purposes. In accordance with paragraph (c) of this section carriers may create reserves to cover such reductions in value. Under no circumstances shall the investment in the securities be stated in these accounts at an amount in excess of their cost to the accounting company.

(b) The amount of the adjustment shall be charged to account 621, "Miscellaneous debits."

(c) Carriers may create reserves to provide for depreciation in the value of securities owned and recorded in accounts 721, "Investments in affiliated companies," and 722, "Other investments," by charges to account 621, "Miscellaneous debits." See account 723, "Reserve for adjustment of investment in securities—Cr."

§ 10.08–6 *Income from sinking fund assets.* Accrued interest on uninvested sinking fund cash on deposit in banks or trust companies, and accrued interest and other income arising from stocks, bonds, or other assets held in sinking and reserve funds shall be credited to account 516, "Income from sinking and other reserve funds," and when required by the mortgage or other provision to be held in the funds shall be charged, according to the character of the funds, to account 715, "Sinking funds," or to account 717, "Insurance and other funds," and concurrently, if a reserve is required, an equal amount shall be charged to income account 552, "Income applied to sinking and other reserve funds," and credited to account 797, "Retained income—appropriated."

§ 10.08–7 *Current assets.* In the group of accounts designated as current assets (accounts 701 to 713, inclusive) shall be included cash, those assets which are readily convertible into cash or are held for current use in operations, current claims against others and amounts accruing to the carrier which are subject to current settlement. There shall not be included in this group of accounts any item the collection of which is not reasonably assured by the known financial condition of the debtor. Items of current character but of doubtful value previously credited to operating revenue, operating expense or income accounts shall be written down or written off by charging those accounts. If there has been any impairment in value, such items shall be included in account 741, "Other assets," at an amount not in excess of a reasonable estimate of future value. If it is desired to retain a record of assets written off they shall be recorded at a nominal value in account 741, "Other assets."

§ 10.08–8 *Joint liabilities.* The accounting company shall state as a liability in its balance sheet the difference between the total par value of securities jointly or severally issued by it and others and the portion of such liability which, under the joint arrangement, it is expected will be liquidated by the other party or parties to the joint arrangement. The amount of the jointly or severally issued securities it is expected will be liquidated by the other party or parties shall be shown as a contingent liability in accordance with § 10.08–4 *Contingent assets and liabilities.*

PROPERTY ACCOUNTS

ROAD

§ 10.0 *Road.* The several primary accounts included in this general account are designed to show the cost of land and road property owned by the carrier and devoted to transportation service.

§ 10.1 *Engineering.* This account shall include the pay and expenses of engineers, assistants, and clerks engaged in the survey and construction of new lines and extensions, or in making additions to and betterments of the carrier's road, including wharves and docks.

LIST OF OFFICERS AND EMPLOYEES

Chief engineer.
Assistant engineers.
Bridge engineer.
Signal engineer.
Architects.
Chief clerk.
Draftsmen.
Clerks.
Transitmen.
Levelmen.
Rodmen.
Chainmen.
Axmen.
Messengers.
Cooks on business cars.
Porters on business cars.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Axes.
Barometers.
Books for office use.
Boxes for materials and instruments.
Business car service.
Cameras.
Camp equipage.
Chains for surveyors.
Compasses.
Curves.
Drawing boards.
Drawing instruments.
Field glasses.
Field notebooks.
Furniture repairs and renewals.
Hatchets.
Heating and lighting.
Levels.
Magnets.
Magnifiers.
Marking chalk.
Official train service.
Oilstones.
Paper, blue-print.
Parallel rules.
Periodicals and newspapers.
Photographic supplies.
Plane tables.
Planimeters.
Plummets.
Printing and stationery.
Protractors.
Provisions for business cars.
Ranging poles.
Reading glasses.
Rent of offices.
Repairs of rented offices.
Rods for surveyors.
Scales.
Section liners.
Sextants.
Slide rules.
Stakes.
Straightedges.
Tally registers.
Tape lines.
Tee-squares.
Telegraph service.
Telephone service.
Telescopes.
Thermometers.
Thumb tacks.
Tracing linen.
Transits.
Traveling expenses.
Traverse tables.
Triangles.
Tripods.
Verniers.
Water and ice.

NOTE A: When employees designated above are engaged in the maintenance of the road, their pay and expenses while thus employed shall be charged to operating expenses.

NOTE B: Expenditures for tentative or preliminary surveys shall be carried in a suspense account until it is determined whether or not to continue the work. If the project is continued, expenditures for all surveys in connection therewith shall then be transferred to this account, and, if abandoned, to operating expenses, income, or retained income, as may be appropriate.

NOTE C: The cost of designing, making plans and specifications, and supervising the construction of equipment shall be included in the cost of the equipment.

NOTE D: The cost of stationery and printing supplies used for accounting purposes in connection with engineering work shall be included in account 74, "Stationery and printing," when not directly assignable to specific road or equipment accounts.

NOTE E: Fees and expenses of architects specially employed for designing or supervis-

ing the construction of buildings shall be included in the accounts appropriate for the cost of the buildings constructed.

§ 10.2 *Land for transportation purposes.* This account shall include the cost of land of necessary width acquired for roadway; the cost of land for station, office, shop, and other grounds; for ingress to or egress from such grounds; for borrow pits, waste banks, snow fences, sand fences, and other railway appurtenances; and for storage of material adjoining the right of way; the cost of land for wharves and docks and the cost of riparian or water rights necessary therefor; the cost of removing from the right of way and locating elsewhere the property of others, and the cost of the necessary land for relocation of the property, when such costs are assumed by the accounting carrier.

The carrier's records shall be kept in such manner as to show separately the cost of land purchased by it and the estimated values at time of acquisition of lands donated.

Proceeds from the sale of timber or of improvements purchased with right of way, less any cost of removal, shall be credited to this account.

ITEMS OF EXPENSE

Abstracts.
Appraisals.
Arbitrators in condemnation cases.
Commissions paid to others.
Condemnation expenses, including court costs and special counsel fees.
Damages to property of others.
Deferred payments for right of way.
Ditches for waterways when part of consideration.
Judgments and decreed costs to clear or defend titles.
Notarial fees.
Plats.
Premiums on condemnation bonds.
Recording deeds.
Payments for relinquishment of cattle passes and other rights.
Removal and relocation of buildings and other structures not purchased.
Rent of land when part of consideration for purchase.
Right-of-way agents' compensation (engaged solely in acquiring right of way).
Taxes accrued and assumed at time of purchase.

NOTE: The cost of land acquired in excess of that necessary for transportation operations shall be included in balance-sheet account 737, "Miscellaneous physical property." When the purchase of land acquired for transportation operations involves the purchase of land not used for such purposes the charges to this account shall be based upon the estimated cost of only that portion which is used for such purposes, and the cost of the remaining land shall be included in account 737, "Miscellaneous physical property." Only the actual cost borne by the carrier for right-of-way and other lands acquired through vacation of streets and highways shall be included in this account. No donations should be considered as involved in the acquisition of such property.

§ 10.2½ *Other right-of-way expenditures.* This account shall include the cost (in excess of cost of railway facilities installed, if any) actually borne by the carrier of improvement projects (other than public improvement projects), such as the construction of canals, farm and other private passes, pipe lines, drains, and other facilities across the carrier's right-of-way.

§ 10.3 *Grading.* This account shall include the cost of clearing and grading the roadway, and of constructing protection for the roadway, tracks, embankments, and cuts.

When a part of a bridge or trestle, or the entire structure, is converted by filling into an earth embankment, and the bridge is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be included in the cost of the filling, and charged to this account. (See Note A, under account 6, "Bridges, trestles, and culverts.")

When a tunnel is converted into an open cut, the cost of clearing, grubbing, and excavating shall be included in this account.

DETAILS OF ROADBED AND ITEMS OF EXPENSE

Advertising for contractors' bids.
Berm ditches.
Blasting.
Breakwaters.
Bulkheading.
Clearing land.
Cribbing.
Dikes (including those of earthern construction which are intended to function indefinitely).
Ditches (not required by right-of-way agreement).
Dressing slopes.
Excavation for conversion of tunnels into open cuts.
Filling bridges, trestles, and culverts.
Grading outfits.
Grubbing land.
Material taken from borrow pits.
New channels for streams.
Operation of steam shovels.
Payments for privilege of wasting material on the property of others.
Payments for waste banks off the right-of-way.
Retaining walls.
Revetments.
Riprap.
Spoil banks.
Temporary trestling for fills.
Tools for grading.
Wing dams.

DETAILS OF BRIDGE STRUCTURES

Abutments.
Bridge signs.
Cofferdams.
Concrete and masonry ends for culverts.
Cribs.
Decking, including gravel for fire protection.
Dike protection.
Drainage systems.
Draw protection.
Drawbridge engines and machinery.
False work.
Guard timbers.
Ice breakers.
Painting (except repainting).
Pier protection.
Piers and foundations.
Pipe culverts.
Retaining walls.
Riprap around abutments.
Riprap at culvert ends.
Supports.
Water channels.
Waterproofing.
Wing dams.
Wing walls.

NOTE A: When a part of the entire structure of a bridge or trestle is converted, by filling, into an earth embankment, the ledger value of the structure, or of the portion thereof filled, shall be credited to this account. In case the bridge or trestle is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be charged to account 3, "Grading." The ledger value of the structure or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to account 3, shall be charged to account 735, "Accrued depreciation—Road and equipment."

NOTE B: The cost of bridges to carry the carrier's tracks over undergrade crossings, including the necessary piers and abutments to sustain them shall be included in this account.

§ 10.7 *Elevated structures.* This account shall include the cost of elevated structures and foundations of elevated railway systems.

This account is applicable to structures other than earthwork, which are for the purpose of elevating tracks above the grade of streets, and which are not properly classable as bridges or trestles.

NOTE: The cost of stations and other structures built on elevated structures shall be accounted for according to the class of the structure thus superimposed and not in this account.

§ 10.8 *Ties.* This account shall include the cost of cross, switch, bridge, and other track ties used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of additional ties subsequently laid in such tracks; also the excess cost of metal ties used in repairs of track over the cost to replace in kind wooden ties removed.

The cost of handling ties in general supply and storage yards shall be included as store expenses apportioned to this account when the ties are used for construction purposes.

NOTE A: The cost of labor for unloading distributing, and placing the ties in tracks and the cost of train service in connection with the distribution of ties laid shall be charged to account 12, "Track laying and surfacing."

NOTE B: The cost of ties used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of ties used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.9 *Rails.* This account shall include the cost of rails used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of the excess in weight of heavier rails laid in replacement of lighter rails.

The cost of handling rails in general supply and storage yards shall be included as store expenses apportioned to this account when the rails are used for construction purposes.

To this account shall be credited the cost (at current prices at time of removal) of the excess weight of heavier rails replaced with lighter rails.

NOTE A: The cost of labor for unloading, distributing, and placing the rails in tracks, and of train service in connection with the distribution of the rails, shall be charged to account 12, "Track laying and surfacing."

NOTE C: The cost of rails used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of rails used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.10 *Other track material.* This account shall include the cost of material used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), except ballast and material chargeable to foregoing accounts; also the excess cost of heavier or improved "other track material" used in repairs of tracks over the cost of replacing in kind such material removed.

The cost of handling "other track material" in general supply and storage yards shall be included as store expenses apportioned to this account when such material is used in the construction of new tracks.

ITEMS OF OTHER TRACK MATERIAL

Angle bars.
Anticreepers.
Bumping posts.
Compromise joints.
Connecting rods.
Crossings for steam and electric railways, including foundations or bases.
Derails.
Frog blocking.
Frogs.
Guard-rail blocking.
Guard-rail clamps.
Guard-rail fasteners.
Guard rails, switch and other.
Main rods.
Nut locks.
Nuts.
Offset bars.
Rail braces.
Rail splices.
Rail chairs.
Rail clips.
Rail joints.
Rail rests.
Rail shims.
Splice bars.
Step chairs.
Switch chairs.
Switch crossings.
Switch lamps.
Switch locks and keys.
Switch points.
Switch stands.
Switch targets.
Switches.
Tie plates.
Tie plugs.
Tie rods.
Track bolts.
Track insulators.
Track spikes.

NOTE A: The cost of labor and train service for distributing, unloading, and applying "other track material" shall be charged to account 12, "Track laying and surfacing."

NOTE B: No entry is required in this account with respect to improved "other track material" unless installed under a definite plan of changing standards, such as increasing the weight of rail.

NOTE C: The cost of "other track material" used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of such track material used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.11 *Ballast.* This account shall include the cost of gravel, stone, slag, cinders, sand, and like material used in ballasting tracks (including tracks in shops, fuel stations, supply yards, etc.) not previously ballasted, including cost of work-train service and of unloading; cost of ballast applied in excess of ballast required to restore to its maximum height and width the ballast previously put on the roadbed; and the excess cost of improved ballast used in renewals over the cost to replace in kind to the original height and width the ballast removed. Charges to this account shall not exceed the cost of ballast applied to a depth of 24 inches beneath the tie, unless otherwise authorized by the Commission. (§ 10.04–11 *Gravel and sand pits and quarries* applies to the accounting for pits from which ballast material is obtained either for construction work or for maintenance, or for both.)

NOTE A: The cost of ballast used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

NOTE B: Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE C: The cost of ballast material placed on the decking of bridges solely for fire-protection purposes shall be included in account 6, "Bridges, trestles, and culverts."

NOTE D: No charge shall be made to the accounts of this classification representing the value of cinders accumulated by the carrier.

§ 10.12 *Track laying and surfacing.* This account shall include the cost of distributing (including train service), laying, and adjusting ties, rails, and other track material used in the construction of tracks for the movement or storage of locomotives or cars, including repair tracks, but not tracks on car floats or temporary tracks the cost of which is chargeable to clearing accounts. It shall also include the cost of the labor expended in placing ballast in tracks not previously ballasted.

NOTE A: The cost of distributing and adjusting ties, rails, ballast, and other track material for repairs shall be charged to operating expenses, both when such materials are replaced in kind and when replaced with improved and heavier material.

NOTE B: The cost of work-train service in delivering ballast and of unloading such material is provided for in account 11, "Ballast."

§ 10.13 *Fences, snowsheds, and signs.* This account shall include:

(a) *Fences.* The cost of right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, on property not previously fenced, excluding those around stockyards, fuel stations, station and shop grounds, and building sites.

(b) *Snowsheds.* The cost of snowsheds, including initial cost of planting trees for protecting tracks from snow.

(c) *Signs.* The initial cost of signs other than those for identification of bridges, signals, stations, and other structures.

SIGN ITEMS

Boundary signs.
Bridge-caution signs.
Crossing signs.
Curve and elevation markers.
Division-limit signs.
Mileposts.
Monuments.
Safety-first signs at crossings.
Section-limit signs.
Slow or stop signs.
Tunnel-caution signs.
Water-station signs.
Water-trough signs.
Whistle signs.
Yard-limit signs.

NOTE A: The cost of fences (other than right-of-way boundary fences) around stock yards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of the structures.

NOTE B: The cost of signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of the structures.

NOTE C: The cost of crossing signals, including crossing gates, shall be included in account 27, "Signals and interlockers."

NOTE D: It shall also include the cost of replacing units of such property or substantial parts of fences or snowsheds the original cost of which were charged to this account.

§ 10.16 *Station and office buildings.* This account shall include the cost of station and office structures, their fixtures, appurtenances, and furniture necessary first to equip the buildings for use.

STATION AND OFFICE STRUCTURES AND DETAILS

Baggage rooms.
Breakwaters for protection of buildings.
Buildings and rooms for trainmen.
Buildings on piers.
Call bells.
Coal bins.
Coal transferring machinery (not on coal and ore wharves).
Coal trestles (not at fuel stations).
Commissarial buildings.
Drainage and sewerage systems.
Dwellings.
Eating houses.
Electric wiring.
Elevators and machinery.
Express buildings.
Fences.
Fire-engine houses.
Freight cranes.
Freight derricks.
Freight handling machinery.
Freight houses.
Garages.
Gas-supply systems.
General office buildings.
Grain cribs.
Grain elevators.
Grain warehouses.
Greenhouses.
Hay houses.
Heating plants.
Hedges.
Hoisting engines, for handling freight.
Hose houses.
Ice houses.
Lighting plants.
Mail cranes.
Milk stands.
Office buildings.
Ore-transferring machinery.
Outhouses.
Pavement within ground limits.
Platforms, freight.
Platforms, passenger, including planking between tracks.
Power distribution systems, interior.
Reading rooms.
Rooms for Y. M. C. A.
Scale houses.
Sidewalks.
Stables.

Station footbridges (not highway crossings).
Station intertrack fences.
Station platforms.
Station signs.
Station stairways.
Station subways (not highway crossings).
Station power houses.
Stations, freight.
Stations, passengers.
Stock pens.
Storehouses.
Telegraph offices.
Telpher systems.
Track scales.
Transfer houses.
Transfer platforms.
Waiting rooms.
Warehouses.
Washrooms.
Water-supply systems.
Yard offices.

NOTE A: Office buildings used exclusively in connection with maintenance of way shall be included in account 17, "Roadway buildings." Those used exclusively in connection with maintenance of equipment shall be included in account 20, "Shops and enginehouses."

NOTE B: The cost of grading and preparing grounds, both before and after the construction of station and office buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.17 *Roadway buildings.* This account shall include the cost of roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and connections; and all machinery, fixtures, and furniture to equip the building ready for use.

LIST OF ROADWAY BUILDINGS

Bins for material.
Blacksmith shops.
Boarding houses.
Breakwaters for protection of buildings.
Carpenter shops.
Dwellings.
Fire-engine houses.
Frog shops for repair of track material.
Hand-car houses.
Lighting plants.
Lumber sheds.
Offices.
Outhouses.
Planing mills.
Rail shops for repair of track material.
Repair shops.
Scrap bins.
Section dwelling houses.
Stables.
Storehouses.
Tool houses.
Watch houses.

NOTE: The cost of grading and preparing grounds both before and after the construction of roadway buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.18 *Water stations.* This account shall include the cost of structures, facilities, and appliances necessary to equip for service, stations for supplying water. The cost of analyses of water preliminary to the establishment of water stations shall be included in this account.

WATER STATION STRUCTURES AND DETAILS

Boilers.
Breakwaters for protection of buildings.
Buildings on piers.
Cisterns.
Dams.
Fences.
Outhouses
Penstocks.
Pump houses.
Pumps.
Purifying plants.
Reservoirs.
Settling basins.
Stationary engines.
Steam pipes.
Tanks and foundations.
Test wells.
Track tanks.
Tubs.
Water cranes.
Water pipe lines.
Water-treating plants.
Wells.
Windmills.

NOTE A: The cost of water stations used solely for supplying water to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B: The cost of a temporary water station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the water station is used.

NOTE C: The cost of grading and preparing grounds both before and after the construction of water station buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.19 *Fuel stations.* This account shall include the cost of structures, facilities other than tracks, and appliances necessary to equip for service, stations for supplying fuel to locomotives and floating equipment.

FUEL STATION STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buckets.
Buildings on piers.
Coal buckets.
Coal buggies.
Coal hoists.
Coal pockets and chutes.
Dumping machinery.
Elevating machinery.
Fences.
Fuel houses or stations.
Fuel-oil columns.
Fuel-oil plants.
Fuel-oil pumps.
Fuel-oil sumps.
Fuel-oil tanks.
Fuel platforms.
Fuel wharves.
Inclines.
Outhouses.
Scales.
Sheds.
Stationary engines.
Tipple cars.
Weighing apparatus.
Wood racks.

NOTE A: The cost of fuel stations, coal houses, etc., used solely for supplying fuel to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B: The cost of a temporary fuel station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the fuel station is used.

NOTE C: The cost of grading and preparing grounds both before and after the construction of fuel station buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.20 *Shops and enginehouses.* This account shall include the cost of buildings to be used as shops, enginehouses, and storehouses for material for maintenance of equipment; foundations, except those special to particular machines and other apparatus; furniture and fixtures other than equipment chargeable to account 44, "Shop machinery"; drainage, sewerage, and water-supply systems; and plants for heat and light.

SHOP AND ENGINEHOUSE STRUCTURES AND DETAILS

Air-compressor houses.
Ash pits and pockets.
Ash plants.
Bins for material.
Blacksmith shops.
Breakwaters for protection of buildings.
Buildings on piers.
Car sheds.
Car shops.
Carpenter shops.
Cinder pits.
Cinder pockets.
Drop pits.
Dry houses.
Electric-power distribution systems within buildings.
Enginehouses.
Fire-engine houses.
Footbridges (not public highways).
Foundries.
Gas-compressor houses.
Heating plants.
Hose houses.
Ice houses.
Laboratories.
Lighting plants.
Lumber sheds.
Machine shops.
Material and supply truck tracks.
Motor-crane tracks.
Offices, shop.
Oil houses.
Outhouses.
Paint shops.
Pipe lines, air, interior.
Pipe lines, car-heating.
Pipe lines, gas, interior.
Planing mills.
Platforms, shop and yard.
Repair shops.
Sand houses.
Scale houses.
Scrap bins.
Sidewalks.
Stables.
Steam-distribution systems, interior.
Storehouses.
Tanks, gas.
Tanks, oil.
Test rooms.
Tin shops.
Tool houses.
Track scales.
Transfer tables.
Turntables.
Upholstering shops.
Warehouses.
Wash rooms.
Watch houses.

NOTE A: The cost of distinct power plant buildings for shop purposes shall be included in account 29, "Power plants." The cost of distribution systems leading from such power plants to shops and enginehouses shall be included in account 31, "Power-transmission systems."

NOTE B: The cost of grading and preparing grounds both before and after the construction of shop and enginehouse buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE C: The cost of shop buildings devoted solely to the maintenance of way and structures shall be included in account 17, "Roadway buildings."

§ 10.21 *Grain elevators.* This account shall include the cost of structures, including the cost of conveyors, machinery, and fixtures which the railway companies operate for the transfer, treatment, and storage of grain.

The buildings referred to in this account are not small storage elevators at stations where grain is received for shipment, etc., but large elevators in which grain is stored for various owners.

NOTE A: Small storage elevators at way stations are classed as station buildings.

NOTE B: The cost of grading and preparing grounds both before and after the construction of grain-elevator buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE C: The cost of grain elevators leased to noncarriers shall be included in account 737, "Miscellaneous physical property."

§ 10.22 *Storage warehouses.* This account shall include the cost of storage warehouses, including machinery and fixtures therein.

The buildings herein referred to are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but warehouses in which merchandise is stored and which the railway companies operate as storage warehouses.

NOTE A: The cost of grading and preparing grounds both before and after the construction of storage warehouse buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE B: The cost of warehouses leased to noncarriers shall be charged to account 737, "Miscellaneous physical property."

§ 10.23 *Wharves and docks.* This account shall include the cost of wharves, docks, dry docks, slips, float bridges, and other landings for vessels, including the cost of necessary dredging, and the cost of float-bridge machinery; also the cost of piling, pile protection, cribs, cofferdams, walls, and other necessary devices and apparatus for the operation or protection of wharves and docks.

DETAILS OF WHARVES AND DOCKS

Bridge pontoons.
Bulkheads.
Caissons.
Cribwork.
Dry docks.
Ferry-bridge machinery.
Ferry bridges.
Ferry racks.
Ferry slips.
Jetties.
Jetty inclines.
Transfer-bridge machinery.
Transfer bridges.

NOTE A: The cost of coal and ore wharves and docks shall be included in account 24, "Coal and ore wharves."

NOTE B: The cost of the land on which wharves are built and cost of riparian or water rights for wharves and docks shall be charged to account 2, "Land for transportation purposes."

NOTE C: The cost of buildings located on wharves shall be included in the accounts appropriate for the class of buildings.

NOTE D: The cost of grading and preparing grounds both before and after the construction of wharves (other than coal and ore wharves) and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

§ 10.24 *Coal and ore wharves.* This account shall include the cost of wharves and docks for the transfer, treatment, blending, or storage of coal or ore, including the cost of necessary dredging and of conveyors, machinery, and fixtures.

NOTE A: The structures referred to in this account do not include small transfer or storage trestles or wharves at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B: The cost of grading and preparing grounds both before and after the construction of coal and ore wharves, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

§ 10.26 *Communication systems.* This account shall include the cost of telegraph, telephone, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

Details of telegraph and telephone terminal equipment:

Batteries.
Cables and wires, interior.
Carrier terminating equipment.
Conduits, interior.
Connecting wires.
Current-controlling instruments.
Electric generators and motors.
Electric meters.
Engines, stationary.
Fuses and mechanical protectors.
Rectifiers.
Rheostats.
Sending and receiving instruments.
Switchboards.
Telegraph repeaters.
Telephone repeaters.
Teletypewriters.
Testing outfits.
Transformers.

Details of telegraph and telephone outside plant:

Aerial attachments.
Braces.
Brackets.
Cable boxes and appurtenances.
Cables and wires, aerial.
Conduits and appurtenances.
Cross arms.
Gas and associated facilities for cables.
Guy stubs.
Guy wires.
Insulators.
Load coils.
Poles.
Submarine cables and connections.
Telephone pole boxes.
Towers.
Underground cables and connections.

Details of radio, radar, and inductive train communication equipment:

Aerials or antenna, and attachments.
Buildings or towers used exclusively for wireless.
Control units.
Power generating, converting, or supply equipment.
Radar console and associated equipment.
Roadwide or office equipment for all wireless systems operated on special channels between train and train, train and tower or office, or between ship and shore.
Specialized testing and repair equipment.
Transmitters and receivers, including mobile units.

NOTE A: Radio, radar or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same accounts as the equipment on which installed. Wireless sets for instruction, advertising, or entertainment shall be included in the same accounts as the building in which located.

NOTE B: Communication systems of limited extent, not connected with other systems, used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yard, shall be included in the same account as the building in which located or in the account appropriate for the service with which associated.

ITEMS

Buzzers, bells, dictaphones or other interoffice communication systems in an office or group of buildings.
Loud speakers, bells, or whistles in shop and other yards.
Loud speakers, public address devices, press button control lights, telautograph or other systems in stations or on platforms.
Whistles, klaxons, or horns operated from signal towers.

NOTE C: Test sets shall be classified as tools and included in the account appropriate for their use.

§ 10.27 *Signals and interlockers.* This account shall include the cost of interlocking and other signal apparatus for governing the movements of locomotives, cars, and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; roadway installations for train control and remote control including the cost of the initial tests of such installations; also the cost of buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers.

ITEMS

Air compressors.
Automatic-train control devices other than on equipment.
Batteries.
Battery wells and houses.
Boilers.
Call-bell systems along track to call in flagmen.
Call boxes, electric.
Car-retarder systems.
Centralized traffic control.
Conduits for pipe and wire.
Crossing flasher-light signals.
Crossing gates, highway and railway.
Crossing signal bells.
Crossing warning signals.
Distant signals.
Dynamos.
Engines, stationary.
Home signals.
Impedance bonds.
Interlocker buildings.
Interlocker machinery.
Interlocker mechanism.
Levers.
Power apparatus primarily for the operation of signals and interlockers.

Power-distribution lines primarily for the operation of signals and interlockers.
Rail bonds.
Railway crossing signals.
Relays.
Semaphores.
Signal and switch levers.
Signal arms.
Signal blades.
Signal bridges.
Signal buildings.
Signal cables.
Signal-lamp brackets and connections.
Signal lamps.
Signal machinery.
Signal poles and foundations.
Signal pulleys and foundations.
Special appliances.
Station signals.
Train-order signals.
Wiring.

NOTE A: When signal or interlocking apparatus is located in a station building, only the cost of the signal or interlocking apparatus shall be charged to this account. The entire cost of the building shall be included in account 16, "Station and office buildings."

NOTE B: The cost of track material, such as switches, special rail braces, special rods, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers, shall be included in account 10, "Other track material."

NOTE C: When derails are arranged so as to be thrown from switch stands, the cost of labor expended in the installation of the connections between the switch stand and derail and the devices for throwing the derail shall be included in account 12, "Track laying and surfacing." The cost of the material shall be included in account 10, "Other track material."

NOTE D: The cost of grading and preparing grounds both before and after the construction of signal and interlocker buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.29 *Power plants.* This account shall include the cost of power-plant and substation buildings (housing machinery provided for in account 45, "Power-plant machinery"); all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and furniture and miscellaneous fixtures, shall be considered as a part of the power-plant buildings.

POWER-PLANT STRUCTURE ITEMS

Buildings.
Coal bunkers.
Coal pockets and trestles.
Fences (other than right-of-way boundary fences).
Fixtures for lighting (including wiring) and heating power-plant buildings.
Foundations (except special foundations for machines and other apparatus).
Fuel-oil tanks.
Furniture.
Hose and appliances for protecting buildings against fire.
Pavement within ground limits.
Permanent rights in water supply.
Platforms.
Smoke stacks and chimneys and their foundations when distinct from and not resting on boilers.
Water, sewer, gas, and drainage pipes and connections.
Wells (but not pumps).

DAM, CANAL, AND PIPE-LINE ITEMS

Aqueducts.
Bridges.
Fences (Other than right-of-way boundary fences).
Footbridges.
Forebays.
Gates.
Grids.
Inlet valves.
Penstocks.
Reservoirs.
Roadways.
Sluices.
Valves.
Water rights.

NOTE A: The cost of power-plant machinery, including stacks resting on boilers, and special foundations for machines, shall be included in account 45, "Power-plant machinery."

NOTE B: The cost of the buildings and of the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE C: Investment in buildings and machinery of detached plants for furnishing power both for operating purposes and for sale shall be included in this account and in account 45, "Power-plant machinery," respectively. When plants are intended and used primarily for generating power for sale to other than common carriers, the investment shall be included in account 737, "Miscellaneous physical property."

§ 10.31 *Power-transmission systems.* This account shall include the cost of systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; also the cost of conduits and of poles, cross arms, insulator pins, brackets, and other pole fixtures, and of other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes.

POWER-TRANSMISSION SYSTEM ITEMS

Air pipe-lines in car yards.
Cables.
Compressed air pipe-lines.
Compressed air storage tanks (not at power houses or shops).
Cut-outs (not at power houses and substations).
Feed wires.
Guard wires.
Insulators and connections.
Overhead trolley wires.
Rail-bond plugs.
Rail bonds.
Rail-insulating devices.
Span wires.
Steam-heating pipe-lines in car yards.
Steam pipe-lines.
Switchboards (not at power houses and substations).
Third rail.
Third-rail braces.
Third-rail insulation and protection.
Third-rail supports.
Transformers (not at power houses and substations).
Underground power tubes.

POLE-LINE AND CONDUIT ITEMS

Braces and other supports for holding poles in position.
Brackets and other pole fixtures.
Conduits for wires and cables.
Cross arms.
Cutting and trimming trees.
Guy stubs.
Guy wires.
Insulator pins.
Manholes.
Poles.
Sewer traps.
Stenciling or painting letters or numbers on poles.
Towers.

NOTE A: The cost of wire and pipe-distribution systems located within shop buildings and in stations and office buildings shall be included in the cost of the buildings, except that lateral service lines to equipment-shop machines shall be included in account 44, "Shop machinery." The cost of distribution systems used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE B: The cost of conduits and of poles and fixtures for telegraph and telephone, or signal lines shall be included in account 26, "Communication systems," or account 27, "Signals and interlockers," as appropriate. The cost of poles and conduits used for telegraph and telephone or signal lines and for power-distribution lines shall be included in the account appropriate according to their predominant use.

§ 10.35 *Miscellaneous structures.* This account shall include the cost of all permanent structures not provided for elsewhere, including all fixtures and furniture to equip them for use.

§ 10.37 *Roadway machines.* This account shall include the cost of the initial outfit of roadway machines provided for the maintenance of roadway and structures at the time the road is opened for commercial traffic, and the cost of additional roadway machines acquired subsequently.

LIST OF ROADWAY MACHINES

Boilers, portable.
Cars, hand.
Cars, lever.
Cars, motor inspection.
Cars, push.
Cars (small), crane, for supply yards and general use.
Concrete mixers.
Ditching machines.
Dredging machines.
Engines, portable.
Grading outfits.
Hydraulic outfits.
Jacks, hydraulic.
Log loaders.
Pile drivers.
Plows, unloading.
Rail unloaders.
Rock crushers.
Steam rollers.
Timber trucks.
Velocipedes.

NOTE A: When an important addition and betterment project or the construction of a new line necessitates the purchase of roadway machines to be used exclusively thereon, the cost shall be included in the accounts to which the cost of the work is charged. The amount realized from any subsequent sale, or the appraised value of the machines retained after the completion of the special work for which they were purchased, shall be credited to the accounts charged with the cost thereof. The appraised value of such machines retained shall be debited to this account and thereafter considered as the cost of such property.

NOTE B: The cost of machines for the equipment of roadway shops shall be included in account 17, "Roadway buildings," as provided for therein.

NOTE C: The cost of roadway machines, such as pile drivers, log loaders, hoist engines, and concrete mixers, when permanently mounted for movement on the carrier's tracks, shall be included in account 57, "Work equipment."

§ 10.38 *Roadway small tools.* This account shall include the cost of the initial outfit of roadway and track small tools provided for the maintenance of way and structures at the time the road is opened for commercial traffic; also the initial outfit of such tools provided for the maintenance of extensions of such road.

LIST OF ROADWAY TOOLS

Adzes.
Anvils.
Augers.
Axes.
Ballast forks.
Bars, claw.
Bars, crow.
Bars, lining.
Bars, pinch.
Bars, raising.
Bars, tamping.
Braces and bits.
Brooms.
Brush hooks.
Cable stretchers.
Cables.
Cans, oil.
Cans, water.
Cant hooks.
Chains.
Chisels, track.
Chisels, wood.
Curbing hooks.
Dippers.
Drawing knives.
Drill bits.
Drills, portable.
Flags, signal.
Furnaces, portable.
Grindstones.
Hammers, napping.
Hammers, paving.
Hammers, spiking.
Handles for tools.
Hatchets.
Hoes.
Jack levers.
Jacks, ratchet.
Jacks, screw.
Jacks, track.
Kegs, water.
Ladders.
Lanterns and fixtures.
Lawn mowers.
Levels.
Lines for ditching.
Nippers.
Oilstones.
Padlocks.
Pails, water.
Paint brushes.
Picks, clay.
Picks, tamping.
Pike poles.
Post-hole diggers.
Post-hole tampers.
Punches.
Rail benders.
Rail tongs.
Rakes.
Rope.
Saws, crosscut.
Saws, hand.
Scrap boxes.
Scythes.
Shovels.
Sickles.
Sledges.
Spades.
Spike mauls.
Spike pullers.
Spot boards.
Squares.
Straightening machines.
Tape lines.
Thermometers for laying rail.
Tongs.
Tool boxes.
Torches.
Track gauges.
Track levels.
Vises.
Weed spuds.
Wheelbarrows.
Whetstones.
Wood mallets.
Wrenches, monkey.
Wrenches, track.

NOTE: The cost of roadway and track small tools of which no specific record is kept shall be charged when acquired to an appropriate materials and supplies account, from which they shall be charged as issued to the appropriate road and equipment, operating expense, or other accounts. When such tools are used both for construction and maintenance work the cost shall be equitably apportioned among the accounts provided for the two classes of work.

§ 10.39 *Public improvements; construction.* This account shall include amounts assessed on carrier property by governmental authority (by mutual agreement or otherwise) to cover the cost of constructing public improvements, when such assessments are made against property within defined areas of taxing districts. It shall also include the cost borne by the carrier of public improvements constructed by it under governmental requirements.

The entire amount of each assessment for public improvements shall be included in this account as soon as it is determined.

ITEMS

Cost of land outside carrier's right-of-way to provide for the relocation of streets or highways or providing slopes therefor.
Cost of removal and relocation of buildings and other structures in connection with the construction of streets and highways.
Curbing streets and highways.
Damage to property of others when incidental to highway construction.
Drainage systems.
Engineering—When such costs apply to items chargeable to this account.
Flood protection.
Grading streets and highways.
Guttering streets and highways.
Irrigation systems.
Levees.
Overhead highway bridges, including approaches.
Paving streets and highways, including such pavings at crossings.
Planking, highway crossings.
Sewer systems.
Sidewalks.
Street-lighting systems.
Water works.

NOTE A: The cost of railway facilities installed in connection with joint public improvement projects if not in excess of total costs borne by the carrier shall be included in accounts other than account 39, "Public improvements—Construction," appropriate for the class of property installed. Any costs borne by the carrier in excess of the cost of railway facilities shall be charged to this account.

NOTE B: The cost to the carrier of maintaining public improvements shall be included in Operating Expenses.

NOTE C: Any portion of the cost of public improvements which is included in the general tax levy for a regular taxing district shall be included in the account appropriate for taxes.

NOTE D: The amount of the deferred payments of assessments for public improvements if payments are to be made within one year, shall be included in account 761, "Other current liabilities." If the payments are spread over a longer period they shall be credited to account 782, "Other liabilities." The interest paid on such assessments shall be included in account 547, "Interest on unfunded debt."

NOTE E: Interest and penalties imposed, on basis of monthly or annual percentage rates, for failure to pay assessments within the allotted time shall be charged to account 547, "Interest on unfunded debt."

NOTE F: Assessments on noncarrier property for the cost of constructing public improvements shall be charged to account 737, "Miscellaneous physical property."

§ 10.40 *Revenues and operating expenses during construction.* This account shall include the cost of operating a piece of road during the period before the regular operation of revenue trains, including rent and repairs of equipment used in commercial service during such period. It includes the cost of running construction trains over such section of road when the cost of operating such trains can not properly be charged to any specific account.

To this account shall be credited amounts collected for rents of buildings and other properties and for the transportation of commercial freight or of passengers on construction trains; also the net profits from boarding and commissarial outfits, and other sources of operating revenue.

Carriers which wish to subdivide this account shall use appropriate subaccounts corresponding to accounts prescribed for operating revenue, operating expense, or income accounts.

§ 10.42 *Reconstruction of road property acquired.* When road property acquired is in such physical condition that it is necessary to substantially rebuild the road in order to bring it up to the standard required by the carrier, the accounting for such reconstruction including retirements in connection therewith shall be presented to the Commission for approval before being entered in the accounts.

NOTE: A comprehensive statement of the estimated amount necessary to reconstruct a road in accordance with the above provision shall be made to the Commission as soon as the estimate is made.

§ 10.43 *Other expenditures; road.* This account shall include items which can not properly be included in any of the foregoing accounts as a part of the cost of any specific work, amounts paid for rent and repairs of equipment and for injuries to persons incident to and in connection with original road, road extensions, or additions and betterments; and analogous items. When assignable, such expenditures shall be included in the cost of the property in connection with which the expenditure occurs.

NOTE: Rents paid for and repairs made to equipment used in commercial operations during the period before the regular operation of revenue trains shall be charged to account 40, "Revenues and operating expenses during construction."

§ 10.44 *Shop machinery.* This account shall include the cost of machinery and other apparatus in shops and engine houses, including the cost of special foundations and installation, and cost of small hand tools necessary first to equip a shop.

LIST OF SHOP MACHINERY

Air compressors.
Ash conveyors.
Belting.
Blowers.
Boilers for furnishing power.
Boring machines.
Cars, motor.
Cars, push.
Cranes.
Drill presses.
Drilling machines.
Drop tables.
Forges.
Framing machines.
Furnaces.
Grinding and polishing machines.
Hoists.
Hydraulic jacks.
Lathes.
Lifting magnets.
Metal chimneys.
Milling machines.
Motors.
Pipe cutting and threading machines.
Planers.
Pneumatic hammers.
Power equipment.
Punches.
Riveters.
Saws.
Shafting.
Shapers.
Slotters.
Stationary engines.
Steam hammers.
Vises.
Welding machines.
Woodworking machines.

NOTE A: The cost of power plant machinery and other apparatus for shop purposes, when located in distinct buildings, shall be included in account 45, "Power-plant machinery."

NOTE B: The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building, and not in this account.

§ 10.45 *Power-plant machinery.* This account shall include the cost of machinery and other apparatus in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for stations, shops, and general purposes, and also the cost of foundations special to particular machines or other apparatus including the cost of installation.

ITEMS

Air compressors.
Ammeters.
Ash-conveying machinery.
Batteries.
Battery-charging apparatus.
Belting.
Boiler-room appliances and tools.
Boilers and fittings.
Boosters.
Cables, interior.
Circuit breakers.
Clutches.

Coal-conveying machinery.
Condensers.
Conductors.
Cranes.
Cut-outs.
Draft machinery.
Dynamos.
Economizers.
Engine-room appliances and tools.
Feed water heaters.
Furnaces.
Generators.
Hangers.
Hoists.
Ice - manufacturing machinery and apparatus.
Insulators.
Lubricating devices.
Machinery.
Mechanical stokers.
Metal stacks on boilers.
Piping.
Pumps.
Purifiers.
Refrigerating - machinery and apparatus.
Rheostats.
Rotary convertors.
Sewer connections for machinery.
Shafting.
Special foundations for machines.
Stationary engines.
Steam - distribution systems within the plant.
Steam fittings.
Switchboards.
Switches.
Tanks.
Tractors, trailers, and trucks, permanently assigned to power plants.
Transformers.
Turbines.
Voltmeters.
Water meters.
Waterwheels.
Well pumps.
Wires from generators or transformers to switchboard.

NOTE A: The cost of power machinery and other apparatus installed in a shop as part of the shop equipment shall be included in account 44, "Shop machinery."

NOTE B: The cost of power machinery and other apparatus installed in station and office buildings shall be included in account 16, "Station and office buildings."

NOTE C: The cost of the buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE D: The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building and not in this account.

NOTE E: The cost of machinery and buildings of detached plants for producing power both for operating purposes and for sale shall be included in this account and in account 29, "Power plants," respectively. When plants are intended and used primarily for generating power for sale to non-carriers the investment shall be included in account 737, "Miscellaneous physical property."

§ 10.47 *Unapplied construction material and supplies.* This account shall include the cost of material and supplies located at the point of use which have been purchased for projected new roads and road extensions.

The purpose of this account is to exclude from the current assets the cost of supplies and unapplied material which are located for use on projected new roads and road extensions, under the condition that the material will not be used for other purposes.

NOTE A: Material and supplies designed for projected new roads and road extensions which are carried in storehouses and store yards and included in the general stock of an operating company shall be included in balance-sheet account 712, "Material and supplies."

NOTE B: The cost of unapplied materials and supplies on hand at the completion of construction work shall be transferred to balance-sheet account 712, "Material and supplies."

EQUIPMENT

§ 10.50 *Equipment.* The several primary accounts included in this general account are designed to show the cost of the several classes of equipment owned by the carrier, or held under equipment trust agreements for purchase.

To the appropriate primary accounts in this general account shall be charged the cost of all equipment, such as steam locomotives, electric locomotives, passenger-train cars, freight-train cars, work equipment, floating equipment, and the necessary appurtenances, furniture, and fixtures first to equip for service, including the cost of inspection, setting up, and trying out, and transportation over foreign lines; also the cost of additions, such as headlights, mechanical stokers, power brakes, vestibules, machinery for self-propulsion, heating and lighting apparatus, and the like; and the excess cost of betterments, such as improved appliances, parts, or appurtenances, over the cost at current prices (as new) of the appliances, parts, or appurtenances removed. The cost of removing the old appliances and applying the improved shall be charged to operating expenses.

The ledger value of each unit of equipment shall be credited to the appropriate equipment account when it is permanently retired from service. (See Note A which follows.)

The service value (see Note B which follows) of the unit shall be charged to account 735, "Accrued depreciation—Road and equipment." An equitable proportion of any balances carried in accounts 72 to 77, inclusive, applicable to the equipment retired, shall be credited thereto concurrently and charged to account 330, "Retirements—Equipment."

The value of the salvage (see Note C which follows) from the unit shall be charged to account 712, "Material and supplies," or to other account appropriate according to the disposition thereof. In case the retired equipment is held without being torn down, the estimated value of the salvage therefrom shall be included in account 741, "Other assets," until the salvage is recovered.

The cost of tearing down the retired unit and recovering the salvage shall be charged to account 329, "Dismantling retired equipment."

The ledger value (estimated if not known) of all parts of equipment retired and not replaced shall be credited to the property investment account and the service value thereof charged to account 735, "Accrued depreciation—Road and equipment."

When equipment of one class is converted so as to be includible in another class, the accounting shall be as provided in § 10.01–11 *Adjustment for converted property.*

When an important addition and betterment project or the construction of new lines necessitates the purchase of equipment to be used exclusively therein, the cost of such equipment shall be included in the accounts representing the cost of the work, and no charge shall be made to operating expenses for depreciation on such equipment while the cost remains so charged. The amount realized from any subsequent sale, or the appraised value of the equipment retained after the completion of the special work for which it was purchased, shall be credited to the accounts charged with its cost. The appraised value of such equipment retained shall be debited to the appropriate primary account herein, and thereafter, for the purposes of accounting, such appraised value shall be considered as the cost of the equipment.

When second-hand equipment acquired is in such physical condition that it is necessary to make extensive repairs to it to bring it up to the standard required by the carrier, the cost of such repairs shall be included in the account appropriate for the cost of the equipment. A comprehensive statement of the amount estimated to be necessary to rebuild second-hand equipment in accordance with the above provision shall be furnished to the Commission as soon as the estimate is made.

The accounting for leased equipment retired shall be in accordance with provisions in § 10.01–7 *Road property retired* relating to leased road property retired.

NOTE A: The term "retired from service" as applied to equipment means equipment which has been permanently withdrawn from transportation service. (See also § 10.01–8 (c) *Major renewals.*)

NOTE B: The term "service value" as applied to equipment means the ledger value thereof less the value of the salvage therefrom.

NOTE C: The term "value of salvage" means the amount received for property retired, or for the material salvaged therefrom, if sold; or if retained, the value at which the property or the material salvaged therefrom is chargeable to account 712, "Material and supplies," or other account of this system of accounts.

Units of equipment, the ledger value of which shall be credited to the equipment accounts at the time of retirement, are designated in § 10.01–15.

§ 10.51 *Steam locomotives.* This account shall include the cost of steam locomotives and tenders, purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including the cost of inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air-brake equipment and hose.
Arm rests.
Awnings.
Brake fixtures.
Cab cushions.
Cab lamps.
Clocks.
Coal boards.
Fire - extinguishing apparatus.
Gongs.
Head lamps.
Metallic packing.
Pneumatic sanding equipment.
Seat boxes.
Signal lamps.
Speed recorders.
Steam-gauge lamps.
Steam-heat equipment and hose.
Storm doors.
Tool boxes.
Train-signal equipment and hose.

§ 10.52 *Other locomotives.* This account shall include the cost of locomotives other than steam, purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

NOTE: Cars with motor equipment are not to be classed as locomotives.

§ 10.53 *Freight-train cars.* This account shall include the cost of freight-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and the cost of inspection and transportation charges to the carrier's line.

LIST OF FREIGHT-TRAIN CARS

Ballast (commercial).
Beer.
Box.
Cabin.
Caboose.
Charcoal.
Coal.
Coke.
Dump (commercial).
Flat.
Fruit.
Furniture.
Gondola.
Gondola (hopper).
Gondola (long).
Gun truck.
Hay.
Lime.
Logging.
Oil tank.
Ore.
Platform.
Poling.
Poultry.
Produce.
Rack.
Refrigerator.
Stock.
Tank and water (when used as commercial cars).

LIST OF APPURTENANCES TO FREIGHT-TRAIN CARS

Air-brake equipment, including hose.
Cooking equipment and utensils.
Cushions.
Heating equipment.
Ice boxes.
Lamps and fixtures.
Seats.
Speed recorders.
Train-signal equipment, including hose.
Water tanks.

§ 10.54 *Passenger-train cars.* This account shall include the cost of passenger-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF PASSENGER-TRAIN CARS

Baggage.
Baggage-express.
Baggage-mail.
Baggage-mail-express.
Buffet.
Café.
Chair.
Club.
Colonist.
Dining.
Express.
Immigrant.
Library.
Mail.
Milk.
Observation.
Parlor.
Parlor-baggage.
Passenger.
Passenger-baggage.
Passenger - baggage-mail.
Postal.
Refrigerator-express.
Sleeping.
Smoking.
Tourist.

LIST OF APPURTENANCES TO PASSENGER-TRAIN CAR

Air-brake equipment, including hose.
Bedding.
Chairs.
Coat hooks.
Curtains and fixtures.
Cushions.
Electric bells.
Floor coverings.
Heating equipment.
Ice boxes.
Ice tanks.
Kitchen equipment and utensils.
Lighting equipment.
Mail catchers.
Parcel racks.
Ranges and boilers.
Seats.
Speed recorders.
Steam-heat hose.
Table china.
Table glassware.
Table linen.
Table silver.
Toilet equipment.
Train-signal equipment, including hose.
Water tanks.

§ 10.56 *Floating equipment.* This account shall include the cost of marine or floating equipment of all kinds except work equipment, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF FLOATING EQUIPMENT

Barges.
Canal boats.
Car and other floats.
Ferryboats.
Lighters.
Power launches.
Power lighters.
Scows.
Steamboats.
Steamships.
Transfer boats.
Tugboats.

LIST OF APPURTENANCES TO FLOATING EQUIPMENT

Anchors.
Axes.
Barometers.
Beds and bedding.
Binnacle lamps.
Blocks and tackle.
Boilers and foundations.
Cables.
Capstan bars.
Carpets.
Charts.
China, crockery, and glassware.
Chronometers.
Clocks.
Compasses.
Counters.
Desks.
Engines and foundations.
Fire buckets.
Fire extinguishers.
Floor coverings.
Flue cleaners.
Furniture.
Gangplanks.
Hatchets.
Heating equipment.
Hoisting equipment.
Hooks.
Keys.
Kitchen equipment.
Life preservers.
Lighting equipment.
Linen.
Lines.
Logs.
Machinery and foundations.
Masts.
Oil cans.
Pianos and other musical instruments.
Pumps.
Racks.
Railings.
Rakes.
Rigging.
Safes.
Sails.
Scales.
Seats, chairs, and cushions.
Shovels.
Slice bars and pokers.
Spyglasses.
Steam distribution systems.
Steering equipment.
Telescopes.
Ticket cases.
Tool boxes.
Tools, miscellaneous.
Tracks on car floats.
Ventilating equipment.
Wrenches.

§ 10.57 *Work equipment.* This account shall include the cost of work equipment, including motor-driven equipment, purchased or built by the carrier; cost of appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF RAIL WORK EQUIPMENT

Air-brake instruction cars.
Ballast cars.
Ballast unloader cars.
Boarding cars.
Bridge cars.
Business cars.
Camp cars.
Cinder cars.
Concrete mixers (mounted).
Derrick cars.
Dirt spreaders (mounted).
Ditching cars.
Dump cars.
Dynamometer cars.
Gas tank cars.
Grading cars.
Gravel cars.
Indicator cars.
Locomotive tanks used permanently as water cars.
Locomotives.
Officers' cars.
Outfit cars.
Painters' cars.
Pay cars.
Pile drivers (mounted).
Rail saws (mounted).
Salt cars.
Sanding cars.
Scale test cars.
Scraper cars.
Snow dozers.
Snow drags.
Snow plows (moved by but not attached to locomotives).
Sprinkling cars.
Steam shovels.
Steam wrecking derricks.
Supply cars.
Sweeper cars.
Tool cars.
Tool and block cars.
Water cars.
Weed burners (mounted).
Wrecking cars.

LIST OF FLOATING WORK EQUIPMENT

Derricks.
Dredges.
Pile drivers.

APPURTENANCES TO FLOATING WORK EQUIPMENT

Anchors.
Axes.
Barometers.
Beds and bedding.
Blocks and tackle.
Boilers and foundations.
Cables.
China, crockery, and glassware.
Compasses.
Cushions.
Desks.
Engines and foundations.
Fire extinguishers.
Fire buckets.
Floor coverings.
Flue cleaners.
Gangplanks.
Hatchets.
Heating equipment.
Hoisting equipment.
Hooks.
Keys.
Life preservers.
Lighting equipment.
Linen.
Lines.
Machinery and foundations.
Masts.
Oil cans.
Pumps.
Rakes.
Rigging.
Sails.
Seats and chairs.
Shovels.
Slice bars and pokers.
Steam distribution systems.
Steering equipment.
Tool boxes.
Tools, miscellaneous.
Wrenches.

§ 10.58 *Miscellaneous equipment.* This account shall include the cost of horses and harness; and cost of wagons, automobiles, and other highway vehicles.

§ 10.59 *Unapplied material and supplies; equipment.* This account shall include the cost of unapplied material and supplies located at the point of use which have been purchased specifically for the construction of new railroad equipment.

NOTE A: If material and supplies designated for new railroad equipment are carried in storehouses and storeyards as part of the general stock of the company, their cost shall be included in balance sheet account 712, "Material and supplies."

NOTE B: The cost of unapplied material and supplies on hand at the completion of construction work shall be transferred to balance sheet account 712, "Material and supplies."

GENERAL EXPENDITURES

§ 10.70 *General expenditures.* The primary accounts of this general account are designed to include expenditures made in connection with the acquisition and construction of original road and equipment, and with extensions, additions, and betterments to road and equipment property, when such expenditures can not properly be included in any of the foregoing accounts as a part of the cost of any specific work. When assignable, such expenditures shall be included in the cost of the property in connection with which the expenditures occur.

§ 10.71 *Organization expenses.* This account shall include all fees paid to governments for the privilege of incorporation, and office and other expenditures incident to organizing the corporation and putting it in readiness to do business; cost of preparing and distributing prospectuses; costs of soliciting subscriptions for stock; cash fees paid to promoters, and the actual cash value (at the time of the organization) of securities paid to promoters for their services in organizing the enterprise; special counsel fees; cost of preparing and issuing certificates of stock; cost of procuring the necessary certificates from State authorities; and other like costs.

NOTE: Cost of soliciting for loans or for the sale of bonds or other evidences of indebtedness shall be charged to balance-sheet ac-

count 742, "Unamortized discount on long-

count 742, "Unamortized discount on long-term debt."

§ 10.72 *General officers and clerks.* This account shall include the pay and expenses of executive and general officers and of general office clerks engaged exclusively in connection with the construction of new road and extensions.

NOTE: The salaries and expenses of executive and general officers and of general office clerks engaged in connection with the conduct of commercial operations during the period before the regular operation of revenue trains shall be included in account 40, "Revenues and operating expenses during construction."

§ 10.73 *Law.* This account shall include specific and distinct expenditures, not provided for elsewhere, for law service in connection with the acquisition of new road, road extensions, additions, and betterments, such as pay and expenses of counsel, solicitors, and attorneys, their clerks and attendants, and expenses of their offices.

ITEMS OF EXPENSES

Arbitrators' services in settlement of disputed questions.
Cost of taking depositions.
Cost of testimony.
Costs of suits.
Court bonds.
Court expenses.
Express charges.
Fees and retainers of attorneys not regularly employed.
Law books.
Legal forms.
Legal reports.
Notarial fees not provided for elsewhere.
Office expenses.
Printing of briefs, testimony, etc.
Rent of offices.
Special fees.
Telegraph service.
Telephone service.
Traveling expenses.
Witness fees not provided for elsewhere.

NOTE: Court costs and special counsel fees in connection with the acquisition of land for transportation operations shall be included in account 2, "Land for transportation purposes."

§ 10.74 *Stationery and printing.* This account shall include the cost of stationery, stationery supplies, postage, office devices, and printed matter used by any class of employees in connection with construction and not provided for elsewhere.

ITEMS OF STATIONERY AND PRINTING

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cross-section books.
Cross-section paper.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Drawing paper.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes.
Forms, blank and printed.
Fuel tickets.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Parchment paper.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductors' or baggagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Time-tables.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Waybills.
Wrapping paper.
Wringers for copying presses.

NOTE A: The cost of printing bonds, etc., in connection with the carrier's funded debt shall be included in balance-sheet account 742, "Unamortized discount on long-term debt."

NOTE B: The cost of stationery and printing, when assignable, shall be included in the cost of the property in connection with the acquirement or construction of which the expenditure occurs.

§ 10.75 *Taxes.* This account shall include State, county, township, city, school, road, annual franchise, and all other taxes and assessments levied and paid on property belonging to the carrier during construction and before the facilities are used for commercial operations, except special assessments for street and other improvements chargeable to account 39, "Public improvements—Construction."

NOTE: Taxes during construction, when assignable, shall be included in the cost of the property acquired or constructed.

§ 10.76 *Interest during construction.* When any bonds, notes, or other evidences of indebtedness are sold, or any interest-bearing debt is incurred for acquisition and construction of original road and equipment, extensions, additions, and betterments, the interest accruing on the part of the debt representing the cost of property chargeable to road and equipment accounts (less interest, if any, allowed by depositaries on unexpended balances) after such funds become available for use and before the receipt or the completion or coming into service of the property so acquired shall be charged to this account.

When such securities are sold at a premium the proportion of such premium assignable to the time between the date of the actual issuance of the securities and the time when the property acquired or the improvement made becomes available for service shall be credited to this account.

This account shall also include such proportion of the discount and expense on funded debt issued for the acquisition of original road, original equipment, road extensions, additions, and betterments, as is equitably assignable to the period between the date of the actual issuance of securities and the time when the property acquired or the improvement made becomes available for the service for which it is intended. The proportion of discount and expense thus chargeable shall be determined by the ratio between the period prior to the completion or coming into service of the facilities or improvements acquired and the period of the entire life of the securities issued.

NOTE A: Interest on bonds, notes, or other evidences of indebtedness accruing before the proceeds from the sale of the securities become available for use shall not be included in this account, nor shall there be included any interest accruing after the property with respect to which the proceeds are expended is received or becomes available for use in connection with commercial service.

NOTE B: If any securities which have been issued or assumed by the carrier are sold or exchanged by or for the carrier for a consideration the actual money value of which at the time of such sale or exchange is less than the value of the securities at par and the accrued interest thereon, if any, the difference between the money value of the consideration received and the par value of the securities plus the accrued interest shall be deemed a discount. In no case (except as provided in the third paragraph of this account) shall discounts be included as part of the cost of anything charged to any account prescribed in this classification.

NOTE C: For definition of securities actually issued, see Note B, under general balance-sheet account 765, "Funded debt unmatured."

NOTE D: Whenever interest, premium, or discount assignable to the construction period is incurred in connection with an expenditure covered by some specific road and equipment account or accounts, such interest, premium, or discount shall be charged directly to the specific accounts to which it is related.

NOTE E: This account shall not include interest during the construction period on the carrier's own funds expended in connection with the acquisition or construction of original road and equipment, extensions, additions, and betterments.

§ 10.77 *Other expenditures; general.* This account shall include all expenditures of a special and incidental nature in connection with the acquisition and construction of original road and equipment, road extensions, additions, and betterments which cannot properly be included in any other account in this classification.

OPERATING REVENUES AND OPERATING EXPENSES

REVENUE ACCOUNTS

Transportation

§ 10.100 *Transportation; rail line.* The primary accounts included in this general account are designed to show amounts of money which the carrier becomes entitled to receive or which accrue to its benefit from service rendered in transporting property or persons by rail line.

§ 10.101 *Freight.* This account shall include revenue from the transportation of freight and from transit, stop, and reconsigning privileges, upon the basis of lawful tariff rates.

ITEMS TO BE CREDITED

(a) Revenue upon the basis of local freight tariff rates, regardless of class of train in which the freight is transported.
(b) The carrier's proportion of revenue upon the basis of through freight tariff rates, regardless of class of train on which the freight is transported.
(c) Revenue from transportation of mail matter, and empty mail pouches, at freight tariff rates.
(d) Revenue from transportation of freight on special trains at rates based on weights of shipments.
(e) Revenue on basis of classifications and freight tariffs from transportation of caretakers of freight shipments.
(f) Revenue from reconsigning privileges.
(g) Revenue from stop privileges.
(h) Revenue from transit privileges.
(i) Revenue upon the basis of arbitraries out of freight rates for water transfers (ferriage, lighterage, and floatage).

ITEMS TO BE CHARGED

Amounts paid as bridge and ferry arbitraries on freight.
Amounts paid for completing a haul.
Amounts paid for elevation of freight.
Amounts paid for switching services, in connection with the transportation of freight, on the basis of switching tariffs, and allowances out of through rates, including amounts paid for switching empty cars in connection with a freight revenue movement.
Amounts paid for transferring freight between stations.
Arbitraries and allowances to others for lighterage and wharfage.
The carrier's proportion of overcharges resulting from the use of erroneous rates, weights, classifications or computations.
The carrier's proportion of refunds on account of errors in routing and billing.
The carrier's proportion of uncollected revenue on freight lost or destroyed in transit.
The carrier's proportion of uncollected tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.
Amounts paid on basis of tariff rates for loading and unloading livestock.

NOTE A: Amounts paid for switching empty cars otherwise than in connection with loaded movements shall be charged to operating expense account 411, "Other expenses," except that amounts paid for switching equipment for repairs shall be included in the appropriate equipment repair accounts.

NOTE B: Other carriers' proportion of revenue and of uncollectible undercharges paid by the carrier on account of its errors in routing and billing shall be charged to operating expense account 411, "Other expenses."

NOTE C: Other carriers' proportion of revenue paid by the carrier on freight lost, destroyed, or damaged in transit, for which neither consignees nor consignors are liable shall be charged to operating expense account 418, "Loss and damage—Freight."

NOTE D: When a lessee company transports freight over the tracks of another carrier on the basis of a proportion of revenues under a joint arrangement, it shall include the entire compensation in its revenues and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company, and the lessor company shall credit the corresponding accounts.

The accounting in connection with transportation train service operated under a joint arrangement for the benefit of two or more carriers shall be as provided in the second paragraph of § 10.04–9 *Joint facility accounts.*

NOTE E: The accrued revenue derived from the transportation of cream, sweet milk, etc., on a basis of lawful tariffs at rates per package, regardless of weights, shall be included in account 109, "Milk."

NOTE F: Revenue from the transportation of caretakers of freight shipments, when not included as a part of the freight charges on the waybill covering the freight shipments, shall be credited to account 102, "Passenger."

NOTE G: This account shall be maintained so as to show separately payments and allowances (a) to railway express agencies, (b) to motor truck companies and others, and (c) to shippers and consignees, for terminal collection and delivery services when performed in connection with line haul transportation of freight on the basis of freight tariff rates; also (d) payments for switching services when performed in connection with line haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement, and (e) payments on basis of tariff rates for loading and unloading livestock.

§ 10.102 *Passenger.* This account shall include the revenue from transportation of passengers at passenger tariff fares; from the transportation of passengers at special fares as provided by law, and from incidental charges in connection therewith.

ITEMS TO BE CREDITED

(a) Revenue from local passenger fares.
(b) The carriers' proportion of revenue from interline passenger fares.
(c) Revenue from extra fares.
(d) Revenue from additional fares or charges for exclusive use of a passenger car, drawing room, compartment, bedroom, etc.
(e) Revenue from mileage and scrip coupons honored for all services covered by this account.
(f) Revenue from transportation of passengers in special cars or on special trains when charge is based on passenger fare per capita, regardless of the number of passengers actually transported.
(g) Revenue from a guaranteed minimum amount not based on per capita fare, for transportation of passengers on special or chartered trains.
(h) Cash fare penalty collections.
(i) Unclaimed collections and deposits for transportation of passengers.
(j) Passenger fare overcharges.
(k) Revenue from transportation of corpses, based on passenger fares.
(l) Revenue from water transfers (ferriage), bridge tolls, and transfers between railway stations or between railway stations and docks, received as arbitraries in division of passenger fares.

ITEMS TO BE CHARGED

(a) Amounts paid as bridge tolls, and also for ferry, depot to depot and depot to dock passenger transfer service.
(b) Amounts paid for switching in completing a passenger transportation movement.
(c) Amounts paid for switching empty passenger-train cars in connection with transportation of passengers. (See Note C.)
(d) Redemptions of unused and partially unused local tickets and redemptions of carrier's proportions of unused and partially unused interline tickets.
(e) Refund of extra fares, cash fare penalty collections, and overcharges in excess of tariff fares.
(f) Uncollectible undercharges.

NOTE A: Gross receipts from the sale of mileage tickets, and scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of coupons as honored, in connection with any of the services provided for in "Items To Be Credited."

NOTE B: When a lessee company transports passengers over the tracks of another company under a joint arrangement upon the basis of a proportion of the passenger revenue, it shall include the entire compensation in its passenger revenue and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company and the lessor company shall credit the corresponding joint facility accounts.

The accounting in connection with transportation train service operating under a joint arrangement for the benefit of two or more carriers shall be as provided in the second paragraph of § 10.04–9 *Joint facility accounts.*

NOTE C: Amounts paid for switching empty passenger-train cars otherwise than in connection with loaded movements, shall be charged to account 411, "Other expenses," except that when switched for repairs, the amounts paid shall be included in account 317, "Passenger-train cars—Repairs."

NOTE D: Revenue from the transportation of automobiles, with or without trailers, in freight service, in connection with the transportation of passengers, also revenue from loading and unloading automobiles at point of origin, destination, or enroute, shall be credited to account 101, "Freight."

§ 10.103 *Baggage.* This account shall include the revenue from the transportation of baggage, packages, baby carriages, bicycles, household pets, dogs, etc., on passenger trains at other than freight or express tariff rates.

LIST OF ITEMS

(a) Revenue from transportation of baggage in excess of free allowances.
(b) Revenue from transportation of packages, baby carriages, bicycles, household pets, dogs, etc., at baggage tariff rates.
(c) Revenue from transportation of baggage or other articles based upon excess value.
(d) Revenue from transportation of baggage when passenger does not make corresponding trip.
(e) Revenue from excess weight of corpses based on baggage tariff charges and from special charges for transferring corpses between depots.
(f) Revenue from scrip coupons honored for any of the above-mentioned services. (See Note B.)
(g) Overcharges on baggage transactions.
(h) Revenue from transportation of emergency shipments and articles based on double gross weight, etc.
(i) Amounts received specifically to cover movement of special or chartered baggage cars including transportation of attendants regardless of whether the charge is based upon passenger tariff fares, a stated minimum, or any other basis. This includes box cars when used for baggage service.
(j) Revenue from issuing duplicate baggage checks.

NOTE A: Revenue derived from transportation of shipments of silk, fish, etc., in passenger trains at freight rates, shall be included in account 101, "Freight."

NOTE B: Amounts of refunds, uncollectible undercharges, etc., involved in these credits, shall be charged to this account.

NOTE C: Gross receipts from the sale of baggage scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of the coupons as honored for any of the services covered by this account.

§ 10.104 *Sleeping car.* This account shall include the revenue from berth and seat accommodations furnished in sleeping cars on the basis of berth or seat rates for the space occupied.

§ 10.105 *Parlor and chair car.* This account shall include the revenue from seat accommodations furnished in parlor, observation, chair, and other special passenger cars when operated in passenger-train service or in special-train service at seat rates for space occupied.

§ 10.106 *Mail.* This account shall include the revenue from the transportation of mail at established rates for specified routes; from the use of railway post-office cars when in carrier's service transporting mails; from the use of special mail facilities; and from bonuses for special mail transportation.

To this account shall be charged fines and penalties imposed by the Government when not collected from agents or employees.

NOTE: The revenue from the transportation of mail matter and empty mail pouches on freight trains at freight tariff rates shall be included in account 101, "Freight."

§ 10.107 *Express.* This account shall include the revenue from transportation of express matters and from use of facilities on trains and at stations incident to such transportation.

When a railway company transacts an express business through its regular railway organization, the revenue therefrom shall be credited to this account.

NOTE: When contracts for express privileges provide specific amounts for the rent of facilities at stations, such amounts shall be included in revenue account 142, "Rents of buildings and other property."

§ 10.108 *Other passenger-train.* This account shall include the revenue derived from the operation of passenger trains not provided for elsewhere.

LIST OF ITEMS

(a) The carrier's proportion of contract revenue derived from the operation over its line of sleeping, parlor, chair, observation, and other special passenger-train cars, owned and operated by companies other than The Pullman Company.
(b) Value of portions of mileage tickets or coupons, scrip books or coupons, including baggage, circus and show scrip, unpresented and unredeemed.
(c) Revenue from transportation of newspapers at local tariff rates or at proportions of interline tariff rates.

§ 10.109 *Milk.* This account shall include the revenue from the transportation of cream, sweet milk, skim milk, sour milk, buttermilk, condensed milk, butterfat, and smearcase or pot cheese, upon the basis of lawful tariffs at rates per package, regardless of weights.

NOTE: The revenue from the transportation of milk upon the basis of lawful tariffs at rates per specified weights shall be included in revenue account 101, "Freight."

§ 10.110 *Switching.* This account shall include the revenue from switching service upon the basis of lawful tariff rates.

To this account shall be credited the carrier's revenue upon the basis of tariff rates, or the carrier's allowance out of through rates, from the switching of cars of all kinds, loaded or empty, either locally at a station or within a switching district, between connecting lines, between local industries, or between connecting lines and local industries; revenue upon the basis of distinct tariff rates for "trap-car" and "ferry-car" service and for spotting cars; also the revenue from interwork switching at industrial plants, and the revenue from "penalty switching" incident to the improper delivery of cars by other carriers.

To this account shall be charged amounts paid others for switching when such switching service is provided for in the switching rate charged by the carrier.

NOTE: "Penalty switching" charges paid by the carrier shall be included in expense account 411, "Other expenses."

§ 10.113 *Water transfers; freight.* This account shall include the revenue from the transfer of freight by water transfers (ferriage, lighterage, and floatage) upon the basis of lawful tariff rates for local service.

NOTE: No revenue shall be included in this account upon the basis of arbitraries out of rates for transportation involving rail line haul.

§ 10.114 *Water transfers; passenger.* This account shall include the revenue from the transfer of passengers by water transfers (ferriage) upon the basis of lawful tariff rates for local service.

NOTE: No revenue shall be included in this account upon the basis of arbitraries out of rates for transportation involving rail line conveyance.

§ 10.115 *Water transfers; vehicles and livestock.* This account shall include the revenue from the transfer by water transfers upon the basis of lawful local tariff rates, of vehicles of all classes; horses, cattle, and other animals; and Government artillery and equipment.

NOTE: No revenue shall be included in this account upon the basis of arbitraries out of rates for transportation involving rail line haul.

§ 10.116 *Water transfers; other.* This account shall include the revenue from water transfers not otherwise provided for, such as the revenue from towing beyond lighterage limits and all other towing for which an extra charge is made; insurance of freight afloat when billed out at other than cost; storage of freight afloat; grain overage in boats; pumping performed for outside parties; and from other similar sources.

To this account shall be charged amounts payable to other companies or individuals for extra lighterage, extra towing, and for all other service when such payments represent revenue collected and credited to this account and not a direct expense.

Incidental

§ 10.130 *Incidental.* The primary accounts included in this general account are designed to show the amounts which the carrier becomes entitled to receive from services rendered incidentally with rail-line and water-line transportation, for the use of facilities of which the expenses for operation and maintenance are not separable from railway expenses, and from incidental sources not provided for elsewhere.

§ 10.131 *Dining and buffet.* This account shall include the revenue from dining and buffet service on trains and transfer boats.

ITEMS TO BE CREDITED

(a) Revenue from lunches furnished.
(b) Revenue from meals furnished.
(c) Revenue from liquors furnished.
(d) Revenue from tobacco furnished.
(e) Revenue from cigars and cigarettes furnished.

§ 10.132 *Hotel and restaurant.* This account shall include the revenue from hotels, restaurants, and station lunch counters.

ITEMS TO BE CREDITED

(a) Revenue from the rent of rooms.
(b) Revenue from the use of baths.
(c) Revenue from the use of billiard tables.
(d) Revenue from the use of bowling alleys.
(e) Revenue from lunches furnished.
(f) Revenue from meals furnished.
(g) Revenue from liquors furnished.
(h) Revenue from tobacco furnished.
(i) Revenue from cigars furnished.
(j) Revenue from cigarettes furnished.
(k) Revenue from newspapers furnished.
(l) Revenue from periodicals furnished.
(m) Revenue from tonsorial service.
(n) Revenue from laundry work.

NOTE: This account shall not include the revenues from hotels and restaurants which are entirely distinct from the carrier's transportation plant and the cost of which is included in balance-sheet account 737, "Miscellaneous physical property."

§ 10.133 *Station, train, and boat privileges.* This account shall include revenue from weighing, vending, and other automatic machines located at stations; from advertising at stations and on trains and on transfer boats; from the privilege of operating news stands at stations and selling papers, periodicals, fruit, etc., on trains and on transfer boats; from telephone companies for the privilege of installing and operating commercial telephones at stations; from the operation of eating houses and dining and buffet service on trains and transfer boats when such operation is conducted by individuals or companies other than railway companies and when the expenses incurred by the carrier in connection therewith are not separable from its regular operating expenses; and from similar sources.

§ 10.134 *Parcel room.* This account shall include the revenue from the operation of parcel rooms.

§ 10.135 *Storage; freight.* This account shall include the revenue from the storage of freight.

§ 10.136 *Storage; baggage.* This account shall include the revenue from the storage of baggage.

§ 10.137 *Demurrage.* This account shall include the revenue from the detention of cars incident to loading, unloading, reconsigning, and stops in transit upon the basis of lawful tariffs for demurrage.

§ 10.138 *Communication.* This account shall include the revenue from commercial operation of telegraph, telephone, radio, and all other forms of communication systems. It shall also include amounts received from commercial operators of such systems, whether as a proportion of earnings or otherwise, for the privilege of transacting business in offices along the carrier's lines, but only when the carrier furnishes some service of employees whose pay is included in its operating expenses.

NOTE: When a commercial operator rents a communication system belonging to the carrier and pays all expenses incident to its maintenance and operation, the rent so received shall be credited to income account 510, "Miscellaneous rent income."

§ 10.139 *Grain elevator.* This account shall include the revenue from the operation of grain elevators.

ITEMS TO BE CREDITED

(a) Revenue from the elevation of grain.
(b) Revenue from the storage of grain.
(c) Revenue from bagging grain.
(d) Revenue from screening grain.
(e) Revenue from blowing grain.
(f) Revenue from cooling grain.
(g) Revenue from clipping grain.
(h) Revenue from cleaning grain.
(i) Revenue from mixing grain.
(j) Revenue from transferring grain in elevators.
(k) Revenue from loading grain into and unloading grain from boats not covered by elevation charges.
(l) Revenue from trimming grain in boats when performed by elevator employees.
(m) Revenue from the sale of screenings and sweepings.
(n) Revenue from inspecting grain in elevators.

§ 10.141 *Power.* This account shall include the revenue from the sale of electric current and other power.

§ 10.142 *Rents of buildings and other property.* This account shall include the revenue from the exclusive use of buildings and other property or portions thereof, such as depot and station grounds and buildings, general and other offices, wharves, ferry landings, elevators, stockyards, fuel yards, enginehouses, repair shops, and section and other houses, when the property is operated and maintained in connection with the property used in the carrier's transportation operations and the expenses of maintaining and operating the rented portion cannot be separated from the expenses of that portion used by the carrier.

NOTE: When the expenses of maintaining and those of operating property rented to others are separable, the rents received shall be credited and the expenses of maintenance and operation shall be charged to appropriate income accounts.

§ 10.143 *Miscellaneous.* This account shall include the revenue from railway operations not provided for elsewhere.

LIST OF ITEMS

(a) Amounts received for privilege of cutting hay along the right of way.
(b) Commissions received for collecting premiums on insurance policies from employees and installment payments for books, watches, etc., sold by dealers to employees.
(c) Profit from jobbing and installing electric power lines for others.
(d) Revenue from boat demurrage.
(e) Revenue from freight and passenger privileges over a carrier's wharves and docks.
(f) Revenue from garnishee fees.
(g) Revenue from operation of coal and ore wharves, cold-storage plants, coal-storage plants, cotton-compress plants, and wood-preserving plants.
(h) Revenue from privilege of mooring and anchoring boats at wharves and docks.
(i) Revenue from the sale of cinders produced by carrier.
(j) Revenue from use of carrier's bridges by pedestrians, streetcar lines, vehicles, etc.
(k) Revenue from temporary use of carrier's tracks for detouring trains, etc.
(l) Revenue from use of tracks incident to delays in loading or removing freight.
(m) Revenue from water furnished boats from water stations operated by the carrier.
(n) Revenue from weighing cars.
(o) The carrier's proportion of gross revenue from operation of clergy bureaus.
(p) The carrier's proportion of gross revenue from operation of ticket validation agencies.
(q) Collections made by station ushers (Red Caps) for the handling of passengers' baggage.
(r) Revenue from loading and unloading livestock in transit by railroad, and from feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for such stock.

NOTE: When a bridge of one carrier is jointly used by itself and another carrier and such use is paid for on the basis of flat rent or charge per train-mile or toll per passenger, per ton, or per car, the compensation therefor shall be credited to the appropriate joint facility, operating expense, and income accounts.

Joint Facility

§ 10.150 *Joint facility.*

§ 10.151 *Joint facility—Cr.* This account shall include the carrier's proportion of revenue collected by others in connection with the operation of joint tracks, yards, terminals, and other facilities, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A: The purpose of this account is to show the amounts of revenue from the operation of joint tracks, yards, terminals, and other facilities operated by other companies, which under existing contracts or agreements are credited by the operating company to the tenant companies which participate therein. The bill rendered by any creditor company against a debtor company for the latter's proportion of the expense of maintenance and operation of joint facilities, which includes also a credit covering a proportion of the revenue to be paid over, shall show the distribution of the credit for such proportion of the revenue separately from the distribution of the expense of operation.

NOTE B: No credits shall be made to this account representing amounts creditable by the operating company to primary accounts 101 to 109, 113 to 116, and 131. (See however, Case 297, Accounting Bulletin No. 15.)

§ 10.152 *Joint facility—Dr.* This account shall include that proportion of revenue from the operation of joint tracks, yards, terminals, and other facilities, which is creditable to other companies, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A: The purpose of this account is to show the amount of revenue from operation of a terminal company or other carrier which, under the terms of existing contracts or agreements covering the joint use of tracks, yards, and other facilities, is credited to other carriers that participate in the benefits from such joint use. The bill rendered by a creditor company against a debtor company for the latter's proportion of expense of maintaining and operating joint facilities, which includes a credit covering the debtor company's proportion of the revenues from operation of such joint facilities, shall indicate separately the proper distribution of both the revenues and the expenses included in the bill, and such distribution shall be adhered to by the debtor.

NOTE B: No debits shall be made to this account representing amounts creditable by the operating company to primary accounts 101 to 109, 113 to 116, and 131. (See however, Case 297, Accounting Bulletin No. 15.)

EXPENSE ACCOUNTS

Maintenance of Roadway

§ 10.200 *Maintenance of way and structures.* The primary accounts included in this general account are designed to show the expenses of maintaining road property devoted to railway operations, with the exception of shop machinery, power plant machinery, and power plant apparatus, the expenses of maintaining which are includible in general account 300, "Maintenance of equipment."

The accounts for maintenance of way and structures shall be kept in such manner as to show separately, by primary accounts, the expenses directly assignable to sleeping car operations, dining and buffet service, hotels and restaurants, grain elevators, stockyards, producing power sold, and other miscellaneous operations.

§ 10.201 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in the maintenance of roadway and structures.

LIST OF OFFICERS

Vice president.
Assistant vice president.
General manager.
Assistant general manager.
General superintendent.
Assistant general superintendent.
Chief engineer.
Engineer.
Division engineer.
Bridge engineer.
Chief signal engineer.
Assistant engineers.
Architect.
Roadmaster.
Assistant roadmaster.
Master carpenter.
Assistant master carpenter.
Master mason.
Superintendent of roadway structures.
Superintendent of scales.
Inspector of maintenance.
Building inspector.
Inspector of roadway stores.
Supervisor.
Assistant supervisor.
Fire Chief.
Fire inspector.
Sanitary inspector.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the

offices and on the business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief clerk.	Chainmen.
Draftsmen.	Axmen.
Clerks.	Janitors.
Stenographers.	Messengers.
Transitmen.	Cooks.
Levelmen.	Porters.
Rodmen.	

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account; also amounts paid detective agencies and others for investigations in connection with maintenance of way and structures.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Books for office use.
Business car service.
Fees and dues in associations.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service.
Periodicals and newspapers.
Power.
Provisions for business cars.
Rent of offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

SUPPLIES FOR TECHNICAL ASSISTANTS

Barometers.	Planimeters.
Books and maps.	Plummets.
Boxes for materials and instruments.	Protractors.
Cameras.	Ranging poles.
Camp equipage.	Reading glasses.
Chains for surveyors.	Rods for surveyors.
Compasses.	Scales.
Curves.	Section liners.
Drafting boards.	Sextants.
Drafting instruments.	Slide rules.
Field glasses.	Stakes.
Field notebooks.	Straightedges.
Hatchets.	Tally registers.
Levels.	Tape lines.
Magnets.	Tee-squares.
Magnifiers.	Telescopes.
Marking chalk.	Thermometers.
Oilstones.	Thumb tacks.
Paper, blue-print.	Tracing linens.
Parallel rules.	Transits.
Photographic supplies.	Traverse tables.
Plane tables.	Triangles.
	Tripods.
	Verniers.

NOTE A: When employees designated above are specifically assigned to construction work, their pay and expenses while thus employed shall be charged to the work upon which engaged.

NOTE B: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE C: No part of the pay and expenses of the officers and employees designated above shall be charged to other primary accounts under account 200, "Maintenance of way and structures."

NOTE D: The cost of stationery for maintenance of way and structures offices is chargeable to account 276, "Stationery and printing."

§ 10.202 *Roadway maintenance.* This account shall include:

(a) *Care of roadbed.* The cost of repairing roadbed.

ITEMS OF ROADWAY EXPENSE

Blasting rocks.
Building temporary tracks around slides and washouts.
Repairing and cleaning tile ditches, open ditches, and drains.
Crowning track ties with retaining earth.
Filling borrow and cattle pits.
Keeping tracks clear and repairing sub-grade in case of washouts.
Landscape gardening along roadway.
Oiling roadbed.
Post driving and pressure grouting to promote stability of roadbed.
Removing temporary tracks around slides and washouts.
Repairing roadbed damaged by washouts.
Removing dangerous rocks.
Removing slides.
Restoring roadbed, cuts, fills, and embankments to standard width.
Sloping cuts.
Sodding roadway.

NOTE A: The cost of drains or sewers laid under tracks shall be included in account 208, "Bridges, trestles, and culverts." The cost of landscape gardening within the limits of the grounds around buildings shall be included in the appropriate repair accounts for buildings.

(b) *General cleaning.* The cost of cutting, removing, and disposing of brush, grass, and weeds from the right of way; plowing and digging fireguards; dressing ballast and cutting sod lines; removing miscellaneous scrap, drift, cinders, dirt, and other material from right of way and from road and terminal tracks (including tracks at stations, engine yards, and car yards); and cleaning streets used as roadways.

NOTE B: Loading ashes at engine-yard tracks shall be charged to the engine-house expense accounts.

(c) *Watching roadway.* The cost of extinguishing fires on right of way and adjacent thereto, and of walking, watching, and patrolling tracks and right of way.

NOTE C: The cost of watching and patrolling bridges, buildings, and miscellaneous property is provided for in accounts specifically relating to such property.

(d) *Bank protection.* The cost of repairs to riprap, piling, dikes, piers, breakwaters, revetments and retaining walls, which were placed or constructed for bank protection.

(e) *Train service.* The cost of work-train service in connection with work pertaining to roadway maintenance.

(f) *Track changes.* The cost of roadway work in connection with taking up and relocating tracks.

(g) *Other expenses.* The cost of roadway work not provided for elsewhere, such as official roadway inspection train service and premiums in connection with roadway maintenance.

NOTE D: Tools and supplies used by repair men and watchmen in roadway maintenance service shall be charged to account 271, "Small tools and supplies."

§ 10.206 *Tunnels and subways.* This account shall include the cost of repairing, ventilating, lighting, and watching tunnels and subways for the passage of trains, and the cost of special tools and supplies furnished in connection with the work.

NOTE: The cost of repairs to signals and to roadway and tracks in tunnels shall be charged to the appropriate maintenance of way accounts and not to this account.

§ 10.208 *Bridges, trestles, and culverts.* This account shall include the cost of repairing (including fuel and supplies used) and watching bridges, trestles, and culverts, including altering and bracing during process of filling, dredging and cleaning water channels for protection, and cleaning culverts.

The bridges, trestles, and culverts referred to in this account include only structures which carry the carrier's own tracks.

DETAILS OF BRIDGE STRUCTURES

Abutments.	Ice breakers.
Bridge signs.	Painting.
Cofferdams.	Pier protection.
Concrete and masonry ends for culverts.	Piers and foundations.
Cribs.	Pipe culverts.
Decking, including gravel for fire protection.	Retaining walls.
Dike protection.	Riprap around abutments.
Drainage systems.	Riprap at culvert ends.
Draw protection.	Supports.
Drawbridge engines and machinery.	Water channels.
False work.	Waterproofing.
Guard timbers.	Wing dams.
	Wing walls.

NOTE: When a part of the entire structure of a bridge or trestle is converted, by filling into an earth embankment, the ledger value of the structure, or of the portion thereof filled, shall be credited to road and equipment account 6, "Bridges, trestles, and culverts." In case the bridge is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such a temporary trestle shall be charged to road and equipment account 3, "Grading." The ledger value of the structure, or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to road and equipment account 3, "Grading," shall be charged to account 735, "Accrued depreciation—Road and equipment."

§ 10.210 *Elevated structures.* This account shall include the cost of repairing elevated structures and foundations of elevated railway systems.

§ 10.212 *Ties.* This account shall include the cost of cross, switch, bridge, and other track ties used in the repairs of tracks.

NOTE A: The cost of labor for unloading, distributing, and putting ties in tracks, the cost of work-train service in connection with the distribution of the ties laid, and the cost of picking up and concentrating or disposing of the ties released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The excess cost of metal ties applied in place of wooden ties over the cost at current prices of replacing in kind the wooden ties removed shall be charged to road and equipment account 8, "Ties."

NOTE C: The cost of ties used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of ties used for repairs of tracks on car floats in account 323, "Floating equipment—Repairs."

§ 10.214 *Rails.* This account shall include the cost (less salvage) of rails used in the repairs of tracks; also the cost (at current prices at time of removal) of the excess in weight of heavy rails removed and lighter rails applied in repairs of tracks.

NOTE A: The cost of labor for unloading, distributing, and putting rails in tracks, the cost of work-train service in connection with the distribution of the rails laid, and the cost of picking up and concentrating the rails released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The cost of the excess weight of heavier rails applied in repairs of tracks in replacement of lighter rails shall be included in account 9, "Rails."

NOTE C: The cost of rails used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of rails used for repairs of tracks on car floats to account 323, "Floating equipment—Repairs."

§ 10.216 *Other track material.* This account shall include the cost (less salvage) of all track material used in the repairs of tracks, other than ballast, ties, and rails.

ITEMS OF OTHER TRACK MATERIAL

Angle bars.	Rail splices.
Anticreepers.	Splice bars.
Connecting rods.	Step chairs.
Derails.	Switch chairs.
Frog and guard-rail blocking.	Switch crossings.
Frogs.	Switch lamps.
Guard-rail clamps.	Switch locks and keys.
Guard-rail fasteners.	Switch points.
Guard rails.	Switch stands.
Main rods.	Switch-stand bolts.
Nut locks.	Switch targets.
Nuts.	Switches.
Offset bars.	Tie plates.
Rail braces.	Tie plugs.
Rail chairs.	Tie-rods.
Rail clips.	Track bolts.
Rail joints.	Track insulators.
Rail rests.	Track spikes.
Rail shims.	

NOTE A: The cost of labor and train service for distributing, unloading, and applying "other track material" used, and the cost of picking up and concentrating the material released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The excess cost of improved or heavier track material applied for repairs of tracks, under a definite plan of changing standards, over the cost, at current prices, of material of the same weight and quality as that released, shall be charged to road and equipment account 10, "Other track material."

NOTE C: The cost of "other track material" used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of such track material used for repairs of tracks on car floats in account 323, "Floating equipment—Repairs."

§ 10.218 *Ballast.* This account shall include the cost of gravel, stone, slag, cinders, sand, and like ballast material used in the repairs of tracks, including the cost of work-train service and of unloading the material.

When the ballast taken from a pit is not sufficient to justify the opening of a clearing account, the cost of gravel and quarry rights and cost of sinking test holes shall be included in this account.

NOTE A: The cost of loading cinders at ash pits shall be charged to account 388, "Enginehouse expenses—Yard," or to account 400, "Enginehouse expenses—Train." No charge to cover the value of cinders accumulated by the carrier shall be included in this account.

NOTE B: The cost of labor putting ballast in tracks shall be included in account 220, "Track laying and surfacing."

NOTE C: The excess cost of ballasting tracks over the cost of replacing in kind to its maximum height and width the ballast previously put in the roadbed shall be charged to road and equipment account 11, "Ballast."

NOTE D: Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE E: The cost of ballast used for repairs of temporary tracks, such as gravel pit or quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.220 *Track laying and surfacing.* This account shall include:

(a) *Applying ballast.* The cost of labor expended in preparing the roadbed, and applying ballast for repairs of tracks.

(b) *Applying ties.* The cost of labor expended in unloading, distributing and applying ties for repairs of tracks; in gathering up and disposing of the ties released; and in respacing ties.

(c) *Applying rails.* The cost of labor expended in unloading, distributing, cutting, slotting, drilling, adzing for, and laying rails for repairs of tracks; in gathering up and loading rails released; and in adjusting for expansion and contraction of rails.

(d) *Applying other track material.* The cost of labor expended in unloading, distributing, and applying other track material for repairs of tracks; and the cost of gathering up and loading the material released.

(e) *Track maintenance.* The cost of labor expended in alining, surfacing, gauging, and shimming tracks; in tightening track bolts and track spikes; in restoring rails, ties, and ballast in case of washouts, derailments, and wrecks; and in taking up tracks.

(f) *Train service.* The cost of work-train service (except work trains distributing ballast material) in connection with work pertaining to track laying and surfacing.

(g) *Track changes.* The cost of track work (exclusive of the cost of track material) in taking up and relocating tracks.

(h) *Other expenses.* The cost of track laying and surfacing work not provided for elsewhere, and expenses, such as repairing and replacing rail rests, official track inspection train service, and premiums in connection with track repairs.

NOTE: Tools and supplies used by track repair men and watchmen shall be charged to account 271, "Small tools and supplies."

§ 10.221 *Fences, snowsheds, and signs.* This account shall include:

(a) *Fences.* The cost of repairing right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, excluding those around stockyards, fuel stations, station and shop grounds, and building sites.

(b) *Snowsheds.* The cost of repairing snowsheds, including cost of replacing trees for protecting tracks from snow.

(c) *Signs.* The cost of repairing signs other than those for identification of bridges, signals, stations, and other structures. (For items of signs see account 13, "Fences, snowsheds, and signs.")

NOTE A: The cost of repairing fences (other than right-of-way boundary fences) around stockyards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of repairs of the structures.

NOTE B: The cost of repairing signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of repairs of the structures.

NOTE C: The cost of repairing crossing signals, including crossing gates, shall be included in account 249, "Signals and interlockers."

§ 10.227 *Station and office buildings.* This account shall include the cost of repairing station and office buildings, fixtures, and appurtenances (including those for heating and lighting), used by the carrier in its operations; also the cost of maintaining grounds appurtenant to such buildings.

STATION AND OFFICE STRUCTURES AND DETAILS

Baggage rooms.
Breakwaters for protection of buildings.
Buildings and rooms for trainmen.
Buildings on piers.
Call bells.
Coal bins.
Coal-transferring machinery (not on coal and ore wharves).
Coal trestles (not at fuel stations).
Commissarial buildings.
Drainage and sewer systems.
Dwellings.
Eating houses.
Electric wiring.
Elevators and machinery.
Express buildings.
Fences.
Fire-engine houses.
Freight cranes.
Freight derricks.
Freight handling machinery.
Freight houses.
Garages.
Gas-supply systems.
General office buildings.
Grain cribs.
Grain elevators.
Grain warehouses.
Greenhouses.
Hay houses.
Heating plants.
Hedges.
Hoisting engines, for handling freight.
Hose houses.
Ice houses.
Lighting plants.
Mail cranes.
Milk stands.
Office buildings.
Ore transferring machinery (not on coal and ore wharves).
Outhouses.
Pavement in ground limits.
Platforms, freight.
Platform, passenger, including planking between tracks.
Power distribution systems, interior.
Reading rooms.
Rooms for Y. M. C. A.
Scale houses.
Sidewalks.
Stables.
Station footbridges (not highway crossings).
Station intertrack fences.
Station platforms.
Station signs.
Station stairways.
Station subways (not highway crossings).
Station powerhouses.
Stations, freight.
Stations, passenger.
Stock pens.
Stockyards.
Storehouses.
Telegraph offices.
Telpher systems.
Track scales.

Transfer houses.
Transfer platforms.
Waiting rooms.
Warehouses.
Washrooms.
Water-supply systems.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by station or office employees, shall not be included in this account.

§ 10.229 *Roadway buildings.* This account shall include the cost of repairing roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and their connections, machinery and other apparatus, fixtures, and furniture in the buildings; also the cost of maintaining the grounds appurtenant to such buildings.

LIST OF ROADWAY STRUCTURES

Bins for material.
Blacksmith shops.
Boarding houses.
Breakwaters for protection of buildings.
Carpenter shops.
Dwellings for roadway employees.
Fire-engine houses.
Frog shops used solely for repairs of track material.
Hand-car houses.
Lumber sheds.
Offices.
Outhouses.
Planing mills.
Rail shops used solely for repairs of track material.
Repair shops.
Scrap bins.
Section dwelling houses.
Stables.
Storehouses.
Tool houses.
Watch houses.

NOTE A: The cost of repairing signal and interlocker buildings and their appurtenances shall be included in account 249, "Signals and interlockers."

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by employees regularly working in the buildings, shall not be included in this account.

§ 10.231 *Water stations.* This account shall include the cost of repairing water stations, fixtures, and appurtenances used by the carrier in its operations, and the cost of maintaining the grounds appurtenant to such stations.

WATER STATION STRUCTURES AND DETAILS

Boilers.
Breakwaters for protection of buildings.
Buildings on piers.
Cisterns.
Dams.
Fences.
Outhouses.
Penstocks.
Pump houses.
Pumps.
Purifying plants.
Reservoirs.
Settling basins.
Stationary engines.
Steam pipes.
Tanks and foundations.
Track tanks.
Tubs.
Water cranes.
Water-pipe lines.
Water-treating plants.
Wells.
Windmills.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by water station employees, shall not be included in this account.

§ 10.233 *Fuel stations.* This account shall include the cost of repairing fuel stations, fixtures, and appurtenances used by the carrier in its operations, and the cost of maintaining the grounds appurtenant to such stations.

FUEL STATION STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buckets.
Buildings on piers.
Coal buggies.
Coal hoists.
Coal pockets and chutes.
Dumping machinery
Elevating machinery
Fences.
Fuel houses.
Fuel-oil columns.
Fuel-oil plants.
Fuel-oil pumps.
Fuel-oil sumps.
Fuel-oil tanks.
Fuel platforms.
Fuel wharves.
Inclines.
Outhouses.
Scales.
Sheds.
Stationary engines.
Tipple cars.
Weighing apparatus.
Wood racks.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by fuel station employees, shall not be included in this account.

§ 10.235 *Shops and enginehouses.* This account shall include the cost of repairing shop and enginehouse buildings, fixtures, and appurtenances used by the carrier in repairing and preparing equipment, and the cost of maintaining the grounds appurtenant to such buildings.

SHOP AND ENGINEHOUSE STRUCTURES AND DETAILS

Air-compressor houses.
Ash pits and pockets.
Ash plants.
Bins for material.
Blacksmith shops.
Breakwaters for protection of buildings.
Buildings on piers.
Car sheds.
Car shops.
Carpenter shops.
Cinder pits.
Cinder pockets.
Drop pits.
Dry houses.
Electric power distribution systems within buildings.
Enginehouses.
Fire-engine houses.
Footbridges (not public highways).
Foundries.
Gas-compressor houses.
Heating plants.
Hose houses.
Ice houses.
Laboratories.
Lighting plants.
Lumber sheds.
Machine shops.
Material and supply truck tracks.
Motor-crane tracks.
Offices, shop.
Oil houses.
Outhouses.
Paint shops.
Pipe lines, air, interior.
Pipe lines, car-heating.
Pipe lines, gas interior.
Planing mills.
Platforms, shop and yard.
Repair shops.
Sand houses.
Scale houses.
Scrap bins.
Sidewalks.
Stables.
Steam distribution systems, interior.
Storehouses.
Tanks, gas.
Tanks, oil.
Test rooms.
Tin shops.
Tool houses.
Track scales.
Transfer tables.
Turntables.
Upholstering shops.
Warehouses.
Wash rooms.
Watch houses.

NOTE A: The cost of repairing machinery and other apparatus, including special foundations in shops for maintenance of equipment shall be included in account 302, "Shop machinery."

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by shop employees, shall not be included in this account.

§ 10.237 *Grain elevators.* This account shall include the cost of repairing structures for the transfer, treatment, and storage of grain, including conveyors, machinery and fixtures; also the cost of maintaining the grounds appurtenant to such buildings.

The buildings referred to in this account are large elevators in which a regular grain business is handled or grain is stored for various owners.

NOTE A: Small storage elevators at way stations, where the freight is received for shipment, etc., are classed as station buildings.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by grain elevator employees shall not be included in this account.

§ 10.239 *Storage warehouses.* This account shall include the cost of repairing storage warehouses, including machinery and fixtures therein; also the cost of maintaining the grounds appurtenant to such warehouses.

The buildings referred to in this section are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but are warehouses in which merchandise is stored and which the carrier operates as storage warehouses.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by storage warehouse employees, shall not be included in this account.

§ 10.241 *Wharves and docks.* This account shall include the cost of repairing wharves located at marine, lake, or river docks; dredging waterways to approaches and around such structures, including removal of dredged-out material; and cutting ice in and around docks and wharves to prevent damage; also cost of repairs of cribwork, racks, or caissons for preserving the depth of water in docks; and cost of repairs of guards, piling, and other protection against damage by drift or ice.

DETAILS OF WHARVES AND DOCKS

Bridge pontoons.
Bulkheads.
Caissons.
Cribwork.
Drydocks.
Ferry-bridge machinery.
Ferry bridges.
Ferry racks.
Ferry slips.
Jetties and inclines.
Transfer-bridge machinery.
Transfer bridges.

NOTE A: The cost of repairing buildings, tracks, and machinery (not bridge machinery) on wharves and piers shall be charged to the appropriate expense accounts.

NOTE B: The cost of repairing coal and ore wharves shall be charged to account 248, "Coal and ore wharves."

NOTE C: Incidental cleaning, when done by regular wharf employees, shall not be included in this account.

§ 10.243 *Coal and ore wharves.* This account shall include the cost of repairing wharves and docks, including the cost of repairing conveyors, machinery, and fixtures for the transfer, treatment, blending, or storage of coal or ore.

NOTE A: The structures referred to in this account do not include small transfer or storage trestles at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by coal and ore wharf employees, shall not be included in this account.

§ 10.247 *Communication systems.* This account shall include the cost of repairing telegraph, telephone, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

DETAILS OF TELEGRAPH AND TELEPHONE TERMINAL EQUIPMENT

Batteries.
Cables and wires, interior.
Carrier terminating equipment.
Conduits, interior.
Connecting wires.
Current-controlling instruments.
Electric generators and motors.
Electric meters.
Engines, stationary.
Fuses and mechanical protectors.
Rectifiers.
Rheostats.
Sending and receiving instruments.
Switchboards.
Telegraph repeaters.
Telephone repeaters.
Teletypewriters.
Testing outfits.
Transformers.

DETAILS OF TELEGRAPH AND TELEPHONE OUTSIDE PLANT

Aerial attachments.
Bracos.
Brackets.
Cable boxes and appurtenances.
Cables and wires, aerial.
Conduits and appurtenances.
Cross arms.
Gas and associated facilities for cables.
Guy stubs.
Guy wires.
Insulators.
Load coils.
Poles.
Submarine cables and connections.
Telephone pole boxes.
Towers.
Underground cables and connections.

DETAILS OF RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION EQUIPMENT

Aerials or antenna, and attachments.
Buildings or towers used exclusively for wireless.
Control units.
Power generating, converting, or supply equipment.
Radar console and associated equipment.
Roadside or office equipment for all wireless systems operated on special channels between train and train, train and tower or office, or between ship and shore.
Specialized testing and repair equipment.
Transmitters and receivers, including mobile units.

NOTE A: Repairs of radio, radar, or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same account as repairs of the equipment on which installed. Repairs of wireless sets for instructions, advertising, or entertainment shall be included in the same account as repairs of the building in which located.

NOTE B: Repairs of communications systems of limited extent, not connected with other systems, used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yard, shall be included in the same account as repairs of the building in which located or in the account appropriate for the service with which associated.

NOTE C: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise, or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 407, "Communication system operation."

ITEMS

Buzzers, bells, dictaphones, or other interoffice communication systems in an office or group of buildings.
Loud speakers, bells, or whistles in shop and other yards.
Loud speakers, public address devices, press button control lights, telautograph, or other systems in stations or on platforms.
Whistles, klaxons, or horns operated from signal towers.

§ 10.249 *Signals and interlockers.* This account shall include the cost of repairing signals and interlockers governing the movements of locomotives and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; also the cost of repairing buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers.

For list of items see account 27, "Signals and interlockers."

NOTE A: The pay and expenses of employees engaged both in maintaining and operating signals and interlockers shall be apportioned equitably between this account and account 404, "Signal and interlocker operation."

NOTE B: When signal or interlocking apparatus is located in station buildings, only the cost of repairing the signal or interlocking apparatus shall be charged to this account. The cost of repairing the building shall be included in account 227, "Station and office buildings."

NOTE C: The cost of repairs of track material such as special rail braces, special rods, switches, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers shall be included in account 216, "Other track material."

NOTE D: When derails are arranged so as to be thrown from switch stands, the cost of labor expended for repairs of the connections between the switch stands and the derail and devices for throwing the derail, shall be included in account 220, "Track laying and surfacing."

NOTE E: The salaries, office expenses, and traveling expenses of supervisors or inspectors when engaged in maintaining both telegraph and telephone lines and signals and interlockers shall be equitably apportioned between this account and account 247, "Communication systems."

§ 10.253 *Power plants.* This account shall include the cost of repairing powerplant and substation buildings, including all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and miscellaneous fixtures, shall be considered as a part of the power-plant buildings.

The power-plant buildings here referred to are those in which power is produced for the operation of trains and cars and for general purposes.

For list of items see road and equipment account 29, "Power plants."

NOTE A: The cost of repairing power-plant machinery, including small stacks resting on boilers, and special foundations for machines, shall be included in account 304, "Power-plant machinery."

NOTE B: The cost of repairng the buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

§ 10.257 *Power-transmission systems.* This account shall include the cost of repairing systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; including the cost of conduits and poles, cross arms, insulator pins, brackets and other pole fixtures, used in repairs, and of repairing other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes.

For list of items see account 31, "Power-transmission systems."

NOTE A: The cost of repairing the portions of distribution systems located within shop buildings and station and office buildings shall be included in the accounts provided for the cost of maintaining the buildings. The cost of repairing distribution systems in plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

NOTE B: The cost of repairing conduits and poles and fixtures for telegraph and telephone lines shall be included in account 247, "Communication systems." If poles and conduits are used both for telegraph and telephone lines, and for power-distribution lines, the cost of repairs thereof shall be included in the account appropriate according to their predominant use.

§ 10.265 *Miscellaneous structures.* This account shall include the cost of repairing permanent structures, not provided for elsewhere, including the cost of repairing all furniture and fixtures to equip them for use. It shall also include the cost of maintenance of the grounds appurtenant to such structures.

NOTE A: When separable the cost of maintaining structures which are rented to other companies or individuals shall be charged to the income account in which is included the rent received for use of the structures.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by employees regularly working in miscellaneous buildings, shall not be included in this account.

§ 10.266 *Road property; depreciation.* This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable road property listed in paragraph (g) of § 10.04–8 *Depreciation accounting; road property,* with the exception of shop machinery and power-plant machinery.

NOTE: Depreciation charges applicable to shop machinery and power-plant machinery shall be included in account 305, "Shop and power-plant machinery—Depreciation."

§ 10.267 *Retirements; road.* This account shall include charges for the service value (ledger value less value of salvage) of nondepreciable road property retired, excluding rail, ties, and other track material, and ballast used in repairs, as defined in this classification. This account shall also include the proportion of the service value of nondepreciable and depreciable road property retired carried in account 743, "Other deferred charges," which by specific authority of the Commission shall be charged to current operating expenses.

When road property previously subject to amortization accounting under section 124, "Amortization deductions," of the Internal Revenue Code is retired, the difference between the service value (ledger value less value of salvage and insurance recovered) thereof, and the balance in account 736, "Amortization of defense projects—Road and equipment," with respect to the specific facility retired, after appropriate adjustment for any

depreciation accrued thereon, shall be included in this account.

This account shall also be charged with such amounts as are concurrently credited to accounts 72 to 77, inclusive, in accounting for the retirement of road property.

NOTE: The cost of dismantling or demolishing the property, if borne by the carrier, shall be charged to account 270, "Dismantling retired road property," or account 306, "Dismantling retired shop, and power-plant machinery," as may be appropriate.

§ 10.269 *Roadway machines.* This account shall include the cost of repairing roadway machines which are used for the repairs of roadway and structures.

LIST OF ROADWAY MACHINES

Boilers, portable.
Cars, hand.
Cars, lever.
Cars, motor inspection.
Cars, push.
Cars (small), crane, for supply yards and general use.
Concrete mixers.
Ditching machines.
Dredging machines.
Engines, portable.
Grading outfits.
Hydraulic outfits.
Jacks, hydraulic.
Log loaders.
Pile drivers.
Plows, unloading.
Rail unloaders.
Rock crushers.
Steam rollers.
Timber trucks.
Velocipedes.

NOTE A: The cost of repairing machines in the maintenance of equipment shops shall be included in account 302, "Shop machinery," as provided for therein.

NOTE B: The cost of repairing roadway machines, such as pile drivers, log loaders, hoisting engines, and concrete mixers, when permanently mounted for movement on carrier's tracks, shall be included in account 326, "Work equipment—Repairs."

§ 10.270 *Dismantling retired road property.* This account shall include the cost of dismantling retired road property and recovering the salvage therefrom with the exception of track material recovered in connection with repairs of tracks as provided for in account 220, "Track laying and surfacing," and shop and power-plant machinery.

NOTE: The cost of removing, gathering up, and disposing of track material in connection with repairs of tracks is includible in account 220, "Track laying and surfacing," and of shop and power-plant machinery in account 306, "Dismantling retired shop and power-plant machinery."

§ 10.271 *Small tools and supplies.* This account shall include:

(a) *Roadway and track tools.* The cost of roadway tools (except special tools provided for elsewhere), including the cost of repairing such tools.

LIST OF ROADWAY AND TRACK TOOLS

Adzes.
Anvils.
Augers.
Axes.
Ballast forks.
Bars, claw.
Bars, crow.
Bars, lining.
Bars, pinch.
Bars, raising.
Bars, tamping.
Braces and bits.
Brooms.
Brush hooks.
Cable stretchers.
Cables.
Cans, oil.
Cans, water.
Cant hooks.
Chains.
Chisels, track.
Chisels, wood.
Curbing hooks.
Dippers.
Drawing knives.
Drill bits.
Drills (portable).
Flags, signal.
Furnaces (portable).
Grindstones.
Hammers, napping.
Hammers, paving.
Hammers, spiking.
Handles for tools.
Hatchets.
Hoes.
Jack levers.
Jacks, ratchet.
Jacks, screw.
Jacks, track.
Kegs, water.
Ladders.
Lanterns and fixtures.
Lawn mowers.
Levels.
Lines for ditching.
Nippers.
Oilstones.
Padlocks.
Pails, water.
Paint brushes.
Picks, clay.
Picks, tamping.
Pike poles.
Post-hole diggers.
Post-hole tampers.
Punches.
Rail benders.
Rail tongs.
Rakes.
Rope.
Saws, crosscut.
Saws, hand.
Scrap boxes.
Scythes.
Shovels.
Sickles.
Sledges.
Spades.
Spike mauls.
Spike pullers.
Spot boards.
Squares.
Straightening machines.
Tape lines.
Thermometers for laying rail.
Tongs.
Tool boxes.
Torches.
Track gauges.
Track levels.
Vises.
Weed spuds.
Wheelbarrows.
Whetstones.
Wood mallets.
Wrenches, monkey.
Wrenches, track.

(b) *Roadway and track supplies.* The cost of supplies consumed in connection with the operation of roadway machines while used in repairs of roadway and tracks; and cost of supplies used by trackwalkers, track watchmen, and roadway and track repair men.

ITEMS OF ROADWAY SUPPLIES

Alcohol for hydraulic jacks.
Fuel for heating tool and other section houses.
Fuel for portable forges used in roadway and track work.
Gasoline for motor cars.
Oatmeal and ice for drinking water used by roadway and track repair men.
Oil and waste for hand cars, lever cars, motor inspection cars, and push cars.
Oil and wicks for lanterns used by trackwalkers, track watchmen, and roadway and track repair men.
Oil and wicks for lighting tool and other section houses.
Torpedoes used by trackwalkers, track watchmen, and roadway and track repair men.
Water for section houses.

§ 10.272 *Removing snow, ice, and sand.* This account shall include the cost of keeping track and roadway clear of snow, ice, and sand.

It shall include cost of preventing accumulation, such as the cost of distributing, setting up, inspecting, taking down, and regathering portable snow and sand fences; and cost of tools furnished for the purpose; also cost of storing fences.

It shall include cost of removing accumulations of snow, ice, and sand, cost of snow-plow and flanger service, and of work-train service; cost of applying and removing flangers from locomotives and cars, and of slatting pilots; cost of salt to keep switches clear; and cost of meals and lodging for men employed in removal service.

§ 10.273 *Public improvements; maintenance.* (a) This account shall include the portion borne by the carrier of the expense of maintenance of public improvements, whether done by public authority or by the carrier's employees under governmental requirement.

(b) By public improvements are meant improvements for public benefit such as curbing, grading, guttering, and paving of streets, overhead highway bridges, including approaches; drainage, sewer, irrigation, and water systems; flood protection, parks, sidewalks, etc.

For list of items see account 39, "Public improvements—Construction."

NOTE A: The expense of repairing paving within the grounds of buildings or other structures shall be charged to the accounts provided for repairs of the structures.

NOTE B: Assessments for maintaining public improvements included in the general tax levy for a regular taxing district shall be charged to the appropriate tax account in income.

NOTE C: Interest and penalties, based on monthly or annual percentage rates, for failure to pay assessments within the allotted time shall be included in account 547, "Interest on unfunded debt."

§ 10.274 *Injuries to persons.* This account shall include expenses on account of injuries to persons which occur directly in connection with the maintenance of way and structures, including injuries occurring in connection with the operation of work trains in such service, and injuries caused by defective highways within the right of way.

It shall also include expenses on account of injuries to employees incurred while demolishing structures, the maintenance of which would be chargeable to maintenance of way and structures; services of employees and others called in consultation in connection with claim adjustments; pay and expenses of employees while engaged as witnesses at inquests and lawsuits; and a suitable proportion of donations made to hospitals.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: Amounts donated by a carrier to hospitals shall be distributed, 25 percent to account 274, "Injuries to persons"; 25 percent to account 332, "Injuries to persons"; and 50 percent to account 420, "Injuries to persons."

NOTE C: The pay, office rent, office expenses, and other expenses of claim adjusters, claim clerks and others in charge of or engaged in connection with claim cases, when not assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged.

§ 10.275 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons

or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of way and structures; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of way and structures. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amounts of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies in reimbursement for losses under such reinsurance.

§ 10.276 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with maintenance of way and structures.

STATIONERY AND PRINTING ITEMS

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cross-section books.
Cross-section paper.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Drawing paper.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Forms, blank and printed.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Profile books and paper.
Punches (not conductors' or baggagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

§ 10.277 *Other expenses.* This account shall include all expenses in connection with maintenance of way and structures not provided for elsewhere.

ITEMS OF EXPENSE

Pay and expenses of maintenance of way employees attending conferences with officers in connection with wage disputes.
Fees paid arbitrators in wage disputes with maintenance of way employees.
Payments to maintenance of way employees for time absent on account of sickness, when not compensation for personal injuries.
Gratuities paid to persons for discovering defective rails, etc.

§ 10.278 *Maintaining joint tracks, yards, and other facilities—Dr.* This account shall include the carrier's proportion of the costs incurred by others in maintaining joint tracks, yards, terminals, and other facilities.

NOTE: The purpose of this account is to show the amounts accruing against the carrier for its proportion of the cost of maintaining tracks, yards, and other roadway and structure facilities maintained by others and in the joint use of which the carrier participates. (See § 10.04–9 *Joint facility accounts.*)

§ 10.279 *Maintaining joint tracks, yards, and other facilities—Cr.* This account shall include amounts chargeable to others as their proportions of the cost incurred by the carrier in maintaining joint tracks, yards, terminals, and other facilities.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of maintaining tracks, yards, and other roadway and structure facilities maintained by the carrier and in the joint use of which others participate. (See § 10.04–9 *Joint facility accounts.*)

§ 10.280 *Equalization; way and structures.* This account shall include adjustments of the differences between the actual and the budgeted or authorized maintenance of way and structures expenses. The amounts included in this account shall concurrently be debited or credited to account 773, "Equalization reserves."

§ 10.281 *Right-of-way expenses.* This account shall include the cost to the carrier of maintaining structures owned by or exclusively used by others, such costs having been assumed by the carrier in order to acquire or to secure a less restricted use of its right of way.

The structures here referred to are those such as bridges above the carrier's tracks, tunnels, and roadways under the carrier's tracks.

NOTE: The cost of maintaining public improvements is includible in account 273, "Public improvements—Maintenance."

Maintenance of Equipment

§ 10.300 *Maintenance of equipment.* The primary accounts included in this general account are designed to show the expenses of maintaining the carrier's equipment and the carrier's expense for the repairs of other equipment used in its operations, also the cost of maintaining road property classified as shop and power plant machinery. The repair accounts shall include foreign roads' freight charges for transporting the carrier's equipment to shops for repairs and for transporting such equipment to the carrier's line after repairs have been made. No charge shall be made to these accounts for transporting equipment in the carrier's transportation service trains to shops for repairs or from shops after repairs have been made.

The accounts for maintenance of equipment shall be kept in such manner as to show separately, by primary accounts, the expenses directly assignable to sleeping car operations, dining and buffet service, producing power sold, and other miscellaneous operations.

§ 10.301 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in the maintenance of equipment.

LIST OF OFFICERS

Vice president.
Assistant vice president.
General superintendent of motive power.
Assistant general superintendent of motive power.
Mechanical superintendent.
Superintendent of motive power.
Assistant superintendent of motive power.
Mechanical engineer.
Assistant mechanical engineer.
Chief chemist.
General equipment inspector.
Engineer of tests.
Supervisor of car department.
Electrical engineer.
Assistant electrical engineer.
Chemist and assistant chemist.
Master car builder.
Master mechanic.
General foreman.
Chief car inspector.
Inspector of passenger-train cars.
General car inspector.
Traveling boiler inspector.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief motive power clerks.
Chief clerks.
Draftsmen.
Stenographers.
Motive power clerks.
Shop clerks.
Messengers.
Cooks.
Porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account, and amounts paid to detective agencies and others for investigations in connection with repairs of equipment.

ITEMS OF EXPENSES AND SUPPLIES

Atlases and maps.
Barometers.
Books for office use.
Business car service.
Drafting instruments.
Drafting supplies.
Engineering supplies.
Fees and dues in technical associations.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service.
Periodicals and newspapers.
Power.
Provisions for business cars.

Rent of offices.
Repair of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

NOTE A: When employees designated above are specifically assigned to construction work, their pay and expenses while thus employed shall be charged to the work upon which engaged.

NOTE B: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE C: The cost of stationery purchased for maintenance of equipment offices is chargeable to account 334, "Stationery and printing."

NOTE D: The pay of general foremen in small shops, who exercise direct supervision over all departments, unassisted by departmental foremen, shall be apportioned through clearing account "Shop expenses."

§ 10.302 *Shop machinery.* This account shall include the cost of repairing machinery and other apparatus, including special foundations, in shops and enginehouses.

LIST OF SHOP MACHINERY

Air compressors.
Ash conveyors.
Belting.
Blowers.
Boilers for furnishing power.
Boring machines.
Cars, small motor.
Cars, push.
Cranes.
Drill presses.
Drilling machines.
Drop tables.
Forges.
Framing machines.
Furnaces.
Grinding and polishing machines.
Hoists.
Hydraulic jacks.
Lathes.
Lifting magnets.
Metal chimneys.
Milling machines.
Motors.
Pipe cutting and threading machines.
Planers.
Pneumatic hammers.
Power machinery, where no distinct power plant is provided.
Punches.
Riveters.
Saws.
Shafting.
Shapers.
Slotters.
Stationary engines.
Steam hammers.
Vises.
Welding machines.
Woodworking machines.

NOTE A: The cost of repairing power plant machinery for shop power when located in distinct buildings shall be included in account 304, "Power plant machinery."

NOTE B: The cost of repairing boilers used exclusively for heating shall be included in the appropriate repair accounts for buildings.

NOTE C: The cost of small tools which are soon worn out, when used by mechanics on miscellaneous work, shall be included in clearing account "Shop expenses," and when used on repairs of equipment shall be included in the appropriate accounts for repairs of equipment.

NOTE D: The cost of repairing machinery and tools in shops used exclusively for maintenance of way and structures shall be included in account 229, "Roadway buildings."

§ 10.304 *Power-plant machinery.* This account shall include the cost of repairing machinery and other apparatus including special foundations in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for general purposes.

For list of items see account 45, "Power-plant machinery."

NOTE A: The cost of repairing power-machinery and apparatus in shop power plants shall be included in account 302, "Shop machinery."

NOTE B: The cost of repairing power-machinery and apparatus in stations and offices used primarily for station and office purposes shall be included in account 227, "Station and office buildings."

NOTE C: The cost of repairing power-machinery and apparatus in plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

NOTE D: The cost of repairing foundations, other than those special to particular machines and other apparatus, shall be included in cost of repairing the building and not in this account.

NOTE E: The cost of repairing machinery in distinct plants for furnishing power both for carrier purposes and for sale shall be included in this account. When plants are used solely for generating power for sale the cost of repairs shall be included in account 534, "Expenses of miscellaneous operations."

§ 10.305 *Shop and power-plant machinery; depreciation.* This account shall include the amount of depreciation charges applicable to the accounting period for all classes of property the cost of which is includible in accounts 44, "Shop machinery" and 45, "Power-plant machinery."

§ 10.306 *Dismantling retired shop and power-plant machinery.* This account shall include the cost of dismantling retired shop and power-plant machinery and recovering the salvage therefrom.

§ 10.308 *Steam locomotives; repairs.* This account shall include the cost of repairing transportation service steam locomotives and tenders, including all appurtenances, and the cost of small hand tools used in repair work.

This account shall also include the cost of work-train service for the transportation of locomotives without steam to shops for repairs, including the pay and expenses of caretakers, and the pay and expenses of caretakers of locomotives without steam which are hauled in transportation service trains to shops for repairs; also notarial fees in connection with reports on conditions of locomotives.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air-brake equipment and hose.
Arm rests.
Awnings.
Brake fixtures.
Cab cushions.
Cab lamps.
Clocks.
Coal boards.
Fire extinguishing apparatus.
Gongs.
Head lamps.
Packing (except for lubricating).
Pneumatic sanding equipment.
Seat boxes.
Speed recorders.
Steam-gauge lamps.
Steam-heat equipment and hose.
Storm doors.
Tool boxes.
Train-signal equipment and hose.

NOTE A: The cost of inspecting smokestacks and ash pans of locomotives in service shall be included in the appropriate enginehouse expense accounts.

NOTE B: The cost of repairing steam locomotives and tenders of foreign lines, waybilled as freight, and damaged in transit shall be charged to account 418, "Loss and damage—Freight"; and the cost of repairing steam locomotives and tenders of foreign lines having trackage rights over the carrier's line, damaged by collision, wreck, or other cause, for which the carrier is liable, shall be charged to account 416, "Damage to property."

NOTE C: The cost of running locomotives under steam to shops for repairs in connection with transportation service shall be included in the cost of the service in connection with which the movement occurs.

NOTE D: The cost of repairing steam locomotives used solely in work service in connection with operations shall be included in account 326, "Work equipment—Repairs." The cost of repairing locomotives on account of construction work shall be included in the cost of the work.

§ 10.311 *Other locomotives; repairs.* This account shall include the cost of repairs of transportation service locomotives other than steam locomotives, analogous to those set forth for steam locomotives in account 308, "Steam locomotives—Repairs."

§ 10.314 *Freight-train cars; repairs.* This account shall include the cost of repairing freight-train cars and appurtenances, and the cost of repairing motor equipment affixed to freight-train cars engaged in transportation service; also cost of small hand tools used in repairs. This account shall also include the net loss sustained on account of the destruction of foreign freight cars in the carrier's transportation service and amounts paid to others for repairs of freight cars for which the carrier is liable.

LIST OF FREIGHT-TRAIN CARS

Ballast (commercial).
Beer.
Box.
Cabin.
Caboose.
Charcoal.
Coal.
Coke.
Dump (commercial)
Flat.
Fruit.
Furniture.
Gondola.
Gondola (hopper).
Gondola (long).
Gun truck.
Hay.
Lime.
Logging.
Oil tank.
Ore.
Platform.
Poling.
Poultry.
Produce.
Rack.
Refrigerator.
Stock.
Tank (in commercial service).
Water (in commercial service).
Work (in commercial service).

LIST OF APPURTENANCES TO FREIGHT-TRAIN CARS

Air-brake equipment, including hose.
Cooking equipment and utensils.
Cushions.
Heating equipment.
Ice boxes.
Lamps and fixtures.
Seats.
Speed recorders.
Train-signal equipment, including hose.
Water tanks.

NOTE A. The cost of candles, wicks, lamp chimneys, globes, and shades for oil or other lamps in freight-train cars shall be charged to account 402, "Train supplies and expenses."

NOTE B. The cost of repairing freight-train cars of foreign lines waybilled as freight and damaged in transit shall be charged to account 418, "Loss and damage—Freight"; and the cost of repairing freight-train cars of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck, or other cause, for which the carrier is liable, shall be charged to account 416, "Damage to property."

§ 10.317 *Passenger-train cars; repairs.* This account shall include the cost of repairing passenger-train cars and appurtenances and the cost of repairing motor equipment affixed to passenger-train cars used in transportation service; small hand tools used in repairs; the net loss sustained on account of the destruction of foreign passenger-train cars in the carrier's transportation service, and amounts paid others for repairs of passenger-train cars for which the carrier is liable.

LIST OF PASSENGER-TRAIN CARS

Baggage.
Baggage-express.
Baggage-mail.
Baggage - mail - express.
Buffet.
Café.
Chair.
Club.
Colonist.
Combination passenger and baggage.
Dining.
Express.
Immigrant.
Library.
Mail.
Milk.
Observation.
Parlor.
Parlor-baggage.
Passenger.
Passenger-baggage.
Passenger - baggage-mail.
Postal.
Refrigerator-express.
Sleeping.
Smoking.
Tourist.

LIST OF APPURTENANCES TO PASSENGER-TRAIN CARS

Air-brake equipment, including hose.
Bedding.
Chairs.
Coat hooks.
Curtains and fixtures.
Cushions.
Electric bells.
Floor coverings.
Heating equipment and steam-heat hose.
Ice boxes.
Ice tanks.
Kitchen equipment and utensils.
Lighting equipment.
Mail catchers.
Parcel racks.
Ranges and boilers.
Seats.
Speed recorders.
Steam heat hose.
Table china.
Table glassware.
Table linen.
Table silver.
Toilet equipment.
Train-signal equipment, including hose.
Water tanks.

NOTE A: The cost of candles, wicks, and lamp chimneys, and of globes and shades for electric and other lights in passenger-train cars shall be charged to account 402, "Train supplies and expenses."

NOTE B: The cost of repairing passenger-train cars of foreign lines, which are waybilled as freight and have been damaged in transit, shall be charged to account 418, "Loss and damage—Freight," and the cost of repairing passenger-train cars of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck, or otherwise, for which the carrier is liable, shall be charged to account 416, "Damage to property."

§ 10.323 *Floating equipment; repairs.* This account shall include the cost of repairing floating equipment (other than work equipment), including appurtenances, and cost of small hand tools used in repairs.

The pay and expenses of captains and engineers and of boat employees, while engaged on maintenance of floating equipment, shall be included in this account.

LIST OF FLOATING EQUIPMENT

Barges.
Canal boats.
Car and other floats.
Ferryboats.
Lighters.
Power launches.
Power lighters.
Scows.
Steamboats.
Steamships.
Transfer boats.
Tugboats.

LIST OF APPURTENANCES, TOOL EQUIPMENT, AND FURNITURE

Anchors.
Axes.
Barometers.
Beds and bedding.
Binnacle lamps.
Blocks and tackle.
Boilers and foundations.
Cables.
Capstan bars.
Carpets.
Charts.
China, crockery, and glassware.
Chronometers.
Clocks.
Compasses.
Counters.
Desks.
Engines and foundations.
Fire buckets.
Fire extinguishers.
Floor coverings.
Flue cleaners.
Furniture.
Gangplanks.
Hatchets.
Heating equipment.
Hoisting equipment.
Hooks.
Keys.
Kitchen equipment.
Life preservers.
Lighting equipment.
Linen.
Lines.
Logs.
Machinery and foundations.
Masts.
Office furniture.
Oil cans.
Pianos and other musical instruments.
Pumps.
Racks.
Railings.
Rakes.
Rigging.
Safes.
Sails.
Scales.
Seats, chairs, and cushions.
Shovels.
Slice bars and pokers.
Spyglasses.
Steam distribution syatems.
Steering equipment
Telescopes.
Ticket cases.
Tool boxes.
Tools, miscellaneous.
Tracks on car floats.
Ventilating equipment.
Wrenches.

§ 10.326 *Work equipment; repairs.* This account shall include the cost of repairing rail and floating work equipment, including appurtenances, and cost of small hand tools used in repairs.

The cost of fitting up commercial cars for work service in connection with maintenance and operation; the cost of refitting them for commercial service; the cost of repairs to locomotives while in service for repairs of road and equipment; and the cost of repairs to foreign cars damaged while in such service shall be included in this account; also amounts paid in settlement for such cars destroyed in such service.

LIST OF WORK EQUIPMENT—RAIL

Air-brake instruction cars.
Ballast cars.
Ballast unloader cars.
Boarding cars.
Bridge cars.
Business cars.
Camp cars.
Cinder cars.
Concrete mixers (mounted).
Derrick cars.
Dirt spreaders (mounted).
Ditching cars.
Dump cars.
Dynamometer cars.
Gas-tank cars.
Grading cars.
Gravel cars.
Indicator cars.
Locomotive tanks used as water cars.
Locomotives.
Officers' cars.
Outfit cars.
Painters' cars.
Pay cars.
Pile drivers (mounted).
Rail saws (mounted).
Salt cars.
Sanding cars.
Scale test cars.
Scraper cars.
Snow dozers.
Snow drags.
Snow plows (not attached to but moved by locomotives).
Sprinkling cars.
Steam shovels.
Steam wrecking derricks.
Supply cars.
Sweeper cars.
Tool and block cars.
Tool cars.
Water cars.
Weed burners (mounted).
Wrecking cars.

APPURTENANCES TO WORK EQUIPMENT—RAIL

Air-brake equipment.
Beds and bedding.
Blocking.
Blocks and tackle.
Boilers on cars.
Bunks, seats, and chairs.
Chains.
China, crockery, and glassware.
Cushions.
Engines on cars.
Flue cleaners.
Hatchets.
Heating equipment.
Hooks.
Jacks.
Kitchen utensils.
Lighting equipment.
Linen.
Lines.
Machinery on cars.
Oil cans.
Rakes.
Ranges.
Shovels.
Slice bars and pokers.
Tool boxes.
Tools, miscellaneous.
Train-signal equipment.
Wrecking trucks.
Wrenches.

LIST OF WORK EQUIPMENT—FLOATING

Derricks.
Dredges.
Pile drivers.

APPURTENANCES TO WORK EQUIPMENT—FLOATING

Anchors.
Axes.
Barometers.
Beds and bedding.
Blocks and tackle.
Boilers and foundations.
Cables.
China, crockery, and glassware.
Compasses.
Cushions.
Desks.
Engines and foundations.
Fire extinguishers.
Fire buckets.
Floor coverings.
Flue cleaners.
Gangplanks.
Hatchets.
Heating equipment.
Hoisting equipment.
Hooks.
Keys.
Life preservers.
Lighting equipment.
Linen.
Lines.
Machinery and foundations.
Masts.
Oil cans.
Pumps.
Rakes.
Rigging.
Sails.
Seats and chairs.
Shovels.
Slice bars and pokers.
Steam distribution systems.
Steering equipment.
Tool boxes.
Tools, miscellaneous.
Wrenches.

NOTE: The cost of repairs to work equipment on account of construction work shall be included in the cost of the construction work on which it is used.

§ 10.328 *Miscellaneous equipment; repairs.* This account shall include the cost of repairing miscellaneous equipment, such as wagons, automobiles, and other highway vehicles, and harness.

§ 10.329 *Dismantling retired equipment.* This account shall include the cost of tearing down retired equipment and recovering the salvage therefrom.

§ 10.330 *Retirements; equipment.* This account shall include the proportion of the service value of equipment retired carried in account 743, "Other deferred charges," which by specific authority of this Commission shall be charged to operating expenses in the period. (See paragraph (f) of § 10.04–24 *Depreciation accounting; equipment.*)

When equipment previously subject to amortization accounting under section 124, "Amortization deductions," of the Internal Revenue Code is retired, the difference between the service value (ledger value less value of salvage and insurance recovered) thereof and the balance in account 736, "Amortization of defense projects—Road and equipment," with respect to the specific equipment retired, after appropriate adjustment for any depreciation accrued thereon, shall be included in this account.

This account shall also be charged with such amounts as are concurrently credited to accounts 72 to 77, inclusive, in accounting for the retirement of equipment.

§ 10.331 *Equipment; depreciation.* This account shall include the amount of depreciation charges applicable to the accounting period for all classes of equipment the ledger value of which is in-

cludible in accounts 51 to 54 and 56 to 58, all inclusive.

§ 10.332 *Injuries to persons.* This account shall include expenses on account of injuries to persons which occur directly in connection with repairs of equipment.

Services of employees and others called in consultation in relation to claim adjustments, pay and expenses of employees while engaged as witnesses at inquests and lawsuits, and a suitable proportion of donations made to hospitals shall be included in this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: Amounts donated by a carrier to hospitals shall be distributed, 25 percent to account 274, "Injuries to persons"; 25 percent to account 332, "Injuries to persons"; and 50 percent to account 420, "Injuries to persons."

NOTE C: The pay, office rent, and office and other expenses of claim adjusters, claim clerks, and others in charge of or engaged in connection with claim cases, when not assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged.

§ 10.333 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss, through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of equipment; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of equipment. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

§ 10.334 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with maintenance of equipment.

STATIONERY AND PRINTING ITEMS

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Drawing paper.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Forms, blank and printed.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Parchment paper.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductor's or baggagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

§ 10.335 *Other expenses.* This account shall include expenses in connection with the maintenance of equipment not properly chargeable to other accounts for maintenance of equipment or to clearing accounts such as "Material store expenses" and "Shop expenses."

ITEMS OF EXPENSE

Pay and expenses of mechanical department employees attending conferences with officers in connection with mechanical department wage disputes.
Fees paid arbitrators in connection with mechanical department wage disputes.
Payments to mechanical department employeees for time absent on account of sickness when not in compensation for personal injuries.

§ 10.336 *Joint maintenance of equipment expenses—Dr.* This account shall include the carrier's proportion of expenses incurred by others in maintaining equipment used in the operation of joint facilities, including the carrier's proportion of the expenses of repairing such equipment damaged by accidents when such expenses are participated in by more than one carrier. It shall also include the carrier's proportion of expenses incurred by others in maintaining joint shop machinery and power-plant machinery.

NOTE: The purpose of this account is to show the amount accruing against the carrier for its proportion of the expense of maintaining equipment, shop machinery, and power-plant machinery, which is maintained by others and in the joint use of which the carrier participates.

§ 10.337 *Joint maintenance of equipment expenses—Cr.* This account shall include the amount chargeable to others as their proportion of expenses incurred by the carrier in maintaining equipment used in the operation of joint facilities, and for expenses of repairing equipment damaged by accidents, when such expenses are participated in by more than one carrier. It shall also include amounts chargeable to others as their proportions of the expenses incurred by the carrier in maintaining joint shop machinery and power-plant machinery.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier due from others for their proportions of the expense of maintaining equipment, shop machinery, and power-plant machinery, which is maintained by the carrier and in the joint use of which others participate.

§ 10.338 *Equalization; equipment.* This account shall include adjustments of the differences between the actual and the budgeted or authorized maintenance of equipment expenses. The amounts included in this account shall concurrently be debited or credited to account 773, "Equalization reserves."

Traffic

§ 10.350 *Traffic.* The primary accounts included in this general account are designed to show the expenses incurred for advertising, soliciting, and securing traffic for the carrier's lines and for preparing and distributing tariffs governing such traffic.

§ 10.351 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in supervising the procurement of traffic, and the preparation and distribution of tariffs, division sheets, and classifications.

LIST OF OFFICERS

Vice president.
Assistant to vice president.
Traffic director.
Traffic manager.
General freight agent.
Assistant general freight agent.
Chief of tariff bureau.
Traveling tariff inspector.
Live stock agent.
General passenger agent.
Assistant general passenger agent.
Division passenger agent.
Division freight agent.
General baggage agent.
General express agent.
General express manager.
Coal traffic agent.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief clerk.
Clerks.
File clerks.
Stenographers.
Messengers.
Cooks.
Porters.
Attendants.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Barometers.
Bicycles.
Books for office use.
Business car service.
Express charges.
Fees and dues in commercial and other clubs.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service.
Periodicals and newspapers.
Power.
Provisions for business cars.
Rent for offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

NOTE A: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants, and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The pay and expenses of officers engaged exclusively in soliciting traffic are chargeable to account 352, "Outside agencies."

NOTE C: The cost of stationery for traffic offices is chargeable to account 358, "Stationery and printing," except stationery chargeable to accounts 354, 355, and 356.

§ 10.352 *Outside agencies.* This account shall include the pay, and the office, traveling, and other expenses of general, commercial, city, and district agents and others soliciting traffic, the employees of their offices, and traveling agents and solicitors located on or off the line of the carrier's road.

City ticket and freight offices, separate from regular station ticket and freight offices, shall be treated as outside agencies; the pay and expenses of the employees therein and the expenses of such offices shall be charged to this account.

Commissions for services pertaining to either freight or passenger business, except commissions paid in lieu of salaries to carrier's agents located upon the carrier's own line (which shall be charged to account 373, "Station employees"), shall be included in this account.

ITEMS OF EXPENSE

Bicycles.
Books for office use.
Express charges.
Furniture repairs and renewals.
Heating.
Lighting.
Membership fees and dues in agency associations.
Membership fees and dues in commercial clubs.
Office supplies.
Periodicals and newspapers.
Rent of offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

§ 10.353 *Advertising.* This account shall include the cost of advertising for the purpose of securing traffic; pay of advertising agents, their clerks and attendants; rent of offices, and the office, traveling, and other expenses of such employees; also donations to carnivals, local development associations, summer schools, and other gatherings, when made for the purpose of increasing traffic.

ITEMS OF ADVERTISING EXPENSE

Advertisements in newspapers.
Advertisements in periodicals.
Bulletin boards and cards.
Card cases.
Customs charges on advertising matter.
Display and other advertising cards.
Distributing folders.
Distributing general notices to shippers.
Distributing time-tables.
Dodgers.
Express charges.
Frames.
Handbills.
Maps used for advertising.
Pamphlets.
Photographs and views.
Postage.
Posters.
Publishing advertising matter.
Publishing folders.
Publishing notices to shippers.
Publishing time-tables.
Racks.

NOTE: Advertising expenses of industrial and immigration bureaus shall be included in account 356, "Industrial and immigration bureaus."

§ 10.354 *Traffic associations.* This account shall include the cost to the carrier of participation in traffic associations, including its proportion of the pay of officers and employees of such associations and of their office, stationery and printing, traveling, and other expenses.

LIST OF TRAFFIC ASSOCIATIONS

Boards of trade.
Classification bureaus.
Clergy bureaus.
Commercial associations.
Freight associations.
Mileage ticket bureaus.
Passenger associations.
Tariff bureaus.
Ticket validating agencies.

§ 10.355 *Fast freight lines.* This account shall include the cost to the carrier of participation in fast freight or dispatch organizations, including its proportion of the pay of officers, soliciting agents, and employees of such organizations, and their office, stationery and printing, traveling, and other expenses.

§ 10.356 *Industrial and immigration bureaus.* This account shall include the cost to the carrier of industrial and immigration bureaus, including the pay of industrial and immigration agents, and exhibit agents, their clerks and attendants and their office, stationery and printing, traveling, and other expenses.

ITEMS OF EXPENSE

Advertising.
Agricultural trains.
Dairy trains.
Donations to expositions.
Donations to fairs.
Donations to stock shows.
Exhibits.
Experimental farms.
Good roads trains.
Premiums to fairs.
Premiums to stock shows.

§ 10.357 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to Traffic, also premiums on fidelity bonds of employees whose pay is chargeable to Traffic. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account the amount of all claims for injuries to persons and damages to the property covered by its insurance shall be charged. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

§ 10.358 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with securing traffic, including the cost of tariffs governing such traffic.

STATIONERY AND PRINTING ITEMS

Adding machines.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Classifications.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Division sheets.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Flexotype machines.
Forms, blank and printed.
Freight classifications.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductors' or baggagemen's).
Rate sheets.
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Tariffs, printed.
Telegraph blanks.
Tissue (impression) paper.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE A: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

NOTE B: The cost of stationery and printing used by traffic associations, fast freight lines, and industrial and immigration bureaus shall be included in the accounts provided for the expenses of such organizations.

§ 10.359 *Other expenses.* This account shall include all expenses in connection with traffic not properly chargeable to other traffic accounts.

Transportation

§ 10.370 *Transportation; rail line.* The primary accounts included in this general account are designed to show expenses incurred for transporting persons and the property of others, including the expenses of station, train, yard, and terminal service; also the expense of transporting company material in transportation service trains.

§ 10.371 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in conducting transportation.

LIST OF OFFICERS

Vice president.
Assistant to the vice president.
General manager.
Assistant general manager.
General superintendent of transportation.
Superintendent of transportation.
General superintendent.
Assistant general superintendent.
Superintendent.
Division superintendent.
Assistant division superintendent.
Superintendent of car service.
Chief special agent.
Members of examining boards.
Superintendent of mail service.
Traveling train and station inspectors.
Air-brake instructor.
Superintendent of agencies.
Superintendent of transfer stations.
Trainmaster.
Assistant trainmaster.
General road foreman of locomotives.
Road foreman of locomotives.
Traveling locomotive engineer.
Traveling locomotive fireman.

(b) *Pay of clerks and attendants.* The pay of clerks and others employed in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Division clerk.
Chief clerk.
Clerks.
Special agents.
Detectives.
Stenographers.
Messengers.
Cooks.
Porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account; also the pay and expenses of employees attending investigations concerning the cause of or responsibility for accidents, and amounts paid detective agencies and others for work in connection with such investigations.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Barometers.
Books for office use.
Business car service.
Express charges.
Fees and dues in associations.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service.
Periodicals and newspapers.
Power.
Provisions for business cars.
Rent of air-brake instruction cars.
Rent of offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

NOTE A: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants, and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The cost of stationery purchased for transportation offices is chargeable to account 410, "Stationery and printing."

§ 10.372 *Dispatching trains.* This account shall include the pay of chief and other train dispatchers, their clerks, copying operators, and attendants, and pay of operators on the line whose duties are confined to directing train movements; also the office, traveling, and other expenses of such employees.

NOTE: Pay of operators who also perform station work shall be charged to account 373, "Station employees."

§ 10.373 *Station employees.* This account shall include:

(a) *Agents, clerks, and attendants.* The pay of agents, clerks, and attendants in charge of, or engaged in, the operation of stations, stockyards, wharves, and piers located on the carrier's line; also payments to such station or ticket agents in lieu of salaries.

Special payments to customs inspectors on account of opening and resealing cars under unusual conditions, and payments to produce-exchange inspectors for inspecting, measuring, and weighing grain shall be here included.

LIST OF EMPLOYEES

Accountants.
Assistant agents.
Assistant depot masters.
Assistant station masters.
Baggage agents at stations.
Baggagemen.
Car clerks.
Cashiers.
Chauffeurs.
Clerks.
Collectors.
Customs inspectors.
Depot masters.
Detectives.
Express agents.
Gatemen.
Information bureau employees.
Janitors.
Maids.
Matrons.
Messengers.
Package and parcel room employees.
Policemen.
Porters.
Relief agents.
Station agents.
Station foremen.
Station passenger agents.
Station freight agents.
Stationmasters.
Stockyards superintendents and foremen.
Telegraph and telephone operators.
Ticket agents.
Ticket collectors.
Ticket examiners.
Train callers.
Ushers.
Watchmen.

(b) *Labor at stations.* Station and other labor expended in handling freight, mail, baggage, and express at stations, wharves, and piers; in loading, unloading, feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for stock; in disinfecting stations, stockyards, and stock pens; in transferring, picking up, straightening, and reloading freight in the ordinary course of transportation; in miscellaneous station work, including (when done by station employees) cleaning station grounds, station platforms, walks, stockyards, and stock pens, and removing snow and ice therefrom; and in tending switch lamps not in yards and terminals.

Payments to elevator companies (when not made as division of rate) for transferring grain en route, and payments to other companies and individuals for loading and unloading commercial freight under contract or otherwise shall be included in this account.

LIST OF EMPLOYEES

Baggage storeroom employees.
Car sealers.
Checkmen.
Coal handlers.
Coopers.
Delivery men.
Electricians.
Freight callers.
Freight handlers.
Freight house foremen.
Freight loaders.
Freight unloaders.
Longshoremen.
Mail carriers.
Mail weighers.
Station cleaners.
Stationary engineers.
Stationary firemen.
Stevedores.
Stock-pen laborers.
Stockyard laborers.
Tallymen.
Teamsters.
Truckmen.
Warehousemen.
Weighmasters.

NOTE A: The cost of transferring freight, mail, baggage, and express on account of wrecks shall be included in account 415, "Clearing wrecks."

NOTE B: This account shall not include the pay of telegraph and telephone operators provided for under accounts 372, "Dispatching trains," and 407, "Communication system operation," or pay of employees provided for under account 375, "Coal and ore wharves."

§ 10.374 *Weighing, inspection, and demurrage bureaus.* This account shall include the cost to the carrier of its participation in joint weighing, inspection, demurrage, and car distribution bureaus and associations.

§ 10.375 *Coal and ore wharves.* This account shall include cost of operating docks, and wharves, piers, and other marine, lake, or river landings, and the machinery located thereon, used in connection with the transportation of coal and ore.

(a) *Labor and expenses.* The pay and the office, traveling, and other expenses of employees engaged in operating coal and ore wharves.

(b) *Tools and supplies.* The cost of all tools and supplies used in the operation of coal and ore wharves.

ITEMS OF TOOLS AND SUPPLIES

Cylinder oil.
Fuel for stationary boilers.
Illuminating oil.
Lantern parts.
Lanterns.
Lubricating oil.
Picks.
Shovels.
Slice bars.
Waste.
Wicks.

NOTE: The cost of switching service in connection with coal and ore wharves shall not be included in this account.

§ 10.376 *Station supplies and expenses.* This account shall include:

(a) *Heating.* The cost of fuel (including cost of unloading), water, steam, and miscellaneous supplies used for heating stations, waiting rooms, freight and passenger offices, stockyards and other station buildings.

(b) *Lighting.* The cost of fuel, water, gas, oil, electricity, lamp globes, lamp chimneys, wicks, lamp carbons, incandescent lamps, and miscellaneous supplies used in lighting stations, waiting rooms, freight and passenger offices, stockyards, other station buildings, street approaches thereto, and passenger footbridges and subways at stations.

(c) *Other expenses.* The cost of miscellaneous station supplies and station expenses, including those for stockyards.

ITEMS OF EXPENSE

Cleaning privy vaults.
Express charges.
Furniture repairs and renewals.
Garage expenses.
Licenses for ticket agents.
Mail transfer by others than employees.
Membership fees and dues in agents' associations.
Power for station machinery.
Rent of automatic weighing and recording devices.
Rent of scales.
Rent of station buildings (not jointly used).
Reports to agents of commercial standing.
Sprinkling station grounds.
Station employees' expenses.
Supplies used in feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for livestock.
Telegraph service.
Telephone service.
Warehouse charges for storage of freight.
Washing towels.

ITEMS OF TOOLS AND SUPPLIES

Atlases and maps.
Auto trucks.
Awnings.
Axes.
Badges.
Baggage checks.
Barometers.
Baskets.
Bicycles.
Blocking.
Brooms.
Brushes.
Buckets.
Bulletin boards.
Call bells.
Candles.
Car-seal presses.
Car seals.
Carpets.
Chains.
Chair cushions.
Chairs.
Chalk.
Chamois skins.
Check boxes.
Check racks.
Checks.
Clocks.
Coal hods.
Cold chisels.
Cooperage material.
Copy-press stands.
Counter brushes.
Counter scales.
Cups.
Curtains.
Cuspidors.
Desks.
Dippers.
Directories.
Dusters.
Electric fans.
Electric lamps.
Electric-light supplies.
Feather dusters.
Files, document.
Fire buckets.
Fire grenades.
Flags.
Floor coverings.
Gangplanks.
Gas.
Gasoline.
Hampers.
Hatchets.
Hoes.
Hooks.
Hose and couplings.
Ice.
Ice barrels.
Ice boxes.
Ice buckets.
Ice carts.
Ice tongs.
Keys.
Ladders.
Lamp burners.
Lamp chimneys.
Lamp fittings.
Lamp globes.
Lamp mantles.
Lampblack.
Lamps (not permanently attached to buildings).
Lantern fittings.
Lantern globes.
Lanterns.
Letter boxes.
Mail bags.
Marking brushes.
Marking pots.
Marline.
Matches.
Measures.
Medical boxes.
Medical supplies.
Mirrors.
Money drawers.
Nails for boxing.
Newspapers.
Oil.
Oil cans.
Packing material.
Padlocks.
Pails.
Pinch bars.
Punches for baggagemen and gatemen.
Rakes.
Reflectors.
Rolling chairs for invalids.
Safes.
Sawdust.
Saws.
Scoops.
Scales, portable.
Scrubbing brushes.
Settees.
Shovels.
Sledges.
Soap.
Spades.
Sponges.
Sprinkling cans.
Stools.
Stove blacking.
Stoves and stovepipe.
Switch lamp supplies at points where regular switching service is not maintained.
Tables.
Tacks.
Tarpaulins (not for cars).
Thermometers.
Ticket cases.
Tongs.
Tool boxes.
Torpedoes.
Towels.
Trucks.
Twine.
Uniforms.
Washbasins.
Waste.
Water.
Water barrels.
Water bowls.
Water cans.
Water coolers.
Water pails.
Wheelbarrows.
Whisk brooms.
Wicks.
Wrenches.

§ 10.377 *Yardmasters and yard clerks.* This account shall include the pay of general yardmaster, yardmaster, assistant yardmaster, general yard foreman, and yard clerks and attendants in yards where regular switching service is maintained and in terminal switching and transfer service, including employees engaged in calling yardmen and trainmen; also pay of policemen, watchmen, and detectives in yard service. (See account 389, "Yard supplies and expenses.")

§ 10.378 *Yard conductors and brakemen.* This account shall include the pay of yard conductors or foremen and yard brakemen or switchmen handling cars in passenger and freight yards where regular switching service is maintained and in terminal switching and transfer service, including pay while dead-heading in connection with such service. (See account 389, "Yard supplies and expenses.")

NOTE: When conductors and brakemen are engaged in both train and yard service their pay shall be apportioned between the train and yard accounts on the basis of service rendered. This does not apply to train switching service performed by train crews, the entire pay of whom shall be charged to account 401, "Trainmen."

§ 10.379 *Yard switch and signal tenders.* This account shall include the pay of employees in yards where regular switching service is maintained, who are engaged in the operation of yard switches and signals, including interlockers used solely or principally for the government of all movements of locomotives and trains between main and yard tracks, movements of locomotives between yard tracks and enginehouses, and yard switching movements. (See account 389, "Yard supplies and expenses.")

LIST OF EMPLOYEES

Battery men.
Interlocker oilers.
Lamp cleaners.
Lamp men.
Lamplighters.
Lever men.
Signalmen.
Switch oilers.
Switch tenders.
Tower men.

§ 10.380 *Yard enginemen.* This account shall include the pay of yard enginemen while engaged in yards where regular switching service is maintained and in terminal switching and transfer service, including pay of such employees while deadheading in connection with yard service. For purposes of this account enginemen shall be understood to include the operators and their assistants, regardless of the type of self-propelled motive power being operated.

NOTE: The pay of enginemen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of enginemen on train locomotives while engaged in train switching service shall be included in account 392, "Train enginemen." The pay of enginemen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

§ 10.382 *Yard switching fuel.* This account shall include the cost, delivered on locomotives or motor cars, of coal, coke, oil, wood, and other fuels consumed in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service, including a suitable proportion of the pay of fuel agents, fuel inspectors, fuel weighers, and clerks engaged in accounting for fuel at fuel stations; pay of foremen and other fuel-station employees; also a suitable proportion of the cost of tools, such as wheelbarrows, shovels, scoops, and picks, used for handling fuel at such stations and the cost of operating machinery at fuel stations.

NOTE A: The cost of repairs and renewals of coal chutes, buggies, pockets, air hoists, mechanical hoists, and mechanical conveyors at fuel stations shall be charged to account 233, "Fuel stations."

NOTE B: The cost of supplies consumed by locomotives and motor cars engaged in more than one class of service shall be apportioned upon the basis of service rendered. The cost of supplies consumed by train locomotives and motor cars in train switching service shall be included in accounts provided for train service. The cost of supplies consumed by locomotives and motor cars in work service shall be included in the cost of the work to which the service pertains.

§ 10.383 *Yard switching power produced.* This account shall include the cost of the production and distribution of electric power used in operating locomotives and cars in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service.

(a) *Employees.* The pay of employees engaged in operating electric-power stations and substations, such as engineers, firemen, electricians, dynamo men, oilers, cleaners, and coal passers.

(b) *Fuel.* The cost of coal, oil, gas, and other fuel, including the cost of labor unloading or stocking fuel.

(c) *Water.* The cost of water used to produce steam or to operate water plants, including pumping, rent of ponds, streams, and pipe lines; also water tests, boiler compounds, and other like supplies and expenses.

(d) *Other supplies and expenses.* The cost of lubricants, such as oil and grease used in lubricating engines, shafting, dynamos, and pumps; cost of waste, carbon brushes, fuses, lamps, and other supplies; also the cost of heating and lighting power plants, and other expenses not elsewhere specified in connection with operation of electric-power plants. (See § 10.04–12 *Power plant operations.*)

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.384 *Yard switching power pur-*

§ 10.384 *Yard switching power purchased.* This account shall include the cost of electric power purchased for the propulsion of engines and cars in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.385 *Water for yard locomotives.* This account shall include the cost of water supplied to locomotives in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service, including rent of ponds, lakes, other sources of water supply, and right of way for pipe lines; cost of water purchased, expenses of work trains while engaged in hauling water for locomotive supply, and cost of testing water; also cost of labor expended and cost of materials and supplies used in the operation of water stations and purifying plants.

The cost of operating boilers, engines, and pumps at water stations; heating and lighting water stations, breaking ice in water tanks, thawing out tank spouts and water cars, keeping fires in tanks and water cars to prevent freezing, shoveling snow into locomotive tanks; also temporary connections between water cars and locomotive tenders, compounds injected into locomotive boilers to decrease scale formation, and other expenses directly incident to the supplying of water to such locomotives, shall be included in this account.

An equitable proportion of the pay and the office, traveling, and other expenses of superintendent of water service engaged in connection with water supply for locomotives shall be included in this account.

ITEMS OF WATER STATION SUPPLIES

Axes.	Hose.
Boiler compounds.	Oil.
Chemicals.	Rubber packing.
Coal.	Shovels.
Coal picks.	Siphons.
Engine igniter batteries.	Slice bars.
Gasoline.	Stove fixtures.
Gasoline drums.	Stoves.
Hand tools.	Waste.
	Wrenches.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.386 *Lubricants for yard locomotives.* This account shall include the cost of valve, engine, car, and other lubricating oils, grease, compounds, and waste used for lubrication of locomotives in switching service in yards where regular switching service is maintained and in terminal switching and transfer service.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.387 *Other supplies for yard locomotives.* This account shall include the cost of supplies, other than fuel, water, and lubricants, used on locomotives in switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including the cost of repairs and renewals of furniture, tools, and other movable articles required for use on locomotives in yard service.

The cost of sand charged to this account shall include the cost of material and supplies used in preparing and drying the sand for use, such as the cost of fuel, wheelbarrows, shovels, and sand screens.

ITEMS OF TOOLS AND SUPPLIES

Ash hoes.	Matches.
Ash-pan rods.	Oil cans.
Axes.	Oil for headlights.
Bars, buggy.	Oil for lanterns.
Bell cords.	Oil for signal lamps.
Boxes, portable.	Oil for torches.
Brooms.	Oilers.
Brushes.	Packing hooks.
Buckets.	Packing spoons.
Carbide for acetylene gas.	Picks, coal.
Carbons for electric lights.	Pinch bars.
Chimneys for headlights.	Plugging bars.
Chimneys for signal lamps.	Pokers.
Chisels.	Sand.
Clinker hooks.	Saws.
Crowbars.	Scoops.
Files.	Shovels.
First-aid boxes.	Signal lamps.
Flags.	Sledges.
Globes for lanterns.	Slice bars.
Grate shakers.	Soap.
Hammers.	Switch chains.
Handsaws.	Switch poles.
Hatchets.	Switch ropes.
Hose (not air-brake, air-signal, or steam).	Tool boxes, portable.
Hose, thaw-out.	Torches.
Hose reels.	Torpedoes.
Ice.	Waste.
Jacks.	Water buckets.
Jackscrews.	Water coolers.
Lanterns and parts.	Wicks for headlights.
Locks for portable boxes.	Wicks for lanterns.
	Wicks for signal lamps.
	Wicks for torches.
	Wrecking frogs.
	Wrenches.

NOTE A: Where the quantity of sand used on locomotives engaged in yard service is relatively small as compared with the quantity used by locomotives engaged in train service, the entire cost of such material shall be included in account 399, "Other supplies for train locomotives." Where the quantity used in yard service is relatively large, the entire cost shall be included in this account.

NOTE B: The cost of other supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.388 *Enginehouse expenses; yard.* This account shall include the expense of caring for and preparing locomotives for switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including a proportion of such expenses as are common to train, yard switching, and work service.

(a) *Enginehouse men.* The pay of enginehouse employees engaged in wiping, cleaning, watching, and dispatching locomotives; keeping and preparing fires, dumping ashes, washing boilers, cleaning fire boxes, packing driving boxes and truck boxes; cleaning smokestacks, air-brake equipment, and front ends of locomotives; checking locomotive tool equipment, cleaning ash and cinder pits; operating turntables, drying sand, inspecting smokestacks and ash pans; calling enginemen, and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks.

(b) *Miscellaneous expenses.* The cost of tools, supplies, and sundry expenses on account of caring for and preparing locomotives at enginehouses.

ITEMS OF MISCELLANEOUS EXPENSES

Boiled oil.
Compounds for cleaning and polishing.
Enginehouse cupboards.
Gas, oil, and electricity for lighting.
Heating enginehouses, including offices.
Lampblack.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil for enginehouse, ash pit, transfer table, and turntable machinery.
Lye.
Packing tools.
Paint for front ends of locomotives.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Shovels.
Signal lights on transfer tables and turntables.
Waste.
Water for cinder pits.
Water for washing boilers.
Water hose.
Wheelbarrows.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate accounts for locomotive repairs.

§ 10.389 *Yard supplies and expenses.* This account shall include the cost of supplies (except locomotive supplies) used in yard service, yard signal and interlocker supplies, and miscellaneous yard expenses for yards where regular switching service is maintained; also office and other expenses of employees whose pay is chargeable to accounts 377, 378, and 379.

ITEMS OF YARD SUPPLIES

Electric-light carbons.	Lamp wicks.
Electric-light globes	Lantern globes.
Flags.	Lantern wicks.
Fuel for heating.	Lanterns.
Fuel for power.	Lubricants for machinery and switches.
Illuminating oil.	Semaphore lamps.
Lamp burners.	Signal lamps.
Lamp chimneys.	Stoves.
Switch chains.	Waste.
Switch lamps.	Wrecking frogs.
Switch ropes.	Wrecking wedges.

ITEMS OF YARD EXPENSE

Electricity purchased for lighting yards and yard buildings.
Furniture repairs and renewals.
Gas purchased for lighting yards and yard buildings.
Power produced for operating switches and signals.
Power purchased for operating switches and signals.
Rent of telephones.
Rent of yard buildings (not jointly used).

§ 10.390 *Operating joint yards and terminals—Dr.* This account shall include the carrier's proportion of the costs incurred by others in their operation of joint yards and terminals, including signals, interlockers, and other facilities at such joint yards and terminals.

NOTE A: The purpose of this account is to show the amounts accruing against the carrier for its proportion of the cost of operating yards and terminals operated by others, and in the joint use of which the carrier participates. (See § 10.04–9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.391 *Operating joint yards and terminals—Cr.* This account shall include amounts chargeable to others as their proportions of the costs incurred by the carrier in the operation of joint yards and terminals, including signals, interlockers, and other facilities at such joint yards and terminals.

NOTE A: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of operating yards and terminals operated by the carrier and in the joint use of which others participate. (See § 10.04–9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.392 *Train enginemen.* This account shall include the pay of enginemen while engaged in transportation train service or while deadheading in connection therewith and pay of such enginemen engaged in piloting trains over home lines; also the pay of employees while regularly engaged in shoveling coal forward on locomotive tenders. For purposes of this account enginemen shall be understood to include the operators and their assistants, regardless of the type of self-propelled motive power being operated.

NOTE: The pay of enginemen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of enginemen on train locomotives while engaged in train switching service shall be included in this account. The pay of enginemen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

§ 10.394 *Train fuel.* This account shall include the cost, delivered on locomotives or motor cars, of coal, coke, oil, wood, and other fuel for propulsion of trains in transportation-train service, including a suitable proportion of the pay of fuel agents, fuel inspectors, fuel weighers, and clerks engaged in accounting for fuel at fuel stations; pay of foremen and other fuel station employees; also a suitable proportion of the cost of tools, such as wheelbarrows, shovels, scoops, and picks, used for handling fuel at such stations, and the cost of operating machinery at fuel stations.

NOTE A: The cost of repairs and renewals of coal chutes, buggies, pockets, air hoists, mechanical hoists, and mechanical conveyors at fuel stations shall be charged to account 283, "Fuel stations."

NOTE B: The entire cost of supplies consumed by train locomotives and motor cars in train-switching service shall be included in the accounts provided for train service. The cost of supplies consumed by locomotives and motor cars in work service shall be included in the cost of the work to which the service pertains.

§ 10.395 *Train power produced.* This account shall include the cost of producing and distributing electric power for the propulsion of electric locomotives and cars in transportation train service.

(a) *Employees.* The pay of employees engaged in operating electric-power stations and substations, such as engineers, firemen, electricians, dynamo men, oilers, cleaners, and coal passers.

(b) *Fuel.* The cost of coal, oil, gas, and other fuel, including the cost of labor unloading or stocking fuel.

(c) *Water.* The cost of water used to produce steam or to operate water plants, including pumping, rent of ponds, streams, and pipe lines; also water tests, boiler compounds, and other like supplies and expenses.

(d) *Other supplies and expenses.* The cost of lubricants, such as oil and grease, used in lubricating engines, shafting, dynamos, and pumps; cost of waste, carbon brushes, fuses, lamps, and other supplies; also cost of heating and lighting power plants, and other expenses not elsewhere specified in connection with operation of electric-power plants. (See § 10.04–12 *Power plant operations.*)

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.396 *Train power purchased.* This account shall include the cost of electric power purchased for the propulsion of locomotives and cars in transportation train service.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.397 *Water for train locomotives.* This account shall include the cost of water supplied to locomotives in transportation train service, including rent of ponds, lakes, other sources of water supply, and right of way for pipe lines; cost of water purchased, expenses of supply trains while engaged in hauling water for locomotive supply, and cost of testing water; also cost of labor expended and cost of material and supplies used in the operation of water stations and purifying plants.

The cost of operating boilers, engines, and pumps at water stations, heating and lighting water stations, breaking ice in water tanks, thawing out tank spouts and water cars, keeping fires in tanks and water cars to prevent freezing, shoveling snow into locomotive tanks; also temporary connections between water cars and locomotive tenders, compounds injected into locomotive boilers to decrease scale formation, and other expenses directly incident to the supplying of water to such locomotives, shall be included in this account.

An equitable proportion of the pay and the office, traveling, and other expenses of superintendent of water service, engaged in connection with water supply for locomotives, shall be included in this account.

ITEMS OF WATER STATION SUPPLIES

Axes.	Hose.
Boiler compounds.	Oil.
Chemicals.	Rubber packing.
Coal.	Shovels.
Coal picks.	Siphons.
Engine igniter batteries.	Slice bars.
Gasoline.	Stove fixtures.
Gasoline drums.	Stoves.
Hand tools.	Waste.
	Wrenches.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.398 *Lubricants for train locomotives.* This account shall include the cost of valve, engine, car, and other lubricating oils, grease, compounds, and waste used for lubrication of locomotives in transportation train service.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.399 *Other supplies for train locomotives.* This account shall include the cost of supplies other than fuel, water, and lubricants, including the cost of repairs and renewals of furniture, tools, and other movable articles required for use on locomotives in transportation train service.

The cost of sand charged to this account shall include the cost of material and supplies used in preparing and drying the sand for use, such as the cost of fuel, wheelbarrows, shovels, and sand screens.

ITEMS OF TOOLS AND SUPPLIES

Ash hoes.	Chimneys for headlights.
Ash-pan rods.	Chimneys for signal lamps.
Axes.	Chisels.
Bars, buggy.	Clinker hooks.
Bell cords.	Crowbars.
Boxes, portable.	Files.
Brooms.	First-aid boxes.
Brushes.	Flags.
Buckets.	Globes for lanterns.
Carbide for acetylene gas.	Grate shakers.
Carbons for electric lights.	Hammers.

Handsaws.
Hatchets.
Hose (not air-brake, air-signal, or steam).
Hose, thaw-out.
Hose reels.
Ice.
Jacks.
Jackscrews.
Lanterns and parts.
Locks for portable boxes.
Matches.
Oil cans.
Oil for headlights.
Oil for lanterns.
Oil for signal lamps.
Oil for torches.
Oilers.
Packing, fiber.
Packing, rubber.
Packing hooks.
Packing spoons.
Picks, coal.
Pinch bars.
Plugging bars.
Pokers.
Sand.
Saws.
Scoops.
Shovels.
Signal lamps.
Sledges.
Slice bars.
Soap.
Switch chains.
Switch poles.
Switch ropes.
Tool boxes, portable.
Torches.
Torpedoes.
Waste.
Water buckets.
Water coolers.
Wicks for headlights.
Wicks for lanterns.
Wicks for signal lamps.
Wicks for torches.
Wrecking frogs.
Wrenches.

NOTE A: Where the quantity of sand used on locomotives engaged in train service is relatively small as compared with the quantity used by locomotives engaged in yard service, the entire cost of such material shall be included in account 387, "Other supplies for yard locomotives." Where the quantity used in train service is relatively large, the entire cost shall be included in this account.

NOTE B: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.400 *Enginehouse expenses; train.* This account shall include the expense of caring for and preparing locomotives for transportation train service, including a proportion of such expenses as are common to train, yard switching, and work service.

(a) *Enginehouse men.* The pay of enginehouse employees engaged in wiping, cleaning, watching, and dispatching locomotives; preparing and keeping fires, dumping ashes, washing boilers, cleaning fire boxes, packing driving boxes and truck boxes; cleaning smokestacks, air-brake equipment, and front ends of locomotives; checking locomotive tool equipment, cleaning ash and cinder pits; operating turntables, drying sand, inspecting smokestacks and ash pans; and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks.

(b) *Miscellaneous expenses.* The cost of tools and supplies and sundry expenses on account of caring for and preparing locomotives at enginehouses.

ITEMS OF MISCELLANEOUS EXPENSES

Boiled oil.
Compounds for cleaning and polishing.
Gas, oil, and electricity for lighting.
Heating enginehouses, including offices.
Lampblack.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil.
Lye.
Packing tools.
Paint for front ends of locomotives.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Shovels.
Signal lights on transfer tables and turntables.
Waste.
Water for cinder pits.
Water for washing boilers.
Water hose.
Wheelbarrows.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate accounts for locomotive repairs.

§ 10.401 *Trainmen.* This account shall include the pay of conductors; of train auditors, ticket collectors, and others engaged in lifting or examining authorities for transportation; and of baggagemen, brakemen, flagmen, train porters, train guards, train stenographers, maids, and other train employees while engaged in transportation train service or while deadheading in connection therewith; also the pay of trainmen while engaged in piloting trains over home lines.

NOTE: The pay of trainmen while engaged in work-train service shall be included in the cost of the work to which the service pertains.

§ 10.402 *Train supplies and expenses.* This account shall include miscellaneous expenses of transportation service trains and the cost of all supplies other than locomotive supplies.

(a) *Cleaning cars.* The cost of cleaning and disinfecting passenger and freight cars in transportation train service, including cost of removing from freight-train cars such refuse material as sawdust, hay, and straw.

ITEMS OF SERVICE AND SUPPLIES

Brooms.
Brushes.
Cleaning compounds.
Compressed air.
Disinfectants.
Disinfecting machines.
Fuel for heating water.
Hose and fixtures.
Labor of employees.
Polishing compounds.
Soap.
Sponges.
Water.

(b) *Heating cars.* The cost of heating cars in transportation train service, including cost of operating steam-heating plants for car heating at stations and yards. Credits shall be made to this account for charges for heater service collected from other companies and individuals.

ITEMS OF SERVICE AND SUPPLIES

Connections between steam heating lines and cars.
Fuel.
Labor of employees.
Removal of ashes from car stoves.
Stoves temporarily in freight cars.

(c) *Lighting cars.* The cost of lighting cars in transportation train service, including the cost of filling and cleaning lamps and of operating plants for supplying gas or electricity for lighting purposes.

ITEMS OF SERVICE AND SUPPLIES

Battery renewals.
Candles.
Chimneys.
Electricity.
Gas.
Gas mantles.
Globes.
Hose and connections.
Incandescent lamp bulbs.
Labor of employees.
Lamp carbons.
Oil.
Shades.
Wicks.

NOTE: Repairs of gas lighting and electric lighting plants shall be included in the proper maintenance accounts. Repairs and renewals of electric lighting equipment of cars, except supplies as above provided, shall be included in the appropriate car-repair account.

(d) *Lubricating cars.* The cost of lubricating cars in transportation train service, including cost of inspecting, repacking, and oiling car journal boxes and air-brake equipment.

ITEMS OF SERVICE AND SUPPLIES

Cotton waste.
Grease buckets.
Labor of employees.
Oil cans.
Oil, grease, and other lubricants.
Packing buckets.
Packing hooks.
Packing irons.
Packing, miscellaneous.
Wool waste.

(e) *Icing and watering cars.* The cost of icing and watering cars in transportation train service, including icing cars for refrigeration purposes. Credits shall be made to this account for refrigeration charges collected from other companies and individuals.

ITEMS OF SERVICE AND SUPPLIES

Buckets.
Hose and fixtures.
Ice.
Ice tools.
Labor of employees.
Ladders.
Salt.
Water.

(f) *Detouring trains.* The compensation for temporary use of tracks of other carriers, including the cost of pilot service, on account of wrecks, washouts, landslides, snow blockades, and other defects of the tracks, bridges, or tunnels on the carrier's line.

(g) *Train supplies.* The cost of supplies furnished for use on cars in transportation train service.

ITEMS OF TRAIN SUPPLIES

Axes.
Badges.
Beds.
Bell cords.
Boxes for trainmen.
Brooms.
Brushes.
Chains.
Chairs for cabooses (not permanently attached).
Cold chisels.
Combs.
Conductors' punches.
Cuspidors.
Drinking cups and glasses.
Fire buckets.
Flags.
Fuses.
Hammers.
Hatchets.
Jacks.
Lamp boards.
Lamp sticks.
Lantern globes.
Lantern parts.
Lanterns.
Matches.
Medical boxes.
Oil for lanterns.
Order hoops.
Padlocks.
Pails.
Punches.
Sawdust.
Saws.
Scoops.
Shovels.
Signal boxes.
Signal lamps (rear).
Sledges.
Soap.
Switch chains.
Switch ropes.
Toilet paper.
Torpedoes.
Towels.
Train tool boxes.
Uniform trimmings.
Uniforms.
Ventilator sticks.
Waste.
Water buckets.
Wrecking frogs.
Wrenches.

(h) *Other expenses.* The cost of miscellaneous supplies required to equip trains for transportation service and miscellaneous expenses incident to operation of such trains.

ITEMS OF EXPENSE ON ACCOUNT OF EMPLOYEES

Apparatus for testing the sight and hearing of enginemen and trainmen.
Employees' reading and bunk room expense, including pay of attendants and supplies furnished.
Laundry work.
Physicians' fees for examination of train employees.
Wages paid to superintendents and secretaries of reading rooms.

ITEMS OF EXPENSE ON ACCOUNT OF TRANSPORTATION

Bedding for stock cars.
Boarding and slatting box and stock cars for carrying coal, coke, and other freight.
Boards for flooring fruit cars.
Chains for securing loads.
Cleaning, trimming, and filling trainmen's lanterns and rear signal lamps.
Coupling and uncoupling cars at terminals.
Disinfecting cars.
Dunnage used in loading cars or fitting cars for freight shipments.
Feed for live stock in snow-bound or otherwise delayed trains.
Flowers and plants for cars.
Laundry for revenue service cars other than for dining and buffet service and sleeping car service.
Occasional turning of engines on Y of other carriers.
Oil and other supplies for locomotives hauled as freight.
Periodicals for use of passengers on trains.
Planking cars for billet shipments and other material.
Provisions, supplies, or board for passengers in delayed trains.
Removing advertisements from cars.
Rent of fare registers in cars.
Safety chains for use between twin and triple cars.
Supplies for parlor and chair cars.
Supplies furnished cars for the purpose of protection against accidents and fires.
Temporary grain doors.
Temporary lining of cars for freight shipments and stoves and heaters to prevent freezing.
Temporary openings in cars for freight shipments.
Temporary racking of cars for handling sugarcane, corn, bark, or cordwood.
Transferring passengers, express matter, baggage, mail, and freight on account of defective tracks, bridges, or tunnels.

NOTE: The expenses of operating sleeping, dining, and buffet car features of train service shall be included in account 403, "Operating sleeping cars," or in account 441, "Dining and buffet service," as may be appropriate.

§ 10.403 *Operating sleeping cars.* (a) This account shall include the cost of operating sleeping car service on trains.

(1) *Superintendence.* The pay of officers directly in charge of operating sleeping car service; the pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers and employees.

(2) *Station employees.* The pay and expenses of local agents, ticket agents, cashiers, clerks, and attendants; also the office and other expenses of such employees.

(3) *Station expenses.* The expenses of fuel, water, steam, and supplies used in heating station offices; gas, oil, electric current, and other supplies for lighting; repairs and renewals of station furniture, and all other station expenses connected with sleeping car service when separable from the station expenses chargeable to account 376, "Station supplies and expenses."

(4) *Conductors.* The pay of conductors employed on sleeping cars.

(5) *Porters and maids.* The pay of porters and maids employed on sleeping cars.

(6) *Car supplies.* The cost of miscellaneous supplies used on sleeping cars, such as combs, brushes, brooms, and toilet paper; also uniforms, caps, and service stripes for employees.

(7) *Laundry.* Expenses for laundry work, such as laundering sheets, pillowcases, towels, blankets, etc.

(8) *Other expenses.* The cost of flowers and plants, heating cars, cleaning the interior of cars, and of supplies used in interior cleaning, rent and cost of supplies for rooms furnished for sleeping car service employees, and such other expenses in connection with the operation of sleeping cars as are not provided for elsewhere.

(b) This account shall be charged with the deficits assumed by the carrier under a uniform service contract with The Pullman Company, and shall be credited with the carrier's proportion of profits realized under that contract. It is intended that such charges and credits to this account shall include the entire settlement made by the lessee, except allowances for interest rental and depreciation, and that the results of incidental operation of cars other than sleeping cars will not be excluded from the settlements to be recorded herein.

NOTE: When officers have immediate supervision over sleeping car service and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.404 *Signal and interlocker operation.* This account shall include the cost of operating signals and interlockers other than those solely or principally used for governing all movements of locomotives and trains between main and yard tracks, movements of locomotives between yard tracks and enginehouses, and yard switching movements.

(a) *Labor.* The wages of employees engaged in operating signals and interlockers or power producing plants in connection therewith, such as switch tenders, signalmen other than telegraph operators, lever men, switch and signal oilers, battery men, lamp men, lamp cleaners, and lamplighters; gatemen at crossings of other railroads, engineers and others operating plants furnishing compressed air for signals and interlockers; engineers, electricians, and others operating plants furnishing electric power for signals and interlockers.

(b) *Supplies.* The cost of supplies used in operating signals and interlockers or in signal offices, such as gasoline, vitriol, battery zincs, battery coppers, lubricating oils, fuel for heating, fuel for power purposes, produced and purchased power used in operating switches and signals, furniture repairs and renewals, water, and light.

NOTE: The cost of operating signals and interlockers solely or principally used for governing the movement of yard locomotives and trains shall be included in the appropriate yard expense accounts.

§ 10.405 *Crossing protection.* This account shall include the pay of street and highway crossing gatekeepers and flagmen, the cost of supplies used by them, the cost of lights at street and highway crossings not a part of the lighting outfit at stations or in yards, and the cost of compressed air for operating gates.

§ 10.406 *Drawbridge operation.* This account shall include the cost of operating drawbridges.

(a) *Labor.* The wages of employees engaged in operating drawbridges, such as bridge engineers, tenders, and watchmen.

(b) *Supplies.* The cost of produced and purchased power and of supplies, such as fuel, oil, lantern, water, waste, boats, stoves, chairs, brooms, and pails used in drawbridge operation.

§ 10.407 *Communication system operation.* This account shall include the cost of operating communication systems not provided for elsewhere.

TELEGRAPH

Superintendence. The pay of superintendents, censors, their clerks, and attendants.

Operators and messengers. The pay of operators, block inspectors, and messengers in telegraph and relay offices other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of telegraph conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telegraph purposes; also excess payments to telegraph companies when in connection with telegraph service and not provided for elsewhere.

NOTE A: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 247, "Communication systems."

TELEPHONE

Superintendence. The pay of superintendents, their clerks, and attendants.

Operators and messengers. The pay of operators and mesengers in telephone offices other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of telephone conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telephone purposes; also excess payments to telephone companies when in connection with telephone service and not provided for elsewhere.

NOTE B: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 247, "Communication systems."

RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION

Superintendence. The pay of superintendents or others who supervise operation, and their clerks or attendants.

Operators. The pay of operators other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of space or facilities occupied by radio, radar, or inductive train equipment; cost of battery and tube renewals; cost of electric current purchased and all

other costs incurred for operation and not provided for elsewhere.

NOTE C: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise, or are engaged both in maintenance and operation shall be apportioned equally between this account and account 247, "Communication systems."

§ 10.408 *Operating floating equipment.* This account shall include the cost of operating floating equipment in water transfer (ferriage, lighterage, and floatage).

(a) *Superintendence.* The pay of vice presidents and other officers directly in charge of or engaged in the operation of boats; the pay of their assistants, clerks, and attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Wages of crews.* The pay of captains, pilots, chief officers, mates, sailors, wireless telegraph operators, and other employees of the deck department; engineers, assistant engineers, electricians, oilers, firemen, coal passers, and all other employees of the engineer's department; and pursers, porters, and all other employees in the steward's department, except when engaged in dining and buffet service.

(c) *Fuel.* The cost, on board boats (including the cost of trimming) of coal, oil, wood, and other fuel used for generating power, heat, or light.

(d) *Lubrication.* The cost of oil, grease, tallow, graphite, and other material furnished for lubricating purposes.

(e) *Other supplies and departmental expenses.* The cost of supplies furnished to deck department; the incidental expenses of deck department employees; supplies other than fuel and lubricants, furnished the engineer's department; water furnished to boats; incidental expenses of engineer's department employees; supplies (other than dining and buffet supplies) furnished to the steward's department; laundry for boats; and incidental expenses of steward's department employees.

ITEMS OF SUPPLIES

Axes.
Brooms.
Brushes.
Commissarial supplies.
Flags.
Gas.
Globes.
Grease.
Handspikes.
Hatchets.
Hose.
Ice.
Lamps.
Laundry.
Lines.
Mops.
Oil.
Pails.
Planks.
Provisions.
Ropes.
Shovels.
Soap.
Tallow.
Tools, miscellaneous.
Trucks.
Waste.
Water.
Water coolers.
Wicks.
Wrenches.

(f) *Other expenses.* Expenses incident to the operation of floating equipment not otherwise provided for in this account.

ITEMS OF EXPENSE

Customhouse fees.
License fees.
Pumping out boats laid up.
Raising sunken boats.
Transferring passengers in case of accidents.
Wharfage.

(g) *Elevation and longshore labor.* The cost of shore labor in connection with loading and unloading lighterage freight at wharves and piers, such as labor of bridgemen at transfer bridges and of watchmen, longshoremen, stevedores, and other wharf men.

(h) *Elevation and shore expenses.* Shore expenses in connection with loading and unloading lighterage freight, such as the cost of steam and electricity for power, heating, and lighting; power and supplies used for transfer or float bridges; supplies used in connection with operating wharves and piers and not chargeable to account 376, "Station supplies and expenses."

ITEMS OF SUPPLIES

Brooms.
Carbons.
Chalk.
Coal hods.
Coal shovels.
Cold chisels.
Crowbars.
Gas.
Hammers.
Hatchets.
Ice.
Ice tongs.
Incandescent lights.
Lamps, reflector.
Lanterns.
Marline.
Matches.
Oil.
Oil cans.
Pails.
Pinch bars.
Ropes.
Salt.
Scoops.
Shovels.
Soap.
Tacks.
Tallow.
Torches.
Towels.
Twine.
Waste.
Water.
Water coolers.
Wheelbarrows.

NOTE A: When the compensation for the use of floating equipment used in water transfer service includes rent, maintenance, and operation, the portion covering rent shall be charged to income account 539, "Rent for floating equipment," the portion covering maintenance shall be charged to the appropriate account for maintenance of equipment, and the portion covering operation shall be included in this account.

NOTE B: This account shall not include the pay of station employees or labor engaged in handling freight at stations, wharves, and piers provided for under account 373, "Station employees," or the pay of employees or labor provided for under account 375, "Coal and ore wharves."

§ 10.410 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with rail line transportation, including operation of floating equipment.

STATIONERY AND PRINTING ITEMS

Adding machines.
Addressographs and supplies.
Arm rests.
Baggage checks, printed.
Baggage scrip.
Baggage storage checks.
Bills of lading.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Conductors' hat checks.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cross-section books.
Cross-section paper.
Cyclostyles.
Dating stamps and ribbons.
Delivery tickets.
Dictaphones.
Dictographs.
Drawing paper.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Forms, blank and printed.
Fuel tickets.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mileage books.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Parchment paper.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches, (not conductors' or baggagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping orders.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Ticket stamps.
Tickets.
Time-tables (employees).
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Waybills.
Wrapping paper.
Wringers for copying presses.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in appropriate superintendence accounts, and city directories and books of reference used by station agents shall be charged to account 376, "Station supplies and expenses."

§ 10.411 *Other expenses.* This account shall include all expenses in connection with rail line transportation not properly chargeable to other transportation accounts.

ITEMS OF EXPENSE

Amounts paid for switching empty cars otherwise than in connection with loaded movements or with the repairs to the equipment.
Amounts paid on account of bills of lading issued on fraudulent receipts.
Amounts paid to suspended transportation department employees covering periods of suspension.
Compensation for property loss incident to failure to stop at station to pick up passengers.
Demurrage accruing on a foreign line by reason of error of carrier's agent.
Extra drayage due to agent's error in routing interline shipment.
Fees paid arbitrators in wage disputes of transportation department employees.
Loss of station funds by burglary, when not covered by insurance.
Loss of train collections in holdup.
Overcharges paid foreign lines on account of error of the carrier's agent in routing and billing.
Pay and expenses of transportation department employees attending conferences with officers in connection with wage disputes.
Payments for switching on account of cars not passing inspection at junction points.
Penalties imposed under reciprocal demurrage laws for failure to furnish cars.
"Penalty switching" payments on account of improper delivery of cars to other carriers.

§ 10.412 *Operating joint tracks and facilities—Dr.* This account shall include the carrier's proportion of the transportation expenses incurred by others in the operation of joint tracks, interlockers, and other facilities which are not provided for in account 390, "Operating joint yards and terminals—Dr."

NOTE A: The purpose of this account is to show the amount accruing against the carrier for its proportion of the cost of operating tracks and facilities (other than at joint yards and terminals) operated by others and in the joint use of which the carrier participates. (See § 10.04–9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.413 *Operating joint tracks and facilities—Cr.* This account shall include amounts chargeable to others as their proportions of transportation expenses incurred by the carrier in the operation of joint tracks, interlockers, and other facilities which are not provided for in account 391, "Operating joint yards and terminals—Cr."

NOTE A: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of operating tracks and facilities (other than at joint yards and terminals) operated by the carrier and in the joint use of which others participate. (See § 10.04–9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.414 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to rail line transportation; also premiums on fidelity bonds of employees whose pay is chargeable to rail line transportation. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to property reinsured by them.

§ 10.415 *Clearing wrecks.* This account shall include the cost of clearing wrecks other than wrecks of work trains.

(a) *Labor.* The wages of employees while engaged in connection with wrecking service, loading, and transferring contents of wrecked cars, building temporary tracks around wrecks, and removing such tracks.

(b) *Train service.* The cost of train service in connection with replacing wrecked equipment upon the tracks and transporting such equipment to shops for repairs, including amounts paid to other companies for service of locomotives, derricks, and other equipment and for wages of crews in wrecking service.

(c) *Other supplies and expenses.* Payments for reloading or transferring freight, express, baggage, and mail; transferring passengers and cost of provisions or board for men clearing up or watching at wrecks.

NOTE A: Expenses of clearing wrecks of work trains shall be included in the cost of the work in connection with which the wrecked train was engaged.

NOTE B: The cost of restoring roadbed and tracks to original condition after wrecks and the cost of repairing equipment damaged or destroyed by wrecks shall be charged to the appropriate accounts for maintenance of way and structures and maintenance of equipment.

NOTE C: That proportion of payments to other companies for use of locomotives, derricks, and other equipment in wrecking service which represents rent shall be included in the income accounts.

§ 10.416 *Damage to property.* This account shall include payments and expenses on account of damages to the property of others, whether by fire, collision, flood, or other cause, with the exception of payments and expenses on account of damage to property intrusted to the carrier for transportation, and for damage to stock on right of way. It shall include also fines or compensation paid for interference with the business of others, as by detention of vessels at drawbridges, or by blocking streets.

This account shall include also the pay, office rent, and office, traveling, and other expenses of employees and others engaged as claim adjusters or as witnesses in lawsuits in connection with damage to property cases, or engaged in detection of thieves; notarial fees paid in connection with such cases; and payments for or repairs of damage to equipment of other carriers, or to property contained therein, such carriers having trackage rights upon or grade crossings over the carrier's tracks.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Damage to livestock on right of way, and damage to freight and baggage intrusted for transportation, are provided for under accounts 417, "Damage to livestock on right of way"; 418, "Loss and damage—Freight"; and 419, "Loss and damage—Baggage."

NOTE B: Expenses incident to suits growing out of damage to property claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE C: The pay, office rent, and the traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

§ 10.417 *Damage to livestock on right of way.* This account shall include payments on account of cattle and other livestock killed or injured while crossing or trespassing on the right of way, including cost of removing and burying the same.

There shall be included in this account also the pay and the traveling, office, and other expenses of employees and others engaged as livestock claim adjusters or engaged as witnesses in law-suits in connection with damage to livestock on right of way; also notarial fees in connection with claims for damage to livestock on right of way.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of livestock claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

§ 10.418 *Loss and damage; freight.* This account shall include payments and expenses on account of loss, destruction, damage, or delays to revenue freight shipments, including locomotives and cars transported as freight, express matter, milk shipments, and livestock, and expenses incurred on account of such payments; also expenses on account of loss, destruction, or damage to shipments of company material.

This account shall also include the cost of repacking and boxing damaged freight shipments; notarial fees in connection with freight claims; freight charges paid other carriers on lost, destroyed, or damaged shipments; pay, traveling, office, and other expenses of employees or others engaged as freight-claim adjusters, as witnesses in lawsuits in connection with freight-claim cases, in selling damaged and unclaimed shipments, or in detecting thieves; rent of warehouses used for storage of damaged and astray freight shipments, payments for storage of such shipments in public warehouses, and interest and penalties assessed for nonpayment of freight claims.

Amounts received from the sale of astray and damaged freight shall be credited to this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of loss and damage (freight) claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

§ 10.419 *Loss and damage; baggage.* This account shall include payments for loss, destruction, damage, or delays to baggage and other personal property

carried as baggage, and damage to personal apparel; also expenses on account of such loss or damage.

This account shall also include the cost of repacking and boxing damaged baggage; notarial fees in connection with baggage claims; baggage claim payments made to other carriers on lost, destroyed, damaged, or delayed shipments; pay, traveling, office, and other expenses of employees or others engaged as baggage claim adjusters, as witnesses in lawsuits in connection with baggage claim cases, in selling damaged and unclaimed baggage, or in detecting thieves; rent of warehouses used exclusively for storage of damaged and unclaimed baggage, payments for storage of such shipments in public warehouses, and interest and penalties assessed for nonpayment of claims.

Amounts received from the sale of astray and damaged baggage shall be credited to this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of loss and damage (baggage) claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

NOTE C: When a payment on account of injuries to passengers includes allowance for damage to personal apparel the damage allowance shall be included in this account when separable; otherwise in the appropriate personal injury account.

§ 10.420 *Injuries to persons.* This account shall include expenses on account of injuries to persons which occur directly in connection with transportation service, including damages for ejectment of passengers.

Services of employees and others called in consultation in relation to claim adjustments; pay and expenses of employees while engaged as witnesses at inquests and lawsuits, and a suitable proportion of donations made to hospitals, shall be included in this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: Amounts donated by a carrier to hospitals shall be distributed, 25 percent to account 274, "Injuries to persons"; 25 percent to account 332, "Injuries to persons"; and 50 percent to account 420, "Injuries to persons."

NOTE C: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

NOTE D: When a payment on account of injuries to persons includes allowances for damages to personal apparel, the damage allowance shall be included in account 419, "Loss and damage—Baggage," when separable; otherwise the entire payment shall be included in this account.

Miscellaneous Operations

§ 10.440 *Miscellaneous operations.* The primary accounts included in this general account are designed to show the expenses incurred in miscellaneous operations.

§ 10.441 *Dining and buffet service.* This account shall include the cost of operating dining and buffet service on trains and transfer boats. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of operating dining and buffet service; the pay of their assistants, clerks, and office attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Commissarial employees.* The pay of storekeepers, assistant storekeepers, clerks, porters, and other employees in commissiarial supply depots and storehouses.

(c) *Stewards.* The pay of stewards or conductors employed on dining and buffet cars and transfer boats.

(d) *Cooks and waiters.* The pay of cooks, waiters, and assistants on dining and buffet cars and transfer boats.

(e) *Fuel and supplies.* The cost of fuel for cooking purposes; of provisions, such as meats, groceries, vegetables, fish, table waters, ice, etc.; bar supplies, such as wines, liquors, beers, ales, etc.; cost of licenses; and cost of cigars, cigarettes, and tobacco.

(f) *Laundry.* Expenses for laundry work, such as laundering tablecloths, napkins, aprons, etc.

(g) *Stationery and printing.* The cost of stationary and printing used in connection with dining and buffet service.

(h) *Other expenses.* The cost of flowers and plants; cleaning the interior of cars; rent and cost of supplies for rooms furnished for dining and buffet service employees; and such other expenses in connection with the operation of dining and buffet service as are not provided for elsewhere.

NOTE: When officers have immediate supervision over dining and buffet service and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.442 *Hotels and restaurants.* This account shall include the cost of operating hotels, restaurants, and lunch counters when the cost of the operated property is includible in the road and equipment accounts. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of operating hotels, restaurants, and lunch counters; pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers.

(b) *Employees.* The pay of stewards, hotel keepers, storekeepers, checkers, linen clerks, butchers, chefs, cooks, kitchen help, maids, porters, elevator men, call boys, hat and cloak attendants, waiters, waitresses, laundresses, engineers, firemen, and other employees engaged in operating hotels, restaurants, and lunch counters.

(c) *Fuel and supplies.* The cost of fuel for cooking and heating purposes; provisions, such as meats, groceries, vegetables, fish, table waters, ice, etc.; bar supplies, such as wines, liquors, beers, ales, etc.; the cost of liquor licenses; the cost of tobacco, cigars, cigarettes, etc.; and miscellaneous supplies for operating the service.

(d) *Stationery and printing.* The cost of stationery and printing used in connection with the operation of hotels and restaurants.

(e) *Other expenses.* The cost of lighting, and other items of expense not otherwise provided for in this account.

NOTE: When officers have immediate supervision over hotels, restaurants, and lunch counters and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.443 *Grain elevators.* This account shall include the cost of operating grain elevators other than small elevators which are classed as station facilities. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of grain-elevator service; the pay of their assistants, clerks, and office attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Employees.* The pay of engineers, firemen, foremen, machine men, oilers, millwrights, carpenters, trimmers, weighers, spout men, sweepers, laborers, watchmen, and all other employees engaged in operating grain elevators.

(c) *Fuel and supplies.* The cost of fuel for power, heating, and lighting plants; power for heating, lighting, and operating machinery; and water, ice, oil, waste, and other supplies for operating such property.

(d) *Stationery and printing.* The cost of stationery and printing used in connection with the operation of grain elevators.

(e) *Other expenses.* The cost of grain used to make up shortage in elevators; rent for and repairs of rented offices; and other operating expenses not otherwise provided for in this account.

NOTE. When officers have immediate supervision over grain elevators and other operations their pay, office, and other expenses, also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.445 *Producing power sold.* This account shall include the cost of operating power plants, substations, transmission systems and distribution systems, for the production of power sold.

The proportion of the cost assignable to the production of the power sold only shall be included in this account.

This account shall include:

(a) *Superintendence.* The pay of officers directly in charge of power plants, substations, transmission systems and distribution systems; pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers and employees.

(b) *Employees.* The pay of foremen, subforemen, engineers, firemen, electricians, system operators or load dispatchers, dynamo tenders, foremen regulators, regulators and assistants, switchboard men, brush men, oilers, wipers, wiremen, and others engaged in the operation of power plant and substation apparatus and devices.

(c) *Fuel.* The cost of fuel used in the production of power and for heating power plants.

(d) *Other supplies.* The cost of water, lubricants, and other power plant and substation supplies.

(e) *Stationery and printing.* The cost of stationery and printing used in connection with producing power sold.

(f) *Other expenses.* The items of expense not otherwise provided for in this account.

NOTE: When officers have immediate supervision over producing power sold and other operations, their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.446 *Other miscellaneous operations.* This account shall include the operations of facilities such as cold-storage plants; coal-storage plants; cotton-compress plants; wood-preserving plants; ice-supply plants, etc., when the cost of the facilities is includible in the road and equipment accounts and they are operated by the railway companies.

NOTE: When officers have immediate supervision over other miscellaneous service and other operations, their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.447 *Operating joint miscellaneous facilities—Dr.* This account shall include the carrier's proportion of such costs as are incurred by others in their operation of joint facilities which are chargeable by them to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

§ 10.448 *Operating joint miscellaneous facilities—Cr.* This account shall include amounts chargeable to others as their proportions of such costs as are incurred by the carrier in its operation of joint facilities which are chargeable by it to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

General

§ 10.450 *General.* The primary accounts included in this general account are designed to show the expenses incurred of a general character not chargeable to the preceding general accounts, such as those for general administration and accounting, and those of the financial, law, real estate, tax, and claim departments.

NOTE: Directly assignable organization and administration expenses incident to investments in leased or nonoperating physical property, and in stocks, bonds, and other securities, are chargeable to income account 549, "Maintenance of investment organization."

§ 10.451 *Salaries and expenses of general officers.* This account shall include:

(a) *Salaries.* The pay of all general officers not otherwise provided for, including salaries and fees of receivers and commissions paid to general officers in lieu of salaries.

LIST OF OFFICERS

Chairman of the board.
President.
Assistant to president.
Vice president.
Assistant to vice president.
Secretary.
Assistant secretary.
Transfer agent.
Treasurer.
Assistant treasurer.
Local treasurer.
Comptroller.
Assistant comptroller.
General auditor.
Auditor.
Assistant auditor.
Auditor of revenues.
Auditor of passenger accounts.
Assistant auditor of passenger accounts.
Auditor of freight accounts.
Assistant auditor of freight accounts.
Auditor of station accounts.
Auditor of disbursements.
Assistant auditor of disbursements.
Auditor of miscellaneous accounts.
Assistant auditor of miscellaneous accounts.
Auditor of coal and coke accounts.
Freight claim agent.
Assistant freight claim agent.
General accountant.
Real-estate agent.
Assistant real-estate agent.
Tax commissioner.

(b) *Expenses.* The traveling and other expenses of officers whose pay is included in this account, including supplies for business cars used by them, cost of running official trains for them, and cost of membership fees and dues in railway and other associations.

NOTE A: When officers' duties are restricted to a single department, their salaries and expenses shall be charged to that department in the accounts for superintendence or for law expenses, as may be appropriate. When officers have immediate supervision over more than one department, their salaries and expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The pay and expenses of the purchasing agent, assistant purchasing agent, assistant to purchasing agent, general storekeeper, division storekeeper, their clerks and attendants, shall be charged through clearing accounts "Material store expenses" and "Stationery store expenses," or material account "Fuel," as may be appropriate.

§ 10.452 *Salaries and expenses of clerks and attendants.* This account shall include the pay and expenses of clerks and attendants of the officers whose salaries are includible in account 451, "Salaries and expenses of general officers."

(a) *Pay of clerks.* The pay of persons employed in accounting and clerical service.

LIST OF EMPLOYEES

Cashiers.
Chief accountants.
Chief clerks.
Clerks.
Inspectors.
Mail clerks.
Paymasters.
Postmasters.
Route agents.
Special agents.
Stenographers.
Ticket receivers.
Traveling accountants.
Traveling auditors.

(b) *Pay of attendants.* The pay of persons employed in attendance at general offices and on business cars.

LIST OF EMPLOYEES

Bank messengers.
Chauffeurs.
Cleaners.
Cooks.
Drivers of service wagons.
Elevator operators.
Engineers.
Firemen.
Janitors.
Messengers.
Porters.
Pump men.
Stablemen.
Superintendent of general office building.
Telegraph operators
Telephone operators
Ushers.
Waiters.
Watchmen.

(c) *Expenses.* The traveling and other expenses of employees designated above, including the cost of supplies for business cars and cost of running official trains for them.

§ 10.453 *General office supplies and expenses.* This account shall include the office expenses of officers designated in account 451, "Salaries and expenses of general officers."

ITEMS OF EXPENSE AND SUPPLIES

Alterations of partitions and fixtures in general offices.
Atlases and maps.
Books for office use.
Cable tolls.
Cleaning.
Express charges.
Furniture repairs and renewals.
Heating.
Lighting.
Local messenger service.
Periodicals and newspapers.
Rent of general offices.
Rent of tabulating machines.
Repairs of rented general offices.
Reports of commercial standings.
Service of automobiles.

Telegraph service.
Telephone service.
Watchmen service.

NOTE: The proportion of general office expenses occasioned by the law department shall be included in account 454, "Law expenses."

§ 10.454 *Law expenses.* This account shall include the pay and the office and other expenses, when not provided for elsewhere, of officers and employees of the law department, the cost of suits, and the payments of special law fees.

LIST OF OFFICERS AND EMPLOYEES

General counsel.	Statutory attorney.
General solicitor.	Attorney.
Assistant counsel.	Counsel.
Solicitor.	Law agent.
Commerce counsel.	Clerks.
Commerce agent.	Office attendants.
Special counsel.	

ITEMS OF EXPENSE AND SUPPLIES

Arbitrators' services in settlement of disputed questions.
Cost of taking depositions.
Cost of testimony.
Cost of suits.
Court bonds.
Court expenses.
Drawing and recording agreements as to trackage rights, etc.
Express charges.
Fees and retainers of attorneys (not regular employees).
Law books.
Legal forms.
Legal reports.
Membership fees and dues in associations to protect carriers against litigation in respect to patents.
Membership fees and dues in law associations.
Notarial fees not provided for elsewhere.
Office expenses.
Printing of briefs, testimony, and reports.
Proportion of general office expenses.
Rent of offices.
Special fees.
Telegraph service.
Telephone service.
Traveling expenses.
Witness fees not provided for elsewhere.

§ 10.455 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss, through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to general account 450, "General"; also premiums on fidelity bonds of officers and employees whose pay is chargeable to general account 450, "General." (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

§ 10.456 *Relief department expenses.* This account shall include salaries and expenses incurred in connection with conducting relief departments; also contributions to such departments.

§ 10.457 *Pensions and gratuities.* (a) Except as hereafter provided, this account shall include pensions paid currently to retired employees and the expenses incurred solely in connection therewith. It shall also include gratuities paid to the families or heirs of employees; amounts paid currently to insurance companies or to trustees to provide annuities for retired employees (see note); and premiums paid on insurance policies for employees where the carrier is not a beneficiary.

NOTE: The initial payments to insurance companies or to trustees for prior services of employees shall be charged to account 621, "Miscellaneous debits."

(b) A carrier may account for pensions on an accrual basis provided it has established a retirement plan whereby it definitely agrees to pay pensions to its retired employees. If the carrier elects to adopt the accrual plan, this account shall be charged and account 771, "Pension and welfare reserves," credited each month with amounts representing benefits currently accruing under the plan and borne by the carrier. Contributions by employees shall be credited direct to account 771, and pension payments shall be charged to the same account. Before adopting the accrual plan for pensions, the carrier shall inform the Commission of the details of its pension plan. No charges shall be made to this account in anticipation of discretionary pension payments in the future.

§ 10.458 *Stationery and printing.* This account shall include the cost of stationery and printing used in general offices and not chargeable to other accounts, including the cost of printing annual reports, contracts, leases, stock certificates, and passes.

STATIONERY AND PRINTING ITEMS

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Drawing paper.
Duplicator.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Forms, blank and printed.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Parchment paper.
Passes.
Pay checks.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductors' or baggagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE A: The cost of printing briefs, legal forms, testimony, reports, etc., for the law department is chargeable to account 454, "Law expenses."

NOTE B: The cost of printing bonds, etc., in connection with the carrier's funded debt shall be included in balance-sheet account 742, "Unamortized discount on long-term debt."

§ 10.459 *Valuation expenses.* This account shall include expenses incident to the ascertainment (in accordance with the Act to Regulate Commerce as amended March 1, 1913, or with other Federal or State requirements) of the value of property owned or used by the carrier, such expenses including pay, and office, traveling, and other expenses of officers specially employed or assigned to such work, and of their assistants, clerks, and attendants, and the cost of stationery and printing, and of engineering supplies consumed.

NOTE: No charge shall be made to this account for the salaries of officers or of their clerks and attendants for incidental services in connection with valuation work; but special office, clerical, traveling, and incidental expenses incurred by these officers on account of such work shall be included as a part of the cost of the work.

§ 10.460 *Other expenses.* This account shall include incidental general expenses which are not properly chargeable to any of the foregoing accounts.

ITEMS OF EXPENSE

Cost of draping buildings.
Cost of publishing annual reports in newspapers, and other corporate and financial notices of general character.
Cost of publishing notices of stockholders' meetings and of election of directors.
Donations on account of catastrophes, epidemics, etc.
Donations to local fire departments.
Donations to Y. M. C. A., and similar institutions.
Exchange on checks cashed or deposited.
Exchange on drafts bought.
Fees and expenses paid to directors and trustees.
Loss through payment of wages to a wrong person.
Penalties assessed for nonpayment of claims for overcharges.

§ 10.461 *General joint facilities—Dr.* This account shall include the carrier's proportions of general expenses incurred by others incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

NOTE: The purpose of this account is to show the amount accruing against the carrier for its proportion of the expense of general administration of tracks, yards, terminals and other facilities administered by others, and in the joint use of which the carrier participates. (See § 10.04–9 *Joint facility accounts.*)

§ 10.462 *General joint facilities—Cr.* This account shall include amounts chargeable to others as their proportions of general expenses incurred by the carrier incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

NOTE: The purpose of this account is to show the amount accruing in favor of the carrier and against others for their proportion of the expense of general administration of tracks, yards, terminals, and other facilities administered by the carrier, and in the joint use of which others participate. (See § 10.04–9 *Joint facility accounts.*)

Condensed Classification of Operating Expenses

§ 10.480 *Accounts for small carriers, Class II.* See provisions of § 10.04–1 *Accounts for operating expenses.* The condensed groupings of accounts for Class II small carriers are as follows:

CONDENSED CLASSIFICATION OF OPERATING EXPENSES

Accounts for Small Carriers—Class II	*Accounts for Large Carriers—Class I*
Maintenance of Way and Structures	200. Maintenance of Way and Structures
2201. Superintendence.	201. Superintendence.
	202. Roadway maintenance.
	206. Tunnels and subways.
	208. Bridges, trestles and culverts.
	210. Elevated structures.
	212. Ties.
	214. Rails.
2202. Roadway maintenance.	216. Other track material.
	218. Ballast.
	220. Track laying and surfacing.
	221. Fences, snowsheds and signs.
	247. Communication systems.
	249. Signals and interlockers.
	272. Removing snow, ice, and sand.
	227. Station and office buildings.
	229. Roadway buildings.
	231. Water stations.
	233. Fuel stations.
	235. Shops and enginehouses.
	237. Grain elevators.
2203. Maintaining structures.	239. Storage warehouses.
	241. Wharves and docks.
	243. Coal and ore wharves.
	253. Power plants.
	257. Power-transmission systems.
	265. Miscellaneous structures.
2203½. Retirements—Road.	267. Retirements—Road.
2204. Dismantling retired road property.	270. Dismantling retired road property.
2205. Equalization—Way and structures.	280. Equalization—Way and structures.
2208. Road property—Depreciation.	268. Road property—Depreciation.
	269. Roadway machines.
	271. Small tools and supplies.
2209. Other maintenance of way expenses.	273. Public improvements—Maintenance.
	274. Injuries to persons.
	275. Insurance.
	276. Stationery and printing.
	277. Other expenses.
	281. Right-of-way expenses.
2210. Maintaining joint tracks, yards, and other facilities—Dr.	278. Maintaining joint tracks, yards, and other facilities—Dr.
2211. Maintaining joint tracks, yards, and other facilities—Cr.	279. Maintaining joint tracks, yards, and other facilities—Cr.

Accounts for Small Carriers—Class II	*Accounts for Large Carriers—Class I*
Maintenance of Equipment	300. Maintenance of Equipment
2221. Superintendence.	301. Superintendence.
2222. Repairs to shop and power-plant machinery.	302. Shop machinery. 304. Power-plant machinery.
2223. Shop and power-plant machinery—Depreciation.	305. Shop and power-plant machinery—Depreciation.
2224. Dismantling retired shop and power-plant machinery.	306. Dismantling retired shop and power-plant machinery.
2225. Locomotive repairs.	308. Steam locomotives—Repairs. 311. Other locomotives—Repairs.
2226. Car repairs.	314. Freight-train cars—Repairs. 317. Passenger-train cars—Repairs.
2227. Other equipment repairs.	323. Floating equipment—Repairs. 326. Work equipment—Repairs. 328. Miscellaneous equipment—Repairs.
2228. Dismantling retired equipment.	329. Dismantling retired equipment.
2229. Retirements—Equipment.	330. Retirements—Equipment.
2231. Equalization—Equipment.	338. Equalization—Equipment.
2234. Equipment—Depreciation.	331. Equipment—Depreciation.
2235. Other equipment expenses.	332. Injuries to persons. 333. Insurance. 334. Stationery and printing. 335. Other expenses.
2236. Joint maintenance of equipment expenses—Dr.	336. Joint maintenance of equipment expenses—Dr.
2237. Joint maintenance of equipment expenses—Cr.	337. Joint maintenance of equipment expenses—Cr.
Traffic	350. Traffic
2240. Traffic expenses.	351. Superintendence. 352. Outside agencies. 353. Advertising. 354. Traffic associations.
	355. Fast freight lines. 356. Industrial and immigration bureaus. 357. Insurance. 358. Stationery and printing. 359. Other expenses.
Transportation—Rail Line	370. Transportation—Rail Line
2241. Superintendence and dispatching.	371. Superintendence. 372. Dispatching trains.
2242. Station service.	373. Station employees. 374. Weighing, inspection and demurrage bureaus.
2243. Yard employees.	375. Coal and ore wharves. 376. Station supplies and expenses. 377. Yardmasters and yard clerks.
2244. Yard switching fuel.	378. Yard conductors and brakemen. 379. Yard switch and signal tenders. 380. Yard enginemen. 382. Yard switching fuel.
2245. Miscellaneous yard expenses.	383. Yard switching power produced. 384. Yard switching power purchased. 385. Water for yard locomotives. 386. Lubricants for yard locomotives. 387. Other supplies for yard locomotives. 388. Enginehouse expenses—Yard. 389. Yard supplies and expenses.

Accounts for Small Carriers—Class II—Con.

Transportation—Rail Line

2246. Operating joint yards and terminal—Dr.
2247. Operating joint yards and terminals—Cr.
2248. Train employees.
2249. Train fuel.
2251. Other train expenses.
2252. Injuries to persons.
2253. Loss and damage.
2254. Other casualty expenses.
2255. Other rail transportation expenses.
2256. Operating joint tracks and facilities—Dr.
2257. Operating joint tracks and facilities—Cr.

Miscellaneous Operations

2258. Miscellaneous operations.
2259. Operating joint miscellaneous facilities—Dr.
2260. Operating joint miscellaneous facilities—Cr.

General

2261. Administration.
2262. Insurance
2263. Valuation expenses.
2264. Other general expenses.
2265. General joint facilities—Dr.
2266. General joint facilities—Cr.

Accounts for Large Carriers—Class I—Con.

370. Transportation—Rail Line

390. Operating joint yards and terminals—Dr.
391. Operating joint yards and terminals—Cr.
392. Train enginemen.
401. Trainmen.
394. Train fuel.
395. Train power produced.
396. Train power purchased.
397. Water for train locomotives.
398. Lubricants for train locomotives.
399. Other supplies for train locomotives.
400. Enginehouse expenses—Train.
402. Train supplies and expenses.
403. Operating sleeping cars.
420. Injuries to persons.
418. Loss and damage—Freight.
419. Loss and damage—Baggage.
414. Insurance.
415. Clearing wrecks.
416. Damage to property.
417. Damage to livestock on right of way.
404. Signal and interlocker operations.
405. Crossing protection.
406. Drawbridge operation.
407. Communication system operation.
408. Operating floating equipment.
410. Stationery and printing.
411. Other expenses.
412. Operating joint tracks and facilities—Dr.
413. Operating joint tracks and facilities—Cr.

440. Miscellaneous Operations

441. Dining and buffet service.
442. Hotels and restaurants.
443. Grain elevators.
445. Producing power sold.
446. Other miscellaneous operations.
447. Operating joint miscellaneous facilities—Dr.
448. Operating joint miscellaneous facilities—Cr.

450. General

451. Salaries and expenses of general officers.
452. Salaries and expenses of clerks and attendants.
453. General office supplies and expenses.
454. Law expenses.
455. Insurance.
459. Valuation expenses.
456. Relief department expenses.
457. Pensions and gratuities.
458. Stationery and printing.
460. Other expenses.
461. General joint facilities—Dr.
462. General joint facilities—Cr.

Income Accounts

CREDIT

§ 10.501 *Railway operating revenues.* This account shall include the total revenues derived from operations as shown in the primary revenue accounts provided in this part.

§ 10.502 *Revenues from miscellaneous operations.* This account shall include the total revenues derived from the operation of miscellaneous operating physical property, such as that the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

NOTE: The income from miscellaneous nonoperating physical property shall be included in account 511, "Income from nonoperating property."

§ 10.503 *Hire of freight cars; credit balance.* This account shall include, except as provided in the texts of accounts 509, "Income from lease of road and equipment," and 542, "Rent for leased roads and equipment," the net credit balance of (a) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and (b) amounts payable accrued for the use of the freight cars of others, leased or interchanged.

NOTE A: If the net balance is a debit, it shall be included in account 536, "Hire of freight cars—Debit balance."

NOTE B: Rent for freight cars included in the lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

NOTE C: Rents paid for freight cars used in construction work-train service are chargeable to the cost of the work.

§ 10.504 *Rent from locomotives.* This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's locomotives leased or interchanged. (See Note C to account 708, "Interest and dividends receivable.")

NOTE: Rent for locomotives included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

§ 10.505 *Rent from passenger-train cars.* This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's passenger-train cars leased or interchanged. (See Note C to account 708, "Interest and dividends receivable.")

NOTE: Rent for passenger-train cars included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

§ 10.506 *Rent from floating equipment.* This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's floating equipment leased or chartered. (See Note C to account 708, "Interest and dividends receivable.")

NOTE: Rent from floating equipment included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

§ 10.507 *Rent from work equipment.* This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's work equipment leased or interchanged. (See Note C to account 708, "Interest and dividends receivable.")

NOTE: Rent for work equipment included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

§ 10.508 *Joint facility rent income.* This account shall include amounts receivable accrued for rent of equipment, tracks, yards, terminals, and other facilities owned or controlled by the accounting company and used jointly with other companies or individuals.

Amounts receivable from other companies in reimbursement for taxes on property jointly used shall be credited to this account.

NOTE: The portion of the cost of maintenance, operation, or administration of joint facilities recoverable from others shall be credited to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned by the creditor between this account and the appropriate joint facility operating expense accounts.

§ 10.509 *Income from lease of road and equipment.* This account shall include the entire amount receivable accrued for the exclusive use of road, tracks, or bridges (including equipment or other railway property covered by the contract) the rented property being owned or controlled by the accounting company, whether payable to the accounting company in cash or disbursed by the lessee on behalf of the accounting company as interest on funded debt, guaranteed dividends on stock, or otherwise. (See Note C to account 708, "Interest and dividends receivable.")

When the lessor company maintains the road and equipment leased, the cost of maintaining the property rented shall be charged to this account, except that when the rent thus receivable for the use of property other than equipment is relatively small and the expense of maintenance is not separable, the entire amount received may be credited to revenue account 142, "Rents of buildings and other property."

If, under the terms of a lease, the deficit, or any portion of it, resulting from the lessee company's operations of the property leased is payable by the lessor company, the amount thus payable shall be charged to this account by the lessor.

NOTE A: When taxes on leased property are assumed by the lessor, the accruals of such taxes shall be included in the lessor's account 532, "Railway tax accruals."

NOTE B: If property the rent of which is chargeable to account 542, "Rent for leased roads and equipment," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE C: When specific charges against the lessee are made by the lessor for repairs of equipment which is actually maintained by it the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

§ 10.510 *Miscellaneous rent income.* This account shall include such rents of property owned and controlled by the accounting carrier as are not provided for in the foregoing accounts.

To this account shall be charged the cost of maintenance of the property rented, also specific incidental expenses in connection with such property, such as the cost of negotiating contracts, advertising for tenants, fees paid conveyancers, collectors' commissions, and analogous items.

NOTE A: If property the rent of which is chargeable to account 543, "Miscellaneous rents," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE B: Taxes on property the rent of which is creditable to this account shall be charged to account 532, "Railway tax accruals."

NOTE C: The rent from property carried in balance-sheet account 737, "Miscellaneous physical property," shall not be included in this account, but in account 511, "Income from nonoperating property."

NOTE D: Rent and other income from real estate acquired for new lines or for additions and betterments shall be credited to the appropriate road and equipment accounts until the completion or coming into service of the property.

§ 10.511 *Income from nonoperating property.* This account shall include the net credit balance of the nonoperating revenues or income from, and the expenses (including depreciation, but excluding taxes) of, physical property the cost of which is carried in balance-sheet account 737, "Miscellaneous physical property."

NOTE A: Net debit balances in this account shall be shown in red ink.

NOTE B: The revenues from the operation of miscellaneous operating physical property shall be included in income account 502, "Revenues from miscellaneous operations," and the expenses of operation shall be included in account 534, "Expenses of miscellaneous operations."

§ 10.512 *Separately operated properties; profit.* This account shall include amounts receivable under the terms of agreements or contracts whereby the surplus resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, to the accounting company.

In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses but also to other items of income or deduction which affect that amount.

NOTE A: The amount payable by the operating company shall be charged by it to account 550, "Income transferred to other companies."

NOTE B: Dividends or other returns upon securities issued by separately operated companies, and held or controlled by the accounting company, shall be included in accounts 513, "Dividend income"; 514, "Interest income"; or 516, "Income from sinking and other reserve funds," as may be appropriate.

§ 10.513 *Dividend income.* This account shall include dividends declared on railway and other stocks, the income from which is the property of the accounting company, whether such stocks are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

Dividends declared shall not be credited prior to actual collection unless their payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 708, "Interest and dividends receivable.")

Accruals of guaranteed dividends may be included in this account if their payment is reasonably assured.

NOTE A: This account shall not include credits for dividends on stocks issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: Dividends on stocks of other companies held in sinking or other reserve funds shall be credited to account 516, "Income from sinking and other reserve funds."

§ 10.514 *Interest income.* This account shall include the interest on securities and debenture stock of other companies, the income from which is the property of the accounting company, whether such securities are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

It shall include also, interest on notes and other evidences of indebtedness and interest on bank balances, open accounts, and other analogous items, including discount on short-term notes. Interest accrued shall not be credited prior to actual collection unless its payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 708, "Interest and dividends receivable.")

At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on securities of other companies owned (other than short-term notes). Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried. The discount on short-term notes shall be distributed through equal monthly credits, over the terms of the notes.

NOTE A: This account shall not include interest on securities issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: Interest on securities other than those of the accounting company, and on other assets held in sinking or other reserve funds shall be included in account 516, "Income from sinking and other reserve funds."

NOTE C: Discount on bills for material purchased shall be credited to the accounts to which is charged the cost of the material with respect to which the discount is allowed.

§ 10.516 *Income from sinking and other reserve funds.* This account shall include the income accrued on cash, securities, and other assets (not including securities issued or assumed by the accounting company) held in sinking and other reserve funds. (See Note C to account 708, "Interest and dividends receivable.")

At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on funded securities held in sinking or other reserve funds. Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried.

NOTE: Credits to fund reserve accounts representing income on reserve funds shall be concurrently charged to account 552, "Income applied to sinking and other reserve funds."

§ 10.517 *Release of premiums on funded debt.* This account shall include, during each fiscal period, such proportion of the premiums on outstanding funded debt as may be applicable to the period. This proportion shall be determined in accordance with § 10.98–3 *Discount, expense, and premium on funded debt.*

§ 10.518 *Contributions from other companies.* This account shall include amounts received or receivable from other companies or individuals, representing the whole or a part of the net deficit of the accounting company when, under the terms of agreements or contracts, no obligation for subsequent reimbursement is incurred.

In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE: The amount payable shall be charged by the contributing company to account 545, "Separately operated properties—Loss."

§ 10.519 *Miscellaneous income.* This account shall include all items, not provided for elsewhere, properly creditable to income account during the fiscal period.

§ 10.520 *Delayed income credits.* This account shall include delayed credit items and adjustments for which no provision has previously been made, relating to operating revenues, operating expenses, and income arising during the current year which are applicable to prior years and which are relatively so large that their inclusion in the appropriate accounts of the current year would seriously distort the accounts for the year.

NOTE: All entries in this account shall be made in such detail as will indicate the operating-revenue, operating-expense or income accounts to which they relate.

DEBIT

§ 10.531 *Railway operating expenses.* This account shall include the total expenses caused by operations, as shown in the primary expense accounts provided in these regulations.

§ 10.532 *Railway tax accruals.* This account shall include accruals for taxes of all kinds (including Federal income tax) relating to railway property (including floating equipment, if any), operations, and privileges, whether based upon the valuation of the property, amount of stocks and bonds or other evidences of debt issued or outstanding; gross or net earnings, dividends declared, number of passengers carried, quantity of freight transported, length of line operated or owned, rolling stock operated or owned, or other basis; also taxes for issuing and recording mortgages and trust deeds and for issuing bonds or other evidences of long-term debt.

The taxes on leased property shall be included in this account by the carrier obligated to assume such expenses under the terms of the lease.

NOTE A: Taxes on leased property paid by one party to the lease and chargeable to the other party to the lease shall be charged directly to the party bearing the expense and not included in the income account of the party first making payment.

NOTE B: Taxes on other than railway property, operations, and privileges shall be charged to account 544, "Miscellaneous tax accruals," when the amount is separable from the taxes chargeable to this account.

NOTE C: Special assessments for street and other improvements, and special benefit taxes, such as water taxes and the like, shall be included in operating expense accounts or investment accounts, as may be appropriate.

NOTE D: Amounts received in reimbursement of taxes on property jointly used shall be credited to account 508, "Joint facility rent income." Amounts paid in reimbursement of such taxes shall be charged to account 541, "Joint facility rents."

NOTE E: Taxes accruing on new lines under construction or on property acquired for the extension of existing lines or for addition or betterment purposes before the facilities are opened for commercial operation or the property acquired becomes available for service shall be charged to road and equipment accounts.

§ 10.534 *Expenses of miscellaneous operations.* This account shall include the total expenses caused by the operation of miscellaneous physical property the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

NOTE: The expenses of miscellaneous nonoperating physical property shall be included in account 511, "Income from nonoperating property."

§ 10.535 *Taxes on miscellaneous operating property.* This account shall include accruals of taxes paid or payable upon miscellaneous operating property, such as that the cost of which is includible in account 737, "Miscellaneous physical property."

NOTE: Taxes upon miscellaneous nonoperating physical property shall be included in account 544, "Miscellaneous tax accruals."

§ 10.536 *Hire of freight cars; debit balance.* This account shall include, except as provided for in the classification for investment in road and equipment and in the texts of accounts 509, "Income from lease of road and equipment," and 542, "Rent for leased roads and equipment," the net debit balance of (a) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and (b) amounts payable accrued for the use of the freight cars of others, leased or interchanged.

NOTE A: If the net balance is a credit, it shall be included in account 503, "Hire of freight cars—Credit balance."

NOTE B: Rent for freight cars included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE C: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE D: Rents paid for freight cars used in construction work-train service are chargeable to the cost of the work.

§ 10.537 *Rent for locomotives.* This account shall include amounts payable accrued for the use of the locomotives of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent for locomotives included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE C: Rent paid for locomotives used in construction work-train service is chargeable to the cost of the work.

§ 10.538 *Rent for passenger-train cars.* This account shall include amounts payable accrued for the use of the passenger-train cars of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent for passenger-train cars included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

§ 10.539 *Rent for floating equipment.* This account shall include amounts payable accrued for the use of the floating equipment of others, leased or chartered, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent of floating equipment included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

§ 10.540 *Rent for work equipment.* This account shall include amounts payable accrued for the use of the work equipment of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent for work equipment included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE C: Rent paid for work equipment when used in construction work-train service is chargeable to the cost of the work.

§ 10.541 *Joint facility rents.* This account shall include amounts payable accrued as rent for equipment, tracks, yards, terminals, and other facilities owned or controlled by other carriers, companies, or individuals, and in the joint use of which the accounting company participates.

Amounts paid or payable by the accounting company in reimbursement for taxes on property jointly used shall be charged to this account.

NOTE: The cost of maintenance, operation, or administration of joint facilities, chargeable to the accounting company, shall be charged to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned between this account and the appropriate joint facility operating expense accounts. This apportionment shall be made by the operating company, and shall be followed by the accounting company.

§ 10.542 *Rent for leased roads and equipment.* This account shall include amounts payable accrued as rent for roads, tracks, or bridges (including equipment or other railway property covered by the contract) the property being owned by other companies and held under lease or other agreement by the terms of which exclusive use and control for operating purposes are secured. The entire amount of rent payable by the lessee in accordance with the agreement shall be included in this account, whether paid to the lessor in cash or disbursed by the lessee, on behalf of the lessor, as interest on funded debt, guaranteed dividends on stock, or otherwise. (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: When taxes on leased property are assumed by the lessee the accruals of such taxes shall be included in the lessee's account 532, "Railway tax accruals."

NOTE B: If, under the terms of a lease, the deficit or any portion of it resulting from the lessee's operation of the property leased is payable by the lessor company, the amount shall be charged to account 509, "Income from lease of road and equipment," by the lessor and credited to this account by the lessee.

NOTE C: If property, the rent of which is chargeable to this account, is sublet by the accounting company to others, the rent from the sublease shall be credited to account 509, "Income from lease of road and equipment."

NOTE D: Payments for the exclusive use of road and equipment maintained by the lessor and used in the accounting company's operations (when considerable in amount and when not provided for in the classifications of operating expenses) shall be divided into two portions: One, representing cost of maintenance shall be charged to the appropriate maintenance accounts and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account.

NOTE E: When specific charges against the lessee are made by the lessor for repairs of equipment which is actually maintained by it the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

§ 10.543 *Miscellaneous rents.* This account shall include rents payable accrued on property held by the accounting company under lease or other agreement and not properly chargeable to any of the foregoing accounts.

NOTE A: This account shall not include rents provided for in the operating expense accounts.

NOTE B: If property, the rent of which is chargeable to this account, is sublet by the accounting company to others, the rent from the sublease shall be credited to account 510, "Miscellaneous rent income."

NOTE C: Payments for the exclusive use of miscellaneous property maintained by the lessor and used by the accounting company shall be divided into two portions: One, representing the cost of maintenance, shall be charged to the appropriate operating accounts, and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account. The bill rendered by the creditor shall show the distribution of the payments as between maintenance and rent, and such distribution shall be adhered to by the debtor.

§ 10.544 *Miscellaneous tax accruals.* This account shall include all accruals for taxes not provided for elsewhere, such as taxes on securities owned, taxes on income from securities owned, and taxes on miscellaneous nonoperating physical property the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

NOTE A: When the proper separation of any particular tax is not ascertainable the entire amount shall be included in account 532, "Railway tax accruals."

NOTE B: Taxes upon miscellaneous operating property shall be charged to account 535, "Taxes on miscellaneous operating property."

§ 10.545 *Separately operated properties; loss.* This account shall include amounts payable under the terms of agreements or contracts whereby the deficit resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, by the accounting company.

In determining the amount payable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deductions which affect that amount.

NOTE A: The amount receivable by the operating company shall be credited by it to account 518, "Contributions from other companies."

NOTE B: Dividends or other returns upon securities issued by separately operated companies and held or controlled by the accounting company shall not be included in this account to offset a deficit payable, but in accounts 513, "Dividend income"; or 514, "Interest income," as may be appropriate.

§ 10.546 *Interest on funded debt.* This account shall include the current accruals of interest on all classes of long-term debt, the principal of which is includible in account 765, "Funded debt unmatured"; 766, "Equipment obligations"; 767, "Receivers' and trustees' securities"; 768, "Debt in default"; and 769 "Amounts payable to affiliated companies," also interest accruals on debenture stock. This account shall be kept in such form that the interest on debenture stock, on receivers' and trustees' securities, and on other classes of funded debt may be shown separately in the annual report to the Commission.

NOTE A: This account shall not include charges for interest on funded debt obligations issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds. (See account 552, "Income applied to sinking and other reserve funds.")

NOTE B: When funded debt is incurred for new lines or extensions, or for addition and betterment purposes, the accruals of interest on such funded debt (less interest received on unexpended balances), to the date of completion or coming into service of the property so acquired shall be included in the road and equipment accounts.

NOTE C: This account shall be maintained so as to show separately: (a) fixed interest which will be paid, or for which provision for payment will be made, when the interest matures; (b) interest in default; and (c) contingent interest determined to be payable.

§ 10.547 *Interest on unfunded debt.* This account shall include interest accrued on unfunded debt, such as short-term notes payable on demand or having dates of maturity one year or less from dates of issue, and open accounts including discount and expense on demand and short-term loans, interest on receipts outstanding for installments paid on capital stock, interest on deferred payments for public improvements, and other analogous items. The discount on short-term notes, if of a considerable amount, shall be distributed through equal monthly charges, over the term of the notes.

NOTE: When short-term notes or other evidences of unfunded indebtedness are issued for new lines or extensions or for addition and betterment purposes the accrual of interest to the date of completion or coming into service of the property shall be included in the road and equipment accounts.

§ 10.548 *Amortization of discount on funded debt.* This account shall be charged during each fiscal period with the proportion of the discount and expense on funded debt obligations applicable to that period. This proportion shall be determined according to a rule the uniform application of which through the interval between the date of sale and the date of maturity will extinguish the discount and expense on funded debt. The charge to this account for any period must not be either greater or less than the proportion of the balance remaining unamortized applicable to that period so long as any portion of the discount and expense remains unextinguished, except that if the total discount and expense applicable to any particular issue of securities does not exceed $25,000, the entire amount may be charged to this account at time of issue.

§ 10.549 *Maintenance of investment organization.* This account shall include the directly assignable organization and administration expenses of the accounting company which are incident to its investments in leased or nonoperating physical property, and in stocks, bonds, or other securities.

ITEMS OF EXPENSE

Advertising annual reports (lessor companies only).
Calls for bonds in accordance with sinking fund provisions of mortgages.
Directors' fees.
Printing and mailing dividend checks.
Publishing and mailing annual reports and other corporate statements to shareholders.
Publishing notices of declaration of dividends.
Law expenses.
Office expenses.
Salaries of officers, clerks, and attendants.
Stationery and printing.

NOTE: Organization and administration expenses incident to railway operation are provided for in operating expense general account 450, "General."

§ 10.550 *Income transferred to other companies.* This account shall include the whole or any portion of the income of the accounting company payable to another company under the terms of agreements or contracts without obligation for reimbursement.

In determining the amount payable by the accounting company, consideration shall be given not only to operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE A: The amount receivable by the other company shall be credited by it to account 512, "Separately operated properties—Profit."

NOTE B: Dividends or other payments upon securities issued or assumed by the accounting company shall not be included in this account.

§ 10.551 *Miscellaneous income charges.* This account shall include interest charges not provided for elsewhere, such as interest on tax deficiencies, overcharge claims, and court awards; also income tax upon the interest on the accounting company's funded debt when assumed by it; and other income deductions not provided for elsewhere.

§ 10.552 *Income applied to sinking and other reserve funds.* This account shall include amounts applied to sinking

and other reserve funds from income, whether definite appropriations from income; allotments or payments of definite amounts from income under the terms of mortgages, deeds of trust, or other contracts that provide for such allotments or payments; or accretions representing interest or other returns accrued on the contents of such funds and required to be retained therein.

NOTE A: The amounts charged to this account shall be concurrently credited to account 797, "Retained income—Appropriated."

NOTE B: Similar appropriations made from surplus shall be charged to account 613, "Retained income applied to sinking and other reserve funds."

§ 10.553 *Dividend appropriations of income.* This account shall include amounts definitely declared payable from the income of the fiscal period, as dividends on actually outstanding capital stock issued or assumed by the accounting company, other than debenture stock. (See definition of the several classes of capital stock in balance-sheet account 791, "Capital stock issued.") If a dividend is not payable in cash the consideration shall be described in the entry with sufficient particularity to identify it.

This account shall be subdivided so as to show separately the dividends on the various subclasses of capital stock.

NOTE A: Interest accrued on debenture stock shall be charged to account 546, "Interest on funded debt."

NOTE B: This account shall not include charges for dividends on capital stock issued or assumed by the accounting company and owned by it, whether pledged as collateral, or held in its treasury, in special deposits, or in sinking or other reserve funds. (See account 552, "Income applied to sinking and other reserve funds.")

NOTE C: This account shall be used when the appropriations are definitely made chargeable to income. Similar appropriations made from retained income shall be charged to account 614, "Dividend appropriations of retained income."

§ 10.554 *Income appropriated for investment in physical property.* This account shall include amounts definitely appropriated from income to be applied for the construction or acquisition of new lines and extensions and of additions to and betterments of property the cost of which is chargeable to road and equipment accounts or applied for the construction or acquisition of property the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

Records of the accounting carrier shall be so kept that the appropriations charged to this account for any fiscal period may be distinguished as relating to (a) amounts expended during preceding fiscal periods, (b) amounts expended during the current fiscal period, and (c) amounts held in reserve.

The records shall also show separately appropriations for investment in road and equipment and for investment in miscellaneous physical property.

NOTE A: Similar appropriations made from retained income shall be charged to account 615, "Retained income appropriated for investment in physical property."

NOTE B: The amounts charged to this account shall be concurrently credited to account 797, "Retained income—Appropriated."

§ 10.555 *Stock discount extinguished through income.* This account shall include amounts definitely appropriated from income to reduce or extinguish the amount of discount on capital stock issued by the accounting company. (See balance-sheet account 793, "Discount on capital stock.")

NOTE: Similar appropriations made from retained income shall be charged to account 616, "Stock discount extinguished through retained income."

§ 10.556 *Miscellaneous appropriations of income.* Except as provided in account 552, "Income applied to sinking and other reserve funds," this account shall include amounts definitely appropriated from income for the discharge of the principal (less the discount, if any, suffered at the time of sale) of any indebtedness incurred in the acquisition or improvement of property carried in the road and equipment accounts; also amounts similarly appropriated to provide a reserve for doubtful accounts, and for other purposes not provided for elsewhere.

NOTE A: Similar appropriations made from retained income shall be charged to account 618, "Miscellaneous appropriations of retained income."

NOTE B: The amounts charged to this account shall be concurrently credited to account 797, "Retained income—Appropriated."

§ 10.557 *Delayed income debits.* This account shall include delayed debit items and adjustments for which no provision has previously been made, relating to operating revenues, operating expenses, and income arising during the current year which are applicable to prior years, and which are relatively so large that their inclusion in the appropriate accounts of the current year would seriously distort the accounts for the year.

NOTE: All entries in this account shall be made in such detail as will indicate the operating-revenue, operating-expense or income accounts to which they relate.

§ 10.560 *Form of income statement.* The classified form of income statement is designed to show the financial changes resulting from transportation operations and other business of the accounting company during any specified period.

OPERATING INCOME

Railway operating income

501. Railway operating revenues [1] —
581. Railway operating expenses [1] —
Net revenue from railway operations [2] —
532. Railway tax accruals [1] —
Railway operating income [2] —

Rent income

503. Hire of freight cars—Credit balance —
504. Rent from locomotives —
505. Rent from passenger-train cars —
506. Rent from floating equipment —
507. Rent from work equipment —
508. Joint facility rent income —
Total rent income —

Rents payable

536. Hire of freight cars—Debit balance —
537. Rent for locomotives —
538. Rent for passenger-train cars —
539. Rent for floating equipment —
540. Rent for work equipment —
541. Joint facility rents —
Total rents payable —
Net rents [2] —
Net railway operating income [2] —

OTHER INCOME

502. Revenues from miscellaneous operations —
509. Income from lease of road and equipment —
510. Miscellaneous rent income —
511. Income from nonoperating property —
512. Separately operated properties—Profit —
513. Dividend income —
514. Interest income —
516. Income from sinking and other reserve funds —
517. Release of premiums on funded debt —
518. Contributions from other companies —
519. Miscellaneous income —
520. Delayed income credits —
Total other income —
Total income [2] —

MISCELLANEOUS DEDUCTIONS FROM INCOME

534. Expenses of miscellaneous operations —
535. Taxes on miscellaneous operating property —
543. Miscellaneous rents —
544. Miscellaneous tax accruals —
545. Separately operated properties—Loss —
549. Maintenance of investment organization —
550. Income transferred to other companies —
551. Miscellaneous income charges —
557. Delayed income debits —
Total miscellaneous deductions —
Income available for fixed charges [2] —

FIXED CHARGES

542. Rent for leased roads and equipment —
546. Interest on funded debt:
(a) Fixed interest not in default —
(b) Interest in default —
547. Interest on unfunded debt —
548. Amortization of discount on funded debt —
Total fixed charges —
Income after fixed charges [2] —

OTHER DEDUCTIONS

546. Interest on funded debt:
(c) Contingent interest —
552. Income applied to sinking and other reserve funds:
(a) Increments to special funds required to be retained therein and not subject to withdrawal except for purposes of the funds —
Total other deductions —
Net income after fixed charges and other deductions [2] —

DISPOSITION OF NET INCOME

552. Income applied to sinking and other reserve funds:
(b) Income applied to capital funds under Governmental authority or other arrangements —

[1] Includes operations of water lines, if any.
[2] If a loss the amount shall be shown in red.

(c) Appropriations, allotments, and payments from income of definite amounts to special funds not includible in 552 (a) or 552 (b) —
553. Dividend appropriations of income —
554. Income appropriated for investment in physical property —
555. Stock discount extinguished through income —
556. Miscellaneous appropriations of income —
Total appropriations of income —
602. Balance of income transferred to Retained Income—Unappropriated [2] —

SUPPLEMENTARY STATEMENT OF SPECIFIED INCOME ITEMS

Net railway operating income —
Add depreciation—Way and structures —
Add depreciation—Equipment — —
Add amortization of defense projects—Road — —
Add amortization of defense projects—Equipment — —
Net railway operating income before depreciation and amortization of defense projects —
Net income —
Add Federal income taxes —
Net income before Federal income taxes —
Net income —
Add depreciation—Way and structures —
Add depreciation—Equipment —
Add amortization of defense projects—Road — —
Add amortization of defense projects—Equipment — —
Add Federal income taxes — —
Net income before depreciation, amortization of defense projects, and Federal income taxes —

[2] If a loss the amount shall be shown in red.

RETAINED INCOME ACCOUNTS

CREDIT

§ 10.601 *Credit balance (at beginning of calendar year).* This account shall include the net credit balance in the retained income account at the beginning of the calendar year.

§ 10.602 *Credit balance transferred from income.* This account shall show the net credit balance brought forward from the income account for the calendar year.

§ 10.607 *Miscellaneous credits.* This account shall include amounts, not provided for elsewhere, transferred from other accounts to retained income, and amounts representing increases of resources not properly assignable to the income accounts. Among the items which shall be included in this account are:

Adjustments or cancellations of balance-sheet accounts.

Cancellation of balance-sheet accounts representing unclaimed wages and vouchered accounts written off because of carrier's inability to locate the creditor.

Profit from the sale of land carried in account 731, "Road and equipment property".

Profit derived from the sale of investment securities,

Profit derived from the sale of property carried in balance-sheet account 737, "Miscellaneous physical property."

Credits resulting from adjustments required to bring to par funded debt securities issued or assumed by the accounting company and reacquired at a cost less than the par value,

Unreleased premiums on funded debt reacquired before maturity.

Collection of old accounts previously written off.

DEBIT

§ 10.611 *Debit balance (at beginning of calendar year).* This account shall include the net debit balance in the retained income account at the beginning of the calendar year.

§ 10.612 *Debit balance transferred from income.* This account shall show the net debit balance brought forward from the income account for the calendar year,

§ 10.613 *Retained income applied to sinking and other reserve funds.* This account shall include amounts definitely appropriated from retained income and applied to sinking and other reserve funds; and allotments or payments of definite amounts from retained income into sinking and other reserve funds under the terms of mortgages, deeds of trust, or other contracts that provide for such allotments or payments.

NOTE A: The amounts charged to this account shall be concurrently credited to account 797, "Retained income—Appropriated."

NOTE B: Similiar appropriations made from income shall be charged to income account 552, "Income applied to sinking and other reserve funds."

§ 10.614 *Dividend appropriations of retained income.* This account shall include amounts definitely declared payable from retained income as dividends on actually outstanding capital stock issued or assumed by the accounting company, other than debenture stock. (See definition of the several classes of capital stock in balance-sheet account 791, "Capital stock issued.") If a dividend is not payable in cash the consideration shall be described in the entry with sufficient particularity to identify it.

This account shall be subdivided so as to show separately the dividends on the various subclasses of capital stock.

NOTE A: Interest accrued on debenture stock shall be charged to income account 546, "Interest on funded debt."

NOTE B: This account shall not include charges for dividends on capital stock issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds. (See account 613, "Retained income applied to sinking and other reserve funds.")

NOTE C: Similar appropriations made from income shall be charged to income account 553, "Dividend appropriations of income."

§ 10.615 *Retained income appropriated for investment in physical property.* This account shall include amounts definitely appropriated from retained income, to be applied for the construction or acquisition of new lines and extensions and of additions to and betterments of property the cost of which is includible in the road and equipment accounts or applied for the construction, acquisition, or improvement of property the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

Records of the accounting carrier shall be so kept that the appropriations charged to this account for any fiscal period may be distinguished as relating to (a) amounts expended during preceding fiscal periods, (b) amounts expended during the current fiscal period, and (c) amounts held in reserve.

NOTE A: Similar appropriations made from income shall be charged to income account 554, "Income appropriated for investment in physical property."

NOTE B: The amounts charged to this account shall be concurrently credited to account 797, "Retained income—Appropriated."

§ 10.616 *Stock discount extinguished through retained income.* This account shall include amounts definitely appropriated from retained income to reduce or extinguish the amount of discount on capital stock issued by the accounting company.

NOTE: Similar appropriations made from income shall be charged to income account 555, "Stock discount extinguished through income."

§ 10.618 *Miscellaneous appropriations of retained income.* This account shall include amounts definitely appropriated from retained income to provide a reserve for doubtful accounts and, except as provided in account 613, "Retained income applied to sinking and other reserve funds," for the discharge of the principal (less the discount, if any, suffered at the time of sale) of any indebtedness incurred in the acquisition or improvement of property carried in the road and equipment accounts; also other amounts appropriated from retained income and not provided for elsewhere.

NOTE A: Similar appropriations made from income shall be charged to income account 556, "Miscellaneous appropriations of income."

NOTE B: The amounts charged to this account shall be concurrently credited to account 797, "Retained income—Appropriated."

§ 10.621 *Miscellaneous debits.* This account shall include amounts, not provided for elsewhere, chargeable to retained income from other accounts, amounts written off in consequence of adjustments, and payments not properly chargeable to the income accounts. Among the items which shall be charged to this account are:

Adjustments or cancellations of balance-sheet accounts.

Losses resulting from the sale of investment securities,

Losses resulting from the sale, destruction, or abandonment of property carried in balance-sheet account 737, "Miscellaneous physical property,"

Debits resulting from adjustments required to bring to par funded debt securities issued or assumed by the accounting company and reacquired at a cost exceeding the par value,

Adjustments of the difference between the ledger value of land credited to account 731, "Road and equipment property," and the estimated value thereof

charged to account 737, "Miscellaneous physical property".

Loss from the sale of land carried in account 731, "Road and equipment property".

Discount on capital stock remaining unextinguished at the time of its reacquisition, resale, or retirement if in excess of the pro rata portion includible in paid-in surplus.

Unextinguished discounts on funded debt reacquired before maturity.

Payments of old accounts previously written off.

Penalties and fines for violation of the Interstate Commerce Act, or other Federal laws, when not specifically provided for elsewhere.

GENERAL BALANCE SHEET ACCOUNTS

DEBIT

§ 10.701 *Cash.* This account shall include money, checks, sight drafts, and sight bills of exchange in the hands of the accounting company's financial officers and agents, or in transit from its agents and conductors for which such agents and conductors have received credit. It shall include, also, deposits with banks and trust companies available for use on demand, and savings accounts subject to the usual clause reserving the right to defer payment for a specified number of days.

§ 10.702 *Temporary cash investments.* This account shall include the cost of securities and other collectible obligations acquired for the purpose of temporarily investing cash, such as United States Treasury certificates, marketable securities, time drafts receivable, demand loans, time loans, time deposits with banks and trust companies, and other similar investments of a temporary character.

§ 10.703 *Special deposits.* This account shall include funds specifically deposited for the payment of dividends, interest, and other current liabilities; also other deposits subject to current withdrawal for specific purposes only.

NOTE: Deposits available for general company purposes shall be included in account 701, "Cash."

§ 10.704 *Loans and notes receivable.* This account shall include the book value of all collectible obligations in the form of demand or time loans and notes receivable, or other similar evidences (except interest coupons) of money receivable within a time not exceeding one year from date of issue.

NOTE A: Obligations held as investments which mature more than one year after date of issue shall be included in accounts 721, "Investments in affiliated companies"; or 722, "Other investments," as may be appropriate.

NOTE B: Loans and notes receivable acquired for the purpose of temporarily investing cash shall be included in account 702, "Temporary cash investments."

§ 10.705 *Traffic and car-service balances—Dr.* This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net debit.

NOTE A: When the net of the balances is a credit it shall be included in account 752, "Traffic and car-service balances—Cr."

NOTE B: The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

705 and 752 (a) Interline freight, balance.
705 and 752 (b) Interline passenger, balance.
705 and 752 (c) Interline baggage, balance.
705 and 752 (d) Equipment interchange, balance.

§ 10.706 *Net balance receivable from agents and conductors.* This account shall include the net balance due in current accounts from agents, from train, sleeping car, and dining car conductors, and from train collectors, train auditors, porters, and other employees and representatives charged with the collection or custody of current revenues.

NOTE: Amounts advanced to general and special agents as working funds shall not be included in this account, but in account 710, "Working fund advances."

§ 10.707 *Miscellaneous accounts receivable.* This account shall include amounts due in audited accounts considered good, such as those due from the United States or other Governments for the transportation of mails and Government property, and from express companies for express facilities furnished under contract; amounts due from other carriers on account of freight claims paid; miscellaneous bills against other railway companies, corporations, firms, and individuals; and other similar items.

NOTE: The amount to be entered in this account is not the net balance between this account and account 754, "Miscellaneous accounts payable."

§ 10.708 *Interest and dividends receivable.* This account shall include the amount of interest accrued to the date of the balance sheet on bonds owned and on loans made, the amount of dividends declared on stocks owned, and dividends accrued on such stocks when contracts require that the dividends be paid at stated times.

NOTE A: No amount representing interest or dividends receivable shall be included in this account unless its payment is reasonably assured by past experience, anticipated provision, or otherwise.

NOTE B: No dividends or other returns on securities issued or assumed by the accounting company shall be included in this account.

NOTE C: If settlement of amounts included in this account is not made when due either in cash or with other tangible assets of equal money value, such amounts shall be cleared from this account and charged to the income account originally credited. If notes are taken in settlement of amounts included in this account, the amounts thereof shall be charged to account 704, "Loans and notes receivable," or account 741, "Other assets," as may be appropriate, but such amounts shall not be credited to income (or if previously credited to income shall be cleared therefrom as provided in the first sentence of this note), unless inclusion therein is justified by the current asset position of the obligor. If such notes are of doubtful value, the amount at which they are charged to account 741, "Other assets," shall be credited to account 784, "Other deferred credits," and income shall not be credited until payment is received, and then only with the amount collected. If long-term notes are taken in settlement of current assets, the credit to income shall be cancelled and account 741, "Other assets," shall be charged with their true values, and a like sum shall be credited to account 784, "Other deferred credits."

§ 10.709 *Accrued accounts receivable.* This account shall include estimates of all unaudited current items receivable by the carrier to the date of the balance sheet, including those which are creditable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items.

Examples of items to be included:

Rents receivable which are not includible in account 707, "Miscellaneous accounts receivable." See Note C to account 708, "Interest and dividends receivable."

Amounts receivable from others for unreported interline traffic.

Amounts receivable from others for use of facilities, including equipment, for which bills have not been rendered.

Amounts receivable from others for services for which bills have not been rendered.

§ 10.710 *Working fund advances.* This account shall include amounts advanced to general and special agents, and to other officers and employees, as working funds from which certain expenditures are to be made and accounted for. It also includes advances to fast freight lines and to demurrage and other bureaus.

NOTE: Advances to jointly owned or used terminal companies and other companies for permanent working funds or capital purposes shall be included in accounts 721, "Investments in affiliated companies," or 722, "Other investments," as may be appropriate.

§ 10.711 *Prepayments.* This account shall include the balances in the accounts representing prepaid rents chargeable to the appropriate rent accounts as the term is consumed for which the rents are paid; also interest and insurance premiums paid in advance of their accrual, which are to be apportioned and charged, as they accrue, to the appropriate accounts.

NOTE: Expenditures by a carrier for improvements to office buildings and other facilities rented for more than one year, title to which will pass to the lessor at the end of the rental period, shall be charged to account 743, "Other deferred charges," and amortized over the rental period as additional rent.

§ 10.712 *Material and supplies.* This account shall include the balances representing the cost, less depreciation, if any, of all unapplied material, such as road and shop material, articles in process of manufacture by the accounting company, fuel, stationery, and dining car and other supplies. In determining the cost of material and supplies suitable allowance shall be made for any discounts allowed in the purchase thereof.

NOTE A: Balances representing the cost of unapplied construction material and supplies located at the point of use, which have been purchased for projected new roads and extensions, or for new railroad equipment, are provided for in road and equipment account 47, "Unapplied construction material and supplies," or account 59, "Unapplied material and supplies—Equipment."

NOTE B: An inventory of material and supplies shall be taken during each calendar year and the necessary adjustments to bring this account into harmony with the actual inventory balances shall be made in the accounts of the year in which the inventories are taken. In effecting this adjustment determined differences in accounting for important classes of material shall be equitably assigned among the accounts to which the classes of material are ordinarily chargeable. Other differences shall be equitably apportioned among the primary accounts to which material has been charged since the last inventory.

§ 10.713 *Other current assets.* (a) This account shall include items of current assets not covered by accounts 701 to 712, inclusive.

(b) It shall include asset items not includible in any of the foregoing asset accounts that have been advanced beyond the stage of deferred assets.

§ 10.715 *Sinking funds.* This account shall include the amount of cash, the ledger value of live securities of other companies, and other assets which are held by trustees of sinking and other funds for the purpose of redeeming outstanding obligations, including such assets so held in the hands of the accounting company's treasurer when the assets are segregated in a distinct fund; also amounts deposited with such trustees on account of mortgaged property sold, the proceeds of which are to be held for the redemption of securities, and the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of live securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund. The title of each such account shall designate the obligation in support of which the fund is created.

NOTE: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

§ 10.716 *Capital and other reserve funds.* (a) This account shall include cash and the ledger value of other assets held by trustees or by the accounting company's treasurer when segregated in distinct funds that have been (1) realized from the sale of equipment obligations or other long-term obligations and not yet applied toward the specific purposes for which the obligations were incurred, and (2) set aside in accordance with governmental, mortgage, or contractual requirements in connection with reorganizations or otherwise. This account shall also include funds deposited with trustees to be held until mortgaged property sold is replaced.

(b) An appropriate record shall be maintained for securities issued or assumed by the accounting company and held in the funds, identifying those that are nominally issued or nominally outstanding.

NOTE A: Funds specifically set aside for sinking fund purposes shall be included in account 715, "Sinking funds." If one purpose of a capital fund is to provide contributions to a sinking fund under specified conditions, the entire amount of the fund shall be included in this account until the contributions to the sinking fund are made, at which time the amounts thereof shall be transferred to account 715.

NOTE B: The ledger value of assets of the character indicated in paragraph (a) (2) of this section, shall be transferred to the appropriate current asset account when the assets are definitely assigned in advance of expenditure to the payment of interest or other current liabilities payable within one year.

NOTE C: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 703, "Special deposits." Deposits available for general company purposes shall be included in account 701, "Cash."

§ 10.717 *Insurance and other funds.* This account shall include the amount of cash and the ledger value of securities of other companies and other assets which are in the hands of trustees or managers of insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for specific purposes not provided for elsewhere; also the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund.

NOTE A: Sinking funds and capital and other reserve funds are provided for in accounts 715 and 716, respectively.

NOTE B: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

NOTE C: This account shall not include funds held by the accounting company solely as trustee and in which it has no beneficial interest.

NOTE D: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 703, "Special deposits." Deposits available for general company purposes shall be included in account 701, "Cash."

§ 10.721 *Investments in affiliated companies.* This account shall include the ledger value of the accounting company's investment in securities issued or assumed by affiliated companies other than securities held in special deposits or special funds, and also investment advances made to affiliated companies.

This account shall be maintained in such manner as to show each of the following classes of investment in each affiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with affiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, but if settlement is deferred beyond one year such items shall be transferred to account 741 "Other assets."

NOTE B: The term affiliated companies includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

NOTE C: The value of securities *borrowed* by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 715, "Sinking funds," 716, "Capital and other reserve funds," or 717, "Insurance and other funds," as may be appropriate.

§ 10.722 *Other investments.* This account shall include the ledger value of the accounting company's investment in securities issued or assumed by nonaffiliated companies other than securities held in special deposits or special funds; also investment advances made to nonaffiliated companies and to individuals.

This account shall be maintained in such manner as to show each of the following classes of investment in each nonaffiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and un-

pledged may be shown separately in the annual report of the Commission.

NOTE A: Accounts with nonaffiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, but if settlement is deferred beyond one year such items shall be transferred to account 741, "Other assets."

NOTE B: The term "nonaffiliated companies" includes all companies other than those defined as affiliated in Note B of account 721, "Investments in affiliated companies."

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 715, "Sinking funds," 716, "Capital and other reserve funds," or 717, "Insurance and other funds," as may be appropriate.

§ 10.723 *Reserve for adjustment of investment in securities-Cr.* This account shall include the total of the balances in such reserves as are maintained by the accounting company for the purpose of providing for reductions in the value of securities owned and recorded in accounts 721, "Investments in affiliated companies," or 722, "Other investments." Corresponding charges shall be made to account 621, "Miscellaneous debits."

If reserves are maintained in provision for anticipated losses in specific securities, when the related assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular securities involved, and the remainder, if any, shall be charged to account 621, "Miscellaneous debits." In case a general reserve for losses in unspecified security values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 621, "Miscellaneous debits."

§ 10.731 *Road and equipment property.* This account, except in connection with the acquisition of transportation property as provided for in accounts 733, "Acquisition adjustment," and 734, "Donations and grants—Cr.," shall include the accounting company's investment in road and equipment (including that held under contract for purchase), used or held for use as transportation property in existence at the date of the balance sheet.

When property is retired from service this account shall be credited with the ledger value of the property retired.

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When any equipment is acquired under an agreement which provides that the cost shall be paid in installments, the cost (its money value at time of purchase) shall be charged to the appropriate road and equipment accounts at the time the equipment is delivered to the carrier, and included in this account in the same manner as the cost of equipment purchased outright. When the par value of notes or other securities issued in payment, or in part payment, for such equipment is more (or less) than in actual cash value of the equipment at the time of the purchase, or of the proportion to which the securities are applicable, the difference between the par value of the securities and the actual cash value of the equipment, or of the proportion paid for by the securities, shall be charged (or credited) to the proper discount and premium accounts.

NOTE C: Held for use, as referred to above, implies the ability of the carrier to substantiate by plans or policy its characterization of the probable future use which is to be made of the property within a reasonable period of time.

§ 10.732 *Improvements on leased property.* This account, except in connection with the acquisition of transportation property as provided for in the accounts 733, "Acquisition adjustment," and 734, "Donations and grants-Cr.," shall include the cost of improvements made by the lessee to property which is held under lease from others or through control of the company owning the property, where such improvements are used by the lessee in transportation service, and the lessee is not to be reimbursed by the lessor for such improvements.

When the cost of improvements made by the lessee is to be refunded by the lessor periodically during the term of the lease agreement or at the termination thereof, and provided further that in the meantime the lessor or company does not include the cost of such improvements in account 731, "Road and equipment property," the lessee shall include the cost thereof in this account.

When leased property is retired from service this account shall be credited with the ledger value of any improvements thereto the cost of which has been included in this account, and also with the amount representing the liability of the carrier to the lessor or owner for any property retired that has been used in transportation service and was held under lease or through control of the company owning the property.

The carrier's records shall be kept in such manner as to show the debits and credits to this account in accordance with the provisions for road and equipment.

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When the lessor company includes in account 731, "Road and equipment property," the cost of improvements made by the lessee to property leased by it from the lessor and settlement is not made at the time for the cost thereof, the lessee, pending settlement with the lessor, shall include the cost thereof in account 721, "Investments in affiliated companies," or 722, "Other investments," as may be appropriate.

§ 10.733 *Acquisition adjustment.* This account shall be charged with the cost of a railway or portion thereof acquired since January 1, 1938, as an operating entity or system by purchase, merger, consolidation, reorganization, receivership sale or transfer, or otherwise. If the consideration or a part thereof given for the property acquired consists of securities issued by the accounting carrier, the cash value thereof for the purpose of determining the cost to be charged to this account shall be the sum of the par value of securities having par values and the stated or assigned values of nopar securities as determined and approved by the Commission. Where the consideration given for the property acquired is other than cash or securities issued by the accounting carrier, such consideration shall be valued on a current cash basis.

The accounting for assets acquired and liabilities assumed shall then be as follows:

(a) Assets acquired, except property includible in accounts 731, "Road and equipment property," or 732, "Improvements on leased property," and liabilities assumed shall be recorded in their appropriate accounts in the manner provided for in classification of general balance sheet accounts.

(b) Property includible in primary road and equipment accounts 1, and 2½ to 58, inclusive, and 72 to 77, inclusive, shall be recorded in those accounts at original cost or estimated original cost as found by the Commission for valuation purposes.

(c) In the primary road and equipment account 2, there shall be recorded the original cost of lands owned by predecessor carrier or carriers at basic valuation date as reported under Valuation Order No. 7, dated November 21, 1914, and included in the Commission's basic valuation reports. Any lands so reported without cost except those donated shall be estimated by the accounting company, which will be subject to verification by the Commission. To this shall be added the cost at the time of dedication to public use of any lands acquired since the basic valuation date.

(d) In the primary road and equipment account 71, there shall be recorded the expenditures incident to the organization or reorganization of the accounting company.

(e) The money outlay expended by a predecessor carrier or carriers for additions and betterments to property leased from other companies whose physical properties are not included in the reorganization, shall be transferred to account 732, "Improvements on leased property," in the amounts recorded in that account on the books of the predecessor carrier or carriers.

(f) The amounts thus recorded in primary accounts 1 to 77, inclusive, shall be concurrently charged to balance sheet account 731, "Road and equipment property," or 732, "Improvements on leased property," as appropriate.

(g) Balances in accounts 735, "Accrued depreciation—Road and equipment," and 785, "Accrued depreciation—Leased property," carried on the books of the predecessor carrier or carriers at date of acquisition shall be recorded in those accounts on the books of the accounting company. To the extent that a credit balance is available in this account, the accounting company shall credit account 735, "Accrued depreciation—Road and equipment," and charge this account with the estimated amount by which the balance in account 735 appears to be deficient with respect to past accrued depreciation on depreciable road property included in account 731, "Road and equipment property."

(h) This account shall concurrently be debited or credited, as appropriate, to offset asset and liability items recorded in accordance with paragraphs (a) to (g) of this section.

(i) To the extent that a credit balance is available in this account, if so authorized upon application to the Commission, retirement of nondepreciable property in existence at the date of acquisition which is not replaced may be charged hereto if the loss is not assignable to operations subsequent to date of acquisition. Other charges to this account may be made upon specific approval by the Commission.

NOTE: The accounting company shall be prepared to furnish the Commission with a full report of the contract of organization and a statement showing in detail the consideration given for the property acquired. It shall procure in connection with the organization all existing records, memoranda, and accounts in possession or control of the grantor relating to construction and improvement of the property acquired and shall preserve such records, memoranda and accounts until authorized by law to destroy or otherwise dispose of them.

Where the records, memoranda, and accounts are so involved with other records, memoranda, and accounts of the grantor as to make this transfer impracticable, certified copies, shall be procured and retained by the accounting company; the verity of the copies should be certified by the custodian of the originals.

§ 10.734 *Donations and grants—Cr.* This account shall be credited with grants obtained from governmental agencies, and with donations from individuals and others in connection with the construction or acquisition of property the cost of which is chargeable to accounts 731, "Road and equipment property," and 732, "Improvements on leased property."

§ 10.735 *Accrued depreciation; road and equipment.* (a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the loss in service value of depreciable road and equipment property. It shall also include amounts which the Commission may authorize the accounting company to credit to account 607, "Miscellaneous credits," or charge to account 621, "Miscellaneous debits," or to account 733, "Acquisition adjustment," in respect to past accruals of depreciation.

(b) At the time of the retirement of each unit of depreciable property, this account shall be charged with the entire service value of the unit retired or minor item retired and not replaced.

(c) For balance sheet purposes, this account shall be treated as a single composite reserve for property. However, for purposes of analysis, the accounting company shall maintain subsidiary records in which this reserve is broken down into components corresponding to the primary accounts for depreciable property. These subsidiary records shall show the current debits and credits to this reserve by primary accounts.

§ 10.736 *Amortization of defense projects; road and equipment.* This account shall include the amounts of accumulated past provisions for amortization of road and equipment defense projects, the cost of which is included in account 731, "Road and equipment property," or account 732, "Improvements on leased property." This account shall be charged with the credit balance herein applicable to specific property at the time the property is retired.

The accounting company shall maintain subaccounts separately for amortization of (1) road property and (2) equipment.

§ 10.737 *Miscellaneous physical property.* This account shall include the accounting company's investment in physical property other than property assignable to accounts 731 and 732, including hotels, restaurants, power plants, etc., which are not operated by the accounting company or another carrier in connection with its transportation service.

ITEMS OF INVESTMENT

Coal and other mines.
Commercial power plants.
Hotels and restaurants.
Lands and buildings not used in transportation operations.
Lands and other property acquired and held in anticipation of future use.
Mineral and timber lands.
Rails and other track material leased to others.
Saw mills and other manufacturing plants not operated in connection with transportation service.

§ 10.738 *Accrued depreciation; miscellaneous physical property.* This account shall be credited with amounts charged to income or other accounts to cover the depreciation of property the cost of which is included in account 737, "Miscellaneous physical property."

When any miscellaneous physical property is destroyed, sold, or otherwise retired from service, the amount included in this account with respect to the property retired shall be charged hereto.

§ 10.741 *Other assets.* This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason; items of a current character but of doubtful value; other deferred assets; and assets not otherwise provided for in general balance sheet accounts.

§ 10.742 *Unamortized discount on long-term debt.* This account shall include the total of the net debit balances in the discount, expense, and premium accounts for the several subclasses of funded debt.

§ 10.743 *Other deferred charges.* This account shall include the amount of debit balances in suspense accounts that cannot be cleared and disposed of until additional information is received, such as freight claims paid when found to be correct, but in advance of investigation with other carriers; debit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operations of gravel pits," and "Operation of quarries;" unextinguished discount on short-term notes; unadjusted debit items not otherwise provided for and similar items the proper disposition of which is uncertain.

This account also is intended as a suspense account in which may be included deferred amounts for property retired chargeable to operating expenses as follows:

(a) Amounts representing the service value of nondepreciable road property retired which are relatively so large that their inclusion in the accounts for a single year would distort those accounts.

(b) Amounts representing the service value of depreciable road property retired which are relatively so large that their inclusion in the depreciation reserve would result in unduly depleting the reserve.

(c) Amounts representing the service value of equipment retired which are relatively so large that their inclusion in the depreciation reserve would result in unduly depleting the reserve.

(d) This provision covering property retired is to be used only after permission of the Commission has been asked and given. The carrier in its application to the Commission shall give full particulars concerning the property retired, the amount which it is proposed to charge to operating expenses, and the period over which, in its judgment, the amount of such charge shall be distributed.

CREDIT

§ 10.751 *Loans and notes payable.* This account shall include the balances representing obligations outstanding in the form of loans and notes payable or other similar evidences (except interest coupons) of indebtedness payable on demand or within a time not exceeding one year from date of issue.

This account shall be kept in such form so as to show separately the amounts of notes payable within one year from date of issue that are secured by collateral.

NOTE: This account shall not include obligations which mature more than one year after date of issue, or demand or short-term notes issued to affiliated companies and includible in account 769, "Amounts payable to affiliated companies."

§ 10.752 *Traffic and car-service balances—Cr.* This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net credit.

NOTE A: When the net of the balances is a debit it shall be included in account 705, "Traffic and car-service balances-Dr."

NOTE B: The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

705 and 752 (a) Interline freight, balance.
705 and 752 (b) Interline passenger, balance.
705 and 752 (c) Interline baggage, balance.
705 and 752 (d) Equipment interchanged, balance.

§ 10.753 *Audited accounts and wages payable.* This account shall include the amount of audited vouchers or accounts and audited payrolls unpaid on the date

of the balance sheet. It shall include balances representing unclaimed wages and outstanding pay and time or discharge checks issued in payment of wages and all other unpaid vouchered items.

§ 10.754 *Miscellaneous accounts payable.* This account shall include outstanding drafts drawn by station agents, outstanding drafts drawn on the company in settlement of freight claims, conductors' refund and extra-fare checks not presented for redemption, deposits of affiliated companies subject to current settlement, taxes collected from employees and others for the account of taxing agencies, and other items of the nature of demand liabilities not covered by accounts 751, 752, 753, 755 and 756.

NOTE: The amount to be reported under this account is not the net balance between this account and account 707, "Miscellaneous accounts receivable."

§ 10.755 *Interest matured unpaid.* This account shall include the amount of matured and unpaid interest on funded debt, and other obligations of the accounting company for which provision has been made for current settlement.

Interest which matures on the first day following that for which the balance sheet is made shall be included in this account.

NOTE: Interest matured unpaid on nonnegotiable debt to affiliated companies, if not subject to current settlement, shall be included in account 769, "Amounts payable to affiliated companies."

§ 10.756 *Dividends matured unpaid.* This account shall include the amount of dividends payable on capital stock but unpaid, uncalled for, or unclaimed at the date of the balance sheet.

Dividends which become payable on the first day following that for which the balance sheet is made shall be included in this account.

§ 10.757 *Unmatured interest accrued.* This account shall include the amount of interest subject to current settlement accrued to the date the balance sheet is made, but not payable until after the first day following that date, on funded securities or obligations, debt in default, receivers' and trustees' securities, amounts payable to affiliated companies, notes payable and other indebtedness issued or assumed by the accounting company.

NOTE A: Interest accrued which is not paid when it matures shall be included in account 781, "Interest in default", unless provision has been made for current settlement. Where interest is in default, subsequent accruals shall be credited direct to account 781, "Interest in default."

NOTE B: Interest accrued on amounts recorded in account 769, "Amounts payable to affiliated companies," and not subject to current settlement, shall be included in that account.

§ 10.758 *Unmatured dividends declared.* This account shall include dividends declared on capital stock, but not payable until after the first day following the date of the balance sheet.

§ 10.759 *Accrued accounts payable.* This account shall include estimates of all unaudited items payable by the carrier to the date of the balance sheet, including those which are chargeable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items.

Examples of items to be included:

Rents payable under leases due subsequent to the date of the balance sheet which are not includible in account 754, "Miscellaneous accounts payable."

Amounts payable to others for unreported interline traffic.

Amounts payable to others for use of facilities, including equipment, for which bills have not been rendered.

Amounts payable to others for services for which bills have not been rendered.

NOTE: Do not include in this account the carrier's estimate of liability in respect of revenue overcharges, injuries to persons, and loss and damage claims. Such estimated liability shall be credited to account 774, "Casualty and other reserves."

§ 10.760 *Taxes accrued.* This account shall be credited with the accruals of all taxes which have been concurrently charged to the appropriate income or other accounts for taxes. Such accruals may be based upon estimates, provided such estimates shall be adjusted so as to reflect in this account at all times the carrier's estimate of its unpaid liability for each of the several classes of taxes which have not been finally settled.

Vouchers for the current payment of taxes, including taxes for which accruals have not been made previously, shall be charged to this account. Taxes paid in advance shall also be charged to this account.

The records supporting the entries in this account shall be kept to show separately by classes of taxes the amount of the tax accruals for the current year and adjustments of accruals for prior years.

§ 10.761 *Other current liabilities.* There shall be included in this account the principal amount of unpresented bonds drawn for redemption through the operation of sinking and redemption fund agreements, also the principal amount of unpresented funded debt obligations, and receivers' and trustees' securities which have matured (for which provision has been made for current settlement), and other current liabilities not covered by accounts 751 to 760, inclusive.

§ 10.765 *Funded debt unmatured.* There shall be included in this account the total par value of unmatured debt (other than equipment obligations), maturing more than one year from date of issue, issued by the accounting company and not retired or canceled, and the total par value of similar unmatured debt of other companies, the payment of which has been assumed by the accounting company.

The amounts included in this account shall be divided so as to show the par value of (1) certificates or other evidences of funded debt (pledged and unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including both those reacquired after actual issue and those nominally but never actually issued; and (2) certificates or other evidences of funded debt issued and actually outstanding, being those not held by the company, its agents or trustees, or subject to its control.

The amounts included herein shall be further divided so as to show the amount of each class of funded debt, as follows:

(a) *Mortgage bonds.* Bonds secured by lien on physical property and not includible in the other subdivisions of this account.

(b) *Collateral trust bonds.* Bonds and notes secured by a lien on securities or other negotiable paper; and stock trust certificates that are similar in character to collateral trust bonds.

(c) *Income bonds.* Bonds which are a lien on a carrier's revenue alone, or bonds which, while being a lien on its property and franchises, can claim payment of interest only in case interest is earned.

(d) *Miscellaneous obligations.* All funded obligations not provided for by the other subdivisions of this account, also notes, unsecured certificates of indebtedness, debenture bonds, plain bonds, real estate mortgages executed or assumed and other similar obligations maturing more than one year from date of issue, but excluding liabilities for assessments for public improvements and those evidenced by conditional or deferred equipment purchase contracts for which provision is made in account 782, "Other liabilities," and account 766, "Equipment obligations," respectively.

(e) *Receipts outstanding for funded debt.* Receipts for payments on account of funded debt. When certificates are issued for amounts so paid, the par value shall be included in the account covering the class of funded debt for which the certificates are issued.

Each of the above classes shall also be divided into subclasses according to differences in mortgage or other lien or security therefor, rate of interest, interest dates, or date of maturity. Parts of any issue agreeing in other characteristics but maturing serially may be treated as of the same subclass.

Records shall be maintained in such manner as to show (1) securities the issuance or assumption of which has been authorized by the Commission under section 20a of the Interstate Commerce Act, and similar securities issued or assumed prior to the effective date of that provision of the act, and (2) other obligations of a kind which may legally be issued or assumed without such authorization.

NOTE A: Securities (other than equipment obligations) maturing one year or less from date of issue shall be included in accounts 769, "Amounts payable to affiliated companies," or 751, "Loans and notes payable," except that where an issue of securities maturing serially over a period of years contains short-term obligations such obligations may be included as funded debt. Matured funded debt shall be included in account 761, "Other current liabilities," if provision has been made for current settlement. If no provision has been made for current settlement, matured funded debt shall be included in account 768, "Debt in default," except that when the collection of matured funded debt of affiliated companies is not enforced by controlling companies, the principal amount (to the extent held by a controlling company) shall be included in account 769, "Amounts payable to affiliated companies."

NOTE B: For the purposes of the balance-sheet statement funded debt securities are considered to be nominally issued when certified by trustees and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company. They are considered to be actually issued when they have been sold to a bona fide purchaser for a valuable consideration, and such purchaser holds them free from all control by the accounting company. All funded debt securities actually issued and not reacquired and held by or for the accounting company are considered to be actually outstanding. If reacquired by or for the accounting company under such circumstances as require them to be considered as held alive and not canceled or retired, they are considered to be nominally outstanding.

NOTE C: Nonnegotiable notes having a maturity of more than one year after date of issue, held by affiliated companies, shall be included in account 769, "Amounts payable to affiliated companies."

NOTE D: Securities nominally issued or reacquired and held in the company's treasury, except securities held by trustees in sinking or other funds, shall be included in a subdivision of this account. In the general balance-sheet statement the total unmatured funded debt included in the account shall be shown in the first short column. The amount nominally but not actually issued and the amount nominally outstanding shall be shown in the second short column, and in the long column shall be shown the amount actually outstanding.

§ 10.766 *Equipment obligations.* This account shall include the par value of equipment securities and the principal amount of contractual obligations including those maturing serially or payable in installments over a period of more than one year.

The amounts included herein shall be divided as follows:

(a) Principal amount of equipment securities including those maturing serially, issued or assumed by the accounting company or by receivers and trustees, which have been authorized by the Commission under section 20a of the Interstate Commerce Act and similar securities issued or assumed prior to the effective date of that provision of the Act.

(b) Principal sums of obligations for equipment purchased under conditional or deferred payment contracts, which may be legally entered into or assumed by the accounting company or by receivers and trustees, without authorization by the Commission.

NOTE: Amounts included in this account which are payable within one year from the date of the balance sheet shall be shown in a footnote thereto.

§ 10.767 *Receivers' and trustees' securities.* When receivers or trustees acting under the orders of a court are in possession of the property of the company, and under the order of such court issue or assume evidences of indebtedness (other than equipment securities or obligations) the par value of such evidences shall be credited to this account.

NOTE: The par value of equipment securities or the principal amount of obligations incurred for the purchase of equipment under conditional or deferred payment contracts shall be included in account 766, "Equipment obligations."

§ 10.768 *Debt in default.* This account shall include amounts transferred from other accounts representing matured funded securities or obligations, receivers' and trustees' securities, equipment obligations and short-term notes, when maturity dates of such obligations have not been extended.

NOTE A: The principal amount of matured funded debt of affiliated companies the collection of which is not enforced by the controlling company shall (to the extent of the principal amount held by the controlling company) be included in account 769, "Amounts payable to affiliated companies."

NOTE B: The principal amount of unpresented funded debt obligations which have matured, and for which provision has been made for payment shall be included in account 761, "Other current liabilities."

§ 10.769 *Amounts payable to affiliated companies.* This account shall include the par value of nonnegotiable notes issued to affiliated companies, matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension as to time of payment and collection of the principal is not enforced, credit balances in open accounts with such companies other than credit balances in current accounts classable as current liabilities, and interest accrued on notes, matured funded debt of affiliated companies and open accounts included in this account, when such interest is not subject to current settlements.

This account shall be divided:

(a) Notes, including herein not only nonnegotiable notes that run longer than a term of one year, but also such notes payable on demand or within one year from the date of issue when it is mutually agreed that the notes shall not be enforced as current assets by the holder.

(b) Par value of matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension of time and collection is not enforced.

(c) Open accounts not subject to current settlement.

(d) Interest accrued on amounts included in this account when not subject to current settlements.

NOTE A. Accounts with affiliated companies which are subject to current settlements, such as traffic and car-service balances, charges for material and supplies currently furnished, charges for repairs to equipment, etc., shall be classed as current assets or current liabilities, as may be appropriate.

NOTE B. No item shall be included in this account which is not known to be the property of an affiliated company.

NOTE C. The term affiliated companies includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

§ 10.771 *Pension and welfare reserves.* This account shall include the credit balances representing the liability of the carrier for amounts provided by charges to operating expenses or by specific appropriations of income or retained income, including amounts contributed by employees, irrespective of whether carried in special funds or in the general funds of the carrier, for pensions, accident and death benefits, savings, relief, hospital, or other provident purposes.

Separate subaccounts shall be kept for each kind of reserve created, and the appropriate reserve shall be charged when payments are made to retired employees, or disbursements are made for the purposes for which the reserves were created.

§ 10.772 *Insurance reserves.* This account shall include the net credit balance in the accounts to which are credited insurance premiums concurrently charged to operating expenses to cover self-carried risks on fire, fidelity, boiler, casualty, burglar, and other insurance, and to which are charged losses sustained on items protected by such insurance.

§ 10.773 *Equalization reserves.* This account shall include ledger balances representing reserves created by charges to operating expenses for maintenance of road and equipment under a program designed to equalize such expenses by months within a calendar year. The debit or credit balances in this account shall be closed at the end of each calendar year to the accounts through which they were created.

§ 10.774 *Casualty and other reserves.* This account shall include reserves created by charges to operating expenses to provide for estimated liability for injuries to persons and loss and damage claims; estimated liability for revenue overcharges, such as those covered by reparation claims; and reserves not otherwise provided for in balance sheet accounts.

NOTE: With respect to injuries to persons and loss and damage claims, if the settlements when audited are charged to this account the balances for each year shall be kept separately until all items have been adjusted and cleared, but, if the settlements when audited are charged to the appropriate expense accounts the balance in this account shall be adjusted through the appropriate expense accounts so as to reflect the probable liability at the close of each year.

§ 10.781 *Interest in default.* This account shall include the amount of matured and unpaid interest (for which no provision has been made for current settlement) on all indebtedness issued or assumed by the accounting company except interest which is added to the prin-

cipal of the debt on which incurred. Where interest is in default, subsequent accruals shall be credited direct to this account.

§ 10.782 *Other liabilities.* This account shall include assessments for public improvements payable over a period longer than one year; retained percentages due contractors to be paid upon completion of contracts; deposits for construction of side tracks to be refunded on basis of an agreed portion of the earnings from the traffic handled over the tracks; other deferred liabilities; and liabilities not otherwise provided for in general balance sheet accounts.

NOTE: The amount of assessments for public improvements, if payments are to be made within one year, shall be included in account 761, "Other current liabilities."

§ 10.783 *Unamortized premium on long-term debt.* This account shall include the total of the net credit balances in the discount, expense, and premium accounts for the several subclasses of funded debt.

§ 10.784 *Other deferred credits.* This account shall include the amount of credit balances in suspense accounts that cannot be entirely cleared and disposed of until additional information is received, such as amounts received from sale of mileage tickets, to be disposed of as mileage is honored; amounts received from sales of excess baggage script, to be disposed of as coupons are honored; interchangeable mileage credential ticket redemption funds, amounts collected from the sale of damaged, unclaimed, and over freight held pending claim; credit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operating gravel pits," and "Operating quarries"; unadjusted credit items not otherwise provided for; and similar items, the proper disposition of which is uncertain.

§ 10.785 *Accrued depreciation; leased property.* This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the estimated accrued depreciation on leased road and equipment when settlements between the accounting company and the lessor are not made currently. It shall also be credited with depreciation accrued on property the cost of which is included in account 732, "Improvements on leased property." When leased property for which accruals have been included in this account is retired from service, the entire service value of property the cost of which has been charged to account 732 by the lessee and the service value of property, the ledger value of which is carried in account 731, "Road and equipment property," by the lessor for which the lessee is liable to the lessor shall be charged to this account.

§ 10.791 *Capital stock issued.* This account shall include the total par value of par value stock, and the total amount paid in or the amount approved by the Commission for stock without par value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and canceled, also shares of stock nominally issued, and reacquired shares which have not been canceled.

Appropriations of retained income which have been transferred to no par stock account shall also be included. The amount of the consideration received from the sale of par value stock in excess of the amount credited to this account shall be credited to account 794, "Premiums and assessments on capital stock."

When capital stock is retired or canceled, this account shall be charged with the amount at which such stock is carried in this account. In the case of no par stock the amount to be charged hereto shall be the proportion, applicable to the reacquired shares immediately prior to reacquisition, of the total book liability included herein of actually outstanding shares of the particular class and series of stock of which the reacquired shares are a part.

The amounts included in this account shall be recorded so as to show:

(a) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock (pledged or unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including shares nominally but never actually issued and

(b) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock issued and actually outstanding, being the shares not held by the company, its agents or trustees, or subject to its control.

The amounts included herein shall be further divided so as to show the amount of each class of stock issued, separated as between par value and no par value stock, as follows:

(1) *Common stock.* Stocks which have no preference over other issues of stock in distribution of dividends or of assets.

(2) *Preferred stock.* Stocks having preference over other issues of stock in distribution of dividends or of assets.

(3) *Debenture stock.* Stocks issued under a contract to pay a specified return at specified intervals.

(4) *Receipts outstanding for installments paid.* Receipts for payments on account of subscriptions to capital stock.

When the subscriber has paid his subscription in full and is entitled to receive certificates representing the shares for which he has subscribed, the par value of stocks having par value or the agreed purchase price or the price authorized by the Commission of stock without par value shall be included in the division appropriate for the class for which the certificates are issued.

Each of the above classes shall also be divided into subclasses according to differences in dividend or interest rights, voting rights, or conditions under which the securities may be retired.

NOTE A: When a general levy or assessment is made against the holders of capital stock, requiring the payment of any sum in addition to the consideration agreed upon at the time of sale, the amount collected upon such levy or assessment shall be credited to account 794, "Premiums and assessments on capital stock."

NOTE B: When capital stock having par value is exchanged for capital stock without par value any sums resting in account 794, "Premiums and assessments on capital stock," with respect thereto shall be cleared to account 791, "Capital stock issued," and any amounts resting in the discount account with respect thereto shall be cleared to account 795, "Paid-in surplus"; *Provided, however,* That any excess over the amount of accumulated net gains applicable to the subclass exchanged included in paid-in surplus shall be charged to account 621, "Miscellaneous debits."

NOTE C: An appropriate record shall be maintained with respect to shares of capital stock showing the number of shares nominally issued, nominally outstanding, actually issued and actually outstanding.

NOTE D: For the purpose of the balance-sheet statement capital stock is considered to be nominally issued when certificates are signed and sealed and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company. It is considered to be actually issued when it has been sold to a bona fide purchaser for a valuable consideration, and such purchaser holds it free from all control by the accounting company. All capital stock actually issued and not reacquired and held by or for the accounting company is considered to be actually outstanding. If reacquired by or for the accounting company under such circumstances as require it to be considered as held alive and not canceled or retired, it is considered to be nominally outstanding.

NOTE E: Shares of stock nominally issued or reacquired and held in the company's treasury, except shares held by trustees in sinking or other funds, shall be included in a subdivision of this account. In the balance-sheet statement the balance in the subaccount shall be stated in the short column only.

§ 10.792 *Stock liability for conversion.* This account shall include the company's liability under agreements to exchange its capital stock for the outstanding securities of companies whose physical property has been acquired under such agreements, but whose securities have not yet been surrendered for exchange.

§ 10.793 *Discount on capital stock.* This account shall include discount suffered in the issuance and sale of capital stock. Record supporting the entries to this account shall be kept to show the discount suffered, if any, on each subclass of capital stock.

§ 10.794 *Premiums and assessments on capital stock.* This account shall include the excess of the actual cash value (at the time of the sale of the stock) of the consideration received over the amounts recorded in account 791, "Capital stock issued," for par value stock plus accrued dividends, if any, also subsequent assessments against stockholders representing payments required in excess of par or other amounts recorded in account 791, "Capital stock issued," in accordance with the text of that account.

When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be charged hereto.

§ 10.795 *Paid-in surplus.* This account shall include such items as amount of consent dividends on the accounting company's capital stock; surplus arising from donations by the accounting company's stockholders; amounts representing reduction of the par or recorded value of the accounting company's capital stock; amounts of forfeited subscriptions to the accounting company's capital stock; gains from the acquisition, retirement, or resale of reacquired shares of the accounting company's capital stock; and long-term debt of the accounting company forgiven by stockholders.

It shall be charged with amounts included herein when capitalized by stock dividends or otherwise with the approval of the Commission, and losses from retirement or resale of reacquired shares up to an amount not in excess of credits included herein applicable to the reacquired shares; and may be charged with the amortization of discount on capital stock to the extent of credits herein.

§ 10.796 *Other capital surplus.* This account shall include all capital surplus not provided for in account 795, "Paid-in surplus."

§ 10.797 *Retained income; appropriated.* This account shall include the total of the net balances of appropriations of income and retained income for the acquisition of capital assets; the retirement of debt; sinking and redemption funds; and all other appropriations specifically set aside in the hands of trustees as well as appropriations held in general funds for which no specific investment or segregation of assets has been made. It shall also include accretions to the assets held in such special funds.

A subdivision of this account shall be maintained by classes of appropriations, the titles of which shall indicate the purpose for which the appropriations were made.

§ 10.798 *Retained income; unappropriated.* This account shall include the net balance (debit or credit) of the amounts included in accounts 601 to 621, inclusive. It shall not include transfers either to or from accounts 795, "Paid-in surplus," or 796, "Other capital surplus," unless so authorized upon application to the Commission.

Any balance representing retained income not segregated at the date of the balance sheet shall be included in a subdivision of this account.

The balance of accounts 601 to 621, inclusive, shall be closed into this account at the end of each calendar year.

§ 10.799 *Form of general balance sheet statement.* The classified form of general balance sheet statement is designed to show the financial condition of the accounting company at any specified date.

ASSETS

Current assets:
- 701. Cash.
- 702. Temporary cash investments.
- 703. Special deposits.
- 704. Loans and notes receivable.
- 705. Traffic and car-service balances—Dr.
- 706. Net balance receivable from agents and conductors.
- 707. Miscellaneous accounts receivable.
- 708. Interest and dividends receivable.
- 709. Accrued accounts receivable.
- 710. Working fund advances.
- 711. Prepayments.
- 712. Material and supplies.
- 713. Other current assets.

Total current assets.

Special funds:
- 715. Sinking funds.
- 716. Capital and other reserve funds.
- 717. Insurance and other funds.

Total special funds.

Investments:
- 721. Investments in affiliated companies.
- 722. Other investments.
- 723. Reserve for adjustment of investment in securities—Cr.

Total investments.

Properties:
- 731. Road and equipment property.
- 732. Improvements on leased property.
- 733. Acquisition adjustment.
- 734. Donations and grants—Cr.

Total transportation property.
- 735. Accrued depreciation—Road and Equipment.
- 736. Amortization of defense projects—Road and Equipment.

Total transportation property less recorded depreciation and amortization.
- 737. Miscellaneous physical property.
- 738. Accrued depreciation—Miscellaneous physical property.

Miscellaneous physical property less recorded depreciation.

Total properties less recorded depreciation and amortization.

Other assets and deferred charges:
- 741. Other assets.
- 742. Unamortized discount on long-term debt.
- 743. Other deferred charges.

Total other assets and deferred charges.

Total assets.

LIABILITIES AND SHAREHOLDERS' EQUITY

Current liabilities:
- 751. Loans and notes payable.
- 752. Traffic and car-service balances—Cr.
- 753. Audited accounts and wages payable.
- 754. Miscellaneous accounts payable.
- 755. Interest matured unpaid.
- 756. Dividends matured unpaid.
- 757. Unmatured interest accrued.
- 758. Unmatured dividends declared.
- 759. Accrued accounts payable.
- 760. Taxes accrued.
- 761. Other current liabilities.

Total current liabilities.

Long-term debt: [1]
- 765. Funded debt unmatured.
- 766. Equipment obligations.
- 767. Receivers' and Trustees' securities.
- 768. Debt in default.
- 769. Amounts payable to affiliated companies.

Total long-term debt (due within one year $).

Reserves:
- 771. Pension and welfare reserves.
- 772. Insurance reserves.
- 773. Equalization reserves.
- 774. Casualty and other reserves.

Total reserves.

Other liabilities and deferred credits:
- 781. Interest in default.
- 782. Other liabilities.
- 783. Unamortized premium on long-term debt.
- 784. Other deferred credits.
- 785. Accrued depreciation—Leased property.

Total other liabilities and deferred credits.

Shareholders' equity:

Capital stock (par or stated value):
- 791. Capital stock issued.[1]
- 792. Stock liability for conversion.
- 793. Discount on capital stock.

Total capital stock.

Capital surplus:
- 794. Premiums and assessments on capital stock.
- 795. Paid-in surplus.
- 796. Other capital surplus.

Total capital surplus.

Retained income:
- 797. Retained income—Appropriated.
- 798. Retained income—Unappropriated.

Total retained income.

Total shareholders' equity.

Total liabilities and shareholders' equity.

[1] To be divided as to "Total issued" and "Held by or for company."

CLASSIFICATION OF MILEAGE ACCOUNTS

TRAIN MILES

§ 10.800 *Rules and definitions.* (a) A train is a unit of equipment, or a combination of units of equipment (exclusive of light locomotives), in condition for movement over tracks by self-contained motor equipment. A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A light locomotive is a locomotive in condition for movement by its own motor equipment, uncoupled to cars, work equipment, or dead locomotives. A motor car is a self-propelled unit of equipment designed to carry freight or passenger traffic, and is not to be considered a locomotive.

(b) A train-mile is the movement of a train a distance of 1 mile.

(c) In computing train-miles, fractions representing less than one-half mile shall be disregarded and other fractions considered as 1 mile.

(d) Transportation service train-miles shall be based on the actual distance run between terminals and stations, and shall be computed from the official time-tables or distance tables.

(e) Work service train-miles shall be based on the actual distance run between terminals. When work trains are run between terminals and not ordered to work at some specified point or within specified working limits, the actual miles run shall be allowed to them, the same as to any other class of trains. When ordered to run to a certain point to work at that point or within specified working limits, the actual miles made while under running orders shall be allowed, and in addition an arbitrary mileage of 6 miles per hour for the time working at the point or within the working limits named. In computing such arbitrary mileage, fractions representing less than one-half hour shall be disregarded and other fractions considered as one hour. Constructive miles on the basis of 6 miles per hour shall be allowed trains run for the purpose of removing snow when the actual miles of such trains are less than the constructive miles. No record is required of work-train miles on new roads, road extensions, or portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

(f) Each train and each section of a train run by a separate train crew shall be considered a separate train, whether hauled by one or more locomotives either the whole distance or a part of the distance between the train terminals. There shall be nothing added to this distance to cover running of locomotives from enginehouses to terminals, doubling hills, running for water, switching, or other work at way stations, or for the service of helper or pusher locomotives or of extra locomotives on double-head or triple-head trains.

(g) When the carrier's trains, hauled by its locomotives and handled by its crews, are detoured over foreign roads, the miles shall be computed on the basis of the miles actually run, and classified by it in its train-miles in accordance with the service performed.

(h) Separate accounts of train-miles shall be kept for trains hauled by locomotives and for trains moved by motor cars.

TRAIN-MILE ACCOUNTS

Transportation Service [1]

§ 10.801 *Freight-train miles.* This account shall include miles run by all trains between terminals or stations for the transportation of revenue and company freight; also miles run by trains consisting of empty freight cars, and by trains consisting of a locomotive and caboose running light in connection with such service.

Trains which contain passenger-train cars shall be classed as freight trains whenever the number of freight-train cars is in excess of the number of passenger-train cars in them.

Freight-train miles shall be subdivided as follows:

Ordinary freight-train miles: Miles run by trains consisting of a locomotive, with or without caboose, with other equipment.

Light freight-train miles: Miles run by trains consisting of a locomotive and caboose, running light in connection with freight-train service.

§ 10.802 *Passenger-train miles.* This account shall include miles run by revenue service trains to transport passengers, baggage, mail, milk, express, or any combination of these; also miles run by trains consisting of deadhead passenger equipment.

Trains which contain freight-train cars shall be classed as passenger trains whenever the number of passenger-train cars is in excess of the number of freight-train cars in them.

[1] These accounts shall include the miles of all revenue service trains, including trains which incidentally carry employees or company freight. They shall also include the miles of trains which are operated between terminals or stations to transport company freight, when the service is similar to that connected with the transportation of commercial freight and statistics of ton-miles are kept.

The trains here referred to are those the locomotive and train expenses of operating which are includible in the locomotive and train expense accounts in § 10.370 *Transportation; rail line.*

NOTE: This account does not apply to trains run for the transportation of mail or milk upon the basis of authorized tariffs at rates based upon weight. The miles of such trains shall be classed as freight-train miles.

Work Service

§ 10.805 *Work-train miles.* This account shall include miles run by trains engaged in company service, such as official, inspection, and pay trains; inspection trains for railway commissioners for which no revenue is received; trains running special with fire apparatus to save the carrier's property from destruction; trains run for transporting the carrier's employees to and from work when no transportation charge is made; wrecking trains; trains run for the purpose of ditching, filling embankments, and widening cuts; trains run for the purpose of removing snow; trains distributing ties, rails, other track material, ballast, bridge material, and other material and supplies for maintenance or for additions and betterments; trains run for picking up and concentrating such material; and trains run for distributing material and supplies for use in connection with operation.

NOTE B: The accounting for expenses of work-train service shall be in accordance with paragraph (c) of § 10.01–4 *Cost of construction* and paragraph (c) of § 10.04–3 *Cost of repairs*, and other requirements of the accounting regulations for operating expenses.

NOTE C: No record is required of the miles of construction trains on new roads or road extensions, or on portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

LOCOMOTIVE MILES

§ 10.810 *Rules and definitions.* (a) A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A locomotive-mile is a movement of a locomotive a distance of 1 mile, under its own power.

(b) In computing locomotive-miles fractions representing less than one-half mile shall be disregarded, and other fractions considered as 1 mile.

(c) All locomotive-miles made in hauling transportation service trains shall be based upon the actual distance run between terminals or stations, and shall be computed from the official time-tables or distance tables as prescribed for train-miles.

(d) Light-locomotive miles shall be based on the actual distance locomotives run, except that no light-locomotive miles shall be allowed for terminal service where the distance in one direction is less than one-half mile.

(e) Miles of locomotives in helper service shall be computed on the basis of actual distance run in such service.

(f) Train switching locomotive-miles shall be computed at the rate of 6 miles per hour for the time actually engaged in such service. In computing such arbitrary mileage fractions representing less than one-half hour shall be disregarded and other fractions considered as one hour.

(g) Yard switching locomotive-miles shall be computed at the rate of 6 miles per hour for the time actually engaged in such service. In computing yard switching locomotive-miles, fractions representing less than one-half hour shall be disregarded, and other fractions considered as one hour.

(h) Work-train locomotive-miles shall be computed according to the rules prescribed for work-train miles. Miles of work locomotives employed in switching at shops for shop purposes, spotting cars in gravel pits, working with pile drivers, etc., shall be computed upon the basis of 6 miles per hour for the actual time in the service. In computing the time engaged fractions representing less than one-half hour shall be disregarded and other fractions considered one hour.

(i) The miles of new or generally repaired locomotives running light in breaking-in service shall not be included in the locomotive-mile accounts.

(j) No record is required of the miles of locomotives in construction service on new roads or road extensions, or on portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

(k) A separate record shall be kept for miles of steam locomotives and for miles of other locomotives.

(l) Miles of motor cars shall not be classed as locomotive-miles.

LOCOMOTIVE-MILE ACCOUNTS

Transportation Service; Line [1]

§ 10.811 *Freight locomotive-miles.* This account shall include miles run by locomotives in freight-train service, the train-miles of which are includible in account 801, "Freight-train miles."

Principal freight locomotive-miles: Miles run by locomotives principal to the train, between terminals or stations, with freight trains; also miles run by locomotives between terminals or stations, with cabooses, going to or returning from such service; and miles run in hauling the second cut of freight trains doubled over grades.

Helper freight locomotive-miles: Miles run by locomotives as helpers over the division or that portion covered by the run, or on important grades, including double-headers, triple-headers, and pushers, regardless of whether on the head end, in the middle, or on the rear of the train.

Light freight locomotive-miles: Miles run by locomotives light between terminals or stations in connection with freight-train service on account of unbalanced traffic; miles run light for hauling second cuts of trains doubled; miles run light between freight trains and next coaling station or water tank for coal or water; miles run light to pick up or assist freight trains between terminals; miles run light by grade helpers in returning from assisting freight trains as pushers or double-headers; and miles run light by locomotives coming from or going to enginehouses or turntables from freight-train service.

NOTE. No miles shall be allowed for light movements at terminals if the distance between enginehouses or turntables and freight-train terminals is less than one-half mile.

[1] This account shall include the miles run by locomotives moving transportation service trains, and also miles run light in connection with such service.

§ 10.812 *Passenger locomotive-miles.* This account shall include miles run by locomotives in passenger-train service, the train-miles of which are includible in account 802, "Passenger-train miles."

Principal passenger locomotive-miles: Miles run by locomotives principal to the train between terminals or stations, with passenger trains.

Helper passenger locomotive-miles: Miles run by locomotives as helpers over the division, or that portion covered by the run, or on important grades.

Light passenger locomotive-miles: Miles run by locomotives light between terminals or stations on account of unbalanced traffic, in connection with passenger-train service; miles run light between passenger trains and next coaling station or water tank for coal or water; miles run light to pick up or assist a passenger train between terminals; miles run light by grade helpers in returning from assisting passenger trains as pushers or double-headers; and miles run light by locomotives coming from or going to enginehouses or turntables from passenger-train service.

NOTE: No miles shall be allowed for light movements at terminals if the distance between enginehouses or turntables and passenger-train terminals is less than one-half mile.

Transportation Service; Switching

§ 10.815 *Train switching locomotive-miles.* This account shall include miles allowed train locomotives for performing switching service at terminals and way stations. Include such items as switching at industry tracks, team tracks, freight house tracks, and interchange tracks; picking up or leaving cars en route; switching out bad order cars, weighing cars, making up or breaking up train at points where no yard service is maintained. No time should be included representing delays that may occur after yard switching has been completed such as waiting for a train order, held up account of meeting with a train in opposite direction, waiting for waybills or other time lost due to conditions other than actual train switching.

§ 10.816 *Yard switching locomotive-miles.* This account shall include miles allowed yard locomotives while switching in yards where regular switching service is maintained; also miles of switching locomotives running light between terminals and yards where regular switching service is maintained in connection with switching service in such yards. This account shall be subdivided as follows:

Yard switching locomotive-miles; freight: Miles allowed yard locomotives in yards where regular switching service is maintained and in terminal switching and transfer service while engaged in switching cars in connection with the transportation of revenue freight; also miles allowed locomotives in such service while engaged incidentally in switching cars in connection with the transportation of company freight.

Yard switching locomotive-miles; passenger: Miles allowed yard locomotives while switching cars in connection with passenger-train service.

NOTE: Where yard switching is performed for both freight and passenger service by the same locomotive, or by locomotives assigned to one yard, a fair approximation of the mileage may be assigned to each service daily or monthly.

Work Service

§ 10.817 *Work service locomotive-miles.* This account shall include the actual miles run by locomotives in work-train service as defined in § 10.805; also miles of locomotives engaged solely in shop or material yard switching service.

NOTE A: Miles run by locomotives while engaged incidentally (in connection with regular yard switching service) in switching company material in company shop or material yards, or in switching equipment for repairs between yards and shops, shall be included in account 816, "Yard switching locomotive-miles."

NOTE B: Miles run by locomotives engaged in shop and material yard switching service, if operated by shop employees, shall not be included in this account.

CAR MILES

§ 10.820 *Rules and definitions.* (a) A car-mile is a movement of a unit of car equipment a distance of 1 mile.

(b) In computing car-miles, fractions representing less than one-half mile shall be disregarded, and other fractions considered as 1 mile.

(c) Separate accounts of car-miles shall be kept for the cars in trains hauled by locomotives and for the cars in trains moved by motor cars. The record of car-miles in trains moved by motor cars shall show separately the miles for motor cars and for cars not thus equipped.

CAR-MILE ACCOUNTS

Transportation Service

§ 10.821 *Freight-train car-miles.* (a) This account shall include the miles run by freight-train cars (including caboose cars) in transportation service. Such car-miles shall be subdivided as follows:

Loaded (run by loaded freight cars).
Empty (run by empty freight cars).
Caboose (run by caboose cars).

(b) This account shall be so kept as to show miles run in freight trains and in passenger trains separately.

§ 10.822 *Passenger-train car-miles.* (a) This account shall include the actual miles run by passenger-train cars in transportation service. It shall include miles of loaded cars and also of empty cars deadheaded in connection with the service, and shall be subdivided as follows:

(1) *Coaches.* Miles run by coaches and chair cars in which passengers are carried at regular tariff fares without extra charge for space occupied.

(2) *Combination coach cars.* Miles run by combination passenger and baggage, passenger and mail, and passenger and express cars in which passengers are carried at regular tariff fares without extra charge for space occupied.

(3) *Sleeping and parlor cars.* Miles run by sleeping, parlor, and other cars for which an extra fare is charged for space occupied.

(4) *Dining, club, lounge, and observation cars.* Miles run by dining, cafe, and other cars devoted exclusively to the serving of meals and other refreshments and by club, lounge, and observation cars without charge in excess of sleeping or parlor car fares.

(5) *Business cars.* Miles run by all railway business cars operated for the transportation of the carrier's officers and employees.

(6) *Other passenger-train cars.* Miles run by baggage, express, mail, milk, and postal cars, and by cars in which such services are combined. (This class includes no cars intended for the transportation of revenue passengers.)

(b) This account shall be so kept as to show miles run in freight trains and in passenger trains separately.

Work Service

§ 10.825 *Work service car-miles.* This account shall include miles run by cars in work trains, except by equipment which is designed exclusively for work service, such as snow plows, flangers, derricks, pile drivers, wrecking cranes, tool cars, and camp outfits. (For definition of work train see § 10.805.)

[F. R. Doc. 57–6387; Filed, Aug. 2, 1957; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR FLORIDA AVOCADOS [1]

On June 21, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 4392) regarding a proposed issuance of United States Standards for Florida Avocados.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Florida Avocados are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.3050 U. S. No. 1.
51.3051 U. S. Combination.
51.3052 U. S. No. 2.
51.3053 U. S. No. 3.

UNCLASSIFIED

51.3054 Unclassified.

STANDARD PACK

51.3055 Standard pack.

APPLICATION OF TOLERANCES

51.3056 Application of tolerances.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

DEFINITIONS

Sec.
51.3057 Similar varietal characteristics.
51.3058 Mature.
51.3059 Overripe.
51.3060 Well formed.
51.3061 Clean.
51.3062 Well colored.
51.3063 Well trimmed.
51.3064 Damage.
51.3065 Fairly well formed.
51.3066 Fairly well colored.
51.3067 Serious damage.
51.3068 Badly misshapen.
51.3069 Very serious damage.

AUTHORITY: §§ 51.3050 to 51.3069 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.3050 *U. S. No. 1.* "U. S. No. 1" consists of avocados of similar varietal characteristics which are mature but not overripe, well formed, clean, well colored, well trimmed and which are free from decay, anthracnose, and freezing injury and are free from damage caused by bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for avocados affected by decay or anthracnose, including therein not more than 1 percent for avocados affected by decay. (See §§ 51.3055 and 51.3056.)

§ 51.3051 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 avocados: *Provided,* That at least 60 percent, by count, of the avocados in each container meet the requirements of the U. S. No. 1 grade.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of the U. S. No. 2 grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for avocados affected by decay or seriously damaged by anthracnose, including therein not more than 1 percent for avocados affected by decay. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 fruit required or specified in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 fruit required or specified. (See §§ 51.3055 and 51.3056.)

§ 51.3052 *U. S. No. 2.* "U. S. No. 2" consists of avocados of similar varietal characteristics which are mature but not overripe, fairly well formed, clean, fairly well colored, well trimmed and which are free from decay and freezing injury and are free from serious damage caused by anthracnose, bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for avocados affected by decay or anthracnose, including therein not more than 1 percent for avocados affected by decay. (See §§ 51.3055 and 51.3056.)

§ 51.3053 *U. S. No. 3.* "U. S. No. 3" consists of avocados of similar varietal characteristics which are mature but not overripe, which are not badly misshapen, and which are free from decay and are free from serious damage caused by anthracnose and are free from very serious damage caused by freezing injury, bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, dirt or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade, including therein not more than 2 percent for avocados affected by decay. (See §§ 51.3055 and 51.3056.)

UNCLASSIFIED

§ 51.3054 *Unclassified.* "Unclassified" consists of avocados which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

STANDARD PACK

§ 51.3055 *Standard pack.* (a) The avocados shall be packed in accordance with good commercial practice and the pack shall be at least fairly tight. The weight of the smallest fruit in any container shall be not less than 75 percent of the weight of the largest fruit in the container. Size of the avocados may be specified by count.

(b) In order to allow for variations incident to proper sizing and packing, not more than 5 percent, by count, of the avocados in any container may weigh less than 75 percent of the weight of the largest fruit: *Provided,* That no fruit in any container shall weigh less than 60 percent of the weight of the largest fruit in the container. In addition, not more than 5 percent of the containers in any lot may fail to meet the requirement as to tightness of pack.

APPLICATION OF TOLERANCES

§ 51.3056 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 20 avocados and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 20 avocados and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 20 avocados or less, individual packages shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

DEFINITIONS

§ 51.3057 *Similar varietal characteristics.* "Similar varietal characteristics" means that the avocados in any container are similar in shape, texture and color of skin and flesh.

§ 51.3058 *Mature.* "Mature" means that the avocado has reached a stage of growth which will insure a proper completion of the ripening process.

§ 51.3059 *Overripe.* "Overripe" means that the avocado is dead ripe with flesh soft or discolored and past commercial use.

§ 51.3060 *Well formed.* "Well formed" means that the avocado has the normal shape characteristic of the variety.

§ 51.3061 *Clean.* "Clean" means that the avocado is practically free from dirt, staining or other foreign material.

§ 51.3062 *Well colored.* "Well colored" means that the avocado has the color characteristic of the variety.

§ 51.3063 *Well trimmed.* "Well trimmed" means that the stem, when present, is cut off fairly smoothly at a point not more than one-fourth inch beyond the shoulder of the avocado.

§ 51.3064 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the avocados in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts or other skin breaks when not healed and penetrating beneath the epidermis or the aggregate area exceeds that of a rectangle 1 inch in length and one-eighth inch in width, or when healed and the appearance is materially affected;

(b) Pulled stems when the exposed stem cavity is excessively deep, or when skin surrounding the stem cavity is more than slightly torn;

(c) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown surface discoloration aggregating 10 percent of the fruit surface;

(d) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown superficial, fairly smooth scars aggregating 10 percent of the fruit surface;

(e) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has greenish-yellow colored sunburn aggregating 10 percent of the fruit surface; and,

(f) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown, superficial scars aggregating 10 percent of the fruit surface.

§ 51.3065 *Fairly well formed.* "Fairly well formed" means that the avocado may be slightly abnormal in shape but not to the extent that the appearance is seriously affected.

§ 51.3066 *Fairly well colored.* "Fairly well colored" means that the avocado shows a shade of color which is fairly characteristic of the variety.

§ 51.3067 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the avocados in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Anthracnose when any spot exceeds the area of a circle one-fourth inch in diameter, or when more than 3 spots each of which exceeds the area of a circle three-sixteenths inch in diameter;

(b) Cuts or other skin breaks when not healed and penetrating into the flesh of the fruit, or the aggregate area exceeds that of a rectangle 1 inch in length and one-fourth inch in width, or when healed and the appearance is seriously affected;

(c) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-fourth inch in diameter, or when the flesh is torn;

(d) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown surface discoloration aggregating 25 percent of the fruit surface;

(e) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown superficial fairly smooth scars aggregating 25 percent of the fruit surface;

(f) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has greenish-yellow colored sunburn aggregating 25 percent of the fruit surface;

(g) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown superficial, fairly smooth scars aggregating 25 percent of the fruit surface; and,

(h) Cercospora spot when any spot exceeds the area of a circle one-fourth inch in diameter, or when more than 3 spots each of which exceeds the area of a circle three-sixteenths inch in diameter, or when the aggregate area of all spots exceeds the area of a circle 1 inch in diameter.

§ 51.3068 *Badly misshapen.* "Badly misshapen" means that the avocado is so badly curved, constricted, pointed or otherwise deformed that the appearance is very seriously affected.

§ 51.3069 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the avocado. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Cuts or other skin breaks when not healed and penetrating into the flesh of the fruit, or any skin break very seriously affecting the appearance, or the edible or shipping quality;

(b) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-half inch in diameter, or when the flesh is torn;

(c) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown surface discoloration aggregating 50 percent of the fruit surface;

(d) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown superficial, fairly smooth scars aggregating 50 percent of the fruit surface;

(e) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has greenish-yellow colored sunburn aggregating 50 percent of the fruit surface; and,

(f) Sunscald or sprayburn when not well healed, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has light brown superficial, fairly smooth scars aggregating 50 percent of the fruit surface.

The United States Standards for Florida Avocados contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: July 31, 1957.

[SEAL] FRANK E. BLOOD,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6382; Filed, Aug. 2, 1957; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 113]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.413 *Valencia Orange Regulation 113*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 1, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Ari-

zona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 4, 1957, and ending at 12:01 a. m., P. s. t., August 11, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 808,500 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 2, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6424; Filed, Aug. 2, 1957; 11:28 a. m.]

[Lemon Reg. 698]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.805 *Lemon Regulation 698*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 31, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 4, 1957, and ending at 12:01 a. m., P. s. t., August 11, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 1, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6416; Filed, Aug. 2, 1957; 9:11 a. m.]

PART 995—MILK IN NORTH CENTRAL OHIO MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 995), regulating the handling of milk in the North Central Ohio marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 995.43 (d) will not tend to effectuate the declared policy of the act for the months of July and August, 1957:

(d) • • • (beginning in 1958) • • • which was a pool plant and which transferred milk to such distributing plant for at least three of the months of September through December, immediately preceding • • • the lesser of the following amounts • • •

(1) The monthly average number of pounds assigned to such supply plant as Class I milk from such distributing plant during the preceding period September through December, inclusive;

(2) An amount computed as follows: Determine the percentage which the volume of Class I milk described under subparagraph (1) of this paragraph bears to the monthly average pounds of Class I milk at such distributing plant for the preceding period September through December, inclusive, and multiply the total Class I milk at such distributing plant for the current month by such percentage; and (3)

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time sufficient for such compliance;

(2) Producers of more than 50 percent of the milk produced for this market, and the handler of the milk involved, have requested that these provisions be suspended. Other handlers have indicated no objection to this suspension action;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in this marketing area; and

(4) This suspension order does not impose any additional financial obligation upon handlers and does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately for the months of July and August, 1957.

It is therefore ordered, That the following provisions of § 995.43 (d) of the order be and hereby are suspended for the months of July and August, 1957:

(d) • • • (beginning in 1958) • • • which was a pool plant and which transferred milk to such distributing plant for at least three of the months of September through December, immediately preceding • • • the lesser of the following amounts • • •

(1) The monthly average number of pounds assigned to such supply plant as Class I milk from such distributing plant during the preceding period September through December, inclusive;

(2) An amount computed as follows: Determine the percentage which the volume of Class I milk described under subparagraph (1) of this paragraph bears to the monthly average pounds of Class I milk at such distributing plant for the preceding period September through December, inclusive, and multiply the total Class I milk at such distributing plant for the current month by such percentage; and (3)

Done at Washington, D. C., this 30th day of July 1957, to be effective for the months of July and August, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 57-6349; Filed, Aug. 2, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 29]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DAL VOR	DAL RBn	Direct	2000	T-dn	300–1	300–1	200–½
Duncanville Int. or MHW	DAL RBn (Final)	Direct	1400	C-dn	400–1	500–1	500–1¼
				S-dn-36#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar terminal area transition altitude: 2000'* within 20 mi.

*Radar control must provide 1000' clearance when within 3 miles or 500' clearance when within 3–5 miles of radio towers—1108' msl 20 mi N; 1221' msl 10 mi WNW; and TV tower 2349' msl 17 mi SSW of airport.

#If DAL FM not received, descent below 1400' and straight-in minima NA.

Procedure turn E side crs, 176 Outbnd, 356 Inbnd, 2600' within 10 mi. NA beyond 10 mi.

Minimum altitude over DAL FM on final approach, #1400'; RBn, 1100'.

Crs and distance, DAL FM to airport, 006—4.1.

Crs and distance, DAL RBn to airport, 006—1.2.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 mi turn left, climb to 2000' on crs of 342° within 20 mi, or when directed by ATC and when under positive radar contact, climb to 2000* on crs as directed by ATC.

CAUTION: 695' msl tank 1.7 mi SE of airport.

City, Dallas; State, Tex; Airport Name, Love Field; Elev 485'; Fac Class, H; Ident, DAL; procedure No. 2; Orig, Eff Date, 29 Aug 57

2. The very high frequency omnirange procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dallas RBn	DAL-VOR	Direct	2000	T-dn	300–1	300–1	200–½
10 mi DME fix R-063	DAL-VOR (Final)	Direct	1500	C-dn*	400–1	500–1	500–1¼
				A-dn	800–2	800–2	800–2

Radar terminal area transition altitude: 2000'# within 20 mi.

#Radar control must provide 1000' clearance when within 3 mi or 500' clearance when within 3–5 mi of radio towers—1108' msl 20 mi N, 1221' msl 10 mi WNW, and TV tower 2349' msl 17 mi SSW of airport.

Procedure turn N side of crs, 063 Outbnd, 243 Inbnd, 2000' within 10 mi. NA beyond 10 mi.

Minimum altitude over facility on final approach crs, 1500'; 1200' over 6.5 mi DME fix R-243; *900' over 8.2 mi DME fix R-243.

*If DME not utilized, landing minima are 700–2.

Crs and distance, facility to airport, 243—8.2; 243—6.5 mi from VOR to 6.5 mi DME fix; 243—1.7 mi from 6.5 mi DME fix to airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 mi, turn left, return to VOR, climbing to 2000', or when directed by ATC and under positive radar contact, climb to 2000'# on crs as directed by ATC within 20 mi.

CAUTION: 695' MSL tank 1.7 mi SE rny 31.

AIR CARRIER NOTE: On cargo and ferry flights no reduction in landing minima authorized.

City, Dallas; State, Tex; Airport Name, Love Field; Elev 485'; Fac Class, BVOR; Ident, DAL; Procedure No. 1; Amdt 6; Eff Date, 31 Aug 57; Sup Amdt No. 5; Dated, 27 May 56

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Augusta VOR	LOM	Direct	1800	T-dn	300–1	300–1	#300–1
Augusta LFR	LOM	Direct	1500	C-dn	600–2	600–2	600–2
City Int	LOM	Direct	1600	S-dn-35:			
Millen Int	LOM	Direct	1500	ILS	*300–1	*300–1	*300–1
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

#300–1 required on Runway 26.
*400–1 required with glide slope inoperative.
Procedure turn W side S crs 168 Outbnd, 348 Inbnd, 1500' within 10 mi. (Non-standard due to prohibited area.) Minimum altitude at G. S. int inbnd, 1500' ILS, minimum altitude over LOM inbnd final 1000' ADF.
Altitude of G. S. and distance to approach end of rny at OM 1470—4.3; at MM 332—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM (ADF) climb to 2000' on N crs ILS (348) within 20 miles, or when directed by ATC, turn left and climb to 1800' on W crs AGS LFR within 20 miles.
NOTE: No approach lights.

City, Augusta; State, Ga; Airport Name, Bush; Elev 142'; Fac Class, ILS-IAGS; Ident, LOM-AG; Procedure No. 35; Amdt 4, Comb ILS & ADF; Eff Date, 31 Aug 57; Sup Amdt Proc No. 1, Amdt 3; Dated, 1 Oct 55

Dallas VOR	LOM	Direct	1800	T-dn	300–1	300–1	200–½
Ross Ave. Int	LOM	Direct	1800	C-dn	400–1	500–1	500–1½
Farmers Branch Int	LOM	Direct	1600	S-dn-13:			
Little Elm Int	LOM	Direct	1600	ILS	200–½	200–½	200–½
DAL RBn	LOM	Direct	1800	ADF	400–1	400–1	400–1
Int FTW VOR R-082 and NW crs DAL ILS.	LOM (Final)	Direct	2200	A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Radar terminal area transition altitude: 2000'** within 20 miles.
**Radar control must provide 1000' clearance when within 3 mi or 500' clearance when within 3–5 mi of radio towers—1108' msl 20 mi N; 1221' msl 10 mi WNW; and TV tower 2349' msl 17 mi SSW of airport.
Procedure turn N side NW crs, 307 Outbnd, 127 Inbnd, 2000' within 10 mi. NA beyond 10 mi.
Minimum altitude at G. S. int inbnd, 2000' ILS, minimum altitude over LOM inbnd final 1400' ADF.
Altitude of G. S. and distance to appr end of rny at OM 1929—4.2, at MM 775—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles of LOM (ADF) climb to 2000' on SE crs ILS (127) within 20 miles or, when directed by ATC, turn left, proceed to DAL VOR, climbing to 2000', or when under positive radar contact, climb to 2000'** on crs as directed by ATC.
CAUTION: 1221' R. T. 5.6 mi WNW of LOM. 695' tank 1.7 mi SE runway 31. Procedure turn non-standard due ATC.

City, Dallas; State, Tex; Airport Name, Love Field; Elev, 485'; Fac Class, ILS-IDAL; Ident, LOM-DA; Procedure No. 13; Amdt 3, Comb ILS & ADF; Eff Date, 29 Aug 57; Sup Amdt Proc No. 1; Amdt 2; Dated, 26 May 1956

DAL VOR	Fair Park Int	Direct	2000	T-dn	300–1	300–1	200–½
DAL RBn	Ross Ave. Int	Direct	2000	C-dn	400–1	500–1	500–1½
Trinity Fork Int	Fair Park Int	Direct	2000	S-dn-31*	400–1	400–1	400–1
Fair Park Int	Ross Ave. Int (Final)	Direct	1500	A-dn	800–2	800–2	800–2
Duncanville RBN	Fair Park Int	Direct	2000				

Radar terminal area transition altitude: 2000'** within 20 mi.
**Radar control must provide 1000' clearance when within 3 miles or 500' clearance when within 3–5 miles of radio towers—1108' msl 20 mi N; 1221' msl 10 mi WNW; and TV tower 2349' msl 17 mi SSW of airport.
Procedure turn S side SE crs, 127 Outbnd, 307 Inbnd, 2000' within 10 mi of Ross Ave. Int. NA beyond 10 mi.
Altitude over Ross Ave. Int 1500': distance to Rny 31, 3.1 mi. Altitude over Tank Fix# 1000'*; distance to rny 31 1.5 mi.
#Tank fix is Tank FM or Int R-229 DAL VOR and SE crs ILS.
*Descent below 1000' msl not authorized unless position over Tank fix determined.
If visual contact not estab ished upon descent to authorized landing minimums or if landing not accomplished within 3.1 mi of Ross Ave. Int, climb to 2000' on NW crs ILS within 20 mi or, when directed by ATC, turn right, proceed direct to DAL VOR climbing to 2000' or, when under positive radar contact, climb to 2000'** on crs, as directed by ATC within 20 mi.
CAUTION: 695 MSL tank 1.7 mi from approach end of Runway 31.

City, Dallas; State, Tex; Airport Name, Love Field; Elev, 485'; Fac Class, ILS; Ident, IDAL; Procedure No. 31, Amdt 3; Eff Date, 29 Aug 57; Sup Amdt Proc No. 2; Amdt 2; Dated, 26 May 56

Scotland MHW	LOM (Final)	Direct	1000	T-dn	300–1	300–1	200–½
Colts Neck VOR via R-063	ILS SW crs.	Direct	1400	C-dn	500–1	500–1	500–1½
Radar terminal area transitions:		Within 25 mi	2500	S-dn-4:			
All directions		Within 15 mi	1500	ILS	200–½	200–½	200–½
E of NE–SW crs of LOA–LFR				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Procedure turn S side SW crs ILS, 223 Outbnd, 043 Inbnd, 1200' within 10 mi of LOM.
Minimum altitude at glide slope int inbnd, 1000'. Minimum altitude over LOM inbnd final, 700' ADF.
Altitude of glide slope and distance to approach end of rny at LOM—770—2.5; at MM—230—.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles (ADF), climb to 500' on NE crs ILS or hearing 043° from the LOM, make a climbing right turn to 1500' on 130° and proceed to the Lido MHW and hold SW on 040° inbnd bearing, or proceed to Long Beach Int via the SW crs of the Mitchel LFR. Hold SW. Contact Idlewild approach control for further instructions.
CAUTION: Circling landing minimums do not provide std clrnc over arpt cont twr and stack 278' 1.7 mi SSE rny 1R.

City, New York; State, N Y; Airport Name, International; Elev, 12'; Fac Class, ILS OM-H; Ident, IDL; Procedure No. 4; Amdt 14, Comb ILS-ADF; Eff Date, 31 Aug 57; Sup Amdt Proc. No. 1, Amdt 13; Dated, 22 Jun 57

4. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
0	360	15	#3000											T-dn	300–1	300–1	200–½
240	220			25	3000									C-dn	400–1	500–1	500–1½
220	240			25	4000									S-dn-21, 20R*, 23.	400–1	400–1	400–1
														A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
#2000' when radar provides 3 mi separation from radio and TV towers 8 mi SW, 5 mi W and 9 mi NW of airport.
*Maintain at least 1400' until 2.5 mi of runway end.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 21: Climb to 2000' on N crs ILS or on crs of 015 from LOM within 20 mi, or when directed by ATC, turn right, climb to 3000' on NE crs LFR within 20 mi.
Runways 20 or 23: Climb to 2500' on S crs ILS within 20 mi, or when directed by ATC, climb to 3000' on SW crs LFR within 20 mi.
AIR CARRIER NOTE: Takeoff with less than 200–½ on Runway 15, NA.

City, Nashville; State, Tenn; Airport Name, Berry Field; Elev, 606'; Fac Class, Nashville; Ident, Radar; Procedure No. 1, Orig, or com of facil; Eff Date, 31 Aug 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 26, 1957.

[F. R. Doc. 57-6292; Filed, Aug. 2, 1957; 8:45 a. m.]

[Amdt. 20]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.12 *Green civil airway 2* is amended to read in part:

From *Bozeman, Mont., LFR; to **Livingston, Mont. LF/RBN; MEA 11,000. *10,000—MCA Bozeman LFR, eastbound. **10,000—MCA Livingston LF/RBN, westbound.
From Livingston, Mont., LF/RBN; to Billings, Mont., LFR; MEA 9,000.

Section 610.15 *Green civil airway 5* is amended to read in part:

From Los Angeles, Calif., LF/RBN; to *LaHabra INT, Calif.; eastbound, MEA 5,000; westbound, MEA 3,000. *5,000—MCA LaHabra INT, eastbound.

Section 610.101 *Amber civil airway 1* is amended to read in part:

From Long Beach, Calif., LFR; to *Los Angeles, Calif., LF/RBN; MEA 1,600. *3,000—MCA Los Angeles LF/RBN, northbound.
From Los Angeles, Calif., LF/RBN; to *Burbank, Calif., LFR; MEA 4,000. *5,000—MCA Burbank LFR, northbound.

Section 610.104 *Amber civil airway 4* is amended to delete:

From Kansas City, Kans., LFR; to Glenwood INT, Nebr.; MEA 2,500.
From Glenwood INT, Nebr.; to Omaha, Nebr., LFR; MEA 2,700.

Section 610.104 *Amber civil airway 4* is amended to read in part:

From Cibolo Creek INT, Tex.; to Austin, Tex., LF/RBN; MEA 3,000.
From Austin, Tex., LF/RBN; to Belton INT, Tex.; MEA 2,000.
From Belton INT, Tex.; to Waco, Tex., LFR; MEA 2,100.

Section 610.105 *Amber civil airway 5* is amended to read in part:

From Greenwood, Miss., LFR; to Hernando INT, Miss.; MEA 1,800.
From Hernando INT, Miss.; to Memphis, Tenn., LFR; MEA 1,500.

Section 610.106 *Amber civil airway 6* is amended to delete:

From Atlanta, Ga., LFR; to Smyrna INT, Ga.; MEA 3,000.
From Smyrna INT, Ga.; to Cartersville INT, Ga.; MEA 3,000.
From Cartersville INT, Ga.; to Chattanooga, Tenn., LFR; MEA 4,000.
From Chattanooga, Tenn., LFR; Nashville, Tenn., LFR; MEA 4,000.

Section 610.108 *Amber civil airway 8* is amended to read in part:

From Los Angeles, Calif., LF/RBN; to *Malibu INT, Calif.; MEA 2,000. *3,500—MCA Malibu INT, northwestbound.

Section 610.210 *Red civil airway 10* is amended to read in part:

From Wichita Falls, Tex., LFR; to Alvord INT, Tex.; MEA 2,500.
From Alvord INT, Tex.; to Dallas, Tex., LF/RBN; MEA 2,200.
From Dallas, Tex., LF/RBN; to Hainsville INT, Tex.; MEA 2,000.
From Monroe, La., LFR; to Jackson, Miss., LFR; MEA 1,700.

Section 610.232 *Red civil airway 32* is amended to read in part:

From Austin, Tex., LF/RBN; to Smithville, Tex., LF/RBN; MEA 2,000.

Section 610.248 *Red civil airway 48* is amended to delete:

From Canton INT, Mont., to Sixteen INT, Mont.; MEA 11,000.
From Sixteen INT, Mont.; to Livingston, Mont., LFR; southbound, MEA 10,000; northbound, MEA 11,000.

Section 610.252 *Red civil airway 52* is amended by adding:

From Garden City INT, Ala.; to Birmingham, Ala., LFR; MEA 2,500.

Section 610.265 *Red civil airway 65* is amended to read in part:

From *Los Angeles, Calif., LF/RBN; to Oceanside, Calif., LF/RBN; MEA 4,000. *2,000—MCA Los Angeles LF/RBN, southbound.

Section 610.268 *Red civil airway 68* is amended to read in part:

From Lipan INT, Tex.; to Stadium INT, Tex.; MEA 2,200.
From Stadium INT, Tex.; to Arlington INT, Tex.; MEA 2,700.
From Arlington INT, Tex.; to Dallas, Tex., LF/RBN; MEA 1,900.

Section 610.293 *Red civil airway 93* is amended to delete:

From Lincoln, Nebr., LFR; to Glenwood INT, Iowa; MEA 2,500.

Section 610.602 *Blue civil airway 2* is amended to delete:

From Birmingham, Ala., LFR; to Garden City INT, Ala.; MEA 2,500.
From Garden City INT, Ala.; to Chattanooga, Tenn., LFR; MEA 4,000.
From Chattanooga, Tenn., LFR; to *Watts INT, Tenn.; MEA 3,000. *3,000—MCA Watts INT, southbound.

Section 610.605 *Blue civil airway 5* is amended to read in part:

From Waxahachie INT, Tex.; to Duncanville, Tex., LF/RBN; MEA 2,800.
From Duncanville, Tex., LF/RBN; to Dallas, Tex., LF/RBN; MEA 2,000.
From Dallas, Tex., LF/RBN; to Farmers Branch INT, Tex.; MEA 1,800.

Section 610.1001 *Direct routes—U. S.* is amended to delete:

From Dallas, Tex., LFR; to Houston, Tex., LFR; MEA 2,100.
From Dallas, Tex., LFR; to Tulsa, Okla., LFR; MEA 2,200.
From Dallas, Tex., LFR; to Int. 028 crs from Dallas LFR and SE crs Perrin, Tex., LFR; MEA 2,000.
From Int. 028 crs from Dallas LFR and SE crs Perrin, Tex., LFR; to Ft. Smith, Ark., LF/RBN; MEA 3,400.
From Dallas, Tex., LFR; to Lufkin, Tex., LF/RBN; MEA 2,000.
From Houston, Tex., LFR; to Int. Fort Worth VOR 142 rad and S crs, Dallas LFR; MEA 2,100.
From Corbin, Ky., VAR; to Louisville, Ky., VOR; MEA 4,500.
From Corbin, Ky., VAR; to Tri-City, Tenn., VOR; MEA 5,500.

Section 610.1001 *Direct routes—U. S.* is amended to read in part:

From Austin, Tex., LF/RBN; to Bryan, Tex., LFR; MEA 2,000.
From Austin, Tex., LF/RBN; to San Angelo, Tex., LFR; MEA 3,100.

Section 610.6001 *VOR civil airway 1* is amended to read in part:

From Wilmington, N. C., VOR; to La Grange INT, N. C.; MEA *3,500. *1,400—MOCA.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From *Wabasha INT, Wis.; to La Crosse, Wis., VOR; MEA 2,600. *3,000—MRA.
From La Crosse, Wis., VOR; to Lone Rock, Wis., VOR; MEA 2,600.
From Elmo INT, Wis., via N alter.; to La Crosse, Wis., VOR via N alter.; MEA 2,600.
From La Crosse, Wis., VOR via N alter.; to Lone Rock, Wis., VOR via N alter.; MEA 2,600.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From West Palm Beach, Fla., via E alter.; to Vero Beach, Fla., VOR via E alter.; MEA 1,700.

Section 610.6005 *VOR civil airway 5* is amended to delete:

From Appleton, Ohio, VOR via E alter.; to Mansfield, Ohio, VOR via E alter.; MEA 2,500.

Section 610.6006 *VOR civil airway 6* is amended to delete:

From Cleveland, Ohio, VOR via N alter.; to Youngstown, Ohio, VOR via N alter.; MEA 2,600.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From Rock River, Wyo., VOR; to *Bear Creek INT, Wyo.; MEA 10,500. *10,000—MRA.
From Bear Creek INT, Wyo.; to Bushnell INT, Wyo.; MEA 10,500.

Section 610.6007 *VOR civil airway 7* is amended by adding:

From Lakeland, Fla., VOR via E alter.; to *Webster INT, Fla., via E alter.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Webster INT, Fla., via E alter.; to Ocala INT, Fla., via E alter.; MEA *2,000. *1,300—MOCA.
From Ocala INT, Fla., via E alter.; to Gainesville, Fla., VOR via E alter.; MEA *1,500. *1,200—MOCA.
From Gainesville, Fla., VOR via E alter.; to Cross City, Fla., VOR via E alter.; MEA 1,500.

Section 610.6012 *VOR civil airway 12* is amended to delete:

From Dayton, Ohio, VOR via N alter.; to Appleton, Ohio, VOR via N alter.; MEA 2,500.
From Appleton, Ohio, VOR via N alter.; to Wheeling, W. Va., VOR via N alter.; MEA 2,500.

Section 610.6012 *VOR civil airway 12* is amended by adding:

From Dayton, Ohio, VOR via S alter.; to London INT, Ohio, via S alter.; MEA *3,000. *2,500—MOCA.
From London INT, Ohio, via S alter.; to Appleton, Ohio, VOR via S alter.; MEA 2,500.
From Appleton, Ohio, VOR via S alter.; to Cambridge INT, Ohio, via S alter.; MEA 2,400.
From Cambridge INT, Ohio, via S alter.; to Wheeling, W. Va., VOR via S alter.; MEA 2,600.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Harrisburg, Pa., VOR; to West Chester, Pa., VOR; MEA 2,000.
From Indianapolis, Ind., VOR; to *Maxwell INT, Ind.; MEA 2,400. *4,000—MRA.
From Maxwell INT, Ind.; to Dayton, Ohio, VOR; MEA 2,800.
From Indianapolis, Ind., VOR via N alter.; to Cowan INT, Ohio, via N. alter.; MEA 2,800.
From Cowan INT, Ohio, via N alter.; to Dayton, Ohio, VOR via N. alter.; MEA 2,500.
From Dayton, Ohio, VOR; to *Plain City INT, Ohio; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From Plain City INT, Ohio, to Appleton, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Cleveland, Ohio, VOR; to Jefferson, Ohio, VOR; MEA 2,500.
From Jefferson, Ohio, VOR; to Erie, Pa., VOR; MEA 2,200.
From Cleveland, Ohio, VOR via N alter.; to Erie, Pa., VOR via N alter.; MEA 2,500.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Midland, Tex., VOR; to Big Spring, Tex., VOR; MEA 4,200.
From Big Spring, Tex., VOR; to Abilene, Tex., VOR; MEA 3,800.
From Big Spring, Tex., VOR via S alter; to Abilene, Tex., VOR via S alter.; MEA *4,000. *3,600—MOCA.
From Mustang INT, Tex., via N alter.; to Big Spring, Tex., VOR via N alter.; MEA 4,000.
From Pine Bluff, Ark., VOR via S alter.; to Eudora INT, Miss., via S alter.; MEA *3,000. *1,600—MOCA.
From Eudora INT, Miss., via S alter.; to Memphis, Tenn., VOR via S alter.: MEA 1,400.
From Memphis, Tenn., VOR via S alter.; to *La Grange INT, Tenn., via S alter.; MEA 1,500. *2,500—MRA.
From La Grange INT, Tenn., via S alter.; to Graham, Tenn., VOR via S alter.; MEA *4,000. *2,000—MOCA.

Section 610.6019 *VOR civil airway 19* is amended to read in part:

From Cheyenne, Wyo., VOR; to *Bear Creek INT, Wyo.; MEA 9,000. *10,000—MRA.
From Bear Creek INT, Wyo.; to *Wheatland INT, Wyo.; MEA 9,000. *9,500—MRA.
From Wheatland INT, Wyo.; to Douglas, Wyo., VOR; MEA 9,000.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Albany, Ga., VOR; to *Perry INT, Ga.; MEA 1,600. *3,000—MRA.
From Perry INT, Ga.; to Macon, Ga., VOR; MEA 1,600.

Section 610.6036 *VOR civil airway 36* is amended by adding:

From U. S.-Canadian Boundary via S alter.; to Buffalo, N. Y., VOR via S alter.; MEA 2,300.

Section 610.6037 *VOR civil airway 37* is amended to read in part:

From Charlotte, N. C., VOR; to Statesville INT, N. C.; MEA 2,400.
From Statesville INT, N. C.; to Elkin INT, N. C.; MEA *5,000. *2,400—MOCA.

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Findlay, Ohio, VOR via S alter.; to *Richwood INT, Ohio, via S alter.; MEA **3,000. *3,000—MRA. **2,400—MOCA.
From Richwood INT, Ohio, via S alter.; to Appleton, Ohio, VOR via S alter.; MEA *3,000. *2,400—MOCA.

Section 610.6043 *VOR civil airway 43* is amended to read in part:

From Appelton, Ohio, VOR; to Tiverton, Ohio, VOR; MEA *2,500. *2,400—MOCA.
From Tiverton, Ohio, VOR; to Youngstown, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6047 *VOR civil airway 47* is amended to delete:

From Cincinnati, Ohio, VOR; to Englewood INT, Ohio; MEA 3,000.
From Hamilton INT, Ohio; to Cincinnati, Ohio, VOR southbound only; MEA 2,300.
From Englewood INT, Ohio; to Dayton, Ohio, VOR; MEA 2,300.
From Dayton, Ohio, VOR; to *Sidney INT, Ohio; MEA 2,200. *3,000—MRA.
From Sidney INT, Ohio; to Findlay, Ohio, VOR; MEA 2,200.
From Cincinnati, Ohio, VOR via W alter.; to Englewood INT, Ohio, via W alter.; MEA 2,500.
From Englewood INT, Ohio, via W alter.; to Dayton, Ohio, VOR via W alter.; MEA 2,300.
From Dayton, Ohio, VOR via W alter.; to Findlay, Ohio, VOR via W alter.; MEA 2,300.

Section 610.6047 *VOR civil airway 47* is amended by adding:

From Cincinnati, Ohio, VOR; to Sidney, Ohio, VOR; MEA 3,000.
From Cincinnati, Ohio, VOR via W alter.; to Englewood INT, Ohio, via W alter.; MEA 2,500.
From Englewood INT, Ohio, via W alter.; to Sidney, Ohio, VOR via W alter.; MEA 3,000.
From Sidney, Ohio, VOR; to Findlay, Ohio, VOR; MEA *2,500. *2,200—MOCA.

Section 610.6054 *VOR civil airway 54* is amended to read in part:

From Biscoe INT, Ark.; to *Hughes INT, Ark.; MEA **2,500. *3,000—MRA. **1,700—MOCA.

From Hughes INT, Ark.; to Memphis, Tenn., VOR; MEA *2,500. *1,700—MOCA.
From Lonoke INT, Ark., via N alter.; to *Hillemann INT, Ark., via N alter.; MEA **2,500. *3,000—MRA. **1,600—MOCA.
From Hillemann INT, Ark., via N alter.; to *Caldwell INT, Ark., via N alter.; MEA **2,500. *2,500—MRA. **1,600—MOCA.
From Caldwell INT, Ark., via N. alter.; to Memphis, Tenn., VOR via N alter.; MEA 1,700.

Section 610.6055 *VOR civil airway 55* is amended by adding:

From Fort Wayne, Ind., VOR via W alter.; to Goshen, Ind., VOR via W alter.; MEA 2,200.

Section 610.6055 *VOR civil airway 55* is amended to read in part:

From Dayton, Ohio, VOR to Fort Wayne, Ind., VOR; MEA *3,300. *2,200—MOCA.
From Dayton, Ohio, VOR via W alter.; to Fort Wayne, Ind., VOR via W alter.; MEA *2,500. *2,200—MOCA.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From Midland, Tex., VOR; to *Jack INT, Tex.; MEA **6,200. *7,200—MRA. **4,400—MOCA.
From Jack INT, Tex.; to Lazy X INT, Tex.; MEA *7,200. *3,600—MOCA.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From San Antonio, Tex., VOR; to *Elmendorf INT, Tex.; MEA 2,200. *4,000—MRA.
From Elmendorf INT, Tex.; to Corpus Christi, Tex., VOR; MEA 2,200.
From *Sterling INT, Tex.; to San Angelo, Tex., VOR; MEA 3,600. *5,000—MRA.
From Midland, Tex., VOR via S alter.; to King INT, Tex., via S alter.; MEA 4,400.
From King INT, Tex., via S alter.; to San Angelo, Tex., VOR via S alter.; MEA *8,700. *3,900—MOCA.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From Youngstown, Ohio, VOR; to Titusville INT, Pa.; MEA 3,500.
From Titusville INT, Pa.; to Bradford, Pa., VOR; MEA 4,000.

Section 610.6076 *VOR civil airway 76* is amended to read in part:

From Lubbock, Tex., VOR; to Big Spring, Tex., VOR; MEA 5,100.
From Big Spring, Tex., VOR; to *Jack INT, Tex.; MEA 4,000. *7,200—MRA.
From Jack INT, Tex.; to San Angelo, Tex., VOR; MEA 4,000.
From Big Spring, Tex., VOR via N alter.; to Vannatta INT, Tex., via N alter.; MEA 4,000.
From Vannatta INT, Tex., via N alter.; to *Rowena INT, Tex., via N alter.; MEA **5,000. *5,000—MRA. **3,800—MOCA.
From Rowena INT, Tex., via N alter.; to San Angelo, Tex., VOR via N alter.; MEA 3,500.

Section 610.6077 *VOR civil airway 77* is amended to read in part:

From San Angelo, Tex., VOR; to *Rowena INT, Tex.; MEA 3,500. *5,000—MRA.

Section 610.6081 *VOR civil airway 81* is amended by adding:

From Grand Junction, Colo., VOR; to Myton, Utah, VOR; MEA 11,000.
From Myton, Utah, VOR; to *Salt Lake City, Utah, VOR; MEA 13,000. *12,000—MCA Salt Lake City VOR, eastbound.

Section 610.6082 *VOR civil airway 82* is amended to read in part:

From Rochester, Minn., VOR; to La Crosse, Wis., VOR; MEA 2,600.
From Rochester, Minn., VOR via S alter.; to La Crosse, Wis., VOR via S alter.; MEA 2,500.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Lone Rock, Wis., VOR; to La Crosse, Wis., VOR; MEA 2,600.
From La Crosse, Wis., VOR; to *Wabasha INT, Wis., MEA 2,600. *3,000—MRA.

Section 610.6102 *VOR civil airway 102* is amended by adding:

From Guthrie, Tex., VOR via S alter.; to Wichita Falls, Tex., VOR via S alter.; MEA 3,000.

Section 610.6103 *VOR civil airway 103* is amended to read in part:

From Greensboro, N. C., VOR; to madison INT, N. C.; MEA 2,100.
From Madison INT, N. C.; to Price INT, Va.; MEA *3,000. *2,000—MOCA.
From Price INT, Va.; to Roanoke, Va., TVOR; MEA 5,600.

Section 610.6107 *VOR civil airway 107* is amended to read in part:

From Oakland, Calif., VOR; to Geyserville INT, Calif.; MEA 6,000. (Deletes MRA at Geyserville INT.)

Section 610.6126 *VOR civil airway 126* is amended to read in part:

From Cleveland, Ohio, VOR; to Jefferson, Ohio, VOR; MEA 2,500.
From Jefferson, Ohio, VOR; to Erie, Pa., VOR; MEA 2,200.

Section 610.6129 *VOR civil airway 129* is amended to read in part:

From Lone Rock, Wis., VOR; to La Crosse, Wis., VOR; MEA 2,600.
From La Crosse, Wis., VOR; to Eau Claire, Wis., VOR; MEA 2,800.

Section 610.6133 *VOR civil airway 133* is amended to read in part:

From Parkersburg, W. Va., VOR; to Tiverton, Ohio, VOR; MEA *3,000. *2,400—MOCA.
From Tiverton, Ohio, VOR; to Mansfield, Ohio, VOR; MEA *2,500. *2,300—MOCA.

Section 610.6143 *VOR civil airway 143* is amended to read in part:

From Charlotte, N. C., VOR; to Moorseville INT, N. C.; MEA 2,400.

Section 610.6144 *VOR civil airway 144* is amended to delete:

From Findlay, Ohio, VOR; to Upper Sandusky INT, Ohio; MEA 2,500.
From Upper Sandusky INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,700.
From Mansfield, Ohio, VOR; to Baltic INT, Ohio; MEA 2,500.
From Baltic INT, Ohio; to *Moorefield INT, Ohio; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From *Moorefield INT, Ohio; to Cameron INT, W. Va.; MEA 3,000. *3,000—MRA.
From Cameron INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.

Section 610.6144 *VOR civil airway 144* is amended by adding:

From Findlay, Ohio, VOR; to Appleton, Ohio, VOR; MEA 2,400.
From Appleton, Ohio, VOR; to Cambridge INT, Ohio; MEA 2,400.
From Cambridge INT, Ohio; to Morgantown, W. Va., VOR; MEA 4,000.

Section 610.6157 *VOR civil airway 157* is amended to read in part:

From Wilmington, N. C., VOR; to La Grange INT, N. C.; MEA *3,500. *1,400—MOCA.

Section 610.6159 *VOR civil airway 159* is amended to delete:

From Orlando, Fla., VOR; to Ocala INT, Fla.; MEA *2,500. **1,700—MOCA.
From Ocala INT, Fla.; to Cross City, Fla., VOR; MEA *2,000. *1,200—MOCA.
From Cross City, Fla., VOR; to *Perry INT, Fla.; MEA **2,000. *2,500—MRA. **1,200—MOCA.
From Perry INT, Fla.; to Greenville INT, Fla.; MEA *3,500. *1,500—MOCA.

Section 610.6159 *VOR civil airway 159* is amended by adding:

From Orlando, Fla., VOR; to *Leesburg INT, Fla.; MEA 1,700. *2,500—MRA.
From Leesburg INT, Fla.; to Gainesville, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Gainesville, Fla., VOR; to Greenville INT, Fla.; MEA *5,500. *1,500—MOCA.
From Orlando, Fla., VOR via W alter.; to *Leesburg INT, Fla., via W alter.; MEA 1,700. *2,500—MRA.
From Leesburg INT, Fla., via W alter.; to Ocala INT, Fla., via W alter.; MEA *2,500. *1,900—MOCA.
From Ocala INT, Fla., via W alter.; to Cross City, Fla., VOR via W alter.; MEA *2,000. *1,200—MOCA.
From Cross City, Fla., VOR via W alter.; to Perry INT, Fla., via W alter.; MEA *2,000. *1,200—MOCA.
From Perry INT, Fla., via W alter.; to Greenville INT, Fla., via W alter.; MEA *3,500. *1,200—MOCA.
From Greenville INT, Fla., via W alter.; to *Quitman INT, Ga., via W alter.; MEA **3,500. *3,000—MRA. **1,200—MOCA.
From Quitman INT, Ga., via W alter.; to Albany, Ga., VOR via W alter.; MEA *3,000. *1,500—MOCA.

Section 610.6159 *VOR civil airway 159* is amended to read in part:

From Greenville INT, Fla.; to *Quitman INT, Ga.; MEA **3,500. *3,000—MRA. **1,200—MOCA.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From Alice, Tex., VOR; to *Elmendorf INT, Tex.; MEA 2,200. *4,000—MRA.
From Elmendorf INT, Tex.; to San Antonio, Tex., VOR; MEA 2,200.

Section 610.6184 *VOR civil airway 184* is amended to read in part:

Erie, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 610.6188 *VOR civil airway 188* is amended to read in part:

From Jefferson, Ohio, VOR; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 610.6195 *VOR civil airway 195* is amended by adding:

From Red Bluff, Calif., VOR; to Tomhead INT, Calif.; eastbound, MEA 3,500; westbound, MEA 9,000.
From Tomhead INT, Calif.; to Yager INT, Calif.; MEA 9,000.
From Yager INT, Calif.; to *Fortuna, Calif., VOR; eastbound, MEA 9,000; westbound, MEA 6,000. *3,600—MCA Fortuna VOR, eastbound.

Section 610.6196 *VOR civil airway 196* is amended to read in part:

From Rock River, Wyo., VOR; to *Wheatland INT, Wyo.; MEA 11,000. *9,500—MRA.

Section 610.6197 *VOR civil airway 197* is amended to delete:

From Waterville, Ohio, VOR; to Carleton, Mich., VOR; MEA 2,100.

Section 610.6200 *VOR civil airway 200* is amended by adding:

From *Utah Lake, Utah, VOR; to Myton, Utah, VOR; MEA 13,000. *12,000—MCA Utah Lake VOR, eastbound.

From Myton, Utah, VOR; to Kremmling, Colo., VOR; MEA 15,000.

Section 610.6202 *VOR civil airway 202* is amended by adding:

From Cochise, Ariz., VOR; to San Simon, N. Mex., VOR; MEA 10,000.

From San Simon, N. Mex.; to Truth or Consequences, N. Mex., VOR; MEA 12,000.

Section 610.6210 *VOR civil airway 210* is amended by adding:

From Cowan INT, Ind.; to Sidney, Ohio, VOR; MEA 2,400.

From Sidney, Ohio, VOR; to *Richwood INT, Ohio; MEA 2,400. *3,000—MRA.

From Richwood INT, Ohio; to Tiverton, Ohio, VOR; MEA 2,400.

From Tiverton, Ohio, VOR; to Wheeling, W. Va., VOR; MEA 2,600.

Section 610.6211 *VOR civil airway 211* is amended to read in part:

From Cotulla, Tex., VOR; to Junction, Tex., VOR; MEA *4,700. *3,500—MOCA.

Section 610.6212 *VOR civil airway 212* is amended to read in part:

From *Fort Ross INT, Calif.; to **Geyserville INT, Calif.; MEA 10,500. *10,500—MRA. *10,500—MCA Fort Ross INT, Northeastbound. **8,500—MCA Geyserville INT, northeastbound. (Deletes MRA Geyserville INT and MCA added.)

Section 610.6217 *VOR civil airway 217* is amended to read in part:

From Racine INT, Wis.; to Oakwood INT, Wis.; MEA *3,500. *2,100—MOCA.

Section 610.6232 *VOR civil airway 232* is added to read:

From County INT, Ohio; to Chardon, Ohio, VOR; MEA 2,500.

From Chardon, Ohio VOR; to Fitzgerald, Pa. VOR; MEA 3,000.

Section 610.6246 *VOR civil airway 246* is amended to read in part:

From Dayton, Ohio VOR; to Mansfield, Ohio VOR; MEA *3,000. *2,500—MOCA.

Section 610.6259 *VOR civil airway 259* is amended to read in part:

From *Maiden INT, N. C.; to Tri-City, Tenn., VOR; MEA 8,000. *4,000—MCA Maiden INT, northwestbound.

Section 610.6275 *VOR civil airway 275* is added to read:

From Cincinnati, Ohio, VOR; to Dayton, Ohio, VOR; MEA 2,500.

From Dayton, Ohio, VOR; to Findlay, Ohio, VOR; MEA 2,500.

From Findlay, Ohio, VOR; to Waterville, Ohio, VOR; MEA 2,100.

From Waterville, Ohio, VOR; to Carleton, Mich., VOR; MEA 2,100.

Section 610.6277 *VOR civil airway 277* is amended by adding:

From *Plain City INT, Ohio; to Sidney, Ohio, VOR; MEA 2,400. *3,000—MRA.

From Sidney, Ohio, VOR; to Fort Wayne, Ind., VOR; MEA 2,300.

Section 610.6278 *VOR civil airway 278* is added to read:

From Guthrie, Tex., VOR; to Vera INT, Tex.; MEA 3,000.

From Vera INT, Tex.; to Fort Worth, Tex., VOR; MEA 4,000.

Section 610.6602 *VOR civil airway 1502* is amended by adding:

From Milwaukee, Wis., VOR; to *Cardinal INT, Wis.; MEA 2,700. *2,700—MCA Cardinal INT, westbound.

From Cardinal INT, Wis.; to Muskegon, Mich., VOR; MEA 2,000.

From Muskegon, Mich., VOR; to Lansing, Mich., VOR; MEA 2,500.

From Salem, Mich., VOR; to Midcraft INT, Mich.; MEA 2,000.

From Midcraft INT, Mich.; to Windsor, Ont., Canada, VOR; MEA #2,300. #For that airspace over U. S. territory.

From Windsor, Ont., Canada, VOR; to Tilbury INT, Ont., Canada; MEA #2,000. #For that airspace over U. S. territory.

From Tilbury INT, Ont., Canada; to Blue Pike INT, Pa.; MEA 2,000.

From Blue Pike INT, Pa.; to Erie, Pa., VOR; MEA 2,300.

Section 610.6604 *VOR civil airway 1504* is amended by adding:

From Carleton, Mich., VOR; to Detroit River INT, Mich.; MEA 2,000.

From Detroit River INT, Mich.; to Pelee INT, Ont., Canada; MEA #2,500. #For that airspace over U. S. territory.

From Pelee INT, Ont., Canada; to Cleveland, Ohio, VOR; MEA 2,000.

Section 610.6606 *VOR civil airway 1506* is amended to delete:

From Waterville, Ohio, VOR; to Republic INT, Ohio; MEA 2,000.

From Republic INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,500.

From Mansfield, Ohio, VOR; to Baltic INT, Ohio; MEA 2,500.

From Baltic INT, Ohio; to *Moorefield INT, Ohio; MEA **3,000. *3,000—MRA. **2,500—MOCA.

From Moorefield INT, Ohio; to Cameron INT, W. Va.; MEA 3,000.

From Cameron INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.

Section 610.6606 *VOR civil airway 1506* is amended by adding:

From Waterville, Ohio, VOR; to Carey INT, Ohio; MEA 2,000.

From Carey INT, Ohio; to Appleton, Ohio, VOR; MEA 2,500.

From Appleton, Ohio, VOR; to Cambridge INT, Ohio; MEA 2,400.

From Cambridge INT, Ohio; to Morgantown, W. Va., VOR; MEA 4,000.

Section 610.6606 *VOR civil airway 1506* is amended to read in part:

From Rock River, Wyo., VOR; to *Wheatland INT, Wyo.; MEA 11,000. *9,500—MRA.

Section 610.6608 *VOR civil airway 1508* is amended by adding:

From Carleton, Mich., VOR; to Detroit River INT, Mich.; MEA 2,000.

From Detroit River INT, Mich.; to Pelee INT, Ont., Canada; MEA *2,500. *For that airspace over U. S. territory.

From Pelee INT, Ont., Canada; to Gill INT, Ohio; MEA *7,000. *For that airspace over U. S. territory.

From *Gill INT, Ohio; to North Perry INT, Ohio; MEA 3,000. *7,000—MCA Gill INT, westbound.

From North Perry INT, Ohio; to Jefferson, Ohio, VOR; MEA 2,500.

From Jefferson, Ohio, VOR; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From Indianapolis, Ind., VOR; to *Maxwell INT, Ind.; MEA 2,400. *4,000—MRA.

From Maxwell INT, Ind.; to Dayton, Ohio, VOR; MEA 2,800.

From Dayton, Ohio, VOR; to *Plain City INT, Ohio; MEA **3,000. *3,000—MRA. **2,500—MOCA.

From Plain City INT, Ohio; to Appleton, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6614 *VOR civil airway 1514* is amended to read in part:

From Indianapolis, Ind., VOR; to *Maxwell INT, Ind.; MEA 2,400. *4,000—MRA.

From Maxwell INT, Ind.; to Dayton, Ohio, VOR; MEA 2,800.

From Dayton, Ohio, VOR; to *Plain City INT, Ohio; MEA **3,000. *3,000—MRA. **2,500—MOCA.

From Plain City INT, Ohio; to Appleton, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6616 *VOR civil airway 1516* is amended to read in part:

From Apalona INT, Ind.; to Louisville, Ky., VOR; MEA 2,500.

Section 610.6620 *VOR civil airway 1520* is amended to read in part:

From Biscoe INT, Ark.; to *Hughes INT, Ark.; MEA **2,500. *3,000—MRA. **1,700—MOCA.

From Hughes INT, Ark., to Memphis, Tenn., VOR; MEA *2,500. *1,700—MOCA.

Section 610.6622 *VOR civil airway 1522* is amended to read in part:

From Midland, Tex., VOR; to Big Spring, Tex., VOR; MEA 4,200.

From Big Spring, Tex., VOR; to Abilene, Tex., VOR; MEA 3,800.

From Spartanburg, S. C., VOR; to Mooresville INT, N. C.; MEA 2,700.

(Sec. 205, 52 Stat. 984, as amended; 49 U.S.C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective August 29, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 26, 1957.

[F. R. Doc. 57-6293; Filed, Aug. 2, 1957; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

In order to reflect approval which has been given to increased interest rates on loans closed through national farm loan associations by the Federal Land Bank of Berkeley, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (21 F. R. 10167; 22 F. R. 133, 653, 1318, 1586, 2095, 3863), is hereby further amended, effective August 1, 1957, by substituting "5½" for "5" in the line with "Berkeley" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] A. T. ESGATE,
Acting Governor,
Farm Credit Administration.

[F. R. Doc. 57-6286; Filed, Aug. 2, 1957; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54408]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 14—APPRAISEMENT

MISCELLANEOUS AMENDMENTS

To conform to certain changes in the law relating to value of imported merchandise effected by the Customs Simplification Act of 1956, approved August 2, 1956 (T. D. 54165), the Customs Regulations are amended, effective only as to articles entered, or withdrawn from warehouse, for consumption on or after the thirtieth day following the publication of the final list provided for in section 6 (a) of the act, as follows:

1. To provide in an appropriate case for the inclusion in the invoice of a verified statement by the manufacturer or producer as to costs, general expenses, and profit required for the determination of "constructed value" under the new section 402 of the Tariff Act of 1930, as amended, § 8.13 (e) is amended by inserting between the words "production" and "is" the words "or constructed value" and by substituting "cost of production or constructed value,"[5] as defined in sections 402a (f) or 402 (d), Tariff Act of 1930, as amended." for "cost of production,"[6] as defined in section 402 (f) Tariff Act of 1930."

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

2. Section 10.21 (d) is amended by deleting "section 402, Tariff Act of 1930," from the first sentence and substituting therefor "section 402 or section 402a, Tariff Act of 1930, as amended,".

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

3. Section 14.3 is amended as follows:

a. Paragraph (a) is amended to read:

(a) Except as otherwise herein provided for, the value of imported merchandise for appraisement purposes shall be determined in accordance with the provisions of new section 402, Tariff Act of 1930, added by section 2 (a) of the Customs Simplification Act of 1956.[4] The value of imported articles specified in the final list published pursuant to section 6 (a) of that act " shall be determined in accordance with the provisions of section 402a, Tariff Act of 1930, as redesignated and amended."[5]

b. Footnote 4, appended to paragraph (a), is renumbered 4b and amended by deleting the word "merchandise" in the introductory matter of the quoted subsection (a) and substituting therefor "articles designated by the Secretary of the Treasury as provided for in section 6 (a) of the Customs Simplification Act of 1956" and by amending the matter in parenthesis at the end of the footnote to read "(Tariff Act of 1930, sec. 402a, as amended; 19 U. S. C. 1402a.)"

c. New footnotes designated 4 and 4a are appended to paragraph (a) reading as follows:

[4] (a) Basis—Except as otherwise specifically provided for in this act, the value of imported merchandise for the purposes of this act shall be—

(1) The export value, or

(2) If the export value cannot be determined satisfactorily, then the United States value, or

(3) If neither the export value nor the United States value can be determined satisfactorily, then the constructed value;

except that, in the case on an imported article subject to a rate of duty based on the American selling price of a domestic article, such value shall be—

(4) The American selling price of such domestic article.

(b) Export value. For the purposes of this section, the export value of imported merchandise shall be the price, at the time of exportation to the United States of the merchandise undergoing appraisement, at which such or similar merchandise is freely sold or, in the absence of sales, offered for sale in the principal markets of the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, for exportation to the United States, plus, when not included in such price, the cost of all containers and coverings of whatever nature and all other expenses incidental to placing the merchandise in condition, packed ready for shipment to the United States.

(c) United States value. For the purposes of this section, the United States value of imported merchandise shall be the price, at the time of exportation to the United States of the merchandise undergoing appraisement, at which such or similar merchandise is freely sold or, in the absence of sales, offered for sale in the principal market of the United States for domestic consumption, packed ready for delivery, in the usual wholesale quantities and, in the ordinary course of trade, with allowances made for—

(1) Any commission usually paid or agreed to be paid, or the addition for profit and general expenses usually made, in connection with sales in such market of imported merchandise of the same class or kind as the merchandise undergoing appraisement;

(2) The usual costs of transportation and insurance and other usual expenses incurred with respect to such or similar merchandise from the place of shipment to the place of delivery, not including any expense provided for in subdivision (1); and

(3) The ordinary customs duties and other Federal taxes currently payable on such or similar merchandise by reason of its importation, and any Federal excise taxes on, or measured by the value of, such or similar merchandise, for which vendors at wholesale in the United States are ordinarily liable.

If such or similar merchandise was not so sold or offered at the time of exportation of the merchandise undergoing appraisement, the United States value shall be determined, subject to the foregoing specifications of this subsection, from the price at which such or similar merchandise is so sold or offered at the earliest date after such time of exportation but before the expiration of ninety days after the importation of the merchandise undergoing appraisement.

(d) Constructed value. For the purposes of this section, the constructed value of imported merchandise shall be the sum of—

(1) The cost of materials (exclusive of any internal tax applicable in the country of exportation directly to such materials or their disposition, but remitted or refunded upon the exportation of the article in the production of which such materials are used) and of fabrication or other processing of any kind employed in producing such or similar merchandise, at a time preceding the date of exportation of the merchandise undergoing appraisement which would ordinarily permit the production of that particular merchandise in the ordinary course of business;

(2) An amount for general expenses and profit equal to that usually reflected in sales of merchandise of the same general class or kind as the merchandise undergoing appraisement which are made by producers in the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, for shipment to the United States; and

(3) The cost of all containers and coverings of whatever nature, and all other expenses incidental to placing the merchandise undergoing appraisement in condition, packed ready for shipment to the United States.

(e) American Selling Price. For the purposes of this section, the American selling price of any article produced in the United States shall be the price, including the cost of all containers and coverings of whatever nature and all other expenses incidental to placing the article in condition packed ready for delivery, at which such article is freely sold or, in the absence of sales, offered for sale for domestic consumption in the principal market of the United States, in the ordinary course of trade and in the usual wholesale quantities, or the price that the manufacturer, producer, or owner would have received or was willing to receive for such article when sold for domestic consumption in the ordinary course of trade and in the usual wholesale quantities, at the time of exportation of the imported article.

(f) Definitions. For the purposes of this section—

(1) The term "freely sold or, in the absence of sales, offered for sale" means sold or, in the absence of sales, offered—

(A) To all purchasers at wholesale, or

(B) In the ordinary course of trade to one or more selected purchasers at wholesale at a price which fairly reflects the market value of the merchandise,

without restrictions as to the disposition or use of the merchandise by the purchaser, except restrictions as to such disposition or use which (i) are imposed or required by law, (ii) limit the price at which or the territory in which the merchandise may be resold, or (iii) do not substantially affect the value of the merchandise to usual purchasers at wholesale.

(2) The term "ordinary course of trade" means the conditions and practices which, for a reasonable time prior to the exportation of the merchandise undergoing appraisement, have been normal in the trade under consideration with respect to merchandise of the same class or kind as the merchandise undergoing appraisement.

(3) The term "purchasers at wholesale" means purchasers who buy in the usual wholesale quantities for industrial use or for resale otherwise than at retail; or, if there are no such purchasers, then all other purchasers for resale who buy in the usual wholesale quantities; or, if there are no purchasers in either of the foregoing categories, then all other purchasers who buy in the usual wholesale quantities.

(4) The term "such or similar merchandise" means merchandise in the first of the following categories in respect of which export value, United States value, or constructed value, as the case may be, can be satisfactorily determined:

(A) The merchandise undergoing appraisement and other merchandise which is identical in physical characteristics with, and was produced in the same country by the same person as, the merchandise undergoing appraisement.

(B) Merchandise which is identical in physical characteristics with, and was produced by another person in the same country as, the merchandise undergoing appraisement.

(C) Merchandise (i) produced in the same country and by the same person as the merchandise undergoing appraisement, (ii) like the merchandise undergoing appraisement in component material or materials and in the purposes for which used, and (iii) approximately equal in commercial value to the merchandise undergoing appraisement.

(D) Merchandise which satisfies all the requirements of subdivision (C) except that it was produced by another person.

(5) The term "usual wholesale quantities", in any case in which the merchandise in respect of which value is being determined is sold in the market under consideration at different prices for different quantities, means the quantities in which such merchandise is there sold at the price or prices for one quantity in an aggregate volume which is greater than the aggregate volume sold at the price or prices for any other quantity.

(g) Transactions Between Related Persons. (1) For the purposes of subsection (c) (1) or (d), as the case may be, a transaction directly or indirectly between persons specified in any one of the subdivisions in paragraph (2) of this subsection may be disregarded if, in the case of any element of value required to be considered, the amount representing that element does not fairly reflect the amount usually reflected in sales in the market under consideration of merchandise of the same general class or kind as the merchandise undergoing appraisement. If a transaction is disregarded under the preceding sentence and there are no other transactions available for consideration, then, for the purposes of subsection (d), the determination of the amount required to be considered shall be based on the best evidence available as to what the amount would have been if the transaction had occurred between persons not specified in any one of the subdivisions in paragraph (2).

(2) The persons referred to in paragraph (1) are:

(A) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants;

(B) Any officer or director of an organization and such organization;

(C) Partners;

(D) Employer and employee;

(E) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting stock or shares of any organization and such organization; and

(F) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person. (Section 402, Tariff Act of 1930, as amended; 19 U. S. C. 1402.)

[40] Sec. 6. (a) The Secretary of the Treasury shall determine and make public a list of the articles which shall be valued in accordance with section 402a, Tariff Act of 1930, as amended by this act, as follows:

As soon as practicable after the enactment of this act the Secretary shall make public a preliminary list of the imported articles which he shall have determined, after such investigation as he deems necessary, would have been appraised in accordance with section 402 of the Tariff Act of 1930, as amended by this act, at average values for each article which are 95 (or less) per centum of the average values at which such article was actually appraised during the fiscal year 1954. If within sixty days after the publication of such preliminary list any manufacturer, producer, or wholesaler in the United States presents to the Secretary his reason for belief that any imported articles not specified in such list and like or similar to articles manufactured, produced, or sold at wholesale by him would have been appraised in accordance with such section 402 at average values which are 95 (or less) per centum of the average values at which they were or would have been appraised under section 402a, Tariff Act of 1930, as amended by this act, the Secretary shall cause such investigation of the matter to be made as he deems necessary. If in the opinion of the Secretary the reason for belief is substantiated by the investigation, the articles involved shall be added to the preliminary list and such list, including any additions so made thereto, shall be published as a final list. Every article so specified in the final list which is entered, or withdrawn from warehouse, for consumption on or after the thirtieth day following the date of publication of the final list shall be appraised in accordance with the provisions of section 402a, Tariff Act of 1930, as amended by this act. (Sec. 6 (a) 70 Stat. 948.)

d. Paragraph (b) is amended by inserting "and section 402a" after "402" in the first sentence.

e. Paragraph (c) is amended by deleting "section 402," and substituting therefor "sections 402 or 402a,".

f. The citation of authority for § 14.3 is amended to read:

(Sec. 402, 46 Stat. 708, as amended, sec. 2, 70 Stat. 943, secs. 488, 500, 46 Stat. 725, 729, as amended; 19 U. S. C. 1402, 1402a, 1488, 1500)

4. Footnote 9, appended to § 14.5 (d), is amended by deleting from the quoted subparagraph (c) "(as defined in subdivision (g) of section 402, Title IV)," and ", as defined in subdivision (e) of section 402, Title IV".

5. Section 14.5 (h) is amended by deleting "section 402 (g)" and substituting therefor "sections 402 (e) or 402a (g)".

6. Section 14.5 (j) is amended by deleting "section 402 (e)" and substituting therefore "sections 402 (c) or 402a (e)".

7. Section 14.5 (l) is amended by inserting "or section 402a (a)" after "402 (a)" and by inserting ", as amended" after "1930".

8. The citation of authority for § 14.5 is amended to read:

(Secs. 1 (pars. 27, 28), 402, 46 Stat. 592, 594, as amended, 708, as amended, sec. 2, 70 Stat. 943; 19 U. S. C. 1001 (pars. 27, 28), 1402, 1402a)

(R. S. 161, 251, Sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 26, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-6372; Filed, Aug. 2, 1957; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter F—Procedure and Administration

[T. D. 6246]

PART 301—PROCEDURE AND ADMINISTRATION

TRANSFEREES AND FIDUCIARIES

On April 11, 1957, notice of proposed rule making regarding the regulations under chapter 71 of the Internal Revenue Code of 1954, relating to transferees and fiduciaries, was published in the FEDERAL REGISTER (22 F. R. 2430). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted and set forth below.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: July 30, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

TRANSFEREES AND FIDUCIARIES

Sec.
301.6901 Statutory provisions; transferred assets.
301.6901-1 Procedure in the case of transferred assets.
301.6902 Statutory provisions; provisions of special application to transferees.
301.6902-1 Burden of proof.
301.6903 Statutory provisions; notice of fiduciary relationship.
301.6903-1 Notice of fiduciary relationship.
301.6904 Statutory provisions; prohibition of injunctions.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

301.7851 Statutory provisions; applicability of revenue laws.

AUTHORITY: §§ 301.6901 to 301.7851 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

TRANSFEREES AND FIDUCIARIES

§ 301.6901 *Statutory provisions; transferred assets.*

SEC. 6901. *Transferred assets*—(a) *Method of collection.* The amounts of the following liabilities shall, except as hereinafter in this section provided, be assessed, paid, and collected in the same manner and subject to the same provisions and limitations as in the case of the taxes with respect to which the liabilities were incurred:

(1) *Income, estate, and gift taxes*—

(A) *Transferees.* The liability, at law or in equity, of a transferee of property—

(i) Of a taxpayer in the case of a tax imposed by subtitle A (relating to income taxes),

(ii) Of a decedent in the case of a tax imposed by chapter 11 (relating to estate taxes), or

(iii) Of a donor in the case of a tax imposed by chapter 12 (relating to gift taxes),

in respect of the tax imposed by subtitle A or B.

(B) *Fiduciaries.* The liability of a fiduciary under section 3467 of the Revised Statutes (31 U. S. C. 192) in respect of the payment of any tax described in subparagraph (A) from the estate of the taxpayer, the decedent, or the donor, as the case may be.

(2) *Other taxes.* The liability, at law or in equity of a transferee of property of any person liable in respect of any tax imposed by this title (other than a tax imposed by subtitle A or B), but only if such liability arises on the liquidation of a partnership or corporation, or on a reorganization within the meaning of section 368 (a).

(b) *Liability.* Any liability referred to in subsection (a) may be either as to the amount of tax shown on a return or as to any deficiency or underpayment of any tax.

(c) *Period of limitations.* The period of limitations for assessment of any such liability of a transferee or a fiduciary shall be as follows:

(1) *Initial transferee.* In the case of the liability of an initial transferee, within 1 year after the expiration of the period of limitation for assessment against the transferor;

(2) *Transferee of transferee.* In the case of the liability of a transferee of a transferee, within 1 year after the expiration of the period of limitation for assessment against the preceding transferee, but not more than 3 years after the expiration of the period of limitation for assessment against the initial transferor;

except that if, before the expiration of the period of limitation for the assessment of the liability of the transferee, a court proceeding for the collection of the tax or liability in respect thereof has been begun against the initial transferor or the last preceding transferee, respectively, then the period of limitation for assessment of the liability of the transferee shall expire 1 year after the return of execution in the court proceeding.

(3) *Fiduciary.* In the case of the liability of a fiduciary, not later than 1 year after the liability arises or not later than the expiration of the period for collection of the tax in respect of which such liability arises, whichever is the later.

(d) *Extension by agreement.* (1) *Extension of time for assessment.* If before the expiration of the time prescribed in subsection (c) for the assessment of the liability, the Secretary or his delegate and the transferee or fiduciary have both consented in writing to its assessment after such time, the liability may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. For the purpose of determining the period of limitation on credit or refund to the transferee or fiduciary of overpayments of tax made by such transferee or fiduciary or overpayments of tax made by the transferor of which the transferee or fiduciary is legally entitled to credit or refund, such agreement and any extension thereof shall be deemed an agreement and extension thereof referred to in section 6511 (c).

(2) *Extension of time for credit or refund.* If the agreement is executed after the expiration of the period of limitation for assessment against the taxpayer with reference to whom the liability of such transferee or fiduciary arises, then in applying the limitations under section 6511 (c) on the amount of the credit or refund, the periods specified in section 6511 (b) (2) shall be increased by the period from the date of such expiration to the date of the agreement.

(e) *Period for assessment against transferor.* For purposes of this section, if any person is deceased, or is a corporation which has terminated its existence, the period of limitation for assessment against such person shall be the period that would be in effect had death or termination of existence not occurred.

(f) *Suspension of running of period of limitations.* The running of the period of limitations upon the assessment of the liability of a transferee or fiduciary shall, after the mailing to the transferee or fiduciary of the notice provided for in section 6212 (relating to income, estate, and gift taxes), be suspended for the period during which the Secretary or his delegate is prohibited from making the assessment in respect of the liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on the docket of the Tax Court, until the decision of the Tax Court becomes final), and for 60 days thereafter.

(g) *Address for notice of liability.* In the absence of notice to the Secretary or his delegate under section 6903 of the existence of a fiduciary relationship, any notice of liability enforceable under this section required to be mailed to such person, shall, if mailed to the person subject to the liability at his last known address, be sufficient for purposes of this title, even if such person is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence.

(h) *Definition of transferee.* As used in this section, the term "transferee" includes donee, heir, legatee, devisee, and distributee, and with respect to estate taxes, also includes any person who, under section 6324 (a) (2), is personally liable for any part of such tax.

(i) *Extension of time.* For extensions of time by reason of armed service in a combat zone, see section 7508.

§ 301.6901-1 *Procedure in the case of transferred assets*—(a) *Method of collection*—(1) *Income, estate, and gift taxes.* The amount for which a transferee of property of—

(i) A taxpayer, in the case of a tax imposed by subtitle A (relating to income taxes),

(ii) A decedent, in the case of the estate tax imposed by chapter 11, or

(iii) A donor, in the case of the gift tax imposed by chapter 12,

is liable, at law or in equity, and the amount of the personal liability of a fiduciary under section 3467 of the Revised Statutes, as amended (31 U. S. C. 192), in respect of the payment of such taxes, whether shown on the return of the taxpayer or determined as a deficiency in the tax, shall be assessed against such transferee or fiduciary and paid and collected in the same manner and subject to the same provisions and limitations as in the case of a deficiency in the tax with respect to which such liability is incurred, except as hereinafter provided.

(2) *Other taxes.* The liability, at law or in equity, of a transferee of property of any person liable in respect of any other tax, in any case where the liability of the transferee arises on the liquidation of a corporation or partnership, or a corporate reorganization within the meaning of section 368 (a), shall be assessed against such transferee and paid and collected in the same manner and subject to the same provisions and limitations as in the case of the tax with respect to which such liability is incurred, except as hereinafter provided.

(3) *Applicable provisions.* The provisions of the Code made applicable by section 6901 (a) to the liability of a transferee or fiduciary referred to in subparagraphs (1) and (2) of this paragraph include the provisions relating to:

(i) Delinquency in payment after notice and demand and the amount of interest attaching because of such delinquency;

(ii) The authorization of distraint and proceedings in court for collection;

(iii) The prohibition of claims and suits for refund; and

(iv) In any instance in which the liability of a transferee or fiduciary is one referred to in subparagraph (1) of this paragraph, the filing of a petition with the Tax Court of the United States and the filing of a petition for review of the Tax Court's decision.

For detailed provisions relating to assessments, collections, and refunds, see chapters 63, 64, and 65, respectively.

(b) *Definition of transferee.* As used in this section, the term "transferee" includes an heir, legatee, devisee, distributee of an estate of a deceased person, the shareholder of a dissolved corporation, the assignee or donee of an insolvent person, the successor of a corporation, a party to a reorganization as defined in section 368, and all other classes of distributees. Such term also includes, with respect to the gift tax, a donee (without regard to the solvency of the donor) and, with respect to the estate tax, any person who, under section 6324 (a) (2), is personally liable for any part of such tax.

(c) *Period of limitation on assessment.* The period of limitation for assessment of the liability of a transferee or of a fiduciary is as follows:

(1) *Initial transferee.* In the case of the liability of an initial transferee, one year after the expiration of the period of limitation for assessment against the taxpayer in the case of a tax imposed by subtitle A (relating to income taxes), the executor in the case of the estate tax imposed by Chapter 11, or the donor in the case of the gift tax imposed by chapter 12, each of which for purposes of this section is referred to as the "taxpayer" (see subchapter A of chapter 66).

(2) *Transferee of transferee.* In the case of the liability of a transferee of a transferee, one year after the expiration of the period of limitation for assessment against the preceding transferee, or three years after the expiration of the period of limitation for assessment against the taxpayer, whichever of such periods first expires.

(3) *Court proceeding against taxpayer or last preceding transferee.* If, before the expiration of the period specified in subparagraph (1) or subparagraph (2) of this paragraph (whichever is applicable), a court proceeding against the taxpayer or last preceding transferee for the collection of the tax or liability in respect thereof, respectively, has been begun within the period of limitation for the commencement of such proceeding, then within one year after the return of execution in such proceeding.

(4) *Fiduciary.* In the case of the liability of a fiduciary, not later than one year after the liability arises or not later than the expiration of the period for collection of the tax in respect of which such liability arises, whichever is the later.

(d) *Extension by agreement*—(1) *Extension of time for assessment.* The time prescribed by section 6901 for the assessment of the liability of a transferee or fiduciary may, prior to the expiration of such time, be extended for any period of time agreed upon in writing by the transferee or fiduciary and the district director or an assistant regional commissioner. The extension shall become effective when the agreement has been executed by both parties. The period agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(2) *Extension of time for credit or refund.* (i) For the purpose of determining the period of limitation on credit or refund to the transferee or fiduciary of overpayments made by such transferee

or fiduciary or overpayments made by the taxpayer to which such transferee or fiduciary may be legally entitled to credit or refund, an agreement and any extension thereof referred to in subparagraph (1) of this paragraph shall be deemed an agreement and extension thereof for purposes of section 6511 (c) (relating to limitations on credit or refund in case of extension of time by agreement).

(ii) For the purpose of determining the limit specified in section 6511 (c) (2) on the amount of the credit or refund, if the agreement is executed after the expiration of the period of limitation for assessment against the taxpayer with reference to whom the liability of such transferee or fiduciary arises, the periods specified in section 6511 (b) (2) shall be increased by the period from the date of such expiration to the date the agreement is executed. The application of this subdivision may be illustrated by the following example:

EXAMPLE. Assume that Corporation A files its income tax return on March 15, 1955, for the calendar year 1954, showing a liability of $100,000 which is paid with the return. The period within which an assessment may be made against Corporation A expires on March 15, 1958. Corporation B is a transferee of Corporation A. An agreement is executed on October 9, 1958, extending, beyond its normal expiration date of March 15, 1959, the period within which an assessment may be made against Corporation B. Under section 6511 (c) (2) and section 6511 (b) (2) (A) the portion of an overpayment, paid before the execution of an agreement extending the period for assessment, may not be credited or refunded unless paid within three years prior to the date on which the agreement is executed. However, as applied to Corporation B such 3-year period is increased under section 6901 (d) (2) to include the period from March 15, 1958, to October 9, 1958, the date on which the agreement was executed.

(e) *Period of assessment against taxpayer.* For the purpose of determining the period of limitation for assessment against a transferee or a fiduciary, if the taxpayer is deceased, or, in the case of a corporation, has terminated its existence, the period of limitation for assessment against the taxpayer shall be the period that would be in effect had the death or termination of existence not occurred.

(f) *Suspension of running of period of limitations.* In the cases of the income, estate, and gift taxes, if a notice of the liability of a transferee or the liability of a fiduciary has been mailed to such transferee or to such fiduciary under the provisions of section 6212, then the running of the statute of limitations shall be suspended for the period during which the district director is prohibited from making the assessment in respect of the liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on the docket of the Tax Court, until the decision of the Tax Court becomes final), and for 60 days thereafter.

§ 301.6902 *Statutory provisions; provisions of special application to transferees.*

SEC. 6902. *Provisions of special application to transferees*—(a) *Burden of proof.* In proceedings before the Tax Court the burden of proof shall be upon the Secretary or his delegate to show that a petitioner is liable as a transferee of property of a taxpayer, but not to show that the taxpayer was liable for the tax.

(b) *Evidence.* Upon application to the Tax Court, a transferee of property of a taxpayer shall be entitled, under rules prescribed by the Tax Court, to a preliminary examination of books, papers, documents, correspondence, and other evidence of the taxpayer or a preceding transferee of the taxpayer's property, if the transferee making the application is a petitioner before the Tax Court for the redetermination of his liability in respect of the tax (including interest, additional amounts, and additions to the tax provided by law) imposed upon the taxpayer. Upon such application, the Tax Court may require by subpoena, ordered by the Tax Court or any division thereof and signed by a judge, the production of all such books, papers, documents, correspondence, and other evidence within the United States the production of which, in the opinion of the Tax Court or division thereof, is necessary to enable the transferee to ascertain the liability of the taxpayer or preceding transferee and will not result in undue hardship to the taxpayer or preceding transferee. Such examination shall be had at such time and place as may be designated in the subpoena.

§ 301.6902–1 *Burden of proof.* In proceedings before the Tax Court the burden of proof shall be upon the Commissioner to show that a petitioner is liable as a transferee of property of a taxpayer, but not to show that the taxpayer was liable for the tax.

§ 301.6903 *Statutory provisions; notice of fiduciary relationship.*

SEC. 6903. *Notice of fiduciary relationship*—(a) *Rights and obligations of fiduciary.* Upon notice to the Secretary or his delegate that any person is acting for another person in a fiduciary capacity, such fiduciary shall assume the powers, rights, duties, and privileges of such other person in respect of a tax imposed by this title (except as otherwise specifically provided and except that the tax shall be collected from the estate of such other person), until notice is given that the fiduciary capacity has terminated.

(b) *Manner of notice.* Notice under this section shall be given in accordance with regulations prescribed by the Secretary or his delegate.

§ 301.6903–1 *Notice of fiduciary relationship*—(a) *Rights and obligations of fiduciary.* Every person acting for another person in a fiduciary capacity shall give notice thereof to the district director in writing. As soon as such notice is filed with the district director such fiduciary must, except as otherwise specifically provided, assume the powers, rights, duties, and privileges of the taxpayer with respect to the taxes imposed by the Code. If the person is acting as a fiduciary for a transferee or other person subject to the liability specified in section 6901, such fiduciary is required to assume the powers, rights, duties, and privileges of the transferee or other person under that section. The amount of the tax or liability is ordinarily not collectible from the personal estate of the fiduciary but is collectible from the estate of the taxpayer or from the estate of the transferee or other person subject to the liability specified in section 6901.

(b) *Manner of notice.* The notice shall be signed by the fiduciary, and shall be filed with the district director for the district where the return of the person for whom the fiduciary is acting is required to be filed. The notice must state the name and address of the person for whom the fiduciary is acting, and the nature of the liability of such person; that is, whether it is a liability for tax, and, if so, the type of tax, the year or years involved, or a liability at law or in equity of a transferee of property of a taxpayer, or a liability of a fiduciary under section 3467 of the Revised Statutes, as amended (31 U. S. C. 192), in respect of the payment of any tax from the estate of the taxpayer. Satisfactory evidence of the authority of the fiduciary to act for any other person in a fiduciary capacity must be filed with and made a part of the notice. If the fiduciary capacity exists by order of court, a certified copy of the order may be regarded as satisfactory evidence. When the fiduciary capacity has terminated, the fiduciary, in order to be relieved of any further duty or liability as such, must file with the district director with whom the notice of fiduciary relationship was filed written notice that the fiduciary capacity has terminated as to him, accompanied by satisfactory evidence of the termination of the fiduciary capacity. The notice of termination should state the name and address of the person, if any, who has been substituted as fiduciary. Any written notice disclosing a fiduciary relationship which has been filed with the Commissioner under the Internal Revenue Code of 1939 or any prior revenue law shall be considered as sufficient notice within the meaning of section 6903. Any satisfactory evidence of the authority of the fiduciary to act for another person already filed with the Commissioner or district director need not be resubmitted.

(c) *Where notice is not filed.* If the notice of the fiduciary capacity described in paragraph (b) of this section is not filed with the district director before the sending of notice of a deficiency by registered mail to the last known address of the taxpayer (see section 6212), or the last known address of the transferee or other person subject to liability (see section 6901 (g)), no notice of the deficiency will be sent to the fiduciary. In such a case the sending of the notice to the last known address of the taxpayer, transferee, or other person, as the case may be, will be a sufficient compliance with the requirements of the Code, even though such taxpayer, transferee, or other person is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence. Under such circumstances, if no petition is filed with the Tax Court of the United States within 90 days after the mailing of the notice (or within 150 days after mailing in the case of such a notice addressed to a person outside the States of the Union and the District of Columbia) to the taxpayer, transferee, or other person, the tax, or liability under section 6901, will be assessed immediately upon the expiration of such 90-day or 150-day period, and demand for payment will be made by the district director. The term "States of the Union" referred to in this paragraph does not include the Territories of Alaska and Hawaii.

(d) *Definition of fiduciary.* The term "fiduciary" is defined in section 7701 (a) (6) to mean a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(e) *Applicability of other provisions.* This section, relating to the provisions of section 6903, shall not be taken to abridge in any way the powers and duties of fiduciaries provided for in other sections of the Code.

§ 301.6904 *Statutory provisions; prohibition of injunctions.*

SEC. 6904. *Prohibition of injunctions.* For prohibition of suits to restrain enforcement of liability of transferee, or fiduciary, see section 7421 (b).

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

§ 301.7851 *Statutory provisions; applicability of revenue laws.*

SEC. 7851. *Applicability of revenue laws*—(a) *General rules.* Except as otherwise provided in any section of this title—

* * * * * * *

(6) *Subtitle F.*

(A) *General rule.* The provisions of subtitle F shall take effect on the day after the date of enactment of this title and shall be applicable with respect to any tax imposed by this title. * * *

* * * * * * *

NOTE: Chapter 71 of the Internal Revenue Code of 1954, relating to transferees and fiduciaries, is applicable only to the liability of transferees and fiduciaries with respect to the taxes imposed by the 1954 Code. The provisions of the Internal Revenue Code of 1939, relating to the liability of transferees and fiduciaries, are applicable to the liability of transferees and fiduciaries with respect to income, estate, and gift taxes imposed by the 1939 Code.

[F. R. Doc. 57–6361; Filed, Aug. 2, 1957; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 41 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MACHINERY AND PARTS

Section 373.49 *Machinery and equipment* is amended in the following particulars:

1. The heading of the section is amended to read "Machinery and parts".

2. Paragraph (c) *Tools incorporating diamonds* is redesignated as paragraph (b).

3. A new paragraph (c) is added to read as follows:

(c) *Automotive vehicles, parts, accessories, and servicing equipment*—(1) *Statement of Past Participation in Exports, Form IT– or FC–821.* Applicants for licenses covering shipments to Israel and neighboring Arab states (i. e. Egypt, Jordan, Lebanon, Syria) of automotive vehicles, parts, accessories, and servicing equipment covered on the Positive List of Commodities under Schedule B Nos. 790013 through 791167, 706305, 709865, 791205, 791210, 791220, 791230, 791240, 791250, 791280, 792610, 792620, and 792730, are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports in the manner set forth in § 373.4. The report shall be broken down by countries of destination and shall cover the quantity of exports from the United States of these commodities made by the applicant during the calendar years 1954 and 1955. For automotive vehicles, the statement shall show one total figure for each year in units (number of vehicles) with no breakdown as to classes or types. For parts, accessories and servicing equipment the statement shall show one total figure for each year in dollars for each country with no breakdown as to classes or types. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall be changed to read "calendar year 1954" and the heading above items (e) and (f) shall be changed to read "calendar year 1955".

This amendment shall become effective as of August 1, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57–6337; Filed, Aug. 2, 1957; 8:45 a. m.]

[1] This amendment was published in Current Export Bulletin 789, dated August 1, 1957.

[8th Gen. Rev. of Export Regs., Amdt. 42 [1]]

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

COMPLIANCE ORDERS

Section 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges,* paragraph (b) *Table of compliance orders* is amended by adding the following entries:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Anglo-Canadian Cement Ltd., Marina House, Broad St., Lagos, Nigeria.	3–11–57	3–11–60 (Duration.)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3–14–57. 22 F. R. 2053, 3–28–57.
Aroyo, Eli Nissim, d/b/a General Import Export Co., Sudexport, Allenby Str. 108, P. O. B. 2228, Tel Aviv, Israel.	6–24–57	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 4512, 6–27–57.
Chemical Industries of Nigeria Ltd., 1 Brickfield Road, Ebute Metta, Lagos, Nigeria.	3–11–57	3–11–60 (Duration)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3–14–57. 22 F. R. 2053, 3–28–57.
Foster, Andrew J., 1063 Hope St., Springdale, Conn.	6–3–57	11–2–57 (6–2–58)*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 3983, 6–27–57.
General Import Export Co., Allenby Str. 108, P. O. B. 2228, Tel Aviv, Israel.	6–24–57	Duration	do	22 F. R. 4510, 6–27–57.
Gnetta, Amedeo H., 120 Wall St., New York 5, N. Y.	6–24–57	1–24–58 (6–24–59)*	do	22 F. R. 4510, 6–27–57.
Industrial Overseas Technical Corp., 120 Wall St., New York 5, N. Y.	6–24–57	1–24–58 (6–24–59)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Messrs. Jarach & Gnetta, which see.)	22 F. R. 4510, 6–27–57.
Jarach-Gnetta Industrial Overseas Co., Inc., 120 Wall St., New York 5, N. Y.	6–24–57	1–24–58 (6–24–59)*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 4510, 6–27–57.
Jarach, Lawrence M., 120 Wall St., New York 5, N. Y.	6–24–57	1–24–58 (6–24–59)*	do	22 F. R. 4510, 6–27–57.
Machlett Laboratories, Inc., 1063 Hope St., Springdale, Conn.	6–3–57	8–2–57 (6–2–58)*	do	22 F. R. 3983, 6–6–57.
Sudexport, Allenby Str. 108, P. O. B. 2228, Tel Aviv, Israel.	6–24–57	Duration	do	22 F. R. 4512, 6–27–57.

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57–6338; Filed, Aug. 2, 1957; 8:45 a. m.]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
707590	Short wave diathermy units operating at frequencies exceeding 600 megacycles per second. (1) [2]	No.	SATE 1	None	RO
707590	Parts, n. e. c., specially fabricated for short wave diathermy units operating at frequencies exceeding 600 megacycles per second. (2) [2]	----------	SATE 1	25	RO
	Power-driven metalworking machine tools (nonportable within shop); and parts, n. e. c.:				
740393	Automatic chucking lathes and between center lathes: Other automatic lathes, multispindle (including automatic multispindle crankshaft lathes). (2) [4]	No.	TOOL	500	RO
740390	Lathes, n. e. c. (specify by name): Other spinning lathes, n. e. c., except those with spindle drive motor of 10 horsepower or less (report automatic multispindle crankshaft lathes in 740305. (8) [3]	No.	TOOL	500	RO
	Hydraulic and pneumatic presses, all types, including forging presses:				
744420	Other hydraulic presses with rated capacity of over 1,000 tons. (3) [3]	No.	TOOL	None	RO
744420	Other hydraulic presses with rated capacity of 1,000 tons or less. (4)	No.	TOOL	1,000	R
	Mechanical presses, power driven, all types:				
744425	Other mechanical presses with rated capacity of over 1,000 tons. (6) [3]	No.	TOOL	None	RO
744425	Other mechanical presses with rated capacity of 1,000 tons or less. (4)	No.	TOOL	1,000	R
744490	Parts and accessories, n. e. c., specially fabricated for metalworking machines included on the Positive List under schedule B Nos. 744420 and 744425, for which validated license is required to R country destinations only. (2) [3]	----------	TOOL	1,000	R
829915	Additives for lubricating and fuel oils (including diesel oil cetane improvers and other agents added to motor oils, diesel and fuel oils, engine oils and greases to increase their effectiveness). (Specify names of additive and indicate quantity of each.) (Report compounded crankcase oils in 320600) [3]	Lb. or gal.	PETR 1	25	RO
900600	Parts, n. e. c., specially fabricated for the following: aerial and special purpose military cameras; high-speed cameras capable of recording at rates in excess of 250 frames per second; oscillograph cameras; photomicrographic cameras; and X-ray powder cameras. (1, 2 and 4.) [3] [4] [5]	----------	FINP 5	25	RO
902300	Lenses for the following cameras: aerial and special purpose military cameras; high-speed cameras capable of recording at rates in excess of 250 frames per second; oscillograph cameras; and photomicrographic cameras. [3] [4]	No.	FINP 5	None	RO

[1] The GLV dollar-value limit is increased.
[2] The GLV dollar-value limit is decreased.
[3] The letter "F" is deleted in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the Foreign Distribution licensing procedure (see Part 378), effective August 31, 1957.
[4] The letter "G" is added to the column headed "Commodity Lists," indicating that the commodity may be exported under General License GLV to R and O destinations only within the dollar-value limit specified on the Positive List (see § 371.10 (d)), effective August 8, 1957.
[5] The commodity description is revised without substantive change.
[6] The commodity coverage is decreased.
[7] The commodity coverage is increased, effective August 8, 1957.
[8] A reporting requirement is added.
[9] The added commodities may be exported under the Foreign Distribution licensing procedure (see Part 378); and effective September 16, 1957, they are subject to the IC/DV procedure (see § 373.2).

This part of the amendment shall become effective as of August 1, 1957, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R and Country Group O destinations as a result of changes set forth in items 2 and 3 above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., August 8, 1957, may be exported under the previous general license provisions up to and including August 31, 1957. Any such shipment not laden aboard the exporting carrier on or before August 31, 1957 requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-6339; Filed, Aug. 2, 1957; 8:45 a. m.]

[8th Gen. Rev. of Export Regs., Amdt. P. L. 13 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	Nonelectric industrial furnaces, kilns, lehrs, and ovens, and parts (report electric furnaces, kilns and ovens in 707415-707492):
773140	Carbon black furnaces, controlled atmosphere types (intermittent or continuous).
773150	Specially fabricated parts, n. e. c., for carbon black furnaces, controlled atmosphere types (intermittent or continuous).
701113	Special-purpose motor vehicles, n. e. c. (specify purpose for which designed and/or type of mounted equipment): Amphibian vehicles or carriers, new, n. e. c., front and rear axle drive or multiple rear axle drive (report parts in 947980). [1]
947980	Parts, n. e. c., for non-armored amphibian vehicles or carriers included on the Positive List under Schedule B No. 701113. [1]

[1] This entry is deleted from the Positive List since amphibian combat vehicles and parts therefor are licensed by the Department of State and non-combat amphibian vehicles and parts therefor are covered on the Positive List under other Schedule B numbers.

This part of the amendment shall become effective as of August 1, 1957.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
206910	Rubber hose and tubing (report surgical tubing in 204100): Air hose [1]	Lb. No.	RUBR ELME 5	100 None	RO RO
709600	Power-controlled searchlights designed for military use [1]	----------	ELME 5	None	RO
709908	Electrical apparatus, n. e. c., and parts, n. e. c. (specify by name): Parts, n. e. c., specially fabricated for power-controlled searchlights designed for military use. [1]				
775360	Separators, centrifugal, Dorr-Oliver type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name) (report ore and coal separating machines in 730750; electrostatic precipitators, precipitron type, in 770790; and drum filters, for petroleum refining in 775040): Electrostatic precipitators, Cottrell type, and specially fabricated parts, n. e. c. [1]	----------	GIEQ	None	RO
947450	Parts and accessories, n. e. c., specially fabricated for small arms: Firearms silencers (mufflers) [1] [2]	----------	FINP	None	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2), effective September 16, 1957.
[2] The commodity may be exported under General License GLV to R and O destinations only within the dollar-value limit specified on the Positive List (see § 371.10 (d)).

This part of the amendment shall become effective as of August 8, 1957.

3. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

[1] This amendment was published in Current Export Bulletin 780, dated August 1, 1957.

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter C—Explosives and Related Articles; Tests for Permissibility and Suitability

[Bureau of Mines Schedule 27B]

PART 16—STEMMING DEVICES

There was published in the FEDERAL REGISTER of May 9, 1957 (22 F. R. 3258–3260), a notice and text of proposed regulations governing tests for permissibility and suitability of stemming devices for use in coal mines. Interested persons were given 30 days in which to submit written data, views, or arguments in respect to the proposed amended regulations. No adverse comments having been received, the proposed amended regulations as set forth below, are hereby adopted without change.

HATFIELD CHILSON,
Acting Secretary of the Interior.

JULY 29, 1957.

Part 16 of the Subchapter C, Chapter I of Title 30 Code of Federal Regulations is amended to read as follows:

Sec.
16.1 Purpose.
16.2 Definitions.
16.3 Application for tests.
16.4 Fees.
16.5 Drawings and specifications.
16.6 Shipment of stemming device sample.
16.7 Place of investigation.
16.8 Consultation.
16.9 Observers at formal investigations and demonstrations.
16.10 Physical and chemical tests.
16.11 Requirements for approval of a stemming device.
16.12 Change in design.
16.13 Granting of approval; notification of approval or disapproval.
16.14 Approval label.
16.15 List of permissible stemming devices.
16.16 Conditions under which stemming devices are to be used.
16.17 Field sampling.
16.18 Rescission of approval.

AUTHORITY: §§ 16.1 to 16.18 issued under sec. 5, 36 Stat. 370 as amended; 30 U. S. C. 7. Interpret or apply sec. 3, 36 Stat. 370, as amended; 30 U. S. C. 5.

§ 16.1 *Purpose.* The regulations in this part specify the safety standards and the requirements for approval by the Bureau of Mines, of stemming devices as permissible for use in coal mines. The use of stemming devices for confining permissible explosives when fired for underground blasting, involves consideration of several possible hazards including:

(a) Ignition of methane-air and/or coal dust-air mixtures when the explosive charge is detonated.

(b) Emission of toxic gases such as carbon monoxide, oxides of nitrogen, and hydrogen sulfide when the explosive charge is detonated.

(c) Other hazards associated with the firing of inadequately confined explosive charges.

§ 16.2 *Definitions.* As used in this part, the following words are defined:

(a) "Stemming devices" means any flame resistant unit which has incorporated in its design positive means for providing adequate confinement to permissible explosives in boreholes when used as prescribed.

(b) "Approval" means written official notification by the Bureau of Mines that upon investigation the stemming device has met satisfactorily the requirements of this part for use in coal mines.

(c) "Permissible" means conforming in every respect to the provisions of the appropriate Bureau of Mines test schedule.

(d) "Approval label" means an identifying mark indicating that the stemming device has been approved by the Bureau of Mines as a permissible stemming device.

(e) "Flame resistant" means incapable of supporting combustion under the test conditions hereinafter stated.

§ 16.3 *Application for tests.* Before the Bureau will make any tests on a stemming device or on any change in the design thereof, the manufacturer or user must file a written request (no application form is provided by the Bureau) with the U. S. Bureau of Mines, Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. A statement as to the nature of the stemming device to be tested, the composition, and any other pertinent information relative to the stemming device must accompany the application. The Bureau's engineers will review the application and decide whether or not the tests will be undertaken. If the application is approved, an application number will be assigned and instructions given regarding the fees required and method of shipment of materials. Upon receipt of this information, the applicant must transmit, to the address given in this section, a check, bank note, or money order, made payable to the Bureau of Mines, to cover all fees for the tests; drawings and specifications of the stemming device must be transmitted at the same time.

§ 16.4 *Fees.* (a) The fee for complete tests leading to approval of a stemming device will be $950 unless additional tests described under § 16.10 (c) are deemed necessary. If the applicant withdraws the device or if the stemming device fails to pass any of the tests prescribed in this part, the Bureau will charge for the tests actually performed, with a minimum charge of $100, on the basis set out in paragraph (b) of this section. The balance of the fee will be returned to the applicant. The fee for tests made in connection with changes in the design of a previously approved stemming device will be that determined by the Bureau, but will be not less than $100.

(b) The fees covering individual tests will be as follows:

(1) Chemical tests—$50.
(2) Physical examination—$20.
(3) Gallery test, per shot—$14.
(4) Rough handling test—$10.
(5) Flammability test—$30.
(6) For other tests, the fees are determined by the Bureau's engineers on the basis of the Bureau's estimate of the costs in making the test.

§ 16.5 *Drawings and specifications.* A set of drawings, bill of material, and specifications sufficient in number and detail to identify fully the parts of the stemming device must be furnished to the Bureau. Drawings should be numbered and dated to facilitate identification and reference in the records. The drawings and specifications for stemming devices shall include an assembly drawing, or drawings, clearly showing the over-all dimensions of the stemming device, tolerances, and the character, size, and relative arrangement of all parts. The nature of the materials used in the assembly shall be specified on the drawings.

§ 16.6 *Shipment of stemming device samples.* Samples of the stemming device to be tested should be shipped to the Bureau only after the Bureau has furnished shipping instructions specifying the quantities, sizes, and mode of shipment of the samples.

§ 16.7 *Place of investigation.* Tests on stemming devices will be made at the Bureau's Explosives Testing Station at Bruceton, Pennsylvania, in the order of receipt of applications.

§ 16.8 *Consultation.* Any potential applicant (or accredited representative thereof) may visit the Bureau of Mines' Central Experiment Station, Pittsburgh, Pennsylvania, to discuss, without charge, stemming devices proposed to be submitted for investigation by the Bureau. Should preliminary tests appear advisable before submitting the stemming device for approval, the Bureau may conduct such tests for the applicant with fees as prescribed in § 16.4.

§ 16.9 *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the stemming device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved stemming device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of

material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

§ 16.10 *Physical and chemical tests*—(a) *Compositional tests.* Such test will be made to verify the submitted specifications.

(b) *Physical tests.* The following physical tests will be made:

(1) *Physical examination.* An examination will be made to verify the submitted specifications, or to establish basic specifications on the composition, as are deemed necessary by the Bureau.

(2) *Gallery test.* Fifty trials, using two or more different permissible explosives selected by the Bureau, will be made with not more than thirty trials with any one permissible explosive, firing a 220-gram charge of the permissible explosive from a cannon stemmed with the stemming device under test, into a steel gallery charged with a mixture of natural gas and air containing 8.0 ±0.3 percent of the Bureau's standard natural gas, at a temperature of 25 ±5° C. In order to pass this test there must not be an ignition in any of the trials made.

(3) *Rough-handling test.* A specially designed box is used for making the rough-handling test. This box is approximately 6 feet in height and it is equipped with 7 baffles each approximately 10 inches apart and sloping 30° from the horizontal. Ten samples of the stemming device to be tested will be introduced individually at the top and allowed to drop from baffle to baffle. Each stemming device will be subjected to 30 passes through the box and then will be subjected to the gallery test prescribed in subparagraph (2) of this paragraph. Each stemming device must pass the gallery test in the physical condition existing at the end of the rough-handling test. These ten gallery trials shall be in addition to the fifty trials described in subparagraph (2) of this paragraph.

(4) *Flammability test.* At least three specimens 2 inches in length, ¼ inch in width and 1/16 inch thick shall be cut or prepared from each major component of the device under test, excluding any wrapper material. If the total weight of any wrapper material exceeds 3 grams, it shall be tested separately. If the nature of the material to be tested precludes the preparation of specimens with the above dimensions, then the specimens shall have dimensions as near as possible to those specified. The specimen shall be clamped in a support at one end with its longitudinal axis horizontal and its transverse axis inclined at 45° to the horizontal. Under the test specimen, there shall be clamped a piece of 20-mesh Bunsen burner gauze about 1½ inches square, in a horizontal position ¼ inch below the specimen with about ½ inch of the specimen extending beyond one edge of the gauze. If the specimen is not rigid, it shall be allowed to bend and come to rest on the gauze. A Bunsen-type burner, with a flame 1 inch in height having a temperature of 950° ±50° C. when measured by means of a 20 B & S gauge, iron-constantan thermocouple, centered in the flame at the tip of the inner cone, shall be placed under the free end of the test specimen and adjusted so that the flame tip is just in contact with the specimen. The flame shall be removed when ignition of the specimen is observed or after an application time of not more than 30 seconds. If the specimen does not continue to burn with visible flame after the first application of flame, a second application of the burner flame shall be made immediately under the same conditions for a period not to exceed 30 seconds. If none of the specimens continue to burn with a visible flame for more than 5 seconds after removing the burner flame in any of the individual trials made, the material shall be considered flame resistant and acceptable for use in the stemming device.

(c) *Additional tests.* Additional tests will be made if it is determined by the Bureau of Mines that they are necessary to establish safety characteristics of the stemming device.

§ 16.11 *Requirements for approval of a stemming device.* Approval will be given only for stemming devices which pass the tests prescribed in § 16.10. Approval will be based primarily on tests made on one standard size to be designated by the Bureau of Mines (1¾ inch diameter unless otherwise specified). The applicant must, however, submit samples and specifications for all sizes for which approval is desired. No stemming device with diameter exceeding the length will be accepted for test. For sizes smaller than the standard size, the overall length must not be less than that for the standard size. For sizes having a diameter larger than the standard size, the ratio of the length to the diameter must not be less than that for the standard size. Specific approval must be obtained for each size before it can be labeled as approved. The amount of any combustible wrapper used must not exceed 3 grams.

§ 16.12 *Change in design.* Any change in the design of an approved stemming device must first be approved by the Bureau before such modified stemming devices are offered to the trade under the approval label.

§ 16.13 *Granting of approval; notification of approval or disapproval.* After the Bureau of Mines has completed the investigation of a stemming device, a written report covering approval or disapproval of the stemming device will be sent to the applicant. The report of approval will establish the tolerances that must be maintained in manufacture and all requirements for use as described in § 16.16.

§ 16.14 *Approval label.* (a) Upon approval of the stemming device and before the stemming device is offered to the trade, the applicant must place an approval label on all containers of packages of such stemming devices which must be of the same characteristics as the stemming device approved by the Bureau. The approval label which shall be submitted to and approved by the Bureau shall bear the seal of the Department of the Interior, Bureau of Mines, and be inscribed as follows:

PERMISSIBLE STEMMING DEVICE

Approval Number ------ issued to ------

(b) When required by the Bureau, appropriate words of caution must be added.

(c) A manufacturer who places the approval label on the stemming device must use all reasonable precautions to manufacture the stemming device to conform with the specified tolerances of the stemming device as approved, and is obligated to warn the user that the stemming device is permissible only when employed as specified in § 16.16.

§ 16.15 *List of permissible stemming devices.* The Bureau will maintain a list of permissible stemming devices which will be published from time to time.

§ 16.16 *Conditions under which stemming devices are to be used.* An approved stemming device is permissible only when used under the following conditions:

(a) The stemming device must be completely within the borehole and in physical contact with the explosive charge before the shot is fired.

(b) The stemming device must be of such a size as to fill tightly the cross section of the borehole when it is properly put into place.

(c) The explosive being stemmed must be classed as "permissible" and it must be used in the manner prescribed by the Bureau of Mines in Part 15 of this subchapter.

(d) Other conditions, which will be set down by the Bureau as appropriate to the particular stemming device, must be observed.

§ 16.17 *Field sampling.* The Bureau will, from time to time, collect and reexamine permissible stemming devices in order to determine whether they conform to the stemming device as approved. If the field sample fails to pass any of the tests described in § 16.10 or exceeds the established tolerances, the manufacturer will be so notified and required to take such steps as are necessary to make all future production conform to the approved specifications. In the event of failures of a nature deemed by the Bureau to present definite hazard in use of the stemming device, the Bureau may request that the manufacturer remove from the market and the field any unused stemming devices of similar faulty nature.

§ 16.18 *Rescission of approval.* The Bureau reserves the right to rescind for cause at any time, any approval granted under this part. Upon such rescission the stemming device will be declared nonpermissible and will be removed from the list of permissible stemming devices.

[F. R. Doc. 57-6330; Filed, Aug. 2, 1957; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1450]

[Idaho 07135]

IDAHO

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Idaho are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for the use of the Bureau of Land Management, Department of the Interior, as an administrative site:

BOISE MERIDIAN

T. 2 N., R. 38 E.,
Sec. 8. That part of the S½SE¼ described as follows: Beginning at a point from which the South Quarter Corner of said Section 8 bears South, 41.5 feet and West, 897 feet, thence
East, 224 feet along the Utah-Idaho Sugar Company right-of-way,
N. 28°17' E., 617 feet along the Idaho Irrigation District West right-of-way canal, S. 69°08' W., 566.7 feet,
S. 2°12' E., 341.7 feet to point of beginning.

The tract described contains 3.50 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 30, 1957.

[F. R. Doc. 57-6355; Filed, Aug. 2, 1957; 8:46 a. m.]

[Public Land Order 1451]

[Sacramento 048776]

CALIFORNIA

RESERVING CERTAIN PUBLIC LANDS IN CONNECTION WITH TOWER HOUSE SPRINGS UPLAND GAME MANAGEMENT AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of March 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661–666c), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Shasta County, California, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the Department of Fish and Game of the State of California in connection with the Tower House Springs, Upland Game Management Area, under such conditions as may be prescribed by the Secretary of the Interior:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 7 W.,
Sec. 34, N½, N½SW¼, N½SE¼SW¼, W½SW¼SW¼, W½E½SW¼SW¼, NW¼SE¼, NE¼NE¼SE¼, W½E½SE¼, N½SW¼SE¼, N½S½SW¼SE¼.

The areas described aggregate 570 acres.

This order shall be subject to existing withdrawals for reclamation and power purposes so far as they affect any of the above-described lands.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 30, 1957.

[F. R. Doc. 57-6356; Filed, Aug. 2, 1957; 8:47 a. m.]

[Public Land Order 1452]

[038226]

WYOMING

RESERVING LANDS WITHIN TARGHEE NATIONAL FOREST FOR USE OF FOREST SERVICE AS LONG SPRINGS RECREATION AREA

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands within the Targhee National Forest, Wyoming, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws or the Act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as the Long Springs Recreation Area:

T. 37 N., R. 118 W., 6th P. M., Wyoming,
Sec. 7, SW¼ (unsurveyed);
Sec. 18, NE¼NE¼, E½NW¼NE¼.

The area described contains approximately 220 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 30, 1957.

[F. R. Doc. 57-6357; Filed, Aug. 2, 1957; 8:47 a. m.]

[Public Land Order 1453]

[Washington 02212]

WASHINGTON

WITHDRAWING PUBLIC LANDS UNDER JURISDICTION OF UNITED STATES DEPARTMENT OF AGRICULTURE FOR USE BY DEPARTMENT OF AGRICULTURE OF STATE OF WASHINGTON AS MOXEE PLANT INTRODUCTION QUARANTINE STATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the hereinafter-described public lands in Washington are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and, except as hereinafter provided, the mineral-leasing laws, and reserved under jurisdiction of the United States Department of Agriculture for use by the Department of Agriculture of the State of Washington for research purposes as the Moxee Plant Introduction and Quarantine Station, under such conditions as may be prescribed by the United States Department of Agriculture:

WILLAMETTE MERIDIAN

T. 12 N., R. 21 E.
Sec. 34, NE¼.

The area described contains 160 acres.

2. The oil and gas deposits in the lands shall be subject to development and extraction under the mineral-leasing laws, subject to the condition that surface use by any lessee shall be restricted to the south 600 feet of the withdrawn area, and to the west 500 feet of the SW¼NE¼ of sec. 34. No part of the surface of the remaining area shall be used or invaded for any purpose by any lessee. Leases affecting any of the lands shall be subject to any special stipulations found necessary by the United States Department of Agriculture to preserve the usefulness of the lands for the purposes for which they are withdrawn.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 30, 1957.

[F. R. Doc. 57-6358; Filed, Aug. 2, 1957; 8:47 a. m.]

[Public Land Order 1454]

[75943]

NEW MEXICO

PARTIALLY REVOKING DEPARTMENTAL ORDER OF DECEMBER 7, 1907, WHICH WITHDREW CERTAIN LANDS FOR USE OF FOREST SERVICE AS CARSON SEEP ADMINISTRATIVE SITE AND REVOKING DEPARTMENTAL ORDER OF JANUARY 7, 1908, WHICH ENLARGED SITE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat, 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The departmental order of December 7, 1907, which withdrew certain lands for use of the Forest Service as the Carson Seep Administrative Site, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 S., R. 22 E.,
Sec. 8, S½SW¼;
Sec. 17, N½NW¼.

The areas described aggregate 160 acres.

2. The departmental order of January 7, 1908, which withdrew the following-described lands as an addition to the Carson Seep Administrative Site, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 S., R. 22 E.,
Sec. 8, N½SW¼;
Sec. 17, S½NW¼.

The areas described aggregate 160 acres.

3. The lands are within the Lincoln National Forest and shall be opened, subject to valid existing rights and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands effective at 10:00 a. m. on July 30, 1957.

ROGER ERNST,
Assistant Secretary of the Interior.

[F. R. Doc. 57-6359; Filed, Aug. 2, 1957; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 206—FISHING AND HUNTING REGULATIONS

CHESAPEAKE BAY, MD. AND VA.

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403) § 206.50 governing the construction and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries is amended by redesignating the fishing structure limits in York River, Virginia, changing paragraph (g) (4) as follows:

§ 206.50 *Chesapeake Bay, Md. and Va., and its navigable tributaries; fishing structures.* • • •

(g) *Norfolk District.* • • •

(4) *York River, above King Creek.*

	Latitude	Longitude
	° ' "	° ' "
C 11	• • •	• • •
S "220N"	37 24 48.8	76 41 16.3
S "222N"	37 25 51.0	76 42 31.2
S "224N"	• • •	• • •
	•	•

[Regs., July 12, 1957, 800.212 (Hampton Roads, Va.)-ENGWO] (Sec. 10, 30 Stat. 1151; 33 U. S. C. 403)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-6368; Filed, Aug. 2, 1957; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Basis and purpose. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published on June 25, 1957 (22 F. R. 4456), the public was invited to submit views, data, or arguments in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D. C., on or before July 22, 1957, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose, among others, of specifying open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds.

Subsequently, after due consideration of data obtained through investigations conducted by personnel of the Fish and Wildlife Service, State game departments, and from other sources, the several State game departments were informed concerning the season lengths and daily bag and possession limits proposed to be prescribed for the 1957–58 seasons on rails, gallinules, woodcock, mourning and white-winged doves, and band-tailed pigeons. The State game departments were also invited to submit recommendations for hunting seasons in the respective States on applicable members of these species; such hunting seasons to conform to the season lengths, and to fall within a framework of opening and closing dates, as established by this Department.

No written data, views, or arguments have been received in direct response to the notice of proposed rule making but each State game department has furnished information concerning the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed. Accordingly, paragraphs (c), (d), (e), and (f) of § 6.51 are deleted and §§ 6.41 and 6.46, the first or introductory paragraph of § 6.51, and paragraphs (a) and (b) of § 6.51 are amended to read as follows:

§ 6.41 *Seasons and limits on doves and wild pigeons.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1957, and January 10, 1958, as follows:

(a) *Mourning doves.*

Daily bag and possession limit 10
Seasons in:

Alabama [1]	Oct. 2–Oct. 31. Dec. 3–Jan. 1.
Arizona [2]	Sept. 1–Sept. 29. Dec. 7–Dec. 27.
Arkansas [1]	Sept. 1–Oct. 10. Dec. 1–Dec. 20.
California [2]	Sept. 1–Sept. 30.
Colorado	Sept. 1–Oct. 20.
Connecticut	Closed season.
Delaware [1]	Sept. 20–Nov. 2. Nov. 15–Nov. 30.
District of Columbia	Closed season.
Florida [1]	Oct. 5–Nov. 1. Nov. 28–Dec. 29.
Georgia	Sept. 12–Sept. 28. Dec. 14–Jan. 10.
Idaho	Sept. 1–Sept. 15.
Illinois	Sept. 1–Oct. 15.
Indiana	Closed season.
Iowa	Do.
Kansas	Sept. 1–Oct. 20.
Kentucky [1]	Sept. 1–Oct. 30.
Louisiana [1]	Sept. 1–Sept. 15. Nov. 27–Jan. 10.
Maine	Closed season.
Maryland [1]	Sept. 16–Oct. 30. Dec. 21–Jan. 4.
Massachusetts	Closed season.
Michigan	Do.
Minnesota	Do.
Mississippi [1]	Sept. 12–Oct. 5. Nov. 27–Jan. 1.
Missouri	Sept. 1–Oct. 10. Nov. 10–Nov. 19.
Montana	Closed season.
Nebraska	Do.
Nevada	Sept. 1–Oct. 20.
New Hampshire	Closed season.
New Jersey	Do.
New Mexico [2]	Sept. 1–Sept. 25. Oct. 1–Oct. 25.
New York	Closed season.
North Carolina [1]	Sept. 7–Oct. 5. Dec. 11–Jan. 10.
North Dakota	Closed season.
Ohio	Do.
Oklahoma	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 22.
Pennsylvania	Sept. 10–Oct. 24.
Puerto Rico	Closed season.
Rhode Island	Nov. 1–Dec. 15.
South Carolina [1]	Sept. 14–Oct. 5. Dec. 4–Jan. 10.
South Dakota	Closed season.
Tennessee [1]	Sept. 2–Oct. 21. Dec. 21–Dec. 30.
Texas [1 2]	See footnote 3.
Utah	Sept. 1–Sept. 15.
Vermont	Closed season.
Virginia [1]	Sept. 16–Nov. 14.
Washington	Sept. 1–Sept. 30.
West Virginia	Oct. 11–Nov. 24.
Wisconsin	Closed season.
Wyoming	Do.

[1] Shooting hours in States indicated, 12 o'clock noon until sunset.

[2] In Arizona, daily bag and possession limit on mourning and white-winged doves is 25, provided such limit contains not more than 10 mourning doves. In California, New Mexico, and Texas, daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds.

[2] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Dexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1 to Oct. 17; in the rest of

State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Oct. 1 to Nov. 17; in these latter counties Sept. 13, 15, and 17 and from Oct. 1 to Nov. 14.

(b) *White-winged doves.*

Daily bag and possession limit ..... See footnote 1.
Seasons in:

Arizona	Sept. 1–Sept. 29. Dec. 7–Dec. 27.
California:	
Counties of:	
Imperial	Sept. 1–Sept. 30.
Riverside	Do.
San Bernardino	Do.
Remainder of State	Closed season.
New Mexico	Sept. 1–Sept. 25. Oct. 1–Oct. 25.
Texas: [1]	
Counties of:	
Brewster Brooks Cameron Culberson Dimmit El Paso Hidalgo Hudspeth Jeff Davis Jim Hogg Kenedy Kinney La Salle Maverick Presidio Starr Terrell Val Verde Webb Willacy Zapata	Sept. 13, 15, 17.

[1] In Arizona, the daily bag and possession limit on white-winged and mourning doves is 25, provided such limit contains not more than 10 mourning doves. In California, New Mexico, and Texas, the daily bag and possession limit on white-winged and mourning doves is 10 singly or in the aggregate of both kinds.

[2] Texas: Shooting hours 12 o'clock noon until sunset.

(c) *Band-tailed pigeons.*

Daily bag and possession limit 6
Seasons in:

California:	
Counties of:	
Del Norte Humboldt Lassen Modoc Shasta Siskiyou Tehama Trinity	Oct. 1–Oct. 31.
Remainder of State	Dec. 1–Dec. 31.
Oregon	Sept. 1–Sept. 30.
Washington	Do.

§ 6.46 *Seasons and limits on rails, gallinules, and woodcock.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1957, and February 12, 1958, as follows:

(a) *Atlantic Flyway States.*

	Rails and gallinules		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	15	4
Possession limits	25	30	8.
Seasons in:			
Connecticut	Sept. 1–Oct. 20.		Oct. 26–Nov. 30.
Delaware	Sept. 1–Nov. 9.		Nov. 15–Dec. 24.
District of Columbia	Closed season.		Closed season.
Florida	Sept. 20–Nov. 24.		Dec. 12–Jan. 20.
Georgia	Sept. 23–Nov. 30.		Do.
Maine	Sept. 20–Nov. 28.		Oct. 1–Nov. 9.
Maryland	Sept. 1–Oct. 20.		Nov. 15–Dec. 24.
Massachusetts	Oct. 21–Dec. 29.		Oct. 21–Nov. 29.
New Hampshire	Sept. 1–Nov. 9.		Oct. 1–Nov. 9.
New Jersey	Sept. 2–Nov. 9.		Oct. 19–Nov. 27.
New York: [1]			
Counties of:			
Nassau	Sept. 1–Nov. 9.		Nov. 1–Nov. 22.
Suffolk	do.		Do.
Remainder of State	do.		Oct. 14–Nov. 22.
North Carolina	do.		Nov. 28–Jan. 6.
Pennsylvania	Sept. 2–Nov. 9.		Oct. 15–Nov. 23.
Puerto Rico	Dec. 15–Feb. 12.		Closed season.
Rhode Island	Oct. 1–Dec. 9.		Nov. 1–Dec. 10.
South Carolina	Sept. 20–Nov. 28.		Dec. 10–Jan. 18.
Vermont	Sept. 1–Nov. 9.		Oct. 1–Nov. 9.
Virginia	Sept. 16–Oct. 31.		Nov. 18–Dec. 27.
West Virginia	Oct. 11–Dec. 19.		Oct. 11–Nov. 19.

[1] New York: The shooting hours during which woodcock may be taken shall be 9 a. m. to 5 p. m. on the first day of the respective seasons and from 7 a. m. to 5 p. m. on each day thereafter.

(b) *Mississippi Flyway States.*

	Rails and gallinules		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	15	4
Possession limits	25	15	8
Seasons in:			
Alabama	See footnote 1.		Dec. 12–Jan. 20.
Arkansas	Sept. 1–Nov. 9.		Nov. 15–Dec. 24.
Illinois	Closed season.		Nov. 16–Dec. 25.
Indiana	Sept. 1–Nov. 9.		Oct. 19–Nov. 27.
Iowa	Closed season.		Closed season.
Kentucky	Nov. 20–Jan. 10.		Nov. 20–Dec. 29.
Louisiana	Oct. 1–Dec. 9.		Dec. 12–Jan. 20.
Michigan	See footnote 1.		See footnote 2.
Minnesota	Sept. 1–Nov. 9.		Oct. 1–Nov. 9.
Mississippi	Oct. 7–Dec. 15.		Dec. 10–Jan. 18.
Missouri	Sept. 1–Nov. 9.		Nov. 10–Dec. 19.
Ohio	Sept. 2–Nov. 9.		Oct. 1–Nov. 9.
Tennessee	Nov. 2–Jan. 10.		Nov. 28–Jan. 6.
Wisconsin	Oct. 1–Dec. 9.		Oct. 1–Nov. 9.

[1] The seasons for hunting rails and gallinules in Alabama and Michigan will be prescribed at a later date.
[2] The season for hunting woodcock in Michigan will be prescribed at a later date.

(c) *Central Flyway States.*

	Rails and gallinules		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	15	4
Possession limits	25	15	8
Seasons in:			
Colorado	Sept. 1–Nov. 9.		Closed season.
Kansas	do.		Do.
Montana	Closed season.		Do.
Nebraska	Oct. 11–Dec. 19.		Oct. 11–Nov. 19.
New Mexico	Nov. 2–Jan. 10.		Closed season.
North Dakota	Sept. 27–Dec. 3.		Oct. 1–Nov. 9.
Oklahoma	Oct. 1–Dec. 9.		Nov. 23–Jan. 1.
South Dakota	Closed season.		Closed season.
Texas	Sept. 1–Nov. 9.		Dec. 8–Jan. 16.
Wyoming	Closed season.		Closed season.

§ 6.51 *Seasons and limits on waterfowl, coots, and Wilson's snipe.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of waterfowl and on coots and Wilson's snipe as designated in this section are prescribed between the dates of September 1, 1957, and December 31, 1957, as follows:

(a) *Alaska.*

	Ducks [1]	Geese	Coots	Brant	Wilson's snipe
Daily bag limits	7	3	15	3	8
Possession limits	14	6	15	6	8
Seasons throughout Alaska [1]	Sept. 1–Nov. 29				Sept. 1–Oct. 15.

[1] In Wildlife Management Units 8, 9, 10, and 16 through 26, as described in § 46.2 of this chapter, old-squaw, harlequin, scoter, and elder ducks and American and red-breasted merganser ducks may be taken from September 1 through December 15. Within such Units the daily bag limit for old-squaw, harlequin, scoter, and elder ducks and American and red-breasted merganser ducks is 10 singly or in the aggregate, and the possession limit is 20 singly or in the aggregate of all kinds of such ducks. There limits may be taken and possessed in addition to the limits prescribed in the above table for other ducks. In Units 1 to 7 and 11 to 15, both inclusive, the bag limits on American and red-breasted merganser ducks are 5 daily and 10 in possession, singly or in the aggregate of both kinds, which limits may be in addition to the limits prescribed in the above table for other ducks.

(b) *Scoter, eider, and old-squaw ducks.*

Daily bag limit	7	Singly or in aggregate.
Possession limit	14	
Special seasons in open coastal waters only, beyond outer harbor lines in: [1]		
Connecticut	Oct. 1–Dec. 31.	
Maine	Sept. 16–Dec. 31.	
Massachusetts	Sept. 14–Dec. 29.	
New Hampshire	Sept. 16–Dec. 31.	
New York	Oct. 1–Dec. 31.	
Rhode Island	Sept. 16–Dec. 31.	

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.)

Since the foregoing amendments will permit the taking of designated species of migratory game birds within specified periods, many of which begin as early as September 1, the amendments shall become effective upon publication in the FEDERAL REGISTER to afford ample notice to the hunting public.

Issued at Washington, D. C., and dated July 30, 1957.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57–6354; Filed, Aug. 2, 1957; 8:46 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

TOLERANCE FOR APPRENTICES

Notice was published in the FEDERAL REGISTER on May 28, 1957 (22 F. R. 3729), that the Secretary of Labor proposed to amend Part 201 of the Code of Federal Regulations (41 CFR Part 201), by the addition of a new § 201.1103, the terms of which were set forth in the notice. Interested persons were given 30 days in which to submit data, views or arguments pertaining to the proposal, which period elapsed on June 27, 1957. No submittals have been received. However, the proposal, which authorized the Administrator of the Public Contracts Division to issue certificates for the employment of apprentices under the Public Contracts Act, will be amended by this order to make clear that this authorization extends to annulment and withdrawal of such certificates as well as to their issuance. As this change in the proposal is for purposes of clarification and is an internal matter relating solely to agency management, it is excepted from the requirements of subsections 4 (a) and (b) of the Administrative Procedure Act (60 Stat. 236, 5 U. S. C. 1003), and it is effected by this order without other notice.

Accordingly, pursuant to authority under sections 4 and 6 of the Walsh-Healey Public Contracts Act (Secs. 4 and 6, 49 Stat. 2038 as amended; 41 U. S. C. 38 and 40), Part 201 of the Code of Federal Regulations (41 CFR Part 201), is amended by the addition of a new § 201.1103 to read as follows:

§ 201.1103 *Tolerance for apprentices.* (a) Apprentices may be employed at wages lower than the prevailing minimum wages, determined by the Secretary of Labor pursuant to section 1 (b) of the Public Contracts Act, in accord with the same standards and procedures as are prescribed for the employment of apprentices under section 14 of the Fair Labor Standards Act of 1938, and by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor issued thereunder (29 CFR Part 521).

(b) Any certificate issued pursuant to such regulations shall constitute authorization for employment of that worker under the Public Contracts Act in accordance with the terms of the certificate, insofar as the prevailing minimum wage is concerned.

(c) The Administrator of the Public Contracts Division is authorized to issue, annul, or withdraw certificates under the Public Contracts Act for the employment of apprentices not subject to the Fair Labor Standards Act of 1938 or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act of 1938.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

This amendment shall be effective as to all contracts awarded on or after the 3d day of September 1957.

Signed at Washington, D. C., this 31st day of July 1957.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F. R. Doc. 57–6386; Filed, Aug. 2, 1957; 8:53 a. m.]

[1] In areas other than those beyond outer harbor lines in the States listed, scoter, eider, and old-squaw ducks may be taken only during the open seasons for other ducks. Daily bag and possession limits prescribed for scoter, eider, and old-squaw ducks are in addition to the limits prescribed for other ducks taken during the regular season.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 570]

REGULATIONS UNDER DEATH DUTY CONVENTION BETWEEN UNITED STATES AND CANADA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805) and Article X (a) of the death duty convention between the United States and Canada of June 8, 1944, modified and supplemented by the convention proclaimed by the President of the United States on November 29, 1951.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Sec.

570.101 Introduction.
570.102 Scope of regulations.
570.103 Domicile and citizenship.
570.104 Situs of property.
570.105 Taxation on basis of domicile or citizenship.
570.106 Taxation on basis of situs of property.
570.107 Prorated specific exemption.
570.108 Credit for Dominion succession duty.
570.109 Claim for credit or refund and interest on refund.
570.110 Competent authorities.
570.111 Exchange of information.
570.112 Protests by interested persons.

§ 570.101 *Introduction*—(a) *General.* A convention between the United States and Canada for the avoidance of double taxation and the prevention of fiscal evasion in the case of estate taxes and succession duties was signed on June 8, 1944, and came into force on February 6, 1945, when instruments of ratification were exchanged. By its terms, however, it was made applicable to estates of decedents dying on or after June 14, 1941. On June 12, 1950, a second convention was signed to modify and supplement the convention of June 8, 1944. The supplementary convention contains seven articles. Article I states that Articles II to VI, inclusive, of the earlier convention are abrogated and replaced by Articles II to VI, inclusive, of the later convention. Articles I and VII to XIV, inclusive, of the earlier convention remain unchanged. The convention, as thus amended and supplemented, is applicable only to the estates of decedents dying on or after November 21, 1951, the date of exchange of the instruments of ratification. The period of limitation for the filing of claims for credit or refunds provided by Article VI of the supplementary convention is, however, effective as to the estates of decedents dying on or after June 14, 1941. The supplementary convention was proclaimed by the President of the United States on November 29, 1951.

(b) *Text of convention and Proclamation of President.* The text of the convention, as amended, and the text of the Proclamation of the President follow:

[UNITED STATES-CANADA DEATH DUTY CONVENTION, AS AMENDED NOVEMBER 21, 1951]

ARTICLE I

1. The taxes referred to in this convention are:

(a) For the United States of America; the Federal estate taxes;

(b) For Canada; the taxes imposed under the Dominion Succession Duty Act.

2. In the event of appreciable changes in the fiscal laws of either contracting State, the competent authorities of the contracting States will consult together.

ARTICLE II

Where a person dies a citizen of the United States of America or domiciled in the United States of America or Canada, the situs of any rights or interests, legal or equitable, in or over any of the following classes of property, which for the purposes of tax form or are deemed to form part of the estate of such person or pass or are deemed to pass on his death, shall, for the purposes of the imposition of tax and for the purposes of the credit to be allowed under Article V, be determined exclusively in accordance with the following rules, but in cases not within such rules the situs of such rights or interests shall be determined for these purposes in accordance with the laws in force in the other contracting State:

(a) Immovable property (otherwise than by way of security) shall be deemed to be situated at the place where such property is located;

(b) Tangible movable property (otherwise than by way of security and other than such property for which specific provision is hereinafter made), bank or currency notes and other forms of currency recognized as legal tender in the place of issue, shall be deemed to be situated at the place where located at the time of death, or, if in transitu, at the place of destination;

(c) Debts (including bills of exchange and promissory notes, whether negotiable or not), secured or unsecured and whether under seal or not, excluding the forms of indebtedness for which specific provision is hereinbefore or hereinafter made, shall be deemed to be situated at the place where the debtor was resident at the time of death, or, if the debtor is a company, at the place where the company is incorporated;

(d) Bank accounts shall be deemed to be situated at the place where the bank or branch thereof, at which the account was kept, is located;

(e) Securities issued by any government, municipality or public authority shall be deemed, if in bearer form, to be situated at the place where located at the time of death and, if inscribed or registered, to be situated at the place where inscribed or registered, as provided by the issuing authority;

(f) Shares, stock, bonds, debentures or debenture stock in a company (including any such property held by a nominee, whether the beneficial ownership is evidenced by scrip certificates or otherwise) shall be deemed to be situated at the place where the company is incorporated;

(g) Moneys, payable under a policy of assurance or insurance, or under an annuity contract, whether under seal or not, shall be deemed to be situated where the policy or annuity contract provides that the moneys shall be payable, or, in the absence of any such provision, at the place of residence of the issuer, or, if a company, at the place where the company is incorporated;

(h) Shares in a partnership shall be deemed to be situated at the place where its business is principally carried on;

(i) Ships and aircraft and shares thereof shall be deemed to be situated at the place of registration of the ship or aircraft;

(j) Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the trade, business or profession to which it pertains is carried on;

(k) Patents, trade-marks and designs shall be deemed to be situated at the place where they are registered;

(l) Copyright, franchises, and rights or licenses to use any copyrighted material, patent, trade-mark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable;

(m) Rights or causes of action ex delicto surviving for the benefit of an estate of a deceased person shall be deemed to be situated at the place where such rights or causes of action arose;

(n) Judgment debts shall be deemed to be situated at the place where the judgment is recorded;

provided that this Article shall not be construed as increasing the liability of the estate of any person under the estate tax laws of the United States of America.

ARTICLE III

1. Allowance for debts shall be determined in accordance with the laws of the contracting State imposing the tax.

2. Domicile shall be determined in accordance with the laws in the contracting State imposing the tax on the basis of domicile.

ARTICLE IV

Where one of the contracting States imposes taxes by reason of the property's being situated therein such State shall, if the decedent was domiciled in the other contracting State:

(a) for the purpose of determining the tax rate or rates, take into account only property situated in such State, and

(b) allow as an exemption an amount not less than an amount which bears the same ratio to the specific exemption that would be allowed if such State were imposing the tax by reason of the decedent's being domiciled therein, as the value of the property situated in such State bears to the entire value of the property wherever situated.

ARTICLE V

1. Where either contracting State imposes taxes by reason of a decedent's being domiciled therein or being a citizen thereof, that contracting State shall allow against so much of its taxes (as otherwise computed) as is attributable to property situated in the other contracting State a credit (not exceeding the amount of the taxes so attributable) equal to so much of the taxes imposed by the other contracting State as is attributable to such property.

2. Where each contracting State imposes taxes on any property situated outside both contracting States, each contracting State shall allow against so much of its taxes (as otherwise computed) as is attributable to such property a credit which bears the same proportion to the amount of its taxes so attributable or to the amount of the other contracting State's taxes attributable to the same property, whichever is the less, as the former amount bears to the sum of both amounts.

3. For the purposes of this Article, the amount of the taxes of a contracting State attributable to any property shall be ascertained after taking into account any credit, allowance or relief, or any remission or reduction of taxes, other than the credit authorized by this Article.

ARTICLE VI

1. Any claim for a credit or for a refund of taxes founded on the provisions of the Convention signed on June 8, 1944, or of the present supplementary Convention, shall be made within six years from the date of death of the decedent in respect of whose estate the claim is made, or, in the case of a reversionary interest where payment of taxes is deferred until the date on which the interest falls into possession, within six years from that date.

2. Any such refund shall be made without payment of interest on the amount so refunded.

ARTICLE VII

1. With a view to the prevention of fiscal evasion each of the contracting States undertakes to furnish to the other contracting State as provided in the succeeding articles of this convention, the information which its competent authorities have at their disposal or are in a position to obtain under its revenue laws in so far as such information may be of use to the authorities of the other contracting State in the assessment of the taxes to which this convention relates.

2. The information to be furnished under this Article, whether in the ordinary course or on request, may be exchanged directly between the competent authorities of the two contracting States.

ARTICLE VIII

1. The Commissioner shall notify the Minister as soon as practicable when the Commissioner ascertains that in the case of:

(a) A decedent, any part of whose estate is subject to the Federal estate tax laws, there is property of such decedent situated in Canada;

(b) A decedent domiciled in Canada, any part of whose estate is subject to the Dominion Succession Duty Act, there is property of such decedent situated in the United States of America.

2. The Minister shall notify the Commissioner as soon as practicable when the Minister ascertains that in the case of:

(a) A decedent, any part of whose estate is subject to the Dominion Succession Duty Act, there is property of such decedent situated in the United States of America;

(b) A decedent domiciled in the United States of America, any part of whose estate is subject to the Federal estate tax laws,

there is property of such decedent situated in Canada.

ARTICLE IX

1. If the Minister deems it necessary to obtain the cooperation of the Commissioner in determination of the succession tax liability of any person, the Commissioner may, upon request, furnish the Minister such information bearing upon the matter as the Commissioner is entitled to obtain under the revenue laws of the United States of America.

2. If the Commissioner deems it necessary to obtain the cooperation of the Minister in the determination of the estate tax liability of any person, the minister may, upon request, furnish the Commissioner such information bearing upon the matter as the Minister is entitled to obtain under the revenue laws of Canada.

ARTICLE X

The competent authorities of the contracting States may:

(a) Prescribe regulations to carry into effect this convention within the respective States and rules with respect to the exchange of information;

(b) If doubt arises, settle questions of interpretation or application of this convention by mutual agreement;

(c) Communicate with each other directly for the purpose of giving effect to the provisions of this convention.

ARTICLE XI

If any fiduciary or beneficiary can show that double taxation has resulted or may result in respect of the taxes to which this convention relates, such fiduciary or beneficiary shall be entitled to lodge a claim or protest with the State citizenship or domicile of such fiduciary or beneficiary, or, if a corporation or other entity, with the State in which created or organized. If the claim or protest should be deemed worthy of consideration, the competent authority of such State may consult with the competent authority of the other State to determine whether the alleged double taxation exists or may occur and if so whether it may be avoided in accordance with the terms of this convention.

ARTICLE XII

The provisions of this convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

ARTICLE XIII

1. As used in this convention:

(a) The term "Minister" means the Minister of National Revenue of Canada or his duly authorized representative.

(b) The term "Commissioner" means the Commissioner of Internal Revenue of the United States of America, or his duly authorized representative.

(c) The term "competent authority" or "competent authorities" means the Commissioner and the Minister and their duly authorized representatives.

2. When used in a geographical sense:

(a) The term "United States of America" includes only the States, the Territory of Alaska, the Territory of Hawaii, and the District of Columbia.

(b) The term "Canada" means the Provinces, the Territories and Sable Island.

[Article XIV of the original convention signed on June 8, 1944, reads as follows:]

ARTICLE XIV

1. This convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. This convention shall be deemed to have come into effect on the 14th day of June 1941. It shall continue in effect for a period of five years from that date and indefinitely after that period, but may be terminated by either of the contracting States at the end of the 5-year period or at any time thereafter provided that at least six months prior notice of termination has been given.

[Article VII of the supplementary convention reads as follows:]

ARTICLE VII

1. The present supplementary convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. The present supplementary conventions shall enter into force on the day of the exchange of the instruments of ratification and shall be applicable to estates or successions in the case of persons who die on or after that date, except as otherwise provided in Article VI. It shall continue effective indefinitely as though it were an integral part of the Convention of June 8, 1944, subject to the provisions of Article XIV of that convention with respect to termination.

[The preamble to the convention of June 8, 1944, reads as follows:]

The Government of the United States of America and the Government of Canada, being desirous of avoiding double taxation and of preventing fiscal evasion in the case of estate taxes and succession duties, have decided to conclude a Convention and for that purposes have appointed as their Plenipotentiaries:

Ray Atherton, Ambassador Extraordinary and Plenipotentiary of the United States of America at Ottawa, for the United States of America; and

W. L. Mackenzie King, Secretary of State for External Affairs, and Colin W. G. Gibson, Minister of National Revenue, for Canada.

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following Articles:

[The attestation clause of the convention of June 8, 1944, reads as follows:]

Done in duplicate, at Ottawa, this eighth day of June, 1944.

[SEAL] RAY ATHERTON,
W. L. MACKENZIE KING.
COLIN GIBSON.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES, DATED NOVEMBER 29, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS a convention between the United States of America and Canada modifying and supplementing the convention of June 8, 1944 for the avoidance of double taxation and the prevention of fiscal evasion in the case of estate taxes and succession duties was signed at Ottawa on June 12, 1950, the original of the said convention of June 12, 1950 being word for word as follows:

The Government of the United States of America and the Government of Canada, being desirous of modifying and supplementing in certain respects the Convention for the avoidance of double taxation and the prevention of fiscal evasion in the case of estate taxes and succession duties, signed at Ottawa on June 8, 1944, have decided to conclude a supplementary Convention for that purpose and have appointed as their respective Plenipotentiaries:

The Government of the United States of America:

Julian F. Harrington, Charge d'Affaires ad interim of the United States of America at Ottawa, and

The Government of Canada:

Douglas Charles Abbott, Minister of Finance in the Government of Canada

who, having communicated to one another their respective full powers, found in good and due form, have agreed as follows:

• • • • •

IN WITNESS WHEREOF the above-named Plenipotentiaries have signed the present Convention and have affixed thereto their respective seals.

DONE in duplicate, at Ottawa this 12th day of June 1950.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

JULIAN F. HARRINGTON

FOR THE GOVERNMENT OF CANADA:

D. C. ABBOTT

AND WHEREAS the Senate of the United States of America, by their resolution of September 17, 1951, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention of June 12, 1950;

AND WHEREAS the aforesaid convention of June 12, 1950 was duly ratified by the President of the United States of America on October 18, 1951, in pursuance of the aforesaid advice and consent of the Senate, and the aforesaid convention of June 12, 1950 was duly ratified on the part of Canada;

AND WHEREAS the respective instruments of ratification of the aforesaid convention of June 12, 1950 were duly exchanged at Washington on November 21, 1951, and a protocol of exchange was signed at that place and on that date by the respective Plenipotentiaries of the United States of America and Canada;

AND WHEREAS it is provided in Article VII of the aforesaid convention of June 12, 1950 that the convention shall enter into force on the day of the exchange of instruments of ratification and shall be applicable to estates or successions in the case of persons who die on or after that date, except as otherwise provided in Article VI;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention of June 12, 1950, to the end that the said convention and each and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-ninth day of November in the year of our Lord one thousand nine hundred fifty-one and of the Independence of the United States of America the one hundred seventy-sixth.

[SEAL]

HARRY S. TRUMAN

By the President:

JAMES E. WEBB,
Acting Secretary of State.

(c) *Authorization of regulations.* Article X (a) of the convention authorizes regulations to be issued by each contracting country to carry the convention into effect and the issuance of rules with respect to the application of Article VII providing for the exchange of information. Paragraphs (a) and (b) of section 7805 of the Internal Revenue Code of 1954 provide as follows:

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

(d) *Internal Revenue Code of 1939.* Any reference in this part to any provision of the Internal Revenue Code of 1954 shall, where applicable, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1939.

§ 570.102 *Scope of regulations*—(a) *General.* Sections 570.101 to 570.112, inclusive, pertain to the application of the Federal estate tax as modified by the provisions of the amended convention in the case of a decedent who at the time of death was domiciled in either the United States or Canada, or was a citizen of the United States. Sections 570.101 to 570.112 also pertain to related administrative matters and to the furnishing of information by the tax authorities of each country to the tax authorities of the other country which may be useful in the determination and enforcement of the Federal estate tax and the Dominion succession duties (Articles VII to XI, inclusive, of the convention).

(b) *Taxes covered.* The provisions of the convention are restricted to the estate tax imposed by the United States and the succession duty imposed by Canada, and do not comprehend any of the estate, inheritance, legacy and succession taxes imposed by the States, Territories, the District of Columbia, and possessions of the United States or death duties imposed by the Provinces or any other political subdivisions of Canada. (Article I (1) of the convention.)

(c) *Statutory credits not affected.* The credits against the Federal estate tax, authorized by section 2011 of the Internal Revenue Code of 1954 for estate, inheritance, legacy, or succession taxes paid any State, Territory, the District of Columbia, or possession of the United States, by section 2012 for Federal gift taxes, and by section 2013 for tax on prior transfers, are not affected. (Article V (3) of the convention.)

§ 570.103 *Domicile and citizenship*—(a) *Necessity for determination.* Determinations with respect to the decedent's domicile and citizenship at time of death are required for three principal purposes:

(1) To ascertain whether the estate is within the scope of the convention (which is restricted to estates of domiciliaries of the contracting countries and estates of citizens of the United States);

(2) To ascertain the property that may be included in the application of the tax; and

(3) To ascertain the credit authorized by the convention.

(b) *Basis of determination.* Domicile and citizenship shall be determined in accordance with the laws of the contracting country imposing the tax by reason of the decedent's being domiciled therein or a citizen thereof. (Article III (2) of the convention.) Thus, if in a particular case one of the contracting countries asserts tax by reason of the decedent's being domiciled therein, the other contracting country is bound by such determination of domicile to apply the provisions of the convention, and shall not, for instance, in the imposition of its tax on the basis of situs of property disregard the situs rules established by Article II of the convention by contending that the decedent was domiciled in a third country. For the purpose of determining whether the decedent was domiciled in the United States or Canada at the time of death, the United States includes the States thereof, the Territories of Alaska and Hawaii, and the District of Columbia, and Canada includes the Provinces and Territories thereof and Sable Island. (Article XIII (2) of the convention.)

§ 570.104 *Situs of property*—(a) *Necessity for determination.* The determination of the situs of property is necessary for the two following purposes:

(1) To ascertain the property that may be included in the application of the tax where jurisdiction is based upon situs of property within the country; and

(2) To ascertain the credit for death duties authorized by the convention.

Under paragraph (1) of Article V of the convention the country of domicile (or of citizenship in the case of the United States) allows credit with respect to property situated in the other contracting country, and under paragraph (2) thereof with respect to property situated outside both contracting countries.

(b) *Application of rules of situs*—(1) *General.* The convention provides rules of situs for specific classes of property as hereinafter set forth. These rules are applicable only in case the decedent was at the time of death a citizen of the United States or domiciled in either of the contracting countries. The convention also provides that with respect to property not within the described classes, the situs thereof shall be determined in accordance with the laws of Canada if the decedent was domiciled in or a citizen of the United States, or in accordance with the laws of the United States if the decedent was domiciled in Canada. (Article II of the convention.)

(2) *Specific application.* Specific applications of the foregoing principles follow:

(i) If one of the contracting countries taxes on the basis of domicile (or of citizenship in the case of the United States) and the other on the basis of situs of property, the allowance of credit by the former and the imposition of tax by the latter are determined in accordance with the situs rules of the convention with respect to property of the described classes and in accordance with the situs rules under the laws of the latter with respect to any property not within the described classes.

(ii) If the United States taxes on the basis of citizenship or domicile and Canada taxes on the basis of domicile, the allowance of credit by the United States is determined in accordance with the situs rules of the convention with respect to property of the described classes and in accordance with the situs rules under the laws of Canada with respect to any property not within the described classes. The allowance of credit by Canada is determined in accordance with the situs rules of the convention with respect to property of the described classes and in accordance with the situs rules under the laws of the United States with respect to any property not within the described classes.

(c) *Specific rules of situs.* Rules of situs provided by the convention for specific classes of property follow:

(1) *Immovable property.* Immovable property shall be deemed to be situated at the place where the land involved is located. Immovable property comprises real property and leases of real property. The duration of the lease is immaterial. Immovable property does not include mortgages, liens or any right or interest in real or immovable property by way of security. Although for the purpose of this situs rule leaseholds are classed with real property, this provision of the treaty does not purport to extend the scope of the term "real property situated outside the United States" as used in section 2031 and sections 2033 to 2038, inclusive, and sections 2040 and 2041 of the Internal Revenue Code of 1954, whereunder real property (but not a lease of real property) situated outside the United States is excluded from the gross estate. (Article II (a) of the convention.)

(2) *Tangible personal property.* Tangible personal property (referred to in the convention as tangible movable property) except as hereinafter specifically provided with respect to ships and aircraft, shall be deemed to be situated at the place of physical location at the time of the decedent's death, or, if in transitu, at the place of destination. Tangible personal property includes bank notes and other forms of currency recognized as legal tender at the place of issue. (Article II (b) of the convention.)

(3) *Debts.* Debts included as assets of the estate (credits), except as hereinafter provided under specifically described classes, shall be deemed to be situated at the place where the debtor, if an individual, was resident at the time of death; if a partnership, at its principal place of business; or, if a corporation, at its place of incorporation. This rule applies to simple contract debts, bills of exchange and promissory notes, negotiable or not, and in general, to any debt, under seal or not, unsecured or secured, whether by mortgage or otherwise. (Article II (c) of the convention.)

(4) *Bank accounts.* Bank accounts shall be deemed to be situated at the place where the bank, or branch thereof, at which the account is kept at the time of the decedent's death, is located. This rule refers to moneys deposited with a person carrying on the banking business, which deposits are characterized by a debtor-creditor relationship. (Article II (d) of the convention.)

(5) *Government securities.* Securities issued by any government, municipality, or public authority shall be deemed, if in bearer form, to be situated at the place where the certificate is located at the time of death. If the securities are inscribed or registered, they shall be deemed to be situated at the place where inscribed or registered as provided by the issuing authority. (Article II (e) of the convention.)

(6) *Corporate stocks and bonds.* Shares, stock, bonds, debentures or debenture stock in a company shall be deemed to be situated at the place where the company is incorporated. This rule comprehends securities held by a nominee where the beneficial ownership is evidenced by scrip certificates or otherwise. (Article II (f) of the convention.)

(7) *Insurance and annuity contracts.* Moneys payable under a policy of insurance or under an annuity contract, whether under seal or not, shall be deemed to be situated where the policy or annuity contract provides that the moneys shall be payable, or, in the absence of any such provision, at the place of residence of the issuer, or, if a company, at the place where the company is incorporated. (Article II (g) of the convention.)

(8) *Shares in a partnership.* Shares in a partnership shall be deemed to be situated where its business is principally carried on. (Article II (h) of the convention.)

(9) *Ships and aircraft.* Ships and aircraft and shares thereof shall be deemed to be situated at the place of registration of the ship or aircraft. (Article II (i) of the convention.)

(10) *Goodwill.* Goodwill as a trade, business or professional asset shall be deemed to be situated at the place where the trade, business or profession to which it pertains is carried on. (Article II (j) of the convention.)

(11) *Patents, trade-marks and designs.* Patents, trade-marks and designs shall be deemed to be situated at the place where they are registered. (Article II (k) of the convention.)

(12) *Copyrights and licenses to use copyrights, patents, trade-marks and designs.* Copyrights, franchises, and rights or licenses to use any copyrighted material, patent, trade-mark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable. (Article II (l) of the convention.)

(13) *Actions ex delicto.* Rights or causes of action *ex delicto* surviving for the benefit of the estate of a decedent shall be deemed to be situated at the place where such rights or causes of action arose. (Article II (m) of the convention.)

(14) *Judgment debts.* Judgment debts shall be deemed to be situated at the place where the judgment is recorded. (Article II (n) of the convention.)

(d) *Limitation on application.* Article II is not to be construed as increasing the liability of the estate of any person under the estate tax laws of the United States. Thus, in the case of a decedent who was a citizen of and domiciled only in Canada, if there is property deemed to have situs in the United States under Article II of the convention, but outside the United States in the absence of the convention, the value of the gross estate situated in the United States as determined under the convention may not exceed the amount which would have been otherwise includible. As an example of the application of this rule, assume that the estate of the decedent included a negotiable promissory note in the amount of $20,000, physically located in Canada, the maker of which is an individual residing in the United States, and a judgment for $10,000 obtained against a resident of the United States, recorded in Canada. Under Article II of the convention, the promissory note is deemed situated in the United States and the judgment is deemed situated in Canada. Without the convention, the judgment is deemed situated in the United States and the note is deemed situated in Canada. Consequently, the gross estate situated in the United States as determined under the Federal estate tax laws without regard to the convention amounts to $10,000, and under the convention to $20,000. Under this rule, however, the includible amount is limited to $10,000. (Proviso at end of Article II of the convention.)

(e) *Geographical scope.* For the purpose of determining whether property is situated in either contracting country, the United States includes the States thereof, the Territories of Alaska and Hawaii, and the District of Columbia, and Canada includes the Provinces and Territories thereof and Sable Island. (Article XIII (2) of the convention.)

§ 570.105 *Taxation on basis of domicile or citizenship.* Both the United States and Canada assume jurisdiction for the imposition of tax on the basis of the decedent's domicile within the taxing country. In addition, the United States assumes jurisdiction on the basis of the decedent's citizenship. The application of the tax (the Federal estate tax or the Dominion succession duty as the case may be) in any of the foregoing cases is not affected by the convention, except insofar as credit is authorized under Article V. The convention does not prohibit the subjection to tax in any of the foregoing cases of any property real or personal situated outside the taxing country. However, by section 2031 and sections 2033 to 2038, inclusive, and sections 2040 and 2041 of the Internal Revenue Code of 1954, real property (but not a lease of real property) situated outside the United States is excluded from the gross estate.

§ 570.106 *Taxation on basis of situs of property.* In case jurisdiction to impose tax by one of the contracting countries is based upon situs of property within such country and the decedent was at the time of death domiciled in the other contracting country, the country taxing on the basis of situs shall, for the purpose of determining the tax rate or rates, take into account only property which, in accordance with the provisions of Article II of the convention, is situated in such taxing country. (Article IV (a) of the convention.) This rule shall not be construed to prevent the necessary consideration of property situated outside such taxing country for the ascertainment of the prorated specific exemption prescribed by Article IV (b) of the convention, or the ascertainment of applicable allowances prescribed by statute (for example, section 2106 (a) (1) of the Internal Revenue Code of 1954). In the ascertainment of applicable allowances, the convention expressly provides that the allowance for debts shall be determined in accordance with the laws of the contracting country imposing the tax. (Article III (1) of the convention.) For the purpose of determining what property is situated within the contracting country imposing the tax on the basis of situs, the provisions of § 570.104 are pertinent.

§ 570.107 *Prorated specific exemption.* In the case of the estate of a decedent who at time of death was domiciled in the other contracting country, the contracting country imposing tax solely on the basis of situs of property shall allow a proportion of the specific exemption which would be applicable if the decedent had been domiciled in its territory. The specific exemption in the case of a decedent who was domiciled in the United States is $60,000 under the provisions of section 2052 of the Internal Revenue Code of 1954. The proportion allowable is a fraction of the applicable exemption, the numerator of which is the value of the property situated in the contracting country imposing tax solely on the basis of situs and the denominator of which is the value of the property which would have been subject to its tax had the decedent been domiciled therein. (Article IV (b) of the convention.) The amount of the exemption allowed by the United States shall, in no event, be less than that provided for by statute applicable to estates of decedents not residents or citizens ($2,000 in section 2106 (a) (3) of the Internal Revenue Code of 1954).

Example. The decedent was at time of death (January 1, 1955) a nonresident not a citizen of the United States domiciled in Canada. He left a gross estate (other than real property outside the United States) of $1,000,000 of which $200,000 was situated in the United States. The amount of the specific exemption is

$$\frac{200,000}{1,000,000} \times 60,000 = \$12,000.$$

§ 570.108 *Credit for Dominion succession duty*—(a) *General.* (1) In the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States, credits are authorized against the Federal estate tax for succession duty paid to the Dominion of Canada with respect to property situated as hereinafter provided and subject to the Federal estate tax. The credits are divided into two categories which will be hereinafter referred to as the primary credit (Article V (1) of the convention) and the secondary credit (Article V (2) of the convention). No credit is allowable for any interest or penalties paid in connection with the Dominion succession duty.

(2) The primary credit is authorized in the case of the estate of a decedent who, at time of death, was domiciled in or a citizen of the United States and who died possessed of property situated in Canada which was subject to tax by both contracting countries, regardless of the jurisdictional basis for taxation invoked by Canada.

(3) The secondary credit is authorized with respect to property deemed to be situated outside of, and subject to tax by both countries, in the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States and regarded by Canada as domiciled in its territory.

(4) For the purpose of determining the situs of property with respect to which credit is claimed, the situs rules set forth in § 570.104 are pertinent.

(5) If credit against the Federal estate tax with respect to particular property is authorized for Dominion succession duty and also, by statute or by convention, for death tax paid another foreign country, the total of the allowable credits cannot exceed the amount of the Federal estate tax with respect to such property computed before the allowance of credit for any foreign death taxes.

(6) For the relationship between credit authorized by the convention and credit authorized by section 2014 of the Internal Revenue Code of 1954, the regulations issued pursuant to such statutory provisions should be consulted. It may be noted therein that either credit authorized by the convention or credit authorized by the statute is to be allowed, whichever is the more beneficial to the estate.

(b) *Primary credit*—(1) *General.* In the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States (including the case of the estate of such a decedent regarded by Canada as domiciled in its territory), credit is authorized against the Federal estate tax in the smaller of the following amounts:

(i) The Dominion succession duty attributable to property situated in Canada and subject to tax by both countries; or

(ii) The Federal estate tax attributable to such property.

(2) The amount of Dominion succession duty paid must be converted into United States money as of the date of payment.

(3) *Dominion duty attributable to particular property.* In determining the amount of the Dominion succession duty for which credit may be claimed, separate computations must be made in any case where more than one inheritance is involved. As an example of the determination of the amount of Dominion succession duty attributable to specific property assume that a decedent was domiciled in the United States and that his widow and daughter are the beneficiaries under his will. The decedent owned real property in Canada valued at $100,000, stock of a Canadian corporation valued at $100,000, and stock of a United States corporation valued at $100,000. The estate owed debts of $30,000 which, under the will, were to be equally apportioned. The widow received the real property and one-half of the Canadian stock. The other half of the Canadian stock and the United States stock were bequeathed to the daughter. Under the Dominion Succession Duty Act, tax is computed as follows, all values being expressed in United States money. No credit for Provincial death duties is involved.

Widow's share:	
Real property in Canada	$100,000
Canadian stock	50,000
Total	150,000
Dominion succession duty	25,125
Daughter's share:	
Canadian stock	50,000
Dominion succession duty	6,227.50

The amount of Dominion succession duty attributable to personal property in the widow's share of the succession is

$$\frac{50,000}{150,000} \times 25,125 \text{ or } \$8,375.$$

The entire amount of $6,227.50 paid to Canada on the daughter's share is attributable to personal property.

Canadian tax on personalty in widow's inheritance	$8,375.00
Canadian tax on personalty in daughter's inheritance	6,227.50
Total Canadian tax attributable to included property	14,602.50

(4) *Federal tax attributable to particular property.* (i) The amount of the Federal estate tax attributable to particular property which is subject to tax by both countries and meets the required conditions of situs is a fraction of the Federal estate tax adjusted in an appropriate case in accordance with the principles set forth in subparagraph (5) of this paragraph. Except as indicated in paragraph (c) (2) of this section, relating to the secondary credit, the rules set forth below are applicable in determining the tax attributable to particular property for purposes of both the primary and secondary credits. The term "particular property," as described above, refers, in the case of the primary credit, only to property situated in Canada and, in the case of the secondary credit, only to property situated outside both countries.

(ii) The numerator of the fraction is the value of the particular property described in subdivision (i) of this subparagraph, and the denominator of the fraction is the value of the gross estate for Federal estate tax purposes. The numerator and denominator, or the denominator only as the case may be, must be reduced by an amount which properly reflects the allowance of deductions authorized by applicable provisions of the estate tax statutes. Under the Internal Revenue Code of 1954 in force on the effective date of these regulations, the deductions referred to herein are those authorized by sections 2053, relating to expenses, etc.; 2054, relating to losses; 2055, relating to transfers for charitable, etc., uses; and 2056, relating to bequests, etc., to the surviving spouse. If any such deductions pertain specifically to the property which forms the numerator, both the numerator and the denominator must be reduced by the amount of the deductions (see example (2), subparagraph (6) of this paragraph). If the deductions pertain specifically to property other than that forming the numerator, adjustment to the denominator only is required (see example (3), subparagraph (6) of this paragraph). If any of the deductions are applicable generally, and hence pertain in equal proportions to both the property forming the numerator and to that forming the denominator, no adjustment with respect thereto is required to either the numerator or denominator (see example (1), subparagraph (6) of this paragraph). If, however, any deduction referred to herein (as, for instance, a bequest to a charitable organization or to the surviving spouse, the discharge of a liability of the estate, or the payment of administration expenses) is allowed with respect to the transfer of an interest in, or expenditure of funds derived from, a group of assets which includes both property which is part of the numerator and other property, the numerator is reduced by an amount which bears the same ratio to the allowable deductions as the portion of such numerator which is included in the group of assets bears to the total value of such group. As used in this section, the term "group of assets" has reference to those assets which, under applicable law, are chargeable with the transfers, payments, etc., referred to herein (see example (3), subparagraph (6) of this paragraph). Where the assets so chargeable are insufficient to bear the burden of such transfers, payments, etc., the term "group of assets" shall also have reference to other assets necessarily utilized (see example (4), subparagraph (6) of this paragraph).

(iii) Any reduction described in subdivision (ii) of this subparagraph with respect to the marital deduction must proportionately take into account the limitation on the aggregate amount of the marital deduction contained in section 2056 (c) of the Code, if applicable (see example (2), subparagraph (6) of this paragraph).

(5) Where credit is allowed against the Federal estate tax under applicable provisions of the estate tax statute, the following rules apply.

(i) Where such credits do not pertain to specific property, the total of such credits must be deducted from the gross Federal estate tax before applying to it the proportion prescribed in subparagraph (4) (ii) (see example (5), subparagraph (6) of this paragraph).

(ii) Where any such credit pertains to specific property, the application of the proportion prescribed in subparagraph (4) (ii) of this paragraph to the gross Federal estate tax, as adjusted in subdivision (i) of this subparagraph, shall first be completed. The amount of tax thus found to be attributable to the specific property which meets the required conditions should then be reduced by the amount of such credit pertaining to that property (see example (6), subparagraph (6) of this paragraph).

Under the Internal Revenue Code of 1954 in force on the effective date of

§§ 570.101 to 570.112, credits referred to herein are those authorized by sections 2011 for State death taxes, 2012 for gift taxes, and 2013 for tax on prior transfers.

(6) *Examples of the computation of the primary credit.* All values are expressed in United States money. For purposes of simplicity, it is assumed, in all cases, that no credit against the Canadian duty for Provincial death duties is involved.

Example (1). The decedent died a domiciliary of the United States possessed of stock in a Canadian corporation valued at $100,000 and stock in United States corporations valued at $400,000. Debts, no part of which is payable out of specific property, amount to $50,000. The decedent's daughter was bequeathed $200,000 and his son, $300,000. The Dominion succession duties on Canadian stocks totaled $9,823. The Federal estate tax after credit for State inheritance tax but before any credit for foreign death taxes amounted to $102,100. The Federal estate tax attributable to the Canadian property is

$$\frac{100,000}{500,000}\times 102,100 \text{ or } \$20,420.$$

Since the total of the Canadian duties is smaller than the Federal tax attributable to the Canadian property, the credit is limited to $9,823.

Example (2). The decedent was a citizen of the United States domiciled in Canada. His gross estate consisted of stock of Canadian corporations $150,000, Canadian Government bonds $100,000, and stocks of United States corporations $500,000. There were no debts and administration expenses. He bequeathed to his widow free of all charges and taxes, the $150,000 of Canadian stocks and $350,000 of United States stocks. The residue was bequeathed to his son. The marital deduction is limited to one-half of the adjusted gross estate, or $375,000. The Dominion succession duties attributable to the Canadian property are $77,358.33. The Federal estate tax, after credit for State inheritance tax but before any credit for foreign death taxes amounts to $80,500. The Federal estate tax attributable to the Canadian property is a fraction of $80,500, the numerator of which is the total Canadian property $250,000, adjusted to reflect the allowance of the marital deduction with respect to the Canadian stocks, and the denominator of which is the entire gross estate $750,000, reduced by the amount bequeathed to the widow and allowed as a marital deduction, $375,000, or

$$\frac{250,000-\left(150,000\times\frac{375,000}{500,000}\right)}{750,000-375,000}\times 80,500=\$29,516.67.$$

Inasmuch as the Federal estate tax attributable to the Canadian property is less than the Dominion succession duties attributable thereto, the credit is limited to $29,516.67.

Example (3). The decedent was a citizen and domiciliary of the United States. His estate consisted of stock in Canadian corporations $100,000 Canadian Government bonds $100,000, stocks in United States corporations $400,000, insurance payable to his son in the United States $100,000, and real property in the United States $100,000. The debts (of which $50,000 is a lien against the Canadian stock) and administration expenses amount to $150,000. A charitable organization in the United States was bequeathed, free of all expenses and taxes, the Canadian Government bonds and $150,000 of United States stocks. The residue of the estate was left to the decedent's son. The total gross estate is $800,000 including $200,000 of assets situated in Canada. After deducting the specific debt of $50,000 and the specific charitable bequest of $100,000 of Canadian bonds from the Canadian assets, and the specific charitable bequest of $150,000 of United States stocks and the insurance of $100,000 from the United States assets, there remains available for the payment of the $100,000 of expenses, which are applicable generally, a group of assets totaling $400,000, of which $50,000 is situated in Canada. Accordingly, the general debts chargeable to the Canadian assets amount to

$$\frac{\$50,000}{\$400,000}\times 100,000=\$12,500.$$

The Dominion succession duties amount to $24,604.40. The Federal estate tax, after allowance of State inheritance taxes, but before credit for foreign death taxes, is $87,700. The Federal estate tax attributable to the Canadian property is a fraction of $87,700, the numerator of which is the total Canadian property of $200,000, reduced by the debts, administration expenses, and bequests attributable thereto, and the denominator of which is the total gross estate $800,000, reduced by the total amount allowed for debts, administration expenses, and charitable bequests, or

$$\frac{200,000-(50,000+100,000+12,500)}{800,000-(150,000+250,000)}\times 87,700=\$8,221.88.$$

Inasmuch as the Federal estate tax attributable to the Canadian property is less than the Dominion succession duties imposed thereon, the credit is limited to $8,221.88.

Example (4). The decedent died a citizen and domiciliary of the United States. His gross estate included a revocable trust in favor of his brother, the corpus of which comprised Canadian stocks, $200,000, and United States stocks, $300,000. In addition, the gross estate included United States stocks, $200,000, a bank account of $50,000 in the United States, and real property in the United States held with his brother in joint tenancy with right of survivorship, $100,000. Debts and administration expenses, no part of which was payable out of specific property, amounted to $150,000. The decedent bequeathed $150,000 to a United States charitable organization. Under the terms of the trust, the trustee was empowered to turn over to the executor any amount necessary for the payment of debts, administration expenses, taxes, general legacies, etc., in the event the assets in his hands were insufficient for those purposes. The Canadian stocks were subjected to Dominion succession duties in the amount of $40,480. It should be noted that the legacy to the charity, the debts, and the administration expenses mentioned above, amounted to $300,000 and that only $250,000 of assets were in the hands of the executor. Accordingly, it was necessary to draw on the trust assets to the extent of $50,000. Thus, the portion of the Canadian stocks utilized is

$$\$50,000\times\frac{200,000}{500,000}=\$20,000.$$

The Federal estate tax, after credit for State inheritance tax but before credit for foreign death taxes, amounts to $130,500. The Federal estate tax attributable to the Canadian property is a fraction of $130,500, the numerator of which is $180,000 ($200,000—$20,000), and the denominator of which is the total gross estate $850,000 reduced by the total amount of the allowances for charity, debts, etc., $300,000, or

$$\frac{\$180,000}{\$850,000-\$300,000}\times 130,500=\$42,709.09.$$

Inasmuch as the tax imposed on the Canadian stocks by the Dominion of Canada is smaller than the Federal estate tax attributable thereto, the credit is limited to $40,480.

Example (5). The decedent, a citizen and domiciliary of the United States, died on September 1, 1954. He bequeathed all of his estate consisting of stocks of Canadian corporations, $100,000, and stocks of United States corporations, $400,000, to his son. The Canadian stocks and $100,000 of the United States stocks were received by the decedent from a prior decedent who died January 15, 1952, and whose estate was subject to Federal estate tax and Dominion succession duty. Debts, no part of which is payable out of specific property, amount to $50,000. The Dominion succession duty amounts to $6,254. The Federal estate tax after allowance of credit for State inheritance taxes and credit for tax on prior transfers, but before credit for foreign death taxes, amounts to $56,660. The provisions of section 2013 require that credit thereunder be treated as applying generally although, in fact, attributable to specific property. The Federal estate tax attributable to the Canadian property is a fraction of $56,660, the numerator of which is the value of the Canadian property and the denominator the value of the entire gross estate, or

$$\frac{100,000}{500,000}\times 56,660=\$11,332.00.$$

Inasmuch as the Dominion succession duty on the Canadian property is less than the Federal estate tax attributable thereto, the credit is limited to $6,254.00.

Example (6). The decedent was, at time of death, a citizen and domiciliary of the United States. His gross estate consisted of real property in the United States valued at $100,000, tangible personal property situated in the United States, $100,000, stocks of United States corporations, $100,000, stocks of Canadian corporations, $100,000, and real property in Canada valued at $100,000.

The stocks of United States corporations had been the subject of an inter vivos gift by the decedent to his sister two years prior to his death. The gift was held by the United States tax authorities to have been made in contemplation of death. No deduction for debts was claimed. The decedent's sister was sole legatee of the estate. The Dominion succession duty amounted to $55,400, of which $27,700 is attributable to the doubly-taxed stocks. The Federal estate tax, after credit for State inheritance tax but before any credit for gift tax or for foreign death taxes, amounts to $87,700. Credit is allowable, under section 2012 of the Internal Revenue Code of 1954, in the amount of $8,595, for gift tax paid in connection with the gift of stocks. The Federal estate tax attributable to the Canadian stocks is computed as follows:

$$\frac{100,000}{400,000}\times 87,700=\$21,925.$$

Since the gift tax credit is specifically attributable to United States property, it constitutes a deduction against the tax attributable to that property and no adjustment is required to the tax attributable to the Canadian stocks as above computed. Inasmuch as the Federal estate tax attributable to the doubly-taxed Canadian property is less than the Dominion succession duty imposed thereon, the credit is limited to $21,925.

(c) *Secondary credit.* (1) In the case of the estate of a decedent who at the time of death was domiciled in or a citizen of the United States and who was regarded by Canada as being domiciled in its territory, each contracting country will allow against its tax a credit with respect to property subject to tax by both countries and deemed situated outside both countries. The total of the credits authorized under this paragraph shall be equal to the amount of tax imposed by the country imposing the smaller tax which is attributable to such property and shall be divided between the two countries in proportion to the amount of tax imposed by each which is attributable to such property. (Article V (2) of the convention.)

(2) For the purpose of determining the credit allowable with respect to property deemed situated outside both contracting countries, the term "tax attributable" to property has the same meaning and is to be computed in the same manner and on the same basis as in paragraph (b) of this section, subject to the following adjustment. Where credit is allowed by a contracting country either under its tax statute or under a treaty with a third country, for tax imposed with respect to the same property, the tax attributable to that property as otherwise computed must be reduced by such credit.

(3) Examples of the computation of the secondary credit:

Example (1). The decedent was a citizen of the United States domiciled in Canada. His estate consisted of stocks in Canadian corporations $100,000, stocks in United States corporations $100,000, and tangible personal property physically situated in country X $100,000. Debts and charges, no part of which was attributable to specific property, amounted to $30,000. The entire estate was bequeathed to the decedent's son. The Dominion succession duty amounted to $68,370. The Federal estate tax, after credit for State inheritance tax but before credit for any foreign death taxes, amounted to $50,820. Country X, taxing on the basis of situs of property therein, imposed a tax of $20,000. One-third of the Federal estate tax, $16,940, is attributable to property situated in Canada. A similar amount is attributable to the property situated in country X. Under Article V (1) of the convention the United States allows credit in the amount of $16,940 for tax attributable to the stock of Canadian corporations and Canada allows a similar amount for tax attributable to property situated in the United States. Under section 2014 of the 1954 Code, the United States allows credit in the amount of $16,940 for tax attributable to property situated in country X. Under Article V (2) of the convention, neither the United States nor Canada would allow credit inasmuch as the Federal estate tax attributable to such property is reduced to zero by the allowance of the statutory credit.

Example (2). The facts are the same as in example (1) except that the tangible personal property is situated in country Y which imposes a tax of $10,000 on the basis of situs. Under section 2014 of the 1954 Code, the United States allows credit for the tax of country Y in the amount of $10,000. For the purpose of computing credit under Article V (2) of the convention, the Federal estate tax attributable to the property in country Y is $6,940 ($16,940 minus the credit allowed under section 2014). The Dominion succession duty attributable to that property is one-third of $68,370 or $22,790. The credit allowable by the United States under Article V (2) is computed as follows:

$\frac{6,940}{29,730}\times 6,940$ ---------- $1,620.03

the credit allowable by Canada is

$\frac{22,790}{29,730}\times 6,940$ ---------- 5,319.97

Total credits allowable ----- 6,940.00

Example (3). The facts are the same as in example (1) except that the tangible personal property is situated in country Z with which Canada has a death duty convention. Country Z imposed a tax of $10,000 on the basis of situs. Under the aforementioned convention, Canada allows a primary credit of $10,000 for tax paid to country Z with respect to tangible personal property situated therein. Under section 2014 of the 1954 Code, the United States allows a primary credit of $10,000 with respect to the same property. For the purpose of computing credit under Article V (2) of the convention, the Dominion succession duty attributable to the property situated in country Z is $12,790 (1/3 of Canadian tax of $68,370 minus credit of $10,000). The United States tax attributable to the same property is $6,940 (1/3 of United States tax of $50,820 minus credit of $10,000). Credit under Article V (2) of the convention is shared by the United States and Canada in the following manner:

By the United States:

$\frac{6,940}{19,730}\times 6,940$ ---------- $2,441.14

By Canada:

$\frac{12,790}{19,730}\times 6,940$ ---------- 4,498.86

Total credits allowable ----- 6,940.00

(d) If at the time the Federal estate tax return, Form 706, is filed, the Dominion succession duty has not been determined and paid, credit therefor may be entered on the return in an estimated amount. Before credit for the Dominion succession duty is finally allowed, however, a statement certified by an authorized official of the Canadian Department of National Revenue must be submitted. Form 706CE "Certification of Payment of Foreign Death Duty" is provided for this purpose. The certification should show (1) the amount of duty as finally determined by Canada (exclusive of any penalty or interest), (2) the amounts paid and the dates of payment, and (3) a list of the property subjected to Dominion succession duty indicating the nature, location and value of each item. The certification should also show whether the Dominion duty was computed in accordance with the provisions of the convention and whether a claim for refund is contemplated or has been filed. If a claim has been filed, the certification should contain a statement explaining the action taken or to be taken thereon. Where more than one inheritance is involved, information should be submitted with respect to the property comprising each separate inheritance and the duty imposed thereon. The Commissioner may require the submission of any additional proof (as indicated by Form 706CE, or a revision thereof, or as specially requested) deemed necessary to establish the right to credit. If subsequent to the allowance of credit for Dominion succession duty a refund of such duty is made, the person to whom the refund is made is required to notify the Commissioner of such fact and to pay any further Federal estate tax which may result from a reduction in the credit.

§ 570.109 *Claim for credit or refund and interest on refund*—(a) *Limitations on credit or refund.* Credit authorized by § 570.108 and Article V of the convention will be allowed if claimed within six years after the date of the decedent's death.

(1) No overpayment of estate tax due to the allowance of credit or to the application of any other provision of the convention may be refunded after the expiration of a period of six years from the date of the decedent's death unless during that period a claim therefor has been filed, or a petition alleging the right to credit or to other relief under the convention has been filed with The Tax Court of the United States. If a timely petition has been filed with The Tax Court of the United States, no refund shall thereafter be made except as provided in section 6512 of the Internal Revenue Code of 1954 (or corresponding provisions of subsequent statutes).

(2) In the case of a remainder or reversionary interest where payment of taxes is deferred until the date on which the interest falls into possession, the six-year period of limitation referred to above shall begin on that date. This rule applies only to cases where the executor elects to postpone payment of the taxes attributable to the remainder or reversionary interest pursuant to and in accordance with the applicable law of the country concerned. In the case of the United States, sections 6163 (a), 6601 (b) and 7101 of the Internal Revenue Code of 1954 are applicable. In the case of Canada, section 29 of the Dominion Succession Duty Act of 1941, as amended, is applicable (Article VI (1) of the convention.)

(b) *Claims for refund.* A claim for refund should set forth under the penalties of perjury each ground upon which the refund is claimed and facts sufficient to apprise the Commissioner of the exact basis thereof. Any claim for refund which does not comply with the provisions of the preceding sentence will not be considered for any purpose as a valid claim for refund. Claim for refund should be made on Form 843 and filed with the District Director of Internal Revenue for the district in which the estate tax return was filed. A claim for refund, however, will not be considered defective solely by reason of the fact that it is not made on such form or that it is filed with the Commissioner of Internal Revenue.

(c) *Interest on refunds prohibited.* Any refund of estate tax due to the application of any of the provisions of the convention shall be made without interest. (Article VI (2) of the convention.)

§ 570.110 *Competent authorities.* (a) The terms "competent authorities" or "competent authority," as used in the convention means in the case of the United States, the Commissioner of Internal Revenue or his duly authorized representative, and in the case of Canada, the Minister of National Revenue of Canada or his duly authorized representative. (Article XIII (1) (c) of the convention.)

(b) Direct communication between authorities: In cases where doubt arises with respect to the interpretation or application of the convention, the competent authorities may settle such ques-

tions by mutual agreement. For this purpose, and for the purpose of giving effect to any provision of the convention, the competent authorities are authorized to communicate directly with each other. (Article X (b) and (c) of the convention.)

§ 570.111 *Exchange of information*—(a) *General.* In order to prevent evasion and to facilitate administration, the United States and Canada will furnish each other such information as their competent authorities have at their disposal or are in a position to obtain under their respective revenue laws which may be of use in the assessment of the Federal estate tax and Dominion succession duty. (Article VII of the convention.)

(b) *Information to be furnished.* The Commissioner will notify the Minister as soon as practicable when the Commissioner ascertains that there is property situated in Canada in the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States, and that there is property situated in the United States in the case of the estate of a decedent who at time of death was domiciled in Canada. The Minister will notify the Commissioner as soon as practicable when the Minister ascertains that there is property situated in the United States in the case of the estate of a decedent who at time of death was domiciled in Canada, and that there is property situated in Canada in the case of the estate of a decedent who at time of death was domiciled in or a citizen of the United States. (Article VIII of the convention.) The competent authority of each country will upon specific request also furnish information to the competent authority of the other country relative to Federal estate tax or Dominion succession duty which is available or which may be obtained under the revenue laws of the respective countries. (Article IX of the convention.) If, subsequent to the allowance by one of the contracting countries of a credit authorized by Article V of the convention, a refund of tax is made by the other contracting country, the latter shall promptly advise the former of that fact.

§ 570.112 *Protests by interested persons.* If a fiduciary or beneficiary can show that double taxation has resulted or may result with respect to the Federal estate tax and the Dominion succession duty such fiduciary or beneficiary is entitled to file a protest with the country of which he is a citizen or in which he is domiciled. The competent authority of the country where protest is filed may, at his discretion, consult the competent authority of the other country in order to determine whether the alleged double taxation exists or may occur, and if so, whether it may be avoided in accordance with the convention. (Article XI of the convention.)

[F. R. Doc. 57-6373; Filed, Aug. 2, 1957; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 27]

COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

REPLACEMENT OF UNTENDERABLE COTTON

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Agricultural Marketing Service is considering the deletion of § 27.71 of the regulations in 7 CFR Part 27, as amended, pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U. S. C. 4863).

Section 27.71 reads as follows:

§ 27.71 *Replacement of untenderable cotton.* If the determination of a review granted to a receiver of cotton tendered upon a section 4863 contract shows cotton previously classed as tenderable to be actually untenderable, the tenderor shall replace the cotton so found to be untenderable. Such replacement shall be made not later than the expiration of the tenth business day following the date of the issuance of the review certificate, by delivering to the receiver other cotton shown to be tenderable by cotton class certificates complying with this subpart which certificates he shall deliver to the receiver.

The Agricultural Marketing Service proposes to delete the above quoted section and to leave the establishment of requirements and time limits for replacement of untenderable bales to cotton futures exchanges. The rules and bylaws of such exchanges now cover these matters.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed deletion of § 27.71 may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 31st day of July 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-6381; Filed, Aug. 2, 1957; 8:52 a. m.]

[7 CFR Part 911]

[Docket No. AO-262-A3]

MILK IN TEXAS PANHANDLE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Amarillo, Texas, on June 12, 1957, pursuant to notice thereof issued on June 5, 1957 (22 F. R. 4055).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 16, 1957 (22 F. R. 5776) filed with the Hearing Clerk, United States Department of Agriculture, his recomended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, and general findings of the recommended decision (22 F. R. 5776; Doc. 57-5914) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

No exceptions to the recommended decision were filed by interested parties during the time provided for the filing of exceptions.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Texas Panhandle Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1957 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Texas Panhandle marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 30th day of July 1957.

[SEAL] EARL L. BUTZ,
Acting Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area

§ 911.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Delete § 911.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of July through February and plus $1.85 during all other months.

[F. R. Doc. 57-6350; Filed, Aug. 2, 1957; 8:45 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1005]

[Docket No. AO-272]

MILK IN NORTH CENTRAL IOWA MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Waterloo, Iowa, on June 20-25, 1955 and August 21-22, 1956, pursuant to notices thereof published in the FEDERAL REGISTER on April 5, 1955 (20 F. R. 2116), April 26, 1955 (20 F. R. 2773), June 9, 1955 (20 F. R. 4025), and July 17, 1956 (21 F. R. 5330), upon a proposed marketing agreement and order regulating the handling of milk in the North Central Iowa marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 27, 1957 (22 F. R. 3800), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues of record related to:

(1) Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

(2) Whether marketing conditions justify the issuance of a marketing agreement or order; and

(3) If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification of milk;

(c) The level and method of determining class prices;

(d) The method to be used in distributing proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the North Central Iowa marketing area, includes all the territory in Black Hawk County and in the cities of Charles City, Clarion, Clear Lake, Eagle Grove, Fort Dodge, Hampton, Humboldt, Marshalltown, Mason City, New Hampton, Osage, Waverly, and Webster City, all in the State of Iowa. Milk handled in the marketing area moves in many forms back and forth over State lines. The production area from which milk is received by various handlers who distribute milk in the marketing area overlaps State boundaries. Milk from farms of producers in Minnesota is received at plants in Stillwater and Rochester, Minnesota, where it is processed and packaged for distribution to consumers in the marketing area. During those months in recent years when producer deliveries were inadequate for the needs of the market, milk for fluid distribution in the marketing area was purchased by handlers from plants in Minnesota and Wisconsin.

When the supply of producer milk is in excess of local requirements substantial quantities of milk are shipped for fluid use to points as far distant as Texas and Oklahoma. Producer milk for which a fluid market is not available is usually disposed of by handlers who would be regulated by the proposed order to various nearby plants including the Des Moines Cooperative Creamery, Fort Dodge Creamery, Jessup Cooperative Creamery and Hudson Cooperative Creamery, all located in Iowa. These plants manufacture such dairy products as butter, cheese, nonfat dry milk powder, and condensed milk. A substantial portion of such products are moved over a wide area in the stream of interstate commerce.

2. *Need for an order.* Marketing conditions in the North Central Iowa marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby farmers supplying milk to this marketing area are assured of payment for their milk in accordance with its use. In some segments of the area there is no procedure whereby farmers may participate in the price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market daily as it is produced. Farmers cannot retain milk on their farms in order to await favorable price conditions. Production of milk for fluid use, under the sanitary requirements prevailing in the marketing area, requires a substantial investment.

A certain amount of reserve milk in excess of the actual trade sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, together with a relatively uniform level of consumption, necessitate the disposition of some of the Grade A milk produced for the market into manufacturing channels. This excess milk must be manufactured into butter, cheese and similar products and sold in competition with products from ungraded milk. Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification and the proper pricing of milk in such uses is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful, the classification of milk in accordance with its use, and the payment to producers on the use basis, requires the full participation of all those engaged in marketing milk in this market.

Orderly marketing of the milk produced for fluid consumption requires a

uniformly dependable method for determining prices according to the use made of the milk. It also requires uniformity of prices according to the use made of milk by each handler, and a means whereby the lower average returns resulting from surplus milk may be shared equitably among producers.

The problems of unstable marketing encountered by producers in the North Central Iowa marketing area are not uncommon in fluid milk markets. The problems which have resulted in unrest and instability in this area are similar to those characteristic of the fluid milk industry in the absence of regulation or well-defined classified pricing plan. A marketing order as herein proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the act.

The buying practices of various handlers in the market have caused chaotic conditions and instability in the marketing of milk. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Producers have no means of ascertaining how their milk is utilized at various plants to which they deliver, or whether the basis on which they are being paid will be revised. Payment of surplus prices by handlers for milk which producers believe was needed in the market for fluid consumption is one of the causes of instability and uncertainty in the market.

The method by which milk is priced in the North Central Iowa marketing area tends to create insecurity among producers and has brought about unstable and chaotic marketing conditions. Handlers have utilized the devise of reducing producer pay prices as a convenient method of meeting competition from other handlers and for similar purposes.

Waterloo is the largest city in the area and the distribution of milk from the plants of Waterloo handlers is throughout a substantial portion of the proposed marketing area.

There are four different classifications in which milk sold by the Cedar Valley Cooperative to Waterloo handlers for fluid use is classified and priced. In June 1956, for example, a handler would pay the Cooperative $4.35 per hundredweight for that quantity of milk distributed in those localities where the prevailing retail price was 21 cents per quart. Such milk would be classified as Class I. Milk distributed in the "20-cent markets" would be classified in Class I–A and be priced at $4.05. The Class I–B price of $3.75 would be applicable to milk sold in a 19-cent sales area and milk sold in the 18-cent market would be designated Class I–C and priced at $3.45. Accordingly, the prices paid to a producer for fluid milk distributed from the same plant could vary by as much as $1.10 per hundredweight, the difference between the Class I and Class I–C prices.

For the 12 months through June 1956 the quantities of milk sold by the Cedar Valley Cooperative to handlers in Classes I, I–A, I–B, and I–C were 6.0, 35.9, 13.1, and 11.5 million pounds, respectively. During the first 10 months of this period there were no sales in Class I and during the last 3 months of the same period there were no sales in Class I–C. A fifth fluid milk class of the Cedar Valley Cooperative is represented by those sales for fluid use to outside markets such as those made by the Cooperative to handlers in Texas. Detailed data with respect to the quantities of milk in this classification and the prices paid therefor were not submitted at the hearing.

In another part of the marketing area, at Fort Dodge, a handler reduces his Class I price to producers by 45 cents on that milk sold by him in areas wherein he competes with ungraded milk. A multiple Class I pricing arrangement patterned after that used in Waterloo is employed by Mason City handlers in paying for producer milk. The reduced Class I price which results from the multiple Class I pricing scheme is reflected quite generally in producer prices throughout the area. Representative of this is the Marshalltown market where the Class I prices paid by Waterloo handlers is one of the factors utilized each month in calculating the negotiated Class I price for that market. A relatively recent occasion for a reduction of 23 cents in the Class I prices (Class I through Class I–C) paid by Waterloo handlers was the increased labor cost which handlers claimed would accrue to them because of the new contract negotiated with labor unions. One of the principal reasons used by handlers in justification of their Class I pricing arrangements is that such arrangements are necessary in order for them to compete with other handlers in the process of expanding their sales into communities not previously served or to meet competition from handlers coming into markets now served by them.

In the Waterloo market in March 1953, Classes I, I–A, I–B, and I–C prices were $4.95, $4.60, $4.15, and $3.85, respectively. Since that time the Class I prices have deteriorated significantly. When the retail price of milk in Waterloo declined about 3 cents per quart from January to March 1955, the price paid to the Cooperative for such milk, as it was reclassified from Class I to Class I–C, dropped from $4.58 to $3.48. For the period September 1955 through April 1956 the highest price paid by Waterloo handlers for milk for fluid use was $4.05 for Class I–A. (No milk was classified in Class I during this period.) Handlers attributed the need for reducing the Waterloo Class I price to the fact that the Maquoketa Valley Cooperative of Arlington, Iowa, was distributing milk in the marketing area at reduced prices. Packaged milk from this latter plant was first distributed in the Waterloo area in January 1955 and discontinued in the fall of the same year. However, some several months elapsed after distribution from the Maquoketa plant in the Waterloo area was discontinued before handlers restored producer pay prices to a basis similar to that which prevailed before milk from that plant was distributed in the market.

It was claimed by handlers that instability was caused by the Maquoketa Valley milk coming into the market and, since this is no longer a factor, there is now no need for an order. In this regard, producers argued that they have no assurance that this, or a similar situation, will not recur at any time.

The multiple Class I pricing system as it exists in Waterloo and in other parts of the marketing area tends to depress prices paid by handlers to producers throughout the entire marketing area. The conditions which made possible the reduction of producer prices would not have existed under an order. With the minimum class prices an order would provide, any reduction in a handler's price to meet competition, or for a similar purpose, could not be passed on in the form of lower prices to producers.

Since no complete systematic verification is made of the way milk is utilized, payment to a producer at the excess, or surplus price, for any of his milk does not indicate that such milk was not used for fluid purposes. It was testified that arbitrary methods have been used in some instances in arriving at the percentages of milk to be paid for at the base and excess prices. Some handlers deal with their producers on an individual basis so that it is difficult for producers to ascertain the overall basis used in determining the rate of payment for their deliveries.

The conditions complained of by producers, and herein cited, with regard to the unstable marketing conditions are not peculiar to one or several localities in the marketing area, but apply throughout the area. Moreover, those handlers who would be regulated by the attached order compete with one another throughout substantial portions of the proposed marketing area.

There is a lack of detailed market information relative to the procurement of milk for and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by various handlers and cooperative associations. This information is incomplete with regard to the overall receipts and utilization of milk and milk products in the area. The institution of regulation would provide the basis for complete information on receipts of milk from producers and its utilization.

It is concluded that the issuance of a marketing agreement and order for the North Central Iowa marketing area would contribute substantially to the improvement of many of the conditions complained of and would tend to effectuate the declared policy of the act. The adoption of a classified price plan based on the audited utilization of handlers will provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among all producers of the proceeds from the sale of their milk. The procedures required by the Agricultural Marketing Agreement Act will afford all interested parties the opportunity to take part in determining, through public hearings, what the various order provisions should be.

3. (a) *Scope of regulation.* It is necessary to designate clearly what milk and what persons would be subject to the various provisions of the order. This can best be done by providing definitions which set forth the categories of persons, plants and milk products for purposes of classification of milk and of application of other provisions of the order.

Marketing area. The marketing area should include all the territory within the boundaries of Black Hawk County and cities of Charles City, Clarion, Clear Lake, Eagle Grove, Fort Dodge, Hampton, Humboldt, Marshalltown, Mason City, New Hampton, Osage, Waverly and Webster City, all in the State of Iowa.

Grade A milk products sold for fluid consumption throughout the proposed area must be approved by health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Milk Ordinance and Code. Movements of milk both in bulk and packaged form between various localities in the marketing area take place through reciprocal approval of the respective health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk. The degree of similarity of minimum health standards throughout the area justifies uniform regulation for milk marketed throughout the area.

According to the 1950 census, the population contained in the territory proposed to be regulated is approximately 225,000. The greatest population density is in Black Hawk County (population: 100,400). Waterloo, the principal city in the marketing area with a population of 65.2 thousand, and the city of Cedar Falls comprise about 80 percent of population in Black Hawk County. Of the other designated territory in the marketing area the size of the communities, as indicated by population, range from between three and four thousand in each of the cities of Clarion, Humboldt, North Hampton, and Osage, to 25,000 and 28,000, respectively, in Fort Dodge and Mason City.

Waterloo is the principal location at which milk is received from producers for processing and packaging for distribution throughout the marketing area. Extensive distribution in many communities in the marketing area is also made from processing plants with sizable operations located in Marshalltown, Mason City, Charles City, and Fort Dodge.

Although Black Hawk County and the 13 cities comprising the marketing area are not contiguous, the distance between these various localities is not great and there is competition throughout the area by handlers who would be regulated by the proposed order. At least one handler distributes milk on routes throughout the entire area and competes with practically all of the handlers who would be regulated by the proposed order. Although this handler's principal distribution is from his Waterloo plant, he also maintains a substantial operation in Mason City at which plant milk is received from producers and distributed in the marketing area. There is no handler in any part of the proposed marketing area who is not in competition with some other handler who would be regulated by the proposed order.

It is estimated that 1,035 producers deliver milk to approximately 30 handlers who distribute some milk in the marketing area. The largest group of producers, 390, is made up of members of the Cedar Valley Cooperative, which organization supplies Waterloo and Cedar Falls handlers. Marshalltown handlers are supplied by the 154 producer-members of the Marshalltown Milk Dealers' Cooperative. Other organized producer groups in the marketing area are the North Iowa Cooperative Milk Marketing Association (Mason City), Charles City Milk Producers' Association, and the W. H. C. Cooperative Milk Producers Association (Fort Dodge) with 76, 33, and 31 members, respectively. Marigold Dairies of Rochester, Minnesota, and Lee Foods Company of Stillwater, Minnesota, although they receive Grade A milk from 160 and 200 Grade A producers, respectively, distribute but a relatively small portion of such producer receipts in the proposed marketing area.

The marketing area which was proposed by producer organizations would include the counties of Boone, Bremer, Black Hawk, Cerro Gordo, Floyd, Marshall, Story and Webster and the Cities of Clarion, Eagle Grove, Hampton, Humboldt, New Hampton, Osage, Tama, Toledo, Traer, and Webster City.

With respect to various cities in the recommended marketing area, it was suggested that the entire county in which each city is located be included in the marketing area definition. Except for Black Hawk County, the counties in which the cities making up the recommended marketing area are located are predominantly rural. Distribution of handlers who would be regulated by the proposed order is principally in and from these cities. It would not be practicable to define the marketing area other than in terms of these urban geographic units which are the primary sales areas of handlers who would be regulated by the proposed order.

It was not shown on the record that the inclusion of Boone and Story Counties in the marketing area is necessary to effectuate orderly marketing for the North Central Iowa marketing area at this time. The southern boundaries of Boone and Story Counties, of which the principal cities are Boone and Ames, are about 20 miles from the city of Des Moines. Ames, which is approximately 35 miles east of Marshalltown, is nearer to any point in the proposed marketing area than any other significant population center in these two counties. A relatively small part of the milk distributed in Boone and Story Counties originates in the proposed marketing area. Other than milk bottled locally, most of the milk distribution in the two counties is from the plants of Des Moines handlers. Moreover, little, if any, milk from handlers' plants in Boone and Story Counties is distributed in the proposed marketing area.

The cities of Tama, Toledo, and Traer, all of which are located within 30 miles of Marshalltown, were considered for inclusion in the marketing area. Although there is some Grade A milk distribution in these cities from plants in Marshalltown and Cedar Rapids, they do not have Grade A ordinances. Moreover, no additional distributors would be brought under regulation if these cities were included in the marketing area. In urging inclusion of these small cities in the marketing area, producers did not show that any justifiable purpose would be served thereby. Accordingly, the cities of Tama, Toledo, and Traer should not be included in the marketing area.

Handlers stated that the marketing area proposed by producers was not large enough in that it did not include various places wherein milk from their plants is distributed and therefore would not regulate some handlers with whom they compete. As proposed by one handler, an appropriate marketing area for the North Central Iowa order would be that which included the major population centers of an area containing approximately 35 of the 99 counties in the State of Iowa, a geographic area of more than 20,000 square miles. The volume of milk sold in localities outside the marketing area from pool plants as defined under the proposed order is not in itself justification for the inclusion of such localities in the marketing area. Neither are marketing conditions in these localities such that their exclusion would be inappropriate or unjustified at this time.

It is neither administratively feasible nor necessary to include all territory in the marketing area in which handlers to be regulated distribute milk. Furthermore, it would not be possible to designate a marketing area of reasonable size which would include all sales outlets of each and every handler that would be subject to regulation. As additional territory would be added, the problems associated with the extension of regulation to distributors that made a substantial portion of their fluid milk sales outside the marketing area would be increased many fold. By providing for a marketing area as proposed herein, regulation is at a minimum for milk distributors with a large proportion of their sales outside the marketing area and their operations will not be unduly disturbed with respect to the major portion of their sales in communities wherein they compete with other distributors who would not be regulated at all by the proposed order.

In the course of the operation of an order the question may arise whether any territory within the boundaries of the designated marketing area which is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments shall be considered as within the marketing area. No proposal was made to exempt sales by a handler in any territory or to any agency from the provisions of the order and no evidence was presented at the hearing which would justify such exemption. However,

so that there will be no doubt as to the meaning of the intent of the application of the marketing area definition in the proposed order, it should be indicated that the designated county and cities in the recommended North Central Iowa marketing area shall include territory within such boundaries which is occupied by government (Municipal, State, or Federal) reservations, installations, institutions, or other establishments.

Definition of plants. The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants primarily engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "pool plants."

Determining which plants shall be pool plants under the order, and thereby subject to regulation, requires that definitive standards be prescribed. Such standards should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk to the market or on approval by a specified health authority. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering an order for the North Central Iowa marketing area. In order to effectuate the intent of the act, it is concluded that pool plant status under the order should be determined on the basis of specified performance standards.

Some plants may make only limited or occasional deliveries of milk in the marketing area. Such plants are not considered as being associated with, or being a regular part of the supply for, the marketing area. This is indicated when sales in the marketing area from any of such plants are but a small percentage of its total Class I disposition or such sales are but a relatively small quantity of milk. Such plants compete primarily with unregulated handlers in procurement of milk supplies and in the disposition of such milk. These plants do not represent a threat to the stability of the regulated market since any such plant in the future which might expand its sales in the marketing area beyond the exemption provided in the order would immediately become fully regulated as a pool plant under the order.

Because of the differences in marketing practices between distributing plants and supply plants, two sets of performance standards should be provided. A "distributing plant" under the order should be defined as a plant in which milk is processed or packaged and from which any fluid milk product (as hereinafter defined) is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other plants) located in the marketing area. "Supply plant" should be defined to mean a plant (except a distributing plant) from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant which is a pool plant.

A distributing plant would be designated as a pool plant in any month when it distributes on retail or wholesale routes to outlets in the marketing area a volume of Class I milk equal to an average of more than 1,000 pounds per day or more than 15 percent of its milk from producers and other pool plants.

Supply plants should be pool plants under certain circumstances. A supply plant from which shipments of milk, skim milk and cream to distributing plants which are pool plants are made on not less than 10 days in any of the months of September, October, and November and on not less than 5 days in any other month should be a pool plant for such month. However, a supply plant which was not a pool plant in each of the preceding months of September, October and November should not be a pool plant in other months unless during such other months some of the milk, skim milk, or cream from such plant was allocated to Class I milk at a distributing plant which is a pool plant.

It would be inappropriate to extend regulation to any milk plant from which only minor quantities of milk are distributed in the marketing area. Such plants are selling primarily in competition with milk of unregulated handlers outside the marketing area. Regulation of such plants might place them in an uneconomic and unfavorable position with respect to sales outside the marketing area. So long as the limits as to sales such a plant may make in the marketing area are kept relatively low, the volume of unpriced milk in the market would not be significant as an unstabilizing force in the market.

Any plant from which Class I milk is distributed in the marketing area, but which does not distribute enough milk to be designated a pool plant, should be required to file reports and submit to audits by the market administrator to verify the status of such plant.

During some months of the year distributing plants receive supplemental supplies of milk from the supply plants. If a supply plant is associated with the market as a regular part of its supply it may reasonably be expected that milk from such plant will be shipped to distributing plants which are pool plants on at least 10 days in each of the three months of lowest production. A supply plant in this category should be included within the definition of a pool plant in any other month during which milk, skim milk, or cream is moved on at least 5 days to a distributing plant which is a pool plant.

In the case of supply plants which are not part of the regular and dependable supply for the market in the fall months of low production, a different standard should be used. Such plants normally provide a supplemental milk to distributing plants in various other sales areas and their shipments to the North Central Iowa area for Class I use are primarily on an opportunity basis and of a seasonal nature. To the extent that these plants make only limited shipments at irregular intervals in the low production months of September, October and November, they need not be brought under regulation. The fact that such milk will not be priced in such months would not represent a threat to the stability of the regulated market. In any other month, however, such a plant should be defined as a pool plant when shipments are made on at least 5 days in the month to distributing plants which are pool plants, unless none of the milk, skim milk and cream thus moved was allocated to Class I milk at the distributing plants.

Provision should be made in the order regarding its application to milk that is disposed of in the marketing area from plants which are subject to the classification, pricing, and pooling provisions of other Federal milk marketing orders. It is not necessary to extend regulation under this order to such plants from which the principal disposition is in other areas and which are subject to regulation by other orders. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Handler. Handler should be defined as any person in his capacity as the operator of one or more distributing or supply plants. A handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and making payment therefor. In case a person operates more than one pool plant, he should be a handler with respect to the combined operations of such plants. If the handler operates a plant not associated with the regulated market, he would not be a handler with respect to such plant. Producer-handlers and operators of distributing plants and supply plants which do not qualify as pool plants should be considered handlers in order to require such persons to report to the market administrator as is needed to determine their status.

Producer. Producer should be defined as any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority and such milk is received at a pool plant.

When producer milk is not needed in the market for Class I purposes, the movement of such milk to nonpool plants for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the other months of the year when milk of producers regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

Provision should be made so that the milk of producers regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant any day during the flush production months and on not more than one-half the days on which milk was delivered from a farm during any other months and still retain producer milk status under the order. Diverted milk shall be deemed to have been received at the plant from which it was diverted.

Producer-handler. Producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no milk from other dairy farmers. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to make a determination as to whether the operator is a producer-handler and to facilitate accounting with respect to transfer of milk from other handlers.

Classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from other handlers may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. Pursuant to the proposed order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant(s) of a handler after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler would normally be surplus to the operation of the producer-handler.

Fluid milk product. Fluid milk product should be defined as milk, skim milk, buttermilk, milk drinks, cream, or any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). The items designated as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

Other source milk. Other source milk should be defined as all skim milk and butterfat contained in fluid milk products utilized by the handler in his operations except milk received from producers, fluid milk products received from other pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which is not subject during the month to the pricing provisions of this order. It will include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It will include those manufactured products from a plant's own production which are reprocessed or converted into another product during the same or a later month.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Under an order, only producer milk is priced. Milk is received, however, at pool plants directly from producers, from other handlers and from other sources. Milk from all of these sources is intermingled in handlers' plants. It is necessary, therefore to classify all receipts of milk to afford a means to establish the classification of producer milk and apply the classified price plan.

The products which should be included in Class I milk are those generally required by health authorities in the marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level it will yield a blend price to producers that will encourage production of enough milk to meet market needs.

Excess milk not needed seasonally or at other times for Class I use must be disposed of for manufacturing products. These products are less perishable and must be sold in competition with products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated and reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream and any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers); and skim milk and butterfat not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, would be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans would not be considered as concentrated milk.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; aerated cream products and yogurt; butter, cheese, including cottage cheese, evaporated and condensed milk (plain and sweetened); nonfat dry milk solids; dry whole milk, condensed or dry buttermilk; and any other products not specified as Class I milk. The health ordinances applicable in the marketing area do not require that these products be made from approved milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure will be facilitated by providing that month-end inventories of all fluid milk products be classified in Class II milk, regardless of whether such products are held in bulk or in packages. Inventories of such products on hand will then be subtracted under the proposed allocation procedure from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis.

Inventories of products designated as Class I milk on hand at a pool plant at the beginning of any month during which such plant becomes a pool plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

Shrinkage should be determined by subtracting from the total pounds of skim milk and butterfat received by the handler his total established utilization of skim milk and butterfat, respectively. Shrinkage not in excess of 2 percent of the handler's receipts of producer and other source milk should be prorated between producer and other source milk on the basis of the pounds received from each source. None of the shrinkage should be assigned to milk received from other pool plants because shrinkage on such milk will be allowed to the transferring handler. A plant which is operated in a reasonably efficient manner, and for which complete and accurate records of receipts and utilization are maintained, should have total shrinkage of less than 2 percent of total receipts. It is concluded that shrinkage which is not more than 2 percent of total receipts of producer and other source milk should be classified as Class II milk and any shrinkage in excess of this quantity should be classified as Class I milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler, can be determined through certain testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing in

that some of the water contained in the milk has been removed. It is desirable, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator or by means of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk solids should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product including products in Class I milk should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of, and making payment to producers for, such milk. Fixing responsibility in this manner is a practice which is consistently followed in regulated markets and is necessary to effectively administer the provisions of the order. The operator of a plant at which milk is first received from producers is the person with whom contractual relations have been made by producers or their representatives. It would be unreasonable to expect producers to look elsewhere for payment for their deliveries. Moreover, producers would be without adequate protection if the order did not prescribe specifically which handler shall be responsible for the classification and payment of their milk. Except for such limited quantities of shrinkage, which under certain conditions (as set forth elsewhere in this decision) may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use. It is necessary to place the burden of proof on the handler to establish the utilization of any milk as other than Class I.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any product so transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Milk, skim milk, cream, or other fluid milk products transferred by a handler to the pool plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at the transferee-plant for such assignment after prior allocation of shrinkage and other source milk. Moreover, if either or both handlers had received other source milk during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers.

Milk, skim milk, and cream disposed of to a nonpool plant, including milk which is diverted (sent directly to the nonpool plant from the producer's farm) should be classified as Class I milk, unless certain conditions are met. The operator of the nonpool plant, if requested, must make his books and records available to the market administrator for the purpose of verifying the receipt and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to effectuate the classification procedure and assure that producer milk will be paid for in accordance with its utilization. In order to classify such diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers directly supplying such plant. This recognizes the principle that the regular and dependable supply of milk for a market should have prior claim to the milk for distribution in such market and, at the same time, assures that producer milk which is diverted for Class I use will be paid for accordingly. The provision for classifying milk, skim milk or cream as Class II milk should not be extended to include milk transferred or diverted to nonpool plants located more than 150 miles from the nearest of the city halls of Waterloo, Mason City, Fort Dodge and Marshalltown. The area thus described is adequate to dispose of reserve milk for Class II uses. Fluid milk products moving greater distances are normally for Class I use.

When milk or skim milk in bulk has been transferred or diverted to a nonpool plant located not more than 150 miles from Waterloo, Mason City, Fort Dodge, and Marshalltown, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such "surplus disposal area" without incurring undue expense. It would not, however, be administratively feasible or otherwise justifiable to have a surplus disposal area of unlimited expanse or to cover a geographical area which is larger than that provided herein. Making such provision might well tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the area wherein North Central Iowa handlers normally dispose of reserve supplies of milk for Class II purposes.

As stated elsewhere in this decision, any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification.

Allocation. The order class prices apply only to producer milk. It is necessary, therefore, if a plant has butterfat or skim milk other than that received in milk from producers, to determine the quantities of milk in each class to be assigned to producers. It is recognized that some supplemental milk may be needed when supplies are short in the North Central Iowa market.

Other source milk from unregulated sources should be assigned to Class II milk first. The plants supplying such milk may not have purchased such milk from dairy farmers on a classification and use basis and it is not feasible to determine this or other conditions of sale. There is no assurance that such milk would not be used to displace producer milk in Class I to the advantage of the purchasing handler.

The milk of producers who are primarily engaged in supplying the North Central Iowa market, however, should be given priority in the assignment to the Class I utilization at regulated plants. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while producer milk in the plant was utilized in Class II, the order would not be effective in carrying out the purpose of the act. Also, the market would be deprived of a dependable supply of milk.

If after making the prescribed assignments of skim milk and butterfat pursuant to the allocation provisions of the order, the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported to have been received by the handler for whose pool plant the computation is being made, such "overage" should be assigned first to the available Class II utilization and any remainder to Class I. Such overage should be paid for by the handler at the applicable class prices.

(c) *Class prices.* Class I prices should be established at a level which, in conjunction with the Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of quality milk to meet the requirements of the marketing area. If prices remain too low, insufficient quantities of milk will be produced to assure that the Class I market will be fully supplied. Conversely, if prices are too high, production will be overstimulated and consumption curtailed. This would cause more milk to be produced than is needed to satisfy the demand for Class I milk, resulting in the development of unnecessary and uneconomic surpluses.

When milk produced locally is insufficient to meet the Class I needs of the market, supplemental supplies of Grade A milk are purchased by handlers in the marking area from plants outside the regular supply area. Prices of this milk fluctuate to a considerable extent with the value of milk produced for manufacture. Other items which determine the prices at which such milk will be available to North Central Iowa handlers include the cost of transporting such milk to the marketing area and the alternative outlets for such milk.

Proper recognition must be given the prices at which alternative sources of supply are available, especially since any milk plant wherever located may, by meeting the prescribed qualifications, become a pool plant under the order. It is necessary, therefore, that the Class I prices in the proposed North Central Iowa milk marketing order should not be set at levels which will bring the cost of such milk above the cost of obtaining regular and dependable Grade A milk supplies from other areas.

Both producers and handlers emphasized in their testimony that the Class I price in the North Central Iowa order should be appropriately aligned with the Class I prices in nearby markets, especially with those Iowa markets under Federal milk marketing orders. There are five Federal milk orders currently in effect in Iowa: the so-called Missouri Valley Federal order markets of Omaha-Lincoln-Council Bluffs and Sioux City in the extreme western part of the state and the so-called Mississippi Valley Federal order markets of Quad Cities, Dubuque, and Cedar Rapids-Iowa City in the eastern part of the state. The average Class I prices per hundredweight of 3.5 percent milk in each of these markets for the year ending June 30, 1956 were: Omaha-Lincoln-Council Bluffs, $4.56; Sioux City, $4.55; Quad Cities, $4.22; Dubuque, $4.12 and Cedar Rapids-Iowa City, $4.03.

Waterloo, the largst city in the North Central Iowa market, is the principal point from which milk is distributed in the proposed marketing area. Council Bluffs is 250 miles and Sioux City 230 miles from Waterloo. Although some of the smaller cities in the proposed marketing area are not as far from these Missouri Valley cities as Waterloo, handlers who would be regulated by the proposed North Central Iowa order and handlers under the Omaha-Lincoln-Council Bluffs order do not compete for sales outlets in any localities, and if any sales are made by North Central Iowa handlers in competition with handlers regulated by the Sioux City order, they are negligible.

Cedar Rapids is 67 and Dubuque 90 miles from Waterloo. Davenport, Iowa, in the Quad Cities marketing area, is 148 miles from Waterloo. The marketing areas of the three Mississippi Valley orders are relatively close by and it is not uncommon for handlers regulated by each of them to compete with one another outside their respective marketing areas. Moreover, in various localities in eastern Iowa, handlers who would be regulated by the proposed order compete with handlers regulated by the Mississippi Valley orders.

The quantity of milk regulated by the Quad Cities order is significantly greater than the total of that regulated by the Dubuque and Cedar Rapids-Iowa City orders. In 1955, producers delivered 208 million pounds of milk to Quad Cities order pool plants compared to deliveries of 139 million and 43 million pounds, respectively, by producers under the Dubuque and Cedar Rapids-Iowa City orders for the same period.

The Quad Cities order, as amended, May 1, 1957 provides for a Class I price equal to the Chicago Class I price plus 20 cents. Prior to May 1, 1957 the Quad Cities price was the higher of either (a) the Class II price under that order for the preceding month plus a differential of 75 cents for May and June, 95 cents December through April, and $1.15 July through November; or (b) the Chicago order Class I price plus 20 cents. The Dubuque Class I price is calculated by subtracting 10 cents from the Quad Cities order Class I price. Under the Cedar Rapids-Iowa City order the Class I price, which is fixed at a level somewhat below that for the Quad Cities, is computed by adding to the Class II price under that order for the preceding month a differential of 65 cents for May and June; 85 cents December through April; and $1.15 July through November.

The approximately 400 members of the Cedar Valley Cooperative of Waterloo sold 77 of the 105 million pounds of milk produced by them to Black Hawk County handlers as Class I or Class II (cream for fluid use, buttermilk, etc.) during the year ending June 30, 1956. The Class I prices paid the cooperative are on a per hundredweight basis of 3.5 percent milk and are determined by the prevailing resale prices in each of the communities wherein the milk was distributed by handlers. In June 1956, for milk classified in Classes I, I–A, I–B, and I–C the prices paid the cooperative by handlers were $4.35, $4.05, $3.75 and $3.45, respectively, and applied to milk distributed in the 21-cent, 20-cent, 19-cent and 18-cent markets, in that order. For Class II, the other fluid class utilization of Black Hawk County handlers, the price during the same month was $3.71. Although there had been substantial Class I–C utilization in prior months, no milk was thus classified in April, May and June 1956. Also, for the period February 1955 through April 1956, no milk was paid for at the Class I price. In January 1955, the Class I price was $4.58. For the year ending June 30, 1956, milk for fluid use sold by the Cedar Valley Cooperative to Black Hawk County handlers was paid for according to its allocation of 6.0, 35.9, 13.1, and 11.5 million pounds of Classes I, I–A, I–B, and I–C, respectively. In June 1956, the fluid use classifications on which cooperative was paid were, in millions of pounds, 3.2 in Class I, 11.1 in Class I–A, 0.5 in Class I–B, none in Class I–C, and 0.9 in Class II.

The Marshalltown Class I price is calculated on the basis of the Class I prices in the Waterloo, Des Moines and Cedar Rapids-Iowa City markets. For the 12 months through June 1956 the Marshall County Milk Dealers' Cooperative, made up of approximately 150 producers, sold 30 million pounds of their production as Class I to Marshalltown handlers at an average price of $4.11 per hundredweight of 3.5 percent milk.

An average price of $4.06 per hundredweight of 3.5 percent milk was received by the approximately 75 producer-members of the North Iowa Cooperative for its deliveries of 14 million pounds of Class I milk to its buying handlers in Mason City during the year ending June 30, 1956.

The Charles City Cooperative, in August 1956 and for at least several months prior thereto was receiving $4.00 per hundredweight for Class I milk of 3.5 percent butterfat. The three processors of milk in Charles City receive milk from 33 Grade A producers.

The principal handler in Fort Dodge, who receives milk from about 35 Grade A producers, was paying a Class I price of $3.97 per hundredweight of 3.5 percent milk in April 1955. This price was for milk distributed in communities where the retail was 19 cents per quart. In communities where the 18-cent price prevailed, the quantity of milk thus sold was paid for at 45 cents per hundredweight below the stated Class I price.

In some localities handlers who would be regulated by the North Central Iowa order compete for sales outlets with Des Moines handlers. The price which handlers in that market pay for Class I milk is determined on the basis of the Class I prices calculated for the Omaha-Lincoln-Council Bluffs and the Quad Cities orders. For the year ending May 31, 1955 the Des Moines Class I price per hundredweight of 3.5 percent milk averaged $4.37.

The Class I price under the North Central Iowa order proposed by producers would be at the level of the Missouri Valley Federal order markets of Sioux City and Omaha-Lincoln-Council Bluffs. This price would be significantly higher than the Class I prices in the Mississippi Valley Federal order markets of Quad Cities, Cedar Rapids-Iowa City, and Dubuque. In justification of the higher price level, producers stated that it costs more to produce milk in various parts of the milkshed for the North Central Iowa market than in the milkshed for the Mississippi Valley markets. It was also argued that, historically, Class I prices in the proposed marketing area have been higher than in the Mississippi Valley markets. The Sioux City order Class I price, which was suggested as an appropriate price for the North Central Iowa market by producers, averaged $4.55 per hundredweight of 3.5 percent milk for the 12 months through June 1956. That price exceeded the corresponding prices in the Quad Cities, Cedar Rapids-Iowa City and Dubuque orders by 33, 43, and 52 cents, respectively.

As proposed by handlers, the level of the Class I price in the proposed order

would be similar to that now obtained in the lower priced Mississippi Valley markets of Cedar Rapids-Iowa City and Dubuque. The Class I prices in these markets were proposed as appropriate prices for the North Central Iowa order by handlers even though it was testified by their representatives that Class I prices in the proposed area, historically, have been higher than in the Mississippi Valley markets and that the Class I price in the Des Moines market must be considered as a factor in fixing the North Central Iowa Class I price.

Handlers stated that the Class I price under the Quad Cities order, the principal market in the Mississippi Valley group, was established in most months (e. g., 44 of the 54 months from January 1952 through June 1956) on the basis of the Chicago order Class I price plus 20 cents. In support of their position for a relatively low Class I price, it was argued by handlers that using the Chicago order Class I price for determining the monthly Class I price under the proposed North Central Iowa order should be given some consideration. It was stated that a location adjustment of approximately minus 50 cents per hundredweight would be applicable to milk received from producers at a plant under the Chicago order located 320 miles from Chicago. Such a location is approximately the distance from the center of the milkshed of the proposed marketing area to Chicago. According to this reasoning, a Class I price in the proposed order which is the same as that now contained in the Dubuque order, would be at least 60 cents higher than the price for such milk under the Chicago order.

The Chicago milkshed is one of the principal milk production areas in the United States. At various times throughout the year, especially during the months of low production, milk from this area is shipped great distances throughout the country. The Chicago order Class I price is used extensively as a recognized price quotation both locally and nationally. It is not uncommon to fix Class I prices in a market on the basis of the price in a major milk marketing area, such as Chicago, or on the basis of obtaining alternative sources of supply from such major market.

The location differentials in the Chicago order applicable to the price of Class I milk received from producers give appropriate consideration to the economic factors involved in adjusting prices at various locations in the milkshed for the Chicago market. They are not intended to provide prices for milk for delivery to other markets.

The Class I price under the Chicago order, which averaged $4.00 for the year ending June 30, 1956, is determined on the basis of a "basic formula price" which reflects the value of milk for manufacturing purposes nationally. As such, it may be expected to be a most appropriate determinant for use in establishing the Class I price in the North Central Iowa market, especially since handlers in this market must compete in various localities with handlers whose Class I prices are fixed by other orders. Unless handlers, regulated by the North Central Iowa order are able to anticipate and project the prices they will be required to pay for Class I milk in relation to recognized and established price quotations used in major markets, they will be at a disadvantage with handlers from other markets in competing for Class I sales beyond the confines of the marketing area. Determining the North Central Iowa order Class I price on a direct relationship with the Chicago order Class I price will provide an economically sound basis for determining the North Central Iowa order Class I price.

Portions of the production areas for the proposed North Central Iowa market and the Mississippi Valley order markets overlap and producers in such localities may shift from one market to another. Likewise, there is some overlapping of the production areas for the Mississippi Valley and Chicago order markets. North Central Iowa handlers compete in some localities with handlers under the Mississippi Valley orders and the latter in turn compete with handlers under the Chicago order.

In order to insure the maintenance of an adequate supply of milk for the North Central Iowa market it is necessary that the Class I price for such market be appropriately aligned with the Class I prices in the Mississippi Valley order markets. The most effective determinant of the Class I price in the Mississippi Valley order markets is the Chicago order Class I price.

It is concluded that the intent of the Act will best be effectuated by fixing the Class I price under the recommended North Central Iowa order at the level of the Chicago order Class I price plus 15 cents. This Class I price would be applicable to all plants located in the "base zone", which should be defined to include all the territory south of a line formed by the indefinite extension of the southern boundaries of Hancock, Cerro Gordo, and Floyd Counties, Iowa. However, the Class I price should be 5 cents less for milk received from producers at pool plants north of the base zone. These plants in the northern part of the marketing area are close to the intensive dairy production area in nearby Minnesota. A Class I price of five cents below that provided at other locations in the area gives consideration not only to the proximity of potential alternative sources of supply but also to the overall historical relationship of prices paid producers in the major cities of the northern part of the marketing area as compared to those in the base zone. The level of prices thus obtained at the various locations where milk is received from producers should be helpful toward insuring the maintenance of orderly and stable marketing conditions throughout the territory wherein milk is distributed by the North Central Iowa handlers.

Class II price. Some milk in excess of Class I requirements is necessary in order to maintain an adequate supply of fluid milk for the market on an annual basis. The Class II price for such excess milk should be maintained at the highest level consistent with facilitating its movement to manufacturing outlets when it is not needed in the market for Class I purposes. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

Although one handler has extensive manufacturing facilities, most handlers in the proposed area have limited facilities for handling any milk above that needed for their day-to-day fluid operations. A few handlers manufacture such by-products as cottage cheese and ice cream mix for the needs of their own trade. However, most milk not needed for fluid distribution in the market must be transferred or diverted from the plant at which it is usually received to a plant having adequate manufacturing facilities.

During the spring months of heavy production, producer milk not needed by handlers has been moved to manufacturing plants either by the handler who regularly received the milk or by the cooperative association which is responsible for marketing such producer milk. Whatever value the handler or cooperative realized in the sale of such milk to the manufacturing plant has been reflected in the returns to producers for such milk. Payments to producers at other times for "overbase" milk which was utilized for manufacturing purposes or otherwise disposed of followed no consistent pattern.

Prices paid by manufacturing plants may differ because of changes in the relative prices of the product which they manufacture. Handlers will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of small volume and inefficient means of handling, it is possible that some handlers may, at times, incur losses in handling their necessary reserve supply of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

Elsewhere in this decision the need for maintaining an alignment of the North Central Iowa Class I price with those in the Mississippi Valley Federal order markets of Quad Cities, Dubuque, and Cedar Rapids-Iowa City is emphasized. Providing for such alignment with respect to the Class II price for the North Central Iowa market is no less necessary. There are a number of manufacturing plants in the area which are available outlets for milk that is not needed by handlers for fluid distribution. Some of these, such as the Carnation Company plant in Waverly, Iowa, receive milk from plants under the Mississippi Valley Federal order markets as well as from plants at which milk is received from producers would be priced under the proposed North Central Iowa order.

It would not be practicable to provide for a Class II price under the North Central Iowa order which is unrelated or could vary significantly from the level of the Class II prices in these nearby order markets. A North Central Iowa Class II price higher than that in the Mississippi Valley order markets would

place the handlers and producer associations under the proposed order at a disadvantage in disposing of surplus milk in competition with lower prices in the nearby order markets. On the other hand, if the North Central Iowa order provided for a lower Class II price than the Mississippi Valley orders, North Central Iowa handlers would have a competitive advantage in disposing of their surplus milk. Accordingly, it is concluded that the Class II price under the proposed order should be established on the same basis as the Class II price under the Quad Cities order, the principal Mississippi Valley order market. This price is based on the average of the prices paid for ungraded milk received from dairy farmers at seven manufacturing plants in or nearby the milksheds for North Central Iowa and the Mississippi Valley order markets. The prices paid by these seven manufacturing plants, which prices for some time have been used as a basis for pricing Class II milk in the existing nearby Federal order markets, have gained acceptance as an appropriate means of pricing milk for manufacturing purposes.

For the year ending June 30, 1956 the Class II price herein proposed for milk containing 3.5 percent butterfat averaged $3.02 per hundredweight. Although cooperative association and various handlers have in some instances disposed of producer milk for manufacturing purposes at prices somewhat above those which would be obtained by the formula recommended herein, the level which is here proposed, however, does represent well the level of prices which producers in the marketing area have been receiving for such milk and reasonably reflects the value of milk for manufacturing purposes locally.

Provision is made in the attached order to permit a handler to divert directly to manufacturing plants any milk not needed in his own operations. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing prices for Class II milk throughout the year.

Butterfat differentials. Provision is made elsewhere in this decision that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II prices of milk in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in value due to variations in the butterfat content of each product.

The butterfat differential used by the Cedar Valley Cooperative, the largest producer group in the market, is the product obtained, to the nearest full cent, by multiplying the 92-score Chicago butter price by 0.120. The seven cent differential, which has resulted from this formula over an extended period of time, is applicable to all milk handled by the cooperative. Handlers and cooperative associations in Marshalltown, Mason City, and Fort Dodge also use a seven cent butterfat differential, and it is the rate used by practically all the principal handlers and cooperatives in the market in paying producers for all milk shipped irrespective of its use. In effect, the butterfat differential which, at the present time has almost universal application throughout the North Central Iowa marketing area is seven cents for each one-tenth of one percent butterfat in a hundredweight of milk.

The values, to the nearest one-tenth cent, resulting from multiplying the 92-score Chicago butter price by 0.120 for Class I milk and by 0.110 for April, May and June and 0.115 for all other months for Class II milk, will obtain butterfat differentials which will approximate on an overall basis those which have been used in the market and will provide an appropriate basis for adjusting class prices. The use of butter prices in this manner will reflect changes in the central market prices of butterfat and follows standard practices in most fluid milk markets for adjusting for butterfat variations. The basing point from which adjustments are made should be 3.5 percent butterfat. This is the basis having widest acceptance in the North Central Iowa marketing area.

The lower butterfat differential for Class II milk in the spring months of heavy production will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create. In other months of the year, the butterfat differential value of 115 percent of the Chicago butter price should be high enough so as not to give an unnatural incentive to the movement of butterfat to the manufacture of butter and Cheddar cheese at the expense of preferred outlets such as for condensed milk and frozen desserts. Moreover, at a rate of 115 percent of the Chicago butter price during the months of July through March, the cost of butterfat in the North Central Iowa market will be competitive with butterfat from alternative sources of supply.

In order that it may be known early each month, the Class I differential would be based on the average price of butter in the preceding month. This will permit announcement of the applicable butterfat differential at the same time that the Class I price is announced.

The Class II price and butterfat differential will not be announced until after the end of the month. Although handlers will not know the exact cost of such milk as it is utilized, they will know that their cost will tend to follow movements in daily or weekly dairy product prices and, in any event, the cost of milk of their principal competitors for manufactured product outlets.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class prices provided in the order. The producer butterfat differential in no way affects the handlers' cost of milk but merely prorates returns among producers whose milk differs in butterfat test.

Location differentials. Milk in packaged form from plants located at significant distances from the marketing area is distributed regularly in the marketing area. Such distribution is made in Mason City from plants in Rochester and Stillwater, Minnesota, which plants are 106 miles and 164 miles, respectively from Mason City. In addition, supplemental supplies of milk are at times moved to the plants of handlers in the marketing area from country plants in Minnesota and Wisconsin.

It would be neither practicable nor economically justifiable to require each handler to pay the same minimum class prices for milk received from producers regardless of the location of his pool plant. With the same class prices applicable, milk received at a supply plant and moved to a plant in the marketing area for processing and packaging may be expected to be more costly to a handler than milk received directly from producers at his processing plant in the marketing area. In the same manner, additional transportation costs would be incurred by the operator of a plant from which packaged milk is moved a relatively long distance to the marketing area. Unless provision is made in the order for the application of location differentials, producers delivering milk to plants located at some distance from the marketing area would be paid the same uniform prices as producers delivering to plants in the marketing area. On the average, producers shipping to country plants are significantly closer to the plants to which they deliver than are producers shipping directly to plants in the marketing area. The hauling charges paid by producers shipping to country plants are less than are paid by producers delivering to marketing area plants and also are below that which country plant shippers would be required to pay to have milk delivered directly to the marketing area. Under such circumstances and without provision for a location differential, country plant producers who are farther away from the marketing area would receive a better net return for their milk than producers delivering directly to plants in the marketing area.

When milk is not needed in the market for fluid use, it should be kept in the country for manufacturing purposes. This practice should be encouraged since it is economically more feasible to meet the needs of the market for fluid purposes from those farms or plants nearest the market before bringing in milk from more distant plants. The value of milk to the market for fluid purposes is greater at the location of a plant in the marketing area which packages it for distribution than in a plant in the production area from which milk must be moved to the marketing area for Class I uses. Recognition in the order through the medium of a location differential

should be given to this difference in

should be given to this difference in value.

So as to be equitable to all handlers, the minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. However, to the extent that milk is received elsewhere from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted downward in the case of a plant which assumes the cost of hauling milk to the marketing area.

It is customary, in both regulated and unregulated markets, for handlers to pay producers delivering milk to country receiving stations a lesser price per hundredweight than is paid producers delivering directly to plants in the marketing area. To the extent that this represents a lower price because of the location of the milk, such difference of value should be recognized under the order. Effective May 1, 1957, Order No. 44, regulating the handling of milk in the Quad Cities marketing area, was amended to provide for a location differential which reduces the price for Class I milk received from producers at a pool plant located more than 50 miles from the Rock Island, Illinois, City Hall by 10 cents for the first 65 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the Rock Island City Hall.

Waterloo, Mason City, Fort Dodge, and Marshalltown are the principal places from which milk is distributed throughout the North Central Iowa marketing area. The city hall in each of these cities would be an appropriate point from which the mileage used in applying the location differential adjustment might be measured. Such differential should be computed from the nearest of such cities, since it may reasonably be expected that milk which is moved for regular distribution or as a supplementary source of supply would be nearer to the city to which the shipments were made than to any other major city in the marketing area. Accordingly, it is concluded that the Class I price under the North Central Iowa order should be reduced by 10 cents for the first 65 miles and 1.5 cents for each additional 10 miles or fraction thereof with respect to producer milk received at a plant which is not less than 50 miles from the nearest of the city halls of Waterloo, Mason City, Fort Dodge, and Marshalltown.

The location differential here recommended is economically sound and will be applicable to all handlers wherever located. The proposed rates are fundamentally the same as those contained in the decision to amend the Quad Cities order and are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk in the most advantageous possible method. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant before any of the direct producer receipts are assigned to Class II milk at such plant.

Use of equivalent prices. If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such a provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the order.

(d) *Distribution of proceeds to producers.* The individual-handler type of pool should be included in the order as a means of distributing to producers the returns from the sale of their milk. Under this type of pool, the minimum prices payable to producers is uniform to all producers delivering milk to the same handler. The price that a producer received would depend on the proportion of his milk used in Class I and in Class II milk by a handler. Although each handler subject to the order would be required to pay uniform minimum prices to all producers who deliver to him during each month, the minimum uniform prices payable to producers by the several handlers would differ according to the variation among handlers in the proportion of milk utilized in each class.

No handler in the area is carrying an undue proportion of excess milk in order to supply other handlers with supplemental milk. Moreover, there is extensive organization of producers throughout the area in cooperative associations. Most of these producer groups furnish the full Class I needs of buying handlers in a particular segment of the marketing area and market the milk of their members that is in excess of the requirements of local handlers. Under these conditions, an individual-handler pool in the North Central Iowa marketing area will best tend to attain an optimum allocation of producer milk among handlers according to their Class I needs and thereby maximize returns to producers for their milk.

The producers' proposal for a "Louisville plan" of fall production incentive payments was not supported at the hearing. Such a plan provides for the setting aside of a portion of the payments made by handlers for producer deliveries in the spring months of flush production to be paid to producers on the basis of their deliveries during the fall months of low production. In abandoning their support for a Louisville plan producers proposed in its place a "base and excess" plan of distributing the returns for milk among producers.

There are a number of base and excess plans in operation throughout the milkshed area. Currently, this method of distributing returns to producers is utilized in Marshalltown, Mason City, Charles City, and Fort Dodge. While the principles embodied in the base and excess plans now in operation are fundamentally the same, there are many differences in the practices followed in administering them and in the months used for the base-forming and base-paying periods.

Cedar Valley Cooperative of Waterloo, the major producer organization in the market, does not operate a base and excess plan. A Louisville plan for distributing returns to producers has been utilized for some several years by this association. However, spokesmen for the cooperative stated that the association would not be unfavorable to the incorporation of a base and excess plan in a North Central Iowa order.

The price of Class I milk in the attached proposed order, which is calculated by adding 15 cents to the Chicago order Class I price, varies seasonally by significant amounts. In 1955, for example the Class I price of $4.32 which would have obtained for November was 70 cents above the $3.62 Class I price which would have resulted for May of that year. In contrast, the prices which have been paid for the major portion of the milk used for Class I purposes by North Central Iowa handlers have not varied seasonally, but have generally remained at fixed levels for indefinite periods. The seasonal pricing recommended in this decision, by returning to producers a relatively higher price for fall production and a correspondingly lower price for flush month deliveries than has generally prevailed in the market, will provide to a considerable extent the incentive for more even production throughout the year, the purpose for which a Louisville plan or base and excess plan is frequently employed.

The seasonal pricing in the proposed North Central Iowa order is patterned after the Class I pricing provisions in the nearby Mississippi Valley Federal orders, none of which provides for either a Louisville plan or a base and excess plan.

It would be neither desirable nor administratively practicable to provide for a base and excess plan within the framework of the proposed order at this time.

Even though several producer groups in the North Central Iowa milkshed have been paid on the basis of various base and excess plans and have, in some degree, accommodated their production to the particular schemes under which they operate, producers who represent a major portion of the milk produced for the market have not been paid in accordance with such a plan. Such producers would need some time to accommodate their dairy farm operations to an order with a base and excess plan.

While there might be some merit to making provision at this time for a base and excess plan that would become operative at a date subsequent to the effective date of the order, it would be more appropriate, if any action is then warranted, to give consideration to such a plan at a hearing after the order had been in effect for a reasonable period of time. By then the information gained through operation of the order, which information would then be available to the market, could be used advantageously in determining whether there is then justification for a base and excess plan and what the provisions of such plan should be.

Payment to producers. The order should provide that each handler shall pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price on or before the 14th day after the end of each month.

It was proposed by producers that provision be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds from the sale of such milk will tend to promote the orderly marketing of milk and will assist the cooperative association in discharging its responsibility to its members and to the market. Such functions can be accomplished more expediently if the association is collecting payments for the sales of members' milk.

Accordingly, each handler shall, if requested in writing by a cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to the members of such association. Handlers should be required to make such payments to the cooperative association on or before the 12th day after the end of the month for milk received during the month.

Provision should also be made for the handler, if authorized in writing by the producer, to make proper deductions for goods or services furnished to or for payments made on behalf of the producer. At the time final settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer a supporting statement. Such statement should show the pounds of butterfat tests of milk received from him, the rate of payment for such milk and a description of any deductions claimed by the handler.

(e) *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market Administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and for making the payments to producers.

Handlers should maintain and make available to the market administrator all records and accounts of their operations together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order. The reports to the market administrator and the complete records of all handlers which are available for his inspection would be used also to determine whether the plants of such handlers qualify as pool plants.

In addition to the regular reports required of handlers, provision is made for a handler to notify the market administrator when he intends to divert producer milk or when he intends to import other source milk. This will facilitate the check-testing program of the market administrator. Such information on a marketwide basis also may assist handlers in locating local sources of producer milk and expedite the transfer of such milk among handlers.

It is necessary that handlers retain records to prove the utilization of the milk and that proper payments were made to producers. Since the books and records of all handlers cannot be completed or audited immediately after the milk has been delivered to a plant, it therefore becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain such books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on (a) producer milk, (b) other source milk at a pool plant which is classified as Class I milk, and (c) Class I milk disposed of on routes in the marketing area from a nonpool plant which is not fully subject to the classification, pricing and pooling provisions of another order issued pursuant to the act.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by some handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (which includes a handler's own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. The records of such plants must be checked to verify their status under the order. Assessment of administrative expense with respect to such milk sold in the marketing area will help to defray the costs of such verification.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 4 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. Provision should be made in the order for furnishing marketing services to producers, such as verifying of tests and weights and furnishing market information. These services should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is a need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring

individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with current market information. Detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the extent of the milkshed and the volume of milk involved with that of several other markets now under Federal regulation indicates that this will reflect the maximum cost of such services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

General findings. (a) The proposed marketing agreement and the order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order.

Referendum Order: Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the North Central Iowa marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1957 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 30th day of July 1957.

[SEAL] EARL L. BUTZ,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the North Central Iowa Marketing Area

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1005.0 Findings and determinations.

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AUTHORITY: §§ 1005.0 to 1005.101 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 1005.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the North Central Iowa marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1005.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Central Iowa marketing area shall be in conformity to, and in compliance with, the following terms and conditions.

DEFINITIONS

§ 1005.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1005.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1005.3 *Department* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 1005.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1005.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1005.6 *North Central Iowa marketing area.* "North Central Iowa marketing area" (hereinafter called the "marketing area") means all territory within the boundaries of Black Hawk County and the cities of Charles City, Clarion, Clear Lake, Eagle Grove, Fort Dodge, Hampton, Humboldt, Marshalltown, Mason City, New Hampton, Osage, Waverly and Webster City, all in the State of Iowa, including territory within such boundaries which is occupied by government (Municipal, State, or Federal) reservations, installations, institutions, or other establishments.

§ 1005.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of the operator of the pool plant (1) any day during the months of April through June, and (2) on not more than one-half the days on which milk was delivered from a farm during any of the months of July through March.

§ 1005.8 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other plants) located in the marketing area.

§ 1005.9 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1005.10 (a).

§ 1005.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to more than an average of 1,000 pounds per day or not less than 15 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other plants) in the marketing area.

(b) A supply plant for the month in which shipments of milk, skim milk or cream are made to distributing plants which are pool plants on not less than 10 days in any of the months of September, October, and November and on not less than 5 days in other months: *Provided*, That a supply plant which was not a pool plant for each of the immediately preceding months of September, October and November shall not be a pool plant for any month during which none of the milk, skim milk or cream from such plant was allocated to Class I milk pursuant to § 1005.46 at a distributing plant which is a pool plant.

§ 1005.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1005.12 *Handler.* "Handler" means any person in his capacity as the operator of one or more distributing or supply plants.

§ 1005.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 1005.14 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1005.7.

§ 1005.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1005.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1005.17 *Base zone.* "Base zone" means all the territory south of a line formed by the indefinite extension of the southern boundaries of Hancock, Cerro Gordo, and Floyd Counties, all in the State of Iowa.

§ 1005.18 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1005.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1005.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1005.22 *Duties.* The market administrator shall perform all duties nec-

essary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1005.85, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1005.84, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1005.30 and 1005.31, or payments pursuant to §§ 1005.80 through 1005.85;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce and notify each handler on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1005.50 (a) and the Class I butterfat differential pursuant to § 1005.51 (a), both for the current month; and the minimum price for Class II milk pursuant to § 1005.50 (b) and the Class II butterfat differential pursuant to § 1005.51 (b), both for the preceding month; and

(2) The 10th day after the end of each month the uniform prices pursuant to § 1005.71 and the producer butterfat differentials pursuant to § 1005.81.

REPORTS, RECORDS AND FACILITIES

§ 1005.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1005.7;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1005.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days on which milk was received from such producer, if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant(s), his intention to receive such product and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1005.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1005.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1005.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 1005.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1005.41 through 1005.46.

§ 1005.41 *Classes of Utilization.* Subject to the conditions set forth in § 1005.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) contained in inventory of fluid milk products on hand at the end of the month; and (3) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 1005.7) and other source milk (received in the form of a fluid milk product in bulk) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 1005.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 1005.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1005.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 1005.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1005.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the city halls of Waterloo, Mason City, Fort Dodge and Marshalltown, Iowa; and

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the city halls of Waterloo, Mason City, Fort Dodge, and Marshalltown, Iowa, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1005.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further,* That if the total skim milk and butterfat in fluid milk products which were transferred by all handlers to such nonpool plant during the month are less than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the assignment to Class I milk shall be prorated over the claimed Class II classification reported by each such handler on transfers to the nonpool plant.

§ 1005.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1005.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1005.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1005.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 1005.44 (a);

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1005.50 *Class prices.* Subject to the provisions of §§ 1005.51 and 1005.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 15 cents: *Provided,* That for milk received from producers at a pool plant north of the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 5 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Plant Location

Amboy Milk Products Co., Amboy, Illinois.
Borden Company, Dixon, Illinois.
Borden Company, Sterling, Illinois.
Carnation Company, Morrison, Illinois.
Carnation Company, Oregon, Illinois.
Carnation Company, Waverly, Iowa.
United Milk Products Company, Argo Fay, Illinois.

§ 1005.51 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1005.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110 for the months of April, May, and June, and by 0.115 for all other months.

§ 1005.52 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the city halls of each of the cities of Waterloo, Mason City, Fort Dodge and Marshalltown, Iowa, by the shortest hard surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1005.50 (a) shall be reduced by 10 cents for the first 65 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the city halls of Waterloo, Mason City, Fort Dodge and Marshalltown: *Provided,* That for the purpose of

calculating the location differential adjustment applicable pursuant to this section fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculation prescribed in § 1005.46 (a) (2) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 1005.53 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1005.60 *Producer-handler.* Sections 1005.40 through 1005.46, 1005.50 through 1005.52, 1005.70, 1005.71, 1005.80 through 1005.85, and 1005.90 through 1005.93 shall not apply to a producer-handler.

§ 1005.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1005.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the North Central Iowa marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1005.30) and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 1005.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his pool plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and

(e) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 1005.46 (a) (4) and (b), whichever is less.

§ 1005.71 *Computation of uniform prices for handlers.* For each month the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1005.70 the total of the location differential deductions to be made pursuant to § 1005.82;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more respectively, than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The quotient, adjusted to the nearest cent, shall be the uniform price for such handler for producer milk of 3.5 percent butterfat content in the base zone and within 50 miles of the city halls of Waterloo, Mason City, Fort Dodge or Marshalltown, Iowa.

PAYMENTS

§ 1005.80 *Time and method of payment for producer milk.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 14th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform prices per hundredweight pursuant to § 1005.71 subject to the butterfat differential computed pursuant to § 1005.81 plus or minus adjustments for errors made in previous payments to such producer; and less (1) location differential deductions pursuant to § 1005.82, (2) marketing service deductions pursuant to § 1005.84 and (3) proper deductions authorized by such producer: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk the handler shall, if requested by the cooperative association, pay such cooperative association on or before the 12th day after the end of each month an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph;

(b) In making the payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1005.81 *Butterfat differentials to producers.* The uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 1005.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1005.82 *Location differentials to producers.* (a) The uniform prices for milk received from producers at a pool plant located 50 miles or more from the city halls of each of the cities of Waterloo, Mason City, Fort Dodge, and Marshalltown, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 10 cents for the first 65 miles or less and 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the city halls of Waterloo, Mason City, Fort Dodge and Marshalltown.

(b) The uniform prices for milk received from producers at a pool plant north of the base zone shall be reduced 5 cents.

§ 1005.83 *Adjustment of accounts.* Whenever verification by the market administrator of payment by a handler discloses errors resulting in money due a producer, a cooperative association, or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 1005.84 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1005.80, shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from such producer (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1005.85 *Expense of administration.* As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1005.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 1005.86 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1005.90 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1005.91 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1005.92 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment or which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1005.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1005.100 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1005.101 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F. R. Doc. 57-6351; Filed, Aug. 2, 1957; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 20]

[Draft Release 57-17]

ISSUANCE OF INSTRUMENT RATINGS BASED ON MILITARY COMPETENCE AND ISSUANCE OF ADDITIONAL CATEGORY RATINGS FOR PRIVATE AND COMMERCIAL PILOTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Part 20 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communi-

cations should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by August 26, 1957. Copies of such communications will be available after August 28, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

In the recent revision of Part 20, it was considered that a comparable degree of instrument flying competence would be insured by authorizing the issuance of instrument ratings to applicants holding currently effective military instrument cards. Since that time, it has been brought to our attention that the military services have issued limited instrument cards under lower standards than the requirements for the issuance of an instrument rating under this part. Consequently, it is now considered necessary to limit the acceptance of military instrument cards for the purpose of issuing instrument ratings under this part to those persons holding military instrument cards which were issued on the basis of requirements at least equal to those standards required for the issuance of an instrument rating under the provisions of this part.

The recently revised Part 20 provides for the original issuance of private and commercial pilot certificates with rotorcraft and glider category ratings in addition to airplane category ratings. The issuance of the additional category ratings corresponds to the experience requirements for the original issuance of pilot certificates and category ratings applied for and requires a specified amount of total and solo flight experience in the category for which the rating is sought. The draft release which was circulated prior to the adoption of this part elicited very little comment with respect to this provision.

In the previous Part 20, the additional category rating section required only that the applicant demonstrate competence in aircraft of the category for which the additional rating was sought. The revised part requires the applicant for a rotorcraft rating with private pilot privileges to have acquired 15 hours of solo flight time in rotorcraft, and with commercial pilot privileges to have acquired a total of 50 hours of rotorcraft flight time of which at least 15 hours must have been solo. An applicant for a glider rating with private pilot privileges could meet the experience requirements with any one of three combinations of glider and airplane flight time and a specified number of glider flights, while the experience requirement for a glider pilot with commercial pilot privileges requires a total of 20 hours of flight time in gliders and 100 glider flights as pilot in command.

We have received correspondence from a number of sources objecting to these new requirements as they apply to rotorcraft ratings and requesting that they be amended prior to the mandatory compliance date of the revised part. It is contended that the increased cost of securing a rotorcraft rating under the new experience requirements would prevent most veteran and civilian trainees from completing their rotorcraft training and would discourage a great majority of prospective students from enrolling in such training.

There has been objection also to the new category rating requirements as they apply to glider ratings. These objections are to the effect that the amount of glider experience required by the new regulation is excessive and would impose an unreasonable burden on the soaring movement.

A re-examination of the new requirements indicates that they are reasonable with respect to applicants applying for the original issuance of pilot certificates; however, with respect to certificated pilots applying for an additional category rating, they may impose an undue financial burden that is not fully justified in the interest of safety. It is considered that the objections to the revised requirements can be overcome while still maintaining adequate standards of safety by recognizing the piloting experience of the applicant in the airplane or rotorcraft category for which he holds a pilot certificate and rating and reducing the flight experience required for him to secure an additional category rating.

The experience requirements for glider pilots applying for an airplane or rotorcraft rating were not changed in the revised Part 20 and no objections to these provisions have been received.

In view of the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board that Part 20 of the Civil Air Regulations be amended:

1. By amending § 20.111 (c) by adding at the end thereof the phrase "if the standards under which the rating was issued are not less than those prescribed for the issuance of an instrument rating under this part."

2. By amending § 20.121 (a) to read as follows:

§ 20.121 *Additional aircraft ratings.* • • •

(a) *Category rating.* (1) A pilot holding an airplane category rating who applies for a rotorcraft category rating shall have acquired at least 25 hours of dual instruction and solo flight time in rotorcraft, 5 of which shall have been solo, and shall pass an appropriate flight test.

(2) A pilot holding an airplane or rotorcraft category rating who applies for a glider category rating shall have acquired at least 2 hours of dual instruction and solo flight time in gliders which shall include at least 10 solo glider flights in which 360° right and left approaches have been made, and shall pass an appropriate flight test.

(3) A pilot holding a glider category rating who applies for an airplane or rotorcraft rating shall meet all the requirements for the original issuance of such category rating and shall pass an appropriate flight test.

(4) A pilot holding a rotorcraft category rating who applies for an airplane category rating shall have acquired the total flight time required for the original issuance of such category rating, shall have acquired at least 5 hours of solo flight time in airplanes, and shall pass an appropriate flight test.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. These proposals may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., July 25, 1957.

By the Bureau of Safety.

[SEAL] LEON H. TANGUAY,
Acting Director,
Bureau of Safety.

[F. R. Doc. 57-6385; Filed, Aug. 2, 1957; 8:53 a. m.]

[14 CFR Part 60]

[Draft Release No. 57-16]

AIR TRAFFIC RULES

NOTICE OF PROPOSED RULE MAKING

JULY 29, 1957.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 60 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, all communications must be received by September 3, 1957. Copies of such communications will be available after September 5, 1957 for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Airspace, which is a national resource, is rapidly diminishing to the point where it is no longer easy to meet the needs of users by merely allocating airspace previously undisturbed by other users. The growing operational needs, which vary in type and purpose, of various users of the airspace have created increasing problems in resolving conflicts in the allocation of airspace to accommodate such needs. In the past seven years civil airway mileage has doubled, the number of airspace reservations for military purposes has increased more than 50 percent, and the high performance characteristics of modern aircraft and increasing traffic density require the use of far more airspace than in the past. Growing conflicts between the establishment of airways and actual or contemplated military training and practice areas have made designation of airspace time-consuming and contentious.

It is now apparent that appropriate authority must determine which of the users of the airspace has superior need for the airspace in issue. The problem of diminishing airspace has become so acute that the Government can no longer accommodate all of the needs of individual users and must judiciously weigh the interests of all users to determine what is most in the public interest.

The Civil Aeronautics Board has the statutory responsibility for establishing special airspace restrictions to assure safety of aircraft in flight. This authority has been delegated to the Administrator in § 60.13a of the Civil Air Regulations in order to correlate the use of restricted airspace with his statutory responsibility to designate airways and because his administrative organization can effectively cope with the needs of local users of airspace.

Heretofore, the Administrator has been assisted in the performance of this duty by the Airspace Panel of the Air Coordinating Committee which is empowered to coordinate proposals and make recommendations on the use of airspace. However, unanimous approval of the panel members has been required before affirmative action on any proposal could be taken. Although this administrative machinery has been able to resolve many problems in the past, it is now apparent that it cannot cope with the complex problem of diminishing airspace on the one hand and increased need for airspace on the other. Compromises resulting from the need to obtain unanimous agreement before action could be taken have not always been in the public interest.

Accordingly, in order to clarify the Administrator's authority and to facilitate performance of his duties in the allocation and equitable utilization of airspace, it is proposed to amend § 60.13a of Part 60 of the Civil Air Regulations to specify more exactly the intention of the Board in delegating authority to the Administrator to designate, modify, or revoke restricted areas. Such restricted areas will be designated pursuant to public rule-making procedures in conformity with the Administrative Procedure Act. The Board, however, on its own initiative may review the action of the Administrator.

It is also proposed to modify the military exception clause contained in § 60.1 of Part 60 of the Civil Air Regulations. Except for certain urgent and immediate military operations which are required as a result of intelligence of activity or impending acts inimical to the United States, the military is being precluded from exercising its military exception authority without prior approval from the Administrator.

The proposed amendment clarifies the intent of the Board in providing for deviation from the Air Traffic Rules by aircraft of the Armed Forces. This provision was originally intended to relieve military aircraft from compliance with rules of Part 60 in performing certain specific missions which could not be accomplished under the prescribed rules, and, of course, to allow complete freedom of action in the defense of the United States. It was never intended that this section would be used to justify noncompliance with Air Traffic Rules in such operations as continuing training activities. The proposed amendment is designed to enable the military to conduct operations necessary to the immediate national defense, but to require prior approval by the Administrator with respect to other areas of operation.

In view of the foregoing, notice is hereby given that the Board proposes to amend Part 60 of the Civil Air Regulations as follows:

1. By amending § 60.1 (a) to read as follows:

§ 60.1 *Scope.* • • •

(a) Military aircraft of the United States Armed Forces when compliance with this part has been waived by the Administrator, or, when appropriate military authority determines that noncompliance is necessary to permit urgent and immediate military operation required as a result of intelligence of actual or impending acts inimical to the United States.

2. By amending § 60.13a to read as follows:

§ 60.13a *Authority for designation of restricted areas by the Administrator.* Upon petition of any interested party or upon his own motion, the Administrator is authorized to designate restricted areas when he finds such action necessary to assure the safety of aircraft in flight. The Administrator may impose such terms, conditions, and limitations as he may deem necessary, and may modify or revoke such designation where required in the public interest. The Board upon its own initiative may review any action of the Administrator taken pursuant to its delegation of authority of this section.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., July 29, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-6423; Filed, Aug. 2, 1957; 9:02 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 57-37]

APPROVAL OF EQUIPMENT AND CHANGE IN NAME OF MANUFACTURER

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment: *It is ordered,* That:

(a) All the approvals listed in this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and,

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

(c) The change in the name of the manufacturer of approved equipment shall be made as indicated below.

CLEANING PROCESS FOR LIFE PRESEVERS

NOTE: When buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/21/0, Overall cleaning process for kapok life preservers, as outlined in letter of April 1, 1952, from Overall Cleaning and Supply Co., 220 Yale Avenue North, Seattle 9, Wash. (Extension of the approval published in FEDERAL REGISTER June 14, 1952, effective June 14, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.006)

BUOYANT APPARATUS

Approval No. 160.010/17/1, 5.0' x 2.5' (7½" x 9" body section) elliptical, solid balsa wood buoyant apparatus, 5-person capacity, dwg. No. 31052 and specifications, dated March 10, 1952, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Ave., Brooklyn 2, N. Y. (Extension of the approval published in FEDERAL REGISTER June 14, 1952, effective June 14, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended,

4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6 and 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.010)

LIGHTS, WATER: SELF-IGNITING (CALCIUM CARBIDE-CALCIUM PHOSPHIDE TYPE)

Approval No. 160.012/4/0, Life-Lite, self-igniting water light (calcium chloride-calcium phosphide type), dwg. No. DL–1, Sheets 1 and 2, Rev. B dated January 9, 1957, manufactured by Harbak, Inc., 20th Street and Long Island Avenue, Wyandanch, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 404, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.012)

LIFEBOAT WINCHES

Approval No. 160.015/28/1, Type B–200 lifeboat winch, approval is limited to mechanical components and for a maximum working load of 20,000 pounds pull at the drums (10,000 pounds per fall), identified by general arrangement dwg. No. 2657 dated May 14, 1945, and revised April 8, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.015/28/0 terminated in FEDERAL REGISTER October 1, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.015)

LAMPS, SAFETY, FLAME

Approval No. 160.016/3/1, Wolf Brass Naptha Burning, Key Lock, Flame Safety Lamp, dwg. No. W–307 dated April 2, 1956, manufactured by Wolf Safety Lamp Co. of America, Inc., 227 Grand Avenue, Brooklyn 5, N. Y. (Supersedes Approval No. 160.016/3/0 published in FEDERAL REGISTER October 1, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, as amended, secs. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.016)

SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE

Approval No. 160.024/2/1, Aluminum Shell No. 52 pistol-projected parachute red flare distress signal, assembly dwg. No. MS–11, Rev. 5 dated April 8, 1957, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio. (Supersedes Approval No. 160.024/2/0 published in FEDERAL REGISTER October 1, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.024)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/28/0, Container for emergency drinking water, dwg. dated March 1957, packed by Lord-Mott Co., Inc., foot of Fell Street, Baltimore 3, Md., for MacDonald-Bernier Co., 30 Huntington Avenue, Boston, Mass.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended; sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.026)

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Approval No. 160.028/6/3, Signal pistol, dwg. Nos. SP–100 revised April 6, 1957, and SP–150 revised May 31, 1956, manufactured by Signal Pyrotechnic Co., 4041 Whiteside Street, Los Angeles 63, Calif. (Supersedes Approval No. 160.028/6/2 published in FEDERAL REGISTER December 4, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.028)

DAVITS, LIFEBOAT

Approval No. 160.032/127/0, mechanical davit, straight boom sheath screw, size A–5–6, approved for maximum working load of 5,000 pounds per set (2,500 pounds per arm) using 2-part falls, identified by general arrangement dwg. No. G–458, revised March 27, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER June 14, 1952, effective June 14, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.032)

HAND-PROPELLING GEAR, LIFEBOAT

Approval No. 160.034/10/2, Type X, hand-propelling gear identified by assembly dwg. No. 99–2, revision B dated April 12, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Reinstates and supersedes Approval No. 160.034/10/1 terminated in FEDERAL REGISTER December 4, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.034)

LIFEBOATS

Approval No. 160.035/361/0, 30.0' x 10.0' x 4.13' aluminum, oar-propelled, lifeboat, 83-person capacity, identified by general arrangement and construction dwg. No. 80125 dated November 29, 1956, and revised February 13, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/362/0, 24.0' x 7.75' x 3.33' steel, hand-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 80119, dated November 7, 1956, and revised March 18, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/74/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Geneva Upholstering Co., Lake Geneva, Wis.

Approval No. 160.048/85/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by The Hettrick Manufacturing Co., Statesville, N. C. (Supersedes Special Approval No. 160.048/85/0 published in FEDERAL REGISTER May 29, 1957.)

Approval No. 160.048/97/0, special approval for 15½" x 25" x 2" rectangular kapok buoyant cushion, 34 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by Sound Mattress & Felt Co., P. O. Box 1505, Tacoma 1, Wash.

Approval No. 160.048/98/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by Kiltie Manufacturing Co., 5160 West Thompson Street, Philadelphia, Pa.

Approval No. 160.048/99/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for G. C. Murphy Co., 531 Fifth Avenue, McKeesport, Pa.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.048)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/50/0, sound powered telephone station, selective ringing, common talking, bulkhead mounting, watertight, deep box cover for stowage of 50 ft. handset cord, with attached 3", 6" or 8" hand generator bell, Type 8WB, 8 stations maximum and Type 17WB, 17 stations maximum, dwg. No. B–171–1, Alt. 1; dated August 2, 1956, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass.

(R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 113.30–25 (a))

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/9/0, Model F–91X, watertight and explosion-proof flashlight, Types I and II, size No. 3 (3-cell), identified by assembly dwg. No. C–1108 dated April 11, 1952, manufactured by Stewart R. Browne Manufacturing Co., Inc., 258 Broadway, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER June 14, 1952, effective June 14, 1957.)

Approval No. 161.008/10/0, Model F–81X, watertight and explosion-proof flashlight, Types I and II, size No. 2 (2-cell), identified by assembly dwg. No. G–1108 dated April 11, 1952, manufactured by Stewart R. Browne Manufacturing Co., Inc., 258 Broadway, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER June 14, 1952, effective June 14, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 161.008)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/181/0, Series 100 cast-steel body safety valve, 600 p. s. i. maximum pressure, 450° F. maximum temperature, dwg. No. D–100 dated July 27, 1951, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Marine & Industrial Products Co., 3731–35 Filbert Street, Philadelphia 4, Pa. (Extension of the approval published in FEDERAL REGISTER June 14, 1952, effective June 14, 1957.)

Approval No. 162.001/182/0, Series 110 cast-steel body safety valve, 600 p. s. i. maximum pressure, 450° F. maximum temperature, dwg. No. D–110 dated July 27, 1951, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Marine & Industrial Products Co., 3731–35 Filbert Street, Philadelphia 4, Pa. (Extension of the approval published in FEDERAL REGISTER June 14, 1952, effective June 14, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 463a, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING LIQUID TYPE

Approval No. 162.004/30/1, National Model NBF (Symbol BU), 1-qt. carbon tetrachloride type hand portable fire extinguisher, assembly dwg. No. 10–5, Rev. E dated January 8, 1957, name plate dwg. No. 3300 dated December 27, 1946 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio, for National Foam System, Inc., Union and Adams Streets, West Chester, Pa. (Supersedes Approval No. 162.004/30/0 published in FEDERAL REGISTER July 31, 1947.)

Approval No. 162.004/31/1, National Model NBF (Symbol BU), 1½-qt. carbon tetrachloride type hand portable fire extinguisher, assembly dwg. No. 11–5, Rev. E dated January 8, 1957, name plate dwg. No. 3300 dated December 27, 1946 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio, for National Foam System, Inc., Union and Adams Streets, West Chester, Pa. (Supersedes Approval No. 162.004/31/0 published in FEDERAL REGISTER July 31, 1947.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 463a, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/44/1, Alfite Speedex–15A, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 28X–1744, Rev. D dated July 15, 1949, name plate dwg. No. 28X–844, Rev. S' dated May 3, 1957 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by American La France Corp., Elmira, N. Y. (Supersedes Approval No. 162.005/44/0 published in FEDERAL REGISTER July 17, 1952.)

Approval No. 162.005/86/0, Model 15HG, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 4–530130, Sheet 1, Rev. A dated March 11, 1953, name plate dwg. No. 4–530130, Sheet 2, Rev. A dated March 15, 1953 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by McGinnis Marine Service, 1435 East Northlake, Seattle 5, Wash.

Approval No. 162.005/87/0, Model 5HG, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 4–530130, Sheet 1, Rev. A dated March 11, 1953, name plate dwg. No. 4–530130, Sheet 2, Rev. A dated March 15, 1953 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by McGinnis Marine Service, 1435 East Northlake, Seattle 5, Wash.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 463a, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/5/1, Kidde Model 20, 20-lb. dry chemical type hand portable fire extinguisher, assembly dwg. No. 890047, Rev. N dated June 7, 1957, name plate dwg. No. 270127, Rev. L dated July 16, 1956 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J. (Supersedes Approval No. 162.010/5/0 published in FEDERAL REGISTER June 14, 1952.)

Approval No. 162.010/6/1, Kidde Model 30, 30-lb. dry chemical type hand portable fire extinguisher, assembly dwg. No. 890048, Rev. J dated June 11, 1957, name plate dwg. No. 270141, Rev. J dated July 16, 1956 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J. (Supersedes Approval No. 162.010/6/0 published in FEDERAL REGISTER June 14, 1952.)

Approval No. 162.010/42/0, C-O-Two Model No. PDC–5PB, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 29–1, Rev. C dated March 21, 1956, instruction plate dwg. No. 6633, Rev. A dated January 3, 1957 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Fyr-Fyter Division, The Fyr-Fyter Co., Dayton 1, Ohio, for Pyrene-C-O-Two Division, The Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, secs. 8 and 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 463a, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

GAUGING DEVICE, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/2/2, Model No. 62B liquid level gauge for liquefied compressed gas service, dwg. No. 107, Sheets 1–18, Rev. 10, dated March 12, 1957, manufactured by Metal Goods Manufacturing Co., 106–110 South Park Avenue, Bartlesville, Okla. (Supersedes Approval No. 162.019/2/1, published in the FEDERAL REGISTER October 6, 1954.)

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4491, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489, 50 U. S. C. 198; 46 CFR Part 38)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/101/0, Model No. 44–40 range for liquefied petroleum gas service approved by the American Gas Association, Inc., under Certificate No. 11–75–1.001, manufactured by Welbilt Corp., Detroit Division, 6900 East Jefferson Avenue, Detroit 31, Mich.

Approval No. 162.020/102/0, Model No. 45–40 range for liquefied petroleum gas service approved by the American Gas Association, Inc., under Certificate No. 11–75–4.001, manufactured by Welbilt Corp., Detroit Division, 6900 East Jefferson Avenue, Detroit 31, Mich.

Approval No. 162.020/103/0, Model No. 46–40 range for liquefied petroleum gas service approved by the American Gas Association, Inc., under Certificate No. 11–(73–1.2 & –3.2).001, manufactured by Welbilt Corp., Detroit Division, 6900 East Jefferson Avenue, Detroit 31, Mich.

Approval No. 162.020/104/0, Model No. 47–40 range for liquefied petroleum gas service approved by the American Gas Association, Inc., under Certificate No. 11–(73–1.2 & –3.2).001, manufactured by Welbilt Corp., Detroit Division, 6900 East Jefferson Avenue, Detroit 31, Mich.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 391a, 404, 489, 367, 463a, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 55.16–10)

DECK COVERING

Approval No. 164.006/28/0, "LORALITE," Magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–1826:FP3121 dated April 1, 1952, approved for use without other insulating material to meet Class A–60 requirements in a 1½-inch thickness, manufactured by Lorentzen Co., 2207 Market Street, Oakland, Calif. (Extension of the approval published in FEDERAL REGISTER June 14, 1952, effective June 14, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 138, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.006)

STRUCTURAL INSULATION

Approval No. 164.007/6/1, "BX Spuntex," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated May 17, 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 8 pounds per cubic foot density, and a 4-inch thickness and 6 pounds per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y. (Extension of the approval published in FEDERAL REGISTER June 14, 1952, effective June 14, 1957.)

Approval No. 164.007/7/1, "#450 Cement," mineral wool cement type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619B; FR–1466B dated July 7, 1939, approved for use without other insulating material to meet Class A–60 requirements in a 3½-inch thickness and 30 pounds per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y. (Extension of the approval published in FEDERAL REGISTER June 14, 1952, effective June 14, 1957.)

Approval No. 164.007/9/1, "Banroc 202AA," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated May 17, 1939, blankets with asbestos paper facings approved for use without other insulating materials to meet Class A–60 requirements in a 3-inch thickness and 16 pounds per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y. (Extension of the approval published in FEDERAL REGISTER June 14, 1952, effective June 14, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 369, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 72.05, 92.05)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/44/0, Fiberglass insulation AF–310 through AF–320 inclusive, glass wool insulation type incombustible material in ½ to 1 pound per cubic foot density, identical to that described in Commandant, U. S. Coast Guard letter dated May, 1957, file JJ/164.009/44; manufactured by Owens-Corning Fiberglass Corp., Toledo 1, Ohio.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.009)

CHANGE IN NAME OF MANUFACTURER

It is requested that the current listing of L. P. G. ranges manufactured by Detroit-Michigan Stove Co. be revised because of the change in name of the manufacturer from Detroit-Michigan Stove Co. to Welbilt Corp., Detroit Division.

Dated: July 30, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 57–6371; Filed, Aug. 2, 1957; 8:50 a. m.]

[CGFR 57–38]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

LIFEBOAT WINCHES

Termination of Approval No. 160.015/23/1, Type B135 lifeboat winch, approval is limited to mechanical components and for a maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by general arrangement dwg. No. 2105–7 dated May 15, 1951, and revised July 19, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER June 14, 1952. Termination of approval effective June 14, 1957.)

Termination of Approval No. 160.015/57/0, Type H21G lifeboat winch, approved for a maximum working load of 2,100 pounds pull at the drums (1,050 pounds per fall), identified by general arrangement dwg. No. 3337 dated July 6, 1950, and revised April 11, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER June 14, 1952. Termination of approval effective June 14, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, and secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.015)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Termination of Approval No. 160.026/22/0, container for emergency drinking water, dwg. dated March 1953, manufactured by MacDonald-Bernier Co., 30 Huntington Avenue, Boston, Mass. (Approved FEDERAL REGISTER May 19, 1953.)

Termination of Approval No. 160.026/25/0, container for emergency provisions, dwg. dated April 2, 1954, manufactured by MacDonald-Bernier Co., 30 Huntington Avenue, Boston, Mass. (Approved FEDERAL REGISTER Jan. 18, 1955.)

Termination of Approval No. 160.026/26/0, container for emergency provisions (half-ration), dwg. dated April 2, 1954, manufactured by MacDonald-Bernier Co., 30 Huntington Avenue, Boston, Mass. (Approved FEDERAL REGISTER Jan. 18, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended; sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.026)

LIFEBOATS

Termination of Approval No. 160.035/277/0, 20.0′ x 6.5′ x 2.6′ aluminum oar-propelled lifeboat, 20-person capacity, identified by general arrangement and construction dwg. No. 51–2020 dated January 9, 1951, and revised April 23, 1952, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N. Y. (Approved FEDERAL REGISTER June 14, 1952. Termination of approval effective June 14, 1957.)

Termination of Approval No. 160.035/278/0, 30.0′ x 10.0′ x 4.13′ aluminum, hand-propelled lifeboat, 70-person capacity, identified by construction and arrangement dwg. No. 3367 dated June 15, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER June 14, 1952. Termination of approval effective June 14, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 386, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

Dated: July 30, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 57–6370; Filed, Aug. 2, 1957; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSOURI

SALE OF MINERAL INTERESTS; AREA DESIGNATION

Pursuant to the authority contained in Public Law 760, 81st Congress (64 Stat. 769), the County of Cape Girardeau in the State of Missouri is hereby designated as an area in which mineral interests covered by a single application may be sold for their fair market value.

Done at Washington, D. C., this 31st day of July 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–6383; Filed, Aug. 2, 1957; 8:53 a. m.]

TEXAS

EXTENSION OF DESIGNATION OF COUNTIES FOR PURPOSE OF MAKING PRODUCTION EMERGENCY LOANS

For the purpose of making Production Emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), the period for making initial Production Emergency loans authorized in the Acting Secretary's order of September 12, 1956 (21 F. R. 7010), in the counties listed below is extended without limitation until further notice.

TEXAS

Coke.	Knox.
Foard.	Midland.
Haskell.	Wilbarger.
Jones.	

Done at Washington, D. C., this 31st day of July, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–6383; Filed, Aug. 2, 1957; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 823]

HAZEL ATLAS GLASS CO. AND INGE & CO.; CLASSIFICATION AND BILLING OF GLASS TUMBLERS AS EMPTY GLASS JARS

NOTICE OF INVESTIGATION AND OF HEARING

On July 25, 1957, the Federal Maritime Board entered the following order:

There being under consideration certain shipments of glassware to foreign destinations during the year 1954 and thereafter by Hazel Atlas Glass Company, a shipper, and Inge & Company, a forwarder, subject to the Shipping Act, 1916, as amended;

It appearing from information before the Federal Maritime Board that there is reason to institute an investigation to determine whether the aforementioned companies knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device, obtained or attempted to obtain transportation by water from the United States to Venezuela for glass tumblers, during 1954 and thereafter, at less than the rates or charges otherwise applicable, in violation of section 16 of said act;

It is ordered, That an investigation be and it is hereby instituted, upon the Board's own motion pursuant to section 22 of said act, into the lawfulness of such shipments under section 16 of said act, and that Hazel Atlas Glass Company and Inge & Company be and they are hereby made respondents in this proceeding;

And it is further ordered, That a copy of this order be published in the FEDERAL REGISTER, that copies of this order be served upon said respondents, and that this proceeding be assigned for hearing before an Examiner of the Board at a date and place to be fixed by the Chief Examiner.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a time and place to be hereafter determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board on or before August 30, 1957, and should file petitions for leave to intervene in accordance with Rule 5 (n) of said rules of practice and procedure.

By order of the Federal Maritime Board.

Dated: July 31, 1957.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–6374; Filed, Aug. 2, 1957; 8:51 a. m.]

[Docket No. 824]

MARKT & HAMMACHER CO.; CLASSIFICATION AND BILLING OF CERTAIN MANUFACTURED GLASSWARE ITEMS AS GLASS BOTTLES AND/OR JARS

NOTICE OF INVESTIGATION AND OF HEARING

On July 25, 1957, the Federal Maritime Board entered the following order:

There being under consideration certain shipments to foreign destinations during the year 1956 by Markt & Hammacher Company, a shipper subject to the Shipping Act, 1916, as amended;

It appearing from information before the Federal Maritime Board that there is reason to institute an investigation to determine whether Markt & Hammacher Company knowingly and willfully, directly or indirectly, by means of false billing, false classification, or by any other unjust or unfair device or means, obtained or attempted to obtain transportation by water from the United States to Venezuela for casseroles and covers, juice extractors, mixing bowls, coffee mugs, and other manufactured glassware, during 1956, at less than the rates or charges otherwise applicable, in violation of section 16 of said act;

It is ordered, That an investigation be and it is hereby instituted, upon the Board's own motion pursuant to section 22 of said act, into the lawfulness of such shipments under section 16 of said act, and that Markt & Hammacher Company be and it is hereby made respondent in this proceeding;

And it is further ordered, That a copy of this order be published in the FEDERAL REGISTER; that a copy of this order be served upon said respondent, and that this proceeding be assigned for hearing before an Examiner of the Board at a date and place to be fixed by the Chief Examiner.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a time and place to be hereafter determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board on or before August 30, 1957, and should file petitions for leave to intervene in accordance with Rule 5 (n) of said rules of practice and procedure.

By order of the Federal Maritime Board.

Dated: July 31, 1957.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-6375; Filed, Aug. 2, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8922]

RESORT AIRLINES, INC., AND HUGHES TOOL CO.

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 205, and 408, of said act and the applicable regulations thereunder, that a public hearing in the above-entitled matter which involves a request by Resort Airlines, Inc., for approval by the Board of an agreement relating to the lease of certain aircraft by Resort to the Hughes Tool Company, is assigned to be held August 6, 1957, at 10:00 a. m., e. d. s. t., in Hearing Room 1011, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., August 1, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6421; Filed, Aug. 2, 1957; 9:11 a. m.]

FEDERAL RESERVE SYSTEM

BRENTON COMPANIES

ORDER EXTENDING TIME FOR COMPLETION OF ACQUISITION OF VOTING SHARES OF SOUTH DES MOINES NATIONAL BANK

In the matter of the application of Brenton Companies for approval of acquisition of voting shares of South Des Moines National Bank, Des Moines, Iowa.

The above matter having come before the Board on the application of Brenton Companies, Des Moines, Iowa, dated January 10, 1957, filed pursuant to the provisions of section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of acquisition by Brenton Companies of direct ownership of 51 percent to 95 percent of a total of 2,000 voting shares of the proposed South Des Moines National Bank, Des Moines, Iowa, and it appearing after due consideration thereof in the light of the factors enumerated in section 3 (c) of the Bank Holding Company Act of 1956 that such application should be granted,

And such application having been granted pursuant to order of the Board, dated July 1, 1957 (22 F. R. 4767), provided the acquisition is completed within three months from the date of the Board's order,

It is hereby ordered, That the time in which such acquisition may be completed is extended to May 1, 1958.

Dated: July 29, 1957.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 57-6362; Filed, Aug. 2, 1957; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-68]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF EXPORT LICENSE AUTHORIZING EXPORT OF RESEARCH REACTOR TO SPAIN

Please take notice that the Atomic Energy Commission on July 29, 1957, issued Export License No. XR-10 authorizing General Electric Company to export a research reactor to Spain. Notice of the proposed issuance of the export license was published in the FEDERAL REGISTER on July 11, 1957, 22 F. R. 4891.

A copy of the export license is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 29th day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-6352; Filed, Aug. 2, 1957; 8:46 a. m.]

[Docket No. 50-18]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission on July 29, 1957, issued facility license No. CX-2 authorizing the General Electric Company to operate its Developmental Boiling Water Power Reactor, located in Alameda County, California, as a critical experiment facility. The license is substantially as set forth in the notice of proposed issuance published in the FEDERAL REGISTER on July 12, 1957, 22 F. R. 4919.

A copy of the license is on file in the AEC Public Document Room, located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 29th day of July, 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-6353; Filed, Aug. 2, 1957; 8:46 a. m.]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to Yankee Atomic Electric Company, substantially in the form set forth below unless within thirty (30) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's Rules of Practice (10 CFR Part 2). There is annexed a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the proposed facility and the principal factors considered in reviewing the application for a license. For further details see the application for a license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 31st day of July 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

CONSTRUCTION PERMIT

Yankee Atomic Electric Company, Boston, Massachusetts (hereinafter "Yankee"), on July 9, 1956, filed its application for license under section 104 (b) of the Atomic Energy Act of 1954 (hereinafter the "act") to construct and operate a nuclear reactor (hereinafter the "reactor"). Amendments to the application were filed on January 22, 1957, February 1, 1957, April 16, 1957 and July 19, 1957. The original application together with said amendments are hereinafter referred to as "the application."

Having considered the record in this matter, the Atomic Energy Commission (hereinafter the "Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. Yankee proposes to utilize the reactor in the conduct of research and development activities leading to the demonstration of the practical value of that type of reactor for industrial and commercial purposes.

C. Yankee and its contractors, Westinghouse Electric Corporation and Stone & Webster Engineering Corporation, are technically qualified to design and construct the proposed reactor.

D. The Commission is satisfied that it has sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public; and that additional information required to complete the application will be supplied.

The Commission believes that the applicant has identified the subjects which should be further investigated and that the plans described for carrying out these investigations will produce the information which will be needed prior to approval of final design and operating procedures and conversion of this construction permit to a license.

In the meantime, the Commission believes that approval should be granted to the applicant to proceed with plant construction in accordance with plans and specifications submitted in his application, recognizing that these will be subject to change as a result of information to be developed later.

E. The issuance of a construction permit to Yankee will not be inimical to the common defense and security and to the health and safety of the public.

F. The evidence submitted by Yankee to date does not justify a finding with respect to the financial qualifications of Yankee and accordingly the continued effectiveness of this permit will be conditioned upon a further showing in this regard as stated below.

Pursuant to the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to Yankee to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

A. The earliest date for the completion of the reactor is December 1959. The latest date for the completion of the reactor is June 1961. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in Rowe, Massachusetts, described in the application.

C. The general type of facility authorized for construction is a pressurized light water-moderated and -cooled reactor to produce 134,000 kilowatts of electrical energy, as described in the application.

D. Unless, within twelve months from the date of this construction permit, Yankee submits sufficient information relating to its financial resources to enable the Commission to make a finding that the company has adequate financial resources to meet the requirements of the law and regulations, this permit shall expire; provided that the Commission may for good cause shown extend the time for the submission of such date.

This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless Yankee has submitted to the Commission (by proposed amendment to the application) the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in Paragraph 1 above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon a finding that the facility authorized has been constructed in conformity with the application as amended, and in conformity with the provisions of the act and the rules and regulations of the Commission and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the act, the Commission will issue a Class 104 license to Yankee pursuant to section 104 (b) of the act, which license shall expire forty (40) years after the date of this construction permit.

Pursuant to § 50.50 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Yankee for use in connection with the reactor, 6,052 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in Yankee's application for the license. Estimated schedules of special nuclear material transfers to Yankee and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Yankee in accordance with column 2 in Appendix "A" will be conditioned upon Yankee's return to the Commission of material substantially in accordance with column 3 of Appendix "A".

For the Atomic Energy Commission.

Director,
Division of Civilian Application.

APPENDIX A

TO

YANKEE ATOMIC ELECTRIC COMPANY CONSTRUCTION PERMIT

Estimated Schedule of Transfers of Special Nuclear Material From the Commission to Yankee and to the Commission From Yankee

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to Yankee [a] kgs. U-235	(3) Returns by Yankee to AEC kilograms U-235		(4) Net yearly distribution kgs. U-235	(5) Cumulative distribution kgs. U-235
		Recoverable scrap [a]	Spent fuel [b]		
1960	710.66			710.06	710.06
1961	372.66	61.36		261.30	971.36
1962	1,142.44	145.86	609.90	386.68	1,358.04
1963	356.98	28.34	230.85	97.79	1,455.83
1964	356.98	28.34	230.85	97.79	1,553.62
1965	713.96	56.68	461.70	195.58	1,749.20
1966	356.98	28.34	230.85	97.79	1,846.99
1967	713.96	56.68	461.70	195.58	2,042.57
1968	356.98	28.34	230.85	97.79	2,140.36
1969	713.96	56.68	461.70	195.58	2,335.94
1970	356.98	28.34	230.85	97.79	2,433.73
1971	356.98	28.34	230.85	97.79	2,531.52
1972	713.96	56.68	461.70	195.58	2,727.10
1973	356.98	28.34	230.85	97.79	2,824.89
1974	713.96	56.68	461.70	195.58	3,020.47
1975	356.98	28.34	230.85	97.79	3,118.26
1976	713.96	56.68	461.70	195.58	3,313.84
1977	356.98	28.34	230.85	97.79	3,411.63
1978	356.98	28.34	230.85	97.79	3,509.42
1979	713.96	56.68	461.70	195.58	3,705.00
1980	356.98	28.34	230.85	97.79	3,802.79
1981	713.96	56.68	461.70	195.58	3,998.37
1982	356.98	28.34	230.85	97.79	4,096.16
1983	713.96	56.68	461.70	195.58	4,291.74
1984	356.98	28.34	230.85	97.79	4,389.53
1985	356.98	28.34	230.85	97.79	4,487.32
1986	713.96	56.68	461.70	195.58	4,682.90
1987	356.98	28.34	230.85	97.79	4,780.69
1988	713.96	56.68	461.70	195.58	4,976.27
1989	356.98	28.34	230.85	97.79	5,074.06
1990	713.96	56.68	461.70	195.58	5,269.64
1991	356.98	28.34	230.85	97.79	5,367.43
1992	356.98	28.34	230.85	97.79	5,465.22
1993	713.96	56.68	461.70	195.58	5,660.80
1994	356.98	28.34	230.85	97.79	5,758.59
1995	713.96	56.68	461.70	195.58	5,954.17
1996	356.98	28.34	230.85	97.79	6,051.96
1997			692.55	(692.55)	5,359.41
1998			[c] 91.52	(91.52)	5,267.89

[a] 2.6 percent.
[b] 1.9 percent except for (*) which is 2.6 percent.

MEMORANDUM

PART I—DESCRIPTION OF THE FACILITY [*]

The Yankee Atomic Electric Company (Yankee) in its license application described a nuclear power station which it proposes to build and operate in Rowe, Massachusetts. The site is located at a point approximately three-quarters of a mile south of the Vermont-Massachusetts border on the Deerfield River adjacent to the Sherman hydroelectric station of the New England Power Company. The plant is ultimately expected to deliver 134 megawatts of electric power to the New England Power Company transmission system; however the initial core is designed to provide approximately 110 MW of net electrical output at full power.

The proposed pressurized water type thermal reactor will be light water cooled and moderated, and fueled with slightly enriched uranium dioxide. Water in the reactor and in the main coolant system is maintained at 2,000 psia, and will produce 520 psia saturated steam at the outlet of the steam generators. The secondary plant utilizes the steam in a single turbine-generator to generate the rated electrical output, and delivers the electric power to the area transmission system.

The Yankee reactor will be generally similar to the Pressurized Water Reactor (PWR) now nearing completion at Shippingport, Pa. Unique features of its design include the use of a neutron absorbing material (boron) dissolved in the reactor coolant to assist the control rods in holding the reactor sub-critical before the coolant has been heated to operating temperature and the existence of local boiling in parts of the core at full power. Large buildup of plutonium in the core during the long operating cycle is another feature of this reactor which warrants special consideration.

CORE

The fuel rods consist of 300 sintered uranium dioxide discs, 0.3 inch in diameter and 0.3 inch high, and having an initial U-235 concentration of 2.6 atom percent, stacked in a cylindrical stainless steel tube.

Approximately 305 fuel rods are assembled (by brazing or welding) in a square lattice with a center-to-center distance of 0.42 inches. Rods are omitted from the outside edges of the square pattern of the assembly as necessary to provide slots for the passage of the blades of the cruciform-shaped control rods. The fuel assemblies are loaded vertically upon the core support plate to form a uniformly enriched cylindrical core of 76 fuel assemblies. Total UO_2 mass is approximately 24,000 kilograms or 53,000 pounds.

CONTROL RODS

Control rods are of the neutron absorbing (poison) type. The rods are moved by drive shafts extending through the reactor vessel head on which the control drive mechanisms are mounted. Attached below the rods are extensions of low neutron absorption cross section material which act as guides and prevent the formation of a water hole in the core when the control rods are withdrawn from the fuel section of the core. The neutron absorbing material for the control rods

[*] The following sections describing the Yankee facility are derived and abstracted from the description contained in the applicant's preliminary hazard summary report. Where precise values or dimensions are listed, it should be recognized that they may be tentative, and represent only the best estimate of the values or dimensions at this time. For a more complete description, Part B of the applicant's license application, "Preliminary Hazards Summary Report" available in the Atomic Energy Commission's Public Document Room, should be consulted.

is tentatively specified as a silver-cadmium-indium alloy, and the control rod extensions will be fabricated of Zircalloy-2.

Under present plans, only 24 of the 32 cruciform slots in the reactor core will be used for control rods. Total worth of the 24 rods has been estimated at approximately 11 percent reactivity. The 8 remaining cruciform slots will be filled by fixed "shim" elements, which may be made up of neutron absorbing fuel, or inert material. If no reactivity from the shim elements is desired, they may be constructed of Zircalloy-2.

CONTROL DRIVE MECHANISMS

Each of the 24 control rods is moved by individual magnetic jack-type control drive mechanisms. Rod movement is programmed through a motor-driven controller. The gear train and the inherent speed limitation of the driving motor limit the speed of travel of the control rods such that reactivity cannot be added more rapidly than 1.03×10^{-4} delta K/K per second. This requires a minimum of 74 seconds to go from delayed to prompt critical. Control rods can be scrammed at any portion of the cycle by de-energizing the magnetic coils holding the control rod drive shafts in place, and permitting the control rod to fall by gravity. Position of the control rod is determined at all times by a magnetically operated pick-up. A prototype of the mechanism will be tested exhaustively prior to plant startup to determine its reliability under operating conditions.

REACTOR VESSEL

The reactor vessel is cylindrical in shape, with hemispherical ends, the top end being of the flanged removable type. It is approximately 31.5 feet in overall height by nine feet in internal diameter. The cylindrical portion of the vessel is made of carbon steel plate approximately 8 inches thick; the bottom head is 4 inches thick; and the reactor vessel is approximately 6¾ inches thick. All internal surfaces of the vessel in contact with coolant water are clad with type 304 stainless steel. The vessel will be designed and fabricated in accordance with ASME Boiler and Pressure Code, Section VIII. Design pressure is 2,500 psia and the design temperature is 650° F. Main coolant water enters the vessel through four inlet nozzles near the top, flows down through the thermal shield annuli, up through the core, and leaves the vessel through four outlet nozzles located at the same level as the inlet nozzles. Concentric cylindrical stainless steel thermal shields rest on local supports near the bottom of the vessel. The reactor vessel head is approximately hemispherical in shape, with a heavy flange for bolting to the reactor vessel flange. Leak tightness is secured by gaskets with provision for a backup seal weld. Control rod drive mechanisms are welded to the reactor vessel head.

CORE THERMAL, HYDRAULIC AND NUCLEAR PARAMETERS

The thermal and hydraulic design of the core is based on the following considerations:

1. Local boiling in the subcooled liquid is permissible in the core.

2. Bulk boiling is not permitted within the core.

3. The maximum heat flux in normal operation should not exceed 50 percent of the calculated burnout heat flux.

4. Hot channel factors take into account variations in dimensions, flow distribution, and neutron flux.

The hot channel factors between average and maximum values are 3.36 for the temperature rise through the core, 7.36 for the film drop, and 5.17 for the heat flux. Based on these factors the temperature of the coolant at the outlet of the hottest channel will be 599° F., or 37 F. under the saturation temperature at 2,000 psia. The maximum metal surface temperature is 642 F., 6 F. above the saturation temperature. Maximum heat flux is 4.49×10^{5} BTU per square foot-hour. The hot channel factors also determine the maximum fuel pellet temperature of 4,500 F., 500 F. below the estimated melting point of UO_2.

Pressure drop across the core at the required velocity of 14 feet per second is 14 psi. The total pressure drop from the inlet nozzle to the outlet nozzle is 28 psi.

The fuel enrichment used to give the required 10,000 hour life at 392 megawatts is 2.6 atom percent. As can be seen from the following table of the effective multiplication factor, there is about 19 percent excess reactivity in the cold clean core.

Core condition (with control rods withdrawn)	*Effective multiplication factor*
Cold, clean	1.186
Hot, clean	1.113

Of this 19 percent excess reactivity of the cold clean core, the control rods control about half, and the addition of 1.6 grams per liter of natural boron to the primary coolant will control the remaining half. In the hot, clean condition, with the boron removed and the control rods in; k_{eff} is less than 1, i. e., the reactor is subcritical with control rods alone.

MAIN COOLANT SYSTEM

The main coolant system consists of four closed piping loops interconnecting the single reactor vessel to 4 steam generators. The principal equipment in each of the loops is two remotely operated gate-type stop valves, a steam generating heat exchanger, a canned-motor circulating pump, a check valve, a pressure relief valve and thermal insulation. Each main coolant loop also includes a warm-up crossover line with stop valve which connects the hot leg to the cold leg outside of the reactor stop valves. Pressure and temperature instrument piping connections are also provided. Main coolant enters the reactor at 486 F. and leaves at 524 F. The system is designed to transfer 1.7 million BTU per hour from the reactor core. It converts this heat by evaporating water in the steam generators and supplies 1.9 million pounds per hour of dry and saturated steam for the steam-electric plant. Steam leaving the generator is at a pressure of approximately 520 psia saturated, and at rated load the moisture content is ¼ of 1 percent.

INSTRUMENTATION AND CONTROL SYSTEM

The instrumentation and control system provides the operator with continuous information on plant performance during operation. It also warns the operator of any unusual condition which might occur, automatically regulates small disturbances around the steady state, automatically shuts the reactor plant down for disturbances which exceed a predetermined value, and provides fail-safe operation.

Reactor control is obtained by means of the 24 neutron absorbing control rods which are operated in groups, either manually or automatically. During steady state operation, the reactor is automatically controlled to maintain the average temperature constant in the main coolant system by means of a group of preselected control rods.

Suitable interlock circuits make it impossible to raise the rods following a safety scram signal until the cause of the scram has been corrected. When the reactor is at power, automatic run-in of the control rods will be initiated by excessive temperature in any one of the four main coolant loops. Interlocks are provided in the main coolant system which prevent opening any of the main stop valves when a difference of more than 50 F. exists between the water temperature in the isolated loop and the reactor vessel.

AUXILIARY SYSTEMS

A low pressure purification system is provided to remove soluble impurities from the main coolant system by ion exchange, and insoluble impurities by mechanical filtering.

A charging and volume control system is used to fill and maintain the level in the main coolant system and to provide a means of charging borated water or other suitable chemical neutron absorber into the main coolant system during plant shutdown.

A pressure control and relief system maintains the required main coolant pressure at the reactor outlet during steady state operation by providing a surge volume in a pressurizer vessel containing a 2-phase mixture of steam and water.

A waste disposal system receives, contains, treats and disposes of all radioactive wastes in such a manner as to yield primarily concentrated solid wastes on resin material, fused solid material, or ashes. Gaseous wastes, which are expected only in small quantities, will be dispersed to the atmosphere under favorable meteorological conditions. All liquid, gaseous and solid discharges during normal plant operation will be monitored to insure that radioactivity levels do not exceed the maximum permissible concentrations.

A shutdown cooling system is provided to remove heat from the main coolant system after normal shutdown procedures during periods of maintenance and fuel replacement. The system circulates main coolant through the reactor by means of circulating pumps and transfers the heat load to the raw river water via heat exchangers.

A monitoring and alarm system will detect, compute, and indicate the radiation level at selected locations inside and outside the plant. If these levels exceed predetermined valves, alarms are actuated.

A corrosion control system supplies hydrogen for injection into the primary coolant system to prevent excessive corrosion of components of the primary plant. The system under normal conditions operates with automatic pressure differential control, but is designed so that it may be operated both automatically and manually.

A sampling system is provided to take periodic samples of the main coolant for evaluation of pH, conductivity, boric acid concentration, and dissolved hydrogen gas concentration. Sampling is a manual operation, except for remotely controlled isolation valves in inaccessible areas.

A vent and drain system provides suitable facilities for discharging all radioactive fluids to the waste disposal system.

A component cooling water system is provided to remove heat from the various reactor plant components in order to maintain them at their required operating temperature and to transfer the absorbed heat from the component cooling water to a raw water supply.

CHEMICAL SHUTDOWN SYSTEM

The functions of the chemical shutdown system are to inject the neutron absorbing chemical into the main coolant system at shutdown to complement the neutron absorbing control rods, and to remove the chemical during plant startup. The system consists of two ion exchangers, a mixing tank and transfer pump for adding approximately 1.6 grams of boron per liter of reactor coolant. This amount of poison * in solution is sufficient to hold the clean cold reactor approximately 3 percent subcritical with at least one of the control rods withdrawn. To accomplish plant shutdown, the neutron absorbing material, boric acid, is injected while the reactor plant is still at operating temperature and pressure. The boric acid is added to the main coolant system over a period of 30 minutes corresponding to a pump flow rate of 100 gpm. During plant startup, the boric acid solution is removed from the main coolant system. This is accomplished by draining part of the reactor coolant, and replacing it with pure water. After circulation and mixing this process is repeated, and after a period of approximately 11 hours only 5 percent of the boric acid remains in the reactor coolant. The remaining boric acid is removed in the ion exchangers, so that after 22 hours the main coolant system has no appreciable amount of boron remaining in solution. Remote means for replacing and disposing of the exhausted resin are provided.

* Poison is a word commonly used in reactor technology to denote a material which absorbs neutrons by parasitic (without useful result) capture. It bears no relation to chemical toxicity.

SAFETY INJECTION SYSTEM

A safety injection system is provided to supply a neutron absorbing chemical solution for cooling the reactor core in the unlikely event of a major rupture of the main coolant system. The system consists of a 110,000 gallon storage tank, two remotely operated pumps and 4 piping lines connecting the borated water storage tank through the pumps to each of the main coolant lines outboard of the main stop valves. Injection at the rated pump capacity of 2400 gpm can fill the reactor to the top of the core in less than 5.5 minutes after loss of coolant from the largest possible break in a main coolant line. The two injection pumps are shut down after the reactor vessel is filled to capacity; thereafter a 100 gpm pump supplies water lost by evaporation due to the release of decay heat. The 125,000 gallon storage tank provides sufficient water to replace decay heat losses for approximately 300 hours after reactor shutdown.

FUEL HANDLING SYSTEM

In order that the reactor may be refueled without hazards to personnel, means are provided for underwater removal and handling of fuel assemblies from the reactor. A shield tank cavity located above and joined to the reactor vessel at its top flange is provided for handling the fuel assemblies underwater as they are withdrawn from the core. It consists of a reinforced concrete, stainless steel lined container which is filled with 25 feet of borated water after the reactor vessel head has been removed. A spent fuel storage pit located outside of the vapor container is filled with 35 feet of water, and has provisions for receiving spent fuel assemblies from the shielded fuel chute connecting the storage pit to the shield tank cavity within the vapor container. A double piston-ended shuttle within the fuel chute is provided for transporting a fuel assembly under positive control up or down the chute.

SHIELDING

Radiation shielding is provided as biological protection wherever a potential health hazard exists, and is divided into five categories according to function: the neutron shield, the primary shield, the secondary shield, the fuel handling shield, and the auxiliary shields. The following radiation levels are used as a design criteria in specifying shielding:

	Mr. per hour
Working stations during full power operation	0.75
Intermittently manned ground level areas during full power operation	2.0
Unmanned ground level area directly beneath vapor container during full power operation	7.5
Fuel handling areas during refueling operations	6.0

VAPOR CONTAINMENT

The vapor container is a steel vessel which surrounds the reactor and main coolant loops and encloses all pressurized parts of the main coolant system. It prevents the release of radioactivity to the atmosphere in the unlikely event of an accident resulting from an uncontrollable rupture and release of fluid from the pressurized loops. When the main coolant system is operating and pressurized, the vapor container is closed and pressure tight. No personnel remain in or enter the vapor container when the plant is in operation. The vapor container is maintained at a pressure slightly higher than atmospheric during plant operation for continuous leakage monitoring.

The vapor container will be a steel spherical shell 125 feet in diameter and ⅞ inch thick. The plate material is A-201, grade B carbon silicon steel made to ASTM specification A-300 and was selected for its superior impact value at low temperatures. The vapor container is built in complete accordance with the ASME Boiler and Pressure Vessel Code, Section VIII, and applicable special rulings.

The internal pressure of the vapor container in the event of complete severance of one 20-inch main coolant line with two open ends and simultaneous rupture of one main steam line is calculated to be 34.5 psig. However, since the Code permits an occasional overpressure of 10 percent above design pressure, the maximum allowable pressure in the container is equal to 34.5 psig. Pipe lines which enter the vapor container and which are not required for normal operation are provided with valves located outside the vessel wall which are normally closed. Pipe lines which are required for normal operation are each provided with two check valves, one inside and one outside the shell. Outgoing operating lines are also provided with a closure trip valve arranged to close automatically on pressure rise in the container. Design leakage rate of the container is 70 cubic feet per hour STP at an internal pressure of 15 psig.

After the vapor container has been erected and all welding, radiographing and magnafluxing has been completed, the vapor container will be completely closed and subjected to field acceptance tests, including an air pressure test, leakage detection test, and a leakage rate test. In addition, the container will be continuously monitored for leakage during plant operation, in order to quantitatively evaluate the leakage rate from the vapor container during operation, and insure its integrity.

STEAM-ELECTRIC PLANT

The secondary plant will ultimately deliver 134 megawatts of electrical power to the New England Power Company transmission system. Steam produced in the primary plant steam generators is supplied to the throttle valve of a tandem compound, double flow turbine, and is exhausted at an absolute pressure of 1.5 inches of mercury to a single pass surface condenser. The generator rating is 161,500 KW at .95 power factor, 18,000 volts and 60 cycles. A steam line to the condenser with a control valve is provided from the secondary side of the steam generator as a by-pass for a portion of the steam. This by-pass may be utilized during startup, shutdown, and any transient plant operating conditions.

A circulating water system provides cooling water for the condenser from Sherman Pond. Three stages of steam extraction are provided from the turbine for heating condensate and feed water in closed feed water heaters. Secondary system make-up is added to the condenser hot well by the main condensate pump from the demineralized water storage tank. Condensate is normally discharged from the condenser hot well by one of two condensate pumps through the air ejector condenser and the feed water heaters to the boiler feed pump suction. Three boiler feed pumps, two of which are required at full power, discharge feed water through a feed water heater to the steam generators.

The net output of the Yankee plant will be normally transmitted at 115 kv over New England Power Company lines to Millbury, Mass. The output of the plant may also be transmitted at 115 kv and at reduced capacity to the Harriman Station of the New England Power Company, located about three miles distant. The 115 kv oil circuit breaker to Millbury will operate normally closed, and the 115 kv oil circuit breaker for the Harriman line normally open. In the event of a 115 kv Millbury line trip out, service is maintained with the fast closing 115 kv oil circuit breaker to Harriman. Two sources of station service power supply are provided. One source is taken from the generator leads through the normal station service transformer, and the second source is supplied from the 115 kv line to the Harriman Station, through the reserve station service transformer.

SITE

The proposed reactor site is located in the town of Rowe, Massachusetts, on the east bank of the Deerfield River at a point approximately three-quarters of a mile south of the Vermont-Massachusetts border. It is adjacent to the Sherman hydroelectric station of the New England Power Company. Yankee and its parent company, New England Power Company, own approximately 2,000 acres located on both sides of the Deerfield River in this area. The plant location in the Southwest section of this tract was chosen because of the level nature of the land, the adequate foundation conditions, the nearness to Sherman Pond for cooling water supplies, and the convenient access by both highway and railroad.

The towns within a 20-mile radius which have a population in excess of 2,500, together with their distances and directions, are as follows:

Town	Population	Airline distance	Direction from site
		Miles	
North Adams, Mass.	21,567	9	WSW.
Adams, Mass.	12,034	12	SW.
Williamstown, Mass.	6,194	13	WSW.
Bennington, Vt.	12,411	17	NW.
Greenfield, Mass.	17,349	19	SE.
Brattleboro, Vt.	11,522	20	NE.

The density of population within a radius of 5 miles of the site is 26 persons per square mile, and there are only two industrial developments within 5 miles of the site. Closely populated areas are found only in the centers of the towns, so that the total land area devoted to housing is small. All of the remaining land is utilized as forest or cultivated crop land, except for railroads and highways.

The Hoosac Tunnel and Wilmington Railroad which connects with the main line of the Boston and Maine Railroad passes the site at distance of 6.5 miles. A State road of blacktop construction follows the Deerfield River, bisecting the 2,000 acre tract owned by the New England Power Company, and forms part of the western boundary of the Yankee site.

The distance from the plant site to the nearest public property, the State road at the western boundary, is approximately 1,000 feet. The distance to the nearest inhabited private dwelling in the town of Monroe Bridge is approximately 4,000 feet. An existing house and barn adjacent to the Sherman hydroelectric station is occupied by the station attendant, and is owned by the New England Power Company. An exclusion perimeter at a distance of 1,000 feet from the plant will be maintained by a barbed wire

fence and chained log barrier, with a guarded access gate.

The most important factor influencing the meteorology of the site is the unusual topography in the immediate vicinity. At the proposed location on the Deerfield River, the elevation of the land is approximately 1,150 feet above sea level. Within a horizontal distance of one mile, the hills on both sides of the river valley rise to an elevation of approximately 2,000 feet. This steep-sloped character of the river valley exists approximately 10 miles down and 12 miles up the river valley from the site. This terrain favors two extreme conditions, namely, highly turbulent flow out of the valley and extremely stable flow within the valley.

The first condition would lead to a wide dispersal over the surrounding area of any contaminants released from the plant. The second condition, occurring under inversion or very stable conditions which prevail 35 percent of the time, would tend to channel any released contaminants within the valley. Populated towns and isolated farm communities out of the valley would be shielded by the ranges of hills on each side of the river, while residents in the valley would be subjected to the effects of the contaminants concentrated in that area.

The plant site is entirely located on the watershed of the Deerfield River. Surface and subsurface drainage is from the high lands east and south of the plant site towards the river. There are eight hydroelectric generating plants and two large storage reservoirs along the Deerfield River. Both the reservoirs and two of the hydroelectric plants are above the site, while the remainder are downstream. There are no downstream towns which use water pumped directly from the main stream of the river for domestic purposes. The general area is seismically stable. No special provisions will be made for seismic design in the plant.

Part II—Hazards Evaluation

General Considerations

The Yankee reactor is generally similar to the Pressurized Water Reactor (PWR) nearing completion at Shippingport, Pennsylvania. The technology of this type of reactor has been advanced considerably in the past few years by the design and operation of Navy propulsion and Army power reactors. It is expected that several years of operation of the PWR will have been completed prior to the operation of the Yankee reactor and will contribute further to the safety and general understanding of this type of reactor.

Since the intended use of this reactor is for the production of electric power, it will not be subject to frequent startups and reloading. Present plans call for refueling shutdowns at intervals of more than a year. Thus, while the amount of fission products built up in the core will be greater than that of a testing or research reactor, the number of startups and hence the probability of a startup accident will be correspondingly reduced. This is an important consideration since this type of accident is often considered the most likely. A possible disadvantage of a long operating cycle is the unknown effect of a large buildup of plutonium. The plutonium may affect the fuel temperature coefficient adversely and thereby reduce this inherent safety characteristic of this reactor.

The applicant plans to use a soluble poison (boron) in the coolant-moderator to complement the neutron absorbing rods in shutting down the reactor. This poison is used to compensate the excess reactivity at low temperatures which is required to overcome the decrease in reactivity caused by heating the reactor coolant to operating temperature. In other reactors of this type, the entire amount of excess reactivity, including that required to go from low to operating temperature, is compensated by mechanically adjustable, neutron absorbing material in control rods or fuel assemblies. In these reactors, soluble poison injected into the coolant is provided for use only in the event of control rod malfunction or other such emergency.

The introduction of boron into the primary coolant tends to reduce the moderator's negative temperature and void coefficients, which are part of the inherent safety features for this reactor type. The effects are described in detail below. The applicant has stated that initially the reactor will not be operated at power with boron in the coolant. This minimizes the concern over the effect of boron on inherent safety features under normal conditions; however, inadvertent reactor operation at power with boron in the coolant cannot be completely ruled out at this time. Another possible consequence of the use of boron is the inadvertent reduction in poison concentration by either precipitation or dilution. This could cause a reactor accident similar to the cold water accident, described below.

Safety Considerations

It is generally recognized that pressurized water reactors exhibit a high degree of inherent stability due primarily to the large negative temperature coefficient of reactivity associated with the large change in density of the coolant-moderator with temperature, superimposed on the somewhat smaller negative temperature coefficient of the fuel itself. A further stabilizing effect results from the negative void coefficient of reactivity, which tends to reduce and limit the reactor power in large transients accompanied by void formation due to boiling. An unstabilizing effect can sometimes result from xenon concentration changes while the reactor is operating at power. These effects in the Yankee reactor are discussed below.

Temperature Coefficient

The temperature coefficient can be divided into two parts; that due to the fuel temperature coefficient and that due to the moderator temperature coefficient.

The fuel temperature coefficient is fast acting and consists of two parts, the oxide expansion coefficient and the Doppler coefficient. The oxide expansion coefficient was estimated to be about a factor of ten smaller than the Doppler coefficient and is, therefore, neglected. Boron in the water has no appreciable effect on the magnitude of the Doppler coefficient which is about -7.0×10^{-6} per degree F., at both room and operating temperature. Plutonium buildup may change the magnitude of the Doppler coefficient but its quantitative effect is not known at this time. However, prior to operation this will be investigated by the applicant and its influence on the Doppler coefficient determined.

The moderator or water coefficient is a property of both the fuel and moderator. The major contribution to the coefficient comes from the expansion of water and is therefore dependent on heat transfer between the fuel and the water. Since the fuel in this reactor is uranium oxide in stainless steel tubes, the effect is delayed because of the relatively poor heat transfer. The applicant has calculated that this coefficient is -2.7×10^{-5} per degree F. rise in coolant temperature at room temperature and -2.7×10^{-4} per degree F. at operating temperature.

The addition of boron to the water decreases the moderator temperature coefficient since heating will cause the water to expand and thereby remove poison from the reactor. This is similar to withdrawing the control rods and causes the reactor power to increase. There are other effects, however, which partially compensate for this, and the composite moderator coefficient remains negative with the boron concentrations under consideration. With the maximum anticipated concentration of boron in the water, the values of the moderator coefficient calculated by the applicant are: -1.6×10^{-5} per degree F. at room temperature and -1.6×10^{-4} per degree F. at operating temperature. Although the magnitude of the coefficient will be reduced by the addition of boron, it appears that it will remain negative and therefore have a stabilizing influence on the dynamic behavior of the reactor.

Void Coefficient

The void coefficient is similar to the moderator temperature coefficient in that it is a property of both the fuel and the water moderator. Because of the relatively poor heat transfer between the fuel and the moderator, the effect of the void coefficient is delayed in its action, especially in a power transient. An over-all void coefficient can be calculated quite easily by assuming that the voids are formed uniformly throughout the water moderator. However, it is extremely difficult to calculate a void coefficient for a local void, i. e., one that is concentrated in one place. Since voids which would be formed under actual operating conditions would be concentrated in specific places in the core, the local void coefficient is the more meaningful and useful of the two coefficients. The over-all void coefficient with no boron in the water has been calculated to be -0.3 percent reactivity change per percent void and with 1.6 grams of boron per liter in the coolant it is about $-0.1\%/\%$ void. The local void coefficients have not been calculated but the applicant has stated that these will be determined in critical experiments prior to operation of the reactor. Since positive void coefficients have an unstabilizing effect on the reactor behavior, i. e., an increase in power creates more voids which increases the reactivity which causes the power to increase faster, the sign and magnitude of the void coefficients are important in determining the dynamic behavior of the reactor.

Xenon Instability

Xenon-135 is a major fission product poison, requiring approximately 5 percent excess reactivity in a high flux reactor. Since any method of removing xenon would increase the reactivity and consequently the power level of the reactor, this possibility should be investigated.

Xenon is produced by beta decay of the direct fission product, iodine-135, and by direct yield from the fissioning fuel. Most of the production comes from the iodine decay. Xenon is lost in a reactor by beta decay of the isotope itself and by neutron capture. The major loss mechanism in a high flux reactor is neutron capture. Therefore, the rate at which xenon is lost follows any change in the neutron flux immediately, but the rate at which it is formed is delayed by the intermediate formation and decay of iodine. When the reactor is operating at a constant neutron flux level, the delay in the production has no influence on the reactor behavior, but when the flux is changing the delay time may have an effect.

For example, if the flux should be increased, the rate at which xenon is removed would be increased while the rate at which it is formed would not increase until some time later. The net effect then, is a removal of the xenon poison which would increase the reactivity and consequently the neutron flux which would cause the xenon to be removed even faster and so on until some opposing effect takes over. Similarly an initial decrease in flux will cause the net xenon concentration to increase and thereby cause the flux to continue to decrease. The temperature coefficient is the opposing effect in most reactors. The increase or decrease in flux is not necessarily limited to the whole reactor but can occur in only part of the reactor. The local effect is even more likely to occur in a large reactor where a neutron born in one part of the reactor is captured before it can diffuse to another more distant part.

Thus it is possible for the neutron flux throughout the entire reactor to increase or decrease, or it is possible for the flux in one part of a large reactor to increase while the flux in another part is decreasing thereby keeping the total flux and power constant. There are, then, two types of xenon instabilities which are possible in a reactor, the first is a power transient due to xenon burnout and the other is xenon oscillation.

Even though these possibilities exist, the time available before core damage is long enough to allow the operator to take corrective action. Although the applicant has not investigated the consequences nor the possibility of this type of instability in detail, he has indicated that he will do so prior to operation of the reactor.

Accidents Considered

Reactor accidents considered by the applicant are of three general types: those associated with reactivity insertion—a startup accident and a cold water accident; the possibility of a chemical reaction between water and the various constituents of the reactor core; and those associated with mechanical failures of the main coolant system—failures of the main coolant pumps and a rupture of the main coolant system. The consequences of a major rupture in the main coolant system were found to be more severe than those of any other, hence this is considered by the applicant to be the maximum credible accident described below.

The startup accident involves the continuous withdrawal of all the control rods at their maximum rate. In the analysis the initial reactor power was assumed by the applicant to be essentially zero and the negative moderator and fuel temperature coefficients limited the excursion to 135 percent of full power. Although there is some doubt concerning the validity of some of the assumptions used in analyzing this accident, we concur with the applicant that it would not be more severe than the maximum credible one.

The cold water accident involves introduction of a quantity of cold water into the core from a previously isolated loop. Valves in the loops are of the slow opening type, and limit the magnitude of this accident. Further, there is a temperature interlock on each loop isolation valve which prevents the opening of that valve if the temperature drop across it is greater than 50 F., and this interlock also must fail for this accident to occur.

The possibility of an accident due to reconnecting an isolated loop in which the boron concentration is different from that in the core is minimized by an operating procedure which requires sampling and chemical analysis of boron concentration before reconnecting a previously isolated loop. We agree with the applicant that the slow opening valves would limit the magnitude of these types of accidents to less than that of the maximum credible accident.

The loss of 1, 2, or 4 coolant pumps when the reactor is at full power operation has been analyzed by the applicant. The analysis indicates that loss of one or two pumps does not result in excessive core temperatures even if the reactor is not scrammed. However, the loss of all 4 pumps does result in extreme core temperatures unless the reactor is shut down. Accordingly, the applicant has incorporated into the safety system a circuit which scrams the reactor when power is lost on three or more pumps. If the reactor is shut down after this accident, evaporation of water in the secondary system provides enough cooling to prevent core damage for about four hours, provided there is natural circulation in the primary system. Evaporation of water in the primary system provides enough cooling for another three hours. Because of this long interval during which corrective action to prevent melting of the fuel elements can be taken and the existence of two separate sources of electrical power to the pumps, we concur with the applicant that this accident would be of much less severity than the maximum credible accident.

Maximum Credible Accident

In practically every reactor it is possible to conceive of a combination of inadvertent and deliberate actions which could cause mechanical, chemical, or nuclear events to take place with an energy release sufficiently great to release all or most of the fission products contained in the reactor. The probability that such potential combinations will in fact take place is so vanishingly small in most reactors as to make it reasonable to assume that, for all practical purposes, they are not possible. However, for every reactor there are other conditions or combination of conditions whose occurrence is considered credible and for which the consequences appear to be greater than those for any other credible accident. Since the occurrence of this accident is considered credible, protection against it for the public must be provided. This maximum credible accident, and the conditions which are assumed to initiate it, will be dependent on the specific design and operating conditions of each reactor.

Through analyses of many conceivable accidents to the Yankee reactor, as described previously, the applicant has concluded that the maximum credible accident for this reactor is a large rupture of a primary coolant line. Such a rupture would cause an immediate and sharp reduction in primary coolant system pressure, accompanied by expulsion of water from the reactor coolant system and the core. Depending on the size of the rupture, the water would be expelled in the three more or less distinct stages:

(1) Solid discharge of subcooled water caused by pressure.

(2) Flash-flow of steam entraining some water.

(3) Emission of steam only, once the level of water in the reactor vessel is below the outlet and inlet nozzles.

The analyses indicate that the control rods will move in to shut down the reactor, upon receipt of a scram signal, despite the upward flow of steam and water. They also indicate that the reactor will not go critical again when the water remaining in the reactor vessel cools off.

The applicant has concluded that the largest possible rupture of credible occurrence is a complete sheering off of a 20 inch O. D. main coolant pipe, the largest diameter main coolant line in the plant. (It was assumed that the larger diameter stainless clad, carbon steel reactor vessel, fabricated and tested according to the best techniques and under the proper codes, would not fail.) With the rupture of the 20 inch primary coolant line, sufficient water would be ejected to uncover the core in 12 seconds, and essentially no water would remain in the reactor vessel after 18 seconds. The safety injection system, described previously, would be placed into operation following the rapid decrease in primary system pressure caused by the rupture. Allowing approximately 2 minutes for the operator to initiate operation of the system, for its remotely operated valves to open, and for the pumps to start; the core would be re-covered in less than 5.5 minutes with water from the borated water storage tank. The applicant has also analyzed the time interval before the first fuel element in the dry core would start to melt from the decay heat of its fission product inventory, taking no credit for the cooling afforded by the safety injection water entering the reactor vessel. This interval was found to be greater than the time required to re-cover the core, hence Yankee has concluded that the fuel elements will not melt and release their fission products as a result of this accident.

Containment Vessel and Exclusion Radius

The applicant states that the maximum credible accident is a large rupture of the primary coolant system. Extensive precautions will be taken to assure that the safety injection system will remain operative during such an accident. This would prevent any melting of the core and consequent release of fission products.

In addition to these precautions, the applicant proposes to provide further protection for the public by containing the reactor within a steel vapor container. This container has been described by the applicant and specified to have a leakage rate of not more than 70 cubic feet per hour at 15 psig.

It is difficult to establish definitely at this time the amount of fission products which might be released into the vapor container under the worst believable conditions. There may be none. In any case, we believe the applicant's assumption, for purposes of illustrative calculation, of a hypothetical release of 20 percent of the volatile fission products is a condition considerably worse than is believed to be credible.

This calculation was made assuming the rupture of the primary coolant system and the uniform dispersion of 20 percent of the volatile fission products within the vapor container after the reactor had been operated for an infinite time at 392 megawatts. There are two effects to be considered, the direct radiation (shine) from the retained fission products, and the consequences of leakage of the fission products from the container. Although the rupture of the largest primary coolant line would result in a pressure within the vapor container initially of 34.5 psig, the condensation of steam would be expected to decrease the pressure to 15 psig within two hours and the container leakage rate would then be 70 cubic feet per hour or less.

The shine upon an unprotected person on the nearest property not owned by the applicant, the state road across the Deerfield River approximately 1,000 feet away, would result in a calculated integrated exposure of 5 roentgens in one hour if the person persisted in remaining at that point for that period of time.

The dose from airborne material at the nearest private dwelling 4,000 feet away in Monroe Bridge was calculated to be only 15 rem to the thyroid. This calculation was made assuming the worst meteorological conditions and that the occupants would breathe the full concentration of the cloud for the first eight hours after the accident.

In view of the numerous conservative assumptions that have been made in these calculations, there would be ample time to take necessary steps to minimize any exposures.

While we cannot say whether or not the maximum credible accident would release fission products into the vapor container, we are convinced that it is not credible to expect releases as great as 20 percent of the total volatile fission products in the core; and we are satisfied that the combination of

containment and exclusion provided is sufficient to prevent serious public exposure, even if accidents which greatly exceed the maximum credible accident postulated by the applicant should occur.

CONCLUSIONS

Based on information contained in the application, including the program of research and experimentation outlined by the applicant, and taking into account the experience which has been and will be gained from design and operation of pressurized water power reactors, there is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public. We are convinced that unresolved problems associated with the design of the Yankee reactor can be satisfactorily solved by programs such as those outlined by the applicant and that there is no reason now apparent for believing that inherently unsafe features exist in a reactor of the type proposed.

The applicant recognizes that present knowledge is insufficient for establishing a final design of the proposed reactor at this time and has outlined an extensive theoretical and experimental program for establishing the basis from which a final safe and satisfactory design can be developed. The principal features of the reactor which at this time appear to need extensive investigation are: the use of soluble poison for control, local boiling in the core, and the large plutonium build-up in the core. The final design of the reactor and necessary operating procedures must reflect awareness of the consequences of these features on reactor safety.

Before issuance of a license to operate this reactor, a review will be made of the final reactor design, plant operating and supervisory procedures, accident analysis, emergency plans, and other relevant safety information, to determine whether the reactor can be operated without endangering the health and safety of the public.

In the meantime, we believe that approval should be granted to the applicant to proceed with plant construction in accordance with plans and specifications submitted in his application, recognizing that these will be subject to change as a result of information to be developed later.

PART III—TECHNICAL QUALIFICATIONS OF THE APPLICANT

Although Yankee will have its own technical staff, it will rely principally on Westinghouse Electric Corporation and Stone & Webster Engineering Corporation for technical advice and engineering in the design and construction of the proposed reactor and power plant. In addition, Yankee has made arrangements for competent consulting services. It is anticipated that members of the future operating staff will be selected during the construction period in order that they may work with and receive instructions from Westinghouse personnel in the design and operation of the plant. It is believed, therefore, that the applicant has arranged for adequate technical assistance.

PART IV—FINANCIAL QUALIFICATIONS OF THE APPLICANT

According to its license application Yankee is a corporation, organized as an "electric company" under Massachusetts utility laws on September 17, 1954. The stockholders of Yankee consist of the following twelve New England electric utilities, in the percentages indicated:

Name	Address	Percentage
New England Power Co.[a]	441 Stuart St., Boston 16, Mass.	30.0
The Connecticut Light and Power Co.	P. O. Box 2010, Hartford 1, Conn.	15.0
Boston Edison Co.	182 Tremont St., Boston, Mass.	9.5
Central Maine Power Co.	9 Green St., Augusta, Maine.	9.5
The Hartford Electric Light Co.	266 Pearl St., Hartford, Conn.	9.0
The Connecticut Power Co.	266 Pearl St., Hartford 15, Conn.	.5
Western Massachusetts Electric Co.	45 Federal St., Greenfield, Mass.	7.0
Public Service Company of New Hampshire.	1087 Elm St., Manchester, N. H.	7.0
Montaup Electric Co.[b]	85 North Main St., Fall River, Mass.	4.5
New Bedford Gas and Edison Light Co.[c]	727 Massachusetts Ave., Cambridge 39, Mass.	2.5
Cambridge Electric Light Co.[c]	727 Massachusetts Ave., Cambridge 39, Mass.	2.0
Central Vermont Public Service Corp.	121 West St., Rutland, Vt.	3.5

[a] Subsidiary of New England Electric System.
[b] Subsidiary of Eastern Utilities Associates.
[c] Subsidiaries of New England Gas and Electric Association.

These twelve stockholders, according to the license application, are the sole stockholders of Yankee and will purchase the entire electrical output of the plant.

The following additional information was furnished by Yankee in its license application:

"Based on present estimates of construction costs, Yankee's capital requirements are estimated at $35,000,000, exclusive of the costs of the preliminary research and development program. The Commission has included the Yankee project in its Power Demonstration Reactor Program, and pursuant to AEC Contract No. AT (30-3)-222, dated June 4, 1956, will assist Yankee in carrying out the research and development program as follows:

Performance of research and development work in AEC facilities—up to	$1,000,000
Reimbursement of the cost of research and development work carried out in other than AEC facilities—up to	4,000,000
Total	5,000,000

Any excess costs of the research and development program will be borne by Yankee.

"Yankee proposes to finance the foregoing capital requirements by the issue of common stock to its stockholder utilities and by the issue and sale of senior securities to other investors. The issue of securities by Yankee and the acquisition thereof by certain of the stockholder utilities will require approval of the Massachusetts Department of Public Utilities and of the Securities and Exchange Commission under the Public Utility Holding Company Act.

"Such approvals have been obtained with respect to Yankee's preliminary financing program, completed in December 1955, pursuant to which the stockholder utilities provided $1,000,000 of funds by the purchase of $500,000 of Yankee's initial common stock and short-term loans of $500,000. See D. P. U. order dated June 30, 1955 (D. P. U. 11173-A), and S. E. C. order dated November 18, 1955 (File No. 70-3396, Holding Company Act Release No. 13,048).

"On May 25, 1956 Yankee received permission from the Securities and Exchange Commission to initiate preliminary discussions with representative members of the financial community, including bankers, underwriters and institutional investors, in order to determine the type and amount of securities which will provide the best overall financing program. When a definitive financing program has been arranged, the details will be supplied by amendment."

According to recent testimony of a Yankee representative before a Congressional committee, the estimated construction cost of the Yankee project has increased from $35,000,000 to a present estimate of approximately $55,000,000. The Yankee representative also testified that Yankee's present plans are to finance the project with about $20,000,000 of first mortgage bonds, $17,000,000 of unsecured debt and $20,000,000 of capital stock.

By letter dated June 4, 1957, Yankee informed the Commission that it has requested authority from the Securities and Exchange Commission to enter into negotiations with prospective purchasers of the senior securities which it intends to include in its permanent financing program. Yankee stated it hopes to be in a position to file an amendment to its license application in the near future, reflecting Yankee's financial qualifications to undertake and carry out the activity proposed in its license application.

In view of these circumstances it is concluded that Yankee has not submitted adequate information to date to justify a determination with respect to its financial qualifications to assume responsibility for the special nuclear material to be furnished by the Commission, to undertake and carry out the proposed use of the material for a reasonable period of time, and to construct and operate the reactor in accordance with the regulations contained in Title 1, Chapter 10, CFR.

The construction permit should, therefore, reflect that Yankee has not submitted to date sufficient information for the Commission to make a finding with respect to the financial qualifications of Yankee, and that the continued effectiveness of the permit will be conditioned upon a showing within twelve months by Yankee that its financial resources are such as to enable the Commission to make the required finding, unless for good cause shown the Commission extends the time for the submission of such data.

PART V—FUEL ALLOCATION

The proposed total allocation of special nuclear material to Yankee during the 40-year course of the license is 6,051.96 kilograms U-235 (contained). The proposed allocation to Yankee may be made within the 50,000 kilograms made available by the President for such distribution. The estimated special nuclear material requirements appear reasonable for a reactor of the proposed design concept and output.

For the Division of Civilian Application.

Dated: July 31, 1957.

H. L. PRICE,
Director.

[F. R. Doc. 57-6369; Filed, Aug. 2, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3607]

PENNSYLVANIA POWER CO.

NOTICE OF FILING REGARDING ISSUANCE OF SHORT TERM NOTES TO BANKS

JULY 26, 1957.

Notice is hereby given that Pennsylvania Power Company ("Pennsylvania"), a public utility subsidiary of Ohio Edison Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 6 (b) of the act and Rule U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Pennsylvania has established a line of credit with each of the following banking institutions under which it proposes to borrow from time to time prior to December 1, 1957 an aggregate of not in excess of $4,500,000.

The First National City Bank of New York	$3,080,000
Mellon National Bank and Trust Co.	750,000
Farmers & Merchants Trust Co.	50,000
The First National Bank of Mercer County, Greenville, Pa.	120,000
First National Bank of Lawrence County	150,000
Lawrence Savings and Trust Co.	100,000
First National Bank in Sharon	75,000
McDowell National Bank	115,000
The Merchants and Manufacturers National Bank of Sharon	60,000
	4,500,000

Of the $4,500,000 proposed to be borrowed, Pennsylvania has, as of July 10, 1957, borrowed $2,000,000 and has issued its notes in evidence thereof. This amount is exempted from the provisions of section 6 (a) by the first sentence of section 6 (b) of the act.

Pennsylvania now requests approval for additional borrowings under the above line of credit in an amount not to exceed $2,500,000, such borrowings to be evidenced by notes to be dated as of the date of such borrowings and to mature not more than nine months after the date of issuance. The notes are to bear interest for 90 days from the date thereof or to any earlier date of payment, at the prime credit rate current at the time of such borrowing which is presently 4 percent per annum; thereafter for 90 days or to any earlier date of payment, interest shall be payable at the prime credit rate current on the 91st day after the date of issue; and thereafter, until maturity or any earlier date of payment interest shall be payable at the prime credit rate current on the 181st day after the date of issue. The notes may be prepaid by Pennsylvania at any time in whole or in part on 24 hours prior written notice to the payee without penalty or premium.

The proceeds from the issuance of the above described notes will be used by Pennsylvania to pay part of the cost of its 1957 construction program which, it is presently estimated, will amount to $13,000,000. As part of the financing required for such program and its continuation in 1958, Pennsylvania now proposes to issue and sell during October 1957 an additional $8,000,000 principal amount of first mortgage bonds, to be made the subject of a later filing with the Commission.

It is estimated that fees, commissions and expenses to be incurred by Pennsylvania will not exceed $1,250, including counsel fees of Messrs. Winthrop, Stimson, Putnam & Roberts which are estimated not to exceed $1,000.

The application states that no State and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any person may, not later than August 12, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereinafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6363; Filed, Aug. 2, 1957; 8:48 a. m.]

[File No. 24B-962]

GOB SHOPS OF AMERICA, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 25, 1957.

I. Gob Shops of America, Inc. (Gob Shops), a Rhode Island corporation, 41 Stukely Street, Providence, Rhode Island, filed with the Commission on January 21, 1957 a notification and an offering circular relating to an offering of 240,000 shares of its 30 cent par value common stock "at the market", but in no event for more than $300,000.00 on its behalf and on the behalf of Ernest Nathan, Theodore Schoenfeld, Joseph S. Porr, Laurence H. Lubin, J. Bowling Bruns, Jr., and Harold S. Coleman for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation promulgated thereunder. Bruns, Nordeman & Co., 52 Wall Street, New York 5, New York was named as underwriter.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the notification fails to contain the information required by Item 9 with respect to unregistered securities of Gob Shops which were sold within one year prior to the filing of the notification by or for the account of persons who at the time were directors of Gob Shops, to wit Laurence H. Lubin and Harold S. Coleman; and

B. The notification and offering circular contain untrue statements of material fact and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning:

1. Unregistered securities of Gob Shops which were sold within one year prior to the filing of the notification by or for the account of persons who at the time were directors;

2. The market for securities of which Gob Shops was the issuer;

3. The market price for securities of which Gob Shops was the issuer;

4. The activities of the underwriter in the market for securities of which Gob Shops was the issuer; and

5. The maintenance, dominance and control by the underwriter of the market for, and market price of, securities of which Gob Shops was the issuer; and

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended, in that use would be made of an offering circular which contains false and misleading statements of material facts as is specified hereinabove.

III. Gob shops of America, Inc. filed with the Commission a request, dated may 22, 1957, for withdrawal of its notification.

IV. *It is ordered,* That Gob Shops of America, Inc.'s request for withdrawal of its notification is denied without prejudice to the right of any interested person to request a hearing on the question whether the Commission should consent to the withdrawal of the notification.

It is further ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is temporarily suspended.

Notice is hereby given to Gob Shops of America, Inc. and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to permit the withdrawal of the notification with the consent of the Commission, and whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the request for withdrawal of the notification shall be denied with prejudice, and the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6364; Filed, Aug. 2, 1957; 8:48 a. m.]

[File No. 24FW-1021]

GUNN AND MCCRARY, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 26, 1957.

I. Gunn and McCrary, Incorporated ("Gunn and McCrary"), a Louisiana corporation, 512 Ricou-Brewster Building, Shreveport, Louisiana, filed with the Commission on April 20, 1956, a notification and an offering circular relating to an offering of 97,900 shares of its $1.00 par value capital stock at $1.00 per share for an aggregate of $97,900, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. Wayne D. Gunn, president, director and an affiliate of Gunn and McCrary, is subject to an order entered on March 27, 1957 by the Commission pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 340 of Regulation B adopted thereunder suspending the effectiveness of the filing of an offering sheet relating to certain non-producing working interests in an oil and gas lease;

B. The terms and conditions of Regulation A have not been complied with, in that:

1. The offering circular fails to contain a statement of cash receipts and disbursements or income and expense as required by Rule 219 (c) (6) and fails to contain a financial statement of Gunn and McCrary's condition of the type required by Rule 219 (c) (6); and

2. Gunn and McCrary has failed to file reports on Form 2-A as required by Rule 224; and

C. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The results to be encountered, if additional wells are drilled to develop Gunn and McCrary's properties;

2. Gunn and McCrary's oil reserves;

3. The location of Gunn and McCrary's properties and the development that had taken place thereon and in the vicinity of the said properties;

4. The nature, size and character of the legal interests that Gunn and McCrary had in the lands to which reference is made in the said offering circular;

5. The production history of the wells of Gunn and McCrary; and

6. The financial condition and history of Gunn and McCrary and more particularly in that the financial statement contains extensions of dollar amounts for non-cash transactions notwithstanding that Gunn and McCrary as of the date of the statement and the date of the offering circular was an extractive company in the promotional, exploratory or development stage; and

D. The use of the offering circular would operate as a fraud and deceit upon the purchasers.

III. *It is therefore ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within twenty (20) days after receipt of such request, the Commission will or, at any time upon its own motion, may set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6365; Filed, Aug. 2, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12107, 12108; FCC 57-800]

RIVERSIDE CHURCH IN CITY OF NEW YORK AND HIGHLAND BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Riverside Church in the City of New York, New York, New York; Docket No. 12107, File No. BPH-2174; Highland Broadcasting Corporation, Peekskill, New York; Docket No. 12108, File No. BPH-2203; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of July 1957;

The Commission having under consideration the above-captioned applications of The Riverside Church in the City of New York, and the Highland Broadcasting Corporation, for construction permits for new Class B FM broadcast stations to operate on 106.7 megacycles (Channel No. 294) in New York City and Peekskill, New York, respectively;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified to operate their proposed stations, but that operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 14, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, in the event of a grant of the application of The Riverside Church in the City of New York, § 3.261 of the Commission's rules is waived to permit 35 hours operation per week.

It is further ordered, That, in the event of a grant of the application of the Highland Broadcasting Corporation, § 3.205 of the Commission's rules is waived to permit the FM studios to be located at the transmitter site of the applicant's companion AM Station, WLNA.

Released: July 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-6376; Filed, Aug. 2, 1957; 8:51 a. m.]

[Docket No. 12109; FCC 57-801]

BEN HILL BROADCASTING CORP. (WBHB)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Ben Hill Broadcasting Corporation (WBHB), Fitzgerald, Georgia; Docket No. 12109, File No. BMP-7573; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of July 1957;

The Commission having under consideration the above-captioned application of Ben Hill Broadcasting Corporation for a modification of construction permit to change the transmitter location of Station WBHB;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station WBHB as proposed, but that the population within the proposed 1000 mv/m contour is approximately 3.5 percent of the population within the proposed 25 mv/m. contour, and therefore not in compliance with § 3.24 (b) (7) of the Commission's rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated April 2, 1957, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a reply on April 25, 1957, and stated that it is willing to accept, as a condition of grant, the responsibility of correcting all reasonable complaints of blanket interference; and

It further appearing that the population residing within the blanketing area is of such magnitude as to constitute a serious violation of the § 3.24 (b) (7) and therefore the Commission is unable to make a determination in this matter on the basis of the information before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information as to whether circumstances exist which would here warrant a waiver of § 3.24 (b) (7) of the rules;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WBHB as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would be in compliance with §§ 3.24 (b) (7) and 3.188 (b) (4) of the Commission's rules with regard to the population within the 1000 mv/m contour, and if compliance with said sections is not achieved, whether circumstances exist which would warrant a waiver of those sections.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-6377; Filed, Aug. 2, 1957; 8:51 a. m.]

[Docket No. 12110; FCC 57-802]

GRAND HAVEN BROADCASTING CO. (WGHN)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Grand Haven Broadcasting Company (WGHN), Grand Haven, Michigan; Docket No. 12110, File No. BP-11160; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of July 1957;

The Commission having under consideration the above-captioned application of Grand Haven Broadcasting Company, for a construction permit to make changes in the antenna system of Station WGHN, Grand Haven, Michigan, (1370 kc, 500 w, D);

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the proposed operation would cause interference to Station WGRY, Gary, Indiana, (1370 kc, 500 w, D); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated April 4, 1957, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a timely reply to the Commission's letter; and

It further appearing that Station WGRY advised by letter of April 15, 1957, that it would appear and participate at a hearing on the application of Grand Haven Broadcasting Company; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WGHN as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Station WGRY, Gary, Indiana, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would be in the public interest.

It is further ordered, That WGRY, Incorporated, licensee of Station WGRY, Gary, Indiana, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the Grand Haven Broadcasting Company and WGRY, Incorporated, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-6378; Filed, Aug. 2, 1957; 8:51 a. m.]

[Docket Nos. 12111, 12112; FCC 57-803]

K. C. LAURANCE AND PHILIP D. JACKSON

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of K. C. Laurance, Medford, Oregon; Docket No. 12111, File No. BP-10622; Philip D. Jackson, Weed, California; Docket No. 12112, File No. BP-11268; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of July 1957;

The Commission having under consideration the above-captioned applications of K. C. Laurence and of Philip D. Jackson, each for a construction permit for a new standard broadcast station to operate on 800 kilocycles with a power of one kilowatt, daytime only, at Medford, Oregon, and Weed, California, respectively;

It appearing that each applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate his proposed station but that the operation of both stations would result in mutually destructive interference; that the proposed operation of Philip D. Jackson would serve a portion of the service area of Station KLAD, Klamath Falls, Oregon, of which Jackson is licensee, and would serve a portion of the service area of a newly authorized standard broadcast station at Redding, California, in which Jackson has a partnership interest and that, therefore, a question may be presented under the provisions of § 3.35 of the Commission's rules on multiple ownership; that K. C. Laurance has alleged that a grant of the application for a standard broadcast sta-

tion at Weed, California, may be in contravention of § 3.35 of the Commission's rules in view of the interests of Philip D. Jackson in other nearby broadcast facilities, and that the application for a new standard broadcast station at Weed was filed to delay a grant of the application of K. C. Laurance with no intention of constructing the station; that in reply to a letter from the Commission dated February 14, 1957, C. E. Wilson, (former partner of Jackson's in a partnership which, prior to April 26, 1957, requested the facilities now requested by Jackson), denied the allegations of K. C. Laurance, stating under oath that it is not believed that the Weed proposal presents any substantial question under § 3.35 of the Commission's rules; that the Weed proposal was not filed for the purpose of delaying a grant of the application of K. C. Laurance; and that it is the "firm representation" of the applicant for the Weed facility that the proposed station will be built if the application is granted; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 15, 1957, of the aforementioned deficiencies, allegations and replies thereto, and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that, K. C. Laurance replied by letter dated May 31, 1957, and reiterated his allegations that a grant of the Weed proposal would be in contravention of § 3.35 of the Commission's rules and that the application for a new station at Weed was filed to delay a grant of Laurance's application; and

It further appearing that Philip D. Jackson replied by letter of June 3, 1957, and ratified the replies of C. E. Wilson to Laurance's allegations and stated that the application for the Redding station had been amended since the date of Wilson's statement to specify another frequency (1270 kilocycles in lieu of 950 kilocycles) with the result that the extent of the overlap between the Redding station and the Weed proposal had been reduced; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the application of Philip D. Jackson would be in contravention of the provisions of § 3.35 of the Commission's rules on multiple ownership.

3. To determine whether the application of Philip D. Jackson was filed for the purpose of impeding, obstructing or delaying a determination on the application of K. C. Laurance.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6379; Filed, Aug. 2, 1957; 8:52 a. m.]

[FCC 57-832]

NOTICE TO SHIP OWNERS, SHIP MASTERS, SHIP RADIO STATION LICENSEES AND OTHERS IN THE MARINE INDUSTRY CONCERNED WITH THE SAFETY OF SHIPS

JULY 30, 1957.

In its January 3, 1957 report on the safety aspects of the collision at sea on July 25, 1956 between the passenger vessels "Stockholm" and "Andrea Doria", the House Committee on Merchant Marine and Fisheries, among other things, invited attention to the safety value of bridge-to-bridge direct radio telephonic communication and advised that this subject should be included in any program for a long range study of Safety of Life at Sea. The report noted that, at present, communication between the bridges of two ships at sea is generally conducted indirectly, i. e., from bridge to radio officer and thence via radiotelegraphy to the second ship's radio officer and finally to the second ship's bridge. It points out that the advantages of more rapid and intimate means of direct communications between ship's bridges by utilization of bridge radiotelephone, which is universal on the large ships sailing the Great Lakes and has proven its worth on those waters as an important navigational safety tool, have not been fully exploited by high seas vessels.

In the normal course of their voyages to the various ports of the world along the globe-girdling networks of sea lanes, ships frequently arrive at busy crossroads such as the scene of the "Stockholm"-"Andrea Doria" catastrophe off Nantucket, where they find it necessary to cross the course of other ships at close quarters. During thick weather, radar on the bridges of two approaching ships may indicate the development of a collision situation, with neither bridge provided with timely foreknowledge as to the course change the other ship's officers will take. Also, ships traveling to and from tidewater ports located on rivers or bays may be required to pass each other while being navigated in very narrow dredged channels, or their approach to each other may be hidden by a sharp turn in the waterway.

In any one of the above-described or other similar situations, the provision of radiotelephone facilities whereby the navigating officers on the ships' bridges could quickly and positively check directly with each other as to the projected navigational or piloting action they each will take should serve to appreciably enhance the continued safety of the ships.

The rules and regulations of the Federal Communications Commission have, continually since 1952, provided for the licensing of installations of low-powered, short-range, compact VHF radiotelephone equipment on vessels. Such equipment can provide the means whereby navigating officers may talk directly with each other from ship bridge to ship bridge. Under the rules, such equipment may be used on United States ships and on ships of other nations within the territorial waters of the United States. A summary of the regulatory requirements, and a list of rule sections applicable to such installations, are appended to this notice for convenient reference.

At this time, the Commission is not aware of any rule amendments that are necessary in order to expedite or facilitate additional voluntary installations of "bridge" VHF radiotelephone equipment. As stated above, such installations on board numerous commercial vessels plying the Great Lakes are in daily use and have demonstrated their value. Hence, this facility is not regarded as a "new device or system" in so far as ships of the United States are involved. All interested persons, however, are urged to give this matter their consideration and to submit to the Commission by not later than October 1, 1957 any comments concerning rule changes which they may believe necessary or desirable to facilitate or encourage the early installation of "bridge" VHF radiotelephone equipment on board more ships of the United States, especially on board more oceangoing ships of the United States Merchant Marine.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

REGULATORY REQUIREMENTS FOR VERY HIGH FREQUENCY (VHF) BRIDGE-TO-BRIDGE RADIOTELEPHONE TRANSMITTERS AND RECEIVERS FOR USE ON BOARD SHIPS OF THE UNITED STATES

The following requirements for VHF transmitters and receivers for bridge-to-bridge (intership) radiotelephone communication are based upon existing Rules and Regulations of the Federal Communications Commission. At the end of the statement of each requirement, the applicable section of the rules is set forth.

TRANSMITTERS

1. Must be type-accepted by the Commission, unless licensed as developmental stations. 8.139 (a) (1).

2. Must be capable of operation by means of class F3 emission on not less than three[1] authorized radio-channels as follows (unless licensed as a developmental station, or unless licensed as a "marine-utility" or other station of a portable nature which is not capable of a plate input power in excess of 3 watts and is not capable of being readily adjusted for operation on more than one radio-channel):

156.8 Mc. for calling and safety communication—156.3 Mc for general intership communication—one other frequency in the band 156.25 Mc to 157.45 Mc authorized for communication with a coast station or stations. 8.106 (c).

3. Class of emission must be F3 (frequency modulation or "FM"), with frequency deviation not to exceed 15 kc when 100 percent modulation is applied. 8.137 (c).

4. Must maintain carrier frequency within 0.005 percent of authorized carrier frequency, or within 0.01 percent if the plate input power does not exceed 3 watts. 8.131 (c) (2).

5. Radiation must be vertically polarized unless special showing of need for other polarization is made and accepted. 8.107 (b).

6. Must automatically prevent modulation in excess of 100 percent (see item 3 above) unless the plate input power does not exceed 3 watts. 8.137 (a).

7. The maximum authorized transmitter power (final radio stage plate input) must not exceed 100 watts except for "marine-utility" stations. For the latter, this power must not exceed 10 watts. 8.134 (e).

8. The emission band-width authorized for the transmission of speech is 40 kc as expressed by the emission designator 36F3. 8.133 (c).

9. Must comply with spurious emission limitations which specify that emission removed from the actual carrier frequency by at least 50 percent but not more than 100 percent of the authorized emission bandwidth (40 kc) shall be attenuated not less than 25 db below the power of the carrier (unless licensed as a developmental station.)[2] 8.136 (a) (1).

10. The "harmonic-frequency" emission, i. e., emission removed in frequency from the actual carrier frequency by more than 100 percent of the authorized emission bandwidth (40 kc) shall be not less than $40+10 \log_{10}$ (power in watts) db below the power of the carrier where the "power in watts" is the maximum "authorized transmitter power" in watts, as the latter power is defined in section 8.7 (11) of the Commission Rules without applying the "power tolerance" prescribed in Rule section 8.110 (a) (unless licensed as a developmental station).[2] 8.136 (a) (2).

RECEIVERS

1. Must be capable of reception of class F3 emission on not less than three[2] authorized radio-channels as follows (unless the associated transmitter is licensed exceptionally as set forth herein in item 2 for Transmitters):

156.8 Mc for calling and safety communication—156.3 Mc for general intership communication—One other frequency in the band 156.25 Mc to 157.45 Mc (or for duplex operation in the band 161.85 to 162.05 Mc—by interpretation of rule) authorized for communication with a coast station or stations. 8.106 (c).

2. Receivers manufactured after October 1, 1956 must meet the requirements of Part 15 with respect to radiation limits, certification and identification of certification, or alternatively be licensed as radio stations. 15.2 (b), 15.62, 15.64, 15.65, 15.66, 15.68. Regardless of certification, however, the receiver shall not cause harmful interference. 15.69, 8.135 (a).

STATIONS AND OPERATION

Other Commission Rules that apply to VHF radiotelephone installations as ship stations, and to related matters, are §§ 8.3 (g) and (i), 8.5 (a), 8.39, 8.40, 8.66, 8.71, 8.102; 8.104 (a), (c), (d), (f) (2), and (g); 8.109, 8.110, 8.111, 8.112, 8.137 (b), 8.155 (a) and 8.366 (b) (3), (c) (2), (e), and (h).

[F. R. Doc. 57-6380; Filed, Aug. 2, 1957; 8:52 a. m.]

[1] The installation can be one multi-channel transmitter or a plurality of separate transmitters for each station.

[2] These limitations may be modified by the findings in Docket 11654.

[2] The installation can be one multi-channel receiver or a plurality of separate receivers for each station.

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 31, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34082: *Roofing and building material, Illinois territory to the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on roofing and building material, carloads, minimum 80,000 pounds from points in Illinois territory to points in southern territory.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariff: Supplement 12 to Agent Raasch's tariff I. C. C. 880.

FSA No. 34083: *Bottles and fence rails between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on glass bottles, carboys, demijohns, jars, noibn, other than cut, carloads, and iron and steel fence rails, not ornamental, carloads between points within Texas over interstate routes.

Grounds for relief: Short-line distance scales, Texas intrastate competition, and circuitous routes.

Tariff: Supplement 43 to Agent Brown's tariff I. C. C. 865.

FSA No. 34085: *Plaster and Wallboard From Gibsonburg and Woodville, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on plaster, wallboard, and related articles, carloads from Gibsonburg and Woodville, Ohio to points in official territory.

Grounds for relief: Modified short-line distance formula, and circuitous routes.

FSA No. 34086: *Glass Containers Between Illinois and Southern Territories.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bottles, carboys, demijohns, jars, etc., carloads between points in Illinois territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Circuitous routes operating in part west of the Mississippi River.

Tariff: Supplement 12 to Agent Raasch's tariff I. C. C. 880.

AGGREGATE OF INTERMEDIATES

FSA No. 34084: *Bottles and Fence Rails Between Points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on glass bottles, carboys, demijohns, jars, noibn, carloads, and iron and steel fence rails, carloads, between points within Texas over interstate routes.

Grounds for relief: Maintenance without use as combination rate factors, of rates between points in Texas established to meet Texas intrastate competition.

Tariff: Supplement 43 to Agent Brown's tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6366; Filed, Aug. 2, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 151

Washington, Tuesday, August 6, 1957

AUG 7 1957
MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10721

THE HONORABLE WALTER F. GEORGE

As a mark of respect to the memory of The Honorable Walter F. George, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 5, 1957

[F. R. Doc. 57-6452; Filed, Aug. 5, 1957; 10:59 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES, CALIF.

ESTABLISHMENT OF FREE, RESTRICTED, AND WITHHOLDING PERCENTAGES FOR 1957–58 CROP YEAR

Notice was published in the July 19, 1957, issue of the FEDERAL REGISTER (22 F. R. 5777) that the Secretary of Agriculture was considering a proposed rule to establish for the 1957–58 crop year free, restricted, and withholding percentages, in connection with the handling of a marketable Deglet Noor and Zahidi varieties of dates, as set forth in such notice. These percentages were proposed after consideration of the unanimous recommendation of the Date Administrative Committee and other available information, in accordance with the applicable provisions of Marketing Agreement No. 127 and Marketing Order No. 103 (7 CFR Part 1003) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In the notice, opportunity was afforded interested persons to file written data, views, or arguments with respect thereto.

No objections to the proposed percentages were submitted. After consideration of all the available information, it is concluded that to establish free percentages, restricted percentages, and withholding percentages as set forth in the aforesaid notice will tend to effectuate the declared policy of the aforesaid act.

Therefore, it is hereby ordered, That the free percentage, restricted percentage, and withholding percentage for the Deglet Noor variety and such percentages for the Zahidi variety of dates for the 1957–58 crop year shall be as follows:

§ 1003.205 *Free, restricted and withholding percentages.* The free percentage, restricted percentage, and withholding percentage of marketable dates of the Deglet Noor variety shall be, for the crop year beginning August 1, 1957, and ending July 31, 1958, as follows: Free percentage, 70 percent; restricted percentage, 30 percent; and withholding percentage, 42.9 percent. The free percentage, restricted percentage, and withholding percentage of marketable dates of the Zahidi variety shall be, for the crop year beginning August 1, 1957, and ending July 31, 1958, as follows: Free percentage, 80 percent; restricted percentage, 20 percent; and withholding percentage, 25 percent.

It is hereby found and determined that good cause exists for not postponing the effective date of this document later than the date of its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Handlers need to know with certainty and as soon as is practicable the withholding percentages which shall apply against their shipments of marketable Deglet Noor and Zahidi varieties of dates handled during the 1957–58 crop year; (2) since the free, restricted, and withholding percentages established for the 1956–57 crop year for Deglet Noor dates continue to apply until the percentages for the 1957–58 crop year become effective, it is necessary that the percentages for the 1957–58 crop year become effective soon so as to minimize adjustments; and (3) handlers are aware that percentages were proposed for the 1957–58 crop year and they should need no additional advance notice for

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compliance with this regulation. In these circumstances, this document should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated July 31, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-6417; Filed, Aug. 5, 1957; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6434]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MANDEL BROTHERS, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; usual as reduced, special, etc. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Mandel Brothers, Inc., Chicago, Ill., Docket 6434, July 5, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Comission charging a Chicago furrier with violating the Fur Products Labeling Act by failing to label and invoice fur products as required, by misrepresenting prices and values in advertising in newspapers, and by failing to keep adequate records for such price claims.

Following hearings in due course, the hearing examiner made his initial decision including findings and order to cease and desist, from which the parties filed cross-appeals. The Commission on July 5 granted in part and denied in part the appeal of respondent and granted that of complaint counsel, modified the conclusions of law in the initial decision, and substituted its own order for that of the hearing examiner.

The order to cease and desist, substituted by the Commission, is as follows:

It is ordered, That respondent, Mandel Brothers, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce; and

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form or in handwriting;

(b) Non-required information mingled with required information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth required information in abbreviated form.

3. Failing to show the item number or mark of fur products on the invoices pertaining to such products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondent has usually and customarily sold such products in the recent regular course of its business;

D. Making pricing claims or representations of the type referred to in Paragraph C above, unless there is maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondent, Mandel Brothers, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 5, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-6406; Filed, Aug. 5, 1957; 8:49 a. m.]

[Docket 5814]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MANHATTAN BRUSH CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Manhattan Brush Co., Inc., et al., New York, N. Y., Docket 5814, July 3, 1957]

In the Matter of Manhattan Brush Company, Inc., a Corporation, and Robert S. Gillman and Norman B. Bloom, Individually and as Officers of Manhattan Brush Company, Inc.

This case was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with marking paint and varnish brushes which contained quantities of horsehair, with the words "Pure Bristle", representing thereby that they were composed entirely of the higher priced genuine bristle of swine.

In the course of lengthy proceedings, the examiner filed an initial decision ordering the complaint dismissed, from which complaint counsel appealed; petitions of three brush manufacturers' associations to intervene were granted and their briefs concerning the appeal were filed; the Commission granted complaint counsel's motion to withdraw his appeal, set aside the initial decision, appointed a substitute hearing examiner on the retirement of the original, and remanded the proceeding for the reception of additional testimony. On the basis of the testimony had both before the original hearing examiner and before the substitute subsequent to the remand, the hearing examiner made his initial decision, including extensive findings, conclusions and order.

From this, counsel for respondents appealed. The Commission, in its order of July 3, denied the appeal, modified the order to cease and desist, and adopted the initial decision as the decision of the Commission.

The order to cease and desist, substituted by the Commission, is as follows:

It is ordered, That the respondents, Manhattan Brush Company, Inc., and Robert S. Gillman and Norman B. Bloom, individually, and as officers of Manhattan Brush Company, Inc., and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale, offering for sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' product paint brushes, do forthwith cease and desist from:

1. Using the words "Pure Bristle" or "bristle," or any other word or term of similar import or meaning, either alone or in connection with other words, to designate, describe or refer to any product which is not composed wholly of bristle of the hog or swine: *Provided, however*, that in the case of a product composed in part of bristle and in part

of horsehair or other fibers, the word bristle may be used as descriptive of such fiber content if there are used in immediate conjunction therewith, in letters of equal conspicuousness, words truthfully describing, in the order of their predominance, all constituent materials.

2. Representing in any manner that any of respondents' brushes contain bristle in greater quantity than is actually the case.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

It is further ordered, That the initial decision of the substitute hearing examiner, as modified herein, be, and it hereby is, adopted as the decision of the Commission.

Issued: July 3, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6387; Filed, Aug. 5, 1957; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54409]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

EXTENSION OF LIMITS OF CUSTOMS PORT OF HOUSTON, TEX.

JULY 31, 1957.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR 1951 Supp., Ch. II), the limits of the customs port of entry of Houston, Texas, in Customs Collection District No. 22 (Galveston), comprising the territory within the corporate limits of that city, are hereby extended to include the territory embracing that portion of Harris County, State of Texas, lying east of the corporate limits of Houston, bounded on the north by Crosby Road, and on the south by Clear Creek and Clear Lake, effective on the date of publication of this Treasury Decision in the FEDERAL REGISTER.

Section 1.1 (c), Customs Regulations, is amended by adding "(including territory described in T. D. 54409)" opposite "*Houston" in the column headed "Ports of entry" in District No. 22 (Galveston).

(R. S. 161, 5 U. S. C. 22. Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

[SEAL] DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 57-6412; Filed, Aug. 5, 1957; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-422]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 10—CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES OF CURRENT DESIGN

Correction

In Federal Register Document 57-6165, appearing at page 5945 of the issue for Saturday, July 27, 1957, the following change should be made:

In 4T.118 on page 5949, the reference "§§ 4b.119 and 4b.120" should read "§§ 4T.119 and 4T.120".

[Reg. SR-368B]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; AUTHORIZATION FOR SCHEDULED AIR TRANSPORTATION OF CARGO OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of July 1957.

Special Civil Air Regulation No. SR-368A currently authorizies air carriers, appropriately authorized by the Board to engage in scheduled cargo-only operations outside the continental limits of the United States, to conduct such operations under the provisions of Part 42 of the Civil Air Regulations. This authorization terminates July 31, 1957.

At the time the Board promulgated SR-368A, it indicated that the regulation was a temporary measure pending the development of adequate certification and operation rules for scheduled air transportation of cargo outside the continental limits of the United States. Although certain proposals in this matter have been circulated to interested persons for comment, the Board has not acted on these rules as yet; hence it is considered desirable to continue the authorization currently in effect.

Civil Air Regulations Draft Release No. 56-17, "Proposed Revision of Part 41 of the Civil Air Regulations—Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States," proposes that scheduled cargo-only operations be conducted under Part 42 when authorized by the Administrator. This was also proposed in the published notice of rule making on this special regulation and no adverse comment was received on this point. For this reason and because it is anticipated that revised Part 41, following publication in accordance with public rule making procedures, will contain a requirement that authorization be obtained from the Administrator prior to conducting such cargo operations, such a requirement has been incorporated in this special regulation.

Interested persons have been afforded an opportunity to participate in the making of this regulation (22 F. R. 4239), and due consideration has been given to all relevant matter presented. Since it imposes no additional burden on any person, this regulation may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective August 1, 1957.

Any air carrier authorized by the Board pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, to engage in scheduled air transportation of cargo outside the continental limits of the United States may, upon authorization by the Administrator, conduct such transportation under the air carrier certification and operation rules prescribed in Part 42 of the Civil Air Regulations.

This regulation supersedes Special Civil Air Regulaton No. SR-368A and shall remain in effect until such time as new certification and operation rules become effective for cargo operations outside the continental limits of the United States, unless sooner terminated or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-6420; Filed, Aug. 5, 1957; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.325]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

DIRECT TRANSIT DOCUMENTARY WAIVER

Part 41, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respect:

Paragraph (b) of § 41.6 *Nonimmigrants not required to present passports, visas, or border crossing identification cards* is amended to read as follows:

(b) The provisions of section 212 (a) (26) of the act relating to the requirement of passports, visas, and border crossing identification cards for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (C) of the act in the cases of aliens (including alien crewmen) who fall within the following described category:

(1) An alien, other than an alien who is a citizen of Albania, Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Hungary, Latvia, Lithuania, North Vietnam (Viet Minh), the Peoples Democratic Republic of Korea (North Korea Regime), the Peoples Republic of China, Poland, Rumania, or the Union of Soviet Socialist Republics, and resident of one of said countries, who is being transported in immediate and continuous transit through the United States in accordance with the terms of a contract, including a bonding agreement, entered into between the transportation line and the Attorney General under the provisions of section 238 (d) of the act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided,* That at all times such alien is not aboard an aircraft which is in flight through the United States he shall be in the custody of an officer of the United States or, if the Attorney General finds that such custody is not practicable, in such other custody as may be approved by the Attorney General.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

Dated: July 22, 1957.

RODERIC L. O'CONNOR, *Administrator, Bureau of Security and Consular Affairs, Department of State.*

Dated: July 24, 1957.

J. M. SWING, *Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.*

[F. R. Doc. 57-6402; Filed, Aug. 5, 1957; 8:48 a. m.]

[Dept. Reg. 108-326]

PART 68—EXCHANGE-VISITOR PROGRAM

Part 68, Chapter I, Title 22 of the Code of Federal regulations is amended to read as follows:

Sec.
68.1 Definitions.
68.2 Application for Exchange-Visitor Program designation.
68.3 Action on applications for Exchange-Visitor Program designation.
68.4 Notification to exchange visitors.
68.5 Application for extensions of stay and program transfers by exchange visitors.
68.6 Application for waiver of the provisions of Public Law 555, 84th Congress.
68.7 Action on applications for waiver of the provisions of Public Law 555, 84th Congress.

AUTHORITY: §§ 68.1 to 68.4 issued under sec. 4, 63 Stat. 111; 5 U. S. C. 151c. Interpret or apply secs. 201, 1005, 1009, 62 Stat. 7, 14; 22 U. S. C. 1446, 1437, 1440.

CROSS REFERENCES: For consular procedure with respect to issuance of visas to exchange visitors, see 22 CFR 41.41 of this chapter.

§ 68.1 *Definitions.* (a) As used in this part the term "act" refers to the United States Information and Educational Exchange Act of 1948, as amended.

(b) As used in this part the term "sponsor" means any existing reputable United States agency or organization or recognized international agency or organization having United States membership and offices which makes application as hereinafter prescribed to the Secretary of State for designation of a program under its sponsorship as an "Exchange-Visitor Program."

(c) As used in this part, the term "Exchange-Visitor Program" means a program of a sponsor designed to promote interchange of persons, knowledge and skills, and the interchange of developments in the field of education, the arts, and sciences, and concerned with one or more of the categories of exchange visitors defined in paragraph (e) of this section, which has been designated as such by the Secretary of State, and in actual operation serves to promote mutual understanding between the people of the United States and the people of other countries.

(d) As used in this part, the term "Secretary" means either the Secretary of State or an officer duly designated by him.

(e) As used in this part, the term "Department" means the Department of State.

(f) As used in this part the term "cooperating country" means any country with which the Department is authorized to conduct exchange of persons under the provisions of Section 201 of the Act.

(g) As used in this part the term "exchange visitor" means any foreign national who has been selected by a sponsor to participate in an Exchange-Visitor Program and who is seeking to enter or has entered the United States temporarily in one of the following categories:

(1) A "student", for the purpose of study, research, or training at, or under the auspices of, an established school or institution of learning, or

(2) A "trainee", for the purpose of obtaining practical training in a specialized field of knowledge and skill in a nonacademic institution or agency, or

(3) A "teacher", for the purpose of teaching in established primary or secondary schools, or established schools offering specialized instruction, or

(4) A "guest instructor", for the purpose of imparting knowledge through lectures or special instruction, or

(5) A "professor", for the purpose of teaching or advanced research, or both, in an established institution of higher learning, or

(6) A "leader in a field of specialized knowledge or skill", for purposes of observation, consultation, advanced research or training or the sharing of such specialized knowledge or skill.

(h) As used in this part the term "participant" means a foreign national who has effected his admission into the United States as an exchange-visitor or who has acquired exchange-visitor status subsequent to admission.

§ 68.2 *Application for Exchange-Visitor Program designation.* (a) Any sponsor may apply to the Secretary for designation of a program under its sponsorship as an "Exchange-Visitor Program." Such application shall be made on Form DPS-37, "Exchange-Visitor Program application." The application shall be completed in all details and shall be submitted to the Secretary.

(b) Each sponsor shall assume, inter alia, in the application the obligation to:

(1) Notify the District Director of the Immigration and Naturalization Service having administrative jurisdiction over the participant's place of temporary residence when (a) a participant has completed the sponsor's program and is scheduled to depart from the United States or to transfer to another Exchange-Visitor Program, or (b) a participant has ceased to engage in the activity for which he was admitted and to maintain exchange-visitor status.

(2) Instruct any participant requiring a temporary extension of stay to apply to the Immigration and Naturalization Service at least 30 days before the expiration of the participant's stay and provide the participant requiring the extension with written evidence showing the period and terms of the extension desired.

(3) Provide any participant requiring transfer to another Exchange-Visitor Program with a release in writing which will certify to the need or desirability of further Exchange-Visitor Program participation.

§ 68.3 *Action on applications for Exchange-Visitor Program designation—*(a) *Evidence.* Whenever an application for program designation on Form DSP-37 is submitted to the Secretary, it shall be examined to ascertain the adequacy of the information furnished. If sufficient information has not been furnished, the sponsor shall be requested to supply information in which the application is deficient. In addition to the information furnished on the DSP-37, the Secretary may require a sponsor to present any evidence of a documentary nature, e. g., program reports, institutional catalogues, letters of professional recognition, accreditation, or approval, which he may consider necessary in making his determination of the eligibility of the program to be designated as an Exchange-Visitor Program.

(b) *Decision by the Secretary of State.* Upon receipt and consideration of the Form DSP-37, including any required additional evidence, the Secretary may in his discretion designate the sponsor's program as an Exchange-Visitor Program. The Secretary will notify the sponsor in writing of his decsion. The Secretary may in his discretion revoke designation of an Exchange-Visitor Pro-

gram for any sufficient cause, including but not restricted to: (1) Failure to maintain educational standards as established by competent professional agencies; (2) failure to submit reports on program operation when requested by the Secretary.

(c) *Assignment of serial number.* (1) If designation is made, the program will be assigned a number within one of the following series:

G–I—Programs sponsored by the International Educational Exchange Service.
G–II—Programs sponsored by the International Cooperation Administration.
G–III—Programs sponsored by the United States Information Agency.
G–IV—Programs sponsored by international agencies or organizations.
G–V—Programs sponsored by national, state, or local governmental agencies.
P–I—Programs sponsored by educational institutions such as schools, colleges, universities, seminaries, libraries, museums, and institutions devoted to scientific and technological research.
P–II—Programs sponsored by hospitals and related institutions.
P–III—Programs sponsored by non-profit associations, foundations and institutes.
P–IV—Programs sponsored by business and industrial concerns.
P–V—Programs sponsored by host institutions and organizations to international conferences, congresses, and symposia.

(2) The sponsor will thereafter refer to the serial number in any correspondence with the Secretary, consular officers, or the Immigration and Naturalization Service concerning the Exchange-Visitor Program or any individual included in such program.

(d) *Notification to consuls and the Immigration and Naturalization Service.* When a program has been designated as an Exchange-Visitor Program, the American consular officers concerned and the Commissioner of Immigration and Naturalization shall be notified by the Department of the sponsor, serial number, and nature and purpose of the program.

§ 68.4 *Notification to exchange visitors.* The officer designated as the Responsible Officer of an Exchange-Visitor Program shall execute a Form DSP–66 in a single original copy and furnish it to each selected participant for presentation to the American consular office in applying for a visa. The Responsible Officer is required to furnish in the Form DSP–66 the time and terms of the proposed exchange visit which must be demonstrably within the scope of the designated Exchange-Visitor Program concerned. The exchange visitor must present a Form DSP–66 properly filled out by the sponsor and must personally execute the reverse to be eligible for a visa and must present, at the port of entry, Form DSP–66 endorsed by the consular officer issuing the visa to be eligible for admission into the United States.

§ 68.5 *Applications for exchange-visitor status, extensions of stay, and program transfers.*—(a) *Application for change of status to exchange-visitor.* Such application shall be made by the prospective exchange visitor who has been admitted into the United States in one of the nonimmigrant classifications specified in 101 (a) (15) of the Immigration and Nationality Act and who has maintained bona fide nonimmigrant status to the office of the Immigration and Naturalization Service nearest the alien's place of temporary residence. The application must be accompanied by a Form DSP–66 properly executed by the sponsor and the prospective exchange visitor. The Immigration and Naturalization Service officer to whom application is made may request the views of the Department prior to the granting of the change of status in those cases in which (1) the applicant has resided in the United States for a period of one year or longer immediately preceding his application, or (2) the officer cannot determine from the evidence submitted that the program activity proposed for the applicant is clearly within the scope of the designation of the Exchange-Visitor Program concerned, or that the selection procedures agreed upon between the sponsor and the Department of State at the time of the designation have been followed.

(b) *Application for extension of stay.* Such application shall be made at least 30 days before the expiration of the exchange-visitor's authorized stay to the District Director of the Immigration and Naturalization Service having administrative jurisdiction over the exchange visitor's place of temporary residence. The application shall be accompanied by the Form DSP–66 with which the exchange-visitor originally obtained status, properly endorsed by the sponsor to show the time and terms of the extended stay for which application is made. If the application falls within one of the categories of cases which the Department has advised the Immigration and Naturalization Service are questionable from an exchange point of view, or should be subject to special checks, the Immigration and Naturalization Service may refer the application to the Department for its views prior to action on the application.

(c) *Application for program transfer.* An application for permission to transfer from one designated Exchange-Visitor Program to another must be submitted to the District Director of the Immigration and Naturalization Service nearest the exchange visitor's place of temporary residence by the exchange-visitor concerned at least thirty days before participation in the program to which the exchange visitor wishes to transfer is scheduled to begin. Any application for program transfer must be accompanied by a duly executed Form DSP–67. The District Immigration and Naturalization Service Office concerned may request the views of the Department as to whether or not a proposed transfer is in the best interests of international exchange in any case in which the applicant is unable to present a certificate of release from the current sponsor, in which it appears that the transfer is solely or principally for the purpose of continuing the residence and employment of the exchange visitor in the United States, or in which the officer cannot perceive clear progress toward an educational objective, before granting the exchange visitor permission to transfer.

§ 68.6 *Application for waiver of the provisions of Public Law 555, 84th Congress.* Any exchange visitor or former exchange visitor who desires to have all or part of the foreign residence requirement, provided in Public Law 555, 84th Congress, waived may apply to the District Director of the Immigration and Naturalization Service having administrative jurisdiction over his intended place of permanent residence in the United States. Such application shall consist of an affidavit as to the facts concerning the admission and stay of the exchange visitor or former exchange visitor and the reason or reasons why the applicant desires to apply for permanent residence to commence before the completion of the foreign residence requirement. The application must be supported by documentary evidence that ineligibility for permanent residence status would (a) impose undue hardship upon the exchange visitor that could not have been anticipated at the time exchange visitor status or the last extension of stay as an exchange visitor was granted, or (b) be clearly detrimental to a program or activity of official interest to a United States agency, or (c) impose undue restriction on a foreign national who paid a visit of 90 days or less to the United States as an exchange visitor at the request of a United States institution or agency to contribute to a project or program of the institution or agency. Former exchange visitors who have returned abroad may make application to the nearest American consular office.

§ 68.7 *Action on applications for waiver of the provisions of Public Law 555, 84th Congress.* The District Director of the Immigration and Naturalization Service shall forward any application received, together with any documents submitted therewith, to the Department through the appropriate Regional Commissioner. The consular office shall forward any application received directly to the Department. The Secretary shall review each application to determine that it does not constitute misuse of the exchange program on the part of foreign nationals or United States institutions or agencies. After review of the application, the Secretary may in his discretion recommend that the application be granted or denied. The recommendation of the Secretary shall be forwarded by the Department to the Regional Commissioner of the Immigration and Naturalization Service having jurisdiction over the district office in which the application was filed.

RUSSELL L. RILEY,
Director,
International Educational Exchange Service.

JULY 26, 1957.

[F. R. Doc. 57–6403; Filed, Aug. 5, 1957; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1455]

[1959593 et al.]

[DA's–118, 126, 128, 129—Arizona]

ARIZONA

POWER SITE CANCELLATION NO. 117, GILA RIVER; POWER SITE RESTORATION NO. 500, GILA AND SAN FRANCISCO RIVERS; PARTIALLY REVOKING THE DEPARTMENTAL ORDER OF FEBRUARY 1, 1917, WHICH WITHDREW LANDS IN WATER POWER DESIGNATION NO. 4; PARTIALLY REVOKING THE EXECUTIVE ORDERS OF MARCH 1, 1912, OCTOBER 23, 1924, AND NOVEMBER 22, 1924, WHICH CREATED POWER SITE RESERVES NOS. 242, 758, AND 759, RESPECTIVELY

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of June 20, 1910 (36 Stat. 557, 575), it is ordered as follows:

[70188]

[1959593]

1. The Executive orders of March 1, 1912, October 23, 1924, and November 22, 1924, creating Power Site Reserves Nos. 242, 758, and 759, respectively, and the departmental order of February 1, 1917, withdrawing lands in Water Power Designation No. 4, are hereby revoked so far as they affect the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 15 E.,
Sec. 1, S½SE¼;
Sec. 12, N½NE¼.
T. 3, S., R. 16 E. (partly unsurveyed),
Sec. 36, N½S½.
T. 4 S., R. 16 E.,
Sec. 6, E½SE¼;
Sec. 7, lot 4, W½SE¼;
Sec. 10, N½NE¼;
Sec. 11, N½NW¼ and NE¼SE¼;
Sec. 14, E½SE¼;
Sec. 16, N½ NW¼;
Sec. 17, S½SE¼;
Sec. 20, W½NE¼;
Sec. 22, SW¼NW¼;
Sec. 23, NE¼NE¼, S½SW¼, and S½SE¼.
T. 3 S., R. 17 E.,
Sec. 13, S½S½;
Sec. 19, SE¼;
Sec. 20, S½;
Sec. 21, S½;
Sec. 22, S½SW¼ and SE¼;
Sec. 23, NE¼NE¼, S½N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 24, N½N½ and SW¼NW¼;
Sec. 25, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 26, S½SE¼;
Sec. 27, N½NE¼, SW¼NE¼, N½NW¼, and SE¼NW¼;
Sec. 28, S½SW¼;
Sec. 29, NW¼NW¼ and S½SE¼;
Sec. 30, lots 3, 4, NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 31, lots 1, 2, and NE¼NW¼;
Sec. 32, NE¼, SE¼NW¼, and SW¼;
Sec. 33, W½NE¼, SE¼NE¼, NW¼, and SE¼;
Sec. 34, S½;
Sec. 35, NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 36, N½NW¼.
T. 4 S., R. 17 E.,
Sec. 5, lots 3, 4, S½NW¼, and W½SW¼;
Sec. 6, lot 1, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 7, lots 1, 2, NE¼, and E½NW¼.
T. 4 S., R. 22 E.,
Sec. 11, lots 3 and 4;
Sec. 12, S½NE¼, NW¼NW¼, and S½NW¼.
T. 4 S., R. 29 E.,
Sec. 12, lots 1 to 10, incl., NE¼NE¼, S½SW¼, and NW¼SE¼;
Sec. 13, SW¼NE¼, E½NW¼, NW¼NW¼, and S½SW¼;
Sec. 24, NW¼NE¼, S½NE¼, E½W½, and SE¼;
Sec. 25, lots 1, 3, 4, 5, 6, 7, N½NE¼, SE¼SW¼, and S½SE¼.
T. 5 S., R. 29 E.,
Sec. 1, lots 2, 3, 4, 7, 8, 9, 12, 13, 14, 15, 16, and 17;
Sec. 10;
Sec. 11, W½NE¼, NW¼, N½SW¼;
Sec. 12, lots 3 and 4;
Sec. 13, lots 5 to 16, inclusive;
Sec. 14, E½SE¼;
Sec. 15, N½NE¼, NW¼, and N½SW¼;
Sec. 23, N½;
Sec. 24, NW¼.
T. 3 S., R. 30 E. (partly unsurveyed),
Sec. 1, lots 3, 4, S½NW¼, and NW¼SW¼;
Sec. 2;
Sec. 3, S½NE¼, E½SW¼, and SE¼;
Sec. 9, SW¼SW¼, E½SW¼, and NE¼NE¼;
Sec. 10, E½NE¼, NW¼NW¼, and NE¼SE¼;
Sec. 11, SE¼SE¼;
Sec. 12, S½NE¼, NE¼SW¼, and SE¼;
Sec. 13, N½NE¼, NW¼, and NW¼SW¼;
Sec. 14, NE¼NE¼, S½NE¼, and S½;
Sec. 15, E½SE¼;
Sec. 16, NW¼;
Sec. 17, NE¼, SE¼NW¼, SW¼, and SE¼;
Sec. 19, E½NE¼ and SE¼;
Sec. 20, E½NE¼, SW¼NE¼, W½W½, SE¼SW¼, and SE¼;
Sec. 21, S½NE¼ and S½;
Sec. 22, N½NE¼, S½N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 23, N½NW¼ and SW¼NW¼;
Sec. 27, W½NW¼;
Sec. 28;
Sec. 29;
Sec. 30, E½ and E½SW¼;
Sec. 31;
Sec. 32;
Sec. 33, W½NE¼ and W½.
T. 4 S., R. 30 E.,
Sec. 4, lots 1, 2, S½NW¼, and SW¼;
Sec. 6, lots 2, 3, 4, 5, SW¼NE¼, and SE¼NW¼;
Sec. 7, SW¼SE¼ and E½SE¼;
Sec. 8, SW¼ and W½SE¼;
Sec. 17, W½;
Sec. 18, E½;
Sec. 19, E½SE¼;
Sec. 20, W½;
Sec. 29, W½ and W½SE¼;
Sec. 30, E½NE¼.
T. 5 S., R. 30 E.,
Sec. 5, lots 3, 4, S½NW¼, and SW¼;
Sec. 7, NE¼NE¼, S½NE¼, and SE¼;
Sec. 8, NW¼, N½SW¼, and SW¼SW¼;
Sec. 18, lot 2, SE¼NW¼, and NE¼.
T. 3 S., R. 31 E.,
Sec. 2, lots 2, 5, 6, E½SW¼, and SW¼SE¼;
Sec. 3, lots 2, 3, SE¼NW¼, and NE¼SW¼;
Sec. 4, SW¼NW¼, SW¼, and E½SE¼;
Sec. 5, S½NW¼ and N½SE¼;
Sec. 6, SE¼NE¼, E½SW¼, and SE¼;
Sec. 7, NE¼ and NE¼NW¼;
Sec. 9, NE¼, E½NW¼, and S½;
Sec. 10, S½NE¼, NW¼, and SW¼SW¼;
Sec. 11, W½NW¼.
T. 4 S., R. 31 E.,
Sec. 5, SW¼;
Sec. 6, lots 1, 2, 3, 4, 5, SE¼NW¼, S½NE¼, E½SW¼, and SE¼;
Sec. 7, lot 5;
Sec. 8, NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 19, NE¼NW¼;
Sec. 20, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼SE¼, and N½SE¼;
Sec. 28, W½W½ and SE¼SW¼;
Sec. 30, lots 5 and 7;
Sec. 31;
Sec. 33, W½ and W½SE¼.
T. 2 S., R. 32 E.,
(Unsurveyed) All lands within one mile of San Francisco River.

The areas described aggregate approximately 31,259 acres.

2. The following-described lands are within the Gila National Forest and have been open to applications and offers under the mineral-leasing laws. They also have been open to location under the mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621). They will be open to such other applications, selections and locations, as are permitted on national forest lands effective at 10:00 a. m. on September 5, 1957.

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 30 E.,
Sec. 1, lots 3, 4, S½NW¼, and NW¼SW¼;
Sec. 2, lots 1, 3, S½N½, and SE¼;
Sec. 3, S½NE¼, E½SW¼, and SE¼;
Sec. 9, NE¼NE¼, NE¼SW¼, and S½SW¼;
Sec. 10, E½NE¼, NW¼NW¼, and NE¼SE¼;
Sec. 11, SE¼SE¼;
Sec. 12, S½NE¼, NE¼SW¼, and SE¼;
Sec. 13, N½NE¼, NW¼, and NW¼SW¼;
Sec. 14, E½NE¼, SW¼NE¼, and E½SE¼;
Sec. 15, E½SE¼;
Sec. 16, NW¼;
Sec. 21, S½NE¼ and S½;
Sec. 22, NE¼, S½NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 23, N½NW¼ and SW¼NW¼;
Sec. 27, W½NW¼;
Sec. 28;
Sec. 33, W½NE¼, SE¼NE¼, NW¼, and SE¼.
T. 3 S., R. 31 E.,
Sec. 2, lots 2, 5, E½SW¼, and SW¼SE¼;
Sec. 3, lots 2, 3, SE¼NW¼, and NE¼SW¼;
Sec. 4, SW¼NW¼, SW¼, and E½SE¼;
Sec. 5, S½NW¼ and N½SE¼;
Sec. 6, SE¼NE¼, E½SW¼, and SE¼;
Sec. 7, NE¼ and NE¼NW¼;
Sec. 9, NE¼, E½NW¼, and S½;
Sec. 10, S½NE¼, NW¼, and SW¼SW¼;
Sec. 11, W½NW¼.
T. 2 S., R. 32 E.,
(Unsurveyed) All lands within one mile of San Francisco River.

The areas described aggregate approximately 10,804.62 acres.

3. The following-described lands have been patented without a reservation of mineral to the United States:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 15 E.,
Sec. 1, S½SE¼;
Sec. 12, N½NE¼.
T. 4 S., R. 16 E., (partly unsurveyed),
Sec. 7, lot 4 and W½SE¼;
Sec. 16, N½NW¼.
T. 4 S., R. 29 E.,
Sec. 12, lot 8, NE¼NE¼, and SE¼SW¼.
T. 6 S., R. 31 E.,
Sec. 8, S½SE¼;
Sec. 20, SE¼NW¼;
Sec. 28, W½W½ and SE¼SW¼;
Sec. 33, W½ and W½SE¼.

The areas described aggregate 1,204.39 acres.

4. The following-described lands have been patented with a reservation of minerals to the United States:

GILA AND SALT RIVERS MERIDIAN

T. 3 S., R. 30 E.,
Sec. 17, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 19, E½NE¼.

The areas described aggregate 240 acres.

5. The following-described lands are State school lands:

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 17 E.,
Sec. 32, NE¼, SE¼NW¼, and SW¼;
Sec. 36, N½NW¼.
T. 4 S., R. 30 E.,
Sec. 32, S½S½.
T. 3 S., R. 30 E.,
Sec. 2 lots 2, 4, and SW¼;
Sec. 32.
T. 3 S., R. 31 E.,
Sec. 2, lot 6.

The areas described aggregate 1,508.72 acres.

6. The remaining lands aggregating approximately 19,000 acres, are located in Greenlee, Gila, and Pinal Counties, Arizona. They lie in an area which is very rough and mountainous. Agricultural possibilities are almost impossible as the few small flat areas are subject to repeated flooding. Grazing and possibly some mining are the only indicated uses of the lands. The lands are included within Arizona Grazing District No. 4.

7. No application for the restored lands may be allowed under the homestead, desert land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

8. Subject to any valid existing rights and the requirements of applicable law, the public lands released from withdrawal by this order, are hereby opened to filing of applications, selections, and locations in accordance with the following; the unsurveyed lands being opened to such applications, selections, and locations as are allowable on unsurveyed lands.

(a) Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications for surveyed lands under the Homestead, Desert Land, and Small Tract Laws and for unsurveyed lands under the Small Tract Laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m., on September 5, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 5, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs 11 (a) (1) and 11 (a) (2) above, and applications and offers under the mineral-leasing laws presented prior to 10:00 a. m., on December 5, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The lands have been opened to applications and offers under the mineral-leasing laws. They also have been open to location under the U. S. mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621).

9. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

10. The restored lands shall be subject until 10:00 a. m., on December 5, 1957, to application by the State of Arizona, under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

11. The following-described lands are included in private exchange applications, Arizona 06041 and 08144, filed under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. These lands are, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 29 E.,
Sec. 10;
Sec. 11, W½NE¼, NW¼, and NE¼SW¼;
Sec. 15, N½NE¼ and N½SW¼.

The areas described aggregate 1,080 acres.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

JULY 31, 1957.

ROGER ERNST,
Assistant Secretary of the Interior.

[F. R. Doc. 57-6389; Filed, Aug. 5, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

PROPOSED RULE WITH RESPECT TO SALABLE AND SURPLUS PERCENTAGES FOR 1957–58 CROP YEAR

Notice is hereby given that the Secretary is considering a proposed rule to establish a salable percentage of 70 percent and a surplus percentage of 30 percent for California almonds during the 1957–58 crop year which began on July 1, 1957, and will end on June 30, 1958. The proposed rule, which is based upon the recommendation of the Almond Control Board and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 119 and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said marketing agreement and order is effective under the provisions of the Agricultural Marketing Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to data, views or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

The proposed percentages are based on the following estimates (in terms of kernel weight) for the crop year beginning July 1, 1957: (1) A carryover by handlers on July 1, 1957, of 17.1 million pounds; (2) an estimated domestic production of 45.9 million pounds; (3) an estimated total supply of 63.0 million pounds; (4) a trade demand for domestic almonds of 39.0 million pounds (which is based on an estimated total trade requirement of 42.0 million pounds less 3.0 million pounds of imported almonds); (5) a supply in excess of trade requirements of 24.0 million pounds; (6) a disposition in surplus outlets of 13.8 million pounds; and (7) a carryover on June 30, 1958, of 10.2 million pounds.

Although the estimated carryover on June 30, 1958, is greater than the desirable carryover of 7.0 million pounds heretofore used in adopting volume regulations, the anticipated competition in world markets with almonds of foreign production make it impracticable to plan to dispose of more than 30 percent of the 1957 crop production in surplus outlets. This means that the abnormally large carryover on July 1, 1957, of 17.1 million pounds is not likely to be reduced below 10.2 million pounds by June 30, 1958. This reduction of the carryover by 6.9 million pounds together with 70 percent of the 1957 production will make available approximately 39.0 million pounds to fill the estimated domestic trade requirement.

The proposed administrative rule is as follows:

§ 909.207 *Salable and surplus percentages for almonds during the crop year beginning July 1, 1957.* The salable and surplus percentages during the crop year beginning July 1, 1957, applicable to the total kernel weight of almonds received by handlers for their own accounts, shall be 70 percent and 30 percent, respectively.

Dated: August 1, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-6418; Filed, Aug. 5, 1957; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF SODIUM 2,2-DICHLOROPROPIONATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by the Dow Chemical Company, Midland, Michigan, proposing the establishment of tolerances for residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid, in or on raw agricultural commodities as follows: 30 parts per million in or on asparagus; 2 parts per million in or on apples and pears.

The analytical methods proposed in the petition for determining residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid, are modifications of method number 1 described in the notice of filing of petition for establishment of tolerance for residues of sodium 2,2-dichloropropionate which appeared in the FEDERAL REGISTER of November 29, 1946 (21 F. R. 9329).

Dated: July 30, 1957.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 57-6405; Filed, Aug. 5, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12065]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

LAFAYETTE-TERRE HAUTE, IND.

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations (Lafayette-Terre Haute, Indiana.)

The Commission has before it for consideration the petition of Ray Livesay filed on July 29, 1957, requesting an extension of time to August 16, 1957, for the filing of comments in the above-entitled proceeding.

On June 24, 1957, the Commission released a Notice of Proposed Rule Making in this proceeding with respect to the proposal of Lafayette Broadcasting Company, Inc. for the shifting of television Channel 10 from Terre Haute to Lafayette, Indiana. The Notice specified that comments should be filed by August 1, 1957. In support of his request that the time for filing comments be extended to August 16, Mr. Livesay states that he is the principal stockholder of Mattoon Broadcasting Company, licensee of AM Station WLBH and WLBH–FM in Mattoon, Illinois; that he is presently preparing an application for Channel 10 in Terre Haute; that he has engaged a consulting engineer to prepare the engineering material for inclusion in comments in this proceeding urging that Channel 10 be retained in Terre Haute; and that it would not be possible for his engineer to prepare the necessary engineering by the present date.

The Commission believes that petitioner has established good cause for extending the time for filing comments and that such extension will serve the public interest, convenience and necessity and will not unduly delay the proceeding.

In view of the foregoing, *It is ordered*, That the aforesaid petition of Ray Livesay is granted and that the time for filing comments in the above-entitled proceeding is extended from August 1, 1957, to August 16, 1957, with reply comments to be filed within 10 days from the last date for filing original comments.

Adopted: July 30, 1957.

Released: August 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6413; Filed, Aug. 5, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

EXTRA LONG STAPLE COTTON

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY CARIBBEAN AGRICULTURAL STABILIZATION AND CONSERVATION AREA COMMITTEE

Section 722.1490 of the Cotton Marketing Quota Regulations for the 1957 Crop of Extra Long Staple Cotton (22 F. R. 3548) provides that any authority delegated to an Agricultural Stabilization and Conservation State Committee by §§ 722.1442 to 722.1491 may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002) which requires that delegations of final authority be published in the FEDERAL REGISTER, there are set forth herein the redelegations of final authority which have been made by the Caribbean ASC Area Committee (authorized to perform the functions of the ASC State Committee in Puerto Rico). Shown below are the sections of the regulations in which such authority appears and the persons, designated by name, to whom such authority has been redelegated.

Puerto Rico. All authorities delegated to the State Committee in §§ 722.1442 to 722.1491, inclusive—Garibaldi Laguardia, Director, Caribbean ASC Area Office or, in his absence or inability to act, to Jose Campo-Caballero, Assistant Director, Caribbean ASC Area Office.

Issued at Washington, D. C., this 31st day of July 1957.

[SEAL] CLARENCE L. MILLER,
Associate Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-6419; Filed, Aug. 5, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8148 etc.]

WASHINGTON-BALTIMORE ADEQUACY OF SERVICE INVESTIGATION

NOTICE OF HEARING

In the matter of an investigation of service to Washington, D. C., through the Washington National Airport, pursuant to sections 401 (h), 404 (a) and 1002 of

the Civil Aeronautics Act of 1938, as amended; Docket No. 8148.

In the matter of the petition of The Greater Baltimore Committee for institution of an investigation of the adequacy of scheduled airline service at Baltimore, Maryland, under sections 404 (a) and 1002 of the Civil Aeronautics Act of 1938, as amended; Docket No. 8475.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (h), 404 (a) and 1002 thereof, that a hearing in the above-entitled consolidated proceeding is assigned to be held on September 9, 1957, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Without limiting the scope of the issues, particular attention will be directed to the following matters:

(1) Whether any domestic certificated carrier, authorized and required by the terms of its certificate or certificates of public convenience and necessity to furnish interstate air transportation to Washington, D. C., is providing safe and adequate service, equipment and facilities in connection therewith; (a) if not, whether the Board should issue an appropriate order compelling any such air carrier in serving Washington, D. C., to make such use of Friendship International Airport, in addition to the Washington National Airport, so that service to Washington, D. C., by such air carrier is in full compliance with the requirements for adequate service contained in section 404 (a) of the act; and (b) whether the public convenience and necessity requires, and the Board should order, the alteration, amendment or modification of the certificate or certificates of public convenience and necessity of any domestic certificated air carrier, authorized and required by said certificate or certificates to furnish interstate air transportation to Washington, D .C., so as to provide that Washington, D. C., shall be served through Friendship International Airport, in addition to Washington National Airport;

(2) Whether any domestic certificated carrier, authorized and required by the terms of its certificate or certificates of public convenience and necessity to provide interstate air transportation to Baltimore, Maryland, is not providing safe and adequate service, equipment and facilities in connection therewith; and if so, whether the Board should issue an appropriate order to compel such air carrier to comply with the provisions of section 404 (a) of the act.

For further details regarding this proceeding, interested persons are referred to the report of prehearing conference in this matter, served March 5, 1957, and supplemental prehearing conference report, served April 22, 1957, orders of the Board, numbered E-10496 and E-10967, as well as other documents contained in the official docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record in this proceeding desiring to be heard in support of or in objection to the matters involved in this proceeding must file with the Board on or before September 9, 1957, a statement setting forth the matters of law or fact which he desires to present. Any person filing such a statement may appear and participate in the hearing in accordance with § 302.14 of the Rules of Practice in Economic Proceedings.

Dated at Washington, D. C., July 31, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6422; Filed, Aug. 5, 1957; 8:52 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of the Army

EDWIN M. CLARK

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF PERSONAL BUSINESS INTERESTS

JULY 20, 1957.

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Edwin M. Clark on July 1, 1957, in the Department of the Army. Mr. Clark is serving as Chief of the St. Louis Ordnance District, St. Louis, Missouri.

Mr. Clark is presently employed by the Southwestern Bell Telephone Company, St. Louis, Missouri.

Mr. Clark's statement of his personal business interests is attached.

Dated: July 20, 1957.

JOHN W. MARTYN,
Administrative Assistant.

Statement of Personal Business Interests

The following statement lists the names of concerns required by section 302 (b) of Executive Order 10647, dated 28 November 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appoinmtent have been, an officer or director.

Southwestern Bell Telephone Co.
A. S. Aloe Co.
General American Life Insurance Co.
Mercantile Trust Co.
Scruggs-Vandervoort-Barney, Inc.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests.

American Telephone and Telegraph Co.
Mercantile Trust Co.
Scruggs-Vandervoort-Barney, Inc.
St. Joseph Lead Co.
A. S. Aloe Co.
Southwestern Bell Telephone Co.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner.

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest.

None.

E. W. CLARK.

JULY 1, 1957.

[F. R. Doc. 57-6388; Filed, Aug. 5, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 29, 1957.

An application, Serial No. Utah 021426, for the withdrawal from location, sale, and entry under the General Mining Laws of the land described below, subject to existing valid claims, was filed February 1, 1957, by the United States Department of Agriculture.

The purpose of the proposed withdrawal is for the establishment and maintenance of the Dalton Springs Trailer Camp within the Manti-La Sal National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Box 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The land involved in the application is described as follows:

SALT LAKE MERIDIAN, UTAH

T. 33 S., R. 23 E.,
Sec. 30: S½SE¼.

Total area, 80 acres.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-6390; Filed, Aug. 5, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12058, 12059; FCC 57M-240]

KBR STATIONS, INC., AND WKNE CORP.

ORDER CONTROLLING CONDUCT OF HEARING

JULY 30, 1957.

In re applications of The KBR Stations, Inc., Keene, New Hampshire, Docket No. 12058, File No. BP-10732; WKNE Corporation, Brattleboro, Vermont, Docket No. 12059, File No. BP-10919; for construction permits.

Appearances. Leonard H. Marks and Stanley B. Cohen, on behalf of The KBR Stations, Inc.; Alfred C. Cordon, Jr., on behalf of WKNE Corporation; and Richard E. Ely, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A pre-hearing conference in the above-entitled proceeding was held on July 8, 1957. The parties participating are those shown in the appearances above.

2. By order dated June 13, 1957, released July 17, 1957, the Commission designated the above-entitled applications for hearing in a consolidated proceeding and specified the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

3. At the hearing conference on July 8, 1957, it was agreed that in determining "the availability of other primary service" to the areas and populations involved, the applicants would introduce engineering exhibits showing the number and identity of stations rendering interference-free primary service to the areas and populations and that under the issues as specified no showing would be made of the program content or quality of such programs.

4. There is presently one broadcast station with principal studio in Keene, New Hampshire, and one broadcast station with principal studio in Brattleboro, Vermont. In the absence of a request to enlarge issues, the contents of programs broadcast by these stations may not be shown.

5. It was further agreed at the hearing conference that the exhibits to be offered in evidence in support of the affirmative case of each applicant would be exchanged on or before September 30, 1957, and that a further pre-hearing conference would be held on October 21, 1957.

It is ordered, This 30th day of July 1957, that consistent with the agreement reached at the pre-hearing conference, summarized above, that the exhibits to be offered in evidence in support of the affirmative case of each applicant will be exchanged on or before September 30, 1957, and a further pre-hearing conference will be held on October 21, 1957.

It is further ordered, That the evidentiary hearing presently scheduled to begin September 4, 1957, is continued to a date to be specified at the conclusion of a further pre-hearing conference to be held on October 21, 1957.

Released: July 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6414; Filed, Aug. 5, 1957; 8:50 a. m.]

[Docket No. 12051; FCC 57M-739]

PILLAR OF FIRE (KPOF)

ORDER CONTROLLING CONDUCT OF HEARING

JULY 30, 1957.

In re application of Pillar of Fire (a corporation) (KPOF), Denver, Colorado, Docket No. 12051, File No. BML-1703; for modification of license.

Appearances. Russell Rowell, on behalf of Pillar of Fire; Robert M. Booth, Jr., and D. F. Prince, on behalf of Red River Valley Broadcasting Corporation; and David I. Kraushaar, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A pre-hearing conference in the above-entitled proceeding was held on July 8, 1957. The parties participating at the hearing conference were those shown in the appearances above.

2. By order dated June 6, 1957, released June 10, 1957, but corrected by order dated June 27, 1957, released July 2, 1957, the Commission designated the above-entitled application for hearing and specified the following issues:

(1) To determine the areas and populations which may be expected to receive additional hours of primary service from the operation of Station KPOF as proposed and the availability of other primary service to such areas and populations.

(2) To determine whether the proposed operation of Station KPOF during additional specified hours requested would cause additional interference to Station KRRV, Sherman, Texas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

(3) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

3. At the hearing conference it was agreed that the factual data necessary for the resolution of Issues I and 2 would be based on exhibits showing the additional specified hours requested and the availability of other interference-free primary service to the areas and populations which would be affected. It was also agreed that "the availability of other primary service" to the areas and populations affected would be shown by engineering exhibits which would disclose the number and identity of the standard broadcast stations now rendering interference-free service to such areas and populations. There is no requirement that any party show the programming content of any station which places an interference-free signal within the areas referred to in Issues 1 and 2.

4. A draft of the engineering exhibits will be prepared and exchanged on or before August 22, 1957, with the view of finalizing such exhibits with a formal exchange thereof on or before September 6, 1957. It is contemplated that all parties to the proceeding will exchange drafts of proposed exhibits and hold informal conferences with the view of explaining, clarifying and possibly resolving any differences of opinion which may exist with respect to the engineering facts in this proceeding.

5. Because of prior commitments of counsel, it was agreed that the evidentiary hearing should start on Monday, September 23, 1957.

It is ordered, This 30th day of July 1957, that, pursuant to the agreements reached at the pre-hearing conference on July 8, 1957, as summarized above, the exhibits to be offered in evidence will be exchanged by the parties on or before September 6, 1957.

It is further ordered, That the evidentiary hearing, originally scheduled to begin on September 9, 1957, is continued to September 23, 1957.

Released: July 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6415; Filed, Aug. 5, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6180]

SUPERIOR OIL CO.

NOTICE OF APPLICATION

JULY 31, 1957.

Take notice that The Superior Oil Company (Applicant), a California corporation with principal place of business at 550 South Flower Street, Los Angeles, California, filed on November 29, 1954, as amended May 14, August 3, and September 26, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act (act), authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Notice of the filing of the application and the date of hearing was issued on April 19, 1956 and published in the FEDERAL REGISTER on April 26, 1956 (21 F. R. 2706-07). Subsequently, by notice issued May 18, 1956 and published in the FEDERAL REGISTER on May 24, 1956 (21 F. R. 3465), the instant application was severed from the consolidated proceeding with which it was set and continued to a date to be set by further notice.

Thereafter, Applicant filed on March 4 as amended May 6, 1957, an application for permission to abandon service pursuant to section 7 (b) of the act, authorizing Applicant to terminate a part

of the aforesaid service sought to be certificated as hereinafter described.

Applicant sells and proposes to sell natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) for resale and also proposes to abandon a part of such sales as hereinafter tabulated.

Date filed	Authorization sought	Contract date	Type dedication	Source of gas
11-29-54	Initial certificate	10-26-53	Initial	All horizons down to and including Pictured Cliffs formation, Canyon Largo Unit, and Sections 19 (covered by 2) and 20 (covered by 1), T25N, R5W, Rio Arriba County, New Mexico.
5-14-56		3-4-54	Additional	
8-3-56		6-30-54	Additional	
9-26-56		7-6-54	Additional	
		7-20-54	Additional	
		12-28-54	Additional	
		1-7-55	Additional	
		5-11-55	Additional	
		5-31-55	Additional	
		1-25-56	Additional	
		3-5-56	Additional	
		4-24-56	Additional	
		1-23-56 (1)	Additional	
		5-18-56	Additional	
		6-4-56 (2)	Additional	
		8-7-56	Additional	
3-4-57	Abandonment	2-1-57		All horizons down to and including Pictured Cliffs formation, Canyon Largo Unit, Rio Arriba County, New Mexico, except Sections 19 (covered by 2) and 20 (covered by 1), T25N, R5W, located in said county and near said unit but not a part thereof.[1]
5-6-57				

[1] Applicant has dedicated to the performance of the basic contract, among other acreage, all of Section 3, T25N, R7W, and the W/2 of Section 3, T24N, R6W, lying within the area comprising the Canyon Largo Unit. In this connection, Applicant has assigned the S/2, S/2 of the NW/4, S/2 of the NE/4, and Lots 1, 2, 3, and 4 of Section 3, T26N, R7W, and the S/2, S/2 of the N/2, and Lots 1, 2, 3, 4, 5, 6, 7, and 8 of Section 3, T24N, R6W. The acreage assigned may or may not be equivalent to the acreage dedicated.

Applicant states that it will assign to El Paso, effective as of April 10, 1957, its aforesaid (dedicated) properties in the Canyon Largo Unit, together with certain other properties in said unit which are not presently dedicated to El Paso for the purpose of making available additional gas reserves to El Paso and providing an incentive for El Paso to drill additional wells upon and complete the development of the assigned properties.

Under the proposed transfer, Applicant will reserve an overriding royalty of 1/16th of the value of the gas and gas liquids which may be attributable to said properties or, in lieu thereof, a production payment equivalent thereto, until such time as El Paso shall have recovered its future costs of drilling and development on said properties at which time Applicant shall be entitled to a working interest in and ownership of 50 percent of the gas and gas liquids in and attributable to said properties. Thereafter, Applicant will be obligated to sell and El Paso will be obligated to buy Applicant's 50 percent share of gas and gas liquids at the price and subject to the terms and conditions of Applicant's presently existing rate schedule covering the sale of gas from the presently dedicated properties as aforesaid (Superior's FPC Gas Rate Schedule No. 20).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6391; Filed, Aug. 5, 1957; 8:45 a. m.]

[Docket No. G-11970 etc.]

SEABOARD OIL CO. ET AL.

NOTICE OF APPLICATIONS AND CONSOLIDATION

JULY 31, 1957.

In the matters of Seaboard Oil Company, Operator, Docket No. G-11970, United Gas Pipe Line Company, Docket No. G-12019, Charles B. Wrightsman, Docket No. G-12055.

Take notice that Seaboard Oil Company, Operator (Seaboard), a Delaware corporation with principal place of business in the Continental Building, Dallas, Texas; United Gas Pipe Line Company (United), a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana; and Charles B. Wrightsman (Wrightsman), an individual with principal place of business at P. O. Box 256, Esperson Building, Houston 2, Texas; filed in Docket No. G-11970 on February 11, in Docket No. G-12019 on February 15, and in Docket No. G-12055 on February 20, 1957, respectively, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Seaboard, United and Wrightsman to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

United (Docket No. G-12019) proposes to construct and operate approximately 5.9 miles of 10-inch lateral supply line extending from a central point in the Maurice Area, Vermilion and Lafayette Parishes, Louisiana, to a point of connection with United's existing Lafayette Compressor Station in Lafayette Parish together with a meter station and appurtenances. The estimated total cost of these facilities is $259,308, which will be financed by United out of current working funds. These facilities will be used for the purpose of enabling United to take natural gas produced by Seaboard and Wrightsman in the Maurice Area. United also seeks authority to construct and operate such other facilities as may be required from time to time to connect, or to take additional deliveries from, wells in the Maurice Area.

Seaboard (Docket No. G-11970) and Wrightsman (Docket No. G-12055) propose to sell natural gas in interstate commerce to United for resale. In this respect, said producers have entered into a 20 year gas sales contract with United, dated January 16, 1957, under the terms of which said producers have dedicated to the performance thereof, all of the natural gas, subject to certain reservations, produced from all reservoirs or formations down to 13,300 feet which is attributable to their interests (50 percent each) in 100 leases located in the Maurice Area, Vermilion and Lafayette Parishes, Louisiana.

United states that the estimated total volume of proven reserves in place in the dedicated acreage is 36,083,000 Mcf at 14.73 psia and that the estimated total volume of recoverable reserves is 30,524,000 Mcf at 14.73 psia.

The aforesaid contract provides for an initial price of 18.5 cents per Mcf at 15.025 psia for each of the 1st 4 years, 20.5 cents for each of the next 3 years, 21 cents for each of the next 3 years, 21 cents for each of the next 5 years, and 22 cents for each of the next five years. The prices for the last two escalation periods are subject to renegotiation as set forth in detail in the contract. In addition to the foregoing prices, United will reimburse the producers for the present 1 cent Louisiana gathering tax and for 3/4ths of any new or increase in taxes.

United states that the instant reserves will help to assure the continued and uninterrupted flow of natural gas to its existing customers and will assist in meeting the present and future requirements of its customers.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6392; Filed, Aug. 5, 1957; 8:46 a. m.]

[Docket Nos. G-12275, G-12297]

ROBINSON OIL & GAS CO. OF TEXAS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 31, 1957.

In the matters of Robinson Oil & Gas Company of Texas, et al., Docket No. G-12275, Texas Illinois Natural Gas Pipeline Company, Docket No. G-12297.

Take notice that on March 28, 1957, Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation having its principal place of business in Chicago, Illinois, filed in Docket No. G-12297 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of a 3-inch tap on its existing 30-inch main transportation pipeline in Polk County, Texas, in order to purchase and receive natural gas produced in the East Copeland Creek Field, also in Polk County, by Robinson Oil & Gas Company of Texas (Robinson), et al., all as more fully described in its application which is on file with the Commission and open to public inspection. The estimated total cost of the Texas Illinois facilities is $1,150, which cost will be financed from company funds.

On March 22, 1957, Robinson Oil & Gas Company of Texas, U. M. Harrison, D. F. W. Downey and Jack Downey, filed in Docket No. G-12275 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the above sale of natural gas to Texas Illinois to be made pursuant to a 20-year gas sales contract dated January 1, 1957, executed by and between Texas Illinois and each of the Applicants herein. Robinson, et al., own leaseholds covering approximately 165.26 acres including one well in the East Copeland Creek Field. Average daily contract delivery rate totals 1,000 Mcf at 14.65 psia. Robinson's facilities consist of field lines, usual lease facilities and a meter station, all as more fully described in its application which is on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 29, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6393; Filed, Aug. 5, 1957; 8:46 a. m.]

[Docket No. G-12321]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 31, 1957.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation, having its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on April 1, 1957, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain natural gas facilities, as hereinafter described, and to render direct natural gas service to Southern Pine Lumber Company, located at Diboll, Angeline County, Texas, subject to the jurisdiction of the Commission, all as more fully described in the application, which is on file with the Commission, and open for public inspection.

The facilities proposed to be constructed and operated consist of: approximately 1.0 mile of 4-inch pipeline extending from Diboll city gate meter and regulator to the plant of Southern Pine Lumber Company, together with a motor station and appurtenant facilities thereto.

The estimated total capital cost of the proposed facilities is $27,938, which cost will be financed from current working capital.

A sales agreement between Applicant and customer above named was entered into on February 22, 1957, providing for the sale by the Applicant to the customer on an interruptible basis, with initial deliveries of 2,500 Mcf per day and a volume of 300,000 Mcf per annum. Applicant states that the gas supply required for the project will not decrease the life index of its total system gas supply by as much as one year.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 27, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.80 or 1.10) on or before August 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6394; Filed, Aug. 5, 1957; 8:46 a. m.]

[Docket No. G-12983]

CITIES SERVICE OIL CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

JULY 31, 1957.

Cities Service Oil Company (Operator), et al. (Cities Service) submitted for filing on July 8, 1957, proposed changes in the presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Letter dated July 13, 1956, and Notice of Change, dated July 5, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement Nos. 9 and 10 to its FPC Gas Rate Schedule No. 51.
Effective date:[1] August 8, 1957.

In support of the requested increased rates, Cities Service quotes the pertinent pricing provisions of its contract.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes; and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until January 8,

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Cities Service, if later.

1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6395; Filed, Aug. 5, 1957; 8:46 a. m.]

[Docket No. G-12981]

MAGNOLIA PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 31, 1957.

Magnolia Petroleum Company (Operator) et al. (Magnolia) on July 10, 1957, submitted for filing proposed changes in its rate schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 8 to its FPC Gas Rate Schedule No. 20. Supplement No. 2 to its FPC Gas Rate Schedule No. 48. Supplement No. 3 to its FPC Gas Rate Schedule No. 104.
Effective date: [1] August 10, 1957.

In support of its increased rates Magnolia states, in effect, that the contract resulted from good faith arm's-length negotiations, and that the gas is sold on an installment basis. Magnolia contends that gas is a commodity as opposed to a service rendered by a pipe line or distribution company; that there is a physical limitation upon a wasting asset such as natural gas; that the supply and demand method of rate determination is the only feasible formula under which the natural gas industry can operate and still maintain a certain and adequate supply; and that rising costs necessitate increased rates.

These proposals are based on the escalation provisions of the respective rate schedules. In each instance the increase has been "triggered" by the spiral escalation rate increase of Phillips Petroleum Company for sales of gas to El Paso, which increase was suspended in Docket No. G-11217 and made effective subject to refund on March 11, 1957.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Magnolia, if later.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until January 10, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6396; Filed, Aug. 5, 1957; 8:47 a. m.]

[Docket No. G-12982]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 31, 1957.

Magnolia Petroleum Company (Magnolia) on July 10, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 26. Supplement No. 8 to Magnolia's FPC Gas Rate Schedule No. 101. Supplement No. 6 to Magnolia's FPC Gas Rate Schedule No. 102. Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 103. Supplement No. 1 to Magnolia's FPC Gas Rate Schedule No. 119.
Effective date: [1] August 10, 1957.

In support of its increased rates Magnolia states, in effect, that the contract resulted from good faith arm's length negotiations, and that the gas is sold on an installment basis. Magnolia contends that gas is a commodity as opposed to a service rendered by a pipe line or distribution company; that there is a physical limitation upon a wasting asset such as natural gas; that the supply and demand method of rate determination is the only feasible formula under which the natural gas industry can operate and still maintain a certain and adequate supply; and that rising costs necessitate increased rates.

These proposals are based on the escalation provisions of the respective rate schedules. In each instance the increase has been "triggered" by the spiral escalation rate increase of Phillips Petroleum Company for sales of gas to El Paso, which increase was suspended in Docket No. G-11217 and made effective subject to refund on March 11, 1957.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until January 10, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6397; Filed, Aug. 5, 1957; 8:47 a. m.]

[Project No. 2151]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR LICENSE

JULY 31, 1957.

Public notice is hereby given that Public Utility District No. 1 of Chelan County, Washington, having its office in Wenatchee, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed water-power Project No. 2151, to be known as the Wenatchee Hydroelectric Project and located on the Wenatchee River in Chelan County, Washington, and to consist of a rock-fill dam with an impervious core with elevation 200 feet above the present river bed and having a crest length of approximately 850 feet; spillway with discharge capacity of 60,000 cfs; power tunnel intake; power tunnel 19 feet in diameter and approximately 4 miles long; differential surge tank; 3 penstocks each 10 feet in diameter; powerhouse with installed capacity of 180,000 kilowatts in three units operating under a maximum head of 580 feet; tailrace; access roads and other appurtenant equipment and structures.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is September 12, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6398; Filed, Aug. 5, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24 FW-915]

APPELL OIL & GAS CORP. ET AL.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JULY 31, 1957.

In the matter of Appell Oil & Gas Corporation (issuer), William H. Appell, Minette P. Prinz (offerors) File No. 24FW-915.

I. Appell Oil & Gas Corporation ("Appell Corp."), a Delaware corporation, Appell Building, Alice, Texas, joined with Minnette P. Prinz and filed with the Commission on March 10, 1955, a notification on Form 1-A and a Statement pursuant to Rule 219 (b) under Regulation A, and subsequently filed amendments thereto, in which William H. Appell joined, relating to an offering of 4,000 shares of Appell Corp. common stock at $1.75 per share for an aggregate of $7,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that reports on Form 2-A have not been filed as required by Rule 224;

III. *It is therefore ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that within 20 days after receipt of such request, the Commission will, or, at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6400; Filed, Aug. 5, 1957; 8:47 a. m.]

[File No. 7-1893]

BALDWIN SECURITIES CORP.

APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JULY 31, 1957.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Baldwin Securities Corporation (Delaware) common stock, File No. 7-1893.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American and Philadelphia-Baltimore Stock Exchanges.

Upon receipt of a request, on or before August 16, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6401; Filed, Aug. 5, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIE BERNER BONNA AND JOSEPH BERNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marie Berner Bonna, Glogonj, Banat, Yugoslavia; Claim No. 62746; $2,109.32 in the Treasury of the United States.

Joseph Berner, Glogonj, Banat, Yugoslavia; Claim No. 62747; $2,109.33 in the Treasury of the United States.

Executed at Washington, D. C., on July 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6407; Filed, Aug. 5, 1957; 8:49 a. m.]

W. C. L. BARKEMA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

W. C. L. Barkema, 17 Zwanestreat, Groningen, The Netherlands; Claim No. 60710; Vesting Orders Nos. 17901, 17913, and 17838; $1,834.92 in the Treasury of the United States.

C. S. Barkema, Da Costalaan 61, Amstelveen, The Netherlands; Claim No. 60711; Vesting Order No. 17913; $633.89 in the Treasury of the United States.

F. P. H. Dijksterhuis, Westersingel 41, Groningen, The Netherlands; Claim No. 60712; Vesting Order No. 17838; $1,267.78 in the Treasury of the United States.

Executed at Washington, D. C., on July 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6408; Filed, Aug. 5, 1957; 8:49 a. m.]

VAN DER HEEM N. V.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Van der Heem N. V. Hague, The Netherlands; Claim No. 42944; Vesting Order No. 291; Property described in Vesting Order No. 291 (7 F. R. 9834—November 26, 1942) relating to Patent Application Serial No. 394,218 (now United States Letters Patent No. 2,328,514).

Executed at Washington, D. C., on July 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6409; Filed, Aug. 5, 1957; 8:49 a. m.]

HERRERO HERMANOS, S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Herrero Hermanos, S. A., Calle Palloza No. 22, La Coruna, Spain; Claim No. 59055; Vesting Order No. 13239; $10,564.50 in the Treasury of the United States.

Executed at Washington, D. C., on July 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6410; Filed, Aug. 5, 1957; 8:50 a. m.]

CHIARINA ELIA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY, AMENDED

Notice of Intention to Return Vested Property hereinafter described to Maria Valenzano, among others, was published in the FEDERAL REGISTER on April 5, 1957 (22 F. R. 2284). Subsequent to the publication of the Notice, this Office was advised that Maria Valenzano died intestate and left surviving as her only heirs her nieces and nephew, Chiarina Elia, Angelina Elia, Laura Elia and Giovanni Elia. Consequently, the Notice of Intention to Return Vested Property published on April 5, 1957 (22 F. R. 2284) is amended by deleting from the list of claimants "Maria Valenzano" and from the description of the property, the following: "$170.28 thereof to Maria Valenzano" and substituting therefor the following:

Claimant, Property, and Location

Chiarina Elia, Angelina Elia, Laura Elia and Giovanni Elia Casamassima (Bari) Italy; Claim No. 33619; Vesting Order No. 2232; $42.57 thereof each to Chiarina Elia, Angelina Elia, Laura Elia and Giovanni Elia;.

Executed at Washington, D. C., on July 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6411; Filed, Aug. 5, 1957; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 72]

REPRESENTATION OF INTERESTS OF BUREAU OF RECLAMATION OF DEPARTMENT OF INTERIOR IN PROCEEDINGS INVOLVING CARRIERS BEFORE FEDERAL AND STATE REGULATORY BODIES

REVOCATION

JULY 30, 1957.

1. Delegation of Authority dated February 1, 1951 (16 F. R. 1155) is hereby revoked.

2. This revocation shall become effective as of this date.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-6404; Filed, Aug. 5, 1957; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 152

Washington, Wednesday, August 7, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3192

FIRE PREVENTION WEEK, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS many lives can be saved and property valued in millions of dollars conserved through effective fire-prevention programs in communities throughout the Nation; and

WHEREAS the increase in losses caused by fire during the past year accentuate the need for increased care and greater emphasis on fire-prevention practices by all our people:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning October 6, 1957, as Fire Prevention Week.

I call upon our people to promote programs for the prevention and control of fire; and I urge State and local governments, the American National Red Cross, the Chamber of Commerce of the United States, and business, labor, and farm organizations, as well as schools, civic groups, and public-information agencies, to share actively in observing Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in this national effort to reduce the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of August in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 57-6474; Filed, Aug. 5, 1957; 1:21 p. m.]

EXECUTIVE ORDER 10722

AMENDMENT OF EXECUTIVE ORDER NO. 10590, ESTABLISHING THE PRESIDENT'S COMMITTEE ON GOVERNMENT EMPLOYMENT POLICY

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and consistent with the provisions of section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U. S. C. 691), it is ordered that section 1 of Executive Order No. 10590 of January 18, 1955, entitled "Establishing the President's Committee on Government Employment Policy." be, and it is hereby, amended to read as follows:

"Section 1. There is hereby established the President's Committee on Government Employment Policy (hereinafter referred to as the Committee). The Committee shall be composed of seven members, as follows: (a) one representative of the Civil Service Commission, to be designated by the Chairman thereof, (b) one representative of the Department of Labor, to be designated by the Secretary of Labor, (c) one representative of the Office of Defense Mobilization, to be designated by the Director thereof, (d) one representative of the Department of Defense, to be designated by the Secretary of Defense, and (e) three public members to be appointed by the President. Not more than two alternate public members may be appointed by the President as he may deem necessary. Four members of the Committee shall constitute a quorum, provided that at least one public member (or alternate public member) and one non-public member are present. The President shall designate the Chairman and the Vice-Chairman of the Committee, and each member of the Committee shall serve at the pleasure of the President."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 5, 1957.

[F. R. Doc. 57-6518; Filed, Aug. 6, 1957; 11:10 a. m.]

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS
(As of January 1, 1957)

The following are now available:

Title 14, Parts 1–39 (Rev. 1956) ($6.75)

Title 14, Parts 40–399 (Rev. 1956) ($6.00)

Title 46, Part 146 to end ($2.00)

Title 49, Parts 71–90 (Rev. 1956) ($6.25)

All pocket supplements and revised books have been previously announced except Titles 1–3 and the supplement to the General Index.

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

1. Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) of § 6.110 is amended as set out below.

§ 6.110 *Department of the Interior.* • • •

(e) *Office of Territories.* (1) Until December 31, 1957, all positions in Alaska in the Alaska Railroad and four technical positions in the Alaska Railroad Office in Seattle, Washington.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (l) (2) of § 6.310 is amended as set out below.

§ 6.310 *Department of the Interior.* • • •

(l) *Office of Territories.* • • •

(2) One Confidential Assistant to the Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-6441; Filed, Aug. 6, 1957; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) of § 6.311 is amended as set out below.

§ 6.311 *Department of Agriculture.* • • •

(e) *Foreign Agricultural Service.* (1) Three Assistant Administrators.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-6442; Filed, Aug. 6, 1957; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (2) of § 6.303 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-6443; Filed, Aug. 6, 1957; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SMALL BUSINESS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (p) is added to § 6.328 as set out below.

§ 6.238 *Small Business Administration.* • • •

(p) One Confidential Assistant to the Director, Office of Financial Assistance.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-6444; Filed, Aug. 6, 1957; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 214c—ADMISSION OF NONIMMIGRANTS: TRANSIT ALIENS

TRANSIT ALIENS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (b) of § 212.3 *Nonimmigrants not required to present passports, visas, or border-crossing identification cards* is amended to read as follows:

(b) The provisions of section 212 (a) (26) of the act relating to the requirement of passports, visas, and border-crossing identification cards for nonimmigrants have been waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (C) of the act, for aliens embraced within the provisions of § 214c.1 of this chapter.

2. Part 214c is amended to read as follows:

PART 214c—ADMISSION OF NONIMMIGRANTS: TRANSIT ALIENS

Sec.
214c.1 Special prerequisites for admission as a transit without a visa.
214c.2 Limitation as to time for which transit aliens may be admitted.
214c.3 United Nations Headquarters District.

AUTHORITY: §§ 214c.1 to 214c.3 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 101, 214, 66 Stat. 166, 189; 8 U. S. C. 1101, 1184.

§ 214c.1 *Special prerequisites for admission as a transit without a visa.* Any alien, except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Peoples Republic of China, Peoples Democratic Republic of Korea (North Korea Regime), German Democratic Republic, and North Vietnam (Viet Minh), may apply for immediate and continuous transit through the United States. Such an alien must establish that he is admissible under the immigration laws; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure from the United States will be completed within a maximum of five calendar days after his arrival in the United States), and that he has a document establishing his ability to enter some country other than the United States. Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without visa must be made at one of the following ports of entry: Boston, Mass.; New York, N. Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Miami, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, T. H.; Seattle, Wash.; Portland, Oreg.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Anchorage, Alaska; San Juan, P. R.; Charlotte Amalie, V. I.; Christiansted, V. I.; Agana, Guam. The acceptance of the privilege of such transit shall constitute an agreement by the alien and the carrier that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director having administrative jurisdiction over the port of entry, and should he violate any of the terms of such admission, an agreement by the alien immediately to depart voluntarily from the United States without recourse to any type of hearing or proceeding provided for in this chapter.

§ 214c.2 *Limitation as to time for which transit aliens may be admitted.* An alien admitted to the United States as a nonimmigrant of the classes described in section 101 (a) (15) (C) of the act shall be admitted for a period of time fixed by the admitting officer, not to exceed 29 days.

§ 214c.3 *United Nations Headquarters District.* An alien of the class described in section 101 (a) (15) (C) of the act whose nonimmigrant visa by its own terms is limited to transit to and from the United Nations Headquarters District, if otherwise admissible under the immigration laws, shall be admitted on the additional conditions that he shall proceed directly to New York City and shall remain continuously in that city during his sojourn in the United States, departing therefrom only if required in connection with his departure from the United States and that he shall be in possession of a valid visa or other form of valid authority assuring his entry into the country whence he came or to some other foreign country following his sojourn in the United Nations Headquarters District.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impractical in this instance because of the publication in the FEDERAL REGISTER on August 6, 1957, of the Department of State's amendment to para-

graph (b) of § 41.6 of Title 22, Code of Federal Regulations.

Dated: July 26, 1957.

J. M. SWING,
Commissioner,
Immigration and Naturalization.

[F. R. Doc. 57-6428; Filed, Aug. 6, 1957; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are made to Chapter II of Title 24:

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

1. Section 221.3 is amended to read as follows:

§ 221.3 *Charitable or non-profit institutions.* Any charitable or non-profit organization which presents evidence that it is responsible, has permanent funds of not less than $100,000, and has experience in investment, may be approved upon application.

2. In § 221.17 the introductory text of paragraph (a), and paragraphs (a) (4), (a) (5) and (b) are amended and new paragraphs (c) and (d) are added to read as follows:

§ 221.17 *Maximum amount of mortgage and mortgagor's minimum investment.* (a) The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof (except that a mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25 or 30 years, may be in an amount of $50 or multiples thereof), and not in excess of

* * * * *

(4) 97 percent of $10,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $10,000 but not in excess of $16,000, and 70 percent of such value in excess of $16,000, if the dwelling was approved for insurance prior to the beginning of construction, or if construction was completed more than one year preceding the date of the application for insurance; or

(5) 90 percent of $10,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $10,000 but not in excess of $16,000 and 70 percent of such value in excess of $16,000, if the dwelling was not approved for insurance prior to the beginning of construction and construction was completed within one year preceding the application for insurance.

* * * * *

(b) At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent: *Provided*, That with respect to a mortgage executed by a mortgagor who is 60 years of age or older as of the date the mortgage is accepted for insurance or with respect to a mortgage meeting the requirements of paragraph (c) of this section, the mortgagor may borrow from a corporation or person satisfactory to the Commissioner, the payment required by this paragraph plus settlement costs including initial payments for taxes, hazard insurance, mortgage insurance premium and other prepaid expenses as determined by the Commissioner. As security for the loan the mortgagor may give a note or other evidence of indebtedness bearing interest at a rate not in excess of that permitted in the insured mortgage: *Provided further*, That the aggregate amount of the insured mortgage and the loan referred to in this paragraph shall not exceed an amount equal to 100 percent of the Commissioner's estimate of the appraised value of the property plus an amount equal to the settlement costs.

(c) A mortgage having a principal obligation not in excess of $8,000 and in an amount not in excess of 97 percent of the appraised value of the property (as of the date the mortgage is accepted for insurance) covering a single family residence which is approved for insurance prior to the beginning of construction, may be accepted for insurance if the property is located in an area where the Commissioner finds it is not practicable to obtain conformity with many of the requirements essential to insurance of mortgages in built up urban areas, or if the dwelling is to be used as a farm home on a plot of land, five or more acres in size, adjacent to a public highway: *Provided*, That notwithstanding paragraph (7) if the mortgagor is not an occupant of the property a mortgage meeting the requirements of this subsection may be in an amount not in excess of 85 percent of the appraised value of the property.

(d) A mortgage involving a principal obligation not in excess of $12,000 and not exceeding 100 percent of the appraised value of the mortgaged property (as of the date the mortgage is accepted for insurance) may be accepted for insurance if the mortgagor is the owner and occupant of a property upon which there is located a dwelling designed principally for a single-family residence, and the mortgagor establishes to the satisfaction of the Commissioner that his home, which he occupied as an owner or a tenant, was destroyed or damaged to such an extent that reconstruction is required as a result of a flood, fire, earthquake, storm or other catastrophe which the President, pursuant to section 2 (a) of Public Law 875, approved September 30, 1950, has determined to be a major disaster, and the application for insurance is filed within one year from the date of such determination.

3. Section 221.19 is amended to read as follows:

§ 221.19 *Interest rate.* The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 5 percent except that such a mortgage may have an interest rate not to exceed 5¼ percent provided the certificates required by § 221.26 are filed with the Commissioner. Interest shall be payable in monthly installments on the principal then outstanding.

4. In § 221.22, paragraph (b) is amended to read as follows:

§ 221.22 *Mortgagor's payments to include other charges.* * * *

(b) Mortgages involving a principal obligation not in excess of $8,000 may contain a provision requiring the mortgagor to pay to the mortgagee an annual service charge at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such service charge exceed one-half of one percent per annum. Any such service charge shall be payable in monthly installments on the principal then outstanding.

5. Section 221.25 is amended to read as follows:

§ 221.25 *Mortgagor's payments when mortgage is executed.* The mortgagor must pay to the mortgagee, upon the execution of the mortgage, a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage plus an amount sufficient to pay the mortgage insurance premium from the date of closing the loan to the date of the first monthly payment.

6. Section 221.26 is amended to read as follows:

§ 221.26 *Maximum charges, fees and discounts.* (a) The mortgagee shall not collect from the mortgagor charges, fees and discounts in excess of the following:

(1) The application fees provided for in this part.

(2) A charge to compensate the mortgagee for expenses incurred in orginating and closing the loan, the charge not to exceed:

(i) $20 or 1 percent of the original principal amount of the mortgage, whichever is the greater; or

(ii) $50 or 2½ percent of the original principal amount of the mortgage, whichever is the greater, with respect to mortgages on property under construction or to be constructed where the mortgagee makes partial disbursements and inspections of the property during the progress of contruction.

(3) Reasonable and customary amounts for any of the following items:

(i) Recording fees and recording taxes or other charges incident to recordation;

(ii) Credit Report;

(iii) Survey, if required by mortgagee or mortgagor;

(iv) Title examination; title insurance, if any;

(v) Such other reasonable and customary charges or fees as may be authorized by the Commissioner.

(4) Any charge permitted by paragraph (b) of this section—

(i) If the mortgagor is a builder constructing houses for sale who executes the mortgage in his own name;

(ii) If the mortgagor is constructing a dwelling for his own occupancy;

(iii) If the loan is for the purpose of refinancing a prior mortgage covering property owned by the mortgagor.

(b) The mortgagee shall not collect from any person charges, fees and discounts in excess of those prescribed by the Schedule of Maximum Charges, Fees and Discounts issued by the Commissioner and in effect as of the date of filing of the application for insurance.

(c) Every application for insurance filed after August 4, 1957, shall be accompanied by a certificate approved by the Commissioner executed by the builder, seller or purchaser of the property described in the application, certifying that such person has not paid or obligated himself to pay any charges, fees or discounts in excess of those prescribed by the Schedule of Maximum Charges, Fees and Discounts issued by the Commissioner and in effect as of the date of filing of the application for insurance.

(d) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing all items for which any charge, fee or discount was collected from any person connected with the mortgage transaction, together with the amount of each such charge, fee or discount. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees or discounts.

(e) Nothing in this section will be construed as prohibiting the mortgagor from dealing through a broker who does not represent the mortgagee, if he prefers to do so, and paying such compensation as is satisfactory to the mortgagor in order to obtain mortgage financing.

7. Section 221.27 is amended to read as follows:

§ 221.27 *Economic soundness of project.* The mortgage must be executed with respect to a project which, in the opinion of the Commissioner, is economically sound: *Provided*, That as to mortgages of the character described in § 221.17 (c), the project with respect to which the mortgage is executed must be determined by the Commissioner to be an acceptable risk, giving consideration to the need for providing adequate housing for families of low and moderate income, particularly in suburban and outlying areas of small communities.

8. In § 221.42 the introductory text of paragraph (b), paragraphs (b) (4) and (b) (5) and paragraph (g) are amended, and paragraphs (c), (d), (e), (f) and (i) are revoked as follows:

§ 221.42 *Eligibility of miscellaneous type mortgages.* * * *

(b) The mortgage may be accepted for insurance if— * * *

(4) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1955, as amended: *Provided*, That such insurance shall be issued without regard to any preferences or priorities except those prescribed by the National Housing Act or the Atomic Energy Community Act of 1955, as amended; or

(5) Executed in connection with the sale by a State or municipality, or an agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the ocupancy of veterans (as defined in § 221.11) their families and others: *Provided*, That the principal obligation of a mortgage referred to in this subparagraph shall not exceed 90 percent of the appraised value of the mortgaged property; or

* * * * *

(c) [Revoked.]
(d) [Revoked.]
(e) [Revoked.]
(f) [Revoked.]

(g) The provisions of § 221.27 shall not apply to mortgages insured under this section.

* * * * *

(i) [Revoked.]

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b)

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

1. Section 222.2 is amended to read as follows:

§ 222.2 *Annual mortgage insurance premiums and charges.* (a) The mortgagee shall pay to the Commissioner either in cash or debentures issued by the Mutual Mortgage Insurance Fund at par plus accrued interest, mortgage insurance premiums and "open-end" insurance charges which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments. The term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

(1) The initial mortgage insurance premium shall be paid on the first anniversary date of the beginning of amortization following the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement an dending on the next anniversary of the beginning of amortization. Regardless of whether such period is more or less than one year, payments shall be made to the Commissioner on account of the initial mortgage insurance premium in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the National Housing Act, the initial mortgage premium shall be adjusted to accord with the minimum amount so prescribed but if such payment is within the limitations so prescribed, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(2) After payment of the initial mortgage insurance premium, annual premiums shall be paid on the anniversary dates of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period preceding the dates on which the premiums become payable.

(b) In the case of an "open-end" advance, meeting the requirements of § 221.43, the mortgagee shall pay to the Commissioner in cash or debentures on each succeeding anniversary date of the regular mortgage insurance premium, an insurance charge in an amount equal to ½ percent per annum of the original principal obligation of the advance except that the initial charge shall be prorated to cover the period beginning with the first day of the month following the date of endorsement and ending on the date it becomes payable.

(c) Until the mortgage is paid in full or until an application for debentures is received by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee shall continue to pay annual mortgage insurance premiums and "open-end" insurance charges to the Commissioner.

(d) In the event that the principal obligation of any mortgage is paid in full prior to maturity, the mortgagee shall pay to the Commissioner (in addition to any adjusted premium required by this part) the prorata portion of the current annual mortgage insurance premium and "open-end" insurance charge which is applicable to the portion of the year preceding such payment, computed from the prior anniversary date of the beginning of amortization to the first day of the month following the month in which such prepayment occurs.

2. Section 222.4 is revoked as follows:

§ 222.4 *Pro-rata refund in event of prepayment.* [Revoked.]

3. Section 222.10 is amended to read as follows:

§ 222.10 *Termination of insurance.* In the event the mortgagee forecloses on the mortgaged property, but does not convey it to the Commissioner and the Commissioner is given written notice thereof or in the event the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof, and the mortgagee pays the pro rata portion of the current annual mortgage insurance premium and "open-end" insurance charge and any adjusted premium required under this part, and the Commissioner is given written notice by the mortgagee of such payment by the mortgagor, the obligation to pay any subsequent premiums and charges for insurance shall cease and all rights of the mortgagee and mortgagor

shall terminate as of the date of such notice.

4. In § 222.12 paragraph (c) is amended to read as follows:

§ 222.12 *Transfer of property to Commissioner; conditions of default in mortgage.* • • •

(c) For the purposes of this section the date of default shall be considered as 30 days after—

(1) The first uncorrected failure to perform a covenant or obligation, or

(2) The first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due: *Provided, however,* That with respect to any mortgage heretofore or hereafter insured, and notwithstanding any other provisions of this part, if the mortgagee withholds or has withheld foreclosure proceedings against the mortgagor pursuant to the provisions of a forbearance agreement approved by the Commissioner, partial payments received by the mortgagee may be applied and reapplied in the manner prescribed in such agreement, the date of default shall be 30 days after the due date of the earliest monthly payment any part of which remains unpaid, and the Commissioner may waive the payment of mortgage insurance premiums, or any portion thereof, to the extent that partial payments received from the mortgagor during the period of forbearance are insufficient to pay such permiums after applying such partial payments to delinquent interest at a rate not in excess of the interest rate applicable to debentures to which the mortgagee may be entitled.

5. Section 222.13 (a) (1) (ii) is amended to read as follows:

§ 222.13 *Condition of property when transferred; delivery of debentures and certificate of claim.* (a) • • •

(1) • • •

(ii) Have a face value to be determined by adding to original principal of the mortgage (as increased by the amount of "open-end" advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments made by the mortgagee for:

(*a*) Taxes, ground rent and water rates, which are liens prior to mortgage;

(*b*) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(*c*) Hazard insurance on the mortgaged property;

(*d*) Mortgage insurance premiums or "open-end" insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default;

(*e*) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(*f*) Foreclosure costs actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such cost or $75, whichever is the greater;

(*g*) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property.

There shall be deducted from the total of the foregoing items any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided, however,* That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums and "open-end" insurance charges by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter;

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b)

PART 225—SERVICEMEN'S MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

1. In § 225.1 paragraph (a) is amended by deleting from the listed provisions the following:

§ 225.1 *Incorporation by reference.* (a) • • •

§ 221.42 Eligibility of miscellaneous-type mortgages.

2. Section 225.3 is amended to read as follows:

§ 225.3 *Maximum mortgage amount; dollar limitation.* The mortgage shall involve a principal obligation not in excess of $17,100 and shall be in an amount of $100 or multiples thereof (except a mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25, or 30 years may be in an amount of $50 or multiples thereof).

3. Section 225.4 is amended to read as follows:

§ 225.4 *Maximum mortgage amount; ratio of loan-to-value limitation.* The mortgage shall be in an amount not to exceed 95 percent of the appraised value of the property as of the date the mortgage is accepted for insurance, or such higher amount as may be calculated by applying the maximum ratio of loan-to-value prescribed in § 221.17.

4. Section 225.5 is amended to read as follows:

§ 225.5 *Mortgagor's minimum investment.* At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b)

PART 226—SERVICEMEN'S MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

1. In § 226.1 paragraph (a) is amended by adding to the listed provisions the following:

§ 226.1 *Incorporation by reference.* (a) • • •

§ 222.2 Annual mortgage insurance premiums and charges.

§ 222.12 Transfer of property to the Commissioner; conditions of default in mortgage.

§ 222.13 Condition of property when transferred; delivery of debentures and certificate of claim.

2. In § 226.3 paragraph (b) is amended to read as follows:

§ 226.3 *Annual mortgage insurance premiums and charges.* • • •

(b) All of the provisions of § 222.2 of this chapter shall apply to this section, except that:

(1) All references to the mortgagee shall be deemed to refer to the mortgagee or the service branch, as the case may be.

(2) All references to the Mutual Mortgage Insurance Fund shall be deemed to refer to the Servicemen's Mortgage Insurance Fund.

(3) In lieu of the provisions of § 222.2 (c), the mortgagee shall continue to pay annual mortgage insurance premiums and "open-end" insurance charges to the Commissioner until the mortgage is paid in full or until the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner.

3. Part 226 is amended by adding new §§ 226.8, 226.9 and 226.10 as follows:

§ 226.8 *Transfer of property to the Commissioner; conditions of default in mortgage.* All of the provisions of § 222.12 of this chapter apply to mortgages insured under this part except the provisions of § 222.12 (c) (2) of this chapter relating to forbearance agreements.

§ 226.9 *Condition of property when transferred; delivery of debentures and certificate of claim.* All of the provisions of § 222.13 of this chapter apply to mortgages insured under this part except that in lieu of the provisions of § 222.13 (a) (1) (ii) the face value of the debentures shall be determined by adding to original principal of the mortgage (as increased by the amount of "open-end" advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments made by the mortgagee for:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) Mortgage insurance premiums or insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default;

(e) Taxes imposed by the United States upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such cost or $75, whichever is the greater;

There shall be deducted from the total of the foregoing items any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided, however,* That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums and "open-end" insurance charges by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter.

§ 226.10 *Effective date.* The provisions of this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after November 5, 1954.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b. Interpret or apply sec. 222, 68 Stat. 603, as amended; 12 U. S. C. 1715m)

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

1. Section 232.2 is amended by adding three new paragraphs (f), (g) and (h) to read as follows:

§ 232.2 *Issuance of commitment.* (a) • • •

(f) The mortgagee shall not collect from the builder or sponsor charges, fees and discounts in excess of those prescribed by the Schedule of Maximum Charges, Fees and Discounts issued by the Commissioner and in effect as of the date of filing of the application for insurance.

(g) Every application for insurance filed after August 4, 1957 shall be accompanied by a certificate approved by the Commissioner executed by the builder and sponsor of the project described in the application, certifying that there has been no payment or obligation to pay, either directly or indirectly through a wholly or partially owned affiliate or subsidiary, or otherwise, any charges, fees or discounts in excess of those prescribed by the Schedule of Maximum Charges, Fees and Discounts issued by the Commissioner and in effect as of the date of filing of the application for insurance.

(h) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing all items for which any charge, fee or discount was collected by it in connection with the mortgage transaction, together with the amount of each such charge, fee or discount. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees or discounts.

2. § 232.4 paragraphs (d) and (e) are amended to read as follows:

§ 232.4 *Maximum mortgage amounts.* • • •

(d) *Increased mortgage amount—elevator-type structures.* With respect to a mortgage meeting the requirements of paragraphs (a) and (b) of this section and covering a project consisting of elevator-type structures, the Commissioner may increase the dollar amount limitation of $2250 per room to not to exceed $2700 per room and the dollar amount limitation of $8100 per family unit to not to exceed $8400 per family unit, as the case may be, to compensate for the higher costs incident to construction of elevator-type structures of sound standards of construction and design. With respect to a mortgage meeting the requirements of paragraph (c) of this section, the Commissioner may increase the dollar amount limitation of $8100 per family unit to not to exceed $8400 per family unit.

(e) *Increased mortgage amount—high cost areas.* In any geographical area where the Commissioner finds cost levels so require, the maximum dollar amount limitations set out in paragraphs (a) or (b) of this section may be increased by not to exceed $1000 per room without regard to the number of rooms being less than four, or more than four. As to projects located in the Territory of Alaska, Guam, or Hawaii, if the Commissioner finds that because of high costs it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages otherwise meeting the requirements of paragraphs (a), (b) and (c) of this section may be increased in such amounts as may be necessary to compensate for such high costs, but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

3. In § 232.30 (b) the introductory text and subparagraphs (4) and (5) are amended to read as follows:

§ 232.30 *Eligibility of miscellaneous type mortgages.* • • •

(b) The mortgage may be accepted for insurance if— • • •

(4) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1955, as amended: *Provided,* That such insurance shall be issued without regard to any preferences or priorities except those prescribed by the National Housing Act or the Atomic Energy Community Act of 1955, as amended; or

(5) Executed in connection with the sale by a State or municipality, or any agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the occupancy of veterans (as defined in § 221.11) their families and others: *Provided,* That in no case may the principal obligation of a mortgage referred to in this subparagraph exceed 90 percent of the appraised value of the mortgaged property; or

4. Section 232.31 is amended to read as follows:

§ 232.31 *Eligibility of refinanced mortgages.* Notwithstanding any other provisions of this part, a mortgage bearing interest not in excess of 4½ percent per annum, given to refinance a mortgage insured under section 608 or 908 of the National Housing Act shall be eligible for insurance under this section, if the principal amount of such refinanced mortgage does not exceed the original principal amount, and the term does not exceed the unexpired term of such existing mortgage; except that in any case in which the Commissioner determines that the insurance of a mortgage for an additional term will inure to the benefit of the applicable insurance fund taking into consideration the outstanding insurance liability under the existing insured mortgage, the refinanced mortgage may have a term of not more than 12 years in excess of unexpired term of the existing insured mortgage.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b)

PART 233—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

In § 233.2 paragraph (d) is amended to read as follows:

§ 233.2 *First, second and third premiums.* • • •

(d) Until the mortgage is paid in full, or until an application for debentures is received by the Commissioner or until

the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee, on each anniversary of the date of the first principal payment shall pay an annual mortgage insurance premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

1. Section 241.4 is amended by adding three new paragraphs (f), (g) and (h) to read as follows:

§ 241.4 *Issuance of commitment.* (a) • • •

(f) The mortgagee shall not collect from the builder or sponsor charges, fees and discounts in excess of those prescribed by the Schedule of Maximum Charges, Fees and Discounts issued by the Commissioner and in effect as of the date of filing of the application for insurance.

(g) Every application for insurance filed after August 4, 1957 shall be accompanied by a certificate approved by the Commissioner executed by the builder and sponsor of the project described in the application, certifying that there has been no payment or obligation to pay, either directly or indirectly through a wholly or partially owned affiliate or subsidiary, or otherwise, any charges, fees or discounts in excess of those prescribed by the Schedule of Maximum Charges, Fees and Discounts issued by the Commissioner and in effect as of the date of filing of the application for insurance.

(h) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing all items for which any charge, fee or discount was collected by it in connection with the mortgage transaction, together with the amount of each such charge, fee or discount. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees or discounts.

2. Section 241.5 is amended to read as follows:

§ 241.5 *Information as to appraisals.* An application for mortgage insurance with respect to a mortgage to be executed by a mortgagor of a Sales Type Project must be accompanied by an agreement satisfactory to the Commissioner, executed by the seller, builder, sponsor, or such other person as may be required by the Commissioner, whereby such person agrees that prior to any sale of the dwellings in the project or stock of the mortgagor corporation, such person will deliver to the purchasers of such property or subscribers for such stock a written statement acceptable to the Commissioner setting forth the amount of the Commissioner's estimate of the replacement cost of the property.

3. In § 241.7 paragraph (i) is amended to read as follows:

§ 241.7 *Maximum mortgage amounts.* • • •

(i) *Mortgagor's minimum investment—sales type projects.* At the time a mortgage executed by a mortgagor of a Sales Type Project is insured, the mortgagor shall have paid on account of the project at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent and each member or stockholder of the mortgagor shall have paid the amount required by § 243.9 (b) of this subchapter. The amount required for working capital specified in § 241.26 may not be included in the 3 percent payment required by this paragraph.

4. Section 241.18 is amended to read as follows:

§ 241.18 *Prepayment privilege; prepayment and late charges*—(a) *Prepayment privilege.* The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee thirty (30) days' notice in writing in advance of its intention to so prepay.

(b) *Prepayment charge.* The mortgage may include a provision for such additional prepayment charge as may be agreed upon between the mortgagor and mortgagee; except that the mortgagor must be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any one calendar year without any such additional charge: *Provided,* That no such additional charge may be made where the prepayment results from the release of individual properties in accordance with the provisions of a mortgage in a Sales ~~Type~~ Project: *Provided further,* That no such additional charge may be made in the event the mortgage balance is reduced by any payments required under § 241.36: *And provided further,* That, except with the prior written approval of the Commissioner, no such additional charge shall be made where the prepayment results from the sale of an Investor Sponsored Project within two years after its completion pursuant to a certificate of intent as provided in section 213 (a) (3) of the National Housing Act.

(c) *Late charge.* The mortgage may provide for the collection by the mortgagee of a "late charge," not to exceed 2 cents for each dollar of each payment to interest and/or principal more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

5. In § 241.23 the first sentence is amended to read as follows:

§ 241.23 *Regulation and restriction of mortgagors.* The regulation or restriction of mortgagors of the character described in § 241.20 (a) will be set forth in the certificate of incorporation or other instrument under which the mortgagor is created (hereinafter referred to as the "charter") and will be made effective through the issuance of certain shares of special stock (or other evidence of a beneficial interest in the mortgagor) which stock or interest will enable the Commissioner in his discretion to exercise majority voting rights in the event of violation of a provision of the charter or (except as to the mortgagor of an Investor Sponsored Project) at any time during the period between initial and final endorsement for mortgage insurance by the Commissioner whether or not such violation has occurred. • • •

6. In § 241.31 paragraph (a) is amended to read as follows:

§ 241.31 *Mortgagors subject to regulation and restriction*—(a) *In general.* Except as otherwise provided in this section, all mortgagors shall be subject to regulation and restriction by the Commissioner with respect to the matters set forth in this part. A mortgagor of the character described in § 241.20 (b) shall not be subject to regulation and restriction by the Commissioner with respect to matters set forth in §§ 241.24, 241.25, 241.29 and 241.30. If the mortgage is to be insured after completion of the improvements, the mortgagor shall not be subject to the requirements of § 241.27.

7. Section 241.34 is amended by adding a new paragraph (c) as follows:

§ 241.34 *Form of contract.* • • •

(c) *Identity of interest—subcontractor.* If it is found by the Commissioner that an identity of interest exist between the mortgagor or any of its officers, directors or stockholders and any subcontractor or material supplier, the mortgagor and the general contractor must certify in a form prescribed by the Commissioner prior to final endorsement of the mortgage for insurance that the amounts paid to such subcontractor or material supplier were not more than the rate prevailing in the locality for similar type labor and materials.

8. In § 241.42 paragraph (a) is amended to read as follows:

§ 241.42 *Development of property.* At the time the mortgage is insured:

(a) The mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than eight dwelling units and may be detached, semi-detached, or row houses, or multifamily structures: *Provided,* That in the case of a sales type project such units must be single-family dwellings constructed for sale to members of the mortgagor corporation: *And provided further,* That the Commissioner may insure a mortgage on a completed project constructed pursuant to a Commitment to Insure Upon Completion; or

9. In § 241.45 the introductory text of paragraph (b), paragraphs (b) (4) and (b) (5) and paragraph (d) are amended and paragraph (c) is revoked as follows:

§ 241.45 *Eligibility of miscellaneous type mortgages.* • • •

(b) The mortgage may be accepted for insurance if— • • •

(4) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1955, as amended: *Provided,* That such insurance shall be issued without regard to any preferences or priorities except those prescribed by the National Housing Act or the Atomic Energy Community Act of 1955, as amended; or

(5) Executed in connection with the sale by a State or municipality, or an agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the occupancy of veterans (as defined in § 221.11 of this chapter) their families and others: *Provided,* That in no case may the principal obligation of a mortgage referred to in this subparagraph exceed 90 percent of the appraised value of the mortgaged property; or

• • • • •

(c) [Revoked.]

(d) Notwithstanding any other provisions of this part, a mortgage executed by a mortgagor of a Management Type project bearing interest not in excess of 4½ percent per annum, given to refinance a mortgage insured under sections 608 or 908 of the National Housing Act shall be eligible for insurance under this section, if the principal amount of such refinanced mortgage does not exceed the original principal amount, and the term does not exceed the unexpired term of such existing mortgage; except that in any case in which the Commissioner determines that the insurance of a mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage, the refinanced mortgage may have a term of not more than 12 years in excess of unexpired term of the existing insured mortgage.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b)

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

1. In § 243.9 paragraph (b) is amended to read as follows:

§ 243.9 *Maximum amount of mortgage and mortgagor's minimum investment.* • • •

(b) At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine, in cash or its equivalent. The mortgagor's cash investment in the mortgagor corporation under the project mortgage may be credited against the amount required by this section. The amount required for working capital specified in § 241.26 of Part 241 of this subchapter may not be included in the 3 percent payment required by this paragraph.

2. In § 243.18 paragraphs (b) and (c) are amended and a new paragraph (d) is added as follows:

§ 243.18 *Maximum charges, fees and discounts.* • • •

(b) Every application for insurance filed after August 4, 1957 shall be accompanied by a certificate approved by the Commissioner executed by the builder, seller or purchaser of the property described in the application, certifying that such person has not paid or obligated himself to pay and will not pay or obligate himself to pay, either directly or indirectly through a wholly or partially owned affiliate or subsidiary, or otherwise, any charges, fees or discounts in excess of those prescribed by the Schedule of Maximum Charges, Fees and Discounts issued by the Commissioner and in effect as of the date of filing of the application for insurance.

(c) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing all items for which any charge, fee or discount was collected by it, from any person connected with the mortgage transaction, together with the amount of each such charge, fee or discount. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees or discounts.

(d) Nothing in this section will be construed as prohibiting the mortgagor from dealing through a broker who does not represent the mortgagee, if he prefers to do so, and paying such compensation as is satisfactory to the mortgagor in order to obtain mortgage financing.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b)

PART 244—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT—INDIVIDUAL MORTGAGES

1. Section 244.2 is amended to read as follows:

§ 244.2 *Insurance premiums and charges.* The provisions of §§ 222.2 and 222.3 of this chapter shall apply to this part, except that:

(a) The reference in § 222.2 to the Mutual Mortgage Insurance Fund shall be changed so as to refer to the Housing Insurance Fund.

(b) In lieu of the provisions of § 222.2 (c) the mortgagee shall continue to pay annual mortgage insurance premiums and "open-end" insurance charges to the Commissioner until the mortgage is paid in full or until the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner.

(c) The reference in § 222.3 (c) (2) of this chapter to § 221.43 shall be changed so as to refer to § 243.30 of this subchapter.

2. Section 244.5 is amended to read as follows:

§ 244.5 *Rights and duties of an approved mortgagee under the contract of insurance.* The provisions of §§ 222.10 to 222.14, inclusive, of this chapter, shall apply to this section, except that:

(a) The reference in § 222.13 of this chapter to the Mutual Mortgage Insurance Fund shall be changed to Housing Insurance Fund.

(b) Section 222.13 (a) (1) (ii) of this chapter shall not apply insofar as it allows the inclusion in debentures of payments made by the mortgagee for the purpose of protecting, operating, or preserving the property or taxes imposed by any authority other than the United States upon any deed or other instrument by which the property was acquired by the mortgagee and transferred or conveyed to the Commissioner.

(c) The provisions of § 222.12 (c) (2) of this chapter relating to forbearance agreements shall not apply to this section.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U. S. C. 1715e)

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

1. In § 261.1 paragraph (a) is amended by adding to the listed provisions the following:

§ 261.1 *Incorporation by reference.* (a) • • •

§ 221.14 Certification of appraisal amount.

2. Section 261.5 is amended to read as follows:

§ 261.5 *Dwelling units on property.* At the time the mortgage is insured there must be located on the mortgaged property a dwelling designed principally for residential use of not more than eleven families. Such dwelling may be connected with other dwellings by a party wall or otherwise. Any such dwelling shall be constructed or rehabilitated pursuant to an urban renewal plan approved by the Administrator as provided in section 220 (d) (1) (A) of the National Housing Act, as amended.

3. In § 261.7 paragraph (a) is amended to read as follows:

§ 261.7 *Maximum mortgage amounts: loan-to-value limitation.* • • •

(a) Where the mortgagor is the occupant of the property the mortgage shall be in an amount not in excess of:

(1) 97 percent of $10,000 of the Commissioner's estimate of the replacement cost of the property as of the date the mortgage is accepted for insurance, plus 85 percent of such cost in excess of $10,000 but not in excess of $16,000 and

70 percent of such cost in excess of $16,000, if the application for insurance is for construction of a proposed dwelling which is approved for insurance prior to the beginning of construction; or

(2) 97 percent of $10,000 of the Commissioner's estimate of the appraised value of the property as of the date the mortgage is accepted for insurance, plus 85 percent of such value in excess of $10,000 but not in excess of $16,000 and 70 percent of such value in excess of $16,000, if the application for insurance covers an existing dwelling, the construction of which was completed more than one year preceding the date of the application for insurance; or

(3) 90 percent of $10,000 of the Commissioner's estimate of the appraised value of the property as of the date the mortgage is accepted for insurance, plus 85 percent of such value in excess of $10,000 but not in excess of $16,000 and 70 percent of such value in excess of $16,000, if the application for insurance covers a dwelling under construction at the time the application is filed or, an existing dwelling, the construction of which was completed within one year prior to the application for insurance; or

(4) 97 percent of $10,000 of the Commissioner's estimate of the appraised value of the property as of the date the mortgage is accepted for insurance, plus 85 percent of such value in excess of $10,000 but not in excess of $16,000 and 70 percent of such value in excess of $16,000, if the proceeds of the mortgage are used to finance the rehabilitation of a dwelling.

4. Section 261.8 is amended to read as follows:

§ 261.8 *Mortgage obligation in multiples.* The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof except that a mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25 or 30 years may be in an amount of $50 or multiples thereof.

5. Part 261 is amended by adding a new § 261.10b as follows:

§ 261.10b *Certificates of appraisal and replacement amounts.* All of the provisions of § 221.14 of this chapter apply to mortgages insured under this part except that with respect to mortgages meeting the requirements of § 261.7 (a) (1), the application for insurance must be accompanied by an agreement satisfactory to the Commissioner executed by the seller, builder or such other person as required by the Commissioner whereby such person agrees that prior to any sale of the dwelling such person will deliver to the purchaser of the property a written statement acceptable to the Commissioner setting forth the amount of the Commissioner's estimate of the replacement cost of the property.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U. S. C. 1715c)

PART 262—HOME REHABILITATION INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

1. In § 262.1 paragraph (a) is amended by adding to the listed provisions the following:

§ 262.1 *Incorporation by reference.* (a) • • •

§ 222.2 Annual mortgage insurance premiums and charges.
§ 222.12 Transfer of property to the Commissioner; conditions of default in mortgage.
§ 222.13 Condition of property when transferred; delivery of debentures and certificate of claim.

2. Part 262 is amended by adding new §§ 262.2b, 262.2c and 262.2d as follows:

§ 262.2b *Annual mortgage insurance premiums and charges.* All of the provisions of § 222.2 of this chapter apply to mortgages insured under this part except that in lieu of the provisions of § 222.2 (c) of this chapter the mortgagee shall continue to pay annual mortgage insurance premiums and "open-end" insurance charges to the Commissioner until the mortgage is paid in full or until the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner.

§ 262.2c *Transfer of property to the Commissioner; conditions of default in mortgage.* All of the provisions of § 222.12 of this chapter apply to mortgages insured under this part except the provisions of § 222.12 (c) (2) of this chapter relating to forbearance agreements.

§ 262.2d *Condition of property when transferred; delivery of debentures and certificate of claim.* All of the provisions of § 222.13 of this chapter apply to mortgages insured under this part except that in lieu of the provisions of § 222.13 (a) (1) (ii) of this chapter the face value of the debentures shall be determined by adding to original principal of the mortgage (as increased by the amount of "open-end" advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments made by the mortgagee for:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) Mortgage insurance premiums or insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default;

(e) Taxes imposed by the United States upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such cost or $75, whichever is the greater.

There shall be deducted from the total of the foregoing items any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided, however,* That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures, the payment of insurance premiums and "open-end" insurance charges by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U. S. C. 1715e)

PART 263—MULTIFAMILY REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Section 263.4a is amended to read as follows:

§ 263.4a *Issuance of commitment.* All of the provisions of § 232.2 of this chapter apply with respect to the issuance of commitments under this part except that commitments to insure advances, as set forth in paragraph (c), shall be effective for a stated period not in excess of 180 days.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U. S. C. 1715k)

PART 267—HOME RELOCATION INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

1. In § 267.1 paragraph (a) is amended by adding to the listed provisions the following:

§ 267.1 *Incorporation by reference.* (a) • • •

§ 222.2 Annual mortgage insurance premiums and charges.
§ 222.12 Transfer of property to the Commissioner; conditions of default in mortgage.
§ 222.13 Condition of property when transferred; delivery of debentures and certificate of claim.

2. Part 267 is amended by adding new §§ 267.1a, 267.1b and 267.1c as follows:

§ 267.1a *Annual mortgage insurance premiums and charges.* All of the provisions of § 222.2 of this chapter apply to mortgages insured under this part except that in lieu of the provisions of § 222.2 (c) of this chapter the mortgagee shall continue to pay annual mortgage insurance premiums and "open-end" insurance charges to the Commissioner until the mortgage is paid in full or until the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner.

§ 267.1b *Transfer of property to the Commissioner; conditions of default in mortgage.* All of the provisions of § 222.12 of this chapter apply to mortgages insured under this part except the provisions of § 222.12 (c) (2) of this chapter relating to forbearance agreements.

§ 267.1c *Condition of property when transferred; delivery of debentures and certificate of claim.* All of the provisions of § 222.13 of this chapter apply to mortgages insured under this part except that in lieu of the provisions of § 222.13 (a) (1) (ii) of this chapter the face value of the debentures shall be determined by adding to original principal of the mortgage (as increased by the amount of "open-end" advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments made by the mortgagee for:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) Mortgage insurance premiums or insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default;

(e) Taxes imposed by the United States upon deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such cost or $75, whichever is the greater.

There shall be deducted from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided, however,* That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures, the payment of insurance premiums and "open-end" insurance charges by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter.

(Sec. 211, 52 Stat. 23, as amended; 12 U. S. C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U. S. C. 1715l).

Subchapter H—War Housing Insurance

PART 277—WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

1. In § 277.3 paragraph (c) is amended to read as follows:

§ 277.3 *Premiums.* • • •

(c) After payment of the initial mortgage insurance premium and until the mortgage is paid in full or until an application for debentures is received by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

2. In § 277.8 (a) a new subparagraph (2) is added to read as follows:

§ 277.8 *Condition of property when transferred; delivery of debentures; certificate of claim and definition of the term "waste".* (a) • • •

(2) In computing the face value of the debentures, in addition to the items provided in subparagraph (1) of this paragraph, there may be added to the unpaid principal of the mortgage, payments made by the mortgagee for taxes imposed upon any deed or other instrument by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner, payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C., and Sup., 1742)

Subchapter M—Military and Armed Services, Housing Mortgage Insurance

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

SUBPART A—MILITARY PERSONNEL

1. In § 292a.7 paragraph (a) is amended to read as follows:

§ 292a.7 *Maximum mortgage amount; replacement cost.* (a) The mortgage or mortgages shall involve a total principal obligation not to exceed the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed improvements are completed including the replacement cost of ranges, refrigerators, shades, screens and fixtures. Such cost may include the cost of the land, the physical improvements, and utilities within the boundaries of the property or project.

2. In § 292a.8 paragraph (a) is amended to read as follows:

§ 292a.8 *Maximum mortgage amount; dollar limitation.* (a) The mortgage or mortgages shall involve a total principal obligation in an amount not to exceed an average of $16,500 per family unit for such part of the project as may be attributable to dwelling use including ranges, refrigerators, shades, screens, and fixtures, less the amount of the Commissioner's estimated value of any usable utilities within the boundaries of the project where owned by the United States and not provided for out of the proceeds of the mortgage: *Provided,* That should the financing of housing to be constructed pursuant to a single invitation for bids be accomplished by two or more mortgages, the principal obligation of any single mortgage may exceed an average of $16,500 per family unit if the sum of the principal obligations of all mortgages for such housing does not exceed an average of $16,500 per family unit.

3. In § 292a.9 paragraph (a) is amended to read as follows:

§ 292a.9 *Maximum mortgage amount; successful bid.* (a) The mortgage or mortgages shall involve a total principal obligation not to exceed the amount of the successful bid of the eligible bidder of the project. The term "eligible bidder" means a person, partnership, firm, or corporation determined by the Secretary of Defense, after consultation with the Commissioner (1) to be qualified by experience and financial responsibility to construct housing of the type described and provided for under Title VIII of the National Housing Act, and (2) to have submitted the lowest acceptable bid.

4. Section 292a.19 is amended to read as follows:

§ 292a.19 *Maximum charges, fees and discounts.* (a) The mortgagee may collect from the mortgagor the amount of the application and commitment fees provided for in this section and may charge the mortgagor an initial service charge to reimburse itself for the cost of closing the transaction, in an amount not to exceed 1½ percent of the original principal amount of the mortgage, or such additional amounts or charges as may be approved by the Commissioner.

(b) The mortgagee shall not collect from the builder or sponsor charges, fees and discounts in excess of those prescribed by the Schedule of Maximum Charges, Fees and Discounts issued by the Commissioner and in effect as of the date of filing of the application for insurance.

(c) Every application for insurance filed after August 4, 1957 shall be accompanied by a certificate approved by the Commissioner executed by the builder and sponsor of the project described in the application, certifying that there has

been no payment or obligation to pay, either directly or indirectly through a wholly or partially owned affiliate or subsidiary, or otherwise, any charges, fees or discounts in excess of those prescribed by the Schedule of Maximum Charges, Fees and Discounts issued by the Commissioner and in effect as of the date of filing of the application for insurance.

(d) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing all items for which any charge, fee or discount was collected by it in connection with the mortgage transaction, together with the amount of each such charge, fee or discount. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees or discounts.

SUBPART B—CIVILIAN EMPLOYEES

1. Section 292a.54 is amended to read as follows:

§ 292a.54 *Maximum mortgage amount; loan-to-value limitation.* In addition to meeting the dollar limitation as set forth in § 292a.53, the mortgage shall be in an amount not in excess of:

(a) 97 percent of $10,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $10,000 but not in excess of $16,000, and 70 percent of such value in excess of $16,000, if the dwelling was approved for insurance prior to the beginning of construction, or if construction was completed more than one year preceding the date of the application for insurance; or

(b) 90 percent of $10,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $10,000 but not in excess of $16,000, and 70 percent of such value in excess of $16,000, if the dwelling was not approved for insurance prior to the beginning of construction and construction was completed within one year preceding the application for insurance.

2. Section 292a.55 is amended to read as follows:

§ 292a.55 *Mortgage obligation in multiples.* The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof (except that a mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25 or 30 years, may be in an amount of $50 or multiples thereof).

3. Section 292a.56 is amended to read as follows:

§ 292a.56 *Mortgagor's minimum investment.* At the time the mortgage is insured the mortgagor shall have paid on account of the property at least three percent of the Commissioner's estimate of the cost of acquisition, or such larger amount as the Commissioner may determine, in cash or its equivalent.

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f. Interpret or apply sec. 809, 70 Stat. 273)

PART 293—MILITARY HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

1. The heading of Part 293 is amended to read as set forth above.

2. Part 293 is amended by adding a new § 293.3 as follows:

§ 293.3 *Special mortgage agreements.* If a military department acting for and in behalf of the United States acquires a property covered by an insured mortgage, the Commissioner may, with the consent of the mortgagee and the military department, make such agreements and arrangements concerning the mortgage as may be appropriate without regard to the provisions of this part or Part 292 of this chapter.

(Sec. 808, 63 Stat. 570; 12 U. S. C. 1748g)

PART 293a—ARMED SERVICES HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

SUBPART B—CIVILIAN EMPLOYEES

1. In § 293a.25 paragraph (a) is amended by adding to the listed provisions the following:

§ 293a.25 *Incorporation by reference.* (a) * * *

§ 222.2 Annual mortgage insurance premiums and charges.

§ 222.12 Transfer of property to the Commissioner; conditions of default in mortgage.

§ 222.13 Condition of property when transferred; delivery of debentures and certificate of claim.

2. Part 293a is amended by adding to Subpart B new §§ 293a.27, 293a.28, 293a.29 and 293a.30 as follows:

§ 293a.27 *Annual mortgage insurance premiums and charges.* All of the provisions of § 222.2 of this chapter apply to mortgages insured under this part except that in lieu of the provisions of § 222.2 (c) of this chapter the mortgagee shall continue to pay annual mortgage insurance premiums and "open-end" insurance charges to the Commissioner until the mortgage is paid in full or until the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner.

§ 293a.28 *Transfer of property to the Commissioner; conditions of default.* All of the provisions of § 222.12 of this chapter apply to mortgages insured under this part except the provisions of § 222.12 (c) (2) of this chapter relating to forbearance agreements.

§ 293a.29 *Condition of property when transferred; delivery of debentures and certificate of claim.* All of the provisions of § 222.13 of this chapter apply to mortgages insured under this part except that in lieu of the provisions of § 222.13 (a) (1) (ii) of this chapter the face value of the debenture shall be determined by adding to original principal of the mortgage (as increased by the amount of "open-end" advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments made by the mortgagee for:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) Mortgage insurance premiums or insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default;

(e) Taxes imposed by the United States upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such cost or $75, whichever is the greater.

There shall be deducted from the total of the foregoing items any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided, however,* That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures, the payment of insurance premiums and "open-end" insurance charges by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter.

§ 293a.30 *Effective date.* The provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after June 13, 1956.

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f. Interpret or apply sec. 809, 70 Stat. 273)

Subchapter N—National Defense Housing Insurance

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

1. In § 295.3 paragraph (c) is amended to read as follows:

§ 295.3 *Annual insurance premiums and charges.* * * *

(c) After payment of the initial mortgage insurance premium and until the mortgage is paid in full or until an application for debentures is received by

the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

2. In § 295.11 (a) a new subparagraph (3) is added to read as follows:

§ 295.11 *Condition of property when transferred; delivery of debentures; certificate of claim and definition of the term "waste".* (a) * * *

(3) In computing the face value of the debentures, in addition to the items provided in subparagraph (1) of this paragraph, there may be added to the unpaid principal of the mortgage, payments made by the mortgagee for taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner, payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property.

(Sec. 907, 65 Stat. 301; 12 U. S. C. 1750f)

Issued at Washington, D. C., August 5, 1957.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57-6476; Filed, Aug. 5, 1957; 1:27 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

ALLOWABLE CHARGES, FEES, AND DISCOUNTS

In § 36.4312, new paragraphs (e) and (f) are added as follows:

§ 36.4312 *Allowable charges, fees, and discounts.* * * *

(e) No loan for the purchase or construction of a dwelling unit on which the Administrator receives a request for a determination of reasonable value on or after August 5, 1957, shall be guaranteed or insured unless the lender certifies to the Administrator that it has not imposed and will not impose any charges or fees against the veteran borrower in excess of those permissible under the schedule set forth in paragraph (d) of this section, and that it has not imposed and will not impose against the builder or seller of the dwelling unit purchased or constructed with the proceeds of the guaranteed or insured loan any charges, fees or discounts in excess of those permissible under the schedule set forth in paragraph (f) of this section. In addition to such certification by the lender, if the request for determination of reasonable value which is received on or after August 5, 1957, relates to a new dwelling unit which has not been occupied previously, the builder shall certify that in connection with the financing of the construction or sale of the dwelling unit the builder has not paid and will not pay any charges, fees or discounts in excess of those permissible under the schedule set forth in paragraph (f) of this section.

(f) The following schedule sets forth the charges, fees, or discounts which a builder or seller may pay in connection with the financing of the construction or sale of a dwelling unit on which a request for determination of reasonable value is received by the Administrator on or after August 5, 1957.

CHARGES A BUILDER OR SELLER MAY PAY

A. In connection with construction financing obtained by the builder or in connection with the guaranteed or insured financing to the veteran purchaser the builder may pay any of the following:

(1) Interest on the construction loan not in excess of six (6) percent simple interest per annum.

(2) Service charge not in excess of two and one-half (2½) percent of the construction loan.

(3) Any combination or variation of (1) and (2) above which does not result in a gross charge in excess of the aggregate permissible under (1) and (2).

(4) Fees or charges imposed by the Federal Housing Administration in connection with the issuance of an insurance commitment by such agency.

(5) Fees required to be paid to Veterans Administration designated fee appraisers or compliance inspectors.

(6) Reasonable and customary amounts actually incurred and paid out for various technical services and miscellaneous expenses within those categories listed in Part I A of the schedule in paragraph (d) of this section.

(7) Such amounts as may be charged under ordinary usages by suppliers of materials and equipment.

(8) Fee charged for commitment from lender or investor to make or purchase the guaranteed or insured loan, such fee not to exceed one (1) percent of the loan amount.

(9) Such discounts as the Administrator may authorize from time to time for each State, territory, or possession.

(10) The acceptance by the builder of stock issued by the Federal National Mortgage Association in connection with its purchase of the Veterans Administration guaranteed loan shall not be in violation of this schedule.

(11) Nothing in this schedule shall be deemed to preclude the builder from paying a bona fide real estate sales brokerage charge.

B. The seller of an existing previously occupied property may pay any of the charges, fees, or discounts authorized to be paid by a builder as may be applicable in respect to the sale of an existing previously occupied dwelling.

C. Any dwelling unit which is exempt from the provisions of the Federal Housing Administration fee schedule issued pursuant to Public Law 85-104, shall also be exempt from the requirements of paragraphs (e) and (f) of this section.

(Sec. 605, Pub. Law 104, 85th Cong.)

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective August 5, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-6497; Filed, Aug. 5, 1957; 4:30 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1456]

[1969385]

[New Mexico 012643]

NEW MEXICO

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 629 OF JANUARY 13, 1950, WHICH WITHDREW LANDS FOR USE OF DEPARTMENT OF AIR FORCE AS BOMBING AND GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 629 of January 13, 1950, withdrawing lands in New Mexico for use of the Department of the Air Force as a bombing and gunnery range, which was partially revoked by Public Land Order No. 791 of January 19, 1952, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 15 E.,
Secs. 28 and 33;
Sec. 34, SW¼NW¼ and W½SW¼.
T. 24 S., R. 15 E.,
Sec. 3, lot 4, W½SW¼, and SW¼NW¼;
Secs. 4 and 9;
Sec. 10, W½W½;
Sec. 21;
Sec. 28, NE¼, W½, and W½SE¼;
Sec. 33, W½E½ and W½.
T. 25 S., R. 15 E.,
Sec. 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼, lots 2, 3, and 4;
Sec. 9, W½E½ and W½;
Sec. 15, SW¼.
T. 25 S., R. 17 E.,
Sec. 13, S½;
Sec. 14, SE¼SE¼.
T. 25 S., R. 18 E.,
Sec. 13, N½;
Sec. 14, N½, N½S½, SE¼SE¼, and SW¼SW¼;
Sec. 15, NE¼ and S½;
Sec. 17, S½;
Sec. 18, lots 3, 4, SE¼, and E½SW¼;
Secs. 19 and 20;
Sec. 21, W½;
Sec. 22, E½;
Sec. 23, W½ and E½NE¼;
Sec. 27, W½;
Secs. 28, 29, 30, 31, 33, 34, and 35.
T. 26 S., R. 18 E.,
Sec. 3, N½, W½SW¼, NE¼SW¼, and NW¼SE¼;
Secs. 4, 5, 6, 7, 8, and 9;
Sec. 10, NW¼ and SE¼;
Sec. 11, E½ and E½W½;
Secs. 12 and 13;
Sec. 14, E½, E½NW¼, and SW¼;
Sec. 15, N½ and SE¼;
Secs. 17 and 18;
Sec. 22, NE¼;
Sec. 23, N½, NE¼SW¼, and SE¼;
Secs. 24 and 25;
Sec. 26, E½;
Sec. 27, SW¼;
Sec. 35.
T. 23 S., R. 19 E.,
Sec. 25, E½, E½W½, SW¼NW¼, and W½SW¼;
Sec. 26, E½, E½NW¼, and NW¼NW¼.
T. 25 S., R. 19 E.,
Sec. 11, S½S½;
Sec. 12, S½;
Sec. 13, SW¼NE¼, S½NW¼, and S½;

Sec. 14, SE¼NE¼, NW¼NE¼, NW¼, S½ SW¼, and SE¼;
Sec. 15, N½, SW¼, W½SE¼, and SE¼ SE¼;
Secs. 17, 18, 19, 20, 21, and 22;
Sec. 23, E½NE¼, NW¼NE¼, W½, and SE¼;
Sec. 24;
Sec. 25, E½, SE¼NW¼, W½NW¼, and E½SW¼;
Sec. 26, NE¼, E½NW¼, NW¼NW¼, NW¼ SW¼, and S½S½;
Secs. 27, 28, 29, 30, 31, 33, 34, and 35.

T. 26 S., R. 19 E.,
Secs. 1, 3, 4, and 5;
Secs. 6 to 15, inclusive;
Secs. 17 to 31, inclusive;
Secs. 33, 34, and 35.

T. 23 S., R. 20 E.,
Sec. 28;
Sec. 29;
Sec. 30;
Sec. 31;
Sec. 33.

T. 24 S., R. 20 E.,
Secs. 4, 5, and 6;
Sec. 7, NE¼, NE¼NW¼, W½SE¼, and NE¼SE¼;
Sec. 8, N½ and N½S½;
Sec. 9, N½ and N½S½;
Sec. 17;
Sec. 18, E½NE¼;
Sec. 19, E½SE¼;
Secs. 20, 21, 28, and 29;
Sec. 30, E½ and E½SW¼;
Sec. 33, N½, NW¼SW¼, and S½SE¼.

T. 25 S., R. 20 E.,
Sec. 4, lots 1, 2, 4, SW¼NW¼, and S½;
Sec. 5;
Sec. 6, lot 1, S½NE¼, SE¼NW¼, and E½ SE¼;
Sec. 7, lots 3, 4, E½NE¼, E½SW¼, and SE¼;
Secs. 8, 9, and 17;
Sec. 18, lots 1, 3, 4, N½NE¼, NE¼NW¼, and SE¼;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½NW¼, E½SW¼, W½SE¼, and NE¼SE¼;
Secs. 20, 21, 28, and 29;
Sec. 30, lots 1, 2, 3, 4, SE¼NE¼, and E½SE¼;
Sec. 31, lots 1, 2, 3, 4, and E½E½;
Sec. 33, W½.

T. 26 S., R. 20 E.,
Secs. 4 and 5;
Sec. 6, lots 2, 3, 4, E½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 7, 8, 9, 17, 18, 19, and 20;
Sec. 21, N½, NW¼SE¼, and E½SE¼;
Sec. 28, W½SW¼, SE¼SW¼, and SE¼;
Sec. 29, W½NE¼, W½, and SE¼;
Secs. 30, 31, and 33.

The areas described aggregate 85,645.55 acres.

2. The following-described lands which are within the Lincoln National Forest, will be open to applications and offers under the mineral-leasing laws and to location under the U. S. mining laws beginning at 10:00 a. m. on September 5, 1957.

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 20 E.,
Sec. 28;
Sec. 29, E½;
Sec. 33.

T. 24 S., R. 20 E.,
Sec. 4.

The areas described aggregate 2,257.68 acres.

3. The remaining lands aggregating 83,387.87 acres, are located within New Mexico Grazing District No. 3–4, in the southeastern part of Otero County. They constitute a three mile strip across the entire east end, a mile wide strip across the west end, and the southeast portion of the range, which extends southward for about ten miles to the New Mexico-Texas State line and include part of the Crow Flats area and part of the Broke-off Range separating Crow Flats from Dog Canyon. Small portions of the lands scattered over the area may be valuable for agriculture if water could be made available. However, at the present time there is no known source of water for irrigation.

4. No application for the lands in paragraph 3 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands in paragraph 3 are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on September 5, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 5, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on December 5, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. The lands in paragraph 3 will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m., on December 5, 1957.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

ROGER C. ERNST,
Assistant Secretary of the Interior.

JULY 31, 1957.

[F. R. Doc. 57–6433; Filed, Aug. 6, 1957; 8:46 a. m.]

[Public Land Order 1457]

[Anchorage 031693 etc.]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force for military purposes:

[Anchorage 031693]

SOLDOTNA AREA—SEWARD MERIDIAN

T. 5 N., R. 10 W.,
Sec. 8, E½SW¼SW¼SW¼ and W½SE¼ SW¼SW¼.

The areas described aggregate 10 acres.

[Anchorage 031940]

NAKNEK AREA

Beginning at a point from which Corner No. 9 of Air Navigation Site Withdrawal No. 169 dated June 19, 1950, bears approximately S. 22°00' W., 1,598 feet, thence
North, 800 feet;
East, 800 feet;
South, 800 feet;
West, 800 feet to point of beginning

The tract described contains 14.69 acres.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

ROGER C. ERNST,
Assistant Secretary of the Interior.

JULY 31, 1957.

[F. R. Doc. 57–6434; Filed, Aug. 6, 1957; 8:46 a. m.]

[Public Land Order 1458]

[1956267]

WASHINGTON

MODIFYING PUBLIC LAND ORDER NO. 261 OF JANUARY 24, 1945 AS AMENDED BY PUBLIC LAND ORDER NO. 881 OF JANUARY 30, 1953, TO PERMIT MINERAL LEASING OF PORTIONS OF RESERVED LANDS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 261 of January 24, 1945, reserving public lands in Washington for use of the War Department, as amended by Public Land Order No. 881 of January 30, 1953, transferring jurisdiction of the lands to the Atomic Energy Commission, is hereby modified to the extent necessary to permit the issuance of oil and gas leases pursuant to the Mineral Leasing Act of February 25, 1920 (41 Stat. 437: 30 U. S. C. 181 et. seq.) as amended and supplemented, as to the following-described lands:

WILLAMETTE MERIDIAN

T. 10 N., R. 26 E.,
Sec. 10, NE¼SE¼.

The area described contains 40 acres.

The modification made by this order shall be subject to the condition that no part of the surface of the lands shall be used in connection with prospecting, mining and removal of the oil and gas.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 1, 1957.

[F. R. Doc. 57–6449; Filed, Aug. 6, 1957; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 35—NORTHEASTERN REGION

SUBPART—BOMBAY HOOK NATIONAL WILDLIFE REFUGE, DELAWARE

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.11, I have determined that resident species of game birds and mammals, as defined by State law or regulation, may be taken by hunting on portions of the Bombay Hook National Wildlife Refuge, Delaware, without interfering with the primary purpose of the area. Accordingly, a new subpart and center headnote, as set forth above, and § 35.5, reading as follows, are added:

§ 35.5 *Hunting of resident game.* Resident species of game birds and mammals, as defined by State law or regulation, may be taken within the Bombay Hook National Wildlife Refuge at such times, in such numbers, and by such means as may be determined each year by the Regional Director, Region 5 (Northeastern Region), of the Bureau of Sport Fisheries and Wildlife, only on such areas as may be designated as open to hunting by suitable posting by the refuge officer in charge. Hunting on the refuge shall be in accordance with the conditions and restrictions of Parts 18 and 21 of this chapter and the applicable laws and regulations of the State of Delaware.

Since the foregoing amendments have the effect of relieving restrictions applicable to the Bombay Hook National Wildlife Refuge, compliance with the 30–day advance publication provision prescribed by section 4 (c) of the Administrative Procedure Act is not required, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003 (c)).

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Issued at Washington, D. C., and dated August 1, 1957.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57–6432; Filed, Aug. 6, 1957; 8:46 a. m.]

Subchapter F—Alaska Commercial Fisheries

PART 111—PRINCE WILLIAM SOUND AREA

OPEN SEASONS

Basis and purpose. On the basis of field surveys of the pink salmon runs in Prince William Sound, it has been determined that additional escapement is needed.

Therefore, § 111.2 is amended in paragraph (b) by deleting the text and substituting in lieu thereof, "6 o'clock antemeridian August 5, 1957."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57–6477; Filed, Aug. 5, 1957; 2:27 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 988]

[Docket No. AO–195–A9]

MILK IN KNOXVILLE, TENN., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Domestic Relations Courtroom, Knox County Courthouse, Knoxville, Tennessee, beginning at 10:00 a. m., on August 13, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Knoxville, Tennessee, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

By Knoxville Milk Producers Association:

1. Amend the order so as to provide for individual handler pools instead of the market-wide pool.

2. Amend § 988.51 (a) (1) to provide for Class I price differential of $1.75 per hundredweight.

By Certain Knoxville Handlers:

3. Amend § 988.51 (c) to provide for a Class I differential over basic formula price of $1.30 per hundredweight for the months of February through July, and $1.70 per hundredweight for the months of August through January.

By Knoxville Milk Producers Association:

4. Amend § 988.51 (a) (2) to provide for an adjustment rate of one cent per hundredweight during all months.

By Certain Knoxville Handlers:

5. Delete from § 988.51 (a) (2) the words "an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph or 12, whichever is less by the appropriate rate as follows:", and substitute therefor "an amount calculated by multiplying the utilization percentage pursuant to subparagraph (4) of this paragraph by the appropriate rate

as follows, or 48 cents, whichever is less:".

By Knoxville Milk Producers Association:

6. Amend § 988.51 (b) to provide that the Class II price shall be the average of the nine designated plants or places listed in paragraph (b) (1) plus 25 cents per hundredweight or the basic formula price whichever is higher including a supply-demand adjustment or other appropriate formulas.

By Certain Knoxville Handlers:

7. Delete paragraph (b) of § 988.51 (Class II milk price), and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price for each month shall be the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the sixth day after the end of the month:

Company and Location

Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.
Kraft Foods Co., Greeneville, Tenn.

Provided, That during the delivery periods of March through July the price per hundredweight for all milk received at a fluid milk plant and transferred as milk to a nonfluid milk plant for condensing or cheese utilization, or diverted direct from the farm to such outlets by a cooperative association, shall be the price computed above less 20 cents and an allowance of $0.00187 per hundredweight for each mile of such distance, by shortest highway route, between the City Hall at Knoxville, Tennessee, and the nonfluid milk plant but not to exceed 35 cents: *And provided further,* That the price per hundredweight of all milk, used to produce butter, and the skim milk of which is dumped or disposed of for livestock feed, during such delivery periods, shall be computed as follows: Multiply by 4.0 the arithmetical average of daily wholesale prices per pound of 90-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, add 15 percent thereof, and then deduct 35 cents.

By Knoxville Milk Producers Association:

8. Amend § 988.51 (b) (1) by substituting Kraft Foods Co., Greenville, Tennessee, for Pet Milk Co., Mayfield, Kentucky.

9. Delete paragraph (c) of § 988.50 and substitute the following:

(c) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct 5 cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month, by the Department of Agriculture, and multiply by 7.5.

10. Amend § 988.12 by deleting the 10-day limitation on diverting milk.

11. Amend § 988.9 so as to provide that milk received from a supply plant be first assigned to Class II in the pool plant in determining the pool plant qualifications of the supply plant.

By Certain Knoxville Handlers:

12. Add a proviso to § 988.9, Pool plant, as follows: "*And provided further,* That in the event a handler operates a plant of the type described in paragraph (b) of this section and a plant or plants of the type described in paragraph (a) of this section, each of the plants shall be pool plants in the event the total amount of milk disposed of from such plants and classified as Class I milk is at least 50 percent of the amount of producer milk received during the month at such plants."

13. Consider a reduction in the amount of the marketing service charge, and other appropriate revision of the marketing service charge provisions at § 988.88.

14. Delete paragraph (b) of § 988.41, and substitute therefor the following:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any item other than those specified in paragraph (a) of this section; (2) disposed of and used for livestock feed; (3) in milk dumped, after prior notification to the market administrator and opportunity for verification by the market administrator; and (4) in shrinkage of skim milk and butterfat received in producer milk, but not in excess of 2.5 percent of such receipts of skim milk and butterfat, respectively, and in shrinkage in skim milk and butterfat, respectively, in other source milk: *Provided,* That if producer milk and other source milk are both received in a fluid milk plant during the same delivery period the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and other source milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their totals.

15. Make provision in the order to the effect that milk produced by a dairy farmer who is regularly associated with the Knoxville Federal order market as a producer will be considered as part of the supply factor in the supply-demand adjustment (§ 988.51 (a)) whether received at the plant of the handler, diverted, or temporarily disposed of to other outlets.

By Knoxville Milk Producers Association:

16. Make any and all other changes as may be necessary or appropriate to make the marketing agreement and/or order in its entirety conform with amendments thereto that may result from the hearing.

Proposed by the Dairy Division, Agriculture Marketing Service:

17. Insert a new provision as follows:

§ 988.54 *Use of equivalent price.* If, for any reason, a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 Flatiron Building, 705 Broadway, N. E., Knoxville 17, Tennessee, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 2d day of August 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-6451; Filed, Aug. 6, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Amdt. 3]

ALASKA

SMALL TRACT CLASSIFICATION ORDER

JULY 26, 1957.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in section 2.9 (o), Order No. 541 of April 21, 1954, Bureau of Land Management, Small Tract Classification Order No. 28 dated July 20, 1950, as amended, is hereby further amended as follows:

1. The following parcel of land which, with other lands, was classified for cabin and business sites and for lease only is hereby re-classified as a residence site for lease and sale under the provisions of the act, supra:

SEWARD MERIDIAN

T. 2 N., R. 12 W.,
Sec. 29: W½NW¼NE¼NE¼,
Containing 5 acres.

2. This parcel is appraised at $160.00 and will be subject to the issuance of a two-year lease at a rental of $20.00 for the two year period.

3. This amendment shall become effective immediately.

JOHN E. BURT, JR.,
Acting Anchorage Operations Supervisor.

[F. R. Doc. 57-6435; Filed, Aug. 6, 1957; 8:47 a. m.]

Bureau of Reclamation

[Public Announcement 27, Amdt. 1]

COLUMBIA BASIN PROJECT, WASH.

SALE OF PART-TIME FARM UNITS

JULY 30, 1957.

Public announcement of the sale of eight part-time farm units in the East Columbia Basin Irrigation District, dated October 10, 1956, and published in the FEDERAL REGISTER at 21 F. R. 8831, is amended in section 1. a. by reducing the price of Part-time Farm Unit 202, Irrigation Block 40, from $15,150 to $11,300.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 57-6436; Filed, Aug. 6, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 801]

TRUCK LOADING AND UNLOADING OF WATERBORNE CARGO AT NEW YORK; INVESTIGATION OF RATES AND PRACTICES OF PARTIES OF AGREEMENT NO. 8005

NOTICE OF EXPANSION OF PROCEEDING

On August 1, 1957, the Federal Maritime Board entered the following order expanding the scope of this proceeding:

It appearing that pursuant to Agreement No. 8005, the parties thereto issued on July 19, 1957, a new Tariff No. 4, to become effective August 19, 1957, cancelling Tariff No. 3, and showing rates, charges, rules and regulations with respect to services of loading or unloading onto or from trucks at piers in the port of Greater New York and vicinity; and

It further appearing that there is an outstanding order, dated September 14, 1956, by which the Board entered into an investigation to determine (1) whether the rates, charges, rules and regulations set forth in Tariff No. 3 of the Truck Loading and Unloading Waterborne Freight Agreement (F. M. B. Agreement No. 8005) are detrimental to the Commerce of the United States, and (2) whether the practices resulting from the adoption of said tariff are unjust and unreasonable practice for or in connection with the receiving, handling or delivery of property; and

It further appearing that proceedings in Dockets 800, 801 and 821 have been consolidated, now therefore,

It is ordered, That the aforementioned order of September 14, 1956, instituting an investigation (Docket No. 801) of the rates, charges, rules and regulations as shown in Tariff No. 3 of the Truck Loading and Unloading Waterborne Freight Agreement (No. 8005) be and it is hereby expanded to include, in addition, a proceeding of inquiry, upon the Board's own motion, in the exercise of its powers and duties under sections 15, 17 and 22 of the Shipping Act, 1916, as amended (46 U. S. C. 814, 816 and 821) to determine (1) whether the rates, charges, rules and regulations set forth in Tariff No. 4 of the Truck Loading and Unloading Waterborne Freight Agreement (F. M. B. Agreement No. 8005) are detrimental to the commerce of the United States, and (2) whether the practices resulting from the adoption of said tariff are unjust and unreasonable practices for or in connection with the receiving, handling or delivery of property.

Dated: August 2, 1957.

By the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretry.

[F. R. Doc. 57-6447; Filed, Aug. 6, 1957; 8:49 a. m.]

Office of the Secretary

HOWARD C. HOLMES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 20, 1957, 22 F. R. 1045.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 29, 1957.

HOWARD C. HOLMES.

JULY 30, 1957.

[F. R. Doc. 57-6429; Filed, Aug. 6, 1957; 8:45 a. m.]

JOHN S. VANDER HEIDE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 20, 1957, 22 F. R. 1045.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 23, 1957.

JOHN S. VANDER HEIDE.

JULY 23, 1957.

[F. R. Doc. 57-6430; Filed, Aug. 6, 1957; 8:46 a. m.]

WALLACE H. ADAMSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 20, 1957, 22 F. R. 1044.

A. Deletions: None.
B. Additions: None.

This statement is made as of July 30, 1957.

WALLACE H. ADAMSON.

JULY 30, 1957.

[F. R. Doc. 57-6431; Filed, Aug. 6, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-67]

AMERICAN MACHINE & FOUNDRY CO.

PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission proposes to issue, on Form AEC-250, the facility export license described below unless within 15 days after publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

1. Pursuant to section 104 (c) of the Atomic Energy Act of 1954 and Title 10, CFR Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," and upon findings that (a) the reactor proposed to be exported is a utilization facility; (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with Canada; and (c) the issuance of an export permit to American Machine & Foundry Company will not be inimical to the common defense and security and to the health and safety of the public, the Atomic Energy Commission will issue a license to American Machine & Foundry Company, 261 Madison Avenue, New York 16, N. Y., for the export of a one-megawatt (heat) pool-type research reactor described in the Company's application filed May 17, 1957. The reactor is to be exported to Hamilton College, McMaster University, Hamilton, Ontario, Canada.

2. The license will be subject to the following conditions:

(a) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

(b) The license will be subject to the right of recapture or control reserved by Section 108 of the act and to all other provisions of the act, now or hereafter in effect, and to all rules and regulations of the United States Atomic Energy Commission.

(c) The license will be effective as of the date of issuance thereof and shall expire on June 30, 1958, unless sooner terminated.

Dated at Washington, D. C. this 2d day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-6445; Filed, Aug. 6, 1957; 8:49 a. m.]

[Docket Nos. F-44, 50-56]

AEROJET-GENERAL NUCLEONICS AND AEROJET-GENERAL CORP.

ISSUANCE OF LICENSES

In the matter of Aerojet-General Nucleonics, Docket F-44; Aerojet-General Corporation, Docket 50-56.

Please take notice that no petitions to intervene having been filed following the publication of notice of the proposed actions in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, the Atomic Energy Commission has issued (1) License R-17 authorizing Aerojet-General Nucleonics to possess, operate and transfer to any authorized person one 100-milliwatt nuclear reactor designated by AGN as Serial Number 104 and (2) License R-18 authorizing Aerojet-General Nucleonics' parent company, Aerojet-General Corporation, to acquire and further transfer to any authorized person title to the reactor.

Dated at Washington, D. C., this 1st day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-6446; Filed, Aug. 6, 1957; 8:49 a. m.]

COLORADO STATE UNIVERSITY

APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that Colorado State University, Fort Collins, Colorado, on July 22, 1957, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to acquire, possess and operate on the University's campus a 100-milliwatt research reactor designated by the manufacturer, Aerojet-General Nucleonics, as Model AGN-201, Serial No. 109. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 30th day of July 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-6425; Filed, Aug. 6, 1957; 8:45 a. m.]

[Docket No. 50-79]

AMF ATOMICS

APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that AMF Atomics, A Division of American Machine & Foundary Company, 261 Madison Avenue, New York, N. Y., on July 22, 1957, filed an application under section 104d of the Atomic Energy Act of 1954 for a license to export a one-megawatt, pool-type nuclear reactor to Junta de Energia Nuclear (Atomic Energy Commission), Lisbon, Portugal. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW, Washington, D. C.

Dated at Washington, D. C., this 30th day of July 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-6448; Filed, Aug. 6, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12104]

TEXAS LOUISIANA UTILITIES, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 1, 1957.

Take notice that on February 21, 1957, Texas Louisiana Utilities, Inc., (Applicant), a Louisiana corporation having its principal place of business in Alexandria, Louisiana, filed an application pursuant to section 7 (a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Transmission Company to establish physical connection of its interstate transportation system with and supply natural gas to Applicant's proposed distribution system to serve natural gas at retail in Crowville, Franklin Parish, Louisiana.

Applicant asserts that it has the necessary local and state authorizations, that the entire capital cost of its distribution system will be $32,000, and that the estimated requirements of its proposed service area will be:

	1957	1958	1959
Peak day (Mcf)	62	76	83
Annual (Mcf)	6,200	7,930	8,880

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on September 4, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 28, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6450; Filed, Aug. 6, 1957; 8:50 a. m.]

FEDERAL HOUSING ADMINISTRATION

INCREASE IN MAXIMUM LOAN-TO-VALUE RATIOS FOR MORTGAGES INSURED UNDER THE NATIONAL HOUSING ACT

The Housing Act of 1957 authorizes the Federal Housing Commissioner to establish maximum loan-to-value ratios for mortgages insured under the National Housing Act if the Commissioner determines that ratios as established are in the public interest after taking into consideration (1) the effect of such ratios on the national economy and on conditions in the building industry and (2) the availability or unavailability of residential mortgage credit under the Servicemen's Readjustment Act of 1944, as amended.

Pursuant to the Housing Act of 1957 and after considering the effect of an increase in the maximum loan-to-value ratios for mortgages insured under the National Housing Act on the national economy, conditions in the building industry and the present availability of residential mortgage credit under the Servicemen's Readjustment Act of 1944, I have determined that an increase in such ratios is justified, based upon the criteria established in the Housing Act of 1957.

Regulations will be promulgated increasing the loan-to-value ratios for mortgages insured under sections 203, 222, 809 and individual mortgages insured under section 220 of the National Housing Act to the maximum permitted by law. The effective date for such increases will be prescribed by appropriate amendment to the administrative rules governing insurance of mortgages under those sections of the National Housing Act.

Issued at Washington, D. C., August 5, 1957.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57-6475; Filed, Aug. 5, 1957; 1:27 p. m.]

VETERANS ADMINISTRATION

MAXIMUM PERMISSIBLE DISCOUNTS PAYABLE ON HOME LOANS GUARANTEED OR INSURED BY VETERANS ADMINISTRATION

1. Pursuant to section 605 of the Housing Act of 1957 (Public Law 85-104, approved July 12, 1957) as implemented by § 36.4312 of Veterans Administration Loan Guaranty and Insurance Regulations, the following have been determined to be the maximum discounts payable by builders or sellers of housing constructed or purchased by veterans with financing guaranteed or insured under the Servicemen's Readjustment Act of 1944, as amended:

State, Territory or possession where housing located	Maximum discount	
	Down payment less than 10%	Down payment 10% or more
Connecticut, Massachusetts, New York, Rhode Island	3.0	2.5
Delaware, District of Columbia, Maine, Maryland, New Hampshire, New Jersey, Pennsylvania, Vermont	3.5	3.0
Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky	4.5	4.0
Michigan, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, North Dakota, South Dakota	4.5	4.0
Ohio, Nebraska, Tennessee, Virginia, Wisconsin	4.5	4.0
Arkansas, Louisiana, Oklahoma, West Virginia, Texas	5.0	4.5
Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Puerto Rico, Utah, Washington, Wyoming, Virgin Islands	5.5	5.0

2. Until further notice such discount maximums will be applicable to guaranteed or insured home loans for the purchase or construction of housing on which the Veterans Administration issued a master or individual certificate of reasonable value dated August 5, 1957, or subsequent thereto, unless such certificate includes a statement to the effect that the unit or units to which such certificate relates are exempt from the provisions of paragraphs (e) and (f) of § 36.4312, Title 38, CFR.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-6498; Filed, Aug. 5, 1957; 4:30 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1086]

WILLISTON CO., INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF SMALL CLOSED-END INVESTMENT COMPANY

JULY 31, 1957.

Notice is hereby given that Williston Company, Inc. ("Applicant"), of Seattle, Washington, a corporation organized under the laws of the State of Washington, has filed an application and an amendment thereto pursuant to section 6 (d) of the Investment Company Act of 1940 ("act"), and Rule N-6D-1 thereunder, for an order of the Commission exempting it from certain provisions of the act. Applicant has agreed that it will accept and be subject to any specified provisions of the act if the Commission deems it necessary or appropriate in the public interest or for the protection of investors that it should be so subject and to such conditions as the Commission may impose pursuant to section 6 (d).

The application, as amended, makes the following representations:

Applicant was organized for the purpose of acquiring comparatively large undivided interests in producing oil properties which it thereafter proposes to sell in fractional interests. The oil interests to be acquired and sold will be landowners' producing royalty interests located primarily in the Williston Basin, North Dakota. Purchases will be made from Frank H. Rose, now of Seattle, Washington, and formerly of Fargo, North Dakota. Fractional interests in the royalty acreage acquired will be resold to Rose who, doing business as Pacific Brokerage Company (registered as a broker-dealer under the Securities Exchange Act) proposes to make a public offering of such interests.

Applicant will have a total authorized capital of $50,000 consisting of 5,000 shares of common stock, par value $10 per share. Seven hundred shares have been purchased by Applicant's organizers upon the payment of $7,000 in cash. Forty-three hundred shares will be offered only to bona fide residents of the State of Washington in units of fifty shares at a price of $500 per unit.

Section 6 (d) of the act provides, in substance, that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sales of all its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6 (e) of the act provides that if, in connection with any order exempting any investment company from any provisions of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that subject to the condition stated below, exemption be granted Applicant from the following provisions of the act and the respective Rules and Regulations promulgated under each of such provisions, and that Applicant and other persons in their transactions and relations with Applicant shall be subject to all other provisions of the act and Rules thereunder as though Applicant were a registered investment company:

Section 7; section 8 (b), except the requirement to file the information required by Items 3, 4 and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20 (a); section 23 (c); section 24 (d) insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a); section 30 (b), except that Applicant shall, pursuant to section 30 (b) (2), file with the Commission copies of all reports sent to stockholders pursuant to section 30 (d), of which the annual report to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30 (e); section 30 (f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32 (a): *Provided,* That the Applicant shall continue to comply with the provisions of section 6 (d) (1) and 6 (d) (2) of the act and shall at all times maintain its classification as a closed-end company as defined in section 5 (a) (2) of the act; and provided further that the exemptions specified above shall be granted subject to the condition that before offering its securities for sale Applicant will comply with the provisions of Regulation A of the rules and regulations adopted by the Commission pursuant to the Securities Act of 1933.

Notice is further given that any interested person may not later than August 14, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6440; Filed, Aug. 6, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 176]

MOTOR CARRIER APPLICATIONS

AUGUST 2, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governed notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and cer-

tain other procedural matters with respect thereto. (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1827 (Sub No. 27), filed April 8, 1957, K. W. McKEE, INCORPORATED, 2220 Ford Road, St. Paul 1, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from points in Eagan Township, Dakota County, Minn., to points in Iowa, North Dakota, South Dakota and Wisconsin.

HEARING: September 18, 1957, at the Federal Court Building, Marquette Avenue, South, and Third Street, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 1827 (Sub No. 28), filed June 10, 1957, K. W. McKEE INCORPORATED, 2220 Ford Road, St. Paul 1, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Automobiles* and *trucks*, in initial movements, in truckaway service, from St. Paul, Minn., to points in New Mexico, and *damaged, defective, rejected or returned shipments of automobiles and trucks*, from points in New Mexico to St. Paul, Minn. Applicant is authorized to conduct operations in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin and Wyoming.

HEARING: September 18, 1957, at the Federal Court Building, Marquette Avenue, South, and Third Street, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 3468 (Sub No. 139), filed July 15, 1957, F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint 7, Mich. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passenger automobiles and passenger automobile chassis*, and *automobile parts and accessories* moving in connection therewith, in initial movements, in truckaway and driveaway service, from Pontiac, Mich., to points in Florida, Georgia, North Carolina, South Carolina and Virginia. Applicant is authorized to conduct similar operations in Michigan, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, District of Columbia, Delaware, Massachusetts, Indiana, Kentucky, Illinois, Connecticut, Vermont, Rhode Island, New Hampshire, Maine, Virginia, North and South Carolina.

HEARING: September 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 4405 (Sub No. 290), filed July 29, 1957, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, as defined in Descriptions in Motor Carrier Certificates, Ex Parte MC–45, and *fire engines*, and *fire apparatus of all kinds*, in initial movements, in driveaway and truckaway service, and *engines, parts*, and *accessories attached to, loaded in, or moving with the vehicles being transported*, from Voorheesville, Albany County, N. Y., to all points in the United States, including ports of entry on the International Boundary line between the United States and Canada, and points in Alaska. *Damaged, rejected, and returned shipments on return.* Applicant is authorized to conduct similar operations throughout the United States.

HEARING: September 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William J. Cave.

No. MC 11727 (Sub No. 3), filed July 17, 1957, STAR TRANSPORT CO., a Corporation, P. O. Box 216, St. Mihiel Drive and Fairview Street, Riverside, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pre-stressed concrete products*, from the site of the Camden Lime Co. (Flexicore Division) plant in Kresson, N. J., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. *Returned shipments of pre-stressed concrete products*, and *used pallets and skids*, from the above-described destination territory to the above-specified point of origin. Applicant is authorized to conduct similar operations in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania.

HEARING: September 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 26396 (Sub No. 3), filed April 1, 1957, STAR TRANSFER COMPANY, a Corporation, 1024 Second Avenue North, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemical fertilizer* and *fertilizer compound*, in bulk, in tank vehicles, and *dry fertilizer* and *dry fertilizer compound*, in bags and in packages, in truckload lots, from Pocatello, Idaho, and points within 25 miles of Pocatello, to points in Jefferson, Gallatin, Teton, Cascade, Pondera, Yellowstone, Fergus, Powder River, Carbon, Phillips, Hill, Custer, Dawson, Roosevelt, Chouteau, Valley, Toole, Big Horn, Musselshell, Blaine, Richland, Rosebud, Stillwater, Treasure, Sheridan, Judith Basin, Daniels, Glacier, Fallon, Sweet Grass, McCone, Broadwater, Wheatland, Prairie, Granite, Meagher, Liberty, Park, Garfield, Wibaux, Golden Valley and Petroleum Counties, Mont., and *contaminated and rejected products* on return. Applicant is authorized to transport similar commodities in Montana and Wyoming.

HEARING: September 24, 1957, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 83.

No. MC 27719 (Sub No. 1), filed May 13, 1957, COONEY TRANSFER COMPANY, a Corporation, 2817 Pacific Avenue, Tacoma, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building and roofing materials*, including *asphalt* (asphaltum), in packages or solid, *wallboard, insulating material*, in sheets, *roofing cement, roofing coating, asphalt flooring compound, waterproofing compound, creosote, building, roofing* or *sheathing felt and paper, including asbestos, sewer pipe joints, felt or paper carpet lining, paving joints, pitch* (in barrels), *plasterboard, composition* or *prepared roofing, asphalt shingles* and *wooden shingles, asbestos and asphalt siding, tar* (in barrels), *tin roofing caps, nails, metal or wood strips, ridge rolls, metal fasteners* and *mineral wool* which may be included with truckload shipments of the commodities specified, and not to exceed 10 percent of total weight of shipment, from Portland and St. Helens, Oreg., to points in Clark, Cowlitz, Wahkiakum, Skamania, Pacific, Jefferson, Clallam, Kitsap, Island, Whatcom, San Juan and Skagit Counties, Wash. Applicant is authorized to transport similar commodities in Oregon and Washington.

HEARING: September 16, 1957, in Room 231 Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 45.

No. MC 30844 (Sub No. 32), filed May 20, 1957, HEUER TRUCK LINES, INCORPORATED, 306 May Street, Marshalltown, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods* and *dairy products*, from points in Wisconsin, to points in Arkansas, Kansas, Nebraska, Missouri, Oklahoma and Texas. Applicant is authorized to transport similar commodities in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania and Texas.

HEARING: September 11, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Leo W. Cunningham.

No. MC 30962 (Sub No. 4), filed July 5, 1957, HUYCK TRUCKING COMPANY, INC., 123 East Clark Street, Ilion; N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Uncrated accounting, tabulating and computing machines*, and *parts thereof, crated and uncrated, when moving in mixed shipments with the machines*, between Utica, N. Y., on the one hand, and, on the other, Erie, Pa., Baltimore, Md., Cleveland, Ohio, Washington, D. C., points in the New York, N. Y. Commercial Zone, as defined by the Commission, those in New Hampshire, Massachusetts, and Connecticut, those in that part of Vermont south of U. S. Highway 4, those in that part of New Jersey north of a line beginning at Camden and extending along New Jersey Highway 40 to Lakehurst, N. J., thence along unnumbered highways via Whitesville, N. J. to Lakewood, N. J., and thence over New Jersey Highway 35 to Atlantic Ocean, and those in that part of Pennsylvania east of a line extending from the Maryland-Pennsylvania State line along U. S. Highway 11 to Harrisburg, thence along U. S. Highway 15 to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified. Applicant is authorized to transport office furniture and equipment from Ilion, N. Y. to points in the above-indicated destination territory.

HEARING: September 27, 1957, in Room 400, 45 Broadway, New York, N. Y., before Examiner Donald Sutherland.

No. MC 34977 (Sub No. 4), filed July 16, 1957, DOMENICK VOLPE AND ROBERTA VOLPE, doing business as D. VOLPE, 1224 South Carlisle Street, Philadelphia 46, Pa. Applicant's attorney: Clarence M. Freedman, 1402–5 Commonwealth Building, 12th and Chestnut Streets, Philadelphia 7, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Steel shelving, lockers, and cabinets, sheet steel, culvert pipe, galvanized sheet steel, metal laths, pipe, reinforcing steel rods, nails*, and *other sheet metal products*, from Philadelphia and Oaks, (Montgomery County), Pa., to New York, N. Y., Washington, D. C., points in Westchester, Putnam, and Dutchess Counties, N. Y., those in Accomac and Northhampton Counties, Va., and those in that part of Virginia on and east of U. S. Highway 15 and on and north of U. S. Highways 250 and 360, and returned shipments of the above-specified commodities on return; (2) *Sheet steel, sheet steel products, metal lath, pipe, reinforcing steel rods* and *nails*, between Philadelphia and Oaks, (Montgomery County) Pa., on the one hand, and, on the other, points in Delaware, Maryland and New Jersey. Applicant's attorney states that applicant is authorized to conduct operations to all the named destination points from Philadelphia, Pa., and the purpose of this application is to add the origin point of Oaks.

HEARING: September 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 42487 (Sub No. 333), filed June 14, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorneys: Donald A. Schafer, 803 Public Service Building, Portland 4, Oreg., and Ron E. Poelman, 431 Burgess Drive, Menlo Park, Calif. For authority to operate as a *common carrier*, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, serving the site of the Waldorf Paper Company plant located on an unnumbered highway approximately 15 miles west of Missoula, Mont., as an off-route point in connection with applicant's authorized regular route operations between Spokane, Wash., and Missoula, Montana over U. S. Highway 10. Applicant is authorized to conduct operations in Washington, Oregon, California, Nevada, Utah, Idaho, Montana, North Dakota, South Dakota, Minnesota, Wisconsin and Illinois.

HEARING: September 20, 1957, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 82.

No. MC 42487 (Sub No. 337), filed July 16, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Adhesives*, from Redwood City, Calif., to points in Oregon west of the eastern boundaries of Sherman, Wasco, Jefferson, Deschutes, and Klamath Counties, Oreg., and to points in Washington west of the eastern boundaries of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, Wash., and (2) *Formaldehyde*, in bulk, in tank vehicles, from Tacoma and Seattle, Wash., and Springfield, Oreg., to Redwood City, Calif.

HEARING: September 10, 1957, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 42614 (Sub No. 22) (Republication), filed February 21, 1957, published in June 12, 1957 issue, page 4147, CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a corporation, 400 West Madison Street, Chicago, Ill. Applicant's representative: Roger S. Bessey, Chicago and North Western Railway System, 828 North Broadway, Milwaukee 2, Wis. The first publication notice of this application omitted reference to certain regular route authority between Rhinelander, Wis., and Land O'Lakes, Wis., which applicant had requested. At a hearing held on July 25, 1957, evidence was received in support of the application as filed. The joint board's report and recommended order will not be served until a lapse of 30 days after this republication within which any person who may have been prejudiced by the failure of the original notice to set forth all the authority sought may file an appropriate petition for further hearing. If any such petition is received, applicant may reply thereto within 50 days from the date of this republication and further proceedings on the application will be deferred until the petition has been acted upon. Authority sought: *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) between Rhinelander, Wis., and Land O'Lakes, Wis., from Rhinelander over U. S. Highway 8 to Monico, Wis., thence over U. S. Highway 45 to Land O'Lakes, serving as intermediate points, those points at which railway stations of applicant are located; (2) between Milwaukee and Green Bay, Wis. (via Sheboygan), over U. S. Highway 141, serving the intermediate points of Port Washington, Sheboygan, Mosel, Haven, Cleveland, Newton, Francis Creek, Denmark and Bellevue; and the off-route points of Belgium, Cedar Grove, Oostburg, Manitowoc, Two Rivers and Maribel; (3) between Milwaukee and Green Bay (via Fond du Lac), Wis., from Milwaukee over Wisconsin Highway 145 to junction with U. S. Highway 45 (two miles south of Jackson), thence over U. S. Highway 45 to junction with Washington County Trunk V (near Kewauskum), thence over Washington and Fond du Lac Counties Trunk V to junction with Fond du Lac County Trunk B (near Eden), thence over Fond du Lac County Trunk B to junction with U. S. Highway 45, thence over U. S. Highway 45 to Fond du Lac, thence over Wisconsin Highway 175 to Junction with U. S. Highway 45, thence over U. S. Highway 45 to Oshkosh, thence over U. S. Highway 45 to junction with U. S. Highway 41 (near Winnebago), thence over U. S. Highway 41 to Green Bay, and return over the same route, serving the intermediate points of West Bend, Barton, Kewauskum, Campbellsport, Eden, Fond du Lac, Van Dyne, Oshkosh, Neenah-Menasha, Appleton, Appleton Junction and Little Chute, and the off-route points of Rockfield, Jackson, Winnebago, Kimberly, Combined Locks, Kaukauna, Wrightstown, Little Rapids and De Pere; and (4) between Altoona, Wis., and Duluth, Minn., from Altoona over Eau Claire County Trunk A to junction with U. S. Highway 53, thence over U. S. Highway 53 to Duluth, and return over the same route, serving the intermediate points of Eau Claire, Chippewa Falls, Eagle Point, Bloomer, New Auburn, Chetek, Cameron, Rice Lake, Haugen, Sarona, Spooner, Minong, Wascott, Gordon, Solon Springs, Hawthorne, and Itasca, and the off-route points of Hines and Superior. RESTRICTION: Applied-for authority to be limited to service which is auxiliary to, or supplemental of, carriers rail service; carrier shall not serve any point not a station on the rail line of the railway; all shipments transported by carrier shall be restricted to those moving on through bills of lading or express receipts covering, in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail; and such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of rail service. Carrier is authorized to transport similar commodities in Illinois, Iowa, Michigan, Nebraska, South Dakota and Wisconsin.

No. MC 50132 (Sub No. 25) (Amended), published on page 3941 issue of June 5, 1957, filed May 13, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's attorney: B. W. La Tourette, 314 North Broadway, St. Louis 2, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Ground Mica*, from the plant site of the Consolidated Feldspar Department of the International Minerals and Chemical Corporation located ap-

proximately 8 miles south of Greeneville, Tennessee on Tennessee Valley Authority's Lake Davy Crockett to Birmingham, Fairfield, Mobile and Tuscaloosa, Ala., Little Rock, Ark., Chicago, Chicago Heights, Venice and Waukegan, Ill., Brookfield, Ind., Abbeville, Berwick, Harvey, Houma, Jennings, Lake Charles, Lockport, Marrero, New Iberia, New Orleans and Shreveport, La., Kansas City, North Kansas City and Robertson, Mo., Barber, Bound Brook, East Rutherford, Edgewater, Jersey City, Kearny and Manville, N. J., Fulton, N. Y., Cincinnati, Cleveland, Franklin, Lackland, Middletown and Troy, Ohio, Oklahoma City and Strand, Okla., Beaumont, Big Springs, Corpus Christi, Ennis, Fort Worth, Houston, Irving and Odessa, Tex.; (2) from Erwin, Tenn., to Chicago, Matteson and Tamms, Ill., Kansas City, Kans., Good Hope, La., St. Louis, Mo., Bayonne, Kearny, Newark, Raritan, and Bound Brook, N. J., Caledonia and New Brighton, N. Y., Cleveland and Columbus, Ohio, Acme, Houston, Ratan and Sweetwater, Tex. Applicant is authorized to conduct operations in Illinois, Louisiana, Missouri, Arkansas, Tennessee, Kentucky, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Indiana and Ohio.

NOTE: This application was partially heard July 24, 1957, at St. Louis, Mo. The amendment more clearly indicates the origin and destination area previously not specified in the publication of June 5, 1957.

HEARING: September 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner David Waters.

No. MC 52552 (Sub No. 13), filed July 16, 1957, DARL D. WOMELDORF, doing business as W. I. WOMELDORF & SONS, P. O. Box 232, Lewistown, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass containers*, from Brockway, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Applicant is authorized to transport similar commodities in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

HEARING: September 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 52869 (Sub No. 50), filed July 19, 1957, NORTHERN TANK LINE, 8 South Seventh Street, P. O. Box 990, Miles City, Mont. Applicant's attorneys: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. and Dan Kelly, Miles City, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Carbon County, Mont., to points in Bighorn and Park Counties, Wyo. Applicant is authorized to conduct operations in Wyoming, Montana, South Dakota, North Dakota and Minnesota.

HEARING: September 23, 1957, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 123.

No. MC 60470 (Sub No. 16), filed July 16, 1957, MOTORCAR TRANSPORT COMPANY, 290 East Tennyson, Pontiac 17, Mich. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passenger automobiles* and *passenger automobile chassis* and *automobile parts and accessories* moving in connection therewith, in initial movements, in truckaway and driveaway service, from Pontiac, Mich., to points in Arkansas, Florida, Mississippi, and Louisiana. Applicant is authorized to conduct operations in Illinois, Michigan, Nebraska, Alabama, Georgia, Indiana, Iowa, Missouri, Tennessee, Ohio, Wisconsin and Kentucky.

HEARING: September 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 61824 (Sub No. 6), filed July 16, 1957, CONTRACT CARTAGE COMPANY, a Corporation, 352 East Madison Avenue, Pontiac 15, Mich. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passenger automobiles* and *passenger automobile chassis* and *automobile parts* and *accessories* moving in connection therewith, in initial movements in truckaway and driveaway service, from Pontiac, Mich., to points in North Carolina, South Carolina, Virginia, and points in Kentucky on and east of U. S. Highway 23 running between the Ohio-Kentucky and the Virginia-Kentucky borders. Applicant is authorized to conduct similar operations in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia. Applicant is under common control with Complete Auto Transit, Inc. which holds Permit No. MC 49368 and Sub Numbers thereunder. Section 210, dual operations may be involved.

HEARING: September 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 88644 (Sub No. 4), filed June 3, 1957, C. L. AKES, Rt. 3, Box 253, Milton-Freewater, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *gravel*, in dump trucks, between points in Columbia, Walla Walla, Franklin, and Benton Counties, Wash., and points in Umatilla and Morrow Counties, Oreg.

HEARING: September 19, 1957, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 45.

No. MC 101075 (Sub No. 42), filed April 29, 1957, TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lime*, in bulk, in tank or hopper vehicles, between points in North Dakota, South Dakota, Iowa, and Minnesota. Applicant is authorized to transport petroleum products and aviation gasoline from and to specified points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

HEARING: September 23, 1957, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Leo W. Cunningham.

No. MC 101075 (Sub No. 45), filed June 3, 1957, TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, and *fertilizer materials*, in bulk, in hopper-type vehicles, and *nitrogen fertilizer solutions*, and *phosphatic fertilizer solutions*, in bulk, in tank vehicles, from, to and between points in Wisconsin, Minnesota, North Dakota, South Dakota, Illinois, Iowa, Nebraska and Kansas. Applicant is authorized to conduct operations in Nebraska, Iowa, North Dakota, Minnesota, South Dakota, Wisconsin, Wyoming and Montana.

HEARING: September 23, 1957, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Leo. W. Cunningham.

No. MC 102646 (Sub No. 14), filed June 17, 1957, MORGAN TRUCK SERVICE, INC., Three Flags Highway, John Day, Oreg. Applicant's attorney: Earl V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over the following alternate routes, for operating convenience only, serving no intermediate points: (1) Between Arlington, Oreg., and Pendleton, Oreg., over U. S. Highway 30; (2) between Pendleton, Oreg., and Baker Oreg., over U. S. Highway 30; and (3) between Baker, Oreg., and Cairo Junction, Oreg., from Baker, over U. S. Highway 30 to its junction with Oregon Highway 201, thence over Oregon Highway 201 to Cairo Junction, and return over the same route, in connection with applicant's authorized regular route operations.

NOTE: Applicant requests that proposed alternate routes be tacked to presently authorized regular route authority. Applicant is authorized to transport similar commodities in Idaho and Oregon.

HEARING: September 12, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 172.

No. MC 103993 (Sub No. 90), filed April 18, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from points in New York, except Cuba and Buffalo, N. Y., to points in the United States, except Mt. Clemens, Detroit, and Flint, Mich. Applicant is authorized to transport trailers throughout the United States.

HEARING: September 17, 1957, in Room 400, 45 Broadway, New York, N. Y., before Examiner Donald Sutherland.

No. MC 104832 (Sub No. 6), filed May 23, 1957, HOLMAN TRANSFER COMPANY, a Corporation, 48 Southeast Hawthorne Boulevard, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, between Portland, Oreg., and points in Clark, Cowlitz, Wahkiakum and Skamania Counties, Wash.

HEARING: September 11, 1957, at 538 Pittock Block, Portland, Oregon, before Joint Board No. 45.

No. MC 105217 (Sub No. 39), filed May 9, 1957, RICE TRUCK LINES, a Corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 527–529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Anacortes, Wash., and points within 10 miles thereof, to points in Montana. Applicant is authorized to transport similar commodities in Idaho, Montana, North Dakota, Utah and Washington.

HEARING: September 24, 1957, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 79.

No. MC 106398 (Sub No. 82), filed April 18, 1957, NATIONAL TRAILER CONVOY, INC., 1916 N. Sheridan Road, P. O. Box 896 Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers, designed to be drawn by passenger automobiles*, by truckaway method, in initial movements, from points in New York, except Cuba and Buffalo, N. Y., to points in the United States except Mt. Clemons, Detroit, and Flint, Mich. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 17, 1957, in Room 400, 45 Broadway, New York, N. Y., before Examiner Donald Sutherland.

No. MC 107643 (Sub No. 47), filed June 24, 1957, ST. JOHNS MOTOR EXPRESS CO., 7220 North Burlington Avenue, Portland, Oreg. Applicant's attorney: John M. Hickson, Failing Bldg., Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Silicate of soda solutions*, in tank vehicles, from Tacoma and Spokane, Wash., to ports of entry on the international boundary line between the United States and Canada located in Washington. Applicant is authorized to conduct operations in Washington, Oregon, Idaho, Montana and Utah.

HEARING: September 13, 1957, in Room 231, Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 237.

No. MC 108053 (Sub No. 17), filed May 17, 1957, LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P. O. Box 310, Fremont, Nebr. Applicant's attorney: Erle W. Francis, 214 West Sixth Street, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as defined by the Commission, from points in Wisconsin and Minnesota to Reno and Las Vegas, Nev. and points in California, Washington, and Oregon; *damaged shipments of the named commodities* and *empty containers or other such incidental facilities (not specified) used in transporting the named commodities* on return. Applicant is authorized to conduct operations in Kansas, New Mexico, Arizona, Texas, California, Colorado, Illinois, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Nevada.

NOTE: Applicant holds authority to transport meats, meat products and meat byproducts from among other points, St. Paul, Minn. to Las Vegas and Reno, Nev. and points in California and seeks no duplication by this application.

HEARING: September 9, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Leo W. Cunningham.

No. MC 108435 (Sub No. 10), filed May 20, 1957, OSCAR C. RADKE, doing business as RADKE TRANSIT, 600 Grand Avenue, Wausau, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rough and manufactured granite*, and *supplies* for quarrying granite, between points in Wisconsin, on the one hand, and, on the other, points in Vermont, Minnesota, and Kansas. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, South Dakota and Wisconsin.

NOTE: Applicant states that in connection with the above operations, he will be using highways in those parts of New York and Pennsylvania which he is not now authorized to serve and highways in Nebraska, Missouri, Iowa, Illinois, Indiana, and Ohio. Applicant further states that he is now authorized to perform a limited operation between Wisconsin and Minesota, which he agrees to eliminate in the event the above operations are authorized.

HEARING: September 13, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Leo W. Cunningham.

No. MC 108449 (Sub No. 46), filed May 22, 1957, INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Powdered alum*, in bulk, in tank-hopper type vehicles, from Joliet, Ill., and points within five miles of Joliet, to points in Minnesota and Wisconsin.

HEARING: September 16, 1957, at the Federal Court Bldg., Marquette Avenue, South, and Third Street, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 108449 (Sub No. 48), filed July 11, 1957, INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products* and *all derivatives thereof*, in bulk, in tank vehicles, from Duluth, Minn., and points within 25 miles thereof to points in North Dakota, Upper Peninsula of Michigan, Wisconsin and those in Minnesota on and south of Minnesota Highway 23, and the ports of entry on the International Boundary line between the United States and Canada at or near Pigeon River, International Falls and Noyes, Minnesota in foreign commerce. Applicant is authorized to conduct operations in Wisconsin, Minnesota, Illinois, Michigan, Iowa, South Dakota and North Dakota.

HEARING: September 16, 1957, at the Federal Court Building, Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 108449 (Sub No. 49), filed July 15, 1957, INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Fertilizer, fertilizer compounds, fertilizer ingredients*, and *liquid fertilizer* and *fertilizer ammoniating solutions*, including but not limited to *anhydrous ammonia, aqua ammonia, nitrogen solutions* and *nitrogen solids*, in bulk or in containers, *liquid sulphur* and *sulphur products*, in bulk, dry or in liquid form, from Pine Bend, Minn., (located approximately 10 miles southeast of St. Paul at the junction of U. S. Highway 52 and Minnesota Highway 55), and points within two miles of Pine Bend, to points in Illinois, Nebraska, North Dakota and South Dakota, and points in that part of Iowa lying south and west of a line beginning at the Iowa-Illinois State line at Dubuque and extending along U. S. Highway 20 through Waterloo to Blairsburg, Iowa, and thence along U. S. Highway 69 to the Iowa-Minnesota State line near Emmons, Minn., including points on the portions of the highways specified, and to points in that part of Minnesota on and east of U. S. Highway 53 between Duluth, Minn., and the United States-Canada International boundary line, except that no authority is sought to transport anhydrous ammonia to Iowa or South Dakota; and (2) *petroleum* and *petroleum products*, from Pine Bend, Minn., and points within two miles of Pine Bend, to points in that portion of Minnesota on and east of U. S. Highway 53 between Duluth, Minn., and the United States-Canada International boundary line. Applicant is authorized to transport similar commodities in Michigan, Minnesota, North Dakota, South Dakota and Wisconsin.

HEARING: September 16, 1957, at the Federal Court Bldg., Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 110339 (Sub No. 3), filed May 29, 1957, GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., 600 Cayuga Creek Road, Buffalo, N. Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat*

products, and *meat by-products*, from Buffalo and Rochester, N. Y., to points in Massachusetts, New Jersey, and Pennsylvania, and *refused, rejected, and returned shipments* of the above-specified commodities on return. Applicant is authorized to transport similar commodities in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that in Permit No. MC 110339 it is authorized to conduct part of the operations for which authority is sought in the instant application, and that no duplicating authority is sought.

HEARING: September 11, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Donald Sutherland.

No. MC 110388 (Sub No. 8), filed May 6, 1957, UNION PACIFIC MOTOR FREIGHT COMPANY, a corporation, 1416 Dodge Street, Omaha 2, Nebr. Applicant's attorney: John J. Burchell, Union Pacific Railroad Company, Omaha 2, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Umatilla, Oreg., and Yakima, Wash.: (a) from Umatilla over U. S. Highway 730 to junction with U. S. Highway 410, thence over U. S. Highway 410 to junction with unnumbered county road approximately 3 miles west of Donald, Wash., thence over unnumbered county road to junction with Washington Highway 3A, thence over Washington Highway 3A to junction with U. S. Highway 410 at Union Gap, Wash., and thence over U. S. Highway 410 to Yakima, and return over the same route; (b) between Prosser, Wash. and U. S. Highway 410 at a point 6 miles west of Prosser: from Prosser over unnumbered county road to North Prosser, thence over unnumbered county road (Johnson Road) to junction U. S. Highway 410 at a point approximately 6 miles west of Prosser, and return over the same route; (c) (alternate route) between Umatilla, Oreg., and Kennewick, Wash.; from Umatilla over Columbia River Bridge at Umatilla to Plymouth, Wash.

HEARING: September 10, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 110525 (Sub No. 337), filed June 28, 1957, (Amended July 30, 1957) published in July 24, 1957 issue on page 5883, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals* and *coal tar products*, in bulk, in tank vehicles, between Toledo, Ohio, on the one hand, and, on the other, points in Brooke and Monongalia Counties, W. Va., Monroe and Erie Counties, N. Y., and Allegheny, Beaver, Fayette, Lawrence, Washington Counties, Pa. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Masachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia.

HEARING: Remains as assigned September 25, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 110877 (Sub No. 3), filed July 9, 1957, INDEPENDENT CARRIERS, CORP., 50 Southwest Second Street, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, including wooden shingles* and *wooden shakes*, between points in Tillamook, Lincoln, Lane, Douglas, Coos and Curry Counties, Oreg., and points in California.

HEARING: September 12, 1957, at 538 Pittock Block, Portland, Oregon, before Joint Board No. 11.

No. MC 110988 (Sub No. 43), filed May 9, 1957, KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, from Appleton, Wis., including points in the Appleton Commercial Zone as defined by the Commission, to points in Iowa, Missouri and Nebraska.

HEARING: September 12, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Leo W. Cunningham.

No. MC 111138 (Sub No. 7), filed June 17, 1957, COLONIAL & PACIFIC FRIGIDWAYS, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham 1, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products* and *meat by-products*, as defined by the Commission in Ex Parte No. MC 45, from St. Paul, Minn., Glenwood and Sioux City, Iowa, and Omaha and York, Nebr., to Phoenix, Ariz., Las Vegas and Reno, Nev., and points in California, Oregon and Washington. Applicant is authorized to conduct similar operations in California, Illinois, Iowa, Washington and Wisconsin.

HEARING: September 19, 1957, at the Federal Court Building, Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 111812 (Sub No. 40), filed June 28, 1957, MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P. O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Loyal Kaplan, 924 City National Bank Building, Omaha, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, Packing-house products* and *commodities used by packing houses*, as defined in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, 766, (1) from Austin, Minn., Fort Dodge, Iowa, Fremont, Nebr., and Mitchell, S. Dak., to points in Montana and Idaho; and (2) from Fremont, Nebr., and Mitchell, S. Dak., to points in Oregon and Washington, and *racks* and *meat hooks* used in transporting the above commodities on return. Applicant is authorized to conduct operations in South Dakota, Washington, Oregon, Utah, California, Minnesota, Iowa, Nevada, Nebraska and North Dakota.

HEARING: September 26, 1957, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Examiner Leo W. Cunningham.

No. MC 111828 (Sub No. 2), filed March 22, 1957, GERHARD FETTES, doing business as FETTES MOTOR FREIGHT, 315 15th Street South, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, between points in Minnesota within fifty (50) miles of New York Mills, Minn., including New York Mills, and points in Clay County, Minn., on the one hand, and, on the other, points in North Dakota, South Dakota, and Iowa. Applicant is authorized to transport similar commodities in Minnesota and North Dakota.

NOTE: Applicant states that he has authority to transport Household goods and emigrant movables between points in Minnesota within 50 miles of New York Mills, Minn., including New York Mills, on the one hand, and, on the other, points in North Dakota, South Dakota, and Iowa. Applicant further states that the purpose of the instant application is to extend that authority to include the entire County of Clay, Minn.

HEARING: September 20, 1957, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Leo W. Cunningham.

No. MC 112504 (Sub No. 2), filed July 18, 1957, LEO J. HANDY, Heyburn, Idaho. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer* and *fertilizer compounds*, (other than liquid), in containers or in bulk, from Provo, Geneva, Garfield, Salt Lake City and Magna, Utah, and points in Salt Lake and Utah Counties, Utah, to points in Blaine, Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls Counties, Idaho.

HEARING: September 9, 1957, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 258.

No. MC 113063 (Sub No. 4), filed June 10, 1957, RALPH H. BURNS, Hillsboro, W. Va. Applicant's attorney: Arden J. Curry, 1033 Quarrier Street, Suite 300, Charleston, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer* manufactured dry, in bags, barrels, or boxes, from Hagerstown, Md., to points in Braxton, Clay, Doddridge, Gilmer, Grant, Greenbrier, Hardy, Harrison, Jackson, Lewis, Marion, Monongalia, Nicholas, Pendleton, Pocahontas, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Webster, Wirt and Wood Counties, W. Va. *Damaged or rejected shipments* of the commodity specified in this application, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application from points in the above-specified destination territory to Hagerstown, Md. Applicant is authorized to transport fertilizer in points in Virginia and West Virginia.

HEARING: September 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 63.

No. MC 113587 (Sub No. 1), filed June 24, 1957, WARD RUGH, Ellensburg, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Fiberboard boxes*, from Union Gap, Wash., to port of entry on the International Boundary between the United States and Canada at or near Oroville, Wash. RESTRICTION: Applied-for authority to be limited to traffic destined to points in British Columbia, Canada; (2) *fiberboard boxes*, from Union Gap, Wash., to Dayton, Dundee, Sherwood, Stayton, Weston and Woodburn, Oreg., and Meridian, Idaho; (3) *starch*, from Jerome, Idaho, to Union Gap, Wash.; and (4) *paper or pulpboard*, in rolls, from Springfield, Oreg., to Union Gap, Wash. Applicant is authorized to transport similar commodities in Idaho, Oregon and Washington.

HEARING: September 17, 1957, in Room 231, Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 81.

No. MC 113908 (Sub No. 21), filed June 13, 1957, ERICKSON TRANSPORT CORPORATION, Coon Valley, Wis. Applicant's attorney: Turner White, 809 Woodruff Building, Springfield, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh liquid eggs, fresh liquid egg yolks*, and *fresh liquid egg albumen*, in bulk, in tank vehicles, from Madison, S. Dak., to Des Moines and Malvern, Iowa, Topeka, Kans., Kansas City, Moberly, Springfield, Marshall, and Sedalia, Mo., and New Ulm, Minn. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Texas.

HEARING: September 18, 1957, at the Federal Court Building, Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 114679 (Sub No. 7), filed July 11, 1957, HOWARD H. KRAPF, doing business as KRAPF TRUCK SERVICE, 826 Hanover Avenue, Allentown, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main St., Bethlehem, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal ashes or cinders*, from points in Carbon, Schuylkill, and Luzerne Counties, Pa., to points in New York, New Jersey, Maryland, and Delaware.

HEARING: September 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 114840 (Sub No. 4), filed July 5, 1957, EUGENE EBY, GLENN EBY AND WAYNE EBY, doing business as EBY BROTHERS, 2622 Regan Street, Boise, Idaho. Applicant's attorney: Raymond D. Givens, 1530 Idaho Street, P. O. Box 964, Boise, Idaho. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in bulk, or in containers, from points in Salt Lake and Utah Counties, Utah to points in Ada, Boise, Canyon, Elmore, Gem, Owyhee, Payette, and Washington Counties, Idaho.

HEARING: September 9, 1957, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 258.

No. MC 114939 (Sub No. 8), filed June 20, 1957, BULK CARRIERS LIMITED, P. O. Box 368, Sarnia, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products* and *petroleum products*, in bulk, in tank vehicles, between the International Boundary of the United States and Canada at Detroit and Port Huron, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Michigan and Ohio. Restricted to traffic originating at or destined to points in Canada. Applicant is authorized to conduct similar operations in Michigan.

HEARING: September 12, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Donald Sutherland.

No. MC 115608 (Sub No. 2), filed June 17, 1957, TEMPCO DISTRIBUTING CO., INC., 1006 South 15th Street, Manitowoc, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glassware*, (1) from Muskogee, Okla., to Manitowoc, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting glassware on return; (2) from Manitowoc, Wis., to Chicago, Ill.

HEARING: September 12, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Leo W. Cunningham.

No. MC 115955 (Sub No. 2), filed July 19, 1957, HARRY J. SCARI, doing business as SCARI'S DELIVERY SERVICE, 1014 West Sixth Street, Wilmington, Del. Applicant's attorney: Albert F. Beitel, American Security Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including commodities of unusual value*, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between the Philadelphia International Airport, the North Philadelphia Airport, near Philadelphia, Pa., the New Castle County Airport near Wilmington, Del., and the Dover Air Force Base, Dover, Del.; (2) between Wilmington, Del., on the one hand, and, on the other, the Philadelphia International Airport, the North Philadelphia Airport, near Philadelphia, Pa., the New Castle County Airport near Wilmington, Del., and the Dover Air Force Base, Dover, Del.

NOTE: Applicant's attorney states that all commodities to be carried are restricted to shipments moving on an air bill of lading and having a prior or subsequent movement by air.

HEARING: September 26, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 116244 (Sub No. 2), filed May 23, 1957, DON LEIBOLD, 218 Madison Street, Cuba City, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lard, animal oils* and *fats, animal grease* and *tallow* in liquid form, in bulk, in tank vehicles, from the site of the plant of the Dubuque Packing Company, Dubuque, Iowa, to Chicago and Jacksonville, Ill., Jersey City, N. J., Charlotte, N. C., Memphis, Tenn., Worcester, Mass., Dayton, Cincinnati and Ivorydale, Ohio, and the commercial zones of each of said respective points.

HEARING: September 13, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Leo W. Cunningham.

No. MC 116467 (Sub No. 1), filed June 11, 1957, MOFFATT TRUCKING LIMITED, a corporation, 816 Cabell Street, London, Ontario, Canada. Applicant's representative: Raymond A. Richards, 13 Lapham Park, P. O. Box 25, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lumber*, from points on the International Boundary line between the United States and Canada at International Crossings between Ontario Province, Canada, and Michigan and New York, to New York, N. Y., West Elizabeth, Pa., Chicago, Ill., St. Louis, Mo., Springfield, Tenn., Grand Rapids and Muskegon, Mich., Louisville, Ky., and Boston, Mass., and (2) *barrels* and *component parts thereof*, including (but not limited to) *wood staves* and *heading; steel for manufacture of barrels and hoops; lumber for manufacture of bungs; bungs, hoops and flagging*, between points on the International Boundary line between the United States and Canada at International Crossings between Ontario Province, Canada, and Michigan and New York, and points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, Ohio, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont and West Virginia. Restricted to shipments originating at or destined to London and/or Waterloo, Ontario, Canada.

HEARING: September 16, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Donald Sutherland.

No. MC 116505 (Sub No. 1), filed June 21, 1957, HEAVY HAULING, INC., 8660 East Marginal Way, Seattle, Wash. Applicant's attorney: George R. LaBissoniere, 654 Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Heavy machinery*, consisting of logging, mining, road-building and contractors' equipment and

steel articles, including but not limited to those requiring special equipment, between points in Washington, on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Lyndon, and Sumas, Wash., and at or near Eastport and Porthill, Idaho; and (2) *Lumber, shingles,* and *shakes,* rough or finished, from ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Lyndon, and Sumas, Wash., and at or near Eastport, Idaho, to points in Washington.

HEARING: September 18, 1957, in Room 231, Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 169.

No. MC 116524 (Sub No. 2), filed June 17, 1957, AUSTIN R. THOMPSON, Mt. Vision, N. Y. Applicant's attorney: Scott E. Greene, 50 Main Street, Cooperstown, N. Y. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Green rough lumber,* from points in Cayuga, Chenango, Delaware, Green, Lewis, Montgomery, Otsego, Schoharie, Seneca, Warren, and Wayne Counties, N. Y. to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont.

HEARING: September 27, 1957, in Room 400, 45 Broadway, New York, N. Y., before Examiner Donald Sutherland.

No. MC 116594 (Sub No. 1), filed July 8, 1957, FLOYD C. SUTTLE, R. D. No. 2, Unadilla, N. Y. Applicant's attorneys: Latham & Mogavero, Unadilla, N. Y. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Stone,* uncrated, from the site of the Quarry of the American Blue Stone Company at Sidney, N. Y., to points in Pennsylvania, Massachusetts, New Jersey, Rhode Island, Connecticut, Ohio, Maryland, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting uncrated stone on return.

HEARING: September 20, 1957, in Room 400, 45 Broadway, New York, N. Y., before Examiner Donald Sutherland.

No. MC 116635, filed May 6, 1957, TRANSPORT SERVICE, INC., Second and Capitol Street, Yankton, S. Dak. Applicant's attorney: James T. Goetz, 115½ West Third Street, Yankton, S. Dak. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Beer and non-intoxicating beverages,* from Milwaukee and and La Crosse, Wis., St. Paul, Minneapolis, and Shakopee, Minn., Peoria and Chicago, Ill., St. Louis and St. Joseph, Mo., and Omaha, Nebr., to Yankton, Sioux Falls, Chamberlain, Rapid City, Beresford, and Huron, S. Dak., and Sioux City, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return.

NOTE: Applicant has contract carrier authority under Permit Nos. MC 30224 and MC 30223 (Sub No. 14), dated October 10, 1952 and December 10, 1953, respectively. Section 210—Dual operations—may be involved.

HEARING: September 27, 1957, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Examiner Leo W. Cunningham.

No. MC 116638, filed May 8, 1957, COMMODITIES CARRIER, INC., P. O. Box 2013, West Parkway, Laurel Road, Billings, Mont. Applicant's attorney: Jerome Anderson, Electric Building, P. O. Box 1472, Billings, Mont. For authority to operate as a *common carrier,* over irregular routes, transporting: *Phosphates* and *commercial fertilizers,* other than liquid fertilizers, in bulk, from ports of entry located in Montana on the International Boundary line between the United States and Canada to points in Montana and Wyoming, restricted to shipments originating at points in Canada and destined to points in Montana and Wyoming.

HEARING: September 23, 1957, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 123.

No. MC 116687, filed May 15, 1957, GOTON ENTERPRISES, INC., 20 Forest Road, New Hartford, N. Y. Applicant's representative: Otto Grausz, 28 Farview Heights, Utica, N. Y. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Slaughtered cattle, fresh meats, frozen meats,* and *meat products,* between Utica, N. Y., and points within 10 miles of Utica, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Washington, D. C.

NOTE: Applicant has filed with its application, a petition to deny the application on the ground that the above-named commodities fall within the partial exemption of Section 203 (b) (2) of the Interstate Commerce Act.

HEARING: September 18, 1957, in Room 400, 45 Broadway, New York, N. Y., before Examiner Donald Sutherland.

No. MC 116698, filed May 23, 1957, BABCOCK & LEE FREIGHT LINES, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. For authority to operate as a *common carrier,* over a regular route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Billings, Mont., and Red Lodge, Mont., from Billings over combined U. S. Highways 10 and 12 to Laurel, Mont., thence over U. S. Highway 12 to Red Lodge, and return over the same route, serving all intermediate points, including Laurel, Silesia, Rockvale, Joliet, Boyd, Roberts, Fox, and Red Lodge, Mont.

HEARING: September 20, 1957, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 82.

No. MC 116714, filed June 4, 1957, MARKET HAULAGE, INC., 333 North Bedford Road, Mt. Kisco, N. Y. Applicant's attorney: Ewald E. Kundtz, 2507 Terminal Tower, Cleveland 13, Ohio. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Such commodities (including supplies, equipment, trading stamps and advertising material) as are dealt in by retail and chain grocery and food business houses and stores,* from Mt. Kisco, N. Y. to points in Hartford, Fairfield, and New Haven Counties, Conn., and from piers located in Kings and Manhattan Counties, N. Y. to Mt. Kisco, N. Y.; *returned and damaged shipments of the above-named commodities* and *empty containers or other such incidental facilities (not specified) used in transporting the commodities on return.*

HEARING: September 19, 1957, at 10:00 o'clock a. m., at the New York Public Service Commission, 199 Church Street, New York, N. Y., before Examiner Donald Sutherland.

No. MC 116742, filed June 14, 1957, GEORGE WILLIAMS, doing business as WILLIAMS TRUCKING CO., Echo, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Malt beverages,* in kegs, bottles or cans, (1) from Seattle and Spokane, Wash., and points within 5 miles of Spokane, to Los Angeles, Calif., (2) from Los Angeles, Calif., to points in Oregon.

HEARING: September 10, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 5.

No. MC 116751, filed June 14, 1957, HOMER HOAG, doing business as HOAG TRUCKING CO., P. O. Box 493, Philip, S. Dak. Applicant's attorney: E. W. Stephens, Hengel Building, Pierre, S. Dak. For authority to operate as a *contract carrier,* over irregular routes, transporting: *All types of building material lumber, wallboard, cement, calcium chloride, gypsum products, asphalt products, steel and wire products, papers* (roofing etc.), *posts, poles* and *piling, paint,* and *hardware,* from points in Montana, Wyoming, North Dakota, Utah, Colorado, Nebraska, Minnesota, Iowa, Michigan, Illinois, Arkansas, Washington, Oregon and Idaho to Philip, S. Dak.

HEARING: September 27, 1957, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Examiner Leo W. Cunningham.

No. MC 116758, filed June 19, 1957, HARLEY A. MOORE, 2038 Sherman Avenue, Madison, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier,* over irregular routes, transporting: *Wrecked or disabled motor vehicles,* and *replacement vehicles* to the locations of wrecked or disabled motor vehicles, between points in Dane County, Wis., on the one hand, and, on the other, points in Minnesota, Iowa, Illinois, and points in Lake County, Ind., and the Upper Peninsula of Michigan.

HEARING: September 12, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Leo W. Cunningham.

No. MC 116779, filed June 27, 1957, PHILIP C. SCHUSTER, doing business as P. C. SCHUSTER CONTRACT HAULING, 618 South Buffalo Street, Orchard Park, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Glazed tile* and *brick* from Lewis Run (McKean County) Pa. and Summerville (Jefferson County), Pa. to points in Allegany, Cattaraugus, Chautauqua, Erie, Genessee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, and Wyoming Counties, N. Y.; *empty pallets* on return.

HEARING: September 13, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Donald Sutherland.

No. MC 116782, filed June 28, 1957, LEONARD GREENSTONE, doing business as PASSAIC VALLEY IRON & METAL COMPANY, 48 West Parkway, Clifton, N. J. Applicant's attorney: Brodsky and Lieberman, 1776 Broadway, New York 19, N. Y. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Scrap tin or terne plate,* from the plant of the Continental Can Company, Inc., located in Maspeth, L. I., N. Y. to the plant of the Vulcan Detinning Company at Sewaren, N. J.

HEARING: September 20, 1957, in Room 400, 45 Broadway, New York, N. Y., before Examiner Donald Sutherland.

No. MC 116784 (Correction), published in the FEDERAL REGISTER issue of July 17, 1957, on Page 5667. The previous publication indicated the trade name of applicant as BOUCHILLON AND SANDS in error. The correct trade name of applicant is BOUCHILLON AND SANDERS.

No. MC 116790, filed July 3, 1957, AMCO TRUCKING CO., INC., 651 Lehigh Avenue, Union, N. J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Flat rolled steel products,* such as sheets, hot and cold rolled; coils, hot and cold rolled; strip, hot and cold rolled; coated products; plates and tin mill products, loose or in packages, from the site of the Solar Steel Corporation plant, Union, N. J., to Worcester, Mass.; Bridgeport, Greenwich, New Haven, Norwalk, Stamford, and Westport, Conn.; Allentown, Bethlehem, Bristol, Coatesville, Columbia, Easton, and East Stroudsberg, Edgely (Bucks County), Fort Washington, Hatboro, Hometown (Schuylkill County), Scranton, Jenkintown, Lancaster, Lansdale, New Holland, Norristown, Philadelphia, Quarkertown, and Willow Grove, Pa.; and Cornwall, Haverstraw, Fultonville, Irvington, Little Falls, Mt. Vernon, New York, Newburgh, New Rochelle, Painted Post, Pleasantville, Port Chester, Schenectady, Walden, White Plains, and Yonkers, N. Y., and to points in Nassau and Suffolk Counties, N. Y.

HEARING: September 20, 1957, in Room 400, 45 Broadway, New York, N. Y., before Examiner Donald Sutherland.

No. MC 116792, filed July 3, 1957, FLETCHER BROTHERS, INC., 401 Walnut Street, Newark, N. J. Applicant's attorney: Brodsky and Lieberman, 1776 Broadway, New York 19, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: (1) *Furniture,* crated or uncrated, from New York, N. Y. to points in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Passaic, Somerset and Union Counties, N. J.; (2) *Dentists' and Doctors' medical cabinets,* uncrated, from Newark, N. J. to New York, N. Y., and *rejected, returned and refused shipments* of the above described commodities and *furniture* requiring refinishing or renovation on return.

HEARING: September 23, 1957, in Room 400, 45 Broadway, New York, N. Y., before Examiner Donald Sutherland.

No. MC 116793, filed July 3, 1957, EDGAR T. VILLA, doing business as VILLA TRANSPORTATION CO., 187 Saranac Avenue, Buffalo, N. Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Dairy products, including ice cream,* requiring refrigeration, between Buffalo, N. Y., and points in Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia, and Washington, D. C.

HEARING: September 13, 1957, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Donald Sutherland.

No. MC 116808, filed July 11, 1957, NYLE MALLORY AND GERALD MALLORY, doing business as MALLORY TRUCKING LINE, Route 1, Burley, Idaho. Applicant's attorney: Raymond D. Givens, 1530 Idaho Street, P. O. Box 964, Boise, Idaho. For authority to operate as a *common carrier,* over irregular routes, transporting: *Fertilizer,* in sacks, (1) between Geneva, Magna, Garfield and Midvale, Utah, on the one hand, and, on the other, points in Cassia and Minidoka Counties, Idaho; and (2) between points in Cassia and Minidoka Counties, Idaho.

HEARING: September 9, 1957, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 258.

No. MC 116813, filed July 15, 1957, PEYTON BARNETT, doing business as BARNETT'S TRAILER TOWING SERVICE, 15300 Southeast McLoughlin Boulevard, Milwaukee, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier,* over irregular routes, transporting: *House trailers,* designed to be drawn by passenger automobiles, between points in Oregon and points in Washington.

HEARING: September 11, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 217), filed July 12, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, Law Department, Public Service Coordinated Transport (same address as applicant). For authority to operate as a *common carrier,* over regular routes, transporting: *Passengers and their baggage,* and *express* and *newspapers* in the same vehicle with passengers, in seasonal operations during racing seasons, (1) between junction Garden State Parkway and New Jersey Highway 575 in Galloway Township, N. J., and junction New Jersey Highway 575 and U. S. Highway 30, from junction Garden State Parkway and New Jersey Highway 575 over New Jersey Highway 575 (also known as County Road 45) to junction U. S. Highway 30 (also known as White Horse Pike), and return over the same route, serving no intermediate points; and (2) between junction U. S. Highway 30 and Wrangleboro Road, Galloway Township, N. J., and junction Wrangleboro Road and U. S. Highway 322, Hamilton Township, N. J., from junction U. S. Highway 30 and Wrangleboro Road over Wrangleboro Road (also known as County Road 83) to junction U. S. Highway 322, and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular route operations in Delaware, New Jersey, New York and Pennsylvania.

HEARING: September 20, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 84933 (Sub No. 2), filed June 7, 1957, ELMIRE-WATKINS GLEN TRANSIT CORPORATION, Burdett, N. Y. For authority to operate as a *common carrier,* over a regular route, transporting: *Passengers and their baggage,* in the same vehicle, between Watkins Glen, N. Y., and Geneva, N. Y., from Watkins Glen, over New York Highway 14 to Lakemont, N. Y., thence over unnumbered highway through Starkey, N. Y., to Dundee, N. Y., thence over New York Highway 14A to Penn Yan, N. Y., thence over New York Highway 54 to Dresden, N. Y., thence over New York Highway 14 to Geneva, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New York.

HEARING: September 30, 1957, in Room 400, 45 Broadway, New York, N. Y., before Examiner Donald Sutherland.

No. MC 101298 (Sub No. 2), filed July 15, 1957, WASHINGTON, VIRGINIA AND MARYLAND COACH COMPANY, INC., doing business as W. V. & M. COACH COMPANY, INC., 727 North Randolph Street, Arlington, Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Passengers and their baggage,* between points within the territory authorized as an origin territory for charter operations in the State of Virginia and the District of Columbia and points in the territory now authorized to be served in charter operations. Applicant holds common carrier authority under Certificates No. MC 68167 and (Sub Nos. 25, 26, 27, 29, and 30).

HEARING: September 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 114325 (Sub No. 3), filed July 26, 1957, NORTH JERSEY TRANSIT, 1060 Broad Street, Newark 2, N. J. Applicant's attorney: William Ryan, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *mail, newspapers and express packages of freight* in the same vehicle with passengers, (1) between Chatham, N. J. and Summit, N. J., from Chatham, N. J. over Main Street to Hillside Avenue, thence over Hillside Avenue to Ogden Street, thence over Ogden Street to Summit Avenue, thence over Summit Avenue (Chatham Road) to River Road, Summit, N. J., and thence over River Road to Morris Avenue, Summit, N. J., and return over the same route, serving all intermediate points, (2) between points in Lyons, N. J. from the junction of Stonehouse Road and Valley Road, Lyons, N. J., over Valley Road to the Veterans Administration Facility at Lyons, N. J., thence over Knollcroft Road to Lyons Road, thence over Lyons Road to intersection with Stonehouse Road at Lyons, N. J., and return over the same routes, serving all intermediate points.

HEARING: September 10, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 116005 (Sub No. 2), filed May 9, 1957, ONONDAGA COACH CORP., 23 Wadsworth Street, Auburn, N. Y. Applicant's representative: Raymond A. Richards, P. O. Box 25, Webster, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage* in the same vehicle between Auburn, N. Y. and Syracuse, N. Y., from Auburn over U. S. Highway 20 to Skaneateles, thence over Skaneateles-Marcellus Highway (also known as New Seneca Turnpike) to Marcellus, thence over Marcellus-Split Rock Highway (also known as Howlett Hill Road) to junction Cedarvale Road, thence over Cedarvale Road to junction Split Rock Road, thence over Split Rock Road to junction Onondaga Road, thence over Onondaga Road to junction Fay Road, thence over Fay Road to junction Grand Avenue, and thence over Grand Avenue to Syracuse, N. Y.; (also from Marcellus, N. Y. over New York Highway 175 to Syracuse), and return over the same routes serving all intermediate points, including Onondaga Sanitorium and Onondaga County Home in the Town of Onondaga over New York Highway 173.

HEARING: September 23, 1957, in Room 400, 45 Broadway, New York, N. Y., before Examiner Donald Sutherland.

No. MC 116755 (Sub No. 1), filed July 10, 1957, D. C. TRANSIT SYSTEM, INC., 3600 M Street NW., Washington, D. C. Applicant's representative: Morris Fox, Vice President, same address as above; and applicant's attorney: F. G. Awalt, 822 Connecticut Avenue NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers* and *their baggage*, and *newspapers, express* and *mail*, in the same vehicle, in non-scheduled bus service upon demand, under contracts with the U. S. Government or departments or agencies thereof, picking up and discharging passengers anywhere within the District of Columbia, and within a radius of 100 miles of the District of Columbia. Applicant is authorized to transport passengers in the District of Columbia and Maryland and Virginia.

HEARING: September 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 116755 (Sub No. 2), filed July 10, 1957, D. C. TRANSIT SYSTEM, INC., 3600 M Street NW., Washington, D. C. Applicant's representative: Morris Fox, Vice President, same address as above; and applicant's attorney: F. G. Awalt, 822 Connecticut Avenue NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *newspapers, express* and *mail*, in the same vehicle, under contracts with the U. S. Government or departments or agencies thereof, furnishing scheduled bus service, between points in Arlington County, Va., and points in the District of Columbia over routes as described in the application; and between points in the District of Columbia and Arlington County, Va., and Fort George G. Meade, Md., over Baltimore-Washington Parkway. Applicant is authorized to transport passengers in the District of Columbia and Maryland and Virginia.

HEARING: September 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 116766 (Sub No. 1), (Amended) published at page 5884, issue of July 24, 1957, filed July 11, 1957, W. M. A. TRANSIT COMPANY, 4421 Southern Avenue, SE., Bradbury Heights, Md. Applicant's attorneys: Earl M. Foreman and D. Jay Hyman, Tower Building, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers* and *their baggage*, and *express, mail* and *newspapers*, in the same vehicle, between points within the territory authorized as an origin territory for charter operations in Maryland (including Fort George G. Meade), Virginia and the District of Columbia, and points in the territory now authorized to be served in charter operations. Applicant is authorized to conduct common carrier operations in Maryland and the District of Columbia.

HEARING: Remains as assigned September 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 116819, filed July 15, 1957, ATWOOD'S TRANSPORT LINES, INC., 419 New Jersey Avenue NW., Washington, D. C. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers and their baggage*, (1) between points within the territory authorized as an origin territory for special and charter operations and points in the territory now authorized to be served in special and charter operations; and (2) between points in the territory authorized as an origin territory for charter operations in Maryland and the District of Columbia and points in the territory now authorized to be served in charter operations. Applicant holds Certificates Nos. MC 108452 and (Sub No. 6) as a common carrier.

HEARING: September 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 103), filed July 22, 1957, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, except gasoline, diesel oil, fuel oil, stove oil, lubricating oil, road oil, and asphalt, in bulk, in tank vehicles, or bin or hopper-type equipment, between points in Oregon (except points in Curry, Jackson, Josephine, Klamath, and Lake Counties, Oreg.) and points in Washington, on the one hand, and, on the other, points in California. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

NOTE: Applicant states this application is filed for the purpose of clarifying the existing authority between points in California, Oregon, and Washington in reference to chemicals, which may or may not be of predominant petroleum base. Applicant further states that no duplicating authority is sought.

No. MC 29991 (Sub No. 31), filed July 22, 1957, BARLOW'S SERVICE, INC., 5101 York Street, Denver, Colo. Applicant's attorney: Robert L. Lalich, Midland Savings Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Park and Big Horn Counties, Wyo., on the one hand, and, on the other, points in Sheridan, Crook, Campbell, Weston and Johnson Counties, Wyo.

NOTE: Applicant states it has intrastate authority to perform the applied-for operations and does not seek to serve any new points; and that the purpose of this application is to provide a less hazardous route by traversing Montana. Applicant is authorized to transport similar commodities in Colorado, Kansas and Wyoming.

No. MC 42487 (Sub No. 330), filed June 11, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorneys: Eugene T. Liipfert, and L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, serving Seattle, Wash., and the Commercial Zone thereof, as defined by the Commission, as intermediate and off-route points in connection with applicant's authorized regular route operations, together with *Motion to Dismiss* on the ground that applicant presently has authority authorizing the transportation service sought herein, and accordingly requests that the application be dismissed if it is found that it has the necessary authority. Applicant is authorized to transport similar commodities in Arizona, California, Idaho, Illinois, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming.

No. MC 85818 (Sub No. 1), filed July 17, 1957, JOE MAUCH, doing business as MAUCH TRANSFER, Hartington, Nebr. Applicant's attorney: J. Max Harding, I B M Building, 605 South 12th Street, Lincoln 8, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Hartington, Nebr. and Council Bluffs, Iowa, from Hartington over Nebraska Highway 15 to junction U. S. Highway 275, thence over U. S. Highway 275 to Council Bluffs, and return over the same routes, serving the intermediate points of Omaha and Fremont, Nebr., all points on Nebraska Highway 15 north of Wayne, including Wayne, and the off-route points of Concord and Dixon, subject to the restriction that no service shall be rendered between the Omaha, Nebr.-Council Bluffs, Iowa Commercial Zone and Fremont, Nebr. (2) (a) between Hartington, Nebr. and the junction of Nebraska Highways Nos. 15 and 57, from Hartington north over Nebraska Highway 15 to junction Nebraska Highway 12, thence north and west over county roads to junction U. S. Highway 81, thence north over U. S. Highway 81 to South Yankton, thence south over U. S. Highway 81 to its northern junction with Nebraska Highway 98, thence over Nebraska Highway 98 to its junction with Nebraska Highway 12, thence over Nebraska Highway 12 to junction U. S. Highway 81, thence south over U. S. Highway 81 to junction Nebraska Highway 84, thence west over Nebraska Highway 84 to Bloomfield, thence east over Nebraska Highway 84 to junction Nebraska Highway 98, thence south over Nebraska Highway 98 to junction with Nebraska Highway 59, thence over Nebraska Highway 59 to junction U. S. Highway 81, thence south over U. S. Highway 81 to junction U. S. Highway 20, thence west over U. S. Highway 20 to Osmond, thence east over U. S. Highway 20 to junction Nebraska Highway 57, thence north over Nebraska Highway 57 to junction Nebraska Highway 15, serving the intermediate points of St. Helena, South Yankton, Crofton, Bloomfield, Wausa, Osmond, Randolph, and Belden, and the off-route points of Gavins Point Dam, Magnet, McLean, and Sholes; (2) (b) between junction of Nebraska Highway 15 and U. S. Highway 81 and the junction of Nebraska Highways 12 and 15 over Nebraska Highway 15, serving the off-route point of Fordyce; (2) (c) between Hartington and the junction of Nebraska Highway 84 and U. S. Highway 81 over Nebraska Highway 84 as an alternate route for operating convenience only, serving no intermediate or off-route points and serving the termini for purpose of joinder only; (3) between the junction of Nebraska Highway 115 and U. S. Highway 20 and South Sioux City, Nebr. over U. S. Highway 20, serving all intermediate points and the off-route points of Allen, Martinsburg, Waterbury and Willis; (4) between the junction of Nebraska Highways 12 and 15 and the junction of Nebraska Highway 12 and U. S. Highway 20 over Nebraska Highway 12, serving all intermediate points. The service is subject to the restriction that no shipments are to be transported between the Omaha-Council Bluffs commercial zone and the Sioux City and South Sioux City commercial zone.

NOTE: This application is filed, in part, to obtain a Certificate of Public Convenience and Necessity, authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, corresponding to intrastate operations authorized in certificate on file with this Commission.

No. MC 103051 (Sub No. 29), filed July 15, 1957, WALKER HAULING CO., INC., 624 Penn Avenue, NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern Nat'l. Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Boyce, Tenn., to Macon, Ga. Applicant is authorized to transport liquid petroleum products and petroleum products from and to specified points in Georgia, Tennessee and Alabama.

No. MC 110226 (Sub No. 1), filed July 15, 1957, CLYDE R. HOAGLAND, doing business as REDWAY TRANSFER CO., East 50th Street and Corona Avenue, Vernon 58, Calif. Applicant's attorney: Vincent Matthew Smith, 444 East San Antonio Drive, Long Beach 7, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Raw rubber*, from points in the *Los Angeles Harbor Commercial Zone*, as defined by the Commission in Los Angeles, Calif. Commercial Zone, 3 M. C. C. 248, to Los Angeles, Calif.

NOTE: Applicant is authorized in Certificate No. MC 110226 dated June 22, 1951, to transport general commodities, with exceptions which include raw rubber, from the Los Angeles Harbor Commercial Zone to Los Angeles, Calif. It seeks by this application to delete "raw rubber" from the excepted commodities.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 218), filed July 24, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, same address as above. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, in special and seasonal operations, from Elizabeth, Rahway, Perth Amboy and New Brunswick, N. J., to Delaware Park Race Track, Stanton, Del., Pimlico Race Track, Baltimore, Md., Bowie Race Track, Bowie, Md., Laurel Race Track, Laurel, Md., Belmont Race Track, Belmont, N. Y., Jamaica Race Track, New York, N. Y., Aqueduct Race Track, New York, N. Y., Roosevelt Raceway, Westbury, N. Y., and Yonkers Raceway, Yonkers, N. Y. Applicant is authorized to transport passengers and their baggage in the New Jersey, New York, Pennsylvania, Virginia and the District of Columbia.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 103435 (Sub No. 74), filed June 10, 1957 (Amended), published June 19, 1957 at page 4341, BUCKINGHAM TRANSPORTATION, INC., Rapid City, S. Dak. Applicant's attorney: Donald A. Schafer, Public Service Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, other than those requiring special handling because of weight or size, between Fargo, N. Dak., and Pembina, N. Dak., from Fargo over U. S. Highway 81 to Hamilton, N. Dak., thence over North Dakota Highway 5 to junction North Dakota Highway 18, thence over North Dakota Highway 18 to junction North Dakota Highway 55, thence over North Dakota Highway 55 to Pembina, and return over the same route, serving all intermediate points, and the off-route points of Buxton, Reynolds, Thompson, Cavalier, Bathgate, McVille, Northwood, Finley, Page, Erie, Galesburg, Cooperstown, and West Fargo, N. Dak. Applicant is authorized to transport similar commodities in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

NOTE: This application is directly related to MC–F 6610.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6626. Authority sought for control by KAUFFMAN & MINTEER, INC., Monmouth Road, Jobstown, N. J., of WAGNER TRUCKING CO., INC., Jobstown, N. J. Applicant's attorney: G. Donald Bullock, Box 146, Wyncote, Pa. Operating rights sought to be controlled: *Tile, clay products, used lumber, chemicals, brick, clay tile*, and *processed*

clay not included in brick or clay tile, as a *common carrier* over irregular routes from, to or between points and areas, varying with the commodity transported, in New Jersey, Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Ohio, Pennsylvania, and the District of Columbia. KAUFFMAN & MINTEER, INC., is authorized to operate as a *contract carrier* in New Jersey, New York and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6652. Authority sought for continuance in control by ALBERT R. HILLMAN, FRANK H. HILLMAN, NILES R. HILLMAN and PAUL F. HILLMAN, Route 9, Saratoga Road, Fort Edward, N. Y., of FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N. Y., CANAAN DAIRY EXPRESS, INCORPORATED, Box 482, Canaan, Conn., and NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N. Y., upon institution by the last-named company of operations in interstate or foreign commerce, by motor vehicle, for which application has been made, as described below. Applicants' attorney: Samuel V. Giannini, 25 Exchange Street, Rochester 14, N. Y. NORTHERN MOTOR CARRIERS, INC., filed, on July 2, 1956, application on Form BMC 78 (Docket No. MC 116038 Sub 1) for a *common carrier* certificate to transport *prefabricated houses*, in sections, on platform vehicles, over irregular routes, from Hudson Falls, N. Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia; FORT EDWARD EXPRESS CO., INC., *liquid bichromate of soda*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Glens Falls, N. Y., to the port of entry at Rouses Point, N. Y., at the United States-Canada Boundary line, and from Baltimore, Md., to ports of entry on the United States-Canada Boundary line at Rouses Point and Champlain, N. Y.; *used motor oil*, in bulk, in tank vehicles, from the United States-Canada Boundary line through ports of entry at or near Rouses Point, N. Y., to Newark, N. J.; *petroleum* and *petroleum products*, in bulk, in tank vehicles, between St. Albans Bay and Burlington, Vt., on the one hand, and, on the other, points in Clinton, Essex, Franklin and St. Lawrence Counties, N. Y.; *surface coating, resin compounds, in solution*, in bulk, in tank vehicles, from Fort Edward, N. Y., to Winslow, Maine; CANAAN DAIRY EXPRESS, INCORPORATED, *milk* and *ice cream mix*, in bulk, in tank vehicles, as a *contract carrier*, over irregular routes, from Hartford, Conn., to Springfield, Worcester, and North Abington, Mass., and Poughkeepsie, N. Y.; *milk*, in bulk, in tank vehicles, from Springfield, Mass., to Hartford, Conn. Applicants hold no authority from the Commission, but own controlling stock interest in the above-mentioned carriers. Application has not been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6654. Authority sought for purchase by THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill., of the operating rights of EASTERN CANADIAN GREYHOUND LINES, LIMITED, 301 Chatham Street, East Windsor, Ontario, Canada. Applicants' attorneys: George Rauch, 2600 Board of Trade Building, Chicago 4, Ill., Guy Farmer and Henry C. Ikenberry, Jr., both of 1100 Shoreham Building, Washington 5, D. C. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, restricted to transportation in foreign commerce, as a *common carrier* over regular routes between the boundary of the United States and Canada, and Port Huron, Mich., with service at Port Huron restricted to traffic originating at, or destined to, points in Canada, other than Sarnia, Ontario, Canada; *passengers and their baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, unrestricted, between Detroit, Mich., and the boundary of the United States and Canada; *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Buffalo, N. Y., and Niagara Falls, N. Y., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois, Missouri, Iowa, Massachusetts, Maine, New Hampshire, California, Nebraska, New York, New Jersey, Wyoming, Pennsylvania, Utah, Kentucky, South Dakota, West Virginia, Kansas, Georgia, Louisiana, Nevada, Alabama, Florida, Mississippi, Tennessee, Arizona, Arkansas, Colorado, Washington, Oregon, Idaho, Minnesota, Montana, Wisconsin, North Dakota, and Michigan. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-6439; Filed, Aug. 6, 1957; 8:48 a. m.]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

[Notice 3]

AUGUST 2, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–22115 (Deviation No. 1), MORROW, INC., 1277 Maxwell Avenue, Evansville, Ind., filed July 24, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions over two deviation routes: (A) From Vincennes, Ind., over U. S. Highway 50 to junction Illinois Highway 33 thence over Illinois Highway 33 to junction Illinois Highway 1 thence over Illinois Highway 1 to Chicago, Ill.; and (B) from Terre Haute, Ind., over U. S. Highway 150 to junction Illinois Highway 1 thence over Illinois Highway 1 to Chicago, Ill.; and return over the same routes for operating convenience only serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: from Evansville over U. S. Highway 41 to Chicago, and return over the same route.

No. MC–59680 (Deviation No. 1), STRICKLAND TRANSPORTATION CO., INC., P. O. Box 5689, Dallas, Tex., filed July 25, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities from Dallas, Tex., to Fort Worth, Tex., over U. S. Highway 80, and return over the same route.

No. MC–114877 (Deviation No. 1), CARGO-IMPERIAL FREIGHT LINES, INC., 60 Landsdowne Street, Cambridge 39, Mass., filed July 25, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes: (A) between Stockbridge, Mass., and Weston, Mass., as follows: from Stockbridge over the Massachusetts Turnpike to Weston; (B) between Mt. Lebanon, N. Y., and Lee, Mass., as follows: from Mt. Lebanon over New York Highway 22 to the New York-Massachusetts State line, thence over Massachusetts Highway 102 to Lee; and return over the same routes, for operating convenience only serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Albany, N. Y., over U. S. Highway 20 via Pittsfield, Mass. to Springfield, Mass. (also from Pittsfield, Mass. over Massachusetts Highway 9 to junction U. S. Highway 5, and thence over U. S. Highway 5 to junction U. S. Highway 20 at Springfield, Mass.), thence over U. S. Highway 20 via Worcester, Mass. to Boston, Mass. (also from junction U. S. Highway 5 and Massachusetts Highway 9 near Northampton, Mass. over Massachusetts Highway 9 via Worcester, Mass., to Boston, Mass.), and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-6438; Filed, Aug. 6, 1957; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 2, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34087: *Caustic potash—Niagara frontier points to Fernald, Ohio.* Filed by O. E. Schultz, Agent, (ER No. 2395), for interested rail carriers. Rates on potassium (potash), caustic, tank-car loads from Niagara Falls, Solvay, Suspension Bridge, and Syracuse, N. Y., to Fernald, Ohio.

Grounds for relief: Market competition, restoration of former rate relations with Charleston, W. Va., and circuitous routes.

Tariffs: Supplement 21 to Agent C. W. Boin's tariff I. C. C. A–1116, and other schedules of individual lines listed in the application.

FSA No. 34088: *Urea—Kansas and Nebraska points to points in Utah.* Filed by W. J. Prueter, Agent, (WTL No. A–1923), for interested rail carriers. Rates on urea, having value only for fertilizer purposes, carloads from Lawrence, Military, and Parsons, Kans., and La Platte, Nebr., to specified points in Utah.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 55 to Agent Prueter's tariff I. C. C. A–4123.

FSA No. 34089: *T. O. F. C. Service—Commodities from, to, and between points in the Southwest.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B–7087), for interested rail carriers. Rates on freight moving on class and commodity rates, loaded in trailers and demountable trailer bodies and transported on railroad flat cars from, to and between points in the Southwest.

Grounds for relief: Motor-truck competition, and circuitous routes.

Tariffs: Supplement 33 to Agent Kratzmeir's tariff 4213 and other supplements to his schedules listed in the application.

FSA No. 34090: *Styrene—Baton Rouge, La., to Connecticut and Massachusetts points.* Filed by O. W. South, Jr., Agent, (SFA No. A3510), for interested rail carriers. Rates on styrene, tank-car loads from Baton Rouge, La., to Naugatuck, Conn., and Leominster, Mass.

Grounds for relief: Water-truck competition.

Tariff: Supplement 64 to Alternate Agent J. H. Marque's tariff I. C. C. 442.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-6437; Filed, Aug. 6, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HENRI VAN BAREN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Henri van Baren, 21 Kloosterstraat, Bornem, Belgium; Claim No. 60720; Vesting Order No. 17912; $655.08 in the Treasury of the United States.

Executed at Washington, D. C., on July 31, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6426; Filed, Aug. 6, 1957; 8:45 a. m.]

SALVATORE LOMBARDI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Salvatore Lombardi, Frosinone, Italy; Claim No. 42941; $51.36 in the Treasury of the United States.

Filomena Lombardi, Frosinone, Italy; Claim No. 42942; $51.37 in the Treasury of the United States.

Vesting Order No. 1362.

Executed at Washington, D. C., on July 31, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6427; Filed, Aug. 6, 1957; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 153

Washington, Thursday, August 8, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10723

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE GENERAL MANAGERS' ASSOCIATION OF NEW YORK REPRESENTING THE NEW YORK CENTRAL RAILROAD, NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY, BROOKLYN EASTERN DISTRICT TERMINAL, JAY STREET CONNECTING RAILROAD, NEW YORK DOCK RAILWAY, BUSH TERMINAL RAILROAD, BALTIMORE & OHIO RAILROAD COMPANY, THE PENNSYLVANIA RAILROAD, ERIE RAILROAD COMPANY, READING COMPANY, DELAWARE, LACKAWANNA & WESTERN RAILROAD, AND THE CENTRAL RAILROAD COMPANY OF NEW JERSEY, AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between the General Managers' Association of New York representing the New York Central Railroad, New York, New Haven & Hartford Railroad Company, Brooklyn Eastern District Terminal, Jay Street Connecting Railroad, New York Dock Railway, Bush Terminal Railroad, Baltimore & Ohio Railroad Company, the Pennsylvania Railroad, Erie Railroad Company, Reading Company, Delaware, Lackawanna & Western Railroad, and the Central Railroad Company of New Jersey, carriers, and certain of their employees represented by the International Organization of Masters, Mates and Pilots, Inc., a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service;

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the General Managers' Association of New York representing the New York Central Railroad, New York, New Haven & Hartford Railroad Company, Brooklyn Eastern District Terminal, Jay Street Connecting Railroad, New York Dock Railway, Bush Terminal Railroad, Baltimore & Ohio Railroad Company, the Pennsylvania Railroad, Erie Railroad Company, Reading Company, Delaware, Lackawanna & Western Railroad, and the Central Railroad Company of New Jersey, carriers, or by their employees, in the conditions out of which the said dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 6, 1957.

[F. R. Doc. 57-6540; Filed, Aug. 7, 1957; 10:14 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 20]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments have been made to this subchapter:

PART 1—GENERAL PROVISIONS

SUBPART A—INTRODUCTION

Section 1.110 has been revised as follows:

§ 1.110 *Reports of purchases and contracts.* Periodic and special reports on purchases and contracts are prescribed by the Department of Defense. These reports are designed to meet statutory and other Congressional requirements, requirements of Federal agencies, and provide all levels of management with data on which to formulate procurement policy as well as to determine the extent

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FEDERAL REGISTER

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of adherence to prescribed policy. Basic to the preparation of all these regular and special reports, so far as they affect individual contracting officers, is DD Form 350 (Individual Procurement Action Report) (§ 16.807). Each item of this form enters into the preparation of reports furnished the President, the Congress, and other Federal agencies, and is used for management purposes within the Department of Defense. The accuracy, completeness, and timeliness of these reports are fully dependent on the careful preparation and prompt submission of DD Form 350.

SUBPART B—DEFINITION OF TERMS

In further implementation of the Single Manager Plans, the Military Supply Agencies for Petroleum (21 F. R. 6577) and Medical Supplies (21 F. R. 4362) have each been designated by the Department of the Navy as Procuring Activities and the Executive Directors have been designated as Heads of Procuring Activities within the meaning of §§ 1.201–3 and 1.201–4, which have been amended accordingly. Sections 1.201–3 and 1.201–4, as revised, read as follows:

§ 1.201–3 *Procuring activity.* The term "procuring activity" includes, for the Army, the technical services, the continental armies, the National Guard Bureau, the Military District of Washington, and the major oversea commands; for the Navy, each Bureau of the Navy Department, the Office of Naval Research, the Aviation Supply Office, the Military Sea Transportation Service and the United States Marine Corps; for the Air Force, the Air Matériel Command. It also includes the Military Medical Supply Agency, the Military Petroleum Supply Agency, and any other procuring activity hereafter established. The number and designation of particular procuring activities of any Department may be changed by directive of the Secretary of that Department.

§ 1.201–4 *Head of a procuring activity.* The term "Head of a Procuring Activity" includes, for the Army, the chiefs of the technical services, the continental army commanders, the Chief of the National Guard Bureau, the Commanding General of the Military District of Washington, and the commanding generals of the major oversea commands; for the Navy, the Chief of each Bureau, the Chief of Naval Research, the Aviation Supply Officer, the Commander, Military Sea Transportation Service, and the Commandant of the United States Marine Corps; for the Air Force, the Commanding General of the Air Matériel Command. It also includes the Executive Director of the Military Medical Supply Agency, the Executive Director of the Military Petroleum Supply Agency, and the head of any other procuring activity hereafter established. The number and designation of Heads of Procuring Activities within any Department may be changed by directive of the Secretary of that Department.

SUBPART C—GENERAL POLICIES

1. Section 1.300 has been revised by adding paragraphs (g), (h) and (i). Section 1.300, as revised, reads as follows:

§ 1.300 *Scope of subpart.* This subpart sets forth general policies with respect to (a) methods of procurement, (b) sources of supply (including governmental and foreign sources), (c) types of contracts, (d) specifications, (e) transportation costs, (f) responsible prospective contractors, (g) priorities, allocations, and allotments, (h) preference for United States-flag privately owned ocean carriers, and (i) procurement by barter.

2. Section 1.302–3 has been revised by the deletion of the phrase in parentheses in the first sentence; the deletion of the annual report requirement, and insertion of references to §§ 1.110 and 16.807 regarding report requirements. Section 1.302–3, as revised, reads as follows:

§ 1.302–3 *Small business concerns.* It shall be the policy of each Department to place with small business concerns a fair proportion of the total procurement of supplies and services for that Department. As a means of carrying out this policy, and when not clearly to the disadvantage of the Department, the procurement of supplies or services shall be divided into such reasonably small lots as will enable and encourage small business concerns to make bids or proposals on such supplies or services or on portions thereof. Each Department is required to maintain a record of the total value of all contracts placed by it during each fiscal year with small business concerns. These records, and reports based thereon, are maintained through the Department of Defense procurement reporting system described in § 1.110 and § 16.807 of this subchapter. To this end, each Department shall, in soliciting bids or proposals, request any information needed to determine whether the bidder or offeror is a small business concern.

3. Section 1.304 *Types of contracts* has been deleted, and § 1.304 is now "Reserved".

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART A—USE OF FORMAL ADVERTISING

1. A new § 2.104 has been added to this Subpart A, as follows:

§ 2.104 *Types of contracts.* Customarily, contracts for supplies or services awarded after formal advertising will be of the firm fixed-price type. However, at times, some flexibility will be necessary and feasible; thus, alternative types of contracts are described below.

§ 2.104–1 *Firm fixed-price contracts.* See § 3.403–1 of this subchapter.

§ 2.104–2 *Fixed-price contracts with escalation.* See § 3.403–2 of this subchapter. Where escalation is desirable in connection with a formally-advertised procurement, a fixed-price contract with escalation may be entered into if (a) the applicable escalation clause, with an escalation ceiling identical for all bidders, is set forth in the invitation for bids, and (b) each bidder is afforded an equal opportunity to bid on the escalation basis. However, the absence of an escalation clause in the invitation for bids will not preclude consideration of a bid providing for escalation with a ceiling; provided, in evaluating such a bid, the maximum escalation is added to the bid price.

§ 2.104–3 *Indefinite delivery type contracts*—(a) *Definite quantity contract.* See § 3.405–5 (a) of this subchapter; however, price redetermination will not be used.

(b) *Requirements contract.* See § 3.405–5 (b) of this subchapter; however, price redetermination will not be used.

(c) *Indefinite quantity contract.* See § 3.405–5 (c) of this subchapter; however, price redetermination will not be used.

SUBPART B—SOLICITATION OF BIDS

2. Section 2.201 has been amended as follows: Paragraph (c) (14) has been revised, and a new (15) has been added. Section 2.201, as revised, reads as follows:

§ 2.201 *Preparation of forms.* The form or forms to be used in the solicitation of bids (see Part 16, Subpart A, of this subchapter) should contain substantially the following information and any other information required by procedures prescribed by each respective Department.

(a) *Invitation for bids.* (1) Invitation number.

(2) Name and address of issuing activity.

(3) Date of issuance.

(4) Date, hour, and place of opening.

(b) *Bid.* Bid blanks are to be filled in by the bidder, and each bid is to be executed in accordance with instructions to bidders.

(c) *Schedule.* (1) Number of pages.

(2) Requisition (or other purchase authority), appropriation, and accounting data.

(3) Discount provisions (including the removal of or changes in standard discount provisions whenever it is expected that prompt-payment discounts cannot be taken according to a time schedule set forth in the printed form).

(4) Quantity of supplies or services to be furnished under each item, and any provision for quantity variation.

(5) Description of supplies or services to be furnished under each item, such description to be in accordance with the provisions of § 1.305 of this subchapter relating to specifications, and § 2.201 (d) relating to availability and identification of specifications, and with procedures prescribed by each respective Department.

(6) Whenever specifications require prior testing and qualification of products, the right to reject bids offering products which do not meet this requirement of prior testing and qualification must be expressly reserved either in the specification itself or in the schedule (see § 2.505–2).

(7) Time, place, and method of delivery (see § 1.306).

(8) Permission, if any, to submit telegraphic bids.

(9) Permission, if any, to submit alternative bids, including alternative materials or designs.

(10) Requirement, in the case of advertising for the construction of Naval vessels, that the bidder file with his bid the estimates on which the bid is based.

(11) Preservation, packaging, packing, and marking requirements, if any.

(12) Place, method, and conditions of inspection.

(13) Bond and surety requirements, if any.

(14) Any authorized special provisions relating to such matters as progress payments, patent licenses, liquidated damages, profit limitations, etc.

(15) Any authorized special provisions relating to Government-furnished property proposed to be furnished for the performance of the contract; and, in addition, a provision that if the bidder plans to use, in performing the work bid upon, any items of Government property in the bidder's possession under a facilities contract or other agreement independent of the Invitation for Bids, the bidder shall so state in the bid, and upon request of the contracting officer, submit evidence that a facilities contract or other separate agreement authorizes the bidder to use each item of such Government property for performing the work bid upon.

SUBPART C—SUBMISSION OF BIDS

3. Procedures for handling of late bids have been considerably revised in an amended § 2.302. The new procedure is summarized as follows: (1) Determinations shall be in writing and specified records maintained; (2) the date and hour on a cancellation stamp of a mailed bid is generally conclusive as to the time of mailing; (3) where the date and hour is not stamped, procedures differ depending upon whether the bid is mailed by registered and certified mail, or ordinary mail. With respect to the former, the date and hour of mailing will be ascertained from the post office; ordinary mail will not be opened nor the bid considered for award; (4) where the cancellation stamp on ordinary mail shows only the date but not the hour of mailing, the bid will be considered as having been mailed after 2359 hours on the date indicated, and information concerning the normal time for mail delivery shall be obtained from designated post officials. Section 2.302, as revised, reads as follows:

§ 2.302 *Time of submission.* Bidders shall submit their bids so as to reach the designated office not later than the specified time for opening. Bids received thereafter are late bids. Late bids shall be considered (a) if received before award, and (b) if it is determined that the failure to arrive on time was due solely to delay in the mails for which the bidder was not responsible; otherwise, they shall be held unopened until award has been made, and then returned to the bidder.

§ 2.302–1 *Determination concerning late bids.* Determinations concerning late bids shall be made in writing by the contracting officer, or a duly authorized representative for that purpose. As a rule, the date and hour shown on the cancellation stamp affixed by the post office or by an approved metering device shall be considered as the time of mailing. However, (a) as to registered and certified mail, the date and hour of mailing when not shown on the cancellation stamp shall be obtained from the postal authorities indicated below; and (b) as to non-registered and non-certified mail, when the date of mailing cannot be determined by inspection of the envelope the bid shall not be considered for award; and when the stamp shows the date but not the hour of mailing, the bid shall be considered as having been mailed at the last minute of the date shown. Information necessary for the determination, concerning the date and hour of mailing registered and certified mail as required by paragraph (a) of this section and the normal time for mail delivery, shall be obtained from the Postmaster, Superintendent of Mails, or a duly authorized representative for that purpose, of the post office serving the purchasing activity. When time permits and the contracting officer deems it advisable, such information shall be obtained in writing.

§ 2.302–2 *Records.* The contract file shall include with respect to each late bid: (a) The date and hour of mailing (determined as provided in § 2.302–1) and date and hour of receipt by the purchasing activity; (b) the determination as to whether the late bid should or should not be considered, and the facts supporting it; (c) the disposition of the bid; and (d) the envelope of any late bid that is considered for award.

PART 3—PROCUREMENT BY NEGOTIATION

Paragraph (g) has been added to § 3.000. Section 3.000, as revised, reads as follows:

§ 3.000 *Scope of part.* This part sets forth, on the basis of the provisions of and authority contained in the act, (a) the basic requirements for the procurement of supplies and services by means of negotiation, (b) the different circumstances under which negotiation is permitted, (c) determinations and findings that may be required to be made before a contract is entered into by negotiation, (d) approved types of negotiated contracts and their use, (e) the authority for making advance payments under negotiated contracts, (f) procedures for affecting purchases not in excess of $1,000 (g) procedures for negotiating overhead rates, and (h) price negotiation policies and techniques.

SUBPART A—USE OF NEGOTIATION

1. Section 3.103 has been amended to incorporate cross-references to §§ 1.110 and 16.807. Section 3.103, as revised, reads as follows:

§ 3.103 *Records and reports of negotiated contracts.* In addition to the records and reports described in § 1.302–3 of this subchapter and §§ 3.211–4 and 3.216–4, each Department is required to maintain a record of the total value of all contracts negotiated by it during each fiscal year under each of the circumstances permitting negotiation enumerated in Subpart B of this part. These records, and reports based thereon, are maintained through the Department of Defense procurement reporting system described in §§ 1.110 and 16.807 of this subchapter.

2. Section 3.107–2 (b) has been revised to add a cross-reference to § 3.805. Section 3.107–2 (b) as revised reads as follows:

§ 3.107–2 *Procedure* • • •

(b) In the event it is determined by such other authority that it is in the best interest of the Government to consider the late proposal, the contracting officer shall resolicit all firms (consistent with § 3.805) which have submitted proposals and have been determined to be capable of meeting requirements.

3. The legend which a supplier is authorized to insert in his proposal restricting the disclosure of data in proposals, has been revised so that there cannot be any implication (i) that any license under patent is thereby granted to the Government or (ii) that the supplier warrants title to the data. Section 3.109, as revised, reads as follows:

§ 3.109 *Restrictions on disclosure of data in proposals.* (a) Requests for proposals may require the offeror to submit data with its proposal which may include a design or plan for accomplishing the objectives of the procurement. Such data may include information which the offeror does not want disclosed to the public or used by the Government for any purpose other than evaluation of the proposals. Offerors shall mark each sheet of data which they so wish to restrict with the legend set forth below:

This data furnished in response to RFP No. ----------, shall not be disclosed outside the Government or be duplicated, used or disclosed in whole or in part for any purpose other than to evaluate the proposal, *Provided*, That if a contract is awarded to this offeror as a result of or in connection with the submission of such data, this legend shall be of no force or effect; and the Government shall have the right to use the data for any purpose except as otherwise provided in the contract. This restriction does not limit the Government's right to use information contained in such data if it is obtained from another source.

Contracting officers shall not refuse to consider any proposal merely because data submitted with that proposal is so marked. Data so marked shall be used only to evaluate proposals and shall not be disclosed outside the Government without the written permission of the offeror except under the conditions provided in the legend. With respect to contracts for experimental, developmental, or research work, see § 9.112.

(b) The provisions of paragraph (a) of this section do not apply to procurements by formal advertising.

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

1. Paragraph (n) has been added to § 3.210–1 as follows:

§ 3.210–1 *Authorization.* • • •

(n) When, under the procedures set forth in joint regulation DOD 4145.16–R, AR 743–455, NAVSANDA PUB 297, AFR 67–61, and NAVMC 1133, the contract is for storage (and related services) of household goods.

2. Section 3.211–4 has been amended by adding a cross reference to §§ 1.110 and 16.807. Section 3.211–4, as amended, reads as follows:

§ 3.211–4 *Records and reports.* Each Department shall maintain a record of the name of each contractor with whom a contract has been entered into pursuant to the authority of this paragraph, together with the amount of the contract and (with due consideration given to the national security) a description of the work required to be performed thereunder. These records, and reports based thereon, will be maintained through the Department of Defense procurement reporting system described in §§ 1.110 and 16.807 of this subchapter.

3. Sections 3.213–2, 3.213–3 and 3.213–4 have been changed to revise and codify the provisions of DOD Directive 4105.42. Changes include deletion of the requirements that the supplies be "commercial-type" and that "parts" be either "spare" or "component". Sections 3.213–2, 3.213–3 and 3.213–4 as revised, read as follows:

§ 3.213–2 *Application.* (a) This authority may be used for procuring additional units and replacement items of specified makes and models of technical equipment and parts; which are for tactical use or for use outside the continental United States, in theaters of operations, on board naval vessels, or at advanced or detached bases; and which have been adopted as standard items of supply in accordance with procedures prescribed by each respective Department. A current or recurring procurement requirement for the item shall be present. This authority would apply, for example, whenever it is necessary:

(1) to limit the variety and quantity of parts that must be carried in stock;

(2) to make possible, by standardization, the availability of parts that may be interchanged among items of damaged equipment during combat or other emergency; or

(3) to procure from selected suppliers technical equipment which is available from a number of suppliers but which would have such varying performance characteristics (notwithstanding detailed specifications and rigid inspection) as would prevent standardization and interchangeability of parts.

(b) Before making a determination to procure specified makes and models under this authority, consideration shall be given to:

(1) The feasibility of economical and timely deployment on a selected geographic basis of makes and models already in supply systems;

(2) The feasibility of timely standardization of components and parts under the Defense Standardization Program;

(3) The effect upon the capability of industry to produce mobilization requirements of all Departments;

(4) The practicability of interchanging parts and cannibalizing equipment;

(5) The probability that future procurement of the selected item of equipment can be effected at reasonable prices;

(6) Whether the standardization will appreciably reduce the variety and quantity of parts that must be carried in stock;

(7) The value of similar equipment and its supporting parts on hand;

(8) The contribution of the standardization to combat support;

(9) Possible savings in training personnel and publishing technical literature;

(10) Whether the standardization will adversely affect existing coordinated military specifications and standards; and

(11) The degree to which the current design of the specified make and model has been changed from the design of equipment of the same make and model now in the supply system.

(c) In arriving at determinations to standardize under this authority, the originating Department shall consult with the other Departments in order to assure the full benefit of the standardization.

(d) Actions taken under this authority shall be reviewed by the originating Department at least once every two years to determine whether the standardization should be continued, revised, or cancelled.

§ 3.213–3 *Limitation.* This authority shall not be used for initial procurements of equipment and parts, or for the purpose of selecting arbitrarily the equipment of certain suppliers; nor shall it be used unless the Secretary of a Department has determined, in accordance with the requirements of Subpart C of this part, that:

(a) The equipment constitutes technical equipment;

(b) Standardization of such equipment and interchangeability of its parts are necessary in the public interest; and

(c) Procurement of such equipment or of its parts by negotiation is necessary to assure that standardization and interchangeability.

§ 3.213–4 *Records and reports.* Each Department shall maintain on a current basis a master list of items for which determinations and findings have been made under this authority.

4. Section 3.216–4 has been amended to include a cross-reference to §§ 1.110 and 16.807, as follows:

§ 3.216.4 *Records and reports.* Each Department shall maintain a record of the name of each contractor with whom a contract has been entered into pursuant to the authority of this paragraph, together with the amount of the contract and (with due consideration given to the national security) a description of the work required to be performed thereunder. These records, and reports based thereon, will be maintained through the Department of Defense procurement reporting system described in §§ 1.110 and 16.807 of this subchapter.

SUBPART D—TYPES OF CONTRACT

A new § 3.405–5 augments this Subpart D, of this Part 3, setting forth policies relating to Indefinite Delivery Contracts. Such contracts are divided into three groups: (i) Definite quantity; (ii) requirements; (iii) indefinite quantity (with minimum definite quantity). Section 3.405–5 reads as follows:

§ 3.405–5 *Indefinite delivery type contracts.* One of the following indefinite delivery type contracts may be used for procurements where the exact time of delivery is not known at time of contracting.

(a) *Definite quantity contracts*—(1) *Description.* This type of contract provides for a definite quantity of specified supplies or for the performance of specified services for a fixed period, with deliveries or performance at designated locations upon order. Depending on the situation, the contract may provide for: (i) Firm fixed-prices, (ii) price escalation, or (iii) price redetermination.

(2) *Applicability.* This type of contract is particularly suitable for use where it is known in advance that a definite quantity of supplies or services will be required during a specific period and are regularly available or will be available after a short lead time. Advantages of this type of contract are that it permits stocks in storage depots to be maintained at minimum levels and permits direct shipment to the user.

(b) *Requirements contract*—(1) *Description.* This type of contract provides for filling all actual purchase requirements of specific supplies or services of designated activities during a specified contract period with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class. Depending on the situation, the contract may provide for: (i) Firm fixed-prices, (ii) price escalation, or (iii) price redetermination. An estimated total quantity is stated for the information of prospective contractors, which estimate should be as realistic as possible. The estimate may be obtained from the records of previous requirements and consumption, or by other means. Care should be used in writing and administering this type of contract to avoid

imposition of an impossible burden on the contractor. Therefore, the contract shall state, where feasible, the maximum limit of the contractor's obligation to deliver and, in such event, shall also contain appropriate provision limiting the Government's obligation to order. When large individual orders or orders from more than one activity are anticipated, the contract may specify the maximum quantities which may be ordered under each individual order or during a specified period of time. Similarly, when small orders are anticipated, the contract may specify the minimum quantities to be ordered.

(2) *Applicability.* A requirements contract may be used for procurements where it is impossible to determine in advance the precise quantities of the supplies or services that will be needed by designated activities during a definite period of time. Advantages of this type of contract are:

(i) Flexibility with respect to both quantities and delivery scheduling;

(ii) Supplies or services need be ordered only after actual needs have materialized;

(iii) Where production lead time is involved, deliveries may be made more promptly because the contractor is usually willing to maintain limited stocks in view of the Government's commitment;

(iv) Price advantages or savings may be realized through combining several anticipated requirements into one quantity procurement; and

(v) It permits stocks to be maintained at minimum levels and allows direct shipment to the user.

Generally, the requirements contract is appropriate for use when the item or service is commercial or modified commercial in type and when a recurring need is anticipated.

(c) *Indefinite quantity contract*—(1) *Description.* This type of contract provides for the furnishing of an indefinite quantity, within stated limits, of specific supplies or services, during a specified contract period, with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class. Depending on the situation, the contract may provide for: (i) Firm fixed-prices; (ii) price escalation, or (iii) price redetermination. The contract shall provide that during the contract period the Government shall order a stated minimum quantity of the supplies or services and that the contractor shall furnish such stated minimum and, if and as ordered, any additional quantities not exceeding a stated maximum which should be as realistic as possible. The maximum may be obtained from the records of previous requirements and consumption, or by other means. When large individual orders or orders from more than one activity are anticipated, the contract may specify the maximum quantities which may be ordered under each individual order or during a specified period of time. Similarly, when small orders are anticipated, the contract may specify the minimum quantities to be ordered.

(2) *Applicability.* An indefinite quantity contract may be used where it is impossible to determine in advance the precise quantities of the supplies or services that will be needed by designated activities during a definite period of time and it is not advisable for the Government to commit itself for more than a minimum quantity. Advantages of this type of contract are:

(i) Flexibility with respect to both quantities and delivery scheduling;

(ii) Supplies or services need be ordered only after actual needs have materialized;

(iii) The obligation of the Government is limited; and

(iv) It permits stocks to be maintained at minimum levels and allows direct shipment to the user.

The indefinite quantity contract should be used only when the item or service is commercial or modified commercial in type and when a recurring need is anticipated.

PART 4—COORDINATED PROCUREMENT

Sections 4.101–5, 4.206–1 and 4.208 have been amended and § 4.209 deleted to conform to DoD Instruction 4000.17, which separates interdepartmental stock transfers from the coordinated procurement program, provides for proper citation of appropriations and funds, and sets permissible limits of deviations from authorized funding. The MIPR will no longer be used as a supply requisition. Sections 4.101–5, 4.206–1 and 4.208, as revised, read as follows.

SUBPART A—DEFINITION OF TERMS

§ 4.101–5 *Military interdepartmental purchase request.* This term, hereinafter referred to as "MIPR," refers to DD Form 448 (Military Interdepartmental Purchase Request) (see § 16.601 of this chapter) executed by a Requiring Department as a request for supplies to be procured or furnished by the Procuring Department, or to be manufactured in its own facilities.

SUBPART B—POLICIES AND GENERAL PRINCIPLES

§ 4.206 *Purchase authorization.*

§ 4.206–1 *MIPR's or other authorized procurement requests.* (a) Military Interdepartmental Purchase Requests or other authorized procurement requests (see Part 16, Subpart F, of this subchapter), when received by the Procuring Department, shall be the authority to procure the supplies listed thereon in accordance with agreements between the Departments concerned. The Procuring Department has no responsibility to determine the validity of a stated requirement in an approved procurement request; however, it should bring to the attention of the Requiring Department apparent errors in the requirement.

(b) In Coordinated Procurement, the Procuring Department is authorized without referral to the Requiring Department, to deviate by 3 percent of the amount stated for each accounting classification, provided that the sum of such deviation does not exceed 3 percent of the total amount cited in the MIPR. The Procuring Department is authorized to deviate by more than 3 percent in specific assigned commodity areas where mutual agreement has been reached and so indicated in the implementing procedures in accordance with DOD Directive 4115.28. This authorization will remain available to the Procuring Department until acceptance is completed or in the case of direct-citation procurement until contract placement is completed, at which time any excess funds on the MIPR will be rescinded by the Requiring Department without the issuance of a formal amendment to the MIPR. The Requiring Department will authorize the percent variation on each MIPR, and will reserve a net amount sufficient to provide for such variation. If the deviation exceeds this percentage, referral to the Requiring Department will be necessary.

§ 4.208 *Funds and payments.*

§ 4.208–1 *Citation of appropriation and funds of requiring department.* Contracts and orders shall cite the appropriations or funds of the Requiring Department unless it is not considered feasible and economical to relate payments directly to the end item and ultimate use of the material under procurement. The Procuring Department will, for each commodity, determine which type of funding (Direct Citation or Consolidated-Reimbursable Procurement) will generally be used. The conditions under which it is considered not feasible to cite the funds of the Requiring Department are:

(a) Procurement of the end item involves separate procurement of components to be assembled by the Procuring Department.

(b) At the time of acceptance of the purchase request (MIPR), it is not considered feasible to identify specific quantities of the end item with the respective Requiring Department because of the possibility of allocation of the material upon a different basis as completed items are delivered.

(c) Payments will be made without reference to deliveries of end items; for example, cost plus fixed fee contracts, and fixed price contracts with progress payment clauses.

§ 4.208–2 *Citation of funds of procuring department.* In cases where citation of the funds of the Requiring Department is not feasible, funds of the Procuring Department will be cited subject to reimbursement upon delivery to the Requiring Department. In those cases, contracts and orders will provide for payment by the Procuring Department.

§ 4.209 [Reserved.]

PART 5—INTERDEPARTMENTAL PROCUREMENT

A new Subpart H to Part 5, reflects a revision of the understanding between GSA and DoD relative to procurement of utility services. In a letter dated 10 January 1957, the Administrator, General Services, described the effect of this revision as follows: "It is our understanding that this amendment will permit the military departments to negotiate special rates where those are appropriate. It is understood that where negotiations do not lead to the adoption of special rates for service conditions that your departments will continue to utilize the GSA area-wide contract."

SUBPART H—PROCUREMENT OF CERTAIN UTILITY SERVICES BY USE OF GENERAL SERVICES ADMINISTRATION AREA CONTRACTS

§ 5.801 *General.* The General Services Administration enters into indefinite delivery type area contracts with various utility companies for the furnishing of electricity, natural and manufactured gas distributed by pipes, steam, sewerage, or water to all, or substantially all, Government agencies located within specified areas. GSA area contracts provide that the contractor will, upon receipt of an order in the form prescribed by the contract, furnish, without further negotiation as to rates and charges, the services involved in accordance with such of its established and filed rate schedules as are applicable to the service.

§ 5.802 *Distribution of GSA Public Utility Schedules and related publications.* A list of the utility services obtainable under GSA area contracts, including the area served and the name of the contractor involved, is contained in GSA Circular No. 61, Revised. GSA also has available for use with each area contract a Public Utility Schedule which includes the required order form. Copies of GSA Circular No. 61 and GSA Public Utility Schedules may be obtained, upon request, from Public Utilities Division, Transportation and Public Utilities Service, General Services Administration, Washington 25, D. C.

§ 5.803 *Department of Defense use of GSA area contracts.* (a) Where GSA area contracts are adequate to meet the requirements of Department of Defense activities for utility services, such services shall be procured thereunder. In determining whether a GSA area contract is adequate to meet the requirements of the using activity, consideration should be given to (1) the area contract rates viewed in light of the magnitude of the service required, (2) any unusual characteristics of the service required, (3) any special equipment or facility requirements, (4) any special technical contract provisions required, and (5) any other special circumstances.

(b) Where it is determined by the Department concerned that GSA area contracts do not meet the requirements of the using activity, the utility services shall be procured in accordance with § 16.501 of this subchapter.

§ 5.804 *Ordering under area contracts.* When utility services are procured under GSA area contracts, the method of ordering prescribed in the appropriate GSA Public Utility Schedule shall be used. The form prescribed for ordering may be modified to satisfy fiscal and administrative requirements of the Department concerned, and to contain such additional contract provisions as may be necessary, except that it shall not be modified for use as a public voucher in lieu of Standard Form 1034. Since GSA area contracts do not contain the Gratuities clause (§ 7.104–16 of this subchapter) the clause shall be included in the order form.

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. Section 7.104–9 has been revised as follows:

§ 7.104–9 *Copyright.* In accordance with the requirements of Subpart B of Part 9 of this subchapter, insert one of the contract clauses set forth in § 9.203 or § 9.204, as appropriate.

2. Amendments to the first paragraph of § 7.104–12 now requires wider distribution of DD Form 254 "Security Requirements Check List", when directed by departmental procedures, as follows:

§ 7.104–12 *Military security requirements.* Insert the following clause in all contracts which are classified by a Department as "Confidential," including "Confidential—Modified Handling Authorized," or higher and in any other contracts the performance of which will require access to such classified information or material, except that this clause shall not be used in contracts performed outside the continental United States, its territories and possessions. In those cases where the situation so warrants because of the nature of the item, or conditions under which it is to be produced, the contract shall provide and establish by a separate contract provision such additional security safeguards as may be required for the protection of that item. When the "Military Security Requirements" clause is inserted in any contract, the contracting officer or his authorized representative shall prepare and transmit to the contractor, material inspector, and such other interested agencies as may be determined by the Departments, a Security Requirements Check List (DD Form 254) in accordance with § 16.811 of this subchapter.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

PART 9—PATENTS, COPYRIGHTS, AND TECHNICAL DATA

1. Section 9.107–2 has been amended so as to (1) clarify the fact that it is not necessary to forward all requests for deviations from the applicable contract provisions to the Atomic Energy Commission, but only those which a Department proposes to utilize in a contract; and (2) provisions relating to the retention of license rights may not be included except after approval by the Commission. The paragraph now identifies more particularly those situations in which the Commission is now granting deviations permitting retention of patent rights. Section 9.107–2, as revised, reads as follows:

§ 9.107–2 *Contracts relating to atomic energy.* The paragraph set forth below shall be inserted as part of the Patent Rights clause prescribed by § 9.107–1 in all research or development contracts relating to atomic energy. In appropriate instances, as where the work to be performed or the material or equipment to be furnished by the contractor is of such character that any such Subject Inventions that may be made will probably (a) relate only incidentally (and not directly) to some phase of the basic research or development work which the Atomic Energy Commission conducts or sponsors, (b) relate to a field or work in which the contractor has an established industrial and patent position, or (c) result from routine development or production work by the contractor, a provision authorizing the contractor to retain license rights may be incorporated in the paragraph set forth below upon the concurrence of the Atomic Energy Commission. Any such provision or other deviation from the paragraph set forth below, which the Department concerned intends to authorize, shall be forwarded in accordance with Departmental procedures to the Atomic Energy Commission for recommendation and shall not be authorized except with the concurrence of the Atomic Energy Commission.

(j) With respect to any Subject Invention made by employees of the Contractor (except clerical and manual labor personnel who do not have access to technical data), and relating to the production or utilization of special nuclear material or atomic energy within the purview of the Atomic Energy Acts of 1946 (42 U. S. Code 1801–1819) and of 1954 (42 U. S. Code 2011–2296), the Contractor agrees:

(i) To furnish to the United States Atomic Energy Commission (hereinafter in this paragraph (j) referred to as "the Commission") through the Contracting Officer complete information regarding such Subject Invention, the Commission to have the sole and conclusive power to determine whether and where a patent application shall be filed, and to determine the disposition of the title to and rights under any such application or any patent that may issue thereon;

(ii) To obtain the execution of and deliver to the Commission all documents relating to each such Subject Invention and to do all things necessary or proper to carry out any determination of the Commission, made under (j) (i) above;

(iii) Unless otherwise authorized in writing by the Commission, to obtain patent agreements from all such employees to effectuate the purposes of this paragraph (j); and

(iv) Unless otherwise authorized in writing by the Commission, to insert this paragraph (j) in all subcontracts.

No claim for pecuniary award or compensation under the provisions of the Atomic Energy Acts of 1946 and 1954 shall be asserted by the Contractor or its employees with respect to any Subject Invention covered by this paragraph.

2. Under amended § 9.110, the Reporting of Royalties clauses shall no longer be inserted in contracts of $50,000 or less. Previously, supply contracts amounting to $10,000 or more were subject to reporting of royalties. Section 9.110, as revised, reads as follows:

§ 9.110 *Reporting of royalties.* The Government has acquired license and other rights under a large number of inventions as the result of Government-sponsored research and development and in other ways. In order that the Government may determine whether the

charging of royalties to the Government is inconsistent with the rights which the Government has acquired or is otherwise improper and in order that negotiation for the voluntary reduction of excessive royalties may be undertaken, the Departments should be informed of royalties charged or to be charged in connection with the performance of Government contracts. The contract clause set forth below shall be included in all contracts in excess of $50,000, except as follows:

(a) The clause shall not be included in contracts coming within the provisions of § 9.110–2.

(b) The clause shall not be included in contracts of $50,000 or less, except that, as a matter of administrative convenience, the clause need not be deleted when it is a part of a standardized form being used for contracts of $50,000 or less, since it is self-deleting as to such contracts.

(c) The clause need not be included in contracts for experimental, developmental, or research work, regardless of the amount of the contract, where under such contracts only a report or reports are to be delivered to or for the Government.

REPORTING OF ROYALTIES

The provisions of this clause shall be applicable only if the amount of the contract is in excess of $50,000.

(a) The Contractor shall report in writing (in quadruplicate) to the Contracting Officer as soon as practicable after execution of this contract whether or not any royalties in excess of $250 have been paid or are to be paid by the Contractor directly to any person or firm in connection with the performance of this contract. If royalties in excess of $250 have been paid or are to be paid to any person or firm, the report shall include the following items of information with respect to such royalties (including the initial $250):

(1) The name and address of each licensor to whom royalties in excess of $250 have been paid or are to be paid,

(2) The patent numbers, patent application serial numbers (with filing dates), or other identification of the basis for such royalties,

(3) The manner of computing the royalties consisting of (i) a brief identification of each royalty-bearing unit or process, (ii) the total amount of royalties, and (iii) the percentage rate or dollars and cents amount of royalties on each such unit or process: *Provided*, That if the royalties cannot be computed in terms of units or dollars and cents value, then other data showing the manner in which the Contractor computes the royalties.

(b) In lieu of furnishing a report under paragraph (a), the Contractor may furnish a single, consolidated report for each accounting period of the Contractor during which the Contractor has contracts with the Government, provided the Contractor has requested and obtained the prior written approval of the ----------*. Such consolidated report shall be furnished, when the furnishing thereof has been approved, in the number of copies as approved, as soon as practicable after the close of the accounting period covered by the report. Such consolidated report shall be made in accordance with Contractor's established accounting practice and shall include, for the accounting period, the total amount of royalties accruing to each licensor at a rate in excess of $1,000 per annum on the Contractor's over-all business, together with (i) the name and address of each such licensor, (ii) the patent numbers, patent application serial numbers (with filing dates), or other identification of the basis for such royalties, (iii) a brief description of the subject matter of the license under which royalties are charged, (iv) the percentage rate or unit amount, or if the royalties do not accrue by rate or unit amount, such other data showing the manner by which the royalties accrue to licensor, and (v) an estimate or approximation (without detailed accounting) of the portion of such royalties that may be attributable to Government contracts. The Contractor shall, if requested by the Government, furnish at Government expense a more detailed allocation of such royalty payments attributable to Government contracts.

(c) In the event that the Contractor requests written approval to furnish consolidated reports under paragraph (b) above, the ----------* shall promptly consider the request and furnish to the Contractor a letter stating whether or not the request is approved and, notwithstanding any such approval, the Contracting Officer shall have the right to question any such subsequently furnished report as to accuracy or completeness of data and to ask for additional information. The Contractor shall furnish a copy of such letter of approval to the Contracting Officer administering this contract.

(d) After payment of eighty percent (80%) of the amount of this contract, as from time to time amended, further payment shall be withheld until a reserve of either (i) ten percent (10%) of such amount or (ii) $5,000, whichever is less, shall have been set aside, such reserve or the balance thereof to be retained until the Contractor shall have furnished to the Contracting Officer the report called for by paragraph (a) hereof or the copy of the letter approving the Contractor's request to furnish the report under paragraph (b): *Provided*, That no amount shall continue to be withheld from payment for the causes specified in this paragraph (d) if the Contracting Officer shall find that the Contractor has not been furnished a letter as required by paragraph (c) within a reasonable time after making written request to submit a single, consolidated report under the provisions of paragraph (b) of this clause: *And provided further*, That the Contracting Officer may, in his discretion, order payment to be withheld in the amount and manner above provided if the report called for by paragraph (a) is unsatisfactory or if the ----------* notifies the Contracting Officer that the report called for by paragraph (b) is due but has not been received, or if received, is found to be unsatisfactory. No amount shall be withheld under this paragraph when the minimum amount specified by this paragraph is being withheld under other provisions of this contract. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any right accruing to the Government under this contract.

In the foregoing clause, insert, in the space designated by an asterisk (----*), in contracts of the Department of the Army and the Department of the Air Force, the words "Chief, Patents Division, Office of The Judge Advocate General;" and in contracts of the Department of the Navy, the words 'Assistant Chief of Naval Research for Patents."

§ 9.110–1 *Approved form of royalty report.* See § 16.806 of this subchapter for an approved form for optional use by contractors in making reports as required by paragraph (a) of the Reporting of Royalties clause of § 9.110.

§ 9.110–2 *Reporting of royalties in contracts to be performed outside the United States.* In contracts where the work is to be performed outside the United States, its Territories or possessions, regardless of the place of delivery, the following clause shall be included in the contract:

REPORTING OF ROYALTIES

If this contract is in an amount which exceeds $50,000, the Contractor shall report in writing to the Contracting Officer during the performance of this contract the amount of royalties paid or to be paid by the Contractor directly to others in the performance of this contract. The Contractor shall also (i) furnish in writing any additional information relating to such royalties as may be requested by the Contracting Officer and (ii) insert a provision similar to this clause in any subcontract hereunder which involves an amount in excess of the equivalent of ten thousand United States dollars.

3. Section 9.112 *Technical data in research and development contracts* has been deleted from this part.

§ 9.112 [Reserved.]

(Sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, as amended, secs. 2–12, 62 Stat. 21–26, as amended, sec. 638, 66 Stat. 637; 50 U. S. C. App. 1171, 611, 41 U. S. C. 151–161, 162, E. O. 9001, 6 F. R. 6787, as amended by E. O. 9296, 8 F. R. 1429; 3 CFR, 1943 Cum. Supp.)

PART 11—FEDERAL, STATE AND LOCAL TAXES

Subparts A and B of this part have been revised to reflect changes enacted in the Highway Revenue Act of 1956 (P. L. 627—84th Cong.), and P. L. 796—84th Cong., and P. L. 85–12, 85th Cong. In the interest of clarity and accuracy, considerable editorial changes have also been made in these parts. Subparts A and B, as revised, read as follows:

Sec.
11.000 Scope of part.

SUBPART A—FEDERAL EXCISE TAXES

11.100 Scope of subpart.
11.101 Retailers' excise taxes.
11.101–1 Jewelry and related items.
11.101–2 Furs.
11.101–3 Toilet preparations.
11.101–4 Luggage and handbags.
11.101–5 Special fuels.
11.102 Manufacturers' excise taxes.
11.102–1 Motor vehicles.
11.102–2 Tires and tubes.
11.102–3 Gasoline.
11.102–4 Lubricating oils.
11.102–5 Refrigeration equipment.
11.102–6 Electric, gas, and oil appliances.
11.102–7 Electric light bulbs.
11.102–8 Radio and television receiving sets, phonographs and records, musical instruments.
11.102–9 Sporting goods.
11.102–10 Photographic equipment.
11.102–11 Firearms, shells, and cartridges.
11.102–12 Business machines.
11.102–13 Pens, mechanical pencils, and lighters.
11.102–14 Matches.
11.103 Excise taxes on facilities and services.
11.103–1 Communications.
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AUTHORITY: §§ 11.000 to 11.206 issued under sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, 62 Stat. 20, sec. 638, 66 Stat. 637; 50 U. S. C. App. 1171, 611, 41 U. S. C. 151–152, E. O. 9001, 6 F. R. 6787, as amended by E. O. 9296, 8 F. R. 1429; 3 CFR, 1943 Cum. Supp.

§ 11.000 *Scope of part.* This part deals with Federal taxes imposed by the Internal Revenue Code upon certain supplies and services procured by any Department; exemptions from such Federal taxes; policy for obtaining exemption from State and local taxes; and contract clauses required or authorized for insertion in contracts. Except as otherwise indicated references are to the Internal Revenue Code of 1954 (26 U. S. C.). References to the Internal Revenue Code of 1939 are for convenience in disposing of cases to which the Internal Revenue Code of 1954 is not applicable.

SUBPART A—FEDERAL EXCISE TAXES

§ 11.100 *Scope of subpart.* This subpart deals with Federal excise taxes (retailers' excises, manufacturers' excises, and the excises on facilities and services) imposed by the Internal Revenue Code upon certain supplies and services procured by any Department. Each tax will be outlined as to (a) its scope and the basis of its applicability, (b) the supplies or services subject to it, and (c) its rate. See § 11.105 for an alphabetical list of the supplies and services subject to these Federal excise taxes, with applicable sections of the Internal Revenue Code of 1954, Treasury Regulations, and cross-references to the Internal Revenue Code of 1939. The availability of exemptions from these taxes is covered in subpart B of this part. Attention is directed to the fact that the scope and rates of these taxes, as set forth in this subpart, are subject to change from time to time by amendments to the Internal Revenue Code and Treasury Regulations.

§ 11.101 *Retailer's excise taxes.* Chapter 31 of the Internal Revenue Code (which supersedes Chs. 9A, 19 and 20, I. R. C. 1939), as implemented by Treasury Regulations 51 and 119, imposes retailers' excise taxes upon various types of supplies, enumerated in this section, sold at retail. The tax is not imposed on sales for resale. The sale of taxable supplies to the Government for use or consumption is a taxable retail sale. In general, the tax attaches at the time title passes from the seller and is based on the sale price. A lease of supplies is treated as a sale for the purpose of these taxes, in which event the tax is measured by the rental payments. The sale (or rental) price:

(a) Excludes the retailers excise tax itself, whether or not separately stated;

(b) Excludes, if separately stated, any retail sales tax imposed by any State, Territory, or political subdivision thereof, or the District of Columbia, irrespective of whether liability for such tax is imposed on the vendor or vendee;

(c) Includes any charges for packaging or packaging materials; and

(d) Excludes all other service charges such as for transportation, delivery, insurance, and installation.

If after the tax has been paid, the sale price is adjusted for any reason, such as by discount, rebate, allowance, or return of containers, the amount of the tax applicable to such sale price also shall be adjusted by credit or refund. The retailer, in turn, is entitled to a refund or credit from the Internal Revenue Service for such tax adjustment.

§ 11.101–1 *Jewelry and related items.* A tax of 10 percent of the sale price is imposed upon the following supplies sold at retail: all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semiprecious stones, and imitations thereof; articles made of, ornamented, mounted, or fitted with precious metals or imitations thereof; watches, clocks, cases and movements for watches and clocks, which includes all time measureing devices except watches designed especially for use by the blind; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware (which excludes silver-plated flatware); opera glasses; lorgnettes; and marine glasses, field glasses, binoculars and similar instruments, except those which, because of their size or weight, are ordinarily mounted on tripods or other bases. The tax does not apply to any articles used for religious purposes; to surgical and dental instruments; to frames or mountings for eyeglasses; to fountain pens, mechanical pencils, or smokers' pipes if the only parts of such articles which consist of precious metals are essential parts not used for ornamentation, or to buttons, insignia, and any other devices prescribed for use with the uniforms of the Armed Forces. If the manufacturer's excise tax has been imposed on a pen, mechanical pencil, or cigarette lighter, which is further processed so as to make it subject to the retailer's excise tax on jewelry, the retailer, in computing the retailers' excise tax due on the sale is entitled to a credit or refund in the amount of the manufacturers' excise tax paid on the article.

§ 11.101–2 *Furs.* A tax of 10 percent of the sales price is imposed upon the following supplies sold at retail: articles made of fur on the hide or pelt, and articles of which such fur is the component of chief value—that is, its value is more than three times that of the next most valuable component. The tax is not imposed upon the sale of raw fur. If fur on the hide or pelt is supplied to a dresser or dyer of fur skins or a manufacturer or repairer of fur articles, who produces a taxable article for the use of the supplier of the fur, the transaction is deemed to be a sale at retail and is subject to the tax.

§ 11.101–3 *Toilet preparations.* A tax of 10 precent of the sales price is imposed upon the following supplies sold at retail: perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous, toilet powders, and any other similar substance, article, or preparation by whatsoever name known which are used or applied, or intended to be used or applied for toilet purposes, but not including any article intended to be used or applied only in the care of babies.

§ 11.101–4 *Luggage and handbags.* A tax of 10 percent of the sales price is imposed upon the following supplies (including fittings or accessories sold therewith) sold at retail: trunks; valises, traveling bags; suitcases; satchels; overnight bags; hat boxes for use by travelers; beach and bathing suit bags; brief cases made of leather or imitation leather; salesmen's sample and display cases; purses, handbangs, pocketbooks; wallets; billfolds; card, pass, and key cases; toilet cases; and any other cases, bags, and kits, without regard to size, shape, construction, or material, for use in carrying toilet articles or wearing apparel.

§ 11.101–5 *Special fuels.* (a) Diesel fuel: A tax at the indicated rates is imposed upon diesel fuel, other than that taxable as gasoline under section 4081 of the Internal Revenue Code (see § 11.102–3), which is (1) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle, or (2) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid pursuant to subparagraph (1) of this paragraph, as follows:

(i) At 3 cents per gallon, if sold for use or if used as fuel in a diesel-powered highway vehicle—

(*a*) Which, at the time of such sale or use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(*b*) Which, if owned by the United States, is used on the highway; or

(ii) At 2 cents per gallon, if sold for use or if used as fuel in a diesel-powered highway vehicle—

(*a*) Which, at the time of such sale or use, is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(*b*) Which, if owned by the United States, is not used on the highway; and

(iii) At an additional 1 cent per gallon, if fuel on which a tax of 2 cents was paid pursuant to subdivision (ii) of this subparagraph, is used as fuel in a diesel-powered highway vehicle—

(*a*) Which, at the time of such use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(*b*) Which, if owned by the United States, is used on the highway.

No tax is imposed on diesel fuel sold for use or used as fuel in a nonhighway vehicle, such as certain military vehicles, construction equipment, and equipment

designed for use at mines, factories, railroad stations, and farms.

(b) Special motor fuels: A tax at the indicated rates is imposed upon benzol, benzene, naphtha, liquefied petroleum gas, or any other liquid (other than kerosene, gas oil, fuel oil, or a product taxable as diesel fuel under (a) above, or as gasoline under section 4081 of the Internal Revenue Code (see § 11.102–3)), which is (1) sold by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane for use as a fuel for the propulsion thereof, or (2) used by any person as a fuel for the propulsion of a motor vehicle, motorboat, or airplane, unless there was a taxable sale of such liquid pursuant to subparagraph (1) of this paragraph, as follows:

(i) At 3 cents per gallon, if such liquid is sold for use or is used as a fuel for a highway vehicle—

(*a*) Which, at the time of such sale or use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(*b*) Which, if owned by the United States, is used on the highway; or

(ii) At 2 cents per gallon, if such liquid is sold for use or is used as a fuel for the propulsion of a motorboat or airplane, or a motor vehicle—

(*a*) Which, at the time of such sale or use, is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(*b*) Which, if owned by the United States, is not used on the highway; and

(iii) At an additional 1 cent per gallon, if a liquid on which a tax of 2 cents was paid pursuant to subdivision (ii) of this subparagraph, is used as fuel in a highway vehicle—

(*a*) Which, at the time of such use, is registered, or required to be registered, for highway use under the laws of any State or foreign country; or

(*b*) Which, if owned by the United States, is used on the highway.

(c) A retailer, who has paid a tax on diesel fuel or special motor fuel, is entitled to a refund or credit of the tax paid, if such retailer has not included the tax in the sales price or otherwise collected the tax from the purchaser, has repaid the tax to the purchaser, or has the purchaser's written consent to take the refund or credit, as follows:

(1) A refund or credit of 3 cents or 2 cents per gallon, as appropriate, if a liquid upon which a tax of either 3 cents or 2 cents per gallon has been paid, is not used as fuel in a diesel-powered highway vehicle or to propel a motor vehicle, motorboat, or airplane;

(2) A refund or credit of 1 cent per gallon, if diesel fuel, upon which a tax of 3 cents per gallon has been paid pursuant to paragraph (a) (2) (i) of this section, is used as a fuel for a diesel-powered highway vehicle—

(i) Which, at the time of such use is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is not used on the highway; or

(3) A refund of 1 cent per gallon, if special motor fuel, upon which a tax of 3 cents per gallon has been paid pursuant to paragraph (b) (2) (i) of this section, is used to propel a motorboat or airplane, or motor vehicle—

(i) Which, at the time of such use is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is not used on the highway.

These refunds or credits shall be utilized, in accordance with Departmental procedures, by adjustment of the contract price whenever it is economically advantageous to do so.

(d) If the manufacturers' excise tax on gasoline (see § 11.102–3) has been paid on any material used in the production of a special motor fuel taxable under paragraph (b) of this section, the manufacturer of the gasoline is entitled to a refund or credit of such tax, subject to the conditions similar to those stated in the opening lines of paragraph (c) of this section. The contract price for special motor fuels purchased by any Department shall not include an amount for manufacturers' excise tax on gasoline used in the production of such special motor fuel.

§ 11.102 *Manufacturers' excise taxes.* Chapter 32 of the Internal Revenue Code (which supersedes Ch. 29, I. R. C. 1939) as implemented by Treasury Regulations 44 and 46, imposes manufacturers' excise taxes upon various types of supplies, enumerated in this section, sold by a manufacturer, producer, or importer. In general, the tax attaches at the time title passes from the manufacturer and is based on the sale price. A lease of supplies is treated as a sale for the purpose of these taxes, in which event the tax is measured by the rental payments even though such payments exceed the price or fair value of the supply (with the exception of a special rule which applies to the rental of trailers suitable for use with passenger automobiles, permitted by section 4216 (d), I. R. C.). The sale (or rental) price excludes the tax itself and all service charges connected with the sale, such as transportation, delivery, insurance, or installation charges, except charges for packaging and packaging materials, which are included. If after the tax has been paid, the sale price is adjusted for any reason, such as by discount, rebate, allowance, or return of containers, the amount of the tax applicable to such sale price also should be adjusted. The manufacturer, in turn, is entitled to a refund or credit from the Internal Revenue Service for such tax adjustment. Supplies subject to the retailers' excise tax on jewelry (see § 11.101–1) are not subject to manufacturers' excise taxes.

§ 11.102–1 *Motor vehicles.* (a) A tax at the indicated rates is imposed upon the following supplies (including parts and accessories sold therewith) sold by a manufacturer, producer, or importer:

(1) Chassis and bodies of trucks, buses, truck and bus trailers and semitrailers, and tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer—10 percent; except that this tax does not apply to equipment designed for off-the-road use, such as certain military vehicles, construction equipment, and equipment designed for use at mines, factories, railroad stations, and farms;

(2) Chassis and bodies of automobiles, and trailers and semitrailers (other than house trailers) suitable for use with passenger automobiles—10 percent through June 30, 1958, and 7 percent thereafter; and

(3) Parts or accessories—8 percent through June 30, 1958, and 5 percent thereafter. Parts or accessories are defined to include any article—

(i) The primary use of which is to improve, repair, replace, or serve as a component part of a motor vehicle;

(ii) Designed to be attached to or used in connection with a motor vehicle or to add to its utility or ornamentation; or

(iii) The primary use of which is in connection with a motor vehicle whether or not essential to its operation or use.

Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, a taxable motor vehicle are treated as parts or accessories whether or not primarily adapted for such use. The tax on parts or accessories does not apply to any article sold for use (or for a single resale for use) as material in the manufacture of, or as a component part of, any article, whether or not such article is subject to a manufacturers' excise tax. If, after August 31, 1955, a manufacturer uses a tax-paid part or accessory as material in the manufacture of, or as a component part of, any article, such manufacturer is entitled to a credit or refund of the tax paid on the part or accessory. The contract price of supplies purchased by any Department shall not include an amount for the manufacturers' excise tax on automotive parts or accessories purchased for use, or after August 31, 1955, used, in the manufacture of any article.

(b) The tax on automotive parts or accessories does not apply to tires, inner tubes, and automobile radio and television receivers. If a manufacturer of motor vehicles sells these articles in connection with the sale of a taxable motor vehicle, he may take a credit against the motor vehicle tax in the amount of the motor vehicle tax rate applied to his purchase price of the tires, inner tubes, and automobile radio and television receivers. The contract price for supplies purchased by any Department shall not include an amount for the manufacturers excise tax on motor vehicles and automotive parts or accessories to the extent that these credits are available to the manufacturer.

§ 11.102–2 *Tires and tubes.* (a) A tax at the indicated rates is imposed on the following supplies, made wholly or in part of rubber, including synthetic and substitute rubber, sold by a manufacturer, producer, or importer:

(1) Tires of the type used on highway vehicles, which includes motor vehicles which are highway vehicles, and vehicles of the type used with motor vehicles which are highway vehicles—8 cents per pound;

(2) Other tires, which include pneumatic and solid tires, casings, hoops, strips, and bands of all kinds which are designed to fit the wheel of any type of vehicle that is capable of transporting a person or burden—5 cents per pound;

(3) Inner tubes, which include any type of air container for pneumatic tires—9 cents per pound on total weight, including air valves and stems; and

(4) Tread rubber, which includes any material commonly or commercially known as tread rubber or camelback of a type used in retreading or recapping tires—3 cents per pound. An exemption exists for the sale of tread rubber or camelback by a manufacturer to a purchaser for use by that purchaser other than for recapping or retreading tires of the type used on highway vehicles. In addition, if tread rubber, upon which the tax has been paid, is sold for use or is used other than for recapping or retreading tires of the type used on highway vehicles, the manufacturer is entitled to a refund or credit of the tax, provided that the credit under (b) below is not available. The contract price for supplies purchased by any Department will not include an amount for the manufacturers' excise tax on tread rubber to the extent that this exemption or refund or credit is available to the manufacturer.

In determining weight of taxable tires under subparagraphs (1) and (2) of this paragraph, metal rims or rim bases are excluded, but any other material or fastening device that forms a part of the tire is included. The tax imposed under subparagraphs (1) and (2) of this paragraph, does not apply to tires which are more than 20 inches in diameter, and not more than 1¾ inches in cross-section, if such tires are of all-rubber construction with fabric or metal reinforcement, nor does it apply to tires of extruded tiring with an internal wire fastening agent.

(b) The exemption for sales for further manufacture does not apply to taxable tires and tubes (see § 11.203). However, if tax-paid tires and tubes are sold in connection with the sale by a manufacturer of a taxable motor vehicle, a credit against the tax on the motor vehicle is allowed to the extent of the motor vehicle tax rate applied to the manufacturers' purchase price on the tires and tubes (see § 11.102–1 (b)).

§ 11.102–3 *Gasoline.* (a) A tax of 3 cents per gallon is imposed on gasoline sold by a producer or importer. Gasoline means all products commonly or commercially known as gasoline, including casinghead and natural gasoline, but excluding kerosene, gas oil, or fuel oil, and also excluding any product taxable as a special motor fuel under section 4041 of the Internal Revenue Code (see § 11.101–5). The tax does not apply to the sale of gasoline to a producer, which is defined to include a refiner, compounder, blender, or dealer who sells gasoline exclusively to producers of gasoline.

(b) The ultimate purchaser of gasoline is entitled to a refund of 1 cent per gallon for gasoline not used as fuel in a highway vehicle:

(1) Which, at the time of such use is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(2) Which, if owned by the United States, is used on the highway. In accordance with Departmental procedures, necessary data shall be compiled, to the extent economically advantageous, to support a direct application to the Internal Revenue Service for refund. Such application shall be in accord with pertinent requirements of the Internal Revenue Service.

§ 11.102–4 *Lubricating oils.* (a) A tax at the indicated rates is imposed upon the following classes of lubricating oils sold, other than to another manufacturer or producer for resale, by a manufacturer or producer (but not upon oil sold by an importer):

(1) Cutting oils, which means oils sold for use in cutting and machining operations, including forging, drawings, rolling, shearing, punching, and stamping on metals—3 cents per gallon; and

(2) Other lubricating oils, which means all oils, regardless of origin, which are sold as lubricating oil or are suitable for use as a lubricant, not including products commonly known as grease—6 cents per gallon. Certain products, other than those commonly known as grease, are not considered to be lubricating oils, and accordingly are not subject to the tax. These include petrolatum, and fatty oils of vegetable, animal, fish, and marine origin which in their natural state are not sold as lubricating oils.

(b) An exemption is available for lubricating oils sold by a manufacturer directly to a purchaser who uses the oil for nonlubricating purposes. In applying this exemption, oils can be grouped into two classes:

(i) Oils which are exempted if the manufacturer obtains an exemption certificate from the purchaser in the form prescribed by the Treasury Regulations; and

(ii) Oils which are exempted without an exemption certificate. Oils of the second class include crude neatsfoot oil; electrical transformer insulating oil; white oil; and lubricating oils which are packaged in sealed containers of one gallon or less, labeled and sold for nonlubricating purposes.

With the exception of oils which are packaged in sealed containers of one gallon or less, labeled and sold for nonlubricating purposes, oils of neither class may be sold tax-free to dealers for resale even though it is known that the oil will be used for nonlubricating purposes. If, however, oil upon which a tax has been paid is used for nonlubricating purposes, the manufacturer is entitled to a refund or credit, irrespective of whether the oil was sold directly to the consumer by the manufacturer or was sold through a dealer. A refund or credit is also allowed when lubricating oil, upon which the 6 cent per gallon tax has been paid, is used as a cutting oil taxable at 3 cents per gallon. When it is economically advantageous to do so, the exemption or refund or credit for oil sold for use or used for nonlubricating purposes, and the refund or credit for lubricating oil used as cutting oil, shall be utilized in accordance with Departmental procedures by a tax exclusive purchase or by adjustment of the contract price.

§ 11.102–5 *Refrigeration equipment.* A tax at the indicated rates is imposed upon the following supplies (including parts or accessories sold therewith) sold by a manufacturer, producer, or importer:

(a) Household type refrigerators, which include units not exceeding 14 cubic feet net storage space for single or multiple cabinet installations having, or designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline; household type units for the quick freezing or frozen storage of foods operated by electricity, gas, kerosene, or gasoline—5 percent;

(b) Refrigerator components, which means cabinets, compressors, condensors, condensing units, evaporators, expansion units, absorbers, and controls for, or suitable for use as parts of or with, taxable household type refrigerators or quick freeze units, except when sold as a component part or accessory with the sale of complete refrigerators, refrigerating or cooling apparatus, or quick freeze units—5 percent. Exemption from the tax is available on the sale of a refrigerator component for use (or for a single resale for use) as material in the manufacture of, or as a component part of, any article, whether or not such article is subject to a manufacturers' excise tax. If, after August 31, 1955, a manufacturer uses a tax-paid refrigerator component in the manufacture of, or as a component part of, any article, such manufacturer is entitled to a credit or refund of the tax paid on the refrigerator component. The contract price of supplies purchased by any Department shall not include an amount for the manufacturers' excise tax on refrigerator components purchased for use, or after August 31, 1955 used, in the manufacture of any article; and

(c) Self-contained air-conditioning units—10 percent.

§ 11.102–6 *Electric, gas, and oil appliances.* A tax of 5 percent is imposed upon the following household supplies (including parts or accessories sold therewith), whether or not used domestically, sold by a manufacturer, producer, or importer: electric, gas, or oil water heaters; electric, gas, and oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises; electric flatirons, air heaters (not including furnaces), immersion heaters, blankets, sheets and spreads, mixers, whippers, and juicers, belt-driven fans, exhaust blowers, door chimes, dehumidifiers, dishwashers, floor polishers and waxers, food choppers and grinders, hedge trimmers, ice cream freezers, mangles, pants pressers, and garbage disposal units; electric and gas clothes driers; and power lawn mowers. The tax is also imposed upon electric direct motor driven fans and air circulators not of the industrial type.

§ 11.102–7 *Electric light bulbs.* A tax of 10 percent is imposed upon electric light bulbs and tubes, not subject to any other manufacturers' excise tax, sold by a manufacturer, producer, or importer.

§ 11.102–8 *Radio and television receiving sets, phonographs and records, musical instruments.* A tax of 10 percent is imposed upon the following supplies (including, except as to musical instruments, parts and accessories sold therewith) sold by a manufacturer, producer, or importer:

(a) Radio and television receiving sets, automobile radio and television receiving sets, phonographs, and combinations of any of the foregoing, if such articles are of the entertainment type. The contract price of any of these supplies, not of the entertainment type, delivered to any Department after August 31, 1955, shall not include any amount for the manufacturers' excise tax, irrespective of the date of the contract, if the contract price is subject to adjustment for changes in the contractor's Federal excise tax burden. The exemption of sales for further manufacture does not apply to automobile radio and television receivers (see § 11.203); however, if tax-paid receivers are sold in connection with the sale by a manufacturer of a taxable motor vehicle, a credit against the tax on the motor vehicle is allowed to the extent of the motor vehicle tax rate applied to the manufacturer's purchase price on the receiver (see § 11.102–1 (b)); and

(b) Radio and television components, which means chassis, cabinets, tubes, speakers, amplifiers, power supply units, antennae of the built-in type, and phonograph mechanisms, which are suitable for use on or in connection with, or as a component part of, any taxable radio and television receiver or phonograph; and phonograph records. The tax on radio and television components and phonograph records applies irrespective of whether or not they are of an entertainment type. Exemption from the tax is available as to components—

(1) Which, prior to September 1, 1955, were sold for use as material in the manufacture of, or as a component of, an article subject to a manufacturers' excise tax; or

(2) Which, after August 31, 1955, are sold for use, or are actually used as material in the manufacture of, or as a component part of, any article, whether or not such article is subject to a manufacturers' excise tax.

A manufacturer using a tax-paid component within the scope of any of these exemptions, is entitled to a refund or credit of the tax paid on such component. This includes the use, after August 31, 1955, of a component in the manufacture of, or as a component part of, a nontaxable article, even though such component was purchased prior to September 1, 1955. The contract price for supplies purchased by any Department shall not include an amount for the manufacturers' excise tax on radio and television components, if any of these exemptions or refunds or credits, are available to the manufacturer.

§ 11.102–9 *Sporting goods.* A tax of 10 percent is imposed upon certain types of sporting equipment (including parts or accessories sold therewith) sold by a manufacturer, producer, or importer.

§ 11.102–10 *Photographic equipment.* A tax at the indicated rates is imposed upon the following supplies (including parts or accessories sold therewith) sold by a manufacturer, producer, or importer:

(a) Cameras, not including X-ray cameras or cameras weighing more than four pounds exclusive of lens and accessories—10 percent.

(b) Camera lenses, not including still camera lenses having a focal length of more than 120 millimeters or motion picture camera lenses having a focal length of more than 30 millimeters—10 percent. Exemption from the tax is available as to camera lenses—

(1) Which, prior to September 1, 1955, were sold for use as material in the manufacture of, or as a component part of, an article subject to a manufacturers' excise tax; or

(2) Which, after August 31, 1955, are sold for use or are actually used as material in the manufacturer of, or as a component part of any article, whether or not such article is subject to a manufacturers' excise tax.

A manufacturer, using a tax-paid camera lens within the scope of any of these exemptions, is entitled to a refund or credit of the tax paid on such lens. This includes the use, after August 31, 1955, of a camera lens in the manufacture of, or as a component part of, a nontaxable article, even though such lens was purchased prior to September 1, 1955. The contract price for supplies purchased by any Department shall not include an amount for the manufacturers' excise tax on camera lenses if any of these exemptions, refunds, or credits are available to the manufacturer;

(c) Unexposed photographic film in rolls, including motion picture film—10 percent. This tax does not apply to X-ray film; unperforated microfilm; film more than 150 feet in length; or film more than 25 feet in length and more than 30 millimeters in width. A person who acquires unexposed film in a form not subject to tax and thereafter sells such unexposed film in form and dimensions subject to tax is treated as a manufacturer of the film so sold by him. The manufacturer of unexposed motion picture films is entitled to a credit or refund (but not an exemption) for film used or resold for use in making newsreel motion picture films covering current news events for immediate release for public exhibition; and

(d) Electric motion or still picture projectors of the household type—5 percent.

§ 11.102–11 *Firearms, shells, and cartridges.* Although a tax is imposed upon pistols and revolvers at the rate of 10 percent and other firearms, shells, and cartridges at the rate of 11 percent, sold by a manufacturer, producer, or importer, it does not attach to the sale or transfer to such articles purchased with funds appropriated for the Military Departments. In addition to this manufacturers' excise tax, Chapter 53A of the Internal Revenue Code (which supersedes Ch. 25, I. R. C. 1939) imposes a transfer tax and a tax on the manufacture of machine guns and certain other firearms, except that transfer to, or manufacture for, the United States is specifically exempted from these taxes.

§ 11.102–12 *Business machines.* A tax of 10 percent is imposed upon a wide variety of business machines (including parts or accessories sold therewith), not including cash registers of the type used in registering over-the-counter retail sales, sold by a manufacturer, producer, or importer.

§ 11.102–13 *Pens, mechanical pencils, and lighters.* A tax of 10 percent is imposed upon fountain and ball point pens, mechanical pencils, and mechanical lighters for cigarettes, cigars, and pipes, sold by a manufacturer, producer, or importer; except that this tax does not apply if the article also is subject to the retailers' excise tax on jewelry imposed by section 4001 of the Internal Revenue Code. If the manufacturers' excise tax had been paid, but the article is further processed so as to subject it to the retailers' excise tax, the retailer (but not the manufacturer who originally paid the tax) is entitled to a credit to the extent of the manufacturers' excise tax paid on the article. (See § 11.101–1.)

§ 11.102–14 *Matches.* A tax of 2 cents per 1,000, not to exceed 10 percent of the price for which sold, is imposed upon matches sold by a manufacturer, producer, or importer, except that the rate is 5½ cents per 1,000 for fancy wooden matches or matches having a stained, dyed, or colored stick or stem, whether packed in boxes or in bulk.

§ 11.103 *Excise taxes on facilities and services.* Chapter 33 of the Internal Revenue Code (which supersedes Ch. 30, I. R. C. 1939), implemented by Treasury Regulations 42 and 113, imposes excise taxes on certain facilities and services, including communications, and transportation of persons, property, and oil by pipeline. In general, the tax is based on the amount paid for the service, and is imposed upon the person paying for the service, except that the tax on the transportation of oil by pipeline is imposed on the person supplying the transportation. As used throughout this paragraph the term "United States," when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, and the District of Columbia, and the term "continental United States" means the existing 48 States and the District of Columbia.

§ 11.103–1 *Communications.* A tax is imposed on amounts paid for the following facilities and services at the rates hereinafter indicated; except that only one payment of tax is required on long distance telephone or telegraph service, notwithstanding that lines or stations of more than one person are used in the transmission:

(a) Local telephone service, which means any telephone service not otherwise taxable, excluding amounts paid for the installation of instruments, wires, poles, switchboards, apparatus, and equipment—10 percent;

(b) Long distance telephone service, which means any telephone or radio telephone message or conversation for which the toll charge exceeds 24 cents and for which the charge is paid within the United States—10 percent;

(c) Telegraph service, which means a telegraph, cable, or radio dispatch or message for which the charge is paid within the United States—10 percent;

(d) Leased wire, teletypewriter or talking circuit special service, not including any service used exclusively in rendering a service taxable as wire and equipment service under paragraph (e) of this section—10 percent. This tax applies irrespective of whether the wires or services are within a local exchange area; and

(e) Wire and equipment service, which includes stock quotation and information services, burglar or fire alarm services, and all other similar services—8 percent. This tax applies irrespective of whether the wires or services are within a local exchange area.

§ 11.103–2 *Transportation of persons.* (a) A tax of 10 percent is imposed upon amounts paid for the transportation of persons by rail, motor vehicle, water, or air, including charges for seating or sleeping accommodations incident to such transportation, as follows:

(1) On amounts paid within the United States for taxable transportation as defined in paragraph (b) of this section; and

(2) On amounts paid outside the United States for taxable transportation, as defined in paragraph (b) of this section, which both begins and ends in the United States.

(b) Taxable transportation:

(1) Includes transportation which begins in the United States or in Canada or Mexico within 225 miles of the nearest point to continental United States, and ends in the United States or in the aforementioned 225–mile zone;

(2) Includes transportation that begins in the United States or in the 225–mile zone and ends outside such area, transportation that begins outside the United States or the 225–mile zone and ends inside such area, and transportation that begins and ends outside the United States and the 225–mile zone, but only to the extent that such transportation is directly or indirectly from one port or station in the United States to another port or station in the United States. (Even though it is "taxable transportation" it may not be subject to tax if the payment is made outside the United States, according to the limitation set forth in paragraph (a) (2) of this section); and

(3) Irrespective of subparagraphs (1) and (2) of this paragraph, does not include any portion of transportation which—

(i) Is outside the United States;

(ii) Is not, directly or indirectly, from the border of continental United States or a port or station in the 225–mile zone to a port or station in the 225–mile zone;

(iii) Begins either where the route of transportation leaves the United States or a port or station in the 225–mile zone, and ends either where the route enters the United States or a port or station in the 225–mile zone; and

(iv) Passes through a point in excess of 225 miles from the United States on an imaginary direct line between the beginning and ending points specified in subdivision (iii) of this subparagraph.

(c) In determining taxable transportation, a round trip is considered to consist of transportation from the point of origin to the destination, and a separate transportation thereafter.

(d) The tax does not apply to—

(1) Any separable and itemized charges other than those for transportation of a person, such as for an automobile, baggage, meals, hotel accommodations, insurance, and the like;

(2) Charges incident to the charter of a conveyance for the transportation of persons, such as for parking, icing, sanitation, layover, movement of equipment in deadhead service, dockage, and the like; or

(3) Charges for transportation by motor vehicles having a seating capacity of less than 10 persons and not operated on an established line.

§ 11.103–3 *Transportation of property.* (a) (1) A tax of 3 percent (4 cents per short ton on coal, including lignite, coal dust, coke briquettes) is imposed upon amounts paid to a person engaged in the business of transporting property for hire by rail, motor vehicle, water, or air.

(2) The tax applies to—

(i) Amounts paid within or without the United States for transportation from one point in the United States to another; and

(ii) Amounts paid within the United States for that portion within the United States of transportation from a point outside to a point within the United States.

(b) The tax does not apply to the transportation of property in the course of exportation or shipment to a possession of the United States (see § 11.201), nor to an uninterrupted shipment moving through the United States from a possession or a foreign point to a possession or a foreign point. If any such shipment is interrupted in the United States for any purpose of the shipper rather than a fault of transportation, it is treated as two shipments, one to and the other from the point of interruption, of which the former may be taxable in whole or in part according to the rules stated above.

(c) The transportation tax does not apply to a shipment under a commercial bill of lading consigned to an officer of a Military Department at a port of exportation, provided that the tax is expressly excluded from the contract or subcontract price and the prescribed exemption certificate is filed with the carrier. This relief from the transportation tax shall be utilized, in accordance with Departmental procedures, whenever it is economically advantageous to do so.

(d) For the taxability of shipments under a Government bill of lading, whether or not exported, see § 11.202 (c).

(e) The amount subject to tax includes—

(1) any charges for services incident to the transportation movement, such as loading, unloading, blocking, staking, elevation, transfer in transit, ventilation, refrigeration, icing, storage, demurrage, lighterage, trimming of cargo in vessels, wharfage, and handling, feeding, and watering of livestock; and

(2) separate and itemized charges for baggage transported in connection with the transportation of persons, including incidental charges for excess weight or value, storage, transfer, special delivery, and the like.

The tax applies to all forms of transportation, local or otherwise, including drayage, towing, ferrying, and switching; however, it does not apply to the transportation of earth, rock, or other material excavated within the boundaries of, and in the course of, a construction project and transported to any place within, or adjacent to, the boundaries of such project, nor does it apply to the transportation of coal from the mine to a preparation plant. No amount paid for the transportation of property is subject to tax if and to the extent that a tax on such transportation previously has been paid. An amount paid for the transportation of coal, coke, or briquettes is not taxable if there has been a previous taxable transportation of the coal or coal dust from which the coke or briquettes were made.

§ 11.103–4 *Transportation of oil by pipeline.* A tax of 4½ percent is imposed upon the amount paid for the transportation by pipeline of crude petroleum and liquid products thereof. In contrast with the other excise taxes on facilities and services, the legal incidence of this tax is upon the person furnishing such transportation. If no charge is made for the transportation, or if the charge made is less than a fair charge (unless such charge results from an arm's length transaction), the tax is based on the fair charge for such transportation.

§ 11.104 *Use tax on highway motor vehicles.* (a) A tax of $1.50 a year for each 1,000 pounds of taxable gross weight or fraction thereof is imposed upon the use, after June 30, 1956, of any highway motor vehicle which, together with semitrailers and trailers customarily used in connection with a vehicle of this type, has a taxable gross weight in excess of 26,000 pounds. The full tax is due for any vehicle which is used on the public highways of continental United States, Alaska, or Hawaii at any time during the month of July, irrespective whether the vehicle is later removed from highway use. If the first use of a taxable vehicle occurs after the end of July, the tax is computed proportionately from the first day of the month in which the vehicle is first used, through the end of the following June. For example, if a vehicle is placed in use during August, 11/12 of the total tax is payable. No tax applies to vehicles, even though of a highway type, which are never used on the public highways during the taxable year.

(b) Taxable gross weight is the sum of—

(1) The actual unloaded weight of the vehicle and any semitrailers and trailers customarily used with such a vehicle, all units fully equipped for service; and

(2) The weight of the maximum load customarily carried by all units of a vehicle of this type.

(c) The tax is payable by the person in whose name the vehicle is, or is required to be, registered under the law of any State, or if owned by the United States, by the agency or instrumentality of the United States operating such vehicle. If a tax has been paid for a particular vehicle, no further liability can be incurred in the same taxable year, even though there is a change of ownership of the vehicle.

§ 11.105 *Selective list of supplies and services subject to Federal excise taxes.*

Supplies and services	I. R. C. 1954 (26 U. S. Code)	I. R. C., 1939	Treasury regulation and section
	Section	Section	
Air conditioning equipment	4111	3405 (c)	46 11.102–5
Appliances, electric, gas, and oil	4121	3406 (a) (3)	46 11.102–6
Automotive accessories	4061 (b)	3403 (c)	46 11.102–1
Binoculars, field and marine glasses	4001	2400	51 11.101–1
Business machines	4191	3406 (a) (6)	46 11.102–12
Cigarette lighters	4201	3408	46 11.102–13
Communications services and facilities	4251	3465	42 11.103–1
Cutting oils	4091	3413	44 11.102–4
Diesel fuel	4041 (a)	2450 (a)	119 11.101–5
Electric light bulbs	4131	3406 (a) (10)	46 11.102–7
Film	4171	3406 (a) (4)	46 11.102–10
Firearms, shells, and cartridges	4181	3407, 2700	46, 47 11.102–11
Furs	4011	2401	51 11.101–2
Gasoline	4081	3412	44 11.102–3
Handbags	4031	1651 (a)	51 11.101–4
Highway vehicles, use of	4481		11.104
Jewelry and related items	4001	2400	51 11.101–1
Lubricating oils	4091	3413	44 11.102–4
Luggage and handbags	4031	1651 (a)	51 11.101–4
Motor vehicles and accessories	4061	3403	46 11.102–1
Musical instruments	4151	3404 (d)	46 11.102–8
Pens, mechanical pencils, and lighters	4201	3408	46 11.102–13
Phonographs and records	4141	3404	46 11.102–8
Photographic equipment	4171	3406 (a) (4)	46 11.102–10
Pistols and revolvers	4181	2700	46, 47 11.102–11
Radio and television receiving sets, parts and components	4141	3404	46 11.102–8
Refrigeration equipment	4111	3405	46 11.102–5
Shells and cartridges	4181	3407	46 11.102–11
Special fuels	4041	2450	119 11.101–5
Sporting goods	4161	3406 (a) (4)	46 11.102–9
Telephone and telegraph services	4251	3465	42 11.103–1
Tires and tubes	4071	3400	46 11.102–2
Toilet preparations	4021	2402 (a)	51 11.101–3
Transportation of oil by pipeline	4281	3460	42 11.103–4
Transportation of persons	4261	3469	42 11.103–2
Transportation of property	4271	3475	113 11.103–3
Watches, clocks, and other timepieces	4001	2400	51 11.101–1

SUBPART B—EXEMPTIONS FROM FEDERAL EXCISE TAXES

§ 11.200 *Scope of subpart.* This subpart sets forth the applicability and scope of general exemptions, credits, and refunds from the Federal excise taxes outlined in subpart A of this part, and the policy governing when such exemption, credits, and refunds are to be claimed. Particular exemptions restricted to a single tax are set forth in subpart A of this part in the discussion of each tax.

§ 11.201 *Supplies for exportation or shipment to a possession.* Exemption is available from the retailers' and manufacturers' excise taxes on the sale of supplies for export or for shipment to a possession of the United States, which excludes the Territories of Alaska and Hawaii, but includes the Commonwealth of Peurto Rico, Panama Canal Zone, Virgin Islands, Guam, American Samoa, Wake Island, and Midway Islands. It is to be noted that the transportation tax on property is not applicable to shipments for export or to a possession of the United States. See § 11.103–3.

§ 11.201–1 *Retailers' excise taxes.* Pursuant to section 4056 of the Internal Revenue Code (which supersedes sec. 2406, I. R. C. 1939) and applicable Treasury Regulations, exemption is available from the retailers' excise taxes on sales of supplies for export or for shipment to a possession of the United States. This exemption shall be utilized, in accordance with Departmental procedures, by purchasing on a tax-exclusive basis and furnishing the required proof of exportation or shipment to a possession, if—

(a) The purchase is substantial; and

(b) Exportation or shipment to a possession is intended to follow not more than 6 months after title passes to the Government.

§ 11.201–2 *Manufacturers' excise taxes.* Pursuant to section 4225 of the Internal Revenue Code (which supersedes secs. 3449 and 2705, I. R. C. 1939) and applicable Treasury Regulations, exemption is available from the manufacturers' excise taxes on sales of supplies for export or for shipment to a possession of the United States. This exemption shall be obtained only when—

(a) The purchase is substantial; and

(b) Exportation or shipment to a possession is intended to follow not more than 6 months after title passes to the Government.

This exemption is limited to sales by a manufacturer, and is not applicable to sales for export or shipment to a possession from the stock of a dealer who was not the manufacturer, producer, or importer.

§ 11.202 *Supplies and services for the exclusive use of the United States.* By virtue of action taken by the Secretary of the Treasury, pursuant to section 4293 of the Internal Revenue Code, exemption is available, and shall be obtained from the following Federal excise taxes to the extent indicated:

(a) Tax on communication services and facilities (see § 11.103–1) furnished directly to the United States (as distinguished from being furnished to a Government contractor) and paid for directly by the Government, which exemption is obtained without any exemption certificate;

(b) Tax on transportation of persons (see § 11.103–2) for transportation furnished the United States upon a Government transportation request, which exemption is obtainable by use of such transportation request; and

(c) Tax on transportation of property (see § 11.103–3) for transportation to or from the Government on a Government bill of lading, which exemption is obtainable by use of such bill of lading. This exemption applies to shipments on commercial bills of lading which are converted to Government bills of lading at destination.

§ 11.203 *Supplies sold for further manufacture.* (a) Pursuant to section 4220 of the Internal Revenue Code (which supersedes sec. 3442, I. R. C. 1939) and applicable Treasury Regulations, supplies (other than tires, inner tubes, and automobile radios and television receivers) are exempt from manufacturers' excise taxes if sold for use by the vendee in the manufacture of, or as a component part of, another article; or for resale by the vendee for such further manufacture by his vendee, if the article is resold in due course. In applying this exemption, there are two classes of supplies:

(1) Automobile parts or accessories, refrigerator components, radio or television components, and camera lenses, the sale of which is exempt irrespective of whether or not the article to be manufactured is subject to a manufacturers' excise tax. The manufacturer is entitled to a credit or refund for the amount of the tax paid on such parts, accessories, components, or lenses if this exemption has not been utilized and if such parts, accessories, components, or lenses upon which a manufacturers' excise tax has been paid, are used in the manufacture of, or as a component part of, any article (whether or not taxable); and

(2) All other articles (other than tires, inner tubes, automobile radio and television receivers) subject to a manufacturers' excise tax, the sale of which is exempt only if the article to be manufactured is subject to a manufacturers' excise tax. The manufacturer is entitled to a credit or refund of the amount of tax paid on any such article used for further manufacture if this exemption has not been utilized and if such article, upon which a manufacturers' excise tax has been paid, is used in the manufacture of, or as a component of, another article upon which a manufacturers' excise tax is subsequently paid, or which subsequently is sold tax-free as a sale for further manufacture pursuant to section 4220 of the Internal Revenue Code.

(b) These exemptions, credits, and refunds under paragraph (a) (1) and (2) of this section are obtainable by the manufacturer without any action by the contracting officer.

The contract price for supplies purchased by any Department shall not include an amount for any manufacturers' excise tax from which these exemptions, credits, or refunds are available.

§ 11.204 *Supplies for vessels and airplanes.* Pursuant to section 4222 of the Internal Revenue Code (which supersedes secs. 3451 and 2456, I. R. C. 1939) and applicable Treasury Regulations, exemption is available from the manufacturers' excise taxes, and from the retailers' excise tax on special motor fuels imposed by section 4041 (b) of the Internal Revenue Code (see § 11.101–5) on sales of supplies for use as sea stores, fuel supplies, ships' stores, or legitimate equipment necessary for the navigation, propulsion, and upkeep of vessels of war or military aircraft, including guided missiles and pilotless aircraft, owned or chartered by the United States. If supplies upon which a tax has been paid are sold for any of the exempt uses enumerated above, the manufacturer is entitled to a credit or refund of the tax paid, irrespective of whether the supplies are sold directly to the consumer by the manufacturer or are sold through a dealer. When it is economically advantageous to do so, this exemption, credit, or refund shall be utilized, by purchase on a tax-exclusive basis and execution of the required exemption certificate, in accordance with Departmental procedures.

§ 11.205 *Exemptions from other Federal taxes.* Any Department that purchases supplies or services subject to a Federal excise tax, other than those specified in Chapters 31, 32, 33B, 33C, and 36D of the Internal Revenue Code which are outlined in Subpart A of this part, shall prescribe rules to govern the utilization of any exemptions from such tax.

§ 11.206 *Tax exemption forms.* Standard Government exemption forms acceptable to the Internal Revenue Service shall be used in accordance with Departmental procedures (see § 16.804 of this subchapter).

PART 12—LABOR

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

Section 12.804 has been revised, to implement a memorandum to the Materiel Secretaries of the Military Departments from the Assistant Secretary of Defense (Supply and Logistics) dated February 5, 1957, subject, Exemption of Contracts from the "Nondiscrimination in Employment" clause, by providing that the final discussion with the contractor, prior to submission of a request for exemption, may be had between the Secretary of a Department, or his designee and the president of the Company. Section 12.804, as revised, reads as follows:

§ 12.804 *Special requirements or emergencies.* Where special requirements or emergencies are such that use of the clause set forth in § 12.802 in a contract or subcontract is impracticable, the contracting officer may request authority to omit or modify the clause. Such requests shall be submitted in accordance with Departmental procedures, together with all pertinent facts, to the Assistant Secretary of Defense (Supply and Logistics), for coordination with the President's Committee on Government Contracts. Prior to the submission of requests for exemption, the Secretary or a designee for the purpose, will in appropriate cases personally discuss with the president of the company concerned the inclusion of the clause in the pending contract.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

PART 13—GOVERNMENT PROPERTY

SUBPART D—INDUSTRIAL FACILITIES

Amendments to § 13.407 (a) provide that (1) facilities contracts shall no longer authorize the use of industrial facilities without charge to perform contracts entered into by formal advertising and (2) the use of such facilities without charge by subcontractors is now subject to the same considerations as proposed use by a prime contractor, namely, that the subcontractor shall not thereby be placed in a favored competitive position and that adequate consideration is received by the Government. Section 13.407 (a) as revised, reads as follows:

§ 13.407 *Right of contractor to use.* (a) (1) Each facilities contract shall limit the right of the contractor to use the industrial facilities to the performance of the contracts and subcontracts specified or otherwise identified in the facilities contract or added thereto by amendment. Facilities contracts shall not authorize the use of industrial facilities without charge to perform contracts entered into by formal advertising. Facilities contracts may authorize the use of industrial facilities without charge to perform work under contracts other than those entered into by formal advertising if—

(i) The user is not thereby placed in a favored competitive position; and

(ii) The Government receives adequate consideration through reduced cost for the supplies or services or otherwise. Such reduced cost may be established in the initial negotiation of new contracts, or by the readjustment of prices (including fixed-fees and allowable costs) of existing contracts, or by price redetermination in the case of negotiated fixed-price contracts where the saving to the contractor cannot be accurately forecast.

(2) Where a facilities contract authorizes the use of industrial facilities without charge to perform subcontracts, it is likewise important to assure that the waiver of a use charge is consistent with the requirements that (i) the subcontractor is not thereby placed in a favored competitive position and (ii) the Government receives adequate consideration through reduced cost for the supplies or services or otherwise; therefore, the use of industrial facilities without charge to perform a particular subcontract shall not be authorized unless the contracting officer determines, in accordance with Departmental procedures, that these requirements are met.

(3) When use without charge to the contractor is not authorized by this paragraph or is not advisable because of the competitive aspect, administrative difficulties, or other considerations, the contract shall require the contractor to pay a fair and reasonable use charge. Such fair and reasonable use charge shall be established on the basis of sound commercial practice, including any prevailing commercial rates, and shall be such as to prevent the contractor from obtaining an unfair competitive advantage by reason thereof. The use charge for metal-working equipment and for other personal property and equipment constituting industrial facilities shall conform to the rates prescribed in § 13.601–2 (i) and (ii) except that the charge may be negotiated without regard to said prescribed rates, to the extent provided in § 13.601–3. Unless determined by the contracting officer to be impracticable or contrary to the best interest of the Government, the use charge shall be made on the basis of the time during which the property is available for the contractor's use, rather than on the basis of the time during which the property is actually used.

SUBPART F—USE OF GOVERNMENT-OWNED INDUSTRIAL FACILITIES ON WORK OTHER THAN FOR A MILITARY DEPARTMENT

An amendment to § 13.601–2, in connection with the minimum rent to be paid for the use of Government-owned facilities on work other than for a military department, provides that cost of acquisition (used as a basis) shall include, generally, costs of transportation to and installation of the equipment at the place where the machine will be used. Section 13.601–2, as revised, reads as follows:

§ 13.601–2 *Minimum rent.* (a) Except as provided in § 13.601–3, rental charged under § 13.601 for personal property and equipment constituting industrial facilities shall conform to the following rates, which rates have been determined to be fair and reasonable:

(1) As to metalworking equipment of the types referred to in paragraph 401.2 of Appendix B of this subchapter, or paragraph 307.2 of Appendix C of this subchapter, a rent equivalent to that computed as follows shall be charged regardless of the extent and value of any obligations undertaken by the user to provide maintenance or other services:

Year of purchase of tool or equipment	*Rate*
1950 and subsequent	2.0% per month of the tool acquisition cost.
1942 through 1949	1.5% per month of the tool acquisition cost.
Prior to 1942	1.0% per month of the tool acquisition cost.

The tool acquisition cost to be used in the above formula for determining rental rates shall be the price of the machine charged the Government when the machine was purchased plus costs, borne by the Government, of transportation to and costs of installation in the place where the machine will be used under the

contract or agreement, if such costs are borne by the Government, regardless of whether such costs are incurred before or after the contract or agreement is executed. Since the acquisition cost must be stated in the contract or agreement, transportation and installation costs may be estimated by the contracting officer where the actual costs are not known. When special tools, attachments, or accessories are rented with the machine, the tool acquisition cost for determining rental rates shall be increased to include the price charged the Government for such tools, attachments, or accessories. If this information as to price is not available or cannot be accurately estimated or obtained from the manufacturer of the machine, the Office of the Assistant Secretary of Defense (Supply and Logistics) will provide a basis for estimating the acquisition cost.

(2) As to personal property and equipment constituting industrial facilities other than metal working equipment covered in subparagraph (1) of this paragraph, and with respect to which there are no prevailing commercial rates, a rent at the rate of not less than 1 percent per month of the original acquisition cost of such property or equipment shall be charged.

(b) Except to the extent otherwise permitted by Departmental procedures in the case of property covered by paragraph (a) (2) of this section, the contract or agreement under which property covered by this section is made available shall require the user to protect, preserve, maintain and repair the property in accordance with sound industrial practice without cost to the Government under such contract or agreement.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. 1193)

PART 16—PROCUREMENT FORMS

Sections 16.303–2, and 16.501, as revised reflects a revision of the understanding between GSA and DoD relative to the procurement of utility services. In a letter dated January 10, 1957, the Administrator, General Services described the effect of this revision as follows: "It is our understanding that this amendment will permit the military departments to negotiate special rates where those are appropriate. It is understood that where negotiations do not lead to the adoption of special rates for service conditions that your departments will continue to utilize the GSA area-wide contract."

SUBPART C—PURCHASE AND DELIVERY ORDER FORMS

The introductory paragraph of § 16.303–2 is amended to read as follows:

§ 16.303–2 *Conditions for use.* DD Form 1155 shall be used as a purchase order or as a delivery order, regardless of the number of deliveries or payments contemplated, except where utility services are procured under GSA area contracts as provided in Part 5, Subpart H, of this subchapter.

SUBPART E—SPECIAL CONTRACT AND ORDER FORMS

§ 16.501 *Negotiated utility service contract forms.* This paragraph prescribes forms for the negotiated procurement of utility services which, as used herein, includes only electric, gas, water, sewage, and steam services, except where such services are procured under GSA area contracts as provided in Part 5, Subpart H, of this subchapter.

SUBPART F—FORMS FOR COORDINATED PROCUREMENT

Section 16.601 has been amended to conform to DoD Instruction 4000.17, 9 October 1956, which separates interdepartmental stock transfers from the coordinated procurement program, provides for proper citation of appropriations and funds, and sets permissible limits of deviations from authorized funding. The MIPR will no longer be used as a supply requisition. Section 16.601, as revised, reads as follows:

§ 16.601 *Military Interdepartmental Purchase Request (DD Form 448, 448–1).* When an assignment of procurement responsibility has been made by the Secretary of Defense, DD Form 448, Military Interdepartmental Purchase Request (MIPR), shall be used by the requiring Military Departments to—

(a) Request the procurement of supplies by the procuring Department or agency;

(b) Permit the procuring Department or Agency to authorize manufacture of the necessary supplies.

DD Form 448 is authorized for use in effecting other types of coordinated procurement pursuant to Part 4 of this subchapter. When a continuation sheet is necessary, DD Form 448–1 (MIPR Continuation Sheet) shall be used.

SUBPART H—MISCELLANEOUS FORMS

1. Section 16.807 has been revised as follows:

Section 16.807–2 is reserved. Section 16.807–3 is deleted. As revised, § 16.807 reads as follows:

§ 16.807 *Individual Procurement Action Report (DD Form 350).*

§ 16.807–1 *General.* DD Form 350 is designed to provide essential procurement records and statistics through a single uniform reporting program as a basis for required recurring and special reports to the President, the Congress, the Office of Defense Mobilization, the General Accounting Office, the Renegotiation Board, the Small Business Administration, and other Federal agencies. Some of these requirements are referred to in §§ 1.302–2, 3.103, 3.211–4, and 3.216–4 of this subchapter. It also provides the Departments with a wide variety of significant data for procurement policy and management control purposes, and provides the Department of Labor with data required in connection with the administration of the Walsh-Healey Public Contracts Act.

§ 16.807–2 *Conditions for use.* [Reserved.]

§ 16.807–3 *Preparation of forms.* [Deleted.]

2. Amendments to § 16.811 now require wider distribution of DD Form 254, "Security Requirements Check List" when directed by departmental procedures.

Section 16.811, as revised, reads as follows:

§ 16.811 *Security Requirements Check List (DD Form 254).* The "Military Security Requirements" clause (§§ 7.104–12 and 7.204–12 of this subchapter) is included in all contracts which are classified "Confidential" including "Confidential—Modified Handling Authorized" or higher and in any other contracts the performance of which will require access to such classified information or material. Contracting officers shall inform contractors of the security classifications assigned to the various documents, materials, tasks, subcontracts, and components of classified contracts by using DD Form 254. Instructions for preparation are included in the form. The contracting officer is responsible for preparation of the form and shall insure that it is physically attached to the copies of the contract forwarded to the contractor, the material inspector, and such other interested agencies as may be determined by the Military Departments.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

PERKINS MCGUIRE,
Assistant Secretary of Defense,
(Supply and Logistics).

AUGUST 2, 1957.

[F. R. Doc. 57–6454; Filed, Aug. 7, 1957; 8:45 a. m.]

[Amdt. 21]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments are made to the Armed Services Procurement Regulations:

PART 7—CONTRACT CLAUSES

SUBPART E—CLAUSES FOR PERSONAL SERVICES CONTRACTS

1. Section 7.503–10 has been deleted from this subpart.

2. Section 7.504–2 *Data and copyrights* has been added to this subpart. Section 7.504–2 reads as follows:

§ 7.504–2 *Data and copyrights.* If it is probable that the contractor will prepare and deliver to the Government in the performance of the contract writings, sound recordings, pictorial reproductions, drawings or other graphical representations and works of any similar nature (whether or not copyrighted), insert an appropriate clause in accordance with departmental procedures.

(R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

PART 9—PATENTS, COPYRIGHTS, AND TECHNICAL DATA

Subpart B has been revised, the new title of which is "Data and Copyrights". The revised subpart prescribes Department of Defense policy, implementing instructions and contract clauses in connection with the use of data and copyrights. Data include writings, sound recordings, pictorial reproductions, drawings, or other graphic representations and works of any similar nature (whether copyrighted or not). This revised Subpart B supersedes § 9.112, which will be physically deleted in a subsequent revision. Subpart B, as revised, reads as follows:

SUBPART B—DATA AND COPYRIGHTS

Sec.
9.200 Scope of subpart.
9.201 Definitions.
9.202 Acquisition and use of data and copyrights.
9.202–1 Acquisition of data.
9.202–2 Use of data.
9.202–3 Multiple sources of supplies.
9.202–4 Delivery of data for use in foreign countries.
9.202–5 Copyrights.
9.203 Contract clauses; general.
9.203–1 Unlimited rights to use data.
9.203–2 Limited rights to use data.
9.204 Contract clauses; special.
9.204–1 Limitation on Government's right of publication for sale to the general public.
9.204–2 Production of motion pictures.
9.204–3 Histories and other works.
9.205 Contracts for acquisition of existing works.
9.205–1 Off-the-shelf purchase of books and similar items.
9.205–2 Contracts for existing motion pictures.

AUTHORITY: §§ 9.200 to 9.205–2 issued under sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, as amended, secs. 2–12, 62 Stat. 21–26, as amended, sec. 638, 66 Stat. 537; 50 U. S. C. App. 1171, 611, 41 U. S. C. 151–161, 162, E. O. 9001, 6 F. R. 6787, as amended by E. O. 9262, 8 F. R. 1429; 3 CFR, 1943 Cum. Supp.

§ 9.200 *Scope of subpart.* This subpart sets forth the Department of Defense policy, implementing instructions, and contract clauses with respect to acquisition and use of writings, sound recordings, pictorial reproductions, drawings, or other graphic representations and works of any similar nature (whether or not copyrighted), hereinafter called "data", furnished under contract.

§ 9.201 *Definitions.* For the purposes of this subpart, the following terms have the meanings set forth below:

(a) "Operational data" means data providing information suitable, among other things, for instruction, operation, maintenance, evaluation or testing.

(b) "Design data" means data providing descriptive or design drawings which could be used by any competent manufacturer, in conjunction with its own internal manufacturing techniques and processes, to reproduce the supplies and services.

(c) "Proprietary data" means data providing information concerning the details of the contractor's trade secrets or manufacturing processes which are not disclosed by the design itself and which the contractor has the right to protect from use by others.

(d) "Standard commercial items" means supplies or services which are sold or offered to the public commercially.

§ 9.202 *Acquisition and use of data and copyrights.*

§ 9.202–1 *Acquisition of data*—(a) *General.* It is the policy of the Department of Defense to acquire only that data which is essential for the purposes for which it is intended to be used. Generally "operational data" and "design data" should satisfy government requirements. Further, data shall not be acquired for other than governmental purposes. The price for such data may be listed separately from the price for other items being purchased in the contract.

(b) *Supply contracts.* In advertised contracts and in contracts for standard commercial items, "proprietary data" should not be requested. "Proprietary data" will be obtained under contracts for other than standard commercial items only when a clear government need for such data is established. When "proprietary data" is so obtained, there shall be a specific negotiation for such data and the contractual requirement shall be listed as a separate contract item.

(c) *Contracts for experimental, developmental, or research work.* In a contract which has as one of its principal purposes experimental, developmental, or research work and also calls for models of equipment or practical processes, the contractor shall be required to furnish all data necessary to enable manufacture of the equipment or performance of the process; except that such data need not be required for standard commercial items to be furnished under the contract and to be incorporated as component parts in or to be used with the product being developed if, in lieu thereof, requirement is made for identification of source, and performance specifications and characteristics sufficient to enable the Government to procure from any supplier the part or an adequate substitute. Under such a contract the Government is entitled to all data resulting from performance thereunder. Any previously developed "proprietary data" should be required only where the product could not readily be manufactured or the process performed without the use of such "proprietary data."

§ 9.202–2 *Use of data*—(a) *Operational and design data.* Since "operational data" and "design data" as defined above do not call for the disclosure of details of the contractor's trade secrets or manufacturing processes which the contractor has the right to protect, such data should be obtained without any limitation as to its use by the Government.

(b) *Proprietary data*—(1) *Contracts for experimental, developmental, or research work.* When "proprietary data" is obtained under a contract having as one of its principal purposes experimental, developmental, or research work, in accordance with § 9.202–1 (c), it shall be obtained without limitation as to its use.

(2) *Supply contracts.* When "proprietary data" is obtained by negotiation under a supply contract, in accordance with § 9.202–1 (b), the purpose for obtaining it will govern its use. If it was obtained for the purpose of enabling the Government to establish additional sources of supply, it should be obtained without limitation as to its use. Where, however, it has been determined to be necessary to obtain "proprietary data" for some limited purpose, such as emergency manufacture by the Government, such data may be obtained subject to limitation as to its use. In such cases the contract clause contained in § 9.203–2 shall be included in the contract and the contract Schedule shall specifically identify the data which shall be subject to limited use.

§ 9.202–3 *Multiple sources of supplies.* The Government's interest in establishing multiple sources for supplies and services arises from its need, among other things, to (a) facilitate competition for defense procurement, (b) insure fulfillment of its current and mobilization requirements, and (c) take advantage of small business potential. The foregoing policies provide one means for accomplishing this objective and are particularly effective where data acquired by the Government is usable, without more, to obtain competition. However, where highly complex technical equipment is involved and acquisition of data, without technical assistance from the primary source, is inadequate to establish second sources, Government participation in any licensing and technical assistance arrangements may be necessary to protect the Government's interest with respect to such factors, among others, as (1) investment in facilities, (2) competency of source, (3) timing of establishment of second sources, and (4) allocation of orders among sources. In many instances, involving relatively simple items, commercial or military, which have been developed by a contractor at its own expense, participation by the Government may be unnecessary where the primary source is willing to establish other sources by direct contractor to contractor licensing arrangements. No single method can be prescribed for meeting the second source problem; each situation must be handled on its own merits.

§ 9.202–4 *Delivery of data for use in foreign countries.* Where the Department of Defense proposes to make available any data in its possession for use in a foreign country, it shall, to the maximum extent practicable, give reasonable notice thereof to the contractor who furnished the data, provided that the contractor has previously requested such notice in order to protect its foreign patent position.

§ 9.202–5 *Copyrights.* It is the policy of the Department of Defense generally to reserve only a license under copyright on any copyrighted data, leaving the contractor free to copyright the material. With respect to certain data produced, written, or compiled for the Department of Defense, such as (a) motion pictures and works relating thereto, and (b) histories and other works re-

lating to operation of the Department of Defense, the Government may desire that no adverse claim of copyright be established in such data, and that the Government's right to reproduce and use such data shall be unlimited.

§ 9.203 *Contract clauses; general.* Except as otherwise provided in § 9.204 and § 9.205, in any contract in which data are specified to be delivered, insert, in accordance with § 9.202–2, one of the following clauses, as appropriate:

§ 9.203–1 *Unlimited rights to use data.*

RIGHTS IN DATA—UNLIMITED

(a) The term "Subject Data" as used herein includes writings, sound recordings, pictorial reproductions, drawings or other graphical representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses and other information incidental to contract administration.

(b) Subject to the proviso of (c) below, the Government may duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all Subject Data delivered under this contract.

(c) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, non-exclusive and irrevocable license throughout the world, to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all Subject Data now or hereafter covered by copyright: *Provided*, That with respect to such Subject Data not originated in the performance of this contract but which is incorporated in the work furnished under this contract such license shall be only to the extent that the Contractor, its employees, or any individual or concern specifically employed or assigned by the Contractor to originate and prepare such Data under this contract, now has, or prior to completion or final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(d) The Contractor shall exert all reasonable effort to advise the Contracting Officer, at the time of delivery of the Subject Data furnished under this contract, of all invasions of the right of privacy contained therein and of all portions of such Data copied from work not composed or produced in the performance of this contract and not licensed under this clause.

(e) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of copyright infringement received by the Contractor with respect to all Subject Data delivered under this contract.

(f) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(g) The Contractor shall not affix any restrictive markings upon any Subject Data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate or ignore any such marking.

§ 9.203–2 *Limited rights to use data.*

RIGHTS IN DATA—LIMITED

(a) The term "Subject Data" as used herein includes writings, sound recordings, pictorial reproductions, drawings or other graphical representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses and other information incidental to contract administration.

(b) Subject Data delivered under this contract shall not be released outside the Government, nor be duplicated, used, or disclosed in whole or in part for procurement or manufacturing purposes (other than for manufacture required in connection with repair or overhaul where an item is not procurable commercially so as to enable the timely performance of the overhaul or repair work and provided that when Data is released by the Government to a contractor for such purposes, the release shall be made subject to the limitation of this clause and provided further that such Data shall not be used for manufacture or procurement of spare parts for stock), without permission of the Contractor, if: (i) the Subject Data to be so limited is identified in the Schedule as being subject to limitations; and (ii) the following legend is marked on each piece of data so limited [in third blank of legend, identify portion or pages to which legend is applicable]:

This _____ is furnished under U. S. Government Contract No. _____, and _____ shall not be released outside the Government (except to foreign governments, subject to these same limitations), nor be disclosed, used, or duplicated, for procurement or manufacturing purposes, except as otherwise authorized by said contract, without the permission of _____. This legend shall be marked on any reproduction hereof in whole or in part.

Provided, That such Data may be delivered to foreign governments as the national interest of the United States may require, subject to the limitations specified in this paragraph. The Contractor shall not impose limitations on the use of any piece of Data, or any portion thereof, containing information first produced in the performance of a government contract.

(c) Notwithstanding any provisions of this contract concerning inspection and acceptance, the Government shall have the right at any time to modify, remove, obliterate or ignore any marking not authorized by the terms of this contract on any piece of Subject Data furnished under this contract, subject to the right of the Contractor to appeal under the "Disputes" clause from the decision of the Contracting Officer.

(d) Subject to the proviso in (e) below, the Government may duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all Subject Data not covered by (b) above which is delivered under this contract.

(e) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, non-exclusive and irrevocable license throughout the world, to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all Subject Data now or hereafter covered by copyright: *Provided*, That with respect to such Subject Data not originated in the performance of this contract but which is incorporated in the work furnished under this contract such license shall be only to the extent that the Contractor, its employees, or any individual or concern specifically employed or assigned by the Contractor to originate and prepare such Data under this contract, now has, or prior to completion or final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(f) The Contractor shall exert all reasonable effort to advise the Contracting Officer, at the time of delivery of the Subject Data furnished under this contract, of all invasions of the right of privacy contained therein and of all portions of such Data copied from work not composed or produced in the performance of this contract and not licensed under this clause.

(g) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of copyright infringement received by the Contractor with respect to all Subject Data delivered under this contract.

(h) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent. Nothing contained in this clause shall be construed as prohibiting the Government from manufacturing, or having manufactured for it by or procuring from others than the Contractor, that which is shown in or by such Data, so long as the Data, or a copy in whole or in part, to which the limitation in (b) above applies, is not used in such manufacture or procurement.

§ 9.204 *Contract clauses; special.*

§ 9.204–1 *Limitation on Government's right of publication for sale to the general public.* The paragraph set forth below may be added to the clause of § 9.203–1 when, in contracts for research, the Contracting Officer determines in accordance with departmental procedures that public dissemination of the work or certain designated parts of the work specified to be delivered under contract is in the best interest of the Government and would be facilitated by the Government relinquishing its right to publish for sale or to have others publish for sale for it. This paragraph shall not be used otherwise.

(h) If the Contractor publishes for sale or causes to be published for sale within ____ months after final settlement of this contract, or within such additional period as the Contracting Officer may approve, but in any event within a period no greater than 24 months, the Subject Data designated immediately following this paragraph, which is delivered under this contract, the Government agrees not to publish for sale or authorize others so to do. This limitation on the Government's right to publish for sale shall continue as long as the work is protected by copyright, with respect to any such designated work which is so published within such period of time, and as to all work not so published within such period of time, this paragraph shall be of no force or effect. The following Subject Data is designated:

§ 9.204–2 *Production of motion pictures.* The clause set forth below is approved for use in contracts for the production of motion pictures with or without accompanying sound, and in all contracts for the preparation of motion picture scripts, musical compositions, sound tracks, translations, adaptations, and the like:

RIGHTS IN DATA

(a) The term "Subject Data" as used herein includes writings, sound recordings, pictorial reproductions, drawings or other graphical representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses and other information incidental to contract administration.

(b) All Subject Data first produced in the performance of this contract shall be the sole property of the Government. The Contractor agrees not to assert any rights at common law or equity and not to establish any claim to statutory copyright in such Data. The Contractor shall not publish or reproduce such Data in whole or in part or in any manner or form, nor authorize others so to do, without the written consent of the Government until such time as the Government may have released such Data to the public.

(c) The Contractor agrees to grant and does hereby grant to the Government and to its officers, agents and employees acting within the scope of their official duties, a royalty-free, non-exclusive, and irrevocable license throughout the world (i) to publish, translate, reproduce, deliver, perform, use, and dispose of, in any manner, any and all Data not first produced or composed in the performance of this contract but which is incorporated in the work furnished under this contract; and (ii) to authorize others so to do.

(d) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents and employees acting within the scope of their official duties against any liability, including costs and expenses, (i) for violation of proprietary rights, copyright or right of privacy, arising out of the publication, translation, reproduction, delivery, performance, use or disposition of any Data furnished under this contract, or (ii) based upon any libelous or other unlawful matter contained in such Data.

(e) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

§ 9.204–3 *Histories and other works.* The contract clause set forth in § 9.204–2 is suggested for use in contracts for:

(a) Histories of the respective Departments or services or units thereof;

(b) Works pertaining to recruiting, morale, training or career guidance;

(c) Surveys of government establishments;

(d) Works pertaining to the instruction or guidance of government officers and employees in the discharge of their official duties.

§ 9.205 *Contracts for acquisition of existing works.*

§ 9.205–1 *Off-the-shelf purchase of books and similar items.* Notwithstanding the instructions of any other section in this subpart, no contract clause contained in this subpart need be included in contracts for the separate, sole procurement of data, other than motion pictures, in the exact form in which such material exists prior to the initiation of a request for purchase (such as off-the-shelf purchases of existing products) unless the right to reproduce such data is an objective of the contract.

§ 9.205–2 *Contracts for existing motion pictures.* Contracts for the procurement of existing motion pictures or for the modification of existing motion pictures shall be made in accordance with departmental procedures.

PERKINS MCGUIRE,
Assistant Secretary of Defense,
(Supply and Logistics).

AUGUST 2, 1957.

[F. R. Doc. 57–6455; Filed, Aug. 7, 1957; 8:45 a. m.]

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

MISCELLANEOUS AMENDMENTS; CORRECTION

The following correction is made in the Preamble to the changes to this Part 56, which were published in the FEDERAL REGISTER at 22 F. R. 786, 22 F. R. 1035, 22 F. R. 1806 and 22 F. R. 2942, respectively: "The following amendments to Part 56 have been authorized by the Secretary of Defense and the Secretary of Health, Education and Welfare:"

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 57–6453; Filed, Aug. 7, 1957; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (2) of § 6.310 is amended as set out below.

§ 6.310 *Department of the Interior.*

* * *

(f) *Bureau of Reclamation.* * * *

(2) Four Assistant Commissioners.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–6500; Filed, Aug. 7, 1957; 8:54 a. m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

EDUCATIONIST; EDUCATIONAL SPECIALIST IN INDIAN SCHOOLS

Section 24.95 is amended and § 24.135 is added as set out below.

§ 24.95 *Educationist, GS–1720–0 (all grades)*—(a) *Educational requirement.* Applicants must have completed a full four-year course in an accredited college or university, which must have included or been supplemented by major study in education or in the particular field in which the duties are to be performed.

(b) *Duties.* Educationists advise officials of school systems and community groups concerning technical phases of educational programs; conduct research and provide assistance in planning curriculum content and methods of teaching; and advise local officials in the application of approved educational methods for their individual school and community. These duties vary in nature and responsibility with the field and grade of the position.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require knowledge or training in research, teaching, or administration of educational programs and a thorough knowledge of one or more specialized fields of vocational, general, or cultural subjects; comprehensive grasp of the written materials related to the specialized field; ability to impart this knowledge both formally and informally; and an understanding of the relationship of special fields of knowledge to the needs of the school and community as a whole. This knowledge can be gained only through directed training in an accredited college or university. By such training the student, under competent instructors, is guided in his reading and evaluation of the literature, which is so voluminous that an individual cannot master it on his own initiative or by random study. The student has access to libraries and laboratories; is given opportunity to observe materials and methods of devising and implementing educational programs; and, in a controlled and supervised setting, can experiment for himself under professional guidance.

§ 24.135 *Educational Specialist, GS–1710–9–11–12–13 in Indian Schools*—(a) *Educational requirement*—(1) *Adult Education.* Completion of a full 4-year course leading to a degree in an accredited college or university which must have included or been supplemented by 18 semester hours in education of which 6 semester hours must have been in a combination of two or more of the following: adult education, elementary or secondary administration, elementary or secondary supervision, home economics, vocational methods, educational sociology or rural education.

(2) *Agriculture.* Completion of a full 4-year course leading to a degree from an accredited college or university which must have included or been supplemented by 18 semester hours in education and 24 hours in agriculture, 4 of which must have been in farm mechanics or farm shop.

(3) *Elementary.* Completion of a full 4-year course leading to a degree in an accredited college or university which must have included or been supplemented by 24 semester hours in education, 12 of which must be elementary education.

(4) *General.* Completion of a full 4-year course leading to a degree in an accredited college or university which must have included or been supplemented by 18 semester hours in education and 16 semester hours in each of two subject matter fields pertinent to the duties of the position.

(5) *Guidance.* Completion of a full 4-year course leading to a degree in an accredited college or university which must have included or been supplemented by 24 semester hours in education and/or guidance of which 12 semester hours must be in guidance or in a combination of two or more of the following: child psychology; educational psychology; educational, vocational or child guidance; clinical psychology;

mental hygiene; health education or educational tests and measurements.

(6) *Home economics.* Completion of a full 4-year course leading to a degree in an accredited college or university which must have included or been supplemented by 18 semester hours in education and 24 semester hours in home economics.

(7) *Secondary.* Completion of a full 4-year course leading to a degree in an accredited college or university which must have included or been supplemented by 18 semester hours in education and 16 semester hours in each of two pertinent subject matter fields.

(8) *Skilled trades (Vocational).* Completion of a full 4-year course leading to a degree in an accredited college or university which must have included or been supplemented by 18 semester hours in education and 24 semester hours in the skilled trades.

(9) *Tests and measurements.* Completion of a full 4-year course leading to a degree in an accredited college or university which must have included or been supplemented by 24 semester hours in education including or supplemented by 12 semester hours in courses that deal with evaluation of the individual.

(10) *Visual aids.* Completion of a full 4-year course leading to a degree in an accredited college or university which must have included or been supplemented by 24 semester hours in education including or supplemented by 12 semester hours in courses that deal with the development or application of visual or application of visual aids.

(b) *Duties.* Educational specialists perform duties of an educational administrative or staff nature which do not involve direct-line supervisory control of the teaching situation. Positions are located at various levels and involve educational research; purely educational guidance, and consultation; planning and development of course materials for educational purposes; development of audio-visual aids to education; participation in in-service training work-shops; assistance in program evaluation and making of recommendations for improvement. The duties vary in nature with the grade and option of the position.

(c) *Knowledge and training requisite for performance of duties.* Full professional knowledge of educational methodology and subject matter is required of incumbents of these positions, including knowledge of teaching principles and techniques; an understanding of the developmental stages, both physical and mental of young people, or of special problems pertaining to adult education; the ability to recognize and devise successful method of dealing with special instructional problems arising in teaching situations; and an understanding of the interrelationship between the formal school situation and non-school activities as educative factors and ability to apply this understanding. This knowledge, understanding, and ability can be gained only through the training shown in paragraph (a) of this section. In regularly organized teacher training departments of accredited colleges and universities prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses and a system of supervised practice teaching. During the training the student works under competent instructors; has access to well stocked libraries and well equipped laboratories; and learns a variety of methods and techniques which have been demonstrated as effective. The literature in the field of education is so voluminous that an individual cannot master it by random study; guidance in reading is essential for mastery and proper evaluation of the materials in the field.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-6499; Filed, Aug. 7, 1957; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

EXEMPTIONS OF BACITRACIN- (OR ZINC BACITRACIN-) TYROTHRICIN-NEOMYCIN TROCHES FROM PRESCRIPTION-DISPENSING REQUIREMENTS

On June 19, 1957, there was published in the FEDERAL REGISTER (22 F. R. 4326) a notice setting forth a proposal of the Commissioner of Food and Drugs to amend § 146e.420 of the regulations for the certification of bacitracin and bacitracin-containing drugs (21 CFR 146e.-420) to provide for the sale of bacitracin-tyrothricin-neomycin troches and zinc bacitracin-tyrothricin-neomycin troches without the prescription of a practitioner licensed by law to administer such drugs, but with labeling containing adequate protection for their lay use. No comments having been filed with respect to the proposed amendment within the 30-day period stipulated in the above-referenced notice, the amendment set forth below is hereby ordered, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507 (f), 59 Stat. 463; 21 U. S. C. 357 (f)) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045):

Section 146e.420 *Bacitracin-tyrothricin-neomycin troches* * * * is amended by adding thereto a new paragraph (e) reading as follows:

(e) In lieu of the labeling prescribed by § 146e.403 (c) (2), if it does not contain cortisone or a suitable derivative of cortisone, it shall bear on the circular or other labeling within or attached to the package, adequate directions and warnings for the use of such drugs. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other uses of such troches by practitioners licensed by law to administer such drug will be sent to such practitioner upon request.

Any person who will be adversely affected by the foregoing order may, within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto, showing wherein he will be adversely affected by the order, specifying with particularity the provisions of the order deemed objectionable and stating reasonable grounds therefor, and requesting a public hearing on the provisions of the order to which objections are filed. A memorandum or brief supporting the objections filed may be submitted. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER unless it is stayed in whole or in part by the filing of objections and the requesting of a public hearing as set forth above. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: August 2, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-6456; Filed, Aug. 7, 1957; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 112—PARCEL POST

PART 123—INSURANCE

CHART OF RATES AND MAILING CONDITIONS; FEES AND LIMITS OF INSURANCE

I. In § 112.1 *Chart of rates and mailing conditions* make the following changes:

1. As to Andorra, insert under "Air Parcel Post rates" 1.22 for the "First 4 ounces" and .44 for "Each additional 4 ounces."

2. As to Liberia, amend the table so as to indicate the availability of insurance service and the unavailability of registration service.

3. Opposite Windward Islands and under "Air Parcel Post rates", make the following changes:

a. Under "First 4 ounces" insert "[46]1.01".

b. Under "Each additional 4 ounces" insert "[46].34".

4. Footnote 46 is added to read as follows:

[46] Service to Grenade and The Grenadines only.

5. As to the U. S. S. R., Estonia, Latvia, and Lithuania, change the weight limit from 22 pounds to 44 pounds.

II. In § 123.3 *Fees and limits of insurance* amend paragraph (b) (1) as follows: In the table of countries insert *Liberia*, with a limit of insurance of $80.00.

(R. S. 161, 396, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-6470; Filed, Aug. 7, 1957; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1980]

PART 80—TRUSTEE TOWNSITES IN ALASKA

SALES TO FEDERAL, TERRITORIAL, AND LOCAL GOVERNMENTAL AGENCIES; RIGHTS-OF-WAY

On page 3797 of the FEDERAL REGISTER of May 30, 1957, there was published a notice of proposed rule making regarding the issuance of regulations in connection with trustee townsites in Alaska. Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed regulations.

No comments or suggestions were submitted within the 30-day period. Consequently, the proposed regulations are hereby adopted without change and are set forth below.

(Sec. 11, 26 Stat. 1099; 48 U. S. C. 355)

HATFIELD CHILSON,
Acting Secretary of the Interior.

AUGUST 1, 1957.

Sections 80.14a and 80.14b are revised to read as follows:

§ 80.14a *Sales to Federal, Territorial, and local governmental agencies.* (a) Any lot or tract in the townsite which is subject to sale to the highest bidder by the trustee pursuant to Section 80.14 of this chapter may in lieu of disposition at public sale be sold by the trustee at a fair value to be fixed by him to any Federal or Territorial agency or instrumentality or to any local governmental agency or instrumentality of the Territory for use for public purposes.

(b) All conveyances under this section shall be subject to such conditions, limitations, or stipulations as the trustee shall determine are necessary or appropriate in the circumstances, including, where he deems proper, a provision for reversion of title to the trustee or his successor in interest. Any such provision for reversion of title, however, shall by its terms cease to be in effect 25 years after the conveyance.

(c) Conveyances under this section for lands within any incorporated city, town, village, or municipality may be made only after the proposed conveyance has received the approval of the city, town, or village council, or of the local official designated by such council. Such conveyances for lands within any unincorporated city, town, village or municipality may be made only after notice of the proposed conveyance, together with the opportunity to be heard, has been given by the proposed grantee to the residents or occupants thereof in accordance with the requirements for such notice in the case of the public sale of unclaimed lots in a trustee townsite. Any decision of the trustee which is adverse to a protest will be subject to the right of appeal under Part 221 of this chapter. Upon filing of an appeal pursuant to that Part, action by the trustee on the conveyance will be suspended pending final decision on the appeal.

§ 80.14b *Rights-of-way.* (a) Notwithstanding any other provisions of this part, the trustee is authorized to grant rights-of-way for public purposes across any unentered lands within the townsite. This authority is expressly limited to grants of rights-of-way to cities, towns, villages, and municipalities, and to school, utility, and other types of improvement districts, and to persons, associations, companies, and corporations engaged in furnishing utility services to the general public, and to the United States, any Federal or Territorial agency or instrumentality for use for public purposes.

(b) The trustee may in his discretion fix a reasonable charge for any grant under this authority to private persons, associations, companies and corporations, and to Federal and Territorial agencies and instrumentalities, which charge shall be a lump sum. All grants shall be subject to such conditions, limitations, or stipulations as the trustee shall determine are necessary or appropriate in the circumstances. No grants of rights-of-way under this authority shall be made across or upon lands on which prior rights of occupancy or entry have vested under the law.

(c) Grants of rights-of-way under this section to Federal and Territorial agencies and instrumentalities to private persons, associations, companies, or corporations affecting lands within any incorporated city, town, village, or municipality, may be made only after the proposed grant has received the approval of the city, town, or village council, or, where applicable, the municipal board or commission having authority under Territorial law to approve rights-of-way for local public utility purposes. Grants of such rights-of-way to Federal and Territorial agencies and instrumentalities and to private persons, associations, companies, or corporations within unincorporated cities, towns, villages, or municipalities may be made only after notice of the proposed grant, together with the opportunity to be heard, has been given by the proposed grantee to the residents or occupants thereof in accordance with the requirements for such notice in the case of the public sale of unclaimed lots in a trustee townsite. Any decision by the trustee which is adverse to a protest will be subject to the right of appeal under Part 221 of this chapter. Upon the filing of an appeal, action by the trustee on the application for right-of-way will be suspended pending final decision on the appeal.

[F. R. Doc. 57-6460; Filed, Aug. 7, 1957; 8:46 a. m.]

[Circular 1981]

PART 181—VETERANS', SOLDIERS' AND SAILORS' RIGHTS

On pages 3564 to 3567, inclusive, of the FEDERAL REGISTER of May 22, 1957, there was published a Notice of Proposed Rule Making to consolidate and simplify the existing text of regulations governing veterans' rights and privileges under the public land laws. A correction regarding this Notice of Proposed Rule Making also appeared on page 4672 of the FEDERAL REGISTER of July 2, 1957. Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed regulations.

No comments or suggestions were submitted within the 30-day period. Consequently, the proposed regulations are hereby adopted without change and are set forth below.

HATFIELD CHILSON,
Acting Secretary of the Interior.

AUGUST 1, 1957.

The title to Part 181 is amended to read Part 181—Veterans', Soldiers' and Sailors' Rights, and §§ 181.1 to 181.8 are completely revised to read as follows, and §§ 181.9 to 181.15, 181.18, 181.19, and 181.35 to 181.47 are revoked.

PUBLIC LAND RIGHTS OF VETERANS

Sec.
181.1 Statutory authority.
181.2 Who are entitled to veterans benefits.
181.3 Credit for and evidence of service.
181.4 Residence requirements under homestead and Alaska homesite laws.
181.5 Cultivation and other requirements under the homestead and Alaska homesite laws.
181.6 Soldiers' and sailors' declaratory statements.
181.7 Preference rights of application and settlement.
181.8 Boulder Canyon Project.

AUTHORITY: §§ 181.1 to 181.8 under sec. 6, 45 Stat. 1061, as amended, sec. 5, 58 Stat. 748, as amended; 43 U. S. C. 617e, 283.

§ 181.1 *Statutory authority.* (a) The act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, referred to in this part as the "1944 Act", grants to veterans of World War II and of the Korean Conflict certain benefits in connection with the public lands. These rights are in addition to the benefits conferred on persons in the military service by the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1178; 50 U. S. C., App. 560–572), as amended, and the regulations thereunder in this part, relating to rights initiated or acquired under the public land laws prior to the entrance of the claimant into the military or naval service.

(b) Other statutes have granted benefits under the homestead laws (43 U. S. C. 164, 169, 218) to veterans who served in earlier wars. The veterans benefited, referred to in this part as "veterans of other wars" and the statutes conferring the benefits are as follows: Veterans of certain Indian Wars, act of April 7, 1930 (46 Stat. 144; 43 U. S. C. 243); veterans of the Civil War, Sec. 2305, Revised Statutes (43 U. S. C. 272); veterans of the war with Spain and of the suppression of the Philippine Insurrection, acts of June 16, 1898 (30 Stat. 473; 43 U. S. C.

240) and of March 1, 1901 (31 Stat. 847; 43 U. S. C. 271, 272); and veterans of the Mexican border operations and of World War I, act of February 25, 1919 (40 Stat. 1161; 43 U. S. C. 272a, 278), as amended by the act of April 6, 1922 (42 Stat. 491; 43 U. S. C. 233, 272, 273), and Public Resolution 79 of December 28, 1922 (42 Stat. 1067; 43 U. S. C. 186, 272a).

§ 181.2 *Who are entitled to veterans' benefits.* (a) A veteran is entitled to benefits under the 1944 act if he has served in the military or naval forces of the United States including the Coast Guard, on or after September 16, 1940, and prior to the termination of the Korean Conflict [1], referred to in this part as the "statutory period" of the 1944 act, and has been honorably discharged from such forces. The veteran is considered to have been honorably discharged for the purposes of the 1944 act if separated from the service by means of an honorable discharge, by the acceptance of resignation, or by a discharge under honorable conditions. A release from active duty is acceptable instead of a discharge if the release from active duty to an inactive status was under honorable conditions, whether or not in a reserve component or retirement, and whether or not the veteran thereafter resumes active military duty. In addition, the veteran must have:

(1) Served at least 90 days during the statutory period, or

(2) Been discharged on account of wounds received or disability incurred during the statutory period in line of duty, or

(3) After regular discharge, been furnished hospitalization or awarded compensation by the Government on account of wounds received or disability incurred during the statutory period.

A veteran, under 21 years of age, who is otherwise entitled to benefits under the 1944 act, may not be disqualified from making homestead entry or from any other benefits of the 1944 act merely because of age.

(b) A "veteran of other wars" is entitled to benefits if he was honorably discharged and served:

(1) With the United States Army or Navy or with a unit of the Federalized National Guard mustered into the United States service or with a Red Cross unit assigned to an Army or Navy unit, if the veteran served between April 15, 1861 and August 20, 1866, and remained loyal to the Government; or if he served between April 21, 1898 and July 15, 1903; or between May 9, 1916 and March 3, 1921; or with the Allied armies between July 28, 1914 and March 3, 1921 and thereafter resumed his United States citizenship; and if the veteran served for at least 90 days during any one of those periods, or was wounded or disabled in line of duty while in such service, or was awarded compensation by the United States for wounds or disability resulting from such service; or

(2) With a Federal, State, or Territorial military organization in any Indian War, campaign, or in a zone of active Indian hostilities between January 1, 1817 and December 31, 1898, if the veteran served for at least 30 days.

(c) The following persons may exercise the rights of a veteran under the regulations of this part, subject to compliance with other applicable regulations:

(1) The wife or husband of a veteran entitled to benefits under the 1944 act, if the veteran gives written consent, such benefits being in addition to any to which the spouse may individually be entitled under the 1944 act as a qualified veteran.

(2) The surviving wife or husband, or the surviving minor children if the spouse dies or remarries, of a veteran entitled to benefits under the 1944 act or of a person who died as the result of wounds received or disability incurred in line of duty while serving with the military or naval forces during the statutory period of the 1944 act.

(3) The heirs or devisees of a veteran entitled to the benefits of the 1944 act with respect to a homestead settlement or entry made by the veteran who died before perfecting title to the claim, without leaving a surviving spouse or minor children.

(4) The unmarried widow of a "veteran of other wars" entitled to benefits under the regulations of this part who died prior to making homestead entry, or the widow of such a veteran who died after making homestead settlement or entry or filing a declaratory statement but prior to perfecting his claim.

(5) The minor orphan children of a "veteran of other wars" entitled to benefits under the regulations of this part if:

(i) The veteran died prior to making homestead entry or died while actually engaged in the war with Spain, the Philippine Insurrection, the Mexican border operation, or World War I after settling on public lands of the United States, and if the widow died or remarried; or

(ii) The veteran made homestead entry or filed a declaratory statement or his widow made homestead entry but died prior to perfecting the claim, leaving a minor child or minor children as his or her only heirs.

(6) The heirs or devisees of any "veteran of other wars" entitled to benefits under the regulations of this part who made homestead settlement or entry, or filed a declaratory statement, but died before perfecting title to the claim, leaving no widow or surviving minor children entitled as his only heirs to benefits under the regulations of this part.

§ 181.3 *Credit for and evidence of service.* (a) Any person, entitled to benefits under the regulations of this part, may obtain credit only for actual service, with the organizations and for the "statutory periods" specified in the regulations of this part, subject to minimum requirements specified in the regulations, in this part except as follows:

(1) Credit is granted for the equivalent of two years' service, regardless of the actual length of service by a veteran entitled to the benefits of the 1944 act, if the veteran was discharged because of wounds received or disability incurred in line of duty during the "statutory period" of the 1944 act; or after regular discharge, was furnished hospitalization or awarded compensation by the Government on account of such wounds or disability; or died as the result of wounds received or disability incurred in line of duty during such period.

(2) Credit is granted for the whole term of enlistment, regardless of actual length of service by any "veteran of other wars" who was discharged because of wounds received or disability incurred in the line of duty, or who subsequent to discharge was awarded compensation for such wounds or disability.

(3) Credit is granted for the whole term of enlistment, regardless of actual length of service by any "veteran of other wars", except of the Indian wars, if the veteran died during the term of his enlistment.

(4) Credit is granted for service by any "veteran of other wars" except of the Indian wars, for the full term of the service under his enlistment, although such term did not expire until after the war ceased.

(5) Credit granted for service between May 9, 1916 and March 3, 1921, includes time spent in a course of training under the Vocational Rehabilitation Act of June 27, 1918 (40 Stat. 617) or under treatment in a Government hospital on account of wounds or disabilities incurred in line of duty during that period.

(b) For the purpose of the regulations of this part, credit for service in the military or naval forces of the United States begins upon induction into such service whether by enlistment, draft, appointment, or call into active service from a reserve status. Credit for service by a veteran entitled to the benefits of the 1944 act terminates upon his honorable discharge or release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement, and whether or not he has thereafter resumed active duty. He is considered to have been honorably discharged for the purposes of the 1944 act if he has been separated from the service by means of an honorable discharge, or by the acceptance of resignation or a discharge under honorable conditions. Credit for the service by a member of the Naval Reserve or of the Federalized National Guard who was called into active service during the Mexican border operations or during World War I terminates upon the date of his actual discharge, and not upon the date that he was ordered to inactive duty. Except for veterans of Indian wars who served with State or Territorial troops, qualifying service does not include service with State or Territorial troops, units of the Red Cross, or the National Guard prior to assignment or after the termination of the assignment of such units or troops into the service of the United States.

[1] As of the date of issuance of §§ 181.1 to 181.8, the Korean Conflict has not yet been declared terminated by Presidential proclamation or by concurrent resolution of Congress, as required by the 1944 act.

(c) No credit for military service can be allowed where commutation proof is submitted.

(d) A veteran claiming benefits under this part must submit evidence clearly showing:

(1) A discharge from the armed forces or other unit on the basis of service with which he claims benefits under the regulations in this part;

(2) The period of his service; and

(3) Other facts upon which his claim is based.

Preferred evidence for subparagraphs (1) and (2) of this paragraph is a photostatic copy of both sides of the veterans certificate of discharge although other duly corroborated evidence will be accepted.

(e) Any other person claiming benefits under this section must submit all the evidence required of a veteran; and in addition, must include information as to whether the veteran is deceased, the date of his or her death, and whether the spouse has remarried, and facts as to homestead entry made by the veteran. A guardian, duly appointed and accredited to the Department must represent any surviving minor children. He must submit a like statement, and in addition give the name, address, and age of each surviving minor child.

§ 181.4 *Residence requirements under the homestead and Alaska homesite laws.* (a) Persons claiming benefits under the regulations in this part must comply with the homestead or Alaska homesite laws, as the case may be, for a period of at least one year and for such additional period as, added to the term of qualifying service, equals three years. Except as elsewhere indicated in this section, the following tables list the amount of residence required of such persons, according to the service credit to which they are entitled.

(1) Residence requirements under the homestead laws (43 U. S. C., sec. 161, et seq.): [2]

Number of months of service credit	Number of months of residence required during the first 3 years after entry		
	1 year	A second year	A third year
10 or more	7		
18	7		
17	7	1	
16	7	2	
15	7	3	
14	7	4	
13	7	5	
7 to 12	7	6	
6	7	7	
5	7	7	1
4	7	7	2
3	7	7	3
2	7	7	4
1	7	7	5
	7	7	6

[1] Applicable only as to service in any Indian war, campaign, or in a zone of active Indian hostilities since veterans need a minimum of only 30 days service to obtain statutory benefits for such service.

[2] In the computation of the required periods of homestead residence, there has been excluded the five months' of absence each year which may be taken by giving notice as required in Part 166 of this chapter.

(2) Residence requirements under the Alaska Homesite Act (48 U. S. C., sec. 461): [3]

Number of months of service credit	Number of months of residence required after entry		
	1 year of the entry	A second year of the entry	A third year of the entry
17 or more	5		
16	5	1	
15	5	2	
14	5	3	
13	5	4	
5 to 12	5	5	
4	5	5	1
3	5	5	2

(b) The following persons are excused from residence requirements:

(1) The surviving spouse, surviving minor orphan children, or other heirs or devisees, of a homestead entryman, who have succeeded to the homestead entry are excused from further residence on the land after the death of the entryman.

(2) Surviving minor orphan children of a veteran entitled to the benefits of the 1944 act who made an Alaska homesite entry are excused from further residence on the land after death of the entryman.

§ 181.5 *Cultivation and other requirements under the homestead and the Alaska homesite laws.* (a) An entryman entitled to benefits under the regulations in this part must comply with the requirements of these regulations and any others relating to his entry under the homestead or Alaska homesite law. If the entryman succeeds to the rights of a deceased entryman, the successor must show that the deceased entryman had complied with the applicable laws and regulations up to the time of his death.

(b) A homestead entryman obtaining benefits under the regulations in this part, may comply with the cultivation and other requirements and become entitled to a patent for his homestead prior to the termination of the three-year period otherwise required of homestead entrymen for such compliance, if he promptly files his final homestead proof. He must in any case cultivate at least one-eighth of the area entered. The following tables indicate the area of cultivation required under the homestead law of such persons, according to the service credit to which they are entitled.

(1) Cultivation requirements [4] under the homestead laws for persons entitled to the benefits of the 1944 act:

Year after date of entry during which proof is filed [1]	Portion of entry required to be cultivated				
	First year	Second year	Third year	Fourth year	Fifth year
First [2]	1/8				
Second [2]		1/8			
Third		1/8	1/8		
Fourth		1/16	1/8	1/8	
Fifth		1/16	1/8	1/8	1/8

[1] This table assumes that final homestead proof is filed promptly after competion of the cultivation requirements listed in the above table. The homestead law requires cultivation until final proof. If the homesteader delays submission of final homestead proof beyond the period of residence required, therefore, he must perform the necessary cultivation during each annual cultivable season elapsing or reached before the submission of proof, except for those years to which his service credit is applied.

[2] Applicable only to persons entitled to credit for 19 months or more of service.

[3] Applicable only to persons entitled to credit for 7 months or more of service.

(2) Cultivation requirements [4] under the homestead laws for persons entitled to the benefits of "veterans of other wars":

Year after date of entry during which proof is filed [1]	Portion of entry required to be cultivated				
	First year	Second year	Third year	Fourth year	Fifth year
First [2]					
Second [2]					
Third		1/16			
Fourth		1/16	1/8		
Fifth		1/16	1/8	1/8	1/8

[1] See footnote 1 in table in subparagraph (1) of this paragraph.

[2] See footnote 2 in table in subparagraph (1) of this paragraph.

[3] See footnote 3 in table in subparagraph (1) of this paragraph.

(c) The following persons are excused from any further compliance with the requirements of laws and regulations relating to the entries to which they have succeeded, nor do they have to show that the entryman had complied with applicable laws and regulations prior to his death:

(1) The surviving minor orphan children of a person entitled to the benefits of the 1944 act.

(2) The surviving minor orphan children of anyone else who made homestead entry but who died prior to perfection of title, leaving only a minor child or minor children.

(3) The widow of a veteran, or in case of her death or remarriage, the surviving minor children, if the veteran settled on the public lands but died prior to perfecting his title, while actually engaged in the military or naval service of the United States during the war with Spain, the Philippine Insurrection, the Mexican border operations, or World War I.

§ 181.6 *Soldiers' and Sailors' declaratory statements.* (a) "Veterans of other wars" may initiate a homestead entry by filing a soldiers' and sailors' declaratory statement. Veterans who served between May 9, 1916, and March 3, 1921, must file their statements in person on Form 4–546. Others may file either on Form 4–545 through an agent acting under power of attorney, or on Form 4–546 when filing in person. Such statements must be accompanied by a filing fee of

[3] These reduced residence requirements are applicable only to persons entitled to the benefits of the 1944 act.

[4] A person entitled to benefits under the regulations of this part may receive a reduction in the area to be cultivated under the homestead regulations (Part 166 of this chapter) in the same manner and under the same conditions required of other applicants.

$3 if the lands are located in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, or Wyoming and by a filing fee of $2.00 if the lands are located elsewhere.

(b) In Alaska the veteran must commence residence on the land within 6 months after the filing of his statement. Elsewhere, he must commence residence within 6 months after allowance of his entry.

(c) Filing of a declaratory statement segregates the lands from all forms of appropriation.

(d) Filing of a declaratory statement in Alaska exhausts the person's homestead right, subject to such relief as may be provided by the general homestead laws.

§ 181.7 *Preference right of application and settlement.* (a) From September 27, 1944, to September 26, 1959, inclusive, any person entitled to benefits under the 1944 act, has a preferred right for a period of 90 days upon the restoration or opening of public lands to application or entry, subject to requirements of applicable law:

(1) To apply for such lands under the homestead or desert-land laws, the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, or the Alaska Home Site Act of May 26, 1934 (48 Stat. 908, 48 U. S. C. 461), and

(2) To settle on such unsurveyed lands in Alaska under the homestead or homesite laws.

(b) The preference rights of this section are not applicable to the following:

(1) Lands made available through the termination of an entry, selection, location, or similar appropriation,

(2) Lands in an order of revocation processed in order to assist in a Federal land program other than the ones authorized by the homestead, desert land, small tract, and homesite laws,

(3) Lands subject to existing valid rights or preference rights conferred by existing laws or equitable claims subject to allowance and confirmation, and

(4) Lands eliminated from national forests and covered by the claims of holders of permits issued by the Department of Agriculture whose permits have been terminated because of such elimination and who own valuable improvements on such lands (act of June 3, 1948, 62 Stat. 305; 43 U. S. C. 284).

(c) Until September 27, 1959, lands subject to the preference rights of this section will be restored or opened to application or entry by an order published in the FEDERAL REGISTER, specifically providing for such preference rights.

§ 181.8 *Boulder Canyon Project.* Under the terms of section 9 of the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1063) as amended by the act of March 6, 1946 (60 Stat. 36, 43 U. S. C. 617h), all persons who served in the Army, Navy, Marine Corps, or Coast Guard during World War II, World War I, the war with Spain, or in the suppression of the insurrection in the Philippines, and who have been honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve, will have a preference right for a period of three months to enter lands reclaimed by irrigation and reclamation under that act, subject to such qualifications as to industry, experience, character, and capital, as are deemed necessary to give reasonable assurance of success by the prospective settler. Such exclusive preference right is also given by the act cited to veteran settlers on lands watered from the Gila Canal in Arizona and on lands watered from the All-American Canal in California.

[F. R. Doc. 57-6459; Filed, Aug. 7, 1957; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11989; FCC 57-925]

[Rules Amdts. 2-3, 7-21, and 8-29]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

ADDITIONAL FREQUENCIES IN MARITIME MOBILE SERVICE; EXTENSION OF EFFECTIVE DATE

In the matter of amendment of Parts 2, 7 and 8 of the Commission's Rules to make available additional frequencies in the Maritime Mobile Service in the range 157.3 to 162.0 Mc., Docket No. 11989.

At a session of the Federal Communications Commission held in its offices at Washington, D. C. on the 1st day of August 1957;

The Commission having under consideration its Report and Order in this Docket which was adopted on July 11, 1957, and a request from the Lorain County Radio Corporation which asks the Commission to amend its Report and Order so that the effective date of the amended rules would be later than the ordered effective date of October 1, 1957;

It appearing that in order to act upon Lorain's request it is necessary to reopen the subject docket; and

It further appearing that the rules which were amended in the subject docket concern the interchanging and addition of certain frequency pairs in the 157.3 to 162.0 Mc band; and

It further appearing that the basis for Lorain's request is that such changes in the frequencies could most feasibly be made after the regular season of navigation on the Great Lakes is concluded, i. e., after December 15, 1957; and

It further appearing that the request filed by Lorain is reasonable and the public interest would be served by such a postponement of the effective date of the involved Part 2, 7, and 8 rules; and

It further appearing that, this Order will amend the Commission's prior Report and Order, so that after December 15, 1957, all public correspondence operations will conform to the new frequency pairings provided by the amended rules; and

It further appearing that, in view of the fact that the amendment extends the time in which to effect the new frequency pairings and will accommodate the users of such frequencies, compliance with sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and for the same reason, section 4 (c) of that act need not be complied with;

It is ordered, That the effective date of the amendments to Parts 2, 7, and 8 of the Commission's rules, which was stated in paragraph 7 of the Commission's Report and Order as October 1, 1957, is hereby changed to December 15, 1957;

It is further ordered, That the proceedings in Docket 11989 which were reopened by this order are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6479; Filed, Aug. 7, 1957; 8:50 a. m.]

[Docket No. 11966; FCC 57-887]

[Rules Amdt. 3-84]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (TULSA-MUSKOGEE, OKLA.)

In the matter of amendment of § 3.606, *Table of assignments*, Rules Governing Television Broadcast Stations (Tulsa-Muskogee, Oklahoma).

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 57-308), released March 28, 1957, in response to a petition filed by Tulsa Broadcasting Company, licensee of television Station KTVX, Channel 8, Muskogee, Oklahoma, proposing to shift Channel 8 from Muskogee to Tulsa, Oklahoma.

2. Petitioner and the American Broadcasting Company filed comments supporting the proposal. Comments opposing the proposal were filed by KOTV, Inc., licensee of Station KOTV, Channel 6, Tulsa, and by Central Plains Enterprises, Inc., permittee of Station KVOO-TV, Channel 2, Tulsa. Comments were also filed by Arthur R. Olsen, permittee of Station KSPG, Channel 17, Tulsa. Mr. Olson takes no position with respect to the proposal but requests that, in the event Channel 8 is assigned to Tulsa, his authorization for Station KSPG at Tulsa be modified to specify Channel 8 in lieu of Channel 17, with a condition that any mutually exclusive application filed for Channel 8 receive comparative consideration. Reply comments were filed by petitioner and KOTV, Inc.

3. In support of the proposed amendment, Tulsa Broadcasting urges that Muskogee is incapable of supporting a television station and that, due to Muskogee's small size, the proximity and substantially larger size of Tulsa, and the two operating VHF stations at Tulsa, a Muskogee station must depend upon Tulsa to survive. Petitioner argues that a Muskogee station is seriously handicapped in competing with Tulsa stations for audience and local and national network and non-network business. Tulsa Broadcasting submits an analysis of its sources of revenue for its Muskogee station for the period of June–November, 1956, which indicates that only 10 percent of KTVX's revenue came from Muskogee advertisers and that the remainder came from Tulsa advertisers (44.4 percent), national advertisers (23.7 percent), ABC network (19.6 percent) and from local advertisers in nearby communities (4.59 percent). Petitioner attributes its income from national advertisers and the network solely to its coverage of Tulsa, and claims that loss in maintaining service and operation from its Muskogee studios during this same period totalled $109,625.29; that projected on an annual basis, the loss aggregates $219,250.58, and that no improvement in this situation can be foreseen. It further points out that even with its combined Muskogee-Tulsa operation, KTVX has never operated at a profit. Tulsa Broadcasting submits that the reassignment of Channel 8 to Tulsa would provide Tulsa with a third competitive VHF facility and enable KTVX to become a Tulsa station and to compete on an equal basis with Tulsa stations, thereby increasing the opportunities for more effective competition among a greater number of stations, as well as among the networks. Petitioner states that, as a Tulsa station, KTVX could conduct its primary operation from its present Tulsa auxiliary studios and offer a larger number of public service programs from the Tulsa area. It alleges that it is imperative that KTVX become a Tulsa station, not merely to increase its revenues and to reduce costs, but to insure its continued operation.

4. Tulsa Broadcasting asserts that Muskogee would not be deprived of service if KTVX is made a Tulsa station since it contemplates no change in the station's transmission facilities—which are located approximately equidistant between Tulsa and Muskogee and which provide better than city-grade service to both communities—and that it plans to gear KTVX's programming to serve its entire service area, including Muskogee. Petitioner states that it plans to maintain sales and other personnel in Muskogee to solicit and service commercial accounts and to serve as a contact for those desiring publicity or promotion of community service activities, and that if this cannot be done through its Tulsa studios, an auxiliary studio will be maintained in Muskogee. It urges that the proposed amendment would be consistent with the Commission's actions in the Rome-Chattanooga (Docket 11897) and St. Louis (Docket 11747) alloaction proceedings. Petitioner adds that if there is concern about leaving Muskogee with only UHF Channel 66 for commercial use, it would be technically feasible to assign Channel 36 to Muskogee.

5. The parties opposing the proposed amendment contend that an adequate showing has not been made that Muskogee cannot support a VHF facility; that Tulsa Broadcasting has never attempted to operate exclusively in Muskogee and cannot demonstrate, with limited data based upon a combined Muskogee-Tulsa operation, that a Muskogee operation could not be successful; that the figures given by Tulsa Broadcasting on the allocation of costs between KTVX's Muskogee and Tulsa operations are not broken down nor sufficiently detailed; and that in its computations KTVX improperly attributes only revenues from local Muskogee advertisers to its Muskogee operation. They claim that petitioner's contention that Tulsa is a better source of local programs does not support the conclusion that Muskogee is unable to support a VHF facility; that this same argument could be used to justify removal of Tulsa's present VHF facilities to a larger metropolitan center; and that petitioner is really proposing that Muskogee should lose its only local television outlet so that Tulsa may have three. The opponents submit that adoption of the proposal would be contrary to Congressional mandate, particularly section 307 (b) of the Communications Act, and long-established allocation policies of the Commission adopted pursuant thereto, and that neither the Rome-Chattanooga case nor the deintermixture cases are analagous since adoption of the proposal would permit Station KTVX to operate as a Tulsa station from its present site and would not result in any additional service. It is submitted that the proposed amendment raises a fundamental question of allocations policy; that petitioner's position in operating on a channel assigned to a smaller community in competition with stations on channels assigned to a larger neighboring community is not unique; that if the proposal is adopted, a policy will be established which would be directly applicable to stations in similar positions throughout the country, and would result in the elimination of local service to smaller cities situated near large metropolitan areas.

6. The opposing parties also contend that the proposed amendment would serve only KTVX's private interests and that the proposed reallocation is not necessary to provide a third service to Tulsa, nor an outlet for a third network, since Station KTVX at Muskogee already provides Tulsa with such service. They assert that virtually all of the public service programs which KTVX submits it would be able to originate as a Tulsa station could be originated at Muskogee; that these proposed public service programs are not unique; and that the facilities of the two Tulsa VHF stations already afford Tulsa a variety of public service programs. It is further asserted that the type of advertising and promotion used by Station KTVX, as well as the fact that most of the station's personnel has been moved from Muskogee to Tulsa, and that its Muskogee studios have been stripped of all but a minimum of equipment, raises a question as to whether Tulsa Broadcasting has lived up to its promises and representations with respect to operating as a Muskogee station; and that, in view of KTVX's record as a Muskogee facility, it is unlikely that KTVX as a Tulsa station would provide even its present outlet for local Muskogee expression, particularly since KTVX does not indicate that it would maintain studios in Muskogee.

7. Arthur R. Olson submits that he applied for Channel 17 at Tulsa in October of 1952 when only one Tulsa VHF station was on the air; that while it appeared at that time that a UHF Tulsa station under efficient and aggresive management could compete with two VHF Tulsa stations, the experience of other UHF stations has made it apparent that a Tulsa UHF station under present conditions could not survive, particularly in view of the fact that Station KTVX at Muskogee is also providing VHF service to Tulsa. Mr. Olson states that, although he has not constructed a station on Channel 17, he is desirous of constructing and operating a Tulsa station; that if Channel 8 had been assigned to Tulsa rather than Muskogee in 1952, he would have applied for Channel 8 rather than Channel 17; and that others in the area would have undoubtedly done so also. He states that if Channel 8 is assigned to Tulsa, he intends to file an application for modification of his outstanding construction permit to specify operation in Tulsa on Channel 8 rather than Channel 17, and urges that his application would be entitled to comparative consideration with any modification application which may be filed by KTVX. Mr. Olson asserts that KTVX has never fulfilled its obligation to operate as a Muskogee station and that his qualifications for operating on Channel 8 at Tulsa are superior to those of KTVX; and he requests that, if channel 8 is reallocated to Tulsa, the Commission issue an appropriate order modifying his authorization for Station KSPG to specify Channel 8 instead of Channel 17, subject to the condition that any other mutually exclusive application for Channel 8 will be entitled to comparative consideration. He requests, further, that petitioner be ordered to show cause why its present authorization for Station KTVX should not be modified to specify operation on a UHF channel at Muskogee rather than on Channel 8.

8. In its replies to the comments of the opposing parties, Tulsa Broadcasting submits in support of its contention that Muskogee cannot support a VHF facility, that in its comparison of KTVX's Muskogee and Tulsa operations network revenues, national spot revenues, and revenues from advertisers in various small communities in the area were properly attributed to the Tulsa part of its operations since they result from its coverage of Tulsa. Petitioner claims as baseless the charge that it is not complying with its primary obligation of serving Muskogee as an outlet for advertisers and for public service and community service organizations. It submits that the record demonstrates that none of the KTVX promotion material submitted by the opposing parties indicates that it is engaging in any misrepresentations, even though, admittedly and deliberately, petitioner has en-

deavored to promote the use of KTVX facilities in the Tulsa market. Petitioner contends that its capital investment in equipment and studio facilities at Muskogee, the cost of maintaining service and operation from the Muskogee studios, its public service programs and the percentage of live programming originated from its Muskogee studios, all indicate that it has not attempted to avoid association with Muskogee; that the shifting of certain phases of Station KTVX's operations to its Tulsa auxiliary studios (film programming, network switching main operation offices and management and operational personnel, other than ownership) has been a gradual development to counter continuing losses from its Muskogee operation and to achieve economy and efficiency so as to enable continued operation of KTVX, and that the rate of loss of its combined Muskogee-Tulsa operation makes KTVX's continued existence uncertain unless a Tulsa identification is obtained.

9. Petitioner urges that section 307 (b) of the Communications Act is inapplicable to its proposal since there are no conflicting demands between Muskogee and Tulsa for Channel 8 and that the principles enunciated by the Commission in the recent deintermixture proceedings point to the necessity and desirability of establishing equal competitive opportunity for television stations serving substantially the same area. KTVX submits that, despite Arthur R. Olson's contention that he would have applied for Channel 8 instead of Channel 17 at Tulsa if it had been available, he provides no explanation as to why he did not apply for Channel 2 at Tulsa which was available at the time he applied for Channel 17; and that there is no basis for his contention that any appropriate modification application he might file for use of Channel 8 instead of 17 would be entitled to comparative consideration with any such application petitioner might file to move its Muskogee station to Tulsa.

10. We have carefully considered the subject proposal to shift Channel 8 from Muskogee to Tulsa and have concluded that the public interest would best be served by reassigning Channel 8 to Tulsa. In reaching this decision, we took into consideration the important fact that such action means the deletion of Muskogee's only VHF assignment and local outlet. However, in view of the relative size of Tulsa and Muskogee and their proximity—Muskogee, with a 1950 population of 32,289, is about 40 miles southeast of Tulsa, the 76th ranking market in the country with a 1950 metropolitan area population of 251,636 and a city population of 182,740—and the two existing VHF stations in Tulsa which provide service to Muskogee, we are convinced that any VHF station located at Muskogee would of necessity be required to compete in the Tulsa market with the Tulsa VHF stations for audience, revenues and programming, and in doing so, would be at a competitive disadvantage because of its identification with the smaller community of Muskogee. Under such circumstances, we do not believe that retaining Channel 8 at Muskogee would insure either the preservation of a local VHF outlet or adequate local television in Muskogee nor provide any appreciable opportunities for effective and comparable competition among a greater number of stations in this area. Channel 8 can be assigned to Tulsa in conformity with all technical requirements of the Rules, and we believe that its assignment there will more fully satisfy the mandate of section 307 (b) of the Communications Act and our television objectives[1] by insuring continued Channel 8 service to Muskogee and enhancing the opportunities for more effective utilization of Channel 8 and improvement in the competitive television situation in this area.

11. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (d), (f), (r), 307 (b) and 316 (a) of the Communications Act of 1934, as amended.

12. In view of the foregoing, *It is ordered*, That effective Sept. 6, 1957, the Table of Assignments, contained in § 3.606 of the Commission's Rules and Regulations, is amended, insofar as the communities named are concerned, as follows:

City	Channel No.
Tulsa, Okla	2+, 6, 8—, *11—, 17+, 23
Muskogee, Okla	*45+, 66+

13. We have also concluded that, under the circumstances presented, the public interest would be served by modifying Tulsa Broadcasting's license for Station KTVX to specify operation on Channel 8 at Tulsa instead of Muskogee. Tulsa Broadcasting now operates Station KTVX on Channel 8 at Muskogee from a transmitter site which would conform to all technical requirements for operation on Channel 8 at Tulsa; and making this frequency available to Tulsa Broadcasting as a Tulsa station would enable it to continue its present service to Muskogee without interruption. We wish to state that we have not overlooked the request of Arthur R. Olson for use of Channel 8 in Tulsa. However, effecting the change he requests in his outstanding authorization for Station KSPG—which has never been constructed—would deprive the public in the Muskogee-Tulsa area of an existing service until such time as he established a Channel 8 operation at Tulsa, and we believe that a grant of his request would not serve the paramount public interest. In taking the action herein we are not endeavoring to assist a particular broadcaster, but to take that action which has the greater likelihood of providing the public with service.

14. Accordingly, *It is further ordered*, That, effective September 6, 1957, the outstanding license of Tulsa Broadcasting Company for the operation of Station KTVX is modified to specify operation at Tulsa, Oklahoma, in lieu of Muskogee, Oklahoma, subject to the following conditions:

(a) That Tulsa Broadcasting Company advise the Commission in writing by August 15, 1957, whether it accepts the modification of its license for operation of Station KTVX at Tulsa, Oklahoma, subject to the conditions listed herein;

(b) Submission to the Commission by August 20, 1957, of all necessary information for the preparation of the modified authorization specifying Tulsa, Oklahoma; and

(c) In the event that Tulsa Broadcasting Company is unable to commence operation of Station KTVX at Tulsa, Oklahoma, in full accordance with the Commission's rules by the effective date specified above, the Commission will consider a request for continued operation of the station, in accordance with the terms and conditions of the current KTVX authorization, until operation at Tulsa, Oklahoma can be commenced.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: August 1, 1957.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6480; Filed, Aug. 7, 1957; 8:50 a. m.]

[Docket No. 12052; FCC 57-884]

[Rules Amdt. 3-83]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (FLORENCE, ALA.)

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations, (Florence, Alabama).

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making released on June 10, 1957 (FCC 57-606) and published in the FEDERAL REGISTER on June 13, 1957 (22 F. R. 4165), proposing to substitute Channel 15 for Channel 41 in Florence, Alabama, in response to a petition filed by Television Muscle Shoals, Inc. The proposal is as follows:

City	Channel No.	
	Delete	Add
Florence, Ala	41	15
Gadsden, Ala	15	37—
Corinth, Miss	29—	41
Grenada, Miss	15	44

2. Comments were filed by the Corinth Broadcasting Company, Inc., licensee of Radio Station WCMA, Corinth, Mississippi and Elton H. Darby, licensee of Radio Station WVNA, Tuscumbia, Alabama.

3. In support of the requested amendments petitioner states that it is the permittee of UHF Station WOWL-TV, authorized to construct on Channel 41 in Florence, and submits that the proposal would enable it to purchase, at a substantial saving, the equipment of a complete UHF station now off the air. Petitioner urges that the proposal conforms to the Rules; that the lower channel would provide better service over a wider area; and that lesser expense would enable it to provide better programs for the public.

4. Mr. Darby states that he intends to file an application for a television station in Tuscumbia, a small community within 15 miles of Florence. He notes that in the event Channel 15 is assigned to Florence and an order to show cause is issued to Television Muscle Shoals as to why its authorization should not be modified to specify operation on Channel 15, it would leave only channel 47[1] in the area and submits that this would give petitioner a competitive advantage. Mr. Darby urges that Channel 15 should be made available to other applicants.

5. Corinth Broadcasting opposes the instant proposals in light of the change required in Corinth from Channel 29 to Channel 41. Corinth Broadcasting submits that while it had not deemed it advisable to apply for Channel 29 previously, is now intends to filed for this assignment.

6. Petitioner seeks the substitution of Channel 15 for Channel 41 in Florence by making additional changes in three other communities. Television Muscle Shoals holds a permit for Channel 41 in Florence but wishes to purchase a Channel 15 transmitter which is available at a saving, in order that it may construct a station and serve the public in the Florence area. Our policy has been to make such changes where there is no immediate prospect of use of the lower UHF channel in the community from which the channel is deleted. In the instant case, Corinth Broadcasting opposes the substitution of Channel 41 for Channel 29 on the ground that it intends to apply for Channel 29 in Corinth.

7. We are of the view that adoption of the instant request would serve the public interest in bringing early television service to Florence. Florence is a community of 23,879 persons, while Corinth has a population of only 9,785. The proposal would not remove an assignment from Corinth but would merely substitute Channel 41 for Channel 29. Thus, Corinth Broadcasting could apply for that assignment or by rule making seek to substitute a lower channel. In the interest of expediting the early establishment of local television service in Florence, we would not be warranted in denying the instant request in order to retain Channel 29 in Corinth.

8. Nor do we believe that Channel 15 in Florence should be made available to new applicants. We are merely modifying the authorization of Muscle Shoals, substituting Channel 15 for Channel 41, in the interest of expediting early television service to the public. Under these circumstances we see no necessity for making Channel 15 available to other applicants. Petitioner, the holder of a construction permit for Channel 41, is presented with the opportunity of purchasing equipment for Channel 15 at low cost. In view of this prospect, petitioner alleges that it may now proceed with the construction and operation of the station. Accordingly, we are of the view that Channel 15 should be assigned to Florence in lieu of Channel 41 and that the outstanding authorization of Station WOWL-TV should be modified to specify operation on Channel 15.

9. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

10. In view of the foregoing, *It is ordered*, That effective September 6, 1957, § 3.606 of the Commission's rules and regulations is amended, insofar as the cities named are concerned, to read as follows:

City	Channel No.
Florence, Ala	15
Gadsden, Ala	21+, 37—
Corinth, Miss	41
Grenada, Miss	44

11. *It is further ordered*, That effective September 6, 1957, the outstanding authorization of Television Muscle Shoals, Inc., for Station WOWL-TV in Florence, Alabama, is modified, to specify operation on Channel 15 instead of Channel 41. Television Muscle Shoals, Inc. should submit to the Commission by August 15, 1957 all information necessary for the preparation of revised engineering specifications.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: August 1, 1957.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6481; Filed, Aug. 7, 1957; 8:50 a. m.]

[Docket No. 12073; FCC 57-888]

[Rules Amdt. 3-85]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (EPHRATA, WASH.)

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Ephrata, Washington).

1. The Commission has before it for consideration the proposal set forth in its Notice of Proposed Rule Making (FCC 57-701) released on July 2, 1957 and published in the FEDERAL REGISTER on July 6, 1957 (22 F. R. 4756) proposing to assign Channel 16 to Ephrata, Washington, in response to a petition filed by Basin TV Company. The proposal is summarized as follows:

City	Channel	
	Present	Proposed
Ephrata, Wash	43	16—, 43.
Kennewick, Wash	25	31.
Port Angeles, Wash	16—	16+ (offset only).
Richland, Wash	31	25.

2. Comments were filed by Columbia River Television Company, applicant for a television station at Kennewick, Washington, and Basin TV Company, Ephrata, Washington.

3. In support of the proposal petitioner submits that it is the permittee of Station KBAS-TV, which has been in operation on Channel 43 at Ephrata since February 15, 1957; that its coverage on Channel 43 is not equal to that of Channel 19 in Pasco, Washington; that it has been the experience of the UHF television industry that frequencies above approximately Channel 40 are less efficient than those below Channel 40; that it is expected that the use of Channel 16 will provide an improved service to the public in the Ephrata area; and that the proposal will meet all the spacing requirements of the rules.

4. Columbia River Television Company submits that it has filed an application for Channel 25 at Kennewick (BPCT-2307); that it has contracted to purchase a used transmitter for Channel 25; and that the proposal herein would require that the assignment in Kennewick be changed from Channel 25 to Channel 31. Columbia urges that this change would cause an economic hardship, and suggests that Channel 16 can be assigned to Ephrata without making any change in Kennewick by providing a channel other than 25 at Richland.

5. In reply to the Columbia River opposition Basin TV urges that there would be no difference in the coverage obtained from Channel 31 as against that from Channel 25; that no hardship would accrue to Columbia River from the change proposed in Kennewick since a transmitter for Channel 25 would require only minor modifications to convert it to Channel 31 and the cost of this change would be a small part of the total cost; and that Columbia River has not proposed any alternative plan to demonstrate that a better allocation in the area is possible.

6. After careful consideration of the comments filed in this proceeding, we are of the view that the Basin TV proposal would serve the public interest and should be adopted. Basin TV has proposed the addition of a low UHF channel in Ephrata by merely exchanging Channels 25 and 31 between Kennewick and Richland and a change in the offset requirement only of another assignment. Channels 25 and 31 are very close in frequency and there is little difference between these channels from the point of view of propagation and equipment. It does not appear therefore that the adoption of the instant proposal would work a hardship on the applicant for Channel 25 in Kennewick. On the other hand, this minor change and the change in the offset requirement for Port Angeles will permit the requested addition of a low UHF assignment in Ephrata as requested by Basin TV.

7. Authority for the adoption of the amendments adopted herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

8. In view of the foregoing, *It is ordered*, That effective September 6, 1957, the Table of Assignments contained in

[1] See Report and Order, FCC 56-587, released June 26, 1956, in the general television allocation proceeding in Docket 11532.

[1] Channel 47 is assigned to Sheffield, Alabama.

§ 3.606 of the Commission's Rules and Regulations, is amended, insofar as the communities named are concerned, as follows:

City	Channel No.
Ephrata, Wash.	16—, 43
Kennewick (also see Kennewick-Richland-Pasco), Wash.	31
Port Angeles, Wash.	16+
Richland (also see Kennewick-Richland-Pasco), Wash.	25

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Adopted: August 1. 1957.

Released: August 5, 1957.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

[F. R. Doc. 57-6482; Filed, Aug. 7, 1957; 8:51 a. m.]

[Docket No. 11654; FCC 57-921]

[Rules Amdt. 8-28]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

TYPE ACCEPTANCE OF TRANSMITTERS, BANDWIDTH AND SPURIOUS EMISSIONS

In the matter of amendment of Parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, and 19 of the Commission's Rules concerning type acceptance of transmitters, bandwidth and spurious emissions.

1. On March 21, 1956, the Commission adopted a Notice of Proposed Rule Making in the above entitled matter, which Notice was published in the FEDERAL REGISTER on March 28, 1956 (21 F. R. 1903). Comments were to be filed by June 1, 1956, and replies within ten days thereafter.

2. Comments were received from the American Telephone and Telegraph Company, Collins Radio Company, General Electric Company, Mackay Radio and Telegraph Company and the Radio-Electronics - Television Manufacturers Association.

3. The instant action deals only with amendment of Part 8 of the Commission's Rules to revise the specifications therein for suppression of spurious emissions in the vicinity of the carrier frequency or the authorized frequency band of emission.

4. Comments received from several persons referred to paragraph 5 of the Notice, which paragraph was concerned with the possible revision of specifications in Commission Rules for suppression of spurious emissions within about 2 percent of the carrier frequency but removed from the carrier frequency by more than 50 per cent of the authorized emission bandwidth. These comments, in essence, argued that a revision of spurious emission limitations in a band extending out to 2 percent of the carrier frequency did not seem appropriate when considered for a wide range of frequencies and for certain emissions. As a matter of fact, these figures were mentioned in the Notice for the purpose of limiting the scope of the proceeding and were not intended to propose specifically that rule revisions be made concerning spurious emissions occurring within these exact limits.

5. Collins Radio Company stated, "From a practical standpoint, it is very difficult to measure spurious outputs within 1 per cent of the carrier frequency that are 50 db or more below the carrier level * * * Therefore, a good practical rule might govern transmitter outputs in a band extending from 100 per cent of the authorized bandwidth to either 30 kc or 1 per cent of the carrier frequency, whichever is larger, from the carrier frequency. The power at any frequency permitted in a band from 50 per cent to 100 per cent of the authorized bandwidth away from the carrier frequency would be required to be 25 db below the level of the unmodulated carrier. From 100 per cent of the authorized bandwidth out to 30 kc or 1 per cent of the carrier frequency—whichever is larger—the output at any frequency would be required to be down 30 db from the unmodulated carrier level."

6. The General Electric Company suggested that prior to detailed study of the problems of various services by the (RETMA) committees, the Commission give consideration to setting up standards based on an "interference caused" philosophy when prescribing bandwidth and close-in spurious emission suppression requirements. Under this basic change of philosophy according to the comment, the close-in emission from various types of transmitters would be probed with a receiving device employing a bandwidth consistent with that normally used in the same neighboring service. Similarly, the time interval would be consistent with that which could cause disturbing interference. The Commission is of the opinion that an attempt to regulate spurious emissions outside the authorized emission bandwidth by defining limits derived from interference caused considerations would, of necessity, give way to regulation limiting spurious emissions to the lowest practicable values consistent with the state of the art, because of the continually increasing congestion in many of the usable portions of the radio frequency spectrum.

7. Mackay Radio and Telegraph Company commented, in essence, that Part 8 of the Commission's Rules should be amended to require any emission appearing at any frequency removed from the carrier frequency by more than 250 per cent of the authorized emission bandwidth to be attenuated below the power of the carrier by the number of decibels not less than that determined by the formula now set forth in § 8.136.

8. Radio Electronics-Television Manufacturers Association (RETMA) and the American Telephone and Telegraph Company suggested, in effect, that in § 2.524, the center of the authorized frequency band of emission, rather than the carrier frequency should be designated as the frequency of reference when measurements are made pursuant to that section. This suggestion is being applied to Part 8 as hereby amended.

9. Section 8.136, as amended below has been modified to require attenuation of spurious omissions below the power of the carrier as follows:

(1) Those occurring on frequencies between 50 and 100 per cent of the authorized emission bandwith removed from the center of the authorized frequency-band of emission: 25 decibels (this requirement is herein extended to apply to certain transmitters operating on frequency assignments below 30 Mc).

(2) Those occurring on frequencies between 100 and 250 per cent of the authorized emission bandwidth removed from the center of the authorized frequency-band of emission: 35 decibels.

(3) Those occurring on frequencies removed from the center of the authorized frequency-band of emission by more than 250 per cent of the authorized emission bandwidth: by $40+10 \log_{10}$ (P) decibels where P is the maximum authorized transmitter power in watts.

10. The requirement of (1) above, extended to apply to transmitters operating below 30 Mc does not represent a material change for such category of transmitters, inasmuch as the definition "Bandwidth Occupied by an Emission" (58 Atlantic City Radio Regulations), which is reflected in Part 8 of the Commission Rules, has been construed heretofore to require approximately 26 db attenuation of emissions removed from the carrier frequency by more than 50 per cent of the authorized emission-bandwidth, for the purposes of Part 8.

11. Information available to the Commission indicates that (2) above is a reasonable exception, in view of the problems of suppression of distortion products occurring in this region.

12. The requirement described in (3) above, has been adopted after examination of a considerable amount of data pertinent to this subject, including comments by the Mackay Radio and Telegraph Company.

13. Information received by the Commission in connection with matters pertaining to type acceptance of equipment and to this docket indicates that transmitters meeting the requirements of Section 8.136, as herein amended, can be manufactured without unreasonable difficulty. At the same time, it is believed that these specifications take advantage of present techniques in spurious emission suppression to the highest practicable degree consistent with the attendant considerations of cost and technical complexity.

14. For purposes of clarification certain editorial changes have also been made to § 8.136.

15. In view of the foregoing, *It is ordered*, under the authority contained in sections 4 (i), 303 (c), (e), (f) and (r) of the Communiactions Act of 1934, as amended, That part 8 of the Commission's Rules is amended, effective September 10, 1957, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: August 1, 1957.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 8 is amended as follows:

1. Section 8.136: Delete the present section in its entirety and insert an amended section as follows:

§ 8.136 *Spurious emission limitations.*

(a) Spurious emissions originating in transmitters authorized under this part are subject to the limitations set forth in paragraph (b) of this section, which limitations shall be applicable in accordance with paragraphs (c), (d) and (e) of this section.

(b) The power of any spurious emission shall be reduced below the power of the carrier in accordance with the following schedule:

(1) On any frequency removed from the center of the auhtorized frequency band of emission by between 50 per cent and 100 per cent of the authorized emission bandwidth: at least 25 decibels;

(2) On any frequency removed from the center of the authorized frequency band of emission by between 100 per cent and 250 per cent of the authorized emission bandwidth: at least 35 decibels;

(3) On any frequency removed from the center of the authorized frequency band of emission by more than 250 per cent of the authorized emission bandwidth: by at least the number of decibels equal to $40+10 \log_{10} P$, where P is the maximum "authorized transmitter power" in watts as such power is specifically defined in § 8.7 (ii) without applying the power tolerance prescribed in § 8.110 (a).

(c) Except as outlined in paragraph (d) of this section, the requirements of paragraph (b) of this section shall be applicable as follows:

(1) To any radio transmitter for which type acceptance is requested.

(2) To radio transmitters when operating on any frequency assignment between 30 Mc and 500 Mc.

(3) After June 1, 1958, to any radio transmitter when operating on any frequency below 30 Mc.

(d) The requirements of paragraph (b) of this section shall not apply to:

(1) Lifeboat transmitters;

(2) Transmitters authorized in developmental station licenses;

(3) Radiotelegraph transmitters licensed for operation on any frequency assignment below 30 Mc prior to June 1, 1958, which are authorized in a station license issued to the same licensee or for a station on board the same vessel;

(4) Other radio transmitters licensed for operation on any frequency assignment below 30 Mc prior to June 1, 1958, which are authorized in a station license issued to the same licensee or for a station on board the same vessel until they are authorized in a new or renewed station license issued in response to an application filed after June 1, 1963.

(e) When an emission outside of the authorized emission bandwidth causes harmful interference to an authorized service the Commission may require more attenuation of such emission than specified in paragraph (b) of this section.

[F. R. Doc. 57-6483; Filed, Aug. 7, 1957; 8:51 a. m.]

[Docket No. 12027; FCC 57-933]

[Rules Amdts. 16-17 and 19-3]

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 19—CITIZENS RADIO SERVICE

PERMISSIBLE SCOPE OF COMMUNICATIONS DURING CIVIL DEFENSE TESTS, DRILLS, OR ACTUAL EMERGENCIES

In the matter of amendment of Parts 16 and 19, Rules governing the Land Transportation and Citizens Radio Services, respectively, to clarify the permissible scope of communications during civil defense tests, drills, or actual emergencies, and to prescribe procedures relating thereto.

1. On May 16, 1957, the Commission released a Notice of Proposed Rule Making which was published in the FEDERAL REGISTER of May 22, 1957 (22 F. R. 3599) in accordance with section 4 (a) of the Administrative Procedure Act, proposing to amend Parts 16 and 19 of its rules, which govern the Land Transportation and Citizens Radio Services, respectively, to clarify the scope of communications which may be engaged in by stations in these services during civil defense tests, drills, or actual emergencies and to prescribe procedures relating to such communications.

2. The period in which interested persons were afforded an opportunity to submit comments thereto has expired. The only comments received on the proposed amendments were submitted by the Federal Civil Defense Administration. While the FCDA supports the proposed rule making, it suggests certain changes primarily relating to the notices to be sent to the Engineer in Charge of the Radio District and the Federal Communications Commission in Washington when the taxicab radio stations are diverted from the normal operation to that of providing communication facilities for civil defense agencies.

3. The first suggestion submitted by the FCDA proposes to modify the proposed § 16.405 to specifically provide that, "in the event of a preplanned drill or test which would be scheduled for periodic recurrences at certain intervals that a single prior notice to the Commission of the contemplated tests would satisfy the notice requirements." The FCDA suggests inserting a new paragraph to § 16.404 (b) to clarify the notification procedure for recurring tests or drills. The Commission believes that the proposed revision has merit and accordingly adopts the language suggested by the FCDA. It is further modifying the proposed § 19.67 to make similar provisions for the Citizens Radio Service.

4. In addition, the FCDA suggests that § 19.67, relating to the use of Citizens Radio stations be modified to provide that notification of the use of a Citizens station would not be required in the event its participation in the civil defense communications was confined to transmissions which would be otherwise authorized by Part 19. The FCDA suggests that § 19.67 (4) be modified to include the following italicized language: "As soon as possible after the beginning of such use *which is not otherwise authorized in this part*, the licensee shall send notice to the Commission in Washington, D. C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of, or termination of such use." Section 19.59 which relates to the permissible communications, provides that Citizens Radio stations may not be used for any purpose contrary to Federal, state, or local law; or to carry communications for hire; or to carry program material of any kind either directly or indirectly for use in connection with radio broadcasting; or for direct transmission to the public through public address systems or by any other means. It is believed that the language proposed by the FCDA might be interpreted to permit Citizens Radio stations to engage in any of the above upon notice to the Commission. Since it is understood that the changes proposed by the FCDA relate primarily to a clarification of the notification procedure and the points of communications and not to an enlargement of the scope of service permitted Citizens Radio stations, the Commission has not adopted the second suggestion of the FCDA in the form in which it was proposed. However, since it was not intended in the original proposal to preclude intercommunications between Citizens Radio stations and stations in other services while such stations were engaged in civil defense activities, and in order to clarify the proposed rules in this respect, the Commission is also amending § 19.59 (a) at this time to read as follows:

(a) Each station in the Citizens Radio Service is authorized to communicate with other stations in this service. Communications with stations licensed under other parts of the Commission's rules or with the United States Government or foreign stations is prohibited except for communications relating to civil defense in accordance with the provisions of § 19.67.

5. These amendments to Parts 16 and 19 of the Commission's rules as further modified and clarified by this Report and Order are promulgated under the authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

6. Accordingly, *It is ordered*, That effective September 10, 1957, Part 16 and Part 19 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: August 1, 1957.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Amendment of Part 16, rules governing the land transportation radio services.

1. Amend § 16.151 to add a new paragraph (g) to read as follows:

(g) A licensee of a station authorized under this part may use the licensed radio facilities for the transmission of messages relating to civil defense activities in connection with official tests or drills conducted by, or actual emergencies proclaimed by, the civil defense agency having jurisdiction over the area in which the station is located: *Provided*, That:

(1) The operation of the radio station shall be on a voluntary basis.

(2) The operation of the station shall not conflict with CONELRAD requirements, and

(3) The messages transmitted relate to the activity or activities which formed the basis of the licensee's eligibility in the radio service in which authorized except as otherwise provided in this part.

2. Add a new § 16.405 to read as follows:

§ 16.405 *Civil defense communications.* In addition to communications permitted under the provisions of § 16.151 (g) stations in the Taxicab Radio Service may be used for the transmission of the following: (a) Messages relating to the dispatch of taxicabs which are temporarily diverted from their normal public passenger transportation activities to the performance of civil defense transportation functions.

(b) Messages relating to the activities of the civil defense agency in those cases where other communications facilities including the Radio Amateur Civil Emergency Service Disaster or Domestic Public Services are inoperative or inadequate, either in fact or during a simulated civil defense emergency: *Provided*, That:

(1) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington, D. C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use.

(2) In the event such use is to be a series of preplanned tests or drills of the same or similar nature which are scheduled in advance for specific times or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D. C., and to the Engineer of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests.

(3) The Commission may, at any time, order the discontinuance of such special use of the authorized facilities.

B. Amendment of Part 19, Rules governing the citizens radio service.

1. Amend § 19.59 (a) to read as follows:

(a) Each station in the citizens radio service is authorized to communicate with other stations in this service. Communications with stations licensed under other parts of the Commission's rules or with United States Government or foreign stations is prohibited, except for communications relating to civil defense in accordance with the provisions of § 19.67.

2. Add a new § 19.67 to read as follows:

§ 19.67 *Civil defense communications.* A licensee of a station authorized under this part may use the licensed radio facilities for the transmission of messages relating to civil defense activities in connection with official tests or drills conducted by, or actual emergencies proclaimed by, the civil defense agency having jurisdiction over the area in which the station is located: *Provided*, That:

(a) The operation of the radio station shall be on a voluntary basis.

(b) The operation of the station shall not conflict with CONELRAD requirements.

(c) Such communications are conducted under the direction of civil defense authorities.

(d) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington D. C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use.

(e) In the event such use is to be a series of preplanned tests or drills of the same or similar nature which are scheduled in advance for specific times or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D. C., and to the Engineer of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests.

(f) The Commission may, at any time, order the discontinuance of such special use of the authorized facilities.

[F. R. Doc. 57-6484; Filed, Aug. 7, 1957; 8:51 a. m.]

[Docket No. 12043; FCC 57-922]

[Rules Amdt. 18-15]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

ULTRASONIC EQUIPMENT

In the matter of amendment of § 18.71 (b) of the Commission's Rules and Regulations with respect to Ultrasonic Equipment.

1. On May 29, 1957, the Commission issued a Notice of Proposed Rule Making to amend § 18.17 (b) of the rules concerning ultrasonic equipment. It was proposed that ultrasonic measurement equipment that operates over a continuous band of frequencies be permitted to use the frequency bands 490–510 kc, 2170–2194 kc and 8354–8374 kc.

2. The rule making was issued in response to a petition from the Ultrasonic Manufacturers' Association which pointed out that the usefulness of ultrasonic measurement equipment was impaired without the availability of the above mentioned operating frequencies. The petition states that one of the most important functions of certain ultrasonic equipment is the measurement of metal wall thickness from one side of the wall. This is accomplished by measuring the resonant frequency, since for a particular material each thickness has a corresponding resonant frequency. If all thicknesses must be measured, a continuous spectrum of frequencies, without gaps, must be available for use in the test instrument. Ultrasonic test instruments using the resonance method are used to make thickness measurements and to detect laminar flaws on complex parts such as missile, airframe and aircraft engine components. With the exception of some special purpose designs, it is not possible to design satisfactory test equipment unless a continuous frequency range can be used.

3. No comments have been received objecting to the Commission's amendment as proposed. The Commission believes that the public interest will be served by adopting the amendment as proposed and set forth below. Authority for this action is contained in section 4 (i), 301 and 303 (f) of the Communications Act of 1934, as amended (47 U. S. C. 154 (i), 301, and 303 (f)).

4. In view of the foregoing considerations, *It is ordered*, That effective September 16, 1957, Part 18 of the Commission's Rules Governing Industrial, Scientific, and Medical Service is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: August 1, 1957.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 18.71 (b) of the Commission's rules is amended to read as follows:

(b) Except for ultrasonic measurement equipment that operates over a continuous band of frequencies, the fundamental frequency of operation shall fall outside the frequency bands 490–510 kc, 2170–2194 kc, and 8354–8374 kc.

[F. R. Doc. 57-6485; Filed, Aug. 7, 1957; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUIT AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

NOTICE EXTENDING TIME IN WHICH TO FILE VIEWS AND COMMENTS ON PROPOSALS TO ESTABLISH DEFINITIONS AND STANDARDS OF IDENTITY FOR CERTAIN TYPES OF FROZEN CONCENTRATES FOR LEMONADE

A request has been received for extension of the time for filing views and comments upon the proposal to establish definitions and standards of identity for certain types of frozen concentrates for lemonade which was published in the FEDERAL REGISTER on June 29, 1957 (22 F. R. 4620).

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and delegated to him by the Secretary (22 F. R. 1045), the Commissioner of Food and Drugs hereby extends until August 30, 1957, the time for filing views and comments upon the proposals to adopt definitions and standards of identity for certain types of frozen concentrates for lemonade.

Dated: August 2, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-6457; Filed, Aug. 7, 1957; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78]

[Notice 32; Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

JULY 19, 1957.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments and the reasons therefor are set forth below.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submision of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before August 21, 1957. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the Federal Register.

(62 Stat. 738, 18 U. S. C. 831–835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F. R. 8265, 8268, Dec. 2, 1950) (17 F. R. 1558, Feb. 20, 1952) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
*Cement, liquid, n. o. s. *Smokeless powder for cannon or small arms.* See Propellant explosives, class A explosives or High explosives.	F. L.	73.118, 73.119, 73.132	Red	15 gallons.
Vinyl chloride, inhibited	F. G.	73.302, 73.308, 73.314, 73.315	Red gas	300 pounds.
(Add)				
Carbon dioxide gas, liquefied ("mining device"). *Liquefied carbon dioxide gas ("mining device").* See Carbon dioxide gas, liquefied ("mining device").	Nonf. G.	73.308 (a), Note 5	Green	6 pounds.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

In § 73.31 amend paragraph (a) table; cancel note 11 to paragraph (a) table and redesignate note 12 to paragraph (a) table as note 11; amend paragraph (k) (22 F. R. 3661, May 24, 1957) (22 F. R. 2224, April 4, 1957) (15 F. R. 8279, Dec. 2, 1950) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) • • •

Where these regulations call for specification Nos.—	These specification containers may also be used subject to the provisions of the following notes—
103[11] and 103-W[11]	ARA-II[11], III[11] and IV.[11]
103A[11] and 103A-W[11]	ARA-II[11] and III.[11]
103B[11] and 103B-W[11]	ARA-II[11] and III,[11] rubber lined.
103C-W[11]	103C.[11]
103D-W, 103E-W, 103A-N-W.	(See Note 10.)
104[11] and 104-W[11]	ARA-IV.[11]
105A100 and 105A100-W.	104A[7] and 104A-W.[7]
105A100-AL-W	104A-AL-W.[7]
105A300-W	ARA-V,[7] ICC-105[7] and 105A300.[7]
105A400-W	105A400.
105A500-W	105A500.
105A600-W	105A600.
106A500 and 106A500-X.	ICC-27 tanks mounted on a car and classified as multi-unit tank prior to Oct. 1, 1930.[8]
106A800 and 106A800-X.	None.
106A800NCI	None.
107A****	None.

• • • • • •

[11] 103C, 103C-W and 103A-AL-W (§§ 78.283 and 78.292 of this chapter) tank cars built prior to August 31, 1956 equipped with a safety valve having a pressure setting of 45 psi. may be used. Cars equipped with 45 psi. safety valves may be continued in service but these valves may be reset to 35 psi. by changing the spring to a design suitable for the decreased pressure setting.

• • • • • •

(k) Tank cars equipped with interior heater coils, except when coils are rendered inoperative by blocking off the inlet and outlet, must be loaded with heater coil inlet and outlet caps off during entire time tanks are being loaded and show no leakage with caps off.

• • • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

In § 73.101 amend paragraph (a) (15 F. R. 8296, Dec. 2, 1950) to read as follows:

§ 73.101 *Small-arms ammunition.* (a) Small-arms ammunition must be packed in pasteboard or other inside boxes or must be in metal clips packed in securely closed strong wooden boxes, fiberboard boxes, or metal containers. When in clips, the clips must be so designed as to protect the primers from accidental injury.

• • • • • •

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

In § 73.118 amend paragraph (c) (25) (20 F. R. 8100, Oct. 28, 1955) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* • • •

(c) • • •

(25) Dimethylhydrazine, unsymmetrical.

• • • • • •

2. In § 73.132 amend the heading and introductory text of paragraph (a) (20 F. R. 8101, Oct. 28, 1955) to read as follows:

§ 73.132 *Cement, liquid, n. o. s., container cement, linoleum cement, pyroxy-*

lin cement, rubber cement, tile cement, wallboard cement; and coating solution.

(a) Cement, liquid, n. o. s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution must be packed in specification containers as follows:

• • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.153 amend paragraph (b) (21 F. R. 364, Jan. 19, 1956) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(b) Liquid or solid organic peroxides (see § 73.244 (a)), except acetyl benzoyl peroxide, solid, and benzoyl peroxide, in strong outside containers having not over 1 pint or 1 pound net weight of the material in any one such package, having inside containers securely packed and cushioned with incombustible cushioning are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77, except § 77.817 of this chapter, and Part 197 of the I. C. C. Motor Carrier Safety Regulations.

• • • • •

2. In § 73.157 add paragraph (a) (3) (15 F. R. 8304, Dec. 2, 1950) to read as follows:

§ 73.157 *Benzoyl peroxide, chlorobenzoyl peroxide (para), lauroyl peroxide, or succinic acid peroxide, wet.* (a) • • •

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1 pound capacity each. Except for lauroyl peroxide, wet, each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in spec. 12B65 (§ 78.205 of this chapter) boxes may be more than 65 but not more than 80 pounds provided net weight of contents does not exceed 50 pounds.

3. In § 73.234 add paragraph (a) (4) (19 F. R. 1278, March 6, 1954) to read as follows:

§ 73.234 *Sodium nitrite.* (a) • • •

(4) Spec. 37A (§ 78.131 of this chapter). Metal drums constructed of steel having minimum thickness of 24 gauge. Bolted or lever-lock closure rings authorized provided drums withstand test prescribed by § 78.131–11 of this chapter. Authorized gross weight not over 425 pounds.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.245 add paragraph (a) (18) (15 F. R. 8313, Dec. 2, 1950) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(18) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be packed in the outside container.

2. In § 73.247 add Note 1 to paragraph (a) (6) (22 F. R. 2226, Apr. 4, 1957) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(6) • • •

NOTE 1: Stabilization of benzyl chloride is not required when loaded in tanks which are made from 99% pure nickel and otherwise comply with all the requirements of Specification 103A–W.

• • • • •

3. In § 73.252 add paragraph (a) (4) (15 F. R. 8315, Dec. 2, 1950) to read as follows:

§ 73.252 *Bromine.* (a) • • •

(4) Spec. MC 310 (§ 78.330 of this chapter). Tank motor vehicles. The tank must have a steel shell thickness of 3/8" minimum and must be lined with lead of at least 3/8" thickness. The water weight capacity of the tank must not be more than 5100 pounds and the maximum quantity of liquid bromine loaded into the tank must not be more than 15,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is the lesser. In no case shall the quantity loaded be less than 98 percent of the quantity the tank is authorized to carry.

• • • • •

4. In § 73.257 add paragraph (a) (11) (15 F. R. 8315, Dec. 2, 1950) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(11) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be packed in the outside container.

• • • • •

5. In § 73.258 add paragraphs (a) (2) and (3) (15 F. R. 8315, Dec. 2, 1950) to read as follows:

§ 73.258 *Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries.* (a) • • •

(2) Electrolyte, acid, or alkaline corrosive battery fluid included with storage batteries and filling kits may be packed in strong plywood or wooden boxes when shipments are made by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government in outside containers of their specifications provided the electrolyte, acid, or alkaline corrosive battery fluid is packed in polyethylene bottles not over 32-ounce capacity each and not more than 20 bottles securely separated from storage batteries and kits may be shipped in one outside package.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than 12 inside containers of polyethylene or oher material resistant to the lading, not over 64-ounce capacity each. Polyethylene containers that are not rigid or semi-rigid in nature must be contained in other strong inside containers; minimum thickness of polyethylene or other plastic material shall be not less than 0.003 inch for any film sheet for multi-wall containers or not less than 0.006 inch for single-wall containers. Inside containers must be adequately separated from the storage battery. Authorized gross weight not over 65 pounds. (See § 78.205–33 of this chapter).

6. In § 73.260 amend paragraphs (c) (1) and (2) (21 F. R. 672, Jan. 31, 1956) (17 F. R. 4294, May 10, 1952) to read as follows:

§ 73.260 *Electric storage batteries, wet.* • • •

(c) • • •

(1) Slip cover or fiberboard box must fit snugly and provide inside top clearance of at least ½ inch above battery terminals and filler caps with reinforcement in place. Assembled for shipment, the bottom edges of the slip cover may extend to the base of the battery but must not expose more than 1 inch thereof.

(2) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps); or be protected by a scored one piece coverliner of 200-pound test (Mullen or Cady) double faced corrugated fiberboard extending from the base of the battery on one side, across the top of the battery and to the base of the battery on the opposite side. When top of slip cover or fiberboard box consists of only one thickness of material, reinforcement must have a plane surface of same interior dimensions and thickness. Reinforcement must be of a height to provide minimum clearance required above and must be constructed to remain securely in place or be fastened to slip cover or fiberboard box.

• • • • •

7. In § 73.262 add paragraph (a) (7) (15 F. R. 8316, Dec. 2, 1950) to read as follows:

§ 73.262 *Hydrobromic acid.* (a) • • •

(7) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container.

• • • • • •

8. In § 73.263 add paragraph (a) (16) (21 F. R. 9357, Nov. 30, 1956) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.* (a) • • •

(16) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container.

• • • • •

9. In § 73.272 add paragraph (c) (6) (15 F. R. 8321, Dec. 2, 1950) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(c) • • •

(6) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container.

• • • • •

10. In § 73.289 add paragraph (a) (12) (16 F. R. 11779, Nov. 21, 1951) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(12) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. § 73.308 amend Note 5 to paragraph (a) (15 F. R. 8326, Dec. 2, 1950) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

NOTE 5: Mining devices consisting of a cylinder containig carbon dioxide with a heating element are authorized for shipment under the following conditions: Cylinders shall be of steel, have a calculated bursting pressure of at least 39,000 pounds per square inch, be fitted with a frangible disc that will operate at not over 57 percent of that pressure, be able to withstand a drop of 10 feet so as to strike crosswise on a steel rail while under internal pressure of at least 3,000 pounds per square inch, and be charged with not over 6 pounds of carbon dioxide gas at a filling density of not over 85 percent. (See Note 12 of this section); the cylinders are exempted from specification requirements other than the foregoing; the device must be shipped in strong boxes or must be wrapped in heavy burlap and bound by 12 gauge wire with the wire completely covered by friction tape. Wrapping must be applied so as not to interfere with the functioning of the frangible disc safety device. Shipments must be described as "liquefied carbon dioxide gas (mining device)" and must be marked, labeled, and certified as prescribed for liquefied carbon dioxide.

• • • • •

2. In § 73.312 amend paragraph (a) (1) (19 F. R. 6269, Sept. 29, 1954) to read as follows:

§ 73.312 *Liquefied petroleum gas.* (a) • • •

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B240X[1] (see appendix A to Subpart C of Part 78 of this chapter), 4B240FLW, 4B240ET, 4E, or 9, 25,[1] 26,[1] 38,[1] or 41 (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, 78.51, 78.54, 78.55, 78.68, 78.63 or 78.67 of this chapter). Cylinders authorized under § 73.34 (a) to (e) may be used.

(No change in Note 1.)

• • • • •

3. In § 73.314 amend paragraph (a) table; amend Note 2; amend the introductory text of paragraphs (a) and (b) in Note 3; add paragraph (c) and (d) to Note 3; add Note 21; amend paragraph (b); amend paragraph (c) (22 F. R. 2227, 2228, April 4, 1957) (21 F. R. 4565, June 26, 1956) (15 F. R. 8328, 8329, Dec. 2, 1950) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(*Change*)	*Percent*	
Anhydrous ammonia	50	ICC–106A500, 106A500X, Note 12.
	57	ICC–105A300–W.
	57	ICC–112A400–W, Note 21.
	58.8	ICC–112A400–W, Note 21.
Crude nitrogen fertilizer solution	Note 6	ICC–106A500, 106A500X.
		ICC–105A300–W, 109A300–W, Note 5.
Fertilizer ammoniating solution containing free ammonia.	Note 6	ICC–106A500, 106A500X.
		ICC–105A300–W, 109A300–W, Note 5.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note 3	ICC–105A300–W, 112A400–W, Notes 5 and 9.
Nitrogen fertilizer solution	Note 6	ICC–106A500, 106A500X.
		ICC – 105A300 – W, 109A300 – W, ICC – 109A300AL–W, Note 5.

• • • • •

NOTE 2: Unless otherwise specifically provided, when class 105A–W, 015A–AL–W, 106A500, 106A500X, or 109A–AL–W tank cars are prescribed, the same class tank cars having higher marked test pressures than those prescribed may also be used.

NOTE 3: (a) Maximum permitted filling density in lagged (insulated) single-unit tank cars transporting liquefied petroleum gas or butadiene of specific gravity shown, taken at 60 degrees Fahrenheit.

(No change in table.)

• • • • •

NOTE 3: (b) For shipments made in lagged (insulated) single-unit tank cars during the months of November to March, inclusive, the following filling densities may be used in lieu of those specified in the table in Note 3 (a). When these filling densities are used, tank cars must be shipped directly to consumers for unloading. Storage in transit is not permitted.

(No change in table.)

• • • • •

NOTE 3: (c) Maximum permitted filling density in unlagged (uninsulated) single-unit tank cars transporting liquefied petroleum gas of specific gravity shown, taken at 60 degrees Fahrenheit.

Specific gravity	Filling density	Specific gravity	Filling density
0.500	44.88	0.550	50.88
0.501	45.00	0.551	51.00
0.502	45.13	0.552	51.13
0.503	45.25	0.553	51.25
0.504	45.38	0.554	51.38
0.505	45.50	0.555	51.50
0.506	45.60	0.556	51.60
0.507	45.70	0.557	51.70
0.508	45.80	0.558	51.80
0.509	45.90	0.559	51.90
0.510	46.00	0.560	52.00
0.511	46.13	0.561	52.13
0.512	46.25	0.562	52.25
0.513	46.38	0.563	52.38
0.514	46.50	0.564	52.50
0.515	46.63	0.565	52.63
0.516	46.75	0.566	52.75
0.517	46.88	0.567	52.88
0.518	47.00	0.568	53.00
0.519	47.13	0.569	53.10
0.520	47.25	0.570	53.20
0.521	47.38	0.571	53.30
0.522	47.50	0.572	53.40
0.523	47.63	0.573	53.50
0.524	47.75	0.574	53.63
0.525	47.88	0.575	53.75
0.526	48.00	0.576	53.88
0.527	48.13	0.577	54.00
0.528	48.25	0.578	54.10
0.529	48.38	0.579	54.20
0.530	48.50	0.580	54.30
0.531	48.63	0.581	54.40
0.532	48.75	0.582	54.50
0.533	48.88	0.583	54.63
0.534	49.00	0.584	54.75
0.535	49.13	0.585	54.88
0.536	49.25	0.586	55.00
0.537	49.38	0.587	55.13
0.538	49.50	0.588	55.25
0.539	49.60	0.589	55.38
0.540	49.70	0.590	55.50
0.541	49.80	0.591	55.60
0.542	49.90	0.592	55.70
0.543	50.00	0.593	55.80
0.544	50.13	0.594	55.90
0.545	50.25	0.595	56.00
0.546	50.38	0.596	56.13
0.547	50.50	0.597	56.25
0.548	50.63	0.598	56.38
0.549	50.75	0.599	56.50

NOTE 3: (d) For shipments made in unlagged (uninsulated) single-unit tank car, during the months of November to March, inclusive, the following filling densities may be used in lieu of those specified in Note 3 (c). When these filling densities are used, tank cars must be shipped directly to consumers for unloading. Storage in transit is not permitted.

Specific gravity	Filling density	Specific gravity	Filling density
0.500	46.88	0.538	51.10
0.501	47.00	0.539	51.20
0.502	47.10	0.540	51.30
0.503	47.20	0.541	51.40
0.504	47.30	0.542	51.50
0.505	47.40	0.543	51.63
0.506	47.50	0.544	51.75
0.507	47.63	0.545	51.88
0.508	47.75	0.546	52.00
0.509	47.88	0.547	52.10
0.510	48.00	0.548	52.20
0.511	48.10	0.549	52.30
0.512	48.20	0.550	52.40
0.513	48.30	0.551	52.50
0.514	48.40	0.552	52.63
0.515	48.50	0.553	52.75
0.516	48.63	0.554	52.88
0.517	48.75	0.555	53.00
0.518	48.88	0.556	53.10
0.519	49.00	0.557	53.20
0.520	49.10	0.558	53.30
0.521	49.20	0.559	53.40
0.522	49.30	0.560	53.50
0.523	49.40	0.561	53.63
0.524	49.50	0.562	53.75
0.525	49.63	0.563	53.88
0.526	49.75	0.564	54.00
0.527	49.88	0.565	54.10
0.528	50.00	0.566	54.20
0.529	50.10	0.567	54.30
0.530	50.20	0.568	54.40
0.531	50.30	0.569	54.50
0.532	50.40	0.570	54.60
0.533	50.50	0.571	54.70
0.534	50.63	0.572	54.80
0.535	50.75	0.573	54.90
0.536	50.88	0.574	55.00
0.537	51.00	0.575	55.13

Specific gravity	Filling density	Specific gravity	Filling density
0.576	55.25	0.606	58.50
0.577	55.38	0.607	58.64
0.578	55.50	0.608	58.75
0.579	55.60	0.609	58.88
0.580	55.70	0.610	59.00
0.581	55.80	0.611	59.10
0.582	55.90	0.612	59.20
0.583	56.00	0.613	59.30
0.584	56.13	0.614	59.40
0.585	56.25	0.615	59.50
0.586	56.38	0.616	59.63
0.587	56.50	0.617	59.75
0.588	56.60	0.618	59.88
0.589	56.70	0.619	59.97
0.590	56.80	0.620	60.07
0.591	56.90	0.621	60.18
0.592	57.00	0.622	60.28
0.593	57.10	0.623	60.38
0.594	57.20	0.624	60.49
0.595	57.30	0.625	60.59
0.596	57.40	0.626	60.70
0.597	57.50	0.627	60.80
0.598	57.60	0.628	60.90
0.599	57.70	0.629	61.01
0.600	57.80	0.630	61.11
0.601	57.90	0.631	61.18
0.602	58.00	0.632	61.28
0.603	58.13	0.633	61.38
0.604	58.25	0.634	61.47
0.605	58.38	0.635	61.57

• • • • • •

NOTE 21: A filling density of 58.8 percent may be used during the months of November to March, inclusive. When this filling density is used, tank cars must be shipped directly to consumers for unloading. Storage in transit is not permitted.

(b) The gas pressure at 105° F. in any lagged tank of tank cars of specs. 105A100, 105A100–W, 105A100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 109A300–W, 109A100AL–W, 109A300AL–W, or 111A100–W–4 (§§ 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.300, 78.287, 78.288, 78.289, 78.301, 78.302, 78.314, or 78.306 of this chapter); at 115° F. in any unlagged tank of tank cars of spec. 112A400–W (§ 78.312 of this chapter); and at 130° F. in any unlagged tank of tank cars of spec. 106A500, 106A500X, 106A800, 106A800X, or 110A500–W (§§ 78.275, 78.276, or 78.293 of this chapter) must not exceed three-fourths times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any unlagged tank of tank cars of the 107A (§ 78.277 of this chapter) series must not exceed seven-tenths of the marked test pressure of the tank.

(No change in Note 1.)

• • • • •

(c) The liquid portion of the gas at 105° F. must not completely fill a lagged tank nor at 130° F. completely fill an unlagged tank except that the liquid portion of the gas at 115° F. must not completely fill an unlagged tank of spec. 112A400–W (§ 78.312 of this chapter).

• • • • •

4. In § 73.315 amend paragraph (a) (1) table; amend paragraph (h) table; amend paragraph (i) (2) table (18 F. R. 6780, Oct. 27, 1953) (21 F. R. 3012, May 5, 1956) as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (p. s. i. g.)
(Add)				
Vinyl chloride, inhibited	84	See Note 7	MC–330	250

• • • • • •

(h) • • •

Kind of gas	Permitted gauging device
(Add)	
Vinyl chloride, inhibited	None

• • • • • •

(i) • • •

(2) • • •

Kind of gas	Minimum start-to-discharge pressure (p. s. i. g.)
(Add)	
Vinyl chloride, inhibited	250

• • • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.346 amend paragraph (a) (16); add paragraph (a) (17) (22 F. R. 3926, June 5, 1957) (15 F. R. 8335, Dec. 2, 1950) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) • • •

(16) Spec. 42B, 42C, or 42D (§§ 78.107, 78.108, or 78.109 of this chapter). Aluminum drums.

(17) Spec. 42E (§ 78.136 of this chapter). Aluminum drums (single-trip).

2. In § 73.354 amend paragraph (a) (5) and Note 1 (21 F. R. 673, Jan. 31, 1956) to read as follows:

§ 73.354 *Motor fuel antiknock compound or tetraethyl lead.* (a) • • •

(5) Spec. MC 330 (§ 78.336 of this chapter) (see Note 1). Tank motor vehicles. Authorized for motor fuel antiknock compound only.

NOTE 1: Spec. MC 300, MC 301, MC 302, or MC 303 (§§ 78.321, 78.322, 78.323, or 78.324 of this chapter) tank motor vehicles in motor fuel antiknock compound service prior to October 1, 1955 may be continued in service.

3. In § 73.369 amend paragraph (a) (14) (15 F. R. 8337, Dec. 2, 1950) to read as follows:

§ 73.369 *Carbolic acid (phenol), not liquid.* (a) • • •

(14) Spec. MC 300, MC 301, MC 302, MC 303, MC 310, or MC 311 (§§ 78.321, 78.322, 78.323, 78.324, 78.330, or 78.331). Tank motor vehicles.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 73.414 paragraph (a) amend the Note following the label (17 F. R. 7283, Aug. 9, 1952) to read as follows:

§ 73.414 *Radioactive materials labels.* (a) • • •

NOTE: This label must be duly executed by the shipper and the number of radiation units must be shown. For purposes of these regulations 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm of hard gamma rays of radium filtered by ½ inch of lead.

• • • • •

SUBPART I—SHIPPING INSTRUCTIONS

In § 73.432 amend Note 2 to paragraph (e) (15 F. R. 8344, Dec. 2, 1950) to read as follows:

§ 73.432 *Tank car shipments.* • • •

(e) • • •

NOTE 2: Carriers should give permission for the unloading of these containers on carrier tracks only where no private siding is available within reasonable trucking distance of final destination. The danger involved is the release of compressed gases due to accidental injury to container in handling. The exposure to this danger decreases directly with the isolation of the unloading point.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

In § 74.526 amend the introductory text of paragraph (n) and subparagraphs (1) and (2) (20 F. R. 953, Feb. 15, 1955) (20 F. R. 4418, June 23, 1955) to read as follows:

§ 74.526 *Loading explosives into cars.* • • •

(n) Container cars or portable containers on flat cars or gondola cars (drop-bottom cars not authorized), when properly loaded, blocked, and braced to prevent change of position under conditions incident to normal transportation, may be used for any class A explosive except black powder packed in metal containers. Portable containers must be of a type approved by the Bureau of Explosives and when constructed of wood must have been painted or treated with fire-retardant material.

(1) Portable containers must be of such design and so braced that there will be no evidence of failure of the container or the bracing when subjected to impact of at least 8 miles per hour. Efficiency shall be determined by actual test, using dummy loads equal in weight and general character to material to be shipped.

(2) Container cars or cars which are loaded with portable containers must be placarded with the "Explosives" placards as prescribed in § 74.550 and properly executed car certificates as required by § 74.525.

• • • • •

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 74.538 paragraph (a) chart, amend footnote e (22 F. R. 2229, April 4, 1957) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

• Does not include nitro carbo nitrate or ammonium nitrate, fertilizer grade, which may be loaded, transported or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

• • • • •

SUBPART C—PLACARDS ON CARS

1. In § 74.549 amend paragraph (h) (21 F. R. 7604, Oct. 4, 1956) to read as follows:

§ 74.549 *Application of placard.* • • •

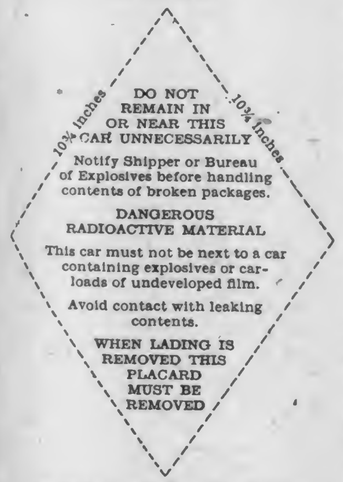
(h) Placards as required by §§ 74.540, 74.541, and 74.542 must be securely applied to both sides and both ends of car, or to both sides and both ends of truck body or trailer loaded on flat cars, containing explosives or other dangerous articles. Car certificates as required by § 74.525 must be securely applied to both sides of such cars. When more than one trailer is loaded on a flat car, placards must be applied so as to be plainly visible from both ends of the car.

2. Amend entire § 74.553 (22 F. R. 3926, June 5, 1957) to read as follows:

§ 74.553 *Dangerous-Radioactive material placard.* (a) The "Dangerous-Radioactive material" placard for class D poisons must be of diamond shape, measuring 10¾ inches on each side, and must bear the wording in red letters as shown in the following cut:

DANGEROUS PLACARD FOR RADIOACTIVE MATERIAL

(Reduced size)



SUBPART D—UNLOADING FROM CARS

In § 74.560 amend Note 2 to paragraph (b) (2) (15 F. R. 8352, Dec. 2, 1950) to read as follows:

§ 74.560 *Tank car delivery.* • • •

(b) • • •

(2) • • •

NOTE 2: Carriers should give permission for the unloading of these containers on carrier tracks only where no private siding is available within reasonable trucking distance of final destination. The danger involved is the release of compressed gases due to accidental injury to container in handling. The exposure to this danger decreases directly with the isolation of the unloading point.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In § 77.848 paragraph (a) chart, amend item (b) vertical and horizontal columns by inserting under item (d) vertical and horizontal columns the footnote "a" at the respective intersections, to read "aX"; amend footnote e to paragraph (a) chart (21 F. R. 9361, Nov. 30, 1956) (22 F. R. 2229, April 4, 1957) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

• Does not include nitro carbo nitrate or ammonium nitrate, fertilizer grade, which may be loaded, transported or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. Amend entire § 78.1–3 (15 F. R. 8373, Dec. 2, 1950) to read as follows:

§ 78.1 *Specification 1A; boxed carboys.*

§ 78.1–3 *Closing devices required.* (a) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

2. Amend entire § 78.3–3 (15 F. R. 8375, Dec. 2, 1950) to read as follows:

§ 78.3 *Specification 1C; carboys in kegs.*

§ 78.3–3 *Closing devices required.* (a) As follows except when otherwise authorized in the packing requirements:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

3. In § 78.4–6 amend paragraph (c) (15 F. R. 8376, Dec. 2, 1950) to read as follows:

§ 78.4 *Specification 1D; boxed glass carboys.*

§ 78.4–6 *Outside containers.* • • •

(c) Assemble sides and ends with grain of wood horizontal and nail as specified. Nail bottom to sides and ends; fasten top by any efficient means (friction closure not authorized). Cleats for shoes to be along edges of bottom parallel to carrying cleats and at right angle to the direction of bottom board or boards.

• • • • •

4. Amend entire § 78.5–2 (15 F. R. 8377, Dec. 2, 1950) to read as follows:

§ 78.5 *Specification 1X; boxed carboys, 5 to 6 gallon, for export only.*

§ 78.5–2 *Closing devices required.* (a) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

(3) For box: Two flat metal nailless straps, at least ⅝ inch by 0.020 inch, encircling top, sides, and bottom and securely sealed, are required.

5. Amend entire § 78.6–3 (15 F. R. 8377, Dec. 2, 1950) to read as follows:

§ 78.6 *Specification 1EX; glass carboys in plywood drums.*

§ 78.6–3 *Closing devices required.* (a) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

6. In § 78.7–4 amend entire paragraph (b) (16 F. R. 11781, 11782, Nov. 21, 1951) to read as follows:

§ 78.7 *Specification 1E; glass carboys in plywood drums.*

§ 78.7–4 *Glass carboys.* • • •

(b) *Closing devices required.* (For carboys without schew thread finish.) As follows except when otherwise authorized in the packing regulations:

(1) Acidproof stoppers or other devices, with gaskets, securely fastened; venting closures are required when necessary to prevent internal pressure in excess of 8 pounds per square inch gauge at 130° F.

(2) Glass stoppers ground to fit and securely fastened are authorized when internal pressures do not exceed 8 pounds per square inch gauge at 130° F.

7. In § 78.10–6 amend the introductory text of paragraph (a) (17 F. R. 7284, Aug. 9, 1952) to read as follows:

§ 78.10 *Specification 1F; polyethylene carboys in plywood drums.*

§ 78.10–6 *Tests.* (a) Samples, taken at random and with inner container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage from inside container or breakage of outside container that would contribute to potential failure of inner container. Tests shall be made of each size by each company starting production. The type tests are as follows:

• • • • •

SUBPART C—SPECIFICATIONS FOR CYLINDERS

Add § 78.68 (15 F. R. 8432, Dec. 2, 1950) to read as follows:

§ 78.68 *Specification 4E; welded aluminum cylinders.*

§ 78.68–1 *Compliance.* (a) Required in all details.

§ 78.68–2 *Type, size and service pressure*—(a) *Type and size.* Must be welded seamless drawn shells, not more than two shells, with center circumferential weld; not over 1,000 pounds water capacity (nominal); longitudinal welded seam not authorized. Cylinders or shells closed in by spinning process not authorized.

(b) *Service pressure.*[1] At least 225 to not over 500 pounds per square inch.

§ 78.68–3 *Inspection by whom and where.* (a) By competent inspector; chemical analyses and tests as specified to be made within limits of the United States. Interested inspectors are authorized.

§ 78.68–4 *Duties of inspector.* (a) Inspect all material and reject any material not complying with requirements.

(b) Verify chemical analysis of each lot of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analysis of samples taken from one aluminum cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify properties as proper; obtain samples for all tests and check chemical analysis; witness all tests; verify threads by gauge; report volumetric capacity, tare weight (see report form) and wall thickness as approved.

(d) Render complete report (§ 78.68–20) to purchaser; cylinder manufacturer; and the Bureau of Explosives.

§ 78.68–5 *Aluminum.* (a) Shall be of uniform quality. The following chemical analyses are authorized:

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinders; for example ICC–4E240 indicates the service pressure as 240 pounds per square inch.

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent 5154 [1]
Iron plus silicon	0.45 maximum.
Copper	0.10 maximum.
Manganese	0.10 maximum.
Magnesium	3.1/3.9.
Chromium	0.15/0.35.
Zinc	0.20 maximum.
Titanium	0.20 maximum.
Others, each	0.05 maximum.
Others, total	0.15 maximum.
Aluminum	Remainder.

[1] Analysis shall regularly be made only for the elements specifically mentioned above. If, however, the presence of other elements is indicated in the course of routine analysis, further analysis should be made to determine conformance with the limits specified for other elements.

§ 78.68–6 *Identification of material.* (a) Required; any suitable method that will identify the alloy and manufacturer's lot number.

§ 78.68–7 *Defects.* (a) Material with seams, cracks, laminations or other injurious defects not authorized.

§ 78.68–8 *Manufacture.* (a) By best processes and methods; dirt and foreign particles to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required; all welding must be by the gas shielded arc process.

§ 78.68–9 *Welding.* (a) The attachment to the tops and bottoms only of cylinders by welding of neckrings or flanges, footrings, handles, bosses and pads and valve protection rings is authorized: *Provided,* That such attachments and the portion of the cylinder to which it is attached are made of weldable aluminum alloys.

§ 78.68–10 *Wall thickness.* (a) The minimum wall thickness of the cylinder shall be 0.140 inch. In any case, the minimum wall thickness shall be such that calculated wall stress at twice service pressure shall not exceed the lesser value of either of the following:

(1) 20,000 pounds per square inch.

(2) One-half of the minimum tensile strength of the material as required in § 78.68–15.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where

S=wall stress in pounds per square inch;
P=minimum test pressure prescribed for water jacket test;
D=outside diameter in inches;
d=inside diameter in inches.

(c) Minimum thickness of heads and bottoms shall not be less than the minimum required thickness of the side wall.

§ 78.68–11 *Opening in cylinder.* (a) All openings must be in the heads or bases.

(b) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by welding by inert gas shielded arc process or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean-cut, even, without checks and cut to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(c) Closure of fitting, boss, or pad must be adequate to prevent leakage.

§ 78.68–12 *Safety devices and protection for valves, safety devices, and other connections if applied.* (a) Must be as required by the Interstate Commerce Commission regulations that apply (see §§ 73.34 (f), 73.124 (a), and 73.301 (i) of this chapter).

§ 78.68–13 *Hydrostatic test.* (a) Each cylinder by water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure of 2 times service pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased to 10 percent.

(c) Permanent volumetric expansion must not exceed 12 percent of total volumetric expansion at test pressure.

(d) One finished cylinder selected at random out of each lot of 1,000 shall be hydrostatically tested to destruction. Failure shall occur in the side wall and shall not occur at a pressure less than 4 times the service pressure. Inability to meet these requirements shall result in rejection of the lot.

§ 78.68–14 *Flattening test.* (a) Flattening test required between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; on one section of a cylinder taken at random out of each lot of 200 or less, after hydrostatic test. Sample must show no evidence of cracking when flattened to 6 times wall thickness.

§ 78.68–15 *Physical test.* (a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from one cylinder or part thereof taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or gauge length 2 inches with width not over 1½ inches. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical test detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by the "offset" method as prescribed in ASTM Standard E8–54T.

(2) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

§ 78.68–16 *Acceptable results for physical tests.* (a) Elongation at least 7 percent for 2 inch gauge length; yield strength not over 80 percent of tensile strength.

§ 78.68–17 *Weld tests.* (a) Reduced section tensile test. A specimen shall be cut from the cylinder used for the physical tests specified in § 78.68–15. Specimen shall be taken across the seam, edges shall be parallel for a distance of approximately 2 inches on either side of the weld. The specimen must be fractured in tension. The apparent breaking stress calculated on the minimum wall thickness must be at least equal to 2 times the stress calculated under § 78.68–10 (b), and in addition must have an actual breaking stress of at least 30,000 pounds per square inch. Should this specimen fail to meet the requirements, specimens may be taken from 2 additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

(b) Guided bend test. A bend test specimen shall be cut from the cylinder used for the physical tests specified in § 78.68–15. Specimen shall be taken across the seam, shall be 1½ inches wide, edges shall be parallel and rounded with a file, and back-up strip, if used, shall be removed by machining. The specimen shall be bent to refusal in the guided bend test jig illustrated in § 78.51–22. The root of the weld (inside surface of the cylinder) shall be located away from the ram of the jig. No specimen shall show a crack or other open defect exceeding ⅛ inch in any direction upon completion of the test. Should this specimen fail to meet the requirements, specimens may be taken from each of 2 additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

§ 78.68–18 *Rejected cylinders.* (a) Repair of welded seams is authorized. Acceptable cylinders must pass all prescribed tests.

§ 78.68–19 *Marking.* (a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, neck or valve protection collar which may be permanently attached to the cylinder and forming an integral part thereof, as follows:

(1) ICC–4E followed by the service pressure (for example, ICC–4E240).

(2) A serial number and an identifying symbol (letters); location of symbol to be just below the serial number. The symbol and numbers must be those of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives.

(3) Inspector's official mark, near serial number; date of test (such as 5–50 for May 1950), so placed that date of subsequent test can be easily added.

(4) Size of marks. Shall be at least ¼ inch high.

§ 78.68–20 *Inspector's report.* (a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

Gas cylinders

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size ____ inches outside diameter by ____ inches long.
Marks stamped into the shoulder of the cylinder are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____

These cylinders were made by process of _____

The _____ permitted in (Neckrings, footrings, etc.) § 78.68–9 were attached by process of _____

The material used was identified by the following _____ numbers _____

The material used was verified as to chemical analysis and record thereof is attached hereto.

All material, such as aluminum plate, was inspected before manufacture and the drawn cylinder shells were inspected before final fabrication and found free from seams, cracks, laminations and other defects which might prove injurious to the strength of the cylinder; the processes of manufacture were found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material and other tests as prescribed in Specification ICC–4E were made in the presence of the inspector and all material and cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4E except as follows:

Exceptions: _____

(Signed) _____
Inspector.

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

Test No.	Check analysis No.	Cylinders represented (Serial Nos.)	Chemical analysis							
			Mg	Cr	Cu	Mn	Zn	Ir	Al	Ti

The analyses were made by _____

(Signed) _____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

Test No.	Cylinders represented by test (Serial Nos.)	Yield strength (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in 8 inches)	Reduction of area (percent)	Flattening test	Burst test (pounds per square inch)

(Signed) _____
(Place) _____
(Date) _____

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered ---------- to ---------- inclusive.
Size ---------- inches outside diameter by ---------- inches long
Made by ---------- Company
For ---------- Company

Serial numbers of cylinders tested arranged numerically	Actual test pressure (pounds per square inch)	Total expansion (cubic centimeters) [1]	Permanent expansion (cubic centimeters) [1]	Percent ratio of permanent expansion to total expansion [1]	Tare weight (pounds) [2]	Volumetric capacity [3]

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of ---------- pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.
[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) ----------

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

In § 78.131–6 paragraph (a) table amend the 4th column heading; amend footnote 1 to paragraph (a) (22 F. R. 2234, April 4, 1957) (20 F. R. 4419, June 23, 1955) to read as follows:

§ 78.131 *Specification 37A; steel drums.*

§ 78.131–6 *Capacities, weights, type, and gauges.* (a) • • •

Minimum thickness, uncoated sheets [1] (gauge)	
Body sheet [2]	Head sheet

• • • • • •

[1] All gauges specified are minimum except as provided by Part 73 of this chapter. Heavier (but not lighter) gauges may be specified if shipper so desires.

• • • • • •

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Add § 78.205–33 (15 F. R. 8476, Dec. 2, 1950) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205–33 *Special box; authorized only for electrolyte (acid) and alkaline corrosive battery fluid packed with storage batteries.* (a) Box shall comply with this specification except that corrugated fiberboard shall have strength of not less than 200 pounds per square inch, Mullen or Cady test. Top and bottom pads and fill-in pieces are not required when inner flaps do not meet. Electrolyte (acid) or alkaline corrosive battery fluid must be packed in polyethylene containers or other material resistant to the lading and not over 12 containers of not over 64-ounce capacity each may be packed in one outside container and must be separated from the storage battery by suitable cushioning. Polyethylene containers that are not rigid or semi-rigid in nature must be contained in other strong inside containers; minimum thickness of polyethylene or other plastic material shall be not less than 0.003 inch for any film sheet for multi-wall containers or not less than 0.006 inch for single-wall containers. (See § 73.258 of this chapter.) Authorized gross weight not over 65 pounds.

2. Add § 78.210 (15 F. R. 8479, Dec. 2, 1950) to read as follows:

§ 78.210 *Specification 12A; fiberboard boxes.*

§ 78.210–1 *Compliance.* (a) Required in all details.

§ 78.210–2 *Definitions.* (a) Terms such as "200-pound test" mean minimum strength. Mullen or Cady test.

(b) "Joints" are where edges of parts of box, except recessed flanged heads, are connected together in setting up the box. Generally done by box maker.

§ 78.210–3 *Classification of board.* (a) Fiberboard is hereby classified by strength [1] of completed board as in first column of the following table; weights specified in the table are the minimums authorized.

Classified strength of completed board	Facings for corrugated fiberboard	
	Double-faced-minimum combined weight of facings (pounds per 1,000 sq. ft.)	Double-wall-minimum combined weight of facings including center liner (pounds per 1,000 sq. ft.)
200	84	92
275	138	110

[1] Mullen or Cady test (minimum).

§ 78.210–4 *Corrugated fiberboard.* (a) Both outer facings water resistant; corrugated sheets must be at least 0.009 inch thick and weigh not less than 26 pounds per 1000 square feet; all parts must be securely glued together throughout all contact areas.

§ 78.210–5 *Tests.* (a) Acceptable board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity), under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side, when all results but 4 show prescribed strength the board is acceptable.

(4) Double-pop tests may be disregarded.

§ 78.210–6 *Boxes authorized.* (a) Corrugated fiberboard boxes having gross weight not over 75 pounds of the following strengths are authorized:

Gross weight not over (pounds)	Corrugated fiberboard strength (Mullen or Cady test) minimum	
	Double-faced	Double-wall
20	200	• • •
50	275	• • •
75	• • •	275

§ 78.210–7 *Forming.* (a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

§ 78.210–8 *Joints.* (a) For slotted containers; lapped 1½ inches except as in (§ 78.210 (b) (2)); stitched at 2½ inch intervals and within 1 inch of each end of joint; body joint must be double-stitched (2 parallel stitches) at each end of joint over 18 inches long.

(b) Joints as provided for by the following are authorized provided resulting joint is capable of withstanding the tests prescribed by § 78.210–10:

(1) For slotted containers only; one butt joint, taped, is authorized.

(2) For glued lap joint, the sides of box forming joint must lap not less than 1¼ inches and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

(3) For triple and double slide boxes; joints of all slides must be taped or stitched.

§ 78.210–9 *Inside cushioning.* (a) Sufficient inside cushioning shall be required for protection of inside containers so that completed packages as offered for shipment shall be capable of withstanding test prescribed by § 78.210–10.

§ 78.210–10 *Test for completed package.* (a) A minimum of 4 boxes with inside containers filled with water, and box closed as for shipment; shall be capable of withstanding the following drop tests from the prescribed heights onto solid concrete without leakage from or breakage of any inside container or rupture of the outside fiberboard box; each box shall be subjected to not more than one of the series of tests:

(1) Box No. 1. Flat drop on bottom from height of 4 feet.

(2) Box No. 2. Flat drop on side from height of 4 feet.

(3) Box No. 3. Flat drop on end from height of 4 feet.

(4) Box No. 4. Flat drop on top from height of 2 feet.

§ 78.210–11 *Closing for shipment.* (a) By any method capable of withstanding tests prescribed by § 78.210–10.

§ 78.210–12 *Marking.* (a) On each container. Symbol in rectangle as follows:

ICC–12A••

(1) Stars to be replaced by authorized gross weight (ICC–12A75). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in (a) of this section.

(3) Size of markings—At least ½" high.

3. Amend entire § 78.219–5 (18 F. R. 3144, June 2, 1953) (17 F. R. 1564, Feb. 20, 1952) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

§ 78.219–5 *Tape.* (a) Tape used shall comply with the following:

(1) When pressure sensitive paper backed tape is used, the basic weight of the paper shall be not less than 70 pounds per ream after sizing and coating. Longitudinal tensile strength shall be not less than 50 pounds per inch of width and the latitudinal strength shall be not less than 11 pounds per inch of width.

(2) When pressure sensitive filament reinforced tape is used for vertical application as provided by § 78.219–12, tape backing shall have a minimum longitudinal tensile strength of 160 pounds per inch of width and a minimum elongation of 12 percent at break. The tape shall have sufficient transverse strength to prevent raveling or separation of the filaments. Tape shall have an adhesion of 18 ounces per inch of width minimum when tested according to acceptable methods. Tape shall adhere immediately and firmly to fiberboard surface when applied with hand pressure in the temperature range of 0° to 120° F. No solvent or heat shall be necessary to activate the adhesive.

(b) The tape authorized by paragraph (a) of this section must be manufactured of material which will not separate or delaminate when submerged in water for 72 hours and which will not show any delamination or bleeding up to 160° F. and which will not lose its strength, delaminate or become brittle at 0° F.

(c) Any tape of moisture resistance equal to that prescribed in paragraphs (a) and (b) of this section is additionally authorized provided the tape is capable of withstanding tests prescribed by § 78.219–16.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.265–4 amend the introductory text of paragraph (b); in § 78.265–13 amend paragraph (d) (21 F. R. 4567, 4568, June 26, 1956) to read as follows:

§ 78.265 *Specification ICC–103; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.265–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be to the following design dimensions:

(No change in table.)

• • • • • •

§ 78.265–13 *Bottom outlets.* • • •

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

• • • • • •

2. In § 78.266–4 amend the introductory text of paragraph (b) (21 F. R. 4570, June 26, 1956) to read as follows:

§ 78.266 *Specification ICC–103A; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.266–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be to the following design dimensions:

(No change in table.)

• • • • • •

3. In § 78.267–4 amend the introductory text of paragraph (b); in § 78.267–14 amend paragraph (b) (21 F. R. 4572, 4573, June 26, 1956) to read as follows:

§ 78.267 *Specification ICC–103B; rubber lined riveted steel tanks to be mounted on or forming part of a car.*

§ 78.267–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be to the following design dimensions:

(No change in table.)

• • • • • •

§ 78.267–14 *Safety vents.* • • •

(b) Each tank, or compartment thereof, must be equipped with one safety vent of approved material and if of metal, must be lined with rubber at least ⅛ inch in thickness, having an inside diameter of at least 1¾ inches after lining, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

4. In § 78.269–4 amend the introductory text of paragraph (b); in § 78.269–13 amend paragraph (d) (21 F. R. 4574, 4575, June 26, 1956) to read as follows:

§ 78.269 *Specification ICC–104; lagged riveted steel tanks to be mounted on or forming part of a car.*

§ 78.269–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be to the following design dimensions:

(No change in table.)

• • • • • •

§ 78.269–13 *Bottom outlets.* • • •

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

• • • • • •

5. In § 78.270–4 amend the introductory text of paragraph (b) (21 F. R. 4577, June 26, 1956) to read as follows:

§ 78.270 *Specification ICC–105A100; lagged riveted steel tanks to be mounted on or forming part of a car.*

§ 78.270–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be to the following design dimensions:

(No change in table.)

• • • • • •

6. In § 78.280–4 amend the introductory text of paragraph (b); in § 78.280–15 amend paragraph (d) (21 F. R. 4586, 4587, June 26, 1956) to read as follows:

§ 78.280 *Specification ICC–103–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.280–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates must be to the following design dimensions:

(No change in table.)

• • • • • •

§ 78.280–15 *Bottom outlets.* • • •

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

• • • • • •

7. In § 78.281–4 amend the introductory text of paragraph (b) (21 F. R. 4588, June 26, 1956) to read as follows:

§ 78.281 *Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.281–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates must be to the following design dimensions:

(No change in table.)

• • • • • •

8. In § 78.282–4 amend the introductory text of paragraph (b); in § 78.282–15 amend paragraph (b) (21 F. R. 4591, 4592, June 26, 1956) to read as follows:

§ 78.282 *Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.282 *Thickness of plates.* • • •

(b) The minimum thickness of plates must be to the following design dimensions:

(No change in table.)

• • • • • •

§ 78.282–15 *Safety vents.* • • •

(b) Each tank, or compartment thereof, must be equipped with one safety vent of approved material and if of metal, must be lined with rubber at least ⅛ inch in thickness, having an inside diameter of at least 1¾ inches after lining, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

• • • • • •

9. In § 78.283–4 amend the introductory text of paragraph (b) (21 F. R. 4593, June 26, 1956) to read as follows:

§ 78.283 *Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.283–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates must be to the following design dimensions:

(No change in table.)

• • • • • •

10. In § 78.284–4 amend the introductory text of paragraph (b); in § 78.284–15 amend paragraph (d) (21 F. R. 4595, 4596, June 26, 1956) to read as follows:

§ 78.284 *Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.284–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates must be to the following design dimensions:

(No change in table.)

• • • • • •

§ 78.284–15 *Bottom outlets.* • • •

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

• • • • • •

11. In § 78.285–4 amend the introductory text of paragraph (b) (21 F. R. 4597, June 26, 1956) to read as follows:

§ 78.285 *Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.285–4 *Thickness of plates.* • • •

(b) The minimum thickness of plates must be to the following design dimensions:

(No change in table.)

• • • • • •

12. In § 78.291–4 add paragraph (e); in § 78.291–14 amend paragraph (d) (22 F. R. 3670, May 24, 1957) (21 F. R. 4606, 4607, June 26, 1956) to read as follows:

§ 78.291 *Specification ICC–103AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.291–4 *Thickness of plates.* • • •

(e) When a tank is divided into compartments, the interior heads must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head, a new exterior head of approved contour not less than ½ inch in thickness must be applied. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with at least one open drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed with not less than ¾ inch or not more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.291–14 *Bottom outlets.* • • •

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

• • • • • •

13. In § 78.292–4 add paragraph (e) (22 F. R. 3671, May 24, 1957) to read as follows:

§ 78.292 *Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.292–4 *Thickness of plates.* • • •

(e) When a tank is divided into compartments, the interior heads must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head, a new exterior head of approved contour not less than ½ inch in thickness must be applied. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with at least one open drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed with not less than ¾ inch or not more than 1½ inch solid pipe plugs having standard pipe threads.

14. Amend entire § 78.293 (21 F. R. 4610 to 4613, June 26, 1956) (21 F. R. 9364, Nov. 30, 1956) to read as follows:

§ 78.293 *Specification ICC–110A500–W; welded steel tanks to be mounted on a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 Applications for approval, (a), (b), (c) and (d).

§ 78.293–1 *Type and general requirements.* (a) Tanks built under this specification must be of one piece cylindrical shell with heads of approved design. All operating fittings must be located in one of the heads, and no openings of any sort are permitted in the cylindrical shell. Tanks must be securely attached to the car structure in a manner such that they may be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1600 pounds of water and not more than 2600 pounds of water.

(b) The tanks must be fabricated by approved methods.

(c) For tanks made in foreign countries, Canada excepted, a chemical analysis of material and all tests as specified must be carried out within the limits of the United States under supervision of a competent and disinterested inspector.

§ 78.293–2 *Thickness of plates.* (a) The wall thickness in the cylindrical portion on the tank must not be less than that calculated by the following formula; and in no case less than $^{11}/_{32}$ inch:

$$t=\frac{Pd}{2SE}$$

where

t = thickness in inches of thinnest plate;
P = calculated bursting pressure in pounds per square inch; 1,250 pounds per square inch gauge minimum;
d = inside diameter in inches;
S = minimum specified ultimate tensile strength of plate in pounds per square inch;
E = efficiency of butt-welded joint = 90 percent.

§ 78.293–3 *Material.* (a) All plates for the tank must be of steel to an approved specification. These plates may also be clad with other metals, such as nickel.

(b) All plates must have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

§ 78.293–4 *Tank heads.* (a) The tank heads must be hot pressed with a straight flange of at least 1½ inches. The heads must be of one piece, and either torispherical or ellipsoidal, the thickness of which must satisfy the requirements of the appropriate formulas below.

(b) Torispherical heads must be dished to a radius not greater than the inside diameter of tank. The inside knuckle radius must not be less than 6 percent of the diameter of the tank. The thickness of the head shall not be less than that determined by the following formula:

Heads with pressure on concave side;

$$t=\frac{5PL}{6SE}$$

Heads with pressure on convex side;

$$t=\frac{8.35PL}{6SE}$$

where

t = minimum thickness in inches of finished head;
P = minimum bursting pressure = 1,250 pounds per square inch gauge;
S = minimum specified ultimate tensile strength of plate material in pounds per square inch;
L = inside radius of dish;
E = 1.0 for heads made from one plate.

(c) Ellipsoidal heads shall have a ratio of major to minor axis of 2 to 1. The thickness of the heads shall not be less than that determined by the following formula:

Heads with pressure on concave side;

$$t=\frac{Pd}{2SE}$$

Heads with pressure on convex side;

$$t=\frac{1.67Pd}{2SE}$$

where

t = minimum thickness in inches of finished head;
P = minimum bursting pressure = 1,250 pounds per square inch gauge;
S = minimum specified ultimate tensile strength of plate material in pounds per square inch;
d = inside diameter of container in inches;
E = efficiency of butt-welded joint = 1.0 for heads made of one plate.

§ 78.293–5 *Welding.* (a) All joints must be welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proven will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. Joints fabricated by means of fusion-welding must be in accordance with the requirements of A. A. R. Welding Code Appendix W, except circumferential welds in tanks less than 36 inches inside diameter need not be radiographed.

§ 78.293–6 *Stress-relieving.* (a) All welding of the tank and attachments welded directly thereto must be stress relieved as a unit in accordance with A. A. R. Welding Code Appendix W.

§ 78.293–7 *Tank mounting.* (a) The manner in which the tanks are supported on and securely attached to the car structure must be approved.

§ 78.293–8 *Protection of fittings.* (a) Tanks must be of such approved design as will afford maximum protection to any fitting or attachment to the head including the housing referred to in § 78.293–9 (a). Tank ends must slope or curve inward toward the axis such that the diameter at the outboard end is at least 2 inches less than the maximum diameter.

§ 78.293–9 *Protective housing and cover.* (a) All operating fittings shall be located in one head. Valves and other closures of openings in tank heads, except fusible plug vents and drain plugs, must be protected against accidental injury by a detachable housing of approved design which must not project beyond the end of the tank and must be securely fastened to the tank head. This housing must be provided with an opening having an area equal to the total safety valve or vent discharge area.

§ 78.293–10 *Venting, loading and unloading valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 500 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing pipe connections of the valves.

§ 78.293–11 *Safety valves or vents.* (a) Unless prohibited for type of service in which tank is used, the tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to tank heads by other approved methods. The total valve or vent discharge capacity must be sufficient to prevent building up pressure in tank in excess of ¾ of the test pressure as calculated by A. A. R. Appendix A. When safety vents of the fusible plug type are used the required discharge capacity must be available in each head.

(b) Safety valves must be set to open and vents of the frangible disc type must function at a pressure of not exceeding 375 pounds per square inch. Vents of the fusible plug type must function at a temperature of not exceeding 175 degrees Fahrenheit. (For tolerance see § 78.293–14.)

§ 78.293–12 *Fixtures.* (a) Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protection housing may be fusion-welded in place, provided they are properly heat treated at the time the entire tank is heat treated. All other fixtures and appurtenances, except as provided for in §§ 78.293–7, 78.293–8, 78.293–9, 78.293–10 and 78.293–11 are prohibited.

§ 78.293–13 *Tests of tank.* (a) After heat treatment, tanks must be subjected to hydrostatic test in a water jacket, or by other accurate method, operated so as to obtain reliable data. No tank shall have been subjected previously to internal pressure within 100 pounds of the test pressure. Each tank must be tested to 500 pounds per square inch. Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion of tank. Pressure gauge must permit reading to accuracy of one percent. Expansion gauge must permit reading of total expansion to accuracy of one percent. Expansion must be recorded in cubic centimeters.

(b) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(c) Each finished tank must be subject to interior air pressure test of at least 100 pounds per square inch under conditions favorable to detection of any leakage. No leaks shall appear.

(d) Repairs of leaks detected in manufacture or test must be made by the same process as employed in manufacture of tank. Calking, soldering, or similar repairing is prohibited.

§ 78.293–14 *Tests of safety valves and vents.* (a) Each valve must be tested by air or gas before being put into service and also at intervals as prescribed by retest table No. 2 of § 73.31 (g) (9) of this chapter. The valve must open at a pressure not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

(b) For safety vents of the frangible disc type, a sample of the disc used must burst at a pressure of not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch.

(c) For safety vents of the fusible plug type, a sample of the fusible plugs used must function at a temperature of not exceeding 175 degrees Fahrenheit and vapor tight at a temperature of 130 degrees Fahrenheit.

§ 78.293–15 *Alterations and maintenance of tanks.* (a) All prescribed markings on tanks must be kept legible. Copy of the said markings, in letters and figures of the prescribed size stamped on a brass plate secured to the tank, is authorized. Markings must not be changed except as follows:

(1) By application of additional marks not affecting the test pressure or water capacity; these must not obliterate previously applied marks.

(2) By application of test pressure marks, or alteration of such marks, to indicate a reduced test pressure; authorized only for tanks that have not failed in the 5-year test.

(3) By change of serial numbers or ownership marks, or both, report in sufficient detail so that previous serial number and ownership mark can be determined for each tank arranged by lot numbers or by consecutive serial numbers, must be filed with the Bureau of Explosives.

§ 78.293–16 *Marking.* (a) Each tank must be plainly and permanently marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be stamped into the metal of one head or chime in letters and figures at least ⅜ inch high as follows:

(1) ICC–110A500–W.

(2) Serial number (immediately below the stamped mark specified in subparagraph (1) of this paragraph).

(3) Inspector's official mark (immediately below the stamped mark specified in subparagraph (2) of this paragraph).

(4) Name, mark (other than trademark) or initials of company or persons for whose use the tanks are being made, which must be recorded with the Bureau of Explosives.

(5) Date of tank test (month and year), such as 1–54 for January 1954, so placed that dates of subsequent tests may easily be added thereto.

(6) Water capacity____0000 pounds.

(7) Tanks made of clad plates must be stenciled on the tank (naming material)_____clad tank.

§ 78.293–17 *Inspection and reports.* (a) Purchaser of tank must provide for inspection by competent inspector as follows:

(1) The inspector must carefully inspect all plates for which tanks are to be made and records pertaining thereto, and plates which do not comply with the requirements of this specification must be rejected.

(2) The inspector must secure complete certified records, including chemical analyses and physical tests of samples taken from each heat of steel used in the manufacture of the plate.

(3) The inspector must report capacity in pounds of water and tare weight of each tank, and the minimum thickness of tank wall noted.

(4) The inspector must make such inspection as may be necessary to see that all the requirements of this specification are fully complied with, must see that the finished tanks are properly heat treated, and must witness all air and hydrostatic tests.

(5) The inspector must stamp his official mark on each accepted tank immediately below the serial number and make certified report (see paragraph (b) of this section) to the builder, to the company or person for whose use the tanks are being made, to the builder of the car structure on which the tanks are to be mounted, if any, to the Bureau of Explosives and to the Secretary, Mechanical Division, Association of American Railroads.

(b) Inspector's report required herein must be in the following form:

(Place) _____
(Date) _____

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under A. A. R. Application for Approval No. _____ and approved by the A. A. R. Committee on Tank Cars under date of _____.
Built for _____ Company
Location at _____
Built by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size ____ inches outside diameter by ____ inches long
Marks stamped into the head or chime of the tank are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Test date _____
Water capacity. (See Record of Hydrostatic Tests.)
Tare weights (Yes or No.) (See Record of Hydrostatic Tests.)
These tanks were made by process of _____

The steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number of the plate, head, and bottom used in the tank.

The steel used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers were stamped into the metal.

All material such as plates, billets, and seamless tubing, was inspected and each tank was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the tank. The process of manufacture and heat treatment of tanks were supervised and found to be efficient and satisfactory.

The tank walls were measured and the minimum thickness noted was ____ inch. The outside diameter by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Hydrostatic tests, bend and tensile tests of material, and other tests as prescribed in this specification were made in the presence of the inspector and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission Specification No _____.

(Signed) _____
Inspector.

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR TANKS

Numbered _____ to _____ inclusive
Size ____ inches outside diameter by ____ inches long
Made by _____ Company
For _____ Company

Heat No.	Chemical analysis						
	C	P	S	Si	Mn	Ni	Cr
	--	--	--	--	----	----	----
	--	--	--	--	----	----	----
	--	--	--	--	----	----	----
	--	--	--	--	----	----	----

The analyses were made by:
(Signed) _____
(Place) _____
(Date) _____

RECORD OF TENSILE TESTS OF MATERIAL IN TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

Heat No.	Yield point (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (per cent in 8 inches)	Reduction of area (per cent)	Bend test
----	-------	--------	-------	-------	----
----	-------	--------	-------	-------	----
----	-------	--------	-------	-------	----
----	-------	--------	-------	-------	----

(Signed) _____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

Serial Nos. of tanks tested	Actual test pressure (pounds per square inch)	Total expansion (c. c.)[1]	Permanent expansion (c. c.)[1]	Percent ratio of permanent expansion to total expansion	Tare weight pounds [2]	Capacity in pounds of water at 60° F.
----------	----------	----------	----------	----------	----------	----------
----------	----------	----------	----------	----------	----------	----------
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----------	----------	----------	----------	----------	----------	----------

(Signed) _____

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the tank by the test pressure then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include protective housing and cover but state whether with or without valves.

(c) Before a tank car built under this specification is placed in service, the builder must furnish the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that the tank and its appurtenances comply with all the requirements of this specification, including information as to the serial numbers, date of test, and ownership marks on the tanks. In the event the owner of the tank instead of the builder elects to furnish appurtenances such as valve protection caps, loading and unloading valves or vents of the frangible disc or fusible plug type, the owner must furnish to the Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that these appurtenances comply with all the requirements of this specification.

(d) In case of alterations of or additions to tank or equipment from original design and construction or of repairs, there must be furnished to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in detail of the repairs, alterations or additions made to each tank covered by a particular application, showing the serial number of each tank involved and stating that heat treatment called for by the particular type of repair authorized has been performed and that after repairs, alterations, or additions, the tests prescribed in § 78.293–13 were made, results of hydrostatic tests reported, and tank marked as prescribed by retest Table No. 2 of § 73.31 (g) (9) of this chapter.

15. In § 78.296–4 amend the introductory text of paragraph (b) (21 F. R. 4617, June 26, 1956) to read as follows:

§ 78.296 *Specification ICC–103B100–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.296–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • •

16. In § 78.297–4 amend the introductory text of paragraph (b); in § 78.297–14 amend paragraph (d) (21 F. R. 4619, 4620, June 26, 1956) to read as follows:

§ 78.297 *Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.297–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • •

§ 78.297–14 *Bottom outlets.* • • •
(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.
• • • • •

17. In § 78.298–4 amend the introductory text of paragraph (b) (21 F. R. 4621, June 26, 1956) to read as follows:

§ 78.298 *Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.298–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • •

18. In § 78.299–4 amend the introductory text of paragraph (b) (21 F. R. 4623, June 26, 1956) to read as follows:

§ 78.299 *Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.*

§ 78.299–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • •

19. In § 78.303–16 amend paragraph (d) (22 F. R. 3674, May 24, 1957) to read as follows:

§ 78.303 *Specification ICC–111A100–W–1; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.303–16 *Bottom outlets.* • • •
(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.
• • • • •

20. In § 78.305–16 amend paragraph (d) (22 F. R. 3678, May 24, 1957) to read as follows:

§ 78.305 *Specification ICC–111A100–W–3; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.305–16 *Bottom outlets.* • • •
(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.
• • • • •

21. In § 78.307–4 amend the introductory text of paragraph (b) (22 F. R. 3680, May 24, 1957) to read as follows:

§ 78.307 *Specification ICC–105A200–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.307–4 *Thickness of plates.* • • •
(b) The minimum thickness of plates must be to the following design dimensions:
(No change in table.)
• • • • •

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. In § 78.321–9 amend paragraph (a) (15 F. R. 8545, Dec. 2, 1950) to read as follows:

§ 78.321 *Specification MC300; cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or of stainless steel.*

§ 78.321–9 *Test for leaks.* (a) Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gauge applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.
• • • • •

2. In § 78.322–9 amend paragraph (a) (15 F. R. 8547, Dec. 2, 1950) to read as follows:

§ 78.322 *Specification MC 301; cargo tanks constructed of welded aluminum alloy (Grade 3S).*

§ 78.322–9 *Test for leaks.* (a) Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gauge applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.
• • • • •

3. In § 78.323–5 paragraph (a) amend the 20th line which now reads "IC MC • • •" to read "ICC MC • • •"; in § 78.323–9 amend paragraph (a) (15 F. R. 8549, 8550, Dec. 2, 1950) to read as follows:

§ 78.323 *Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B178–54).*

§ 78.323–9 *Test for leaks.* (a) Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gauge applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either

method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

• • • • •

4. In § 78.324–9 amend paragraph (a) (15 F. R. 8552, Dec. 2, 1950) to read as follows:

§ 78.324 *Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel.*

§ 78.324–9 *Test for leaks.* (a) Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gauge applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

• • • • •

5. In § 78.330–14 amend paragraph (a) (15 F. R. 8555, Dec. 2, 1950) to read as follows:

§ 78.330 *Specification MC 310; cargo tanks.*

§ 78.330–14 *Tank outlets*—(a) *No bottom outlets.* Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet provided such bottom outlets are equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.

• • • • •

6. In § 78.331–11 amend paragraph (a) (18 F. R. 6784, Oct. 27, 1953) to read as follows:

§ 78.331 *Specification MC 311; cargo tanks.*

§ 78.331–11 *Tank outlets*—(a) *No bottom outlets.* Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet provided such bottom outlets are equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.

• • • • •

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5; (a) Commodity List; Provides amendments and additions to keep commodity list on a current basis.

73.31; (a) table; Notes 11 and 12; Deletes a provision pertaining to safety vents on certain tank cars which is inconsistent with the requirement in the specifications for tank cars.

73.31; (k); Provides for the loading of tank cars equipped with inoperative heater coils.

73.101; (a); Provides for the shipment of small-arms ammunition in metal clips without the need for inside boxes.

73.118; (c) (25); To make consistent with the shipping name adopted for dimethylhydrazine, unsymmetrical.

73.132; (a); Provides for the use of additional containers for liquid cement, n. o. s.

73.153; (b); Clarifies the exemption requirements for liquid or solid organic peroxides.

73.157; (a) (3); Provides spec. 12B fiberboard box for certain peroxides.

73.234; (a) (4); Provides spec. 37A metal drums for sodium nitrite.

73.245; (a) (18); Provides spec. 12A fiberboard box for acids or other corrosive liquids not specifically provided for.

73.247; (a) (8) Note 1; Provides for the use of certain 99% pure nickel tank cars for benzyl chloride service.

73.252; (a) (4); Provides for the transportation of bromine in spec. MC 310 cargo tanks.

73.257; (a) (11); Provides for the shipment of electrolyte (acid) or corrosive battery fluid in spec. 12A fiberboard box.

73.258; (a) (2); Provides certain packaging requirements for shipments of electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries by the military.

73.258; (a) (3); Provides for the shipment of electrolyte, acid, or alkaline corrosive battery fluid in spec. 12B fiberboard box.

73.260; (c) (1), (2); Provides for the use of a new type cover-liner for electric storage batteries, wet.

73.262; (a) (7); Provides for the shipment of hydrobromic acid in spec. 12A fiberboard box.

73.263; (a) (16); Provides for the shipment of certain acids in spec. 12A fiberboard box.

73.272; (c) (6); Provides for the shipment of sulfuric acid in spec. 12A fiberboard box.

73.289; (a) (12); Provides for the shipment of formic acid and formic acid solutions in spec. 12A fiberboard box.

73.308; (a) Note 5; Provides an additional means of packaging mining devices.

73.312; (a) (1); Provides for the use of spec. 4E aluminum cylinder for liquefied petroleum gas.

73.314; (a) table; Provides for the use of additional tank cars for certain compressed gases.

73.314; (a) Note 2; Authorizes the use of spec. 109A–AL–W tank cars having higher marked test pressure than those prescribed of this class.

73.314; (a) Note 3 (a); Clarifies the type of tank cars to which the filling densities for liquefied petroleum gas or butadiene are applicable.

73.314; (a) Note 3 (b); Eliminates reference to the war and postwar emergency period and stipulates that storage in transit is not permitted under these provisions.

73.314; (a) Note 3 (c), (d); Provides maximum permitted filling densities in unlagged single-unit tank cars transporting liquefied petroleum gas.

73.314; (a) Note 21; Provides for filling densities and transportation of anhydrous ammonia in uninsulated tank cars.

73.314; (b); Provides gas pressure limitation in spec. 109A300AL–W tank cars.

73.314; (c); Specifies that the liquid portion of the gas at 115° F. must not completely fill an unlagged tank of spec. 112A400–W.

73.315; (a) (1) table, (h) table, (l) (2) table; Provides for the transportation of vinyl chloride, inhibited in spec. MC 330 cargo tanks.

73.346; (a) (16), (17); Provides for the shipment of poisonous liquids, n. o. s. in spec. 42B, 42C, 42D or 42E aluminum drums.

73.354; (a) (5) and Note 1; Reinstates the restriction against transporting tetraethyl lead in MC 330 cargo tanks which had been erroneously deleted.

73.369; (a) (14); Provides for the transportation of carbolic acid (phenol), not liquid in spec. MC 310 or MC 311 cargo tanks.

73.414; (a); To correct a printing error.

73.432; (e) Note 2; Clarification in that other compressed gases besides chlorine are also handled in ton containers unloaded on carrier property.

74.526; (n), (1), (2); Permits the use of portable containers other than metal and requires that all portable containers be of a type approved by the Bureau of Explosives.

74.538; (a) chart footnote e; Permits the loading of ammonium nitrate, fertilizer grade in the same car with high explosives.

74.549; (h); Clarifies the requirement pertaining to the visibility of placards on trailers on flat cars.

74.553; (a); To make consistent with § 74.589 (n).

74.560; (b) (2) Note 2; Clarification in that other compressed gases besides chlorine are also handled in ton containers unloaded on carrier property.

77.848; (a) chart, and footnote e; To correct an omission; permits the loading of ammonium nitrate, fertilizer grade in the same motor vehicle with high explosives.

78.1–3; (a); Requires vented closures on spec. 1A carboys to avoid excess internal pressure.

78.3–3; (a); Reason for § 78.1–3 applies also to spec. 1C.

78.4–6; (c); Prohibits attachment of spec. 1D box tops by friction.

78.5–2; (a); Reason for § 78.1–3 applies also to spec. 1X.

78.6–3; (a); Reason for § 78.1–3 applies also to spec. 1EX.

78.7–4; (b); Reason for § 78.1–3 applies also to spec. 1E.

78.10–6; (a); Clarifies failure conditions in testing spec. 1F polyethylene carboys in plywood drums.

78.68; Entire section; Provides for the construction of new specification 4E aluminum cylinder.

78.131–6; (a) table; To correct an omission; to provide for the construction of spec. 37A steel drums as specified for certain commodities.

78.205–33; (a); Provides for the construction of additional special box of spec. 12B fiberboard box.

78.210; Entire section; Provides for the construction of new spec. 12A fiberboard box.

78.219–5; (a), (b), (c); Authorizes the use of additional tapes of equivalent strength for closing spec. 23H fiberboard box.

78.265–4; (b); Provides for a slight tolerance in the inside diameter of spec. 103 tank.

78.265–13; (d); Provides for threaded cap closure arrangement or bolted flange closure arrangement on the outlet nozzle of spec. 103 tank car.

78.266–4; (b); Provides for a slight tolerance in the inside diameter of spec. 103A tank.

78.267–4; (b); Provides for a slight tolerance in the inside diameter of spec. 103B tank.

78.267–14; (b); Provides for the use of safety vents made of materials other than rubber-lined steel on spec. 103B tank cars.

78.269–4; (b); Provides for a slight tolerance in the inside diameter of spec. 104 tank.

78.269–13; (d); Reason for § 78.265–13 applies also to spec. 104 tank car.

78.270–4; (b); Provides for a slight tolerance in the inside diameter of spec. 105A100 tank.

78.280–4; (b); Provides for a slight tolerance in the inside diameter of spec. 103–W tank.

78.280–15; (d); Reason for § 78.265–13 applies also to spec. 103–W tank car.

78.281–4; (b); Provides for a slight tolerance in the inside diameter of spec. 103A–W tank.

78.282–4; (b); Provides for a slight tolerance in the inside diameter of spec. 103B–W tank.

78.282–15; (b); Provides for the use of safety vents made of material other than rubber-lined steel on spec. 103B–W tank cars.

78.283–4; (b); Provides for a slight tolerance in the inside diameter of spec. 103C–W tank.

78.284–4; (b); Provides for a slight tolerance in the inside diameter of spec. 104–W tank.

78.284–15; (d); Reason for § 78.265–13 applies also to spec. 104–W tank.

78.285–4; (b); Provides for a slight tolerance in the inside diameter of spec. 105A100–W tank.

78.291–4; (e); Provides for interior compartment heads in spec. 103AL–W tank cars.

78.291–14; (d); Reason for § 78.265–13 applies also to spec. 103AL–W tank car.

78.292–4; (e); Provides for interior compartment heads in spec. 103A–AL–W tank cars.

78.293; Entire section; Provides for the fabrication of spec. 110A500–W tank without the necessity of radiographing circumferential head seams and permits head thickness to be calculated under the formula using 100% as efficiency.

78.296–4; (b); Provides for a slight tolerance in the inside diameter of spec. 103B100–W tank.

78.297–4; (b); Provides for a slight tolerance in the inside diameter of spec. 103D–W tank.

78.297–14; (d); Reason for § 78.265–13 applies also to spec 103D–W tank car.

78.298–4; (b); Provides for a slight tolerance in the inside diameter of spec. 103E–W tank.

78.299–4; (b); Provides for a slight tolerance in the inside diameter of spec. 103A–N–W tank.

78.303–16; (d); Reason for § 78.265–13 applies also to spec. 111A100–W–1 tank car.

78.305–16; (d); Reason for § 78.265–13 applies also to spec. 111A100–W–3 tank car.

78.307–4; (b); Provides for a slight tolerance in the inside diameter of spec. 105A200–W tank.

78.321–9; (a); Requires the testing of each compartment individually when spec. MC 300 cargo tank is divided into compartments.

78.322–9; (a); Reason for § 78.321–9 (a) applies to spec. MC 301 cargo tank.

78.323–5; (a)—78.323–9; (a) To correct an erroneous marking requirement; reason for § 78.321–9 (a) applies to spec. MC 302 cargo tank.

78.324–9; (a); Reason for § 78.321–9 (a) applies to spec. MC 303 cargo tank.

78.330–14; (a); Provides for the use of a blank flange or screw-on cap at discharge end of outlet on spec. MC 310 cargo tank.

78.331–11; (a); Reason for § 78.330–14 (a) applies to spec. MC 311 cargo tank.

[F. R. Doc. 57–6399; Filed, Aug. 7, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12133; FCC 57–885]

RADIO BROADCAST SERVICES

ANTENNA SYSTEMS AND ENGINEERING CHARTS FOR FM BROADCAST STATIONS

In the matter of amendment of §§ 3.316 and 3.333 of the Commission's rules relating to antenna systems and engineering charts for FM Broadcast Stations; Docket No. 12133.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it a petition filed on April 26, 1957, by James C. McNary, a consulting engineer in Washington, D. C., for amendment of §§ 3.316 and 3.333 of the rules to authorize FM broadcast stations to employ antenna systems utilizing either horizontal or vertical polarization.

3. The Rules presently provide that FM broadcast stations shall employ horizontal polarization, but provision is made for circular or elliptical polarization, if desired, provided the supplemental vertically polarized effective radiated power required for circular or elliptical polarization does not exceed the authorized effective radiated power.

4. Petitioner notes that FM broadcast receivers are now being employed in automobiles but that vertical whip antennas are normally used in conjunction with automobile installations. He notes since all, or practically all, FM stations transmit horizontally polarized waves, the cross-polarization of the transmitting and receiving antennas does not achieve optimum reception. He urges that FM reception in automobiles would be benefited by vertical polarization of the transmitted wave since the field intensity at low levels above ground would be greater and the use of the same polarization at both the transmitter and receiver would mean a relatively greater signal at the receiver.

5. McNary proposes that § 3.316 of the rules relating to FM antenna systems be amended so as to permit either horizontal or vertical polarization. He suggests, also, that a new chart be added to § 3.333, setting forth the ground wave signal range for use with antenna systems employing vertical polarization.

6. The Commission is of the view that rule making should be instituted in this matter in order that interested parties may submit comments and relevant data with respect to the proposal to provide for vertical polarization in addition to the types of polarization presently authorized. Parties filing comments are requested to direct their attention to the following:

(a) Whether and to what extent adoption of the proposed amendments would affect existing FM reception.

(b) Whether or not Figure 1 of § 3.333 of the rules should be utilized for both horizontal and vertical polarization, or whether a separate figure should be prepared for use with vertical polarization.

7. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 1, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 20 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing

of such additional comments is established.

8. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) of the Communications Act of 1934, as amended.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: August 1, 1957.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6486; Filed, Aug. 7, 1957; 8:52 a. m.]

[47 CFR Part 4]

[Docket No. 12006; FCC 57-886]

EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

TELEVISION BROADCAST TRANSLATOR STATIONS

In the matter of amendment of Part 4 of the Commission's rules and regulations relating to Television Broadcast Translator Stations; Docket No. 12006.

1. The Commission has under consideration its Notice of Proposed Rule Making (FCC 57-409), released in this proceeding on April 29, 1957, proposing to amend Part 4 of the rules and regulations governing television broadcast translator stations so as to limit the authorization of translators to communities and areas in which a regularly assigned television broadcast station is not operating and to require translators to cease operation upon the commencement of operation by a regularly authorized station in the community or area.

2. Comments in support of the proposal were filed by: Lewiston TV Co., KLEW-TV, Lewiston, Idaho; James E. Peaden, Blythe, California; Television Montana, Inc., KXLF-TV, Butte, Montana; South West Oregon Television Broadcasting Corporation, KPIC, Roseburg, Oregon; Frontier Broadcasting Company, KFBC-TV, Cheyenne, Wyoming; Farmington Broadcasting Company, Farmington, New Mexico; California-Oregon Television, Inc., KBES-TV, Medford, Oregon; KOTI-TV, Klamath Falls, Oregon; KLEM-TV, Eureka, California; Rollins Broadcasting-Telecasting of New York, Inc.; WPTZ, North Pole, N. Y.; and Gila Broadcasting Company, Globe, Arizona. A joint opposition was filed by WDSU Broadcasting Company, WDSU-TV, New Orleans, Louisiana; Joe L. Smith, Jr., Inc., WKNA-TV, Charleston, West Virginia; Lion Television Corporation, WDAM-TV, Hattiesburg, Mississippi; The Evening News Association, WWJ-TV, Detroit, Michigan; Murray Carpenter & Associates, WTWO, Bangor, Maine; Southwest States, Inc.; WMBD, Inc.; Modern Broadcasting Co. of Baton Rouge, Inc., WAFB-TV, Baton Rouge, Louisiana; WKY Television, Inc. WKY-TV, Oklahoma City, Oklahoma; WSFA-TV, Montgomery, Alabama; WTVT, Tampa, Florida and Lee Radio Corporation, KGLO-TV, Mason City, Iowa. Comments opposing the proposed amendment were filed by: Needles Community Television Club, Needles, California; Video Utility Co., Spokane, Washington; Mr. Kenneth F. Barneburg, County School Supt., Douglas County, Roseburg, Oregon; Benton County TV Association, West Richland, Washington; Joplin TV Club, Inc. Joplin, Montana; San Juan Non-Profit TV Association, Farmington, New Mexico; Parker Chamber of Commerce Inc., Parker, Arizona; Chamber of Commerce, Cortez, Colorado; Orchards Community Television Association, Inc., Lewiston, Idaho; Ignacio Television Committee, Ignacio, Colorado; La Plata Electric Association, Durango, Colorado; Community Television Project, Globe-Miami, Arizona; Palo Verde Valley TV Club, Blythe, California; Radio Service Corporation of Utah, KSL-TV, Salt Lake City, Utah; Prairie Television Company, WTVP, Decatur, Illinois; KVOS, Inc., KVOS-TV, Bellingham, Washington; Southwestern Radio and Television Company, KFSA-TV, Forth Smith, Arkansas; Great Lakes Television Company, WSEE, Erie, Pennsylvania; Pioneer Broadcasting Company, KGW-TV, Portland, Oregon; Committee for Competitive Television; TV Denver, Inc., KBTV, Denver, Colorado; King Broadcasting Company, KING-TV, Seattle, Washington; Tupelo Citizens Television Company, WTWV, Tupelo, Mississippi; Meredith Syracuse Television Corporation, WHEN-TV, Syracuse, N. Y.; Meredith Engineering Company, KCMO-TV, Kansas City, Missouri; KPHO-TV, Phoenix, Arizona; Meredith WOW, Inc., WOW-TV, Omaha, Nebraska; Odessa Television Company, KOSA-TV, Odessa, Texas; Adler Electronics, Inc., New Rochelle, New York; Conewango Valley Television Inc.; Paramount Agencies, Spokane, Washington; Springfield Television Broadcasting Corporation, Springfield, Massachusetts; Nevada Radio-Television, Inc., KOLO-TV, Reno, Nevada; Industrial Television, Los Angeles, California; Union County Farm Bureau, La Grande, Oregon; Teleservice Company, Roseburg, Oregon; Southwestern Publishing Co., Inc., KLRJ-TV, Henderson, Nevada; Wabash Valley Broadcasting Corporation, WTHI-TV, Terre Haute, Indiana; Sir Walter Television Company, WNAO-TV, Raleigh, North Carolina; Golden Empire Broadcasting Co., KHSL-TV, Chico, California; The Channel 7 Company, KLTV, Tyler, Texas; National Broadcasting Company, Inc.; Grande Ronde Television Association, La Grande, Oregon and TV, Inc., Denver, Colorado. A great many letters, the great majority of which opposed the amendment, were also received.

3. In view of the large number of comments filed and the duplication of contentions of the various parties, the comments will be generally discussed without reference to the particular parties. The parties supporting the proposed amendment urge that the "translator principle" is commendable where no other type of service exists or where the community to be served is too small to expect any local service and an established television station is not placed in jeopardy. They argue that regular television stations in marginal markets cannot compete successfully for viewers against the combination of community antenna systems and low-cost translator stations; that the primary danger to the establishment and continuance of regular television broadcast stations is that translator stations ordinarily rebroadcast the signals of one or more metropolitan stations, which carry network programs not available to the same extent to the local television station, thereby forcing the local station to compete with the distant metropolitan station. They contend that translator stations serve only a center of population and are unable to serve he surrounding rural areas; that translator service to the center of population is ordinarily sufficient to make the operation of a regular television station in the same general area economically unfeasible and thus prevent the authorization of a regular station which would provide a local outlet of self expression and television service to the residents of rural areas. Several of the parties suggest that the rules should be further amended to define a "local television broadcast station" as a station whose Grade B contour encloses all or a portion of the area served or to be served by a proposed translator station and to provide that translator stations may retransmit only the signal of local television broadcast stations unless no local television broadcast station exists which will consent to the rebroadcast of its programs. Other parties urge that the authorization of translator stations should be limited to locations outside the Grade B contours of regularly assigned television stations.

4. The parties opposed to the adoption of the proposed amendments argue that all communities, irrespective of size, are entitled to a choice of programs and should not be restricted to a single program source. They contend that if additional program sources are available, the residents of communities in which there is only one operating station will find a means of providing these additional signals to the community, either by unlicensed VHF boosters or a cable system. The parties allege that translator operations are not competitive with regular television broadcast stations but are, in fact, complementary; that in communities with a single operating station, set saturation normally does not exceed 50 percent but the addition of a second or third program source in such small communities may actually assure set saturation of almost 100 percent; so that although the audience may be divided between the translators and the regular television station, the latter has an opportunity to compete for a larger audience and its chances for survival may be considerably greater than without the translator. They maintain that most of the communities in which a regular television station might be established are already served by some type of cable system which provides network programming and can sell local advertising; that removing translators from such communities would not materially enhance the local television station's chances of survival but would encourage the enlargement of the cable systems and the "bootlegging" of signals to the community by means of boosters. The opponents point out that if the proposed rules are adopted, some areas which had previously received a multiplicity of program sources through translators would be limited to a single program source with a concentration of locally originated broadcasts, particularly if the newly established station is unable to obtain network programming, and other areas with unusually rough terrain would actually lose service since a local television station would not have the same coverage as multiple translator stations. The opponents contend that the amendments would serve only to protect marginal television operators, unable or unwilling to provide adequate service; that a rule designed to protect local television stations is inconsistent with the Commission's decision in the Southeastern Enterprises case,[1] in which the Commission determined that it had no authority to consider the effect of competition on local broadcast stations; and that competition from translators would provide an incentive for local stations to improve the quality of their programming. They submit that adoption of the amendments will seriously discourage the installation or expansion of translator facilities and will provide a means whereby local cable systems can prevent the installation of competitive translator stations by applying for authority to build a local television station which would not compete with their wired service. Finally, it is urged that there is too great a variance among the communities in which translators might be established with respect to their ability to support a local television station, the feasibility of translator installations, the availability of network programs and numerous other factors, to apply an absolute, across-the-board rule as proposed in the amendments. It is suggested that the many problems involved can be better resolved on a case-by-case basis.[1]

5. We recognized in our Report and Order authorizing translators the possibility that translators may be employed to compete with regularly established stations. We noted that translators are intended primarily to provide a means whereby television can be brought to areas without service; but, we noted, also, that they could be employed to bring multiple services to communities too small to support several stations on a regular basis. We were aware that the use of translators in competition with regular stations raised a number of very serious questions, but we did not believe at that time that a universal, hard-and-fast rule governing all such situations should be adopted and we concluded that the problems could be more appropriately considered on a case-by-case basis as they arise.

6. In our Notice of Rule Making in this proceeding, however, we indicated our intention to explore, in a rule making proceeding, the possibility of adopting a rule which would preclude translators, in all cases, from communities and areas with regularly authorized television stations and which would require translators to cease operation after a regular station goes on the air in the same community or area. We have carefully reviewed and evaluated the numerous comments submitted in this proceeding. Upon this study and further consideration of the problem we have now concluded that the judgment expressed in our Report and Order authorizing translators was sound, i. e., that the problem of translators operating in competition with regularly assigned television stations is a complex one which can more appropriately be considered in the context of the particular facts of each case. We are aware, as we noted in our Report and Order, that the competition of a translator may present a serious problem to a struggling television station in the community. However, we can envisage situations in which a translator might operate in the community or a nearby community without adversely affecting the regular television station. We doubt the efficacy, therefore, of a universal rule which would automatically preclude translators in all cases from competing with a regular station. Rather, we think the question of translators in communities and areas with regularly assigned stations should be considered in light of such factors as the terrain in the area, the existence of a community antenna system, the type of regularly authorized television station, i. e., satellite, non-network, etc., the coverage of the proposed stations, the economic factors, the distance of the translator from the regular station, etc. Such factors as these, we believe, should be thoroughly considered in the context of each case before determining whether a translator should be disallowed. We feel that such a procedure represents a more effective means of dealing with the problem and will enable us better to determine, in light of the particular circumstances, whether the advent of a translator will, in fact, deter the establishment and growth of a local television station. For this reason, we do not believe that the public interest would be served by adopting the proposed amendments.

6. In view of the foregoing: *It is ordered*, That the proposed amendment is not adopted and that this proceeding is terminated.

Adopted: August 1, 1957.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6487; Filed, Aug. 7, 1957; 8:52 a. m.]

[1] JCET states that it has no objection to the Commission's proposal insofar as commercial television stations are concerned, but urges that the policy should not apply to non-commercial educational television service.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 155]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 31, 1957.

The United States Forest Service has filed an application, Serial No. AR-06719, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for a lookout station.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box No. 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 11 E.
Sec. 27: SE¼SW¼SE¼, SW¼SE¼SE¼

The area described totals 20 acres in the Coconino National Forest.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 57-6461; Filed, Aug. 7, 1957; 8:46 a. m.]

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 31, 1957.

The Corps of Army Engineers, U. S. Army has filed applications Serial Num-

bers Nevada 013137 and Nevada 014602 for the withdrawal of the lands described below, from all forms of appropriation and use including mineral leasing and mining. The applicant desires the lands for use as an extension to Nellis Air Force Base Storage Depot.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 19 S., R. 62 E.,
Sec. 25, S½;
Sec. 36, W½.
T. 20 S., R. 62 E.,
Sec. 1, Lots 3 and 4.
T. 19 S., R. 63 E.
Sec. 27, SW¼;
Sec. 30, SW¼.

Total acreage is 997.85.

E. R. GREENSLET,
State Supervisor,
P. O. Box 1551,
Reno, Nevada.

[F. R. Doc. 57-6462; Filed, Aug. 7, 1957; 8:47 a. m.]

Geological Survey

COLORADO, NEVADA, NEW MEXICO, UTAH, WYOMING

DEFINITION OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown.

Name of Field, Effective Date, and Acreage

(2) COLORADO

Danforth Hills; June 11, 1957; 480.

(4b) NEVADA

Eagle Springs; April 17, 1957; 1,280.

(5) NEW MEXICO

Bisti; June 18, 1957; 28,014.

(8) UTAH

Bluff; April 17, 1957; 360.
Chapita Wells; June 11, 1957; 360.
Jack Canyon; April 25, 1957; 2,279.
Joe's Valley (Revision); April 19, 1957; 4,225.
Peter's Point; April 25, 1957; 4,440.
Recapture Creek; April 25, 1957; 760.
Red Wash; June 18, 1957; 29,353.
(9) WYOMING
Big Piney (Revision); May 8, 1957; 19,947.
Bison Basin (Revision); April 25, 1957; 1,000.
Clark Ranch; June 11, 1957; 781.
Gooseberry; June 11, 1957; 919.
Gooseberry Northeast; June 11, 1957; 640.
Grieve; June 11, 1957; 1,880.
Hogsback; May 28, 1957; 8,790.
Manderson (Revision); May 3, 1957; 12,453.
Osage (Revision); May 15, 1957; 16,843.
Pinedale; May 29, 1957; 41,271.
South Elk Basin (Revision); April 19, 1957; 2,320.
Sussex-Meodaw Creek (Revision & Consolidation); June 20, 1957; 13,611.
Tip Top (Revision); May 27, 1957; 18,495.

ARTHUR A. BAKER,
Acting Director.

AUGUST 1, 1957.

[F. R. Doc. 57-6458; Filed, Aug. 7, 1957; 8:46 a. m.]

National Park Service

[Region One, Order 3, Amdt. 3]

SUPERINTENDENTS

DELEGATION OF AUTHORITY

1. A new paragraph (g) and reading as follows, is added to section 1:

(g) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., section 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C., 1952 ed., section 484), and review of the grantees' biennial reports and their acceptance when satisfactory.

2. A new paragraph (h) and reading as follows, is added to section 2:

(h) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., section 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C., 1952 ed., section 484), and review of the grantees' biennial reports and their acceptance when satisfactory.

3. A new paragraph (n) and reading as follows, is added to section 3:

(n) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., section 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C., 1952 ed., section 484), and review of the grantees' biennial reports and their acceptance when satisfactory.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C. 1952, Sec. 2)

H. REESE SMITH,
Acting Regional Director.

[F. R. Doc. 57-6463; Filed, Aug. 7, 1957; 8:47 a. m.]

Office of the Secretary

[Order 2823]

ALASKA

LAND DISTRICTS AND LAND OFFICES

AUGUST 1, 1957.

SECTION 1. *Juneau Land District established.* A new land district to be known as the Juneau Land District is hereby established. The Juneau Land District will consist of that portion of judicial division number 1, as constituted by the act of June 6, 1900, (31 Stat. 322; 48 U. S. C. 101), as amended, which is situated east of the following described line:

Beginning at Boundary Point number 164 on the International Boundary at the summit of Mt. Fairweather at latitude 58°54'24.27" North and longitude 137°31'27.20" West;
thence, South 37°30' E. approximately 21.4 miles to the summit of Mt. Crillon which is at a latitude 58°39'45.78" North, longitude 137°10'11.05" West;
thence South 12° West approximately 14.7 miles to U. S. Coast and Geodetic Triangulation station "Glacier (1926)" at latitude 58°27'26.327" North, longitude 137°15' 18.983" West which is located on the coast.

SEC. 2. *Juneau Land Office established.* A land office is hereby established at Juneau, Alaska and the business and necessary archives pertaining to the Juneau land district shall be transferred from the Anchorage Land Office to the office at Juneau.

SEC. 3. *Anchorage and Fairbanks land district boundaries reestablished—*(a) *Anchorage land district.* The boundary of the Anchorage land district shall conform to the boundaries of judicial division number 3, except as provided in sections 3 (c) and 3 (d) of this order, and that portion of judicial division number 1 which is not included in the Juneau land district established by section 1 of this order, as such judicial divisions are now constituted by the act of June 6, 1900 (31 Stat. 322; 48 U. S. C. 101), as amended, or may hereafter be constituted.

(b) *Fairbanks land district.* The boundary of the Fairbanks land district shall conform to the boundaries of judicial divisions number 2 and 4, except as provided in sections 3 (c) and 3 (d) of this order, as such judicial division boundaries are now constituted by the act of June 6, 1900 (31 Stat. 322; 48 U. S. C. 101), as amended, or as may hereafter be constituted.

(c) *Broad Pass area common boundary.* A portion of the common boundary of the Anchorage and Fairbanks land district is hereby reestablished so that the common boundary in the Broad Pass Area will be as follows:

Beginning at a point on the boundary between the Third and Fourth Judicial Divisions at an intersection with what will be the line between T. 18 S., R. 9 W., and T. 18 S., R. 10 W., Fairbanks Meridian, this point located on the west slope of Broad Pass between Bull River and Cantwell Creek at approximate latitude 63°19'37" North, longitude 149°21'36" West;
thence, south 1.8 miles to the northwest corner of T. 19 S., R. 9 W.;

thence, easterly approximately 10.4 miles along the line between T. 18 S., R. 9 W., and T. 19 S., R. 9 W. and along the partially unsurveyed line between T. 18 S., R. 8 W. and T. 19 S., R. 8 W. to a juncture with the aforementioned Judicial Division Boundary line on the east slope of Broad Pass at approximate latitude 63°18'08" North, longitude 149°01'36" West.

(d) *Susitna Valley-Mentasta area common boundary.* A portion of the common boundary of the Anchorage and Fairbanks land districts is hereby reestablished so that the common boundary in the Susitna Valley-Mentasta area will be as follows:

Beginning at a point on the boundary between the Third and Fourth Judicial Divisions located due north of the northeastern inlet to Butte Lake (Nadiwen Lake), this point situated approximately 10 miles west of the Susitna River and at approximate latitude 63°11'57" North, longitude 147°49'55" West;
thence, south 10 chains to said inlet of Butte Lake;
thence, southwesterly along the south shore of Butte Lake and then following the left bank of Butte Creek downstream approximately 30 miles to its confluence with the Susitna River;
thence, east across the Susitna and southeasterly downstream along the left bank of the Susitna River approximately 41 miles to the mouth of the Tyone River;
thence, upstream along the right bank of the Tyone River approximately 12.0 miles to the mouth of an unnamed stream entering the Tyone from a northeasterly direction;
thence, upstream along the left bank of this unnamed stream approximately 12.5 miles to an unnamed lake and continuing for approximately 2.5 miles along the south shore of the lake to its eastern-most point located at approximate latitude 62°43'52" North, longitude 146°47'33" West;
thence, approximately North 58° East 1.75 miles to a point situated on the southwest shore of an unnamed lake which is the headwaters of the West Fork Gulkana River, this point being where the lake is entered by a small stream at its southwest corner;
thence, easterly approximately 1.5 miles along the south shore of the lake to the West Fork Gulkana River;
thence, downstream along the right bank of the West Fork Gulkana River approximately 87.0 miles to its confluence with the Gulkana River;
thence, downstream along the right bank of the Gulkana River approximately 9.5 miles to a point located approximately 0.4 mile due west of Coast and Geodetic triangulation monument "BM-0-8, 1923" which is situated about 0.3 mile south of Sourdough and 70 feet west of the Richardson Highway at latitude 62°31'23.901" North, longitude 145°30'48.110" West;
thence, east 0.4 mile to said triangulation station "BM-0-8, 1923";
thence, continuing east approximately 6.5 miles to a point of intersection with the Copper River Principal Meridian;
thence, north approximately 23.1 miles along the Copper River Meridian to an intersection with the line marking the common boundary between T. 12 N. and T. 13 N. Copper River Meridian;
thence, east approximately 56.6 miles along said line between T. 12 and 13 N. Copper River Meridian, to an intersection with the boundary between the Third and Fourth Judicial Divisions which intersection is approximately 8.5 miles southeast of Mentasta Lake at approximate latitude 62°51'40" North, longitude 143°30'50" West.

(e) The land offices at Anchorage and Fairbanks are continued; however, the business and necessary archives pertaining to the area added to the Fairbanks Land District by this re-establishment of boundaries shall be transferred from the Anchorage Land Office to the Fairbanks Land Office.

SEC. 4. *Effective date: Prior Documents.* This order shall become effective August 15, 1957, at which time Secretary's Orders Nos. 2313 (12 F. R. 2934) and 2656 (16 F. R. 9052) are superseded. (Sec. 6, Act of October 9, 1942 (56 Stat. 799; 48 U. S. C. 365).)

HATFIELD CHILSON,
Acting Secretary of the Interior.

AUGUST 1, 1957.

[F. R. Doc. 57-6464; Filed, Aug. 7, 1957; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-50]

NORTH AMERICAN AVIATION, INC.

ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission on August 2, 1957, issued Construction Permit No. CPRR-14 to North American Aviation, Inc., authorizing construction of a 5-watt solution-type research reactor at Canoga Park, California. A notice of proposed issuance of this construction permit was published in the FEDERAL REGISTER on July 17, 1957, 22 FR 5648.

Dated at Washington, D. C., this 2d day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-6496; Filed, Aug. 7, 1957; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ILLINOIS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Illinois a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ILLINOIS

Grundy.	Kankakee.
Iroquois.	Will.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 5th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6503; Filed, Aug. 7, 1957; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1705-10]

SLICK AIRWAYS, INC.; AIRFREIGHT RATE INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of the petition of Slick Airways, Inc., for an investigation of airfreight rates.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on September 4, 1957, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., August 5, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6501; Filed, Aug. 7, 1957; 8:54 a. m.]

[Docket No. 8711]

TACA INTERNATIONAL AIRLINES, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of TACA International Airlines, S. A., for renewal of its foreign air carrier permit authorizing it to engage in foreign air transportation with respect to persons, property, and mail between the terminal point San Salvador, El Salvador, the intermediate points Guatemala City, Guatemala, and Belize, British Honduras, and the terminal point New Orleans, Louisiana.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on September 10, 1957, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., August 2, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6502; Filed, Aug. 7, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12107, 12108; FCC 57M-748]

RIVERSIDE CHURCH AND HIGHLAND BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of the Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; Highland Broadcasting

Corporation, Peekskill, New York, Docket No. 12108, File No. BPH-2203; for construction permits.

It is ordered, This 1st day of August 1957, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 14, 1957, in Washington, D. C.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6488; Filed, Aug. 7, 1957; 8:52 a. m.]

[Docket No. 12109; FCC 57M-749]

BEN HILL BROADCASTING CORP. (WBHB)

ORDER SCHEDULING HEARING

In re application of Ben Hill Broadcasting Corporation (WBHB) Fitzgerald, Georgia, Docket No. 12109, File No. BMP-7573; for modification of construction permit.

It is ordered, This 1st day of August 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 14, 1957, in Washington, D. C.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6489; Filed, Aug. 7, 1957; 8:52 a. m.]

[Docket No. 12110; FCC 57M-750]

GRAND HAVEN BROADCASTING CO. (WGHN)

ORDER SCHEDULING HEARING

In re application of Grand Haven Broadcasting Company (WGHN), Grand Haven, Michigan, Docket No. 12110, File No. BP-11160; for construction permit.

It is ordered, This 1st day of August 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 9, 1957, in Washington, D. C.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6490; Filed, Aug. 7, 1957; 8:53 a. m.]

[Docket Nos. 12111, 12112; FCC 57M-751]

K. C. LAURANCE AND PHILIP D. JACKSON

ORDER SCHEDULING HEARING

In re applications of K. C. Laurance, Medford, Oregon, Docket No. 12111, File No. BP-10622; Philip D. Jackson, Weed, California, Docket No. 12112, File No. BP-11268; for construction permits.

It is ordered, This 1st day of August 1957, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby schedued to commence on October 9, 1957, in Washington, D. C.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6491; Filed, Aug. 7, 1957; 8:53 a. m.]

[Docket No. 12016; FCC 57M-746]

JAY SADOW

ORDER SCHEDULING HEARING

In re application of Jay Sadow, Rossville, Georgia, Docket No. 12016, File No. BP-10827; for construction permit.

Pursuant to a pre-hearing conference with counsel held on July 31, 1957, in the above-entitled proceeding: *It is ordered*, This 1st day of August 1957, that the hearing herein BE, and the same is hereby, set for October 21, 1957, commencing at 10 o'clock a. m., in the offices of the Commission, Washington, D. C.

Released: August 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6492; Filed, Aug. 7, 1957; 8:53 a. m.]

[Docket No. 12117; FCC 57M-752]

BEST CABS, INC.

ORDER SCHEDULING HEARING

In the matter of application of Best Cabs, Inc., 203 West 9th Street, Wichita, Kansas, Docket No. 12117, File Nos. 10649-LX-PL-L, 20415-LX-L; for radio station authorization in the Taxicab Radio Service.

It is ordered, This 1st day of August 1957, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 18, 1957, in Washington, D. C.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6493; Filed, Aug. 7, 1957; 8:53 a. m.]

[Docket No. 12132; FCC 57-880]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 12132.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Franklin, N. C.		233

3. The purpose of the proposed amendment is to add Channel 233 to Franklin, North Carolina, to facilitate consideration of an application, File No. BPH-2246, submitted by Graves Taylor, John E. Boyd, and Henry G. Bartoll, Jr., d/b as Macon County Broadcasting Company, for a construction permit for a new Class B FM broadcast station in Franklin, North Carolina to operate on Channel 233.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before September 3, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 1, 1957.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6495; Filed Aug. 7, 1957; 8:53 a. m.]

[FCC 57-920; Amdt. 0-21]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

In the matter of amendment of sections 0.251 and 0.253 of Part 0, Statement of Organization, Delegations of Authority and Other Information, to provide authorization for the Chief of the Common Carrier Bureau, or, in his absence, the Acting Chief of the Bureau, to act upon applications filed by common carriers under sections 214 and 319 of the Communications Act of 1934, as amended, for authority to construct or acquire and operate wire, cable or radio facilities where the proposed expenditure for such construction or acquisition is less than $2,000,000; and, amendment of sections 0.214 and 0.215 of Part 0 to provide authorization for the Telegraph or Telephone Committees, respectively, to act upon such applications where the proposed expenditure for such construction or acquisition is $2,000,000 or more; Amdt. 0-21.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 1st day of August 1957.

The Commission, having under consideration the matter of expediting action on applications filed with it by common carriers under section 214 or 319, respectively, of the Communications Act of 1934, as amended, to construct or acquire wire, cable or radio facilities; and

It appearing that it would be conducive to the orderly dispatch of the Commission's business to authorize the Telephone or Telegraph Committee to act upon applications filed under section 319, as well as those filed under section 214, as is now provided by the Commission's Rules; and

It further appearing that it would be conducive to the orderly dispatch of the Commission's business to authorize the Chief of the Common Carrier Bureau, or, in his absence, the Acting Chief of the Bureau, to act upon applications where the proposed expenditure for construction or acquisition by the carrier is less than $2,000,000; and

It further appearing that Notice of Proposed Rule Making is not required by the provisions of section 4 of the Administrative Procedure Act since the amendments of the rules herein relate to internal Commission organization and procedure and are not substantive in nature; and

It further appearing that authority for the proposed rule is contained in sections 4 (i) and 5 (d) (1) of the Communications Act of 1934, as amended;

It is hereby ordered, That effective immediately, sections 0.214, 0.215, 0.251 and 0.253 of Part 0 of the Commission's Statement of Organization, Delegations of Authority and Other Information are hereby amended as follows:

1. Section 0.214 is amended to read as follows:

SEC. 0.214 *Delegation to Telegraph Committee.*

(a) A Telegraph Committee, composed of three Commissioners, designated as such by the Commission or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under sections 214 or 319 of the Communications Act of 1934, as amended, by carriers engaged principally in record communication, for certificates or authorizations for the construction, acquisition, operation, or extension of telegraph wire, cable, or radio facilities, for temporary or emergency telegraph service, for supplementing existing telegraph facilities, or for discontinuance, reduction, or impairment of telegraph service, except those covered by sections 0.251 and 0.253.

(b) Actions taken by the Telegraph Committee shall be recorded each week in writing and filed in the official minutes of the Commission.

2. Section 0.215 is amended to read as follows:

SEC. 0.215 *Delegation to Telephone Committee.*

(a) A Telephone Committee, composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under sections 214 or 319 of the Communications Act of 1934, as amended, by carriers engaged principally in telephone communication, for certificates or authorizations for the construction, acquisition, operation, or extension of telephone or telegraph wire, cable, or radio facilities, for temporary or emergency telephone service, for supplementing exisiting telephone or telegraph facilities, or for discontinuance, reduction, or impairment of telephone or telegraph service, except those covered by sections 0.251 and 0.253.

(b) Actions taken by the Telephone Committee shall be recorded each week in writing and filed in the official minutes of the Commission.

3. In section 0.251, the text preceding paragraph (a) is amended to read as follows:

SEC. 0.251 *Matters delegated.* The Chief of the Common Carrier Bureau, or, in his absence, the Acting Chief of the Common Carrier Bureau, is delegated authority to act upon the following applications, requests, and other matters, which are not in hearing status, involving the use of radio, insofar as they apply to common carrier services, where the estimated construction cost is less than $2,000,000 (except Marine and Aeronautical):

4. In section 0.253, paragraphs (a) and (b) are amended to read as follows:

(a) For a certificate authorizing the construction, acquisition, operation, or extension of lines, or for an authorization for temporary or emergency service or the supplementing of existing facilities involving an estimated construction or purchase cost of less than $2,000,000, or an annual rental of less than $100,000.

(b) For modification of a certificate or authorization under this section of the act where such amendment or modification involves an estimated construction or purchase cost of less than $2,000,000 or an annual rental of less than $100,000.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6494; Filed, Aug. 7, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12998]

SOHIO PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 2, 1957.

Sohio Petroleum Company (Sohio), submitted for filing on July 3, 1957, proposed changes in the presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Contract dated April 3, 1957 and Supplemental Agreement dated January 6, 1956.

Purchaser: Natural Gas Pipeline Company of America.

Rate Schedule, designation: FPC Gas Rate Schedule No. 37 and Supplement No. 1 thereto.

Effective date: [1] August 3, 1957.

Sohio's tender consists of two documents, one of which is entitled as a gas purchase agreement, dated April 3, 1957, covering a unitized lease in Beaver County, Oklahoma Northwest Quarter (NW/4) of section 17, Township 1 North, Range 20 ECM. Sohio's filing shows that this lease has been pooled for production of gas from specified formations, so as to form a single operating unit [2] consisting of all of section 17 operated by Atlantic Refining Company covered by an unfiled joint operating agreement. Sohio owns 25 percent of all gas which may be produced from such operating unit, and proposes a rate of 16.2 cents per Mcf.

Sohio's other tendered document, which is incorporated by reference in the first document, is a gas purchase agreement between Atlantic Refining Company, Seller, and Natural Gas Pipeline Company of America, Buyer, dated January 6, 1956. Atlantic has previously filed this agreement, designated Atlantic's FPC Gas Rate Schedule No. 133. Under this agreement, Atlantic agreed to deliver and sell all of the gas owned by Atlantic produced from certain of its leases, among which is included one covering the Southeast Quarter (SE/4) of the same section 17. Sohio's contract states that the parties enter into an agreement "on the terms, covenants and provisions identical with those contained in" the Atlantic agreement, except that the gas sold thereunder is Sohio's gas produced from its said lease as unitized; and except that the volume of gas would be Sohio's proportionate share of gas produced from said joint interest well and that no deliveries of gas shall be made thereunder until Seller obtains and accepts a certificate of public convenience and necessity from this Commission.

The pricing provisions of the Atlantic contract provide for an initial rate of

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed, if later.

[2] Identified as the E. K. Bryan unit.

16 cents per Mcf for the first year of sales, with a periodic increase to 16.2 cents per Mcf for the second year, with similar increases in subsequent years to the twentieth year at 19.8 cents per Mcf. Atlantic filed for the second year increase to 16.2 cents per Mcf, to be effective May 10, 1957, and the Commission suspended that increase to October 10, 1957, by order issued April 29, 1957, in Docket No. G–12461.

Under its Rate Schedule No. 133 and unitized operating agreement, Atlantic agrees to sell gas from a number of units including the E. K. Bryan unit, of which Sohio's interest is 25 percent.

Sohio's filings, proposing a rate of 16.2 cents per Mcf, insofar as they cover the sale of gas to be produced from acreage previously dedicated under Atlantic's rate schedule, purport to increase the rate continued in effect during the period of suspension of Atlantic's escalation price of 16.2 cents.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed rate filings, and that the above-designated rate filings be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said rate filings be and they are each hereby suspended and the use thereof deferred until October 10, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate filings hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6478; Filed, Aug. 7, 1957; 8:49 a. m.]

[3] Commissioner Digby dissenting.

[Docket No. G–12995]

N. B. HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 2, 1957.

N. B. Hunt (Hunt) on July 5, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 3, 1957.

Purchaser: Texas Illinois Natural Gas Pipeline Company.

Rate Schedule designation: Supplement No. 8 to Hunt's FPC Gas Rate Schedule No. 8.

Effective date:[1] September 1, 1957.

In support of the proposed periodic rate increase, Hunt submitted a repetition of statements made in support of the previous proposed increases, all of which have been considered by the Commission.

Two prior proposed increases have been suspended. The first increase filed May 14, 1956, and amended by filing of July 9, 1956, was suspended by Commission's orders issued June 13, 1956, and August 9, 1956, in Docket No. G–10564, and placed in effect subject to refund as of January 7, 1957. The second increase, filed December 11, 1956, was suspended by Commission's order issued January 10, 1957, in Docket No. G–11721. On August 1, 1957, the Commission issued its order making effective as of June 11, 1957, Hunt's proposed rate change in Docket No. G–11721 upon filing of undertaking to assure refund of excess charges.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6466; Filed, Aug. 7, 1957; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Hunt, if later.

[Docket No. G–12996]

A. F. BRANN

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 2, 1957.

A. F. Brann (Brann) on July 5, 1957, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 2, 1957.

Purchaser: Natural Gas Pipe Line Company of America.

Rate Schedule designation: Supplement No. 2 to Brann's FPC Gas Rate Schedule No. 1.

Effective date:[1] August 5, 1957.

In support of the increased rate, Brann mentions arm's-length bargaining, the effect of the contract price schedule being the same as if the parties had agreed on an average price, the benefit to the buyer of purchasing gas at a lower initial rate, and the long term of the contract.

The increased rate and charge so proposed by Brann has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof, deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's general rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6467; Filed, Aug. 7, 1957; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Brann, if later.

[3] Commissioner Digby dissenting.

[Docket No. G–12997]

ARKANSAS FUEL OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 2, 1957.

Arkansas Fuel Oil Corporation (Arkansas) on July 5, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Supplemental Agreement, dated May 8, 1957. Notice of Change, undated.

Purchaser: United Gas Pipe Line Co.

Rate schedule designation: Supplement No. 1 to Arkansas' FPC Gas Rate Schedule No. 2. Supplement No. 2 to Arkansas' FPC Gas Rate Schedule No. 2.

Effective date:[1] August 5, 1957.

In support of the proposed rate increases, Arkansas states that the original contract was entered into for two months and has been continued on a month-to-month basis in order to prevent drainages by nearby wells and for the protection of its investment and the interests of its lessor and the royalty owners pending the negotiation of a long term contract, that the new contract is for twenty years and dedicates the entire unit instead of only the single lease, and that the proposed rate is in accordance with the fair market value in south Louisiana.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6468; Filed, Aug. 7, 1957; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days, notice, or the effective date proposed by Arkansas, if later.

[3] Commissioner Digby dissenting.

[Docket No. G–12999]

TIDEWATER OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 2, 1957.

Tidewater Oil Company (Tidewater) on July 15, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated July 11, and July 10, 1957.

Purchaser: Texas Illinois Natural Gas Pipe Line Company.

Rate schedule designation: Supplement No. 11 to Tidewater's FPC Gas Rate Schedule No. 5. Supplement No. 14 to Tidewater's FPC Gas Rate Schedule No. 18.

Effective date:[1] September 1, 1957.

The present rate is in effect subject to refund, having been suspended in Docket No. G–10998. In support of the proposed rate increase, Tidewater states that the contract was arrived at by arm's-length bargaining between the parties.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6469; Filed, Aug. 7, 1957; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Tidewater, if later.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

AUGUST 2, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1–2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing be-

ginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On July 24, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, August 3 to August 12, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6471; Filed, Aug. 7, 1957; 8:49 a. m.]

[File No. 24 NY-4117]

ARLISS PLASTICS CORP.

NOTICE OF AND ORDER FOR HEARING

AUGUST 2, 1957.

Arliss Plastics Corporation (Arliss), a Delaware corporation, 369-375 DeKalb Avenue, Brooklyn 5, N. Y. (formerly known as International Plastic Industries Corp.), filed with the Commission on October 12, 1955, a Notification on Form 1-A and subsequently filed amendments thereto relating to a proposed public offering of 150,000 shares of common stock, 10 cents par value, at $2.00 a share, or $300,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder.

The Commission on June 26, 1957 issued an order pursuant to Rule 223 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for a hearing was received by the Commission from Arliss.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held August 28, 1957, at 10:00 a. m. at the New York Regional Office of the Commission, 225 Broadway, New York, N. Y., with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with, in that:

1. The notification failed to state therein each of the jurisdictions in which the securities were to be offered as required by Item 1; and

2. In connection with the offering use has been made of written communications, to wit, reprints of an article in the New York Times, November 13, 1956 edition, relating to Arliss, which were not filed with the Commission as required by Rule 221; and

B. Whether the offering circular and other sales literature contain untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading concerning, among other things:

1. The arrangements to reimburse the underwriter for certain expenses; and

2. A contemplated merger of Arliss with, or sale of assets by Arliss to, another concern; and

C. Whether in connection with, and in furtherance of, the offering, materially false and misleading statements were made orally in representing, among other things, that:

1. Purchasers of Arliss stock would get a dividend in December, 1956;

2. Arliss stock would go on the American Stock Exchange at $5 a share in January of 1957;

3. Arliss stock would double in value in a short time;

4. Arliss would pay wonderful dividends;

5. Arliss would merge with a listed company;

6. Arliss would merge;

7. After Arliss merger, Arliss stock would be worth $4.00 per share; and

8. Arliss had wonderful prospects due to new management; and

D. Whether the employment of the oral representations, the offering circular and other sales literature, above referred to, in connection with the offering of Arliss stock to which the notification related would and did operate as a fraud and deceit upon the purchasers.

E. Whether the order dated June 26, 1957 suspending the exemption under Regulation A with respect to Arliss should be vacated or made permanent.

It is further ordered, That Mr. Sidney L. Feiler, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Arliss Plastics Corporation, 369-375 DeKalb Avenue, Brooklyn 5, New York; that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before August 26, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6472; Filed, Aug. 7, 1957; 8:49 a. m.]

[File No. 24W-1706]

WASHINGTON INSTITUTE FOR EXPERIMENTAL MEDICINE, INC.

ORDER VACATING ORDER OF SUSPENSION

AUGUST 2, 1957.

Washington Institute for Experimental Medicine, Inc., a Virginia corporation, with principal office located at R. F. D., Herndon, Fairfax County, Virginia, filed with the Commission on September 30, 1954 a Notification and a Rule 219 (b) statement as an exhibit thereto, and subsequently filed amendments thereto, relating to a proposed offering of 500 shares of $100 par 7 percent cumulative preferred stock at par, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

The Commission on June 5, 1956 ordered, pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the conditional exemption under Regulation A sought for the offering be temporarily suspended on the ground that the terms and conditions of Regulation A had not been complied with in that Form 2-A reports of sales, as required by Rule 224, had not been filed.

Subsequent to the Commission's action temporarily suspending the exemption, a Form 2-A report reflecting the sale of 40 shares was filed, a petition was made that the said order be vacated and that the unsold portion of the offering be withdrawn, and information was submitted to establish that the failure to file the report of sales was due entirely to inadvertence.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors, and that no objection should be raised to issuer's aforesaid request for withdrawal of the unsold shares;

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order for suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6473; Filed, Aug. 7, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Benton Industries, Inc., Colley Street, Benton, Pa.; effective 7-24-57 to 7-23-58 (sport shirts).

Classic Dress Co., Mary and Hamilton Streets, Dickson City, Pa.; effective 7-26-57 to 7-25-58 (children's cotton dresses).

Clyde Shirt Co., Northampton, Pa.; effective 8-4-57 to 8-3-58 (women's blouses).

Plains Manufacturing Co., Inc., 61 Hudson Road, Plains, Pa.; effective 7-26-57 to 7-25-58 (brassieres).

Quality Sewn Products, Inc., Royston, Ga.; effective 7-25-57 to 7-24-58 (sport shirts).

Roydon Wear, Inc., Oak Street, McRae, Ga.; effective 8-8-57 to 8-7-58 (outerwear, trousers and shorts).

Salem Garment Co., Inc., Salem, S. C.; effective 8-11-57 to 8-10-58 (women's washdresses).

Sportcaster Co., 2222 Second Avenue, Seattle, Wash.; effective 7-29-57 to 7-28-58 (men's and boys' jackets).

Sylvania Garment Co., Inc., Sylvania, Ga.; effective 7-26-57 to 7-25-58 (sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Draffin Manufacturing Co., North Scott Street, Camilla, Ga.; effective 7-29-57 to 7-28-58; five learners (ladies' and children's play shorts, pedal pushers).

Edmonton Manufacturing Co., Edmonton, Ky.; effective 7-30-57 to 7-29-58; 10 learners (work clothing).

Fairmont Manufacturing Co., Inc., East Sandy Street, Fairmont, N. C.; effective 7-26-57 to 7-25-58; 10 learners (ladies' nightgowns, pajamas).

Johnson Garment Corp., 307 West Second Street, Marshfield, Wis.; effective 7-26-57 to 7-25-58; five learners (men's and boys' outerwear, parkas).

Marine Garment Co., Marine, Ill.; effective 8-5-57 to 8-4-58; 10 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts (women's sportswear and outerwear).

Bob W. Mermel d/b/a Mermel Sportswear Manufacturing Co., 66 Washington Street, Bristol, R. I.; effective 7-26-57 to 7-25-58; 10 learners. Learners may not be engaged at special minimum wage rates in the production of jumpers, separate skirts, lined jackets, and suits (children's and ladies' sportswear).

Salley Manufacturing Co., Salley, S. C.; effective 7-29-57 to 7-28-58; 5 learners (ladies' sportswear).

Woolrich Woolen Mills, Avis, Pa.; effective 7-29-57 to 7-28-58; 5 learners (woolen shirts, jackets and coats).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bowman Shirt Manufacturing Co., Inc., 199 Broughton Street, Orangeburg, S. C.; effective 7-24-57 to 1-23-58; 20 learners (ladies' and children's dusters).

Draffin Manufacturing Co., North Scott Street, Camilla, Ga.; effective 7-29-57 to 1-28-58; 15 learners (ladies' and children's play shorts, pedal pushers).

Whiteville Garment Manufacturing Co., Wilmington Road, Whiteville, N. C.; effective 7-25-57 to 1-24-58; 10 learners (denim jeans).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Seattle Glove Co., 519 12th Ave., South Seattle, Wash.; effective 7-25-57 to 7-24-58; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Halifax County Hosiery Mills, Scotland Neck, N. C.; effective 7-26-57 to 7-25-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Spalding Knitting Mills, East Broad Street, Griffin, Ga.; effective 7-24-57 to 7-23-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Monarch-Comer Co., Comer, Ga.; effective 7-22-57 to 7-21-58; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupations of sewing machine operators and final presser, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (boys' suits, women's shorts and boys' trousers).

Monarch-Fitzgerald Co., Fitzgerald, Ga.; effective 7-22-57 to 7-21-58; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupations of sewing machine operators and final presser, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (boys' suits, women's shorts and boys' trousers).

Herman D. Oritsky & Co., 106 Grape Street, Reading, Pa.; effective 7-26-57 to 1-25-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Alfredo Manufacturing Corp., Rio Grande, P. R.; effective 6-27-57 to 9-3-57; authorizing the employment of 100 learners for plant expansion purposes, in the occupations of cutting, sewing machine operating, and final pressing, each for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (replacement certificate) (men's and boys' pajamas).

Atlantic Sportswear, Inc., Rio Piedras, P. R.; effective 6-27-57 to 8-16-58; authorizing the employment of 50 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (replacement certificate) (men's and boys' jackets).

Beatrice Needle Craft, Inc., Malecon Road Plant, Mayaguez, P. R.; effective 6-24-57 to 9-30-57; authorizing the employment of 50 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Beatrice Needle Craft, Inc., 18 San Vicente Street, Mayaguez, P. R.; effective 6-24-57 to 3-31-58; authorizing the employment of 17 learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Beatrice Needle Craft, Inc., Ponce, P. R.; effective 6-24-57 to 11-4-57; authorizing the employment of 55 learners for plant expan-

sion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Bra Glo Manufacturing Co., Inc., Carolina, P. R.; effective 6–24–57 to 8–15–57; authorizing the employment of 20 learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P. R.; effective 6–24–57 to 10–28–57; authorizing the employment of 40 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Elgee, Inc., Rio Piedras, P. R.; effective 7–1–57 to 1–31–58; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupation of stone setting for a learning period of 160 hours at the rate of 58 cents an hour (replacement certificate) (stone setting on combs, barrettes and chignon pins).

Island Industries, Inc., Catano, P. R.; effective 6–24–57 to 10–17–57; authorizing the employment of 20 learners for plant expansion purposes, in the occupations of looping and machine stitching; each for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (replacement certificate) (seamless full fashioned girdles).

Juana Diaz Co., Inc., Juana Diaz, P. R.; effective 6–24–57 to 11–4–57; authorizing the employment of 26 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Knitco, Inc., Toa Alta, P. R.; effective 7–1–57 to 12–31–57; authorizing the employment of 31 learners for plant expansion purposes, in the occupations of: (1) knitters, loopers, and toppers, each for a learning period of 480 hours at the rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the remaining 240 hours; (2) machine stitchers, hand sewers, and pressers, each for a learning period of 320 hours at the rates of 58 cents an hour for the first 160 hours and 68 cents an hour for the remaining 160 hours; and (3) rewinding and washer for a learning period of 240 hours at the rate of 58 cents an hour (sweaters).

Lisa, Inc., 1253 Las Palmas Street, Santurce, P. R.; effective 6–24–57 to 8–24–57; authorizing the employment of 10 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 300 hours at the rate of 57 cents an hour (replacement certificate) (brassieres).

Makress, Inc., 908 Miraflores Street, Santurce, P. R.; effective 6–24–57 to 11–26–57; authorizing the employment of 6 learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (replacement certificate) (corsets, girdles and allied products).

Rio Grande Manufacturing Corp., Rio Grande, P. R.; effective 6–27–57 to 3–25–58; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupations of sewing machine operating, final pressing, and cutting, each for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (replacement certificate) (men's shorts).

St. Regis Paper and Bag Corp., of P. R., Playa Ponce, P. R.; effective 7–2–57 to 7–1–58; authorizing the employment of 5 learners for normal labor turnover purposes, in the occupations of sewing for a learning period of 240 hours and valving and sleeving for a learning period of 160 hours, each to be paid for at the rate of 56 cents an hour (paper bags).

Stadium Manufacturing Co. of P. R., Inc., Villalba, P. R.; effective 6–27–57 to 7–20–57; authorizing the employment of 25 learners for plant expansion purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (replacement certificate) (men's pajamas).

Textile Dye Works, Inc., Arroyo, P. R.; effective 7–1–57 to 12–31–57; authorizing the employment of 6 learners for plant expansion purposes, in the occupations of dyeing machine operator and dryer operator, each for a learning period of 240 hours at the rate of 58 cents an hour (dyeing of knit goods).

Warner Brothers Co. of P. R., Inc., Guayanabo, P. R.; effective 6–24–57 to 9–9–57; authorizing the employment of 23 learners for normal labor turnover purposes, in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Youthful Corp., 161 Ponce de Leon Avenue, Hato Rey, P. R.; effective 6–24–57 to 5–14–58; authorizing the employment of five learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (replacement certificate) (girdles).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 31st day of July 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–6465; Filed, Aug. 7, 1957; 8:47 a. m.]

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MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO RICE MARKETING QUOTAS FOR THE 1957 CROP OF RICE

RICE ACREAGE

The amendment herein is issued under and in accordance with the provision of the Agricultural Adjustment Act of 1938, as amended, to eliminate an inconsistency in the language defining the term "rice acreage".

In compliance with the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) this proposed change was printed in the FEDERAL REGISTER on Wednesday, July 17, 1957 (22 F. R. 5645). The data, views, and recommendations pertaining to the proposed amendment which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

Section 730.851 (u) is amended by changing item (5) of the first sentence thereof to read as follows: "• • • and (5) any acreage planted to rice in excess of the farm rice acreage allotment, or where applicable, the permitted acreage of rice under an acreage reserve agreement or conservation reserve contract under the Soil Bank program which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the date established by the county committee with the approval of the State committee so that rice cannot be harvested therefrom."

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 355, 52 Stat. 62, as amended, sec. 107, 70 Stat. 191; 7 U. S. C. 1355, 1831)

Done at Washington, D. C., this 6th day of August 1957. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57–6536; Filed, Aug. 8, 1957; 8:51 a. m.]

PART 730—RICE

SUBPART—REGULATIONS FOR ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1957 CROP OF RICE

MISCELLANEOUS AMENDMENTS

The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to (1) eliminate inconsistency in the language defining the term "rice acreage"; (2) prohibit the transfer of personal rice history and allotment from one person to another upon the dissolution of a partnership; and (3) to correct a duplication in the numbers assigned to two separate sections of said regulations.

In compliance with the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) the proposed changes as recorded under paragraphs 1 and 2 below were printed in the FEDERAL REGISTER on Wednesday, July 17, 1957 (22 F. R. 5645). With reference to the proposed change recorded under paragraph 3 below, it has been found that since this change is being made only for the purpose of correcting an erroneous section number, the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) are unnecessary. The data, views, and recommendations pertaining to the amendments herein which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

1. Section 730.811 (n) is amended by changing item (5) of the first sentence thereof to read as follows: "• • • and (5) any acreage planted to rice in excess of the farm rice acreage allotment, or where applicable, the permitted acreage of rice under an acreage reserve agreement or conservation reserve contract under the Soil Bank program which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the date established by the county committee with the approval of the State committee so that rice cannot be harvested therefrom."

2. Section 730.822 (d) is amended by deleting the period at the end of this paragraph, and inserting in lieu thereof

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1957)

The following are now available:

Title 14, Parts 1–39 (Rev. 1956) ($6.75)

Title 14, Parts 40–399 (Rev. 1956) ($6.00)

Title 46, Part 146 to end ($2.00)

Title 49, Parts 71–90 (Rev. 1956) ($6.25)

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Allotments and Normal Yields for the 1957 Crop of Rice published in the FEDERAL REGISTER on Saturday, November 3, 1956 (21 F. R. 8430) entitled "Request to preserve acreage history for the 1957 crop of rice" is amended by changing the section number of said section from 730.821 to 730.831.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 356, 377, 52 Stat. 62, sec. 307, 70 Stat. 206; 7 U. S. C. 1356, 1377)

Done at Washington, D. C., this 6th day of August 1957. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-6535; Filed, Aug. 8, 1957; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Peach Order 1]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA, COLO.

REGULATION BY GRADES AND SIZES

§ 940.309 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 10, 1957. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 26, 1957; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 26, 1957, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendations and supporting information were submitted to the Department, and made available to growers and handlers; necessary supplemental information was not available to the Department until July 29, 1957; shipments of some of the early varieties of the current crop of peaches have begun in light volume, and shipments in heavy volume are expected to begin shortly, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., M. s. t., August 10, 1957, and ending at 12:01 a. m., M. s. t., October 31, 1957, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U. S. No. 1 except that an additional tolerance of ten (10) percent shall be allowed for hail injury: *Provided*, That, such additional tolerance shall not include more than five (5) percent hail injury causing serious damage: *And Provided, further*, That, the tolerances specified in such grade and the additional tolerance specified herein shall be applied in accordance with the application of tolerances specified in the United States Standards for Peaches, as recodified (7 CFR 1210–1223; 18 F. R. 7176);

(ii) Any peaches of the Early Elberta, Gleason Elberta, Sullivan Elberta, or Golden Jubilee varieties which are of a size smaller than 2 inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inches in diameter; or

(iii) Any varieties of peaches other than the Early Elberta, Gleason Elberta, Sullivan Elberta, and Golden Jubilee varieties which are of a size smaller than 2⅛ inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(3) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U. S. No. 1," "hail injury," "diameter," "serious damage," and "count" shall have the same meaning as when used in the aforesaid United States Standards for Peaches.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 6, 1957.

[SEAL] FLOYD P. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6531; Filed, Aug. 8, 1957; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

IMMIGRANT DOCUMENTARY REQUIREMENTS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Part 211 is amended to read as follows:

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Sec.
211.1 Visas.
211.2 Passports.

AUTHORITY: §§ 211.1 and 211.2 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 211, 212, 222, 235, 66 Stat. 181, 183, 193, 198; 8 U. S. C. 1181, 1182, 1202, 1225.

§ 211.1 *Visas.* A valid unexpired immigrant visa shall be presented by each arriving immigrant alien except an immigrant who (a) was born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa, or (b) is returning to an unrelinquished lawful permanent residence after a temporary absence abroad (1) not exceeding one year and presents a Form I–151 alien registration receipt card duly issued to him or (2) presents a valid unexpired reentry permit duly issued to him, or (3) satisfies the district director in charge of the port of entry that there is good cause for the failure to present the required document, in which case an application for waiver shall be made on Form I–193.

§ 211.2 *Passports.* A valid unexpired passport shall be presented by each arriving immigrant alien except an immigrant who (a) is the spouse, parent or unmarried son or daughter of a United States citizen, or (b) is the spouse or unmarried son or daughter of an alien lawful permanent resident of the United States, or (c) is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, or (d) is a stateless person or a person who because of his opposition to Communism is unwilling or unable to obtain a passport from the country of his nationality, or (e) is a first-preference quota immigrant, or (f) satisfies the district director in charge of the port of entry that there is good cause for failure to present the required document, in which case an application for waiver shall be made on Form I–193.

a colon and the following language: " • • • *Provided*, That if a partnership was formed in a year when allotments were in effect and is dissolved after July 31, 1957, in less than five consecutive crop years after the partnership became effective, the rice acreage allotment established for the partnership and the rice history acreages credited to the partnership for each of the years during its existence shall be divided among the partners in the same proportion that each contributed to the allotment established for the partnership at the time such partnership was formed. The rice history acreage credited to each of the partners for the years prior to the time the partnership was formed shall revert to the person to whom it was originally credited."

3. Section 730.821 of the Regulations for the Establishment of Farm Acreage

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

Section 245.2 is amended to read as follows:

§ 245.2 *Documentary requirements.* The provisions of Part 211 of this chapter relating to the documentary requirements for immigrants shall not apply to an applicant for adjustment of status under this part.

PART 299—IMMIGRATION FORMS

Section 299.1 *Prescribed forms* is amended by adding the following form in numerical sequence:

Form No.	Title and description
I–193	Application for Waiver of Passport and/or Visa.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: August 5, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 57–6520; Filed, Aug. 8, 1957; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regulations, Amdt. 40–6]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

FLIGHT RECORDERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of August 1957.

On two occasions within the past several years, the Board has amended the Civil Air Regulations to require the use of a recording device on aircraft used in air transportation. In the first instance the Board found it necessary to rescind the rule because of the difficulty operators were having in providing proper maintenance due to procurement and transportation difficulties brought on by World War II. In the second instance the Board found that, contrary to earlier indications, there was no device readily available of proven reliability and fully adequate for the purpose intended. The Board gave notice, however, that a requirement for a recording device would be reconsidered at such time as a suitable instrument became available.

On November 10, 1955, the Board, having received information that a suitable instrument was available, circulated Civil Air Regulations Draft Release No. 55–26 which proposed in the alternative that flight recorders be required equipment on all large 4-engine and 2-engine airplanes originally type certificated under Part 4a or Part 4b of the Civil Air Regulations or that they be installed only on large transport category airplanes designed to operate above 25,000 feet altitude.

Although much comment, both written and oral, was received by the Board on this draft release, there was no significant opinion expressed by those in favor of requiring a flight recorder on the desirability of one or the other of the alternative proposals. It was clear that interested persons either favored the general use of flight recorders or they didn't favor use of them at all.

Those favoring use of the recorders were of the opinion that recorders might have been of some value in approximately 25 percent of the accidents studied by the Board's Analysis Division; that they would do much to eliminate the conjecture, supposition, and personal opinion from analysis of both accidents and daily routine operations; that there is a recorder in being which is rugged, dependable, and will operate months on end without need for calibration; that the record can be quickly removed and read at any time without processing; and that, aside from its value in accident investigation, its use may result in improved operational procedures and airworthiness standards.

On the other hand, those opposing use of flight recorders were of the opinion that the advantage to be derived from their use in accident investigation was highly exaggerated and that at best they would be of some assistance in only a very small percentage of accidents. This, they argued, was not sufficient justification to require use of these recorders on all large transport category airplanes when it is considered that, for the scheduled airlines alone, in a five-year period it is estimated that it would cost about 9 million dollars to purchase, maintain, and stock necessary spare parts for the recorder. Furthermore, it was argued that the reliability of the one recorder in being is subject to considerable question, the inference being that since there had been two previous abortive attempts to require use of these recorders because of their unreliability it would not be justified to require their use now until more positive evidence appeared as to their reliability.

The Board, having considered the comment received in response to the proposals contained in Civil Air Regulations Draft Release No. 55–26 and other information submitted during the oral argument held April 17, 1957, concludes that a flight recorder of sufficient reliability to fulfill the objectives for such a device is in being and should be used in all large airplanes certificated for use in air transportation above 25,000 feet altitude.

The Board agrees that the costs involved in comparison to the value of the recorder for the purposes intended do not justify a requirement for the installation of flight recorders on the entire transport fleet. The cost of the equipment and its installation and maintenance appears to be prohibitive when related to the total cost of some of the smaller airplanes of the current air carrier fleet. This consideration is magnified by the relatively low income generating capacity of many current airplane types. Furthermore, flight recorders in these airplane types would be furnishing information concerning design and operations for which there already exists a very substantial body of operational experience. Accordingly, no airplane certificated for flight below 25,000 feet altitude will be required to install and use flight recorders.

The Board is of the opinion, however, that in the case of large airplanes certificated for use in air transportation above 25,000 feet altitude, a flight recorder should be required for accident investigation purposes and for use in analyzing various incidents, such as extreme vertical accelerations due to turbulence, which occur from time to time in flight but which do not result in accidents, in order to take appropriate precautionary or remedial action. Such airplanes will be operating under conditions with respect to which little operational experience directly applicable to civil transportation exists and the recorded intelligence involving these higher altitudes, pressure differentials, and speeds will help materially in making a more accurate determination of the cause of accidents of such aircraft. Furthermore, in assessing the economic impact this requirement might have on the air carriers affected, it is clear that it will be substantially less than for currently operated airplanes because of the higher initial cost of the airplanes for which flight recorders will be required and their greater seating capacity.

Interested persons have been afforded an opportunity to participate in the making of this amendment (20 F. R. 8500), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended), effective September 9, 1957.

By adding a new § 40.208 to read as follows:

§ 40.208 *Flight recorders.* After July 15, 1958, a flight recorder which records time, air speed, altitude, vertical acceleration, and heading shall be installed on all airplanes of more than 12,500 pounds maximum certificated take-off weight which are certificated for operations above 25,000 feet altitude, and shall be operating continuously during flight time.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 605, 702, 52 Stat. 1007, 1010, 1013; 49 U. S. C. 551, 555, 582)

Effective: September 9, 1957.

Adopted: August 5, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–6537; Filed, Aug. 8, 1957; 8:51 a. m.]

[Civil Air Regulations, Amdt. 41–12]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

FLIGHT RECORDERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of August 1957.

On two occasions within the past several years, the Board has amended the Civil Air Regulations to require the use of a recording device on aircraft used in air transportation. In the first instance the Board found it necessary to rescind the rule because of the difficulty operators were having in providing proper maintenance due to procurement and transportation difficulties brought on by World War II. In the second instance the Board found that, contrary to earlier indications, there was no device readily available of proven reliability and fully adequate for the purpose intended. The Board gave notice, however, that a requirement for a recording device would be reconsidered at such time as a suitable instrument became available.

On November 10, 1955, the Board, having received information that a suitable instrument was available, circulated Civil Air Regulations Draft Release No. 55–26 which proposed in the alternative that flight recorders be required equipment on all large 4-engine and 2-engine airplanes originally type certificated under Part 4a or Part 4b of the Civil Air Regulations or that they be installed only on large transport category airplanes designed to operate above 25,000 feet altitude.

Although much comment, both written and oral, was received by the Board on this draft release, there was no significant opinion expressed by those in favor of requiring a flight recorder on the desirability of one or the other of the alternative proposals. It was clear that interested persons either favored the general use of flight recorders or they didn't favor use of them at all.

Those favoring use of the recorders were of the opinion that recorders might have been of some value in approximately 25 percent of the accidents studied by the Board's Analysis Division; that they would do much to eliminate the conjecture, supposition, and personal opinion from analysis of both accidents and daily routine operations; that there is a recorder in being which is rugged, dependable, and will operate months on end without need for calibration; that the record can be quickly removed and read at any time without processing; and that, aside from its value in accident investigation, its use may result in improved operational procedures and airworthiness standards.

On the other hand, those opposing use of flight recorders were of the opinion that the advantage to be derived from their use in accident investigation was highly exaggerated and that at best they would be of some assistance in only a very small percentage of accidents. This, they argued, was not sufficient justification to require use of these recorders on all large transport category airplanes when it is considered that, for the scheduled airlines alone, in a five-year period it is estimated that it would cost about 9 million dollars to purchase, maintain, and stock necessary spare parts for the recorder. Furthermore, it was argued that the reliability of the one recorder in being is subject to considerable question, the inference being that since there had been two previous abortive attempts to require use of these recorders because of their unreliability it would not be justified to require their use now until more positive evidence appeared as to their reliability.

The Board, having considered the comment received in response to the proposals contained in Civil Air Regulations Draft Release No. 55–26 and other information submitted during the oral argument held April 17, 1957, concludes that a flight recorder of sufficient reliability to fulfill the objectives for such a device is in being and should be used in all large airplanes certificated for use in air transportation above 25,000 feet altitude.

The Board agrees that the costs involved in comparison to the value of the recorder for the purposes intended do not justify a requirement for the installation of flight recorders on the entire transport fleet. The cost of the equipment and its installation and maintenance appears to be prohibitive when related to the total cost of some of the smaller airplanes of the current air carrier fleet. This consideration is magnified by the relatively low income generating capacity of many current airplane types. Furthermore, flight recorders in these airplane types would be furnishing information concerning design and operations for which there already exists a very substantial body of operational experience. Accordingly, no airplane certificated for flight below 25,000 feet altitude will be required to install and use flight recorders.

The Board is of the opinion, however, that in the case of large airplanes certificated for use in air transportation above 25,000 feet altitude, a flight recorder should be required for accident investigation purposes and for use in analyzing various incidents, such as extreme vertical accelerations due to turbulence, which occur from time to time in flight but which do not result in accidents, in order to take appropriate precautionary or remedial action. Such airplanes will be operating under conditions with respect to which little operational experience directly applicable to civil transportation exists and the recorded intelligence involving these higher altitudes, pressure differentials, and speeds will help materially in making a more accurate determination of the cause of accidents of such aircraft. Furthermore, in assessing the economic impact this requirement might have on the air carriers affected, it is clear that it will be substantially less than for currently operated airplanes because of the higher initial cost of the airplanes for which flight recorders will be required and their greater seating capacity.

Interested persons have been afforded an opportunity to participate in the making of this amendment (20 F. R. 8500), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended), effective September 9, 1957.

By amending § 41.25 by adding a new paragraph (t) to read as follows:

§ 41.25 *Instruments and equipment required for continuance of flight.* * * *

(t) After July 15, 1958, an approved flight recorder which records time, air speed, altitude, vertical acceleration, and heading shall be installed on all airplanes of more than 12,500 pounds maximum certificated take-off weight which are certificated for operations above 25,000 feet altitude, and shall be operating continuously during flight time; except that, in the event of failure of such recorder, the airplane may continue flight to the next stop where repairs or replacements can be made.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 605, 702, 52 Stat. 1007, 1010, 1013; 49 U. S. C. 551, 555, 582)

Effective: September 9, 1957.

Adopted: August 5, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–6538; Filed, Aug. 8, 1957; 8:52 a. m.]

[Civil Air Regulations, Amdt. 42–11]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

FLIGHT RECORDERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of August 1957.

On two occasions within the past several years, the Board has amended the Civil Air Regulations to require the use of a recording device on aircraft used in air transportation. In the first instance the Board found it necessary to rescind the rule because of the difficulty operators were having in providing proper maintenance due to procurement and transportation difficulties brought on by World War II. In the second instance the Board found that, contrary to earlier indications, there was no device readily available of proven reliability and fully adequate for the purpose intended. The Board gave notice, however, that a requirement for a recording device would be reconsidered at such time as a suitable instrument became available.

On November 10, 1955, the Board, having received information that a suitable instrument was available, circulated Civil Air Regulations Draft Release No. 55–26 which proposed in the alternative that flight recorders be required equipment on all large 4-engine and 2-engine airplanes originally type certificated under Part 4a or Part 4b of the Civil Air Regulations or that they be installed only on large transport category airplanes designed to operate above 25,000 feet altitude.

Although much comment, both written and oral, was received by the Board on this draft release, there was no significant opinion expressed by those in favor of requiring a flight recorder on the desirability of one or the other of the alternative proposals. It was clear that interested persons either favored the general use of flight recorders or they didn't favor use of them at all.

Those favoring use of the recorders were of the opinion that recorders might have been of some value in approximately 25 percent of the accidents studied by the Board's Analysis Division; that they would do much to eliminate the conjecture, supposition, and personal opinion from analysis of both accidents and daily routine operations; that there is a recorder in being which is rugged, dependable, and will operate months on end without need for calibration; that the record can be quickly removed and read at any time without processing; and that, aside from its value in accident investigation, its use may result in improved operational procedures and airworthiness standards.

On the other hand, those opposing use of flight recorders were of the opinion that the advantage to be derived from their use in accident investigation was highly exaggerated and that at best they would be of some assistance in only a very small percentage of accidents. This, they argued, was not sufficient justification to require use of these recorders on all large transport category airplanes when it is considered that, for the scheduled airlines alone, in a five-year period it is estimated that it would cost about 9 million dollars to purchase, maintain, and stock necessary spare parts for the recorder. Furthermore, it was argued that the reliability of the one recorder in being is subject to considerable question, the inference being that since there had been two previous abortive attempts to require use of these recorders because of their unreliability it would not be justified to require their use now until more positive evidence appeared as to their reliability.

The Board, having considered the comment received in response to the proposals contained in Civil Air Regulations Draft Release No. 55–26 and other information submitted during the oral argument held April 17, 1957, concludes that a flight recorder of sufficient reliability to fulfill the objectives for such a device is in being and should be used in all large airplanes certificated for use in air transportation above 25,000 feet altitude.

The Board agrees that the costs involved in comparison to the value of the recorder for the purposes intended do not justify a requirement for the installation of flight recorders on the entire transport fleet. The cost of the equipment and its installation and maintenance appears to be prohibitive when related to the total cost of some of the smaller airplanes of the current air carrier fleet. This consideration is magnified by the relatively low income generating capacity of many current airplane types. Furthermore, flight recorders in these airplane types would be furnishing information concerning design and operations for which there already exists a very substantial body of operational experience. Accordingly, no airplane certificated for flight below 25,000 feet altitude will be required to install and use flight recorders.

The Board is of the opinion, however, that in the case of large airplanes certificated for use in air transportation above 25,000 feet altitude, a flight recorder should be required for accident investigation purposes and for use in analyzing various incidents, such as extreme vertical accelerations due to turbulence, which occur from time to time in flight but which do not result in accidents, in order to take appropriate precautionary or remedial action. Such airplanes will be operating under conditions with respect to which little operational experience directly applicable to civil transportation exists and the recorded intelligence involving these higher altitudes, pressure differentials, and speeds will help materially in making a more accurate determination of the cause of accidents of such aircraft. Furthermore, in assessing the economic impact this requirement might have on the air carriers affected, it is clear that it will be substantially less than for currently operated airplanes because of the higher initial cost of the airplanes for which flight recorders will be required and their greater seating capacity.

Interested persons have been afforded an opportunity to participate in the making of this amendment (20 F. R. 8500), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended), effective September 9, 1957.

By amending § 42.22 by adding a new paragraph (c) to read as follows:

§ 42.22 *Additional required instruments and equipment for large aircraft.*

* * *

(c) *Flight recorders.* After July 15, 1958, an approved flight recorder which records time, air speed, altitude, vertical acceleration, and heading shall be installed on all large airplanes which are certificated for operations above 25,000 feet altitude, and shall be operating continuously during flight time; except that, in the event of failure of such recorder, the airplane may continue flight to the next stop where repairs or replacements can be made.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 605, 702, 52 Stat. 1007, 1010, 1013; 49 U. S. C. 551, 555, 582)

Effective: September 9, 1957.

Adopted: August 5, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–6539; Filed, Aug. 8, 1957; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54413]

PART 3—DOCUMENTATION OF VESSELS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The act of July 14, 1956 (Public Law 714, 84th Cong.; 70 Stat. 544; T. D. 54178), further amended section 27 of the Merchant Marine Act, 1920 (46 U. S. C. 883), by adding a proviso prohibiting the operation in the coastwise trade of any vessel of more than 500 gross tons which has been rebuilt outside the United States. In order to give effect to that enactment, the following changes are made in the Customs Regulations:

1. Section 3.2 is amended by deleting everything in paragraph (c), class 1, following the footnote reference at the end of the first sentence, so that paragraph (c), class 1, as amended will read:

Class 1. Any vessel built in the United States and wholly owned by a citizen.[2]

2. Section 3.2 is further amended by deleting the parenthetical matter at the end of paragraph (d), and by inserting a new paragraph (e) reading as follows:

(e) No vessel of classes 1 through 8 above which has acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in or documented under the laws of the United States, and which has thereafter been sold or transferred foreign in whole or in part or placed under foreign registry (§ 3.43) or which, if of more than 500 gross tons, has been rebuilt outside the United States, its territories (not including trust territories), or its possessions after July 13, 1956, or which being of more than 500 gross tons, has been so rebuilt under a contract entered into on or before that date if the work of rebuilding was not commenced within 6 months after July 14, 1956 (§ 3.28),[3] shall have the right thereafter to engage in the coastwise trade. Any document issued to such a vessel shall bear the following notation: As amended by section 27 of the Merchant Marine Act of June 5, 1920, as amended. This vessel shall not engage in the coastwise trade.

(R. S. 4132, as amended, sec. 22, 41 Stat. 997, R. S. 4136, as amended, 4214, as amended, secs. 2, 9, 39 Stat. 729, as amended, 730, as amended, sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544; 46 U. S. C. 11, 13, 14, 103, 802, 808, 883, 883a, 883b)

3. A footnote is appended to § 3.2 (e) reading as follows:

* * * [Sec. 1.] section 27 of the Merchant Marine Act, 1920, as amended (U. S. C., 1952 edition, title 46, sec. 883), is further amended by inserting the following new proviso at the end of the first proviso thereof: *"Provided further,* That no vessel of more than five hundred gross tons which has acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in or documented under the laws of the United States, and which has later been rebuilt outside the United States, its Territories (not including trust territories), or its possessions shall have the right thereafter to engage in the coastwise trade." * * *

Sec. 4. This act shall be effective from the date of enactment hereof: *Provided, however,* That no vessel shall be deemed to have lost its coastwise privileges hereunder if it is rebuilt under a contract entered into before such date of enactment and if the work of rebuilding is commenced not later than six months after such date of enactment. (Secs. 1 and 4 of the act of July 14, 1956 (secs. 1, 4, 70 Stat. 544; T. D. 54178; 46 U. S. C. 883).)

4. Section 3.28 is amended as follows:

a. Paragraphs (a) and (b) are amended to read as follows:

(a) A vessel may be deemed to be a new vessel in a case in which it has been built entirely of new materials or in a case in which it has been built in whole or in part of old materials taken from another vessel provided no considerable part of the old material used has been left undisturbed or intact without being taken up, refitted, and reset. A vessel may be deemed to have been rebuilt if any considerable part of the hull in its intact condition without having been broken up is built upon or substantially altered.

(b) When a new vessel is constructed in whole or in part of material taken from an old vessel; when an existing vessel is rebuilt; when, in the case of a vessel of more than 500 gross tons, the vessel has been so altered in a foreign shipyard as to lose its privileges as a vessel of the United States (§ 3.29 (a)) or has otherwise been so altered in such a yard as to give rise to a reasonable belief that the vessel may have been rebuilt; or when it is desired, in the case of an unrigged wooden vessel, other than a foreign-built vessel (class 9), that a notation be made in the publication, Merchant Vessels of the United States, as to rebuilding, the owner of the vessel shall submit through the collector at the port where the vessel then is or next arrives thereafter to the Commissioner of Customs a certificate of specifications outlining the work performed on the vessel and describing the extent to which old materials used were taken up, refitted, and reset, or, the extent to which parts of the old hull in its intact condition were used or built upon. The certificate shall be accompanied by accurate sketches or blueprints illustrating the extent of the work performed when such sketches or blueprints are available. Such certificates shall also be accompanied by a certificate of the builder, which shall be on customs Form 1261 if the vessel is claimed to be new. In the case of an unrigged wooden vessel, the shipbuilder, in addition to certifying that the vessel is rebuilt and the date of completion and place of such rebuilding, shall certify that the vessel is sound and free from rotten or doted wood in its structural parts; that it is properly fastened and calked; and that it is as good as new in strength and seaworthiness. The Commissioner of Customs shall decide whether or not the vessel is to be considered to be new or rebuilt and, if either, that decision shall be reflected on the vessel's marine document.

b. Footnote 17, appended to § 3.28 (b), is deleted.

c. Paragraph (c) is amended by deleting the parenthetical matter at the end thereof. A new paragraph (d) is added reading as follows:

(d) No vessel of more than 500 gross tons which has been rebuilt within the meaning of this section outside the United States, its territories (not including trust territories), or its possessions, after July 13, 1956, or which has been so rebuilt under a contract entered into on or before that date if the work of rebuilding was commenced later than 6 months after July 14, 1956, shall be documented for nor engage in the coastwise trade.

(R. S. 4155, as amended, 4179, 37 Stat. 189, R. S. 4319, as amended, sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544; 46 U. S. C. 25, 50, 63, 259, 883, 883a, 883b)

5. Section 3.29 (a) is amended by adding the following at the end thereof: "Every such alteration of a vessel of more than 500 gross tons which is effected in a foreign shipyard shall be reported to the collector of customs at the port where the vessel first arrives in the United States in accordance with the provisions of § 3.28 (b) and the master shall submit the statement required by § 4.7 of this chapter."

6. Section 3.30 (b) is amended by deleting the parenthetical matter at the end of the first sentence and by inserting in lieu thereof the following: "(See §§ 3.2, 3.28, 3.42, and 3.43.)"

7. Section 3.43 (f) is amended by substituting "under § 3.2 (e)" for "under class 1 of § 3.2 (c)."

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended. 5 U. S. C. 22, 46 U. S. C. 2, 3. Interpret or apply sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544; 46 U. S. C. 883, 883a, 883b)

8. Section 4.7 (b) is amended as follows:

a. Subparagraph (2) is amended by inserting the following new sentence before the last sentence thereof: "If the vessel is of more than 500 gross tons, the declaration shall include a statement that no work in the nature of an alteration or rebuilding within the meaning of the Act of July 14, 1956 (70 Stat. 544), has been effected in any foreign port or place which has not been reported."

b. A new subparagraph (3) is added reading as follows:

(3) The master of every American vessel of more than 500 gross tons which is rebuilt outside the United States, its territories (not including trust territories), or its possessions shall upon the first entry of the vessel at a port of the United States thereafter report the facts and circumstances of the rebuilding of the vessel to the collector of customs at the port of entry. The report shall be accompanied by the papers required under § 3.28 of this chapter. If any such papers are not available at the time such report is made, they shall be produced to the collector concerned as soon thereafter as may be practicable but if they are not presented within 30 days, and if the delay is not explained to the satisfaction of the collector, appropriate penalty action shall be taken charging violations of the provisions of the act of July 14, 1956 (70 Stat. 544).[3a]

9. A footnote is appended to § 4.7 (b) (3) reading as follows:

[3a] * * * [Sec. 1] section 27 of the Merchant Marine Act, 1920, as amended (U. S. C., 1952 edition, title 46, sec. 883), is further amended by inserting the following new proviso at the end of the first proviso thereof: *"Provided further,* That no vessel of more than five hundred gross tons which has acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in or documented under the laws of the United States, and which has later been rebuilt outside the United States, its Territories (not including trust territories), or its possessions shall have the right thereafter to engage in the coastwise trade."

Sec. 2. If any vessel of more than five hundred gross tons documented under the laws of the United States, or last documented under such laws, is rebuilt outside the United States, its Territories (not including trust territories), or its possessions, a report of the circumstances of such rebuilding shall be made to the Secretary of the Treasury upon the first arrival of the vessel thereafter at a port within the customs territory of the United States in accordance with such regulations as the Secretary may prescribe. If the required report is not made, the vessel, together with its tackle, apparel, equipment, and furniture, shall be forfeited, and the master and owner shall each be liable to a penalty of $200. Any penalty or forfeiture incurred under this Act may be remitted or mitigated by the Secretary under the provisions of section 5294 of the Revised Statutes of the United States, as amended (U. S. C., 1952 edition, title 46, sec. 7).

Sec. 3. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the purposes of this act.

Sec. 4. This act shall be effective from the date of enactment hereof: *Provided, however,* That no vessel shall be deemed to have lost its coastwise privileges hereunder if it is rebuilt under a contract entered into before such date of enactment and if the work of rebuilding is commenced not later than six months after such date of enactment. (Secs. 1–4, Act of July 14, 1956 (Secs. 1–4, 70 Stat. 544; T. D. 54178; 46 U. S. C. 883, 883a, 883b).)

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3. Interpret or apply sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544; 46 U. S. C. 883, 883a, 883b)

Notice of the proposal to issue the above amendments to the regulations was published in the FEDERAL REGISTER on March 6, 1957 (22 F. R. 1387), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No data, views, or arguments relating thereto having been received, the amendments are hereby adopted, effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: August 1, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57–6529; Filed, Aug. 8, 1957; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

CONNECTICUT RIVER, CONN.

Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.55 establishing special anchorages in Connecticut River, Connecticut, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, is hereby amended by redesignating paragraphs (d), (e), and (f) as (f), (g), and (h), respectively, and adding new paragraphs (d) and (e) prescribing anchorages in the Towns of Haddam and East Haddam, Connecticut, as below. Due to the fact that the Middletown Yacht Club was required to vacate its former location for a military project and the new anchorages are required for immediate use, the amendment shall become effective on and after publication in the FEDERAL REGISTER.

§ 202.55 *Connecticut River, Conn.* • • •

(d) *Area No. 1, at Eddy Rock Light.* Beginning at latitude 41°26′38″, longitude 72°27′37″; thence extending southeasterly to latitude 41°26′12″, longitude 72°27′18″; thence extending westerly to latitude 41°26′11″, longitude 72°27′22″; thence extending northwesterly to latitude 41°26′23″, longitude 72°27′42″; thence extending northerly to latitude 41°26′36″, longitude 72°27′43″; thence extending easterly to the point of beginning.

(e) *Area No. 2, at Lord Island.* Beginning at latitude 41°26′11″, longitude 72°27′16″; thence extending south southeasterly to latitude 41°26′03″, longitude 72°27′02″; thence extending southeasterly to latitude 41°25′59″, longitude 72°26′51″; thence extending southwesterly to latitude 41°25′58″, longitude 72°26′52″; thence extending northwesterly to latitude 41°26′05″, longitude 72°27′11″; thence extending north northwesterly to latitude 41°26′10″, longtitude 72°27′20″; thence extending easterly to the point of beginning.

NOTE: The areas designated by paragraphs (d) and (e) of this section are principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the areas. The anchoring of vessels and placing of mooring floats or buoys will be under the jurisdiction, and at the discretion of the local Harbor Master. Area 2 will not be used during the shad fishing season.

(f) *Area No. 1, at Maromas.* • • •

(g) *Area No. 2, at Maromas.* • • •

(h) *Vicinity of Mouse Island Bar below Portland.* • • •

[Regs., August 1, 1957, ENGWO] (Sec. 1, 54 Stat. 150; 33 U. S. C. 180)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-6504; Filed, Aug. 8, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 4.192, paragraphs (b) and (c) are amended to read as follows:

§ 4.192 *Payment of burial expenses of deceased war veterans and veterans of the regular establishment.* • • •

(b) *Peacetime service—death on or after October 5, 1940.* When a veteran as defined in § 4.195 (a) dies after discharge and on or subsequent to October 5, 1940, a sum not to exceed $150 (150 Philippine pesos in cases covered by § 4.195 (a) (2)) may be allowed for burial and funeral expenses and transportation of the body to the place of burial.

(c) *Limitation as to time for filing and perfecting claim.* All claims for reimbursement or direct payment of burial and funeral expenses and transportation of the body must be filed within 2 years subsequent to the date of permanent burial or cremation of the body by the person entitled or by some person acting for for him. (See § 3.29 of this chapter.) In the event the claimant's application is not complete at the time of original submission, the claimant and the person acting for him, if any, will be notified of the evidence necessary to complete the application, and if such evidence is not received within 1 year from the date of the request therefor no allowance may be paid: *Provided,* That if within the 2-year period from date of permanent burial or cremation, the claim is disallowed because the evidence to complete it was not received within 1 year from request therefor, and a new claim (formal or informal) is filed within such 2-year period, the claimant will be notified of the evidence necessary to complete the claim and if such evidence is received within 1 year from the date of request therefor, the allowance may be paid if the claimant is otherwise entitled: *Provided,* That as to claims within the purview of § 4.194 (a) (6) or § 4.195 (a) (2), where death occurred prior to April 25, 1951, the time limit for filing claim is extended through April 25, 1953.

(Vet. Reg. 9 (a), as amended, sec. 16, 40 Stat. 88, as amended, sec. 212, 58 Stat. 689, as amended; 33 U. S. C. 857, 38 U. S. C. ch. 12A, 42 U. S. C. 213)

2. In § 4.194, paragraph (a) (5), (7), and (8) is amended to read as follows:

§ 4.194 *"Veteran of any war" and Korean conflict; definition of—(a) Persons included.* • • •

(5) *World War II.* Any person discharged or released from active duty under conditions other than dishonorable, who served in the active military or naval service of the United States during the period from December 7, 1941, through December 31, 1946, both dates inclusive: *Provided,* That the term "active military or naval service" as used in this subparagraph shall include active duty as a member of the Women's Army Auxiliary Corps (WAAC), Women's Army Corps (WAC), Women's Reserve of the Navy, Marine Corps, and Coast Guard. Where death occurred on or after January 1, 1957, the term includes any commissioned officer of Coast and Geodetic Survey who is deemed to have been in active military service under the liberalizing provisions of section 501 (d), Public Law 881, 84th Congress. See § 3.1 (p) (4) of this chapter.

• • • • •

(7) *Korean conflict.* Any person discharged or released from active duty under conditions other than dishonorable, who served in the active military or naval service of the United States on or after June 27, 1950, and prior to February 1, 1955 (Pub. Law 28, 82d Cong.). Where death occurred on or after January 1, 1957, the term includes any commissioned officer of the Public Health Service or Coast and Geodetic Survey who is deemed to have been in active military service under the liberalizing provisions of section 501 (b) (1) and (2), and section 501 (d), Public Law 881, 84th Congress. See § 3.1 (e) (2) and (p) (4) of this chapter.

(8) *Retired personnel.* Any enlisted man or officer as described in subparagraphs (1) through (7) of this paragraph who was in retirement status at the date of death if shown to have served during the period of any war or the Korean conflict.

(Vet. Regs. 9 (a) and (10), as amended, sec. 16, 40 Stat. 88, as amended, secs. 212, 300, 1503, 58 Stat. 286, 301, 689, as amended, 65 Stat. 32, 40; 33 U. S. C. 857, 38 U. S. C. 693g, 697c, 745, ch. 12A, 42 U. S. C. 213)

3. In § 4.195, paragraphs (a) and (b) are amended to read as follows:

§ 4.195 *"Veteran" (other than "veteran of any war"); definition of—(a) Persons included.* The term "veteran" (other than a "veteran of any war") for the purpose of adjudicating claims for the direct payment of, or reimbursement for, burial, funeral, and transportation expenses incurred in behalf of deceased veterans where death occurred on or subsequent to October 5, 1940, will include a veteran who was discharged or retired from active service for disability incurred in or aggravated by service in line of duty or a veteran who was in receipt of compensation for service-connected disability (Pub. Law 796, 76th Cong., and sec. 2, Pub. Law 866, 76th Cong.) based on:

(1) Service in the Army, Navy, Air Force, Marine Corps or Coast Guard.

(2) Service prior to December 7, 1941, in the organized military forces of the Commonwealth Army of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States dated July 26, 1941: *Provided,* That the veteran was either discharged for disability or receiving compensation as required by this paragraph.

(3) Service of a commissioned officer of Public Health Service or Coast and Geodetic Survey which meets the requirements of § 3.1 (e) (1) or § 3.1 (p) (1), (2), or (3) of this chapter, and where death occurred on or after January 1, 1957, service which meets the requirements of § 3.1 (e) (2) or § 3.1 (p) (4) of this chapter.

(b) *Discharge for disability incurred in line of duty.* For veterans discharged or retired from active service for disability, who are not in receipt of compensation for service-connected disability, the official records of the service department showing that the disability on account of which the veteran was discharged or separated from his service was incurred in line of duty will be accepted for the purpose of determining eligibility to the burial allowance, notwithstanding the fact that the Veterans Administration has made a determination in connection with a claim for monetary benefits that the disability was not incurred in line of duty.

(Vet. Reg. 9 (a), as amended, sec. 16, 40 Stat. 88, as amended, sec. 212, 58 Stat. 689, as amended, 65 Stat. 32; 33 U. S. C. 857, 38 U. S. C. ch. 12A, 42 U. S. C. 213)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective August 9, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-6524; Filed, Aug. 8, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF FROZEN SWEET CHERRIES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Frozen Sweet Cherries pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 90 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

Sec.
52.3161 Product description.
52.3162 Types of frozen sweet cherries.
52.3163 Styles of frozen sweet cherries.
52.3164 Grades of frozen sweet cherries.

FACTORS OF QUALITY

52.3165 Ascertaining the grade.
52.3166 Ascertaining the rating for the factors which are scored.
52.3167 Color.
52.3168 Size and symmetry.
52.3169 Defects.
52.3170 Character.

LOT INSPECTION AND CERTIFICATION

52.3171 Ascertaining the grade of a lot.

SCORE SHEET

52.3172 Score sheet for frozen sweet cherries.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act. (Or with applicable state laws and regulations).

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.3161 *Product description.* Frozen sweet cherries are prepared from the clean, sound, properly matured fresh fruit of any commercial variety of sweet cherries, which are sorted, washed, and drained; which may be packed with or without the addition of nutritive sweetening ingredient(s), and which are frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.3162 *Types of frozen sweet cherries.* (a) Light Sweet Type (such as Napoleon or Royal Ann variety).

(b) Dark Sweet Type (such as Bing or Lambert varieties).

§ 52.3163 *Styles of frozen sweet cherries.* (a) "Pitted" means frozen sweet cherries that are whole, stemmed cherries with pits removed.

(b) "Unpitted" means frozen sweet cherries that are whole, stemmed cherries without the pits removed.

§ 52.3164 *Grades of frozen sweet cherries.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen sweet cherries that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that possess a good appearance with respect to size and symmetry; that are practically free from defects; that possess a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 85 points: *Provided,* That frozen sweet cherries may be only reasonably good in appearance with respect to size and symmetry, if the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen sweet cherries that possess similar varietal characteristics; that possess a normal flavor; that possess a reasonably good color; that possess a reasonably good appearance with respect to size and symmetry; that are reasonably free from defects; that possess a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points: *Provided,* That frozen sweet cherries may vary in size and symmetry, if the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen sweet cherries that fail to meet the requirements of U. S. Grade B or U. S. Choice.

FACTORS OF QUALITY

§ 52.3165 *Ascertaining the grade*—(a) *General.* The grade of frozen sweet cherries is determined immediately after thawing to the extent that the units may be separated easily and are free from ice crystals. In addition to considering other requirements outlined in the standard, the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	30
Size and Symmetry	10
Defects	30
Character	30
Total score	100

(b) "Normal flavor" means that the product has a normal, characteristic flavor and odor for the varietal type and is free from objectionable flavors and objectionable odors of any kind.

§ 52.3166 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "25 to 30 points" means 25, 26, 27, 28, 29, or 30 points).

§ 52.3167 *Color*—(a) *(A) classification.* Frozen sweet cherries that possess a good color may be given a score of 25 to 30 points. "Good color" means that the sweet cherries possess a reasonably uniform color that is bright and typical of well ripened sweet cherries and not more than 10 percent, by count, of cherries may vary markedly from this color because of discoloration due to oxidation, improper processing, or other causes, or because of not well ripened sweet cherries.

(b) *(B) classification.* Frozen sweet cherries that possess a reasonably good color may be given a score of 21 to 24 points. Frozen sweet cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the sweet cherries possess a color that is reasonably bright and typical of well ripened sweet cherries and that not more than 20 percent, by count, of cherries may vary markedly from this color because of discoloration due to oxidation, improper processing, or other causes, or because of sweet cherries that are not well ripened.

(c) *(SStd.) classification.* Frozen sweet cherries that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3168 *Size and symmetry*—(a) *General.* The factor of size and symmetry refers to the shape and uniformity of diameter of the frozen cherries.

(1) "Diameter" of a cherry is determined on the basis of the diameter of a rigid round hole through which the cherry will just pass without using force. In pitted cherries, the diameter is determined as that which approximates the apparent original size had the cherry not been pitted.

(2) "Well formed" means that the cherries, including halves of doubles, have the shape characteristic of the variety.

(b) *(A) classification.* Frozen sweet cherries that possess a good appearance with respect to size and symmetry may be given a score of 9 or 10 points. "Good appearance with respect to size and symmetry" has the following meanings:

(1) No unseparated doubles are present;

(2) 95 percent, by count, of the cherries are well formed; and

(3) The diameter of the cherry with the greatest diameter may exceed the diameter of the cherry with the smallest diameter by not more than ¼ inch; and in 90 percent, by count, of all the cherries which are most uniform in diameter the diameters do not vary more than 1/16 inch.

(c) *(B) classification.* Frozen sweet cherries that possess a reasonably good appearance with respect to size and symmetry may be given a score of 7 or 8 points. "Reasonably good appearance with respect to size and symmetry" has the following meanings:

(1) Not more than 10 percent, by count, of the cherries may be unseparated doubles;

(2) 85 percent, by count, of the cherries are well formed;

(3) In 90 percent, by count, of all the cherries which are most uniform in diameter the diameters do not vary more than ¼ inch.

(d) *(SStd.) classification.* Frozen sweet cherries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 6 points and shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule).

§ 52.3169 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous material, pits, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem and any portions thereof) that is harmless.

(3) "Pit" means a whole pit or portions of pits computed as follows:

(i) A single piece of pit shall, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(4) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(5) "Damaged" means any injury which materially affects the appearance or eating quality of the cherry and includes, but is not limited to:

(i) Blemished cherries that are affected by;

(a) Any surface blemish having an aggregate area equivalent to that of a circle 3/32 inch in diameter but not exceeding that of a circle 1/16 inch in diameter and not extending into the tissue of the fruit.

(b) Any blemish having an aggregate area less than that of a circle 3/32 inch in diameter and extending into the tissue of the fruit.

(ii) Checks or cracks with slight discoloration and equivalent to 3/32 inch in length but not more than 1/16 inch in length.

(6) "Seriously Damaged" means any injury which seriously affects the appearance or eating quality of the cherry and includes, but is not limited to:

(i) Blemished cherries that are affected by;

(a) Any surface blemish having an aggregate area exceeding that of a circle 1/16 inch in diameter and not extending into the tissue of the fruit.

(b) Any blemish having an aggregate area exceeding that of a circle 3/32 inch in diameter and extending into the tissue of the fruit.

(ii) Checks or cracks with discoloration and more than 1/16 inch in length.

(b) *(A) classification.* Frozen sweet cherries that are practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that:

(1) No harmless extraneous material is present;

(2) For each 20 ounces of net weight there may be present not more than 1 pit in pitted cherries.

(3) Not more than 7 percent, by count, of the cherries may be damaged and seriously damaged: *Provided,* That not more than 3 percent, by count of all the cherries are seriously damaged; and

(4) The presence of pit material, mutilated cherries, damaged cherries, seriously damaged cherries, and any other defects, individually and collectively, does not materially affect the appearance or eating quality of the product.

(c) *(B) classification.* Frozen sweet cherries that are reasonably free from defects may be given a score of 21 to 24 points. Frozen cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) For each 20 ounces, net weight, there may be present not more than 1 piece of harmless extraneous material;

(2) For each 20 ounces, net weight, there may be present not more than 1 pit in pitted cherries;

(3) Not more than 15 percent, by count, of the cherries may be damaged and seriously damaged: *Provided,* That not more than 5 percent, by count, of all the cherries are seriously damaged; and

(4) The presence of harmless extraneous material, pit material, mutilated cherries, damaged cherries, seriously damaged cherries, and any other defects, individually and collectively, does not seriously affect the appearance or eating quality of the product.

(d) *(SStd.) classification.* Frozen sweet cherries that fail the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3170 *Character*—(a) *General.* The factor of character refers to the degree of ripeness, the texture and tenderness, and the relative thickness of flesh of the frozen sweet cherries.

(b) *(A) classification.* Frozen sweet cherries that possess a good character may be given a score of 26 to 30 points. "Good character" means that the cherries possess a tender, fleshy texture, typical of well-ripened, properly processed frozen sweet cherries; and that not more than 10 percent, by count, of the cherries may possess a reasonably good character.

(c) *(B) classification.* (1) Frozen sweet cherries that possess a reasonably good character may be given a score of 21 to 25 points. Frozen sweet cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(2) "Reasonably good character" means that the cherries possess the texture of reasonably well-ripened frozen sweet cherries that are properly processed; the texture is reasonably fleshy and the cherries reasonably tender, or the tenderness may be variable from slightly soft to slightly firm; and that not more than 15 percent, by count, of the cherries may be overripe or immature or otherwise fail to meet at least a reasonably good character.

(d) *(SStd.) classification.* Frozen sweet cherries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3171 *Ascertaining the grade of a lot.* The grade of a lot of frozen sweet cherries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.3172 *Score sheet for frozen sweet cherries.*

Number, size and kind of container			
Label; style of pack; fruit-sugar ratio (if shown)			
Container mark or identification			
Net weight (ounces)			
Type			
Style			
Factors	**Score points**		
Color	30	(A)	25–30
		(B) [1]	21–24
		(SStd.) [1]	0–20
Size and symmetry	10	(A)	9–10
		(B)	7–8
		(SStd.) [1]	0–6
Defects	30	(A)	25–30
		(B) [1]	21–24
		(SStd.) [1]	0–20
Character	30	(A)	26–30
		(B) [1]	21–25
		(SStd.) [1]	0–20
Total score	100		
Normal flavor			
Grade			

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: August 6, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 57-6534; Filed, Aug. 8, 1957; 8:51 a. m.]

[7 CFR Part 910]

VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of vegetables grown in certian designated counties in Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 910.211 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and order, during the fiscal period ending May 31, 1958, will amount to $1,250.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, shall be six-tenths of one cent ($0.006) per bushel of peas or crate of cauliflower, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 6, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6533; Filed, Aug. 8, 1957; 8:50 a. m.]

[7 CFR Part 1017]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1017.201 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 117 to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal period ending June 30, 1958, will amount to $3,200.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 130 and Order No. 117, shall be three-tenths of one cent ($0.003) per hundredweight, or ninety cents ($0.90) per carload, of onions handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and Order No. 117.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 6, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6532; Filed, Aug. 8, 1957; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 681]

HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN NEEDLEWORK INDUSTRIES

NOTICE OF PROPOSED ISSUANCE OF PIECE RATES FOR HAND-LACING OF PLASTIC AND LEATHER WALLETS, LEATHER WALLET COVERS, AND LEATHER MOCCASIN PLUGS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), and pursuant to authority provided in section 6 (a) (2) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U. S. C. 206 (a) (2)), Reorganization Plan No. 6 of 1950 (3 CFR 1950 Supp. p. 165), and General Order No. 45–A of the Secretary of Labor (15 F. R. 3290), that

the Administrator of the Wage and Hour and Public Contracts Division proposes to amend the regulations relating to homeworkers in industries in Puerto Rico other than the needlework industries, contained in Part 681 of Title 29, Code of Federal Regulations, by the addition of a new § 681.9 (b) to read as follows:

(b) *Piece rates for the hand-lacing of plastic and leather wallets, leather wallet covers, and leather moccasin plugs.* A minimum piece rate of $\frac{55}{100}$ of one cent per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum rate of $\frac{7}{100}$ of one cent per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather moccasin plugs; a minimum piece rate of 1 and $\frac{33}{100}$ cents per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers, and a minimum piece rate of 1 and $\frac{68}{100}$ cents per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

This proposal to establish a minimum schedule for this piece work is deemed necessary because of the increasing volume in Puerto Rico of the homework described. The minimum piece rates proposed are commensurate with the minimum hourly rates which became effective April 4, 1957, for the leather, leather goods, shoe, and related products industry in Puerto Rico (22 F. R. 1744), based upon time studies of such piece work conducted by the Wage and Hour Division.

Prior to adopting this amendment, consideration will be given to any data, views, or arguments pertaining thereto, which are submitted in writing to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C., on or before August 26, 1957.

Signed at Washington, D. C., this 5th day of August 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-6507; Filed, Aug. 8, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T. D. 54412]

[Treasury Department Order 165, Revised, Amdt. 3]

COMMISSIONER OF CUSTOMS

FURTHER DELEGATION OF AUTHORITY TO TAKE FINAL ACTION IN CERTAIN PENALTY CASES

AUGUST 1, 1957.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp., Ch. III), it is hereby ordered that subparagraph (h) of Treasury Department Order No. 165, Revised, issued on November 2, 1954 (T. D. 53654; 19 F. R. 7241), as amended December 5, 1955 (T. D. 53966; 20 F. R. 9320), and as amended October 29, 1956 (T. D. 54234; 21 F. R. 8543), is further amended by deleting "and" after item (29); changing the period after item (30) to a semicolon; and adding the word "and" and a new item (31) reading as follows:

(31) Section 2 of the act of July 14, 1956 (46 U. S. C. 883a), in respect of certain vessels of more than 500 gross tons rebuilt abroad for which the required report of the circumstances of rebuilding is not made.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-6528; Filed, Aug. 8, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1609045, 1620150]

OREGON

MODIFICATION OF GRAZING DISTRICTS NOS. 2 AND 5

AUGUST 2, 1957.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315, et seq.) as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, § 2.22 (15 F. R. 5645), it is ordered as follows:

The following described lands are excluded from Oregon Grazing District No. 5 (Misc. 1620150) and added to Oregon Grazing District No. 2 (Misc. 1609045):

WILLAMETTE MERIDIAN

T. 23 S., R. 23 E.,
Secs. 21 to 28 and 33 to 36, inclusive.

The area described aggregates approximately 7,680 acres.

The following described lands are excluded from Oregon Grazing District No. 2 (Misc. 1609045) and added to Oregon Grazing District No. 5 (Misc. 1620150):

WILLAMETTE MERIDIAN

T. 24 S., R. 21 E.,
Secs. 1, 2, and 11 to 14, inclusive.
T. 24 S., R. 22 E.,
Secs. 1 to 29 and 32 to 36, inclusive.
T. 24 S., R. 23 E.,
Secs. 5 to 8, 17 to 20, and 29 to 32, inclusive.

The area described aggregates approximately 32,730.65 acres.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 57-6505; Filed, Aug. 8, 1957; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 2, 1957.

The Forest Service, United States Department of Agriculture has filed an application, Serial No. Sacramento 047172, for the withdrawal from location and entry under the general mining laws, subject to existing valid claims, of the lands described below.

The applicant desires the land for public recreation and special use purposes in the Indian Valley Recreation Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 801, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 9 E.,
Sec. 8, $S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$;
Sec. 17, $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$.

The area described totals 160 acres in Tahoe National Forest.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-6506; Filed, Aug. 8, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

H. L. ZIEGLER, INC. AND J. W. ALLEN & CO.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8239 between H. L. Ziegler, Inc., Houston, Texas, and J. W. Allen & Co., New Orleans, Louisiana, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 6, 1957.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-6525; Filed, Aug. 8, 1957; 8:49 a. m.]

ALL CONTINENT TRANSPORTERS, INC., ET AL.

NOTICE TO SHOW CAUSE WHY FREIGHT FORWARDER REGISTRATIONS ISSUED TO CERTAIN REGISTRANTS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the first day of August, 1957, the Board entered the following order:

Whereas, the following registrants were assigned freight forwarder registration numbers pursuant to General Order 72 (46 CFR Part 244):

Name	Reg. No.	Date Issued
All Continent Transporters, Inc. (New York)	1930	10-12-55
G. P. Dluhos Export Co. (New York)	1599	2-20-53
Galaco Export Co. (Miami)	1934	10-20-55
Gaetano Siringo (New York)	1392	10-22-51

Whereas, the Board has by registered letters requested these registrants to furnish certain information in connection with their forwarding operations, pursuant to § 244.3 of General Order 72; and

Whereas, registered mail sent to G. P. Dluhos Export Co. has been returned by the post office as undeliverable, and the Board is unable to exercise regulatory authority over this company because its present whereabouts is unknown; and

Whereas, the other three registrants named above have failed to respond to registered letters in violation of General Order 72; now, therefore,

It is ordered, That the above-named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their registrations should not be cancelled for the reasons above stated, and

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and the Secretary shall notify the registrant by letter to be sent by registered mail to the last known address of the registrant; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: August 6, 1957.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-6526; Filed, Aug. 8, 1957; 8:49 a. m.]

GARRETT FORWARDING CO., INC., AND FLORIDA EXPORT CORP.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8241 between Garrett Forwarding Company, Inc., New York, New York, and Florida Export Corporation, Tampa, Florida, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 6, 1957.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-6527; Filed, Aug. 8, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-11920, 11968]

R. H. ADKINS AND CARNEGIE NATURAL GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 5, 1957.

In the matters of R. H. Adkins, Docket No. G-11920; Carnegie Natural Gas Company, Docket No. G-11968.

Take notice that on February 11, 1957, Carnegie Natural Gas Company (Carnegie), a Pennsylvania corporation having its principal place of business in Pittsburgh, Pennsylvania, filed in Docket No. G-11968 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing a proposed field sale of natural gas to Hope Natural Gas Company (Hope) from the Amanda Duty Lease in Mingo County, West Virginia, all as more fully represented in the application which is on file with the Commission and open to public inspection. The subject gas is to be purchased and received by Carnegie from R. H. Adkins (Adkins) at a point on Carnegie's existing field lines in the area.

On February 6, 1957, Adkins, an independent producer, filed in Docket No. G-11920 an application for a certificate of public convenience and necessity covering the above sale of gas to Carnegie. Adkins' facilities consist of customary lease equipment and a field line.

The Amanda Duty Lease consists of approximately 50 acres in which one well is presently located, and the contract delivery rate to Carnegie consists of all the gas produced.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 5, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6530; Filed, Aug. 8, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2046]

BEN FRANKLIN OIL & GAS CORP. ET AL.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 5, 1957.

In the matter of Ben Franklin Oil & Gas Corporation for Howard E. Guedalia, Louis M. Rivera, Selling Stockholders (File No. 24W-2046).

I. Ben Franklin Oil & Gas Corporation (Ben Franklin), 7 Lenox Terrace, Bloomfield, New Jersey, joined with Howard E. Guedalia (Guedalia), 2 West 61st Street, New York, N. Y., and Louis M. Rivera (Rivera), 1071 Lexington Avenue, New York, N. Y., and filed with the Commission on April 29, 1957, a Notifi-

cation on Form 1–A and a Statement pursuant to Rule 257 (a) relating to a proposed public offering of 250,000 shares of common 1¢ par value stock of Ben Franklin, to be sold by and on behalf of Guedalia and Rivera "at the market," but in no event was the aggregate offering price to exceed $50,000.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. No exemption is available under Regulation A for the securities proposed to be offered thereunder and the terms and conditions of Regulation A have not been complied with in that Ben Franklin was incorporated more than one year prior to April 29, 1957; has not had a net income from operations, of the character in which Ben Franklin intends to engage, for at least one of the last two fiscal years preceding April 29, 1957; and the securities are proposed to be offered for the account of persons other than Ben Franklin; and

B. Ben Franklin and Guedalia, an underwriter of the securities to be offered, are each subject to an order, judgment or decree entered on or about July 30, 1957 by the United States District Court for the District of New Jersey, temporarily enjoining them from engaging in and continuing conduct and practice in connection with the sale of securities and more specifically each is temporarily enjoined from offering for sale and selling securities in violation of the registration provisions of the Securities Act of 1933, as amended.

III. *It is therefore ordered*, Pursuant to Rule 261 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Ben Franklin Oil & Gas Corporation, Howard E. Guedalia, Louis M. Rivera, and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–6508; Filed, Aug. 8, 1957; 8:46 a. m.]

[File No. 7–1894]

SCHERING CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 5, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Schering Corporation common stock; File No. 7–1894.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 21, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–6509; Filed, Aug. 8, 1957; 8:46 a. m.]

[File No. 7–1895]

GETTY OIL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 5, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Getty Oil Company common stock; File No. 7–1895.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Pacific Coast Stock Exchanges.

Upon receipt of a request, on or before August 21, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–6510; Filed, Aug. 8, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 4–1a (Rev. 1)]

CHIEFS, AREA FISCAL STAFFS

DELEGATION RELATING TO ADMINISTRATION

Notice is hereby given that this delegation is rescinded in its entirety.

Dated: April 8, 1957.

PAUL R. REDINGER, *Assistant Controller for Fiscal Operations.*

[F. R. Doc. 57–6511; Filed, Aug. 8, 1957; 8:46 a. m.]

[Delegation of Authority 4–1 (Rev. 3)]

CHIEF, FINANCE DIVISION

DELEGATION RELATING TO ADMINISTRATION

Notice is hereby given that this delegation is rescinded in its entirety.

Dated: April 8, 1957.

K. L. HANNA, *Controller.*

[F. R. Doc. 57–6515; Filed, Aug. 8, 1957; 8:47 a. m.]

[Delegation of Authority 4–5]

ASSISTANT CONTROLLER FOR FISCAL OPERATIONS

DELEGATION RELATING TO ADMINISTRATION

I. Pursuant to the authority delegated to the Controller by the Deputy Administrator for Administration (Delegation No. 4 (Revision 3) dated October 16, 1956), there is hereby redelegated to the Assistant Controller for Fiscal Operations, the authority:

A. *General.* To carry out all functions listed for the Fiscal Examination and Accounting Divisions in section 101 and the Area Fiscal Staffs in section 202 of SBA–100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations set forth in SBA–100, Administrative Manual and SBA–200, Controller's Manual:

1. To release notes on (a) loans paid in full and (b) loans transferred to the Department of Justice for Liquidation.

2. To approve annual and sick leave for employees under your supervision.

3. To approve advance of funds for official travel and to take appropriate actions to assure that amounts advanced are deducted from allowable expenses or are otherwise recovered.

C. *Correspondence.* 1. To sign all non-policy making correspondence to the Area Fiscal Staffs.

2. To sign correspondence, based on approved general formats, to claimants and others relating to time and attendance records and technical payment matters.

II. The specific authority delegated in paragraph I. B. and the correspondence authority delegated in paragraph I. C. may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Assistant Controller for Fiscal Operations.

Dated: April 8, 1957.

K. L. HANNA, *Controller.*

[F. R. Doc. 57–6516; Filed, Aug. 8, 1957; 8:47 a. m.]

[Delegation of Authority 4–5c]

CHIEFS, AREA FISCAL STAFFS

DELEGATION RELATING TO ADMINISTRATION

I. Pursuant to the authority delegated to the Assistant Controller for Fiscal Operations by the Controller (Delegation No. 4–5, dated April 8, 1957), there is hereby redelegated to the Chiefs, Area Fiscal Staffs, the authority:

A. *General.* To carry out all functions listed for the Area Fiscal Staffs in section 202 of SBA–100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations set forth in the SBA–100, Administrative Manual, and SBA–200, Controller's Manual:

1. To release notes on (a) loans paid in full and (b) loans transferred to the Department of Justice for liquidation.

C. *Correspondence.* 1. To sign all correspondence relating to the functions of the Area Fiscal Staff.

II. The specific authority delegated in I. B. and the correspondence authority delegated in paragraph I. C. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Area Fiscal Staff.

Dated: April 8, 1957.

PAUL R. REDINGER, *Assistant Controller for Fiscal Operations.*

[F. R. Doc. 57–6522; Filed, Aug. 8, 1957; 8:48 a. m.]

[Delegation of Authority 30–IV–7]

BRANCH MANAGER, CHARLOTTE, N. C.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Charlotte Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in section 201 of SBA–100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA–500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Limited Loan Participation Loans.

b. Disaster Loans not in excess of $20,000.00.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA–400, Agency Policy Manual, and SBA–600, Procurement and Technical Assistance Manual:

2. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

3. To administer oaths of office.

4. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. and C. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager except the specific authority delegated in subsections I. B. and 1. a. and b.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Charlotte, North Carolina, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 29, 1957.

CLARENCE P. MOORE, *Regional Director, Richmond Regional Office.*

[F. R. Doc. 57–6512; Filed, Aug. 8, 1957; 8:46 a. m.]

[Delegation of Authority 30–IV–1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in section 201 of SSA–100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SSA–300, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000;

(c) Limited Loan Participation loans;

(d) Disaster loans in an amount not exceeding $20,000.

2. To enter into Disaster Participation Agreements with banks.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES, *Administrator.*

By ——— ———, *Chief, Financial Assistance Division.*

4. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

7. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

10. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, of-

fered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

11. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

12. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

13. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

14. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

15. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Chief, Financial Assistance Division, shall lawfully do or cause to be done by virtue hereof.

17. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

18. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

19. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

20. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

21. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may not be delegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 29, 1957.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F. R. Doc. 57-6513; Filed, Aug. 8, 1957; 8:47 a. m.]

[Delegation of Authority No. 30-VIII-1 (Rev. 1)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $20,000;

3. To decline disaster loans;

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator,
By ——— ———,
Chief,
Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State Law.

24. To foreclose, by summary foreclosure proceedings where State Law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority in I.A and I.B may not be redelegated. Authority in I.C may be redelegated to financial specialists and/or loan examiners to sign non-policy routine correspondence relating to assigned cases.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 1, 1957.

ROBERT C. ALM,
Regional Director Region VIII.

[F. R. Doc. 57-6514; Filed, Aug. 8, 1957; 8:47 a. m.]

[Delegation of Authority 30-XIV-2]

CHIEF, PROCUREMENT AND TECHNICAL ASSISTANCE DIVISION

DELEGATION RELATING TO PROCUREMENT AND TECHNICAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4) dated July 1, 1957, there is hereby delegated to the Chief, Procurement and Technical Assistance Division the authority:

A. *General.* To carry out all procurement and technical assistance functions listed in section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

1. To make a determination that an individual firm, together with its affiliates, is a "small business" in accordance with SBA standards.

2. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

II. The specific authority delegated in subsection I. B. 1 may not be redelegated. The specific authority delegated in subsection I. B. 2 may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Procurement and Technical Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Procurement and Technical Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 22, 1957.

DONALD MCLARNAN,
Regional Director, Region XIV, Southern California, Arizona and Clark County, Nevada.

[F. R. Doc. 57-6517; Filed, Aug. 8, 1957; 8:47 a. m.]

[Delegation of Authority 30-XIV-1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $20,000;

3. To decline disaster loans;

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By ——— ———,
Chief,
Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instruments or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

24. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 22, 1957.

DONALD MCLARNAN,
Regional Director, Region XIV, Southern California, Arizona and Clark County, Nevada.

[F. R. Doc. 57-6523; Filed, Aug. 8, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS, OMAHA, NEBR.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 26, 1956 (15 A. D. 663), continuing in effect to and including July 31, 1958, an order issued on July 23, 1954 (13 A. D. 691), as modified by an order issued on October 22, 1954 (13 A. D. 985), authorizing the respondents, Market Agencies at Omaha Union Stock Yards, Omaha, Nebraska, to assess the current schedule of rates and charges.

On July 25, 1957, the respondents, by their attorneys, filed a petition requesting that the current schedule of rates and charges be modified in certain respects. The proposed modifications are set forth below.

SELLING AND RESELLING CHARGES

SECTION A

(The selling charges apply only when animals offered for sale are sold)

	Per head
Cattle:	
Consignments of one head and one head only	$1.50
Consignments of more than one head:	
First 5 head in each consignment	1.25
Next 10 head in each consignment	1.15
Each head over 15 in each consignment	1.05
Calves:	
Consignments of one head and one head only	.90
Consignments of more than one head:	
First 5 head in each consignment	.75
Next 10 head in each consignment	.65
Each head over 15 in each consignment	.55

SECTION B

Hogs:	
Consignments of one head and one head only	$0.65
Consignments of more than one head:	
First 10 head in each consignment	.47
Next 15 head in each consignment	.42
Each head over 25 in each consignment	.37
Stags or boars: (250 pounds or over); cripples or subjects	.80

SECTION C

Sheep or goats:	
Consignments of one head and one head only	$0.50
Consignments of more than one head:	
First 10 head in each 225 head in each consignment	.39
Next 20 head in each 225 head in each consignment	.32
Next 30 head in each 225 head in each consignment	.26
Next 40 head in each 225 head in each consignment	.16
Next 125 head in each 225 head in each consignment	.10
Cripples or subjects	.60

SECTION D

Resales:	
Cattle	$1.00
Calves	.45
Bulls	1.15
Hogs	.40
Boars and stags (250 pounds or over)	.55
Sheep	.15

BUYING CHARGES

SECTION F

Cattle and calves:

* * * * *

2. The minimum charge on a purchase order of cattle and/or calves, weighing 22,000 pounds or more and shipped out by truck for immediate slaughter, shall be $27.00.

INSPECTION CHARGES ON HOGS AND CATTLE

Charges for inspection shall be made, as hereinafter set out, to cover inspection of hogs for dockage when necessary, and inspection of hogs for injury or disease affecting their fitness for human food; inspection of cattle for injury or disease af-

fecting their fitness for human consumption, and inspection for the determination of any infectious or communicable disease, which might jeopardize the condition or health of herds into which these cattle are taken; inspection and examination of cripples or dead animals for marks of identification, and the weighing of dead animals and rendering reports thereon to the consignee, consignors, and U. S. Bureau of Animal Industry.

DEDUCTIONS MADE BY REQUEST FROM CONSIGNORS' PROCEEDS OF SALE. NATIONAL LIVESTOCK AND MEAT BOARD

For promotion of meat and meat products and their consumption, commission firms will make the following deductions on all livestock sold by them at the Omaha Union Stock Yards:

• • • • • •

(b) • • •

Two-fifths (⅖) cent for each sheep (maximum 50 cents up to and including each 225 head, or per car).

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 5th day of August 1957.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agriculture Marketing Service.

[F. R. Doc. 57-6519; Filed, Aug. 8, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 6, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34091: *Cement and related articles from Blue Bell and Williams, Pa.* Filed by O. E. Schultz, Agent (ER No. 2398), for interested rail carriers. Rates on cement, common, masonry, mortar, natural, hydraulic or portland, carloads from Blue Bell and Williams, Pa., to points in official territory.

Grounds for relief: Modified short-line distance formula, and circuitous routes.

Tariffs: Supplement 30 to Pennsylvania Railroad Company's tariff I. C. C. 3466. Supplement 44 to Reading Company's tariff I. C. C. 2322.

FSA No. 34092: *Returned empty shipping racks to Illinois points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on empty returned household appliance shipping racks, carloads from Chicago, Ill., and Detroit, Mich., to Effingham and Herrin, Ill. (CTR No. 2353).

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Agent H. R. Hinsch's tariff I. C. C. No. 4794.

FSA No. 34093: *Wheat—Points in Texas to Texas Ports.* Filed by J. F. Brown, Agent (No. 307), for interested rail carriers. Rates on wheat, carloads from specified points in Texas to Galveston, Houston, and Texas City, Tex., for export.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 18 to Agent Brown's tariff I. C. C. 878.

FSA No. 34094: *Wheat—Kansas, Missouri, and Oklahoma to Texas ports.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7095), for interested rail carriers. Rates on wheat, carloads in packages, and in bulk from specified points in Kansas, Missouri, and Oklahoma as described in the application to Galveston, Houston, Port Arthur and Texas City, Tex., for export.

Grounds for relief: Truck competition, grouping of origins, and circuitous routes.

Tariffs: Supplement 37 to Atchison, Topeka and Santa Fe Railway Company tariff I. C. C. 14774, and five other supplemental schedules to individual lines' tariffs named in the application.

FSA No. 34095: *Iron and steel articles—Missouri River cities to points in I. F. A. and Zone C in Michigan and Wisconsin.* Filed by W. J. Prueter, Agent (WTL No. A-1924), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application from Atchison, Kansas City, Leavenworth, Kans., Jefferson City, Kansas City, North Jefferson, and St. Joseph, Mo., to points in Illinois territory, also points in extended zone C in Michigan and Wisconsin, as described in the application.

Grounds for relief: Short-line distance formula, market competition, grouping, and circuitous routes.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6521; Filed, Aug. 8, 1957; 8:48 a. m.]

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AUG 12 1957
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TITLE 3—THE PRESIDENT

PROCLAMATION 3193

IMPOSING IMPORT RESTRICTIONS ON CERTAIN ARTICLES CONTAINING BUTTERFAT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), the Secretary of Agriculture advised me there was reason to believe that certain articles containing butterfat, the butterfat content of which is commercially extractable, or which are capable of being used for any edible purpose for which products containing butterfat are used, are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to milk and butterfat, or to reduce substantially the amount of products processed in the United States from domestic milk and butterfat with respect to which such program of the Department of Agriculture is being undertaken;

WHEREAS, on May 21, 1957, under the authority of the said section 22, I caused the United States Tariff Commission to make an investigation with respect to this matter;

WHEREAS, in accordance with the said section 22, as implemented by Executive Order No. 7233 of November 23, 1935, the said Tariff Commission has made such investigation and has reported to me its findings and recommendations made in connection therewith;

WHEREAS, on the basis of the said investigation and report of the said Tariff Commission, I find that the articles with respect to which import restrictions are hereinafter proclaimed are being or are practically certain to be imported into the United States under such conditions and in such quantities as to materially interfere with the said price-support program with respect to milk and butterfat, or to reduce substantially the amount of products processed in the United States from domestic milk and butterfat with respect to which said price-support program is being undertaken;

WHEREAS I find and declare that the import restrictions hereinafter proclaimed are shown by such investigation of the said Tariff Commission to be necessary in order that the entry, or withdrawal from warehouse, for consumption of the said articles will not materially interfere with the said price-support program or reduce substantially the amount of products processed in the United States from domestic milk and butterfat with respect to which the said price-support program is being undertaken; and

WHEREAS I find that there is no representative period, within the meaning of the first proviso to subsection (b) of the said section 22, for imports of the said articles:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22, do hereby proclaim that, effective at the close of business August 7, 1957 and thereafter, articles containing 45 percent or more of butterfat or of butterfat and other fat or oil, the butterfat content of which is commercially extractable, or which are capable or being used for any edible purpose for which products containing butterfat are used, shall not be permitted to be entered, or withdrawn from warehouse, for consumption: *Provided*, That this limitation shall not apply to the following articles:

1. Articles the importation of which is restricted under quotas established pursuant to section 22 of the Agricultural Adjustment Act, as amended.

2. Cheeses the importation of which is not restricted by quotas established pursuant to the said section 22.

3. Evaporated milk and condensed milk.

4. Products imported packaged for distribution in the retail trade and ready for use by the purchaser at retail for an edible purpose or in the preparation of an edible article.

5. Articles containing butterfat and other fat or oil, if the importer establishes to the

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satisfaction of the collector of customs that the butterfat content thereof is less than 45 percent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of August in the year of our Lord nineteen hundred and fifty-seven and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-6600; Filed, Aug. 8, 1957; 2:42 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.327]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following August 10, 1957, paragraph (a) is amended by the deletion of the following:

Mogadiscio, Somalia.
Saint Maarten Island, N. W. I.

2. Effective as of the beginning of the first pay period following December 15, 1956, paragraph (a) is amended by the addition of the following:

Pingtung, Taiwan, China.

3. Effective as of the beginning of the first pay period following May 4, 1957, paragraph (a) is amended by the addition of the following:

Thakhek, Laos.

4. Effective as of the beginning of the first pay period following August 10, 1957, paragraph (a) is amended by the addition of the following:

Mogadiscio, Trust Territory of Somaliland.
Saint Maarten Island, Netherlands Antilles.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Acting Secretary of State.

[SEAL] LOY W. HENDERSON,
Deputy Under Secretary for Administration.

AUGUST 1, 1957.

[F. R. Doc. 57-6549; Filed, Aug. 9, 1957; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

The regulations in §§ 485.301 to 485.338 contain the general provisions governing the 1958 acreage reserve part of the Soil Bank Program. Additional program provisions relating specifically to winter wheat are contained in Supplement I to these regulations. Additional program provisions relating specifically to spring wheat and other spring-planted commodities will be contained in a later supplement to these regulations.

Sec.
485.301 Definitions.
485.302 Purpose of the acreage reserve program.
485.303 Administration.
485.304 State and county allocations of funds.
485.305 "New farm allotments"; "new producers"; not eligible.
485.306 Restrictions on Government land and on Government sharing in compensation.
485.307 Agreement not to be approved if reduction would occur without Soil Bank.
485.308 Maximum acreage limitations on extent of participation.
485.309 Acreage reserve agreement.
485.310 Reduction of acreage of commodity covered by agreement.
485.311 Designation of acreage reserve.
485.312 Use of acreage reserve.
485.313 Farm soil bank base.
485.314 Compliance with acreage allotments.
485.315 Amount of compensation.
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485.317 Determination of acreage.
485.318 Division of compensation between landlords, tenants, and sharecroppers.
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485.329 Violations of agreement.
485.330 Penalty for grazing or harvesting.
485.331 Access to farm and records.
485.332 Appeals.
485.333 State committee approval of determinations of county committees.
485.334 Finality of determinations.
485.335 Effect on acreage allotment and marketing quota programs.
485.336 Redesignation as conservation reserve.
485.337 Waiver and termination of agreements.
485.338 Agreements not in conformity with regulations.

AUTHORITY: § 485.301 to § 485.338 issued under sec. 124, 70 Stat. 198; 7 U. S. C. 1812. Interpret or apply secs. 101–107, 114–126, 70 Stat. 188; 7 U. S. C. 1801–1813, 1821–1824, 1831.

§ 485.301 *Definitions.* As used in §§ 485.301 to 485.338 and in all agreements, forms, documents and procedures in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the Soil Bank Act (70 Stat. 188; 7 U. S. C. 1801).

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(c) "Administrator" means the Administrator, or Acting Administrator, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Deputy Administrator" means the Deputy Administrator, or Acting Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Director" means the Director, or Acting Director, of the Soil Bank Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "State" means any one of the continental United States.

(g) "County" means county or parish.

(h) "Community committee" means the group of persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(i) "County committee" means the group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(j) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(k) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, wherever applicable, a State, a political subdivision of a State or any agency thereof.

(l) "Cash tenant," "standing-rent tenant," or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a fixed amount of a commodity to be paid as rent.

(m) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crop or the proceeds thereof.

(n) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(o) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(p) "Producer" means any person who is an owner or a landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, sharecropper, or in the case of rice, a person who furnishes water for a share of the crop.

(q) "Farm" means farm as defined in regulations governing Determination of Acreage and Performance (22 F. R. 3747).

(r) "Cropland" means cropland as defined in regulations governing Determination of Acreage and Performance (22 F. R. 3747).

(s) "Commercial corn-producing area" means the area designated by the Secretary for the 1958 crop of corn pursuant to section 327 of the Agricultural Adjustment Act of 1938, as amended.

(t) "Commercial wheat-producing area" means all areas except the area designated by the Secretary (22 F. R. 2905) pursuant to section 335 (e) of the Agricultural Adjustment Act of 1938, as amended.

(u) "Commodity" means any one of the commodities eligible for participation in the Acreage Reserve Program for 1958.

(v) "Allotment" means the 1958 acreage allotment established for a farm for a particular commodity pursuant to the Agricultural Adjustment Act of 1938, as amended.

(w) "Acreage reserve" means the tract or tracts of cropland designated in an acreage reserve agreement for a farm as being withdrawn from the production of a particular commodity.

(x) "Agreement" means Form CSS–800 (Soil Bank), "Soil Bank 1958 Acreage Reserve Agreement."

(y) Words in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 485.302 *Purpose of the acreage reserve program.* The purpose of the acreage reserve program is to assist producers to divert a portion of their cropland from the production of excessive supplies of agricultural commodities by compensating them for reducing their acreage below their allotment.

§ 485.303 *Administration.* The 1958 acreage reserve program will be administered by the Commodity Stabilization Service under the general direction and supervision of the Administrator. Any authority herein delegated to the Administrator may also be exercised by the Deputy Administrator. The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations contained in §§ 485.301 to 485.338. Such forms and instructions shall be approved by, and the instructions shall be issued by, the Administrator. In the field, the program will be carried out by State and county committees. Members of county committees are hereby authorized to sign agreements on behalf of the Secretary. State and county committees do not have authority to modify or waive any of the provisions of §§ 485.301 to 485.338, or of any amendment, supplement, or revision thereto, or to modify or waive any of the provisions of any agreement, or to enter into any revised agreement except to the extent that revision is hereinafter specifically authorized.

§ 485.304 *State and county allocations of funds*—(a) *General.* To give producers a fair and equitable opportunity to participate in the acreage reserve program, State and county allocations of amounts which may be obligated for each commodity shall be established to govern the extent of participation by producers in each State and county.

(b) *State allocations of funds.* The State allocations for each commodity, determined after taking into consideration the State acreage allotments, productivity of land, the estimated extent of participation in the program by farmers, the supply and demand conditions for different classes, grades, and quality of the commodity produced in the several States, distance from markets, and historic market prices, will be specified in the supplement covering the particular commodity. Any portion of the allocation for any State may be reapportioned by the Administrator to any one or more other States if it is determined by him that such action is necessary to achieve the national acreage goal or to give producers a fair and equitable opportunity to participate.

(c) *County allocations of funds.* (1) County allocations shall be determined by the State committee, taking into consideration the county acreage allotments, productivity of land, and the estimated extent of participation in the program by farmers, subject to such limitations as the Administrator may determine are necessary to achieve the national goal, to give producers a fair and equitable opportunity to participate, or to prevent serious adverse effect on the economy of any county or area.

(2) Any portion of the allocation for any county may be reapportioned by the State committee to one or more other counties if the State committee determines that such action is necessary to utilize the funds allocated to the State or to give producers a fair and equitable opportunity to participate, subject to such limitations as may be determined by the Administrator in accordance with subparagraph (1) of this paragraph.

§ 485.305 *"New farm allotments"; "new producers", not eligible.* Producers on farms which receive allotments as "new farms" under regulations governing the establishment of acreage allotments for 1958 crops shall not be eligible for participation in the acreage reserve program with respect to such "new farm" allotments. In the case of rice, producers who receive allotments as "new producers" under regulations governing the establishment of allotments for the 1958 crop of rice shall not be eligible to participate with respect to such rice allotments.

§ 485.306 *Restrictions on Government land and on Government sharing in compensation*—(a) *Restrictions on Government land.* Producers who lease lands from the Federal Government, or any agency thereof, under a lease prohibiting the use of such lands for the production of a commodity, or requiring the use of the land for other purposes, shall not be eligible to participate in the acreage reserve program for such commodity with respect to such lands.

(b) *Restrictions on Government compensation.* The Federal Government, or any agency thereof, is not eligible to share in any compensation payable under any agreement, except that the Federal Government, or any agency thereof, may be paid as a result of set-off, or assignment, or designation as payee because of a lien or encumbrance on a growing crop.

§ 485.307 *Agreement not to be approved if reduction would occur without Soil Bank.* The county committee shall not approve an agreement for any farm if the county committee determines that the reduction in the acreage of the commodity involved would occur even in the absence of participation in the acreage reserve program.

§ 485.308 *Maximum acreage limitations on extent of participation.* Participation with respect to any farm shall be subject to the following maximum acreage limitations:

(a) The acreage for any commodity may not exceed the farm allotment for the commodity.

(b) The acreage for all commodities on the farm may not exceed the farm soil bank base less the number of acres in the conservation reserve at the regular rate. This limitation shall not apply in the case of any farm which during 1957 participated in both the acreage reserve program and the conservation reserve program.

(c) In the case of spring wheat, the acreage may not exceed the farm allotment less (1) the number of acres, if any, on the farm placed in the acreage reserve under an agreement covering winter wheat, and (2) the number of acres, if any, planted to wheat in the fall of 1957 on land on the farm (excluding the number of acres planted on any such acreage reserve).

(d) Any other limitations specified in the supplement covering the particular commodity.

§ 485.309 *Acreage reserve agreement*—(a) *General.* In order for the producers on a farm to participate in the program, an acreage reserve agreement (Form CSS–800) must be signed by the farm operator and all owners and landlords required to sign as specified in paragraph (b) of this section. Such agreement must be filed by delivery of it to the office of the county committee for the county or administrative area in which the farm is located on or before the closing date specified in the supplement covering the particular commodity to which the agreement applies. The agreement must be approved and signed by a member of the county committee in order for the agreement to become effective.

(b) *Signatures of owners and landlords*—(1) *Signatures required.* Except as provided in subparagraph (2) of this paragraph, if the operator is a share tenant, the agreement must be signed, prior to approval by the county committee, by each owner or landlord.

(2) *Signatures not required.* (i) The county committee may, upon request of the operator, approve the agreement without the signature of an owner or landlord if the county committee determines (*a*) that the acreage reserve is not located on his land (*b*) that no reduction in the acreage of the commodity is being made on his land, and (*c*) that he is not eligible to receive any compensation under the agreement.

(ii) The county committee may, upon request of the operator, approve the agreement without the signature of an owner or landlord if the county committee determines that such owner or landlord is not available for signing an agreement by the closing date, provided it is established to the satisfaction of the county committee that such owner or landlord has no right to graze or harvest a crop on the acreage reserve or otherwise to control the farming operations on the farm, and the county committee has no reason to believe that the owner or landlord is unwilling to sign the agreement. (In any such case, however, the owner or landlord, in order to be eligible for compensation under the agreement, must sign the agreement on or before December 31, 1958.)

(3) *Final date for signature of owner or landlord.* The agreement must be signed by the owner or landlord not later than the closing date, except that if the county committee determines that an owner or landlord is not available for the signing of the agreement by the closing date, the operator must obtain the signature of such owner or landlord on the agreement and furnish it to the county committee not later than 15 days after the closing date or within such earlier period of time as may be specified by the county committee in a written notice to the operator.

(c) *Late notice of allotment.* If the first official notice of the farm allotment for a commodity is dated later than 15 days prior to the closing date, the producer shall have 15 days from the date of such notice to file an agreement for the commodity, except that such producer may not file an agreement after November 30, 1957, in the case of winter wheat, April 30, 1958, in the case of rice in states having producer allotments, and May 31, 1958, in the case of spring crops other than rice in states having producer allotments.

(d) *Order of approval of agreements.* To the extent of funds allocated to a county, agreements shall be approved on a "first-come, first-served" basis, i. e., in the order in which they are filed with the county committee.

(e) *County funds exhausted.* If the county allocation of funds is not sufficient to cover the agreement at the time the producers on a farm wish to file an agreement, the operator's name and the acreage which the operator desires to place in the acreage reserve shall be entered on a register in the county office. If the county thereafter receives an additional allocation of funds sufficient to cover such agreement the producers shall have until 15 days after date of written notice to the operator to file an agreement.

(f) *Agreements covering additional acreage.* If acreage limitations in addition to those contained in § 485.308 are set forth in the applicable supplement and fund allocations to the county for a commodity are in an amount in excess of that required to cover all agreements filed with the county committee for an acreage of such commodity within such limitations, producers who have indicated on the agreement a desire to place more than such maximum acreage in the program, or who have indicated in writing to the county committee a desire to participate only if they may place acreage in excess of such maximum acreage in the program, will be permitted to place acreage in the program to the extent authorized by the Administrator. The producers shall have until 15 days after date of written notice to the operator to file an agreement covering such acreage.

(g) *Termination or withdrawal of agreements.* (1) The operator may terminate the agreement by filing a written notice of such termination with the county committee not later than the closing date. In such case, the producers on the farm may, not later than such closing date, file a new agreement subject to all of the provisions of §§ 485.301 to 485.338.

(2) An agreement may not be withdrawn after the closing date even though the agreement has not been approved by the county committee. However, no agreement shall be in effect unless the agreement is approved by the county committee.

(3) The operator on any farm located in a county which is designated as a "new corn county" under regulations governing the establishment of 1958 corn acreage allotments may terminate any winter wheat agreement entered into with respect to the farm by filing written notice of such termination with the county committee prior to February 1, 1958.

§ 485.310 *Reduction of acreage of commodity covered by agreement*—(a) *General.* The producer must agree not to harvest an acreage of the commodity covered by the agreement which exceeds the allotment, less the number of acres which the producer agrees to place in the acreage reserve. In the case of wheat, if an agreement is entered into for both winter wheat and spring wheat

such number of acres means the total number of acres which the producer agrees to place in the acreage reserve under both agreements.

(b) *Disposal of excess acreage.* (1) The acreage planted to a commodity covered by an agreement in excess of the number of acres which the producer may harvest (such acreage is hereinafter referred to as the "excess acreage") must be disposed of in such manner that no part of such excess can be harvested. Such disposition must be accomplished in a manner permitted under the marketing quota and price support programs and not later than the final date fixed for disposition thereunder: *Provided,* That wheat planted on the acreage reserve as an approved cover crop may not be cut for hay or otherwise harvested after December 31, 1957, or grazed after December 31, 1957, except as provided in § 485.312 (b), even though such manner of disposition is permitted for compliance with allotments for purposes of marketing quotas and price support. Information as to the date fixed for disposition shall be available in the office of the county committee, and shall be obtained by the farm operator from such office.

(2) The county committee shall notify the operator of the number of acres of excess acreage. The notice will specify any additional conditions applicable to the disposition of the excess acreage. Failure to give timely notice as to the correct excess acreage shall not relieve the producer of the responsibility for disposing of the excess acreage. However, if the producer is not given timely notice as to the correct excess acreage and the county committee determines that the producer made a reasonable effort through measurement or otherwise to dispose of the excess acreage, the producer shall not, except if a crop is harvested from the acreage reserve, be deemed in violation of the agreement because of harvesting excess acreage. However, the amount of compensation shall be adjusted as provided under § 485.315.

(c) *Effect of failure to dispose of excess acreage.* If the producer fails to dispose of excess acreage as required, the violation shall subject the producer to the forfeiture and refund of all compensation under the agreement. In addition, if the producer knowingly and willfully harvests such excess acreage he shall be subject to the civil penalty as provided in section 123 of the act and in the regulations contained in Subpart—Violations Procedure of this part.

(d) *Liens or encumbrances.* If at the time an agreement is filed with the county committee there has been planted on the farm an acreage of the commodity covered by the agreement substantially in excess of that which the producer is permitted to harvest, and there is any lien or encumbrance on such crop, consent of the holder of such lien or encumbrance, on a form prescribed by the Administrator, must be furnished to the county committee prior to approval of the agreement by the county committee. The operator or landlord may designate such holder of a lien or encumbrance as payee or joint payee to receive all or any part of the compensation payable under the agreement to such operator or landlord, but may not designate such holder of a lien or encumbrance as payee to receive any of the compensation due tenants and sharecroppers. For purposes of this paragraph, an operator or landlord connected with the farm shall not be considered as the holder of a lien or encumbrance.

§ 485.311 *Designation of acreage reserve*—(a) *Land which may be designated.* To be eligible for designation as acreage reserve, the tract(s) of land:

(1) Must be cropland;

(2) Must be suitable for the production of a 1958 crop of the commodity covered by the agreement;

(3) Must be land on which a soil bank base crop (see § 485.313 (c)) has been planted for harvest or harvested within the past five years, 1953–1957;

(4) Must not be intended to be utilized in the calendar year 1958 for industrial development, housing, highway construction, or other non-farm use;

(5) Must be land on which no crop has been harvested in 1958, except that such restriction shall not apply to a crop which matured and normally would have been harvested in 1957 unless harvesting of the crop in 1957 would have been in violation of a 1957 acreage reserve agreement;

(6) Must not be land on which crops are planted in the fall of 1957 for harvest in 1958 or later years, pursuant to § 485.214 (d) (1) of the 1957 Acreage Reserve Regulations, unless the crop has been disposed of in some manner other than by harvesting; and

(7) Must not be of such size, shape, or nature as to make it impracticable to determine performance of the agreement or as would tend to defeat the purpose of the program.

(b) *Identification of acreage reserve in agreement.* The tract(s) of cropland constituting the acreage reserve for the commodity must be specifically identified in the agreement. If the county committee feels that proper indentification cannot be obtained at the time the agreement is filed, a representative of the county committee shall visit the farm prior to approval of the agreement and establish with the operator the location and number of acres in the acreage reserve. In such case the signing of the agreement by the owners and landlords shall constitute their agreement to the designation of the acreage reserve by the operator.

(c) *Adjustment of acreage reserve.* The farm shall be visited by a representative of the county committee prior to payment of compensation for the purpose of determining the number of acres in the acreage reserve. The farm operator shall be given written notice of the determination.

(1) If the acreage set aside is determined to be less than the number of acres which the producer agreed to place in the acreage reserve, additional eligible acreage may be designated, provided the county committee determines that the producer made a reasonable effort to set aside the number of acres which the producer agreed to place in the acreage reserve. The fact that a crop must be disposed of on land otherwise eligible shall not make such land ineligible for designation as additional acreage reserve. If additional acreage is not designated, the acreage set aside, as determined by the county committee, shall be the acreage reserve.

(2) If the acreage set aside is determined to be less than the number of acres which the producer agreed to place in the acreage reserve, and the county committee determines that the producer did not make a reasonable effort to set aside the acreage which the producer agreed to place in the acreage reserve, additional acreage may not be designated. In such case, the failure to set aside and refrain from harvesting or grazing the acreage which he agreed to place in the acreage reserve shall constitute harvesting or grazing acreage in violation of the agreement.

(3) If the acreage set aside is determined to be more than the number of acres which the producer agreed to place in the acreage reserve, the acreage may be adjusted downward to conform with the agreement.

(4) In order to make an adjustment, the farm operator must file a request in writing with the office of the county committee (accompanied by the estimated cost of redetermining the acreage) within 15 days from the mailing date shown on the notice to the farm operator of the amount of acreage in the acreage reserve: *Provided,* That the county committee may grant an extension of such time if it determines that because of circumstances beyond the farm operator's control he could not have reasonably been expected to file the request within such 15-day period.

(5) If, as a result of an adjustment in the acreage reserve as provided in this paragraph, the identification of the acreage reserve in the agreement is incomplete or inaccurate, the agreement shall be revised or corrected to show a complete and accurate identification of the acreage reserve, as adjusted and redetermined.

(d) *Ineligible land.* If the county committee determines upon inspection of the farm that the land designated as the acreage reserve does not meet the requirements of paragraph (a) of this section, the producers may, not later than fifteen (15) days after the date of written notice of the determination of the county committee, file a new agreement designating other land as the acreage reserve. Such new agreement shall supersede the original agreement when approved by the county committee. If the producers do not file a new agreement as specified above, the original agreement shall not be approved by the county committee. If the agreement has already been approved, and the producers do not file a new agreement as specified above, the agreement shall be deemed terminated.

(e) *Land less productive than indicated on agreement.* If the county committee determines upon inspection of the farm that the land designated as the acreage reserve is significantly less productive than indicated on the agreement, the producers may, not later than

fifteen (15) days after the date of written notice of the determination of the county committee, file a new agreement with respect to the same or other land showing the correct percent of productivity. Such new agreement shall supersede the original agreement when approved by the county committee. If the producers do not file a new agreement as specified above, the original agreement shall not be approved by the county committee. If the agreement has already been approved, and the producers do not file a new agreement as specified above, the agreement shall remain in full force and effect, but the rate of compensation per acre shall be determined as provided in § 485.315.

(f) *Acreage reserve tracts—separate.* The acreage reserve shall be in addition to any acreage in the conservation reserve program. The acreage reserve for any particular commodity shall also be in addition to the acreage reserve designated for any other commodity.

(g) *Incentive for designating same land in 1959.* In order to provide an incentive for designating as the acreage reserve under the 1959 acreage reserve program the same tract, or a part of the same tract, as is designated under the 1958 program, the rate of compensation per acre for any acreage designated as the acreage reserve under the 1959 program, which was also included in the designation of the acreage reserve under the 1958 program, shall be 110 percent of the rate which would otherwise be payable under the 1959 program. Such incentive rate shall be effective regardless of whether the land is designated as the acreage reserve for the same commodity as in 1958.

§ 485.312 *Use of acreage reserve*—(a) *Restriction on harvesting.* No crop shall be harvested from the acreage reserve during the calendar year 1958. Such restriction shall not, however, apply to a crop which matured and normally would be harvested in 1957, unless harvesting of the crop in 1957 would have been in violation of a 1957 acreage reserve agreement. No crop growing on the acreage reserve or permitted to be planted on the acreage reserve which is required to be disposed of under §§ 485.301 to 485.338 shall be harvested either in the calendar year 1958 or later.

(b) *Restriction on grazing.* The acreage reserve shall not be grazed after December 31, 1957, or the date the agreement is filed, whichever is later, and prior to January 1, 1959, unless the Secretary, after the Governor of the State in which the farm is located has certified that there is a need for grazing on the acreage reserve, determines that it is necesary to permit grazing thereon in order to alleviate damage, hardship or suffering caused by severe drought, flood, or other natural disaster. Leasing of the acreage reserve to others for grazing purposes is prohibited. The restriction against grazing shall not apply to a crop which matured and normally would be harvested in 1957, unless harvesting of the crop in 1957 would have been in violation of a 1957 acreage reserve agreement. The following conditions shall apply with respect to any consent to graze:

(1) Except as provided in subparagraph (2) of this paragraph, a written request to graze the acreage reserve, on a form approved by the Administrator, must be filed with the county committee in which the producers agree to a deduction from the compensation payable under the agreement of an amount equal to $6.00 per acre times the total number of acres in the acreage reserve. Such request may be filed by the farm operator alone if the amount of compensation payable to him is sufficient to cover the amount of the deduction; otherwise, the request must be filed by the farm operator and other producers to whom there is an amount of compensation payable sufficient to cover the deduction. If the compensation payable under the agreement amounts to less than $6.00 per acre times the total number of acres in the acreage reserve, the amount of deduction shall be the amount of compensation payable under the agreement. In the event compensation has been paid to the producers, an amount equal to the amount of deduction must be remitted to the county committee with the request for grazing. If the request to graze is approved and written consent to graze is given by the county committee, permission to graze the acreage reserve shall extend through December 31, 1958. Consent to graze the acreage reserve shall not be given if the county committee has reason to believe that there has been a violation of the terms and conditions of the agreement which would require a forfeiture or refund of compensation.

(2) Where a Disaster Relief Feed Grain Program is in operation, grazing the acreage reserve may be permitted by the Secretary for the duration of the disaster without making a deduction from the compensation payable under the agreement.

(c) *Restriction on planting.* No crop shall be planted on the acreage reserve after December 31, 1957, or the date the agreement is filed, whichever is later, and prior to January 1, 1959, except as follows:

(1) If approved by the State committee, crops may be planted in the fall of 1958 for harvest in 1959 or later years, in areas where such crops would normally be planted in the fall of 1958 for harvest in 1959 or later years. Such crops include but shall not be limited to tree crops such as fruit, nut, tung, holly, Christmas trees or nursery stock, and such other crops as asparagus, rhubarb, strawberries and other berry crops. Such crops shall not include any crop which normally would be harvested on or before February 28, 1959. No part of any area within the acreage reserve on which such crops are planted under this provision will be eligible for designation as acreage reserve for 1959 unless the crop is disposed of in some manner other than by harvesting, before the 1959 agreement is filed.

(2) Crops approved by the State and county committees for protective cover may be planted as a cover crop on the acreage reserve.

(d) *Disposition of crops.* Any crop on the acreage reserve must be disposed of prior to the final date fixed for disposition by the State committee in such manner that no part of such crop can be harvested, except (1) a 1957 crop which may be harvested under the provisions of paragraph (a) of this section, and (2) certain approved cover crops. Information as to the applicable disposition dates and the approved cover crops which are required to be disposed of are available in the office of the county committee and shall be obtained by the producer from such office.

(e) *Control of noxious weeds.* The producer shall, without reimbursement under the agreement, take such steps as may be prescribed by the county committee to prevent the acreage reserve from becoming a source of spreading noxious weeds designated by the State committee. A list of such noxious weeds shall be available in the office of the county committee, and shall be obtained by the farm operator from that office.

(f) *Erosion control.* The producer shall, without reimbursement under the agreement, take such steps as may be prescribed by the county committee to prevent wind or water erosion on the acreage reserve.

§ 485.313 *Farm soil bank base*—(a) *General.* A soil bank base shall be established for each farm on which land is placed in the acreage reserve. If a soil bank base has been established for a farm under an existing Conservation Reserve Contract, such established base shall also be used for purposes of the acreage reserve program. It shall be the responsibility of the farm operator to furnish to the county committee the information needed from him to establish the farm soil bank base.

(b) *Soil bank base period and adjustments in base.* The soil bank base for the farm shall be the average acreage of land devoted to soil bank base crops during the years 1956 and 1957 (hereinafter referred to as the soil bank base period), subject to (1) adjustment by the county committee where necessary to make due allowance for abnormal weather conditions to the extent that such abnormal weather conditions affected the acreage of such crops during such period, and (2) such downward adjustment of 1957 crop acreages as is necessary to eliminate any soil bank base acreage credit for new land brought into the production of soil bank base crops after December 31, 1956, to the extent that such new land is not offset by the retirement of cropland on the farm to non-cropland. The soil bank base established hereunder may provide different acreages for alternate years when necessary to reflect an established summer fallow rotation system, provided the average of the acreages for such alternate years shall equal the acreage as determined above.

(c) *Soil bank base crops.* The soil bank base crops shall consist of all crops produced for harvest on the farm other than (1) annual grasses pastured or cut for hay or ensilage, provided a crop of seed or grain was not harvested from

such grasses, (2) biennial legumes, (3) perennial grasses and legumes, (4) annual legumes except soybeans, cowpeas, peanuts, field and canning peas, and field and canning beans, and (5) land devoted to a garden primarily for home consumption. If the farm was entered in the 1956 or 1957 acreage reserve program, the smaller of (i) the number of acres which the producer agreed to place in the acreage reserve, or (ii) the number of acres by which the commodity was reduced below the farm allotment (or soil bank corn base in the case of 1956 corn agreements) shall be considered as being devoted to a crop of the commodity covered by the agreement and shall be included in determining the soil bank base: *Provided*, That if the amount of the reduction below the allotment, in the case of 1957 agreements, has not been determined at the time the farm soil bank base is established, the number of acres included in determining the base shall be that which the producers agreed to place in the acreage reserve.

(d) *Notice of soil bank base.* The operator of each farm for which a soil bank base is established shall be given written notice of the amount of the soil bank base established for the farm unless the farm is covered by a Conservation Reserve Contract. Appeals from the soil bank base established for a farm shall be governed by § 485.332.

(e) *Correction of errors.* Prior to the approval of an agreement, the county committee may correct any error made in establishing the soil bank base. After the agreement is approved and signed by the county committee, a downward adjustment shall not be made if the county committee determines that the producer had no reason to know of the error.

(f) *Permitted acreage of soil bank base crops.* (1) Except as provided in subparagraph (2) of this paragraph, the producer must agree not to harvest an acreage of soil bank base crops in excess of the farm soil bank base less the number of acres he placed in the acreage reserve under all 1958 agreements for the farm and less the number of acres in the conservation reserve at the regular rate.

(2) In the case of farms which during 1957 participated in both the acreage reserve program and the conservation reserve program, the producer must agree not to harvest an acreage of soil bank base crops in excess of the farm soil bank base less the number of acres in the conservation reserve at the regular rate, and less any amount by which the number of acres placed under 1958 agreements exceeds the number of acres placed under 1957 agreements.

(g) *Disposal of excess acreage.* The acreage planted to soil bank base crops in excess of the number of acres which the producer may harvest must be disposed of in such manner that no part of such excess can be harvested. The farm operator shall be given written notice of the number of acres required to be disposed of and such notice shall specify any additional conditions applicable. Failure to give timely notice as to the correct number of acres shall not relieve the producer of the responsibility for disposing of acreage in excess of that permitted to be harvested. However, if the county committee determines in such circumstances that the producer made a reasonable effort by measurement or otherwise to dispose of such acreage, the producer shall not be considered to have harvested such acreage and no reduction in the acreage otherwise eligible for compensation shall be made.

(h) *Effect of failure to dispose of acreage in excess of that permitted.* (1) If the permitted acreage of soil bank base crops is zero and the producer fails to dispose of all acreages planted to soil bank base crops as required, the violation shall subject the producer to the forfeiture and refund of all compensation under the agreement. In addition, if the producer knowingly and willfully harvests the acreage in excess of that permitted, he shall be subject to the civil penalty as provided in section 123 of the act and in the regulations contained in Subpart—Violations Procedure of this part.

(2) If the permitted acreage of soil bank base crops is more than zero, and the final acreage of soil bank base crops exceeds the permitted acreage for such crops by more than one acre or 3 percent, whichever is larger, the violation shall subject the producer to the forfeiture and refund of all compensation under the agreement. In addition, if the producer knowingly and willfully harvests the acreage in excess of that permitted, he shall be subject to the civil penalty as provided in section 123 of the act and in the regulations contained in Subpart—Violations Procedure of this part.

(3) If the permitted acreage of soil bank base crops is more than zero and the final acreage of soil bank base crops exceeds the permitted acreage for such crops by not more than one acre or 3 percent, whichever is larger, the agreement will not be considered in violation but the acreage otherwise eligible for compensation will be reduced by the amount of such excess. If two or more agreements are in effect for a farm, any excess soil bank base acreage for which a reduction is to be made shall be apportioned among the agreements in the proportion that the acreage otherwise eligible for compensation under each agreement bears to the total acreage otherwise eligible for compensation under all agreements.

(i) *Reconstitution of farms*—(1) *Combinations.* If a new agreement is filed for a farm pursuant to § 485.325, which farm was composed of two or more single farms prior to the reconstitution, the soil bank base for the reconstituted farms shall be the sum of the soil bank bases established for the farms being combined. If no soil bank base has been established for any farm included in the combination, such base shall be established in accordance with the provisions of this section.

(2) *Divisions.* If a new agreement is filed for a farm pursuant to § 485.325, which farm was a part of a parent farm prior to the reconstitution, the soil bank base for the parent farm shall be apportioned among each of the farms, as reconstituted, as follows: An acreage equal to the acreage allotments for the parent farm shall be apportioned to each part as provided in the respective regulations governing the establishment of farm acreage allotments. The remainder of the soil bank base for the parent farm shall be apportioned among each of the farms as reconstituted in the same proportion as the cropland in each such reconstituted farm bears to the total cropland contained in the parent farm except that the farm soil bank base for each of the farms as reconstituted may be adjusted by the county committee so as to provide a fair and equitable soil bank base for each such farm. In no case shall the total of the soil bank bases exceed the total soil bank base for the parent farm.

§ 485.314 *Compliance with acreage allotments*—(a) *Eligibility for compensation.* No person shall be eligible for compensation under the acreage reserve program with respect to any farm on which any of the following conditions exist:

(1) The 1958 acreage of cotton (including extra long staple cotton), rice, or tobacco (including cigar binder tobacco, type 53) exceeds the allotment for such commodity; or

(2) The 1958 acreage of wheat, in the case of a farm in the commercial wheat-producing area, exceeds the larger of the allotment or 15 acres; or

(3) The 1958 acreage of corn, in the case of a farm in the commercial corn-producing area, exceeds the allotment; or

(4) The 1958 acreage of peanuts exceeds the larger of the allotment or one acre.

(b) *Unknowingly exceeding limitations.* For purposes of this provision, such acreage limitations shall not be deemed to have been exceeded unless such limitations were knowingly exceeded. Such limitations shall be deemed to have been knowingly exceeded if under the rules and regulations governing price support for the commodity such acreage limitations would be determined to have been knowingly exceeded.

§ 485.315 *Amount of compensation*—(a) *General.* If there has been no violation of the agreement, the amount of compensation payable for the commodity shall be determined by multiplying the rate of compensation per acre for the commodity, determined in accordance with § 485.316, by the number of acres in the acreage reserve, or the number of acres which the producer has agreed to place in the acreage reserve, whichever is the smaller, except as follows: (1) If excess acreage of the commodity covered by the agreement is harvested but the producers are not in violation of the agreement under § 485.310 (b) (2), the amount of compensation payable shall not exceed the rate of compensation per acre for the commodity multiplied by the acreage by which the commodity is reduced below the allotment; (2) If the permitted acreage of soil bank base crops is more than zero and the final acreage of soil bank base crops exceeds the permitted acreage of such crops by not more than one acre or 3 percent, whichever is larger, the acreage otherwise eligible for compensation shall be reduced by the amount of such excess.

(b) *Error in amount of compensation.* If the amount of compensation shown in an agreement approved by the county committee is incorrect as the result of an error other than a mistake of judgment in determining the productivity of land, the agreement shall be corrected or a new agreement entered into showing the correct amount and compensation will be paid accordingly: *Provided*, That a downward adjustment shall not be made because of an error in the rate of compensation if the county committee with approval by or on behalf of the State committee determines that the producer had no reason to know of the error, but in no case shall the rate of compensation per acre for tobacco exceed the applicable maximum rate per acre specified in the applicable supplement.

(c) *Limitation on Compensation.* The Department of Agriculture and Farm Credit Administration Appropriation Act, 1958, provides that no part of the appropriation made therein shall be used to formulate and administer an acreage reserve program which would result in total compensation being paid to any one producer in excess of $3,000.00 with respect to the 1958 crops. The manner of applying this limitation will be prescribed in an amendment to §§ 485.301 to 485.338.

§ 485.316 *Rate of compensation per acre*—(a) *Commodities other than tobacco*—(1) *General.* The farm rate of compensation per acre shall be determined by multiplying the county rate of compensation per acre by the farm productivity index established for the farm by the county committee except that if the producer indicates on the agreement or the county committee determines that the productivity of any land designated as the reserve acreage is significantly less than the productivity of the average land on the farm normally devoted to the commodity the rate of compensation shall be reduced to reflect the productivity of the land designated as the acreage reserve. County compensation rates per acre will be set forth in the supplement to §§ 485.301 to 485.338 covering the particular commodity.

(2) *Farm productivity index.* The county committee shall establish a farm productivity index for each farm which has an allotment (except for tobacco and "new farm" allotments and "new rice producer" allotments). The farm productivity index for a commodity shall be based upon the suitability of the cropland on the farm for producing the commodity. In determining the farm productivity index, consideration shall be given to the farming practices of the operator as they affect his yields and to any savings in costs which will result from not planting the commodity. The farm productivity index for a commodity shall be expressed as that percentage of 100 that the suitability of the average cropland on the farm normally devoted to the production of the commodity bears to the suitability, using normal farming practices, of the average cropland in the county for producing the commodity. The farm productivity index so established shall be subject to such adjustment as is necessary in order that the farm productivity indexes for all farms in the county, weighted by the allotments, will not exceed 100 percent.

(3) *Correction of errors.* Prior to the approval of an agreement, the county committee may correct any error made in establishing the farm productivity index. In correcting errors made in establishing the farm productivity index, the total of all increases in productivity indexes (together with any increases in productivity indexes as a result of appeals) shall not be such as will result in a weighted average compensation rate (when farm compensation rates are weighted by the respective farm allotments) which exceeds the county rate of compensation by more than 2 percent.

(4) *Instructions to State and county committees.* The Administrator shall issue instructions to State and county committees implementing the provisions of this section. Such instructions shall be available for examination by the producer at the office of each county committee.

(b) *Tobacco.* The farm rate of compensation per acre for tobacco shall be that amount obtained by multiplying the normal yield for the farm, as determined under applicable 1958–1959 tobacco marketing quota regulations, by the unit rate per pound set forth in the applicable supplement to §§ 485.301 to 485.338 for the particular kind of tobacco.

(c) *Incentive for placing same land in acreage reserve.* The rate of compensation per acre for any acreage designated as acreage reserve under the 1958 program which was also included as acreage reserve for any commodity under the 1957 program shall be 110 percent of the rate otherwise applicable.

(d) *Notice of rate.* The operator of each farm which has an "old farm" allotment for an eligible commodity shall be mailed a notice of the maximum 1958 farm rate of compensation per acre for the commodity for purposes of participation in the acreage reserve program. Appeals from the rate so established shall be governed by § 485.332.

§ 485.317 *Determination of acreage*—(a) *Measurements and calculations.* The determination of all acreages for purposes of the 1958 acreage reserve program shall be in accordance with the regulations governing the Determination of Acreage and Performance (22 F. R. 3747).

(b) *Definition of acreage.* In determining the acreage of any commodity or crop under the acreage reserve program, the definition of the acreage for such commodity or crop under the marketing quota and price support programs shall apply except that the provisions of such definitions which relate to the disposition of acreage in excess of the allotment shall, in the case of the acreage reserve program, apply to the disposition of acreage in excess of the acreage permitted to be harvested: *Provided*, That in the case of tobacco, acreage physically harvested and disposed of other than by marketing shall be included in determining the acreage for tobacco under the acreage reserve program, if such acreage is included for purposes of determining price support eligibility.

§ 485.318 *Division of compensation between landlords, tenants, and sharecroppers.* The agreement as executed shall specify the basis on which the landlords, tenants, sharecroppers, and (in the case of rice) persons who furnish water for a share of the rent, are to share in the compensation payable under the agreement. The basis on which the producers share in such compensation must be approved by the county committee as being fair and equitable, taking into consideration (a) the respective contributions which would have been made by the producers in the production of the crops which would have been produced on the acreage diverted from production; (b) the basis on which they would have shared in such crops or the proceeds thereof; (c) the respective contribution of each producer to the reduction of the commodity below the allotment; and (d) the savings or benefits accruing to each producer as a result of the commodity not having been produced on the acreage diverted. If the county committee determines that with the mutual agreement of the producers involved a producer is not making a contribution to the reduction of the commodity, or is making a smaller contribution to the reduction than would normally occur in the absence of such mutual agreement, a larger share of the compensation than would otherwise be approved may be approved for the producers who are making the greater contribution to the reduction.

§ 485.319 *Additional provisions relating to tenants and sharecroppers.* (a) No agreement with respect to any commodity shall be entered into with a producer if the county committee determines:

(1) That the landlord or operator has not afforded his tenants and sharecroppers an opportunity to participate under the agreement in proportion to the number of acres in the respective shares of the allotment made available to such tenants or sharecroppers; or

(2) That the landlord or operator has, in anticipation or because of participating in the Soil Bank Program, reduced the number of tenants and sharecroppers on the farm, or the shares of the allotment made available to tenants or sharecroppers (if a tenant or sharecropper leaves the farm voluntarily, or for some reason other than being forced off the farm by the landlord or operator in anticipation or because of participating in the Soil Bank Program, the failure to replace such tenant or sharecropper shall not be considered as a reduction in anticipation or because of participating in the Soil Bank Program); or

(3) That there exists between the operator or landlord and any tenant or sharecropper any lease, contract, agreement, or understanding, unfairly exacted or required by the operator or landlord

and entered into in contemplation of the signing of any agreement hereunder, the effect or purpose of which is:

(i) To cause the tenant or sharecropper to pay over to the landlord or operator any compensation to be paid to him under the agreement; or

(ii) To change the status of any tenant or sharecropper in order to deprive him of any part of the compensation or any other right or privilege of his under the agreement to which his actual status with respect to the land prior thereto would have entitled him; or

(iii) To reduce the size of the tenant's or sharecropper's share of the allotment in contemplation of the signing of the agreement; or

(iv) To increase the rent to be paid by the tenant or decrease the share of the crop produced or its proceeds to be received by the tenant or sharecropper.

(4) That the operator or landlord has adopted any device or scheme of any sort whatever for the purpose of depriving any tenant or any sharecropper of his compensation or any other right under the agreement.

(b) The agreement shall be deemed to have been violated if any of the conditions set forth in paragraph (a) of this section are discovered after the signing of the agreement, or if, after the signing of the agreement, the operator or landlord enters into any lease, contract, agreement, or understanding with any tenant or sharecropper of the nature prohibited by paragraph (a) (3) of this section or adopts any scheme or device prohibited by paragraph (a) (4) of this section.

(c) In addition to the grounds for not approving an agreement specified in paragraph (a) of this section, the county committee shall disapprove an agreement where such action is for any other reason determined by the county committee to be necessary in order to protect the interests of tenants and sharecroppers.

§ 485.320 *Manner of compensation.* Compensation will be paid to each producer entitled thereto through the issuance to such producer of negotiable certificates, redeemable by Commodity Credit Corporation. Such certificates will be redeemable in cash upon presentation by the producer to whom issued or any holder in due course at the Federal Reserve Bank or Branch Bank designated thereon. Such presentation should be made through regular banking channels. The designated Federal Reserve Bank or Branch Bank will accept the certificates as cash items for immediate credit. The statement on the face of the certificate that the certificate is not valid unless presented within one year from date of issue means only that the particular certificate must be presented within such time; if such certificate is not so presented, it may be returned to the ASC county office which issued it for cancellation and a substitute will be issued in lieu thereof to the holder. In the case of certificates issued with respect to wheat, rice and corn, the producer to whom the certificate is issued for participating in the program (but not any other person) may obtain redemption of such certificates in grain to the extent provided in the regulations governing redemption of certificates in grains in effect at the time of redemption. Commodities delivered to producers in redemption of certificates shall not be eligible for tender to Commodity Credit Corporation under the price support program.

§ 485.321 *Set-offs*—(a) *General.* If any producer, or any person to whom a certificate is payable, has a debt due and owing to the United States Department of Agriculture or any agency thereof, and such debt is known to the county committee, or a debt due and owing to any other agency of the United States if such indebtedness to such other agency of the United States is listed on the county debt register, the compensation due such producer or person shall be set off against such indebtedness. Indebtedness owing to the Department of Agriculture, or any agency thereof, shall be given first consideration. Set-offs made pursuant to this section shall not deprive any producer or person of any right to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

(b) *Assignees and holders of liens.* Assignees and holders of liens or encumbrances, designated as payees, shall be notified of the amount of any indebtedness owed by a producer subject to set-off on the date of the assignment or the date the agreement is filed in the case of a lien-holder. Set-off of such indebtedness shall be made prior to payment to the assignee or lien-holder, and the assignee or lien-holder shall be entitled to any amount remaining. The assignee or holder of the lien or encumbrance shall be entitled to payment prior to set-off with respect to any amount not specified in the notice of indebtedness owed by the producer.

§ 485.322 *Release and reapportionment of acreage allotments*—(a) *Release of allotments.* The producers on a farm may not participate in the Acreage Reserve Program for a commodity if any part of the farm allotment for such commodity is voluntarily released pursuant to the provisions of the acreage allotment regulations governing the release and reapportionment of allotments. A rice producer may not participate in the Acreage Reserve Program if any part of his producer allotment is voluntarily released pursuant to the provisions of the acreage allotment regulations governing the release and reapportionment of allotments.

(b) *Reapportionment of allotment.* In the case of a farm whose allotment for a commodity is increased due to reapportionment to such farm of allotments voluntarily released by other farms, or in the case of rice, producer allotments voluntarily released by producers, the allotment prior to reapportionment shall be considered the allotment for purposes of determining (1) the maximum acreage for such commodity which may be placed in the Acreage Reserve Program, and (2) the acreage of such commodity which the producers may harvest under the provisions of § 485.310; but for purposes of determining compliance with allotments for commodities other than those covered by the agreement, the reapportioned allotment shall be applicable.

§ 485.323 *Revised allotments*—(a) *Upward revisions.* (1) If the farm allotment for a commodity is increased, other than as a result of reapportionment or reconstitution of the farm or in the case of rice as a result of additional producer allotments being allocated to the farm, after an agreement has been filed for the commodity, but prior to the end of the normal planting season for the commodity in the county or area, as determined by the county committee, a new agreement may be filed, subject to the availability of funds, within 15 days after the mailing date shown on the notice of the revised allotment to the farm operator. If a new agreement is filed the number of acres placed in the acreage reserve may be increased by the number of acres by which the allotment is increased, and additional or other acreage meeting all the requirements of these regulations may be designated as the acreage reserve.

(2) If a new agreement is not filed, or if the allotment is increased after the end of the normal planting season for the commodity in the county or area, as determined by the county committee, the maximum acres of the commodity for harvest, as specified in the agreement, shall be increased by the number of acres by which the allotment is increased.

(b) *Downward revisions.* (1) In any case where a producer is officially notified of an allotment for a commodity which is larger than that finally established and an agreement was not filed for the commodity prior to the mailing date shown on the notice of the revised allotment, the farm allotment for the commodity for purposes of the acreage reserve program shall be the revised allotment.

(2) In any case where a producer is officially notified of an allotment for a commodity which is larger than that finally established and an agreement has been filed prior to the mailing date shown on the notice of the revised allotment, the allotment for purposes of the acreage reserve program shall be the allotment prior to the decrease, provided the county committee determines that the producer had no reason to know that the allotment prior to the decrease was erroneous and has acted in reliance on the agreement. If the county committee determines that the producer had reason to know that the allotment prior to decrease was erroneous, the allotment for purposes of the acreage reserve program shall be the decreased allotment. In such case, the agreement filed shall be deemed terminated. However, a new agreement may be filed within 15 days after the mailing date shown on the notice of the revised allotment.

§ 485.324 *Compensation in case of sale or transfer of farm or change in tenants*—(a) *Cases involving reconstitution.* In case all or a part of the farm is sold or transferred after the execution of an agreement, and the farm allotment for the commodity covered thereby is revised as a result of reconstitution, the provisions of § 485.325 shall apply rather than the provisions of this section.

(b) *Sale or transfer of entire farm.* In the case of the sale or transfer of the entire farm covered by the agreement, if the buyer or successor becomes a party to the agreement, and the producers involved agree on a division of the compensation payable under the agreement, by executing a form prescribed by the Administrator within 15 days after the buyer or successor receives notification from the county committee of his eligibility to execute such a form, the agreement will remain in effect. If such a form is not so executed, the agreement shall be deemed terminated, in which case no compensation shall be payable under such agreement, and any compensation paid shall be refunded. In any case, however, where the sale or transfer occurs after the end of the normal harvesting season in the area for the commodity covered by the agreement, as determined by the county committee, and there has been performance of the agreement during the entire contract period, the county committee with the approval by or on behalf of the State committee, may pay the compensation to the original owner without requiring the execution of the form mention above. In such case the agreement shall not be deemed terminated.

(c) *Sale or transfer of part of farm.* (1) If the county committee is notified in writing prior to payment of compensation to the original owner of the sale or transfer of a part of the farm, and the original owner and the buyer or successor agree on a division of the compensation payable to the original owner under the agreement on a form prescribed by the Administrator, compensation shall be paid accordingly.

(2) If such an agreement is not reached between the original owner and the buyer or successor, the county committee shall determine the division between the original owner and the buyer or successor of the compensation payable to the original owner under the agreement on a basis which it determines to be fair and equitable. In reaching such determination, the county committee shall consider, among any other factors which it determines pertinent, (i) the respective interests which the original owner and the buyer or successor have in the 1958 crop, if any, of the commodity covered by the agreement which was planted on the farm, (ii) the contribution to the reduction of the commodity which has been made by the original owner at the time of the sale or transfer, (iii) the contribution which will be made by the buyer or successor to such reduction, (iv) the length of time the agreement has been in effect prior to the sale or transfer, (v) the respective contributions which have and will be made by the original owner and by the buyer or successor in carrying out those provisions of the agreement relating to not harvesting or grazing, and the control of noxious weeds, on the acreage reserve.

(3) No compensation shall be paid to the buyer or successor unless he becomes a party to the acreage reserve agreement by executing a form prescribed by the Administrator for such purpose within 15 days after receiving notification from the county committee of his eligibility to execute such a form.

(d) *Change in tenants and sharecroppers.* If the county committee is notified in writing, prior to payment of compensation under an existing agreement to a tenant (including a tenant operator) or to a sharecropper, that such tenant or sharecropper is no longer on the farm, the county committee shall determine the division of compensation between the original tenant or sharecropper and the successor tenant or sharecropper, or between the original tenant or sharecropper and the landlord or operator if the tenant or sharecropper is not replaced, on a basis which it determines to be fair and equitable. In making such determination, the county committee shall consider, among any other factors which it deems pertinent, (1) the respective interests which the original tenant or sharecropper and the successor tenant or sharecropper (or the landlord or operator) have in the 1958 crop, if any, of the commodity covered by the agreement which was planted on the farm, (2) the contribution to the reduction of the commodity which has been made by the tenant or sharecropper up to the time he leaves the farm, (3) the contribution which will be made by the successor tenant or sharecropper (or the landlord or operator) to such reduction, (4) the length of time the agreement has been in effect prior to the change in tenant or sharecropper, (5) the respective contributions which have and will be made by the original tenant or sharecropper and by the successor tenant or sharecropper (or landlord or operator) in carrying out those provisions of the agreement relating to the preventing of harvesting or grazing and the control of noxious weeds on the acreage reserve: *Provided*, That if the successor is a tenant-operator, no compensation shall be paid to him unless he becomes a party to the agreement, by executing a form prescribed by the Administrator for such purpose.

(e) *Withholding of compensation.* In any case covered by this section, payment of compensation may be withheld until the end of 1958 if it is deemed necessary or desirable in order to assure performance of the agreement.

§ 485.325 *Reconstituted farms*—(a) *Termination of agreement.* If, after an agreement has been filed for a commodity, the farm allotment for the commodity is revised as a result of reconstitution of the farm due to a division by sale, lease or other means, or as a result of the combination of two or more farms or parts of farms into a single farm, the agreement shall be deemed terminated as of the date of mailing of notice of the revised allotment.

(b) *Filing of new agreement.* A new agreement may be filed by the producer(s) on the farm(s) as reconstituted on or before the closing date for filing an agreement as set forth in the applicable supplement to §§ 485.301 to 485.338, or within 15 days after the mailing date shown on the revised notice of allotment to the operator(s) on the farm(s) as reconstituted, whichever is later.

(c) *New agreement limitations.* (1) If a new agreement, as provided in paragraph (b) of this section, is filed after the closing date, the maximum compensation payable under the new agreement(s) filed for a commodity shall not exceed the maximum compensation payable under the original agreement.

(2) The county committee may allocate the maximum compensation which would have been payable under a terminated agreement among the farms as reconstituted on the basis of the division of the farm allotment, or on such other basis as may be agreed upon by the producers involved.

(d) *Compliance with allotments.* (1) Where an agreement for winter wheat is in effect for a farm which is divided and a revised allotment for a commodity or commodities other than wheat is determined for one or more of the farms resulting from the division, but the farm is not reconstituted for wheat, compensation shall not be paid to any producer otherwise entitled to compensation under such agreement for wheat if he is a producer on any farm resulting from the division and has an interest in any allotment thereon for any commodity other than wheat with respect to which there has not been compliance, as required by § 485.314. Where any agreement for a commodity other than winter wheat is in effect with respect to a farm which resulted from the division of a farm having a wheat allotment, but the wheat allotment is not revised as a result of the division, compensation shall not be made to any producer otherwise entitled to compensation under such agreement, if he is a producer having an interest in such wheat allotment and there has not been compliance with respect to the wheat allotment, as required by § 485.314.

(2) Where an agreement for winter wheat is in effect for a farm any part of which is combined with one or more other farms or parts of farms and a revised allotment for a commodity or commodities other than wheat is determined for the combined farm, but the wheat allotment is not revised, compensation shall not be paid to any producer otherwise entitled to compensation under such agreement for wheat if he is a producer on the combined farm and has an interest in any allotment thereon for any commodity other than wheat with respect to which there has not been compliance, as required by § 485.314. Where an agreement for a commodity other than winter wheat is in effect with respect to a farm which resulted from a combination of one or more farms or parts of farms having a wheat allotment, but the wheat allotment(s) was not revised as a result of the combination, compensation shall not be paid to any producer otherwise entitled to compensation under such agreement if he is a producer having an interest in any of such wheat allotment(s) and there has not been compliance with respect to any such wheat allotment(s), as required by § 485.314.

§ 485.326 *Successors-in-interest.* If any producer, entitled to compensation under an agreement, dies, becomes incompetent, or disappears before receiv-

ing such compensation, compensation shall be made to his successor, as determined in accordance with the regulations issued by the Secretary (7 CFR Part 1108), or any amendments thereto, for payments made pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

§ 485.327 *Assignments.* Any producer who may be entitled to any compensation under the acreage reserve program may assign his right thereto, in whole or in part, subject to the following conditions:

(a) The assignment must be made in writing on a form prescribed by the Administrator.

(b) There may be only one outstanding assignment of compensation payable to a producer under an agreement.

(c) Each assignment may cover only compensation due under one agreement.

In order to be recognized, the assignment must be delivered at the office of the county committee which signed the agreement. In the event of two outstanding assignments by a producer only the first one received at such county office will be recognized. Payment of any compensation which may become due will be paid to the assignee, to the extent of the assignment, subject to the provisions of § 485.321 pertaining to setoffs, unless prior thereto the county office at which the assignment was delivered receives a written release signed by the assignee. No further assignment may be made by an assignee.

§ 485.328 *Schemes or devices to defeat purposes of agreement.* No producer entering into an agreement with the Secretary hereunder shall employ any scheme or device which would tend to defeat the purpose of the agreement. It shall be considered a scheme or device to defeat the purpose of the agreement for a producer having an agreement for a commodity on one farm to exceed the allotment for the commodity on another farm if he exceeds substantially the acreage normally devoted to the commodity on such farm.

§ 485.329 *Violations of agreement.* The producer must agree to forfeit all rights to compensation under the agreement and to refund to the United States all compensation received by him thereunder if it is determined that there has been a violation of the agreement which is of such a substantial nature as to warrant termination of the agreement, and to accept such adjustments in compensation, forfeit such benefits, and make such refunds to the United States of compensation as is determined to be appropriate if it is determined that the violation is of such a nature as not to warrant termination of the agreement. In any case where any compensation paid to a tenant or sharecropper who did not sign the agreement is forfeited and required to be refunded, the producers signatory to the agreement shall be jointly and severally obligated with the tenant or sharecropper to make such refund. Regulations prescribing the rules and procedure for determining whether a violation has occurred, and the amount of adjustment, forfeiture or refund which shall be made are published in Subpart—Violations Procedure of this part. Such regulations may be modified, amended, revised or supplemented at any time, but such action shall not adversely affect any producer where a final determination has been made by the State committee and the producer has been officially notified thereof before such action is taken.

§ 485.330 *Penalty for grazing or harvesting.* Any producer who knowingly and willfully grazes or harvests any crop from any acreage in violation of an agreement shall be subject to the civil penalty as provided in section 123 of the act and in the regulations contained in Subpart—Violations Procedure of this part. Such penalty is in addition to any amounts required to be forfeited or refunded under the provisions of the agreement. The termination of an agreement under any of the provisions of §§ 485.301 to 485.338 shall not be construed as a release of any producer from liability for a civil penalty incurred by such producer prior to the termination.

§ 485.331 *Access to farm and records.* The county committeemen or their representatives, or any authorized representatives of the Secretary, for purposes of ascertaining the accuracy of the representations made in or in connection with any agreement entered into hereunder and the performance of the terms and conditions of the agreement, shall have the right to enter the farm at any reasonable time in order to measure the acreage or determine the production of any agricultural commodity on the farm and to examine any records pertaining to the farm or to the acreage, production, or sale of any such agricultural commodity.

§ 485.332 *Appeals.* (a) Any producer may request a reconsideration of the farm soil bank base or the farm rate per acre by filing at the office of the county committee a written request therefor within 15 days from the date of mailing of the notice of the farm soil bank base or the farm rate per acre. If such a request for reconsideration is not timely filed, the farm soil bank base or farm rate per acre set forth in the notice shall be final.

(b) The county committee, after reconsidering the farm soil bank base or farm rate per acre, shall notify the producer of its decision. The producer may file an appeal to the State committee in writing at the office of either the county or State committee within 15 days from the date of mailing of the notice of the county committee's decision upon reconsideration. If such an appeal is not timely filed, the farm soil bank base or farm rate per acre determined by the county committee shall be final. A determination of the State committee with respect to any appeal shall be final.

(c) The filing of a request for reconsideration or appeal shall not operate to extend the applicable closing date for filing an agreement and shall not give the producer any right to terminate the agreement even though he is dissatisfied with the decision on reconsideration or appeal. Agreements approved pending request for reconsideration or appeal shall be and remain in full force and effect regardless of the decision made on reconsideration or appeal, subject to such increase in the farm soil bank base or farm rate per acre as may be allowed.

§ 485.333 *State committee approval of determinations of county committees.* The State committee may revise or require revision of any determination made by the county committee in connection with the acreage reserve program. This authority shall not include authority to revise or require the revision of an agreement after the agreement has been signed by both the produced and a member of a county committee.

§ 485.334 *Finality of determinations.* The facts constituting the basis for any compensation, or the amount thereof, under any agreement when officially determined in conformity with §§ 485.301 to 485.338, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government, except that the act provides for judicial review in the case of the termination of an agreement because of a violation.

§ 485.335 *Effect on acreage allotment and marketing quota programs.* (a) The acreage on any farm which is diverted from the production of any commodity in order to carry out an agreement shall be considered as acreage devoted to the commodity for the purposes of establishing future State, county and farm acreage allotments.

(b) In applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U. S. C. 1340 (6)), and section 326 (b) and 356 (g) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1326 (b), 1356 (g)), relating to reduction of the storage amounts of wheat and rice, the acreage on any farm which is diverted from the production of wheat or rice in order to carry out an agreement, shall be considered as wheat acreage or rice acreage, as the case may be, on the farm.

§ 485.336 *Redesignation as conservation reserve.* The county committee may permit a producer to terminate an agreement in order to place all or any part of the tract of land designated as the acreage reserve in the conservation reserve, and may permit such a producer to sign a new agreement designating other eligible land as the acreage reserve, provided the maximum compensation payable under the new agreement does not exceed that payable under the original agreement.

§ 485.337 *Waiver and termination of agreements.* The Administrator, in order to prevent undue hardship, may, upon recommendation of the State committee, waive the requirements of any provision of the regulations contained herein or in the agreement, or may consent to the termination by the producer of any agreement entered into hereunder, if such waiver or consent to termination is not prohibited by law and if, in his judgment, such action is in the best interests of the program. Any such waiver or consent to termination shall be in writing and shall contain a full statement of the reasons therefor. If the facts or circumstances on which the request for a waiver or consent to termination are based have, or are likely to have general applicability, relief may not be given under the provisions of this section but only by an appropriate amendment to §§ 485.301 to 485.338.

§ 485.338 *Agreements not in conformity with regulations.* (a) 1958 acreage reserve agreements which contain errors or which are not in conformity with the regulations in §§ 485.301 to 485.338 shall be corrected in accordance with instructions issued by the Administrator (copies of such instructions will be available in the office of the county committee).

(b) If it is discovered, after an acreage reserve agreement has been approved by the county committee, that, through a misunderstanding of the program by a producer acting in good faith, the agreement is not in conformity with the regulations in §§ 485.301 to 485.338, a new agreement shall be filed or the original agreement corrected, to meet all the requirements of the program. If any producer who signed the original agreement is unwilling to sign a new agreement or to correct the original agreement in conformity with the regulations in §§ 485.301 to 485.338, the State committee may, in accordance with instructions from the Administrator, upon the request of all producers who signed the original agreement, consent to the termination of the agreement. If a new agreement is not filed or the original agreement corrected or terminated, as provided in this paragraph, the original agreement shall remain in full force and effect, subject to all the provisions of §§ 485.301 to 485.338.

NOTE: The reporting requirements contained in these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 6th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6574; Filed, Aug. 9, 1957; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Fifth Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions are hereby issued as follows, listing warehouses, mills, and other premises in which infestations of the Khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the warehouses, mills, and other premises listed in paragraphs (a) and (b) of this section. Accordingly, such warehouses, mills, and other premises are hereby designated as regulated areas within the meaning of the provision in this subpart:

(a)

ARIZONA

Cortaro Cotton and Cattle Company Ranch, Casa Grande Highway and Picture Rock Road, Tucson.

East Broadway Trading Company property, 2410 East Broadway, Phoenix.

Farm & Ranch Service property, 4419 South 16th Street, Phoenix.

Ray Luster Farm, Box 246, Pima.

Miller Ranch, Starr Route, Mammoth.

Miller Ranch Dry Camp No. 1, General Delivery, Mammoth.

Miller Ranch No. 2 (Holy Joe Camp), General Delivery, Mammoth.

Miller Ranch, Holy Joe Camp No. 3, General Delivery, Mammoth.

Miller Ranch Camp No. 4 (Absie or Haunted Corral Camp), General Delivery, Mammoth.

Saliba's Market, P. O. Box 37, El Mirage.

Trader Joe's property, 1937 East Indian School Road, Phoenix.

CALIFORNIA

Brown's Livestock Company property, 1761 Atlas Peak Road, Napa.

Cauzza Ranch, Route 2, Box 21, Eucalyptus Lane, Imperial.

D. V. B. Ranch, located at the intersection of roads East Z-4 and 22. Mail address East Highline Canal, Holtville.

C. C. Huff Farm, Route 2, Box 46, Imperial.

Eugene B. Kinnaird Ranch, on Magnolia Avenue, one mile east of Highway 115. Mail address P. O. Box 681, Holtville.

C. E. Kline Ranch, Route 2, Box 282, El Centro.

James Nickell property, 1109 West Ninth Street, Holtville.

Raleigh Roberts Farm, Route 5, Box 2405, Oroville.

Karm Singh property, Calipatria.

NEW MEXICO

M. M. Martin Farm, located 11 miles south of Tolar.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

La Salvia Dairy, Box 116, Laveen Stage, Phoenix.

CALIFORNIA

John Binnell (chicken ranch), 1607 South Cucamonga Avenue, Ontario.

Cal-Fed Feed Yard, located 2 miles south of Orita, 1½ miles east on Oxalio Canal, Brawley.

Louis Carano Ranch, east of Southern Pacific Railroad tracks at intersection of County Roads East B and No. 8, 1 mile south of Heber.

Union Development Co. Warehouse, located approximately 100 yards south of intersection of County Roads No. 86 and West A, Niland.

This revision specifies in one document the warehouses, mills, and other premises that were designated as khapra beetle regulated areas in administrative instructions contained in P. P. C. 612, Fourth Revision (7 CFR, 1956 Supp., 301.76-2a), as amended by Supp. 2, 22 F. R. 365, January 18, 1957; Supp. 3, 22 F. R. 717, February 5, 1957; Supp. 4, 22 F. R. 1597, March 13, 1957; Supp. 5, 22 F. R. 2310, April 6, 1957; Supp. 6, 22 F. R. 3479, May 18, 1957; and Supp. 7, 22 F. R. 3955, June 6, 1957; and that are still in that status. This revision supersedes the aforesaid administrative instructions and supplements thereto.

This revision revokes the designation as regulated areas of certain premises in Arizona and California, it having been determined by the Director of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and California to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision also segregates certain regulated premises in Arizona and California where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

This revision shall be effective August 10, 1957.

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 316, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 7th day of August 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57-6560; Filed, Aug. 9, 1957; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 114]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.414 *Valencia Orange Regulation 114*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 8, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 11, 1957, and ending at 12:01 a. m., P. s. t. August 18, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 808,500 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 9, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6649; Filed, Aug. 9, 1957; 11:32 a. m.]

[Lemon Reg. 699]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.806 *Lemon Regulation 699*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 7, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 11, 1957, and ending at 12:01 a. m., P. s. t., August 18, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 8, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6625; Filed, Aug. 9, 1957; 9:21 a. m.]

[Lemon Reg. 698, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date

when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.805 (Lemon Regulation 698; 22 F. R. 6208) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 6, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6558; Filed, Aug. 9, 1957; 8:48 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF MINIMUM GRADE AND CONDITION STANDARDS FOR NATURAL CONDITION LAYER MUSCAT RAISINS AND MINIMUM GRADE STANDARDS FOR PACKED LAYER MUSCAT RAISINS

Notice was published in the July 27, 1957 issue of the FEDERAL REGISTER (22 F. R. 5959) that the Secretary of Agriculture was considering a proposed rule to modify for the 1957–58 crop year the minimum grade and condition standards for natural condition Layer Muscat raisins and minimum grade standards for packed Layer Muscat raisins, as set forth in such notice. The modifications were proposed after consideration of the recommendation of the Raisin Administrative Committee and other available information, in accordance with the applicable provisions of Marketing Agreement No. 109, as amended, and Marketing Order No. 89, as amended (20 F. R. 6435, 21 F. R. 8182), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In the notice, opportunity was afforded interested persons to file written data, views, or arguments with respect thereto.

No objections to the proposed modifications were submitted. After consideration of all the available information, it is concluded that to modify the minimum grade and condition standards for natural condition Layer Muscat raisins and the minimum grade standards for packed Layer Muscat raisins as set forth in the aforesaid notice will tend to effectuate the declared policy of the aforesaid act.

Therefore, it is hereby ordered, That, effective as of 1:00 a. m., P. d. s. t., September 1, 1957, and continuing until 12:00 midnight, P. d. s. t., August 31, 1958:

(1) Section 989.97 B 3 is, pursuant to the authority contained in § 989.58 (b) of the order, hereby modified so as to change the parenthetical phrase therein reading "(except Layer Muscats shall not exceed 18 percent)" to read "(except that there shall be no maximum permissible percentage for moisture content of Layer Muscats)" and by changing subparagraph (d) of said section to read as follows:

(d) Of such quality and condition that, when processed in accordance with good commercial practice, will, except with respect to moisture content, meet "U. S. Grade B" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

(2) The requirement set forth in § 989.59 (a) (2) (iii) that Layer Muscat raisins in packed form at least meet the minimum grade standards prescribed in "U. S. Grade B" as contained in effective United States Standards for Grades of Processed Raisins is, pursuant to the authority contained in § 989.59 (b) of the order, modified, insofar as operation under the order is concerned, to eliminate therefrom the moisture content restriction set forth in § 52.1847a (b) of said standards.

It is hereby further found and determined that good cause exists for not postponing the effective date of this document later than September 1, 1957, (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The maximum permissible moisture content restrictions for Layer Muscat raisins, as set forth in the effective standards, would unnecessarily restrict the marketing of such raisins handled during the 1957–58 crop year; (2) it is necessary that the relaxation of such restrictions be continued for the 1957–58 crop year so that normal marketing of such raisins may proceed without change; (3) handlers require no advance notice for preparation to comply with the continuation of this relaxation. In these circumstances, this document should be made effective not later than September 1, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 7, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division.

[F. R. Doc. 57-6572; Filed, Aug. 9, 1957; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration, Department of State

PART 206—PER DIEM PAYMENTS TO PARTICIPANTS IN NONMILITARY MUTUAL SECURITY TRAINING PROGRAMS

PER DIEM RATES

By virtue of authority vested in me by Executive Order 10575, as amended, Executive Order 10610, as amended, and State Department Delegation of Authority No. 85, as amended, and in accordance with the approval of the Bureau of the Budget pursuant to section 12 of Public Law 885, 84th Congress (5 U. S. C. 170q), I hereby prescribe as follows:

§ 206.1 *Per diem rates.* Participants in any training program under the Mutual Security Act of 1954, as amended, other than Chapter 1 of Title I, may receive a per diem allowance in accordance with the following rates:

(a) For participants in programs of training in the United States, a per diem allowance not to exceed $12, or, in exceptional circumstances, such other rate, not to exceed $17, as the Director of the International Cooperation Administration or his designee may prescribe;

(b) For participants in programs of training in countries other than the continental United States, a per diem allowance not to exceed those prescribed by the Standardized Government Travel Regulations.

(Sec. 521, 68 Stat. 855, as amended; 22 U. S. C. 1781)

Dated: July 17, 1957.

JOHN B. HOLLISTER,
Director, International Cooperation Administration.

[F. R. Doc. 57-6550; Filed, Aug. 9, 1957; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

DETERMINATION OF DEPENDENTS' ELIGIBILITY

The following amendment to § 56.2–1 (a) of this part has been authorized by the Secretary of Defense and the Secretary of Health, Education and Welfare. References to DD Form 1171 have been deleted from the revised § 56.2–1 (a), which now reads as follows:

§ 56.2–1 *Determination of dependents' eligibility.* (a) The uniformed services will require dependents (or their sponsors) who request medical care to furnish proof of their eligibility for such care. In order to develop uniformity in the criteria utilized by the uniformed services to determine dependents eligible for medical care, the uniformed services will utilize, as soon as practicable, DD Form 1172,[1] "Application for Uniformed Services Identification and Privilege Card." Implementation and use of this form shall be completed not later than December 31, 1957. Pending use of this DD Form, existing procedures for determining dependents' eligibility for medical care, employed by the respective services, will be continued. Modifications of DD Forms 1172 and 1173 may be made, subject to the approval of the Office, Secretary of Defense.

(Secs. 101–103, 201–204, 301–305, 70 Stat. 250–254; 37 U. S. C. 401–403, 411–414, 421–423, 404–405)

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 57-6541; Filed, Aug. 9, 1957; 8:45 a. m.]

[1] Filed as part of original document.

Chapter VII—Department of the Air Force

Subchapter E—Post Services

PART 856—PHOTOGRAPHY

SALE OF AERIAL AND DOCUMENTARY STILL PHOTOGRAPHY

In Subchapter E, a new Part 856 is added as follows:

Sec.
856.1 Purpose.
856.2 To whom sold.
856.3 Policy.
856.4 Schedule of fees.
856.5 Collection of fees.

AUTHORITY: §§ 856.1 to 856.5 issued under sec. 8012, 70A Stat. 488; 10 U. S. C. 8012.

SOURCE: AFR 95-4, June 17, 1957.

§ 856.1 *Purpose.* Sections 856.1 to 856.5 establish the policy for the sale of unclassified Air Force aerial and documentary still photographs and provide a schedule of fees to be charged.

§ 856.2 *To whom sold.* (a) Members and agencies of the Federal Government.

(b) To the public. As used in §§ 856.1 to 856.5, the public includes any person, or group of persons, including associations, organizations, partnerships, corporations, businesses, municipalities, counties, States, or territorial governments.

§ 856.3 *Policy.* (a) Only prints (reproduction) which may be made from existing black and white negatives are authorized for sale. If the photograph is in color, a duplicate of the color transparency instead of a print is authorized for sale.

(b) Sale of prints or furnishing related photographic services which compete with commercial organizations is prohibited.

(c) Sale of photographs that are unrelated to Air Force activities is prohibited even though Air Force photographers make such photographs.

(d) Sale of Air Force photographs for any use which implies Air Force indorsement of a service or product is prohibited unless the recipient has obtained approval in writing from the Office of Information Services, Office of the Secretary of the Air Force.

(e) Each print sold will bear the official Air Force credit line as follows:

U. S. AIR FORCE PHOTO

Released by _____ Air Force Base.

(f) Sale of prints does not include waiver of propriety or privacy rights unless these rights and the right of transfer belong to the Air Force.

(g) Exclusive rights to official Air Force photographs may not be claimed by any person or persons.

(h) Photographs required in conducting official Department of Defense business will be furnished without charge. To the extent that workload and funds permit, prints requested from the following sources and for the purposes specified will be furnished without charge:

(1) The general public in furtherance of the Armed Forces recruiting program or in the interest of public understanding of the Armed Forces;

(2) Members of Congress for use in official governmental activities;

(3) Nonprofit organizations carrying on a function related to, or in the interest of, public health and welfare;

(4) Members of the Armed Forces in a casualty status, or their next of kin or authorized representatives, when requested prints relate to source of casualty;

(5) Prints which may be required in accordance with statutes or executive orders;

(6) Prints required by agencies carrying on a function related to an Air Force objective.

(7) Occasional and incidental requests (including requests from a resident of a foreign country), of the type that is not requested often, if it is administratively determined that a fee would be inappropriate in such an occasional case.

§ 856.4 *Schedule of fees.* (a) Still documentary black and white photographic prints:

Size	Single weight, glossy finish	Double weight, matte finish
	Each	*Each*
8" x 10"	$0.55	$0.60

(b) Still documentary color transparencies:

Size	Price
4" x 5"	$5.00 each.

(c) Aerial photographic contact prints (same size as negative):

Size	Number of separate prints	Single weight, glossy or double weight, semimatte finish
		Each
7" x 9" or 9" x 9"	1 to 100	$0.65
	101 to 1,000	.50
	Over 1,000	.45
9" x 18"	1 to 100	1.30
	101 to 1,000	1.00
	Over 1,000	.90

(d) Aerial photographic indexes and mosaic copies:

Size	Quantity	Price
		Each
20" x 24"	Any quantity	$1.10

§ 856.5 *Collection of fees.* Payments will be accepted in cash, United States money orders, certified checks, or their equivalent. Negotiable instruments will be drawn payable to the Treasurer of the United States. The Air Force activity making the sale will collect payments in advance, basing charges on the size, type, and prices established in §§ 856.1 to 856.5.

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U. S. Air Force,
Deputy Air Adjutant General.

[F. R. Doc. 57-6542, Filed, Aug. 9, 1957; 8:45 a. m.]

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE POINT-GAINING ACTIVITIES FOR AIR FORCE RESERVISTS

In Part 861, §§ 861.31 to 861.36 are revised to read as follows:

Sec.
861.31 Purpose.
861.32 Eligibility.
861.33 Definitions.
861.34 Points.
861.35 Constitution of a training period.
861.36 Limitations.

AUTHORITY: §§ 861.31 to 861.36 issued under sec. 8012, 70A Stat. 488; 10 U. S. C. 8012. Interpret or apply sec. 280, 70 Stat. 14; 10 U. S. C. 280.

SOURCE: AFR 45-15, July 10, 1957.

§ 861.31 *Purpose.* Sections 861.31 to 861.36 tell how and when points may be earned and awarded to members of the Air Force Reserve.

§ 861.32 *Eligibility*—(a) *Gratuitous points.* Only reservists in an active status are eligible for award of gratuitous point credits.

(b) *Earned points.* All reservists are eligible for earned point credits except those assigned to the:

(1) Ineligible Reserve Section;

(2) Inactive Status List Reserve Section;

(3) Retired Reserve Section.

§ 861.33 *Definitions*—(a) *Points.* Credits awarded reservists for active duty or inactive duty training, and gratuitous points for Reserve membership.

(b) *Active duty.* Full-time duty with the active establishment, including active duty for training.

(c) *Inactive duty training.* That training performed by reservists while not on active duty for which point credit is authorized under §§ 861.31 to 861.36. It includes unit training assemblies, training periods, instruction, preparation of instruction, appropriate duties, equivalent training, military flying duty, and completion of correspondence courses through the USAF Extension Course Institute.

(d) *Training period.* An authorized period of training, duty, or instruction performed by reservists not on active duty when training as individuals.

(e) *Unit training assembly.* An authorized and scheduled period of training, duty, or instruction including test alerts, conducted by Air Force Reserve Units in Training Category A organized to serve as units in the event of mobilization.

(f) *Active status.* The status of a reservist who is not assigned to the Inactive Status List Reserve Section or Retired Reserve Section.

(g) *Appropriate duty.* Duty which the reservist performs instead of attending a scheduled unit training assembly, when his absence results from causes beyond his control, such as illness or other personal hardship.

(h) *Equivalent training.* Additional inactive duty training performed by reservists who are unable to attend a unit training assembly scheduled while they are on active duty in support of the active establishment.

§ 861.34 *Points*—(a) *Awarded for active duty.* One point is given for each day of active duty. This includes the active duty performed by a Reserve officer or warrant officer in active military service in other than his officer or warrant officer status (see §§ 861.1 to 861.14).

(b) *Awarded for membership in Reserve.* Except as indicated in § 861.36, fifteen points are given for each retirement year of active status membership in the Reserve of the Air Force. However, the gratuitous points will be pro rated for any retirement year that began April 15, 1955 through August 9, 1956 inclusive, provided that active duty was performed between those dates.

(c) *Awarded for inactive duty training.* (1) One point is given for each type of inactive duty training listed in subdivisions (i) through (viii) of this subparagraph. Except for points awarded under subdivisions (v) and (vi) of this subparagraph, the training session must be a continuous period of normally 4 but not less than 2 hours.

(i) Attendance at a unit training assembly.

(ii) Accomplishment of a period of equivalent training.

(iii) Accomplishment of a period of appropriate duty.

(iv) Accomplishment of a training period. (See § 861.35).

(v) Each 4 hours of flying time performed in military aircraft by rated personnel and recorded on their AF Forms 5, Individual Flight Record (Pilot), or AF Forms 5A, Individual Flight Record (Aircraft Observer), and such personnel are authorized to participate in flying activities. Flying time performed during an authorized training period will be deducted when computing point credit under this subdivision. Such time also will be deducted when performed on a day where two points are awarded for other training, except for correspondence courses.

(vi) For each 3 hours of extension courses satisfactorily completed. Points will be awarded to officers only for completing courses above precommissioning and indoctrination level.

(vii) Duty as instructor as indicated in this subdivision. However, a person will not be credited for instructional duty accomplished at a period or assembly for which he is being credited with points for attendance. This restriction will not affect credit for preparation.

(a) Authorized unit training assemblies.

(b) Authorized training periods in accordance with paragraphs (b) and (k) of § 861.35.

(c) Authorized unit schools.

(d) Air Force ROTC, Army ROTC, or Naval ROTC classes.

(e) Civil Air Patrol or Air Explorer assemblies and with Ground Observer Corps groups pursuant to an authorized course of instruction when such duty is ordered by competent authority.

(viii) For preparation of a minimum of one hour of instruction, but not to exceed two points for preparation of any one instruction period. If the material is presented more than once, additional points will not be credited for subsequent preparation.

(2) To qualify for the award of points for participation in any type of inactive duty training, the duty must:

(i) Be performed in the person's capacity as a reservist and with a view toward enhancing his mobilization potential.

(ii) Require an outlay of time and effort beyond that required in the normal course of his civilian occupation.

(iii) Have been authorized by competent authority before the training begins.

(iv) Be performed without remuneration other than pay as a member of the Air Force Reserve.

(v) Improve the person's fitness to perform his prospective mobilization duties or improve the fitness of others.

(vi) Be controlled and/or supervised by the military.

(d) *Awarded for attending professional and trade conventions.* Activities within the Air Force desiring to take advantage of a concentration of specialized reservists in attendance at a professional or trade convention may, with prior approval of Headquarters USAF, conduct a seminar for which reservists in attendance may receive points. The seminar must be devoted entirely to military training, be of at least 2 hours in duration, and comply with all requirements of paragraph (c) (2) of this section. Points will not be awarded for attendance at the regular convention program. Requests for credit for attendance at such seminars will be forwarded to: Director of Military Personnel, Headquarters USAF, Attn: Reserve Activities Group, Washington 25, D. C.

§ 861.35 *Constitution of a training period.* A training period may consist of any of the following activities when properly authorized in advance and satisfactorily performed:

(a) Supervised on-the-job training with units or activities of the active establishments of the Armed Forces or their Reserve components.

(b) Group training of mobilization assignees when a part of the on-the-job training programs.

(c) Duties performed under the jurisdiction of the Selective Service System when such duty is also approved by the Director of Selective Service, or his authorized military representative.

(d) Duty relating to procurement planning and industrial mobilization if certified as satisfactorily performed by the Joint Chiefs of Staff, Chief of Staff, USAF, major air commander, or the Chief of the Department of Defense agency under whose jurisdiction the work is performed or their representative.

(e) Recruiting duty.

(f) Duty in connection with the planning, training, administration and supply of the Reserve Forces, including administration, liaison, and maintenance duties with the Civil Air Patrol.

(g) Project training for the unit of assignment.

(h) Duty performed in operation of Military Amateur Radio System supervised network drills.

(i) Duty performed by medical and dental personnel as follows for personnel of any component of the United States Armed Forces and Air Force ROTC students, or for enlistment or appointment therein, or for civilian personnel when such actions are the normal responsibility of the Air Force:

(1) A minimum of two authorized physical examinations for flying or three general physical examinations.

(2) A minimum of two neurological or psychiatric examinations or combination thereof.

(3) A minimum number of the following types of authorized dental examinations (a pro rata combination of various types of examinations is authorized):

(i) Three type-1 examinations.

(ii) Six type-2 examinations. (Standard Form 88, Report of Medical Examination, is included only when X-rays are not taken.)

(iii) Sixty type-4 examinations.

(iv) A minimum of 12 authorized inoculations.

(j) Religious activities.

(k) Scheduled classroom training under supervision of the numbered Air Reserve Centers and the contract school training program.

(l) Flight training performed by rated personnel in military aircraft.

(m) Attendance at seminars as authorized by § 861.34 (d).

§ 861.36 *Limitations.* (a) Simultaneous participation in more than one activity for point gaining purposes is not authorized. For example, points may not be credited for flying time accomplished in connection with an authorized training period or unit training assembly.

(b) Not more than one point will be awarded to a person on any one day unless the participation is of at least 8 hours' duration. Not more than two points will be awarded on any one day.

(c) Not more than 60 points for inactive duty training may be credited for retirement purposes during any one retirement year.

(d) Not more than 365 points (366 points during leap years) for active duty training, inactive duty training or gratuitous points, or combination thereof, may be credited for retirement purposes during any one retirement year.

(e) Gratuitous points will be awarded annually as authorized by § 861.34 (b) to the extent that the maximum points listed in paragraphs (c) and (d) of this section are not exceeded.

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U. S. Air Force,
Deputy Air Adjutant General.

[F. R. Doc. 57-6543; Filed, Aug. 9, 1957; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended by revision of paragraph (h) (7) to govern the operation of the Charleston and Western Carolina Railway Company bridge near Seabrook, and the South Carolina Highway Department bridge near Lobeco, South Carolina, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(h) *Waterways discharging into the Atlantic Ocean south of Charleston.* • • •

(7) Coosaw River (Whale Branch), S. C.; Charleston and Western Carolina Railway Company bridge near Seabrook and the South Carolina State Highway Department bridge on State Highway No. 28 between Beaufort and Yemassee near Lobeco. From 8:00 p. m. Saturday to 6:00 a. m. Monday and from 8:00 p. m. to 6:00 a. m. on all other days, at least 24 hours' advance notice required.

[Regs., July 23, 1957, 823.01 (Coosaw River, S. C.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.712 (g) is hereby amended to govern the operation of the City of Petaluma highway bridges at "D" and Washington Streets, Petaluma, California, revising subparagraph (2) and revoking subparagraph (3), as follows:

§ 203.712 *Tributaries of San Francisco Bay and San Pablo Bay, Calif.* • • •

(g) *Petaluma Creek.* • • •

(2) *City of Petaluma highway bridges at "D" and Washington Streets, Petaluma.* At least 6 hours' advance notice required, to be given to the Petaluma Police Department, telephone Petaluma 2-2727.

(3) *City of Petaluma highway bridge at Washington Street, Petaluma.* [Revoked.]

[Regs., July 29, 1957, 823.01 (Petaluma Creek, Calif.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

3. In F. R. Document 57-6132, appearing at 22 F. R. 5955 and 5956, July 27, 1957, the first and second latitude readings in § 204.135 (a) are corrected to read as follows: "30°23'10.074"; 29°-32'00"."

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-6561; Filed, Aug. 9, 1957; 8:48 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

ADDITION OF CHANNEL ISLANDS AND CURACAO TO LIST OF DESIGNATED COUNTRIES WHERE FOOT AND MOUTH DISEASE AND RINDERPEST EXISTS

Pursuant to the authority vested in the Governor by § 24.101 of Title 35 of the Code of Federal Regulations as adopted and re-numbered by Canal Zone Order 39 of February 26, 1955, 20 F. R. 1392, § 24.101a as amended by Governor's Regulations of October 14, 1952, 17 F. R. 10559; October 15, 1953, 18 F. R. 7177; October 30, 1953, 18 F. R. 7192; May 28, 1954, 19 F. R. 3419; January 10, 1955, 20 F. R. 411; September 4, 1956, 21 F. R. 6956; and re-numbered by the aforesaid Canal Zone Order 39, is hereby further amended by adding the Channel Islands and Curacao to the list of designated countries in which it is determined that foot-and-mouth disease or rinderpest exists.

(Sec. 1, 39 Stat. 527, as amended; 2 C. Z. Code 371, 372, 48 U. S. C. 1310)

Issued at Balboa Heights, Canal Zone, July 30, 1957.

[SEAL] W. E. POTTER,
Governor.

[F. R. Doc. 57-6551; Filed, Aug. 9, 1957; 8:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 36—INDIAN HEALTH

HOSPITALIZATION OF TUBERCULOUS PATIENTS

Notice of proposed rule making and public rule making proceedings have been omitted as unnecessary in the issuance of the following amendment which exempts tuberculous Indians from charges for hospitalization.

Section 36.13 (a) is amended to read:

§ 36.13 *Charges to Indian beneficiaries for services provided in Public Health Service facilities or by Public Health Service personnel—(a) In general.* In order to make the most effective use of funds and facilities available for needed health and medical services, individual Indians who are clearly able to pay the costs of hospital care (and of other major items of service specified in instructions of the Surgeon General) will be encouraged to do so, and services may be conditioned upon payment in appropriate cases. No charge may be made for immunizations, health examination of school children or similar preventive services, or for the hospitalization of Indian patients for tuberculosis.

(Sec. 215, 58 Stat. 690; sec. 3, 68 Stat. 674; 42 U. S. C. 216, 2003. Interprets or applies 42 Stat. 208, sec. 1, 68 Stat. 674, 25 U. S. C. 13, 42 U. S. C. 2001)

Dated: July 8, 1957.

[SEAL] W. P. DEARING,
Acting Surgeon General.

Approved: August 6, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-6566; Filed, Aug. 9, 1957; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1459]

[Anchorage 032306]

ALASKA

RESERVING PUBLIC LANDS FOR PROTECTION AND PRESERVATION OF THEIR ARCHAEOLOGICAL AND HISTORICAL VALUES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for the protection and preservation of their archaeological and historical values:

YUKON ISLAND

Beginning at a point at mean high tide on the west side of Yukon Island in Kachemak Bay, Alaska, at approximate latitude 59°31'45" N., longitude 151°30'15" W., thence

S. 70° E., 25 chains;
S. 20° W., 30 chains;
N. 70° W., 23 chains approximately to the line of mean high tide;
Northerly, 35 chains approximately along the line of mean high tide to the point of beginning.

The tract described contains 57 acres.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 6, 1957.

[F. R. Doc. 57-6544; Filed, Aug. 9, 1957; 8:45 a. m.]

[Public Land Order 1460]

[BLM 043913]

IOWA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF ARMY IN CONNECTION WITH CORALVILLE DAM AND RESERVOIR PROJECT

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Iowa are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Army in connection with the Coralville Dam and Reservoir Project:

FIFTH PRINCIPAL MERIDIAN, IOWA

T. 81 N., R. 7 W.,
Sec. 28, lot 1.

The area described contains .33 of an acre.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 6, 1957.

[F. R. Doc. 57-6545; Filed, Aug. 9, 1957; 8:46 a. m.]

[Public Land Order 1461]

[Sacramento 047165]

CALIFORNIA

RESERVING PUBLIC LANDS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITE

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 22 E.,
Sec. 11, SW¼NE¼.

The area described contains 40 acres.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 6, 1957.

[F. R. Doc. 57-6546; Filed, Aug. 9, 1957; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11861; FCC 57-892]

[Rules Amdt. 3-88]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS; AGUADILLA, PUERTO RICO

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations, Aguadilla, Puerto Rico; Docket No. 11861, Rules Amdt. 3-88.

1. The Commission has before it for consideration a petition filed by Abacoa Radio Corporation, Arecibo, Puerto Rico, on February 7, 1957, for reconsideration of the Report and Order (FCC 57-38) released in this proceeding on January 11, 1957, amending the television Table of Assignments contained in § 3.606 of the Commission's rules and regulations to assign Channel 13 to Aguadilla, Puerto Rico, by deleting Channel 13 from Arecibo and for acceptance and consideration of its comments in opposition to the shift of Channel 13 from Arecibo to Aguadilla. An Opposition to the petition was filed by Hector Reichard of Aguadilla on February 18, 1957, and a Reply thereto was filed by Abacoa Radio Corporation on February 21, 1957.

2. The Commission issued a Notice of Proposed Rule Making in this proceeding on November 2, 1956 (FCC 56-1067) which was published in the FEDERAL REGISTER on November 7, 1956 (21 F. R. 8543), proposing to shift Channel 13 from Arecibo to Aguadilla, Puerto Rico, in response to a petition for rule making filed by Hector Reichard, licensee of standard radio Station WABA at Aguadilla. All interested parties, including Abacoa Radio Corporation, were afforded ample opportunity to submit comments presenting their views, arguments and data relative to the proposed amendment, but no comments were filed. Upon consideration of the matter and further review of Mr. Reichard's petition, the Commission concluded that the proposed amendment would represent a more effective use of available facilities and would serve the public interest. This determination was based on the fact that no interest or demand had been shown for the utilization of Channel 13 at Arecibo, where it had been assigned since 1952; that the petition of Mr. Reichard demonstrated an interest and demand for the utilization of Channel 13 in Aguadilla; that the assignment of the channel to Aguadilla would provide a first local television outlet in that community and bring a first or additional television service to a substantial area and population, and that the proposed channel change would conform to the Commission's rules.

3. In its petition for reconsideration, Abacoa Radio Corporation, permittee of standard radio station WMIA at Arecibo, states that it has been preparing an application for a television station on Channel 13 at Arecibo, and that in December 1956, it purchased a building to house the offices and studios of its radio station and its proposed television station. Abacoa alleges that its counsel had not advised it of the petition of Hector Reichard to shift Channel 13 to Aguadilla and that its principals did not understand the nature of the rule making proceeding.

4. In support of its petition for reconsideration, Abacoa Radio Corporation urges that there are no facts which would justify deleting Channel 13 from Arecibo in order to assign it to Aguadilla; that some of the statements made by Hector Reichard in his petition and reply are unsupported by any facts or are contrary to the facts. Abacoa contends that the Grade A contours of the two existing San Juan stations do not cover Arecibo; that both Aguadilla and Arecibo are within the Grade A service area of the existing Mayaguez station (Station WORA-TV) and that Aguadilla may receive Grade A service from Channel 3 in Mayaguez while Arecibo will not. Abacoa also claims that the size, location, and character of Arecibo requires that Arecibo be preferred over Aguadilla in the allocation of Channel 13; that it is the larger city—the sixth largest city in Puerto Rico— has greated commerce and industry, and that an Arecibo station would render superior service to the inland areas. Abacoa urges that retention of Channel 13 at Arecibo will more fully satisfy the priorities of the Sixth Report and Order and provide the only practical opportunity for Arecibo to have a local outlet. If Channel 13 is retained at Arecibo, Abacoa states that it or its principles will apply for the channel.

5. In opposition, Hector Reichard urges that the reassignment of Channel 13 from Arecibo to Aguadilla in warranted because of the lack of any interest in the utilization of Channel 13 at Arecibo and the need of Aguadilla for a local television outlet and represents that he will file an application for a station to operate on Channel 13 at Aguadilla. He urges that the adverse effects of topographical conditions on television reception in Aguadilla from San Juan or Mayaguez is evident from reports of residents in the area, and that the terrain will also preclude Grade A service from stations at Ponce and Caguas. He urges that there is a great need for a local outlet to serve Aguadilla, as well as to furnish Grade A service to the nearby communities of Quebradillas, Isabella, Meca, San Sebastian, Aguada, and Rincon. Abacoa points out in its reply that none of these communities is in the interior of the Island and that television reception in the area can be expected to be materially improved when WORA-TV at Mayaguez increase its power,[1] and a new station commences operation on Channel 3.

6. As we have previously stated, our determination that the public interest would be served by shifting Channel 13 from Arecibo to Aguadilla was based on the apparent lack of interest in the utilization of Channel 13 at Arecibo in contrast to the demonstrated interest of Aguadilla for the utilization of Channel 13 to serve the needs of that community. It is now apparent, from the petition of Abacoa, however, that there is, in fact, an interest and demand for the utilization of Channel 13 at Arecibo.

7. Arecibo and Aguadilla are only about 28 miles apart. A station on Channel 13 in either Arecibo or Aguadilla would provide Grade A service to the other community. In view of the demand for the channel manifested in each community and the fact that no other channel is available for assignment in the area, we believe that, rather than determining at this time in which community the frequency should be employed, we should assign Channel 13 to both Arecibo and Aguadilla jointly, making the frequency available upon application for use in either community.

[1] Application of Supreme Broadcasting Company, Inc., of Puerto Rico to increase power of WORA-TV on Channel 5 from 1.46 kw to 29.5 kw granted January 4, 1957 (BMPCT-4404).

8. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That effective September 6, 1957 the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named below are concerned, as follows:

(a) Delete from the table Aguadilla, Puerto Rico.

(b) Insert in the table under Puerto Rico:

City	*Channel No.*
Arecibo-Aguadilla	13+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: August 1, 1957.

Released: August 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6577; Filed, Aug. 9, 1957; 8:50 a. m.]

[Docket No. 12041; FCC 57-891]

[Rules Amdt. 3-87]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS; EUREKA, CALIF., AND BROOKINGS, OREG.

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, Eureka, California, Brookings, Oregon; Docket No. 12041; Rules Amdt. 3-87.

1. The Commission has before it for consideration the conflicting proposals set forth in its Notice of Proposed Rule Making (FCC 57-570) released on June 3, 1957, and published in the FEDERAL REGISTER on June 6, 1957 (22 F. R. 3972) proposing to assign Channel 6— to either Eureka, California, or Brookings, Oregon, in response to petitions filed by Carroll R. Hauser and Oregon Broadcasting Company.[1]

2. Comments were filed by Carroll B. Hauser and Oregon Broadcasting Company. A number of letters and petitions from individuals, groups, and officials in the Brookings area were filed supporting the assignment of Channel 6 to Brookings.

3. Eureka, California, has been assigned Channels 3 and 13. Station KIEM-TV presently operates on Channel 3 and Carroll R. Hauser holds a construction permit for Channel 13. Eureka has a population of 23,058 and Humboldt County, in which it is located, a population of 69,241 persons. Brookings, Oregon is not presently listed in the Table of Assignments. Brookings has a population of 2,048 and Curry County, in which it is located, a population of 6,048 persons.

4. In support of his request for the assignment of Channel 6 to Eureka, Carroll R. Hauser submits that he is the permittee of Station KHUM-TV, authorized to construct on Channel 13; that in view of the rough terrain in the region and the fact that the population is scattered over a wide area, there is need for a low VHF channel; that such a channel would provide the widest possible coverage and competitive quality with the other station in the community; and that it would conform to all the rules. Hauser urges that the assignment of Channel 6 to Eureka would be consistent with section 307 (b) of the Communications Act and the objectives outlined in Docket 11532 to improve the opportunities for more effective competition among a greater number of stations. Finally, Hauser suggests that the assignment of Channel 8, 10, or 12 could be made to Brookings in full conformance with the rules and would serve the needs of the Brookings area.[2]

5. In support of its request for the assignment of Channel 6 to Brookings, Oregon Broadcasting Company urges that Brookings does not have a channel assigned to it and does not receive any satisfactory television service; that on the basis of its experience in operating stations in the general area, it is convinced that a low-band VHF channel is necessary in view of the rugged terrain in the area; that Eureka has two VHF assignments with one station in the city and another outside providing service to Eureka. Oregon argues that the need for a low-band VHF channel is not as great in Eureka as it is in Brookings. In its reply comments Oregon submits that it was aware of the fact that other VHF channels were available for assignment in Brookings but requests the assignment of Channel 6 to that community in view of its position that a low-band channel is needed to insure a successful technical and commercial operation.

6. After a careful review of all the comments and data submitted in this proceeding, we are of the view that the assignment of Channel 6 to Eureka would serve the public interest and is to be preferred to its assignment in Brookings. Eureka is the much larger community. The assignment of Channel 6 would make possible the commencement of a second competitive service in that community. Since other channels are available to Brookings, the adoption of the Hauser proposal to assign Channel 6 to Eureka does not preclude the assignment of a VHF channel to Brookings. We are adopting the assignment of Channel 8 to Brookings, as proposed by Hauser. With respect to the relative needs of Brookings and Eureka for a low-band channel, we wish to emphasize that the rules do not make any distinction among the VHF channels for assignment purposes, nor have we taken any such differences into account on previous occasions. However, while the terrain in the immediate vicinity of Brookings appears to be more rugged than that near Eureka, the terrain in the general area at a distance from Eureka appears to be as rugged, if not more so, than the terrain outside of Brookings. In view of this and in view of the relative size of the two communities, we are of the view that Eureka warrants the assignment of the lower channel rather than Brookings.

7. Authority for the adoption of the amendments adopted herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That, effective September 6, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

1. Add to the Table under the State of Oregon:

City	*Channel No.*
Brookings	8+

2. Amend to read as follows:

City	*Channel No.*
Eureka, Calif.	3—, 6—, 13—

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: August 1, 1957.

Released: August 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6578; Filed, Aug. 9, 1957; 8:51 a. m.]

[Docket No. 12074; FCC 57-889]

[Rules Amdt. 3-86]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS; SOUTH BEND, IND.-AURORA, ILL.

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, South Bend, Indiana-Aurora, Illinois; Docket No. 12074, Rules Amdt. 3-86.

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on July 2, 1957 (FCC 57-702) in response to a petition filed by Michiana Telecasting Corp., permittee of television Station WNDU-TV, operating on Channel 46 at South Bend, Indiana, for rule making to amend § 3.606 *Table of assignments*, Television Broadcast Stations, so as to assign Channel 16 to South Bend by substituting Channel 75 for Channel 16 at Aurora, Illinois, as follows:

City	*Channel No.*	
	Delete	*Add*
South Bend, Ind.	----	16
Aurora, Ill.	16	75

Interested parties have been afforded an opportunity to submit comments directed to the proposal and to advance counterproposals.

2. In support of its proposal, petitioner asserts that Station WNDU-TV operates in a "UHF island"; that the lower UHF channels are more effective for improving service; that there are no applications for Channel 16 in Aurora; and that the proposal conforms with our rules. Petitioner further requests that, concurrently with the finalization of the proposed amendment, the Commission grant its presently pending application for modification of the WNDU-TV authorization to specify operation on Channel 16.

3. Truth Publishing Company, Inc., licensee of television Station WSJV, Elkhart, Indiana, filed comments supporting the instant proposal and submitting a counterproposal to allocate Channel 28+ to South Bend-Elkhart, WSJV further requests that it be directed to show cause why its authorization should not be modified to specify operation on Channel 28+ at South Bend-Elkhart. This counterproposal would necessitate a shift from Channel 28+ to 83 at Elgin, Illinois, and from Channel 42 to 40+ at Benton Harbor, Michigan. It also would require the educational reservation at South Bend to be shifted from Channel 40+ to 52.

4. South Bend Tribune, licensee of Station WSBT-TV, South Bend, Indiana, also filed comments supporting the proposal, and submitted a counterproposal to assign Channel 22 to South Bend by shifting the assignment in Waukegan, Illinois from Channel 22+ to 79+ and the allocation in Kalamazoo, Michigan, from Channel 36— to 46. Under this proposal Channel 34 could be assigned to Plymouth, Indiana. WSBT-TV also asks that it be required to show cause why its authorization should not be modified to specify operation on Channel 22 at South Bend.

5. We believe that the public interest would be served by finalizing the instant proposal and by modifying the authorization of Michiana Telecasting Corporation to specify operation of Station WNDU-TV on Channel 16 in South Bend.

6. The WSJV and WSBT-TV counterproposals do not conflict with the action which we are taking in this proceeding. We believe, however, that all interested parties should be afforded an opportunity to file comments on the WSJV and WSBT-TV counterproposals before final action is taken on them. Accordingly, these proposals are the subject of a Notice of Proposed Rule Making in a separate proceeding which we are instituting today.

7. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That, effective September 6, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, to read as follows:

City	*Channel No.*
South Bend, Ind.	16, 34—, *40+, 46
Aurora, Ill.	75

9. *It is further ordered*, That, effective September 6, 1957, the outstanding construction permit of Michiana Telecasting Corporation for the operation of Station WNDU-TV is modified to specify operation on Channel 16 in lieu of Channel 46 at South Bend, Indiana, subject to the following conditions:

(a) The submission to the Commission by August 20, 1957, of all necessary information, in addition to that already filed with the Commission in its presently pending application, for the preparation of engineering specifications to cover operation of Station WNDU-TV meeting all requirements of the Commission's Rules for operation at South Bend, Indiana, on Channel 16;

(b) Construction looking to a change of operation of Station WNDU-TV not to commence until specifically authorized by the Commission after the information requested in (a), above, is submitted;

(c) In the event that Michiana Telecasting Corporation is unable to commence operation of Station WNDU-TV in full accordance with the Commission's rules by the effective date specified above, the Commission will consider a request for continued operation of the station, in accordance with the terms and conditions of the current WNDU-TV special temporary authorization, until operation on Channel 16 can be commenced;

(d) Acceptance of said modification of its construction permit for Station WNDU-TV to operate on Channel 16 shall be deemed a surrender of any and all rights that Michiana Telecasting Corporation may have with respect to operation on Channel 46; and

(e) That Michiana Telecasting Corporation advise the Commission in writing by August 15, 1957, whether it accepts the modification of its construction permit for operation of Station WNDU-TV at South Bend, Indiana, subject to the conditions described above.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: August 1, 1957.

Released: August 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6579; Filed, Aug. 9, 1957; 8:51 a. m.]

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[1] Hauser also requested that the Commission order him to show cause why his outstanding authorization for KHUM-TV should not be modified to specify operation on Channel 6 in lieu of Channel 13. However, the Commission in the Notice of Proposed Rule Making denied this request since Channel 6 may be added to Eureka without affecting Channel 13.

[2] Hauser's comments include other contentions which go to the motives of Oregon Broadcasting Company and licensee qualifications rather than to the merits of the proposals herein. Oregon filed a reply to these comments. We are of the view that these comments are not germane to the instant rule making and will not be considered further.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 113—BERING RIVER—YAKATAGA AREA AMENDMENT

TAKING OF COHO SALMON

Basis and purpose. In order to permit more taking of coho salmon in the Bering River district, the same as in the adjacent Copper River area, it is the intention to relax the weekly closed period to the statutory limit.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 113.5 is amended in the Proviso to read: "*Provided*, That these restrictions shall not apply in the Bering River district after August 9."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-6627; Filed, Aug. 9, 1957; 10:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 937]

[Docket No. AO-289]

HANDLING OF MILK IN BATTLE CREEK-KALAMAZOO, MICH., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practices and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR 900), notices is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Battle Creek-Kalamazoo, Michigan, marketing area. Interested parties may file written exceptions to this decision

with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Kalamazoo, Michigan, on November 26–29, 1956, pursuant to notice thereof which was issued November 5, 1956 (21 F. R. 8663).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a milk marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions are based on evidence received at the hearing and the record thereof:

1. *Character of commerce.* The handling of milk produced for the Battle Creek-Kalamazoo, Michigan, marketing area, as defined herein, is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products.

While the proposed marketing area lies wholly within the State of Michigan, included within the area are two Federal government installations, namely Fort Custer and Percy Jones Hospital. Contracts for milk and its products to serve these installations are issued on a competitive bid basis with milk dealers from all portions of the area receiving such contracts from time to time.

Farm milk supplies for the proposed marketing area are inextricably interwoven with farm supplies for six Federally regulated markets and with those of several manufacturing plants doing business in the current of intertsate commerce.

At two supply plants under the Chicago Federal order manufacturing facilities are operated which also receive surplus supplies from the Battle Creek-Kalamazoo market. At least one of these two Chicago plants receives surplus milk from this area on a regular month to month basis and on occasion, as it did in the fall of 1956, supplies fluid milk to dealers in the marketing area. This Chicago supply plant has as its primary customer a handler at Hammond, Indiana. Producers supplying the marketing area and these two Chicago plants are intermingled over a wide area.

The farms from which milk is received at two supply plants for the Federally regulated Detroit market are in the area from which handlers for Battle Creek-Kalamazoo compete for their supply. One of these two Detroit plants is located within the proposed marketing area. The other Detroit supply plant distributes milk and its products on routes within the area.

A supply plant for the Federally regulated Cleveland, Ohio, market, located at Coldwater, Michigan, competes for a supply of fluid milk with dealers in the area proposed to be regulated. This plant does not contain facilities for the manufacture of dairy products. Milk that cannot be used in fluid form in the Cleveland market is transported to Fort Wayne, Indiana, for manufacturing into dairy products.

Producers located in the State of Michigan whose farms are intermingled with those of producers supplying the Battle Creek-Kalamazoo area supply handlers serving the Federally regulated markets of Toledo, Ohio, Fort Wayne and South Bend, Indiana. There is frequent interchange of producers between these other Federally regulated markets and the Battle Creek-Kalamazoo market.

A milk dealer that would be regulated by the proposed marketing agreement and order receives both inspected and uninspected supplies of milk. This handler is also a major handler of excesses in supply for the Kalamazoo portion of the proposed area. The excess of fluid milk is received in the manufacturing part of the plant and a substantial portion of the total manufactured milk is disposed of as either ice cream mix in the State of Indiana or as powdered milk in the states of Ohio, Indiana and Illinois.

Manufacturing milk plants located at Sturgis and Wayland, Michigan, and Angola, Indiana, also compete for milk supplies in the Battle Creek-Kalamazoo milkshed. Procurement for the Wayland and Angola plants is partly through receiving plants at Hastings, Charlotte and Homer, Michigan. Dairy products manufactured at these plants are widely distributed in interstate commerce. In addition milk for manufacturing use moves directly in interstate commerce from the Charlotte and Homer receiving plants to the Angola manufacturing plant. The procurement of milk for all these plants is in competition with procurement of milk for the proposed marketing area. As with the supply for the Federally regulated markets there are producers shifting between the manufacturing plants and the Battle Creek-Kalamazoo fluid milk market.

Milk received in a plant located in Toledo, Ohio, is sold on routes in the proposed marketing area in competition with handlers that would be regulated by this proposed marketing agreement and order. A handler under the Federally regulated Upstate Michigan order also sells milk in the marketing area. A Lansing, Michigan, milk dealer with sales and supplies interwoven with the Detroit market distributes milk in the proposed area through vendors.

Thus the handling of milk in the Battle Creek-Kalamazoo marketing area affects, and is affected by, the prices paid producers in other Federally regulated markets and by the manufacturing milk plants. Price relationships which interrupt or interfere with the distribution of milk in this region to the fluid and manufacturing markets in accordance with the relative value of milk for such outlets tend to burden, obstruct and affect interstate commerce in milk and its products.

2. *Need for regulation.* The marketing and pricing conditions in the Battle Creek-Kalamazoo marketing area require the issuance of a milk marketing agreement and order to establish and maintain orderly marketing conditions. Such an order will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Two cooperatives represent a majority of dairy farmers producing milk for handlers in the proposed marketing area. Neither cooperative operates any form of milk plant, but attempts to negotiate prices handlers shall pay for milk produced by their members. The cooperative association representing producers located generally in the eastern half of the marketing area currently is able to negotiate prices on a classified basis with all handlers located in or near Battle Creek, Michigan. This was not true, however, prior to February 1956, nor do such prices apply to all milk sold in Battle Creek and its environs. The association, as a result of competition from milk supplies purchased on a flat price basis, provided a reduced price for milk handlers sell to particular sales outlets in order to maintain the Class I milk volume for their producers. In so doing inequities, with respect to both costs to handlers and returns to producers, develop which make for unstable marketing conditions. This same cooperative in bargaining for prices to be paid by handlers located in southeastern Calhoun County has been unable to maintain its "quoted" prices and has in an attempt to maintain Class I sales outlets for its members provided special Class I prices as much as one dollar per hundredweight lower than the stated price for fluid milk when sold in half-gallon containers. In spite of such price arrangements, milk produced by local farmers and available for Class I use has been replaced by milk from other markets in the State and from Toledo, Ohio. The cooperative association supplies its handlers their total needs. The result of all these practices has been that local producers have been forced to move large quantities of milk to a Chicago supply plant which also maintains manufacturing facilities. From time to time this Chicago plant supplies bulk milk to handlers in the marketing area.

Another cooperative association representing producers generally located in the western half of the marketing area currently handles approximately 70 percent of the milk distributed or manufactured by handlers located in or near Kalamazoo, Michigan. From 1950–54 the association handled 80 percent and from 1940–50, 90 percent of the supply for this portion of the marketing area. Three handlers selling milk in the marketing area pay producers on a flat price basis in contrast to the use classification and base-excess plan used by the cooperative association. A fourth handler, also a cooperative, supplying a supermarket chain is located some distance from the marketing area. The producers of this association are not paid on a base-excess plan, but generally follow pricing plans established by the Federally regulated South Bend, Indiana, market.

Dealers purchasing their milk supplies on flat pricing plans have generally restricted their purchases to their needs for fluid milk and have depended upon outside supplementary sources for needed reserve supplies. Such dealers obtain their milk supplies for fluid use at less than the Class I price negotiated by the association with other dealers, but pay their producers prices equal to or more than the returns to association members who carry a disproportionate share of the cost of maintaining the reserve supplies for the market. The diminishing percentage of the market supplied by the association is partly a result of this situation.

The larger bargaining cooperative in the Kalamazoo part of the marketing area has, as a result of the above mentioned pricing plans, given one handler in particular, and others on occasion a lower Class I price for specific sales outlets. This association supplies the daily needs of each of its cooperating handlers, transporting any excess over these needs to a handler in the marketing area that also has facilities for the manufacture of milk into ice cream mix, powdered milk and butter.

There is incomplete information on receipts and utilization in the marketing area. This is due in part to the following factors:

(a) Lack of a thorough and complete auditing program in the market;

(b) Unknown amounts of milk and its products being sold in the area from sources other than local producers;

(c) Local producers associations do not sell milk to all handlers in the area; and

(d) The apparent unwillingness of handlers in the proposed marketing area to offer direct testimony regarding amounts and movement of milk or general market conditions.

A producer shipping to a handler not receiving any milk from the cooperative association testified that prices paid by this handler were determined on the basis of the retail price regardless of prices established by the cooperative association.

At the time of the hearing the stated Class I milk price was $5.04 in the western part of the marketing area and $5.25 in the eastern portion. In both instances, however, the record testimony noted differences from these prices.

Variations in pricing plans and in net prices paid producers reflect different raw material costs to the various dealers in the marketing area. Unequal costs among milk dealers tend to stimulate price reductions by competitors. Such practices are contrary to the interests of producers and over a period of time may jeopardize an adequate supply of pure and wholesome milk.

As already indicated widely varying prices received by producers tend to shift producers (a) among handlers in the area or (b) in and out of the market to other fluid or manufacturing outlets. Such shifts may become frequent enough to jeopardize a dependable supply of milk for the market.

The marketing agreement and order as recommended herein will implement the policy declared in the Agricultural Marketing Agreement Act of 1937, as amended, of establishing and maintaining orderly marketing conditions by providing:

(1) A determination of prices to producers under a regular and dependable method at levels consistent with the policy established by the act;

(2) An impartial audit of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(3) The establishment of uniform prices to handlers based on the utilization made of the milk;

(4) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns for sale of reserve milk;

(5) Uniform rules for all producers for the operation of a seasonal production incentive plan which will encourage all producers to adjust production to a more even pattern;

(6) A system of impartial checking of all producer milk in respect to weight and butterfat content; and

(7) Market-wide information in respect to all receipts, utilization and intermarket movements of milk.

3. *Order provisions*—(a) *The scope of regulation:*

(1) *Marketing area.* The Battle Creek-Kalamazoo marketing area should include all the territory within the boundaries of: Kalamazoo and Calhoun Counties; Otsego and Gun Plain townships in Allegan County; all in the State of Michigan.

Proponent producers proposed the marketing area should include, in addition to the above stated territory, Assyria, Baltimore and Johnstown townships in Barry County; Bellevue and Kalamo townships in Eaton County; Sherwood and Union townships in Branch County and Lockport township in St. Joseph County, all in the State of Michigan. A handler proposed that Watervliet township in Berrein County, Michigan, be included in the marketing area. A cooperative association with a plant presently regulated under the Chicago order proposed that all of St. Joseph County, Michigan, be included in the marketing area.

The problems complained of by the two cooperatives representing a majority of the producers center primarily around the handling of milk in plants which are either located in or serve Calhoun and Kalamazoo Counties, Michigan. These two counties represent the concentration of population in the entire region under consideration. The principal metropolitan areas located in these two counties are Battle Creek and Kalamazoo. It appears orderly marketing in this region may be best achieved by regulating the counties in their entirety rather than to specify particular communities for regulation. The townships of Gun Plain and Otsego in Allegan County are directly north of and contiguous to Kalamazoo County. The cities of Plainwell and Otsego are located in these two townships and are considered a part of the Kalamazoo metropolitan area. Milk distributors located in these two townships have sales in Kalamazoo County. Kalamazoo distributors have sales in these two townships in competition with local distributors.

Health regulations are substantially similar throughout the area. The health regulations of the State of Michigan provide a uniform minimum standard which may be somewhat modified by more rigid requirements by local health authorities. State of Michigan health authorities work in conjunction with health authorities of Calhoun and Kalamazoo Counties with respect to inspection of dairy farms and plans serving this marketing area. The degree of similarity of minimum health standards, including the acceptance of supplemental or emergency supplies, throughout the area justifies the uniform application of prices to all inspected milk marketed within these two counties.

The inclusion of seven townships in Barry, Branch and Eaton Counties is not necessary because sales in these townships are quite limited. These townships are predominantly rural in character.

The record testimony does not show that the inclusion of Watervliet township in Berrien County and Lockport township in St. Joseph County or St. Joseph County in its entirety would serve any good purpose. Proponents failed to support the inclusion of Lockport township or Watervliet township in Berrien County. The proponent for the inclusion of St. Joseph County operates a pool plant in the Chicago marketing area and only distributes packaged milk purchased from a handler distributing within the proposed marketing area. Handlers located within the marketing area as proposed have only limited sales, if any, in St. Joseph County which are of minor competitive importance.

The issuance of an order for the marketing area as proposed will bring under regulation all the milk in the sales area represented by milk dealers located within the proposed Battle Creek-Kalamazoo marketing area. The area so proposed has been defined on the basis of extensive interrelationship of supply and distribution. The area is a continuous, homogeneous one within which milk distributors should be charged the same price for milk used in a given class and producers be paid a uniform price.

(2) *Milk to be regulated.* The milk to be regulated by the proposed marketing agreement and order should be that which is regularly delivered to plants from which milk is regularly distributed on routes in the marketing area, or which are regular sources of supply for such plants. To be eligible for such distribution milk must be produced, processed, and distributed in conformity with applicable health regulations. Provision should be made to designate clearly what milk will be subject to the pricing and pooling provisions of the recommended

marketing agreement and order. For this reason, definitions of handler, plant (various types), producer, producer milk, and other source milk should be provided.

A handler should be defined as any person who operates: (1) a pool plant as hereinafter defined, (2) a plant from which Class I milk is processed, packaged and distributed on routes within the marketing area, and (3) any cooperative with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant by delivery directly from producer's farms to a nonpool plant for the account of such cooperative association. The handler receives the milk of producers and thus must be held responsible for reporting its receipts and utilization. The handler is the one responsible for the payment for producer milk at not less than specified minimum prices. In case a person operates more than one plant at which milk is to be priced, he should be a handler with respect to the combined operations of such plants. If a handler also operates an unregulated plant(s), this definition is not intended to include such person in his capacity as an operator of such type of plant(s). Producer-handlers and other operators of distributing plants should be handlers in order that such persons shall report to the market administrator to determine their status at any given time.

The definition of a pool plant should be such as to determine which producers, as hereinafter defined, are to be included in the determination of a market-wide uniform price to producers. Some plants have received milk from local dairy farmers and distributed most of such milk as fluid milk products in the proposed marketing area over a period of several years. There are other plants that fall into one of two categories, (a) distributing plants with a primary interest in other fluid markets but distributing milk within the area or (b) plants at which milk is received directly from dairy farmers and delivered in bulk to distributing plants, which are generally known as supply plants. There are two distributing plants not regulated by any Federal milk order located outside the marketing area that currently sell fluid milk products within the proposed marketing area, but have their primary market elsewhere. Milk distributors in this market do occasionally receive bulk supplies of milk during the short season of production and thus the opportunity to qualify supply plants is provided. Specific requirements for pool plants are therefore needed to define the supply which is generally regarded as an integral part of this fluid market. This can be accomplished by first defining a distributing plant and a supply plant.

A distributing plant should be defined as a plant at which fluid milk products, conforming to the sanitation requirements of any duly constituted health authority having jurisdiction in the marketing area, are processed and packaged and from which fluid milk products are disposed of on route(s) in the marketing area. This definition is not intended to include that portion of a plant building which is physically segregated and separately operated in which no fluid milk products are processed or packaged, and from which no fluid milk products are moved to any plant from which routes are operated.

A supply plant should be defined as a plant at which milk produced in conformity with health regulations for the marketing area is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

A pool plant should meet certain performance standards in order to determine its status as a regular and substantial supplier of fluid milk in the marketing area. In order to qualify as a pool plant a distributing plant should (1) dispose of 25 percent or more of receipts from dairy farmers and supply plants as fluid milk products on routes in the marketing area and (2) have a total disposition of fluid milk products on routes of 50 percent or more of receipts of fluid milk products from dairy farmers and supply plants. In order to qualify as a pool plant a supply plant should move 50 percent or more of receipts from dairy farmers to a distributing plant, as herein defined. If a supply plant qualifies on this basis during each of the months of August through January, it should be able to retain pool plant status February through July.

The supply area for the Battle Creek-Kalamazoo marketing area overlaps the supply area of other fluid markets and manufacturing milk production areas. Therefore, the previously stated pool plant requirements are necessary to insure (1) that the producers sharing in the uniform price of the market pool be those delivering to plants from which a substantial portion of the milk received at such a plant is disposed of as fluid milk products in the marketing area and (2) that the receipts of those plants which primarily serve markets outside the marketing area be excluded from sharing in the pool. Those plants that make sales of fluid milk products in the marketing area that represent less than 25 percent of total receipts from dairy farmers or which dispose of a majority of receipts from dairy farmers as manufactured dairy products cannot be regarded as a part of the Battle Creek-Kalamazoo fluid milk market.

The proponent cooperative associations proposed that 20 percent of receipts from dairy farmers be disposed of as Class I in the marketing area as a requirement for pooling milk received at a distributing plant. Proponents supported the provision on the basis that such sales in the marketing area needed regulation to insure that all handlers selling in the market area be subject to the same minimum prices, but such handlers should be permitted to pay their dairy farmers on an individual basis. A cooperative association operating a distributing plant that would be regulated by such a provision testified that the 20 percent requirement should be increased to 25 percent. The sales of this association in the proposed marketing area in relation to receipts from dairy farmer members are approximately 20 percent. Thus a requirement of 20 percent would create an unstable marketing situation—pooling such a plant one month and not the next. A requirement that 25 percent or more of receipts from dairy farmers and supply plants be route disposition of Class I milk in the marketing area will more effectively assure that a plant participating in the market-wide pool will have such a substantial proportion of its sales in the marketing area as to warrant the conclusion that the Battle Creek-Kalamazoo market is a primary market for such plant. On the other hand, handlers whose principal distribution of fluid milk products is outside the marketing area will not be required to equalize producer payments on such sales so long as their distribution in the area is less than 25 percent of receipts from dairy farmers and supply plants.

Distributing plants normally have a high proportion of their receipts from dairy farmers used as Class I milk, usually more than 50 percent. A requirement that a distributing plant to have its receipts pooled must have 50 percent or more of its receipts from dairy farmers and supply plants disposed of on routes either in or out of the marketing area, will serve to distinguish those plants that may qualify as pool plants through route distribution from those which must qualify as supply plants. Route is defined in the order to include deliveries of fluid milk products in packaged form to other milk plants so that the plant at which the milk is processed and packaged will receive credit toward pool plant qualification for any interplant movements in such form, and subsequent provisions of the order make the processing and packaging plant accountable for such milk whether or not it qualifies as a pool plant.

The Battle Creek-Kalamazoo market has so far been supplied from dairy farmers delivering directly to distributing plants. The fact that occasional bulk supplies of milk are received by handlers in the proposed marketing area plus the available supply from nearby milk plants suggests some provision should be made to define supply plants and establish requirements in the event such a plant(s) should enter the market. In view of the requirements herein adopted for distributing plants, it is appropriate that the shipping requirements for supply plants should be 50 percent or more of receipts from dairy farmers to such distributing plants in the event such supply plant should enter the market. If a supply plant meets the required standards during the short supply season (August-January) compliance as a pool plant would then be retained during the balance of the year (February–July). These standards will require such supply plants that qualify to have a primary interest in supplying the Battle Creek-Kalamazoo market, and an opportunity to share in market-wide pooling at all times if it establishes its association with the market during the season of normally low supplies.

Producers proposed that handlers with plants located outside the marketing area but selling small quantities on routes within the marketing area should be exempt from the pricing and payment provisions, such handlers to be subject to reporting and auditing provisions. It was proposed the exemption should be based on a limitation of about 600 pounds per day sold on routes operated wholly or partially in the marketing area. Sales within the area, rather than on routes of which varying proportions may be in the area, provide an entirely feasible basis of determination for the Battle Creek-Kalamazoo area, since the area boundaries are principally rural points. In view of the provisions herein provided for partial regulation of nonpool handlers whose sales may exceed the exemption limit, and the use of sales only within the marketing area, it is concluded that a smaller exemption limit should be provided. Handlers whose sales do not exceed an average of 150 points (one point being defined as one-half pint of cream or one quart of any other fluid milk product) of Class I sales per day disposed of during the month in the marketing area, should be exempt from pricing and payment requirements of the order.

It was proposed that a handler whose plant failed to qualify as a distributing plant but which had sales of fluid milk products on routes in the marketing area in excess of an average of 150 points per day should be required to make payment to the equalization fund if the value of his milk at class prices of the order exceeded his payments to dairy farmers who would be considered producers had such plant been a pool plant. These nonpool handlers must report receipts and utilization of dairy products handled to determine their pool status and obligations. Payments made to dairy farmers are likewise available. If through choice or competitive conditions payments to dairy farmers equal or are greater than amounts that the order would provide at class prices on the entire utilization of such plants, no additional payments are necessary to insure that the cost of milk to the nonpool handler is no less than the minimum prices that pool handlers are required to pay. Under the conditions prevailing in the Battle Creek-Kalamazoo area the nonpool handler would have no competitive advantage, and producers regularly supplying the market needs for inspected milk would be protected from competition of cheaper milk. It was proposed that any deficit by which payment to farmers were less than the value of milk at class prices be assigned to procurement of milk for Class I purposes, and be prorated to sales in the Battle Creek-Kalamazoo marketing area. Such an assignment, however, would not in all cases prevent such handlers from having a competitive advantage over pool handlers. It is concluded that payment of the full deficit is required to insure that the nonpool handler has no procurement advantage as compared with fully regulated handlers, and to protect the integrity of the classified price plan of the order, unless this amount exceeds an amount computed by multiplying the volume of Class I milk sold in the marketing area by the difference between the Class I and Class II prices. It may safely be assumed that milk acceptable for fluid distribution in the marketing area cannot be procured for less than the Class II (manufacturing milk) price, and that payment of this amount will likewise prevent competitive advantage accruing to the nonpool handler.

Such provision will prevent competitive advantage while recognizing payments that nonpool handlers choose to make to their dairy farmers. If therefore should be adopted. Similar provisions are included in several other Federal milk orders and have proven satisfactory as a means of effectuating the regulation. The nonpool handler should also pay his pro rata share of the costs of administration of the order. Complete verification of receipts, utilization and payments is required if the handler is to be given credit for payments as related to the classified use value of his milk. Accordingly administrative expense should be determined on the same basis as for fully regulated plants. Should the handler elect, when filing his report, to make payment to the pool at the difference between the Class I and Class II prices with respect to sales in the marketing area, expenses of administration will be assessed only with respect to such sales, since need for verification will then be confined to that volume.

Certain limitations on the applicability of these provisions should be made in case the nonpool plant does not receive milk from dairy farmers in a volume substantially equal to the Class I disposition of such plant. Unless receipts from dairy farmers (or from other plants of the same handler for which receipts, utilization, and payments may be included in the computation) are substantially as much as Class I utilization at the nonpool plant, effective comparison between class volumes and payments cannot be made, and the handler should be required to pay on the alternative basis of the difference between class prices.

In order not to require the alternative basis in temporary periods of short supply a tolerance of 5 percent deficit in supply from dairy farmers is permitted. Furthermore, milk supplies received from other plants operated by the same handler may be substituted for receipts from dairy farmers for purposes of the requirement, if receipts, utilization and payments to dairy farmers at such plants are made available for inclusion in the computations. The operator of one plant which will probably be subject to these provisions operates another plant, for which at the time of the hearing a new building was under construction. The record is somewhat indefinite as to the extent to which operations of these two plants may in the future be combined. Under these circumstances it is desirable that order provisions be such as to provide for the possibility of such combination.

Producer-handler should be defined as a dairy farmer who operates a distributing plant but received no milk from other dairy farmers or nonpool plants. Reports to the market administrator at such time and in such manner as may be requested should provide ample means through examination of accounts, records and facilities to determine the status of producer-handlers. A producer-handler under these provisions enjoys the full advantage of his fluid milk sales. It appears unnecessary to require a producer-handler to pay any particular price for milk produced on his own farm provided that any sales on the part of pool plants to such a handler are at Class I and any receipts from a producer-handler at a pool plant are considered other source milk, as hereinafter defined. Such provisions permit the producer-handler to participate in the trade of the marketing area to the full extent of his ability to obtain Class I sales for his own production without sharing in the balance of Class I sales of the market with other producers.

Producer should be defined as a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements issued by the duly constituted health authority having jurisdiction in the marketing area, for milk to be consumed as a fluid milk product and whose milk is received at a pool plant. Producer milk diverted from a pool plant by a handler, including a cooperative association, to a nonpool plant for its account should be deemed to have been received at a pool plant. Such provisions will permit milk regularly associated with the market to be diverted to manufacturing plants during periods of seasonal flush production and over weekends and holidays when supply and demand relationships may require some reserve to be manufactured in plants not regulated by the order. This provision will facilitate interplant movements of milk for the purpose of short time adjustments of supply and demand without depriving dairy farmers producing the regular supply for the market of their status as producers.

Other source milk should be defined as all skim milk and butterfat contained in milk products received by a handler at his plant(s), except producer milk and fluid milk products received from pool plants. This definition would include milk products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed and converted to another product in the plant during the month. Supplemental supplies from nonpool plants are occasionally needed and the amounts needed vary from season to season and between handlers. The record testimony did not indicate that such supplies have significantly displaced producer milk for use in fluid outlets. Therefore, under these circumstances the allocation of producer milk to the highest class of utilization appears to be an effective means of minimizing any displacement of producer milk and also insures uniform accounting among all handlers for such supplies.

(b) *The classification and allocation of milk.* Milk should be classified in two classes reflecting the principal differences in the quality and the value of milk required for different uses. Class I should include all skim milk and butterfat disposed of for consumption as a fluid milk product. Fluid milk product means milk, skim milk, buttermilk, flavored milk and drinks, cream and mixtures of

milk, skim milk and cream. Plant loss of producer skim milk and butterfat in excess of 2 percent and skim milk and butterfat not accounted for as Class II should also be classified as Class I. Because skim milk and butterfat are not used in most products in the same proportions as received from producers, these components should be classified separately. Class prices, however, will apply per hundredweight of milk, and will be adjusted for the butterfat content of the milk actually used in each class through butterfat differentials.

Representatives of the health authorities having jurisdiction in the proposed marketing area testified that fluid milk products, as defined herein, sold for consumption in the area must be produced and handled in compliance with sanitation standards that are substantially uniform throughout the proposed marketing area. The proponent cooperative association requested that eggnog be a Class I product. The health regulations, however, require only the same health standards for eggnog as is required for ice cream mix. It is concluded that eggnog should be a Class II product. A handler on the other hand, proposed that sweet and sour cream be a Class II product. Skim milk and butterfat used to produce sweet and sour cream must meet the same health requirements as milk for fluid consumption, hence it is appropriate that cream be classified and priced in the same class as fluid milk.

The products which should be included in Class I are those distributed to consumers in fluid form and required by the health authorities having jurisdiction in the marketing area to be obtained from milk or milk products from approved inspected sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used as Class I somewhat higher than uninspected milk used for manufacturing purposes. It is appropirate that all of the products required to be from approved inspected sources be included in a single class so that all milk required to make such products may contribute uniformly to the cost of supplying the market needs for inspected milk.

Reserve milk not needed seasonally, or at other times such as week-ends, for Class I use must be disposed of for use in manufactured products. These products are not required to be made from inspected milk, must be sold in competition with products made from uninspected sources produced over a large area and generally are less perishable than fluid milk products. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

Class II should therefore include skim milk and butterfat used to produce any product other than a fluid milk product, including but not limited to such products as ice cream, ice cream mix, frozen cream, aerated cream, dried milk products, whole and nonfat, condensed or evaporated products, butter, cottage and hard cheese. Class II should also include plant loss of other source milk, all skim milk dumped or accounted for as disposed of for livestock feed, and inventories of fluid milk products on hand at the end of any month. Cream which is frozen and placed in storage should be Class II since such cream is intended primarily for use in ice cream or ice cream mix. Any frozen cream or other Class II products which may be used later in a fluid milk product would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant.

Handlers have inventories of milk and milk products at the beginning and end of each month which must enter into the accounting for current receipts and utilization. The record testimony indicates that an appropriate classification of the inventory of fluid milk products is as Class II. This manner of classifying inventory with correlated steps in the allocation procedure provides a means of charging each handler for his Class I sales each month at the current Class I price. Fluid milk products whether in bulk or packaged form should be inventoried and classified as Class II. Manufactured milk products are not included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Uniformity of costs to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class II shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable Class II shrinkage) for which producers were paid at the Class II price in the preceding month.

Inventories of products designated as Class I on hand at a pool plant at the beginning of any month during which such a plant becomes qualified for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I so as to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose. No limit need be put on shrinkage of other source milk since such milk is deducted from the lowest use class under the allocation procedures. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts. Allowance for loss on producer milk diverted to another pool plant should be at the pool plant where actually received. Each handler must be held responsible for full accounting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible for establishing the classification of and the payment for producer milk. Except for such limited quantities of shrinkage that may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

Provision should be made for classification of fluid milk products transferred in bulk between pool plants and from plants to nonpool plants. Transfers between pool plants should be permitted in any class agreed upon by the handlers operating such plants so long as the prior claim of producer milk for Class I sales is maintained. Transfers between pool plants at an agreed upon class will not affect the total value of producer milk under a market-wide pool so long as this prior claim is maintained.

Transfers to other nonpool plants may be at Class II if the nonpool plant does not engage in the fluid milk business, or has receipts from inspected farmers equal to any Class I sales. If Class I sales exceed such receipts, the milk transferred should be Class I to the extent of the excess. In any event, in order to substantiate a Class II classification the nonpool plant must have and make available records adequate to verify any Class II utilization claimed.

There was no evidence indicating that the Battle Creek-Kalamazoo market carries milk supplies for other markets and therefore producers have no claims of priority to Class I sales in other markets resulting from transfers from pool plants to nonpool plants in such markets. The highest-valued uses should be assigned first to producers regularly supplying the other market. The provisions herein outlined are provided purposely to assure such assignment.

When handlers receive butterfat and skim milk from sources other than from producers, it is necessary to provide a method for allocating such receipts to the classes of utilization in such a manner as to determine the classification of producer milk. Inasmuch as producer milk is the regular available supply for fluid consumption in the marketing area, producer milk should be assigned the Class I utilization in preference to other source milk. This is necessary to insure the effectiveness of the classified pricing program of the proposed order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the proposed market agreement and order.

In general this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Other source milk;

(3) Beginning inventory;

(4) Receipts from other handlers (according to classication);

(5) Add shrinkage deducted in (1); and

(6) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month.

(c) *Class prices.* The price of milk for fluid use in the Battle Creek-Kalamazoo marketing area should be closely related to the prices of milk used in the production of manufactured dairy products. The area from which the Battle Creek-Kalamazoo market draws its milk supplies produces substantial quantities of milk for manufacturing purposes. The attractiveness of the fluid market to shippers supplying nearby manufacturing plants determines to a considerable extent the adequacy of the supply for fluid purposes. Experience in this market has shown that when the returns from the fluid milk market drop too near the level of returns for manufacturing milk the market becomes short of milk and that returns for fluid milk too far above manufacturing milk levels bring excessive supplies to the fluid market. Class I prices in the nearby Federal order markets of Detroit, Cleveland, Chicago, South Bend, Fort Wayne, Toledo, Muskegon and Upstate Michigan, with which Battle Creek-Kalamazoo competes in varying degrees for supplies and sales, are all based on manufacturing values. Use of a basic formula price to which a Class I differential is added will reflect manufacturing milk values.

(1) *Basic formula price.* The basic formula price used to determine the Class I price should be the highest of the average price paid by midwestern condenseries, a formula price based on market values of butter and nonfat dry milk, or the average paying price of nearby Michigan manufacturing plants. The first two of these prices measure the value of milk used in each of three major manufactured dairy products marketed nationally. Like factors are included in the pricing formulas effective in the surrounding Federal order markets. The prices paid at the Michigan plants will reflect local values when these exceed the national averages.

It was proposed that the Michigan plants be those used to determine the Class II price. In view of the desirability of maintaining alignment of the Class I price with that of the Detroit order the Michigan plant price used for basic formula purposes should be that presently used in the Detroit order.

(2) *Class I price.* The class I price differential to be added to the basic formula price should be at a level which will reflect the additional costs of providing an adequate but not excessive year-round supply of milk meeting the inspection requirements of the area. For the initial 18 months of operation of the order this differential should be established at an annual level of $1.26, varied seasonally to be $1.06 for the months of February through July and $1.46 for other months.

Producer associations proposed that the Class I price differentials vary by months from $1.20 to $1.65; under this proposal seven separate differentials, applicable for one or two months each, would be used. The annual average of the proposed differentials approximates $1.41. This pattern of differentials was used by the Kalamazoo cooperative association for several years prior to 1956 to determine the prices to be charged dealers supplied by the association. The prices negotiated between the other proponent cooperatives and Battle Creek handlers have had less seasonal variation and have generally averaged approximately 15 cents less than the prices negotiated at Kalamazoo. At Battle Creek, however, more products have been priced as Class I milk and the Class I price has applied more uniformly to sales of fluid milk. Consequently average returns to members of the Battle Creek association have approximated those of members of the Kalamazoo cooperative. Effective April 1956 a Kalamazoo Class I price of $5.04 was negotiated and such price remained in effect at the time of the hearing. At Battle Creek a $4.90 price was effective from mid-April through September 1956. For October and November, 1956, a $5.25 Class I price was in effect at Battle Creek. Negotiation of these prices paralleled closely the course of events in the Detroit market, where a $5.00 Class I price was negotiated for April through August 1956 and $5.35 price was negotiated effective September 1, 1956. The $5.04 price was almost $2.00 more than the basic formula price in midsummer and $1.73 more than the November basic formula. The Battle Creek $4.90 price ranged from $1.80 to $1.85 more than the basic formula and the $5.25 price was approximately $1.94 more than the basic formula price at the time of the hearing.

Proponents of the order recognized that the 1956 negotiated prices were of a temporary nature and were not aligned with the Detroit order price but with negotiated prices in effect in the Detroit market. They defended the somewhat lower level of price represented by the annual average $1.41 Class I price differential as representing the actual level of negotiated prices in effect for a substantial part of the marketing area for several years during which Detroit minimum order prices were effective.

In view of the volumes of milk priced under other Federal orders which are produced in or near the Battle Creek-Kalamazoo milkshed and the extent to which there is competition with these markets for sales as well as procurement, proper alignment of prices with the other order prices prevailing at the nearest plants subject to these orders is particularly important. The nearest Detroit plants are at Homer, in Calhoun County, Otsego in Allegan County both of which are located in the marketing area, and at Litchfield, just outside the marketing area in Hillsdale County. The Homer and Otsego plants are strictly supply plants for Detroit which compete only in procurement of milk. The Litchfield plant, however, also sells packaged milk in the marketing area in the vicinity of Battle Creek. The Detroit Class I differential is on the annual average, $1.43. A location adjustment of 17 cents applies at Homer and Litchfield, with a 20 cent adjustment at Otsego. Thus Detroit Class I price differentials average $1.26 at Homer and Litchfield and $1.23 at Otsego. The Cleveland Class I price differential applicable at Coldwater, 35 miles from Battle Creek averages $1.225. The Chicago Class I differential averages $0.90, from which location adjustment of 8 and 14 cents respectively are deducted at plants located at Constantine and Hopkins, Michigan. The South Bend, Indiana, market Class I differential is $1.10. The Muskegon order Class I differential is $1.17. An Upstate Michigan plant approximately midway between Battle Creek-Kalamazoo and the Upstate Michigan marketing area pays a Class I differential of $1.16. Under a recent amendment to the Toledo, Ohio, order effective April 1, 1957, of which official notice is hereby taken, the Toledo Class I differential at a supply plant at Angola, Indiana, now averages $1.22.

Prices of the Detroit market have a greater influence on marketing conditions in Battle Creek-Kalamazoo than do those of the other markets. Not only is the volume of nearby milk priced under the Detroit order greater than that priced under any other order, but there is more direct sales competition in the marketing area. In addition Detroit prices exert considerable influence on nearby unregulated markets, especially Lansing and Grand Rapids, with which Battle Creek-Kalamazoo handlers compete for milk supplies and sales.

Under the classification system herein provided, it is to be expected that more milk will be priced at Class I than is now the case, particularly in Kalamazoo. Thus producer prices can be maintained with a somewhat lower Class I price. In view of the influence of the Detroit market it does not appear that the Class I differential, at least for the initial period of the order, should exceed that for Detroit at the Litchfield plant from which milk is distributed on routes in the marketing area. It is therefore concluded that the annual level of the differential should be $1.26 for the first 18 months of operation of the order. Within this period the pricing provision should be reviewed in the light of experience under order operations.

The $1.26 should be varied seasonally to conform to the Detroit pattern of differentials. This currently is 20 cents below the annual average level during the months of February through July, and 20 cents above in other months. Therefore the Battle Creek-Kalamazoo differential should be $1.06 for February through July and $1.46 for other months. Should the Detroit seasonal pattern be changed, prompt consideration should be given to revision of the seasonal pattern in this market.

The Detroit and other order prices are adjusted on the basis of supply-demand relationships. Supply-sales data in the hearing record, while covering the period

beginning with 1940, do not include all receipts and sales nor is classification based on the system herein provided. Accordingly such data do not provide an adequate basis for providing a similar provision for Battle Creek-Kalamazoo at this time. While consideration could be given to providing precise price alignment by use of the amount of adjustment each month under the Detroit order, such precise alignment does not appear necessary for the initial 18 month period in the light of the experience shown in the record.

(3) *Class II price.* The Class II price should reflect the value of milk for general manufacturing uses in the Battle Creek-Kalamazoo milkshed. The average of the prices paid at three Michigan dairy manufacturing plants provides an appropriate indication of the value of milk for such uses in the area. The three plants selected are in the general area of the Battle Creek-Kalamazoo milkshed, and are not operated or controlled by persons who will be handlers under the order. Two of these plants are included in the list of 12 midwest plants used in determining the basic formula price for the proposed order and for numerous other Federal orders.

(4) *Handler butterfat differential.* Butterfat and skim milk will be accounted for separately for classification purposes since they are not used in most products in the same proportions as received from producers. The basic test for which class prices are determined is 3.5 percent butterfat content, the usual fat test at which prices are quoted in the area, and on which the market has operated for many years. It will then be necessary to adjust Class I and Class II prices of milk to handlers in accordance with the average test of milk used in each class. Butterfat differentials which reflect differences in value due to differences in butterfat content are used for this purpose.

Producers proposed that a single butterfat differential apply to both Class I and Class II milk. They proposed that this differential be 0.113 times the Chicago price of 92 score butter. A differential of this amount applies to both Class I and Class II milk under the Detroit order. Fluid cream, however, need not be from inspected sources for the Detroit market and is priced as Class II milk. In Battle Creek-Kalamazoo fluid cream must be from inspected milk and is therefore priced as Class I milk. A differential of 0.113 times the Chicago butter price represents a butterfat value no higher than the value of uninspected cream used for butter manufacture. Butterfat in cream from inspected sources sold as fluid cream or cream mixtures has a higher value, which will be approximately reflected by a butterfat differential 0.125 times the Chicago butter price. Such a differential should be used to adjust the hundredweight price of Class I milk for each one-tenth percent variation for 3.5 percent butterfat content. The Class II butterfat differential should be the 0.113 times Chicago butter price proposed. That differential reflects an appropriate value of butterfat for Class II uses.

(5) *Location differentials.* Location adjustments should apply to all Class I milk distributed by handlers whose plants are located more than 60 miles from the nearer of the City Halls at Battle Creek or at Kalamazoo, Michigan. The rate of adjustment should be 10 cents per hundredweight for plants located more than 60 but not more than 80 miles distant, plus 1 cent per 20 miles for distances in excess of 80 miles. Distances would be measured by the shortest highway distance as determined by the market administrator.

At the time of the hearing the only milk distributed from a plant more than 60 miles distant was from a plant regulated under the Toledo, Ohio, order which is not subject to pricing under this order. However, if a distant plant should become subject to the order by selling milk in the area or supplying plants that sell milk in the area, it should have location credit. This credit should approximate the transportation costs involved in economic movement of milk to the area, since the order is designed to place handlers at an equal cost basis at the marketing area. The adjustment rates provided parallel fairly closely those in nearby markets and should meet the current needs of the market.

Since milk moved between pool plants may be classified by agreement between the handlers involved location credit on such milk should be limited to that required for Class I use by the transferee plant. The amount by which 105 percent of Class I use exceeds receipts of producer milk of such plant is an appropriate indication of such need. In addition, where there are receipts from more than one plant, location adjustment should be first assigned to the nearest plants so that producers are not charged for unnecessary movements of milk.

Location adjustment to producers should be at the same rates as to handlers, but should apply to all base milk (or milk paid for at uniform prices) delivered by producers to any plant at which location adjustments apply.

(d) *Payments to producers*—(1) *Type of pool.* The market-wide type of pool should be included as a means of distributing to producers the returns from the sale of their milk.

The proponent cooperatives proposed that distribution of returns from the sale of producer milk be on a market-wide basis. This method has been used satisfactorily by segments within the proposed marketing area for a long period of time. A proposal to distribute producer returns on an individual handler pool basis was not supported at the hearing.

Marketing conditions require payment of a uniform price to all producers representing the value of all market utilization to compensate all producers fairly for their contribution to the market supply. Some milk distributors buy as closely as possible to their Class I needs and carry little or no surplus in the high production months. The cooperative supply their cooperating handlers with as much milk as needed and handle the surplus production of their members by diversion to manufacturing outlets located both in and outside of the proposed marketing area. Through the present pooling arrangements operated by the cooperatives producers supplying these plants all member producers contribute equally to making available a year-round supply of milk for the market but do not share in all the Class I sales of the market. A majority of plants do not have manufacturing facilities and generally purchase supplies from dairy farmers close to their needs. Under an individual handler pool it could not be expected that reserve supplies for the market would be uniformly distributed among handlers. The burden of carrying the necessary reserve supplies of milk would continue to be shouldered by only a part of the producers who share in the year-round Class I sales in the area.

A market-wide pool will facilitate the movement of milk supplies by the cooperative associations between handlers to meet their individual needs or to those nonpool processing plants that can make the most efficient use of such milk. Such a pool will aid the market in retaining qualified and experienced producers on a year-round basis which will tend to make available enough milk to fill the Class I requirements during the normally short production season. A market-wide pool will permit any handler to bid on such business as that offered by military installations and other public institutions and to obtain the supplies for such sales without upsetting the market whenever the business might shift from one handler to another. These factors, taken in conjunction with the variations in amount of reserve supplies among plants, all support the adoption of a market-wide pool.

(2) *Producer payment plan.* A base and excess plan of distributing returns for milk among producers should be adopted for this market.

The majority of the producers are now receiving payment for milk on a base-excess plan. Each of the two cooperative associations has used this system of distributing payments among its members for many years. Data presented by the proponents cover the period from 1940 to the time of the hearing. This evidence, although it does not represent the total figures for the market, indicates that receipts vary widely relative to Class I sales between the summer and winter months. The two associations have operated separate base and excess plans with substantially the same rules. Due to lack of complete market information in regard to receipts from all producers and utilization data from all handlers, the effect of these plans on the relationship of supply to total inspected needs of the market cannot be accurately and specifically determined. It is evident, however, that these base-excess plans as operated in the past have encouraged more even production.

Fundamentally the base-excess plan proposed by the cooperative associations and included herein is the same as that now being used. Each producer will receive the manufacturing milk price for milk delivered each month in excess of a daily average amount, known as the producer's base. The base period is August through December. The producer's base for the 12 months beginning with the following February is determined by the daily average shipments during the preceding base period. The monthly base price is determined by dividing the total market base deliveries into the remaining returns for all producer milk after subtracting the value of excess milk and the value of milk from producers with no base. The base of each producer delivering milk 122 days or more in the base period is the amount determined by dividing the total pounds of milk received from such producer at all pool plants during the base period by the number of days for which milk was delivered. Producers with a previously established base may deliver less than the established base by as much as 10 percent without reducing such base. This limit in the reduction of established bases is a result of long experience in this and nearby markets which has shown such a limitation alleviates many cases of inequity and dissatisfaction resulting from reduced bases due to accident, disease, weather and other like conditions more or less beyond the control of the producer. Producers delivering milk less than 122 days during the August 1–December 31 base forming period may, by written request, have a base computed by dividing the total pounds of milk delivered to pool plants during such period by 122.

Provision is made for payments to producers without established bases and those who elect to relinquish their bases. The proponent cooperative associations proposed that a new producer (or one electing to relinquish a base) should establish a base by his deliveries in the first three full calendar months of his deliveries. A percentage of such deliveries seasonally varied from 40 percent for April, May and June to 70 percent August through November then would have become the producer's base for payment until a regularly established base was effective.

Provisions for new producers to enter the market should be consistent with the primary purpose of the base plan to discourage seasonal fluctuation in the flow of milk to the market. Since new producers have no prior fall deliveries from which the seasonality of their deliveries may be gauged it is necessary that their payments be determined somewhat arbitrarily as contrasted with producers with established bases who are paid on the basis of their individual performance. If the provisions assume that new producers have average seasonality of deliveries, their returns will be more favorable than those for old producers with wider than average seasonal variation in production. Such producers may then elect to relinquish their bases in order to receive payment under the new producer provisions, and the effectiveness of the base plan will be diminished. It is therefore desirable that the provisions for new producers be such as to encourage them to enter the market when their supplies will not increase seasonal variation and likewise will be such as not to invite substantial number of old producers to relinquish their bases. This can be accomplished by making payment to new producers (or those that relinquish a base) at an adjusted uniform price. The uniform price is adjusted by subtracting a stated percentage of the difference between the market average uniform price and the excess milk price. Stating the adjustment in this manner makes it equally applicable at all price levels. The adjustment percentage varies from 5 percent during the base forming period to 50 percent during the flush production months. This provision will be simpler than the plan proposed by the cooperative associations, yet accomplish the same general objectives.

Certain rules regulating the transfer of established bases were proposed and are adopted herein with the clarifying modifications made at the time of the hearing. These rules permit the transfer of a base to a member(s) of a producers' immediate family in the case of death, retirement or entry into military service. When a jointly held base is terminated division is limited to the joint holders. A base is forfeited in case a producer fails to deliver milk to a pool plant for 45 consecutive days except that a producer may maintain a base for 12 months in case complete loss of the dairy barn results from fire or windstorm. Transfers within these rules should be made only on written request filed with the market administrator. The above rules permit reasonable transfer of bases to alleviate hardship cases and correspond rather closely to present practices in the market.

Provision is also made for computing bases on deliveries during the preceding base forming period whenever any plant first achieves pool plant status. Such provision will permit the producers supplying such a plant to enter the market without any pooling handicap.

All milk delivered by producers from the effective date of the order, as proposed, until bases are established should be at the market average uniform price. Such a provision will assist in the orderly administration of the proposed order and provide an opportunity to some dairy farmers, not accustomed to a base-excess plan, to make any necessary adjustments. Cooperative associations will have the opportunity to continue paying their members in such manner as they desire.

Handlers should make payments to each producer for his milk at the required prices. If a producer has given a cooperative association written authorization by contract or in any other form, to collect payments for him, and the association makes a written request for the payments due such producer, payment should be made by the handler to the cooperative. A provision authorizing handlers to make payment directly to such qualified cooperative for milk received from producer-members is necessary to enable the association to carry out its essential functions authorized by the enabling act. A cooperative association, if it is to carry out these essential functions, must have full authority in the collective bargaining and selling of member milk. It is provided that handlers should make payments to producers, or to cooperative associations, at not less than applicable price(s) on or before the 15th day after the end of each month. In making payments for producer milk to a cooperative association the handler will pay an amount equal to the sum of the individual payments otherwise payable to member producers, and should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amounts of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary in order that the cooperative association can make proper distribution of the money to the producer-members for whom it makes collections.

(3) *Producer butterfat differential.* The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class differentials provided in the order. The producer butterfat differential in no way affects the handlers' costs of milk but merely prorates returns among producers according to the varying butterfat tests of their milk.

(4) *Producer-settlement fund.* Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be adjusted each month.

If at any time the balance in the producer-settlement fund is insufficient to

cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producer.

(c) *Other administrative provisions.* The remaining provisions are of a general administrative nature, are incidental to the other provisions of the proposed order, and are necessary for proper and efficient administration. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required. They also prescribe the length of time that records must be retained and provide a plan for the liquidation in the event of suspension or termination. They are similar to like provisions of other milk orders, and except as set forth below require no comment.

As his share of the expenses of administering this proposed order each handler should pay not in excess of 4 cents per hundredweight with respect to all producer milk received, all other source milk received at a pool plant which was classified as Class I milk, and as discussed elsewhere with respect to a nonpool plant. The market administrator must verify receipts and utilization of all such milk; therefore all such milk should be subject to the expenses of administration. Experience in other markets indicates that 4 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 4 cents per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

Provision should be made for the dissemination of market information to producers, for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. The order should provide that 5 cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producers for use of the market administrator in financing such services. For producers for whom a cooperative association is rendering such services, the handler should pay to the cooperative association such deductions as the producer has authorized the cooperative to collect. Such payments to be in lieu of those to the market administrator.

Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the market-wide pooling operation and the uniform price to producers. Handlers are also required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and net amount paid to the producer.

There are limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949, (14 F. R. 444) covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of the decision.

Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perfom each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the month and function: 5th working day—Announcement of class prices by market administrator.

5th working day—Submission of monthly report of receipts and utilization by handlers.

11th—Announcement of uniform prices by market administrator.

12th—Notification by market administrator to handlers of the value of their producer milk and amounts due to or payable from producer-settlement fund.

13th—Payment by handlers of amounts due to producer-settlement fund and for expenses of administration.

15th—Payments by handlers to producers and cooperative association and by market administrator out of producer-settlement fund.

It was proposed that a handler selling Class I milk in another Federally regulated market be charged the higher of the Battle Creek-Kalamazoo price or the Class I price in the other Federally regulated market for the Class I milk sold in the other area provided such a provision was effective in the other Federal order. None of the six nearby Federal milk orders have such a provision. Further, the alignment of prices with the two Federal order markets, from which handlers are distributing milk in the Battle Creek-Kalamazoo marketing area, is such that this provision is unnecessary. It is concluded a handler who operates a plant at which minimum prices to dairy farmers are established under another Federal order issued pursuant to the act and also sells Class I milk in the Battle Creek-Kalamazoo marketing area should be exempt from the provisions of this regulation, except for reporting the volume of Class I sales in the marketing area.

It is impracticable to regulate a handler under two separate orders with respect to the same milk. The determination under which order a handler should be regulated should be based on where the greater volume of Class I milk is sold.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the proposed order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its product; and

(e) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler regulated by the proposed order as his pro rata share of such expense, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to, (a) all other receipts of producer milk including such handler's own production, (b) all other source milk at a pool plant which is classified as Class I milk, and (c) the applicable amount specified in § 937.62 (a) (2) or (b) (2).

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the request to make such findings or to reach such conclusions are denied.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order.

DEFINITIONS

§ 937.1 *Act.* Act means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 937.2 *Secretary.* Secretary means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 937.3 *Department of Agriculture.* Department of Agriculture means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified herein.

§ 937.4 *Person.* Person means any individual, partnership, corporation, association, or any other business unit.

§ 937.5 *Cooperative association.* Cooperative association means any cooperative marketing association of producers, duly organized as such under the laws of any State, which the Secretary determines:

(a) Is qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act;

(b) Has full authority in the sale of milk of its members; and

(c) Is engaged in making collective sales or marketing milk or its products for its members.

§ 937.6 *Battle Creek-Kalamazoo, Michigan, marketing area.* Battle Creek-Kalamazoo, Michigan, marketing area hereinafter referred to as the marketing area, means all territory, including incorporated municipalities, within Calhoun and Kalamazoo Counties, and Gun Plain and Otsego Townships in Allegan County, all in the State of Michigan.

§ 937.7 *Route.* Route means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk form to any milk processing plant.

§ 937.8 *Distributing plant.* Distributing plant means any plant at which fluid milk products conforming to the sanitation requirements of any duly constituted health authority having jurisdiction in the marketing area are processed and packaged and from which fluid milk products are disposed of on route(s) in the marketing area. Distributing plant shall not include a physically segregated and separately operated portion of the building and facilities in which no fluid milk products are processed and packaged, and from which no fluid milk products are moved to any plant from which routes are operated.

§ 937.9 *Supply plant.* Supply plant means a milk plant at which milk produced in conformity with the sanitation requirements for milk to be consumed as a fluid milk product of any duly constituted health authority having jurisdiction in the marketing area is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 937.10 *Pool plant.* Pool plant means:

(a) A distributing plant, other than that of a producer-handler or one described in §§ 937.61 or 937.63 (a) from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 25 percent or more of receipts from dairy farmers and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts of fluid milk products from dairy farmers and supply plants; or

(b) A supply plant from which during the month 50 percent or more of receipts from dairy farmers is moved to a plant described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of August through January immediately preceding shall continue to be a pool plant for each of the following months of February through July unless written request to the contrary is filed with the market administrator on or before the first day of such month.

§ 937.11 *Producer.* Producer means a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements for milk to be consumed as a fluid milk product of a duly constituted health authority having jurisdiction in the marketing area, which milk is received directly from the farm at a pool plant or is diverted from such plant to a nonpool plant for the account of the handler operating it or of a cooperative association. Milk so diverted shall be deemed to have been received at a pool plant by the handler or cooperative association that caused it to be diverted. Producer shall not include any person with respect to milk which is received at a plant subject to the pricing provisions of another Federal marketing order, and exempted hereunder pursuant to § 937.63.

§ 937.12 *Handler.* Handler means:

(a) The operator of a pool plant(s) in his capacity as such;

(b) The operator of any nonpool distributing plant; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

§ 937.13 *Producer-handler.* Producer-handler means a dairy farmer who operates a distributing plant at which no milk or fluid milk products are received during the month except his own production or from pool plants.

§ 937.14 *Producer-milk.* Producer-milk means milk received at a pool plant directly from producers, or diverted to a nonpool plant pursuant to § 937.11.

§ 937.15 *Fluid milk product.* Fluid milk product means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, aerated cream and cream frozen and stored).

§ 937.16 *Other source milk.* Other source milk means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 937.17 *Chicago butter price.* Chicago butter price means the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 937.18 *Base milk.* Base milk means milk delivered by a producer each month which is not in excess of the base determined pursuant to § 937.80 multiplied by the number of days production for which milk is delivered during the month.

§ 937.19 *Excess milk.* Excess milk means milk delivered by a producer each month in excess of such producer's base milk.

MARKET ADMINISTRATOR

§ 937.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 937.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 937.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 937.94:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 937.95, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other persons as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless other-

wise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 937.30 through 937.33 or payments pursuant to §§ 937.90 through 937.96;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by examination of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information;

(j) Calculate a base for each producer pursuant to § 937.80 and advise the producer and the handler receiving the milk of such base;

(k) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th working day of each month, the minimum class prices for the preceding month computed pursuant to §§ 937.51 and 937.52, and the handler and producer butterfat differentials computed pursuant to §§ 937.53 and 937.75; and

(2) On or before the 11th day of each month the applicable uniform price(s), the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 937.72, 937.73, and 937.74.

REPORTS, RECORDS AND FACILITIES

§ 937.30 *Reports of receipts and utilization.* On or before the 5th working day of each month each handler who operates a pool plant(s), each handler (other than a producer-handler or the operator of a plant exempt pursuant to § 937.61 or 937.63) who operates a nonpool distributing plant and any cooperative association with respect to milk for which it is a handler pursuant to § 937.12 (c) shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk, showing separately the aggregate quantities of base milk, excess milk, and milk to be paid for at the applicable uniform price, in lieu thereof, the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers qualified to become producers if such plant were a pool plant;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements with respect to:

(1) Disposition of fluid milk products on routes within the marketing area from plants described in §§ 937.62 and 937.63, and from other plants for which the market administrator requires such information as a basis for determination of status or obligations; and

(2) Inventories of fluid milk products on hand at the end of the month; and

(c) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 937.31 *Payroll reports.* (a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 937.12 (c) shall report his producer payroll for the preceding month which shall show for each producer:

(1) The pounds of base milk and of excess milk (or the total pounds paid for at the applicable uniform price);

(2) The average butterfat content thereof; and

(3) The date and net of amount of payment to such producer, or to a cooperative association for such producer's milk, with the prices, deductions and charges involved and the nature of each.

(b) Each handler (other than a producer-handler or one described in § 937.61 or 937.63) operating a nonpool distributing plant shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 937.32 *Producer-handler reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 937.33 *Exempt handler reports.* Each handler exempt pursuant to § 937.61 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 937.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 937.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 937.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 937.30 shall be classified (separately as skim milk and butterfat), pursuant to § 937.41 through § 937.45.

§ 937.41 *Classes of utilization.* Subject to the conditions set forth in § 937.42 through § 937.44 the classes of utilization shall be as follows:

(a) Class I utilization shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section; and

(2) Not accounted for as Class II utilization;

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In cream frozen and stored;

(3) In skim milk authorized by the market administrator to be dumped or accounted for as disposed of for livestock feed;

(4) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts;

(5) In shrinkage of other source milk; and

(6) In inventories of fluid milk products on hand at the end of the month.

§ 937.42 *Shrinkage.* (a) If a handler operates more than one pool plant, shrinkage shall be computed with respect to the combined receipts and disposition of all such plants.

(b) If a handler has receipts of other source milk, shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and in other source milk.

(c) Receipts of producer milk to which the limits of § 937.41 (b) (4) apply shall exclude diversions to other plants (pool or nonpool) but shall include producer milk received at the plant by diversion from another pool plant.

§ 937.43 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 937.44 *Transfers.* Skim milk and butterfat transferred or diverted as fluid milk products in bulk form from a pool plant to:

(a) The pool plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 937.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) To a nonpool plant operated by a producer-handler, or a handler exempt pursuant to § 937.61, shall be Class I utilization; and

(c) To a nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization unless the following conditions apply:

(1) The transferring handler claims Class II utilization on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II utilization; and

(3) Class I utilization in the nonpool plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply of inspected milk for such plant. If Class I utilization exceeds such receipts, the skim milk and butterfat transferred shall be Class I to the extent of such excess.

§ 937.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler pursuant to § 937.30 and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II utilization at all pool plants of such handler.

§ 937.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage pursuant to § 937.41 (b) (4);

(b) Subtract from the total pounds of butterfat remaining in each class, in series beginning with Class II, the pounds of butterfat in other source milk; except as specified in paragraph (d) of this section;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II, the pounds of butterfat in inventory of fluid milk products on hand at the beginning of the month;

(d) Subtract from the pounds of butterfat remaining in Class I the pounds of buttterfat in other source milk received in consumer packages from a nonpool distributing plant described in § 937.62;

(e) Subtract from the pounds of butterfat remaining in each class, the pounds of butterfat received from other handlers in such class pursuant to § 937.41 and § 937.44 (a);

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with Class II.

§ 937.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to producer milk in a manner similar to that prescribed for butterfat in § 937.46.

§ 937.48 *Computation of total producer milk in each class.* The amounts computed pursuant to §§ 937.46 and 937.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class determined.

MINIMUM PRICES

§ 937.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the Chicago butter price subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents and then multiply by 8.2.

(c) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Borden Co., Perrinton, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Lansing Dairy Co., Grand Ledge, Mich.
Kraft Cheese Co., Clare, Mich.
Kraft Cheese Co., Pinconning, Mich.
Nestle Co., Ubly, Mich.

§ 937.51 *Class I milk price.* (a) The minimum price per hundredweight to be paid by each handler f. o. b. a pool plant in the marketing area, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization shall, for the 18-month period following the date this section is first effective, be the basic formula price plus $1.06 for the months of February through July, and plus $1.46 for all other months.

§ 937.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization shall be the average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Carnation Milk Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Michigan Cheese Co., Reed City, Mich.

§ 937.53 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent there shall be added to the price of milk for such class as computed pursuant to § 937.51 or 937.52, for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the Chicago butter price, multiplied by the applicable factor as follows:

(a) Class I milk—multiply by 0.125

(b) Class II milk—multiply by 0.113

§ 937.54 *Location adjustment to handlers.* For milk received from producers at a pool plant located more than 60

miles by shortest highway distance, as determined by the market administrator, from the City Hall in either Battle Creek or Kalamazoo, Michigan, whichever is nearer, and which is classified as Class I utilization, the prices computed pursuant to § 937.51 shall be reduced 10 cents if such distance is more than 60 but not more than 80 miles, and by an additional 1 cent for each 20 miles or fraction thereof that such distance exceeds 80 miles.

For the purpose of calculating such adjustment, transfers to a pool plant at which no location adjustment is applicable or at which the location adjustment is less than at the transferor plant, shall be assigned to Class I utilization in a volume not in excess of that by which 105 precent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant. Such assignment to transferor plants shall be made first to plants at which no adjustment is applicable and then in the sequence at which the lowest location adjustment would apply.

§ 937.55 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 937.60 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 937.32, 937.34 and 937.35.

§ 937.61 *Exempt handler.* A handler who operates a nonpool distributing plant located outside the marketing area from which an average of less than 150 points (one point being defined as one-half pint of cream or one quart of any other fluid milk product) of Class I milk per day is disposed of during the month in the marketing area on route(s), shall be exempt from all provisions of this part except §§ 937.33 through 937.35.

§ 937.62 *Obligations of handler operating a nonpool distributing plant.* In lieu of payments required pursuant to §§ 937.90 through 937.94, each handler, other than a producer-handler or one exempt pursuant to §§ 937.61 or 937.63, who operates during the month a nonpool distributing plant, shall pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 937.30, or if the receipts of fluid milk products from dairy farmers and from other plants operated by such handler are less than 95 percent of Class I utilization at such plant, his obligations shall be as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 937.94 with respect to Class I milk disposed of on routes in the marketing area.

(b) Except as the handler's obligation may be computed pursuant to paragraph (a) of this section, his obligation shall be computed as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 937.70 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 937.31 (b), plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 937.94 had such plant been a pool plant.

(3) In any case in which receipts from dairy farmers at the nonpool distributing plant are less than 95 percent of Class I utilization, but combined receipts from dairy farmers and from other plants operated by the handler equal or exceed 95 percent of Class I utilization at such plant, there shall be combined for the purposes of the computations pursuant to subparagraphs (1) and (2) of this paragraph the receipts, utilization, and payments to dairy farmers at such nonpool distributing plant and at other plants operated by the handler from which fluid milk products were moved during the month to such nonpool distributing plant.

§ 937.63 *Plants subject to other Federal orders.* The handler operating a plant specified in paragraphs (a) or (b) of this section shall be exempt from all provisions of this order except §§ 937.30 (b) (1), 937.34 and 937.35.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk is disposed of during the month on routes in the Battle Creek-Kalamazoo marketing area than in the marketing area defined in such other order;

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant during each of the preceding months of August through January.

DETERMINATION OF PRICES TO PRODUCERS

§ 937.70 *Computation of value of producer milk.* The value of producer milk received during the month by each handler at pool plants shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 937.48, by the applicable respective class prices (adjusted pursuant to §§ 937.53 and 937.54);

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 937.46 (f) and the corresponding step of § 937.47 by the applicable class price;

(c) Add the amount obtained through multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 937.46 (c) and the corresponding step of § 937.47; or

(2) The hundredweight of producer milk classified as Class II milk (except as shrinkage) for the preceding month.

§ 937.71 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of all producer milk at the marketing area, as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 937.70;

(b) Add, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtract if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 937.75 multiplied by 10;

(c) Add the total of the values of the applicable producer location adjustments pursuant to § 937.76; and

(d) Add not less than one-half of the unobligated balance in the producer-equalization fund.

§ 937.72 *Uniform price(s).* For each month the uniform price(s) per hundredweight for milk containing 3.5 percent butterfat received from producers at pool plants (before location adjustments) shall be computed as follows:

(a) Divide the amount computed pursuant to § 937.71 by the hundredweight of milk received from all producers;

(b) Subtract not less than 6 cents nor more than 7 cents; the result is the "market average uniform price".

(c) For purposes of payments to producers described in § 937.80 (d) and (e) an "adjusted uniform price" shall be computed by subtracting from the "market average uniform price" the applicable percentage specified below of the difference between such "market average uniform price" and the excess milk price and rounding to the nearest cent:

	Percent
January, February, and March	30
April, May, and June	50
July	15
All other months	5

§ 937.73 *Excess milk price.* For each month the price for excess milk containing 3.5 percent butterfat shall be computed as follows:

(a) Multiply the hundredweight of excess milk not in excess of the total quantity of Class II milk represented by the values included in § 937.71 (a) by the price for 3.5 percent Class II utilization pursuant to § 937.52;

(b) Multiply the hundredweight of any excess milk not included in the computation described in paragraph (a) of this section by the price for 3.5 percent Class I utilization pursuant to § 937.51; and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the hundredweight of excess milk and round to the nearest cent.

§ 937.74 *Base milk price.* For each month the price for base milk containing 3.5 percent butterfat received from producers at pool plants (before location adjustments) shall be computed as follows:

(a) Multiply the total pounds of excess milk by the excess milk price for the month;

(b) Multiply the total amount of milk to be paid for at the adjusted uniform price by the adjusted uniform price pursuant to § 937.72 (c);

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 937.71;

(d) Divide the resultant value by the total hundredweight of base milk; and

(e) Subtract not less than 6 cents nor more than 7 cents.

§ 937.75 *Producer butterfat differential.* In making payments pursuant to § 937.90, the applicable uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 935.53 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest tenth cent.

§ 937.76 *Location adjustment to producers.* In making payments to producers and cooperative associations, a handler may deduct, with respect to base milk and milk to be paid for at a uniform price received from the producers at a pool plant located more than 60 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Battle Creek or Kalamazoo, Michigan, whichever is nearer, the amount per hundredweight applicable to the plant as set forth in § 937.54.

§ 937.77 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(c) The totals of the minimum amounts to be paid by such handler pursuant to §§ 937.90, 937.92, 937.94 and 937.95.

BASE RULES

§ 937.80 *Determination of base.* (a) Subject to the exceptions provided in paragraphs (b) and (e) of this section a producer who delivered milk of at least 122 days production during the period August 1 through December 31, inclusive, shall have a base computed by the market administrator, to be applicable for the 12-month period beginning the following February 1, equal to the total pounds of milk received from such producer at all pool plants during such months divided by the number of days for which milk was delivered;

(b) A producer who had a base before August 1–December 31 period may by deliveries computed pursuant to paragraph (a) of this section is less than such base, shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries;

(c) A producer delivering milk of less than 122 days production during the August 1-December 31 period may by written request filed with the market administrator prior to January 15, have a base computed by dividing by 122 the total pounds of milk delivered to pool plants during such period;

(d) A producer who has no base shall be paid until February 1 following the August–December period within which he establishes a base pursuant to paragraph (a) of this section at the applicable adjusted uniform price determined pursuant to § 937.72 (c);

(e) A producer with a base, by notifying the market administrator that he relinquishes such base, may be paid pursuant to paragraph (d) of this section, beginning with the first day of the month following that in which such notification is received by the market administrator;

(f) When a plant first becomes a pool plant pursuant to § 937.10 bases for producers delivering to such plant may be established on deliveries of milk for the preceding August–December period certified by submision of delivery receipts or other evidence satisfactory to the market administrator; and

(g) From the effective date of this part until bases are established and effective pursuant to this section, all milk delivered by producers shall be paid for at the market average uniform price pursuant to § 937.72 (b).

§ 937.81 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder to the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of the immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base without loss for twelve months.

PAYMENT FOR MILK

§ 937.90 *Time and method of payment.* (a) Except as provided in paragraph (b) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer: not less than the applicable uniform price as provided in § 937.80 (d), (e) or (g), or the base price for base milk and the excess price for excess milk, adjusted by the butterfat and location differentials pursuant to § 937.75 and § 937.76, less (1) applicable deductions for marketing services pursuant to § 937.95 (a), and (2) proper deductions authorized in writing by such producer.

If by such date such handler has not received full payment for such month pursuant to § 937.93 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall (i) pay to the cooperative association on or before the 15th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer, and (ii) submit to the cooperative association on or be-

fore the 10th day of each month written information which shows for each such member-producer (a) the total pounds of base, excess and all milk received from him during the preceding month, (b) the average butterfat content of such milk, (c) the number of days for which milk was received, and (d) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 937.91 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the producer-equalization fund into which he shall deposit all payments received pursuant to §§ 937.62 and 937.92 (including any adjustments thereto pursuant to § 937.96) and out of which he shall make all payments pursuant to § 937.93 (including any adjustments thereto pursuant to § 937.96).

§ 937.92 *Payments to the producer-equalization fund.* (a) On or before the 13th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 937.70 shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 937.90.

(b) On or before the 25th day after the end of each month each handler who is required to make payment pursuant to § 937.62 shall pay such amount to the market administrator.

§ 937.93 *Payments out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 937.70 is less than the total minimum amount required to be paid by him pursuant to § 937.90, less any unpaid obligations of such handler to the market administrator pursuant to § 937.92: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 937.94 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 13th day after the end of the month for such month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to (a) all receipts of producer milk including such handler's own production, (b) all other source milk at a pool plant which is classified as Class I milk, and (c) the applicable amount specified in § 937.62 (a) (2) or (b) (2).

§ 937.95 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 937.90 for milk received from each producer, at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, with respect to all such milk received during the month, and on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such monies shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 937.90 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services.

ADJUSTMENT OF ACCOUNTS

§ 937.96 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made for any reason, which result in monies due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator; or

(c) To any producer or cooperative association from such handler, the market administrator shall notify such handler promptly of any such amount due; and payment thereof shall be made on or before the next date, following the 5th day after such notice, for making payment set forth in the provision under which such error occurred.

§ 937.97 *Overdue accounts.* Any unpaid obligations of a handler or of the market administrator pursuant to §§ 937.92 through 937.96 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 937.98 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) or (c) of this section, terminate two years after the last day of the month during which the market administartor receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books or records required by this subpart to be made available, the market administrator, may within a two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year perod with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files pursuant to section 8 (c) (15) (a) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 937.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 937.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 937.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 937.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 937.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 937.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 7th day of August 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-6559; Filed, Aug. 9, 1957; 8:48 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

1958 CROP OF UPLAND COTTON

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO A NATIONAL MARKETING QUOTA; NATIONAL, STATE AND COUNTY ALLOTMENTS; FIXING OF A DATE FOR HOLDING A REFERENDUM; AND FORMULATION OF REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.), the Secretary of Agriculture is preparing to determine as soon as practicable whether a national marketing quota is required to be proclaimed for the 1958 crop of upland cotton (hereinafter referred to as "cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1958 crop of cotton and will issue regulations pertaining to acreage allotments for cotton.

Section 342 of the act provides that whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year. It further provides that the Secretary shall determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales adequate, together with (1) the estimated carry-over at the beginning of the marketing year which begins in the next calendar year and (2) the estimated imports during such marketing year, to make available a normal supply of cotton. Under the provisions of section 342, the national marketing quota for any year may not be less than 10 million bales or one million bales less than the estimated domestic consumption plus exports of cotton for the marketing year ending in the calendar year in which such quota is proclaimed, whichever is smaller, subject to a proviso that the 1958 national marketing quota shall be not less than the number of bales required to provide a national allotment for 1958 equal to the national allotment for 1956, which was 17,391,304 acres.

Section 342 requires the proclamation of the national marketing quota to be made not later than October 15 of the calendar year in which the determination is made that the total supply of cotton exceeds the normal supply. In order that the Agricultural Stabilization and Conservation State and county committees may properly perform their functions in connection with establishing county and farm allotments for the 1958 crop of cotton, it will be necessary to issue any such proclamation and to determine the national, State and county allotments as soon as practicable.

As defined in section 301 of the act for purposes of the determinations provided for in section 342 of the act, "total supply" of cotton for any marketing year is the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of cotton into the United States during such marketing year; "carry-over" of cotton for any marketing year is the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current; "normal supply" of cotton for any marketing year is the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carry-over; and "marketing year" for cotton is the period August 1–July 31.

Section 344 (a) of the act provides that whenever a national marketing quota is proclaimed under section 342, the Secretary shall determine and proclaim a national allotment for the crop of cotton to be produced in the next calendar year. The national allotment for cotton for 1958 is that acreage, based upon the national average yield per acre of cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, which is required to make available from such crop an amount of cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1958 crop of cotton, such allotment will be apportioned among the States, as provided by section 344 (b) of the act, on the basis of the acreage planted to cotton during the 5 calendar years 1952, 1953, 1954, 1955, and 1956, with adjustments during such period as provided under the act and the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U. S. C. 1801 et seq.). However, section 342 provides that if the allotment for any State for 1958 is less than its allotment for the preceding year by more than 1 percent, such State allotment shall be increased so that the reduction shall not exceed 1 percent per annum. The additional acreage which a State receives under this provision will be in addition to the national allotment and will not be taken into account in establishing future State allotments.

The regulations which the Secretary will issue pertaining to acreage allotments for the 1958 crop of upland cotton are expected to be substantially the same as the regulations pertaining to acreage allotments for the 1957 crop of upland cotton. (21 F. R. 7817, 8077, 9630; 22 F. R. 533, 2145, 3103, 3649, and 5526.) ("Farm", defined in § 718.2 of the Regulations pertaining to Determination of

Acreage and Performance (22 F. R. 3747).) The regulations will provide for approval by the Secretary and publication thereof in the FEDERAL REGISTER of State and county allotments, and State and county reserves.

It is proposed that the limitation on the amount of State reserve for trends, abnormal conditions, new farms, and inequities and hardships established under § 722.816 (a) (1) of the regulations pertaining to acreage allotments for the 1957 crop of upland cotton will not be applied with respect to the 1958 crop. It is also proposed that insofar as practicable farm reconstitutions be made before farm allotments are initially established for 1958 in cases where changes in the size of the farm as finally constituted for 1957 are known to the county committee.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota provided for in section 342 of the act, the Secretary shall conduct a referendum, by secret ballot, of farmers engaged in the production of cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1958 crop of cotton, it is expected that the Secretary will fix the date of the referendum reasonably close to the final date of December 15, 1957, for holding it in order to allow maximum time for establishing 1958 farm allotments and issuing notices thereof to farmers. Section 362 of the act provides that notice of the farm allotment established for each farm shown by the records of the county committee to be entitled to such allotment, shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, the apportionment of the national allotment to States and the State allotments to counties, fixing a date for holding a referendum, and the formulation of regulations pertaining to acreage allotments for the 1958 crop of upland cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D. C., this 6th day of August 1957. Witness my hand and the Seal of the Deparment of Agriculture.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 57-6576; Filed, Aug. 9, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12134; FCC 57-890]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

SOUTH BEND, IND., ET AL.

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, South Bend, Elkhart, and Plymouth, Indiana; Elgin and Waukegan, Illinois; Benton Harbor and Kalamazoo, Michigan; Docket No. 12134.

1. Notice is hereby given that the Commission has received proposals for rule making in the above-entitled matter.

2. The Commission has before it for consideration two counterproposals submitted in Docket No. 12074,[1] which proposals request amendment of § 3.606 *Table of assignments*, Television Broadcast Stations:

(a) A proposal, filed July 5, 1957, by Truth Publishing Company, Inc., licensee of television Station WSJV, Elkhart, Indiana, to assign Channel 28+ to South Bend-Elkhart, as follows:

City	Channel No.	
	Delete	Add
South Bend, Ind	*40+	*52
Elkhart, Ind	52	
South Bend-Elkhart, Ind		28+
Elgin, Ill.	28+	83
Benton Harbor, Mich	42	40+

WSJV requests that it be directed to show cause why its authorization should not be modified to specify operation on Channel 28+ at South Bend-Elkhart in lieu of its present operation on Channel 52 at Elkhart.

(b) A proposal, filed July 9, 1957 by South Bend Tribune, licensee of television Station WSBT-TV, South Bend, Indiana, to assign Channel 22 to South Bend, as follows:

City	Channel No.	
	Delete	Add
South Bend, Ind	34	22
Waukegan, Ill	22+	79+
Kalamazoo, Mich	36-	46
Plymouth, Ind		34

WSBT-TV requests that it be directed to show cause why its authorization should not be modified to specify operation on Channel 22 in lieu of Channel 34 at South Bend.

3. In support of its proposal WSJV asserts that South Bend and Elkhart are approximately 15 miles apart in the same market; that WSJV provides a city-grade service to both South Bend and Elkhart, as do both of the South Bend stations (WSBT-TV and WNDU-TV); that its proposal is in full conformity with the rules; that the lower UHF channels are more effective and desirable for improving service; that its proposal will not disturb any operating station or outstanding permit and will not deprive any city of a television channel assignment; and that UHF receivers pick up lower UHF channels better than they do higher UHF channels.

4. WSBT-TV alleges that the South Bend-Elkhart area is a "UHF island"; that operation on lower UHF channels would result in better coverage than is now the case on higher UHF channels; that there are no authorizations or applications for Channel 22 in Waukegan and Channel 36 in Kalamazoo; and that the proposal conforms with our Rules.

5. The Commission is of the view that rule making proceedings should be instituted on these proposals in order that all interested parties may submit their views and relevant data.

6. The proposed amendments, if adopted, would affect the outstanding authorizations of petitioners. We do not believe, however, that we should direct any party so affected to show cause why its outstanding authorization should not be modified at this time. Such additional proceedings which may be necessary in light of outstanding authorizations will be instituted at a later date.

7. Authority for the adoption of the amendments proposed by petitioner is contained in section 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 6, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 1, 1957.

Released: August 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6580; Filed, Aug. 9, 1957; 8:51 a. m.]

[1] We are concurrently issuing a Report and Order in Docket No. 12074, assigning Channel 16 to South Bend, Indiana. The action taken in the said Report and Order in no way conflicts with the two proposals which are the subject of the instant Notice.

[47 CFR Part 3]

[Docket No. 12135; FCC 57-893]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

AGUADILLA, PUERTO RICO ET AL.

In the matter of Amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, Aguadilla, Arecibo and Fajardo, Puerto Rico—Charlotte Amalie, V. I.; Docket No. 12135.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed June 24, 1957 by Continental Broadcasting Corporation, San Juan, Puerto Rico, for rule making to amend the Table of Assignments contained in § 3.606, Television Broadcast Stations, to assign Channel 13 to Fajardo, Puerto Rico, by one of two alternative methods as follows:

Plan A

City	Present	Proposed
Charlotte Amalie, V. I	10-, 12+	10-
Aguadilla, P. R.[1]	13+	
Aguadilla-Arecibo, P. R		12+
Fajardo, P. R		13+

Plan B

Charlotte Amalie, V. I	10-, 12+	10-
Aguadilla, P. R.[1]	13+	12+
Fajardo, P. R		13+

[1] In a Report and Order in Docket No. 11861, released today, we are assigning Channel 13 to Aguadilla-Arecibo, P. R. This reassignment should be taken into account in the comments filed in this proceeding.

3. In support of its request petitioner urges that Fajardo is located on the eastern coast of Puerto Rico and had a 1950 population of 15,336; that the municipality of Fajardo had a 1950 population of 22,116 and that it is anticipated that the U. S. Naval Base near Fajardo will have a population of approximately 10,000 persons. Petitioner contends that a television station on Channel 13 at Fajardo would provide service to the communities of Laguillo, population 9,967; Ceiba, population 9,199; Naguabo, population 21,019; Humacao, population 34,853; Yabucoa, population 28,810; and Vieques, population 9,228, and would serve Charlotte Amalie and Christiansted, Virgin Islands. It maintains that Fajardo and the surrounding area receive only marginal service from the San Juan television stations and no service whatsoever from stations located in cities on the south and west sides of the Island. Finally, it asserts that there has been no demand for use of any of the three channels allocated to the Virgin Islands and if it becomes economically feasible to operate a commercial television station there, the two remaining allocations can provide adequate service.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment proposed by petitioner is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934 as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 6, 1957 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 1, 1957.

Released: August 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6581; Filed, Aug. 9, 1957; 8:51 a. m.]

[47 CFR Part 16]

[Docket No. 12136; FCC 57-932]

LAND TRANSPORTATION RADIO SERVICES

LICENSING OF SPEED MEASURING DEVICES

In the matter of amendment of Part 16 of the Commission's rules to provide for the licensing of Speed Measuring Devices in the Land Transportation Radio Services; Docket No. 12136.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. By Commission Order of April 25, 1956 in Docket No. 11550, which was published in the FEDERAL REGISTER of May 3, 1956 (21 F. R. 2947), frequencies in the band of frequencies 10500–10550 Mc were made available for use by Government and non-Government radiolocation stations, limited to the use of continuous wave (CW) emissions. This type of emission is primarily used by speed measuring devices which make use of the doppler effect to determine the relative speed of objects under observation.

3. In accordance with the provisions of Part 2 of the Commission's rules, frequencies in the band 2450–2500 Mc are available for use by land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, on the condition that harmful interference will not be caused to the fixed and mobile services. The frequency 2455 Mc is normally utilized by speed measuring devices operating in this frequency band, which also normally utilize continuous wave (CW) emissions for that purpose.

4. The Commission proposes to amend Part 16 of its rules to provide for the licensing of Land Radiopositioning Stations and Mobile Radiopositioning Stations for the operation of speed measuring devices utilizing continuous wave (CW) emissions, in the various Land Transportation Radio Services on a developmental basis, as appropriate. It is proposed that such operation be limited to the frequencies 2455 and 10525 Mc in the above mentioned bands, since the possibility of interference between such devices even when operating on the same frequency appears very remote.

5. The proposed amendments, which are set forth in detail below, are issued under authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, and any person desiring to support the proposal, may file with the Commission on or before September 3, 1957, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 1, 1957.

Released: August 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. It is proposed to amend § 16.6 by the addition of the following new paragraphs:

(z) [Reserved].

(aa) *Land radiopositioning station.* A station in the radiolocation service, other than a radionavigation station, not intended for operation while in motion.

(bb) *Mobile radiopositioning station.* A station in the radiolocation service, other than a radionavigation station, intended to be used while in motion or during halts at unspecified points.

2. It is proposed to establish a new § 16.258 in Subpart F Motor Carrier Radio Service, to read as follows:

§ 16.258 *Speed measuring devices.* The frequencies 2455 Mc and 10525 Mc are available for assignment under the terms of a developmental grant to Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service for use by speed measuring devices only: *Provided*, That unmodulated continuous wave (CW) emission only shall be employed and that a frequency stability of at least 0.2 percent shall be main-

tained. The use of the frequency 2455 Mc is subject to the condition that harmful interference will not be caused to stations in the fixed and mobile services, and is further subject to no protection from interference which may be experienced from the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

3. It is proposed to establish a new § 16.358 in Subpart H Railroad Radio Service, to read as follows:

§ 16.358 *Speed measuring devices.* The frequencies 2455 Mc and 10525 Mc are available for assignment under the terms of a developmental grant to Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service for use by speed measuring devices only: *Provided,* That unmodulated continuous wave (CW) emission only shall be employed and that a frequency stability of at least 0.2 percent shall be maintained. The use of the frequency 2455 Mc is subject to the conditions that harmful interference will not be caused to stations in the fixed and mobile services, and is further subject to no protection from interference which may be experienced from the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

4. It is proposed to establish a new § 16.405 in Subpart I Taxicab Radio Service, to read as follows:

§ 16.405 *Speed measuring devices.* The frequencies 2455 Mc and 10525 Mc are available for assignment under the terms of a developmental grant to Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service for use by speed measuring devices only: *Provided,* That unmodulated continuous wave (CW) emission only shall be employed and that a frequency stability of at least 0.2 percent shall be maintained. The use of the frequency 2455 Mc is subject to the condition that harmful interference will not be caused to stations in the fixed and mobile services, and is further subject to no protection from interference which may be experienced from the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

5. It is proposed to establish a new § 16.505 in Subpart K Automobile Emergency Radio Service, to read as follows:

§ 16.505 *Speed measuring devices.* The frequencies 2455 Mc and 10525 Mc are available for assignment under the terms of a developmental grant to Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service for use by speed measuring devices only: *Provided,* That unmodulated continuous wave (CW) emission only shall be employed and that a frequency stability of at least 0.2 percent shall be maintained. The use of the frequency 2455 Mc is subject to the condition that harmful interference will not be caused to stations in the fixed and mobile services, and is further subject to no protection from interference which may be experienced from the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

[F. R. Doc. 57-6582; Filed, Aug. 9, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

OPERATING FACILITIES BRANCH

ORGANIZATION AND FUNCTIONS

Paragraph 1118.73 of the material appearing at 21 F. R. 10432 is amended to read as follows:

1118.73 *Operating Facilities Branch.* The Operating Facilities Branch provides the facilities and administrative services necessary to the efficient operation of the district office. The Branch carries out the space policies of the District Director and conducts periodic surveys to assure effective space utilization. It procures, requisitions, issues, and assures effective utilization of equipment, property and office supplies; maintains records on all equipment and property located within the district; and provides communications and duplicating services. The Branch also furnishes data necessary for the preparation of that portion of the district office budget estimates and financial plans which is concerned with funds required for materials and facilities in the district. As required for district management control, it maintains blotter type records of fund commitments for materials and facilities (object classes 03 through 09 as defined in Budget-Treasury Regulation No. 1). It administers document and property security and the safety programs in the district.

[SEAL] O. GORDON DELK,
Deputy Commissioner.

[F. R. Doc. 57-6565; Filed, Aug. 9, 1957; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50-58]

OKLAHOMA AGRICULTURAL AND MECHANICAL COLLEGE

PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to Oklahoma Agricultural and Mechanical College, Stillwater, Oklahoma, the license set forth in Annex "A" below unless on or before 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is set forth below as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 6th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE AUTHORIZING ACQUISITION, POSSESSION AND OPERATION OF UTILIZATION FACILITY

On March 20, 1957, Oklahoma Agricultural and Mechanical College, Stillwater, Oklahoma, (hereinafter referred to as Oklahoma A&M) filed an application to acquire, possess and operate the nuclear reactor which is the subject of License R-9 and License R-12 issued to Aerojet-General Nucleonics and Aerojet-General Corporation respectively. An amendment to the application was filed on June 18, 1957. The application also seeks authorizations relating to special nuclear material, byproduct material and source material associated with the operation of the reactor.

The Atomic Energy Commission has found that:

A. The reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. There is reasonable assurance that the applicant will comply with the regulations in Chapter 1 of Title 10 of the Code of Federal Regulations, including the regulations in Part 20, and that the health and safety of the public will not be endangered by the operation of the facility as proposed in the application by Oklahoma A&M filed March 20, 1957, as amended.

C. The acquisition, possession, and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed by Oklahoma A&M in the application in Docket 50-58 will not be inimical to the common defense and security or to the health and safety of the public.

D. Oklahoma A&M proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

E. Oklahoma A&M is financially qualified to operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

F. Oklahoma A&M is technically qualified to operate the reactor.

Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses Oklahoma A&M as provided below:

A. Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to acquire, possess, and operate the reactor at the location in Stillwater, Oklahoma, described in the application in Docket 50-58.

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material Regulations," to receive, possess, and use up to 700 grams of contained uranium 235 as fuel for operation of the reactor.

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," Oklahoma A&M is licensed to possess but not to separate from the fuel or target material such byproduct material as may be produced from operation of the reactor.

This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, and is subject to any additional conditions specified or incorporated below:

A. The reactor can only be operated in accordance with instructions from the Chief Reactor Supervisor.

B. The reactor shall not be operated unless Oklahoma A&M has an individual as Chief Reactor Supervisor who has been approved by the Commission.

C. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

D. This license shall expire 20 years from the date of issuance hereof unless sooner terminated.

For The Atomic Energy Commission.

———— ————,
Director,
Division of Civilian Application.

Date of issuance:

APPENDIX "A"

I. *Operating restrictions.* a. Oklahoma A&M shall operate the reactor in accordance with the procedures described in its application filed March 20, 1957, as amended, as such procedures may be further amended by this license.

b. Oklahoma A&M shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.

II. *Records.* In addition to those otherwise required under this license and applicable regulations Oklahoma A&M shall keep the following records:

a. Reactor operating records, including power levels.

b. Records of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of Oklahoma A&M as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* Oklahoma A&M shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

ANNEX "B"

MEMORANDUM

The utilization facility proposed to be acquired and operated by the Oklahoma Agricultural and Mechanical College (Oklahoma A&M) is a small reactor of 100 milliwatt maximum power level constructed by Aerojet-General Nucleonics, San Ramon, California, (AGN) and designated by the company Model AGN-201, Serial No. 102. It is presently the subject of License R-9 and License R-12 issued to the manufacturer, Aerojet-General Nucleonics, and Aerojet-General Corporation respectively. The reactor to be acquired by Oklahoma A&M was authorized under License R-9 to be exhibited at the Oklahoma Semi-Centennial Exhibition and thereafter to be transferred without core to Oklahoma A&M for storage, pending action on this matter.

A complete description and hazards analysis of the reactor are contained in various license applications and amendments which have been submitted by AGN in Dockets F-15, F-32, F-44 and 50-53. A summary of the reactor description and detailed discussion of the hazards analysis by the Commission's staff have been incorporated in a memorandum accompanying the notice of proposed issuance of construction permit for this reactor published in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742.

Description of site. The reactor will be located on the campus of Oklahoma Agricultural and Mechanical College, located just outside the city limits of Stillwater, Oklahoma. The reactor is to be housed in the Chemical Engineering Building identified as Building Q-2. Building Q-2 is of quonset type construction on concrete slab floors. The steel framework is covered with sheet iron on the outside and insulation on the inside. The building is divided into offices and laboratories by wall board partitions. It is steam heated and ventilated by natural circulation of air. The reactor is to be located in Room 22. The ceiling of Room 22 will be raised to 15 feet and an adequate ventilating fan will be installed to provide forced circulation of fresh air. An open floor drain empties into a storm sewer which eventually empties into Stillwater Creek at the south edge of the city of Stillwater. Building Q-2 also is used for faculty offices, classrooms and laboratories.

Hazards analysis. The hazards and safety features associated with this reactor were discussed in the aforementioned memorandum published in the FEDERAL REGISTER.

It is concluded from an examination of the potential hazards and conceivable mishaps that (1) no significant amount of radiation or radioactive materials would be released and no hazard to the public would ensue from the proposed operation and (2) there are no characteristics of the site or proposed operations at the Oklahoma A&M campus which would detract from the safety of operation of the reactor.

Technical qualifications. The reactor is proposed to be utilized in conjunction with a curriculum now being developed by the Oklahoma Institute of Technology of Oklahoma A&M for a one-year graduate program leading to a Master of Science Degree in Nuclear Engineering Technology.

The organization devised for operation of the reactor by Oklahoma A&M should provide that the issuance of instructions with respect to operation of the reactor be given directly from the Chief Reactor Supervisor to the individuals operating the reactor. Accordingly, any determination of the technical qualifications of Oklahoma A&M to operate the reactor in a competent and safe manner rests largely upon a consideration of the background, the responsibilities, and the authority of the person who is designated Chief Reactor Supervisor. The person proposed by Oklahoma A&M to be the initial Chief Reactor Supervisor is Dr. John B. West. Dr. West obtained a PhD from Iowa State College and has completed courses in nuclear physics for engineers, nuclear engineering and radio-chemistry. His experience includes work at Knolls Atomic Power Laboratory, the Ames Laboratory of the Atomic Energy Commission and summer employment as a research participant at Argonne and Oak Ridge. In addition he has developed and taught courses in Nuclear Reactor Engineering and Nuclear Technology. While it has not been shown that Dr. West has been intimately associated with the operation of nuclear reactors, the background he has obtained from these activities plus his satisfactory completion of the one week course at the AGN plant in the operation of the reactor qualify him to be in charge of its operation. In addition, several members of the technical staff of Oklahoma A&M have participated in summer activities at Oak Ridge and Argonne National Laboratory. One staff member has had considerable experience in monitoring and surveying for radioactivity.

Since the University proposes that Dr. West be the initial Chief Reactor Supervisor and the Commission considers him to be qualified to occupy that position, and recognizing that the occupancy of the position of Chief Reactor Supervisor by any successor to Dr. West must be conditioned on the prior approval of the AEC, it is concluded that the Oklahoma A&M is technically qualified to operate the reactor.

Financial qualifications. Oklahoma A&M has received a grant from the AEC to cover the approximately $95,000 purchase price of the reactor. Annual operating expenses for the reactor are estimated to be $10,000. This amount has been budgeted for the 1958 fiscal year and is a minor portion of Oklahoma A&M's budget which reached almost $18,000,000 in the 1957 fiscal year.

Based on the above considerations it is concluded that:

a. There is reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor at the proposed site on the Oklahoma A&M campus.

b. Oklahoma A&M is technically and financially qualified to engage in the proposed activities.

Dated: August 6, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-6567; Filed, Aug. 8, 1957; 12:30 p. m.]

[Docket 50-59]

TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to Texas Agricultural and Mechanical College System, College Station, Texas, the license set forth in Annex "A" below unless on or before 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is set forth below Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Docu-

ment Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 6th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE AUTHORIZING ACQUISITION, POSSESSION AND OPERATION OF UTILIZATION FACILITY

On March 25, 1957, Texas Agricultural and Mechanical College System, College Station, Texas (hereinafter referred to as Texas A&M), filed an application to acquire, possess and operate the nuclear reactor which is the subject of License R–13 and License R–15 issued to Aerojet-General Nucleonics and Aerojet-General Corporation respectively. An amendment to the application was filed on June 17, 1957. The application also seeks authorizations relating to special nuclear material, by-product material and source material associated with the operation of the reactor.

The Atomic Energy Commission has found that:

A. The reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. There is reasonable assurance that the applicant will comply with the regulations in Chapter 1 of Title 10 of the Code of Federal Regulations, including the regulations in Part 20, and that the health and safety of the public will not be endangered by the operation of the facility as proposed in the application by Texas A&M filed March 25, 1957, as amended.

C. The acquisition, possession, and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed by the Texas A&M in the application in Docket 50–59 will not be inimical to the common defense and security or to the health and safety of the public.

D. Texas A&M proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

E. Texas A&M is financially qualified to operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR; to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

F. Texas A&M is technically qualified to operate the reactor.

Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses Texas A&M as provided below:

A. Pursuant to Section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to acquire, possess, and operate the reactor at the location in College Station, Texas, described in the application in Docket 50–59.

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material Regulations," to receive, possess, and use up to 700 grams of contained uranium 235 as fuel for operation of the reactor.

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," to possess but not to separate from the fuel or target material such byproduct material as may be produced from operation of the reactor.

This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

A. The reactor can only be operated in accordance with instructions from the Reactor Program Coordinator.

B. The reactor shall not be operated unless Texas A&M has an individual as Reactor Program Coordinator who has been approved by the Commission.

C. The reactor shall be located in an enclosure constructed in such fashion as to provide a solid separation from the remainder of the building and access to the reactor shall be limited to an entrance capable of being locked.

D. The conditions and requirements in Appendix "A" attached hereto are a part of this license.

E. This license shall expire 20 years from the date of issuance hereof unless sooner terminated.

For the Atomic Energy Commission.

———— ————,
Director,
Division of Civilian Application.

Date of issuance:

APPENDIX "A"

I. *Operating restrictions.* a. Texas A&M shall operate the reactor in accordance with the procedures described in its application filed March 25, 1957, as amended, as such procedures may be further amended by this license.

b. Texas A&M shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.

II. *Records.* In addition to those otherwise required under this license and applicable regulations, Texas A&M shall keep the following records:

a. Reactor operating records, including power levels.

b. Record of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of Texas A&M as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* Texas A&M shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

APPENDIX "B"

MEMORANDUM

The utilization facility proposed to be acquired and operated by the Texas Agricultural and Mechanical System, College Station, Texas (Texas A&M), is a small reactor of 100 milliwatt maximum power level constructed by Aerojet-General Nucleonics, San Ramon, California (AGN) and designated by the company as Model AGN–201, Serial No. 106. It is presently the subject of License R–13, issued to the manufacturer, Aerojet-General Nucleonics and License R–15 which authorizes acquisition and transfer of title to the reactor by AGN's parent, Aerojet-General Corporation.

A complete description and hazards analysis of the reactor are contained in license applications and amendments submitted by AGN in Dockets P–15, F–32, F–44, and 50–53. A summary of the reactor description and discussion of the hazards analysis by the Commission's staff are set forth in a memorandum accompanying the Notice of Proposed Issuance of Construction Permit for this reactor in Docket F–32 published in the FEDERAL REGISTER on February 6, 1957, 22 FR 742.

Description of site. The reactor is to be located in a corner of the mechanical laboratory in the mechanical engineering shop building on the Texas A&M campus, College Station, Texas.

The floor of the room is reinforced concrete. There is one sink drain which connects with the college sanitary sewer system. Texas A&M states that approximately 18 students will occupy the mechanical laboratory at any one time, and that classes of 16 students will be in the adjoining welding shop.

A diagram of the first floor plan of the mechanical engineering shop building indicates that the reactor will be located in a 20-foot by 18-foot enclosure but no mention of this room is included in the building description. It is further noted that a window connects the reactor room with the welding shop. In order to insure security of the reactor when it is unattended, and to provide some degree of isolation in the event radioactive material is released near the reactor, the enclosure should be constructed to provide a solid separation from the remainder of the building and access to the reactor should be limited to an entrance capable of being locked.

Hazards analysis. The hazards and safety features associated with this reactor were discussed in the aforementioned memorandum published in the FEDERAL REGISTER.

It is concluded from an examination of the potential hazards and conceivable mishaps that (1) no significant amount of radiation or radioactive materials would be released and no hazards to the public would ensue from the proposed operation and (2) there are no characteristics of the site or proposed operations at the Texas A&M campus which would detract from the safety of operation of the reactor.

Technical qualifications. The reactor is proposed to be utilized primarily for the training of students in various fields of nuclear technology.

The organization which has been devised for operation of the reactor by Texas A&M places responsibility for the promulgation and enforcement of administrative rules, regulations and operating procedures on the Reactor Program Coordinator. In view of these important functions assigned to the Reactor Program Coordinator, the evaluation of the technical qualifications of Texas A&M to operate the reactor in a safe and competent manner must to a large measure rely on the qualifications of the individual in this position.

Texas A&M has employed as Reactor Program Coordinator Mr. Richard E. Wainerdi whose background in nuclear matters include his work toward a Master's and Doctor's Degree at Pennsylvania State University, completion of the Radioisotopes Handling Course at the Oak Ridge Institute of Nuclear Studies and completion of the course at the Oak Ridge Institute of Reactor Technology. In addition Mr. Wainerdi was employed as Coordinator of Nuclear Activities by Dresser Industries, Inc., and upon delivery of the reactor to Texas A&M he will complete AGN's reactor operator course.

Recognizing the importance of the Reactor Coordinator's position, Texas A&M amended its original application to provide that the reactor will be operated only under the responsible supervision of Mr. Wainerdi or an individual determined by the AEC to be of adequate capability for such supervision.

In view of the qualifications and position of Mr. Wainerdi and considering the less extensive but varied backgrounds of various other members of the Texas A&M staff in nuclear matters, it is concluded that the College is technically qualified to operate the reactor.

Financial qualifications. Texas A&M has received a grant from the AEC to cover the approximately $95,000 purchase price of the reactor. Annual operating expenses for the reactor are estimated to be $10,000. This is a minor portion of the Texas A&M budget which amounted to $19,700,000 in the 1956 fiscal year.

Conclusions. Based on the above considerations it is concluded that:

a. There is reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor at the proposed site on the Texas A&M campus.

b. Texas A&M is technically and financially qualified to engage in the proposed activities.

Dated: August 6, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57–6568; Filed, Aug. 8, 1957; 12:30 p. m.]

[Docket 50–64]

UNIVERSITY OF AKRON

PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to the University of Akron, Akron, Ohio, the license set forth in Annex "A" below unless on or before 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is set forth below as Annex "B" a memorandum submitted by the Division of Civilian Application which sumarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C., this 6th day of August 1957.

For the Atomic Energy Commission,

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE AUTHORIZING ACQUISITION, POSSESSION AND OPERATION OF UTILIZATION FACILITY

On April 5, 1957, the University of Akron, Akron, Ohio, filed an application to acquire, possess and operate the nuclear reactor which is the subject of License R–14 and License R–16 issued to Aerojet-General Nucleonics and Aerojet-General Corporation, respectively. Amendments to the application were filed on June 10, 1957, and June 17, 1957. The application also seeks authorizations relating to special nuclear material, byproduct material and source material associated with the operation of the reactor.

The Atomic Energy Commission has found that:

A. The reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. There is reasonable assurance that the applicant will comply with the regulations in Chapter 1, of Title 10 of the Code of Federal Regulations, including the regulations in Part 20 and that the health and safety of the public will not be endangered by the operation of the facility as proposed in the application by the University of Akron filed April 5, 1957, as amended.

C. The acquisition, possession, and operation of the reactor and the receipt, possession and use of the special nuclear material in the application in Docket 50–64 will not be inimical to the common defense and security or to the health and safety of the public.

D. The University of Akron proposes to utilize the reactor in the conduct of research and development activities of the types specified in Section 31 of the Atomic Energy Act of 1954.

E. The University of Akron is financially qualified to operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

F. The University of Akron is technically qualified to operate the reactor.

Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses the University of Akron as provided below:

A. Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to acquire, possess, and operate the reactor at the location in Akron, Ohio, described in the application in Docket 50–64.

B. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material Regulations", to receive, possess, and use up to 700 grams of contained uranium 235 as fuel for the operation of the reactor.

C. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate from the fuel or target material, such byproduct material as may be produced from operation of the reactor.

This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, and is subject to any additional conditions specified or incorporated below:

A. The reactor will only be operated in accordance with instructions from the Chief Reactor Supervisor.

B. The reactor shall not be operated unless the University of Akron has a Chief Reactor Supervisor who has been approved by the Commission.

C. The reactor shall be located in an enclosure constructed in such fashion as to provide a solid separation from the remainder of the building and access to the reactor shall be limited to an entrance capable of being locked.

D. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

E. This license shall expire 20 years from the date of issuance hereof unless sooner terminated.

For the Atomic Energy Commission.

———— ————,
Director,
Division of Civilian Application.

Date of issuance:

APPENDIX "A"

I. *Operating restrictions.* a. The University of Akron shall operate the reactor in accordance with the procedures described in its application filed April 5, 1957, as amended, as such procedures may be further amended by this license.

b. The University of Akron shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.

II. *Records.* In addition to those otherwise required under this license and applicable regulations the University of Akron shall keep the following records:

a. Reactor operating records, including power levels.

b. Records of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of the University of Akron as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* The University of Akron shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

ANNEX "B"

MEMORANDUM

The utilization facility proposed to be acquired and operated by the University of Akron is a small reactor of 100 milliwatt maximum power level constructed by Aerojet-General Nucleonics, San Ramon, California (AGN), and designated by the company as Model AGN–201, Serial No. 108. It is presently the subject of License R–14, issued to the manufacturer, Aerojet-General Nucleonics, and License R–16 which authorizes acquisition and transfer of title to the reactor by AGN's parent, Aerojet-General Corporation.

A complete description and hazards analysis of the reactor are contained in various license applications and amendments which have been submitted by AGN in Dockets F–15, F–32, F–44 and 50–53. A summary of the reactor description and detailed discussion of the hazards analysis by the Commission's staff have been incorporated in a memorandum accompanying the notice of proposed issuance of construction permit for this reactor published in the FEDERAL REGISTER on February 6, 1957, 22 FR 742.

Description of site. The reactor will be housed in Simmons Hall, a building containing various laboratories, classrooms, and offices and lecture rooms, and located on the University of Akron campus in Akron, Ohio. The building is constructed of brick and reinforced concrete, and appropriate utilities are to be provided. Three alternative locations, all on the first floor of the building, were identified in plans submitted. No final determination has been made as to which location will be selected. Any of these locations would be acceptable provided the reactor is located in an enclosure set apart from the remainder of the building by a solid wall enclosure and access to the reactor is limited to an entrance capable of being locked.

Hazards analysis. The hazards and safety features associated with this reactor were discussed in the aforementioned memorandum published in the FEDERAL REGISTER.

It is concluded from an examination of the potential hazards and conceivable mishaps that (1) no significant amount of radiation or radioactive materials would be released, and no hazard to the public would enue from the proposed operation, and (2) there are no characteristics of the site or proposed operations at the University of Akron which would detract from the safety of operation of the reactor.

Technical qualifications. The reactor is proposed to be utilized primarily for the training of students in various fields of nuclear technology. The organization devised for operation of the reactor by the University of Akron should provide that the issuance of instructions with respect to operation of the reactor be given directly from the Chief Reactor Supervisor to the individuals operating the reactor.

Accordingly, any determination of the technical qualifications of the University of Akron to operate the reactor in a competent and safe manner rests largely upon a consideration of the background, the responsibilities, and the authority of the person who

is designated Chief Reactor Supervisor. The person proposed by the University of Akron to be the initial Chief Reactor Supervisor is Mr. John D. Randall who will be on loan from AGN until such time as a successor may be trained or otherwise obtained by the University of Akron and approved for the position as Chief Reactor Supervisor by the AEC.

After majoring in engineering physics Mr. Randall obtained a Bachelor of Science Degree from the University of California in 1955. He was awarded a master of science degree in 1956, after completion of the University's graduate course in Nuclear Engineering.

He obtained background in practical reactor technology and operation in a one year course involving the use of the Livermore Water Boiler Reactor and has been employed by the University of California Radiation Laboratories as a member of an experimental group engaged in Bevatron experimentation. Since June 1956, he has been employed by AGN and assisted in the design and experimental work leading to the manufacture of the type of reactor which is to be acquired by the University of Akron. Mr. Randall has conducted a two months' nuclear engineering course for AGN staff members, is on the staff of the Engineering Extension Division of the University of California, and has recently been acting as alternate supervisor of AGN's reactor facilities.

Since the University proposes that Mr. Randall be the initial Chief Reactor Supervisor and the Commission considers him to be qualified to occupy that position and recognizing that the occupancy of the position of Chief Reactor Supervisor by any successor to Mr. Randall is conditioned on the prior approval of the Commission, it is concluded that the University of Akron is technically qualified to operate the reactor.

Financial qualifications. The General Tire and Rubber Company of Akron, Ohio, is donating the reactor to the University of Akron. The annual operating expenses are estimated at $10,000 which the University of Akron has budgeted for the coming fiscal year and which it states it will continue to do in the future. Consolidated expenditures of the University in 1955 were over $3,000,000.

Conclusions. Based on the above considerations it is concluded that:

a. There is reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor at the proposed site on the University of Akron campus.

b. The University of Akron is technically and financially qualified to engage in the proposed activities.

Dated: August 6, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-6569; Filed, Aug. 8, 1957; 12:30 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Announcement 3]

WELLTON-MOHAWK DIVISION, GILA PROJECT, ARIZONA

PUBLIC ANNOUNCEMENT OF THE SALE OF FARM UNITS

LANDS COVERED

JULY 25, 1957.

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units on the Wellton-Mohawk Division of the Gila Project, as shown on approved farm unit plats on file in the office of the Project Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, and in the Land and Survey Office of the Bureau of Land Management at Phoenix, Arizona, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for purchase of farm units may be submitted beginning at 2:00 p. m., August 27, 1957.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566). Approval of such applications may make some of the farm units unavailable to applicants under this announcement.

The farm units hereby offered for sale by the United States are all in Yuma County, Arizona, and are described as follows:

Gila and Salt River Meridian, Arizona

Group A—Farm units in the Gila Valley on alluvial lands that are generally well adapted to all crops grown in the area.

	Farm unit No.	Section	Farm unit	Irrigation block	Total acres	Irrigable acres	Total price
Township 7 south, range 14 west	1	31	A	4	184.8	130.5	$356.65
Township 7 south, range 15 west	2	27	A	4	175.4	148.4	578.99
	3	35	A	4	198.0	162.7	650.23
Township 8 south, range 16 west	4	16	A	4	211.4	149.1	572.13
Township 8 south, range 18 west	5	14	E	1	160.9	143.4	496.10
Township 8 south, range 19 west	6	30	A	3	180.6	114.6	577.20
Township 8 south, range 20 west	7	25	H	3	200.3	155.1	787.09
Township 9 south, range 19 west	8	1	A	3	160.3	141.9	572.88
	9	10	B	3	201.0	132.7	730.05

Group B—Farm units on the Wellton and Mohawk mesas. These lands are sandier than the lands in Group A and generally must be stabilized and farmed with a legume crop such as alfalfa before nonlegumes will produce maximum yields.

	Farm unit No.	Section	Farm unit	Irrigation block	Total acres	Irrigable acres	Total price
Township 8 south, range 15 west	10	18	A	4	152.5	147.0	$551.73
Township 8 south, range 16 west	11	13	A	4	160.9	154.8	543.38
Township 8 south, range 17 west	12	25	A	4	165.8	143.2	546.66
	13	31	A	4	197.5	158.6	496.89
Township 9 south, range 18 west	14	7	A	4	200.5	161.1	500.63
Township 9 south, range 19 west	15	13	A	4	191.9	159.5	523.70
	16	13	B	4	160.7	148.5	566.45

Irrigation block (1) designates farm units located in Blk. 1, established Oct. 28, 1953.
Irrigation block (3) designates farm units located in Blk. 3, established Oct. 28, 1955.
Irrigation block (4) designates farm units located in Blk. 4, yet to be established.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such lands. The areas in the different units are fixed at the amounts shown upon the farm unit plats referred to in section 1 of this announcement.

PREFERENCE RIGHTS OF VETERANS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange of farm units under the provisions of the act of August 13, 1953 (67 Stat. 566) preference right to purchase the farm units described above will be given to certain veterans (and in some cases to their wives, husbands, or guardians of minor children) whose applications are received in the Office of the Project Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, before 2:00 p. m., November 27, 1957. The six classes of persons who will be eligible for this veterans preference are as follows:

(a) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940, and the official termination of the Korean conflict and who have been honorably discharged.

(b) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

(c) The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7 (d) of this announcement regarding provision that a married woman must be head of a family.)

(d) The surviving spouse of any person in either of the first two classes listed in this section, or, in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(e) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(f) Persons who have served in the United States Army, Navy, Marine Corps, or Coast Guard during the War with Germany which commenced April 6, 1917, and terminated March 3, 1921, or during the War with Spain or the Suppression of the Insurrection in the Philippines, which war and insurrection commenced April 21, 1898, and terminated July 15, 1903, and were honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve.

In order to be eligible to purchase farm units, all applicants, except qualified exchange applicants, whether or not entitled to veterans preference, must possess the necessary qualifications as to character and industry, farm experience, health and capital (see section 6 of this announcement).

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

(b) Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining Board.* An Examining Board of four members, including the Chief, Operations Division, of the Yuma Projects Office, Bureau of Reclamation, who will act as secretary of the Board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the purchase, development and operation of a farm on the Wellton-Mohawk Division, Gila Project. The Board will make careful investigations to verify the statements made by applicants. Any false statement may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* This section sets forth the minimum qualifications which are necessary to give reasonable assurance of success of a contract purchaser of a farm unit. Applicants must be qualified to purchase a farm unit under the act of July 30, 1947 (61 Stat. 628), which prohibits the sale by the United States to an individual of more than one farm unit. Applicants, unless qualified exchange applicants, must, in the judgment of the Examining Board, meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

(a) *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years' (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the Board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the Examining Board, will qualify the applicants to undertake the development and operation of an irrigated farm by modern methods.

(c) *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

(d) *Capital.* An applicant must possess assets worth at least $5,000 in excess of liabilities. Assets must consist of cash, property or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the Board, will be useful in the development and operation of a new, irrigated farm. Property not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form. This conversion must be made before execution of the earnest money agreement or the land sale contract, whichever the Board believes appropriate. No value will be allowed for a passenger car or household goods. An applicant will be required to furnish a certified financial statement showing all of his assets and all of his liabilities. (See section 11 of this announcement.)

Before executing a land sale contract and acquiring the right of possession of the farm unit, the purchaser must establish, to the satisfaction of the Project Manager, that he has moved to the Wellton-Mohawk Division to take possession of the farm unit selected and reestablish his net worth as required above, except that the amount paid as an earnest money deposit can be credited as part of the assets making up the applicant's total net worth.

SEC. 7. *Other qualifications required.* All applicants (except guardians) must meet the following requirements:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Must not own more than 160 acres of land in the United States at the time of his execution of a land sale contract.

(c) Must not previously have purchased a full-time farm from the United States under provisions of Reclamation Law, excepting therefrom actions under the above-mentioned Exchange Act of August 13, 1953.

(d) Must, if a married woman, or a person under 21 years of age, who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

(e) Except in the case of qualified exchange applicants, must not hold or own, within any Federal Reclamation Project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

An applicant who owns lands in a Federal Reclamation Project must furnish satisfactory evidence prior to execution of the land sale contract that the total construction charges allocated against the land owned by the applicant have been paid in full.

WHERE AND HOW TO SUBMIT AN APPLICATION FOR A FARM UNIT

SEC. 8. *Application blanks.* Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached application blank (Form 7-511a), and file it with the Project Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, in person or by mail. Additional application blanks may be obtained from the Bureau of Reclamation, Yuma, Arizona; the Regional Director, Bureau of Reclamation, Boulder City, Nevada; or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including evidence of qualification to be submitted following the public drawing, will become a part of the records of the Department of the Interior and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications, including those filed by qualified exchange applicants must be received prior to 2:00 p. m., November 27, 1957. All applications, except those received from exchange applicants, which shall be given a prior preference, will be classified for priority purposes and considered in the following order:

(a) *First Priority Group.* All complete applications filed prior to 2:00 p. m., November 27, 1957, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

(b) *Second Priority Group.* All complete applications filed prior to 2:00 p. m., November 27, 1957, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

(c) *Third Group.* All complete applications filed after 2:00 p. m., November 27, 1957. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority classification, the Board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9 (a) of this announcement. Applicants need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units offered for sale) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board shall notify only those applicants whose names are drawn of their respective standings.

SEC. 11. *Submission of evidence of qualification.* After the drawing a sufficient number of applicants, in the order of their priority as established in the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be received in the office of the Project Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, within 20 days of the date the form is mailed to the last known address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information requested as outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the informtion and evidence submitted by the applicants. If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) Affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units. If the applicant fails to appear before the Board for a personal interview when requested he shall thereby forfeit his priority as established by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units then available for purchase. An applicant will be required prior to the execution of a land sale contract to submit evidence satisfactory to the Board that he does not own more than 160 acres of land in the United States.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 3, Bureau of Reclamation. All appeals must be received in the office of the Project Manager, Yuma Projects Office, within 15 days of the applicant's receipt of such notice, or in any event, within 30 days from the date the notice is mailed to the last address furnished by the applicant. The Project Manager will forward the appeals promptly to the Regional Director. The Regional Director's decision on all appeals shall be final.

SELECTION OF FARM UNITS

SEC. 13. *Order of selection.* The applicants who have been notified of their qualification to purchase a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawings have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm unit offered by this announcement remains unsold for a period of 2 years following the date of this announcement, the unit, unless withdrawn from the announcement, will be offered to the first applicant who files an application after the expiration of the two-year period and who meets the qualifications prescribed by this announcement, without regard to veterans preference.

SEC. 14. *Failure to select.* If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

SEC. 15. *Execution of earnest money agreement and land sale contract.* When a farm unit is selected by an applicant as provided in section 13 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish an earnest money agreement together with instructions concerning its execution and return. In that notice, the Project Manager will inform the applicant (1) of the amount of his downpayment, and (2) any further action required in connection with the conversion of assets pursuant to subsection 6 (d), the payment pursuant to subsection 7 (e) of construction

charges on lands owned on any Reclamation Project, and the submission pursuant to section 12 of evidence that he does not own more than 160 acres of land in the United States.

The earnest money agreement will require the applicant to deposit $1.00 per acre or 10 percent of the purchase price of the farm, whichever amount is greater, with the Project Manager. The amount deposited with the earnest money agreement will be applied to the downpayment required in the land sale contract if the applicant (1) submits proof that he has moved to the Wellton-Mohawk Division, Gila Project, within six months of the date of the earnest money agreement and possesses the minimum capital assets required under subsection 6 (d), and (2) executes a land sale contract in accordance with the Project Manager's instructions. If, in the opinion of the Project Manager, the applicant fails to comply with any of the requirements described in this paragraph, his right to purchase the farm unit will be subject to cancellation and the amount he has deposited as earnest money will be subject to forfeiture as liquidated damages.

When the applicant submits proof to the Project Manager or his representative that he has moved to the Wellton-Mohawk Division to take possession of the farm unit and that he possesses the minimum capital assets required under subsection 6 (d), the Project Manager will promptly furnish the applicant the necessary land sale contract, together with instructions concerning its execution and return. Such proof shall be in the form of an affidavit that he has actually moved to the Division, and shall include a current financial statement. A personal inspection of farm equipment may be made by a representative of the Project Manager.

SEC. 16. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain among other things, the following principal provisions:

(a) *Downpayment.* An initial or downpayment of $1.00 per acre or 10 percent of the purchase price, whichever is greater, will be required upon execution of the earnest money agreement for application against the purchase price specified in the land sale contract. Larger proportions, or the entire amount of the purchase price, may be paid initially at the purchaser's option.

(b) *Schedule for payment of balance and interest rate.* If only a portion of the purchase price is paid initially, the balance will be payable within a period of 8 years following the date of the land sale contract. No payments on the balance of the principal will be required during the first three years. The balance of the principal will be payable in five equal installments, which shall be payable at yearly intervals on the anniversary date of the land sale contract beginning three (3) years after the date thereof. Payment of any or all installments or any portion thereof may be made before the due date at the purchaser's option. No interest shall be charged on any charges due from the purchaser except that on all such charges or any part thereof which remain unpaid by the purchaser to the United States after the same become due, an interest charge of ½ of 1 percent of the amount unpaid shall be added thereto and thereafter an additional interest charge of ½ of 1 percent of the principal sum unpaid shall be added on the first day of each succeeding calendar month until the amount due, including such interest, is paid in full.

(c) *Cultivation requirements.* In order that the irrigable area of the farm unit shall be developed with reasonable dispatch each purchaser will be required, as a minimum, to clear, level, irrigate and grow remunerative crops on at least ½ of the irrigable area of the farm unit for at least two years (24 consecutive months) prior to eight years from the date of execution of the contract or before receiving title to the unit, whichever is earlier. The crop production requirements of this section must be performed by the purchaser personally, by members of his immediate family residing with him, or by persons employed under his direction, supervision and management.

(d) *Residence and improvement requirements.* A major objective of the settlement program of the Gila Project is to assist and encourage permanent settlement of farm families. In keeping with this objective each purchaser will be required to reside on the land for a period of at least seven months during each of the three 12-month periods immediately following the establishment of residence, except that military and naval service of honorably discharged veterans with at least 90 days' service may be substituted month for month for the seven months of residence required during the third 12-month period and such service in excess of twelve months may be substituted month for month for the seven months of residence required during the second 12-month period. Such residence must be established by the purchaser by personally moving onto the farm unit within six months from the date of the earnest money agreement or within six months from the date that water is first made available to the irrigation block in which the farm unit is located, whichever is later. The time for compliance with the establishment of residence may be extended by the Project Manager for a period as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block, but the initial date for establishment of residence shall not in any event be extended for more than one year beyond the initial period first above provided. The purchaser shall erect a habitable dwelling upon the farm unit before receiving title to the unit. No assignment by a purchaser of any interest acquired under this announcement shall be valid unless approved in writing by the Regional Director. Such approval will not be given until all the requirements set out in this subsection have been fulfilled unless waived pursuant to the following subsection.

(e) *Waiver clause.* In extraordinary situations, any or all of the requirements set out in (c) and (d) above may be waived by the Regional Director on his determination, after recommendation by the Project Manager, that such waiver would be in the interest of the orderly development of the irrigation block.

(f) *Land holding limitations.* The farm units are sold pursuant to the provisions of this announcement and the provisions of the Act of Congress approved June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, particularly the act of December 21, 1928 (45 Stat. 1057), as amended, and the act of July 30, 1947 (61 Stat. 628), and of the contract dated March 4, 1952, between the United States and Wellton-Mohawk Irrigation and Drainage District entitled: "Contract with Wellton-Mohawk Irrigation and Drainage District for Construction of Works and for Delivery of Water," as supplemented and amended June 19, 1954, October 13, 1954, December 16, 1954, April 25, 1955 and December 9, 1955, and the purchaser must agree to comply with all the terms, conditions and limitations thereof and of Articles 24, 25, and 26 of said contract, which provide, among other things, for the execution of recordable "excess-land" contracts.

(g) *Copies of the contract form.* The terms listed above and other contract provisions are contained in the "Land Sale Contract" form, copies of which may be examined in the offices of the Project Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, or the offices of the Regional Director, Bureau of Reclamation, Boulder City, Nevada.

IRRIGATION, GENERAL REPAYMENT OBLIGATION AND OTHER CHARGES

SEC. 17. *Temporary water rental charges.* While some construction activity is continuing and the irrigation system is being tested it is expected that water will be furnished on a temporary rental basis to those desiring it on terms which will be announced by the Regional Director.

SEC. 18. *Charges for water delivery during development period.* Pursuant to the provisions of the repayment contract of March 4, 1952, as supplemented and amended June 19, 1954, October 13, 1954, December 16, 1954, April 25, 1955 and December 9, 1955, hereinafter referred to as the contract of March 4, 1952, between the United States and the Wellton-Mohawk Irrigation and Drainage District, the Secretary of the Interior has announced development periods of 10 years starting October 28, 1953, for lands in Irrigation Block No. 1, and November 3, 1954, for lands in Irrigation Block No. 2, and October 28, 1955, for lands in Irrigation Block No. 3, and will announce a similar 10-year development period for lands in each irrigation block or blocks yet to be announced in the Wellton-Mohawk Division, during which time payment of general repayment obligation charges will not be required. Charges for delivery of water during the development period for each irrigation block will

be established in accordance with the aforementioned contract of March 4, 1952.

In addition to temporary water rental charges and charges for delivery of water during development period, the farm unit will be subject to District taxes and assessments as provided in Section 20. From time to time following the beginning of the development period for each irrigation block, the District upon making appropriate arrangements with the Secretary may undertake the care, operation and maintenance of the distribution system and other works except those specified as reserved works by the contract of March 4, 1952. After assumption of responsibility for operation and maintenance of works by the District, the District will make such charges as may be required to meet costs of the care, operation and maintenance of works transferred to it. These charges will be payable in addition to charges which will be made for the care, operation and maintenance of works retained by the United States and utilized in delivery of water to works under the care of the District.

SEC. 19. *Payments after development period.* The District shall, when necessary, levy and collect appropriate taxes, assessments and/or other charges sufficient to enable it to pay to the United States operation and maintenance charges and general repayment obligation charges as provided in the contract of March 4, 1952.

The general repayment obligation of the District subject to certain qualifications will not exceed $42,000,000. Said obligation will be allocated among several irrigation blocks aggregating approximateiy 75,000 irrigable acres. Each irrigation block will be required to pay its allocated share during the 60-year period immediately following the end of its development period. District levies covering these charges will be graduated according to the productivity group, in which the land is situated in accordance with the mechanics therefor provided in the repayment contract. At the option of the Board of Directors of the District, payment of these charges will be computed in accordance with a variable formula providing for payment of lesser amounts during periods of low agricultural prices and greater payments during periods of high agricultural prices.

SEC. 20. *Taxes and assessments.* On the first Monday of the January next succeeding the date of each land sale contract the lands covered by such contract shall, within the limitations set out in Article 22 of the above-mentioned District contract dated March 4, 1952, become subject to the provisions of the laws of the State of Arizona relating to the organization, government and regulation of irrigation, electrical power and other similar districts and subject to legal assessment or taxation by any such district and by said State or political subdivisions thereof, and to liens for such assessments and taxes and to all proceedings for the enforcement thereof, in the same manner and to the same extent as privately owned lands, and shall remain subject thereto during the time such land sale contract shall remain in effect. After title to said lands has passed to the purchaser, he will be subject to the same obligations as the owner of private lands situate within the District.

GENERAL PROVISIONS

SEC. 21. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the lands covered by this announcement, except under the terms and conditions prescribed herein.

SEC. 22. *Reservation of rights-of-way for public roads.* Rights-of-way along section lines and other lines shown in red on the farm unit plats described in section 1 of this announcement are reserved for county, state and Federal highways and access roads to the farm units shown on said farm unit plats.

SEC. 23. *Reservations and exceptions.* The sales of the farm units will be subject to existing rights-of-way in favor of the public or third parties and to any existing oil and gas leases. In each such sale, there will be reserved to the United States and its successors and assigns in the operation and maintenance of the Wellton-Mohawk Division rights-of-way for canals, laterals, ditches, levees, dikes, roadways, pipelines, electric transmission lines, and telephone and telegraph lines. There may also be reserved to the United States any mineral, oil, and gas rights if required.

SEC. 24. *Flood hazard.* The lands to be sold in the Gila Valley lie in the flood plain of the Gila River and may be subject to flooding from runoff after heavy rains. A flood control dam has been authorized for construction by the Corps of Engineers, U. S. Army, above the project area but money has been appropriated only for advance planning. Purchasers are warned that in case of runoff resulting in the flooding of any of the lands the Government assumes no responsibility for damage to persons or property caused by such flooding.

NOTE: The reporting requirement of this announcement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 57-6547; Filed, Aug. 9, 1957; 8:46 a. m.]

Office of the Secretary

SAN CARLOS RESERVATION

APPLICATION OF FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Public Law 277—83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the San Carlos Reservation was duly adopted by the San Carlos Council which has jurisdiction over the area of Indian country included in the resolution:

Be it enacted by the San Carlos Council, in council assembled, as follows:

SECTION 1. Pursuant to the provisions of Public Law 277, 83d Congress, approved August 15, 1953 (67 Stat. 586), and the provisions of the third paragraph of Article 20, as amended, election November 2, 1954, effective November 23, 1954, Constitution of the State of Arizona, the introduction, sale or possession of intoxicating beverages shall be lawful on and after July 1, 1957, within the Indian country under the jurisdiction of the San Carlos Apache Tribe, Arizona, Provided, that such introduction, sale or possession shall be in conformity with the laws of the State of Arizona.

SEC. 2. The laws of the State of Arizona and the rules and regulations of the Department of Liquor Licenses and Control of the State of Arizona governing the retail sale of spirituous liquors are hereby adopted and made applicable within the Indian country under the jurisdiction of the San Carlos Apache Tribe, Arizona.

SEC. 3. Any tribal laws, ordinances and resolutions heretofore enacted which prohibit the introduction, sale or possession of intoxicating beverages are hereby repealed.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 6, 1957.

[F. R. Doc. 57-6548; Filed, Aug. 9, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11735; FCC 57-935]

NEVADA TELECASTING CORP. (KAKJ)

REVOCATION OF TELEVISION CONSTRUCTION PERMIT

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada; Docket No. 11735.

1. The Commission has under consideration (1) a petition to enlarge the scope of the Order to Show Cause in the above-entitled matter, filed on June 27, 1957, by the Commission's Broadcast Bureau, (2) an opposition thereto filed on July 1, 1957, by Nevada Telecasting Corporation, and (3) a reply to an opposition filed on July 8, 1957, by the Commission's Broadcast Bureau.

2. The above-entitled Order to Show Cause was issued on June 13, 1956 as the result of information received by the Commission as to misrepresentation of the ownership of Nevada Telecasting Corporation. The said information came to the Commission's attention subsequent to grant of Nevada Telecasting Corporation's application for a permit to construct a new television broadcast station to operate on Channel 4 at Reno, Nevada.

3. On September 25, 1956, an ownership report on FCC Form 323 was filed by one Irvin V. Willat, which report indicated that on April 27, 1956, Willat had purchased the 100 percent stock interest of Robert C. Fish in Nevada Telecasting Corporation and that on September 15, 1956, the stock thus purchased was further distributed as follows:

Irvin V. Willat, 6,700 shares (26.8 percent);
Eldon E. Cory, 6,700 shares (26.8 percent);
Raymond B. Vargas, 6,600 shares (26.4 percent);
Gordon E. Morris, 3,500 shares (14 percent; and
Evan Lougheed, 1,500 shares (6 percent).

4. In addition to the above-described ownership report filed by Willat, Nevada Telecasting Corporation filed a pleading on November 25, 1956, which requested waiver of the requirements for filing a formal application for transfer of control, reconsideration of the Order to Show Cause, and grant without hearing of its application filed on May 14, 1956 (BAPCT-185) for assignment of Nevada Telecasting Corporation's construction permit to Tower Telecasting Company. By Commission action of February 20, 1957, this pleading was denied in its entirety. A prehearing conference was held by the hearing examiner on June 26, 1957, at which time it was ruled that the unauthorized transfers of control reported by the above-referenced Form 323 (paragraph 3, supra), and the resulting violations of section 310 (b) of the Communications Act of 1934, as amended, were not encompassed within the Order to Show Cause as presently framed. As a result of the hearing examiner's ruling, the Broadcast Bureau thereafter filed the instant petition requesting that the scope of the Order to Show Cause be enlarged to include these matters.

5. In support of its request, the Broadcast Bureau asserts that the unauthorized transfers of control reported on September 25, 1956, standing alone, would warrant revocation of Nevada Telecasting Corporation's construction permit.

6. Nevada Telecasting Corporation opposes the petition to enlarge on the grounds that:

a. The Commission was advised by Nevada Telecasting Corporation's petition of September 25, 1956 (paragraph 4, supra) of the facts relating to the unauthorized transfers of control.

b. Since the Commission, in denying the September 25, 1956, petition, supra, took no action to enlarge the show cause proceeding, it apparently did not consider that the unauthorized transfers merited a revocation proceeding.

c. Such consideration by the Commission is understood as being well taken when it is realized that the ownership change described in paragraphs 4 and 5, supra, came about in an attempt to comply with the Commission's requirements.

d. The Broadcast Bureau is, in effect, requesting that the Commission use Nevada Telecasting Corporation's efforts at compliance as a vehicle for revocation.

7. The petition is also opposed on procedural grounds, it being asserted that section 9 (b) of the Administrative Procedure Act which is incorporated by reference in section 312 of the Communications Act provides that before a revocation proceeding is instituted, the licensee (or permittee) shall be advised of the facts which may warrant the revocation action and shall be accorded an opportunity to achieve compliance with all lawful requirements. It is therefore stated that the statute requires that before the Order to Show Cause be enlarged, the respondent must be first advised of the violation in writing and be given an opportunity to comply with the lawful requirements of the Commission. Nevada further states, however, as follows: "While such a notice to respondent can now be deemed unnecessary because of respondent's efforts to meet 'all requirements', there can be no gainsaying the fact that the Broadcast Bureau cannot now use respondent's effort at compliance as a basis for revocation."

8. Relative to respondent's contentions as to section 9 (b) of the Administrative Procedure Act, in our view adequate notice and full opportunity to reply to the matters here under consideration has been afforded. Respondent has availed itself of this opportunity in its opposition herein. Thus, its procedural rights have been fully protected. Additionally, this contention must fail in view of respondent's statement (paragraph 7, supra) that such notice "* * * can now be deemed unnecessary * * *."

9. Other arguments advanced by Nevada Broadcast Corporation are in the nature of pleas in mitigation, it being undisputed that control of the respondent corporation was transferred without the Commission's authority. Whether the transfers constituted such a willful violation as to warrant revocation of the said permit under the provisions of section 312 of the Communications Act is a matter which the Commission cannot determine upon the sole basis of the pleadings before it. It is also to be noted that the matters here involved arose out of the matters leading to original issuance of the Order to Show Cause herein and accordingly constitute a part thereof. In view of the foregoing, the Commission believes that the scope of the Order to Show Cause should be enlarged as requested by Broadcast Bureau's petition.

Accordingly, *It is ordered*, This 5th day of August 1957, that the petition of the Commission's Broadcast Bureau to enlarge the scope of the Order to Show Cause is granted and that the said Order to Show Cause is enlarged to include the following as paragraphs immediately preceding the first ordering clause therein:

"It further appearing that on April 27, 1956, a meeting of the corporate officers of Nevada Telecasting Corporation was held; that at this meeting Mr. Fish, the sole stockholder, resigned as President of the corporation and Irvin V. Willat was elected President in his place and was instructed to negotiate the sale of the corporation assets and construction permit to Tower Telecasting Company; that simultaneous with his resignation as President of the corporation Fish sold and transferred all of his rights in the corporation to Willat for $500; that Fish is presently residing in Canada and has no interest, corporate or otherwise, in Nevada Telecasting Corporation.

"It further appearing that on September 25, 1956, Irvin V. Willat filed an ownership report (FCC Form 323) reporting that on April 27, 1956, Willat had purchased Fish's interest in the corporation and that on September 25, 1956, stock of the corporation was issued as follows: Irvin V. Willat, 6700 shares (26.8 percent); Eldon E. Cory, 6700 shares (26.8 percent); Raymond D. Vargas, 6600 shares (26.4 percent); Gordon E. Morris, 3500 shares (14 percent); and Evan Lougheed, 1500 shares (6 percent). This stock represents the ownership of the stockholders in the assets of the corporation prorated to the amounts of their respective investments in the corporation. This transfer of control of the corporate permittee was effectuated without requesting or receiving the prior consent of the Commission, as required by section 310 (b) of the Communications Act of 1934, as amended. This willful violation of the act has resulted in the complete abandonment of the construction permit by Robert C. Fish, the sole stockholder of Nevada, and the individual whose qualifications were passed upon by the Commission."

Released: August 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6583; Filed, Aug. 9, 1957; 8:52 a. m.]

[Docket Nos. 12069, 12070; FCC 57M-758]

KIRKWOOD BROADCASTING CO. AND ST. CHARLES COUNTY BROADCASTING CO.

ORDER FOLLOWING HEARING CONFERENCE

In re applications of James R. Roberts, Robert D. Rapp and Martha M. Rapp d/b as Kirkwood Broadcasting Company, Kirkwood, Missouri; Docket No. 12069, File No. BP-10863; St. Charles County Broadcasting Company, St. Charles, Missouri; Docket No. 12070, File No. BP-11066; for construction permits.

Based on discussions had and agreements and rulings made at a pre-hearing conference held in the above-entitled matter on July 26, 1957, *It is ordered*, This 5th day of August 1957 that the following procedures shall, unless later modified by ruling of the Examiner, be effectuated at further proceedings:

(1) Assuming that DeSoto Broadcasting Company, BP-11401, and Chester Broadcasting Company, BP-11417 (both of whom, it is understood, are eligible to be consolidated into this proceeding) can accommodate themselves to it, the following procedures will be effectuated during the course of further proceedings:

SCHEDULE OF DATES

Date for exchange of exhibits—September 13, 1957.
Date for further conference—September 18, 1957.
Date of hearing—September 23, 1957.

(2) All parties will make direct presentations in writing.

(3) Should the radio interests of Cecil W. and June A. Roberts become relevant in this proceeding, those interests, including the location of any pertinent service contour, will be offered in evidence by Kirkwood Broadcasting Company.

(4) Kirkwood Broadcasting Company's showing on possible overlap of the 25 mv/m contour of its proposed operation with the 25 mv/m contour of Station WIL, St. Louis, will be based on field strength measurements.

(5) All parties will make direct presentation in a factual manner unembellished with laudatory comment or legal conclusions.

Released: August 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6584; Filed, Aug. 9, 1957; 8:52 a.m.]

[Docket Nos. 12104, 12105; FCC 57M-756]

RALPH D. EPPERSON AND WILLIAMSBURG BROADCASTING CO.

In re applications of Ralph D. Epperson, Williamsburg, Virginia; Docket No. 12104, File No. BP-10958; Mary Cobb and Richard S. Cobb, d/b as Williamsburg Broadcasting Co., Williamsburg, Virginia; Docket No. 12105, File No. BP-11119; for construction permits.

Notice is hereby given that a prehearing conference, in accordance with § 1.813 of the rules, will be held in the above-entitled matter at 10:00 a.m., September 6, 1957, in the Commission's offices at Washington, D. C.

Dated: August 5, 1957.

Released: August 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6585; Filed, Aug. 9, 1957; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-102]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

NOTICE OF AND ORDER FOR HEARING

AUGUST 5, 1957.

In the matter of New England Electric System and its Subsidiary Companies, respondents, File No. 59-102.

The Commission having been advised by its Division of Corporate Regulation ("Division") that the Division, pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company act of 1935 ("act"), has examined the corporate structure of New England Electric System, the corporate structure of its subsidiary companies, the relationships among the companies in the holding company system, the character of the interests thereof and the properties owned or controlled thereby; and it appearing to the Division from such examination that:

I. 1. New England Electric System ("NEES"), a voluntary association created in 1926 in Massachusetts by Agreement and Declaration of Trust, is solely a holding company and is registered as such under section 5 of the act. It maintains its principal offices in the city of Boston, Massachusetts.

2. As of December 31, 1956, NEES had 32 subsidiaries, of which 16 were engaged exclusively in the electric business, one was engaged in the electric and gas business, one was in the process of constructing a nuclear power plant, eight were engaged exclusively in the gas business, one owns land, four were inactive and one was engaged in the business of rendering services for system companies. Taken together these subsidiaries conduct their businesses in the States of Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont, comprising an area of about 4,500 square miles and having a total population in excess of 2,200,000 persons.

3. (a) The names of the subsidiary companies embraced in the holding company system of NEES as of December 31, 1956, their relationships being indicated by indentation, the states of organization and operation, the nature of their business and the percentage of voting securities owned by system companies are shown in the following table:

	Percent of voting control	State of organization	State of operations	Nature of business
New England Electric System		Massachusetts		Holding company.
Amesbury Electric Light Co.[1]	99.71	do	Massachusetts	Electric.
Attleboro Electric Co	100.00	do	do	Do.
Bellows Falls Hydro-Electric Corp	100.00	New Hampshire, Vermont.		Inactive.
Central Massachusetts Gas Co	100.00	Massachusetts	Massachusetts	Gas.
Connecticut River Development Co	100.00	do	do	Owning Properties.
Essex County Electric Co	97.49	do	do	Electric.
Granite State Electric Co	100.00	New Hampshire	New Hampshire	Do.
Haverhill Electric Co.[1]	69.30	Massachusetts	Massachusetts	Do.
Lawrence Electric Co.[1]	90.70	do	do	Do.
Lawrence Gas Co	90.42	do	do	Gas.
The Lowell Electric Light Corp.[1]	61.18	do	do	Electric.
The Mystic Power Co	100.00	Connecticut	Connecticut	Do.
Mystic Valley Gas Co	99.41	Massachusetts	Massachusetts	Gas.
The Narragansett Co	100.00	Rhode Island		Inactive.
The Narragansett Electric Lighting Co.	99.98	do		Do.
The Narragansett Electric Co	100.00	do	Rhode Island	Electric, gas.
New England Power Co	96.86	Massachusetts	Massachusetts, New Hampshire, Vermont.	Electric, holding company.
Yankee Atomic Electric Co	30.00	do	Massachusetts	Electric.
New England Power Service Co	100.00	do		Service company.
Northampton Electric Lighting Co	100.00	do	Massachusetts	Electric.
Northampton Gas Light Co	100.00	do	do	Gas.
Northern Berkshire Electric Co	100.00	do	do	Electric.
North Shore Gas Co	97.07	do	do	Gas.
Norwood Gas Co	99.38	do	do	Do.
The Pequot Gas Co	100.00	Connecticut	Connecticut	Do.
Quincy Electric Co	100.00	Massachusetts	Massachusetts	Electric.
Southern Berkshire Power & Electric Co.	99.66	do	do	Do.
Suburban Electric Co	98.73	do	do	Do.
Wachusett Gas Co	100.00	do	do	Gas.
Weymouth Light and Power Co	99.70	do	do	Electric.
Worcester County Electric Co	99.31	do	do	Do.
Yellow Cab Co	100.00	Rhode Island		Inactive.

[1] These companies are in process of merging into Essex County Electric Co. pursuant to an order issued by this Commission on May 23, 1957 (Holding Company Act Release No. 13480).

The above tabulation of subsidiaries does not include Lynn Gas and Electric Company ("Lynn"), a Massachusetts corporation which is engaged in the electric and gas business in that State. NEES has, subsequent to December 31, 1956, acquired approximately 94 percent of the voting securities of Lynn pursuant to an order of this Commission issued April 22, 1957 (Holding Company Act Release No. 13456).

(b) As indicated above, New England Power Company ("Nepco") is an electric utility company and also a holding company by virtue of its ownership of 30 percent of the voting securities of Yankee Atomic Electric Company ("Yankee"), which was organized in 1954 for the purpose of constructing and operating an atomic nuclear power plant of approximately 134,000 Kw capacity. The plant is to be located in western Massachusetts, is scheduled for completion in 1960 and the output of the plant will be sold to 12 New England utility companies which are stockholders of Yankee. Nepco's acquisition of shares of Yankee's stock was effected pursuant to an order of this Commission dated December 18, 1956 (Holding Company Act Release No. 13339). Concurrently therewith Nepco's application for an exemption as a holding company was granted but Nepco as a subsidiary of NEES and Yankee as a subsidiary of Nepco remain subject to various provisions of the act as subsidiaries of a registered holding company.

4. (a) The consolidated gross operating revenues of the NEES system for the twelve months ended December 31, 1956 (excluding Lynn) amounted to $142,385,041, including $125,294,786 from the sale of electric energy, and $16,521,875 from the sale of gas. Other revenues, consisting principally of rentals, aggregated $568,380.

(b) As at December 31, 1956, the system's property account, excluding the properties of Lynn, was as follows:

Property, plant and equipment including intangibles:[1]	
Electric plant	$475,914,408
Gas plant	44,320,843
Construction work in progress	52,411,921
Other	1,195,096
Total	573,842,268
Less reserves for depreciation	102,296,664
Net property, plant and equipment, including intangibles	471,545,604

[1] $457,788,400 of the gross property account is stated at original cost.

II. 5. (a) The electric utility operations in the NEES system (including those of Lynn and reflecting the Essex merger) are conducted by 14 electric utility subsidiaries, two of which are also engaged in gas utility operations. These subsidiaries render retail electric service in 198 municipalities of which 146 are in Massachusetts, 27 in Rhode Island, 21 in New Hampshire and 4 in Connecticut. The total area served is in excess of 4500 square miles and the total population is about 2,350,000 persons. In addition, some of the subsidiary companies sell electric energy at wholesale for resale to various non-affiliated utilities and municipalities. Many of these municipalities purchase their entire electric energy requirements, and utilities serving a large portion of Vermont purchase substantial portions of their requirements from system companies.

(b) The electric energy requirements of the system companies (excluding Lynn) for 1956 were supplied largely by 12 steam-electric and 22 hydro-electric generating stations owned and operated by system companies, 76 percent being generated by system companies and 24 percent being purchased at a cost of $14,057,032. The principal source of purchased power from non-affiliated companies is Boston Edison Company which during 1956 delivered 746.5 million Kwh at an aggregate cost of $9,059,297. Of the total energy generated by the system companies, about 98 percent was produced by Nepco, The Narragansett Electric Company and Worcester County Electric Company.

6. The nature and locale of the electric operations of the subsidiaries in the NEES system are as follows:

(a) Nepco is an exempt holding company and an electric utility company engaged in the generation, purchase, transmission and sale of electric energy in wholesale quantities to associate and other electric utility companies doing a retail distribution business and to large industrial customers. Nepco operates in the States of Massachusetts, New Hampshire and Vermont but has no residential or commercial customers. During 1956 Nepco generated 2,299,222,565 Kwh of which about 53.6 percent was produced by steam-electric stations and 46.4 percent by hydro-electric stations. It purchased 1,751,867,850 Kwh of which about 48.6 percent was obtained from associates and 51.4 percent from non-affiliates, principally from Boston Edison Company and Niagara Mohawk Power Corporation. Nepco's gross plant at December 31, 1956 amounted to $190,818,000 and its gross operating revenues from the sale of electric energy, for the 12 months ended December 31, 1956, amounted to $49,762,800 of which $36,172,800 was derived from sales to affiliates, $7,190,000 from sales to non-system utilities and $6,400,000 from direct sales to large industrial users.

(b) Narragansett Electric Company ("Narragansett") owns and operates facilities for the generation, transmission, distribution and sale of electric energy and the production, transmission and distribution of gas. Its business is conducted in the larger part of Rhode Island where, in 1956, electric service was provided to 196,300 customers in 27 cities and towns, including Providence, within an area of about 870 square miles having an aggregate population of about 544,000 persons. Its electric energy requirements are supplied almost entirely by its own generating facilities and electric energy is sold for resale to three associate companies in the NEES system and to three non-affiliated utility companies. During 1956 Narragansett generated 1,881,215,278 Kwh and sold 686,887,630 to associate companies in the NEES system and 69,223,675 to non-affiliated companies. At December 31, 1956 Narragansett's gross electric utility plant amounted to $138,653,556 and for the calendar year ended that date its gross operating revenues from electric sales amounted to $34,633,174.

(c) Worcester County Electric Company ("Worcester") owns and operates facilities for the generation, transmission and distribution of electric energy to about 200,000 customers in 77 cities and towns located in central Massachusetts, covering an area of about 1900 square miles and having a population of about 544,000 persons. During 1956 Worcester generated about 22 percent of its electric energy requirements and purchased about 77 percent from Nepco and a minor amount from another associate (Lowell) and non-affiliates. Its gross operating revenues in the 12 months ending December 31, 1956, amounted to $31,441,512 and at that date the company had gross electric utility plant of $78,285,869.

(d) Suburban Electric Company ("Suburban") owns and operates facilities for the distribution of electric energy to about 79,300 customers in six suburban cities and towns north of Boston within an area of 29 square miles with an aggregate population of about 257,000 persons. In 1956 Suburban purchased substantially all of its electric requirements from Nepco and sold comparatively minor amounts of electricity to Boston Edison Company a non-affiliate. For the twelve months ended December 31, 1956, Suburban had gross operating revenues of $10,661,493 and at that date its gross electric utility plant amounted to $21,387,610.

(e) Essex County Electric Company ("Essex") will be the survivor by merger of five electric utility companies.[1] Taken together these five companies, in 1956, owned and operated facilities for the generation, transmission, distribution and sale of electric energy. In 1956 they provided electric service to 161,600 customers in 26 cities and towns in northeastern Massachusetts, within an area of 460 square miles, having an aggregate population of about 464,000 persons. The five constituent companies have their own generating plants and, during 1956, produced 75,473,813 Kwh. With the exception of Amesbury the entire net output of electric energy of these companies was sold to Nepco and substantially all their individual requirements were purchased from Nepco. The energy generated by Amesbury is used in its own operating area and additional requirements are purchased from one of the constituent companies (Haverhill). Amesbury also has an agreement with Nepco for standby and emergency service over a tie line with a non-affiliated company, i. e., Public Service Company of New Hampshire. During 1956 the five companies had combined gross operating revenues of $27,400,000. Their combined gross fixed property, at December 31, 1956, amounted to $60,198,060.

(f) Attleboro Electric Company ("Attleboro") owns and operates facilities for the distribution of electric energy in Attleboro, Masachusetts and vicinity. During 1956 the company purchased approximately 97 percent of its energy requirements from Nepco, less than 3 percent from Narragansett, and a minor amount from non-affiliates. During the calendar year 1956, Attleboro served an average of 14,689 customers with electricity and derived gross operating revenues of $2,552,416 from such service. The company's gross electric utility plant at December 31, 1956, amounted to $4,792,263.

(g) Granite State Electric Company ("Granite") owns and operates facilities for the production, transmission and distribution of electric energy in western New Hampshire. During 1956, it produced approximately 13.1 percent of its energy requirements, and purchased 20.2 percent of its energy from Lawrence and 66.7 percent from Nepco. Granite served an average of 12,062 customers during the year. Its gross operating revenues for the twelve months ended December 31, 1956, amounted to $1,611,834 and gross electric utility plant at that date totaled $4,459,996.

(h) Lynn Gas and Electric Company is a gas and electric utility providing services in the northeastern portion of Massachusetts. It also sells electric and gas appliances. In 1956 electric service at retail was provided to about 47,000 customers in four communities. Lynn also supplies at wholesale about 95 percent of the electricity requirements of the town of Marblehead. During 1956 Lynn generated approximately 86 percent of its electric energy requirements, the balance being purchased from Nepco. The area served with electricity lies between the areas served by two associate electric utility companies in the NEES system. The electric property of Lynn at December 31, 1956 amounted to $19,303,619 and its total electric operating revenues for the twelve months ended December 31, 1956, amounted to $6,309,564.

(i) The Mystic Power Company ("Mystic Power") owns and operates facilities for the transmission and distribution of electric energy to about 7,200 customers in Stonington and Groton, Connecticut. The company purchases all of its energy requirements from Narragansett. Gross electric utility plant at December 31, 1956, amounted to $1,889,296 and gross operating revenues for the twelve months then ended aggregated $1,057,059.

[1] Essex County Electric Company, Amesbury Electric Light Company, Haverhill Electric Company, Lawrence Electric Company and The Lowell Electric Light Corporation. Upon consummation of the merger, it is expected that Essex will change its name to Merrimack-Essex Electric Company.

(j) Northampton Electric Lighting Company ("Northampton") owns and operates facilities for the transmission and distribution of electric energy in Northampton, Massachusetts and vicinity. The company purchases substantially all of its energy requirements from Nepco. During the calendar year 1956, the company provided electric service to an average of 9,283 customers and derived gross operating revenues of $1,520,944. As at December 31, 1956, Northampton's gross electric utility plant amounted to $2,312,741.

(k) Northern Berkshire Electric Company ("Northern Berkshire") owns and operates facilities for the transmission and distribution of electric energy in Adams and North Adams, Massachusetts and vicinity. During 1956 the company purchased over 99 percent of its energy requirements from Nepco, served an average of 16,126 customers and derived gross operating revenues of $2,602,381. As at December 31, 1956, the company's gross electric utility plant amounted to $4,427,617.

(l) Quincy Electric Company ("Quincy") owns and operates facilities for the distribution of electric energy in Quincy, Massachusetts. During 1956, the company purchased its entire energy requirements from Boston Edison Company, a non-affiliate and, in turn, provided Weymouth Light and Power Company, an associate, with substantially all of its energy requirements. During 1956 Quincy served an average of 28,317 customers and derived gross operating revenues of $5,737,262. As at December 31, 1956, Quincy's gross electric utility plant amounted to $6,374,791.

(m) Southern Berkshire Power & Electric Company ("Southern Berkshire") owns and operates facilities for the production, transmission and distribution of electric energy in southwestern Massachusetts. During the year 1956, the company served an average of 7,775 customers and derived $1,184,461 in gross operating revenues. The company produced less than 10 percent of its energy requirements and purchased substantially all of the balance from Nepco. As at December 31, 1956, Southern Berkshire had gross electric utility plant amounting to $3,386,490.

(n) Weymouth Light and Power Company ("Weymouth") owns and operates facilities for the production, transmission and distribution of electric energy in Hingham, Randolph and Weymouth, Massachusetts. The company purchases substantially all of its energy requirements from Quincy. During the calendar year 1956, the company served an average of 19,988 customers, and derived gross operating revenues of $3,158,735. Its gross electric utility plant at December 31, 1956, amounted to $6,565,775.

III. 7. (a) The gas business of the NEES system is conducted by eight gas utility subsidiaries and two combination gas and electric utility subsidiaries (Lynn and Narragansett). As of December 31, 1956, the gas plant of these ten subsidiaries amounted to $52,462,139 and the consolidated gross operating revenues from the sale of gas, for the twelve months period ending December 31, 1956, amounted to $19,667,944. In general, the gas operations of these subsidiaries are carried on in parts of the same, or adjacent territory to that of the retail electric operations in the NEES system. In 1956 gas service was provided in 52 municipalities, of which 48 were in Massachusetts, 3 in Rhode Island, and 1 in Connecticut. The total area served with gas is in excess of 700 square miles having a total population of about 1,070,000 persons. During 1956 an average of about 240,000 customers were served over approximately 2,300 miles of gas mains.

(b) Natural gas is distributed by the gas subsidiaries (including Lynn) with manufactured gas used for peak shaving and standby purposes. The natural gas is purchased from two non-affiliated natural gas pipe line companies, i. e., Tennessee Gas Transmission Company ("Tennessee") and Algonquin Gas Transmission Company ("Algonquin"). Orders of the Federal Power Commission authorize daily deliveries of natural gas up to 75,695 Mcf by Tennessee and up to 4,450 Mcf by Algonquin. The manufactured gas facilities of the subsidiaries of NEES, available for peak shaving and standby purposes have a total rated capacity of 50,800 Mcf per day. Storage holder capacity totaled 23,977 Mcf.

(c) During 1952 NEES established an independent gas division to provide the Massachusetts gas subsidiaries with separate management and sales personnel. Earnings of these properties in 1956 contributed $1,614,516 to consolidated net income as compared with $255,504 in 1951. Sales of appliances also increased with total appliance sales by this division, in 1956, aggregating $2,167,000 including about 6,000 heating installations. This division also has installed more than 10,700 automatic water heaters under a rental program started in January 1955.

8. A summary description of the electric business of the two combination gas and electric utility companies, i. e., Narragansett and Lynn has been set forth in subparagraphs (b) and (h) of paragraph 6 above. The gas business of these two subsidiaries and the other eight gas utility companies are briefly described as follows:

(a) Lynn owns and operates facilities for the production, transmission and distribution of gas. It purchases natural gas from Tennessee and distributes such gas at retail to about 40,000 customers in communities supplied by Lynn with electric service in northeastern Massachusetts and, in addition, in Lynnfield, Marblehead and small areas of Peabody and Revere. Gas appliances are also sold by Lynn. Lynn's gas properties consist of a manufactured gas plant and two storage holders to supplement the natural gas supply and 357 miles of gas mains. At December 31, 1956, its gas properties amounted to $8,141,296 and gross operating revenues for the twelve months ended December 31, 1956, from the sale of gas amounted to $3,159,628.

(b) Narragansett owns and operates facilities for the production, transmission and distribution of gas in Warren, Bristol and Westerly, Rhode Island to about 6,700 customers. It purchases more than 99 percent of its gas requirements from Algonquin. In addition to the gas sold to general customers, Narragansett has a contractual arrangement to supply standby service to its associate gas utility The Pequot Gas Company. At December 31, 1956, Narragansett's gas properties amounted to $1,975,989 and its gross operating revenues derived from the sale of gas during the calendar year 1956 amounted to $446,553.

(c) Central Massachusetts Gas Company ("Central Massachusetts") owns and operates facilities for the transmission and distribution of natural gas to about 9,500 customers in 10 communities and surrounding area in south central Massachusetts. The company purchases all of its gas requirements from Tennessee. As at December 31, 1956, its gross gas utility plant amounted to $2,104,640 and gross operating revenues for the twelve months then ended aggregated $974,961.

(d) Lawrence Gas Company ("Lawrence") owns and operates facilities for the production, transmission and distribution of gas in Lawrence, Massachusetts and three nearby communities in the northeastern part of the State. The company serves approximately 33,000 customers. During the year 1956, Lawrence produced less than 1 percent of its gas requirements and purchased the remainder from Tennessee. The company's plant account totalled $5,238,030 at December 31, 1956, and operating revenues aggregated $2,480,960 for the twelve months ended that date.

(e) Mystic Valley Gas Company ("Mystic Valley") owns and operates facilities for the production, transmission and distribution of gas to 16 communities in eastern Massachusetts, including Arlington, Everett, Malden and Medford. During the twelve months ended December 31, 1956, the company served approximately 98,000 customers and derived $8,136,035 in gross operating revenues from such operations. Mystic Valley produced less than 1 percent of its gas requirements, purchased a minor amount of gas from a nearby non-affiliate, and obtained the balance of its requirements from Tennessee. The company's property account amounted to $21,967,385 at December 31, 1956.

(f) Northampton Gas Light Company ("Northampton") owns and operates facilities for the production, transmission and distribution of gas to approximately 8,000 customers in Northampton and Easthampton, Massachusetts. Gross operating revenues during the year 1956 amounted to $675,322. Northampton produced less than 1 percent of its gas requirements and purchased the balance from Tennessee. The company's plant account amounted to $1,749,615 at December 31, 1956.

(g) North Shore Gas Company ("North Shore") owns and operates facilities for the production, transmission and distribution of gas to approximately 33,000 customers in six communities located in northeastern Massachusetts, including Beverly, Gloucester and Salem. The company produces less than 1 percent of its gas requirements and purchases the remainder from Tennessee. Gross operating revenues for the twelve months ended December 31, 1956, aggregated $2,900,012 and gas utility plant at that date totalled $9,023,246.

(h) Norwood Gas Company ("Norwood") owns and operates facilities for the distribution of natural gas to about 4,200 customers in Norwood, Massachusetts. The company purchases its entire supply of natural gas from Algonquin. Its gross operating revenues for the twelve months ended December 31, 1956, amounted to $381,993 and gas utility plant at that date aggregated $953,213.

(i) The Pequot Gas Company ("Pequot") owns and operates facilities for the transmission and distribution of gas to approximately 1,200 customers in Stonington, Connecticut. Pequot purchased its entire supply of natural gas from Algonquin during the calendar year 1956 and paid Narragansett a charge for the transportation of gas and a demand charge for manufactured gas, although no manufactured gas was received into the system during the year. The company's gross operating revenues for the twelve months ended December 31, 1956, aggregated $101,860 and its total utility plant account at that date amounted to $204,383.

(j) Wachusett Gas Company ("Wachusett") owns and operates facilities for the production, transmission and distribution of gas in north central Massachusetts. During 1956, the company produced less than 1 percent of its gas requirements and purchased the balance from Tennessee. Gas was sold to approximately 8,100 customers from which the company derived revenues of $682,105. Wachusett's total utility plant account at December 31, 1956 amounted to $1,551,146.

IV. 9. The Division avers that the foregoing allegations, and the facts otherwise disclosed in the course of its examination of the NEES system, indicate or tend to indicate that:

(a) The holding company system of NEES is not confined in its operations to those of a single integrated public-utility system, and to such other businesses as are reasonable incidental, or economically necessary or appropriate to the operations of such integrated public-utility system;

(b) The various gas utility assets and the electric utility assets owned or controlled, directly or indirectly, by NEES and other respondents cannot continue to be controlled by NEES under the standards of Section 11 (b) (1), particularly clauses (A), (B) and (C) thereof; and

(c) The various businesses of some of the subsidiaries of NEES, other than the business of a public-utility company as such, may not be retainable as reasonably incidental or economically necessary or appropriate to the operations of either the electric or gas public-utility systems.

V. It appearing to the Commission, on the basis of the above allegations of the Division of Corporate Regulation, that a proceeding should be instituted under section 11 (b) (1) of the act with respect to the New England Electric System holding company system:

It is ordered, That proceedings be and the same hereby are instituted under section 11 (b) (1) of the act with respect to the New England Electric System and each of its subsidiary companies hereinbefore named, all of which are made respondents herein.

It is further ordered, Pursuant to the applicable provisions of the act, that a hearing be held at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on November 12, 1957, at 10:30 a. m. On such day the hearing room clerk in Room 193 will advise as to the room where such hearing will be held. At such time respondents and any other interested persons will be heard with respect to the matters and questions hereinafter set forth.

It is further ordered, That such respondents shall file with the Secretary of the Commission on or before September 30, 1957, their joint or several answers in the form prescribed by Rule U-25 under the act admitting, denying, or otherwise explaining their respective positions as to each of the allegations of Parts I, II, III and IV hereof. The answer should state which of the properties and facilities of the New England Electric System holding company system constitutes the retainable "single integrated public utility system". Any such answer may include a statement of the claim of the respondents, or any of them, as to (a) the action, if any, which is necessary and should be required to be taken by any of the respondents (including the divestment of control, securities or other assets), to limit the operations of the system to a single integrated public-utility system; (b) the extent to which the system should be permitted to continue to control, in addition to its claimed "single integrated public utility system", one or more additional integrated public-utility systems as may meet the requirements of Clauses (A), (B) and (C) of section 11 (b) (1) of the act; and (c) the extent to which any of said respondents should be permitted to own, operate or control any business (other than the business of a public-utility company as such) as reasonably incidental or economically necessary or appropriate to the operations of such integrated public-utility system or systems. Any such answer may, if such respondents so desire, state that they propose and are prepared to take such action as will cause them to comply with section 11 (b) (1) within the meaning of the act, together with a description of such action and the time within which they propose to take action.

The Division of Corporate Regulation having advised the Commission that, upon the basis of its preliminary examination of the New England Electric System holding company system, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(a) Whether the electric utility assets of the New England Electric System holding company system constitute a single integrated electric utility system or more than one such system;

(b) Whether the gas utility companies of the New England Electric System holding company system constitute a single integrated gas utility system or more than one such system;

(c) The nature, extent and location of the "single integrated public-utility system" of the New England Electric System holding company system;

(d) Whether, in addition to the New England Electric System holding company system's "single integrated public-utility system," any of its additional electric or gas utility systems may be retained under common control under the provisions of section 11 (b) (1) of the act, specifically Clauses (A), (B) and (C) thereof;

(e) Whether any of the non-utility businesses conducted by the New England Electric System holding company system are reasonably incidental, or economically necessary or appropriate to the operations of the integrated public-utility system or systems retainable under common control;

(f) What action is necessary to be taken by the New England Electric System holding company system to limit the operations of the system to those of a single integrated public-utility system, together with such additional utility systems, and such other businesses, if any, as are retainable under the standards of section 11 (b) (1) of the act;

It is further ordered, That at the aforesaid hearing, attention be given to the foregoing matters and questions.

It is further ordered, That William W. Swift or any other hearing officer or hearing officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The hearing officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate, either in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings, or to consolidate these proceedings, or any portion thereof, with any proceedings which may be instituted subsequently under other provisions of said act with respect to New England Electric System and its subsidiaries, and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, not later than five days prior to the date hereinbefore fixed as the date for said hearing, his request or application therefor, as prescribed by Rule XVII of the rules of practice of the Commission. Such request shall set forth the nature of the applicant's interest in the proceedings, his reasons for

requesting to be heard or to intervene, which of the allegations and issues, as hereinbefore set forth, applicant proposes to controvert, together with a statement of any additional issues which the applicant proposes to raise with respect to the proceedings herein instituted.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this Notice of and Order for Hearing by registered mail not less than 30 days prior to the date fixed therefor to each of the respondent companies, the Federal Power Commission; the Connecticut Public Utilities Commission; the Department of Public Utilities of Massachusetts; the Public Utilities Commission of New Hampshire; the Public Utility Administrator; Department of Business Regulation of the State of Rhode Island; and the Public Service Commission of Vermont; and that notice of said hearing is hereby given to the aforesaid and to all States, municipalities, and political subdivisions of States within which are located any of the physical assets of the respondent companies, to all State commissions, State security commissions, and all agencies, authorities or instrumentalities of any State, municipality, or other political subdivision having jurisdiction over any of the respondent companies or any of the business affairs or operations of any of them, and to all other interested persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the act; and by publication of this notice and order in the FEDERAL REGISTER not later than 30 days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6554; Filed, Aug. 9, 1957; 8:47 a. m.]

[File No. 70-3606]

UNITED FUEL GAS CO. ET AL.

NOTICE OF PROPOSED TRANSFER BY PUBLIC UTILITY SUBSIDIARY OF ITS NATURAL GAS DISTRIBUTION FACILITIES TO ASSOCIATE COMPANY AS STEP IN SEPARATION OF SYSTEM'S DISTRIBUTION FACILITIES FROM ITS TRANSMISSION FACILITIES

AUGUST 5, 1957.

In the matter of United Fuel Gas Company, Central Kentucky Natural Gas Company, the Columbia Gas System, Inc., File No. 70-3606.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and two wholly-owned subsidiaries, United Fuel Gas Company ("United") and Central Kentucky Natural Gas Company ("Central"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10, 12 (f), and 12 (g) thereof and Rule U-43 thereunder as applicable to the proposed transactions, which are summarized as follows:

Columbia and its subsidiaries are engaged in a program designed, among other things, to minimize the problems of rate regulation by realigning the System properties in such manner that all production, storage, and transmission properties used in wholesale operations and subject to the jurisdiction of the Federal Power Commission will eventually be owned by a single operating company, and the retail distribution facilities in each State will be owned by a single company subject to the jurisdiction of the appropriate State commission. The instant filing covers the fifth step in such program.[1]

United, a West Virginia corporation, is engaged in producing, purchasing, transporting, storing and distributing natural gas in the States of West Virginia, Ohio, and Kentucky; and it has approximately 21,800 retail gas customers in 25 communities located in 7 Kentucky counties. Central, a Kentucky corporation, is engaged in purchasing and distributing natural gas at retail in the State of Kentucky.

United proposes to transfer to Central all the properties which United uses in connection with the retail distribution of natural gas in Kentucky, together with accounts receivable and other assets related to such retail distribution operations. Central will pay in cash the net book value of the assets transferred to it, estimated as follows:

Utility properties (at original cost) less related reserves	$2,496,494
Materials and supplies, accounts receivable, etc., less related reserves	220,253

In order to obtain the required funds, Central proposes to issue and sell to Columbia, at face value, Installment Promissory Notes and Common Stock (par value $25 per share) approximately equal to the purchase price. The Notes and Stock will be issued in such amounts as to produce a capitalization ratio on Central's books of approximately 50 percent long-term debt and 50 percent common stock equity. A pro forma balance sheet contained in the application indicates that Central will issue $1,583,000 of Notes and $1,133,800 of Stock.

The foregoing figures are subject to adjustments to reflect changes as of the closing date.

The Notes will be unsecured and will be dated as of the date of issue. The principal amount will be due in 25 equal annual installments, on February 15 of each of the years 1959 to 1983 inclusive. Interest will be due semi-annually on February 15 and August 15 on the unpaid principal amount thereof at the rate of 3.4 percent per annum (being the weighted average interest rate borne by United Fuel's long-term debt as of August 31, 1956, rounded off to the nearest 1/10 of 1 percent.

The Public Service Commission of Kentucky has authorized United to abandon and sell, and Central to acquire and operate the facilities involved, and said Commission has also approved the issuance by Central of Notes and Stock as proposed for the purpose of obtaining the required cash. United must obtain a certificate of convenience and necessity from the Federal Power Commission to sell natural gas to Central for resale through the retail distribution properties being transferred. It is stated that a copy of such certificate, if issued, will be filed by amendment.

A statement of the fees and expenses to be paid or incurred in connection with the proposed transactions will also be filed by amendment.

Notice is further given that any interested person may, not later than August 21, 1957 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6553; Filed, Aug. 9, 1957; 8:47 a. m.]

[1] For prior steps see Holding Company Act Release Nos. 13299, 13302, 13353 and 13435.

[File No. 812-1094]

HORACE MANN FUND, INC.

NOTICE OF FILING FOR ORDER PERMITTING REDUCED OFFERING PRICE ON PURCHASES OF COMPANY SHARES BY OFFICERS, DIRECTORS AND EMPLOYEES OF COMPANY, PRINCIPAL UNDERWRITER AND INVESTMENT ADVISER

AUGUST 5, 1957.

Notice is hereby given that Horace Mann Fund, Inc. ("Horace Mann"), a registered open-end diversified investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the offering of its shares with no sales commission to officers, directors and employees of Horace Mann, its principal underwriter and its investment adviser.

The public offering price of Horace Mann's shares is expected to be stated in its prospectus as the net asset value per share plus a sales commission of 7½ percent. It is recited in the application that Horace Mann has adopted a plan, subject to appropriate action by this Commission, whereby its shares may be offered by its principal underwriter to officers, directors, and full-time employees of Horace Mann and of Horace Mann Investors, Inc., its principal underwriter and investment adviser, at net asset value with no sales commission.

Section 22 (d) of the act, with certain exceptions not pertinent here, prohibits a principal underwriter of a registered investment company from selling the shares of such investment company to any person except at a current public offering price described in the prospectus. Since the plan would be in contravention of the provisions of section 22 (d) of the act, inasmuch as it contemplates sales of shares of Horace Mann at prices other than the public offering price thereof described in the prospectus, an order pursuant to section 6 (c) of the act exempting such sales is requested by the applicant.

Section 6 (c) of the act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Applicant represents that the purpose of the plan is to improve employee-employer relations, to strengthen employee morale and to encourage thrift among employees of Horace Mann and its underwriter-advisor. It is the applicant's belief that such purpose may be accomplished without detriment to other shareholders of Horace Mann or to the general public.

Notice is further given that any interested person may, not later than August 20, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6552; Filed, Aug. 9, 1957; 8:47 a. m.]

[24W-1912]

SIMPLEX PRECAST INDUSTRIES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 6, 1957.

I. Simplex Precast Industries, Inc. (Simplex), a Delaware corporation, 54 East Penn Street, Norristown, Pennsylvania, filed with the Commission on March 9, 1956, a notification and an offering circular, and subsequently filed amendments thereto, relating to an offering of 300,000 shares of its 1-cent par value common stock at $1.00 per share for an aggregate of $300,000.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder; and

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that Simplex has failed to file reports on Form 2-A as required by Rule 224;

III. *It is therefore ordered*, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6555; Filed, Aug. 9, 1957; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-VII-8]

MANAGER, DISASTER FIELD OFFICE, JOLIET, ILL.

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Manager of the Disaster Loan Office, Joliet, Illinois, the following authority:

A. *General.* To carry out all of the functions listed for the Disaster Field Offices in Section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline disaster loans in an amount not exceeding $20,000.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the functions of the Disaster Loan Office.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Disaster Loan Office.

Effective date: July 25, 1957.

WILLIAM H. KELLEY, *Regional Director, Chicago Regional Office.*

[F. R. Doc. 57-6556; Filed, Aug. 9, 1957; 8:47 a. m.]

[Delegation of Authority 30-VII-1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in Section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $20,000;

3. To decline disaster loans;

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES, *Administrator.*

By ——— ———, *Chief, Financial Assistance Division.*

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new

employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

(a) Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held at collateral on loans,

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meeting on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declaration of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

24. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 25, 1957.

WILLIAM H. KELLEY,
Regional Director,
Chicago Regional Office.

[F. R. Doc. 57-6557; Filed, Aug. 9, 1957; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY WITH RESPECT TO PUBLICATION IN NEWSPAPERS OF ADVERTISEMENTS, NOTICES, OR PROPOSALS

1. The Director, General Services Branch, and the Assistant to the Director, General Services Branch, Office of the Administrator, each is hereby empowered to authorize the publication in newspapers of necessary advertisements, notices, or proposals.

2. Each Regional Administrator, Regional Engineer, and Director, Administrative Management, HHFA Regional Office; the Director for Northwest Operations, Region VI; and the Area Director, Puerto Rico Area Office, is hereby empowered to authorize the publication in newspapers of necessary advertisements, notices, or proposals with respect to program activities within his jurisdiction.

3. The exercise of the authority delegated herein is subject to the provisions of GAO General Regulations No. 109—Revised.

(Rev. Stat. § 3828, 44 U. S. C. 324; sec. 12 of Public Law 600, 79th Cong., 5 U. S. C. 22a)

Effective as of the 10th day of August 1957.

ALBERT M. COLE,
Housing and Home
Finance Administrator.

[F. R. Doc. 57-6564; Filed, Aug. 9, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES, ATLANTIC AND GULF-SINGAPORE, MALAYA AND THAILAND CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8240–1, between the member lines of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference, modifies the basic agreement of that conference (No. 8240), to provide (1) for an independent chairman and a secretary, their duties and the method of their selection; (2) that meetings of the conference shall be held at such times and places as shall be determined from time to time by the member lines; (3) that the annual conference expenses shall be borne by the member lines in equal shares, except that the first $12,500 shall be apportioned among the member lines on the basis of each member's sailings in the trade; and (4) that the chairman shall be designated as the authorized representative of each of the member lines to receive all official notices and communications pertaining to the conference agreement, and to furnish information relative to the activities of the member lines to the governmental agency charged with the administration of section 15 of the Shipping Act, 1916. Agreement No. 8240 presently provides for the designation of a chairman by the member lines from among their respective representatives, and for the designation of a secretary; that conference meetings shall be held in New York at such times as determined by the member lines; that the conferences expenses shall be borne in equal shares by the member lines; and that the secretary is the designated authorized representative of each of the member lines under the conference agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 7, 1957.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-6562; Filed, Aug. 9, 1957; 8:48 a. m.]

MEMBER LINES, ATLANTIC AND GULF-INDONESIA CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8080–2, between the member lines of the Atlantic and Gulf-Indonesia Conference, modifies the basic agreement of that conference (No. 8080, as amended), to provide (1) for an independent chairman and a secretary, their duties and the method of their selection; (2) that meetings of the conference shall be held at such times and places as shall be determined from time to time by the member lines; (3) that the annual conference expenses shall be borne by the member lines in equal shares, except that the first $12,500 shall be apportioned among the member lines on the basis of each member's sailings in the trade; and (4) that the chairman shall be designated as the authorized representative of each of the member lines to receive all official notices and communications pertaining to the conference agreement, and to furnish information relative to the activities of the member lines to the governmental agency charged with the administration of section 15 of the Shipping Act, 1916. Agreement No. 8080, as amended, presently provides for the designation of a chairman by the member lines from amongst their respective representatives, and for the designation of a secretary; that conference meetings shall be held in New York at such times as determined by the member lines; that the conference expenses shall be borne in equal shares by the member lines; and that the secretary is the designated authorized representative of each of the member lines under the conference agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 7, 1957.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-6563; Filed, Aug. 9, 1957; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7132]

INTERNATIONAL FREIGHT FORWARDER INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 4, 1957, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 5, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6570; Filed, Aug. 9, 1957; 8:49 a. m.]

[Docket No. 8681]

TRANS-ALASKAN AIRLINES, INC.; ENFORCEMENT CASE

FURTHER POSTPONEMENT OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 42 issued to Trans-Alaskan Airlines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, and regulations thereunder, that a hearing in the above-entitled matter heretofore assigned to be held on August 6, 1957, is hereby re-assigned to be held on August 13, 1957, at 10:00 a. m., e. d. s. t., in Room E–210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., August 6, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6571; Filed, Aug. 9, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

AUGUST 1957 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in August under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 4⅛ percent per annum.

For periods over 6 months up to and including 18 months, 4⅝ percent per annum.

For periods over 18 months up to and including 36 months, 5⅛ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

AUGUST 1957 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	All sales are under LD-25, as amended. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. (See amendment 3.)
Butter (as available)	Domestic price: For unrestricted use price is "in store" [1] at storage locations of products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-25, as amended. Export prices are on the basis of delivery f. o. b. point of export. CCC will convert to "in store" price as provided in LD-25, as amended. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office. Domestic, unrestricted use: 63.5 cents per pound, New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.75 cents per pound, Washington, Oregon, and California. All other States 62.5 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk: spray roller—(as available).	Domestic, unrestricted use: Spray process, U. S. Extra Grade, in barrels and drums, 17 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade: in barrels and drums, 15 cents per pound; in bags, 14.15 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels and drums, 11.5 cents per pound; in bags, 10.65 cents per pound. Export, unrestricted use: Spray process, U. S. Extra Grade: in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cheddar cheese, cheddars, flats, twins, and rindless blocks (standard moisture basis) 176 million pounds.	Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States 37 cents per pound. Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.

See footnotes at end of table.

AUGUST 1957 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Cotton, Upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN-EX-2 (Revision 1) and NO-C-8, as amended, and Announcements CN-EX-4 and NO-C-9, as amended. The final opening of bids under the 1956-57 export program (CN-EX-2 and NO-C-8) is scheduled for Aug. 6 1957. All cotton purchased under the 1956-57 program must be exported prior to Aug. 16, 1957.
Cotton, Extra Long Staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of announcement NO-C-6, as amended. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Available Dallas CSS Commodity Office.
Wool, shorn, approximately 20,000,000 pounds.	Domestic or export: Limited quantities (not more than 6½ million pounds in August) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 19 cents per bushel if received by truck, or (2) 14 cents per bushel if received by rail or barge. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW, $2.46; Minneapolis, No. 1 DNS, $2.50; Kansas City, No. 1 HW, $2.46; Portland, No. 1 SW, $2.36. Noncommercial wheat-producing area: Market price, basis in store,[2] but not less than 133 percent of applicable 1957 county loan rate plus (1) 19 cents per bushel if received by truck or (2) 14 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR-261 revised, as amended, for application to barter contracts and specially approved credit sales only, at prices determined daily, and under Announcement GR-212 revised, as amended, for specific offerings as announced. Disposals under special export program under Announcement GR-345.[3] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas and Chicago, and Portland when announced.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[2] but not less than the 1956 applicable loan rate plus: (1) a markup of 33 cents per bushel for corn in storage at point of production, (2) a markup of 35 cents per bushel and the rail freight rate from point of production to the present point of storage for corn in storage at other than point of production. Examples of the foregoing minimum price per bushel for No. 3 yellow corn including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, $2.01½; Minneapolis, $1.89¾. Noncommercial corn-producing area: Market price, basis in store,[2] but not less than 121 percent of the applicable 1956 loan rate plus markups as above. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Nonstorable corn is also available at the above offices. Export: Competitive bid basis as announced by the Portland and Chicago CSS Commodity Offices.
Oats, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus: (1) a markup of 8 cents per bushel for oats in storage at point of production, (2) a markup of 10 cents per bushel and the rail freight rate from point of production to the present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, No. 3 oats or better, $0.77¾; Minneapolis, No. 3 oats or better, $0.71¾. Available Minneapolis, Chicago, Kansas City, Portland and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Portland and Dallas CSS Commodity Offices.[3]

AUGUST 1957 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Barley, bulk	Domestic: Market price in store,[2] but not less than the 1957 applicable loan rate plus (1) 12 cents per bushel if received by truck, or (2) 9 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis No. 2 barley, $1.26. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[3]
Rye, bulk	Domestic: Market price basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 15 cents per bushel if received by truck, or (2) 10 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis No. 2 or better, $1.47. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[3]
Grain sorghums, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus (1) 25 cents per hundredweight if received by truck, or (2) 16 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (ex rail or barge): Kansas City No. 2 or better, $2.44. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas CSS Commodity Office.[3]
Soybeans, bulk (as available)	Domestic (for crushing) or export: Market price basis in store but not less than the 1956 basis loan rate for No. 2 grade, basis point of production plus 9½ cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price. Available Chicago, Dallas, Kansas City, and Minneapolis CSS Commodity Offices.
Flaxseed, bulk (carlots as available).	Domestic (for crushing) or export: Market price basis in store but not less than the 1956 applicable loan rate at point of storage plus 6 cents. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 1 Flax, $3.45; Duluth, No. 1 Flax, $3.45. Also LCL lots at best prices obtainable. Available Minneapolis CSS Commodity Office.
Rice, milled 1956 crop (as available).	Domestic, unrestricted use (1956 crop): Market price but not less than the equivalent 1956 loan rate for rough rice by varieties plus 5 percent, adjusted for milling, plus 60 cents per hundredweight. Example of minimum prices of milled rice per hundredweight, at mills:

	U. S. No. 3	U. S. No. 4	U. S. No. 5
Blue Bonnet	$10.93	$10.11	$9.21
Century Patna	10.31	9.56	8.73

Rice, rough	Export: Competitive bid under DL-MR-400/57 as announced by Dallas CSS Commodity Office. Special export: Competitive bid on "as is" basis, under DL-MR/53 as announced by Dallas CSS Commodity Office. Domestic, unrestricted use: Market price but not less than legal minimum price. Prices and quantities available by varieties may be obtained from Dallas CSS Commodity Office or from Portland CSS Commodity Office for Pearl and Calrose. Export: For export as milled rice. Competitive as announced by Portland CSS Commodity Office.

See footnotes at end of table.

AUGUST 1957 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dry edible beans (bagged)	Prices for domestic sale are for U. S. No. 1 f. o. b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. For other areas, adjust by the 1956 price support differential.
Red kidney beans (as available)	Domestic: Market price but not less than $9.27 per hundredweight California point of production, available Portland CSS Commodity Office. Export: Competitive bids as announced by Portland CSS Commodity Office.
Great northern beans (as available).	Domestic: Market price but not less than $7.39 per hundredweight Southern Idaho point of production, available Portland CSS Commodity Office. Export: Competitive bids as announced by Portland CSS Commodity Office.
Large lima beans (as available).	Domestic: Market price but not less than $10.97 per hundredweight California points of production, available Portland CSS Commodity Office. Export: Competitive bids as announced by Portland CSS Commodity Office.
Baby lima beans (as available).	Domestic: Market price but not less than $5.82 per hundredweight California points of production, available Portland CSS Commodity Office. Export: Competitive bids as announced by Portland CSS Commodity Office.
Small red beans (as available).	Domestic: Market price but not less than $7.88 per hundredweight Colorado points of production, available Portland and Kansas City CSS Commodity Offices. Export: Competitive bids as announced by Portland and Kansas City CSS Commodity Offices.
Pinto beans (as available)	Domestic or export: Market price but not less than $6.59 per hundredweight f.o.b. Washington points of production, available Portland CSS Commodity Office.
Pea beans (as available)	Domestic or export: Market price but not less than $8.17 per hundredweight f.o.b. Michigan points of production, available Chicago CSS Commodity Office.
Pink beans (as available)	Domestic: Market price but not less than $7.77 per hundredweight f.o.b. California and Washington points of production, available Portland CSS Commodity Office. Export: Competitive bids as announced by Portland CSS Commodity Office.
Small white beans (as available).	Domestic or export: Market price but not less than $7.72 per hundredweight f. o. b. Washington points of production, available Portland CSS Commodity Office.
Gum rosin	Domestic or export: Offer and acceptance basis, "as is", in galvanized metal drums (averaging 517# net) in the stated quantities and on the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine	Domestic or export: Offer and acceptance basis, "as is", bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and out-handling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.

[3] Sales of grains other than wheat made under Title I, P. L. 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat 901)

Issued: August 6, 1957.

[SEAL]

WALTER C. BERGER,
Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 57-6573; Filed, Aug. 9, 1957; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 22 • NUMBER 156

Washington, Tuesday, August 13, 1957

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TITLE 3—THE PRESIDENT

PROCLAMATION 3194

NATIONAL DAY OF PRAYER, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, we are grateful for the faith in which our fathers found their strength, and for the hope which has guided our Nation from the earliest days; and

WHEREAS, it is a good thing for a people unitedly to remember their heritage of spirit, and to refresh themselves daily in the Divine Truth which is their most precious inheritance; and

WHEREAS, in our steady drive for enduring peace among men we must always seek the aid of the Father of mankind; and

WHEREAS, the Congress, by a joint resolution approved April 17, 1952, has provided that the President "shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer":

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby set aside Wednesday, the second day of October 1957, as a National Day of Prayer; and I call upon our citizens, each according to his own faith, to unite in prayer and meditation on that day.

In constant dependence upon our Creator for the spiritual gifts required in the conduct of our affairs as individuals and as a Nation, let us now ask for wisdom and strength to fulfill the high purposes for which we are called, seeking the welfare of all peoples through a just and lasting peace across the face of the earth, bringing happiness to the home of the humblest family and to the courts of the Almighty. Let us pray with eager expectation that we may be inspired to sacrifice, at home and abroad, to achieve a life worthy of the children of God, for all men, everywhere.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of August in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-6676; Filed, Aug. 12, 1957; 11:19 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6769]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

J. DAVID PAISLEY CO.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service;* § 13.190 *Results.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, J. David Paisley Co., St. Louis, Mo., Docket 6769, July 10, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual seller in St. Louis, Mo., of his "Wonder-Vue" sheet of transparent plastic sprayed with colored paint designed to be fastened over the viewing screen of a television set, with representing falsely in circulars and in advertising material supplied to dealers that attachment of the product "Wonder-Vue" to a black-and-white television set would produce the same visual effect as a color television; and that its use would prevent and eliminate eyestrain caused by viewing television, and eliminate snow, blurring, and haziness from television screens.

Following approval of an agreement between the parties for a consent order, the hearing examiner made his initial

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1957)

The following are now available:

Title 14, Parts 1–39 (Rev. 1956) ($6.75)

Title 14, Parts 40–399 (Rev. 1956) ($6.00)

Title 46, Part 146 to end ($2.00)

Title 49, Parts 71–90 (Rev. 1956) ($6.25)

All pocket supplements and revised books have been previously announced except Titles 1–3 and the supplement to the General Index.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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nection with the offering for sale, sale and distribution of a plastic sheet to be fastened over the viewing screen of a television set, designated as "Wonder-Vue," or any other product of substantially the same characteristics whether sold under the same or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that by the use of said product:

1. In connection with the operation of a black-and-white television set, said television will thereby produce the same visual effect as a color television set or misrepresenting in any manner the color provided by said product when used in connection with a television set;

2. Eye strain caused by viewing television will be prevented or eliminated;

3. Snow, blurring or haziness will be eliminated from television screens.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent J. David Paisley, an individual trading as J. David Paisley Co., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6610; Filed, Aug. 12, 1957; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, subparagraphs (3) and (10) of § 6.310 (l) are amended as set out below.

§ 6.310 *Department of the Interior.* * * *

(l) *Office of Territories.* * * *

(3) Chief, Division of Alaskan Affairs and Chief, Division of Insular Affairs.

* * * * *

(10) One Assistant Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-6596; Filed, Aug. 12, 1957; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SMALL BUSINESS ADMINISTRATION

Correction

In Federal Register Document 57-6444, appearing on page 6289 of the issue for Wednesday, August 7, 1957, "§ 6.238" should be designated "§ 6.328".

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 608—HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY

PART 716—HANDKERCHIEF, SQUARE SCARF AND ART LINEN INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 483 (22 F. R. 3757) as amended by Administrative Order No. 486 (22 F. R. 4689) appointed, convened, and gave notice of the hearing of Industry Committee No. 31-A to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings with respect to the matters referred to it. The present wage order for this industry is contained in 29 CFR Part 716. The definition of the industry in the new wage order has been editorially revised in two minor respects in the first sentence by deleting the word "ornamental" and substituting the word "ornamented" in the place thereof and by deleting the words "altar clothes" and substituting the words "altar cloths" in the place thereof. The recommendations of Industry Committee No. 31-A revised the classifications within the industry and recommended new rates of pay for such classifications. It has also been found desirable administratively to redesignate the wage order for this industry as Part 608 of Title 29 of the Code of Federal Regulations.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F. R. 3290), the recommendations of this committee are published in this amendment to Title 29 of the Code of Federal Regulations, to become effective August 29, 1957, which hereby revokes Part 716 and issues a new Part 608 to read as follows:

Sec.
608.1 Definition of the industry.
608.2 Wage rates.
608.3 Notices.

AUTHORITY: §§ 608.1 to 608.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 608.1 *Definition of the industry.* The handkerchief, square scarf, and art linen industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture of plain, scalloped, or ornamented handkerchiefs and square scarves; the manufacture of art linens, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other material.

§ 608.2 *Wage rates.* (a) Wages at a rate of not less than 26 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the handkerchief, square scarf, and art linen industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-sewing classification which is defined as the operations of hand-sewing as well as hand-embroidering, hand-embellishing, ornamental stitching, and similar operations involving decorative effects: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations on articles which are otherwise wholly machine-sewn shall not be included.

(b) Wages at a rate of not less than 51 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification which is defined as all operations in the handkerchief, square scarf, and art linen industry in Puerto Rico other than those operations in the hand-sewing classification of this industry.

§ 608.3 *Notices.* Every employer subject to the provisions of § 608.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 608.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 8th day of August 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-6608; Filed, Aug. 12, 1957; 8:49 a. m.]

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TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 30]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Baton Rouge VOR	BTR-LFR	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-13	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side NW crs, 299 Outbnd, 119 Inbnd, 1200′ within 10 mi. Beyond 10 mi NA.
Crs and distance, facility to airport, 126—2.9.
Minimum altitude over facility on final approach crs, 700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi, climb to 1500′ on SE crs (119) within 20 mi or when directed by ATC, turn left and climb to 1500′ on NE crs (054) within 20 mi.
NOTE: ADF approach NA.

City, Baton Rouge; State, La; Airport Name, Ryan; Elev, 70′; Fac Class, BMRLZ; Ident, BTR; Procedure No. 1, Amdt 7; Eff date, 7 Sept 57; Sup Amdt No. 6; Dated, 12 Mar 55

Little Rock VOR	LIT-LFR	Direct	1300	T-dn	300–1	300–1	200–½
Keo FM (Final)	LIT-LFR	Direct	1000	C-dn	500–1	600–1	600–1½
				S-dn-32	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn E side SE crs, 133 Outbnd, 313 Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 315—3.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles turn left, climb to 3200′ on NW crs within 20 miles, or when directed by ATC, (1) turn right, climb to 1500′ on NE crs within 20 mi, or (2) turn left, climb to 1800′ and proceed direct to LOM.
NOTE: Not less than 300–1 authorized for take-off on runways 18, 32, 36.

City, Little Rock; State, Ark; Airport Name, Adams; Elev, 257′; Fac Class, SBRAZ; Ident, LIT; Procedure No. 1, Amdt 13; Eff Date, 7 Sept 57; Sup Amdt No. 12; Dated, 7 Jan 56

2. The very high frequency omnirange procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Baton Rouge LFR	BTR-VOR	Direct	1500	T-dn	300–1	300–1	200–½
				C-d	800–1	800–1	800–1½
				C-n	800–1	800–1	800–2
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 244 Outbnd, 064 Inbnd, 1200′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 064—7.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.6 mi, climb to 1400′ on R-064 within 20 mi., or when directed by ATC, turn right, climb to 2000′ on R-085.

City, Baton Rouge; State, La; Airport Name, Ryan; Elev, 70′; Fac Class, BVOR; Ident, BTR; Procedure No. 1, Amdt 2; Eff Date, 7 Sept 57; Sup Amdt No. 1; Dated, 8 Jan 55

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Billings LFR	BIL-VOR	Direct	5300	T-dn*	200–1	200–1	200–½
Park City FM	BIL-VOR	Direct	5300	C-dn	400–1	500–1	500–1½
				S-dn-9	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

*Take-off below 300–1 prohibited on all runways except 9–27.
Procedure turn S side crs, 250 Outbnd, 070 Inbnd, 5300′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 4700′.
Crs and distance, facility to airport, 070—3.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 mi. climb to 5200′ on R-055 within 20 mi.
CAUTION: 4183′ msl tower 2.7 mi SE of airport.

City, Billings; State, Mont; Airport Name, Logan Field; Elev, 3612′; Fac Class, BVOR; Ident, BIL; Procedure No. 1, Amdt 5; Eff Date, 7 Sept 57; Sup Amdt No. 4; Dated, 3 Aug 57

Little Rock LFR	LIT-VOR	Direct	1300	T-dn	300–1	300–1	200–½
Keo FM	LIT-VOR (Final)	Direct	1000	C-dn	500–1	600–1	600–1½
				S-dn-32	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn E side crs, 134 Outbnd, 314 Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 314—3.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, turn left, climb to 3200′ on R-295 within 20 miles, or when directed by ATC, (1) turn right to 160° M, intercept and climb to 1500′ on R-055 within 20 mi or (2) turn left, climb to 1800′ and proceed direct to LOM.
AIR CARRIER NOTE: Not less than 300–1 authorized for take-off on Runway 18, 33, 36.

City, Little Rock; State, Ark; Airport Name, Adams; Elev, 257′; Fac Class, BVOR; Ident, LIT; Procedure No. 1, Amdt 4; Eff Date, 7 Sept 57; Sup Amdt No. 3; Dated, 7 Jan 56

				T-dn	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1½
				S-dn-rny 30	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn E side SE crs, 110 Outbnd, 290 Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distances, facility to airport, 290—6.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles, turn left and climb to 2000′ on R-110 within 20 miles.

City, Merced; State, Calif; Airport Name, Municipal; Elev, 155′; Fac Class, VORW; Ident, MER; Procedure No. 1, Amdt 1; Eff Date, 7 Sept 57; Sup Amdt No. Orig; Dated, 12 Feb 55

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Baton Rouge LFR	LOM	Direct	1200	T-dn	300–1	300–1	200–½
Baton Rouge VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-13:			
				ILS	300–¾	300–¾	300–¾
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Procedure turn W side of NW crs, 306 Outbnd, 126 Inbnd, 1200′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd 1200′ ILS, minimum altitude over LOM inbnd final 700′ ADF.
Crs and distance, LOM to airport, 126°—3.8.
Altitude of G. S. and distance to approach end of rny at OM 1200—3.8, at MM 240—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM (ADF) climb to 1500′ on SE crs ILS (126) within 20 miles, or when directed by ATC, turn left, climb to 2000′ on R-085 BTR VOR, or turn left, climb to 1500′ on NE (054) crs BTR LFR.
NOTE: 400–¾ required when glide slope not utilized. Approach lights not installed.

City, Baton Rouge; State, La; Airport Name, Ryan; Elev, 70′; Fac Class, ILS-IBTR; Ident, LOM-BT; Procedure No. ILS-13, Amdt 3, Comb ILS and ADF; Eff Date, 7 Sept 57; Sup Amdt No. Proc No. 1, Amdt 2; Dated, 12 Mar 55

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ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BTR-LFR	Creole Int#	Direct	1500	T-dn	300–1	300–1	200–½
BTR-VOR	Creole Int#	Direct	1500	C-dn	400–1	500–1	500–1½
Int SE crs ILS and BTR R-114	Amite Int*	Direct	1500	S-dn-31	400–1	400–1	400–1
Amite Int	Creole Int# (Final)	Direct	900	A-dn	800–2	800–2	800–2

Procedure turn E side SE crs, 126 outbnd, 306 inbnd, 1400′ within 10 mi of Creole Int. NA beyond 10 mi.
No glide slope.
Minimum altitude over Creole Int, 900′.
Crs and distance. Creole Int to airport, 306—4.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi after passing Creole Int, climb to 1300′ on NW crs ILS within 10 mi of LOM, or when directed by ATC, turn right, climb to 1600′ on R-040 within 20 mi, or turn left, climb to 1500′ to BTR VOR on R-064.
#Creole Int: Int SE crs BTR ILS and 085 rad, BTR VOR.
*Amite Int: Int SE crs BTR ILS and 095 rad, BTR VOR.

City, Baton Rouge; State, La; Airport Name, Ryan; Elev, 70′; Fac Class, ILS; Ident, IBTR; Procedure No. ILS–31, Orig; Eff Date, 7 Sept 57

BIL VOR	LOM	Direct	5300	T-dn*	300–1	300–1	200–½
BIL LFR	LOM	Direct	5300	C-dn	400–1	500–1	500–1½
Park City FM	LOM	Direct	5300	S-dn-9#:			
Lavina FM	LOM	Direct	6000	ILS	300–¾	300–¾	300–¾
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Takeoff below 300–1 prohibited on all runways except 9–27.
#400–1 required with glide slope inoperative.
Procedure turn S side of crs, 275 Outbnd, 095 Inbnd, 5300′ within 10 miles. NA beyond 10 miles.
Minimum altitude at G. S. int inbound, 5000′ ILS; minimum altitude over LOM inbnd final 4800′ ADF.
Altitude of G. S. and distance to approach end of rny at OM 4965—4.0; at MM 3815–0.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, climb to 5200′ on E crs BIL–LFR within 20 miles.
NOTE: Approach lights not installed.
CAUTION: Standard clearance over obstructions not provided on ADF final approach (terrain 3805′ MSL at BIL VOR). 4183′ msl tower 2.7 mi SE of airport.

City, Billings; State, Mont; Airport Name, Logan Field; Elev, 3612′; Fac Class, ILS–BIL; Ident, LOM–BI; Procedure No. ILS–9, Amdt 2, Comb ILS–ADF; Eff Date, 7 Sept 57; Sup Amdt No. Proc No. 1, Amdt 1; Dated, 2 Mar 57

Little Rock LFR	LOM	Direct	1800	T-dn	300–1	300–1	200–½
Little Rock VOR	LOM	Direct	1800	C-dn	500–1	600–1	600–1½
Lakeside Int	LOM	Direct	1800	S-dn-4:			
City Int	LOM	Direct	1800	ILS	300–¾	300–¾	300–¾
Malvern Int	LOM	Direct	1800	ADF	500–1	500–1	500–1
Mablevale Int ILS	LOM (Final)	Direct	1800	A-dn:			
Mablevale Int ADF	LOM (Final)	Direct	1300	ILS	600–2	600–2	600–2
Bauxite Int	SW crs ILS or 040° brng to LOM	010—2.3	1800	ADF	800–2	800–2	800–2

Procedure turn N side SW crs, 220 Outbnd, 040 Inbnd, 1800′ within 10 mi. (Non-standard due to traffic.)
Minimum altitude at G. S. int inbnd, 1800′ ILS, minimum altitude over LOM inbnd final 1300′ ADF, over LMM# inbnd final 900′ ADF.
#ADF descent below 900′ NA unless MM or LMM received.
Altitude of G. S. and distance to approach end of rny at OM 1800—4.6, at MM 500—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi of LOM (ADF) climb to 1800′ on NE crs ILS (040) within 20 miles, or when directed by ATC, (1) turn right, climb to 1500′ and proceed to VOR or LFR, or (2) turn right, climb to 1500′ on R–055 within 20 mi.
NOTE: No approach lights. 300–1 required for take-off Runways 18-36-32. 500–1 required when G-S not used.

City, Little rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac Class, ILS–ILIT; Ident, LOM–LI; Procedure No. ILS–4, Amdt 2, Comb ILS and ADF; Eff Date, 7 Sept 57; Sup Amdt No. 1; Dated, 4 Jul 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

AUGUST 7, 1957.

[F. R. Doc. 57–6633; Filed, Aug. 12, 1957; 9:27 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

GENERAL

Section 4.145 is revised to read as follows:

§ 4.145 *General.* Payment of benefits on behalf of a person who is mentally incompetent or who is a minor (other than a person who has been discharged from the military forces of the United States or a minor widow) will be made to a duly appointed fiduciary: *Provided,* That where the total amount payable on behalf of a child or children who are in the custody of the widow or the mother does not exceed $100 for each child, payment will be made to the widow or the mother as legal custodian without reference to the Chief Attorney. (See § 13.200 of this chapter.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective August 13, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57–6597; Filed, Aug. 12, 1957; 8:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter F—Quarantine, Inspection, Licensing

PART 71—FOREIGN QUARANTINE

YELLOW FEVER; DISINSECTING VESSELS AND AIRCRAFT; IMPORTATION OF DOGS, CATS, AND MONKEYS

Notice of proposed rule making having been published in the FEDERAL REGISTER on January 23, 1957 (22 F. R. 429), and consideration having been given to all relevant matters presented, the amendments to this part set out below are hereby adopted.

1. Section 71.1 is amended to read as follows:

§ 71.1 *Definitions.* As used in this part, terms shall have the following meaning:

(a) *Certificate of vaccination.* Certificate of vaccination or revaccination against cholera, smallpox or yellow fever conforming with the rules and models prescribed by the International Sanitary Regulations.

(b) *Communicable disease.* An illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an affected person, animal, or arthropod (including insecta and arachnida) or through the agency of an intermediate host, vector or the inanimate environment.

(c) *Contamination.* The presence of undesirable substance or material which may contain pathogenic microorganisms.

(d) *Day.* A period of 24 hours.

(e) *Deratting Certificate.* A certificate issued with respect to a vessel by the competent health authority for a port, in the form prescribed by the International Sanitary Regulations, recording the inspection and deratting of the vessel.

(f) *Deratting Exemption Certificate.* A certificate issued with respect to a vessel by the competent health authority for a port, in the form prescribed by the International Sanitary Regulations, recording the inspection and exemption from deratting of the vessel which has a negligible number of rodents on board.

(g) *Disinfection.* The act of rendering anything free from the causal agents of disease.

(h) *Disinfestation.* The act of destroying the vectors of a communicable disease.

(i) *Disinsecting.* The act of destroying insects or other arthropod vectors of a communicable disease.

(j) *Immunity.* The condition of being protected against a particular disease, either as a result of artificial immunization or through a previous attack of the disease in question.

(k) *Incubation period.* The period between the implanting of disease organisms in a susceptible person and the appearance of clinical manifestations of the disease.

(l) *Infected local area.* A local area (as defined in the International Sanitary Regulations) where:

(1) There is a nonimported case of cholera or smallpox; or

(2) There is a nonimported case of plague, or there is plague infection among rodents; or

(3) There is a nonimported case of yellow fever, or there is activity of yellow fever virus in vertebrates other than man; or

(4) There is an epidemic of typhus or relapsing fever.

(m) *Infected person.* Any person who is suffering from a quarantinable disease or who is considered by the medical officer in charge to be infected with such a disease.

(n) *Infestation.* The condition of harboring vectors.

(o) *International Sanitary Regulations.* The International Sanitary Regulations (World Health Organization Regulations No. 2) adopted by the Fourth World Health Assembly on May 25, 1951.

(p) *Infected vessel or aircraft.* See under particular quarantinable diseases in Subpart F of this part.

(q) *Isolation.* (1) When applied to a person or group of persons, the separation of that person or group of persons from other persons, except the health staff on duty, in such a manner as to prevent the spread of infection.

(2) When applied to animals, the separation of an animal or group of animals from other animals or vectors of disease in such manner as to prevent the spread of infection.

(r) *Medical officer in charge.* The medical officer of the Public Health Service responsible for the application of these regulations at a designated place or in a designated area.

(s) *Port under the control of the United States.* Any seaport or airport in the United States, its territories or possessions other than the Canal Zone.

(t) *Pratique.* A certificate issued by a quarantine officer releasing or provisionally releasing a vessel or aircraft from quarantine.

(u) *Quarantine.* The detention of a person, vessel, aircraft or other conveyance, animal or thing, in such place and for such period of time as may be specified in the regulations in this part.

(v) *Quarantine officer.* A medical officer or other specially trained employee assigned to quarantine duty by the Surgeon General.

(w) *Quarantinable diseases.* The specific communicable diseases: Cholera, plague, relapsing fever, smallpox, typhus, and yellow fever.

(x) *Relapsing fever.* Louse-borne relapsing fever.

(y) *Rodents.* Gnawing mammals capable of transmitting or harboring quarantinable diseases.

(z) *Surgeon General.* The Surgeon General of the Public Health Service.

(aa) *Surveillance.* The temporary supervision of a person who has been released from quarantine by the medical officer in charge upon the condition that he will submit himself to further medical examination or inquiry as required.

(bb) *Suspect.* A person who is considered by the medical officer in charge as having been exposed to infection by a quarantinable disease and to be capable of spreading that disease.

(cc) *Suspected vessel or aircraft.* See under particular quarantinable diseases in Subpart F of this part.

(dd) *Typhus.* Louse-borne typhus.

(ee) *Valid.* (1) With respect to a Deratting Certificate or Deratting Exemption Certificate issued for a vessel, a certificate issued by the competent health authority for a port not more than 6 months before presentation of the Certificate to the quarantine officer, or if the vessel is proceeding to a port designated or approved for the issuance of such Certificates, not more than 7 months before such presentation.

(2) With respect to a certificate of vaccination, a certificate presented within the applicable period of immunity prescribed in § 71.3.

(ff) *Vector.* An animal (including insects), plant, or thing which conveys or is capable of conveying pathogenic organisms from a person or animal to another person or animal.

(gg) *Yellow fever receptive area.* An area where the yellow fever virus does not exist but where Aedes aegypti or any other domiciliary or peri-domiciliary vector of yellow fever is present and development of the disease, if introduced, would thus be possible.

2. Section 71.9 is amended to read as follows:

§ 71.9 *Listing of infected and receptive areas.* Each medical officer in charge shall maintain an accurate listing of (a) ports and other areas infected with quarantinable or other communicable diseases, and (b) yellow fever receptive areas.

3. Section 71.90 is amended to read as follows:

§ 71.90 *Yellow fever; vessels and aircraft; classification.* For the purpose of applying sanitary and quarantine measures against the spread of yellow fever:

(a) An infected vessel means a vessel which has on board on arrival or which during its voyage had on board a case of yellow fever.

(b) An infected aircraft means an aircraft which has on board on arrival a case of yellow fever.

(c) A suspected vessel means a vessel which has left a yellow fever infected local area within 6 days prior to arrival or which arriving within 30 days after leaving such area has Aedes aegypti on board.

(d) A suspected aircraft means an aircraft which has left an airport situated in a yellow fever infected local area bound for a yellow fever receptive area in the United States if on arrival the quarantine officer is not satisfied that it was adequately disinsected before departure from such area or in flight and finds live mosquitoes on board.

(For disinsecting requirements for aircraft and vessels see §§ 71.102 and 71.103.)

4. Subpart G is amended to read as follows:

SUBPART G—SANITARY INSPECTION: CONTROL OF RODENTS, INSECTS, AND OTHER VERMIN; DISTINCTION

Sec.
71.101 General provisions.
71.102 Disinsecting of aircraft.
71.103 Disinsecting and disinfesting vessels.
71.104 Disinsecting and disinfesting of persons and things; vessels and aircraft.
71.105 Deratting Certificates: Deratting Exemption Certificates; vessels only.
71.106 Deratting: aircraft only.
71.107 Issuance of Deratting Certificates and Deratting Exemption Certificates: approved and designated stations.
71.108 Vessels and aircraft in intercoastal and interstate traffic.
71.109 Application of sanitary measures.

AUTHORITY: §§ 71.101 to 71.109 issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply secs. 361–369, 58 Stat. 703–706; 42 U. S. C. 264–272.

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§ 71.101 *General provisions.* Vessels or aircraft arriving at a port under the control of the United States from a foreign port shall be subject to sanitary inspection to ascertain whether there exists rodent, insect, or other vermin infestation, contaminated food or water, or other insanitary condition requiring measures for the prevention of the introduction, transmission, or spread of communicable disease. (For sanitary measures with respect to border traffic see § 71.140.)

§ 71.102 *Disinsecting of aircraft.*[1] (a) The following aircraft shall be disinsected:

(1) An infected aircraft as defined in § 71.90.

(2) An aircraft that has left a local area that is infected with yellow fever or an area that is infected with other insect-borne communicable disease, if it has not been adequately disinsected before arrival.

(3) An aircraft that has left any foreign airport where Aedes aegypti exists and arrives at an airport under the control of the United States that has been freed of Aedes aegypti, if it has not been adequately disinsected before arrival.

(b) The medical officer in charge shall accept prearrival disinsecting as adequate if after inspection he determines that such disinsecting has been effective, and the insecticide and disinsecting methods meet the following requirements:

(1) The insecticide shall be Insecticidal Aerosol G–382, G–651, G–1152, or G–1029, the formulas of which are given below, or an insecticide found by the Surgeon General of the Public Health Service, upon application by an interested person, to be substantially as effective as these aerosols:

FORMULAS FOR INSECTICIDAL AEROSOLS: G–382, G–651, G–1152, AND G–1029

Component	Percent by weight			
	High pressure aerosols		Medium pressure aerosols	
	G–382	G–651	G–1152	G–1029
Pyrethrum extract (20 percent pyrethrins)	5.0	6.0	5.0	6.0
DDT	3.0	2.0	3.0	2.0
Cyclohexanone	5.0	------	5.0	------
Lubricating oil (SAE 30)	2.0	------	2.0	------
Aromatic petroleum derivative solvents: (Velsicol AR60 or Socony Vacuum 544G)	------	8.0	------	6.0
(Velsicol AR50 or Socony Vacuum 544C)	------	------	------	2.0
Trichlorofluoromethane (Freon-11 or Genetron-11)	------	------	25.5	25.2
Dichlorodifluoromethane (Freon-12 or Genetron-12)	85.0	84.0	59.5	58.8

[1] At airports where the hazard of introducing disease-carrying insects exists, it is the policy of the United States Public Health Service to conduct "entomological surveillance" of the airport area. This surveillance consists of periodic entomological surveys carried on by entomologists or trained representatives for the purpose of the early detection and prompt eradication of any insect of public health importance which may unknowingly have been introduced by aircraft.

(2) The insecticide shall be dispensed in the amount of not less than 5 grams for each 1,000 cu. ft. of enclosed space in the aircraft, and shall be released or sprayed throughout all accessible compartments.

(3) Disinsecting may be accomplished either while the aircraft is on the ground before take-off from the last airport before arrival in the United States, or after departure from such airport (for compartments accessible in flight). In no case shall disinsecting be accomplished later than 30 minutes before the first landing at a United States port.

(4) The ventilation system shall be stopped and all openings to the exterior kept closed while the insecticide is being released or sprayed, and for a period of at least 3 minutes thereafter. If disinsecting is accomplished on the ground before take-off, the ventilation system may be opened at the end of such period, provided the system is equipped with filters or other means for preventing entry of insects into the aircraft; but doors, windows, or other such openings to the exterior shall be kept closed until after the take-off, except to permit persons applying the insecticide to debark.

(c) An infected or suspected aircraft as defined in § 71.90, or any other aircraft subject to disinsecting under this section which the medical officer in charge has reason to believe presents a special hazard of introduction of insect vectors, shall be kept tightly closed on arrival; disinsecting shall be accomplished before discharge of passengers, crew, mail, baggage, cargo, or other material; and no person except quarantine officials shall be allowed on board until disinsecting is completed.

§ 71.103 *Disinsecting and disinfesting vessels*—(a) *Disinsecting (yellow fever).* (1) The following vessels shall be disinsected:

(i) An infected vessel as defined in § 71.90.

(ii) A vessel arriving from a yellow fever infected local area, if it has not been adequately disinsected before arrival.

(iii) A vessel that has left a port where Aedes aegypti exists and arrives at a port under the control of the United States that has been freed of Aedes aegypti, if it has not been adequately disinsected before arrival.

(2) In a yellow fever receptive area infected vessels shall be moored at least 400 meters from the land until disinsecting required by this paragraph is completed. Other vessels that are required to be disinsected under this paragraph shall be so moored when deemed necessary by the medical officer in charge to prevent the introduction of vectors of yellow fever.

(3) The medical officer in charge shall accept prearrival disinsecting as adequate if after inspection he determines that such disinsecting has been effective, and the insecticide and disinsecting methods meet the requirements specified for aircraft in § 71.102 (b), except that the ventilation system shall be stopped and all openings to the exterior kept closed for a period of at least 15 minutes after the insecticide is released or sprayed.

(b) *Disinfesting (general).* A vessel may be disinfested on arrival if the medical officer in charge considers disinfestation necessary to prevent the spread of infection or for the destruction of insects and other vermin capable of transmitting communicable disease.

§ 71.104 *Disinsecting and disinfection of persons and things; vessels and aircraft.* The person, effects, and baggage of any vermin infested person arriving aboard a vessel or aircraft shall be disinsected and, if necessary in the judgment of the medical officer in charge, disinfected.

§ 71.105 *Deratting Certificates: Deratting Exemption Certificates; vessels only.* If a valid Deratting Certificate or Deratting Exemption Certificate is not produced with respect to any arriving vessel the medical officer in charge shall:

(a) If he is satisfied that the vessel is free of rodents or is kept in such a condition that the number of rodents on board is negligible, issue a Deratting Exemption Certificate.

(b) If he is satisfied that a Deratting Exemption Certificate should not be issued with respect to such vessel, require the deratting of the vessel. When deratting has been completed to the satisfaction of the medical officer in charge, he shall issue a Deratting Certificate.

§ 71.106 *Deratting: aircraft only.* An aircraft may be deratted in exceptional circumstances of an epidemiological nature when the medical officer in charge suspects the presence of rodents on board.

§ 71.107 *Issuance of Deratting Certificates and Deratting Exemption Certificates: approved and designated stations.* In accordance with Article 17 of the International Sanitary Regulations, all quarantine stations of the Public Health Service are approved and designated for the issuance of Deratting Certificates and Deratting Exemption Certificates.

§ 71.108 *Vessels and aircraft in intercoastal and interstate traffic.* Vessels and aircraft in traffic between ports under the control of the United States shall be subject to sanitary inspection as described in § 71.101, when arriving from a port infected or suspected of being infected with quarantinable disease or when illness on board indicates unsatisfactory sanitary conditions.

§ 71.109 *Application of sanitary measures.* The sanitary measures prescribed by § 71.68 and Subpart F of this part shall be applicable after sanitary inspections made pursuant to this subpart.

5. Section 71.154 is amended to read as follows:

§ 71.154 *Dogs, cats, and monkeys*—(a) *Definitions.* As used in this section and § 71.155, the term:

(1) "Confinement" means restriction of an animal by the owner or his agent to a building or other enclosure in isolation from other animals and from persons except for contact necessary for its care, or, if it is allowed out of such enclosure, muzzling the animal and keeping it on a leash.

(2) "Dog" includes all domestic and wild members of the dog family (Canidae).

(3) "Cat" includes all domestic and wild members of the cat family (Felidae).

(4) "Monkey" includes all monkeys and such other Primates as lemurs, baboons, and chimpanzees.

(5) "United States" means the continental United States, its territories, and possessions (other than the Canal Zone).

(6) "Zoological park" means a place, premises, or an establishment maintained for the exhibition of live animals for recreational or educational purposes.

(b) *General requirements*—(1) *Inspection by quarantine officer.* All dogs, cats, and monkeys brought into the United States from any foreign country shall be inspected by the quarantine officer at the port of arrival. Only animals in which no evidence of communicable disease (see § 71.1 (b)) is revealed shall be admitted.

(2) *Examination by veterinarian; detention of animals.* When a dog, cat, or monkey does not appear to be in good health on arrival (i. e., it has such symptoms as emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea), the medical officer in charge may give the owner or his agent an opportunity to call in a licensed veterinarian to examine the animal and give or arrange for any tests or treatment indicated. The medical officer in charge will consider the findings of any such examination and tests in determining whether the animal may have a communicable disease. The owner shall bear the expense of such examination, tests, and treatment. When it is necessary to detain an animal pending determination of its admissability, the owner or his agent shall provide satisfactory detention facilities which in the judgment of the medical officer in charge will afford protection against the existence of a health hazard. The owner or his agent shall bear the expense of such detention. Detention shall be accomplished at the port of arrival, except that the Chief of the Division of Foreign Quarantine of the Public Health Service may issue instructions specifying control measures under which animals may be shipped to their destination pending determination of their admissibility.

(3) *Report of sickness or death; exposed animals.* (i) A record of sickness or death of dogs, cats, or monkeys en route to the United States shall be made by the person responsible for care of the animals, and shall be submitted to the quarantine officer at the port of arrival. Animals sick or dead while en route or on arrival shall be separated from other animals as soon as discovered, and held pending any necessary examination as determined by the medical officer in charge.

(ii) When a dog, cat, or monkey appears healthy but, during shipment, has been exposed to a sick or dead animal suspected of having a communicable disease, the exposed animal shall be admitted only if tests or other examination, made at a time when infection with communicable disease could be determined, reveals no evidence that the animal may be infected with such disease. The provisions of subparagraph (2) of this paragraph shall be applicable to such tests or other examination.

(4) *Sanitation.* When the quarantine officer finds that the cages or other containers of dogs, cats, or monkeys arriving in the United States are in an insanitary condition that may constitute a health hazard:

(i) The animals shall not be admitted in such containers unless the owner or his agent has the containers cleaned; and

(ii) The quarantine officer shall report the matter to the customs officer for investigation pursuant to customs regulations regarding importation of animals under inhumane or unhealthful conditions (19 CFR 12.26 (k)).

(c) *Dogs only; rabies vaccination.* (1) Rabies vaccination is required for a dog that is brought into the United States, unless:

(i) The animal is a wild member of the dog family, in which case it may be admitted but for at least six months after admission the owner or his agent shall restrict it to a building or other enclosure in isolation from other animals and from persons except for contact necessary for its care, or

(ii) For the six months before arrival the dog has been only in a country determined by the Public Health Service to be rabies-free;[2] or

(iii) The owner submits evidence satisfactory to the quarantine officer that the dog is destined for a zoological park, or that it is destined for a research establishment and vaccination would seriously interfere with its use for scientific investigation; or

(iv) The dog on arrival is less than three months of age, in which case it may be admitted but shall be placed in confinement, and the owner shall certify that the dog will be vaccinated at three months of age and remain in confinement for at least one month following vaccination.

(2) Vaccination shall be accomplished with nervous-tissue vaccine more than one month but not more than 12 months before the dog's arrival, or with chicken-embryo vaccine more than one month but not more than 36 months before arrival.

(3) Where vaccination is required, the dog shall be accompanied by a valid certificate of rabies vaccination. This certificate shall: (i) Identify the dog, (ii) be signed by a licensed veterinarian, and (iii) specify that such veterinarian vaccinated the dog with "nervous-tissue" vaccine or with "chicken-embryo" vaccine, on a stated date within the respective time limits provided in subparagraph (2) of this paragraph.

[2] A current list of rabies-free countries may be obtained from the Surgeon General, Public Health Service, Department of Health, Education, and Welfare, Washington 25, D. C., Attention: Chief, Division of Foreign Quarantine, or from Public Health Service Quarantine Stations at United States ports.

(4) If a dog that is subject to vaccination arrives without a valid certificate of rabies vaccination, it shall not be admitted until it has been vaccinated (except as provided in subparagraph (5) of this paragraph). The owner shall arrange for and bear the expense of this vaccination. Upon admission the dog shall be placed in confinement for at least 30 days.

(5) If a dog arrives with a certificate which is valid except that vaccination was received less than one month before arrival, the dog may be admitted but shall be placed in confinement until at least 30 days have elapsed since vaccination.

(6) In no case will vaccination be recognized if performed on a dog less than three months of age.

(d) *Dogs and cats; special provisions.* Notwithstanding other provisions of this section, if a dog or cat comes from a locality having a high incidence of rabies and under conditions otherwise indicating that a special hazard of rabies introduction is present, it shall be subject to such additional requirements, or to exclusion, as may be found necessary by the medical officer in charge, and approved by the Chief of the Division of Foreign Quarantine of the Public Health Service, to prevent the introduction of rabies. However, any such dog that has been vaccinated after the age of 3 months as provided in paragraph (c) of this section shall be admitted after 30 days have elapsed since vaccination, if inspection of the animal following this period has revealed no evidence of communicable disease.

(e) *Monkeys only; measures regarding yellow fever.* (1) Monkeys arriving from or having passed through a yellow fever infected local area, or an area in which there is reason to suspect the existence of yellow fever virus, shall be admitted only if inspection of the animals reveals no sign of yellow fever, and there is evidence satisfactory to the medical officer in charge that:

(i) At least nine days have elapsed following their departure from the last such area contacted, or

(ii) They arrive in a mosquito-proof structure, and have been kept in such a structure for at least nine days immediately before arrival, or

(iii) They have an effective immunization against yellow fever.

(2) All openings of the structure referred to in subparagraph (1) of this paragraph shall have either:

(i) Coverings of mosquito-proof material in two layers at least one inch apart, or

(ii) An outer covering of mosquito-proof material and an inner covering or barrier with sufficiently small openings, and sufficiently offset from the outer covering, to prevent monkeys from extending any part of the body to within less than one inch of the outer covering.

For purposes of this paragraph "mosquito-proof material" shall be wire screen or other material substantially as resistant to mechanical injury. It shall have not less than 18 wires or strands per inch each way or substantially the equivalent thereof as specified in instruc-

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tions issued by the Chief of the Division of Foreign Quarantine.

(f) *Dogs, cats, and monkeys in transit.* The provisions of this section shall apply to dogs, cats, and monkeys shipped through the United States from one foreign country to another, except as provided below:

(1) Animals that appear healthy, but have been exposed to a sick or dead animal suspected of having a communicable disease, need not undergo tests or other examination as provided in paragraph (b) (3) of this section if conditions of their transportation will afford adequate protection to the United States against introduction of communicable disease.

(2) Rabies vaccination is not required for dogs that are shipped by airplane or ship and are retained in custody of the carrier under conditions preventing introduction of rabies.

6. Section 71.155 is amended to read as follows:

§ 71.155 *Dogs, cats, and monkeys; disposal of excluded animals.* A dog, cat, or monkey excluded from the United States under the regulations in this part shall be exported or destroyed. Pending exportation it shall be detained under customs' custody at the port of arrival at the owner's expense. In an area where Aedes aegypti is present, monkeys not meeting requirements of paragraph (e) of § 71.154 shall be detained in a mosquito-proof structure as described in that paragraph, pending disposal.

7. Section 71.605 (a) is amended to read as follows:

(a) Every port, and the area within the perimeter of every airport, shall be kept free from Aedes aegypti in its larval and adult stages.

(Sec. 215, 58 Stat. 690, 42 U. S. C. 216. Interpret or apply secs. 361-369, 58 Stat. 703-706; 42 U. S. C. 264-272)

Effective date: These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: August 5, 1957.

[SEAL] W. P. DEARING,
Acting Surgeon General.

Approved: August 7, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-6606; Filed, Aug. 12, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1004]

[Docket No. AO-271-A2]

MILK IN CENTRAL ARIZONA MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Phoenix, Arizona, on March 12-14, 1957, pursuant to notice thereof issued on February 20, 1957 (22 F. R. 1088).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on July 3, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file exceptions thereto which was published in the FEDERAL REGISTER on July 10, 1957 (22 F. R. 4855).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested parties are inconsistent with the findings and conclusions contained herein, the specific or implied request to make such findings and reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions and the general findings of the recommended decision (22 F. R. 4855; F. R. Doc. 57-5571) are hereby approved and adopted as the material issues, the findings and the conclusions of this decision as if set forth in full herein subject to the following revision:

After the 5th complete paragraph in column 2, 22 F. R. 4860 insert the following:

Since the expansion of the marketing area will bring under regulation at least one plant not previously regulated, the order should provide for the assignment of bases to dairy farmers shipping to such plant who will become producers on the effective date of the amended order. These producers should be assigned bases equal to those which they would have earned had the plant to which they deliver their milk been subject to regulation during the entire base-forming period. The market administrator therefore shall determine bases for these producers by dividing their total deliveries to such plant during the months of August through November 1957 by the number of days, not to be less than 90, of each such producer's delivery during the four months even though such plant was not regulated for the entire period.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Arizona Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Central Arizona marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1957 is hereby determined to be the representative period for the conduct of such referendum.

Max M. Morehouse is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D. C., this 7th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Central Arizona Marketing Area

§ 1004.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all skim milk and butterfat contained in (i) producer milk (including such handler's own production), (ii) other source milk in pool plants which is allocated to Class I, and (iii) Class I milk disposed of in the marketing area by nonpool plants.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Acting Deputy Administrator, Agricultural Marketing Service, on July 3, 1957, and published in the FEDERAL REGISTER on July 10, 1957 (22 F. R. 4855; Doc. 57-5571), shall be and are the terms and provisions of this order, as if set forth in full herein subject to the following revision:

Delete § 1004.90 and substitute the following:

§ 1004.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1004.91, the daily average base of each producer shall be calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of August through November immediately preceding by the number of day from the first day of delivery by such producer during such month to the last day of November, inclusive, or by 90, whichever is more: *Provided,* That for each person who became a producer on the effective date of this order by virtue of the plant to which such person delivers his milk having become a pool plant on the effective date of this order, a base shall be computed on the deliveries of such person to such plant during the period August 1 to November 30, 1957, in the same manner as if such person had been a producer for the entire period, and the plant to which he delivers his milk had been a pool plant for the entire period.

[F. R. Doc. 57-6598; Filed, Aug. 12, 1957; 8:47 a. m.]

Commodity Stabilization Service

[7 CFR Part 730]

RICE

NOTICE OF FORMULATION OF REGULATIONS RELATING TO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR THE 1958 CROP

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1352, 1353, 1354, 1377), the Secretary is preparing to formulate and (contingent upon a national marketing quota proclamation for the 1958 crop of rice) issue marketing quota regulations for the establishment of farm rice acreage allotments and normal yields for the the 1958 crop of rice.

It is expected that the regulations pertaining to farm acreage allotments and normal yields for the 1958 crop of rice will be substantially the same as those for the 1957 crop of rice (21 F. R. 8423, 22 F. R. 1710), except where changes are necessary for further clarification. The Secretary has under consideration, however, a basic change in the method of determining the farm and producer base acreages used in the establishment of acreage allotments. Under the regulations for 1957 and prior years the average of the rice acreage for the producer or farm, as applicable, for the preceding five years was the principal consideration in determining the producer or farm base acreage. The change under consideration for 1958 would provide that the 1957 rice acreage allotment for the producer or farm, as applicable, subject to adjustment by the ASC county committee to provide equitable base acreages for all producers or farms, as applicable, in accordance with the statutory factors for establishnig acreage allotments, would become the producer or farm base acreage for 1958.

Prior to the issuance of such regulations, consideration will be given to any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued this 7th day of August 1957.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 57-6626; Filed, Aug. 12, 1957; 8:52 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket Nos. G-11190, G-11266]

ALFRED C. GLASSELL, JR., AND TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATIONS

AUGUST 7, 1957.

Take notice that Texas Gas Transmission Corporation (Texas Gas), having its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed on October 19, 1956, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a gas purchase meter station and approximately 0.4 mile of 4-inch pipeline from Chacahoula Field, Lafourche Parish, Louisiana to the 20-inch Thibodaux lateral pipeline of Texas Gas in order to purchase and receive natural gas produced by Alfred C. Glassell, Jr. (Glassell) in said Chacahoula Field.

The estimated total cost of the facilities proposed to be constructed by Texas Gas is $20,600, which will be financed from cash on hand.

Alfred C. Glassell, Jr., an independent producer with offices in the First City National Bank Building, Houston, Texas, filed on October 4, 1956, an application for a certificate of public convenience

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and necessity pursuant to section 7 of the Natural Gas Act, authorizing the above-described sale of gas to Texas Gas pursuant to a gas purchase contract dated September 17, 1956, covering the production from the Leo Rogers, et al. tract—78 acres in the SE Quarter of Section 57, Township 15 South, Range 15 East; and the Adams, et al. tract—10 acres in the Southwest Quarter of Section 57, Township 15 South, Range 15 East, all in Lafourche Parish, Louisiana. Said contract provides for the delivery at Texas Gas' proposed purchase meter station in the field of a contract quantity of 5,720 Mcf of natural gas and a minimum quantity of 4,000 Mcf at 15.025 psia and provides for an initial price of 20 cents per Mcf plus one cent gathering tax.

The production and gathering facilities of Glassell proposed to be used, for which a certificate is requested, include the well equipment, separator and tie line to the delivery point with Texas Gas.

Applicants allege that the gas which is the subject of this proceeding will be transported through the facilities of Texas Gas in interstate commerce.

The above applications are on file with the Commission and open for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 27, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6588; Filed, Aug. 12, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Anadarko Area Office Redelegation Order 1, Amdt. 4]

CHIEF, BRANCH OF MINERALS, OSAGE AGENCY

REDELEGATION OF AUTHORITY WITH RESPECT TO LEASING FOR OIL AND GAS MINING

Order 1, as amended, is further amended by the addition of a new part to read as follows:

PART 3—AUTHORITY OF SPECIFICALLY DESIGNATED EMPLOYEES

FUNCTIONS RELATING TO LANDS AND MINERALS

SECTION 3.350 *Leasing for oil and gas mining.* The Chief, Branch of Minerals, Osage Agency, may exercise the authority of the Superintendent set forth in 25 CFR 180.26, 180.46 (a) and 180.46 (c). The authority delegated in this section does not include:

1. The approval of the schedule of bids accepted by the Osage Tribal Council following a sale of oil leases and gas leases conducted in conformity with the provisions of § 180.39.

Any action taken under this section is subject to the right of appeal to the Superintendent.

RAYMOND H. BITNEY,
Acting Area Director.

Approved: August 7, 1957.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 57-6586; Filed, Aug. 12, 1957; 8:45 a. m.]

Bureau of Land Management

[Document No. 156]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 6, 1957.

1. Pursuant to authority delegated by Document No. 43 Arizona, effective May 19, 1955 (20 F. R. 3514-15), the following described lands situated in Cochise County, Arizona, that were reconveyed to the United States under the provisions of the act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g) in Arizona State Exchange Application, Serial No. AR-09436, are hereby opened and classified for disposal in furtherance of a Federal land adjustment program:

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 27 E.
Sec. 26; S½.

The area described totals 320 acres of public lands.

2. The lands will be opened to entry under the public land laws but not including the mining and mineral leasing laws, effective as of the date of this order. This opening is made in furtherance of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U. S. C. 315g) as amended, by which the offered lands will benefit a Federal land program. Therefore, this restoration is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-84) as amended, granting future preference rights to veterans of World War II, the Korean conflict, and others.

3. No application for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law. Any application that is filed will be considered on its merits and the lands will not be subject to occupancy or disposition until they have been classified and the application allowed.

4. Inquiries concerning the lands should be addressed to the Manager, Phoenix Land Office, P. O. Box 148, Phoenix, Arizona.

EUGENE H. NEWELL,
Lands and Minerals Staff Officer.

[F. R. Doc. 57-6601; Filed, Aug. 12, 1957; 8:48 a. m.]

Bureau of Reclamation

NEWLANDS PROJECT, NEVADA

ORDER OF REVOCATION

JUNE 20, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of April 23, 1909 and July 24, 1926, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, NEVADA

T. 28 N., R. 24 E.,
Sec. 7, lot 1;
Sec. 25.

The above areas aggregate 640.02 acres.

E. G. NIELSEN,
Assistant Commissioner.

[1228977]

AUGUST 7, 1957.

I concur.

Lot 1 of sec. 7 is withdrawn as a part of the Winnemucca National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940. The lands are also within an application for withdrawal filed by the Department of the Navy for use as an aerial gunnery range. Applications for the lands, other than lot 1 of section 7, will therefore be suspended in accordance with the regulations in 43 CFR 295.10 until action on the withdrawal application has been taken.

Subject to the segregative effect of the withdrawal application, the non-refuge lands shall, at 10:00 a. m., on September 12, 1957, become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 57-6587; Filed, Aug. 12, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7912]

FREE BAGGAGE ALLOWANCES AND EXCESS BAGGAGE CHARGES

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 11, 1957, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 8, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6607; Filed, Aug. 12, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3601]

STANDARD SHARES, INC.

ORDER AUTHORIZING EXTENSION OF BANK LOAN FOR ONE YEAR

JULY 22, 1957.

Standard Shares, Inc. ("Standard Shares"), a registered holding company, in the process of conversion into an investment company, has filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act").

Standard Shares proposes, pursuant to a loan extension agreement, to issue a promissory note in the amount of $1,250,000 to The Hanover Bank of New York to mature July 29, 1958, with interest at the prime commercial rate on the date of issuance. The company will have the right at any time to prepay all or any part of the loan without premium.

The company states that it is in the best interests of the company's stockholders and its operation as an investment company to extend the loan for another year rather than to pay it off at its present maturity. This loan will be Standard Shares' only indebtedness outstanding.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 under the act (Holding Company Act Release No. 13510), and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration should be permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under the act;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6589; Filed, Aug. 12, 1957; 8:45 a. m.]

[File No. 70-2945 etc.]

OHIO VALLEY ELECTRIC CORP. ET AL.

THIRD SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

JULY 24, 1957.

In the matter of Ohio Valley Electric Corporation, Indiana-Kentucky Electric Corporation et al.; File Nos. 70-2945, 70-3106, 70-3320 and 70-3368.

The Commission on November 7, 1952 issued its Findings and Opinion and Order (Holding Company Act Release No. 11578) granting and permitting to become effective a joint application-declaration, filed pursuant to sections 6, 7, 9, 10, and 13 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-90, U-91 and U-100 thereof, by American Gas and Electric Company ("American Gas"), a registered holding company, and its subsidiary service company, American Gas and Electric Service Corporation ("Service Corporation"); The West Penn Electric Company ("West Penn Electric"), a registered holding company; Ohio Edison Company ("Ohio Edison") a public utility company and a registered holding company; The Cincinnati Gas & Electric Company, a public utility company and an exempt holding company; Louisville Gas and Electric Company, a public utility company and an exempt holding company; Kentucky Utilities Company, a public utility company and an exempt holding company; Ohio Valley Electric Corporation ("OVEC") and Indiana-Kentucky Electric Corporation ("IKEC"), the latter two companies then being new utility companies organized for the purpose of providing power for an atomic energy installation to be located at or near Portsmouth, Ohio.

This order was issued in respect of a program involving (1) the issuance and sale by IKEC of not in excess of 100,000 shares of its common stock, without par value, and the acquisition thereof by OVEC at a price of $200 per share, (2) the issuance and sale by OVEC of not in excess of 200,000 shares of common stock, $100 par value, and the acquisition thereof at par by the above-named companies (excluding Service Corporation) and four utility companies not subject to the act, and (3) the extension to OVEC and IKEC of certain services to be rendered by Service Corporation.

The Commission, on July 27, 1953, issued its Memorandum Opinion and Order (Holding Company Act Release No. 12077) granting and permitting to become effective a joint application-declaration filed pursuant to sections 6, 7, 9, 12 (f) and 12 (g) of the act and various Rules thereunder including U-50 and U-100 filed by the above-named companies (excluding Service Corporation) and three public utility subsidiaries of American Gas, i. e., Appalachian Electric Power Company ("Appalachian"), The Ohio Power Company ("Ohio Power"), and Indiana & Michigan Electric Company ("Indiana & Michigan"), and three public utility subsidiaries of West Penn Electric, i. e., Monongahela Power Company ("Monongahela"), The Potomac Edison Company ("Potomac Edison") and West Penn Power Company ("West Penn Power"), and a public utility subsidiary of Ohio Edison, i. e., Pennsylvania Power Company.

The Memorandum Opinion and Order of July 27, 1953 was issued in respect of proposals relating to (1) the issuance and sale by IKEC of not in excess of $230,000,000 principal amount of First Mortgage Bonds and the acquisition thereof by OVEC; (2) the issuance by OVEC of not in excess of $360,000,000 principal amount of First Mortgage and Collateral Trust Bonds and the sale thereof to 39 institutional investors; (3) the issuance by OVEC of not in excess of $60,000,000 principal amount of unsecured notes and the sale thereof to financial institutions, including 12 banks; (4) the issuance by OVEC of not in excess of $8,000,000 principal amount of "Subordinated Notes" and the acquisition thereof by the companies indentified in the preceding paragraph and four public utility companies not subject to the act; and (5) the execution by the several applicant-declarant companies of certain contracts and agreements relating to the financing and operation of the project.

The Commission on December 21, 1954 issued its Order (Holding Company Act Release No. 12752) granting and permitting to become effective an application-declaration pursuant to sections 6 (a) (2) and 7 of the act by OVEC regarding a reduction in the rate of interest on the notes, issued and to be issued, and on the subordinated notes to be issued.

The Commission on May 25, 1955 issued its Memorandum Opinion and Order (Holding Company Act Release No. 12909) granting and permitting to become effective an application-declaration filed by OVEC; American Gas and its three public utility subsidiaries, Appalachian, Ohio Power, and Indiana & Michigan; West Penn Electric and three of its public utility subsidiaries, Monongahela, Potomac Edison, and West Penn Power; Ohio Edison and its subsidiary, Pennsylvania Power Company; The Cincinnati Gas & Electric Company; Kentucky Utilities Company; and Louisville Gas and Electric Company; pursuant to sections 6 (a) (2), 6 (b), 7 (e) and 12 (f) of the act and Rule U-43 promulgated thereunder.

Said application-declaration was in respect of (1) the issuance and sale for cash of $10,000,000 principal amount of notes ("Interim Debt") due 90 days after demand to 12 of the 14 institutions then owning OVEC's outstanding notes due 1967; and (2) the amendment of the agreements underlying all of the presently outstanding debt securities of OVEC so as to permit the participating companies to reduce their commitments to supply equity capital to OVEC from $20,000,000 to $10,000,000 so long as such Interim Debt should remain outstanding.

The Commission, in said orders of November 7, 1952, July 27, 1953, December 21, 1954 and May 25, 1955, having reserved jurisdiction to pass upon all fees and expenses, including legal fees, in connection with the proposed transactions; the Commission having on De-

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cember 29, 1954 issued its order (Holding Company Act Release No. 12764) releasing jurisdiction over fees and expenses incurred up to and including December 31, 1953, and having on October 31, 1956 issued its order (Holding Company Act Release No. 13297) releasing jurisdiction over fees and expenses up to and including June 30, 1955, but having continued the reservation of jurisdiction as to fees and expenses incurred and to be incurred subsequent to June 30, 1955, and over the allocation of fees and expenses as between OVEC and IKEC; amendments to the applications-declarations having been filed relating to fees and expenses incurred from July 1, 1955 to and including June 30, 1956 in respect of the various transactions outlined above, including fees and expenses attributed to services rendered in connection with certain transactions which it is stated were not subject to the Commission's jurisdiction; and said amendments having set forth the claimants, the fees and expenses requested, the interests represented, other costs incurred, the total amounts involved, and the allocation thereof, except as between OVEC and IKEC, as reflected in the following tabulation:

Claimants	Fees and costs admitted to be subject to Commission's jurisdiction	Fees payable by OVEC and IKEC claimed not to be subject to Commission's jurisdiction	Total fees, costs, and expenses
Simpson Thacher & Bartlett, counsel for OVEC and IKEC:			
Fees	$15,000.00	$75,000.00	$90,000.00
Expenses			6,480.49
Eagleson & Laylin—Ohio, counsel for OVEC and IKEC:			
Fees	375.00	5,500.00	5,875.00
Expenses			363.20
Middleton, Seelbach, Wolford, Willis & Cochran—Kentucky, counsel for OVEC and IKEC:			
Fees	1,500.00	8,000.00	9,500.00
Expenses			18.66
Barnes, Hickam, Pantzer & Boyd—Indiana, counsel for OVEC and IKEC:			
Fees	950.00	2,925.00	3,875.00
Expenses			686.54
Willkie Owen Farr Gallagher & Walton, special counsel for bond purchasers, to be allocated between OVEC and IKEC:			
Fees	11,500.00		11,500.00
Expenses			198.10
White & Case, special counsel for participants under bank credit agreement, to be allocated between OVEC and IKEC:			
Fees	5,000.00		5,000.00
Milbank, Tweed, Hope & Hadley, counsel for the Chase Manhattan Bank, trustee, to be allocated between OVEC and IKEC:			
Fees	250.00		250.00
The Chase Manhattan Bank, indenture trustee:			
Trustee's fees	10,784.74		10,784.74
Printing costs	2,579.04		2,579.04
U. S. documentary stamp tax	147,400.00		147,400.00
Statutory fees payable to Indiana	106,250.00		106,250.00
Miscellaneous	496.32		496.32
Total	302,085.10	91,425.00	401,257.09

The Commission having considered the record made in respect of the above fees, costs and expenses and observing no basis for adverse findings as to the reasonableness of the amounts requested, and therefore deeming it unnecessary to segregate for consideration and determination specific transactions and related fees which are subject to the Commission's jurisdiction:

It is ordered, That the jurisdiction heretofore reserved in the Commission's order of October 31, 1956, in respect of the fees and expenses incurred subsequent to June 30, 1955, be and it is hereby released forthwith, as to the above fees incurred through June 30, 1956; and

It is further ordered, That the jurisdiction heretofore reserved in respect of the allocation of the fees and expenses as between OVEC and IKEC, and in respect of fees and expenses incurred and to be incurred for services rendered subsequent to June 30, 1956, be and it is hereby continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6590; Filed, Aug. 12, 1957; 8:46 a. m.]

[File No. 70-3602]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

ORDER AUTHORIZING ISSUE AND SALE OF PROMISSORY NOTES BY SUBSIDIARIES TO BANKS AND TO PARENT COMPANY

JULY 25, 1957.

New England Electric System ("NEES"), a registered holding company, and twenty-five of its public-utility subsidiaries ("the borrowing companies"), namely Amesbury Electric Light Company ("Amesbury"), Attleboro Electric Company ("Attleboro"), Central Massachusetts Gas Company ("Central Mass."), Essex County Electric Company ("Essex"), Granite State Electric Company ("Granite"), Haverhill Electric Company ("Haverhill"), Lawrence Electric Company ("Lawrence"), Lawrence Gas Company ("Lawrence Gas"), The Lowell Electric Light Corporation ("Lowell"), Lynn Gas and Electric Company ("Lynn"), The Mystic Power Company ("Mystic"), Mystic Valley Gas Company ("Mystic Valley"), New England Power Company ("NEPCO"), Northampton Electric Lighting Company ("Northampton"), Northampton Gas Light Company ("Northampton Gas"), North Shore Gas Company ("North Shore"), Northern Berkshire Electric Company ("Northern"), Norwood Gas Company ("Norwood"), The Pequot Gas Company ("Pequot"), Quincy Electric Company ("Quincy"), Southern Berkshire Power & Electric Company ("Southern"), Suburban Electric Company ("Suburban"), Wachusett Gas Company ("Wachusett"), Weymouth Light and Power Company ("Weymouth"), and Worcester County Electric Company ("Worcester") have filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 7, and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

The borrowing companies propose to issue from time to time through December 31, 1957 unsecured promissory notes maturing not later than March 31, 1958 (a) to banks in the aggregate principal amount of $50,664,000, and (b) to NEES in the aggregate principal amount of $16,315,000, or a total of $66,979,000. The maximum amount of the proposed notes to be outstanding at any one time is stated at $57,484,000. The proceeds of the proposed borrowings are to be used to pay then outstanding notes due to banks or to NEES, and to provide new money for construction expenditures or to reimburse the treasury therefor. The notes will bear interest at not in excess of the prime rate (presently 4 percent per annum) charged by banks for similar loans at the time such loans are made. Provision will be made for certain subsidiaries to pay their bank indebtedness in whole or in part with borrowings from NEES, or vice versa. In the case of notes issued to NEES to prepay notes to banks, the interest rate will be the then prime interest rate, but not in excess of the interest rate on the notes being repaid to the date of their maturity. In the case of notes issued to banks to prepay notes to NEES, if the interest rate is increased, NEES will file an amendment hereto, to become effective only pursuant to rule or order of the Commission.

Each of the borrowing companies proposes that if any permanent financing is done prior to the maturity of the indebtedness to be issued hereunder, it will apply to the proceeds therefrom in reduction of, or in total payment of, note indebtedness then outstanding; that the balance of note indebtedness then unissued hereunder, if any, will be reduced by the amount, if any, by which the proceeds of such permanent financing exceeds note indebtedness at the time outstanding; and that the maximum amount of note indebtedness proposed to be outstanding hereunder will be reduced by the amount of the proceeds of such permanent financing.

The following table shows for each borrowing company (1) the aggregate amount of notes proposed to be issued to banks and to NEES, and (2) the maximum amount of notes to be outstanding with banks and with NEES at any one time.

[000's omitted]

Borrowing company	Aggregate amount of notes to be issued		Maximum amount of notes to be outstanding		
	Banks	NEES	Banks	NEES	Banks or NEES
Amesbury	$875	$550	$675	$350	$200
Attleboro		585		585	
Central Massachusetts	825		825		
Essex	3,800		3,800		
Granite	1,000	1,000			1,000
Haverhill	3,400		3,400		
Lawrence	1,475	6,250		4,775	1,475
Lawrence Gas	2,030		2,030		
Lowell	2,000		2,000		
Lynn	2,700		2,700		
Mystic	125		125		
Mystic Valley	3,500		3,500		
NEPCO	9,500		9,500		
Northampton	660		660		
Northampton Gas		530		530	
Northern Berkshire	1,055		1,055		
North Shore	750		750		
Norwood		580		580	
Pequot	49		49		
Quincy	2,225	2,225			2,225
Southern	1,345	1,345			1,345
Suburban	4,650		4,650		
Wachusetts	550		550		
Weymouth	3,250	3,250			3,250
Worcester	4,900		4,900		
Totals	50,664	16,315	41,169	6,820	9,495

The Public Utilities Commission of New Hampshire has authorized the issuance of short-term notes by Granite as proposed. The record indicates that no other regulatory approvals are required except the order of this Commission.

Due notice having been given of the filing of said joint application-declaration (Holding Company Act Release No. 13516), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6591; Filed, Aug. 12, 1957; 8:46 a. m.]

[File No. 70-3604]

MISSOURI EDISON CO., AND UNION ELECTRIC CO.

ORDER GRANTING APPLICATION REGARDING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION OF PRO RATA SHARES BY PARENT

JULY 30, 1957.

Union Electric Company ("Union"), a public utility company and registered holding company, and Missouri Edison Company ("Missouri"), a public utility subsidiary of Union, have filed a joint application and an amendment thereto with this Commission, pursuant to section 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions, which are sumamrized as follows:

Missouri proposes to issue and sell 71,429 additional shares of its common stock at a price of $20 per share, aggregating $1,428,580. Union proposes to acquire such shares, under the terms of a common stock agreement between Union and Missouri, less such number of shares as may be sold by Missouri pursuant to a rights offering to its other stockholders. Missouri proposes to offer to the holders of its common stock, other than Union, the right to subscribe for additional shares of such stock at the price of $20 per share on the basis of 3 shares for each 7 shares held of record by such stockholders.

Union now owns 166,495 shares of the 166,667 outstanding shares of common stock of Missouri, and the remaining 172 shares are held by 7 stockholders. Missouri proposes to mail to each stockholder, other than Union, an individual letter constituting the common stock subscription offer and enclosing a subscription form. No fractional shares will be issued, but pursuant to such offering holders of shares not exactly divisible by seven, upon subscribing for the maximum number of whole shares to which they are entitled, may subscribe for one additional share of Missouri common stock. The subscription offer will expire on the 14th day after its date. Union will relinquish its preemptive right to purchase additional comon stock of Missouri to the extent necessary to permit other stockholders to exercise their subscription rights in full.

The proceeds from the issuance and sale of the common stock by Missouri will be used to provide Missouri with funds to repay at their maturity on August 31, 1957, bank notes which are expected to amount to $1,325,000 on that day, and to finance, in part, Missouri's construction program.

The issuance and sale of the common stock by Missouri have been expressly authorized by the Public Service Commission of Missouri, and the acquisition of such common stock by Union has been expressly authorized by that commission and also by the Illinois Commerce Commission. No Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that Missouri's expenses in connection with the above transactions will not exceed $545 and that Union's expenses will not exceed $600.

Due notice of filing of the application having been given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13517) and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the expenses set forth above are not unreasonable, and that the application, as amended, should be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6592; Filed, Aug. 12, 1957; 8:46 a. m.]

[File No. 70-3530]

PITTSBURGH RAILWAYS CO.

ORDER RELEASING JURISDICTION OVER PAYMENT OF CERTAIN EXPENSES INCLUDING COUNSEL FEE

AUGUST 2, 1957.

The Commission having, by order dated March 20, 1957 (Holding Company Act Release No. 13423), granted an amended application filed by Pittsburgh Railways Company ("Pittsburgh"), then a non-utility subsidiary of Standard Gas and Electric Company, a registered holding company, regarding the issuance of a fifteen year 4½ percent purchase money bond in the principal amount of $280,000 to Navarro Corporation, a contractor doing business in Pittsburgh, Pennsylvania, as part payment for a garage building then being constructed by said contractor and needed by Pittsburgh for storage, servicing and maintenance of its buses; and

Said order having contained a reservation of jurisdiction with respect to the expenses incurred by Navarro Corporation and the fees and expenses of all counsel, including the fee and expenses of counsel for Navarro Corporation; and

The application having been further amended to show the expenses of Navarro Corporation, including the fee of Maurice Chaitkin, its counsel, paid or to be paid

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by Pittsburgh in connection with said transaction, as follows:

Interest paid by Navarro Corporation to Peoples First National Bank & Trust Company on construction loan for the construction of the building	$6,776.79
First quarter City of Pittsburgh and School District of the City of Pittsburgh, 1957 taxes	443.06
Federal documentary stamps on assignment of bond	140.00
Other items	147.50
Total amount heretofore paid	7,507.35
Statement of Maurice Chaitkin, Esq., Attorney for Navarro Corporation	3,500.00
Total expenses paid and attorney's fee	11,007.35

The Commission having examined the record as further amended and finding that the expenses of Navarro Corporation, including the fee of its counsel, in the amounts above set forth are not unreasonable, and deeming it appropriate in the public interest to release jurisdiction with respect to such expenses and fee:

It is ordered, That jurisdiction heretofore reserved with respect to the payment of the above expenses of Navarro Corporation, including the fee of its counsel, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6593; Filed, Aug. 12, 1957; 8:46 a. m.]

[File No. 811-762]

DISC, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

AUGUST 6, 1957.

Notice is hereby given that Disc, Inc. ("Disc"), a corporation organized under the laws of the District of Columbia and which is registered under the Investment Company Act of 1940 ("act") as a closed-end, non-diversified investment company, has filed an application pursuant to section 8 (f) of the act for an order of the Commission declaring that Disc has ceased to be an investment company.

The application makes the following representations:

Disc filed its Notification of Registration as an investment company on Form N-8A on January 24, 1957. Since its organization, Disc has been primarily engaged in the business of purchasing or otherwise acquiring mortgages and other liens on and interests in real estate. On June 21, 1957, it was decided by resolution of the Board of Directors of Disc, and by the vote of a majority of the outstanding voting securities of Disc at a special meeting of its stockholders, that Disc shall remain primarily engaged in the business of purchasing or otherwise acquiring mortgages and other liens on and interests in real estate rather than engaging in business as an investment company as defined in the act. Mortgages and other liens on and interests in real estate comprise over 90 percent of the assets of Disc, and the applicant submits that it is not an investment company within the meaning of the act, by reason of the exception stated in section 3 (c) (6) (C) of the act.

Disc's outstanding securities as of June 30, 1957 consisted of 218,275 shares of common stock with a par value of $1 per share, of which 86,255 shares were sold for cash at a price of $1 per share, 117,020 shares were issued in exchange for preferred stock of Disc and 15,000 shares were issued to directors of Disc as compensation for services. Disc has 19 stockholders. It presently plans to make a public offering of 400,000 shares of common stock at a price of $2.50 per share.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 19, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6594; Filed, Aug. 12, 1957; 8:46 a. m.]

[File No. 811-540]

SOLVAY AMERICAN CORP.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

AUGUST 6, 1957.

Notice is hereby given that The Solvay American Corporation ("Applicant"), a closed-end, non-diversified investment company, registered as such under the Investment Company Act of 1940 ("act"), has filed an amended application pursuant to section 8 (f) of the act for an order declaring that Applicant has ceased to be an investment company.

The amended application makes the following representations:

Applicant was incorporated in the State of Delaware on October 7, 1947 and registered as an investment company under the Act of March 19, 1948. It had outstanding a total of 1,000,000 shares of Common Stock, par value $20 each. All of the said shares of Common Stock were owned by North American Solvay, Inc., ("North American"), a Delaware corporation. Applicant also had outstanding in the hands of the public 10,775 shares of 4 percent Cumulative Preferred Stock, $100 par value.

In accordance with the provisions of its Certificate of Incorporation, as amended, and pursuant to resolutions duly adopted by its Board of Directors, Applicant called for redemption on March 22, 1957, all shares of its Preferred Stock at the redemption price of $101.90 per share. The holders of such Preferred Stock had the right, up until the close of business on March 22, 1957, in lieu of receiving the cash redemption price, to surrender their shares for retirement and receive shares of Common Stock of Allied Chemical & Dye Corporation at the rate of 1.98996 shares of such Common Stock for each share of such Preferred Stock. All outstanding shares of Preferred Stock have been redeemed pursuant to such call.

The board of directors of North American resolved on March 18, 1957, to merge Applicant into North American. The Common Stock of Applicant owned by North American was surrendered to Applicant and retired, whereupon all assets of Applicant were vested in and held by North American, subject to all liabilities and obligations of Applicant, by operation of Delaware law. Applicant has filed as an exhibit to its application a copy of the Certificate of the Recorder of Deeds for Newcastle County, Delaware certifying that Applicant has been merged into North American.

Section 8 (f) of the act provides, in part that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 23, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6595; Filed, Aug. 12, 1957; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11866]

ALLOCATION OF FREQUENCIES IN THE BANDS ABOVE 890 MC.

EIGHTH NOTICE OF HEARING

The Commission will resume hearings in the above-entitled proceeding on September 30, 1957. As announced previously, Mr. Sidney Topol of Raytheon Manufacturing Company and representatives of the Radio Electronics Television Manufacturers Association will be the final witnesses.

Each of the above witnesses shall file with the Commission an original and 14 copies of any proposed statement, and any exhibits intended to be introduced by Monday September 23, 1957.

Testimony will be heard from Mr. Sidney Topol who will then be followed by the concluding witnesses for the Radio Electronics Television Manufacturers Association.

Dated: August 6, 1957.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY, *Acting Secretary.*

[F. R. Doc. 57-6611; Filed, Aug. 12, 1957; 8:50 a. m.]

[Docket Nos. 11888, 11889; FCC 57-843]

JEFFERSON COUNTY BROADCASTING CO. AND KERMIT F. TRACY

ORDER AMENDING ISSUES

In re application of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Jefferson County Broadcasting Company, Pine Bluff, Arkansas, Docket No. 11888, File No. BP-10528; Kermit F. Tracy, Fordyce, Arkansas, Docket No. 11889, File No. BP-10691; for construction permits.

At a session of the Federal Communications Commission at its offices in Washington, D. C., on the 1st day of August 1957;

The Commission having under consideration (1) a petition to enlarge issues filed on March 1, 1957, by Louis Alford, Phillip D. Brady, and Albert Mack Smith d/b as Jefferson County Broadcasting Company; (2) an opposition to and request for denial of the petition to enlarge issues filed on March 8, 1957, by Kermit F. Tracy; (3) a reply to the opposition to and request for denial of the petition to enlarge issues filed on March 13, 1957, by Jefferson; (4) a supplement to the petition to enlarge issues filed on April 23, 1957, by Jefferson; (5) an opposition to and request for denial of the supplement to the petition to enlarge issues filed on May 3, 1957, by Tracy; and (6) a reply to "Opposition to and request for denial of supplement to petition to enlarge issues" filed on May 9, 1957, by Jefferson.

It appearing, that petitioner requests enlargement of the issues to determine whether Tracy's application was filed in good faith and whether Tracy's proposed transmitter site is available to him;

It further appearing, that on April 20, 1956, the application of Jefferson was filed with the Commission, requesting a permit to construct a standard broadcast station at Pine Bluff, Arkansas, to operate on 1270 kc with 5 kw power, daytime only;

It further appearing, that on July 10, 1956, application was filed by Tracy for a permit to construct a standard broadcast station at Fordyce, Arkansas, on 1270 kc with 1 kw power, daytime only, which application was mutually exclusive with Jefferson's Pine Bluff application;

It further appearing, that the site described by Tracy in his application is and always has been unavailable to him;

It further appearing, that the land subsequently leased to Tracy for use as his transmitter site is not identical in location with the proposed transmitter site described by him in his application for a permit to construct a standard broadcast station at Fordyce, Arkansas;

It further appearing, that sufficient facts have been alleged to warrant inquiry as to whether the Tracy application was filed in good faith and to justify enlargement of issues to inquire into this matter and to determine the availability of Tracy's proposed transmitter site;

It further appearing, that Jefferson has established that it has met the "good cause" requirement of § 1.389 of our rules concerning late filing of petitions to enlarge issues;

It is ordered, That the petition to enlarge issues is granted, existing issue 3 is redesignated issue 5, and the following issues are added to this proceeding:

3. To determine whether the application of Kermit F. Tracy was filed in good faith.

4. To determine the availability of Kermit F. Tracy's proposed transmitter site.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-6612; Filed, Aug. 12, 1957; 8:50 a. m.]

[Docket No. 11997; FCC 57-926]

RADIO SPECTRUM BETWEEN 25 MC AND 890 MC

STATUTORY INQUIRY INTO THE ALLOCATION OF FREQUENCIES TO THE VARIOUS NON-GOVERNMENTAL SERVICES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of August 1957.

The Commission having before it for consideration its Order of Inquiry in the above-entitled matter, released on April 11, 1957, and its order of June 12, 1957, extending the time for filing comments from July 1, 1957, to September 6, 1957, and a petition filed on July 23, 1957, by the Radio-Electronics-Television Manufacturers Association, requesting a further extension of time in which to file comments; and

It appearing that the specific data and information requested by the Commission is both extensive and complex; and

It further appearing that a further extension of the time in which to file comments would benefit the public interest in that it would enable the petitioner and other interested parties to complete the details of their comments in this important proceeding;

It is ordered, That the time for filing comments in the above-entitled proceeding is extended from September 6, 1957, to November 1, 1957.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-6613; Filed, Aug. 12, 1957; 8:50 a. m.]

[Docket No. 12008; FCC 57-844]

NOBLE-DE KALB BROADCASTING CO., INC. (WKTL)

ORDER AMENDING ISSUES

In re application of Noble-De Kalb Broadcasting Company, Inc. (WKTL), Kendallville, Indiana, docket No. 12008, File No. BP-10883; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of August 1957;

The Commission having under consideration a petition to enlarge issues filed on May 15, 1957, by Noble-De Kalb Broadcasting Company, Inc., licensee of Station WKTL, Kendallville, Indiana;

It appearing, that the applicant seeks an enlargement of issues to inquire into the need for applicant's program service in the areas and populations which would be gained and also to determine the need for the service of Station WPTW in the areas it would lose because of interference from the applicant's proposed operation; and

It further appearing, that no oppositions to the instant petition were filed;

It is ordered, That the petition of Noble-De Kalb Broadcasting Company, Inc. is granted, and that the hearing issue No. 3 in the above-entitled proceeding is renumbered as issue No. 5 and the hearing issues are enlarged to include as issues No. 3 and No. 4 the following:

3. To determine the need for the applicant's proposed programming in the areas and populations which it would gain.

4. To determine the need for the programming of Station WPTW in the areas and populations it would lose as a result of the proposed operation of Station WKTL.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-6614; Filed, Aug. 12, 1957; 8:50 a. m.]

UNIVERSITY OF MICHIGAN LIBRARIES

[Docket Nos. 12077, 12078; FCC 57M–762]

CARIBBEAN ATLANTIC AIRLINES, INC., AND AERONAUTICAL RADIO, INC.

ORDER CONTINUING HEARING

In the matter of Applications submitted by Caribbean Atlantic Airlines, Inc., San Juan, Puerto Rico, Docket No. 12077, File Nos. 14730/32/33/34/35 A–P/L–L and 14731/36 AA–P–LX; Aeronautical Radio, Inc., Washington, D. C., Docket No. 12078, File Nos. 20438/39/40/41/42 A–P/L–L and 20444/45 AA–P–LX; for authorizations covering aeronautical fixed facilities in Puerto Rico and the American Virgin Islands.

It is ordered, This 5th day of August 1957, by the Hearing Examiner on his own motion, that the hearing in the above-entitled matter, heretofore scheduled to commence on September 23, 1957, is hereby rescheduled to commence at 10:00 a. m., September 30, 1957, in the Commission's offices in Washington, D. C.

Released: August 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57–6615; Filed, Aug. 12, 1957; 8:50 a. m.]

[Docket No. 12079, etc.; FCC 57M–760]

JACK A. BURNETT ET AL.

ORDER CONTINUING HEARING

In re Applications of Jack A. Burnett, Ogden, Utah, Docket No. 12079; File No. BPCT–2255; United Telecasting and Radio Company, Ogden, Utah, Docket No. 12080, File No. BPCT–2270; Granite District Radio Broadcasting Company, Ogden, Utah, Docket No. 12081, File No. BPCT–2274; for construction permits for new television broadcast stations.

On the Examiner's own motion: *It is ordered*, This 5th day of August 1957 that the hearing in the above-entitled proceeding, now scheduled to commence on September 17, 1957, is continued to September 26, 1957.

Released: August 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57–6616; Filed, Aug. 12, 1957; 8:50 a. m.]

[Docket No. 12118, etc.; FCC 57–854]

TELEVISION BROADCASTERS, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Television Broadcasters, Inc., Beaumont, Texas, Docket No. 12118, File No. BMPCT–4681, for modification of construction permit; WDSU Broadcasting Corporation, Port Arthur, Texas, Docket No. 12119, File No. BPCT–2300; KPBX Broadcasting Company, Beaumont, Texas, Docket No. 12120, File No. BPCT–2313; Brown Telecasters, Inc., Beaumont, Texas, Docket No. 12121, File No. BPCT–2327; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 1st day of August 1957;

The Commission having under consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 12 which is assigned to Beaumont-Port Arthur, Texas; and

It appearing, that each of the above-named applicants, by letters filed July 10, 1957, requests that its application be designated for hearing immediately and expressly waives its rights under section 309 (b) of the Communications Act of 1934, as amended, to notice preceding designation for hearing, of all objections to its application as well as the source and nature of such objections and an opportunity to reply; and

It further appearing, that the above-named applicants are the only parties entitled to notice under section 309 (b) of the Communications Act of 1934, as amended; and

It further appearing, that Television Broadcasters, Inc. proposes to locate its main studio outside of the principal city to be served; that § 3.613 (a) of the Commission's rules requires the main studio to be located within the principal city unless a waiver is requested and good cause shown therefore as provided by § 3.613 (b); and that no such request or showing has been made; and

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that Television Broadcasters, Inc. is legally and financially qualified to construct, own and operate the proposed television broadcast station, is technically qualified except as to issues "1" and "2" below, and is otherwise qualified except as to issue "3" below; that WDSU Broadcasting Corporation is legally, technically and otherwise qualified to construct, own and operate the proposed television broadcast station except as to issue "4" below; that KPBX Broadcasting Company is legally, financially, and otherwise qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "5" below; and that Brown Telecasters, Inc. is legally, financially and otherwise qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "2" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Television Broadcasters, Inc., WDSU Broadcasting Corporation, KPBX Broadcasting Company and Brown Telecasters, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the correct antenna dimensions of the antenna proposed by Television Broadcasters, Inc.

2. To determine whether the antenna systems and sites proposed by Television Broadcasters, Inc., and Brown Telecasters, Inc., would constitute hazards to air navigation.

3. To determine whether good cause exists for a waiver of § 3.613 (a) of the Rules with respect to the main studio proposed by Television Broadcasters, Inc.

4. To determine the financial qualifications of WDSU Broadcasting Corporation to construct, own and operate the proposed television broadcast station.

5. To determine the geographic coordinates of the transmitter site proposed by KPBX Broadcasting Company.

6. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast stations.

(b) The proposals of each with respect to the management and operation of the television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

7. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Television Broadcasters, Inc., WDSU Broadcasting Corporation, KPBX Broadcasting Company and Brown Telecasters, Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–6617; Filed, Aug. 12, 1957; 8:51 a. m.]

[Docket Nos. 12122, 12123; FCC 57–866]

NORTHERN ALLEGHENY BROADCASTING CO. AND ROBERT H. SAUBER

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Northern Allegheny Broadcasting Company, Union City, Pennsylvania, Docket No. 12122, File No. BP–10802; Robert H. Sauber, Franklin, Pennsylvania, Docket No. 12123, File No. BP–10998; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of August 1957;

The Commission having under consideration the above-captioned applications of Northern Allegheny Broadcasting Company and of Robert H. Sauber for construction permits for new standard broadcast stations to operate on 1430 kilocycles with a power of 500 watts, daytime only, at Union City and Franklin, Pennsylvania, respectively; and

It appearing, that the applicants are legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to construct and operate their proposed stations, but that operation of both stations as proposed would result in mutually destructive interference; that both proposals would cause interference to Station WHHH, Warren, Ohio; that the proposal of Robert H. Sauber would cause interference to Station WEIR, Weirton, West Virginia, and would receive interference from Station WHHH; and that Robert H. Sauber has submitted insufficient data as to the population affected by the interference from Station WHHH to determine whether his proposal would be in compliance with § 3.28 (c) of the Commission's rules;

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, these applicants were advised by letter dated February 26, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that the applicants requested extensions of time in which to reply to the Commission's letter, and that the time to reply was extended to May 29, 1957; and

It further appearing, that timely replies were filed by the applicants; and

It further appearing, that both applicants relied upon field intensity measurement data, made by the Northern Allegheny Broadcasting Company along a radial bearing 47 degrees true from Station WHHH to show the extent of the WHHH service area, but this data is insufficient according to paragraph (b) 8 and 9 of § 3.186 of the rules; that, accordingly, the stub radial measurement data, submitted by Robert H. Sauber along the 52.5 degree radial from WHHH is not adequately supported or complete pursuant to § 3.186 of the rules; and that the field intensity measurement data submitted by Mr. Sauber on Station WKRZ, Oil City, Pennsylvania, purporting to show no interference with WHHH is not acceptable because of the separation between the WKRZ site and the proposed site; and

It further appearing, that, after consideration of the applicants' replies to the Commission's above-referenced letter, a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of these proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether these proposed operations would involve objectionable interference with Station WHHH, Warren, Ohio; and whether the proposal of Robert H. Sauber would involve objectionable interference with Station WEIR, Weirton, West Virginia; or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the interference received by the proposal of Robert H. Sauber from Station WHHH would affect more than 10 percent of the population in the normally protected primary service area of this proposal in contravention of § 3.28 (c) of the Commission's rules.

4. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of these operations would better provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of these applications should be granted.

It is further ordered, That The Warren Tribune Radio Station, Inc., licensee of Station WHHH, Warren, Ohio; and Tri-State Broadcasting Co., licensee of Station WEIR, Weirton, West Virginia, are made parties to the proceeding; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–6618; Filed, Aug. 12, 1957; 8:51 a. m.]

[Docket Nos. 12124, 12125; FCC 57–868]

GEOFFREY A. LAPPING AND PHOENIX BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Geoffrey A. Lapping, Phoenix, Arizona, Docket No. 12124, File No. BP–10963; Harold Lampel and Dawkins Espy d/b as Phoenix Broadcasting Company, Phoenix, Arizona, Docket No. 12125, File No. BP–10964; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of August 1957;

The Commission having under consideration the applications of Geoffrey A. Lapping for a construction permit for a new standard broadcast station to operate on 1480 kilocycles with a power of 500 watts, daytime only, at Phoenix, Arizona; and of Harold Lampel and Dawkins Espy d/b as Phoenix Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1490 kilocycles with a power of 250 watts, unlimited time, also at Phoenix, Arizona;

It appearing, that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations; but that the operation of both stations as proposed would result in mutually destructive interference; that the proposed operation of the Phoenix Broadcasting Company would cause interference to Station KAIR, Tucson, Arizona (1490 kc, 250 w, U) but that KAIR, by letter of November 28, 1956, stated that no objection to a grant of the application would be interposed; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated June 7, 1957, of the foregoing deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply to the Commission's letter was filed by each subject applicant; and

It further appearing, that Geoffrey A. Lapping has stated in his application that, in the event of a grant of his application, he will divest himself of his interest in Station KPOK, Scottsdale, Arizona, which now serves the City of Phoenix, and that, in the event of favorable action on his application in the hearing provided for below, the construction permit should include the condition that program tests will not be authorized until the permittee has submitted proof to show that he has divested himself of all interest in and severed all connections with Station KPOK; and

It further appearing, that the Phoenix Broadcasting Company proposes to utilize the antenna tower of Station KIFN, Phoenix, Arizona, and that, in the event of favorable action on this application, the construction permit should include the condition that measurement data

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shall be made on the proposed operation and on the operation of Station KIFN at the point where the antenna resistance is measured; that the data shall be submitted with the application for license to prove that the installation of filter circuits or other equipment does not prevent satisfactory performance pursuant to § 3.47 (1) of the Commission's rules; that, in addition, field observations or measurements shall be made to clearly show that the operation of the two stations with the same antenna does not result in spurious radiations to the extent that interference would result to other radio services; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of the Phoenix Broadcasting Company would cause objectionable interference to Station KAIR, Tucson, Arizona, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein and the Pima Broadcasting Company, licensee of Station KAIR, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, in the event of favorable action on the application of Geoffrey A. Lapping in the hearing provided for above, the construction permit shall include the condition that program tests will not be authorized until the permittee has submitted proof to show that he has divested himself of all interest in and severed all connections with Station KPOK.

It is further ordered, That, in the event of favorable action on the application of the Phoenix Broadcasting Company in the hearing provided for above, the construction permit shall include the condition that measurement data, made on both the proposed operation and on the operation of Station KIFN at the point at which the antenna resistance is measured, shall be submitted with the application for license to prove that the installation of the filter circuits or other equipment does not prevent satisfactory performance pursuant to § 3.47 (1) of the Commission's rules, and field observations or measurements shall be made to clearly show that the operation of the two stations with the same antenna does not result in spurious radiations to the extent that interference would result to other radio services.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6619; Filed, Aug. 12, 1957; 8:51 a. m.]

[Docket Nos. 12126, 12127; FCC 57-873]

GOLD COAST BROADCASTING CO. AND PUBLIC SERVICE BROADCASTING

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Garland C. Burt and Sam C. Phillips d/b as Gold Coast Broadcasting Company, Lake Worth, Florida, Docket No. 12126, File No. BP-11005; Robert Hecksher tr/as Public Service Broadcasting, Riviera Beach, Florida, Docket No. 12127, File No. BP-11256; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of August 1957;

The Commission having under consideration the above-captioned applications of Garland C. Burt and Sam C. Phillips d/b as Gold Coast Broadcasting Company and of Robert Hecksher tr/as Public Service Broadcasting, each for a construction permit for a new standard broadcast station to operate on 1380 kilocycles with a power of 500 watts, daytime only, at Lake Worth and Riviera Beach, Florida, respectively;

It appearing, that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated June 19, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply was filed by each of the applicants; and

It further appearing, that, in the event of favorable action on the application of Robert Hecksher in the hearing provided for below, a grant thereof should include the condition that the permittee shall submit data required by § 3.40 of the Commission's rules for approval of the proposed one kilowatt transmitter for operation with 500 watts; and

It further appearing, the Commission, after consideration of the replies of the applicants, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues;

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, in the event of favorable action on the application of Robert Hecksher tr/as Public Service Broadcasting, a grant thereof should include the condition that the permittee shall submit data required by § 3.40 of the Commission's rules for approval of the proposed one kilowatt transmitter for operation with 500 watts.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6620; Filed, Aug. 12, 1957; 8:51 a. m.]

[Docket Nos. 12128, 12129; FCC 57-874]

ALLEGAN COUNTY BROADCASTERS AND BOOTH RADIO & TELEVISION STATIONS, INC. (WJVA)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Allegan County Broadcasters, Allegan, Michigan, Docket No. 12128, File No. BP-10928; Booth Radio & Television Stations, Inc. (WJVA), South Bend, Indiana, Docket No. 12129, File No. BP-11107; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of August 1957;

The Commission having under consideration the above-captioned applications of Allegan County Broadcasters for a construction permit for a new standard broadcast station to operate on 1580 kilocycles with a power of 250 watts, daytime only, at Allegan, Michigan; and of Booth Radio & Television Stations, Inc., for a construction permit to increase the power of Station WJVA, South Bend, Indiana, from 250 watts to one kilowatt and to continue operation on the presently assigned frequency of 1580 kilocycles, daytime only;

It appearing, That both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the operation of Station WJVA as proposed would cause objectionable interference to the proposed operation of Allegan County Broadcasters; that the proposed operation of Allegan County Broadcasters would cause objectionable interference to Station WFUR, Grand Rapids, Michigan (1570 kc, 1 kw, Day); that the interference which would be received by the Allegan County Broadcasters' proposal from Station WFUR and from the proposed operation of WJVA may cause a loss in population which would be excessive under the provisions of § 3.28 (c) of the Commission's rules; that the transmitter site proposed by Allegan County Broadcasters would not be satisfactory in that the operation from the site proposed would not provide a minimum field intensity of 25 mv/m over the business and factory areas of the City of Allegan in accordance with the requirement contained in § 3.188 (b) (1); and that the proposed radiation of Station WJVA is in excess of that specified in the bilateral agreement between Canada and the United States concerning daytime skywave interference on Canadian Class I-A Channels; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated May 10, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either of the applications would be in the public interest; and

It further appearing, that a timely reply was filed by each of the applicants; and

It further appearing, that the licensee of Station WFUR, by letter of May 13, 1957, expressed an intention of appearing at a hearing on the application of Allegan County Broadcasters; and

It further appearing, that Allegan County Broadcasters filed an amendment on June 12, 1957, which included an exhibit showing that the operation from the site proposed would not provide a minimum field intensity of 25 mv/m over the business and factory areas of the City of Allegan and that, therefore, the proposal would not be in compliance with § 3.188 (b) (1) of the Commission's rules; and

It further appearing, the Allegan County Broadcasters' amendment of June 12, 1957, contains data purporting to show that the loss in population which would be suffered due to interference from Station WFUR and the proposed operation of Station WJVA would not exceed 9.1 percent of the population within the proposed normally protected primary service area but that the Commission's study indicates that population loss may be greater than estimated by the applicant; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Allegan County Broadcasters and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WJVA as proposed and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Allegan County Broadcasters would cause objectionable interference to Station WFUR, Grand Rapids, Michigan, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether, because of interference which would be received from Station WFUR and from the proposed operation of Station WJVA, the proposed operation of Allegan County Broadcasters would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said Section of the rules.

5. To determine whether the transmitter site proposed by Allegan County Broadcasters would be satisfactory in accordance with the provisions of § 3.188 (b) (1) of the Commission's rules.

6. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

7. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. To determine whether and to what degree the application of Booth Radio & Television Stations, Inc., is inconsistent with the proposed bilateral agreement between the United States and Canada described in the Public Notice (FCC 53-407) released April 13, 1953, in Docket No. 10453.

It is further ordered, That the Furniture City Broadcasting Corporation, licensee of Station WFUR, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, pursuant to § 1.300 (e) and the note to § 3.28 (b) of the Commission's rules, the hearing herein ordered shall be governed by the procedures established in § 1.300 (c).

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6621; Filed, Aug. 12, 1957; 8:51 a. m.]

[Docket Nos. 12130, 12131; FCC 57-877]

JOE D. CARROLL AND PHILIP D. JACKSON

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING OF STATED ISSUES

In re applications of Joe D. Carroll, Klamath Falls, Oregon, Docket No. 12130, File No. BP-10668; Philip D. Jackson, Klamath Falls, Oregon, Docket No. 12131, File No. BP-11269; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 1st day of August 1957;

The Commission having under consideration the above-captioned applications of Joe D. Carroll for a construction permit for a new standard broadcast station at Klamath Falls, Oregon to operate on 960 kilocycles with a power of 1 kilowatt, daytime only; and of Philip D. Jackson for a construction permit to change the facilities of Station KLAD, Klamath Falls, Oregon, from operation on 900 kilocycles with a power of 1 kilowatt, daytime only, to operation on 960

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kilocycles with a power of 5 kilowatts, daytime only;

It appearing, that both applicants are legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to construct and operate their respective proposals, but that operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated June 19, 1957, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply was filed by each applicant; and

It further appearing, that, in his reply, filed on July 19, 1957, Philip D. Jackson requests an extension of 30 days within which to further reply and submit an amendment to reflect a proposed assignment of Station KLAD to another party, which assignment application is yet to be filed; but that we are of the opinion that insufficient grounds for such an extension of time to reply has been shown and that the proper dispatch of our administrative duties requires our now designating the applications for hearing; and

It further appearing, that, in view of the foregoing, we are of the opinion that a hearing on these applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operation proposed by Joe D. Carroll, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from Philip D. Jackson's proposed operation of Station KLAD, and the availability of other primary service to such areas and populations.

3. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each to own and operate his station as proposed.

(b) The proposals of each with respect to the management and operation of his station as proposed.

(c) The programming service proposed in each of the applications.

4. To determine, in light of the evidence adduced pursuant to foregoing issues, which of the applications should be granted.

It is further ordered, That the request of July 19, 1957, by Philip D. Jackson for an extension of 30 days in which to further reply to the Commission's above-referenced letter is denied;

It is further ordered, That, to avail themselves of the opportunity to be heard, Joe D. Carroll and Philip D. Jackson, in person or by an attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6622; Filed, Aug. 12, 1957; 8:52 a. m.]

[Docket Nos. 12137, 12138; FCC 57-865]

COMMUNITY TELEVISION PROJECT

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re Applications of Community Television Project, Globe-Miami, Arizona, Docket No. 12137, File No. BPTT-99; Community Television Project, Globe-Miami, Arizona, Docket No. 12138, File No. BPTT-100; for construction permits for new television broadcast translator stations.

1. The Commission has before it for consideration (1) a "Protest, Request for Stay and Petition for Reconsideration" filed on July 8, 1957, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Gila Broadcasting Company (protestant), licensee of Radio Station KWJB, Globe, Arizona (1240 kc, 250 w, U) and also an applicant for Television Channel 34 at Globe (BPCT-2301) and directed against the Commission's action of June 6, 1957, granting without hearing the above-entitled applications of Community Television Project for construction permits for two new television broadcast translator stations to serve Globe-Miami, Arizona; (2) "Opposition to Protest, Request for Stay and Petition for Reconsideration" filed by Community Television Project on July 25, 1957; and (3) Reply[1] to such opposition filed by the protestant on July 29, 1957.

2. The protestant claims standing as a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, as the licensee of an existing standard broadcast station in a community where the grantee proposes to operate its translator stations and as an applicant for a television broadcast station to serve such community. Protestant alleges that if the television translator stations authorized for the Globe area are allowed to commence operation, its Radio Station KWJB at Globe will be in direct competition with them and will lose much of its present audience because the translator stations will rebroadcast the network programs televised by Phoenix stations. As a consequence, protestant asserts, the advertisers in Globe and elsewhere will not only reduce their advertising on KWJB, but will also be unwilling to pay present advertising rates, and KWJB will be economically injured because of a reduction of its revenues. Furthermore, protestant asserts that the competition from these translator stations will force KWJB to reduce its service, and may finally force it off the air.

3. In addition, protestant states that it is an applicant for a UHF television broadcast station (Channel 34) at Globe; that it is ready to invest over $75,000, to bring a first local television service to the Globe area; that in view of the small population,[2] the degree of risk to be taken in constructing the proposed television station in the "small market" is high; and, that the operation of two or three low-cost translator stations operating for a nominal amount and rebroadcasting the programs of all three networks would make it impossible to operate a local commercial television station at Globe. Therefore, protestant concludes, the public interest would suffer from the lack of a local television station and from possibly even the lack of a local radio station.

4. In support of its petition for stay, protestant asserts, in effect, that the grants of the translator applications will be subject to the proposed rule in Docket No. 12006, which, if adopted, will require all translator stations to cease operations once a local television station has commenced telecasting, thus resulting in the loss of several thousand dollars contributed by the public for construction of the translator stations after a few months of reception therefrom; that should Radio Station KWJB, the only local outlet of community expression at Globe, be forced to reduce its service or cease broadcasting because of economic injury to it caused by the translator stations at Globe, the city of Globe and the neighboring city of Miami would be deprived of an important community service and their only source of rapid information and news; and, that construction of the translator stations under the present construction permits will preclude or significantly retard establishment by petitioner of its proposed television broadcast station on Channel 34 at Globe.

5. In view of the foregoing, the protestant requests that the Commission (1) stay the grant of the above-mentioned translator applications; (2) grant a hearing in the form of an oral argument under section 309 (c) of the act to determine, under issues specified by protestant; whether the grant of the subject applications will serve the public interest, convenience, and necessity; (3) make the protestant a party to said hearing and adopt the issues specified by the protestant as its own, together with such other issues as the Commission may deem appropriate; and (4) after oral argument, reconsider the grant of the subject applications and either deny them or impose a condition that the translator stations shall cease operating upon commencement of operation of the proposed regular television station of protestant. The protestant requests that oral argument be held upon the following specified issues:

1. Is it in the public interest to grant translator applications for Globe, Arizona, when an application is pending before the Commission for a commercial television station in the same city and area?

2. Will the granting of the translator applications for Globe, Arizona, significantly retard the development or preclude the establishment of a commercial television station for Globe?

3. Would it be in the public interest to require Community Television Project to accept, as a condition to its construction permits or licenses, a proviso to the effect that at such time as Gila Broadcasting Company commences commercial television operations at Globe, Arizona, Community Television Project will cease the operation of translator stations K77AD and K80AE?

4. Whether in view of the answers to the foregoing issues, the grant of the applications of Community Television Project should remain in effect, or, if such grants should remain in effect, what conditions, if any, should be placed on them.

6. On July 25, 1957, Community Television Project filed an "Opposition to (Gila's) Protest, Request for Stay and Petition for Reconsideration". In support of its opposition, Community asserts, in effect, that the Commission has already ruled adversely on the merits of the substance of protestant's arguments, which were set forth in a letter of May 20, 1957, advancing Gila's objections to these grants; that the grants of the translator applications in question were in the public interest because, among other reasons, in the Globe-Miami area of Arizona translators are the most expeditious means of bringing television and a variety of programs to all the people who have been figuratively starved from almost a total lack of television viewing; that grants of the subject translator applications will not preclude or significantly delay the establishment of a conventional television station in the area, but rather may well hasten the day when such local outlet can be financed by stimulating advertising and audience interest in developing a local outlet; that it is obvious from protestant's own statements that a local outlet cannot be financed at present, and would in any event lessen the revenue of its radio station; that the translator stations will bring better television service to the area than the one presently obtainable from a cable system formed a few years ago by employees of protestant and a few other persons and which provides a "very often defective" picture; and, that the protest should fail for lack of any specific allegations of fact and because it is an attempt to argue matters which the Commission has under consideration in Docket No. 12006 concerning the effect of translators on the present or proposed operation of a regular local television broadcast station.

7. Community also urges that if the Commission does consider the protest sufficient, it should afford only an oral argument thereon and should include additional issues specified by Community which are directed to whether Gila's pending television application is a subterfuge to forestall authorization and construction of the translator stations. In addition, Community requests that, in any event, the Commission should deny the request of protestant for a stay because of public interest considerations which include the fact that the public will shortly receive a much needed first television service in the Globe-Miami area upon completion of the proposed translator stations there.

8. In view of the fact that the protestant is the licensee of Radio Station KWJB in Globe, Arizona, and has alleged that as a result of the grant of the above-captioned applications it will face increased competition for audience with a consequent reduction in local and other advertising revenue and will thus suffer economic injury, we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended, and a "person aggrieved or whose interests are adversely affected" within the meaning of Section 405 of said Act. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470; In re T. E. Allen & Sons, Inc., 9 Pike & Fischer RR 197; Versluis Radio and Television, Inc., 9 Pike & Fischer RR 102. However, we find that protestant's status as a mere applicant for a construction permit for a Globe television broadcast station does not confer standing upon it under either section 309 (c) or section 405 to challenge the grants in question. Mansfield Journal Co. v. F. C. C., 840 U. S. App. D. C. 341, 173 F 2d 646. We further find that the protestant has specified with sufficient particularity the facts relied upon to warrant designating the instant applications for hearing. Accordingly, as requested by protestant, the Commission is designating the application for oral argument on the issues framed by the protestant.

9. The protestant has requested that the Commission stay the grants of the aforementioned translator applications of Community Television Project. Section 309 (c) provides in pertinent part that "• • • the effective date of the Commission's action shall be postponed unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." In amending section 309 (c), the Congress indicated that the Commission in exercising its discretion should consider two factors—the need for the new service and the likelihood that the grant in question would ultimately have to be set aside.

10. We are of the view that there is need for the new service proposed by the permittee. As protestant has pointed out, Globe, Arizona, is located in the mountainous south central part of Arizona near the Crook National Forest and the Globe area presently enjoys no local television broadcast service. The translator stations authorized, would rebroadcast the programs televised by two Phoenix stations and thus provide the Globe area with its first television broadcast service. In view of these considerations, it appears that the proposed operations afford an expeditious means of fulfilling the obvious need for a first television service available to the general public in the Globe area.

11. We have, as required by revised section 309 (c), balanced this significant need of the Globe area for the television service proposed by the permittee against the likelihood that the grants in question will have to be set aside after the hearing herein ordered. While, of course, we cannot state what our conclusions will be in the light of the hearing record, we do not believe on the basis of its pleading, that protestant has made a prima facie case that the grants may not be in the public interest. In addition, we believe that where no regular television broadcast service is available to the general public, there exists a demonstrable need for the introduction of such service with the expedition afforded by utilizing the proposed translators.

12. In light of the foregoing, we affirmatively find that the public interest requires that the grants remain in effect, and accordingly, the effective date of the Commission's action here in question will not be postponed to the effective date of the Commission's decision in the hearing ordered hereinafter.

13. We do not believe that the additional issues specified by Community for consideration on oral argument and which seek to question the motives of Gila in pursuing its pending application for a television broadcast station, are relevant to the matters on which the protestant seeks a determination by us. We note too that Community's requested issues raise factual questions which could only be resolved after a full evidentiary hearing which both the protestant and Community apparently do not desire. Accordingly, we are denying Community's request for inclusion of its issues in the oral argument.

14. In view of the foregoing: *It is ordered*, That the subject Protest and Petition for Reconsideration is granted to the extent provided for below and is denied in all other respects; that Community Television Project's request for inclusion of additional issues is denied; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, oral argument be held before the Commission, en banc, commencing

[1] Protestant's reply, in substance, consists of a general denial of the matters alleged by Community Television Project in its opposition.

[2] Protestant describes Globe, Arizona, as being located in the mountainous and sparsely populated south-central part of the state near the Crook National Forest, with a population of 6,419 according to the 1950 Census.

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at 10:00 a. m. on September 23, 1957, to determine whether the matters raised by the issues specified by the protestant, assuming the facts in support of such issues to be true, are grounds for setting aside the grant in question.

It is further ordered, That Community Television Project and the Chief of the Broadcast Bureau are hereby made parties to the proceeding, and that,

1. The parties intending to participate in the oral argument shall file, pursuant to § 1.387 of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, a written appearance stating an intention to appear on the date fixed for oral argument;

2. The parties to the proceeding shall have until September 16, 1957, to file briefs or memoranda of law.

Adopted: August 1, 1957.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6623; Filed, Aug. 12, 1957; 8:52 a. m.]

[FCC 57-936]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

MISCELLANEOUS AMENDMENTS

In the matter of reorganization of the Mail and Files Division of the Office of the Secretary, Abolishment of the Messenger Division, and Amendment of the Commission's Statement of Organization, Delegations of Authority and Other Information.

Pursuant to section 5 (a) of the Communications Act of 1934, as amended and paragraph B (5) of Administrative Order No. 11: *It is ordered*, That, effective August 7, 1957:

A. The Messenger Division of the Office of the Secretary is hereby abolished;

B. The functions and personnel of the Messenger Division are transferred to the Mail and Files Division of the Office of the Secretary;

C. Paragraph (g) of section 0.132 of the Statement of Organization, Delegations of Authority and Other Information is deleted; and

D. Section 0.138 is amended to read as follows:

SEC. 0.138 *Mail and Files Division.* This Division receives and records incoming and outgoing Commission mail, maintains central correspondence files, and operates an intra-agency messenger service.

Dated: August 6, 1957.

Released: August 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN C. DOERFER,
Chairman.

[F. R. Doc. 57-6624; Filed, Aug. 12, 1957; 8:52 a. m.]

TARIFF COMMISSION

[Investigation No. 19]

DATES

INVESTIGATION INSTITUTED AND HEARING SET

Institution of investigation. By direction of the President, dated August 7, 1957, the United States Tariff Commission on the 7th day of August 1957 instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether dates are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, programs of the United States Department of Agriculture with respect to dates, including the Federal Date Marketing Order program and the Department's program for the diversion of dates to new uses or to reduce substantialy the amount of products processed in the United States from domestic dates with respect to which such programs are being undertaken.

Hearing. A public hearing in this investigation will be held in the Tariff Commission Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. d. s. t., on September 10, 1957. All parties interested will be given opportunity to be present, to produce evidence, and to be heard.

Request to appear. Interested parties desiring to appear at the public hearing should notify the Secretary of the Commission, in writing, at its Offices in Washington, D. C., at least three days in advance of the date set for the hearing.

Issued: August 8, 1957.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-6602; Filed, Aug. 12, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GIACOMO AND DOMENICO GUERRINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Giacomo and Domenico Guerrini, Province Allesandria, Italy; Claim Nos. 45737 and 45738; Vesting Order No. 339; $1,475.77 in the Treasury of the United States.

Executed at Washington, D. C., on August 7, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6603; Filed, Aug. 12, 1957; 8:48 a. m.]

LANDWIRTSCHAFTSKAMMER FUER KAERNTEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Landwirtschaftskammer fuer Kaernten (Chamber of Agriculture for Carinthia), Klagenfurt, Kaernten, Austria; Claim No. 44982; Vesting Order No. 3137; all right, title, interest and claim of any kind or character whatsoever of Landes Kuesurrat in Klagenfurt, a/k/a Landeskulturrat fuer Kaernten in and to the trust established under the will of Joseph Kucher, deceased, this property being in the process of administration by the Chase National Bank of the City of New York, Trustee, acting under the judicial supervision of the Bergen County Orphans' Court of Hackensack, New Jersey.

Executed at Washington, D. C., on August 7, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6604; Filed, Aug. 12, 1957; 8:48 a. m.]

HILDA FRONCZEK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hilda Fronczek, 16 Jaeckelstrasse, Erlangen, Germany; Claim No. 42323; Vesting Order No. 2492; $412.31 in the Treasury of the United States.

Executed at Washington, D. C., on August 7, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6605; Filed, Aug. 12, 1957; 8:48 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10724

ESTABLISHING A CAREER EXECUTIVE COMMITTEE

By virtue of the authority vested in me by the laws of the United States, including section 1753 of the Revised Statutes (5 U. S. C. 631) and the Civil Service Act of January 16, 1883 (22 Stat. 403), and as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established a Career Executive Committee (hereinafter referred to as the Committee) which shall be composed of five members, not more than three of whom shall be members of the same political party and one of whom shall be designated by the President as Chairman of the Committee, as follows:

(a) Three members appointed by the President.

(b) A representative of the United States Civil Service Commission.

(c) A representative of the President's Advisory Committee on Government Organization.

SEC. 2. After taking into consideration the views of the departments and agencies and making such inquiries as it deems appropriate, the Committee shall develop specific recommendations with respect to the establishment of a Career Executive Program within the civil-service system. The Committee shall prepare proposed legislation, Executive orders, and regulations necessary to establish a clear policy and plan for the operation of the Career Executive Program recommended by the Committee.

SEC. 3. The objectives of the Career Executive Program recommended by the Committee shall be to facilitate the more efficient operations of the Federal Government through:

(a) Improvement of the Civil Service system to better meet the special needs and problems of the Federal Government in the selection, compensation and effective use of its top career civil servants.

(b) Making the civil service more attractive as a career to able men and women.

(c) Providing for the planned development of employees at all levels to increase the number of individuals qualified to meet the standards of the Career Executive Program.

SEC. 4. The Committee shall develop its recommendations in accordance with sound merit-system principles, and shall be guided by the following:

(a) All selections and promotions should be on a merit basis and no political test or qualification shall be required or given consideration.

(b) High qualitative standards should be applied for selection and promotion requiring appropriate training and experience in the field or departmental service and in staff or operating positions.

(c) Only career civil servants should be eligible for participation.

(d) Selection into the Career Executive Program (1) should be from among employees who have experience of an administrative or managerial nature, rather than those having highly specialized backgrounds whose work has not regularly required the application of either administrative experience or knowledge, and (2) for an initial period of appropriate duration should be from among career civil servants in Grades GS-16, GS-17, and GS-18.

SEC. 5. Subject to law, the heads of departments and agencies shall cooperate with and assist the Committee in carrying out the provisions of this order.

SEC. 6. The Civil Service Commission may furnish the Committee with the necessary space, facilities, and personnel to carry out the provisions of this order, in consonance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U. S. C. 691).

SEC. 7. The members of the Committee provided for in section 1 (a) of this order shall serve without compensation, but may receive transportation and per diem allowances as authorized by law for persons serving without compensation. The other members of the Committee shall serve without additional compensation.

SEC. 8. The Committee shall report to the President not later than November 1, 1957, and shall include in its report

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FEDERAL REGISTER

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the views of the departments and agencies consulted.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 12, 1957.

[F. R. Doc. 57-6702; Filed, Aug. 12, 1957; 3:44 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 7]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 and to establish, pursuant to sections 202, 204 and 411 of the act sugar quotas and prorations for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1957 and prescribe the time in which quotas may be filled. This regulation also establishes pursuant to section 207 of the act the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that a decrease in the estimate of requirements for the calendar year 1957 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act, as amended, and give effect to the revised determination.

The purpose of this action, also, is to further amend § 811.93 (21 F. R. 10332; 22 F. R. 369, 423, 3751, 4360, 4466, 4847, 5785) to determine and prorate deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands for 1957 as established in § 811.91, as amended herein.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811, Amendment 6 (22 F. R. 5785). To permit all areas to adjust their marketing plans and to accomplish the marketing of their revised quotas or prorations in an orderly manner, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.90, 811.91 (a), 811.92 and 811.93 of Sugar Regulation 81, as amended (21 F. R. 10332; 22 F. R. 369, 423, 3751, 4360, 4466, 4847, 5785) are further amended to read as hereinafter set forth.

1. Section 811.90 is amended to read:

§ 811.90 *Sugar requirements, 1957.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 is hereby determined to be 9,200,000 short tons, raw value.

2. Section 811.91 (a) is amended to read:

§ 811.91 *Quotas for domestic areas.* (a) For the calendar year 1957 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established, pursuant to section 202 of the act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the act, in column (2) as follows:

[Short tons, raw value]

Area	Quota (1)	Direct-consumption limit (2)
Domestic beet sugar	1,998,717	No limit.
Mainland cane sugar	615,024	No limit.
Hawaii	1,115,479	31,403.
Puerto Rico	1,166,375	136,113.
Virgin Islands	15,905	0.

3. Section 811.92 is amended to read:

§ 811.92 *Quotas for foreign countries.* For the calendar year 1957, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established, pursuant to section 202 of the act, in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established, pursuant to section 207 of the act, in column (2) as follows:

[Short tons, raw value]

Country	Quotas (1)	Direct-consumption limit (2)
Republic of the Philippines	980,000	59,920
Cuba	3,060,475	375,000
Peru	86,867	9,827
Dominican Republic	71,557	8,761
Mexico	54,609	15,914
Nicaragua	12,879	10,494
Haiti	6,597	6,597
Netherlands	3,592	3,592
China	3,505	3,505
Panama	3,505	3,505
Costa Rica	3,498	3,498
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other	0	0

4. Section 811.93 is amended to read:

§ 811.93 *Determination and proration of area deficits and adjusted quotas—(a) Deficit in quotas established in § 811.91.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1957 Hawaii, Puerto Rico and the Virgin Islands will be unable by 15,479, 246,375 and 905 short tons of sugar, raw value, respectively, to market the quotas established for such areas in § 811.91, as amended.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202 (a) (2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.91 established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 102,759 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.91 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.91 plus the quantities prorated herein, as follows:

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[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	78,579	2,077,296
Mainland cane sugar	24,180	639,204
Hawaii	0	1,115,479
Puerto Rico	0	1,166,375
Virgin Islands	0	15,905

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 160,000 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to § 811.92 for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.92 for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein and in par. (b)
Domestic beet sugar	57,533	2,134,829
Mainland cane sugar	17,704	656,908
Hawaii	0	1,115,479
Puerto Rico	0	1,166,375
Virgin Islands	0	15,905
Cuba	84,763	3,145,238

Quotas for foreign countries other than Cuba remain as established in § 811.92.

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. On July 5 the estimate of consumers' sugar requirements (total quotas) was increased 200,000 tons to a total of 9,300,000 short tons, raw value. That increase in total quotas was not occasioned by the prospect that the sugar would be consumed in 1957 but rather to provide quota to sellers willing to bring forth current supplies needed to check an unwarranted increase in prices. The price of raw sugar, duty paid at New York, had risen from an average of 6.13 cents during the first four months of the year to 6.60 cents, largely in response to an increase in world market prices from 3.25 cents per pound in early November 1956 to a high of 6.85 cents on April 22, 1957.

Since the end of June raw sugar prices have been declining. On August 8 the world market price was 4.10 cents per pound, or 2.05 cents lower than at the beginning of July and 2.75 cents below the high registered on April 22. The domestic price was 6.15 cents per pound, duty paid, or .45 cent per pound below the high of July 5.

Adequate supplies of sugar are now on offer in the domestic market and in view of the reversed price trend in the world market, upward pressure on the domestic price has been removed. Accordingly, total quotas are hereby reduced 100,000 tons to 9,200,000 short tons, raw value.

Quotas. The quotas established in §§ 811.91 and 811.92 were determined in compliance with the specific procedures provided in section 202 of the act for translating the total sugar requirements into quotas for individual areas and countries.

The amounts of the quotas which may be filled by direct-consumption sugar were established pursuant to section 207 of the act, which specifies the quantity for some countries and provides the procedures for determining the others.

The deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands are determined in § 811.93 (a) on the basis of their respective abilities to market sugar in 1957 and the quotas for those areas as amended in § 811.91.

Accordingly, deficits of 15,479, 246,375 and 905 short tons, raw value, respectively, in the mainland quotas for Hawaii, Puerto Rico, and the Virgin Islands were determined. All of the deficits for Hawaii and the Virgin Islands and 86,375 short tons, raw value, of the deficit for Puerto Rico are within that portion of the respective quotas established in § 811.91 pursuant to section 202 (a) (2) of the act and the remaining 160,000 short tons, raw value, of the deficit for Puerto Rico is applicable to that portion of the quota established pursuant to section 202 (a) (1) of the act. Thus, pursuant to section 204 (a) of the act 102,759 tons representing the section 202 (a) (2) portions of the deficit are prorated to domestic areas, to the extent each such area is able to market additional sugar, on the basis of quotas for such areas as established in § 811.91, as amended, and 160,000 tons are prorated to domestic areas, able to market the additional sugar, and to Cuba on the basis of the quotas in effect after proration of the 102,759 tons.

Despite these prorations of deficits, the quotas for Hawaii, Puerto Rico and the Virgin Islands remain in effect at the levels provided for in § 811.91, as amended, as provided for in section 204 (c) of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 202, 204; 61 Stat. 924, 925; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 9th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6674; Filed, Aug. 13, 1957; 8:55 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1958

The soil and water resources of the farm and ranch lands of our Nation must be protected and conserved. This is essential in order that farms and ranches will continue to have the capacity to produce sufficient food and other raw materials to meet the future needs of the Nation.

All the people of this Nation, not the farmers and ranchers alone, have a stake in, and a part of the responsibility for protecting and conserving, our farm and ranch lands. Recognizing this, the Congress appropriates funds to share with farmers and ranchers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers and ranchers.

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AUTHORITY: §§ 1101.900 to 1101.996 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 71 Stat. 329; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1101.900 *Introduction.* (a) Through the 1958 Agricultural Conservation Program (referred to in this subpart as the "1958 program") administered by the Department of Agriculture, the Federal Government will share with farmers and ranchers in the continental United States the cost of carrying out approved soil and water conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared when carried out on a particular farm or ranch, and the exact specifications and rates of cost-sharing for such practices, may be obtained from the county committee for the county in which the farm or ranch is located or from the State committee.

GENERAL PROGRAM PRINCIPLES

§ 1101.901 *General program principles.* The 1958 National Agricultural Conservation Program has been developed and is to be carried out on the basis of the following general principles:

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(a) The national program contains broad authorities to help meet the varied soil and water conservation problems of the Nation. State and county committees and participating agencies shall design a program for each State and county. Such programs should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. The programs should be confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the State or county.

(b) The State and county programs should be designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1958 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers or ranchers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in a county or State are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed in the national program.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers and ranchers otherwise would not perform but which are essential to sound soil and water conservation, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices through their life span. The State and county programs shall specify the life spans of the practices contained in §§ 1101.952 and 1101.957, and other practices for which the measures involved might be used in connection with normal maintenance. State groups may specify life spans for other practices if needed to facilitate the administration of the program. Cost shares are not applicable, after they are initially utilized, to undertake a practice during its normal life span unless the practice has failed to serve for its normal life span due to conditions beyond the control of the farm or ranch operator.

DISTRIBUTION OF FUNDS

§ 1101.902 *State funds.* Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1957 distribution.

§ 1101.903 *County funds.* The State committee will allocate the funds available for conservation practices among the counties within the State consistent with the needs for enduring conservation in the counties within the State and will give particular consideration to the furtherance of watershed conservation programs sponsored by local people and organizations.

STATE AND COUNTY AGRICULTURAL CONSERVATION PROGRAMS

§ 1101.904 *Agencies to participate in development of State programs.* (a) A State agricultural conservation program (referred to in this subpart as "State program") shall be developed in each State in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. The program shall be developed by the State ACP Development Group which shall consist of the State committee (including the State Director of Extension), the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State. The President of the Land-Grant College and the State Director of the Farmers Home Administration shall be invited to designate representatives to counsel with the group in the formulation of the State program. The chairman of the State committee shall invite representatives of the State Soil Conservation Committee (Board or Commission), the State Agricultural Extension Service, and other State and Federal agricultural agencies to participate in the deliberations on the State program.

(b) The program for the State shall be that recommended by the State ACP Development Group and approved by the Administrator, ACPS, after obtaining the recommendations of the Soil Conservation Service and the Forest Service.

§ 1101.905 *Agencies to participate in development of county programs.* (a) A county agricultural conservation program (referred to in this subpart as "county program") shall be developed in each county in accordance with the provisions of the State program and such modifications thereof as may be made. The county program shall be developed by the County ACP Development Group which shall consist of the county committee, the designated representative of the Soil Conservation Service in the county, and the Federal Forest Service representative having jurisdiction of farm forestry in the county. The County ACP Development Group, working with the community committeemen, the governing body of the Soil Conservation District, the farm forestry representatives of the State, the County Agricultural Extension Agent for the county (if he is not included in the foregoing group as ex officio member of the county committee), and the County Supervisor of the Farmers' Home Administration, shall develop recommendations for the county program.

(b) The program for the county then shall be formulated by the County ACP Development Group in consultation with the governing body of the Soil Conservation District on the overall conservation problems in the county and, especially, on the work plans of the Soil Conservation District and of the Federal agencies involved to assure the most effective use of the available technical assistance and funds for cost-sharing. The program as formulated shall be recommended to the State committee for approval by the State ACP Development Group, and upon such approval shall become the 1958 program for the county. The program recommendation shall be signed by the chairman of the county committee, the Soil Conservation Service technician, and the Forest Service representative where present in the county, and shall state that the program was developed in consultation with the governing body of the Soil Conservation District, if any, or shall state that the governing body was invited to participate in developing the program but did not accept.

§ 1101.906 *Selection of practices.* Practices to be included in the State program or in the county program shall be only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

§ 1101.907 *Adaptation of practices.* (a) The practices included in the State program must meet all conditions and requirements of the national program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the State.

(b) The practices included in the county program must meet all conditions and requirements of the State program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the county.

§ 1101.908 *Practice specifications.* (a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing shall be set forth in the State handbook or in the county program, or be incorporated therein by specific reference to a standard publication or other written document containing such specifications.

(b) For practices involving the establishment or improvement of vegetative cover, the specifications shall include, where appropriate, liming, fertilization, and seeding rates, eligible seeds and mixtures, seeding dates, requirements for cultural operations and inoculation, and other steps essential to the successful establishment or improvement of the vegetative cover. Eligible seeds and mixtures shall include a legume or legumes where recommended for inclusion by the State Experiment Station. For mechanical or construction type practices, the specifications shall include, where appropriate, the types and sizes of material, installation or construction requirements, and other steps essential to the proper functioning of the structure. For other practices, the specifications shall include those steps essential to the successful performance of the practice.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

§ 1101.909 *Use of liming materials and commercial fertilizers for vegetative cover.* (a) For practices which authorize Federal cost-sharing for applications of liming materials and commercial fertilizers, the minimum application, and maximum application where applicable, on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test: *Provided, however,* That if the State ACP Development Group determines that available facilities are not adequate to permit the desired use of these practices under the program, it shall authorize, to the extent necessary, an alternative basis for determination by the county committee of such applications. Such alternative basis shall be such as to insure beneficial use of Federal cost-sharing approved and shall be formulated by the State ACP Development Group in full consultation with the representatives of the State and Federal agencies participating in the development of the State program.

(b) The application of liming materials contained in commercial fertilizers, rock phosphate, or basic slag will not qualify for Federal cost-sharing. The application of manure will not qualify for Federal cost-sharing; however, manure may be used, where applicable, to meet all or a part of the fertilizer requirement for a practice.

§ 1101.910 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1101.956, 1101.963, and 1101.971 to 1101.983. This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1101.968, the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1101.962, 1101.964, and 1101.970, the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State committee and the State Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service for all counties in the State or for specified counties. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. These assigned responsibilities will not apply in counties with respect to which the Administrator, ACPS, and the Administrator, SCS, agree that it would not be administratively practicable for the Soil Conservation Service to discharge these responsibilities. In such counties, these responsibilities shall be assumed by the county committees. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agencies in carrying out its assigned responsibilities for the practice contained in § 1101.956.

(b) The Forest Service is responsible for the technical phases of the practices contained in §§ 1101.955 and 1101.966. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities, but services of State forestry agencies will be utilized to the full extent such services are available.

§ 1101.911 *Rates of cost-sharing.* (a) The maximum Federal cost-share for each practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but which will be such that the farmer or rancher will make a substantial contribution to the cost of performing the practice. Rates of cost-sharing shall not be in excess of 50 percent of the average cost of performing the practices, except that:

(1) For the practices contained in §§ 1101.953 to 1101.956, 1101.966, 1101.968, 1101.969, 1101.971 to 1101.974, and 1101.983, which have long lasting conservation benefits and from which the returns to the farmer or rancher are remote, the State ACP Development Group may establish rates of cost-sharing in excess of 50 percent of the average cost of performing the practices.

(2) Upon justification by the State ACP Development Group and approval of the Administrator, ACPS, rates of cost-sharing in excess of 50 percent of the average cost of performing the practices may be established for other practices having long lasting conservation benefits and from which the returns to the farmer or rancher are remote.

(3) Upon justification by the State and County ACP Development Groups, the Administrator, ACPS, may approve a rate of cost-sharing for one or more additional practices in a county in excess of 50 percent of the average cost of performing the practice, but only if the increased rate of cost-sharing is essential to introduce a greatly needed new conservation practice into the county or to bring about a greatly needed increase in the extent to which the practice otherwise would be carried out.

(b) For the purpose of establishing rates of cost-sharing, the average cost of performing a practice may be the average cost for a State, a county, a part of a county, or a farm or ranch, as determined by the State committee.

(c) The rates of cost-sharing for practices included in the county program may be lower than the rates approved for general use in the State.

§ 1101.912 *Items of cost on which rates of cost-sharing may be based.* Except as otherwise provided by the wording of the practices or elsewhere in this subpart, the cost of any direct and significant factor in the performance of a practice may be considered in establishing the rate of cost-sharing for the practice.

§ 1101.913 *State handbooks, bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to prepare and issue State handbooks, bulletins, instructions, and forms required in administering the 1958 program. Copies of State handbooks, bulletins, instructions, and forms containing detailed information with respect to the 1958 program as it applies to specific States, counties, areas, and farms and ranches will be available in the office of the State committee and the office of the county committee. Persons wishing to participate in the program should obtain from the State committee or county committee all information needed in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS OR RANCHES

§ 1101.914 *Opportunity for requesting cost-sharing.* Each farmer or rancher shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm or ranch. The county committee, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its need for protection and improvement.

§ 1101.915 *Prior request for cost-sharing.* Costs will be shared only for those

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practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started, except that for the practices contained in §§ 1101.992 and 1101.996, the Administrator, ACPS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance thereof is started, such period to be stated in the practice wording. For practices for which (a) approval was given under the 1957 Agricultural Conservation Program, (b) performance was started but not completed during the 1957 program year, and (c) the county committee believes the extension of the approval to the 1958 program is justified under the 1958 program regulations and provisions, the filing of the request for cost-sharing under the 1957 program may be regarded as meeting the requirement of the 1958 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1101.916 *Method and extent of approval.* The county committee, in accordance with a method approved by the State committee, will determine the extent to which Federal funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the county allocation, the conservation problems in the county and of the individual farm or ranch, and the conservation work for which requested Federal cost-sharing is considered by the county committee as most needed in 1958. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. To the extent practicable, notices of approved practices shall be issued before performance of the practices is started. No practice may be approved for cost-sharing except as authorized by the national, State, or county program, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 1101.917 *Initial establishment or installation of practices.* Federal cost-sharing may be authorized under the 1958 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1958 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed, if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The county committee believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

§ 1101.918 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

§ 1101.919 *Pooling agreements.* Farmers or ranchers in any local area may agree in writing, with the approval of the county committee, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

PRACTICE COMPLETION REQUIREMENTS

§ 1101.922 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1101.923 to 1101.925, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1101.923 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1958 program year, if the county committee determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 1101.924.

§ 1101.924 *Pratices requiring more than one program year for completion.* Cost-shares approved under the 1958 program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components may be paid only after the practice is substantially completed, and only on the condition that the farmer or rancher will complete the remaining components of the practice within the time prescribed by the county committee which will afford the farmer or rancher a fair and reasonable opportunity to complete them, unless prevented from doing so for reasons beyond his control and regardless of whether cost-sharing therefor is offered, or refund the cost-shares paid to him. If an approved practice is not substantially completed by the end of the 1958 program year, the practice may be considered for reapproval under the 1959 program.

§ 1101.925 *Practices involving the establishment or improvement of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

§ 1101.926 *Failure to meet minimum requirements.* Notwithstanding other provisions of the 1958 program, costs may be shared for practices treating with the establishment or improvement of vegetative cover for the performance actually rendered even though the minimum requirements with regard to the rate of seeding or the application of liming materials or commercial fertilizers are not met, if the farmer or rancher establishes to the satisfaction of the county committee and the State committee or its designee (a) that he made every reasonable effort to meet the minimum requirements, and (b) that the practice as performed adequately meets the conservation problem.

FEDERAL COST-SHARES

§ 1101.927 *Conservation materials and services*—(a) *Availability.* (1) Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the register of indebtedness maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to setoff in order to permit the furnishing of materials and services.

(2) Title to any material furnished through the program shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(b) *Cost to farmer or rancher.* The farmer or rancher will pay that part of the cost of the material or service, as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the material or service or, upon request by the farmer or rancher and approval by the county committee, the farmer or rancher will pay that part of the cost of the material or service which is in excess of the farmer's or rancher's Federal cost-share for all components of the practice which will likely be completed during the program year. The Federal cost-share increase on the amount of the Federal cost-share so determined may be advanced as a credit against that part of the cost of the material or service required to be paid by the farmer or rancher.

(c) *Discharge of responsibility for materials and services.* (1) The person to whom a material or service is furnished under the 1958 program will be relieved of responsibility for the material or service upon determination by the county committee that the material or service was used for the purpose for which it was furnished and that any other components of the practice, on which the amount of the Federal cost-share advance toward the cost of the material or service was determined, have been carried out in accordance with all applicable specifications and program provisions. If the person uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the material or service borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(2) Any person to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, in accordance with instructions issued by the Administrator, ACPS, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

§ 1101.928 *Practices carried out with State or Federal aid.* The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the county committee determines was furnished by a State or Federal agency. Materials or services furnished through the 1958 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1101.929 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the county committee determines they contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1101.930 *Increase in small Federal cost-shares.* The sum of the Federal cost-shares computed for any person with respect to any farm or ranch under the Agricultural Conservation Program and the Naval Stores Conservation Program shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	$10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	[1]
$200 and over	[2]

[1] Increase to $200.
[2] No increase.

§ 1101.931 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1958 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1958 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1101.932 *Persons eligible to file application for payment of Federal cost-shares.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1101.933 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the county office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time

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limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the county office by December 31, 1959, or such earlier date as is prescribed by the Administrator, ACPS. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 1101.934 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee or State committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The county committee or State committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State committee. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart and of the applicable State and county programs on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the State and county committees, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of a State or county committee, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1101.935 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1958 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 1101.936 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1958 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1101.937 *Practices defeating purposes of programs.* If the county committee finds, with the concurrence of the State committee, that any person has adopted or participated in any practice which tends to defeat the purposes of the 1958 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1958 program.

§ 1101.938 *Depriving others of Federal cost-share.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1958 program.

§ 1101.939 *Filing of false claims.* If the State committee finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1958 program and shall refund all amounts that may have been paid to him under the 1958 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1101.940 *Misuse of purchase orders.* If the State committee finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the 1958 program and shall refund all amounts that may have been paid to him under the 1958 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1101.941 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1101.942, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1101.942 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1958 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1958, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1101.945 *Definitions.* For the purposes of the 1958 program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means any one of the continental United States.

(d) "State committee" means the persons in the State designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(e) "County" means parish or county.

(f) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(h) "Farm" or "ranch" means that area of land considered as a farm under the current definition of farm applicable to marketing quota and acreage allotment programs (Part 718 of this title (22 F. R. 3747)).

(i) "Cropland" means that land considered as cropland under the current definition of cropland applicable to marketing quota and acreage allotment programs (Part 718, of this title (22 F. R. 3747)).

(j) "Program year" means the period, designated in the State handbook, during which conservation practices, or components thereof, must be carried out to be eligible for cost-sharing. The program year may begin on or after July 1, 1957, and end not later than December 31, 1958.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1101.946 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1958.

§ 1101.947 *Availability of funds.* (a) The provisions of the 1958 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1958 program will not be available for paying Federal cost-shares for which applications are filed in the county office after December 31, 1959.

§ 1101.948 *Applicability.* (a) The provisions of the 1958 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (7) of this section; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farms outside the continental United States.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations; and (7) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES

CONSERVATION PRACTICES WITH ENDURING BENEFITS; WHERE PROPERLY APPLIED AND MAINTAINED

Practices Primarily for Establishment of Permananet Protective Cover

§ 1101.949 *Practice A–1:* Initial *establishment of a permanent vegetative cover in orchards and vineyards for control or erosion.* Volunteer stands and acreages cut for hay are not eligible for cost-sharing.

§ 1101.950 *Practice A–2: Initial establishment of a permanent vegetative cover for soil protection or as a needed land-use adjustment.* This practice is applicable only to land which should be established in permanent vegetative cover for protection against wind or water erosion, and to cropland which, as a part of a needed land-use adjustment, is being shifted to permanent protective vegetative cover other than as a part of a regular crop rotation. This practice is not applicable to land occupied by a merchantable stand of timber or pulpwood, or to land which, if cleared, would be suitable for continued production of cultivated crops. Federal cost-sharing may be approved for constructing fences where fences are necessary to protect the seeded area and only for the extent necessary to fence that area. Federal cost-sharing for fences shall be limited to permanent fences, excluding boundary and road fences.

§ 1101.951 *Practice A–3: Establishment of additional acreages of vegetative cover in crop rotation to retard erosion and to improve soil structure, permeability, or water-holding capacity.* This practice is applicable only to land which needs such cover to retard erosion or to improve soil structure, permeability, or water-holding capacity. Federal cost-sharing will be limited to that acreage which the county committee determines represents a desirable increase over what would be the normal plantings of eligible crops on the farm in 1958 under the normal crop rotation for the farm. In making this determination, consideration should be given to the need for this practice on crop-land which the farmer or rancher intends to divert from the production of crops for which allotments are established for the farm for 1958.

§ 1101.952 *Practice A–4: Initial treatment of farmland to permit the use of legumes and grasses for soil improvement and protection.* This practice is applicable only to farmland devoted in 1958 to legumes (other than vegetable or truck crops, soybeans, mungbeans, and peanuts) or perennial grasses, and to farmland which the county committee determines will be devoted to such eligible uses in 1959. Federal cost-sharing will be limited to the application of liming materials, rock phosphate, and gypsum. Other forms of phosphate materials are eligible for cost-sharing under other practices involving the establishment or improvement of vegetative cover. Cost-shares paid or advanced for materials applied under this practice will not be considered as earned unless the land is devoted to eligible grasses and legumes at the time the materials are applied or is seeded to eligible grasses and legumes in 1958 or 1959, unless the farmer is prevented from seeding the eligible grasses and legumes within such period because of conditions beyond his control.

§ 1101.953 *Practice A–5: Initial establishment of contour stripcropping to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour stripcropping system.

§ 1101.954 *Practice A–6: Initial establishment of field stripcropping to protect soil from wind or water erosion.* The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops.

§ 1101.955 *Practice A–7: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.* No Federal cost-sharing will be allowed for

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planting orchard trees, or for plantings for ornamental purposes. If shrubs are used, those that benefit wildlife should be given preference wherever practicable. Plantings must be protected from fire and grazing. Federal cost-sharing may be authorized for clearing land occupied largely by scrubby brush of no economic value to permit planting of desirable tree species. Technical assistance must be utilized to determine the suitability of the land for clearing and the measures necessary to prevent erosion. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences.

§ 1101.956 *Practice A–8: Initial establishment of a stand of trees or shrubs on farmland to prevent wind or water erosion.* Prevention of wind or water erosion on farmland is defined as the use of (a) windbreaks, (b) shelterbelts, (c) gully stabilization, and (d) stabilization of streambanks. The use of this practice should include considerations of enhancement to wildlife habitat.

Practices Primarily for Improvement and Protection of Established Vegetative Cover

§ 1101.957 *Practice B–1: Improvement of an established vegetative cover for soil or watershed protection.* This practice is applicable only to land in permanent vegetative cover which needs more than normal maintenance measures in order to provide adequate soil or watershed protection. The improvement measures approved for cost-sharing shall be those which will extend materially the life of the vegetative cover. Federal cost-sharing may not be approved for normal maintenance measures such as annual topdressings with fertilizer or other mineral elements. This practice is not applicable to land on which the needed improvement measures will constitute complete reestablishment of the vegetative cover.

§ 1101.958 *Practice B–2: Improvement of vegetative cover on rangeland by artificial reseeding or deferred grazing.* No Federal cost-sharing will be allowed if it is determined that any area seeded is grazed before the stand is well established or that any rangeland in the unit is overgrazed.

§ 1101.959 *Practice B–3: Controlling competitive shrubs to permit growth of adequate desirable vegetative cover for soil protection on range or pasture land.* On areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, the practice will not be approved unless followed by seeding or other approved erosion control measures.

§ 1101.960 *Practice B–4: Furrowing, chiseling, ripping, scarifying, pitting, or listing noncrop grazing land to prevent soil loss, retard runoff, and improve water penetration.* The operation must be performed as nearly as practicable on the contour.

§ 1101.961 *Practice B–5: Constructing wells for livestock water as a means of protecting vegetative cover.* The wells must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management. Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells. No Federal cost-sharing will be allowed for wells constructed primarily for the use of headquarters, or for costs other than for constructing or deepening wells and for water storage facilities.

§ 1101.962 *Practice B–6: Developing springs or seeps for livestock water as a means of protecting vegetative cover.* The springs or seeps must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

§ 1101.963 *Practice B–7: Constructing or sealing dams, pits, or ponds as a means of protecting vegetative cover.* The dams, pits, or ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

§ 1101.964 *Practice B–8: Installing pipelines for livestock water as a means of protecting vegetative cover.* The pipelines must deliver water to locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

§ 1101.965 *Practice B–9: Constructing permanent fences as a means of protecting vegetative cover.* This practice may be approved only where fencing will contribute to better distribution of livestock and seasonal use of the forage. Fences between pasture and other land will not qualify for cost-sharing.

§ 1101.966 *Practice B–10: Improvement of a stand of forest trees on farmland.* Federal cost-sharing may be allowed for any of the following measures: (a) Thinning, (b) pruning crop trees, (c) release of desirable tree seedlings by removing or killing competing and undesirable vegetation, (d) site preparation for natural reseeding, (e) fencing, and (f) erosion control measures on logging roads and trails. The area must be protected from fire. Where seedlings are present or needed, the area must be protected from grazing. Federal cost-sharing for site preparation will be limited to areas which have a sufficient number of desirable seed trees for natural reseeding, which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that soil is exposed, and on which the seed trees will be left until the area is restocked. Technical assistance shall be utilized, if available; otherwise the practice must be carried out in accordance with approved technical forestry standards. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the area from grazing, excluding boundary and road fences.

Practices Primarily for the Conservation and Disposal of Water

§ 1101.968 *Practice C–1: Initial establishment of permanent sod waterways to dispose of excess water without causing erosion.*

§ 1101.969 *Practice C–2: Initial establishment of permanent vegetation as protection against erosion.* Federal cost-sharing will be limited to the establishment of permanent vegetation on gullies, dams, dikes, levees, ditch banks, farm roadsides, filter strips, and field borders. Consideration should be given to choice of plants favorable to wildlife.

§ 1101.970 *Practice C–3: Initial establishment of orchards, vineyards, bush fruits, strawberries, or perennial vegetables on the contour to prevent erosion.* All cultural operations must be performed as nearly as practicable on the contour.

§ 1101.971 *Practice C–4: Constructing terraces to detain or control the flow of water and check soil erosion.* Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective terrace system. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

§ 1101.972 *Practice C–5: Constructing diversion terraces, ditches, or dikes to intercept runoff and divert excess water to protected outlets.* Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective terrace system. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

§ 1101.973 *Practice C–6: Constructing erosion control, detention, or sediment retention dams to prevent or heal gullying or to retard or reduce runoff of water.*

§ 1101.974 *Practice C–7: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.*

§ 1101.975 *Practice C–8: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.* This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production.

§ 1101.976 *Practice C–9: Constructing permanent open drainage systems to dispose of excess water.* Federal cost-sharing may be authorized for clearing the necessary minimum width right-of-way. Federal cost-sharing may be authorized for the spreading of spoil banks where this is necessary for the effective utilization of the drainage system. No Federal cost-sharing will be allowed for ditches, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture during at least 2 of the 5 years preceding that in which the practice is applied; provided, however, that upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops, tame hay, or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. No Federal cost-shares are allowable for cleaning a ditch, installing crossing structures, or for other structures primarily for the convenience of the farm operator. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

§ 1101.977 *Practice C–10: Installing underground drainage systems to dispose of excess water.* No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture during at least 2 of the 5 years preceding that in which the practice is applied; provided, however, that upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops, tame hay, or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

§ 1101.978 *Practice C–11: Shaping or land grading to permit effective surface drainage.* No Federal cost-sharing will be allowed for any shaping or grading which is performed through farming operations in connection with land preparation for planting or cultivation of crops. No Federal cost-sharing will be allowed for shaping or land grading on land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

§ 1101.979 *Practice C–12: Reorganizing irrigation systems to conserve water and prevent erosion.* The practice must be carried out in accordance with a reorganization plan approved by the responsible technician. No Federal cost-sharing will be allowed for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator, or for portable pipe. No Federal cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years.

§ 1101.980 *Practice C–13: Leveling land for more efficient use of irrigation water and to prevent erosion.* No Federal cost-sharing will be allowed for floating or restoration of grade; however, the leveling operation may be completed over a period of more than one program year on a component basis where the size of cuts and fills is such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. The leveling must be carried out in accordance with a plan approved by the responsible technician.

§ 1101.981 *Practice C–14: Constructing or lining dams, pits, or ponds for irrigation water.* The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No Federal cost-sharing will be allowed for constructing or lining dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

§ 1101.982 *Practice C–15: Lining irrigation ditches to prevent erosion and loss of water by seepage.* This practice is limited to ditches that are properly located and constructed as a part of an existing irrigation system.

§ 1101.983 *Practice C–16: Constructing spreader ditches or dikes to divert and spread water to prevent erosion, to permit beneficial use of runoff, or to replenish ground water supply.*

CONSERVATION PRACTICES WITH BENEFITS OF LIMITED DURATION; GENERALLY REQUIRING PERIODIC REPETITION

Practices Primarily for Establishing Temporary Protective Vegetative Cover

§ 1101.985 *Practice D–1: Establishment of vegetative cover for winter protection from erosion.* A good stand and good growth must be obtained in sufficient time to protect the area in the fall and winter of 1957 or 1958 and must be maintained on the land to a date specified in the county program. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

§ 1101.986 *Practice D–2: Establishment of vegetative cover for summer protection from erosion.* A good stand and good growth must be obtained and left on the land or turned under. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

§ 1101.987 *Practice D–3: Establishment of vegetative cover for green manure and for protection from erosion.* Federal cost-sharing will be limited to acreages of biennial or perennial legumes or perennial grasses, or mixtures of such legumes with adapted grasses, seeded during the 1958 program year. A good stand and good growth must be obtained. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the green manure or cover crop.

§ 1101.988 *Practice D–4: Establishment of vegetative cover to protect cropland throughout the 1958 crop year.* This practice is applicable only to cropland which is being shifted for the entire 1958 crop year from crop production to green manure or cover crops. Eligible seedings may consist of single seedings or successive seedings of grasses, legumes, small grains, or other crops which will provide adequate soil protection for the required period. Where annuals alone are used, at least two successive seedings must be made. Pasturing consistent with good management may be permitted. No crop may be harvested for seed in 1958. No annual crop seeded in the fall of 1958 may be harvested for seed in 1959 if such seeding is one of the two required seedings of such annual crops. No crop may

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be harvested for hay or silage in 1958, and no annual crop seeded in the fall of 1958 may be harvested for hay or silage in 1959 if such seeding is one of the two required seedings of such annual crops, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. One of the two required seedings of annuals may be a volunteer seeding which provides adequate soil protection, but no Federal cost-sharing may be allowed for the volunteer seeding.

Practices Primarily for the Temporary Protection of Soil From Wind and Water Erosion

§ 1101.990 *Practice E–1: Stubble mulching to improve soil permeability and to protect soil from wind and water erosion.* Tillage operations must be such as to leave sufficient crop or weed residue on the surface or mixed in the upper part of the soil to provide protection against wind and water erosion.

§ 1101.991 *Practice E–2: Initial establishment of contour farming operations on nonterraced land to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. This practice is not applicable on any acreage for which Federal cost-sharing is approved under § 1101.953. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour farming system.

§ 1101.992 *Practice E–3: Wind erosion control operations in serious wind erosion areas.* Applicable only in areas where the Administrator, ACPS, upon the recommendation of the State committee and the designated representatives of the Soil Conservation Service and the Forest Service at the State level, determines there is a serious wind erosion problem for 1958. Eligible operations shall be confined to those having the most enduring benefits practicably attainable under existing conditions.

CONSERVATION PRACTICES WITH LIMITED AREA APPLICABILITY

Practices to Meet Special County Conservation Needs

§ 1101.994 *Practices F–1: Special conservation practices.* Consistent with the principles set forth in § 1101.901, the county committee and designated representatives of the Soil Conservation Service and the Forest Service at the county level may recommend, and the State committee and designated representatives of the Soil Conservation Service and the Forest Service at the State level may approve, for use in a county, practices included in this subpart for which there is need locally on a substantial number of farms but which are not selected for use in the State. Such approval shall be subject to review by the Administrator, ACPS, as to compliance with the provisions contained in this subpart.

§ 1101.995 *Practice F–2: County conservation practices.* Consistent with the principles set forth in § 1101.901, the Administrator, ACPS, may approve for use in a county, practices which are not included in this subpart which are needed to meet particular conservation problems in the county. Such approval may be given only upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, and upon their finding (a) that the conservation problem exists on a substantial number of farms in the county, (b) that the practices contained in this subpart will not provide adequate treatment of the problem, (c) that the proposed practice will adequately meet the problem, (d) that the proposed practice would not be performed without Federal cost-sharing, (e) that the proposed practice will provide the most enduring solution to the problem practicably attainable under existing circumstances, (f) that the proposed practice is one on which the offering of financial assistance is fully justified as being in the public interest, and (g) that the proposed practice meets the standards and requirements of comparable practices contained in this subpart. Costs will not be shared under this practice for elements of performance for which cost-sharing is specifically precluded by the wording of a similar practice or elsewhere in this subpart. Approval by the Administrator, ACPS, of a practice for one county does not constitute authority for extending the practice to other counties without such approval.

§ 1101.996 *Practice F–3: Practices to meet new conservation problems.* Consistent with the principles set forth in § 1101.901, the Administrator, ACPS, may approve for use in a county, practices for the treatment of critical conservation problems, primarily those which have arisen subsequent to the initiation of the program in the county. Such approval may be given only upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, and upon their finding (a) that the conservation problem exists on a substantial number of farms in the county, (b) that the practices contained in this subpart will not provide adequate treatment of the problem, (c) that the proposed practice will adequately meet the problem, (d) that the proposed practice would not be performed without Federal cost-sharing, (e) that the offering of Federal cost-sharing for the proposed practice is justified as within the scope of national conservation objectives, (f) that adequate facilities, including technical services, will be available to permit the practice to be carried out effectively, and (g) that treatment of the problem cannot be safely delayed until a subsequent program.

Done at Washington, D. C., this 9th day of August 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57–6671; Filed, Aug. 13, 1957; 8:54 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

REGISTRATION OF BROKERS AND DEALERS; PRESERVATION OF RECORDS AND REPORTS OF CERTAIN STABILIZING ACTIVITIES

On May 10, 1957, the Securities and Exchange Commission announced that it had under consideration certain proposed amendments to its Rules 15b–8 and 17a–5 (17 CFR 240.15b–8 and 240.17a–5) under the Securities Exchange Act of 1934. (See Securities Exchange Act Release No. 5515.) The Commission has considered all the views and comments received on the proposals and has adopted the amendments in the form stated below.

1. Rule 17a–5—Amendment of paragraph (a). Paragraph (a) of § 240.17a–5 designates the members, brokers and dealers required to file reports containing the information called for by Form X-17A–5 and specifies the time when such reports must be filed. As amended, it provides that a report must be filed as of a date within each calendar year, except that the first report (by others than successors) must be as of a date not less than one nor more than five months after the member, broker or dealer becomes subject to the rule; reports must be filed not more than 45 days after the date of the report; and reports may not be as of dates within four months of each other. A member, broker or dealer who succeeds to and continues the business of a predecessor need not file a report as of that year if the predecessor has filed a report as of that year. The reports must be filed in duplicate original with the Regional Office of the Commission in which the member, broker, or dealer has his or its principal office.

2. Amendment of paragraph (b) (1). Paragraph (b) (1) of the rule describes the circumstances under which a report must be certified. As amended, it provides that every report required to be filed on Form X-17A–5 must be certified by a certified public accountant or a public accountant who is in fact independent, unless one of three exemptions from this requirement is available. The first exemption is available to a member of a national securities exchange who, from the date of his previous report, has not transacted a business in securities directly with or for others than members, has not carried any margin account, credit balance or security for any person other than a general partner, and has not been required to file a certified financial statement with any national securities exchange. The second exemption is available to a broker who, from the date of his previous report, has limited his securities business to soliciting subscriptions as an agent for issuers, has transmitted funds and securities promptly and has not otherwise held funds or securities for or owed money or securities to customers (i. e. one who would have been exempt during that entire period from the Commission's aggregate-indebtedness-net-capital § 240.15c3–1 (Rule 15c3–1) by reason of paragraph (b) (1) thereof). The third exemption is available to a broker or dealer who, from the date of his last report, has limited his securities business to buying and selling evidences of indebtedness secured by liens on real estate and has not carried margin accounts, credit balances or securities for securities customers.

A booklet entitled "Audits of Brokers and Dealers in Securities", recently issued by the Special Committee on Auditing Procedure of the American Institute of Accountants should fill the need for an authoritative guide to accountants in this specialized field of auditing. It describes the special accounting records used by brokers and dealers, and the auditing procedures and forms of reports to be used in connection with the examination of their books and records.

Rule 15b–8. Since the proposed revision of Rule 17a–5 exempts successor broker-dealers from filing a Form X-17A–5 report for any calendar year as of which a predecessor filed a report, paragraph (a) of § 240.15b–8 (Rule 15b–8) has been amended so that every broker-dealer filing an application for registration will be required to file with his application for registration the financial statement required by this rule. This does not have to be a certified financial statement, however.

Effective date. The amendment to Rule 15b–8 is effective September 15, 1957. The amendment to Rule 17a–5 is effective November 15, 1957. This latter amendment has not been made effective until November 15, 1957, so that members, brokers and dealers who have not been required to file certified reports under Rule 17a–5 and want to be able to file an uncertified report for the year 1957 will be able to have that report prepared and filed by that time. Reports filed after November 15, 1957, even as of a date within 1957, will have to comply with the certification requirements set out in the amended rule.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 3 (b), 15 (b), 17 (a) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest, for the protection of investors, and to carry out its functions under the Act, hereby amends Rules 15b–8 and 17a–5 (17 CFR 240.15b–8 and 240.17a–5) as stated below:

Text of amended rules. The text of paragraphs (a) and (b) (1) of § 240.17a–5 as amended is as follows:

§ 240.17a–5 *Reports to be made by certain exchange members, brokers and dealers*—(a) *Filing reports.* (1) This rule shall apply to every member of a national securities exchange who transacts a business in securities directly with or for others than members of a national securities exchange, every broker or dealer (other than a member) who transacts a business in securities through the medium of any member of a national securities exchange, and every broker or dealer registered pursuant to section 15 of the act.

(2) Every member, broker or dealer subject to this rule shall file reports of financial condition containing the information required by Form X-17A–5, as follows: (i) A report shall be filed as of a date within each calendar year, except that (*a*) the first such report of a member, broker or dealer (other than one succeeding to and continuing the business of another member, broker or dealer) shall be as of a date not less than one nor more than five months after the date on which such member, broker or dealer becomes subject to this rule (in the case of a registered broker or dealer this shall be the date the registration becomes effective) and (*b*) a member, broker or dealer succeeding to and continuing the business of another member, broker or dealer need not file a report as of a date in the calendar year in which the succession occurs if the predecessor member, broker or dealer has filed a Form X-17A–5 report in compliance with this rule as of a date in such calendar year; (ii) such reports shall be filed not more than 45 days after the date of the report of financial condition; and (iii) reports for any two consecutive years shall not be as of dates within four months of each other. The reports provided for in this rule shall be filed in duplicate original with the Regional Office of the Commission for the region in which the member, broker or dealer has his or its principal place of business.

(b) *Nature and form of reports.* Each report of financial condition filed pursuant to paragraph (a) of this section shall be prepared and filed in accordance with the following requirements:

(1) The report of a member, broker or dealer shall be certified by a certified public accountant or a public accountant who shall be in fact independent: *Provided, however*, That such report need not be certified if, since the date of the previous financial statement or report filed pursuant to § 240.15b–8 or this section, (i) said member has not transacted a business in securities directly with or for other than members of a national securities exchange; has not carried any margin account, credit balance or security for any person other than a general partner; and has not been required to file a certified financial statement with any national securities exchange; or (ii) his or its securities business has been limited to acting as broker (agent) for the issuer in soliciting subscriptions for securities of such issuer, said broker has promptly transmitted to such issuer all funds and promptly delivered to the subscriber all securities received in connection therewith, and said broker has not otherwise held funds or securities for or owed money or securities to customers; or (iii) his or its securities business has been limited to buying and selling evidences of indebtedness secured by mortgage, deed of trust, or other lien upon real estate or leasehold interests, and said broker or dealer has not carried any margin account, credit balance, or security for any securities customer. A member, broker or dealer who files a report which is not certified shall include in the oath or affirmation required by paragraph (b) (2) of this section a statement of the facts and circumstances relied upon as a basis for exemption from the certification requirements.

The text of paragraph (a) of § 240.15b–8, as amended, is as follows:

§ 240.15b–8 *Statement of financial condition to be filed with application for registration as a broker or dealer.* (a) Every broker or dealer who files an application for registration on Form BD shall file with such application, in duplicate original, a statement of financial condition in such detail as will disclose the nature and amount of assets and liabilities and the net worth of such broker or dealer (securities of such broker or dealer or in which such broker or dealer has an interest shall be listed in a separate schedule and valued at the market) as of a date within 30 days of the date on which such statement is filed. Attached to such statement shall be an oath or affirmation that such statement is true and correct to the best knowledge and belief of the person making such oath or affirmation. The oath or affirmation shall be made before a person duly authorized to administer such oath or affirmation. If the broker or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; if a corporation, by a duly authorized officer.

(Sec. 23, 48 Stat. 901 as amended; 15 U. S. C. 78 w)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 8, 1957.

[F. R. Doc. 57–6643; Filed, Aug. 13, 1957; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6247]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

REAL PROPERTY SUBDIVIDED FOR SALE

On June 29, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as otherwise provided, under section 1237, relating to real property subdivided for sale, of the Internal Reve-

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nue Code of 1954, as amended, was published in the FEDERAL REGISTER (21 F. R. 4817). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

Sec.
1.1237 Statutory provisions; real property subdivided for sale.
1.1237–1 Real property subdivided for sale.

AUTHORITY: §§ 1.1237 and 1.1237–1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.1237 *Statutory provisions; real property subdivided for sale.*

SEC. 1237. *Real property subdivided for sale*—(a) *General.* Any lot or parcel which is part of a tract of real property in the hands of a taxpayer (including corporations only if no shareholder directly or indirectly holds real property for sale to customers in the ordinary course of trade or business and only in the case of property described in the last sentence of subsection (b) (3)) shall not be deemed to be held primarily for sale to customers in the ordinary course of trade or business at the time of sale solely because of the taxpayer having subdivided such tract for purposes of sale or because of any activity incident to such subdivision or sale, if

(1) Such tract, or any lot or parcel thereof, had not previously been held by such taxpayer primarily for sale to customers in the ordinary course of trade or business (unless such tract at such previous time would have been covered by this section) or, in the same taxable year in which the sale occurs, such taxpayer does not so hold any other real property; and

(2) No substantial improvement that substantially enhances the value of the lot or parcel sold is made by the taxpayer on such tract while held by the taxpayer or is made pursuant to a contract of sale entered into between the taxpayer and the buyer. For purposes of this paragraph, an improvement shall be deemed to be made by the taxpayer if such improvement was made by:

(A) The taxpayer or members of his family (as defined in section 267 (c) (4)), by a corporation controlled by the taxpayer, or by a partnership which included the taxpayer as a partner; or

(B) A lessee, but only if the improvement constitutes income to the taxpayer; or

(C) Federal, State, or local government, or political subdivision thereof, but only if the improvement constitutes an addition to basis for the taxpayer; and

(3) Such lot or parcel, except in the case of real property acquired by inheritance or devise, is held by the taxpayer for a period of 5 years.

(b) *Special rules for application of section*—(1) *Gains.* If more than 5 lots or parcels contained in the same tract of real property are sold or exchanged, gain from any sale or exchange (which occurs in or after the taxable year in which the sixth lot or parcel is sold or exchanged) of any lot or parcel which comes within the provisions of paragraphs (1), (2) and (3) of subsection (a) of this section shall be deemed to be gain from the sale of property held primarily for sale to customers in the ordinary course of the trade or business to the extent of 5 percent of the selling price.

(2) *Expenditures of sale.* For the purpose of computing gain under paragraph (1) of this subsection, expenditures incurred in connection with the sale or exchange of any lot or parcel shall neither be allowed as a deduction in computing taxable income, nor treated as reducing the amount realized on such sale or exchange; but so much of such expenditures as does not exceed the portion of gain deemed under paragraph (1) of this subsection to be gain from the sale of property held primarily for sale to customers in the ordinary course of trade or business shall be so allowed as a deduction, and the remainder, if any, shall be treated as reducing the amount realized on such sale or exchange.

(3) *Necessary improvements.* No improvement shall be deemed a substantial improvement for purposes of subsection (a) if the lot or parcel is held by the taxpayer for a period of 10 years and if:

(A) Such improvement is the building or installation of water, sewer, or drainage facilities or roads (if such improvement would except for this paragraph constitute a substantial improvement);

(B) It is shown to the satisfaction of the Secretary or his delegate that the lot or parcel, the value of which was substantially enhanced by such improvement, would not have been marketable at the prevailing local price for similar building sites without such improvement; and

(C) The taxpayer elects, in accordance with regulations prescribed by the Secretary or his delegate, to make no adjustment to basis of the lot or parcel, or of any other property owned by the taxpayer, on account of the expenditures for such improvements. Such election shall not make any item deductible which would not otherwise be deductible.

The requirements of subparagraphs (B) and (C) shall not apply in the case of property acquired through the foreclosure of a lien thereon which secured the payment of an indebtedness to the taxpayer or (in the case of a corporation) to a creditor who has transferred the foreclosure bid to the taxpayer in exchange for all of its stock and other consideration and in the case of property adjacent to such property if 80 percent of the real property owned by the taxpayer is property described in the first part of this sentence.

(c) *Tract defined.* For purposes of this section, the term "tract of real property" means a single piece of real property, except that 2 or more pieces of real property shall be considered a tract if at any time they were contiguous in the hands of the taxpayer or if they would be contiguous except for the interposition of a road, street, railroad, stream, or similar property. If, following the sale or exchange of any lot or parcel from a tract of real property, no further sales or exchanges of any other lots or parcels from the remainder of such tract are made for a period of 5 years, such remainder shall be deemed a tract.

(d) *Effective date.* This section shall apply only with respect to sales of property occurring after December 31, 1953, except that, for purposes of subsection (c) (defining tract of real property) and for determining the number of sales under paragraph (1) of subsection (b), all sales of lots and parcels from any tract of real property during the period of 5 years before December 31, 1953, shall be taken into account, except as provided in subsection (c).

[Sec. 1237 as amended by Public Law 495 (84th Cong.) for taxable years beginning after December 31, 1954.]

§ 1.1237–1 *Real property subdivided for sale*—(a) *General rule*—(1) *Introductory.* This section provides a special rule for determining whether the taxpayer holds real property primarily for sale to customers in the ordinary course of his business under section 1221 (1). This rule is to permit taxpayers qualifying under it to sell real estate from a single tract held for investment without the income being treated as ordinary income merely because of subdividing the tract or of active efforts to sell it. The rule is not applicable to dealers in real estate or to corporations, except a corporation making such sales in a taxable year beginning after December 31, 1954, if such corporation qualifies under the provisions of paragraph (c) (5) (iv) of this section.

(2) *When subdividing and selling activities are to be disregarded.* When its conditions are met, section 1237 provides that if there is no other substantial evidence that a taxpayer holds real estate primarily for sale to customers in the ordinary course of his business, he shall not be considered a real estate dealer holding it primarily for sale merely because he has (i) subdivided the tract into lots (or parcels) and (ii) engaged in advertising, promotion, selling activities or the use of sales agents in connection with the sale of lots in such subdivision. Such subdividing and selling activities shall be disregarded in determining the purpose for which the taxpayer held real property sold from a subdivision whenever it is the only substantial evidence indicating that the taxpayer has ever held the real property sold primarily for sale to customers in the ordinary course of his business.

(3) *When subdividing and selling activities are to be taken into account.* When other substantial evidence tends to show that the taxpayer held real property for sale to customers in the ordinary course of his business, his activities in connection with the subdivision and sale of the property sold shall be taken into account in determining the purpose for which the taxpayer held both the subdivided property and any other real property. For example, such other evidence may consist of the taxpayer's selling activities in connection with other property in prior years during which he was engaged in subdividing or selling activities with respect to the subdivided tract, his intention in prior years (or at the time of acquiring the property subdivided) to hold the tract primarily for sale in his business, his subdivision of other tracts in the same year, his holding other real property for sale to customers in the same year, or his construction of a permanent real estate office which he could use in selling other real property. On the other hand, if the only evidence of the taxpayer's purpose in holding real property consisted of not more than one of the following, in the year in question, such fact would not be considered substantial other evidence:

(i) Holding a real estate dealer's license;

(ii) Selling other real property which was clearly investment property;

(iii) Acting as a salesman for a real estate dealer, but without any financial interest in the business; or

(iv) Mere ownership of other vacant real property without engaging in any selling activity whatsoever with respect to it.

If more than one of the above exists, the circumstances may or may not constitute substantial evidence that the taxpayer held real property for sale in his business, depending upon the particular facts in each case.

(4) *Section 1237 not exclusive.* (i) The rule in section 1237 is not exclusive in its application. Section 1237 has no application in determining whether or not real property is held by a taxpayer primarily for sale in his business if any requirement under the section is not met. Also, even though the conditions of section 1237 are met, the rules of section 1237 are not applicable if without regard to section 1237 the real property sold would not have been considered real property held primarily for sale to customers in the ordinary course of his business. Thus, the district director may at all times conclude from convincing evidence that the taxpayer held the real property solely as an investment. Furthermore, whether or not the conditions of section 1237 are met, the section has no application to losses realized upon the sale of realty from subdivided property.

(ii) If, owing solely to the application of section 1237, the real property sold is deemed not to have been held primarily for sale in the ordinary course of business, any gain realized upon such sale shall be treated as ordinary income to the extent provided in section 1237 (b) (1) and (2) and paragraph (e) of this section. Any additional gain realized upon the sale shall be treated as gain arising from the sale of a capital asset or, if the circumstances so indicate, as gain arising from the sale of real property used in the trade or business as defined in section 1231 (b) (1). For the relationship between sections 1237 and 1231, see paragraph (f) of this section.

(5) *Principal conditions of qualification.* Before section 1237 applies, the taxpayer must meet three basic conditions, more fully explained later: He cannot have held any part of the tract at any time previously for sale in the ordinary course of his business, nor in the year of sale held any other real estate for sale to customers; he cannot make substantial improvements on the tract which increase the value of the lot sold substantially; and he must have owned the property 5 years, unless he inherited it. However, the taxpayer may make certain improvements if they are necessary to make the property marketable if he elects neither to add their cost to the basis of the property, or of any other property, nor to deduct the cost as an expense, and he has held the property at least 10 years. If the requirements of section 1237 are met, gain (but not more than 5 percent of the selling price of each lot) shall be treated as ordinary income in and after the year in which the sixth lot or parcel is sold.

(b) *Disqualification arising from holding real property primarily for sale*— (1) *General rule.* Section 1237 does not apply to any transaction if the taxpayer either—

(i) Held the lot sold (or the tract of which it was a part) primarily for sale in the ordinary course of his business in a prior year, or

(ii) Holds other real property primarily for sale in the ordinary course of his business in the same year in which such lot is sold.

Where either of these elements is present, section 1237 shall be disregarded in determining the proper treatment of any gain arising from such sale.

(2) *Method of applying general rule.* For purposes of this paragraph, in determining whether the lot sold was held primarily for sale in the ordinary course of business in a prior year, the principles of section 1237 shall be applied, whether or not section 1237 was effective for such prior year, if the sale of the lot occurs after December 31, 1953, or, in the case of a corporation meeting the requirements of paragraph (c) (5) (iv) of this section, if the sale of the lot occurs in a taxable year beginning after December 31, 1954. Whether, on the other hand, the taxpayer holds other real property for sale in the ordinary course of his business in the same year such lot was sold shall be determined without regard to the application of section 1237 to such other real property.

(3) *Attribution rules with respect to the holding of property.* The taxpayer is considered as holding property which he owns individually, jointly, or as a member of a partnership. He is not generally considered as holding property owned by members of his family, an estate or trust, or a corporation. See, however, paragraph (c) (5) (iv) (c) of this section for an exception to this rule. The purpose for which a prior owner held the lot or tract, or his activities, are immaterial except to the extent they indicate the purpose for which the taxpayer has held the lot or tract. See paragraph (d) of this section for rules relating to the determination of the period for which the property is held. The principles of this subparagraph may be illustrated by the following example:

Example. A dealer in real property held a tract of land for sale to customers in the ordinary course of his business for 5 years. He then made a gift of it to his son. As a result of the operation of section 1223 (2) the son will have held the property for the period of time required by section 1237. However, he will not qualify for the benefits of section 1237 because, there being no evidence to the contrary, the circumstances involved establish that the son holds the property for sale to customers, as did his father.

(c) *Disqualification arising from substantial improvements*— (1) *General rule.* Section 1237 will not apply if the taxpayer or certain others make improvements on the tract which are substantial and which substantially increase the value of the lot sold. Certain improvements are not substantial within the meaning of section 1237 (a) (2) if they are necessary to make the lot marketable at the prevailing local price and meet the other conditions of section 1237 (b) (3). See subparagraph (5) of this paragraph.

(2) *Improvements made or deemed to be made by the taxpayer.* Certain improvements made by the taxpayer or made under a contract of sale between the taxpayer and the buyer make section 1237 inapplicable.

(i) For the purposes of section 1237 (a) (2) the taxpayer is deemed to have made any improvements on the tract while he held it which are made by:

(*a*) The taxpayer's whole or half brothers and sisters, spouse, ancestors, and lineal descendants.

(*b*) A corporation controlled by the taxpayer. A corporation is controlled by the taxpayer if he controls, as the result of direct ownership, constructive ownership, or otherwise, more than 50 percent of the corporation's voting stock.

(*c*) A partnership of which the taxpayer was a member at the time the improvements were made.

(*d*) A lessee if the improvement takes the place of a payment of rental income. See section 109 and the regulations thereunder.

(*e*) A Federal, State, or local government, or political subdivision thereof, if the improvement results in an increase in the taxpayer's basis for the property, as it would, for example, from a special tax assessment for paving streets.

(ii) The principles of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. A held a tract of land for 3 years during which he made substantial improvements thereon which substantially enhanced the value of every lot on the tract. A then made a gift of the tract to his son. The son made no further improvements on the tract, but held it for 3 years and then sold several lots therefrom. The son is not entitled to the benefits of section 1237 since under section 1237 (a) (2) he is deemed to have made the substantial improvements made by his father, and under section 1223 (2) he is treated as having held the property for the period during which his father held it. Thus, the disqualifying improvements are deemed to have been made by the son while the tract was held by him. See paragraph (d) of this section for rules relating to the determination of the period for which the property is held.

(iii) The taxpayer is also charged with making any improvements made pursuant to a contract of sale entered into between the taxpayer and the buyer. Therefore, the buyer, as well as the taxpayer, may make improvements which prevent the application of section 1237.

(*a*) If a contract of sale obligates either the taxpayer or the buyer to make a substantial improvement which would substantially increase the value of the lot, the taxpayer may not claim the application of section 1237 unless the obligation to improve the lot ceases (for any reason other than that the improvement has been made) before or within the period, prescribed by section 6511, within which the taxpayer may file a claim for credit or refund of an overpayment of his tax on the gain from the sale of the lot. The following example illustrates this rule:

Example. In 1956, A sells several lots from a tract he has subdivided for sale. Section 1237 would apply to the sales of these lots except that in the contract of sale, A agreed to install sewers, hard surface roads, and other utilities which would increase the value of the lots substantially. If in 1957, instead of requiring the improvements, the buyer releases A from this obligation, A may then claim the application of section 1237 to the sale of lots in 1956 in computing his income tax for 1956, since the period of limitations in which A may file a claim for credit or refund of an overpayment of his 1956 income tax has not expired.

(*b*) An improvement is made pursuant to a contract if the contract imposes an obligation on either party to make the improvement, but not if the contract

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merely places restrictions on the improvements, if any, either party may make. The following example illustrates this rule:

Example. B sells several lots from a tract which he has subdivided. Each contract of sale prohibits the purchaser from building any structure on his lot except a personal residence costing $15,000 or more. Even if the purchasers build such residences, that does not preclude B from applying section 1237 to the sales of such lots, since the contracts did not obligate the purchasers to make any improvements.

(iv) Improvements made by a bona fide lessee (other than as rent) or by others not described in section 1237 (a) (2) do not preclude the use of section 1237.

(3) *When improvements substantially enhance the value of the lot sold.* Before a substantial improvement will preclude the use of section 1237, it must substantially enhance the value of the lot sold.

(i) The increase in value to be considered is only the increase attributable to the improvement or improvements. Other changes in the market price of the lot, not arising from improvements made by the taxpayer, shall be disregarded. The difference between the value of the lot, including improvements, when the improvement has been completed and an appraisal of its value if unimproved at that time, will disclose the value added by the improvements.

(ii) Whether improvements have substantially increased the value of a lot depends upon the circumstances in each case. If improvements increase the value of a lot by 10 percent or less, such increase will not be considered as substantial, but if the value of the lot is increased by more than 10 percent, then all relevant factors must be considered to determine whether, under such circumstances, the increase is substantial.

(iii) Improvement may increase the value of some lots in a tract without equally affecting other lots in the same tract. Only the lots whose value was substantially increased are ineligible for application of the rule established by section 1237.

(4) *When an improvement is substantial.* To prevent the application of section 1237, the improvement itself must be substantial in character. Among the improvements considered substantial are shopping centers, other commercial or residential buildings, and the installation of hard surface roads or utilities such as sewers, water, gas, or electric lines. On the other hand a temporary structure used as a field office, surveying, filling, draining, leveling and clearing operations, and the construction of minimum all-weather access roads, including gravel roads where required by the climate, are not substantial improvements.

(5) *Special rules relating to substantial improvements.* Under certain conditions a taxpayer, including a corporation to which subdivision (iv) of this subparagraph applies, may obtain the benefits of section 1237 whether or not substantial improvements have been made. In addition, an individual taxpayer may, under certain circumstances, elect to have substantial improvements treated as necessary and not substantial.

(i) *When an improvement is not considered substantial.* An improvement will not be considered substantial if all of the following conditions are met:

(*a*) The taxpayer has held the property for 10 years. The full 10-year period must elapse, whether or not the taxpayer inherited the property. Although the taxpayer must hold the property 10 years, he need not hold it for 10 years after subdividing it. See paragraph (d) of this section for rules relating to the determination of the period for which the property is held.

(*b*) The improvement consists of the building or installation of water, sewer, or drainage facilities (either surface, sub-surface, or both) or roads, including hard surface roads, curbs, and gutters.

(*c*) The district director with whom the taxpayer must file his return is satisfied that, without such improvement, the lot sold would not have brought the prevailing local price for similar building sites.

(*d*) The taxpayer elects, as provided in subdivision (iii) of this subparagraph, not to adjust the basis of the lot sold or any other property held by him for any part of the cost of such improvement attributable to such lot and not to deduct any part of such cost as an expense.

(ii) *Meaning of "similar building site".* A "similar building site" is any real property in the immediate vicinity whose size, terrain, and other characteristics are comparable to the taxpayer's property. For the purpose of determining whether a tract is marketable at the prevailing local price for similar building sites, the taxpayer shall furnish the district director with sufficient evidence to enable him to compare (*a*) the value of the taxpayer's property in an unimproved state with (*b*) the amount for which similar building sites, improved by the installation of water, sewer, or drainage facilities or roads, have recently been sold, reduced by the present cost of such improvements. Such comparison may be made and expressed in terms of dollars per square foot, dollars per acre, or dollars per front foot, or in any other suitable terms depending upon the practice generally followed by real estate dealers in the taxpayer's locality. The taxpayer shall also furnish evidence, where possible, of the best bona fide offer received for the tract or a lot thereof just before making the improvement, to assist the district director in determining the value of the tract or lot if it had been sold in its unimproved state. The operation of this subdivision and subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). A has been offered $500 per acre for a tract without roads, water, or sewer facilities which he has owned for 15 years. The adjacent tract has been subdivided and improved with water facilities and hard surface roads, and has sold for $4,000 per acre. The estimated cost of roads and water facilities on the adjacent tract is $2,500 per acre. The prevailing local price for similar building sites in the vicinity would be $1,500 per acre (i. e., $4,000 less $2,500). If A installed roads and water facilities at a cost of $2,500 per acre, his tract would sell for approximately $4,000 per acre. Under section 1237 (b) (3) the installation of roads and water facilities does not constitute a substantial improvement if A elects to disregard the cost of such improvements ($2,500 per acre) in computing his cost or other basis for the lots sold from the tract, and in computing his basis for any other property owned by him.

Example (2). Assume the same facts as in example (1) of this subdivision except that A can obtain $1,600 per acre for his property without improvements. The installation of any substantial improvements would not constitute a necessary improvement under section 1237 (b) (3), since the prevailing local price could have been obtained without any improvement.

Example (3). Assume the same facts as in example (1) of this subdivision except that the adjacent tract has also been improved with sewer facilities, the present cost of which is $1,200 per acre. The installation of the substantial improvements would not constitute a necessary improvement under section 1237 (b) (3) on A's part, since the prevailing local price ($4,000 less the sum of $1,200 plus $2,500, or $300) could have been obtained by A without any improvement.

(iii) *Manner of making election.* The election required by section 1237 (b) (3) (C) shall be made as follows:

(*a*) The taxpayer shall submit:

(*1*) A plat showing the subdivision and all improvements attributable to him.

(*2*) A list of all improvements to the tract, showing:

(*i*) The cost of such improvements.

(*ii*) Which of the improvements, without regard to the election, he considers "substantial" and which he considers not "substantial."

(*iii*) Those improvements which are substantial to which the election is to apply, with a fair allocation of their cost to each lot they affect, and the amount by which they have increased the values of such lots.

(*iv*) The date on which each lot was acquired and its basis for determining gain or loss, exclusive of the cost of any improvements listed in subdivision (iii) of this subdivision.

(*3*) A statement that he will neither deduct as an expense nor add to the basis of any lot sold, or of any other property, any portion of the cost of any substantial improvement which substantially increased the value of any lot in the tract and which either he listed pursuant to subdivision (*2*) (*iii*) of this subdivision or which the district director deems substantial.

(*b*) The election and the information required under subdivision (*a*) of this subdivision shall be submitted to the district director—

(*1*) With the taxpayer's income tax return for the taxable year in which the lots subject to the election were sold, or

(*2*) In the case of a return filed prior to the publication in the FEDERAL REGISTER of the regulations under section 1237 following their adoption, either with a timely claim for refund, where the benefits of section 1237 have not been claimed on such return, or, independently, within 90 days after such adoption, where such benefits have been claimed, or

(*3*) If there is an obligation to make disqualifying improvements outstanding when the taxpayer files his return, with a formal claim for refund at the time of the release of the obligation, if it is then still possible to file a timely claim.

(*c*) Once made, the election as to the necessary improvement costs attributable to any lot sold shall be irrevocable and binding on the taxpayer unless the district director assesses an income tax as to such lot as if it were held for sale in the ordinary course of taxpayer's business. Under such circumstances, in computing gain, the cost or other basis shall be computed without regard to section 1237.

(iv) *Exceptions with respect to "necessary" improvements and certain corporations.* For taxable years beginning after December 31, 1954, individual taxpayers and certain corporations may obtain the benefits of section 1237 without complying with the provisions of subdivisions (i) (*c*) and (*d*), (ii), and (iii) of this subparagraph if the requirements of section 1237 are otherwise met and if—

(*a*) The property in question was acquired by the taxpayer through the foreclosure of a lien thereon,

(*b*) The lien foreclosed secured the payment of an indebtedness to the taxpayer or (in the case of a corporation) secured the payment of an indebtedness to a creditor who has transferred the foreclosure bid to the taxpayer in exchange for all of the stock of the corporation and other consideration, and

(*c*) In the case of a corporate taxpayer, no shareholder of the corporation holds real property for sale to customers in the ordinary course of his trade or business or holds a controlling interest in another corporation which actually so holds real property, or which, but for the application of this subdivision (iv), would be considered to so hold real property.

Thus, in the case of such property, it is not necessary for the taxpayer to satisfy the district director that the property would not have brought the prevailing local price without improvements or to elect not to add the cost of the improvements to his basis. In addition, if 80 percent or more of the real property owned by a taxpayer is property to which this subdivision applies, the requirements of subdivisions (*a*) and (*b*) of this subdivision need not be met with respect to property adjacent to such property which is also owned by the taxpayer.

(d) *Holding period required—(1) General rules.* To apply section 1237, the taxpayer must either have inherited the lot sold or have held it for 5 years. Generally, the provisions of section 1223 are applicable in determining the period for which the taxpayer has held the property. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A held a tract of land for 3 years under circumstances otherwise qualifying for section 1237 treatment. He made a gift of the tract to B at a time when the fair market value of the tract exceeded A's basis for the tract. B held the tract for 2 more years under similar circumstances. B then sold 4 lots from the tract. B is entitled to the benefits of section 1237 since under section 1223 (2) he held the lots for 5 years and all the other requirements of section 1237 are met.

Example (2). C purchased all the stock in a corporation in 1955. The corporation purchased an unimproved tract of land in 1957. In 1961 the corporation was liquidated under section 333 and C acquired the tract of land. For purposes of section 1237, C's holding period commenced on the date the corporation actually acquired the land in 1957 and not on the date C purchased the stock.

(2) *Rules relating to property acquired upon death.* If the taxpayer inherited the property there is no 5-year holding period required under section 1237. However, any holding period required by any other provision of the Internal Revenue Code of 1954, such as section 1222, is nevertheless applicable. For purposes of section 1237, neither the survivor's one-half of community property, nor property acquired by survivorship in a joint tenancy, is property acquired by devise or inheritance. The holding period for the surviving joint tenant begins on the date the property was originally acquired.

(e) *Tax consequences if section 1237 applies—(1) Introductory.* Where there is no substantial evidence other than subdivision and related selling activities that real property is held for sale in the ordinary course of taxpayer's business and section 1237 applies, section 1237 (b) (1) provides a special rule for computing taxable gain. For the relationship between sections 1237 and 1231, see paragraph (f) of this section.

(2) *Characterization of gain and its relation to selling expenses.* (i) When the taxpayer has sold less than 6 lots or parcels from the same tract up to the end of his taxable year, the entire gain will be capital gain. (Where the land is used in a trade or business, see paragraph (f) of this section.) In computing the number of lots or parcels sold, two or more contiguous lots sold to a single buyer in a single sale will be counted as only one parcel. The following example illustrates this rule:

Example. A meets all the conditions of section 1237 in subdividing and selling a single tract. In 1956 he sells 4 lots to B, C, D, and E. In the same year F buys 3 adjacent lots. Since A has sold only 5 lots or parcels from the tract, any gain A realizes on the sales will be capital gain.

(ii) If the taxpayer has sold the sixth lot or parcel from the same tract within the taxable year, then the amount, if any, by which 5 percent of the selling price of each lot exceeds the expenses incurred in connection with its sale or exchange, shall, to the extent it represents gain, be ordinary income. Any part of the gain not treated as ordinary income will be treated as capital gain. (Where the land is used in a trade or business, see paragraph (f) of this section.) Five percent of the selling price of each lot sold from the tract in the taxable year the sixth lot is sold and thereafter is, to the extent it represents gain, considered ordinary income. However, all expenses of sale of the lot are to be deducted first from the 5 percent of the gain which would otherwise be considered ordinary income, and any remainder of such expenses shall reduce the gain upon the sale or exchange which would otherwise be considered capital gain. Such expenses cannot be deducted as ordinary business expenses from other income. The 5-percent rule applies to all lots sold from the tract in the year the sixth lot or parcel is sold. Thus, if the taxpayer sells the first 6 lots of a single tract in one year, 5 percent of the selling price of each lot sold shall be treated as ordinary income and reduced by the selling expenses. On the other hand, if the taxpayer sells the first 3 lots of a single tract in 1955, and the next 3 lots in 1956, only the gain realized from the sales made in 1956 shall be so treated. For the effect of a 5-year interval between sales, see paragraph (g) (2) of this section. The operation of this subdivision may be illustrated by the following examples:

Example (1). Assume the selling price of the sixth lot of a tract is $10,000, the basis of the lot in the hands of the taxpayer is $5,000, and the expenses of sale are $750. The amount of gain realized by the taxpayer is $4,250, of which the amount of ordinary income attributable to the sale is zero, computed as follows:

Selling price		$10,000
Basis		5,000
Excess over basis		5,000
5 percent of selling price	$500	
Expenses of sale	750	
Amount of grain realized treated as ordinary income		0
Excess over basis		5,000
5 percent of selling price	$500	
Excess of expenses over 5 percent of selling price	250	
		750
Amount of gain realized from sale of property not held for sale in ordinary course of business		4,250

Example (2). Assume the same facts as in Example (1), except that the expenses of sale of such sixth lot are $300. The amount of gain realized by the taxpayer is $4,700, of which the amount of ordinary income attributable to the sale is $200, computed as follows:

Selling price		$10,000
Basis		5,000
Excess over basis		5,000
5 percent of selling price	$500	
Expenses of sale	300	
Amount of gain realized treated as ordinary income		200
Excess over basis		5,000
5 percent of selling price	$500	
Excess of expenses over 5 percent of selling price	0	
		500
Amount of gain realized from sale of property not held for sale in ordinary course of business		4,500

(iii) In the case of an exchange, the term "selling price" shall mean the fair market value of property received plus any sum of money received in exchange for the lot. See section 1031 for those exchanges in which no gain is recognized. For the purpose of subsections (b) and (c) of section 1237 and paragraphs (e) and (g) of this section, an exchange shall be treated as a sale or exchange whether or not gain or loss is recognized with respect to such exchange.

(f) *Relationship of section 1237 and section 1231.* Application of section 1237 to a sale of real property may, in some cases, result in the property being treated as real property used in the trade

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or business, as described in section 1231 (b) (1). Thus, assuming section 1237 is otherwise applicable, if the lot sold would be considered property described in section 1231 (b) (1) except for the fact that the taxpayer subdivided the tract of which it was a part, then evidence of such subdivision and connected sales activities shall be disregarded and the lot sold shall be considered real property used in the trade or business. Under such circumstances, any gain or loss realized from the sale shall be treated as gain or loss arising from the sale of real property used in the trade or business.

(g) *Definition of "tract"*—(1) *Aggregation of properties.* For the purposes of section 1237, the term "tract" means either (i) a single piece of real property or (ii) two or more pieces of real property if they were contiguous at any time while held by the taxpayer, or would have been contiguous but for the interposition of a road, street, railroad, stream, or similar property. Properties are contiguous if their boundaries meet at one or more points. The single piece of contiguous properties need not have been conveyed by a single deed. The taxpayer may have assembled them over a period of time and may hold them separately, jointly, or as a partner, or in any combination of such forms of ownership.

(2) *When a subdivision will be considered a new tract.* If the taxpayer sells or exchanges no lots from the tract for a period of 5 years after the sale or exchange of at least 1 lot in the tract, then the remainder of the tract shall be deemed a new tract for the purpose of counting the number of lots sold from the same tract under section 1237 (b) (1). The pieces in the new tract need not be contiguous. The 5-year period is measured between the dates of the sales or exchanges.

(h) *Effective date.* This section shall apply only to gain realized on sales made after December 31, 1953, or, in the case of a person meeting the requirements of paragraph (c) (5) (iv) of this section, if the sale of the lot occurs in a taxable year beginning after December 31, 1954. Pursuant to section 7851 (a) (1) (C), the regulations prescribed in this section (other than subdivision (iv) of paragraph (c) (5)) shall also apply to taxable years beginning before January 1, 1954, and ending after December 31, 1953, and to taxable years beginning after December 31, 1953, and ending before August 17, 1954, although such years are subject to the Internal Revenue Code of 1939. Irrespective of whether the taxable year involved is subject to the Internal Revenue Code of 1939 or 1954, sales or exchanges made before January 1, 1954, shall be taken into account to determine whether: (1) No sales or exchanges have been made for 5 years, under section 1237 (c), and (2) more than 5 lots or parcels have been sold or exchanged from the same tract, under Section 1237 (b) (1). Thus, if the taxpayer sold 5 lots from a single tract in 1950, and another lot is sold in 1954, the lot sold in 1954 constitutes the "sixth lot" sold from the original tract. On the other hand, if the first 5 lots were sold in 1948, the sale made in 1954 shall be deemed to have been made from a new tract.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: August 8, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

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Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6248]

PART 270—CIGARS AND CIGARETTES—MANUFACTURERS, IMPORTERS, AND DEALERS

AMOUNT OF MANUFACTURERS' BONDS AND MISCELLANEOUS AMENDMENTS

On December 31, 1955, a notice of proposed rulemaking with respect to regulations designated as Part 270 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (20 F. R. 10163). The purposes of the proposal were to prescribe that packages of imported cigars and cigarettes bear a warning similar to that required on packages of domestic cigars and cigarettes with respect to the reuse of tax stamps on the packages and destruction of the stamps when the packages are emptied; to prescribe provisions relating to cigars removed from customs bonded manufacturing warehouses, class 6, for consumption in the United States; and to clarify the provisions relating to the amount of bonds required of manufacturers of cigars and cigarettes. After consideration of all such relevant matter as was presented by interested persons relating to the rules proposed, and in order to make certain other changes which are of a liberalizing nature or which relate merely to form and not to substance, the amendments to 26 CFR (1954) Part 270, set forth below, are hereby adopted.

PARAGRAPH 1. Section 270.89 is amended by deletion of the expression "1939" and insertion, in lieu thereof, of the expression "1954".

PAR. 2. Section 270.122 is amended by deletion, in the first sentence, of the words "equal to" and insertion, in lieu thereof, of the words "not less than".

PAR. 3. Section 270.127 is amended by deletion of the expression "date of approval", where it appears the first time in the first sentence, and insertion, in lieu thereof, of the expression "effective date".

PAR. 4. Section 270.128 is amended by deletion, in the second sentence, of the expression "who has accepted such security".

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: August 8, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

[F. R. Doc. 57-6662; Filed, Aug. 13, 1957; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 205]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. Section 608.11, the Fort McClellan, Alabama, area (R–131) amended December 14, 1955 in 20 F. R. 9341, is further amended by changing the "Designated Altitudes" column to read: "Surface to 24,000 feet MSL".

2. Section 608.11, the Fort Rucker (formerly called Camp Rucker), Alabama, area (R–156 formerly D–156) amended October 31, 1951 in 16 F. R. 11066, is further amended by changing the "Designated Altitudes" column to read: "Surface to 24,000 feet MSL".

3. Section 608.19, the Fort Gordon (formerly called Camp Gordon), Georgia, area (R–385) amended March 24, 1956 in 21 F. R. 1819, is further amended by changing the "Designated Altitudes" column to read: "Surface to 24,000 feet MSL".

4. Section 608.31, the Grand Marais, Minnesota, area (R–187) amended July 26, 1956 in 21 F. R. 5619, is further amended by changing the "Description by Geographical Coordinates" column to read: "From latitude 47°04′00″, longitude 90°35′00″; to latitude 47°28′00″, longitude 89°30′00″; to latitude 47°50′00″, longitude 89°46′00″; to latitude 47°37′00″, longitude 90°24′00″; to latitude 47°22′00″, longitude 90°50′00″."

5. Section 608.48, the Fort Jackson, South Carolina, area (R–114) amended May 19, 1956 in 21 F. R. 3309, is further amended by changing the "Designated Altitudes" column to read: "Surface to 24,000 feet MSL".

6. Section 608.55, the Yakima, Washington, area (R–247) amended April 3, 1956 in 21 F. R. 2125, is further amended by changing the "Controlling Agency" column to read: "Commanding Officer, Yakima Firing Center, Washington".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendement shall become effective on August 14, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

AUGUST 7, 1957.

[F. R. Doc. 57-6653; Filed, Aug. 13, 1957; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SUPPLEMENT I—WINTER WHEAT

The regulations in §§ 485.370 to 485.373 contain specific provisions applicable to winter wheat and supplement the general regulations governing the 1958 acreage reserve part of the Soil Bank Program.

Sec.
485.370 National acreage reserve goal for wheat.
485.371 Maximum acreage limitations on extent of participation.
485.372 Closing date for filing agreements.
485.373 County rates of compensation per acre.

AUTHORITY: §§ 485.370 to 485.373 issued under sec. 124, 70 Stat. 198; 7 U. S. C. 1812. Interpret or apply secs. 101–107, 114–126, 70 Stat. 188; 7 U. S. C. 1801–1813, 1821–1824, 1831.

§ 485.370 *National acreage reserve goal for wheat.* There is hereby established a 1958 national acreage reserve goal for wheat of 7,000,000 to 9,000,000 acres.

§ 485.371 *Maximum acreage limitations on extent of participation.* There are no additional maximum acreage limitations on the extent of participation beyond those maximum limits set forth in § 485.308 of the regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program.

§ 485.372 *Closing date for filing agreements.* (a) The closing date for filing an agreement with respect to winter wheat shall be October 4, 1957.

(b) (1) If a farm is in an area in which wheat is normally planted in the fall, as determined by the county committee, and no wheat was planted on the farm in the spring of 1955, 1956 or 1957, (acreage placed in the 1957 acreage reserve program for spring wheat shall be considered as planted to wheat for purposes of this section), the producers if they wish to participate in the 1958 acreage reserve program for wheat must file an agreement with the county committee not later than the date specified in paragraph (a) of this section.

(2) If a farm is in an area in which wheat is normally planted in the fall, but wheat was planted on the farm in the spring of 1955, 1956 or 1957, the producers may participate with respect to winter wheat by filing an agreement on or before the closing date specified in paragraph (a) of this section, or may participate in the program for spring wheat by filing an agreement on or before the closing date specified in the supplement applicable to spring wheat.

§ 485.373 *County rate of compensation per acre.* The county rates of compensation per acre for wheat are specified below:

1958 ACREAGE RESERVE PROGRAM—COUNTY RATE OF COMPENSATION PER ACRE—WHEAT

ARKANSAS

County	Rate per acre	County	Rate per acre
Arkansas	$23	Lincoln	$22
Ashley	25	Little River	18
Baxter	17	Logan	19
Benton	21	Lonoke	22
Boone	19	Madison	20
Carroll	19	Marion	15
Chicot	24	Miller	20
Clark	17	Mississippi	28
Clay	20	Monroe	22
Cleburne	16	Montgomery	17
Conway	20	Newton	17
Craighead	20	Ouachita	16
Crawford	23	Perry	19
Crittenden	28	Phillips	24
Cross	27	Poinsett	25
Desha	28	Polk	14
Drew	23	Pope	20
Faulkner	22	Prairie	20
Franklin	21	Pulaski	24
Fulton	16	Randolph	20
Garland	15	St. Francis	28
Greene	19	Saline	17
Hempstead	18	Scott	20
Hot Spring	17	Searcy	14
Howard	17	Sebastian	18
Independence	20	Sevier	18
Izard	15	Sharp	16
Jackson	20	Stone	15
Jefferson	23	Van Burean	14
Johnson	17	Washington	20
Lafayette	21	White	19
Lawrence	19	Woodruff	22
Lee	25	Yell	18

CALIFORNIA

Alameda	$29	Placer	$20
Alpine	35	Plumas	20
Amador	28	Riverside	21
Butte	26	Sacramento	38
Calaveras	24	San Benito	25
Colusa	31	San Bernardino	34
Contra Costa	30	San Diego	23
El Dorado	22	San Joaquin	27
Fresno	43	San Luis Obispo	20
Glenn	28	San Mateo	29
Imperial	52	Santa Barbara	23
Inyo	28	Santa Clara	29
Kern	17	Santa Cruz	30
Kings	35	Shasta	14
Lake	32	Sierra	21
Lassen	17	Siskiyou	20
Los Angeles	12	Solano	37
Madera	19	Sonoma	26
Marin	31	Stanislaua	31
Mariposa	26	Sutter	43
Mendocino	26	Tehama	23
Merced	30	Trinity	24
Modoc	20	Tulare	21
Mono	22	Tuolumne	23
Monterey	24	Ventura	26
Napa	38	Yola	39
Orange	20	Yuba	21

COLORADO

Adams	$22	Grand	$19
Alamosa	26	Huerfano	15
Arapahoe	19	Jackson	21
Archuleta	23	Jefferson	29
Baca	13	Kiowa	12
Bent	15	Kit Carson	15
Boulder	25	La Plata	23
Chaffee	27	Larimer	21
Cheyenne	13	Las Animas	11
Conejos	28	Lincoln	14
Costilla	26	Logan	21
Crowley	12	Mesa	24
Custer	17	Moffat	19
Delta	34	Montezuma	17
Dolores	15	Montrose	36
Douglas	21	Morgan	18
Eagle	39	Otero	27
Elbert	15	Ouray	21
El Paso	13	Phillips	25
Fremont	18	Pitkin	29
Garfield	24	Prowers	15
Pueblo	$15	Sedgwick	$28
Rio Blanco	21	Teller	19
Rio Grande	31	Washington	19
Routt	22	Weld	20
Saguache	27	Yuma	21
San Miguel	21		

DELAWARE

Kent	$25	Sussex	$23
New Castle	29		

GEORGIA

Appling	$18	Johnson	$16
Atkinson	17	Jones	18
Baker	17	Lamar	21
Baldwin	17	Laurens	20
Banks	20	Lee	26
Barrow	19	Lincoln	17
Bartow	23	Lowndes	17
Ben Hill	17	Lumpkin	18
Berrien	20	McDuffie	16
Bibb	23	Macon	22
Bleckley	17	Madison	20
Brooks	17	Marion	18
Bryan	19	Meriwether	22
Bulloch	21	Miller	21
Burke	18	Mitchell	23
Butts	22	Monroe	22
Calhoun	19	Montgomery	19
Candler	20	Morgan	20
Carroll	21	Murray	21
Catoosa	20	Muscogee	17
Chattooga	18	Newton	20
Cherokee	23	Oconee	21
Clarke	20	Oglethorpe	19
Clay	16	Paulding	19
Clayton	19	Peach	25
Cobb	20	Pickens	20
Coffee	18	Pierce	19
Colquitt	21	Pike	24
Columbia	15	Polk	21
Coweta	18	Pulaski	22
Crawford	23	Putnam	20
Crisp	22	Quitman	21
Dade	19	Rabun	19
Dawson	20	Randolph	18
Decatur	19	Richmond	16
De Kalb	20	Rockdale	18
Dodge	15	Schley	19
Dooly	22	Screven	19
Dougherty	28	Seminole	21
Douglas	19	Spalding	23
Early	29	Stephens	19
Effingham	18	Stewart	19
Elbert	20	Sumter	23
Emanuel	16	Talbot	21
Evans	21	Taliaferro	15
Fannin	17	Tattnall	15
Fayette	21	Taylor	19
Floyd	21	Telfair	20
Forsyth	20	Terrell	22
Franklin	21	Thomas	20
Fulton	24	Tift	19
Gilmer	18	Toombs	20
Glascock	16	Towns	20
Gordon	19	Treutlen	18
Grady	23	Troup	19
Greene	16	Turner	18
Gwinnett	20	Twiggs	18
Habersham	21	Union	22
Hall	20	Upson	22
Hancock	16	Walker	21
Haralson	19	Walton	21
Harris	16	Warren	19
Hart	23	Washington	18
Heard	22	Webster	19
Henry	21	Wheeler	16
Houston	26	White	20
Irwin	21	Whitfield	20
Jackson	21	Wilcox	18
Jasper	21	Wilkes	17
Jefferson	21	Wilkinson	21
Jenkins	15	Worth	21

IDAHO

Ada	$43	Bannock	$24
Adams	24	Bear Lake	20

IDAHO—continued

County	Rate per acre	County	Rate per acre
Benewah	$34	Idaho	$35
Bingham	36	Jefferson	40
Blaine	32	Jerome	52
Boise	27	Kootenai	26
Bonner	23	Latah	87
Bonneville	29	Lemhi	41
Boundary	38	Lewis	39
Butte	29	Lincoln	43
Camas	19	Madison	29
Canyon	53	Minidoka	45
Caribou	24	Nez Perce	40
Cassia	35	Oneida	23
Clark	17	Owyhee	53
Clearwater	32	Payette	43
Custer	42	Power	21
Elmore	30	Teton	23
Franklin	27	Twin Falls	56
Fremont	28	Valley	24
Gem	43	Washington	26
Gooding	44		

ILLINOIS

Adams	$32	Lee	$36
Alexander	24	Livingston	35
Bond	31	Logan	37
Boone	36	McDonough	34
Brown	32	McHenry	36
Bureau	36	McLean	37
Calhoun	31	Macon	38
Carroll	33	Macoupin	35
Cass	35	Madison	31
Champaign	38	Marion	26
Christian	37	Marshall	36
Clark	27	Mason	32
Clay	24	Massac	25
Clinton	29	Menard	36
Coles	34	Mercer	30
Cook	35	Monroe	31
Crawford	25	Montgomery	35
Cumberland	30	Morgan	37
De Kalb	38	Moultrie	36
De Witt	36	Ogle	35
Douglas	39	Peoria	36
Du Page	38	Perry	25
Edgar	35	Piatt	39
Edwards	26	Pike	31
Effingham	29	Pope	24
Fayette	28	Pulaski	24
Ford	36	Putnam	35
Franklin	26	Randolph	28
Fulton	33	Richland	24
Gallatin	27	Rock Island	30
Greene	33	St. Clair	32
Grundy	37	Saline	26
Hamilton	25	Sangamon	36
Hancock	33	Schuyler	34
Hardin	24	Scott	33
Henderson	32	Shelby	32
Henry	34	Stark	38
Iroquois	38	Stephenson	33
Jackson	25	Tazewell	35
Jasper	26	Union	26
Jefferson	26	Vermilion	37
Jersey	32	Wabash	27
Jo Daviess	30	Warren	34
Johnson	22	Washington	29
Kane	39	Wayne	25
Kankakee	36	White	25
Kendall	39	Whiteside	35
Knox	35	Will	38
Lake	35	Williamson	24
La Salle	37	Winnebago	33
Lawrence	27	Woodford	35

INDIANA

Adams	$32	Clinton	$34
Allen	33	Crawford	23
Bartholomew	28	Daviess	27
Benton	38	Dearborn	25
Blackford	29	Decatur	26
Boone	32	DeKalb	30
Brown	22	Delaware	30
Carroll	33	Dubois	25
Cass	33	Elkhart	32
Clark	25	Fayette	26
Clay	25	Floyd	27
Fountain	$32	Ohio	$26
Franklin	25	Orange	26
Fulton	32	Owen	24
Gibson	29	Parke	31
Grant	33	Perry	24
Greene	26	Pike	24
Hamilton	31	Porter	35
Hancock	30	Posey	28
Harrison	24	Pulaski	32
Hendricks	29	Putnam	29
Henry	29	Randolph	29
Howard	36	Ripley	24
Huntington	33	Rush	28
Jackson	26	St. Joseph	33
Jasper	34	Scott	25
Jay	29	Shelby	26
Jefferson	25	Spencer	24
Jennings	25	Starke	32
Johnson	29	Steuben	32
Knox	29	Sullivan	28
Kosciusko	33	Switzerland	24
Lagrange	32	Tippecanoe	34
Lake	35	Tipton	36
La Porte	32	Union	27
Lawrence	26	Vanderburgh	26
Madison	34	Vermillion	31
Marion	29	Vigo	28
Marshall	33	Wabash	33
Martin	22	Warren	36
Miami	34	Warrick	27
Monroe	24	Washington	28
Montgomery	32	Wayne	29
Morgan	26	Wells	32
Newton	36	White	34
Noble	33	Whitley	33

IOWA

Adair	$23	Jefferson	$23
Adams	24	Johnson	25
Allamakee	29	Jones	30
Appanoose	21	Keokuk	25
Audubon	24	Kossuth	28
Benton	29	Lee	28
Black Hawk	22	Linn	29
Boone	28	Louisa	28
Bremer	24	Lucas	22
Buchanan	23	Lyon	24
Buena Vista	24	Madison	25
Butler	23	Mahaska	25
Calhoun	26	Marion	25
Carroll	24	Marshall	28
Cass	26	Mills	30
Cedar	32	Mitchell	25
Cerro Gordo	26	Monona	23
Cherokee	25	Monroe	21
Chickasaw	23	Montgomery	30
Clarke	20	Muscatine	26
Clay	24	O'Brien	22
Clayton	28	Osceola	21
Clinton	30	Page	29
Crawford	26	Palo Alto	18
Dallas	26	Plymouth	24
Davis	23	Pocahontas	21
Decatur	23	Polk	30
Delaware	32	Pottawattamie	25
Des Moines	30	Poweshiek	23
Dickinson	20	Ringgold	24
Dubuque	29	Sac	23
Emmet	21	Scott	30
Fayette	24	Shelby	25
Floyd	22	Sioux	24
Franklin	26	Story	30
Fremont	30	Tama	26
Greene	24	Taylor	23
Grundy	27	Union	21
Guthrie	23	Van Buren	24
Hamilton	25	Wapello	25
Hancock	27	Warren	27
Hardin	22	Washington	26
Harrison	25	Wayne	22
Henry	26	Webster	26
Howard	26	Winnebago	28
Humboldt	24	Winneshiek	25
Ida	22	Woodbury	22
Iowa	26	Worth	25
Jackson	26	Wright	29
Jasper	28		

KANSAS

County	Rate per acre	County	Rate per acre
Allen	$29	Linn	$22
Anderson	30	Logan	17
Atchison	30	Lyon	29
Barber	16	McPherson	22
Barton	18	Marion	23
Bourbon	28	Marshall	26
Brown	31	Meade	15
Butler	24	Miami	30
Chase	29	Mitchell	18
Chautauqua	26	Montgomery	27
Cherokee	26	Morris	25
Cheyenne	22	Morton	14
Clark	16	Nemaha	29
Clay	23	Neosho	28
Cloud	19	Ness	16
Coffey	30	Norton	21
Comanche	16	Osage	30
Cowley	25	Osborne	17
Crawford	27	Ottawa	21
Decatur	23	Pawnee	16
Dickinson	23	Phillips	17
Doniphan	31	Pottawatomie	27
Douglas	31	Pratt	17
Edwards	16	Rawlins	24
Elk	28	Reno	21
Ellis	16	Republic	21
Ellsworth	20	Rice	21
Finney	19	Riley	27
Ford	16	Rooks	17
Franklin	30	Rush	16
Geary	29	Russell	17
Gove	17	Saline	22
Graham	17	Scott	20
Grant	15	Sedgwick	21
Gray	15	Seward	14
Greeley	16	Shawnee	31
Greenwood	27	Sheridan	20
Hamilton	16	Sherman	20
Harper	18	Smith	17
Harvey	22	Stafford	17
Haskell	15	Stanton	17
Hodgeman	15	Stevens	14
Jackson	28	Sumner	21
Jefferson	30	Thomas	21
Jewell	18	Trego	17
Johnson	30	Wabaunsee	29
Kearny	17	Wallace	16
Kingman	17	Washington	23
Kiowa	17	Wichita	18
Labette	27	Wilson	28
Lane	18	Woodson	28
Leavenworth	30	Wyandotte	30
Lincoln	18		

KENTUCKY

Adair	$21	Fleming	$24
Allen	21	Franklin	25
Anderson	22	Fulton	25
Ballard	23	Gallatin	28
Barren	22	Garrard	22
Bath	25	Grant	26
Boone	24	Graves	23
Bourbon	28	Grayson	20
Boyd	23	Green	21
Boyle	25	Greenup	20
Bracken	25	Hancock	23
Breckenridge	22	Hardin	22
Bullitt	24	Harrison	26
Butler	20	Hart	21
Caldwell	24	Henderson	26
Calloway	22	Henry	25
Campbell	26	Hickman	24
Carlisle	23	Hopkins	22
Carroll	24	Jackson	19
Carter	21	Jefferson	29
Casey	21	Jessamine	25
Christian	25	Kenton	24
Clark	27	Knox	17
Clay	18	Larue	23
Clinton	21	Laurel	20
Crittenden	22	Lawrence	20
Cumberland	19	Lee	19
Daviess	25	Lewis	21
Edmonson	20	Lincoln	23
Elliott	20	Livingston	21
Estill	20	Logan	28
Fayette	29	Lyon	24

KENTUCKY—continued

County	Rate per acre	County	Rate per acre
McCracken	$23	Pulaski	$21
McLean	23	Robertson	24
Madison	24	Rockcastle	22
Marion	21	Rowan	20
Marshall	20	Russell	20
Martin	20	Scott	26
Mason	25	Shelby	25
Meade	22	Simpson	26
Mercer	24	Spencer	23
Metcalfe	21	Taylor	22
Monroe	19	Todd	26
Montgomery	26	Trigg	24
Morgan	20	Trimble	25
Muhlenberg	22	Union	25
Nelson	23	Warren	25
Nicholas	26	Washington	23
Ohio	20	Wayne	24
Oldham	28	Webster	23
Owen	25	Whitley	19
Pendleton	25	Wolfe	18
Powell	19	Woodford	27

MARYLAND

Allegany	$21	Howard	$28
Anne Arundel	19	Kent	26
Baltimore	27	Montgomery	28
Calvert	19	Prince Georges	19
Caroline	23	Queen Annes	25
Carroll	27	St. Marys	22
Cecil	28	Somerset	26
Charles	21	Talbot	27
Dorchester	26	Washington	27
Frederick	27	Wicomico	22
Garrett	25	Worcester	25
Harford	30		

MICHIGAN

Alcona	$28	Lake	$25
Alger	24	Lapeer	33
Allegan	30	Leelanau	24
Alpena	31	Lenawee	35
Antrim	25	Livingston	32
Arenac	31	Luce	17
Baraga	25	Mackinac	19
Barry	31	Macomb	31
Bay	35	Manistee	21
Benzie	19	Marquette	27
Berrien	32	Mason	30
Branch	31	Mecosta	29
Calhoun	32	Menominee	31
Cass	30	Midland	30
Charlevoix	26	Missaukee	35
Cheboygan	26	Monroe	24
Chippewa	19	Montcalm	34
Clare	30	Montmorency	32
Clinton	33	Muskegon	27
Crawford	18	Newaygo	28
Delta	29	Oakland	29
Dickinson	29	Oceana	33
Eaton	34	Ogemaw	29
Emmet	24	Ontonagon	29
Genesee	32	Osceola	17
Gladwin	29	Oscoda	26
Gogebic	15	Otsego	21
Grand Traverse	25	Ottawa	30
Gratiot	36	Presque Isle	29
Hillsdale	31	Roscommon	29
Houghton	21	Saginaw	22
Huron	35	St. Clair	36
Ingham	35	St. Joseph	32
Ionia	32	Sanilac	30
Iosco	27	Schoolcraft	32
Iron	19	Shiawassee	22
Isabella	34	Tuscola	33
Jackson	31	Van Buren	36
Kalamazoo	33	Washtenaw	30
Kalkaska	18	Wayne	33
Kent	30	Wexford	32

MINNESOTA

Aitkin	$20	Carlton	$19
Anoka	21	Carver	33
Becker	21	Cass	19
Beltrami	21	Chippewa	20
Benton	18	Chisago	20
Big Stone	19	Clay	23
Blue Earth	28	Clearwater	22
Brown	22	Cottonwood	24

MINNESOTA—continued

County	Rate per acre	County	Rate per acre
Crow Wing	$19	Nobles	$21
Dakota	25	Norman	22
Dodge	27	Olmstead	25
Douglas	22	Otter Trail	20
Faribault	26	Pennington	22
Fillmore	24	Pine	20
Freeborn	26	Pipestone	20
Goodhue	25	Polk	23
Grant	19	Pope	19
Hennepin	28	Ramsey	25
Houston	25	Red Lake	22
Hubbard	20	Redwood	22
Isanti	20	Renville	23
Itasca	21	Rice	28
Jackson	24	Rock	21
Kanabec	20	Roseau	23
Kandiyohi	20	Saint Louis	22
Kittson	22	Scott	30
Koochiching	19	Sherburne	18
Lac Qui Parle	19	Sibley	28
Lake of the Woods	22	Stearns	21
Le Sueur	28	Steele	28
Lincoln	20	Stevens	20
Lyon	21	Swift	19
McLeod	30	Todd	20
Mahnomen	22	Traverse	19
Marshall	24	Wabasha	24
Martin	26	Wadena	18
Meeker	25	Waseca	28
Mille Lacs	23	Washington	24
Morrison	21	Watonwan	22
Mower	25	Wilkin	20
Murray	21	Winona	26
Nicollet	27	Wright	30
		Yellow Medicine	19

MISSOURI

Adair	$31	Johnson	$29
Andrew	33	Knox	27
Atchison	29	Laclede	26
Audrain	31	Lafayette	33
Barry	26	Lawrence	27
Barton	26	Lewis	29
Bates	28	Lincoln	30
Benton	25	Linn	31
Bollinger	21	Livingston	33
Boone	29	McDonald	23
Buchanan	34	Macon	30
Butler	27	Madison	23
Caldwell	31	Maries	26
Callaway	31	Marion	30
Camden	24	Mercer	29
Cape Girardeau	30	Miller	29
Carroll	33	Mississippi	29
Carter	22	Moniteau	29
Cass	30	Monroe	30
Cedar	25	Montgomery	31
Chariton	33	Morgan	27
Christian	28	New Madrid	32
Clark	28	Newton	27
Clay	35	Nodaway	30
Clinton	33	Oregon	22
Cole	27	Osage	30
Cooper	30	Ozark	18
Crawford	26	Pemiscot	32
Dade	30	Perry	29
Dallas	26	Pettis	30
Daviess	29	Phelps	27
De Kalb	31	Pike	31
Dent	23	Platte	34
Douglas	19	Polk	28
Dunklin	28	Pulaski	22
Franklin	31	Putnam	29
Gasconade	28	Ralls	32
Gentry	31	Randolph	29
Greene	29	Ray	34
Grundy	27	Reynolds	23
Harrison	29	Ripley	18
Henry	27	St. Charles	35
Hickory	23	St. Clair	27
Holt	30	St. Francois	28
Howard	32	St. Louis	31
Howell	19	Ste. Genevieve	31
Iron	23	Saline	30
Jackson	34	Schuyler	28
Jasper	29	Scotland	26
Jefferson	26	Scott	26

MISSOURI—continued

County	Rate per acre	County	Rate per acre
Shannon	$21	Vernon	$27
Shelby	29	Warren	30
Stoddard	26	Washington	31
Stone	27	Wayne	24
Sullivan	28	Webster	26
Taney	20	Worth	27
Texas	23	Wright	24

MONTANA

Beaverhead	$23	Madison	$23
Big Horn	23	Meagher	18
Blaine	20	Mineral	23
Broadwater	24	Missoula	24
Carbon	23	Musselshell	17
Carter	13	Park	23
Cascade	25	Petroleum	15
Chouteau	25	Phillips	16
Custer	15	Pondera	28
Daniels	17	Powder River	16
Dawson	15	Powell	23
Deer Lodge	31	Prairie	15
Fallon	14	Ravalli	33
Fergus	20	Richland	18
Flathead	29	Roosevelt	18
Gallatin	28	Rosebud	17
Garfield	14	Sanders	22
Glacier	25	Sheridan	18
Golden Valley	17	Silver Bow	22
Granite	22	Stillwater	20
Hill	20	Sweet Grass	18
Jefferson	21	Teton	27
Judith Basin	19	Toole	23
Lake	24	Treasure	20
Lewis and Clark	22	Valley	17
Liberty	20	Wheatland	17
Lincoln	20	Wibaux	16
McCone	15	Yellowstone	23

NEBRASKA

Adams	$23	Jefferson	$26
Antelope	19	Johnson	27
Arthur	13	Kearney	23
Banner	28	Keith	27
Blaine	14	Keya Paha	16
Boone	22	Kimball	23
Box Butte	26	Knox	21
Boyd	15	Lancaster	28
Brown	15	Lincoln	22
Buffalo	21	Logan	16
Burt	32	Loup	17
Butler	27	McPherson	13
Cass	31	Madison	25
Cedar	21	Merrick	22
Chase	26	Morrill	23
Cherry	12	Nance	22
Cheyenne	29	Nemaha	23
Clay	23	Nuckolls	22
Colfax	27	Otoe	30
Cuming	31	Pawnee	27
Custer	21	Perkins	27
Dakota	27	Phelps	25
Dawes	26	Pierce	24
Dawson	21	Platte	26
Deuel	29	Polk	26
Dixon	24	Redwillow	25
Dodge	31	Richardson	23
Douglas	31	Rock	15
Dundy	24	Saline	26
Fillmore	24	Sarpy	31
Franklin	23	Saundera	31
Frontier	24	Scotts Bluff	28
Furnas	24	Seward	29
Gage	27	Sheridan	22
Garden	28	Sherman	19
Garfield	16	Sioux	21
Gosper	25	Stanton	27
Greeley	19	Thayer	24
Hall	22	Thomas	14
Hamilton	25	Thurston	28
Harlan	25	Valley	19
Hayes	24	Washington	32
Hitchcock	24	Wayne	27
Holt	15	Webster	22
Hooker	14	Wheeler	17
Howard	22	York	26

UNIVERSITY OF MICHIGAN LIBRARIES

NEW JERSEY

County	Rate per acre	County	Rate per acre
Atlantic	$20	Middlesex	$33
Bergen	29	Monmouth	33
Burlington	33	Morris	32
Camden	29	Ocean	30
Cape May	24	Passaic	29
Cumberland	31	Salem	33
Essex	32	Somerset	30
Gloucester	28	Sussex	33
Hunterdon	32	Union	33
Mercer	33	Warren	33

NEW MEXICO

Bernalillo	$9	Otero	$17
Catron	8	Quay	9
Chaves	19	Rio Arriba	7
Colfax	10	Roosevelt	9
Curry	11	Sandoval	13
DeBaca	15	San Juan	19
Eddy	27	San Miguel	12
Grant	23	Santa Fe	7
Guadalupe	10	Sierra	23
Harding	8	Socorro	6
Hidalgo	26	Taos	20
Lea	8	Torrence	6
Lincoln	7	Union	9
McKinley	9	Valencia	12
Mora	12		

NEW YORK

Albany	$35	Oneida	$37
Allegany	33	Onondaga	37
Broome	34	Ontario	37
Cattaraugus	32	Orange	34
Cayuga	37	Orleans	36
Chautauqua	32	Oswego	31
Chemung	35	Otsego	35
Chenango	35	Putnam	36
Clinton	26	Rensselaer	35
Columbia	36	Rockland	35
Cortland	36	St. Lawrence	25
Delaware	34	Saratoga	35
Dutchess	36	Schenectady	34
Erie	33	Schoharie	35
Essex	27	Schuyler	35
Franklin	26	Seneca	36
Fulton	32	Steuben	33
Genesee	37	Suffolk	35
Greene	34	Sullivan	34
Herkimer	35	Tioga	35
Jefferson	24	Tompkins	35
Lewis	30	Ulster	35
Livingston	37	Warren	27
Madison	37	Washington	34
Monroe	37	Wayne	36
Montgomery	34	Westchester	35
Nassau	35	Wyoming	37
Niagara	32	Yates	37

NORTH CAROLINA

Alamance	$25	Davie	$24
Alexander	22	Duplin	28
Alleghany	29	Durham	25
Anson	22	Edgecombe	28
Ashe	26	Forsyth	27
Avery	24	Franklin	25
Beaufort	27	Gaston	24
Bertie	25	Gates	23
Bladen	25	Graham	22
Brunswick	27	Granville	25
Buncombe	26	Greene	26
Burke	24	Guilford	27
Cabarrus	22	Halifax	23
Caldwell	24	Harnett	26
Camden	25	Haywood	26
Carteret	23	Henderson	26
Caswell	25	Hertford	22
Catawba	24	Hoke	24
Chatham	23	Hyde	25
Cherokee	22	Iredell	25
Chowan	25	Jackson	24
Clay	20	Johnston	28
Cleveland	26	Jones	27
Columbus	27	Lee	27
Craven	24	Lenoir	28
Cumberland	26	Lincoln	25
Currituck	27	McDowell	22
Davidson	26	Macon	24

NORTH CAROLINA—continued

County	Rate per acre	County	Rate per acre
Madison	$23	Rowan	$26
Martin	27	Rutherford	25
Mecklenburg	23	Sampson	27
Mitchell	22	Scotland	22
Montgomery	21	Stanly	22
Moore	22	Stokes	25
Nash	31	Surry	27
New Hanover	26	Swain	24
Northhampton	23	Transylvania	26
Onslow	26	Tyrrell	24
Orange	25	Union	24
Pamlico	28	Vance	25
Pasquotank	27	Wake	27
Pender	28	Warren	25
Perquimans	26	Washington	25
Person	24	Watauga	27
Pitt	28	Wayne	28
Polk	24	Wilkes	26
Randolph	24	Wilson	30
Richmond	19	Yadkin	27
Robeson	26	Yancey	24
Rockingham	27		

NORTH DAKOTA

Adams	$13	McLean	$15
Barnes	18	Mercer	15
Benson	16	Morton	14
Billings	13	Mountrail	16
Bottineau	17	Nelson	16
Bowman	13	Oliver	15
Burke	17	Pembina	23
Burleigh	14	Pierce	15
Cass	21	Ramsey	17
Cavalier	19	Ramson	15
Dickey	13	Renville	18
Divide	16	Richland	17
Dunn	15	Rolette	16
Eddy	14	Sargent	14
Emmons	13	Sheridan	14
Foster	16	Sioux	12
Golden Valley	16	Slope	13
Grand Forks	21	Stark	15
Grant	12	Steele	19
Griggs	17	Stutsman	16
Hettinger	14	Towner	17
Kidder	12	Traill	22
La Moure	14	Walsh	21
Logan	13	Ward	16
McHenry	15	Wells	15
McIntosh	12	Williams	18
McKenzie	17		

OHIO

Adams	$22	Henry	$35
Allen	33	Highland	23
Ashland	31	Hocking	23
Ashtabula	28	Holmes	31
Athens	25	Huron	32
Auglaize	32	Jackson	23
Belmont	31	Jefferson	31
Brown	22	Knox	27
Butler	26	Lake	29
Carroll	31	Lawrence	23
Champaign	31	Licking	27
Clark	31	Logan	30
Clermont	23	Lorain	29
Clinton	27	Lucas	37
Columbiana	33	Madison	30
Coshocton	29	Mahoning	32
Crawford	32	Marion	31
Cuyahoga	30	Medina	31
Darke	30	Meigs	24
Defiance	30	Mercer	32
Delaware	28	Miami	30
Erie	35	Monroe	28
Fairfield	28	Mongomery	29
Fayette	28	Morgan	27
Franklin	30	Morrow	27
Fulton	36	Muskingum	27
Gallia	23	Noble	27
Geauga	30	Ottawa	31
Greene	28	Paulding	29
Guernsey	26	Perry	27
Hamilton	28	Pickaway	27
Hancock	33	Pike	22
Hardin	32	Portage	31
Harrison	31	Preble	28

OHIO—continued

County	Rate per acre	County	Rate per acre
Putnam	$33	Tuscarawas	$31
Richland	30	Union	29
Ross	25	Van Wert	34
Sandusky	34	Vinton	23
Scioto	24	Warren	26
Seneca	32	Washington	26
Shelby	31	Wayne	33
Stark	33	Williams	32
Summit	32	Wood	35
Trumbull	30	Wyandot	32

OKLAHOMA

Adair	$18	Le Flore	$19
Alfalfa	18	Lincoln	17
Atoka	16	Logan	17
Beaver	12	Love	15
Beckham	13	Mc Clain	17
Blaine	17	Mc Curtain	16
Bryan	16	Mc Intosh	16
Caddo	17	Major	15
Canadian	18	Marshall	14
Carter	15	Mayes	21
Cherokee	17	Murray	17
Choctaw	17	Muskogee	17
Cimarron	10	Noble	17
Cleveland	18	Nowata	23
Coal	16	Okfuskee	17
Comanche	15	Oklahoma	18
Cotton	15	Okmulgee	17
Craig	23	Osage	22
Creek	17	Ottawa	24
Custer	15	Pawnee	19
Delaware	23	Payne	16
Dewey	14	Pittsburg	16
Ellis	11	Pontotoc	17
Garfield	19	Pottawatomie	18
Garvin	18	Pushmataha	16
Grady	18	Roger Mills	11
Grant	18	Rogers	21
Greer	13	Seminole	18
Harmon	13	Sequoyah	20
Harper	13	Stephens	15
Haskell	18	Texas	13
Hughes	18	Tillman	19
Jackson	16	Tulsa	22
Jefferson	13	Wagoner	22
Johnston	15	Washington	23
Kay	22	Washita	15
Kingfisher	17	Woods	15
Kiowa	15	Woodward	11

OREGON

Baker	$35	Lane	$28
Benton	32	Linn	30
Clackamas	35	Malheur	43
Columbia	33	Marion	36
Crook	47	Morrow	26
Deschutes	41	Multnomah	35
Douglas	24	Polk	34
Gilliam	32	Sherman	38
Grant	27	Umatilla	35
Harney	18	Union	37
Jackson	31	Wallowa	28
Jefferson	37	Wasco	34
Josephine	24	Washington	38
Klamath	23	Wheeler	25
Lake	21	Yamhill	36

PENNSYLVANIA

Adams	$27	Columbia	$27
Allegheny	27	Crawford	27
Armstrong	27	Cumberland	28
Beaver	28	Dauphin	27
Bedford	27	Delaware	34
Berks	29	Elk	27
Blair	29	Erie	27
Bradford	28	Fayette	27
Bucks	30	Forest	26
Butler	27	Franklin	28
Cambria	26	Fulton	25
Cameron	25	Greene	26
Carbon	26	Huntingdon	26
Centre	29	Indiana	26
Chester	34	Jefferson	27
Clarion	26	Juniata	26
Clearfield	26	Lackawanna	26
Clinton	27	Lancaster	34

PENNSYLVANIA—continued

County	Rate per acre	County	Rate per acre
Lawrence	$28	Potter	$29
Lebanon	31	Schuylkill	26
Lehigh	29	Snyder	26
Luzerne	26	Somerset	27
Lycoming	28	Sullivan	27
McKean	26	Susquehanna	26
Mercer	27	Tioga	26
Mifflin	28	Union	28
Monroe	27	Venango	27
Montgomery	30	Warren	26
Montour	26	Washington	28
Northampton	30	Wayne	26
Northumberland	26	Westmoreland	27
Perry	27	Wyoming	27
Philadelphia	33	York	31
Pike	26		

SOUTH CAROLINA

Abbeville	$19	Greenwood	$22
Aiken	18	Hampton	23
Allendale	23	Horry	28
Anderson	22	Jasper	22
Bamberg	20	Kershaw	20
Barnwell	20	Lancaster	23
Beaufort	22	Laurens	22
Berkeley	22	Lee	26
Calhoun	25	Lexington	19
Charleston	23	McCormick	19
Cherokee	22	Marion	28
Chester	22	Marlboro	24
Chesterfield	20	Newberry	21
Clarendon	25	Oconee	22
Colleton	23	Orangeburg	22
Darlington	23	Pickens	20
Dillon	26	Richland	22
Dorchester	23	Saluda	20
Edgefield	22	Spartanburg	21
Fairfield	20	Sumter	26
Florence	25	Union	20
Georgetown	25	Williamsburg	24
Greenville	21	York	22

SOUTH DAKOTA

Aurora	$14	Jackson	$13
Beadle	13	Jerauld	13
Bennett	22	Jones	13
Bon Homme	14	Kingsbury	14
Brookings	17	Lake	16
Brown	13	Lawrence	17
Brule	14	Lincoln	17
Buffalo	13	Lyman	13
Butte	16	McCook	14
Campbell	13	McPherson	12
Charles Mix	15	Marshall	14
Clark	14	Meade	13
Clay	19	Mellette	14
Codington	15	Miner	13
Corson	12	Minnehaha	14
Custer	13	Moody	17
Davison	15	Pennington	13
Day	13	Perkins	12
Deuel	16	Potter	12
Dewey	12	Roberts	15
Douglas	14	Sanborn	13
Edmunds	12	Shannon	23
Fall River	17	Spink	13
Faulk	12	Stanley	14
Grant	15	Sully	14
Gregory	15	Todd	14
Haakon	15	Tripp	15
Hamlin	16	Turner	15
Hand	13	Union	19
Hanson	15	Walworth	13
Harding	12	Washabaugh	17
Hughes	13	Yankton	16
Hutchinson	14	Ziebach	12
Hyde	13		

TENNESSEE

Anderson	$22	Carroll	$19
Bedford	18	Carter	26
Benton	17	Cheatham	23
Bledsoe	17	Chester	20
Blount	23	Claiborne	21
Bradley	19	Clay	16
Campbell	21	Cocke	21
Cannon	16	Coffee	20

TENNESSEE—continued

County	Rate per acre	County	Rate per acre
Crockett	$18	Madison	$19
Cumberland	17	Marion	18
Davidson	20	Marshall	17
Decatur	15	Maury	21
De Kalb	16	Meigs	19
Dickson	18	Monroe	20
Dyer	22	Montgomery	24
Fayette	19	Moore	19
Fentress	19	Morgan	20
Franklin	24	Obion	22
Gibson	17	Overton	19
Giles	18	Perry	14
Grainger	22	Pickett	19
Greene	22	Polk	18
Grundy	23	Putnam	17
Hamblen	26	Rhea	19
Hamilton	21	Roane	18
Hancock	20	Robertson	25
Hardeman	19	Rutherford	19
Hardin	15	Scott	19
Hawkins	23	Sequatchie	18
Haywood	19	Sevier	22
Henderson	17	Shelby	22
Henry	21	Smith	14
Hickman	16	Stewart	19
Houston	20	Sullivan	25
Humphreys	17	Sumner	19
Jackson	14	Tipton	24
Jefferson	25	Trousdale	17
Johnson	23	Unicoi	25
Knox	23	Union	20
Lake	24	Van Buren	20
Lauderdale	21	Warren	20
Lawrence	18	Washington	26
Lewis	16	Wayne	16
Lincoln	18	Weakley	19
Loudon	20	White	20
McMinn	19	Williamson	19
McNairy	19	Wilson	17
Macon	17		

TEXAS

Anderson	$13	Deaf Smith	$15
Andrews	10	Delta	17
Archer	12	Denton	19
Armstrong	12	De Witt	12
Atascosa	12	Dickens	11
Austin	12	Dimmit	13
Bailey	13	Donley	11
Bandera	12	Eastland	12
Bastrop	12	Edwards	10
Baylor	14	Ellis	16
Bee	12	Erath	12
Bell	14	Falls	13
Bexar	12	Fannin	17
Blanco	13	Fisher	9
Borden	8	Floyd	13
Bosque	14	Foard	14
Bowie	14	Gaines	8
Brazos	12	Garza	10
Briscoe	13	Gillespie	12
Brown	11	Glasscock	9
Burleson	12	Goliad	12
Burnet	12	Gonzales	12
Caldwell	12	Gray	12
Callahan	10	Grayson	17
Carson	12	Guadalupe	12
Castro	18	Hale	19
Chambers	12	Hall	12
Cherokee	14	Hamilton	12
Childress	12	Hansford	12
Clay	13	Hardeman	13
Cochran	12	Harris	13
Coke	8	Hartley	12
Coleman	10	Haskell	12
Collin	19	Hays	13
Collingsworth	12	Hemphill	12
Comal	12	Henderson	14
Comanche	12	Hill	13
Concho	9	Hockley	12
Cooke	19	Hood	12
Coryell	12	Hopkins	14
Cottle	12	Houston	14
Crosby	12	Howard	10
Culberson	14	Hudspeth	14
Dallam	11	Hunt	18
Dallas	18	Hutchinson	12
Dawson	10	Irion	10

TEXAS—continued

County	Rate per acre	County	Rate per acre
Jack	$12	Potter	$12
Jackson	13	Presidio	14
Jeff Davis	14	Rains	14
Johnson	15	Randall	11
Jones	11	Real	12
Karnes	12	Red River	14
Kaufman	16	Reeves	14
Kendall	12	Roberts	12
Kent	11	Rockwall	17
Kerr	13	Runnels	9
Kimble	10	San Saba	13
King	12	Schleicher	9
Knox	14	Scurry	8
Lamar	17	Shackelford	11
Lamb	22	Sherman	12
Lampasas	12	Somervell	12
Limestone	12	Stephens	11
Lipscomb	12	Sterling	8
Live Oak	12	Stonewall	11
Llano	12	Sutton	10
Lubbock	14	Swisher	17
Lynn	12	Tarrant	16
McCulloch	11	Taylor	9
McLennan	14	Terry	12
Martin	10	Throckmorton	13
Mason	12	Titus	13
Maverick	13	Tom Green	10
Medina	12	Travis	12
Menard	10	Uvalde	12
Midland	11	Van Zandt	13
Milam	13	Victoria	12
Mills	12	Waller	13
Mitchell	8	Ward	14
Montague	13	Wharton	12
Moore	12	Wheeler	11
Motley	11	Wichita	16
Navarro	16	Wilbarger	17
Nolan	8	Williamson	13
Ochiltree	13	Wilson	12
Oldham	12	Wise	16
Palo Pinto	11	Wood	14
Parker	12	Yoakum	11
Parmer	17	Young	12
Pecos	14	Zavala	13

UTAH

Beaver	$32	Piute	$33
Box Elder	21	Rich	22
Cache	25	Salt Lake	25
Carbon	31	San Juan	15
Daggett	34	Sanpete	24
Davis	39	Sevier	36
Duchesne	30	Summit	30
Emery	31	Tooele	16
Garfield	26	Uintah	30
Grand	24	Utah	27
Iron	21	Wasatch	40
Juab	16	Washington	16
Kane	19	Wayne	36
Millard	17	Weber	38
Morgan	30		

VIRGINIA

Accomac	$26	Dinwiddie	$27
Albemarle	27	Essex	26
Alleghany	24	Fairfax	28
Amelia	27	Fauquier	27
Amherst	25	Floyd	25
Appomattox	27	Fluvanna	27
Augusta	28	Franklin	27
Bath	24	Frederick	27
Bedford	25	Giles	24
Bland	25	Gloucester	24
Botetourt	26	Goochland	27
Brunswick	27	Grayson	23
Buchanan	23	Greene	25
Buckingham	26	Greensville	24
Campbell	26	Halifax	26
Caroline	28	Hampton	27
Carroll	24	Hanover	27
Charles City	30	Henrico	29
Charlotte	27	Henry	24
Chesterfield	26	Highland	25
Clarke	29	Isle of Wight	28
Craig	26	James City	27
Culpeper	27	King and Queen	25
Cumberland	26	King George	28
Dickenson	23	King William	25

UNIVERSITY OF MICHIGAN

VIRGINIA—continued

County	Rate per acre	County	Rate per acre
Lancaster	$27	Princess Anne	$29
Lee	23	Pulaski	26
Loudoun	29	Rappahannock	26
Louisa	26	Richmond	29
Lunenburg	27	Roanoke	29
Madison	25	Rockbridge	26
Mathews	24	Rockingham	28
Mecklenburg	26	Russell	25
Middlesex	25	Scott	24
Montgomery	27	Shenandoah	27
Nansemond	29	Smyth	26
Nelson	25	Southampton	27
New Kent	25	Spotsylvania	27
Norfolk	29	Stafford	27
Northampton	27	Surry	26
Northumberland	29	Sussex	26
Nottoway	29	Tazewell	25
Orange	28	Warren	27
Page	28	Warwick	29
Patrick	26	Washington	28
Pittsylvania	26	Westmoreland	30
Powhatan	27	Wise	23
Prince Edward	27	Wythe	26
Prince George	25	York	27
Prince William	28		

WASHINGTON

Adams	$29	Lewis	$35
Asotin	29	Lincoln	34
Benton	26	Mason	39
Chelan	21	Okanogan	22
Clallam	49	Pacific	40
Clark	32	Pend Oreille	24
Columbia	38	Pierce	34
Cowlitz	31	San Juan	38
Douglas	25	Skagit	51
Ferry	24	Skamania	28
Franklin	29	Snohomish	43
Garfield	41	Spokane	32
Grant	29	Stevens	29
Grays Harbor	39	Thurston	33
Island	52	Walla Walla	37
Jefferson	44	Whatcom	44
Kittitas	42	Whitman	41
Klickitat	28	Yakima	38

WEST VIRGINIA

Barbour	$24	Mineral	$25
Berkeley	25	Monongalia	26
Boone	21	Monroe	26
Braxton	23	Morgan	23
Brooke	30	Nicholas	27
Cabell	20	Ohio	28
Calhoun	18	Pendleton	25
Clay	18	Pleasants	23
Doddridge	24	Pocahontas	28
Fayette	23	Preston	26
Gilmer	22	Putnam	22
Grant	25	Raleigh	22
Greenbrier	28	Randolph	28
Hampshire	25	Ritchie	22
Hancock	30	Roane	20
Hardy	25	Summers	23
Harrison	25	Taylor	23
Jackson	23	Tucker	26
Jefferson	26	Tyler	23
Kanawha	22	Upshur	26
Lewis	24	Wayne	21
Lincoln	22	Webster	19
Marion	26	Wetzel	22
Marshall	25	Wirt	25
Mason	24	Wood	23
Mercer	24	Wyoming	20

WISCONSIN

Adams	$20	Dodge	$34
Ashland	20	Door	28
Barron	24	Douglas	22
Bayfield	22	Dunn	25
Brown	29	Eau Claire	23
Buffalo	27	Florence	21
Burnett	20	Fond du Lac	35
Calumet	32	Forest	21
Chippewa	22	Grant	30
Clark	28	Green	33
Columbia	29	Green Lake	26
Crawford	28	Iowa	29
Dane	34	Iron	21

WISCONSIN—continued

County	Rate per acre	County	Rate per acre
Jackson	$25	Price	$23
Jefferson	34	Racine	35
Juneau	24	Richland	28
Kenosha	35	Rock	33
Kewaunee	30	Rusk	19
La Crosse	26	St. Croix	24
Lafayette	30	Sauk	28
Langlade	27	Sawyer	19
Lincoln	25	Shawano	29
Manitowoc	33	Sheboygan	34
Marathon	27	Taylor	23
Marinette	25	Trempealeau	27
Marquette	22	Vernon	30
Milwaukee	33	Vilas	23
Monroe	26	Walworth	34
Oconto	27	Washburn	19
Oneida	22	Washington	34
Outagamie	31	Waukesha	32
Ozaukee	34	Waupaca	28
Pepin	25	Waushara	21
Pierce	26	Winnebago	33
Polk	22	Wood	25
Portage	20		

WYOMING

Albany	$14	Natrona	$18
Big Horn	32	Niobrara	17
Campbell	20	Park	33
Carbon	14	Platte	21
Converse	17	Sheridan	24
Crook	20	Sublette	16
Fremont	33	Sweetwater	19
Goshen	21	Teton	22
Hot Springs	29	Uinta	19
Johnson	20	Washakie	30
Laramie	21	Weston	20
Lincoln	19		

Issued at Washington, D. C., this 6th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6575; Filed, Aug. 13, 1957; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 878—DECORATIONS AND AWARDS

HONORS AND CEREMONIES

In Part 878, sections formerly designated as §§ 878.1 to 878.35 are revised to read as follows:

Sec.
878.1 Purpose and policy.
878.2 Eligibility.
878.3 Number of decorations.
878.4 Recommendations.
878.5 Posthumous, missing-in-action, and prisoner-of-war awards.
878.6 Decorations carrying additional pay.
878.7 Decorations awarded by foreign governments.
878.8 Awards to citizens of foreign nations in peacetime.
878.9 Supplying and replacing decorations.
878.10 Decorations for use in exhibitions.
878.11 Manufacture, sale, and possession of decorations.
878.12 Military decorations.
878.13 Civilian decorations.

AUTHORITY: § 878.1 to 878.13 issued under sec. 8012, 70A Stat. 488; 10 U. S. C. 8012.

SOURCE: AFR 900-7, July 16, 1957.

§ 878.1 *Purpose and policy.* The Air Force awards decorations to individuals to recognize acts of bravery, outstanding achievements, and periods of meritorious service which they perform on behalf of the United States. The nature and magnitude of the act, achievement, or service for which recognition is to be given will determine the type of decoration awarded.

§ 878.2 *Eligibility.* The eligibility of a person to receive a decoration depends upon four factors:

(a) The nature and magnitude of the act achievement, or service. Sections 878.12 and 878.13 explain which types of acts, achievements, and services are considered worthy of recognition.

(b) The appropriateness of the award. When determining appropriateness, the recommending individual and awarding authority will consider the circumstances under which the act or service was performed, or the achievement realized.

(c) The relationship of the person to the Air Force.

(1) With the exception of the National Security Medal, civilian decorations are not awarded to United States military personnel for an act or service performed as a military member.

(2) Members of the Reserve components not on active duty with the Air Force but in attendance at authorized periods of training are eligible for award of the Distinguished Flying Cross, the Soldier's Medal, the Air Medal, and the Commendation Ribbon, provided that the requirements for these decorations are otherwise fulfilled. Additionally, members of the Reserve components of the Air Force not on active duty may be awarded the Commendation Ribbon for outstanding accomplishments of continuing value to the Air Force. For awards of the Commendation Ribbon under this particular provision, the accomplishment must be sufficiently distinctive to exceed by comparison that rendered by other Reservists performing similar acts or services.

(d) The manner in which the person performed subsequent military service. For an award to be made, his military service must have been honorable following the act or service by which he distinguished himself.

§ 878.3 *Number of decorations.* No limitation is placed on the number of decorations that may be awarded an individual. However, only one award of a decoration will be made for the same act, achievement or period of meritorious service. Also, in most cases, only one basic award of a decoration will be made. Oak-leaf clusters are awarded in lieu of additional awards of the same medal unless otherwise indicted in §§ 878.1 to 878.13. Awards of oak-leaf clusters to the same person for the same decoration are numbered progressively and worn on the suspension ribbon and ribbon bar. The oak-leaf clusters are issued in two sizes—large and small. The large size is worn on the suspension ribbon and the small size on the ribbon bar. A silver oak-leaf cluster is worn in lieu of five bronze clusters.

§ 878.4 *Recommendations—(a) General.* (1) Before recommending an individual for a decoration, commanders will consider the factors which govern his eligibility, as listed in § 878.2. If more than one person participated in the same act or service, or was responsible for the realization of a single achievement, the contribution of each participant may be combined into one recommendation, provided that each person is being recommended for the same decoration. By the same token, only one proposed citation need be prepared, unless the contribution of each person differs as to degree of participation in the act, achievement, or service. In that case, a separate citation will be prepared for each person concerned to accompany the recommendation. Recommendations for the award of civilian decorations will be submitted in the same manner and forwarded through th same channels as those for military decorations.

(2) The reassignment of a supervisor or commander is not a basis for initiating recommendations for awards to his subordinates.

(3) When a recommendation for the award of a decoration is disapproved, the awarding authority will reconsider the recommendation to determine whether the award of a lesser decoration is appropriate.

(4) Recommendations previously disapproved by the awarding authority may be submitted for reconsideration only if new evidence is furnished.

(b) *Time limitations.* (1) Time limitations are based generally upon law (10 U. S. C. 8744). Recommendations for the award of military decorations must be in official channels within 2 years of the date of the act, achievement, or service performed.

(2) A request for reconsideration of a recommendation must be in official channels within 2 years of the date of the act, achievement, or service performed.

(3) Recommendations which were in official channels within the prescribed time limitations but lost or not acted upon may be resubmitted, provided that the original recommendation was submitted as the result of an act or service performed after September 2, 1945. This provision, however, excludes the Medal of Honor, Distinguished Service Cross and the Distinguished Service Medal, since there is no provision in law for such a waiver as to those medals if the time limitations provided for in 10 U. S. C. 8744 are exceeded. In each case, a certificate or sworn affidavit attesting to the fact that the original recommendation was placed in official channels, accompanied by a copy of the original recommendation, if available, or the reconstituted substance of the original recommendation, must be submitted.

(c) *Who may submit recommendations.* A recommendation for the award of a decoration may be initiated by any person having knowledge of the act, achievement, or service believed to warrant the award. Recommendations initiated by the person's commander or supervisor at the time of the act, achievement, or service was performed are preferred.

(d) *Where to send recommendations.* Recommendations will be sent promptly to the awarding authority through command channels. Each commander or deputy commander will personally indorse them. Comments and/or alternate recommendations by intermediate commanders are encouraged as they are helpful to the awarding authority in making a final determination. The opinion of an intermediate commander that a recommendation should be disapproved will in no case constitute authority for the return of the recommendation to the initiator. In such cases, the commander will forward the recommendation to the awarding authority, recommending disapproval. Recommendations requiring Department of the Air Force approval will be forwarded in an original and one copy to: The Director of Military Personnel, Headquarters, USAF, Attn: Personnel Services Division, Washington 25, D. C.

(e) *Recommendations based on meritorious service.* Recommendations for awards for meritorious service are based upon a completed period of service. Such recommendations will be initiated only when an individual has or is being reassigned or when the specific duty for which recommended has terminated. However, recommendations based upon completing a specific assignment or project, separate and distinct from regularly assigned duties, and recommendations based upon an act of heroism may be initiated notwithstanding completion of duty assignment. Such awards will not preclude later submission of a recommendation for recognition of meritorious performance of normal duty upon termination of assignment. In instances where it is definitely established that a person will be reassigned, retired, or separated on a specific date and presentation is desired before the individual's departure, a recommendation may be initiated before the date of reassignment, retirement, or separation. The recommendation should include the termination date of the assignment and the new duty station, if applicable. Such recommendations should be initiated 60 days in advance of the termination date to permit normal processing by the awarding authority.

§ 878.5 *Posthumous, missing-in-action, and prisoner-of-war awards—(a) Posthumous.* Next of kin are entitled to receive decorations earned but not presented due to the decease of the recipient. The next of kin listed in the order of precedence are: Widow, widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

(1) All requests for authority to make posthumous presentations of decorations to eligible next of kin, other than the order listed in this paragraph, will be forwarded to: The Director of Military Personnel, Headquarters USAF, Attn: Personnel Services Division, Washington 25, D. C. Complete background information will accompany such requests.

(2) Duplicate medals will be furnished cost free to the parent(s) of the deceased when decorations are posthumously presented to the widow or widower.

(b) *Missing in action and prisoner of war.* All elements of decorations earned but not presented to personnel who later become missing or prisoners of war will be forwarded to: The Director of Military Personnel, Headquarters USAF, Attn: Personnel Services Division, Washington 25, D. C. Awards of this nature will not, in any instance, be publicized until a final determination of the recipient's status is officially announced by Headquarters USAF.

§ 878.6 *Decorations carrying additional pay—(a) Decorations for extraordinary heroism.* The pay authorized for retired persons by section 8914 of Title 10, United States Code (70A Stat. 550), will be increased by 10 percent for any airman who is credited with extraordinary heroism in line of duty. The determination of the Secretary of the Air Force regarding such increases in pay will be final.

(b) *Medal of Honor.* A person awarded the Medal of Honor, who has been honorably discharged from the service, may, upon reaching the age of 65, make application to have his name entered upon the Medal of Honor Roll (established by the Act of April 27, 1916, 39 Stat. 54, as amended; 38 U. S. C. 391-394). Application should be made in writing to Headquarters USAF and must include the full personal signature of applicant. Persons whose names are placed on the Roll are certified to the Veterans' Administration as being entitled to receive a special pension of $10 a month, for life, payable monthly by the Veterans' Administration.

§ 878.7 *Decorations awarded by foreign governments—(a) Official acceptance must be authorized by Congress.* Although token acceptance by an Air Force member of a decoration presented by a foreign government is permissible, as explained in paragraph (b) of this section, he may not retain or wear the decoration without an authorization of Congress (Clause 8, Section 9, Article I, of the United States Constitution). If Congress gives its authorization, the acceptance then becomes official. Congressional authorization was given United States military personnel to accept decorations proffered by friendly foreign governments in recognition of service performed during the periods listed in this paragraph. However, the award must have been presented before the termination date of the applicable Public Law as indicated:

(1) *World War II.* December 7, 1941 through December 31, 1946 (Pub. Law 314, 80th Congress, expired July 24, 1948).

(2) *Berlin airlift.* June 26, 1948 through September 30, 1949 (Pub. Law 503, 81st Congress, expired September 20, 1951).

(3) *Korean operation.* June 27, 1950 through July 27, 1954 (Pub. Law 354, 83d Congress, expired July 27, 1955).

(b) *Participation in presentation ceremonies.* If a member is advised that a friendly foreign nation wishes to award him a decoration and that his presence is desired at a formal presentation ceremony, he may participate in the ceremony and make a token acceptance of the decoration without the consent of

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Congress. The receipt of the decoration at the ceremony will not, however, constitute an official acceptance. As explained in paragraph (a) of this section, the acceptance will not be official until it is authorized by Congress. The individual will request his authorization immediately following the ceremony. The request will be submitted as explained in paragraph (c) of this section. No foreign decoration (includes a foreign aviation badge), ribbon, or other device will be worn before Congressional authorization. In no case will a member make a token acceptance of a decoration offered by a foreign nation without diplomatically advising an appropriate representative of that nation of the requirements of the Constitution cited in paragraph (a) of this section.

(c) *Requesting Congressional authorization.* Congressional authorization is requested through Headquarters USAF. The member will send all elements of the award, including the medal, badge, appurtenances, and the original certificates and allied documents to: The Director of Military Personnel, Headquarters USAF, Attn: Personnel Services Division, Washington 25, D. C.

(Persons are not authorized to reproduce and/or retain duplicates of the award documents.) Elements of the award will be sent by letter of transmittal. The letter will contain the full name and service number of the member; the name of the award and the country offering it; and the Air Force organization and duty assignment of the member at the time he performed that act or service recognized by the decoration. The date and place of the presentation and the name of the person who made it will also be included. Headquarters USAF will forward the decoration to the Department of State, where it will be held pending authorization by Congress for the member to accept it. If the member should die during the period the decoration is held by the Department of State, Headquarters USAF will withdraw the decoration and will send it to the legal next of kin.

(d) *Notification to member when Congress authorizes official acceptance.* When Congress authorizes official acceptance, Headquarters USAF will withdraw the decoration from the Department of State and forward it to the member.

(e) *Acceptance by Military Assistance Program personnel.* Members of Military Assistance Advisory Groups, Aid Missions, and all other personnel directly involved in the administration of the Military Assistance Program are authorized to receive foreign awards only for acts or services in connection with actual combat operations or peacetime heroism associated with saving of life. In no other case are they authorized to receive decorations from foreign governments or participate in presentation ceremonies such as those described in paragraph (b) of this section.

(1) *Decorations to members of the Reserve components of the Air Force.* Members of the Reserve components of the Air Force not on active duty and not holding an office of profit or trust under the United States Government may, without specific consent of the Congress, accept foreign decorations: *Provided,* That the award is not made in recognition of service performed while the member was on active duty with the Armed Forces of the United States. While on inactive status, the holding of a Reserve commission is not considered as placing the holder in an office of profit or trust.

(2) *Decorations to retired personnel.* A retired member of a Reserve component of the Air Force or a retired airman of the Regular Air Force, not holding an office of profit or trust under the United States Government, may, without specific consent of the Congress, accept foreign decorations, provided that the decorations are not proffered in recognition of service performed while the member was on active duty with the Armed Forces of the United States. Retired officers of the Regular Air Force are considered as occupying an office of profit or trust under the United States Government and may not accept foreign awards without the consent of the Congress. Token acceptance is permissible, but elements of the award must be forwarded in accordance with paragraph (c) of this section.

(3) *Decoration awaiting Congressional approval for personnel honorably discharged from the Air Force.* Congressional approval is not required to accept and wear foreign decorations by personnel who have been honorably discharged from all components of the Air Force, provided that they have acquired no new office of profit or trust under the United States. Persons may obtain their awards by sending a request to: The Director of Military Personnel, Headquarters USAF, Attn: Personnel Services Division, Washington 25, D. C. A signed statement certifying that the person is not employed in any capacity with the United States Government must accompany each request.

(4) *Posthumous awards of foreign decorations to former members of the Air Force.* The approval of Congress is unnecessary in cases where a foreign decoration is awarded posthumously to a former member of the Armed Forces of the United States.

§ 878.8 *Awards to citizens of foreign nations in peacetime*—(a) *Type of service recognized.* The award of United States decorations to members of the armed forces of foreign nations in peacetime is permitted to recognize:

(1) Service of marked international significance where the interests of the United States are involved.

(2) Service which has aided the United States in furthering its national policies.

(3) Service which has furthered the interest of the security of the United States, or of any nation allied or associated with the United States, during a period of national emergency declared by the President.

(b) *Appropriate award.* The Legion of Merit, in four degrees, or the Medal of Freedom, in four degrees, is considered the appropriate award for recognition of the services described in paragraph (a) of this section when these meet the standards prescribed for such awards by the Department of the Air Force.

(c) *Special instructions on submitting recommendations.* (1) Recommendations for awards to foreign persons will contain a statement indicating that the award, if approved, will conform with the awards policy of the nation concerned. Those recommendations originating from field commanders will also include a statement that the proposed award has been coordinated with the senior commanders of the other United States services in the area or theater.

(2) Recommendations for awards to members of the armed forces of foreign nations, initiated by commanders of organizations performing temporary duty in overseas theaters, will be processed for comment through the respective area commander and the headquarters of the major air command concerned. The recommendations will then be sent to the parent command headquarters for comment and forwarded to Headquarters USAF for final action.

(3) Full justification will accompany recommendations for awards of the Legion of Merit in the degree of Chief Commander before referral to Headquarters USAF for action by the awarding authority.

§ 878.9 *Supplying and replacing decorations*—(a) *Supply.* Engraved or plain medals and appurtenances are supplied by requisition through supply channels. Copies of general orders are not required to initiate requisitions for medals and appurtenances for presentation purposes.

(b) *Replacement.* (1) A member of the Air Force on active duty or a member of a Reserve component of the Air Force may have a lost or destroyed decoration replaced without charge if the decoration was lost or destroyed through no fault or neglect on his part. Replacement will be made upon application to the commander having custody of the member's field personnel records. Persons not on active duty and not members of a Reserve component of the Air Force and the next of kin of deceased personnel may request replacement of decorations by sending applications to: The Director, Air Force Records Center, 9700 Page Boulevard, St. Louis 14, Missouri.

(2) Recipients of decorations may also request replacement of certificates. Such requests should also be addressed to the Director of the Air Force Records Center. A copy of the general orders announcing the award, if available, or the authority for the award, should accompany each request.

(3) The Air Force neither stocks nor issues miniature medals and ribbon bars. They may be purchased from commercial dealers in military insignia.

§ 878.10 *Decorations for use in exhibitions*—(a) *By public institutions and patriotic societies.* Upon approval by the Secretary of the Air Force, sample decorations for exhibit purposes may be furnished at cost price, including charges for packing, transportation, and engraving each decoration with the words "Exhibition Only." Sample decorations will be furnished only to museums; libraries; and historical, numismatic, and military societies and institutions of such public nature as to assure an opportunity for the public to view them under circumstances beneficial to the Air Force.

(b) *By United States military organizations and United States governmental agencies outside the Department of Defense.* Upon approval by the Secretary of the Air Force, sample decorations may be furnished, without charge for display at the headquarters of a major air command and at such other Air Force activities as approved by the major air commander. In like manner, they may be furnished for public display purposes to United States governmental agencies not under military jurisdiction.

(c) *Where to send requests.* All requests for decorations for exhibit or display will be submitted to: The Director of Military Personnel, Headquarters USAF, Attn: Personnel Services Division, Washington 25, D. C., for approval by the Secretary of the Air Force.

§ 878.11 *Manufacture, sale, and possession of decorations.* By law (18 U. S. C. 701 and 704), the manufacture, sale, or possession of any United States Air Force decoration or device, or the pictorial representation in regulation size of such decoration or device, is prohibited unless authorized by the Department of the Air Force.

§ 878.12 *Military decorations*—(a) *Medal of Honor.* The Medal of Honor is the highest United States decoration. The present Medal of Honor was established by an act of Congress on July 9, 1918, and is awarded pursuant to section 8741 of Title 10, United States Code (70A Stat. 540).

(1) *Description.* The Medal of Honor is a gold star centered with the head of Minerva and surrounded with green enamel laurel leaves suspended by two links from a bar bearing the inscription "Valor," which is surmounted by an eagle. The medal has a collar-type ribbon made of light blue silk. Above the suspension hook there is an octagon of the same material with 13 white stars.

(2) *Eligibility.* The medal is awarded to any person who, while an officer or airman in the Air Force, in conflict with an enemy of the United States, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty. Each recommendation for the Medal of Honor must incontestably prove that the self-sacrifice or personal bravery involved conspicuous risk of life, the omission of which could not justly cause censure.

(3) *Awarding authority.* The Department of the Air Force.

(4) General. (i) The medal is award awarded in the name of Congress. However, it should not be confused with specially enacted Congressional medals. The President of the United States usually presents the medal.

(ii) Persons awarded the medal, whether in the service or not, are authorized space-available transportation on military aircraft, including scheduled flights, within the continental limits of the United States. Proper identification will be presented as well as valid authorization card issued by the Air Force. When transportation is furnished by MATS scheduled aircraft, only the presentation of proper identification is required.

(b) *Distinguished Service Cross.* The Distinguished Service Cross was established by an Act of Congress on July 9, 1918, and is awarded pursuant to section 8742 of Title 10, United States Code (70A Stat. 540).

(1) *Description.* The Distinguished Service Cross is a bronze cross on which is centered an eagle over a wreath. The ribbon is predominantly dark blue, with edgings of red separated from the blue by white lines.

(2) *Eligibility.* The decoration is awarded to any person who, while serving in any capacity with the Air Force, distinguishes himself by extraordinary heroism in connection with military operations against an armed enemy of the United States. The act of heroism performed must involve a risk of life so extraordinary as to set the person apart from his comrades.

(3) *Awarding authority.* The Department of the Air Force. This authority is delegated to major air commanders during wartime. All awards of the Distinguished Service Cross to foreign persons are reserved to the Department of the Air Force.

(c) *Distinguished Service Medal.* The Distinguished Service Medal was established by an Act of Congress on July 9, 1918, and is awarded pursuant to section 8743 of Title 10, United States Code (70A Stat. 540).

(1) *Description.* The Distinguished Service Medal is an inscribed circle of blue enamel supporting the coat of arms of the United States. The ribbon is predominantly white and banded in red; the red separated from the white by blue lines.

(2) *Eligibility.* The medal is awarded to any person serving in any capacity with the Air Force who distinguishes himself by exceptionally meritorious service to the Government in a duty of great responsibility. During wartime, a duty of great responsibility is one that involves the exercise of authority or judgment in matters which decide the successful outcome of a major military operation. In peacetime, it is a duty that involves the exercise of authority or judgment in matters of marked national or international significance. Superior performance of normal duties will not in itself justify an award of the medal. Civilians and foreign nationals are eligible for the Distinguished Service Medal only under exceptional circumstances.

(3) *Awarding authority.* The Department of the Air Force.

(d) *Silver Star.* The Silver Star was established by an Act of Congress on July 9, 1918 and is awarded pursuant to section 8746 of Title 10, United States Code (70A Stat. 541).

(1) *Description.* The Silver Star is a small silver star within a wreath centered on a larger star of gold-colored metal. The ribbon has a center band of red flanked by equal bands of white; the white bands are flanked by equal blue bands having borders of white lines with blue edgings.

(2) *Eligibility.* This decoration is awarded to any person who, while serving in any capacity with the Air Force, distinguishes himself by gallantry in action against an enemy of the United States. Gallantry in action means heroism of high degree involving risk of life.

(3) *Awarding authority.* The Department of the Air Force. This authority is delegated down to commanders of numbered air forces during wartime.

(e) *Legion of Merit.* The Legion of Merit was established by an Act of Congress on July 20, 1942 and is awarded pursuant to section 1121 of Title 10, United States Code (70A Stat. 88).

(1) *Description.* The Legion of Merit is a five-rayed white enamel pronged star on a green wreath with crossed arrows. The cloud and stars of the coat of arms of the United States are displayed in the center. The ribbon is red-purple with white edges.

(2) *Eligibility.* The decoration is awarded to military personnel of the United States and friendly foreign nations who distinguish themselves by exceptionally meritorious conduct in the performance of outstanding service to the United States. In peacetime, awards to members of the Air Force are generally limited to recognizing services of marked national or international significance where the interests of the United States are involved; services which have aided the United States in furthering its national policies; or services which have furthered the interests of the security of the United States. Superior performance of normal duties will not alone justify an award of this decoration. Awards to United States military personnel are made without degree. Awards to personnel of foreign armed forces are made in the Degrees of Chief Commander, Commander, Officer, and Legionnaire.

(i) The Degrees of Chief Commander and Commander are comparable to awards of the Distinguished Service Medal to United States personnel. Degrees of Officer and Legionnaire are comparable to awards of the Legion of Merit to United States personnel. Award of the Degree of Chief Commander to foreign nationals is usually reserved for Heads of State; the Degree of Commander, for persons who are the equivalent of a United States Military Chief of Staff or higher (but not including Heads of State); the Degree of Officer, for General Officers (Flag Rank Personnel) below the equivalent of a United States Military Chief of Staff; and the Degree of Legionnaire, for all other foreign personnel.

(ii) When the decoration is awarded more than once to a member of a friendly foreign nation, subsequent awards are never made in a degree lower than the one originally awarded. Holders of awards in the degree of Chief Commander, Commander, or Officer are given duplicate awards. Additional awards in the degree of Legionnaire are indicated by oak-leaf clusters.

(iii) The design of the decoration varies according to the degree in which awarded. It is designed as a breast decoration when awarded in the degree of Chief Commander; a collar decoration

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when awarded in the degree of Commander; and as a chest decoration when awarded in the degrees of Officer and Legionnaire.

(3) *Awarding authority*—(i) *To United States personnel.* Department of the Air Force. This authority is delegated to major air commanders during wartime.

(ii) *To foreign persons.* The President (Degree of Chief Commander) and the Secretary of Defense (Degrees of Commander, Officer, and Legionnaire). Awards to foreign personnel require diplomatic and interdepartmental processing before final action by the awarding authority.

(f) *Distinguished Flying Cross.* The Distinguished Flying Cross was established by an Act of Congress on July 2, 1926 and is awarded pursuant to section 8749 of Title 10, United States Code (70A Stat. 541).

(1) *Description.* The Distinguished Flying Cross is a bronze cross with rays on which is displayed a propeller. The ribbon is predominantly blue, with a narrow band of red, bordered by white lines in the center. The edges of the ribbon are outlined with equal bands of white inside blue.

(2) *Eligibility.* The decoration is awarded to any member of the Armed Forces of the United States or a friendly foreign nation who, while serving in any capacity with the Air Force, distinguishes himself by heroism or extraordinary achievement while participating in aerial flight. Both heroism and achievement must be entirely distinctive, involving operations that are not routine.

(3) *Awarding authority.* The Department of the Air Force. This authority is delegated down to commanders of numbered air forces during wartime.

(g) *Soldier's Medal.* The Soldier's Medal was established by an Act of Congress on July 2, 1926 and is awarded pursuant to section 8750 of Title 10, United States Code (70A Stat. 542).

(1) *Description.* The Soldier's Medal is a bronze octagon displaying an eagle in relief with fasces and stars. The ribbon has 13 narrow stripes, seven white and six red, in the center. The 13 stripes are flanked by broad bands of blue.

(2) *Eligibility.* The medal is awarded to any member of the Armed Forces of the United States or a friendly foreign nation who, while serving in any capacity with the Air Force, distinguishes himself by heorism involving voluntary risk of life under conditions other than those of conflict with an armed enemy of the United States. The saving of a life or the success of the voluntary heroic act is not essential.

(3) *Awarding authority.* The Department of the Air Force. This authority is delegated down to commanders of numbered air forces during wartime.

(h) *Bronze Star Medal.* The Bronze Star Medal was established by Executive Order 9419, February 4, 1944 (9 F. R. 1495).

(1) *Description.* The Bronze Star Medal is a bronze star bearing in the center a smaller star of the same color. The ribbon is predominantly red with a white-edged narrow blue band in the center and white lines at each edge.

(2) *Elgibility.* The medal is awarded to any person who, while serving in any capacity with the Air Force, distinguishes himself either by heroism in surface combat against an armed enemy of the United States or by meritorious achievement or meritorious service, not involving participation in aerial flight, but in connection with military operations against an enemy.

(3) *Awarding authority.* The Department of the Air Force. The authority to award the medal to United States personnel is delegated down to commanders of air divisions during wartime. Also, during wartime, the authority to award the medal to personnel of foreign nations is delegated to oversea major air commanders.

(4) *General.* (i) When awarded for heroism, the Bronze Star Medal is marked by a bronze letter "V" (for valor) clasped to the suspension ribbon and ribbon bar. Only one such "V" is authorized; additional awards are designated by oak-leaf clusters.

(ii) The Bronze Star Medal may be awarded, upon application, to those members of the Armed Forces of the United States who have been previously awarded the Combat Infantryman or Medical Badge for exemplary conduct in ground combat against an armed enemy between December 7, 1941 and September 2, 1945, inclusive. The individual's authority to wear one of the badges must be indicated in the application. All applications will be sent to: The Director of Military Personnel, Headquarters USAF, Attn: Personnel Services Division, Washington 25, D. C., for forwarding to the Department of the Army. The Department of the Army must approve all awards of this type.

(i) *Air Medal.* The Air Medal was established by Executive Order 9158, May 11, 1942 (7 F. R. 3541) as amended by Executive Order 9242–A, September 11, 1942 (7 F. R. 7874).

(1) *Description.* The Air Medal is a bronze compass rose displaying an eagle in flight bearing lightning flashes. The ribbon is predominantly blue with two orange-gold bands just inside the edges.

(2) *Eligibility.* The medal is awarded to any person who, while serving in any capacity with the Air Force, distinguishes himself by meritorious achievement while participating in aerial flight. It may be awarded to recognize single acts of merit or sustained operational activities against an armed enemy of the United States.

(3) *Awarding authority.* The Department of the Air Force. This authority is delegated down to commanders of air divisions during wartime.

(j) *Commendation Ribbon.* The Commendation Ribbon was established by the Secretary of War (War Department Circular 377, 1945).

(1) *Description.* The Commendation Ribbon consists of a ribbon and medallion. The medallion is a bronze hexagon bearing eagle, shield and arrows from the seal of the Department of Defense. The ribbon is medium green with white edges and five white lines in the center.

(2) *Eligibility.* The decoration is awarded to members of the Armed Forces of the United States who, while serving in any capacity with the Air Force, distinguish themselves by meritorious achievement or meritorious service. The degree of merit need not be unique, but it must be distinctive. Acts of courage which do not meet the voluntary risk of life requirements for the Soldier's Medal may be considered for award of a Commendation Ribbon.

(3) *Awarding authority.* The authority to award the Commendation Ribbon to persons below brigadier general is delegated to major air commanders. These commanders may further delegate this authority to commanders of numbered air forces and to commanders in the grade of major general or higher of other organizations. During wartime, authority to award the Commendation Ribbon may be delegated down to commanders of air divisions.

(4) Letters of commendation can no longer be converted to the Commendation Ribbon decoration.

(k) *Purple Heart.* The Purple Heart, established by General George Washington in 1782, was reestablished by War Department General Orders No. 3, 1932.

(1) *Description.* The Purple Heart is a heart-shaped pendant of purple enamel bearing a gold replica of the head of General Washington, in relief, and the Washington shield. The shield is in colors. The ribbon is dark purple with white edges.

(2) *Eligibility.* The decoration is awarded to members of the Armed Forces of the United States and to civilian citizens of the United States who, while serving with the Air Force, are wounded in action against an armed enemy of the United States or as a direct result of a hostile act of such enemy. A wound is defined as an injury to any part of the body from an outside force, element or agent. A physical lesion is not required. The wound must have necessitated treatment by medical personnel, and evidence of such treatment must have been made a matter of official record during the period of hostilities or within 6 months thereafter. Not more than one award will be made for multiple wounds received at the same instant. Indirect results of enemy action, such as disease, exposure, frostbite, and personal injury not directly attributable to an act of the enemy, are not a basis for an award.

(3) *Awarding authority.* The Department of the Air Force. This authority is delegated down to commanders of groups or comparable organizations during wartime. The Department of the Air Force will make awards to repatriated prisoners of war and posthumous awards to Air Force personnel killed in action.

(4) *General.* Available facts and evidence may be submitted to: The Director of Military Personnel, Headquarters USAF, Attn: Personnel Services Division, Washington 25, D. C., for evaluation if a person:

(i) Believes he meets the qualifying criteria for the Purple Heart but through unusual circumstances was not authorized the award.

(ii) Who was awarded the Purple Heart for meritorious achievement or service during World War II believes that a more appropriate decoration should be substituted for it.

§ 878.13 *Civilian decorations*—(a) *Medal for Merit.* The Medal for Merit was established by an Act of Congress on July 20, 1942, and is awarded pursuant to section 1122, of Title 10, United States Code (70A Stat. 88). It is not currently being awarded as explained in subparagraph (3) of this paragraph. This award is comparable to the Distinguished Service Medal.

(1) *Description.* The Medal for Merit is a bronze eagle upon a circle of blue enamel with white stars. The ribbon is magenta silk with two white lines in the center.

(2) *Eligibility.* The medal was awarded to civilians who distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services.

(3) *Awarding authority.* The President of the United States. Awards of the Medal for Merit are not being made at this time, and will not be until directed by the President.

(4) *General.* In the past, awards to foreign civilians have been limited to those of the Allied Nations of World War II.

(b) *President's Certificate of Merit.* The President's Certificate of Merit was established by Executive Order 9734, June 6, 1946 (11 F. R. 6225) as amended. It is not currently being awarded as explained in subparagraph (3) of this paragraph.

(1) *Description.* This award consists solely of a certificate signed by the President of the United States.

(2) *Eligibility.* The Certificate was awarded to any civilian who performed a meritorious act or service aiding the United States or its Allies during World War II. The merit was of high degree.

(3) *Awarding authority.* The President of the United States. Awards are not being made at this time, and will not be until directed by the President.

(c) *National Security Medal.* The National Security Medal was established by Executive Order 10431, January 19, 1953 (18 F. R. 437).

(1) *Description.* The National Security Medal is a blue enamel compass rose surrounded by red enamel oval, bearing at the top the inscription "United States of America" and, at the bottom, "National Security." The red enamel oval is inclosed within a laurel wreath of gold finished bronze. On top of the laurel wreath there is an American bald eagle with wings raised, facing toward the left.

(2) *Eligibility.* The medal is awarded to any person, including citizens of foreign nations and members of the Armed Forces of the United States, for distinguished achievement or outstanding contribution on or after July 26, 1947 in the field of intelligence relating to the national security. This contribution may consist of either exceptionally meritorious service performed in a position of high responsibility or of an act of valor requiring personal courage of a high degree and complete disregard of personal safety.

(3) *Awarding authority.* The President of the United States, or his designee for that purpose.

(4) *General.* Recommendations for award of the National Security Medal may be submitted to: The Director of Military Personnel, Headquarters USAF, Attn: Personnel Services Division, Washington 25, D. C., for transmittal to the Executive Secretary of the National Security Council. They may be initiated by any person having personal knowledge of the facts of the exceptionally meritorious conduct or act of valor, either as an eyewitness or from the testimony of others who have personal knowledge or were eye-witnesses. Complete documentation, including where necessary, certificates, affidavits, or sworn transcripts of testimony will accompany the recommendation. Each recommendation will show the exact status of the individual at the time he performed the act or service, including information regarding his citizenship and employment.

(d) *Medal of Freedom.* The Medal of Freedom was established by Executive Order 9586, July 6, 1945, (10 F. R. 8523) as amended by Executive Order 10336, April 5, 1952, (17 F. R. 2957).

(1) *Description.* The Medal of Freedom is a circular bronze medallion bearing the head of the goddess of freedom. The ribbon is red silk with four white lines in the center.

(2) *Eligibility.* The medal may be awarded to any person not hereinafter specifically excluded, who, on or after December 7, 1941, has performed a meritorious act or service which has either:

(i) Aided the United States in the prosecution of a war against an enemy, or

(ii) Aided any nation engaged with the United States in the prosecution of a war against a common enemy, or

(iii) Furthered the interests of the security of the United States or of any nation allied or associated with the United States during any period of national emergency declared by the President or the Congress, and for which act or service the award of any other United States medal or decoration is considered inappropriate.

The Medal of Freedom may be awarded by or at the discretion of the President of the United States, without regard to existence of a state of war or national emergency, for the performance of a meritorious act or service in the interests of the security of the United States. It is not awarded to citizens of the United States for acts or services performed within the continental limits of the United States. Also, it is not awarded to members of the Armed Forces of the United States.

(3) *Awarding authority*—(i) *During wartime and national emergencies.* Department of the Air Force.

(ii) *During peacetime.* The President, or by his direction.

(4) *General.* (i) Awards to civilians and military personnel of foreign nations are made in the following degrees, which are comparable to the military decorations indicated:

(*a*) *Gold Palm.* Legion of Merit, Chief Commander.

(*b*) *Silver Palm.* Legion of Merit, Commander.

(*c*) *Bronze Palm.* Legion of Merit, Officer or Legionnaire.

(*d*) *Without Palm.* Bronze Star Medal. Awards to citizens of the United States are made without reference to degree. The medal is issued without Palm.

(ii) Not more than one Medal of Freedom will be awarded to any one person. Additional awards are indicated by an appropriate device, as follows:

(*a*) *To foreign persons.* By an additional palm of the same degree, a palm representing a higher degree, or, when award is without palm, a bronze oak-leaf cluster.

(*b*) *To United States citizens.* By a bronze oak-leaf cluster.

(*c*) *Department of Defense Certificate of Appreciation.* The present Department of Defense Certificate of Appreciation was established by DOD Directive 1432.1, September 17, 1956, to provide for distinctive recognition of valuable public service in the national interest.

(1) *Description.* This award consists of a certificate signed by the Secretary of Defense; a medal and a lapel button.

(2) *Eligibility.* The Certificate of Appreciation is awarded to any civilian, not deriving his principal livelihood from Government employment, who has rendered exceptionally meritorious civilian service to the Department of Defense as a whole, the Office of the Secretary of Defense, or to more than one of the military departments, at any time since July 26, 1947. The service rendered must have been motivated by patriotism, good citizenship, and a sense of public responsibility, and must have been performed at considerable personal sacrifice and inconvenience. The certificate will not be awarded to groups or organizations nor to employees of other Government agencies.

(3) *Awarding authority.* The Secretary of Defense.

(4) *General.* (i) In all cases, an accompanying medal is awarded with the certificate. The front of the medal bears the central portion of the Department of Defense seal encircled by a wreath of laurel. On the back is the following inscription:

To
(Space for Name)
For Distinguished
Public Service to
The Department
Of Defense

(ii) Posthumous awards will be made to eligible next of kin in accordance with § 878.5 (a), except that the deceased person's eldest brother, eldest sister, and eldest grandchild are not eligible in this instance.

(f) *Exceptional Service Award.* The Exceptional Service Award was established by the Secretary of the Air Force on August 30, 1948.

(1) *Description.* The Exceptional Service Award is a gold-colored medal bearing the Air Force coat of arms within a wreath of laurel leaves. The ribbon is

dark blue silk with three dotted golden-orange lines in the center.

(2) *Eligibility.* The decoration is awarded to United States civilians, not employed by the Air Force, who distinguish themselves by exceptional services rendered to the Department of the Air Force. It may also be awarded to any civilian, United States or foreign, not employed by the United States Government, for an act of heroism involving voluntary risk of life.

(3) *Awarding authority.* The Secretary of the Air Force.

(g) *Air Force Scroll of Appreciation.* The Air Force Scroll of Appreciation was established by the Secretary of the Air Force in August 1948.

(1) *Description.* The scroll consists of a signed citation describing the act or service being recognized.

(2) *Eligibility.* The scroll is awarded to recognized meritorious achievement or service rendered to any activity of the Department of the Air Force by any civilian not employed by the United States Government. Acts of courage which do not meet the risk of life requirements for award of the Exceptional Service Award may be considered as evidence of a meritorious achievement warranting award of the Air Force Scroll of Appreciation. The scroll may be awarded to groups or organizations as well as to individuals.

(3) *Awarding authority.* The Secretary of the Air Force.

[SEAL] J. L. TARR,
Colonel, USAF,
Air Adjutant General.

[F. R. Doc. 57-6628; Filed, Aug. 13, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1462]

[Anchorage 025267, etc.]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved under jurisdiction of the Secretary of the Interior for administration or transfer, in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

[Anchorage 025267]

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Sec. 13, lot 46.

The tract described contains 2.5 acres.

[Anchorage 032051]

Lot 1, U. S. Survey 3198.

The tract described contains 1.73 acres.

ROGER C. ERNST,
Assistant Secretary of the Interior.

[F. R. Doc. 57-6634; Filed, Aug. 13, 1957; 8:46 a. m.]

[Public Land Order 1463]

[1151018]

CALIFORNIA AND NEVADA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 5182 OF AUGUST 29, 1929, WHICH WITHDREW LANDS FOR CLASSIFICATION

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5182 of August 29, 1929, which temporarily withdrew certain lands in California and Nevada for classification, is hereby revoked so far as it affects the following-described lands:

CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 4 S., R. 32 E.,
Secs. 25 and 26.
T. 5 S., R. 32 E.,
Sec. 13.
T. 23 S., R. 38 E.,
Sec. 8.
T. 20 S., R. 40 E.,
Sec. 31.

The areas described aggregate 3,232.65 acres.

NEVADA

MOUNT DIABLO MERIDIAN

T. 1 N., R. 35 E., (unsurveyed),
Secs. 8, 9, 16, 17, and 20.
T. 1 S., R. 35 E.,
Secs. 14, 15, 22, and 23.

The areas described aggregate 5,760 acres.

2. The following-described lands are subject to one or more of the reservations made by Executive Orders No. 5843 of April 28, 1932, No. 6206 of July 16, 1933, Public Water Reserve No. 13 created by the Executive order of December 1, 1913, Public Land Order No. 431 of December 19, 1947, and the act of March 4, 1931 (46 Stat. 1530):

CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 4 S., R. 32 E.,
Secs. 25 and 26.
T. 5 S., R. 32 E.,
Sec. 13, NW¼NE¼, NW¼, N½SW¼, and SW¼SW¼.
T. 23 S., R. 38 E.,
Sec. 8, E½ and E½SW¼.
T. 20 S., R. 40 E.,
Sec. 31.

The areas described aggregate 2,672.65 acres.

3. The following described lands have been patented without a reservation of minerals to the United States:

CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 5 S., R. 32 E.,
Sec. 13, NE¼NE¼, S½NE¼, SE¼SW¼, and SE¼.
T. 23 S., R. 38 E.,
Sec. 8, NW¼ and W½SW¼.

NEVADA

MOUNT DIABLO MERIDIAN

T. 1 S., R. 35 E.,
Sec. 22, S½SE¼;
Sec. 23, S½SW¼ and SW¼SE¼.

The areas described aggregate 760 acres.

4. The remaining lands, aggregating approximately 5,560 acres are vacant public domain located in Fish Lake Valley in the western part of Esmeralda County, Nevada. They are located about one mile east of the point on Nevada State Highway 3A approximately nine miles south of its junction with U. S. Highway No. 6. Topographically the area is situated in the north end of Fish Lake Valley where the Silver Peak Range merges with the flat valley topography. At the north end of the areas the slopes are steep and in places vertical, but to the south, slopes become more gentle and finally merge into the flat valley. The vegetation is scanty and consists of sagebrush, shadscale, a few weeds, and very little native grasses.

5. No application for the restored lands in paragraph 4 may be allowed under the homestead, desert land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections and locations in accordance with the following; the unsurveyed lands being opened to such applications, selections, and locations as are allowable on unsurveyed lands.

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications for surveyed lands under the Homestead, Desert Land, and Small Tract Laws and for unsurveyed lands under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m. on September 12, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 12, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs 6 (a) (1) and 6 (a) (2) above, and applications and offers under the Mineral Leasing Laws presented prior to 10:00 a. m. on December 12, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands restored will be open to location under the United States mining laws beginning at 10:00 a. m. on December 12, 1957.

7. Persons claiming veterans preference rights under paragraphs 6 (a) (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the restored lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 7, 1957.

[F. R. Doc. 57-6635; Filed, Aug. 13, 1957; 8:46 a. m.]

[Public Land Order 1464]

[Oregon 04996]

OREGON

WITHDRAWING LANDS IN WILLAMETTE NATIONAL FOREST FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH HILLS CREEK RESERVOIR PROJECT

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34–36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands within the Willamette National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use in connection with the Hills Creek Reservoir Project under the supervision of the Department of the Army:

WILLAMETTE MERIDIAN, OREGON

T. 21 S., R. 3 E.,
Sec. 26, lot 3, W½W½SE¼;
Sec. 27, lot 3, SE¼SE¼;
Sec. 34, NE¼, E½SE¼;
Sec. 35, lots 1 and 4, N½NE¼, SE¼NE¼, SW¼NW¼, W½SW¼, SE¼SE¼;
Sec. 36, N½NW¼, SW¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼.
T. 22 S., R. 3 E.,
Sec. 2, lots 1 to 10 incl., S½NE¼, N½SE¼, SW¼SE¼;
Sec. 3, lot 1, SE¼NE¼, S½NW¼, NW¼SE¼;
Sec. 4, N½S½, N½SE¼SE¼;
Sec. 10, E½E½;
Sec. 14, lots 1 to 8 incl., SW¼NE¼, NW¼NW¼, N½SE¼, W½SW¼SE¼;
Sec. 22, lots 1 to 6 incl., SW¼NE¼, N½NE¼NW¼, SE¼SW¼, W½SE¼;
Sec. 23, lot 1, W½NW¼NE¼, SE¼NW¼;
Sec. 26, W½W½;
Sec. 34, lots 1 to 8 incl., SE¼NE¼, NE¼NW¼, SW¼NW¼, SE¼SW¼, NW¼SE¼.
T. 23 S., R. 3 E.,
Sec. 4, lots 1 to 6 incl., SW¼NE¼.

The areas above described aggregate 3,780 acres, more or less.

This order shall be subject to existing withdrawals for power site purposes so far as they affect any of the above-described lands, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes so far as it affects the following-described lands only:

WILLAMETTE MERIDIAN, OREGON

T. 21 S., R. 3 E.,
Sec. 35, lot 1, W½NW¼NE¼, SW¼NW¼.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 7, 1957.

[F. R. Doc. 57-6636; Filed, Aug. 13, 1957; 8:46 a. m.]

[Public Land Order 1465]

[Anchorage 030489]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH ALASKA COMMUNICATIONS SYSTEM

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described parcels of land in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army for military purposes in connection with the Alaska Communications System:

U. S. SURVEY 3263

Tract A, lot 4;
Tracts B, C, and D.

The areas described contain 31.65 acres.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 7, 1957.

[F. R. Doc. 57-6637; Filed, Aug. 13, 1957; 8:46 a. m.]

[Public Land Order 1466]

[BLM 043444]

MINNESOTA

EXTENDING BOUNDARIES OF SUPERIOR NATIONAL FOREST; REVOKING EXECUTIVE ORDER NO. 4889 OF MAY 26, 1928

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103, 16 U. S. C. 471) and the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

1. The boundaries of the Superior National Forest are hereby extended to include the following-described lands in Minnesota, and subject to valid existing rights, such lands are hereby added to and made a part of said national forest and hereafter shall be subject to all laws and regulations applicable thereto:

FOURTH PRINCIPAL MERIDIAN

T. 62 N., R. 3 E.,
Sec. 3, NW¼NE¼;
Sec. 21, NW¼NW¼;
Sec. 22, NE¼NW¼;
Sec. 24, SE¼SW¼;
Sec. 25, NW¼NE¼.
T. 63 N., R. 3 E.,
Sec. 3, lot 1;
Sec. 4, E½SE¼, and SW¼SE¼;
Sec. 5, lot 1;
Sec. 9, S½SW¼, and NW¼NE¼;
Sec. 11, NE¼NW¼;
Sec. 17, NE¼, E½NW¼, and SW¼NW¼;
Sec. 18, lots 1, 2, NE¼, and E½NW¼;
Sec. 19, NW¼SE¼;
Sec. 26, S½NE¼;
Sec. 27, lot 5, and SW¼SW¼;
Sec. 28, SW¼SW¼;
Sec. 31, SE¼SE¼;
Sec. 32, SW¼SW¼, and SE¼SE¼.
T. 63 N., R. 4 E.,
Sec. 1, lot 3;
Sec. 6, NE¼SW¼;
Sec. 15, SE¼NE¼;
Sec. 21, SE¼SE¼;
Sec. 24, S½SE¼;
Sec. 25, N½NE¼;
Sec. 26, NW¼SE¼;
Sec. 27, SW¼NE¼;
Sec. 30, lot 3;
Sec. 32, SW¼NE¼;
Sec. 34, N½NE¼, and SW¼NE¼;
Sec. 35, NW¼NW¼.
T. 64 N., R. 3 E.,
Sec. 2, lots 12, 13, and 16;
Sec. 4, lots 12, 13, and 15;
Sec. 5, lots 16 to 19, inclusive;
Sec. 11, lots 4, and 5;
Sec. 19, lot 14;
Sec. 25, lot 4;
Sec. 29, lots 7 to 11, inclusive;
Sec. 30, lots 12, 13, and lots 18 to 22, inclusive;
Sec. 31, lots 15 to 17, inclusive;
Sec. 32, lots 6 to 9, inclusive;
Sec. 33, lot 2;
Sec. 35, lot 4;
Sec. 36, lots 5, 6, 8, and 9.
T. 64 N., R. 4 E.,
Sec. 19, lot 5;
Sec. 22, lots 3, and 4.
T. 65 N., R. 3 E.,
Sec. 21, lot 3;
Sec. 28, lots 9 to 11, inclusive;
Sec. 29, lot 5;
Sec. 34, lots 10 and 11.
T. 64 N., R. 17 W.,
Sec. 3, lot 3, and SW¼NE¼;
Sec. 4, lot 2;
Sec. 5, lot 3, S½NW¼, and SW¼;

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Sec. 6, lots 1 to 7, inclusive, and S½NE¼, SE¼NW¼, NW¼SE¼, and NE¼SW¼;
Sec. 7, lot 9;
Sec. 8, SW¼NE¼;
Sec. 9, NW¼SE¼;
Sec. 10, NE¼SE¼;
Sec. 15, NW¼SE¼;
Sec. 17, NE¼SW¼, and S½SW¼;
Sec. 18, lot 1;
Sec. 19, lots 1 to 4, inclusive, and SE¼NE¼, NW¼NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 21, NW¼NE¼, and W½SE¼;
Sec. 24, NE¼SE¼;
Sec. 25, lot 8, and NE¼SW¼;
Sec. 26, SE¼NE¼, and NE¼SE¼;
Sec. 28, SE¼NE¼, W½NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 29, NE¼, and E½SE¼;
Sec. 30, lot 2;
Sec. 31, lot 2;
Sec. 32, N½NE¼;
Sec. 33, E½NW¼, NW¼NW¼, and W½SW¼;
Sec. 34, SE¼NW¼, NE¼SW¼, S½SW¼, and SE¼.

T. 64 N., R. 18 W.,
Sec. 1, SE¼NE¼;
Sec. 7, lot 3, and NW¼NE¼;
Sec. 12, lots 2 and 5;
Sec. 13, NW¼NE¼, W½SW¼, and SW¼SE¼;
Sec. 14, SE¼SW¼, SW¼SE¼, and NE¼SE¼;
Sec. 17, SW¼NW¼;
Sec. 19, lot 1, and SW¼NE¼;
Sec. 22, NE¼NE¼, and NE¼SE¼;
Sec. 23, SE¼NE¼, and SE¼;
Sec. 24, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 25, NW¼NW¼, N½SW¼, SW¼SW¼, and NE¼SE¼;
Sec. 26, NE¼, and SE¼SE¼;
Sec. 27, N½NE¼;
Sec. 34, NE¼NE¼, and NE¼SE¼;
Sec. 35, E½.

T. 64 N., R. 19 W.,
Sec. 4, lot 3;
Sec. 11, W½SE¼;
Sec. 12, SW¼NE¼;
Sec. 13, SE¼NE¼, and N½SE¼;
Sec. 14, W½NE¼, NE¼SW¼, S½SW¼, W½SE¼, and SE¼SE¼;
Sec. 15, S½SE¼;
Sec. 21, SW¼NE¼, and NE¼NW¼;
Sec. 22, NW¼NE¼, and NE¼SE¼;
Sec. 23, NE¼NE¼, and SE¼SE¼;
Sec. 25, SW¼NW¼;
Sec. 26, NE¼NW¼;
Sec. 27, NE¼SW¼;
Sec. 29, unsurveyed island;
Sec. 30, unsurveyed island, and lot 4;
Sec. 34, S½NE¼.

T. 65 N., R. 17 W.,
Sec. 3, SE¼NE¼;
Sec. 6, lot 4;
Sec. 7, lot 4, and NE¼NW¼;
Sec. 10, lots 1, and 2;
Sec. 11, N½SW¼;
Sec. 15, lots 2, 3, 5, and 6;
Sec. 19, S½NE¼, and S½SE¼;
Sec. 20, S½SW¼;
Sec. 21, N½SW¼, SE¼SW¼, and SE¼;
Sec. 22, SW¼NW¼, and NW¼SW¼;
Sec. 23, SE¼SE¼;
Sec. 25, SE¼SW¼;
Sec. 26, lots 2, 4, and NE¼NW¼;
Sec. 28, NW¼NE¼, N½NW¼, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 29, S½NE¼, W½, and W½SE¼;
Sec. 30, E½NE¼, and NW¼NE¼;
Sec. 31, lots 2, 3, 6, 7, and NE¼SW¼, and N½SE¼;
Sec. 32, lots 1, 4, and NW¼NW¼, NW¼SW¼, and NE¼SE¼;
Sec. 33, lots 1 to 3, inclusive, and NW¼NE¼, N½NW¼, and N½S½;
Sec. 34, N½SW¼, and NW¼SE¼;
Sec. 35, lot 2.

T. 65 N., R. 18 W.,
Sec. 1, SW¼SW¼;
Sec. 2, S½S½;
Sec. 3, lot 4;
Sec. 4, lot 1, and SW¼NE¼;
Sec. 5, SW¼SW¼;
Sec. 6, SW¼NE¼;
Sec. 11, NW¼NW¼;
Sec. 14, lot 7, and NW¼NW¼;
Sec. 19, NW¼SE¼;
Sec. 20, NW¼SE¼;
Sec. 31, lot 3.

T. 65 N., R. 19 W.,
Sec. 28, lot 5;
Sec. 33, SE¼SE¼.

T. 66 N., R. 17 W.,
Sec. 1, SE¼NW¼;
Sec. 2, SE¼SE¼;
Sec. 6, NE¼SW¼;
Sec. 17, SW¼NE¼;
Sec. 29, NE¼SW¼;
Sec. 31, lot 9.

T. 66 N., R. 18 W.,
Sec. 1, SE¼NW¼, and NE¼SW¼;
Sec. 2, lot 6;
Sec. 3, lots 3 and 4;
Sec. 8, SW¼NE¼, and NW¼NW¼;
Sec. 10, lots 4, 5, and NE¼NE¼;
Sec. 11, lot 3;
Sec. 15, lot 5;
Sec. 23, lots 7 and 8.

T. 66 N., R. 19 W.,
Sec. 2, NE¼SE¼;
Sec. 5, SE¼SE¼;
Sec. 25, SW¼SE¼.

T. 66 N., R. 20 W.,
Sec. 20, NW¼NW¼;
Sec. 32, S½NE¼.

T. 66 N., R. 21 W.,
Sec. 5, NW¼SW¼;
Sec. 19, SW¼NE¼, and E½NW¼;
Sec. 27, NE¼.

T. 67 N., R. 17 W.,
Sec. 4, lot 3;
Sec. 20, lot 12, and NE¼NW¼;
Sec. 21, lot 5;
Sec. 22, NW¼NW¼;
Sec. 28, E½NE¼, and E½NW¼;
Sec. 29, NE¼NW¼, and SW¼SW¼;
Sec. 30, lot 10, and NE¼NW¼;
Sec. 31, lot 3;
Sec. 32, NW¼SE¼.

T. 67 N., R. 18 W.,
Sec. 10, SW¼SW¼, and S½SE¼;
Sec. 11, lot 7;
Sec. 12, SE¼SE¼;
Sec. 15, SW¼SW¼;
Sec. 17, lot 4;
Sec. 21, lot 2;
Sec. 22, N½NW¼;
Sec. 24, NE¼SE¼;
Sec. 33, SE¼SE¼;
Sec. 34, lots 1 and 2;
Sec. 35, lots 1, 4, 5, 7, and 8.

T. 67 N., R. 19 W.,
Sec. 1, lot 7;
Sec. 2, lot 7;
Sec. 13, SW¼NW¼;
Sec. 26, NW¼SW¼.

T. 67 N., R. 21 W.,
Sec. 2, lot 2;
Sec. 17, SE¼NW¼.

T. 68 N., R. 17 W.,
Sec. 1, lots 6 to 13, inclusive;
Sec. 5, lot 2;
Sec. 6, lot 11;
Sec. 10, NW¼SW¼;
Sec. 14, lots 8 and 9;
Sec. 15, lots 6, 11, and 12;
Sec. 19, NE¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 21, lot 7;
Sec. 23, SW¼SW¼;
Sec. 28, NE¼SE¼;
Sec. 29, SW¼NW¼;
Sec. 30, lot 1, SE¼NW¼, and NE¼SW¼;
Sec. 31, lots 4, 5, and NE¼SE¼;
Sec. 32, SE¼SW¼;
Sec. 33, NW¼NW¼;
Sec. 36, lot 10.

T. 68 N., R. 18 W.,
Sec. 1, SW¼NE¼, SE¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 3, lot 10;
Sec. 8, SE¼NW¼;
Sec. 12, W½NE¼, and NW¼;
Sec. 14, E½NE¼;
Sec. 20, lot 5;
Sec. 25, lot 5;
Sec. 26, lots 4, 5, and W½SW¼;
Sec. 31, SW¼SE¼.

T. 68 N., R. 19 W.,
Sec. 3, SE¼SW¼.

T. 68 N., R 20 W.,
Sec. 1, NW¼SW¼;
Sec. 3, NW¼SW¼;
Sec. 4, lots 3, 4, SW¼NE¼, SW¼NW¼, and W½SE¼.

T. 69 N., R. 17 W.,
Sec. 20, lots 1 and 2;
Sec. 21, lots 1 to 8, inclusive;
Sec. 22, lots 1 and 2;
Sec. 27, lots 7, 8, and 9;
Sec. 28, lots 6 to 17, inclusive;
Sec. 29, lots 7 to 11, inclusive;
Sec. 30, lots 1 and 4;
Sec. 32, SW¼NW¼;
Sec. 33, lots 12, 13, and 14;
Sec. 34, lot 10;
Sec. 35, lots 11 to 14, inclusive.

T. 69 N., R. 18 W.,
Sec. 19, lots 4 and 6;
Sec. 25, lots 3 to 8, inclusive;
Sec. 26, lots 2, 3, and 4;
Sec. 28, lots 1, 2, and 7;
Sec. 29, lot 8;
Sec. 30, lots 9, 10, and 11;
Sec. 31, lot 7;
Sec. 32, lot 2.

T. 69 N., R. 19 W.,
Sec 7, SE¼SW¼;
Sec. 12, lot 9;
Sec. 13, lots 1, 2, 4, 5, and 6;
Sec. 14, lots 1 and 5;
Sec. 15, SW¼NW¼;
Sec. 17, SE¼NE¼, and NE¼SE¼;
Sec. 21, lots 10, 11, and 12;
Sec. 22, lots 9 and 10;
Sec. 23, lots 3 and 10;
Sec. 24, lot 5;
Sec. 26, lots 1, 10, and 11;
Sec. 31, NW¼SE¼.

T. 69 N., R. 20 W.,
Sec. 8, SW¼SW¼;
Sec. 10, SE¼NW¼;
Sec 12, lots 8 and 9;
Sec. 14, lot 8;
Sec. 15, lot 5, and NE¼NE¼;
Sec. 18, lot 5;
Sec. 21, lot 3;
Sec. 25, lot 1;
Sec. 28, S½SW¼, and SE¼;
Sec. 31, lots 8 and 9;
Sec. 33, S½SW¼.

T. 69 N., R. 21 W.,
Sec 8, lot 2;
Sec. 29, S½NW¼;
Sec. 34, NW¼SW¼.

T. 69 N., R. 22 W.,
Sec. 11, lot 1.

T. 70 N., R. 18 W.,
Sec. 19, lot 4;
Sec. 20, lots 4, 7, and 8;
Sec. 21, lot 3;
Sec. 27, lot 2;
Sec. 29, lot 3;
Sec. 30, lot 5, and SW¼SE¼;
Sec. 31, lots 5, 8, NW¼NE¼, and SE¼NE¼;
Sec. 32, W½SE¼;
Sec. 33, SE¼NW¼;
Sec. 34, lot 4.

T. 70 N., R. 19 W.,
Sec. 19, lots 7, 8, and 9;
Sec. 21, lot 1;
Sec. 22, lots 2 to 6, inclusive, and SE¼SW¼;
Sec. 23, lot 2, and lots 4 to 8, inclusive;
Sec. 24, lots 2, 3, and 4;
Sec. 25, lot 5;
Sec. 27, lots 1, 4, and 5;
Sec. 33, lot 1.

T. 70 N., R. 20 W.,
Sec. 5, lots 3 to 6, inclusive;
Sec. 6, lot 3, and lots 6 to 12, inclusive;
Sec. 7, lots 7 to 10, inclusive;
Sec. 8, lots 10 and 11;
Sec. 9, lot 9;
Sec. 10, lots 3 and 7;
Sec. 11, lot 6;
Sec. 13, lots 7 and 8;
Sec. 14, lot 3;
Sec. 15, lots 2, 9, and 10;
Sec. 19, SW¼SE¼;
Sec. 23, lots 8 and 9;
Sec. 24, lot 6, and NE¼NW¼;
Sec. 34, lot 8.

T. 70 N., R. 21 W.,
Sec. 1, lots 1 to 9, inclusive, lots 11, 12, and SW¼NW¼;
Sec. 2, lot 1, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 3, lots 2, 3, 4, SW¼NE¼, S½NW¼, and NW¼SE¼;
Sec. 5, lots 1, 2, and S½S½;
Sec. 6, lots 1, 2, 3, and SE¼SE¼;
Sec. 8, SW¼NW¼;
Sec. 10, NE¼NE¼;
Sec. 11, NW¼NW¼;
Sec. 12, lots 1, 6, 7, and 8;
Sec. 13, SE¼NE¼;
Sec. 18, lot 1, NE¼NW¼, and NW¼NE¼;
Sec. 22, lot 1;
Sec. 26, N½NE¼, and S½SE¼;
Sec. 29, lot 1;
Sec. 31, lots 1, 2, 5, 6, and 7;
Sec. 32, lots 2 and 6.

T. 70 N., R. 22 W.,
Sec. 1, SW¼NE¼, and SE¼NW¼;
Sec. 5, SW¼NE¼;
Sec. 7, SE¼NW¼;
Sec. 10, lots 3, 4, and 5;
Sec. 11, S½NW¼;
Sec. 15, lot 1;
Sec. 24, NE¼NE¼, S½NE¼, SE¼NW¼, and NE¼SE¼.

T. 71 N., R. 20 W.,
Sec. 19, lot 2;
Sec. 30, lots 1 and 5;
Sec. 31, lot 5, lots 10 and 16, inclusive, and SE¼NW¼, and NE¼SW¼;
Sec. 32, lots 1, 2, 5, lots 10 to 17, inclusive;
Sec. 33, lots 1, 2, 4, 6, and 7.

T. 71 N., R. 21 W.,
Sec. 19, lot 6;
Sec. 24, lots 3 to 6, inclusive;
Sec. 25, lots 5 and 8;
Sec. 26, lot 3;
Sec. 27, lot 2;
Sec. 28, lots 7, 8, and 9;
Sec. 30, lots 6 to 10, inclusive;
Sec. 31, S½SE¼, and lots 11 to 14, inclusive;
Sec. 32, lots 4, 6, 11, and 13;
Sec. 34, lots 4, 5, 9, 10, 11, and SW¼SW¼.

T. 71 N., R. 22 W.,
Sec. 18, lot 1;
Sec. 22, lot 2;
Sec. 23, lot 3;
Sec. 24, lots 4 and 5;
Sec. 26, lot 12;
Sec. 27, lots 11 to 15, inclusive;
Sec. 28, lots 5 and 6;
Sec. 30, lots 5, 10, and 11;
Sec. 32, lot 4;
Sec. 33, lots 10 to 13, inclusive;
Sec. 34, lot 7.

T. 71 N., R. 23 W.,
Sec. 13, lots 1, 2, and 3;
Sec. 23, lots 6 and 7;
Sec. 24, lots 8 and 9;
Sec. 25, lot 10;
Sec. 26, lot 10;
Sec. 28, lot 7;
Sec. 35, NE¼NE¼.

The areas described aggregate 23,455.60 acres.

2. Executive Order No. 4889 of May 26, 1928, withdrawing the public lands, exclusive of those in the Superior National Forest, within the area situated north of T. 60 N., in the counties of Cook, Lake, and Saint Louis, including the natural shore lines of Lake Superior and of the lakes and streams forming the international boundary, so far as they lie in such area, is hereby revoked. Executive Order No. 4889 was revoked in part by Executive Order No. 5651 of June 18, 1931, as to all lands not reserved by the act of Congress approved July 10, 1930 (46 Stat. 1020). The lands remaining within the withdrawal created by Executive Order No. 4889 are, therefore, now withdrawn by the said act of July 10, 1930, and will not be subject to disposition under the public land laws.

3. This order shall be subject to the withdrawal made by the Shipstead-Nolan Act of July 10, 1930 (46 Stat. 1020) and to the provisions of that act, and to (1) Executive Order No. 5003 of December 3, 1928, which withdrew lands to effectuate the provisions of the act of May 22, 1926 (44 Stat. 617) for carrying into effect the convention between the Governments of the United States and Great Britain concluded February 24, 1925, and (2) the Executive orders of October 24, 1911, November 4, 1911, and February 10, 1916, creating Power Site Reserves Nos. 208, 222, and 517, so far as such orders affect any of the lands.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 7, 1957.

[F. R. Doc. 57-6638; Filed, Aug. 13, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 270, 275]

CIGARS AND CIGARETTES, AND MANUFACTURED TOBACCO; MANUFACTURERS, IMPORTERS, AND DEALERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

In order to prescribe that manufacturers of tobacco, cigars, and cigarettes may utilize commercial records for tobacco tax purposes, regulations in 26 CFR Parts 270 and 275 are hereby amended as follows:

PARAGRAPH 1. Section 270.142 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 270.142 *Records*—(a) *General.* Every manufacturer of cigars and cigarettes shall keep records of his daily operations and transactions, which shall reflect the following information:

(1) *Tobacco materials.* The date and quantity (in pounds) of all unstemmed tobacco, and other tobacco materials (i) received (except with respect to samples as provided by § 270.159)—from a dealer in tobacco materials or manufacturer of tobacco products, together with the permit number of such dealer or manufacturer; from a farmer or grower, or tobacco growers' co-operative association, together with the name and address of such farmer, grower, or association; by reduction of tobacco products to tobacco materials; by release from customs custody; and by return to the factory; (ii) shipped or delivered—to a dealer in tobacco materials or manufacturer of tobacco products, together with the permit number of such dealer or manufacturer; to a State institution, together with the name and address of such institution; and for exportation; and (iii) lost, and destroyed.

(2) *Cigars and cigarettes.* The date and number of all small cigars, large cigars, small cigarettes, and large cigarettes (i) manufactured; (ii) received, without payment of tax—from another factory, an export warehouse, customs custody, and by withdrawal from the market; (iii) removed subject to tax (itemizing large cigars by class); (iv) removed, without payment of tax, for—export purposes, use of the United States, transfer to another factory, experimental purposes off factory premises, and use or consumption by employees off factory premises (also showing the number of employees to whom furnished); (v) otherwise disposed of, without payment of tax, by—use or consumption by employees on factory premises, use for experimental purposes on factory premises, reduction to materials, loss, and destruction; and (vi) received taxpaid and disposed of (itemizing large cigars by class).

(3) *Stamps.* The date and value of each class of stamps (i) received; (ii) affixed to packages of cigars and ciga-

rettes removed; and (iii) lost, destroyed, and mutilated.

The entries for each day in the records maintained or kept under this section will be considered timely if made by the close of the business day following that on which the operations or transactions occur. All records maintained or kept under this section shall be retained for two years following the close of the year covered in the records, and shall be made available for inspection by any revenue officer upon his request.

(b) *Commercial records.* A manufacturer of cigars and cigarettes who maintains commercial records which reflect his operations and transactions required to be recorded by this section may utilize such records for this purpose. No particular form of commercial records is prescribed, but the information required by paragraph (a) of this section shall be readily ascertainable from the commercial records.

(c) *Form 2142 or 2143.* Where a manufacturer of cigars and cigarettes does not maintain and utilize commercial records, as provided in paragraph (b) of this section, he shall keep a record of his operations and transactions on Form 2142 with respect to large cigars, and on Form 2143 with respect to small cigars and large and small cigarettes, together with all auxiliary and supplemental records of individual operations and transactions from which such record is compiled.

(68A Stat. 715; 26 U. S. C. 5741)

PAR. 2. Section 275.132 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 275.132 *Records*—(a) *General.* Every manufacturer of tobacco shall keep records of his daily operations and transactions, which shall reflect the following information:

(1) *Tobacco materials.* The date and quantity (in pounds) of all unstemmed tobacco, and other tobacco materials (i) received (except with respect to samples as provided by § 275.148)—from a dealer in tobacco materials or manufacturer of tobacco products, together with the permit number of such dealer or manufacturer; from a farmer or grower, or tobacco growers' co-operative association, together with the name and address of such farmer, grower, or association; by reduction of manufactured tobacco to tobacco materials; by release from customs custody; and by return to the factory; (ii) shipped or delivered—to a dealer in tobacco materials or manufacturer of tobacco products, together with the permit number of such dealer or manufacturer; to a State institution, together with the name and address of such institution; and for exportation; and (iii) lost, and destroyed.

(2) *Manufactured tobacco.* The date and quantity (in pounds) of all plug, twist and other forms of leaf, fine-cut chewing, scrap chewing, smoking tobacco, and snuff (i) produced; (ii) received, without payment of tax—from another factory, an export warehouse, customs custody, and by withdrawal from the market; (iii) removed subject to tax; (iv) removed, without payment of tax, for—export purposes, use of the United States, transfer to another factory, experimental purposes off factory premises, and use or consumption by employees off factory premises (also showing the number of employees to whom furnished); (v) otherwise disposed of, without payment of tax, by use or consumption by employees on factory premises, use for experimental purposes on factory premises, reduction to materials, loss, and destruction; and (vi) received taxpaid and disposed of (without itemizing the manufactured tobacco by kinds).

(3) *Stamps.* The date and value of all stamps (i) received; (ii) affixed to packages of manufactured tobacco removed; and (iii) lost, destroyed, and mutilated. The entries for each day in the records maintained or kept under this section will be considered timely if made by the close of the business day following that on which the operations or transactions occur. All records maintained or kept under this section shall be retained for two years following the close of the year covered in the records, and shall be made available for inspection by any revenue officer upon his request.

(b) *Commercial records.* A manufacturer of tobacco who maintains commercial records which reflect his operations and transactions required to be recorded by this section may utilize such records for this purpose. No particular form of commercial records is prescribed, but the information required by paragraph (a) of this section shall be readily ascertainable from the commercial records.

(c) *Form 2141.* Where a manufacturer of tobacco does not maintain and utilize commercial records, as provided in paragraph (b) of this section, he shall keep a record of his operations and transactions on Form 2141, together with all auxiliary and supplemental records of individual operations and transactions from which such record is compiled.

(68A Stat. 715; 26 U. S. C. 5741)

[F. R. Doc. 57-6663; Filed, Aug. 13, 1957; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 58]

BUTTER, CHEESE AND OTHER MANUFACTURED OR PROCESSED DAIRY PRODUCTS

GRADING, INSPECTION, SAMPLING, GRADE LABELING AND SUPERVISION OF PACKAGING

Notice is hereby given that the United States Deparement of Agriculture is considering the issuance, as hereinafter proposed, of an amendment to the regulations governing the grading, inspection, sampling, grade labeling and supervision of packaging butter, cheese and other manufactured or processed dairy products (7 CFR Part 58) issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The proposed amendment is to clarify the meaning of the wording in § 58.19 *Grading certificate issuance;* to change the heading of § 58.43 *Butter and cheese grading fees,* to include grading fees for lots of miscellaneous dairy products; and to add a paragraph (d) to provide specific fees for grading lots of miscellaneous dairy products covered by a single grading certificate.

All persons who desire to submit written data, views or arguments in connection with this amendment should file the same in triplicate with the Chief of the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2977, South Building, Washington 25, D. C., not later than 15 days after publication hereof in the FEDERAL REGISTER.

1. Amend § 58.19 to read as follows:

§ 58.19 *Grading certificate issuance.* Each grader and each inspector shall issue a grading certificate covering product graded. Lots of miscellaneous dairy products comprising more than one kind of product may be covered by a single grading certificate. In no case shall a grader or inspector sign any certificate covering any product not graded by him.

2. Change the heading of § 58.43 to read as follows:

§ 58.43 *Butter, cheese and miscellaneous dairy products grading fees.*

3. Add paragraph (d) to § 58.43 as follows:

(d) Fees for grading lots of miscellaneous dairy products covered by a single grading certificate shall be based on the actual time required to perform the service and shall be at the rate of $3.60 per hour, with a minimum charge of $1.80.

(60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., this 9th day of August 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-6673; Filed, Aug. 13, 1957; 8:54 a. m.]

[7 CFR Part 1008]

[Docket No. AO-275-A2]

HANDLING OF MILK IN INLAND EMPIRE MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Inland Empire marketing area. Interested parties may file written exceptions to this recommended decision

with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the recommended regulatory provisions set forth below with respect to the Inland Empire marketing area were formulated, was called by the Agricultural Marketing Service, United States Department of Agriculture, following receipt of petitions filed by the Inland Empire Dairy Association and the Spokane Milk Producers Association. The hearing was held at Spokane, Washington, May 28, 29 and 31, 1957, pursuant to notice duly published in the FEDERAL REGISTER on May 11, 1957 (22 F. R. 3357). The period until June 20, 1957, was reserved to interested parties for the filing of briefs on the record. Within the time reserved briefs were filed by producers' associations and handlers.

The material issues of record are concerned with:

1. Whether the present Inland Empire marketing area should be extended, or separate regulation be adopted, to apply to any or all of several additional counties in Washington and Idaho;

2. A proposed increase in the price differential for Class I milk, provision for an automatic supply-demand adjuster, and revision of location adjustments;

3. Whether the classification provisions should be amended: (a) To classify ending inventories as Class II milk, (b) to classify skim milk dumped as Class II milk during any month of the year, and (c) to classify "cocoa mixes" as Class II milk;

4. Revision of "pool plant" delivery performance requirements; and

5. Proposals to clarify the language of various order provisions and certain administrative and conforming changes.

During the course of the hearing counsel for a handler requested the admission into the record of Exhibit No. 5 (marked for identification). Such exhibit is a photostat copy of the house organ of a cooperative association which contains certain statements credited to a former manager of the association who was not available for examination. In the circumstances the exhibit was not admitted by the presiding officer on the basis the statements contained therein which counsel sought to be included in the record does not constitute the kind of testimony upon which responsible persons are accustomed to rely. An offer of proof was made by counsel. It is determined that the ruling of the presiding officer was correct and such ruling is hereby affirmed.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and the record thereof:

(1) The marketing area should be extended to include Benewah and Boundary Counties, Idaho.

The extension of the marketing area to Benewah County was proposed by two producers' cooperatives associated with the marketing area. The proposal to include Boundary County was submitted by a third producer's cooperative, which operates a plant located at Bonner's Ferry, Idaho. In both instances, the primary reason offered by proponents for extending the marketing area is to provide a similar price plan for all members of the associations concerned. The proposals were further supported on the basis that regulated handlers distribute substantial amounts of milk in said counties. Some members of one proponent association opposed extension of the marketing area to Benewah County primarily because such dairy farmers are satisfied with the business relationship they have with the nonregulated distributor there.

At the present time, some members of one association are shipping milk each month both to a nonregulated fluid milk plant at St. Maries (Benewah County) and to a plant regulated by the order. The fact that some dairy farmers have the opportunity to ship milk to both regulated and unregulated plants in the same month has undesirable effects on returns to those producers whose milk is priced by the order, and even on the regulation itself. Each month the Inland Empire marketing area utilizes a portion of its producer receipts as Class II milk. During the first 12 months of order operation such utilization ranged, on a monthly basis, from 5.9 to 19.8 percent of total producer receipts. The partial supplies of milk delivered to a regulated plant increase the volume of producer milk on the Inland Empire market with milk that is surplus to the fluid milk operations of the nonregulated distributor in Benewah County. Its unavailability to the regulated plant a portion of each month makes it an undependable source of milk for Class I use in the marketing area but at such times as it is delivered to a pool plant, it adds to the available supply which must be utilized as Class II milk, and thus tends to reduce the uniform price to all producers. Moreover, the opportunity afforded the nonregulated plant operator in Benewah County to limit his supply to requirements for fluid utilization (enhanced by the purchase of supplemental Class II milk products in finished form from a regulated plant) results in relatively higher returns to dairy farmers who supply the unregulated plant. This situation potentially, if not presently, affords the nonregulated distributor a competitive advantage over regulated handlers in the procurement of milk due simply to the existence of the regulation with its marketwide pooling plan for distributing producer returns. Over the longer term a more stable supply situation will prevail in the Inland Empire market if all producers involved in the foregoing marketing situation are paid on a similar price plan. It is concluded that Benewah County, Idaho, should be included in the marketing area.

A somewhat similar marketing situation also exists in Boundary County. Some members of the proponent producers' association ship milk to a regulated plant and other members deliver to the association's unregulated processing plant at Bonner's Ferry. Proponents expressed a desire for a uniform pricing plan for all members of the association. A close and continuing relationship of proponent's operation at Bonner's Ferry with a regulated plant in the marketing area was shown. The cooperative's processing plant at Bonner's Ferry supplies the regulated plant with supplemental milk, and also purchases a portion of its packaged milk needs from the regulated plant. During the past year the unregulated plant twice qualified as a pool plant. It has been necessary for such association to rely on the regulated plant in the Inland Empire market as the outlet for its entire milk supply when floods occur at Bonner's Ferry. The inclusion of Boundary County in the marketing area will establish a price and classification basis for milk moved between the marketing area plant and the plant at Boundary County equivalent to that applicable to the movement of milk between plants now under the regulation. It is concluded that Boundary County, Idaho, should be included in the marketing area.

Producer organizations proposed further that the marketing area be extended to include Whitman County, Washington, and Latah County, Idaho.

A handler with unregulated distributing plants in Pullman, Washington, and Moscow, Idaho, proposed the extension of the marketing area to Asotin County, Washington, and Nez Perce County, Idaho. Such proposal was submitted for consideration only in the event Whitman and Latah Counties were to be included in the marketing area. The proponent handler testified that 25 percent of his milk sales are in such counties and that it is necessary that they be included in order that proponent might remain competitive with other dealers from unregulated areas in Idaho, Washington, and Oregon where producer prices historically have been lower than in the Whitman-Latah area.

A nonregulated distributor of milk proposed the extension of the marketing area to Clearwater, Lewis and Idaho Counties, Idaho, and to Asotin County, Washington.

Producer proponents, in supporting their proposal, contended that:

1. Whitman and Latah Counties normally are part of the Inland Empire marketing area.

2. Historically, milk prices to producers and consumers in this area have followed prices in the Spokane market.

3. Producers have been unsuccessful in attempts to negotiate agreements with distributors on prices, butterfat checktesting, and audits of milk utilization.

Testimony in opposition to the marketing area extension stressed that:

1. Farm prices for milk in the proposed area compare favorably with those paid at regulated plants.

2. During the past ten years no dairy farmer has been denied a market except by action of the health authorities.

3. Dairy farmers have not been compelled to restrict production, or to market any portion of their production themselves.

4. Marketing conditions are not disorderly, and consumer prices have not fluctuated materially.

5. Adequate supplies of milk for fluid needs are produced locally.

6. Distributors do not rely on the Inland Empire marketing area for supplemental milk supplies.

Producers contended that Whitman and Latah Counties are an integral part of the Inland Empire marketing area. However, only one of the ten handlers regulated by the order sells milk in such counties from a regulated plant. During the past two years, the sales of milk in this area from the regulated plant have increased slightly. This distribution accounts for about 3 percent of the total Class I utlization of all regulated handlers.

The proponent associations also indicated that, historically, farm pricing of Grade A milk in Whitman and Latah Counties has followed that of the Inland Empire marketing area. At the present time, nonregulated distributors in these two counties deduct twenty-four cents per hundredweight from the prevailing Inland Empire Class I price in establishing prices for milk delivered to plants at Pullman and Moscow. This deduction is equivalent to the handler location adjustment provided in the order, which would apply to any plant in the Pullman-Moscow area which might come under the regulation. Proponents contended that this deduction is unjustified because no milk is received at plants located in Whitman and Latah Counties for distribution in the Inland Empire marketing area.

The deducton referred to was begun in September 1956. The net price paid dairy farmers for Class I milk at the nonregulated plants in Pullman and Moscow is the prevailing price paid at a regulated plant of the same distributor at Spokane, less the twenty-four cent deduction. The prevailing price at such plant includes, however, a substantial premium above the order minimum Class I price. A comparison of the announced minimum Class I prices under the order with those paid by the nonregulated plants at Pullman and Moscow shows that during the past year Class I prices paid by the nonregulated plants have been consistently higher, ranging from plus 4 cents to plus 34 cents per hundredweight; the average difference being plus 18 cents.

A comparison of producer "blend" prices paid at the nonregulated plants with uniform prices announced under the order indicates that the blend prices in the unregulated area also have been consistently higher during the same 12-month period. Blend prices paid at Moscow, Idaho, area averaged 27 cents more than those paid by regulated handlers. In the Pullman, Washington, area, blend prices averaged 41 cents more.

Producers contended further that they have been unsuccessful in attempts to negotiate at nonregulated plants concerning price agreements, butterfat check-testing, and audits of milk utilization. But producers, through the efforts of their association, were successful in terminating a lower Class I price for milk packaged in half-gallon containers. This "special" price was instituted in August 1955 and terminated in July 1956.

Producers also testified that although their association was successful in negotiations to terminate the special price, the nonregulated plant at the same time arbitrarily increased the farm-to-plant hauling rate. The hauling rate was changed from 20 cents per can (or about 23 cents per hundredweight) to 35 cents per hundredweight, but the validity of such increase in rate was not questioned at the hearing. The prices to dairy farmers prevailing in the Whitman-Latah area are higher than the order minimum even after consideration of such rate increase.

Producers did not elaborate on butterfat check-testing problems, nor does the record indicate that the producers' association actually attempted to establish check-testing and audit programs at the nonregulated plants. The Class I milk utilization at the nonregulated plants represents a high percentage of their total receipts. On the whole, producer witnesses did not express dissatisfaction either with payments based on past utilization or with price policy followed at the unregulated plants, but merely were apprehensive about future prices because of increasing production.

An independent producer witness representing some of the dairy farmers in this area testified that their business relationship with the nonregulated plants in Whitman and Latah Counties has been satisfactory. They opposed the proposal to extend the marketing area to these counties.

The principal nonregulated distributor in these counties testified that no regulated handler supplies supplemental milk to unregulated plants there. He contended that local production is sufficient for all fluid milk sales, and for most of the cottage cheese and ice cream sales. Whenever supplemental milk has been needed, as in March 1955 and October 1956, it has been purchased from unregulated plant sources.

It may not be concluded from the present record that there are serious disorderly marketing conditions in the unregulated area in question. Producers whose milk is shipped to handlers regulated by the order are not being disadvantaged in the pricing of their milk because of an unregulated market in Whitman and Latah Counties. There was no showing of undue hardship on any regulated handler as the result of failure to regulate such counties. The marketing area should not be extended at this time to include said counties.

Asotin County, Washington, and Nez Perce County, Idaho, were proposed for inclusion in the marketing area only if Whitman and Latah Counties were to be regulated. In view of the above, it is concluded that no useful purpose would be served by including Asotin and Nez Perce Counties in the marketing area.

The nonregulated distributor proponent for the inclusion of Clearwater, Lewis and Idaho Counties, Idaho, did not make an appearance at the hearing. The record contains no supporting evidence for his proposal. A number of dairy farmers appeared at the hearing, and opposed the extension of the marketing area to said counties. In view of the foregoing conclusions concerning the other counties proposed, and in the absence of supporting evidence, it is concluded that the Inland Empire marketing area should not be extended to include Clearwater, Lewis and Idaho Counties, Idaho.

The proposal to include Shoshone County and the eastern part of Kootenai County, Idaho, in the marketing area was made by two producers' associations. The principal towns involved in the proposed annexation are Kellogg, Mullen and Wallace, in Shoshone County.

The associations supported their proposal on the following grounds:

1. Extension of the area will permit a free flow of milk between plants in the marketing area and those in the proposed extension.

2. Competition from unregulated plant sources in Montana could be controlled for the protection of local dairy farmers.

3. Inland Empire producers can supply all the milk needed at Wallace, Mullen and Kellogg, Idaho.

An unregulated distributor located in Shoshone County who would be regulated under the proposal supported the proposed extension of the marketing area primarily because dairy farmers supplying the plant desire it as a means of establishing their prices on a basis equivalent to that of the Inland Empire market, and because of the proximity of Kellogg, Idaho, to Spokane, Washington.

Two unregulated distributors with plants at Missoula, Montana, who distribute some milk in Shoshone County, opposed the proposed marketing area extension indicating that their milk is priced to both producers and consumers under the Montana Milk Control Act, and if the marketing area were extended to Shoshone County, they would be required to pay compensatory payments on the volume of their sales in Shoshone County.

Proponents conceded on examination that Shoshone County is not significantly a part of the sales area for handlers regulated by the Inland Empire order although one regulated handler sells milk in half-gallon containers to an unregulated local distributor at Kellogg, Idaho, and another regulated handler with a plant at Coeur d' Alene, Idaho, also sells some milk in the county. There are no data in the record indicating the extent of these sales, and the regulated handlers involved did not testify on this proposal. One of the proponents, who no longer distributes milk in Shoshone County, testified that its sales outlets there were lost as the result of a price war in 1954. This occurred prior to the introduction of the order.

Although a producer witness testified that competition from unregulated sources in Montana could be controlled for the protection of local dairy farmers if Shoshone County were included in the marketing area, there was no showing of unstable marketing conditions or that producers are not receiving returns reasonably aligned with those resulting from the order. The fact that members of the association are in a position to supply all the milk needed at Wallace, Mullen and Kellogg, Idaho, is not adequate reason to regulate the handling of milk in such communities.

It is concluded from the foregoing that the marketing of milk in Shoshone County is not sufficiently related to the handling of milk in the Inland Empire market at this time to warrant regulation and therefore the marketing area should not be extended to include Shoshone County, Idaho.

The eastern portion of Kootenai County was proposed for regulation only to maintain contiguity for the entire marketing area as proposed for extension to Shoshone County. There are no local fluid milk plants in the eastern portion of Kootenai County. It is concluded further that such territory should not be included in the marketing area.

A handler proposed inclusion of Grant, Adams and Lincoln Counties in the marketing area. In support of this proposal proponent pointed out that approximately 19 percent of his total Class I sales are made on routes in such counties. About 5 percent of his total Class I sales are made to a military installation in Grant County (referred to in the record as the "Columbia Basin"). The major portion of the volume so sold by the proponent handler is distributed to outlets in Grant County rather than in Adams and Lincoln Counties. It was contended that inclusion of the Columbia Basin in the marketing area would assist in maintaining the returns of Inland Empire producers and protect Class I sales made in such area from the regulated plant by placing all competitors for sales in the Basin on a uniform price basis in the purchase of milk. In this connection proponent alleges competitive disadvantage in the sale of milk as the result of the prices he is required to pay producers. Proponent, however, does not propose regulation in the Basin unless the Class I price f. o. b. the Basin is set at a level equivalent to the Class I price for milk delivered to a regulated plant located in Spokane, by eliminating the location adjustment between Spokane and the Basin.

A producer association expressed concern that loss of sales by the one regulated handler distributing in the Basin, as the result of any competitive disadvantage in the distribution of milk, would have a severe impact on producer returns. This association indicated, however, that if the Basin were regulated, the potential of "pool-riding" by plants located in the vicinity of the Basin should be mitigated by revising the delivery performance requirements provided for the pool qualification of plants which distribute Class I milk on routes.

The principal consuming centers, Moses Lake and Ephrata, in the Basin are each located approximately 110 miles from Spokane. The distance from Wenatchee to Ephrata is approximately 50 miles and the distance between Wenatchee and Moses Lake is about 70 miles. Ellensburg also is about 70 miles from Moses Lake.

Some milk produced in the Basin is delivered to Yakima, approximately 105 miles distant, for bottling and is returned for sale from distributing stations located in the Basin. A plant operated by a cooperative at Ellensburg has available a substantial quantity of milk qualified for sale as fluid milk. This milk is priced at present under the terms of the Puget Sound order and the industry-negotiated premium payment plan prevailing in the Puget Sound market. It is transported to the Puget Sound marketing area from the Ellensburg area at a hauling rate of 23 cents per hundredweight. Fluid milk distribution routes from the bottling plant of this association at Ellensburg approach, possibly enter, Grant County, at a point less than 40 miles from Moses Lake.

On an historical basis, the Basin communities have been served from Spokane plants. As such communities have developed, routes to the Basin have been established from the Wenatchee market also. About the time of the inception of the Inland Empire order in April 1956, certain milk previously produced and distributed in the Basin, but bottled in a Spokane plant, was shifted to a Yakima plant for bottling. Such milk continues to be distributed in the Basin.

The prevailing price to producers for milk for fluid use in the unregulated Wenatchee and Yakima markets is $5.50 per hundredweight on a 4 percent butterfat content basis. This price compares with a minimum Class I price for milk of similar butterfat content under the Inland Empire order of $5.44 per hundredweight for the first year of order operation (April 1956–March 1957). Such a price relationship does not manifest competitive disadvantage to a Spokane handler distributing in the Basin. Actual prices for Class I milk in the Inland Empire market averaged somewhat higher, however, than $5.44 per hundredweight during the past 12 months because premiums over order prices have been paid by handlers as the result of negotiation with producer organizations. Payments on Class I milk above order prices averaged about $0.42 per hundredweight in the April 1956–April 1957 period. Any competitive disadvantage felt by the Spokane handler as the result of premiums paid through negotiation with producers may not be regarded as sufficient reason for expansion of the marketing area as a means of eliminating competitive disadvantage to such handler based upon the price paid for milk. Similarly, the marketing area may not be expanded as proposed simply for the purpose of protecting current levels of sales of pooled milk in the area to be annexed at whatever price above the order level may be negotiated to insure adequate supplies for the principal communities covered by the regulation.

The payment of negotiated premium prices in the Spokane market indicates the necessity for somewhat higher prices for milk delivered to Spokane than have been necessary at Wenatchee, Ellensburg, or Yakima to induce the production of adequate milk supplies. Inland Empire producers request that the Class I price under the order be increased at this time to insure adequate supplies in the future for the marketing area already under regulation. Milk is available in the central portion of Washington (Yakima, Ellensburg and Sunnyside) at prices considerably lower than the level requested for Spokane and vicinity.

Application of the Spokane level of prices f. o. b. the Basin would establish prices at the latter point higher than necessary to induce adequate supplies in this section of the State. There was no evidence of disorderly marketing conditions for dairy farmers in the central Washington markets or that higher farm prices for Grade A milk are sought by producers in this area. Although producers shipping to Spokane plants historically have received the benefit of a large proportion of the fluid milk sales in the Basin, the advantages of location should not be denied to milk which is closer to the Basin. The record does not reveal a basis on which to eliminate location adjustments in the case of plants located in such vicinity as a corollary to inclusion of the Basin in the marketing area.

Producers at Spokane expressed concern that loss of sales in the Basin would be highly detrimental to their returns for milk. The Class I sales made from the Spokane plant to the Basin constitute about 4 percent of the total Class I sales in the marketing area. It would not be appropriate to set prices at Spokane, where a large majority of the Class I sales of regulated handlers are made, at a level which would guarantee sufficient supplies for both the present marketing area and the Basin when lower-priced milk is available for the latter market.

Without the inclusion of Grant County, no useful purpose would be served by including Adams and Lincoln Counties since the total distribution of milk there is small. It is concluded that the marketing area should not be extended to include Grant, Adams, and Lincoln Counties.

(2) The price formula for Class I milk should be revised.

Producers proposed that the present Class I price differential of $1.85 per hundredweight (over the basic formula price) be increased 15 cents to $2.00 per hundredweight. The proposed differential, like the present one, would apply each month of the year. In addition, proponents suggested a "supply-demand adjuster" under which the Class I price differential would be modified automatically as changes occur in the relationship of milk supply to sales of Class I milk. No opposition testimony was presented.

Proponents supported their proposal on the grounds that (a) handlers have paid premiums each month since the introduction of the order, (b) milk production has not been over-stimulated during the past year, and (c) the proposed price level would still be below the present Class I price level including the premiums paid since the inception of the order.

Each month since the effective date of the order, handlers have paid premiums above the minimum Class I milk prices established by the order. Such

premiums have ranged from 8 cents to 99 cents. The wide range of premiums paid has caused disparities in returns to producers under the marketwide pooling provisions of the order, and also has resulted in varying costs of milk among handlers. During the 13 months between the effective date of the order and the hearing, the premiums paid (on a monthly basis) averaged 42 cents per hundredweight. The average minimum Class I milk price during that period was $5.44 per hundredweight. With premiums, the average monthly Class I milk price was $5.86 per hundredweight.

At the time the order became effective (April 1956), a temporary Class I price differential was established. This differential expires automatically at the end of September 1957. The current proceeding affords an opportunity to review the Class I milk price level in the light of current marketing conditions. During the past year, the number of pool plants decreased from 16 to 13. Between May 1956 and May this year the number of producers decreased from 979 to 950. At the same time, however, average daily deliveries per producer increased about 12 percent. Official notice is hereby taken of the statistical summary for April and May 1957 issued by the market administrator under Order 108, in order to provide statistical comparisons with the corresponding months of the previous year.

During April and May 1957, total producer receipts increased about 9 and 8 percent, respectively, over the levels of the same months a year ago. The total volume of Class I milk utilization increased less than 1 percent in the same period. The utilization of producer milk in Class I in April and May 1957 decreased 6 percent and 5 percent, respectively, below the corresponding months of the previous year. The utilization of producer milk in the other two classes increased slightly. During the 13 months prior to the hearing, the monthly utilization of producer milk in Class I ranged from 68.7 percent to 90.7 percent. On a monthly basis, the utilization of producer milk in Class I averaged 80.6 percent, in Class II–A, 10.9 percent, and in Class II, 8.5 percent. The effective Class I milk price level (including the premiums negotiated by producers) has encouraged a production increase in relation to Class I sales during the past year. Such price level has not resulted, however, in a burdensome surplus even though feed prices are slightly lower in the milkshed than they were a year ago.

Although producers proposed a stated Class I price differential of $2.00 per hundredweight, the difference between such differential and that ($1.65) fixed by the Puget Sound order, would exceed the difference in the relative costs of transporting milk to the two markets from areas where milk supplies could be made available for either market. The cost of moving milk to District No. 1 of the Puget Sound marketing area from Ellensburg, Washington, is 23 cents per hundredweight. An allowance of about 46 cents is provided under the Inland Empire order for the Ellensburg location. It is concluded that a Class I milk differential of $1.90 per hundredweight, which represents an increase of 5 cents from the current differential, is reasonable in light of the above costs of moving milk and should be adopted. Thus, the Inland Empire Class I price would be appropriately aligned with prices at the nearest plant associated with the Puget Sound market where milk supplies are available in substantial quantities. If the proposed Class I price differential of $1.90 had been in effect during the 13 months prior to the recent hearing, an average Class I price of $5.49 would have resulted. As previously stated, the average Class I price actually paid during this period was 37 cents higher, or $5.86 per hundredweight.

Producers also proposed that a supply-demand adjuster be included in the order. Handlers concurred in this proposal. The stated purpose of this type of provision is to adjust automatically the Class I milk price in response to changes in the relationship of producer milk to Class I utilization from a reasonable standard, or "norm". Such automatic adjustment is designed to facilitate prompt changes in price in response to changing supply and sales conditions, thus reducing the frequency of hearings as relatively minor changes in the supply-sales relationship occur.

The supply-demand adjuster set forth herein, as in the case of proponents' proposal, would relate Class I milk price changes to the ratio of producer milk to Class I sales during the second and third months preceding that to which the Class I price applies. The schedule of standard utilization percentages adopted is based on an average Class I utilization of about 76 percent of producer milk supplies. This allows for a 17 percent annual average reserve supply of producer milk, which should be the minimum necessary to prevent shortages in the fall months, after taking into account that about 7 percent of producer milk is used in Class II–A for cottage cheese (which is required by the marketing area health authorities to be made of Grade A milk).

Price adjustments would apply at a rate of five cents per hundredweight plus or minus for each point of change between the current supply-Class I sales ratio and a standard utilization percentage figure for the particular month. The total adjustment is limited to plus or minus 50 cents. Since an adjustment beyond this point would reflect a significant change in the supply-sales relationship from the present, it would be appropriate to convene a hearing to reconsider the Class I price level in the light of such change. This limitation will also help to preserve a reasonable price alignment with the Puget Sound market.

For the period July 1956 through June 1957, the Class I milk price provided herein, on a monthly basis, would have averaged about $5.74. On the basis that the Class I price premiums paid by handlers in May and June 1957 are the same as in April 1957, the average Class I milk price effective for the 12-month period specified would be $5.93. The Class I price level adopted would have been about 19 cents less than the actual level for this period.

It is concluded also that the supply-demand adjuster set forth herein will provide appropriate price adjustments based on the normal needs of the Inland Empire market for Class I milk, cottage cheese, and a necessary reserve, and should be adopted. Although the price level to result from the provision will be somewhat higher than the present order Class I price, the formula does not result in a price as high as the current market price, including premiums. Further, it will reduce the Class I milk price promptly in the event production should increase at a faster rate than Class I sales.

At the hearing, producers proposed that in calculating a supply-demand adjuster, the milk of any handler whose plant was not a pool plant for at least three of the most recent 12 months should be excluded from the supply-demand computation. It was testified that the principal purpose of a supply-demand adjuster is to equate market supply and demand and that plants that qualify irregularly as pool plants may not be said to be a part of the long-run sources of milk for the market. However, in another part of this decision it is provided that the pooling standards for distributing plants be revised. Such revision should prevent unnecessary dilution of the pool through shipments of milk from plants associated with the market only in a casual way. In view of this, it is concluded that the proposal to exclude certain plants from the supply-demand computation should not be adopted.

Producers and handlers proposed changes in the location adjustment provisions, which would provide for additional basing points for computing location differentials and also would revise the rate of adjustment. The additional basing points were proposed in connection with proposals to extend the marketing area to the Columbia Basin and the Pullman-Moscow area. Elsewhere herein it is provided that such area extensions should not be made. No testimony was presented to show whether the present rate should be increased or decreased or in what manner the present rate schedule is inappropriate. In view of this, it is concluded that the location differential provisions should not be revised.

(3) Certain revisions to the classification provisions of the order should be made; the provision relating to the classification of skim milk dumped should not be changed.

(a) Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for the receipts and utilization of producer milk during the current month. Inventory is intended to include stocks on hand of bulk milk and skim milk, bottled milk, and other items designated as Class I milk. Manufactured products (Class II) on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for as Class II milk. As previously indicated, handlers will need to keep stock records of such products but they will not be included in inventory for the purpose of accounting for current receipts.

It is concluded that inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of the month, it will be necessary to provide a method to deal with the producer milk inventory which is used in the current month for Class I purposes but which the handler accounted for to producers as Class II milk at the end of the previous month. In a plant which engages primarily in a fluid milk business, it is quite possible that a decrease in inventory in any given month may exceed its total utilization of Class II milk. Handlers, at times, also use other source milk in their operations. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt in the following month and subtracting such receipt (under the allocation procedure) in series starting with Class II milk following the subtraction of other source milk.

To the extent that opening inventory is allocated to Class I milk and there was an equivalent amount of producer milk classified in Class II milk in the previous month (after the allocation of other source milk) a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the preceding month. This will promote uniformity in the cost of milk among handlers and in returns to producers for their milk, irrespective of whether or not such producer milk is from the previous month's ending inventory or is a current receipt.

(b) The provision which permits skim milk dumped during the months of April, May, June and July to be classified as Class II milk should not be revised.

A producers' organization suggested that skim milk dumped be classified as Class II milk in any month of the year in the event the marketing area were expanded to include certain communities, particularly those where colleges or universities are located. It was testified that school vacations might necessitate the dumping of skim milk in months other than those specified in the present provision. A milk distributor in one of the areas proposed for annexation to the present marketing area made a similar request in connection with his own plant operation.

In view of the decision not to include Shoshone, Whitman and Latah Counties in the marketing area and since no difficult problems of milk disposal have arisen during the period the order has been in effect, it is concluded that the classification of skim milk dumped should continue to be made on the basis currently provided.

(c) A handler proposed the reclassification of "Mayo's Cocoa Mix" and similar products from Class I milk to Class II milk.

Proponent testified that the product referred to contains 11 percent nonfat milk solids, and in addition cocoa, sugar, stabilizer, salt and vanilla. The finished product has the body and viscosity of low fat ice cream mix. It is usually frozen at the milk processing plant and distributed at soda fountains where it is consumed in the form of a hot chocolate drink after the addition of water. The product is heated and continuously agitated in the soda fountain dispenser in order to keep the solids content in suspension. It is not required to be produced from inspected milk supplies although Grade A milk is currently being used in its manufacture.

Since this product is not required to be made from Grade A milk it is in direct competition, from a procurement standpoint, with supplies of ungraded whole milk, and possibly with nonfat dry milk. However, in view of its similarity in form to ice cream mix and the fact that it does not constitute a distress outlet for Grade A milk, any such milk utilized for this product should be classified and priced as Class II A milk rather than as Class II milk. The order is so revised.

(4) The definition of "pool plant" should be revised in part.

Two proposals to modify the delivery performance standards required of distributing plants for pool plant status were made by producer organizations in connection with proposals to expand the marketing area. One of the proposals relating to pool plant qualification would require that no distributing plant could qualify for the pool unless 50 percent or more of its total receipts of milk were disposed of as Class I milk on routes and at least 20 percent of such receipts were sold as Class I milk in the marketing area on routes. The second proposal of producers would establish such percentages at 60 and 20, respectively. One handler also testified in support of stricter delivery performance standards for distributing plants. At present a distributing plant may qualify for pool status if 5 percent or more of its receipts of milk are distributed as Class I milk in the marketing area on routes. In support of such proposals proponents indicated the need to prevent operators of plants not primarily in the fluid milk business, and not continuously associated to a substantial degree with the Inland Empire market from, "riding" the pool, and thus diluting returns to regular producers.

Because of the difference in marketing practices and functions between distributing plants and supply-type plants, two sets of performance standards are provided in the order. Although not specifically defined in the order the term "distributing plant", for the purpose of this discussion, means a plant from which Class I milk is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants). In contrast, the term "supply plant", for the purpose of this discussion, refers to a plant (other than a distributing plant) from which milk, skim milk or cream which is acceptable to an appropriate health authority for distribution in the marketing area is shipped during the month to a distributing plant which is qualified as a pool plant. There were no proposals to revise the delivery performance standards applicable to the supply-type plant in qualifying for pool status, and no revision of such standards is made.

Essential to the operation of a marketwide pool in this area is the establishment of delivery performance standards to apply uniformly to all plants similarly situated. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its dairy farmers share in the Class I sales of the market. Any dairy farmer who meets the necessary health inspection requirements should be permitted, under the order, to sell his milk to any plant meeting the standards of qualification as a "pool plant". Whether or not plants and dairy farmers choose to supply the Inland Empire market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of Grade A milk to the market may pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation, nor should they be permitted or required to equalize sales with all other plants in the market. If a milk plant were permitted to share on a pro-rata basis in the Class I utilization of the entire market without being genuinely associated with the market, the premiums or differentials paid by users of Class I milk would be dissipated without accomplishing their intended purpose. If a plant were qualified and fully regulated merely as the result of a token shipment therefrom of milk or cream into the market for sale as Class I milk, any distributor operating a milk plant with a smaller share of milk in Class I than the average for all regulated plants could make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health inspection standards.

Since reserve milk is an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets. This is particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Inland Empire market regularly may depend. If such plants were allowed to sell a token quantity of milk in the marketing area and pool their surplus whenever Class I outlets were not available to them, the result would be that such plants could maximize returns to their own dairy farmers at the expense of those producers who supply the long-run needs of the Inland Empire market through receipt of equalization payments from the Inland Empire pool.

Based on the record of the original hearing held on the Inland Empire order on May 24–June 2, 1955, it was concluded

in the decision of the Assistant Secretary issued January 4, 1956, official notice of which is taken, that any distributing plant from which less than 5.0 percent of its receipts is disposed of in the marketing area during the month should be excluded from the "pool plant" definition. This was done in order that a distributor who might accidentally dispose of some fluid milk in the area would not be made subject to regulation and to prevent operators not primarily associated with the market from taking advantage of the pooling mechanism by distributing token quantities of milk in the marketing area. The above basis for exemption was established in the absence of indication in the original hearing that pool-riding would become a significant problem in the Inland Empire market.

A situation of this kind is, however, quite possible in the Inland Empire market under the terms of the present order. The operator of a cooperative plant located in the central part of Washington testified in the recent hearing that his dairy farmers are looking for any pool to which their milk might be shipped to improve their returns. Such plant, which has only a small portion of its Grade A milk receipts in Class I milk uses, is located in an area of relatively heavy milk production. It has no outlets for milk in the present marketing area or in the area as proposed to be extended by this decision. The representative of the plant referred to indicated that the milk supply of his plant would preferably remain in the pool under the Puget Sound order, where it is priced currently, if the uniform prices in the Inland Empire market were reduced by the entry into the pool of additional plants with substantial Class II milk operations. Plants with substantial quantities of milk in manufacturing uses are located at Ellensburg, Yakima and Sunnyside, in Washington, and at Wallowa, Oregon, all within a distance from which milk could be shipped readily to Spokane.

The Inland Empire market, however, would gain no advantage from the payment of equalization to a distributing plant not having a primary interest in the Inland Empire market. Such a distribution of equalization payments would, in fact, reduce the uniform prices to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market primarily depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately and dependably.

In order to qualify as a pool plant, a distributing plant therefore should be required to distribute at least 20 percent of its Grade A milk from dairy farmers and other plants during the month as Class I milk in the marketing area on retail or wholesale routes.

A distributing plant having more than 80 percent of its fluid milk business outside the marketing area or in other outlets should not be considered as genuinely associated with the market. It is not considered advisable to bring any such plant under full regulation because of the relatively small share of business done in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of the order, and might well place such plant at a competitive disadvantage in relation to its competitors in supplying unregulated markets, as well as avoid an adverse effect upon the returns of the regular Inland Empire producers.

Such a minimum is necessary also to avoid the possibility that a distributing plant not otherwise associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of making minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of Class I milk should be qualified as pool plants under this portion of the pool plant definition. In order to preserve this distinction, a further condition for qualification is placed on the distributing plant: the total distribution therefrom of Class I milk on routes to wholesale or retail outlets both inside and outside the marketing area during the month must amount to at least 50 percent of its receipts of milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply-type plant and its status under the pool should be judged by the standards applied to such plants.

Those plants from which milk for Class I uses is distributed regularly in the marketing area on routes at present may be expected, under normal circumstances, to dispose of milk in such a way as to exceed by a comfortable margin the minimum performance standards necessary to qualify as a pool plant. From time to time there may be, of course, plants supplying milk to the marketing area which will not qualify for pool status. Such plants will continue to be subject to partial regulation on the same basis as now provided.

(5) The compensatory payment provision should be applied in the case of other source milk received by a producer-handler and utilized as Class I milk; such payment should not be applied to other source milk received by handlers and utilized as Class I milk, or disposed of as Class I milk in the Inland Empire marketing area on routes by others, which is classified and priced under the provisions of another milk marketing agreement and order issued pursuant to the act.

It was stated in the decision of January 4, 1956, supporting issuance of the original Inland Empire order that "Since the order provides for the identification of that milk which is subject to total regulation under the order, the possibility remains that some milk will be disposed of in the marketing area as Class I milk which is not subject to total regulation." It was stated also that a payment at the rate equal to the difference between the Class I and Class II milk prices is necessary on milk not subject to total regulation to maintain the integrity of the pricing and pooling provisions of the order.

The provision in the order which was designed to apply compensatory payments at a rate equal to the difference between the Class I and Class II milk prices on other source milk used as Class I milk did not indicate specifically whether other source milk received by a producer-handler would be subject to the payments. It is concluded that the order should be clarified in this respect so that such payment would apply to all other source milk received by a producer-handler, except milk of his own production and that received by him from a plant regulated by this order or any other marketing agreement or order issued under the statute. The price advantage which might otherwise accrue would tend to be disruptive in its effect on the market in the same manner as other source milk received by a fully regulated handler and so used.

It is not deemed necessary, however, in the circumstances which prevail in the Inland Empire market to apply the compensatory payment to any milk priced under another milk marketing agreement or order issued under the act, whether such milk is received by a fully regulated handler or distributed in the marketing area by a handler who is not fully regulated, such as a producer-handler. The alignment of prices between the Inland Empire market and other regulated markets which are potential sources of milk for the Inland Empire market is such that, after taking transportation costs into account, no price advantage is likely to accrue to the milk under another similar regulation when disposed of in the Inland Empire market. It is concluded that the order should be clarified to accomplish the above.

Certain revisions of the order have been made for the purpose of clarifying its terms. Some of these are self-explanatory. Other such changes are discussed below.

The Dairy Division, Agricultural Marketing Service, proposed that order language be clarified so that the reporting provisions would not apply to milk products which are received by a handler in finished or final form. At the time the order was promulgated, it was not intended to include in a handler's classification accounts milk products received at a pool plant in the form in which sold to consumers. The reporting section of the order is revised accordingly for clarification.

It is likely that at least two new pool plants will be qualified immediately as the result of the marketing area changes provided for herein. Since the effective date of the order amendments resulting from this proceeding will be subsequent to the beginning of the period used for computing bases currently in effect producers shipping milk to any new pool plant should have bases computed on the basis of their deliveries to such plant during the same period (September 1956–January 1957) in the manner of producers already on the market. During the ensuing base-operating period (March 1958–February 1959) bases for such producers should be computed on the basis of their deliveries to such plant and to other pool plants during the months September 1957–January 1958. The order so provides.

The base rules should be clarified so that wherever there is a joint operation of a farm production unit only one base shall apply. The present provision requires that where the land, buildings and equipment used are jointly owned or operated, one base shall apply. This language would not apply to a situation where the land is owned by one person and the buildings and equipment by another. A number of similar combinations of resources could be established to which the present provision of the order would not apply. The intent of the provision would be weakened thereby. The language provided will clarify the original intent of the provision.

Producers and handlers also testified concerning the transfer provisions of the base rules. It was their contention that the present language of such provision allows a producer to transfer his base to one person, and to sell his herd to another. It was proposed that the base accompany the herd in cases where the herd is sold to another person who produces milk for the market.

It was also contended that present order language permits a producer to transfer his current base and then obtain a base as a "new producer" prior to the next fall base-making period.

The latter practice would tend to inflate the total amount of base milk on the market to the disadvantage of other producers and should be discouraged. The base rules therefore are clarified to insure that a producer who transfers his base after the beginning of the base-operating period will not receive a percentage base in the same manner as a producer entering the market for the first time.

Although in certain instances under base plans effective only a few months of the year administrative convenience has dictated some limitation on base transfers, the transfer of base under a year-round application of bases may be left more appropriately to settlement between the parties involved in the transfer, provided that returns to other producers will not be adversely affected thereby. In view of the revisions made, it is concluded that other restrictions on the transfer of bases are not necessary.

General findings. (a) The proposed marketing agreement and the order, as proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as proposed to be amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied.

Recommended marketing agreement and order. The following regulatory provisions are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as hereby proposed to be amended:

DEFINITIONS

§ 1008.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 1008.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1008.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 1008.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1008.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1008.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1008.6 *Inland Empire marketing area.* "Inland Empire marketing area" (hereinafter called the "marketing area") means that portion of Bonner County, Idaho, lying south of Township 60 and west of Range 2 East Boise Meridian; all of Kootenai County, Idaho, except that portion lying east of Range 3 West Boise Meridian and south of Township 53; Boundary County, Idaho; Benewah County, Idaho; Spokane County, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35; and that portion of Stevens County, Washington, lying south of Township 37. This definition shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above-described area.

§ 1008.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling, or processing of milk or milk products: *Provided*, That this definition shall not include any platform or depot used primarily for the transfer of milk from one conveyance to another in the original milk containers.

§ 1008.8 *Pool plant.* "Pool plant" means any plant, other than the plant of a producer-handler or a plant at which the milk of dairy farmers is priced by another milk marketing agreement or order issued pursuant to the act, which is approved by any health authority having jurisdiction in the marketing area as a plant for the receiving of milk qualified for consumption as fluid milk in the marketing area and from which:

(a) Class I milk pursuant to § 1008.41 (a) (1), (2) and (3) in an amount not less than 20 percent of its receipts of milk qualified as described in § 1008.11 is distributed within the marketing area on routes (for the purpose of this section route shall mean a delivery to retail or wholesale outlets, including delivery by a vendor or a sale from a plant or plant store of milk or any milk product classified as Class I milk pursuant to § 1008.41 (a) (1), (2) or (3) other than a delivery to another pool plant): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area on routes is not less than 50 percent of such plant's total receipts of milk qualified as described in § 1008.11; or

(b) Milk, skim milk, or cream is forwarded to a plant described in paragraph (a) of this section: *Provided*, That no plant forwarding milk in such manner shall be a pool plant if the percentage which the quantity of either butterfat or skim milk in milk, skim milk, and cream so forwarded is of the amount thereof contained in milk (qualified as described in § 1008.11) received from dairy farmers at such plant is less than 50 percent in the current month during the period October through December, and 20 percent in the current month during the period January through September, except if the percentage forwarded was more than 50 percent of such receipts for the entire period October through December, no percentage shall be required for such months of January through September immediately following: *And provided further*, That any such plant which otherwise meets the requirements of this paragraph but is not a

plant qualified as a pool plant under paragraph (a) of this section may withdraw from pool plant status for any month in the January–September period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

§ 1008.9 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

§ 1008.10 *Dairy farmer.* "Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1008.11 *Producer.* "Producer" means any dairy farmer, other than a producer-handler who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 1008.12 *Producer milk.* "Producer milk" or "milk received from producers" means milk of any producer qualified as described in § 1008.11 and either (a) received directly from a farm at a pool plant, or (b) caused to be diverted by a handler for his account from such plant to a nonpool plant during any of the months of February through August: *Provided*, That milk from the same producer (or from a producer who previously held such producer's base) was received at a pool plant during some portion of the period September through January immediately preceding: *And provided further*, That for all purposes under this order such diverted milk shall be deemed to have been received at the pool plant from which diverted.

§ 1008.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts of milk and milk products in any of the forms specified in § 1008.41 (a) (1), (2) and (3) (including other order milk), except (1) such milk and milk products received from a pool plant(s) and (2) producer milk; and

(b) Products other than those specified in § 1008.41 (a) (1), (2) and (3) from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1008.14 *Other order milk.* "Other order milk" means all skim milk and butterfat in any of the forms specified in § 1008.41 (a) (1), (2) or (3), received by a handler but the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any other milk marketing area.

§ 1008.15 *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a pool plant(s) or any other plant from which milk in any of the forms specified in § 1008.41 (a) (1), (2) and (3) is disposed of, either directly or indirectly, to any place or establishment within the marketing area other than a plant.

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted from a pool plant to a nonpool plant for the account of such association.

§ 1008.16 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care, and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 1008.17 *Base.* "Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 1008.60 (a) and (b), respectively.

§ 1008.18 *Base milk.* "Base milk" means milk received from a producer at a pool plant during the month in an amount which is not in excess of:

(a) Such producer's daily base computed pursuant to § 1008.60 (a) multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the intervening days of nondelivery shall be considered as days of delivery for the purposes of this section and § 1008.60; or

(b) His base computed pursuant to § 1008.60 (b).

§ 1008.19 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 1008.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1008.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1008.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1008.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1008.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate.

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deemes appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1008.30 to 1008.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1008.80 to 1008.88, inclusive.

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1008.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1008.70 (a) (5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 1008.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1008.87 and 1008.88.

(2) Each handler whose total value of milk is computed pursuant to § 1008.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1008.51 (a) and the Class I butterfat differential pursuant to § 1008.52 (a), both for the current month; and the respective minimum prices for Class II A milk and Class II milk pursuant to § 1008.51 (b) and (c) and the Class II butterfat differential pursuant to § 1008.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 1008.71 and the butterfat differential(s) computed pursuant to § 1008.82, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 1008.30 *Monthly reports of receipts and utilization.* On or before the 7th day of each month, in the detail and on forms prescribed by the market administrator, each handler shall submit to the market administrator a report for such handler's pool plant(s) and with respect to milk or milk products subject to payments required under § 1008.70 (b), containing the following information for the preceding month:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk (including other order milk) received (except manufactured milk products of the types covered by Class II A milk and Class II milk in § 1008.41 disposed of in the form in which received without further processing by the handler);

(d) Inventories of items included in Class I milk on hand at the beginning of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including (1) the pounds of skim milk and butterfat on hand at the end of each month as items included in Class I milk; and (2) a separate statement as to the amount of Class I milk disposed of on wholesale or retail routes (other than to plants) entirely outside the marketing area.

(f) The aggregate quantities of base milk and excess milk received; and

(g) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 1008.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1008.32 *Other reports.* (a) At such times and in such manner as the market administrator may prescribe each handler shall report to the market administrator such information in addition to that required under § 1008.30 as may be requested by the market administrator with respect to milk and milk products handled by him.

(b) As requested by the market administrator, each producer-handler shall report to the market administrator relative to his receipts, utilization, and disposition of milk and milk products.

(c) As requested by the market administrator, each handler shall report the total quantity of milk received from each producer and the number of days of such delivery for each month beginning with September 1956.

§ 1008.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations (and summaries thereof customarily maintained) and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 1008.30, 1008.31, and 1008.32 and to payments required to be made pursuant to §§ 1008.80 through 1008.88.

§ 1008.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8 (c) (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market adminstrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1008.35 *Handler report to producers.* (a) In making payments to producers pursuant to § 1008.80, each handler, on or before the 17th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month (1) the identification of the handler and the producer; (2) the total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery; (3) the minimum rate(s) at which payment to the producer is required under the provisions of § 1008.80; (4) the rate(s) used in making the payment, if such rate(s) is other than the required minimum rate(s), (5) the amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and (6) the net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate pursuant to § 1008.80 (b) each handler upon request shall furnish to the cooperative association, on or before the 16th day of each month, with respect to each producer for whom such payment is made, all the information specified in paragraph (a) of this section.

CLASSIFICATION

§ 1008.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 1008.30 shall be classified by the market administrator pursuant to the provisions of §§ 1008.41 through 1008.45, inclusive.

§ 1008.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1008.42, 1008.43, and 1008.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in fluid or frozen form as milk, skim milk (including fortified skim milk), skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and cream (sweet or sour), but not including any of the above items if sterilized and packaged in metal containers hermetically sealed; (2) used in the production of concentrated milk, skim milk, flavored milk and flavored milk drinks not sterilized (but not including (i) those products commonly known as evaporated milk, condensed milk, and condensed skim milk, (ii) flavored milk or flavored milk drink sterilized and packaged in metal containers hermetically sealed; and (iii) any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section); (3) disposed of as any fluid mixture containing cream and milk or

skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, cocoa mixes, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt); (4) shrinkage of producer milk in excess of that pursuant to paragraph (b) (6) of this section and shrinkage allocated to receipts from other handlers pursuant to § 1008.42 (b); and (5) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than those included under paragraphs (a) (1), (2), (3), and (c) of this section; (2) disposed of (skim milk only) for livestock feed, or dumped during April, May, June, or July: *Provided*, That in the case of skim milk dumped, the market administrator is given not less than 6 hours' notice of the handler's intention to make such disposition; (3) disposed of in bulk in any of the forms specified in paragraph (a) (1), (2), and (3) of this section (i) to bakeries, soup companies and candy manufacturing establishments in their capacity as such, (ii) to nonpool plants subject to the conditions of § 1008.44 (b) (2); (4) disposed of in any of the forms specified in paragraph (a) (1), (2), and (3) of this section if sterilized and packaged in metal containers hermetically sealed; (5) contained in inventories of items included in paragraph (a) (1), (2), and (3) of this section on hand at the end of the month; (6) in actual shrinkage of producer milk computed pursuant to § 1008.42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk; and (7) in actual shrinkage of other source milk computed pursuant to § 1008.42.

(c) Class II A milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses (and shall be included in Class II milk for all purposes of this order except as otherwise expressly stated).

§ 1008.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers.

§ 1008.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 1008.30.

(c) Except as provided in § 1008.44 (b) (1), any skim milk or butterfat classified on the basis of its use in one product shall be reclassified if used or reused by any handler in another product.

§ 1008.44 *Inter-plant movements.* Skim milk and butterfat transferred as any item specified in § 1008.41 (a) (1), (2), and (3) from a pool plant to another plant shall be assigned (separately) to each class in the following manner:

(a) From a pool plant to another pool plant: As Class I milk unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the month within which such transfer was made: *Provided*, That if either or both plants received any other source milk, the quantity transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk: *And provided further*, That (1) milk received from a plant subject to location adjustments shall be assigned to Class I milk in the transferee-plant after producer milk receipts and any receipts from plants subject to no location adjustment are assigned to Class I milk; and (2) if milk is received from more than one transferor-plant, assignment to the available Class I milk in the transferee-plant shall be made in sequence according to the location adjustment applicable at each transferor-plant beginning with the plant having the least location adjustment.

(b) From a pool plant to a nonpool plant: Such transfer(s) (also diverted milk) shall be classified as provided below, except that if the market administrator is not permitted to audit the records of the nonpool plant(s) for the purpose of use verification, the entire transfer shall be classified as Class I milk:

(1) As Class I milk, if the transfer (or diversion) is to a nonpool plant which is engaged in the distribution of milk for consumption in fluid form (except as provided in subparagraph (2) of this paragraph) to the extent that milk is disposed of as any of the items specified in § 1008.41 (a) (1), (2), and (3) from the receiving plant.

(2) As Class II milk, if the transfer (or diversion) is to a nonpool plant which is not engaged in the distribution of milk for consumption in fluid form or is engaged in the processing and distribution of milk for fluid consumption which is sterilized and packaged in metal containers hermetically-sealed: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 1008.41 (a) (1), (2), and (3) to any other nonpool plant distributing milk in fluid form, such disposition, up to the quantity of milk transferred or diverted to the first nonpool plant, shall be classified as Class I milk: *And provided further*, That with respect to the milk to which the preceding proviso does not apply, the remaining transferred or diverted quantity shall be deemed to have been utilized first for the manufacture of Class II A milk products to the extent that such products were produced at such nonpool plant.

§ 1008.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler (1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (2) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids; and

(b) Allocate skim milk in the following manner:

(1) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 1008.41 (b) (6);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received (other order milk to be subtracted last) and in overage allocated to other source milk (§ 1008.70 (a) (4)): *Provided*, That if more than one source of other source milk is involved, the skim milk shall be subtracted in sequence beginning with the source at greatest distance from the City Hall, Spokane, Washington: *And provided further*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk in Class II A milk and in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of items included in § 1008.41 (a) (1), (2) and (3) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk remaining in Class II A milk and in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class pursuant to § 1008.44;

(5) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 1008.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month:

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 1008.51 *Class prices.* Subject to the differentials provided in §§ 1008.52 and 1008.53 the following are the minimum prices per hundredweight to handlers for Class I milk, Class II A, and Class II milk:

(a) *Class I milk.* For each month the price for Class I milk shall be the basic formula price rounded to the nearest cent, plus $1.90 adjusted by the amount computed pursuant to paragraph (d) of this section.

(b) *Class II A milk.* The price for Class II A milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score), bulk creamery butter per pound at Chicago, as reported by the Department during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for spray and roller process nonfat dry milk for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents and round to the nearest cent.

(d) *Supply-demand adjustment.* On or before the 6th day of each month the market administrator shall make the following computations based upon information obtained from handler's reports of receipts and utilization:

(1) Determine the total receipts of producer milk by all handlers (including receipts from a handler's own farm production) during the second and third months preceding;

(2) Determine the total pounds of milk and milk products disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from interhandler transfers) during the same two months; and

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio."

(4) Whenever the current supply-demand ratio varies from the standard utilization percentage for the current month set forth in the following table the Class I price shall be increased or decreased 5.0 cents for each full percentage point that the current supply-demand ratio is above or below, respectively, the percentage for such month set forth in the table, but such price shall not be increased or decreased more than 50 cents for any month because of the current supply-demand ratio:

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	84	October–November.
February	83	November–December.
March	80	December–January.
April	82	January–February.
May	81	February–March.
June	79	March–April.
July	70	April–May.
August	64	May–June.
September	66	June–July.
October	69	July–August.
November	75	August–September.
December	81	September–October.

§ 1008.52 *Butterfat differentials to handlers.* If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 1008.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 1008.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.123, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk and Class II–A milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department, during the month, multiply the result by 0.115, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 1008.53 *Location adjustment credits to handlers.* The price for Class I milk at a pool plant located more than 50 miles from the City Hall, Spokane, Washington, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk pursuant to § 1008.51 (a), less a location adjustment per hundredweight of milk computed as follows: 3 cents for each 10 miles, or major fraction thereof, up to 100 miles, an additional 2.0 cents for each 10 miles, or major fraction thereof, for distances in excess of 100 miles but not more than 200 miles, and an additional 1.0 cent for each 10 miles, or major fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance, as determined by the market administrator, from such pool

plant to the City Hall, Spokane, Washington.

§ 1008.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF BASE

§ 1008.60 *Computation of producer bases.* Subject to the rules set forth in § 1008.61 the market administrator shall determine bases for producers in the following manner:

(a) The daily base of each producer whose milk was received at a pool plant(s) on not less than 120 days during the months of September through January, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered to a pool plant in such five-month period by the number of days from the date of his first delivery to the end of such five-month period: *Provided,* That the daily base of any producer who delivered milk on not less than 120 days during such September–January period to a plant which subsequently qualified as a pool plant shall be computed, in similar manner, on the basis of such producer's deliveries to such plant in such September–January period. The base so computed, which shall be recomputed each year, shall become effective on the first day of March next following and shall remain in effect through the month of February of the next succeeding year.

(b) The base of any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section (including any producer for whom a base may not be computed pursuant to this section because of lack of available information concerning such producer's deliveries in the applicable September–January period) shall be a quantity, to be effective for the current month only, computed by multiplying his deliveries to a pool plant(s) during the month by the appropriate monthly percentage in the following table:

January	80	July	65
February	75	August	70
March	70	September	75
April	60	October	80
May	60	November	80
June	60	December	80

§ 1008.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base computed pursuant to § 1008.60 (a) may be transferred in its entirety to another producer upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases, or otherwise conveys his herd to the same producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part: *Provided,* That all deliveries of milk by a producer who has transferred his base to another producer shall be excess milk until March 1 next following such transfer.

(b) A producer who ceases deliveries to a pool plant for more than 45 consecutive days shall lose his base if computed pursuant to § 1008.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1008.60 (b) until he can establish a new base under § 1008.60 (a), to begin the next March 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 1008.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next March 1 such producer's base shall be computed in the manner provided by § 1008.60 (b).

(d) As soon as bases computed by the market administrator under § 1008.60 (a) and (b) are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list (or lists) showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm, he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 1008.11 may establish or earn a base pursuant to the provisions of § 1008.60 (a) or (b) and only one base shall be allotted with respect to milk produced by two or more persons where the land, buildings, or equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 1008.70 *Computation of value of milk.* (a) The total value of milk received during any month by each handler, including any cooperative association which is a handler, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 1008.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 1008.53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of the reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made.

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 1008.45 by the applicable class price: *Provided,* That if (i) overage results in a pool plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and (ii) overage results in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, and the transferor handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity.

(5) Add, with respect to other source milk (including overage allocated to other source milk but excluding other order milk) received at each pool plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk (other than Class II A) prices adjusted, respectively, by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk): *Provided,* That if the plant supplying such milk is located outside the marketing area and more than 50 miles from the City Hall, Spokane, Washington, the rate of payment per hundredweight of milk otherwise required by this subparagraph shall be reduced by the rate of location adjustment provided in § 1008.53 for the distance such plant is located from the City Hall, Spokane, Washington, but not to exceed $1.90 per hundredweight.

(6) Add the amount computed by multiplying the difference between the Class II price (§ 1008.51 (c)) for the preceding month and the Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1008.45 (a) (4) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1008.45 (a) (3) and (b) for the current month, whichever is less.

(b) The value of milk (except other order milk) of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of in the marketing area as Class I milk pursuant to § 1008.41 (a) (1), (2), or (3) shall be a sum of money computed by the market administrator by multiplying the hundredweight of other source milk so disposed of by the difference between the Class I and Class II milk (other than Class II A) prices, adjusted by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk), and by the same rate of location differential), if any, provided in paragraph (a) (5) of this section: *Provided,* That a producer-handler shall not be obligated for payments under this paragraph with respect to that portion of other source milk represented by his own farm production.

§ 1008.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who made the reports prescribed in § 1008.30 and who made the payments pursuant to § 1008.84 for the preceding month;

(b) Add the aggregate of values of the location adjustments on base milk allowable pursuant to § 1008.81;

(c) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4 percent, or add, if such average butterfat content is less than 4 percent, an amount computed by multiplying the amount by which the average butterfat content of base and excess milk varies from 4 percent by the appropriate butterfat differentials computed pursuant to § 1008.82, and multiply the resulting figures by the respective hundredweights of base and excess milk;

(e) Multiply the hundredweight of excess milk by the Class II (other than Class II A) price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided,* That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the sum of the amount obtained in paragraph (e) of this section and any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 1008.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 17th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided,* That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 1008.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 16th day after the end of such month: *And provided further,* That, if by such date such handler has not received full payment for such month pursuant to § 1008.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the location adjustment computed pursuant to § 1008.81 and by the butterfat differential computed pursuant to § 1008.82.

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1008.82.

(b) On or before the 16th day after the end of each month each handler shall pay to each cooperative association which operates a pool plant for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 1008.41) by the class price.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 1008.81 *Location adjustments to producers.* In making payment to producers pursuant to § 1008.80 for milk received at a pool plant to which the provisions of § 1008.53 apply, the uniform price per hundredweight for base milk shall be reduced at the same rate per hundredweight as is applicable to Class I milk at such plant pursuant to § 1008.53.

§ 1008.82 *Producer butterfat differential.* In making payments pursuant to § 1008.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, butterfat differentials computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 1008.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 1008.84 and out of which he shall make all payments to handlers pursuant to § 1008.85.

§ 1008.84 *Payments to the producer-settlement fund.* (a) On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, whose obligation is computed pursuant to § 1008.70 (a) shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80 (a).

(b) Each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who disposes of milk as described in § 1008.70 (b) shall pay the amount computed for him pursuant to such paragraph.

§ 1008.85 *Payments out of the producer-settlement fund.* On or before the 15th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80 (a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1008.84, 1008.86, 1008.87, and 1008.88: *Provided,* That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1008.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1008.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1008.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1008.80 (a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1008.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler, including any cooperative association which is a handler but not including a producer-handler, shall pay to the market administrator on or before the 14th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk (except other order milk) classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 1008.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information.

(1) The amount of obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8e (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1008.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1008.91.

§ 1008.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1008.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1008.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1008.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1008.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 9th day of August 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-6672; Filed, Aug. 13, 1957; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 617]

CONTROL OF GROUND TRAFFIC BY AN AIRPORT CONTROL TOWER

NOTICE OF PROPOSED RULE MAKING

Under the present definition of the movement area of an airport and other provisions of Part 617, an airport traffic control tower is responsible for the control of aircraft and vehicles maneuvering within the parking or ramp areas of an airport as well as on the runways and taxiways. Due to the increased size, traffic density, traffic intermixture, and complexity of modern airports, an airport traffic controller cannot efficiently control, by voice methods or other known means from an airport tower, ground traffic moving to and from the numerous hangars, loading ramps and facilities located within the parking and ramp areas of an airport. Therefore, the Administrator believes that a more efficient flow of ground traffic can be accomplished within those areas if control of such traffic is exercised by the airport operator instead of the airport traffic controller. Control of traffic by the airport operator within such areas may be accomplished by a traffic light system, "follow me" car or attendant, or any other traffic control system which the airport operator deems appropriate for the particular airport.

The control of such ground traffic by the airport operator will permit the airport traffic controller to concentrate his efforts upon the control of traffic engaged in landing or take-off or operating within a defined movement area of the airport. However, to permit such dual control by the airport traffic controller and the airport operator, and to delineate clearly those areas within which their respective controls may be exercised, the Administrator proposes the following amendments to Part 617 of the Regulations of the Administrator. These amendments revise the definition of the movement area of an airport by limiting such area to the runways, taxiways, and other operating areas designated by the Administrator and posted as such for each particular airport. In addition, other sections of that Part are amended by limiting the ground control responsibility of the airport control tower to aircraft and vehicles within the movement area of the airport.

Interested persons may participate in the making of the proposed rules by submitting such data, views or arguments as they desire to the Director, Office of Air Traffic Control, Civil Aeronautics Administration, Washington 25, D. C., prior to September 15, 1957.

In view of the foregoing, notice is hereby given that it is proposed to amend Part 617 as follows:

1. Amend the definition of "movement area" contained in § 617.1 to read:

Movement area. The runways, taxiways, and other areas, excluding ramps and parking areas, within the posted ATC control limits of an airport.

2. Amend § 617.21 (a) (1) to read as follows:

§ 617.21 *General responsibility—(a) Responsibility of airport traffic control towers.* (1) An airport traffic control tower is responsible for the issuance of clearances and information to pilots of aircraft for the purpose of preventing collision between:

(i) Aircraft operating within the movement area of an airport.

(ii) Aircraft and vehicles operating within the movement area of an airport.

(iii) Aircraft in the traffic pattern, and landing and taking off on the movement area.

3. Change the title of § 617.22 to read:

§ 617.22 *Control of traffic on and in the vicinity of a movement area.*

4. Amend § 617.22 (a) by changing the words "landing area" appearing in the first sentence to "movement area of the airport" and the words "landing areas" appearing in the second sentence to "airports".

5. Amend § 617.22 (b) (5) to read as follows:

§ 617.22 *Control of traffic on and in vicinity of a movement area.* * * *

(b) *Critical positions of aircraft in the traffic and taxi patterns.* * * *

(5) Clearance to taxi on taxiways within the movement area of the airport.

6. Amend § 617.22 (d) (5) to read:

(d) *Control of taxiing aircraft.* * * *

(5) The control of taxiing aircraft and vehicles outside the movement area is the responsibility of the operators of the aircraft and vehicles, unless control is exercised within such areas by the operator of the airport.

7. Delete § 617.22 (d) (6).

8. Amend § 617.22 (f) by changing the words "landing area" in the title of this paragraph to "movement area."

9. Amend § 617.22 (f) (1) by changing the words "landing area" appearing in the first and last sentence thereof to read: "movement area."

10. Amend § 617.22 (f) (2) by changing the words "landing area" appearing in the second and third sentence thereof of read: "movement area of the airport."

11. Amend § 617.22 (g) by changing the words "landing area" appearing in the title of this paragraph to "movement area."

12. Amend § 617.23 (c) (1) by changing the words "landing area" appearing therein to "movement area."

13. Amend § 617.23 (c) (1) by changing the words "landing area" appearing in the chart under this paragraph to "movement area."

14. Amend § 617.23 (f) (1) by changing the words "landing area" appearing in the first sentence thereof to "movement area."

15. Amend § 617.25 (a) (2) (i) by changing the words "landing area" wherever they appear in the second sentence of this paragraph to "movement area."

16. Amend § 617.25 (b) (2) (i) by changing the words "landing area" in the first sentence to "movement area."

17. Amend § 617.25 (b) (4) (iii) by changing the words "landing area" in the first sentence to "movement area."

18. Amend § 617.26 (a) (1) by deleting the words "landing area" in the second sentence and substituting the words "movement area."

19. Amend § 617.25 (a) (3) to read as follows:

617.26 *Local traffic information*—(a) *Essential local traffic.* * * *

(3) Essential ground traffic shall include any aircraft, vehicle or personnel on the movement area which might constitute a hazard to the operation of the aircraft concerned.

20. Amend § 617.27 (a) (2) (ii) by changing the words "landing area" to "movement area."

21. Amend § 617.30 (b) (1) (i) (*a*), (*b*), (*c*), (*d*), and (*g*) by changing the words "landing area" wherever they appear therein to "movement area."

22. Amend § 617.30 (c) (1) by changing the words "landing area" appearing in the last sentence to "movement area."

23. Amend § 617.30 (c) (2) (i) (*e*) by changing the words "landing area" appearing in the third sentence to "movement area."

24. Amend § 617.30 (h) (2) by changing the words "landing area" in the second sentence of this paragraph to "movement area."

(Sec. 302 (a), 52 Stat. 985, as amended by 62 Stat. 1216, 49 U. S. C. 452; Sec. 601, 52 Stat. 1007, as amended by 62 Stat. 1216, 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator.

AUGUST 7, 1957.

[F. R. Doc. 57-6654; Filed, Aug. 13, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

WARD GARCIA, S. A. (WARD LINE) AND BULL INSULAR LINE, INC.

NOTICE OF CANCELLATION OF AGREEMENT

Notice is hereby given that by order dated August 1, 1957, the Federal Maritime Board approved the cancellation of the following described agreement pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

Agreement No. 8124, between Ward Garcia, S. A. (Ward Line) and Bull Insular Line, Inc., covering the transportation of cargo under through bills of lading from Puerto Rico to Mexico, with transhipment at New York, Baltimore or Philadelphia.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

AUGUST 9, 1957.

[F. R. Doc. 57-6670; Filed, Aug. 13, 1957; 8:54 a. m.]

Office of the Secretary

FRANK R. BAILEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8937; March 15, 1956, 21 F. R. 1665; August 15, 1956, 21 F. R. 6098; February 7, 1957, 22 F. R. 772.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1957.

Dated: August 2, 1957.

FRANK R. BAILEY.

[F. R. Doc. 57-6629, Filed, Aug. 13, 1957, 8:45 a. m.]

CARL O. FRIEND

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 20, 1957, 22 F. R. 1044.

A. Deletions: Continental Motors, Inc.
B. Additions: No change.

This statement is made as of August 1, 1957.

Dated: August 1, 1957.

CARL O. FRIEND.

[F. R. Doc. 57-6629, Filed, Aug. 13, 1957, 8:45 a. m.]

LOUIS A. SCHLUETER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8941; March 20, 1956, 21 F. R. 1736; August 15, 1956, 21 F. R. 6098; February 14, 1957, 22 F. R. 937.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1957.

Dated: August 1, 1957.

LOUIS A. SCHLUETER.

[F. R. Doc. 57-6631; Filed, Aug. 13, 1957; 8:45 a. m.]

ARTHUR W. WINSTON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 7, 1957, 22 F. R. 772.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 29, 1957.

Dated: July 29, 1957.

ARTHUR W. WINSTON.

[F. R. Doc. 57-6632; Filed, Aug. 13, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-018101]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; CORRECTION

AUGUST 5, 1957.

Pursuant to authority delegated to me by Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), Order Providing for Opening of Public Lands appearing as Federal Register Document 57-5177 in the FEDERAL REGISTER issue of June 26, 1957, Pages 4479-4480, is corrected as follows:

Under paragraph a, the words "• • • and applications and offers under the mineral leasing laws • • •" should be deleted.

Under paragraph a (3), the words "• • • and applications and offers under the mineral leasing laws • • •" should be deleted.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 57-6639; Filed, Aug. 13, 1957; 8:47 a. m.]

[C-018448]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; AMENDMENT

AUGUST 5, 1957.

Pursuant to authority delegated to me by Order No. 541, Sec. 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), Order Providing for Opening of Public Lands appearing as Federal Register Document 57-6133 in the FEDERAL REGISTER issue of July 27, 1957, page 5967 is amended as follows:

Under paragraph a, the words "• • • and applications and offers under the mineral leasing laws • • •" should be deleted.

Paragraph a (3) should be deleted and the following paragraph substituted:

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 23, 1957 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 57-6640; Filed, Aug. 13, 1957; 8:47 a. m.]

[Classification Order 23]

NEW MEXICO

SMALL TRACT CLASSIFICATION AMENDED

AUGUST 6, 1957.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby amend New Mexico Small Tract Classification Order No. 23, appearing as F. R. Doc. 49-7837, filed September 28, 1949 as amended by New Mexico Small Tract Classification Order No. 23, amended under date of January 13, 1950, as follows:

Whereas the above described Classification Order as amended, classified as suitable for lease and sale as home, cabin, and business sites, or combination home and business sites under the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), among other lands, those described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 9 E.,
Sec. 30, Lots 1, 2, 5, 6, and E½NW¼.

The area described contains 250.69 acres.

No applications for the above described lands have been received; and since divers persons have alleged that the lands are mineralized and desire to locate mining claims thereon, the said lands are hereby declassified as small tract sites, and are restored to the status of public domain and to the operation of all applicable mining and public land laws.

W. J. ANDERSON,
Acting State Supervisor,

[F. R. Doc. 57-6641; Filed, Aug. 13, 1957; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-50]

NORTH AMERICAN AVIATION, INC.

NOTICE OF ISSUANCE OF LICENSE

Please take notice that the Atomic Energy Commission on August 5, 1957, issued License No. R-19 to North American Aviation, Inc., authorizing operation of a 5-watt solution-type research reactor at Canoga Park, California. A notice of proposed issuance of this license was published in the FEDERAL REGISTER on July 17, 1957, 22 F. R. 5648.

Dated at Washington, D. C., this 5th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-6599; Filed, Aug. 13, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INDIANA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in White County in the State of Indiana a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 9th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6675; Filed, Aug. 13, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11972; FCC 57M-765]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.:

ORDER AFTER PREHEARING CONFERENCE

In the matter of American Telephone and Telegraph Company et al., Docket No. 11972; lease and maintenance of equipment and facilities for private communication systems.

1. Pursuant to Hearing Examiner order dated June 11, 1957, a prehearing conference was held on July 2, 1957, as shown by Transcript Volume 1, pages 1-97, which is made a part of the record herein. Except as noted in paragraph 2, all parties were represented by counsel as indicated in the attached appendix which is incorporated by reference in this order. Also shown in the appendix are the short names of the various parties which, for convenience in this order and in the further proceedings, will be used to identify the several parties and groups of parties. The agreements and determinations derived in the prehearing conference are set out in this order.

2. It was ascertained that counsel for some of the respondent and intervenor parties had not filed the statement of appearance required by § 1.716 of the Commission's rules; however, each participant agreed to waive the provisions of that rule and all represented parties participated fully in the prehearing conference. At the time of the prehearing conference certain persons were then seeking to be made parties intervenor herein; the attorneys for all parties present interposed no objection to the proposed interventions and agreed that counsel for such petitioners might participate in the prehearing conference and in the procedures therein determined upon. Accordingly, the appendix lists all parties now authorized to participate in this proceeding. The listed intervenors Watson, PCA, and Goodenough were formally admitted to participation by orders issued after the prehearing conference.

3. This proceeding is an investigation instituted by the Commission to ascertain facts and information concerning AT&T Tariff FCC No. 235, the particular areas of inquiry being stated in Issues 1, 2, and 3 (a)-3 (d). The hearing is to be conducted by the Hearing Examiner solely for the purpose of developing an evidentiary record which shall be certified to the Commission without the filing of either an initial or a recommended decision. The Commission determined, in disposing of petitions by PIEA and Motorola, that this is not an adjudication proceeding under either the Administrative Procedure Act or the 1952 Amendments to the Communications Act. (See the Commission's Memorandum Opinion and Order released May 31, 1957, 22 FCC 1220, 15 RR 189.) Counsel for Motorola stated on the record its continuing exception to the adverse rulings of the Commission therein set out, and noted that its participation in the proceedings shall not be deemed a waiver of the jurisdiction and issue enlargement contentions presented by the Motorola petition. Also, counsel for PIEA expressly stated that its continuing participation in this proceeding is not to be deemed a waiver of the contentions set out in its pending petition for reconsideration of certain rulings in the above-cited Memorandum Opinion and Order.

4. The Commission's orders governing this proceeding point out that the hearing appropriately may be divided into two parts; for the convenience of all concerned, the hearing phases are hereinafter referred to as Part A and Part B, the latter being deferred. The matters considered at the prehearing conference were limited to the steps and procedures to be followed in Part A of this proceeding. Part A, upon which evidence will be completed and the record thereupon forthwith submitted to the Commission, presents so-called jurisdictional questions by Issues 1 and 2 which are stated in the Commission's orders as follows:

(1) Whether the lease and maintenance of private mobile communications systems as contemplated by the aforementioned tariff schedules (Tariff FCC No. 235) of AT&T constitute a common carrier communication service subject to the jurisdiction of the Commission under the provisions of Title II of the Communications Act of 1934, as amended; and, if not, whether such tariff schedules should be stricken from the files of the Commission and returned to AT&T.

(2) The terms, conditions, and arrangements under which the Bell System companies (other than AT&T) now provide and intend to provide equipment and facilities on a lease and maintenance basis for private communications systems to persons eligible to be licensed by the Commission in any of the Safety and Special Radio Services, and the extent to which such services constitute or will constitute common carrier communication services subject to the jurisdiction of the Commission under Title II of the Communications Act of 1934, as amended.

5. Bureau counsel agreed to prepare from the Commission's files and records a documentary exhibit or exhibits setting out all correspondence relating to the tariff under investigation. Counsel for Motorola suggested that those exhibits should include such correspondence, if any, with other government agencies concerning the tariff as may not be in the public docket files; the matter thus raised was deferred, by agreement, for disposition after informal discussions among the attorneys concerned. Bureau counsel expects to prepare and submit an exhibit embodying the tariffs which are to be officially noticed or incorporated by reference in this record. The Bureau exhibits here referred to will be notified to all participants in this proceeding on or before Friday, September 6, 1957, in the manner hereinafter specified.

6. Respondents will proceed first with the presentation of their evidence which will be directed towards the various points and requests set out in the Commission's letter of April 11, 1957 to the respondents; copies of that letter have been or will be made available to all parties herein. Respondents' evidence will also pertain to some other aspects of the matters set out in the letter which the respondents believe to be relevant to the subject under inquiry. Some requests and suggestions for particular evidence not necessarily specified in the Commission's letter were set out in a letter from Motorola to the Commission dated June 13, 1957; the Motorola letter is deemed to be notice to the respondents of the scope and type of information which will be sought by Motorola through cross-examination and otherwise, to the extent that such matters are not covered by the respondents' direct affirmative evidence.

7. The respondents expect to offer evidence through approximately five witnesses. Their direct testimony will be prepared in writing, in either narrative or question and answer form, and will be verified by the witnesses. The written testimony and associated exhibits, comprising the direct affirmative case for the respondents, will be notified to and served upon counsel for all parties to this proceeding on or before Friday, September 6, 1957, as specified in this order.

8. At the hearing the direct affirmative testimony and exhibits for the respondents will be offered in evidence, and the witnesses will be then available for direct and cross-examination. The oral examination of each witness will be completed before another witness is offered. Cross-examination will be fully completed before redirect examination. It was tentatively agreed that the order of cross-examination will be as follows:

Watson, Motorola, GSA, USITA, PIEA, PCA, Goodenough, and Bureau. It is expected that the parties' attorneys will endeavor to consolidate, apportion, and otherwise limit cross-examination to the end that essential matters will be adequately but not cumulatively developed.

9. The several intervenors are not prepared to forecast definitely their evidentiary showings and expected procedures until after they have examined the evidence to be offered by the respondents. In the aggregate, the intervenors' witnesses and exhibits, though yet uncertain, are expected to be few in number. It may develop, from informal conferences among counsel after presentation of the respondents' evidence, that the evidence for some or all of the intervenors will consist of prepared written testimony and exhibits, but the right to present oral testimony is not now waived by any intervenor. The forms and procedures to be followed in receiving evidence for the intervenors, including the prior exchange of testimony and exhibits, will be determined upon and defined at the hearing. Evidence on behalf of nonparties may be offered, with the cooperation of Bureau counsel, pursuant to § 1.723 of the Commission's rules.

10. The evidentiary record will include various material and relevant facts shown by the public records and files of the Commission. Such matters may be made a part of this hearing record through official notice or incorporation by reference. Parties desiring that such public record facts be made a part of this record shall explicitly and specifically so request; only relevant and material portions of public documents will be subject to inclusion in the evidentiary record. For convenience, each party so seeking the inclusion of official record facts shall furnish to counsel for each participant a copy of the material covered by the request. Objections will be sustained to requests for official notice or incorporation by reference which are not definitively limited to relevant and material facts and which are not presented in compliance with the procedures herein outlined. Except as otherwise provided in this order the provisions of §§ 1.762–1.767 and 1.871–1.881 of the Commission's rules shall be controlling.

11. The special notifications and exhibit exchanges herein provided for shall be communicated in triplicate to counsel for the parties at the addresses shown in Appendix A and as indicated below:

Party	Attorney	Number of copies
AT&T and Bell Companies.	Mr. Quisenberry	1
	Mr. Cohen	1
	Mr. North	1
Watson	Mr. Krieger	2
	Mr. Geernaert	1
Motorola	Mr. Beelar	1
	Mr. Hedrick	1
	Mr. Spencer	1
GSA	Mr. Miller	3
USITA	Mr. Ross	3
PIEA	Mr. Heckman	3
PCA	Mr. Worthington	3
Goodenough	Mr. Porter	3
Bureau	Mr. Strassburg	3

12. The distinctive numbering of exhibits, including the prepared written testimony of witnesses, will shorten and simplify references thereto; accordingly, blocks of numbers available for identifying exhibits to be offered by the parties are assigned as follows:

Party:	*Exhibit Numbers*
AT&T	1 through 99
Bell Companies	101 through 199
Watson	201 through 299
Motorola	301 through 399
GSA	401 through 499
USITA	501 through 599
PIEA	601 through 699
PCA	701 through 799
Goodenough	801 through 899
Bureau	901 through 999

13. References to, and examinations upon, written exhibits and testimony will be facilitated by the organization, preparation, and handling thereof as provided in this paragraph. To the extent practicable: (a) Each separately numbered exhibit shall consist of consecutively numbered pages beginning at Number 1 for each exhibit, and each page shall show the exhibit number; (b) the lines of typed or printed information shall be consecutively numbered beginning with line 1 on each page; (c) pages which include or consist of information tabulated or set out in columns shall include a consecutive numbering from left to right of each column, in addition to the line numbering above indicated; (d) any attachments or appendices which are subordinate parts of a single written testimony exhibit may be made a part of the testimony exhibit, in which case the exhibit's sequential page numbering shall be followed, or such material may be assigned separate exhibit numbers, as counsel may deem most suited to the purposes of orderly presentation and consideration; and (e) material ordinarily included in appendices or attachments shall be included in separately numbered exhibits if the material is not essentially a subordinate part of another single exhibit. Objections to, and discussions of, any exhibit shall succinctly refer to the appropriate column, line, page, and number of the subject exhibit.

14. Counsel for all parties are encouraged and expected to engage in informal conferences among themselves in conjunction with, and after, the exchange of the exhibits and notification steps herein provided for to insure: (a) That the hearing record evidence will be clearly responsive to the matters under inquiry; (b) that trivial and needless objections to, and arguments upon the admissibility of, evidence will be eliminated; and (c) that cross-examination and requests for supplemental information will be limited to significant and relevant matters.

15. The presentation of evidence in this proceeding shall be commenced at a hearing to be convened at 10:00 a. m. on Tuesday, October 1, 1957. One party's request for a further prehearing conference was not pressed after it was determined that questions of a prehearing nature can be considered at an appropriate time in the hearing without encountering the delay that might follow a separately scheduled prehearing conference. Unless otherwise informally ordered on the record, the hours of hearing will be from 10:00 a. m. to 12:30 p. m. and from 2:00 to 4:30 p. m. Hearing proceedings will be conducted on the record at all times unless requests for off-the-record discussions meet with unanimous consent, or unless for extraordinary reasons the proceeding on the record is ordered to be suspended; relevant discussions or determinations had or made off the record will be summarized by statements on the hearing record.

16. The terms and provisions of this order shall govern the course of this proceeding unless modification is effected as provided in this paragraph or in the ordering paragraph which follows. Within 15 days after the release of this order any party may informally request by letter, with a notification copy thereof to other parties, that any specified provisions herein be modified to conform with the agreements, understandings, and determinations that were made as shown by the transcript record which shall be cited; such informal requests will be summarily granted by order if supported by the record. Modifications of this order which are not affirmatively supported by the transcript record may be requested by formal motion filed within 15 days after the release date; other parties may respond within 10 days thereafter; opposing contentions thus presented, if any, will be resolved after oral argument to be held either at a scheduled date to be announced or at the commencement of the hearing as herein ordered.

Pursuant to §§ 1.813 and 1.844 of the Commission's rules: *It is ordered*, This 7th day of August, 1957, that the terms and conditions and provisions hereinabove stated shall govern the course of the further proceedings herein to the extent indicated, unless this order be modified by the Hearing Examiner as hereinabove provided or by the Commission upon review: *And it is further ordered*, That the hearing of evidence in this proceeding shall be commenced at 10:00 a. m. on Tuesday, October 1, 1957, at Washington, D. C.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

APPENDIX A

ORDER AFTER PREHEARING CONFERENCE—DOCKET NO. 11972

The named parties in this proceeding as of August 5, 1957, their short names, and the names and addresses of their attorneys, for the purposes of this proceeding, are as listed below. AT&T and the Bell Companies are sometimes referred to collectively as the respondents; the private parties are sometimes referred to collectively as the intervenors.

Party	Short names	Names and addresses of attorneys
American Telephone & Telegraph Co.	AT&T	John T. Quisenberry, Harold J. Cohen, 195 Broadway, New York 7, N. Y. Ernest D. North, Charles F. Martin, 32 Avenue of the Americas, New York 13, N. Y.
Bell Telephone Co. of Nevada. The Bell Telephone Co. of Pennsylvania. The Chesapeake & Potomac Telephone Co. The Chesapeake & Potomac Telephone Co. of Maryland. The Chesapeake & Potomac Telephone Co. of Virginia. The Chesapeake & Potomac Telephone Co. of West Virginia. The Cincinnati & Suburban Bell Telephone Co. Citizens Telephone Co. The Diamond State Telephone Co. The Harrison Telephone Co. Illinois Bell Telephone Co. Indiana Bell Telephone Co., Inc. Michigan Bell Telephone Co. The Mountain States Telephone & Telegraph Co. New England Telephone & Telegraph Co. New Jersey Bell Telephone Co. New York Telephone Co. Northwestern Bell Telephone Co. The Ohio Bell Telephone Co. The Pacific Telephone & Telegraph Co. Southern Bell Telephone & Telegraph Co. The Southern New England Telephone Co. Southwestern Bell Telephone Co. Wisconsin Telephone Co.	Bell companies	As above for AT&T.
Watson Communication Systems, Inc.	Watson	Seymour Krieger, 514 Wyatt Bldg., Washington 5, D. C.
Walter F. Corbin, Jr., d/b as Radio Communication Sales & Service. Lloyd A. French, d/b as Lloyd A. French Radio Engineering. Donald R. Cook, d/b as Electronic Specialties Co. A. E. Gilbeau, and George Sue, a co-partnership d/b as Radio Dispatch Co. Alvor E. Olson, d/b as Nor-Cal Tele-Radio System. Donald Rice, d/b as Tri-City Radio Dispatch Co. Thomas Poor, d/b as Bakersfield Electronics.		Bruce R. Geernaert, Berol & Silver, 100 Bush St., San Francisco 4, Calif.
Motorola, Inc.	Motorola	Donald C. Beelar, Kelley E. Griffith, Kirkland, Fleming, Green, Martin & Ellis, 800 World Center Bldg., Washington 6, D. C. F. Cleveland Hedrick, Jr., Byrne Litschgi, Hedrick & Lane, 1001 Connecticut Ave., Washington 6, D. C.
Administrator of General Services, The United States of America.	GSA	Lewis D. Spencer, 4545 West Augusta Blvd., Chicago 51, Ill. Malcolm D. Miller, Office of General Counsel, General Services Administration, Washington 25, D. C.
United States Independent Telephone Association.	USITA	Bradford Ross, 725 15th St. NW., Washington, D. C.
Petroleum Industry Electrical Association. Central Committee on Radio Facilities of the American Petroleum Institute. Private Communications Association, Inc.	PIEA	Jerome H. Heckman, Joseph E. Keller, Dow, Lohnes & Albertson, 600 Munsey Bldg., Washington 4, D. C.
	PCA	William C. Worthington, Worthington, White & Harper, 730 Royster Bldg., Norfolk 10, Va.
Calvin Goodenough of Janesville, Wis. Radio Communication Co. of Milwaukee, Wis. Victor A. Pieper of Milwaukee, Wis.	Goodenough	John T. Porter, Porter & Porter, 708 First National Bank Bldg., Madison 3, Wis.
Common Carrier Bureau, Federal Communications Commission.	Bureau	Bernard Strassburg, William M. Lesher, Federal Communications Commission, Washington 25, D. C.

[F. R. Doc. 57-6664; Filed, Aug. 13, 1957; 8:53 a. m.]

[Docket No. 12117; FCC 57M-764]

BEST CABS, INC.

ORDER CONTINUING HEARING

In the matter of application of Best Cabs, Inc., 203 West 9th Street, Wichita, Kansas, for radio station authorization in the taxicab radio service.

To accommodate the Hearing Examiner's schedule: *It is ordered*, This 6th day of August 1957, that the hearing now scheduled for September 18, 1957, is continued to Monday, October 14, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Released: August 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6665; Filed, Aug. 13, 1957; 8:53 a. m.]

[Docket No. 12119 etc.; FCC 57M-766]

TELEVISION BROADCASTERS, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Television Broadcasters, Inc., Beaumont, Texas, Docket No. 12118; File No. BMPCT-4681; for modification of construction permit; WDSU Broadcasting Corporation, Port Arthur, Texas, Docket No. 12119, File No. BPCT-2300; KPBX Broadcasting Company, Beaumont, Texas, Docket No. 12120, File No. BPCT-2313; Brown Telecasters, Inc., Beaumont, Texas, Docket No. 12121, File No. BPCT-2327; for construction permits for new television broadcast stations.

It is ordered, This 5th day of August 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 12, 1957, in Washington, D. C.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6666; Filed, Aug. 13, 1957; 8:53 a. m.]

[Docket Nos. 12124, 12125; FCC 57M-771]

GEOFFREY A. LAPPING AND PHOENIX BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Geoffrey A. Lapping, Phoenix, Arizona, Docket No. 12124, File No. BP-10963; Harold Lampel and Dawkins Espy, d/b as Phoenix Broadcasting Company, Phoenix Arizona, Docket No. 12125, File No. BP-10964; for construction permits.

It is ordered, This 5th day of August 1957, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 25, 1957, in Washington, D. C.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6667; Filed, Aug. 13, 1957; 8:53 a. m.]

[Docket Nos. 12128, 12129; FCC 57M-770]

ALLEGAN COUNTY BROADCASTERS AND BOOTH RADIO & TELEVISION STATIONS, INC. (WJVA)

ORDER SCHEDULING HEARING

In re applications of Allegan County Broadcasters, Allegan, Michigan, Docket No. 12128, File No. BP-10928; Booth Radio & Television Stations, Inc. (WJVA), South Bend, Indiana, Docket No. 12129, File No. BP-11107; for construction permits.

It is ordered, This 5th day of August 1957, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 31, 1957, in Washington, D. C.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6668; Filed, Aug. 13, 1957; 8:53 a. m.]

[Docket Nos. 12130, 12131; FCC 57M-767]

JOE D. CARROLL AND PHILIP D. JACKSON

ORDER SCHEDULING HEARING

In re applications of Joe D. Carroll, Klamath Falls, Oregon, Docket No. 12130, File No. BP-10668; Philip D. Jackson,

Klamath Falls, Oregon, Docket No. 12131, File No. BP–11269; for construction permits.

It is ordered, This 5th day of August 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 28, 1957, in Washington, D. C.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57–6669; Filed, Aug. 13, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–2340, 2341]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS EASTERN PENN-JERSEY TRANSMISSION CORP.

ORDER DENYING REHEARING OF REJECTION OF TENDERED RATE FILINGS, MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, PROVIDING FOR HEARING AND DEFERRING PROPOSED CHANGE IN LEASE AGREEMENT

AUGUST 7, 1957.

On July 8, 1957, Texas Eastern Penn-Jersey Transmission Corporation (Penn-Jersey) filed an application for rehearing of the Commission's rejection by letter on June 7, 1957, of its tendered rate filing made on May 10, 1957, or, in the alternative for modification of the certificate of public convenience and necessity granted by order issued April 29, 1954 in Docket Nos. G–2340 and G–2341.

Penn-Jersey leases to its parent company, Texas Eastern Transmission Corporation (Texas Eastern), its facilities which extend from its Oakford Storage Field in Westmoreland County, Pennsylvania, to Texas Eastern's facilities near Lambertville, New Jersey. The construction of the original facilities by Penn-Jersey, and their operation by Texas Eastern under a lease agreement were authorized by order issued April 29, 1954 in Docket Nos. G–2340 and G–2341. Paragraph (E) (b) of that order provides as a condition for such construction and operation that:

> Penn-Jersey and Texas Eastern shall revise their lease agreement to reflect charges by Penn-Jersey to Texas Eastern to include return to Penn-Jersey not in excess of 6 percent on a net investment rate base * * *

The Commission, by order issued October 1, 1954, reiterated this condition with respect to the 6 percent rate of return. On October 13, 1954, a revised lease agreement was submitted as Penn-Jersey's "FPC Gas Tariff, Original Volume No. 1". The so-called "tariff" was included as part of the record in the above certificate proceeding but never became effective as an FPC gas tariff in view of the fact that a lease agreement is not required to be filed as a rate schedule since it does not alone constitute either a sales or transportation agreement.

On May 10, 1957, Penn-Jersey tendered for filing a proposed revision of its lease agreement with Texas Eastern which it entitled "First Revised Sheet No. 6" to its "FPC Gas Tariff, Original Volume No. 1." It requested that the proposed change be permitted to take effect as of June 10, 1957, but if suspended by the Commission, that it be suspended for a period ending not later than November 10, 1957, the date ending the suspension period of the proposed rate increase filing of its parent company, Texas Eastern, as provided in order issued June 7, 1957 in Docket No. G–12706.

The proposed filing, "First Revised Sheet No. 6", provides for an increase in the rate of return from 6 percent to 6¾ percent on a net investment rate base under a cost formula for the leasing of the subject facilities to Texas Eastern, its parent company. A net investment rate base and a 6 percent rate of return thereon were prescribed as condition to the acceptance of the certificate of public convenience and necessity granted by order issued April 29, 1954 in Docket Nos. G–2340 and G–2341. The Commission, consequently, by its letter of June 7, 1957, rejected the tendered increased rate of return filing because no application had been made for a modification of the said certificate condition. Additionally, the Commission notified Penn-Jersey in its letter that such lease agreements are not required to be filed as rate schedules or tariffs.

Penn-Jersey contends, among others, that it has satisfied the certificate condition by the mere filing of a tariff acceptable to the Commission and that it is unlawfully deprived of a statutory right to file a change in its rates and to have a hearing thereon. We do not, however, agree with these contentions. It is the Commission's interpretation of its order issued April 29, 1954, in these proceedings, that in specifying a certain rate of return on a net investment rate base, a continuing limitation was thereby placed upon the company's right to increase its charges to Texas Eastern. This limitation can, therefore, be removed only upon securing a modification of such certificate condition. Thereafter the company would have a right to seek increased charges under its lease.

The mere filing of the modified lease agreement as required by the April 29, 1954, order, containing a 6 percent rate of return on a net investment rate base, did not satisfy that continuing limitation. Nor does Penn-Jersey have a statutory right, as it claims, to file a change in rates. Particularly is this so because it alone does not, under the lease of facilities to Texas Eastern, either sell or transport natural gas in interstate commerce. Assuming, furthermore, arguendo, that the lease agreement were entitled to be filed as a tariff, Penn-Jersey, while under the restraint of the certificate condition, is not "empowered to initiate" a rate change during the continuance of that limitation.[1] Just as the Commission has the power, under section 7 (e) of the act, to condition a certificate upon the filing of a particular rate, so, here, it may specify the rate of return component of such rate.[2] Such a conditioned certificate order, after becoming final, cannot be "collaterally nullified through the filing of a rate schedule change" under section 4 (d).[3] The Commission, therefore, properly rejected Penn-Jersey's tender for failure to seek modification of the certificate order, which the company now seeks alternatively.

In support of its application for modification of the said certificate condition Penn-Jersey re-tenders for filing the said "First Revised Sheet No. 6" together with supporting statements. As justification for its proposed increase in rate of return from 6 percent to 6¾ percent, Penn-Jersey offers no reasons of its own other than that the higher rate of return is needed for the same reasons contained in its parent Texas Eastern's application in Docket No. G–12706. Penn-Jersey's dependence upon its parent for future financing is cited as the reason for requesting the same rate of return as its parent company.

The increased rates and charges provided for in the proposed amendment of lease agreement re-tendered by Penn-Jersey herein on July 8, 1957, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Upon consideration of this application for modification of the certificate order, although no justification has yet been shown for an increased rate of return, it appears appropriate to permit the company to show in a proper proceeding whether it is so entitled to an increase. The reasonableness of the lease agreement between Penn-Jersey and its parent, Texas Eastern, including the question of the rate of return certificate condition, can be fully explored in the suspension proceedings involving the latter in Docket No. G–12706, with which this application to amend the certificate order may be consolidated for hearing. The re-tendered "First Revised Sheet No. 6," although rejected as a tariff filing, may, for the purpose of such subsequent proceedings, be retained as an application to amend the said certificate order and subject to the Commission's further consideration in those proceedings.

The Commission finds:

(1) The assignment of error and grounds for rehearing of the said order issued June 7, 1957, rejecting the tender on May 7, 1957, of the proposed revised tariff sheet, as set forth in said application, provide no new facts and assert no new principles of law which either were not fully considered by the Commission when it adopted the said order, or which, having been now considered, warrant either the vacation or the modification of such order.

(2) The order issued April 29, 1954 in Docket Nos. G–2340 and G–2341 should be modified so as to continue the certificate conditions contained therein in full force and effect until amended or changed in a proper proceeding.

(3) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning (i) the rates, charges, classifications and services contained in Penn-Jersey's lease agreement with Texas Eastern as proposed to be amended by the aforesaid re-tendered filing and (ii) the proposed amendment or modification of the Commission's order issued April 29, 1954 in Docket Nos. G–2340 and G–2341, and that the use of the proposed amendment be deferred as hereinafter provided.

The Commission orders:

(A) The aforesaid application for rehearing filed by Penn-Jersey on July 8, 1957, hereby is denied.

(B) The order issued April 29, 1954 in Docket Nos. G–2340 and G–2341 be modified by adding to paragraph (E) (b) thereof the following clause, "which lease shall remain in full force and effect until November 10, 1957 and thereafter until permission to amend is granted by the Commission in a proper proceeding."

(C) Pursuant to the authority commission by the Natural Gas Act, partitained in and subject to the jurisdiction conferred upon the Federal Power Comcularly sections 7 and 15 thereof, and the Commission's regulations thereunder, including Rules of Practice and Procedure (18 CFR, Ch. I), a public hearing be held at the time and date fixed by notice from the Secretary of the Commission, concerning (i) the rates, charges, classifications and services, subject to the jurisdiction of the Commission, contained in Penn-Jersey's lease agreement with Texas Eastern as proposed to be amended by the aforesaid re-tendered filing and (ii) the proposed amendment or modification of the Commission's order issued April 29, 1954 in Docket Nos. G–2340 and G–2341.

(D) Pending such hearing and decision thereon, the use of Penn-Jersey's said proposed amendment to the lease agreement is hereby deferred until November 10, 1957 and thereafter until such time as the aforesaid order issued April 29, 1954, in Docket Nos. G–2340 and G–2341 may be amended to permit the requested modification of the lease agreement.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f).

By the Commission.[4]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–6655; Filed, Aug. 13, 1957; 8:50 a. m.]

[1] United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U. S. 332, 340.

[2] Signal Oil and Gas Company v. F. P. C., 238 F. 2d 771, 775, certiorari denied, 353 U. S. 923.

[3] Panhandle Eastern Pipe Line Co. v. F. P. C., 232 F. 2d 467, 473, certiorari denied, 352 U. S. 891.

[4] Commissioner Digby would grant rehearing but otherwise concurs in the order.

[Docket No. G–11872 etc.]

OLIN GAS TRANSMISSION CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 8, 1957.

In the matters of Olin Gas Transmission Corporation, Docket No. G–11872; H. L. Hunt, Docket No. G–12029; Estate of Lyda Bunker Hunt, Deceased, Docket No. G–12035; Secure Trusts Docket No. G–12036; Southern Natural Gas Company, Docket No. G–12225.

Take notice that Southern Natural Gas Company (Southern Natural), a Delaware corporation, having its principal place of business in Birmingham, Alabama filed on March 15, 1957 in Docket No. G–12225 an application under section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities as hereinafter described, subject to the jurisdiction of the Commission.

Southern Natural proposes to construct and operate a line tap on its existing 12-inch Lake Enfermer supply lateral and to construct and operate a meter station in the Coffee Bay Field, Lafourche Parish, Louisiana, which it proposes to use to measure gas to be produced from the Grandison No. 5 Well, Section 9, Township 19 South, Range 23 East in said parish, which it proposes to purchase to augment its general system gas supply. The proposed sellers of the gas are Olin Gas Transmission Corporation (Olin), Operator, H. L. Hunt (Hunt), Estate of Lyda Bunker Hunt, Deceased (Estate) and Secure Trusts Nos. 1, 2, 3, 4 and 5.

The estimated cost of Southern's proposed construction is $6,000, which will be financed from cash on hand.

Olin Gas Transmission Corporation, 400 Ouachita National Bank Building, Monroe, Louisiana, as operator and co-owner of interest in production from said Grandison No. 5 Well, filed on February 1, 1957 in Docket No. G–11872 an application for a certificate of public convenience and necessity authorizing the sale of natural gas from said well to Southern Natural. Olin listed the interests of the co-owners as follows:

Olin Gas Transmission Corp	0.5000
Estate of Lyda Bunker Hunt, deceased, William Herbert Hunt, executor	0.2500
H. L. Hunt	0.1250
Secure trusts	0.1250
Working interest (100%)	1.0000

The other producer applicants, H. L. Hunt, Estate of Lyda Bunker Hunt, Deceased, and Secure Trusts, all with principal office at 700 Mercantile Bank Building, Dallas, Texas have filed on February 18, 1957 applications in the above numbered dockets for certificates of public convenience and necessity authorizing the above proposed sales of natural gas to Southern Natural covering their respective interests.

Applicants allege that the point of delivery will be a point on Southern's Lake Enfermer pipeline approximately 300 feet north of the point (near the West Quarter Corner of Section 10 Township 19 South, Range 23 East, Lafourche Parish, Louisiana) where Applicants' drilling barge canal to said well crosses Southern Natural's pipeline.

All four producers signed a letter agreement dated December 13, 1956 for the sale of said gas, providing for a term of twenty years, a minimum daily delivery rate of 1000 Mcf and an initial price of 18 cents per Mcf plus reimbursement for the Louisiana severance tax and the Louisiana gathering tax above 0.3 cents per Mcf up to 1.3 cents per Mcf. Said contract further provides that of taxes in excess of 1.3 cents per Mcf, Southern Natural shall be liable for ¾ and producer applicants for ¼ of such excess.

Applicants allege that Southern Natural will transport or sell the gas, which is the subject of this proceeding in interstate commerce for resale.

The above applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1957, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–6642; Filed, Aug. 13, 1957; 8:48 a. m.]

[Docket No. G–11855]

HERMAN BROWN ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 8, 1957.

Take notice that on January 25, 1957, Herman Brown, Operator, et al., independent producers of natural gas, filed an application designated Docket No. G–11855, for an order of the Commission permitting and approving the abandonment of service to Tennessee Gas Transmission Company from the John M. Bennett lease located in the Ramon Musquiz Survey, Abstract 59, Jackson County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Herman Brown, Operator, has a ½ interest in the subject lease. The re-

spective working interests of the non-operators are: R. E. Hibbert, ¼; F. P. Zoch, Jr., Paul Turnbull and Ben F. Vaughan, Jr., ¼.

Applicants state that the well located on the subject acreage ceased to produce gas during the last part of 1956 and a release of the oil and gas lease covering such properties has been executed.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 26, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6657; Filed, Aug. 13, 1957; 8:51 a. m.]

[Docket No. G-12697]

HORTON HIGHWAY UTILITY DISTRICT OF RUTHERFORD, WILLIAMSON AND MARSHALL COUNTIES, TENN.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 8, 1957.

Take notice that Horton Highway Utility District of Rutherford, Williamson and Marshall Counties, Tennessee, Chapel Hill, Tennessee, (Applicant) a public utility district, filed on June 4, 1957 an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Texas Eastern Transmission Corporation (Texas Eastern) to extend and to improve its transportation facilities, to establish physical connection of its transportation facilities with the facilities of Applicant's proposed natural gas system and to sell natural gas to applicant for local distribution to the public in the incorporated towns of Eagleville in Rutherford County, Tennessee and Chapel Hill in Marshall County, Tennessee and the unincorporated communities of Holts Corner (Holtland), Allisona, College Grove, Kirkland, Triune and Arrington, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a meter, regulator and odorizer at the intersection of Tennessee Highway 96 and Texas Eastern's 30-inch transmission line passing northeastward between Arrington and Triune. Applicant proposes to construct and operate a 4½-inch transmission line from said connection with Texas Eastern's transmission line along said Highway 96 a distance of 1.3 miles to its junction with Horton Highway (31A) and 41A) thence south along the Horton Highway a distance of approximately 4.6 miles to the Town of College Grove; and a 3½-inch transmission line thence south along the Horton Highway a distance of approximately 10.4 miles to the station regulator for the Town of Chapel Hill. Applicant also proposes to construct 2⅜-inch spur lines to supply natural gas to regulator stations located at or near the towns of Arrington, Triune, College Grove and Eagleville. Applicant also proposes to construct and operate distribution systems in the eight communities to be served.

Applicant estimates the gas requirements of its proposed service area as follows:

Year of service	1	2	3
Peak day (Mcf)	785	904	1,019
Annual (Mcf)	82,037	90,037	99,099

Applicant estimates the cost of the proposed system will be $455,000, which it proposes to finance by the sale of revenue bonds.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 28, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 26, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6658; Filed, Aug. 13, 1957; 8:51 a. m.]

[Docket No. G-13007 etc.]

WILCOX TREND GATHERING SYSTEM, INC. AND TEXAS EASTERN TRANSMISSION CORP.

ORDER DENYING REHEARING OF REJECTION OF TENDERED RATE FILINGS, MODIFYING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, PROVIDING FOR HEARING, AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 7, 1957.

In the matters of Wilcox Trend Gathering System, Inc., Docket No. G-13007; Texas Eastern Transmission Corporation, Docket No. G-1947; Wilcox Trend Gathering System, Inc., Docket No. G-1959.

On July 8, 1957, Wilcox Trend Gathering System, Inc. (Wilcox Trend) filed an application for rehearing of the Commission's rejection by letter on June 7, 1957, of its tendered rate increase filing made on May 10, 1957, or, in the alternative, for modification of the certificate of public convenience and necessity issued by order and Opinion No. 241 on December 15, 1952, in the above Docket Nos. G-1947 and G-1959. In addition, Wilcox Trend retendered for filing the tariff sheet rejected by the June 7, 1957, letter, requested that such rate filing be made effective as of June 10, 1957, and the requirements of § 154.22 of the Commission's regulations be waived so as to permit such rate filing to be made prior to certificate authorization therefor.

The proposed rate filing, Second Revised Sheet No. 5 to Wilcox Trend's FPC Gas Tariff, Original Volume No. 1, provides for an increase in the rate of return on a net investment rate base from 6 percent to 6¾ percent under a cost of service formula for charges for transportation of natural gas for Texas Eastern Transmission Corporation (Texas Eastern), its parent company. Wilcox Trend requested that, in the event of a suspension of said revised sheet, the period of suspension be made to coincide with that fixed by the Commission by order issued June 7, 1957, in Docket No. G-12706 with respect to Texas Eastern's proposed rate increase.

The cost of service formula and the 6 percent rate of return were prescribed in Opinion No. 241 and order as a condition to acceptance of the certificate of public convenience and necessity granted therein in Docket Nos. G-1947 and G-1959. The Commission consequently, by its letter of June 7, 1957, rejected the proposed increased rate of return filing because there had been made no modification of the said certificate condition, nor any request therefor.

Wilcox Trend contends, among others, that it has satisfied the certificate condition by the mere filing of a tariff acceptable to the Commission, and that it is unlawfully deprived of a statutory right to file a change in its rates and to have a hearing thereon. We do not, however, agree with these contentions. It is the Commission's interpretation of its Opinion No. 241 and order that in specifying not only a formula for the tariff but also a certain rate of return, a continuing limitation was thereby placed upon the company's right to seek increased rates. This limitation can, therefore, only be removed upon securing a modification of such certificate condition. Thereafter, the company has a right to file increased rates under section 4 (d) of the Natural Gas Act.

The mere filing of the prescribed tariff and rate of return did not satisfy that continuing limitation. Nor does the company, so restrained by that limitation, have a statutory right to file rate changes for it is not "empowered to initiate" a rate change during the continuance of that limitation.[1] Just as the Commission has the power, under section 7 (e) of the act, to condition a certificate upon the filing of a particular rate, so here it may specify the rate of return component of such rate.[2] Such a conditioned certificate order, after becoming final, cannot be "collaterally nullified through the filing of a rate schedule change" under section 4 (d).[3] The Commission, therefore, properly rejected Wilcox Trend's tender for failure to seek modification of the certificate order, which it now seeks alternatively.

In support of its application for modification of the said certificate condition, Wilcox Trend retenders for filing the said Second Revised Sheet No. 5, together with supporting statements. As justification for its proposed increase in rate of return from 6 percent to 6¾ percent, Wilcox Trend offers no reasons of its own other than that the higher rate of return is needed for the same reasons contained in its parent Texas Eastern's application in Docket No. G-12706. Wilcox Trend's dependence upon its parent for future financing cited as the reason for requesting the same rate of return as its parent company.

Upon consideration of this application for modification of the certificate order, although no justification has yet been shown for an increased rate of return, it appears appropriate to modify that order so as to permit the company to show in a proper rate proceeding whether it is so entitled to an increase, as we shall hereinafter provide. Accordingly, we shall accept for filing the retendered tariff sheet subject to suspension to the same date as the suspended Texas Eastern filings.

The increased rates and charges provided for in the revised tariff sheet tendered by Wilcox Trend on July 8, 1957, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The assignment of error and grounds for rehearing of the said order issued June 7, 1957, rejecting the tender on May 7, 1957, of the proposed revised tariff sheet, as set forth in said application, provide no new facts and assert no new principles of law which either were not fully considered by the Commission when it adopted the said order, or which, having been now considered, warrant either the vacation or the modification of such order.

(2) The order issued December 15, 1952, in Docket Nos. G-1947 and G-1959, as amended by orders issued February 4, 1953, and May 20, 1954, in Docket No. G-1959, should be further amended so as to continue the certificate conditions contained therein in full force and effect until amended or changed in a proper proceeding, and for the purposes of such proceeding we shall accept for filing the said retendered revised tariff sheet.

(3) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Wilcox Trend's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Second Revised Sheet No. 5, and that said proposed revised tariff sheet and the rates contained therein be suspended and the use thereof deferred, as hereinafter provided.

The Commission orders:

(A) The aforesaid application for rehearing filed by Wilcox Trend on July 8, 1957, hereby is denied.

(B) The order issued December 15, 1952, in Docket Nos. G-1947 and G-1959, as amended by orders issued February 4, 1953, and May 20, 1954, in Docket No. G-1959, be further modified by adding the following sentence to paragraph (F) (5), "The FPC Tariff so filed shall remain in full force and effect until amended or changed in a proper proceeding," and for the purposes of such proceeding the retendered Second Revised Sheet No. 5 hereby is accepted for filing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 7, and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR, Ch. I), a public hearing be held at a time and date to be fixed by notice from the Secretary of the Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission, contained in Wilcox Trend's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Second Revised Sheet No. 5.

(D) Pending such hearing and decision thereon, Wilcox Trend's proposed Second Revised Sheet No. 5 is hereby suspended and its use deferred until November 10, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[4]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6656; Filed, Aug. 13, 1957; 8:50 a. m.]

[1] United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U. S. 332, 340.

[2] Signal Oil and Gas Company v. F. P. C., 238 F. 2d 771, 775, certiorari denied, 353 U. S. 923.

[3] Panhandle Eastern Pipe Line Co. v. F. P. C., 232 F. 2d 467, 473, certiorari denied, 352 U. S. 891.

[4] Commissioner Digby would grant rehearing but otherwise concurs in the order.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3075]

NIELSON & CO., INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 8, 1957.

In the Matter of Nielson & Company, Inc., Common Stock, File No. 1-3075.

San Francisco Mining Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company, organized under the laws of the Philippine Islands, and whose properties were rendered inoperative in World War II, has failed for a number of years to file the information required by the Exchange and by section 13 of the Securities Exchange Act of 1934. On July 24, 1957, the Exchange suspended trading on its floor in the stock.

Upon receipt of a request, on or before August 23, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6646; Filed, Aug. 13, 1957; 8:48 a. m.]

[File No. 1-3078]

PARACALE-GUMAUS CONSOLIDATED MINING CO., INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 8, 1957.

In the matter of Paracale-Gumaus Consolidated Mining Company, Inc., Common Stock, File No. 1-3078.

San Francisco Mining Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Company, organized under the laws of the Philippine Islands, and whose properties were rendered inoperative in World War II, has failed for a number of years to file the information required by the Exchange and by section 13 of the Securities Exchange Act of 1934. On July 24, 1957, the Exchange suspended trading on its floor in the stock.

Upon receipt of a request, on or before August 23, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6645; Filed, Aug. 13, 1957; 8:48 a. m.]

[File No. 812-1097 etc.]

COLONIAL FUND, INC., ET AL.

NOTICE OF FILING OF APPLICATIONS FOR EXEMPTIONS OF PURCHASES OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

AUGUST 8, 1957.

In the matter of The Colonial Fund, Inc., File No. 812-1097; Gas Industries Fund, Inc., File No. 812-1098; The Bond Investment Trust of America, File No. 812-1099.

Notice is hereby given that The Colonial Fund, Inc. ("Colonial"), Gas Industries Fund, Inc. ("Gas") and The Bond Investment Trust of America ("Bond"), each registered under the Investment Company Act of 1940 ("act") as an open-end diversified management investment company, have filed separate applications pursuant to section 10 (f) of the act for an order exempting from the provisions thereof the proposed purchase by Colonial, Gas and Bond of not to exceed $300,000, $600,000 and $100,000 principal amount, respectively, of Convertible Subordinated Debentures of Atlantic Refining Company ("Atlantic").

Atlantic filed with the Securities and Exchange Commission ("Commission") on July 30, 1957 a registration statement under the Securities Act of 1933 covering $100,000,000 principal amount of Convertible Subordinated Debentures. It is expected that such debentures will be publicly offered by an underwriting group which will include The First Boston Corporation.

James H. Orr is a director of The First Boston Corporation, and of Colonial and Gas, and is a trustee of Bond. Applicants have represented that the proposed purchases have been authorized by their boards of directors or trustees and have been recommended by their investment adviser, Colonial Management Associates. The purchases are to be made at the public offering price and will be made from any of the underwriters or members of the selling group, except that no purchases will be made from The First Boston Corporation.

If Applicants were to purchase the amounts proposed such acquisitions would represent 0.3 percent of the total offering to be acquired by Colonial, 0.6 percent to be acquired by Gas and 0.1 percent to be acquired by Bond and, assuming a price of 100 percent, the purchases would represent an investment of approximately 0.75 percent, 0.85 percent and 1.7 percent of the total assets of Colonial, Gas and Bond, respectively. The proposed purchases are stated to be consistent with each of Applicants' investment policies as filed with the Commission.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company or is a person of which is an officer or director of such registered company or is a person of which any such officer or director is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. By reason of the affiliations as stated above, the proposed purchases are prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisitions of securities are consistent with the protection of investors.

Notice is further given that any interested person may, not later than August 20, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matters and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the applications may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. BUDOIS, *Secretary.*

[F. R. Doc. 57-6644; Filed, Aug. 13, 1957 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XI-1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $20,000;

3. To decline disaster loans;

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES, *Administrator.*

By ——— ———
Chief, Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

24. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration of its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

ADMINISTRATIVE

C. *Correspondence.* To sign all non-policy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 30, 1957.

HAROLD R. SMETHILLS, *Regional Director.*

[F. R. Doc. 57-6647; Filed, Aug. 13, 1957; 8:49 a. m.]

[Delegation of Authority 1 (Revision 4)]

DEPUTY ADMINISTRATOR FOR ADMINISTRATION

DELEGATION RELATING TO ADMINISTRATION

I. Pursuant to the authority vested in the Administrator by the Small Business Act of 1953, as amended, 67 Stat. 232, 15 U. S. C. 631 (Supp. II, 1952), as amended, 69 Stat. 547, 15 U. S. C. 631 (Supp. III, 1952), Reorganization Plan No. 2 of 1954, dated April 29, 1954, effective June 30, 1954 (83d Cong., 2d Sess.) and Reorganization Plan No. 1 of 1957, dated April 29, 1957, effective at the close of June 30, 1957 (85th Cong., 1st Sess.), there is hereby delegated to the Deputy Administrator for Administration the authority:

A. *General.* To carry out all functions listed for the Deputy Administrator for Administration in section 101 of SBA–100, Administrative Manual.

B. *Specific.* 1. To give final approval to all personnel actions for the Small Business Administration and to administer Oaths of Office.

2. To establish and classify all positions subject to the Classification Act of 1949, as amended, in grades GS–1 to GS–15, and to establish salary rates for employees excluded from the Act.

3. To give final approval to non-substantive changes in all SBA manuals.

4. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services.

5. To effect the disposition of official records of SBA.

6. To authorize or approve (a) his personal travel, (b) the travel of employees under the supervision of the Deputy Administrator for Administration, (c) travel where actual subsistence expenses are requested, and (d) travel requiring special authorization or approval not delegated to other officials.

7. To approve advanced sick leave and leave without pay, in excess of 30 days, for employees of SBA.

8. To approve annual and sick leave, leave without pay, and overtime work for employees under his supervision.

9. To give final approval to all SBA forms.

10. To give security clearance to applicants and employees of SBA where the security investigation discloses (a) no derogatory information, (b) derogatory information which would not warrant processing the case under provisions of section 1000.067 of SBA–100, Administrative Manual, and (c) derogatory information, but the Deputy Administrator for Administration and the Security Officer are in agreement that the derogatory information is insufficient to warrant suspension or termination in the case of an employee, or denial of clearance in the case of an applicant.

11. To approve the allotment of appropriated funds for specific programs, functions, activities, and organizational units of SBA.

12. To release, or consent to the release of, collateral documents held in connection with loans transferred as a result of Reorganization Plan No. 1 of 1957, dated April 29, 1957, effective at the close of June 30, 1957.

13. To release Promissory Notes on (a) SBA and disaster loans paid in full and (b) loans transferred to the Department of Justice for liquidation.

14. To approve bonds and fix the indemnities thereof.

15. To determine amounts due and make payments to the Civil Service Commission and the Department of Labor for retirement and employee's compensation accounts as required by section 206 (b) of the Small Business Act.

16. To approve advance of funds for official travel and to take appropriate actions to assure that amounts advanced are deducted from allowable expenses or are otherwise recovered.

17. To approve and issue accounting and fiscal instructions.

C. *Correspondence.* 1. To sign all correspondence, except correspondence addressed to Members of Congress, relating to the functions of the Deputy Administrator for Administration.

2. To sign correspondence addressed to staff members of Congressional Committees.

II. The specific authorities delegated in I. B. 3, I. B. 6 (a), (c), and (d), and 10 (c) may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for Administration.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for Administration is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: August 5, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-6648; Filed, Aug. 13, 1957; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 297]

FEDERAL CIVIL DEFENSE ADMINISTRATION

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN PURCHASES AND CONTRACTS FOR SUPPLIES AND SERVICES IN CONNECTION WITH ACTIVITIES OF FEDERAL CIVIL DEFENSE ADMINISTRATION

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (hereinafter called the act), authority is hereby delegated to the Administrator of the Federal Civil Defense Administration to negotiate purchases and contracts for supplies and services without advertising under section 302 (c) (5), (10), (11) and (12) of the act.

2. This authority shall be exercised only with respect to the procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the Federal Civil Defense Administration.

3. This authority shall be exercised in accordance with applicable limitations and requirements in the Act, particularly section 304, 305 and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any officer or employee of the Federal Civil Defense Administration.

5. This delegation shall be effective as of the date hereof and shall not extend beyond December 31, 1958.

Dated: August 7, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57–6659; Filed, Aug. 13, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 9, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–703 (Deviation No. 1), HINCHCLIFF MOTOR SERVICE, INC., 3400 South Pulaski Road, Chicago 23, Ill., filed August 5, 1957. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction U. S. Highway 24 and Illinois Highway 1, and Terre Haute, Ind., as follows: from junction U. S. Highway 24 and Illinois Highway 1 over Illinois Highway 1 to junction U. S. Highway 150, thence over U. S. Highway 150 to junction U. S. Highway 40, thence over U. S. Highway 40 to Terre Haute, Ind. and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between junction U. S. Highway 24 and Illinois Highway 1 and Terre Haute, Ind., over the following route: from junction U. S. Highway 24 and Illinois Highway 1 over U. S. Highway 24 to junction U. S. Highway 41, thence over U. S. Highway 41 to Terre Haute, Ind.

No. MC–1124 (Deviation No. 1), HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Texas. Attorneys Phinney & Hallman, 617 First National Bank Building, Dallas, Texas, filed July 31, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex. as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities from Dallas, Tex., to Fort Worth, Tex., over U. S. Highway 80, and return over the same route.

No. MC–2202 (Deviation No. 1), ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron 9, Ohio, filed August 5, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over U. S. Highway 80 to Fort Worth; and return over the same routes.

No. MC–2228 (Deviation No. 1), MERCHANT'S FAST MOTOR LINES, INC., P. O. Drawer 2321, Abilene, Tex., filed August 5, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over U. S. Highway 80.

No. MC–10872 (Deviation No. 1), BEMAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 15, Mo., filed August 2, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Joplin, Mo., as follows: from Tulsa over the Will Rogers Turnpike to Joplin and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Oklahoma City, Okla., and Tulsa, Okla., on the one hand, and Joplin, Mo., on the other, over U. S. Highway 66.

No. MC–29910 (Deviation No. 1), ARKANSAS MOTOR FREIGHT LINES, INC., Fort Smith, Ark., filed August 5, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over U. S. Highway 80.

No. MC–30091 (Deviation No. 1), L. F. AND F. D. MILLER, doing business as MILLER & MILLER MOTOR FREIGHT LINES, P. O. Box 2370, Wichita Falls, Tex., filed August 5, 1957. Attorney for said carrier, Mert Starnes, 401 Perry Brooks Building, Austin, Tex. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over the following pertinent routes: from Dallas over Texas Highway 183 to Fort Worth; from Dallas over U. S. Highway 80 to Fort Worth; and return over the same routes.

No. MC–30250 (Deviation No. 1), HOUSTON & NORTH TEXAS MOTOR FREIGHT LINES, INC., 842 Slocum, Dallas, Tex., Attorney, Leroy Hallman, 617 First National Bank Building, Dallas, Tex. filed July 31, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex. as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities from Dallas, Tex., to Fort Worth, Tex., over U. S. Highway 80, and return over the same route.

No. MC–30319 (Deviation No. 1), SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Attorney, Edwin N. Bell, 1600 Esperson Building, Houston, Tex., filed August 1, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities from Dallas, Tex., to Fort Worth, Tex., over U. S. Highway 80, and return over the same route.

No. MC–30867 (Deviation No. 1), CENTRAL FREIGHT LINES, INC., 303 South 12th Street, P. O. Box 238, Waco, Tex., filed August 2, 1957. Attorney for said carrier, Mert Starnes, 401 Perry Brooks Building, Austin, Tex. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over the following pertinent routes: from Dallas over Texas Highway 183 to Fort Worth; from Dallas over U. S. Highway 80 to Fort Worth; and return over the same routes.

No. MC–42329 (Deviation No. 2), HAYES FREIGHT LINES, INC., Adams Building, Springfield, Ill. filed August 1, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions over a deviation route, between Toledo, Ohio and Junction U. S. Highway Alternate 24, U. S. Highway 24, and U. S. Highway 25, near Trenton as follows: from Toledo, Ohio over U. S. Highway Alternate 24 to the junction of U. S. Highway 24 and U. S. Highway 25, near Trenton and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities from Toledo, Ohio, over U. S. Highway 24 to Detroit, and return over the same route.

No. MC 46054 (Deviation No. 1), BROWN EXPRESS, 434 South Main Avenue, San Antonio 4, Tex., filed August 5, 1957. Attorney for said carrier, Mert Starnes, 401 Perry Brooks Building, Austin, Tex. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over the following pertinent routes: from Dallas over Texas Highway 183 to Fort Worth; from Dallas over U. S. Highway 80 to Fort Worth; and return over the same routes.

No. MC 48963 (Deviation No. 1), REPUBLIC TRUCK LINES, 207 West Avery, Dallas, Tex., Attorneys Phinney & Hallman, 617 First National Bank Building, Dallas, Tex., filed July 31, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the

same commodities from Dallas, Tex., to Fort Worth, Tex., over U. S. Highway 80, and return over the same route.

No. MC-60388 (Deviation No. 1), SUNSET MOTOR LINES, 105 West Washington Drive, P. O. Box 1551, San Angelo, Tex., filed August 5, 1957. Attorney for said carrier, Mert Starnes, 401 Perry-Brooks Building, Austin, Tex. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over Texas Highway 183.

No. MC-104004 (Deviation No. 1), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N. Y., filed August 6, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the New York-Massachusetts State Line and Boston, Mass., as follows: from the New York-Massachusetts State Line over the Massachusetts Turnpike to Boston, Mass. (using New York Highway 22 and Massachusetts Highway 102 as access routes) and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the New York-Massachusetts State Line and Boston, Mass., over the following pertinent routes: from Albany, N. Y., over U. S. Highway 20 to New Lebanon, N. Y.; from New Lebanon, N. Y., over U. S. Highway 20 to Boston, Mass.; from Troy, N. Y., over U. S. Highway 20 to Pittsfield, Mass., thence over Massachusetts Highway 9 to Boston; and return over the same routes.

No. MC 109265 (Deviation No. 1), W. L. MEAD, INC., P. O. Box 31, Cleveland Road, Norwalk, Ohio, filed August 1, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between West Stockbridge, Mass., and Weston, Mass., as follows: from West Stockbridge, Mass., over Massachusetts Turnpike to Weston, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Boston over U. S. Highway 20 to Albany, N. Y.; and from Boston over Massachusetts Highway 9 to Worcester, Mass.; and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 56810 Sub 1 (Deviation No. 1), TEXAS MOTOR COACHES, INC., P. O. Box 110, Fort Worth, Tex., filed August 2, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle *passengers*, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Dallas, Tex., and Fort Worth, Tex., over U. S. Highway 80.

No. MC-84728 (Deviation No. 1), SAFEWAY TRAILS, INC., 820 T Street NE., Washington 18, D. C., filed August 2, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over a deviation route, as follows: from Junction of Black Horse Pike (New Jersey Highway 42) and access roads at or near Audubon Park Boro over bridge approaches, the Walt Whitman Bridge, and city streets to the Union Bus Terminal, 13th and Filbert Streets, Philadelphia, Pa., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from New York over U. S Highway 1 to Washington; from New York over U. S. Highway 1 to Trenton, N. J., thence over U. S. Highway 206 to Junction U. S. Highway 130, thence over U. S. Highway 130 to Camden, N. J., thence across the Delaware River to Philadelphia, Pa., thence over U. S. Highway 13 to Junction U. S. Highway 40, thence U. S. Highway 40 to Baltimore, Md., thence over U. S. Highway 1 to Washington, D. C.; from Junction New Jersey Turnpike at Lincoln Tunnel Interchange over New Jersey Turnpike to Delaware Memorial Bridge Interchange; from Camden over New Jersey Highway 38 to Junction New Jersey Highway S-41 and access roads to New Jersey Turnpike at Philadelphia-Camden Interchange; from Camden over New Jersey Highway 42 and access roads to New Jersey Turnpike at Woodbury-South Camden Interchange; from Chester, Pa. over U. S. Highway 322 and access roads to New Jersey Turnpike at Swedesboro-Chester Interchange, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-6651; Filed, Aug. 13, 1957; 8:49 a. m.]

[Notice 177]

MOTOR CARRIER APPLICATIONS

AUGUST 9, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1184 (Sub No. 9), (CORRECTION), GEORGE F. BURNETT COMPANY, INC., P. O. Box 2538, 20450 West Ireland Road, South Bend 14, Ind. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Application published issue July 17, 1957, on page 5660, contained a condition restricting the commodities proposed to be transported to those manufactured at Stuttgart, Germany. This was in error. The passenger vehicles are actually manufactured in a suburb of Stuttgart which is named Sindelfingen, while the commercial vehicles are manufactured at Gaggenau and Mannheim, Germany. This notice will serve to correct the origin point contained in the restriction.

No. MC 29886 (Sub No. 104), (CORRECTION) DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend 21, Ind. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Application published issue July 17, 1957, on page 5661, contained a condition restricting the commodities proposed to be transported to those manufactured at Stuttgart, Germany. This was in error. The passenger vehicles are actually manufactured in a suburb of Stuttgart which is named Sindelfingen, while the commercial vehicles are manufactured at Gaggenau and Mannheim, Germany. This notice will serve to correct the origin point contained in the restriction.

No. MC 35469 (Sub No. 18), filed July 11, 1957, MODERN TRANSFER CO., INC., Hanover Avenue and Maxwell Street, Allentown, Pa. Applicant's attorney: Robert H. Shertz, 811-19 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, household goods as defined in 17 M. C. C. 467, commodities in bulk, and those requiring special equipment, serving the Curtiss Wright Research and Development Center, near Quehanna Post Office, Pa., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to transport similar commodities in Delaware, Maryland, New Jersey, New York, and Pennsylvania.

HEARING: September 26, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 52974 (Sub No. 5), filed July 24, 1957, THE JACOBS TRANSFER COMPANY, INC., 61 Pierce Street NE., Washington 2, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meat and/or Packing House Products*, fresh, frozen and/or canned, from Washington, D. C. to points in Loudoun, Fairfax, Prince William, Arlington, Stafford, Fauquier and King George Counties, Va., and those in Charles, Calvert, Prince Georges,

Anne Arundel, Montgomery, Howard and St. Marys Counties, Md. Applicant is authorized to conduct operations in Maryland, Virginia and the District of Columbia.

HEARING: September 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 92722 (Sub No. 13), (CORRECTION) ROBERT R. WALKER, INC., 1818 West Sample Street, South Bend, Ind. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Application published issue July 17, 1957, on page 5662, contained a condition restricting the commodities proposed to be transported to those manufactured at Stuttgart, Germany. This was in error. The passenger vehicles are actually manufactured in a suburb of Stuttgart which is named Sindelfingen, while the commercial vehicles are manufactured at Gaggenau and Mannheim, Germany. This notice will serve to correct the origin point contained in the restriction.

No. MC 93890 (Sub No. 14), (CORRECTION) McDOWALL TRANSPORT, INC., P. O. Box 3231, Orlando, Fla. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Application published issue July 17, 1957, on page 5662, contained a condition restricting the commodities proposed to be transported to those manufactured at Stuttgart, Germany. This was in error. The passenger vehicles are actually manufactured in a suburb of Stuttgart which is named Sindelfingen, while the commercial vehicles are manufactured at Gaggenau and Mannheim, Germany. This notice will serve to correct the origin point contained in the restriction.

No. MC 96098 (Sub No. 17), filed July 25, 1957, H. H. FOLLMER CONTRACT HAULING, INC., North Front Street, P. O. Box 389, Milton, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, in packages or in bulk, from Silver Springs, N. Y., to points in Bradford, Carbon, Columbia, Lackawanna, Luzerne, Wayne, Cameron, Monroe, Pike, Schuylkill, Susquehanna, Sullivan, Wyoming, Elk, Union, Montour, Snyder, Northumberland, Lycoming and Clinton Counties, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified on return. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia and the District of Columbia.

HEARING: September 27, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 109682 (Sub No. 21), (CORRECTION) BOLIN DRIVEAWAY CO., a corporation, 26400 Lakeland Boulevard, Cleveland 32, Ohio. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Application published issue July 17, 1957, on page 5663, contained a condition restricting the commodities proposed to be transported to those manufactured at Stuttgart, Germany. This was in error. The passenger vehicles are actually manufactured in a suburb of Stuttgart which is named Sindelfingen, while the commercial vehicles are manufactured at Gaggenau and Mannheim, Germany. This notice will serve to correct the origin point contained in the restriction.

No. MC 112668 (Sub No. 13), filed July 29, 1957, HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Westminster, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Poultry manure, cow manure, poultry by-products, crab meal*, and *bone meal*, from the plant of the Melson Fertilizer Company, Inc., at or near Georgetown, Del., to points in Virginia, Delaware, Maryland, New Jersey, points in New York on and south of U. S. Highway 20, and points in Pennsylvania on and east of U. S. Highway 220. Applicant is authorized to transport similar commodities in Maryland, Pennsylvania, Virginia, and West Virginia.

HEARING: September 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John McCarthy.

No. MC 116830, filed July 24, 1957, RAYMOND J. DAVIS, JR., Germantown, Md. Applicant's attorney: Henry F. Lerch, 815 15th Street, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Flour*, in bags, from points in Montgomery and Frederick Counties, Md. to Newport News and Norfolk, Va., and points in Henrico, Nansemond, Norfolk, James City, Isle of Wight, Sussex, and Princess Anne Counties, Va.; *peanut meal*, in bags, from Newport News, Va. to points in Fauquier, Culpeper and Loudoun Counties, Va., those in Montgomery and Frederick Counties, Md., and those in York and Lancaster Counties, Pa.; *cottonseed meal*, in bags, from points in Edgecombe, Nash, and Wayne Counties, N. C. and Marlboro and Darlington Counties, S. C. to points in Fauquier, Culpeper and Loudoun Counties, Va., those in Montgomery and Frederick Counties, Md. and those in York and Lancaster Counties, Pa.; *masonry paint*, powdered or dry, in bags and buckets, from points in Washington County, Pa. to Baltimore, Md. and Washington, D. C., and points in Montgomery County, Md.; *empty containers or other such incidental facilities used in transporting the commodities specified in this application*, and *agricultural commodities* when transported in the same vehicle with non-exempt commodities, on return.

HEARING: September 27, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12661 (Correction), filed June 3, 1957, published page 5884, issue of July 24, 1957, SAMUEL STEPHEN SANTANIELLO, doing business as SANTANIELLO'S TOURS, 932 Bangs Avenue, Asbury Park, N. J. For a license (BMC 5) authorizing operations as a *broker* at Asbury Park, N. J., in arranging for the transportation in interstate or foreign commerce, by motor vehicle, of *Groups of passengers and their baggage*, in the same vehicle with passengers, beginning and ending at points in Monmouth, Ocean and Middlesex Counties, N. J., and extending to points in New York, Maryland, Delaware, Virginia, Pennsylvania, New Jersey, and the District of Columbia.

HEARING: Remains as assigned September 18, 1957, at the U. S. Court Rooms, Newark, N. J., before Joint Board No. 119, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30061 (Sub No. 3), filed July 31, 1957, JOSEPH BEDNER, doing business as JOSEPH BEDNER TRANSFER LINE, 222 Park Street, Sun Prairie, Wis. Applicant's attorney: Edward J. Konkol, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including those of unusual value*, and *household goods* as defined by the Commission, but excluding Class A and B explosives, commodities in bulk, and those requiring special equipment, between Madison and Sun Prairie, Wis., on the one hand, and, on the other, North Bristol, York Center and East Bristol, Dane County, Wis. Applicant is authorized to conduct similar operations over a regular route in Wisconsin.

No. MC 34030 (Sub No. 5), filed August 5, 1957, KAUFFMAN & MINTEER, INC., Monmouth Road, Jobstown, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Tullytown, Pa., to points in Atlantic, Burlington, Hunterdon, Mercer, Monmouth, Ocean, and Somerset Counties, N. J.

No. MC 50544 (Sub No. 41) (Correction), filed July 1, 1957, published page 5666, issue of July 17, 1957, THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, Texas and Pacific Bldg., Dallas 2, Tex. Applicant's attorney: Tom L. Farmer, Law Dept., The Texas and Pacific Motor Transport Company, Texas and Pacific Building, Dallas 2, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, between Dallas, Tex. and Sherman, Tex. over U. S. Highway 75 as an alternate route for operating convenience only, serving no intermediate points and serving the termini *as origin and destination points as well as for the purpose of joinder*, in connection with applicant's authorized regular route operations between Dallas and Sherman over U. S. Highways 80, 377, and 82, and Texas Highway 10, subject to the restriction that carrier's service shall be limited to that which is auxiliary to, or supplemental of, train service of The Texas and Pacific Railway Company,

and such other restrictions imposed in Certificate No. MC 50544 as may be pertinent. Applicant is authorized to conduct operations in Texas and Louisiana.

No. MC 75320 (Sub No. 79), filed July 31, 1957, CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 East Trafficway, P. O. Box 390, Springfield, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Jackson, Miss., and junction of Causeway Boulevard (Lake Pontchartrain Causeway southern approach) and U. S. Highway 61, near New Orleans, La., from Jackson over U. S. Highway 49 to junction Mississippi Highway 13 (near Mendenhall, Miss.), thence over Mississippi Highway 13 to Columbia, Miss., thence over combined Mississippi Highway 35 and U. S. Highway 98 to junction Mississippi Highway 35 (west of Columbia, Miss.), thence over Mississippi Highway 35 to the Mississippi-Louisiana State line, thence over Louisiana Highway 21 to Covington, La., thence over U. S. Highway 190 to approaches to the Lake Pontchartrain Causeway (bridge) over Lake Pontchartrain to unnumbered approaches and highways (Causeway Blvd.) extending from southern end of Lake Pontchartrain Causeway (bridge) to intersection therewith with U. S. Highway 61 (approximately two miles west of city limits of New Orleans, La., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between New Orleans, La., and Jackson, Miss. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

NOTE: Applicant states no service or joinder is sought at any intermediate point.

No. MC 95743 (Sub No .16), filed July 29, 1957, CHARLES U. MEHRING & WILLIAM F. MEHRING, a partnership, doing business as CHARLES U. MEHRING & SON, Keymar, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ladders*, wooden, in seasonal operation between September 1 and May 1 of each year, from Keysville, Md., to points in Florida. Applicant is authorized to transport fertilizer from Keymar, Md. to Littlestown, Pa., and ground burned lime from Woodsboro, Md. to points in Delaware.

No. MC 99149 (Sub No. 1), filed July 29, 1957, MIDWAY MOTOR FREIGHT LINES, INC., Glenwood, Ark. Applicant's attorney: Charles B. Mott, Jr., Pyramid Life Building, Little Rock, Ark. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Little Rock, Ark., and Texarkana, Ark.-Tex., from Little Rock over U. S. Highway 70 to Kirby, Ark., thence over Arkansas Highway 27 to Mineral Springs, Ark., thence over Arkansas Highway 55 to Fulton, Ark., and thence over U. S. Highway 67 to Texarkana, Ark.-Tex., and return over the same routes, serving all intermediate points, excepting that no service is to be rendered to or from intermediate points between Little Rock and Hot Springs, Ark., and that no shipments may be handled between Little Rock, on the one hand, and, on the other, Hot Springs; (2) between Hope, Ark. and Dierks, Ark., over Arkansas Highway 4; (3) between Murfreesboro, Ark., and Delight, Ark. over Arkansas Highway 26; (4) between Murfreesboro, Ark. and Narrows Dam, Ark. over Arkansas Highway 19; (5) between Mena, Ark. and Amity, Ark., over Arkansas Highway 8; (6) between Norman, Ark. and Mount Ida, Ark. over Arkansas Highway 27; (7) between Mount Ida, Ark. and Pencil Bluff, Ark., over U. S. Highway 270; (8) between Pencil Bluff and Mena, Ark. over Arkansas Highway 88, serving all intermediate points.

NOTE: This application is filed, in part, to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1), Interstate Commerce Act, corresponding to operations authorized in intrastate certificate on file with this Commission.

No. MC 112846 (Sub No. 15), published issue July 31, 1957, page 6028, filed July 2, 1957, CLARE M. MARSHALL, INC., P. O. Box 611, Oil City, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum white mineral oil*, in bulk, in tank vehicles, from Petrolia, Pa., to Suffern, N. Y. Applicant is authorized to conduct similar operations in Delaware, Michigan, New Jersey, New York, Ohio, Pennsylvania and West Virginia.

The hearing previously assigned was cancelled upon the filing of verified statements on behalf of applicant.

No. MC 115959 (Sub No. 1), filed August 5, 1957, LEON LIBMAN, 664 Thwaites Place, New York 67, N. Y. Applicant's attorney: William J. Drohan, 260 East 161st Street, Bronx 51, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Toilet preparations* and *material, supplies* and *equipment* used in the manufacture of toilet preparations, between New York City, N. Y., and Passaic, Metuchen and Irvington, N. J.

MOTOR CARRIERS OF PASSENGERS

No. MC 114602 (Sub No. 1), filed July 26, 1957, SILVER FOX LINES, a Corporation, 1106 Riverside Drive, Danville, Va. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *newspapers*, in the same vehicle with passengers, between junction North Carolina Highways 86 and 514, about one mile south of Purley, N. C., and junction North Carolina Highways 514 and 62, about 8 miles north of Yanceyville, N. C., (also known as Taylor's Store), from junction North Carolina Highways 86 and 514 over North Carolina Highway 86 to junction U. S. Highway 158, thence over U. S. Highway 158 (via Yanceyville, N. C.) to junction North Carolina Highway 62, thence over North Carolina Highway 62 to junction North Carolina Highway 514 (or Taylor's Store), and return over the same route, serving all intermediate points.

No. MC 116614 (Sub No. 2), filed June 24, 1957, WINTER GARDEN BRACERO TRANSPORTATION CO., INC., a Corporation, 101 Commercial Street, Eagle Pass, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers* (Mexican National Migratory Agricultural Workers), and their *baggage*, in the same vehicle with passengers, (1) between points in Maverick and Hidalgo Counties, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Tennessee, Kentucky, Michigan, Wisconsin, Mississippi, Louisiana, Oklahoma, Colorado, Illinois, Indiana, Georgia, Delaware, Missouri, Iowa, Kansas, Minnesota, Ohio, New Mexico and Texas, except those in El Paso County; and (2) between points in Alabama, Arkansas, Tennessee, Kentucky, Michigan, Wisconsin, Mississippi, Louisiana, Oklahoma, Colorado, Illinois, Indiana, Georgia, Delaware, Missouri, Iowa, Kansas, Minnesota, Ohio, New Mexico, and Texas, except those in El Paso County.

NOTE: Applicant's President and controlling stockholder holds Certificate No. MC 98674 as a common carrier of passengers in Texas.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto 49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6653. Authority sought for purchase by BRUCE MOTOR FREIGHT, INC. (IOWA CORPORATION), 2011 Easton Boulevard, Des Moines, Iowa, of the operating rights of BRUCE MOTOR FREIGHT, INC. (MISSOURI CORPORATION), 2011 Easton Boulevard, Des Moines, Iowa, and for acquisition by E. W. HARLAN, also of Des Moines, of control of such rights through the purchase. Applicants' attorney: Homer E. Bradshaw, 510 Central National Building, Des Moines 9, Iowa. Operating rights sought to be transferred: *General commodities*, except household goods as described by the Commission, as a *common carrier* over regular routes between Des Moines, Iowa, and Minneapolis and St. Paul, Minn., between Des Moines, Iowa, and Kansas City and St. Louis, Mo., between Des Moines, Iowa, and St. Louis, Mo., and between Leon, Iowa, and Centerville, Iowa, serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between Des Moines, Iowa, and Colo., Iowa, and between St. Louis, Mo., and East Alton, Ill., serving certain intermediate and off-route points; alternate route for operating convenience only between Bloomfield, Iowa, and junction Missouri Highway 4 and U. S. Highway 61; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Ames, Iowa, and Albert Lea, Minn., between junction Iowa Highway 2 and U. S. Highway 65, and junction U. S. Highways 65 and 69, between Centerville, Iowa, and junction Iowa Highway 2 and U. S. Highway 63, between Ottumwa, Iowa, and Oskaloosa, Iowa, between Des Moines, Iowa, and Perry, Iowa, and between Chicago, Ill., and Des Moines, Iowa, serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over regular and irregular routes, between Minneapolis, St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn. (the authority described immediately above is to be construed as granting only authority to serve additional intermediate or off-route points in connection with the above-described regular-route operations, and as an extension of the following irregular-route operations, and should not be understood to duplicate any authority previously granted); *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, over irregular routes between Minneapolis and St. Paul, Minn., and the site of the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn.; *poultry, butter*, and *eggs*, from Osceola, Creston, Gowrie, and Coon Rapids, Iowa, to Chicago, Ill. Vendee holds no authority from this Commission. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6655. Authority sought for control and merger by SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill., of the operating rights and property of KNIGHT'S TRANSPORTATION CO., Harborside, 1 Washington Avenue, Providence, R. I., and for acquisition by W. STANHAUS and SIMON FISHER, both of Chicago, of control of such rights and property through the transaction. Applicants' attorney: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, livestock, high explosives, automobiles, household goods as defined by the Commission, in truckload lots, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes between Providence, R. I., on the one hand, and, on the other, points in Connecticut east of U. S. Highway 5, and those in Rhode Island and Massachusetts south and east of a line extending from Boston, Mass., along Massachusetts Highway 9 to Worcester, Mass., and thence south to Westerly, R. I. SPECTOR FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Ohio, Missouri, Massachusetts, Pennsylvania, Maryland, Connecticut, New York, Indiana, Illinois, Minnesota, Wisconsin, New Jersey, Kansas, Rhode Island, Iowa, Nebraska and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6656. Authority sought for control by BRANCH MOTOR EXPRESS COMPANY, 455 West 16th Street, New York, N. Y., of MURDOCH & HATCH MOTOR TRANSPORT, INC., 84 State Street, Boston, Mass. Applicant's attorneys: Mark M. Horblit, 84 State Street, Boston 9, Mass., and Clarence D. Todd, 1825 Jefferson Place NW., Washington, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Boston, Mass., and Stamford, Conn., between Boston, Mass., and New London, Conn., between Boston, Mass., and New Haven, Conn., between Boston, Mass., and Hartford, Conn., between Boston, Mass., and North Adams, Mass., between New Bedford, Mass., and Danbury, Conn.; between Greenfield, Mass., and New Haven, Conn., between Sturbridge, Mass., and North Adams, Mass., between Providence, R. I., and Worcester, Mass., between Danbury, Conn., and New York, N. Y., and between Torrington, Conn., and New York, N. Y., serving certain intermediate and off-route points; *frozen fish livers*, over irregular routes, from Boston, Mass., to Provincetown, Mass.; *packing-house products, dairy products, agricultural commodities*, and *cloth*, from Boston, Mass., to Albany, N. Y., *groceries*, from Albany, N. Y., to Springfield, Mass., *agricultural commodities*, from New York, N. Y., to Worcester, Mass.; *petroleum and petroleum products*, in containers, from Sewaren, N. J., to Bristol and Torrington, Conn.; *malt beverages*, from Utica, N. Y., to Waterbury, Bridgeport, and Hartford, Conn.; *yeast, paper, groceries, tobacco, liquor, agricultural commodities, candy*, and *packing-house products*, between New York, N. Y., and Boston, Mass.; *fresh tomatoes*, from Boston, Mass., to Washington, D. C. BRANCH MOTOR EXPRESS COMPANY is authorized to operate as a *common carrier* in New York, Maryland, New Jersey, Pennsylvania, Delaware and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6657. Authority sought for purchase by COOPER-JARRETT, INC., West 14th Street, Kansas City, Mo., of the operating rights of ANTHONY SERIO AND NICKOLAS SERIO, doing business as SERIO BROS. FAST EXPRESS & TRUCKING, 5–32 50th Avenue, Maspeth, Long Island, N. Y., and for acquisition by R. E. COOPER, JR., 100 Water Street, Jersey City, N. J., of control of such rights through the purchase. Applicants' attorneys: Irving Klein, 280 Broadway, New York 7, N. Y., and George A. Olsen, 69 Tonnelle Avenue, Jersey City 6, N. J. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between New York, N. Y., on the one hand, and, on the other, points in New York and New Jersey within 50 miles of Columbus Circle, New York, N. Y. Vendee is authorized to operate as a *common carrier* in Missouri, Nebraska, Massachusetts, Illinois, Ohio, Pennsylvania, New York, Connecticut, Rhode Island, Kansas, New Jersey, Maryland, Indiana, Delaware, Colorado, Iowa, Oklahoma, Texas and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6658. Authority sought for merger into SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., 332 Kalorama Street SE., Staunton, Va., of the operating rights and property of SERVICE STORAGE & TRANSFER COMPANY, INC., Drawer 310, Bluefield, W. Va., and for acquisition by ROY R. SMITH and R. P. HARRISON, both of Staunton, of control of such rights and property through the transaction. Applicants' attorney: David G. Macdonald, 504 Commonwealth Building, Washington 6, D. C. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between Bluefield, Va., Bluefield, W. Va., and points within five miles of Bluefield, W. Va., between Bluefield, Va., and points within five miles of Bluefield, Va., and those within five miles of Bluefield, W. Va., respectively, on the one hand, and, on the other, points in that part of Virginia and West Virginia within 75 miles of that territory, between Bluefield, W. Va., on the one hand, and, on the other, points in West Virginia and certain points in Virginia, and between Bluefield, Va., and points in Virginia within five miles of Bluefield, and Bluefield, W. Va., and points in West Virginia within five miles of Bluefield, on the one hand, and, on the other, points in Pike, Letcher, and Harlan Counties, Ky. SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., is authorized to operate as a *common carrier* in Virginia, Maryland, Pennsylvania, Delaware, New York, New Jersey, West Virginia, North Carolina, South Carolina and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6659. Authority sought for purchase by HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill., of the operating rights of KENNETH D. GUNION, doing business as GORE TRUCK LINE, 124 East Virginia Avenue, Memphis, Tenn., and for acquisition by DAVID H. RATNER, also of

Springfield, of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and John Paul Jones, 1012 Edway Building, Memphis 3, Tenn. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Hernando, Miss., and Memphis, Tenn., serving the intermediate and off-route points in De Soto County, Miss., within seven miles of Hernando, Miss. Vendee is authorized to operate as a *common carrier* in Missouri, Iowa, Illinois, Indiana, Ohio, Kentucky, Michigan, Tennessee, Pennsylvania, West Virginia, Connecticut, Delaware, Massachusetts, Maine, Maryland, Mississippi, New Hampshire, New Jersey, New York, Rhode Island, Virginia, Vermont and Wisconsin. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6660. Authority sought for control and merger by BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak., of the operating rights and property of BUCKINGHAM TRANSFER, INC., and BUCKINGHAM EXPRESS, INC., both of 2012 Burt Street, Omaha, Nebr., and for acquisition by EARL F. BUCKINGHAM and HAROLD D. BUCKINGHAM, both of Rapid City, of control of such rights and property through the transaction. Applicants' attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Operating rights sought to be controlled and merged: (BUCKINGHAM TRANSFER, INC.) *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier* over regular routes between St. Joseph, Mo., and Tarkio, Mo., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Westboro, Mo., and Omaha, Nebr., serving the intermediate points of Rockport, Fairfax, and Tarkio, Mo.; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between Langdon, Mo., and Rockport, Mo., serving all intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between certain points in Missouri, on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, and Kansas; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, between points in Atchison, Nodaway, Andrew, Holt, and Buchanan Counties, Mo., on the one hand, and, on the other, certain points in Kansas, certain points in Nebraska, and certain points in Iowa; *household goods*, as defined by the Commission, and *emigrant movables*, between points in Atchison County, Mo., and certain points in Iowa, on the one hand, and, on the other, points in Missouri, Illinois, Iowa, Kansas, and Nebraska, and between Mound City, Mo., and points in Missouri within 25 miles thereof, on the one hand, and, on the other, points in that part of Iowa, Kansas, and Nebraska within 100 miles of Mound City, Mo.; *washing machines*, from Newton, Iowa, to Mound City, Mo.; *farm machinery and farm implements and parts therefor, livestock*, and *oil - field equipment*, between Mound City, Mo., and points in Missouri within 25 miles thereof, on the one hand, and, on the other, points in that part of Iowa, Kansas, and Nebraska within 100 miles of Mound City, Mo.; (BUCKINGHAM EXPRESS, INC.) *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes from Princeton, Mo., to East St. Louis, Ill., from Princeton, Mo., to Kansas City, Kans., and from Princeton, Mo., to St. Joseph, Mo., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and liquid commodities in bulk, over irregular routes between St. Joseph, Mo., on the one hand, and, on the other, Gallatin, Altamont, and Winston, Mo.; *household goods*, as defined by the Commission, and *emigrant movables*, between Princeton, Mo., and points within 15 miles of Princeton, on the one hand, and, on the other, points in Iowa, Illinois, Missouri and Kansas; *livestock, feed, furnaces, paper, brick, new furniture, canned goods, junk, scrap iron, metals, tile, twine, hardware, sporting goods, wagons, spreaders, furniture, caskets, malt beverages, bottles*, and *seed*, from, to or between points and areas, varying with the commodity transported, in Missouri, Kansas, Illinois and Iowa. BUCKINGHAM TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, North Dakota, Montana, Illinois, Wisconsin, Utah, Washington, California and Nevada. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6661. Authority sought for control by W. D. SELLERS, JR., AND EDWIN M. SELLERS, 2 South 32nd Street, Birmingham, Ala., of HUCKABEE TRANSPORT CORP., Box 479, Columbia, S. C. Applicants' attorneys: James W. Wrape, Sterick Building, Memphis, Tenn., and Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Charleston, S. C., and Greenville, S. C., between Charleston, S. C., and Kings Mountain, N. C., between Columbia, S. C., and Pineville, N. C., between Columbia, S. C., and Augusta, Ga., and between Augusta, Ga., and Atlanta, Ga., serving certain intermediate and off-route points; *compressed inflammable gases*, in bulk, in Government-owned tube trailers, and *empty tube trailers*, and *classified and secret materials*, between the Savannah River Plant of the Atomic Energy Commission, at Dunbarton, S. C., and the site of the Atomic Energy Plant at Oak Ridge, Tenn., serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between Augusta, Ga., on the one hand, and, on the other, points in Georgia within 100 miles of Augusta, between points in Georgia, on the one hand, and, on the other, points in South Carolina, and between Charlotte, N. C., on the one hand, and, on the other, certain points in South Carolina; *textile machinery* and *textile products*, between Winnsboro, S. C., on the one hand, and, on the other, Kannapolis, Gastonia, and Concord, N. C.; *the commodities* classified (a) as meats, meat products, and meat by-products, and (b) as dairy products in the appendix to the report in *Modification of Permits-Packing House Products*, 46 M. C. C. 23, between Columbia, S. C., and points within ten miles thereof, on the one hand, and, on the other, Fort Bragg, N. C., and points within ten miles thereof; *cotton*, from Winnsboro, S. C., to Gastonia, N. C., *hay*, from Beech Island, S. C., to Harlem, Ga., and from Augusta, Ga., to Walhalla, S. C.; *fertilizer*, from Augusta, Ga., to points in South Carolina; *flour*, from Augusta and Savannah, Ga., and Charleston, S. C., to points in South Carolina; *cotton seed*, from Beech Island, S. C., to Augusta, Ga.; *canned goods, meat*, and *sugar*, from Savannah, Ga., to Augusta, Ga.; *canned goods* and *agricultural commodities*, from Charleston, S. C., to Augusta, Ga. W. D. SELLERS, JR., and EDWIN M. SELLERS hold no authority from this Commission, but are affiliated with BAGGETT TRANSPORTATION COMPANY, which is authorized to operate as a *common and contract carrier* in Iowa, Alabama, Missouri, Illinois, New Jersey, West Virginia, Tennessee, Mississippi, Georgia, North Carolina, South Carolina, Indiana, Massachusetts, Florida, Louisiana, Texas, Kentucky, Virginia, New York, Colorado, Arkansas, Oklahoma, Kansas, Pennsylvania, Delaware, Maryland, Utah, Michigan, Minnesota, South Dakota, North Dakota, Ohio, Wyoming, Wisconsin, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Nebraska and New Mexico. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6662. Authority sought for purchase by POINT EXPRESS, INC., 3535 Seventh Avenue, Charleston, W. Va., of the operating rights and property of MERCHANTS DISPATCH, INC., 1533 Hansford Street, Charleston, W. Va., and for acquisition by PAUL F. YOUNGBLOOD, also of Charleston, of control of such rights and property through the purchase. Applicants' attorneys: Francis W. McInnery, 504 Commonwealth Building, Washington 6, D. C., and John C. White, 400 Union Building, Charleston, W. Va. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes between Huntington, W. Va., and Columbus, Ohio, between Charleston, W. Va., and Beckley, W. Va., between Charleston, W. Va., and Webster Springs, W. Va., between Charleston, W. Va., and Clendenin, W. Va., and between Charleston, W. Va., and Nitro, W. Va., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Charleston, W. Va., and Cincinnati, Ohio, and between Gauley Bridge, W. Va., and White Sulphur Springs, W. Va., serving certain intermediate and off-route points; alternate route for operating convenience only between Lewis, W. Va., and Chillicothe, Ohio. Vendee is authorized to operate as a *common carrier* in West Virginia, Ohio, Kentucky, Pennsylvania and India. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6663. Authority sought for purchase by PAUL CROUSE, doing business as CROUSE CARTAGE COMPANY, P. O. Box 348, Carroll, Iowa, of the operating rights of WENDELL SATTERLEE, doing business as HARLAN EXPRESS, 1106 South Sixth Street, Omaha, Nebr. Applicants' attorneys: Einar Viren, 904 City National Bank Building, Omaha, Nebr., and Jack W. Marer, 854 Omaha National Bank Bldg., Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Manning, Iowa, and Omaha, Nebr., serving all intermediate points and the off-route points of Manilla, Templeton, Dedham, and Coon Rapids, Iowa; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, over irregular routes between Walnut, Iowa, and points within 20 miles of Walnut, on the one hand, and, on the other, Omaha, Nebr. Vendee is authorized to operate as a *common carrier* in Nebraska and Iowa. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-6652; Filed, Aug. 13, 1957; 8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 9, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34096: *Vegetable oils from southern ports to Kentucky, Illinois, and Wisconsin points.* Filed by H. M. Engdahl, Agent, (No. 36–C), for interested rail carriers. Rates on vegetable oils, carloads, in packages or in tank cars, as described in the application from Gulf, south Florida, and south Atlantic ports, on traffic imported thereat and transported by rail to Covington, Ky., Elgin, Freeport, and Jacksonville, Ill., and Cudahy, Wis.

Grounds for relief: Port competition and relationships, and circuitous routes.

Tariff: Supplement 11 to Agent Engdahl's tariff I. C. C. 150.

FSA No. 34097: *Fresh meats from western points to Louisiana and Texas points.* Filed by H. M. Engdahl, Agent, (No. 36–B), for interested rail carriers. Rates on fresh meats, carloads, as described in the application from specified points in Illinois, Iowa, Missouri, and Wisconsin to Lake Charles, La., and Texas Gulf ports, for export.

Grounds for relief: Port competition and relationships, and circuity.

Tariff: Supplement 13 to Agent Engdahl's tariff I. C. C. 144.

FSA No. 34098: *Concrete Pressure Pipe—South Beloit, Ill., to Official Territory.* Filed by O. E. Schultz, Agent (ER No. 2396), for interested rail carriers. Rates on reinforced concrete pressure pipe and fittings, carloads (a) from South Beloit, Ill., to all points in official territory, including points in Illinois, southern Wisconsin and extended zone C in Wisconsin, and (b) from Cleveland and Dayton, Ohio, Detroit, Mich., and Melbourne, Ky., to all points in Illinois, southern Wisconsin and extended zone C in Wisconsin.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariffs: Supplement 3 to Agent H. R. Hinsch's tariff I. C. C. 4785. Supplement 10 to Agent H. R. Hinsch's tariff I. C. C. 4772. Supplement 6 to Agent R. G. Raasch's tariff I. C. C. 877.

FSA No. 34099: *Fine coal—Alabama and Tennessee mines to Acme, N. C.* Filed by O. W. South, Jr., Agent (SFA No. A3511), for interested rail carriers. Rates on fine coal, carloads as described in the application from Bass and Stevenson, Ala., and from specified points in Tennessee on The Nashville, Chattanooga & St Louis Railway to Acme, N. C.

Grounds for relief: Competition with other sources of power fuels in connection with revised description.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-6650; Filed, Aug. 13, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Excelsior Manufacturing Co., Salisbury, Md.; effective 8–2–57 to 8–1–58 (children's and ladies' sportswear).

Rosemont Dress Co., 24 Moser Road, Pottstown, Pa.; effective 8–2–57 to 8–1–58 (ladies' dresses).

S. D. Dress Co., Mill and Frieda Streets, Dickson City, Pa.; effective 7–26–57 to 7–25–58 (dresses).

Sarajo Manufacturing Co., Sixth and Front Streets, Monett, Mo.; effective 8–5–57 to 8–4–58 (boys' pants).

Sarajo Manufacturing Co., Commercial Street, Pierce City, Mo.; effective 8–5–57 to 8–4–58 (boys' shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Delmarva Manufacturing Co., Denton, Md.; effective 8–2–57 to 8–1–58; five learners (children's and ladies' sportswear).

McTague Manufacturing Co., Inc., West Presqueisle Street, Philipsburg, Pa.; effective 7–30–57 to 7–29–58; 10 learners (jackets).

Mylcraft Manufacturing Co., Inc., South Main and Jackson Streets, Rich Square, N. C.; effective 8–8–57 to 8–7–58; five learners (ladies' robes).

Saltillo Manufacturing Co., Inc., Saltillo, Tenn.; effective 8–1–57 to 7–31–58; 10 learners (sport shirts).

Scranton Wearing Apparel, Inc., 312 Penn Avenue, Scranton, Pa.; effective 8–5–57 to 8–4–58; six learners (boys' and men's outerwear).

Skyland Textile Co., Vance Street, Forest City, N. C.; effective 8–2–57 to 8–1–58; 10 learners (children's knitted outerwear).

Snow Hill Garment Co., Snow Hill, Md.; effective 8–2–57 to 8–1–58; five learners (children's and ladies' sportswear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Oberman Manufacturing Co., Harrison, Ark.; effective 7–30–57 to 1–29–58; 25 learners (men's and boys' single pants).

Saltillo Manufacturing Co., Inc., Saltillo, Tenn.; effective 8–1–57 to 1–31–58; 25 learners (sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 8–6–57 to 2–5–58; 10 learners for plant expansion purposes (work gloves).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 8–6–57 to 8–5–58; 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Indianapolis, Ind.; effective 7–30–57 to 7–29–58; 10 percent of the total number of factory production workers engaged in the authorized learner occupations for normal labor turnover purposes (jersey and canton flannel work gloves).

Indianapolis Glove Co., Inc., Richmond, Ind.; effective 7-30-57 to 7-29-58; 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Houlka, Miss; effective 7-30-57 to 7-29-58; 10 learners for normal labor turnover purposes (canton flannel work gloves).

Indianapolis Glove Co., Inc., Coshocton, Ohio; effective 8-3-57 to 8-2-58; 10 learners for normal labor turnover purposes (canton flannel work gloves).

Indianapolis Glove Co., Inc., Eaton, Ohio; effective 8-3-57 to 8-2-58; 10 learners for normal labor turnover purposes (jersey-work gloves).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 8-11-57 to 8-10-58; 10 learners for normal labor turnover purposes (ladies' knit fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ellis Hosiery Mills, Inc., Hickory, N. C.; effective 8-5-57 to 8-4-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Hollar Hosiery Mills, Inc., Hickory, N. C.; effective 8-5-57 to 8-4-58; five learners for normal labor turnover purposes (seamless).

C. D. Jessup & Co., Claremont, N. C.; effective 8-2-57 to 8-1-58; five learners for normal labor turnover purposes (seamless).

Melrose Hosiery Mills, Inc., 1541 English Street, High Point, N. C.; effective 8-1-57 to 7-31-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Southland Sox, Inc., 937 Gault Avenue, North Fort Payne, Ala.; effective 8-1-57 to 7-31-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.70 to 522.74, as amended).

Monroeville Telephone Co., Inc.; Monroeville, Ala.; effective 8-1-57 to 7-31-58.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Movie Star of Ellisville, Ellisville, Miss.; effective 7-30-57 to 1-29-58; 15 learners for plant expansion purposes (ladies' lingerie).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Alco Ranch Washable Footwear Co., 324 South Chadbourne Street, San Angelo, Tex.; effective 8-2-57 to 8-1-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Rose Handkerchief Works, 654 Broadway, New York, N. Y.; effective 8-5-57 to 2-4-58; authorizing the employment of two learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rates of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (handkerchiefs).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Columbia Manufacturing Co., San Lorenzo, P. R.; effective 7-21-57 to 1-20-58; authorizing the employment of 10 learners for plant expansion purposes, in the occupations of straightening; inspection; sand blast—washing—degrease—color; induction brazing; slot milling; and thread rolling; each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 85 cents an hour for the remaining 240 hours (metal cutting tools).

Fajardo Knitting Mills, Inc., Fajardo, P. R.; effective 7-16-57 to 1-15-58; authorizing the employment of 14 learners for plant expansion purposes, in the occupations of: (1) Hand fashioning knitting machine operators, and loopers, each for a learning period of 480 hours at the rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the remaining 240 hours; and (2) machine stitchers, pressers, and hand sewers, each for a learning period of 320 hours at the rates of 58 cents an hour for the first 160 hours and 68 cents an hour for the remaining 160 hours (sweaters).

Sanrico Sportswear Corp., Hato Rey, P. R.; effective 7-22-57 to 1-21-58; authorizing the employment of 48 learners for plant expansion purposes, in the occupation of sewing machine operators, for a learning period of 480 hours at the rates of 45 cents an hour for the first 240 hours and 53 cents an hour for the remaining 240 hours (slacks and shorts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 7th day of August 1957.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 57-6609; Filed, Aug. 12, 1957; 8:49 a. m.]

FEDERAL REGISTER

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Washington, Thursday, August 15, 1957

MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

TERRITORIAL SUBDIVISIONS IN PUERTO RICO

Section 331.16 of Title 6, Code of Federal Reulations (21 F. R. 10441, 10446, 22 F. R. 1269, 4436), is amended with respect to areas designated as subdivisions in Puerto Rico by (1) revoking the designation of the subdivisions named Mayaguez and Yauco, and (2) designating the following identified subdivisions:

PUERTO RICO

Name of Subdivision	*Municipalities Comprising Subdivision*
Mayaguez	Mayaguez, Anasco, Las Marias, Rincon, Hormigueros.
Yauco	Yauco, Guanica, Guayanilla, Maricao.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015. Interprets or applies sec. 54, 50 Stat. 532, as amended; 7 U. S. C. 1028)

Dated: August 9, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-6706; Filed, Aug. 14, 1957; 8:45 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Amdt. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (22 F. R. 2321) with respect to rice produced in 1957 which contain specific requirements for the 1957-Crop Rice Price Support Program are hereby amended as follows:

1. Section 421.2541 (d) is amended by removing the word "bulk" in the second sentence of the paragraph so that the amended paragraph reads as follows:

§ 421.2541 *Determination of quantity.*

* * *

(d) In the case of commingled rice, loans will be made and settlement with the producer will be made on 100 percent of the quantity of rice determined in accordance with this section, based on the quantity shown on the warehouse receipt or the supplemental certificate. In all other cases, loans will be made on 95 percent of the quantity of rice determined in accordance with this section, and the determination of quantity for settlement purposes will be made on the basis of the actual quantity acquired by CCC, except that in the case of rice stored modified commingled, settlement with the producer will be made on the basis of 100 percent of the quantity shown on the warehouse receipt or the supplemental certificate.

2. Section 421.2544 (a) is amended to include the final value factors for head and broken rice so that the amended paragraph reads as follows:

§ 421.2544 *Support rates*—(a) *Basic rates.* The basic support rate per 100 pounds of rough rice in approved storage and with all accrued charges paid through the applicable maturity date for loans, including all receiving and loading out charges, accrued or to accrue, shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

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CFR SUPPLEMENTS
(As of January 1, 1957)

The following are now available:

Title 14, Parts 1–39 (Rev. 1956) ($6.75)

Title 14, Parts 40–399 (Rev. 1956) ($6.00)

Title 46, Part 146 to end ($2.00)

Title 49, Parts 71–90 (Rev. 1956) ($6.25)

All pocket supplements and revised books have been previously announced except Titles 1–3 and the supplement to the General Index.

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VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rough rice class or variety	Head Rice	Broken rice
I	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark)	$0.0997	$0.035
II	Blue Bonnet, Nira, and Rexark	.0947	.035
III	Toro	.0877	.035
IV	Century Patna, Fortuna, R. N. and Edith	.0847	.035
V	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose and Arkrose), Magnolia, Zenith, Prelude, Lady Wright, and Nato	.0767	.035
VI	Pearl, Calrose, Early Prolific, Calady, and other varieties	.0702	.035

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441)

Issued this 12th day of August 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-6704; Filed, Aug. 14, 1957; 8:45 a. m.]

PART 446—PEANUTS

SUBPART—1957 CROP PEANUT PRICE SUPPORT PROGRAM

This bulletin (hereinafter called subpart) contains the regulations applicable to the 1957 crop Peanut Price Support Program, under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as CCC and CSS respectively).

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AUTHORITY: §§ 446.901 to 446.932 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs., 101, 401, 63 Stat. 1051, 1054; sec. 201, 68 Stat. 899; 15 U. S. C. 714c. 7 U. S. C. 1441, 1421.

§ 446.901 *Administration.* (a) The program will be administered by the Oils and Peanut Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. In the field the program will be carried out by Agricultural Stabilization and Conservation State Committees and by Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and the Dallas CSS Commodity Office (hereinafter called the commodity office). State and county committees and the commodity office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(b) Associations operating under an Association Loan and Handling Agreement CCC Peanut Form 27 (1957) with CCC (hereinafter referred to as an Agreement with CCC) may receive, arrange for storage and handle eligible peanuts for and on behalf of eligible producers, using such peanuts as collateral for a loan made available by CCC.

§ 446.902 *Availability*—(a) *Areas.* The program will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(b) *Time.* Loans will be made through January 31, 1958, and will mature on May 31, 1958, or such earlier date as may be specified by CCC: *Provided, however,* That CCC may extend the maturity date beyond May 31, 1958. All farm storage loan documents must be dated and delivered to the county office on or before January 31, 1958. Warehouse receipts for peanuts delivered to an association operating under an agreement with CCC must show that the peanuts were received in the warehouse not later than January 31, 1958, and must have been issued within two business days after the peanuts were received in the warehouse.

§ 446.903 *Methods of price support.* CCC will support the price of eligible 1957 crop quota peanuts through nonrecourse farm storage loans to eligible producers and non-recourse warehouse storage loans to associations operating under an agreement with CCC.

§ 446.904 *Definitions.* As used in this subpart and in instructions and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Association.* A group of producers organized in accordance with the provisions of the Capper-Volstead Act, for the purpose of handling agricultural products for and on behalf of its producer members, which qualifies as a cooperative in the State(s) in which it functions, is approved by CCC, and meets the following requirements.

(1) The major portion of the peanuts handled by the association is delivered to the association by producer members;

(2) The members and any non-members for whom the association handles peanuts have a right to share pro rata in the profits made from handling peanuts;

(3) The association has the legal right to pledge or mortgage the peanuts which it receives from producers who have no right to redeem or obtain possession of their peanuts after delivery to the association;

(4) The manager of the association must not be engaged in the business of buying, selling, storing, or dealing in peanuts, other than in his capacity as manager of the association or as a producer; and

(5) The association shall maintain such accounts and records as CCC may prescribe.

(b) *County office.* The office of the ASC county committee where records for the farm are kept.

(c) *Farm.* A farm as defined in the marketing quota regulations which in general defines a farm as all adjacent or nearby farmland which is operated as one farming unit.

(d) *Farm allotment.* The effective farm allotment for the 1957 crop of peanuts as defined in the marketing quota regulations.

(e) *Farmers stock peanuts.* Picked or threshed peanuts produced in the continental United States during the calendar year 1957, which have not been shelled, crushed, cleaned (except for removal of foreign material), or otherwise changed from the state in which picked or threshed peanuts are customarily marketed by producers.

(f) *Farm peanut acreage.* The 1957 farm peanut acreage determined in accordance with the marketing quota regulations which in general defines such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(g) *Lot.* That quantity of peanuts for which one inspection memorandum is issued.

(h) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for peanuts of 1957 and Subsequent Crops issued by the Acting Secretary of Agriculture, including any amendments or supplements thereto (21 F. R. 9370).

(i) *Net weight.* That weight obtained by multiplying the gross weight by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material and (2) moisture in excess of 7 percent in the Southeastern and Southwestern areas or 8 percent in the Virginia-Carolina area.

(j) *Operator.* The person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) *Producer.* A person who, as owner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(l) *Quota peanuts.* Peanuts which are within the amount of the farm marketing quota determined pursuant to the marketing quota regulations.

(m) *Type.* The generally known types of peanuts (i. e. Runner, Spanish, Valencia, and Virginia) as defined in 7 CFR 729.804 of the "Determination With Respect to Supply of Valencia Type Peanuts for the 1957–58 Marketing Year," issued March 21, 1957, by the Acting Secretary of Agriculture (22 F. R. 1977), except that any peanuts which would otherwise be considered Virginia type but which contain less than 30 percent "fancy" size (peanuts riding a $^{33}/_{64}$ x 3 inch slotted screen) will be considered Runner type peanuts.

(n) *Within quota card.* Form MQ–76 (Peanuts) 1957, 1957 Peanut Within Quota Marketing Card, or Form MQ–76–VC (Peanuts) 1957, Within Quota Marketing Card, issued pursuant to the marketing quota regulations.

§ 446.905 *Support prices.* The national average support price is $221.40 per ton. The support prices and loan rates by types, and the premiums and discounts with respect thereto, are contained in § 446.906.

§ 446.906 *Price support schedule.* The following price support schedule applies to farmers stock peanuts in bulk or in bags, net weight basis, eligible for loan under the terms of the peanut price support program.

(a) *Average support prices.* The support price by type per average ton of 1957 crop quota peanuts will be:

	Per ton
Virginia	$236.80
Runner type	206.70
Southeastern Spanish type	224.38
Southwestern Spanish type	218.33
Valencia type suitable for cleaning and roasting	226.95

(b) *Calculation of support prices.* The support price per ton for each type of peanuts shall be calculated on the basis of the following rates, premiums and discounts:

(1) *Kernel values per net ton excluding loose shelled kernels.* (i) Price for each percent of sound mature kernels:

Virginia type	$3.19
Runner type	3.06
Southeastern Spanish type	3.18
Southwestern Spanish type	3.14
Valencia type:	
A. Southwestern area:	
(aa) Suitable for cleaning and roasting	3.34
(bb) Not suitable for cleaning and roasting	3.14
B. Areas other than Southwest	3.18

(ii) Price for each percent of damaged and other kernels: $1.40.

(iii) Premiums for Virginia type extra large kernels; for each one percent above 15 percent: $1.25.

(2) *Value of loose shelled kernels per pound.* $0.07.

(3) *Damaged kernel discount.* For all types of peanuts the discount per ton for damaged kernels riding the screen prescribed for determination of sound mature kernels for that type shall be as follows:

Peanuts containing damaged kernels of:	Discount
1 percent	None
2 percent	$3.50
3 percent	7.00
4 percent	12.25
5 percent	19.25
6 percent	26.25
7 percent	36.75
8 percent and over	(1)

[1] Not eligible for price support.

(4) *Foreign material discount.* The discount for each full one percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton. Peanuts with more than 10 percent foreign material shall not be eligible for price support.

(5) *Florispan peanuts.* Florispan peanuts will be supported at a price equivalent to 65 percent of the support price for Runner type peanuts of the same grade.

(c) *Definitions*—(1) *Sound mature kernels.* The term "sound mature kernels" means kernels which are free from damage as defined in the U. S. Standards for farmers stock (i) white Spanish peanuts in the case of Spanish and Valencia peanuts, and (ii) Runner and Virginia peanuts, respectively, in the case of Runner and Virginia peanuts; and which will not pass through a screen having:

(a) $^{15}/_{64}$ x ¾ inch perforations in the case of Spanish and Valencia peanuts,

(b) $^{15}/_{64}$ x 1 inch perforations in the case of Virginia peanuts,

(c) $^{16}/_{64}$ x ¾ inch perforations in the case of Runner peanuts.

(2) *Extra large kernels.* "Extra large kernels" means shelled Virginia type peanuts which will not pass through a screen having 21.5/64 x 1 inch openings and which are "whole" and free from "minor defects" and "damage," as such terms are defined in the U. S. Standards for Shelled Virginia Type Peanuts (effective July 31, 1956).

(3) *Virginia type peanuts.* Virginia type peanuts, to receive price support as Virginia type, must contain 30 percent or more "Fancy" size (i. e., peanuts riding a $^{33}/_{64}$ x 3 inch slotted screen). Virginia type peanuts containing less than 30 percent "Fancy" size will be supported as though they were Runner type.

(4) *Valencia type peanuts suitable for cleaning and roasting.* Valencia type peanuts suitable for cleaning and roasting shall be those containing less than 25 percent discoloration and damage caused by cracked and broken shells.

(d) *Producer advance value.* The support price of eligible peanuts less an amount equivalent to $9.00 per net weight ton to provide funds to pay inspection, storage, and part of the association's expenses in connection with the loan program.

§ 446.907 *Eligible peanuts.* Peanuts eligible for price support are 1957 crop farmers stock peanuts, other than those produced in violation of a restrictive lease on Federally owned land, which:

(a) Contain not more than 10 percent foreign material and not more than 7 percent damaged kernels;

(b) Contain moisture not in excess of 10 percent when placed under a farm storage loan or not in excess of the maximum moisture limitation specified by the association for peanuts received into a warehouse as collateral for a loan to the association; except that peanuts which have been mechanically dried shall contain at least 5 percent moisture when placed under a farm storage loan or when received in the warehouse and shall not show evidence of damage from the drying process, as indicated by hardness, off flavor, or excessive slippage of the skin;

(c) Are identified by a within quota marketing card in accordance with the marketing quota regulations;

(d) Are produced by an eligible producer on a farm on which the 1957 farm peanut acreage does not exceed the larger of the 1957 farm allotment or one acre, or for which a within quota marketing card is issued to the producer or operator upon the execution of Form MQ–92—Peanuts (5–9–57) Agreement by Operator of Overplanted Farm, in which he agrees that the farm peanut acreage will not exceed the larger of the farm allotment or one acre, and if such undertaking is breached to pay liquidated damages to CCC, determined in accordance with the terms of such agreement, and to pay any marketing penalties determined to be due the Secretary of Agriculture.

(1) The liquidated damages payable to CCC under such agreement may be waived to such extent as the Executive Vice President of CCC or his designated representative may determine appropriate in any case where he determines that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with the agreement and that the amount by which the farm peanut acreage exceeded the acreage specified in the agreement was so small, in relation to the acreage so specified, that it did not materially impair CCC's price support operations.

(2) Copies of Form MQ–92—Peanuts (5–9–57) may be obtained from the county committee. The county committee may decline to execute such Form MQ–92—Peanuts in any case where it finds reasonable grounds to believe that such agreement will be used as a device to evade the requirements of this program or the collection of marketing penalty.

(e) Are free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained: *Provided, however,* That peanuts under loan to an association may be subject to liens for warehouse charges specified in the warehouse contract, CCC Peanut Form 28 (1957).

(f) If such peanuts are bagged, the bags are new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes, and are finished at the top with either the selvage edge of the material, binding, or a hem. Such bags shall be of uniform size with approximately 2-bushel capacity in the Southeast and Southwest areas and 4-bushel capacity in the Virginia-Carolina area.

§ 446.908 *Eligible producer.* A producer will be eligible for price support with respect to all eligible peanuts in which the beneficial interest is in him and has always been in him, or in him and a former producer whom he succeeded before the peanuts were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the peanuts are produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession.

§ 446.909 *Determination of type and grade.* Federal or Federal-State inspectors shall be determine the type and grade of each lot of peanuts:

(a) To be mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made;

(b) When delivered in settlement of a farm storage loan;

(c) When received in a warehouse under contract CCC Peanut Form 28 (1957);

(d) When delivered to CCC from a warehouse under contract CCC Peanut Form 28 (1957);

The grade shall be expressed in terms of the percentages of sound mature kernels, damaged kernels, loose shelled kernels, other kernels, foreign material, moisture, and extra large kernels in Virginia type peanuts.

§ 446.910 *Approved lending agencies.* An approved lending agency shall be a bank or other financial organization with which CCC has entered into a lending agency agreement on CCC Form 322 in the case of producer farm storage loans and on CCC Peanut Form 50 (1957) in the case of loans to peanut associations.

§ 446.911 *Service charges and fees.* (a) On the quantity of peanuts placed under a farm storage loan the producer shall pay an initial service charge in the amount of 30 cents per ton, except that the minimum charge shall be $3.00. An additional service charge at the rate of 30 cents per ton shall be paid on any additional quantity delivered to and accepted by CCC. No refund of service charges will be made. State committees may, at their option, require a deposit on farm storage loans, such deposit to be applied against the service charge when the loan is granted.

(b) The producer will pay the fee for inspecting peanuts placed under a farm storage loan or a loan to the association. CCC will pay the fee for inspecting loan collateral peanuts acquired by CCC.

(c) The association will pay the warehouse charges on peanuts redeemed. CCC will pay warehouse charges with respect to loan collateral peanuts acquired by CCC, except that the producer will be required to defray storage charges for a period of eight months.

(d) The service charges and fees specified in this section will be computed on gross weights.

§ 446.912 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that (a) where there is a default in satisfaction of a farm storage loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default, and (b) where there has been a fradulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 446.913 *Personal liability of the borrower.* The making of any fraudulent representation in obtaining a loan or the conversion or unlawful disposition of any portion of the peanuts by the borrower may render such borrower subject to criminal prosecution under Federal law and shall render him personally liable for the amount received (plus interest) and for any resulting expense incurred by any holder of the note.

§ 446.914 *Payments and collections; amounts not exceeding $3.* To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less due a producer will be paid only upon request; and a deficiency of $3 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

§ 446.915 *Set-offs.* (a) If a producer who obtains a loan is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan, such producer must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan to the extent of such indebtedness or installments, plus interest if any, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders.

(b) Associations shall deduct from their advance payments to producers, and remit in accordance with procedure approved by CSS, the amount of indebtedness as shown on the marketing cards presented at the time the peanuts are received, plus interest.

(c) Compliance with the provisions of this seciton shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 446.916 *Purchase of notes.* (a) Notes, evidencing farm storage loans, held by lending agencies will be purchased by CCC in accordance with the terms of the lending agency agreement. The purchase price will be the principal sums remaining due on such notes plus interest computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the county office where the loan documents were approved.

(b) Approved lending agencies making loans to associations may assign all or part of such loans to CCC and obtain payment for the amounts assigned by means of sight drafts drawn on CCC payable through a designated Federal Reserve Bank or Branch Bank. Lending agencies may act as agents for CCC in servicing the loan or portion thereof assigned to CCC.

§ 446.917 *Foreclosure.* If the loan is not satisfied upon maturity by payment, or by delivery of the peanuts from farm storage, the holder of the note is authorized to remove the peanuts and sell them. Any sum due the borrower as a result of the sale of the peanuts shall be payable only to the borrower without right of assignment.

§ 446.918 *Farm storage loan provisions.* Loans will be available to eligible producers on eligible peanuts in approved farm storage. Producers who want to obtain such loans will apply at the county office where the farm program records are kept, and that office will arrange for inspection of the storage facilities and for inspection, sampling, and grading of the peanuts. After it is determined that the producer, the peanuts, and the storage facilities meet the requirements therefor, the county office will determine the amount of the loan and prepare and approve the loan documents. Copies of all such documents will be kept in the county office. After the loan documents are approved, the producer may obtain the loan from any approved lending agency or from CCC. The producer may deliver the peanuts to CCC upon maturity of the loan, or may redeem the peanuts at any time prior to such delivery by repaying the amount of the loan plus interest and charges.

(a) *Approved farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage of peanuts. Such structures shall be dry and well-ventilated.

(b) *Method of determining quantity*—(1) *Peanuts placed under loan.* The net weight of the peanuts to be placed under a farm storage loan will be calculated from an estimated gross weight determined as provided in this section.

A minimum reduction of 5 percent in such estimated gross weight is required in an effort to avoid underdelivery at maturity in the event the loan is not repaid.

(i) *Peanuts stored in bulk.* The estimated gross weight of bulk peanuts may be determined either by weight or by measurement. When the quantity is determined by measurement, the gross weight shall be computed on the number of pounds per cubic foot for the type of peanuts indicated below (such number of pounds has been reduced by approximately 5 percent for the estimated actual weight):

Type:	Weight per cu. ft. (pounds)
Runner	17.0
Spanish	19.0
Valencia	17.0
Virginia	12.0

If the estimated gross weight of bulk peanuts is determined by actual weight instead of by measurement, deduct from such weight an amount specified by the State committee which amount shall be not less than 5 percent of such gross weight.

(ii) *Peanuts stored in bags.* The estimated gross weight of bagged peanuts to be placed under loan shall be determined by weighing all of the bags, or by weighing a sufficient number of bags to estimate the gross weight of all the bags and then by deducting an amount not less than 5 percent of such gross weight specified by the State committee.

(2) *Peanuts delivered to CCC at maturity.* The net weight of peanuts delivered to CCC upon maturity of the loan shall be calculated from the gross weight determined by actual weight at the time of delivery.

(c) *Forms.* Loan forms shall consist of Commodity Loan Form A, Producer's Note and Supplemental Loan Agreement, secured by Commodity Loan Form AA, Commodity Chattel Mortgage, and such other forms and documents as may be required by CCC. Commodity Loan Forms A and AA must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(d) *Disbursement.* Disbursement of farm storage loans will be made by approved lending agencies or by sight drafts drawn on CCC by the county office. Disbursement, regardless of where made, shall not be made after February 15, 1958, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such draft, check, credit, or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the peanuts are in existence and in good condition. If the peanuts are not in existence or not in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer shall be personally liable for repayment of the amount of such excess.

(e) *Insurance.* CCC will not require the borrower to insure the peanuts placed under a farm-storage loan. However, if a borrower does insure such peanuts and an insurance indemnity is paid thereon, the insurance proceeds must be paid to CCC to the extent of its interest, after first satisfying the borrower's equity in the peanuts involved in the loss.

(f) *Safeguarding the peanuts.* The producer who obtains a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in storage and in good condition until the loan is liquidated.

(g) *Loss or damage to the peanuts under farm storage loan.* (1) The producer is responsible for any loss in grade and for any loss in weight, except that CCC will assume uninsured physical loss or damage occurring after disbursement of the loan funds without fault, negligence or conversion on the part of the producer, or of any other person having control of a storage structure not located on the farm, provided such loss or damage resulted solely from an external cause other than insect infestation, vermin or rodents, and the producer gave the county committee immediate notice confirmed in writing of such loss or damage. Losses under the provisions of this subsection will be assumed by CCC to the extent of the settlement value of the quantity destroyed or in an amount equivalent to the extent of the damage, as determined by CCC, provided there has been no fraudulent misrepresentation made by the producer in the loan documents or in obtaining the loan.

(2) No physical loss or damage occuring prior to disbursement of the loan funds will be assumed by CCC.

(h) *Redemption of the peanuts under farm storage loan.* A producer may, at any time prior to the date on which the peanuts are delivered to or removed by CCC pursuant to paragraph (i) of this section, redeem the peanuts remaining under farm storage loan by paying to the holder of the note and supplemental loan agreement the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of evidence of payment, the county office manager shall arrange for the release of the chattel mortgage. The producer may arrange for partial release of the peanuts prior to maturity after making payment to the holder of the note for the quantity of peanuts to be released, plus charges and accrued interest; however, if the quantity of peanuts contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment of the loan, but only upon prior approval of the county office. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the peanuts must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the peanuts from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(i) *Settlement of farm storage loans.* (1) The producer is required to pay off the loan on or before maturity or to deliver the peanuts in accordance with instructions issued by the county office. If the producer fails to deliver mortgaged peanuts as instructed, he will be responsible for all costs of removal incurred by the holder of the note.

(2) If, either before or after maturity, the peanuts are in danger of going out of condition, the producer shall so notify the county committee and confirm such notice in writing. If the county committee determines that the peanuts are in danger of going out of condition and that they cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall arrange for an inspection and grade determination to be made at the expense of CCC. When delivery is completed, settlement shall be made on the basis of such grade or the grade determined at the time of delivery, whichever is higher.

(3) In the event the farm is sold, the producer dies, or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee. Peanuts also may be delivered before the maturity date of the loan for other reasons upon authorization by the Executive Vice President, CCC.

(4) Settlement for peanuts delivered to CCC will be made, subject to the provisions of the Producers Note and Supplemental Loan Agreement, at the applicable support price, plus an allowance for shrinkage during the storage period of four-tenths of a cent ($0.004) per net weight pound delivered, for the type, grade (except as provided above for peanuts going out of condition), and quantity of the peanuts delivered and accepted by the county committee: *Provided, however,* That the settlement value for the peanuts delivered to CCC which do not meet the eligibility requirements with respect to moisture, damage or foreign material shall be determined at the support price for the grade placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade placed under loan and the market price of the peanuts delivered, as determined by CCC: *Provided, further,* That if the value of the peanuts delivered (including the shrinkage allowance) is less than the amount of the loan with respect to such peanuts, and CCC determines that the deficiency resulted from abnormal climatic conditions which prevailed throughout the area or locality in which the peanuts were produced and which caused the development of progressive damage in the peanuts during storage, that such damage would not normally be detected or appraised accurately by a reasonably prudent person in control of the storage structure, and that the producer has complied with the other provisions of the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage, (i) if the net weight of all peanuts delivered, plus the net weight of the peanuts redeemed prior to such delivery, equals or exceeds 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for the deficiency, or (ii) if the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for that part of the deficiency which exceeds an amount equal to the loan value per pound of the peanuts under loan multiplied by the number of pounds by which the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made.

Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. In the case of peanuts stored in bags, only the identical bags under loan may be delivered.

§ 446.919 *Loans to association.* An association which desires to receive, arrange for storage and handle peanuts for and on behalf of eligible producers and for and on behalf of eligible producers represented by bona fide producer marketing cooperatives which meet the criteria established for an association in § 446.904 (a), which are approved by CCC, and which are operating under an agreement with the association, may obtain a loan on all eligible peanuts handled on behalf of eligible producers, stored in approved warehouse, and represented by warehouse receipts in a form prescribed by CCC. Such loan will be made pursuant to the terms of the Association Loan and Handling Agreement, CCC Peanut Form 27 (1957), between the association and CCC, and shall be evidenced by a blanket note in form prescribed by CCC. The association may receive eligible peanuts from eligible producers who are not members of the association and use such peanuts as loan collateral. Approved storage for peanuts under loan to an association will be warehouses approved pursuant to instructions issued by CCC and operated under contract with the association or with CCC. The names and locations of such warehouses may be obtained from the association or the county office. The association may obtain the loan from an approved lending agency or from CCC. Each producer from whom the association received peanuts must present his within quota card at the time he delivers the peanuts for storage. For each lot of peanuts received, the association shall make an advance payment to the producer in the amount of the producer advance value for such peanuts. At any time prior to sale by CCC the association may redeem peanuts for sale in accordance with policies established by CCC. The association shall distribute to the producers from whom it receives peanuts all proceeds from the handling of such peanuts under loan, less operating expenses, unless other disposition of such proceeds is approved by CCC.

§ 446.920 *Purchase of No. 2 shelled peanuts.* Subject to the terms and conditions of §§ 446.920 through 446.932, CCC will purchase from shellers No. 2 shelled peanuts, other than those produced in a seed shelling operation, (hereinafter referred to as "No. 2 peanuts") offered to the associations listed below, each of which is designated to accept No. 2 peanuts on behalf of CCC in the area specified. Shellers located in any such area who are interested in selling No. 2 peanuts to CCC should so notify the association for the area in which the sheller is located within 60 days after the date this subpart is published in the FEDERAL REGISTER, or such later date as may be specified by CCC. Purchases will be made only from those shellers who have indicated such intention within the time prescribed.

Southeastern area	GFA Peanut Association, Camilla, Ga.
Southwestern area	Southwestern Peanut Growers' Association, Gorman, Tex.
Virginia-Carolina area	Peanut Growers Cooperative Marketing Association, Franklin, Va.

§ 446.921 *Eligibility requirements for No. 2 peanuts.* No. 2 peanuts of any type offered to CCC by shellers must:

(a) Meet the standards for U. S. No. 2 shelled peanuts of such type (as specified in the U. S. Standards issued by the U. S. Department of Agriculture, Agricultural Marketing Service, effective July 31, 1956): *Provided, however,* That such peanuts shall contain 7 percent or less damaged kernels and kernels with minor defects, 9 percent or less moisture, 2 percent or less foreign material, and 10 percent or less sound peanuts and portions of peanuts which will pass through the screen prescribed for such type.

(b) Be 1957 crop peanuts, milled in the shellers own plant and free and clear of all liens and encumbrances;

(c) Not exceed the quantity of No. 2 peanuts which CCC determines that the sheller could reasonably produce from eligible 1957 crop farmers stock peanuts purchased by the sheller direct from producers or from an association prior to the end of the period in which offers from shellers will be accepted by CCC. The type and grade of all such farmers stock peanuts must have been determined by Federal or Federal-State inspectors.

§ 446.922 *Sheller's agreement to service producers and the association.* Each sheller who notifies the association, pursuant to § 446.920, of his intention to offer No. 2 peanuts to CCC shall, upon request, (a) inform a producer of the amount he could obtain for his peanuts under a price support loan to such association and also inform the producer where he may deliver his peanuts to such association, and (b) make available to such association warehouse space for storage of loan peanuts under contract CCC Peanut Form 28 (1957), except that such association may waive such requirement if the sheller demonstrates to the association that he needs the space for his customary business operations.

§ 446.923 *Period in which offers will be accepted.* (a) A sheller may offer, in writing, No. 2 peanuts to CCC from October 1, 1957, through June 30, 1958, unless a later date is approved in writing by CCC: *Provided, however,* That CCC, may at any time prior to June 30, 1958, or such later date as is approved by CCC, terminate its obligation to accept any offers of No. 2 peanuts. The date the offer is received by the association shall be deemed to be the date of the offer. The offer, the provisions of §§ 446.920 through 446.932, and the written acceptance by the association shall constitute the contract between the sheller and CCC.

(b) At any time prior to the end of the period during which offers will be accepted, the association may send the sheller a written request for information with respect to the quantity of No. 2 peanuts in the sheller's inventory which are eligible for sale to CCC, and the sheller shall furnish such information within five days after the date of the request. The association may, by written notice dated not more than ten days after receipt of such information from the sheller, request the sheller to offer a specified quantity of No. 2 peanuts, which quantity may be all or any part, but not less than 25,000 pounds, of his inventory of No. 2 peanuts which are eligible for sale to CCC. If he does not offer such quantity of No. 2 peanuts within five days after the date of the request for an offer, CCC shall not be obligated to buy any No. 2 peanuts from such sheller for a period of 60 days after the date of such request.

(c) If the sheller fails to furnish, within the 5-day period specified above, information with respect to the quantity of peanuts eligible for sale to CCC, CCC shall not be obligated thereafter to purchase any peanuts from such sheller.

§ 446.924 *Minimum quantity and terms of offer.* (a) The minimum quantity of No. 2 peanuts which may be offered at any time is 25,000 pounds. All No. 2 peanuts offered at one time for delivery at one location shall be included in one offer.

(b) Each offer shall be made in the manner prescribed by CCC and shall contain the sheller's certification and agreement that (1) the offer is made pursuant to the terms and conditions of all the provisions of this subpart relating to No. 2 peanuts, (2) the peanuts meet the eligibility requirements in § 446.921, (3) the sheller has fulfilled all the obligations of this subpart relating to No. 2 peanuts which are required to be fulfilled prior to the submission of an offer, and (4) the sheller will carry out all of the obligations which remain to be performed after the offer is made.

§ 446.925 *Inspecting, grading, sealing, and rejecting No. 2 peanuts offered.* (a) The type and grade of the No. 2 peanuts

purchased by CCC pursuant to each offer shall be determined by Federal or Federal-State inspectors and evidenced by inspection certificates issued by such inspectors. The sheller shall pay the cost of inspection and grading.

(b) The inspection data shall be used to determine (1) that the No. 2 peanuts meet the eligibility requirements with respect to grade and quantity specified in § 446.921, (2) the net weight and (3) the price which CCC will pay for No. 2 peanuts. Any determination of grade shall be subject to appeal in accordance with the inspection agency procedure.

(c) Each bag of No. 2 peanuts purchased by CCC shall be identified with a seal furnished by CCC and affixed in accordance with instructions issued by the Federal-State Inspection Service. CCC shall have the right to re-inspect the No. 2 peanuts at its own expense within 5 days after receipt at destination.

(d) CCC may reject all or any part of the quantity offered in one offer if any bag of peanuts included in such offer at the time of the original inspection or re-inspection does not meet the eligibility requirements in § 446.921.

§ 446.926 *Net weight of No. 2 peanuts.* The net weight of a lot of No. 2 peanuts shall be that weight obtained by multiplying the gross weight, including bags, by a percentage equal to 100 percent minus the percentage of foreign material shown on the inspection certificate issued pursuant to § 446.925. The gross weight shall be determined by actual weight, as prescribed by CCC.

§ 446.927 *Delivery and passage of title.* (a) (1) The sheller shall deliver No. 2 peanuts in accordance with instructions issued by the association. Such delivery instructions, except as provided in paragraph (b) of this section, shall be issued within 25 days after the date of the association's written acceptance of the offer.

(2) The sheller shall deliver all No. 2 peanuts in bags of uniform size, which are packed in accordance with good commercial practices. Such bags shall be made of new burlap of not less than 10-ounce weight material. Plain unprinted bags stenciled in accordance with instructions issued by CCC may be required in some instances.

(3) If the sheller fails to exercise rodent and insect control to the extent that the No. 2 peanuts offered to CCC are subject to seizure by the Food and Drug Administration, Department of Health, Education, and Welfare, such peanuts shall not be eligible for delivery to CCC, and any amount paid to the sheller therefor shall be refunded to CCC.

(4) If the sheller fails to deliver, as prescribed in the delivery instructions, a quantity of eligible No. 2 peanuts equal to at least 95 percent of the quantity offered by him and accepted by the association, or if he delivers a quantity of No. 2 peanuts in excess of the quantity eligible for delivery to CCC pursuant to § 446.921, he shall pay to CCC, as liquidated damages and not as a penalty, an amount equal to 2 cents per pound (i) for the quantity by which the quantity delivered is less than 95 percent of that offered by the sheller and accepted by CCC, or (ii) for the quantity delivered which is in excess of the quantity eligible for delivery to CCC. Because of the difficulty in ascertaining the exact damages which CCC would suffer in either situation, CCC and the sheller agree that such liquidated damages constitute a reasonable estimate of the probable actual damages.

(b) Title to the No. 2 peanuts shall pass to CCC upon delivery from the sheller's plant, f. o. b. railroad cars or trucks at CCC's option; except that in the event the association does not issue delivery instructions within 25 days after the date of its written acceptance of the offer, title shall pass to CCC on the 30th day after the date of such written acceptance if the sheller, on or before such 30th day, places the No. 2 peanuts in identity preserved storage in a facility approved by CCC and delivers to CCC a storage certificate issued by an authorized inspector showing that the peanuts meet the quality requirements for eligibility. The gross weight of the peanuts for which the storage certificate is issued shall be determined, after the expiration of the 25-day period within which the association was to have issued shipping instructions, by a weighmaster and on scales approved by CCC. The sheller shall not be responsible for deterioration or for uninsured loss or damage to the No. 2 peanuts after passage of title to CCC unless such deterioration or such uninsured loss or damages is due to his fault, negligence, or failure to exercise such care in storing or handling such peanuts as a reasonably prudent owner thereof would exercise. If such peanuts are insured such insurance shall inure to the benefit of CCC. If the sheller fails to issue the storage certificate, title shall not pass until the peanuts are delivered in accordance with instructions issued by the association, and CCC shall not pay any storage or handling charges with respect to such peanuts.

§ 446.928 *Payment for No. 2 peanuts.* (a) CCC will purchase No. 2 peanuts at the following prices which are stated in terms of cents per pound net weight:

[Cents per pound]

No 2 peanuts containing damage and kernels with minor defect of—	Percentage of sound peanuts and portions of peanuts which will pass through the prescribed screen				
	6 percent	7 percent	8 percent	9 percent	10 percent
1 percent	15.10	14.85	14.60	14.10	13.60
2 percent	14.85	14.60	14.35	13.85	13.35
3 percent	14.60	14.35	14.10	13.60	13.10
4 percent	14.10	13.85	13.60	13.10	12.60
5 percent	13.20	12.95	12.70	12.20	11.70
6 percent	12.10	11.85	11.60	11.10	10.60
7 percent	10.10	9.85	9.60	9.10	8.60

The terms "damage," "minor defect" and "prescribed screen" have the meanings assigned in the United States Standards for shelled peanuts of the type being purchased by CCC, issued by the U. S. Department of Agriculture, Agricultural Marketing Service, effective July 31, 1956.

(b) With respect to No. 2 peanuts stored by the sheller and for which title has passed to CCC pursuant to § 446.927 (b), payment for warehouse charges shall be the sum of:

(1) $0.50 per net weight ton for handling-in charges,

(2) $0.50 per net weight ton for handling-out charges (delivery f. o. b. railroad cars or trucks at CCC's option), and

(3) $1.00 per net weight ton per month, fractions of ton and month in proportion, for storage charges. The storage month shall begin on the date title passes to CCC and shall run from that date to, but not including, the corresponding day of the next calendar month. The storage period shall end on the day prior to the date the peanuts are delivered from storage.

(c) (1) Payment for the No. 2 peanuts and for any warehouse charges shall be made, at the time specified below, upon presentation to the association of a proper invoice and supporting documents prescribed by CGC.

(2) Payment for the No. 2 peanuts for which title passed to CCC upon delivery shall be made, after delivery, on the net weight determined from the gross weight obtained at the time the No. 2 peanuts are loaded out of the sheller's plant.

(3) Payment for the No. 2 peanuts for which title passed to CCC while the peanuts remained in the sheller's storage facilities, as provided in § 446.927 (b), shall be made after title has passed to CCC; but payment of the warehouse charges specified in paragraph (b) of this section for such No. 2 peanuts shall be made after the peanuts are delivered. The net weight on which the amount of payment for both the No. 2 peanuts and the warehouse charges is determined, shall be the net weight of the peanuts for which the storage certificate was issued.

§ 446.929 *Records and reports.* (a) The records of the sheller shall at all times show (1) with respect to farmers stock peanuts purchased direct from producers and for which the type and grade were determined by Federal or Federal-State inspectors, the date and place received, the names and addresses of the producers, the types, grades, and the pounds of each such grade received from each producer, (2) the type, grade, and quantity of farmers stock peanuts purchased from an association, (3) the types, grades, and quantity of farmers stock peanuts purchased without inspection by Federal or Federal-State inspectors and (4) the types, grades, and quantity of No. 2 peanuts produced. The sheller shall keep such accounts and other records and shall furnish such information and reports relating to the No. 2 peanuts and the farmers stock peanuts from which No. 2 peanuts were produced, as may be prescribed or requested by CCC. The association designated in § 446.920 for the area in which the sheller is located or CCC may examine and audit the accounts and records of the sheller and may require the sheller to make all of his records available at the main office at any time an audit is made. All books, accounts, and records shall be retained for a period of two years after the last No. 2 peanuts are delivered to CCC.

(b) The reporting and record keeping requirements contained in this subpart have been approved by, and subsequent reporting requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 446.930 *Assignment.* No contract, claim, or payment pursuant to any of the provisions of this subpart relating to No. 2 peanuts shall be assigned in whole or in part by the sheller without the prior written approval of CCC, and any such assignment shall be in such form as may be approved or prescribed by CCC.

§ 446.931 *Officials not to benefit.* No Member of or Delegate to the Congress of the United States shall be admitted to any share or part of any agreement or contract between the sheller and CCC pursuant to any of the provisions of this subpart relating to No. 2 peanuts, or to any benefit to arise therefrom, but this provision shall not be construed to extend to benefits arising from such agreement or contract if accruing to a corporation or a producer in his capacity of producer.

§ 446.932 *Contingent fees.* The sheller shall not employ any person to solicit or secure any contract pursuant to any of the provisions of this subpart relating to No. 2 peanuts upon any stipulation for a commission, percentage, brokerage, or contingent fee. Breach of this provision shall give CCC the right to annul the contract, or, in its discretion, to deduct from any amount due the sheller the amount of such commission, percentage, brokerage, or contingent fee.

Issued this 12th day of August 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-6705; Filed, Aug. 14, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

FEDERAL CROP INSURANCE

REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in full force and effect and shall apply in 1958 and succeeding crop years to all continuous barley, dry edible bean, corn, cotton, flax, soybean, tobacco, and wheat insurance contracts and, in addition, to all multiple crop insurance contracts of the type under which the insured may select the crops to be insured: *Provided, however,* That these regulations shall not apply until beginning with the 1959 crop year to barley, wheat, or multiple crop insurance contracts of the aforementioned type in counties which will be designated by appendixes to Part 424—Barley Crop Insurance, Subpart—Regulations for the 1956 and Succeeding Crop Years, as amended (19 F. R. 9315; 20 F. R. 7637, 10023; 21 F. R. 1004, 5164, 7323); Part 418—Wheat Crop Insurance, Subpart—Regulations for the 1957 and Succeeding Crop Years, as amended (20 F. R. 10015; 21 F. R. 5164, 9397); and Part 420—Multiple Crop Insurance, Subpart—Regulations for the 1956 and Succeeding Crop Years, as amended (20 F. R. 3526, 5765, 8071; 21 F. R. 49, 1381, 4473, 5883; 6858, 7314, 7787, 8534, 9397; 22 F. R. 2076, 2796, 3284, 5855), which regulations shall remain in full force and effect as to such counties through the 1958 crop year. These regulations shall not supersede Part 420 except with respect to contracts issued under § 420.6a.

These regulations, except as specified above, replace, for crops for the 1958 and succeeding crop years, the following regulations: (1) Part 415—Flax Crop Insurance, Supart—Regulations for the 1953 and Succeeding Crops Years, as amended (17 F. R. 8416; 18 F. R. 3631, 6988; 19 F. R. 5602; 20 F. R. 5054; 21 F. R. 7312); (2) Part 416—Corn Crop Insurance, Subpart—Regulations for the 1953 and Succeeding Crop Years, as amended (17 F. R. 10531; 18 F. R. 3632, 6989; 19 F. R. 5602; 20 F. R. 5255; 21 F. R. 7312, 8533); (3) Part 417—Tobacco Crop Insurance, Subpart—Regulations for the 1954 and Succeeding Crop Years, as amended (18 F. R. 5703; 19 F. R. 469, 5602; 20 F. R. 5625, 7983; 21 F. R. 1002, 2123, 7312, 8533); (4) Part 418—Wheat Crop Insurance, Subpart—Regulations for the 1957 and Succeeding Crop Years, as amended (20 F. R. 10015; 21 F. R. 5164, 9397); (5) Part 419—Cotton Crop Insurance, Subpart—Regulations for the 1956 and Succeeding Crop Years, as amended (20 F. R. 7984, 10020; 21 F. R. 7314); (6) § 420.6a of Part 420—Multiple Crop Insurance, Subpart—Regulations for the 1956 and Succeeding Crop Years (20 F. R. 5765); (7) Part 421—Dry Edible Bean Crop Insurance, Subpart—Regulations for the 1956 and Succeeding Crop Years (20 F. R. 10020; 21 F. R. 7323); (8) Part 423—Soybean Crop Insurance, Subpart—Regulations for the 1955 and Succeeding Crop Years, as amended (19 F. R. 7473, 9365; 20 F. R. 1068, 5626; 21 F. R. 7323) and, (9) Part 424—Barley Crop Insurance, Subpart—Regulations for the 1956 and Succeeding Crop Years, as amended (19 F. R. 9315; 20 F. R. 7637, 10023; 21 F. R. 1004, 5164, 7323).

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

Sec.
401.1 Availability of federal crop insurance.
401.2 Insurable crops, coverages, premium rates, and fixed price.
401.3 Application for insurance.
401.4 Public notice of indemnities paid.
401.5 Creditors.
401.6 Co-insurance.
401.7 The contract.
401.11 The policy.
401.17 The barley endorsement.
401.18 The dry edible bean endorsement.
401.19 The corn endorsement.
401.20 The cotton endorsement.
401.21 The flax endorsement.
401.22 The soybean endorsement.
401.23 The tobacco endorsement.
401.24 The wheat endorsement.

AUTHORITY: §§ 401.1 to 401.24 issued under secs. 506, 516, 52 Stat. 73, as amended, 770 as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509.

§ 401.1 *Availability of Federal crop insurance.* (a) Insurance may be offered under the provisions of this subpart on the crops and in counties, within the limit when considered with insurance provided under other regulations of the Corporation, of the number prescribed by the Federal Crop Insurance Act, as amended. The crops and counties shall be designated by the Manager of the Corporation from a list of counties and the crops which may be insured in each county approved by the Board of Directors of the Corporation. Before insurance is offered in any county there shall be published by appendix to this section the name of the county and the crops on which insurance will be offered.

(b) Insurance will not be provided in a county for any crop year unless the minimum participation requirement established by the Federal Crop Insurance Act, as amended, is met. When determining whether the minimum participation requirement is met an insurance unit shall be counted as one farm provided, for this purpose only, the number of insurance units under a contract shall be computed on the basis that each insurance contract covers but one crop regardless of the number of endorsements.

§ 401.2 *Insurable crops, coverages, premium rates, and fixed price.* The Manager shall establish coverages, premium rates, and if applicable fixed prices used to evaluate production, for each crop which is insurable in a county, which shall be shown together with the crops which are insurable in the county, on the county actuarial table on file in the county office. Such coverages, premium rates and fixed prices may be revised from year to year.

§ 401.3 *Application for insurance.* (a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest in an insurable crop. The application shall be submitted to the county office on or before the applicable closing date set forth below preceding the first crop year for which insurance is to be in effect, except that (1) in counties in the States of Idaho, Oregon and Washington in which barley is an insurable crop, an application for insurance on barley may be filed until the March 31 following the closing date provided that in such cases winter barley will not be insured for the first barley crop year of the contract, and (2) in counties in Montana and South Da-

kota in which wheat is an insurable crop with an August 31 closing date, an application for insurance on wheat may be filed until the March 31 following the closing date provided that in such cases winter wheat will not be insured for the first wheat crop year of the contract.

BARLEY	
California	Aug. 31
Idaho, Oregon and Washington	Oct. 31
All other States	Mar. 31
DRY EDIBLE BEANS	
All States	May 15
CORN	
All States	Apr. 30
COTTON	
Texas:	
Jackson, Victoria, Goliad, Bee, Live Oak, Atascosa, Medina, Uvalde and Kinney Counties, and all Texas counties lying south thereof	Feb. 28
All other Texas counties	Mar. 31
All other States	Do.
FLAX	
All States	Do.
SOYBEANS	
All States	Apr. 30
TOBACCO	
Type of Tobacco:	
11 (a), 11 (b), 12, 21, 22, 23, 31, 32, 35, 36 and 37	Do.
13 and 14	Mar. 31
41, 51, 52, 54 and 55	May 31
WHEAT	
California, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, Texas and Wyoming	Aug. 31
Idaho:	
Idaho County and all Idaho counties lying north thereof	Oct. 31
All other Idaho counties	Sept. 15
Minnesota and North Dakota	Mar. 31
Montana:	
Daniels, Dawson, McCone, Phillips, Richland, Roosevelt, Sheridan and Valley Counties	Do.
All other Montana counties	Aug. 31
Oregon and Washington	Oct. 31
South Dakota:	
Bennett, Jones, Lyman, Meade, Mallette and Tripp Counties	Aug. 31
All other South Dakota counties	Mar. 31
All other States	Sept. 15

(b) In counties where cotton or tobacco are insurable crops application for insurance may be made by any owner-operator or tenant-operator on a form prescribed by the Corporation to cover the interest which a share tenant or sharecropper has in a cotton or tobacco crop in which such farm operator has an interest. The interest covered shall be that interest which the share tenant or sharecropper has at the time of planting and any interest allocated to such person after planting pursuant to an understanding existing at the time of planting. As to such share tenant's or sharecropper's interest, notwithstanding any provision of the contract to the contrary, (1) the applicant shall be considered the insured and the interest insured shall be considered as his interest, (2) premiums (except for reductions based on good experience) and losses shall be computed in the same manner and under the same terms and conditions as if the share tenant or sharecropper had signed (and the Corporation accepted) an individual application for insurance, (3) the applicant shall designate on his annual acreage report the name of the share tenant or sharecropper and the acreage allocated to him; (4) transfers of interests in insured acreage made before the beginning of harvest and the time of loss will be recognized when indemnities are computed, (5) any indemnity shall be for the benefit of the share tenant or sharecropper (or transferee) allocated the insurance unit on which the loss occurred and payment shall be made by joint check payable to the insured and said share tenant or sharecropper (or transferee), (6) collateral assignments shall not be honored but the insured shall from the proceeds of the joint check be entitled to any amounts owed him for advances to finance the current cotton or tobacco crop on the insurance unit, and (7) the Corporation shall not deduct from any indemnity any amount except the current premium on the share tenant's or sharecropper's interest and any amount owed the Corporation by the share tenant or sharecropper (or transferee). For each crop year of the contract, the contract shall not cover the interest of any share tenant or sharecropper who is insured with the Corporation under an individual contract.

(c) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application.

(d) A contract may be issued under these regulations without the filing of a new application as a continuation of a continuous contract issued under parts 415, 416, 417, 418, 419, 420, 421, 423 or 424, and shall be put into effect in accordance with the provisions of the applicable policies issued under said parts governing changes in the contract.

(e) Applications for initial insurance not involving the insurance of the interest of a share tenant or sharecropper, as defined in the contract, shall be on the following form:

Application Form FCI–812 ----------

UNITED STATES DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

(State and county code and contract No.)

APPLICATION FOR CROP INSURANCE FOR 19-- AND SUCCEEDING CROP YEARS IN

--- ---

(County) (State)

Name ----------

Address ----------

(Please print or type)

A. The undersigned applicant hereby applies under the applicable regulations to the Federal Crop Insurance Corporation (herein called the "Corporation") for insurance on his interest in the crops listed below planted on acreage included in the crop insurance program of the Corporation for the county designated above.

This application, when executed by a person as an individual, shall not cover his interest(s) in a crop produced by a partnership. Any application on this form signed by two or more persons shall cover only that acreage in which all of the applicants have an interest, and such acreage shall not be covered by any other insurance contract any of the appliants may have with the Corporation, provided no application by or on behalf of a sharecropper shall be made on this form.

B. This application, upon acceptance by the Corporation, and the applicable insurance policy, endorsements, and actuarial table on file in the county office of the Corporation for the crop(s) designated above shall constitute the contract. The contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until cancelled or terminated in accordance with the provisions of the contract.

C. For the first crop year of the contract the coverage(s), premium rate(s), and fixed price(s), if applicable, shall be those for that crop year which are on file in the county office. For each subsequent crop year the coverage(s), premium rate(s), and the fixed price(s), if applicable, together with any changes in the contract, shall be on file in the county office at least 15 days prior to the applicable cancellation date. For each crop year of the contract any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year.

D. The Corporation reserves the right to reject this application in its entirety or to exclude insurance for the initial crop year on any crop on which it has discontinued accepting applications.

E. Premium Note—The applicant(s) promises to pay to the Corporation each crop year during which the contract is in effect the amount of the premium due under the contract and agrees that any amount of the premium which is unpaid on the day following the applicable discount date(s) shown in the contract shall be increased by ten percent and that thereafter, at the end of each 12-months' period, six percent simple interest shall attach to any premium balance which is unpaid.

(Signature of applicant)

---------- 19--

(Witness to signature)

The undersigned co-signer is a surety for the payment of the premium note as it applies to the first crop year of the contract and is in no other way a party to the contract.

(Signature of co-signer)

(Name and address of co-signer (print))

---------- 19--

(Date)

F. Recommended for acceptance by

(Corporation representative)

G. Accepted by the Federal Crop Insurance Corporation by

(State director)

---------- 19--

(Date)

(County office address)

(Location of farm(s) or headquarters)

(f) Applications for initial insurance involving the insurance of the interest of a share tenant or sharecropper, as defined in the contract, shall be on the following form:

Application Form FCI–812–S ----------

UNITED STATES DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

(State and county code and contract No.)

APPLICATION FOR CROP INSURANCE FOR 19-- AND SUCCEEDING CROP YEARS IN

--- ---

(County) (State)

Name ----------

Address ----------

(Please print or type)

A. The undersigned applicant hereby applies under the applicable regulations to the Federal Crop Insurance Corporation (herein called the "Corporation") for insurance on his interest in the crops listed below planted on acreage included in the crop insurance program of the Corporation for the county designated above.

This application, when executed by a person as an individual, shall not cover his interest(s) in a crop produced by a partnership.

B. This application, upon acceptance by the Corporation, and the applicable insurance policy, endorsements and actuarial table on file in the county office of the Corporation for the crop(s) designated above shall constitute the contract. The contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until cancelled or terminated in accordance with the provisions of the contract.

C. For the first crop year of the contract the coverage(s), premium rate(s), and fixed price(s), if applicable, shall be those for that crop year which are on file in the county office. For each subsequent crop year the coverage(s), premium rate(s), and the fixed price(s), if applicable, together with any changes in the contract, shall be on file in the county office at least 15 days prior to the applicable cancellation date. For each crop year of the contract any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year.

D. The Corporation reserves the right to reject this application in its entirety or to exclude insurance for the initial crop year on any crop on which it has discontinued accepting applications.

E. Premium Note—The applicant(s) promises to pay to the Corporation each crop year during which the contract is in effect the amount of the premium due under the contract and agrees that any amount of the premium which is unpaid on the day following the applicable discount date(s) shown in the contract shall be increased by ten percent and that thereafter, at the end of each 12-months' period, six percent simple interest shall attach to any premium balance which is unpaid.

(Signature of applicant)

---------- 19--

(Witness to signature)

The undersigned co-signer is a surety for the payment of the premium note as it applies to the first crop year of the contract and is in no other way a party to the contract.

(Name and address of co-signer (print))

(Signature of co-signer)

---------- 19--

(Date)

SHARE TENANT AND SHARECROPPER INTEREST(S)

F. The applicant by signing below agrees that if this application is accepted the contract shall cover the interest(s) of share tenant(s) and sharecropper(s) in acreage in which the applicant has an interest as owner-operator or tenant-operator. The interest(s) covered shall be that interest(s) which the share tenant(s) and sharecropper(s) have at the time of planting and any interest(s) allocated to them after planting pursuant to an understanding existing at the time of planting. As to such share tenant(s) or sharecropper(s) interest(s), notwithstanding any other provision of the contract to the contrary, (1) the applicant shall be considered the insured and the interest(s) insured shall be considered as his interest(s), (2) premiums (except for reductions based on good experience) and losses shall be computed in the same manner and under the same terms and conditions as if the share tenant(s) and sharecropper(s) had signed (and the Corporation accepted) an individual application for insurance, (3) the applicant shall designate on his annual acreage report the name of the share tenant(s) and sharecropper(s) and the acreage allocated to them, (4) transfers of interest in insured acreage made before the beginning of harvest and the time of loss will be recognized when indemnities are computed, (5) any indemnity shall be for the benefit of the share tenant or sharecropper (or transferee) allocated the insurance unit on which the loss occurred and payment shall be made by joint check payable to the insured and said share tenant or sharecropper (or transferee), (6) collateral assignments shall not be honored, and (7) the Corporation shall not deduct from any indemnity any amount except for the current premium on the share tenant's or sharecropper's interest and any amount owed the Corporation by the share tenant or sharecropper (or transferee). For each crop year of the contract, the contract shall not cover the interest of any share tenant or sharecropper who is insured with the Corporation under an individual contract.

Signature of applicant:

(Contract shall not cover share tenant and sharecropper interest unless signed here)

---------- 19--

G. Recommended for acceptance by

(Corporation representative)

H. Accepted by the Federal Crop Insurance Corporation by

(State director)

---------- 19--

(Date)

(County office address)

(Location of farm(s) or headquarters)

(Estimated number share tenants and sharecroppers)

(g) An applicant who is insured under an existing contract may apply for insurance on additional crops on the following form:

Application Form FCI–812–A ----------

UNITED STATES DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

CHANGES IN INSURANCE ON CONTRACT NO.

(State and county code and contract No.)

Name ----------

Address ----------

--- ---

(County) (State)

(Please print or type)

A. I hereby elect to change my above-identified insurance contract beginning with the 19-- crop year as indicated below:

☐ Add insurance on ----------

☐ Cancel insurance on ----------

☐

Remarks: ----------

(Signature of insured)

---------- 19--

(Date)

Prepared by

Accepted by the Federal Crop Insurance Corporation by

---------- 19--

(Date)

§ 401.4 *Public notice of indemnities paid.* The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 401.5 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract.

§ 401.6 *Co-insurance.* Notwithstanding any other provisions of this subpart to the contrary, the Manager of the Corporation is authorized, in counties designated by him, to permit insureds to elect for any crop a percentage of the maximum protection available, in which event the amount of premium (subject to section 5 of the policy) and any indemnity payable under the contract for that crop shall be adjusted accordingly. For the first crop year of a contract the election for a crop must be made in writing at the time the application for insurance for such crop is filed. For any subsequent crop year of a contract, an election may be made, changed, or rescinded for any crop by notifying the county office in writing on or before the cancellation date for that crop for the crop year the change is to become effective. In counties designated for such co-insurance the percentages established by the Manager for each insurable crop will be shown on the county actuarial table on file in the county office.

§ 401.70 *The contract.* The insurance contract shall become effective upon compliance with the provisions of § 401.3 (d) or upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the crops covered by endorsements to the policy when the policy is issued pursuant to the provisions of § 401.3 (d) or the crops upon which insurance is accepted by the Corporation pursuant to a duly filed application. The insurance contract shall consist of that part of the county actuarial table pertaining to such crops, the policy contained in § 401.11, the endorsements included in these regulations for the crops covered by the accepted application or the contract issued pursuant to § 401.3 (d), and the application in cases where a new application is required.

§ 401.11 *The policy.* The provisions of the Federal Crop Insurance Policy for the 1958 and succeeding crop years are as follows:

Subject to the terms and conditions set forth herein and the applicable endorse-

ments, the Federal Crop Insurance Corporation (herein called "Corporation") does insure the applicant (herein called the "insured"), subject to the acceptance of his application, against unavoidable loss of production on his insured crops due to the causes specified in the applicable endorsement. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

Subject to the provisions in the applicable endorsement:

1. *Insured crops.* The crops insured are the crops (to the extent of interest of the insured therein as hereinafter set out) for which the insured has applied for insurance, for which coverages and premium rates are shown on the county actuarial table, for which endorsements to this policy are in force, and which are grown on insured acreage. The insured acreage for a crop for each crop year shall be that acreage in the county planted to the crop on land for which coverage is shown on the county actuarial table (provided in counties where coverages are established by farming practices the farming practice carried out on such acreage is one for which a coverage is established on the county actuarial table) and in which the insured had an interest at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. The interest insured shall be the interest of the insured at the time of planting in the insured crop grown on insured acreage as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect; *Provided*, That insurance shall not be considered to have attached to any acreage for which coverage is not established on an irrigated basis but which would qualify for irrigated coverage under section 22 (a) (1) hereof, if the insured files an acreage report within the period specified in section 2 and at that time designates thereon such acreage as being not insured: *Provided Further*, That insurance shall not attach or be considered to have attached on acreage on which it is determined by the Corporation that the insured crop is (a) destroyed and after such destruction it is practical to replant to the same crop and such acreage is not replanted to the same crop, (b) initially planted too late to expect a normal crop to be produced, (c) volunteer, or (d) of a type or variety not adapted to the area or shown as non-insurable on the county actuarial table. In addition to the rights of the Corporation, under section 6 hereof, the Corporation reserves the right to limit the insured acreage of any crop to the allotment, permitted acreage, or any other acreage limitations established under any act of Congress upon so notifying the insured in writing prior to the planting of such crop. For the purpose of determining the amount of loss, the insured interest shall not exceed the insured's interest at the time of loss or the beginning of harvest, whichever occurs first.

2. *Responsibility of the insured to report acreage and interest.* Promptly after planting the insured crops each year the insured shall submit to the county office, on a form prescribed by the Corporation, a report showing all acreage in the county planted to each insured crop (including a designation of any acreage of an insurable crop covered by the contract to which insurance does not attach) in which he has an interest and his interest therein at the time of planting. If both winter and spring crops are insurable in a county, a separate report of acreage planted to winter crops shall be submitted promptly after completion of planting the insured winter crops. If the insured does not have an interest in any insured acreage in the county for any year he shall nevertheless submit a report so indicating. Any acreage report submitted by the insured shall be binding upon the insured and shall not be subject to change by the insured. If the insured fails to submit a required acreage report within 30 days after the planting of an insured crop is generally completed in the county, the Corporation may elect to determine the insured acreage and the interest or declare the insured acreage to be "zero" with respect to the crop for which the acreage report was not filed.

3. *Coverage, premium rate, and fixed price.* For each crop year of the contract the coverages, premium rates, and if applicable the fixed prices used to evaluate production, shall be those established by the Corporation for such crop year and shown on the county actuarial table on file in the county office.

4. *Annual premium.* (a) The annual premium for an insured crop shall be earned and payable when the insured crop is planted.

(b) Any amount of premium for an insured crop which is unpaid on the day following the discount date for such crop shall be increased by ten percent, which increased amount shall be the premium balance, and thereafter, at the end of each 12 months' period six percent simple interest shall attach to any amount of the premium balance which is unpaid.

(c) The insured's annual premium for an insured crop may be reduced 25 percent for any year if he has had seven consecutive years of insurance on such crop (immediately preceding the current crop year and eliminating any year in which a premium was not earned) without a loss for which an indemnity was paid. Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) Any unpaid amount due the Corporation by the insured may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any act of Congress or program administered by the United States Department of Agriculture, unless prohibited by law.

5. *Minimum premium.* If in any year, a premium is earned for any crop and totals less than $10.00 the amount shall be increased to $10.00.

6. *Changes in the contract.* The Corporation reserves the right to change the insurable crops, premium rates, coverages, fixed prices, and other terms and provisions of the contract, from year to year. Any changes in the contract, with respect to any crop shall be mailed to the insured or placed on file in the county office at least 15 days prior to the cancellation date for that crop, preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Failure of the insured to cancel the insurance with respect to any crop for which changes are made as provided in section 15 shall constitute his acceptance of any such changes.

7. *Causes of loss not insured against.* The contract shall not cover any loss due to the neglect or malfeasance of the insured, any member of his household, his tenants, sharecroppers, or employees, or failure to follow recognized good farming practices, or to any cause other than those specified in the applicable endorsement.

8. *Notice of loss or substantial damage.* (a) If, during the growing season, an insured crop on any insurance unit is substantially damaged, the insured shall promptly give written notice of such damage to the Corporation at the county office.

(b) If an insured loss occurs on any insurance unit the insured shall give prompt written notice to the Corporation at the county office within 15 days after threshing (harvesting in the case of any crop that is not normally threshed) is completed on the insurance unit or the calendar date for the end of the insurance period, whichever is earlier.

(c) The Corporation reserves the right to reject any claim for loss if any of the requirements of this section are not met if it determines that it has been prejudiced by such failure.

9. *Acreage appraised to be put to another use.* (a) No acreage of an insured crop shall be put to another use until the Corporation appraises the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late to replant to the same crop. The appraised potential production from such acreage will be counted as production as provided in section 11 when any indemnity for the insurance unit involved is determined. *Provided, however*, If the acreage is not put to another use before harvest of the insured crop becomes general in the county or the acreage is harvested, the indemnity with respect to the insurance unit shall be determined without regard to the consent of the Corporation to put the acreage to another use and the appraisal made in connection therewith.

(b) There shall be no abandonment to the Corporation of the insured crop.

10. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period unless the entire crop on the insurance unit is destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such destruction as determined by the Corporation.

11. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation. Any insured acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insured acreage of the insured crop on the insurance unit by the applicable coverage per acre, (2) subtracting therefrom the value (determined in accordance with the applicable endorsement) of the total production to be counted for the insurance unit, and (3) multiplying the remainder by the insured interest: *Provided*, That if for the insurance unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage but, in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest or the acreage and interest when determined by the Corporation under section 2 of this policy, the amount of loss shall be reduced proportionately. The total production to be counted for an insurance unit shall include all threshed (harvested in the case of crops not normally threshed) production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the total production to be counted for any acreage not eligible for the highest stage of coverage shall be the amount by which the total of any appraised and harvested production exceeds the difference between the coverage applicable for such acreage and the highest stage of coverage established for such acreage: *Provided further*, The coverage on any acreage of an insured crop which is abandoned or put to another use without the consent of the Corporation shall be the maximum coverage provided for such acreage and the total production to be counted therefrom shall not be less than such coverage.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may allocate the commingled production in such manner as it determines appropriate of sufficient facts are available as determined by the Corporation; otherwise the Corporation may deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium.

12. *Payment of indemnity.* (a) Any indemnity will be payable within thirty days after a claim for loss is approved by the Corporation: *Provided*, That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity.

(b) If the insured dies, is judicially declared incompetent or disappears, any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Where no such representative has qualified, the Corporation may pay the indemnity to the person it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any case where diverse interests appear or an indemnity is claimed by a person other than the original insured the determination of the Corporation as to the person to whom payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid.

13. *Avoidance of contract.* The Corporation may void the contract with respect to any crop without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, with respect to such crop, and such voidance shall be effective as of the beginning of the crop year with respect to which any such act or omission occurred.

14. *Other insurance.* If the insured has other insurance, whether valid or not, against (a) more than three of the risks insured against under this contract, or (b) damage by fire during the insurance period, and there is damage from a risk so insured against, the Corporation shall not be liable for a greater proportion of any loss under this contract than the coverage under this contract for the insurance units involved bears to the total of all coverages: *Provided, however*, That for the purpose of this paragraph the risks insured against in section 1 of the applicable endorsement under the term "any other unavoidable cause of loss due to adverse weather conditions" shall be considered as one risk.

15. *Life of contract, cancellation, or termination thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until insurance on all crops which have been covered by endorsement hereto is cancelled by the insured or the Corporation.

Cancellation of insurance on any crop for which an endorsement hereto is in effect for any crop year may be made by either party giving written notice to the other party on or before the cancellation date for that crop (see applicable endorsement) preceding the crop year for which the cancellation is to become effective; *Provided, however*, That for any crop year insurance shall terminate on any insured crop as if cancelled by the Corporation prior to the cancellation date for that insured crop if by the termination date for indebtedness shown in the applicable endorsement, (1) any amount due the Corporation for insurance on that crop remains unpaid, except the premium due on a crop normally harvested in the calendar year in which the termination date for indebtedness for that crop occurs, or (2) the insured has not complied with a request by the Corporation that arrangements satisfactory to the Corporation be made for the payment of premium for the following crop year.

(b) If the insured cancels the insurance for any crop he shall not be eligible for insurance on that crop in the county in the next succeeding crop year unless he subsequently applies for insurance on or before the cancellation date preceding such crop year. *Provided, however*, If the insured does not apply for insurance by such cancellation date, he shall, upon approval of the Corporation as to risk, be eligible for insurance in the next succeeding crop year if he applies within 15 days after the cancellation date preceding such crop year.

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

(d) The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of planting of any insured crop in any crop year but before the latest calendar date specified in the attached endorsements for the end of the insurance period for any insured crop for such crop year, the contract (1) shall not terminate with respect to each insured crop until the end of the insurance period for that crop, and (2) shall cover any additional acreage of all such crops planted for the insured or his estate for that crop year.

16. *Transfer of interest.* If the insured transfers all or a part of his insured interest in an insured crop before the beginning of harvest and the time of loss, the transferee may obtain the benefits of the contract for the current crop year on the interest transferred if within 15 days after the date of transfer he (1) submits to the county office such information concerning the transfer as may be required by the Corporation, and (2) makes arrangements satisfactory to the Corporation for the payment of any unpaid premium on the interest transferred. Upon approval of a transfer of interest by the Corporation, the transferee and the transferor shall be jointly and severally liable for any unpaid premium on the interest transferred. Any transfer shall be subject to the conditions of the contract including any collateral assignment made by the transferor, and the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than if the transfer had not taken place.

17. *Collateral assignment.* The original insured may assign his right to an indemnity for a crop for any year under the contract by executing a form prescribed by the Corporation and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

18. *Subrogation.* The insured assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment therefor is made by the Corporation, and shall execute all papers required and take such action as may be necessary to secure such rights.

19. *Records and access to farm.* The insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipments, sale, or other disposition of all of the insured crop produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of the insured crop in the county in which he has an interest. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

20. *Forms.* Copies of forms referred to in the contract are available at the county office.

21. *Meaning of terms.* For purposes of the crop insurance program:

(a) "Acreage report" in addition to a report of the planted acres of the insured crop as provided herein, shall be deemed to include a report on a form prescribed by the Corporation of the acres of the applicable crop intended to be planted by the insured and under which the insured agrees that unless he files a report of the acres actually planted within 15 days after the insured crop is planted the report shall be considered his acreage report.

(b) "County" (Parish in Louisiana) means the area shown on the county actuarial table which may include farms located in a local producing area bordering on the county.

(c) "County actuarial table" means the forms and related materials (including the crop insurance maps where applicable) which are approved annually by the Corporation and show the fixed prices where applicable, the coverages and the premium rates applicable in the county.

(d) "County office" means the Corporation's office for the county shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(e) "Crop year" means the period within which the insured crop is normally planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(f) "Insurance unit" means (1) all the insurable acreage of an insured crop in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of an insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of an insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(g) "Person" or "insured" means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Substitute crop" means any crop except lespedeza, annual legumes used for a green manure crop or for a cover crop and not harvested, biennial and perennial legumes and perennial grasses, planted on acreage (appraised by the Corporation to be put to another use) before harvest of the insured crop becomes general in the county (in California, before the insured crop generally in the area is mature) as determined by the Corporation. Biennial and perennial leg-

umes and perennial grasses seeded with the insured crop or in the growing insured crop shall not be considered a substitute crop. If other small grains are seeded in a growing insured small grain crop on acreage appraised by the Corporation to be put to another use, the crop of the insured small grain crop and other grains shall be considered a substitute crop.

(l) "Tenant" means a person who rents land from another person for a share of the crop, or proceeds therefrom, produced on such land.

22. *Irrigated acreage.* (a) The acreage of an insured crop which shall be insured on the basis of irrigated coverage in any year shall not exceed the smaller of (1) that acreage which normally could be irrigated adequately with the facilities available, taking into consideration the amount of water available after providing the water required to irrigate the acreage of all uninsured irrigated crops on the farm, or (2) that acreage on which one irrigation is carried out in accordance with good farming practices as determined by the Corporation, either before the crop is planted or during the growing season, unless the insured crop on such acreage is destroyed by an insured cause before the application of irrigation water is required in accordance with good farming practices as determined by the Corporation and no damage has occurred to the insured crop due to drought or failure to apply irrigation water. Insurance shall not attach with respect to acreage planted to an insured crop the first year after being leveled. Where the irrigated acreage of the insured crop exceeds the maximum acreage which may be insured hereunder the Corporation shall determine the acreage insured on an irrigated basis.

(b) In addition to the causes of loss insured against shown in the applicable endorsement, the contract shall cover loss in production due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured, including (1) lowering of the water level in pump wells adequate at the beginning of the growing season to the extent that either deepening the well or drilling a new well would be necessary to obtain an adequate supply of water, (2) failure of public power used for pumping or failure of an irrigation district or water company to deliver water where such failure is not within the control of the insured, or (3) the collapse of casing in wells.

(c) The contract shall not cover loss in production caused by (1) failure properly to apply adequate irrigation water to the insured crop when needed and in accordance with recognized good farming practices for the area, (2) failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells when such adjustment can be made without deepening the well, (3) failure properly to apply irrigation water to the insured crop in proportion to the need of the crop and the amount of water available for all irrigated crops, or (4) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which could be reasonably expected.

§ 401.17 *The barley endorsement.* The provisions of the barley endorsement for the 1958 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, winter-kill, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that barley is (a) seeded with flax or other small grains or vetch, or (b) seeded on new ground acreage in counties where the cancellation date is March 15, and no insurance shall attach to any acreage not seeded to barley for harvest as grain as determined by the Corporation.

3. *Coverage per acre.* The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—seeded to a substitute crop when the Corporation has consented that the acreage be put to another use, (b) Second Stage—not harvested and not seeded to a substitute crop, or (c) Third Stage—harvested.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the barley is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the barley is normally harvested.

5. *Claims for loss.* (a) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(b) In determining total production volunteer small grains and volunteer vetch growing with the seeded barley crop, and small grains seeded in the growing barley crop on acreage on which the Corporation has not given its consent to be put to another use shall be counted as barley on a weight basis.

(c) In determining any loss under the contract, production shall be valued at the fixed price. However, any threshed barley which (1) does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 4 barley, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 4 barley is less than the fixed price, the total value of such threshed barley, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Meaning of terms.* For purposes of insurance on barley the terms:

(a) "Harvest" means the mechanical severance from the land of matured barley for threshing where the barley crop has not been destroyed.

(b) "New ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except (1) acreage in tame hay or rotation pasture during the previous crop year, and (2) (applicable only in Montana) any acreage which has been properly summer fallowed the previous crop year in accordance with good farming practices in the area shall not be considered new ground acreage.

7. *Cancellation, termination for indebtedness and discount dates.* (a) For each year of contract the cancellation date and termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective: *Provided, however,* That for the purposes of determining the applicable cancellation and termination dates only, and notwithstanding section 21 (e) of the policy, the crop year for spring planted barley insured in all counties with a March 15 cancellation date shall be considered to mean that period in which the winter barley crop in such counties is normally planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

State	Cancellation date	Termination date for indebtedness
California, Idaho, Oregon, and Washington	Mar. 15	Mar. 15
All other States	Dec. 31	Mar. 31

(b) For each crop year of the contract the discount date shall be the November 30 of the calendar year in which the barley is normally harvested.

§ 401.18 *The dry edible bean endorsement.* The provisions of the dry edible bean endorsement for the 1958 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that beans are planted on new ground acreage, and no insurance shall attach to any acreage not planted to dry edible beans of a class shown on the county actuarial table as determined by the Corporation.

3. *Annual premium.* If the insured is not eligible for the reduction provided in section 4 (c) of the policy, the insured's annual bean premium may be reduced 25 percent for any year if it is determined by the Corporation that the accumulated balance (expressed in dollars) of premiums over indemnities on consecutively insured bean crops preceding the current crop year exceeds his total coverage computed on a threshed coverage basis. Nothing in this paragraph shall create in the insured any right to a reduced premium.

4. *Coverage per acre.* The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—not pulled or cut, (b) Second Stage—pulled or cut but not threshed, or (c) Third Stage—threshed.

5. *Insurance period.* Insurance on any insured acreage shall attach at the time the beans are planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than December 15 of the calendar year in which the bean crop is normally harvested.

6. *Claims for loss.* In determining any loss under the contract, threshed production shall be valued at the fixed price for the applicable grade or pick, except that any threshed production of beans which will not meet any U. S. Grade or pick shown on the county actuarial table because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade or pick requirements if properly handled, shall be valued at the lesser of the lowest price shown on the county actuarial table for that class of beans or the market value of such beans as determined by the Corporation. Any potential or unthreshed production to be counted shall be valued at the fixed price shown on the county actuarial table for this purpose.

7. *Meaning of terms.* For purposes of insurance on dry edible beans the terms:

(a) "Harvest" means pulling or cutting matured beans for threshing where the bean crop has not been destroyed.

(b) "New ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except that acreage in tame hay or rotation pasture during the previous crop year shall not be considered new ground acreage.

(c) "Pick" means the defects consisting of splits, damaged beans, contrasting classes and foreign material included in net weight beans, and where used shall be expressed in terms of percent of net weight beans.

8. *Cancellation, termination for indebtedness and discount dates.* (a) For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the May 15 immediately preceding the beginning of the crop year for which the cancellation or the termination to become effective.

(b) For each crop year of the contract the discount date shall be the November 30 of the calendar year in which the bean crop is normally harvested.

§ 401.19 *The corn endorsement.* The provisions of the corn endorsement for the 1958 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that the corn is true type silage corn or thick planted corn for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn, and no insurance shall attach to any acreage not planted to corn for harvest as grain as determined by the Corporation.

3. *Annual premium.* If the insured is not eligible for the reduction provided in section 4 (c) of the policy, the insured's annual corn premium may be reduced 25 percent for any year if it is determined by the Corporation that the accumulated balance (expressed in dollars) of premiums over indemnities on consecutively insured corn crops preceding the current crop year exceeds his total coverage computed on a harvested coverage basis. Nothing in this paragraph shall create in the insured any right to a reduced premium.

4. *Coverage per acre.* The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—planted to a substitute crop when the Corporation has consented that the acreage be put to another use, (b) Second Stage—not harvested and not planted to a substitute crop or fed to livestock in the field after consent and appraisal by the Corporation in accordance with section 9 of the policy, or (c) Third Stage—harvested, or to be harvested.

5. *Insurance period.* Insurance on any insured acreage shall attach at the time the corn is planted and shall cease upon harvesting or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than December 10 of the calendar year in which the corn is normally harvested.

6. *Acreage appraised to be put to another use.* Notwithstanding section 9 (a) of the policy, the corn crop on any insured acreage may be used for silage or fodder without an appraisal and consent by the Corporation to be put to another use, provided the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for use by the Corporation in appraising the production.

7. *Claims for loss.* (a) In determining any loss under the contract, production shall be valued at the fixed price, except that any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be valued by the Corporation at a price not in excess of the fixed price.

(b) The Corporation reserves the right to determine the amount of production on the basis of an appraisal of unharvested corn standing in the field.

8. *Meaning of terms.* For purposes of insurance on corn the terms:

(a) "Harvest" means picking the corn from the stalk either by hand or machine or cutting the corn for fodder or silage. For the purpose of determining the stage of coverage, any acreage shall not be considered as harvested unless the harvested, or to be harvested, production therefrom is equal in value (determined in accordance with section 7 (a) of this endorsement) to 10 percent or more of the harvested coverage for such acreage.

(b) "Substitute crop", notwithstanding the provisions of section 21 (b) of the policy, means any crop other than corn planted for harvest in the same crop year on acreage appraised by the Corporation to be put to another use.

9. *Cancellation, termination for indebtedness and discount dates.* (a) For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For each crop year of the contract the discount date shall be the November 30 of the calendar year in which the corn crop is normally harvested.

§ 401.20 *The cotton endorsement.* The provisions of the cotton endorsement for the 1958 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of lint cotton production on the cotton crop due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions: *Provided*, That in Saint Landry Parish, Louisiana, flood as a cause of loss insured against shall not include damage caused by the use or overflow of the Atchafalaya River Spillway.

2. *Insured crop.* Insurance shall not attach or be considered to have attached on acreage on which it is determined by the Corporation that cotton is (a) planted following in the same year a small grain crop which reaches the heading stage, (b) planted on new ground acreage, or (c) planted in excess of the allotment, permitted acreage, or any other acreage limitation established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program.

3. *Annual premium.* (a) There will be a reduction in the annual cotton premium for each insurance unit of four percent for each full hundred acres of insured acreage on the unit, provided, however, that the total reduction shall not exceed 20 percent.

(b) If the insured is not eligible for the reduction provided in section 4 (c) of the policy, the insured's annual cotton premium may be reduced 25 percent for any year if it is determined by the Corporation that the accumulated balance (expressed in pounds) of premiums over indemnities on consecutively insured cotton crops preceding the current crop year exceeds his total coverage computed on a harvested acreage basis. Nothing in this paragraph (b) shall create in the insured any right to a reduced premium.

(c) Subject to section 5 of the policy, the amount of the premium determined for an insurance unit shall not exceed 50 percent of the applicable coverage for the insurance unit.

4. *Coverage per acre.* The coverage per acre is progressive by stages which are: (a) First Stage—after it is too late to plant cotton but before the first cultivation, (b) Second Stage—after the first cultivation but before laying by, (c) Third Stage—after laying by but before harvest, or (d) Fourth Stage—after harvest and to the end of the insurance period. *Provided, however,* And notwithstanding section 8 (c) of this endorsement or any other provisions of the contract, acreage on which the Corporation determines the cotton crop has been damaged to the extent that farmers generally in the area where the land is located would not further care for the crop or harvest any portion thereof, shall be deemed to have been destroyed at the time of such damage even though the cotton crop on such acreage was further cared for or harvested. The coverage applicable to such acreage shall be that established for the stage reached by the crop at the time of such damage as determined by the Corporation.

5. *Insurance period.* Insurance on any insured acreage shall attach at the time the cotton is planted and, with respect to any portion of the crop, shall cease upon removal from the field, upon being housed, or upon disposal of the unharvested crop or transfer of interest in unharvested cotton after harvest has commenced, but in no event shall insurance remain in effect later than the applicable date set forth below immediately following the beginning of the normal harvest period:

Alabama:	
Randolph, Clay, Talladega, Shelby, Tuscaloosa and Pickens Counties, and all Alabama counties lying south thereof	Nov. 15
All other Alabama counties	Dec. 15
Arkansas, Georgia, and South Carolina	Do.
Arizona and California	Jan. 31
Louisiana	Nov. 30
Mississippi:	
Noxubee, Winston, Attala, Holmes, Yazoo and Issaquena Counties, and all Mississippi counties lying south thereof	Do.
All other Mississippi counties	Dec. 15
New Mexico, North Carolina, Oklahoma, and Tennessee	Dec. 31
Texas:	
Jackson, Victoria, Goliad, Bee, Live Oak, Atascosa, Medina, Uvalde, and Kinney Counties, and all Texas counties lying south thereof	Sept. 30
Andrews, Martin, Howard, Mitchell, Scurry, Kent, Dickens, Motley, Hall, and Collingsworth Counties, and all Texas counties lying north and west thereof	Dec. 31
All other Texas counties	Nov. 30

6. *Life of contract, cancellation, or termination thereof.* Notwithstanding section 15 (b) of the policy, insurance may be provided in any crop year to any person who canceled his contract for that crop year and who applies for insurance to cover (a) an interest (individual or sharecroppers') not covered by the canceled contract, or (b) both the individual and sharecropper's interests where only one such interest was covered under the canceled contract.

7. *Claims for loss.* (a) The cotton stalks on any acreage with respect to which a loss is claimed, shall not be destroyed until the Corporation makes an inspection.

(b) Nothwithstanding section 11 (c) of the policy, the total production to be counted for an insurance unit shall not include any harvested production destroyed due to insurable causes occurring within the insurance period before being housed or removed from the field.

(c) Notwithstanding section 11 (c) of the policy regarding the determination of the production to be counted, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the fixed price for the county, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the fixed price for the county.

(d) In determining any loss under the contract, production shall be valued at the fixed price.

8. *Meaning of terms.* For purposes of insurance on cotton the terms:

(a) "Cotton" means only a crop of American Upland cotton and does not include cotton planted primarily for experimental purposes.

(b) "First cultivation" means the first tillage of the cotton after it is up, which must be performed with an implement (other than a spike tooth or section harrow, rotary hoe, or stalk cutter) designed for use on individual cotton rows for the purpose of working the ground close to the plants.

(c) "Harvest" means the removal of seed cotton from the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means. For the purpose of determining the stage of coverage, any acreage shall not be considered as harvested unless (1) the production of lint cotton actually harvested therefrom equals 10 percent or more of the coverage for such acreage in the fourth stage of production, and (2) the Corporation determines as authorized in section 4 of this endorsement that the acreage is eligible for the fourth stage of coverage.

(d) "Laying by" means the completion of the final cultivation, consistent with good farming practices, that would be necessary to carry the crop to harvest.

(e) "Insurance unit" notwithstanding section 21 (f) of the policy, means respectively all insurable acreage of cotton in the county (1) in which the insured has 100 percent interest, plus any acreage owned by him and worked for him by a share tenant or sharecropper, or (2) which is owned by the insured and rented to one tenant-operator, or (3) which is owned by one person and operated by the insured as a tenant-operator, or (4) which is owned by one person and worked by the insured as a share tenant or sharecropper. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

(f) "New ground acreage" in all States except Arizona, California, and New Mexico, means acreage on which it was necessary to remove or deaden timber and remove undergrowth to carry out established cultural practices. Pasture land, other than woodland pasture, cleared of underbrush and brought into cultivation will not be considered new ground acreage. In Arizona, California, and New Mexico, "new ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except that acreage in tame hay or rotation pasture during the previous crop year shall not be considered new ground acreage.

(g) "Sharecropper" or "share tenant" means a person other than an owner-operator or tenant-operator who works cotton under supervision of a farm operator and is entitled to receive a share of the crop or proceeds therefrom and includes a person employed on the farm of an owner-operator or tenant-operator who receives for his labor the entire interest of such owner-operator or tenant-operator in the cotton crop, or proceeds therefrom, produced on a specified acreage of such farm (for the purpose of the contract the owner-operator or tenant-operator of the farm shall be considered to have an interest in such acreage).

(h) "Tenant-operator" or "tenant" means a person who rents land from another person for a share of the cotton crop, or proceeds therefrom, produced on such land and is responsible for farm management with respect to the production of cotton on such acreage whether produced by his own or other person's labor.

(i) "Owner-operator" means a person who owns land and is responsible for farm management with respect to the production of cotton on such acreage whether produced by his own or other person's labor. Land rented for cash or a fixed commodity payment shall be considered owned by the lessee.

9. *Cancellation, termination for indebtedness and discount dates.* (a) For each year of the contract the cancellation date shall be the December 31 immediately preceding the beginning of the crop year for which the cancellation is to become effective.

(b) For each year of the contract the termination date for indebtedness shall be the following applicable date immediately preceding the beginning of the crop year for which the termination is to become effective:

Texas:	
Jackson, Victoria, Goliad, Bee, Live Oak, Atascosa, Medina, Uvalde, and Kinney Counties, and all Texas counties lying south thereof	Feb. 28
All other Texas counties	Mar. 31
All other States	Mar. 31

(c) For each crop year of the contract, the discount date shall be the following applicable date immediately following the normal harvest period: January 31 for counties in Arizona, California, and New Mexico and for Andrews, Martin, Howard, Mitchell, Scurry, Kent, Dickens, Motley, Hall and Collingsworth Counties, Texas, and for all Texas counties lying north and west thereof; November 30 for all other Texas counties; December 31 for Oklahoma; and December 15 for all other counties.

§ 401.21 *The flax endorsement.* The provisions of the flax endorsement for the 1958 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that flax is seeded with any other crop, except perennial grasses or legumes other than vetch, and no insurance shall attach to any acreage not seeded to flax for harvest as seed as determined by the Corporation.

3. *Annual premium.* If the insured is not eligible for the reduction provided in section 4 (c) of the policy, the insured's annual flax premium may be reduced 25 percent for any year if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured flax crops preceding the current crop year exceeds his total coverage computed on a harvested coverage basis. Nothing in this paragraph shall create in the insured any right to a reduced premium.

4. *Coverage per acre.* The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—seeded to a substitute crop when the Corporation has consented that the acreage be put to another use, (b) Second Stage—not harvested and not seeded to a substitute crop, or (c) Third Stage—harvested.

5. *Insurance period.* Insurance on any insured acreage shall attach at the time the flax is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the flax is normally harvested.

6. *Claims for loss.* In determining any loss under the contract, production shall be valued at the fixed price. However, any threshed flax which (1) does not grade No. 2 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 2 flax, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* When the Commodity Credit Corporation county loan rate for No. 2 flax is less than the fixed price, the total value of such threshed flax, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

7. *Meaning of terms.* For purposes of insurance on flax the term:

(a) "Harvest" means the mechanical severance from the land of matured flax for threshing where the flax crop has not been destroyed.

8. *Cancellation, termination for indebtedness and discount dates.* (a) For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or termination is to become effective.

(b) For each crop year of the contract the discount date shall be the November 30 of the calendar year in which the flax is normally harvested.

§ 401.22 *The soybean endorsement.* The provisions of the soybean endorsement for the 1958 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that soybeans are (a) planted for hay, (b) planted in rows too close for cultivation (except in Ohio), (c) planted for the development of hybrid seed, or (d) planted in the same row or interplanted in rows with corn, and no insurance shall attach to any acreage not planted to soybeans for harvest as beans as determined by the Corporation.

3. *Coverage per acre.* The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—unharvested, or (b) Second Stage—harvested.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the soybeans are planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than December 10 of the calendar year in which the soybeans are normally harvested.

5. *Claims for loss.* (a) The total production to be counted shall include any harvested production from acreage initially planted for purposes other than for harvest as beans as determined by the Corporation.

(b) In determining any loss under the contract, production shall be valued at the fixed price. However, any threshed soybeans which (1) do not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 4 soybeans, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* When the Commodity Credit Corporation county loan rate for No. 4 soybeans is less than the fixed price, the total value of such threshed soybeans, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Meaning of terms.* For purposes of insurance on soybeans the term:

(a) "Harvest" means the mechanical severance from the land of matured soybeans for threshing where the soybean crop has not been destroyed.

7. *Cancellation, termination for indebtedness and discount dates.*

(a) For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For each crop year of the contract the discount date shall be the November 30 of the calendar year in which the soybeans are normally harvested.

§ 401.23 *The tobacco endorsement.* The provisions of the tobacco endorsement for the 1958 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, pole burn, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* Insurance shall not be considered to have attached on acreage on which it is determined by the Corporation that tobacco is destroyed for the purpose of conforming with any other program administered by the Secretary of Agriculture.

3. *Coverage per acre.* The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—unharvested, or (b) Second Stage—harvested. *Provided, however,* and notwithstanding section 9 (a) of this endorsement or any other provisions of the contract, acreage on which the Corporation determines the tobacco crop has been damaged to the extent that farmers generally in the area where the land is located would not further care for the crop or harvest any portion thereof, shall not be eligible for harvested coverage even though the tobacco crop on such acreage may be harvested.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the tobacco is planted and, with respect to any portion of the crop, shall cease upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, grading, packing, or immediate delivery to the tobacco warehouse), whichever occurs first, but in no event shall insurance remain in effect (1) for the following types later than the applicable date set forth following the normal harvest period:

Type of tobacco:	Date
11	Jan. 31
12	Dec. 31
13	Nov. 30
14	Sept. 30
21, 22, 23, 37, 41, 54 and 55	Mar. 31
31, 35, 36, 51 and 52	Feb. 28

and (2) for type 32 tobacco, the August 31 of the next succeeding calendar year following the calendar year in which the crop was planted.

5. *Notice of loss or substantial damage.* (a) Where tobacco is not sold through auction warehouses, if after curing the tobacco it appears probable that a loss on any insurance unit under the contract will be sustained, notice in writing shall be given to the Corporation at the county office to allow the Corporation time to make an inspection before the crop is sold, contracted to be sold, or otherwise disposed of.

(b) In lieu of the provisions of section 8 (b) of the policy if, at the completion of selling or otherwise disposing of the insured tobacco, a loss on an insurance unit under the contract is probable, notice in writing shall be given within 15 days to the Corporation at the county office but in no event shall such notice be given later than the calendar date for the end of the insurance period.

6. *Claims for loss.* (a) Notwithstanding section 11 (a) of the policy, any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the amount of loss can be determined, but in no event shall such form be submitted later than (1) the last day of the next succeeding month following the calendar date shown in section 4 of this endorsement for the end of the insurance period except for types 41, 54 and 55 tobacco, and (2) the last day of the second succeeding month following the calendar date shown in section 4 of this endorsement for the end of the insurance period for types 41, 54 and 55 tobacco.

(b) In determining any loss under the contract, production shall be valued as follows: (1) the gross returns (less warehouse charges) from the tobacco sold on the warehouse floor, (2) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (3) the fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (4) the fair market value (if harvested and cured), as determined by the Corporation, of any unharvested tobacco. Any appraisals of production made for poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation shall be valued at (1) the market price where coverages are expressed in pounds on the county actuarial table, and (2) the price shown on the county actuarial table for this purpose where coverages are expressed in dollars on the county acturial table.

(c) To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold, or otherwise disposed of by the insured and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured.

7. *Life of contract, cancellation, or termination thereof.* (a) Notwithstanding section 15 (b) of the policy, insurance may be provided in any crop year to any person who canceled his contract for that crop year and who applies for insurance to cover (1) an interest (individual or sharecroppers') not covered by the canceled contract, or (2) both the individual and sharecroppers' interests where only one such interest was covered under the canceled contract.

(b) Notwithstanding section 15 (a) of the policy, the contract shall not terminate because a premium due on type 32 tobacco planted in the preceding calendar year remains unpaid.

8. *Other insurance.* Notwithstanding section 14 of the policy, the Corporation shall only be liable for loss due to fire for the smaller of either (1) the amount of indemnity determined pursuant to this contract without regard to any other insurance, or (2) the amount by which the loss from such risk exceeds the indemnity paid or payable under such other insurance.

9. *Meaning of terms.* For purposes of insurance on tobacco the terms:

(a) "Harvest" means cutting or priming the tobacco. For the purpose of determining the stage of coverage, acreage shall not be considered as harvested unless (1) the production of tobacco actually harevsted therefrom equals 10 percent or more of the harvested pound coverage for such acreage: *Provided,* Where the coverage is shown on the county actuarial table in dollars, the pound equivalent shall be obtained for making this determination by dividing the dollar coverage by the price shown on the county actuarial table for this purpose, and (2) the Corporation determines as authorized in section 3 of this endorsement that the acreage is eligible for harvested stage coverage.

(b) "Insurance unit", notwithstanding section 21 (f) of the policy, means respectively (1) all insurable acreage in the county of an insurable type of tobacco in which one person at the time of planting has the entire interest in the crop, or (2) all such insurable acreage in the county in which two or more persons at the time of planting have the entire interest in the crop, excluding any other acreage of tobacco in the county in which such persons together do not have the entire interest in the crop.

(c) "Market price" for a crop year in the case of tobacco of (1) types 11, 12, 13, 14, 21, 22, 23, 31, 32, 35, 36 and 37 means the average auction price for the applicable type (less warehouse charges) in the belt or area, as determined by the Corporation, and (2) types 41, 51, 52, 54 and 55 means the average price for the applicable type in the belt or area as determined by the Corporation: *Provided,* That, in those counties where so provided on the county actuarial table, the market price for the purpose of this contract shall be limited to not more than 125 percent and to not less than 75 percent of a price shown on the county actuarial table for this purpose. The market price when determined by the Corporation shall be filed in the county office with the county actuarial table.

(d) "Owner-operator" means a person who owns land and is responsible for farm management with respect to the production of tobacco on such acreage whether produced by his own or other person's labor. Land rented for cash or for a fixed commodity payment shall be considered owned by the lessee.

(e) "Planting" means transplanting the tobacco plant from the plant head to the field.

(f) "Tenant-operator" means a person who rents land from another person for a share of the tobacco crop, or proceeds therefrom, produced on such land and is responsible for farm management with respect to the production of tobacco on such acreage whether produced by his own or other person's labor.

(g) "Sharecropper" or "share tenant" means a person other than an owner-operator or tenant-operator who works tobacco

under supervision of a farm operator and is entitled to receive a share of the crop or proceeds therefrom and includes a person employed on the farm of an owner-operator or tenant-operator who receives for his labor the entire interest of such owner-operator or tenant-operator in the tobacco crop, or proceeds therefrom, produced on a specified acreage of such farm (for the purpose of the contract the owner-operator or tenant-operator of the farm shall be considered to have an interest in such acreage).

10. *Cancellation, termination for indebtedness and discount dates.* For each year of the contract the cancellation date shall be the January 31 immediately preceding the beginning of the crop year for which the cancellation is to become effective. For each crop year of the contract the discount date shall be the following applicable date immediately following the normal harvest period, except that the discount date for type 32 tobacco shall be the August 31 of the next succeeding calendar year following the calendar year in which the crop was planted, and the termination date for indebtedness shall be the following applicable date immediately preceding the beginning of the crop year for which the termination is to become effective:

Type of tobacco	Discount date [1]	Termination date
11a, 11b, and 12	Dec. 15	Apr. 30
13	Nov. 30	Mar. 31
14	Sept. 30	Do.
21 and 37	Jan. 31	Apr. 30
31—All States (except North Carolina and Virginia)	Feb. 28	Do.
31—North Carolina and Virginia	Jan. 31	Do.
32	Aug. 31	Do.
22 and 23	Mar. 31	Do.
35 and 36	Feb. 28	Do.
41, 51, 52, 54, and 55	May 31	May 31

[1] In case 2 or more types of tobacco are insured under the contract, the earliest date for any type of tobacco insured shall apply to the entire tobacco premium for the contract.

§ 401.24 *The wheat endorsement.* The provisions of the wheat endorsement for the 1958 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, winter-kill, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that wheat is (a) seeded with flax or other small grains, vetch, Austrian winter peas, or dry edible peas, or (b) seeded on new ground acreage in counties where the cancellation date is March 15, and no insurance shall attach to any acreage not seeded to wheat for harvest as grain as determined by the Corporation.

3. *Annual premium.* (a) There will be a reduction in the annual wheat premium for each insurance unit of 4 percent for the first full 200 acres of insured wheat acreage on the unit and an additional 2 percent reduction for each additional full 100 acres: *Provided, however,* That the total reduction shall not exceed 20 percent.

(b) Whether or not the insured is eligible for the reduction provided in section 4 (c) of the policy, the insured's annual wheat premium may be reduced in lieu thereof for any year by not to exceed 50 percent if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured wheat crops preceding the current crop year exceeds his total coverage computed on a harvested coverage basis. Nothing in this paragraph (b) shall create in the insured any right to a reduced premium.

4. *Coverage per acre.* The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—seeded to a substitute crop when the Corporation has consented that the acreage be put to another use, (b) Second Stage—not harvested and not seeded to a substitute crop, or (c) Third Stage—harvested, except that in those counties where so shown on the county actuarial table the coverage per acre shall be progressive depending upon whether the acreage is (a) First Stage—not harvested, or (b) Second Stage—harvested.

5. *Insurance period.* Insurance on any insured acreage shall attach at the time the wheat is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the wheat is normally harvested.

6. *Claims for loss.* (a) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(b) In determining total production volunteer small grains, volunteer Austrian winter peas, volunteer dry edible peas, and volunteer vetch growing with the seeded wheat crop, and small grains seeded in the growing wheat crop on acreage on which the Corporation has not given its consent to be put to another use, shall be counted as wheat on a weight basis.

(c) In determining any loss under the contract, production shall be valued at the fixed price. However, any threshed wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such threshed wheat, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

7. *Meaning of terms.* For purposes of insurance on wheat the terms:

(a) "Harvest" means the mechanical severance from the land of matured wheat for threshing where the wheat crop has not been destroyed.

(b) "New ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except (1) acreage in tame hay or rotation pasture during the previous crop year, and (2) (applicable only in Montana) any acreage which has been properly summer fallowed the previous crop year in accordance with good farming practices in the area shall not be considered new ground acreage.

8. *Cancellation, termination for indebtedness and discount dates.*

(a) For each year of the contract the cancellation date an termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective: *Provided, however,* That for the purposes of determining the applicable cancellation and termination dates only, and notwithstanding section 21 (e) of the policy, the crop year for spring planted wheat insured in all counties with a March 15 cancellation date shall be considered to mean that period in which the winter wheat crop in such counties is normally planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

State and county	Cancellation date	Termination date for indebtedness
Minnesota and North Dakota	Dec. 31	Mar. 31
Montana:		
Daniels, Dawson, McCone, Phillips, Richland, Roosevelt, Sheridan and Valley Counties	do	Do.
All other Montana counties	Mar. 15	Mar. 15
South Dakota:		
Bennett, Jones, Lyman, Meade, Mellette and Tripp Counties	do	Do.
All other South Dakota counties	Dec. 31	Mar. 31
All other States	Mar. 15	Mar. 15

(b) For each crop year of the contract the discount date shall be the November 30 of the calendar year in which the wheat is normally harvested.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on July 3, 1957.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved on August 9, 1957.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-6697; Filed, Aug. 14, 1957; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 911—MILK IN TEXAS PANHANDLE MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 911.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than September 1, 1957. Any delay beyond that date in the effective date of this order amending the order, as amended, will impair the proper operation of the order and will seriously threaten the orderly marketing of milk in the Texas Panhandle marketing area inasmuch as the present Class I milk price provision in the order will expire on August 31, 1957. This amended order provides for the continuation of the Class I milk pricing provision currently in the order; thus, additional time is not needed for persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective September 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by this order amending the order, as amended, which is marketed within the Texas Panhandle marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period June 1957, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete § 911.51 (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of July through February and plus $1.85 during all other months.

(Sec. 5, 49 Stat. 653, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 9th day of August 1957, to be effective on and after September 1, 1957.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6678; Filed, Aug. 14, 1957; 8:48 a. m.]

PART 927—MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

ORDER TERMINATING CERTAIN PROVISION

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "Act", and of the order, as amended (7 CFR Part 927), regulating the handling of milk in the New York-New Jersey milk marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provision in paragraph (c) of § 927.82 of the order reading "outside the marketing area," which makes cream payments authorized by such paragraph applicable only if the plant of classification is outside the marketing area, does not tend to effectuate the declared policy of the Act with respect to cream handled in August 1957 and thereafter.

The provision renders said paragraph (c) unworkable and virtually meaningless and void since the amended order effective August 1, 1957 (22 F. R. 4643) provides (1) for expansion of the marketing area to include therein a substantial proportion of the plants which previously were outside the marketing area, and (2) for classification at plants in the area formerly defined as the marketing area (now the New York metropolitan district), whereas, heretofore milk and cream (with certain exceptions) shipped to a plant in that area was classified at the plant from which it was shipped.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impracticable, unnecessary and contrary to the public interest in that:

(1) The record of the hearing on the basis of which the amended order effective August 1, 1957, was issued fully justifies the amendment of said paragraph (c) of § 927.82 (by deletion of the words "outside the marketing area") as a coordinating amendment in view of the other amendments herein noted. Failure to so amend said paragraph was inadvertent;

(2) This termination order will have the effect of relieving regulated handlers of obligations which otherwise would be imposed under the order and does not require of persons affected any substantial or extensive preparation prior to its effective date; and

(3) The termination of said provision should be made effective without delay to insure equity among handlers engaged in handling cream in August 1957 and thereafter to which the provisions of § 927.82 (c) apply.

It is therefore ordered, That the provision "outside the marketing area" which appears in paragraph (c) of § 927.82 be and hereby is terminated.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 9th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6677; Filed, Aug. 14, 1957; 8:48 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 25—ACCESS TO RESTRICTED DATA

CONTROLLED THERMONUCLEAR PROCESSES

Since issuance of Part 25, 10 CFR, "Access to Restricted Data," each applicant for access permit authorizing access to Secret Restricted Data in categories designated in Appendix "A" to that part, has been required to demonstrate that he "has a need for such data in such business, trade or profession" (§ 25.15). On August 1, 1956 (21 F. R. 5733) the Atomic Energy Commission amended Part 25 to require that applicants for access to Secret Restricted Data in category C–20, "Controlled Thermonuclear Process" demonstrate also that they are engaged in a substantial effort to develop, design, build or operate a fission power reactor that is planned for construction; or that they are capable of making significant contributions to research and development in the controlled thermonuclear field.

The Commission has concluded that further amendment is appropriate to encourage more widespread participation by private individuals and organizations in research and development activities regarding controlled thermonuclear processes and to facilitate private investment in such activities.

The following amendments include also clarifying changes in the provisions published on August 1, 1956.

Since these amendments are intended to relieve from, rather than to impose restrictions, and are of a clarifying na-

ture, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary and that good cause exists why these amendments should be made effective without the customary period of notice.

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of § 25.15 (b) is amended to read as follows:

(2) An application for access to Secret Restricted Data in category C–20, Controlled thermonuclear processes, will be approved only if the application demonstrates also that the applicant:

(i) Is directly engaged in a substantial effort to develop, design, build or operate a fission power reactor that is planned for construction and is making or proposes to make, a comparative evaluation of fission and controlled thermonuclear processes for production of power; or

(ii) Possesses qualifications demonstrating that he is capable of making a significant contribution to research and development in the controlled thermonuclear field and is directly engaged in, or proposes to engage in, a substantial study program, or a substantial research and development program, in this field; or

(iii) Is furnishing to a permittee havaccess to C–20 under subdivision (i) of this subparagraph substantial financial assistance or substantial scientific, engineering, or other professional services to be used by said permittee in carrying out the activities for which said permittee received access to category C–20; or

(iv) Is furnishing to a permittee having access to C–20 under subdivision (ii) of this subparagraph substantial financial assistance or substantial scientific, engineering, or other professional services to be used by said permittee in the study or research and development program for which said permittee received access to category C–20.

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201)

Dated at Washington, D. C., this 9th day of August 1957.

K. E. FIELDS,
General Manager.

[F. R. Doc. 57–6734; Filed, Aug. 14, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40–7]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

INTERIOR EMERGENCY EXIT MARKING LIGHTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of August 1957.

Currently effective § 40.173 (f) (2) of Part 40 of the Civil Air Regulations requires that, on all airplanes used for scheduled interstate air transportation at night, a source or sources of light with an emergency energy supply independent of the main lighting system be installed to illuminate all emergency exit markings. This particular requirement was adopted by the Board in November of 1955 in an amendment concerning emergency and evacuation equipment and procedures. The Board adopted this rule to increase safety in the evacuation of airplanes. It was the Board's intention that through this amendment all passenger-carrying airplanes would be equipped with lights installed so as to illuminate all emergency exits in such a manner as to attract the attention of the occupants at night and thus expedite evacuation. The Board intended that this requirement should apply specifically to passenger-carrying airplanes as is borne out by the history of the amendment and the preamble thereto. However, this provision is so worded as to be applicable to all airplanes whether engaged in passenger or cargo operations under Part 40.

The Board has been requested to clarify its intent with respect to this provision insofar as its applicability to airplanes used in night cargo operations is concerned. A careful review of the development of the emergency and evacuation equipment and procedure amendment reveals very clearly that the concern of all interested parties was directed almost exclusively to passenger-carrying airplanes. This is particularly apparent with respect to the emergency exit marking lighting requirements, the object of which is to insure, in the case of a crash landing or of a ditching at night, that the passengers and crew may be able to identify and operate emergency exits thus expediting evacuation of the airplane. In airplanes used solely for the carrying of cargo, the problem of locating and operating emergency exits during a ditching or crash landing at night is not comparable to that encountered in passenger operations. Properly qualified crews are so familiar with every feature of the airplane, and the emergency exits which they would normally use are so close at hand, that special lighting for these exits is unnecessary. Furthermore, airline crews typically carry flashlights. All existing large airplane types used in this type of operation have an exit or loading door located immediately aft of the flight deck and the cockpit windows in most cases provide an additional mean of crews evacuation. Furthermore, a survey of accidents involving night cargo operations indicates that there have been no difficulties in crew evacuation that would indicate a need for emergency illumination facilities for the emergency exits.

In view of the foregoing, § 40.173 (f) (2) is being amended to reflect the intent of the Board that the emergency lighting requirements apply only to passenger-carrying airplanes.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective August 9, 1957:

By amending § 40.173 (f) (2) by adding after the words "August 31, 1957" the words "in all passenger-carrying airplanes".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

Effective: August 9, 1957.

Adopted: August 9, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–6712; Filed, Aug. 14, 1957; 8:47 a. m.]

[Civil Air Regs., Amdt. 41–13]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

INTERIOR EMERGENCY EXIT MARKING LIGHTS

Adopted by the Civil aeronautics Board at its office in Washington, D. C., on the 9th day of August 1957.

Currently effective § 41.23d (b) (2) of Part 41 of the Civil Air Regulations requires that, on all airplanes used for scheduled air carrier operations outside the continental limits of the United States at night, a source or sources of light with an emergency energy supply independent of the main lighting system be installed to illuminate all emergency exit markings. This particular requirement was adopted by the Board in November 1955 in an amendment concerning emergency and evacuation equipment and procedures. The Board adopted this rule to increase safety in the evacuation of airplanes. It was the Board's intention that through this amendment all passenger-carrying airplanes would be equipped with lights installed so as to illuminate all emergency exits in such a manner as to attract the attention of the occupants at night and thus expedite evacuation. The Board intended that this requirement should apply specifically to passenger-carrying airplanes as is borne out by the history of the amendment and the preamble thereto. However, this provision is so worded as to be applicable to all airplanes whether engaged in passenger or cargo operations under Part 41.

The Board has been requested to clarify its intent with respect to this provision insofar as its applicability to airplanes used in night cargo operations is concerned. A careful review of the development of the emergency and evacuation equipment and procedure amendment reveals very clearly that the concern of all interested parties was directed almost exclusively to passenger-carrying airplanes. This is particularly apparent with respect to the emergency exit marking lighting requirements, the object of which is to insure, in the case of a crash landing or of a ditching at night, that the passengers and crew may be able to identify and operate emergency exits thus expediting evacuation of the airplane. In airplanes used solely for the carrying of cargo, the problem of locating and operating emergency exits during a ditching or crash landing at night is not comparable to that encountered in passenger operations. Properly qualified crews are so familiar with every feature of the airplane, and the emergency exits which they would normally use are so close at hand, that special lighting for these exits is unnecessary. Furthermore, airline crews typically carry flashlights. All existing large airplane types used in this type of operation have an exit or loading door located immediately aft of the flight deck and the cockpit windows in most cases provide an additional means of crew evacuation. Furthermore, a survey of accidents involving night cargo operations indicates that there have been no difficulties in crew evacuation that would indicate a need for emergency illumination facilities for the emergency exits.

In view of the foregoing, § 41.23d (b) (2) is being amended to reflect the intent of the Board that the emergency lighting requirements apply only to passenger-carrying airplanes.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective August 9, 1957:

By amending § 41.23d (b) (2) by adding after the words "August 31, 1957" the words "in all passenger-carrying airplanes".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

Effective: August 9, 1957.

Adopted: August 9, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–6713; Filed, Aug. 14, 1957; 8:47 a. m.]

[Civil Air Regs., 42–12]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

INTERIOR EMERGENCY EXIT MARKING LIGHTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of August 1957.

Currently effective § 42.24c (b) (2) of Part 42 of the Civil Air Regulations requires that, on all large aircraft used for irregular air carrier and off-route air transportation at night, a source or sources of light with an emergency energy supply independent of the main lighting system be installed to illuminate all emergency exit markings. This particular requirement was adopted by the Board in November of 1955 in an amendment concerning emergency and evacuation equipment and procedures. The Board adopted this rule to increase safety in the evacuation of aircraft. It was the Board's intention that through this amendment all large passenger-carrying aircraft would be equipped with lights installed so as to illuminate all emergency exits in such a manner as to attract the attention of the occupants at night and thus expedite evacuation. The Board intended that this requirement should apply specifically to passenger-carrying aircraft as is borne out by the history of the amendment and the preamble thereto. However, this provision is so worded as to be applicable to all large aircraft whether engaged in passenger or cargo operations under Part 42.

The Board has been requested to clarify its intent with respect to this provision insofar as its applicability to large aircraft used in night cargo operations is concerned. A careful review of the development of the emergency and evacuation equipment and procedure amendment reveals very clearly that the concern of all interested parties was directed almost exclusively to passenger-carrying aircraft. This is particularly apparent with respect to the emergency exit marking lighting requirements, the object of which is to insure, in the case of a crash landing or of a ditching at night, that the passengers and crew may be able to identify and operate emergency exits thus expediting evacuation of the aircraft. In airplanes used solely for the carrying of cargo, the problem of locating and operating emergency exits during a ditching or crash landing at night is not comparable to that encountered in passenger operations. Properly qualified crews are so familiar with every feature of the airplane, and the emergency exits which they would normally use are so close at hand, that special lighting for these exits is unnecessary. Furthermore, airline crews typically carry flashlights. All existing large airplane types used in this type of operation have an exit or loading door located immediately aft of the flight deck and the cockpit windows in most cases provide an additional means of crew evacuation. Furthermore, a survey of accidents involving night cargo operations indicates that there have been no difficulties in crew evacuation that would indicate a need for emergency illumination facilities for the emergency exits.

In view of the foregoing, § 42.24c (b) (2) is being amended to reflect the intent of the Board that the emergency lighting requirements apply only to passenger-carrying aircraft.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective August 9, 1957:

By amending § 42.24c (b) (2) by deleting the words "in large aircraft" in the first sentence thereof and adding after the words "August 31, 1957" in the first sentence, the words "in all large passenger-carrying aircraft".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

Effective: August 9, 1957.

Adopted: August 9, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–6714; Filed, Aug. 14, 1957; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6746]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AFFILIATED BROKERS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Bonded business; customer connection; financial condition; individual or private business as cooperative; [1] service; § 13.143 *Opportunities;* § 13.185 *Refunds, repairs, and replacements.* Supart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1368 *Bonded business;* § 13.1397 *Customer connection;* § 13.1415 *Financial condition;* § 13.1448 *Individual or private business as cooperative or corporation;* [*Misrepresenting oneself and goods*]—Goods: § 13.1697 *Opportunities in product or service;* § 13.1725 *Refunds.* Subpart—*Using misleading name*—Vendor: § 13.2360 *Bonded business;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 724; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Affiliated Brokers, Inc., Chicago, Ill., Docket 6746, July 17, 1957]

In the Matter of Affiliated Brokers, Inc., a Corporation, Business Co-Op, Inc., a Corporation, and William John Madone, Individually and as an Officer of Each of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two Chicago real estate advertising firms and their common officer with representing falsely through oral and written statements and by the wording of the corporate names that they were bona fide business brokers or a cooperative organization engaged in the sale of business establishments, that they had ready purchasers, and would guarantee sale of a property or refund the substantial service fee they collected.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 17 the decision of the Commission.

[1] Amended to read as set forth.

The order to cease and desist is as follows:

It is ordered, That respondent Affiliated Brokers, Inc., a corporation, and its officers, and Business Co-op, Inc., a corporation, and its officers, and William John Madone, individually and as an officer of each of the said corporate respondents, and each of respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale or sale, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of advertising in newspapers and in other advertising media and of other services and facilities in connection with the offering for sale, selling, buying or exchanging of business property or any other kind of property, do forthwith cease and desist from, directly or indirectly, representing:

1. That any sum of money deposited by a prospective seller of property with the respondents on condition that respondents will effect a sale of said property on expressed or implied conditions will be returned, unless said sum is in fact returned on the failure of respondents to comply with the conditions of the agreement;

2. That respondents have available qualified or ready purchasers for businesses unless such purchasers are in fact available;

3. That respondents will undertake the sale of property without risk, obligation or expense to the prospective seller;

4. That respondents have available through their own resources, the funds or facilities necessary to finance the sale and transfer of business property or other kinds of property or that respondents are in fact engaged in the business of financing the sale and transfer of such property.

It is further ordered, That said respondent Affiliated Brokers, Inc., a corporation, and its officers, and William John Madone, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale or sale, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of advertising in newspapers and in other advertising media and of other services and facilities in connection with the offering for sale, selling, buying or exchanging of business property or any other kind of property, do forthwith cease and desist from, directly or indirectly, representing:

That they or their agents, representatives, and employees are bonded, licensed or insured with respect to or to engage in the operation of a brokerage business for the sale of business property or any other kind of property.

It is further ordered, That said respondent Business Co-Op, Inc., a corporation, and its officers, and William John Madone, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale or sale, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of advertising in newspapers and in other advertising media and of other services and facilities in connection with the offering for sale, selling, buying or exchanging of business property or any other kind of property, do forthwith cease and desist from, directly or indirectly, representing:

Using the word "Co-Op" as a part of a corporate or trade name, or representing in any other way or by any other means, that they operate a cooperative business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6708; Filed, Aug. 14, 1957; 8:46 a. m.]

[Docket 6774]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SYDCO INDUSTRIES, INC., AND MORTON SPRINGER

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise.* Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1680 *Manufacture or preparation;* [*Misrepresenting oneself and goods*]—Prices: § 13.1810 *Fictitious marking.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Sydco Industries, Inc., et al., New York, N. Y., Docket 6774, July 17, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a dealer in New York City with misbranding bed comforters by failing to disclose the nature of the fibers used in the covering materials and with marking containers of such comforters with fictitious prices and with the word "Mothproof".

Following approval of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Sydco Industries, Inc., a corporation, and its officers and Morton Springer, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of bed comforters or other "wool products" as such products are defined in and subject to said Wool Products Labeling Act, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool" as these terms are defined in said act, do forthwith cease and desist from misbranding such products by:

Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where such percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Sydco Industries, Inc., a corporation, and its officers and Morton Springer, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bed comforters or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Representing in any manner that said bed comforters or any other products are mothproof, when such is not the fact.

2. Representing in any manner that various prices are the regular and usual retail prices of bed comforters or other products when such prices are in excess of the prices at which such bed comforters or other products are usually and regularly sold at retail.

3. Putting into operation any plan, or scheme, or furnishing any materials, devices, or promotional media whereby retailers or others may misrepresent the regular and usual retail prices of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6709; Filed, Aug. 14, 1957; 8:46 a. m.]

[Docket 6734]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RENA-WARE DISTRIBUTORS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Operations as special or other advertising; personnel or staff; producer status of dealer or seller: *Manufacturer;* Qualifications and abilities; § 13.20 *Comparative data or merits;* § 13.155 *Prices:* Usual as reduced, special, etc.; § 13.205 *Scientific or other relevant facts.* Subpart—*Furnishing means and instrumentalities of misreprentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Rena-Ware Distributors, Inc., et al., Opportunity, Wash., Docket 6734, July 17, 1957.]

In the Matter of Rena-Ware Distributors, Inc., a Corporation, Fred W. Zylstra, and Otto W. Zylstra, Individually and as Officers and Directors of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in Opportunity, Wash., of "Rena-Ware" stainless steel cooking utensils designed for so-called "waterless cooking", with making false representations—through their distributors and personal solicitors whom they supplied with sales training manuals, charts, cookbooks, brochures, and other advertising literature—as to the comparative merits, unique nature, and prices of their cooking utensils, the qualifications of their personnel, and their maufacturing status, among other things.

Following agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Rena-Ware Distributors, Inc., a corporation, and its officers, and Fred W. Zylstra and Otto W. Zylstra, individually and as officers and directors of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution, in commerce as "commerce" is defined in the Federal Trade Commission Act, of stainless steel cooking utensils, or any other cooking utensils of substantially similar composition, design, construction, or purpose, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondents' utensils are new or revolutionary or are the first or only utensils designed for both cooking and serving food;

(b) That respondents' utensils cook food at a lower temperature than do competing products, or that the results achieved by the use of their utensils are unique as compared with those achieved by the "waterless" method of cooking in other utensils;

(c) That respondents' sales personnel are members of their advertising department or are other than salesmen;

(d) That the offer to sell respondents' utensils is for the purpose of advertising, or that the prices at which their products are offered are special or reduced prices, when such is contrary to the fact;

(e) That respondents employ, or have employed, laboratory technicians, home economists, dietitians, or engineers, or have conducted research in connection with their utensils, or that respondents own, operate, or control a factory wherein their utensils are manufactured, when such is contrary to the fact;

(f) That all the vitamin and mineral content of food is retained when respondents' utensils and the "waterless" method of cooking are used: *Provided*, That nothing herein shall prevent respondents from representing that more vitamins and minerals are retained in food cooked in their utensils and using the "waterless" method of cooking than when cooked in other utensils requiring substantially larger quantities of water;

(g) That minerals in food are destroyed by heat when using any kind of cooking utensils or any method of cooking;

(h) That vitamins in food, other than Vitamin C and some elements of the Vitamin B complex, are destroyed or damaged by heat in cooking, or that these vitamins are destroyed or damaged by heat in cooking, except when subjected to prolonged high temperatures.

2. Furnishing means or instrumentalities to others by and through which they may mislead and deceive the public respecting the matters set forth in paragraph 1 hereof.

ROBERT L. PIPER, *Hearing Examiner.*

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6710; Filed, Aug. 14, 1957; 8:46 a. m.]

[Docket 6629]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MONO FUR CO., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; fictitious marking; usual as reduced, special, etc.; § 13.175 *Quality of product or service;* § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Henry Monosson et al. trading as Mono Fur Company and International Fur Co., Los Angeles, Calif., Docket 6629, July 11, 1957]

In the Matter of Henry Monosson and Yetta Monosson, Individually and as Copartners, Trading as Mono Fur Company and International Fur Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Los Angeles, Calif., with violating the Fur Products Labeling Act by advertising in newspapers which misrepresented prices, grade, and value of fur products, by failing to maintain adequate records as a basis for such pricing claims, and by failing to comply with the labeling and invoicing requirements of the act.

Following an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Henry Monosson and Yetta Monosson, individually and as copartners trading and doing business under the firm names of Mono Fur Company and International Fur Co., or under any other trade name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the offering for sale, sale, advertising, transportation or distribution of

fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth, on labels attached to fur products:

(a) Non-required information mingled with required information;

(b) Required information in abbreviated form, or in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product.

C. Falsely or deceptively advertising fur products through the use of any notice, advertisement, representation or public announcement which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

1. Represents, directly or by implication, that the regular or usual price of any fur product is any amount in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business.

2. Misrepresents the grade, quality or value of certain of said fur products by the use of illustrations depicting higher priced or more valuable products than those actually available at the advertised selling price.

D. Making use in advertisements of percentage savings claims and compared prices unless such claims or prices are based upon current market values or unless the designated time of a bona fide compared price is given.

It is further ordered, That the charge in the complaint applicable to such records as are pleaded in Paragraph Nine thereof, be dismissed without prejudice.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-6711; Filed, Aug. 14, 1957; 8:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. 1, further amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

DISCLOSURE OF EARNINGS INFORMATION

Regulation No. 1, as amended (20 CFR 401.1 et seq.) is further amended as follows:

1. Section 401.3 (a) is amended to read:

§ 401.3 *Information which may be disclosed and to whom.* * * *

(a) As to matters directly concerning any claimant or prospective claimant for benefits or payments under title II of the Social Security Act, to such claimant or prospective claimant or his duly authorized representative; or (except medical information) upon authorization by such claimant or prospective claimant, or his duly authorized representative, to others or to the public, when consistent with the proper and efficient administration of the act. Medical information concerning a claimant or prospective claimant shall be disclosed (other than to such claimant or prospective claimant or duly authorized representative) only to such claimant's or prospective claimant's physician or to a medical institution at or of which such claimant or prospective claimant is a patient, and then only upon consent of such claimant or prospective claimant and of the source of such information or, if such source is not available, of a physician in the employ of the Department, and when consistent with the proper and efficient administration of the act. However, statements of earnings and medical information may be furnished in summary form or in such detail as is determined by the Department to be consistent with the proper and efficient administration of the old-age, survivors, and disability insurance program under title II; any request for medical information (other than by the claimant's or prospective claimant's physician or medical institution) which is not reasonably necessary for a title II purpose shall be refused.

2. Section 401.6 (a) is amended to read:

§ 401.6 *Payment for information in specific cases.* * * *

(a) When the request is for information from the records of wages and self-employment income of an individual, and the request is made by the individual, his survivor, or the legal representative of the individual or his estate, the information shall be furnished without charge; however, details of information in such records shall be furnished only upon payment of the cost of disclosing such details when the information is furnished for a purpose other than the establishment of eligibility for or entitlement to a benefit or lump-sum death payment or the crediting of earnings under title II.

(Sec. 1102, 49 Stat. 647 as amended; 42 U. S. C. 1302. Interpret or apply sec. 205, 49 Stat. 624, as amended, sec. 1106, 53 Stat. 1398, as amended; 42 U. S. C. 1306, 405)

[SEAL] C. I. SCHOTTLAND, *Commissioner of Social Security.*

Approved: August 8, 1957.

M. B. FOLSOM, *Secretary of Health, Education, and Welfare.*

[F. R. Doc. 57-6682; Filed, Aug. 14, 1957; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter C—Military Education

PART 543—PROMOTION OF RIFLE PRACTICE

MISCELLANEOUS AMENDMENTS

In § 543.8 (b), revise subparagraph (2) and revoke subparagraph (3), as follows:

§ 543.8 *Rules and regulations for National Matches.* * * *

(b) *Small Arms Firing School.* * * *

(2) *Open to*—(i) *Attendance.* Conduct of the Small Arms Firing School is a responsibility of the United States Army Infantry School, Fort Benning, Georgia. The curriculum of the school is prescribed by the Secretary of the Army upon recommendation of the National Board for the Promotion of Rifle Practice. An advanced course for instructors, and a course of instruction for bona fide members of law enforcement agencies, either military or civilian, will be conducted simultaneously with the regular course of instruction. In general, the criteria for attendance at the advanced course is satisfactory completion of a Small Arms Firing School course in any year for 5 years preceding or a National Rifle Association of America, or other properly issued classification card of marksman or higher. Range sessions will be the same for both courses but classroom requirements will differ. The school is open to individuals 14 years of age or older attending the National Matches whether competitors or not. The attendance of all persons, including those who have previously received certificates of proficiency, is encouraged. In the event that civilian or reserve component teams of any service are transported to the National Matches by funds appropriated to the National Board for the Promotion of Rifle Practice for that purpose attendance at an appropriate Small Arms Firing School by such team members will be mandatory.

(ii) *Certificates.* An Instructor's Certificate indicating satisfactory completion of the Instructor's Course will be given by the Small Arms Firing School to those who meet the qualifications established by the National Board for the Promotion of Rifle Practice. Appropriate certificates will also be awarded to individuals completing the basic course of instruction and the law enforcement course.

(3) *Certificate of attendance.* [Revoked]

[AR 920-30, July 5, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply 44 Stat. 1095, as amended; 32 U. S. C. 181a)

[SEAL] HERBERT M. JONES, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 57-6700; Filed, Aug. 14, 1957; 8:45 a. m.]

Subchapter E—Organized Reserves

PART 563—RETIREMENT OF MEMBERS OF RESERVE COMPONENTS

REVISION OF PART

Part 563 is revised to read as follows:

Sec.
563.1 Purpose.
563.2 Definitions.
563.3 Eligibility.
563.4 Application.
563.5 Date retired pay commences.
563.6 Placement on Army of the United States Retired List.
563.7 Certificate of Retirement.
563.8 Service creditable as satisfactory Federal service.
563.9 Service creditable for basic pay purposes only.
563.10 Military Academy service.
563.11 Computation of service.
563.12 Computation of retired pay.
563.13 Annuities under Civil Service.
563.14 Dual compensation.
563.15 Payment of pensions by Veterans Administration.
563.16 Prohibited activities.

AUTHORITY: §§ 563.1 to 563.16 issued under sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply sec. 2, 70 Stat. 297, secs. 101, 676, 1001, 1331-1337, 1401, 3966, 70A Stat. 3, 29, 102, 106, 231; 10 U. S. C. 101, 676, 1001, 1331-1337, 1401, 3966.

SOURCE: AR 135-180, 10 June 1957.

§ 563.1 *Purpose.* The regulations of this part implement statutory authorities governing the granting of "retired pay" to members and former members of the reserve components.

§ 563.2 *Definitions*—(a) *Retired pay.* Pay granted members and former members of the reserve components under title 10, United States Code, section 1331 after completion of 20 or more years of satisfactory Federal service and upon attaining age 60. This pay is based on the highest grade satisfactorily held at any time during an individual's entire period of qualifying service.

(b) *Members and former members.* A member of a reserve component is one who holds a current status in a reserve component. Generally, for members of the Army Reserve an individual who accepted an indefinite term appointment under the Armed Forces Reserve Act of 1952, and whose appointment has not been terminated, is a current member. A former member is one who formerly held status in a reserve component but who does not hold a current status in any such component.

(c) *Years for percentage purposes.* This denotes total satisfactory Federal service converted to years for use as a multiplier in determining retired pay (§§ 563.11 (b) and 563.12 (b)).

§ 563.3 *Eligibility.* (a) To be eligible for retired pay, an individual need not have a military status at the time of application, but must have:

(1) Attained age 60.

(2) Completed a minimum of 20 years of satisfactory Federal service.

(3) Served the last 8 years of his qualifying service as a member of a reserve component. Service performed concurrently in a reserve component and the Regular Army, Navy, Air Force, Marine Corps, or Coast Guard is not creditable as service in a reserve component for determining this period. The last 8 years of qualifying service need not be the last 8 years of military service, nor do they have to be continuous. Examples: An individual who served 14 years as a reservist and then 6 years in the Regular Army must serve an additional 6 years in a reserve status to qualify for retired pay; an individual who served 13 years in the Regular Army, then 7 years as a reservist, followed by 4 years in the Regular Army must serve an additional year in a reserve status to qualify for retired pay.

(4) Performed active Federal service during some portion of either of the periods from April 6, 1917 to November 11, 1918 or September 9, 1940 to December 31, 1946, all dates inclusive, if a member of a reserve component prior to August 16, 1945.

(b) In addition, an applicant must:

(1) Not be receiving, or be entitled to receive, under any other provision of law, retired pay for military or naval service, including retainer pay as a transferred member of the Fleet Reserve. However, military service may be credited for entitlement to certain pensions or old-age benefits on account of civilian employment even though such military service is used in the computation of service creditable toward retired pay under the regulations of this part.

(2) Not have elected to receive disability severance pay in lieu of retired pay. Reserve personnel involuntarily relieved from active duty who are not eligible for retired pay at time of release but who are paid readjustment pay under the provisions of Public Law 676, 84th Congress are eligible to receive retired pay under the regulations of this part provided they are otherwise qualified at a later date.

(3) Not fall within the prohibitions of the act of September 7, 1954 (68 Stat. 1142; 5 U. S. C. 740d). Generally, this statute provides for denial of retired pay to persons otherwise eligible therefor who commit or are convicted of certain offenses or invoke the privilege against self-incrimination under certain circumstances.

§ 563.4 *Application.* (a) It is the responsibility of each qualified individual to submit his application for retired pay at the appropriate time. DD Form 108 (Application for Retirement Benefits under the Provisions of Title III, Public Law 810, 80th Congress) is the only form on which application for this pay will be made. Applications submitted by letter or on any other forms will not be honored.

(b) DD Form 108 may be obtained, upon request from The Adjutant General, Headquarters, Department of the Army, Washington 25, D. C., Attn: AGPO-SC, for officer personnel, and Attn: AGPO-XS, for enlisted personnel, not earlier than 120 days prior to age 60.

(c) Only one copy of DD Form 108 will be submitted. The completed form will be submitted to the address shown above so as to insure receipt thereof approximately 60 days prior to the applicant's 60th birthday.

(d) DD Form 108 will be completed as accurately as possible from data readily available to the applicant. Statements of service are not necessary to document these applications and will not be requested for the purpose of completing an application. All records are carefully screened by the Department of the Army at the time each application is processed. The data furnished serves as a guide with particular reference to other than Army service, if any.

(e) Individuals who fail to apply for retired pay prior to or upon attaining age 60 may submit their application at any time. Retired pay, however, in such cases cannot be granted prior to the first day of the month following the month in which the formal application is received in the Department of the Army. No retroactive pay accrues in these cases, regardless of the reasons which precluded submission of the application at an earlier date.

§ 563.5 *Date retired pay commences.* Letter orders will be issued by The Adjutant General announcing the effective date eligible individuals are entitled to retired pay. This pay will commence on

the first day of the month following the month in which age 60 is attained, or the first day of the month following the month in which the DD Form 108 is received by the Department of the Army, whichever is later.

§ 563.6 *Placement on Army of the United States Retired List.* (a) Names of commissioned officers and former commissioned officers of the reserve components awarded retired pay will be placed on the Army of the United States Retired List, published annually in the official Army Register. Names of warrant officers and enlisted personnel granted retired pay will not be included on this list.

(b) Placement on the Army of the United States Retired List in no way confers a reserve appointment to former officers whose reserve appointments terminated prior to being granted retired pay.

§ 563.7 *Certificate of Retirement.* DD Form 363 A (Certificate of Retirement) will be furnished by The Adjutant General after retired pay orders have been issued.

§ 563.8 *Service creditable as satisfactory Federal service.* Only service performed in the status of a commissioned officer; warrant officer; flight officer; enlisted person; Army field clerk; field clerk, Quartermaster Corps; and in the case of warrant officers, classified field service as an Army Headquarters clerk or clerk of the Army Quartermaster Corps (under laws in effect prior to August 29, 1916), in any of the following components may be considered as satisfactory Federal service.

(a) Prior to July 1, 1949 service in any of the following:

(1) The National Guard of the United States.

(2) The National Guard while in the service of the United States.

(3) The Federally recognized National Guard before June 15, 1933.

(4) A Federally recognized status in the National Guard before June 15, 1933.

(5) The Officers Reserve Corps and Enlisted Reserve Corps before March 25, 1948.

(6) The Organized Reserve Corps.

(7) Army Reserve.

(8) The Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and the Fleet Naval Reserve transferred thereto after completion of 16 or more years of active naval service.

(9) The Marine Corps Reserve and the Marine Corps Reserve Force, excluding those members of the Fleet Marine Corps Reserve transferred thereto after completion of 16 or more years of active service.

(10) The Limited Service Marine Corps Reserve.

(11) The Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

(12) The National Naval Volunteers.

(13) The Air National Guard.

(14) The Air Force Reserve (Officers and Enlisted Sections).

(15) The Air Force of the United States, without component (prior to July 1, 1948).

(16) The Coast Guard Reserve.

(17) The Organized Militia from January 21, 1903.

(18) The Philippine Scouts.

(19) The Regular Army Reserve.

(20) The Regular Services.

(21) Student, Army Training Corps, World War I (only if service was performed as an enlisted man).

(22) United States Volunteers (only active duty during Spanish-American War).

(23) Women's Army Corps (from September 1, 1943).

(24) Student Officer Training Camps, World War I (only if service was performed as an enlisted man).

(25) Army of the United States without component. World War II emergency Army of the United States appointments made under the statutes below terminated on dates specified, unless sooner vacated:

(i) *Joint Resolution of September 22, 1941.* (*a*) Male officers, except as noted in (*b*) of this subdivision: June 30, 1948.

(*b*) Disabled officers and officers who completed a course of medical instruction at Government expense under the act of February 6, 1942: June 30, 1948 or date of relief from active duty, whichever was the later.

(*c*) Women's Army Corps: June 12, 1949.

(ii) Act of August 21, 1941 (Warrant Officers). April 1, 1953:

(iii) Act of July 8, 1942 (Flight Officers). October 28, 1952.

(b) Subsequent to June 30, 1949 a reservist must earn a minimum of 50 retirement points each year to have that year credited for retired pay purposes. Only members assigned to an active section of a reserve component or individuals in active Federal service are authorized to earn retirement point credits.

(c) The term "year" will be interpreted as follows:

(1) Prior to July 1, 1949 a "year" of service shall be considered to be any 365 days, not necessary consecutive.

(2) On and after July 1, 1949, a "year" will be computed from July 1 of one year to June 30, of the following year, for persons who were member of a reserve component of the Armed Forces on July 1, 1949 and whose service continues without interruption. All dates are inclusive.

(3) For persons who entered or reenter on active reserve status after July 1, 1949 the "year" of service will end on the day preceding the anniversary of such entry or reentry.

(d) Service shown in paragraphs (a) and (b) of this section, in addition to being credited as satisfactory Federal service, is also converted into "years for percentage purposes."

§ 563.9 *Service creditable for basic pay purposes only.* The following service, although not creditable as satisfactory Federal service, is creditable for basic pay purposes in addition to service credited under § 563.8.

(a) Inactive Section, Officers Reserve Corps.

(b) Inactive Section, Enlisted Reserve Corps.

(c) Auxiliary Reserve.

(d) Unassigned Reserve.

(e) Inactive Reserve.

(f) National Guard Reserve.

(g) Regular and Reserve Corps of Public Health Service.

(h) Student, Army Training Corps, World War I (other than those in enlisted status).

(i) Philippine Constabulary.

§ 563.10 *Military Academy service.* Service as a Cadet at the United States Military Academy under an appointment made prior to August 24, 1912 or as a midshipman at the United States Naval Academy under an appointment made prior to March 4, 1913 is credited as active duty in determining only the years for percentage purposes.

§ 563.11 *Computation of service.* (a) Upon receipt of an application for retired pay, a computation to determine the number of years of satisfactory Federal service, years for percentage purposes, and years for basic pay purposes, will be made by The Adjutant General. Service commences from the date of acceptance of appointment in the case of officers and the date of enlistment or induction for enlisted personnel.

(b) In determining the years for percentage purposes, credit of 1 day will be given for each point as follows:

(1) *Prior to July 1, 1949.* (i) One point for each day of active duty.

(ii) Fifty points for each year of service as a member of a reserve component as shown in § 563.8, other than active duty.

(iii) A proportionate part of 50 points for any fraction of a year will be credited.

(2) *Subsequent to June 30, 1949.* (i) One point for each day of active duty.

(ii) Fifteen points for each year of membership in an active status in a reserve component. An exception to this is that membership points for any retirement year during the period of April 16, 1955 to August 10, 1956 will be reduced proportionately, depending on days of active duty performed.

(iii) One point per calendar day for authorized participation in drills or periods of instruction which conform to the requirements prescribed by the Secretary of the Army. Not more than 60 points per year, including the points authorized in subdivision (ii) of this subparagraph, will be credited for inactive duty in any one year.

(iv) A proportionate part of 50 points for any fraction of a year of satisfactory Federal service only when the status of an active member of a reserve component is terminated prior to the expiration of a retirement year and provided further that the required minimum proportionate part of 50 points is earned.

(c) Active duty means full-time duty in the active military service of the United States. It includes duty on the active list, full-time training duty, annual training duty, and attendance while in the active military service at a school designated as a service school by law or by the Secretary of the military department concerned. The full-time duty performed by a member of the Army National Guard of the United States or the Air National Guard of the United States while a member of the Army National Guard or Air National Guard under sections 316 and 503–505 of title 32, United States Code, for which he was entitled to pay from the United States or for which he waived such pay is included. Also included is active duty performed by a reservist who was ordered to active duty, with his consent, without pay under title 10, United States Code, section 683. It does not include attendance at service schools on invitational orders nor a period of hospitalization beyond an active duty training tour.

§ 563.12 *Computation of retired pay.* (a) Computation of retired pay will be made by the Commanding General, Finance Center, U. S. Army, Indianapolis 49, Indiana, upon receipt of orders and certification from The Adjutant General of the data prescribed in § 563.11.

(b) A person granted retired pay will receive such pay at an annual rate equal to 2½ percent of the active duty annual basic pay which the individual would receive if serving, at the time granted such pay, on active duty in the highest grade, temporary or permanent, satisfactorily held by him during his entire period of service, multiplied by a number equal to the number of years, and any fraction thereof, on the basis of 360 days per year (years for percentage purposes) as determined pursuant to § 563.11. No person shall be entitled to receive retired pay at an annual rate in excess of 75 percent of the above-mentioned annual basic pay.

§ 563.13 *Annuities under Civil Service.* Persons entitled to receive retired pay under the provisions of this part may concurrently receive annuities under the provisions of the Civil Service Retirement Act of 1930 (46 Stat. 468), as amended.

§ 563.14 *Dual compensation.* (a) Section 212 of the Economy Act of June 30, 1932, as amended (5 U. S. C. 59a) generally provides that the combined pay of a Federal office and retired pay cannot exceed $10,000 annually. This act is not applicable to officers of the reserve components who receive retired pay under the regulations of this part and who are de jure (actual) members of a reserve component, nor is it applicable to officers of the reserve components granted retired pay prior to January 1, 1953, for the period prior to that date during which they were de jure members of the Officers Reserve Corps or the National Guard of the United States.

(b) The Dual Office Act of July 31, 1894 is not applicable to a reserve officer granted retired pay under the provisions of this part.

§ 563.15 *Payment of Pensions by Veterans Administration.* The Administrator of Veterans Affairs has held that pensions and compensation administered by the Veterans Administration may not be paid concurrently with retired pay authorized under the regulations of this part. An individual may, however, relinquish his retired pay in its entirety and continue to receive benefits from the Veterans Administration.

§ 563.16 *Prohibited activities.* The prohibition usually appearing in annual appropriation acts that no payment shall be made to "any officer" on the retired list of the Army who is engaged in the selling of any war materials or supplies to the Department of the Army is not applicable to persons granted retired pay under the regulations of this part.

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-6680; Filed, Aug. 14, 1957; 8:49 a. m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

FEDERAL RECOGNITION

In § 1101.3, paragraphs (h) and (i) are amended as follows:

§ 1101.3 *Federal recognition.* * * *

(h) *Requirements*—(1) *General.* * * *

(iii) *Age.* * * *

(*b*) *Maximum ages*—(*1*) *Appointment.* Applicants for Federal recognition must not have attained the birthday shown below prior to appointment in grade indicated, except that age limits may be increased by an amount not to exceed length of previous service in the grade in which appointment is desired. Previous service includes service in an active status in any component of the Armed Forces in the same grade. An applicant's age must be such that he can serve at least 1 year before recognition will be terminated under age limitations as set forth in § 1101.5. Provisions of this paragraph are not applicable to applicants for promotion, transfer in the branch, and Army Reserve officers seeking Federal recognition in the same (or lower) grade or in higher recommended grade and same branch.

Grade:	Age
2nd Lieutenant	28
1st Lieutenant	33
Captain	39
Major	48
Lt Colonel	51
Colonel	55

* * * * *

(v) *Educational and mental requirements for applicants not previously commissioned in the Armed Forces.* (*a*) Applicant must be a graduate of a high school or school of similar level or hold a certificate atesting to equivalent education, or must have passed the General Educational Development Test (high school level or higher) of the United States Armed Forces Institute.

(*b*) Demonstrated understanding of, and proficiency in the use of the English language is a prerequisite for appointment.

(*c*) Applicant will be administered the Armed Forces Qualification Test AFQT–1 or –2 by the Army advisor, and must achieve a percentile score of 74 or higher thereon except for the following:

(*1*) Those who previously have been credited with attaining a percentile score of 74 or higher, or a standard score of 115 or higher on AFQT–1 or –2 or AFQT–3 or –4; or a standard score of 115 or higher on the Army General Classification Test (AGCT), the General Classification Test (GCT) Aptitude Area I, or General Technical Aptitude Area (GT).

(2) Those who have evidence of satisfactory completion of 120 semester credit hours or equivalent quarter hours, at an accredited college or university.

(*3*) Former officers and warrant officers.

* * * * *

(2) Individuals will be selected from the following sources:

(i) *General.* (*a*) Army Reserve officers and other qualified officers and former officers, with previous honorable and creditable service in any component of the Armed Forces, who have demonstrated their qualifications by service in the grade contemplated, or by the satisfactory discharge of equal and corresponding responsibilities for a period of not less than 6 months while on active duty.

(*b*) Those who hold a Certificate of Eligibility (NGB Form 89a), as provided in paragraph (f), may be appointed to the grade for which qualified as stated in the Certificate, provided prescribed physical and age in grade requirements are met at the time of the appointment.

(*c*) A civilian official or employee of the United States or the District of Columbia, who is appointed an officer of the National Guard, will not be federally recognized without the consent of the head of the department or branch in which he is employed.

(ii) *Initial appointment of second lieutenant.* (*a*) Former warrant officers and enlisted men of the upper three enlisted grades with previous honorable and creditable active Federal service of not less than 6 months in those grades in any component of the Armed Forces who are otherwise qualified, and who:

(*1*) Have completed a minimum of 1 year's honorable and creditable service in a Federally recognized Army National Guard unit, and

(*2*) Have successfully completed an accredited officer candidate course, noncommissioned officer course or leadership course conducted by the active Army, or the Army Pre-Commission Extension Course.

(*b*) Graduates of accredited officer candidate school courses who have completed a minimum of 2 years of honorable and creditable service in a federally recognized Army National Guard unit, or who have completed a minimum of 1 year of honorable and creditable service with any of the Armed Forces of the United States, to include 6 months of active duty or an accredited 6-months active duty for training program. The provisions of subparagraph (1) (iii) (*a*) (*1*) of this paragraph apply in the case of those individuals who complete an accredited 6-month active duty for training program and otherwise qualify under this requirement.

(*c*) Warrant officers and enlisted men of the Army National Guard who have completed a minimum of 2 years of honorable and creditable service with any of the Armed Forces of the United States, to include 6 months of active duty or

completion of an accreditable 6-months active duty for training program, have successfully completed the Army Pre-Commission Extension Course, and are otherwise qualified, individuals ineligible or unable to participate in an accredited 6-month active duty for training program may satisfy such requirement by successful completion of an accredited leadership or noncommissioned officer course conducted by the active Army.

(iii) *Special.* (*a*) State adjutants general may be federally recognized for their tenure of office in the grade authorized by the respective State code, but not to exceed the grade of major general.

(*b*) Wartime service or previous military training is not required for appointment and Federal recognition in the National Guard of Chaplains, medical officers, dental officers, judge advocates general, nurses, and medical specialists, provided that no person in this category will be initially federally recognized in a grade higher than major.

(*c*) ROTC graduates may be extended Federal recognition and transferred to an Army National Guard of the United States status during the interim period between their appointment in the Army Reserve and the date of reporting for active duty or active duty for training, provided:

(*1*) The branch of the ROTC graduate is appropriate to that of the Army National Guard unit to which assignment is desired, and

(2) The statements outlined under paragraph (i) (5) (xiii) of this section accompany their applications for Federal recognition in the Army National Guard.

(*d*) Former officers who were discharged from the Reserve of the Army in the grade of second lieutenant, by reason of failure to qualify for promotion if otherwise qualified will be eligible for Federal recognition in the grade of second lieutenant, and on the effective date of their Federal recognition will be credited with 2 years of promotion service, see paragraph (i) (5) (xii) of this section.

* * * * *

(i) *Procedures required to initiate Federal recognition; Action required by individual.* * * *

(3) *Armed Forces Security Questionnaire.* Complete DD Form 98 (Armed Forces Security Questionnaire) in duplicate, the duplicate copy to be retained in the unit 201 file.

(4) *Security check.* Applicant will complete DD Form 398 (Statement of Personal History) in quintuple, and FBI Fingerprint Card, one copy only, unless a National Agency Check was previously completed with favorable results.

(5) *Other personal records and documents.* Assemble such personal records and documents listed below under the circumstances prescribed therein:

* * * * *

(iii) *Evidence of satisfactory completion of extension courses.* Each applicant for commission under the provision of paragraph (h) (2) (ii) (c) of this section will provide a photostatic copy of evidence indicating satisfactory completion of the Army Pre-Commission Extension Course or an appropriate 10-series of the Army Extension Courses.

* * * * *

(xiii) *ROTC graduates.* ROTC graduates seeking Federal recognition in the Army National Guard and transfer to an Army National Guard of the United States status during the interim period between their appointment in the Army Reserve and the date of reporting for active duty or active duty for training must execute the following statement, which will accompany their application and allied papers for Federal recognition:

I understand and agree that if I am released from the Army Reserve and appointed in the Army National Guard of the (State, Territory) of ----------, such change in status will not effect my previous agreement to serve 6-months active duty for training or 2-years active duty.

In addition, prior to securing a conditional release from their Army Reserve membership, applicants in this category must obtain a statement from the State adjutant general concerned, which will accompany their applications for Federal recognition, stating generally as follows:

If ---------- is
(Name) (Rank) (ASN)
appointed in the Army National Guard of the (State, Territory) of ----------, consent is hereby granted for him to serve 6-months active duty for training or 2-years active duty in accordance with the prior agreement made by him.

[C1, NGR 20-2, May 17, 1957] (Sec. 110, 70A Stat. 600; 32 U. S. C. 110)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-6679; Filed, Aug. 14, 1957; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 105—ALASKA PENINSULA AREA

PART 107—CHIGNIK AREA

SALMON FISHERY

Basis and purpose. On the basis of poor showings of pink salmon escapement on the south side of the Alaska Peninsula it has been determined that the opening of the fall season must be delayed.

Therefore, effective immediately, upon publication in the FEDERAL REGISTER:

1. Section 105.3a is amended in text by deleting "August 14" wherever it appears and substituting in lieu thereof "August 19."

2. Section 107.2 is amended in paragraph (a) by deleting "August 14" and substituting in lieu thereof "August 19."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-6747; Filed, Aug. 13, 1957; 4:19 p. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

OLGA MARZI MANENTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Olga Marzi Manenti, Rome, Italy; Claim No. 40855; Vesting Order Nos. 1417 and 1759; $503.37 in the Treasury of the United States.

All right, title and interest held by the Attorney General, including all negative and positive prints in the possession of the Attorney General, of the Italian language motion pictures entitled "Eravamo Sette Vedove," "La Cieca Di Sorrento," "Terra Di Fuoco" and "Lorenzino Dei Medici" acquired pursuant to Vesting Order Nos. 1417 (8 F. R. 8570, June 22, 1943) and 1759 (8 F. R. 15391, November 9, 1943).

The right of the Attorney General of the United States to audit and recover any unpaid royalties due from the distribution after December 1, 1944, of the motion picture "Eravamo Sette Vedove" under License No. LM-163, dated October 26, 1943 and under License No. LM-1331 dated November 10, 1948, by and between the Attorney General of the United States and Salvatore Casolaro, 7303 10th Avenue, Brooklyn, New York; and from the distribution at any time of the motion picture "Terra Di Fuoco" under said License No. LM-163, dated October 26, 1943.

Executed at Washington, D. C., on August 8, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6701; Filed, Aug. 14, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

SANDS G. FALK

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 14, 1957, 22 F. R. 937:

A. Deletions: None.
B. Additions: None.

This statement is made as of August 7, 1957.

Dated: August 7, 1957.

SANDS G. FALK.

[F. R. Doc. 57-6698; Filed, Aug. 14, 1957; 8:45 a. m.]

CHARLES K. BASSETT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Charles K. Bassett.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: July 22, 1957.

4. Title of position: Director, Water and Sewerage Industry and Utilities Division.

5. Name of private employer: Buffalo Meter Company, 2917 Main Street, Buffalo 14, New York.

CARLTON HAYWARD,
Director of Personnel.

MAY 28, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Buffalo Meter Co.
Buffalo Meter Mfg. Co.
City of Buffalo, N. Y.
City of Daytona Beach, Fla.
Town of Carroll, N. Y.
City of Tonawanda, N. Y.
Town of Gates, N. Y.
Town of Genoa, N. Y.
Erie Co., N. Y. Water Authority.
Town of Clarence, N. Y.
Village of Spring Valley, N. Y.
Town of Guilderland, N. Y.
Town of Milton, N. Y.
Town of Friendship, N. Y.
Town of Chili, N. Y.
Village of Hilton, N. Y.
Village of Interlaken, N. Y.
Town of Alexandria, N. Y.
Bank deposits

Dated: August 6, 1957.

CHAS. K. BASSETT.

[F. R. Doc. 57-6699; Filed, Aug. 14, 1957; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-24]

GENERAL ELECTRIC CO.

PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a facility license to the General Electric Company substantially in the form set forth as Annex "A" unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is included as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the facility and the principal factors considered in reviewing the application for a license. A construction permit authorizing the General Electric Company to construct the facility was issued by the Commission on June 29, 1956. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 9th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE

1. Pursuant to the Atomic Energy Act of 1954 (hereinafter "the act"), the Atomic Energy Commission (hereinafter "the Commission") has found:

a. That the utilization facility authorized for construction by Construction Permit No. CPCX-4, dated June 29, 1956, and issued to the General Electric Company, has been constructed and will operate in conformity with the application as amended and in conformity with the act and the rules and regulations of the Commission;

b. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public; and

c. The General Electric Company is technically and financially qualified to operate the facility.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the General Electric Company:

a. Pursuant to section 104c of the act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as a utilization facility the critical experiments facility designated below;

b. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to use as fuel in operation of the facility the following special nuclear material covered by license number SNM-54, as amended, issued to the General Electric Company:

(1) 8,000 pounds of uranium oxide (UO_2) containing uranium enriched to 1.3 percent in the isotope U-235.

(2) 4,000 pounds of uranium oxide (UO_2) containing uranium enriched to 1.6 percent in the isotope U-235.

c. Pursuant to the act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," to possess, but not to separate from the fuel, such byproduct material as may be produced from operation of the facility.

3. This license applies to the facility which is owned by the General Electric Company and located in Alameda County, California, and described in General Electric Company's application filed March 27, 1956, and amendments thereto filed on June 4, 1956; October 20, 1956; May 3 and 6, 1957; June 28, 1957; and July 5, 1957. The original application together with said amendments is hereinafter referred to as "the application."

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

5. The General Electric Company shall not conduct any critical experiments in the facility until a description of the experiments and a Hazards Summary Report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity under this license.

6. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

7. This license is effective as of the date of issuance and shall expire at midnight, June 29, 1976, unless sooner terminated.

For the Atomic Energy Commission.

_____,
Director,
Division of Civilian Application.

Date of issuance:

APPENDIX "A"

I. *Experiments.* The General Electric Company is authorized to perform the critical experiments described in the application, which are related to the Commonwealth Edison Company power reactor. Any changes in the experiments as described in the application must be authorized by the Commission.

II. *Operating restrictions.* The General Electric Company shall operate the facility in accordance with the procedures described in the application.

III. *Records.* In addition to those otherwise required under this license and applicable regulations, the General Electric Company shall keep the following records:

a. Facility operating records.

b. Records containing a description, procedures, and results for each critical experiment performed.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of the General Electric Company as measured at the point of such release or discharge.

d. Records of emergency scrams, including reasons for emergency shutdowns.

IV. *Reports.* The General Electric Company shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

ANNEX "B"

MEMORANDUM

Introduction. The General Electric Company filed on March 27, 1956, an application for a Class 104 license to construct, possess and operate a critical experiment facility to be located in Alameda County, California. Amendments to the application were filed on June 4 and October 20, 1956, May 3 and 6, June 28, and July 5, 1957. On June 29, 1956, a construction permit was issued to the General Electric Company authorizing construction of the critical experiment facility. On June 7 and 18, 1957, a representative of the Commission inspected the facility and determined that it was constructed substantially in accord with the design set forth in the license application.

Description of facility and site. The Atomic Power Equipment Department of the General Electric Company has constructed and proposes to operate a critical experiment facility at its Vallecitos Atomic Laboratory in Alameda County, California. The initial critical experiments to be performed in the facility will consist of low enrichment uranium dioxide fuel rods in a water filled tank. The experiments are designed to measure the nuclear characteristics of the proposed Commonwealth Edison boiling water power reactor. Nuclear characteristics to be measured include critical mass, neutron flux distribution, void and temperature coefficients of reactivity, and the reactivity worth of control rods.

The facility building is located about 2000 feet from the GE Developmental Boiling Water Reactor and about 2300 feet from the nearest boundary of the laboratory area. Population density in the immediate vicinity is low, approximately 15 people per square mile. The site is located within a zone 3 type earthquake area and consequently the building is appropriately designed.

The building has two experimental cells, one for the critical assembly and one for the Nuclear Test Reactor which is a low power reactor used to produce neutrons. Four feet of concrete separates the control room from the critical assembly cell which is 24 feet by 32 feet by 36 feet high. The remainder of the building is one story high.

The core tank is mounted on the concrete floor of the experimental cell and is made of aluminum, 6 feet in diameter and 6 feet high with an open top. Six inch aluminum I-beams in the form of a six pointed star are welded to the bottom of the core tank to support the core. A fuel-bearing aluminum plate supports the lower matrix plate for the core. A similar matrix plate will position the upper part of the core.

Approximately 3000 uranium dioxide fuel rods clad with aluminum or zirconium will be arranged in the core in a square array. The initial loading will mainly consist of aluminum clad rods with a small percentage of zirconium clad rods.

Water storage and handling is accomplished with a dump tank and filling pump. The fill line has provisions for filling the core tank at two rates, the fast rate raises the water level in the core tank at 2 feet per minute and the slow rate at 6 inches per minute. A limit switch is provided to automatically shut off the pump when the water level reaches 2 inches above the water level at which criticality is first achieved. This 2 inches of water corresponds to an excess reactivity of 0.25%.

For temperature coefficient measurements a heater is installed in the dump tank. In addition, a small heater and stirrer are installed in the core tank to maintain the temperature of the water constant and uniform during the tests.

Ventilation in the experimental cell is accomplished by an exhaust fan and air conditioner. The air is exhausted from the top of the experimental cell.

The reactor will be scrammed on:

1. Earthquake
2. Overfilling the core tank with water
3. High neutron flux
4. Short positive reactor period

A scram causes the poison safety rods to drop into the core and the water dump valve to open so that the water moderator can flow into the dump tank. The five safety rods are always removed before water is added so that they are ready to shut the reactor down quickly in the event of an abnormal condition. The rods can be fully inserted in about 0.6 second. The water dump valve takes somewhat longer to operate and therefore is used as a back-up for the safety rods.

Excess reactivity in the assembly is limited by an operating procedure which states that the reactor must not be loaded in such way that it would become critical at a water height of less than 70 centimeters. The maximum water height will be about 120 centimeters and this corresponds to an excess reactivity of about 4% when the reactor is loaded to be critical at 70 centimeters. The maximum power is also limited by an operating procedure to levels not exceeding 200 watts.

The initial approach to criticality will be preceded by an extensive equipment checkout and a number of dry runs. Subsequent startups will also be preceded by an equipment checkout which is designed to identify any unusual and unsafe conditions in the reactor system which would be corrected prior to startup.

Hazards evaluation. The inherent safety characteristics of any reactor are determined by the temperature and void coefficients, the thermal time constants of the fuel, and the response times of the safety system. Above prompt critical the prompt neutron lifetime is also important in influencing the course of a reactivity accident. These features are discussed below.

The two major considerations in an oxide type critical assembly are:

1. The poor heat transfer from the oxide fuel to the water moderator.
2. The high melting point of the oxide fuel.

The Doppler temperature coefficient of the partially enriched oxide fuel is estimated to be -1.28×10^{-5} per degree centigrade. Since the Doppler temperature coefficient is a property of the fuel, it is fast acting in stopping any nuclear transient. For slow excursions where heat is transferred to the water and boiling of the water occurs, the negative void coefficient, —0.30 percent reactivity per per cent void, will also help terminate the excursion. Because of the large thermal time constant of the fuel, approximately 17 seconds, the negative void coefficient is not as helpful in terminating an excursion in this reactor as it would be in an alloy type fueled reactor such as the Materials Testing Reactor. However, as stated before, the high melting point of the oxide fuel allows an excursion to proceed further than it would in MTR type fuel elements without melting the fuel.

The types of accidents considered by the applicant were:

1. Excessive addition of fuel.
2. Removal of a safety rod while critical.
3. Collapse of voids.
4. Collapse of the core.
5. Too rapid and excess addition of water.

The consequences of the first four accidents were of lesser magnitude than those for the fifth. The fifth, therefore, appears to be the maximum accident credible for this facility.

The maximum credible accident involves adding water to the core, with the safety rods out, at the maximum possible rate. This corresponds to a reactivity insertion rate at prompt critical of 0.14 percent per second.

It is assumed that this filling rate continues until the excursion is terminated by the removal of water from the core by boiling. The safety system which would normally stop the excursion by dropping the safety rods and dumping the water is assumed to be disabled.

The nature of the excursion is a sharp rise in power followed by a sharp drop as the fuel heats up enough to cause the Doppler temperature coefficient to take effect. This drop is followed by another sharp rise as heat flows from the fuel into the water and as reactivity addition continues with increase in the height of the water. This pulsing continues until enough heat flows out of the fuel rod into the water to cause boiling. Then the negative void coefficient levels the reactor power off to a slowly increasing value as long as water is added. The heat generated is transferred to the water and the vaporization of the water will remove the heat until some means can be taken to stop the water pump, insert the safety rods, or dump the water moderator. Any of these actions will terminate the excursion.

The maximum fuel temperature reached will not exceed the melting point of the fuel and therefore no fission products will be released to the experimental cell in the maximum credible accident.

Conclusion. From our review of the application as amended and the applicant's analysis of the hazard aspects of the actual experimental program to be conducted in the facility as constructed; based on our evaluation of the reasonableness of the assumptions made by the applicant in his calculations of the maximum potential hazards to the public; and taking into account the various mechanical and operational controls which have been incorporated in the design and operating procedure to decrease the probability of any incident to an acceptably low level; we have concluded that there is reasonable assurance that the critical experiments described by the applicant can be conducted in this facility without undue risk to the health and safety of the public.

Financial qualifications of the applicant. At the time consideration was given to the issuance of a construction permit covering this facility a review was made of the applicant's financial qualifications. The construction permit issued on June 29, 1956, reflects that the Commission has determined that the applicant is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter 1, CFR.

Technical qualifications. General Electric Company has more than 16 years of experience in the field of atomic energy. The Atomic Power Equipment Department of General Electric, which is responsible for the General Electric Company critical facility project, was organized in 1955, and the managerial personnel have many years of experience in the design, testing and operation of nuclear reactors at Argonne, Hanford, Oak Ridge, and West Milton. It is, therefore, concluded that the General Electric Company is technically qualified to operate the critical facility.

For the Division of Civilian Application.

H. L. PRICE,
Director.

AUGUST 9, 1957.

[F. R. Doc. 57-6703; Filed, Aug. 14, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF HEARING ON PROPOSED WITHDRAWAL OF PUBLIC LANDS

AUGUST 7, 1957.

Notice is hereby given that a public hearing will be held at 10:00 a. m., Thursday, September 19 and Friday, September 20, 1957, in the Senate Chambers, Idaho State Capitol Building, Boise, Idaho. This request by the Bureau of Sport Fisheries and Wildlife, Department of the Interior (Idaho 06620 and 06544) is for the withdrawal from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. The lands described hereafter are for use by the Idaho State Department of Fish and Game as spawning grounds for anadromous fish. The Notice of Proposed Withdrawal and Reservation of Lands was published in the FEDERAL REGISTER on December 22, 1955, Vol. 20, No. 248, page 9869.

The lands are described as follows:

PARCEL A (IDAHO 06544)

BOISE MERIDIAN, IDAHO

T. 13 N., R. 8 E.,
Sec. 1, SW¼;
Sec. 11, NE¼;
Sec. 12, W½;
Sec. 13, W½NE¼, E½NW¼, SW¼;
Sec. 14, N½SE¼;
Sec. 24, W½;
Sec. 25, NW¼;
Sec. 26, N½, SW¼;
Sec. 34, S½;
Sec. 35, N½, N½S½;
Sec. 36, N½.
T. 13 N., R. 9 E.,
Sec. 25, S½;
Sec. 26, E½SW¼, SE¼;
Sec. 31, Lots 1, 2, E½NW¼, NE¼;
Sec. 32, N½, SE¼;
Sec. 33, S½;
Sec. 34, N½, SW¼;
Sec. 35, NW¼NE¼, NW¼.
T. 13 N., R. 10 E. (unsurveyed),
Sec. 22, SE¼NE¼, S½;
Sec. 23, N½, N½SE¼;
Sec. 24, SW¼;
Sec. 25, NE¼, E½NW¼, E½SE¼;
Sec. 27, NW¼;
Sec. 28, S½NE¼, SW¼, W½SE¼;
Sec. 29, S½;
Sec. 30, S½;
Sec. 31, N½N½.
T. 13 N., R. 11 E. (unsurveyed),
Sec. 25, SE¼;
Sec. 28, W½SW¼;
Sec. 33, W½NE¼, NW¼, E½SW¼, W½, SE¼;
Sec. 34, SE¼;
Sec. 35, E½NE¼, SW¼, N½SE¼;
Sec. 36, W½NE¼, NW¼.
T. 13 N., R. 12 E. (unsurveyed),
Sec. 19, SE¼;
Sec. 20, S½N½, N½S½;
Sec. 21, S½;
Sec. 22, SE¼;
Sec. 28, N½NE¼;
Sec. 30, N½NE¼, NW¼.
T. 12 N., R. 8 E.,
Sec. 3, Lots 3, 4, S½NW¼, SW¼;
Sec. 10, W½.
T. 12 N., R. 9 E.,
Sec. 3, Lots 2, 3, 4, SW¼NE¼, W½SE¼, S½NW¼, SW¼;
Sec. 9, NE¼, S½;
Sec. 10, NW¼;
Sec. 16, NW¼;
Sec. 17, SE¼;
Sec. 20, NE¼, E½NW¼, SW¼, W½SE¼.
T. 12 N., R. 10 E.,
Sec. 13, SE¼SE¼;
Sec. 24, NE¼, SW¼, N½SE¼.
T. 12 N., R. 11 E.,
Sec. 3, Lots 1, 2, 3, 4, S½N½, SW¼;
Sec. 4, Lots 1, 2, S½NE¼;
Sec. 9, SE¼;
Sec. 10, N½, W½SW¼, E½SE¼;
Sec. 11, SW¼NW¼, SW¼;
Sec. 13, Lots 4, 5, 6, 7, 8, 9;
Sec. 14, W½NE¼, NW¼, SE¼;
Sec. 16, Lots 2, 3, 4, W½NE¼, SE¼NW¼, E½SW¼, NW¼SE¼;
Sec. 24, Lots 1, 2, E½NW¼, SE¼.
T. 12 N., R. 12 E., (unsurveyed),
Sec. 5, S½NE¼, SW¼, N½SE¼;
Sec. 6, SE¼SE¼;
Sec. 7, NE¼, E½SW¼, W½SE¼;
Sec. 18, NW¼.

Total acreage in I–06544: 17,161.30 acres.

PARCEL B (IDAHO 06620)

BOISE MERIDIAN, IDAHO

T. 12 N., R. 12 E. (unsurveyed),
Sec. 22, W½E½, E½W½;
Sec. 27, NE¼NW¼, S½NW¼, W½SW¼;
Sec. 28, SE¼SE¼;
Sec. 33, NE¼, SE¼NW¼, W½SE¼.
T. 11 N., R. 12 E.,
Sec. 3, SW¼;
Sec. 4, NW¼NE¼, S½NE¼, NE¼SE¼;
Sec. 10, W½NE¼, SE¼NE¼, N½NW¼;
Sec. 11, S½NW¼, NE¼SW¼, S½SW¼, NW¼SE¼, S½SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, E½W½, NW¼NW¼;
Sec. 14, N½NW¼;
Sec. 15, N½NE¼;
Sec. 24, E½NW¼, E½SW¼, SW¼SE¼;
Sec. 25, W½E½;
Sec. 36, NE¼.
T. 11 N., R. 13 E.,
Sec. 31, SW¼NW¼, SW¼, SW¼SE¼.
T. 10 N., R. 13 E.,
Sec. 6, N½NE¼;
Sec. 22, W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 23, SW¼, SW¼SE¼;
Sec. 25, S½NW¼, N½SW¼, W½SE¼;
Sec. 26, NE¼, SW¼, W½SE¼;
Sec. 34, S½SE¼;
Sec. 35, W½NE¼, N½NW¼, SE¼NW¼, S½SW¼, W½SE¼;
Sec. 36, E½.
T. 9 N., R. 13 E. (unsurveyed),
Sec. 1, E½;
Sec. 2, NW¼, N½SW, SW¼SW¼;
Sec. 3, All except NW¼NW¼;
Sec. 4, SE¼SE¼;
Sec. 9, E½E½;
Sec. 10, All;
Sec. 12, NE¼NE¼;
Sec. 15, All except E½E½;
Sec. 16, All except NW¼;
Sec. 17, SE¼SE¼;
Sec. 20, E½NE¼, NE¼SE¼;
Sec. 21, All except SE¼;
Sec. 22, NW¼NW¼.
T. 8 N., R. 13 E.,
Sec. 36, All except S½S½.
T. 7 N., R. 13 E.,
Sec. 25, E½NE¼, NE¼SE¼.
T. 9 N., R. 14 E.,
Sec. 7, N½NW¼, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 18, E½;
Sec. 19, W½E½;
Sec. 30, W½NE¼, E½NW¼, NW¼SE¼, S½SE¼;
Sec. 31, E½NE¼;
Sec. 32, W½NW¼, SE¼NW¼, E½SW¼, SW¼SE¼.
T. 8 N., R. 14 E.,
Sec. 4, SW¼NW¼, W½SW¼;
Sec. 5, NW¼NE¼, S½NE¼, E½SE¼;
Sec. 8, E½E½;
Sec. 9, W½W½;
Sec. 17, NE¼, E½SW¼, W½SE¼;
Sec. 20, NW¼NE¼, S½NE¼, E½SE¼;
Sec. 21, W½SW¼, SE¼SW¼;
Sec. 28, N½, N½SE¼, SE¼SE¼;
Sec. 29, NE¼NE¼, S½NE¼, SE¼SW¼, W½SE¼;
Sec. 31, All except S½S½;
Sec. 32, N½NW¼, SE¼NW¼, E½SW¼.
T. 7 N., R. 14 E.,
Sec. 4, SW¼SW¼;
Sec. 5, E½NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 9, NW¼, W½SW¼;
Sec. 16, W½NW¼, NW¼SW¼;
Sec. 17, SE¼;
Sec. 19, NE¼, S½;
Sec. 20, All except SE¼SE¼;
Sec. 29, NW¼, NW¼SW¼;
Sec. 30, All except S½S½.

Total acreage in I–06620: 13,723.81 acres.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent, and extent; and to all interested persons who desire to be heard on the subject. All parties of interest are urged that if possible written statements of fact be submitted for the sake of expediting the hearing and developing a clear record. Further information may be obtained from the State Supervisor, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-6683; Filed, Aug. 14, 1957; 8:49 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 7, 1957.

The Bureau of Land Management of the Department of the Interior has filed applications, serial Nos. Colorado 018387 and C–017768, for withdrawal of the lands described below from all forms of appropriation under the public land laws, including the general mining laws and the mineral leasing laws subject to valid existing rights.

The applicant desires the land for administrative sites for the construction of warehouses and appurtenant facilities required in connection with the administration of public domain lands.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the applications are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

Town Lots 11 through 20, inclusive, Block 23, Frontier Investment Company Subdivision of the Town of Kremmling, Colorado, containing 0.7 acres, more or less.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 45 N., R. 13 W.,
Sec. 27, part of the NE¼NE¼, described as follows:
Beginning at a point on the south right-of-way line of State Highway No. 145 whence the north quarter corner of said Sec. 27 bears N. 0°40' W., 30 feet and S. 89°52' W., 2323.5 feet; thence N. 89°52' E., 100 feet along the south right-of-way line of State Highway 145; thence S. 0°40' E., 300 feet; thence S. 89°52' W., 100 feet; thence N. 0°40' W., 300 feet to the point of beginning, containing 0.688 acres, more or less, with frontage of 100 feet on State Highway 145, 300 feet on Hazel Street and 100 feet on Naturita Street.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 7 N., R. 91 W.,
Sec. 35, The south one acre in a tract of land in the SE¼SE¼ described as follows:
Beginning at a point on the north right-of-way line of U. S. Highway No. 40, which is west 24' and north 140 feet from the southeast corner of Sec. 35, in T. 7 N., R. 91 W., of the 6th P. M.; thence west along the north right-of-way line of said Highway No. 40, a distance of 131 feet; thence north 332.52 feet; thence east 131 feet; thence south 332.52 feet; more or less to the point of beginning, containing one acre.

The areas described total approximately 2.388 acres of public lands.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 57-6684; Filed, Aug. 14, 1957; 8:50 a. m.]

OREGON

SMALL TRACT CLASSIFICATION AND OPENING NO. 58-1

AUGUST 5, 1957.

(1) Pursuant to the authority delegated by the Oregon State Supervisor, Bureau of Land Management, under Part III, Redelegation of Authority to Specified Classes of Employees, effective April 6, 1956 (21 F. R. 2253), the following described lands are hereby classified and opened under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, for lease and sale for residence, community or business site as listed in paragraph 4 below:

WILLAMETTE MERIDIAN, OREGON

T. 22 S., R. 10 E.
Sec. 11: N½N½SE¼SW¼, SE¼NE¼SE¼SW¼, S½SE¼SW¼;
Sec. 14: Lots 124 to 159 incl.

The areas described total 112.5 acres of public land in Deschutes County.

(2) Classification of the above-described lands by this order segregates them from all appropriations, including location under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

(3) The lands are located along or within one-half mile of U. S. Highway No. 97, 30 miles south of Bend, Oregon. In addition to Highway 97, the land may also be reached by county roads. The lands are at an average elevation of 4225 feet above sea level and the topography is almost level. The lands are on the western edge of the semiarid desert country of eastern Oregon. The annual precipitation averages 15 to 17 inches, a good portion of which falls as snow during the late fall and early spring months. The summers are hot and dry, and the winters cold. The growing season is very uncertain and averages 60 to 90 days. Heavy frosts may be expected at any time during the year. The soil is volcanic in origin and usually consists of pumice with silty, sandy clay mixed with it. The vegetation consists of some brouse and little or no grass under cover and a stand of lodgepole pine, mostly of nonmerchantable pole size. There is no evidence of valuable metallic or nonmetallic minerals. There is no surface water but ground water may be reached at 20 to 40 feet. At the present time, domestic water may be obtained from wells. Other than roads, telephone and power lines, the land is unimproved.

(4) The individual tracts vary in size from approximately one to five acres, including rights-of-way, and are all rectangular in shape. An official survey plat showing the location of each tract in Section 14 may be secured for $1.50 from the Area Administrator, P. O. Box 3861, 1001 N. E. Lloyd Blvd., Portland 8, Oregon. The appraised value of the tracts varies from $50.00 to $175.00 per tract. Rights-of-way 50 feet in width for access road purposes and for public utilities, and all existing County road rights-of-way will be reserved as shown below. All minerals in the land will be reserved to the United States.

Section 14, lot No.	Acres (approx.)	Advance rentals, 3-years	Road rights-of-way (width—location)	Appraised value
124	1.60	$30.00	30' S. boundary, 25' W. boundary	$64.00
125	1.00	30.00	30' N. boundary, 25' W. boundary	50.00
126	1.50	30.00	30' S. boundary, 25' E. boundary	60.00
127	1.00	30.00	30' N. boundary, 25' E. boundary	50.00
128	1.50	30.00	30' S. boundary, 25' W. boundary	60.00
129	1.00	30.00	30' N. boundary, 25' W. boundary	50.00
130	1.50	30.00	30' S. boundary, 25' E. boundary	60.00
131	1.00	30.00	30' road on N. boundary, 25' road on E. boundary.	50.00
132	2.5	30.00	25' E. boundary	75.00
133	2.5	30.00	25' W. boundary	75.00
134	2.5	30.00	25' E. boundary	75.00
135	2.5	30.00	25' W. boundary	75.00
136	2.5	30.00	25' W. boundary	75.00
137	2.5	30.00	25' E. boundary	75.00
138	2.5	30.00	25' W. boundary	75.00
139	2.5	30.00	25' E. boundary	75.00
140	2.4	30.00	30' S. boundary, 25' E. boundary	96.00
141	2.4	30.00	30' S. boundary, 25' W. boundary	96.00
142	2.3	30.00	30' S. boundary, 25' E. boundary	92.00
143	2.22	30.00	30' S. boundary, 25' W. boundary	88.80
144	2.8	30.00	30' N. boundary, 25' W. boundary	112.00
145 [1]	2.7	15.00	30' N. boundary, 25' E. boundary	108.00
146	2.6	30.00	30' N. boundary, 25' W. boundary	104.00
147	2.6	30.00	30' N. boundary, 25' E. boundary	104.00
148	2.5	30.00	25' E. boundary	75.00
149	2.5	30.00	25' W. boundary	75.00
150	2.5	30.00	25' E. boundary	75.00
151	2.5	30.00	25' W. boundary	75.00
152	2.5	30.00	25' W. boundary	75.00
153	2.5	30.00	25' E. boundary	75.00
154	2.5	30.00	25' W. boundary	75.00
155	2.5	30.00	25' E. boundary	75.00
156	2.5	30.00	25' E. boundary	75.00
157	2.5	30.00	25' W. boundary	75.00
158	2.5	30.00	25' E. boundary	75.00
159	2.5	30.00	25' W. boundary	75.00
Sec. 11 SE¼SW¼				
N½NE¼SE¼SW¼	5	30.00	30' N. boundary, Highway 97 on W. boundary.	150.00
NE¼NW¼SE¼SW¼	2.5	30.00	25' N. boundary, Highway 97 on E. boundary.	75.00
NW¼NW¼SE¼SW¼	2.5	30.00	25' N. boundary	75.00
SE¼NE¼SE¼SW¼	2.5	30.00		75.00
NE¼SE¼SE¼SW¼	2.5	30.00	25' W. boundary	75.00
NW¼SE¼SE¼SW¼	2.5	30.00	25' E. boundary	75.00
NE¼SW¼SE¼SW¼	2.5	30.00	Highway 97 on W. boundary	50.00
NW¼SW¼SE¼SW¼, W½SW¼SW¼SE¼SW¼	3.75	30.00	Highway 97 on E. boundary	75.00
E½SW¼SW¼SE¼SW¼, SE¼SW¼SE¼SW¼ [2]	3.75	60.00	Highway 97 on W. boundary, 30' S. boundary.	175.00
SW¼SE¼SE¼SW¼	2.5	30.00	25' E. boundary, 30' road on S. boundary.	100.00
SE¼SE¼SE¼SW¼	2.5	30.00	25' W. boundary, 30' road on S. boundary.	100.00

[1] Classified for community site purposes.
[2] Classified for business and residence site purposes. All other tracts classified for home sites.

(5) Leases will be issued for a term of three years on all tracts and will contain an option to purchase during the lease term in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above, providing that during the period of their leases they either (a) construct the improvements specified in paragraph 7, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management, and the renewal lease will be subject to such terms and conditions as are deemed necessary in light of the circumstances and regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

Rental for the two tracts during the lease period, which are classified for community and business sites, will be in accordance with the regulations of 43 CFR 257.11 (a).

(6) Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

(7) The improvements referred to in paragraph five above must conform with health, sanitation and construction requirements of local ordinances and must, in addition, meet the following standards:

(a) The main buildings for business, community and home site purposes must be suitable for year-round use; on a permanent foundation, preferably concrete, brick, pumice block or stone masonry; and with a minimum of 500 square feet of floor space, and have at least two doors as a means of access;

(b) All buildings must be constructed in a workmanlike manner out of attractive, properly finished materials in harmony with surroundings;

(c) All sewage disposal must be by means of septic tank systems only, which meet the specifications approved by the Oregon State Board of Health.

(d) Garbage and other wastes must be disposed of in flyproof containers or removed to an established disposal site.

(8) The lands are now open to filing of drawing-entry cards (Form 4-775) only by persons entitled to veteran's preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing entry cards (Form 4-775) are available upon request from the Manager, Land Office, P. O. Box 3861, 1001 N. E. Lloyd Blvd., Portland 8, Oregon, and District Range Manager, P. O. Box 37, American Legion Bldg., 417 N. Main Street, Prineville, Oregon.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the Manager of the Land Office prior to 10:00 a. m., November 5, 1957. A public drawing will be held on that date or shortly thereafter. Persons filing cards need not be present to qualify. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776) with instructions as to their execution and return and as to payment of filing fees and rentals.

Any tracts for which lease forms have not been filed and accompanied by the required payments within the allowed period will immediately thereafter become available to alternate drawees in the order in which their names were drawn.

(9) All valid applications filed prior to May 17, 1956, date of recordation of proposed classification on Land Office records, will be granted preference right provided for by 43 CFR 257.5.

(10) Inquires concerning these lands should be addressed to the Manager, Land Office, 1001 N. E. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon.

ELTON M. HATTAN,
Lands and Minerals Officer.

AUGUST 5, 1957.

[F. R. Doc. 57-6685; Filed, Aug. 14, 1957; 8:50 a. m.]

[Serial No. Idaho 08362]

IDAHO

AMENDED NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 6, 1957.

The Civil Aeronautics Administration has amended their application under Serial No. Idaho 08362, for the withdrawal of the lands described below, from all forms of appropriation in accordance with Executive Order 10355 of May 26, 1952 (17 F. R. 4831; 3 C. P. A. 1952 Supp.), including mining and mineral leasing laws. The applicant desires the land for an air-to-ground communication facility.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 8 N., R. 1 W.,
Sec. 24, SE¼SW¼.

A covenant of record shall preclude the construction or operating of any structure or equipment capable of emitting radio waves of any frequency upon lands contained within a radius of 1000 feet of the fenced area of the structure to be constructed by the Civil Aeronautics Administration. It is therefore deemed that such restrictions shall affect the following legal description:

BOISE MERIDIAN, IDAHO

T. 8 N., R. 1 W.,
Sec. 24, SW¼, W½SE¼.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-6686; Filed, Aug. 14, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-11671, G-11765]

F. WILLIAM CARR ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 9, 1957.

In the matters of F. William Carr, et al., Docket No. G-11671, Wilcox Trend Gathering System, Inc., Docket No. G-11765.

Take notice that on January 22, 1957, Wilcox Trend Gathering System, Inc. (Wilcox), a Delaware corporation having its principal place of business at Houston, Texas, filed in Docket No. G-11765 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 0.57 mile of 3½-inch O. D. supply lateral pipeline extending from a point on the existing 3½-inch Wilcox lateral line to a point in the West Holly Field, DeWitt County, Texas, together with metering facilities. The proposed line would enable Wilcox to receive gas produced in the West Holly Field by F. William Carr, et al.[1] (Carr). The estimated total cost of the proposed facilities is $10,400, which cost is to be financed from corporate funds.

Also take notice that on December 26, 1956, Carr filed in Docket No. G-11671 an application for a certificate of public convenience and necessity covering the above sale of gas from the West Holly Field pursuant to a 20-year gas sales contract dated July 23, 1956, between Carr and Texas Eastern Transmission Corporation (Texas Eastern), assignee for Wilcox.

Carr states that its facilities consist of customary lease equipment. Deliveries to be made at the lease separator will commence upon receipt of authorizations and completion of Wilcox's facilities proposed herein.

Wilcox will transport the gas received from Carr for redelivery to Texas Eastern at Provident City, Texas, and Texas Eastern will transport such gas in interstate commerce for resale.

Said applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject

[1] "Et al." consists of William B. Gill, Roger Milliken and Frank G. Kingsley, all of whom are signatory seller parties, together with F. William Carr, to the sales contract involved.

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 4, 1957, at 9:30 a.m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 30, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6687; Filed, Aug. 14, 1957; 8:50 a. m.]

[Docket No. G-12713]

PERMIAN BASIN PIPLINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 9, 1957.

Take notice that on June 10, 1957, Permian Basin Pipeline Company (Permian), a Delaware corporation having its principal place of business in Omaha, Nebraska, filed in Docket No. G-12713 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing it to make a short-term sale of natural gas to El Paso Natural Gas Company (El Paso) in Lea County, New Mexico, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Permian proposes to sell to El Paso up to 200,000 Mcf of natural gas per day from wells in southeastern Lea County, New Mexico, for the period from June 1, 1957, through December 31, 1958, in order to allow Permian to make up its underproduction and El Paso to reduce its overproduction in this area under the proration regulation of the New Mexico Oil Conservation Commission. No additional facilities will be required for the proposed sale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1957, at 9:30 a.m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 26, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6688; Filed, Aug. 14, 1957; 8:51 a. m.]

[Docket No. G-12828]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 9, 1957.

Take notice that on July 1, 1957, Pacific Northwest Pipeline Corporation, a Delaware corporation having its principal place of business in Salt Lake City, Utah, filed an application in Docket No. G-12828 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of a tap on its existing 20-inch Spokane lateral located 5 miles southeast of Ritzville, Adams County, Washington, together with metering and regulating appurtenances to sell natural gas to Eastern Washington Natural Gas Company for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Eastern Washington Natural Gas Company has a franchise from the City of Ritzville and a certificate from the Washington Public Service Commission authorizing it to construct and operate a natural gas distribution system in and around Ritzville.

The estimated requirements for the first three years of this service to Ritzville and vicinity are:

	1st year	2d year	3d year
Peak day (Mcf)	578	729	881
Annual (Mcf)	52,837	66,675	80,514

The estimated total cost of Pacific Northwest's facilities to render this gas service is $17,624, to be defrayed from funds currently available.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 26, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in ommission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6689; Filed, Aug. 14, 1957; 8:51 a. m.]

[Docket No. G-11060]

UNITED FUEL GAS CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

AUGUST 9, 1957.

On July 12, 1957, the Presiding Examiner issued his decision in the above-designated proceeding. Thereafter, on August 1, 1957, exceptions to that decision were filed by United Fuel Gas Company, The Ohio Fuel Gas Company, and The Manufacturers Light and Heat Company. Together with their respective exceptions each of the above-named companies also filed separate motions requesting opportunity to present oral argument before the Commission in opposition to the aforementioned decision.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the requests for oral argument before the Commission be granted as herein ordered and provided.

The Commission orders:

(A) Oral argument shall be had before the Commission on October 3, 1957, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the exceptions to the Presiding Examiner's decision.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of this Commission on or before September 16, 1957, of such intention and the time required for presentation of their argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6690; Filed, Aug. 14, 1957; 8:51 a. m.]

[Docket No. G-13030]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 9, 1957.

Magnolia Petroleum Company (Magnolia) on July 10, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notices of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 76.
Effective date: [1] August 10, 1957.

Magnolia requests waiver of notice to provide an effective date of July 16, 1957, because its increased rate was contractually payable March 11, 1957, but El Paso did not notify Manoliga until May 31, 1957, of increased payments by it to other suppliers, which, under Magnolia's contract, provided the impetus for its instant proposal.

In support of its increase, Magnolia states, in effect, that the contract resulted from good faith arm's length bargaining, the gas is sold on an installment basis, gas is a commodity as opposed to a service rendered by a pipe line or distribution company, there is a physical limitation upon a wasting asset such as natural gas and rising costs necessitate increased rates.

The proposed increase is based on the favored nation provision of the rate schedule. The increase is said to have been "triggered" by the spiral escalation rate increase of Phillips Petroleum Company for gas sales in the Permian Basin to El Paso, which increase was suspended in Docket No. G-11217, and made effective subject to refund on March 11, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6691; Filed, Aug. 14, 1957; 8:51 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice.

[Docket No. G-12837]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 9, 1957.

Take notice that on July 3, 1957, Southern Natural Gas Company (Applicant), filed in Docket No. G-12837 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.7 miles of 20-inch O. D. loop pipeline paralleling the existing 20-inch O. D. east leg of its South Louisiana supply system from Applicant's Mile 67.94 to its Mile Post 69.64 all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the proposed facility will not materially affect the capacity of Applicant's present line in this area but will be necessary to future long range plans for looping the east leg of its system from the Toca Compressor Station to the Franklinton Compressor Station. Construction at this time is projected to take advantage of the presence of necessary construction equipment in the area and because the completion of present construction by the Orleans Parish Levee Board may make future pipe-laying by Applicant at this point impossible.

Necessary material and funds to cover the estimated construction cost of $262,471 are stated to be on hand. No additional service is proposed.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commision by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 11, 1957, at 9:30 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 27, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6692; Filed, Aug. 14, 1957; 8:51 a. m.]

[Docket No. G-13032]

MARACAIBO OIL EXPLORATION CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 9, 1957.

Maracaibo Oil Exploration Corporation (Operator), et al., (Maracaibo), on July 10, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 10, 1957.
Purchaser: Transcontinental Gas Pipe Line Corporation.
Rate schedule designation: Supplement No. 16 to Maracaibo's FPC Gas Rate Schedule No. 1.
Effective date: [1] August 10, 1957.

In support of the proposed favored-nations rate increase, Maracaibo quotes the pertinent pricing provision to the effect that if Transcontinental Gas Pipe Line Corporation (Transcontinental) purchases gas in a described area at a more favorable rate than in Maracaibo's contract, then Transcontinental shall increase the rate it pays Maracaibo to equal

the higher rate. Maracaibo states that as a result of purchases by Transcontinental within the pricing area from several named producers, Maracaibo is contractually entitled to the higher rate.

The tendered filing is a resubmittal of a previously disallowed favored-nations rate increase for gas sold to Transcontinental in Acadia Parish, Louisiana. The previous proposed increase to the same rate was dismissed by the Commission in Docket No. G–6279 (G–8288, et al.) by order issued February 6, 1957. The subject tender also incorporates an increase for sales formerly made by E. J. Hudson, et al.[2] to Transcontinental, whose proposed similar increase was disallowed in Docket No. G–4335. By order issued March 14, 1957, the Commission stayed execution of its order disallowing these increases pending court action upon a stay of such order. On June 3, 1957, a petition for review and stay of the Commission disallowing order was filed with the U. S. Court of Appeals for the Fifth Circuit.

Maracaibo states that in the earlier suspension proceedings it sought to justify the increased rate on a commodity value theory but the Commission in its order disallowing the increase, stated that the record (1) did not show the revenue requirements, (2) did not show that the increase was no higher than necessary; and further stated that the conventional rate-base method of rate making is essential as a basis of comparison to determine if the increase was needed. Maracaibo further states that the purpose of the refiling is to supply evidence of the kind specified in the Commission's order and that such evidence will demonstrate that the 17¢ per Mcf is just and reasonable when measured on the conventional rate-base method and is necessary to promote exploration for, and development of, gas supply.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 10, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6715; Filed, Aug. 14, 1957; 8:48 a. m.]

[2] On November 5, 1956, as amended May 7, 1957, Maracaibo filed a notice stating that it had succeeded to E. J. Hudson and John Baird's interest in such sales made under E. J. Hudson, et al., FPC Gas Rate Schedule No. 3, and requesting that the interests of the "et al." parties under Hudson's rate schedule henceforth be covered by Maracaibo's rate schedule and Maracaibo be allowed to take over Hudson's and others' interest in the suspension Docket No. G–4335.

INTERSTATE COMMERCE COMMISSION

FLOYD A. MECHLING

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in the interests set forth in my statement of financial interests and business connections dated January 29, 1957 and published in the FEDERAL REGISTER February 16, 1957 (22 F. R. 996):

A. Additions: None.
B. Deletions: None.

Dated: July 29, 1957.

[SEAL] FLOYD A. MECHLING.

[F. R. Doc. 57–6694; Filed, Aug. 14, 1957; 8:52 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 86, Amdt. 3]

FORT WORTH AND DENVER RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 86 and good cause appearing therefor:

It is ordered, That:

Taylor's I. C. C. Order No. 86, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date:* This order shall expire at 11:59 p. m., September 15, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., August 15, 1957, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 6, 1957.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 57–6693; Filed, Aug. 14, 1957; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 8–3233]

ALLEN E. BEERS CO.

FINDINGS, OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

AUGUST 7, 1957.

In the matter of Allen E. Beers Company, Western Savings Fund Building, Broad & Chestnut Streets, Philadelphia 7, Pennsylvania, File No. 8–3233.

BROKER-DEALER REGISTRATION

GROUNDS FOR REVOCATION OF REGISTRATION

Misrepresentations and Omissions to State Material Facts in Transactions with Customers

Failure to File Financial Reports

Failure to Keep Books and Records Current

Extension of Credit

Where registered broker and dealer sold securities to customers on basis of false and misleading representations as to future production, profits and earnings of the issuer and the market value of the securities, failed to keep its books and records current, failed to file financial reports and extended credit in violation of Regulation T, *held,* in the public interest to revoke registration.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("Exchange Act") to determine whether to revoke the registration as a broker and dealer of Allen E. Beers Company ("registrant"), a partnership, and whether, under section 15A (b) (4) of the Exchange Act, Allen E. Beers, the controlling partner, is a cause of any order of revocation which may be entered against registrant.[1]

[1] Section 15 (b) of the Exchange Act as applicable to this case, provides that we may revoke the registration of a broker or dealer if we find that it is in the public interest and that such broker or dealer, or any partner or controlling or controlled person of such broker or dealer has willfully violated any provision of the Securities Act of 1933 or of the Exchange Act or any rule or regulation thereunder.

Under section 15A (b) (4) of the Exchange Act, in the absence of our approval or direction, no broker or dealer may be admitted to or continued in membership in a national securities association if such broker or dealer or any partner, officer, director or branch manager or any controlling or controlled person of such broker or dealer is a cause of any order of revocation which is in effect.

The order for proceedings, as amended, alleges that registrant obtained money and property by means of untrue statements of material facts and omissions to state material facts and engaged in transactions, practices, and a course of business which operated as a fraud and deceit upon purchasers in violation of section 17 (a) of the Securities Act of 1933 ("Securities Act") and section 15 (c) (1) of the Exchange Act and Rule X-15C1–2 (a) and (b) thereunder,[2] failed to make and keep current records in violation of section 17 (a) of the Exchange Act and Rule X-17A–3 thereunder;[3] failed to file reports of its financial condition in violation of section 17 (a) of the Exchange Act and Rule X-17A–5 thereunder;[4] and unlawfully extended credit to customers in violation of section 7 (c) (1) of the Exchange Act and Regulation T adopted thereunder by the Federal Reserve Board.[5]

Registrant and Beers waived a hearing and recommended decision by a hearing examiner and entered into a stipulation and consent to the revocation of registrant's registration. In such stipulation and consent registrant and Beers admit, for the purpose of this and any other proceeding pursuant to section 15 (b) of the Exchange Act, and we find, that registrant extended credit unlawfully in violation of Regulation T, failed to make and keep current certain of its books and records, and failed to file a financial report for the calendar year 1956.

On the basis of the stipulation and consent we also find that registrant's salesmen sold stock of Minerals Processing Company to customers by means of false and misleading representations that, among other things, the company's profits would be substantial because of the discovery of rich mica and beryl, that there would be increases in the company's production, profits and earnings and the value of its stock, and that the company and its stock would be the object of favorable magazine and television publicity. Although Beers claims that such misrepresentations were made without his knowledge or authorization, Beers is the controlling partner of registrant and admits that he is responsible for the salesmen's statements.

On the basis of the foregoing, we find that registrant willfully violated section 17 (a) of the Securities Act, sections 15 (c) (1), 7 (c) (1) and 17 (a) of the Exchange Act and Rules X-15C1–2 (a) and (b), X-17A–3 and X-17A–5 and Regulation T under the latter act.

We conclude that public interest requires that registrant's registration as a broker and dealer be revoked and that Beers is a cause of our order of revocation.

Accordingly, it is ordered, That the registration of Allen E. Beers Company as a broker and dealer be, and it hereby is, revoked, and it is found that Allen E. Beers is the cause of this order of revocation.

By the Commission (Acting Chairman Orrick and Commissioners Hastings and Sargent), Commissioner Patterson not participating.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–6695; Filed, Aug. 14, 1957; 8:52 a. m.]

[File No. 8–5370]

WENDELL E. KINDLEY CO.

FINDINGS, OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

AUGUST 7, 1957.

In the matter of Wendell Elmer Kindley doing business as Wendell E. Kindley Co., 204 Corbett Building, 430 SW. Morrison Street, Portland, Oregon, File No. 8–5370.

BROKER-DEALER REGISTRATION

GROUNDS FOR REVOCATION

Injunction

Violations of Securities Exchange Act

Failure To Keep Books and Records

Failure To Comply With Net Capital Requirements

Doing Business While Insolvent

Where registered broker-dealer effected securities transactions while in violation of the net capital rule; failed to make and keep current all required books and records; bought securities while insolvent; and is permanently enjoined from engaging in the securities business unless he complies with net capital and records requirements, *held,* in the public interest to revoke registration and not to permit withdrawal.

Appearances: Donald J. Stocking, of the Seattle Regional Office of the Commission, for the Division of Trading and Exchanges. William F. Lubersky, of Koerner, Young, McColloch and Dezendorf, for registrant.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 ("act") to determine whether the registration as a broker and dealer of Wendell Elmer Kindley, doing business as Wendell E. Kindley Co. ("registrant"), should be revoked.[1]

The order for proceedings alleges that registrant has been temporarily enjoined from engaging in and continuing certain conduct and practices in connection with the purchase and sale of securities; that in the period from October 1, 1956 to October 22, 1956, registrant purchased securities without disclosing that he was not in a position to pay for them, and he failed to pay for such securities in violation of sections 10 (b) and 15 (c) (1) of the act and Rules 17 CFR 240.10b–5 and 240.15c1–2 (a) and (b) thereunder;[2] and that during the period from September 17, 1956 to April 8, 1957 registrant traded in securities when his aggregate indebtedness exceeded 2,000 percent of his net capital, in violation of section 15 (c) (3) of the act and Rule 17 CFR 240.15c3–1 thereunder,[3] and failed to make and keep current books and records as required by Rule 17 CFR 240.17a–3 adopted under section 17 (a) of the act.

On March 11, 1957, registrant filed a notice of withdrawal of his registration as a broker and dealer, but as a result of the institution of these proceedings by our order dated April 8, 1957, such withdrawal has not become effective.[4]

Registrant and the Division of Trading and Exchanges waived a hearing and a recommended decision and submitted a "Stipulation of Facts and Consent to Revocation" in which they agreed to certain facts and registrant consented to a finding that he had willfully violated the act and rules thereunder and had been enjoined, as alleged in the order

[2] The composite effect of section 17 (a) of the Securities Act and section 15 (c) (1) of the Exchange Act and X–15C1–2 (a) and (b) thereunder as applicable to this case is to make unlawful the use of the mails or means of interstate commerce in connection with the purchase or sale of any security by the use of a device to defraud, untrue or misleading statements of a material fact, or any act, practice, or course of business which operates or would operate as a fraud or deceit upon a customer, or by the use of any other manipulative, deceptive or fraudulent device.

[3] Rule X-17A–3 provides in part that every registered broker and dealer shall make and keep current records of original entry of all purchases and sales, all receipts and disbursements, and all debits and credits, and ledgers reflecting all assets and liabilities, income and expenses and capital accounts.

[4] Rule X-17A–5 provides that every registered broker and dealer shall file a report of financial condition during each calendar year.

[5] Section 7 (c) (1) of the Exchange Act, as applicable here, in general makes it unlawful for any broker or dealer who transacts in securities through the medium of any member of a national securities exchange to extend credit to a customer in contravention of regulations prescribed by the Federal Reserve Board under section 7 of the Exchange Act.

[1] Section 15 (b) of the act, as applicable to this case, provides that we may revoke the registration of a broker or dealer if we find that it is in the public interest and that such broker or dealer is enjoined by any court of competent jurisdiction from engaging in any conduct or practice in connection with the purchase or sale of any security, or has willfully violated any provision of the act or any rule or regulation thereunder.

[2] The effect of sections 10 (b) and 15 (c) (1) of the act and Rules 240.10b–5 and 240.15c1–2 (a) and (b) thereunder, as applicable here, is to make unlawful the use of the mails or instrumentalities of interstate commerce to effect a purchase of a security by means of a device to defraud, a false or misleading statement of a material fact, or any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

[3] Section 15 (c) (3) of the act and 240.15c3–1 thereunder, together prohibit a broker or dealer from using the mails or facilities of interstate commerce to effect over-the-counter transactions when his aggregate indebtedness to all other persons exceeds 2,000 per cent of net capital computed as specified in the rule.

[4] Rule 17 CFR 240.15b–6 adopted under section 15 (b) of the act provides that a notice of withdrawal of registration becomes effective in 30 days unless prior thereto we institute a proceeding to revoke or suspend the registration.

for proceedings. On the basis of our independent review, we make the following findings.

A preliminary injunction was issued against registrant on December 3, 1956, by the District Court of the United States for the District of Oregon. This injunction was made permanent by a consent decree entered on April 19, 1957, under which registrant was enjoined from engaging in the securities business while in violation of our net capital and record keeping requirements. From October 17, 1956, the effective date of registrant's registration, to December 3, 1956, he had failed to make and keep current all the books and records required by Rule 240.17a–3 and had used the mails and the means and instrumentalities of interstate commerce to effect transactions in and to induce the purchase and sale of securities when his aggregate indebtedness to all other persons exceeded 2,000 per centum of his net capital computed as specified in Rule 240.15c3–1.

Further, in eight transactions during October 1956 registrant purchased securities from broker-dealers through the use of the mails and the means of interstate commerce when he was not in a position to pay for such securities, as a result of which he was unable to pay for them upon delivery and some of the sellers suffered losses because of his failure to consummate the purchases.

We find that by the foregoing conduct registrant willfully violated sections 10 (b), 15 (c) (1), 15 (c) (3), and 17 (a) of the act and Rules 240.10b–5, 240.15c1–2 (a) and (b), 240.15c 3–1 and 240.17a–3 thereunder. In view of the injunction and these willful violations we conclude it is in the public interest to revoke registrant's registration as a broker and dealer, and not to permit the notice of withdrawal to become effective.

Accordingly it is ordered, That the registration as a broker and dealer of Wendell Elmer Kindley, doing business as Wendell E. Kindley Co., be, and it hereby is, revoked, and that his notice of withdrawal from registration be, and it hereby is, not permitted to become effective.

By the Commission (Acting Chairman Orrick and Commissioners Hastings and Sargent), Commissioner Patterson not participating.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–6696; Filed, Aug. 14, 1957; 8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY WITH RESPECT TO HOUSING FOR EDUCATIONAL INSTITUTIONS

Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized within his region to execute loan agreements and amendatory loan agreements in connection with carrying out the program authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U. S. C. 1749–1749c), designed to assist educational institutions of higher learning in providing housing for their students and faculties.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 15th day of August 1957.

[SEAL] ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 57–6733; Filed, Aug. 14, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 159

Washington, Friday, August 16, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 5—PROHIBITION AGAINST HOLDING STATE OR LOCAL OFFICE

FEDERAL POSITIONS THE INCUMBENTS OF WHICH ARE PERMITTED TO HOLD STATE AND LOCAL OFFICES

Paragraphs (m) and (n) of § 5.103 are renumbered as paragraph (m) (1) and (2) as follows:

§ 5.103 *Federal positions the incumbents of which are permitted to hold State and local offices.* • • •

(m) *All agencies.* (1) Full-time Federal employees may hold positions under a State or local government on other than a full-time basis.

(2) Federal employees employed on other than a full-time basis may hold positions under a State or local government, whether full-time or otherwise.

(R. S. 1753, 5 U. S. C. 631, E. O. 10530, 19 F.R. 2709; 3 CFR, 1954, Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-6742; Filed, Aug. 15, 1957; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter K—Federal Seed Act

PART 201—FEDERAL SEED ACT REGULATIONS

DECLARATION OF PURPOSE

On April 13, 1957, there was published in the FEDERAL REGISTER (22 F. R. 2536) a notice of rule making and hearing with respect to proposed amendments of the regulations under the Federal Seed Act. After consideration of all relevant matters presented at the hearing or in writing pursuant to the notice, and under authority of section 402 of the Federal Seed Act (7 U. S. C. 1592), § 201.222 of the joint regulations of the Secretary of the Treasury and the Secretary of Agriculture under the Federal Seed Act (7 CFR 201.222), as amended, is hereby further amended by inserting in paragraph (a) thereof in proper alphabetical order the following:

Guar.
Lentil.
Vetch.

This amendment shall become effective on September 16, 1957.

(Sec. 402, 53 Stat. 1285; 7 U. S. C. 1592)

Done at Washington, D. C., this 8th day of August 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.
[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 57-6727; Filed, Aug. 15, 1957; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

PRODUCTION INSPECTION SYSTEM STANDARDS

Section 1.15–5 *Production inspection system standards*, requires manufacturers to comply with minimum inspection standards as a prerequisite for a CAA approved inspection system required by § 1.15 of the Civil Air Regulations.

A notice of proposed rule making, changing § 1.15–5 from a policy to a rule, was published on May 2, 1957, in 22 F. R. 3125. All interested persons have been afforded an opportunity to submit written views, data or argument and consideration has been given to all relevant data presented.

Therefore, § 1.15–5 published as a policy on November 14, 1956, in 21 F. R. 8799 is rescinded and a new § 1.15–5 is added to read as follows:

§ 1.15–5 *Production inspection system standards (CAA rules which apply to § 1.15 (d)).* The inspection system shall provide for at least the following:

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FEDERAL REGISTER

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(a) That all incoming materials and purchased or subcontracted parts used in the finished product are as specified in the type design data, or are suitable equivalents.

(b) That all incoming materials and purchased or subcontracted parts are properly identified, when the physical and chemical properties cannot be readily and accurately determined.

(c) That all materials subject to damage and deterioration are suitably stored and adequately protected.

(d) That all processes affecting the quality and safety of the finished product are accomplished in accordance with acceptable industry or government specifications.

(e) That parts and components in process are inspected for conformity with type design data at points in production where accurate determinations can be made.

(f) That current design drawings are readily available to manufacturing and inspection personnel, and used when necessary.

(g) That design changes, including material substitutions, are controlled and approved before being incorporated in the finished product.

(h) That rejected materials and parts are segregated and identified in such a manner as to preclude installation in the finished product.

(i) That materials and parts withheld because of departures from design data or specifications, which are to be considered for installation in the finished product, are processed through established materials review procedures (see § 1.15–4 (h)).

(j) That inspection records are maintained (see § 1.15–4 (c)).

(k) That an acceptable flight test procedure and flight test check-off list are provided in the case of an aircraft (see § 1.15–4 (d)).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 1102, 52 Stat. 1007, 1009, 1026, as amended; 49 U. S. C. 551, 553, 672)

This supplement shall become effective September 15, 1957.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

AUGUST 9, 1957.

[F. R. Doc. 57-6716; Filed, Aug. 15, 1957; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF O,O-DIMETHYL S-(4-OXO-1,2,3-BENZOTRIAZINYL-3-METHYL) PHOSPHORODITHIOATE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of O,O-dimethyl S-(4-oxo-1,2,3-benzotriazinyl-3-methyl) phosphorodithioate in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp., 120.3; 22 F. R. 4017) are amended as indicated below:

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e) (5) is amended by adding as the second item in the list of organic phosphates the name "O,O-dimethyl S-(4-oxo-1,2,3-benzotriazinyl-3-methyl) phosphorodithioate."

2. Part 120 is further amended by adding the following new section:

§ 120.154 *Tolerances for residues of O,O-dimethyl S-(4-oxo-1,2,3-benzotriazinyl-3-methyl) phosphorodithioate.* Tolerances for residues of O,O-dimethyl S-(4-oxo-1,2,3-benzotriazinyl-3-methyl) phosphorodithioate in or on raw agricultural commodities are established as follows:

(a) 2 parts per million on apples, crabapples, apricots, nectarines, peaches, pears, quinces.

(b) 0.5 part per million in or on cottonseed.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: August 13, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-6744; Filed, Aug. 15, 1957; 8:50 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF SYSTOX (O,O-DIETHYL-(2-ETHYLMERCAPTOETHYL) THIOPHOSPHATE, A MIXTURE OF THIONO AND THIOL ISOMERS)

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of Systox (O,O-diethyl-(2-ethylmercaptoethyl) thiophosphate, a mixture of thiono and thiol isomers) in or on alfalfa hay, clover hay, fresh alfalfa, fresh clover, and hops.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 4999) are amended by changing § 120.105 to read as follows:

§ 120.105 *Tolerances for residues of Systox O,O-diethyl (2-ethylmercaptoethyl) thiophosphate, a mixture of thiono and thiol isomers).* Tolerances for residues of Systox (O,O-diethyl-(2-ethylmercaptoethyl) thiophosphate, a mixture of thiono and thiol isomers) and derived anticholinesterase products as determined by in vitro cholinesterase inhibition of pooled human plasma, using technical Systox as a standard (this standard effects 50-percent inhibition of pooled human plasma cholinesterase at a concentration of 0.3±0.025 part per million in water as a medium) are established as follows:

(a) 12 parts per million in or on alfalfa hay, clover hay.

(b) 5 parts per million in or on almond hulls, fresh alfalfa, fresh clover.

(c) 1.25 parts per million in or on grapes, hops.

(d) 0.75 part per million in or on almonds, apples, broccoli, brussels sprouts, cabbage, cauliflower, grapefruit, lemons, lettuce, muskmelons, oranges, pears, pecans, potatoes, strawberries, walnuts.

(e) 0.3 part per million in or on beans.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: August 13, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-6745; Filed, Aug. 15, 1957; 8:50 a. m.]

Subchapter C—Drugs

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146b, 146c; 21 CFR 1956 Supp; 22 F. R. 3110, 3111) are amended as indicated below:

1. In § 146b.116 *Streptomycylidene isonicotinyl hydrazine sulfate,* paragraph (c) *Labeling* is amended by changing the number "36" to read "48".

2. Section 146c.202 *Chlortetracycline hydrochloride ointment* is amended by changing subparagraph (1) (iv) of paragraph (c) *Labeling* to read as follows:

(c) *Labeling.* * * *

(1) * * *

(iv) The statement "Expiration date ------," the blank being filled in with the date that is 36 months if it is chlortetracycline hydrochloride ointment, or if it is chlortetracycline calcium ointment or tetracycline hydrochloride ointment the blank is filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

3. Section 146c.205 *Chlortetracycline powder* * * * is amended by changing subparagraph (1) (iii) of paragraph (c) *Labeling* to read as follows:

(c) *Labeling.* * * *

(1) * * *

(iii) The statement "Expiration date ------," the blank being filled in with the date that is 48 months after the month during which the batch was certified if it is chlortetracycline hydrochloride powder, or if it is tetracycline hydrochloride powder or tetracycline powder the blank is filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section, except if it contains one or more vitamin substances the blank is filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

4. Section 146c.207 *Chlortetracycline hydrochloride tablets;* * * * is revised to read as follows:

§ 146c.207 *Chlortetracycline hydrochloride tablets; tetracycline hydrochloride tablets; tetracycline tablets.* (a) Chlortetracycline hydrochloride tablets, tetracycline hydrochloride tablets, and tetracycline tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146c.204 for chlortetracycline hydrochloride capsules, tetracycline hydrochloride capsules, and tetracycline capsules, except that the average moisture content of the tablets is not more than 3.0 percent, and the expiration date is not more than 48 months.

(b) *Exemption of chlortetracycline hydrochloride tablets from certification.* Chlortetracycline hydrochloride tablets that conform to the requirements of paragraph (a) of this section (except that it may contain one or more essential vitamin and mineral substances for nutritive purposes; and the chlortetracycline hydrochloride used in making the tablets may conform to § 146c.219 (a)) shall be exempt from the requirements of sections 502 (1) and 507 of the act, if they comply with all the following conditions:

(1) If the drug contains added vitamins or minerals, its label bears the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while the birds are eating less feed.

(2) The labels bear an expiration date that is not more than 24 months after the month during which the batch was last assayed and released by the manufacturer.

(3) The label bears a statement that solutions prepared with the drug are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotic is intended for use in the prevention or treatment of the following conditions of parakeets and canaries, due to organisms sensitive to chlortetracycline, and further, bears directions and warnings adequate for such uses:

(i) Respiratory disease, bacterial (pneumonia, bronchitis, rhinitis).

(ii) Infectious arthritis due to a filterable agent.

(iii) Bacterial enteritis.

(iv) Stimulate food intake, growth, and to maintain body weight.

(v) When intended for use in the conditions set forth in subdivisions (i), (ii), and (iii), of this subparagraph, the potency must be such, that when used as directed in the labeling, each ounce of drinking water contains not less than 25 milligrams of chlortetracycline.

(vi) When intended for use in the conditions set forth in subdivision (iv) of this subparagraph, the potency must be such, that when used as directed in the labeling, each ounce of drinking water contains not less than 5.0 milligrams of chlortetracycline.

5. In § 146c.218 *Tetracycline hydrochloride,* subparagraph (1) of paragraph (b) *Packaging, labeling;* * * * is amended by changing the number "24" to read "36".

6. Section 146c.234 *Capsules tetracycline hydrochloride and novobiocin* is amended in paragraph (a) by changing the first sentence to read as follows: "Unless it is intended solely for veterinary use and is conspicuously so labeled, each capsule contains not less than 125 milligrams of novobiocin as the monosodium salt."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that chlortetracycline hydrochloride tablets intended to be used for the disease conditions noted in amendment 4 and labeled as directed in the regulations need not comply with the requirements of section 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat., 463, as amended; 21 U. S. C. 357)

Dated: August 12, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-6731; Filed, Aug. 15, 1957; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sales of Minerals, Restricted Indian Lands

PART 183—LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

PART 186—LEASING OF TRIBAL LANDS FOR MINING

PART 189—LEASING OF CERTAIN RESTRICTED ALLOTTED INDIAN LANDS FOR MINING

PART 192—LEASING OF CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION, WYO., FOR OIL AND GAS MINING

PART 195—LEASING OF LANDS IN CROW INDIAN RESERVATION, MONT., FOR MINING

RATE OF RENTS AND ROYALTIES ON OIL AND GAS LEASES

1. Section 183.24 is amended to read as follows:

§ 183.24 *Rate of rents and royalties on oil and gas leases.* The lessee shall pay, beginning with the date of approval of oil and gas leases by the Secretary of the Interior, a rental of $1.25 per acre per annum in advance during the continuance thereof, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased, save and except oil and/or gas used by the lessee for development and operation purposes on the lease, which oil or gas shall be royalty free. A higher rate of royalty may be fixed by the Secretary of the Interior or his authorized representative, prior to the advertisement of land for oil and gas leases. During the period of supervision, "value" for the purposes of the lease may, in the discretion of the Secretary of the Interior be calculated on the basis of the highest price paid or offered (whether calculated on the basis of short or actual volume) at the time of production for the major portion of the oil of the same gravity, and gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the supervisor. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary of the Interior, be deemed mere evidence of or conclusive evidence of such value. When paid in value, such royalties shall be due and payable monthly at such time as the lease provides; when royalty on oil produced is paid in kind, such royalty oil shall be delivered in tanks provided by the lessee on the premises where produced without cost to the lessor unless otherwise agreed to by the parties thereto, at such time as may be required by the lessor. The lessee shall not be required to hold such royalty oil in storage longer than 30 days after the end of the calendar month in which said oil is produced. The lessee shall be in no manner responsible or held liable for loss or destruction of such oil in storage by causes beyond his control.

(Sec. 2, 35 Stat. 312, sec. 18, 41 Stat. 426, sec. 1, 45 Stat. 495, sec. 1, 47 Stat. 477; 25 U. S. C. 356)

2. Section 186.13 is amended to read as follows:

§ 186.13 *Rates of rentals and royalties under oil and gas leases.* (a) The lessee shall pay, beginning with the date of approval of oil and gas leases by the Secretary of the Interior, a rental of $1.25 per acre per annum in advance during the continuance thereof, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased, save and except oil, and/or gas used by the lessee for development and operation purposes on the lease, which oil or gas shall be royalty free. A higher rate of royalty may be fixed by the Secretary of the Interior or his authorized representative, prior to the advertisement of land for oil and gas leases. During the period of supervision, "value" for the purposes of the lease may, in the discretion of the Secretary of the Interior, be calculated on the basis of the highest price paid or offered (whether calculated on the basis of short or actual volume) at the time of production for the major portion of the oil of the same gravity, and gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the supervisor. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary of the Interior, be deemed mere evidence of or conclusive evidence of such value. When paid in value, such royalties shall be due and payable monthly on the last day of the calendar month following the calendar month in which produced; when royalty on oil produced is paid in kind, such royalty oil shall be delivered in tanks provided by the lessee on the premises where produced without cost to the lessor unless otherwise agreed to by the parties thereto, at such time as may be required by the lessor. The lessee shall not be required to hold such royalty oil in storage longer than 30 days after the end of the calendar month in which said oil is produced. The lessee shall be in no manner responsible or held liable for loss or destruction of such oil in storage by causes beyond the lessee's control. In determining the value for royalty purposes of products, such as natural gasoline, that are derived from treatment of gas, a reasonable allowance for the cost of manufacture shall be made, such allowance to be two-thirds of the value of the marketable product unless otherwise determined by the Secretary of the Interior on application of the lessee or on his own initiative, and that royalty will be computed on the value of gas or casing-head gas, or on the products thereof (such as residue gas, natural gasoline, propane, butane, etc.), whichever is the greater.

(b) If the leased premises produce gas in excess of the lessee's requirements for the development and operation of said premises, then the lessor may use sufficient gas, free of charge, for any desired school or other buildings belonging to the tribe, by making his own connections to a regulator installed, connected to the well and maintained by the lessee, and the lessee shall not be required to pay royalty on gas so used. The use of such gas shall be at the lessor's risk at all times.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

3. Section 189.16 is amended to read as follows:

§ 189.16 *Rentals and royalties for oil and gas leases.* The lessee shall pay, beginning with the date of approval of oil and gas leases by the Secretary of the Interior, a rental of $1.25 per acre per annum in advance during the continuance thereof, the rental so paid for any one year to be credited on the royalty for that year, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased save and except oil, and/or gas used by the lessee for development and operation purposes on the lease, which oil or gas shall be royalty free. A higher rate of royalty may be fixed by the Secretary of the Interior or his authorized representative, prior to the advertisement of land for oil and gas leases. During the period of supervision, "value" for the purposes of the lease may, in the discretion of the Secretary, be calculated on the basis of the highest price paid or offered (whether calculated on the basis of short or actual volume) at the time of production for the major portion of the oil of the same gravity, and gas, and/or

natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the oil and gas supervisor. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary of the Interior, be deemed mere evidence of or conclusive evidence of such value. When paid in value, such royalties shall be due and payable monthly on the last day of the calendar month following the calendar month in which produced; when royalty on oil produced is paid in kind, such royalty oil shall be delivered in tanks provided by the lessee on the premises where produced without cost to the lessor unless otherwise agreed to by the parties thereto, at such time as may be required by the lessor. The lessee shall not be required to hold such royalty oil in storage longer than 30 days after the end of the calendar month in which said oil is produced. The lessee shall be in no manner responsible or held liable for loss or destruction or such oil in storage caused by acts of God. All rental and royalty payments, except as provided in sections 4 (c) and 8 (a) of the lease (Form 5–154h, revised April 24, 1935), shall be made by check or draft drawn on a solvent bank, open for the transaction of business on the day the check or draft is issued, to the order of the Superintendent. Except the advance rental for the first year, which, as provided in § 189.14 shall be paid to the superintendent when the lease is filed, payments shall be transmitted through the oil and gas supervisor, shall be accompanied by a statement by the lessee, in triplicate, showing the specific items of rental or royalty that the remittance is intended to cover, and shall be made at such times as the lease provides. In determining the value for royalty purposes of products, such as natural gasoline, that are derived from treatment of gas, a reasonable allowance for the cost of manufacture shall be made, such allowance to be two-thirds of the value of the marketable product unless otherwise determined by the Secretary of the Interior on application of the lessee or on his own initiative, and that royalty will be computed on the value of gas or casing-head gas, or on the products thereof (such as residue gas, natural gasoline, propane, butane, etc.), whichever is the greater.

(35 Stat. 783, as amended; 25 U. S. C. 396)

4. Section 192.17 is amended to read as follows:

§ 192.17 *Rates of rents and royalties.* (a) The lessee shall pay, beginning with the date of execution of leases by the Secretary of the Interior, a rental of $1.25 per acre per annum in advance during the continuance thereof, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased, save and except oil and/or gas used by the lessee for development and operation purposes on the lease, which oil or gas shall be royalty free. A higher rate of royalty may be fixed by the Secretary of the Interior or his authorized representative, prior to the advertisement of land for oil and gas leases. During the period of supervision, "value" for the purposes of the lease may, in the discretion of the Secretary of the Interior, be calculated on the basis of the highest price paid or offered (whether calculated on the basis of short or actual volume) at the time of production for the major portion of the oil of the same gravity, and gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the supervisor. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary of the Interior, be deemed mere evidence of or conclusive evidence of such value. When paid in value, such royalties shall be due and payable monthly at such time as the lease provides; when royalty on oil produced is paid in kind, such royalty oil shall be delivered in tanks provided by the lessee on the premises where produced without cost to the lessor unless otherwise agreed to by the parties thereto, at such time as may be required by the lessor. The lessee shall not be required to hold such royalty oil in storage longer than 30 days after the end of the calendar month in which said oil is produced. The lessee shall be in no manner responsible or held liable for loss or destruction of such oil by causes beyond his control.

(b) The proceeds from all leases shall be taken up in the accounts of the superintendent for appropriate deposit for the benefit of the Indians.

(Sec. 1, 39 Stat. 519)

5. Section 195.14 is amended to read as follows:

§ 195.14 *Royalty rates; oil and gas leases.* The lessee shall pay, beginning with the date of approval of oil and gas leases by the Secretary of the Interior, a rental of $1.25 per acre per annum in advance during the continuance thereof, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased, save and except oil, and/or gas used by the lessee for development and operation purposes on the lease, which oil and/or gas shall be royalty free. A higher rate of royalty may be fixed by the Secretary of the Interior or his authorized representative, prior to the advertisement of land for oil and gas leases.

(Sec. 6, 41 Stat. 753, sec. 6, 44 Stat. 659)

FRED A. SEATON,
Secretary of the Interior.

AUGUST 10, 1957.

[F. R. Doc. 57–6718; Filed, Aug. 15, 1957; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 609—WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY IN PUERTO RICO

PART 718—WOMEN'S AND CHILDREN'S UNDERWEAR INDUSTRY IN PUERTO RICO

PART 719—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

MISCELLANEOUS AMENDMENTS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 483 (22 F. R. 3757) as amended by Administrative Order No. 486 (22 F. R. 4689), appointed, convened, and gave notice of the hearing of Industry Committee No. 31–B to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the Women's and Children's Underwear and Women's Blouse and Neckwear Industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it. The definition of the new industry is a consolidation of the definition of the present women's and children's underwear industry in Puerto Rico (29 CFR 718.1) and the blouses and neckwear classification of the needlework and fabricated textile products industry in Puerto Rico (29 CFR 719.2 (a) and (b). The recommendations of Industry Committee No. 31–B set forth classifications within the new industry and recommended rates of pay for such classifications which are incorporated in this wage order.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45–A (15 F. R. 3290), the recommendations of this committee are published in this amendment to Title 29 of the Code of Federal Regulations, to become effective September 1, 1957, which hereby (i) revokes 29 CFR Part 718, (ii) amends 29 CFR Part 719 by deleting from the proviso clause of § 719.1 the phrase "the women's and children's underwear industry" and substituting in place thereof the phrase "the women's and children's underwear and women's blouse and neckwear industry", (iii) deletes paragraphs (a) and (b) of 29 CFR 719.2, and (iv) issues a new Part 609 to read as follows:

Sec.
609.1 Definition of the industry.
609.2 Wage rates.
609.3 Notices.

AUTHORITY: §§ 609.1 to 609.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 609.1 *Definition of the industry.* The knitting, or manufacture from woven or knit fabric, of women's, misses', girls', boys' size 6x and under, and infants' underwear and nightwear, including, but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, neckwear (including collar and cuff sets), and scarves (except square scarves): *Provided, however,* That the definition shall not cover products or activities included in the corsets, brassieres, and allied garments industry, as now defined in Part 710 of this chapter; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

§ 609.2 *Wage rates.* (a) Wages at a rate of not less than 45 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-sewing classification which is defined as the operations of hand-sewing, hand-embroidering, hand-embellishing, ornamental stitching, and similar operations involving decorative effects: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations on articles which are wholly machine-sewn or machine-knit shall not be included.

(b) Wages at a rate of not less than 66 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification which is defined as all operations in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico, other than those operations in the hand-sewing classification of this industry.

§ 609.3 *Notices.* Every employer subject to the provisions of § 609.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 609.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 12th day of August 1957.

C. L. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57–6748; Filed, Aug. 15, 1957; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I–25]

DMO I–25—MAKING THE SECRETARY OF HEALTH, EDUCATION AND WELFARE A MEMBER OF THE DEFENSE MOBILIZATION BOARD

Pursuant to the authority vested in me by section 102 of Executive Order 10480, dated August 14, 1953, as amended, I hereby designate the Secretary of Health, Education and Welfare a member of the Defense Mobilization Board.

This order is effective August 12, 1957.

OFFICE OF DEFENSE MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 57–6732; Filed, Aug. 15, 1957; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 34—SOUTHEASTERN REGION

SUBPART—NOXUBEE NATIONAL WILDLIFE REFUGE, MISSISSIPPI

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.11, I have determined that resident species of game birds and mammals, as defined by State law or regulation, may be taken by hunting on portions of the Noxubee National Wildlife Refuge, Mississippi, without interfering with the primary purpose of the area. Accordingly, § 34.107 is amended to read as follows:

§ 34.107 *Hunting of resident game.* Resident species of game birds and mammals, as defined by State law or regulation, may be taken within the Noxubee National Wildlife Refuge at such times, in such numbers, and by such means as may be determined each year by the Regional Director, Region 4 (Southeastern Region), of the Bureau of Sport Fisheries and Wildlife, only on such areas as may be designated as open to hunting by suitable posting by the refuge officer in charge. Hunting on the refuge will be subject to the applicable conditions and restrictions of Parts 18 and 21 of this chapter and the requirements of §§ 34.108 and 34.109.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendment involves public property and has the effect of relieving restrictions applicable to the Noxubee National Wildlife Refuge, notice and public procedure thereon are unnecessary, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Issued at Washington, D. C., and dated August 12, 1957.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57–6717; Filed, Aug. 15, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES FOR PRUNE ADMINISTRATIVE COMMITTEE AND FIXING RATE OF ASSESSMENT FOR 1957–58 CROP YEAR

Notice is hereby given that the Secretary of Agriculture is considering the approval of a budget of expenses for the Prune Administrative Committee for the 1957–58 crop year and the fixing of a rate of assessment for that year to defray such expenses, as hereinafter set forth. The amount of the budget and rate of assessment were recommended by the committee in accordance with the provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, Part 993), regulating the handling of dried prunes produced in California, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the seventh day after the publication of this notice in the FEDERAL REGISTER. In the event that the said seventh day after publication should fall on a legal holiday, Saturday, or Sunday, such submissions must be received by the Director not later than the close of business on the next following business day.

The proposed budget of expenses and rate of assessment follow:

§ 993.308 *Budget of expenses of the Prune Administrative Committee and rate of assessment for the 1957–58 crop year.*—(a) *Budget of expenses.* Expenses in the amount of $76,950 are reasonable and are likely to be incurred by the Prune Administrative Committee for its maintenance and functioning for the crop year which began on August 1, 1957 and will end on July 31, 1958.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of § 993.81 (a) of the marketing agreement, as amended, and order, as amended, an assessment of 50 cents for each ton of salable tonnage prunes handled by him as the first handler thereof, and an assessment of 50 cents for each ton of prunes sold to him from surplus tonnage for resale to other than Federal governmental agencies, during the crop year which began on August 1, 1957, and will end on July 31, 1958. Such assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Dated: August 13, 1957.

[SEAL] G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-6749; Filed, Aug. 15, 1957; 8:50 a. m.]

[7 CFR Part 1010]

[Docket No. AO-276-A1]

MILK IN THE WILMINGTON, DEL., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Wilmington, Delaware, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment as hereinafter set forth, to the tentative marketing agreement and to the order, was formulated, was conducted at Wilmington, Delaware on July 29, 1957, pursuant to notice thereof which was issued on July 22, 1957 (22 F. R. 5900; F. R. Doc. 57-6084).

The material issue on the record of the hearing relate to:

The basis and level of pricing Class I milk after August 31, 1957.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I pricing formula presently in effect under the Wilmington order should be continued at this time as a basis for pricing Class I milk in this market.

Witnesses for Inter-State Milk Producers' Cooperative, Inc., a cooperative association representing the majority of the producers on the market, proposed that the seasonality of certain of the formula factors be revised, that a labor wage index be added to the formula and that the basic price level be increased 20 cents. At the same time they recognized that the present 15-cent differential existing between the f. o. b. Philadelphia Class I price under Order 61 and the f. o. b. Wilmington price under Order 110 should be preserved.

The Wilmington Milk Dealers Association took the position that since no decision has yet been rendered on the issues considered at the Philadelphia amendment hearing held in Philadelphia June 11, 1956–February 2, 1957 no changes should be considered in the Wilmington Class I pricing formula at this time. They proposed, however, that a proviso be incorporated into the pricing provisions of the Wilmington order to assure continuation of a Wilmington Class I price 15 cents below the Class I price f. o. b. Philadelphia under Order 61.

The proposed changes in the Class I pricing formula made by Inter-State Milk Producers' Cooperative are substantially the same changes which they proposed at the recent Philadelphia amendment hearing. At that hearing, however, they took the position that the requested change in seasonality and the addition of a labor wage factor in the pricing formula would not have increased the level of Class I price. The record of this hearing shows that the proposed changes in the seasonality of the formula factors and the addition of a labor wage index to the pricing formula would have resulted in prices for the period from the effective date of the order (June 16, 1956) through June 1957 identical to those which resulted from the present formula. The current price for the July–September quarter however, without consideration of the requested increase of 20 cents in the basic price level would have been 20 cents above the price announced by the market administrator for the months of July and August.

The supply of producer milk on the Wilmington market at the time of the promulgation hearing was at least adequate to meet the then current needs of the fluid market. Statistics compiled by the market administrator indicate that the prices which have been in effect since the promulgation of the order have maintained an ample supply of milk have the market. This is one of the statutory standards provided in the act which must be weighed in any consideration of pricing level. Under the supply-demand situation which has existed in the Wilmington market it is inappropriate to consider an increase in the Class I price level at this time. While producers pointed out that severe drought conditions currently prevail in the supply area which have seriously damaged pastures and reduced prospective hay and corn yields, it is not possible at this time to appraise the possible impact of these conditions on future milk supplies.

The Acting Secretary in his decision of April 11, 1956, on the promulgation of the Wilmington order concluded that the f. o. b. Wilmington plant price should be established at a level 15 cents below the f. o. b. Philadelphia Order 61 plant price. The present order provisions accomplish the intent of that finding. The proposal made by the Wilmington Milk Dealers Association appears to assure continuation of this relationship in the event changes are adopted in the Philadelphia order as the result of the recent amendment hearing. In this regard, however, it must be recognized that Class I price per se was not the only issue under consideration at that hearing which would affect intermarket price relationships. The proposed change from a 4.0 percent to a 3.7 percent fat basis of pricing producer milk, the proposed change in the butterfat differentials, and proposed changes in location differentials, for example, each have an impact on the price which producers will receive. If significant changes are made in the Philadelphia order as a result of the recent hearing or if the Philadelphia order is suspended, which was a matter of consideration at the public meeting held June 27–28, 1957, it seems likely that a hearing would need to be called for consideration of further amendments to the Wilmington order. Both producers and handlers recognized this situation in requesting that this hearing be restricted to the issue of Class I price and that other proposals for amendment be deferred for later hearing. It is not appropriate to attempt to relate the Wilmington order to the Philadelphia order at this time when substantial changes in the Philadelphia order are under consideration. The deletion from the order of August 31, 1957 as the expiration of the present Class I pricing provisions will permit continuation of the present formula as a basis for pricing Class I milk. When a decision has been reached relative to proposed amendments to or the suspension of the Philadelphia order possible changes in the Wilmington order can be considered at a further hearing.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Wilmington, Delaware, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

Delete the words "through August 1957" as they appear in § 1010.50 (a).

Issued at Washington, D. C., this 13th day of August 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-6755; Filed, Aug. 15, 1957; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

[192-31.31]

FORT YUKON AIRFIELD AND SKAGWAY MUNICIPAL AIRPORT

PROPOSED REVOCATIONS OF DESIGNATIONS AS INTERNATIONAL AIRPORTS

AUGUST 12, 1957.

Notice is hereby given that, pursuant to the authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., 177 (b)), it is proposed to revoke the designations of the Fort Yukon Airfield, Fort Yukon, Alaska, and Skagway Municipal Airport, Skagway, Alaska, as international airports (airports of entry) for civil aircraft and merchandise carried therein arriving from places outside the United States, because of the small volume of international air traffic and the lack of inspection facilities; and it is further proposed to amend the list of international airports in § 6.13, Customs Regulations, by deleting the locations and names of such airports.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed revocations of the designations of the above-mentioned airports as international airports may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-6746; Filed, Aug. 15, 1957; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF WITHDRAWAL OF PETITIONS FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF ALDRIN, DIELDRIN, AND ENDRIN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued.

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.8), Shell Chemical Corporation, 460 Park Avenue, New York 22, New York, has withdrawn its petitions for establishment of tolerances for residues of aldrin, dieldrin, and endrin on raw agricultural commodities, notices of which were published in the FEDERAL REGISTER of April 30, May 2, and April 2, 1957, respectively (22 F. R. 3053, 3124, 2185).

The withdrawal with respect to each of these petitions is without prejudice to a future filing.

Dated: August 13, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-6743; Filed, Aug. 15, 1957; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41]

[Draft Release No. 57-19]

REQUIREMENTS FOR PILOT ROUTE QUALIFICATIONS IN SCHEDULED INTERSTATE AIR CARRIER OPERATIONS AND SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board the adoption of a Special Civil Air Regulation to extend the authority contained in Special Civil Air Regulation No. SR-418 for a period of one year. Special Civil Air Regulation No. SR-418 permits pilots to be qualified at airports by means other than those required by the applicable provisions of Parts 40 and 41 of the Civil Air Regulations.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by September 9, 1957. Copies of such communications will be available after September 11, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The Board, on September 23, 1955, promulgated Special Civil Air Regulation No. SR-413, applicable to scheduled air carrier operations outside the continental limits of the United States, and on December 23, 1955, promulgated Special Civil Air Regulation No. SR-414, applicable to scheduled domestic air carrier operations. Both SR-413 and SR-414 were to terminate on September 23, 1956. Prior to their termination the Board, on September 20, 1956, promulgated Special Civil Air Regulation No. SR-418 which combined these two Special Civil Air Regulations and contained essentially the same provisions, with certain modifications and additions, to provide an additional experimental period of one year. SR-418 will expire on September 23, 1957.

In view of the fact that Special Civil Air Regulation No. SR-418 will terminate on September 23, 1957, the Bureau, on June 25, 1957, requested the views of the Civil Aeronautics Administration (CAA), the Air Transport Association (ATA), and the Air Line Pilots Association (ALPA) with respect to paragraph (d) (1), (2), and (3) of SR-418 and asked for any recommendations they might have concerning incorporation of these provisions in Parts 40 and 41 of the Civil Air Regulations.

On the basis of the views and recommendations received from the CAA, ALPA, ATA, and our own evaluation, the Bureau believes that the new techniques of pilot airport qualification should be continued for an additional experimental period of one year as presently set forth in Special Civil Air Regulation SR-418. This will enable industry and the Government alike to obtain additional information and experience with respect to improving pilot airport qualifications and procedures, which is needed to fully substantiate amendment of Parts 40 and 41 in order to make these or similar provisions a permanent part of the regulations.

In order that it be made clear that a pilot qualified originally under the provisions of this Special Civil Air Regulation, in lieu of §§ 40.303 and 41.50, can maintain or re-establish his qualifications in accordance with the provisions in SR-418, references to both §§ 40.304 and 41.51, relating to the maintenance and requalification of route and airport qualifications, have been included in the initial paragraph of the provisions of the regulation.

In view of the foregoing, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to read as follows:

Contrary provisions of Parts 40 and 41 of the Civil Air Regulations notwithstanding, an air carrier conducting scheduled interstate operations or scheduled operations outside the continental limits of the United States may, subject to the approval of the Administrator, comply with the following

provisions in lieu of the applicable provisions of §§ 40.303 and 40.304 or 41.50 and 41.51:

(a) The air carrier shall be responsible that each pilot in command is thoroughly qualified for the route over which he is to fly aircraft in scheduled air transportation as a pilot in command. An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve at least in accordance with paragraphs (b), (c), (d), and (e) of this regulation and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to the route to be flown. Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and letdown procedures approved for use by the air carrier:

(1) Weather characteristics,
(2) Navigational facilities,
(3) Communication procedures,
(4) Type of en route terrain and obstruction hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

(c) Each such pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Such entry shall include a landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment. He shall be accompanied by a pilot who is qualified at the airport.

(d) Such pilot shall not be required to meet the entry requirements of paragraphs (c) of this regulation when:

(1) The initial entry is made under VFR weather conditions at the particular airport involved; or

(2) The air carrier shows that the pilot airport qualifications can be accomplished by an approved pictorial means; or

(3) The air carrier notifies the Administrator that it intends to conduct operations at an airport in close proximity to an airport into which the pilots involved are presently qualified by entry, and the Administrator finds that such pilots are adequately qualified at the new airport. The Administrator, in making such finding, shall take into consideration at least the familiarity of the pilots with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport.

(e) On routes on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such route by not less than two one-way trips as pilot or additional member of the crew over the route under VFR weather conditions to permit the qualifying pilot to observe terrain along the route.

It is proposed that this regulation shall supersede Special Civil Air Regulation No. SR–418 and shall be effective for a period of one year.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205a, 52 Stat. 984; 49 U. S. C. 425a. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., August 12, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 57–6751; Filed, Aug. 15, 1957; 8:51 a. m.]

[14 CFR Part 62]

[Draft Release No. 57–18]

NOTIFICATION AND REPORTING OF ACCIDENTS INVOLVING SMALL FIXED-WING AIRCRAFT CERTIFICATED IN THE EXPERIMENTAL CATEGORY; AND FORM AND CONTENT OF REPORTS OF CERTAIN ACCIDENTS INVOLVING LARGE FIXED-WING AIRCRAFT

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Part 62 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by October 15, 1957. Copies of such communications will be available after October 17, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective §§ 62.4 and 62.5 of Part 62 of the Civil Air Regulations require the immediate notification of all accidents incident to flight involving small fixed-wing aircraft, other than those operated by an air carrier certificated to engage in air transportation in Alaska, in which the accidents are known or believed to have resulted from structural failure, mid-air collision, or fire in flight, or which result in serious personal injury or death.

It has been brought to the attention of the Bureau that the notification and reporting of accidents involving small fixed-wing experimental aircraft undergoing flight tests, which occur as a result of structural failures but which do not involve serious personal injury or death, fire in flight, or mid-air collision is imposing a considerable inconvenience upon the public and is not serving any useful safety purpose. Ths matter has been discussed with the Civil Aeronautics Administration (CAA) which is responsible for the review and analysis of such reports. The CAA agrees that to require notificaton, or a report to be made, of an accident occurring under such circumstances serves no useful purpose. Accordingly, the Bureau believes the regulations should be amended to relieve the public of the burden of making notification or a report when an accident occurs to an experimental aircraft as a result of structural failure, under the aforementioned circumstances.

It has also been brought to the attention of the Bureau that the submission of a completed CAB report form, as required by § 62.37 for every large aircraft accident incident to flight, resulting in serious or fatal injury, serves no useful purpose for either analysis or statistical development when the accident does not also involve substantial aircraft damage and is one directly attributable to turbulence, evasive maneuvers to avoid mid-air collision, falling or jumping from an aircraft, or contact with a rotating propeller of an airplane on the ground. The Bureau is advised that it will suffice if a report of such an accident is made in the form of a written memorandum, rather than on a completed CAB report form, and gives a complete narrative account of the pertinent facts, conditions, and circumstances surrounding the accident.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 62 of the Civil Air Regulations be amended:

1. By amending § 62.5 to read as follows:

§ 62.5 *When notification is to be given.* (a) Immediate notification shall be given when any aircraft accident incident to flight occurs which:

(1) Is known or believed to have resulted from the structural failure of an aircraft, aircraft engine, or propeller unless the accident involves an aircraft certificated in the experimental category and occurs while such aircraft is engaged in a flight test program; or

(2) Involves collision of two or more aircraft in the air; or

(3) Results in serious or fatal injury to any person.

(b) Immediate notification shall be given of any occurrence of fire involving any of the components or systems on the aircraft when incident to flight, regardless of the extent of injury to occupants or damage to the aircraft.

2. By amending § 62.10 to read as follows:

§ 62.10 *When a report is made.* (a) A written report shall be made of every aircraft accident incident to flight involving aircraft of United States registry wherever it may occur:

(1) When there is a serious or fatal injury; or

(2) When the reasonably estimated cost of repair is $100 or more, unless the accident involves only an experimental aircraft engaged in a flight test program and is known or believed to have resulted from the structural failure of the aircraft, aircraft engine, or propeller.

(b) A written report shall also be required for an aircraft accident not incident to flight or for any accident involving minor injury or less than $100 estimated cost of repair if the pilot, owner, or operator is requested by an authorized representative of the Civil Aeronautics Administration to furnish it.

3. By amending § 62.37 to read as follows:

§ 62.37 *Form of report and contents.* The report shall be made in duplicate on an accident report form furnished by the Civil Aeronautics Board, and shall contain all available information required therein; except that a written memorandum may be used in lieu of the standard CAB form to report an accident involving serious or fatal injury when such accident: (a) Does not involve substantial aircraft damage and (b) is directly attributable to turbulence, evasive maneuvers to avoid mid-air collision, falling or jumping from an aircraft, or contact with a rotating propeller of an aircraft on the ground, unless use of the standard CAB form is specifically requested by the Board. When a report is made in a written memorandum, the report may be made in narrative form and shall set forth at least the facts, conditions, and circumstances pertinent to the accident.

These amendments are proposed under the authority of Titles VI and VII of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205a, 52 Stat. 984; 49 U. S. C. 425a. Interpret or apply secs. 601–610, 702, 52 Stat. 1007–1012, 1013; 49 U. S. C. 551–560, 582)

Dated at Washington, D. C., August 12, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 57–6750; Filed, Aug. 15, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF GRASS FLOOR COVERINGS, INCLUDING SEAGRASS MATS, AND SQUARES DIRECTLY FROM VIET-NAM

AVAILABLE CERTIFICATION BY THE GOVERNMENT OF VIET-NAM

Notice is hereby given that certificates of origin issued by the Ministry of National Economy of the Government of Viet-Nam under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Viet-Nam of the following additional commodity:

Floor Coverings, grass, including seagrass mats and squares.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 57–6660; Filed, Aug. 15, 1957; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

FORT LEONARD WOOD MILITARY RESERVATION, MISSOURI

ORDER INTERCHANGING ADMINISTRATIVE JURISDICTION OF MILITARY AND NATIONAL FOREST LANDS

CROSS REFERENCE: For transfer of certain national forest lands from the Secretary of Agriculture to the Secretary of the Army, see Department of Agriculture, Office of the Secretary, F. R. Document 57–6707, infra.

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Bureau of Mines Manual—Health and Safety Activity Instructions]

REDELEGATIONS OF AUTHORITY TO EXECUTE CONTRACTS

.4 *Property management—general—A. Redelegations of authority to execute contracts—(1) Designated officials.* In accordance with the provisions of subparagraph M205.2.4A of the Bureau of Mines Manual, the following officials of the Health and Safety Activity, Bureau of Mines, may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or services, including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Assistant Director—Health and Safety, or the Director, Bureau of Mines (see subparagraph M205.2.4A(1)):

(a) Any for more than $500.
(b) Purchase of land.
(c) Printing and binding.
(d) Automobiles and trucks.
(e) Microfilm equipment and services over $100.
(f) Construction.
(g) Drilling.
(h) Working fund agreements with other Government Agencies.
(i) Cooperative agreements on research programs.
(j) Major changes in communication equipment.

District Health and Safety Supervisors, Districts A–I, inclusive.
Chief, Branch of Health Research.
Chief, Branch of Electrical-Mechanical Testing.
Supervising Coal Mine Fire Control Engineer (Pittsburgh).
Training Administration Officer (Coordinator of Field Safety Educational Activities), Pittsburgh.
Subdistrict Health and Safety Supervisors: Provided that under this subparagraph, the limitation in item (a) shall be $100.

(2) *Change orders and extra work orders.* With respect to any contract, including a contract approved by the Director or the Assistant Director—Health and Safety, the officials mentioned above may (up to $500), issue change orders and extra work orders pursuant to the contract, enter into any modifications and amendments of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

Authorities contained in this release may not be redelegated without the approval of the Assistant Director—Health and Safety.

JAMES WESTFIELD,
Assistant Director,
Health and Safety.

Approved: August 12, 1957.

MARLING J. ANKENY,
Director.

[F. R. Doc. 57–6736; Filed, Aug. 15, 1957; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8008; Order No. E–11669]

GENERAL PASSENGER FARE INVESTIGATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of August 1957.

On August 6, 1957, the Board issued a press release indicating that it had voted to deny an immediate six percent fare increase in the Suspended Passenger Fare Increase Case, Docket No. 8613 (the "Six Percent Case"). The Board said that the emergency relief requested by seven of the twelve domestic trunkline carriers was not justified on the basis of the record before it. The Board noted that the instant proceeding, interrupted by the Six Percent Case, would be resumed promptly and processed on an expedited basis. Furthermore, the Board pointed out that during the pendency of the instant proceeding it will maintain a continuing surveillance of the fare situation.

Pursuant to these objectives, the Board believes that it is appropriate at this time to clarify its procedural objectives and insure the exploration of certain important matters in the present proceeding.

1. While the Board has voted to deny an immediate six percent increase in fares, the Board is impressed with the importance of an early review, on a complete record, of the domestic trunkline fare level for the entire domestic trunkline system and not merely for the seven carriers that sought the emergency fare increase. Accordingly, we will direct in this order that the present case be processed for hearing and decision with the maximum expedition consistent with due process and fair hearing.

2. Since a large and useful body of data and testimony was adduced at the hearing in the Six Percent Case which will be useful in the present case, it will avoid needless duplication of time and effort if we consolidate the record in that case into the present case. To some extent, it may be necessary to afford additional opportunity for cross-examination and submission of evidence to parties who did not participate in the Six Percent Case, but the net result will, in our judgment, inure to the benefit of all parties and the public interest.

3. The hearing in the Six Percent Case indicated that there is a significant relationship between the Board's rate-making functions and the new equipment and financing plans of the domestic trunkline carriers. The Board believes that the present case should include a full inquiry into the equipment and financing plans of the carriers for a full five-year period. Therefore, we will order that, to the extent not otherwise covered by the evidence, each trunkline carrier party to the proceeding shall produce for a future five-year period, its equipment purchase plans, traffic forecasts, financing plans, equipment retirement plans, and evidence as to the long run effect of its future equipment plans and financing programs upon the general rate level and passenger fares. We will also require that this evidence be presented at an early stage of the hearings in this proceeding.

4. Closely related to the carriers' re-equipment programs is their ability to attract capital. In the light of this fact, and the desirability of having full information on this aspect of the general fare problem, we will direct that the evidence as to rate of return be given first priority in the order of evidence to be received at the hearing.

Accordingly; *It is ordered*, That:

1. The record in the Six Percent Case, Docket No. 8613, be and it hereby is consolidated into the instant proceeding, with appropriate opportunity afforded each party to supplement the evidence adduced in that proceeding to the extent warranted by due process and fair hearing;

2. The Examiner conduct the instant proceeding on an expedited basis;

3. Evidence with respect to rate of return shall receive first priority in the order of evidence to be received at the hearings herein.

4. To the extent not otherwise covered in their evidence, each of the twelve domestic trunkline carriers party to this proceeding shall produce evidence with respect to:

a. Plans for purchase of new equipment for at least each of the five years 1958 through 1962;

b. Traffic forecasts for at least five years based upon such planning;

c. Plans for financing the purchases of such equipment;

d. Plans for the retirement of existing equipment; and

e. The effect of future equipment plans and financing programs upon the general rate level and passenger fares in the long run.

5. The Examiner shall set separate dates, if necessary, for the exchange of exhibits regarding the new matters set forth above and the evidence with regard to these matters shall be received at an early stage of the hearings herein.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-6752; Filed, Aug. 15, 1957; 8:51 a. m.]

[Docket No. 8681]

TRANS-ALASKAN AIRLINES, INC.; ENFORCEMENT CASE

NOTICE OF CHANGE OF PLACE AND FURTHER POSTPONEMENT OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 42 issued to Trans-Alaskan Airlines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, and regulations thereunder, that a hearing in the above-entitled matter heretofore assigned to be held in Washington, D. C., on August 13, 1957, is hereby reassigned to be held on August 22, 1957, at 10:00 a. m., P. d. s. t., in Room 810, United States Post Office and Courthouse Building, 312 North Spring Street, Los Angeles, Calif., before Examiner Edward T. Stodela.

Dated at Washington, D. C., August 13, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6753; Filed, Aug. 15, 1957; 8:51 a. m.]

[Docket No. 3207 et al.]

CHICAGO-MILWAUKEE-TWIN CITIES CASE

NOTICE OF HEARING

In the matter of applications for the establishment of additional air service between Chicago and Minneapolis/St. Paul via Milwaukee, and between Minneapolis/St. Paul and Milwaukee, on the one hand, and Southeastern points on the other.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that the first session of the hearing in the above-entitled proceeding is assigned to be held on September 9, 1957, at 10:00 a. m., c. d. t., in the Criminal District Court Room of the Ramsey County Court House, St. Paul, Minnesota, before Examiner James S. Keith. A second session will be held in Milwaukee and a third session in Washington, D. C., the time and place to be hereinafter designated by the Examiner.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following matters:

I. Do the public convenience and necessity require: (a) Additional competitive service over the Chicago–Milwaukee–Minneapolis/St. Paul segment; and (b) improved service between Minneapolis/St. Paul and Milwaukee on the one hand and points in the Southeast on Eastern's route No. 10 and Delta's route No. 54 on the other, by one or more of the following proposals:

A. The amendment of the certificate of Eastern Air Lines for route No. 10 as proposed in Docket No. 3207;

B. The amendment of the certificates of Capital Airlines for route Nos. 14 and 51, respectively, as proposed in Docket No. 3403;

C. The amendment of the certificate of Delta Air Lines for route No. 54 as proposed in Docket No. 3987;

D. The amendment of the certificate of United Air Lines for route No. 1 with reference to its Milwaukee restriction as proposed in Docket No. 5468;

E. The amendment of the certificate of National Airlines for route No. 31 or the establishment of a new route as proposed in Docket No. 7506;

F. The amendment of the certificate of North Central Airlines so as to remove the conditions prohibiting North Central from providing nonstop service between Chicago and Minneapolis and Milwaukee and Minneapolis as proposed in Docket No. 7692;

G. The amendment of the certificate of Western Air Lines for route No. 35 as proposed in Docket No. 7789; and

H. The amendment of the certificate of Northwest Airlines for route No. 3 as proposed in Docket Nos. 8318 and 8319.

II. Are the applicants fit, willing and able to conduct the transportation and to conform to the Civil Aeronautics Act and the rules and regulations of the Administrative Procedural Act.

For further details of the services proposed, including conditions under which any of the aforesaid applications are to be considered, reference should be made to the report of prehearing conference issued November 21, 1956, the Board's Order of Consolidation, adopted April 4, 1957 (Order No. E–11200) and the Order Denying Petitions for Reconsideration, adopted July 1, 1957 (Order No. E–11512).

Notice is further given that any person other than parties of record and interveners who desire to be heard in this proceeding may file with the Board on or before September 9, 1957, a statement setting forth the issues of fact or law which he desires to controvert and such person may appear and participate in the hearing in accordance with § 302.14 of the Procedural Regulations under Title IV of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., August 12, 1957.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6754; Filed, Aug. 15, 1957; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FORT LEONARD WOOD MILITARY RESERVATION, MISSOURI

ORDER INTERCHANGING ADMINISTRATIVE JURISDICTION OF MILITARY AND NATIONAL FOREST LANDS

By virtue of the authority vested in the Secretary of the Army and the Secretary of Agriculture by Public Law 804 of the 84th Congress, approved July 26, 1956, it is ordered as follows:

(1) The lands described in Exhibit A, attached hereto and made a part hereof, which lie within or adjacent to the exterior boundaries of the Mark Twain National Forest, Missouri, are hereby transferred from the Secretary of the Army to the Secretary of Agriculture.

(2) The lands described in Exhibit B, attached hereto and made a part hereof, which lie within the boundaries of Fort Leonard Wood, Missouri, are hereby transferred from the Secretary of Agriculture to the Secretary of the Army.

Pursuant to section 2 of Public Law 804 of the 84th Congress. approved July 26, 1956, the national forest lands transferred to the Secretary of the Army by this order are hereafter subject only to the laws applicable to other military lands comprising the Fort Leonard Wood Military Reservation. The military lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to lands acquired under the act of March 1, 1911 (36 Stat. 961), as amended.

Dated: June 18, 1957.

[SEAL] WILBER M. BRUCKER,
Secretary of the Army.

Dated: June 26, 1957.

E. L. PETERSON,
Assistant Secretary of Agriculture.

EXHIBIT A—LANDS TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

FIFTH PRINCIPAL MERIDIAN

T. 35 N., R. 11 W.,
Sec. 6, Lots 1 and 2 of NE¼, NW¼, NE¼ SW¼, S½ Lot 1 of SW¼, Lot 2 of SW¼, N½SE¼, S½SE¼;
Sec. 7, that part lying north of the main channel of Roubidoux Creek; that part of the NE¼ lying south of Roubidoux Creek; those parts of Lots 1 and 2 of SW¼ lying south of Roubidoux Creek; that part of the NW¼SE¼ lying south and east of Roubidoux Creek; SW¼SE¼ except a tract of land described as follows: Beginning at the northwest corner of said SW¼SE¼, thence S 105 yards to foot of bluff, thence in a northeasterly direction with foot of bluff to where north line of said SW¼SE¼ strikes bluff, thence west along north line to place of beginning; and E½SE¼.
T. 33 N., R. 12 W.,
Sec. 4, NE¼.
T. 34 N., R. 12 W.,
Sec. 9, S½SE¼;
Sec. 28, NE¼NW¼.
T. 35 N., R. 12 W.,
Sec. 1, A tract of land being that part of Lots 1 and 2 and the N½SE¼ described as follows: Beginning at the northwest corner of the NE¼ of said Section 1; thence south along the north-south center line of said Section 1 to the southwest corner of the N½SE¼ of said section; thence east along the south line of said N½SE¼, 20.50 chains; thence N 15°30′ E., 60.80 chains to a point on the north line of Section 1, said point being 1.966 chains west of the northeast corner of Section 1; thence west along the north line of Section 1, to the place of beginning.

A tract of land being all that part of the N½SE¼ and the E½ of Lots 1 and 2 in the NE¼ which lies east of the following described line, to-wit: Beginning at a point 19.50 chains west of the southeast corner of the said N½SE¼ of said Section 1 and running from thence north 15°30′ E, 65.48 chains to and intersecting a conditional line at a point which is north 79° W 1.90 chains distant from the township corner townships 35 and 36, range 12. SW¼, and S½SE¼.
Sec. 12, N½, that part of the N½SW¼ lying east of the Waynesville and Cookville Public Road, described as follows: Commencing at a point on the east side of the Waynesville and Cookville Public Road ten yards north of the concrete water tank now on the west side of said public road; thence run due east a distance of 190 yards; thence in a southeasterly direction on a direct line to the southeast corner of the NE¼SW¼ of section 12; thence north to the northeast corner of the NE¼SW¼ of said section 12; thence west on the subdivisional line to the Waynesville and Cookville Public Road; thence south along the east right-of-way line of said public road to the place of beginning.

That part of the NW¼SW¼ lying and being west of the Waynesville and Cookville Public Road, excepting 1.00 acre described as follows: Beginning at the southwest corner of the NW¼SW¼, thence north 4 chains; thence east 4.45 chains to a point, which is the real point of beginning; thence east 70 yards; thence north 70 yards; thence west 70 yards; thence south 70 yards.

A part of the N½SW¼ commencing at a point on the east side of the Waynesville and Cookville Public Road ten yards north of the concrete water tank now on the west side of said public road; thence run due east a distance of 190 yards; thence in a southeasterly direction on a direct line to the southeast corner of the NE¼SW¼ of section 12; thence west on a direct line and with subdivisional line to the Waynesville and Cookville Public Road; thence north with the east right-of-way line of said public road to the place of beginning.

One acre described as follows: Beginning at the southwest corner of the NW¼SW¼; thence north 4 chains; thence east 4.45 chains to a point, which is the real point of beginning; thence east 70 yards; thence north 70 yards; thence west 70 yards; thence south 70 yards.

S½SW¼, E½SE¼, that part of NW¼SE¼ on the north and left bank of creek, that part of NW¼SE¼ on the right bank of creek, and SW¼SE¼.

Sec. 25, NW¼SW¼;
Sec. 26, SE¼SE¼ that part lying south and west of the Waynesville and Cookville Road.

The described areas aggregate approximately 2,783.93 acres.

EXHIBIT B—LANDS TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

FIFTH PRINCIPAL MERIDIAN

T. 35 N., R. 10 W.,
Sec. 18, that portion of the following-described parcel which lies within the south one-half of Section 18: Beginning at the northeast corner of said Section 18; thence west 29.27 chains; thence south 31 degrees west, 6.25 chains; thence south 52 degrees west, 5.85 chains; thence south 63 degrees west, 8.41 chains; thence north 85 degrees west, 5.64 chains; thence north 72 degrees west, 6.43 chains; thence north 52 degrees west, 5.51 chains; thence north 41 degrees west, 4.41 chains; thence north 51 degrees west, 5.42 chains to the section line; thence west 12.25 chains to the section corner common to Sections 18 and 7, thence south with the Section line, 34.00 chains; thence south 32 degrees east, 7.25 chains; thence south 81 degrees east, 3.40 chains; thence south 84 degrees east, 12.31 chains; thence south 63 degrees east, 16.00 chains; thence south 71 degrees east, 13.48 chains; thence south 39 degrees east, 21.8 chains to the east line of the SW¼SE¼ of said Section 18; thence north with said east line, 10.40 chains to the northeast corner of said SW¼SE¼; thence east 15.06 chains; thence north 40 degrees east, 2.50 chains; thence north 19 degrees east, 6.60 chains; thence north 2 degrees east, 2.70 chains; thence north 8 degrees west, 2.00 chains; thence north 10 degrees west, 4.00 chains; thence north 16 degrees west, 11.50 chains; thence north 6 degrees west, 5.25 chains; thence north 8 degrees west, 4.00 chains; thence north 10 degrees west, 6.75 chains; thence north 18 degrees east, 3.00 chains; thence east, 5.16 chains to the section line; thence north with said section line, 13.21 chains to the point of beginning;
Sec. 19, NW¼NE¼, S½NE¼;
Sec. 20, NW¼SW¼.
T. 35 N., R. 11 W.,
Sec. 4, W½ of Lot 1 of NE¼, SE¼NE¼, Lot 1 of NW¼, W½E½ of Lot 2 of NW¼, W½ of Lot 2 of NW¼, SW¼;
Sec. 5, SE¼SE¼;
Sec. 8, N½NE¼, SE¼NE¼, E½SW¼, SW¼SW¼, SW¼SE¼;
Sec. 9, N½NE¼ that part lying south and east of the surveyed centerline of State Highway No. 17, which centerline is described as follows: Beginning at a point 1003.4 feet west of the section corner common to Sections 3, 4, 9 and 10 thence S 51 deg. 24′ W a distance of 652.2 feet, thence on a curve to the left, the radius of which is 573.7 feet, a distance of 841.7 feet, thence S 32 deg. 46′ E a distance of 171.40 feet to the point of intersection of said centerline with the south line of said N½NE¼, excepting therefrom, however, the rights of the State of Missouri in and to the strip of land containing 1.15 acres more or less occupied by State Highway No. 17, being 30 feet wide lying on the east side of, adjacent to, and parallel with said surveyed centerline; S½NE¼ except the rights of the State of Missouri in and to the strip of land containing 2.06 acres more or less occupied by State Highway No. 17, being 60 feet wide, 30 feet of which is on each side of, adjacent to, and parallel with the surveyed centerline described as follows: Beginning at the above described point of intersection of said centerline with the south line of the N½NE¼ of said Section (being 1521.30 feet, more or less, west of the east section line), thence S 32 deg. 46′ E a distance of 404.7 feet, thence on a curve to the right, the radius of which is 955.4 feet, a distance of 169.2 feet, thence S 22 deg. 38′ E a distance of 923.1 feet to the point of intersection of said centerline with the south line of said S½NE¼;

Excepting also a strip of land containing .91 acre conveyed to Pulaski County, Missouri for Highway right of way by deed recorded in Right of Way Book B at Page 182 of the Deed Records of Pu-

laski County, Missouri, being described as a piece of land 15 feet wide and 160 rods long off the north side of the NE¼ of said Section, except the SE¼ of the NE¼:

SE¼NW¼, SW¼, W½SE¼;

Sec. 10, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 13, SW¼;
Sec. 15, N½NE¼;
Sec. 16, N½;
Sec. 23, NE¼NE¼, SE¼;
Sec. 24, W½NE¼, SE¼NE¼, NE¼NW¼, W½NW¼, E½SW¼, NW¼SW¼, SW¼SE¼.

The described areas aggregate approximately 2,778.68 acres.

[F. R. Doc. 57-6707; Filed, Aug. 15, 1957; 8:45 a. m.]

ILLINOIS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in Livingston County in the State of Illinois a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 12th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6729; Filed, Aug. 15, 1957; 8:47 a. m.]

NEW JERSEY

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the State of New Jersey a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the State of New Jersey after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 12th day of August, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6728; Filed, Aug. 15, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3913]

UNITED CARBON CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 12, 1957.

Take notice that United Carbon Company (Applicant), a Delaware corporation with its principal place of business at 100 West Tenth Street, Wilmington, Delaware, filed on October 1, 1954, an application for a certificate of public convenience and necessity authorizing the sales of natural gas in interstate commerce to purchasers listed herein for resale, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission, and open for public inspection. The location of each source of production, date of orignial contract, and name of purchaser are listed as follows:

Purchaser, Field-Location, and Contract Date

Hope Natural Gas Co.; Kanawha County, W. Va.; 10-11-24.

Hope Natural Gas Co.; Big Sandy & Geary Districts, Kanawha & Roane Counties, W. Va.; 12-14-26.

Hope Natural Gas Co.; Kanawha, Jackson & Roane Counties, W. Va.; 2-20-40.

Hope Natural Gas Co.; Ravenswood, Ripley and Washington Districts, Jackson County, W. Va.; 8-21-41.

Hope Natural Gas Co.; Boone County, W. Va.; 1-3-44.

Hamilton Gas Co. (now Southeastern Gas Co.) for resale to Hope; Henry District, Clay County, W. Va.; 11-9-29.

Natural Gas Co., South Penn Natural Gas Co. for resale to Hope Natural Gas Co.; Lincoln & Boone Counties, W. Va.; 1-1-31.

South Penn Natural Gas Co., for resale to Hope Natural Gas Co.; Peytonia District, Boone County, W. Va.; 11-1-32.

Godfrey L. Cabot, Inc., for resale to Hope Natural Gas Co.; Geary District, Roane County, W. Va.; 11-22-27. 3-12-32.

United Fuel Gas Co.; Lawrence & Martin Counties, Ky.; 11-1-30.

United Fuel Gas Co.; Mingo County, W. Va., Pike, Floyd, Knott, Johnson, Martin, Magoffin, Breathitt, Morgan, Wolfe & Letcher Counties, Ky.; 12-31-30.

United Fuel Gas Co.; Floyd and Pike Counties, Ky.; 1-11-34.

United Fuel Gas Co.; Poca District, Kanawha County, W. Va.; 8-10-37.

United Fuel Gas Co.; Elk-Poca District, Kanawha County, W. Va.; 7-12-40.

United Fuel Gas Co.; Ripley District, Jackson County, W. Va.; 8-18-41.

United Fuel Gas Co.; Washington and Scott Districts, Boone County, W. Va.; 7-19-43.

United Fuel Gas Co.; Wayne County, W. Va.; 6-29-44.

United Fuel Gas Co.; Elk, Malden, Loudon, and Union Districts, Kanawha County, W. Va. and Ripley District, Jackson County, W. Va.; 11-1-46.

United Fuel Gas Co.; Harvey District, Mingo County, W. Va.; 12-17-47.

Kentucky-West Virginia Gas Co.; Pike County, Ky.; 9-18-44.

Southern Carbon Co. (now Columbian Carbon Co.); Monroe Field, Morehouse Parish, La.; 6-20-18.

Southern Carbon Co. (now Columbian Carbon Co.); Monroe Field, Union Parish, La.; 2-10-50.

Farrell & Co. for resale to United Gas Pipe Line Co.; Monroe Field, Union Parish, La.; 10-23-43.

Texas Gas Transmission Corp.; Monroe Field, Ouachita, Union and Morehouse Parishes, La.; 4-16-45.

Southern Natural Gas Corp.; Monroe Field, Ouachita, Union and Morehouse Parishes, La.; 4-1-50.

Mississippi River Fuel Corp.; Ruston and Unionville Fields, Lincoln Parish, La.; 5-5-50.

Arkansas-Louisiana Gas Co.; North Ruston Field, Lincoln Parish, La.; 4-12-51.

Applicant proposes to sell natural gas produced in the listed fields in interstate commerce to the listed purchasers for resale, subject to the jurisdiction of the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 12, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6737; Filed, Aug. 15, 1957; 8:48 a. m.]

[Docket No. G-11799 etc.]

GULF INTERSTATE GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 12, 1957.

In the matters of Gulf Interstate Gas Company, Docket Nos. G-11799 and G-11880; Phillips Petroleum Company, Docket No. G-11732; Tidewater Oil Company, Docket No. G-11749; Kilroy Properties, Incorporated, et al., Docket No. G-11758; Sunray Mid-Continent Oil Company, Docket No. G-11877; Robert Mosbacher, Docket No. G-12266.

Take notice that on January 25, 1957 in Docket No. G-11799, and on February 4, 1957 in Docket No. G-11880, Gulf Interstate Gas Company, a Delaware corporation, with its principal place of business

in Houston, Texas, filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act (Supplements to the said applications were filed on the following dates: February 19, 1957 in Docket No. G-11799 and February 14, February 20, March 15 and March 21, 1957, in Docket No. G-11880), authorizing in Docket No. G-11799, the construction and operation of certain facilities as integral parts of its existing natural gas pipeline system consisting of:

(1) Approximately 5.1 miles of 6-inch pipeline, together with a tap and meter station, to be located in Acadia Parish, Louisiana, and used for the purpose of receiving and transporting natural gas produced in Coles Gully Field by Kilroy Properties, Inc. et al. and Sunray Mid-Continent Oil Company, which said gas is sold by the producers just named to United Fuel Gas Company.

(2) Approximately 1.3 miles of 8-inch; 1.3 miles of 6-inch and 1 mile of 4-inch pipeline, together with taps for each of said lines and four metering stations. The facilities just described are to be used to transport nautral gas produced from the North Erath Field, Vermilion Parish, Louisiana, by Phillips Petroleum Company, Tidewater Oil Company and Robert Mosbacher, which said gas is sold by the producers just named to United Fuel Gas Company, all as more fully described in the application and supplement thereto in Docket No. G-11799 on file with the Commission and open to public inspection.

The estimated total cost of all facilities described in (1) and (2) above is $272,000, which cost is to be financed from company funds.

Facilities proposed in Docket No. G-11880 to be constructed and operated by Gulf Interstate Gas Company are as follows: Compressor facilities totaling 69,000 hp. are to be constructed and installed at ten existing pressure stations along the main pipeline of the applicant's system located at points in Louisiana, Mississippi, Tennessee and Kentucky, and a 300 hp. pressure station in addition thereto to be located at East Mud Lake Field, Cameron Parish, Louisiana, together with 10.2 miles of 12-inch loop suply line to the Erath Field Vermilion Paris, Louisiana, all as more fully described in the application and supplements thereto above mentioned in Docket No. G-11880.

The cost of the compressor facilities is $24,064,000 and the cost of field facilities is $436,000, making a total estimated cost of compressor and field facilities of $24,500,000.

The proposed construction of the facilities above described by Gulf Interstate Gas Company is for the purpose of increasing the designed capacity of existing facilities by 127,000 Mcf of natural gas per day over the presently authorized designed capacity. All of the increased capacity above stated, will be used by Gulf Interstate to transport gas purchased by United Fuel Gas Company from the independent producers supplying gas for redelivery to United Fuel Gas Company in Kentucky.

Gulf Interstate Gas Company proposes to finance the cost of construction in the following manner:

(a) Issuance of First Mortgage Pipe Line Bonds bearing 4¾ percent interest per annum in the sum of $20,000,000.

(b) $6,000,000 advances from Columbia System, Inc., bearing 4¾ percent interest per annum from the date of issuance to a date in 1962.

(c) A $4,000,000 bank loan.

On January 14, 1957, Phillips Petroleum Company (Phillips), a Delaware corporation, with its principal place of business at Bartlesville, Oklahoma, filed an application in Docket No. G-11732, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to sell natural gas in interstate commerce, produced from lands in the Erath Field, Vermilion Parish, Louisiana, to United Fuel Gas Company, all as more fully described in the application on file with the Commission and open to public inspection. The proposed initial price for the gas is 21.2 cents per Mcf at 15.025 psia.

On January 17, 1957, Tidewater Oil Company (Tidewater), a Delaware corporation, with its principal office at San Francisco, California, filed an application in Docket No. G-11749, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce to United Fuel Gas Company, produced from the North Erath Field, Vermilion Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection. The proposed initial price for the gas is 21.4 cents per Mcf at 15.025 psia.

On January 22, 1957, Kilroy Properties, Incorporated, et al. (Kilroy), a Texas corporation, with its principal place of business at Houston, Texas, and Francis A. Callery, an individual, filed a joint application in Docket No. G-11758, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale in interstate commerce of natural gas produced in the Coles Gully, Acadia Parish, Louisiana, to United Fuel Gas Company, all as more fully described in the application on file with the Commission and open to public inspection. The proposed initial price for the gas is 17.8 cents per Mcf at 15.025 psia.

On February 1, 1957, as supplemented on April 15, 1957, Sunray Mid-Continental Oil Company (Sunray), an independent producer of natural gas, with its principal place of business in Tulsa, Oklahoma, filed an application in Docket No. G-11877, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale in interstate commerce of natural gas produced in Coles Gully, Acadia Parish, Louisiana, all as more fully described in the application on file with the Commission, and open to public inspection. The proposed initial price for the gas is 17.8 cents per Mcf at 15.025 psia.

On March 21, 1957, Robert Mosbacher, an independent producer of Houston, Texas, filed an application in Docket No. G-12266, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce to the United Fuel Gas Company, produced from the North Erath Field, Vermilion Parish, Louisiana, all as more fully described in the application on file with the Commission, and open to public inspection. The proposed initial price for the gas is 21.4 cents per Mcf at 15.025 psia.

Each of the producers' proposed prices for their respective sales of gas include a one cent Louisiana gathering tax reimbursement.

These related matters should be consolidated for the purpose of hearing and record and disposed of as promptly as possible under the applicable rules and regulations.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 23, 1957, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 13, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6738; Filed, Aug. 15, 1957; 8:49 a. m.]

[Docket No. E-6769]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

AUGUST 12, 1957.

Take notice that on August 6, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Wyoming, Washington, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of First Mortgage Bonds in the principal amount of $20,000,000 due September 1, 1987. Applicant proposes to issue the aforesaid $20,000,000 of First Mortgage Bonds under and pursuant to Applicant's Mortgage and Deed of Trust, dated as of July 1, 1947, to Guaranty Trust Company of New York and Oliver R. Brooks, as Trustees, as heretofore amended and supplemented by seven indentures amendatory thereof and supplemental thereto, and as it is to be further amended and supplemented by an Eighth Supplemental Indenture thereto, to be dated as of Sep-

tember 1, 1957. The Bonds so to be issued are to mature thirty years from the date thereof and are to bear interest at such rate and be redeemable at such redemption prices as shall be approved and fixed by Applicant's Board of Directors after competitive bidding for the Bonds shall have taken place. Applicant proposes to sell the $20,000,000 of Bonds under competitive bidding. The proceeds from the sale of the Bonds will be utilized to provide additional funds for use in connection with that portion of Applicant's construction program which is to be carried out in 1957.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 29th day of August 1957 file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6739; Filed, Aug. 15, 1957; 8:49 a. m.]

[Docket No. E-6770]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

AUGUST 12, 1957.

Take notice that on August 7, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by California Electric Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of 140,000 shares of Cumulative Preferred Stock, par value $50 per share.

Applicant proposes to negotiate the underwriting of the issue including the price to be received therefor and the dividend rate thereon and requests an exemption from the competitive bidding requirements of § 34.1a of the Commission's regulations under the Federal Power Act upon findings as referred to in § 34.1a (a) (4) thereof.

According to the application, Applicant proposes to enter into an underwriting arrangement with respect to the proposed issuance of Preferred Stock with Merrill Lynch, Pierce, Fenner & Beane, and Kidder, Peabody & Co. Subject to future market conditions the application states that the offering yield basis of the proposed issuance will be in the range of 6 percent to 6.25 percent and the underwriter's commission will be in the range of 1.9 percent to 2.1 percent on the $50 par value per share. By letter dated July 19, 1957, Docket No. IN-912, the Commission authorized Applicant to negotiate for the private placement of the proposed issuance of Preferred Stock. Applicant requested such authorization by letter dated July 5, 1957.

Applicant proposes to use the proceeds from the issue and sale to discharge a portion of the short-term promissory notes issued to the Bank of America National Trust and Savings Association, under an agreement dated October 5, 1956, to provide interim financing for Applicant's current construction program. As of July 31, 1957, Applicant's outstanding notes under that agreement totaled $5,500,000, principal amount. The application states that Applicant expects to make additional borrowings thereunder during August and September, 1957, in the approximate principal amount of $4,000,000. By order issued December 20, 1956, Docket No. E-6717, the Commission authorized Applicant to issue Promissory Notes in the maximum principal amount of $12,000,000 outstanding at any one time pursuant to that agreement.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 28th day of August, 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6740; Filed, Aug. 15, 1957; 8:49 a. m.]

[Docket No. G-10751 etc.]

TEXAS GAS TRANSMISSION CORP. AND TEXAS GAS EXPLORATION CORP.

ORDER INSTITUTING INVESTIGATION, CONSOLIDATING PROCEEDINGS, AND POSTPONING DATE OF HEARING

AUGUST 12, 1957.

In the matters of Texas Gas Transmission Corporation, Docket Nos. G-10751, G-12823; Texas Gas Exploration Corporation, Docket No. G-13008.

The Commission, by order issued July 18, 1956, in Docket No. G-10751, suspended until January 1, 1957, and until such further time thereafter as made effective in the manner prescribed by the Natural Gas Act, the proposed increased rates and charges tendered for filing by Texas Gas Transmission Corporation (Texas Gas) on June 15, 1956, and provided for hearing concerning the lawfulness of the proposed changes in rates and charges.

Thereafter, public hearings were held in Docket No. G-10751 on April 15 and 16, 1957, at which time Texas Gas presented its direct case. Recess therein was requested and granted by the Presiding Examiner until September 9, 1957.

On June 3, 1957, Texas Gas tendered for filing proposed further increased rates and charges over and above those being collected by it subject to refund in Docket No. G-10751. By order issued July 2, 1957, in Docket No. G-12823, the Commission suspended the latter filing until December 4, 1957; and until such further time thereafter as made effective in the manner prescribed by the act, and provided for hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Texas Gas' tariff as proposed to be amended.

Commission Staff members have been conducting a field investigation of Texas Gas' books and operations preparatory to cross-examination of Texas Gas' witnesses and presentation of such direct evidence by the Staff as is deemed necessary. Such field investigation indicates that Texas Gas Exploration Corporation (Texas Exploration), a wholly-owned subsidiary of Texas Gas, is selling natural gas to Texas Gas under rates and charges which may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

It appears from the foregoing, and from the fact that Docket Nos. G-10751 and G-12823 pose certain common issues of law and fact, that proper and timely disposition of Texas Gas' proposed increased rates and charges requires that we institute an investigation into the rates charged Texas Gas by Texas Exploration and that the proceedings relating to that investigation and the dockets hereinbefore referred to be consolidated for purposes of hearing as herein provided.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges, or classifications, demanded, observed, charged, or collected by Texas Gas Exploration Corporation in connection with any sale of natural gas to its parent, Texas Gas Transmission Corporation, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

(2) It is appropriate and in the public interest that the proceedings in Docket Nos. G-10751, G-12823, and the docket relating to the investigation herein ordered, be consolidated for the purposes of hearing and that such hearing be held on the date herein fixed.

The Commission orders:

(A) An investigation of Texas Gas Exploration Corporation hereby is instituted, pursuant to the provisions of the Natural Gas Act, particularly sections 5, 15, and 16 thereof, for the purposes of enabling the Commission to determine whether, with respect to any sale of natural gas, subject to the jurisdiction of the Commission, made by Texas Exploration, any of the rates, charges, or classifications, demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges, or classifications, are unjust, unreasonable, unduly discriminatory, or preferential.

(B) If the Commission, after hearing has been had, shall find with respect to Texas Exploration that any of its rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission will thereupon determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and enforced.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 14, 15, and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held concerning the matters specified in paragraphs (A) and (B) above.

(D) The proceedings in Docket No. G-10751, scheduled to reconvene on September 9, 1957, the proceedings in Docket No. G-12823, and those instituted by this order (Docket No. G-13008), hereby are consolidated for the purposes of hearing, and commencement of such public hearing is fixed to begin at 10:00 a. m., e. s. t., on November 4, 1957, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(E) At such hearing, the order of procedure shall be followed as outlined in § 1.20 (f) of the Commission's rules of practice and procedure, except that Texas Gas shall first complete its direct case in Docket No. G-12823, including such support as it deems necessary respecting the prices it pays its wholly-owned subsidiary, Texas Exploration.

(F) Texas Gas shall serve upon each party to these proceedings copies of the testimony and exhibits it proposes to offer at the hearing herein provided, including five (5) copies thereof upon Commission Staff Counsel. Such copies of the testimony and exhibits shall be served at such time as to permit delivery to all parties, and Staff Counsel, not later than October 18, 1957.

(G) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)). In addition, all parties now permitted to intervene, either in Docket No. G-10751 or G-12823, shall be deemed intervenors in these consolidated proceedings, subject to the same conditions heretofore stated in the orders permitting the respective interventions.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6741; Filed, Aug. 15, 1957; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-III-1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated 1 July 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $20,000;

3. To decline disaster loans.

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By ——— ———
Chief,
Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the Issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meeting on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Admin-

istration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

24. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

Administrative. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 22, 1957.

WILLIAM H. HARMAN,
Regional Director,
Philadelphia Regional Office.

[F. R. Doc. 57-6725; Filed, Aug. 15, 1957; 8:47 a. m.]

[Delegation of Authority 4 (Revision 3), Amdt. 1]

CONTROLLER

DELEGATION RELATING TO ADMINISTRATION

Delegation of Authority No. 4 (Revision 3), dated October 16, 1956, is hereby amended by:

Section 1 adding the following new subsection I. B. 9:

To release, or consent to the release of, collateral documents held in connection with loans transferred as a result of Reorganization Plan No. 1 of 1957, dated April 29, 1957, effective at the close of June 30, 1957.

Dated: August 6, 1957.

ROBERT H. MONTGOMERY,
Deputy Administrator
for Administration.

[F. R. Doc. 57-6726; Filed, Aug. 15, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1085]

REAL ESTATE EQUITIES, INC., AND WHEELABRATOR CORP.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES

AUGUST 9, 1957.

Notice is hereby given that Real Estate Equities, Inc. ("Real Estate"), a Delaware corporation, and Wheelabrator Corporation ("Wheelabrator"), a Nebraska corporation, have filed an application with an amendment thereto under sections 17 (b) and 6 (c) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act a proposed guarantee by Wheelabrator on the principal and interest of a mortgage to be created by Real Estate and certain payments made by Wheelabrator for the account of Real Estate. Wheelabrator and Real Estate are indirectly under the control of the Equity Corporation, a registered investment company, and thus pursuant to section 2 (a) (3) of the act affiliated persons of Equity Corporation and of each other. The following is a summary of the material matters set forth in said application:

Wheelabrator is engaged in manufacturing certain industrial equipment in Mishawaka, Indiana, leasing part of its plant and equipment from Real Estate, which is described as a real estate holding corporation. Real Estate has contracted for the construction of additional plant facilities for Wheelabrator. Real Estate proposes to obtain a mortgage loan from the Metropolitan Life Insurance Company in the principal amount of $750,000, substantially all of which will be used for construction purposes and to discharge a mortgage loan secured by the existing plant. The application states that the mortgagee, as a condition to the granting of the mortgage, will require that Wheelabrator guarantee the payment of the principal and interest of the mortgage loan and that the issuance of said guarantee be exempted by this Commission from the provisions of section 17 (a) of the act.

Temporary financing during construction is to be provided by a loan not in excess of $600,000 to be made by Empire Trust Co. to Real Estate. However, the granting of such loan is contingent on the mortgage commitment which in turn is contingent, inter alia, upon this Commission's exemption order as aforesaid. According to the application, so that there will be no delay in starting construction pending the temporary financing, Wheelabrator has agreed to make interim payments to the building contractors on account of Real Estate's obligations to them. If this application is granted Real Estate will reimburse Wheelabrator for amounts paid to the contractors plus interest at the rate which it will pay Empire. If this application is not granted Wheelabrator, if it so elects, will complete the construction at its own expense and the additional plant will become a "leasehold improvement" under the existing lease, and thus the property of the landlord.

If Real Estate completes the plant a new lease is to be entered into, substantially similar to the existing net rental lease, except that (i) the initial 17-year term will be extended from its present expiration in 1965 to 1974, and the annual rental during such term will be increased from $125,000 to $148,000 and (ii) the annual rental during three successive optional renewal periods of 10 years each and one of 13 years will be increased from $50,000 to $59,000; and (iii) Wheelabrator will have the option to purchase the plant and equipment at a then appraised value, which purchase would be subject to proper authorization by this Commission if then so required, and (iv) if Wheelabrator is required to make any payments on account of its guarantee of the mortage loan it will have the election to offset them against accruing rent or the option purchase price. The application states that the new rental is designed, among other things, to return to Wheelabrator over the 17-year period the cost of the additional plant of $600,000 plus 5½ percent annual interest.

Section 17 (a) (3) of the act makes it unlawful, inter alia, for an affiliated person of a registered investment company to borrow money or other property from a company controlled by such registered investment company, with certain exceptions not here relevant. Section 17 (b) of the act provides, however, that the Commission upon application shall grant an exemption from the provisions of section 17 (a) of the act if it finds that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of anyone concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned, as is recited in its registration statement and reports filed under the act, and with the general purposes of the act.

Section 6 (c) of the act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally, any transaction from any provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

The application seeks exemption, pursuant to section 17 (b), from section 17 (a) (3) for the proposed guaranty by Wheelabrator of the principal and interest of the mortgage loan of $750,000 to be made to Real Estate. The application also seeks exemption, pursuant to section 6 (c), for the interim payments made by Wheelabrator to the building contractors, under the circumstances described above on account of Real Estate's liabilities to such contractors. As consummated transactions such payments are not within the purview of section 17 (b).

Notice is further given that any interested person may, not later than August 22, 1957 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the mater and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6720; Filed Aug. 15, 1957; 8:45 a. m.]

[File No. 70-3603]

COLUMBIA GAS SYSTEM, INC., AND PRESTON OIL CO.

ORDER APPROVING ISSUANCE OF UNSECURED NOTES BY NON-UTILITY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

AUGUST 9, 1957.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary The Preston Oil Company ("Preston") have filed an application and amendments thereto pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transaction:

Preston, an Ohio corporation, is engaged in the production and sale of oil to non-affiliates, having the oil rights in most of the gas acreage owned or leased by Columbia's subsidiary gas companies. It proposes to engage in an oil drilling program, principally in Ohio, for the purpose of utilizing to the greatest extent the acreage owned or leased by such companies. Through reciprocal agreements with such companies, it has the right to acquire oil wells developed by them and it sells to them natural gas recovered in conjunction with its oil operations. Columbia has been permitted, pursuant to section 11 (b) (1) of the act, to retain its investment in Preston as an interest in another business reasonably incidental, or economically necessary or appropriate to the operation of its gas public utility system or systems, 17 S. E. C. 494, 508-511 (1944).

The 1957 construction program will involve expenditures of approximately $1,364,600, requiring $800,000 of new capital in addition to cash generated from internal sources. Columbia proposes to supply such new capital, to be evidenced by Preston's Installment Promissory Notes.

The Notes will be unsecured and will be dated as issued. The principal amounts will be due in 25 equal annual installments on February 15 of each of the years 1959 to 1983 inclusive. Interest will be paid semiannually on February 15 and August 15 on the unpaid principal amounts, at the rate of 5.5 percent per annum (being the approximate cost of money to Columbia in connection with its last sale of debentures).

Due notice having been given of the filing of said application (Holding Company Act Release No. 13514), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6719; Filed, Aug. 15, 1957; 8:45 a. m.]

[File No. 812-1100]

PRIAM SECURITIES CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF SMALL CLOSED-END INVESTMENT COMPANY

AUGUST 9, 1957.

Notice is hereby given that Priam Securities Corporation ("Applicant"), a corporation organized under the laws of the State of New York, has filed an application pursuant to section 6 (d) of the Investment Company Act of 1940 ("act"), and Rule N-6D-1 thereunder, for an order of the Commission exempting it from certain provisions of the act.

Such application makes the following representations:

The stockholders of Applicant consist of relatives and friends of the President and Chairman of the Board of Directors, Mr. Russell M. Hughes. It is Applicant's intention to have no more than 25 to 30 stockholders.

Applicant intends to invest principally in securities listed on the New York and American Stock Exchanges. Investments up to the present time have been so-called "blue chips" on a cash basis. It is the Applicant's policy to act on reports and recommendations of financial reporting services to which Applicant proposes to subscribe and to depend on capital growth rather than income.

The authorized capital stock of Applicant is 10,000 shares of par value stock, all of one class of $5.00 par value each. The amount received to date from the sale of said stock is $12,430.00 for which 2,486 shares were issued.

Sales of stock have been confined to a close community of relatives and friends all residing in New York City. It is the intention of the Board of Directors to confine the sale of the remaining 7,514 shares to residents of the State of New York.

Section 6 (d) of the act provides, in substance, that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6 (e) of the act provides that if, in connection with any order exempt-

ing any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exemption be granted Applicant from the following provisions of the act and the respective rules and regulations promulgated under each of such provisions (which are the provisions from which Applicant seeks exemption) and that Applicant and other persons in their transactions and relations with Applicant shall be subject to all other provisions of the act and rules thereunder as though Applicant were a registered investment company:

Section 7; section 8 (b), except the requirement to file the information required by Items 3, 4 and 5 of Form N–8B–1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20 (a); section 23 (c); section 24 (d) insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a); section 30 (b), except that Applicant shall, pursuant to section 30 (b) (2), file with the Commission copies of all reports sent to stockholders pursuant to section 30 (d), of which the annual report to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30 (e); section 30 (f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32 (a); provided, that the Applicant shall continue to comply with the provisions of sections 6 (d) (1) and 6 (d) (2) of the act and shall at all times maintain its classification as a closed-end company as defined in section 5 (a) (2) of the act.

Notice is further given that any interested person may not later than August 23, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–6721; Filed, Aug. 15, 1957; 8:46 a. m.]

[File No. 812–1101]

ATLAS CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATED PERSONS

AUGUST 9, 1957.

Notice is hereby given that Atlas Corporation ("Atlas"), a registered closed-end, non-diversified management investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act"), for an order exempting from the provisions of section 17 (a) of the act the sale of certain securities of Walt Disney Productions ("Disney") to Goldman, Sachs & Co. ("Goldman Sachs") as described below.

The application makes the following representations:

Atlas proposes the sale of 400,000 shares of Common Stock of Disney to an underwriting group ("Underwriters") to include and be represented by Goldman Sachs, Lehman Brothers and Kidder, Peabody & Co. (Representatives) in connection with an offering of said shares by the Underwriters for sale to the public. The offering has been registered under the Securities Act of 1933, a registration statement relating thereto having been filed with the Commission on August 6, 1957.

Disney is a California corporation engaged directly and through subsidiaries in the production and distribution of motion pictures for exhibition in theatres, the production and marketing of motion pictures for television exhibition throughout the United States and abroad, and the exploitation and marketing of characters, music and other related values arising out of its theatrical and television motion pictures. In addition, a subsidiary operates "Disneyland", an amusement park located in Anaheim, California, approximately 22 miles southeast of Los Angeles.

Sidney J. Weinberg is a director of Atlas and is a partner of Goldman Sachs. Mr. Weinberg is an affiliate of Atlas and Goldman Sachs is an affiliate of Mr. Weinberg within the meaning of section 2 (a) (3) of the act.

Atlas owns 403,153 shares of Common Stock of Disney, constituting approximately 27 percent of the total number of such shares outstanding, and Purchase Warrants entitling it to purchase 153,553 additional shares of such Common Stock at the price of $22 per share at any time on or before October 31, 1957 (Purchase Warrants). Atlas proposes to sell 400,000 of the shares of Common Stock of Disney owned by it to the Underwriters for resale to the public. Upon completion of the transaction, Atlas will continue to hold 3,153 shares of Common Stock of Disney and the Purchase Warrants. Atlas presently intends to exercise the Purchase Warrants prior to expiration thereof and, following such exercise, will own 156,706 shares of Common Stock of Disney constituting, approximately 9 percent of the total number of such shares outstanding if all outstanding Purchase Warrants are exercised by the holders thereof.

The sale by Atlas to the Underwriters will be made pursuant to an Underwriting Agreement entered into between the Representatives on behalf of all the Underwriters and Atlas immediately prior to the public offering. The offering price to the public, the underwriting spread and the price to be paid by the Underwriters to Atlas will be determined by negotiation between Atlas and the Representatives immediately prior to the execution of the Underwriting Agreement. Atlas has been advised by the Representatives, however, that the offering price to the public will be determined on the basis of the latest available prices for Common Stock of Disney quoted in the over-the-counter market immediately prior to the execution of the Underwriting Agreement and will be not more than one-half point above the latest ask price and not less than one-half point below the latest bid price. The Representatives have also advised Atlas that the gross underwriting spread is expected to be not more than 8 percent of the public offering price. The price to be paid by the Underwriters to Atlas will be an amount equal to the public offering price less the gross underwriting spread. The spread will include all compensation to be received by the Underwriters (including the Representatives) and by brokers and dealers who may be included in a selling group.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Since, by definition under the act, Goldman Sachs is an affiliated person of an affiliated person of Atlas, the proposed purchase of securities by Goldman Sachs from Atlas is subject to the provisions of section 17 (a) of the act.

Notice is further given that any interested person may, not later than August 22, 1957 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–6722; Filed, Aug. 15, 1957; 8:46 a. m.]

[File No. 1–2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

AUGUST 12, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1–2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On August 3, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, August 13 to August 22, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–6723; Filed, Aug. 15, 1957; 8:46 a. m.]

[File No. 24S–1517]

PROFILE MINES, INC.

NOTICE OF AND ORDER FOR HEARING

AUGUST 12, 1957.

Profile Mines, Inc. (Profile), an Idaho corporation, filed with the Commission on January 28, 1957, a notification and an offering circular, and subsequently filed amendments thereto, relating to an offering of 2,000,000 shares of its common stock, par value 10 cents a share, at 10 cents a share, for an aggregate of $200,000.00 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on July 19, 1957, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission from Profile.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on August 22, 1957, at 10:00 a. m., P. s. t., at the Seattle Regional Office of the Commission, Room 304, 905 Second Avenue Building, Seattle 4, Washington, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that:

1. In connection with the offering use has been made of letters and other written communications describing Profile and its properties, and containing coupons which could be used to request offering circulars, prepared or authorized by Profile or persons associated with Profile or its affiliates for such use, which letters and other written communications were proposed to be and were sent, given and otherwise communicated to more than ten persons, which letters and other written communications had not been filed with the Commisison prior to the use thereof, as required;

2. Written offers of securities of Profile have been made notwithstanding that an offering circular had not concurrently or previously been given to the offerees, or had not been sent to the offerees under such circumstances that the offering circular would normally have reached such offerees at or prior to the time of such written offers, notwithstanding that such written offers did not comply with the exception for which provision is made in Rule 256 (c); and

3. The offering circular failed to state the price, terms, and conditions on which securities of Profile were to be offered, and the number of units to be offered, as required;

B. Whether the offering circular and other sales literature contain untrue statements of material fact and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading concerning, among other things:

1. The minerals and ores on properties of Profile;

2. The operations conducted and to be conducted on the properties of Profile;

3. The exploratory and development work performed on the properties of Profile and the results thereof; and

4. The price, terms and conditions on which securities of Profile had been, were being, and would be offered and sold, and the number of units which had been, were being, and would be offered and sold; and

C. Whether the offering has been, is being and would be made in violation of section 17 of the Securities Act of 1933, as amended, in that use had been, is being and would be made of an offering circular and other sales literature which contain false and misleading statements of material facts as is specified hereinabove; and

D. Whether the order dated July 19, 1957, suspending the exemption under Regulation A with respect to Profile Mines, Inc. should be vacated or made permanent.

It is further ordered, That Robert N. Hislop or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securi-

ties Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Profile Mines, Inc., 1502 Heron Street, Boise, Idaho, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before August 20, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6724; Filed, Aug. 15, 1957; 8:45 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 115]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.415 *Valencia Orange Regulation 115*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 15, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 18, 1957, and ending at 12:01 a. m., P. s. t., August 25, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 808,500 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 16, 1957.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6867; Filed, Aug. 16, 1957; 11:24 a. m.]

[Lemon Reg. 700]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.807 *Lemon Regulation 700*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order

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CFR SUPPLEMENTS
(As of January 1, 1957)

The following are now available:

Title 14, Parts 1–39 (Rev. 1956) ($6.75)

Title 14, Parts 40–399 (Rev. 1956) ($6.00)

Title 46, Part 146 to end ($2.00)

Title 49, Parts 71–90 (Rev. 1956) ($6.25)

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No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 14, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 18, 1957, and ending at 12:01 a. m., P. s. t., August 25, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 302,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 15, 1957.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6820; Filed, Aug. 16, 1957; 9:04 a. m.]

[Lime Order 4, Amdt. 3]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001; 22 F. R. 2526), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of limes.

It is therefore ordered that the provisions of § 1001.304 (b) (1) (ii) (Lime Order 4, as amended; 22 F. R. 2873, 3105, 4252) are hereby further amended to read as follows:

(ii) Any container of limes grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) unless at least 50 percent of the limes in such container grade at least U. S. No. 1 Mixed Color and the remainder of such limes grade not less than U. S. No. 2 Mixed Color, and such limes are of a size not smaller than 1¾ inches in diameter: *Provided*, That not to exceed 5 percent, by count, of the limes in any container may be smaller than 1¾ inches in diameter.

(c) *Effective time.* The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., August 19, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 14, 1957.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6809; Filed, Aug. 16, 1957; 9:04 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 2971, 3172, 3249 and 4045 containing the specific requirements for the 1957-Crop Barley Price Support Program are hereby amended as follows:

1. Section 421.2278 paragraph (c) (1) is amended to make barley grading No. 5 eligible for price support so that the amended sub-paragraph reads as follows:

§ 421.2278 *Eligible barley.* • • •

(c) • • •

(1) The barley must be of any class grading No. 5 or better (or No. 5 Garlicky or better), except that Western Barley shall have a test weight of not less than 40 pounds per bushel.

2. Section 421.2280 paragraph (c) is amended by extending the schedule therein to apply to barley testing as low as 36 pounds per bushel so that the amended paragraph reads as follows:

§ 421.2280 *Determination of quantity.* • • •

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 48-pound barley:

For barley testing:	Percent
50 pounds or over	104
49 pounds or over, but less than 50 pounds	102
48 pounds or over, but less than 49 pounds	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90

For barley testing:	Percent
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75

3. Section 421.2283 (d) is amended to provide a discount for barley grading No. 5 so that the amended paragraph reads as follows:

§ 421.2283 *Support rates.* • • •

(d) *Discounts.* The discount for barley which grades No. 3 shall be 3 cents per bushel, for No. 4, 6 cents per bushel, and for No. 5, 16 cents per bushel. The support rates for barley of the class "Mixed Barley" shall be 2 cents per bushel less than the support rates for barley of the Classes Barley and Western Barley. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky".

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
812200	Influenza vaccine, Asian (Far East) strain		DRUG	None	RO

This amendment shall become effective as of August 16, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-6816; Filed, Aug. 16, 1957; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6719]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SUPERIOR DISTRIBUTING CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.225 *Services;* § 13.255 *Surveys.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1615 *Earnings and profits;* § 13.1697 *Opportunities in product or service;* [*Misrepresenting oneself and goods*]—Services: § 13.1838 *Terms and conditions.*

(Secs. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Superior Distributing Corp. et al., Denver, Colo., Docket 6719, July 18, 1957]

In the Matter of Superior Distributing Corporation, a Corporation, and Glenn E. Mercer, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Denver, Colo., with falsely representing, through salesmen whom they furnished with sales literature and by advertising in newspapers and periodicals, the profits to be made by a purchaser of ten of their hot drink vending machines and the assistance they rendered purchasers in obtaining locations, training purchasers in maintenance and servicing the machines, allotting exclusive territory, and conducting surveys to determine the number of machines that could be profitably located in a locality; and with failing to meet promised delivery dates.

Following an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Superior Distributing Corporation, a corporation, and its officers; Glenn E. Mercer, individually and as an officer of said corporation and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of vending machines or vending machine supplies, or both, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the earnings or profits derived from the operation of respondents' machines are any amounts in excess of those which have been, in fact, customarily earned by operation of their machines.

2. That respondents' experts, or any other person or persons, will obtain satisfactory or profitable locations, or any other locations, for machines purchased from respondents, unless such is the fact.

3. That purchasers of respondents' machines will be trained by respondents' experts, or by any other person, in the maintenance, repair or servicing of said machines, or in any other respect, unless such is the fact.

4. That respondents will allot exclusive territory in which machines purchased by them may be located, unless such is the fact.

5. That respondents conduct surveys of any nature in localities in which their machines are offered for sale, unless such is the fact.

6. That machines purchased will be delivered within a specified period of time unless delivery is made within the time specified.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 19, 1957.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 57-6759; Filed, Aug. 16, 1957; 8:45 a. m.]

[Docket 6780]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NORD-RAY BELT MFG., INC., ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise.* Subpart—*Misrepresenting oneself and goods*—prices: § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Nord-Ray Belt Mfg., Inc., et al., New York, N. Y., Docket 6780, July 20, 1957]

In the Matter of Nord-Ray Belt Mfg., Inc., a Corporation, and Ray Sokoloff and Aaron Nordwin, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York manufacturer with preticketing ladies', men's, and boys' belts with fictitious prices, thereby giving retailers a means of deceiving the public into believing the actual selling price a bargain.

Following an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Nord-Ray Belt Mfg., Inc., a corporation, and its officers, Ray Sokoloff and Aaron Nordwind, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of belts or other merchandise, do forthwith cease and desist from:

1. Representing by preticketing or in any manner that certain amounts are the usual and regular retail price for their products when such amounts are in excess of the prices at which their products are usually and regularly sold at retail.

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail price of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 19, 1957.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 57-6760; Filed, Aug. 16, 1957; 8:45 a. m.]

[Docket 6543]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SCHICK, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.80 *Free test or trial;* § 13.140 *Old, reclaimed, or reused as new;* § 13.185 *Refunds, repairs, and replacements.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1880 *Old, used, reclaimed, or reused as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Schick, Inc., Lancaster, Pa., Docket 6543, July 23, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of electric razors at Lancaster, Pa., with representing falsely in advertising on nationwide telecasts and in magazines, newspapers, etc., that a purchaser would get his money back in full if not satisfied with a Schick electric razor after a 14-day trial; and with selling as new, razors which it had "redressed" or reconditioned after such home trials or after their use as salesmen's samples or for display and demonstration purposes.

Following approval of an agreement between counsel containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent Schick, Inc., a corporation, it officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of electric shavers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that any purchaser of such product may obtain a refund of the purchase price thereof by returning said product to the retailing seller thereof within 14 days after its purchase, or within any other specified period of time, unless such is the fact;

2. Offering for sale, selling or delivering to others for ultimate sale to the public such product if composed in whole or in part of previously used materials, unless clear disclosure is made on such product, in such manner that it cannot be readily hidden or obliterated, that such product is composed, in whole or in part, as the case may be, of previously used materials.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Schick, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 23, 1957.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 57-6761; Filed, Aug. 16, 1957; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 9—COLOR CERTIFICATION

FD&C YELLOW NOS. 1, 2, 3, AND 4; ORDER STAYING EFFECTIVENESS OF AMENDMENTS

In the FEDERAL REGISTER of May 4, 1957 (22 F. R. 3173), an order was published removing coal-tar colors FD&C Yellow Nos. 1, 2, 3, and 4 from the list of colors certifiable for use in food, drugs, and cosmetics and adding the colors Ext. D&C Yellow Nos. 7, 8, 9, and 10 to the colors certifiable for use in externally applied drugs and cosmetics. In conformity with section 701 (e) (2) of the Federal Food, Drug, and Cosmetic Act, persons who would be adversely affected were allowed 30 days in which to file objections to the order, stating the grounds therefor, and requesting a public hearing. Within the time allowed, objections were received from firms asserting that the order if placed into effect would adversely affect them, specifying objections, stating grounds therefor, and requestig a public hearing. The objections filed protested each of the provisions of the above-referenced amending order.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701 (e); 52 Stat. 1055; 70 Stat. 919; 21 U. S. C. 371 (e)) and to authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045): *It is ordered,* That the amendments to the regulations for color certification made by the order published in the FEDERAL REGISTER of May 4, 1957 (22 F. R. 3173), are stayed in their entirety.

In accordance with the provisions of section 701 of the Federal Food, Drug, and Cosmetic Act, the Commissioner of Food and Drugs will subsequently announce a hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections filed to the order.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply secs. 406, 504, 604, 52 Stat. 1046, 1052, 1049; 21 U. S. C. 346, 354, 364)

Dated: August 13, 1957.

[SEAL] JOHN L. HARVEY,
Commissioner of Food and Drugs.

[F. R. Doc. 57-6769; Filed, Aug. 16, 1957; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1982]

PART 295—WITHDRAWALS AND RESERVATIONS OF FEDERAL LANDS

On pages 3853 and 3854 of the FEDERAL REGISTER of June 1, 1957, there was published a Notice of Proposed Rule Making revising the regulations governing the application for and approval of withdrawals and reservations of Federal lands. Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No comments or suggestions were submitted within the 30-day period. Consequently, the proposed regulations are hereby adopted without change, and are set forth below.

HATFIELD CHILSON,
Acting Secretary of the Interior.

AUGUST 12, 1957.

The center heading before §§ 295.9 to 295.11 and 295.9 to 295.11 are revised to read as shown below and new §§ 295.12 to 295.15 are added as follows:

APPLICATIONS FOR WITHDRAWAL OR RESERVATION OF FEDERAL LANDS

Sec.
295.9 Who may apply
295.10 Filing of applications
295.11 Segregative effect of applications
295.12 Publicity; hearings, investigations; and negotiations
295.13 Findings; reviews; publication
295.14 Withdrawals or reservations for the use or benefit of non-Federal agencies
295.15 Payment for improvements

AUTHORITY: §§ 295.9 to 295.15 issued under R. S. 2478, 43 U. S. C. 1201.

§ 295.9 *Who may apply.* The following are qualified to make application for the withdrawal or reservation, under the authority of Executive Order 10355, May 26, 1952 (17 F. R. 4831, 3 CFR, 1952 Supp.), or under the statutory authority of the Secretary of the Interior, of lands owned or controlled by the United States for the use or benefit of the governmental unit they represent; the heads of Federal agencies and instrumentalities and of States and the Territory of Alaska and their political subdivisions or any subordinate officer designated by them.

§ 295.10 *Filing of applications.* (a) Except where the application is classified by the applicant for national security reasons, all applications for withdrawal or reservation must be filed, in duplicate, in the proper Land Office for the area where the lands are located, or for lands in areas in which there are no Land Offices, with the Bureau of Land Management, Washington 25, D. C., except that applications for lands in North and South Dakota must be filed in the Land Office at Billings, Montana, for lands in Kansas or Nebraska in the Land Office at Cheyenne, Wyoming, and for lands in Oklahoma in the Land Office at Santa Fe, New Mexico. Where the application is classified by the applicant agency for national security reasons, it must be submitted to the Office of the Secretary, Department of the Interior, Washington 25, D. C.

(b) No specific form of application is prescribed but it must contain the following information:

(1) Name and address of the applicant agency.

(2) Description and acreage of the lands desired, describing the lands in terms of the public land survey or if unsurveyed, by metes and bounds, with the approximate area. A metes and bounds description should be connected by course and distance with some corner of the public land surveys, if practicable, or with reference to rivers, creeks, mountains, towns, or other prominent topographical points or natural objects or monuments.

(3) The purpose for which the withdrawal or reservation is requested unless the purpose is classified for national security reasons in which case a statement to that effect will be sufficient.

(4) A justification for the proposed withdrawal including a statement showing the need for all the land requested.

(5) A statement showing the concurrent uses which will be permissible if the lands are withdrawn or reserved, such as grazing, timber management and disposal, mineral leasing, and mining locations.

(6) Citation of the statutory authority for the type of withdrawal or reservation requested.

§ 295.11 *Segregative effect of applications.* (a) The noting of the receipt of the application in the tract books or on the official plats maintaind by the Land Office in which the application was properly filed or in the tract books maintained by the Washington Office of the Bureau of Land Management if there is no Land Office for the State in which the lands are located shall temporarily segregate such lands from settlement, location, sale, selection, entry, lease, and other forms of disposal under the public land laws, including the mining and the mineral leasing laws, to the extent that the withdrawal or reservation applied for, if effected, would prevent such forms of disposal. To that extent, action on all prior applications the allowance of which is discretionary, and on all subsequent applications, respecting such lands will be suspended until final action on the application for withdrawal or reservation has been taken. Such temporary segregation shall not affect the administrative jurisdiction over the segregated lands.

(b) An application may be amended at any time by the applicant agency so as to eliminate therefrom lands no longer desired for withdrawal or reservation. The noting upon the proper public records of information regarding such amendment shall relieve the lands so eliminated of the segregative effect of the agency's application; and any suspended applications from other persons for the eliminated lands may be processed without regard to the agency's application.

(c) An amendment of an agency's application so as to include additional lands shall have as to such lands the segregative effect provided for in paragraph (a) of this section from the date of the entry of information regarding the receipt of such request on the records mentioned in paragraph (a) of this section. Such an amendment will be processed either as a part of that application or separately, as the facts may warrant.

§ 295.12 *Publicity; hearing; investigations; and negotiations.* (a) The authorized officer of the Bureau of Land Management will have published in the FEDERAL REGISTER a notice on Form 4–1193 of the filing of the application and of the opportunity of the public to object to, or comment on, the proposed withdrawal or reservation. In cooperation with the applicant agency, he will also provide for publicity sufficient to inform the interested public of the proposed withdrawal or reservation.

(b) If, as a result of such notice and publicity, sufficient protest is filed against the proposal, or if, in his discretion, it is otherwise desirable in the public interest, the authorized officer of the Bureau of Land Management will, subject to the approval of the Secretary of the Interior if the applicant agency objects, hold a public hearing at a time and in a place convenient to the interested public and to the agencies involved. Costs of such hearings incurred by the Bureau of Land Management, except for the salaries of its personnel, will be borne by the applicant agency.

(c) The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

§ 295.13 *Findings; reviews; publication.* (a) The authorized officer of the Bureau of Land Management will report his findings and conclusions in respect to the application to the applicant agency. If the applicant agency does not concur with such findings and conclusions, it may request the Director, Bureau of Land Management, to review the case, and if it feels aggrieved by the decision of the Director, may request the Secretary for further review. When the proposed withdrawal or reservation involves authority delegated to the Secretary by Executive Order 10355, May 26, 1952 (17 F. R. 4831) and if the applicant is a Federal agency or instrumentality outside of the Department of the Interior and it does not concur in the findings of the Secretary, the applicant may request the Secretary to refer the case to the Bureau of the Budget.

(b) The Secretary of the Interior, or his authorized agent, will approve or deny the application in whole or in part.

(c) When an application is finally denied in whole or in part by the authorized officer, he will have published in the FEDERAL REGISTER a Notice of Determination on Form 4–1194. Upon the noting of the determination in the tract books or on the official plats of the appropriate office, the affected lands will no longer be subject to the segregative effect of the agency's application.

(d) When an application is finally approved in whole or in part by the authorized officer, he will have published in the FEDERAL REGISTER an appropriate order of withdrawal or reservation.

§ 295.14 *Withdrawals or reservations for the use or benefit of non-Federal agencies.* Lands withdrawn or reserved under this part for the use or benefit of a non-Federal agency will remain or will be placed under the jurisdiction of the appropriate Federal agency.

§ 295.15 *Payment for improvements.* The allowance of an application for withdrawal under the regulations of this part will be conditional upon the payment by the applicant agency or upon agreement of the applicant agency to pay to the owner or owners of range or other improvements placed upon the lands pursuant to an agreement with the United States such amount and at such times as the authorized official of the Bureau of Land Management deems fair and reasonable under the circumstances and the terms of such agreement to compensate for the loss of the improvements, providing that the applicant agency is authorized by law to make such compensation. In addition, a holder of a grazing license or permit for lands within a grazing district will be compensated for the loss resulting from the use of the lands embraced in the license or permit for war or national defense purposes in an amount to be determined fair and reasonably by, and to be paid by, the head of the Department or Agency of the Federal Government making such use.

[F. R. Doc. 57–6771; Filed, Aug. 16, 1957; 8:47 a. m.]

Appendix—Public Land Orders

[Public Land Order 1467]

[Colorado 012317]

COLORADO

RESERVING PUBLIC LANDS WITHIN ROUTT NATIONAL FOREST FOR USE OF FOREST SERVICE AS RECREATION AREAS, CAMPGROUNDS, AND ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Routt National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws or the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas, campgrounds, and administrative sites as indicated:

SIXTH PRINCIPAL MERIDIAN

ROCK CREEK CAMPGROUND

T. 1 N., R. 82 W.,
Sec. 7, lot 15.
T. 1 N., R. 83 W.,
Sec. 12, E½SE¼SE¼.

The areas described aggregate 39.59 acres.

SHOE & STOCKING CAMPGROUND

T. 1 N., R. 83 W.,
Sec. 13, NW¼SW¼.

The area described contains 40 acres.

STILLWATER CAMPGROUND

T. 1 N., R. 86 W.,
Sec. 20, N½NW¼.

The area described contains 80 acres.

COLD SPRING CAMPGROUND

T. 1 N., R. 87 W.,
Sec. 26, W½NE¼NE¼ and E½NW¼NE¼.

The areas described aggregate 40 acres.

MORRISON CREEK CAMPGROUND

T. 2 N., R. 83 W.,
Sec. 6, S½SE¼.

The area described contains 80 acres.

LITTLE OAK CREEK CAMPGROUND

T. 3 N., R. 86 W.,
Sec. 31, lots 16 and 17.

The areas described aggregate 88.33 acres.

TROUT CREEK CAMPGROUND

T. 3 N., R. 86 W.,
Sec. 18, lots 20 and 21.

The areas described aggregate 84.43 acres.

JACK CREEK CAMPGROUND

T. 5 N., R. 77 W.,
Teller Townsite Tract in Sections 2 and 3.

The tract described contains 304.5 acres.

RABBIT EARS LAKE RECREATION AREA

T. 5 N., R. 82 W.,
Sec. 8, S½SW¼, NW¼SW¼, and S½NE¼SW¼.

The areas described aggregate 140 acres.

ASPEN CAMPGROUND

T. 6 N., R. 77 W.,
Sec. 4, NW¼SE¼.

The area described contains 40 acres.

UPPER SOUTH FORK CAMPGROUND

T. 6 N., R. 77 W.,
Sec. 26, SW¼SW¼NW¼ and NW¼NW¼SW¼;
Sec. 27, SE¼SE¼NE¼ and NE¼NE¼SE¼.

The areas described aggregate 40 acres.

GRIZZLY CREEK ADMINISTRATIVE SITE

T. 7 N., R. 82 W.,
Sec. 21, SE¼NE¼.

The area described contains 40 acres.

ROXY ANN LAKE RECREATION AREA

T. 8 N., R. 82 W.,
Sec. 7, lot 4;
Sec. 18, lots 1 and 2.
T. 8 N., R. 83 W.,
Sec. 12, SE¼SE¼;
Sec. 13, E½NE¼.

The areas described aggregate 223.99 acres.

SLIDE LAKE RECREATION AREA

T. 8 N., R. 83 W.,
Sec. 24, NE¼.

The area described contains 160 acres.

BEAR LAKE RECREATION AREA

T. 9 N., R. 82 W.,
Sec. 5, SE¼SW¼ and SW¼SE¼;
Sec. 8, NW¼NE¼.

The areas described aggregate 120 acres.

BIGHORN LAKES RECREATION AREA

T. 9 N., R. 82 W.,
Sec. 18, SE¼NW¼.

The area described contains 40 acres.

LAKE KATHERINE RECREATION AREA

T. 9 N., R. 82 W.,
Sec. 18, SE¼SE¼;
Sec. 19, N½NE¼.

The areas described aggregate 120 acres.

BLUE LAKE RECREATION AREA

T. 10 N., R. 82 W.,
Sec. 21, N½SW¼.

The area described contains 80 acres.

TWIN LAKES RECREATION AREA

T. 10 N., R. 82 W.,
Sec. 28, E½NW¼.

The area described contains 80 acres.

HELENA CAMPGROUND

T. 11 N., R. 82 W.,
Sec. 27, SE¼.

The area described contains 160 acres.

UTE LAKE RECREATION AREA

T. 10 N., R. 82 W.,
Sec. 33, NW¼NE¼.

The area described contains 40 acres.

KING SOLOMON CAMPGROUND

T. 11 N., R. 85 W.,
Sec. 16, SW¼SW¼.

The area described contains 40 acres.

SILVER CITY CAMPGROUND

T. 11 N., R. 85 W.,
Sec. 24, NW¼SW¼NE¼.

The area described contains 10 acres.

BIG RED PARK CAMPGROUND

T. 11 N., R. 85 W.,
Sec. 24, NE¼NE¼SW¼.

The area described contains 10 acres.

LOWER WHISKEY CREEK CAMPGROUND

T. 12 N., R. 85 W.,
Sec. 33, SE¼NE¼.

The area described contains 40 acres.

Total area: 2,140.84 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 9, 1957.

[F. R. Doc. 57–6735; Filed, Aug. 16, 1957; 8:45 a. m.]

[Public Land Order 1468]

ALASKA

MODIFYING PUBLIC LAND ORDERS NO. 436 OF JANUARY 13, 1948 AND NO. 868 OF OCTOBER 21, 1952 TO PERMIT MINERAL LEASING AND DISPOSITION OF MATERIALS ON THE LANDS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Orders No. 436 of January 13, 1948, and No. 868 of October 21, 1952, withdrawing certain public lands in Alaska from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserving them for classification and pending determination of the most useful purposes to which said lands might be put, are hereby modified to the extent necessary to permit the issuance of mineral leases pursuant to the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C. 181 et seq.) as amended and supplemented and the disposition of timber under Section 11 of the act of

May 14, 1898 (30 Stat. 414; 48 U. S. C. 421, 423), as amended; the act of April 12, 1926 (44 Stat. 242; 16 U. S. C. 616); and the act of March 4, 1913 (37 Stat. 1015; 16 U. S. C. 614–615), as amended; and to permit the disposition of timber and other materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, from the lands.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 12, 1957.

[F. R. Doc. 57-6757; Filed, Aug. 16, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 913, 980]

[Docket Nos. AO–182–A8, AO–23–A17]

MILK IN KANSAS CITY, MISSOURI, AND TOPEKA, KANSAS, MARKETING AREAS

RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENTS TO ORDERS AS IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the orders, as in effect, regulating the handling of milk in the Kansas City, Missouri, and Topeka, Kansas, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order were formulated was held at Kansas City, Missouri, April 2, 1957, through April 4, 1957, pursuant to notice thereof issued March 13, 1957 (22 F. R. 1725).

The material issues of record related to:

1. The merger of orders No. 13 and 80 regulating the handling of milk in the Greater Kansas City and Topeka, Kansas, marketing areas and the inclusion of certain additional territory in the marketing area;

2. The extent to which the present provisions of Order No. 13 (other than those involved in the issues listed below) would be appropriate for the merged and expanded marketing area;

3. The definition of producer-handler;

4. The definition of pool plant;

5. Provisions relative to unpriced milk;

6. The designation of a cooperative association as the handler on bulk tank milk;

7. The allocation of allowable shrinkage between receiving stations and bottling plants;

8. The classification of cream used for cottage cheese and of concentrated fluid milk;

9. Accounting for inventories of fluid milk products;

10. Classification of milk moved to nonpool plants;

11. Allowing cooperative associations to make unlimited diversion to nonpool plants;

12. Seasonal modification of the supply-demand adjustment;

13. Modification of the Class II price provisions;

14. Changing the location adjustments to handlers and producers;

15. Providing more time for the computation of the marketwide uniform price; and

16. Administrative changes.

Findings and conclusions. The following findings and conclusions are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* Order No. 80 regulating the handling of milk in the Topeka, Kansas, marketing area should be consolidated with Order No. 13 regulating the handling of milk in the Greater Kansas City marketing area. The marketing area should also be expanded to include the northern part of Cass County, Missouri, those portions of Leavenworth and Johnson Counties, Kansas, which are not now included, all of Douglas and Morris Counties, Kansas, and Riley County, Kansas, exclusive of the Fort Riley Military Reservation.

The consolidation of the Greater Kansas City and Topeka marketing areas is based primarily upon increasing competition between the two groups of distributors. The record discloses that there is a substantial, regular distribution of milk in the present Kansas City area by Topeka handlers. There is also a substantial and growing distribution by Kansas City handlers in the present Topeka area. The two groups of handlers also compete with each other in the sales territory between the two cities and at points as far away as Fort Riley. There is every prospect that competition between the two groups of handlers will continue to grow in response to improvement in roads (including the new turnpike connecting Kansas City, Topeka, and Emporia), improvements in refrigeration, and the general trend toward larger bottling plants and wider distribution territories.

There is also considerable competition between the two markets in the procurement of milk. There are now twelve counties from which producers ship to both markets. Health regulations applicable to the production and processing of milk are substantially similar as is evidenced by the cross distribution of milk.

These similarities are reflected in the two present orders. They have a common Class I price. Most other major provisions, including the base-rating plan of distributing returns to producers, are also similar in the two orders. The major producer organizations in the two markets support a merger of the Topeka and Greater Kansas City orders to place the entire area under one regulation. The principal advantage of this action will be the stability provided to producers by reflecting in one uniform price the Class I sales of all handlers rather than dividing these sales into two separate pools. Handlers will also have greater freedom to move milk within the entire area without distinction as to the individual pools affected.

To accomplish the merger effectively and most equitably the assets in the custody of the market administrator in the administrative marketing service and producer-settlement funds under the Topeka order should be merged with assets in similar funds under the Greater Kansas City order when the merger is effected. To distribute such funds under the Topeka order to Topeka producers and handlers, would unduly burden handlers and producers now regulated by the Greater Kansas City order. To distribute the funds under both orders and again accumulate the necessary reserves would entail considerable administrative detail to no good purpose.

The reasons for expanding the consolidated marketing area to include the northern portion of Cass County, Missouri, and all of those portions of Leavenworth and Johnson Counties, Kansas, which are not now included under regulation are essentially similar. There have been substantial increases of population in these territories as they have become a part of the Greater Kansas City residential area. The greater bulk of the milk sold in these counties is by presently regulated handlers. A survey of all the wholesale outlets in the presently unregulated portions of the three counties discloses that regulated handlers sell 55 percent of all milk in Cass County, 74 percent in Johnson County, and 92 percent in Leavenworth County. In addition to the wholesale business, the regulated handlers sell a substantial volume of milk on retail routes, although it is not possible to ascertain from the record their precise proportion of the total retail sales.

That portion of Cass County, Missouri, which is south of State Highway No. 2, should not be included in the area. This will exclude the population centers of Drexel, Archie, Garden City, Creighton, and Dayton. The wholesale outlets in these centers are served primarily by unregulated handlers. In fact, presently

regulated handlers have outlets in only two of the named centers and there was no evidence that there is any serious competitive problem which would require the extension of regulation to this southern portion of Cass County.

Douglas County, Kansas, should be included in the marketing area. The City of Lawrence is the county seat and principal center of population. A handler whose plant is located in Lawrence has an estimated 70 percent of the total volume of milk sales in the county. He also sells milk at locations in Johnson and Leavenworth Counties and since these counties are recommended for regulation, therefore, he would be either wholly or partly subject to order regulation whether or not Douglas County were included. Three of the presently regulated Kansas City handlers and one from Topeka have regular sales in Douglas County. These close competitive relationships in the distribution of milk require that Douglas County be included in the combined marketing area.

That proportion of Riley County, Kansas, which lies outside the Fort Riley Military Post should be included in the marketing area. The county seat and largest center of population is Manhattan. Inclusion of the county was proposed by an association of producers supplying two handlers whose plants are located in Manhattan. The only other handler who would become subject to regulation is the dairy at Kansas State College. This dairy utilizes milk from the college herd to supply on-campus outlets. It also sells some milk through a local distributor off-campus in the City of Manhattan.

The producer's association has been unable to negotiate satisfactory arrangements for the marketing of member milk at the local plants. In fact, relationships are so strained that one of the member producers who testified on the first day of the hearing was notified by his handler that same day that his milk was no longer acceptable to the handler. Other instances of unsatisfactory marketing conditions include evidences of incorrect weights and tests which the handlers had refused to negotiate. One of the handlers operated a base-rating plan and the other paid for surplus milk at a manufactured price whenever his receipts from local farmers exceeded his Class I needs. In neither case were producers able to verify the data involved. Milk is also distributed in Riley County by presently regulated handlers from Kansas City and Topeka and by a partially regulated handler at Council Grove who would become fully regulated under the recommendations made herein.

The order should be expanded to include Riley County in order to provide producers supplying the local handlers with a classified price plan for the sale of their milk, to give the assurance that their milk will be properly weighed and tested, and to provide them with authentic market information. Also, all handlers distributing milk in the county will be placed on an equal competitive basis in the procurement of milk.

Fort Riley should not be included in the marketing area. The Fort extends into both Riley and Geary Counties, and the major milk consumption centers are, in fact, in Geary County. The contracts to supply the various installations on the post are now split between regulated and partially regulated handlers and a totally unregulated handler whose plant is located at Junction City in Geary County. Geary County was not included in the notice of hearing and no specific mention of Fort Riley, as such, was included in the notice. It is clear that the handler at Junction City, did not, in fact, consider his sales outlets at Fort Riley potentially subject to regulation and did not submit any proposals regarding his own primary sales territory. In the circumstances, no part of Fort Riley should be made subject to the order.

All of Morris County should be included in the marketing area. Council Grove is the county seat and principal center of population in this County. Inclusion of the County was proposed by the handler operating a plant at Council Grove, the only one in the County. This handler is currently partially subject to the Topeka milk marketing order as the operator of a nonpool plant. He also has sales in Douglas and Riley Counties and would become subject to complete regulation if these Counties are added to the area. He distributes the bulk of the milk sold in Morris County. The most substantial volume of sales by other handlers are those by a presently regulated Topeka handler and these by a Manhattan handler who would become fully subject to regulaton by the inclusion of Riley County in the marketing area. The association of producers supplying this handler's plant also favored expansion of the combined order to include Morris County.

The marketing area should not be expanded to include those northern portions of Platte and Clay Counties in Missouri which are not now included in the Greater Kansas City area. The previously mentioned survey of wholesale milk distribution covered eleven population centers in the northern portion of Platte County and four in the unregulated portion of Clay County. Most of these centers were served by handlers whose plants are located in St. Joseph, Missouri, and the St. Joseph handlers have the great bulk of the distribution in northern Platte County. Since there was no proposal to regulate St. Joseph as such, the problem is to determine a reasonable boundary between the St. Joseph and Kansas City sales territories. It appears that the present boundary most appropriately accomplishes this division. Any northward extension of the marketing area in Platte and Clay counties would directly involve several of the St. Joseph handlers. It is concluded, therefore, that since regulation in St. Joseph was not at issue, the present boundaries should be maintained.

2. *Applicability of provisions of Greater Kansas City order to merged order.* The Greater Kansas City and Topeka orders contain the same Class I price provisions and are highly similar in most other important respects. It was proposed that the Kansas City order, with certain amendments, be used to regulate the handling of milk in the consolidated and enlarged area. Each section of the Greater Kansas City order was specifically considered at the hearing. The application of each section to marketing conditions in the present Topeka area and in the territories proposed to be included were open for consideration. There are relatively few substantive differences in the two orders. The majority of the provisions of a milk marketing order apply to the operations of individual handlers in determining the classification and minimum value of receipts of milk from producers by each handler. The effect of similar provisions of such nature in two separate orders are not changed when the two orders are combined into a single regulation.

Aside from the obvious differences in marketing area, the Kansas City and Topeka orders differ significantly with respect to pool plants, cooperative associations as handlers on diverted milk, the extent of the surplus disposal area, the level of the Class II price and butterfat differential, the application of location adjustments to handlers, and some of the payment dates. All of these issues are the subject of specific amendment proposals. Each will be discussed below under separate headings.

Other differences between the orders are primarily administrative in nature. The Kansas City order uses the terms "quota" and "excess" in connection with the plan for encouraging level production, while the Topeka order uses the terms "base" and "excess" for an identical plan. "Base" is the most frequently used term for similar plans in other orders. It appeared to be acceptable to the Kansas City groups at the hearing and should be used. The Kansas City order contains more specific requirements relating to certain reports by partially exempt handlers. These provisions, rather than the more general ones used in Topeka, should apply.

3. *Producer-handler.* Under the terms of the present order a producer-handler is exempt from the pricing and payment provisions. He does not pay the administrative assessment, nor is his own production included in the marketwide utilization pool.

The simplest form of producer-handler operation, is a person who sells only the milk produced on his own farm. Other operations may be carried on by producer-handlers, and the order should be made more specific with regard to the types of activities which can be followed without terminating a person's status as a producer-handler.

The proponents were particularly concerned that a producer-handler not be allowed to utilize other source milk for Class I purposes. Conceivably, a producer-handler could rely primarily on other source milk, including reconstituted solids, and thereby avoid the pricing and payment provisions of the marketing order. This should not be permitted. It was pointed out at the hearing, however, that a producer-handler should be permitted to purchase Class II products from unregulated sources for distribution on his routes. This permis-

sion should be extended to the purchase of other source milk, as well as products, for manufacturing uses.

The producer-handler definition should, therefore, be amended to provide that milk be received from no other dairy farm than the farm(s) of the producer-handler, that he distribute milk in the marketing area, and that he may purchase supplemental milk for Class I use only from pool plants under this order.

4. *Pool plants.* Pool plant standards should be provided for the three functionally different types of plants serving the market. Distributing plants should qualify as pool plants if they sell 20 percent or more of their total receipts of milk from approved dairy farmers as Class I in the marketing area and if in addition their total Class I sales are equal to 30 percent or more of such receipts during the months of March through June, to 35 percent of such receipts during December, January and February, and to 45 percent during July through November. Supply plants should qualify as pool plants in any month during which 50 percent of the total "available" receipts at such plant are shipped to distributing pool plants. Furthermore, if such plant qualifies as a pool plant in each of the months of August through December, it shall remain a pool plant without making shipments during the subsequent flush production months of January through July unless nonpool status is requested. A "stand-by" supply plant operated by a cooperative association of producers should qualify as a pool plant if 65 percent or more of the milk delivered during the month by producers who are members of such association is received at the pool plants of other handlers.

The distributing plant percentages provided herein are the same as those contained in the present Greater Kansas City order but they are somewhat lower percentages than those contained in the Topeka order. All of the plants which presently qualify as pool plants under either order, therefore, will qualify as pool plants.

The supply plant definition contained herein corresponds to that contained in the present Topeka order and is only slightly different from the Greater Kansas City definition. Under both orders, any supply plant from which 50 percent or more of receipts are shipped to distributing plants during each of the months of August through December can remain a supply plant during the following months of January through July. The Topeka order also provides that any supply plant not previously qualified can become a pool plant during the first month in which 50 percent of its available receipts are shipped to distributing plants. In view of the expansion of marketing area herein provided, it is particularly important that supply plants which may be serving distributors newly subject to the regulation be able to qualify immediately as pool plants. The Topeka order also provides that shipments to distributing plants be computed as a percentage of the "available" supply rather than of the total supply of milk from approved dairy farmers. The "available" supply is that remaining after subtraction of any milk regularly disposed of as Class I on routes. The "available" supply concept recognizes that it is an increasingly common occurrence for supply plants to develop route sales in the local territory. Such sales represent regular outlets for Class I milk and are reported as such under the order. The milk so sold is not actually available to distributing plants in the market and should be subtracted to determine the quantity of milk which can be shipped to distributing plants.

Pool plants standards for a cooperative association-operated "stand-by" supply plant are provided in the present Kansas City order but not in the Topeka order. However, the percentage of total member milk which must be delivered to other pool plants should be reduced from 75 to 65. This reflects the fact the principal bargaining association of producers in the Kansas City portion of the market has recently acquired a supply plant formerly operated by a proprietary handler. This will reduce the proportion of milk delivered directly to other plants. Moreover, the demands on supply plant sources of milk are becoming more variable as a result of the adoption of bulk tanks by producers, the shift to fewer working days at the bottling plants, and the negotiation of contracts under which the cooperative associations undertake to supply distributors with their full requirements of milk for Class I use and to dispose of all the milk not so needed. It appears that these changes in market arrangements can be adequately cared for by reducing the percentage of delivery to other plants.

5. *Provisions relating to unpriced milk.* The pricing provisions of the order apply to that milk which is defined as producer milk. Producer milk includes that which is received from dairy farmers at plants qualifying as pool plants as described in the preceding topic. There are two major categories of nonproducer, or "other source", milk. One consists of the supplementary milk received at a pool plant from unregulated supply plants. The second consists of milk distributed on routes in the marketing area from plants which do not qualify as pool plants. Several aspects relating to unpriced milk were reviewed at the hearing. These include a more detailed definition of other source milk, the obligations of handlers operating nonpool plants with particular reference to administrative expense, the status of milk priced under other Federal orders, and the determination of circumstances in which compensatory payments should not apply.

Other source milk. The definition of "other source milk" should be revised. It should include all products utilized by the handler in his operations except fluid milk products received from pool plants and inventory and receipts of producer milk. Under this definition, manufactured products which are reprocessed or converted at the plant into fluid milk products would be considered as other source milk. However, Class II products disposed of in the same form in which received, without further processing or packaging by the handler would not be considered as other source milk. The market administrator could require that they be reported, as a memorandum entry, in order to provide a full accounting.

Nonpool handler. The application of administrative expense to the operations of a nonpool handler should also be modified. If the nonpool handler chooses to pay the difference between class prices on his in-area sales, administrative expense should be charged only on the volume sold in the area. Such limitation of administrative expense recognizes that the administrator's verification process consists essentially of a determination of the quantity sold in the marketing area. On the other hand, if the handler chooses the payments-to-dairy-farmer's option, he should pay administrative expense on his entire receipts from the Grade A dairy farmers. Obviously, this second option involves fully as much verification of receipts and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat tests, of receipts from dairy farmers, and of the product sold as well as an audit of the books and records.

Milk from other Federal order markets. The present Kansas City and Topeka orders give almost complete exemption to milk from plants disposing of more Class I milk in another Federal order area. This exemption should be clarified to apply only to plants which are fully subject to the pricing and payment provisions of another order and from which a larger quantity of milk is disposed of in the other Federal marketing area. The present orders also provide for an equalizing payment in the event the Class I price under the other order is lower than that prevailing during the month under the Kansas City or Topeka orders. It was proposed by producers that this equalizing payment be deleted. This proposal should be adopted. Any evidence of more than temporary misalignments of Class I prices between Federal orders should be dealt with by appropirate changes in Class I prices rather than by the imposition of equalizing payments.

The Topeka order specifies that other source milk received at a pool plant from unregulated plants be allocated to Class II before milk received from a plant subject to another Federal order. This order of allocation should be specified in the combined order so as to provide the highest utilization of producer milk under the other order.

Exemption from compensatory payments. Operators of pool plants are not obligated for compensatory payments on other source milk classified as Class I in circumstances where producer milk is not available. Instead of leaving the determination of availability to the subjective judgment of the market administrator, an objective measure should be provided. This should be done by making the payments inapplicable whenever producer receipts are equal to 120 percent or less of Class I sales.

6. *Designation of cooperative association as handler on bulk tank milk.* One proposal considered at the hearing was designed to accommodate efficiencies resulting from the system of collecting milk from farms in bulk tank trucks.

The cooperative associations in the Kansas City market have various types of programs for collecting bulk tank milk. They range from a cooperative association which owns and operates tank trucks to associations which have little or no control over the tank trucks. Recently there has been a considerable expansion in the number of bulk cooling tanks being installed on the farms supplying the Kansas City market. In January 1955 only 1.9 percent of the total milk was received from bulk tank shippers. In January 1956, the percentage had risen 6.9 and in February 1957 to 14.67 and this trend is continually increasing.

The transportation of milk from farm to market in insulated tank trucks owned or operated by, or under contract to, cooperative associations has created a problem with respect to the determination of the responsibility to the individual producer. When milk comes to market in cans, the milk of individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is fixed with the responsibility for paying the individual producer for the pounds of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned or operated by, or under contract to, the cooperative association, the weight of each producer's milk is checked by, and a sample of milk for butterfat testing is taken by, a person who is an employee of, or a person directly responsible to the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no direct way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries make up the load, except as such information may be reported to him by the cooperative. In some instances, particularly in case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

When a cooperative is in control of the transportation, it is more appropriate to permit the cooperative association to qualify as a handler under the order and to report for such milk handled. In such case the cooperative should be required to report to the pool for it. On the milk for which it is a handler, the cooperative association would be required to charge class prices to the plant operator for such milk. The cooperative association in turn would be required to make monthly reports with respect to such milk and to settle with the producer-settlement fund for it.

Cooperative associations may also be handlers in their capacity as operators of pool plants. Sales by such cooperatives to other handlers should also be at not less than class prices. However, the cooperative should not be the handler on producer milk which is delivered in cans to more than one pool plant during the delivery period. The handlers on such milk should be the operators of the different pool plants to which the milk was delivered.

There was some consideration at the hearing to limiting the designation of a cooperative as a handler on any given load of bulk tank milk to those months in which such load was split between two or more receiving pool plants. Clearly, however, the basic aspect of the bulk technique is that the person responsible for the producers' weights and tests should be designated as the handler. On cooperative association routes, the cooperative would be responsible for weight and test, regardless of whether the milk was delivered to one or several bottling plants.

With respect to milk received from producers' farms in cans or tank trucks owned and operated by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or cooperative association at the applicable uniform price. In situations in which a cooperative does not choose to be a handler on the bulk tank milk or in which a proprietary handler controls the tank trucks, a bulk load might be split between handlers on any given day or be delivered to more than one handler during the month. In such case the operator of the first pool plant at which the tank is physically received each day should be the responsible handler.

It is concluded, therefore, that the cooperative association may become a handler on that bulk tank milk which is collected in trucks the cooperative owns or operates, or has under contract.

7. *Shrinkage.* A handler proposed that the order be amended to recognize that milk incurs relatively little shrinkage in its receipt and relatively much more in its processing, bottling, and distribution. Testimony indicated that receiving plants experience approximately one-half percent shrinkage on that milk received and transferred to another plant for processing and bottling.

It is concluded that the order should be amended to recognize that the greatest amount of shrinkage occurs in the processing and bottling phase of milk distribution. Up to one-half of one percent shrinkage should be allowed on that milk which is received at one plant and transferred to another plant for bottling and distribution. The bottling plant will be allowed up to one and one-half percent shrinkage on that milk received in bulk from another plant.

8. *Classification of cream used for cottage cheese and of concentrated fluid milk.* It was proposed at the hearing that cream used in creaming cottage cheese be classified as a Class II product. The present order provides that cream used in the creaming of cottage cheese be classified as a Class I product.

Evidence introduced at the hearing showed that creamed cottage cheese is manufactured under two different health ordinances. In Kansas the health ordinances require that creamed cottage cheese be made with Grade A cream while in the most parts of Missouri the health ordinances allow cottage cheese to be creamed with ungraded cream. In such a situation inequity exists among handlers who manufacture under different health ordinances, and compete for sales in the same market. To provide equality to all handlers who manufacture creamed cottage cheese under the Kansas City order, the cream used in creaming cottage cheese should be placed in Class II. The net effect on the blend price would be negligible as only two-tenths of one percent of the total pooled cream is used in this classification.

Whole fluid concentrated milk should be included in the Class I classification as it is in the present Topeka order. Although this product is not being sold in the market at the present time, it would be well to guard against any future problems which might arise in regard to the classification of concentrated milk and include it in the Class I classification now.

9. *Inventory accounting.* The month-end inventories of Class I items should be accounted for in accordance with the provisions of the present Topeka rather than the Kansas City order. The Topeka order provides that producer milk from the previous month's closing inventory, which was classified as Class II, have prior claim over other source milk on the Class I utilization for the current month. This can be accomplished in the accounting procedure by considering the opening inventory as a receipt. Under the allocation provisions, the opening inventory would be subtracted from Class II skim milk and butterfat after the subtraction of receipts from other sources. A reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month if opening inventory is allocated to Class I and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk the previous month after allocating other source milk and shrinkage. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month.

10. *Disposal of milk to nonpool plants.* Milk not needed for bottling purposes is frequently transferred or diverted to nonpool plants. Both the Kansas City and Topeka orders utilize the concept of a surplus marketing area. This area should be large enough to include all the nonpool manufacturing plants to which Class II milk might reasonably be moved for manufacturing purposes. Milk is so bulky and perishable that handlers will not ordinarily incur the expense of moving it beyond a reasonable distance except for Class I purposes. In the Kansas City order, the surplus marketing area extends 250 miles from the city hall

in Kansas City, Missouri. Under the Topeka order, it extends 100 miles from the pool plant from which the milk is transferred or diverted.

It was proposed that the surplus disposal area for the combined order be established at 200 miles from the boundary of the marketing area. Since the marketing area provided herein is not continuous, it appears that the proposed objective can be better accomplished by defining the area as 200 miles from the principal outlying points of the marketing area, namely, Kansas City, Missouri, and Manhattan and Emporia, Kansas. Both of the present orders permit cream to be moved for unlimited distances at Class II if it is clearly designated for manufacturing purposes and this should be continued.

A second difference between the two orders in regard to the classification of milk moved to nonpool plants relates to possible retransfers from the nonpool plant first receiving the milk. These differences should be reconciled by providing that the same rules of allocation and classification should apply to any movements of milk from the nonpool plant as to the original movement from a pool plant to the nonpool plant.

11. *Diversion to nonpool plants.* The two largest cooperative associations in the market proposed that cooperatives be allowed to divert milk from a pool plant to a nonpool plant any time during the year, while the proprietary handlers be limited to the present Kansas City diversion privilege. This provides that both a cooperative association and a proprietary handler may divert milk any time during the months of January through August but during the months of September through December they may divert milk for not more than 10 days to a nonpool plant. The present Topeka order provides that both a cooperative association and a proprietary handler may divert milk any time during the year.

The fundamental problem involved in unlimited diversion is that some groups of producers may be pooled as part of the regular market supply, yet never establish any objective association with the market. The record clearly indicates that there is no need for unlimited diversion by cooperatives at the present time. However, there is evidence that the present 10-day limitation during the month of September through December should be increased to 15 days production. It has been shown that the handlers have been experiencing difficulties diverting milk to nonpool plants during the fall months, especially during the months of November and December. With December becoming a higher production month this change would eliminate some of the problems that are resulting in uneconomic movements of milk.

The wording of the diversion provisions should be changed so that it will be limited to not more than 15 days production of a producer diverted to a nonpool plant in the fall months. This clarifying change is desirable because of the increased number of bulk tank shippers whose milk is delivered every other day.

If a producer's milk is diverted by a proprietary handler or a cooperative association for more than 15 days, only that portion which is over 15 days should be treated as other source milk. Otherwise such producer's milk would not be pooled for the entire period it was diverted and he would lose both the advantages of the uniform price and his base-making credit. A producer should not incur such drastic penalties for a marketing condition over which he has very little control.

It is concluded, therefore, that the diversion provision should be amended so as to limit the diversion period during the months of September through December to not more than 15 days production.

12. *Seasonal modification of the supply-demand adjustment.* It is recommended that the present type of supply-demand adjustment be retained. However, the standard utilization percentages should be changed to reflect the changes in seasonality in the market.

A proposal to revise the present supply-demand adjustment factors would have provided two adjustments, one based on a 12-month moving average and the other on a two-month moving average. Use of the 12-month moving average, either by itself or in conjunction with the two-month moving average, will not provide sufficient response to changing market conditions. A change of 8 percent or more in the supply-demand ratio is necessary in any one month before any change in the 12-month moving average would occur. Thus, it would be several months before a substantial and continuing change in supply-demand conditions would be reflected in any sizable adjustment in price. While this would eliminate the month-to-month variations which would have occurred, it would be so slow to respond to changed conditions of supply and demand that its effectiveness would be materially reduced. The most recent 2-month experience provides a more current indication of utilization prospects than a 12-month factor.

Producers submitted revised standard utilization percentages for use in the two-month portion of their proposed supply-demand adjuster. The revised standards were developed from Kansas City and Topeka data for the years 1954, 1955, and 1956, weighting them by one, two, and three, respectively. The heavier weighting of the most recent years reflects the probability that seasonality of production will continue to level off in response to the base-rating plan. The proposed standard percentages have been further modified to reflect the same annual average utilization percentage.

The seasonal pattern of utilization in the Kansas City market in the past two years has varied significantly from standard percentages presently set forth in the order. The present standard utilization percentages do not represent the seasonal pattern of utilization presently expected under normal conditions and has resulted in erratic pricing. It is quite obvious that the seasonal pattern of production in the past few years has changed significantly. This is shown in the increased receipts of producer milk during the fall and winter months and especially the months of November, December, January, and February. While the seasonal pattern of production has changed substantially, the seasonality of Class I sales has remained relatively stable.

The proposed standard utilization percentages proposed by the producers appropriately reflects the changes in the seasonality of supply and demand and they also appear to correct certain deficiencies which were caused by erratic pricing. The proposed percentages have been slightly reduced so as to retain the same annual average as the present percentages. One would expect that the use of the revised standard utilization percentages with the same annual average as the present percentages would result in the same annual average Class I price. This would be true over any extended period of time in which the market went through equal cycles of undersupply and oversupply. However, in the Kansas City market supplies have tended to be larger than normal in recent years. Also, the poor seasonal pattern of the present standard percentages has resulted in rather large price adjustments especially in the late fall and winter months. These have persisted long enough to bring the cumulative price feature into operation to a much greater extent than would have occurred if the revised standards had been in effect.

The following are the present and revised standard utilization percentages:

Delivery period for which price applies	Delivery period used in computations	Standard utilization percentages			
		Present		Revised	
		Min.	Max.	Min.	Max.
January	November-December	122	128	134	141
February	December-January	124	130	134	141
March	January-February	125	131	130	137
April	February-March	127	134	129	136
May	March-April	130	137	132	140
June	April-May	144	153	145	153
July	May-June	150	160	143	151
August	June-July	146	154	133	140
September	July-August	138	146	123	130
October	August-September	127	133	119	125
November	September-October	117	123	120	126
December	October-November	120	126	128	135

If the revised standard utilization percentages had been in effect in 1955, the range of price adjustment would have been from a minus 11 cents to a zero adjustment with the average adjustment being only minus 1.7 cents. The present supply-demand adjustment went in effect May 1, 1955, but projecting it back to January 1, 1955, the range of the price adjustment for the full year would have been from a minus 27 cents to a plus 10 cents with an average adjustment of minus 4.2 cents. In the year 1956 using revised percentages the range of price adjustment would have been from a minus 18 cents to a zero adjustment with an average of minus 7.5 cents. Under the present percentage the range of price adjustment was from a minus 27 cents to a zero adjustment with the average being a minus 11.5 cents. In the first six months of 1957 (official notice is hereby taken of the supply-demand figures announced by the market administrator for the months of March, April, and May) the price adjustment for the recommended percentages would have ranged from a minus 10 cents to a plus one cent with the average being a minus 4.5 cents. Under the present percentages the range of price adjustment was from a minus 38 cents to a zero adjustment with the average being a minus 17.8 cents.

It is concluded that the recommended standard utilization percentages would have provided a much better pattern of pricing during the last two and a half years than the ones which now are in effect and that they will provide appropriate adjustment of the Class I price under the conditions now prevailing in the market.

13. *Class II price.* The level of the Class II prices in the combined order should be approximately the same as under the present Kansas City order but should have less seasonal variation. This can be accomplished by establishing the Class II price each month at the higher of (1) the average of prices paid for manufacturing milk at five local manufacturing plants plus 15 cents or (2) a butter-powder formula consisting of the price of 93-score butter at Chicago multiplied by 4.60 (a yield factor of 1.21 and the basic butterfat content of 3.8) plus the price of spray-process nonfat dry milk, f. o. b. manufacturing plants in the Chicago area, multiplied by a yield of 8.2, less a "make" allowance of 78 cents.

This is essentially the same Class II price formula as was proposed by producers. The principal change is that the proposed list of local plants has been altered to avoid listing plants operated by handlers regulated under the order. Four of the local plants chosen have been used for pricing purposes under the Topeka order and the fifth is a large-scale manufacturing plant located in Missouri. The addition of 15 cents per hundredweight to the average of the local plant pay prices reflects the premium which is commonly paid by manufacturing plants for milk which has been cooled by means of mechanical refrigeration. The Class II milk diverted or transferred to manufacturing plants would, of course qualify for such a premium.

The butter-powder formula is closely similar to the formula for Class IV milk under the Chicago order except for a slightly higher make allowance. At the current levels of support prices, it is 11 cents per hundredweight lower than the basic butter-powder formula in the Kansas City order.

The annual average level of Kansas City Class II prices appears to have been appropriate. It has returned producers somewhat more than the average prices paid for manufacturing grade milk at local plants. However, the Class II prices have not been so high as to impede the marketing of Class II milk. The 20-cent seasonal variation in the present Kansas City prices is currently less applicable than when it was first included in the order. Supplies of milk are now so nearly uniform throughout the year that Class II volume is no longer concentrated primarily in the months of March through August. It is more appropriate, therefore, to utilize a Class II price formula which will contain only such seasonality as results from the normal fluctuation in pay prices at manufacturing plants or in the market prices of the major manufactured dairy products.

One handler, whose plant is located in Topeka, pointed out that the Class II price has been substantially lower in that market than in Kansas City. He contended that the Kansas City price was not equally applicable to the western portions of the combined area. However, the cooperative associations which bear the ultimate responsibility for marketing their members' milk, testified that outlets could be found for their milk at the proposed prices.

14. *Location adjustments.* The conclusions reached on the major aspects of location adjustments may be summarized as follows:

1. Uniform Class I price should apply throughout the combined and expanded marketing area;

2. Distances should be measured from Lawrence, Manhattan, and Council Grove, Kansas, as well as from the presently designated points of Kansas City, Missouri, and Topeka and Emporia, Kansas;

3. The market area zone should continue at 50 miles from the named points rather than being expanded to 55 miles as proposed; and

4. Location adjustments should not apply to excess milk.

Expansion of the marketing area westward to include Riley and Morris Counties involves determining what prices at these points would be appropriate in relation to those in Kansas City. The inclusion in a combined order of Shawnee and Lyon Counties, which comprise the present Topeka marketing area, also calls for a review of price relationships at these points with those prevailing at Kansas City.

It is recognized that Kansas City, Missouri, and Kansas City, Kansas, comprise the greatest concentration of population in this region. To the extent that such points as Lawrence, Topeka, Emporia, Manhattan, and Council Grove are secondary markets within the Kansas City milkshed, lower prices would be appropriate, in direct relation to the distance of each point from Kansas City. However, these points are not, in fact, secondary markets in this sense. For example, there is some overlapping of the Topeka and Kansas City milksheds, but it is not complete. The same is true of Manhattan, Council Grove, and Emporia.

There are, however, offsetting influences which would tend to require prices to increase at locations west of Kansas City. The basis for this tendency is that the primary sources of supplemental milk are to the east, at such centers as Wisconsin and the Ozarks.

In establishing prices at the points west of Kansas City, one must judge the relative importance of these conflicting influences. Federal order Class I prices in the Topeka market (which was expanded to include Lyon County and Emporia effective October 1, 1956) have been set at exactly the same level as in Kansas City. At the hearing, it was proposed that this price be continued and applied in all of the other territories proposed to be added to the combined marketing area. Historically, prices paid to producers in these localities have approximated the Kansas City and Topeka Blend prices. Adequate supplies of producer milk have been maintained at these price levels in both the Kansas City and Topeka markets. It is concluded, therefore, that extension of the Kansas City Class I price to the entire combined area will be appropriate. If it develops that shortages or surpluses of milk develop in any portion of the marketing area, consideration should be given to providing price differentials for such territories.

A second major aspect of the location adjustment is to determine the distance at which they should begin to apply. At present this distance is 50 miles under each of the orders, but producers proposed that it should be changed to 55 miles in the combined order. The principal practical result of extending the "city" zone to a 55-mile radius would be its effect on the computation of compensatory payments applicable to partially regulated handlers whose plants are located at St. Joseph, Missouri. The plants of the St. Joseph handlers are more than 50 but less than 55 miles from Kansas City. Location adjustments are now applied in the computation of the compensatory payments but would not apply under a 55-mile city zone. The point has been made previously that the extension of Federal regulation to the St. Joseph market should be considered on its own merits so far as possible. Unless regulation of that entire market is to be considered, it is not appropriate that the status of those few handlers who may become partially subject to the Kansas City order should be affected. It is concluded that the city zone should be continued at 50 miles from designated points rather than 55 miles.

Under the Greater Kansas City order, the 50-mile radius is measured from city hall in Kansas City, Missouri. Under the Topeka order, the 50 miles is measured from the city hall in either Topeka or

Emporia, whichever is closer. To accommodate the expansion of the marketing area, it is concluded that Lawrence, Manhattan, and Council Grove, all in Kansas, should also be designated as points from which the 50 miles should be measured. The same Class I prices will then apply throughout the marketing area and any supply plants from which distributors in the added territory obtain milk will be on the same basis regarding location allowances as those supplying the present area.

Location adjustments will no longer apply to one of the two supply plants serving the Greater Kansas City market. This plant is located at Ottawa, Kansas. The handler operating this plant will no longer be allowed credit against the cost of hauling milk to distributing plants in Kansas City or elsewhere in the marketing area, but will be able to draw from the pool the full city zone uniform price for the payment of producers. The handler has paid premiums equal to the location adjustment at this plant in order to hold his supply. It now appears that the necessity of paying such premiums has become virtually permanent as a result of competition for milk for direct shipment to Kansas City and other nearby markets.

The premium to producers is paid on their total deliveries of milk while the transportation credit on milk moved to market applies only to a portion of the total receipts. One result, as has been pointed out in a prior decision of the Secretary regarding location adjustments at this point, is that elimination of location adjustments relieves the handler of the necessity of paying premiums on milk manufactured at the plant. The corollary result is that continuation of location adjustments at Ottawa imposes a greater financial burden to the operator of the plant than would elimination of the adjustments. At the hearing, producers specifically proposed that the adjustments be eliminated at this point. They testified that the plant serves two important objectives, one being as a receiving station for milk collected from farms in cans and the other being the manufacture of excess milk into dairy products. The plant is so located that it can readily perform both the assembly and manufacturing functions for most of the combined and expanded marketing area. It must also be recognized that this plant performs virtually the same functions as the supply plant at Valley Falls, Kansas, which became pooled under the Topeka order 1956 and is located within the present "city" zone of that order.

A third aspect of the location adjustment problem consists of the application of adjustments to excess milk. At present, both orders apply location adjustments to producers on both the base and excess milk during the months of February through July. Under usual circumstances the price paid to producers for excess milk is equal to the Class II price. At the hearing, producers proposed that the location adjustment not apply to excess milk during such months. They maintained that the minimum value of excess milk is the manufacturing value, which does not vary significantly with distance from market. The manufacturing value of pooled milk is, of course, reflected in the Class II price. It is concluded that excess milk should not be subject to location adjustments.

15. *Specified dates.* The market administrator should be allowed two additional days for the computation of the marketwide uniform price, and handlers should be allowed one additional day for the subsequent payment to producers or cooperative associations.

Under the present Kansas City order the handlers' reports of receipts and utilization of milk are due on the 7th day of the month following the delivery month. The administrator then has only until the 10th to check the reports, compute and announce the blend price and the Class I price. The problem of meeting the deadline is complicated by the fact that the pool cannot be completed until the last report is in; unavoidable incidents frequently delay one or another report past the due date. The occurrence of a Sunday or holiday between the 7th and 10th creates a further problem.

Similarly, handlers are required to pay cooperatives on the 11th and individual nonmember producers on the 12th. This is an exceptionally brief period for such functions.

Both the producers and handlers present at the hearing recognized that the unduly short time available added considerably to the expense of performing these functions and favored a more adequate schedule. Allowing the market administrator two additional days for computing the pool and the handlers one more day for payment functions after the uniform price announcement, should be adequate. It is likely that the administrator will be able to announce the uniform price before the specified date in most months, thereby allowing a greater margin of time for making payments.

16. *Administrative provisions.* Certain changes of a primarily administrative nature should be made in the order.

Equivalent prices. The order should include a provision that whenever a price quotation is not available, a price which is determined by the Secretary to be equivalent should be used. Price series may be unavailable through such causes as failures to report, termination of market quotations resulting from changes in dairy marketing and, combining or termination of other Federal orders.

Price computations. In order to simplify subsequent computations, class prices and butterfat differentials should be computed to the nearest tenth of a cent.

Bases at newly qualified pool plants. It is always possible that plants may qualify as pool plants subsequent to the base forming months of September through December. This is particularly likely with respect to contract business. In such event the producers supplying such plant should have bases, computed from their deliveries to such plant during the base making period. These can be computed from plant records, or other evidence acceptable to the market administrator, under the same rules as would have applied had the plant been a pool plant during the base-forming months.

Nonpool plants. Provision in the order should be made for a definition of a "nonpool plant". Throughout the order reference is made to the word "nonpool plant" without the word being defined in the order. For the sake of clarity the definition section of the order should contain a provision which states that a nonpool plant is any plant other than a pool plant.

Proposed findings and conclusions. Briefs were filed on behalf of the producers' associations, the handlers in the market and those affected by proposed amendments. The briefs contained proposed findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following amended order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order:

DEFINITIONS

§ 913.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

§ 913.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 913.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 913.4 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 913.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers as defined in § 913.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 913.6 *Greater Kansas City marketing area.* "Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson County, Missouri; those portions, excluding Platte City, Missouri, of Platte and Clay Counties in Missouri, south of a line extending in an easterly direction from the Missouri River on the west along State Highway 92 to the intersection of State Highway 92 and U. S. Highway 69, thence north to the north section line of Section 26 in Washington Township in Clay County, thence east along the north section lines of Sections 26 and 25 in Washington Township to the boundaries of Clay and Ray Counties; that part of Cass County, Missouri, which is north of Highway 2; all of the counties of Wyandotte, Leavenworth, Johnson, Douglas, Shawnee, Lyon, and Morris in the State of Kansas, and Riley County, Kansas, exclusive of the Fort Riley Military Reservation.

§ 913.7 *Producer.* "Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk in the marketing area which: (1) Is received at a pool plant, or (2) is caused to be diverted during any of the months of January through August or to the extent of not more than 15 days' production during the months of September through December, from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the U. S. Government for fluid consumption in its institutions or bases which, is received at a pool plant supplying Class I milk to such an institution or base in the marketing area.

§ 913.8 *Route.* "Route" means any delivery (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

§ 913.9 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the United States Government located within the marketing area.

§ 913.10 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler:

(a) From which during the current or immediately preceding delivery period:

(1) There is disposed of as Class I milk on routes in the marketing area, an amount equal to 20 percent or more of such plant's total receipts of milk from dairy farmers qualified to become producers (as defined in § 913.7) and in bulk from other approved plants; and also

(2) During the same delivery period there is disposed of, as Class I milk in total an amount equal to not less than the applicable percentage of such receipts, as follows:

(i) March through June, 30 percent;

(ii) December through February, 35 percent; or

(iii) July through November, 45 percent;

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph:

(i) Milk in packaged form transferred from one approved plant to another approved plant shall be credited as Class I disposition on routes by the transferor plant and an equal volume shall be excluded from the Class I disposition of the transferee plant; and

(ii) The combined receipts and disposition of the multiple plant operation shall be used in the case of each handler who disposes of any milk on a route in the marketing area and also operates more than one approved plant;

(b) From which, during the month not less than 50 percent of its supply of milk from approved dairy farmers, less any milk disposed of as Class I on routes is moved to a plant(s) described in paragraph (a) of this section: *Provided*, That any plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentage of its supply of milk from approved dairy farmers during each of the months of September, October, November, and December 1957, and, in subsequent years, during each of the months of August through December, shall be a pool plant for each of the following months of January through July unless a written request for nonpool status is furnished to the market administrator; or

(c) Which is operated by a cooperative association and 65 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(d) For the purpose of this section milk diverted to a nonpool plant shall be deemed to have been received at the pool plant from which it was diverted.

§ 913.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool plant from which fluid milk products are disposed of on a route(s) in the marketing area;

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.); or

(d) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association. Such milk shall be considered as having been received by such cooperative association at the plant from which it is diverted.)

§ 913.12 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The buttterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from pool plants of other handlers.

§ 913.13 *Producer milk.* "Producer milk" means all milk produced by a producer, which is received at a pool plant directly from such producer.

§ 913.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the delivery period of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 913.15 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part or any amendment thereto is in effect.

§ 913.16 *Base milk.* "Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's daily base computed pursuant to § 913.65 multiplied by the number of days in such delivery period on which such

milk was received by the handler: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 913.65.

§ 913.17 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of base milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 913.65.

§ 913.18 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream), and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 913.19 *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

MARKET ADMINISTRATOR

§ 913.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 913.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 913.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 913.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 913.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties:

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 913.30 through 913.32,

(2) Maintained adequate records and facilities pursuant to § 913.33, or

(3) Made payments pursuant to §§ 913.80 through 913.86,

(i) On or before the 14th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk pursuant to § 913.51 (a) and the Class I butterfat differential pursuant to § 913.52 (a), both for the current delivery period; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 913.51 (b) and the Class II butterfat differential pursuant to § 913.52 (b), both for the delivery period immediately preceding; and

(2) On or before the 12th day of each month the applicable uniform price(s) computed pursuant to §§ 913.71 and 913.72 and the producer butterfat differential computed pursuant to § 913.82, both applicable to milk delivered during the previous delivery period;

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information; and

(l) On or before February 1 of each year in writing notify: (1) Each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 913.65, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler received milk.

REPORTS, RECORDS, AND FACILITIES

§ 913.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler or a handler making payments pursuant to § 913.61 (a), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of base milk and excess milk received from each producer.

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of fluid milk products on routes wholly outside the marketing area;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(g) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the delivery period.

§ 913.31 *Payroll reports.* On or before the 23rd day of each delivery period, each handler except a producer-handler or a handler making payments pursuant to § 913.61 (a) shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including, for each of the delivery periods of February through July, such producer's deliveries of base milk and excess milk,

(b) The amount of payment to each producer and cooperative association, and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 913.32 *Other reports.* (a) Each producer-handler and each handler making payments pursuant to § 913.61 (a) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes producer milk to be diverted to any plant

shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

(c) Each handler who receives from producers, milk for which payment is to be made to a cooperative association pursuant to § 933.80 (c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 23rd day of the delivery period, the total pounds of milk received during the first 15 days of the delivery period;

(2) On or before the 7th day after the end of the delivery period;

(i) The pounds per shipment, the total pounds of milk (base milk and excess milk separately for February through July) and the average butterfat test of milk received from such producer during the delivery period;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 913.86.

§ 913.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary or the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 913.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further writen notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 913.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler which is required to be reported pursuant to § 913.30 shall be classified by the market administrator pursuant to the provisions of §§ 913.41 through 913.46.

§ 913.41 *Classes of utilization.* Subject to the conditions set forth in §§ 913.43 and 913.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of for consumption in the form of fluid milk products except those classified pursuant to pararaph (b) (5) of this section, or (2) not specifically accounted for as Class II utilization;

(b) Class II milk shall be all skim milk and butterfat: (1) used to produce any products other than fluid milk products; (2) used for starter churning, wholesale baking and candy making purposes; (3) disposed of as livestock feed; (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (5) in inventory of fluid milk products on hand at the end of the month; (6) in shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers or received directly from cooperative associations pursuant to § 913.11 (c), less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk lots to the pool plants of other handlers; and (7) in shrinkage allocated to receipts of other source milk.

§ 913.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 913.11 (c) and in bulk tanks from pool plants of other handlers, and (2) the receipts of skim milk and butterfat in other source milk.

§ 913.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 913.44 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 913.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located more than 200 miles from the City Hall in Kansas City, Missouri, Manhattan, Kansas, or Emporia, Kansas, whichever is closest by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located not more than 200 miles from the City Hall in Kansas City, Missouri, Manhattan, Kansas, or Emporia, Kansas, whichever is closest by shortest highway distance as determined by the market administrator, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I Grade A milk, receipts of skim milk and butterfat at such nonpool plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for Grade A usage of such nonpool plant in markets supplied by such plant.

(e) If any skim milk or butterfat is transferred to a second nonpool plant under paragraph (d), the same conditions of audit, classification, and allocation shall apply.

§ 913.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts

and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 913.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 913.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 913.41 (b) (6);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association pursuant to § 913.11 (c) according to its classification as determined pursuant to § 913.44 (a);

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 913.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the higher of the prices computed pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.8.

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 913.51 *Class prices.* Subject to the provisions of §§ 913.52 and 913.53, and rounded to the nearest one-tenth of a cent, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding delivery period plus $1.15 during each of the delivery periods of April, May, June and July, and plus $1.45 during all other delivery periods plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk at pool plants (excluding interhandler transfers) for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage";

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentages	
		Minimum	Maximum
January	November–December	134	141
February	December–January	134	141
March	January–February	130	137
April	February–March	129	136
May	March–April	132	140
June	April–May	145	153
July	May–June	143	151
August	June–July	133	140
September	July–August	123	130
October	August–September	119	125
November	September–October	120	126
December	October–November	128	135

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding; plus

(iii) One cent for each such percentage point of net deviation for which percentage points of net deviation in like direction were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for the first and second delivery periods immediately preceding.

(b) *Class II milk.* The higher of:

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator, plus 15 cents:

Present Operator and Location

Borden Co., Fort Scott, Kans.
Carnation Co., Girard, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift & Co., Parsons, Kans.

or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.60 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the Department; and

(iii) From the sum of the results arrived at under (i) and (ii) above, subtract 78 cents.

§ 913.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to either class pursuant to § 913.46 (c) is more or less than 3.8 percent there shall be added to the respective class price computed pursuant to § 913.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 913.50 (b) (1) by 1.3, divide the result by 10; and round to the nearest one tenth of a cent.

(b) For Class II milk (1) during each of the delivery periods of September through February, multiply the butter price specified in § 913.50 (b) (1) by 1.2 and divide the result by 10; and (2) during each of the delivery periods of March through August, multiply the butter price specified in § 913.50 (b) (1) by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

§ 913.53 *Location adjustments to handlers.* (a) For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, Manhattan, Kansas, Council Grove, Kansas, or Emporia, Kansas, whichever is closest, and which is classified as Class I milk the prices computed pursuant to § 913.51 (a) shall be reduced by 16 cents if such plant is located more than 50 miles but not more than 70 miles from such City Hall and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles.

(b) Milk moved in bulk from a plant as defined in § 913.10 (b) or (c) to a plant as defined in § 913.10 (a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the transferee plant exceeds receipts of milk from producers' farms: *Provided,* That if milk is received by a plant defined in § 913.10 (a) from more than one plant, the milk so classified as Class I shall be deemed to have been transferred from the transferor plants in the order of their lowest applicable location adjustment.

§ 913.54 *Use of equivalent prices.* If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

§ 913.60 *Producer-handlers.* Sections 913.40 through 913.45, 913.50 through 913.53, 913.61, 913.70, 913.71, 913.80 through 913.88 shall not apply to a producer-handler.

§ 913.61 *Handlers operating a nonpool plant.* In lieu of the payments required pursuant to §§ 913.80 through 913.89, each handler, other than a producer-handler or one exempt pursuant to § 913.62, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the delivery period the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 913.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) For the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 913.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 913.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the delivery period from dairy farmers whose milk was approved for fluid use; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 913.88 had such plant been a pool plant.

§ 913.62 *Milk subject to other orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Greater Kansas City marketing area shall be exempted for such delivery period from all provisions of this part except that he shall make reports to the market administrator at such time and in such manner as the market administrator may require.

DETERMINATION OF BASE

§ 913.65 *Computation of daily base for each producer.* The daily base for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided,* That, in the case of producers delivering milk to a plant which first became a pool plant during any of the months of February through July, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his deliveries of milk to such plant during the period September through December immediately preceding.

§ 913.66 *Daily base rules.* (a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the base forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a base is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

DETERMINATION OF UNIFORM PRICE

§ 913.70 *Computation of the value of milk received from producers by each handler.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 913.46 (c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 913.46 (a) (5) by the applicable respective class prices;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk (other than as shrinkage) during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 913.46 (a) (5) and (b), whichever is less; and

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 913.46 (a) (2) and (b), and pursuant to § 913.46 (a) (5) and (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the

differences between the values of such skim milk and butterfat at the Class I price and at the Class II price: *Provided*, That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 120 percent of the total Class I utilization of such plants for the month;

§ 913.71 *Computation of uniform price.* For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers specified in § 913.11 (a), (c), or (d) and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants f. o. b. marketing area.

§ 913.72 *Computation of uniform price for base milk and excess milk.* For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports pursuant to § 913.30 and who make the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement funds;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers at pool plants, f. o. b. marketing area.

PAYMENTS

§ 913.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 913.71 or § 913.72, adjusted by the butterfat differential computed pursuant to § 913.82, subject to the location adjustment to producers pursuant to § 913.81, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 913.87, and (3) any deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 913.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each delivery period to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section and (2) who had not discontinued shipping milk to such handler before the 18th day of the delivery period, an advance payment with respect to milk received from such producer during the first 15 days of the delivery period at the approximate value of such milk, not to be less than the Class II price for 3.8 percent milk for the preceding delivery period, without deduction for hauling;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 20th day of the delivery period, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each delivery period an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) On or before the 14th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 913.11 (c), not less than the value of such milk as classified pursuant to § 913.44 (a) at the applicable respective class price(s).

(e) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 913.80, 913.81 and 913.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 913.87 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(f) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 913.81 *Location adjustment to producers.* In making payments to producers pursuant to § 913.80 (a), for all milk received during the months of August through January and for base milk received during the months of February through July, at a pool plant located 50 miles or more from the City Hall in Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, Manhattan, Kansas, Council Grove, Kansas, or Emporia, Kansas, whichever is closest, by shortest highway distance as determined by the market administrator, there shall be deducted 16 cents per hundredweight of milk for distances of 50 to 70 miles, inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

§ 913.82 *Producer butterfat differential.* In making payments pursuant to § 913.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by adding 4 cents to the butter price specified in § 913.50 (b) (1) dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 913.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 913.61 (a) (1) and (b) (1) and 913.84 and all appropriate payments pursuant to § 913.86 and out of which he shall make all payments pursuant to § 913.85 and all appropriate payments pursuant to § 913.86: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 913.84 *Payments to the producer-settlement fund.* On or before the 14th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is greater than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.87 and (b) authorized by the producer.

§ 913.85 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is less than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.87 and (b) authorized by the producer: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shal reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 913.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 913.87 *Marketing service*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 913.80 (a), shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 913.80 (a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 913.88 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expenses set forth in this section.

§ 913.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an under payment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 913.90 *Effective time.* The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 913.91.

§ 913.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 913.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 913.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 913.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 913.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 14th day of August 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-6767; Filed, Aug. 16, 1957; 8:47 a. m.]

[7 CFR Part 993]

[Docket No. AO-201-A3]

DRIED PRUNES PRODUCED IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE AMENDED MARKETING AGREEMENT AND AMENDED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at San Francisco, California, April 8, 1957, on proposed amendments to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. Said amended marketing agreement and amended order are effective pursuant to the provisions of the act.

Upon the basis of the evidence adduced at the aforementioned hearing and the record thereof, the Acting Deputy Administrator, Marketing Services, United States Department of Agriculture, on July 12, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The recommended decision, which afforded all interested parties an opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (22 F. R. 5639) on July 17, 1957.

Ruling on exception. An exception to the recommended decision was filed by Rosenberg Bros. & Co., Inc., San Francisco, California.

This exception has been considered carefully and fully in conjunction with the record evidence pertaining thereto in arriving at the findings and conclusions set forth in this decision. The ruling on such exception is set forth hereinafter in connection with the findings and conclusions to which it refers. To any extent that the findings and conclusions of this decision are at variance with any aspect of this exception not otherwise specifically ruled upon, such aspect is overruled.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision (F. R. Doc. 57-5818; 22 F. R. 5639) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except as they are modified by the ruling on the exception hereinafter set forth.

The exception and the ruling thereon, is as follows:

Exception was taken to new § 993.20, *Consumer package*, insofar as this definition concerns coverage of containers holding less than 10 pounds of prunes and other dried fruit. The present definition contained in § 993.20 (b) covers any container holding less than 10 pounds of prunes and other dried fruit when the net weight of prunes is more than 60 percent of the total weight of the mixture and, conversely, excludes from such coverage any such container when the net weight of prunes therein is 60 percent or less of such total weight. The determination as to whether or not a container of such mixed fruit is covered by the present definition would be based on the prune content of the individual container rather than the average prune content of a lot of containers of such mixed fruit. It was contended in the exception that this determination should be on a lot basis, and it was pointed out that, although the weight of prunes in a lot of mixed dried fruit might average 60 percent or less of the total net weight, some of the containers in the lot might contain more prunes than the 60 percent limit, and others less, because of the difficulty of packing the identical mixture in each individual small container. It was also indicated that the only means of standardizing the weight of prunes in each package would be to weigh the different dried fruit components that go into each individual package at a cost that would make the operation prohibitive.

It was concluded in the recommended decision that the minimum size limitation discussed in material issue (2) should be applied on a lot basis because it would be uneconomical and impractical for handlers to size-grade prunes as closely as would be required if the limitation were applied on an individual package basis. Similarly, it is concluded that the percentage for determining whether or not containers of mixed dried fruit are covered by the definition, *Consumer package*, should be based on the prune content of the lot.

Accordingly, the exception is granted. Therefore, the second paragraph (22 F. R. 5640) of the discussion under material issue (1) in the recommended decision, reading: "'Consumer package' should be defined to mean: (a) any container holding less than 10 pounds of standard prunes or standard processed prunes; or (b) any container holding less than 10 pounds of prunes and other dried fruit of which the net weight of prunes, either standard processed prunes or standard prunes, is more than 60 percent of the total weight of the mixture," is deleted, and the following is substituted in lieu thereof: "'Consumer package' should be defined to mean: (a) Any container holding less than 10 pounds of standard prunes or standard processed prunes; or (b) any container holding less than 10 pounds of prunes and other dried fruit if more than 60 percent of the net weight of mixed dried fruit in the lot consists of standard processed prunes or standard prunes." The same change should be made in the provisions of proposed § 993.20 of the order.

Amendments to the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Dried Prunes Produced in California" and "Order Amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California," which have been determined to be the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the amended marketing agreement are identical with those contained in the attached order amending the amended order which will be published with this decision.

Dated: August 13, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] *Amending the Order, as amended, Regulating the Handling of Dried Prunes Produced in California*

§ 993.0 *Findings and determinations*—(a) *Previous findings and determinations.* The findings and determinations set forth below in this section are in addition to and supplement the findings and determinations previously made in connection with the original issuance of this marketing agreement and order (14 F. R. 5254) issued on August 22, 1949, as supplemented by the further findings and determinations made in connection with amendments of the marketing agreement and order (16 F. R. 437) issued on August 17, 1951, and (20 F. R. 1301) issued on March 3, 1954. Except for the finding as to the base period for the parity computation all of the said previous findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held in San Francisco, California, on April 8, 1957, upon proposed amendments of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, Part 993), regulating the handling of dried prunes produced in California. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) Said amended marketing order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said amended marketing order, as hereby proposed to be further amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals on which the amendment hearing has been held; and

(3) There are no differences in the production and marketing of dried prunes in the production area covered by this amended marketing order, as hereby proposed to be further amended, which make necessary different terms applicable to different parts of such area.

It is therefore, ordered, That, on and after the effective date hereof all handling of dried prunes produced in California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid amended order as hereby amended as follows:

1. Renumber present § 993.20, *Part and subpart*, as § 993.21 and insert, immediately prior thereto, a new § 993.20 to read as follows:

§ 993.20 *Consumer package.* "Consumer package" means: (a) Any container of prunes holding less than 10 pounds of standard processed prunes or standard prunes; or (b) any container holding less than 10 pounds of prunes and other dried fruit if more than 60 percent of the net weight of mixed dried fruit in the lot consists of standard processed prunes or standard prunes.

2. Amend paragraph (b), *Regulation*, of § 993.49, by deleting the same and inserting, in lieu thereof, the following:

(b) *Regulation* — (1) *Grade.* Continuing until such grade regulation is modified or changed by subsequent grade regulation prescribed by the Secretary, except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for standard prunes or standard processed prunes.

(2) *Size.* No handler shall ship or otherwise make final disposition of any lot of consumer packages of prunes unless the average count of the prunes contained in such lot is 100 or less per pound. In determining whether a lot of consumer packages of prunes conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of the recommendation and information submitted by the committee and other available information, modify or change this tolerance for uniformity of size.

(3) *Establishment of pack specifications as to size.* The Secretary shall, upon the basis of the recommendation and information submitted by the committee and other available information, prescribe pack specifications for the packing of prunes in consumer packages according to such commercially recognized size categories as may be deemed to be reasonable and appropriate, and also such tolerances for use in connection with such size categories as may be deemed to be reasonable and appropriate. As a part of, and in implementation of, the pack specifications prescribed, each consumer package of prunes shall be identified by an appropriate label, seal, stamp, or tag affixed to such container by the handler, showing that the size of the prunes in the lot from which the container was packed conforms to the applicable pack specification: *Provided*, That the Secretary may, upon the basis of the recommendation and information submitted by the committee and other available information, exempt any particular type of consumer package of prunes from these identification requirements if these requirements, under particular circumstances, are unnecessary. Continuing until such pack specifications are modified or changed by other pack specifications prescribed by the Secretary, no handler shall ship or otherwise make final disposition of consumer packages of prunes unless such prunes are packed and labeled in accordance with such specifications as to size.

3. Amend paragraph (c), *Superseding regulation*, of said § 993.49 to read as follows:

(c) *Subsequent regulation.* In case the committee should recommend to the Secretary that the minimum standards as to grade, or the requirement as to uniformity of size in connection with the minimum size, or the pack specifications as to size, as provided for respectively in subparagraphs (1), (2), and (3) of paragraph (b) of this section, should be modified or changed, or that minimum standards as to sizes of prunes should be made effective for application to prunes other than those packed in consumer packages, it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, and such other information as the Secretary may request. The Secretary, upon the basis of the recommendation and information submitted by the committee and other available information, shall issue such subsquent regulation if he finds that to do so would tend to effectuate the declared policy of the act. Any such subsequent regulation, insofar as it applies to grade, shall not be below the applicable minimum standards for grades of standard prunes or standard processed prunes, as set forth in § 993.97 (Exhibit A). Any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any such pack specifications as to size shall provide reasonable and appropriate tolerances for each of the respective size categories. Any subsequent regulation issued by the Secretary may later be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant, and the committee, in submitting any recommendation therefore to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made: *Provided*, That, at all times, the regulation as to grade and size (except the size requirement, referred to in subparagraph (2) of paragraph (b) of this section) shall be comparable, so far as practicable, to the then current regulation in effect with respect to the receiving of natural condition prunes by handlers from producers or dehydrators. So long as any subsequent regulation is in effect, each handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes in conformity therewith. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each subsequent regulation issued by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. In addition, the committee shall give written notice by registered mail of each subsequent regulation issued by the Secretary to all handlers of whom the committee has a record.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing orders have been met.

4. Amend paragraph (d), *Inspection*, of said § 993.49 to read as follows:

(d) *Inspection.* Each handler shall, at his own expense, before shipping or otherwise making final dispostion of prunes (unless they are specifically excepted in this section), cause an inspection to be made of such prunes to determine whether they meet the grade requirements referred to in subparagraph (1) of paragraph (b) of this section and, for consumer packages, the minimum grade and size requirements and pack specifications, including labeling, referred to in subparagraphs (1), (2), and (3) of paragraph (b) of this section, and, if any are in effect, the subsequent requirements made effective pursuant to paragraph (c) of this section. Each such handler shall not ship or otherwise make final disposition of such prunes for any use (unless they are specifically excepted in this section) if they do not meet the then applicable requirements. Such handler shall obtain a certificate that such prunes meet the aforementioned requirements which are then applicable, and shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory.

5. Amend paragraph (a), *Determination*, of § 993.50 to read as follows:

(a) *Determination.* If, prior to or at any time during a crop year, the Secretary should find that the estimated season average price for prunes for that crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such finding is set forth, and, in such order, he may provide that, for such crop year or remaining portion thereof, as the case may be, the handling of prunes shall be in accordance with the provisions set forth in this section and, if applicable, in accordance with the provisions of § 993.64.

6. Amend paragraph (c), *Disposition of prunes by handlers*, of said § 993.50 to read as follows:

(c) *Disposition of prunes by handlers.* In lieu of the requirements set forth in § 993.49, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards as to grade set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be. No handler shall ship or otherwise make final disposition of any lot of consumer packages of prunes unless the average count of the prunes contained in such lot is 100 or less per pound. In determining whether a lot of consumer packages of prunes conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of a recommendation and information submitted by the committee and other available information, modify or change this tolerance for uniformity of size. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than the uses above referred to in this paragraph. Such disposition without regard to quality of prunes shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the inspection agency to determine whether they meet all applicable grade standards and the minimum size requirement, as set forth in this paragraph, and he shall obtain from that inspection agency a certificate that such prunes meet the aforementioned applicable requirements and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Notwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each interhandler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this paragraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for each particular purpose meet the minimum grade and size requirements prescribed in this paragraph.

7. Add a new section, § 993.64, immediately after § 993.63 to read as follows:

§ 993.64 *Disposition of unsold surplus tonnage in case of a determination during a crop year that the estimated season average price for prunes for that crop year will exceed parity.* In the event that the Secretary should find, during a crop year when surplus tonnage withholding requirements have been in effect pursuant to this part, that the estimated season average price for prunes for that crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order providing for the orderly disposition of the unsold surplus tonnage (standard and substandard) then on hand in such outlets, at such times, and in accordance with such terms and conditions as he may determine to be appropriate in the circumstances. In determining what terms and conditions shall be imposed, the Secretary shall give consideration to recommendations, if any, which may be submitted by the committee.

8. Amend paragraph (c), *Use and refund of excess funds from assessments*, of § 993.81 to read as follows:

(c) *Use and refund of excess funds from assessments.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be applied to certain expenses as hereinafter set forth but, in any event, shall be refunded by the committee in accordance with the provisions hereof. Such excess funds may be applied by the committee during the period of five months subsequent to such crop year in paying the expenses of the committee incurred in connection with the new crop year. The committee shall, however, from funds on hand, including assessments collected during the new crop year, distribute or otherwise make available, within six months after the beginning of the new crop year, the aforesaid excess, as verified by audit, to each handler who paid more than his pro rata share of the committee's expenses for the previous crop year. Each such handler's share of such excess shall be the difference between the assessments he paid to the committee in connection with its previous year's operations and his pro rata share of such expenses. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee upon the termination hereof shall be distributed in such manner as the Secretary may direct.

Order Directing That a Referendum Be Conducted; Designating Agents To Conduct Such Referendum; and Determining the Representative Period

It is hereby directed that a referendum be conducted among California producers of prune plums who, during the period from August 1, 1956 through July 31, 1957, were engaged in the growing of prune plums for drying or dehydrating into dried prunes for market. Said period is hereby determined to be a representative period for the purpose of this referendum. The referendum shall be conducted pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), to determine whether such producers approve or favor the issuance of an order amending the amended marketing order regulating the handling of dried prunes produced in California. The said amending order together with the decision of the Secretary of Agriculture pertaining thereto, are annexed hereto and filed simultaneously with the filing of this document.

W. Allmendinger, Dower T. Mohun, David B. Fitz and F. M. Grasberger, of the Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of agriculture are hereby designated agents of the Secretary of Agriculture to conduct said referendum and are authorized to act either severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (except those applicable to milk and its products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (15 F. R. 5176; 19 F. R. 35)", except that subparagraph (3) of paragraph (c) should be amended for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors. Corporations, other than cooperative associations, casting a ballot in such referendum, need not furnish the aforesaid resolution: *Provided*, That the person signing said ballot on behalf of the corporation executes the following certification: "I hereby certify that I am an officer or employee of the corporate producer for whom this ballot is cast, and that I have authority to take such action on behalf of such corporation."

Copies of the aforesaid annexed order, the aforesaid referendum procedure, and this order, may be examined in the office of the Hearing Clerk, U. S. Department of Agriculture, Room 112, Administration Building, Washington 25, D. C.

Ballots and other necessary forms and instructions to be used in the referendum, together with copies of the proposed amendments to the amended marketing order, may be obtained from the appropriate Farm Advisor, County Director of Agricultural Extension, or from W. Allmendinger, Berkeley Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Mercantile Building, Room 416, 2082 Center Street, Berkeley 4, California.

Dated: August 13, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6768; Filed, Aug. 16, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 91, 131-136]

[No. 32248]

APPLICABILITY OF SAFETY REGULATIONS TO TRACK MOTOR CARS AND PUSH TRUCKS

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 5th day of August A. D. 1957

Notice is hereby given pursuant to the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) that the Commission has under consideration revision of the United States Safety Appliance Standards prescribed by the order of March 13, 1911, as amended pursuant to the provisions of the Safety Appliance Acts and the rules and instructions for inspection and testing of locomotives, tenders and their appurtenances issued pursuant to the provisions of the Locomotive Inspection Act, for the purpose of giving effect to the holding of the Supreme Court of the United States in The Baltimore and Ohio Railway Company vs. Daniel T. Jackson, decided May 13, 1957, that track motor cars and push trucks when operated as trains are subject to the provisions of the Safety Appliance Acts.

Any interested person may on or before November 1, 1957 file with the Commission's Secretary written views, arguments or suggestions to be considered in this connection and may request oral argument thereon. Unless otherwise ordered, after consideration of representations so received and with such changes as may seem warranted because of them, an order will be entered making the revised rules, regulations and standards effective after due notice to all carriers which will be subject thereto.

The proposed rules, regulations and standards are to be issued under authority contained in the Safety Appliance Acts (45 U. S. C. 1–16) and the Locomotive Inspection Act (45 U. S. C. 22–34) as amended.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6796; Filed, Aug. 16, 1957; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 604, 606]

[Administrative Order 489]

METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO; ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 33–A for the Metal, Machinery, Transportation Equipment, and Allied Products Industry in Puerto Rico, and Industry Committee No. 33–B for the Electrical, Instrument, and Related Products Industry in Puerto Rico.

Industry Committee No. 33–A is composed of the following representatives:

FOR THE PUBLIC

Leo C. Brown, Chairman, St. Louis, Missouri; Paul S. Carroll, Minneapolis, Minnesota; Juan Labadie Eurite, San Juan, Puerto Rico.

FOR THE EMPLOYEES

Gilbert X. Barker, Atlanta, Georgia; Hipolito Marcano, San Juan, Puerto Rico; David Lasser, Washington, D. C.

FOR THE EMPLOYERS

Ira B. Stiefel, Pittsburgh, Pennsylvania; Matthew J. Hall, Bayamon, Puerto Rico; George M. Goldberg, San Juan, Puerto Rico.

For the purpose of this order, the metal, machinery, transportation equipment, and allied products industry in Puerto Rico is defined as follows:

The metal, machinery, transportation equipment, and allied products industry in Puerto Rico is defined as the mining and other extraction of metal ore and the processing of such ore into metal; the manufacture (including repair) of any product or part made chiefly of metal; and the manufacture from any material of machinery, tools, transportation equipment, and ordnance: *Provided, however*, That the definition shall not include (1) the production of any basic material other than metal; (2) the further processing of any such basic material other than metal except when done by an establishment producing from such materials a product of this industry or subassembly of such product; and (3) any activity included within the button, jewelry, and lapidary work industry as defined in the wage order presently effective for that industry (29 CFR Part 709) or within the electrical, instrument, and related products industry as such industry is defined in this Administrative Order No. 489.

Industry Committee No. 33–B is composed of the following representatives:

FOR THE PUBLIC

Leo C. Brown, Chairman, St. Louis, Missouri; Paul S. Carroll, Minneapolis, Minnesota; Juan Labadie Eurite, San Juan, Puerto Rico.

FOR THE EMPLOYEES

Gilbert X. Barker, Atlanta, Georgia; Hipolito Marcano, San Juan, Puerto Rico; Albin F. Hartnett, Washington, D. C.

FOR THE EMPLOYERS

Ira B. Stiefel, Pittsburgh, Pennsylvania; James D. Craig, Vega Alta, Puerto Rico; Arthur T. Cavender, Roosevelt, Puerto Rico.

For the purpose of this order the electrical, instrument, and related products industry in Puerto Rico is defined as follows:

The electrical, instrument, and related products industry in Puerto Rico is defined as the manufacture, assembly, and repair of machinery, apparatus, equipment, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy; and the manufacture, assembly, and repair of instruments, apparatus, and equipment for scientific, professional, industrial measurement, photographic, musical, and horological purposes: *Provided, however*, That the definition shall not include (1) industrial and commercial

machinery powered by electric motors; (2) measuring-and-dispensing pumps; and (3) any activity included in the clay and clay products industry (29 CFR Part 700) or the stone, glass, and related products industry (29 CFR Part 678), as defined in the wage orders for those industries in Puerto Rico.

I hereby refer to each industry committee the question of the minimum wage rate or rates to be fixed under section 6 (c) of the act for its industry. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 33–A shall commence its hearing on September 23, 1957, at 2 p. m. in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Following the hearing of Industry Committee No. 33–A, Industry Committee No. 33–B will hold its hearing at the same place.

Each committee will meet at the same place to make an investigation and appropriate decisions concerning its forthcoming hearing. Industry Committee No. 33–A will meet at 10 a. m. on September 23, 1957, and Industry Committee No. 33–B will meet at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each report may be obtained at the national and the Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29 of the Code of Federal Regulations. As a prerequisite to participation as a witness or party these regulations require, among other things, that an interested person shall file a prehearing statement containing certain specified data, not later than September 13, 1957.

Signed at Washington, D. C., this 13th day of August 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57–6799; Filed, Aug. 16, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE ARMY

Office of the Secretary

HARRY S. ROBINSON

REPORT OF APPOINTMENT AND STATEMENT

AUGUST 13, 1957.

Employment Without Compensation Under Section 710 (b) of the Defense Production Act.

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Harry S. Robinson on July 15, 1957 in the Department of the Army. Mr. Robinson is serving as Chief of the Cincinnati Ordnance District, Cincinnati, Ohio.

Mr. Robinson is presently retired.

Mr. Robinson's statement of his personal business interests is attached.

Dated: August 13, 1957.

JOHN W. MARTYN,
Administrative Assistant.

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by Section 302 (b) of Executive Order 10647, dated 28 November 1955 (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

Treasurer & Director, Technical Equipment Co., Cincinnati, Ohio.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

Borg-Warner Corp.
Food Machinery & Chemical Co.
General Electric Co.
General Portland Cement Co.
Halliburton Oil Well Cementing Co.
McGraw Hill Publishing Co.
Monarch Machine Tool Co.
Republic Steel Co.
Southern Co.
Standard Oil of California.
Standard Oil of Indiana.
Standard Oil of New Jersey.
West Pennsylvania Electric Co.
Central Trust Co., Cincinnati.
Fifth-Third Union Trust, Cincinnati.
U. S. Shoe Corp., Cincinnati.
Technical Equipment Co., Cincinnati.
American Gas & Electric Co.
Cincinnati Enquirer.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

HARRY S. ROBINSON.

JULY 15, 1957.

[F. R. Doc. 57–6770; Filed, Aug. 15, 1957; 12:30 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA.

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Land Management has filed an application, Serial No. Anchorage 034766, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws, but not including the mineral leasing laws. The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

HOMER AREA

T. 6 S., R. 13 W., Seward Meridian,
Section 27: Lot 9.
Containing 6.61 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 57–6758; Filed, Aug. 16, 1957; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–2712 etc.]

ARKANSAS FUEL OIL CORP. AND ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATIONS, CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

AUGUST 13, 1957.

In the matters of Arkansas Fuel Oil Corporation, Docket No. G–2712; Arkansas Louisiana Gas Company, Docket No. G–9739; Arkansas Louisiana Gas Company, Docket No. G–9820.

Take notice that Arkansas Fuel Oil Corporation (Ark Fuel), and Arkansas Louisiana Gas Company (Ark La), collectively referred to as Applicants, Delaware corporations, with principal places of business in Shreveport, Louisiana, filed applications as hereinafter described, pursuant to sections 16 and 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

In Docket No. G–2712, Ark Fuel filed an application on July 20, 1955 to amend the certificate of public convenience and necessity issued to it on December 13, 1954, In the Matter of Arkansas Fuel Oil Corporation, Docket No. G–2712. Said certificate authorized Ark Fuel, inter alia, to continue the sale of natural gas in interstate commerce from the Carthage Field, Panola County, Texas, to United Gas Pipe Line Company (United) for resale.

The original sales agreement between Ark Fuel and United provided for the sale and delivery of not less than 25 percent of the gas available to United on a firm basis and the sale and delivery of such additional volumes up to 100 percent, as was not purchased by Ark La. No sales or deliveries have heretofore been made to Ark La. It is now proposed that up to 75 percent of the available gas will be delivered and sold for resale to Ark La with the volumes not taken by Ark La to be delivered and sold to United, pursuant to the sales agreement with Ark La, dated May 6, 1954, as amended September 15, 1954.

Ark La states that it has very carefully preserved the aforesaid "75%" reserves and that its failure to purchase such reserves as proposed will result in the loss of its rights to such reserves to its detriment.

In Docket No. G–9739, Ark La filed an application on December 5, 1955, as amended January 16, 1956, March 29 and April 5, 1957, for a certificate of public convenience and necessity authorizing Ark La to sell natural gas in interstate commerce to Tennessee Gas Transmission Company (Tennessee) for resale.

Ark La proposes to deliver to Tennessee at the outlet of the Carthage Company's gasoline plant in Carthage Field, Panola County, Texas, a firm volume of 20,000 Mcf of natural gas per day with the right to deliver by mutual consent of the parties additional volumes up to an additional 30,000 Mcf per day, for a term of 3 years from the date of first delivery, at a price of $0.115 per Mcf for the first 2 years and $0.12 per Mcf for the 3rd year, all in accordance with a gas purchase contract dated November 11, 1955.

In Docket No. G–9820, Ark La filed an application on December 27, 1955 as amended January 22, March 1, March 29 and April 5, 1957 for a certificate of public convenience and necessity authorizing Ark La to sell natural gas in interstate commerce to Texas Eastern Transmission Cooperation (Texas Eastern) for resale.

Ark La proposes to deliver on a firm basis to Texas Eastern in the North Lansing Field, Harrison County, Texas, an average volume of 15,000 Mcf of natural gas per day or 83% of the daily quantity of gas available under certain contracts, at a price of $0.1332103 per Mcf for a term of 15 years from the date of first delivery, all in accordance with a gas purchase contract dated October 24, 1955.

Ark La states that in order to obtain adequate gas reserves on a long term basis it has been required to purchase more gas on an annual basis than it can reasonably expect to be able to use in its own operations for approximately 3 years and that it is imperative to the economic and efficient operation of its business that this temporary excess in reserves over immediate requirements be disposed of as proposed.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 23, 1957 at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 3, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–6774; Filed, Aug. 16, 1957; 8:48 a. m.]

[Docket No. G–11676 etc.]

ATLANTIC REFINING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 13, 1957.

In the matters of The Atlantic Refining Company, Docket No. G–11676; Amerada Petroleum Corporation, Operator, Docket No. G–11680; Monsanto Chemical Company, Docket Nos. G–11688, G–12330; Charles A. Daubert, Operator, et al.,[1] Docket No. G–11690; Cities Service Oil Company, Docket No. G–11691; S. H. Howell, Operator, et al.,[2] Docket No. G–11692; Paul Shaffer, Operator,[3] Docket No. G–11693; Continental Oil Company, Docket No. G–11694; Parr & Delaney Oil Company, Operator,[4] Docket No. G–11695; Orange Grove Gas Gathering Company, Docket No. G–11697; Trice Production Company, Docket No. G–11703; Southern Union Gas Company, Docket No. G–12412; Kerr-McGee Oil

[1] Applicant, Operator, is filing for its interest and for other interests listed as: J. K. Stark, Roy Smith, Louise Hays, Independent Executrix of the R. S. Hays Estate, Leonard R. Sayers, H. H. Howell, David N. Sosland, Trustee. All are signatory seller parties to the contract dated September 1, 1956, involved herein.

[2] Applicant, Operator, is filing for its interest and for other interests listed in the application. The following are signatory seller parties to the contract dated July 25, 1956: S. H. Howell, John Stanford, Louise Tsesmelis, Patricia Anne Howell, Sherrod Donald Howell, LaVella Daniel Howell, Sam Joe Howell, C. W. Perkins, Trustee, and Frio Production Company.

[3] Paul Shaffer, Operator, is filing for himself and list 14 co-owners of the acreage involved, together with their fractional interests therein. Each of the 15 co-owners is a signatory seller party to the gas sales contract dated November 7, 1956.

[4] Parr & Delaney Oil Company, Operator, is filing for its interest only and not for other signatory seller parties to the gas sales contract dated September 15, 1956. Said other signatory seller parties are: Continental Oil Company and A. B. Stoddard, an individual. Application lists the working interest owners in the subject lease together with their respective percentum of interests therein.

Industries, Inc., Operator, et al.,[5] Docket No. G–12488; The Texas Company, Docket No. G–12534; The British-American Oil Producing Company, Operator,[6] Docket Nos. G–12645, G–12646, G–12647 and G–12653.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G–; Location of Field; and Buyer

11676; Blunk Field, Barber County, Kansas; Cities Service Gas Company.

11680; Jalmat Field, Lea County, New Mexico; El Paso Natural Gas Company.

11688; Ada Field, Bienville Parish, Louisiana; Arkansas Louisiana Gas Company.

11690; East Sandia Field, Jim Wells County, Texas, Orange Grove Gas Gathering Company.

11691; Sec. 18, T. 22 S., R. 36 E., Lea County, New Mexico; El Paso Natural Gas Company.

11692; Wade City Field, Jim Wells County, Texas; Orange Grove Gas Gathering Company.

11693; Jefferson District, Nicholas County, West Virginia; Columbian Carbon Company.

11694, 11695; North Government Wells Field, Duval County, Texas; Tennessee Gas Transmission Company.

11697; Orange Grove Area, Jim Wells County, Texas; Texas Illinois Natural Gas Pipe Line Company.

11703; Leleux Field, Vermilion Parish, Louisiana; Transcontinental Gas Pipe Line Corporation.

12330; Darley Field, Clairborne and Bienville Parishes, Louisiana; Arkansas Louisiana Gas Company.

12412; San Juan Basin, San Juan County, New Mexico; El Paso Natural Gas Company.

12488; Happy Valley, North Happy Valley, Northeast Ravendale and South Avery Fields, and Lincreek District, Creek, Lincoln and Payne Counties, Oklahoma; Cities Service Gas Company.

12534; Waterloo North Field, Logan County, Colorado; Cities Service Gas Company.

[5] Kerr-McGee Oil Industries, Inc., Operator, is filing as a 50% interest owner in a gasoline plant and lists Warren Petroleum Corporation as a nonoperating co-owner owning the other 50% interest. Both are signatory seller parties to the sales contract involved. The application also lists the field producers from whom the gas will be purchased.

[6] Applicant is the operator for each of the leases involved and lists in the respective applications the signatory co-owners and the respective percentum of interest held by each of such co-owners, as follows:

Docket Nos. and Per Centum of Interest

	G–12645	G–12646	G–12647	G–12653
Applicant	50	25	50	50
Harper Oil Co	50	25	50	50
Ashland Oil & Refining Co		50		

12645, 12646, 12647, 12653; Leases located in Oklahoma County, Oklahoma; Champlin Oil & Refining Company.

Said applications are on file with the Commission and open for public inspection.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 9, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 2, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6773; Filed, Aug. 16, 1957; 8:48 a. m.]

[Docket No. G–13031]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 13, 1957.

Cities Service Oil Company (Cities Service) submitted for filing on July 22, 1957, a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated July 17, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 5 to its FPC Gas Rate Schedule No. 43.

Effective date: [1] August 22, 1957.

In support of the requested increased rate, Cities Service quotes the pertinent pricing provisions of its contract and proposes that the increased rate be permitted to take effect on August 5, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change; and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 22, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6772; Filed, Aug. 16, 1957; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice.

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 298]

SECRETARY OF THE INTERIOR

NEGOTIATION OF A CONTRACT FOR THE OBTAINING OF COMPONENT PARTS FOR THE ASSEMBLY AND CONSTRUCTION OF MASS SPECTROMETERS

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called "the act", authority is hereby delegated for the period ending June 30, 1958, to the Secretary of the Interior, to negotiate, without advertising, under section 302 (c) (5) and section 302 (c) (10) of the act, a contract required by the Geological Survey in the administration of its program for research and development work in connection with the assembly and construction of mass spectrometers for the purpose of making analyses for the isotopes of certain chemical elements.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305, and 307 thereof, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

3. Subject to the provisions of 2 above, the authority herein delegated may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

Dated: August 13, 1957.

FRANKLIN G. FLOETE, *Administrator.*

[F. R. Doc. 57–6795; Filed, Aug. 16, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3575]

COLUMBIA GAS SYSTEM, INC. ET AL.

ORDER AUTHORIZING ISSUE AND SALE OF SECURITIES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY, WITH RESERVATION OF JURISDICTION AS TO OTHER PROPOSED TRANSACTIONS

AUGUST 12, 1957.

In the matter of The Columbia Gas System, Inc., Home Gas Company, et al., File No. 70–3575.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and eleven of its wholly-owned subsidiaries, including Home Gas Company ("Home"), have filed a joint application-declaration and amendments thereto pursuant, among others, to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act"), wherein the following transaction involving Home are proposed:

In order to provide the new money needed for its 1957 construction program, Home will issue and sell to Columbia for cash at par or face value, from time to time as construction funds are required, not exceeding 10,000 shares of Home's common stock ($25 par value) and not exceeding $1,300,000 aggregate principal amount of its installment promissory notes.

The notes will be dated when issued, and the principal amounts will be due in 25 equal annual installments on February 15 of each of the years 1959 to 1983, inclusive. Interest will be payable semi-annually at the rate of 5½ percent per annum, the approximate cost of money to Columbia on its last sale of senior debentures.

Columbia will first purchase common stock from Home, and thereafter installment notes; but none of said securities will be issued or purchased after March 31, 1958.

The Public Service Commission of New York, in which State Home is organized and operating, has approved the issuance and sale of the securities as proposed.

The Commission has heretofore approved most of the transactions proposed in the joint application-declaration as amended. The record is still incomplete as to other proposed transactions, and jurisdiction with respect to them will be reserved.

Due notice having been given of the filing of said joint application-declaration (Holding Company Act Release No. 13441), and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the transactions specifically described hereinabove, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration, as amended, be granted and permitted to become effective forthwith as to such transactions:

It is ordered, Pursuant to Rule U-23 Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 53), and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith as to the aforesaid transactions, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the remaining transactions proposed in the original application-declaration as to which the record is not yet complete, including the issuance and sale of installment notes by The Manufacturers Light and Heat Company and by Binghamton Gas Works, the name of which has now been changed to Columbia Gas of New York, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–6764; Filed, Aug. 16, 1957; 8:46 a. m.]

[File No. 70–3608]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

PROPOSED RENEWAL OF PROMISSORY NOTE

AUGUST 12, 1957.

Notice is hereby given that Standard Gas and Electric Company ("Standard Gas"), a registered holding company and a subsidiary of Standard Shares, Inc., a registered holding company in the process of conversion into an investment company, and Philadelphia Company ("Philadelphia"), a subsidiary of Standard Gas and also a registered holding company, have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 7, 9 and 10 thereof as applicable to the proposed transaction, which is summarized as follows:

Philadelphia will issue and deliver to Standard Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,500,000 which will mature on September 10, 1957 and which bears interest at the rate of 4 percent per annum, payable monthly. The renewal note, in the same principal amount, will bear interest at the prime interest rate prevailing for short-term commercial bank loans (presently 4½ percent) at the date of the new note, and will mature September 10, 1958, with the right of the issuer to anticipate at any time without penalty the payment of all or any part of the principal thereof.

It is stated that no commissions or fees will be paid or incurred in connection with the proposed transaction and the expenses, if any, will be nominal in amount.

Notice is further given that any interested person may, not later than August 27, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–6762; Filed, Aug. 16, 1957; 8:46 a. m.]

[File No. 812–1095]

FOUR CORNERS CO., INC.

FILING OF APPLICATION FOR EXEMPTION OF SMALL CLOSED-END INVESTMENT COMPANY

AUGUST 12, 1957.

Notice is hereby given that The Four Corners Company, Inc. ("Applicant"), a corporation organized under the laws of the State of New Mexico, has filed an application pursuant to section 6 (d) of the Investment Company Act of 1940 ("act"), and Rule N-6D–1 thereunder, for an order of the Commission exempting it from certain provisions of the act. Applicant has agreed that it will accept and be subject to any specified provisions of the act if the Commission deems it necessary or appropriate in the public interest or for the protection of investors that it should be so subject.

Such application makes the following representations:

Applicant has authorized 1,000,000 shares of $1 par value common stock. It has agreed, however, that it will offer not to exceed 100,000 shares at $1 per share, of which 6,000 shares have been purchased by its organizers. The shares will be sold only to residents of the State of New Mexico.

Applicant has been created as a vehicle by which investors may participate in the Four Corners Region which is comprised generally of Northwestern New Mexico, Southwestern Colorado, Southeastern Utah and Northeastern Arizona.

Upon commencement of operations, the Company's investment goal will be capital appreciation, rather than dividend income. In pursuing this investment goal, the Company's management will endeavor to select a relatively small number of stocks, most of them chosen for near-term appreciation possibilities rather than long-term. No wide diversification is planned.

It is contemplated that the Company will select the smaller companies which have their principal stake in the Four Corners Region. It is anticipated that a majority of the Company's funds will ordinarily be invested in oil and gas stocks, and a minority in uranium stocks.

Section 6 (d) of the act provides, in substance, that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the Act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6 (e) of the act provides that if, in connection with any order exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exceptions be granted Applicant from the following provisions of the act and the respective rules and regulations promulgated under each of such provisions and that Applicant and other persons in their transactions and relations with Applicant shall be subject to all other provisions of the act and rules thereunder as though Applicant were a registered investment Company:

Section 7; section 8 (b), except the requirement to file the information required by Items 3, 4 and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20 (a); section 23 (c); section 24 (d) insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a); section 30 (b), except that Applicant shall, pursuant to section 30 (b) (2), file with the Commission copies of all reports sent to stockholders pursuant to section 30 (d), of which the annual report to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30 (e); section 30 (f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32 (a); provided, that the Applicant shall continue to comply with the provisions of sections 6 (d) (1) and 6 (d) (2) of the act and shall at all times maintain its classification as a closed-end company as defined in section 5 (a) (2) of the act.

Notice is further given that any interested person may not later than August 26, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6763; Filed, Aug. 16, 1957; 8:46 a. m.]

[File No. 70-3607]

PENNSYLVANIA POWER CO.

ORDER GRANTING APPLICATIONS REGARDING ISSUANCE OF SHORT-TERM NOTES TO BANKS

AUGUST 13, 1957.

Pennsylvania Power Company ("Pennsylvania"), a public utility subsidiary of Ohio Edison Company, a registered holding company, has filed an application with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

Pennsylvania has established a line of credit with several banking institutions under which it proposes to borrow, from time to time prior to December 1, 1957, an aggregate of not in excess of $4,500,000. Of this amount Pennsylvania has, as of July 10, 1957, borrowed $2,000,000 and has issued its notes in evidence thereof. This amount is exempted from the provisions of section 6 (a) by the first sentence of section 6 (b) of the act.

Pennsylvania now requests approval for additional borrowings under the above line of credit in an amount not to exceed $2,500,000 such borrowings to be evidenced by notes to be dated as of the date of such borrowings and to mature not more than nine months after the date of issuance. The notes are to bear interest for 90 days from the date thereof or to any earlier date of payment, at the prime credit rate current at the time of such borrowing; thereafter for 90 days or to any earlier date of payment, interest shall be payable at the prime credit rate current on the 91st day after the date of issue; and thereafter, until maturity or any earlier date of payment interest shall be payable at the prime credit rate current on the 181st day after the date of issue. The notes may be prepaid by Pennsylvania at any time, in whole or in part, on 24 hours prior written notice to the payee without penalty or premium.

The proceeds from the issuance of the above described notes will be used by Pennsylvania to pay part of the cost of its 1957 construction program which, it is presently estimated, will amount to $13,000,000. As part of the financing required for such program and its continuation in 1957, Pennsylvania now proposes to issue and sell, during October 1957, an additional $8,000,000 principal amount of first mortgage bonds, to be made the subject of a later filing with the Commission.

No State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

It is estimated that fees, commissions and expenses to be incurred by Pennsylvania will not exceed $1,250, including counsel fees of Messrs. Winthrop, Stimson, Putnam & Roberts which are estimated not to exceed $1,000.

Due notice of the filing of said application having been given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13521) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the application should be granted forthwith:

It is ordered, Pursuant to the first sentence of section 6 (b) of the act and Rule U-23 promulgated thereunder, that said application be, and the same hereby is, granted forthwith, subject to the condition that the authorization granted herein shall terminate on December 1, 1957 and also subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6765; Filed, Aug. 16, 1957; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

THOMAS R. REID

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

As of August 1, 1957, I owned relatively small holdings of shares of stock in the following corporations:
1. Ford Motor Company.
2. Reynolds Metals Company.
3. The Texas Company.
4. American Natural Gas Company.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 965).

Dated: August 1, 1957.

THOMAS R. REID.

[F. R. Doc. 57-6675; Filed, Aug. 16, 1957; 8:48 a. m.]

DETLEV W. BRONK

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since submission of Form ODM-163 as of 29 January 1957.

This amends statement previously published in the FEDERAL REGISTER February 9, 1957 (22 F. R. 856).

Dated: July 29, 1957.

DR. DETLEV W. BRONK.

[F. R. Doc. 57-6776; Filed, Aug. 16, 1957; 8:48 a. m.]

J. R. KILLIAN, JR.

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions: I am now a Director of Research Corporation, New York City.
I am now a member of the Board of Trustees of the Carnegie Foundation for the Advancement of Teaching.
Change: I am no longer Chairman of the Board of Trustees of the Institute for Defense Analyses, Inc. (see Form ODM-163 submitted July 29, 1956) but I continue to be a Member of the Board of Trustees of this organization.
Deletion: I am no longer a Trustee of the Boston Lying-in Hospital (see Form ODM-163 submitted December 16, 1955).

This amends statement previously published in the FEDERAL REGISTER February 9, 1957 (22 F. R. 856).

Dated: July 29, 1957.

J. R. KILLIAN, JR.

[F. R. Doc. 57-6777; Filed, Aug. 16, 1957; 8:48 a. m.]

HAROLD S. BLACKMAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 966).

Dated: August 9, 1957.

HAROLD S. BLACKMAN.

[F. R. Doc. 57-6778; Filed, Aug. 16, 1957; 8:48 a. m.]

GEOFFREY BAKER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last statement.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 967).

Dated: August 8, 1957.

GEOFFREY BAKER.

[F. R. Doc. 57-6779; Filed, Aug. 16, 1957; 8:49 a. m.]

JOSEPH D. KEENAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Bought (Addition): Gabriel Co., Dexilyn Drill Corp., Drug Fair Co., Merritt Chapman & Scott, AVCO, Owen Corning Fibre.
Sold: Armour & Co., U. S. Smelting, Hussman & Co., Gulf Coast Oil.

This amends statement previously published in the FEDERAL REGISTER March 2, 1957 (22 F. R. 1324).

Dated: August 1, 1957.

JOSEPH D. KEENAN.

[F. R. Doc. 57-6780; Filed, Aug. 16, 1957; 8:49 a. m.]

GORDON B. CARSON

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 967).

Dated: August 1, 1957.

GORDON B. CARSON.

[F. R. Doc. 57-6781; Filed, Aug. 16, 1957; 8:49 a. m.]

GEORGE ROSS LESAUVAGE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Same as before except purchased 200 additional shares of Frank G. Shattuck Co.

This amends statement previously published in the FEDERAL REGISTER, February 15, 1957 (22 F. R. 966).

Dated: August 1, 1957.

GEORGE ROSS LESAUVAGE.

[F. R. Doc. 57-6782; Filed, Aug. 16, 1957; 8:49 a. m.]

RUSSELL C. MCCARTHY

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, February 15, 1957 (22 F. R. 966).

Dated: August 1, 1957.

RUSSELL C. MCCARTHY.

[F. R. Doc. 57-6783; Filed, Aug. 16, 1957; 8:49 a. m.]

PETER HENLE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 966).

Dated: August 1, 1957.

PETER HENLE.

[F. R. Doc. 57-6784; Filed, Aug. 16, 1957; 8:49 a. m.]

R. CARTER WELLFORD

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 966).

Dated: August 1, 1957.

R. CARTER WELLFORD.

[F. R. Doc. 57-6785; Filed, Aug. 16, 1957; 8:49 a. m.]

WILLIAM WEBSTER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Add: Charlestown Savings Bank, Director.
Changes in investments since last submission of Form ODM-163.
Additions: Radiant Products, Inc.
Deletions: American Nepheline Co., Baldwin Securities, Coastal Caribbean Oils.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 965).

Dated: August 1, 1957.

WILLIAM WEBSTER.

[F. R. Doc. 57-6786; Filed, Aug. 16, 1957; 8:50 a. m.]

STANLEY RUTTENBERG

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 956).

Dated: August 1, 1957.

STANLEY RUTTENBERG.

[F. R. Doc. 57-6787; Filed, Aug. 16, 1957; 8:50 a. m.]

PHILIP N. POWERS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Internuclear Company, Prestole Corp., Trans World Airlines, Northspan Uranium Mines, Limited, Collins Radio Corp., Hydrometals, Inc.,

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 965).

Dated: August 1, 1957.

PHILIP N. POWERS.

[F. R. Doc. 57-6788; Filed, Aug. 16, 1957; 8:50 a. m.]

E. D. REEVES

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 965).

Dated: August 1, 1957.

E. D. REEVES.

[F. R. Doc. 57-6789; Filed, Aug. 16, 1957; 8:50 a. m.]

JAMES H. TAYLOR

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 967).

Dated: August 1, 1957.

JAMES H. TAYLOR.

[F. R. Doc. 57-6790; Filed, Aug. 16, 1957; 8:50 a. m.]

OTTO L. NELSON, JR.

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

ADDITIONS

Officer: Chairman of Finance Committee, Building Research Institute.
Member of Executive Committee, Building Research Institute.
Revenue bonds: City of Little Rock, Arkansas Water Revenue Bonds.
Union Free School District No. 18 of the Town of Oyster Bay, Nassau County, New York Bonds.

DELETION

Officer: Member of Finance Committee, Building Research Institute.

This amends statement previously published in the FEDERAL REGISTER January 25, 1957 (22 F. R. 513).

Dated: July 10, 1957.

OTTO L. NELSON, Jr.

[F. R. Doc. 57-6791; Filed, Aug. 16, 1957; 8:50 a. m.]

L. GORDON WALKER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change in my financial status since my last report of February 18, 1957.

This amends statement previously published in the FEDERAL REGISTER March 2, 1957 (22 F. R. 1323).

Dated: July 24, 1957.

L. GORDON WALKER.

[F. R. Doc. 57-6792; Filed, Aug. 16, 1957; 8:51 a. m.]

ALBERT J. PHILLIPS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

American Smelting and Refining Company—Vice President.
Continuous Casting Corporation—Director.
Armco Steel Company—own stock.
General Cable Corporation—own stock.
Vulcan Silver and Lead Company—own stock.
Great Northern Iron Ore Company—own stock.
Procter and Gamble—own stock.

NOTE: Only change since statement of February 1, 1957, is the acquisition of Procter and Gamble stock.

This amends statement previously published in the FEDERAL REGISTER February 22, 1957 (22 F. R. 1094).

Dated: August 1, 1957.

ALBERT J. PHILLIPS.

[F. R. Doc. 57-6793; Filed, Aug. 16, 1957; 8:51 a. m.]

C. F. OGDEN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Accessions: None.
Deletions: None.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 967).

Dated: August 1, 1957.

C. F. OGDEN.

[F. R. Doc. 57-6794; Filed, Aug. 16, 1957; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 161

Washington, Tuesday, August 20, 1957

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

AUG 20 1957

MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10725

SUSPENSION OF THE PROVISION OF SECTION 5751 (b) OF TITLE 10, UNITED STATES CODE, WHICH RELATES TO OFFICERS OF THE MARINE CORPS OF THE GRADE OF CAPTAIN

By virtue of the authority vested in me by section 5785 (a) of title 10 of the United States Code, and finding that the needs of the Marine Corps so require, it is ordered as follows:

1. The operation of the provision of section 5751 (b) of title 10 of the United States Code which relates to the service-in-grade requirement for officers of the Marine Corps of the grade of captain for eligibility for consideration by a selection board for promotion to the next higher grade is hereby suspended until June 30, 1958.

2. This order supersedes Executive Order No. 10546 of July 16, 1954, entitled "Suspension of Certain Provisions of the Officer Personnel Act of 1947, as amended, Which Relate to Officers of the Marine Corps of the Grades of First Lieutenant and Captain."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 16, 1957.

[F. R. Doc. 57-6885; Filed, Aug. 16, 1957; 4:53 p. m.]

EXECUTIVE ORDER 10726

SUSPENSION OF COMPLIANCE WITH CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 202 of the Department of Commerce and Related Agencies Appropriation Act, 1958 (71 Stat. 78), and section 608 of the Department of Defense Appropriation Act, 1958 (71 Stat. 312), relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective dates of said acts, compliance with the provisions of the said sections: *Provided*, that this suspension shall not be construed to affect the provisions of the said sections relating to the amount of compensation that may be received by persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company the stock of which is owned wholly or in part by the United States Government.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 16, 1957.

[F. R. Doc. 57-6886; Filed, Aug. 16, 1957; 4:53 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

PART 483—WHEAT AND FLOUR

SUBPART—FLOUR EXPORT PROGRAM—CASH PAYMENT (GR-346)

TERMS AND CONDITIONS

The Terms and Conditions of the Flour Export Program—Cash Payment (GR-346) (21 F. R. 8741) are amended as follows:

1. Section 483.205 (a) is amended to read as follows:

§ 483.205 *General conditions of eligibility.* (a) Payment under this program will be made to an exporter in connection with the net quantity of flour exported from the United States to a designated country and the net quantity of flour in customs bond in Canada exported in like manner from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from the Director, Grain Division, Commodity Stabilization Service (referred to in this subpart as the Director), in accordance with § 483.236, subject to the Terms and Conditions set forth in this subpart. The term "foreign buyer" or "foreign buyer in the country of destination" as referred to in this subpart, shall include the Army and Air Force Exchange Service purchasing flour for shipment to installations abroad. Payment also will be made to an ex-

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porter on flour exported prior to sale and for which the exporter has received a notice of registration from the Director, subject to the Terms and Conditions of this subpart, particularly § 483.209.

2. Section 483.206 (c) is amended to read as follows:

(c) Unless otherwise approved in writing by the Director, exports of flour under this program shall be made only to the country and buyer named in the Declaration of Sale and the exporter shall not ship, transship or cause the flour to be transshipped to any other country.

3. In § 483.207 paragraphs (a) and (b) are amended to read as follows:

§ 483.207 *Date of exportation.* (a) Flour sold for export in a specified export rate period announced by CCC, must be exported before the end of that period in order for the exporter to obtain the export payment rate applicable to that period, unless an extension is obtained in writing from the Director changing the export date to a later period. In the event that export takes place after the specified rate period and the exporter has not obtained an extension to change the export date to a later period, the export payment rate will be that which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place. It will be the policy to grant an extension if it can be shown that exportation under the contract has been delayed by circumstances beyond the exporter's or importer's control and is not due to intentional violation of the contract. In the case of flour sold to the Army and Air Force Exchange Service, where exportation is to be made by the service and not by the seller, the term "export", for the purpose of determining the applicable rate pursuant to this section, means delivery of the flour to the Exchange Service.

(b) With respect to sales under the International Wheat Agreement flour sold for recording against quotas of any IWA crop year must be exported not later than July 31 of such crop year unless later exportation is authorized by (1) a supplement to a rate announcement (see § 483.230) or (2) in specific cases by written approval of the Director prior to exportation.

4. Section 483.208 is amended to read as follows:

§ 483.208 *Excess quantities loaded.* Payment will not be made on quantities loaded on vessels, cars, or trucks which are in excess of the quantity shown on the Declaration of Sale plus a one per cent tolerance. Any additional quantity loaded must be reported and documented as a new sale and will require a new Notice of Sale, new Declaration of Sale and new evidence of sale.

5. Section 483.209 (c) is amended to read as follows:

(c) Unless otherwise approved in writing by the Director, only flour which is loaded on a vessel which also carries flour sold by the same exporter shall be reported under paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of flour exported.

6. Section 483.231 *Determination of rates* is amended by changing paragraph (d) and by adding paragraph (h), such paragraphs to read as follows:

(d) Sales may be made through a third principal party but for the purpose of this subpart the third principal party will be considered as an agent or intermediary and the sale as being between the exporter and the ultimate foreign buyer in the country of destination. The time of sale shall be determined by reference to the factors listed elsewhere in this section. The evidence of sale required by § 483.237 (d) shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party. For purposes of determining the applicable export payment rate, when the sale is made through an intermediary, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

• • • • •

(h) In the case of sales to the Army and Air Force Exchange Service, the time of sale shall be the time appearing on the Army and Air Force Exchange Service Purchase Order.

7. Section 483.235 (b) (4) is amended to read as follows:

(4) *Country of destination.* In the case of sales to the Army and Air Force Exchange Service, the exporter shall give the complete markings specified on the Purchase Order.

8. Section 483.237 (b) (7) is amended to read as follows:

(7) *Country of destination.* In the case of sales to the Army and Air Force Exchange Service, the exporter shall give the complete markings specified on the Purchase Order.

9. In § 483.237 paragraphs (c) and (d) are amended to read as follows:

(c) *Name in which filed.* The Declaration of Sale must be filed in the name of the exporter who sold the flour to a foreign buyer either directly or through an agent or an intermediary. If the sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all related documents, such as:

American Milling Company
(trade name)
U. S. Milling Company
[S] John Smith, Secretary

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving a third principal party (see § 483.231 (d)), the evidence shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party. In the case of an IWA sale, the exporter must also furnish a signed statement or other acceptable evidence, such as an exchange of cables, to the effect that buyer and exporter agree that the price of the flour is consistent with prices specified in the International Wheat Agreement. In the case of sales to the Army and Air Force Exchange Service, the document to be submitted evidencing the sale shall be a certified copy of the Army and Air Force Exchange Service Purchase Order.

10. In § 483.245 *Public Voucher Form CSS–21,* the reference to § 483.247 is amended to read § 483.246.

11. Section 483.246 (b) is amended to read as follows:

(b) If the shipper or consignor named in the on-board ocean bill(s) of lading or the Shipper's Export Declaration(s), is other than the exporter named in the Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the on-board ocean bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence exportation.

12. Section 483.246 (c) is deleted.

13. Section 483.246 (d) is added as follows:

(d) In the case of sales to the Army and Air Force Exchange Service each voucher must be supported by (1) a certified copy of the inland bill of lading showing delivery of the flour to the Service, (2) a certificate of exportation obtained from the Army and Air Force Exchange Service and signed by the Chief or Assistant Chief, Transportation Division, AAFES, (3) a statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour as described in the Declaration of Sale and covered by the bill of lading. If the shipper or consignor named in the inland bill of lading is other than the exporter named in the Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is re-

quired. Such waiver must clearly identify the bill of lading and other evidence of exportation.

14. Section 483.289 is amended to read as follows:

§ 483.289 *Exporter.* "Exporter" means any individual, corporation, partnership, association or other business entity, which is located and maintains a business organization within the continental United States, and which is a contracting party in the foreign sale reported under § 483.235. The term "exporter" shall be deemed to include a commercial firm selling flour to the Army and Air Force Exchange Service for export regardless of whether exportation is actually made by the commercial firm or by the Exchange Service.

15. Section 483.297 is added and shall read as follows:

§ 483.297 *Cablegram.* The term "cablegram" means cablegram, telegram or any other similar means of communication.

(Sec. 5, 62 Stat. 1072; 15 U. S. C. 714c. Interpret or apply sec. 2, 63 Stat. 945, sec. 104, 64 Stat. 198, 67 Stat. 358, 70 Stat. 966; 7 U. S. C. 1641, 1642)

Issued this 14th day of August 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-6813; Filed, Aug. 19, 1957; 8:46 a. m.]

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

DETERMINATION OF ACREAGE

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188) the regulations for the conservation reserve program issued August 16, 1956 (21 F. R. 6289), as amended, are hereby amended as follows:

Section 485.163 (d) (3) is amended to read as follows:

(3) The number of acres in the tract or tracts of land designated as the conservation reserve and the number of acres on the farm devoted to Soil Bank base crops shall be measured or otherwise determined in the same manner as acreage is determined under the acreage allotment and marketing quota programs. In determining the acreage of any commodity for which an acreage allotment or Soil Bank corn base was determined for the farm the definition of the acreage of such commodity under the marketing quota and price support programs shall apply except that the provisions of such definitions which relate to the disposition of acreage in excess of the allotment or Soil Bank corn base shall, in the case of the conservation reserve program, apply to the disposition of acreage in excess of that required for compliance with a conservation reserve contract. The number of acres devoted to any of the Soil Bank base crops for which an acreage allotment or Soil Bank corn base is not applicable shall be for 1956 the harvested acreage of such crop and for 1957 and subsequent years the acreage planted to such crop (including volunteer seedings) which is not turned under, cut off or pastured off, or otherwise disposed of, to the extent that the crop will not reach maturity, prior to a date which shall be at least 15 days before the date the harvesting of the latest maturing crop in the area normally begins. Such disposition date may be established in a county or an area within a county. Such date will be available at the office of the county committee and the producer shall obtain such information at that office.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Done at Washington, D. C., this 15th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6825; Filed, Aug. 19, 1957; 8:48 a. m.]

[Amdt. 1]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program (22 F. R. 6397) are hereby amended as follows:

1. Paragraphs (f), (g), and (h) of § 485.313 are hereby amended to read as follows:

(f) *Permitted acreage of soil bank base crops.* (1) Except as provided in subparagraph (2) of this paragraph, the permitted acreage of soil bank base crops shall be the farm soil bank base less the number of acres placed in the acreage reserve under all 1958 agreements for the farm and less the number of acres in the conservation reserve at the regular rate.

(2) In the case of farms which during 1957 participated in both the acreage reserve program and the conservation reserve program, the permitted acreage of soil bank base crops shall be the farm soil bank base less the number of acres in the conservation reserve at the regular rate and less any amount by which the number of acres placed under 1958 acreage reserve agreements exceeds the number of acres placed under 1957 acreage reserve agreements.

(g) *Notice to farm operator.* The farm operator shall be given written notice of the number of acres planted to soil bank base crops on the farm in excess of the permitted acreage.

(h) *Effect of failure to dispose of acreage in excess of that permitted.* If the farm operator does not dispose of such acreage, in accordance with the conditions set forth in such notice, so that no part of such acreage can be harvested, the agreement shall not be deemed violated but the provisions of this paragraph shall apply:

(1) If the permitted acreage of soil bank base crops is zero, the producer shall not be entitled to any compensation under the agreement if he fails to dispose of all acreages planted to soil bank base crops.

(2) If the permitted acreage of soil bank base crops is more than zero, the producer shall not be entitled to any compensation under the agreement if the final acreage of soil bank base crops exceeds the permitted acreage of such crops by more than one acre or three percent, whichever is larger.

(3) If the permitted acreage of soil bank base crops is more than zero, and the final acreage of soil bank base crops exceeds the permitted acreage of such crops by not more than one acre or three percent, whichever is larger, the acreage otherwise eligible for compensation shall be reduced by the amount of such excess. If two or more agreements are in effect for a farm, any excess soil bank base acreage for which a reduction is to be made shall be apportioned among the agreements in the proportion that the acreage otherwise eligible for compensation under each agreement bears to the total acreage otherwise eligible for compensation under all agreements.

(4) If the farm operator is not given timely notice as to the correct number of acres planted to soil bank base crops in excess of that permitted, and the county committee determines that the producer made a reasonable effort, through measurement or otherwise, to dispose of the acreage in excess of that permitted, the acreage otherwise eligible for compensation shall not be reduced because of the failure to dispose of such acreage.

2. Section 485.315 (a) is amended to read as follows:

(a) *General.* If there has been no violation of the agreement, the amount of compensation payable for the commodity shall be determined by multiplying the rate of compensation per acre for the commodity, determined in accordance with section 485.316, by the number of acres in the acreage reserve, or the number of acres which the producer has agreed to place in the acreage reserve, whichever is the smaller, except as follows: (1) If excess acreage of the commodity covered by the agreement is harvested but the producers are not in violation of the agreement (see § 485.310 (b) (2)), the amount of compensation payable shall not exceed the rate of compensation per acre for the commodity multiplied by the acreage by which the commodity is reduced below the allotment; (2) if the final acreage of soil bank base crops exceeds the permitted acreage for such crops, the amount of compensation shall be reduced in accordance with § 485.313 (h).

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 15th day of August, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6823; Filed, Aug. 19, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

MODIFICATION OF MINIMUM STANDARDS AS TO GRADE FOR NATURAL CONDITION PRUNES AND MINIMUM STANDARDS AS TO GRADE FOR PROCESSED PRUNES

Notice was published in the August 2, 1957, issue of the FEDERAL REGISTER (22 F. R. 6105) that the Secretary of Agriculture had under consideration a proposed modification of the minimum standards as to grade for natural condition prunes and the minimum standards as to grade for processed prunes, as set forth in said notice. The modifications were proposed after consideration of information received from the Prune Administrative Committee and other pertinent information available to the Secretary, and would be established in accordance with the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments with respect to the proposed modifications.

No objections to the proposed modifications were submitted. After consideration of all the available information, it is concluded that to modify the minimum standards as to grade for natural condition prunes and the minimum standards as to grade for processed prunes as set forth in the aforesaid notice will tend to effectuate the declared policy of the aforesaid act.

The notice proposed to place the modifications in effect at 12:01 a. m., P. d. s. t., August 16, 1957. Since this order cannot be published in the FEDERAL REGISTER on or before that date, it is provided hereinafter that this order shall become effective upon publication in the FEDERAL REGISTER.

It is hereby ordered, That, effective upon publication in the FEDERAL REGISTER, the modifications are as follows:

a. Pursuant to the provisions of paragraph (c) of § 993.48 of the order, subparagraph (5) of paragraph C of § 993.97 *Exhibit A,* I, *Minimum standards for natural condition prunes,* is hereby changed to read as follows:

(5) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed fifteen percent (15%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

b. Pursuant to the provisions of paragraph (c) of § 993.49 of the order, subparagraph (6) of paragraph C of § 993.97 *Exhibit A,* II, *Minimum standards for processed prunes,* is hereby changed to read as follows:

(6) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed fifteen percent (15%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

c. Otherwise the minimum standards prescribed in § 993.97 of the order as presently effective shall continue in effect.

It is hereby found and determined that good cause exists for not postponing the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (Section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Deliveries of dried prunes to handlers by producers and dehydrators are commencing; (2) handlers need to know with certainty and as soon as is practicable what the minimum standards as to grade for natural condition prunes and the minimum standards as to grade for processed prunes will be; and (3) handlers require no additional notice for preparation to comply with the modifications contained herein. In these circumstances, this order should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 15, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-6822; Filed, Aug. 19, 1957; 8:48 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

ESTABLISHMENT OF SALABLE AND SURPLUS PERCENTAGES FOR 1957-58 CROP YEAR

Notice was published in the July 30, 1957, issue of the FEDERAL REGISTER (22 F. R. 5980) that the Secretary of Agriculture had under consideration a proposed rule to establish a salable percentage of 90 percent and a surplus percentage of 10 percent for California dried prunes during the 1957-58 crop year, in accordance with the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). These percentages were based upon the recommendation of the Prune Administrative Committee (hereinafter referred to as the "committee") and other information available to the Secretary, and the notice afforded interested persons an opportunity to file written data, views, or arguments with respect thereto. The said percentages were based on the following estimates (in terms of natural condition weight of dried prunes) for the 1957-58 crop year: (1) A carry-in of 44,800 tons on August 1, 1957; (2) a 1957 production of 171,000 tons; (3) a total supply of 215,800 tons (item 1 plus item 2); (4) disappearance in regular commercial trade channels of 173,900 tons (122,700 tons for United States and Canadian markets and 51,200 tons for export markets); (5) a carryout of 24,800 tons on July 31, 1958; (6) a surplus tonnage of 17,100 tons (item 3 less the sum of items 4 and 5); and (7) a salable tonnage of 153,900 tons (item 2 less item 6).

No data, views, or arguments were submitted, and it is hereby found and determined that to establish the salable and surplus percentages set forth in the aforesaid notice will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That the salable and surplus percentages for dried prunes during the 1957-58 crop year shall be as follows:

§ 993.205 *Dried prune salable and surplus tonnage percentages for the 1957-58 crop year.* The salable percentage for dried prunes produced in California shall be 90 percent for the crop year beginning August 1, 1957, and ending July 31, 1958, and the surplus percentage for such dried prunes shall be 10 percent for the said crop year.

It is hereby found and determined that good cause exists for not postponing the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Deliveries of dried prunes to handlers by producers and dehydrators began in August; (2) handlers need to know with certainty and as soon as practicable the portions of their receipts of prunes in the 1957-58 crop year which must be set aside and held as surplus; and (3) handlers are aware that percentages were proposed for the 1957-58 crop year and they should need no additional advance notice for compliance with this regulation. In these circumstances, this order should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 15, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-6821; Filed, Aug. 19, 1957; 8:48 a. m.]

PART 998—MILK IN THE CORPUS CHRISTI, TEXAS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

Sec.
998.0 Findings and determinations.

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998.1 Act.
998.2 Secretary.
998.3 Department of Agriculture.
998.4 Person.
998.5 Cooperative association.
998.6 Corpus Christi, Texas, marketing area.

Sec.
998.7 Fluid milk plant.
998.8 Nonfluid milk plant.
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998.10 Handler.
998.11 Route.
998.12 Producer.
998.13 Producer milk.
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REPORTS, RECORDS AND FACILITIES

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CLASSIFICATION

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MINIMUM PRICES

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998.80 Payments to producers.
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MISCELLANEOUS PROVISIONS

998.100 Agents.
998.101 Separability of provisions.

AUTHORITY: §§ 998.1 to 998.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 998.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handlers' own production; (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month through routes located in the marketing area from a nonfluid milk plant other than a plant defined in § 998.61.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than September 1, 1957. Any delay beyond that date in the effective date of this order amending the order, as amended, will impair the proper operation of the order and will threaten the orderly marketing of milk in the Corpus Christi, Texas, marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Deputy Administrator, Agricultural Marketing Service, on May 17, 1957, and the final decision having been issued by the Assistant Secretary of Agriculture on July 11, 1957. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective September 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by this order amending the order, as amended, which is marketed within the Corpus Christi, Texas, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period June 1957, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended to read as follows:

DEFINITIONS

§ 998.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 998.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 998.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 998.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 998.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales of or marketing milk or its products for its members.

§ 998.6 *Corpus Christi, Texas, marketing area.* "Corpus Christi, Texas, marketing area," hereinafter called the "marketing area" means all the territory within the counties of Brooks, Cameron, Duval, Hidalgo, Jim Wells, Kleberg, Live Oak, Nueces and San Patricio, all in the State of Texas.

§ 998.7 *Fluid milk plant.* "Fluid milk plant" means (a) any milk processing or packaging plant from which Class I milk equal to more than three percent of the Grade A milk and skim milk received from dairy farmers and other plants, or an average of 1,000 pounds of Class I milk per day, whichever is less, is disposed of during the month in the marketing area through a route(s), or (b) a plant from which milk, skim milk, or cream, which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label, is shipped to a plant(s) qualified pursuant to subdivision (a) of this paragraph during the months of February through July in any volume and during the months of August through January in volume in excess of an average of 5,000 pounds per day of milk, skim milk, or cream computed on a milk equivalent basis of four percent butterfat.

§ 998.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or packaging plant other than a fluid milk plant.

§ 998.9 *Approved plant.* "Approved plant" means: (a) A fluid milk plant and (b) any milk plant from which Class I milk is disposed of through a route(s) in the marketing area.

§ 998.10 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 998.11 *Route.* "Route" means the operation of a vehicle or a plant store (including that operated by a vendor) through which milk, skim milk, buttermilk, cream or flavored milk drinks are disposed of to retail or wholesale outlets in the marketing area.

§ 998.12 *Producer.* "Producer" means any person except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant or (b) diverted for his account by the operator of a fluid milk plant from such plant to a nonfluid milk plant during any of the months of March through July: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 998.13 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at a fluid milk plant directly from producers or diverted from such a plant pursuant to § 998.12.

§ 998.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 998.41 (a) (1), except (1) such products received from other fluid milk plants, and (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 998.41 (b) (1) from any source (including those produced at the plant) which are reprocessed or converted into another product during the month.

§ 998.15 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from other dairy farmers and disposes during the month of less than a daily average of 3,300 pounds of Class I milk as defined pursuant to § 998.41 (a) (1) through a route(s) in the marketing area.

§ 998.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 998.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 998.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments to the order.

§ 998.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 998.85 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incured under § 998.84) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 998.30 to 998.32, inclusive, or payments pursuant to §§ 998.80 to 998.83, inclusive;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 998.50 (a), and the Class I butterfat differential computed pursuant to § 998.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 998.50 (b) and the Class II butterfat differential computed pursuant to § 998.52 (b), both for the previous month; and

(2) On or before the 12th day after the end of each month the uniform price for each handler computed pursuant to § 998.72 and the butterfat differential computed pursuant to § 998.81;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

REPORTS, RECORDS AND FACILITIES

§ 998.30 *Reports of receipts and utilization.* On or before the 7th day after

the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants as follows:

(a) The quantities of skim milk and butterfat contained in producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 998.41 (a) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat in other source milk;

(d) The quantities of skim milk and butterfat contained in inventories of products designated as Class I milk pursuant to § 998.41 (a) on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of Class I milk outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 998.31 *Payroll reports.* On or before the 20th day of each month each handler, except a producer-handler, shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his fluid milk plants which shall show for each producer;

(a) His name and address;

(b) The total pounds and the average butterfat test of milk received; and

(c) Net amount of such handler's payment, together with the price(s) paid and the nature and amount of any deductions.

§ 998.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonfluid milk plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 998.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers and disbursement of money so deducted;

§ 998.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 998.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at approved milk plants which is required to be reported for the month pursuant to § 998.30, shall be classified by the market administrator pursuant to the provisions of §§ 998.41 to 998.46, inclusive.

§ 998.41 *Classes of utilization.* Subject to the conditions set forth in §§ 998.43 and 998.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers), and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Disposed of and used for livestock feed;

(3) Contained in inventory of milk and milk products designated as Class I milk pursuant to paragraph (a) (1) of this section on hand at the end of the month;

(4) In skim milk dumped after prior notification to, and opportunity for verification by the market administrator; and

(5) In shrinkage, not to exceed 2 percent of skim milk and butterfat, respectively, in producer milk, and in other source milk received in the form of milk, skim milk or cream.

§ 998.42 *Shrinkage.* The market administrator shall assign shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage at the fluid milk plant(s) of each handler as follows:

(1) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(2) Assign the amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk received in the form of milk, skim milk, or cream.

§ 998.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 998.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of products designated as Class I milk in § 998.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 998.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 998.46 (a) (2) and the corresponding step of paragraph (b) of this section and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have other source milk as defined pursuant to § 998.14 during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers. In the case of skim milk and butterfat transferred from a plant as defined in § 998.7 (b) to a plant as defined in § 998.7 (a), the percentage of the total quantities of skim milk and butterfat, respectively, in products thus transferred and assigned to Class I milk shall not be greater than the percentage of skim milk and butterfat in producer milk classified as Class I milk in the plant of the transferee handler;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 998.41 (a) (1);

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located more than 225 miles distant by the shortest highway distance as determined by the market administrator, except that cream so transferred may be classified as Class II milk if notice is given to the market administrator at least 24 hours prior to shipment, each container is labeled by the transferor as "ungraded cream for manufacturing only" and such shipment is so invoiced; and

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located not more than 225 miles distant by the shortest highway distance as determined by the market administrator, unless the following conditions are met:

(1) The transferring-handler claims Class II utilization in a product specified in § 998.41 (b);

(2) The operator of such nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(3) The Class I milk, as defined pursuant to § 998.41 (a), in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines, constitute the regular source of supply for such plant: *Provided,* That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk, or cream so transferred or diverted.

§ 998.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 998.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 998.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 998.42 (b);

(2) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 998.14;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 998.41 (b) (3);

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 998.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 998.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk allocated to Class I and Class II milk, respectively.

MINIMUM PRICES

§ 998.50 *Class prices.* Subject to the provisions of §§ 998.51 and 998.52, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Part 943 of this chapter (Order No. 43, as amended), regulating the handling of milk in the North Texas marketing area, plus 78 cents, subject to the adjustment set forth in § 998.51.

(b) *Class II milk price.* The minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph for the months of March, April, May and June; and for each of the other months the price computed pursuant to subparagraph (1) of this paragraph or the price computed pursuant to subparagraph (2) of this paragraph, whichever is higher:

(1) The average of the basic or field price reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from dairy farmers at the following plants or places for which prices have been reported to the market administrator or to the Department:

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

(2) The sum of the plus values computed as follows:

(i) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0; and

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b., manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.16.

§ 998.51 *Location differential to handlers.* For that portion of milk which is received from producers at a fluid milk plant located more than 50 miles from the City Hall in Mercedes, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 998.50 (a) shall be reduced one and one-half cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 50 miles distant from the City Hall in Mercedes, Texas: *Provided,* That for the purpose of calculating such adjustment, transfers to a fluid milk plant at which no location adjustment credit is applicable or at which the location adjustment credit is less than at the transferor plant, shall be assigned to Class I milk in a volume only in excess of that by which Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such transferee plant. Such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

§ 998.52 *Butterfat differential to handlers.* For milk containing more or less than 4 percent butterfat, the class prices pursuant to § 998.51 (a) and (b) shall be increased or decreased, respectively, for each one-tenth of one percent butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120; and

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.110.

§ 998.53 *Equivalent prices.* If for any reason, a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 998.60 *Producer-handlers.* Sections 998.40 through 998.46, 998.50 through 998.53, 998.70 through 998.72 and 998.80 through 998.86 shall not apply to a producer-handler.

§ 998.61 *Plants subject to other Federal orders.* (a) An approved plant will be considered to be a nonfluid milk plant during the month for the purpose of this part if (1) a larger volume of Class I milk is disposed of from such plant in the marketing area of another order issued pursuant to the Act than is distributed in the Corpus Christi market-

ing area to wholesale or retail outlets (other than to a distributing plant(s)) during the month, and (2) such plant would be subject to regulation pursuant to such order; and

(b) The operator of such approved plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require in lieu of the reports required pursuant to § 998.30 and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 998.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 998.46 (a) (6) and the corresponding step of § 998.46 (b) by the applicable class price;

(c) Add an amount computed as follows: (1) Determine the pounds, if any, that the skim milk or butterfat in inventory, subtracted from Class I milk pursuant to § 998.46 (a) (3) and the corresponding step of § 998.46 (b) is not in excess of the pounds in producer milk classified as Class II milk (other than as shrinkage) for the preceding month; and (2) multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials; and

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 998.71 *Computation of aggregate value used to determine uniform prices.* For each month the market administrator shall compute an aggregate value for each handler from which to determine the uniform price per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Add or subtract from the amount computed pursuant to §998.70 for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, as determined pursuant to § 998.81 and multiplying the result by the total hundredweight of producer milk;

(b) Add the aggregate value of the location differentials to be deducted from payments to producers pursuant to § 998.82; and

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price for such handler for the preceding month.

§ 998.72 *Computation of uniform prices for handlers.* The market administrator shall compute a uniform price for producer milk received by each handler as follows: Divide the aggregate value computed pursuant to § 998.71 by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, at his fluid milk plant(s).

PAYMENTS

§ 998.80 *Payments to producers.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price computed pursuant to § 998.72 subject to the butterfat differential computed pursuant to § 998.81 and the location differential computed pursuant to § 998.82; plus or minus adjustments for errors made in previous payments to such producers; and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 998.84, and (3) proper deductions authorized by such producer;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 26th and 13th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceeding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination; and

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 998.81 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 998.80 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 998.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 998.82 *Location differential to producers.* In making payments to producers pursuant to § 998.80 for milk received from them at a fluid milk plant located more than 50 miles from the City Hall in Mercedes, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, the handler may deduct one and one-half cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 50 miles distant from the City Hall in Mercedes, Texas.

§ 998.83 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 998.84 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 998.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 998.85 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handlers' own production; (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month through routes located in the marketing area from a nonfluid milk plant other than a plant defined in § 998.61.

§ 998.86 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler with the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 998.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 998.91.

§ 998.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 998.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 998.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 998.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 998.101 *Separability of provisions.* If any provision of this part or its application to any person or circumstances is held invalid the application of such provision and of the remaining provisions of this part, to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C., this 14th day of August 1957, to be effective on and after September 1, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6811; Filed, Aug. 19, 1957; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 407—PROCEDURE FOR USE OF DOMESTIC NON-FEDERAL NAVIGATION FACILITIES FOR CAA APPROVED OPERATIONS

A new Part 407 is added as follows:

Subpart A—VOR Facilities

Sec.
407.1 Introduction.
407.2 Policy.
407.3 Implementation requirements.
407.4 Source of publications.
407.5 (Appendix 1) Performance requirements.
407.6 (Appendix 2) Installation requirements.
407.7 (Appendix 3) Maintenance and operation requirements.
407.8 (Appendix 4) Reports required by Civil Aeronautics Administration.

AUTHORITY: §§ 407.1 to 407.8 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 301, 302, 601, 52 Stat. 985, 1007, as amended; 49 U. S. C. 451, 452, 551.

SUBPART A—VOR FACILITIES

§ 407.1 *Introduction.* The policy and the minimum general requirements of the Civil Aeronautics Administration for

the operation of non-federal VOR facilities which are to be involved in the approval of instrument flight rules and air traffic control procedures related to such facilities are prescribed in Technical Standard Order N–27 adopted by the Administrator on August 19, 1957. Technical Standard Order N–27, which is set forth in this part, is mandatory upon all employees of the Civil Areonautics Administration in their discussions, advice, or recommendations to the public, or in their approval of the use of this type facility in any CAA-approved air operation or procedure. Personnel of the Regional Air Navigation Facilities Division are responsible for the promulgation of this Technical Standard Order on the part of CAA. Deviations from the Implementation Requirements prescribed herein will be permitted only upon approval of the Director, Office of Air Navigation Facilities, Civil Aeronautics Administration, Washington 25, D. C.

§ 407.2 *Policy.* (a) When the Civil Aeronautics Administration is requested by the owner of a nonfederal VOR to approve an IFR procedure for public use based on that facility, the CAA will require as a condition to such approval that the following minimum requirements be met:

(1) The performance of the facility as determined by air and ground inspections shall be in accordance with § 407.5 (Appendix 1).

(2) The installation of the equipment shall meet the requirements of § 407.6 (Appendix 2).

(3) The owner shall operate and maintain the facility in accordance with § 407.7 (Appendix 3).

(4) The owner shall furnish CAA periodic reports relative to the performance of the facility as described in § 407.8 (Appendix 4) and shall permit the CAA to inspect the facility and its operation at such times as the CAA deems necessary.

(5) The owner shall give assurance that he will not withdraw the facility from service except with the concurrence of CAA.

(b) The owner will bear all costs incident upon his meeting the requirements set forth in paragraph (a) of this section and those for flight and ground inspections which the CAA may be required to make prior to commissioning and periodically thereafter to satisfy itself that these requirements are met.

(c) If the requirements in paragraphs (a) and (b) of this section are met, the CAA will commission the facility as a prerequisite to its approval for use in an IFR procedure. The CAA will not implicitly or explicitly assume any responsibility for the facility by virtue of such approval. The CAA will withdraw its authorization to use the facility at any time it considers that the requirements set forth herein are not being met or will decommission the facility when the frequency channel is required for higher priority common system service.

§ 407.3 *Implementation requirements.* (a) Action under TSO N–27 will be initiated when the CAA has received from the owner a request for an IFR procedure based on his facility and he has submitted:

(1) A description of the facility, together with evidence that the equipment is capable of meeting the minimum performance requirements contained in § 407.5 (Appendix 1) and is installed in accordance with § 407.6 (Appendix 2).

(2) A proposed procedure for operating the facility.

(3) A proposed maintenance organization and manual of maintenance operation to meet the requirements of § 407.7 (Appendix 3).

(4) A statement of intent to meet the requirements of the Policy.

(b) The CAA will then perform whatever initial air and ground inspections are necessary to satisfy itself from a technical, operational and maintenance viewpoint that the facility and equipment are capable of meeting the requirements.

(c) The proposed operating procedure and maintenance organization and manual will be evaluated.

(d) The owner will be advised of the results of the inspections and evaluations and of any facility, maintenance manual or organizational changes that will be required. The owner will correct deficiencies and operate the facility for an in-service test evaluation so that the CAA may satisfy itself that the facility will meet the requirements for commissioning and use in an approved procedure. The approval of the facility is not to be taken as automatic approval of any specific procedure.

§ 407.4 *Source of publications.* Copies of this Technical Standard Order with its appendixes and related publications may be obtained from the Regional Offices of the Civil Aeronautics Administration, located in Jamaica, New York; Fort Worth, Texas; Kansas City, Missouri; Los Angeles, California; Anchorage, Alaska; and Honolulu, Territory of Hawaii.

§ 407.5 *(Appendix 1) Performance requirements.* (a) The performance of the VOR shall be in accordance with the International Standards and Recommended Practices, Aeronautical Telecommunications, Part I, Paragraph 3.4 (Annex 10 to the Convention on International Civil Aviation), except a portion of paragraph 3.4.7. Instead of removing only the bearing information, all radiation shall be removed during the specified deviations from established conditions and during periods of monitor failure. Ground inspection will consist of an examination of the design features of the equipment in order to determine that conditions may not arise which would permit unsafe operation due to component failure or deterioration. The monitor will be subjected to periodic calibration and stability checks during the in-service test evaluation period. These tests will be made with a standard "Reference and variable phase signal generator" and associated test equipment, including such items as an oscilloscope, portable field detector, etc. A ground check of course accuracy will be conducted generally in accordance with instructions contained in section 8.4 of Federal Airways Manual of Operations IV–B–3–3, Second Edition, adapted to suit the facility.

(b) Flight tests to determine the adequacy of the facility to meet operational requirements and compliance with certain of the Standards and Recommended Practices (SARPS) will be conducted in accordance with the U. S. Standard Flight Inspection Manual, particularly section 201.

§ 407.6 *(Appendix 2) Installation requirements.* (a) The facility shall be of a permanent nature, constructed and installed according to accepted good engineering practices and applicable electric and safety codes.

(b) There shall be a reliable source of suitable primary power. It may be from a power distribution system or may be locally generated. A standby system may be required to supplement the primary power source.

(c) Dual transmitting equipment with automatic changeover is preferred and may be required in the support of some IFR procedures.

(d) There shall be means for determining on the ground the performance of the equipment (including the antenna) initially and periodically.

(e) Non-federal VOR facilities desired for use as an instrument approach aid for an airport must have or be supplemented with, dependent on specific circumstances, certain ground-air and landline communications services as follows:

(1) At facilities located outside of and not immediately adjacent to air traffic control areas, ground-air communications from the airport served by the facility must be available. Voice on the aid controlled from the airport will be encouraged in the interest of reducing channel interference and minimizing airborne equipment requirements; however, separate communication channels will be acceptable.

(2) At facilities located within or immediately adjacent to air traffic control areas, ground-air communications from the airport served by the facility, as outlined in subparagraph (1) of this paragraph, must be available and in addition, reliable communications (landline telephone minimum) from the airport to the nearest CAA control point must be provided.

(3) Provisions of subparagraphs (1) and (2) of this paragraph are not mandatory at airports where an adjacent CAA facility is capable of communicating with aircraft on the ground at the airport and during the entire proposed instrument approach procedure.

(4) At low traffic density airports, located within or immediately adjacent to air traffic control areas, and where extensive delays are not a factor, the communications requirements of subparagraphs (1) and (2) of this paragraph may be reduced to reliable communications (landline telephone minimum) from the airport to the nearest CAA control point, providing an adjacent CAA facility is capable of communicating with aircraft during the proposed instrument approach procedure, at least

down to the minimum en route altitude of the controlled area.

§ 407.7 *(Appendix 3) Maintenance and operation requirements.* (a) The owner shall establish an adequate system of maintenance and provide qualified maintenance personnel to maintain the facility at the performance level existent at the time of commissioning. As a minimum, the maintenance personnel shall meet FCC licensing requirements plus demonstrating to CAA that they possess the special knowledge and skills required to maintain the facility.

(b) The owner shall prepare an operating and maintenance manual outlining mandatory procedures for operation, preventive maintenance, and emergency maintenance. This manual must be approved by the CAA and must include instructions covering the following points:

(1) Physical security of the facility and procedure for participation in CONELRAD air defense plan.

(2) Maintenance and operation of equipment by authorized personnel only.

(3) FCC license requirements for operating and maintenance personnel.

(4) Posting of licenses and signs.

(5) Relationship between the facility and CAA air traffic control facilities. Boundaries of controlled air space over or near the facility must be described. If applicable, instructions for relaying air traffic control instructions and information must be included. If the VOR is located outside of controlled air space, instructions for the operation of an air traffic advisory service must be included.

(6) Instructions pertaining to Air/Ground communications, if such service is provided. Appropriate sections of CAA manuals of operation may be incorporated by reference, or necessary instructions written directly in the manual.

(7) Notification of CAA regarding suspension of service.

(8) Detailed and specific maintenance procedures and servicing guides with the frequency of such servicing, i. e., weekly, monthly, annually, etc.

(9) Keeping of station logs and other technical records and submission of reports per § 407.8 (Appendix 4).

(10) Monitoring of the facility.

(11) Inspections by Federal Government personnel.

(12) Names, addresses and telephone numbers of persons to be notified in an emergency.

(13) Shutdowns for routine maintenance and issuance of Notices to Airmen for routine and emergency shutdowns.

(14) Description of critical portions of the facility that must not be changed, adjusted or repaired without a CAA flight check to confirm published facility operations.

(15) Explanation of types of activity (construction, grading, etc.) in the vicinity of the facility that may require shutdown or recertification by CAA flight check.

(16) Procedure for conducting a ground check of course accuracy.

(17) Commissioning the facility.

(18) An acceptable procedure for modifying or revising the manual.

(c) A ground check of course accuracy must be conducted monthly in accordance with the established procedure approved by CAA at the time of commissioning and a report of the results of these ground checks will be submitted to CAA per § 407.8 (Appendix 4).

(d) The owner shall submit to the CAA for approval any proposed modifications to the facility and must not permit any modifications to be performed without specific CAA approval.

(e) The owner's maintenance personnel shall participate in inspections performed by CAA personnel and will be required to demonstrate proficiency in accomplishing maintenance procedures and use of specialized test equipment.

(f) Improvements in VOR maintenance brought about by progress in "the state of the art" shall be incorporated by the owner when required by CAA.

(g) Test instruments required for maintenance of the facility shall be of types approved by the CAA.

(h) The owner shall require the facility to be shut down immediately upon receipt of two successive pilot reports of malfunctioning.

(i) The operating and maintenance manual must include pertinent data covering the facility involved. These data should include:

(1) Facility location by latitude and longitude to the nearest second, as well as position with relation to airport layouts.

(2) The type, make and model of the basic radio equipment which will provide the service.

(3) The station power emission and frequency.

(4) The hours of operation.

(5) Station identification call letters and the method of station identification, whether by Morse code or recorded voice announcement and the time spacing of this identification.

(j) The owner shall provide a stock of spare parts including vacuum tubes, sufficient to make possible prompt replacement of components which fail or deteriorate in service.

(k) The following Federal Airways Manuals of Operation may be of help to the owner in developing his operating and maintenance manual:

(1) IV–A–1–2—Certification of Facility Performance by Electronics Maintenance Personnel;

(2) IV–A–2–2—Electronics Maintenance Log, Form ACA–406c and Summary of Facility Performance, Form ACA–2171;

(3) IV–A–4—Maintenance of Electronics Equipment;

(4) IV–B–1–3—Description and Theory of VHF Omniranges;

(5) IV–B–2–3—Installation Instructions for VHF Omniranges;

(6) IV–B–3–3—Maintenance Instructions for VHF Omniranges;

(7) VI–C–2–6—VHF Omnirange Inspection Procedure.

§ 407.8 *(Appendix 4) Reports required by Civil Aeronautics Administration.* (a) The initial supply of forms required for submission of the following reports will be furnished by CAA. Additional quantities of these forms may be obtained from CAA upon request. Unless otherwise stated, these reports should be submitted to the CAA Regional Office of the region in which the facility is located.

(1) *Record of meter readings and adjustments—Form ACA–198.* This form shall be completed by the owner and shall represent the equipment adjustments and meter readings as of the time of commissioning. One copy shall be retained in the permanent records of the facility and two copies furnished to CAA. The form shall be revised following any major repairs, modernization or retuning so that it reflects an accurate record of facility operation and adjustment.

(2) *Maintenance Log of Communication Facilities—Form ACA–406c.* This form constitutes a permanent record of all malfunctioning of the equipment encountered in the maintenance of the facility. Such record will include information on the type of work and/or adjustments performed, equipment failures, causes (if determined) and corrective action taken. The original log shall be kept at the facility and one copy furnished to the CAA at the end of each month. Specific instructions regarding the preparation of this form are contained in Federal Airways Manual of Operation IV–A–2–2, and additional instructions contained in Performance Standardization Branch Instructions No. 7, No. 10 Rev. No. 1, No. 11 Rev. No. 2, and No. 12.

(3) *Radio transmitter operation record—Form ACA–418.* A complete record of meter readings will be kept on Form ACA–418. The readings should be recorded on each scheduled visit to the station. The original of the form shall be kept at the facility and one copy of each month's record forwarded to CAA. Instructions for the use of this form are contained on the cover of the booklet of forms.

(4) *Electronic facility unavailability record—Form ACA–2171.1 (IBM Card).* Equipment failures that remove the facility from service shall be recorded on Form ACA–2171.1 "mark sense" cards. Each failure shall be entered on a separate card and the cards will be forwarded, in a single package, to Maintenance Operations Division, W–670, Washington, D. C., at the end of each month. Specific instructions for preparation and coding of the outage reports are contained in Federal Airways Manual of Operation IV–A–2–2, and additional instructions contained in Performance Standardization Branch Instructions No. 7, No. 10 Rev. No. 1, No. 11 Rev. No. 2, and No. 12.

(5) *VOR ground check error data—Forms ACA–2396 and 2397.* Results of the monthly course accuracy ground check shall be recorded on these forms in accordance with general instructions contained in Federal Airways Manual of Operation IV–B–3–3, Second Edition. The originals shall be retained in the facility files and one copy of each form furnished to CAA on a monthly basis.

This Part 407 shall become effective August 19, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

AUGUST 16, 1957.

[F. R. Doc. 57–6871; Filed, Aug. 19, 1957; 8:51 a. m.]

[Amdt. 31]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
La Habra FM	LGB-LFR	Direct	1800	T-dn	300–1	300–1	*200–½
Int SE crs LGB LFR, and SW crs EL TORO LFR.	LGB-LFR	Direct	1400	C-dn	500–1	500–1	600–2
				S-dn-30	500–1	500–1	500–1
Huntington Beach FM	LGB-LFR (Final)	Direct	1000	A-dn	800–2	800–2	800–2
Long Beach VOR	LGB-LFR	Direct	1500				

*300–1 required for take-off runways 16, 16R, 25L, 34R.
Procedure turn S side SE crs, 118° Outbnd, 298° Inbnd, 1500′ within 10 miles, beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 298—3.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles, climb to 800′ on NW crs, then turn left to 200° continuing climb to Int. of 160° crs from LAX RBn and proceed to San Pedro Int at 2500′.
CAUTION: 500′ hill with oil derricks one mile S of airport; standard clearance not provided over obstructions for circ'ing minimums.

City, Long Beach; State, Calif; Airport Name, Municipal; Elev, 56′; Fac Class, SBMRLZ; Ident, LGB; Procedure No. 1, Amdt 13; Eff Date, 29 Aug 57; Sup Amdt No. 12; Dated, 5 Jan 57

PROCEDURE CANCELLED, EFFECTIVE 29 AUGUST 1957.

City, Los Angeles; State, Calif; Airport Name, International; Elev, 125′; Fac Class, SBRAZ; Ident, LAX; Procedure No. 1, Amdt 9; Eff Date, 14 Jul 56; Sup Amdt No. 8; Dated, 28 Mar 56

STL VOR	STL-LFR	Direct	1800	T-dn	300–1	300–1	200–½
Lake "H" fac.	STL-LFR	Direct	2000	C-dn	500–1	500–1	500–1½
				S-dn-24	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side E crs, 069 Outbnd, 249 Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 255—1.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles make right turn, climb to 2000′ on W crs STL LFR within 20 miles.

City, St. Louis; State, Mo; Airport Name, Lambert Fld; Elev, 558′; Fac Class, SBRAZ; Ident, STL; Procedure No. 1, Amdt 11; Eff Date, 14 Sept 57; Sup Amdt No. 10 Dated, 4 Feb 56

TUS VOR	TUS-LFR	Direct	6000	T-dn	300–1	300–1	300–1
Vail FM	TUS-LFR	Via E crs TUS-LFR.	7000	*C-dn	700–2	700–2	700–2
				*A-dn	800–2	800–2	800–2

Procedure turn N side W crs, 243 Outbnd, 063 Inbnd, 6000′ within 10 mi. Beyond 10 mi NA. Terrain 6536′ and 6875′ 4 mi S of W crs at 20 and 24 mi from LFR. (Procedure turn N for more favorable terrain.)
Minimum altitude over facility on final approach crs, TUS LFR 5000′ Mission FM* 4200′.
*If Mission FM not received 4200′ MSL must be maintained and minimums are 1600–2.
Crs and distance, facility to airport, TUS LFR 082—10.7 Mission FM 082—3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.0 mi (TUS LFR) or 3.7 mi from Mission, turn right, climb on a heading of 200 to 4700′, then home on LFR, continuing climb to minimum of 6000′. Alternate missed approach when directed by ATC; turn left, climb on a heading of 330 to intercept TUS radial of 302 outbnd, continuing climb to 7000′ Outbnd on radial 302.
SHUTTLE: to 6000′ on W crs within 10 mi all turns N side of crs.

City, Tucson; State, Ariz; Airport Name, Tucson Municipal; Elev, 2630′; Fac Class, SBRAZ; Ident, TUS; Procedure No. 1, Amdt 2; Eff Date, 14 Sept 57; Sup Amdt No. 1; Dated, 23 Jul 55

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Reedy Int	AND-RBn	Direct	2200	T-dn	300–1	300–1	
Royston VOR	AND-RBn	Direct	2000	C-dn	500–1	500–1	
				A-dn	800–2	800–2	

Procedure turn S side of crs, 238 Outbnd, 058 Inbnd, 2000′ within 10 miles (NA beyond 10 miles).
Minimum altitude over facility on final approach crs, 1300′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn left, climb to 2000′ on crs of 238 within 20 miles.

City, Anderson; State, S. C.; Airport Name, Anderson; Elev, 782′; Fac Class, BMH; Ident, AND; Procedure No. 1, Amdt 9; Eff Date, 14 Sept 57; Sup Amdt No. 8; Dated, 7 Jun 54

PROCEDURE CANCELLED, EFFECTIVE 14 SEPTEMBER 1957.

City, Lexington; State, Ky; Airport Name, Blue Grass; Elev, 978′; Fac Class, BH; Indent, LEX; Procedure No. 1, Amdt 6; Eff Date, 22 Jan 55; Sup Amdt No. 5; Dated, 10 Feb 52

PROCEDURE CANCELLED, EFFECTIVE 24 JUNE 1957.

City, Spokane; State, Wash; Airport Name, Geiger Fld; Elev, 2372′; Fac Class, LOM; Ident, GE; Procedure No. 1, Orig; Eff Date, 1 Jun 57; Sup Amdt No. Comb ILS–ADF No. 1, Amdt 10 Dated. 18 Feb 56

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Chattahoochee Int	ATL-VOR	Direct	2100	T-dn	300–1	300–1	200–½
Atlanta LFR	ATL-VOR	Direct	2100	S-d-3	500–1	500–1	500–1
				S-n-3	500–2	500–2	500–2
				C-d	500–1	500–1	500–1½
				C-n	500–2	500–2	500–2
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 195 Outbnd, 015 Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport 015—8.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 mi, immediately turn right, climb to 2200′ and proceed to Rex Int via E crs ATL ILS.
CAUTION: 2036′ MSL TV tower located 7 mi NNE of airport.

City, Atlanta; State, Ga; Airport Name, Municipal; Elev, 1024′; Fac Class, BVOR; Ident, ATL; Procedure No. 1, Amdt 2; Eff Date, 14 Sept 57; Sup Amdt No. 1; Dated, 9 Feb 57

Los Angeles Rbn	LAX-VOR	Direct	1500	T-dn	300–1	300–1	200–½
Hollywood Hills FM	LAX-VOR	Direct	3000	C-dn	500–1	600–1	600–1½
6 Nautical mi from LAX VOR on R 250 as reported by LAX Radar or by DME fix.	LAX-VOR (Final)	Direct	600	S-dn-7R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized.
Procedure turn S side of crs, 250 Outbnd, 070 Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 070—1.2.
If visual contact not established upon descent to authorized landing min mums or if landing not accomplished within 1.2 miles, climb to 2000′ on LAX R-074, no further East then Downey FM-RBn.

City, Los Angeles; State, Calif; Airport Name, International; Elev, 126′; Fac Class, BVOR; Ident, LAX; Procedure No. 1, Amdt 2; Eff Date, 29 Aug 57; Sup Amdt No. 1; Dated, 14 July 56

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Downey FM/HW	LAX OM (Final)	Direct	1500	T-dn	300–1	300–1	200–½
Los Angeles RBn	LAX-VOR	Direct	1500	C-dn	500–1	600–1	600–1½
Hollywood FM	LAX-VOR	Direct	3000	S-dn-25L	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring to final approach course authorized.
Procedure turn S side of crs, 069 Outbnd, 249 Inbnd, 2000′ within 10 miles. (Nonstandard due to terrain.)
Minimum altitude over LAX OM on final approach crs, 1500′*.
*Descend to landing minimums after passing LAX OM.
Crs and distance, LAX OM to Runway 25L, 249—5.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles of LAX OM, climb to 2000′ on LAX R-251 within 20 miles.

City, Los Angeles; State, Calif; Airport Name, International; Elev, 126′; Fac Class, BVOR; Indent, LAX; Procedure No. 2, Orig; Eff Date, 29 Aug 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Evanston Int*	ORD-VOR	Direct	2000	T-dn	300–1	300–1	200–½
Dundee Int	ORD-VOR	Direct	2500	C-dn	600–1	600–1	600–1½
Midway LOM	ORD-VOR	Direct	2000	S-dn-22	600–1	600–1	600–1
Glenview LFR	ORD-VOR	Direct	2000	A-dn	800–2	800–2	800–2
Wheeling VOR	ORD-VOR	Direct	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from inbnd fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.
*Evanston Int: Int R-075 ORD and R-135 EEL.
Procedure turn N side of crs, 032 Outbnd, 212 Inbnd, 2000′ within 10 mi.
Minimum altitude over Int on final approach crs (Int R-032 ORD and R-146 EEL or Radar Fix), 1500′; Brng and distance, Int or Radar Fix to airport, 212—5.0.
Crs and distance, breakoff point to app end of rny 22, 217—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, make immediate left turn, climb to 2500′ or higher altitude if specified by ATC and proceed to Wheeling VOR via R-030 ORD and R-135 EEL, or if directed by ATC: (1) make immediate left turn, climb to 3500′, proceed to Evanston Int* via R-075 ORD, (2) make immediate left turn, climb to 2500′, proceed to Glenview LFR via 030 crs and SE crs Glenview LFR.

City, Chicago; State, Ill; Airport Name, O'Hare Int'l; Fac Class, VOR; Ident, ORD; Procedure No. TerVOR-22, Amdt 3; Eff Date, 14 Sept 57; Sup Amdt No. 2; Dated, 8 Jun 57

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LEX VOR	LOM	Direct	2300	T-dn	300–1	300–1	200–½
Frankfort Int	LOM	Direct	2200	C-dn	400–1	500–1	500–1½
Richmond Int	LOM	Direct	2300	S-dn-4:			
Int ILS loc. and LEX VOR R-264	LOM (final) (ILS only)	Direct	2000	ILS*	300–¾	300–¾	300–¾
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*400–1 when glide slope inoperative.
Procedure turn S side of crs, 221 Outbnd, 042 Inbnd, 2200′ within 10 miles.
Minimum altitude at G. S. int inbnd, 2000′ ILS; minimum altitude over LOM inbnd final 1600′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 2000—3.5; at MM 1190—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, climb to 2300′ ILS NE crs or 042° ADF crs from LOM within 15 miles, or when directed by ATC, make left climbing turn to 2100′ and return to LOM.

City, Lexington; State, Ky; Airport Name, Blue Grass; Elev, 978′; Fac Class, ILS-LEX; Ident, BH-LEX; Procedure No. ILS-4, Orig, Comb ILS-ADF; Eff Date, 14 Sept 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LAX RBn	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Downy FM-RBN	LOM (Final)	Direct	*1700	C-dn	500–1	600–1	600–1½
LGB LFR	Downy FM-RBN	Direct	3000	S-dnry25L:			
LGB VOR	Downy FM-RBN	Direct	3000	ILS	200–½	200–½	200–½
LGB LFR	LOM	Direct	1700	ADF	400–1	400–1	400–1
LGB VOR	LOM	Direct	1700	A-dn:			
Hollywood Hills FM	LOM	Direct	3000	ILS	600–2	600–2	600–2
LAX VOR	LOM	Direct	2000	ADF	800–2	800–2	800–2

Radar vectoring to final approach crs authorized.
*Aircraft must descend from 3000′ immediately after passing Downy, inbnd.
Procedure turn S side E crs, 068 Outbnd, 248 inbnd, 2000′ within 7.8 mi of OM. (E of Downy Rbn NA.)
Minimum altitude at glide slope int inbnd 1700′ ILS; Min. alt. over LOM inbnd final 1700′ ADF.
Altitude of glide slope and distance to approach end of runway at OM 1700′—5.2; at MM—310–0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 mi, after passing LOM, climb to 2000′ on W crs LAX ILS within 20 mi.

City, Los Angeles; State, Calif; Airport Name, International; Elev, 126′; Fac Class, ILS-LAX; Ident, LOM-LA; Procedure No. ILS-25L, Amdt 15, Comb ILS-ADF; Eff Date, 29 Aug 57; Sup Amdt No. Proc. No. 1, Amdt 14; Dated 14 Jul 56

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes												Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
													65 knots or less	More than 65 knots	
015	040	5	1,500	10	1,800	15	2,000	20	5,000	25	7,500				
040	060	5	1,500	10	1,500	15	2,000	20	3,000	25	3,500	Precision approach			
060	085	5	1,500	10	1,500	15	1,500	20	3,000	25	3,500	S-dn-25L	200–½	200–½	200–½
085	135	5	1,500	10	1,500	15	1,500	20	3,000	25	3,000	A-dn	600–2	600–2	600–2
135	150	5	1,500	10	1,500	15	2,500	20	3,000	25	4,000				
150	180	5	1,500	10	2,000	15	2,500	20	3,000	25	4,000				
180	270	5	1,500	10	1,500	15	1,500	20	3,000	25	4,000				
270	345	5	1,500	10	2,500	15	3,500	20	5,000	25	5,000	Surveillance approach			
345	015	5	1,700	10	2,000	15	3,000	20	5,000	25	7,500	T-dn	300–1	300–1	200–½
												C-dn	500–1	600–1	600–1½
												S-dn*	400–1	600–1	600–1½
												A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
*Runways 25L–R, 7L–R.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on outbound crs of 248° from LAX RBn within 20 miles.

City, Los Angeles; State, Calif; Airport Name, International; Elev, 126′; Fac Class, Los Angeles Int'l; Ident, Radar; Procedure No. 1, Amdt 11; Eff Date, 29 Aug 57; Sup Amdt No. 10; Dated, 9 Mar 57

These procedures shall become effective on the dates indicated on the procedures.
(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

AUGUST 9, 1957.

[F. R. Doc. 57-6681; Filed, Aug. 19, 1957; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 610—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 717—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

WAGE ORDER

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 483 (22 F. R. 3757) as amended by Administrative Orders Nos. 486 (22 F. R. 4689) and 488 (22 F. R. 5874), appointed, convened, and gave notice of the hearings of Industry Committee No. 31–C to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the Children's Dress and Related Products Industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

The definition of this industry is the same as that of the present Children's Dress and Related Products Industry in Puerto Rico with the addition of specified garments made of waterproof material presently within the general classification of the Needlework and Fabricated Textile Products Industry in Puerto Rico, contained in 29 CFR Part 719, and the exclusion of products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto. Industry

Committee No. 31–C recommended two separate classifications within the industry and recommended new rates of pay for such classifications, which are effected by this wage order.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45–A (15 F. R. 3290), the recommendations of this committee are to be published in this amendment to Title 29 of the Code of Federal Regulations, to become effective September 5, 1957, which hereby revokes Part 717 and issues a new Part 610 to read as follows:

Sec.
610.1 Definition of the industry.
610.2 Wage rates.
610.3 Notices.

AUTHORITY: §§ 610.1 to 610.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 610.1 *Definition of the industry.* The manufacture from woven or knit fabric or from waterproof materials of the following garments: dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6x and under; dresses, creepers, rompers, waterproof pants, diaper covers, sportswear and play apparel for infants three years of age or under; and clothing and accessories for dolls: *Provided, however,* That this definition shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto.

§ 610.2 *Wage rates.* (a) Wages at a rate of not less than 42 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the children's dress and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and who is engaged in the hand-embroidery classification which is defined as the operations of hand-embroidering, hand-embellishing, ornamental stitching, and other hand-sewing operations involving decorative effects.

(b) Wages at a rate of not less than 57 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification which is defined as all operations in the children's dress and related products industry in Puerto Rico, other than those operations in the hand-embroidery classification of this industry.

§ 610.3 *Notices.* Every employer subject to the provisions of § 610.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 610.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 14th day of August 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57–6839; Filed, Aug. 19, 1957; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 9—COLOR CERTIFICATION

DEFINITION OF TERM "COAL-TAR COLOR"; ORDER STAYING EFFECTIVENESS OF AMENDMENT

In the FEDERAL REGISTER of June 7, 1957 (22 F. R. 4017), an order was published amending the definition of the term "coal-tar color" as it appears in § 9.1 (a) of the regulations for color certification (21 CFR 9.1 (a)) by replacing the period at the end of the paragraph with a semicolon and adding a list of coloring materials excepted from the general definition. In conformity with section 701 (e) (2) of the Federal Food, Drug, and Cosmetic Act, persons who would be adversely affected were allowed 30 days in which to file objections to the order, stating the grounds therefor, and requesting a public hearing. Within the time allowed, objections were received from firms asserting that the order, if placed into effect, would adversely affect them, specifying objections, stating grounds therefor, and requesting a public hearing. The nature of the objections filed is such that it is not feasible to specify parts of the amendment to be stayed (pending determination at a hearing) and other parts not to be stayed.

Accordingly, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 701 (e), 52 Stat. 1055; 70 Stat. 919; 21 U. S. C. 371 (e)) and to authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045): *It is ordered,* That the amendment to the definition of the term "coal-tar color" in § 9.1 (a) of the regulations for color certification made by the order published in the FEDERAL REGISTER of June 7, 1957 (22 F. R. 4017), be stayed in its entirety.

In accordance with the provisions of section 701 of the Federal Food, Drug, and Cosmetic Act, the Commissioner of Food and Drugs will subsequently announce a hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections filed to the order amending the definition of the term "coal-tar color."

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interpret or apply secs. 406, 504, 604, 52 Stat. 1046, 1049, 1052; 21 U. S. C. 346, 354, 364)

Dated: August 14, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57–6814; Filed, Aug. 19, 1957; 8:46 a. m.]

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

EFFECTIVE DATE OF ORDER LIMITING DOSAGE UNIT OF PENICILLIN INTENDED FOR MASTITIS IN DAIRY ANIMALS

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507 (f), 701, 52 Stat. 1055, 59 Stat. 463, as amended; 21 U. S. C. 357 (f), 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045), notice is hereby given that, there being on file no request for a public hearing on the order published in the FEDERAL REGISTER of May 14, 1957 (22 F. R. 3380) establishing a maximum dosage unit for penicillin intended for mastitis in dairy animals, the amendments set forth in that order shall become effective August 12, 1957.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: August 14, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57–6815; Filed, Aug. 19, 1957; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M–11A, Revised Schedule A of August 15, 1957]

M–11A—COPPER AND COPPER-BASE ALLOYS

SCHEDULE A—SET-ASIDE PERCENTAGES

This amendment of Schedule A to BDSA Order M–11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment makes changes in Revised Schedule A of May 15, 1957 to BDSA Order M–11A as amended December 18, 1956. It applies to authorized controlled material orders calling for delivery after September 30, 1957 and provides revised set-aside percentages for copper controlled material products.

Schedule A to BDSA Order M–11A is hereby amended to read as follows:

SCHEDULE A TO BDSA ORDER M–11A—SET-ASIDE PERCENTAGES

(See sec. 6 (f) of BDSA Order M–11A)

BASE PERIOD—CALENDAR YEAR 1955

(See sec. 2 (o) of BDSA Order M–11A)

Product	Percentage for orders calling for delivery after Sept. 30, 1957 [1]
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls	[2]
Rod, bar, shapes, and wire	[2]
Seamless tube and pipe	[2]
Alloyed:	
Plate, sheet, strip, and rolls	3
Rod, bar, shapes, and wire	3
Seamless tube and pipe	11
Military ammunition cups and discs	70
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	5
Weatherproof	5
Magnet wire	5
Insulated building wire	5
Paper and lead power cable	5
Paper and lead telephone cable	5
Asbestos cable	5
Portable and flexible cord and cable	5
Communications wire and cable	5
Shipboard cable	5
Automotive and aircraft wire and cable	5
Insulated power cable	5
Signal and control cable	5
Coaxial cable	5
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	5
Copper foundry products	3
Unalloyed copper powder mill products	[2]
Copper-base alloy powder mill products	[2]

[1] Schedule A revised as of May 15, 1957 to BDSA Order M–11A, as amended December 18, 1956, applies to orders calling for delivery prior to October 1, 1957.

[2] No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of the DMS regulations and this order. However, section 6 (f) of Order M–11A does not apply to such authorized controlled material orders.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, 70 Stat. 408; 50 U. S. C. App. 2154, 2166)

This revised schedule shall take effect August 15, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 57–6819; Filed, Aug. 19, 1957; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 34—SOUTHWESTERN REGION

SUBPART—PIEDMONT NATIONAL WILDLIFE REFUGE, GEORGIA

HUNTING

Basis and purpose: Pursuant to the authority conferred upon me by 50 CFR 18.11, I have determined that resident species of game birds and mammals, as defined by State law or regulation, may be taken by hunting on portions of the Piedmont National Wildlife Refuge, Georgia, without interfering with the primary purpose of the area. Accordingly, §§ 34.132, 34.133, 34.134, 34.135, 34.136, 34.137, 34.138, and 34.139 are deleted and § 34.131 is amended to read as follows:

§ 34.131 *Hunting of resident game.* Subject to the applicable conditions and restrictions contained in Parts 18 and 21 of this chapter, resident species of game birds and mammals, as defined by State law or regulation, may be taken within the Piedmont National Wildlife Refuge at such times, in such number, and by such means as may be determined each year by the Regional Director, Region 4 (Southeastern Region), of the Bureau of Sport Fisheries and Wildlife, only on such areas as may be designated as open to hunting by suitable posting by the refuge officer in charge: *Provided,* That the use of dogs under certain conditions, not to exceed two per hunter, may be authorized by the refuge officer in charge, but such dogs will not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Piedmont National Wildlife Refuge, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated August 14, 1957.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57–6802; Filed, Aug. 19, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

ALLOTMENT AND MARKETING QUOTA REGULATIONS FOR 1957 AND SUBSEQUENT CROPS

Pursuant to authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281 et seq.), the Secretary of Agriculture is preparing to amend certain sections of the Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370, 9760). The affected sections, as they would be amended in accordance with present intentions, are quoted in full below.

1. Section 729.811 (g):

(g) "Cropland" means farmland, which in the year immediately preceding the year for which a determination is being made, was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953, and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable non-crop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, an erosion hazard to the community. Insofar as the acreage of cropland on the farm enters into the determination of the farm acreage allotment, the cropland acreage on the farm shall not be deemed to be decreased during the period of any contract entered into pursuant to the Conservation Reserve Program under the Soil Bank Act (7 U. S. C. 1801 et seq.) by reason of the establishment and maintenance of vegetative cover or water storage facilities, or other soil, water, wildlife, or forest conserving uses under such contract.

2. Section 729.811 (q):

(q) "Farm peanut history acreage," as determined for 1957 and for subsequent crop years, means the sum of (i) the farm peanut acreage, (ii) the acreage diverted from the production of peanuts under provisions of the Soil-Bank Act, and (iii) the acreage temporarily released to the county committee under the provisions of § 729.825; except that, the farm peanut history acreage for any year shall not exceed the farm peanut allotment for such year.

(1) For purposes of determining farm peanut history acreage the acreage considered as diverted from production of peanuts under the Acreage Reserve Program of the Soil Bank Act for any year shall be the smaller of (i) the acreage entered in the acreage reserve agreement, or (ii) the farm allotment minus the actual acreage devoted to peanuts.

(2) The acreage considered as diverted from the production of allotment crops under the Conservation Reserve Program of the Soil Bank Act shall be the smallest of (i) the acreage determined under regulations issued under the Soil Bank Act to be in the conservation reserve at the regular rate, (ii) the acreage by which the farm's Soil Bank base exceeds the acreage devoted to Soil Bank base crops, or (iii) the amount by which the sum of all acreage allotments for all crops for the farm for which Form MQ–31, Request to Preserve Acreage History, has not been timely filed exceeds the sum of (*a*) the acreage actually devoted to such allotment crops, and (*b*) the acreage, if any, credited to such crops as a result of participation in the Acreage Reserve Program. The acreage computed under provisions of the preceding sentence shall be apportioned to the various allotment

crops in accordance with subparagraphs (3) and (4) of this paragraph.

(3) If there is only one allotment crop for the farm for which Form MQ–31, Request to Preserve Acreage History, has not been timely filed the conservation reserve acreage, computed as indicated above, shall be apportioned to such crop.

(4) If there are two or more allotment crops for the farm for which Form MQ–31, Request to Preserve Acreage History, has not been timely filed the conservation reserve acreage shall be apportioned among such crops in proportion to the extent of underplanting of each such crop. For each such crop the extent of underplanting shall be determined by subtracting the sum of the acreage actually devoted to the crop and the acreage, if any, credited to such crop as a result of participation in the acreage reserve from the farm allotment.

(5) Notwithstanding any other provision of this paragraph, for any year within the period 1956 to 1959 inclusive the farm peanut history acreage shall be equal to the farm allotment if the farm owner or operator on or before June 1 of such year signs a Form MQ–31, Request to Preserve Acreage History.

3. Section 729.822 (b) (1):

(1) An application for a new farm allotment is filed by the farm operator and farm owner with the county committee on or before a closing date established by the State committee. In no event is the closing date to be earlier than January 15, or later than February 15 of the calendar year for which application for an allotment is being filed.

4. Section 729.822 (c) (4) (i):

(i) An application for an allotment is filed by the farm operator and farm owner with the county committee on or before a closing date established by the State committee which shall not be earlier than February 1 or later than March 1 of the calendar year for which application for an allotment is being filed.

5. Section 729.828:

§ 729.828 *Approval of determinations and notice of farm allotment.* The State committee shall review farm allotments and normal yields and the State committee may correct or require correction of any determination made in connection therewith. Farm allotments shall be approved by the State committee and official notice of the farm allotment on Form MQ–24 shall not be issued for a farm until such allotment has been so approved. After approval of farm allotments by both State and county committees a Form MQ–24, Notice of Farm Acreage Allotment and Marketing Quota, shall be prepared and mailed to the operator of each farm for which a farm allotment is established. Forms MQ–24 shall be signed by a member of the county committee who may utilize a facsimile signature. Forms MQ–24 that are prepared for farms for which the farm allotments are reduced in accordance with § 729.824 shall be mailed to operators by certified mail.

6. Section 729.862:

§ 729.862 *Examination of records and reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut-picking or threshing machine, shall make available for examination upon written request by the Director, the State administrative officer, or any agent of the Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the Director, the State administrative officer or such agent has reason to believe are relevant to any matter under investigation in connection with enforcement of the act and regulations issued thereunder and which are within the control of such person.

Prior to the Secretary taking the action described above, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. To be considered any such submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of August 1957. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-6828; Filed, Aug. 19, 1957; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 165]

CERTAIN CHEMICAL DERIVATIVES OF SUBSTANCES NAMED IN SECTION 502 (d) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT DESIGNATED AS HABIT FORMING

NOTICE OF PROPOSAL TO AMEND REGULATIONS CONCERNING DESIGNATIONS OF CERTAIN HABIT-FORMING DRUGS

Notice is given that the proposal set forth below, to amend the regulations (21 CFR 165.1) by more informatively designating the habit-forming chemical derivatives of the substances specified in section 502 (d) of the Federal Food, Drug, and Cosmetic Act, is made on the initiative of the Commissioner of Food and Drugs pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502 (d), 701, 52 Stat. 1050, 1055, as amended, 53 Stat. 854, 70 Stat. 919; 21 U. S. C. 352 (d), 371) and delegated by the Secretary to the Commissioner of Food and Drugs (22 F. R. 1045). All interested persons are invited to present their views in writing regarding this proposal and to submit such comments prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER. Such comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C.

The proposal is to amend § 165.1 *Habit-forming drugs which are chemical derivatives of substances specified in section 502 (d) of the Federal Food, Drug, and Cosmetic Act*, to designate more informatively the habit-forming drugs presently listed. The proposed amendment does not add or delete any article to the list of habit-forming derivatives. As amended, § 165.1 will read as follows:

§ 165.1 *Habit-forming drugs which are chemical derivatives of substances specified in section 502 (d) of the Federal Food, Drug, and Cosmetic Act.* Each of the following chemical derivatives of a substance named in section 502 (d) of the Federal Food, Drug, and Cosmetic Act is hereby designated as habit forming:

PARENT SUBSTANCE—BARBITURIC ACID

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts[1]
5-Allyl-5-cyclopentenylbarbituric acid		Cyclopal. Cyclopen.
5-Allyl-5-isobutylbarbituric acid	Allylbarbituric acid. Allylisobutylbarbituric acid.	Sandoptal.
5-Allyl-5-isopropylbarbituric acid	Aprobarbital. Allylisopropylbarbituric acid. Allylisopropylmalonylurea.	Alurate. Numal.
5-Allyl-5-isopropyl-1-methylbarbituric acid		Narconumal.
5-(2-Bromoallyl)-5-isopropyl-1-methylbarbituric acid.		Eunarcon.
5-(2-Bromoallyl)-5-(1-methylbutyl)-barbituric acid.	β-Bromoallyl *sec*-amylbarbituric acid.	Sigmodal. Rectidon. R239.
5-*sec*-Butyl-5-(2-bromoallyl)-barbituric acid	Butallylonal	Pernoston. Pernocton.

See footnote at end of table.

PARENT SUBSTANCE—BARBITURIC ACID—Continued

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts[1]
5,5-Diallylbarbituric acid	Diallyl barbituric acid	Dial. Allobarbital. Allobarbitone. Curral. Diadol.
5,5-Diethylbarbituric acid	Barbital Barbitone. Diethylbarbituric acid. Diethylmalonylurea.	Veronal. Dormonal. Hypnogene. Malonal. Medinal. Sedeval. Veronal. Uronal. Vesperal.
1,5-Dimethyl-5-(1-cyclohexenyl)-barbituric acid.	Hexobarbital sodium	Cyclonal Sodium. Doriclo Soluble. Evipal Sodium. Evipan Sodium. Hexanastab. Hexobarbitone Sodium. Methenexyl Sodium.
5,5-Dipropylbarbituric acid	Dipropylbarbituric acid	Proponal.
5-Ethyl-5-butylbarbituric acid	Butethal Butobarbital.	Etoval. Neonal Butobarbital. Soneryl.
5-Ethyl-5-*sec*-butylbarbituric acid	Butabarbital sodium	Butisol Sodium.
5-Ethyl-5-(1-cyclohexenyl)-barbituric acid	Cyclobarbital	Cyclobarbitone. Namuron. Falinum. Phanodorm. Phanadorn. Tetrabydrophenobarbital.
5-Ethyl-5-cyclopentenyl-barbituric acid		Pentenal.
5-Ethyl-5-hexylbarbituric acid	Hexethal sodium	Hebaral. Ortal Sodium.
5-Ethyl-5-isoamylbarbituric acid	Amobarbital	Amytal.
5-Ethyl-5-isopropylbarbituric acid	Probarbital	Ipral.
5-Ethyl-5-(1-methylbutyl)-barbituric acid	Pentobarbital sodium Soluble pentobarbital.	844. Embutal. Nembutal. Napethal. Pentyl.
5-Ethyl-5-(1-methylbutyl)-2-thiobarbituric acid.	Thiopental sodium Thiopentone sodium.	Intraval Sodium. Nesdonal Sodium. Pentothal Sodium. Thiothal Sodium.
5-Ethyl-5-(1-methyl-1-butenylbarbituric acid).	Vinbarbital	Delvinal Sodium.
5-Ethyl-5-phenylbarbituric acid	Phenobarbital Phenobarbitone. Phenylethylmalonylurea.	Barbenyl. Barbiphenyl. Dormiral. Eunervl. Gardenal. Luminal. Nunol. Neurobarb. Phenonyl. Somonal.
5-Ethyl-5-phenyl-1-methylbarbituric acid	Mephobarbital	Mebaral. Phemitone. Prominal.

See footnote at end of table.

PARENT SUBSTANCE—BARBITURIC ACID—Continued

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts[1]
5-Ethyl-5-(1-piperidyl)-barbituric acid		Eldoral.
5-Isopropyl-5-(2-bromoallyl)-barbituric acid	Propallylonal	Noctal. Nostal.
5-Methyl-5-phenylbarbituric acid	Phenylmethylbarbituric acid	Rutonal.
All lithium, sodium, potassium, magnesium, calcium, strontium, and ammonium salts of the foregoing chemical derivatives of barbituric acid.		
Sodium-5-allyl-5-(1-methylbutyl)-barbiturate	Secobarbital sodium Soluble secobarbital.	Seconal Sodium. Evronal Sodium.
All salts of the foregoing chemical derivatives formed by replacing the sodium with lithium, potassium, magnesium, calcium, strontium, or ammonium radical.		

PARENT SUBSTANCE—BROMAL

Tribromoacetaldehyde hydrate	Bromal hydrate	
Tribromomethane	Bromoform	
2-(Tribromomethyl)-2-propanol	Tribromo-*tert*-butyl alcohol	Acetone-Bromoform. Brometone.

PARENT SUBSTANCE—CANNABIS (MARIHUANA)

	Extract of cannabis. Fluidextract of cannabis. Tincture of cannabis.	

PARENT SUBSTANCE—CARBROMAL

α-Bromo-α-ethylbutyryl-acetyl urea	Acetylcarbromal	Abasin. Acetyl Adalin. *N* - Acetyl - *N* - bromodiethylacetylurea. *N* - Acetyl - *N'* - α - bromo - α-ethylbutyryl carbamide.
α-Bromoisovaleryl urea	Bromisovalum	Bromisoval. α - Bromo - β - dimethyl - propanoylurea. Bremiural. Bromvaletone. Brovalurea. B. V. U. Dormigene. Isobromyl. 2-Monobromoisovalerylurea. Pivadorm. Uvaleral.
α-Bromo-α,α-diethylacetamide	Diethylbromo acetamide	Neuronal.
α-Allylisovaleryl-urea		Allyl - isopropyl - acetyl - carbamide. (2 - Isopropyl - 4 - pentenoyl) urea. Sedormid.

PARENT SUBSTANCE—CHLORAL

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts[1]
Trichloroacetaldehyde hydrate	Chloral Chloral hydrate.	2,2,2-Trichloro-1,1-ethanediol. Trichloroethylidene glycol.
Trichloroethylidenēimine	Chloralimide	
N-(β-Trichloro-α-hydroxyethyl)-formamide	Chloralformamide	Chloralamide. Chloramide.
α-(β-trichloro-α-hydroxyethyl)-*D*-glucoside	α-Chloralose	A-D-Glucochloralose. Anhydro-Glucochloral. Glucochloral. Chloralosone.
2-(Trichloromethyl)-2-propanol	Chlorbutanol Chlorbutol. Chlorobutanol.	Acetone chloroform. Chloretone. Methaform. Sedaform. 1,1,1-trichloro-2-methyl-2-propanol. β,β,β-trichloro-*tert*-butyl alcohol.

PARENT SUBSTANCE—COCAINE

All salts of cocaine obtained by combining cocaine with any acid.	Cocaine hydrochloride Cocainium chloride.	

PARENT SUBSTANCE—CODEINE

Codeine methylbromide	Eucodin	
Dihydrocodeinone		Dicodid.
Dihydrohydroxycodeinone	Eucodal	Oxycodone hydrochloride. 14-hydroxydihydrocodeinone.
All salts of the foregoing chemical derivatives of codeine obtained by combining any such derivative of codeine with any acid.		

PARENT SUBSTANCE—HEROIN

All salts of heroin obtained by combining heroin with any acid.		

PARENT SUBSTANCE—MORPHINE

Dihydromorphine	Paramorphan	
Dihydromorphinone	Dihydromorphinone hydrochloride. Dihydromorphinonium chloride	Dilaudid. Dimorphone. Hydromorphone hydrochloride.
Ethylmorphine	Ethylmorphine hydrochloride Ethylmorphinium chloride.	Dionin.
All salts of the foregoing chemical derivatives of morphine and all salts of morphine obtained by combining any such derivative or morphine with any acid.		

PARENT SUBSTANCE—OPIUM

	Extract of opium	
	Fluidextract of opium	
	Camphorated opium tincture Deodorized opium tincture. Laudanum. Opium tincture. Paregoric. Tincture of opium.	

PARENT SUBSTANCE—PARALDEHYDE

Metaldebyde		

PARENT SUBSTANCE—SULFONMETHANE

2,2-Diethylsulfonylbutane	Sulfonethylmethane	Diethylsulfonmethylethylmethane. Ethylsulfonal. 2,2-*bis*-(Ethylsulfonyl) butane. Methylsulfonal.) Sulfonethylmethanum. Trional.
3,3-Diethylsulfonylpentane	Sulfondiethylmethane	

[1] This list of trade or other names is not a complete list of the many proprietary names under which the designated habit-forming chemical derivatives are distributed.

Dated: August 12, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-6730; Filed, Aug. 19, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

TELEVISION BROADCAST STATIONS

REFERENCE TEST SIGNAL

In the matter of amendment of Part 3 of the Commission's rules and regulations concerning Television Broadcast Stations to authorize or require a television reference test signal; Docket No. 11986.

The Commission has before it for consideration a petition filed August 7, 1957, by the Electronic Industries Association (formerly RETMA) requesting the Commission to extend the time for filing comments in the above-entitled proceeding from September 1, 1957, to January 15, 1958.

Petitioner submits that the adoption of a reference test signal, as proposed in this proceeding, involves a number of technical matters of vital importance to manufacturers of television equipment and that this complex matter has been delegated to the Broadcast Television System Committee of the EIA for study. Petitioner notes that the Committee must consolidate several proposals into as few as possible and determine if the proposals can be made compatible; that the results of these studies will be offered as comments in the proceeding; and this work cannot be completed before January 15, 1958.

The Commission is of the view that in the light of the complex technical problems involved in this proceeding that petitioner has made a sufficient showing to warrant the extension of time for filing comments in this proceeding to enable it to complete its study and that such extension will serve the public interest, convenience and necessity.

In view of the foregoing: *It is ordered*, This 9th day of August 1957, that the time for filing comments in the above-entitled proceeding is extended from September 1, 1957, to January 15, 1958, with time for filing replies to such comments 30 days thereafter.

Released: August 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6830; Filed, Aug. 19, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

E. A. F BREVET-MEDING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date

of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. E. A. F. Brevet-Meding, Treviso, Italy, Claim No. 62536, $1,720.00 in the Treasury of the United States.

All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18519 (16 F. R. 10101, October 3, 1951), in and to Cities Service Company 5/58 Bond No. 48399 and Cities Service Company 5/69 Bond No. 10340, in the principal amount of $1,000 each.

Executed at Washington, D. C., on August 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6798; Filed, Aug. 16, 1957; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA332.1]

DOMESTIC INTERESTS

PROCEDURE TO BE FOLLOWED AFTER PUBLICATION OF PRELIMINARY LIST OF CERTAIN IMPORTED ARTICLES

AUGUST 14, 1957.

Notice of procedure to be followed by domestic interests after publication of preliminary list in accordance with Public Law 927, 84th Congress.

The Secretary of the Treasury will soon publish, in the FEDERAL REGISTER, a preliminary list of the imported articles which he has determined would have been appraised in accordance with section 402 of the Tariff Act of 1930, as amended by the "Customs Simplification Act of 1956," at average values for each article which are 95 (or less) per centum of the average values at which such article was actually appraised during the fiscal year 1954.

Domestic manufacturers, producers, or wholesalers, within 60 days after the publication of such list, may present their reasons for belief that any imported articles not specified in the list, and like or similar to articles manufactured, produced, or sold at wholesale by them, would have been appraised under the "Customs Simplification Act of 1956" at average values which would reflect decreases equal to those indicated in such act. Such presentations should be submitted in writing to the Bureau of Customs, Washington 25, D. C.

To assure adequate consideration, communications relative to the above-mentioned articles should contain such of the following information as is available:

1. A detailed description of the imported article with the Bureau of the Census, Schedule A, statistical classification import commodity number.

2. A detailed description of the like or similar article which is manufactured, produced, or sold at wholesale by the communicant.

3. The countries from which the imported article has been exported, the names of the manufacturers, and the principal ports of entry.

4. Information as to the prices and trading practices, during the fiscal year 1954 or succeeding years, relative to the competitive imported article which supports the belief that the value would decrease by 5 percent or more under the new valuation principles.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-6800; Filed, Aug. 19, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

LAS VEGAS LIVESTOCK COMMISSION CO., INC.

PROPOSED POSTING OF STOCKYARD

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the Las Vegas Livestock Commission Co., Inc., Las Vegas, New Mexico, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act. Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 14th day of August 1957.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57-6812; Filed, Aug. 19, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 7]

ZURICH TOWNSITE, MILK RIVER PROJECT, MONTANA

SALE OF LOTS

AUGUST 8, 1957.

1. *Statutory authority.* Certain additional lots of the townsite of Zurich, Montana, will be disposed of in accordance with the acts of April 16 and June 27, 1906 (34 Stat. 116, 519, 43 U. S. C. 561, 568).

2. *Area and appraised value.* The area and appraised value of the lots to be sold are shown in the schedule below.

3. *Public sale.* On September 17, 1957, at 3:00 p. m., at the Blaine County Fairgrounds, Chinook, Montana, said lots will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States. Bruce E. Garlinghouse, Superintendent, Milk River Field Division, Upper Missouri Projects, Bureau of Reclamation, has been designated as superintendent of sale, and as auctioneer.

4. *Terms of sale.* Full payment for the lots must be made in cash on the date of the sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any lot and to suspend, adjourn and postpone the sale of any lot to such time and place as he may deem proper. After all the lots have been offered, the superintendent will close the sale. Any lot or tract remaining unsold will be subject to private sale by the Manager, Land Office, Billings, Montana.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under 18 U. S. C. 1860.

SCHEDULE OF APPRAISAL

SEC. 30, T. 33 N., R. 21 E., M. P. M.

Block	Lot	Appraised value (each lot)
17	9	$15
18	8 and 9	15
19	8 and 9	15
20	8 and 9	15
29	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16	15
30	1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15 and 16	15
31	9, 10, 11, 12, 13, 14, 15 and 16	15
32	9, 11, 12, 13, 15 and 16	15
33	10, 11, 12, 13, 14, 15 and 16	15
34	1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16	15
35	1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15 and 16	15
36	1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16	15
45	4, 5, 12 and 13	15
46	12 and 13	15
47	12, 13 and 14	15

Approved:

F. M. CLINTON,
Regional Director.

[F. R. Doc. 57-6818; Filed, Aug. 19, 1957; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11645, 11646; FCC 57M-775]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

ORDER AFTER SECOND PREHEARING CONFERENCE

In the matter of American Telephone and Telegraph Company, charges, classifications, regulations and practices for and in connection with private line services and channels, Docket No. 11645; The Western Union Telegraph Company, charges, classifications, regulations and

practices for and in connection with Domestic Leased Facility Service, Docket No. 11646.

1. Pursuant to Hearing Examiner order dated July 9, 1957, a second prehearing conference was held on July 31, 1957, as shown by Transcript Volume 3, pages 235–294, which is made a part of the record herein. The parties to this proceeding were represented by counsel as shown in the attached Appendix A which is incorporated by reference in this order. Also shown in the appendix are the short names which, for convenience in this order and in the further proceedings, will be used to identify the several parties. The agreements and determinations derived in the second prehearing conference are set out in this order.

2. This proceeding originated as an investigation to ascertain the facts and information concerning various tariff schedules filed by AT&T as set out in the Commission's order released October 21 (and amended October 25), 1955 (FCC 55–1037, 55–1057, Mimeo Nos. 23955 and 24658) in Docket No. 11518. In that proceeding a prehearing conference was held on November 10, 1955, the results of which are set out in the Order After Prehearing Conference which was released November 22, 1955 (FCC 55M–973, Mimeo No. 25986); a partial hearing therein was held on December 6, 1955. By order released March 9, 1956 (FCC 56–203, Mimeo No. 29028), the Commission consolidated with the original proceeding the matters for consideration under the title and docket numbers set out in the caption above; then by Commission order released September 11, 1956 (FCC 56–854, Mimeo No. 34957), the proceedings in Docket No. 11518 were dismissed, the record therein was made a part of the record herein, the issues were enlarged both in that order and in a Commission order released on October 9, 1956 (FCC 56–965, Mimeo No. 36451). From time to time since the original designation for hearing, various parties have been added so that the participating parties and their attorneys of record are as shown in Appendix A.

3. This proceeding now involves an investigation into the lawfulness of the charges, classifications, regulations, and practices contained in AT&T Tariffs F. C. C. Nos. 134, 135, 140, 145, 208, 220, 227 (now cancelled), and 231 (replaces 227) and Western Union Tariff F. C. C. No. 237, as well as subsequent amendments and successive issues thereof. The inquiries relate to the AT&T tariff schedules applicable to private line services and channels and to the Western Union tariff under which it furnishes leased facility services. As required by the Commission's orders, hereinabove cited, the evidentiary hearing will be conducted by the Hearing Examiner and the record thereof will be certified to the Commission without submission of either an Initial Decision or a Recommended Decision. The particular issues for inquiry as set out in the orders released March 9 and September 11, 1956, are as follows:

(1) Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202 (a) of the Communications Act of 1934, as amended.

(2) Whether any of the charges, classifications, regulations or practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201 (b) of the Communications Act of 1934, as amended.

(3) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the tariff schedules under investigation herein, and, if so, what charges, classifications, regulations and practices should be prescribed.

(4) The effects of the tariff schedules subject to investigation herein on competition in the field of private line communications services and channels, and whether any such effects render any of the charges, classifications, regulations or practices contained in such tariff schedules unjust or unreasonable within the meaning of section 201 (b) of the Communications Act of 1934, as amended, or otherwise unlawful. (Added by order released September 11, 1956.)

4. The respondents, AT&T and Western Union, have made cost studies relating to the matters under consideraion, and certain information thus derived has been assembled by them in written summaries, copies of which were distributed to all parties shortly before the second prehearing conference. In addition to the notified cost study summaries, certain customer usage data have been submitted by each respondent only to Bureau counsel, with an apparent understanding that detailed customer information therein will not be made publicly available because of the competitive disadvantages that might result. The second prehearing conference discussions had, and the determinations made as hereinafter stated, pertain primarily to the procedures and steps to be followed in developing an evidentiary hearing record concerning the cost study and customer usage data and conclusions.

5. Bureau counsel outlined, and respondents' counsel concurred in, a statement of the matters to which the direct case evidence for the respondents should be addressed. The points are here briefly restated:

a. The cost studies, together with explanations and descriptions of the underlying methods thereof, should be put into the record;

b. Analyses of studies of customer usage of various private line services should be presented;

c. The views and conclusions of the respondents, supported by basic facts, concerning the reasonableness of the over-all rate levels, of specific rates, and of rate relationships should be set forth;

d. Specific rate adjustment proposals indicated by the cost studies, with justifications and documentation, should be presented;

e. Other tariff rate adjustments needed to simplify and clarify existing private line schedules, and to remove therefrom analogies and discrepancies that have grown up, should be proposed;

f. Evidence should be offered concerning the effects of existing and proposed tariff schedules on competition in the private line services, in the light of present and anticipated customer requirements and technical developments; and

g. Evidence should be offered to justify the construction, termination, and other such charges and practices which are provided for in the subject tariffs.

6. The concurrence by the respondents in the summary statement outlined in the above paragraph was arrived at after it was ascertained that:

a. The respondents are not expected to present evidence in support of various—but not yet specified—rates and practices which are known and recognized by the respondents as requiring revisions and changes; and

b. The customer usage data studies which have been notified to Bureau counsel only, will be so organized and coded as to present the essential statistical facts without disclosing properly reserved business information about the identities of particular customers and users. The methods to be employed in organizing the customer usage data will be determined upon in informal conferences between Bureau counsel and counsel for the separate respondents. The evidence so derived will be in writing and will be notified to all parties as hereinafter provided.

7. Consideration was given to the status of the record which was made in the partial hearing upon AT&T Tariff F. C. C. No. 227, which has been withdrawn and replaced by AT&T Tariff F. C. C. No. 231, a subject of the current hearing. The Commission's order released September 11, 1956, upon dismissing Docket No. 11518, ordered: "that the record of the proceedings in Docket No. 11518 is hereby made part of the record of the proceedings in Dockets Nos. 11645 and 11646;".

The actions taken at the original prehearing conference and partial hearing are shown by Transcript Volumes 1 and 2, pages 1–234; those transcripts and related orders and exhibits are a part of the record herein as provided in the Commission's order above quoted. However, counsel for AT&T, the proponent of all of the testimony and many of the exhibits heretofore offered, pointed out that:

a. The previously offered evidence related to the tariff which is now withdrawn;

b. The witnesses who then testified on direct examination—and who were to be made available later for cross-examination—are not now available because they are engaged in other work;

c. The subjects covered by that evidence will be entirely covered anew with respect to the tariffs now under inquiry by different witnesses and exhibits;

d. AT&T will not rely to any extent upon the testimony or exhibits previously offered; and

e. The pending offers of Exhibits 1 through 7 are now withdrawn.

Counsel for some intervenors properly requested that the material in the previously accumulated record be deemed available to all parties, for purposes of cross-examination or otherwise, in considering the substituted presentations to be made by AT&T. Accordingly, particular portions of that record may be relied upon, cited, quoted, or referred to by any party in the further hearing proceedings.

8. At the earlier hearing there were received in evidence Bureau's Exhibits 301 through 305; it was ascertained that those exhibits are relevant to the matters under inquiry, and that they are substantially current, a minor exception being that references therein to AT&T Tariff F. C. C. No. 227 are obsolete. Accordingly, those exhibits are explicitly adopted by Bureau as its exhibits in this proceeding. Moreover, Bureau counsel agreed to review the Commission's records and to prepare supplementary or additional exhibits setting out subsequent correspondence material to the matters under inquiry; such additional exhibits will be notified to all parties in this proceeding on or before the date hereinafter specified for the notification of certain proposed exhibits.

9. The procedures to be followed at the hearing were extensively discussed and ultimately determined upon as hereinafter set out. Various details, limitations, and purposes surrounding the procedural steps agreed upon in conference are shown in the transcript more fully than in this essentially condensed order. Observance of the following procedural steps will conduce to the orderly and expeditious achievement of the purposes of this hearing:

a. The respondents, AT&T and Western Union, in that order, will proceed with the introduction of evidence at the hearing;

b. First priority of preparation and of hearing will be accorded to evidence in support and clarification of the cost and customer usage studies;

c. The evidence referred to in b above will be prepared in written form and will be notified to all parties as provided below;

d. Evidence upon matters other than cost and customer usage studies may be written or oral and is not subject to the exhibit exchange notification requirement hereinafter stated;

e. On or before Monday, September 16, 1957, the intervenors and Bureau will informally notify the respondents by letter, with a copy to all other parties, of requests which they may then have for additional information concerning matters underlying the respondents' cost studies, but the failure of a party then to notify the respondents of desired information will not bar subsequent reasonable requests or cross-examination;

f. At 10:00 a. m., on Tuesday, September 24, 1957, at the offices of the Commission, counsel for all parties will meet in informal conference to clarify the scope and nature of the respondents' proposed evidence relating to the cost and customer usage studies;

g. On or before Tuesday, October 15, 1957, the respondents will serve upon counsel for all other parties a copy of all written testimony and exhibits which are intended to be offered in evidence at the hearing, but additions thereto or changes therein may be found appropriate as a result of the further informal notification procedure described in the following subparagraph;

h. On or before Friday, November 1, 1957, the intervenors and Bureau will notify the respondents by informal letter, with a copy to all other parties, of any further requests they have for additional information bearing upon the notified evidence for the respondents, and responsive evidence may be offered at the hearing in written or oral form;

i. The hearing of evidence shall be commenced at 10:00 a. m., on Tuesday, November 19, 1957, at which time the evidence for AT&T and for Western Union will be offered, and the witnesses whose written testimony is offered will be available for cross-examination;

j. The other parties will be then prepared to state their objections, if any, to the respondents' offered evidence and to conduct such cross-examination of the witnesses as may be appropriate;

k. Objections to offered evidence shall be explicitly stated and will be considered and forthwith ruled upon so that the record will clearly show what evidence is admitted and what is rejected; and

l. Upon completion of the hearing of the respondents' evidence pertaining to the cost and customer usage studies, the respondents will proceed, then or at a time then to be fixed, to offer such other evidence as may be deemed relevant in these proceedings, but the extent to which that evidence will be in written form or previously notified to the parties and the procedures thereafter to be followed are matters reserved for future determination.

10. The above-cited first Order After Prehearing Conference is largely supplanted by the provisions made in this order. Specifically referring to that order: paragraphs 2 and 3 are now inapplicable; in paragraph 4a the last two sentences are applicable; paragraphs 4b, c, and d are inapplicable; paragraph 4e is applicable; paragraph 4f is now supplemented to assign available exhibit numbers as follows: Number 401 for GSA and the Department of Defense, and Number 501 for United Press; paragraphs 4g and 5 are inapplicable; and paragraph 6 is applicable except that the last sentence thereof is modified as set out in paragraph 14 below.

11. References to, and examinations upon, written exhibits and testimony will be facilitated by the organization, preparation, and handling thereof as provided in this paragraph. To the extent practicable:

a. Each separately numbered exhibit shall consist of consecutively numbered pages beginning at Number 1 for each exhibit, and each page shall show the exhibit number;

b. The lines of typed or printed information shall be consecutively numbered beginning with line 1 on each page;

c. Pages which include or consist of information tabulated or set out in columns shall include a consecutive numbering from left to right of each column, in addition to the line numbering above indicated;

d. Any attachments or appendices which are subordinate parts of a single written testimony exhibit may be made a part of the testimony exhibit, in which case the exhibit's sequential page numbering shall be followed, or such material may be assigned separate exhibit numbers, as counsel may deem most suited to the purposes of orderly presentation and consideration;

e. Material ordinarily included in appendices or attachments shall be included in separately numbered exhibits, if the material is not essentially a subordinate part of another single exhibit; and

f. Objections to, and discussions of, any exhibit shall succinctly refer to the appropriate column, line, page, and number of the subject exhibit.

12. Counsel for all parties are encouraged to engage in further informal conferences in conjunction with, and after, the exchange of the exhibits and notification steps herein provided for to insure:

a. That the hearing record evidence will be clearly responsive to the matters under inquiry;

b. That trivial and needless objections to, and arguments upon the admissibility of, evidence will be eliminated; and

c. That cross-examination and requests for supplemental information will be limited to significant and relevant matters.

13. The presentation of evidence in this proceeding shall be commenced at a hearing to be convened at 10:00 a. m., on Tuesday, November 19, 1957. Unless otherwise informally ordered on the record, the hours of hearing will be from 10:00 a. m., to 12:30 p. m., and from 2:00 to 4:30 p. m. Hearing proceedings will be conducted on the record at all times unless requests for off-the-record discussions meet with unanimous consent, or unless for extraordinary reasons the proceeding on the record is ordered to be suspended; relevant discussions or determinations had or made off the record will be summarized by statements on the hearing record.

14. The terms and provisions of this order shall govern the course of this proceeding unless modification is effected as provided in this paragraph or in the ordering paragraph which follows. Within 15 days after the release of this order any party may informally request by letter, with a notification copy thereof to other parties, that any specified provisions herein be modified to conform with the agreements, understandings, and determinations that were made as shown by the transcript record which shall be cited; such informal requests will be summarily granted by order if supported by the record. Modifications of this order which are not affirmatively supported by the transcript record may

practices for and in connection with Domestic Leased Facility Service, Docket No. 11646.

1. Pursuant to Hearing Examiner order dated July 9, 1957, a second prehearing conference was held on July 31, 1957, as shown by Transcript Volume 3, pages 235–294, which is made a part of the record herein. The parties to this proceeding were represented by counsel as shown in the attached Appendix A which is incorporated by reference in this order. Also shown in the appendix are the short names which, for convenience in this order and in the further proceedings, will be used to identify the several parties. The agreements and determinations derived in the second prehearing conference are set out in this order.

2. This proceeding originated as an investigation to ascertain the facts and information concerning various tariff schedules filed by AT&T as set out in the Commission's order released October 21 (and amended October 25), 1955 (FCC 55–1037, 55–1057, Mimeo Nos. 23955 and 24658) in Docket No. 11518. In that proceeding a prehearing conference was held on November 10, 1955, the results of which are set out in the Order After Prehearing Conference which was released November 22, 1955 (FCC 55M–973, Mimeo No. 25986); a partial hearing therein was held on December 6, 1955. By order released March 9, 1956 (FCC 56–203, Mimeo No. 29028), the Commission consolidated with the original proceeding the matters for consideration under the title and docket numbers set out in the caption above; then by Commission order released September 11, 1956 (FCC 56–854, Mimeo No. 34957), the proceedings in Docket No. 11518 were dismissed, the record therein was made a part of the record herein, the issues were enlarged both in that order and in a Commission order released on October 9, 1956 (FCC 56–965, Mimeo No. 36451). From time to time since the original designation for hearing, various parties have been added so that the participating parties and their attorneys of record are as shown in Appendix A.

3. This proceeding now involves an investigation into the lawfulness of the charges, classifications, regulations, and practices contained in AT&T Tariffs F. C. C. Nos. 134, 135, 140, 145, 208, 220, 227 (now cancelled), and 231 (replaces 227) and Western Union Tariff F. C. C. No. 237, as well as subsequent amendments and successive issues thereof. The inquiries relate to the AT&T tariff schedules applicable to private line services and channels and to the Western Union tariff under which it furnishes leased facility services. As required by the Commission's orders hereinabove cited, the evidentiary hearing will be conducted by the Hearing Examiner and the record thereof will be certified to the Commission without submission of either an Initial Decision or a Recommended Decision. The particular issues for inquiry as set out in the orders released March 9 and September 11, 1956, are as follows:

(1) Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202 (a) of the Communications Act of 1934, as amended.

(2) Whether any of the charges, classifications, regulations or practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201 (b) of the Communications Act of 1934, as amended.

(3) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the tariff schedules under investigation herein, and, if so, what charges, classifications, regulations and practices should be prescribed.

(4) The effects of the tariff schedules subject to investigation herein on competition in the field of private line communications services and channels, and whether any such effects render any of the charges, classifications, regulations or practices contained in such tariff schedules unjust or unreasonable within the meaning of section 201 (b) of the Communications Act of 1934, as amended, or otherwise unlawful. (Added by order released September 11, 1956.)

4. The respondents, AT&T and Western Union, have made cost studies relating to the matters under consideraion, and certain information thus derived has been assembled by them in written summaries, copies of which were distributed to all parties shortly before the second prehearing conference. In addition to the notified cost study summaries, certain customer usage data have been submitted by each respondent only to Bureau counsel, with an apparent understanding that detailed customer information therein will not be made publicly available because of the competitive disadvantages that might result. The second prehearing conference discussions had, and the determinations made as hereinafter stated, pertain primarily to the procedures and steps to be followed in developing an evidentiary hearing record concerning the cost study and customer usage data and conclusions.

5. Bureau counsel outlined, and respondents' counsel concurred in, a statement of the matters to which the direct case evidence for the respondents should be addressed. The points are here briefly restated:

a. The cost studies, together with explanations and descriptions of the underlying methods thereof, should be put into the record;

b. Analyses of studies of customer usage of various private line services should be presented;

c. The views and conclusions of the respondents, supported by basic facts, concerning the reasonableness of the over-all rate levels, of specific rates, and of rate relationships should be set forth;

d. Specific rate adjustment proposals indicated by the cost studies, with justifications and documentation, should be presented;

e. Other tariff rate adjustments needed to simplify and clarify existing private line schedules, and to remove therefrom analogies and discrepancies that have grown up, should be proposed;

f. Evidence should be offered concerning the effects of existing and proposed tariff schedules on competition in the private line services, in the light of present and anticipated customer requirements and technical developments; and

g. Evidence should be offered to justify the construction, termination, and other such charges and practices which are provided for in the subject tariffs.

6. The concurrence by the respondents in the summary statement outlined in the above paragraph was arrived at after it was ascertained that:

a. The respondents are not expected to present evidence in support of various—but not yet specified—rates and practices which are known and recognized by the respondents as requiring revisions and changes; and

b. The customer usage data studies which have been notified to Bureau counsel only, will be so organized and coded as to present the essential statistical facts without disclosing properly reserved business information about the identities of particular customers and users. The methods to be employed in organizing the customer usage data will be determined upon in informal conferences between Bureau counsel and counsel for the separate respondents. The evidence so derived will be in writing and will be notified to all parties as hereinafter provided.

7. Consideration was given to the status of the record which was made in the partial hearing upon AT&T Tariff F. C. C. No. 227, which has been withdrawn and replaced by AT&T Tariff F. C. C. No. 231, a subject of the current hearing. The Commission's order released September 11, 1956, upon dismissing Docket No. 11518, ordered: "that the record of the proceedings in Docket No. 11518 is hereby made part of the record of the proceedings in Dockets Nos. 11645 and 11646;".

The actions taken at the original prehearing conference and partial hearing are shown by Transcript Volumes 1 and 2, pages 1–234; those transcripts and related orders and exhibits are a part of the record herein as provided in the Commission's order above quoted. However, counsel for AT&T, the proponent of all of the testimony and many of the exhibits heretofore offered, pointed out that:

a. The previously offered evidence related to the tariff which is now withdrawn;

b. The witnesses who then testified on direct examination—and who were to be made available later for cross-examination—are not now available because they are engaged in other work;

c. The subjects covered by that evidence will be entirely covered anew with respect to the tariffs now under inquiry by different witnesses and exhibits;

d. AT&T will not rely to any extent upon the testimony or exhibits previously offered; and

e. The pending offers of Exhibits 1 through 7 are now withdrawn.

Counsel for some intervenors properly requested that the material in the previously accumulated record be deemed available to all parties, for purposes of cross-examination or otherwise, in considering the substituted presentations to be made by AT&T. Accordingly, particular portions of that record may be relied upon, cited, quoted, or referred to by any party in the further hearing proceedings.

8. At the earlier hearing there were received in evidence Bureau's Exhibits 301 through 305; it was ascertained that those exhibits are relevant to the matters under inquiry, and that they are substantially current, a minor exception being that references therein to AT&T Tariff F. C. C. No. 227 are obsolete. Accordingly, those exhibits are explicitly adopted by Bureau as its exhibits in this proceeding. Moreover, Bureau counsel agreed to review the Commission's records and to prepare supplementary or additional exhibits setting out subsequent correspondence material to the matters under inquiry; such additional exhibits will be notified to all parties in this proceeding on or before the date hereinafter specified for the notification of certain proposed exhibits.

9. The procedures to be followed at the hearing were extensively discussed and ultimately determined upon as hereinafter set out. Various details, limitations, and purposes surrounding the procedural steps agreed upon in conference are shown in the transcript more fully than in this essentially condensed order. Observance of the following procedural steps will conduce to the orderly and expeditious achievement of the purposes of this hearing:

a. The respondents, AT&T and Western Union, in that order, will proceed with the introduction of evidence at the hearing;

b. First priority of preparation and of hearing will be accorded to evidence in support and clarification of the cost and customer usage studies;

c. The evidence referred to in b above will be prepared in written form and will be notified to all parties as provided below;

d. Evidence upon matters other than cost and customer usage studies may be written or oral and is not subject to the exhibit exchange notification requirement hereinafter stated;

e. On or before Monday, September 16, 1957, the intervenors and Bureau will informally notify the respondents by letter, with a copy to all other parties, of requests which they may then have for additional information concerning matters underlying the respondents' cost studies, but the failure of a party then to notify the respondents of desired information will not bar subsequent reasonable requests or cross-examination;

f. At 10:00 a. m., on Tuesday, September 24, 1957, at the offices of the Commission, counsel for all parties will meet in informal conference to clarify the scope and nature of the respondents' proposed evidence relating to the cost and customer usage studies;

g. On or before Tuesday, October 15, 1957, the respondents will serve upon counsel for all other parties a copy of all written testimony and exhibits which are intended to be offered in evidence at the hearing, but additions thereto or changes therein may be found appropriate as a result of the further informal notification procedure described in the following subparagraph;

h. On or before Friday, November 1, 1957, the intervenors and Bureau will notify the respondents by informal letter, with a copy to all other parties, of any further requests they have for additional information bearing upon the notified evidence for the respondents, and responsive evidence may be offered at the hearing in written or oral form;

i. The hearing of evidence shall be commenced at 10:00 a. m., on Tuesday, November 19, 1957, at which time the evidence for AT&T and for Western Union will be offered, and the witnesses whose written testimony is offered will be available for cross-examination;

j. The other parties will be then prepared to state their objections, if any, to the respondents' offered evidence and to conduct such cross-examination of the witnesses as may be appropriate;

k. Objections to offered evidence shall be explicitly stated and will be considered and forthwith ruled upon so that the record will clearly show what evidence is admitted and what is rejected; and

l. Upon completion of the hearing of the respondents' evidence pertaining to the cost and customer usage studies, the respondents will proceed, then or at a time then to be fixed, to offer such other evidence as may be deemed relevant in these proceedings, but the extent to which that evidence will be in written form or previously notified to the parties and the procedures thereafter to be followed are matters reserved for future determination.

10. The above-cited first Order After Prehearing Conference is largely supplanted by the provisions made in this order. Specifically referring to that order: paragraphs 2 and 3 are now inapplicable; in paragraph 4a the last two sentences are applicable; paragraphs 4b, c, and d are inapplicable; paragraph 4e is applicable; paragraph 4f is now supplemented to assign available exhibit numbers as follows: Number 401 for GSA and the Department of Defense, and Number 501 for United Press; paragraphs 4g and 5 are inapplicable; and paragraph 6 is applicable except that the last sentence thereof is modified as set out in paragraph 14 below.

11. References to, and examinations upon, written exhibits and testimony will be facilitated by the organization, preparation, and handling thereof as provided in this paragraph. To the extent practicable:

a. Each separately numbered exhibit shall consist of consecutively numbered pages beginning at Number 1 for each exhibit, and each page shall show the exhibit number;

b. The lines of typed or printed information shall be consecutively numbered beginning with line 1 on each page;

c. Pages which include or consist of information tabulated or set out in columns shall include a consecutive numbering from left to right of each column, in addition to the line numbering above indicated;

d. Any attachments or appendices which are subordinate parts of a single written testimony exhibit may be made a part of the testimony exhibit, in which case the exhibit's sequential page numbering shall be followed, or such material may be assigned separate exhibit numbers, as counsel may deem most suited to the purposes of orderly presentation and consideration;

e. Material ordinarily included in appendices or attachments shall be included in separately numbered exhibits if the material is not essentially a subordinate part of another single exhibit; and

f. Objections to, and discussions of, any exhibit shall succinctly refer to the appropriate column, line, page, and number of the subject exhibit.

12. Counsel for all parties are encouraged to engage in further informal conferences in conjunction with, and after, the exchange of the exhibits and notification steps herein provided for to insure:

a. That the hearing record evidence will be clearly responsive to the matters under inquiry;

b. That trivial and needless objections to, and arguments upon the admissibility of, evidence will be eliminated; and

c. That cross-examination and requests for supplemental information will be limited to significant and relevant matters.

13. The presentation of evidence in this proceeding shall be commenced at a hearing to be convened at 10:00 a. m., on Tuesday, November 19, 1957. Unless otherwise informally ordered on the record, the hours of hearing will be from 10:00 a. m., to 12:30 p. m., and from 2:00 to 4:30 p. m. Hearing proceedings will be conducted on the record at all times unless requests for off-the-record discussions meet with unanimous consent, or unless for extraordinary reasons the proceeding on the record is ordered to be suspended; relevant discussions or determinations had or made off the record will be summarized by statements on the hearing record.

14. The terms and provisions of this order shall govern the course of this proceeding unless modification is effected as provided in this paragraph or in the ordering paragraph which follows. Within 15 days after the release of this order any party may informally request by letter, with a notification copy thereof to other parties, that any specified provisions herein be modified to conform with the agreements, understandings, and determinations that were made as shown by the transcript record which shall be cited; such informal requests will be summarily granted by order if supported by the record. Modifications of this order which are not affirmatively supported by the transcript record may

be requested by formal motion filed within 15 days after the release date; other parties may respond within 10 days thereafter; opposing contentions thus presented, if any, will be resolved after oral argument to be held either at a scheduled date to be announced or at the commencement of the hearing as herein ordered.

Pursuant to §§ 1.813 and 1.844 of the Commission's rules: *It is ordered*, This 12th day of August 1957, that the terms and conditions and provisions hereinabove stated shall govern the course of the further proceedings herein to the extent indicated, unless this order be modified by the Hearing Examiner as hereinabove provided, or by the Commission upon review: *And it is further ordered*, That the hearing of evidence in this proceeding shall be commenced at 10:00 a. m., on Tuesday, November 19, 1957, at Washington, D. C.

Released: August 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

APPENDIX A

ORDER AFTER SECOND PREHEARING CONFERENCE
DOCKET NOS. 11645 AND 11646

The named parties in this proceeding as of August 12, 1957, their short names, and the names and addresses of their attorneys, for the purposes of this proceeding, are as listed below. Subsequent references to AT&T include the Bell Companies, and with Western Union they are sometimes collectively referred to as the respondents; the other private parties are sometimes referred to as the intervenors.

Parties	Short names	Names and addresses of attorneys
American Telephone and Telegraph Co.	AT&T	Ernest D. North, Charles F. Martin, 32 Avenue of the Americas, New York 13, N. Y. John T. Quisenberry, 195 Broadway, New York 7, N. Y.
Bell Telephone Co. of Nevada Bell Telephone Co. of Pennsylvania The Cincinnati & Suburban Bell Telephone Co. Citizens Telephone Co., Inc. Diamond State Telephone Co. The Harrison Telephone Co. of Ohio Illinois Bell Telephone Co. Indiana Bell Telephone Co. Michigan Bell Telephone Co. Mountain States Telephone & Telegraph Co. New England Telephone Co. New Jersey Bell Telephone Co. New York Telephone Co. Northwestern Bell Telephone Co. The Ohio Bell Telephone Co. The Pacific Telephone & Telegraph Co. Southern Bell Telephone & Telegraph Co. The Southwestern Bell Telephone Co. Wisconsin Telephone Co. The Chesapeake & Potomac Telephone Co. The Chesapeake & Potomac Telephone Co. of Baltimore City. The Chesapeake & Potomac Telephone Co. of Virginia. The Chesapeake & Potomac Telephone Co. of West Virginia. Southern New England Telephone Co.	Bell Companies	As above for AT&T.
The Western Union Telegraph Co.	Western Union	John H. Waters, William Wendt, William E. Seward, 60 Hudson St., New York 13, N. Y. Jack Werner, Wyatt Bldg., Washington, D. C.
Aeronautical Radio, Inc.	AerInc	Donald C. Beelar, Herbert J. Miller, Jr., 800 World Center Bldg., Washington 6, D. C.
Department of Defense	Department of Defense.	W. Loeber Landau, Office of General Counsel, Secretary of the Air Force, Department of Defense, Washington 25, D. C.
United Press Associations	United Press	John R. Baskin, Baker, Hostetler & Patterson, 1956 Union Commerce Bldg., Cleveland 14, Ohio.
General Services Administration, The United States of America.	GSA	Edward C. Sweeney, Frederick W. Denniston, Office of General Counsel, General Services Administration, Washington 25, D. C.
Common Carrier Bureau, Federal Communications Commission.	Bureau	Bernard Strassburg, William M. Lesher, Federal Communications Commission, Washington 25, D. C.

[F. R. Doc. 57-6831; Filed, Aug. 19, 1957; 8:49 a. m.]

[Docket No. 12139]

CHARLES HENRY CONEY

ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of Charles Henry Coney, Coney Dock, Beach Haven, New Jersey and 722 52d Street, Palm Beach, Florida, Docket No. 12139; suspension of restricted radiotelephone operator permit.

The Commission having under consideration an application from Charles Henry Coney for a hearing on the Commission's order, dated May 23, 1957, suspending his Restricted Radiotelephone Operator Permit, RP-3-20075, for a period of six months for a willful violation of § 8.151 and 13.1 of the Commission's rules and section 318 of the Communications Act of 1934, as amended, in that he operated radiotelephone station WA 4476 on board the vessel POMPANO without an operator license during the period of suspension; and

It appearing that Charles Henry Coney filed with the Commission within the time provided therefore, a request for hearing.

It is ordered, This 1st day of August 1957, that the matter of suspension of the restricted radiotelephone operator permit of Charles Henry Coney is hereby designated for a hearing before a Commission Examiner at a time and place to be specified by a further Order on the following issues:

1. To determine whether Charles Henry Coney on March 11, 13, and 14, 1957, or at any other time between February 17, 1957, and March 17, 1957, while his radio operator license was under suspension operated or permitted any person not holding the required grade of radio operator license to operate the radiotelephone station WA 4476 on board the vessel Pompano; and

2. To determine in the light of the evidence adduced under the foregoing issues whether any change in the terms of the Commission's Order of Suspension would be warranted.

Released: August 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6834; Filed, Aug. 19, 1957; 8:50 a. m.]

[Docket No. 12140; FCC 57-934]

NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of the application of New York Technical Institute of Cincinnati, Inc., Docket No. 12140, File No. 1697-C2-P-57; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Detroit, Michigan (KQD309).

1. The Commission has before it for consideration (a) a protest timely filed on July 17, 1957, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Ruth B. Burr, d/b as Mobile Radio Telephone Company (hereinafter called Protestant), licensee of station KQA338, a two-way facility licensed to operate on two channels in the Domestic Public Land Mobile Radio Service at Detroit, Michigan, protesting the Commission's action of June 14, 1957, granting without hearing the above-entitled application of New York Technical Institute of Cincinnati, Inc. (hereinafter called Applicant) for a construction permit to provide a two-way communications service in the Domestic Public Land Mobile Radio Service at Detroit, Michigan; (b) an opposition to the said protest timely filed by Applicant on July 26, 1957; and (c) a reply to the opposition to protest timely filed by the Protestant on August 2, 1957.

PRELIMINARY STATEMENT

2. On February 13, 1957, Applicant applied for a construction permit for the two-way communications service mentioned in paragraph 1 above. A construction permit was issued on June 14, 1957, and public notice of this action was issued on June 17, 1957 (Report No. 378, Mimeo No. 39544). Prior to the grant of the above-captioned application, the Protestant filed an informal opposition thereto on May 6, 1957. Upon the grant of the application, a letter was sent to the Protestant advising her that, although consideration had been given to her objections, there was insufficient basis for denial of the said application on the grounds of economic injury to Protestant's existing facility at Detroit, in view of the significant size and importance of the area to be served in both population and industrial activity. No problem of mutual electrical interference exists between Protestant's station and Applicant's proposed station, since each will use different frequencies. In addition to Protestant's existing station, Detroit is afforded another like service through station KQC573, operated by William E. Rose, Jr. and James E. Rose, d/b as Michigan Radio Dispatch Service. The latter licensee also filed an informal statement of objection when the instant application was pending, but has not protested the grant herein.

THE PROTEST

3. In support of her protest, Protestant asserts that she is a party in interest within the meaning of section 309 (c) of the Communications Act, since Protestant is the licensee of station KQA-338, a two-way facility operating on two radio channels in the Domestic Public Land Mobile Radio Service at Detroit, the city in which Applicant has been authorized to construct a similar competing facility; that, in spite of Protestant's "diligent efforts and sound economic management", her station has been operating at a deficit, if any realistic allowance is made for Protestant's services; that Protestant, having 100 mobile units on its first channel, has found, from experience, that 100 mobile units is not enough for a profitable operation at Detroit and, therefore, requires a service area which has a potential customer demand for over 100 mobile units; that Applicant's station will prevent Protestant from securing customers for her second radio channel and may also result in the loss of present subscribers; that, since Applicant proposed to operate 100 mobile units, "it is almost certain that Applicant may likewise be expected to operate at a deficit", with the result that both Applicant and Protestant may go out of business and leave Detroit with insufficient two-way common carrier service; that Protestant, as a common carrier with tariffs on file with the Commission, "is, as a matter of law, entitled to protection from ruinous competition"; that Protestant can "adequately meet the need of the Detroit public for two-way common carrier service"; and that, in spite of the size of the city (Detroit), the market for this type of business is limited".

4. Protestant requests that the application be designated for hearing upon the following issues:

(a) To determine the nature and extent of service rendered by Protestant, including the rates, charges, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine the nature and extent of service proposed by Applicant, including the rates, charges, practices, classifications, regulations, and facilities pertaining thereto;

(c) To determine the area and population presently covered by the facilities authorized to Protestant;

(d) To determine the area and population proposed to be covered by Applicant's station;

(e) To determine the need for the proposed additional service in the area served by Protestant, and the nature and extent of any benefit to the public which would accrue because of Applicant's proposed service;

(f) To determine whether any disadvantages to the public would accrue because of Applicant's proposed service; and

(g) To determine in the light of the evidence adduced on the foregoing issues whether the public interest, convenience and necessity would be served by a grant of the above captioned application.

THE OPPOSITION TO THE PROTEST

5. On July 26, 1957, Applicant filed its opposition hereto. The opposition, in summary, concedes that Protestant has standing to protest, but alleges the protest should be denied because Protestant has failed to specify with particularity the facts relied upon to show that the grant to Applicant was improperly made, or would otherwise not be in the public interest. Applicant further states that it will bring a new service to large areas to the south, southeast, and southwest of Detroit not served by Protestant "and in which the ruinous competition predicted by Protestant cannot occur since Protestant does not compete there". Finally, Applicant requests that, if Protestant's pleading is acceptable as a protest, it be set for oral argument and that Protestant's issue (e) be amended to read as follows:

(e) To determine the need for the proposed additional service in the areas served by protestant and proposed to be served by applicant, and the nature and extent of any benefit to the public which would accrue because of applicant's proposed service;

Applicant requests that the Commission exercise its discretion in this case to leave the protested grant in effect and not postponed or stayed pending any action, hearing or oral argument on this protest.

THE REPLY TO OPPOSITION TO PROTEST

6. Protestant, in its reply to the opposition to protest, alleges that the protest fully and adequately met all the requirements of section 309 (c) of the Communications Act of 1934, as amended. Protestant also alleges that there is no basis for such finding as is required by section 309 (c) of our Act to support a determination that the protested authorization should remain in effect, pending Commission decision on the protest after hearing. Protestant states that more than one-half of the area which is outside Protestant's 37 dbu service area is in Canada, which it has no authority to serve; that Detroit is now served by another common carrier station, whose coverage, Protestant alleges, exceeds that of her station; that the population which does not now receive service from either one of the existing stations is 26,181 persons or 1 percent of the population to whom service might be rendered; and that Applicant has failed to demonstrate a need for service in such unserved area.

DISPOSITION OF THE PROTEST

7. In light of the fact that Protestant is the licensee of a two-way facility similar to that proposed by Applicant, and since both the Commission and the parties herein recognize that there is a very substantial area of overlap between the 37 dbu contours of the respective services in which there will be economic competition between the parties, we are of the view that the Protestant is a party in interest, within the meaning of section 309 (c) of the act. We are also of the opinion that Protestant has alleged facts herein with sufficient particularity to meet the requirements of the act.

8. Applicant's request for an oral argument herein is rejected because it is necessary to resolve controverted facts before the ultimate determinations can be made in this case. Thus, an evidentiary hearing is necessary in order that a full and complete record may be made.

9. Because a grantee in this service is not entitled to protection outside the 37 dbu contour which constitutes the basic service area of a station in this service, Protestant's issues (a) through (g) inclusive, and Applicant's suggested revision of Protestant's issue (e), will be rewritten and limited in application to the respective 37 dbu contours of the parties (as defined in § 21.504 of our rules). In the absence of competent and persuasive engineering evidence demonstrating the propriety of a different result, such contours will be determined for the Protestant and Intervenor (hereinafter identified) (whose stations operate in the 150 Mc band) in accordance with an FCC document identified as the "T. R. R. Report No. 4.3.8" and entitled "A Summary Of The Technical Factors Affecting The Allocation Of Land Mobile Frequencies In the 152 to 158 Megacycle Band". Under like conditions, for the Applicant (whose station is proposed to operate in the 450 Mc band), the 37 dbu contour will be determined on the basis of the F (50, 50) radio wave propagation curves for TV Channels 14 to 83, which is contained in Part 3 of the Commission's rules, with the proviso that the field strength shown in the said propagation curves shall be scaled downward by 6 db, to reflect the 6 foot antenna height used in the land mobile service, in lieu of the 30 foot receiving antenna height for which these curves were drawn.

10. The service area lying outside Protestant's 37 dbu contour does not appear to be too substantial (excluding the area in Canada to which service is, of course, not rendered)—see Fig. I, attached to Applicant's Opposition To Protest. But our disposition of Applicant's request that the effective date of its grant be not postponed does not rest on the size of the area served by Protestant or on the validity of Protestant's allegation as to service by the other existing operator in Detroit (see paragraph 6 above). The crucial consideration is the need for Applicant's new service in the area falling outside Protestant's 37 dbu contour. Applicant's claim that there is such a need is not related to the area in ques-

tion but rather is based upon the population and business statistics for the whole Detroit area. Applicant infers that the need for its service is spread uniformly throughout the entire Detroit area and, therefore it can be assumed that, since Protestant does not provide service in particular areas, there is an unfulfilled need for service in these areas which Applicant can and will provide. Applicant has not related any statistics, or offered any specific facts tending to show a need for service in the particular areas in which it claims it will be the sole purveyor of service. In the light of these circumstances, we find and conclude, for the limited purposes of determining whether or not to terminate Applicant's grant at this time, that no affirmative showing has been made that the public interest requires that the grant remain in effect pending our decision after hearing. In this respect, this case differs markedly from the Moon Electric Company case, 15 R. R. 56 (d).

11. We further find and conclude that the Applicant is legally, financially and technically qualified to be a licensee in this service.

12. *Accordingly, it is ordered,* That, the effective date of the Commission's action of June 14, 1957, granting the above-captioned application is postponed pending a final decision by the Commission with respect to the evidentiary hearing hereinafter provided; and

13. *It is further ordered,* That, the above-entitled application is designated for hearing at the Commission's offices in Washington, D. C., at a time to be specified by a subsequent order, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services now provided by the Protestant and Intervenor, respectively, and the nature and extent of the service proposed by Applicant, including rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(b) To determine the 37 dbu contour covered by Protestant's station KQA338 at Detroit, Michigan, in accordance with the engineering standards provided in T. R. R. Report No. 4.3.8 (see paragraph 9 above).

(c) To determine the 37 dbu contour covered by Applicant's station KQD309 at Detroit, Michigan, in accordance with the engineering standards provided for the 450 Mc band (see paragraph 9 above).

(d) To determine the 37 dbu contour covered by station KQC573 at Detroit, Michigan, in accordance with the engineering standards provided in T. R. R. Report No. 4.3.8 (see paragraph 9 above).

(e) To determine the need for the proposed service in the areas of overlap, as developed on issues (b), (c) and (d) above, and the nature and extent of any benefits to the public which will accrue in the said overlap areas because of Applicant's proposed service.

(f) To determine whether any disadvantages to the public will accrue in such overlap areas because of Applicant's proposed service.

(g) To determine, with respect to Applicant's 37 dbu contour, calculated as aforesaid, the area outside the areas of overlap in the 37 dbu contours of station KQA338 and KQC573, and the need for Applicant's service in such outside area.

(h) To determine whether there would be any benefit to the public by reason of the availability of Applicant's service as determined in issue (g) above, and whether such benefit, if any, together with any benefit shown under issue (e) above, outweighs any disadvantages which may be shown under issue (f) above.

(i) To determine, in the light of the evidence adduced on all of the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of the above-captioned application.

14. *It is further ordered,* That, the burden of proof on issue (a) as to the matters relating to the respective parties is with such party; the burden of proof on issues (c), (e), (g), (h) and (i) is placed on the applicant; the burden of proof on issues (b) and (f) is placed on the protestant; and the burden of proof on issue (d) is placed on the intervenor named below; and

15. *It is further ordered,* That William E. Rose, Jr. and James E. Rose, d/b as Michigan Radio Dispatch Service, licensee of station KQC573, an existing Domestic Public Land Mobile Radio Service at Detroit, Michigan, is made a party intervenor to the proceedings herein with its participation limited to issues (a), (d), (e), (f), (h) and (i); and

16. *It is further ordered,* That, the Protestant and the Acting Chief, Common Carrier Bureau, are made parties to the proceedings herein; and

17. *It is further ordered,* That, the request for oral argument on the protest is denied; and the protest is allowed, to the extent indicated herein; and

18. *It is further ordered,* That, the parties desiring to participate herein shall file their appearances not later than September 6, 1957.

Adopted: August 15, 1957.

Released: August 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6835; Filed, Aug. 19, 1957; 8:50 a. m.]

[Change List 113]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

JULY 25, 1957.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignment of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADIAN BROADCAST STATIONS

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		940 kilocycles				
CJGX	Yorkton, Sask	10 kw D/1 kw N	ND	U	II	Now in operation.
		1150 kilocycles				
CKSA	Lloydminister, Alts	1 kw	DA-2	U	III	Do.
		1300 kilocycles				
CJRH	Richmond Hill, Ont	0.5 kw	ND	D	III	Assignment of call letters.
		1340 kilocycles				
CFSL	Weyburn, Sask	0.25 kw	ND	U	IV	Do.
		1400 kilocycles				
CKDH	Amherst, N. S	0.25 kw	ND	U	IV	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6836; Filed, Aug. 19, 1957; 8:50 a. m.]

[Mexican List 203]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MARCH 12, 1957.

Notification under the provisions of part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

MEXICAN BROADCAST STATIONS

Call letters	Location	Power kw	Antenna	Schedule	Class	Probable date of change or commencement of operation
		630 kilocycles				
XETK	Mazatlan, Sinaloa (change in frequency and operating characteristics previously 1390 kc.).	1kwD/250wN		U	IV	Sept. 20, 1956
		810 kilocycles				
XERI	Reynosa, Tamaulipas (change call letters from XERU).	250wD		D	II	June 20, 1957
		1510 kilocycles				
XERU	Chihuahua, Chihuahua (change call letters from XEKV).	1kw		D	III	Do.
		1390 kilocycles				
XETK	Mazatlan, Sinaloa (delete assignment—vide 630 kc.).	1kwD/0.5 kwN		U	IV	Sept. 20/1957
		1420 kilocycles				
New	Chihuahua, Chihuahua	5000wD/500wN		U	III	Dec. 20, 1957

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6837; Filed, Aug. 19, 1957; 8:50 a. m.]

[Mexican List 204]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JULY 24, 1957.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

MEXICAN BROADCAST STATIONS

Call letters	Location	Power kw	Antenna	Schedule	Class	Probable date of change or commencement of operation
		690 kc/s				
XERT	Reynosa, Tamaulipas (change in location, previously in Rio Bravo).	5 kw-D 250 W-N	ND	U	IV	Jan. 24, 1958
		710 kc/s				
New	Mexico, D. F	1 kw-D 500 W-N		U	II	Do.
		1170 kc/s				
XEFD	Rio Bravo, Tamaulipas (change in location, previously in Reynosa).	5 kw	ND	D	II	Do.
		1330 kc/s				
NUEVA	Ciudad Madero, Tamaulipas	1000 W-D	ND	D	III	Do.
		1360 kc/s				
NUEVA	Manzanillo, Colima	1000 W-D 100 W-N		U	III	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-6838; Filed, Aug. 19, 1957; 8:51 a. m.]

[Docket Nos. 12126, 12127; FCC 57M-768]

GOLD COAST BROADCASTING CO. AND PUBLIC SERVICE BROADCASTING

ORDER SCHEDULING HEARING

In re applications of Garland C. Burt and Sam C. Phillips, d/b as Gold Coast Broadcasting Company, Lake Worth, Florida, Docket No. 12126, File No. BP-11005; Robert Hecksher, tr/as Public Service Broadcasting, Riviera Beach, Florida, Docket No. 12127; File No. BP-11256; for construction permits.

It is ordered, This 5th day of August 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 31, 1957, in Washington, D. C.

Released: August 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6833; Filed, Aug. 19, 1957; 8:50 a. m.]

[Docket Nos. 12122, 12123; FCC 57M-769]

NORTHERN ALLEGHENY BROADCASTING CO. AND ROBERT H. SAUBER

ORDER SCHEDULING HEARING

In re applications of Northern Allegheny Broadcasting Company, Union City, Pennsylvania, Docket No. 12122, File No. BP-10802; Robert H. Sauber, Franklin, Pennsylvania, Docket No. 12123, File No. BP-10998; for construction permits.

It is ordered, This 5th day of August 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1957, in Washington, D. C.

Released: August 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6832; Filed, Aug. 19, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 89]

PEORIA AND PEKIN UNION RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Peoria and Pekin Union Railway Company, because of work stoppage, is unable to transport traffic routed over and to points on its lines.

It is ordered, That:

(a) Rerouting traffic: The Peoria and Pekin Union Railway Company, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions

shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p. m., August 11, 1957.

(g) Expiration date. This order shall expire at 11:59 p. m., August 25, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 11, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-6807; Filed, Aug. 19, 1957; 8:46 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 89-A]

PEORIA AND PEKIN UNION RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC; ORDER VACATED

Upon further consideration of Taylor's I. C. C. Order No. 89 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I. C. C. Order No. 89, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 8:00 a. m., August 13, 1957.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 13, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-6806; Filed, Aug. 19, 1957; 8:45 a. m.]

[Ex Parte No. 210]

RAILWAY EXPRESS AGENCY, INC.

INCREASED EXPRESS RATES AND CHARGES, 1957

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of August A. D. 1957.

The Commission having before it petition filed July 24, 1957, by the Railway Express Agency, Incorporated, for authority to increase by 15 percent its less-than-carload and carload rates and charges, including classification charges (but not including rates and charges on shipments of milk and cream, daily newspapers, and human remains, nor protective charges on carload traffic); and it appearing that petitioner prays that it be permitted to make such increases and changes, and that the Commission institute an investigation into the level of express rates and charges to determine whether the increases and changes proposed will be just and reasonable and not in excess of maximum reasonable rates and charges, and that the Commission enter orders permitting petitioner promptly to make effective the rates and charges proposed on less than statutory notice, granting relief from the provisions of Section 4 of the Interstate Commerce Act where necessary, as set forth in the petition.

It is ordered, That the Commission enter upon an investigation of the proposals made in such petition; and that a copy of this order be served upon petitioner, the Governors and regulatory bodies of the several States, all parties to the prior proceeding, Ex Parte No. 185, Increased Express Rates and Charges, 1953 (289 I. C. C. 249), and that notice be given to the general public by depositing a copy of the order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director of the Division of the Federal Register.

It is further ordered, That this proceeding be, and it is hereby, assigned to Division 3 for administrative handling, and that it be assigned for hearing at such times and places as hereafter may be designated.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6808; Filed, Aug. 19, 1957; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 14, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34104: *Sand—Attica, Ind., to Ivesdale, Ill.* Filed by R. G. Raasch, Agent, (No. 631), for and on behalf of the Wabash Railroad Company. Rates on sand, other than blast, core, engine, filter, fire or furnace, etc., carloads from Attica, Ind., to Invesdale, Ind.

Grounds for relief: Motor truck competition from wayside pits.

Tariff: Supplement 149 to Wabash Railroad Company's tariff I. C. C. 7685.

FSA No. 34105: *Transit rates on grain, feed and related articles in southern territory.* Filed by O. W. South, Jr., Agent, (SFA No. A3515), for interested rail carriers. Rates on grain, feed, and related articles, carloads, between points in southern territory.

Grounds for relief: Short-line distance formula via transit points, and grouping.

Tariff: Supplement 9 to Agent Spaninger's tariff I. C. C. 1579.

FSA No. 34106: *Substituted service—Motor and rail—Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 52), for interested rail and motor carriers. Rates on freight, loaded in or on highway trailers and transported on railroad flat cars between Harrisburg, Pa., on the one hand, and Chicago and East St. Louis, Ill., Cleveland, Ohio, Detroit, Mich., and Indianapolis, Ind., on the other.

Grounds for relief: Motor truck competition.

Tariff: The Eastern Central Motor Carriers Assn., Inc., Agent, tariff I. C. C. 16.

FSA No. 34107: *Canned milk—Maysville, Ky., to New Orleans, La., for export.* Filed by O. W. South, Jr., Agent (SFA No. A3514), for interested rail carriers. Rates on condensed or evaporated milk, carloads from Maysville, Ky., to New Orleans, La., for export to Puerto Rico.

Grounds for relief: Competition with barge lines.

Tariff: Supplement 157 to Agent Hinsch's tariff I. C. C. 4058.

FSA No. 34108: *Substituted service—Motor and rail—Pennsylvania Railroad.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 13), for interested rail and motor carriers. Rates on freight, loaded in or on highway trailers, and transported on railroad flat cars between Cleveland, Ohio, on the one hand, and Chicago and East St. Louis, Ill., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 4 to Central States Motor Freight Bureau, Inc., Agent, tariff I. C. C. No. 27.

FSA No. 34110: *Grain, grain products, and feed between and from and to points in southern territory.* Filed by O. W. South, Jr., Agent (No. A3513), for interested rail carriers. Rates on coarse grains, grain products, and animal or poultry feeds, carloads between points in southern territory, and between points in southern territory, on the one hand, and specified points in Illinois and Indiana, also in Ohio in the Columbus, Ohio, group, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 192 to Agent Spaninger's tariff I. C. C. 1325 and five other tariffs.

FSA No. 34111: *Substituted service—Motor and rail—Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 53), for interested rail and motor carriers. Rates on freight, loaded in or on highway trailers and transported on railroad flat cars between Toledo, Ohio, on the one hand, and Baltimore, Md., Harrisburg, Pa., Kearny, N. J., and Philadelphia, Pa., on the other.

Grounds for relief: Motor truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34112: *Substituted service—Motor and rail—NYNH&H and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 55), for interested rail and motor carriers. Rates on freight, loaded in or on highway trailers, and transported on railroad flat cars between (a) Chicago and East St. Louis, Ill., Cincinnati, Cleveland, and Toledo, Ohio, Detroit, Mich., Indianapolis, Ind., and Louisville, Ky., on the one hand, and Providence, R. I., and Worcester, Mass., on the other and (b) Cincinnati, and Toledo, Ohio, Detroit, Mich., and Louisville, Ky., on the one hand, and Boston, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34113: *Ethylene dichloride—Doe Run, Ky., to Dowling, Tex.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7097), for interested rail carriers. Rates on ethylene dichloride, tank-car loads from Doe Run, Ky., to Dowling, Tex.

Grounds for relief: Barge competition.

Tariff: Supplement 207 to Agent Kratzmeir's tariff I. C. C. 4115.

FSA No. 34114: *Substituted service—Motor and rail-B & M, D & H and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, (No. 54), for the Boston and Maine Railroad and other interested rail and motor carriers. Rates on freight, loaded in or on highway trailers and transported on railroad flat cars between Toledo, Ohio, on the one hand, and East Cambridge and Worcester, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 16.

AGGREGATE OF INTERMEDIATES

FSA No. 34109: *Passenger fares—Between and from and to points on the B & M and MC Railroads.* Filed by W. H. Clifford, Agent, (No. 1), for interested rail carriers. Rates applying on passengers, transported at first-class passenger fares and charges between points in New England territory, on the Boston and Maine Railroad, the Maine Central Railroad, and between points on these lines; on the one hand, and points on connecting lines, on the other.

Grounds for relief: Maintenance of through fares in excess of the aggregate of intermediate fares resulting from disposition of fractions in applying uniform percentage increase to through and combination fares.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6766; Filed, Aug. 16, 1957; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 13, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 20 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34100: *Newsprint paper and paper winding cores, from and to Palatka, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. (SFA No. A3512). Rates on newsprint paper, carloads, also cores, newsprint paper winding, old or used, carloads, in the reverse direction as described below from Palatka, Fla., to southern territory and points adjacent thereto.

Grounds for relief: Short-line distance formula over direct routes.

Tariff: Supplement 7 to Agent Spaninger's tariff I. C. C. 1601.

FSA No. 34101: *Coke, coke breeze, and related products—Morgantown, W. Va., to Josephtown, Pa.* Filed by The Pittsburgh and Lake Erie Railroad Company, Agent, (No. 2), for itself, and on behalf of the Monongahela Railway Company. Rates on coke, coke breeze, coke dust, and coke screenings (the direct products of coal), in straight or mixed carloads from Morgantown, W. Va., to Josephtown, Pa.

Grounds for relief: Competition of barge lines.

Tariff: Supplement 12 to Pittsburgh and Lake Erie Railroad tariff I. C. C. 3499.

FSA No. 34102: *Cement and related articles—St. Louis, Mo., to Indiana.* Filed by H. R. Hinsch, Agent, (CTR No. 2354), for interested rail carriers. Rates on cement, common, hydraulic, natural or portland, carloads, and masonry cement or mortar cement, carloads from St. Louis, Mo., to points in southern Indiana on the Southern Railway named in appendix B of the application.

Grounds for relief: Short-line distance formula and truck competition.

Tariff: Supplement 38 to Agent Hinsch's tariff I. C. C. 4225.

FSA No. 34103: *Wheat—Points in Texas to Port Arthur, Tex., for export.* Filed by J. F. Brown, Agent, (No. 308), for interested rail carriers. Rates on wheat, carloads from specified points in Texas to Port Arthur, Tex., for export.

Grounds for relief: Market competition with export wheat from Oklahoma producing points, also competition with itinerant or merchant truckers.

Tariff: Supplement 19 to Agent Brown's tariff I. C. C. 878.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6797; Filed, Aug. 16, 1957; 8:52 a. m.]

TARIFF COMMISSION

WHISKEY

NOTICE OF INVESTIGATION

Pursuant to a resolution adopted by the Committee on Finance, United States Senate, on August 12, 1957, the United States Tariff Commission, on the 14th day of August 1957, instituted an investigation under the provisions of section 332 of the Tariff Act of 1930, as amended, of the conditions of competition in the United States between whiskey produced in the United States and in foreign countries.

The Committee resolution provides that in its report "the Commission shall set forth a summary of the facts obtained in the investigation, including a description of the domestic industry, domestic production, foreign production, imports, consumption, channels and methods of distribution, prices, United States exports, United States customs treatment since 1930, and other factors affecting the competition between domestic and imported whiskey. In the course of its investigation the Commission shall hold hearings, giving adequate opportunity to interested parties to appear and be heard."

Announcement regarding hearings in connection with this investigation will be made at a future date.

Issued: August 15, 1957.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-6817; Filed, Aug. 19, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2310 et al.]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF PETITION FOR MODIFICATION OF ORDER

AUGUST 14, 1957.

Take notice that on May 23, 1957, Tennessee Gas Transmission Company (Petitioner), a Tennessee corporation having its principal place of business in Houston, Texas, filed a petition in Docket Nos. G-2310, et al., for modification of the Commission's Order in Opinion No. 279 issued on December 28, 1954, as amended on June 25, 1956, so as to release Petitioner from so much of the obligation imposed by that order as required Petitioner to sell and deliver up to a maximum daily quantity of 1,325 Mcf of natural gas to the Pittston Gas Company all as more fully set forth in the petition filed on May 23, 1957, which is on file with the Commission and open to public inspection.

The petition states that Pittston Gas Company has never contracted with Petitioner for natural gas service, and requests that if Pittston Gas Company has not contracted for and taken gas from Petitioner by January 1, 1958, that Petitioner be released from its aforesaid obligation.

Take further notice that protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6803; Filed, Aug. 19, 1957; 8:45 a. m.]

[Docket No. G-12561]

ANDERSON-PRICHARD OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 14, 1957.

Take notice that on May 13, 1957, Anderson-Prichard Oil Corporation (Applicant) filed an application in Docket No. G-12561, pursuant to section 7 of the Natural Gas Act, for authorization to:

(1) Abandon service to Cities Service Gas Company (Cities Service) from the Smith Heirs Lease in the Dilworth Field, Kay County, Oklahoma. Said sale was authorized on April 22, 1957, in Docket No. G-10755.

(2) Sell casinghead gas from the subject lease to Wunderlich Development Company (Wunderlich) which will process the gas and resell the residue gas to Cities Service.

Applicant states that the wellhead pressure of its Smith Heirs No. 1 well (the only well producing from the Cleveland Sand formation underlying the Smith Heirs Lease) has declined to such an extent that deliveries of measurable quantities of gas therefrom into Cities Service's pipeline are no longer possible. Applicant and Cities Service have therefore agreed to the termination of their contract dated July 3, 1956, by letter agreement dated May 1, 1957, and Applicant has negotiated a contract with Wunderlich dated April 1, 1957, for the sale thereto of the low pressure casinghead gas from the subject lease (this contract also provides for the sale of natural gas other than casinghead gas if any becomes available from the lease). Wunderlich will process such gas in its LPG Plant in Kay County, Oklahoma, and resell the residue gas therefrom to Cities Service. The Wunderlich contract provides that service is to commence on or before August 1, 1957.

Said application is on file with the Commission and open for public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 18, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6805; Filed, Aug. 19, 1957; 8:45 a. m.]

[Docket No. G-3128 etc.]

E. W. CAMPBELL ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

AUGUST 14, 1957.

In the matters of E. W. Campbell and E. S. Villines et al., Docket Nos. G-3128, et al.; Tidewater Oil Company, Docket No. G-11768.

Notice is hereby given that the application filed by Tidewater Oil Company in Docket No. G-11768 in the above-entitled proceeding and scheduled for a hearing to be held on August 26, 1957, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for hearing at a subsequent date to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6804; Filed, Aug. 19, 1957; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 162

Washington, Wednesday, August 21, 1957

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

AUG 23 1957 MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.8]

PART 372—FARM OWNERSHIP LOANS

ASSIGNMENT OF INSURED FARM OWNERSHIP MORTGAGES IN LOUISIANA

Paragraphs (c) and (e) of § 372.124 in Title 6, Code of Federal Regulations (20 F. R. 1047), are revised to include Louisiana as a state in which the assignment of a mortgage may be effected by endorsement and delivery of the note, without recording any assignment in the land records, and to read as follows:

§ 372.124 *General policies.* • • •

(c) *Method of assignment.* Insured mortgages will be assigned in accordance with the law of the state in which the mortgaged property is located. In states in which recordation is necessary (see paragraph (e) of this section), the mortgage will be assigned by a separate instrument of assignment, except that recordation may be made by marginal entry when a mortgage is assigned between private parties and the mortgaged property is located in Arkansas, Indiana, Iowa, Kentucky, Mississippi, Nevada, Ohio or Wyoming. The promissory note will be assigned by endorsement "to the order of," and delivery to, the assignee. Assignment of the mortgage may be effected merely by endorsement and delivery of the note when the mortgaged property is located in Colorado, Louisiana, Missouri, Tennessee, Virginia, or Puerto Rico.

• • • • •

(e) *Recording of assignments.* All assignments will be recorded in the land records except when the mortgaged property is located in Colorado, Louisiana, Missouri, Tennessee, Virginia or Puerto Rico. The assignee is responsible for recording the assignment of an insured mortgage and for paying the recording fee. When the Farmers Home Administration is the assignee and recordation is necessary as provided herein, the County Supervisor will have the assignment recorded and pay the fee.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: August 13, 1957.

[SEAL] K. H. HANSEN, *Administrator, Farmers Home Administration.*

[F. R. Doc. 57-6884; Filed, Aug. 20, 1957; 8:54 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 CCC Cotton Bulletin 1, Amdt. 2]

PART 427—COTTON

SUBPART—1957 COTTON LOAN PROGRAM

SCHEDULE OF BASE LOAN RATES BY COUNTIES FOR FARM-STORED UPLAND COTTON

The 1957 Cotton Loan Bulletin (1957 CCC Cotton Bulletin 1) is hereby amended by adding § 427.834 to read as follows:

§ 427.834 *Basic loan rates for farm-stored upland cotton.* The base loan rates applicable to Middling White 1-inch upland cotton, under Commodity Credit Corporation's 1957 Cotton Loan Program, are as follows:

ALABAMA

[All rates expressed in cents per pound, gross weight, basis Middling White 1-inch cotton]

In all counties east of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour	32.99
In the counties of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour	32.89
In the counties of Madison, Jackson, Morgan, Cullman, Jefferson, Bibb, Chilton, Autauga, Montgomery, Pike, Coffee, Dale, Henry, Geneva, and Houston	32.79

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CFR SUPPLEMENTS
(As of January 1, 1957)

The following are now available:

Title 14, Parts 1–39 (Rev. 1956) ($6.75)

Title 14, Parts 40–399 (Rev. 1956) ($6.00)

Title 46, Part 146 to end ($2.00)

Title 49, Parts 71–90 (Rev. 1956) ($6.25)

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Beginning with and including the county of Hardeman, and thence proceeding clockwise, all counties contained within the area surrounded by and including Wilbarger, Wichita, Clay, Montague, Denton, Dallas, Ellis, Navarro, Anderson, Houston, Trinity, Walker, Grimes, Waller, Austin, Wharton, Matagorda, Jackson, Calhoun, Aransas, Refugio, Victoria, De Witt, Gonzales, Guadalupe, Comal, Blanco, Burnet, Lampasas, Mills, Brown, Callahan, Shackelford, Throckmorton, Baylor, and Foard	32.21
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(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 15th day of August 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-6824; Filed, Aug. 20, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR FLORIDA ORANGES AND TANGELOS [1]

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.), the existing United States Standards for Florida Oranges and Tangelos (20 F. R. 7205; §§ 51.1140 to 51.1186) are hereby amended to read as follows:

GENERAL

Sec.
51.1140 General.

GRADES

51.1141 U. S. Fancy.
51.1142 U. S. No. 1 Bright.
51.1143 U. S. No. 1.
51.1144 U. S. No. 1 Golden.
51.1145 U. S. No. 1 Bronze.
51.1146 U. S. No. 1 Russet.
51.1147 U. S. No. 2 Bright.
51.1148 U. S. No. 2.
51.1149 U. S. No. 2 Russet.
51.1150 U. S. No. 3.

UNCLASSIFIED

51.1151 Unclassified.

TOLERANCES

51.1152 Tolerances.
51.1153 U. S. Fancy grade.
51.1154 U. S. No. 1 grade.
51.1155 U. S. No. 1 Bright and U. S. No. 2 Bright grades.
51.1156 U. S. No. 1 Golden and U. S. No. 1 Bronze grades.
51.1157 U. S. No. 1 Russet grade.
51.1158 U. S. No. 2 grade.
51.1159 U. S. No. 2 Russet grade.
51.1160 U. S. No. 3 grade.

APPLICATION OF TOLERANCES

51.1161 Application of tolerances.

STANDARD PACK

51.1162 Standard pack.

DEFINITIONS

51.1163 Similar varietal characteristics.
51.1164 Well colored.
51.1165 Firm.
51.1166 Well formed.
51.1167 Mature.
51.1168 Smooth texture.
51.1169 Injury.
51.1170 Discoloration.
51.1171 Fairly smooth texture.
51.1172 Damage.
51.1173 Fairly well colored.
51.1174 Reasonably well colored.
51.1175 Fairly firm.
51.1176 Slightly misshapen.
51.1177 Slightly rough texture.
51.1178 Serious damage.
51.1179 Misshapen.
51.1180 Slightly spongy.
51.1181 Very serious damage.
51.1182 Diameter.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

Sec.
51.1183 U. S. Grade AA Juice (Double A).
51.1184 U. S. Grade A Juice.
51.1185 Maximum anhydrous citric acid permissible for corresponding total soluble solids.
51.1186 Method of juice extraction.

AUTHORITY: §§ 51.1140 to 51.1186 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.1140 *General.* The standards contained in this subpart apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines, and to the citrus fruit commonly known as "tangelo"—a hybrid between tangerine or mandarin orange (citrus reticulata) with either the grapefruit or pummelo (C. paradisi and C. grandis). Separate U. S. Standards apply to tangerines. The standards for internal quality contained in §§ 51.1183 through 51.1186 apply only to common sweet oranges (citrus sinensis (L) osbeck).

GRADES

§ 51.1141 *U. S. Fancy.* "U. S. Fancy" consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navals, sprayburn, and undeveloped or sunken segments, and are free from injury caused by green spots or oil spots, pitting, rough and excessively wide and protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.1153 and 51.1161.)

(b) If any lot of U. S. Fancy fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1142 *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See §§ 51.1155 and 51.1161.)

(a) If any lot of U. S. No. 1 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1143 *U. S. No. 1* "U. S. No. 1" consists of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Oranges of the early and mid-season varieties shall be fairly well colored.

(b) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(c) In this grade not more than one-third of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.1154 and 51.1161.)

(d) If any lot of U. S. No. 1 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1144 *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See §§ 51.1156 and 51.1161.)

(a) If any lot of U. S. No. 1 Golden fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1145 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of their surface affected with discoloration. (See §§ 51.1156 and 51.1161.)

(a) If any lot of U. S. No. 1 Bronze fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1146 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See §§ 51.1157 and 51.1161.)

(a) If any lot of U. S. No. 1 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1147 *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See §§ 51.1155 and 51.1161.)

(a) If any lot of U. S. No. 2 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1148 *U. S. No. 2.* "U. S. No. 2" consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, of not more than slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each orange of this grade shall be reasonably well colored.

(b) In this grade not more than one-half of the surface, in the aggregate, may be affected with discoloration. (See §§ 51.1158 and 51.1161.)

(c) If any lot of U. S. No. 2 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1149 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected with discoloration. (See §§ 51.1159 and 51.1161.)

(a) If any lot of U. S. No. 2 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1150 *U. S. No. 3.* "U. S. No. 3" consists of oranges of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See §§ 51.1160 and 51.1161.)

(b) If any lot of U. S. No. 3 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

UNCLASSIFIED

§ 51.1151 *Unclassified.* "Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1152 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1153 to 51.1160 are provided as specified.

§ 51.1153 *U. S. Fancy grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1154 *U. S. No. 1 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have discoloration in excess of one-third of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1155 *U. S. No. 1 Bright and U. S. No. 2 Bright grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1156 *U. S. No. 1 Golden and U. S. No. 1 Bronze grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentages specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1157 *U. S. No. 1 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1158 *U. S. No. 2 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1159 *U. S. No. 2 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the per-

centage of fruits having in excess of one-half of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1160 *U. S. No. 3 grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.1161 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.1162 *Standard pack.* (a) Fruit shall be fairly uniform in size, unless specified as uniform in size. When packed in boxes, fruit shall be arranged according to the approved and recognized methods and shall meet the applicable standard size requirements of this section. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard 1⅗ bushel nailed boxes, each container shall show a minimum bulge of 1¼ inches.

(d) "Standard size" means that not more than 10 percent, by count, of the fruits in any container are below the minimum diameters given in the applicable one of the following Tables 1, 2, 3, and 4 for the various packs, types of fruit, and the size of boxes:

TABLE 1

Oranges, other than Temples, packed in 1⅗ bushel boxes:

Size and count:	*Minimum diameter in inches*
96's	3⅝
125's or 126's	3⅜
150's	3
175's or 176's	2¹³⁄₁₆
216's	2¹⁵⁄₁₆
252's	2⅝
288's or 294's	2⁹⁄₁₆
324's	2⅛

TABLE 2

Temple oranges and tangelos packed in ⅘ bushel regular, wirebound boxes:

Size and count:	*Minimum diameter in inches*
56's	3⅝
64's	3⅜
72's	3⅛
80's	3
96's	2¹³⁄₁₆
125's	2⅝
150's	2⁹⁄₁₆
175's	2⅛

TABLE 3

Temple oranges and tangelos packed in ⅘ bushel flat, wirebound boxes:

Size and count:	*Minimum diameter in inches*
54's	3⅝
66's	3⅜
80's	3
90's	2¹¹⁄₁₆
100's	2¹³⁄₁₆
108's	2¹¹⁄₁₆
120's	2⅝
130's	2⅝
156's	2⁷⁄₁₆

TABLE 4

Temple oranges and tangelos packed in ⅘ bushel half-strap boxes:

Size and count:	*Minimum diameter in inches*
48's	3⁷⁄₁₆
60's	3¹⁄₁₆
76's	3¹⁄₁₆
90's	2¹⁵⁄₁₆
106's	2¹¹⁄₁₆
120's	2⁹⁄₁₆
144's	2⁷⁄₁₆
168's	2⁵⁄₁₆

(e) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(1) Five-sixteenths inch in diameter for 150 size and smaller oranges, other than Temples, packed in 1⅗ bushel boxes, and for 76 size and smaller Temple oranges and tangelos packed in ⅘ bushel boxes; and,

(2) Six-sixteenths inch in diameter for 126 size and larger oranges, other than Temples, packed in 1⅗ bushel boxes, and for 72 size and larger Temple oranges and tangelos packed in ⅘ bushel boxes.

(f) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(1) Four-sixteenths inch in diameter for 150 size and smaller oranges, other than Temples, packed in 1⅗ bushel boxes, and for 76 size and smaller Temple oranges and tangelos packed in ⅘ bushel boxes; and,

(2) Five-sixteenths inch in diameter for 126 size and larger oranges, other than Temples, packed in 1⅗ bushel boxes, and for 72 size and larger Temple oranges and tangelos packed in ⅘ bushel boxes.

(g) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.1163 *Similar varietal characteristics.* "Similar varietal characteristics" mean that the fruits in any container are similar in color and shape.

§ 51.1164 *Well colored.* "Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.1165 *Firm.* "Firm" as applied to common oranges and tangelos means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), "firm" means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.1166 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.1167 *Mature.* "Mature" means the same as that term is then currently prescribed for oranges, other than Temple oranges, in sections 601.19 and 601.20, chapter 25149, for Temple oranges in sections 601.21 and 601.22, chapter 26492, and for tangelos in sections 601.23 (a), chapter 29757, Florida Statutes, known as the Florida Citrus Code of 1949, as amended in 1951 and in 1955 or as it may be amended hereafter.

§ 51.1168 *Smooth texture.* "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.1169 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Green spots or oil spots when appreciably affecting the appearance of the individual fruits;

(b) Rough and excessively wide or protruding navels when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange;

(c) Scale when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(d) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(e) Thorn scratches when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.1170 *Discoloration.* "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.1171 *Fairly smooth texture.* "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.1172 *Damage.* "Damage" means any defect which materially affects the appearance or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Ammoniation when not occurring as light speck type similar to melanose;

(b) Creasing when causing the skin to be materially weakened;

(c) Dryness or mushy condition when affecting all segments of the fruit more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occuring in other portions of the fruit;

(d) Green spots or oil spots when more than 5 in number, or when the aggregate area of all spots exceeds the area of a circle three-fourths inch in diameter on an orange 3 inches in diameter. Smaller sizes shall have a lesser number or lesser areas of green spots or oil spots and larger sizes may have a larger number or greater areas: *Provided*, That the appearance of the orange is not affected to a greater extent than the number or area permitted on an orange 3 inches in diameter;

(e) Scab when it cannot be classed as discoloration, or appreciably affects shape or texture;

(f) Scale when occurring as a blotch and its size exceeds the area of a circle five-eighths inch in diameter on an orange 3 inches in diameter. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which affects the appearance to a greater extent than a blotch five-eighths inch in diameter on an orange 3 inches in diameter;

(g) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Split or rough or protruding navels when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing;

(i) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard;

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,

(k) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1173 *Fairly well colored.* "Fairly well colored" means that the yellow or orange color predominates over the green color on that part of the fruit which is not discolored, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter.

§ 51.1174 *Reasonably well colored.* "Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate, which is not discolored.

§ 51.1175 *Fairly firm.* "Fairly firm" as applied to common oranges and tangelos, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.1176 *Slightly misshapen.* "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.1177 *Slightly rough texture.* "Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 51.1178 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and the aggregate area exceeds the area of a circle three-fourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(b) Buckskin when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected;

(c) Creasing when so deep or extensive that the skin is seriously weakened;

(d) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(e) Green spots or oil spots when seriously affecting the appearance of the individual fruit;

(f) Scab when it cannot be classed as discoloration, or when materially affecting shape or texture;

(g) Scale when it seriously affects the appearance of the individual fruit;

(h) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(i) Split or rough or protruding navels when any split is unhealed, or one well-healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange;

(j) Sprayburn which seriously affects the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(k) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(l) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches, when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above;

(m) Undeveloped or sunken segments, in navel oranges when such segments are so sunken or undeveloped that they are readily noticeable; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1179 *Misshapen.* "Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.1180 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1181 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks when not healed;

(d) Caked melanose when more than 25 percent, in the aggregate, of the surface of the fruit is caked;

(e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Creasing when so deep or extensive that the skin is very seriously weakened;

(g) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(h) Scab when aggregating more than 25 percent of the surface of the fruit;

(i) Scale when covering more than 20 percent of the surface of the fruit;

(j) Split navels when not healed or the fruit is seriously weakened;

(k) Sprayburn when seriously affecting more than one-third of the fruit surface;

(l) Sunburn when seriously affecting more than one-third of the fruit surface;

(m) Thorn punctures when not healed or the fruit is seriously weakened; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1182 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

§ 51.1183 *U. S. Grade AA Juice (Double A).* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade AA Juice (Double A)":

(a) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table 5 of § 51.1185.

§ 51.1184 *U. S. Grade A Juice.* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade A Juice":

(a) Each lot of fruit shall contain an average of not less than four and one-half gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table 5 of § 51.1185.

§ 51.1185 *Maximum anhydrous citric acid permissible for corresponding total soluble solids.* For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table 5 together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE 5

Total soluble solids (average percent)	Maximum anhydrous citric acid (average percent)	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50–1
9.1	.963	9.45–1
9.2	.979	9.40–1
9.3	.995	9.35–1
9.4	1.011	9.30–1
9.5	1.027	9.25–1
9.6	1.043	9.20–1
9.7	1.060	9.15–1
9.8	1.077	9.10–1
9.9	1.094	9.05–1
10.0	1.111	9.00–1
10.1	1.128	8.95–1
10.2	1.146	8.90–1
10.3	1.164	8.85–1
10.4	1.182	8.80–1
10.5	1.200	8.75–1
10.6	1.218	8.70–1
10.7	1.237	8.65–1
10.8	1.256	8.60–1
10.9	1.275	8.55–1
11.0	1.294	8.50–1
11.1	1.306	8.50–1
11.2	1.318	8.50–1
11.3	1.329	8.50–1
11.4	1.341	8.50–1
11.5	1.353	8.50–1
11.6	1.365	8.50–1
11.7	1.376	8.50–1
11.8	1.388	8.50–1
11.9	1.400	8.50–1
12.0	1.412	8.50–1
12.1	1.424	8.50–1
12.2	1.435	8.50–1
12.3	1.447	8.50–1
12.4	1.459	8.50–1
12.5	1.471	8.50–1
12.6	1.482	8.50–1
12.7	1.494	8.50–1
12.8	1.506	8.50–1
12.9	1.517	8.50–1
13.0	1.530	8.50–1
13.1	1.541	8.50–1
13.2	1.553	8.50–1
13.3	1.565	8.50–1
13.4	1.576	8.50–1
13.5	1.588	8.50–1
13.6	1.600	8.50–1
13.7	1.612	8.50–1
13.8	1.624	8.50–1
13.9	1.635	8.50–1
14.0	1.647	8.50–1
14.1	1.659	8.50–1
14.2	1.671	8.50–1
14.3	1.682	8.50–1
14.4	1.694	8.50–1
14.5	1.705	8.50–1
14.6	1.718	8.50–1
14.7	1.729	8.50–1
14.8	1.741	8.50–1
14.9	1.753	8.50–1
15.0	1.765	8.50–1
15.1	1.776	8.50–1
15.2	1.788	8.50–1
15.3	1.800	8.50–1
15.4	1.812	8.50–1
15.5	1.824	8.50–1
15.6 or more		8.50–1

§ 51.1186 *Method of juice extraction.* The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer or by hand, and shall be strained through a double thickness of cheese cloth of sufficiently fine mesh to prevent the passage through it of juice cells, pulp or seeds.

It is hereby found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule making proceedings with respect to the aforementioned amended standards. The amendatory actions relate solely to the provisions of §§ 51.1162 (d) and 51.1186. Table 1 in § 51.1162 (d) specifies minimum diameters for the different sizes of oranges, other than Temples, when packed in 1⅗ bushel boxes. Because of changes in sizing and packing practices in the industry, size 175 or 176 is being packed to a minimum diameter of $2^{13}/_{16}$ inches, thus rendering the present specified diameter of $2^{14}/_{16}$ inches obsolete. § 51.1186 at present requires that in the extraction of juice, gauze of 44 x 40 threads per square inch must be used. Gauze of this specification is not ordinarily obtainable and the amendatory action relative to this section is in relief of this requirement. It is necessary that these indicated changes be made effective as soon as possible in order that the aforementioned requirements will not be in conflict with present industry sizing practices or with the availability of materials.

The amended United States Standards for Florida Oranges and Tangelos contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Florida Oranges and Tangelos which have been in effect since October 14, 1955 (20 F. R. 7205; §§ 51.1140 to 51.1186).

Dated: August 15, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6810; Filed, Aug. 20, 1957; 8:45 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 587, Revised]

PART 319—FOREIGN QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS AUTHORIZING IMPORTATION OF FROZEN FRUITS AND VEGETABLES

Pursuant to § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (7 CFR 319.56–2, as amended) under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 162), administrative instructions designated as 7 CFR 319.56–2c are hereby amended to read as follows:

§ 319.56–2c *Administrative instructions authorizing the importation of frozen fruits and vegetables.* (a) The type of treatment designated in this subpart as freezing shall be one of those treatments commonly known as quick freezing, sharp freezing, or frozen pack. In general this involves an initial quick freezing at subzero temperatures with subsequent storage and transportation handling at not higher than 20° F. Any equivalent freezing method is also included in this designation.

(b) The Director of the Plant Quarantine Division, under authority contained in § 319.56–2, hereby prescribes freezing as a satisfactory treatment for all fruits and vegetables enterable under permit under § 319.56. Such frozen fruits and vegetables may be imported from any country under permit, on compliance with §§ 319.56–1 through 319.56–7 (exclusive of nonrelated administrative instructions), at such ports as shall be authorized in the permits.

(c) Such fruits and vegetables may not be removed from the vessel or vehicle transporting them until it has been determined by an inspector of the Plant Quarantine Division that they are in a satisfactory frozen state on arrival in this country.

(d) If the temperature of the fruits or vegetables in any part of such an importation is found to be above 20° F. at the time of inspection upon arrival, the entire shipment shall remain on board the vessel or vehicle under such safeguards as may be prescribed by the inspector of the Plant Quarantine Division until the temperature of the shipment is below 20° F., or the shipment is transported outside the United States or its territorial waters, or is otherwise disposed of to the satisfaction of the inspector.

(e) The importation from foreign countries of frozen fruits and vegetables is not authorized when such fruits and vegetables are subject to attack in the area of origin, by plant pests that may not, in the judgment of the Director of the Plant Quarantine Division, be destroyed by freezing.

(f) Freezing of fruits and vegetables as authorized in the instructions in this section is considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruits or vegetables offered for entry in accordance with the instruction in this section.

The primary purpose of these revised instructions is to provide a specific degree of coldness, 20° F., to which the temperature of fruits and vegetables must be lowered before they may be unloaded from the vessel or vehicle for importation.

This revision should be made effective at the earliest practicable date in order to prevent the entry of injurious insects in imported fruits and vegetables. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on this revision are impracticable and contrary to the public interest and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

This revision shall be effective August 21, 1957, when it shall supersede 7 CFR 319.56–2c effective March 9, 1950.

(Secs. 5, 9, 37 Stat. 316, 318; 7 U. S. C. 159, 162)

Done at Washington, D. C., this 16th day of August 1957.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F. R. Doc. 57-6883; Filed, Aug. 20, 1957; 8:54 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—1957–58 MARKETING YEAR

COUNTY ACREAGE ALLOTMENTS FOR 1957-CROP RICE

§ 730.805 *Basis and purpose.* The county acreage allotments for 1957-crop rice contained herein have been determined pursuant to and in conformity with the provisions of section 353 (c) of the Agricultural Adjustment Act of 1938, as amended. The purpose of this document is to announce the apportionment among counties of the States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, Oklahoma, and South Carolina, the respective State acreage allotments of rice for 1957 as established by the proclamation dated November 20, 1956 (21 F. R. 9161) and add thereto the acreage made available to the county from the national reserve provided for by section 353 (a) of the act. Since farm acreage allotments for 1957-crop rice in the States of Arizona, California, Florida, North Carolina, Tennessee, and Texas were established pursuant to the act primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm, the 1957 State acreage allotments of rice for those States were apportioned directly to farms, and county rice acreage allotments for those States have not been determined.

Prior to the determination of county acreage allotments for 1957-crop rice, public notice (21 F. R. 7025) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the determinations of county acreage allotments for 1957-crop rice which were submitted pursuant to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. The determinations made by the Secretary in § 730.806 were made on the basis of the latest available statistics of the Federal Government as required by section 301 (c) of the Agricultural Adjustment Act of 1938, as amended.

§ 730.806 *County acreage allotments of 1957-crop rice.*

ARKANSAS

County	County acreage allotment	Additional acreage apportioned to county from State Reserve for new farms	Additional acreage apportioned to county from National Reserve	Total acreage apportioned to county
Arkansas	69,323	21.0		69,344
Ashley	5,953			5,953
Chicot	8,788	17.8		8,815.8
Clark	506			506
Clay	6,977	34.2		7,011.2
Conway	10			10
Craighead	15,844	18.4		15,862.4
Crittenden	5,854			5,854
Cross	33,001	22.1	5.0	33,028.1
Dallas	65			65
Desha	12,785	58.0		12,843
Drew	4,370			4,370
Faulkner	419			419
Grant	31			31
Green	5,175	57.7		5,232.7
Hot Spring	432			432
Independence	563	12.9		575.9
Jackson	18,468	98.3	6.5	18,572.8
Jefferson	15,785			15,785
Lafayette	800			800
Lawrence	7,807	79.8		7,886.8
Lee	7,780	25.8		7,805.8
Lincoln	8,565		9.5	8,574.5
Little River	372			372
Lonoke	35,628	13.4		35,641.4
Miller	685			685
Mississippi	1,399			1,399
Monroe	13,338	11.3		13,349.3
Perry	907		10.0	917
Phillips	4,776			4,776
Poinsett	35,078	2.1		35,080.1
Prairie	36,608	15.1		36,623.1
Pulaski	1,718			1,718
Randolph	1,953	32.0	117.0	2,102
St. Francis	16,958	22.6		16,980.6
White	1,048	8.7		1,056.7
Woodruff	18,510	49.1		18,559.1
Total	398,289	600.3	148.0	399,037.3
Unapportioned		.7		.7
State total	398,289	601.0	148.0	399,038.0

ILLINOIS

County	County acreage allotment	Additional acreage apportioned to county from State Reserve for new farms	Additional acreage apportioned to county from National Reserve	Total acreage apportioned to county
Adams	20			20

LOUISIANA

Acadia	85,030	10		85,040
Allen	22,015			22,015
Ascension	2,007			2,007
Assumption	553			553
Avoyelles	2,530			2,530
Beauregard	4,550			4,550
Bossier	60			60
Caldwell	60,458			60,458
Cameron	12,144			12,144
Concordia	276			276
East Carroll	3,619			3,619
Evangeline	40,883			40,883
Franklin	1			1
Grant	168			168
Iberia	5,738			5,738
Iberville	2,391			2,391
Jefferson Davis	88,302	40		88,342
Lafayette	8,649			8,649
Lafourche	494			494
Madison	248			248
Morehouse	837			837
Plaquemines	330			330
Rapides	521			521
Richland	163			163
St. Charles	515			515
St. James	2,543	200		2,743
St. John	982			982
St. Landry	15,553			15,553
St. Martin	3,757			3,757
St. Mary	2,905			2,905
St. Tammany	1,038			1,038
Tensas	114			114
Terrebonne	172			172
Vermilion	104,439			104,439
West Carroll	628			628
State total	473,863	250		474,863

MISSISSIPPI

Bolivar	19,535			19,535
Coahoma	1,513			1,513
De Soto	1,084			1,084
Hancock	167			167
Humphreys	1,942			1,942
Issaquena	97			97
Leflore	3,387			3,387
Panola	73		8	81
Quitman	1,280			1,280
Sharkey	938			938
Sunflower	4,095			4,095
Tallahatchie	464			464
Tate	109			109
Tunica	3,188			3,188
Washington	8,788		9	8,797
State total	46,660		17	46,677

MISSOURI

Butler	1,394	72	6	1,472
Dunklin	46			46
Lewis	8			8
Lincoln	33			33
Marion	299			299
Mississippi	84			84
New Madrid	399			399
Pemiscott	530			530
Ripley	455			455
St. Charles	34			34
Scott	235	50		285
Stoddard	924	15	188	1,127
State total	4,441	137	194	4,772

OKLAHOMA

McCurtain	149			149

SOUTH CAROLINA

Berkeley	143			143
Charleston	468			468
Colleton	705			705
Georgetown	40			40
Horry	207			207
Jasper	1,283			1,283
State total	2,846			2,846

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 353, 52 Stat. 61, as amended; 7 U. S. C. 1353)

Issued at Washington, D. C., this 15th day of August 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6827; Filed, Aug. 20, 1957; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 98 and Order No. 57 as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER July 16, 1957 (22 F. R. 5581). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 957.210 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1958, will amount to $30,000.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, shall be sixty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year.

(b) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 15, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-6882; Filed, Aug. 20, 1957; 8:53 a. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER July 23, 1957 (22 F. R. 5843). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 992.209 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal year ending May 31, 1958, will amount to $22,439.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 15, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-6881; Filed, Aug. 20, 1957; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6671]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LAFAYETTE BRASS MANUFACTURING CO., INC., ET AL.

Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1680 *Manufacture or preparation;* § 13.1710 *Qualities or properties;* § 13.1745 *Source or origin:* Place: *Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* Foreign product as domestic.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Lafayette Brass Manufacturing Company, Inc., et al., New York, N. Y., Docket 6671, July 23, 1957]

In the Matter of the Lafayette Brass Manufacturing Company, Inc., a Corporation, the Durst Manufacturing Company, Inc., a Corporation, Marshall Metal Products, Inc., a Corporation, and Pauline D. Kohn, Norman Redlich and David Durst, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging three New York concerns and their common officers with failing to disclose the foreign origin of lawn sprinklers, hose nozzles and connections, and faucet aerators they imported in whole or in part from Japan, and with selling such products as wholly of domestic origin; with misrepresenting the extent to which their sprinklers could withstand water pressure; and with falsely representing, by use of the word "Manufacturing" in their corporate names, that they manufacture the products they sell.

Following agreement providing for issuance of a consent order disposing of all charges of the complaint except as to the use of the word "Manufacturing" in the corporate names, which remains pending, the hearing examiner made his initial decision and order to cease and desist which became on July 23, 1957, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents The Lafayette Brass Manufacturing Company, Inc., a corporation, The Durst Manufacturing Company, Inc., a corporation, Marshall Metal Products, Inc., a corporation, and their officers, and respondents Pauline D. Kohn, Norman Redlich and David Durst, individually and as officers of said corporate respondents, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of lawn sprinklers, hose nozzles, hose connections and faucet aerators and other similar products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling said products, which are in whole or substantial part of foreign origin, without clearly and conspicuously disclosing on such products and their containers, in such manner that it will not be hidden or obliterated, the country of origin thereof.

2. Representing, directly or by implication, that its products are of domestic origin, when, in fact, such products are manufactured in whole or in substantial part in Japan or any other foreign country.

3. Representing, directly or by implication, that their lawn sprinklers are crimped in such a manner as to withstand the water pressure of any municipality in the United States, unless such is the fact, or otherwise misrepresenting the extent to which said sprinklers can withstand water pressure.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is orderer, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 23, 1957.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 57-6877; Filed, Aug. 20, 1957; 8:52 a. m.]

[Docket 6681]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SYDNEÉ, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.95 *Identity of product;* § 13.155 *Prices:* Exaggerated as regular and customary; § 13.235 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Misbranding or mislabeling:* § 13.1230 *Identity;* § 13.1280 *Price;* § 13.1325 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Passing off:* § 13.2105 *Passing off.* Subpart—*Simulating competitor or another or product thereof:* § 13.2220 *Name, containers or dress of competitor's or another's products;* § 13.2245 *Trade name of competitor's or another's product.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sydneé, Inc. (Chicago, Ill.) et al., Docket 6681, July 27, 1957]

In the Matter of Sydneé, Inc., a Corporation; Sidney Belmont and Mildred Belmont, Individually and as Officers of Said Corporation, and Harold Shapiro, Shirley Shapiro; Ben Shapiro and Mary Maheu, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporate seller and its officers in Chicago and four associated individuals in Miami and Miami Beach, Fla., with representing falsely by statements and depictions in advertising in newspapers and periodicals and on labels and packaging, that its domestic perfumes and colognes were made in France, and that excessive fictitious prices were its customary retail prices; and by simulation of the script, packaging, shape of bottle, and trade name of certain nationally advertised and accepted products, that their perfumes and colognes were such preferred products.

Following acceptance of an agreement containing consent order between aforesaid corporate officers and complaint counsel, the hearing examiner made his initial decision and order to cease and

desist. When the remaining four individual respondents neither filed any answer nor appeared at any hearing, they were declared in default, and the hearing examiner made a second initial decision, including findings, conclusions, and an order identical with that entered by consent of the corporate officers, and both orders became on July 27 the decisions of the Commission.

The combined order to cease and desist is as follows:

It is ordered, That respondents Sydneé, Inc., a corporation, and its officers, and Sidney Belmont and Mildred Belmont, individually and as officers of said corporation, and respondent's agents, representatives and employees, and respondents Harold Shapiro, Shirley Shapiro, Ben Shapiro, and Mary Maheu, individually and as representatives and employees of respondent Sydneé, Inc., directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, colognes and allied products, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products, which advertisement:

(a) Contains or lists prices or amounts which purport to be, or may be accepted to be retail prices, when such prices or amounts are in excess of the prices at which the products referred to are usually and customarily sold at retail.

(b) Uses the words or terms "by Yvonne," "Yvonne's," "by Sydneé," or "Sydneé's," or any other words or terms indicative of French origin, as a corporate or trade name, or as a part thereof, or any name, word, term or depiction, indicative of French origin, in connection with products manufactured or compounded in the United States, unless it is clearly and conspicuously revealed in immediate connection and conjunction therewith that such products are manufactured or compounded in the United States.

(c) Represents that products manufactured or compounded in the United States are manufactured in France.

(d) Contains depictions which simulate the script, wrapping, packaging, shape of bottle or trade names, or any other simulations, of nationally advertised, preferred and accepted perfumes, colognes or allied products.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representations or depictions prohibited by paragraph 1 of this order.

It is further ordered, That respondents Sydneé, Inc., a corporation, and its officers, and Sidney Belmont and Mildred Belmont, individually and as officers of said corporation, and respondent's agents, representatives and employees, and respondents Harold Shapiro, Shirley Shapiro, Ben Shapiro, and Mary Maheu, individually and as representatives and employees of Sydneé, Inc., directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, colognes and allied products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Setting out prices or amounts on the label or in the labeling of their products, which purport to be, or may be accepted to be, retail prices, when such prices or amounts are in excess of the prices at which such products are usually and customarily sold at retail.

2. Using the words or terms "by Yvonne," "Yvonne's," "by Sydneé," or "Sydneé's," or any other words or terms indicative of French origin, as a corporate or trade name, or as a part thereof, or any name, word, term or depiction indicative of French origin in connection with products manufactured or compounded in the United States on the labels or in the labeling of their products unless it is clearly and conspicuously revealed in immediate connection and conjunction therewith that such products are manufactured and compounded in the United States.

3. Representing on the labels or in the labeling that products manufactured or compounded in the United States are manufactured or compounded in France.

4. Simulating the trade name and script on the label or in the labeling or in any other manner, or simulating the wrapping, packaging, shape of bottle, or other characteristics of nationally advertised, preferred and accepted perfumes, colognes or allied products.

By "Decision of the Commission", etc., reports of compliance were required as follows:

It is ordered, That respondents Sydneé, Inc., a corporation; and Sidney Belmont and Mildred Belmont, individually and as officers of said corporation; and respondents Harold Shapiro, Shirley Shapiro, Ben Shapiro and Mary Maheu, individually, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 26, 1957.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 57-6878; Filed, Aug. 20, 1957; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

Subchapter C—Federal Savings and Loan System

[No. 10,970]

PART 145—OPERATIONS

INITIAL LOAN CHARGES

AUGUST 15, 1957.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), § 145.6–10 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.6–10) is hereby amended to read as follows:

§ 145.6–10 *Initial loan charges.* No director, officer, or employee of a Federal association, and no person or firm regularly serving such association in the capacity of attorney-at-law, may receive from the association or from any other source any fee or other compensation of any kind of connection with the procuring of any particular loan from or by such association. Borrowers may be required to pay the necessary initial charges in connection with the making of a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, closing of the loan, and other necessary incidental services and costs in such reasonable amounts as may be fixed by the board of directors; such necessary initial charges may be collected by the association from the borrower and paid to any persons, including any such director, officer, employee, attorney or firm rendering such services: *Provided*, That no discount, rebate, or commission on any such charge may be received by any director, officer, or employee of a Federal association, or by any person or firm regularly serving such association in the capacity of attorney-at-law, but such discounts, rebates, or commissions, when allowed as compensation for services performed, may be received and retained by the association. Upon the closing of the loan, the association shall furnish the borrower a loan settlement statement showing in detail the charges or fees the borrower has paid or obligated himself to pay to the association or to any other person in connection with such loan; and a copy of such loan settlement statement shall be retained in the records of the association.

Resolved further that, since this amendment is an interpretative rule of the application of discounts, rebates or commissions allowed as compensation for services performed, notice and public procedure thereon and deferment of the effective date are not required under the provisions of section 4 of the Administrative Procedure Act and §§ 108.11 and 108.12, general regulations of the Federal Home Loan Bank Board.

This amendment shall be effective August 21, 1957.

(Sec. 5, 48 Stat. 132, as amended, 12 U. S. C. 1464)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F. R. Doc. 57-6876; Filed, Aug. 20, 1957; 8:52 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 611—SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

PART 719—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

WAGE ORDER AND AMENDMENT TO WAGE ORDER

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order 483 (22 F. R. 3757) as amended by Administrative Orders Nos. 486 and 488 (22 F. R. 4689 and 5874) appointed, convened, and gave notice of the hearing of Industry Committee No. 31–E to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the Sweater and Knit Swimwear Industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it. The definition of the industry in the new wage order is identical in coverage with the sweater and knit swimwear classification of the Needlework and Fabricated Textile Products Industry in Puerto Rico (29 CFR 719.2 (c)). The recommendations of Industry Committee No. 31–E established two classifications within the industry and recommended wage rates for each classification, which are effected by this wage order.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165) and General Order No. 45–A (15 F. R. 3290), the recommendations of this committee are adopted in this amendment to Title 29 of the Code of Federal Regulations, to become effective September 6, 1957, which hereby (i) amends 29 CFR Part 719 by adding to the proviso clause of § 719.1 after the last semicolon the phrase "the sweater and knit swimwear industry;" (ii) deletes paragraph (c) of 29 CFR 719.2; and (iii) issues a new Part 611 to read as follows:

Sec.
611.1 Definition of the industry.
611.2 Wage rates.
611.3 Notices.

AUTHORITY: §§ 611.1 to 611.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 611.1 *Definition of the industry.* The sweater and knit swimwear industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture of men's, women's, misses', boys', and girls' knit sweaters, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however*, That the definition shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread.

§ 611.2 *Wage rates.* (a) Wages at a rate of not less than 77½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the sweater and knit swimwear industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-embroidery classification, which is defined as the operations of hand-embroidering, hand-embellishing, ornamental hand stitching, and other hand-sewing operations involving decorative effects.

(b) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees engaged in commerce or in the production of goods for commerce and who is engaged in the other operations classification, which is defined as all operations in the sweater and knit swimwear industry in Puerto Rico as defined in this part, other than those operations in the hand-embroidery classification of this industry.

§ 611.3 *Notices.* Every employer subject to the provisions of § 611.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 611.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 16th day of August 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-6879; Filed, Aug. 20, 1957; 8:53 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL REGULATIONS

SUSPENSION OF FEES; PERMITS

1. Part 1 is amended by adding a new § 1.64, reading as follows:

§ 1.64 *Suspension of fees.* Park superintendents may prescribe seasonal periods during which the collection of permit, guide, or admission fees prescribed for such areas shall be suspended.

2. Paragraph (d) of § 1.40 *Permits* is revoked and paragraph (e) is redesignated paragraph (d).

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

HATFIELD CHILSON,
Acting Secretary of the Interior.

AUGUST 13, 1957.

[F. R. Doc. 57-6853; Filed, Aug. 20, 1957; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 109—COOK INLET AREA

SUSPENSION OF FISHING IN CERTAIN WATERS

Basis and purpose. Because of low water in Russian River making snagging of red salmon possible combined with a low escapement, it has been determined that personal use fishing must be suspended during the red salmon spawning period.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 109.51 is amended in paragraph (b) to read as follows:

(b) Russian River; its tributary streams and lakes; and that part of Kenai River within 300 yards of its confluence with Russian River, from 6 o'clock antemeridian August 26 to 6 o'clock antemeridian September 7, 1957.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-6922; Filed, Aug. 19, 1957; 2:42 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 938]

[Docket No. AO–294]

IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Grand Forks, North Dakota, on May 20-22, 1957, pursuant to notice thereof which was published in the FEDERAL REGISTER (22 F. R. 2362) upon proposed Marketing Agreement No. 135 and proposed Order No. 38 regulating the handling of Irish potatoes grown in certain designated counties in North Dakota and Minnesota.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on July 26, 1957, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exception thereto was published July 31, 1957, in the FEDERAL REGISTER (22 F. R. 6002–6019).

Rulings. Within the period provided therefor, exceptions were filed by the Red River Valley Potato Growers Association, East Grand Forks, Minnesota on behalf of the proponents. Each point covered in the exceptions was given careful consideration in conjunction with the evidence pertaining thereto in arriving at the findings, conclusions, and regulatory provisions set forth herein.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority for the committee to incur expenses and to levy assessments on the commodity handled;

(d) The authority to establish marketing research and development projects for the commodity covered by the marketing agreement and order;

(e) The method for limiting the handling of the commodity grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of special shipments of the commodity and modifications or amendments of grade, size and quality regulations;

(h) The requirement of inspection and certification of the commodity handled;

(i) The relaxation of regulations in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements upon handlers;

(k) The requirements of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in §§ 938.78 through 938.91 and published in the FEDERAL REGISTER (22 F. R. 2362; April 10, 1957), which are common to marketing agreements and marketing orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) Findings with respect to the right to exercise Federal jurisdiction: The Red River Valley, comprised of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey Counties in North Dakota, and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker and Clay Counties in Minnesota, is one of the important potato production areas in the United States and it is recognized as such by growers, handlers, receivers, and others engaged in the potato industry. This important late potato production area is located along the Red River of the north and is made up of the aforementioned eleven counties along the Eastern border of North Dakota and eleven counties along the northern end of the western border of Minnesota. These Red River Valley Counties, on the basis of the 1954 agricultural census, account for approximately 95 percent of North Dakota's and about two-thirds of Minnesota's potato production.

In 1956 North Dakota's estimated production was 12.4 million hundredweight and Minnesota's was 11.2 million, compared with 1956 total U. S. Fall potato production of 166.0 million hundredweight. Similarly, for the preceding 5 crop years, 1951–55, North Dakota's production estimate averaged 9.4 million hundredweight annually, Minnesota's averaged 8.4 million, and total U. S. Fall States averaged 142.5 million hundredweight annually.

Shipments of North Dakota potatoes from the 1956 crop totaled approximately 15 thousand carlot equivalents for the season through February 1957; for the same period Minnesota's shipments totaled approximately ninety-six hundred carlot equivalents. During the 5 previous crop years, 1951–55, shipments for North Dakota averaged annually 16.8 thousand carlot equivalents and Minnesota shipments averaged annually 11.2 thousand carlot equivalents.

Ninety-five percent or more of the Red River Valley potato shipments are marketed outside the valley. Marketing conditions and data with respect to North Dakota also are representative of the Minnesota counties within the Valley because 95 percent or more of North Dakota production and marketings therefrom originate in the Red River Valley portion of that State.

North Dakota and Minnesota potatoes are distributed extensively in the States lying south of the Great Lakes and between the Appalachians and the Rockies. Chicago is the chief market for Red River Valley potatoes. Carlot unloads of Minnesota potatoes were reported in 75 of the 100 cities covered in 1956 (Exhibit 6 of the hearing record). For the same period, and from the same official source, truck unloads were reported in 17 of the 32 cities covered. For the same year, North Dakota potatoes were unloaded in 68 U. S. and 1 Canadian city. Similarly for 1955 (Exhibit 7), Minnesota potatoes were unloaded in 82 U. S. cities and 1 Canadian city and potatoes from North Dakota in 75 U. S. and 2 Canadian cities.

Unloads of North Dakota and Minnesota potatoes during 1955 and in 1956, which are representative of usual marketing conditions during the past 5 seasons, were larger in Chicago than in any of the other 100 U. S. cities listed in the above identified unloads report. Growers and handlers throughout the Red River Valley commonly accept the Chicago potato market as the most important market area in reflecting current levels, daily changes, discounts and premiums for their potatoes. Chicago is commonly accepted as the basing point for potato prices from which calculations are made, with allowances for freight and other essential adjustments, to provide a basis for trading both at shipping points within the Red River Valley and at delivery points outside the valley.

Growers and handlers of Red River Valley potatoes maintain close, constant communications with receiving markets outside the production area, such as Minneapolis-St. Paul, Chicago, Milwaukee, Kansas City, St. Louis, Cincinnati, Louisville, Memphis, and other similar points in the general area of distribution in the Central and Southern States. These communications are maintained through telephone, telegraph, teletype, radio, market news reports, commercial bulletins, letters, personal visits, and other modern media. Both shipping point sellers and terminal receivers exchange information as to supplies and prices. Prices at shipping point in the production area and at terminals outside the production area tend to move together around average price levels. Factors affecting supplies at such shipping points are soon known and reflected in prices both at shipping points and at receiving markets outside the production area. Also, shifts in supplies at terminal markets, either in the quantity or quality on hand, or estimated as available or to become available, affects prices at terminals and, due to the rapid, constant communications between such terminals and handlers within the Red River Valley, such changes in prices are soon reflected in the offerings and bids, with resultant sales prices and, ultimately, prices to growers in the production area. The prices at which potatoes are sold and bought in the production area are directly related by close tie in with prices for potatoes in receiving markets outside the production area. Potatoes are sold by Red River Valley handlers on a basis of delivery at receiving markets, also in other cases on the basis of buyers taking title at shipping point in the production area. In other instances handlers consign potatoes to receiving markets or, in some instances, consign cars of potatoes to points within Minnesota, such as Minneapolis, with the idea of diverting such potatoes to outside points when a sales contract has been concluded. In these latter cases, shipments consigned to Minneapolis or other points within Minnesota frequently are diverted to points outside such State and outside the production area. Some potatoes from the production area are transported and sold in Canada, others in Cuba.

On the basis of the foregoing, it is hereby found and determined that all sales of potatoes grown in the production area which are destined for distribution outside of such production area and all transportation of such potatoes between points within the production area and any point outside of such production area are in the current of interstate or foreign commerce, or directly burden, obstruct, or affect such commerce. It is concluded, therefore, that the right to exercise Federal jurisdiction with respect to the marketing agreement and order for Red River Valley potatoes, hereinafter set forth, is established.

(2) The need for a marketing agreement and order program for Red River Valley potatoes is supported by substantial evidence in the record of hearing on which specific findings, as follows, are made:

The model type of farming unit most common to the Red River Valley is predominately one of "cash grains and specialty crops production."

About ninety percent of farms in the production area consist of cropland.

About two-thirds of this cropland is devoted each year to growing close grown grains or flaxseed and about one-third to production of specialty crops and legumes.

Specialty row crops, in order of their widespread usage on Red River Valley farms and economic contribution to farm income over time, are potatoes, corn, sugar beets, and soybeans. Historically potatoes have been a part of the area's farm economy for about 50 years.

Farm value of potatoes in the Red River Valley has ranged from approximately 16 to 30 million dollars annually during the 1953 thru 1956 seasons, averaging about 26 million dollars. During the eight seasons, 1949–56, total farm value of potatoes ranged from about 16 to 40 million dollars annually, averaging about 29 million dollars.

The season average farm price for North Dakota potatoes, which are determined representative of Red River Valley potato prices during the seasons 1949 thru 1956, ranged from $1.03 to $2.91 per hundredweight. Industry witnesses represented that these farm prices were relatively low in six of the eight seasons and depressingly low in four of such seasons. They also represented that a healthy farm economy for the Red River Valley cannot exist with the prices obtained during these four years.

Prices received for potatoes by North Dakota farmers, which as above determined are representative of Red River Valley farm prices for potatoes, during the seasons 1949–1955, were below parity in all but two (1951 and 1952) seasons. The 1954 North Dakota farm price of $1.51 per cwt. was 65 percent of parity, the 1955 season farm price for the same area of $1.94 per cwt. was 92 percent of parity. The 1956 preliminary farm price of potatoes for North Dakota is estimated at $1.30 per cwt.

Prices of potatoes vary with the size of the crop grown in the production area, also with the quality and size of tubers available for market from the production area. The size and quality of the potato crop in competing areas also affect prices for potatoes grown in the production area.

Yields per acre of potatoes have a direct relationship to the size, usually to the quality, also, of the potato crop in the Red River Valley.

The demand for potatoes is relatively inelastic. Growers and handlers can adjust supplies of marketable potatoes by limiting the grades, sizes, qualities and maturities of potatoes sold or transported in commerce between the production area and points outside thereof.

Some growers and handlers in the Red River Valley indulge in marketing practices which tend to depress the prices producers receive for their potatoes. Some of these practices are shipment of small sizes; shipment of lower grades, or portions thereof, when price levels do not justify; shipment of potatoes which the housewife does not readily accept when potatoes from competing areas with better appearance, more uniform and preferred sizes, are available for her alternative choices.

Lower grades and discounted sizes of potatoes tend to substitute for better quality and preferred sizes of potatoes which return higher prices to growers. The sale of such lower grades and non-preferred sizes of Red River Valley potatoes tends to depress the average prices received by producers thereof.

The adjustment of supplies from the production area by means of grade, size, quality, or maturity regulations limiting marketings to those qualities and sizes which are acceptable in the potato market at preferred prices tends to improve growers' prices for potatoes.

The Red River Valley potato industry sells in competition with potatoes from other areas. Some competing areas have developed merchandising programs catering to the consumers' requirements so that potatoes from the Red River Valley sell only at discounted prices. Red River Valley producers deem it important as sound marketing practice to supply the buying trade with potatoes comparing favorably in quality and price with competing supplies.

In the absence of a program as provided in the proposed marketing agreement and order, many Red River Valley growers and handlers will offer and sell any potatoes that will bring a price regardless of whether such potatoes be number ones, twos, or culls, and regardless of the effects of such sales on the potato market and the price structure.

The potato marketing situation changes from year to year due to total supplies, as well as due to changes in the grade, size, quality, and maturity of such supplies. Red River Valley producers and handlers have found from state marketing programs, and from other experience, that elimination of some grades, sizes, and qualities of potatoes tends to improve grower prices. The year to year changes in supplies introduce marketing conditions that the industry representatives find cannot be coped with adequately under the states' programs and a Federal marketing agreement and order, as hereinafter provided, is needed to provide flexibility of operation to meet such changing marketing conditions. The exercise of the authority in the proposed order with respect to the establishment and maintenance in effect of minimum standards of quality, in terms of grades and sizes, together with grading and inspection requirements, when prices are above the parity level would tend to effectuate such orderly marketing of production area potatoes as will be in the public interest.

Upon the basis of the foregoing, it is hereby concluded that adequate need exists for a marketing agreement and order as hereinafter set forth.

(3) A definition of the agricultural commodity to be regulated under the proposed marketing agreement and order is necessary to distinguish it from other agricultural commodities. The agricultural commodity grown in the production area, scientifically known as "Solanum tuberosum," is commonly known in the production area and in receiving markets

outside the production area as "potatoes," or "Irish potatoes." Such definitions should include all varieties of potatoes grown in the production area, some of the common varieties of which are the Red Pontiacs, Cobblers, Kennebecs, Russet Burbank, White Rose, Triumphs, Red La Sota, Red Warbas, and Dazoka. The definition of the term "potatoes," as hereinafter set forth, provides a basis for determining, and distinguishing from other agricultural commodities, the agricultural commodity for which regulation is authorized under the proposed marketing agreement and order.

"Production area" is defined to mean the territory in which potatoes must be grown before becoming subjected to regulation authorized by the proposed marketing agreement and order. Such territory includes all the area within the boundaries of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey Counties in North Dakota and of Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay Counties, in Minnesota, which geographic area is commonly referred to locally, as well as in other potato producing areas, as the Red River Valley.

The Red River Valley as comprised of the above named counties is one of the important potato producing areas within the United States. Its boundaries are distinct, well delineated, and well known by producers and handlers within the valley as well as by potato handlers from outside the area. The 11 counties constituting the North Dakota portion of the production area are grouped along the eastern border of North Dakota and the 11 counties constituting the remainder of the production area are similarly located along the northern part of the western border of Minnesota. The Red River of the North runs between these two groups of counties, drains the valley and gives the area the chief identification for its common name. The western boundary of the Red River Valley, as set forth in this definition, is distinct as also is the eastern boundary in the State of Minnesota. All boundaries of the Red River Valley are based on county lines; they are well known by producers and handlers; and the record of hearing shows that they provide a practical basis for delimiting the production area. In addition, these boundaries do not pass through any major potato producing sections, so the prospect of confusion or difficulty in administration of a potato marketing program for this production area because of potatoes being grown close to or on both sides of the boundary lines is reduced to a minimum by reason of the boundaries as set forth. This proposed production area has been used under marketing agreement and order programs operated by the States of North Dakota and of Minnesota for the past several years. Experience under these States' programs has found the production area established by this definition to be practicable and workable. The territory included within the production area under the proposed Federal marketing agreement and order will be the same as the areas established in the past under the States' programs, and also the same as established as boundaries of the Red River Valley Potato Growers Association. The same varieties of potatoes are grown in the Minnesota and North Dakota portions of the proposed Red River Valley production area and the markets for both portions are the same. To exclude any portion of the production area would tend to defeat the purpose of the proposed marketing agreement and order in that poor quality potatoes from a section outside the area could then be marketed free from regulations and thereby depress the prices of regulated potatoes. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act: and this production area, as set forth in the notice of hearing and as hereinafter set forth under the proposed marketing agreement and order, provides the smallest regional production area practicable for carrying out the objective of the marketing agreement and order and of the Agricultural Marketing Agreement Act of 1937, as amended.

(4) The terms "handler" and "shipper" are synonymous in the production area and in receiving markets. Handlers sell or transport potatoes, or cause the sale or transportation of potatoes, and their activities place or have the effect of placing potatoes upon the market, and thereby affecting the prices received by growers.

Handlers are to be subject to the regulation authorized by the marketing agreement and order. Handlers should include persons who are responsible for the sale or transportation of potatoes between the production area and any point outside thereof or who cause potatoes to be so sold or transported. The act of handling potatoes (as such activities are hereinafter discussed) makes a person a handler. More than one handler may be involved in the handling of a given lot of potatoes and each such person should be responsible for complying with the terms of the marketing agreement and order.

Common or contract carriers transporting potatoes which are owned by another person are performing a handling activity or function insomuch as they are transporting potatoes, but such handling should not be regulated under the marketing agreement and order because such carriers are not responsible for the grade, size, quality, and maturity of the potatoes being transported. Neither are they responsible for the introduction of such potatoes into commerce. The interest of common or contract carriers in such potatoes is to transport them for a service charge to destinations selected by others. The responsibility for the grade, size, quality and maturity of such potatoes delivered to a common or contract carrier, with the consequent effect of such sale or transportation upon the market for potatoes and the price of such potatoes to growers, should be borne solely by the person or persons responsible for delivering such potatoes to the carrier or by the person who causes such potatoes to be delivered to such carriers. Therefore, the term handler, which is synonymous with shipper, should mean any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or causes potatoes to be handled.

The terms "handle" and "ship" are synonymous in the marketing agreement and order. The sale or the transportation of potatoes grown in the production area has a direct effect on the market for potatoes grown in the Red River Valley, also on the market for potatoes grown in other areas, and such act or acts, individually or collectively, should be within the definition of handle.

The great bulk of potatoes marketed from the Red River Valley are first stored for varying periods of time, then run over a grader, usually a combination grader and washer, separated into grades and sizes, placed in appropriate containers, then sold at shipping point for movement to markets outside of the production area or transported to such markets and title is transferred at destination. These activities cover the major portion of the crop that is sold and transported as tablestock. Seed potatoes are handled in much the same manner, in that they too are stored and later separated into appropriate grades, and sizes for the seed trade, and either sold at shipping point or transported to receiving point where title is passed to the receiver.

Some Red River Valley potatoes are also sold or transported in other manners. At times, potatoes immediately following digging are picked up either mechanically or by hand and a separation is made at this time which leaves some of the potatoes behind and others are placed in containers and transported to market either by rail or truck. Such potatoes often do not go through a packing house and over conventional type grading equipment, however, some grading takes place in that they are prepared for the market in which they are sold. While the amount of potatoes handled in this manner is relatively small, such sales or transportation of potatoes have a direct effect upon the potato market and the prices received by growers for potatoes. The act of the person making such sales or causing such sales to be made, or of the person who transports, or who causes the transporting of potatoes to market, each constitutes handling of such potatoes.

The transportation or movement of potatoes from the field where grown to storage or to packing houses or for processing within the production area is not included within the definition of handle as set forth in the marketing agreement and order. The movement of potatoes from the field where grown to storage or for processing outside the production area should be classed as within the definition of handle because such potatoes are then in commercial market channels affecting growers prices and should meet market requirements established under the marketing agreement and order.

The definition of handle should not include the activities of a producer in his capacity as producer. Such activities should include the production, digging, and the harvesting of potatoes. All activities subsequent to harvest which have a definite bearing on the market for potatoes which include the sale or transportation of potatoes directly to market should be within the definition of handle.

The definition of handle should not include the sale of potatoes at retail by a person in his capacity as a retailer.

The movement of potatoes from storage in the production area to a packing house within the production area for the purpose of having such potatoes graded or prepared for market should not be considered an act of handling because such movement is considered under this program to be within the function of the producer, and not a part of the marketing process. The movement to fresh market of potatoes which have been graded should be included in the definition of handle. Also, the movement or sale of potatoes which have been graded, but which are not considered as a part of the tablestock supply and which include culls, pickouts, or other off grade, off size types of potatoes, should be considered as handling and should be subject to the appropriate authority in the proposed marketing agreement and order. Such movement is included within the activity of transporting potatoes to market. Such transportation is a handling activity and should be subject to regulation under the proposed marketing agreement and order.

On the basis of the foregoing it is hereby concluded that the sale or transportation of potatoes effectuating the movement of such potatoes from any point within the production area to any point outside thereof should be within the definition of handle in the proposed marketing agreement and order.

(5) Certain terms and provisions of the proposed order should be defined and explained for purpose of designating specifically their applicability and limitations whenever they are used.

(a) The definitions of Secretary, act, and person, as set forth in the notice of hearing were not in controversy at the hearing. These terms are used in marketing agreements and marketing orders effective under the statute and indicate, respectively, the officials of the Department of Agriculture who may exercise authority under the proposed marketing agreement and order, the official citations of the legal authority of the program, and the identity of the individuals and others embraced within the meaning of the term "person." The use of such terms in the marketing agreement and order is essential to the basic framework thereof and should therefore be set forth therein.

"Producer" is a commonly understood term throughout the production area. Any person engaged within the production area in the production of potatoes for market is commonly classed as a producer within the Red River Valley and such person should be included within the definition of producer in the proposed marketing agreement and order. Any person who has an ownership interest in the potatoes produced should be classed as a producer and the definition should be limited to those persons who have such ownership interest. The term producer should not include laborers or others who perform work for fee or for hire in producing the potatoes, as they have no ownership interest in the commodity. The term producer as used in the proposed marketing agreement and order provides the basis for determining eligibility for voting in nominations and other procedures relating to the qualifications of membership on the Red River Valley Potato Committee. Also, the term producer provides a basis for determining qualifications for eligibility for exemptions under the marketing agreement and order.

"Grading" is usually a mechanical operation whereby potatoes are carried by a mechanical conveyor over a series of moving screens, revolving rollers, or tables where sizes are determined and good quality, as represented by preferred grades and sizes or both, are sorted from the poor, so the potatoes which are to go to preferred price outlets are separated from those going to lower price outlets. This grading or preparation for market is an operation which applies to all potatoes grown in the production area even though the extent to which the potatoes are sorted may vary considerably according to the types of outlets. Red River Valley potatoes are currently graded or prepared for market as part of the handling process whereby the potatoes are sorted into classifications based on grade, variety, size, quality, or maturity. Some of the usual or typical classifications are U. S. Fancy, U. S. No. 1, U. S. Commercials, U. S. No. 2, in combination with a size designation 2 inch minimum, Size A, or 2 inch minimum-3½ maximum, Red River Reds (such term indicating variety), and similar designations of value attributes based on commonly accepted measures of potato characteristics.

A definition of "grading" or "prepare for market," based on the foregoing should also be set forth in the proposed marketing agreement and order. Such definition should mean the sorting or preparation of potatoes into grades and sizes by any means, including any repacking, regrading, or resorting of potatoes which may have been previously prepared for market.

Definitions of "grade" and "size" are incorporated in the proposed marketing agreement and order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations are issued, should be defined as comprehending the equivalents of the meanings assigned to these terms (i) in the official standards for potatoes issued by the United States Department of Agriculture (7 CFR §§ 51.1540 to 51.1559 and §§ 51.1575 to 51.1587), (ii) in the state standards for potatoes issued by the State in which potatoes are shipped, (iii) in modifications or amendments of such standards, and in variations of such standards by regulations under the proposed marketing agreement and order. Regulations under such marketing agreement and order can then use such terms ("grade" and "size") with the constant meaning assigned thereto in such standards or in such modified or amended standards, or such regulations can vary such terms by prescribing, for example, a percentage of a grade, as may be required at the time of issuing such regulation. Inspectors of the Federal or Federal-State Inspection Service are qualified to certify the grade and size of potatoes grown in the proposed production area, in terms of any of the aforesaid standards, or modifications, amendments, or variations thereof.

The United States Standards for Potatoes provide that in order to meet certain grade requirements potatoes shall be mature. According to the same standards, "mature" means that the outer skin (epidermis) does not loosen or "feather" readily during ordinary handling and that practically no skin has been removed from the potatoes. The same standards also set forth various skinning classifications. The record of hearing shows that "maturity" as now used by the industry, as interpreted by Federal-State Inspectors and certified on the basis of such inspections, and as the proposed marketing agreement and order should provide, means the basis, as set forth in the aforesaid skinning classification or modifications or adaptations thereof, for determining the extent or degree to which any lot of potatoes is mature, or falls short of qualifying as mature potatoes. "Maturity" should be defined as set forth in the proposed marketing agreement and order.

The term "varieties" is included in the marketing agreement and order so that the committee may recognize the real differences in the characteristics of different varieties and differences in types of regulations which might be considered and recommended therefor. The great bulk of potatoes now being produced in the proposed production area fall within the general group known as red or red skinned varieties, such as Pontiacs, Red Wabas, and others. However, round white varieties such as Cobblers, Kennebec, Cherokee, and others, and long whites such as Russet Burbank, Early Gem, White Rose, and others, are also grown. Differences by groups of varieties should be recognized by the committee in their deliberations and the marketing agreement and order should authorize different regulations by different varieties. It is particularly important, especially in the development of a new variety, that the marketing agreement and order should contain authority to provide special treatment, such as freedom from regulations, for each variety. The means set forth in the definition of "varieties" is appropriate for determining different varieties of potatoes grown in the production area.

The terms "seed potatoes" or "seed," "tablestock potatoes" or "tablestock" and "washed potatoes" are terms commonly used in the production area. Testimony shows that "seed potatoes" or "seed," as the terms are commonly used

in the proposed production area, includes only potatoes which are certified, tagged, or otherwise appropriately identified as such by the official seed certifying agency of the State of North Dakota or the State of Minnesota. "Tablestock" potatoes as testified at the hearing has a common meaning in the production area and is used to refer to potatoes offered for use on the fresh market. This term as commonly used in the production area also includes potatoes used for livestock feed, potato chips, etc.—as a residual type classification to refer to all potato stocks other than "seed." Hence, the total of "seed potatoes" plus "tablestock" potatoes includes all potatoes to be covered by the marketing agreement and order.

"Washed potatoes" as the term is used in the production area is defined to mean potatoes that have been cleaned by water and in addition meet the degree of cleanness measured by standards of cleanness in the United States Standards for Potatoes or modifications thereof. Interpretations of cleanness can be made by official inspectors of the Federal, or Federal-State, Inspection Service. The proposed marketing agreement and order, therefore, provides that such standard of cleanness shall be the basis for standards of cleanness to be established by the Secretary pursuant to committee recommendations.

The terms "seed potatoes" or "seed," "tablestock potatoes" or "tablestock" and "washed potatoes" are incorporated into the marketing agreement and order because different regulations are authorized under appropriate circumstances for each.

The term "pack" is commonly used throughout the production area by the Red River Valley potato industry. It refers to one or more of the combinations of factors relating to the grade, variety, quality, size, and maturity of the potatoes in particular containers. For example, "U. S. No. 1" and "U. S. No. 2" refer to particular grades. Differences in pack are also recognized by the size of the package. For example, potatoes in ten-pound bags are referred to as a ten-pound pack. A pack of U. S. No. 1 Reds –2'' –3'' would use grade, variety, and size factors. It is essential that such differentiation should be authorized in the marketing agreement and order so that appropriate regulations tailored to the particular pack involved, and the market demands therefor, may be made effective and thereby tend to achieve the declared policy of the act. Pack should be defined as a basis for distinguishing the various sizes of shipping units in which potatoes are packaged, as well as the contents of the packages in terms of the quantity of potatoes and the grade and size thereof. The definition for the term pack should therefore, be as set forth in the proposed marketing agreement and order.

"Container" should be defined in the marketing agreement and order as a basis for differentiating among the numerous shipping units in which potatoes move to market and for the permissible application of different regulations to such different shipping units. The Red River Valley potato industry, as represented by growers and shippers at the hearing, indicated that undesirable practices in the marketing of potatoes relating to net weights and numerous container types and sizes tend to create disorderly marketing conditions. Use of authority enacted in the recent container amendment to the act will provide a basis for alleviation of the problems associated with containers. The principal containers used at present in marketing potatoes are burlap bags, paper bags, mesh bags, paper and mesh bags, polyethylene bags, boxes, pallets, and bulk loads.

The definition of "Committee" is incorporated in the marketing agreement and order to identify the administrative agency responsible for assisting in the administration of the program. Committee means the Red River Valley Potato Committee as authorized by the act and which is necessary and incidental to the operation of the marketing agreement and order.

"District" should be defined in the marketing agreement and order as referring to each of the geographical sections or divisions of the production area, either as initially established or as later reestablished, in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable from the standpoint of the present situation and should provide a practical basis for the purposes intended.

"Fiscal period" should be defined to mean the period beginning and ending on the dates as recommended by the committee and approved by the Secretary. This definition provides authority for the committee and the Secretary to set the beginning of a fiscal period relatively close to the opening of a marketing season so that a minimum of expenses may be incurred by the committee prior to receipt of revenue. There is a definite break in shipments between one potato marketing season and another in the production area and no difficulty should be encountered in establishing the beginning of one marketing year and the close of another. Such flexibility should facilitate operations under the marketing agreement and order.

The definition of "export" is incorporated in the marketing agreement and order because different regulations thereunder are authorized for export shipment than for domestic shipments. Export markets may have requirements which differ from the domestic markets and special regulations may be justified. Export should be defined to include all shipments of potatoes outside the continental United States.

No evidence was offered to support the provisions of § 938.21 "Label" in the notice of hearing, hence this section is dropped.

(b) The Red River Valley Potato Committee, composed of fourteen producer members, is the administrative agency sponsored by the industry to aid the Secretary in administering the marketing agreement and order and in carrying out the declared policy of the act. For the past several years fourteen members have made up the board of directors of the Red River Valley Potato Growers Association, and the Red River Valley Potato Control Board, as set up to administer the States' marketing and promotion programs. These two organizations have been operating for several years with a committee of fourteen producer members on each, and have operated marketing and promotional programs for the potato industry in a geographic area identical with the proposed production area which is to be administered by the Red River Valley Potato Committee. Industry representations show that experience with the two aforementioned committees of fourteen members each has established this as a satisfactory number of committee members to adequately and equitably represent the industry. As a result of this success with 14-member committees giving ample representation to the producers in the proposed production area it is recommended that the proposed Red River Valley Potato Committee also should have 14 members. Testimony at the hearing was that many producers are also handlers and as a result of the operations of committees now serving the potato industry it has been found that a 14-member committee composed entirely of producers will have among its members those who are also handlers and in such manner both producers and handlers will be adequately represented. Experience with these two committees also shows that any program which serves potato producers also serves the handlers. This plan of representation has received intensive study by the industry and after thorough consideration by the industry, based both upon study and experience, such representation is considered appropriate and equitable.

Each member and alternate of the Red River Valley Potato Committee selected to represent producers in a particular district should be a producer of potatoes, or an officer or employee of a corporate producer or other type of business unit engaged in producing potatoes in such district and each such person should reside within the production area. Some qualified persons may not reside in the district where their principal interest lies. Industry representations show that if such person can otherwise qualify for committee membership by reason of farming operations in a particular district but with residence in another district, these facts should not prevent his selection to represent a particular district even though his residence is outside of such district but within the production area. Producers who have the above qualifications should be intimately acquainted with the problems of producing potatoes grown in such district and each may reasonably be expected to present accurately the problems incident to production or marketing of potatoes grown in such district. For obvious reasons the qualifications of each alternate should be the same as for the respective member for whom he may act. Such qualifications should help to assure that the interests of the producer group from which each is selected will be adequately represented in committee deliberations.

Circumstances may arise when it is impossible for a member or members to attend particular meetings of the committee or where positions are vacant because of resignations or for other reasons. In such situations it is desirable for the respective alternates to serve in lieu of the members so that there will be no interruption of committee operations and to assure producers in all districts of the production area representation in the conduct of all committee business. Also, industry representation shows that alternates could relieve members by performing assigned tasks necessary for administration of the program.

The selection of committee members and alternates on the basis of districts, as set forth in the marketing agreement and order, provides a practicable and equitable manner of representation. The geographical basis for the extent and selection of the committee membership is related to the acreage and production of potatoes within the production area so that such selection thereby provides an equitable basis for committee representation.

A provision for redistricting is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. Future shifts or other changes in the development of acreage within the production area cannot be foreseen at the present time. Therefore, it is desirable to provide flexibility of operation, so that if it should be in the best interests of the administration of the proposed marketing agreement and order to change the boundaries of some districts, the committee may so recommend, and the Secretary take, such action.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed within ten days after notification of appointment so that the committee will not be unduly delayed. This requirement is necessary so that the Secretary may be in a position to promptly select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to indicate his willingness and intention to serve on the committee.

The term of office of committee members and alternates under the proposed program should be for two years beginning on July 1 and ending June 30 and any additional period needed for the selection and qualification of his successors. This will establish an orderly procedure for changing the membership of the committee. The term of office should be for two years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service in assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office occurs during a period prior to the commencement of a marketing season and hence should allow adequate time for the committee to organize and start operating before the opening of each season.

Provisions are made in the marketing agreement and order for staggered terms of office of the committee members and alternates. Under this provision, six of the initial committee members and their alternates will serve for a term ending on the second June 30 following their appointment; the remaining eight of the initial committee members and their alternates will serve for a term of office ending on the first June 30 following appointment. The establishment of such staggered terms will provide for more efficient administration of the program in that members and alternates constituting the newly appointed members of the committee will benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the marketing agreement and order.

The potato industry within the proposed production area has used a similar method of designating committee membership on the Red River Valley Potato Growers Association and the Red River Valley Potato Control Board. Industry representatives show that growers believe this to be a satisfactory method of determining terms of office; the terms of office for the membership of the Red River Valley Potato Committee under the Federal program should be the same.

The industry established the position that no member should serve for more than three consecutive terms so that fresh points of view could be brought before the agency, also so that responsibilities of membership could be spread among more farmers. This industry policy is deemed reasonable and desirable. Therefore, it is incorporated in the terms and provisions of the marketing agreement and order.

The industry representations established that a quorum of the Red River Valley Potato Committee should consist of ten members and ten concurring votes should be necessary for passing any motion or approving any action of the committee. Such quorum and voting requirements, constituting a minimum of over two-thirds of the membership are deemed reasonable and adequate by the industry. The committee should be authorized to vote by telephone, telegraph, or other means of communication when matters to be considered are so routine it would be unreasonable to call for an assembled meeting, or, on the other hand, when rapid action is necessary for an emergency. Votes cast at other than assembled meetings should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting however, all votes should be cast in person, so as to preclude participation by members and alternates who did not participate in the assembled meeting deliberations.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act because such powers are authorized to be granted by the enabling statutory authority. They are common to marketing agreements and marketing orders operating under the act and necessary so that an agency of the character set forth in the proposed marketing agreement and order can function.

The committee's duties as set forth in the marketing agreement and order are necessary for the discharge of its responsibilities. It should be recognized that these specified duties are not necessarily all inclusive in that there may be other duties which are incidental to and not inconsistent with the terms and conditions of the act and the marketing agreement and order which the committee may need to perform in connection with its operations under the programs.

One exception related to the committee's duties. In the notice of hearing one of such duties was "to make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy." This provision was supported by the proponents in the record of hearing. Although it is expected that all meetings of the committee will be open to any interested parties and, therefore, the information with respect to voting records will be made available to such parties, the wishes of the proponents with respect to specifying the above duty of the committee are reasonable, are supported by evidence, and such duty should be expressed in the terms and provisions of the proposed marketing agreement and order.

Another exception related to the terms of § 938.30 (i) of the proposed marketing agreement and order as set forth in the recommended decision and requested the addition of a reference to variety. Such addition would provide that the second sentence in § 938.30 (i) should read: "A request or petition for consideration by 50 percent of the producers of a variety in a producing section, as determined by the committee, or 30 producers, whichever is smaller, shall be deemed adequate for invoking this duty." This should assure producers of a variety in limited production that their requests for consideration shall be subject to committee consideration. The terms of the proposed marketing agreement and order should provide for the committee duty as proponents request.

Provisions are made in the proposed marketing agreement and order to require that the committee receive and consider complaints and petitions from growers, in connection with the operations of the proposed program, and that consideration will be initiated within five days following receipt of appropriate presentation to the committee. A request or petition from 50 percent of the producers in a producing section or 30 producers whichever is smaller is also provided. These provisions are desirable in that they assure growers they will receive the consideration of their problems that the committee would normally provide in any instance. These provisions do not preclude growers and committee from making arrangements for consideration of problems and complaints in manners that would be satisfactory and convenient for the committee and growers.

Committee members and alternates should be reimbursed for reasonable ex-

penses necessarily incurred when they are engaged in committee business. These expenses should be paid because it would be unfair for committee members and alternates, who are to serve on the committee without compensation, in the interest of the industry, to be required to bear such expenses, in addition to the time lost in their business.

The Red River Valley Potato Committee is the agency established pursuant to the terms and conditions authorized by the act. Nominations for membership on this committee are provided by the terms of the marketing agreement and order as a method for selecting such membership so that the wishes of the affected industry with respect to membership on such agency may be made known to the Secretary.

The methods for calling and conducting nomination meetings, with the rules set forth for determining the rights and privileges of participating in producers' meetings for expressing preferences for membership on the committee, as set forth in the notice of hearing and as set forth in the proposed marketing agreement and order were declared acceptable, equitable, feasible and were supported by substantial evidence by industry representatives.

The methods set forth in the marketing agreement and order for calling and conducting producer meetings to express preferences for nominations for membership on the committee are substantially the same as those followed by the Red River Valley Potato Association and by the potato industry in the same valley in providing membership on similar committees under State orders. These methods have proven acceptable and practical under the State programs. The industry representatives declare they will be acceptable and practical for the Federal program.

It is found that the provisions for nominations in the marketing agreement and order accord with the wishes of the Red River Valley Potato industry and that such terms and conditions are incidental to, not inconsistent with, and they are necessary to effectuate, the other provisions of the marketing agreement and order.

(c) It is found from the record of the hearing that expenses would have to be incurred by the committee in the administration of the proposed program. These expenses, which should be reasonable, include, but should not be limited to, salaries for secretary, manager, and field personnel, rent for office space and office equipment, supplies and travel expense. Expenses incurred by the committee in operating the marketing agreement and order must, under the act, be borne by handlers. The most practical way of distributing the costs of the program among handlers is to require each handler who first handles potatoes, subject to regulation under the proposed program, to pay his pro rata share of such expenses on the basis of the ratio of his total potato shipments under the proposed marketing agreement and order, as the first handler thereof, to the total of such potato shipments by all such handlers, during a particular fiscal period. According to the record all of the production area potatoes are inspected by the Federal-State Inspection Service serving the area. In most cases, the person who first shipped the potatoes also applied for inspection, and in such instances the inspected shipments could serve as a basis for computing assessments due. Such person is the one who started the commodity on its way to market. Therefore, such person, i. e., the first handler, should be the person who is to pay the assessments. For potatoes which are not so inspected, the handler responsible for the assessment should continue to be the handler who first handles the potatoes and should be so designated by the committee. The requirement that the first handlers pay assessments on potatoes will preclude multiple assessments on potatoes that are handled more than once; and handlers will be able to arrange their operations accordingly.

A similar method of levying and collecting assessments has been used by the Red River Valley Potato Control Board for several years and has proven successful and satisfactory under that program. The method of defraying expenses through assessments on shipments has the support of producers and handlers within the proposed production area.

Good business practices require that the committee prepare a budget prior to the beginning of each fiscal period. Such a budget should show estimated income and expenses necessary for the administration of the marketing agreement and order for the fiscal period for which the budget is prepared. Producers within the production area have several seasons' exprience in preparing budgets for the Red River Valley Potato Control Board under the States' orders. With such experience any budget prepared by the committee as representatives of the industry which is to pay the expenses should be a realistic, practical, and businesslike budget. If unforeseen expenses should occur, or other unforeseen happenings come about, such as a partial crop failure, so that assessments collected are not sufficient to defray the expenses of the committee during a particular fiscal period, the committee should be authorized to recommend that the Secretary approve an amended budget and fix an increased rate of assessment to balance necessary committee expenses and revenue. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve an amended budget and, if he finds that the then current rate of assessment is insufficient to cover committee administration of the proposed marketing agreement and order, he should be authorized to increase the rate of assessment. Such increased rate should apply to all potatoes handled under the proposed marketing agreement and order during such fiscal period, including those previously handled, by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Except as indicated below, handlers should be entitled to a proportionate refund of any excess assessments collected and which remain at the end of a fiscal period. Refunds should be credited to respective contributory handlers against their operations of the following fiscal period, unless payments should be demanded, in which event proportionate refunds should be paid.

If and when a committee should be required to liquidate its affairs upon termination of the marketing program, considerable expense would be involved in the liquidation process. The affairs of the committee which are to be liquidated would usually result from a number of years' operations. It would be appropriate, therefore, for the maintenance and functioning of the committee that, of the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, a reasonable amount should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained upon the basis of the committee's recommendation and Secretary's approval to cover the expenses of final liquidation in the event of the termination of the marketing agreement and order. All funds collected under the marketing agreement and order should be used solely for operations thereunder.

It is a matter of good business practice to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that the administration of the committee as the agency of the Secretary will be readily subject to inspection at any time by the Secretary. The responsibility of the Secretary for committee's activities, funds for agency operations, and the marketing policies, establish additional basis for requiring full accounting and records of all committee actions. The committee should have periodic audit reports at appropriate times, such as at the end of each fiscal period or at such other times as may be necessary and provide copies to the Secretary to enable him to maintain appropriate supervision and control over the committee's activities and operations. Copies of the audit report should also be available in the office of the committee for inspection by interested producers and handlers.

The Red River Valley potato industry has operated under state marketing order programs which provided for incurring expenses and payment of such expenses from assessments on shipments. Assessments have been levied, collected, and accounted for under the States' programs in a manner substantially parallel to the provisions and methods set forth in the proposed marketing agreement, and order.

The industry representatives intend that the existing state programs and the Federal marketing agreement and order should operate in co-operation with one another so that mutually beneficial services, such as accounting, management, staff, and similar operating facilities, can be used economically and in the best interests of each organization representing growers. This is a businesslike, practical arrangement which should help to improve growers' returns. It is practical and feasible that the Red River Valley Potato Committee under the Federal marketing agreement and order should be authorized to provide, with approval of the Secretary, for collection through designated agencies of assessments levied under the marketing agreement and order.

Proponents also take exception to the provisions in § 938.42 (d) of the proposed marketing agreement and order as set forth in the recommended decision by requesting that the term "State agencies" as set forth therein be changed so as to provide that "The committee, with the approval of the Secretary, may provide for collection of assessments through the Potato Control Board of the Red River Valley area of Minnesota and the Potato Control Board of the Red River Valley area of North Dakota." Such request was to prevent any question as to whether the committees or boards established for operation of the State programs are "State agencies," or any misunderstanding in that regard. Exception is sustained by the record of hearing and the proposed marketing agreement and order should so provide.

(d) It was testified that the potato industry wishes to avail itself of the authority granted by the act for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes. Such authorization should be included in the proposed marketing agreement and order.

Through the medium of research investigation, the committee could be able to assemble and evaluate data on growing, harvesting, shipping, marketing, and other factors with respect to potatoes which would be of value in determining what regulations could be established, in accordance with the act and the proposed marketing agreement and order, for the benefit of the potato industry in the production area. As the committee becomes more aware of the value and need for marketing research and development, other projects will undoubtedly be initiated, the need for which may not have been foreseen during the course of the hearing. The committee should be empowered to engage in such projects (except advertising projects which are not permitted by the act), to spend assessment funds for them, and to consult and cooperate with appropriate agencies with regard to their establishment. The committee may be limited by lack of facilities and trained technicians in carrying out any such projects; and it should be authorized to enter into contracts for their development with qualified agencies, such as State Universities, and public and private agencies. Prior to engaging in any such activities, the committee should of course submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including the cost and the objectives to be accomplished, so as to insure, among other things that the projects are within the purview of the act and the proposed marketing program. The cost of any such projects should be included in the budget for approval and such cost should be defrayed by the use of assessment funds as authorized by the act.

(e) Potato prices in receiving markets, also at shipping points, and in turn, to producers, are directly affected by the quantity and quality of potatoes being sold or transported and available for sale or transportation to market during any period.

The quantity and quality of potatoes being transported to market during any period is a function of the accumulated plans of growers and handlers in disposing of potato crops available for market during such periods.

Growers and handlers who have developed plans for marketing potato crops consider the total supplies they have for market, the grade, size, quality, and the maturity of such potatoes, and give consideration to similar factors with respect to supplies in competing production areas. Growers and handlers in the Red River Valley, as well as other competing areas, also consider the trend and level of consumer income, general marketing or merchandising programs, such as the sale and shipment of potatoes in particular types of containers and within particular size and quality ranges, and the maintenance of orderly flow of potatoes to market so that receiving markets are supplied with adequate quantities of potatoes, with the objective of maximizing their returns. These factors are important in the consideration given by all growers and handlers who market Red River Valley potatoes. The accumulation of such individual plans provides a general marketing pattern for the Red River Valley in much the same manner as such plans also develop in other areas. It is essential in the interest of promoting orderly marketing and improving growers prices that the industry representation, as established by the Red River Valley Potato Committee, should consider such plans as soon as practical after the beginning of each season and the plans that the industry should follow for the coming season in marketing particular grades, sizes, and qualities of potatoes in different kinds of packs and the amount of such potatoes which should be marketed during the particular marketing year.

The procedures and methods which are outlined in the marketing agreement and order for developing the institution of marketing policy statements relating to the grade, size, quality, and maturity regulations which may be attempted during subsequent periods are similar and parallel to industry marketing plans usually followed in the Red River Valley and should provide a practical basis for the committee to obtain appropriate data and information relating to potatoes grown in the Red River Valley. A marketing policy is essential each season to provide an overall plan or policy for the committee and the industry to follow with respect to the marketing of potatoes in the production area. In addition, members of the industry, including both growers and handlers, should be provided with the information regarding the policy and regulations which might be recommended by the committee. Insomuch as the factors set forth in the proposed marketing agreement and order are those commonly considered by growers and handlers in marketing their potatoes in their efforts to maximize producers' returns and such factors provide a practical basis which the committee should take into consideration in developing its marketing policies, they are adequate and proper for the intended purposes.

A report on the marketing policy considered and formulated by the committee should be prepared for distribution to the growers and handlers and a copy of such report should be made available to the Secretary. The initial marketing policy offered by the committee for any marketing season should be submitted to the Secretary prior to, or simultaneously with, its initial recommendations for regulations. This would help to insure proper notice to all interested parties. The reports on marketing policy and regulation should be submitted to the Secretary and presented to the industry by the committee. The Red River Valley Potato Committee is the administrative agency established for local administration of the proposed marketing agreement and order. One of the primary functions of the committee is to advise the Secretary, as part of the administration of the marketing agreement and order, in connection with marketing policies and the grade, size, quality, maturity and other regulations that should be effective. Insomuch as the committee is given the responsibility for this important phase of local administration the committee should be authorized to consider and recommend any and all regulations which are set forth by the marketing agreement and order for the Secretary to issue thereunder.

As heretofore indicated the quantity and quality of potatoes grown in the production area and sold or transported to markets during any period have a direct effect upon the total quantity and the composition of such supplies which, in turn, have a direct effect upon the prices received for potatoes in the market and the prices returned to Red River Valley producers. Limitation of the handling of poorer grades, off quality, less desirable sizes, and maturity of potatoes grown in the production area as authorized by the marketing agreement and order provides a method for adjusting the total quantity of potatoes, and the composition thereof, which may move to markets, and in turn such limitation provides a means for tending to increase prices of the more desirable grades, sizes, maturities, and qualities and to promote more orderly marketing and increase the returns to producers of such potatoes. Promotion of the more orderly marketing of potatoes grown in the production area may be effectuated through the types of packs of such potatoes that can be shipped and the kinds and types of containers in which such potatoes may be shipped. Also more orderly marketing may be promoted through the handling of particular grades, sizes, qualities, and maturities of potatoes differently for different varieties, and for washed and unwashed table stock as well as differently for table stock and for seed, and for different portions of the production area, or any combination of the foregoing during any period.

A means for measuring the grade, size, quality, and maturity of potatoes is provided in the standards issued by the

United States Department of Agriculture (7 CFR §§ 51.1540–51.1559; and §§ 51.1575–51.1587) for potatoes. The United States Standards for Potatoes, as well as the United States Consumers Standards for Potatoes and State Standards, provide the common and accepted means for determining the grade, size, quality, and maturity of potatoes grown in the production area. Such standards are widely used throughout the production area both by producers and by shipping point handlers, as well as buyers, all of whom are generally acquainted with such standards as commonly used in their market transactions. The lower grades and off qualities include not only the unclassified potatoes as set forth in the Federal standards for potatoes, which are commonly referred to as culls, but also potatoes which show defects as set forth and described in such standards and in any modification or variation based thereon, which may be considered desirable by the Secretary.

In the interests of promoting more orderly marketing conditions for potatoes grown in the production area and improving prices paid to growers, authority should be provided in the marketing agreement and order for limiting the grades, sizes, qualities and maturities of potatoes which may be placed in any given pack or container. This type of limitation would provide an additional means for tailoring the supply of marketable potatoes to demand for the most desirable grades, sizes, qualities and maturities depending upon the particular outlet involved.

Growers receive different prices for different varieties of potatoes also for different grades, sizes, qualities, maturities and packs of such potatoes grown in such production area. It is generally recognized in the production area as well as in receiving markets that potatoes of the round red varieties, including but not limited to Red Pontiacs, Red Warbas, Triumphs, and other varieties noted for their red skin, are preferred by buyers in certain parts of the receiving market in which Red River Valley potatoes are generally distributed. Also similar recognition is given to a somewhat distinct demand for particular grades and sizes of white potatoes such as Cobblers, Kennebecs, and similar varieties. Also, a somewhat distinct demand is recognized in the receiving trade for particular grades and sizes of long type varieties of potatoes such as the Russet Burbank, Gems, White Rose and others. The potato growers and handlers within the production area recognize such differentials and they attempt to market their potatoes accordingly in an effort to maximize their returns and bring about the highest prices for their products. The proposed marketing agreement and order should give similar recognition to such differences and the terms and provisions thereof should authorize different regulations by grade, size, quality, and maturity for different varieties, also different regulations for table stock and for seed. The potato industry in the Red River Valley customarily ships sizeable amounts of washed potatoes, also a large portion of the crop is shipped as unwashed potatoes. The record of hearing shows that a proportion of the crop which can be shipped as washed stock meeting grades, such as U. S. No. 1 grade, may be somewhat less than for unwashed stock. In the interest of preserving equitable portions of the market for growers and shippers of washed and unwashed stock the proposed marketing agreement and order should provide, as set forth herein, authority for issuing regulations differently for washed and unwashed table stock potatoes. Also authority should be included in the marketing agreement and order for different regulations by grade, size, quality, and maturity for different portions of the production area to take care of such matters as disaster arising from storms, hail, and other situations beyond the control of the growers and shippers.

In order to promote more orderly marketing, regulations should be authorized for different packs so the industry can best meet the demands of the receiving market. Similarly, different regulations should be authorized for different sizes or types of containers or any combination of the foregoing during any period so that the committee can advise the Secretary who in turn can issue regulations based on preferred demand for particular packs or containers including the grades, sizes, quality and maturity of the contents thereof, in the interest of maximizing returns to growers.

The industry indicated that no regulation under the proposed marketing agreement and order applicable to seed should modify or impair the official seed specifications established by the official seed certification agency of the State in which the potatoes were grown. Such industry policy is hereby confirmed as the policy which should be followed under the terms and provisions of the marketing agreement and order.

The permissive use of the authority to fix the size, weight, capacity, dimensions, and pack of containers will allow the committee to reduce or eliminate any deceptive practice which a few members of the potato industry might be inclined to follow. This is not a particularly disturbing problem at the present time, but if a new type of container should enter the marketing of Red River Valley potatoes such type of container should be eliminated if it causes misleading merchandising practices thereby tending to confuse buyers of potatoes grown in the production area, The committee would be able to determine such practices which tend to reduce prices to growers and recommend regulation, which the Secretary may issue, to eliminate such undesirable practices.

The marketing agreement and order should authorize different regulations for any period so that the committee and the Secretary may take account of the different supply and demand conditions as they may arise and become apparent. This becomes particularly important in that the committee may wish to begin the season with one type of regulation (e. g., one prescribing grade, size and maturity requirements) but as harvesting progresses and the information with respect to the total size and composition of the crop in the production area as well as competing areas becomes more apparent the committee may wish to vary the regulation so as to prohibit the shipment of particular grades and sizes or to allow the shipment of particular grades and sizes. It is particularly important that this flexibility should be provided in the marketing agreement and order as set forth.

(f) The committee should be authorized to recommend and the Secretary to establish, in any period when the season average prices for potatoes grown in the production area may be above parity, such minimum standards of quality and maturity and such grading and inspection requirements as will effectuate orderly marketing as will be in the public interest. Some potatoes are of such low quality they do not give consumer satisfaction at any time because of waste and the large amount of time consumed in preparing them. Consumers do not receive proper value for their expenditures for such low quality potatoes; and even when prices are above parity, it is not in the public interest, either of the producers, handlers or consumers to permit shipments of such poor quality. Shipments of excessively skinned potatoes also tend to disrupt general marketing conditions for the commodity and the discounted prices received for such potatoes adversely affect growers' prices. The marketing agreement and order should authorize the establishment of such minimum standards of quality and maturity as will effectuate such orderly marketing as will be in the public interest. It is also necessary that such authority should include grading and inspection requirements so that such minimum standards of quality and maturity may be determined whenever such regulations are in effect.

The proposed marketing agreement and order authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, pack, maturity, container, or other appropriate regulations which are necessary for the improvement of growers' returns and for the development of more orderly marketing conditions for production area potatoes which are subject to regulations. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate such regulation.

When regulations are issued adequate notice of such regulations should be given to the committee and in turn the committee should give reasonable notice to handlers. Any change in requirements under a regulation requires handlers to change their operations in order to conform with the limitations of the new regulations. Such changes in operations require time with respect to packing house management and related activities, as well as the adjustment of supplies bought at particular prices and the replenishment of supplies to meet commitments. It is anticipated in the interest of good management that the committee will provide general notice to producers and handlers of recommendations to the Secretary relating to grade, size, quality, maturity and any other regulations or amendments thereto. Persons to be affected by such regulations or changes therein will thereby have advance notice of the obligations, or change in obligations which are to affect them. Such advance notice, with the adequate notice given by the Secretary to the committee and in turn the reasonable notice given by the committee to handlers, should provide ample opportunity for all producers and handlers to adjust their operations within the time between issuance and effective date of regulations or changes therein. Representatives of the proponents indicated that ten days elapsed time should offer reasonable notice for regulations imposing additional limitations on handling and twenty-four hours elapsed time could be construed as ample reasonable notice with respect to amendments relieving restrictions.

The members of the committee will be in close contact with producers and handlers in the production area and should be in a position to know the length of time which handlers would need to adjust their operations to meet proposed regulations including the relaxations thereof and still be able to accomplish the declared policy of the act. It is anticipated that the length of time may vary and that the committee will recommend to the Secretary an effective date for each regulation which will permit handlers to so adjust their operations in view of the foregoing.

Most shipments of Red River Valley potatoes are in carlots or trucklots. Some small shipments, such as for 50 hundredweight, are made, but they constitute a small percentage of total sales. Small sales or shipments, such as to individual household purchasers, convenience purchases by friends or tourists and similar "nuisance" purchases present difficult operating problems if inspection must be performed on each. Administrative difficulties caused by regulating the grade, size, quality, or maturity of such small shipments, and the certification that such shipments are inspected and conform to such grade, size, qualities, or maturity would make it uneconomical, undesirable and impractical to attempt to do so in many cases. Under such circumstances and others which can readily be determined by the committee, regulation in all respects of such small shipments may not be administratively feasible, in that producers' prices may not be sufficiently enhanced to offset costs. It may be desirable, for example, to exempt small shipments from the proposed marketing program's mandatory inspection or payment of assessments, or both. In such instances, however, the committee could still recommend that handlers be required to have such shipments meet the then current grade, size, quality, and maturity regulations.

It is concluded, therefore, that the committee should be authorized to recommend, and the Secretary to establish, minimum quantities which would not be completely subject to regulations under the marketing agreement and order. The committee and the Secretary should use such authority to relieve minimum quantities from required inspection and certification and assessments thereon. The foregoing provisions would thus permit flexible operation of the marketing agreement and order in a practical way. The use of such authority will tend to minimize financial burdens upon handlers making such small shipments.

The Secretary should be authorized, upon the basis of recommendations and information submitted by the committee, or other available information to modify, suspend, or terminate grade, size, quality, maturity or other regulations for the handling of "table stock potatoes" for other than disposition in normal domestic fresh markets. The committee should be well qualified because of the experience and knowledge of its individual members and experience in the operation of the State marketing orders, to recommend such modifications, suspensions, or terminations as would be in the best interests of the Red River Valley potato industry and which would tend to effectuate the declared policy of the act. Additional authority to exempt shipments of potatoes from inspection or from assessment should be set forth in the marketing agreement and order in order to facilitate shipment of potatoes in a manner that will help to increase growers returns.

Potatoes moving to or sold in certain outlets, such as those specified in proposed § 938.54 of the marketing agreement and order, are usually handled differently than fresh shipments for retail markets, or such outlets usually accept different grades, sizes, qualities, maturities, packs, containers, or combinations for which different prices are returned. Ordinarily potatoes sold or shipped to such outlets would not be competitive to the same extent as other "table stock" shipments with potatoes sold on the domestic fresh market.

Certain outlets for potatoes, such as for livestock feed and starch, provide a salvage outlet for culls and off-grade and off-size potatoes and other potatoes for which there is no other market. Potatoes moving to these markets are of low value and disposal in any such type of outlet is deemed only a salvage operation by producers and growers, so authority should be included in the marketing agreement and order to allow reflection of industry judgment as to whether such marketings should bear costs of inspection and assessments. Committee members familiar with these markets should be able to recommend and the Secretary to designate such outlets to which potatoes from the production area may move without payment of assessments or obtaining inspection of such potatoes. However, supervision of these potatoes should be maintained through the use of Certificates of Privilege, as hereinafter authorized, to prevent these potatoes, which are free of certain regulations, and of lower quality or less desirable sizes, from competing with potatoes which are subject to such limitations.

Export requirements for potatoes differ materially on occasion from domestic market requirements. Certain market outlets, such as Cuba or Mexico, for example, prefer certain grades, sizes and qualities of potatoes which usually are discounted on the domestic market. Canada, for example, prefers potatoes of grades, sizes, qualities, and maturity which are more common to our own domestic table stock market. However, if there should be a demand from export outlets for off grades and off sizes for livestock feed or other uses, provisions should be made for dealing with them. The committee and the Secretary should have the requisite authority to effect the appropriate modification, suspension, or termination of regulations for export shipments differently depending upon the demands of such outlets. Export markets are usually additional outlets for Red River Valley potatoes. Unless the committee has the authority to recommend and the Secretary to issue regulations to meet the requirements of the export markets, loss of markets may occur, thereby tending to prevent the accomplishment of the declared policy of the act.

The marketing agreement and order should provide that special consideration may be given to shipments of potatoes for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shipper and the receiver, and are not considered as being in competition with the usual table stock shipment.

The committee should be authorized to recommend and the Secretary to provide that potatoes shipped for manufacture or conversion into specified products should not be regulated to the same extent as table stock potatoes or that regulations thereon be suspended or terminated. Shipments of potatoes for such manufacture or conversion reduce the supply of potatoes available for shipment from the production area to the domestic fresh market; and therefore such shipments for manufacture or conversion tend to increase the value of the crop. The committeee should be given the authority to recommend which shipments should be classed as being for manufacture or conversion into specified products because committee members should be in a position to appraise market conditions and determine whether such products are competitive with domestic fresh markets for potatoes. New potato products may be developed from time to time, some of which may and some of which may not be competitive with table stock potatoes. The committee should be in a favorable position to assess such competition, if any, between such products and fresh table stock potatoes. It is concluded that the committee and the Secretary should have the necessary authority with respect to such

modifications, suspensions and terminations for special shipments of potatoes from the production area.

The committee should also be authorized to recommend and the Secretary to provide that shipments of potatoes for livestock feed should not be regulated, or to recommend and provide the modification or suspension of regulations so as to facilitate the movement of potatoes to such outlets. Livestock feed provides a salvage outlet for potatoes that is not competitive with the domestic fresh potato market. When such outlets are available they would tend to furnish a source of revenue for potatoes that otherwise would not be permitted to be handled because of failure to comply with grade, size, quality, maturity or other regulations. Off grades, off sizes, and other poor quality potatoes should be allowed to move with freedom from grade and size requirements to livestock feed outlets and thereby augment growers' returns for the total crop.

The committee should also be empowered to recommend similar special treatment, through modification, suspension, or termination of regulation, applicable to shipments for other purposes or products, the effect of which would be to increase growers' returns generally, and which later may be specified by the committee with the approval of the Secretary.

(g) The authority contained in the marketing agreement and order for modifying, suspending, or terminating regulations should be accompanied by the additional administrative authority for the committee to prescribe with the approval of the Secretary adequate safeguards to prevent shipments made thereunder from entering market channels contrary to the provisions of such special regulations.

Testimony was offered at the hearing by representatives of the seed potato industry of the production area that adequate safeguards should be authorized to prevent the movement of seed potatoes onto the table stock market, unless such seed potatoes meet regulations applicable to the table stock market.

Such safeguards should include such limitations, or appropriate qualifications on shipments, as might be necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards could include, among others, the mandatory inspection requirements so that the committee may have an accurate record of the grade, size, quality and maturity of potatoes shipped to special outlets, applications to make such special shipments, reports by handlers on the number of such shipments and the amounts of potatoes shipped, and assurances by the purchasers that the potatoes would be used for the purpose designated.

Another exception related to the provisions in the proposed marketing agreement and order, as set forth in the recommended decision, with respect to shipments of seed potatoes. The notice of hearing provided in § 938.54 (b) that "Whenever the handling of seed potatoes is not subject to the same regulation as is the handling of tablestock potatoes, issued pursuant to §§ 938.42–938.60, inclusive, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels." The Red River Valley Potato Growers Association, on behalf of the proponents, contended that this provision should be included as a matter of administrative policy and that the record of hearing so justifies. The record of hearing substantiates the proponents' position that they want adequate safeguards to prevent shipments for seed, as well as special shipments, from entering tablestock channels. Provision should be made in the terms of the proposed marketing agreement and order for safeguards on seed shipments, as justified on the record by the proponents.

In order to maintain appropriate identification of shipments of potatoes to special outlets, the safeguards may provide for the issuance of Certificates of Privilege to handlers of such potatoes, and in addition, require that such handlers obtain such certificates on all shipments by them to such special outlets. Certificates of Privilege issued by the committee could serve as an indication of the authority for the handlers to make such shipments and as a means of identifying specific shipments. Such Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations or other available information, so that the issuance of such certificates might be handled in an orderly and efficient manner which can be made known to all handlers.

The committee should be authorized by the marketing agreement and order to deny as well as to rescind Certificates of Privilege when such action would be necessary to prevent abuse of the exemption conferred thereby. The committee should be authorized to exercise the authority necessary and incidental to the proper administration of the marketing agreement and order, which should include the authority to rescind or deny such certificates. Such action, however, should be based on evidence satisfactory to it that a handler to whom a Certificate of Privilege had been issued handled potatoes covered thereby contrary to the provisions of such certificate. Applications for Certificates of Privilege should be handled promptly. Notice from the committee with respect to rescinding or denying of any Certificates of Privilege should be given promptly to the applicants. Likewise, any appeals from committee action with respect to an application or the denial of a Certificate of Privilege should be handled promptly. Representatives of the proponents indicated that prompt notice and prompt handling should be construed to mean that action should be taken within seven days. This is believed to be a reasonable construction of prompt notice and prompt action and such obligation on the part of the committee appears reasonable. Such prompt action by the committee is essential in order that handlers may adjust operations to meet the market requirements and the requirements of the program. If the committee should rescind or deny a Certificate of Privilege, such action should be in terms of a specified period of time. Applicants affected by the denial of such a certificate or applicants affected by the denial or the rescinding of such a certificate, should have the right of appeal to the committee for a reconsideration. They should, of course, also have the right to request the Secretary to review such action and such right is hereby recognized and confirmed.

These provisions for prompt action by the committee are desirable in that growers need to know the action taken by the committee as soon as possible so they, in turn, may pursue courses they feel desirable.

The requirement that handlers transfer Certificates of Privilege with the potatoes covered by such certificates is necessary so that all subsequent handlers of such potatoes may know that such potatoes have met the provisions of the program. When Certificates of Privilege accompany potatoes, handlers can then quickly determine whether the potatoes meet the requirements of the proposed program.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain records relevant to safeguards and to Certificates of Privilege and should submit reports thereon to the Secretary, when requested, in order to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order.

(h) According to the record evidence inspection of potatoes grown in the production area by the Federal-State Inspection Service is mandatory under present applicable State marketing regulations. Potato producers and handlers in the proposed production area are well acquainted with the Federal, and the Federal-State Inspection Services and the requirements of the United States Standards for Potatoes, also the United States Consumer Standards for Potatoes as indicated by the fact that they pack potatoes meeting such requirements and market potatoes accordingly. Such inspection service is available throughout the production area and with reasonable notice inspection has been and can be given on all shipments at reasonable times.

Provisions should be included in the marketing agreement and order for mandatory inspection and certification by the Federal, or the Federal-State, Inspection Service of all shipments of potatoes grown in the production area and shipped to points outside the production area so as to insure compliance under the program. Such inspection and certification requirements should apply to all potatoes shipped under regulations

issued under the marketing agreement and order except when relieved from inspection pursuant to § 938.53 or § 938.54 thereof, or both, for the reasons heretofore set forth. Such requirements are necessary so that the shipper thereof as well as subsequent handlers, the committee, and other interested parties may determine if such shipments comply with the regulations in effect and applicable thereto. However, in order to obtain flexibility in administering this program and under such circumstances as may be warranted these requirements should be subject to modification or pursuant to § 938.53 or § 938.54, or both.

All potatoes handled under the terms of the proposed marketing agreement and order during periods of regulation thereunder, should have a valid inspection certificate applicable thereto. When potatoes that have been inspected and certified are removed from the containers in which they were so inspected and certified such potatoes lose their identity in so far as the previously issued inspection certificate is concerned. The inspection certificate loses its applicability to such potatoes. Therefore, inspection and certification should be required with respect to any potatoes that are handled after they are repacked, regraded, or resorted, or further prepared for market, or rehandled as smaller lots. The marketing agreement and order provides that any such potatoes shall not be handled unless they are inspected and certified except when exempted by the Secretary. Such inspection and certification of repacked, regraded or resorted potatoes or potatoes that have been further prepared for market or are rehandled as smaller lots are also necessary for effective operation of the program.

The committee should be authorized to recommend and the Secretary to require that all lots of potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to each container thereof by the handlers thereof, under the direction or supervision of the Federal, or Federal-State, Inspection Service or the committee. Such identification requirement could result in more efficient and effective administration of the program because compliance problems would be minimized. When potatoes that have been identified and certified as a single lot are identified by such seals, stamps, or tags prior to any handling, it may not be necessary in certain instances to require separate inspection on loads or parts of loads of such potatoes. The committee should be able, as experience in operation under this program is acquired, to indicate the instances when the identification requirement would facilitate handling of such potatoes in quantities smaller than those in which originally inspected. The marketing agreement and order therefore should contain such authority for the Committee and the Secretary.

In view of the perishable nature of potatoes and their susceptibility to deterioration, which under certain conditions may be fairly rapid, the committee, with the approval of the Secretary, should be authorized to fix the length of time inspection certificates may be valid insofar as the requirements of the proposed marketing agreement and order are concerned. This would assure to the extent feasible, that an inspection certificate properly reflects the grade, size, and quality of a particular lot of inspected potatoes at the time it is handled.

Copies of inspection certificates issued by the Federal-State Inspection Service within the proposed production area are now available to the Red River Valley Potato Control Board. Such copies of inspection certificates could be available jointly to the proposed Red River Valley Potato Committee and the Board. If, for some reason, the Red River Valley Potato Control Board should not operate, such copies of inspection certificates could still be made available to the Red River Valley Potato Committee. The Federal and the Federal-State Inspection Services indicate they will be able to supply promptly copies of the inspection certificates so both organizations may properly discharge their respective administrative responsibilities under each program.

Responsibility for obtaining the requested inspection certificates should fall on each handler who handles regulated potatoes because each lot of such potatoes must be identified and certified with respect to grade, size, quality, maturity and other regulatory requirements at the time of handling. Each handler, regardless of whether the first or a subsequent handler, should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification are essential to proper administration of the marketing agreement and order so that a determination could be made as to whether each shipment accords with the grade, size, quality, maturity, and other pack regulations issued thereunder. Each handler who first handles potatoes should be required to obtain inspection, but subsequent handlers should not be permitted to handle potatoes unless a properly issued inspection certificate valid under the terms of the marketing agreement and order applies to such shipment and when required accompanies the shipment. If a handler should receive potatoes which have not been inspected he should have them inspected before selling or otherwise handling them. This requirement is necessary so that the committee could obtain evidence in forms of inspection certificates which it needs to carry out its appropriate functions in determining if specific shipments have been inspected and if they otherwise meet requirements of the marketing agreement and order and regulations issued pursuant thereto.

Truckers and other carriers can be supplied with copies of inspection certificates or evidence thereof to accompany each lot of potatoes. The committee should be authorized to recommend and the Secretary to issue regulations requiring truckers and other carriers of potatoes subject to regulation under proposed §§ 938.52 to 938.55, inclusive, to accompany such potatoes with evidence of inspection in the form of a valid inspection certificate or evidence thereof which may be required to be surrendered to such authority or agency as designated by the Secretary upon the committee recommendation. The presence of a valid inspection certificate or evidence thereof will simplify the determination of the inspection of such potatoes and thereby reduce the expense of the committee and thereby tending to accomplish the purposes of the act.

The committee is charged under the powers of the marketing agreement and order with administration of its terms and provisions. Appropriate and proper administration necessitate inclusion of authority for requiring truckers with potatoes to have with them evidence of inspection of each such shipment. Such authority is incidental to, not inconsistent with, and necessary to effectuate the other provisions of the marketing agreement and order.

(i) Certain hazards such as floods, drought, hail, or tornadoes, may result in potatoes which have hollow heart, growth cracks, secondary growth, jumbo and small potatoes and other conditions which are beyond the control of the growers; other conditions such as blight, frost damage, and dry rot may not be evident until after potatoes have been put in storage. Farmers are close to these problems and are aware of conditions beyond control of handlers and growers and, hence as the committee is composed of producers they can properly advise with respect to such facts and conditions.

These hazards are encountered in the production and storing of potatoes grown in the producton area and are beyond the control and reasonable expectation of the growers of such potatoes or the handlers who may buy and store them. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned, the committee should be given authority to issue exemption certificates to permit qualified applicants to handle their equitable proportion of all shipments from their respective producing regions. The committee by reason of its knowledge of the conditions and problems applicable to the production and storing of potatoes in the various producing regions of the production area should be well qualified to judge each applicant's case in a fair and equitable manner, in the light of the information which the applicant may furnish to substantiate his request for exemption, and to fix the quantity of exempted potatoes which each such applicant may ship. It is reasonable to require all such applicants for exemption to furnish the committee with satisfactory evidence to support their applications.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the

orderly and equitable operation of the marketing agreement and order. In addition, provision should be made that the committee shall take an appeal under consideration within 7 days from the date it is submitted and the appellant shall be notified of the action taken thereunder within 14 days from the date of such submission. The provisions as herein found and determined incidental and necessary to the effectuation of the program should therefore be incorporated in the marketing agreement and order.

Another exception related to § 938.69 of the proposed marketing agreement and order, as set forth in the recommended decision, with respect to appeal from committee actions on applications for exemptions. The findings and conclusions with respect to this section on appeal determine on the basis of the record that such appeals must be taken promptly and that prompt action should be construed as requiring action within seven days. Similarly, committee action on applications for appeal and reconsideration should be taken within fourteen days. The exception contends that such requirements should be stated specifically in the terms and provisions of the proposed marketing agreement and order. Accordingly, the provisions of the proposed marketing agreement and order should specify the time limitations.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedures established by the committee for granting exemptions and exemptions granted pursuant to such procedures. This is desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(j) The committee should have the authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the proposed marketing agreement and order. It is difficult to anticipate every type of report or kind of information which the committee may require; but it should have the authority to request reports and information, as needed, including those of the types set forth in the proposed marketing agreement and order, and at such times and in such manner as it may deem necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information or reports in order to protect handlers from unreasonable requests thereon.

Any reports and records submitted for committee use by individual handlers should remain under protective classification and be disclosed to none other than persons authorized by the Secretary. Any reported information released to the industry should be on a composite basis and no such release of information should disclose either the identity of handlers or their operations. This will assure that the information contained in the reports which may adversely affect a competitive position of a reporting handler in relation to other handlers will not be disclosed.

Since it is possible that a question could arise with respect to the verification of the information obtained in the reports submitted under the program, handlers should be required to maintain complete records on their receipts, handling, and dispositions of potatoes for not less than two succeeding years. Evidence shows that handlers usually keep such records for their own business operations for periods of at least two years and no hardship would be imposed by requirements of this type under the proposed marketing agreement and order.

(k) Except as provided in the marketing agreement and order, no handler should be permitted to handle potatoes, the handling of which is prohibited pursuant to the marketing agreement and order; and no handler should be permitted to handle potatoes except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one or more handlers, although possibly of small impact individually on the industry measured by the proportion of potatoes handled by the respective handler, would be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of §§ 938.78 through 938.88, and of §§ 938.89 through 938.91, as published in the FEDERAL REGISTER of April 10, 1957 (22 F. R. 2362) are common to marketing agreements and marketing orders now operating. Each such section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate to the effective operation of the proposed marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the proposed marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions should, therefore, be included in the proposed marketing agreement and order.

Another exception related to the omission from the proposed marketing agreement and order of the provisions of § 938.70, as published in the notice of hearing. The substance of § 938.70 in the notice of hearing has been incorporated in the proposed marketing agreement and order. The committee's responsibilities and duties with respect to maintaining records and providing reports on administration of exemptions are included in the duties of the committee relating to records and reports under § 938.30. The rights of the Secretary with respect to exemption administration, as well as other rights of the Secretary in connection with administration of the proposed marketing agreement and order, are included under § 938.78.

General findings. Upon the basis of evidence introduced in the hearing and record thereof it is found that:

(1) The marketing agreement and order hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefore as will tend to establish as prices to producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements as may be incidental thereto as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said marketing agreement and order authorize regulation of the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, a proposed marketing agreement and order upon which a hearing has been held.

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, as far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in the Red River Valley of North Dakota and Minnesota" and "Order Regulating the Handling of Irish Potatoes Grown in the Red River Valley of North Dakota and Minnesota" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the order set forth below.

Dated: August 15, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Regulating the Handling of Irish Potatoes Grown in the Red River Valley of North Dakota and Minnesota

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 938.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Grand Forks, North Dakota, May 20–22, 1957, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in certain designated counties of North Dakota and Minnesota. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This part, and all the terms and conditions hereof, will tend to effectuate the declared policy of the act with respect to Irish potatoes grown in the production area defined herein as comprising the Counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of North Dakota, and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of Minnesota (i) by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, (ii) and by protecting the interest of the consumer by approaching the level of prices which it is declared to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) This part regulates the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This part is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This part prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of Irish potatoes grown in the production area; and

(5) All handling of Irish potatoes as defined in this part is in the current of interestate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof the handling of Irish potatoes grown in the production area as defined herein shall be in conformity to and in compliance with the terms and conditions of this part; and such terms and conditions are as follows:

DEFINITIONS

§ 938.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 938.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 938.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 938.4 *Production area.* "Production area" means all territory included within the boundaries of the Counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota, and of Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of the State of Minnesota.

§ 938.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 938.6 *Handle or ship.* "Handle" or "ship" means to sell or transport potatoes, or cause the sale or transportation of potatoes, in the current of the commerce between the production area and any point outside therof.

§ 938.7 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes.

§ 938.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 938.9 *Grading.* "Grading" is synonymous with "prepare for market" which means the sorting or separating of

potatoes into grades and sizes for market purposes.

§ 938.10 *Grade and size.* "Grade" means any of the officially established grades of potatoes, and "size" means any of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559, inclusive of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587, inclusive of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) State standards for potatoes issued by the State in which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 938.11 *Maturity.* "Maturity" means the stage of development or condition of the outer skin (epidermis) of the potato determined according to skinning classifications defined by the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive of this title).

§ 938.12 *Varieties.* "Varieties" means all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 938.13 *Seed potatoes.* "Seed potatoes" or "seed" means all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State in which the potatoes were grown.

§ 938.14 *Table stock potatoes.* "Table stock potatoes" or "table stock" means all potatoes not included within the definition of "seed potatoes."

§ 938.15 *Washed potatoes.* "Washed potatoes" means potatoes cleaned by water that meet standards of cleanness established by the Secretary pursuant to committee recommendations. The United States Standards for Potatoes (§§ 15.1540 to 15.1559, inclusive of this title) shall be the basis for standards of cleanness and determinations and certification of cleanness shall be by the Federal, or the Federal-State, Inspection Service.

§ 938.16 *Pack.* "Pack" means a quantity of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 938.17 *Container.* "Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other receptacle used in the packaging, transportation, or sale of potatoes.

§ 938.18 *Committee.* "Committee" means the Red River Valley Potato Committee, established pursuant to § 938.25.

§ 938.19 *District.* "District" means each of the geographical divisions of the production area established pursuant to § 938.32.

§ 938.20 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 938.21 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

COMMITTEE

§ 938.25 *Establishment and membership.* (a) The Red River Valley Potato Committee consisting of fourteen members, all of whom shall be producers, is hereby established.

(b) Each person selected as a committee member or alternate shall be a producer or an officer or employee of a producer in the district for which selected and each such person shall be a resident of the production area.

(c) For each member of the committee there shall be an alternate who shall have the same qualifications as the member. An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ 938.26 *Selection.* (a) Committee members and alternates shall be selected by the Secretary on the basis of districts as established pursuant to § 938.32. One member and one alternate member shall be selected from each district.

(b) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 938.27 *Term of office.* (a) The term of office of committee members and alternates shall be two years beginning July 1 and ending June 30, except that of the initial fourteen members selected, six shall serve for a term ending on the second June 30 following their selection and eight shall serve for a term ending on the first June 30 following their selection. Each of the initial fourteen alternate members shall be selected to serve for the same term of office as the respective member from each district. No member shall serve for more than three consecutive terms.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 938.28 *Procedure.* (a) Ten members of the committee shall be necessary to constitute a quorum and ten concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication. Any votes cast at such meeting shall be confirmed promptly in writing. If any assembled meeting is held, all votes shall be cast in person.

§ 938.29 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this subpart.

§ 938.30 *Duties.* The committee shall have the following duties.

(a) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, select subcommittees and adopt such rules and procedures for the conduct of its business as it may deem advisable.

(b) Act as intermediary between the Secretary and any producer or handler.

(c) Appoint such employees, agents, and representatives as it may deem necessary and determine the salaries and define the duties of each.

(d) Keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative.

(e) Furnish the Secretary promptly with copies of the minutes of each committee meeting, and the annual report of the committee's operations for the preceding fiscal period, and such other reports or information as may be requested by the Secretary.

(f) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy.

(g) Subject to § 938.75 (b), consult, cooperate, and exchange information with other marketing agreement committees and other agencies or individuals in connection with proper committee activities and objectives.

(h) Take any proper action necessary to carry out the provisions of this subpart.

(i) To establish and pay the expenses of advisory committees for the purpose of consulting with Federal, State, or other appropriate agencies with respect to marketing research and development projects pursuant to § 938.47.

(j) To receive and consider complaints and petitions from growers with respect to marketing problems arising in connection with operations of this part and to initiate consideration by the committee within five days following receipt of appropriate presentations to the committee. A request or petition for consideration by 50 percent of the producers of a variety in a producing section, as determined by the committee, or 30 producers, whichever is smaller, shall be deemed adequate for invoking this duty.

§ 938.31 *Members' expneses.* Committee members and their respective alternates when acting on committee business may be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 938.32 *Districts.* (a) For the purpose of selecting committee members and alternates, the following districts of the production area are hereby initially established:

North Dakota District No. 1—Pembina County.
North Dakota District No. 2—Walsh County, that portion east of Highway 18.
North Dakota District No. 3—Towner and Cavalier Counties.
North Dakota District No. 4—Grand Forks and Nelson Counties.
North Dakota District No. 5—Traill and Steele Counties.
North Dakota District No. 6—Cass and Richland Counties.
North Dakota District No. 7—Ramsey and Walsh (that portion west of Highway 18) Counties.
Minnesota District No. 1—Kittson County.
Minnesota District No. 2—Marshall County.
Minnesota District No. 3—Pennington and Red Lake Counties.
Minnesota District No. 4—Polk County.
Minnesota District No. 5—Mahnomen and Norman Counties.
Minnesota District No. 6—Otter Tail and Wilken Counties.
Minnesota District No. 7—Clay and Becker Counties.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area. In recommending any such changes in districts, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative positions of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part and (4) other relevant factors: *Provided,* That there shall be no change in the total number of districts. No change in districting may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting may be made within less than six months prior to such date.

§ 938.33 *Nominations.* The Secretary may select the members of the Red River Valley Potato Committee and their respective alternates from nominations which may be made in the following manner, or from other eligible persons:

(a) Nominations for members and alternates of the committee may be submitted by producers, or groups thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each district in which the term of office of a committee member and alternate will commence the following July 1;

(2) In arranging for such meetings, the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following June 30;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than May 31 of each year;

(5) Only producers who reside within the production area may participate in designating nominees for committee members and their alternates.

(6) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this part.

§ 938.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 938.33, or from previously unselected nominees on the current nominee list from the district involved or from other eligible persons. If the names of nominees to fill any vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this part.

EXPENSES AND ASSESSMENTS

§ 938.40 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 938.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for its maintenance and functioning and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this part.

§ 938.42 *Assessments.* (a) Handlers shall share expenses on the basis of each fiscal period. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessment shall be in payment of such handler's pro rata share of the committee's expenses. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during such fiscal period.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were handled by the first handler thereof during such fiscal period.

(d) The committee, with the approval of the Secretary, may provide for collection of assessments through the Potato Control Boards of the Red River Valley areas of Minnesota and North Dakota.

§ 938.43 *Fiscal reports.* The books of the committee shall be audited by a competent accountant at the end of each fiscal period and at such other time as the committee may deem necessary or as the Secretary may request. Copies of each audit report shall be furnished the Secretary and a copy shall be made available at the principal office of the committee for inspection by producers and handlers.

§ 938.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operation of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may de-

termine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operation during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practicable be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 938.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and may make available committee information and data to any person, or to any employee of an agency or its agent, authorized by the committee as its agent with the approval of the Secretary, to conduct such projects.

REGULATION

§ 938.50 *Marketing policy.* Each season prior to or at the same time as initial recommendations are made pursuant to § 938.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping potatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices for potatoes, including prices by grade, size, and quality in different packs, or in different containers;

(b) Supply of potatoes by grade, size, quality, and maturity in the production area and in other potato producing areas;

(c) The trend and level of consumer income;

(d) Establishing and maintaining orderly marketing conditions for potatoes;

(e) Orderly marketing of potatoes as will be in the public interest; and

(f) Other relevant factors.

§ 938.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 938.50, may recommend regulations to the Secretary whenever it finds that such regulations as provided for in this subpart will tend to effectuate the declared policies of the act.

§ 938.52 *Issuance of regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities of any or all varieties of table stock or of seed potatoes, or any combination of the foregoing during any period;

(2) Regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for washed and unwashed table stock for seed, for different sizes and types of containers, for different portions of the production area, for different packs, or for any combination of the foregoing, during any period.

(3) Provide a method through rules and regulations issued pursuant to this part for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both.

(4) Establish in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) No regulation applicable to seed shall modify or impair the official seed certification specification and requirements established by the official seed certification agency of the State in which the potatoes were grown.

(c) The Secretary may amend or modify any regulation issued under this subpart whenever he finds from the recommendations of the committee or other available information that such regulation as amended or modified would tend to effectuate the declared policy of the act. In like manner, the Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(d) The Secretary shall notify the committee of each regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 938.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments of potatoes will be free from requirements in effect pursuant to § 938.42 or § 938.60, or both.

§ 938.54 *Handling for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate requirements in effect pursuant to §§ 938.42 to 938.60, inclusive, in order to facilitate handling of the following special shipments of potatoes:

(a) Shipments of potatoes for export;

(b) Shipments of potatoes for distribution by relief agencies, or for charitable institutions;

(c) Shipments of potatoes for manufacture or conversion into specified products;

(d) Shipments of potatoes for livestock feed;

(e) Other shipments which the Secretary may specify.

§ 938.55 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribed adequate safeguards to prevent potatoes handled pursuant to § 938.54, or seed handled pursuant to § 938.52, from entering channels of trade for other than the specific authorizations therefor, and the rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle potatoes pursuant to § 938.54.

(2) Handlers shall obtain inspection required by § 938.60, or pay the assessment levied pursuant to § 938.42, or both, in connection with shipments made under § 938.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of potatoes affected or to be affected under the provisions of § 938.54.

(b) The committee may rescind or deny Certificate of Privilege to any handler if proof is obtained that potatoes handled by him for the purposes stated in § 938.54 were handled contrary to the provisions of this part. The right to be informed promptly of the basis for rescinding or denying a Certificate of Privilege shall be preserved to the holder thereof or applicant therefor. In addition, the right of appeal to the committee and in turn to the Secretary from any action rescinding or denying such certificate shall be preserved to the holder thereof, or applicant therefor.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 938.60 *Inspection and certification.* (a) During any period in which the handling of potatoes is regulated pursuant to § 938.52 or § 938.54, or both, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 938.53 or § 938.54, or both.

(b) Regarding, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal, or Federal-State, Inspection Service. Such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated upon recommendation by the committee, and approval by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal, or Federal-State, inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

EXEMPTIONS

§ 938.65 *Policy.* (a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 936.52, is or will be prevented from shipping or having shipped during the then current marketing season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 938.52, is prevented from shipping during the then current marketing season as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 938.66 *Rules and procedures.* The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures shall provide for processing applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 938.65), and for such other procedures as may be necessary to carry out the provisions in this section and § 938.65.

§ 938.67 *Granting exemptions.* The committee shall issue certificates of exemption to any qualified applicant who furnished adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation:

(b) That by reason of regulations issued pursuant to § 938.52, in case of an applicant who is a producer, he will be prevented from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 938.52, in case of an applicant who is a handler who has acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the person identified therein to ship or have shipped the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 938.68 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 938.69 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken within 7 days after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application within 14 days after receipt of such application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

REPORTS

§ 938.75 *Reports.* Upon the request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection: (a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of potatoes received and disposed of by types of outlets during specific periods;

(2) Sales records including dates, car or truck numbers, and inspection certificate numbers;

(3) Record of shipments handled under exemption certificates including number of such certificates;

(4) Record of all potatoes handled pursuant to § 938.53 and § 938.54 including Certificates of Privilege and inspection certificate numbers, if any.

(b) All such reports shall be held under appropriate protective classification in custody by the committee, or duly authorized individuals or agencies thereof, so that the competitive position of any handler in relation to other handlers will not be disclosed. Compilation of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 938.76 *Compliance.* No handler shall handle potatoes except in conformance with the provisions of this subpart and the rules and regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 938.77 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

§ 938.78 *Right of the Secretary.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States. The members of the committee (including successors and alternates), and any agent or employee, shall be subject to removal by the Secretary at any time. Each and every act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 938.79 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force

until terminated in one of the ways specified in this subpart.

§ 938.80 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 938.81 *Proceedings when terminated, suspended, or inactive.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary and shall proceed pursuant to directions of the Secretary's liquidation order.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 938.82 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not: (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or of any regulation issued under this subpart;

(b) Release or extinguish any violation of this subpart or of any regulation issued under this subpart; or

(c) Affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 938.83 *Agents.* The Secretary may by designation in writing name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 938.84 *Personal liability.* (a) No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee's activities for which he is responsible and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the designated successor, agency, or person the right to all such property and funds and all claims vested in such member or alternate.

§ 938.85 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any persons by virtue of this subpart shall cease upon the termination of this subpart except with respect to acts done under and during the existence of this subpart.

§ 938.86 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

Order Directing That a Referendum Be Conducted Among Producers: Designating Agents To Conduct Such Referendum: and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1956, to July 1, 1957 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area comprising the counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota, and of Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of the State of Minnesota (hereinafter called the "Red River Valley") in the production of Irish potatoes; and said order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection With Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

J. W. Gannaway, R. L. Powers, and E. E. Gallahue, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid annexed order may be examined in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., and at those places within the Red River Valley announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of said order may be obtained from any referendum agent and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047)

Done at Washington, D. C., this 15th day of August 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-6868; Filed, Aug. 20, 1957; 8:50 a. m.]

[7 CFR Part 973]

[Docket No. AO-178-A9]

MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Minneapolis, Minnesota, on February 6-8, 1957, pursuant to notice thereof issued on February 2, 1957 (22 F. R. 705).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on July 12, 1957 (22 F. R. 5690) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Revision of the definition of "handler" as to (a) bargaining-type cooperative associations and (b) coverage of "vendors", or "peddlers".
2. Revision of "pool plant" performance requirements, including a proposed "system" basis of maintaining pool plant qualification.
3. Clarification of the definitions of "producer" and "producer milk".
4. Clarification of the Class I milk definition as to diverted milk and sterilized whole milk in metal containers.
5. Revision of rules governing interplant transfers of milk and cream.
6. Inclusion of specific language regarding accounting procedure for nonfat milk solids used to fortify Class I milk items.
7. Revision of seasonal adjustments in Class I price differentials and method of computing supply-demand adjustments.
8. Revision of application of location differentials.
9. Inclusion of a provision regarding the accounting for butterfat in skim milk.
10. Revision of methods of payment to producers and cooperative associations.
11. The accounting and classification of shrinkages and overages where other source milk is handled in conjunction with producer milk.
12. Revision of base milk computations.
13. Clarification of order definitions and other language.

In connection with consideration of proposal No. 15 in the notice of hearing, which related to revision of Class I price differentials and modification of the formula for supply-demand adjustments to the Class I price, counsel for several of the handlers offered a modification of such proposal. The modification suggested would increase the Class I price payable by a peddler to a bottling cooperative by an amount, to be fixed by the market administrator after notice and hearing, approximating the actual costs of processing, packaging, delivery, and other services performed by the cooperative. The Presiding Officer ruled that the proposed modification of proposal No. 15 was not appropriate since it was outside the scope of the notice of hearing and evidence thereon was denied. An offer of proof was made. It is determined that the ruling of the Presiding Officer was correct and such ruling is hereby affirmed.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The definition of "handler" should be revised in its application to bargaining-type cooperative associations.

The major producers' organization proposed to remove from the definition of "handler" any cooperative association which does not operate a pool plant, i. e., a bargaining-type association. Proponents testified that it would be possible for the bargaining-type association, if one were to become involved in the Minneapolis-St. Paul market, to have a higher utilization than the market average and thus collect from handlers, at class prices, a greater amount of money than its producer-members would be entitled to in the aggregate under the marketwide pool. This would place on the association, as an intermediate party, an obligation to the pool which is now borne directly by the handler receiving the producers' milk. Proponents indicated further that difficult enforcement problems, with detrimental effect on payments to producers generally, could result if such an association, for one reason or another, failed to pay monies due the producer-settlement fund.

It is concluded that the definition should be revised to remove bargaining-type cooperatives for the same reasons as are expressed later in this decision in connection with issue (10) concerning the collection of producer payments by cooperative associations.

A proposal of several handlers would include under the definition of handler any secondary handler, or "peddler", who receives his entire supply of milk and cream in processed form in consumer packages for distribution in the marketing area on routes. The following reasons were given in support of this proposal:

(a) To correct abuses which have led to the chaotic and unsettled conditions now prevailing and to restore orderly marketing in the area.

(b) To require jobbers and large distributors to pay the minimum class prices fixed by the order to insure that all producers receive uniform prices.

(c) To permit the market administrator to take action against jobbers or large distributors who, directly or indirectly, violate or unlawfully evade the minimum price provisions of the order.

(d) To prevent the continuance of unfair trade practices in the market.

This proposal to amend the handler definition is closely associated also with another proposal of handlers, i. e., that the order establish a minimum charge (over the Class I price) to be paid by peddlers to cooperative associations for any processing and packaging costs incurred in preparing bottled milk for sale to consumers (on which an offer of proof was made as discussed previously in this decision.)

The record does not indicate how the regulation of peddlers as handlers would eliminate, or even mitigate, any of the complaints of the proponent handlers concerning disrupted conditions in the resale market. The cooperative supplier of milk to a peddler must pay the minimum class prices fixed by the order (or their equivalent) in settling with the marketwide pool. Also, the function of "peddling," or distributing, Class I milk is one which may be performed by the cooperative supplier, if it chooses, as well as the peddler. To regulate peddlers would not eliminate the possibility that the cooperative association supplying milk to a peddler might start its own routes in the marketing area, selling at whatever resale prices it choose to fix, or might engage the peddler as its own employee. The regulation of peddlers as handlers likewise would not insure that a cooperative supplier would pay the announced uniform price to its member producers. On the other hand, the requirement that a peddler report to the market administrator, as a handler, and the corollary requirement that the market administrator audit the peddler's books and records, without the purpose of imposing specific monetary obligations on the peddler, would be fruitless and burdensome to both the peddler and to the regulation. It is concluded that the inclusion of peddlers under the definition of handler would have little or no effect in relieving the problems to which complaint was directed or any other problem brought to light by the hearing. The proposal therefore is denied.

(2) The delivery performance requirements on supply-type plants to maintain pool plant status should be revised.

The major producers' organization proposed revision of the definition of "pool plant" as to those plants which act as "supply" plants for bottling-type plants from which Class I milk is distributed in the marketing area on routes. The definition would be revised for the purposes of (a) clarification of order language, (b) modifying the period in the fall months during which delivery of more than 50 percent of the plant's supply of milk eligible for sale in fluid form as Grade A milk within the marketing area automatically qualifies the plant for pool status during the succeeding several months, (c) permitting pool plants to retain pool status on a unit, or "system," basis under certain conditions, and (d) crediting farm shipments of milk to bottling plants toward qualification of country supply plants. Related proposals suggested conforming amendments affecting other sections of the order.

Certain other producer associations suggested a more limited system basis for maintaining qualification of supply plants, while a third group of producer organizations proposed to include in the pool all plants with Grade A milk located within a radius of 100 miles of the Minnesota Transfer Viaduct in St. Paul.

The definition of pool plant should be clarified in its application to plants where both Grade A milk and Grade B (manufacturing quality) milk are received. There was considerable discussion in the record as to whether the term "pool plant" should apply, inclusively, to both sides of a building when one side is devoted primarily to the receiving and processing of manufacturing-type milk while the other side of the building is utilized mainly for the receiving and shipment to market (or processing) of producer (Grade A) milk.

For most periods in the past, application of the order has treated both sides of a dual-type plant as a single operation. A single exception has been made in the case of certain facilities under the regu-

lation of the Federal milk order for the Chicago, Illinois, marketing area, from which milk is regularly shipped to the latter market. The latter facilities were under regulation in the Chicago market prior to the introduction of the market-wide pooling and pool plant qualification provisions into the Minneapolis-St. Paul order. During a period of a few months beginning in April 1956 (the pool plant qualification provisions became effective February 1, 1956) plants with dual operations were required to report only on their Grade A milk operations. It was soon noted following the submission of reports on this basis that in some cases dual-type plants showed little or no shrinkage of producer milk. Because of this the market administrator resumed in September 1956 the requirement, in all such cases, of a report covering both Grade A milk and manufacturing milk. It was found to be administratively impracticable to make a complete check of the utilization of producer milk, and to arrive at its proper classification, without applying the order to each dual plant as one unit.

Experience has shown that there is little or no basis for clear-cut product accounting with respect to Grade A milk utilization as compared with the use of manufacturing milk when both are handled on the same premises. In the absence of an order it might be sufficient for proprietary handlers, or even cooperatives, to assume that all Grade A milk not specifically accounted for had been transferred to the manufacturing side of the plant, and to consolidate the plant records for both types of milk. Under a strict system of classification, however, the results of this practice are a distortion of the amount of shrinkage, or overage, which exists in the plant on producer milk, a consequent loss of money to the pool, and an audit which does not test the reasonableness of the reported transfer of Grade A milk to the manufacturing operation. It is concluded that the order should provide clearly for the audit of manufacturing operations when Grade A milk is handled on the same premises, that the audit findings on manufacturing milk should be consolidated with Grade A milk operations to determine shrinkage or overage for the handler's entire operation, and that the overall figures be used as the basis for computing such shrinkage or overage. This requires, as provided for herein, the rewording of certain other provisions of the order as well as the pool plant definition.

Under the present order the phrase "dairy farm supply" has been applied to mean the Grade A milk supply of the particular plant. This is a reasonable interpretation of language since the milk presumably eligible for disposition in the fluid market is not the Grade B, or manufacturing milk, but rather that portion (Grade A) of the supply of the handler which is eligible under the applicable health requirements for fluid use in the marketing area. However, the milk to which the order applies, and which is the basis for pool plant qualification, may be specified with greater clarity. Appropriate revisions of language have been made in the pool plant definition.

The final decision of December 30, 1955, supporting the order amendments effective February 1, 1956, pointed out that, based on 1953 and 1954 data, the months of August, September, October, and November have been the months of lowest supply in the Minneapolis-St. Paul market. These were the months in which the market drew most heavily on supply-plant sources of milk, and for this reason it was concluded that the qualification for pool status and maintenance of such status by a supply plant should be based primarily upon its delivery performance in such four months. Official notice is taken of such decision. More recent data on deliveries of milk by producers show, however, that dairy production during the month of July has become less than during the month of November. Since the need for milk from supply plants is potentially greater in July than in November, the order should be revised to specify July–October as the period to be used, in the future, in determining whether a supply-type plant may maintain pool plant status until July 1 of the following year, without shipping any specific percentage of milk. It may be noted that the new four-month period will coincide with the months specified in the order as the base-making period for producers.

The system basis of qualification, as proposed by the largest producer association, would permit country supply plants to retain pool status on the basis of their combined deliveries of milk to bottling-type pool plants rather than on the deliveries of the supply plants individually. By the terms of the producers' proposal the plants involved would have to be owned and operated by the handler or cooperative. Any plant new to the market would be required to qualify for pool status on an individual basis before becoming part of a plant system. Proponents testified that economies may be achieved and better service in the delivery of milk to market can be provided if plants are permitted to retain pool status on a system basis.

The number of country receiving plants operated by the principal producer association in the Minneapolis-St. Paul market has decreased as the result of the introduction of the farm tank delivery system. A large portion of the total market supply is now delivered to market by means of farm tanks without being assembled by receipt at outlying plants. Some of the outlying pool plants, although used for supplying supplemental milk in the low production months, serve an additional purpose in being available to receive for manufacture milk that represents seasonal reserves and weekend and holiday excesses. Under the present provisions of the order the qualification for the pool of each supply plant operated by the same handler or cooperative must be maintained by the shipment of the required percentage of milk or butterfat from such plant to the market. However, with the rather rapid, and drastic, changes which have taken place in the market's farm to plant delivery system, there would be appreciable economies in the transportation of milk and in the handling of reserve milk if from time to time larger quantities of milk could be moved to market from one supply plant of a handler while less than the amount needed to maintain qualification could be moved from another.

The recommended decision concluded that a plant system should not be limited, however, to plants owned and operated by a given handler or cooperative. It was felt that in view of the market organization of the milk supply, under which the largest cooperative association of producers markets, on behalf of other cooperatives, substantial amounts of milk, greater latitude in establishing plant systems would make possible maximum benefit from the provision. Thus, cooperatives or handlers, would have the opportunity to make their own arrangements for a system of supply plants where more than one cooperative or handler is involved in marketing of the milk, provided, of course, that the market administrator were given written notice specifying the plants to be included in the plant system and the period during which such system would be in effect. The association supporting the system basis of qualification took exception to the broader basis of plant participation in a system as described, pointing out possible abuses that could cause such provisions to work to the disadvantage of those producers on whom the market has relied for regular supplies of milk. In view of this exception, taken also by several other producer associations on the market, it is concluded that the system basis of qualification should not be adopted at this time.

The principal producer association further testified that the order should provide for the withdrawal of plants from the pool, but not for temporary periods such as a month or two. In this milkshed a number of plants frequently dispose of milk for fluid use in distant markets. At certain times of the year it could be advantageous to withdraw a plant from the pool to serve an outside market on a temporary basis and then bring the milk back into the Minneapolis-St. Paul market to share in the pool for the remainder of the year. At present a pool plant qualified on the basis of fall shipments (August–November) can be withdrawn at any time after such qualification period and automatically regain pool status at any time prior to the following August 1. Thus, the outlets of such plant during the period of withdrawal can be reserved to the advantage of the dairy farmers at such plant, while in other months such dairy farmers are provided the opportunity of sharing the Class I sales of the Minneapolis-St. Paul market with those producers who serve such market on a year-round basis. This can result not only in instability in the supply of the Minneapolis-St. Paul market, but also may provide a procurement advantage in the case of the plant temporarily withdrawn from the pool. In order to insure stability in the market's supply and a maximum degree of equalization among producers regularly serving the market, it is concluded that any plant withdrawn from the market should not be permitted to regain pool status until the next July, the beginning of the revised fall qualification period.

As stated previously, a proposed amendment was offered under which all supply-type plants located within a 100-mile radius of the Minnesota Transfer Viaduct in St. Paul would be deemed to be pool plants as to their Grade A milk supplies irrespective of delivery performance. The importance of having each pool plant establish its association with the market through delivery performance prior to pooling has been indicated previously in the December 1955 decision and in this decision in connection with the discussion of diverted milk. In view of the reasons set forth in such discussions, the proposal to include all plants within the specified distance of the market regardless of specific association with the market is denied.

(3) The definitions of "producer" and "producer milk" should be revised; milk diverted from pool plants to nonpool plants should not be retained in the pool as producer milk.

A producers' association proposed revisions of the definitions of "producer" and "producer milk". As a corollary proposal, a new definition, "producer for other markets", was offered. The principal purposes of these proposals were to clarify present order language and to prevent disadvantage to producers as the result of diversions of milk to nonpool plants.

The definition of "producer" should be revised to make reference to that milk which is eligible for sale in fluid form as Grade A milk within the marketing area. The revised definition would exclude automatically, for the period of degrading, the milk of any dairy farmer who has been degraded by an appropriate health authority. It is only reasonable that producers furnish milk qualified for use in fluid form in the market to share in the pool returns.

At the present time the order permits the unlimited diversion of producer milk from any pool plant to a nonpool plant, i. e., producer milk may be moved from the farm, without first being received in a pool plant, to a nonpool plant in unlimited quantities, for either Class I or Class II use, and for indefinite periods of time, without losing eligibility for the pool as producer milk.

Proponents of the revised definition of producer suggested that all diverted milk be classified and priced as Class I milk. Although proponents would continue diversions of milk if such milk were classified as Class I milk, it was complained that a provision which permits milk to be left in the pool while diverted without condition is subject to abuses which may be detrimental to all producers serving the market. It was testified that classification of all diverted milk as Class I milk would mitigate these abuses.

The rapid growth of the bulk tank delivery system has increased the problems of defining supplies in the presence of diversion privilege. As discussed in connection with the revised definition of pool plant, it is important to the stability of the market that there be some method of delineating milk primarily associated with the market from milk having only a casual association. It may be noted in this connection that nearly all milk within the confines of the present milkshed for this market, whether a part of the present Minneapolis-St. Paul supply, or shipped elsewhere, is marketed under the control of a plant operator, usually a cooperative. There is little milk available within the milkshed to enter the Minneapolis-St. Paul market as milk marketed by individual producers.

Any substantial amount of milk entering the market would be brought in at the direction of some marketing organization. Also, most, if not all, milk needing either Minnesota or Wisconsin State health requirements for Grade A milk is a potential source of supply for the Minneapolis-St. Paul market.

Ordinarily under regulation the privilege of diverting milk without loss of its eligibility for pooling is based upon the need to find outlets for the market's reserve milk where sufficient manufacturing facilities are lacking at pool plants. Frequently, diversions are permitted only during those months when production is greatest. Although in the Minneapolis-St. Paul market, as in some other markets, bottling plants do not maintain appreciable manufacturing facilities, neither do they handle quantities of milk substantially greater than their Class I needs. Cooperative suppliers furnish milk in about the amounts desired by handlers. Also, there are adequate processing facilities for reasonable reserves of market milk at country pool plants. Several country pool plants also receive, in addition to Grade A milk, substantial quantities of manufacturing grade milk a portion of which could be diverted to other outlets in the unlikely event an emergency in the handling of Grade A milk supplies at country pool plants might occur.

There are several small bottling plants located throughout the production area but not regulated as handlers, which receive their supplies of milk almost exclusively from cooperatives under the order. Such plants normally take milk on only five days during the week, and in varying amounts from season to season. Prior to the advent of the tank delivery system such plants were supplied with milk first received at pool plants, particularly country pool plants. At present the major portion of the milk is diverted from pool plants to such outside bottling plants in farm tanks. Producers testified that since at times all milk in a tank is not unloaded at a single plant, and the trucks sometimes pick up additional milk at farms after a partial unloading, it is not always possible to know which producer's milk is diverted to the outside bottling plant and which remains in the tank for delivery elsewhere to another outside plant or to a pool plant. Proponents suggested the diversion of milk at the Class I price in order to continue the accommodation of these plants with pooled milk.

Although the milk received by such outside bottling plants historically has been pooled as producer milk, and thereby may be said to have had definite association with the Minneapolis-St. Paul market over a period of time, it may be argued with equal force that the milk needed by such plants is not available to the Minneapolis-St. Paul handlers at any time and therefore, from a marketing standpoint, the connection with the latter market of the producers supplying such milk is only incidental and not based on a proper premise, i. e., that to be pooled their milk should be available to regulated handlers at all times. If it can be shown in fact that such outside bottling plants are an integral part of the Minneapolis-St. Paul market, it would be appropriate at some future hearing to give consideration to the attachment to the presently regulated marketing area of the primary areas in which milk is distributed by these plants. It is concluded that the suggested diversion of milk as Class I should be denied. However, this action would not preclude the available alternatives of receiving producer milk at pool plants and then transferring such milk to unregulated bottling plants or the assignment of dairy farmers to such plants on a permanent basis.

There are a number of unregulated plants at or near the present limits of the milkshed from which milk is shipped in fluid form to other markets. Such plants, with the diversion privilege, are in a position to send milk not needed for outside markets to the Minneapolis-St. Paul market in farm tanks to qualify for base in the fall months and then share in the pool for the remainder of the year as diverted milk. A relatively small outlet in the marketing area could be the vehicle for qualifying as producer milk vastly larger quantities of milk than are actually needed to supply the requirements of the marketing area outlet obtained. Thus, the outside plant operator could qualify substantial quantities of milk for pooling, to share in the returns to all producers, while avoiding full plant qualification through delivery performance on the basis of the plant's total eligible supply, and at the same time reserving attractive outlets on the outside for himself or his own dairy farmers. In addition, the outside plant operator, while qualifying milk for the pool, could avoid the same auditing procedure as is applied in the case of milk in pool plants and the consequent possibility of being charged for overages or shrinkages as in the case of pool plants. The restriction of the diversion privilege to the flush production months, as suggested by certain producer groups, would not mitigate this potential problem. Under these conditions it would be possible for milk never logically a part of the Minneapolis-St. Paul market supply to be pooled with the regular supply of the market, and to dilute the returns of those producers producing the regular supply. Since there are adequate processing facilities for producer milk at country pool plants, the diversion of milk for manufacturing purposes is not required as a means of obtaining adequate outlets.

The present privilege of diverting producer milk also poses the problem of determining when a given quantity of milk has been temporarily moved to a nonpool plant as contrasted to an actual withdrawal, "shift", or disassociation of

milk from the market. Under the present order, the plant operator either "shifts" or "diverts" milk at his option. The exercise of this option provides those handlers who are in a position to move milk readily to nonpool plants considerable latitude in the delivery performance required to qualify a supply plant as a pool plant since a "shift" of milk from the market may be used as a device for reducing the total producer milk supply of a plant on a temporary basis even though it is the intention of the plant operator that such supply will be pooled the balance of the year. The delivery performance required of pool plants is defeated if all plants are permitted the option of declaring milk of individual producers either in the pool (by diversion) or out of the pool (by shifting or withdrawal) at will. The exercise of such option by some handlers would provide them an advantage over other handlers not in a position to make such a choice. The requirement that all milk to be considered as producer milk for pooling be received at a pool plant(s) will place all plant operators on equal footing with respect to qualification of milk for the pool and therefore should be adopted.

Therefore, it is concluded that the proposal for the diversion of producer milk as Class I milk and a second proposal for the unlimited diversion of milk in certain months should be denied. The "producer" definition is revised accordingly. It was pointed out in the exceptions that the objective discussed above would not be achieved fully under the language of the order provision (§ 973.11) as contained in the recommended decision. Additional language, therefore, has been added to the definition of producer to the effect that any producer whose delivery of milk is removed from a pool plant during any portion of the period July through October (September through November in 1957), inclusive, and sent to a nonpool plant, may not regain status as a producer until the next July 1. In view of the order language adopted it is not necessary to include a separate definition of "producer for other markets."

(4) The Class I milk definition should be clarified as to sterilized milk and milk drinks in hermetically sealed metal containers.

The major producer organization proposed clarification of that portion of the definition of Class I milk which excludes flavored milk drinks in hermetically sealed containers. They contended that the omission of a reference to the type of material of which the container is composed could make possible the classification as Class II milk of milk drinks produced from Grade A milk and packaged in paper cartons with the words "hermetically sealed" stamped on the container.

The original classification of flavored milk drinks in hermetically sealed containers as Class II milk was limited to such products processed from ungraded milk. Such products sold in this market customarily have been packaged in metal containers. The classification of milk drinks produced from Grade A milk as Class II milk merely as the result of the addition of the words "hermetically sealed" on a paper container would be contrary to the original intent of the Class II milk definition. It is concluded that the classification provisions should be clarified to include in Class II milk any milk or milk drink which is sterilized and packaged in hermetically sealed metal containers.

In view of the discussion of diverted milk under issue No. 3, the Class I definition need not be revised to accommodate milk diverted for fluid use.

(5) The rules regarding the classification of milk involved in interplant movement should be revised.

The order language should be clarified to identify as "transfers" those movements of milk received at pool plants and then moved to other pool plants or to nonpool plants.

The major producer association proposed the classification and pricing as Class I milk of bulk cream which is transferred to a purchaser whose plant is located more than 100 miles from the marketing area. At the hearing, proponents suggested that the proposal be modified to classify as Class I milk only that cream shipped in bulk to a plant located more than 100 miles from the marketing area which packages, processes, or distributes milk or cream in fluid form. This modification would permit dual-type plant operators who have established markets for Grade B cream in distantly located ice cream plants to continue these shipments without the necessity for the classification of an equivalent quantity of Grade A cream as Class I milk. Proponents requested assurance, however, that such cream would not find its way into fluid milk or cream sales at distant plants without classification as Class I milk. They stressed the fact that there are adequate facilities in the Minneapolis-St. Paul market to provide manufacturing outlets for all butterfat in producer milk not needed for Class I uses, and that there is no advantage to producers in the shipment of bulk cream to distant outlets for utilization in products covered by Class II milk.

At the present time, there are facilities available in pool plants to manufacture daily approximately 4.0 million pounds of milk. These facilities provide more than adequate outlets for bulk cream separated from reserves of Class I milk and the seasonal excesses of Grade A milk inasmuch as the total daily receipts of Grade A milk are about 2.5 million pounds. There is little, if any, need for transporting bulk cream to more distant plants for manufacture. In these circumstances the additional expense of verifying the utilization of bulk cream in manufactured products at distant plants in other markets would not be warranted. However, it is not necessary in assuring producers of the full value of their milk when shipped out of the market by the handler to inhibit the sale of Grade B cream for ice cream manufacture in plants located beyond the limits of the milkshed. Thus, it is provided that producer milk will be Class I milk automatically if transferred as cream in bulk to any nonpool plant located more than 100 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul which disposes of milk in fluid form on routes.

Other revisions in the transfer provisions have been made for clarification and in recognition of the elimination of the diversion privilege.

(6) The order should be clarified as to the basis of computing, for pricing purposes, the volume of nonfat dry milk and any other condensed milk product used in reconstituting or to fortify Class I milk items.

Producers proposed that the order be made specific concerning the method of determining the volumes of nonfat dry milk and condensed milk products used in the reconstitution or fortification of the various items of Class I milk. By administrative application the volumes of nonfat dry milk or condensed milk products so used are converted to their skim milk "equivalent" and the Class I price is applied to the "equivalent" amount.

Nonfat dry milk or condensed milk products which might be utilized to fortify, or in the reconstitution of, Class I milk products are required to come from Grade A milk. The skim milk from which the milk solids are derived ordinarily are products in Class II milk and priced at the manufacturing milk level. However, when these finished products are converted for Class I utilization the addition of the milk solids increases the value and saleability of the end product in Class I milk. The value of each pound of nonfat milk solids utilized by addition to, or as, a Class I product has a value to the handler the same as every other pound contained therein. Neither the form in which, nor the source from which, such milk solids are obtained alter their value to the handler for this purpose, and they may not be distinguished on the basis of cost of production, need for regular supplies, sanitary requirements, seasonality of production, or value to consumers.

Since the Class I price provisions are designed to encourage producers to deliver an adequate and dependable supply of milk in all seasons, the returns to producers for one portion of Class I milk should not be reduced below the level of the remaining portion disposed of in such class. The effect of computing the value of the added nonfat milk solids on actual weight rather than on a skim milk "equivalent" basis, in a Class I product, would be to alter the accounting method for such solids as compared with an equivalent quantity of such solids contained in skim milk in fluid form which is utilized in the same product, in another Class I product, or even in Class II milk. For example, the actual weight basis of accounting for the added nonfat dry milk used in fortifide skim milk (Class I) has the effect, from a pricing standpoint, of retaining in Class II milk a portion of the producer milk utilized in the production of such Class I product even though it represents the only end use resulting from the producer milk involved. This is equivalent to granting the handler a price reduction with respect to a portion of his Class I milk. Therefore, the accounting procedure to be used in the case of this and any condensed milk product should continue to be based on the pounds of milk or skim milk required to produce such product and a specific provision to this effect is adopted.

(7) The pattern of seasonal adjustments in Class I price differentials and the method of computing supply-demand adjustments should be revised.

The major producers' organization proposed that seasonal adjustments of Class I milk price differentials, which are added to the basic formula price, be revised to the following: $1.00 for November, $0.70 for December through June, and $1.10 for July through October. This revision would reduce differentials 10 cents in November and December and increase differentials 10 cents in May and June.

Proponents supported this proposal for revision in the Class I price differentials primarily on the basis that the proposed differentials would complement, and contribute to the effectiveness of, the base and excess plan in encouraging producers to adjust the production of milk seasonally more in accord with seasonal changes in Class I milk requirements.

Producers have responded to the seasonal changes in Class I price differentials and the base and excess plan by producing relatively more milk in November and December in recent years. For example, producer receipts of Grade A milk increased in November and December 1956, 16 and 19 percent, respectively, as compared to the same months of 1955. Class I sales, on the other hand, have not increased as rapidly as producer receipts in the months of November and December.

The alignment of seasonal changes in the Class I price differentials with the months when base and excess prices are paid should give further encouragement to producers to improve their production pattern. Therefore, it is concluded that the Class I price differentials should be $0.70 for December through June, $1.00 for November, and $1.10 for July through October, as proposed. The annual average of these differentials would not be changed.

In addition, the same producers' organization submitted proposed revisions of the supply-demand adjustment provisions. Proponents would compute a "current" supply-demand ratio by adjusting the Class I utilization percentage for the corresponding month of the previous year by any change from the previous year to the present in the supply-demand ratio (based on data for the second and third preceding months). They proposed that the "standard" monthly supply-demand ratios should be revised to a range of 70–80 percent for the months of July through November, and a range of 60–70 percent December through June. Another proposed revision would change the rate of adjustment to 1 cent per percentage point plus or minus when the proposed "current supply-demand ratio" deviates from the proposed "standard supply-demand ratio".

Producers, in general, contend that the supply-demand adjustments computed under the amendment order of February 1, 1956, have resulted in adjustments to the Class I price that have not accurately reflected supply and demand conditions in the market. They testified that at times the supply-demand adjustments have added to the Class I price when production has increased relative to sales, and subtracted from the Class I price when production has decreased relative to sales. In addition, they stressed the importance of maintaining Class I price adjustments in alignment with those computed under the Chicago order inasmuch as the production areas of the two markets overlap in part, and it is possible to shift some producers or plants between the two markets.

The first supply-demand adjustor employed under this order was the supply-demand adjustor as computed under the Chicago order. This provision applied only when the amount of the adjustment computed was in excess of 6 cents, plus or minus. During the low production seasons of 1954 and 1955, the Minneapolis-St. Paul market experienced relatively short supplies of Grade A milk in relation to the market demand for fluid milk and cream. However, for most of this period the supply-demand adjustments under the Chicago order reduced the Class I price by more than 6 cents and thus, a corresponding minus adjustment was applicable under the Minneapolis-St. Paul order. The minus supply-demand adjustments which applied in the Chicago market during 1954 and 1955 reflected the increase in supplies of milk in relation to sales in such market. The corresponding adjustments applicable under Order No. 73 reduced Class I prices in the Minneapolis-St. Paul market, but did so contrary to supply-demand trends in the market.

The Minneapolis-St. Paul order was amended February 1956, to provide supply-demand adjustments based on the relationship of producer receipts of Grade A milk to Class I sales (volume of fluid milk plus "milk equivalent" of cream) in the local market. The supply-demand provisions, under the amended order, provided for "current supply-demand rations" computed on the basis of the relationship of producer receipts of Grade A milk and Class I sales for the second and third months preceding the month for which the price was being computed. In addition, it provided for "standard supply-demand ratios" computed on the basis of the relationship of producer receipts of Grade A milk and Class I sales in the corresponding months in 1954. This was done simultaneously with the introduction of a marketwide pool and pool plant qualification provisions, which had significant impact on the supplies of milk available for the market. At the same time, ordinances requiring the delivery of Grade A milk were adopted by the two major cities in the marketing area.

Since the February 1956 amendment, supplies of Grade A milk have increased in excess of the increase in the sales of fluid milk and cream. For example, the annual average monthly receipts of producer milk for 1956 increased 20 percent over producer receipts in 1954, whereas Class I sales increased 8 percent in the same period. The increases in producer receipts represent, of course, somewhat greater volumes of milk than the increases in Class I sales since Class I sales represent only about 76 percent of total producer receipts. Producer receipts of Grade A milk have continued, in recent months, to increase at a greater rate than the sales of fluid milk and cream. These increases, mainly through the addition of producers to the market by the cooperative associations, have caused marked changes in the monthly relationships of producer supplies and Class I sales since 1954, the year for which data were used in computing standard utilization percentages for the present order.

Except for the first nine months of 1956, the data submitted by proponents fail to support the claim that the proposed method of computing the "current" supply-demand ratio would alleviate the contra-seasonal effects of the present supply-demand adjustor. There was abundant testimony in the record concerning recent changes in the available supplies of Grade A milk for this market. Any recent change in supply would have only small influence on the adjustment if current supply-demand ratios were based on the experience of the previous year to the extent proposed. There was no showing that the relationship between the experience of the previous year and the standard, or "norm" would provide over a substantial period of time a more accurate basis of estimating immediate and prospective supply and demand conditions than the relationship between the experience of recent months and the norm.

Proponents' proposed standard supply-demand ratios, with a range of 10 percentage points within which no price adjustment would be effective, would minimize to a great extent any changes in price as the result of changes in the relationship of producer receipts and Class I sales. Supply-demand adjustments should be promptly responsive to shifts in the relationship between supply and demand, particularly in a market located in a heavy milk producing region such as east central Minnesota. The provision should be constructed in such a manner that price adjustments are insignificant when market supply and demand are in proper balance—that is, when the market needs are supplied and there is a reasonable reserve of milk. In this connection, it was testified that the market would be adequately supplied when Class I sales are between 80 and 85 percent of supplies at the time during the year when production is at its lowest point. More specifically, in two of the lowest production months of 1956, September and October, when the sales-supply ratios were 88 percent and 86 percent, respectively, it was not necessary to purchase emergency supplies of milk, as had been necessary in corresponding periods of previous years. In view of the above, it is concluded that the standard supply-demand ratios should be revised as follows:

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	88	October–November.
February	82	November–December.
March	78	December–January.
April	73	January–February.
May	71	February–March.
June	70	March–April.
July	68	April–May.
August	66	May–June.
September	70	June–July.
October	82	July–August.
November	88	August–September.
December	88	September–October.

The present order provides for adjusting the Class I price by 2 cents for each 2 full percentage points that the current supply-demand ratio deviates from the standard supply-demand ratio, with a maximum adjustment of 24 cents plus or minus. Proponents proposed that the adjustment rate should be 1 cent per full percentage point. In view of the revisions in the table of standard percentages, and the desirability of somewhat greater flexibility in the adjustment, it is concluded that the adjustment rate should be 1.5 cents per full percentage point, but not to exceed a maximum of 24 cents. Using the adopted standard utilization percentages the average monthly Class I price adjustment in 1956 would have been plus 2.5 cents, as compared to plus 3.4 cents under the present order (the latter adjustment would have been slightly less without the suspension order affecting the Class I price differential and supply-demand adjustments for October and November 1956).

(8) The handler location adjustment provision should be modified for clarification.

Producers proposed that the provision for location adjustment credits to handlers with respect to milk received at various pool plant locations be clarified. It was pointed out that in the past question has been raised as to the location at which the Class I price applies in cases where milk is moved from the plant at which it is received from producers to another pool plant in a different price zone.

The statute provides that "for milk purchased from producers or associations of producers * * * prices shall be uniform as to all handlers, subject only to adjustments for * * * (3) the locations at which delivery of such milk * * * is made to such handlers". Each handler purchasing from producers or from a cooperative association pays for milk received at his plant. The present order should be clarified to eliminate any doubt that the point of pricing to the proprietary handler is his plant when milk is received from a plant operated by a cooperative association. On this principle the obligation of the handler to producers is the same whether the milk is received from individual producers or purchased from a cooperative association after the milk has been first received from individual producers at the cooperative's plant.

The price obligation to the pool of such cooperative association, however, is determined by the zone in which the transferor-plant is located. In the case of milk received from producers at a proprietary handler's plant in one location differential zone and moved to a pool plant in another zone the obligation to the pool with respect to such milk also will be established by the location of the plant where the milk was received from producers. Although the point of pricing to the transferee-handler differs under the two situations described, the "place value" of the milk transferred in relation to the pooled value of all milk is determined in each case by the location of the plant where the individual producer's milk is first received.

The proposed clarification of language continues the administrative interpretation of the order now in effect. No opposition testimony was introduced at the hearing.

(9) A butterfat allowance of 0.065 percent should be provided to handlers who are not able to show specific tests as to the butterfat content of skim milk.

There has been an administrative problem with respect to the determination of the butterfat content of skim milk. Handlers with adequate records have been permitted to claim butterfat in skim milk. Some handlers do not have testing equipment adequate to ascertain with reasonable accuracy the butterfat content remaining in skim milk after separation. A study by the market administrator indicates an average butterfat content of approximately 0.065 percent for skim milk used by handlers in manufacturing dairy products. It appears that 0.065 percent is a reasonable factor for use in the absence of adequate tests or records. Butterfat in skim milk may be a substantial factor in the shrinkage experienced by a plant engaged in receiving and separating milk and disposing of the cream and fluid skim milk in different channels.

The proposed amendment would relieve an administrative problem and tend to bring about a greater degree of equity among handlers in determining the butterfat content of skim milk.

(10) The provisions of the order describing the manner in which handlers shall make payments to producers and cooperative associations should be revised.

A producers' association proposed revision of the provisions of the order relating to payments for producer milk. The proposal would (1) provide for payment to a bargaining-type cooperative which collects for its members at the uniform, or blended, price in lieu of payment at class prices, (2) include an interest charge to handlers of 5 percent per annum on overdue payments, and (3) provide for partial, or "advance" payments to producers on or before the 20th day of the month for deliveries during the first 15 days of the month.

Under the present order, a proprietary handler is required to make payment at not less than the class prices for milk received from a bargaining-type cooperative (not operating a plant). Such a cooperative currently is included under the definition of "handler". This requirement makes the association a medium between the market administrator and the plant operator who received the milk for the obligations of the latter to the producer-settlement and administrative assessment funds. Such an association does not have physical assets in the form of a plant and it is possible that it might have limited financial resources.

The producer-settlement fund, or "pool", is a sensitive method for distributing the proceeds to producers for milk produced for market. It cannot operate to promote the objectives of the order unless equalization payments are made promptly when due. Any failure to so pay monies due the pool represents a serious obstruction to the maintenance of orderly marketing conditions for producers since orderly marketing requires assurance that all producers receive full and prompt payment for their milk. If a condition of uncertainty as to responsibility for pool payments were to exist, the order could not operate effectively to maintain orderly marketing conditions and all producers would lose the principal advantages the regulation affords. In this connection it should be noted that monies owed to the producer-settlement fund by a handler buying from members of a cooperative may not be, on the basis of utilization of the milk at the class prices, monies owing solely to such members, but rather represent monies belonging to producers collectively, including many affiliated with other associations, or possibly with no association. Such is the case whenever the utilization of milk in Class I by the handler settling through the cooperative is greater than the average of such utilization by all handlers in the market, since its members are entitled only to the uniform prices as in the case of other producers. In the event the cooperative has no physical assets and limited financial resources, problems of order enforcement are created which would not exist if payment for milk and administrative assessments were made by the proprietary handler directly to the market administrator.

Under the proposal the proprietary handler receiving milk from members of this type of cooperative would be responsible for remitting directly to the market administrator all monies due producers other than his own as the result of the market equalization of producer returns through the producer-settlement fund. Possible disagreement between the cooperative and the handler as to the adequacy of the payment made, or due, which might result in delay of payment to the producer-settlement fund, or a delay in an enforcement action, may be avoided. The incidence of responsibility would remain with the proprietary handler who actually received and utilized the milk. If the handler failed to pay the producer-settlement fund he would make his assets immediately subject to enforcement action. Thus, the market administrator's ability to enforce payments would be enhanced.

It has been customary in this market for cooperatives which operate pool plants to collect from proprietary handlers at the class prices for milk delivered to the latter. Some of this milk is transferred to the proprietary handlers after

receipt at a pool plant. However, an increasing proportion of the market supply is being delivered in farm tanks so that the proprietary handler's plant is the plant of first receipt. In order to facilitate operation of the pool appropriate language is provided to make it clear that payment by the handler for milk received in farm tanks from a cooperative association which operates a pool plant may be made to the cooperative. The cooperative, in turn, is made responsible for payment of any monies due the producer-settlement fund in connection therewith. The provision for payment to the producer-settlement fund by the cooperative is not intended, however, to relieve the proprietary handler of, in the case of failure to pay, any obligation to the cooperative for milk received from the latter.

In view of the above, it is concluded that the proposal under which a bargaining-type cooperative would receive payment for milk for its members at the uniform price (base and excess prices in certain months) should be adopted.

The cooperative association with the greatest number of producers supplying the market applies a 5 percent per annum interest charge with respect to overdue obligations on producer milk sold to proprietary handlers. Such association proposed the marketwide application of the same rate of interest on all producer milk received by handlers. Proponents testified that they do not intend, however, by this proposal that a handler be permitted to defer his obligations to producers indefinitely, or even temporarily, merely by payment of the interest charge.

A charge of interest on monies due producers or the market administrator will encourage prompt payment of obligations by handlers and assist in facilitating the operation of the order. Monies owed producers or the market administrator but retained by handlers beyond the due dates are, in effect, borrowed, and a reasonable charge for interest is proper as payment for the use of such monies. Since a monthly basis of computing obligations is used, the interest rate is established on a similar basis.

A proposal for partial payments, to be made on or before the 20th day of the month of delivery of the milk, was offered by the same producer association. Such payments would apply to milk caused to be delivered to a handler by a cooperative association during the first 15 days of the month. Such a provision had been included in the order at a previous time and proponents sought its reincorporation as part of the plan for producer payments.

Since handlers receive and dispose of most, if not all, of the milk they handle prior to the date on which payment is required, it is only reasonable that payments to producers be made promptly. The provision requested would not require payments to producers in advance of disposition of the milk but would merely expedite such payments. The provision, however, should be made equally applicable to milk received by a handler from producers who are not members of a cooperative association in order to provide a method of payment uniform to all producers.

The rate of partial payment proposed was the Class I price of the preceding month. This rate is reasonable for cooperatives which qualify as handlers since most all the milk they sell to other handlers is utilized for Class I milk items. In view of the ultimate value of milk to producers at the uniform price, it is concluded that in the case of bargaining-type cooperatives a more appropriate basis for partial payments would be the uniform price for the preceding month, except that for any month when base and excess prices are payable, the base price should be used in making partial payments for the succeeding month. Also, in order to remove the possibility that overpayments might be required, partial payment should be made by the proprietary handler on or before the 25th day (20th day in the case of milk received from a cooperative association which collects for its members) of the month, and no partial payment is required in the case of the producer who discontinues the delivery of milk during the month.

(11) The method of assigning plant shrinkage to producer milk and other source milk in dual-type pool plants should be revised; the method of assigning overages should not be revised; a uniform butterfat testing program for milk of individual producers should not be adopted at this time.

Several producer associations proposed the allocation of butterfat and skim milk which is accounted for either as "shrinkage" or "overage" in dual-type plants on a pro rata basis between receipts of Grade A milk and Grade B milk (manufacturing milk). These associations, which have producers of both types of milk as members, object to the assignment of all shrinkage or overage to the Grade A operation regardless of in which operation it may have occurred. They pointed out that this problem has been enhanced by the delivery of milk in farm tanks from farms to market, and the consequent smaller amounts of Grade A milk received in dual-type supply plants.

At the present time, any shrinkage or overage of milk resulting from the operation of a dual-type plant is assigned to the Grade A milk operation. Thus, all overage occurring in this type of plant is classified and priced as Class II milk in the pool to the extent of the Class II milk available, and any balance is classified and priced as Class I milk. All shrinkage, regardless of origin, is assigned to Class I milk and priced accordingly.

Reference has been made to the continuing shift to deliveries of Grade A milk in bulk tanks direct from farms to bottling plants in the market. For at least some of the dual-type supply plants this movement has reduced the proportion of Grade A milk receipts in relation to Grade B receipts. As the proportion of Grade A milk receipts to manufacturing milk receipts decreases, the present method of assigning shrinkage could become burdensome to the manufacturing milk operation. It is not the intent of the shrinkage provisions that the Grade A milk pool should benefit from the fact that a Grade B milk operation also is present in the dual-type plant. The allocation of shrinkage on a pro rata basis should provide equitable treatment with respect to shrinkage resulting from both operations in dual-type pool plants. The assignment of shrinkage in this manner should remove also any disadvantage to regulated plants in relation to unregulated manufacturing plants in the pricing of milk in shrinkage which may have resulted from the previous method of allocation and classification.

The allocation of shrinkage on a pro rata basis will not change the classification of shrinkage, occurring in the Grade A milk operation, as Class I milk. However, that portion of total shrinkage prorated to the manufacturing milk operation will be deducted, as part of other source milk, from the total volume of milk classified as Class II milk.

Under the present order, skim milk and butterfat, including that contained in Grade B milk, is accounted for in Class II milk products (manufactured milk products) on a "used to produce" basis, thus, where other source milk is utilized the weights and producer butterfat tests reported by dual-type handlers are used, in general, to establish the total receipts of such milk and its butterfat content. There should be, in the dual-type plant, little, if any, overage which should be assigned to manufacturing operations inasmuch as the handler is credited with manufacturing milk on the basis of his records of the amounts and butterfat tests of such milk. Thus, it is reasonable to attribute any overage to the Grade A milk operation. Furthermore, to allow overage on manufacturing milk (Class II milk products) according to the relationship of such milk to total receipts of milk in the plant would provide an opportunity to assign, as the result of faulty records or for some other reason, an undue amount of producer milk to Class II milk where substantial amounts of milk are utilized in the manufacturing milk side of the plant. The consistent reporting of overages by certain plants, particularly certain dual-type supply pool plants, was pointed out at the hearing. It was contended that the improper testing of producer milk could be the source of such overages. It is concluded that the allocation of overages on pro rata basis would not insure proper accounting for milk and therefore should be denied. It is further concluded that the present provisions which allocate overages of skim milk and butterfat to the class in which utilized should be continued.

In connection with the proposal to provide for the proration of shrinkage between producer milk and manufacturing milk in a pool plant, a suggestion was made that a complete milk testing program, affecting cooperative members and producers who are not members alike, be instituted by the market administrator to insure that the "undertesting" of milk of individual producers at a pool plant operated by a cooperative will not be practiced in order to secure competitive advantage over other pro-

ducers in the sale of milk within the market.

The largest association of producers first suggested that the testing program to be carried on by the market administrator for all producers be mandatory, i. e., that handlers (including cooperative handlers) be required to make settlement with the pool on the basis of the determination of tests made by the market administrator. Later in the hearing, however, a representative of such association indicated, on examination, that they would have no objection to a program under which the market administrator would merely "check" the tests made by cooperative handlers in those situations where discrepancies frequently occur. Other cooperatives represented at the hearing were noncommittal on any broad testing program by the market administrator involving members of cooperatives.

Such a program requires financing. Three possible methods of financing were referred to in the record. The major producer association first recommended a special assessment or fee on all producers; later in the hearing the association representative suggested that if such an assessment were not possible from this hearing, a portion of the funds accruing from the administrative assessment on handlers might be utilized for the proposed testing program. As the result of questions asked the representative of such association, a third possible method of financing was mentioned. The latter method would prorate the testing expense to those handlers or cooperatives which consistently show overages of butterfat in their plants.

The ramifications of such a program should be explored more fully before its adoption in the order. The current hearing did not reveal the attitudes of sizeable groups of producers who would be affected. The most outspoken representative of producers did not have a definite program in mind. The question of financing is, of course, important, and might require the revision or elimination of provisions, such as §§ 973.90 and 973.91, in the present order, which were not eligible for modification in any major respect on the notice of this hearing. Recently, the market administrator has embarked on a program of verifying tests of milk and products as shipped from country pool plants to bottling plants. This, and certain order revisions included in this decision, may relieve in large measure some of the problems underlying the proposal for a uniform butterfat testing program. In view of the above, it is concluded that the proposal for a marketwide milk testing program of producer milk by the market administrator should not be adopted at this time.

(12) The base-rating provisions should be modified.

The provisions for the computation and transfer of producer bases were reviewed in connection with other proposals offered at the hearing, particularly proposals regarding pool plant qualification requirements and the diversion of producer milk supplies.

The present base computation provisions should be clarified as to the applicability of such provisions to milk delivered by dairy farmers to a plant which becomes a pool plant after the beginning (July 1) of the base-making period. Since the purpose of the base-rating provisions is to encourage producers to deliver milk more evenly throughout the year in accordance with the relatively even seasonal pattern of fluid milk and cream sales, dairy farmers at proprietary plants should be eligible to receive bases computed on their deliveries, during the July–October period, to the plant at which their milk is received, even though the plant may become a pool plant on a subsequent date. In this connection, it is necessary to insure that the base-rating provisions will not impede the entry of a new proprietary plant into the market where dairy farmers under the "new producer" clause of such provisions would receive a base of 30 percent of their deliveries. Producers at such plant should be given an opportunity to establish bases on terms equal with producers whose milk was received at a pool plant during the July–October base-making period. Dairy farmers brought onto the market through entry of a proprietary plant do not have control, as individuals, over the ultimate destination of their milk. For this reason it should be provided that such dairy farmers will receive a base calculated in the same manner as producers already on the market. However, to accomplish this it is necessary that such plant furnish to the market administrator records of its receipts from each such producer during the preceding base-making period. If such information is not made available to the market administrator with respect to any producer delivering to such plant, such a producer necessarily would be allowed status as a new producer under the base computation provisions until he could establish a base in the next base-making period. The revision will assure dairy farmers coming onto the market in this way that they will not be denied a base computed in the same manner as other producers simply because, for one reason or another, the proprietary plant receiving their milk did not qualify as a pool plant for the full base-making period. In the case of plants operated by cooperatives, however, the producer members themselves have control over the ultimate destination of their milk. If such producers desire participation in the market returns on a basis equivalent to those who supply milk throughout the year, their milk should be made available in the months of July through October when milk production is lowest seasonally, or they should enter the market on the same basis as any individual producer who elects to ship milk for the first time in another month of the year.

Another issue involved transfers of base. The major producer association, marketing more than 80 percent of the producer milk received by bottling plants in the marketing area, complains that producers frequently sell bases to other producers, often to producers who are new to the market. They point out that producers who have striven to level production have observed new producers purchase bases without the necessity of developing an even production pattern through past effort. Thus, it is alleged that a new producer may "buy" his way into the market on an equal standing with producers who have demonstrated their ability to produce in accordance with the seasonal needs of the market.

The transfer of bases from a producer to another producer who has no base is not detrimental to the returns of other producers since it does not increase the total amount of base milk computed. The order currently prevents any producer from inflating, through a transfer the total amount of base computed for all producers, by designating as excess milk any milk delivered by the transferor producer after the transfer but prior to the next July 1. Although in certain instances under base plans effective only a few months of the year administrative convenience has dictated some limitation on transfers, the restrictions suggested if applied in connection with a base plan which is operative over a six months' period, as in Minneapolis-St. Paul, could develop more significant problems than those presented. It is concluded that the base transfer provisions should not be revised.

A further revision of the base computation provisions should be made to insure that producers will make base in accordance with their respective abilities to deliver milk during the entire base-making period. The producer who enters the market after the base-making period begins, or the producer who leaves the market before the end of such period, does not serve to supply the market to the same extent as the producer who is on the market during the entire period. The present plan permits the producer considerable leeway insofar as deliveries are concerned before his base is reduced by infrequency of deliveries during the base-making period. Under the present provision all daily bases of regular producers are computed by dividing total deliveries in the four-month (July–October) period by the number of days of production represented by such deliveries, but not less than 90.

Revision of the computation to employ the full number of days of such producer's delivery of Grade A milk during the base-making period, but not less than 105 days, will be added incentive to producers to stay on the market during the entire base-making period, and will provide maximum base in relation to deliveries to those producers who supply milk during the entire four-month period. Under this plan a producer must deliver a major share of the base-making period to receive his maximum base. On the other hand, setting the minimum number of days of delivery to be used in the calculation of base at 105 will insure a degree of flexibility so that the producer will not be unduly penalized for temporary interruption to his delivery of milk caused by disaster, degrading of his milk by the health authorities, or other temporary conditions beyond his control.

(13) Certain changes should be made to incorporate a number of conforming and clarifying changes in order language for administrative purposes.

The section of the order entitled "Other source milk diverted by a cooperative" should be deleted. Since the amendment of the order to replace individual-handler pools with a marketwide pool, this section has had no significance.

The term "delivery period" should be replaced by the term "month" wherever used in the order since the latter term is precisely descriptive of the period of time involved in those instances where the term "delivery period" has been used under various provisions of the order.

In connection with testimony relating to the definitions of "plant", "pool plant", and "producer" reference was made to the shifting of plants previously under the Chicago order to regulation under the Minneapolis-St. Paul order. It is foreseeable that quantities of milk from a single handler could be sent to both of these markets. Under the present provisions of the order a handler in the Minneapolis-St. Paul market delivering only minor amounts of milk to another Federally regulated market could have his plant regulated under the order for the latter market, even though such handler were delivering the major portion of his milk locally. The proximity of other Federal order markets, such as Duluth-Superior, further enhances this possibility which would be contrary to the principle of applying the regulation on the basis of primary association with a market. Therefore, in order to follow this principle throughout the order, it is concluded that the provision which permits a handler exemption from regulation under more than one order should be revised to provide that a handler must dispose of a greater portion of his milk in the area regulated by another milk marketing agreement or order than by the Minneapolis-St. Paul order, and such milk must be fully subject to class pricing and pooling under the other regulation to be exempt from this regulation.

Certain minor conforming changes in the order have been necessitated and made in recognition of the changes proposed with issues discussed previously. These changes do not have substantive effect on the operations of the order.

The order should be redrafted and reissued because of the substantial number of changes resulting from amendments proposed herein and the conforming changes involved.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be further amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 15th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

MISCELLANEOUS

Sec.
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973.100 Effective time.
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AUTHORITY: §§ 973.0 to 973.103 issued under Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 973.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended to read as follows:

DEFINITIONS

§ 973.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 973.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 973.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 973.4 *Minneapolis-St. Paul, Minnesota, marketing area.* "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory (a) within the corporate limits of the cities of Minneapolis, Robbinsdale and Wayzata, in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear Lake, in Ramsey County; and West St. Paul and South St. Paul, in Dakota County; and (b) within the following townships and villages: Brooklyn township, Crystal village, St. Anthony village, Golden Valley village, St. Louis Park village, Orono township, Excelsior village, Excelsior township, Minnetonka township, Edina village, Bloomington township, and Richfield village in Hennepin County; Fridley village and Fridley township, in Anoka County; Mounds View township, White Bear township, Falcon Heights village, Lauderdale village, Roseville village, and New Canada township, in Ramsey County; Grant township, Oakdale township, Woodbury township, Cottage Grove township, Newport township, and Newport village, in Washington County; and Mendota township, Mendota village, Inver Grove township and Inver Grove village in Dakota County; all in the State of Minnesota.

§ 973.5 *Market administrator.* "Market administrator" means the person designated pursuant to § 973.20 as the agency for the administration of this part.

§ 973.6 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 973.7 *Route.* "Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop, including any governmentally operated institution, but excluding any disposition of skim milk or butterfat not eligible for sale in fluid form as Grade A milk or cream in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 973.8 *Plant.* "Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. Under this definition any separate portion of a premises or facilities qualified under § 973.9 (b) used to receive, process, or otherwise handle milk which is subject to the class price provisions of another milk marketing agreement or order issued pursuant to the act shall be deemed to be a separate plant. This definition shall not include any building, premises, facilities, or equipment used primarily (a) to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s), or (b) to transfer milk from one conveyance to another in transit from farm to plant of first receipt.

§ 973.9 *Pool plant.* "Pool plant" means any plant meeting the conditions of paragraphs (a) or (b) of this section, but not any plant withdrawn pursuant to paragraph (c) of this section, any plant exempt pursuant to § 973.62, or the plant of a producer-handler.

(a) A plant in which milk is processed or packaged and from which not less than 15 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area, is equal to 40 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area in any of the months of January through June, or to 60 percent or more of such total receipts in any of the months of July through December; or

(b) (1) Except as provided in subparagraph (2) of this paragraph, any plant from which during any month 50 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (i) a plant(s) which has qualified pursuant to paragraph (a) of this section, (ii) any other plant(s) located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (iii) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided*, That if during each of the months of July through October, beginning in 1958, 50 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following June: *And provided further*, That if during each of the months of August through November 1957, 50 percent or more of such plant's total receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through June 1958;

(2) Producer milk which was received on more than 45 days during the months of April, May and June at a pool plant qualified under this paragraph, which milk is caused to be delivered from farms to a pool plant(s) described in paragraph (a) of this section during any of the months of July, August, September, or October shall be considered for the purposes of this paragraph as having been received at the plant at which it was received during April, May and June, and as having been shipped from thence to the plant(s) described in paragraph (a) of this section: *Provided*, That the producers of such milk are listed on the payroll reports (of the respective plants) submitted pursuant to § 973.32 and appropriately noted on the reports of receipts and utilization submitted pursuant to § 973.30: *And provided further*, That for the year 1957 the months "August, September, October or November" shall be substituted for the months "July, August, September, or October" in the context of this subparagraph.

(c) Upon notice by the handler in writing received by the market administrator, or postmarked, on or before the last day of any month, any plant qualified as a pool plant pursuant to paragraph (b) of this section may be withdrawn from pool plant status beginning with the next month: *Provided however*, That any such plant withdrawn from pool plant status may not regain status prior to the next July 1 and then only by meeting the requirements set forth prior to the first proviso in paragraph (b) (1) of this section in the manner of a plant qualifying for pool plant status for the first time.

§ 973.10 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

§ 973.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is received from the farm at a pool plant: *Provided*, That any such person whose milk is received from the farm at a pool plant during any portion of the period July through October, inclusive, but subsequently received at a nonpool plant shall not regain status as a producer prior to the next July 1: *And provided further*, That for the year 1957 the months September, October and November, inclusive, shall be substituted for the months July through October, inclusive, in the first proviso of this section.

§ 973.12 *Producer milk.* "Producer milk" or "milk received from producers" means milk produced by one or more producers (as defined in § 973.11).

§ 973.13 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant(s): *Provided*, That any cooperative association qualifying as a handler pursuant to this paragraph shall be, for the purposes of making payments pursuant to § 973.84, the handler also with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s); or (b) any person in his capacity as the operator of any other plant from which milk is disposed of as Class I milk within the marketing area on a route(s). This definition shall not apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities.

§ 973.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 973.15 *Producer-handler.* "Producer-handler" means any person who both produces milk eligible for sale in fluid form as Grade A milk within the marketing area and is a handler, and who receives no milk directly from the farms of other producers and not more than 50,000 pounds of milk (3.5 percent milk equivalent of butterfat) during the month from other handlers which are cooperative associations: *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, packaging, or distribution of such milk are the personal enterprise, and the personal risk, of such person.

§ 973.16 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that skim milk and butterfat (a) contained in producer milk, and (b) received from a pool plant(s).

§ 973.17 *Base milk.* "Base milk" means producer milk received by a handler from a producer(s) during each of the months of January through June which is not in excess of such producer's daily base computed pursuant to § 973.75, multiplied by the number of days in such month.

§ 973.18 *Excess milk.* "Excess milk" means producer milk received by a handler from a producer(s) during each of the months of January through June which is in excess of base milk received from such producer during such month.

MARKET ADMINISTRATOR

§ 973.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 973.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 973.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 973.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.91;

(c) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 973.30 or (2) made payments pursuant to §§ 973.80, 973.84, and 973.86; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(e) Verify each handler's reports and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(f) Prepare and disseminate to the public such statistics and information concerning the operations under this order as he deems advisable and as do not reveal confidential information;

(g) On or before the 5th working day of each month, mail to all handlers and make public announcement of the Class I price computed pursuant to § 973.53, and the butterfat differential computed pursuant to § 973.56 (a) for the then current month, and the Class II price computed pursuant to § 973.54 and the butterfat differential computed pursuant to § 973.56 (b) for the preceding month; and

(h) On or before the 13th day after the end of each month, mail to all handlers and make public announcement of the uniform price computed pursuant to § 973.71, or the uniform prices for base milk and excess milk computed pursuant to § 973.72, whichever is applicable.

REPORTS, RECORDS AND FACILITIES

§ 973.30 *Monthly reports of receipts and utilization.* (a) On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 973.13 (a) shall report to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class II milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other pool plants.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including on a skim milk equivalent basis any nonfat milk solids used to fortify (or as an additive to) any milk product as described in § 973.45, and including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(4) The aggregate quantities of base milk and excess milk received (for January through June); and

(5) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) On or before the 8th day after the end of each month, each handler who operates a nonpool plant as referred to in § 973.13 (b) shall report to the market administrator his total receipts, his utilization of milk and milk products, his total disposition of Class I milk, including as a separate figure the quantity of Class I milk disposed of within the marketing area on routes, and such other information with respect to all receipts and utilization as the market administrator may prescribe.

§ 973.31 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

§ 973.32 *Reports as to producers and cooperative associations of producers.* On or before the last day of each month, each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (a) the total pounds of milk delivered with the average butterfat test thereof, and (b) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved.

§ 973.33 *Records and facilities.* Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights, and tests for butterfat and for other content, of all other skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 973.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 973.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by each handler during each month which is required to be reported pursuant to § 973.30 (a) and (b) shall be classified by the market administrator pursuant to the provisions of §§ 973.41 through 973.46.

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 through 973.46, inclusive, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk, flavored milk drinks (except any such item disposed of as animal feed and sterilized milk or milk drinks in metal containers hermetically sealed), cream (sweet or sour, including mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream), and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section, including shrinkage computed pursuant to § 973.42 not eligible for classification as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) stored in a public cold storage warehouse as frozen cream, contained in any item included under paragraph (a) of this section disposed of as animal feed, or used to produce a milk product other than those specified in paragraph (a) of this section; and (2) in shrinkage assigned to other source milk pursuant to § 973.42.

§ 973.42 *Shrinkage.* The market administrator shall determine, for each handler, shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each of such handler's pool plants separately; and

(b) Prorate the sum of the shrinkages of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between receipts at such plant of producer milk and other source milk.

§ 973.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 973.44 *Interplant movements.* Skim milk and butterfat transferred by a handler from a pool plant in any of the forms specified in § 973.41 (a) to a pool plant or a nonpool plant shall be classified as provided in paragraphs (a), (b), and (c) of this section.

(a) As Class I milk if transferred to another pool plant unless utilization in Class II milk is mutually indicated to the market administrator in the reports submitted for both such plants for the month in which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class at the transferee plant: *Provided,* That if other source milk has been received at either or both plants, the milk so transferred shall be classified at both plants so as to return the higher class utilization to producer milk;

(b) As Class II milk if transferred in bulk to a nonpool plant, except as provided in paragraph (c) (2) and (3) of this section: *Provided,* That (1) the handler claims the transfer as Class II milk on his report of receipts and utilization submitted on or before the 8th day after the end of the month in which the transfer was made; (2) records are maintained for the nonpool plant which show the receipts and utilization of all skim milk and butterfat at such plant, including the transferred quantities, and such records are made available to the market administrator for purposes of verification; and (3) there had been actually utilized in such nonpool plant not less than an equivalent amount of skim milk and butterfat (i) in frozen cream for storage in such plant or at a public cold storage warehouse, or (ii) to produce a milk product included in Class II milk: *Provided,* That if verification of such records does not disclose that an equivalent amount of skim milk and butterfat had been used in such products of Class II milk, the balance of skim milk and butterfat so transferred shall be classified as Class I milk;

(c) As Class I milk if transferred to a nonpool plant: (1) In consumer packages; (2) in bulk as any such item of § 973.41 (a), except cream, and such plant is located more than 100 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota; or (3) in bulk as cream and such plant is located as described in subparagraph (2) of this paragraph and is a plant from which milk is disposed of in fluid form on routes: *Provided,* That this subparagraph shall not apply in the case of bulk cream transferred to any plant subject to another marketing agreement or order issued pursuant to the act, if such cream is allocated thereunder in the transferee-plant to a class of utilization other than Class I milk as defined in such other marketing agreement or order.

§ 973.45 *Computation of milk in each class.* For each month the market administrator shall correct mathematical and other obvious errors in the monthly report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler: *Provided,* That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, and any other product condensed from milk or skim milk, are utilized by such handler either (a) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (b) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

§ 973.46 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall determine the classification of milk received from producers in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided,* That if the pounds of skim milk in other source milk exceed the total pounds of skim milk classified as Class II milk, an amount equal to the difference shall be subtracted from Class I milk: *Provided further,* That any other source milk subject to the class price provisions of another marketing agreement or order issued pursuant to the act shall be allocated to Class I milk before any additional other source milk is so allocated;

(2) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk contained in receipts from other pool plants, in accordance with its classification as determined pursuant to § 973.44 (a); and

(3) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II milk. Any amount in excess of that in Class II milk shall be subtracted from Class I milk. The amounts so subtracted shall be called "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 973.50 *Class prices.* Each handler shall pay, at the time and in the manner set forth in §§ 973.80 through 973.84, not less than the prices set forth in §§ 973.53 and 973.54 for all milk received during each month from producers and cooperative associations: *Provided,* That with respect to skim milk and butterfat transferred from the pool plant of, or caused to be delivered as producer milk by, a cooperative association which is a handler to the pool plant of another handler, the applicable class price shall be that for the location of the latter plant.

§ 973.51 *Basic formula price.* The basic formula price to be used in determining the Class I price shall be the highest of the following: The price for Class II milk computed pursuant to § 973.54 for the preceding month, or the prices computed from the formulas set forth in paragraphs (a) and (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the preceding month at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Companies and Locations

Borden Co., Mount Pleasant, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) (1) Multiply by 6 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York, as reported by the Department of Agriculture during the preceding month; (2) add 2.4 times the weekly prevailing price of "Cheddars" during the preceding month on the Wisconsin Cheese Exchange, as reported by the Department of Agriculture; (3) divide the resulting sum by 7; (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

§ 973.52 *Supply and demand ratio.* On or before the 5th working day of each month the market administrator shall make the following computations based upon information obtained from handlers' reports of receipts and utilization:

(a) Determine the total receipts of milk from all producers (including receipts from own farm production) during the second and third preceding months;

(b) Determine the total pounds of milk and milk products disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk, but converting cream to its 3.5 percent milk equivalent) during the same two months; and

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio."

§ 973.53 *Class I price.* Subject to the differentials provided in §§ 973.55 and 973.56 (a), the price for Class I milk shall be the basic formula price computed pursuant to § 973.51, plus 70 cents for the months of December through June; plus $1.10 for July through October; and plus $1.00 for November: *Provided,* That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio:

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	88	October–November.
February	82	November–December.
March	78	December–January.
April	73	January–February.
May	71	February–March.
June	70	March–April.
July	68	April–May.
August	66	May–June.
September	70	June–July.
October	82	July–August.
November	88	August–September.
December	88	September–October.

§ 973.54 *Class II price.* Subject to the differential computed pursuant to § 973.56 (b) the price for Class II milk shall be that computed by the market administrator as follows: (1) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York, as reported by the Department of Agriculture during the month; (2) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk, for human consumption f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and (4) subtract 75.2 cents therefrom.

§ 973.55 *Location differential to handlers.* (a) With respect to milk received as producer milk at a pool plant and classified as Class I milk, the price per hundredweight computed pursuant to § 973.53 shall be reduced by the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

Miles:	Cents
0 to 15	0
15 to 20	8
20 to 30	10
30 to 40	12
40 to 50	14
50 to 60	15
60 to 70	16
70 or over	[1]17

[1] Plus an additional 1-cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 973.56 *Butterfat differentials to handlers.* If the average butterfat content of the Class I milk or Class II milk, computed pursuant to § 973.46 (c), for any handler for the month is more or less than 3.5 percent, there shall be added to, or subtracted from, the applicable class price per hundredweight, computed pursuant to §§ 973.53 and 973.54, for each one-tenth of 1 percent that the average butterfat content of such class is above or below 3.5 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the Department of Agriculture for the preceding month; add 25 percent during each of the months of December through June, and 35 percent during each of the remaining months, and divide the sum obtained by 10.

(b) *Class II milk.* To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the Department of Agriculture for the month, add 21.14 percent, and divide the sum obtained by 10.

§ 973.57 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to, or comparable with, the price specified.

APPLICATION OF PROVISIONS

§ 973.60 *Application to producer-handlers.* Sections 973.40 through 973.46, 973.50 through 973.56, 973.62 through 973.64, 973.70 through 973.73, 973.75 through 973.77, 973.80 through 973.87 and 973.90 through 973.93 shall not apply to the handling of milk by producer-handlers.

§ 973.61 *Producer-handlers.* Any handler claiming producer-handler status shall furnish to the market administrator, for verification, evidence of his qualifications as a producer-handler pursuant to § 973.15 and shall furnish evidence of subsequent changes made in the manner of producing, securing, or distributing milk that affect such qualifications as a producer-handler; such verification by the market administrator shall be made within 15 days of receipt of the evidence and shall be effective as of the first day of the month during which verification is made.

§ 973.62 *Milk under more than one Federal order.* Milk received at a plant qualified as a pool plant under § 973.9 (a) shall be exempt from the provisions of this order if the conditions of paragraphs (a) and (b) of this section are met: *Provided,* That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 973.33:

(a) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the act either on routes or through plants regulated by such other marketing agreement or order than is disposed of from such plant in the Minneapolis-St. Paul marketing area either on routes or through other pool plants; and

(b) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

§ 973.63 *Payment for overage.* If any skim milk or butterfat has been subtracted pursuant to § 973.46 (a) (3) or (b) the market administrator, in computing the value of milk for any handler pursuant to § 973.70, including a handler whose sole source of supply is a pool plant(s), shall add an amount computed by multiplying the pounds of skim milk or butterfat so subtracted by the applicable class price.

§ 973.64 *Butterfat in fluid skim milk.* A handler may claim, for classification purposes, pursuant to §§ 973.40 through 973.46, butterfat in skim milk either disposed of to others or used in the manufacture of milk products, by specifying the butterfat content of such skim milk in his report for the month filed pursuant to § 973.30 (a), or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.065 percent as the butterfat content per hundredweight of such skim milk: *Provided,* That if the handler at any time after discontinuing the accounting of butterfat in skim milk desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the month during which such change shall become effective.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 973.70 *Computation of the value of milk.* (a) For each month the total value of the milk received by each handler from producers or associations of producers (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association) during such month shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class prices, adding together the resulting amounts, and adding any amounts computed for such handler pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Any amount computed pursuant to § 973.63; and

(2) If any skim milk or butterfat received in other source milk (except other source milk which is classified and priced under the class price provisions of another marketing order issued pursuant to the act) has been allocated to Class I pursuant to § 973.46 in any month when total receipts of producer milk at all pool plants exceed 105 percent of Class I milk, the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and at the Class II price.

(b) For each month the total obligation to the producer-settlement fund for each handler who during such month disposed of Class I milk within the marketing area on routes from a nonpool plant shall be a sum of money computed by the market administrator by multiplying the pounds of skim milk or butterfat in other source milk so disposed of by the difference between the applicable Class I milk and Class II milk prices: *Provided,* That this paragraph shall not apply for any month in which the total receipts of producer milk at all pool plants do not exceed 105 percent of Class I milk.

§ 973.71 *Computation of uniform price.* For each of the months of July through December, the market administrator shall compute a uniform price per hundredweight for producer milk as follows:

(a) Combine into one total the values computed pursuant to § 973.70 for all handlers who filed reports pursuant to § 973.30, and who are not in violation of §§ 973.70, 973.80 or 973.84 for the preceding month;

(b) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.81, and multiplying the resulting amount by the total hundredweight of milk included in these computations.

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 973.82;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for milk of 3.5 percent butterfat content.

§ 973.72 *Computation of uniform price for base milk.* For each of the months of January through June, the market administrator shall compute a price per hundredweight for base milk of producers as follows:

(a) Make the same computations required pursuant to § 973.71 (a), (b), (c), and (d);

(b) Subtract an amount computed by multiplying the pounds of excess milk included in these computations by the Class II price plus 8 cents (hereinafter referred to as the "uniform price for excess milk" of 3.5 percent butterfat content);

(c) Divide the resulting sum by the total hundredweight of base milk included in these computations; and

(d) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "unifom price for base milk" of 3.5 percent butterfat content.

§ 973.73 *Notification of handlers.* On or before the 13th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class computed pursuant to §§ 973.46 and 973.70, and the totals of such amounts and values;

(b) The uniform price (§ 973.71), or the uniform prices for base milk and excess milk (§ 973.72), whichever is applicable;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The amounts to be paid by each handler pursuant to §§ 973.80, 973.84, 973.86, 973.90, 973.91 and 973.92.

DETERMINATION OF BASES

§ 973.75 *Computation of base for each producer.* (a) Subject to the provisions of § 973.77, each producer whose milk is received at a pool plant(s) during any portion of the period July-October, inclusive, shall have a daily base computed by the market administrator, to be applicable during the following January through June, inclusive, equal to the total pounds of such producer's milk eligible for sale in fluid form as Grade A milk so received in the 4-month period divided by the number of days of such receipt or by 105, whichever is greater.

(b) Any producer not eligible to receive a base pursuant to the provisions of paragraph (a) of this section, including any producer for whom a base may not be computed pursuant to paragraph (a) of this section because of lack of information concerning such producer's deliveries in the applicable July–October period, shall have a base for each of the months of January through June equal to 30 percent of such producer's deliveries to a pool plant during such month.

§ 973.76 *Establishing new bases.* Any producer for whom a base has been established pursuant to § 973.75 (a) may relinquish such base for the following base-paying period by notifying the market administrator prior to December 31. The daily base of such producer shall then be determined pursuant to § 973.75 (b).

§ 973.77 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period.

(b) The base of a producer may be moved from one handler to another, and may be transferred from such producer to another producer: *Provided,* That all deliveries of milk by a producer who has transferred his base to another producer shall be excess milk until July 1 next following such transfer.

(c) In applying the provisions of § 973.75 in the case of a producer on every-other-day or every-third-day delivery of his milk, the days of non-delivery intervening days of delivery shall be considered as days of delivery;

(d) The daily base of any producer whose milk was received at a plant not operated by a cooperative association which becomes first qualified as a pool plant during the period November through June, inclusive, shall be computed under § 973.75 (a) on the basis of such producer's deliveries to such plant in the preceding July-October period;

(e) The daily base of any producer whose milk was received at a plant operated by a cooperative association which becomes first qualified as a pool plant during the period November through June, inclusive, shall be computed under § 973.75 (b) until such producer establishes a base under § 973.75 (a) on deliveries during the next following July-October period.

PAYMENTS FOR MILK

§ 973.80 *Time and method of payment.* Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) On or before the 10th day after the end of the month in which the skim milk or butterfat was received, to a cooperative association which is a handler, at not less than the applicable class prices for all skim milk and butterfat received from a pool plant(s) operated by such cooperative association or caused by it to be delivered to such handler from producers' farms, less the amount of payment made pursuant to paragraph (c) of this section.

(b) On or before the 21st day after the end of the month during which the milk was received, to each producer for milk not caused to be delivered to such handler by a cooperative association which is a handler, as follows: *Provided,* That such payment shall be made, upon request, to a cooperative association which is not a handler, or to its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 20th day after the end of such month.

(1) For the months of July through December, at not less than the uniform price computed pursuant to § 973.71, subject to the butterfat and location differentials set forth in §§ 973.81 and 973.82, and less the amount of payment made pursuant to paragraph (c) of this section; and

(2) For the months of January through June, at not less than the price for base milk computed pursuant to § 973.72 for all base milk received from such producer, and at not less than the uniform price for excess milk for all milk received from such producer in excess of his base milk, subject in both cases to the butterfat and location differentials set forth in §§ 973.81 and 973.82, and less the amount of payment made pursuant to paragraph (c) of this section.

(c) Handlers (other than cooperative associations) shall make partial payments to producers and cooperative associations pursuant to subparagraphs (1) and (2) of this paragraph: *Provided,* That in the event any producer discontinues shipping to such handler during the month, such partial payment shall not be made and full payment for all milk received from such producer during such month shall be made pursuant to paragraphs (a) and (b) of this section.

(1) On or before the 25th day of each month, each handler shall make payment, except as set forth in subparagraph (2) of this paragraph, to each producer, at not less than the applicable uniform price computed pursuant to §§ 973.71 (f) or 973.72 (d) for the preceding month, for the milk of such producer received by such handler during the first 15 days of the current month;

(2) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is not a handler for milk of producers from whom such association has received written authorization to collect payment, at not less than such uniform price for the preceding month, for all such milk received by such handler during the first 15 days of the current month; and

(3) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is a handler, at not less than the applicable Class I price for the current month pursuant to § 973.53, for all skim and butterfat received from a pool plant(s) operated by such cooperative association, or caused by such association to be delivered from the producers' farms to such handler, during the first 15 days of the current month.

(4) All payments made pursuant to this paragraph shall be subject to the butterfat and location differentials pursuant to §§ 973.81 and 973.82.

§ 973.81 *Butterfat differential to producers.* If, during the month, any handler has received milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in § 973.80 (b) and (c), shall add to the applicable price, for each one-tenth of one percent that the average

butterfat content of such milk is above 3.5 percent not less than, and shall deduct for each one-tenth of one percent that such average butterfat content is below 3.5 percent not more than, an amount computed by adding 21.14 percent to the simple average of the daily wholesale selling prices per pound of Grade AA (93-score) butter at New York, as reported by the Department of Agriculture during the month, and dividing the sum obtained by 10.

§ 973.82 *Location differential to producers.* In making payments pursuant to § 973.80 (b) and (c) for milk received at a pool plant, each handler shall deduct from the applicable price payable to such producers the amount indicated below for the distance that such pool plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

Miles:	Cents
0 to 15	0
15 to 20	8
20 to 30	10
30 to 40	12
40 to 50	14
50 to 60	15
60 to 70	16
70 or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 973.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 973.84 and 973.86 and out of which he shall make all payments due handlers pursuant to §§ 973.85 and 973.86: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 973.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each month each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, as follows:

(a) Each handler who operates a pool plant(s) shall pay the amount, if any, by which the total value computed for him pursuant to § 973.70 (a) for such month is greater than the total of the amounts payable by such handler pursuant to § 973.80 (b) and (c): *Provided*, That payment made by a cooperative association as a handler pursuant to this paragraph with respect to milk transferred to another handler from the pool plant of such cooperative association, or caused to be delivered to such handler from the farms of producers for the account of such cooperative association, shall not relieve the transferee-handler of any obligation on any such milk which is due the cooperative association, or otherwise due pursuant to §§ 973.80 through 973.92, inclusive;

(b) Each handler who receives his entire supply of milk from a pool plant(s) shall pay the amount, if any, computed for him pursuant to § 973.63; and

(c) Each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who disposes of milk as described in § 973.70 (b) shall pay the amount computed for him pursuant to such paragraph.

§ 973.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each month, the market administrator shall pay, subject to the proviso of § 973.83, to each handler for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 973.80 (b) and (c) is more than the total computed for him pursuant to § 973.70 (a).

§ 973.86 *Adjustments to payments.* (a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments to the producer-settlement fund pursuant to § 973.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payment to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 973.80, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 973.87 *Statement to producers.* In making payment to individual producers as required by § 973.80, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month involved, and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk received from the producer, and for the months of January through June, the pounds of base milk and the pounds of excess milk;

(c) The minimum rate (or rates) at which payment to the producer is required pursuant to § 973.80;

(d) The rate used in making the payment if such rate is other than the applicable minimum;

(e) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.91, together with a description of the respective deductions; and

(f) The net amount of the payment to the producer.

MISCELLANEOUS

§ 973.90 *Expense of administration.* (a) As his pro rata share of the expense of the administration hereof, each handler who operates a pool plant(s) shall pay to the market administrator, on or before the 15th day after the end of the month, 1.5 cents per hundredweight, or such amount not exceeding 1.5 cents per hundredweight as the Secretary from time to time may prescribe, with respect to all receipts within the month of (1) producer milk, including such handler's own farm production, and (2) other source milk which is classified as Class I milk.

(b) Each handler who does not operate a pool plant(s) shall make such payment only with respect to other source milk disposed of as Class I milk within the marketing area on routes.

§ 973.91 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 973.80, shall make a deduction of 2 cents per hundredweight, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 18th day after the end of such month. Such monies shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from, said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.92 *Adjustment of overdue accounts.* Any balance of payment due from a handler pursuant to §§ 973.80 (a) and (b), 973.84, 973.86 and this section for which remittance has not been made by the close of business on the next day following the date specified for such payment shall be increased 1/10 of 1 percent, and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid.

§ 973.93 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler falls or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, by the handler against whom the obligation is sought to be imposed; and

(d) Any obligation of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 973.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

EFFECTIVE TIME, SUSPENSION AND TERMINATION

§ 973.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 973.101.

§ 973.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 973.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 973.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

[F. R. Doc. 57-6869; Filed, Aug. 20, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 9, 1957.

The U. S. Department of Agriculture has filed an application, Serial No. Sacramento 047048, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for the purpose of public recreation in connection with the Thompson Creek Campground.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of Interior, California Fruit Building, 8th Floor, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

HUMBOLDT MERIDIAN, CALIFORNIA

T. 17 N., R. 8 E.
Sec. 16, SW¼SW¼;
Sec. 21, NW¼NW¼.

The area described totals 80 acres of public land in the Klamath National Forest.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-6851; Filed, Aug. 20, 1957; 8:46 a. m.]

[Document 157]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 13, 1957.

1. Pursuant to authority delegated by Document No. 43 Arizona, effective May 19, 1955 (20 F. R. 3514-15), the following described lands situated in Maricopa County, Arizona, that were reconveyed to the United States under the provisions of the act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g) in Arizona State Exchange Application, Phoenix Serial No. 077272, are hereby opened and classified for disposal in furtherance of a Federal land adjustment program:

GILA AND SALT RIVER MERIDIAN

T. 1 S., R. 9 W.
Sec. 2: Lots 1 and 2.

The area described totals 83.54 acres of public lands.

2. The lands will be opened to entry under the public land laws but not including the mining and mineral leasing laws, effective as of the date of this order. This opening is made in furtherance of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U. S. C. 315g) as amended, by which the offered lands will benefit a Federal land program. Therefore, this restoration is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–84) as amended, granting future preference rights to veterans of World War II, the Korean conflict, and others.

3. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law. Any application that is filed will be considered on its merits and the lands will not be subject to occupancy or disposition until they have been classified and the application allowed.

4. Inquiries concerning the lands should be addressed to the Manager, Land Office, P. O. Box 148, Phoenix, Arizona.

EUGENE H. NEWELL,
Lands and Minerals Officer.

[F. R. Doc. 57-6852; Filed, Aug. 20, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALASKA STEAMSHIP CO. ET AL.

ANNUAL REVIEW OF BAREBOAT CHARTERS

Notice of tentative finding. In accordance with section 5 (e) (1) of the Merchant Ship Sales Act of 1946, as amended, existing bareboat charters of Government-owned, war-built, dry cargo vessels have been reviewed as of June 30, 1957.

The Federal Maritime Board has tentatively found that conditions exist justifying the continuance of each of the following charters under the conditions previously certified by the Board:

Docket, chartcrer, and vessels	*Service*
M–11—Alaska Steamship Co	Alaskan Service.
3 C1–M–AV1 ships.	
1 R1–M–AV3 (reefer) ship.	
M–10 and M–27—Pacific Far East Line, Inc	Trans-Pacific Service for MSTS.
2 C2–SU reefer ships.	
3 R2–S–BV1 ships.	
M–65—Pope & Talbot, Inc	Intercoastal.
3 AP2 Victory ships.	
M–66—Lykes Bros. SS Co., Inc	Berth.
2 AP2 Victory ships.	

Any interested party may request a hearing concerning the above-mentioned tentative finding with respect to any of these charters by filing written objections stating the reasons therefor with the Secretary, Federal Maritime Board, within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

The findings will become final if no objection thereto or request for a hearing is filed, as provided above. If such hearing is granted, the ultimate resulting finding will be the subject of a report by the Board.

Dated: August 16, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-6847; Filed, Aug. 20, 1957; 8:46 a. m.]

[Docket No. S–73]

WATERMAN STEAMSHIP CORP.

AMENDED NOTICE OF HEARING

The notice published in the FEDERAL REGISTER on June 4, 1957 concerning a public hearing to be held under sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended, upon an application of Waterman Steamship Corporation, for an operating-differential subsidy agreement, is hereby amended to delete the descriptions of the services on which subsidy was shown to have been requested and to substitute in lieu thereof the following service descriptions. In all other respects the notice of June 4, 1957 remains unchanged.

1. U. S. Gulf/U. K. and Continent Service: Between U. S. Gulf ports (Key West to Mexican border) and ports in the United Kingdom, Eire and Continental Europe north of Portugal, with the privilege of calling approximately one sailing per month outbound only at North Atlantic ports, for cargo destined to Continental Europe north of Portugal (but not including Baltic and Scandinavian ports). (30 to 42 sailings per year.)

2. Atlantic-Gulf-California/Far East Service: Westbound: From U. S. Atlantic ports (Maine-Atlantic Coast-Florida but not including Key West) and U. S. Gulf ports (Key West-Mexican border) via Panama Canal, completing at California ports to Far East (Japan, Formosa, the Philippines and the Continent of Asia from Union of Soviet Socialist Republics to Siam, inclusive); and Eastbound: From Far East to U. S. Atlantic ports and U. S. Gulf ports. (18 to 30 sailings per year.)

3. Pacific Coast/Far East Service: Between California, Washington and Oregon ports and ports in the Far East with approximately one sailing per month directly from California ports and one sailing per month directly from Washington and Oregon ports; the third monthly sailing calling at both California and Washington and Oregon ports, alternating each month its last call at such areas. (30 to 42 sailings per year.)

4. U. S. North Atlantic/Continent Service: Between U. S. North Atlantic ports (Maine-Virginia inclusive) and ports in Continental Europe north of Portugal (but not including Baltic and Scandinavian ports). (18 to sailings per year.)

The hearing will be held before an Examiner, at a time and place to be announced, in accordance with the Federal Maritime Board's rules of practice and procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) desiring to intervene in the proceeding are requested to notify the Secretary of the Federal Maritime Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: August 16, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-6848; Filed, Aug. 20, 1957; 8:46 a. m.]

[Docket No. 820]

BROKERAGE ON SHIPMENTS OF OCEAN FREIGHT

NOTICE OF AMENDED ORDER

In the matter of Max LePack, Jack Pollack, Phyllis Pollack, Lynne Forwarding, Inc., United Export Clothing Co., Inc., Bimor Textile Company, Inc.

On August 12, 1957, the Board amended its Order of Investigation and of Hearing in this proceeding, which was dated May 9, 1957, and published in the FEDERAL REGISTER of June 8, 1957 (22 F. R. 4056), to read as follows:

There being under consideration ocean freight brokerage which Lynne Forwarding, Inc., a registered ocean freight forwarder under General Order 72 since on or about March 10, 1952, collected or received or attempted to obtain after that date on shipments of United Export Clothing Co., Inc., amounting to approximately $6,266.88; of Bimor Textile Company, Inc., amounting to approximately $153.34, and of others amounting to approximately $2,715.46; from the following steamship lines or steamship agents:

American Export Lines, Inc.
American Mid-East Linea
American President Lines, Ltd.
Barber-Mediterranean Line, Inc.
Barber Steamship Lines, Inc.
Belgian Line, Inc. (Belgian Line—Belgian African Line)
Black Diamond Steamship Corp.
Boise-Griffin Steamship Co., Inc.
Bull Insular Line, Inc.
A. L. Burbank & Co., Ltd.
Crossocean Shipping Co., Inc.
De La Rama Lines (joint service of The De La Rama Steamship Co., Inc., The Swedish East Asia Co., Ltd., The Ocean Steam Ship Co., Ltd., The China Mutual Steam Navigation Company, Ltd., and Nederlandsche Stoomvaart Maatschappij "Ocean" N. V.
James W. Elwell & Co., Inc.
Thor Eckert & Co., Inc.
Farrell Lines, Inc.
Fearnley & Eger, Inc.
French Line (Compagnie Generale Transatlantique).
Funch, Edye & Co., Inc.
Furness, Withy & Co., Ltd.
Hellenic Lines, Ltd.
Holland-American Line (N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn").
Interocean Line (Westfal-Larsen & Company A/S).
Isbrandtsen Co., Inc.
Isthmian Steamship Company.
Italian Line ("Italia" Societa Per Azione di Navigazione).
Java Pacific Line, Inc.
Kerr Steamship Co., Inc.
Kokusai Line (Joint Service of Iino Kaiun Kaisha, Ltd., and Mitsubishi Kaiun Kaisha, Ltd.).
Lykes Bros. Steamship Co., Inc.
Mitsui Steamship Co., Ltd.
Moller Steamship Co., Inc.
Norton, Lilly & Co.
O. S. K. Line (Osaka Shosen Kaisha).
Pacific Far East Line, Inc.
Prince Line, Ltd.
Prudential Steamship Corp.
Robin Line (Seas Shipping Co.).
South African Marine Corp., Ltd.
States Marine Corporation.
States Steamship Co.
Stockard Steamship Corp.
Stockard & Co., Inc.
Transportadora Grancolumbiana, Ltda.
Yamashita Steamship Co., Ltd.
United States Lines Company.
United States Navigation Co., Inc.

It appearing that at all times when the aforesaid brokerage was collected or received or the obtaining of such brokerage was attempted, Phyllis Pollack held 100% of the stock of Lynne Forwarding, Inc., and Max LePack and/or Jack Pollack controlled Lynne Forwarding, Inc., United Export Clothing Co., Inc., and Bimor Textile Company; and

It further appearing from information before the Federal Maritime Board that there is reason to institute an investigation to determine (1) whether Lynne Forwarding, Inc. collected or received ocean freight brokerage in cases where payment thereof constituted a rebate and directly or indirectly shared such brokerage with Max LePack, Jack Pollack, United Export Clothing Co., Inc. and/or Bimor Textile Company, Inc., in violation of § 244.13, General Order 72, and if the registration of Lynne Forwarding, Inc. should be cancelled or suspended under § 244.5 of said order; (2) whether Max LePack, Jack Pollack, Phyllis Pollack, Lynne Forwarding, Inc., United Export Clothing Co., Inc., and/or Bimor Textile Company, Inc., knowingly and willfully, directly or indirectly, by unjust or unfair device or means, obtained or attempted to obtain transportation for property at less than the rates or charges which would otherwise be applicable, in violation of section 16 of the Shipping Act, 1916, as amended; and (3) whether Max LePack, Jack Pollack, Phyllis Pollack, or Lynne Forwarding, Inc., either alone or in conjunction with any or all of them or others, directly or indirectly, allowed Max LePack, Jack Pollack, United Export Clothing Company, Inc., and/or Bimor Textile Company, Inc., to obtain transportation for property at less than the regular rates or charges by means of an unjust or unfair device, in violation of section 16 of said act;

It is ordered, That an investigation be and it is hereby instituted, upon the Board's own motion pursuant to section 22 of said act, into the lawfulness of the aforesaid matters under General Order 72 and section 16 of said act, and that Max LePack, Jack Pollack, Phyllis Pollack, Lynne Forwarding, Inc., United Export Clothing Co., Inc., and Bimor Textile Company, Inc., be and they are hereby made respondents in this proceeding;

And it is further ordered, That this order amends the order entered in this proceeding on the 9th day of May 1957.

And it is further ordered, That this order be published in the FEDERAL REGISTER, that copies of this order be served upon said respondents, and that this proceeding be assigned for hearing before an Examiner of the Board at a date and place to be fixed by the Chief Examiner.

Dated: August 16, 1957.

By the Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-6849; Filed, Aug. 20, 1957; 8:46 a. m.]

MATSON NAVIGATION CO. AND OCEANIC STEAMSHIP CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8237, between Matson Navigation Company and The Oceanic Steamship Company, provides for the interchange of passenger tickets covering (1) one-way and round-trip transportation between California ports and ports south of Hawaii and (2) round-trip transportation between California ports and a port in Hawaii, and sets forth the manner in which the fares and commissions on such business will be divided between them.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 16, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-6850; Filed, Aug. 20, 1957; 8:46 a. m.]

Office of the Secretary

CHARLES B. NELIS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Charles B. Nelis.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: August 15, 1957.

4. Title of position: Chief, Business Research & Analysis Branch.

5. Name of private employer: Republic Steel Corporation, Cleveland, Ohio.

CARLTON HAYWARD,
Director of Personnel.

MAY 24, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Republic Steel Corporation.
Bank deposits.

Dated: August 15, 1957.

CHARLES B. NELIS.

[F. R. Doc. 57-6842; Filed, Aug. 20, 1957; 8:45 a. m.]

JOHN J. STAHL

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John J. Stahl.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: August 1, 1957.

4. Title of position: Director, Power Equipment Division.

5. Name of private employer: A. O. Smith Corporation, 250 Park Avenue, New York, New York.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. O. Smith Corp.
Transcontinental Gas Pipe Line Co.
Columbia Gas System.
Standard Oil Co. of Calif.
Wheeling Steel Corp.
Westinghouse Electric Co.
Goldfield Consolidated
Bonnie Briar Syndicate, Inc.
Bank deposits.

Dated: August 13, 1957.

JOHN J. STAHL.

[F. R. Doc. 57-6844; Filed, Aug. 20, 1957; 8:45 a. m.]

EDWARD A. SHORT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Edward A. Short.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: August 1, 1957.

4. Title of position: Chief, Castings Branch, Iron and Steel Division.

5. Name of private employer: Mid-Continent Steel Casting Corporation, 1461 W. 59th Street, Shreveport, Louisiana.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Mid-Continent Steel Casting Corp.
Hica Incorporated.
Bank deposits.

Dated: August 13, 1957.

EDWARD A. SHORT.

[F. R. Doc. 57-6846; Filed, Aug. 20, 1957; 8:46 a. m.]

LEWIS P. FAVORITE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of August 25, 1956, 21 F. R. 6421; February 14, 1957, 22 F. R. 937.

A. Deletions: Sears Roebuck and Co.
B. Additions: None.

This statement is made as of August 8, 1957.

Dated: August 8, 1957.

LEWIS P. FAVORITE.

[F. R. Doc. 57-6841; Filed, Aug. 20, 1957; 8:45 a. m.]

JAMES F. REID, SR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R. 1330; August 22, 1956, 21 F. R. 6307; February 27, 1957, 22 F. R. 1155.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 9, 1957.

Dated: August 9, 1957.

JAMES F. REID, Sr.

[F. R. Doc. 57-6843; Filed, Aug. 20, 1957; 8:45 a. m.]

KENNETH C. ALLEN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 27, 1957, 22 F. R. 1154.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 14, 1957.

Dated: August 14, 1957.

KENNETH C. ALLEN.

[F. R. Doc. 57-6845; Filed, Aug. 20, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CONNECTICUT, RHODE ISLAND, MASSACHUSETTS AND NEW HAMPSHIRE

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the States of Connecticut and Rhode Island and in the following counties in the States of Massachusetts and New Hampshire a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MASSACHUSETTS

Barnstable.	Middlesex.
Berkshire.	Nantucket.
Bristol.	Norfolk.
Dukes.	Plymouth.
Essex.	Worcester.
Hampden.	

NEW HAMPSHIRE

Rockingham.	Hillsboro.
Strafford.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named States of Connecticut and Rhode Island and counties of Massachusetts and New Hampshire after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 15th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6870; Filed, Aug. 20, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2150]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

AUGUST 15, 1957.

Public notice is hereby given that Puget Sound Power & Light Company of Seattle, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for an amendment of license for Project No. 2150 located on the Baker River, in Whatcom and Skagit Counties, Washington, and affecting navigable waters and lands of the United States within Mt. Baker National Forest. The application, which was filed pursuant to Article 30 of the license, requests that the license be amended to include exhibits showing and describing the Lower Baker River Development as consisting of: (existing project works) a concrete gravity-arch dam, having a spillway section surmounted by gates and splashboards and nonoverflow sections at each end of the dam, creating a reservoir with normal water surface at elevation 438.52 feet (U. S. G. S.) and extending upstream about 7½ miles to the tailwater of the proposed Upper Baker River Development; intake structure; pressure tunnel; surge chamber; penstocks; powerhouse with installation of 31,200 kilowatts in two similar units; step-up transformers; two 110–kilovolt transmission lines connecting the transformers with the applicant's existing Sedro-Woolley Substation; and appurtenant facilities; and (proposed project works) an extension of the pressure tunnel; surge tank; penstock; an extension of the existing powerhouse to contain a single generating unit of 57,600 kilowatts capacity; step-up transformer; fish handling, collection and passage facilities; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 1, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6854; Filed, Aug. 20, 1957; 8:47 a. m.]

[Docket No. G–12022]

HAWN BROTHERS ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 15, 1957.

In the matter of Hawn Brothers, Operator, et al., and Louis C. Quin, et al.; Docket No. G–12022.

Take notice that on February 15, 1957, Louis C. Quin (Quin), et al.[1] and Hawn Brothers, Operator, et al.,[2] filed a joint application in Docket No. G–12022 for:

(1) Quin, et al., to abandon service to United Gas Pipe Line Company (United), from the L. L. Nusom Lease in the Barvo Field (the lease was formerly designated as being in the South Porter Field), Karnes and Goliad Counties, Texas, pursuant to Section 7 (b) of the Natural Gas Act, which service was previously authorized on May 28, 1956, in Docket No. G–7851.

(2) Hawn Brothers, Operator, et al., to continue the above service to United.

By instrument of assignment dated December 5, 1956, Quin, et al., John P. Browne, Jr. (Browne), and wife Dorothy Ann Graf Browne,[3] sold their 100 percent working interest in the L. L. Nusom Lease to Hawn Brothers who, in turn, by instrument dated December 27, 1956, assigned an undivided 7/16th working interest to Cyrus L. Heard and an undivided ⅛th working interest to Louis H. Haring, Jr.

Said application is on file with the Commission and open for public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on September 18, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6858; Filed, Aug. 20, 1957; 8:48 a. m.]

[Docket No. G–12277 etc.]

H. R. SMITH ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 15, 1957.

In the matters of H. R. Smith, Docket No. G–12277; E. H. Smith, Operator, et al., Docket No. G–12280; Gas Gathering Company, Docket No. G–12281; Texas Illinois Natural Gas Pipeline Company, Docket No. G–12480.

Take notice that on April 25, 1957, Texas Illinois Natural Gas Pipeline Company (Texas Illinois) filed in Docket No. G–12480 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a tap, together with a meter station, to be installed at a point on its existing 20-inch Hagist lateral pipeline in Jim Wells County, Texas, in order to purchase and receive natural gas from Gas Gathering Company (Gas Gathering) in the Teresa (Reynolds Ranch Area), Jim Wells County, to be purchased and received by Gas Gathering from H. R. Smith and E. H. Smith, Operator, et al., in the field. The total estimated cost of these facilities is $9,500, which cost is to be financed from company funds.

On March 25, 1957, Gas Gathering filed in Docket No. G–12281 a certificate application covering the above sale of gas to Texas Illinois.

On March 25, 1957, H. R. Smith and E. H. Smith, Operator, et al., filed in Docket Nos. G–12277 and G–12280, respectively, certificate applications covering their above respective sales of gas to Gas Gathering.

E. H. Smith, as operator, filed the certificate application in Docket No. G–12280 on behalf of itself and each of the nonoperating signatory co-owners, as follows (application lists percentum of each interest): Arthur Streve, Mrs. Phillips Schwartz, Hyman Baron, J. C. Steinmetz, Milton Rauzin, J. L. Friedman, C. P. Wallace, M. E. Moore, R. R. Wallace, D. L. Reaney, H. C. Chaney, Grace Steinmetz, A. J. Hackl, Norris E. Walther, Axtell Byles, Joe Bart Moore and J. E. Hillier.

Facilities of Gas Gathering consist of field line and dehydration facilities. Producers' facilities consist of customary lease equipment.

Texas Illinois states that it will transport the gas received from Gas Gathering commingled with its other gas supplies for sale in other states.

Said applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 18, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6859; Filed, Aug. 20, 1957; 8:48 a. m.]

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[1] Applicants are Louis C. Quin, Arthur F. Graf, Jr. (Graf), and H. R. Wofford, Jr.

[2] Applicants and their percentage interests are: Hawn Brothers (a partnership) 33.4961 percent, Cyrus L. Heard, 33.4961, and Louis H. Haring, Jr., 9.5703 percent.

[3] Graf, by instrument dated December 9, 1953, assigned ½ of his ¼ working interest to Browne and his wife.

[Docket No. G–12313 etc.]

J. M. HUBER CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 15, 1957.

In the matters of J. M. Huber Corporation, Operator, et al., Docket Nos. G–12313; Pan American Petroleum Corporation, G–12324; Columbian Fuel Corporation, G–12805; United Producing Company, Inc., G–12806.

Take notice that on April 1, 1957, J. M. Huber Corporation (Huber), Operator, et al., filed an application in Docket No. G–12313 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Huber to render service to Panhandle Eastern Pipe Line Company (Panhandle) from the SE/4 of Section 18, T. 35S, R. 43W, 6th P. M., located in the Greenwood Field, Morton County, Kansas, which acreage was acquired by assignment dated December 5, 1955, from Columbian Fuel Corporation (Columbian) and United Producing Company, Inc. (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The aforesaid assignment is between Huber, Stanolind Oil and Gas Company (now Pan American Petroleum Corporation (Pan Am)), and Edwin L. Cox (Cox), assignees, and Columbian and United, assignors. Huber, as operator, lists the three assignees as each holding a one-third interest in the subject acreage. Proposed deliveries will be made at the wellhead. Huber's facilities consist of customary lease equipment. Panhandle will transport the gas received from the subject acreage commingled with its other gas supplies for sale in other states.

On March 29, 1957, Pan Am filed in Docket No. G–12324 an application for a certificate, pursuant to section 7 (c) of the Natural Gas Act, covering its share of the sale from the subject acreage.

On June 27, 1957, Columbian in Docket No. G–12805, and on June 28, 1957, United in Docket No. G–12806, filed applications, pursuant to section 7 (b) of the Natural Gas Act, for permission to abandon service previously authorized in Docket Nos. G–4308 and G–4314, respectively, insofar as it relates to the acreage assigned as aforesaid to Huber, Pan Am, and Cox.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 16, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 6, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6860; Filed, Aug. 20, 1957; 8:48 a. m.]

[Docket No. G–12446 etc.]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF APPLICATIONS

AUGUST 15, 1957.

In the matters of Texas Eastern Transmission Corporation, Docket No. G–12446; Texas Eastern Penn-Jersey Transmission Corporation, Docket No. G–12447; Continental Oil Company, Docket No. G–12432; M. H. Marr, Docket No. G–12885; Sun Oil Company, Docket No. G–12913; General Crude Oil Company, Docket No. G–12931.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a natural gas company, with its principal office at Shreveport, Louisiana, and Texas Eastern Penn-Jersey Transmission Corporation (Penn-Jersey), a natural gas company, with its principal office at Shreveport, Louisiana, an affiliate of Texas Eastern, filed on April 22, 1957, as supplemented on July 30, 1957, their applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing them to construct and operate the facilities hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file in the above designated dockets and open to public inspection.

Texas Eastern proposes to construct and operate the following described facilities:

A. Approximately 22.0 miles of 14-inch pipeline extending from Rayne Field, Acadia Parish, Louisiana, to its Opelousas, Louisiana, Compressor Station;

B. A new 2200 Hp. compressor station near Rayne, Louisiana, on the 14-inch Rayne Field lateral proposed in (A) above;

C. Approximately 105.0 miles of 30-inch pipeline loops along its existing 30-inch pipeline lying between Opelousas, Louisiana, and Kosciusko, Mississippi;

D. Approximately 140.0 miles of additional 30-inch pipeline loops along its 30-inch pipeline lying between Kosciusko, Mississippi, and Uniontown, Pennsylvania;

E. Metering and regulating stations to make additional sales to existing customers as hereinafter listed and more fully described in the application at Docket No. G–12446.

Texas Eastern proposes by means of the additional facilities above described to serve 13 customers with additional gas in quantities as hereinafter shown, all of said customers being present customers of Texas Eastern.

Name of customer:	Quantity (MCFD 15.025 psia)
Algonquin Gas Transmission Co	10,000
The Columbia Gas System	25,300
The Consolidated Natural Gas Co	39,600
Equitable Gas Co	14,000
New Jersey Natural Gas Co	5,000
United Natural Gas Co	1,600
Elizabethtown Consolidated Gas Co	1,000
Illinois Electric & Gas Co	1,000
City of Anna, Ill	257
City of Jonesboro, Ill	65
Village of Norris City, Ill	100
City of Somerset, Ky	1,500
Tennessee Gas Co	465
Total	99,987

Texas Eastern proposes to increase its pipeline capacity in the amount of approximately 100,000 Mcf per day in order to render the increased service to its present customers.

The estimated over-all capital cost of such facilities is approximately $38,908,100, to be financed in the following method or methods, all as more fully stated in the application on file herein. Texas Eastern proposes to finance its construction costs by disposing of first mortgage pipeline bonds at either public or private sale or competitive bidding; preferred stock at public sale; and bank loan pursuant to existing contract therefor.

Texas Eastern further proposes to lease and operate certain other natural gas facilities from Penn-Jersey in conjunction with its existing system and the proposed facilities above described.

Penn-Jersey proposes to construct the facilities hereinafter described and lease them to Texas Eastern to be operated by it:

A. 4,000 horsepower compressor facilities at its Delmont Compressor Station, Westmoreland County, Pennsylvania, in addition to the present installations.

B. Approximately 65.5 miles of 30-inch pipeline along Penn-Jersey's existing pipeline lying between Delmont, Pennsylvania, and Lambertville, New Jersey.

The estimated over-all total capital cost of such facilities as above described is $11,371,000, to be financed by the sale of stock to Texas Eastern and by bank loans, pursuant to existing contract credit arrangements, all as more fully described in the application on file with the Commission and open to public inspection.

The proposed facilities to be constructed by Penn-Jersey will increase the capacity of its existing system by approximately 60,000 Mcf of natural gas per day at 15.025 psia, thus raising the total capacity of its transmission system to 555,000 Mcf per day at the pressure above indicated. This additional capacity as proposed will enable Texas Eastern to make the additional deliveries of natural gas to its customers along the system line located east of Station No. 21.

Independent producer applications. In connection with Texas Eastern's application, four independent producers have filed applications for certificates of public convenience and necessity to sell a total of about 100,000 Mcf per day to Texas Eastern from their properties in the Rayne Field, Acadia Parish, Louisiana. These are as follows:

Producer; Docket No.; Date Filed; Initial Cont. Quan.; and Initial Price per Mcf

Continental Oil Co., G–12432, April 17, 1957, 58,134 Mcf, 22.6 cents.

M. H. Marr, G–12885, July 15, 1957, 8,269 Mcf, 22.6 cents.

Sun Oil Co., G–12913, July 17, 1957, 31,080 Mcf, 22.6 cents.

General Crude Oil Co., G–12931, July 22, 1957, 3,814 Mcf, 22.6 cents.

The above prices are before gathering and other taxes and BTU adjustments.

These related matters should be consolidated and disposed of together as promptly as possible under the applicable rules and regulations of the Commission, and to that end:

Protests or petitions to intervene may be filed with the Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 16, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6855; Filed, Aug. 20, 1957; 8:47 a. m.]

[Docket No. G–12470]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 15, 1957.

Take notice that on April 25, 1957, as supplemented on July 5, 1957, Lone Star Gas Company (Applicant) filed an application pursuant to section 7 of the Natural Gas Act, in Docket No. G–12479 for authorization for the abandonment of certain facilities and the construction and operation of other facilities in order to reduce pipeline maintenance costs and simplify operation of a portion of Applicant's system between its Fowlkes Station and Wichita Falls, all in Wichita County, Texas.

The detailed changes which Applicant proposes are listed in the application. In brief they consist of:

(1) Abandonment and salvage of 20.6 miles of 16-inch Line 71; 6,295 feet of 4-inch Line 71–22; and 1,664 feet of Line 71–20.

(2) Abandonment in place by transfer from Applicant's Transmission Division to its Iowa Park Distribution System of approximately 3,519 feet of pipe of assorted sizes of Line 71–21 ranging from 2⅜ to 5½ inches.

(3) Construction and operation of about 800 feet of 2-inch Line 71–35 extending existing Line 71–35 to connect with existing Line 71–20–1 and a 3-inch crossover between main Line A and Line 71–20–1 at their junction; 1.3 miles of 6-inch pipeline extending existing Line 71–23 to a junction with main Line A; and approximately 1,500 feet of 2-inch pipe to connect the proposed 6-inch line with 1-inch branch Line 71–22–1 which would otherwise be cut off by the proposed abandonment of Line 71–22.

Applicant states that the proposed abandonment and rearrangement of facilities will save it excessive leakage and maintenance costs in this part of its system serving the Wichita Falls, Burkburnett, Iowa Park and Grandfield areas.

Applicant further states that nine rural consumers will be deprived of natural gas service by the proposed abandonment. Applicant advised them of its proposal to cease service. Neither they nor the Texas Railroad Commission have raised any objections. Applicant avers that no state or local permission is required for the abandonment. It further shows that it would be uneconomical to retain the lines in service. Most of the pipe to be abandoned will be reclaimed for use in other parts of Applicant's system.

Applicant estimates that the total removal cost will be $83,922. Nearly all of the removed pipe will be salvaged for use elsewhere on its system. The contemplated new construction is estimated to cost $27,532, making a total cost for the abandonment and construction of $111,454. The proposed expenditure is to come from funds on hand.

Said application is on file with the Commission and open for public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–6856; Filed, Aug. 20, 1957; 8:47 a. m.]

[Docket Nos. G–12666, G–12758]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 15, 1957.

Take notice that on May 31, 1957, as supplemented on July 11, 1957, United Gas Pipe Line Company (United) filed an application in Docket No. G–12666, pursuant to section 7 of the Natural Gas Act, for authority to remove an existing meter station through which it delivers and sells natural gas to Arkansas Louisiana Gas Company (Arkansas Louisiana) for resale to Southwestern Gas and Electric Company's (Southwestern) Lieberman Power Plant near Mooringsport, Caddo Parish, Louisiana, a few miles north of Shreveport.

Applicant proposes to remove a 6-inch dual orifice meter station presently serving gas to Arkansas Louisiana for resale to Southwestern's Lieberman Power Plant. Under a service agreement dated July 10, 1953, Arkansas Louisiana purchases from United 50 percent of its daily requirements for service to the Lieberman Plant, as authorized by the Commission in Docket No. G–792. In a letter dated May 24, 1957, Arkansas Louisiana informed United that this service agreement would terminate effective July 1, 1957. The contract was for a period of one year initially and year to year thereafter, cancellable on 30 days notice by either party. Arkansas Louisiana has now given such notice and the contract apparently has terminated. Under these circumstances, the metering facility would no longer be of any use and United desires to remove it for use in other areas of its system.

United states that the only cost to be incurred by it will be that of removing the facility, which cost will be financed out of current working funds.

Included with the supplement to the application is a statement by Arkansas Louisiana giving the volume and source of gas sold and proposed to be sold to the Lieberman Power Plant as follows (in Mcf):

Year	Arkansas Louisiana	United Gas Pipe Line	Total
1955	1,722,275	1,704,025	3,426,300
1956	1,621,747	1,556,943	3,178,690
1957	5,366,000		5,366,000
1958	9,205,000		9,205,000
1959	13,334,500		13,334,500

Also take notice that on June 18, 1957, United filed in Docket No. G–12758 pursuant to section 7 of the Natural Gas Act for authorization to abandon the transportation of natural gas for Texas Eastern Transmission Corporation (Texas Eastern) from the Carthage Field in Panola County, Texas, to Texas Eastern's Big Inch facilities at Longview, Gregg County, Texas.

United was authorized, in Docket Nos. G–915 and G–991, as amended, to transport for Texas Eastern up to 150,000 Mcf per day of natural gas from the Carthage Field to a connection with Texas Eastern's 24-inch transmission line near

Longview. United alleges that this service was necessary because Texas Eastern had no facilities connecting any of its transmission lines with the Carthage Field, where it purchases gas from several producers. United executed two service agreements with Texas Eastern, dated November 28, 1952, and January 15, 1948. These contracts will terminate on November 14, 1957, and October 31, 1957. Texas Eastern has advised United that it does not propose to extend the agreements because it has now constructed and placed in operation its 16 and 20-inch Joaquin-Longview line, which passes through the Carthage Field and which was authorized in Docket No. G–2472. Texas Eastern will therefore be able to transport its purchased gas from Carthage Field through its own facilities, in addition to supplies from other existing sources, and no longer requires the service rendered by United.

United proposes only to abandon the above-described service, and does not plan to remove any facilities. These facilities are used to transport other gas which United receives and delivers in its eastern Texas market areas.

Said applications are on file with the Commission and open for public inspection.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for United to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–6857; Filed, Aug. 20, 1957; 8:48 a. m.]

[Docket No. G–12778]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 15, 1957.

Take notice that on June 21, 1957, The Ohio Fuel Gas Company (Applicant) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of 8 projects to loop or replace existing facilities for the purpose of serving increasing market requirements and improving operations and service during the winter of 1957–58 and thereafter. Applicant also requests authorization to abandon approximately 33.9 miles of 4- to 12-inch pipe, to be replaced by the facilities proposed in the instant application.

Applicant proposes to construct and operate the following facilities:

Project No. 1. Approximately 4.9 miles of 20-inch transmission line in Lorain County, Ohio, extending Line L–2542, which loops part of Line L–2042 between Wellington Compressor Station and Line D. Line L–2042 and its partial loop, Line L–2542, transport gas to the Line D for service to Sandusky, Lorain, Norwalk, Amherst, Fremont and other nearby markets. The calculated capacity of the existing L–2042, L–2542 and D system is approximately 91.4 MMcf per day with an initial pressure of 325 psig at Wellington. However, Applicant estimates that capacity of 106.7 MMcf per day will be required to maintain adequate market service to the area served by this system during the winter of 1957–58. This area also receives service from other portions of the system. Ohio Fuel proposes to obtain the increased capacity required by extending Line L–2542, looping part of Line L–2042. Applicant states that the proposed facilities will enable the required volumes of gas to be transported at the existing pressures to help meet the estimated requirements of the areas served by this portion of Applicant's system.

Project No. 2. Approximately 2.6 miles of 8-inch transmission pipeline in Belmont County, Ohio, replacing an equal part of 4-inch Line O–1463 between Barnesville and Bethesda. Under authorization received at Docket No. G–9207, Line O–1463 was extended from Barnesville to Line O–145 near Bethesda, in part by upgrading and incorporating into a section of existing 4-inch Line O–1124. This low pressure section of 4-inch line is approximately 25 years old and in a state of advanced deterioration due to corrosion. While it was adequate for transporting gas at pressures required during the winters of 1955–56 and 1956–57, Applicant states that due to excessive leakage and necessary leak repairs (21 in 1956), this section of line will not be suitable for dependable service at the increased pressures required during the 1957–58 winter and thereafter. Applicant proposes to replace this section of 4-inch line with 2.6 miles of 8-inch line, which will carry the required pressures as well as allow for future increases in the area's market requirements. The line replaced will be abandoned from transmission service but portions of it will be retained for low pressure distribution service.

In addition, Applicant proposes to abandon Line O–26, composed of approximately 3.2 miles of 6-inch pipe extending from Line O–949 south of Barnesville to Line O–145, and approximately 7.1 miles of 4-inch line of Line O–145 extending from Line O–26 to its junction with Line O–1463 near Bethesda. These lines operate, in effect, as a loop on Line O–1463 between Barnesville and Bethesda. After the proposed replacement of a section of that line, as detailed above, they will no longer be useful or required to transport gas to markets east of Barnesville.

Service will be discontinued to 21 customers presently served from these lines. If applicant cannot successfully negotiate with these customers, it will be necessary to obtain the permission of the Ohio Public Utilities Commission before abandoning service.

Project No. 3. Approximately 4.2 miles of 8-inch transmission pipeline in Guernsey County, Ohio, replacing part of Line O–880 which supplies the Barnesville-St. Clairsville area involved in Project No. 2. This line is composed of sections of 8-inch pipe (constructon of which was authorized in Docket No. G–10236), 6-inch pipe and 6-inch casing. Due to its condition, the line's operating pressure is limited to 200 psig which allows a delivery capacity of 5.1 MMcf per day. In order to provide adequate market service to the area during the winter of 1957–58, Applicant estimates it will be necessary for Line O–880 to transport up to 6.1 MMcf per day. To achieve the necessary increased capacity, Applicant proposes to replace the existing 6-inch pipe and 6-inch casing with an equal length of 8-inch pipe. This, together with the facilities proposed in Project No. 2, are expected to provide the capacity required to meet market demands in the area from Cambridge to St. Clairsville during the winter of 1957–58.

The 6-inch pipe and 6-inch casing will be abandoned upon completion of the proposed construction. No customers will be deprived of service thereby.

Project No. 4. Approximately 2.4 miles of 8-inch transmission line in Champaign and Logan Counties, Ohio, extending Line Z–207, which loops part of Line Z–165 between Urbana and Bellefontaine. The lines provide service to the City of Bellefontaine and to West Liberty, utilizing the Urbana Compressor Station to raise pressures on Line Z–165 during peak periods. With a discharge pressure at the Urbana Station of 230 psig and the 35 psig terminal pressure required at Bellefontaine, the existing capacity of Line Z–165 and Line Z–207 is approximately 4.4 MMcf per day. According to Applicant's estimates, adequate service to these markets will require transportation of up to 5.2 MMcf per day. To provide this capacity, Ohio Fuel proposes to construct approximately 2.4 miles of 8-inch line extending loop Line Z–207 to the West Liberty tap, which are expected to provide the capacity to deliver the volumes required for the winter of 1957–58.

Project No. 5. Approximately 7.3 miles of 16-inch transmission pipeline in Greene and Clark Counties, Ohio, looping Line Z–175 supplying the Springfield-Urbana area. This line, together with Lines Z, Z–8 and Z–165, carries gas northward from its junction with main Lines A and A–79 to Springfield, Urbana, Bellefontaine and other markets. The delivery capacity of Line Z–175 is 58.8 MMcf per day with the 205 psig initial pressure available at its junction with Line A and 100 psig inlet pressure required at the Urbana Compressor Station to the north. However, requirements of Bellefontaine and West Liberty for the winter of 1957–58 will require 120 psig inlet pressure at Urbana Station, and adequate market service to the area will require delivery of 70.1 MMcf per day through Line Z–175, according to the application. To meet these requirements Applicant proposes to loop Line Z–175 with 7.3 miles of 16-inch pipe, which would allow the required volume of 70.1 MMcf per day to be transported, and maintain the minimum terminal pressure of 120 psig at Urbana Station.

Project No. 6. Approximately 7.0 miles of 12-inch transmission pipeline in Madison and Fayette Counties, Ohio, replacing 10.3 miles of 8- and 12-inch pipe of Lines Z–32 and Z–34 between Mt. Sterling Station and Bloomingburg. Applicant utilizes Lines Z–32 and Z–34 to supply natural gas to Wilmington, Sabina, Greenfield, Washington Court House and Bloomingburg, through The Dayton Power and Light Company, an existing wholesale customer of Ohio Fuel. Line Z–32 was constructed in 1905 partly of 12-inch wrought iron pipe. Extensive corrosion, causing accelerated leaks and increasing cost of maintenance, have made this section of line unsuitable for continued service. Similarly, Line Z–34 has corroded, causing leaks and limiting operating pressure to a maximum of 250 psig. Applicant proposes to replace these deteriorated sections of line with approximately 7.0 miles of 12-inch pipe. The facilities replaced will be abandoned from transmission service, lifted and sold for junk. Sixteen rural customers will be deprived of service due to the abandonment. All of these are served through right-of-way contracts which provide for the termination of service upon retirement of the line.

Project No. 7. Approximately 1.8 miles of 4-inch transmission line in Licking County, Ohio, replacing 2.2 miles of 6- and 8-inch pipe of Line G–23 supplying Alexandria. Applicant states that Line G–23 was constructed in 1906, unprotected against corrosion, and over a period of time corrosion has so deteriorated the pipe and couplings that the line is no longer suitable for continued transmission service. Applicant proposes to construct approximately 1.8 miles of 4-inch line, extending existing Line J–97 to a connection with Line K–179. This project will provide a shorter route for service to Alexandria, permitting retirement of the deteriorated pipe in Line G–23. Approximately 3,600 feet of the pipe to be retired will be retained for low pressure distribution service to houses along that line. No customer will be deprived of service through the proposed retirement.

Project No. 8. Approximately 3.0 miles of 12-inch transmission line in Richland County, Ohio, replacing 4.1 miles of 6- and 8-inch pipe of Line L–480 between Weaver Compressor Station and Line L–400. Through Line L–480, Applicant transports gas from Weaver storage area northward to connecting Line L–400 for ultimate delivery to Bellville, Lexington and Mansfield. Due to the age of both lines and deterioration due to corrosion, operating pressure is limited to 250 psig. With this pressure the lines have a calculated capacity of approximately 11.4 MMcf per day with the 125 psig pressure required at Mansfield. Of this 11.4 MMcf, 1.8 MMcf would be required for Lexington and Bellville, leaving 9.6 MMcf for delivery to Mansfield. However, Applicant estimates that during the winter of 1957–58, 15.0 MMcf per day will be required to be transported through Line L–400. Applicant proposes to provide the required increased capacity by constructing 3.0 miles of 12-inch line, which will replace all of Line L–480 and approximately 1.8 miles of Line L–400. With the 250 psig operating pressure limitation retained for protection of the old pipe remaining in Line L–400, 15.5 MMcf are expected to be available for delivery to Mansfield, in addition to 1.8 MMcf for Lexington and Bellville.

No abandonment of service will result from the proposed abandonment of facilities.

Applicant estimates the total capital cost of the proposed facilities at $1,241,500. The salvage value of the facilities to be abandoned is estimated at $111,200 and the cost of retiring these facilities is estimated at $79,500. Ohio Fuel proposes to finance these and other facilities by selling securities to its parent, The Columbia Gas System, Inc. Applicant has obtained the necessary approval to sell and issue the securities from The Public Utilities Commission of Ohio, and has filed an application requesting approval of the Securities and Exchange Commission.

Said application is on file with the Commission and open for inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–6861; Filed, Aug. 20, 1957; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 53A—DPAV–56 (a–2)]

WITHDRAWAL OF REQUEST TO PARTICIPATE IN THE AMENDED PLAN OF ACTION UNDER VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request published in 21 F. R. 10262, December 20, 1956, to participate in the Plan of Action Under Voluntary Agreement Relating to Foreign Petroleum Supply, dated August 10, 1956, as amended December 3, 1956, transmitted to and accepted by those companies listed in 21 F. R. 10262 and in 22 F. R. 1162, February 27, 1957, is hereby withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies was terminated July 31, 1957, except as to those acts performed or omitted by reason of the request which occurred on or before July 31, 1957, as a result of the termination of the Plan of Action by the Secretary of the Interior, as Administrator of the Plan, in accordance with the provisions of section 12 of that plan.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: August 16, 1957.

GORDON GRAY,
Director.

[F. R. Doc. 57–6872; Filed, Aug. 20, 1957; 8:51 a. m.]

DAVID C. HOLUB

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No other interests except The Holub Iron & Steel Company.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 966).

Dated: August 1, 1957.

DAVID C. HOLUB.

[F. R. Doc. 57–6873; Filed, Aug. 20, 1957; 8:52 a. m.]

MAURICE C. WALSH

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since previous report.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 966).

Dated: August 1, 1957.

MAURICE C. WALSH.

[F. R. Doc. 57-6874; Filed, Aug. 20, 1957; 8:52 a. m.]

SAM MANN EWING

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last report.

This amends statement previously published in the FEDERAL REGISTER January 25, 1957 (22 F. R. 513).

Dated: July 7, 1957.

SAM MANN EWING.

[F. R. Doc. 57-6875; Filed, Aug. 20, 1957; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 8-3846]

CHARLES R. MORGAN

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

AUGUST 13, 1957.

In the matter of Charles R. Morgan, 322 Mercantile Building, Knoxville, Tennessee; File No. 8-3846.

BROKER-DEALER REGISTRATION

GROUNDS FOR REVOCATION

Failure To File Financial Report

Where registered broker-dealer failed to file annual financial report for 1955, *held*, willful violation of Section 17 (a) of the Exchange Act and Rule X-17A-5 thereunder, and in public interest to revoke registration.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether Charles R. Morgan ("registrant"), a registered broker and dealer, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke his registration.[1]

[1] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order • • • revoke the registration of any broker or dealer if it finds that such • • • revocation is in the public interest and that (1) such broker or dealer • • • (D) has willfully violated any provision • • • of this title, or of any rule or regulation thereunder."

A copy of our notice and order for proceedings was served upon registrant by registered mail but registrant did not appear in person or by representative on the date set for hearing.

Rule X-17A-5 adopted pursuant to section 17 (a) of the act provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year. Upon review of the record in this proceeding, we find that registrant failed to file the required report of financial condition for the year 1955 and thereby violated section 17 (a) of the act and Rule X-17A-5 thereunder. We conclude also that the violation was willful within the meaning of section 15 (b).

On the basis of the foregoing, we are of the opinion that it is in the public interest to revoke registrant's registration.

Accordingly, it is ordered, That the registration of Charles R. Morgan as a broker and dealer be, and it hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6865; Filed, Aug. 20, 1957; 8:49 a. m.]

[File No. 24FS-2219]

APACHE URANIUM CO.

ORDER PERMANENTLY SUSPENDING EXEMPTION

AUGUST 15, 1957.

Apache Uranium Company having filed with the Commission on December 27, 1955, a notification on Form 1-A and an Offering Circular, and amendments thereto, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, pursuant to section 3 (b) thereof and Regulation A thereunder, with respect to an offering of 1,425,000 shares of its 1 cent par value common capital stock at 7 cents a share;

The Commission having by order dated August 22, 1956, pursuant to Rule 223 (a) of Regulation A, temporarily suspended the aforesaid exemption;

The Commission having ordered a hearing to determine whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption;

Hearings having been held after appropriate notice, and the hearing examiner having filed a recommended decision;

The Commission having this day issued its Findings and Opinion; on the basis of said Findings and Opinion

It is ordered, Pursuant to Rule 223 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the above described offering of securities of Apache Uranium Company be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6866; Filed, Aug. 20, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 178]

MOTOR CARRIER APPLICATIONS

AUGUST 16, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 9685 (Sub No. 56), filed July 31, 1957, THE EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat-packing houses, as described in Appendix 1, 61 M. C. C. 209*, from Peoria, Ill., to points in Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont, and Maine; *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return. Applicant is authorized to transport the named commodities from specified points to points in Illinois, Indiana, Iowa, Ohio, Michigan, New York, Pennsylvania, Kentucky Missouri, and West Virginia.

HEARING: October 2, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 30047 (Sub No. 6), filed August 2, 1957, PENNSYLVANIA TRANSFER CO., a corporation, 631 Cascade Street, New Castle, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pallets, empty drums, empty barrels*, and *other empty containers*, between points in Lawrence and Mercer Counties, Pa., on the one hand, and, on the other, points in the New York, N. Y., Commercial Zone, as defined by the Commission, points on Long Island, N. Y., on and west of New York Highway 110, and those in Bergen, Camden, Essex, Hudson, Passaic, and Union Counties, N. J. Applicant is authorized to transport Empty malt beverage containers from specified points in Ohio to New Castle, Pa., and other commodities in Connecticut, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

HEARING: October 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 33641 (Sub No. 31), filed July 26, 1957, INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Twin Falls and Filer, Idaho, on the one hand, and, on the other, Wells, Nev., as follows: From Twin Falls over U. S. Highway 30 to junction U. S. Highway 93 (also from Filer over U. S. Highway 30 to junction U. S. Highway 93), thence over U. S. Highway 93 to Wells, and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: Applicant is authorized to serve Twin Falls and Filer, Idaho, and Wells, Nev., and by the instant application requests authority to serve said points for joinder purposes in connection with its authorized regular route operations; and (2) between Burley, Idaho and Pocatello, Idaho, over U. S. Highway 30N, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE: Applicant is authorized to serve Burley and Pocatello, Idaho, and by the instant application requests authority to serve said points for joinder purposes in connection with its authorized regular route operations. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Nebraska, Nevada, Oregon, Idaho, and Wyoming.

HEARING: September 27, 1957, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 174, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 34977 (Sub No. 4), (Correction) published at page 6307, issue of August 7, 1957, filed July 16, 1957, DOMENICK VOLPE AND ROBERTA VOLPE, doing business as D. VOLPE, 1224 South Carlisle Street, Philadelphia 46, Pa. Applicant's attorney: Clarence M. Freedman, 1402-5 Commonwealth Building, 12th and Chestnut Streets, Philadelphia 7, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Steel shelving, lockers, and cabinets, sheet steel, culvert pipe, galvanized sheet steel, metal laths, pipe, reinforcing steel rods, nails*, and *other sheet metal products*, from Oaks (Montgomery County), Pa., to New York, N. Y., Washington, D. C., points in Westchester, Putnam, and Dutchess Counties, N. Y., those in Accomack and Northampton Counties, Va., and those in that part of Virginia on and east of U. S. Highway 15 and on and north of U. S. Highways 250 and 360, and returned shipments of the above-specified commodities on return; (2) *Sheet steel, sheet steel products, metal lath, pipe, reinforcing steel rods* and *nails*, between Oaks (Montgomery County), Pa., on the one hand, and, on the other, points in Delaware, Maryland and New Jersey. Applicant's attorney states that applicant is authorized to conduct operations to all the named destination points from Philadelphia, Pa., and the purpose of this application is to add the origin point of Oaks.

HEARING: Remains as assigned September 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 42065 (Sub No. 7), filed June 25, 1957, ANNA MANCULICH, EXECUTRIX, ESTATE OF ALEX MANCULICH, DECEASED, doing business as SANITARY TRANSFER, 4808 Penn Avenue, Pittsburgh, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products, empty containers therefor*, and *materials, equipment*, and *supplies* incidental to the production of bakery products, between Pittsburgh, Pa., and points in Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Lake, Geauga, Portage, Stark, Carroll, Cuyahoga, Summit and Medina Counties, Ohio. Applicant is authorized to conduct operations in Ohio, Pennsylvania, Maryland, and West Virginia.

HEARING: September 26, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 78118 (Sub No. 6), filed August 1, 1957, WILBUR H. JOHNS, 327 North Reservoir, Lancaster, Pa. Applicant's attorney: William S. Livengood, Jr., 227 State Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Petroleum products*, in containers, and *printed matter advertising the same*, from Oil City, Pa., and points within 5 miles thereof, to points in Virginia and Alabama; (2) *glass containers, rubber nipples* and *printed matter advertising the same*, from Oil City, Pa., and points in the Borough of Knox, Clarion County, Borough of Sheffield, Warren County, Borough of Marienville, Forest County, and the Borough of Parkers Landing, Clarion County, Pa., to points in Virginia, North Carolina, South Carolina, Georgia and Florida, and *damaged shipments* of the above described commodities, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations as a common and contract carrier in the States of Pennsylvania, Maryland, New York, Ohio, and New Jersey.

HEARING: October 3, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 94211 (Sub No. 3), filed June 19, 1957, PAUL L. BIRD, R. D. No. 2, Berlin, Pa. Applicant's attorney: James O. Courtney, Corner East Fairview and Court Avenue, Somerset, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Explosives*, from New Castle, Pa., to points in that part of West Virginia, Virginia and Maryland bounded by a line beginning at the Pennsylvania-West Virginia State line and extending in a southerly direction along U. S. Highway 19 to Gauley Bridge, W. Va., thence in an easterly direction along U. S. Highway 60 to Lexington, Va., thence in a northeasterly direction along U. S. Highway 11 to New Market, Va., thence in an easterly direction along U. S. Highway 211 to the Virginia-District of Columbia line, thence in a northeasterly direction along U. S. Highway 1 to the Maryland-Pennsylvania State line, and thence in a westerly direction along the Pennsylvania-Maryland State line to point of origin. Applicant is authorized to transport explosives from Berlin, Pa., to points in the destination territory in Maryland, Virginia, and West Virginia hereinabove described.

HEARING: September 27, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 105461 (Sub No. 8), filed July 29, 1957, BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Riparius, Poland, Potsdam, North Creek, Tupper Lake, Lake George, Warrensburg, Saranac Lake, Hancock, Salem, Broadalbin, White Sulphur Springs, Nelliston, Newcomb, and Sherburne, N. Y., and Honesdale, Titusville, Endeavor, Wellsboro, and Catasauqua, Pa., to points in Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting lumber on return. Applicant is authorized to transport similar commodities in Delaware, Maine, Maryland, New Hampshire, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant has contract carrier authority under Permit No. MC 68807 and subs thereunder. Section 210 (dual operations) may be involved.

HEARING: September 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 107403 (Sub No. 240), filed July 30, 1957, E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from points in Chesterfield and Prince George Counties, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Applicant is authorized to transport similar commodities in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

HEARING: October 1, 1957, at the Offices of the Interstate Commerce Com-

mission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 109704 (Sub No. 1), filed June 18, 1957, DANTE J. CASALI, doing business as CHEMICAL TRANSPORT CO., 14 Holland Road, Pittsburgh 35, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Non-corrosive chemicals* and *synthetic resins*, in bulk, in tank vehicles, from points in Ohio, Indiana, New Jersey, Illinois, New York, West Virginia, and Michigan, to Bridgeville, Pa. Applicant is authorized to transport similar commodities in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: September 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 111785 (Sub No. 5), filed July 22, 1957, FRED C. BURNS, doing business as BURNS MOTOR FREIGHT, 1005 Third Avenue, Marlinton, W. Va. Applicant's attorney: Donald E. Cross, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Tanning materials* and *supplies*, not including liquid commodities in bulk in tank vehicles, from Coudersport, Pa., and Buffalo, N. Y., North Claymont, Del., and points in New Jersey and Virginia, to points in Pocahontas County, W. Va. (2) *Sole leather*, from points in Pocahontas County, W. Va., to Chicago, Ill.

NOTE: Applicant also states the following: No transportation on return except exempt commodities and as otherwise authorized.

HEARING: September 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 113651 (Sub No. 14), filed July 31, 1957, INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat-packing houses, as described in Appendix 1, 61 M. C. C. 209*, from Peoria, Ill. to points in Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont, and Maine; *empty containers or other such incidental facilities* (not specified) *used in transporting the named commodities*, on return. Applicant is authorized to conduct operations from specified points to points in Alabama, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Kentucky, (except Louisville), Maryland, Missouri (except St. Louis), the District of Columbia, Connecticut, Maine, Illinois, Delaware, New Hampshire, Vermont, and Pennsylvania.

HEARING: October 2, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Charles H. Riegner.

No. MC 114019 (Sub No. 11), filed July 31, 1957, THE EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat-packing houses, as described in Appendix 1, 61 M. C. C. 209*, from Peoria, Ill., to points in Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont, and Maine; *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return. Applicant is authorized to transport the named commodities from specified points to points in Illinois, Indiana, Iowa, Ohio, Michigan, New York, Pennsylvania, Kentucky, Missouri, and West Virginia.

HEARING: October 2, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 114699 (Sub No. 7), filed July 31, 1957, TANK LINES, INCORPORATED, P. O. Box 7026, North Dabney Road, Richmond, Va. Applicant's attorney: Alexander W. Neal, Jr., 905 Mutual Building, Richmond, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from points in Prince George and Chesterfield Counties, Va., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Connecticut, and the District of Columbia.

NOTE: Applicant is authorized to transport Nitrogen fertilizer solutions and fertilizer ammoniating solutions, in bulk, in tank vehicles, from Hopewell (Prince George County), Va., to points in Maryland, Delaware, Pennsylvania, New Jersey, and New York.

HEARING: October 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 116279 (Sub No. 1), filed July 29, 1957, JOHN H. BLACK, doing business as BLACK'S TRANSFER, 123 Harding Street, Appalachia, Va. Applicant's attorney: B. W. Hamilton, Appalachia, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products*, including *cakes*, *cookies*, and *fig bars*, from Appalachia, Va., to Winston-Salem, N. C., Johnson City and Kingsport, Tenn., and Pineville, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return. Applicant is authorized to transport similar commodities in Kentucky, North Carolina, and Virginia.

NOTE: Any duplication with present authority to be eliminated.

HEARING: October 1, 1957, at 11:00 a. m., local time, at the City Court House, Bristol, Va., before Examiner Richard H. Roberts.

No. MC 116724, filed June 6, 1957, ROSCOE WAGNER, doing business as WAGNER TRANSPORTATION COMPANY, P. O. Box 766, Twin Falls, Idaho. Applicant's attorney: Raymond D. Givens, 1530 Idaho Street, P. O. Box 964, Boise, Idaho. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and poultry feeds*, in bulk, between points in Arizona, California, Idaho, Oregon, Utah and Washington, on the one hand, and, on the other, points in California, Idaho, Nevada, Oregon, Utah, Montana and Washington.

NOTE: Applicant proposes to transport *exempt commodities* on return movements.

HEARING: September 26, 1957, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner F. Roy Linn.

No. MC 116730, filed June 10, 1957, C. W. STOLTENBERG, Box 365, Kimberly, Idaho. For authority to operate as a *contract carrier*, over regular routes, transporting: *Farm machinery and equipment*, and *commodities used in connection with the operation and maintenance of farms and the production of farm crops, livestock and poultry*, between Moline, Rock Island and Joliet, Ill., Davenport and Council Bluffs, Iowa, and Omaha, Nebr., on the one hand, and, on the other, Boise, Twin Falls, Gooding, Burley, Pocatello and Idaho Falls, Idaho.

NOTE: Applicant states he will haul lumber owned by applicant on return trips.

HEARING: September 26, 1957, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner F. Roy Linn.

MOTOR CARRIERS OF PASSENGERS

No. MC 2284 (Sub No. 21), filed July 17, 1957, BOULEVARD TRANSIT LINES, INC., 53 Boulevard, Bayonne, N. J. Applicant's attorney: Morris Drogin, 602 Broadway, Bayonne, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Bayonne, N. J., and Jersey City, N. J., from the intersection of Hudson County Boulevard and New Jersey Turnpike Marginal Road, in Bayonne, over New Jersey Turnpike Marginal Road to Jersey City, thence over New Jersey Turnpike Marginal Road to junction Garfield Avenue, thence over Garfield Avenue to Bayonne, thence over Broadway to junction East 53d Street, thence over East 53d Street to Jersey City, thence continue over East 53d Street to junction New Jersey Turnpike Interchange Road 14–A, thence over New Jersey Turnpike Interchange Road 14–A to junction New Jersey Turnpike, thence over the New Jersey Turnpike to junction 12th Street in Jersey City. Returning in Jersey City, from junction 14th Street and the New Jersey Turnpike, and thence over the same route, as described above, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: September 23, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 2353 (Sub No. 9), filed July 29, 1957, MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore 24, Md. Applicant's attorney: S. Harrison Kahn, Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *their baggage*, in special operations on round trip sightseeing and pleasure tours, from Baltimore, Md., and points in Maryland within 25 miles thereof to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming, and return. Applicant is authorized to conduct operations in Maryland, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin.

HEARING: October 7, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 58915 (Sub No. 32), filed July 31, 1957, LINCOLN TRANSIT CO., INC., U. S. 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers* and *their baggage*, and *express* and *newspapers* in the same vehicle with passengers between Englishtown, N. J. and Old Bridge, N. J., from Englishtown over Monmouth County Highway 522 to the junction of Middlesex County Highway 522, thence over Middlesex County Highway 522 to Jamesburg, thence along Middlesex County Highway 5–R–1 through Helmetta and Spotswood to Old Bridge, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New York and New Jersey.

HEARING: September 30, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 116846, filed July 31, 1957, BENJAMIN KEENE, Box 280, Route 2, Glen Burnie, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations beginning and ending at points in Anne Arundel and Prince Georges Counties, Md., and extending to points in New Jersey, New York, Pennsylvania, the District of Columbia, Virginia, West Virginia, and Delaware.

HEARING: October 2, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 116853, filed August 2, 1957, GREENVILLE BUS CO., INC., 130 Pamrapo Avenue, Jersey City, N. J. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, *express*, *mail* and *newspapers* in the same vehicle with passengers (1) Between Bayonne, N. J., and New York, N. Y., serving all intermediate points: from the junction First Street and Broadway in Bayonne, over Broadway to junction Garfield Avenue at the Bayonne-Jersey City municipal boundary line, thence over Garfield Avenue in Jersey City to the junction Merritt Street, thence over Merritt Street to junction Old Bergen Road, thence over Old Bergen Road to junction Rose Avenue, thence over Rose Avenue to junction Long Street, thence over Long Street to junction Jackson Avenue, thence over Jackson Avenue to junction Communipaw Avenue, thence over Communipaw Avenue to junction Pacific Avenue, thence over Pacific Avenue to junction Grand Street (also over Communipaw Avenue to junction Grand Street, thence over Grand Street to junction Pacific Avenue, thence over Grand Street to junction Jersey Avenue, thence over Jersey Avenue, to junction Eighth Street, thence over Eighth Street to junction West Hamilton Place, thence over West Hamilton Place to junction Ninth Street, thence over Ninth Street to junction Jersey Avenue, thence over Jersey Avenue to junction Newark Avenue at the Jersey City-Hoboken municipal boundary line, thence over Newark Avenue in Hoboken to junction Jackson Street, thence Jackson Street to junction Seventh Street, thence over Seventh Street to junction Clinton Street, thence over Clinton Street to junction Twelfth Street, thence over Twelfth Street to junction Willow Avenue, thence over Willow Avenue to Hoboken-Weehawken municipal boundary line, thence over Willow Avenue in Weehawken to junction Park Avenue, thence over Park Avenue to the Lincoln Tunnel Plaza, thence through the Lincoln Tunnel to New York, N. Y., return from New York, N. Y. through the Lincoln Tunnel to the Lincoln Tunnel Plaza in Weehawken, thence over Park Avenue to junction Willow Avenue, thence over Willow Avenue to the Weehawken-Hoboken municipal boundary line, thence over Willow Avenue to junction Thirteenth Street, thence over Thirteenth Street to junction Jefferson Street, thence over Jefferson Street to junction Newark Avenue, thence over Newark Avenue to junction Jersey Avenue, thence over Jersey Avenue to junction Jersey Avenue at the Hoboken-Jersey City municipal boundary line, thence over Jersey Avenue to junction Ninth Street, thence over Ninth Street to junction East Hamilton Place, thence over East Hamilton Place to junction Eighth Street, thence over Eighth Street to junction Jersey Avenue, thence over Jersey Avenue to junction Grand Street, thence over Grand Street to junction Pacific Avenue, thence over Pacific Avenue to junction Communipaw Avenue, thence over Communipaw Avenue to junction Jackson Avenue (also from junction Jersey Avenue and Grand Street over Grand Street to junction Communipaw Avenue), thence over Jackson Avenue to junction Long Street, thence over Long Street to junction Rose Avenue, thence over Rose Avenue to junction Old Bergen Road, thence over Old Bergen Road to junction Merritt Street, thence over Merritt Street to junction Garfield Avenue, thence over Garfield Avenue to junction Broadway at the Jersey City-Bayonne municipal boundary line, thence over Broadway to the point of beginning. (2) Between Bayonne, N. J., and New York, N. Y., serving all intermediate points: from the junction of First Street and Broadway in Bayonne, over Broadway to junction East 53d Street, thence over East 53d Street to the junction of Jersey City Expressway access road, thence over Jersey City Expressway access road to Jersey City Expressway Interchange No. 14A, thence over Jersey City Expressway to junction Jersey City Expressway and Twelfth Street in Jersey City, thence over Twelfth Street to junction Jersey Avenue, thence over Jersey Avenue to junction Newark Avenue at the Jersey City-Hoboken Municipal boundary line, thence over Newark Avenue to junction Jackson Street, thence over Jackson Street to junction Seventh Street, thence over Seventh Street to junction Clinton Avenue, thence over Clinton Avenue to junction Twelfth Street, thence over Twelfth Street to junction Willow Avenue, thence over Willow Avenue to Hoboken-Weehawken Municipal boundary line, thence over Willow Avenue in Weehawken to junction Park Avenue, thence Park Avenue to the Lincoln Tunnel Plaza, thence through the Lincoln Tunnel to New York, N. Y., return from New York, N. Y., through the Lincoln Tunnel Plaza in Weehawken, thence over Park Avenue to junction Willow Avenue, thence over Willow Avenue to Weehawken-Hoboken Municipal boundary line, thence over Willow Avenue to junction Thirteenth Street, thence over Thirteenth Street to junction Jefferson Street, thence over Jefferson Street to junction Newark Avenue, thence over Newark Avenue to junction Jersey Avenue, thence over Jersey Avenue to junction Jersey Avenue, Fourteenth Street, and Jersey City Expressway, thence over Jersey City Expressway to Exit No. 14A in Bayonne, thence over Jersey City Expressway exit road to junction Avenue E, thence over Avenue E to junction East 52d Street, thence over East 52d Street, to junction Broadway, thence over Broadway to the point of beginning.

HEARING: October 14, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 3.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12662, filed July 30, 1957, JACK BERKLEY, 86 Golden Gate Road, Levittown, Pa. Applicant's attorney: I. Raymond Kremer, 900 Dewey Building, Northeast corner 13th and Market Streets, Philadelphia 7, Pa. For a license as a *broker* (BMC 5) in arranging for the transportation by motor vehicle of *passengers* and *groups of passengers* and *their baggage*, in special and charter operations, beginning and ending at Philadelphia, Pa., and points within 20 miles thereof and extending to points in the United States.

NOTE: Applicant's attorney states that transportation will be primarily arranged to ski area points in Pennsylvania, New York, New Hampshire, Maine, Vermont, and Massachusetts.

HEARING: October 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before joint Board No. 65, or if the Joint Board waives its right to participate, before Examiner Charles H. Riegner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 41432 (Sub No. 76), filed August 2, 1957, EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Avenue, Dallas 10, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Tex., and Rye, Tex., over Texas Highway 105, serving all intermediate points. Applicant is authorized to conduct regular route operations in Arkansas, Illinois, Missouri, Tennessee, and Texas, and irregular route operations in Texas.

No. MC 42487 (Sub No. 341), filed July 31, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except gasoline, kerosene, lubricating oil, diesel oil, stove oil, fuel oil, road oil, asphalt and liquefied petroleum gases in bulk, in tank vehicles, over applicant's presently authorized regular routes in Oregon, Washington, Idaho, Montana and that part of California north of the northern boundaries of Santa Cruz, Santa Clara, San Joaquin, Calaveras and Alpine Counties, Calif. The purpose of this application is to clarify applicant's present authority to transport chemicals of a petroleum base, in tank vehicles, over the presently authorized regular routes in the described territory.

No. MC 43716 (Sub No. 22), filed August 9, 1957, BIGGE DRAYAGE CO., a corporation, 2387 Campbell Street, P. O. Box 635, Bayshore Annex, Oakland, Calif. Applicant's attorney: Frank Loughran, Suite 1620 Russ Building, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, which because of their size or weight require the use of special equipment, and/or specialized handling, and/or rigging, in the loading and/or unloading, and/or transportation thereof, between points in California, except those in San Bernardino, Orange, Los Angeles, Riverside, San Diego, and Imperial Counties, Calif. Applicant is authorized to transport similar commodities in California, Idaho, Nevada, Oregon, and Washington.

No. MC 50034 (Sub No. 24), filed August 12, 1957, COURIER EXPRESS, INC., 115 Montgomery Street, Logansport, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Kewanna, Ind., as an off-route point in connection with applicant's authorized regular route operations over Indiana Highways 25 and 35, and as an intermediate point in connection with applicant's authorized operating convenience route between Logansport and Culver, Ind., over Indiana Highway 17.

No. MC 66562 (Sub No. 1378), filed August 6, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, Suite 1220, The Citizens and Southern National Bank Building, Atlanta, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service between Panama City, Fla., and Apalachicola, Fla., from Panama City over U. S. Highway 98 to junction of new highway Port St. Joe-Apalachicola cut-off (Florida Highway 308), U. S. Highway number not yet designated, thence over Port St. Joe-Apalachicola cut-off (Florida Highway 308) to junction U. S. Highway 98, and thence over U. S. Highway 98 to Apalachicola, and return over the same route, serving the intermediate point of Port St. Joe. RESTRICTION: Proposed service to be limited to service which is auxiliary to or supplemental of express service. Shipments proposed to be transported to be limited to those moving on a through bill of lading or express receipt covering, in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air, and such further conditions as the Commission in the future may find it necesary to impose in order to restrict applicant's operations to service which is auxiliary to or supplemental of express service. Applicant transports similar commodities throughout the United States.

No. MC 107496 (Sub No. 96), filed August 2, 1957, RUAN TRANSFORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the site of the Clark Oil & Refining Corporation river terminal at Tuscarora, Ill., to Dubuque, Iowa. Applicant is authorized to transport similar commodities in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 110875 (Sub No. 4), filed August 6, 1957, A. L. GOULD AND CARL TALBOT, doing business as GOULD AND TALBOT, 606 East Main Street, Streator, Ill. Applicant's attorney: James F. Flanagan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used empty pallets, skids, bases* and *other platforms* or *containers* and *other such incidental facilities* used and to be used by said carrier in previously authorized transportation, from points in Iowa (except Fort Madison, Keokuk, and Burlington), and from points in Minnesota, Nebraska, and Missouri (except St. Louis), and South Dakota, to Streater, Ill.

No. MC 116526 (Sub No. 2), filed August 7, 1957, JASPER O. GOSLIN, Route 1, Emmett, Idaho. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dehydrated sugar beet pulp*, in bulk or containers, from Nyssa, Oreg., to points in Gem County, Idaho.

MOTOR CARRIERS OF PASSENGERS

No. MC 1504 (Sub No. 139), filed August 2, 1957, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between junction South Carolina Secondary Road 38 and U. S. Highway 21 near Lobeco, S. C., and junction South Carolina Secondary Road 43 and U. S. Highway 17 approximately three miles north of Gardens Corner, S. C., from junction South Carolina Secondary Road 38 and U. S. Highway 21 near Lobeco over South Carolina Secondary Road 38 to Dale, S. C., thence over South Carolina Secondary Road 43 to junction U. S. Highway 17 approximately three miles north of Gardens Corner, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in Florida, Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 1504 (Sub No. 140), filed August 2, 1957, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between junction U. S. Highways 29 and 74 east of Kings Mountain, N. C., and junction U. S. Highways 29 and North Carolina Highway 216 northeast of Grover, N. C., over U. S. Highway 29, serving all intermediate points. Applicant is authorized to conduct similar operations in Florida, Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

PETITIONS

No. MC 50544, THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, Texas & Pacific Building, Dallas, Tex. Applicant's attorney: William C. Dowdy, Jr., 914 Texas and Pacific Building, Dallas, Tex. By petition dated July 26, 1957, applicant seeks removal of Alexandria, La., as a key-point from the above-numbered consolidated certificate dated February 19, 1957. The condition in the subject certificate pertinent hereto reads: "No shipments shall be transported by carrier between any of the following points, or through, or to, or from, more than one of said points: New Orleans, *Alexandria*, and Shreveport, La., Texarkana, Tex.-Ark., Fort Worth-Dallas (considered as one), Abilene, and El Paso, Tex." In conclusion applicant prays that the Commission reopen MC 50544 and modify the certificate issued February 19, 1957, by removing Alexandria, La., as key-point.

No. MC 69281, DAVIDSON TRANSFER & STORAGE CO., 6201 Pulaski Highway, Baltimore, Md. Applicant's attorney: Roland Rice, 618 Perpetual Building, Washington 4, D. C. (PETITION FOR CLARIFICATION TO REMOVE AMBIGUITY IN CERTIFICATE) By petition dated August 2, 1957, petitioner sets forth the matters here at issue in Paragraph II of said petition, as follows: "IRREGULAR ROUTES: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New York, N. Y., on the one hand, and, on the other, points within 35 miles of New York. Between Philadelphia, Pa., on the one hand, and, on the other, points within 35 miles of Philadelphia. Between Washington, D. C., on the one hand, and, on the other, points within 10 miles of Washington. RESTRICTION:- The irregular routes (sic) authorization above is to be used in connection with the regular route operations authorized herein. The ambiguity arises from the RESTRICTION quoted just above. Does the restriction mean that a line-haul vehicle utilizing a regular route that permits service at New York or Philadelphia or Washington may serve a point within the respectively authorized radii of those cities only when the cities themselves are traversed? Or does it mean that DAVIDSON may depart from the regular route at a convenient place within the authorized radius, serve a point or points within the radius and return thereafter to the regular route? Petitioner submits that the latter is true." The petitioner, in conclusion, prays the Commission to "reframe its certificate in such manner as will unequivocally permit off-route service in the three radii in question, and allow petitioner to utilize points on its regular route within the subject 'irregular route' areas to be used as gateways on shipments to and from points in the described 'irregular route' areas."

PETITIONS TO REDEFINE COMMERCIAL ZONE LIMITS

The following petitions relative to the limits of the zone adjacent to and commercially a part of a municipality within the meaning of section 203 (b) (8) of the Interstate Commerce Act has been received and will be processed in the manner hereinafter indicated.

In Ex Parte No. MC-37, Commercial Zones and Terminal Areas, a petition dated June 14, 1957, has been filed by The Minneapolis Traffic Association of Minneapolis, Minn., seeking redefinition of the limits of the commercial zone of Minneapolis, Minn., in a manner to expand them. Petitioner's attorney: Henry A. Archambo, 164 Grain Exchange Building, Minneapolis, Minn.

The limits of the commercial zone of Minneapolis-St. Paul, Minn., are now determined specifically in Ex Parte No. MC-37, Commercial Zones and Terminal Areas, 48 M. C. C. 441, 453 (49 CFR 170.26).

Petitioners seek enlargement of the specifically described zone limits, particularly in the area southwest of the present zone limits.

In No. MC-C-258, *Kansas City, Mo.-Kansas City, Kans., Commercial Zone* a petition dated July 11, 1957, has been filed by The Chamber of Commerce of Kansas City, and one dated August 3, 1957, by Peck-Woolf Sand & Gravel Co., Inc., and others, in support thereof, seeking redefinition of the limits of the commercial zone of Kansas City, Mo.-Kans., in a manner to expand them.

Attorneys for The Chamber of Commerce of Kansas City: George F. Hall, Jr. and Lee R. Cowles, 1030 Baltimore Avenue, Kansas City 5, Mo. Attorney for Peck-Woolf Sand & Gravel Co., Inc., et al.: James F. Miller, 500 Board of Trade Building, Kansas City, Mo.

The limits of the commercial zone of *Kansas City Mo.-Kans.*, are now determined specifically in No. MC-C-258, *Kansas City, Mo.-Kansas City, Kans., Commercial Zone*, 54 M. C. C. 288 (49 CFR 170.8).

Petitioners seek some enlargement of the above-described zone limits practically in all areas.

No oral hearing is contemplated with respect to the petition, but an informal investigation with respect to redefinition of the zone limits as requested, and in other respects, will be conducted. Subsequent to such investigation the Commission will either (1) enter an order denying the petitions or, (2) if any change is considered, a Notice of Proposed Rule Making will be published. Persons supporting or opposed to any change in the present zone limits, who desire to participate in future proceedings on this petition or be notified of any action taken thereon, should notify the Commission and Counsel for petitioners of their desire on or before 30 days from the date of publication.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 2989 (Sub No. 25), filed August 9, 1957, DAYS TRANSFER, INC., 730 East Beardsley Avenue, Elkhart, Ind. Applicant's attorney: Walter N. Bieneman, 2150 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Ann Arbor, Mich., and Hamburg, Mich., from Ann Arbor over U. S. Highway 23 to junction Michigan Highway 36, thence over Michigan Highway 36 to Hamburg, and return over the same route, serving all intermediate points; and (2) between Ann Arbor, Mich., and South Lyon, Mich., from Ann Arbor over U. S. Highway 23 to junction County Road near Whitmore Lake, thence over County Road to South Lyon, and return over the same route, serving all intermediate points. Applicant conducts similar operations in Illinois, Indiana and Michigan.

NOTE: This application is directly related to MC-F 6668 published in this issue.

No. MC 87786 (Sub No. 4), filed August 6, 1957, LIGHTNING EXPRESS, INC., 2701 Railroad Street, Pittsburgh, Pa. Applicant's attorney: Henry M. Wick, 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Pittsburgh, Pa., and New Castle, Pa., from Pittsburgh over U. S. Highway 19 to Zelienople, Pa., thence over Pennsylvania Highway 288 to Ellwood City, Pa., thence over Pennsylvania Highway 88 to New Castle, and return over the same route; (2) between Beaver Falls, Pa., and New Castle, Pa., from Beaver Falls over Pennsylvania Highway 18 to New Castle, and return over the same route; (3) between Koppel, Pa., and Ellwood City, Pa., from Koppel over Pennsylvania Highway 351 to Ellwood City, and return over the same route, serving in connection with routes (1), (2) and (3) above, all intermediate points and the following off-route points: Butler County: Boroughs of Callery, Connoquenessing, East Butler, Evansburg, Harmony, Mars, Portersville, Prospect, and Valencia; Townships of Butler, Penn, Middlesex, Adams, Forward, Connoquenessing, Jackson, Franklin, Muddycreek, Cranberry, Lancaster and Summit; Lawrence County: Boroughs of Bessemer, Enon Valley, South New Castle, and Valant; Townships of Big Beaver, Wayne, North Beaver, Taylor, Shenango, Slippery Rock, Union, Neshannock, Hickory and Perry. (4) ALTERNATE ROUTE FOR OPERATING CONVENIENCE ONLY, between Pittsburgh, Pa., and Beaver Falls, Pa., from Pittsburgh over Pennsylvania Highway 88 to New Brighton, thence over Pennsylvania Highway 18 to Beaver Falls, and return over the same route, serving no intermediate points and serving the termini for purpose of joinder only, in connection with proposed routes (1), (2) and (3) applied for herein. Applicant is authorized to conduct similar operations in Ohio, Pennsylvania and West Virginia.

NOTE: This application is directly related to MC-F 6664 published in this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Com-

mission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6657 (correction) published in the August 14, 1957, issue of the FEDERAL REGISTER on page 6545. The states of Colorado, Oklahoma and Texas should be deleted from the list of states in which vendee is authorized to operate.

No. MC–F 6664. Authority sought for purchase by LIGHTNING EXPRESS, INC., 2701 Railroad Street, Pittsburgh 22, Pa., of the operating rights and property of CHARLES E. SALVATORA, doing business as NEW CASTLE EXPRESS, 2701 Railroad Street, Pittsburgh, Pa., and for acquisition by FRANK W. SALVATORA, JOSEPH L. SALVATORA, and L. B. SALVATORA, all of Pittsburgh, of control of such rights and property through the purchase. Applicants' attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation as a *common carrier* in the State of Pennsylvania of (a) *property*, as a Class A carrier, between Pittsburgh and New Castle via Millvale, Babcock Boulevard and Keown, thence over Highway Route 19, via Wexford, Warrendale and Zellenople, thence via Highway Route 288 to Ellwood City, thence via Highway Route 388 to New Castle, between Beaver Falls and Ellwood City, via Highway Route 388, between Beaver Falls and Ellwood City over Highway Route 18 through Koppel, thence via Ellwood City and Koppel Bridge, Belton, McGinnes' Lane and Park Gate; (b) *property*, as a Class D carrier, from municipalities located immediately on both sides of the Ohio River from Pittsburgh to the dividing line between Allegheny and Beaver Counties, on both sides of the Monongahela River from Pittsburgh to the dividing line between Allegheny and Washington Counties, and on the west side of the Allegheny River from Pittsburgh to the dividing line between Allegheny and Butler Counties, and on the east side of the Allegheny River from Pittsburgh to the dividing line between Allegheny and Westmoreland Counties, to points on the said Pittsburgh-New Castle Route, and vice versa; and an alternate route between Pittsburgh and Beaver Falls via Ohio River Boulevard; provided, however, that no right, power or privilege is granted to transport property to or from Pittsburgh and Beaver Falls and intermediate points between said places; (c) *property*, excluding household goods in use, as a Class D carrier, from the Ellwood Foundry and Machine Company in the Borough of Ellwood City, Lawrence County, and the Shenango Pottery Company at New Castle, Lawrence County, to the City of Pittsburgh, Allegheny County, for further transportation by rail; (d) *property*, as a Class B carrier, between points in the City of New Castle and the Townships of Taylor, Hickory, Neshannock, Union, Shenango and North Beaver, Lawrence County; (e) *property*, as a Class C carrier, from points in the City of New Castle and the Townships of Taylor, Hickory, Neshannock, Union, Shenango and North Beaver, Lawrence County, to other points in the Counties of Mercer, Lawrence and Beaver, and the western part of the County of Butler, extending as far east as the City of Butler, excluding the said city; (f) *household goods* in use and *baggage*, as a Class D carrier, from points in the City of New Castle and the Townships of Taylor, Hickory, Neshannock, Union, Shenango and North Beaver, Lawrence County, to other points in Pennsylvania. Vendee is authorized to operate as a *common carrier* in Pennsylvania, West Virginia and Ohio. Application has not been filed for temporary authority under section 210a (b).

NOTE: MC 87786 Sub 4, filed August 6, 1957, is a matter directly related.

No. MC–F 6665. Authority sought for control by SMITH'S TRANSFER CORPORATION OF STANTON, VA., 332 Kalorama Street SE., Staunton, Va., of THE H. T. SMITH EXPRESS COMPANY, North Colony Road, Wallingford, Conn., and for acquisition by R. R. SMITH and R. P. HARRISON, both of Staunton, of control of THE H. T. SMITH EXPRESS COMPANY through the acquisition by SMITH'S TRANSFER CORPORATION OF STANTON, VA. Applicant's attorney: David G. Macdonald, 504 Commonwealth Building, Washington 6, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes between Meriden, Conn., and Boston, Mass., between Meriden Conn., and Carteret, N. J., between Meriden, Conn., and Winsted, Conn., between Meriden, Conn., and Thomaston, Conn., between Meriden, Conn., and East Hampton, Conn., between Meriden, Conn., and Hartford, Conn., between Hartford, Conn., and Sturbridge, Mass., and between Waterbury, Conn., and Bridgeport, Conn., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, over irregular routes between points in Connecticut, and between Meriden, Conn., on the one hand, and, on the other, certain points in Massachusetts, certain points in New Jersey, and certain points in New York; *heavy machinery*, between points in Connecticut, and between Meriden, Conn., on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, New York, Pennsylvania, and New Jersey; *steel* and *skids*, between Meriden, Conn., and Lambertville, N. J. SMITH'S TRANSFER CORPORATION OF STANTON, VA., is authorized to operate as a *common carrier* in Virginia, Maryland, Pennsylvania, Delaware, New York, New Jersey, West Virginia, North Carolina, South Carolina and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6666. Authority sought for purchase by ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, Box 4141, Madisonville, Ky., of the operating rights and property of FORREST MILTON DURRETT, doing business as DURRETT TRANSFER COMPANY, North Highway 41, Springfield, Tenn. Applicants' attorneys: A. O. Buck, Nashville Trust Building, Nashville, Tenn., and McChesney, McChesney, Kinker & Pearce, Seventh Floor, McClure Building, Frankfort, Ky. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Nashville, Tenn., and Adairville, Ky., between Russellville, Ky., and Owensboro, Ky., between South Carrollton, Ky., and Owensboro, Ky., between Adairville, Ky., and Russellville, Ky., and between Nashville, Tenn., and Owensboro, Ky., serving certain intermediate points; *general commodities*, with certain exceptions including commodities in bulk and excluding household goods, between Sacramento, Ky., and Evansville, Ind., and between Stanley, Ky., and Evansville, Ind., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Kentucky, Indiana, Tennessee, Missouri, Ohio, Pennsylvania, West Virginia, New York, New Jersey and Illinois. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6667. Authority sought for purchase by DANIELS MOTOR FREIGHT, INC., Niles Road Extension, Warren, Ohio, of the operating rights of GEORGE B. SMITH, JR., AND HAROLD B. SMITH, doing business as GEORGE B. SMITH, 1057 Empire Avenue, Camden, N. J., and for acquisition by J. W. COX, also of Warren, of control of such rights through the purchase. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Wilmington, Del., on the one hand, and, on the other, certain points in Pennsylvania, and between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., West Chester, Pa., and points in that part of Delaware County, Pa., on and east of U. S. Highway 13; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between Newark, Del., and points in Pennsylvania and Maryland within 27 miles of Newark, Del., not including Chester, Pa.; *feed, lime, fertilizer* and *fertilizer materials*, from Baltimore, Md., to Newark, Del., and points in Delaware and Pennsylvania within ten miles of Newark, Del.; *paper*, from Newark, Del., to Lancaster, Philadelphia, and Harrisburg, Pa. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, Maryland, New Jersey, New York, West Virginia, Indiana, Michigan and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6668. Authority sought for purchase by DAYS TRANSFER, INC., 730 East Beardsley Avenue, Elkhart, Ind., of the operating rights and certain property of W. J. HEERES, Box 432, Ann Arbor, Mich., and for acquisition by JOHN H. DAYS, also of Elkhart, of control of such rights and property through the purchase. Applicant's attorney: Walter N. Bieneman, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1), Interstate Commerce Act, in the transportation of *freight*, as a *common carrier* in the State of Michigan, over a regular route between Ann Arbor, Whitmore Lake, South Lyons and Hamburg. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Michigan and Ohio. Application has not been filed for temporary authority under section 210a (b).

NOTE: This application is directly related to No. MC 2989 Sub 25, filed August 9, 1957.

No. MC–F 6669. Authority sought for control and merger by COMMERCIAL CARRIERS, INC., 3399 East McNichols Road, Detroit 12, Mich., of the operating rights and property of AUTO EXPRESS, INC., Route No. 1, Box 812, Dinsmore, Fla., and for acquisition by AMERICAN COMMERCIAL BARGE LINE COMPANY, P. O. Box 510, Jeffersonville, Ind., of control of such rights and property through the transaction. Applicants' attorneys: Harold E. Spencer, One North La Salle Street, Chicago 2, Ill., and Dan R. Schwartz, Professional Building, Jacksonville, Fla. Operating rights sought to be controlled and merged: *New automobiles and trucks*, as a *common carrier* over irregular routes from Jacksonville, Fla., to points in Florida; *new automobiles*, in truckaway service, from Detroit, Mich., and points within five miles of Detroit, to Augusta, Ga., and points in Florida; *new automobiles and automobile chassis*, in initial movements, in truckaway service, and *automobile bodies*, from Willow Run, Mich., to Augusta, Ga., and points in Florida; *automobile show equipment and paraphernalia*, from Augusta, Ga., and points in Florida to Willow Run, Mich; *second hand automobiles*, from Jacksonville and Orlando, Fla., to points in Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, West Virginia, Ohio, Indiana, Michigan, and the District of Columbia; *citrus fruits* and *fresh vegetables*, from certain points in Florida to points in Virginia, Maryland, Deleware, Pennsylvania, New York, New Jersey, West Virginia, Ohio, Indiana, Michigan, and the District of Columbia; *fresh fruits* and *vegetables*, from points in New York, Virginia, and Pennsylvania to Jacksonville and Orlando, Fla. COMMERCIAL CARRIERS, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Florida, Kansas, Nebraska, Oklahoma, Texas, Maryland, Massachusetts, New Jersey, Oregon, Washington, Colorado, Wyoming, New York and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6670. Authority sought for purchase by INLAND EXPRESS, INC., 28 Travis Street, Boston, Mass., of the operating rights and certain property of RICHELIEU WAREHOUSE, INC., 729 Broad Street, Utica, N. Y., and for acquisition by SIDNEY LIPMAN, 20 Belleaire Avenue, Lynn, Mass., RALPH R. RUBADO, 50 Florence Road, Waltham, Mass., OSCAR W. WELCH, Buckley Road, North Syracuse, N. Y., and R. BRODIE HAMMOND, 417 Brooklea Drive, Fayetteville, N. Y., of control of such rights and property through the purchase. Applicants' attorney: Norman M. Pinsky, 5th Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Utica, N. Y., on the one hand, and, on the other, points in New York within 30 miles of Utica. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Rhode Island and Connecticut. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6671. Authority sought for control and merger by NICKLE PLATE, 5885 Northwest St. Helens Road, Portland 10, Oreg., of the operating rights and property of SILVER EAGLE COMPANY, 5885 Northwest St. Helens Road, Portland 10, Oreg., and for acquisition by JULIUS GAUSSOIN, also of Portland, of control of such rights and property through the transaction. Applicants' attorney: William B. Adams, 331 Pacific Building, Portland, Oreg. Operating rights sought to be controlled and merged: *Liquid petroleum products*, in bulk, as a *common carrier* over irregular routes from Portland, Oreg., to certain points in Idaho and certain points in Oregon; *liquid petroleum and petroleum products* in bulk, from The Dalles and Umatilla, Oreg., and Attalia and Vancouver, Wash., to certain points in Idaho and certain points in Oregon, and from Portland, The Dalles and Umatilla, Oreg., and Attalia and Vancouver, Wash., to certain points in Idaho; *petroleum products*, in bulk, in tank trucks, from Vancouver, Wash., to points in Oregon except those in Malheur County, Oreg., and from Baker and Blakely, Oreg., and points within ten miles of each, and points within five miles of Pasco, Wash., to certain points in Idaho and certain points in Oregon; *petroleum* and *petroleum products*, in bulk, in tank trucks, from Attalia, Wash., to points in Oregon, except those in Malheur County, Oreg., and from Pasco, Wash., to points in Oregon and certain points in Idaho; *corn syrup* and *liquid sugar*, in bulk, in tank vehicles, from Portland, Oreg., to points in Oregon and Washington. NICKLE PLATE is authorized to operate as a *common carrier* in Oregon and Washington. Application has not been filed for temproary authority under section 210a (b).

By the Commission

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F. R. Doc. 57–6864; Filed, Aug. 20, 1957; 8:49 a. m.]

[Notice 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 16, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–665 (Deviation No. 1), MISSOURI-ARKANSAS TRANSPORTATION COMPANY, 1505 Maiden Lane, Joplin, Mo., filed August 12, 1957. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Joplin, Mo., and Vinita, Okla., as follows: from Joplin over the Will Rogers Turnpike to Vinita and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Joplin, Mo., and Vinita, Okla., over the following route: from Joplin over Missouri Highway 43 to Seneca, Mo., thence over U. S. Highway 60 to junction U. S. Highways 60 and 66, thence over U. S. Highway 66 to Vinita.

No. MC–30867 (Deviation No. 2), CENTRAL FREIGHT LINES, INC., 303 South 12th Street, P. O. Box 238, Waco, Tex., filed August 8, 1957. Carrier proposes to operate as a *common carrier* by motor vehicles of *general commodities*, with certain exceptions, over a deviation route, between Houston, Tex., and Virginia Point, Tex., as follows: from Houston over U. S. Highway 75 (Gulf Freeway) to Virginia Point and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the

same commodities between Houston, Tex., and Virginia Point, Tex. over Texas Highway 3 (Old U. S. Highway 75).

No. MC–35484 (Deviation No. 1), VIKING FREIGHT COMPANY, 614 South Sixth Street, St. Louis 2, Mo., filed August 8, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Joplin, Mo., and Tulsa, Okla., as follows: from junction U. S. Highways 66 and 166 at Joplin over U. S. Highway 166 to junction U. S. Highways 166 and 266, thence over U. S. Highway 266 to Will Rogers Turnpike, thence over Will Rogers Turnpike to Tulsa, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Joplin, Mo., and Tulsa, Okla., over U. S. Highway 66.

No. MC–75320 (Deviation No. 1), CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, Springfield, Mo., filed August 9, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Joplin, Mo., and Tulsa, Okla., as follows: from Joplin over the Will Rogers Turnpike to Tulsa and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Joplin, Mo., and Tulsa, Okla., over the following pertinent routes: from Joplin over U. S. Highway 66 to junction Kansas Highway 96 (now Kansas Highway 26), thence over Kansas Highway 96 to junction U. S. Highway 69, thence over U. S. Highway 69 to Pittsburg, Kans.; from junction Kansas Highway 96 (now Kansas Highway 26), and U. S. Highway 66, near Riverton, Kans., over U. S. Highway 66 to Baxter Springs, Kans., thence over U. S. Highway 166 to junction U. S. Highway 69; from Baxter Springs over U. S. Highway 66 to Tulsa; and return over the same routes.

No. MC–106977 (Deviation No. 1), T. S. C. MOTOR FREIGHT LINES, INC., Houston, Tex., filed August 12, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over three deviation routes: (A) between junction U. S. Highways 51 and 190 and Junction Lake Pontchartrain Causeway and U. S. Highway 61, as follows: from junction U. S. Highways 51 and 190 over U. S. Highway 190 to junction Louisiana Highway 1077, thence over Louisiana Highway 1077 to junction Louisiana Highway 22, thence over Louisiana Highway 22 and Lake Pontchartrain Causeway to junction U. S. Highway 61; (B) between junction U. S. Highway 51 and Louisiana Highway 22 and junction Lake Pontchartrain Causeway and U. S. Highway 61, as follows: from junction U. S. Highway 51 and Louisiana Highway 22 over Louisiana Highway 22 and Lake Pontchartrain Causeway to junction U. S. Highway 61; and (C) between junction Louisiana Highways 21 and 41 and junction Lake Pontchartrain Causeway and U. S. Highway 61, as follows: from junction Louisiana Highways 21 and 41 over Louisiana Highway 21 to U. S. Highway 190, thence over U. S. Highway 190 to junction Louisiana Highway 22, thence over Louisiana Highway 22 and Lake Pontchartrain Causeway to junction U. S. Highway 61; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Jackson, Miss., and New Orleans, La., over the following pertinent routes: from Jackson over U. S. Highway 51 to junction U. S. Highways 51 and 61, thence over U. S. Highway 61 to New Orleans; from Jackson over U. S. Highway 49 to junction U. S. Highway 49 and Mississippi Highway 13, thence over Mississippi Highway 13 to junction Mississippi Highway 13 and U. S. Highway 98, thence over U. S. Highway 98 to junction U. S. Highway 98 and Mississippi Highway 35, thence over Mississippi Highway 35 to the Mississippi-Louisiana State Line, thence over Louisiana Highway 21 to junction Louisiana Highways 21 and 41, thence over Louisiana Highway 41 to junction Louisiana Highway 41 and U. S. Highway 11, thence over U. S. Highway 11 to New Orleans; and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-6863; Filed, Aug. 20, 1957; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 16, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34115: *Petroleum products—California points to Oregon points.* Filed by J. P. Haynes, Agent, for interested rail carriers. Rates on refined petroleum products and distillate fuel oil, carloads from San Francisco and Port Chicago, Calif., groups to Grants Pass and other Oregon points.

Grounds for relief: Barge-truck competition.

Tariffs: Fourteenth revised page 392A and other revised pages of Agent Haynes' tariff I. C. C. 1352.

FSA No. 34116: *Pig iron—From and to points in official territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on pig iron, carloads from specified points in central territory and at the border of central-trunkline territory including points in Buffalo-Pittsburgh territory to specified points in trunkline and New England territory. (ER 2400)

Tariff: Supplement 117 to Agent Hinsch's tariff and other supplements to individual lines' tariffs listed in appendix A of the application.

FSA No. 34117: *Pig iron—Buffalo, N. Y., to Toledo, Ohio, and Michigan points.* Filed by O. E. Schultz, Agent, (ER No. 2399), for interested rail carriers. Rates on pig iron, carloads from Buffalo, N. Y., and points grouped with and taking Buffalo rates to Toledo, Ohio, Charlotte, Mich., and 12 other points in Michigan named in the application.

Grounds for relief: Maintenance of rates not in excess of combinations to and from Detroit or Saginaw, Mich.

Tariff: Supplement 30 to Erie Railroad Company's tariff I. C. C. A–7852 and four other tariffs.

FSA No. 34118: *Substituted service—Motor and rail—Pennsylvania Railroad.* Filed by Household Goods Carriers' Bureau, Agent, (No. 12), for interested rail and motor carriers. Rates on household goods loaded in highway truck trailers transported on railroad flat cars in substituted rail service, between Kearny, N. J., or Philadelphia, Pa., on the one hand, and Dallas, Fort Worth, Houston, San Antonio, Tex., and Oklahoma City, Okla., on the other, on traffic originating at or destined to points on or reached by applicant motor carriers.

Grounds for relief: Motor truck competition.

Tariff: Supplement 4 to Household Goods Carriers' Bureau, Agent, tariff MF–I. C. C. No. 76.

FSA No. 34119: *Coal—Alabama mines to Krannert, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3517), for interested rail carriers. Rates on fine, screened coal, carloads, and bituminous coal other than fine, screened coal, carloads, from mines on the Gulf, Mobile and Ohio Railroad in Alabama in groups 1 and 2 of this line's tariff I. C. C. 231 to Krannert, Ga.

Grounds for relief: Market competition with competing mines on other lines.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34120: *Asphalt and petroleum road oil to Cincinnati, Ohio.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7098), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product, or petroleum (other than paint, stain or varnish), in packages, carloads, or in tank-car loads, and petroleum road oil, in drums, carloads, or in tank-car loads, from specified points in Arkansas, Kansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma, and Texas, also in Louisiana (east of the Mississippi River), and Mississippi to Cincinnati, Ohio.

Grounds for relief: Maintenance of present rates from and to above described points without observing them as factors in constructing combination rates to points in official territory beyond Cincinnati.

Tariffs: Supplement 22 to Agent Kratzmeir's tariff I. C. C. 4165. Supplement 85 to Agent J. H. Marque's tariff I. C. C. 424.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-6862; Filed, Aug. 20, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

IRENE STARK AND PIRI MARKOVICH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Irene Stark, Givataim, Israel, $236.25 in the Treasury of the United States.

Piri Markovich, Givataim, Israel, $236.24 in the Treasury of the United States.

Claim No. 57856; Vesting Order No. 3305.

Executed at Washington, D. C., on August 14, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-6880; Filed, Aug. 20, 1957; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Cardinal Cottons Corp., 135 East Chestnut Street, Coatesville, Pa.; effective 8–10–57 to 8–9–58 (women's cotton dresses and dusters).

Dickson Manufacturing Co., Dickson, Tenn.; effective 8–8–57 to 8–7–58 (work shirts).

Esskay Manufacturing Co., 410 South Main Avenue, San Antonio, Tex.; effective 8–9–57 to 8–8–58 (boys' outer apparel).

M. Janowitch and Sons, Main and Market Streets, Mahonoy City, Pa.; effective 8–21–57 to 8–20–58 (ladies' rayon and cotton dresses).

Kenrose Manufacturing Co., Inc.; Buchanan, Va.; effective 8–10–57 to 8–9–58 (cotton wash dresses).

Mart Manufacturing Co., Inc., Marked Tree, Ark.; effective 8–12–57 to 8–11–58 (men's sport shirts).

The Shirtcraft Co., Inc., 300 North Cedar Street, Hazleton, Pa.; effective 8–19–57 to 8–18–58 (men's sport shirts and outerwear jackets).

Somerset Shirt & Pajama Co., 221 South Pleasant Street, Somerset, Pa.; effective 8–18–57 to 8–17–58 (men's and boys' nightwear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Baroness, Inc., 24 High Street, Womelsdorf, Pa.; effective 8–7–57 to 8–6–58; 10 learners (finishing and pressing of wearing apparel).

Excelsior Frocks, Inc., 396 Academy Street, Archbald, Pa.; effective 8–8–57 to 8–7–58; 10 learners (ladies' cotton dresses).

Kent Sportswear, Inc., Beech Street, Curwensville, Pa.; effective 8–12–57 to 8–11–58; 10 learners (men's and boys' jackets).

Linden Manufacturing Co., Inc., First and Water Streets, Birdsboro, Pa.; effective 8–7–57 to 8–6–58; 10 learners (ladies' blouses).

Linden Manufacturing Co., Inc. Newmanstown, Pa.; effective 8–7–57 to 8–6–58; 10 learners (ladies' blouses).

Linden Manufacturing Co., Inc., 843 North Ninth Street, Reading, Pa.; effective 8–7–57 to 8–6–58; 10 learners (ladies' blouses).

Linden Manufacturing Co., Inc., 24 High Street, Womelsdorf, Pa.; effective 8–7–57 to 8–6–58; 10 learners (ladies' blouses).

Marysville Dress Co., 200 Carmeron Street, Marysville, Pa.; effective 8–7–57 to 8–6–58; five learners (children's dresses).

B. F. Moore and Co., Newport, Vt.; effective 8–24–57 to 8–23–58; five learners (men's, women's and children's ski clothing).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., 626 South Elm Street and West Lee and Fuller Streets, Greensboro, N. C.; effective 8–12–57 to 2–11–58; 100 learners (misses' and girls' shorts, pedal pushers, jeanies, and men's coveralls).

Farah of Marfa, Inc., Marfa, Tex.; effective 8–12–57 to 12–23–57; 50 additional learners (supplemental certificate) (dungarees).

Jamestown Shirt Corp., Jamestown, Tenn.; effective 8–5–57 to 2–4–58; 50 learners (replacement certificate) (men's and boys' sport shirts).

Mart Manufacturing Co., Inc., Marked Tree, Ark.; effective 8–12–57 to 2–11–58; 50 learners (men's sport shirts).

Moryart Shirt Manufacturing Co., Inc., Prescott, Ariz.; effective 8–7–57 to 2–6–58; 15 learners (men's sport shorts).

New Market Manufacturing Co., Inc., New Market, Va.; effective 8–9–57 to 2–8–58; 10 learners (women's cotton knit sportswear).

Shroyer Dress Co.—Milton Branch, Rear 28 Prospect Avenue, Milton, Pa.; effective 8–12–57 to 2–11–58; 25 learners (women's and misses' dresses).

Levi Strauss and Co., Warsaw, Va.; effective 8–5–57 to 2–4–58; 35 learners (men's cotton work trousers).

Warren Featherbone Co., 1225 South Chestnut Street, Gainesville, Ga.; effective 8–6–57 to 2–5–58; 20 learners (infants' wear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Jasper Glove Co., Inc., 611 Main Street, Jasper, Ind.; effective 8–25–57 to 8–24–58; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Mayo Knitting Mill, Inc., Chestnut Street, Tarboro, N. C.; effective 8–7–57 to 2–6–58; 10 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

G. C. Lingerie Corp. of Alabama, Town Creek, Ala.; effective 8–6–57 to 2–5–58; 10 learners for plant expansion purposes (ladies' nightgowns).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Monarch-Comer Co., Comer, Ga.; effective 8–7–57 to 7–21–58; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operators and final pressers, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours; and (2) final inspection of assembled garments for a learning period of 160 hours at the rate of 85 cents an hour (replacement certificate) (coats, jackets, shorts).

Monarch Co., 383½ Whitehall St., SW., Atlanta, Ga.; effective 8–7–57 to 2–6–58; authorizing the employment of 5 learners for normal labor turnover purposes, in the occupations of sewing machine operators and final pressers, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (boys' coats and jackets).

Monarch-Fitzgerald Co., Fitzgerald, Ga.; effective 8–7–57 to 7–21–58; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operators and final pressers, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours; and (2) final inspection of assembled garments for a learning period of 160 hours at the rate of 85 cents an hour (replacement certificate) (pants, longies, jackets).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Rio Manufacturing Corp., State Road 838, Rio Piedras, P. R., effective 8–1–57 to 1–31–58; authorizing the employment of 5 learners for normal labor turnover purposes in the occupations of grinders, crimpers, spotters, silver welders, and spiral tool, each for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (fishing tackle hardware).

Trio Knitting Corp., Coamo, P. R.; effective 7–29–57 to 1–28–58; authorizing the employment of 5 learners for normal labor turnover purposes in the occupations of: (1) knitters and loopers, each for a learning period of 480 hours at the rates of 58 cents

an hour for the first 240 hours and 68 cents an hour for the remaining 240 hours; and (2) tackers, seamers, and menders, each for a learning period of 320 hours at the rates of 58 cents an hour for the first 160 hours and 68 cents an hour for the remaining 160 hours (full-fashioned sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 12th day of August 1957.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 57-6840; Filed, Aug. 19, 1957; 8:51 a. m.]

FEDERAL REGISTER

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MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 729—PEANUTS

ALLOTMENT AND MARKETING QUOTA REGULATIONS FOR PEANUTS OF THE 1957 AND SUBSEQUENT CROPS

Basis and purpose. Section 359 (a) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1359 (a)), provides that the marketing of any peanuts in excess of the marketing quota for the farm on which such peanuts are produced, or the marketing of peanuts from any farm for which no acreage allotment was determined, shall be subject to a penalty at a rate equal to 75 per centum of the support price for peanuts for the marketing year (August 1–July 31). When the Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370, 9760) were issued it was provided in § 729.851 that the penalty rate for each crop of peanuts would be issued as an annual amendment to the regulations as soon as the basic rate of the loan or support price was announced. The support price for the 1957 crop of peanuts is now available and one of the two purposes of this amendment is to establish and include in the above designated regulations the exact rate of the penalty per pound of peanuts for the 1957 crop. The only other purpose of the amendment is to delete the definition of farm contained in § 729.811 (n) which definition has been superseded by regulations signed by the Acting Secretary of Agriculture on May 24, 1957 which cover generally the determination of acreage and performance under marketing quota programs and were published in the FEDERAL REGISTER of May 29, 1957 (22 F. R. 3747).

Peanuts are presently being harvested in the southwesterly areas of the United States and it is necessary that the exact amount of the penalty rate for the 1957 crop be made available at the earliest possible date in order that such rate be made known to producers and to buyers who are charged with the duty of collecting the penalty, that the execution of excess penalty cards to producers may be expedited, and that the records and reports required in connection with the marketing of said peanut crop, which has begun, may be made and kept. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and that this amendement shall become effective for all peanuts of the 1957 crop upon the filing of this document with the Director, Division of the Federal Register.

1. Section 729.811 (n): The definition of farm contained in § 729.811 (n) is hereby deleted and there is substituted therefor the definition of farm contained in § 718.2 (i) of this chapter governing the determination of acreage and performance signed by the Acting Secretary of Agriculture on May 24, 1957 and published in the FEDERAL REGISTER of May 29, 1957 (22 F. R. 3747). Paragraph (n) reads as set forth below:

(n) "Farm" means land which immediately prior to the effective date of this section was properly constituted and identified as a farm under regulations issued pursuant to the Agricultural Adjustment Act of 1938, as amended, or the Soil Bank Act, and such land shall continue to constitute a farm for all programs to which this part may apply until reconstituted as required because of changes in operation of the land occurring on or after the effective date of this section or because the land was not properly constituted as a farm immediately prior to the effective date of this section. With respect to reconstitutions made after the effective date of this section, or the identification of land as a farm for the first time after the effective date of this section, the term "farm" shall mean:

(1) All adjoining or nearby and easily accessible farm, wood, or range land under the same ownership which is operated by one person, and

(2) All additional farm, wood, or range land under different ownership operated

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(i) Fields and subdivisions of fields which are part of a farm shall remain a part of such farm when operated under a short term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or part of another farm under the provisions of this section.

(ii) Land for which one or more landlord(s) refuse(s) to sign a conservation reserve contract and which is part of a multiple ownership farm may be constituted as a separate farm provided some eligible land in the balance of such multiple ownership farm is covered by a conservation reserve contract.

(iii) Land which is properly constituted as a farm shall not be reconstituted when a change of farm operators is the only basis for such action.

2. Section 729.851 (a) is amended to add a sentence thereto reading: "The basic support price for the 1957 crop of peanuts is $221.40 per ton or 11.07 cents per pound and, therefore, the basic penalty rate for the 1957 crop of peanuts is 8.3 cents per pound."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply Sec. 373, 52 Stat. 65, as amended. Sec. 359, 55 Stat. 90, as amended; 7 U. S. C. 1373, 1359)

Done at Washington, D. C., this 16th day of August 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-6911; Filed, Aug. 21, 1957; 8:50 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.53, Rev., Supp. 5]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

MINNESOTA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631), the Agricultural Stabilization and Conservation Minnesota State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 75,088 acres established for Minnesota by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at Room 1104, Main Post Office Building, St. Paul, Minnesota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Minnesota. These bases and procedures incorporate the following:

§ 850.58 *Minnesota*—(a) *Proportionate share areas.* Minnesota shall be divided into two proportionate share areas comprising the East Grand Forks-Crookston-Moorhead and the Chaska-Mason City factory districts of the State. These areas shall be designated as the "Northwestern Area" and the "Southern Area", respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 90 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 10 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce" with pro rata adjustments to a total of 75,088 acres. Acreage allotments computed as aforestated are established as follows: Northwestern Area—60,679 acres and Southern Area—14,409 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northwestern Area—1,214.0 acres for new producers, 607.0 acres for appeals; and 0 acres for adjustments in initial shares; Southern Area—2,464.0 acres for new producers, 144.0 acres for appeals and 1,294.5 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53, Revised.

(d) *Establishment of individual farm proportionate shares*—(1) *For old producers*—(i) *Farm bases.* For each farm in each proportionate share area whose operator is a tenant, the farm base shall equal the "1956 crop share established for the farm" which was operated by him for the 1956 crop year. For each farm whose operator is a tenant without a personal sugar beet production record in the period used in the area in which the farm is located for establishing shares for the 1956 crop (§ 850.30 Supplement 5, 21 F. R. 6988) and for each farm in each proportionate share area whose operator is not a tenant, the farm base shall equal the "1956-crop share established for the farm." The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustment made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30, as amended, and supplement 5 thereto (21 F. R. 6988) if it had been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53, Rev.) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53, Rev., applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from under-planting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in one area shall be realotted to the other area.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on a form SU–103–A or other similar written notice.

(e) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, Revised.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Minnesota State Committee for determining farm proportionate shares in Minnesota in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops. Minnesota is again divided into the same two areas. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by using in each case the "1956-crop share established for the farm", as that term is defined, as the base in prorating the acreage available for such producers. The procedure for establishing farm shares for new producers meets the related requirements of § 850.30, Revised.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Dated: July 24, 1957.

[SEAL] FLOYD E. SJOLANDER,
Chairman, Agricultural Stabilization and Conservation Minnesota State Committee.

Approved: August 12, 1957.

THOMAS H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57-6914; Filed, Aug. 21, 1957; 8:50 a. m.]

[Sugar Determination 850.53, Rev. Supp. 15]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

OHIO PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631) the Agricultural Stabilization and Conservation Ohio State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 22,736 acres established for Ohio by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Old Post Office Building, Third and State Streets, Columbus, Ohio, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Ohio. These bases and procedures incorporate the following:

§ 850.68 *Ohio*—(a) *Proportionate share areas.* Ohio shall be divided into two proportionate share areas or districts comprising beet sugar factory districts as served by two beet sugar companies. These areas shall be designated "Northern Ohio District" and "Buckeye District" respectively. Acreage allotments for these districts shall be computed by applying to the planted sugar beet acreage record for each district a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a ceiling of 125 percent of the 1954 acreage and prorata adjustments to a total of 22,736 acres. Acreage allotments computed as aforestated are established as follows: Northern Ohio District—16,094 acres and Buckeye District—6,642 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from district allotments as follows: Buckeye District—722 acres for new producers, 66 acres for appeals, and 429 acres for adjustments in initial shares; Northern Ohio District—2,748 acres for new producers, 161 acres for appeals, and 1,055 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100. Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing as provided in § 850.53, revised.

(d) *Establishment of individual farm proportionate shares*—(1) *For old producers*—(i) *Farm bases.* The farm base for each farm in each proportionate share area shall equal the "1956-crop share established for the farm." The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustments made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30, as amended, and Supplement 14 thereto (21 F. R. 175) if it has been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotments less the prescribed set-asides and the total of the initial shares established in accordance with this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53, Rev.) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53, Rev., applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in one area shall be reallotted to the other area.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment, the farm operator shall be notified regarding the adjusted proportionate share on a Form SU–103–A or other similar written notice.

(e) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, Revised.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Ohio State Committee for determining farm proportionate shares in Ohio in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by using in each case the "1956-crop share established for the farm", as that term is defined, as the base in prorating the acreage available for such producers. The procedure for establishing farm shares for new producers meets the related requirements of § 850.53, Revised.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C., 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Dated: July 23, 1957.

[SEAL] CHRIS J. BOERGER,
Chairman, Agricultural Stabilization and Conservation Ohio State Committee.

Approved: August 12, 1957.

THOMAS H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57-6916; Filed, Aug. 21, 1957; 8:51 a. m.]

[Sugar Determination 850.53, Rev. Supp. 16]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WYOMING PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631) the Agricultural Stabilization and Conservation Wyoming State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 38,787 acres established for Wyoming by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 345 East Second Street, Casper, Wyoming, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Wyoming. These bases and procedures incorporate the following:

§ 850.69 *Wyoming*—(a) *Proportionate share areas.* Wyoming shall be divided into two proportionate share areas as served by beet sugar companies. These areas shall be designated as follows: Great Western and Holly. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area, a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 38,787 acres. Acreage allotments computed as aforestated are established as follows: Holly Area—28,101 acres; and Great Western Area—10,686 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Great Western Area, 218 acres for new producers, 107 acres for appeals and 465 acres for making adjustments in initial proportionate shares; Holly Area, 562 acres for new producers, 281 acres for appeals, and 1,800 acres for making adjustments in initial proportionate shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing as provided in § 850.53, Revised.

(d) *Establishment of individual farm proportionate shares.*—(1) *For old producers*—(i) *Farm bases.* The farm base for each farm in each proportionate share area shall equal the "1956-crop share established for the farm". The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustments made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30, as amended, and Supplement 12 thereto (21 F. R. 175) if it has been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotments less the prescribed set-asides and the total of the initial shares established in accordance with this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53, Rev.) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 805.53, Rev., applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in one area shall be reallotted to the other area.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment, the farm operator shall be notified regarding the adjusted

proportionate share on a Form SU–103–A or other similar written notice.

(e) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, Revised.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wyoming State Committee for determining farm proportionate shares in Wyoming in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The bases and procedures specified herein are essentially the same as those which were effective in the State for the 1955 and 1956 crops, except for the designation of proportionate share areas. For the 1955 and 1956-crop years, the State was divided into six areas, representing three local territories served by the Holly Sugar Corporation and three other local territories served by the Great Western Sugar Company. For the 1957-crop year, the State is divided into two areas as served by the two companies. It is believed that this arrangement will facilitate certain operations under the program, particularly the redistribution of unused acreage and the desired allotment of additional acreages to new producers in certain localities. Advisory committees, including grower and processor representatives, are utilized. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugar beets are measured by using in each case the "1956-crop share established for the farm", as that term is defined, as the base in prorating the acreage available for such producers. The procedure for establishing farm shares for new producers meets the related requirements of § 850.53, Revised.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Dated: July 26, 1957.

[SEAL] S. R. MILLS,
Chairman, Agricultural Stabilization and Conservation Wyoming State Committee.

Approved: August 12, 1957.

THOMAS H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57–6915; Filed, Aug. 21, 1957; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 14, Amdt. 3]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY AND MATURITY REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date specified herein. This amendment establishes maturity requirements for the listed variety of avocados which will be applicable on and after the time the shipment of such variety is permitted. A reasonable determination as to the time of maturity of a particular variety of avocados must await the development of the crop thereof, and adequate information thereon, with respect to the variety specified in this amendment, was not available to the Avocado Administrative Committee until August 13, 1957; determinations as to the time of maturity of the variety of avocados covered by this amendment were made at the meeting of said committee on August 13, 1957, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is therefore ordered, That the provisions of § 969.314 (Avocado Order 14, as amended; 22 F. R. 3652, 4251, 5679) are hereby further amended as follows:

1. Amend Table I, paragraph (b) (2), by deleting therefrom the reference and dates pertaining to the Fairchild variety of avocados.

2. Amend Table II, paragraph (b) (3), by adding thereto the following:

TABLE II

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Fairchild	8–26–57	16 oz., 3 19/16 in.	9–9–57	14 oz., 3 7/16 in.	9–23–57	11 oz., 3 3/16 in.	10–7–57

3. Amend paragraph (c) by inserting immediately preceding the period at the end thereof the following: ", and the term 'diameter' means the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit."

The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., August 26, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 19, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57–6934; Filed, Aug. 21, 1957; 8:54 a. m.]

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

ORDER TERMINATING PROVISIONS OF MARKETING AGREEMENT NO. 111 AND MARKETING ORDER 94

A notice was issued by the Deputy Administrator for Marketing Services, Agricultural Marketing Service, and published in the FEDERAL REGISTER of July 9, 1957 (22 F. R. 4837), in which was announced a proposal to terminate, as of October 1, 1957, the provisions of Marketing Agreement No. 111 and Marketing Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina on the basis of a finding that continuation of such marketing agreement and order will not tend to effectuate the declared policy of the Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) on and after the aforesaid date. It was also stated that consideration would be given to any written views, data, or arguments pertaining to the proposed action which were filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, not later than 30 days after publication of the aforesaid notice in the FEDERAL REGISTER. Within the prescribed time twelve such communications have been received, of which eleven are in support of the proposed termination action. After careful consideration of the communications received and all other relevant matters, it is hereby found and determined that operation of aforesaid marketing agreement and order will not tend to effectuate the declared policy of the aforesaid Act on and after October 1, 1957.

It is therefore ordered, That the provisions of Marketing Agreement No. 111 and of Marketing Order No. 94 (7 CFR, Part 994) which was issued effective September 20, 1949 (14 F. R. 5060), and recodified in October 1955 (20 F. R. 7420), regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina, and all regulations issued pursuant thereto, be, and they hereby are, terminated at 12:01 a. m., e. s. t., October 1, 1957. The proceedings after termination shall be in accordance with the provisions contained in § 994.93 of the said agreement and order, and with such supplementary instructions as may be issued by the Secretary, and shall continue until all such proceedings have been completed and the trustees in charge thereof have been discharged by the Secretary.

It is hereby further ordered, That the grade and size regulations effective pursuant to § 994.74, and the requirement for payment of assessments set forth in § 994.62 of the aforesaid marketing agreement and order be, and they hereby are, suspended as to any and all shipments of pecans made on or after publication of this document in the FEDERAL REGISTER.

(Sec. 5, 48 Stat. 31, as amended; 7 U. S. C. 608c)

Dated: August 16, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–6907; Filed, Aug. 21, 1957; 8:49 a. m.]

Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, the 1957 National Agricultural Conservation Program, approved July 2, 1956 (21 F. R. 5034), as amended July 18, 1956 (21 F. R. 5480), March 1, 1957 (22 F. R. 1427), and July 24, 1957 (22 F. R. 5953), is further amended as follows:

Section 1101.802 (a) is amended by deleting the allocation of funds and substituting therefor the following:

Alabama	$6,213,000
Alaska	44,000
Arizona	1,579,000
Arkansas	4,930,000
California	5,797,000
Colorado	3,393,000
Connecticut	509,000
Delaware	342,000
Florida	2,732,000
Georgia	7,376,000
Hawaii	190,000
Idaho	1,821,000
Illinois	8,788,000
Indiana	5,705,000
Iowa	9,607,000
Kansas	6,666,000
Kentucky	7,012,000
Louisiana	4,334,000
Maine	979,000
Maryland	1,335,000
Massachusetts	561,000
Michigan	5,105,000
Minnesota	6,181,000
Mississippi	6,621,000
Missouri	9,159,000
Montana	3,855,000
Nebraska	6,436,000
Nevada	376,000
New Hampshire	534,000
New Jersey	742,000
New Mexico	1,934,000
New York	4,842,000
North Carolina	6,568,000
North Dakota	4,659,000
Ohio	6,022,000
Oklahoma	7,528,000
Oregon	2,289,000
Pennsylvania	5,142,000
Puerto Rico	869,000
Rhode Island	85,000
South Carolina	3,606,000
South Dakota	4,853,000
Tennessee	5,397,000
Texas	20,153,000
Utah	1,372,000
Vermont	1,112,000
Virgin Islands	12,000
Virginia	4,540,000
Washington	2,458,000
West Virginia	1,619,000
Wisconsin	5,584,000
Wyoming	2,134,000
Total	211,700,000

(Secs. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 70 Stat. 233; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 19th day of August 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57–6928; Filed, Aug. 21, 1957; 8:53 a. m.]

[Bulletin NSCP–2201]

PART 1106—NAVAL STORES CONSERVATION

SUBPART G—1958

Through the 1958 Naval Stores Conservation Program (hereinafter referred to as "this Program") the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1954 season.

GENERAL PROVISIONS

Sec.
1106.901 General requirements.
1106.902 Required performance.
1106.903 Double-headed nails requirement.
1106.904 Fire protection.
1106.905 Bark-bar requirement.
1106.906 Inspection assistance.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

1106.910 Practice 1: Working only 9 inch d. b. h. or larger trees.
1106.911 Practice 2: Working only 10 inch d. b. h. or larger trees.
1106.912 Practice 3: Working only 11 inch d. b. h. or larger trees.
1106.913 Practice 4: Working only 12 inch d. b. h. or larger trees.
1106.914 Practice 5: Restricting turpentining to previously worked trees.
1106.915 Practice 6: Working only selectively marked trees.
1106.916 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.
1106.917 Practice 8: Removal of cups and tins from faces on small trees.
1106.918 Practice 9: Pilot plant tests of new methods and equipment.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

1106.920 Increase in small Federal cost-shares.
1106.921 Maintenance of practices.
1106.922 Practices defeating purposes of programs.
1106.923 Federal cost-shares not subject to claims.
1106.924 Assignments.
1106.925 Death, incompetency, or disappearance of producer.
1106.926 Maximum Federal cost-share limitation.
1106.927 Evasion.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

1106.928 Persons eligible to file application for payment of Federal cost-shares.
1106.929 Time and manner of filing applications and required information.

APPEALS

1106.930 Appeals.

DEFINITIONS

1106.931 Definitions.

AUTHORITY AND AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

1106.932 Authority.
1106.933 Availability of funds.
1106.934 Applicability.
1106.935 Administration.

AUTHORITY: §§ 1106.901 to 1106.935 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d.

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1957, Supp. 4]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1957

STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and

Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 71 Stat. 329, 16 U. S. C. 590g–590q.

GENERAL PROVISIONS

§ 1106.901 *General requirements.* No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 1106.916 and 1106.917. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

§ 1106.902 *Required performance—*(a) *Approved conservation practices.* Each participating producer shall, on every turpentine farm owned or operated by him during the 1958 turpentine season carry out one of the approved conservation practices in every tract or drift of faces that were installed during the 1954, 1955, 1956, 1957, or 1958 season, unless the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter and approves face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practices requiring more than one year for completion.* (1) Cost-shares may be approved under this program for the completion of a component of a practice as prescribed in §§ 1106.910, 1106.911, 1106.912, 1106.913, 1106.914, 1106.915, 1106.916, and 1106.918: *Provided,* The producer agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the Forest Service as affording reasonable opportunity to comply if cost-sharing is offered to him therefor under a subsequent program.

(2) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not completed within the time prescribed by the Forest Service: *Provided,* The producer is offered cost-sharing under a subsequent program for the completion of such components. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

§ 1106.903 *Double-headed nails requirement.* Use of double-headed nails is required in the elevation of all cups and tins installed for the first working in 1957 or 1958, or where costs have been previously shared for the initial use of double-headed nails on the faces in the tracts or drifts. Use of double-headed nails is optional with respect to elevation of tins on faces initially installed in the 1954, 1955, or 1956 season, and also with respect to the virgin installation of 1958 faces. In all cases where spiral gutters and/or double-headed nails have been used in elevating cups, all nails and tins below the last raised cup and above the first virgin streak shall be removed.

§ 1106.904 *Fire protection.* Each producer shall during the 1958 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 1106.905 *Bark-bar requirement.* No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1958 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1958. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 1106.906 *Inspection assistance.* Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and keeping written records thereof separately by tracts and drifts;

(c) Furnishing count records and satisfactory evidence of control of faces to the local inspector (Area Forester) when requested;

(d) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(e) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(f) Submitting an application for payment of Federal cost-shares (Form NSCP–1 and other prescribed forms;

(g) Notifying the Forest Service promptly of any change in ownership or control; and

(h) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 1106.910 *Practice 1:* Working only *9 inch d. b. h. or larger trees—*(a) *Purpose.* To restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d. b. h. or larger trees over a period of two to five years. Cost-sharing may be approved under the 1958 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided,* That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of 9 inch d. b. h. or larger trees—2 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1958 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service.

(2) *Working of faces for second, third, fourth, or fifth year—½ cent per face.* The cost-share for this component is applicable under the 1958 Program only to faces which were installed and met the eligible face requirements for this practice during the 1954, 1955, 1956, or 1957 season; together with any new faces on 9 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1958 in the second or third year's working to complete cupping of the stand or replace normal mortality. If faces have been installed contrary to the requirements for eligible faces or in excess of that necessary to complete cupping of the stand or replacement of normal mortality, the cups and tins on such faces shall be removed within 30 days after being discovered, unless a longer period of time for their removal is approved by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* This component is not applicable where practice 1106.916 is used.

§ 1106.911 *Practice 2: Working only 10 inch d. b. h. or larger trees—*(a) *Purpose.* To restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d. b. h. or larger trees over a period of two to five years. Cost-sharing may be approved under the 1958 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided,* That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of 10 inch d. b. h. or larger trees—4 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1958 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-shares under the practice specified in § 1106.910.

(2) *Working of faces for second, third, fourth, or fifth year—3 cents per face.* The cost-share for this component is applicable under the 1958 Program only to faces which were installed and met the eligible face requirements for this practice during the 1954, 1955, 1956, or 1957 season; together with any new faces on 10 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1958 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on 10 inch d. b. h. or larger trees in these tracts or drifts in excess of that necessary to complete cupping of the stand or replacement for normal mortality in the tract or drift will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 10 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.910 (d) (2) and there may be withheld or required to be refunded 1½ cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1954, 1955, 1956, or 1957.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* This component is not applicable where § 1106.916 is used.

§ 1106.912 *Practice 3: Working only 11 inch d. b. h. or larger trees—*(a) *Purpose.* To restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d. b. h. or larger trees over a period of two to five years. Cost-sharing may be approved under the 1958 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided,* That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of 11 inch d. b. h. or larger trees—6 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1958 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-shares under the practice specified in §§ 1106.910 or 1106.911, as applicable.

(2) *Working of faces for second, third, fourth, or fifth year—3 cents per face.* The cost-share for this component is applicable under the 1958 Program only to faces which were installed and met the eligible face requirements for this practice during the 1954, 1955, 1956, or 1957 season; together with any new faces on 11 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1958 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on 11 inch d. b. h. or larger trees in these tracts or drifts in excess of that necessary to complete cupping of the stand or replacement for normal mortality in the tract or drift will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 11 inches d. b. h., the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.910 (d) (2) or 1106.911 (d) (2) and there may be withheld or required to be refunded 2½ cents per face for faces qualified for § 1106.910, or 1 cent per face for faces qualified for § 1106.911 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1954, 1955, 1956, or 1957.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* This component is not applicable where § 1106.916 is used.

§ 1106.913 *Practice 4: Working only 12 inch d. b. h. or larger trees—*(a) *Purpose.* To restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d. b. h. or larger trees over a period of two to five years. Cost-sharing may be approved under the 1958 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided,* That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of 12 inch d. b. h. or larger trees—7 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces in-

stalled for the first working during the 1958 season. If faces have been installed contrary to the requirements for eligible faces the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-shares under the practice specified in §§ 1106.910, 1106.911, or 1106.912 as applicable.

(2) *Working of faces for second, third, fourth, or fifth year—3 cents per face.* The cost-share for this component is applicable under the 1958 Program only to faces which were installed and met the eligible face requirements for this practice during the 1954, 1955, 1956, or 1957 season; together with any new faces on 12 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1958 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on 12 inch d. b. h. or larger trees in these tracts or drifts in excess of that necessary to complete cupping of the stand or replacement for normal mortality in the tract or drift will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 12 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.910 (d) (2), 1106.911 (d) (2), or 1106.912 (d) (2), and there may be withheld or required to be refunded 5 cents per face for faces qualified for § 1106.910, 3½ cents per face for faces qualified for § 1106.911, or 2½ cents per face for faces qualified for § 1106.912 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1954, 1955, 1956, or 1957.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* This component is not applicable where § 1106.916 is used.

§ 1106.914 *Practice 5: Restricting turpentining to previously worked trees—*(a) *Purpose.* To restrict turpentining to trees having a previously worked face to improve the quality of the stand, to conserve the worked trees, to protect and permit undisturbed growth of the round trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on trees having a previously worked face over a period of two to five years. Cost-sharing may be approved under the 1958 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(d) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of faces on previously worked trees—7 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., new faces installed for the first working during the 1958 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-shares under the practice specified in §§ 1106.910, 1106.911, 1106.912, or 1106.913.

(2) *Working of faces for second, third, fourth, or fifth year—3 cents per face.* The cost-share for this component is applicable under the 1958 Program only to faces which were installed and met the eligible face requirements for this practice during the 1954, 1955, 1956, or 1957 season; together with any new faces on previously worked trees that may have been installed within such tracts or drifts in 1958 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on round trees in these tracts or drifts which earned a payment for the restricted cupping practice will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on any round trees the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.910 (d) (2). There may be withheld or required to be refunded 3 cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1954, 1955, 1956, or 1957.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* This component is not applicable where § 1106.916 is used.

§ 1106.915 *Practice 6: Working only selectively marked trees—*(a) *Purpose.* To restrict turpentining to trees needing removal to thin the stand and improve its quality, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years. Cost-sharing may be approved under the 1958 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees 9 inches or more d. b. h. which should be removed to improve the timber stand may be cupped. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided*, That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(d) *Components of practice and rates of cost-sharing—*(1) *Initial installation and first year working of selectively marked trees—8 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1958 season. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 1106.910, 1106.911, 1106.912, or 1106.913.

(2) *Working of faces for second, third, fourth, or fifth year—3 cents per face.* The cost-share for this component is applicable under the 1958 Program only to faces which were installed and met the eligible face requirements for this practice during the 1954, 1955, 1956, or 1957 season. New faces installed on round trees in these tracts or drifts will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on round trees the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.910 (d) (2). There may be withheld or required to be refunded 4 cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1954, 1955, 1956, or 1957.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* This component is not applicable where § 1106.916 is used.

§ 1106.916 *Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails—*(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 1106.910, 1106.911, 1106.912, 1106.913, 1106.914, 1106.915, and 1106.918 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Components of practice and rates of cost-sharing—*(1) *Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins—2 cents per face.* (i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1958 season or faces upon which the cups and tins are elevated for the first time during the 1958 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for the virgin installation exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 1106.917 *Practice 8: Removal of cups and tins from faces on small trees—*(a) *Purpose.* To encourage producers who have not participated in the 1956 or 1957 Programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, to improve productivity of the woodland and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces, installed for the first working in 1958 on trees under 9 inches d. b. h. and all but one face on trees between 9 and 14 inches d. b. h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service to meet the elgible face requirements of § 1106.910. Only producers who did not participate in the 1956 or 1957 programs are eligible for cost-sharing under this practice.

(d) *Components of practice and rates of cost-sharing—*(1) *Removal of cups and tins on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h. having more than one face—8 cents per face.* The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the elgible face requirements of § 1106.910.

§ 1106.918 *Practice 9: Pilot plant tests of new methods and equipment—*(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or test of new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces on trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 1106.910.

(2) Eleven cents per face for faces meeting the requirements of §§ 1106.911, 1106.912, 1106.913, 1106.914, and 1106.915.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1106.920 *Increase in small Federal cost-shares.* The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	*Increase in cost-shares*
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1106.921 *Maintenance of practices.* The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices during the life of the face as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by §§ 1106.910, 1106.911, 1106.912, 1106.913, 1106.914, 1106.915, or 1106.922. The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control.

§ 1106.922 *Practices defeating purposes of programs.* If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in drifts or tracts (including current nonworking areas) on which costs have been or would be shared under this or the 1954, 1955, 1956, or 1957 Program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1954, 1955, 1956, 1957, or 1958 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the

cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d. b. h.—6 trees, 8 inches d. b. h.—9 trees, or 7 inches d. b. h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1961.

(b) Raising cups and tins without double-headed nails on faces where double-headed nails are required. There may be withheld or required to be refunded all or any part of cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Failure to remove hardware as required in § 1106.903. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such failure occurs.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the drifts or tracts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d. b. h. or more than one face on round trees less than 14 inches d. b. h. in tracts or drifts having working faces installed during or prior to the 1953 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1953 in the tracts or drifts in which such installation occurs.

§ 1106.923 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1106.924 and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 1109 of this chapter)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1106.924 *Assignments.* Any producer who may be entitled to any Federal cost-share under the 1958 Program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1958, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter) witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 1106.925 *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1106.926 *Maximum Federal cost-shares limitation.* The total of all cost-shares under the 1958 Naval Stores Conservation and 1958 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

§ 1106.927 *Evasion.* All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 1106.926.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

§ 1106.928 *Persons eligible to file application for payment of Federal cost-shares.* An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1958 turpentine season, which were installed during or after the 1954 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 1106.929 *Time and manner of filing applications and required information.* Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before January 31, 1959, on the prescribed form (NSCP–1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

APPEALS

§ 1106.930 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 1106.931 *Definitions*—(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer.* Any person, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D. b. h.* Diameter breast height; i. e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back-face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between 5/32 and ¼ inches and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Normal mortality.* Two percent (2%) of all faces in the tract or drift.

(t) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(u) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY AND AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 1106.932 *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1958, and is contingent upon legislative authority to the Secretary to exercise after December 31, 1957, the powers conferred on him by section 8 of the act.

§ 1106.933 *Availability of funds.* (a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1959.

(c) If the total estimated earnings under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

§ 1106.934 *Applicability.* (a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to (1) turpentine farms on privately owned lands, (2) lands owned by a State or a political subdivision or agency thereof, or (3) lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Only turpentine farms on lands that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U. S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

§ 1106.935 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street NE., Atlanta 23, Georgia. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washington, D. C., this 19th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57–6929; Filed, Aug. 21, 1957; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 92]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—SWINE DISEASES SPREAD THROUGH RAW GARBAGE

RESTRICTIONS OF INTERSTATE MOVEMENT OF SWINE AND CERTAIN SWINE PRODUCTS

On April 13, 1957, there was published in the FEDERAL REGISTER (22 F. R. 2537), a notice with respect to a proposal to amend Subpart B of Part 76, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice, and pursuant to the provisions of section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), Subpart B of Part 76 is hereby amended in the following respects:

1. The headnote to Subpart B is amended to read as set forth above.

2. Section 76.26 is amended to read:

§ 76.26 *Notice relating to existence of contagion of swine diseases and regulations governing the interstate movement of swine and swine products.* Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, vesicular exanthema, swine erysipelas, trichinosis, tuberculosis, and other contagious, infectious, and communicable diseases of swine is disseminated, and that one or more of such diseases exists in each State. Notice is hereby given also that there is reason to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, in order to more effectually prevent, suppress, and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries, the regulations in this subpart are promulgated.

3. Section 76.28 is amended to read:

§ 76.28 *General restrictions.* Swine or swine products referred to in this subpart may not be moved interstate except in accordance with the regulations in this subpart.

4. Section 76.29 is amended to read:

§ 76.29 *Movement of specially processed swine products.* Except as provided in § 76.30, swine products which have been specially processed may be

moved interstate without restriction under this subpart.

5. Section 76.30 is amended to read:

§ 76.30 *Movement of swine and swine products from a non-quarantined area*—(a) *Movement of swine.* (1) Swine which have not been fed any raw garbage may be moved interstate from a non-quarantined area without restriction under this subpart.

(2) Swine which have been fed any raw garbage may be moved interstate under this subpart from a non-quarantined area to a slaughtering establishment specifically approved for the purpose by the Director of the Animal Disease Eradication Division of the Agricultural Research Service for immediate slaughter and special processing at such establishment in a manner approved by the Director as adequate to prevent the spread of disease, if accompanied by a certificate of an inspector of the Agricultural Research Service, showing that the establishment to which the animals are consigned has been specifically approved by the Director, that the inspector has made an inspection of all swine on the premises of origin within 48 hours of the movement interstate, and that the inspection did not disclose any evidence of a contagious, infectious, or communicable disease.

(b) *Movement of swine products.* (1) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended (34 Stat. 1260; 21 U. S. C. 71 et seq.), in a nonquarantined area, (i) which does not handle any products of swine from a quarantined area or products of swine fed any raw garbage, or (ii) which does handle products of swine from a quarantined area or of swine fed any raw garbage but specially processes such products separate and apart from other swine products, keeps the products properly identified, and otherwise handles the products in a manner approved by the Director of the Animal Disease Eradication Division as adequate to prevent the spread of disease, may be moved interstate from a nonquarantined area without other restriction under this subpart.

(2) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended, in a non-quarantined area, which handles any products of swine from a quarantined area or of swine fed any raw garbage and does not handle all such products as specified in subparagraph (1) (ii) of this paragraph, may be moved interstate under this subpart if accompanied by a certificate signed by an inspector of the Agricultural Research Service (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, such products were derived from swine which were not from a quarantined area and had not been fed any raw garbage, and were handled separate and apart from products of swine from a quarantined area and swine fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that such products have been handled as specified in subparagraph (1) (ii) of this paragraph.

(c) The Director of the Animal Disease Eradication Division may authorize the movement of swine or swine products, not otherwise authorized by this section, under such conditions as he may prescribe to prevent the spread of the contagion of any contagious, infectious, or communicable disease.

6. Paragraph (b) of § 76.35 is amended to read:

(b) The Director of the Animal Disease Eradication Division may require the thorough cleaning and disinfecting of any vehicle or facility which has been used in connection with the interstate movement of any swine which have been fed any raw garbage or swine products derived from such swine, or swine infected with or exposed to vesicular exanthema or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting are necessary to guard against the spread of disease.

7. Paragraphs (c) and (d) of § 76.35 are deleted and paragraphs (e), (f), and (g) of § 76.35 are redesignated as paragraphs (c), (d), and (e), respectively.

8. Paragraph (a) of § 76.36 is amended to read:

(a) The Director of the Animal Disease Eradication Division may require the thorough cleaning and disinfecting of any public stockyard, or any portion thereof, which has been used in the handling of swine which have been fed any raw garbage, or of swine infected with or exposed to vesicular exanthema or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting are necessary to guard against the spread of disease. Any stockyard, or portion thereof, so required to be cleaned and disinfected shall not be used in handling swine until after the cleaning and disinfecting have been completed. Such cleaning and disinfecting shall be done without expense to the Division, except as provided under the provisions of Part 53 of this chapter.

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 120, 123, 125. Interpret or apply sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 16th day of August 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-6935; Filed, Aug. 21, 1957; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. ER-223]

PART 234—FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS; REALISTIC SCHEDULING REQUIRED

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 16th day of August 1957.

A notice of proposed rule-making was published in the FEDERAL REGISTER on April 18, 1956 (21 F. R. 2533), and circulated to the industry as Draft Release No. 80, dated April 11, 1956, which proposed the adoption of a new Part 234 to the Board's Economic Regulations. As originally proposed, this part would have prohibited the filing of schedules which could not be completed on time in at least 75 percent of the cases over a period of 30 days, and would require each certificated air carrier engaged in passenger operations in domestic and overseas air transportation to complete at least 75 percent of scheduled flights on time in the absence of intervening factors beyond the carriers' control and which could not reasonably have been foreseen by the carrier.

Upon consideration of the written comments and oral argument, the Board is adopting at this time the principle that an air carrier should complete at least 75 percent of its flights within 15 minutes of the block-to-block time published in its schedules. It is deferring action with respect to an on-time departure and arrival rule until after an evaluation of the elapsed time regulation. The new Part 234 will prohibit the filing of schedules which cannot be completed within this degree of reliability, and will require an air carrier to perform according to this standard. Performance under this rule will be measured by a comparison of scheduled and actual elapsed times. Other provisions consist of increasing the arrival tolerance to 15 minutes for all flights regardless of length, limiting the elapsed time requirement to terminal points (thus excluding station delays at any intermediate points), and excluding overseas, intra-territorial and helicopter services.

The application of a uniform tolerance to all flights is deemed to be more practical than differentiating between long and short hauls. Any difference in the standard of service should depend on the number of intermediate stops and the equipment used rather than on the length of the trip. As for the margin of tolerance, the 15 minutes originally proposed for longer hauls will give greater assurance of flexibility to a carrier's operations than would ALPA's recommendation of a three-minute tolerance for all flights. Significantly, in determining connecting time intervals, the industry itself allows up to 15 minutes to cover air traffic control delays, ramp congestion and other unforseen contingencies. (Resolution of Air Traffic Conference of America, effective June 30, 1957, establishing Minimum Connecting Time Standards for use of ATA members.)

Air carriers are obviously interested in preventing frequent schedule changes and strive to maintain already published schedules whenever possible. In view of the comments to the effect that a monthly review and possible change of the schedules when operating at less than 75 percent reliability would impose an economic burden, the regulation specifies a time basis of three calendar months instead of one. Compliance with the regulation is to be judged on the basis of a carrier's operations during any consecutive three-month periods rather than in each calendar quarter inasmuch as the construction of new schedules is unrelated to calendar periods.

The cumulative effect of a single delay, even where each succeeding segment is operated on the elapsed time contemplated by the schedule, has been cited by the carriers as a reason for not requiring on-time operation on each segment. A similar objection has not and could not be made to an elapsed-time requirement. However, to enforce realistic scheduling measured by either standard for each segment of a flight would unduly increase the administrative burden and costs to both the industry and the Board. With terminal arrival as the criterion, this expense will be reduced and a fair and practical control may be maintained over unrealistic scheduling.

The written and oral comments submitted by the Air Transport Association on behalf of its member carriers are in complete accord with the objective of obtaining the publication of schedules which carriers can consistently meet in their daily operations. They insist, however, that a regulation is unnecessary because air carriers already have the adequate incentive to see that their scheduling is realistic insofar as consistent with safety. They further argue that the proposed regulation will not accomplish its purpose inasmuch as controllable delays are incurred for the purpose of providing improved service while the incidence of conditions causing other delays and the degree of their effect cannot be foreseen. This regulation, the Association says, would leave two courses open to the carriers—to take all feasible steps to eliminate controllable delays and to pad schedules sufficiently to cover uncontrollable delays—both of which would force an increase in operating costs and capital investment and result in a loss of revenue and goodwill.

As indicated in our draft release, the regulation is predicated on a need to correct unrealistic scheduling practices which could affect an air carrier's obligation to provide adequate service to the public, diminish the value of airmail service to the users, and may, under certain circumstances, subject competing carriers publishing more forthright schedules to unfair competition. This need exists notwithstanding the competitive and economic factors to which the carriers allude as being sufficient to overcome such problems. It is evidenced by the growing number of complaints of poor schedule performance and by the fact that carriers continue to publish and file unrealistic schedules and to complete flights on schedule considerably less than 75 percent of the time.[1]

It is no answer to argue, as do some of the carriers, that the Board should correct the above situation by proceeding against each delinquent carrier rather than promulgating a regulation. It is apparent that without a regulation the Board would have to conduct a multiplicity of proceedings in order to define and implement the specific legal duties of an air carrier under sections 405 (e), 404 (a) and 411 of the act. In the absence of the definite quantitative standards supplied by the regulation, a decision defining adequate service on a particular route of a particular carrier's system for a particular flight would neither be legally binding upon, nor necessarily a pertinent precedent with respect to other routes, carriers and flights. Thus, the use of a case-to-case method to correct a widespread practice, in the absence of a common standard, would result in delay, confusion and uncertainty. It is only by providing such a standard by way of regulation that the public interest may be adequately protected.

The flight delays which experience shows will be incurred are obviously to be considered by air carriers in scheduling flights. However, those delays caused by conditions beyond the carrier's control and which could not have been anticipated by the exercise of reasonable prudence may, under this regulation be shown by way of justification. Accordingly, an airline should be able to plan its operations so as to insure that 75 percent of the in-flight delays that it will experience will result in no more than 15 minutes' delay in elapsed time without inconvenience to the public or undue burden to itself. For example, in-flight delays affected by the weather, air traffic control problems and airport congestion would be excusable, if unpredictable, as would any in-flight mechanical difficulty which affects speed. Conversely, a principal area which would be inexcusable would involve the utilization of aircraft speeds in constructing schedules which the equipment is not capable of providing. Thus, the carriers would be precluded from misstating the capability of aircraft, and a carrier with slower equipment would be prevented from publishing schedules impossible of consistent attainment on a block-to-block basis simply for competitive reasons. This is in harmony with the requirements of § 40.35 of the Civil Air Regulations that sufficient time be allowed for proper servicing of aircraft at intermediate points, and that consideration be given to the prevailing winds along the particular route, together with the cruising speed of the type of aircraft involved, without exceeding the specified output of the airplane engine.

So far as costs to the carriers are concerned, it is expected that the operations of the carriers may in large part be conducted in conformity with the elapsed-time regulation without the necessity of lengthening schedules by improved efficiency of operation. And, any costs resulting from lengthening obviously unrealistic competitive schedules, such as pilots' salaries, would be wholly justified. In any event, the increased cost figures cited by the carriers are grounded on the original provisions of Draft Release No. 80. The modifications being adopted will substantially reduce the cost complained of by the carriers.

Specific operating situations have been cited with some validity by both the proponents and opponents of an on-time regulation to show either that pilots might be influenced in their method of conducting flight operations in order to aid the air carrier in the avoidance of violations of the proposed regulation or, on the other hand, to attempt to meet a genuinely "unrealistic" schedule without the benefit of having the proposed regulation. These opposing views with respect to the effect of an on-time regulation on air safety need not be resolved at this time in view of our action herein. On the other hand, no one has advocated that air safety might be adversely affected by a block-to-block time regulation, and we believe that the excusing of unpredictable difficulties as well as the increased tolerance for all flights will serve to insure an absence of additional pressure on operating personnel, without substantially reducing the required completion factor.

The local service carriers, intra-Alaskan carriers, and helicopter operators subscribed to the views presented by the Airline Transport Association and requested that they be excluded from the application of any regulation adopted by the Board. The Air Line Pilots Association, on the other hand, supported the proposed regulation as entirely practical, but saw no need for the exclusion of cargo flights. Upon review of the comments, the Board finds that helicopter services have not yet reached the state of development which warrants this type of schedule regulation and that both intra-territorial and overseas services present peculiar operating conditions which make it advisable to exclude such operations from the regulation at this time. On the other hand, the rule's increased tolerance for short trips should reduce any burden on local service carriers, and the public interest is not served by any special limitation in this regard. With respect to all-cargo flights, the lack

[1] A staff survey covering representative flights of various carriers during 1954, 1955, and 1956, showed that none of the flights under 1,000 miles arrived within five minutes of the schedule 75 percent of the time, but when a tolerance of 15 minutes was used as a yardstick the average improved almost 100 percent. On the other hand, of all the tested flights of over 1,000 miles, 48.8 percent arrived on time or within 15 minutes in 1954; 52.7 percent in 1955, and 54.3 percent in 1956. For all of the flights (over and under 1,000 miles combined) which were tested for July 1956, arrivals on time or within 15 minutes late, averaged 59.4 percent. This survey thus indicates that carriers can and sometimes do meet their published schedules, within a tolerance of 15 minutes, on 75 percent of the flights, but that a number do not.

of complaints from shippers and greater urgency of passenger schedule reliability would appear to justify the retention of this particular exemption.

The establishment of a standard of realistic scheduling and on-time performance also has been challenged by the industry on various legal grounds. The basic industry position is that none of the cited sections of the Act confer on the Board the power to adopt a substantive regulation in a rule-making proceeding. Thus, the carriers argue that the Board may not exercise its power to require adequate service under section 404 (a) of the act without first holding a hearing with respect to each carrier allegedly delinquent in discharging the duty to provide adequate service. Assuming, arguendo, that the Board has the necessary statutory powers to regulate airline scheduling practices, the pertinent court decisions clearly establish that it may exercise such powers through the adoption of a substantive rule. And, apart from the fact that sections 404 (a) and 405 (e) do not specifically require a hearing, the courts have ruled that rule-making proceedings may be used to implement powers arising under specific sections which require a hearing. U. S. v. Storer Broadcasting Co., 351 U. S. 192 (1956).

The ruling of this case is also dispositive of such argument with respect to section 411 of the act. Unrealistic scheduling constitutes the making of misleading statements as to one of the most important aspects of the services which the scheduled air carriers sell and thus appears to be squarely within the scope of section 411. Moreover, the cited provisions must be interpreted in the light of the Declaration of Policy (section 2), which, among other applicable provisions, requires the Board to use its powers to promote "adequate, economical and efficient service by air carriers."

Hence, this is not a case where an agency spells out by regulation a power which is merely implied. But if it were, the industry's view that section 205 (a) of the act merely establishes limits upon the Board's legislative powers and may not be regarded as a source of authority to adopt the proposed regulation is equally erroneous. That section does more than simply empower the Board to make substantive rules on subjects over which it has been granted express statutory jurisdiction. It permits the Board to make rules and regulations on all subjects where jurisdiction has not been specifically withheld or limited by the act. In American Trucking Association, Inc., et al. v. U. S., 344 U. S. 298 (1952), the Supreme Court sustained substantive rules governing the practice of "trip leasing" despite the absence of any specific grant of authority over such practices. The rationale of that case strongly militates against the narrow approach to statutory construction underlying the industry's view of the Board's power. The only limit imposed upon the exercise of the general rule-making power by this decision was that the agency had to spell out the need for the exercise of the power to be implied in order to protect the integrity of its granted regulatory functions. In the instant case, however, it is unnecessary to make any such demonstration of the practical need for requiring realistic flight schedules since three distinct sections of the act (404 (a), 405 (e) and 411) plainly grant authority to the Board to regulate various aspects of scheduling practices.

The argument is also made that section 404 (a) does not permit the Board to set quantitative standards for on-time performance and, presumably, for realistic scheduling. No pertinent authorities are cited in support of this proposition. Instead, reference is made to an irrelevant statement in a Board route proceeding (Southwest-Northeast Service Case, Order No. E–9758, November 21, 1955, p. 10). In that statement, the Board referred to section 404 as establishing "minimum standards of legal adequacy." Actually, the Board's opinion deals with a contention that additional carriers should not be certificated to serve a route unless the carrier already certificated to provide such service is providing inadequate service. In rejecting that contention, the Board stated that competition was viewed as a desirable end in itself and that the adequacy of the service presently rendered was not controlling. It is also noted that the rules involved in U. S. v. Storer Broadcasting Co., supra, established a quantitative standard like the one embodied in proposed Part 234.

The carriers' argument that section 405 (e) of the act does not empower the Board to regulate scheduling practices, but merely requires the filing of schedules in order to enable it to exercise the limited power of hearing appeals from orders of the Postmaster General with respect to schedules is a further example of the restrictive approach to statutory construction of an administrative agency's powers which has been rejected by the courts. Congress would not have required the filing of schedules with the Board if the air carriers were at liberty to file completely unrealistic schedules. Indeed, the express power of the Board and the Postmaster General to order a carrier to establish additional schedules for the transportation of mail is a sufficiently broad power to include the power to require the establishing of realistic schedules.

Finally, and apart from the alleged lack of Board power to promulgate the proposed rule, the carriers contend that proposed Part 234 is an unreasonable exercise of any power which the Board may possess, since it imposes criminal liability in the absence of criminal intent. This reasoning is based on the interpretation that a violation may be due to conditions beyond the carrier's control and which cannot be reasonably anticipated. The obvious answer to this contention is that the proposed rule does not purport to change the requirements of section 902 (a) of the act, which imposes criminal penalties only on persons who "knowingly and wilfully" violate any regulations issued by the Board. Moreover, the modified regulation clearly states that a violation will be evidenced by a carrier's performance only where justification is not shown.

We find that the regulation hereby promulgated to be applicable to and to be observed by certificated air carriers engaged in passenger operations in domestic air transportation is necessary and desirable in the public interest.

Interested persons have been afforded opportunity to participate in the formulation of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Economic Regulations (14 CFR Ch. I) effective September 20, 1957, by adding thereto, a new Part 234, to read as follows:

Sec.
234.1 Definitions.
234.2 Applicability.
234.3 Prohibition of unrealistic scheduling and requirement of elapsed time performance.
234.4 Violation of this part.
234.5 Requirement that published schedules conform to filed schedules
234.6 Rule of construction.
234.7 Separability.

AUTHORITY: §§ 234.1 to 234.7 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 404, 405, 411, 52 Stat. 993, 994, 1003, as amended; 49 U. S. C. 484, 485, 491.

§ 234.1 *Definitions.* For the purposes of this part:

(a) "Schedule" means any part of the "general schedule" on file with the Board, pursuant to Part 231 of this chapter.

(b) "Scheduled flight" means any trip periodically operated between terminal points which is separately designated (by flight number or otherwise) in the schedules of the air carrier.

(c) "All-cargo flight" means any scheduled flight which carries property and does not carry revenue passengers or United States mail.

(d) "Scheduled time flight" means a scheduled flight which is completed within the block-to-block time allowed in the schedule, plus 15 minutes, excluding from consideration the on-the-ground time provided in the schedule or actually experienced at the intermediate points, if any, of such scheduled flight.

§ 234.2 *Applicability.* This part applies to any air carrier certificated pursuant to section 401 of the Civil Aeronautics Act insofar as it is engaged in air transportation (other than by helicopter) between points within the continental limits of the United States and with respect to all flights (other than all-cargo flights) scheduled and performed in such transportation.

§ 234.3 *Prohibition of unrealistic scheduling and requirement of elapsed time performance.* All flight schedules filed with the Board or published for the guidance of the traveling public shall be designed so as to enable each air carrier subject to this part to safely perform as scheduled time flights (in accordance with all applicable legal requirements of the Federal Government), a minimum of 75 percent of all trips actually flown pursuant to each scheduled flight during any three-month period. Each air carrier subject to this part shall perform as scheduled time flights a minimum of 75 percent of all trips actually flown pursuant to each such scheduled flight during any three-month period.

§ 234.4 *Violation of this part.* Where it is shown that an air carrier subject to this part failed to perform as scheduled time flights a minimum of 75 percent of the trips actually flown pursuant to each scheduled flight in any three calendar months, such failure shall constitute a violation of this part, unless such carrier shows that its performance during such period was due to conditions which are not subject to its control and also could not have been anticipated in the exercise of reasonable prudence.

§ 234.5 *Requirement that published schedules conform to filed schedules.* No air carrier subject to this part shall publish any statement of aircraft regularly operated between points duly authorized to be served which sets forth the time of arrival and departure at each such point or any other information concerning such service unless such information is identical in all regards, with that contained in the schedules filed pursuant to Part 231 of this chapter. This prohibition shall apply to statements included in a system time table, the Official Airline Guide, or any other document available to the general public.

§ 234.6 *Rule of construction.* This part shall not be construed as authorizing schedules so slow as to constitute inadequate service or uneconomical or inefficient management, or to discourage the filing of shorter schedules which are reasonably expected to be realistic.

§ 234.7 *Separability.* If any provision of this part or the application thereof to any air transportation, person, class of person, or circumstance is held invalid, the remainder of the part and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

Effective: September 20, 1957.

Adopted: August 16, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–6937; Filed, Aug. 21, 1957; 8:55 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6249]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

On April 5, 1956, notice of proposed rule making with respect to regulations under sections 911 through 943 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 2177). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.911–1 (a) (4) is revised by striking the word "may" in the first sentence and inserting the word "shall" in lieu thereof.

PAR. 2. Section 1.911–1 (b) (2) (ii) is revised to read as set forth below.

PAR. 3 The third sentence of § 1.911–1 (b) (10) is revised to read as follows: "For the purpose of section 911 (a) (2), if an individual travels over a route (a portion of which is not within any country) from one place in a foreign country to another place in the same country, or to a place in another foreign country, and if such travel not within any country extends over a period of less than 24 hours and does not involve travel within the United States or any possession thereof, such individual shall not be deemed outside a foreign country during the period of such travel."

PAR. 4. Section 1.921–1 is revised to read as set forth below.

PAR. 5. Section 1.931–1 (a) (1) is revised by changing the first sentence thereof to read as follows: "As used in section 931 and this section, the term 'possession of the United States' includes the Panama Canal Zone, Guam, American Samoa, Wake and the Midway Islands, and Puerto Rico when used with respect to domestic corporations."

PAR. 6. Section 1.931–1 (a) (2) is revised to read as set forth below.

PAR. 7. Section 1.931–1 (b) (1) (ii) is revised by changing the last sentence thereof to read as follows: "For a determination of income from sources within the United States, see sections 861, 862, 863, 864, 931 (i), and the regulations thereunder."

PAR. 8. Section 1.931–1 (d) (2) is revised by changing the last sentence thereof to read as follows: "The proper apportionment and allocation of the deductions with respect to sources within and without the United States shall be determined as provided in sections 861, 862, 863, 864, and the regulations thereunder."

PAR. 9. Section 1.932–1 (a) (1) is revised as follows:

(A) By striking from the parenthetical clause in the first sentence the words "the Virgin Islands or."

(B) By changing the second sentence to read as follows: "See sections 871 through 877, and the regulations thereunder, for rules relating to imposition of tax on nonresident alien individuals."

PAR. 10. Section 1.941–1 is revised by changing the parenthetical clause in the second sentence to read as follows: "(determined without regard to this section and determined in a manner similar to that provided in sections 861, 862, 863, 864, and the regulations thereunder)".

PAR. 11. Section 1.941–2 (d) is revised by changing the last sentence thereof to read as follows: "The method of computing this income is similar to that described in sections 861, 862, 863, 864, and the regulations thereunder."

PAR. 12. Section 1.943–1 is revised by inserting a comma after 863, deleting the word "and" following 863, and inserting ", and the regulations thereunder" following 864.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: August 14, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided, are hereby prescribed under sections 911 through 943 of the Internal Revenue Code of 1954:

EARNED INCOME OF CITIZENS OF UNITED STATES

Sec.
1.911 Statutory provisions; earned income from sources without the United States.
1.911–1 Earned income from sources without the United States.
1.912 Statutory provisions; exemption for certain allowances.
1.912–1 Exclusion of certain cost-of-living allowances.
1.912–2 Exclusion of certain allowances of Foreign Service personnel.

WESTERN HEMISPHERE TRADE CORPORATIONS

1.921 Statutory provisions; definition of Western Hemisphere trade corporations.
1.921–1 Definition of Western Hemisphere trade corporation.
1.922 Statutory provisions; special deduction.
1.922–1 Special deduction of Western Hemisphere trade corporation.

POSSESSIONS OF THE UNITED STATES

1.931 Statutory provisions; income from sources within possessions of the United States.
1.931–1 Citizens of the United States and domestic corporations deriving income from sources within a certain possession of the United States.
1.932 Statutory provisions; taxation of citizens of possessions of the United States.
1.932–1 Status of citizens of United States possessions.
1.933 Statutory provisions; income from sources within Puerto Rico.
1.933–1 Exclusion of certain income from sources within Puerto Rico.

CHINA TRADE ACT CORPORATIONS

1.941 Statutory provisions; special deduction for China Trade Act corporations.
1.941–1 Special deduction for China Trade Act corporations.
1.941–2 Meaning of terms used in connection with China Trade Act corporations.
1.941–3 Illustration of principles.
1.942 Statutory provisions; disallowance of foreign tax credit.
1.943 Statutory provisions; exclusion of dividends to residents of Formosa or Hong Kong.
1.943–1 Withholding by a China Trade Act corporation.

AUTHORITY: §§ 1.911 to 1.943–1, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

EARNED INCOME OF CITIZENS OF UNITED STATES

§ 1.911 *Statutory provisions; earned income from sources without the United States.*

SEC. 911. *Earned income from sources without the United States*—(a) *General rule.*

The following items shall not be included in gross income and shall be exempt from taxation under this subtitle:

(1) *Bona fide resident of foreign country.* In the case of an individual citizen of the United States, who establishes to the satisfaction of the Secretary or his delegate that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) if such amounts constitute earned income (as defined in subsection (b)) attributable to such period; but such individual shall not be allowed as a deduction from his gross income any deductions (other than those allowed by section 151, relating to personal exemptions) properly allocable to or chargeable against amounts excluded from gross income under this paragraph.

(2) *Presence in foreign country for 17 months.* In the case of an individual citizen of the United States, who during any period of 18 consecutive months is present in a foreign country or countries during at least 510 full days in such period, amounts received from sources without the United States (except amounts paid by the United States or an agency thereof) if such amounts constitute earned income (as defined in subsection (b)) attributable to such period; but such individual shall not be allowed as a deduction from his gross income any deductions (other than those allowed by section 151, relating to personal exemptions) properly allocable to or chargeable against amounts excluded from gross income under this paragraph. If the 18-month period includes the entire taxable year, the amount excluded under this paragraph for such taxable year shall not exceed $20,000. If the 18-month period does not include the entire taxable year, the amount excluded under this paragraph for such taxable year shall not exceed an amount which bears the same ratio to $20,000 as the number of days in the part of the taxable year within the 18-month period bears to the total number of days in such year.

(b) *Definition of earned income.* For purposes of this section, the term "earned income" means wages, salaries, or professional fees, and other amounts received as compensation for personal services actually rendered, but does not include that part of the compensation derived by the taxpayer for personal services rendered by him to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income-producing factors, under regulations prescribed by the Secretary or his delegate, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 30 percent of his share of the net profits of such trade or business, shall be considered as earned income.

§ 1.911–1 *Earned income from sources without the United States*—(a) *Bona fide resident of a foreign country*—(1) *Qualifications for exemption.* Amounts constituting earned income as defined in section 911 (b) shall be excluded from the gross income of an individual citizen of the United States who establishes to the satisfaction of the Commissioner that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, if such amounts are (i) from sources without the United States, (ii) attributable to such uninterrupted period, and (iii) not paid by the United States or any agency or instrumentality thereof. The exemption from tax thus provided is applicable to such amounts as are attributable to that portion of an uninterrupted period of bona fide foreign residence which falls within a taxable year during which the citizen begins or terminates bona fide residence in a foreign country, provided that such period includes at least one entire taxable year. If attributable to an uninterrupted period in respect of which the citizen qualifies for the exemption from tax thus provided, the amounts shall be excluded from gross income irrespective of when they are received.

(2) *What constitutes bona fide residence.* Though the period of bona fide foreign residence must be continuous and uninterrupted, once bona fide residence in a foreign country or countries has been established, temporary visits to the United States or elsewhere on vacation or business trips will not necessarily deprive the citizen of his status as a bona fide resident of a foreign country. Whether the individual citizen of the United States is a bona fide resident of a foreign country shall be determined by the application, to the extent feasible, of the principles of section 871 and the regulations thereunder, relating to what constitutes residence or nonresidence, as the case may be, in the United States in the case of an alien individual.

(3) *Treatment of deductions.* In any case in which any amount is excluded from gross income under the provisions of section 911 (a) (1), there shall be disallowed as deductions any expenses, losses, or other items otherwise deductible (other than those allowed by section 151, relating to personal exemptions) properly allocable to or chargeable against the amounts so excluded from gross income. For example, traveling and entertainment expenses incurred by A, a citizen of the United States, for the production of earned income in foreign country X, where A had been a bona fide resident for a period of several years, would not be deductible to any extent, since such expenses are directly and entirely allocable to or chargeable against such exempt earned income. However, items which are not properly chargeable against or allocable to excludable earned income are deductible in their entirety (subject to any specific statutory limitations relating to such items). Examples of such items include personal and family medical expenses, real estate taxes on a personal residence, interest on mortgage on personal residence, and charitable contributions.

(4) *Earned income and employed assistants.* The entire amount received as professional fees shall be treated as earned income if the taxpayer is engaged in a professional occupation, such as a doctor or a lawyer, even though he employs assistants to perform part or all of the services, provided the patients or clients are those of the taxpayer and look to the taxpayer as the person responsible for the services performed.

(5) *Earned income from business in which capital is material.* In the case of a taxpayer engaged in a trade or business (other than in corporate form) in which both personal services and capital are material income-producing factors, a reasonable allowance as compensation for the personal services actually rendered by the taxpayer shall be considered earned income, but the total amount which shall be treated as the earned income of the taxpayer from such a trade or business shall, in no case, exceed 30 percent of his share of the net profits of such trade or business. No general rule can be prescribed defining the trades or businesses in which personal services and capital are material income-producing factors; this question must be determined on all the facts of each individual case.

(6) *Source of income and place of receipt.* An amount constituting earned income as defined in section 911 (b) which is derived from sources without the United States shall not be included in gross income solely because it is received within the United States, since the place of receipt is immaterial in determining whether any items shall be excluded from gross income under the provisions of section 911 (a). No amounts received for services performed within the United States shall be excluded from gross income by such section. For the allocation or segregation as between sources within, and sources without, the United States in the case of compensation for labor or personal services, see sections 861, 862, 863, 864, and the regulations thereunder.

(7) *Returns.* Any return filed before the completion of the period necessary to qualify a citizen for the exemption under section 911 (a) (1) shall be filed without regard to the exemption provided by that section, but claim for credit or refund of any overpayment of tax may be filed if the taxpayer subsequently qualifies for the exemption under section 911 (a) (1). A taxpayer desiring an extension of time (in addition to that granted by section 6081) for filing the return until after the completion of the qualifying period under section 911 (a) (1) shall make application therefor with the district director, setting forth the facts relied upon to justify the extension of time requested and including a statement as to the earliest date he expects to be in a position to determine whether he will be entitled to the exclusion provided by section 911 (a) (1). An extension of time may be granted for more than 6 months in the case of taxpayers who are abroad. For extensions of time for filing returns, see section 6081 and the regulations thereunder.

(8) *Declaration of estimated tax.* In estimating his gross income for the purpose of making a declaration of estimated tax for any taxable year, a citizen of the United States is not required to take into account income which it is reasonable to believe will be excluded from gross income under the provisions of section 911 (a) (1) and the regulations thereunder.

(9) *Definition of "foreign country".* The term "foreign country" means territory under the sovereignty of a government other than that of the United States. It does not include a possession or Territory of the United States.

(b) *Presence in a foreign country*—(1) *Qualifications for exemption.* Subject to the limitations in subparagraph (2), amounts constituting earned income as defined in section 911 (b) shall be excluded from gross income in the case of an individual citizen of the United States who during any period of 18 consecutive months is present in a foreign country or countries during a total of at least 510 full days, if such amounts are (i) from sources without the United States, (ii) attributable to such period, and (iii) not paid by the United States or any agency or instrumentality thereof. For purposes of determining the right to the exclusion under section 911 (a) (2) for a taxable year to which the Internal Revenue Code of 1954 is applicable, the period of presence in a foreign country may include a period prior to the beginning of such taxable year, even though the tax for such prior period is computed under the Internal Revenue Code of 1939. For example, the qualifying period may, in the case of a taxpayer who makes his return on the calendar year basis, cover the period from July 1, 1953, to December 31, 1954, for purposes of the exclusion allowed under section 911 (a) (2) for the taxable year 1954.

(2) *Amount of exemption.* (i) The amount excluded from gross income under the provisions of section 911 (a) (2) shall not exceed $20,000 if the 18-month period includes the entire taxable year. If the 18-month period does not include the entire taxable year, the amount excluded from gross income under such section for such taxable year shall not exceed an amount which bears the same ratio to $20,000 as the number of days in the part of the taxable year within the 18-month period bears to the total number of days in such year.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. A, a citizen of the United States who files his returns for the calendar year using a cash receipts and disbursements method, was privately employed and physically present in France from January 1, 1953, through July 15, 1955. On December 31, 1953, he received compensation in the amount of $20,000 for the services rendered by him during 1953. He left France on July 16, 1955, and returned to the United States. On August 1, 1955, he received $30,000, part of which was for the services rendered by him during 1954 and the balance of which was for his services rendered during the period January 1, 1955, through July 15, 1955. On January 15, 1956, A received an additional $10,000 for the services rendered by him during 1954.

(a) Since the $20,000 compensation received by A on December 31, 1953, was attributable to an 18-month period during at least 510 full days of which he was present in a foreign country, and since that 18-month period included his entire taxable year 1953, the entire $20,000 is exempt from taxation.

(b) Only $12,712.33 ($\frac{232}{365} \times \$20,000$) of the $30,000 received by A on August 1, 1955, is exempt from taxation since only 232 days of his taxable year 1955 is included within such an 18-month period. The number of days (232) is determined by treating the first day of the 18-month period as coinciding with the first day of the 510-day period. The first day of the 510-day period ending July 15, 1955 (the last full day A was present in France), was February 21, 1954. Commencing with February 21, 1954, the 18-month period ends August 20, 1955. The number of days in that part of 1955 falling within the 18-month period is, therefore, 232 (January 1, 1955, through August 20, 1955). The amount excludable by A in 1955 ($12,712.33) is computed on the basis of the following formula:

$$\frac{\text{Number of days in that part of the taxable year falling within the 18-month period}}{\text{Number of days in the taxable year}} \times \$20{,}000 \text{ (Maximum amount excludable for an entire taxable year under section 911 (a) (2))},$$

or $\frac{232}{365} \times \$20{,}000$.

(c) None of the $10,000 attributable to the services rendered by A during 1954 but received by him in 1956 is exempt from taxation because no part of his taxable year 1956 is included within an 18-month period. For the definition of "taxable year" see section 7701 (a) (23).

(3) *Returns.* Any return filed before the completion of the period necessary to qualify a citizen for the exemption under section 911 (a) (2) shall be filed without regard to the exemption provided by that section, but claim for credit or refund of any overpayment of tax may be filed if the taxpayer subsequently qualifies for the exemption under section 911 (a) (2). A taxpayer desiring an extension of time (in addition to that granted by section 6081 and the regulations thereunder) for filing the return until after the completion of the qualifying period under section 911 (a) (2) shall make application therefor with the district director, setting forth the facts relied upon to justify the extension of time requested and including a statement as to the earliest date he expects to be in a position to determine whether he will be entitled to the exclusion provided by section 911 (a) (2). An extension of time may be granted for more than 6 months in the case of taxpayers who are abroad. For extensions of time for filing returns, see section 6081 and the regulations thereunder.

(4) *Declaration of estimated tax.* In estimating his gross income for the purpose of making a declaration of estimated tax for any taxable year, a citizen of the United States is not required to take into account income which it is reasonable to believe will be excluded from gross income under the provisions of section 911 (a) (2) and the regulations thereunder.

(5) *Earned income, source of income, and place of receipt.* The provisions of paragraph (a) of this section respecting the definition of earned income, the source of income, and the immateriality of the place of receipt of amounts constituting earned income are equally effective in the application of this paragraph.

(6) *Treatment of deductions.* In any case in which any amount is excluded from gross income under section 911 (a) (2), there shall be disallowed as deductions any expenses, losses, or other items otherwise deductible (other than those allowed by section 151 relating to personal exemptions), properly allocable to or chargeable against the amount so excluded from gross income. If the earned income excludable under section 911 (a) (2) (determined without regard to the $20,000 limitation) exceeds the earned income excludable under section 911 (a) (2), the amount disallowed as a deduction shall be limited to an amount which bears the same ratio to the total of such items properly allocable to or chargeable against such earned income so excludable (determined without regard to the $20,000 limitation) as the amount excluded from gross income under section 911 (a) (2) bears to such earned income (determined without regard to the $20,000 limitation). However, deductions which are not properly allocable to or chargeable against earned income excluded under section 911 (a) (2) are deductible in their entirety (subject to specific statutory limitations relating to such items). For examples of deductions which must be allowed or disallowed under this paragraph, see paragraph (a) (3) of this section.

(7) *Definition of "foreign country."* The term "foreign country" means territory under the sovereignty of a government other than that of the United States and includes the air space over such territory. It does not include a possession or Territory of the United States.

(8) *Determination of 18-month period.* The exclusion provided by section 911 (a) (2) applies to income attributable to any period of 18 consecutive months during which the citizen satisfies the 510 full-day requirement, even though such period constitutes a part of a longer period of presence in a foreign country or countries. For this purpose, the term "18 consecutive months" means any period of such duration, that is, any period commencing with the beginning of any day of a calendar month and terminating (i) with the close of the day which precedes that day in the eighteenth succeeding calendar month numerically corresponding to the day of the period's beginning, or, if there is no such corresponding day, (ii) with the close of the last day of such eighteenth succeeding month. Such period need not necessarily commence with the day of arrival in a foreign country, nor terminate with the day of departure therefrom. In no event will the 510 full-day requirement be prorated over a period of less than 18 consecutive months.

(9) *Examples of 18-month periods.* A citizen who arrives in a foreign country on January 1, 1953, makes several return trips to the United States, and then finally departs from the foreign country on February 14, 1955, may not be present in such country for 510 full days during the 18-month period commencing with January 1, 1953, and ending with the close of June 30, 1954, because of his visits to the United States during such period, but may satisfy the 510 full-day requirement during the 18-month period commencing with Febru-

ary 15, 1953, and ending with the close of August 14, 1954. In such event, the exclusion will apply to income attributable to the latter period, but not to income attributable to the period commencing with January 1, 1953, and ending with the close of February 14, 1953. For such purpose, it is assumed that no part of the period ending with the close of February 14, 1953, is included in any 18-month period during which the 510 full-day requirement is satisfied. Furthermore, the mere fact that the 510 full-day requirement has been satisfied with respect to the period ending with the close of August 14, 1954, does not mean that income earned thereafter will be excluded under section 911 (a) (2) unless such income is attributable to another 18-month period during which there is compliance with the 510 full-day requirement. Thus, the 510 full-day requirement cannot be prorated over the 6-month period commencing with August 15, 1954, and ending with the close of February 14, 1955, in order to determine whether the exclusion allowed by section 911 (a) (2) applies to income attributable to such 6-month period. Therefore, assuming that the citizen is present in the foreign country 170 full days (⅓ of 510 full days) during such 6-month period (⅓ of 18 consecutive months), the exclusion will not be applicable to income attributable to any part of such 6-month period if no part thereof is included in any 18-month period during which the 510 full-day requirement is satisfied.

(10) *Definition of "full day."* The term "full day" means, not any 24-consecutive-hour period, but a continuous period of twenty-four hours commencing from midnight and ending with the following midnight. In computing the minimum of 510 full days of presence in a foreign country or countries, all separate periods of such presence during the period of 18 consecutive months are to be aggregated. For the purpose of section 911 (a) (2), if an individual travels over a route (a portion of which is not within any country) from one place in a foreign country to another place in the same country, or to a place in another foreign country, and if such travel not within any country extends over a period of less than 24 hours and does not involve travel within the United States or any possession thereof, such individual shall not be deemed outside a foreign country during the period of such travel. The 510 full days need not be consecutive, but may be interrupted by periods during which the citizen is not present in a foreign country. Time spent in a foreign country in the employment of the United States Government will count toward satisfaction of the 510 full-day requirement, even though amounts paid by such Government are not exempt from tax under section 911 (a) (2).

(11) *Illustrations of application of the 510-day rule.* The application of the 510-day rule may be illustrated by the following examples:

Example (1). On February 1, 1954, B, a citizen of the United States privately employed, arrived in Puerto Rico on a business assignment. Upon completion of the assignment he departed for a new assignment in Venezuela, arriving there on April 24, 1954. He remained in Venezuela until 2 p. m. on October 25, 1955, at which time he departed for another assignment in Puerto Rico. On January 10, 1956, he left Puerto Rico for a new assignment in the United States. During the 18-month period commencing with April 25, 1954, and ending with the close of October 24, 1955, the taxpayer was in a foreign country at least 510 full days; in addition, during the 18-month period commencing with June 2, 1954, and ending with the close of December 1, 1955, he was in a foreign country an aggregate of 510 full days.

Example (2). At 2 p. m. on January 18, 1953, C, a citizen of the United States privately employed, arrived in England on a business trip from the United States. On May 20, 1953, at 10 p. m. he departed from England by steamer and arrived in the United States on May 25, 1953. After spending a period therein on official business, he left the United States by steamer on June 9, 1953, and arrived in France at 3 p. m., June 14, 1953. At 8 a. m. on February 3, 1954, he departed from France by airplane for a brief visit to Puerto Rico, arriving there on February 4, 1954, and thence went to England, arriving there at 1 a. m. on February 12, 1954, where he remained until midnight, July 18, 1954, at which time the 510 full-day requirement was satisfied in respect of the period of 18 consecutive months which began with January 19, 1953. C continued his presence in England, not leaving that country until 5 a. m. on November 18, 1954, at which time he departed for the United States. During the 18-month period commencing with January 19, 1953, and ending with the close of July 18, 1954, the taxpayer was in a foreign country or countries an aggregate of 510 full days; in addition, during the 18-month period commencing with June 16, 1953, and ending with the close of December 15, 1954, he was in a foreign country or countries an aggregate of 510 full days. The computation with respect to each period may be illustrated as follows:

	Full days in foreign country
First 18-month period (Jan. 19, 1953 through July 18, 1954):	
Jan. 19, 1953, through May 19, 1953	121
May 20, 1953, through June 14, 1953	0
June 15, 1953, through Feb. 2, 1954	233
Feb. 3, 1954, through Feb. 12, 1954	0
Feb. 13, 1954, through July 18, 1954	156
Total full days	510
Second 18-month period (June 16, 1953 through Dec. 15, 1954):	
June 16, 1953, through Feb. 2, 1954	232
Feb. 3, 1954, through Feb. 12, 1954	0
Feb. 13, 1954, through Nov. 17, 1954	278
Nov. 18, 1954, through Dec. 15, 1954	0
Total full days	510

Example (3). On March 6, 1953, at 3 p. m., D, a citizen privately employed, arrived in Cuba, where he remained until 9 p. m., June 25, 1953, at which time he departed from Cuba for a short business trip to Puerto Rico. Upon completion of his negotiations, he departed for Mexico, arriving there at 2 p. m. on July 24, 1953, where he remained until 10 a. m., August 22, 1954, at which time he departed from such country for a vacation in the United States. He arrived again in Mexico at 9 a. m. on September 5, 1954, where he remained until 8 a. m., January 1, 1955, at which time he departed from such country for a new assignment in the United States. During the 18-month period commencing with March 7, 1953, and ending with the close of September 6, 1954, the taxpayer was in a foreign country or countries an aggregate of 504 full days; during the 18-month period commencing with July 1, 1953, and ending with the close of December 31, 1954, he was in a foreign country an aggregate of 510 full days. The computation with respect to each period may be illustrated as follows:

	Full days in foreign country
First 18-month period (Mar. 7, 1953 through Sept. 6, 1954):	
Mar. 7, 1953 through June 24, 1953	110
June 25, 1953 through July 24, 1953	0
July 25, 1953 through Aug. 21, 1954	393
Aug. 22, 1954 through Sept. 5, 1954	0
Sept. 6, 1954	1
Total full days	504
Second 18-month period (July 1, 1953 through Dec. 31, 1954):	
July 1, 1953 through July 24, 1953	0
July 25, 1953 through Aug. 21, 1954	393
Aug. 22, 1954 through Sept. 5, 1954	0
Sept. 6, 1954 through Dec. 31, 1954	117
Total full days	510

§ 1.912 *Statutory provisions; exemption for certain allowances.*

SEC. 912. *Exemption for certain allowances.* The following items shall not be included in gross income, and shall be exempt from taxation under this subtitle:

(1) *Cost-of-living allowances.* In the case of civilian officers or employees of the Government of the United States stationed outside continental United States, amounts received as cost-of-living allowances in accordance with regulations approved by the President.

(2) *Foreign service allowances.* In the case of an officer or employee of the Foreign Service of the United States, amounts received by such officer or employee as allowances or otherwise under the terms of title IX of the Foreign Service Act of 1946 (22 U. S. C. 1131–1158).

§ 1.912–1 *Exclusion of certain cost-of-living allowances.* (a) Amounts received by Government civilian personnel stationed outside the continental United States as cost-of-living allowances in accordance with regulations approved by the President are, by the provisions of section 912 (1), excluded from gross income. Such allowances shall be considered as retaining their characteristics under section 912 (1) notwithstanding any combination thereof with any other allowance. For example, the cost-of-living portion of a "living and quarters allowance" would be excluded from gross income whether or not any other portion of such allowance is excluded from gross income.

(b) For the purposes of section 912 (1) the term "continental United States" includes only the States of the Union and the District of Columbia.

§ 1.912–2 *Exclusion of certain allowances of Foreign Service personnel.* Amounts received by personnel of the Foreign Service of the United States as allowances or otherwise under the terms of title IX of the Foreign Service Act of 1946 (22 U. S. C. 1131–1158) are, by the provisions of section 912 (2), excluded from gross income.

WESTERN HEMISPHERE TRADE CORPORATIONS

§ 1.921 *Statutory provisions; definition of Western Hemisphere trade corporations.*

SEC. 921. *Definitions of Western Hemisphere trade corporations.* For purposes of this subtitle, the term "Western Hemisphere trade corporation" means a domestic corporation all of whose business (other than incidental purchases) is done in any country or countries in North, Central, or South America, or in the West Indies, and which satisfies the following conditions:

(1) If 95 percent or more of the gross income of such domestic corporation for the 3-year period immediately preceding the close of the taxable year (or for such part of such period during which the corporation was in existence) was derived from sources without the United States; and

(2) If 90 percent or more of its gross income for such period or such part thereof was derived from the active conduct of a trade or business.

For any taxable year beginning prior to January 1, 1954, the determination as to whether any corporation meets the requirements of section 109 of the Internal Revenue Code of 1939 shall be made as if this section had not been enacted and without inferences drawn from the fact that this section is not expressly made applicable with respect to taxable years beginning prior to January 1, 1954.

§ 1.921–1 *Definition of Western Hemisphere trade corporation*—(a) *In general.* The term "Western Hemisphere trade corporation", for purposes of subtitle A of the Internal Revenue Code of 1954, means a domestic corporation which meets all of the following tests:

(1) Its entire business for the taxable year is carried on within the Western Hemisphere. In determining whether this test is met, incidental purchases outside the Western Hemisphere will not disqualify the corporation. The term "incidental purchases" as used in section 921 and this section does not have the same meaning as the phrase "purchases incident to the conduct of the business". The term "incidental purchases" means only purchases (of any kind and for any purpose) which are (i) minor in relation to the entire business or (ii) nonrecurring or unusual in character. Whether purchases made outside the Western Hemisphere are incidental purchases for purposes of section 921 and this section shall be determined on the basis of all the facts of each particular case, except that in any case in which the aggregate of the purchases (of any kind and for any purpose) made outside the Western Hemisphere for the taxable year does not exceed an amount equal to 5 percent of the corporation's gross receipts from all sources for such taxable year, such purchases shall be deemed to be incidental purchases. Merely incidental economic contact with countries outside the Western Hemisphere will not disqualify a corporation as a Western Hemisphere trade corporation. For purposes of this section, the term "Western Hemisphere" means the countries in North, Central, and South America, and in the West Indies;

(2) Ninety-five percent or more of its gross income for the 3-year period immediately preceding the close of the taxable year (or for such part of such period during which the corporation was in existence) is derived from sources without the United States; and

(3) Ninety percent or more of its gross income for such period or such part thereof is derived from the active conduct of a trade or business. Dividends received by a corporation do not represent income derived from the active conduct of a trade or business.

(b) *Illustrations.* The application of the principles of paragraph (a) of this section may be illustrated by the following examples:

Example (1). X, a domestic corporation, operates a mine in South America and ships its products to England. The fact that X retains title to such goods until acceptance of the bill of lading and draft, solely in order to insure collection, will not cause X to be considered as carrying on business outside the Western Hemisphere, since such passing of title is merely an incidental economic contact outside the Western Hemisphere.

Example (2). Y, a domestic corporation, is engaged in Argentina in the business of manufacturing and selling construction equipment. During 1956, Y purchased in Germany certain motor parts required as an integral part of the equipment which it makes. The amount of such purchases equalled 4 percent of Y's gross receipts for 1956. Such purchases are incidental purchases and do not disqualify Y as a Western Hemisphere trade corporation.

Example (3). Z, a domestic corporation, operates a mine in South America. During 1956, Z, in accordance with its usual practices, purchased in France machinery and equipment necessary in the conduct of its business. The amount of such purchases was not minor in relation to Z's entire business. Such purchases disqualify Z as a Western Hemisphere trade corporation.

(c) *Statement required.* A corporation which claims to qualify as a Western Hemisphere trade corporation shall attach to its income tax return a statement showing: (1) That its entire business is done within the Western Hemisphere and, if any purchases are made outside the Western Hemisphere, the amount of such purchases, the amount of its gross receipts from all sources, and any other pertinent information, and (2) for the 3-year period immediately preceding the close of the taxable year (or for such part thereof during which the corporation was in existence), (i) its total gross income from all sources, (ii) the amount thereof derived from the active conduct of a trade or business, (iii) a description of such trade or business and the facts upon which the corporation relies to establish that such trade or business was actively conducted by it, and (iv) the amount of its gross income, if any, from sources within the United States. The gross income from sources within the United States and without the United States shall be determined as provided in sections 861, 862, 863, and 864, and the regulations thereunder.

§ 1.922 *Statutory provisions; special deduction.*

SEC. 922. *Special deduction.* In the case of a Western Hemisphere trade corporation there shall be allowed as a deduction in computing taxable income an amount computed as follows—

(1) First determine the taxable income of such corporation computed without regard to this section.

(2) Then multiply the amount determined under paragraph (1) by the fraction—

(A) The numerator of which is 14 percent, and

(B) The denominator of which is that percentage which equals the sum of the normal tax rate and the surtax rate for the taxable year prescribed by section 11.

§ 1.922–1 *Special deduction of Western Hemisphere trade corporation.* (a) A special deduction in computing taxable income in the case of a Western Hemisphere trade corporation (as defined in section 921), is allowed in section 922. The fraction specified in section 922 (2) is the same whether the amount of the corporation's taxable income is sufficient to subject it to the combined normal tax and surtax, or only to the normal tax. For the rules applicable in determining the special deduction where the alternative tax under section 1201 is imposed, see the regulations under section 1201.

(b) *Examples.* The computation of the special deduction may be illustrated by the following examples:

Example (1). A corporation which qualifies as a Western Hemisphere trade corporation realized gross income of $100,000 for the calendar year 1954 and had allowable deductions (other than the special deduction allowed by section 922) for that year in the amount of $40,000. The corporation normal tax rate and the surtax rate for the calendar year 1954 are 30 percent and 22 percent, respectively. The corporation's special deduction under section 922 is $16,153.84, computed as follows:

(i) Compute the taxable income by subtracting allowable deductions of $40,000 from gross income of $100,000, with a result of $60,000.

(ii) The sum of the corporation normal tax rate and surtax rate for the calendar year 1954 is 52 percent (30 percent plus 22 percent). The fraction specified in section 922 (2), accordingly, is 14/52.

(iii) The amount of taxable income (subdivision (i)), $60,000, multiplied by the fraction determined under subdivision (ii), 14/52, is $16,153.84 (14/52 times $60,000).

Example (2). Assume that the facts are the same as in example (1) except that the allowable deductions (other than the special deductions allowed by section 922) are $80,000. The corporation's special deduction under section 922 is $5,384.61, computed as follows:

(i) Compute the taxable income by subtracting allowable deductions of $80,000 from gross income of $100,000, with a result of $20,000.

(ii) The sum of the corporation normal tax rate and surtax rate for the calendar year 1954 is 52 percent (30 percent plus 22 percent). The fraction specified in section 922 (2), accordingly, is 14/52, regardless of the fact that the taxable income of the corporation in the amount of $20,000 makes it subject only to the corporation normal tax.

(iii) The amount of taxable income (subdivision (i)), $20,000, multiplied by the fraction determined under subdivision (ii), 14/52, is $5,384.61 (14/52 times $20,000).

POSSESSIONS OF THE UNITED STATES

§ 1.931 *Statutory provisions; income from sources within possessions of the United States.*

SEC. 931. *Income from sources within possessions of the United States*—(a) *General rule.* In the case of citizens of the United States or domestic corporations, gross income means only gross income from sources within the United States if the conditions of both paragraph (1) and paragraph (2) are satisfied:

(1) *Three-year period.* If 80 percent or more of the gross income of such citizen or domestic corporation (computed without the benefit of this section) for the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of

such taxable year as may be applicable) was derived from sources within a possession of the United States; and

(2) *Trade or business.* If—

(A) In the case of such corporation, 50 percent or more of its gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States; or

(B) In the case of such citizen, 50 percent or more of his gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States either on his own account or as an employee or agent of another.

(b) *Amounts received in United States.* Notwithstanding subsection (a), there shall be included in gross income all amounts received by such citizens or corporations within the United States, whether derived from sources within or without the United States.

(c) *Definition.* For purposes of this section, the term "possession of the United States" does not include the Virgin Islands of the United States, and such term when used with respect to citizens of the United States does not include Puerto Rico.

(d) *Deductions.* (1) Citizens of the United States entitled to the benefits of this section shall have the same deductions as are allowed by section 873 in the case of a nonresident alien individual engaged in trade or business within the United States.

(2) Domestic corporations entitled to the benefits of this section shall have the same deductions as are allowed by section 882 (c) in the case of a foreign corporation engaged in trade or business within the United States.

(e) *Deduction for personal exemption.* A citizen of the United States entitled to the benefits of this section shall be allowed a deduction for only one exemption under section 151.

(f) *Allowance of deductions and credits.* Persons entitled to the benefits of this section shall receive the benefit of the deductions and credits allowed to them in this subtitle only by filing or causing to be filed with the Secretary or his delegate a true and accurate return of their total income received from all sources in the United States, in the manner prescribed in subtitle F, including therein all the information which the Secretary or his delegate may deem necessary for the calculation of such deductions and credits.

(g) *Foreign tax credit.* Persons entitled to the benefits of this section shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 901.

(h) *Internees.* In the case of a citizen of the United States interned by the enemy while serving as an employee within a possession of the United States—

(1) If such citizen was confined in any place not within a possession of the United States, such place of confinement shall, for purposes of this section, be considered as within a possession of the United States; and

(2) Subsection (b) shall not apply to any compensation received within the United States by such citizen attributable to the period of time during which such citizen was interned by the enemy.

(i) *Employees of the United States.* For purposes of this section, amounts paid for services performed by a citizen of the United States as an employee of the United States or any agency thereof shall be deemed to be derived from sources within the United States.

§ 1.931–1 *Citizens of the United States and domestic corporations deriving income from sources within a certain possession of the United States*—(a) *Definitions.* (1) As used in section 931 and this section, the term "possession of the United States" includes the Panama Canal Zone, Guam, American Samoa, Wake, and the Midway Islands, and Puerto Rico when used with respect to domestic corporations. The term does not include the Virgin Islands, nor does it include Puerto Rico when used with respect to citizens of the United States.

(2) As used in section 931 and this section, the term "United States" includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) *General rule*—(1) *Qualifications.* In the case of a citizen of the United States or a domestic corporation satisfying the following conditions, gross income means only gross income from sources within the United States—

(i) If 80 percent or more of the gross income of such citizen or domestic corporation (computed without the benefit of section 931) for the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States, and

(ii) If 50 percent or more of the gross income of such citizen or domestic corporation (computed without the benefit of section 931) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States. In the case of a citizen, the trade or business may be conducted on his own account or as an employee or agent of another. The salary or other compensation paid by the United States to the members of its civil, military, or naval personnel for services rendered within a possession of the United States represents income derived from the active conduct of a trade or business within a possession of the United States. The salary or other compensation paid for services performed by a citizen of the United States as an employee of the United States or any agency thereof shall, for the purposes of section 931 and this section, be deemed to be derived from sources within the United States. Dividends received by a citizen from a corporation whose income was derived from the active conduct of a business within a possession of the United States, does not represent income derived from the active conduct of a trade or business within the possession of the United States even though such citizen was actively engaged in the management of such corporation. For a determination of income from sources within the United States, see sections 861, 862, 863, 864, 931 (i), and the regulations thereunder.

(2) *Relationship of sections 931 and 911.* A citizen of the United States who cannot meet the 80-percent and the 50-percent requirements of section 931 but who receives earned income from sources within a possession of the United States, is not deprived of the benefits of the provisions of section 911 (relating to the exemption of earned income from sources outside the United States), provided he meets the requirements thereof. In such a case none of the provisions of section 931 is applicable in determining the citizen's tax liability. For what constitutes earned income, see section 911 (b).

(3) *Meaning of "gross income" on joint return.* In the case of a husband and wife making a joint return, the term "gross income," as used in this section, means the combined gross income of the spouses.

(4) *Returns.* A citizen entitled to the benefits of section 931 is required to file with his individual return Form 1040 the schedule on Form 1040E. If a citizen entitled to the benefits of section 931 has no income from sources within the United States and does not receive within the United States any income derived from sources without the United States he is not required to file a return or the schedule on Form 1040E.

(5) *Illustration of the operation of section 931.* This section may be illustrated by the following example:

Example. On July 1, 1954, A, who is a citizen of the United States, went to a possession of the United States and established a business there which he actively conducted during the remainder of that year. His gross income from the business during such period was $20,000. In addition, he made a profit of $12,000 from the sale during the latter part of 1954 of some real estate located in such possession and not connected with his trade or business. In the first six months of 1954 he also derived $8,000 gross income from rental property located in the United States. He derived a like amount of gross income from such property during the last six months of 1954. On these facts, A may exclude the $32,000 derived from sources within the possession of the United States, since he qualified under section 931 with respect to that amount. The period of July 1, 1954, through December 31, 1954, constitutes the applicable part of the 3-year period immediately preceding the close of the taxable year (the calendar year 1954), and for that period, 80 percent of A's gross income was derived from sources within a possession of the United States ($32,000, or 80 percent of $40,000) and 50 percent or more of A's gross income was derived from the active conduct of a trade or business within a possession of the United States ($20,000, or 50 percent of $40,000). A is required to report on his return for 1954 only the gross income derived by him from sources within the United States ($16,000 from the rental property located in the United States).

(c) *Amounts received in the United States.* Notwithstanding the provisions of section 931 (a), there shall be included in the gross income of citizens and domestic corporations therein specified all amounts, whether derived from sources within or without the United States, which are received by such citizens or corporations within the United States. From the amounts so included in gross income there shall be deducted only the expenses properly apportioned or allocated thereto. For instance, if in the example set forth in paragraph (b) (5) of this section, the taxpayer during the latter part of 1954 returned to the United States for a few weeks and while there received the proceeds resulting from the sale of the real estate located in the possession, the profits derived from such transaction should be reported in gross income. Such receipt in the United States, however, would not deprive the taxpayer of the benefits of section 931 with respect to other items of gross income excluded by that section.

(d) *Deductions*—(1) *Individuals.* In the case of a citizen entitled to the benefits of section 931, the deductions allowed in computing taxable income, except the standard deduction and a deduction for one personal exemption (see sections 142 (b) (2) and 931 (e), respectively), are allowed only if and to the extent that they are connected with income from sources within the United States. The provisions of section 873 and the regulations thereunder, relating to the allowance to nonresident alien individuals, who at any time within the taxable year were engaged in trade or business within the United States, of the deductions provided in section 165 (c) (2) and (3) for losses not connected with the trade or business, are applicable in the case of citizens entitled to the benefits of section 931. The provisions of section 873 (c) and the regulations thereunder pertaining to the allowance to such nonresident alien individuals of deductions for contributions provided in sectoin 170 are also applied in the case of such citizens.

(2) *Corporations.* Corporations entitled to the benefits of section 931 are allowed the same deductions from their gross income arising from sources within the United States as are allowed to domestic corporations to the extent that such deductions are connected with such gross income, except that the so-called charitable contribution deduction provided by section 170 to corporations is allowed whether or not connected with income from sources within the United States. The proper apportionment and allocation of the deductions with respect to sources within and without the United States shall be determined as provided in sections 861, 862, 863, 864, and the regulations thereunder.

(e) *Deduction for personal exemption.* A citizen of the United States entitled to the benefits of section 931 is allowed a deduction for only one exemption under section 151.

(f) *Allowance of deductions and credits.* Unless a citizen of the United States or a domestic corporation entitled to the benefits of section 931 shall file or cause to be filed with the district director a true and accurate return of total income from all sources within the United States, in the manner prescribed in subtitle F of the Internal Revenue Code of 1954, the tax shall be collected on the basis of the gross income (not the taxable income) from sources within the United States. If such citizen or corporation fails to file a necessary income tax return, the Commissioner will cause a return to be made, including therein all income from sources within the United States and allowing no deductions or credits (except credit for tax withheld at source).

(g) *Foreign tax credit.* Persons entitled to the benefits of section 931 are not allowed the credits provided for in section 901 (relating to credits for taxes of foreign countries and possessions).

(h) *Internees.* If a citizen of the United States—

(1) Was interned by the enemy while serving as an employee within a possession of the United States; and

(2) Was confined in any place not within a possession of the United States, then

(i) Such place of confinement shall be considered as within a possession of the United States for the purposes of section 931; and

(ii) Section 931 (b) shall not apply to any compensation received within the United States by such citizen attributable to the period of time during which such citizen was interned by the enemy.

(i) *Employees of the United States.* For the purposes of section 931, amounts paid for services performed by a citizen of the United States as an employee of the United States or any agency thereof shall be deemed to be derived from sources within the United States.

§ 1.932 *Statutory provisions; taxation of citizens of possessions of the United States.*

SEC. 932. *Citizens of possessions of the United States*—(a) *General rule.* Any individual who is a citizen of any possession of the United States (but not otherwise a citizen of the United States) and who is not a resident of the United States shall be subject to taxation under this subtitle only as to income derived from sources within the United States, and in such case the tax shall be computed and paid in the same manner and subject to the same conditions as in the case of other persons who are taxable only as to income derived from such sources. This section shall have no application in the case of a citizen of Puerto Rico.

(b) *Virgin Islands.* Nothing in this section shall be construed to alter or amend the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes", approved July 12, 1921 (48 U. S. C. 1397), relating to the imposition of income taxes in the Virgin Islands of the United States.

(c) *Guam.* For applicability of United States income tax laws in Guam, see section 31 of the Act of August 1, 1950 (48 U. S. C. 1421i); for disposition of the proceeds of such taxes, see section 30 of such Act (48 U. S. C. 1421h).

§ 1.932–1 *Status of citizens of United States possessions*—(a) *General rule*—(1) *Definition and treatment.* A citizen of a possession of the United States (except Puerto Rico), who is not otherwise a citizen or resident of the United States, including only the States, the Territories of Alaska and Hawaii, and the District of Columbia, is treated for the purpose of the tax as if he were a nonresident alien individual. See sections 871 through 877, and the regulations thereunder, for rules relating to imposition of tax on nonresident alien individuals. For Federal income tax purposes, a citizen of a possession of the United States who is not otherwise a citizen of the United States is a citizen of a possession of the United States who has not become a citizen of the United States by naturalization. The fixed or determinable annual or periodical income from sources within the United States of a citizen of a possession of the United States who is treated as if he were a nonresident alien individual is subject to withholding. See section 1441.

(2) *Classification of citizens of United States possessions.* For the purpose of this section citizens of the possessions of the United States who are not otherwise citizens of the United States are divided into two classes: (i) Citizens of possessions of the United States who at any time within the taxable year are not engaged in trade or business within the United States, and (ii) citizens of possessions of the United States who at any time within the taxable year are engaged in trade or business within the United States. The provisions of sections 871 through 877 and the regulations thereunder, applicable to nonresident alien individuals not engaged in trade or business within the United States are applicable to the citizens of possessions falling within the first class, while the provisions of such sections applicable to nonresident alien individuals who at any time within the taxable year are engaged in trade or business within the United States are applicable to citizens of possessions falling within the second class.

(b) *No application to citizen of Puerto Rico.* The provisions of section 932 (a) and this section shall have no application in the case of a citizen of Puerto Rico.

§ 1.933 *Statutory provisions; income from sources within Puerto Rico.*

SEC. 933. *Income from sources within Puerto Rico.* The following items shall not be included in gross income and shall be exempt from taxation under this subtitle:

(1) *Resident of Puerto Rico for entire taxable year.* In the case of an individual who is a bona fide resident of Puerto Rico during the entire taxable year, income derived from sources within Puerto Rico (except amounts received for services performed as an employee of the United States or any agency thereof); but such individual shall not be allowed as a deduction from his gross income any deductions (other than the deduction under section 151, relating to personal exemptions) properly allocable to or chargeable against amounts excluded from gross income under this paragraph.

(2) *Taxable year of change of residence from Puerto Rico.* In the case of an individual citizen of the United States who has been a bona fide resident of Puerto Rico for a period of at least 2 years before the date on which he changes his residence from Puerto Rico, income derived from sources therein (except amounts received for services performed as an employee of the United States or any agency thereof) which is attributable to that part of such period of Puerto Rican residence before such date; but such individual shall not be allowed as a deduction from his gross income any deductions (other than the deduction for personal exemptions under section 151) properly allocable to or chargeable against amounts excluded from gross income under this paragraph.

§ 1.933–1 *Exclusion of certain income from sources within Puerto Rico*—(a) *General rule.* An individual (whether a United States citizen or an alien), who is a bona fide resident of Puerto Rico during the entire taxable year, shall exclude from his gross income the income derived from sources within Puerto Rico, except amounts received for services performed as an employee of the United States or any agency thereof. Whether the individual is a bona fide resident of Puerto Rico shall be determined in general by applying to the facts and circumstances in each case the principles of §§ 1.871–2, 1.871–3, 1.871–4, and 1.871–5, relating to what constitutes residence or

nonresidence, as the case may be, in the United States in the case of an alien individual. Once bona fide residence in Puerto Rico has been established, temporary absence therefrom in the United States or elsewhere on vacation or business trips will not necessarily deprive an individual of his status as a bona fide resident of Puerto Rico. An individual taking up residence in Puerto Rico during the course of the taxable year is not entitled for such year to the exclusion provided in section 933.

(b) *Taxable year of change of residence from Puerto Rico.* A citizen of the United States who changes his residence from Puerto Rico after having been a bona fide resident thereof for a period of at least two years immediately preceding the date of such change in residence shall exclude from his gross income the income derived from sources within Puerto Rico which is attributable to that part of such period of Puerto Rican residence which preceded the date of such change in residence, except amounts received for services performed as an employee of the United States or any agency thereof.

(c) *Deductions.* In any case in which any amount otherwise constituting gross income is excluded from gross income under the provisions of section 933, there shall not be allowed as a deduction from gross income any items of expenses or losses or other deductions (except the deduction under section 151, relating to personal exemptions) properly allocable to, or chargeable against, the amounts so excluded from gross income.

CHINA TRADE ACT CORPORATIONS

§ 1.941 *Statutory provisions; special deduction for China Trade Act corporations.*

SEC. 941. *Special deduction for China Trade Act corporations*—(a) *Allowance of deduction.* For purposes only of the taxes imposed by section 11, there shall be allowed, in the case of a corporation organized under the China Trade Act, 1922 (15 U. S. C. ch. 4, sec. 141 and following), in addition to the deductions from taxable income otherwise allowed such corporation, a special deduction, in computing the taxable income, of an amount equal to the proportion of the taxable income derived from sources within Formosa and Hong Kong (determined without regard to this section and determined in a similar manner to that provided in part I) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by—

(1) Persons resident in Formosa, Hong Kong, the United States, or possessions of the United States, and

(2) Individual citizens of the United States wherever resident,

bears to the par value of the whole number of shares of stock of the corporation outstanding on such date. In no case shall the diminution, by reason of such special deduction, of the taxes imposed by section 11 (computed without regard to this section) exceed the amount of the special dividend certified under subsection (b) of this section.

(b) *Special dividend.* The special deduction provided in subsection (a) shall not be allowed unless the Secretary of Commerce has certified to the Secretary of the Treasury or his delegate—

(1) The amount which, during the year ending on the date fixed by law for filing the return, the corporation has distributed as a special dividend to or for the benefit of such persons as on the last day of the taxable year were resident in Formosa, Hong Kong, the United States, or possessions of the United States, or were individual citizens of the United States, and owned shares of stock of the corporation;

(2) That such special dividend was in addition to all other amounts, payable or to be payable to such persons or for their benefit, by reason of their interest in the corporation; and

(3) That such distribution has been made to or for the benefit of such persons in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock, the certificates shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such persons, and that the amount certified has been distributed in accordance with the method so provided.

(c) *Ownership of stock.* For purposes of this section, shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

§ 1.941–1 *Special deduction for China Trade Act corporations.* In addition to the deductions from taxable income otherwise allowed such a corporation, a China Trade Act corporation is, under certain conditions, allowed an additional deduction in computing taxable income. This special deduction is an amount equal to the proportion of the taxable income derived from sources within Formosa and Hong Kong (determined without regard to this section and determined in a manner similar to that provided in sections 861, 862, 863, 864, and the regulations thereunder) which the par value of the shares of stock of the corporation, owned on the last day of the taxable year by (a) persons resident in Formosa, Hong Kong, the United States, or possessions of the United States, and (b) individual citizens of the United States wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on that date. The decrease, by reason of such deduction, in the tax imposed by section 11 must not, however, exceed the amount of the special dividend referred to in section 941 (b), and is not allowable unless the special dividend has been certified to the Commissioner by the Secretary of Commerce.

§ 1.941–2 *Meaning of terms used in connection with China Trade Act corporations.* (a) A China Trade Act corporation is one organized under the provisions of the China Trade Act, 1922 (15 U. S. C., ch. 4, sec. 141 et seq.).

(b) The term "special dividend" means the amount which is distributed as a dividend to or for the benefit of such persons as on the last day of the taxable year were resident in Formosa, Hong Kong, the United States, or possessions of the United States, or were individual citizens of the United States, and owned shares of stock of the corporation. Such dividend must be distributed prior to or at the time fixed by law for filing the return of the corporation, including the period of any extension of time granted under rules and regulations prescribed by the Commissioner with the approval of the Secretary or his delegate. Such special dividend does not include any other amounts payable or to be payable to such persons or for their benefit by reason of their interest in the corporation and must be made in proportion to the par value of the shares of stock of the corporation owned by each.

(c) For the purposes of section 941, the shares of stock of a China Trade Act corporation are considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

(d) "Taxable income derived from sources within Formosa and Hong Kong" is the sum of the taxable income from sources wholly within Formosa and Hong Kong and that portion of the taxable income from sources partly within and partly without Formosa and Hong Kong which may be allocated to sources within Formosa and Hong Kong. The method of computing this income is similar to that described in sections 861, 862, 863, 864, and the regulations thereunder.

§ 1.941–3 *Illustration of principles.* The application of section 941 may be illustrated by the following example:

Example. (1) The A Company, a China Trade Act corporation, has taxable income (computed without regard to the deduction under section 941) for the calendar year 1954 of $200,000 and receives no dividends from domestic corporations. All of its stock on December 31, 1954, is owned on that date by persons resident in Formosa, Hong Kong, the United States, or possessions of the United States, or individual citizens of the United States. It distributes a special dividend amounting to $100,000 on February 15, 1955, which is certified by the Secretary of Commerce as provided in section 941 (b). For the purpose of the tax imposed by section 11, it is necessary in this example to make two computations, first, without allowing the special deduction from taxable income on account of income derived from sources within Formosa and Hong Kong, and, second, allowing such deduction. The computations are as follows:

(2) First computation; without allowing the special deduction from taxable income.

Taxable income	$200,000
Normal tax (section 11 (b))	60,000
Surtax (section 11 (c))	38,500
Total income tax	98,500

(3) Second computation; allowing the special deduction from taxable income.

Taxable income	$200,000

Since the total taxable income is derived from sources within Formosa and Hong Kong and since the par value of the shares of stock of the corporation owned on the last day of the taxable year by (1) persons resident in Formosa, Hong Kong, the United States, or possessions of the United States, and (2) individual citizens of the United States wherever resident, is 100 percent of the par value of the total number of shares of stock of the corporation outstanding on that day, 100 percent of such taxable income is deductible.

Special deduction from taxable income	$200,000
Amount of income subject to tax under section 11	None

(4) Since the special dividend ($100,000) exceeds the diminution of the tax ($98,500) on account of the allowance of the special deduction from taxable income, the entire amount of the special deduction is allowable and the corporation has no income tax liability for 1954.

§ 1.942 *Statutory provisions; disallowance of foreign tax credit.*

SEC. 942. *Disallowance of foreign tax credit.* A corporation organized under the China Trade Act, 1922, shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 901.

§ 1.943 *Statutory provisions; exclusion of dividends to residents of Formosa or Hong Kong.*

SEC. 943. *Exclusion of dividends to residents of Formosa or Hong Kong.* Amounts distributed as dividends to or for the benefit of any person by a corporation organized under the China Trade Act, 1922, shall not be included in gross income and shall be exempt from taxation under this subtitle if, at the time of such distribution, such person is a resident of Formosa or Hong Kong, and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.

§ 1.943–1 *Withholding by a China Trade Act corporation.* Dividends distributed by a China Trade Act corporation which are treated as income from sources within the United States under the provisions of sections 861, 862, 863, 864, and the regulations thereunder are subject to withholding at the rate of 30 percent when paid to persons (other than residents of Formosa and Hong Kong) who are (a) nonresident aliens, (b) nonresident partnerships composed in whole or in part of nonresident aliens, or (c) nonresident foreign corporations. The 30 percent rate of withholding specified in this section with respect to dividends shall be reduced to such rate as may be provided by treaty with any country. See section 1441 and the regulations thereunder.

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Chapter II—The Tax Court of the United States

PART 701—RULES OF PRACTICE

PART 702—FORMS

SUBPOENAS

Section 701.44 is amended to read, as follows:

§ 701.44 *Subpoenas*—(a) *How issued.* Subpoenas shall be issued to a proper party, upon request, and when issued shall be signed and sealed, but may otherwise be in blank. Subpoenas so issued in blank shall be completed before service by the party receiving them.

(b) *Contents.* A subpoena when completed shall state the caption of the case, the names and last known addresses of the witnesses to be called, the time and place at which they are to appear and give testimony, and whether a witness may designate someone to appear in his place.

(c) *For production of documentary evidence.* If evidence other than oral testimony is required, such as documentary or written data, the subpoena shall number, set forth separately, and describe adequately each item to be produced.

(d) *Service.* The party on whose behalf a subpoena is issued shall be responsible for its service, and service may be made by any person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person.

(For matters relating to fees and mileage, see § 701.60.)

In § 702.2 *Subpoena* paragraphs (a) and (b) are deleted, and the following form is substituted therefor. Section 702.2 as amended reads as follows:

§ 702.2 *Subpoena.*

TAX COURT OF THE UNITED STATES

WASHINGTON, D. C.

---------- ,

Petitioner

v.

Commissioner of Internal Revenue, Respondent

Docket No. ------

SUBPOENA

To ----------

---------- .

You Are Hereby Commanded to appear before the Tax Court of the United States ----------

(Or the name and official title of a person authorized to take depositions)

at ------- on the ------- day of ----------
(Time) (Date) (Month)

at ----------
(Place)

then and there to testify on behalf of ------

---------- .
(Petitioner) or (Respondent)

in the above-entitled case, and to bring with you ----------

---------- .

(Use reverse if necessary)

and not to depart without leave of the Court.

Date ----------

---------- .
Attorney for (Petitioner) (Respondent)

[SEAL] HOWARD P. LOCKE, *Clerk of the Court.*

By ----------, *Deputy Clerk.*

RETURN ON SERVICE

The above-named witness was summoned on the -------- day of ----------, 19--- at ---------- by delivering a copy of this subpoena to h---- and, if a witness for the petitioner, by tendering fees and mileage to h---- pursuant to Rule 60 of the Rules of Practice of the Tax Court.

Dated ----------

Signed ----------

Subscribed and sworn to before me this ------ day of ----------, 19---.

---------- [SEAL]
(Name and Title)

Form 4
June 1957

(Sec. 7453, 68A Stat. 884; 26 U. S. C. 7453)

By the Court.

Dated: August 16, 1957.

[SEAL] J. E. MURDOCK, *Chief Judge, Tax Court of the United States.*

[F. R. Doc. 57–6923; Filed, Aug. 21, 1957; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR 57–35]

PART 23—DISTINCTIVE MARKINGS FOR COAST GUARD VESSELS AND AIRCRAFT

GENERAL REQUIREMENTS

By virtue of the authority vested in me as Commandant, United States Coast Guard by Treasury Department Order No. 167–17, dated June 29, 1955 (20 F. R. 4976), Subchapter A of Chapter I is amended by adding a new Part 23 reading as follows:

Sec.
23.01 Basis and purpose.
23.05 Where and when displayed.
23.10 Coast Guard emblem.
23.15 Coast Guard ensign.
23.20 Coast Guard commission pennant.
23.25 Coast Guard aircraft markings.
23.30 Penalty.

AUTHORITY: §§ 23.01 to 23.30 issued under 63 Stat. 546; 14 U. S. C. 638. Interpret or apply: 63 Stat. 546, as amended, 14 U. S. C. 639; E. O. 10707, 22 F. R. 3211.

§ 23.01 *Basis and purpose.* (a) This subpart establishes instructions for the display of distinctive markings of Coast Guard vessels and aircraft, including Coast Guard ensign and commission pennant and Coast Guard emblem.

(b) Coast Guard vessels and aircraft are distinguished from other vessels and aircraft by an ensign, pennant or other identifying insignia or marking.

§ 23.05 *Where and when displayed.* (a) The Coast Guard ensign and commission pennant are marks of authority and they are required to be displayed whenever a Coast Guard vessel takes active measures in connection with the boarding, examining, seizing, stopping or heaving to of a vessel for the purposes of enforcing the laws of the United States. The distinctive markings of Coast Guard aircraft serves the same purpose.

(b) These same markings may be used for recognition of Coast Guard vessels and aircraft in connection with search and rescue and aid to distressed persons, vessels and aircraft.

(c) Except for certain occasions of ceremony the distinctive mark shall be displayed by Coast Guard vessels, day and night, the Coast Guard ensign at the masthead of the foremast and the commission pennant at the after masthead. On ships having but one mast the Coast Guard ensign and commission pennant shall be at the masthead on the same halyard with the pennant uppermost. In mastless ships, they shall be displayed from the loftiest and most conspicuous hoist.

(d) Markings on Coast Guard aircraft are permanent and in accordance with § 23.25.

§ 23.10 *Coast Guard emblem.* The Coast Guard emblem as used on the Coast Guard ensign and on Coast Guard aircraft consists of the following: a shield having thirteen vertical stripes and a

field, the field and alternate stripes to be in solid color and the remaining stripes in white, to be placed, with the words "Semper Paratus", within the inner of two concentric circles, the word "Semper" above and the word "Paratus" below the shield, both words to be curved and centered; within the space between the two circles the words "The United States Coast Guard, 1790" are to be placed, curved and centered, with the "1790" at the bottom; the whole of the above to be superimposed and centered upon two old fashioned anchors, flukes downward, stocks in the same plane as flukes, said anchors to be crossed so that the shanks are at an angle of ninety degrees with each other.

§ 23.15 *Coast Guard ensign.* The Coast Guard ensign has sixteen perpendicular stripes alternate red and white, beginning with the red at the hoist. In the upper quarter, next to the hoist, is the union, being the Coat of Arms of the United States, in dark blue on a white field, half of the length of the flag, and extending down the hoist halfway. The distinctive emblem of the Coast Guard in blue and white is placed with its center on a line with the lower edge of the union and over the center of the seventh vertical red stripe from the hoist of the flag, the emblem covering a horizontal space of three stripes.

§ 23.20 *Coast Guard commission pennant.* The Coast Guard commission pennant shall have the union part composed of thirteen white stars in a horizontal line on a blue field, one-fourth the length of the pennant; the remaining three-fourths shall consist of sixteen vertical stripes of equal width, alternate red and white, beginning with the red, and a tail piece of red about one-fifth the entire length of the pennant, ending in a swallow tail.

§ 23.25 *Coast Guard aircraft markings.* (a) Fixed wing aircraft of the Coast Guard have the following distinctive markings:

(1) The National Insigna shall be applied to the top side of the left wing, the under side of the right wing and on both sides of the fuselage in a conspicuous place.

(2) The letters "USCG" shall be applied in black to the top side of the right wing and the under side of the left wing.

(3) The name "U. S. COAST GUARD" shall be applied in black on both sides of the fuselage or hull.

(4) The Coast Guard emblem shall be applied to each side of the fuselage or hull in the vicinity of the pilot's compartment.

(5) Aircraft specifically adapted for search and rescue shall in addition have wing tips painted brilliant yellow and a brilliant yellow band about the body forward of the horizontal stabilizer.

(b) Rotary wing aircraft (helicopters) of the Coast Guard have the following distinctive markings:

(1) The body and tail cone shall have a brilliant yellow finish.

(2) The National Insignia shall be applied to both sides of the helicopter.

(3) The letters "USCG" shall be applied in black to the under side of the body or tail cone.

(4) The name "U. S. COAST GUARD" shall be applied in black on both sides of the fuselage or tail cone.

(5) The Coast Guard emblem shall be applied on both sides of the fuselage.

§ 23.30 *Penalty.* Section 638 (b) of Title 14 U. S. C. (63 Stat. 546) reads as follows:

> No vessel or aircraft without authority shall carry, hoist or display any ensign, pennant or other identifying insignia prescribed for, or intended to resemble, any ensign, pennant or other identifying insignia prescribed for Coast Guard vessels or aircraft. Each person violating this provision shall be fined not more than $5,000, or imprisoned for not more than two years, or both.

Dated: August 15, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 57-6919; Filed, Aug. 21, 1957; 8:51 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

YELLOWSTONE NATIONAL PARK

Paragraph (a) *Weight and size limits for vehicles,* and paragraph (b) *Speed,* of § 20.13 *Yellowstone National Park,* are amended to read as follows:

(a) *Weight and size limits for vehicles.* (1) No vehicle which has a gross weight, including vehicle and load, in excess of 10 tons, shall be operated on or across the following bridges:

(i) The bridge across the Yellowstone River near Tower Junction on the Northeast Entrance road.

(ii) The bridge across the Lewis River south of Lewis Lake on the South Entrance road.

(2) No two-axle vehicle which has a gross weight, including vehicle and load, in excess of 12 tons, and no vehicle having three or more axles which has a gross weight, including vehicle and load, in excess of 15 tons, and no vehicle having a gross weight in excess of 400 pounds per inch width of tire, shall be operated or moved upon any park road, except on that portion of U. S. Highway 191 lying within the boundary of the park on which highway the limits shall be as follows:

(i) No vehicle shall carry more than 18,000 pounds on any one axle.

(3) No vehicle shall be operated or moved upon any park road when the total outside width and length, including the load thereon, exceeds 8 feet in width and 33 feet in length for a single vehicle, or 60 feet in length for a combination of vehicles, or when the total height of a vehicle, including the load thereon, exceeds 12 feet 6 inches, except on that portion of U. S. Highway 191 lying within the boundary of the park on which highway the size limits shall be as follows:

(i) Busses shall be no more than 102 inches in width. Other vehicles shall be no more than 96 inches in width. No vehicle, including load, shall be more than 15 feet in height. Busses shall not be more than 40 feet in length. Single trucks shall not be more than 35 feet in length. Combinations of vehicles shall be no more than 60 feet in length.

(b) *Speed and direction of travel.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) In all areas which are so posted, 25 miles per hour.

(2) The road between Mammoth Village and the North Entrance; the road between Canyon Junction and Chittenden Bridge; and the road from Norris Junction eastward to the beginning of the new park road at Station 412, approximately 3.5 miles west of Canyon Junction, 35 miles per hour; except that portion of the road through the Virginia Cascades to the top of Blanding Hill posted at 25 miles per hour.

(3) Passenger cars, and trucks of less than 1½ tons capacity, 45 miles per hour on straight and open stretches. Trucks of 1½ tons capacity or over, and vehicles towing trailers or other vehicles of any kind, 30 miles per hour. Except, on that portion of U. S. Highway 191 lying within the boundary of the park, the speed limits shall be as follows: Single vehicles and trucks with gross weight of 4,000 pounds or less, 65 miles per hour; this limit is reduced to 55 miles per hour during the hours of darkness; combination vehicles, and trucks with gross weight of more than 4,000 pounds, 45 miles per hour.

(4) Travel shall be restricted to one direction when posted on the esplanade at Mammoth Hot Springs, the esplanade at Old Faithful Village, the Bunsen Peak loop road, and the Mammoth Terrace loop road.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 18th day of July 1957.

LEMUEL A. GARRISON,
Superintendent,
Yellowstone National Park.

[F. R. Doc. 57-6892; Filed, Aug. 21, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN SPINACH [1]

SECOND NOTICE OF PROPOSED RULE MAKING

A notice of proposed rule making was published on April 24, 1956, in the FEDERAL REGISTER (21 F. R. 2624) regarding a revision of the United States Standards for Grades of Frozen Spinach (7 CFR, Part 52) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). Interested persons were allowed a period of 60 days in which to submit written data, views, or arguments for consideration in connection with the proposed revision. In consideration of comments and suggestions received pursuant to the said notice, a notice of extension of time was published on June 6, 1956, in the FEDERAL REGISTER (21 F. R. 3877) within which written data, views, and arguments could be submitted. The extension period expired December 31, 1956. In view of changes which have been proposed, the United States Department of Agriculture desires further consideration by interested parties.

All persons who desire to submit data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., on or before December 15, 1957.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1921 Product description.
52.1922 Styles of frozen spinach.
52.1923 Grades of frozen spinach.

FACTORS OF QUALITY

52.1924 Ascertaining the grade.
52.1925 Ascertaining the score for the factors which are rated.
52.1926 Color.
52.1927 Defects.
52.1928 Character.

DEFINITIONS AND METHODS OF ANALYSIS

52.1929 Definition of terms.
52.1930 Method of analysis.

LOT INSPECTION AND CERTIFICATION

52.1931 Ascertaining the grade of a lot.
52.1932 Score sheet for frozen spinach.

AUTHORITY: §§ 52.1921 to 52.1932 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act (or with applicable State laws and regulations).

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1921 *Product description.* Frozen spinach is prepared from the whole or cut, clean, sound, succulent leaves and stems of fresh spinach by sorting, trimming, washing, and proper blanching and draining of such leaves and stems. The product is then frozen in accordance with good commercial practices and maintained at temperatures necessary for the preservation of the product.

§ 52.1922 *Styles of frozen spinach.* (a) "Whole Leaf" spinach is the style of frozen spinach that consists substantially of the leaf and adjoining portion of the stem.

(b) "Cut" or "Chopped" spinach is the style of frozen spinach that consists of the leaf and adjoining portion of the stem which has been cut or chopped into small pieces.

§ 52.1923 *Grades of frozen spinach.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen spinach that possesses a good flavor; that possesses a good color; that possesses a good character; that is practically free from defects; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen spinach that possesses a reasonably good flavor; that possesses a reasonably good color; that possesses a reasonably good character; that is reasonably free from defects; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen spinach that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.1924 *Ascertaining the grade.* (a) In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factor not rated by score points.*
(i) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Defects	60
Character	20
Total score	100

(b) The score for the factors of color and defects is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The evaluation of the factors of character and flavor of frozen spinach is made after thawing and after the product is cooked.

(c) "Good flavor" means that the product has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(d) "Reasonably good flavor" means that the product may be lacking good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1925 *Ascertaining the score for the factors which are rated.* The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is rated is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1926 *Color*—(a) *(A) classification.* Frozen spinach that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the frozen spinach possesses a bright, characteristic good green color; that yellow heart leaves, or portions thereof, may be present that do not materially affect the appearance of the product; and that discolored leaves and stems, or portions thereof, do not more than slightly affect the appearance of the product.

(b) *(B) classification.* If the frozen spinach possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen spinach possesses a characteristic green color that may be dull but not offcolor, that yellow heart leaves, or portion thereof, may be present that do not seriously affect the appearance of the product; and that discolored leaves and stems, or portions thereof, do not materially affect the appearance of the product.

(c) *(SStd.) classification.* Frozen spinach that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1927 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from grit, sand, or silt, harmless extraneous vegetable material, seed heads, root stubs, crowns, and damage.

(1) "Grit, sand, or silt" means any particle of earthy material.

(2) "Harmless extraneous vegetable material" means:

(i) Green, fine, tender string-like blades and stems of grass and weeds;

(ii) Green, coarse grass and weeds; and

(iii) Grass and weeds other than green.

(3) "Seed head" means the seed bearing portion of a spinach plant that is

longer than one inch or that is objectionable in appearance.

(4) "Root stub" means any portion of the root whether or not leaves are attached.

(5) "Crown" means the solid area of a spinach plant between the root and attached leaf or cluster of leaves.

(6) "Damage" means any area of discoloration or other injury on a leaf or stem, or portion thereof, that affects the appearance or eating quality of the unit. For determining the aggregate area affected minute, insignificant discoloration or other injury shall not be included as damage in whole leaf style.

(b) (*A*) *classification.* Frozen spinach that is practically free from defects may be given a score of 51 to 60 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen spinach:

(1) *Whole Leaf style.* (i) No grit, sand, or silt may be present that affects the appearance or eating quality of the product;

(ii) That for each 48 ounces, net weight, there may be present not more than 1 root stub;

(iii) That for each 10 ounces, net weight, there may be present not more than:

(*a*) An aggregate of 8 inches in length of green, fine, tender, string-like blades and stems of grass and weeds, and green, coarse grass and weeds, of which not more than 2 inches in length may be green, coarse grass and weeds. No grass and weeds other than green is permitted;

(*b*) 1 seed head;

(*c*) 1 crown;

(*d*) 5 leaves and stems, or portions thereof, affected by damage: *Provided,* That on the units so affected the damaged does not exceed an aggregate area of 3 square inches; and that

(iv) The presence of grit, sand, or silt, harmless extraneous vegetable material, root stubs, seed heads; crowns, damaged leaves and stems, or portions thereof, including minute, insignificant discoloration or other injury individually and collectively, does not materially affect the appearance and eating quality of the product.

(2) *Cut or Chopped style.* (i) No grit, sand, or silt may be present that affects the appearance and eating quality of the product;

(ii) That for each 10 ounces, net weight, there may be present not more than an aggregate area of 3 square inches of damaged portions of leaves and stems and that

(iii) The presence of grit, sand, or silt, harmless extraneous vegetable material, portions of root stubs, seed heads, crowns, and damaged portions of leaves and stems, individually and collectively, does not materially affect the appearance and eating quality of the product.

(c) (*B*) *classification.* Frozen spinach that is reasonably free from defects may be given a score of 42 to 50 points. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles of frozen spinach:

(1) *Whole Leaf style.* (i) A trace of grit, sand, or silt may be present that does not materially affect the appearance and eating quality of the product;

(ii) That for each 48 ounces, net weight, there may be present not more than 3 root stubs;

(iii) That for each 10 ounces, net weight, there may be present not more than:

(*a*) An aggregate of 12 inches in length of green, fine, string-like blades of grass and weeds; and green, coarse grass and weeds, of which not more than 3 inches in length may be green, coarse grass and weeds, and grass and weeds other than green;

(*b*) 3 seed heads;

(*c*) 3 crowns;

(*d*) 10 leaves and stems, or portions thereof, affected by damage: *Provided,* That on the units so affected the damage does not exceed an aggregate area of 6 square inches, and that

(iv) The presence of grit, sand, or silt, harmless extraneous vegetable material, root stubs, seed heads, crowns; and damaged leaves and stems, or portions thereof, including minute, insignificant discoloration or other injury, individually and collectively, does not seriously affect the appearance and eating quality of the product.

(2) *Cut or Chopped style.* (i) A trace of grit, sand, or silt may be present that does not materially affect the appearance and eating quality of the product;

(ii) That for each 10 ounces, net weight, there may be present not more than an aggregate area of 6 square inches of damaged portions of leaves and stems; and that

(iii) The presence of grit, sand, or silt, harmless extraneous vegetable material, portions of root stubs, seed heads, crowns, and damaged portions of leaves and stems, individually and collectively, does not seriously affect the appearance and eating quality of the product.

(d) (*SStd.*) *classification.* Frozen spinach that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 41 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1928 *Character*—(a) *General.* The factor of character refers to the tenderness of the leaves and stems, or portions thereof, the relation of stem to leaf material, and the degree of freedom from pieces of leaves and shredded portions of leaves and stems.

(1) "Stem material" means that portion of the spinach material below the point of attachment to the leaf.

(2) "Pieces of leaf" means any piece of a leaf (excluding stem material) having an area less than 2 square inches in Whole Leaf style.

(b) (*A*) *classification.* Frozen spinach that possesses a good character may be given a score of 17 to 20 points. "Good character" has the following meanings with respect to the following styles:

(1) *Whole Leaf style.* (i) That the spinach is tender; that the appearance of the product is not materially affected by the presence of stem material or small pieces of leaves, provided, that there may be present;

(ii) Not more than 25 percent, by weight, of stem material; and

(iii) Not more than 20 percent, by weight, of pieces of leaves.

(2) *Cut or Chopped style.* (i) That the spinach is tender; and

(ii) That the appearance and eating quality of the product is not materially affected by the presence of stem material or that the product does not present a pureed or stringy appearance.

(c) (*B*) *classification.* Frozen spinach that possesses a reasonably good character may be given a score of 14 to 16 points. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles:

(1) *Whole Leaf style.* (i) That the spinach is reasonably tender; that the appearance of the product is not seriously affected by the presence of stem material or small pieces of leaves, provided, that there may be present;

(ii) Not more than 30 percent, by weight, of stem material; and

(iii) Not more than 30 percent, by weight, of pieces of leaves.

(2) *Cut or Chopped style.* (i) That the spinach is reasonably tender; and

(ii) That the appearance and eating quality of the product is not seriously affected by the presence of stem material.

(d) (*SStd.*) *classification.* Frozen spinach that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND METHOD OF ANALYSIS

§ 52.1929 *Definition of terms*—(a) *Aggregate area.* "Aggregate area" means the aggregated surface areas of damaged leaves, stems, or portions thereof, when placed in a contiguous position with practically no intervening spaces.

§ 52.1930 *Method of analysis.* (a) "Weight of stem material" and "weight of pieces of leaves" are determined by the following method:

(1) *Equipment.*

8 inch, 8 mesh screen.
Flat surface suitable as cutting board.
Small knife.
Suitable scales.

(2) *Procedure.* (i) If the sample is 10 ounces or less use the entire sample, but if the sample is of a size exceeding 10 ounces, use a representative portion which will yield at least 10 ounces of drained spinach.

(ii) After thawing the sample, spread on U. S. Standard No. 8 screen of proper diameter, allow to drain 6 minutes and weigh. Use sieve 8 inches in diameter for cartons 16 ounces or less, and 12 inches in diameter for cartons larger than 16 ounces. Place sample in deep grading tray and add water to a depth of approximately 1 inch. Separate leaves for defects and at the same time separate pieces of leaves and stem material, cutting the stem from the leaf at the lowest point of attachment. After separating place whole leaves, pieces of leaves, and stem material on sieve in separate piles, drain for 2 minutes, weigh, and record total combined weights. Determine weight of stem material and pieces of leaves separately. The weight of stem material divided by the total combined weights multiplied by 100 will give percent, by weight, of stem material. The weight of pieces of leaves divided by the total combined weights multiplied by 100 will give the percent, by weight, of pieces of leaves.

LOT INSPECTION AND CERTIFICATION

§ 52.1931 *Ascertaining the grade of a lot.* The grade of a lot of frozen spinach covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.1932 *Score sheet for frozen spinach.*

Container size.....
Container code or marking.....
Label.....
Net weight (ounces).....
Style.....
Stem material (percent).....
Pieces of leaves (percent).....

Factors		Score points	
Color	20	(A)	17–20
		(B)	[1] 14–16
		(SStd.)	[1] 0–13
Defects	60	(A)	51–60
		(B)	[1] 42–50
		(SStd.)	[1] 0–41
Character	20	(A)	17–20
		(B)	[1] 14–16
		(SStd.)	[1] 0–13
Total score	100		

Grade.....
Flavor and odor.....

[1] Indicates limiting rule.

Dated: August 19, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6909; Filed, Aug. 21, 1957; 8:50 a. m.]

[7 CFR Part 909]

[Docket No. AO-214-A2]

ALMONDS GROWN IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Sacramento, California, on July 16, 1957, pursuant to notice thereof issued on July 4, 1957 (22 F. R. 4729) to consider proposed amendments to the marketing agreement and order regulating the handling of almonds grown in California.

The material issues on the record of the hearing related to:

(1) Amending the definition of § 909.16 "to handle" to specifically include within the handler category reimporters of California almonds previously exported as surplus; and

(2) The need for prompt action by the Secretary with respect to issue No. 1.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof;

1. In order to clarify the intent of the program by specifically including persons who acquire almonds reentered duty-free into the United States as handlers, the definition of "to handle", § 909.16, should be amended to include, for purposes of surplus control, the receipt at any point in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone, of almonds which have been exported from and are reentered into such area free of duty.

Volume regulations under the program are designed to adjust supplies to the trade demand in the normal domestic market area which consists of the continental United States and its territories. All almonds subject to the order and not allocated for use in the normal domestic market, should be excluded from normal handling therein. Any persons receiving such almonds in such area should be required to use or dispose of them only in authorized surplus outlets.

Almonds which are surplus to the domestic market may be exported at established minimum prices which approximate prices in the world markets. This normally results in surplus California almonds being made available in European markets at approximately the domestic price less the tariff duty. If such almonds are returned to the United States duty-paid, their price will necessarily approximate the domestic price. There is, therefore, no incentive to bring surplus almonds back into the United States on a duty-paid basis, and it is not anticipated that significant quantities will be so reentered. In addition, there is no practical way of knowing when such reentries occur since they would receive no special attention by Customs or by the trade. Therefore, it is neither feasible nor necessary to regulate California almonds reentered on a duty-paid basis and including persons who did so as handlers would serve no useful purpose.

However, the duty-free reentry of almonds exported at or near the minimum prices would jeopardize the domestic price structure and destroy the purpose of the volume regulation under the order. Therefore, the act of receiving reentered California almonds in the normal market area duty-free should be considered an act which makes the receiver a handler and subject to the surplus disposition provisions of the Order. Such provisions should apply to the first person receiving almonds for his own account or if the owner of the almonds so reentered is not in the United States, his receiving agent should be subjected to the surplus control provisions. The point of entry would be any point where such almonds are submitted to Customs for free entry anywhere in the normal domestic market area.

The classification of importers who receive reentered California almonds as handlers should be limited to the extent necessary to clearly subject them to order requirements which insure surplus disposition as intended under the program. The present order includes many provisions intended to apply only to handlers within the area of production. Since importers of reentered almonds would not be primary handlers receiving almonds from growers and through authorized interhandler transfers, and since the almonds they seek to reenter would be subjected to the withholding, kernel weight determinations, assessment and the bulk of the record keeping and reporting requirements while held by primary handlers, they should not be agents of the Board for surplus disposal pursuant to § 909.67 nor should they be subject to assessment, withholding, or other requirements not related to surplus disposition.

Importers should have no obligations under the program other than those relating to proper surplus disposition, maintenance of records and submission of reports necessary to insure proper disposition of and accounting for reentered almonds received. Such reports should be made to the Almond Control Board and records should be maintained as prescribed in the order and be subject to audit by the Board or the Secretary.

It is anticipated that the Board will be notified directly by other handlers, the Customs Service, or by the Department of Agriculture, on the basis of customs information, that domestically produced almonds have reentered the country duty-free. The receiver should be required to dispose of such almonds in authorized surplus outlets and in no event should he be permitted to dispose of them as salable almonds, unless he submits to the Almond Control Board an acceptable statement from the original exporting handler identifying the lot and stating that he agrees to a deduction from any surplus export credit that may have been anticipated.

Although there is the possibility that salable almonds may be exported during a year when surplus controls are in effect, the price differentials are such that this would not ordinarily occur. Therefore, it can be reasonably assumed that all duty-free reentries are surplus almonds and the burden of establishing that any reentered almonds are salable should be on the receiving handler.

To conform to the modified concept of handling described herein, § 909.65 should be amended to make clear that use or disposition of surplus almonds or those creditable as surplus, by any handler or person, is restricted to that permitted in §§ 909.66 and 909.67 of the order. A receiver of such almonds will not be in violation if he reexports such almonds or otherwise uses or disposes of them in authorized outlets. He would

be in violation only if the almonds were placed into normal domestic trade channels.

2. *Prompt action.* The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto on the above issue. The record of the hearing establishes that considerable quantities of such almonds have already been exported this crop year in anticipation of surplus control and ultimate use for surplus credit. Such exports are now being made at a substantial rate and market conditions are such as to provide a strong incentive for reentering such almonds in the absence of a clarification of their status. If even moderate quantities of such low priced almonds are returned to the domestic market and placed in competition with salable almonds allocated to supply the domestic demand, the domestic price structure will be seriously jeopardized. Therefore, effective operation of the marketing agreement and order requires that such disposition be prohibited, for without such protection program objectives cannot be attained. Immediate knowledge of the amendment action is essential to permit those affected to conduct their operations in accordance with such decision. Finally, there was no opposing testimony and the supporting testimony clearly indicates the need for prompt action.

General findings. (a) The findings set forth herein are supplementary and in addition to the findings and determinations which were previously made in connection with the original issuance (15 F. R. 4993) of this Marketing Agreement and Order and the amendments thereto (22 F. R. 3781) and all of said previous findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The Marketing Agreement and Order as hereby proposed to be amended and all the terms and conditions thereof will tend to effectuate the declared policy of the act;

(c) The Marketing Agreement and Order as hereby proposed to be amended will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(d) There are no differences in the production and marketing of almonds in the production area covered by this marketing agreement and order as hereby proposed to be amended which make necessary different terms applicable to different parts of such area.

Amendments to the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Agreement Amending the Marketing Agreement Regulating the Handling of Almonds Produced in California", and "Order Amending the Order Regulating the Handling of Almonds Grown in California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 909.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Determination of representative period. The year beginning July 1, 1956, and ending June 30, 1957, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the Order Regulating the Handling of Almonds Grown in California is approved by or favored by producers as defined under the terms of the Order as hereby proposed to be amended, and who, during the representative period, were engaged in the production of almonds for market in the State of California.

It is hereby ordered, That all of this decision, except the annexed marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said agreement are identical with those contained in the attached order, which will be published with this decision.

Dated: August 19, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Almonds Grown in California

§ 909.0 *General findings.* (a) The findings set forth herein are supplementary and in addition to the findings and determinations which were previously made in connection with the original issuance (15 F. R. 4993) of this Marketing Agreement and Order and the amendments thereto (22 F. R. 3781) and all of said previous findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The Marketing Agreement and Order as hereby proposed to be amended and all the terms and conditions thereof will tend to effectuate the declared policy of the act;

(c) The Marketing Agreement and Order as hereby proposed to be amended will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(d) There are no differences in the production and marketing of almonds in the production area covered by this marketing agreement and order, as hereby proposed to be amended, which make necessary different terms applicable to different parts of such area.

It is therefore ordered, That on and after the effective date hereof the handling of almonds grown in California shall be in conformity and in compliance with the terms and conditions of the aforesaid order hereby amended as follows:

1. Delete the provisions of § 909.16 and substitute therefor, the following:

§ 909.16 *To handle.* "To handle" means to sell, consign, transport, ship (except as a common carrier of almonds owned by another person) or in any other way to put into the channels of trade, either within the area of production or from such area to points outside thereof, or to receive as the first receiver thereof at any point of entry in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone, almonds which have been exported therefrom and are submitted for reentry or are reentered free of duty: *Provided,* That sales or deliveries by growers to handlers within the area of production shall not be considered as handling.

2. Delete the provisions of § 909.65 and insert in lieu thereof the following:

§ 909.65 *Prohibition on the use or disposition of surplus almonds.* Except as provided in §§ 909.66 and 909.67, almonds that are surplus pursuant to the requirements of § 909.50 shall not be used or disposed of by any handler or any other person. Surplus shall include almonds which have been exported and are reentered free of duty as set forth in § 909.16 unless the receiving handler establishes to the satisfaction of the Board that they are salable.

[F. R. Doc. 57-6932; Filed, Aug. 21, 1957; 8:54 a. m.]

[1] This document shall not become effective unless and until the requirements of § 900.14 of this chapter governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1957

Notice is hereby given that the Secretary is considering a proposed rule to establish a budget of expenses of the Almond Control Board of $38,000, and a rate of assessment of twelve and one-half hundredths of a cent (.125¢) per pound of almond kernels received by handlers for the crop year beginning July 1, 1957. The proposed rule, which is based on recommendations of the Almond Control Board and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 119 and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said marketing agreement and order is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to data, views or arguments pertaining to the proposed rule which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

The quantity of assessable almonds is presently estimated at approximately 46 million pounds (kernel weight) for the 1957–58 crop year. An assessment rate of 0.125 cent per pound of almond kernels would result in the collection of sufficient funds to meet the estimated expenses for the 1957–58 crop year and provide a reasonable excess to defray board expenses during the first four months of the 1958–59 crop year. The marketing agreement and order provide that funds which are collected in excess of expenditures for a crop year may be used temporarily by the board to defray expenses during the first four months of the following crop year, but must be refunded to the handlers from whom collected within five months from the beginning of such new crop year.

§ 909.307 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1957*—(a) *Budget of expenses.* The budget of expenses for crop year beginning July 1, 1957 shall be in the total amount of $38,000 for the maintenance and functioning of the Almond Control Board, and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year shall be twelve and one-half hundredths of a cent (0.125¢) per pound of almonds, kernel weight basis, received by each handler for his own account, except almonds received from other handlers on which assessments have previously been paid.

Dated: August 19, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-6933; Filed, Aug. 21, 1957; 8:54 a. m.]

[7 CFR Part 943]

[Docket No. AO-231-A9]

HANDLING OF MILK IN NORTH TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Dallas, Texas, on March 19 and 20, 1957, pursuant to notice thereof issued on March 1, 1957 (22 F. R. 1402).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, issued on April 12, 1957 (22 F. R. 2675) a separate recommended decision dealing with the issue of the supply-demand adjustment affecting the Class I price and on July 30, 1957 (22 F. R. 6100), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision on the remainder of the issues and notice of the opportunity to file written exceptions thereto.

The remaining material issues of record related to:

1. Modifying the definition of pool plant and producer;
2. Restricting the definition of producer-handler;
3. Revising the definition of base milk;
4. Providing for proration of the 2 percent shrinkage presently permitted in Class II and elimination of provision permitting skim milk and butterfat disposed of for livestock feed to be classified as Class II milk;
5. Providing for a compensatory payment on other source milk disposed of as Class I milk;
6. Providing an alternative Class II price for each of the months of April, May and June;
7. Changing the rate of location differential on excess milk;
8. Removing the administrative assessment from Class II milk; and
9. Making such other changes as might be necessitated by the adoption of the above proposals.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof:

1. The definition of pool plant should be revised to include an approved plant located in the marketing area which is operated by a cooperative association which has producer members whose milk is delivered directly to the pool plants of other handlers. The present order provides that a plant operated by a cooperative association will be a pool plant if 75 percent of the milk of the producer members of such association is delivered to the pool plants of other handlers, during the months of September through December.

Conditions in the North Texas market are changing rapidly. The major cooperative association in the market is primarily a bargaining organization, and its plants are operated primarily to handle the excess supplies of milk which occur seasonally. They are also used to balance the day-to-day requirements of handlers. This association attempts to furnish handlers who purchase milk from it, the amount of milk they require each day and manufactures the remainder of the milk in its own plants.

With the increased production that has developed the cooperative fears that there may come a time when it would be difficult and perhaps impossible for it to meet the 75 percent requirement provided in the present order. They proposed that the percentage required to be delivered to other pool plants be reduced to 50 percent.

Since the milk handled by the association in its own plants constitutes most of the reserve supply of the market and is needed seasonally for the bottling requirements of the market, it is appropriate that such milk should be pooled and share in the uniform price computed for the market. Rather than limiting participation in the pool on the basis of the percentage of the milk of member producers which is received at the pool plants of other handlers, it should be provided that any plant located within the marketing area, and which is operated by a cooperative association which has member producers whose milk is delivered directly to the pool plants of other handlers, will be a pool plant.

All of the plants which are engaged primarily in handling the excess supplies of the market are located within the marketing area which is widespread and to a large degree coextensive with the milkshed. All pool plants located outside the marketing area meet the requirements of either a distributing plant or a supply plant. The proposed definition will not affect the status of any pool plant now on the market.

Producers proposed modifying the proviso in the producer definition relative to diversion when milk is delivered every other day.

The present proviso in the order provides that milk may be diverted any day during the months of January through July and on not more than 15 days during any other month. During the months of August through December, a problem exists with respect to producers with farm bulk tanks whose milk is delivered on an every-other-day basis. With the present wording, conceivably all of the milk of such producers could be diverted during 15 days, whereas with can shippers whose milk is delivered daily, diversion is limited to half of their deliveries during the month. The latter is the intent of the application of this limitation provision in the order; thus, the wording of the diversion proviso should be modified and clarified.

It is concluded that producers' proposal should be adopted to provide that, during the months of August through December, diversion should be limited to not more than half the days of delivery during any such month.

2. The definition of producer-handler should be revised, but no limitation as to the volume of milk handled should be placed on such a person.

The producers' association proposed that producer-handlers lose their status as such and become fully regulated handlers if they received any other source milk or disposed of at least 100,000 pounds of milk per month as Class I milk to persons other than handlers. It was their contention that any producer-handler could gain a competitive advantage over other handlers and disrupt the market by disposing of all his own production as Class I milk and supplementing such production by the purchase of unregulated, unpriced milk or the reconstitution of fluid products from powdered or condensed milk. They also argued that any producer-handler who disposed of more than 100,000 pounds of Class I milk in any month, by this very fact, constituted a threat to the market.

To permit producer-handlers to dispose of other source milk as Class I milk in the marketing area would give them a competitive advantage over regulated handlers. It would permit them to dispose of unpriced milk or reconstituted

milk in competition with regulated handlers who are required to pay the full Class I price for all milk disposed of as Class I milk. This situation becomes especially important in view of the conclusion expressed below that fully regulated handlers be required to make a compensatory payment to the producer-settlement fund with respect to other source milk which is disposed of as Class I milk in the marketing area. It is concluded, therefore, that a producer-handler who disposes of, as Class I milk, other source milk received either in fluid form or as concentrated products which are reconstituted, should lose his status as a producer-handler and become a fully regulated handler under the order.

The record evidence shows that some producer-handlers receive other source milk in the form of Class II products, particularly cottage cheese, which are disposed of in the form in which received. The receipt and disposition of Class II products by producer-handlers do not have a disruptive effect on the orderly marketing of milk in the area. Producer-handlers, therefore, should be permitted to receive and dispose of other source milk in the form of nonfluid milk products for Class II use without affecting their status as producer-handlers.

The evidence does not show that the volume of own-farm-production now being distributed by producer-handlers is disrupting marketing conditions in the North Texas marketing area. There is only one producer-handler whose volume exceeds the proposed limitation of 100,000 pounds of Class I milk per day, and there is no showing that his operations have had an adverse effect on the general stability of the market.

Disruptive conditions could develop if handlers who have been regulated were to adjust their operations to acquire producer-handler status by producing a small proportion of their requirements and securing the remainder of their milk from other pool plants. If such a situation were to develop, it would result in the producers who ship milk to a pool plant carrying all the seasonal reserve associated with the Class I sales of the producer-handler without sharing in the Class I sales of the producer-handler's own production. There may be times, however, when a producer-handler may find it necessary to purchase small quantities of milk from other handlers to fulfill his requirements. The record evidence reveals that such purchases are few and at no time have they exceeded five percent of the production of the producer-handler. Occasional small purchases of this nature would not disrupt the orderly marketing process. It is concluded that a producer-handler should be permitted to purchase from other pool plants an amount of milk equal to not more than five percent of his own production without losing his status as a producer-handler. Such a tolerance would permit a producer-handler to secure supplemental milk in an emergency; however, it would prevent his being in a position to make the producers who furnish milk to pool plants responsible for bearing the reserve milk associated with his Class I sales.

3. The definition of base milk should be revised to permit a producer to receive the base price for an amount of milk equal to his daily base multiplied by the number of days in the month without delivering milk to a pool plant every day.

The order now requires that a volume of milk at least equal to his earned base be delivered to a pool plant from each day's production if the producer is to receive the maximum return for his base milk. The intent of this provision was to prevent producers from shipping a volume of milk equal to their bases for the entire delivery period during a portion of the month and sending their milk to a nonpool plant for the remainder of the month. It appears unlikely that this practice would develop to any great extent; certainly not to the point where it would endanger the supply of milk for the market at any time during the month. Since the base plan is effective only during the months of relatively flush production, it is unlikely that a producer could find a market for such milk other than at a manufacturing plant. Fluid milk plants would be unlikely to take on milk which would be available only in the flush months and then only for a portion of each month. As manufacturing plants would pay approximately the excess price provided by the order, there would be no incentive for producers to seek such an outlet and there would be no disruption of the regulated market if some of them did so.

The proponents argued that the present provision works a hardship on producers with bulk tanks on the farm whose milk is delivered to market every other day.

In a 31-day month some producers would have only 30 days' milk received at a pool plant and this would be paid for only 30 days of base delivery. Other producers would have 32 days' milk delivered, but would be credited with base deliveries for only 31 days.

Adoption of the proposal would also result in quite a saving in the man hours required to compute producer-payrolls, particularly in the case of milk which is diverted or received at more than one plant during the month. It is now necessary to check each producer's deliveries for each day to determine whether he shipped for that particular day an amount equal to his daily base. Under the amendment it would be necessary only to check the producer's total deliveries for the month against the producer's daily base multiplied by the number of days in the delivery period.

The advantages inherent in the amendment would outweigh any disadvantages that might result from it.

4. The order should not be amended to provide for proration of the two percent shrinkage presently permitted in Class II; however, the shrinkage tolerance above two percent for skim milk applicable to producer milk during the April–June period should be discontinued; and the special provision permitting skim milk and butterfat disposed of in bulk for livestock feed, to be classified in Class II, should be eliminated.

Under the proposal of the producers' association the provisions relating to shrinkage would be altered so that the two percent shrinkage presently permitted to be classified in Class II would be prorated in accordance with the total utilization of milk in the plant. Under this plan, a plant whose utilization is entirely in Class I would be permitted no shrinkage in Class II, while in a plant that had some utilization in Class II, the two percent shrinkage would be divided between Class I and Class II in the ratio that total receipts in the plant were divided between Class I and Class II utilization. Producers further proposed that the maximum shrinkage tolerance of two percent, presently applicable to producer milk, also should be applied to other source milk; in addition, the provisions relating to classification in Class II milk of skim milk and butterfat disposed of in bulk for livestock feed and the special five percent shrinkage tolerance for skim milk during April through June should be discontinued. It was argued that loss due to shrinkage on Class I milk in a handler's plant should be considered as a cost of doing business and producers should receive the Class I price for such milk rather than the Class II price. Producers also testified that there is no need for a special Class II milk classification for milk disposed of in bulk for livestock feed or for special shrinkage allowance on skim milk during the flush production season.

During the past several years, the total shrinkage incurred by all handlers subject to regulation was less than 1.5 percent. If this shrinkage had been paid for at the Class I instead of the Class II milk price, it would have raised the values of Class I milk only about three cents per hundredweight.

When the order was promulgated, the establishment of the price differential took into consideration the shrinkage provision included in the order. The record evidence does not afford a sufficient basis for prorating the shrinkage classification in accordance with the total utilization in the plant.

Producers proposed limiting the amount of shrinkage on other source milk in Class II to two percent of the receipts of other source milk. This proposal should be denied. Such milk is deducted from the lowest use class under the allocation provisions. To classify any of it as Class I would result in reimbursing producers for shrinkage incurred on milk they did not produce. In view of the recommendation to levy a compensatory payment on other source milk allocated to Class I it could also result in handlers being required to make a compensatory payment on plant shrinkage.

Shrinkage on other source milk, however, should be limited to that which is received in the form of fluid milk products. Under the present terms of the order a handler is permitted shrinkage on other source milk received in processed form and disposed of without further processing. Under the method of allocating shrinkage between producer milk and other source milk this results in shrinkage actually incurred on producer milk being considered as incurred in the handling of processed dairy products. It also results in a handler receiving shrinkage credit twice on products manufactured from producer milk and carried in inventory for reuse the following month. To correct this situation the amount of shrinkage allocated to producer milk and other source milk should be determined by prorating such shrinkage between receipts of producer milk and receipts of other source milk in fluid form.

Producers testified that when the order was first issued, there was need for provision in the order to permit shrinkage up to five percent on skim milk during the season of flush production because of inadequate facilities for handling reserve supplies in the market. The cream from such reserve milk was used, but the skim milk was dumped for want of an economic outlet for it. Since then facilities for the movement and the manufacture of such reserve supplies of milk have been expanded and improved. Cooperative associations have acquired manufacturing facilities and now are in a position to service the market in the handling of such reserve supplies of milk. It is concluded that the shrinkage tolerance provision for skim milk in excess of two percent is no longer needed and, therefore, should be eliminated.

The butterfat in the milk from route returns generally is salvaged by handlers. Sometimes the skim milk from such returns is disposed of to farmers for livestock feed and sometimes it is dumped and considered as shrinkage. In either case, the skim milk and butterfat disposed of in this manner presently is permitted to be classified as Class II milk. During the past year, skim milk and butterfat classified as Class II milk, which was reported disposed of for livestock feed or as shrinkage, together amounted to less than two percent of the total receipts of producer and other source milk. It is concluded that the shrinkage provision provided in the order is adequate to accommodate the situation in the market without a special classification provision for milk disposed of for livestock feed. However, this should not preclude the classification of skim milk in Class II milk when it is processed as a manufactured product and used in poultry or other concentrate livestock feeds.

5. A compensatory payment should be assessed on other source milk disposed of as Class I milk.

Record testimony shows that other source milk has come in from unregulated markets in Oklahoma and Iowa. The amount of unpriced other source milk allocated to Class I milk under Order No. 43 tripled from January 1955 to January of 1957. Most of this other source milk has been received in the form of nonfluid milk products which have been reconstituted into Class I products by handlers under the North Texas order. During the same period, receipts of producer milk increased from 117 percent of Class I disposition to 131 percent of Class I disposition; which shows that adequate supplies of producer milk were available to the market for Class I use.

An important function of the order is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies may be obtained easily and cheaply during the months of flush production when most markets have receipts of milk considerably greater than necessary to supply their current fluid requirements. If adjoining milksheds dispose of their seasonal surplus in each other's Class I markets, the result would be confused and disorderly marketing conditions. Class I prices would be demoralized, production of milk would be impaired, and the future permanent supply of milk for both markets would be in jeopardy. Such disorderly marketing conditions would be contrary to the purposes of the Agricultural Marketing Agreement Act. Therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, it is necessary that some method of compensating for, or neutralizing the effect of, the advantage created for unpriced milk should be provided as an essential provision of this order.

One possible alternative would be to extend price regulation under the order to all milk plants which supply milk either directly or indirectly to the north Texas market. This alternative is not feasible under the order, either economically or administratively. It would open the market pool to anyone who supplied only a token amount of milk to a plant serving the marketing area. Milk from farmers which is not regularly needed or associated with the market and primarily is used for manufacturing purposes, would share in the Class I sales and prices. It would permit producers and handlers of such milk to "ride the pool" without performing a necessary service to the market. Furthermore, such regulation would be cumbersome, expensive, difficult to enforce and it would interfere with the acquisition of needed supplemental supplies of milk for the market. It would not be possible or desirable to limit the number of plants or the area from which milk might be purchased. In order to bring such plants under regulation, it would be necessary to establish transfer and allocation rules individually tailored for various plant locations, markets and supplies. Milk would have to be accounted for in its disposition from these plants to its various destinations and uses to determine its classification. It also would be necessary to ascertain sources of supply other than receipts directly from farmers and determine what priority should be given such supplies in the allocation of Class I milk. Other complications would be involved with regard to classification of inventories. Earlier inventories, as well as sales, would have to be ascertained and classified. Classification might depend upon transactions made in the past for which adequate records were not kept. Producer prices would be fixed for milk already purchased and sold. Such regulation would greatly multiply required record keeping and auditing problems.

It is concluded that it is not practicable to price all milk which may enter the market. However, it is necessary to make provision to prevent the displacement of producer milk by such unpriced milk for the purpose of cost advantage. The only alternative available under the order is to make a charge against unpriced milk used in Class I to the extent necessary to remove any advantage in using such milk in lieu of priced milk from producers.

In the case of other source milk received in the form of concentrated products such as condensed skim milk or nonfat dry milk, the cost to the handler of such products is approximately the Class II price provided under the North Texas order. When such products are reconstituted and utilized as Class I milk the cost to the handler of such product is less than the Class I price by approximately the difference between the Class I price and the Class II price. In order to equalize costs between handlers and remove any price advantage a handler might have through the reconstitution of manufactured dairy products into fluid milk products, the rate of compensatory payment on other source milk received in the form of concentrated products should be the difference between the Class I price and the Class II price, adjusted by the applicable butterfat differential. Since the cost of transporting concentrated milk products is very slight this payment should not be adjusted by the location differential regardless of the point of origin.

In addition to the other source milk which enters the market in the form of concentrated products there are times when fluid milk is imported from unregulated markets for use as Class I milk.

To remove the price advantage that a handler might achieve by purchasing surplus milk from other markets for use as Class I milk, a compensatory payment should be assessed on such milk equal to the difference between the Class I price and the Class II price. The Class II price provided by the North Texas order is a fair index of the value of such milk in manufactured dairy products which is the alternative outlet for such milk. Since the handler must pay the cost of transporting such milk from the plant of origin to the marketing area, the rate of the payment should be reduced by the amount of the location differential which would apply at the plant of origin were it a regulated plant under the North Texas order.

In the recommended decision of the Acting Deputy Administrator, Agricultural Marketing Service, in this matter, it was recommended that the rate of payment be at the difference between

the Class I and Class II prices during the months of January through June and at the difference between the Class I price and the uniform price during the remaining months when there was greater likelihood that the market might be short of milk and find it necessary to import other source milk from unregulated sources.

In exceptions to the recommended decision it was pointed out that, as a result of the application of the location differentials, on milk purchased at distant points a rate equal to the difference between the Class I and uniform prices might exceed the difference between the Class I and Class II prices at such point. Such a situation might tend to discourage handlers from acquiring other source milk even when it were needed on the market.

After a further review of the record evidence, it has been concluded that the rate of the compensatory payment should be uniform throughout the year in an amount equal to the difference between the Class I and Class II prices. In order to permit handlers to secure supplementary supplies without making a payment when the market is actually short of milk, it has been provided that no compensatory payment will apply any month in which receipts of producer milk on the market are less than 110 percent of Class I sales.

In computing the applicable location differential, if a handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk should be considered to have been received from the plants in sequence according to the smallest location adjustment applicable.

Compensatory payments, however, should not apply to milk entering the marketing area from a plant regulated under another order since its proper classification and price will be determined pursuant to the other order.

6. The price of Class II milk during the months of April, May and June should be revised to reflect the butter-nonfat dry milk formula price, less 20 cents, or the average price paid by three local manufacturing plants, whichever is higher.

Producers proposed that the butter-nonfat dry milk formula price, less 18 cents should be considered as an alternative along with the price paid by local manufacturing plants for the period April through June and whichever is the higher should determine the price of Class II milk. They testified that this was needed to place a "floor" under the Class II price during this period.

The present pricing provision for Class II milk during the months of April, May and June is based on prices paid by three local manufacturing plants. Such prices primarily have reflected prices paid for ungraded milk for manufacturing uses. Producers' association testified that the Class II price for seasonal reserve Grade A milk of producers is dependent upon the price determined for a continually decreasing volume of ungraded milk handled in the three manufacturing plants. They contended that providing for an alternative price based upon the butter-nonfat dry milk price formula less the approximate differential that has existed during the past two years between it and prices paid by local manufacturing plants would provide a means to assure a price representative of the true value of Class II milk.

During April, May and June of 1955 the average price computed under the butter powder formula was $3.33 and the average price paid by the local plants was $3.12. In 1956 the average prices for the same months were $3.40 and $3.20, respectively. It is concluded, therefore, that a floor equal to the butter-powder price, less 20 cents, would maintain the Class II price in proper alignment with the values of milk for manufacturing.

7. The location differential should not apply to excess milk.

Producers Creamery Company proposed that the location adjustment applicable to excess milk should be revised to limit it to that quantity utilized as Class I milk instead of applying to all excess milk. Testimony showed that under the present provisions of the order the price for excess milk to producers supplying milk to North Texas pool plants located in Springfield or Monett, Missouri, was 30 to 35 cents per hundredweight less than prices paid by local condenseries in the area during the base operating period. It was contended such inequitable pricing was causing producers, whose milk has been associated with the North Texas market and is needed for fluid use during certain months, to shift to supplying local condenseries.

The producer location differential should not apply to excess milk. Excess milk is utilized primarily in manufactured dairy products. There is very little difference in the value of milk for manufacturing which can be associated with the location of the plant at which milk is received. Hence, the value of excess milk is essentially the same at any point in the milkshed. Most of the time the excess price will be identical to the Class II price which represents the value of ungraded milk for use in manufactured dairy products. The deduction of a location differential from the excess price therefore results in producers receiving for Grade A milk, less than the value of ungraded milk for manufacturing at the point where the milk is produced.

8. No change should be made in the manner of assessing the costs of administering the order. One of the producer cooperative associations proposed that the administrative assessment be levied only on that milk classified as Class I, rather than on all milk received from producers and other source milk allocated to Class I.

It was the contention of the cooperative association that they had established facilities for taking care of the excess supplies of the market and for balancing the supply to meet the individual requirements of the handlers. As a result, most of the Class II milk in the market is now handled by the cooperative associations. They also stated that, in most instances, they have assumed the responsibility of making payments for milk to their member producers. They expressed the view that as a consequence, the amount of auditing and verification required to be performed by the market adminstrator was lessened considerably in the plants which they operate and in which most of the milk is classified as Class II milk. Accordingly, they feel that limiting the assessment to Class I milk would result in a more equitable apportionment of the costs of administering the order.

The fact that the cooperative plants have primarily a Class II utilization does not reduce the costs of auditing such a plant appreciably below those incurred in auditing a comparable plant having a predominantly Class I utilization. In either plant the market adminstrator must verify the reported receipts of milk and its utilization. It is concluded, therefore, that the administrative assessment should continue to be assessed on all producer milk and on other source milk which is allocated to Class I.

9. Provision should be made to increase the reserve in the producer-settlement fund to accommodate larger payment clearances demanded of it under present conditions in the market.

During recent months, because of increasing volume of milk in the market, fewer pool plants drawing larger amounts out of the settlement fund, and a short-time schedule under the order to make clearances, the market administrator has been experiencing difficulty in administering payment clearances through the producer-settlement fund. To accommodate this situation § 943.71 (b) should be revised to provide for adding one-fourth of the cash balance on hand to the producer-settlement fund in the computation of the uniform price instead of one-half such balance as presently provided in the order. This should have the effect of doubling the reserve in the fund gradually over a number of months. Such increased reserve should be adequate to meet the needs for administering the producer-settlement fund under present conditions in the market.

General findings. (a) The proposed marketing agreement and the order amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the north Texas marketing area", and "order amending the order regulating the handling of milk in the north Texas marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1957 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the north Texas marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 16th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 943.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*).

§ 943.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 943.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal Agency as is authorized to perform the price reporting functions specified in this subpart.

§ 943.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 943.5 *Cooperative association.* "Cooperative Association" means any cooperative marketing association of pro-

ducers which the Secretary determines, after application by the Association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 943.6 *North Texas marketing area.* "North Texas marketing area", hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities and installations and State institutions, within the counties of Cooke, Collin, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hopkins, Hunt, Johnson, Kaufman, Lamar, Parker, Rockwall, and Tarrant, all in the State of Texas.

§ 943.7 *Route.* "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than a delivery in bulk form to a milk processing plant.

§ 943.8 *Distributing plant.* "A distributing plant" means any milk plant approved by any health authority having jurisdiction in the marketing area for the processing or packaging of Grade A fluid milk products and from which any such products are disposed of on a route(s) in the marketing area.

§ 943.9 *Supply plant.* "Supply plant" means any plant approved by and under the routine inspection of the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area; and

(a) During the month 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20; or

(b) During the last month of any four or less consecutive months during which period an average of 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20 and 15 percent or more of such receipts are thus moved and assigned during the month; or

(c) During each of the months of January through August, if (1) such plant was a supply plant pursuant to (a) or (b) of this section during each of the immediately preceding months of September through December except for 1956 the months of October through December 1955 shall be used: *Provided* That, to remain a supply plant during August, 15 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk, or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20, and (2) the operator of such plant has filed a written request on or before January 31 with the market administrator requesting that such plant be designated as a supply plant through August of such year.

§ 943.10 *Pool plant.* "Pool plant" means (a) a distributing plant, (b) a supply plant, or (c) any plant located within the marketing area, which has been approved by a municipal health authority having jurisdiction in the marketing area, at which milk is received from dairy farmers holding permits or authorization from such health authority and which is operated by a cooperative association having member producers whose milk is delivered directly to the pool plants of other handlers.

§ 943.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or packaging plant other than a pool plant described in § 943.10.

§ 943.12 *Handler.* "Handler" means: (a) any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to producer milk diverted by it from a pool plant to a nonpool plant for the account of such cooperative association; or

(c) Any cooperative association with respect to producer milk which it causes to be delivered during any period of less than a full month from its members directly to the pool plant of another handler if (1) during the same month such cooperative association is a handler pursuant to paragraph (a) or (b) of this section with respect to any milk of such producer and (2) such association notifies the handler and the market administrator in writing of its intent to become a handler with respect to such milk prior to delivery. Such milk shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered except that such milk shall be considered as a receipt of producer milk by the operator of such pool plant for the purpose of § 943.41 (b) (4), § 943.42, § 943.46 (a) (5), the proviso in § 943.53 and § 943.97.

§ 943.13 *Producer.* "Producer" means any person, except a producer-handler, who produces milk approved by the applicable health authority having jurisdiction in the marketing area for consumption as Grade A milk which milk is received at a pool plant: *Provided*, That if such milk is diverted by a handler for his account from a pool plant to a nonpool plant any day during the months of January through July and on not more than half the days of delivery during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted. "Producer" shall not include any person during periods of temporary degrading by such health authority if such health authority notifies the operator of the pool plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval.

§ 943.14 *Producer milk.* "Producer milk" means skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from the pool plant to a nonpool plant in accordance with the conditions set forth in § 943.13.

§ 943.15 *Fluid milk products.* "Fluid milk products" means milk, skim milk, buttermilk, flavored milk drinks, cream and any other product defined as Class I milk pursuant to § 943.41 (a) (1) and (2).

§ 943.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) receipts during the month of fluid milk products except (1) fluid milk products received from other pool plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant), which are reprocessed or converted to another product in the pool milk plant during the month.

§ 943.17 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from producers;

(c) Disposes of no other source milk as Class I milk; and

(d) Receives from pool plants an amount of milk equal to not more than 5 percent of his own production.

§ 943.18 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of March through June of each year which is not in excess of each producer's daily average base computed pursuant to § 943.80 multiplied by the number of days in such month.

§ 943.19 *Excess milk.* "Excess milk" means milk received by a handler during any of the months of March through June which is in excess of base milk received from each producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 943.80.

§ 943.20 *Reserve supply credit.* The hundredweight of reserve supply credit that may be assigned to milk moved from a supply plant to a distributing plant shall be calculated as follows: From the total hundredweight of milk classified as Class I milk at the distributing plant during the month, deduct Class I sales to other pool plant(s) and from this result deduct an amount equal to 85 percent of the total hundredweight of milk received from producers during the month at such plant. Any plus figure resulting from this calculation shall be assigned pro rata to milk moved to such plant from supply plants unless the operator of the distributing plant notifies the market administrator in writing of a different assignment on or before the 7th day after the end of the month.

MARKET ADMINISTRATOR

§ 943.25 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 943.26 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 943.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 943.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 943.96) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 943.30 to 943.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 943.33; or

(3) Made payments pursuant to §§ 943.90 to 943.95, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the price determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk, pursuant to § 943.51 (a) and the Class I butterfat differential pursuant to § 943.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 943.51 (b) and the Class II butterfat differential pursuant to § 943.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 943.72 or § 943.73, as applicable, and the butterfat differential computed pursuant to § 943.91, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association for its members the data furnished pursuant to § 943.31 (a).

REPORTS, RECORDS AND FACILITIES

§ 943.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk and for the base-operating months, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in receipts of fluid milk products from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The disposition of fluid milk products on routes wholly outside the marketing area; and

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 943.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer, and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 943.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 943.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and end of each month.

§ 943.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 943.40 Skim milk and butterfat to be classified. All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 943.30 shall be classified by the market administrator pursuant to the provisions of §§ 943.41 to 943.46, inclusive.

§ 943.41 *Classes of utilization.* Subject to the conditions set forth in §§ 943.43 and 943.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk

drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairly product mixes) of cream and milk or skim milk;

(2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and

(3) All other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of (i) as bulk milk or skim milk during the months of March through August, (ii) as bulk cream during any month, and (iii) as ungraded bulk milk or skim milk during any month, to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption: *Provided*, That, the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the month;

(3) In frozen cream stored in a public cold storage warehouse and not removed within 30 days after date of storage;

(4) In shrinkage up to 2 percent of skim milk and butterfat in receipts from producers and in shrinkage of other source milk received in the form of fluid milk products; and

(5) In inventory at the end of the month of fluid milk products.

§ 943.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between skim milk and butterfat in receipts from producers and in other source milk received in the form of fluid milk products.

§ 943.43 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified Class II milk.

§ 943.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant including transfers made by a cooperative association pursuant to § 943.12 (c) shall be classified:

(a) As Class I milk if transferred or diverted for not more than 7 days during the month in the form of fluid milk products to the pool plant of another handler (other than a producer-handler) except as:

(1) Utilization in Class II milk is claimed by the operator of both plants in their reports submitted pursuant to § 943.30;

(2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the greatest possible Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month: *Provided*, That this subparagraph shall not operate to classify as Class I milk any skim milk and butterfat transferred in the form of cream from ungraded sources for manufacturing purposes only from a pool plant at which ungraded milk is regularly received from dairy farmers;

(b) As Class I milk, if transferred to a producer-handler in the form of bulk fluid milk products;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located (1) outside the marketing area and (2) outside the Counties of Barry, Cedar, Greene, Lawrence, Polk, Newton and McDonald in the State of Missouri; Erath, Titus, Runnels, Fayette, Cherokee and Wood Counties in the State of Texas; Carter, Commanche, Grady, Muskogee and Cleveland Counties in the State of Oklahoma; Benton, Scott, Franklin, and Sebastian in the State of Arkansas;

(d) As Class I milk is transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located inside of the marketing area or inside any of the counties named in paragraph (c) of this section unless:

(1) The handler claims classification as Class II milk in his report submitted pursuant to § 943.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant, subtract packaged fluid milk products received at such plant and the skim milk and butterfat received at such plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remainder, subtract the skim milk and butterfat disposed of in the form of bulk cream by such plant to a second plant if it is established that such cream was disposed of as ungraded product for manufacturing use with each container so tagged and such shipment(s) is so invoiced;

(4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3), an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers;

(e) On the basis of the conditions and the allocation procedure described in paragraph (d) of this section at a second nonpool plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant located within the area described in paragraph (c) of this section and from which all receipts of milk or skim milk are moved in bulk to such a second nonpool plant for further processing; and

(f) As Class I milk if transferred in the form of cream under Grade A certification to a nonpool plant, or unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are an ungraded product suitable for manufacturing use only, and that the shipment was so invoiced.

§ 943.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 943.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 943.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk determined pursuant to § 943.41 (b) (4).

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk received as Class II milk in the form of cream from ungraded sources from the pool plant of another handler at which ungraded milk is regularly received from dairy farmers;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received during the month in a form other than fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received during the month in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk in Class II milk, 5 percent of the skim milk contained in producer milk receipts or the remaining pounds of skim milk in Class II milk whichever is less;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(9) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in the form of fluid milk products (other than that subtracted pursuant to subparagraph (2) of this paragraph) according to the classification thereof determined pursuant to § 943.44 (a);

(10) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(11) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 943.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

(c) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

§ 943.51 *Class Prices.* Subject to the provisions of §§ 943.52 and 943.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $2.00 for the months of March through June and plus $2.20 for all other months subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk under Orders Nos. 43, 49, 52, 82 and 98 regulating the handling of milk in the North Texas, San Antonio, Austin-Waco, Central West Texas and Corpus Christi marketing areas, respectively, during the second and third months preceding by the total gross volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for a second time as Class I milk) under such orders during the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage";

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	105	107
February	November–December	109	111
March	December–January	111	113
April	January–February	111	113
May	February–March	113	115
June	March–April	120	122
July	April–May	124	126
August	May–June	121	123
September	June–July	117	119
October	July–August	108	110
November	August–September	103	105
December	September–October	103	105

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation;

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month;

(b) *Class II milk.* For each of the months of April, May and June the price computed pursuant to § 943.50 (b) less 20 cents or the price computed pursuant to § 943.50 (c), whichever is higher; and for each of the other months of the year, the higher of the prices computed pursuant to § 943.50 (b) or (c); rounded in each case to the nearest one-tenth cent.

§ 943.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 943.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 943.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount

equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the department during the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125;

(b) *Class II milk.* Multiply such price for the current month by 0.115, except during the months of March, April, May and June multiply by 0.110.

§ 943.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 110 miles or more from the City Hall, of Dallas, Texas, and which is transferred to another pool plant in the form of fluid milk products and classified as Class I milk, or which is otherwise classified as Class I milk, the price specified in § 943.50 (a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such pool plant is located from the Dallas City Hall by shortest hard-surfaced highway distance, as determined by the market administrator: *Provided,* That for purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 943.46 (a) (1) through (8) and the corresponding steps in § 943.46 (b) for such plant less 5 percent of the receipts of producer milk at such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

APPLICATION FOR PROVISIONS

§ 943.60 *Producer-handlers.* Sections 943.40 through 943.46, 943.50 through 943.53, 943.70 through 943.73, 943.80 through 943.81, and 943.90 through 943.97 shall not apply to a producer-handler.

§ 943.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool milk plant during the month except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 943.30), and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant through routes in the North Texas marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant pursuant to § 943.9 for each of the preceding months of September through December.

§ 943.70 *Computation of value of milk.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 943.46 (a) (11) and the corresponding step of (b) by the applicable class price(s); and

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 943.46 (a) (8) and the corresponding step of paragraph (b);

(d) Add the amount computed by multiplying the difference between the Class II price, adjusted by the Class II butterfat differential, and the Class I price at the pool plant, adjusted by the Class I butterfat differential, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 943.46 (a) (3) and the corresponding step of paragraph (b); and

(e) In any month in which total receipts of producer milk by all handlers are 110 percent or more than Class I sales by all handlers, add the amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 943.46 (a) (4) and the corresponding step of paragraph (b) by the difference between the Class II price, adjusted by the Class II butterfat differential, and the Class I price at a pool plant of the same location as the nonpool plant supplying such other source milk, adjusted by the Class I butterfat differential: *Provided,* That if such handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk shall be considered to have been received from the plants in sequence starting with the nonpool plant at which the smallest location differential is applicable.

§ 943.71 *Computation of aggregate value used to determine uniform price(s).* For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 943.70 for all handlers who made the reports prescribed in § 943.30 and who made the payments pursuant to § 943.93 for the preceding month;

(b) Add not less than one-fourth of the cash balance on hand in the producer-settlement fund, less the total amount of the contingent obligations to handlers pursuant to § 943.94;

(c) Subtract if the average butterfat content of the milk included in these computations is greated than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 943.91 (a) and multiplying the resulting figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the location differentials to producers pursuant to § 943.91 (b).

§ 943.72 *Computation of uniform price.* For each of the months of July through February the market administrator shall compute the uniform price per hundredweight for producer milk of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 943.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 943.73 *Computation of Uniform prices for base milk and excess milk.* For each of the months of March through June the market administrator shall compute the uniform price per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 943.71 by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 butterfat content, plus 4 cents, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk.

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value computed pursuant to § 943.71;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk.

§ 943.80 *Computation of daily average base for each producer.* For the months of March through June the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 943.81:

(a) Divide the total pounds of producer milk received from such producer at a pool plant(s) during the immediately preceding base-forming period of September through December by the number of days from the first day for which such producer made deliveries during such period to the last day of such period, less the number of days for which no deliveries are made, or 112, whichever is more.

§ 943.81 *Base rules.* (a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 943.80 to each person for whose account producer milk was delivered to pool plants during the base-forming period;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the beginning of the month next following the receipt by the market administrator of an application for such transfer, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, or assigns.

§ 943.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 943.72 and 943.73, adjusted by the butterfat differential computed pursuant to § 943.91 (a) and the location differential computed pursuant to § 943.91 (b), and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 943.94 he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 4 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 943.31.

(d) On or before the 13th day after the end of the month each handler shall pay to each cooperative association which is also a handler for milk received from it not less than the value of such milk as classified pursuant to § 943.44 (a) at the applicable respective class prices, including differentials prescribed by the order.

§ 943.91 *Butterfat and location differentials to producers.* (a) In making payments pursuant to § 943.90 (a) or (c), there shall be added to, or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount determined from the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, according to the following table:

Butter price:	*Butterfat differential (cents)*
20.0–29.99 cents	3
30.0–39.99 cents	4
40.0–49.99 cents	5
50.0–59.99 cents	6
60.0–69.99 cents	7
70.0–79.99 cents	8
80.0–89.99 cents	9
90.0–99.99 cents	10
$1.00–$1.10	11

(b) In making payments to producers pursuant to § 943.90 (a) or (c) the applicable uniform price computed pursuant to § 943.72 and the applicable uniform price for base milk computed pursuant to § 943.73 to be paid for producer milk received at a pool plant located 110 miles or more from the City Hall of Dallas, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the City Hall in Dallas.

§ 943.92 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to § 943.93, and out of which he shall make all payments to handlers pursuant to §§ 943.94 and 943.95.

§ 943.93 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 943.70 is greater than the amount required to be paid producers by such handler pursuant to § 943.90.

§ 943.94 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 943.70 is less than the amount required to be paid producers by such handler pursuant to § 943.90: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available: *And provided further,* That any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 943.93, 943.95, 943.96 or 943.97.

§ 943.95 *Adjustment of accounts.* (a) *Payments.* Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 943.90, 943.93, 943.94, 943.96, 943.97 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 943.96 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 943.90, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made

to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 943.97 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 943.46 and (b) milk from producers (including such handler's own production).

§ 943.98 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 943.100 *Effective time.* The provisions of this subpart or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 943.101.

§ 943.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 943.102 *Actions after suspension or termination.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 943.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 943.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 943.111 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

[F. R. Doc. 57-6906; Filed, Aug. 21, 1957; 8:49 a. m.]

[7 CFR Part 946]

[Docket No. AO-123-A20]

MILK IN LOUISVILLE, KENTUCKY, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Louisville, Kentucky, marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Louisville, Kentucky, on April 17–18, 1957, pursuant to notice thereof which was issued on April 5, 1957 (22 F. R. 2272).

The material issues on the record of the hearing relate to:

1. Changes in the method of paying producers for milk, including the elimination of partial payments;

2. Changes in the method of classifying producer milk transferred or diverted to nonpool plants and in the classification of unaccounted for milk;

3. Combining Class II and Class III milk into one class and reducing the price to handlers for such milk;

4. Changing the definition of "City plant", "Country plant", "Pool plant", "Producer", and "Producer milk"; and

5. Changing the rate of payment on Class I milk disposed of in the marketing area from a nonpool plant.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The order should provide for handlers to pay to a cooperative association the proceeds for milk delivered to them by producer-members of such association and minor changes should be made in the computation of the uniform price.

The Falls Cities Cooperative Milk Producers Association proposed that handlers make payment for milk received from all producers to the market administrator at the class prices and he in turn would pay the cooperative for its members milk and each nonmember producer for his milk at the marketwide uniform price. Under present provisions of the order, handlers make payment directly to all producers from whom they received milk at the rate of the marketwide uniform price and any difference in the amount of these payments and the individual handlers' utilization value for producer milk are equalized through the producer-settlement fund.

The Falls Cities Cooperative Association is the only producers association in the Louisville market and has as its members over 90 percent of all producers who supply the market. The association's membership contract authorizes the association to market the milk of its members and receive payment for such milk. It is the responsibility of the cooperative to its members, and to the best interest of the market, for the cooperative to market all of its members' milk in the most remunerative outlet available. A rapid expansion of bulk-tank milk in this market has contributed to increased production and added greater flexibility in the movement of milk and increased responsibility for the cooperative to actively engage in handling the milk of its members. Recently, the cooperative association has assumed more responsibility in the disposition of reserve milk supplies and has diverted milk for its own account to nonpool plants, thus becoming a handler under the order. With the upward trend in producer receipts, it is quite likely that the cooperative association may be called upon to move additional quantities of reserve milk to other markets and to manufacturing outlets. The cooperative may realize a gain or loss on the milk for which it is the handler, depending upon whether the price received, less the costs involved in diverting or transferring such milk, is higher or lower than the order price for the particular utilization. Any such gain or loss should be distributed over all milk of producer-members rather than only the milk for which the cooperative becomes a handler. This will be facilitated by providing for the cooperative to receive payment for the milk of its producer-members which is supplied to other regulated handlers. The cooperative association then can pool or reblend the proceeds from the sales of all of its members' milk and make payment to each producer-member on the basis of this blended price.

Proprietary handlers should make payment directly to the cooperative association, upon written request from such association, for the milk of its producer-members and should continue to make payment directly to producers who are not members of a cooperative association.

The payment provisions should be redrafted to specify under what conditions the handler will be required to pay the association for member milk and provision made for reimbursement of the handler in case of error or improper claim on the part of a cooperative association.

The record evidence fails to show any specific need for channeling the money due the cooperative association or due individual producers through the market administrator in this market. This method of payment would of necessity involve some additional costs and delay slightly the payment of producers. It would be necessary for the market administrator to assume an additional responsibility which handlers are presently discharging. Handlers made no objection to the recommended method of making payments to the cooperative but they indicated their preference for continuing the payments to producers who are not members of a cooperative association.

The method of distributing the payments under the fall incentive plan should be changed. Under the present provisions of the order, money set aside under the "Louisville plan" during the flush production season for payment to producers during the short production season is paid to individual producers through separate checks. Producers proposed that this money be included with the pool value of milk for the computation of the uniform price during the short production months. The success of any plan in encouraging a seasonal pattern of production more in line with market requirements depends to a large degree upon the publicity and educational programs which accompany such plans. The issuance of a separate check is not essential to the success of the plan. The number of checks required to pay producers would be reduced. The provisions requiring the issuance of a separate check, therefore, should be eliminated.

In calculating the monthly uniform price of producer milk, not less than four cents nor more than five cents per hundredweight is retained in the producer-settlement fund. This reserve is to facilitate the monthly clearing of checks for payments into and out of the producer-settlement fund as well as to provide funds for prompt payment of audit adjustments. At present, payments due the producer-settlement fund from handlers are required not later than the 15th day of the month and payments out of the producer-settlement fund from the market administrator are required by the 16th day of the month. Experience has indicated that not all payments for deposit in the producer-settlement fund are received by the market administrator in time to insure full payments to producers as prescribed. In the past, the present arrangement has been adequate largely because a large proportion of the funds due the producer-settlement fund was from a very few handlers and payments have been received a few days in advance of the required day. Recently, utilization patterns of individual handlers have changed so that 10 to 12 handlers now make payment to the producer-settlement fund and it is impractical for the market administrator to be assured of advance payment. Accordingly, the order should be changed to insure the needed reserves in the producer-settlement fund by carrying over one-half of the cash balance in this fund from one month to the next. In this manner, the schedule for reports, price announcements and payments as required by the present order will not need to be changed. Since the producer-settlement fund is in the nature of a revolving fund, returns to producers over a period of time will not be affected.

Handlers proposed that provision for partial payments to producers on milk received during the first 15 days of the month be eliminated. One handler testified that a number of his producers objected to receiving partial payments. The cooperative association testified that nearly all of their member-producers favor the continuation of partial payments. The provision for partial payments was adopted, effective November 1, 1956. The findings and conclusions set forth in the Secretary's decision of September 26, 1956 (21 F. R. 7379) with respect to this provision are equally applicable in the present situation and are adopted as a part of this decision. The proposal should be denied.

Provision should be made for payment of interest on overdue accounts. The lending of money, whether it be voluntary or involuntary, is an economic service for which the lender should be appropriately compensated, more particularly, when the service rendered is involuntary. Furthermore, the requirement that interest be paid on overdue accounts will encourage prompt payments, thereby making for more efficient transactions under the order. Dates on which accounts are due under the order allows adequate time for payment of the principal, without an interest charge. It is concluded that one-half of one percent of any unpaid obligation under the order, compounded monthly, is an appropriate and economically sound payment for each month or fraction thereof that the account is overdue. Under this provision, any unpaid portion of an account would be increased one-half of one percent the first day after it is due. On the same day of each following month, any unpaid portion of the principal and of the interest would be increased one-half of one percent until they both are paid. A similar provision is in a number of other Federal milk marketing orders.

The marketing service deduction should not be changed at this time. Producers proposed that the maximum deduction allowed under the order to the market administrator for performing the marketing services for nonmember-producers be increased from the present five cents per hundredweight of milk received from nonmember producers to

eight cents per hundredweight. A balance sheet of the marketing service fund administered by the market administrator for producers who are not members of a cooperative association shows the present rate of deduction to be adequate for providing the marketing services to such nonmember-producers. Therefore, the proposal should be denied. However, the order language should be changed to incorporate conforming and clarifying changes necessitated by the recommended change in the method of paying producers.

2. The provisions with respect to the classification of milk transferred or diverted from pool plants to nonpool plants should be modified.

Producers proposed that the area in which milk may be moved to nonpool plants and classified for manufacturing uses be extended from a distance of 185 miles from Louisville to a distance of 250 miles. They also proposed to change the method of classifying milk disposed of to nonpool plants within this area so that producer milk from Louisville pool plants would receive its proportionate share of any Class I and Class II utilization at the nonpool plant along with transfers of milk subject to another Federal order, after first crediting such classifications to the Grade A milk supplied by producers constituting the regular source of supply for the nonpool plant.

Under the present provisions, transfers or diversions of skim milk or butterfat in the form of milk or skim milk in bulk to a nonpool plant within the "185-mile manufacturing area" and transfers in the form of fluid cream to a nonpool plant, regardless of its location, are classified as claimed by the handler provided such nonpool plant has records from which the classification can be verified by the market administrator and the plant has an equivalent amount of skim milk and butterfat used in the claimed utilization.

It is concluded that the area of manufacturing milk disposal should be expanded to 250 airline miles from the City Hall in Louisville, Kentucky. To provide a classification scheme which is administratively workable, it is necessary to limit the distance which milk or cream may be transferred to a nonpool plant and classified other than as Class I milk. Within the past several months, outlets at more favorable prices have become available for disposal of reserve supplies of producer milk at distances more than 185 miles from Louisville. Effective April 11, 1957, the present 185-mile limitation on which milk may be disposed of and classed as Class III milk was suspended at the request of both producers and handlers so that producer milk could be moved to these available outlets with a consequent increase in returns for reserve milk. The 250-mile distance recommended herein will provide an area in which there are numerous manufacturing outlets for reserve supplies of producer milk. The recommended plan will promote more orderly marketing of the reserve supplies of producer milk for this market. It will afford an administratively feasible plan. Under prevailing conditions, movements of milk or cream beyond the recommended 250-mile limitation will be for the purpose of supplying milk for fluid disposition and should be classified as Class I milk.

There are some plants in the recommended area of "manufacturing milk disposal" to which transfers or diversions from the Louisville market may be made which distribute fluid milk products. Some of these plants frequently depend upon the Louisville market as a source of supplemental supplies. The transfer provisions should provide that milk transferred to these plants be classified according to its use insofar as it is administratively feasible.

The present transfer provisions leave the way open for milk transferred from the Louisville market to a nonpool plant to be used in a Class I product and accounted for in a lower priced class so long as an equivalent amount of milk is used by the plant in the lower class. Some of the nonpool plants are combination plants wherein both Grade A and ungraded milk is received and processed. Such lower class utilization in the nonpool plant, therefore, may come from ungraded milk while the Grade A milk from the Louisville market is actually used for fluid disposition. Producer milk so accounted for returns to producers less than its classified value and at the same time gives operators of nonpool plants a competitive advantage over regulated handlers in common sales areas.

It is concluded, therefore, that the Class I sales, determined pursuant to the classification provisions of the order applied to the nonpool plant, which are in excess of the receipts of milk from those dairy farmers who hold permits to supply Grade A milk and are regular sources of supply for such plant, should be credited to milk transferred to such plant from the regulated market. However, the "net" Class I sales (the amount over and above the receipts of skim milk and butterfat in Grade A milk received directly from dairy farmers at such plant) should not be used as a basis for duplicating the Class I classification of milk transferred to such plant from other plants regulated by this and other Federal orders. It is reasonable that the amount of milk transferred to such plant and classified as Class I milk for any one regulated market be not less than the market's pro rata share of the "net" Class I sales in such nonpool plant. It is concluded, therefore, that milk which is transferred or diverted from Louisville pool plants to a nonpool plant should be classified as Class I milk to the extent of the "net" Class I disposition of such plant less receipts of milk at such plant classified as Class I milk during the month pursuant to another order issued under the Act; but in no event should the amount of such milk classified as Class I milk for all pool plants under the Louisville order be less than their total pro rata share of such "net" Class I sales at the plant. The pro rata share should be based on the total receipts of milk at such nonpool plant during the month from all plants subject to the pricing and payment provisions of an order issued pursuant to the Act. The adoption of this method of classification will not conflict with the transfer provision of any other orders presently involved.

Although producers proposed that separate methods be employed in classifying milk disposed of to those nonpool plants which have and those which do not have fluid milk disposition, this is unnecessary. The recommended provisions are equally appropriate and applicable to all nonpool plants regardless of the type of operation conducted.

All milk disposed of from pool plants to nonpool plants which is not classified as Class I milk should be classified as Class II or Class III milk depending on the utilization and allocation of receipts of milk at such nonpool plant. In the case of Class II milk, receipts from local dairy farmers at the nonpool plant should be assigned the Class II utilization prior to the assignment of milk transferred to such plant. This procedure will prevent the displacement of the milk of local dairy farmers in these preferred manufacturing uses and will contribute to the orderly marketing of reserve supplies to nonpool plants.

The recommended method of classifying transfers and diversions of milk from pool plants to nonpool plants provides for equality of treatment of handlers both within the Louisville market and with other regulated markets in the classification of milk transferred to a common nonpool plant. It provides that the dairy farmers regularly supplying graded milk to a nonpool plant will be first credited with the Class I sales at such plant. The proposed method of classification will safeguard the primary functions of the transfer provisions of the order in promoting orderly disposal of reserve supplies and at the same time assure that transfers of milk to nonpool plants will be classified in accordance with the utilization of the milk. It will provide a degree of protection to the market during periods of short supplies which might be caused by withdrawals of milk. The proposed changes will remove any undue price incentive for pool plants to dump reserve supplies of milk on other markets for fluid disposition at less than the order Class I prices.

The producer's proposal to classify that portion of unaccounted for skim milk and butterfat, which is in excess of allowable shrinkage, in the highest class of utilization in which the handler disposed of producer milk during the month should be denied. The present order provides for a Class I classification of unaccounted for milk in excess of allowable shrinkage. The proposal would make it possible for handlers to dispose of milk in Class I uses, but receive a Class II or Class III classification merely by failing to report receipts. Furthermore, the record shows the present shrinkage allowances to be adequate. A shrinkage of five percent of receipts of skim milk and butterfat during the months of April through July and two percent during other months is allowed on skim milk. A shrinkage of two percent of receipts of skim milk and butterfat is allowed each month on butterfat. Allowable shrinkage is classified in Class III.

3. Handlers' proposal that milk which would be classified and priced as Class II and Class III milk under the present provisions of the order be classified in a single class and priced at the average of the prices announced for milk by seven local manufacturing plants should be denied.

Under the present order, Class II is milk used to produce cottage cheese, ice cream, ice cream mix, eggnog, frozen desserts, aerated cream mixtures and milk contained in inventories of fluid milk products. Class III is milk used to produce such manufactured products as dry skim milk, condensed and evaporated milk, butter and cheese and milk disposed of to commercial food manufacturing establishments.

The price for Class II milk is the highest price resulting from a butter-spray process skim milk formula, a butter-cheese formula and the average of prices reported paid for milk by 13 midwest condenseries.

During each of the months of January through August, the Class III price is the higher of a butter-roller process dry skim milk formula or the average of prices reported by seven specified, local manufacturing plants. During each of the months of September through December, the Class III price is the higher of a butter-dry skim milk formula (spray and roller process) or the seven local manufacturing plants.

The present method of classifying and pricing Class II and Class III milk under the Louisville order became effective October 1, 1956. Immediately prior to this amendment, milk used to produce the products in Class II and Class III milk was priced in the single class and on the same basis as the present Class III price. The Class II price provided by the amended order (had it been in effect during the entire 12 months immediately preceding the hearing) would have averaged 36 cents per hundredweight higher than the Class III price for the months of January through August and eight cents higher for the period of September through December. During the same periods, the Class II price would have averaged 54 and 53 cents, respectively, higher than the average of the basic or field prices reported by seven local manufacturing plants.

The changes provided by the 1956 amendment were intended to increase the returns to the marketwide pool for the necessary reserve supplies of producer milk; to reflect recent changes in the health regulations which were adopted to require cottage cheese and aerated cream disposed of in the marketing area to be made from Grade A milk; and reflect a long term pricing plan for reserve milk which is consistent with the marketwide pooling program in this market.

The reasons for the present method of pricing milk used to produce the Class II and Class III products were set forth in the Secretary's decision on September 24, 1956 (F. R. Doc. 56-7796; 21 F. R. 7377). The detailed findings and conclusions set forth in that decision with respect to the pricing of Class II milk and Class III milk are equally applicable under present conditions and are adopted as the findings and conclusions of this decision.

Handlers' proposal for pricing reserve supplies of milk would reduce returns to producers and would classify and price in a common class milk which, on the basis of economic considerations, should be classified and priced separately. Furthermore, the price for the common class would be at a level lower than is warranted for milk used to produce the lowest valued products in this proposed common class.

One handler testified that due to the relationship of Class II prices under the order and the price of ungraded milk in surrounding areas, he was unable to compete effectively for cottage cheese sales outside the marketing area with cottage cheese produced from producer milk. The Louisville Health Department permits handlers to use their Grade A cottage cheese manufacturing facilities to process ungraded milk into cottage cheese for disposition outside the marketing area. A large proportion of this cottage cheese in the Louisville market is made in a single plant which also is engaged in fluid milk operations. The operator of this plant has already replaced part of the producer milk formerly used, with ungraded milk for production of cottage cheese for distribution outside the area. It was stated that additional producer milk would be displaced unless the price of producer milk for such uses is brought in close alignment with the price for ungraded milk. The testimony showed that the present basis of pricing Class II milk is reasonable for cottage cheese disposed of inside the marketing area. Such sales of cottage cheese have shown an upward trend. There would be no gain to the marketwide pool and no justifiable reason, over the longer term, to price Grade A milk used in cottage cheese at manufacturing milk price levels in order to encourage handlers to use Grade A producer milk to compete for sales which just as well may be supplied from ungraded milk. The testimony presented fails to show that the Class II price, in conjunction with the Class II butterfat differential, is too high for pricing producer milk used in ice cream.

The present method of pricing Class III milk, as heretofore described, is designed to reflect not less than the competitive value of manufacturing milk for such uses in the local area and to reflect changes in central market prices of manufactured products. Although the Class III prices were approximately 45 cents higher than the prices reported by the seven local manufacturing plants for the September-December period and 18 cents higher during the January-August period of the past year, this spread does not reflect the true difference in the actual prices paid for milk. All of the seven local manufacturing plants pay premiums to dairy farmers who have facilities for cooling milk on the farm. These premiums are in addition to the basic or field prices announced by these plants and used under the order in determining the average price. The so-called "cooler bonus" is 15 cents per hundredweight at most plants and 20 cents at others. In addition, some of these plants pay a premium of 10 cents per hundredweight to dairy farmers who deliver an average of more than 200 pounds of milk per day. Nearly all producers under the Louisville order would qualify for both of these premiums. Such premiums should be reflected in the minimum order prices. Otherwise, regulated handlers would be procuring Grade A milk for manufacturing purposes at less than the manufacturing plants' pay price for ungraded milk.

The present method of using alternative formulas based on the reported prices of the local manufacturing plants and central market prices of manufactured dairy products is the most reasonable and administratively feasible method of reflecting the actual value of Class III milk under the order. The proportion of dairy farmers receiving premiums at the seven manufacturing plants cannot be determined from the record. It would be necessary to have reports on volumes of milk at manufacturing plants each month if a weighted average price were to be used. This would delay the determination of class prices and would require prior agreement with the plants to supply the necessary information.

Two handlers introduced summaries to show losses on the handling of Class III milk used in a butter and dry skim milk operation for the period January 1956 through February 1957 and in an American type cheese operation for the period of April 1956 through March 1957. In computing these losses bulk tank premiums of 15 cents per hundredweight paid by handlers above the order blend price were included in the cost of the Class III milk. Handlers are not required by the order to pay premiums for bulk tank milk. Furthermore, handlers testified that the manufacturing operations conducted in their fluid milk plants were less efficient than larger scale manufacturing operations and this may also help to explain any losses which occurred.

The fact of profit or loss from Class III handling operations as shown by the accounting records of individual handlers is not, in any case, determinative of the appropriateness of the Class III price level. The purpose of the Class III price is to achieve the orderly disposal in manufacturing outlets of that portion of the reserve supply for the market not utilized in the higher valued outlets. The reserve supplies have been disposed of in an orderly manner in this market and, so far as the record discloses, they will continue to be so disposed of in the future. Hence, no change should be made in the pricing of Class III milk at this time.

4. The definitions of "city plant", "country plant", "pool plant", "handler", "producer", and "producer milk" should be revised. The definitions of producer and producer milk should be revised to incorporate changes with respect to health department approval and to clarify the language with respect to transferred and diverted milk. The present order specifies that a producer must produce milk under a dairy farm inspection permit issued by the appropriate health authority having jurisdiction in the marketing area. The responsibility for inspection of individual farms and the issuance of permits may rest with a local health authority in the area where the

farms are located and the milk may be approved by a reciprocal arrangement between the health department having jurisdiction in the marketing area and the health department issuing the permits, particularly in the case of producers shipping to the more distant country plants. Reference is made to approval in the Order to distinguish between producers of graded milk and producers of ungraded milk. The fact that the health department having jurisdiction in the marketing area permits the milk to be sold as Grade "A" in the marketing area is sufficient basis for distinguishing producers of such milk from producers of ungraded milk, if the dairy farmers are approved by a duly constituted health authority for the production of milk for fluid disposition.

The present order permits a proprietary handler to divert a producer's milk from the farm to a nonpool plant and retain the producer as a producer under the order with the provision that during any of the months of October through February, the milk is not diverted more than one-half of the days of the month. In view of the fact that considerable milk is now diverted to nonpool plants in December as a result of the holidays and some slump in Class I sales, December should no longer be a month in which diversions by proprietary handlers to nonpool plants are limited. Also, in view of the bulk tank method of delivering milk in the Louisville market, the limitation on diversions should be defined in terms of "days of delivery" rather than "days of the month". The producer's proposal to define the limitation on deliveries in terms of "total milk delivered during the month" and the handlers' proposal to permit proprietary handlers unlimited diversion during all months of the year should be denied. The producers' proposal would introduce an unnecessary and undesirable element of uncertainty in the diversion operations of handlers. The handlers' proposal may tend to encourage the pooling of milk primarily for manufacturing purposes and there is no economic justification for such a condition.

The language in the definition of producer and producer milk should be clarified so that it states specifically that a cooperative association is permitted unlimited diversion with respect to producer milk diverted for its account.

In order to clearly establish which handler is responsible for accounting for and paying for producer milk and at the same time to facilitate interhandler movements of milk, the definition of producer milk should specify that when milk is received at more than one pool plant from the same load of milk delivered by farm tank pick-up truck, the entire load shall be deemed to have been received at the first pool plant where any of the milk was withdrawn, if the individual reports of the withdrawing handlers fail to constitute a proper accounting for the entire load of milk. No special reports will be necessary to comply with this provision. Reports of physical receipts may be made in the usual reports to the market administrator of receipts and utilization.

A city plant should be defined in terms of its marketing functions to eliminate the interdependence with the term producer milk, to incorporate the reference to approved milk referred to in the definition of producer and producer milk and to facilitate following a pattern in writing this definition which is consistent with the pattern used in writing the definition of a country plant with respect to pool plant requirements. A city plant should include any milk plant where milk is processed or packaged and from which distribution of fluid milk products which are labeled as Grade A in accordance with the requirements of the health regulations of the health department having jurisdiction in the marketing area are disposed of to retail and wholesale outlets, other than to other milk plants in the marketing area. There appears to be no reason to stipulate that a city plant includes the buildings and facilities or any portion thereof which is used during the month in the processing of milk for any use. The present application of the order applies to the entire plant where Grade A milk is received and processed, even though part of these facilities might be used in receiving and processing ungraded milk. The reporting and other provisions of the order with respect to accounting for producer milk are intended to apply to total receipts and total plant operations within a given building.

The definition of a country plant should be changed so that it parallels the definition of a city plant with respect to health department approval and conforms to the recommended producer and producer milk definitions. A country plant should be a milk plant which is approved by a health authority having jurisdiction in the marketing area to supply milk, skim milk, or cream to a city plant for disposition as Grade A in the marketing area and at which Grade A milk is received during the month.

The definition of a pool plant should be revised to distinguish between city plants and country plants which may be subject to partial and full regulation. The pool plant definition is intended to include all plants which are to be subject to full regulation. In addition to the present requirement that 10 percent or more of the milk which is received by a city plant from approved dairy farmers must be distributed as Class I milk on routes in the marketing area, provision should be made that such plant dispose of at least 30 percent of such receipts as Class I milk, either inside or outside the marketing area. This is a reasonable and essential requirement. A city plant should dispose of at least 30 percent of its milk as Class I if it is to participate in the marketwide pool. City plants with a lower percentage of Class I milk are primarily engaged in manufacturing operations and only secondarily concerned with the distribution of fluid milk. The utilization percentage requirements should be based on total receipts of approved milk directly from dairy farmers or from country plants and on total Class I sales, except sales to other city pool plants. The receipts are so specified to facilitate the handling of reserve supplies in city plants without impairing such plants' pool plant status by the use of transfers of approved milk from other city plants which are pool plants. In order that operators of plants may determine in advance whether or not their plants are eligible for pooling, the 30 percent determination should be based on the average of the receipts and dispositions during the two immediately preceding months. The use of an average of two months will also tend to minimize the possibility of eliminating plants from the pool or including plants in the pool as a result of chance events. In the case of a new plant for which the utilization percentages for the two immediately preceding months cannot be ascertained by the market administrator, the 30 percent requirement should apply to receipts and sales during the current month. All plants currently pooled will meet the 30 percent requirement.

The proposal to increase the Class I sales requirement in the marketing area for a city plant to become a pool plant and the proposal to increase shipping requirements for a country plant to become a pool plant should be denied. The present requirement that a city plant sell at least 10 percent of its approved milk receipts in the marketing area before it becomes a pool plant is an appropriate standard for exempting those plants from full regulation which may make only incidental sales in the marketing area. Shipping requirements of the present order for country plants to become pool plants are appropriate standards for measuring the degree of association of country plants with the Louisville market. Furthermore, except for the country plant operated by the cooperative association, there are no country plants presently shipping milk to the Louisivlle marketing area.

The definition of a handler should be modified to include any person who operates either a city plant or a country plant. Operators of city plants and country plants which are not pool plants should be designated as handlers so that they may file the necessary reports to establish their status as nonpool plants under the order and to supply the necessary information for administrative assessments and equalization payments required of city plants which dispose of some Class I milk in the marketing area, but fail to meet the pool plant requirements.

5. The rate of payment on Class I milk disposed of in the marketing area from a nonpool plant should not be changed. Handlers proposed that the rate of "compensatory payment" be changed to the difference between the Class I price under the order and the average price paid by the seven local manufacturing plants. The present order provides for a compensatory payments rate of the difference between the Class I and Class III prices during the months of January through September and a rate of the difference between the Class I and uniform prices during the months of October through December. The handler's proposal would result in a considerably higher rate of compensatory payments. Proponents testified that the purpose of their proposal is to attach a greater penalty to the sale of Class I milk in the marketing area by nonpool plants. It is not the purpose of compensatory payments to establish barriers to the sale of Class I milk in the marketing area. Such payments are to assure that the cost of milk for fluid disposition for partially regulated handlers is not less than for fully regulated handlers. There is no evidence in the record which shows the present rate is not achieving this purpose. Therefore, the proposal should be denied.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Louisville, Kentucky, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete §§ 946.7 through 946.13 and substitute therefor the following:

§ 946.7 *City plant.* "City plant" means a plant or other facilities, where milk is processed or packaged and from which a fluid milk product(s) which is permitted to be labeled as "Grade A" by health authority having jurisdiction in the marketing area is disposed of through a route(s),

§ 946.8 *Country plant.* "Country plant" means a milk plant, other than a city plant, which is approved by the appropriate health authority in the marketing area to supply milk, skim milk or cream to a city plant(s) for disposition as "Grade A" milk in the marketing area and at which milk is received from persons described in § 946.12 (a) during the month.

§ 946.9 *Pool plant.* "Pool plant" means:

(a) A city plant, other than a plant operated by a producer-handler, from which not less than 30 percent of the milk received from persons described in § 946.12 (a) either directly from such persons or from country plants during the two immediately preceding months is disposed of as Class I milk to outlets other than pool plants and not less than 10 percent of such receipts during the current month are distributed through routes in the marketing area: *Provided*, That in case of a plant for which such utilization percentage for the two immediately preceding months cannot be ascertained by the market administrator, the 30 percent requirement shall apply to receipts and Class I sales during the current month;

(b) A country plant during any of the months of October through March in which not less than 10 percent of the receipts of milk at such plant from persons described in § 946.12 (a) are delivered to a city plant in the form of milk, skim milk or cream;

(c) A country plant during the months of April through September from which more than 50 percent of the combined receipts of milk from persons described in § 946.12 (a) during the preceding period of October through February were delivered to a city plant(s) in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15 of withdrawal of the plant from the pool for the months of April through September next following; and

(d) A country plant which is operated by a cooperative association and (1) 75 percent or more of the milk from persons described in § 946.12 (a) who are members of such association is delivered during the month directly to the pool plant(s) of other handlers or transferred by such association to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding consecutive months of October through February.

§ 946.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 946.11 *Handler.* "Handler" means (a) any person who operates a city plant or a country plant, and (b) any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 946.13.

§ 946.12 *Producer.* "Producer" means any person, except a producer-handler, who produces milk which is:

(a) Approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is permitted by the appropriate health authority in the marketing area to be labeled and disposed of as Grade A milk in the marketing area (this definition shall include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the U. S. Government for fluid consumption in its institutions or bases located in the marketing area during any month in which such milk is disposed of to such institutions or bases; and

(b) Received at a pool plant.

§ 946.13 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk from producers which is:

(a) Received directly from producers at a pool plant: *Provided*, That when withdrawals of milk are made at more than one pool plant from the same load delivered by farm tank pick-up truck and in the absence of agreement between the operators of such pool plants as to the reporting of and payment for such milk, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn;

(b) Diverted from a pool plant to another pool plant or to a nonpool plant: *Provided*, That such milk so diverted shall be deemed to have been received at the pool plant from which it is diverted: *Provided further*, That this definition shall not include the milk of any person during any of the months of October, November, January, and February in which the milk of such person is diverted by a handler, except a cooperative association, to a nonpool plant for more than one-half of the days of delivery during the month; or

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided*, That any milk so diverted shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which it is diverted.

2. Delete § 946.31 and substitute therefor the following:

§ 946.31 *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer and cooperative association and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer and cooperative association, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

3. Delete § 946.44 and substitute therefor the following:

§ 946.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of another handler, unless utilization in another class is mutually indicated in the reports submitted to the market administrator by both handlers pursuant to § 946.30 on or before the 7th day after the end of the month: *Provided*, That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use, the remaining quantity shall be classified as Class I milk: *And provided further*, That if either or both handlers received other source milk the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to the producer milk of both handlers;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located less than 250 airline miles from the City Hall in Louisville, Kentucky, unless:

(1) The handler claims classification in another class in his report submitted to the market administrator pursuant to § 946.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in products included in Class II and Class III milk;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I and Class II milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk and Class II milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk and used to produce products in Class II milk, pursuant to the classification provisions of this order applied to such nonpool plant, subtract, in series beginning with Class I milk, the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such markets' pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the act;

(5) If the skim milk and butterfat, respectively, transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk, pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the total of the lower priced classifications reported by each of such handlers;

(6) If the skim milk and butterfat, transferred by all handlers to such nonpool plant and reported as Class II milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class II milk pursuant to subparagraph (4) of this paragraph, less the amount of skim milk and butterfat received directly from "ungraded" dairy farmers at such nonpool plant, respectively, an equivalent amount of skim milk and butterfat shall be reclassified as Class II milk pro rata in accordance with the claimed Class III classification reported by each of such handlers;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located 250 airline miles or more from the City Hall in Louisville, Kentucky.

4. In § 946.71, delete paragraphs (e), (f) and (g) and substitute therefor the following:

(e) Add for each of the months of September, October, November and December one-fourth of the aggregate amount set aside in the producer settlement fund pursuant to § 946.71 (d) during the immediately preceding months of April through July;

(f) Add an amount representing one-half of the cash balance on hand in the producer settlement fund after deducting the total amount of contingent obligations to handlers pursuant to § 946.85 (a) and the balance held pursuant to paragraph (d) of this section;

(g) Subtract not less than four cents nor more than five cents from the amount computed pursuant to paragraph (f) of this section. The resulting figure shall be the uniform price for producer milk of 3.8 percent butterfat content at a pool plant f. o. b. the marketing area.

5. Delete § 946.80 and substitute therefor the following:

§ 946.80 *Time and method of payment for producer milk.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler at not less than the Class III price for 3.8 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received during such month an amount computed at not less than the uniform price per hundredweight pursuant to § 946.71 subject to the butterfat differential computed pursuant to § 946.81 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to paragraph (a) of this section, (2) location differential deductions pursuant to § 946.82, (3) marketing services deductions pursuant to § 946.87 and (4) proper deductions authorized by such producer which in the case of a deduction for hauling shall be in writing and signed either by such producer or by the cooperative association marketing the producer's milk: *Provided*, That if such handler has not received full payment for such month pursuant to § 946.85 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundred weight reduction in payment from the market administrator. The handler shall make such balance of payment to those producers to whom it is due on or before the date of making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall pay to the cooperative association on or before the second day prior to the dates specified in paragraphs (a) and (b), respectively, of this section, an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

6. Delete § 946.85 (b).

7. In § 946.86 designate the paragraph beginning with "Whenever" and ending with "disclosure", "(a)" and insert the following paragraph immediately after paragraph (a):

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 946.80, 946.84, 946.85, 946.86 (a), 946.87 or 946.88 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

8. In § 946.87 (a) change the reference "§ 946.80" to "§ 946.80 (b)".

9. Delete § 946.87 (b) and substitute therefor the following:

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for whom such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

Issued at Washington, D. C., this 19th day of August 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-6905; Filed, Aug. 21, 1957; 8:49 a. m.]

[7 CFR Part 984]

[Docket No. AO 192-A3]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON AND WASHINGTON

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900; 19 F. R. 57), a public hearing was held at San Francisco, California, May 1 and 2, 1957, on proposed amendments to Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR, Part 984), regulating the handling of walnuts grown in California, Oregon and Washington. Said amended marketing agreement and amended order are effective pursuant to the provisions of the act.

Upon the basis of the evidence adduced at the aforementioned hearing and the record thereof, the Deputy Administrator, Marketing Services, United States Department of Agriculture, on July 17, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The recommended decision, which afforded all interested parties an opportunity to file written exceptions thereto was published in the FEDERAL REGISTER (22 F. R. 5827) on July 23, 1957.

Ruling on exceptions. Exceptions to the recommended decision were filed by the Walnut Control Board, the Alma Nut Shelling Company, a walnut handler, San Jose, California, and the Granton Company, a processor of nut meats, Los Angeles 13, California.

These exceptions have been considered carefully and fully in conjunction with the record evidence pertaining thereto in arriving at the findings and conclusions set forth in this decision. The ruling on each exception is set forth hereinafter in connection with the findings and conclusions to which it refers. To any extent that the findings and conclusions of this decision are at variance with any aspect of the exceptions not otherwise specifically ruled upon, such aspect is overruled.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision (F. R. Doc. 57-6010; 22 F. R. 5827-5843) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except as they are modified by the rulings on the exceptions hereinafter set forth.

The exceptions and the rulings thereon are as follows:

(1) In § 984.10 of the proposed order substandard walnuts are defined to include shelled walnuts and unshelled walnuts the kernels of which do not meet the proposed minimum standard prescribed for merchantable shelled walnuts. Exception to inclusion of unshelled walnuts within this definition was taken on the basis that it appeared to preclude shelling and sorting to separate the merchantable kernels from the substandard which is a common practice in the industry. The discussion of this section in the aforementioned recommended decision should be clarified by stating that the proposed amended order would not prohibit shelling any walnuts including substandard. It is intended that low quality lots of unshelled walnuts may be disposed of directly into substandard outlets, or shelled, or transferred to another handler for shelling. In the event that unshelled walnuts are disposed of in substandard outlets, such disposition should be subject to safeguards established by the Control Board pursuant to § 984.63 to insure that no part of such material subsequently enters normal markets.

(2) In § 984.18 of the proposed order, a manufacturer is defined as any person who uses walnuts in the production of bakery goods, ice cream, candy, or other food products. Exception was taken to this definition on the basis that walnuts are used in the production of walnut oil which is sometimes used as a food product, and it was not the intent of the proponent to include walnut oil producers as manufacturers. It is not the intent of the Department that walnut oil should be included as a food product as that term is used in the definition of a manufacturer. It was intended to include only those food products wherein the walnuts in whole form or identifiable pieces are used. In order to remove any possible ambiguity, § 984.18 should be amended by adding the words "except walnut oil" immediately following the words "food products." This amendment will clarify the application of § 984.18 in accordance with the request contained in this exception.

(3) Under proposed § 984.46 (c), upon a determination by the Control Board that a lot of merchantable shelled walnuts may have deteriorated in quality due to the length of time and conditions of storage, re-inspection and re-certification is required prior to shipment. Exception was taken to the discussion of the re-inspection requirements of this section insofar as it may have indicated that handlers are precluded from reconditioning such a lot of walnuts. It was pointed out that by reconditioning and the elimination of substandard material the lot could be made to conform to prescribed minimum standards. The discussion of this section in the aforementioned recommended decision should be clarified by stating that it was not intended to imply that a handler is prohibited from reconditioning any lot of shelled walnuts after cancellation of prior certification by the Control Board and, after such reconditioning, submitting the lot for re-inspection and certification as merchantable. This will clarify the requirements of § 984.46 (c) as requested in the exception.

(4) Under proposed § 984.45 a minimum standard for shelled walnuts is established which limits the size of kernels to pieces not more than 5 percent of which will pass through a round opening 9/64 inch in diameter. Exception was taken to the proposal prohibiting the use of smaller pieces of walnut kernels in merchantable outlets on the contention that such material is readily salable to manufacturers and constituted a profitable market for handlers. It was further suggested that returns to growers would be reduced if such material were eliminated from merchantable outlets. The proposed minimum size was established by testimony at the hearing to the effect that it was not feasible to inspect smaller

pieces and that quality control could not be maintained on smaller material and, conversely, that adoption of the proposed minimum standard was essential to effective shelled walnut quality control. It was also testified that establishment of the proposed minimum standard will result in loss of only a negligible amount of sales which will be more than offset by improved sales of merchantable shelled walnuts at better prices as the result of buyer confidence in their quality. It was further testified that growers normally receive insignificant returns on the portions of their crops which would be substandard under the proposal. The order provides that the minimum standard for shelled walnuts may be modified if operating experience indicates the need for a change in the minimum size. Since all of the testimony received at the hearing with respect to the proposed sized limitation was in support thereof, no justification for its modification is apparent at this time. Accordingly, the exception is denied.

(5) Under proposed § 984.45 a minimum standard for shelled walnuts is established which limits the percentage of dark kernels that may be contained in merchantable shelled walnuts. Exception was taken to that part of the minimum standard which proposes to classify as substandard a lot of shelled walnuts which contains dark walnut kernels in quantities exceeding the allowable tolerances on the contention that dark kernels are edible and that a profitable market for them exists. It was also suggested that grower returns would be reduced if such material could not be sold in merchantable outlets. It was established by testimony at the hearing that dark kernels should be removed from normal markets by reason of such factors as undesirable flavor, appearance, and keeping qualities, all of which tend to reduce the acceptability of shelled walnuts in general. It was also testified that neither growers nor handlers realized worthwhile profits from such walnuts under normal conditions of supply. There is a possibility that operating experience will indicate the desirability of modifying the kernel color limits in the proposed minimum standard for shelled walnuts and provision for such modification is contained in the proposed order. Since all of the testimony at the hearing supported the limitation on the content of dark kernels in a lot of shelled walnuts, no justification for its modification is apparent at this time. Accordingly, the exception is denied.

Marketing agreement and order. Annexed hereto, and made a part hereof, are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Walnuts Grown in California, Oregon and Washington", and "Order Regulating the Handling of Walnuts Grown in California, Oregon and Washington", which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, that all of this decision except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said agreement are identical with those contained in the attached order, which will be published with this decision.

Dated: August 16, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order [1] Regulating the Handling of Walnuts Grown in California, Oregon, and Washington

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AUTHORITY: §§ 984.1 to 984.97 issued under sec. 5, 48 Stat. 31, as amended, 7 U. S. C. 608c.

§ 984.0 *General findings.* (a) The findings set forth herein are supplementary and in addition to the findings and determinations which were previously made in connection with the original issuance (13 F. R. 4344) of this Marketing Agreement and Order and the amendments thereto (19 F. R. 4214 and 20 F. R. 5385) and all of said previous findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The Marketing Agreement and Order as hereby proposed to be amended and all the terms and conditions thereof will tend to effectuate the declared policy of the act;

(c) The Marketing Agreement and Order as hereby proposed to be amended will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(d) There are no differences in the production and marketing of walnuts in the production area covered by this marketing agreement and order, as hereby proposed to be amended, which make necessary different terms applicable to different parts of such area.

It is therefore ordered, That on and after the effective date hereof the handling of walnuts grown in California, Oregon and Washington shall be in compliance with the terms and conditions of the aforementioned order hereby amended as follows:

DEFINITIONS

§ 984.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 984.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 984.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 984.4 *Area of production.* "Area of production" means the States of California, Oregon, and Washington.

§ 984.5 *Control Board or Walnut Control Board.* "Control Board" or "Walnut Control Board" means the Control Board established pursuant to § 984.32.

§ 984.6 *Marketing year.* "Marketing year," for the purposes of this part, means the twelve months from August 1 to the following July 31, both inclusive.

§ 984.7 *Walnuts.* "Walnuts" means only walnuts of the "English" (Juglans Regia) varieties grown in the States of California, Oregon, and Washington.

§ 984.8 *Unshelled walnuts.* "Unshelled walnuts" means walnuts the kernels of which are contained in the shell.

§ 984.9 *Merchantable walnuts*—(a) *Unshelled.* "Merchantable unshelled walnuts" means all unshelled walnuts meeting the minimum grade and size regulations set forth in § 984.43.

(b) *Shelled.* "Merchantable shelled walnuts" means all shelled walnuts meeting the grade and size regulations effective pursuant to § 984.45.

§ 984.10 *Substandard walnuts.* "Substandard walnuts" means all walnuts (whether unshelled or shelled) the kernels of which do not meet the minimum standard prescribed for merchantable shelled walnuts.

§ 984.11 *Shelled walnuts.* "Shelled walnuts" is synonymous with "kernels" and means walnuts after the shells are removed.

§ 984.12 *To handle.* "To handle" means to sell, consign, transport or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, unshelled or shelled, in the current of commerce either within the area of production, or from such area to any point outside thereof, or for a manufacturer within the area of production to purchase directly from a grower. Except for the purposes set forth in § 984.73, the term "to handle" shall not include sales and deliveries within the area of production by growers to handlers, interhandler transfers pursuant to § 984.85 (a) and (b), or the authorized disposition of merchantable restricted, surplus, or substandard walnuts.

§ 984.13 *Handler.* "Handler" means any person who handles unshelled or shelled walnuts.

§ 984.14 *To pack.* "To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as unshelled walnuts.

§ 984.15 *Packer.* "Packer" means any person who is engaged in the business of packing walnuts or has walnuts packed for his account and handles them as unshelled walnuts.

§ 984.16 *Pack.* "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable unshelled walnuts, packed in accordance with the pack specifications prescribed pursuant to § 984.43.

§ 984.17 *Sheller.* "Sheller" means any person who is engaged in the business of shelling walnuts or has walnuts shelled for his account and handles them as shelled walnuts.

§ 984.18 *Manufacturer.* "Manufacturer" means any person who uses walnuts in the production of bakery goods, ice cream, candy, or other food products except walnut oil.

§ 984.19 *Sound kernel.* "Sound kernel" means a kernel or portion of kernel which will not pass through a round opening 5/64 inch in diameter and which otherwise meets the requirements of U. S. Commercial Grade as set forth in the effective United States Standards for Shelled English Walnuts. The lot tolerances provided in such standards shall not apply to individual kernels or portions thereof. This definition may be revised or amended by the Secretary, upon recommendation of the Control Board.

§ 984.20 *Handler carryover.* "Handler carryover," as of any date, means:

(a) *Unshelled.* All merchantable unshelled walnuts (except those held in satisfaction of control obligations), wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable unshelled walnuts in ungraded lots then held by a handler for packing as merchantable unshelled walnuts;

(b) *Shelled.* All merchantable shelled walnuts (except those held as surplus) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable shelled walnuts in unshelled lots, then held by a handler for shelling.

§ 984.21 *Trade demand*—(a) *Unshelled.* The quantity of merchantable unshelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone: *Provided*, That there may also be considered in the making of such computation merchantable unshelled walnuts which will be acquired for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States;

(b) *Shelled.* The quantity of merchantable shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone: *Provided*, That there may also be considered in the making of such computation merchantable shelled walnuts which will be acquired for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States.

§ 984.22 *Merchantable free walnuts.* "Merchantable free walnuts" means those unshelled walnuts certified by the Control Board as merchantable free which are included in the merchantable free percentages established by the Secretary pursuant to § 984.48.

§ 984.23 *Merchantable restricted walnuts.* "Merchantable restricted walnuts" means those unshelled walnuts certified by the Control Board as merchantable restricted which are included in the merchantable restricted percentage established by the Secretary pursuant to § 984.48.

§ 984.24 *Merchantable allocation percentage.* "Merchantable allocation percentage" means the ratio of the merchantable restricted percentage to the merchantable free percentage as established by the Secretary pursuant to § 984.48. It may be adjusted to the nearest whole number or tenths place.

§ 984.25 *Marketable walnuts.* "Marketable walnuts" means those walnuts, unshelled or shelled, which are included in the marketable percentage established by the Secretary pursuant to § 984.53.

§ 984.26 *Surplus walnuts.* "Surplus walnuts" means those walnuts, unshelled or shelled, certified by the Control Board

[1] This document shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

as surplus which are included in the surplus percentage established by the Secretary pursuant to § 984.53.

§ 984.27 *Diversion percentage.* "Diversion percentage" means the ratio of the surplus percentage to the marketable percentage established by the Secretary pursuant to § 984.53. It may be adjusted to the nearest whole number or tenths place.

§ 984.28 *Control percentages.* "Control percentages" means the merchantable free, merchantable restricted, marketable and surplus percentages established by the Secretary pursuant to § 984.48 and § 984.53, respectively.

§ 984.29 *Control obligations.* "Control obligations" means the quantity of walnuts each handler must withhold to meet the merchantable restricted or the surplus percentage established by the Secretary pursuant to § 984.48 and § 984.53, respectively.

§ 984.30 *Light amber halves and pieces.* "Light amber halves and pieces" means bulk shelled walnuts consisting of kernels meeting the requirements of U. S. Commercial Grade Light Amber Halves and Pieces, as set forth in the United States Standards for Shelled English Walnuts.

§ 984.31 *Part and subpart.* "Part" means the order regulating the handling of walnuts grown in California, Oregon, and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California, Oregon, and Washington shall be a "subpart" of such part.

ADMINISTRATIVE BODY

§ 984.32 *Establishment and membership.* (a) A Control Board is hereby established, consisting of ten members, selected by the Secretary, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and shall have the same qualifications as the member for whom each is an alternate. One member and one alternate member shall be selected from nominees by each of the following groups or from among other qualified persons belonging to such groups:

(1) The cooperative packers doing business within the State of California;

(2) All packers, other than the cooperative packers, doing business within the State of California;

(3) The group of cooperative packers or other than cooperative packers doing business within the State of California, who, during the preceding marketing year, handled more than 50 percent of the merchantable unshelled walnuts handled by packers located within the State of California;

(4) Those growers of walnuts whose orchards are located in California and who market their walnuts through cooperative packers;

(5) All other growers of walnuts whose orchards are located in California;

(6) Those growers whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the packer group specified in subparagraph (3) of this paragraph;

(7) The packers whose plants are located within the States of Oregon or Washington;

(8) The growers of walnuts whose orchards are located within the States of Oregon or Washington;

(9) Shellers of walnuts within the area of production who are handlers but who are not packers.

(b) The tenth member shall be selected after the selection of the nine members from the above specified groups and after opportunity for such nine members to nominate the tenth member.

§ 984.33 *Term of office.* Incumbent members and alternate members on the effective date hereof shall continue in office through June 30, 1955, and shall serve along with a member and alternate member to be selected by the Secretary for this period to represent the group specified in § 984.32 (a) (9) after considering nominations submitted by such group. Beginning on July 1, 1955, the term of office of Control Board members and alternate members shall be for a period of two years. Members and their respective alternates shall be selected by the Secretary and shall serve until their respective successors shall be selected and shall qualify.

§ 984.34 *Nominations.* (a) Each of the nine groups specified in § 984.32 may nominate one person as member and one person as alternate; and the nine members selected to represent such groups may nominate, by majority vote, one person as member and one person as alternate for the tenth member. Nominations for each group of packers shall be submitted on the basis of ballots to be mailed by the Control Board to all handlers in such group whose pack for the preceding marketing year is on record with the Control Board. Nominations on behalf of growers who market their walnuts through cooperative packers shall be submitted on the basis of ballots cast by each such cooperative packer for its growers. Nominations on behalf of growers who market their walnuts through other than cooperative packers shall be submitted after ballot by such growers pursuant to announcements by press releases through the United States Department of Agriculture to the principal papers in the walnut producing area in California, Oregon, and Washington. Such releases shall provide pertinent information, including the names of incumbents from the areas involved and the locations where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing. All votes cast by cooperative packers, packers other than cooperative packers, or for cooperative grower groups, shall be weighted according to the tonnage of merchantable walnuts (computed to the nearest whole ton in case of fractions) recorded as certified for handling by each packer, or for the cooperative grower group during the preceding marketing year, and if less than one ton is recorded for any such packer, or grower group, such vote shall be weighted as one ton. All votes cast by individual growers shall be given equal weight: *Provided*, That when growers marketing through cooperative packers and growers marketing through other than cooperative packers are in the same group entitled to submit nominations, the vote for the nominee receiving the largest number of votes of growers marketing through other than cooperative packers shall be weighted according to the combined tonnage of merchantable walnuts of such other than cooperative packers recorded as certified for handling by them during the preceding marketing year.

(b) Nominations for the sheller group shall be submitted on the basis of ballots to be mailed by the Control Board to all shellers of record who are handlers but who are not packers. All votes cast by such shellers shall be weighted according to the quantity of shelled walnuts handled by each such sheller during the preceding marketing year.

(c) Nominations received in the foregoing manner by the Control Board shall be reported to the Secretary on or before June 15, 1955, and each second year thereafter, together with a certificate of all necessary tonnage data and other information deemed by the Control Board to be pertinent or requested by the Secretary. If the Control Board fails to report nominations to the Secretary in the manner hereinbefore specified on or before June 15 of any nomination year, the Secretary may select the member or alternate without nomination. If nominations for the tenth member or alternate are not submitted on or before August 1 of any such year, the Secretary may select such member or alternate without nomination.

§ 984.35 *Qualification.* Any person selected as a member or alternate of the Control Board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, within thirty days after he ceases to be such member or employee, became disqualified to serve further and his position on the Control Board shall be deemed vacant.

§ 984.36 *Alternates.* (a) An alternate for a member of the Control Board shall act in the place and stead of such member in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) In the event any member of the Control Board and his alternate are both unable to attend a meeting of the Control Board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this paragraph, a cooperative handler group and a cooperative grower group in the same State shall be considered the same group.

§ 984.37 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation or disqualification of any member or alternate of the Control Board a successor for his unexpired term shall be selected by the Secretary after consideration of nominations or recommendations which may be submitted by members of the group in which such vacancy exists, unless such selection is deemed unnecessary by the Secretary. If a nomination is not made by members of the group and reported to the Secretary within thirty days after such vacancy occurs, the Secretary may fill such vacancy without nomination.

§ 984.38 *Expenses.* The members of the Control Board shall serve without compensation, but shall be allowed their necessary expenses.

§ 984.39 *Powers.* The Control Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 984.40 *Duties.* The duties of the Control Board shall be as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties, and fix the bonds of such employees;

(e) To cause the books of the Control Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Control Board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made;

(f) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith; and

(g) To investigate compliance with the provisions of this part.

§ 984.41 *Procedure.* (a) The members of the Control Board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The Control Board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Control Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Control Board.

(b) All decisions of the Control Board, except where otherwise specifically provided, shall be by majority vote of the members present. The presence of six members shall be required to constitute a quorum.

(c) The Control Board may vote by mail or telegram upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Control Board.

GRADE AND SIZE REGULATION OF UNSHELLED WALNUTS

§ 984.43 *Establishment of grade and size regulations for unshelled walnuts—*(a) *Minimum standard.* No handler shall handle unshelled walnuts unless such walnuts are equal to or better than the requirements of third quality and baby size. This minimum standard may be modified by the Secretary on the basis of a recommendation of the Control Board or other information. Until modified or superseded the terms "third quality" and "baby size" as used herein shall have the same meaning as these terms are presently defined in § 984.402. Except as provided in paragraph (b) of this section, such minimum standard and the provisions of this part relating to administration thereof shall continue in effect irrespective of whether the season average price for walnuts is above the parity level specified in section 2 (1) of the act.

(b) *Additional grade and size regulations.* When the season average price of walnuts is not determined to be above parity, the Board may recommend to the Secretary additional grade and size regulations in the form of a more restrictive minimum standard than that specified in paragraph (a) of this section and/or pack specifications as to grades and sizes that may be handled. If the Secretary finds on the basis of such recommendation or other information that additional grade and size regulations would tend to effectuate the declared policy of the act, he shall establish such regulations. No person shall handle unshelled walnuts except in accordance with the regulations effective hereunder.

§ 984.44 *Certification of merchantable unshelled walnuts.* (a) Each handler, at his own expense, shall obtain an appropriate inspection certificate for each lot of merchantable unshelled walnuts handled or to be handled by him and for each lot of merchantable restricted walnuts withheld by him. Such certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such information as is specified in paragraph (b) (1), (2), or (3) of this section, the identity of the handler, the quantity and pack of merchantable unshelled walnuts in such lot, date of inspection, and that the unshelled walnuts covered by such certificate conform to the grade and size regulations effective pursuant to § 984.43. Copies of each certificate issued shall be furnished by the inspector to the handler and the Control Board.

(b) Three types of certificates may be issued, all of which shall contain the information specified in paragraph (a) of this section and, in addition, the following information:

(1) "Shipping certificates," covering merchantable unshelled walnuts shipped, which shall show the date of shipment, name and address of carrier, railroad car number, whether for interstate, or export shipment and, if for export, the country of destination;

(2) "Stock certificates," covering lots of merchantable unshelled walnuts to be handled, which shall show the handler's lot number;

(3) "Restricted certificates," covering lots of merchantable restricted walnuts to be withheld, which shall show the handler's lot number and location of the lot at time of inspection.

(c) All unshelled walnuts handled shall be identified by seals or stamps affixed to the container by the handlers under the supervision of the Control Board or the designated inspectors. All lots covered by stock certificates or restricted certificates shall be identified by tags affixed to the containers by the handlers under the supervision of the Control Board or the designated inspectors. The Control Board may require that all unshelled walnuts covered by stock or restricted certificates be identified by seals affixed to the containers by the handlers under the supervision of the Control Board or the designated inspectors.

(d) The shipment of unshelled walnuts from a lot covered by a stock inspection certificate shall be reported to the Control Board. Such reports shall be submitted by the handler or the designated inspectors, at such intervals and in such form as the Control Board may prescribe, pursuant to § 984.69.

(e) Whenever the Control Board determines that the length of time in storage or conditions of storage of any lot of unshelled walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of unshelled walnuts shall be reinspected at the handler's expense and must be recertified as merchantable prior to shipment.

GRADE AND SIZE REGULATION OF SHELLED WALNUTS

§ 984.45 *Establishment of grade and size regulation of shelled walnuts.* No handler shall handle shelled walnuts unless such walnuts are equal to or better than the requirements of the U. S. Commercial Grade as defined in the then effective United States Standards for Shelled English Walnuts (Juglans Regia), and the minimum size shall be pieces not more than 5 percent of which will pass through a round opening 9/64 inch in diameter. This minimum standard may be modified by the Secretary on the basis of a recommendation of the Control Board or other information. Such minimum standard and the provisions of this part relating to administration thereof shall continue in effect irrespective of whether the season av-

erage price for walnuts is above the parity level specified in section 2 (1) of the act.

§ 984.46 *Inspection and certification of shelled walnuts.* (a) Each handler, at his own expense, shall obtain an appropriate inspection certificate for each lot of shelled walnuts handled or to be handled by him. Such certificates shall be issued by the inspectors designated by the Control Board. All such certificates shall show the identity of the handler, the quantity of shelled walnuts covered by such certificate, date of inspection, and that such walnuts conform to the minimum standard prescribed pursuant to § 984.45. The Control Board may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this section. Copies of each certificate issued shall be furnished by the inspector to the handler and Control Board.

(b) All shelled walnuts handled shall be identified by stamps or other means of identification affixed to the shipping container by the handler under the supervision of the Control Board or the designated inspectors.

(c) Whenever the Control Board determines that the length of time in storage or conditions of storage of any lot of shelled walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of shelled walnuts shall be reinspected at the handler's expense and recertified as merchantable prior to shipment.

(d) Processing of shelled walnuts: No handler shall slice, chop, grind, or in any manner change the form of shelled walnuts unless such walnuts have been certified as merchantable or as suitable for processing pursuant to paragraph (e) of this section. The Control Board shall establish such procedures as are necessary to insure that all such walnuts are inspected and certified prior to any such processing.

(e) Certification of shelled walnuts for processing: Any lot of shelled walnuts which, upon inspection, fails to meet the minimum standard effective pursuant to § 984.45 solely due to excess shrivel may be certified for processing provided that the total amount of shrivel does not exceed 20 percent, by weight, of the lot. All such walnuts must be reinspected after processing and shall be certified as merchantable if the processed material meets the effective minimum standard. The provisions of this paragraph may be modified by the Secretary, upon recommendation of the Control Board or other information.

ALLOCATION OF MERCHANTABLE UNSHELLED WALNUTS

§ 984.47 *Recommendation for merchantable free, restricted and allocation percentage.* (a) For the purposes of this section, and §§ 984.48, 984.52, 984.53, and 984.82, the area of production shall be divided into District 1, consisting of the State of California, and District 2, consisting of the States of Oregon and Washington.

(b) Whenever the Control Board finds that the supply of merchantable unshelled walnuts exceeds or is likely to exceed the trade demand therefor and that it would tend to effectuate the declared policy of the act to establish the percentages of merchantable unshelled walnuts during a marketing year which shall be free and restricted respectively, it shall recommend to the Secretary merchantable free, restricted, and allocation percentages. Such recommended percentages shall be uniform for the entire production area for any marketing year as to which the Control Board finds that the proportion which each district's production of merchantable unshelled walnuts during that marketing year will bear to the total production of merchantable unshelled walnuts in both districts during that year will be within the range of 90 percent to 93 percent for District 1, and 7 percent to 10 percent for District 2, all numbers inclusive; said ranges are referred to hereinafter as the normal relative merchantable unshelled production of the respective districts. For any marketing year as to which the Control Board finds, on the basis of the latest official forecast of the United States Department of Agriculture and other relevant factors, that the production of merchantable unshelled walnuts in the two districts will not be their normal relative merchantable unshelled production, the Control Board shall recommend as to whether or not an allocation between the two districts of the quantity of merchantable unshelled walnuts represented by the merchantable free and restricted percentages should be made by the establishment of different such percentages for the two districts. Such recommendation by the Control Board of different percentages for the two districts shall give reasonable effect to the degree to which the merchantable unshelled production of each district during that marketing year will vary from the normal relative merchantable unshelled production of that district, and such other factors as the Control Board shall deem relevant: *Provided, however,* That in no event shall the restricted percentage recommended for either district be less than one-half of the restricted percentage recommended for the other district.

(c) In making its recommendations, the Control Board shall furnish to the Secretary, not later than September 20 of that marketing year, the following estimates and recommendations, each of which shall be adopted by the affirmative vote of at least six members of the Control Board:

(1) Its estimate of the quantity of merchantable unshelled walnuts to be produced and packed during such year in each district;

(2) Its estimate of the handler carryover of merchantable unshelled walnuts as of August 1;

(3) Its estimate of the trade demand for merchantable unshelled walnuts (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand, consideration shall be given to the estimated trade carryover at the beginning and end of the marketing year;

(4) Its recommendation as to the merchantable free, restricted and allocation percentages to be fixed for unshelled walnuts produced in the area and in each district.

(d) The Control Board shall also furnish to the Secretary a complete report of the proceedings of the Control Board meeting at which the recommended merchantable free, restricted and allocation percentages to be fixed by the Secretary were adopted, together with a complete statement of all factors which the Control Board considered in formulating its recommendation relative to different percentages in the two districts.

§ 984.48 *Establishment of merchantable free, restricted and allocation percentage regulations by the Secretary.* (a) Whenever the Secretary finds from the recommendations of the Control Board and supporting information supplied by the Control Board, or from any other available information, that to establish the percentages of merchantable unshelled walnuts which shall be free and restricted, respectively, during any marketing year, would tend to effectuate the declared policy of the act, he shall establish such percentages. In establishing such merchantable free and restricted percentages, the Secretary shall give consideration to the ratio of the estimated trade demand for merchantable unshelled walnuts (with appropriate adjustments for such handler carryover as may have theretofore contributed to the restricted percentage and for a desirable level of handler carryover at the end of the marketing year), to the sum of the estimated production of merchantable unshelled walnuts and the handler carryover of merchantable unshelled walnuts which has not theretofore contributed to the restricted percentage, to the recommendations submitted to him by the Control Board, and to such other pertinent information as he deems appropriate. The merchantable allocation percentage shall also be established by the Secretary.

(b) Uniform free, restricted, and allocation percentages shall be established for the entire production area for any marketing year when the Secretary shall determine, on the basis of the Control Board's recommendations, the latest official forecast of the United States Department of Agriculture, and other relevant factors, that each district's merchantable unshelled production during that marketing year will be within its normal relative merchantable unshelled production. For any marketing year as to which the Secretary finds, on the basis of the aforesaid crop forecast, and other relevant factors, that the production of merchantable unshelled walnuts in the two districts will not be their normal relative merchantable unshelled production, the Secretary may allocate between the two districts the quantities of merchantable unshelled walnuts represented by the merchantable free and restricted percentages by establishing different percentages for the two districts. In establishing different free, restricted, and allocation percentages for the two districts, the Secretary shall give

reasonable effect to the degree to which the merchantable unshelled production of each district during that marketing year will vary from the normal relative merchantable unshelled production of that district, and to such other factors as the Secretary shall deem relevant: *Provided, however,* That in no event shall the restricted percentage established for either district be less than one-half of the restricted percentage established for the other district.

§ 984.49 *Withholding merchantable restricted walnuts.* (a) Except as otherwise provided in § 984.81, whenever a regulation has been established by the Secretary under the provisions of § 984.48, each handler, before or upon handling any unshelled walnuts, shall have withheld from handling a quantity of merchantable unshelled walnuts equal to the merchantable allocation percentage, by weight, of such quantity handled or certified for handling by him.

(b) The quantity of walnuts hereby required to be withheld shall constitute and may be referred to as the "merchantable restricted obligation" of a handler. The merchantable unshelled walnuts handled by any handler in accordance with the provisions of this subpart shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

CONTROL OF SURPLUS WALNUTS

§ 984.52 *Recommendation for marketable, surplus, and diversion percentages.* (a) Whenever the Control Board finds that the total supply of walnuts, unshelled and shelled, expressed in terms of sound kernel weight, exceeds or is likely to exceed the total trade demand therefor, and that it would tend to effectuate the declared policy of the act to establish marketable and surplus percentages on unshelled and shelled walnuts, it shall recommend to the Secretary marketable, surplus, and diversion percentages. Such recommended percentages shall be uniform for the entire production area for any marketing year as to which the Control Board finds that the proportion which each district's total production of walnuts during that marketing year will bear to the total production of walnuts in both districts during that year will be within the range of 88 percent to 91 percent for District 1, and 9 percent to 12 percent for District 2, all numbers inclusive; said ranges are referred to hereinafter as the normal relative total production of the respective districts. For any marketing year as to which the Control Board finds, on the basis of the latest official forecast of the United States Department of Agriculture and other relevant factors, that the total production of walnuts in the two districts will not be their normal relative total production, the Control Board shall recommend as to whether or not an allocation between the two districts of the quantity of walnuts represented by the marketable and surplus percentages should be made by the establishment of different such percentages for the two districts. Such recommendation by the Control Board of different percentages for the two districts shall give reasonable effect to the degree to which the total production of each district during that marketing year will vary from the normal relative total production of that district, and such other factors as the Control Board shall deem relevant: *Provided, however,* That in no event shall the surplus percentage recommended for either district be less than one-half of the surplus percentage recommended for the other district.

(b) In making this recommendation, the Control Board shall furnish to the Secretary, not later than September 20 of each marketing year, the following estimates and recommendation, each of which shall be adopted by the affirmative vote of at least six members of the Control Board:

(1) Its estimate of the orchard-run productions in each district for that marketing year;

(2) Its estimate of the quantity of merchantable unshelled walnuts to be produced and packed during such year expressed in terms of sound kernel weight;

(3) Its estimate of the handler carryover of merchantable unshelled walnuts as of August 1, expressed in terms of sound kernel weight;

(4) Its estimate of merchantable unshelled trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act) expressed in terms of sound kernel weight; in determining such trade demand, consideration shall be given to the estimated trade carryover of merchantable unshelled walnuts at the beginning and end of the marketing year;

(5) Its estimate of merchantable shelled walnut production during such marketing year;

(6) Its estimate of merchantable shelled handler carryover as of August 1;

(7) Its estimate of merchantable shelled trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand, consideration shall be given to the estimated trade carryover of merchantable shelled walnuts at the beginning and end of the marketing year;

(8) Its recommendation as to the marketable, surplus, and diversion percentages to be fixed for walnuts produced in the area and in each of the districts.

(c) The Control Board shall also furnish to the Secretary a complete report of the proceedings of the Control Board meeting at which the recommended marketable, surplus and diversion percentages to be fixed by the Secretary were adopted, together with a complete statement of all factors which the Control Board considered in formulating any recommendation relative to different percentages in the two districts.

§ 984.53 *Establishment of marketable, surplus, and diversion percentage regulations by the Secretary.* (a) Whenever the Secretary finds from the recommendation of the Control Board and supporting information supplied by the Control Board, or from any other available information, that to establish the percentages of walnuts which shall be marketable and surplus, respectively, during any marketing year would tend to effectuate the declared policy of the act, he shall establish such percentages. The applicable diversion percentage shall also be established by the Secretary.

(b) Uniform marketable, surplus, and diversion percentages shall be established for the entire production area for any marketing year when the Secretary shall determine, on the basis of the Control Board's recommendations and the latest official forecast of the United States Department of Agriculture and other relevant factors, that the proportion which each district's production of orchard-run walnuts during that marketing year will be within its normal relative total production. For any marketing year as to which the Secretary finds, on the basis of the aforesaid crop forecast and other relevant factors, that the production of orchard-run walnuts in the two districts will not be their normal relative total production, the Secretary may allocate between the two districts the quantities of orchard-run walnuts represented by the marketable and surplus percentages by establishing different percentages for the two districts. In establishing different percentages for the two districts the Secretary shall give reasonable effect to the degree to which the orchard-run production of each district during that marketing year will vary from the normal relative total production of that district, and to such other factors as the Secretary shall deem relevant: *Provided, however,* That in no event shall the surplus percentage established for either district be less than one-half of the surplus percentage established for the other district.

§ 984.54 *Withholding surplus walnuts.* (a) Except as otherwise provided in § 984.81, whenever a regulation has been established for a marketing year by the Secretary under the provisions of § 984.53, each handler, before or upon handling any walnuts, unshelled or shelled, shall have withheld from handling a quantity of walnuts having a sound kernel weight equal to the diversion percentage of the sound kernel weight of all unshelled walnuts handled or certified for handling, and the actual net weight of all shelled walnuts handled or declared for handling by him.

(b) Any handler may, at any time prior to the end of the marketing year, satisfy his surplus obligation with respect to merchantable shelled walnuts by declaring to the Control Board his intention to handle a specified quantity of merchantable shelled walnuts which he then owns and has on hand and by withholding a quantity of walnuts having a sound kernel weight equal to the diversion percentage of the actual net weight of merchantable shelled walnuts so declared for handling. Such declaration and withholding may be canceled by the handler prior to the end of the marketing year.

(c) Walnuts withheld as surplus shall be set aside and thereafter held for the account of the Control Board at the expense of the handler and, from the date of withholding, at all times thereafter shall be held by the handler, available for inspection by the Control Board or

its agents. Such walnuts shall be stored in such manner as to maintain them in the same condition as when certified for surplus, except for loss through fire, acts of God, acts of war, riot, or other conditions beyond the handler's control. Upon demand of the Control Board, they shall be delivered to the Control Board f. o. b. rail car or truck at handler's warehouse or point of storage. All such surplus walnuts so withheld by the handler shall be at the time of withholding placed by the handler, at his own expense, in suitable containers, which may be prescribed by the Control Board, and identified by appropriate seals or stamps and tags to be furnished by the Control Board and to be affixed to the containers by the handler under the direction and supervision of the Control Board or its designated inspectors.

(d) The quantity of walnuts hereby required to be withheld shall constitute and may be referred to as the "diversion surplus" or the "diversion surplus obligation" of a handler. The walnuts handled by any handler in accordance with the provisions hereof shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

§ 984.55 *Determination of sound kernel weight*—(a) *For merchantable unshelled walnuts handled.* All merchantable unshelled walnuts handled or certified for handling by any handler during a marketing year shall be included in the total sound kernel weight for such handler at the unshelled weight thereof, as shown by the applicable inspection certificates issued pursuant to § 984.44, multiplied by the sound kernel content percentage of such walnuts, as determined by the Control Board's designated inspectors. The inspection procedure for determining the sound kernel content of merchantable unshelled walnuts handled or certified for handling shall be prescribed by the Control Board, with the approval of the Secretary. The sound kernel percentage of each lot of walnuts certified in accordance with § 984.44 shall be shown for each pack and size on the certificates issued under § 984.44: *Provided*, That if a handler does not store merchantable unshelled walnuts covered by stock certificates in such a manner as to permit accurate identification with respect to each certificate, the sound kernel weight for such walnuts shipped from such lots may be determined by multiplying the unshelled weights of each pack and size reported to the Control Board, pursuant to § 984.69, by the cumulative average sound kernel content percentage of all of the merchantable unshelled walnuts of such packs and sizes certified for such handler from the beginning of the current season to the date on which the report of shipment is received by the Control Board.

(b) *For merchantable shelled walnuts handled.* All merchantable shelled walnuts handled or declared for handling by any handler during the marketing year shall be included in the total sound kernel weight for such handler at the actual net weight thereof, as shown by the reports submitted by him pursuant to § 984.71, or as shown by such handler's records.

§ 984.56 *Minimum sound kernel content requirement for surplus*—(a) *For unshelled walnuts.* Any lot of unshelled walnuts, the kernel weight of which is offered to meet any part or all of a handler's surplus obligation, must contain at least such minimum percentage of sound kernels as is established by the Control Board, with the approval of the Secretary: *Provided*, That any lot that is disposed of as surplus in export pursuant to § 984.62 (a) must meet the requirements for merchantable unshelled walnuts established pursuant to § 984.43.

(b) *For shelled walnuts.* Any lot of shelled walnuts offered to meet any part or all of a handler's surplus obligation must contain such minimum percentage of sound kernels as is established by the Control Board, with the approval of the Secretary: *Provided*, That any lot which is disposed of as surplus in export pursuant to § 984.62 (a) must meet the requirements for merchantable shelled walnuts established pursuant to § 984.45. The requirements of this paragraph may be modified by the Control Board with the approval of the Secretary.

§ 984.57 *Inspection and certification of surplus.* It shall be the duty of each handler to cause an inspection to be made of all walnuts withheld by him in satisfaction of his surplus obligation. Such inspection shall be performed by inspectors designated by the Control Board and in such manner as shall be determined by the Control Board, with the approval of the Secretary. The cost thereof shall be paid by the handler. A certificate of such inspection shall be issued which shall show the identity of the handler, the number and type of containers in the lot, and whether the walnuts are unshelled or shelled. If the walnuts are unshelled, the certificate shall show the total weight of unshelled walnuts in the lot and the percentage, by weight, of sound kernels in the lot; and, if shelled, the total weight of shelled walnuts and the percentage by weight of sound kernels in the lot: *Provided*, That the certificate with respect to any lot of unshelled surplus walnuts to be exported pursuant to § 984.62 (a) shall show the size and quality of such walnuts in accordance with the minimum standards and pack specifications established pursuant to § 984.43; and, that the certificate with respect to any lot of shelled surplus walnuts to be exported pursuant to § 984.62 (a) shall show the grade, size and color of such walnuts, in accordance with the United States Standards for Shelled English Walnuts. Copies of each certificate shall be furnished to the handler and the Control Board.

§ 984.58 *Storage facilities.* The Control Board may rent and operate, or arrange for the use of facilities for storage and handling of surplus walnuts withheld.

DISPOSITION OF CONTROLLED WALNUTS

§ 984.61 *Disposition of merchantable restricted walnuts withheld*—(a) *By shelling.* Any handler may shell the merchantable restricted walnuts which he withholds pursuant to § 984.49 or deliver them for shelling to an authorized sheller.

(1) Any person within the area of production who desires to become an authorized sheller may submit an application to the Control Board. Such authorization shall be granted to applicants for a period of one year upon submission to the Control Board of an agreement in writing to:

(i) Shell such merchantable restricted walnuts within the area of production;

(ii) Use such merchantable restricted walnuts as he may receive for no other purpose than shelling;

(iii) Dispose of or deliver such merchantable restricted walnuts as unshelled walnuts to no one other than an authorized sheller;

(iv) Comply fully with all laws and regulations applicable to the shelling of walnuts;

(v) Pursuant to the provisions of § 984.74 report to the Control Board the receipt of any lot of merchantable restricted walnuts; and

(vi) Permit, at his own expense, such inspection as the Control Board may require to determine compliance with the provisions of this subparagraph.

(b) *By export.* Sale or shipment of merchantable restricted walnuts, withheld pursuant to § 984.49, for export to destinations outside (1) the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone and, (2) Canada or Cuba when included in the trade demand estimate, shall be made only by the Control Board. The Control Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory outlets. Sales for export shall be made by the Control Board only on execution of an agreement to prevent reimportation into the United States; and in the case of export to Canada or Mexico, such walnuts shall be sold only on the basis of a delivered price, duty paid. A handler, at his request, shall be authorized to act as agent of the Control Board upon such terms and conditions as the Control Board may specify in negotiating export sales from merchantable restricted walnuts withheld by him, or a handler may be so authorized with respect to merchantable restricted walnuts withheld by others; and when so acting, shall be entitled to receive a commission of 5 percent of the export sales price, f. o. b. area of production. The proceeds of any export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler withholding the walnuts so sold by the Control Board.

§ 984.62 *Disposition of surplus walnuts withheld*—(a) *By export.* Sale or shipment of surplus walnuts, withheld pursuant to § 984.54, for export to destinations outside (1) the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone and, (2) Canada or Cuba when included in the trade demand estimate, shall be made only by the Control Board and shall be governed by the provisions of § 984.61 (b). The sound kernel weight of merchantable restricted walnuts and shelled surplus walnuts so exported shall be credited against the surplus obligation of the exporting handler who is acting as agent for the Control Board, unless such exporting handler shall advise the Control Board, on or before July 31, of the quantities and lots of such exported walnuts that he does not wish to have so credited. At any time on or before July 31, upon written request of any handler who is an authorized export agent of the Control Board, the Board shall transfer any part or all of such handler's export credits in the Board's accounts to such other handler as he may designate.

(b) *By other than export.* Surplus walnuts which are not disposed of pursuant to paragraph (a) of this section, shall be pooled and shall be disposed of by the Control Board upon the best terms and at the highest price obtainable consistent with the ultimate complete disposition of surplus, subject to the following conditions:

(1) No such surplus walnuts shall be sold in the United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone other than to governmental agencies or to charitable institutions for charitable purposes, or for diversion into walnut oil, poultry or animal feed, or for such other uses as the Control Board finds to be noncompetitive with existing normal markets for walnuts and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets.

(2) The Control Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year, as to the percentage of surplus walnuts withheld which may be accepted for pooling and disposition prior to February 15 of the same marketing year. On or after February 15 of any marketing year, the Control Board shall not accept for pooling and disposition any surplus walnuts in excess of a handler's accumulated surplus obligation.

(3) Any surplus walnuts remaining unsold as of August 31 of the marketing year following the marketing year in which such surplus walnuts were withheld shall be disposed of as soon as practicable through the most readily available outlets, within the limitations of subparagraph (1) of this paragraph.

(c) *Disposition of proceeds from sales of pooled surplus.* Expenses incurred by the Control Board in receiving, handling, holding, and disposing of pooled surplus walnuts shall be charged against the proceeds of sales of such surplus walnuts. The remaining proceeds from the disposition of pooled surplus walnuts shall be distributed by the Control Board to handlers in proportion to their contributions thereto, measured in sound kernel weight.

§ 984.63 *Disposition of substandard walnuts.* Substandard walnuts may be disposed of only for manufacture into oil, livestock feed, or for such other uses as the Control Board determines to be noncompetitive with existing normal markets for walnuts and with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in such normal markets.

EXPENSES AND ASSESSMENTS

§ 984.65 *Expenses.* The Control Board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each marketing year, for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate. Such expenses for a marketing year shall be allocated between merchantable unshelled walnuts handled or certified for handling and merchantable shelled walnuts handled or declared for handling on the general basis of the respective estimate costs of operation.

§ 984.66 *Assessments*—(a) *Establishment of assessment rates by the Secretary.* The Secretary shall fix separate rates of assessments for each marketing year to be paid by each handler with respect to merchantable unshelled walnuts handled or certified for handling and with respect to merchantable shelled walnuts handled or declared for handling. At any time during or after a marketing year, the Secretary may increase either or both of these rates of assessment to apply respectively to all merchantable unshelled walnuts handled or certified for handling during the marketing year or to all merchantable shelled walnuts handled or declared for handling during such year to secure sufficient funds to cover the expenses authorized by § 984.65, or any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board upon demand. The Control Board shall include with its recommendation of expenses pursuant to § 984.65, its recommendation in respect to the separate assessment rates to be fixed by the Secretary.

(b) *Requirement for payment.* Each handler of merchantable unshelled walnuts and merchantable shelled walnuts shall, with respect to the merchantable unshelled walnuts handled or certified for handling by him and the merchantable shelled walnuts handled or declared for handling by him, pay to the Control Board, upon demand, his pro rata share of the expenses which the Secretary finds are reasonable and are likely to be incurred during each marketing year. Each handler's share of such expenses shall be: For merchantable unshelled walnuts handled or certified for handling during the applicable marketing year, the ratio between the total quantity of merchantable unshelled walnuts handled or certified for handling by him and the total quantity of such walnuts handled or certified for handling by all handlers during such marketing year; for merchantable shelled walnuts handled or declared for handling the ratio of the weight of merchantable shelled walnuts handled or declared for handling by him during the applicable marketing year and the weight of all merchantable shelled walnuts handled or declared for handling during such marketing year by all handlers.

(c) *Suit to enforce payment.* The Control Board may, with the approval of the Secretary, maintain suits in its own name or in the names of its members, to enforce the payment of assessments levied under this section.

(d) *Expenses of surplus walnut operations.* The Control Board is authorized to use funds derived from assessments collected pursuant to paragraph (b) of this section to defray expenses incurred by the Control Board in discharging its obligations, pursuant hereto, with respect to surplus walnuts withheld. All such expenses shall be deducted from the proceeds obtained by the Control Board from the sale or other disposal of pooled surplus walnuts pursuant to § 984.62 (b).

(e) *Accounting and refunds.* (1) Any money collected as assessments during any marketing year and not expended in connection with the respective marketing year's operations hereunder, may be used and shall be refunded by the Control Board in accordance with the provisions of this part. Such excess funds may be used by the Control Board during the four months subsequent to such marketing year in paying the expenses of the Control Board in connection with the new marketing year. The Control Board shall, however, from funds on hand, including assessments collected during the new marketing year, distribute or make available within five months after the beginning of the new marketing year the aforesaid excess to the handlers from whom assessments were collected. Such refunds to each handler shall be made on the basis of the ratio of his assessment obligation to the total assessment obligation of all handlers.

(2) Any money collected from assessments hereunder and remaining unexpended in the possession of the Control Board upon the termination of this part shall be distributed in such manner as the Secretary may direct.

REPORTS AND BOOKS AND OTHER RECORDS

§ 984.68 *Reports of handler carryovers.* Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Control Board a written report of:

(a) All merchantable unshelled walnuts (except such as may be certified and held to meet the handler's merchantable restricted obligation or his surplus obligation in accordance with the provisions of §§ 984.49 and 984.54), including the estimated quantity of merchantable unshelled walnuts in ungraded lots to be packed as merchantable unshelled walnuts, held by him on the first day of August and January, respectively, showing the pack (if unshelled) and location thereof and the quantities:

(1) Which theretofore have been certified for handling and on which the merchantable restricted obligation has previously been met;

(2) Which have been packed as merchantable unshelled walnuts but have not been certified and on which the merchantable restricted obligation has not been met; and

(3) Which are estimated as merchantable unshelled but have not been packed as merchantable unshelled and are to be so packed.

(b) All merchantable shelled walnuts (except such as may be certified and held as surplus in accordance with the provisions of § 984.54), including the estimated quantity of merchantable shelled walnuts in unshelled lots to be shelled, held by him on the first day of August and January, respectively, showing the locations thereof and the quantities:

(1) On which the surplus obligation, if applicable, has previously been met;

(2) Which have been shelled but have not been certified and on which the surplus obligation, if applicable, has not been met; and

(3) Which are estimated as merchantable shelled walnuts to be produced, but have not yet been shelled.

§ 984.69 *Reports of merchantable unshelled walnuts shipped from stock.* Each handler, upon shipping merchantable unshelled walnuts from a lot covered by a stock certificate shall submit a report, at such intervals and in such form as the Control Board may prescribe, showing the pack, quantity, date of shipment, name and address of carrier, railroad car number, whether for interstate, intrastate, or export shipment, and if for export, the country of destination and such other information pertaining thereto as the Control Board may specify.

§ 984.70 *Reports of merchantable restricted and surplus walnuts held.* Each handler, from time to time, on demand of the Control Board, shall file with the Control Board a report of the merchantable restricted and surplus walnuts held by him pursuant to the provisions of §§ 984.49 and 984.54, as of any date specified by the Control Board. Such reports at the request of the Control Board may be in the form of confirmations of the records of the Control Board of such handler's holdings. Such reports shall show the quantity, pack (if unshelled), location, and the applicable handler's lot number of the walnuts covered thereby.

§ 984.71 *Reports of merchantable shelled walnuts handled.* Each handler who handles merchantable shelled walnuts at any time during a marketing year shall submit to the Control Board, in such form and at such intervals as the Control Board may prescribe, reports showing the net weight so handled by him and such other information pertinent thereto as the Control Board may specify.

§ 984.72 *Reports of disposition of merchantable restricted walnuts withheld*—(a) *Reports of intention to dispose.* Each handler before he disposes of any quantity of merchantable restricted walnuts held by him, shall file with the Control Board a report of his intention to dispose of such walnuts. This report shall be filed not less than five days prior to the date on which such walnuts are disposed of, unless the five-day period is expressly waived by the Control Board.

(b) *Report of disposition accomplished.* Each handler, within fifteen days after the disposition of any quantity of merchantable restricted walnuts, shall file with the Control Board a report of the actual disposition of such walnuts.

(c) *Requirements of reports.* The reports required by this section shall show the quantity, pack, location, the applicable handler's storage lot numbers, and the inspection certificate numbers of the walnuts covered thereby, and the disposition which is intended or which has been accomplished.

§ 984.73 *Reports of interstate handling within the area of production.* Within the area of production, any shipment of walnuts from California to Oregon or Washington, from Oregon to Washington, and from Oregon or Washington to California, for sale or delivery to a handler shall be reported to the Control Board by the shipper at time of shipment and by the handler immediately upon receipt of such shipment. The report by the shipper shall show the date of shipment, the quantities shipped, whether orchard-run, merchantable unshelled, or merchantable shelled, and the identity of the consignee. The report by the consignee shall show the date of receipt of the walnuts so shipped, the quantities and categories of the walnuts so received, the identity of the shipper, and shall include a certification to the United States Department of Agriculture and to the Control Board that the walnuts so received will be handled in accordance with regulations established pursuant to the provisions of § 984.48 or § 984.53.

§ 984.74 *Reports of receipts of merchantable restricted walnuts for shelling.* Each authorized sheller, immediately upon receipt of any lot of merchantable restricted walnuts, shall report to the Control Board the quantity and pack of the walnuts so received, the identity of the person from whom received, and, within fifteen days after the disposition of such walnuts, shall report such disposition to the Control Board.

§ 984.75 *Reports of disposition of substandard walnuts.* Each handler shall submit, in such form and at such intervals as the Board may determine, reports, certified to the Board and the Secretary of Agriculture, of (a) his production and holdings of substandard walnuts, and (b) the disposition of all substandard walnuts, including all deliveries of such walnuts to any other person, showing the quantity, lot, date, name and address of the person to whom delivered, the approved use and such other information pertaining thereto as the Control Board may specify.

§ 984.76 *Other reports.* Upon request of the Control Board, made with the approval of the Secretary, each handler shall furnish to the Control Board in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein) such other information as will enable the Control Board to perform its duties and exercise its powers hereunder.

§ 984.77 *Verification of reports.* For the purpose of checking and verifying reports filed by handlers or the operations of handlers under the provisions of this part, the Control Board, through its duly authorized agents shall have access to any handler's premises wherein walnuts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any walnuts so held by such handler and any and all records of the handler with respect to the holding or disposition of all walnuts which may be held or which may have been disposed of by such handler, including records with respect to acquirements, packing, shelling, and shipment of both unshelled and shelled walnuts, as applicable. Each handler shall furnish all labor necessary to facilitate such inspections as the Control Board may make of such handler's holdings of any walnuts. Each handler shall store all merchantable restricted and surplus walnuts held by him in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to inspection certificates of respective lots and of all such walnuts held or disposed of theretofore.

§ 984.78 *Certification of reports.* All reports submitted to the Control Board as required in this subpart shall be certified to the United States Department of Agriculture and to the Control Board as to the completeness and correctness of the information contained therein.

§ 984.79 *Books and other records.* Each handler shall maintain such records of walnuts received, held and disposed of by him as may be prescribed by the Control Board for the purpose of performing its functions under this subpart. Such books and records shall be retained and be available for examination by authorized representatives of the Control Board and the Secretary for a period of two years after the end of the marketing year in which the recorded transactions are completed.

MISCELLANEOUS PROVISIONS

§ 984.80 *Cancellation of certificates.* (a) Stock certificates covering merchantable unshelled walnuts which have not been handled may be cancelled for accounting purposes by the Control Board, at the request of any handler, and such handler's merchantable restricted, surplus and assessment obligations, pursuant to §§ 984.49, 984.54, and 984.66 (b), respectively, shall be adjusted to reflect any such cancellation: *Provided,* That no such cancellations or adjustments shall be made after the close of the marketing year in which the walnuts are certified.

(b) Except as provided in paragraph (d) of this section, no shipping certificate or stock certificate shall be cancelled after the walnuts covered by such certificate have been handled in trade channels for unshelled walnuts, and (except as provided in §§ 984.66 (b) and 984.83) no adjustments shall be made in a handler's control or assessment obligation with respect to merchantable unshelled walnuts which have been handled.

(c) Merchantable restricted or surplus certificates shall be cancelled to facilitate withholding and assessment accounting in connection with any exchanges of merchantable restricted or surplus walnuts as provided in § 984.86 and to correct the record with respect to any excess withholdings by handlers. The handler shall be responsible for initiating any such cancellations.

(d) The Board may make adjustments in handler's control and assessment obligations upon satisfactory proof being furnished by such handler that merchantable unshelled walnuts held by him were destroyed by fire, flood, or by any other means beyond the handler's control: *Provided,* That no such adjustments shall be made after September 1 of the succeeding marketing year.

§ 984.81 *Postponement of control obligation upon the filing of a bond*—(a) *Right to postpone control obligations.* Compliance by any handler with the requirements of §§ 984.49 and 984.54 as to the time when merchantable restricted and surplus walnuts shall be withheld shall be deferred to any date desired by the handler, but as to the merchantable restricted obligation, not later than December 31 of the marketing year; and as to the surplus obligation, not later than March 1 of the marketing year with respect to obligations accumulated between August 1 and January 31, inclusive, and not later than August 31 of the succeeding marketing year with respect to obligations accumulated between February 1 and July 31, inclusive, of such marketing year. Such deferment shall be granted only upon the execution and delivery by such handler to the Control Board before he handles any walnuts of such marketing year of a written undertaking that, on or prior to the dates specified by such handler, he will have fully satisfied his control obligations as prescribed in §§ 984.49 and 984.54.

(b) *Filing of bond.* Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the Control Board and with a surety or sureties acceptable to the Control Board, in the amount or amounts stated below, conditioned upon full compliance with such undertaking. The amount of the bond for deferment of the merchantable restricted obligation shall be the amount obtained by multiplying the poundage bearing the lowest bonding rate or rates which could have been selected for withholding from the packs handled or certified for handling, by the applicable bonding rate or rates. The amount of the bond for deferment of the surplus obligation shall be the total deferred surplus obligation of the handler, in terms of sound kernel weight, multiplied by the bonding rate established pursuant to paragraph (c) of this section. The cost of such bond or bonds shall be borne by the handler filing the same.

(c) *Bonding rates*—(1) *Merchantable restricted.* The bonding rate for merchantable restricted walnuts for each pack shall be an amount per pound representing the season's domestic opening price for such bulk pack net to packer f. o. b. shipping point which shall be computed at 95 percent of the opening price for such bulk pack announced by the packer or packers who, during the preceding marketing year, handled two-thirds of the merchantable unshelled walnuts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding marketing year, using the minimum number of packers to represent a volume of two-thirds of the total volume handled. If such opening prices involve different prices announced by two or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding marketing year by each such packer.

(2) *Surplus walnuts.* The bonding rate for surplus walnuts shall be based upon the price per pound for bulk "light amber halves and pieces" and shall be computed at 95 percent of the weighted average domestic price f. o. b. shipping point at which such grade was sold or offered for sale during the calendar week in which the Secretary establishes the marketable and surplus percentages pursuant to § 984.53 of this subpart, by any handler or handlers who during the preceding marketing year, handled 51 percent of the merchantable shelled walnuts handled by all handlers: *Provided,* That if "light amber halves and pieces" are not sold or offered for sale during the aforesaid calendar week, the Control Board shall designate the nearest comparable grade of bulk merchantable shelled walnuts sold or offered for sale during such week by the aforesaid handler or handlers. Such handlers shall be selected in order of volume handled in the preceding marketing year, using a minimum number of handlers to represent a volume of 51 percent of the total volume of merchantable shelled walnuts handled during such year. The price or prices of such handler or handlers so selected shall be reported to the Control Board and shall be certified by such handler or handlers to the United States Department of Agriculture and to the Control Board as to their correctness. If prices from two or more handlers are involved for the designated grade, the prices so reported shall be averaged on the basis of the quantity of merchantable shelled walnuts handled during the preceding marketing year by each such handler. Such rate may be modified by the Control Board with the approval of the Secretary.

(d) *Replacement by Control Board.* (1) Any sums collected through default of a handler on his bond shall be used by the Control Board to purchase walnuts from handlers as provided herein. With respect to default on a bond for a merchantable restricted obligation, a quantity of merchantable unshelled walnuts represented by the sum collected through such default; and with respect to default on a bond for surplus obligation, to the extent such obligation is not satisfied by exportation of merchantable unshelled walnuts, a quantity of sound kernels, or the equivalent thereof in unshelled walnuts represented by the sum collected through such default. Purchases in connection with merchantable restricted walnuts shall be made from the merchantable unshelled walnuts with respect to which the merchantable restricted obligation has not been met and at not to exceed the applicable bonding rate for each pack. Purchases in connection with surplus walnuts shall be made from walnuts with respect to which the surplus obligation has not been met: *Provided,* That if merchantable unshelled walnuts or walnuts are not available on which the merchantable restricted or surplus obligation, respectively, have not been met the Control Board may make purchases of walnuts on which the respective Control Board obligations have been met, in which event the seller's respective control obligation shall be reduced accordingly. The Control Board shall at all times purchase the lowest priced walnuts or packs offered, consistent with the requirements established for merchantable restricted and surplus walnuts, and when offered at the same prices, the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings.

(2) Walnuts purchased to satisfy control obligations shall be turned over to those handlers who have defaulted on their bonds, for disposition pursuant to §§ 984.61 and 984.62. The quantity delivered to each handler shall be that quantity represented by the sums collected through default, and the different grades of merchantable unshelled walnuts, if any, shall be apportioned as nearly as practicable among the various packers in the ratio that the quantity of walnuts to be delivered to each packer is to the total quantity purchased by the Control Board with bonding funds.

(e) *Disposition of excess funds.* After the Control Board has purchased walnuts to the extent and in the manner provided in paragraph (d) of this section, any unexpended sums which have been collected by the Control Board through default of handlers on their bonds remaining in possession of the Control Board at the end of a marketing year shall be used to reimburse the Control Board for its expenses, including administrative and other costs, incurred in the collection of such sums and in the purchase of walnuts, any balance remaining, shall be refunded to the handlers from whom such sums were collected in proportion to the respective collections thereunder. If the Control Board is unable to purchase walnuts to the extent and as provided in paragraph (d) of this section, any unexpended sums which have been collected by the Control Board through default of a handler on his bond shall be used to reimburse the Control Board for its expenses, including administrative and other costs incurred in the collection of such sums and in the attempt to purchase such walnuts, and any balance shall be distributed among all handlers in proportion to the quantity of merchantable unshelled walnuts or of sound kernels handled by them during the marketing year in which the default occurred.

(f) *Satisfaction of control obligations.* Collection by the Control Board upon any bond or bonds filed pursuant to the provisions of this section shall be deemed a satisfaction of the merchantable restricted or surplus obligations represented by such collection: *Provided,* That merchantable unshelled or surplus walnuts turned over to handlers are disposed of pursuant to §§ 984.61 and

984.62. A handler who has defaulted on his bond shall be credited on his merchantable restricted obligation with that quantity of merchantable unshelled walnuts represented by the sums collected on account of such default, and on his surplus obligation with that quantity of sound kernels represented by the sums collected on account of such default.

§ 984.82 *Revision of control percentages.* (a) The Secretary, on request of the Control Board made at any time prior to February 15 of any marketing year (or if the Control Board shall fail so to request, on request within like time of two or more handlers who have handled during the immediately preceding marketing year at least 10 percent of the total tonnage of merchantable unshelled walnuts or of merchantable shelled walnuts, respectively, handled by all handlers during such marketing year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable unshelled walnuts or merchantable shelled walnuts, respectively, available for sale will not be sufficient to supply the respective trade demand therefor and provide an adequate carryover, may decrease the merchantable restricted percentage or the surplus percentage, respectively, to conform to such finding.

(b) The Control Board prior to February 15 of each year for which a control percentage has been established, shall review on the basis of actual production in each of the two districts the control percentages established for that year, and shall recommend to the Secretary on or before that date such changes of the control percentages established for each district as are necessary in order to give reasonable effect, on the basis of such actual production, to the standards prescribed in §§ 984.47 (b) and 984.52 (a). The Secretary on such recommendation by the Control Board (or if the Control Board shall fail to make a recommendation then on request not later than February 15 of two or more handlers who have handled during the immediately preceding marketing year at least 10 percent of the total tonnage of merchantable unshelled walnuts or of merchantable shelled walnuts, respectively, handled by all handlers in their district during such marketing year) and after a finding of fact that the merchantable restricted or surplus percentage established for that marketing year as to walnuts produced in either district is too high for that district in relation to said standards, the Secretary shall decrease accordingly such percentage for that district: *Provided, however,* That in no event shall the merchantable restricted or surplus percentage of one district, as thus changed, be less than one-half of such percentage as established for the other district.

§ 984.83 *Adjustment upon revision of control percentages.* Upon any revision in the control percentages, the control obligation of each handler with respect to the walnuts handled, declared, or certified for handling by him for the entire marketing year shall be recomputed in accordance with such revised control percentages. From the walnuts still held by a handler to meet his control obligations and from such surplus walnuts that may have been delivered by him to the Control Board pursuant to § 984.62 (b) and which are still held by the Control Board, the handler shall be permitted to select insofar as practicable, under the supervision and direction of the Control Board, the particular walnuts to be removed from the walnuts withheld.

§ 984.84 *Application of control percentage and bonding rates after end of marketing year*—(a) *Control percentages.* The control percentages established for any marketing year shall continue in effect with respect to all walnuts, for which the control obligations have not been previously met, which are handled, declared, or certified for handling by any handler after the end of such marketing year. After such percentages are established for the new marketing year, the control obligations for all such walnuts theretofore handled, declared or certified for handling during the marketing year shall be adjusted to the newly established percentages.

(b) *Bonding rates.* The bonding rates established for any marketing year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to § 984.81 (b), after the end of such marketing year and until such bonding rates are modified. After bonding rates are established for a new marketing year, the new rates shall be applicable and any bond or bonds theretofore given for that marketing year shall be adjusted to the new rates.

§ 984.85 *Interhandler transfers.* (a) Within the area of production unshelled walnuts other than merchantable free walnuts may be sold or delivered by one handler to another for packing or shelling and the receiving packer or sheller shall comply with the regulations made effective pursuant to this part with respect to such walnuts.

(b) A handler may, for the purposes of meeting his control obligations, acquire walnuts from another handler, and any assessments, control obligations and inspection requirements with respect to walnuts so transferred shall be waived insofar as the seller is concerned. The Board, with the approval of the Secretary, may establish methods and procedures including necessary reports for such transfers.

(c) Except as provided in paragraphs (a) and (b) of this section, whenever transfers of walnuts are made from one handler to another, the first handler thereof shall comply with all of the regulations effective pursuant to this part.

§ 984.86 *Exchange of walnuts withheld.* Any handler who has withheld walnuts pursuant to the requirements of §§ 984.49 and 984.54 and has had them certified as walnuts eligible to meet his control obligations, may exchange therefor, in the case of merchantable restricted walnuts, an equal quantity by weight of other merchantable unshelled walnuts, or in the case of surplus walnuts, an equal quantity, by weight of sound kernels, of other walnuts meeting the grade requirements for surplus. Any such exchange shall be made under the supervision and direction of the Control Board or its designated inspectors, with appropriate inspection and certification of the walnuts received in exchange.

§ 984.87 *Assistance of Control Board in meeting control obligations.* The Control Board, on written request, may assist handlers in accounting for their control obligations and may aid any handler in acquiring walnuts to meet any deficiency in a handler's control obligation, or in accounting for and disposing of walnuts withheld.

§ 984.88 *Exemptions*—(a) *Exempt packs of merchantable unshelled walnuts.* The control percentages established pursuant to §§ 984.48 and 984.53 shall not apply to separate packs of merchantable unshelled walnuts of which not over 12 percent by count pass through a round opening 9/64 inches in diameter.

(b) *Walnuts not subject to regulation.* Except as otherwise provided in this section, nothing contained in this part shall be construed to authorize any limitation of the right of any person to handle unshelled or shelled walnuts for consumption by charitable institutions, for distribution by relief agencies, sale to governmental agencies for school lunch purposes, or in such minimum quantities or types of shipments as the Control Board may, with the approval of the Secretary, prescribe.

(1) No assessment shall be levied pursuant to § 984.66 (b) on walnuts disposed of for the purposes or in the quantities specified in or pursuant to this paragraph.

(2) The Control Board shall prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as it deems necessary to effectuate the provisions of this section.

§ 984.89 *Compliance.* Except as provided in this subpart, no person shall handle walnuts, unshelled or shelled, during any marketing year in which this subpart and any regulation issued by the Secretary hereunder are in effect unless such person has previously met the obligations imposed by each such regulation and the provisions of this subpart.

§ 984.90 *Rights of the Secretary.* The members of the Control Board (including successors and alternates), and any agent, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Control Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the Control Board shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. If the Control Board, for any reason, fails to perform its duties or exercise its powers under this subpart, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 984.91 *Personal liability.* No member or alternate of the Control Board nor any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate or employee, except for acts of dishonesty.

§ 984.92 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 984.93 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 984.94 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof except with respect to acts done under and during the existence hereof.

§ 984.95 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 984.96 *Effective time and termination*—(a) *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington: *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such walnuts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current marketing year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the Control Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Control Board, of all funds and property then in the possession or under the control of the Control Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Control Board and the joint trustees to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Control Board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been transferred or delivered by the Control Board or its members, pursuant to this section, shall be subject to the same obligation imposed upon the members of the said Control Board and upon said joint trustees.

§ 984.97 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

Order Directing That Referendum Be Conducted Among Producers of Walnuts in California, Oregon, and Washington; Designating Agents To Conduct Referendum; and Determining Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1956, through July 31, 1957, hereby determined to be the representative period for the purpose of this referendum, were engaged in the states of California, Oregon and Washington, in growing walnuts for market, to determine whether such producers approve or favor the issuance of an amended order regulating the handling of walnuts grown in these states. Said order, as proposed to be amended, is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Said referendum shall be conducted as soon as is reasonably practicable after September 1, 1957.

The procedure applicable to this referendum shall be "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176; 19 F. R. 35), except that subparagraph (5) of paragraph (c) is hereby amended to read: "(5) Make available to cooperative marketing associations and to all producers except those belonging to cooperative marketing associations which elect to vote for their members, copies of the text of the proposed amended order instructions on voting, and appropriate ballots and other necessary forms," and subparagraph (6) of paragraph (c) is hereby amended by changing the period at the end to a comma, and adding immediately thereafter the following: "except those producers belonging to a cooperative association which elects to vote in their stead."

W. Allmendinger, Dower T. Mohun, Robert H. Eaton, Robin G. Henning, and Dehard B. Johnson of the Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, are hereby designated as agents of the Secretary to conduct said referendum jointly or severally.

Copies of the text of the aforesaid amended order may be obtained or examined in: the Office of the Hearing Clerk, Room 112, Administration Building, U. S. Department of Agriculture, Washington 25, D. C.; and the Western Marketing Field Offices, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture at 2082 Center Street, Berkeley 4, California, and 1218 S. W. Washington Street, Portland 5, Oregon. Additional ballots and other necessary forms may also be obtained at the aforementioned field offices.

Dated: August 16, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6930; Filed, Aug. 21, 1957; 8:53 a. m.]

[7 CFR Part 1005]

[Docket No. AO-272]

MILK IN NORTH CENTRAL IOWA MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR COMPLETING REFERENDUM PROVIDED FOR IN DECISION OF SECRETARY

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for completing the referendum pursuant to the referendum order in the Acting Secretary's decision, issued on July 30, 1957 (22 F. R. 6235) with respect to a proposed marketing agreement and order regulating the handling of milk in the North Central Iowa marketing area, is hereby extended to August 23, 1957.

Dated: August 16, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6931; Filed, Aug. 21, 1957; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 234]

[Economic Regs. Draft Release No. 86]

FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS; REALISTIC SCHEDULING REQUIRED

REPORTING OF FLIGHT DELAYS

AUGUST 16, 1957.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of Part 234 of the Economic Regulations, requiring all domestic certificated air carriers to file monthly reports with the Board showing the extent of flight delays on both a block-to-block and a time-of-arrival basis.

The principal features of the proposed amendment are explained in the Explanatory Statement below, and the proposed amendment is set forth below.

This amendment is proposed under authority of sections 205 (a) and 407 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 1000; 49 U. S. C. 425, 487).

Interested persons may participate in the proposed rule-making through submission of written data, views or arguments, pertaining thereto in quadruplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before September 20, 1957, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after September 25, 1957, for examination by interested persons in the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. At the present time, carriers report as part of Form 41 the extent to which flights are cancelled and the Board has available to it the operating performance factor for each airline, the latter being calculated on the basis of miles scheduled and actually flown during any particular month. This operating performance factor is an indication of operating conditions which require a carrier to cancel flights because of weather, mechanical conditions, lack of necessary spare equipment or other reasons. With the enactment of a realistic scheduling regulation (Part 234), it is desirable that carriers report flight delays on both a block-to-block and time-of-arrival basis. This reporting would give the Board a basis for analyzing schedule reliability and assessing the feasibility at some future time of adopting an on-time performance regulation which was originally envisioned within Part 234. Publication of delay statistics would furthermore provide the carriers with a basis for assessing their efficiency in relation to other carriers in the industry.

The proposed amendment prescribes a standard reporting form on which a carrier will be required to disclose the total number of flights, the number on time, the number up to 15 minutes late, 15 to 30 minutes late, 30 to 45 minutes late, 45 minutes to an hour late and over an hour late.

Proposed rule. It is proposed to amend Part 234 [1] of the Economic Regulations by adding a new § 234.8 to read as follows:

§ 234.8 *Reporting of flight delays.* Each certificated air carrier shall file with the Board CAB Form —, entitled "Monthly Statement of Schedule Performance," [2] in duplicate, in accordance with the instructions accompanying such form and the requirements of this section. Each such certificated air carrier shall establish all records needed in order to accomplish full compliance with the reporting requirements of this part and shall preserve such records in accordance with the provision of Part 249 of this subchapter. Such reports shall be filed within 30 days after the termination of each prescribed reporting period and shall be certified to be correct by a responsible officer of the reporting air carrier. Each such report shall contain a statement of the number of schedules operated from terminal to terminal for each separately identified flight with a breakdown as to the number of schedules which were operated in excess of the scheduled block-to-block time, and the number of schedules in which the actual time of arrival at destination terminal was the same as (or earlier) and later than the time indicated in the applicable flight schedule.

[F. R. Doc. 57-6936; Filed, Aug. 21, 1957; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Washington 02966]

WASHINGTON

RESTORATION ORDER UNDER FEDERAL POWER ACT

AUGUST 15, 1957.

Pursuant to determination DA-112, Washington, made by the Federal Power Commission, and in accordance with section 2.5, Part 2, and the Redelegation Order No. 541 approved April 21, 1954, by the Director, Bureau of Land Management, 19 F. R. 2473, it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

WILLAMETTE MERIDIAN, WASHINGTON

T. 40 N., R. 36 E.,
Sec. 23, Lot 4, NE¼SW¼;
Sec. 26, NW¼NW¼.

The areas described total 131.75 acres of public land.

The subject lands are located in Power Site Classification No. 373, dated December 8, 1944. These lands are located two and one-half miles north of Rockcut, Washington, and six miles north of Orient, Ferry County, Washington, on the east side of the Kettle River and are accessible by county road and have an average elevation of 1500 feet.

The soil consists of fine sandy loam and gravelly sandy loam and can be principally used for grazing purposes, but does possess some farming possibilities.

The lands described shall be subject to application by the State of Washington for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with the provisions of the act of May 28, 1948 (62 Stat. 275).

Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations in accordance with the following:

A. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowances and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended) presented prior to 10:00 a. m., September 1, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., November 29, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., November 29, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

B. The lands have been opened to location and entry under the United States Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to applications and offers under the mineral leasing laws.

Persons claiming veteran's preference rights under paragraph A (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 209 Federal Building, Spokane 1, Washington.

KENNETH A. BURKHOLDER,
Acting State Supervisor.

[F. R. Doc. 57-6890; Filed, Aug. 21, 1957; 8:45 a. m.]

CALIFORNIA

NOTICE OF HEARINGS ON PROPOSED WITHDRAWALS OF PUBLIC LANDS

AUGUST 14, 1957.

Notice is hereby given that public hearings will be held at the time and place indicated below, pertaining to the requests by the Fish and Wildlife Service, Department of the Interior, for the withdrawal from all forms of appropriation under the public land laws, except mineral leasing under the mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185), of certain public lands for use by the California Department of Fish and Game to protect, develop and manage the wildlife resources as set forth in the Notice of Proposed Withdrawal and Reservation of Lands, published in the FEDERAL REGISTER on various dates indicated. The management, use and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations.

Serial No.	Area	Acreage	County	Date and time of hearing	Place	Published in FEDERAL REGISTER
LA-0135993	McCain Valley	38,691	San Diego	Oct. 1, 1957, Tuesday, 10 a. m.	Chamber of Commerce Bldg., 499 West Broadway, San Diego, Calif.	May 8, 1957, pages 3230–3231.
SAC-051359	Panoche	49,120	Fresno and San Benito.	Oct. 3, 1957, Thursday, 2 p. m.	Auditorium (The Fort), Lincoln Ave., Taft, Calif.	May 8, 1957, Page 3231.
SAC-052956	New Idria	62,154	Fresno, Monterey, San Benito.	do	do	May 9, 1957, pages 3269–3270.
SAC-052887, LA-0146498	Temblor	57,361	Kern, San Luis Obispo.	do	do	May 17, 1957, pages 3472–3473.
SAC-052957, LA-0146499	Caliente	58,111	Kern, San Luis Obispo.	do	do	May 17, 1957, pages 3473–3474.
SAC-052889	Mt. Dome	22,275	Siskiyou	Oct. 7, 1957, Monday, 10 a. m.	Sportsman Hotel, Tulelake, Calif.	Apr. 18, 1957, pages 2714–2715.
SAC-052890	Cinder Cone	27,703	Shasta	Oct. 9, 1957, Wednesday, 10 a. m.	Fair Grounds Bldg., McArthur, Calif.	Apr. 18, 1957, page 2715.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent, and extent; and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof not later than September 23, 1957, with the State Supervisor, Bureau of Land Management, Room 801, California Fruit Building, Fourth and J Streets, Sacramento 14, California.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-6891; Filed, Aug. 21, 1957; 8:46 a. m.]

[Document 158]

[Classification No. 57]

ARIZONA

SMALL TRACT CLASSIFICATION

AUGUST 14, 1957.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), I hereby classify the following described public lands, totalling 606.01 acres in Pima County, Arizona, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 12 E.,
Sec. 5: Lots 5 through 69;
Sec. 8: Lots 1 through 67.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284) as amended.

4. There are no valid applications on file that will be subject to the preference right provided by 43 CFR 257.5 (a).

EUGENE H. NEWELL,
State Lands and Minerals Officer.

[F. R. Doc. 57-6889; Filed, Aug. 21, 1957; 8:45 a. m.]

National Park Service

[Region 2 Order 3, Amdt. 4]

SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RESPECT TO TRANSFERRED PROPERTIES

JULY 26, 1957.

A new subsection (h) is hereby added to section 1; a new subsection (f) is hereby added to section 2; and a new subsection (o) is hereby added to section 3 of Order No. 3, issued February 17, 1956 (21 F. R. 1494), reading as follows:

Section 1 (h); section 2 (i); section 3 (o):

Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., section 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C., 1952 ed., section

[1] See Title 14, Chapter I, Part 234, *supra.*
[2] Copies available upon request to CAB, Washington 25, D. C.

484), and review of the grantees' biennial reports and their acceptance when satisfactory.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2)

HOWARD W. BAKER,
Regional Director, Region Two.

[F. R. Doc. 57-6894; Filed, Aug. 21, 1957; 8:46 a. m.]

[Region 3 Order 3, Amdt. 3]

SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RESPECT TO TRANSFERRED PROPERTIES

1. A new paragraph (g) and reading as follows, is added to section 1:

(g) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C. 1952 ed., section 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C. 1952 ed., section 484), and review of the grantees' biennial reports and their acceptance when satisfactory.

2. A new paragraph (h) and reading as follows, is added to section 2:

(h) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., section 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C., 1952 ed., section 484), and review of the grantees' biennial reports and their acceptance when satisfactory.

3. A new paragraph (n) and reading as follows, is added to section 3:

(n) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., sec. 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C., 1952 ed., sec. 484), and review of the grantees' biennial reports and their acceptance when satisfactory.

(National Park Service Order 14)

HUGH M. MILLER,
Regional Director, Region Three.

[F. R. Doc. 57-6893; Filed, Aug. 21, 1957; 8:46 a. m.]

Office of the Secretary

VOLUNTARY OIL IMPORT PROGRAM

1. The President's Special Committee to Investigate Crude Oil Imports reported to the President on July 29, 1957, and the President on the same day approved the recommendations set forth in the report. Part V of that report contains a Voluntary Oil Import Program with which the importing companies have been requested to comply. Paragraph 4, Part V of the report provides as follows:

The plan above outlined should be administered by the Department of the Interior under policy guidance from the Office of Defense Mobilization. In the administration of the plan, provision should be made for the hearing and consideration of cases where it is alleged that inequities would result from the application of the plan, with the understanding that the administrator will have authority to establish the necessary administrative procedures and act in such a manner as to alleviate inequities when they are found to exist, including any showing that the plan does not provide competitive opportunities for newer importers.

2. Any importing company which believes that the application of the Voluntary Oil Import Program referred to above would result in inequities may file a petition with the Administrator, Voluntary Oil Import Program, Department of the Interior, Washington 25, D. C. The petition should describe and explain the particular inequitable results which the company believes would be caused by the application of the program. A hearing will be afforded, if requested by the petitioner.

3. Paragraph 2, d, of Part V of the Report of the Special Committee provides as follows:

New importers should have the opportunity to enter and share in a reasonable manner in the United States market. Companies planning to become importers should present their plans to the Department of the Interior at least six months before their plans are to become operative. A determination should then be made as to the extent these importers should share in the market initially, and as to whether room can be made for them as a result of the increase in permissible imports arising out of the increase in domestic demand or whether it will be necessary for older importers to decrease their imports in order to make room for the new companies.

The plans referred to above should be submitted within the time specified to the Administrator, Voluntary Oil Import Program, Department of the Interior, Washington 25, D. C. While the Special Committee did not propose voluntary import limitations for District V (Arizona, California, Nevada, Oregon, and Washington) at the present time and no determinations need now be made with respect to companies planning to become importers in this district, such companies are nevertheless requested to submit their plans to the Administrator for his information.

4. Petitions and supporting papers and plans of new importers submitted pursuant to these instructions will be available for public inspection at the Office of the Administrator of the Voluntary Oil Import Program and written comments or statements may be filed with the Administrator by persons interested. A copy of such comments or statements should be sent to the company which has filed the petition or plan. Hearings will be public.

5. Copies of the Report of the President's Special Committee to Investigate Crude Oil Imports may be obtained from the U. S. Department of Commerce, Washington 25, D. C., at 25 cents a copy.

M. V. CARSON, JR.,
Administrator,
Voluntary Oil Import Program.

AUGUST 16, 1957.

[F. R. Doc. 57-6895; Filed, Aug. 21, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 442]

CLEVELAND UNION STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on October 30, 1956 (15 A. D. 1121), authorizing the respondent, Cleveland Union Stock Yards Company, Cleveland, Ohio, to continue assessing to and including December 8, 1958, certain rates and charges petitioned for by the respondent and authorized by an order issued on November 20, 1952 (11 A. D. 1079).

On August 7, 1957, the respondent filed a petition requesting that it be authorized "to publish, file with the Secretary, and collect" the rates and charges set forth below or "such other rates and charges as the Secretary may find to be just, reasonable and non-discriminatory."

(a) *For yardage.*
Cattle—95 cents per head.
Calves—50 cents per head.
Hogs—40 cents per head.
Sheep—22 cents per head.
(b) *Storage for market livestock after sale.*
Cattle—20 cents per head.
Calves—10 cents per head.
Hogs—8 cents per head.
Sheep—6 cents per head.
(c) *For handling and delivery of direct shipments by truck.*
Cattle—48 cents per head.
Calves—25 cents per head.
Hogs—20 cents per head.
Sheep—13 cents per head.
(d) *For handling and storage of railborne shipments not offered for sale on the public market.*
Cattle—20 cents per head.
Calves—10 cents per head.
Hogs—8 cents per head.
Sheep—6 cents per head.
Horses—75 cents per head.
(e) *For re-weighing.*
Cattle—30 cents per head.
Calves—16 cents per head.
Hogs—10 cents per head.
Sheep—10 cents per head.
(f) *For re-sale or change of ownership.*
Cattle—12 cents per head.
Calves—7 cents per head.
Hogs—7 cents per head.
Sheep—5 cents per head.
(g) *Feed.*
Owners of livestock at the time of feeding will be charged for feed as follows:
Corn—70 cents per bushel over cost.
Hay—70 cents per 100 pounds over cost.

The proposed rates and charges, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 16th day of August 1957.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57-6908; Filed, Aug. 21, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-12226—G-12228]

TEXAS EASTERN PENN-JERSEY TRANSMISSION CORP. ET AL.

NOTICE OF HEARING

AUGUST 16, 1957.

In the matters of Texas Eastern Penn-Jersey Transmission Corporation, Docket No. G-12226; Texas Eastern Transmission Corporation, Docket No. G-12227; Algonquin Gas Transmission Company, Docket No. G-12228.

Take notice, that a public hearing will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., on September 11, 1957, at 10:00 a. m., e. d. s. t., concerning the matters of fact involved in and the issues of law, if any, presented by the applications, as amended and supplemented in each of the above designated dockets (G-12226, filed by Texas Eastern Penn-Jersey Transmission Corporation; G-12227, filed by Texas Eastern Transmission Corporation and G-12228, filed by Algonquin Gas Transmission Company, respectively), under the Natural Gas Act, as amended, and the rules and regulations of the Commission. Separate applications by the above-named parties were filed concurrently for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended. Notice of the said applications was duly given, including publication thereof in the FEDERAL REGISTER on May 22, 1957 (22 F. R. 3602-3603 and 3604).

Since the date of publication of notice of applications in the FEDERAL REGISTER, customers have petitioned to intervene in support of the applications. No protests to the granting of the applications have been filed.

Temporary authorizations for construction of the facilities described in the applications at Docket Nos. G-12226 and G-12227 were granted by the Commission on June 12, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6896; Filed, Aug. 21, 1957; 8:47 a. m.]

[Docket No. G-13069]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 16, 1957.

Phillips Petroleum Company (Phillips) on March 15, 1957, tendered for filing proposed changes in one of its presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Notice of Change, dated March 11, 1957.
Purchaser: Michigan-Wisconsin Pipe Line Company.
Rate schedule designation: Supplement No. 21 to Phillips' FPC Gas Rate Schedule No. 4.
Effective date: September 15, 1957.[1]

In support of its proposed increases in rates, Phillips avers that such increased rates are in accordance with the contract and are less than the just and reasonable rates, but are the maximums permitted by the contract, since under the Mobile decision the just and reasonable rates cannot be proposed. Phillips also states that the proposed rates will not result in excessive return as illustrated by its Exhibit Nos. 282, 284, 289, and 291, submitted in the rate hearings in Docket No. G-1148, et al.

The rates currently in effect under Phillips' FPC Gas Rate Schedule No. 4 were suspended by the Commission in Docket Nos. G-6621, G-7773 and G-10793, and were made effective subject to corporate undertaking to refund any excess charges found not justified on February 1, 1955, February 1, 1955 and November 15, 1956, respectively. The related rate increase proposal of Michigan-Wisconsin Pipe Line Company (Michigan-Wisconsin), which again activated the spiral escalation provisions of Phillips' FPC Gas Rate Schedule No. 4, was suspended by the Commission's order issued March 28, 1957 in Docket No. G-12292, until September 15, 1957.

The increased rates and charges as proposed by Phillips in Supplement No. 21 to its FPC Gas Rate Schedule No. 4 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of Phillips said proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6897; Filed, Aug. 21, 1957; 8:47 a. m.]

[1] Phillips requested that the proposed rate changes be made effective either on April 15, 1957, or on such subsequent date as the related rate increase of Michigan-Wisconsin Pipe Line Company is made effective in Docket No. G-12292.

[Docket Nos. G-12712, G-12714]

UNITED GAS PIPE LINE CO. AND WM. T. BURTON INDUSTRIES, INC.

NOTICE OF APPLICATIONS, CONSOLIDATION AND DATE OF HEARING

AUGUST 16, 1957.

In the matters of United Gas Pipe Line Company, Docket No. G-12712; Wm. T. Burton Industries, Inc., Docket No. G-12714.

Take notice that United Gas Pipe Line Company (United), a Delaware corporation, with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, and Wm. T. Burton Industries, Inc. (Burton), a Louisiana corporation, with principal place of business in Sulphur, Louisiana, hereinafter collectively referred to as Applicants, filed in Docket Nos. G-12712 and G-12714 on June 10, 1957, respectively, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

United proposes to construct and operate approximately 6.3 miles of 10-inch lateral supply line extending southeasterly from a point of connection near milepost 33 on United's existing 16-inch Lirette Field, La.-Mobile, Ala. line to Bayou Des Allemands Area, Lafourche and St. Charles Parishes, Louisiana, together with a meter and separator at the end thereof. In addition, United proposes to construct and operate approxi-

mately 0.1 mile of 6-inch lateral line tapping the aforesaid proposed line near its terminus in said Area, together with a meter and separator also located at the end thereof.

These facilities will be used for the purpose of enabling United to take natural gas produced by Burton in the Bayou Des Allemands Area, Lafourche and St. Charles Parishes, Louisiana, into its existing pipeline system. United will use this gas to assure the continued and uninterrupted flow of natural gas to its existing customers in meeting their present and future requirements. The estimated total cost of the facilities is $385,427 which will be financed by United out of current working funds.

Burton proposes to sell natural gas in interstate commerce to United for resale. In this respect, Burton has entered into a 20-year gas sales contract with United, dated May 25, 1957, under the terms of which Burton has dedicated to the performance thereof, all of the natural gas, subject to certain reservations, produced from its interests in all lands and leaseholds now owned by Burton in the Bayou Des Allemands Area, Lafourche and St. Charles Parishes, Louisiana, as set forth in the applications.

United states that the estimated total volume of proven reserves in place in the dedicated acreage is 33,047,000 Mcf at 14.73 psia and that the estimated total volume of recoverable reserves is 28,158,000 Mcf at 14.73 psia. United also states that Bayou Des Allemands Field is not fully developed at the present time; that it is conservatively estimated that there is a deliverability of 10,000 to 15,000 Mcf per day at present; that United will purchase between 2,000,000 and 4,000,000 Mcf during the first year after deliveries commence; that after the area has been fully developed, there will be an estimated deliverability of 40,000 Mcf per day; and that United will purchase an estimated quantity of between 9,000,000 and 12,000,000 Mcf each year thereafter.

The aforesaid contract provides for an initial price of 21.25 cents per Mcf at 15.025 psia for each of the 1st 4 years; 22.25 cents for each of the next 4 years; 23.25 cents for each of the next 4 years; 24.25 cents for each of the next 4 years; and 25.25 cents for each of the next 4 years. The prices for each of the aforesaid escalation periods, i. e., all prices after the initial price of 21.25 cents for the 1st 4 years, are subject to renegotiation as set forth in detail in the contract. In addition to the foregoing prices, United will reimburse Burton for the present Louisiana severance and gathering taxes and for 7/8ths of any new or increase in taxes.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 26, 1957, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6898; Filed, Aug. 21, 1957; 8:47 a. m.]

[Docket No. G-12875]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 16, 1957.

Take notice that on July 11, 1957, Colorado Interstate Gas Company (Applicant), a Delaware corporation having its principal place of business in Colorado Springs, Colorado, filed in Docket No. G-12875 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new tap and measuring and regulating station at its McClintock Compressor Station in El Paso County, Colorado, for the sale and delivery of natural gas to the City of Colorado Springs, Colorado, for resale to the United States Air Force Academy, as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated cost of construction of the proposed facilities is $26,901 which will be defrayed from funds on hand. The estimated gas requirements of the Academy for the first three years of service are:

	1st year	2d year	3d year
Peak day (Mcf)	732	1,464	1,464
Annual interruptible (Mcf)	433,500	867,000	867,000
Annual firm (Mcf)	116,750	233,500	233,500
Total annual (Mcf)	550,250	1,100,500	1,100,500

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 20, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6899; Filed, Aug. 21, 1957; 8:48 a. m.]

[Docket No. G-13062]

REPUBLIC NATURAL GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 16, 1957.

Republic Natural Gas Company (Republic) on July 22, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Letter, dated April 24, 1957, Notice of Change, dated July 19, 1957.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 6 to Republic's FPC Gas Rate Schedule No. 11. Supplement No. 7 to Republic's FPC Gas Rate Schedule No. 11.
Effective date:[1] September 1, 1957.

In support of the proposed redetermined rate increase, Republic states the original gas purchase contract provides for the periodic price redetermination every five years to establish fair, just and reasonable prices and the proposed rate resulted from arm's length bargaining in light of current prices being paid in the area. Republic has submitted no data showing the need of the increased revenue requirements.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6900; Filed, Aug. 21, 1957; 8:48 a. m.]

[1] The stated effective date is the effective date proposed by Republic.

[Docket No. G-13063]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 16, 1957.

Pan American Petroleum Corporation (Pan American) on July 25, 1957, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 22, 1957.
Purchaser: Texas Illinois Natural Gas Pipe Line Company.
Rate schedule designation: Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 51.
Effective date:[2] September 1, 1957.

In support of the proposed periodic rate increase, Pan American states that the increased rate is a contractual obligation and allowance thereof will not adversely affect competition with other fuels.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6901; Filed, Aug. 21, 1957; 8:48 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11000.
[2] The stated effective date is the effective date proposed by Pan American.

[Docket No. G-13064]

PAN AMERICAN PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 16, 1957.

Pan American Petroleum Corporation (Operator), et al., (Pan American) on July 25, 1957, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 22, 1957.
Purchaser: Texas Illinois Natural Gas Pipe Line Company.
Rate schedule designation: Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 60.
Effective date:[2] September 1, 1957.

In support of the proposed periodic rate increase, Pan American states that the increased rate is a contractual obligation and allowance thereof will not adversely affect competition with other fuels.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-6902; Filed, Aug. 21, 1957; 8:48 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-10884.
[2] The stated effective date is the effective date proposed by Texas.

[3] Commissioner Digby dissenting.

[Docket No. G-13065]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED RATE CHANGE

AUGUST 16, 1957.

The Texas Company (Texas) on July 29, 1957, tendered for filing a proposed change in its presently effective rate schedule[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Illinois Natural Gas Pipe Line Company.
Rate schedule designation: Supplement No. 4 to Texas' FPC Gas Rate Schedule No. 1.
Effective date:[2] September 1, 1957.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-10884.
[2] The stated effective date is the effective date proposed by Texas.

In support of the proposed periodic rate increase, Texas states the increase is necessary to meet increasing costs of development, operation and maintenance and the increase in exploratory expenditures. Texas also states rates of 17.5 cents per Mcf are being paid in the general area for new sources of gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6903; Filed, Aug. 21, 1957; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 299]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS WITH FIRMS FOR PROFESSIONAL ENGINEERING, ARCHITECTURAL, AND LANDSCAPE ARCHITECTURAL SERVICES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated to the Secretary of the Interior, to negotiate, without advertisting, under section 302 (c) (4) of the act, contracts for the services of engineering, architectural, and landscape architectural firms required by the National Park Service in its construction programs.

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority delegated herein may be redelegated to any officer or official of the Department of the Interior.

4. This delegation shall be effective as of the date hereof, and shall not extend beyond June 30, 1958.

Dated: August 16, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-6921; Filed, Aug. 21, 1957; 8:52 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-I-1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve disaster loans in an amount not exceeding $20,000;

2. To decline disaster loans;

3. To approve or decline Limited Loan Participation loans;

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.
By ——— ———
Chief,
Financial Assistance Division.

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

9. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply, to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

12. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

13. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

14. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

15. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

17. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

18. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

19. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

20. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

21. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

22. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

23. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledges, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

24. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 15, 1957.

EDWARD J. STEWART,
Regional Director, Region I,
Small Business Administration.

[F. R. Doc. 57-6904; Filed, Aug. 21, 1957; 8:49 a. m.]

[1] Commissioner Digby dissenting.

ATOMIC ENERGY COMMISSION

[Docket No. 50-37]

GENERAL DYNAMICS CORP.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission on August 13, 1957, issued facility license No. CX-3 authorizing General Dynamics Corporation to operate a critical experiment facility located at Torrey Pines, Mesa, San Diego, California. The license is substantially as set forth in the notice of proposed issuance published in the FEDERAL REGISTER on July 30, 1957, 22 F. R. 5984.

A copy of the license is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 13th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-6887; Filed, Aug. 21, 1957; 8:45 a. m.]

[Docket No. 50-81]

MITSUBISHI INTERNATIONAL CORP.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that Mitsubishi International Corporation, 120 Broadway, New York, New York, on August 12, 1957, filed an application under section 104d of the Atomic Energy Act of 1954 for a license to export a 10-megawatt, tank-type nuclear reactor to The Japan Atomic Energy Research Institute, #1, 1-Tamura-Cho, Shiba, Minatoku, Tokyo, Japan. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C., this 13th day of August 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-6888; Filed, Aug. 21, 1957; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EDWARD SEPTIMUS HEARD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Edward Septimus Heard, Glenart, Portland Road, Greystones, County Wicklow, Ireland; Claim No. 62726; Vesting Order No. 17903; $89.50 in the Treasury of the United States.

Executed at Washington, D. C., on August 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6924; Filed, Aug. 21, 1957; 8:52 a. m.]

SOCIETE ANONYME DES MATIERES COLORANTES & PRODUITS CHIMIQUES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Anonyme des Matieres Colorantes & Produits Chimiques De Saint-Denis 69, rue de Miromesnil, Paris, France; Claim No. 43900; an undivided two-thirds part of property described in Vesting Order No. 293 (7 Fed. Reg. 9836, November 26, 1942), relating to Patent Application Serial No. 335,356 (now United States Letters Patent No. 2,356,564).

Executed at Washington, D. C., on August 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6925; Filed, Aug. 21, 1957; 8:52 a. m.]

ELISA PFISTER-FISCH

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

The Notice of Intention to Return Vested Property to Albert Pfister-Fisch, which was published in the FEDERAL REGISTER on July 31, 1956 (21 F. R. 5731), pursuant to section 32 (f) of the Trading With the Enemy Act, as amended (50 U. S. C. App. 32 (f)), is hereby amended to delete therefrom the identity of the claimant and the description of the property and to substitute therefor the following:

Claimant, Claim No., Property, and Location

Elisa Pfister-Fisch, Berne, Switzerland; Claim No. 60620; Vesting Order Nos. 17829 and 17903. $142.50 in the Treasury of the United States. 10 and 20 shares of Baltimore and Ohio Railroad Company $100.00 par value common capital stock included in those represented by Certificate Nos. AA-520 and AA-677, respectively, which certificates are registered in the name of the Attorney General and which shares are held in the Federal Reserve Bank, New York, for safekeeping.

Executed at Washington, D. C., on August 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6927; Filed, Aug. 21, 1957; 8:52 a. m.]

FRITZ WITTWER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Fritz Wittwer, Austrasse 25, Zurich 3, Switzerland; Claim No. 62687; Vesting Order No. 17829; $1,654.09 in the Treasury of the United States.

Executed at Washington, D. C., August 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6926; Filed, Aug. 21, 1957; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 164

Washington, Friday, August 23, 1957

MAIN

TITLE 3—THE PRESIDENT

PROCLAMATION 3195

RELATING TO THE IMPORTATION OF CERTAIN AGRICULTURAL ARTICLES FOR EXHIBITION AT TRADE FAIRS OR FOR RESEARCH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), I issued proclamations limiting the quantities of certain articles which may be entered or withdrawn from warehouse, for consumption, as follows:

Proclamation No. 3019 of June 8, 1953, with respect to certain dairy products and other commodities;

Proclamation No. 3025 of June 30, 1953, which amended Proclamation No. 3019;

Proclamation No. 3178 of April 15, 1957, with respect to certain butter substitutes including butter oil; and

Proclamation No. 3193 of August 7, 1957, with respect to certain articles containing 45 per centum or more of butterfat or of butterfat and other fats or oils; and

WHEREAS it now appears that those proclamations are unduly restrictive in certain respects and require modifications in the interest of simplification of enforcement; and

WHEREAS the required modifications would in no way alter the purposes of those proclamations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby find and declare that the entry or withdrawal from warehouse for consumption on and after August 17, 1957 of those articles included in Lists I and II (except peanuts) appended to and made a part of Proclamation No. 3019 of June 8, 1953, as amended, and those articles the importation of which is restricted by Proclamation No. 3178 of April 15, 1957, and Proclamation No. 3193 of August 7, 1957, under the conditions herein prescribed, will not render, or tend to render, ineffective or materially interfere with any program or operation of the Department of Agriculture, nor reduce substantially the amount of products processed in the United States from agricultural commodities with respect to which any such program or operation are being undertaken. Accordingly, I hereby proclaim that the provisions of Proclamation No. 3019, as amended, shall not apply to articles specified in Lists I and II thereof (except peanuts) and that the provisions of Proclamation No. 3178 and Proclamation No. 3193 shall not apply to articles restricted therein: *Provided*, that such articles are entered or withdrawn from warehouse for exhibition, display, or sampling at a Trade Fair or for research, and in any importation, the aggregate quantity of such articles does not exceed 100 pounds net: *And provided*, that the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or bond is furnished in a form prescribed by the Commissioner of Customs in an amount equal to the value of the merchandise as set forth in the entry plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval of the Secretary within six months from the date of entry.

Nothing in this Proclamation shall be deemed to modify the provisions of Proclamation No. 3025 of June 30, 1953.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of August in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 57-6982; Filed, Aug. 21, 1957; 1:06 p. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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[1957 CCC Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

SUBPART—1957 COTTON LOAN PROGRAM

SCHEDULE OF BASE LOAN RATES FOR WAREHOUSE-STORED UPLAND COTTON

The 1957 Cotton Bulletin (1957 CCC Cotton Bulletin 1) is hereby amended by adding § 427.833 to read as follows:

§ 427.833 *Basic loan rates by warehouse locations.* The base loan rates, in cents per pound, gross weight, applicable to Middling white 1-inch upland cotton, under Commodity Credit Corporation's 1957 Cotton Loan Program, are as follows:

ALABAMA

City and county	Basis Middling White 1-inch loan rate
Abbeville; Henry	32.79
Akron; Hale	32.69
Albertville; Marshall	32.89
Alexander City; Tallapoosa	32.99
Aliceville; Pickens	32.59
Altoona; Etowah	32.99
Andalusia; Covington	32.69
Anniston; Calhoun	32.99
Arab; Marshall	32.89
Ardmore; Limestone	32.69
Ashford; Houston	32.79
Ashland; Clay	32.99
Athens; Limestone	32.69
Atmore; Escambia	32.59
Attalla; Etowah	32.99
Auburn; Lee	32.99
Banks; Pike	32.79
Bankston; Fayette	32.69
Belk; Fayette	32.69
Berry; Fayette	32.69
Bessemer; Jefferson	32.79
Birmingham; Jefferson	32.79
Blountsville; Blount	32.89
Boaz; Marshall	32.89
Bolligee; Greene	32.59
Brantley; Crenshaw	32.69
Brantley; Dallas	32.69
Brent; Bibb	32.79
Brewton; Escambia	32.59
Bridgeport; Jackson	32.79
Browntown; Jackson	32.79
Brundidge; Pike	32.79
Butler; Choctaw	32.59
Camden; Wilcox	32.59
Camp Hill; Tallapoosa	32.99
Carbon Hill; Walker	32.69
Carrollton; Pickens	32.59
Centre; Cherokee	32.99
Centreville; Bibb	32.79
Chavies; Dekalb	32.89
Childersburg; Talladega	32.99
Clanton; Chilton	32.79
Clayton; Barbour	32.89

ALABAMA—continued

City and county	Basis Middling White 1-inch loan rate
Clio; Barbour	32.89
Collinsville; Dekalb	32.89
Columbia; Houston	32.79
Columbiana Shelby	32.89
Cooper; Chilton	32.79
Cordova; Walker	32.69
Courtland; Lawrence	32.69
Crossville; Dekalb	32.89
Cullman; Cullman	32.79
Dadeville; Tallapoosa	32.99
Dancy; Pickens	32.59
Deatsville; Elmore	32.89
Decatur; Morgan	32.79
Demopolis; Marengo	32.59
Detroit; Lamar	32.59
Dothan; Houston	32.79
Dozier; Crenshaw	32.69
Dutton; Jackson	32.79
Eclectic; Elmore	32.89
Elba; Coffee	32.79
Elkmont; Limestone	32.69
Enterprise; Coffee	32.79
Ethelsville; Pickens	32.59
Eufaula; Barbour	32.89
Eutaw; Greene	32.59
Evergreen; Conecuh	32.59
Fackler; Jackson	32.79
Fadette; Geneva	32.79
Faunsdale; Marengo	32.59
Fayette; Fayette	32.69
Flat Rock; Jackson	32.79
Florala; Covington	32.69
Florence; Lauderdale	32.59
Fort Deposit, Lowndes	32.69
Fort Payne; Dekalb	32.89
Fyffe; Dekalb	32.89
Gadsden; Etowah	32.99
Gantt; Covington	32.69
Geneva; Geneva	32.79
Georgiana; Butler	32.69
Glen Allen; Fayette	32.69
Good Water; Coosa	32.89
Gordo; Pickens	32.59
Goshen; Pike	32.79
Greensboro; Hales	32.69
Greenville; Butler	32.69
Grove Hill; Clarke	32.59
Guin; Marion	32.59
Guntersville; Marshall	32.89
Hackleburg; Marion	32.59
Haleyville; Winston	32.69
Hamilton; Marion	32.59
Hanceville; Cullman	32.79
Hartford; Geneva	32.79
Hartselle; Morgan	32.79
Havana Junction; Hale	32.69
Headland; Henry	32.79
Heflin; Cleburne	32.99
Henagar; Dekalb	32.89
Hodges; Franklin	32.59
Hollywood; Jackson	32.79
Huntsville; Madison	32.79
Hurtsboro; Russell	32.99
Ider; Dekalb	32.89
Jacksonville; Calhoun	32.99
Jasper; Walker	32.69
Jemison; Chilton	32.79
Kennedy; Lamar	32.59
Lafayette; Chambers	32.99
Larkinsville; Jackson	32.79
Leighton; Colbert	32.59
Lester; Limestone	32.69
Linden; Marengo	32.59
Lineville; Clay	32.99
Livingston; Sumter	32.59
Lockhart; Covington	32.69
Louisville; Barbour	32.89
Luverne; Crenshaw	32.69
McCullough; Escambia	32.59
Madison; Madison	32.79
Malvern; Geneva	32.79
Maplesville; Chilton	32.79
Marion; Perry	32.69
McKenzie; Butler	32.69
Millport; Lamar	32.59
Mobile; Mobile	32.51

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City and county	Basis Middling White 1-inch loan rate
Monroeville; Monroe	32.59
Montevallo; Shelby	32.89
Montgomery; Montgomery	32.79
Moores Bridge; Tuscaloosa	32.69
Moores Valley; Wilcox	32.59
Moulton; Lawrence	32.69
Moundville; Hale	32.69
Newbern; Hale	32.69
New Brockton; Coffee	32.79
New Hope; Madison	32.79
Newville; Henry	32.79
Northport; Tuscaloosa	32.69
Notasulga; Macon	32.89
Oakman; Walker	32.69
Oneonta; Blount	32.89
Opelika; Lee	32.99
Opp; Covington	32.69
Ozark; Dale	32.79
Pánola; Sumter	32.59
Pell City; St. Clair	32.89
Peterman; Monroe	32.59
Phil Campbell; Franklin	32.59
Pickensville; Pickens	32.59
Pine Hill; Wilcox	32.59
Pisgah; Jackson	32.79
Pollard; Escambia	32.59
Prattville; Autauga	32.79
Ralph; Tuscaloosa	32.69
Red Bay; Franklin	32.59
Red Level; Covington	32.69
Reform; Pickens	32.59
Repton; Conscuh	32.59
Roanoke; Randolph	32.99
Rogersville; Lauderdale	32.59
Russellville; Franklin	32.59
Samantha; Tuscaloosa	32.69
Samson; Geneva	32.79
Scottsboro; Jackson	32.79
Section; Jackson	32.79
Selma; Dallas	32.69
Sheffield; Colbert	32.59
Slocomb; Geneva	32.79
Stevenson; Jackson	32.79
Stewart; Hale	32.69
Sulligent; Lamar	32.59
Sweet Water; Marengo	32.59
Sylacauga; Talladoga	32.99
Sylvania; Dekalb	32.89
Talladega; Talladega	32.99
Tallassee; Elmore	32.89
Thomasville; Clarke	32.59
Thorsby; Chilton	32.79
Troy; Pike	32.79
Tuscaloosa; Tuscaloosa	32.69
Tuscumbia; Colbert	32.59
Tuskegee; Macon	32.89
Union Springs; Bullock	32.89
Uniontown; Perry	32.69
Vernon; Lamar	32.59
Vina; Franklin	32.59
Wadley; Randolph	32.99
Warrior; Jefferson	32.79
Webb; Houston	32.79
Wetumpka; Elmore	32.89
Wilsonville; Shelby	32.89
Winfield; Marion	32.59
Woodville; Jackson	32.79
York; Sumter	32.59

ARIZONA

City and county	Basis Middling White 1-inch loan rate
Amado; Santa Cruz	31.54
Buckeye; Maricopa	31.54
Casa Grande; Pinal	31.54
Chandler; Maricopa	31.54
Coolidge; Pinal	31.54
Eloy; Pinal	31.54
Litchfield Park; Maricopa	31.54
Gilbert; Maricopa	31.54
McMicken; Maricopa	31.54
Marana; Pima	31.54
Phoenix; Maricopa	31.54
Picacho; Pinal	31.54
Safford; Graham	31.72
Sahuarita; Pima	31.54
Willcox; Cochise	31.72
Yuma; Yuma	31.54

ARKANSAS

City and county	Basis Middling White 1-inch loan rate
Arkadelphia; Clark	32.39
Ashdown; Little River	32.29
Batesville; Independence	32.39
Blytheville; Mississippi	32.45
Boughton; Nevada	32.29
Bradley; Lafayette	32.29
Brinkley; Monroe	32.45
Camden; Ouachita	32.29
Clarendon; Monroe	32.45
Conway; Faulkner	32.39
Cotton Plant; Woodruff	32.45
Dardanelle; Yell	32.39
Dell; Mississippi	32.45
Dumas; Desha	32.42
Earle; Crittenden	32.45
England; Lonoke	32.42
Eudera; Chicot	32.41
Evadale; Mississippi	32.45
Fordyce; Dallas	32.39
Forrest City; St. Francis	32.45
Fort Smith; Sebastian	32.29
Gurdon; Clark	32.39
Harrisburg; Poinsett	32.45
Helena; Phillips	32.44
Hope; Hempstead	32.29
Hughes; St. Francis	32.45
Hulbert; Crittenden	32.48
Jacksonville; Pulaski	32.42
Jonesboro; Craighead	32.45
Junction City; Union	32.29
Leachville; Mississippi	32.45
Lepanto; Poinsett	32.45
Little Rock; Pulaski	32.42
Lonoke; Lonoke	32.42
McCrory; Woodruff	32.45
McGehee; Desha	32.42
Magnolia; Columbia	32.29
Malvern; Hot Springs	32.39
Marianna; Lee	32.45
Marked Tree; Poinsett	32.45
Marvell; Phillips	32.45
Morrilton; Conway	32.39
Nashville; Howard	32.29
Newport; Jackson	32.42
North Little Rock; Pulaski	32.42
Osceola; Mississippi	32.45
Paragould; Greene	32.45
Pine Bluff; Jefferson	32.42
Portland; Ashley	32.39
Prescott; Nevada	32.29
Russellville; Pope	32.39
Searcy; White	32.42
Sparkman; Dallas	32.29
Trumann; Poinsett	32.45
Waldo; Columbia	32.29
Walnut Ridge; Lawrence	32.42
Warren; Bradley	32.39
West Helena; Phillips	32.44
West Memphis; Crittenden	32.48
Wilson; Mississippi	32.45
Wynne; Cross	32.45

CALIFORNIA

City and county	Basis Middling White 1-inch loan rate
Arvin; Kern	31.54
Bakersfield; Kern	31.54
Buttonwillow; Kern	31.54
Calico; Kern	31.54
Caruthers; Fresno	31.54
Chowchilla; Madera	31.54
Coalinga; Fresno	31.54
Corcoran; Kings	31.54
El Centro; Imperial	31.54
Firebaugh; Fresno	31.54
Five Points; Fresno	31.54
Fresno; Fresno	31.54
Hanford; Kings	31.54
Helm; Fresno	31.54
Huron; Fresno	31.54
Kerman; Fresno	31.54
Kingsburg; Fresno	31.54
Locke; Sacramento	31.54
Los Angeles; Los Angeles	31.54
McFarland; Kern	31.54
Madera; Madera	31.54
Oakland; Alameda	31.54
Pinedale; Fresno	31.54

CALIFORNIA—continued

City and county	Basis Middling White 1-inch loan rate
Pond; Kern	31.54
Reedley; Fresno	31.54
Richmond; Contra Costa	31.54
San Diego; San Diego	31.54
San Francisco; San Francisco	31.54
San Joaquin; Fresno	31.54
San Jose; Santa Clara	31.54
San Pedro; Los Angeles	31.54
Selma; Fresno	31.54
Stockton; San Joaquin	31.54
Stratford; Kings	31.54
Tipton; Tulare	31.54
Tranquility; Fresno	31.54
Tulare; Tulare	31.54
Visalia; Tulare	31.54

FLORIDA

Jay; Santa Rosa	32.51
Pensacola; Escambia	32.51

GEORGIA

Abbeville; Wilcox	32.99
Adairsville; Bartow	33.09
Adrian; Emanuel	33.09
Alamo; Wheeler	32.99
Albany; Dougherty	32.99
Allentown; Wilkinson	33.09
Alma; Bacon	32.99
Alvaton; Meriwether	33.09
Ambrose; Coffee	32.99
Americus; Sumter	32.99
Arabi; Crisp	32.99
Arlington; Calhoun	32.89
Ashburn; Turner	32.99
Athena; Clarke	33.19
Atlanta; Fulton	33.09
Augusta; Richmond	33.19
Bainbridge; Decatur	32.89
Barnesville; Lamar	33.09
Bartow; Jefferson	33.09
Baxley; Appling	32.99
Bishop; Oconee	33.19
Blackshear; Pierce	32.89
Blakely; Early	32.89
Braselton; Jackson	33.19
Bronwood; Terrell	32.99
Brooklet; Bulloch	33.09
Brunswick; Glynn	32.89
Buchanan; Haralson	33.09
Buena Vista; Marion	33.09
Buford; Gwinnett	33.09
Butler; Taylor	33.09
Byromville; Dooly	32.99
Cadwell; Laurens	33.09
Cairo; Grady	32.89
Calhoun; Gordon	33.09
Camilla; Mitchell	32.89
Canon; Franklin	33.19
Carnegie; Randolph	32.89
Carrollton; Carroll	33.09
Cartersville; Bartow	33.09
Cedartown; Polk	33.09
Chamblee; Dekalb	33.09
Chauncey; Dodge	33.09
Chester; Dodge	33.09
Chipley; Harris	33.09
Claxton; Evans	32.99
Cochran; Bleckley	33.09
Coleman; Randolph	32.89
Colquitt; Miller	32.89
Columbus; Muscogee	33.09
Comer; Madison	33.19
Commerce; Jackson	33.19
Concord; Pike	33.09
Conyers; Rockdale	33.09
Cordele; Crisp	32.99
Covington; Newton	33.09
Culloden; Monroe	33.09
Cuthbert; Randolph	32.89
Dallas; Paulding	33.09
Dalton; Whitfield	33.09
Davisboro; Washington	33.09
Dawson; Terrell	32.99
Dexter; Laurens	33.09
Doerun; Colquitt	32.89
Donalsonville; Seminole	32.89

GEORGIA—continued

City and county	Basis Middling White 1-inch loan rate
Douglas; Coffee	32.99
Douglasville; Douglas	33.09
Dublin; Laurens	33.09
Dudley; Laurens	33.09
Eastman; Dodge	33.09
East Point; Fulton	33.09
Eatonton; Putnam	33.09
Edison; Calhoun	32.89
Elberton; Elbert	33.19
Ellaville; Schley	33.09
Fairburn; Fulton	33.09
Farrar; Jasper	33.09
Fayetteville; Fayette	33.09
Findlay; Dooly	32.99
Fitzgerald; Ben Hill	32.99
Forsyth; Monroe	33.09
Fort Gaines; Clay	32.89
Fort Valley; Peach	33.09
Franklinton; Bibb	33.09
Gainesville; Hall	33.19
Garfield; Emanuel	33.09
Gay; Meriwether	33.09
Glennville; Tattnall	32.99
Grantville; Coweta	33.09
Graymont; Emanuel	33.09
Greensboro; Greene	33.19
Greenville; Meriwether	33.09
Gresston; Dodge	33.09
Griffin; Spalding	33.09
Haralson; Coweta	33.09
Harrison; Washington	33.09
Hartsfield; Colquitt	32.89
Hartwell; Hart	33.19
Hawkinsville; Pulaski	33.09
Hogansville; Troup	33.09
Hollonville; Pike	33.09
Ideal; Macon	33.09
Jackson; Butts	33.09
Jefferson; Jackson	33.19
Jeffersonville; Twiggs	33.09
Jesup; Wayne	32.99
Jonesboro; Clayton	33.09
Kelly; Jasper	33.09
Kingston; Bartow	33.09
Kite; Johnson	33.09
Lafayette; Walker	33.09
Lagrange; Troup	33.09
Lavonia; Franklin	33.19
Lawrenceville; Gwinnett	33.09
Leary; Calhoun	32.89
Leesburg; Lee	32.99
Leslie; Sumter	32.99
Lilly; Dooly	32.99
Lincolnton; Lincoln	33.19
Locust Grove; Henry	33.09
Loganville; Walton	33.09
Louisville; Jefferson	33.09
Lumpkin; Stewart	32.99
Luthersville; Meriwether	33.09
Lyerly; Chattooga	33.09
Lyons; Toombs	32.99
McDonough; Henry	33.09
McRae; Telfair	32.99
Macon; Bibb	33.09
Madison; Morgan	33.09
Manchester; Meriwether	33.09
Mansfield; Newton	33.09
Marietta; Cobb	33.09
Marshallville; Macon	33.09
Meansville; Pike	33.09
Meigs; Thomas	32.89
Metter; Candler	33.09
Midville; Burke	33.09
Milan; Telfair	32.99
Milledgeville; Baldwin	33.09
Millen; Jenkins	33.09
Monroe; Walton	33.09
Montezuma; Macon	33.09
Monticello; Jasper	33.09
Montrose; Laurens	33.09
Moreland; Coweta	33.09
Morven; Brooks	32.89
Moultrie; Colquitt	32.89
Newborn; Newton	33.09
Newman; Coweta	33.09
Ochlochnee; Thomas	32.89
Ocilla; Irwin	32.99

GEORGIA—continued

City and county	Basis Middling White 1-inch loan rate
Oglethorpe; Macon	33.09
Omega; Tift	32.99
Orchard Hill; Spalding	33.09
Palmetto; Fulton	33.09
Parrott; Terrell	32.99
Pelham; Mitchell	32.89
Perry; Houston	33.09
Pinehurst; Dooly	32.99
Pineview; Wilcox	32.99
Pitts; Wilcox	32.99
Plains; Sumter	32.99
Portal; Bulloch	33.09
Pulaski; Candler	33.09
Quitman; Brooks	32.89
Rebecca; Turner	32.99
Red Oak; Fulton	33.09
Rentz; Laurens	33.09
Reynolds; Taylor	33.09
Rhine; Dodge	33.09
Richland; Stewart	32.99
Roberta; Crawford	33.09
Rochelle; Wilcox	32.99
Rockmart; Polk	33.09
Rocky Ford; Screven	33.09
Rome; Floyd	33.09
Royston; Franklin	33.19
Rutledge; Morgan	33.09
Sandersville; Washington	33.09
Savannah; Chatham	33.09
Scotland; Telfair	32.99
Senoia; Coweta	33.09
Shady Dale; Jasper	33.09
Sharpsburg; Coweta	33.09
Shellman; Randolph	32.89
Shingler; Worth	32.99
Social Circle; Walton	33.09
Soperton; Treutlen	33.09
Sparta; Hancock	33.09
Statesboro; Bulloch	33.09
Summit; Emanuel	33.09
Swainsboro; Emanuel	33.09
Sycamore; Turner	32.99
Sylvania; Screven	33.09
Sylvester; Worth	32.99
Tallapoosa; Haralson	33.09
Taylorsville; Bartow	33.09
Temple; Carroll	33.09
Tennille; Washington	33.09
Thomaston; Upson	33.09
Thomson; McDuffie	33.19
Tifton; Tift	32.99
Tignall; Wilkes	33.19
Toccoa; Stephens	33.19
Turin; Coweta	33.09
Twin City; Emanuel	33.09
Tyrone; Fayette	33.09
Unadilla; Dooly	32.99
Valdosta; Lowndes	32.89
Vidalia; Toombs	32.99
Vienna; Dooly	32.99
Villa Rica; Carroll	33.09
Wadley; Jefferson	33.09
Warrenton; Warren	33.19
Warwick; Worth	32.99
Washington; Wilkes	33.19
Watkinsville; Oconee	33.19
Waynesboro; Burke	33.09
West Point; Troup	33.09
Williamson; Pike	33.09
Winder; Barrow	33.19
Woodbury; Meriwether	33.09
Woodland; Talbot	33.09
Wrens; Jefferson	33.09
Wrightsville; Johnson	33.09
Yatesville; Upson	33.09
Zebulon; Pike	33.09

ILLINOIS

Cairo; Alexander	32.46

LOUISIANA

Alexandria; Rapides	32.29
Arcadia; Bienville	32.29
Bernice; Union	32.29
Bryceland; Bienville	32.29
Bunkie; Avoyelles	32.29
Chatham; Jackson	32.29

LOUISIANA—continued

City and county	Basis Middling White 1-inch loan rate
Choudrant; Lincoln	32.39
Coushatta; Red River	32.29
Delhi; Richland	32.40
Dubach; Lincoln	32.29
Eunice; St. Landry	32.29
Farmerville; Union	32.39
Farriday; Concordia	32.41
Franklinton; Washington	32.46
Gibsland; Bienville	32.29
Gretna; Jefferson	32.46
Haynesville; Claiborne	32.29
Homer; Claiborne	32.29
Jonesboro; Jackson	32.29
Lake Charles; Calcasieu	32.29
Lake Providence; East Carroll	32.41
Leesville; Vernon	32.29
Logansport; De Soto	32.29
Mansfield; De Soto	32.29
Marion; Union	32.39
Minden; Webster	32.29
Monroe; Ouachita	32.39
Natchitoches; Natchitoches	32.29
Newellton; Tensas	32.41
New Orleans; Orleans	32.46
Oak Grove; West Carroll	32.40
Plain Dealing; Bossier	32.29
Rayville; Richland	32.39
Ringgold; Bienville	32.29
Ruston; Lincoln	32.39
Shreveport; Caddo	32.29
Springhill; Webster	32.29
Tallulah; Madison	32.41
Westwego; Jefferson	32.46
Winnsboro; Franklin	32.39

MISSISSIPPI

Aberdeen; Monroe	32.51
Amory; Monroe	32.51
Batesville; Panola	32.51
Belmont; Tishomingo	32.51
Belzoni; Humphreys	32.46
Booneville; Prentiss	32.51
Brookhaven; Lincoln	32.48
Canton; Madison	32.51
Carthage; Leake	32.51
Clarksdale; Coahoma	32.46
Cleveland; Bolivar	32.46
Coffeeville; Yalobusha	32.51
Columbia; Marion	32.48
Columbus; Lowndes	32.51
Como; Panola	32.51
Corinth; Alcorn	32.51
Crystal Springs; Copiah	32.48
Drew; Sunflower	32.46
Durant; Holmes	32.51
Flora; Madison	32.46
Forest; Scott	32.48
Gloster; Amite	32.46
Goodman; Holmes	32.51
Greenville; Washington	32.46
Greenwood; Leflore	32.46
Grenada; Grenada	32.51
Gulfport; Harrison	32.46
Hattiesburg; Forrest	32.48
Hollandale; Washington	32.46
Holly Springs; Marshall	32.51
Houston; Chickasaw	32.51
Indianola; Sunflower	32.46
Inverness; Sunflower	32.46
Itta Bena; Leflore	32.46
Jackson; Hinds	32.48
Kosciusko; Attala	32.51
Laurel; Jones	32.48
Leland; Washington	32.46
Lexington; Holmes	32.46
Liberty; Amite	32.46
Louisville; Winston	32.51
McComb; Pike	32.48
Macon; Noxubee	32.51
Magee; Simpson	32.48
Magnolia; Pike	32.48
Marks; Quitman	32.46
Meridian; Lauderdale	32.51
Mount Olive; Covington	32.48
Natches; Adams	32.46

MISSISSIPPI—continued

City and county	Basis Middling White 1-inch loan rate
New Albany; Union	32.51
Newton; Newton	32.48
Okolona; Chickasaw	32.51
Oxford; Lafayette	32.51
Philadelphia; Neshoba	32.51
Pontotoc; Pontotoc	32.51
Port Gibson; Claiborne	32.46
Prentiss; Jefferson Davis	32.48
Quitman; Clarke	32.48
Ripley; Tippah	32.51
Rolling Fork; Sharkey	32.46
Rosedale; Bolivar	32.46
Ruleville; Sunflower	32.46
Shaw; Bolivar	32.46
Shelby; Bolivar	32.46
Shuqualak; Noxubee	32.51
Sledge; Quitman	32.46
Summit; Pike	32.48
Tunica; Tunica	32.46
Tupelo; Lee	32.51
Tutwiler; Tallahatchie	32.46
Tylertown; Walthall	32.48
Union; Newton	32.51
Vicksburg; Warren	32.46
Water Valley; Yalobusha	32.51
Wesson; Copiah	32.48
West Point; Clay	32.51
Yazoo City; Yazoo	32.46

MISSOURI

Arbyrd; Dunklin	32.45
Caruthersville; Pemiscot	32.45
Charleston; Mississippi	32.42
Gideon; New Madrid	32.42
Hayti; Pemiscot	32.45
Kennett; Dunklin	32.42
Lilbourn; New Madrid	32.42
Malden; Dunklin	32.42
Portageville; New Madrid	32.45
Sikeston; Scott	32.42

NEVADA

All point origins; All point origins	31.54

NEW MEXICO

Animas; Hidalgo	31.83
Artesia; Eddy	31.99
Carlsbad; Eddy	31.99
Deming; Luna	31.92
Hobbs; Lea	32.07
Las Cruces; Dona Ana	31.98
Lordsburg; Ridalgo	31.83
Lovington; Lea	32.07
Roswell; Chaves	31.99
Sage; Luna	31.92
Socorro; Socorro	31.98

NORTH CAROLINA

Avondale; Rutherford	33.29
Battleboro; Nash	33.19
Benson; Johnston	33.19
Bessemer City; Gaston	33.29
Bethel; Pitt	33.19
Bladenboro; Bladen	33.19
Bostic; Rutherford	33.29
Butner; Granville	33.19
Candor; Montgomery	33.29
Carthage; Moore	33.29
Charlotte; Mecklenburg	33.29
Cherryville; Gaston	33.29
Clayton; Johnston	33.19
Clinton; Sampson	33.19
Columbus; Polk	33.29
Concord; Cabarrus	33.29
Conway; Northampton	33.19
Dallas; Gaston	33.29
Dunn; Harnett	33.19
Durham; Durham	33.29
Edenton; Chowan	33.19
Elizabeth City; Pasquotank	33.19
Enfield; Halifax	33.19
Farmville; Pitt	33.19
Fayetteville; Cumberland	33.19
Forest City; Rutherford	33.29
Franklinton; Franklin	33.19
Gastonia; Gaston	33.29

NORTH CAROLINA—continued

City and county	Basis Middling White 1-inch loan rate
Godwin; Cumberland	33.19
Goldsboro; Wayne	33.19
Greensboro; Guilford	33.29
Gumberry; Northampton	33.19
Harris; Rutherford	33.29
Henderson; Vance	33.19
Hickory; Catawba	33.29
High Point; Guilford	33.29
Hope Mills; Cumberland	33.19
Jackson; Northampton	33.19
Kings Mountain; Cleveland	33.29
Kinston; Lenoir	33.19
La Grange; Lenoir	33.19
Laurel Hill, Scotland	33.19
Laurinburg; Scotland	33.19
Lewiston; Bertie	33.19
Lilesville; Anson	33.29
Lincolnton; Lincoln	33.29
Littleton; Halifax	33.19
Louisburg; Franklin	33.19
Lumberton; Robeson	33.19
Marshville; Union	33.29
Matthews; Mecklenburg	33.29
Maxton; Robeson	33.19
Monroe; Union	33.29
Mooresville; Iredell	33.29
Morven; Anson	33.29
Mount Gilead; Montgomery	33.29
Mount Olive; Wayne	33.19
Murfreesboro; Hertford	33.19
Nashville; Nash	33.19
Newton; Catawba	33.29
Norlina; Warren	33.19
Parkton; Robeson	33.19
Pates; Robeson	33.19
Pembroke; Robeson	33.19
Pikeville; Wayne	33.19
Pinetops; Edgecombe	33.19
Raeford; Hoke	33.19
Raleigh; Wake	33.19
Ranlo; Gaston	33.29
Red Springs; Robeson	33.19
Reidsville; Rockingham	33.29
Rich Square; Northampton	33.19
Ronaoke Rapids; Halifax	33.19
Rockingham; Richmond	33.29
Rocky Mount; Edgecombe	33.19
Rowland; Robeson	33.19
Rutherfordton; Rutherford	33.29
Saint Pauls; Robeson	33.19
Salisbury; Rowan	33.29
Sanford; Lee	33.29
Scotland Neck; Halifax	33.19
Seaboard; Northampton	33.19
Shelby; Cleveland	33.29
Smithfield; Johnston	33.19
Southern Pines; Moore	33.29
Spring Hope; Nash	33.19
Stantonsburg; Wilson	33.19
Statesville; Iredell	33.29
Tarboro; Edgecomb	33.19
Wadesboro; Anson	33.29
Wagram; Scotland	33.19
Wake Forest; Wake	33.19
Warrenton; Warren	33.19
Washington; Beaufort	33.19
Welden; Halifax	33.19
Williamston; Martin	33.19
Wilmington; New Hanover	33.19
Wilson; Wilson	33.29
Wingate; Union	33.29
Woodland; Northampton	33.19

OKLAHOMA

Ada; Pontotoc	32.29
Altus; Jackson	32.21
Anadarko; Caddo	32.21
Ardmore; Carter	32.29
Carnegie; Caddo	32.21
Carter; Beckham	32.21
Chandler; Lincoln	32.21
Chickasha; Grady	32.21
Clinton; Custer	32.21
Cushing; Payne	32.29
Durant; Bryan	32.29
Eakly; Caddo	32.21
Elk City; Beckham	32.21

OKLAHOMA—continued

City and county	Basis Middling White 1-inch loan rate
Enid; Garfield	32.21
Erick; Beckham	32.21
Foss; Washita	32.21
Frederick; Tillman	32.21
Guthrie; Logan	32.21
Hobart; Kiowa	32.21
Hugo; Choctaw	32.29
Idabel; McCurtain	32.29
Konawa; Seminole	32.29
Lawton; Comanche	32.21
Lone Wolf; Kiowa	32.21
McAlester; Pittsburg	32.29
Magnum; Greer	32.21
Marlow; Stephens	32.21
Mountain View; Kiowa	32.21
Muskogee; Muskogee	32.29
Oklahoma City; Oklahoma	32.21
Pauls Valley; Garvin	32.21
Purcell; McClain	32.21
Ryan; Jefferson	32.21
Sentinel; Washita	32.21
Shawnee; Pottawatomie	32.29
Snyder; Kiowa	32.21
Stroud; Lincoln	32.29
Tipton; Tillman	32.21
Waurika; Jefferson	32.21
Weleetka; Okfuskee	32.29
Wynne Wood; Garvin	32.21

SOUTH CAROLINA

Abbeville; Abbeville	33.29
Aiken; Aiken	33.29
Allendale; Allendale	33.19
Anderson; Anderson	33.29
Andrews; Georgetown	33.19
Angelus; Chesterfield	33.29
Ashwood; Lee	33.19
Atkins; Lee	33.19
Bamberg; Bamberg	33.19
Barnwell; Barnwell	33.19
Batesburg; Lexington	33.29
Belton; Anderson	33.29
Bennettsville; Marlboro	33.19
Bethune; Kershaw	33.29
Bishopville; Lee	33.19
Blacksburg; Cherokee	33.29
Blackstock; Fairfield	33.29
Blackville; Barnwell	33.19
Blair; Fairfield	33.29
Blaney; Kershaw	33.29
Blenheim; Marlboro	33.19
Bowman; Orangeburg	33.19
Boykin; Kershaw	33.29
Brunson; Hempton	33.19
Calhoun Falls; Abbeville	33.29
Camden; Kershaw	33.29
Cameron; Calhoun	33.19
Campobello; Spartanburg	33.29
Carlisle; Union	33.29
Catawba; York	33.29
Cateechee; Pickens	33.29
Centenary; Marion	33.19
Central; Pickens	33.29
Chappells; Newberry	33.29
Charleston; Charleston	33.19
Cheraw; Chesterfield	33.29
Chesnee; Spartanburg	33.29
Chester; Chester	33.29
Chesterfield; Chesterfield	33.29
Clinton; Laurens	33.29
Clio; Marlboro	33.19
Clover; York	33.29
Columbia; Richland	33.29
Conestee; Greenville	33.29
Cope; Orangeburg	33.19
Cordova; Orangeburg	33.19
Cowpens; Spartanburg	33.29
Crocketville; Hampton	33.19
Cross Anchor; Spartanburg	33.29
Cross Hill; Laurens	33.29
Dalzell; Sumter	33.19
Darlington; Darlington	33.19
Davis Station; Clarendon	33.19
Denmark; Bamberg	33.19
Dillon; Dillon	33.19
Drake; Marlboro	33.19

SOUTH CAROLINA—continued

City and county	Basis Middling White 1-inch loan rate
Due West; Abbeville	33.29
Dunbar; Marlboro	33.19
Dumbarton; Barnwell	33.19
Duncan; Spartanburg	33.29
Easley; Pickens	33.29
Edgefield; Edgefield	33.29
Ehrhardt; Bamberg	33.19
Elko; Barnwell	33.19
Ellenton; Aiken	33.29
Elliott; Lee	33.19
Elloree; Orangeburg	33.19
Enoree; Spartanburg	33.29
Estill; Hampton	33.19
Eureka; Aiken	33.29
Eutawville; Orangeburg	33.19
Fairfax; Allendale	33.19
Fairforest; Spartanburg	33.29
Fairmont; Spartanburg	33.29
Filbert; York	33.29
Fingerville; Spartanburg	33.29
Florence; Florence	33.19
Fountain Inn; Greenville	33.29
Gaffney; Cherokee	33.29
Gray Court; Laurens	33.29
Greenville; Greenville	33.29
Greenwood; Greenwood	33.29
Greer; Greenville	33.29
Hamer; Dillon	33.19
Hampton; Hampton	33.19
Hartsville; Darlington	33.19
Heath Springs; Lancaster	33.29
Hickory Grove; York	33.29
Holly Hill; Orangeburg	33.19
Honea Path; Anderson	33.29
Inman; Spartanburg	33.29
Iva; Anderson	33.29
Jefferson; Chesterfield	33.29
Jenkinsville; Fairfield	33.29
Johnsonville; Florence	33.19
Johnston; Edgefield	33.29
Jonesville; Union	33.29
Kershaw; Kershaw	33.29
Kings Creek; Cherokee	33.29
Kingstree; Williamsburg	33.19
Kline; Barnwell	33.19
Kollock; Marlboro	33.19
Lake City; Florence	33.19
Lamar; Darlington	33.19
Lancaster; Lancaster	33.29
Landrum; Spartanburg	33.29
Lanford; Laurens	33.29
Latta; Dillon	33.19
Laurens; Laurens	33.29
Leesville; Lexington	33.29
Lester; Marlboro	33.19
Liberty; Pickens	33.29
Little Rock; Dillon	33.19
Lowrys; Chester	33.29
Lugoff; Kershaw	33.29
Luray; Hampton	33.19
Lynchburg; Lee	33.19
McBee; Chesterfield	33.29
McColl; Marlboro	33.19
McCormick; McCormick	33.29
Manning; Clarendon	33.19
Marion; Marion	33.19
Maulding; Greenville	33.29
Mayesville; Sumter	33.19
Mount Carmel; McCormick	33.29
Mount Croghan; Chesterfield	33.29
Mountville; Laurens	33.29
Mullins; Marion	33.19
Neeses; Orangeburg	33.19
Newberry; Newberry	33.29
Newry; Oconee	33.29
New Zion; Clarendon	33.19
Ninety Six; Greenwood	33.29
Norris; Pickens	33.29
North; Orangeburg	33.19
Norway; Orangeburg	33.19
Olanta; Florence	33.19
Olar; Bamberg	33.19
Orangeburg; Orangeburg	33.19
Oswego; Sumter	33.19
Owings; Laurens	33.29
Pageland; Chesterfield	33.29

SOUTH CAROLINA—continued

City and county	Basis Middling White 1-inch loan rate
Pamplico; Florence	33.19
Parksville; McCormick	33.29
Pelzer; Anderson	33.29
Pendleton; Anderson	33.29
Pickens; Pickens	33.29
Piedmont; Greenville	33.29
Pinewood; Sumter	33.19
Plum Branch; McCormick	33.29
Pomaria; Newberry	33.29
Princeton; Laurens	33.29
Remini; Clarendon	33.19
Richburg; Chester	33.29
Ridge Springs; Saluda	33.29
Ridgeway; Fairfield	33.29
Rock Hill; York	33.29
Roebuck; Spartanburg	33.29
Rowesville; Orangeburg	33.19
Salley; Aiken	33.29
Saluda; Saluda	33.29
Sandy Springs; Anderson	33.29
Scotia; Hampton	33.19
Seigling; Allendale	33.19
Sellers; Marion	33.19
Seneca; Oconee	33.29
Sharon; York	33.29
Silver; Clarendon	33.19
Simpsonville; Greenville	33.29
Six Mile; Pickens	33.29
Smoaks; Colleton	33.19
Spartanburg; Spartanburg	33.29
Springfield, Orangeburg	33.19
Starr; Anderson	33.29
St. Matthews; Calhoun	33.19
Summerton; Clarendon	33.19
Sumter; Sumter	33.19
Swansea; Lexington	33.29
Syracuse; Darlington	33.19
Tatum; Marlboro	33.19
Timmonsville; Florence	33.19
Trenton; Edgefield	33.29
Turbeville; Clarendon	33.19
Union; Union	33.29
Vance; Orangeburg	33.19
Van Wyck; Lancaster	33.29
Wagener; Aiken	33.29
Walhalla; Oconee	33.29
Wallace; Hampton	33.19
Walterboro; Colleton	33.19
Waterloo; Laurens	33.29
Wattsville; Laurens	33.29
Wedgefield; Sumter	33.19
Westminster; Oconee	33.29
West Union; Oconee	33.29
Whitmire; Newberry	33.29
Whitney; Spartanburg	33.29
Williamston; Anderson	33.29
Williston; Barnwell	33.19
Windsor; Aiken	33.29
Winnsboro; Fairfield	33.29
Wisacky; Lee	33.19
Wolfton; Orangeburg	33.19
Woodruff; Spartanburg	33.29
York; York	33.29

TENNESSEE

Brownsville; Haywood	32.50
Chattanooga; Hamilton	32.99
Covington; Tipton	32.50
Decherd; Franklin	32.79
Dyersburg; Dyer	32.50
Elora; Lincoln	32.69
Fayetteville; Lincoln	32.69
Five Points; Lawrence	32.59
Halls; Lauderdale	32.50
Henderson; Chester	32.51
Humboldt; Gibson	32.50
Jackson; Madison	32.51
Knoxville; Knox	32.99
Lawrenceburg; Lawrence	32.59
Loretto; Lawrence	32.59
Memphis; Shelby	32.51
Milan; Gibson	32.50
Murfreesboro; Rutherford	32.69
Ripley; Lauderdale	32.50

TENNESSEE—continued

City and county	Basis Middling White 1-inch loan rate
Shelbyville; Redford	32.69
South Pittsburg; Marion	32.89
Tiptonville; Lake	32.50
Winchester; Franklin	32.79

TEXAS

Abernathy; Hale	32.13
Abilene; Taylor	32.19
Ackerly; Dawson	32.10
Afton; Dickens	32.19
Aiken; Floyd	32.13
Alba; Wood	32.29
Alvarado; Johnson	32.21
Amarillo; Potter	32.13
Amherst; Lamb	32.10
Anson; Jones	32.19
Anton; Hockley	32.10
Aspermont; Stonewall	32.19
Athens; Henderson	32.29
Atlanta; Cass	32.29
Austin; Travis	32.21
Austonio; Houston	32.21
Avery; Red River	32.29
Balleyboro; Bailey	32.10
Bakersfield; Pecos	32.07
Ballinger; Runnels	32.19
Balmorhea; Reeves	32.07
Barry; Navarro	32.21
Bartlett; Bell	32.21
Beaumont; Jefferson	32.29
Beckville; Panola	32.29
Belton; Bell	32.21
Bertram; Burnett	32.21
Big Spring; Howard	32.10
Bledsoe; Cochran	32.10
Bloomburg; Cass	32.29
Bogata; Red River	32.29
Bonham; Fannin	32.29
Bovina; Parmer	32.10
Brady; McCulloch	32.19
Breckenridge; Stephens	32.21
Brenham; Washington	32.21
Broadview; Lubbock	32.10
Brownfield; Terry	32.10
Brownsville; Cameron	32.13
Brownwood; Brown	32.21
Bryan; Brazos	32.21
Bula; Bailey	32.10
Bynum; Hill	32.21
Caldwell; Burleson	32.21
Calvert; Robertson	32.21
Cameron; Milam	32.21
Carthage; Panola	32.29
Celina; Collin	32.21
Center; Shelby	32.29
Chaison; Jefferson	32.29
Chapel Hill; Washington	32.21
Childress; Childress	32.19
Chillicothe; Hardeman	32.21
Clarkesville; Red River	32.29
Cleburne; Johnson	32.21
Coble; Hockley	32.10
Coleman; Coleman	32.19
Colorado City; Mitchell	32.19
Commerce; Hunt	32.29
Cooper; Delta	32.29
Corpus Christi; Nueces	32.17
Corsicana; Navarro	32.21
Crockett; Houston	32.21
Crosbyton; Crosby	32.10
Cuero; Dewitt	32.21
Cumby; Hopkins	32.29
Daingerfield; Morris	32.29
Dallas; Dallas	32.21
Dean; Hockley	32.10
Dean; Clay	32.21
Dean; Leon	32.21
Decatur; Wise	32.21
Denison; Grayson	32.29
Denton; Denton	32.21
Deport; Lamar	32.29
Dimmitt; Castro	32.13
Dublin; Erath	32.21
Eden; Concho	32.19
Edgewood; Van Zandt	32.29
El Campo; Wharton	32.21
Elgin; Bastrop	32.21

TEXAS—continued

City and county	Basis Middling White 1-inch loan rate
Elkhart; Anderson	32.21
El Paso; El Paso	31.98
Elysian Fields; Harrison	32.29
Embouse; Navarro	32.21
Engelman Gardens; Hidalgo	32.13
Enloe; Delta	32.29
Ennis; Ellis	32.21
Enochs; Bailey	32.10
Fabens; El Paso	31.98
Fairfield; Freestone	32.21
Farwell; Parmer	32.10
Fauna; Harris	32.29
Floydada; Floyd	32.13
Forney; Kaufman	32.21
Fort Stockton; Pecos	32.07
Fort Worth; Tarrant	32.21
Frisco; Collin	32.21
Gainesville; Cooke	32.29
Galveston; Galveston	32.29
Ganado; Jackson	32.21
Garland; Dallas	32.29
Gary; Panola	32.29
Gatesville; Coryell	32.21
Gilmer; Upshur	32.29
Gonzales; Gonzales	32.21
Grand Saline; Van Zandt	32.29
Grandview; Johnson	32.21
Granger; Williamson	32.21
Grapeland; Houston	32.21
Grassland; Lynn	32.10
Greenville; Hunt	32.29
Hale Center; Hale	32.13
Hamilton; Hamilton	32.21
Hamlin; Jones	32.19
Harlingen; Cameron	32.13
Hart; Castro	32.13
Haskell; Haskell	32.19
Hearne; Robertson	32.21
Hebron; Denton	32.21
Hedley; Donley	32.19
Henderson; Rusk	32.29
Hillsboro; Hill	32.21
Hoban; Reeves	32.07
Honey Grove; Fannin	32.29
Houston; Harris	32.29
Hubbard; Hill	32.21
Hughes Spring; Cass	32.29
Huntsville; Walker	32.21
Hutto; Williamson	32.21
Irene; Hill	32.21
Jacksonville; Cherokee	32.29
Jarrell; Williamson	32.21
Jayton; Kent	32.19
Jefferson; Marion	32.29
Jewett; Leon	32.21
Kaufman; Kaufman	32.29
Kenedy; Karnes	32.17
Kerens; Navarro	32.21
Killeen; Bell	32.21
Knox City; Knox	32.19
Krum; Denton	32.21
Ladonia; Fannin	32.29
Lagrange; Fayette	32.21
Lamesa; Dawson	32.10
Levelland; Hockley	32.10
Lindale; Smith	32.29
Littlefield; Lamb	32.10
Lobo; Culberson	31.99
Lockhart; Caldwell	32.21
Lockney; Floyd	32.13
Longview; Gregg	32.29
Loraine; Mitchell	32.19
Lorenzo; Crosby	32.10
Lovelady; Houston	32.21
Lubbock; Lubbock	32.13
Lueders; Jones	32.19
McAdoo; Dickens	32.19
McCamey; Upton	32.07
McGregor; McLennan	32.21
McKinney; Collin	32.29
McLean; Gray	32.19
Madisonville; Madison	32.21
Marfa; Presidio	31.99
Marlin; Falls	32.21
Marshall; Harrison	32.29
Mart; McLennan	32.21

TEXAS—continued

City and county	Basis Middling White 1-inch loan rate
Maypearl; Ellis	32.21
Meadow; Terry	32.10
Memphis; Hall	32.19
Mercedes; Hidalgo	32.13
Mereta; Tom Green	32.19
Merkel; Taylor	32.19
Mexia; Limestone	32.21
Midland; Midland	32.10
Midlothian; Ellis	32.21
Mineola; Wood	32.29
Monahans; Ward	32.07
Morton; Cochran	32.10
Mt. Pleasant; Titus	32.29
Muleshoe; Bailey	32.10
Munday; Knox	32.19
Nacogdoches; Nacogdoches	32.29
Naples; Morris	32.29
Navasota; Grimes	32.21
Needmore; Bailey	32.10
Needmore; Delta	32.29
New Boston; Bowie	32.29
New Braunfels; Comal	32.21
Nocona; Montague	32.21
Norton; Runnels	32.19
O'Donnell; Lynn	32.10
Old Glory; Stonewall	32.19
Olton; Lamb	32.13
Omaha; Morris	32.29
Paducah; Cottle	32.19
Palestine; Anderson	32.21
Paris; Lamar	32.29
Patricia; Dawson	32.10
Peacock; Stonewall	32.19
Pecos; Reeves	32.07
Petersburg; Hale	32.13
Pettit; Hockley	32.10
Pilot Point; Denton	32.21
Pittsburg; Camp	32.29
Plainview; Hale	32.13
Plano; Collin	32.29
Port Arthur; Jefferson	32.29
Post; Garza	32.10
Presidio; Presidio	31.99
Princeton; Collin	32.29
Quanah; Hardeman	32.21
Quitaque; Briscoe	32.13
Quitman; Wood	32.29
Ralls; Crosby	32.10
Raymondville; Willacy	32.13
Rice; Navarro	32.21
Roans Prairie; Grimes	32.21
Roaring Springs; Motley	32.19
Robstown; Nueces	32.17
Roby; Fisher	32.19
Rochelle; McCulloch	32.19
Rochester; Haskell	32.19
Rockwell; Rockwell	32.29
Roscoe; Nolan	32.19
Rosebud; Falls	32.21
Rotan; Fisher	32.19
Rowlett; Dallas	32.19
Royse City; Rockwall	32.29
Rule; Haskell	32.19
Salado; Bell	32.21
San Angelo; Tom Green	32.19
San Antonio; Bexar	32.17
San Augustine; San Augustine	32.29
San Marcos; Hays	32.21
Saragosa; Reeves	32.07
Schulenburg; Fayette	32.21
Seagraves; Gaines	32.10
Seguin; Guadelupe	32.21
Seymour; Baylor	32.21
Shallowater; Lubbock	32.10
Shamrock; Wheeler	32.19
Sherman; Grayson	32.29
Shiner; Lavaca	32.21
Shiro; Grimes	32.21
Silverton; Briscoe	32.13
Slaton; Lubbock	32.13
Snyder; Scurry	32.19
Southton; Bexar	32.17
Spade; Mitchell	32.19
Spade; Lamb	32.10
Spur; Dickens	32.19
Stamford; Jones	32.19
Stanton; Martin	32.10

TEXAS—continued

City and county	Basis Middling White 1-inch loan rate
Streetman; Freestone	32.21
Sudan; Lamb	32.10
Sugar Land; Fort Bend	32.29
Sulphur Springs; Hopkins	32.29
Sweetwater; Nolan	32.19
Swenson; Stonewall	32.19
Taft; San Patricio	32.17
Tahoka; Lynn	32.10
Tarzan; Martin	32.10
Tatum; Rusk	32.29
Taylor; Williamson	32.21
Teague; Freestone	32.21
Temple; Bell	32.21
Tenaha; Shelby	32.29
Terrell; Kaufman	32.29
Texarkana; Bowie	32.29
Texas City; Galveston	32.29
Timpson; Shelby	32.29
Troup; Smith	32.29
Tulia; Swisher	32.13
Turkey; Hall	32.13
Twitty; Wheeler	32.19
Tyler; Smith	32.29
Valley Mills; Bosque	32.21
Van Horn; Culberson	31.99
Venus; Johnson	32.21
Vernon; Wilbarger	32.21
Victoria; Victoria	32.21
Waco; McLennan	32.21
Wall; Tom Green	32.19
Waxahachie; Ellis	32.21
Wellington; Collinsworth	32.19
Weslaco; Hidalgo	32.13
West; McLennan	32.21
Whiteface; Cochran	32.10
Whitewright; Grayson	32.29
Wichita Falls; Wichita	32.21
Wills Point; Van Zandt	32.29
Wilson; Lynn	32.10
Winnsboro; Wood	32.29
Winters; Runnels	32.19
Wolfe City; Hunt	32.29
Wolfforth; Lubbock	32.10
Yoakum; Lavaca	32.21
Yorktown; De Witt	32.21
VIRGINIA	
Brodnax; Brunswick	33.19
Kenbridge; Lunenburg	33.19
Norfolk; Norfolk	33.19

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 15th day of August 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR ORANGES (CALIFORNIA AND ARIZONA)[1]

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.), the existing United States Standards for Oranges (California and Arizona) (21 F. R. 8845; §§ 51.1085 to 51.1109) are hereby amended to read as follows:

GRADES

Sec.
51.1085 U. S. Fancy.
51.1086 U. S. No. 1.
51.1087 U. S. Combination.
51.1088 U. S. No. 2.

UNCLASSIFIED

51.1089 Unclassified.

TOLERANCES

51.1090 Tolerances.
51.1091 U. S. Fancy, U. S. No. 1, and U. S. No. 2 grades.
51.1092 U. S. Combination grade.

APPLICATION OF TOLERANCES

51.1093 Application of tolerances.

STANDARD PACK

51.1094 Standard pack.

STANDARD SIZING AND FILL

51.1095 Standard sizing and fill.

STANDARDS FOR EXPORT

51.1096 Standards for export.

DEFINITIONS

51.1097 Similar varietal characteristics.
51.1098 Well colored.
51.1099 Firm.
51.1100 Well formed.
51.1101 Smooth texture.
51.1102 Injury.
51.1103 Fairly smooth texture.
51.1104 Damage.
51.1105 Fairly well colored.
51.1106 Fairly firm.
51.1107 Fairly well formed.
51.1108 Slightly rough texture.
51.1109 Serious damage.

AUTHORITY: §§ 51.1085 to 51.1109 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1085 *U. S. Fancy.* "U. S. Fancy" consists of oranges of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), dryness or mushy condition, and free from injury caused by split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.1091)

§ 51.1086 *U. S. No. 1.* "U. S. No. 1" consists of oranges of similar varietal characteristics which are mature, firm, well formed, of fairly smooth texture, and which are free from decay, broken skins which are not healed; hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), and free from damage caused by dryness or mushy condition, split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. Each fruit shall be well colored except Valencia oranges which shall be at least fairly well colored: *Provided,* That navel oranges in any lot which is destined for export and which is certified as meeting the standards for export need be only fairly well colored. (See § 51.1091)

§ 51.1087 *U. S. Combination.* "U. S. Combination" consists of a combination of U. S. No. 1 and U. S. No. 2 oranges: *Provided,* That at least 40 percent, by count, of the oranges in each container meet the requirements of U. S. No. 1 grade. (See § 51.1092)

§ 51.1088 *U. S. No. 2.* "U. S. No. 2" consists of oranges of similar varietal characteristics which are mature, fairly well colored, fairly firm, fairly well formed, which may be of slightly rough texture, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, and free from serious damage caused by bruises, dryness or mushy condition, split or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.1091)

UNCLASSIFIED

§ 51.1089 *Unclassified.* "Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1090 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1091 and 51.1092 are provided as specified.

§ 51.1091 *U. S. Fancy, U. S. No. 1, and U. S. No. 2 grades.* Not more than 10 percent, by count, of the oranges in any lot may fail to meet the requirements relating to color. In addition, not more than 10 percent, by count, of the oranges in any lot may fail to meet the remaining requirements of the specified grade, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

§ 51.1092 *U. S. Combination grade.* Not more than 10 percent, by count, of the oranges in any lot may fail to meet the requirements of the U. S. No. 2 grade relating to color. In addition, not more than 10 percent, by count, of the oranges in any lot may fail to meet the remaining requirements of the U. S. No. 2 grade, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(a) No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination, but individual containers may have not more than a total of 10 percent less than percentage of U. S. No. 1 required: *Provided,* That the entire lot averages within the percentage required.

APPLICATION OF TOLERANCES

§ 51.1093 *Application of tolerances.* (a) Except when applying the tolerances for standards for export, the contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed orange may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one orange which is seriously damaged by dryness or mushy condition may be permitted in any package and, in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed orange.

STANDARD PACK

§ 51.1094 *Standard pack.* (a) Oranges shall be fairly uniform in size and shall be packed in boxes or cartons and arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers. When oranges are packed in standard nailed boxes, each box shall have a minimum bulge of 1¼ inches; when packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that when oranges are packed for 113 carton count or smaller size, or equivalent sizes when packed in other containers, not more than 10 percent, by count, of the oranges in any container may vary more than five-sixteenths inch in diameter; when packed for sizes larger than 113 carton count or equivalent sizes packed in other containers, not more than 10 percent, by count, of the oranges in any container may vary more than seven-sixteenths inch in diameter.

(1) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(d) In order to allow for variations incident to proper packing, when oranges are wrapped not more than 10 percent of the wrapped fruit in any container may fail to meet the requirements pertaining to wrapping; and, not more than 5 percent of the containers in any lot may fail to meet the requirements for standard pack.

STANDARD SIZING AND FILL

§ 51.1095 *Standard sizing and fill.* (a) Boxes or cartons in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing and fill: *Provided,* That the oranges in the containers are fairly uniform in size as defined in § 51.1094: *And provided further,* That the contents have been properly shaken down and the container is at least level full at time of packing.

(b) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing and fill.

STANDARDS FOR EXPORT

§ 51.1096 *Standards for export.* (a) Not more than a total of 10 percent, by count, of the oranges in any container may be soft, affected by decay, have broken skins which are not healed, growth cracks, or be damaged by creasing or skin breakdown, or seriously damaged by split or protruding navels, or by dryness or mushy condition, except that:

(1) Not more than one-half of 1 percent shall be allowed for oranges affected by decay;

(2) Not more than 3 percent shall have broken skins which are not healed;

(3) Not more than 3 percent shall have growth cracks;

(4) Not more than 5 percent shall be soft;

(5) Not more than 5 percent shall be damaged by creasing;

(6) Not more than 5 percent shall be seriously damaged by split or protruding navels;

(7) Not more than 5 percent shall be seriously damaged by dryness or mushy condition; and,

(8) Not more than 5 percent shall be damaged by skin breakdown.

(b) Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the oranges in any container has any of the defects enumerated in the standards for export.

DEFINITIONS

§ 51.1097 *Similar varietal characteristics.* "Similar varietal characteristics" means that the oranges in any container are similiar in color and type.

§ 51.1098 *Well colored.* "Well colored" means that the fruit is at least light orange in color, with not more than a trace of green at the stem end, and not more than 15 percent of the remainder of the surface of the fruit shows green color.

§ 51.1099 *Firm.* "Firm" means that the fruit does not yield more than slightly to moderate pressure.

§ 51.1100 *Well formed.* "Well formed" means that the fruit shows the normal shape characteristic of the variety.

§ 51.1101 *Smooth texture.* "Smooth texture" means that the skin is of fairly fine grain for the variety, the "pebbling" is not pronounced, and any furrows radiating from the stem end are shallow.

§ 51.1102 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Split, rough, wide or protruding navels when a split is unhealed or is more than one-eighth inch in length; or when the navel protrudes beyond the general contour of the fruit; or when flush with the contour but with the opening so wide, considering the size of the fruit, or the navel growth so folded and ridged that it detracts noticeably from the appearance of the fruit;

(b) Slight creasing which is more than barely visible, or which extends over more than 20 percent of the fruit surface;

(c) Scars (including sprayburn and fumigation injury) which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark and which have an aggregate area exceeding that of a circle one-eighth inch in diameter;

(2) Scars which are dark, rough or deep and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(3) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area exceeding that of a circle one-half inch in diameter; and,

(4) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 5 percent of the fruit surface;

(d) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 2½ percent of the fruit surface, or which are green and more than 4 in number;

(e) Scale when medium or large and more than 5 are present; and,

(f) Sunburn which appreciably changes the normal color or shape of the fruit, or which affects more than 10 percent of the fruit surface.

§ 51.1103 *Fairly smooth texture.* "Fairly smooth texture" means that the skin does not feel noticeably rough or coarse for the variety. The size of the fruit should be considered in judging texture, as large fruit is not usually as smooth as smaller fruit. It is common

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. The presence of furrows or grooves on the stem end portion of the fruit is a common condition in certain varieties, and the fruit shall not be considered as slightly rough unless the furrows or grooves are of sufficient depth, length, and number as to materially affect the appearance and smoothness of the orange.

§ 51.1104 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Split, rough, wide or protruding navels when there are more than three splits, or when any split is unhealed or is more than one-fourth inch in length; or navels which flare, bulge, or protrude materially beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth so folded and ridged that it detracts materially from the appearance of the fruit;

(c) Creasing which materially weakens the skin, or which extends over more than one-third of the fruit surface;

(d) Scars (including sprayburn and fumigation injury) which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark, with slight depth, and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(2) Scars which are very dark, with no depth, and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(3) Scars which are dark, and rough or deep, and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(4) Scars which are dark, and slightly rough or with slight depth, and which have an aggregate area exceeding that of a circle three-fourths inch in diameter;

(5) Scars which are fairly light in color, slightly rough or with slight depth, and which have an aggregate area of more than 5 percent of the fruit surface; and,

(6) Scars which are light in color, fairly smooth, with no depth, and which have an aggregate area of more than 10 percent of the fruit surface;

(e) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 5 percent of the fruit surface, or which are green and more than 7 in number;

(f) Scale when medium or large and more than 3 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infested areas, or when more than 7 scales are present in one of these areas: *Provided*, That scale within a circle five-eighths inch in diameter centered at the stem button or button socket shall not be considered in determining whether an orange is damaged; and,

(g) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

§ 51.1105 *Fairly well colored.* "Fairly well colored" means that the yellow or orange color predominates on the fruit.

§ 51.1106 *Fairly firm.* "Fairly firm" means that the fruit may yield to moderate pressure but is not soft.

§ 51.1107 *Fairly well formed.* "Fairly well formed" means that the fruit is not of the shape characteristic of the variety but is not decidedly flattened, pointed, extremely elongated, or otherwise badly deformed.

§ 51.1108 *Slightly rough texture.* "Slightly rough texture" means that the skin is not decidedly rough, badly folded, badly ridged, or decidedly lumpy. Heavily "pebbled" skin shall be considered as slightly rough.

§ 51.1109 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or the equivalent of this amount, by volume, when occuring in other portions of the fruit;

(b) Split or protruding navels when any split is unhealed or is more than one-half inch in length, or when two or more splits aggregate more than 1 inch in length; or navels which protrude seriously beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth so badly folded and ridged that it detracts seriously from the appearance of the fruit;

(c) Creasing which seriously weakens the skin, or which is distributed over practically the entire fruit surface;

(d) Scars (including sprayburn and fumigation injury) which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark, very rough or very deep, and which have an aggregate area of more than 5 percent of the fruit surface;

(2) Scars which are dark, rough or deep, and which have an aggregate area of more than 10 percent of the fruit surface;

(3) Scars which are fairly light in color, slightly rough or of slight depth, and which have an aggregate area of more than 15 percent of the fruit surface; and,

(4) Scars which are light in color, fairly smooth, with no depth, and which have an aggregate area of more than 25 percent of the fruit surface;

(e) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 10 percent of the fruit surface;

(f) Scale when medium or large and more than 9 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infested areas, or if more than 19 scales are present in one of these areas: *Provided*, That scale within a circle five-eighths inch in diameter centered at the stem button or button socket shall not be considered in determining whether an orange is seriously damaged; and,

(g) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or which affects more than one-third of the fruit surface.

It is hereby found and determined that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule making procedure with respect to the aforementioned amended standards. The amendatory actions relate solely to the provisions of §§ 51.1094 (c) and (c) (1), 51.1095 (a), and 51.1109 (f), (g) and (h). Section 51.1094 is concerned with requirements for standard pack and contains specific diameter requirements for each box pack count. Because of recent changes in the California State Agricultural Code as it relates to sizes of oranges that may be packed in cartons, certain box pack counts for which diameter requirements are presently provided in § 51.1094 (c) no longer may be packed in cartons for shipment from California. Accordingly, it is necessary to provide general requirements applicable to all sizes in lieu of present requirements applicable to specific sizes. The change in § 51.1095 (a) is related to the size requirements in § 51.1094 and results from the aforementioned changes in the California State Agricultural Code. The amendatory action relating to § 51.1109 (f), (g) and (h) concerns the deletion of a definition relating to a grade that is no longer a part of those standards. It is necessary that these indicated changes be made effective as soon as possible in order that the requirements in the United States Standards will not be in conflict with the requirements in the California State Agricultural Code and will be consistent with current industry practices.

The amended United States Standards for Oranges (California and Arizona) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Oranges (California and Arizona, which have been in effect since December 1, 1956 (21 F. R. 8845; §§ 51.1085 to 51.1109).

Dated: August 20, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6948; Filed, Aug. 22, 1957; 8:47 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1958–59 MARKETING YEAR

COUNTY ACREAGE ALLOTMENTS FOR 1958 CROP OF WHEAT

§ 728.806 *Basis and purpose.* The county acreage allotments for 1958 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose is to apportion among the counties of each State the respective State wheat acreage allotments for 1958 as established by the proclamation dated April 19, 1957 (22 F. R. 2905). Prior to determinations of county acreage allotments for 1958 crop wheat, public notice (21 F. R. 9778) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the determination of county acreage allotments for 1958 crop wheat which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958

ARKANSAS

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Arkansas	694	0.5	------
Ashley	15	------	------
Baxter	142	1.8	------
Benton	2,133	22.7	------
Boone	238	6.3	------
Carroll	211	1.3	------
Chicot	387	------	------
Clark	1	1.0	------
Clay	3,118	35.5	------
Cleburne	24	------	------
Conway	1,325	------	125
Craighead	203	10.5	------
Crawford	1,634	13.7	269
Crittenden	4,182	21.5	1,408
Cross	1,709	16.0	------
Desha	247	------	------
Drew	10	------	------
Faulkner	200	------	------
Franklin	261	------	------
Fulton	161	10.0	------
Garland	30	------	------
Greene	448	6.5	------
Hempstead	15	------	------
Hot Spring	15	------	------
Independence	4,086	9.6	352
Izard	19	------	------
Jackson	1,233	9.3	------
Jefferson	79	5.0	------
Johnson	861	15.2	------
Lafayette	11	------	------
Lawrence	727	10.4	------
Lee	1,023	11.0	272
Lincoln	72	------	------
Little River	27	------	------
Logan	1,418	1.0	------
Lonoke	291	------	------
Madison	316	6.2	------
Marion	58	------	------
Miller	4	------	------
Mississippi	8,021	33.0	2,233
Monroe	73	------	------
Montgomery	49	------	------
Newton	4	------	------
Ouachita	1	------	------
Perry	234	------	------
Phillips	840	------	106
Poinsett	1,092	.8	------
Polk	14	1.1	------
Pope	1,102	4.1	181
Prairie	316	------	100
Pulaski	2,334	16.5	428
Randolph	878	9.4	------
St. Francis	2,781	3.8	400
Saline	7	------	------
Searcy	254	.1	------
Sebastian	338	.3	104
Sevier	8	------	------
Sharp	109	.1	------
Stone	271	5.0	------
Van Buren	21	------	------
Washington	859	8.7	------
White	369	3.5	------
Woodruff	1,075	------	420
Yell	455	8.8	------
Reserve new farms	50	------	------
Reserve appeals and corrections	151	------	------
Total	49,334	310.2	6,398

CALIFORNIA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Alameda	1,893	10.6	------
Alpine	17	2.0	------
Amador	296	9.0	------
Butte	8,845	99.0	------
Calaveras	30	------	------
Colusa	6,962	72.9	------
Contra Costa	1,827	54.0	------
El Dorado	1	------	------
Fresno	16,825	162.3	------
Glenn	4,356	82.9	------
Imperial	2,200	13.3	------
Inyo	23	5.0	------
Kern	41,889	220.4	------
Kings	1,185	25.0	------
Lake	412	4.4	------
Lassen	8,624	196.3	------
Los Angeles	27,518	105.2	------
Madera	10,921	112.0	------
Marin	399	3.0	------
Mariposa	113	------	------
Mendocino	929	10.2	------
Merced	3,558	75.0	------
Modoc	15,818	300.0	------
Mono	19	3.0	------
Monterey	16,844	94.6	------
Napa	1,854	55.2	------
Orange	639	1.5	------
Placer	11,281	85.0	------
Plumas	846	25.5	------
Riverside	19,234	25.9	------
Sacramento	17,111	68.9	------
San Benito	2,190	50.0	------
San Bernardino	201	5.1	------
San Diego	1,158	10.9	------
San Joaquin	9,837	220.0	------
San Luis Obispo	95,572	104.9	------
San Mateo	62	1.9	------
Santa Barbara	7,686	41.8	------
Santa Clara	185	4.9	------
Santa Cruz	14	------	------
Shasta	1,834	100.0	------
Sierra	507	20.0	------
Siskiyou	20,908	592.0	------
Solano	12,776	225.6	------
Sonoma	713	5.2	------
Stanislaus	665	15.0	------
Sutter	18,156	394.9	------
Tehama	2,329	51.2	------
Trinity	5	------	------
Tulare	30,832	185.6	------
Tuolumne	40	.9	------
Ventura	721	.4	------
Yolo	11,087	95.9	------
Yuba	1,830	49.9	------
Reserve new farms	2,225	------	------
Reserve appeals and corrections	1,000	------	------
Total	445,004	4,109.2	------

COLORADO

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Adams	133,375	200	------
Alamosa	1,012	12	------
Arapahoe	61,442	100	------
Archuleta	1,853	10	------
Baca	265,956	1,200	------
Bent	31,252	1,000	------
Boulder	11,143	50	------
Chaffee	286	22	------
Cheyenne	142,772	400	------
Conejos	2,181	324	------
Costilla	1,385	209	------
Crowley	11,884	2,875	------
Custer	373	10	------
Delta	1,326	25	------
Dolores	30,410	100	------
Douglas	11,846	100	------
Eagle	431	15	------
Elbert	67,051	200	------
El Paso	16,237	100	------
Fremont	562	20	------
Garfield	5,265	100	------
Grand	1,145	25	------
Huerfano	5,366	50	------
Jackson	538	15	------
Jefferson	8,651	51	------
Kiowa	220,093	493	------
Kit Carson	242,425	300	------
La Plata	19,437	60	------
Larimer	22,191	50	------
Las Animas	22,805	881	------
Lincoln	128,148	400	------
Logan	142,365	200	------
Mesa	1,694	15	------
Moffat	31,294	100	------
Montezuma	19,925	75	------
Montrose	5,182	35	------
Morgan	50,106	200	------
Otero	2,013	113	------
Ouray	799	5	------
Phillips	111,221	75	------
Pitkin	229	5	------
Prowers	161,345	1,345	------
Pueblo	15,925	150	------
Rio Blanco	6,071	67	------
Rio Grande	3,255	15	------
Routt	23,874	150	------
Saguache	933	151	------
San Miguel	979	5	------
Sedgwick	64,945	100	------
Teller	25	3	------
Washington	238,891	200	------
Weld	189,356	150	------
Yuma	143,649	150	------
Reserve new farms	2,000	------	------
Reserve appeals and corrections	1,000	------	------
Total	2,704,917	12,691	------

DELAWARE

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Kent	15,522	133.2	------
New Castle	12,688	113.4	------
Sussex	7,029	127.2	------
Reserve new farms	125	------	------
Reserve appeals and corrections	75	------	------
Total	35,439	373.8	------

GEORGIA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Appling	28	1.1	------
Atkinson	1	------	------
Baker	86	.2	------
Baldwin	59	------	------
Banks	968	23.5	------
Barrow	1,165	13.7	------
Bartow	2,036	13.3	------
Ben Hill	23	.6	------
Berrien	1	------	------
Bibb	666	4.9	------
Bleckley	439	3.5	------
Brooks	10	.1	------
Bryan	11	1.5	------
Bulloch	223	5.0	------
Burke	1,362	7.9	------
Butts	1,098	18.1	------
Calhoun	92	4.0	------
Candler	47	2.0	------
Carroll	863	11.9	------
Catoosa	346	5.1	------
Chattooga	180	1.5	------
Cherokee	153	1.4	------
Clarke	1,694	17.1	------
Clay	110	3.0	------
Clayton	288	5.8	------
Cobb	189	9.4	------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

GEORGIA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Coffee	79	-----	-----
Colquitt	5	0.6	-----
Columbia	228	2.4	-----
Coweta	348	7.0	-----
Crawford	1,058	11.0	-----
Crisp	436	3.0	-----
Dade	106	2.0	-----
Dawson	205	4.7	-----
Decatur	1	-----	-----
De Kalb	234	5.6	-----
Dodge	132	.4	-----
Dooly	1,913	15.0	-----
Dougherty	504	8.4	-----
Douglas	192	6.6	-----
Early	617	12.0	-----
Effingham	24	.1	-----
Elbert	2,469	54.6	-----
Emanuel	730	2.0	-----
Evans	47	2.0	-----
Fannin	20	3.0	-----
Fayette	451	6.7	-----
Floyd	724	5.0	-----
Forsyth	526	16.2	-----
Franklin	3,586	19.3	-----
Fulton	443	5.2	-----
Gilmer	25	4.0	-----
Glascock	463	5.6	-----
Gordon	572	4.8	-----
Grady	70	2.0	-----
Greene	458	9.7	-----
Gwinnett	1,734	21.7	-----
Habersham	152	10.9	-----
Hall	734	11.1	-----
Hancock	317	4.1	-----
Haralson	318	5.4	-----
Harris	180	34.3	-----
Hart	4,800	29.1	-----
Heard	426	5.0	-----
Henry	1,740	29.6	-----
Houston	4,283	10.0	-----
Irwin	57	4.8	-----
Jackson	2,817	29.0	-----
Jasper	568	6.0	-----
Jefferson	9,575	54.0	-----
Jenkins	291	2.1	-----
Johnson	616	4.9	-----
Jones	104	2.1	-----
Lamar	515	8.9	-----
Laurens	1,431	4.9	-----
Lee	473	3.5	-----
Lincoln	344	6.7	-----
Lowndes	22	.1	-----
Lumpkin	55	4.7	-----
McDuffie	326	6.3	-----
Macon	2,141	5.0	-----
Madison	7,569	40.2	-----
Marion	176	2.9	-----
Meriwether	724	10.0	-----
Miller	102	10.3	-----
Mitchell	17	-----	-----
Monroe	286	5.3	-----
Montgomery	66	1.3	-----
Morgan	951	7.9	-----
Murray	968	10.7	-----
Muscogee	1	-----	-----
Newton	622	9.9	-----
Oconee	2,440	19.8	-----
Oglethorpe	5,172	27.0	-----
Paulding	236	4.7	-----
Peach	2,199	9.8	-----
Pickens	121	1.6	-----
Pierce	1	-----	-----
Pike	1,060	14.4	-----
Polk	932	8.7	-----
Pulaski	541	5.4	-----
Putnam	152	1.4	-----
Quitman	12	-----	-----
Rabun	28	5.7	-----
Randolph	316	3.0	-----
Richmond	741	6.7	-----
Rockdale	302	9.0	-----
Schley	232	2.2	-----
Screven	318	10.0	-----
Seminole	80	3.6	-----
Spalding	1,152	17.0	-----
Stephens	402	8.4	-----
Stewart	68	1.9	-----
Sumter	2,618	10.0	-----
Talbot	172	3.0	-----
Taliaferro	186	3.8	-----
Tattnall	39	.6	-----
Taylor	236	2.1	-----
Telfair	64	25.5	-----
Terrell	357	12.0	-----
Thomas	57	-----	-----
Tift	21	-----	-----
Toombs	66	0.9	-----
Towns	133	23.7	-----
Treutlen	60	.6	-----
Troup	69	4.1	-----
Turner	107	1.0	-----
Twiggs	77	-----	-----
Union	252	5.0	-----
Upson	349	3.0	-----
Walker	706	2.6	-----
Walton	1,959	17.4	-----
Warren	1,385	13.6	-----
Washington	3,759	10.0	-----
Webster	107	2.1	-----
Wheeler	773	3.0	-----
White	71	5.2	-----
Whitfield	1,094	52.3	-----
Wilcox	229	1.4	-----
Wilkes	869	1.8	-----
Wilkinson	128	.2	-----
Worth	45	.3	-----
Reserve new farms	430	-----	-----
Reserve appeals and corrections	431	-----	-----
Total	107,591	1,141.7	-----

IDAHO

Ada	5,886	100	-----
Adams	1,063	24	-----
Bannock	50,080	243	-----
Bear Lake	22,510	121	-----
Benewah	19,424	45	-----
Bingham	51,262	530	1,443
Blaine	7,155	100	-----
Boise	502	1	-----
Bonner	1,762	55	-----
Bonneville	89,358	439	-----
Boundary	9,496	30	-----
Butte	9,290	177	-----
Camas	32,080	500	-----
Canyon	16,468	95	-----
Caribou	48,879	139	-----
Cassia	60,145	164	1,941
Clark	5,129	27	274
Clearwater	7,499	33	-----
Custer	1,934	20	-----
Elmore	7,336	50	-----
Franklin	35,129	383	-----
Fremont	47,979	240	-----
Gem	2,128	68	-----
Gooding	7,097	101	-----
Idaho	57,535	283	-----
Jefferson	27,788	139	93
Jerome	12,466	125	350
Kootenai	23,427	244	-----
Latah	63,280	540	-----
Lemhi	1,365	35	-----
Lewis	39,548	24	-----
Lincoln	9,196	100	188
Madison	49,545	225	-----
Minidoka	18,887	164	3,490
Nez Perce	61,313	250	-----
Oneida	67,148	169	-----
Owyhee	4,963	63	-----
Payette	4,894	22	-----
Power	91,309	426	78
Teton	28,558	148	-----
Twin Falls	32,512	610	106
Valley	603	31	-----
Washington	17,645	171	-----
Reserve new farms	1,000	-----	-----
Reserve appeals and corrections	174	-----	-----
Total	1,152,744	7,457	7,966

ILLINOIS

Adams	33,017	247.5	-----
Alexander	4,177	33.1	-----
Bond	16,615	187.5	-----
Boone	306	5.7	-----
Brown	6,365	123.0	-----
Bureau	1,859	60.0	-----
Calhoun	4,293	98.8	-----
Carroll	293	6.0	-----
Cass	17,785	153.2	-----
Champaign	26,079	473.0	-----
Christian	44,443	226.1	-----
Clark	22,171	145.7	-----
Clay	10,935	198.5	-----
Clinton	31,778	184.6	-----
Coles	20,991	103.5	-----
Cook	1,809	100.7	-----
Crawford	15,284	101.9	-----
Cumberland	12,575	128.1	-----
De Kalb	566	6.7	-----
De Witt	5,001	113.5	-----
Douglas	15,666	87.1	-----
Du Page	2,897	22.3	-----
Edgar	24,880	309.8	-----
Edwards	10,953	158.3	-----
Effingham	17,784	160.8	-----
Fayette	22,397	251.0	-----
Ford	509	24.8	-----
Franklin	16,939	197.5	-----
Fulton	15,578	103.7	-----
Gallatin	7,447	101.9	-----
Greene	21,765	168.1	-----
Grundy	694	87.3	-----
Hamilton	10,806	137.4	-----
Hancock	22,391	199.3	-----
Hardin	143	4.8	-----
Henderson	4,043	198.9	-----
Henry	844	25.1	-----
Iroquois	10,855	148.5	-----
Jackson	16,780	406.1	-----
Jasper	18,707	230.1	-----
Jefferson	17,013	201.2	-----
Jersey	17,520	142.6	-----
Jo Daviess	69	48.7	-----
Johnson	1,745	39.3	-----
Kane	1,699	31.9	-----
Kankakee	6,632	124.9	-----
Kendall	905	25.0	-----
Knox	2,799	24.5	-----
Lake	3,130	23.4	-----
La Salle	2,045	26.2	-----
Lawrence	18,352	247.7	-----
Lee	2,914	27.5	-----
Livingston	768	38.5	-----
Logan	19,180	194.7	-----
McDonough	10,738	194.9	-----
McHenry	1,328	30.5	-----
McLean	3,490	41.5	-----
Macon	18,714	87.6	-----
Macoupin	40,174	224.1	-----
Madison	51,661	281.7	-----
Marion	18,203	371.0	-----
Marshall	2,810	49.6	-----
Mason	30,888	291.8	-----
Massac	3,032	50.6	-----
Menard	14,613	142.7	-----
Mercer	1,436	35.5	-----
Monroe	33,231	157.9	-----
Montgomery	37,390	268.3	-----
Morgan	27,601	194.9	-----
Moultrie	14,503	200.0	-----
Ogle	945	5.2	-----
Peoria	8,535	115.4	-----
Perry	17,474	114.4	-----
Piatt	14,089	105.2	-----
Pike	21,626	152.7	-----
Pope	1,751	100.5	-----
Pulaski	3,491	53.9	-----
Putnam	1,537	38.9	-----
Randolph	32,904	273.0	-----
Richland	11,021	142.7	-----
Rock Island	849	15.6	-----
St. Clair	56,344	301.1	-----
Saline	11,392	355.1	-----
Sangamon	37,128	308.7	-----
Schuyler	14,005	253.9	-----
Scott	13,770	155.9	-----
Shelby	31,295	294.7	-----
Stark	517	20.2	-----
Stephenson	212	45.4	-----
Tazewell	18,081	337.3	-----
Union	6,023	120.1	-----
Vermilion	36,794	534.5	-----
Tipton	13,464	70.8	-----
Warren	1,232	19.7	-----
Washington	49,763	59.2	-----
Wayne	13,453	225.0	-----
White	22,098	265.8	-----
Whiteside	3,851	36.7	-----
Will	6,715	146.9	-----
Williamson	5,163	115.1	-----
Winnebago	1,005	8.3	-----
Woodford	2,693	51.9	-----
Reserve new farms	3,000	-----	-----
Reserve appeals and corrections	1,506	-----	-----
Total	1,386,663	14,360.5	-----

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

INDIANA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Adams	13,499	268	-----
Allen	27,669	569	-----
Bartholomew	20,907	209	-----
Benton	10,821	108	-----
Blackford	3,380	100	-----
Boone	8,542	130	-----
Brown	338	15	-----
Carroll	12,647	180	-----
Cass	11,859	139	-----
Clark	6,703	67	-----
Clay	14,666	166	-----
Clinton	16,854	200	-----
Crawford	2,586	100	-----
Daviess	18,081	180	-----
Dearborn	6,297	97	-----
Decatur	24,941	249	-----
De Kalb	18,057	181	-----
Delaware	11,599	260	-----
Dubois	13,567	136	-----
Elkhart	19,070	200	-----
Fayette	10,063	101	-----
Floyd	1,770	18	-----
Fountain	16,245	162	-----
Franklin	14,985	150	-----
Fulton	11,177	112	-----
Gibson	21,172	212	-----
Grant	11,738	138	-----
Greene	16,565	264	-----
Hamilton	11,057	111	-----
Hancock	10,701	200	-----
Harrison	7,511	100	-----
Hendricks	10,321	150	-----
Henry	11,575	116	-----
Howard	11,000	110	-----
Huntington	11,777	294	-----
Jackson	15,936	236	-----
Jasper	13,864	175	-----
Jay	11,299	150	-----
Jefferson	6,669	67	-----
Jennings	8,961	89	-----
Johnson	13,206	150	-----
Knox	30,694	327	-----
Kosciusko	18,443	270	-----
Lagrange	16,162	340	-----
Lake	11,036	275	-----
La Porte	29,521	450	-----
Lawrence	2,953	50	-----
Madison	14,331	143	-----
Marion	7,297	150	-----
Marshall	15,476	176	-----
Martin	2,174	22	-----
Miami	11,112	125	-----
Monroe	1,270	40	-----
Montgomery	15,902	239	-----
Morgan	7,832	102	-----
Newton	8,463	100	-----
Noble	14,956	160	-----
Ohio	1,217	12	-----
Orange	3,831	57	-----
Owen	3,687	73	-----
Parke	12,879	129	-----
Perry	4,906	73	-----
Pike	7,276	100	-----
Porter	17,661	325	-----
Posey	23,233	233	-----
Pulaski	13,907	140	-----
Putnam	8,988	150	-----
Randolph	14,870	180	-----
Ripley	16,672	200	-----
Rush	23,067	237	-----
St. Joseph	19,880	280	-----
Scott	4,057	80	-----
Shelby	21,267	319	-----
Spencer	13,513	218	-----
Starke	9,266	126	-----
Steuben	10,782	108	-----
Sullivan	18,016	350	-----
Switzerland	2,961	50	-----
Tippecanoe	20,285	455	-----
Tipton	9,380	93	-----
Union	10,427	112	-----
Vanderburgh	10,875	109	-----
Vermillion	9,369	250	-----
Vigo	12,653	126	-----
Wabash	14,899	200	-----
Warren	12,571	126	-----
Warrick	8,813	89	-----
Washington	9,979	175	-----
Wayne	15,530	200	-----
Wells	11,614	116	-----
White	12,432	132	-----
Whitley	12,060	200	-----
Reserve new farms	2,274	-----	-----
Reserve appeals and corrections	1,141	-----	-----
Total	1,137,045	15,443	-----

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

IOWA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Adair	345	10	-----
Adams	1,927	222	-----
Allamakee	12	-----	-----
Appanoose	778	15	-----
Audubon	68	13	-----
Benton	267	10	-----
Black Hawk	66	15	-----
Boone	48	33	-----
Bremer	5	-----	-----
Buchanan	102	10	-----
Calhoun	10	-----	-----
Carroll	34	5	-----
Cass	1,580	20	-----
Cedar	98	13	-----
Cerro Gordo	74	10	-----
Chickasaw	5	-----	-----
Clarke	266	12	-----
Clayton	8	-----	-----
Clinton	129	6	-----
Crawford	388	25	-----
Dallas	722	338	-----
Davis	1,638	50	-----
Decatur	812	28	-----
Des Moines	3,638	50	-----
Dubuque	82	4	-----
Floyd	17	-----	-----
Fremont	11,234	96	-----
Greene	40	10	-----
Guthrie	510	20	-----
Hamilton	24	5	-----
Hancock	23	4	-----
Harrison	16,261	251	-----
Henry	2,505	67	-----
Humboldt	7	7	-----
Ida	16	-----	-----
Iowa	179	38	-----
Jackson	46	5	-----
Jasper	975	85	-----
Jefferson	1,188	30	-----
Johnson	191	15	-----
Jones	48	4	-----
Keokuk	314	20	-----
Lee	6,892	7	-----
Linn	136	7	-----
Louisa	1,411	30	-----
Lucas	981	25	-----
Lyon	38	5	-----
Madison	1,906	35	-----
Mahaska	729	106	-----
Marion	1,201	50	-----
Marshall	104	4	-----
Mills	6,540	46	-----
Monona	17,874	300	-----
Monroe	975	35	-----
Montgomery	4,601	77	-----
Muscatine	1,057	25	-----
Page	8,061	176	-----
Palo Alto	34	10	-----
Plymouth	920	50	-----
Pocahontas	23	4	-----
Polk	2,320	26	-----
Pottawattamie	7,594	82	-----
Poweshiek	73	28	-----
Ringgold	2,062	20	-----
Sac	8	-----	-----
Scott	332	82	-----
Shelby	207	15	-----
Sioux	29	4	-----
Story	123	10	-----
Tama	78	48	-----
Taylor	3,940	78	-----
Union	442	26	-----
Van Buren	2,751	50	-----
Wapello	1,662	50	-----
Warren	3,822	50	-----
Washington	407	20	-----
Wayne	333	35	-----
Woodbury	7,314	400	-----
Worth	6	-----	-----
Reserve new farms	2,000	-----	-----
Reserve appeals and corrections	497	-----	-----
Total	138,175	3,562	-----

KANSAS

Allen	23,255	122	-----
Anderson	25,816	516	-----
Atchison	27,212	3,340	-----
Barber	121,128	606	-----
Barton	233,637	2,336	-----
Bourbon	17,414	152	-----
Brown	36,616	300	-----

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

KANSAS—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Butler	61,548	1,000	-----
Chase	18,037	180	-----
Chautauqua	12,122	60	-----
Cherokee	58,132	145	-----
Cheyenne	120,227	301	-----
Clark	101,682	508	-----
Clay	94,129	941	-----
Cloud	119,626	1,200	-----
Coffey	25,158	78	-----
Comanche	100,701	500	-----
Cowley	97,280	450	-----
Crawford	31,869	80	-----
Decatur	101,895	300	-----
Dickinson	141,438	707	-----
Doniphan	13,367	73	-----
Douglas	28,821	298	-----
Edwards	148,724	744	-----
Elk	11,411	57	-----
Ellis	151,592	758	-----
Ellsworth	114,012	1,000	-----
Finney	190,519	634	-----
Ford	269,457	674	-----
Franklin	23,504	231	-----
Geary	27,751	208	-----
Gove	118,876	430	-----
Graham	120,266	600	-----
Grant	90,167	300	-----
Gray	208,177	520	-----
Greeley	143,085	357	-----
Greenwood	18,037	99	-----
Hamilton	143,547	478	-----
Harper	191,842	959	-----
Harvey	101,115	550	-----
Haskell	147,620	738	-----
Hodgeman	154,293	771	-----
Jackson	33,147	547	-----
Jefferson	30,740	461	-----
Jewell	115,179	700	-----
Johnson	22,863	230	-----
Kearny	104,886	262	-----
Kingman	168,509	843	-----
Kiowa	118,714	597	-----
Labette	54,898	137	-----
Lane	118,585	300	-----
Leavenworth	21,617	235	-----
Lincoln	116,558	440	-----
Linn	21,976	202	-----
Logan	112,570	500	-----
Lyon	32,998	330	-----
McPherson	108,888	1,000	-----
Marion	118,994	500	-----
Marshall	75,805	1,005	-----
Meade	161,251	806	-----
Miami	24,668	333	-----
Mitchell	170,007	1,600	-----
Montgomery	40,862	94	-----
Morris	41,768	417	-----
Morton	86,631	433	-----
Nemaha	36,645	460	-----
Neosho	39,805	199	-----
Ness	197,431	987	-----
Norton	85,232	300	-----
Osage	24,353	152	-----
Osborne	139,929	750	-----
Ottawa	116,988	585	-----
Pawnee	202,923	1,522	-----
Phillips	94,171	750	-----
Pottawatomie	36,691	549	-----
Pratt	171,770	1,288	-----
Rawlins	128,274	321	-----
Reno	277,316	1,500	-----
Republic	80,128	891	-----
Rice	161,645	500	-----
Riley	37,180	644	-----
Rooks	139,294	700	-----
Rush	181,100	910	-----
Russell	148,549	585	-----
Saline	127,175	636	-----
Scott	120,163	300	-----
Sedgwick	187,318	937	-----
Seward	103,759	259	-----
Shawnee	34,314	343	-----
Sheridan	122,704	398	-----
Sherman	157,034	394	-----
Smith	105,311	750	-----
Stafford	167,486	1,675	-----
Stanton	128,872	322	-----
Stevens	102,046	510	-----
Sumner	290,923	1,455	-----
Thomas	129,181	450	-----
Trego	98,514	265	-----
Wabaunsee	84,227	305	-----
Wallace	84,003	846	-----
Washington	115,390	288	-----
Wichita	41,898	105	-----
Wilson	13,854	69	-----
Woodson			

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

KANSAS—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Wyandotte	2,695	26	
Reserve new farms	10,638		
Reserve appeals and corrections	9,953		
Total	10,638,208	61,175	

KENTUCKY

Adair	1,391	30	
Allen	1,980	80	
Anderson	372	10	
Ballard	1,042	30	
Barren	1,761	31	
Bath	1,286	20	
Boone	1,026	30	
Bourbon	4,747	75	
Boyd	34		
Boyle	2,208	28	
Bracken	1,190	10	
Breckinridge	4,622	100	
Bullitt	1,428	25	
Butler	672	5	
Caldwell	1,560	50	
Calloway	3,981	14	
Campbell	675	10	
Carlisle	482	10	
Carroll	327	7	
Carter	131		
Casey	647	17	
Christian	16,325	25	
Clark	798	75	
Clinton	880	8	
Crittenden	1,120	5	
Cumberland	112	5	
Daviess	5,088	18	
Edmonson	461	5	
Elliott	8		
Estill	10		
Fayette	1,909	40	
Fleming	1,384	25	
Franklin	524	24	
Fulton	2,473	23	
Gallatin	271	30	
Garrard	1,175	10	
Grant	465	35	
Graves	4,001	60	
Grayson	2,834	25	
Green	1,212	20	
Greenup	137	14	
Hancock	1,160	10	
Hardin	3,526	50	
Harrison	2,517	17	
Hart	334	10	
Henderson	3,777	40	
Henry	1,264	20	
Hickman	3,528	28	
Hopkins	3,676	25	
Jackson	90		
Jefferson	2,226	12	
Jessamine	1,121	35	
Kenton	197	4	
Knox	32		
Larue	1,521	10	
Laurel	58	5	
Lawrence	1		
Lee	4		
Lewis	550	11	
Lincoln	1,910	30	
Livingston	695	10	
Logan	13,966	200	
Lyon	848	5	
McCracken	688	8	
McLean	2,250	25	
Madison	607	20	
Marion	1,494	50	
Marshall	1,235	10	
Martin	1		
Mason	4,025	25	
Meade	3,390	20	
Mercer	2,158	38	
Metcalfe	614	8	
Monroe	1,422	25	
Montgomery	883	13	
Morgan	42		
Muhlenberg	2,837	25	
Nelson	3,717	50	
Nicholas	1,248	20	
Ohio	1,268	10	
Oldham	1,803	20	
Owen	343	10	
Pendleton	1,033	20	
Powell	46		
Pulaski	1,616	26	
Robertson	437	7	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

KENTUCKY—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Rockcastle	171	5	
Rowan	121	10	
Russell	498	15	
Scott	2,240	30	
Shelby	3,524	24	
Simpson	10,083	58	
Spencer	973	25	
Taylor	3,347	25	
Todd	9,294	60	
Trigg	5,244	30	
Trimble	1,304	30	
Union	7,111	31	
Warren	3,115	50	
Washington	1,708	50	
Wayne	1,063	13	
Webster	4,302	62	
Whitley	3		
Wolfe	13		
Woodford	2,503		
Reserve new farms	1,700		
Reserve appeals and corrections	1,428		
Total	208,652	2,499	

MARYLAND

Allegheny	1,144	20	
Anne Arundel	1,718	20	
Baltimore	6,880	50	
Calvert	1,001	21	
Caroline	12,337	200	
Carroll	18,956	125	
Cecil	8,726	100	
Charles	3,932	27	
Dorchester	11,051	151	
Frederick	22,249	200	
Garrett	1,712	25	
Harford	4,408	75	
Howard	5,552	100	
Kent	12,827	28	
Montgomery	9,254	175	
Prince Georges	2,839	39	
Queen Annes	18,492	200	
St. Marys	5,270	100	
Somerset	710	16	
Talbot	16,225	65	
Washington	16,654	100	
Wicomico	610	25	
Worcester	1,453	20	
Reserve new farms	927		
Reserve appeals and corrections	463		
Total	185,390	1,882	

MICHIGAN

Alcona	1,940	50	
Alger	12		
Allegan	22,723	200	
Alpena	4,835	75	
Antrim	739	40	
Arenac	4,124	80	
Baraga	12	10	
Barry	20,161	300	
Bay	18,623	250	
Benzie	249	10	
Berrien	12,685	150	
Branch	22,188	250	
Calhoun	28,795	300	
Cass	15,683	200	
Charlevoix	1,231	75	
Cheboygan	962	20	
Chippewa	564	25	
Clare	2,362	20	
Clinton	32,698	200	
Crawford	3		
Delta	131	5	
Eaton	31,261	200	
Emmet	760	30	
Genesee	24,382	300	
Gladwin	3,234	50	
Grand Traverse	1,791	25	
Gratiot	28,220	600	
Hillsdale	23,523	225	
Houghton	42	4	
Huron	48,774	300	
Ingham	23,730	300	
Ionia	29,820	200	
Iosco	1,394	40	
Isabella	17,067	400	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

MICHIGAN—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Jackson	19,231	300	
Kalamazoo	23,500	125	
Kalkaska	307	15	
Kent	17,890	300	
Lake	579	10	
Lapeer	21,205	250	
Leelanau	895	20	
Lenawee	40,712	250	
Livingston	19,317	250	
Luce	40		
Mackinac	83	5	
Macomb	13,804	100	
Manistee	816	25	
Marquette	3		
Mason	4,794	30	
Mecosta	5,440	100	
Menominee	284	15	
Midland	7,713	125	
Missaukee	1,815	15	
Monroe	31,924	400	
Montcalm	17,608	150	
Montmorency	1,091	30	
Muskegon	4,173	75	
Newaygo	5,038	100	
Oakland	11,248	300	
Oceana	3,047	60	
Ogemaw	1,750	90	
Ontonagon	79	5	
Osceola	3,333	100	
Oscoda	110	1	
Otsego	288	10	
Ottawa	16,040	100	
Presque Isle	3,201	75	
Roscommon	62	2	
Saginaw	40,897	300	
St. Clair	27,888	300	
St. Joseph	22,132	350	
Sanilac	49,520	200	
Schoolcraft	40		
Shiawassee	32,383	400	
Tuscola	42,469	350	
Van Buren	11,672	200	
Washtenaw	26,266	250	
Wayne	7,887	200	
Wexford	722	10	
Reserve new farms	750		
Reserve appeals and corrections	250		
Total	965,008	10,927	

MINNESOTA

Aitkin	215	3	
Anoka	183	35	
Becker	15,747	67	
Beltrami	1,339	30	
Benton	290	15	
Big Stone	11,554	100	
Blue Earth	3,992	20	
Brown	796	20	
Carlton	8	5	
Carver	962	30	
Cass	90	50	
Chippewa	1,705	59	
Chisago	174	5	
Clay	72,348	148	
Clearwater	3,387	37	
Cottonwood	530	56	
Crow Wing	74	8	
Dakota	5,429	50	
Dodge	280	98	
Douglas	6,034	84	
Faribault	737	10	
Fillmore	267	27	
Freeborn	442	10	
Goodhue	4,413	1,277	
Grant	6,860	60	
Hennepin	362	9	
Houston	245	5	
Hubbard	819	216	
Isanti	1,014	37	
Itasca	209	6	
Jackson	148	12	
Kanabec	68	5	
Kandiyohi	1,442	28	
Kittson	86,930	339	
Koochiching	1,142	10	
Lac qui Parle	5,856	890	
Lake of the Woods	3,825	30	
Le Sueur	4,536	124	
Lincoln	2,496	258	
Lyon	2,167	66	
McLeod	3,203	506	
Mahnomen	10,336	76	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

MINNESOTA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Marshall	96,063	400	
Martin	147	13	
Meeker	2,671	71	
Mille Lacs	282	12	
Morrison	1,176	15	
Mower	403	13	
Murray	135	8	
Nicollet	1,919	19	
Nobles	56	41	
Norman	45,260	100	
Olmstead	769	20	
Otter Tail	26,144	375	8
Pennington	9,127	50	
Pine	111	5	
Pipestone	59	2	
Polk	128,154	570	
Pope	5,010	157	
Ramsey	20	1	
Red Lake	8,590	40	
Redwood	2,154	556	
Renville	4,244	30	
Rice	1,998	50	
Rock	11	2	
Roseau	23,994	50	
St. Louis	239	5	
Scott	1,949	191	
Sherburne	873	13	
Sibley	4,147	17	
Stearns	3,426	50	
Steele	260	25	
Stevens	7,698	40	
Swift	4,116	788	
Todd	1,389	125	
Traverse	20,220	75	
Wabasha	1,063	50	
Wadena	489	62	
Waseca	1,457	25	
Washington	726	20	
Watonwan	206	3	
Wilkin	50,837	200	
Winona	624	10	
Wright	2,334	536	
Yellow Medicine	4,626	592	
Reserve new farms	1,007		
Reserve appeals and corrections	1,000		
Total	729,866	10,845	

MISSOURI

Adair	5,643	100.0	
Andrew	8,315	145.9	
Atchison	12,161	90.4	
Audrain	16,807	126.3	
Barry	6,059	315.9	
Barton	36,137	227.0	
Bates	26,978	113.0	
Benton	8,795	100.0	
Bollinger	6,379	54.6	
Boone	12,495	200.0	
Buchanan	19,320	200.0	
Butler	4,829	61.5	405
Caldwell	10,748	150.0	
Callaway	13,508	150.0	
Camden	1,119	19.0	
Cape Girardeau	14,385	104.3	
Carroll	36,758	300.0	
Carter	383	17.0	
Cass	15,700	117.0	
Cedar	11,001	75.0	
Charlton	24,436	100.0	
Christian	4,155	44.0	
Clark	9,884	123.0	
Clay	9,843	200.0	
Clinton	8,486	100.0	
Cole	9,738	100.0	
Cooper	17,670	150.0	
Crawford	2,449	45.0	
Dade	19,239	46.0	
Dallas	3,473	49.0	
Daviess	16,351	200.0	
De Kalb	9,943	410.0	
Dent	2,151	46.3	
Douglas	2,144	49.4	
Dunklin	4,999	64.0	
Franklin	19,628	250.0	
Gasconade	12,002	115.0	
Gentry	9,943	148.1	
Greene	9,244	99.1	
Grundy	5,066	73.3	
Harrison	10,595	200.0	
Henry	18,015	340.0	
Hickory	3,777	112.0	
Holt	17,546	215.9	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

MISSOURI—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Howard	13,664	110.4	
Howell	2,443	122.0	
Iron	664	14.8	
Jackson	13,100	134.2	
Jasper	37,377	332.0	
Jefferson	5,809	104.0	
Johnson	15,039	150.0	
Knox	8,669	73.0	
Laclede	4,679	49.3	
Lafayette	25,045	202.9	
Lawrence	18,013	75.0	
Lewis	17,012	150.0	
Lincoln	20,010	231.7	
Linn	7,530	132.5	
Livingston	12,817	168.1	
McDonald	2,928	50.0	
Macon	8,966	100.0	
Madison	1,761	29.0	
Maries	5,650	51.1	
Marion	16,425	91.6	
Mercer	3,988	60.0	
Miller	6,470	43.1	
Mississippi	12,192	29.7	
Moniteau	10,489	68.7	
Monroe	16,293	211.8	
Montgomery	15,618	162.8	
Morgan	7,454	67.8	
New Madrid	15,559	75.2	
Newton	16,418	111.2	
Nodaway	11,192	50.0	
Oregon	1,581	24.0	
Osage	10,658	61.0	
Ozark	1,200	40.0	
Pemiscot	1,351	12.0	
Perry	15,969	119.4	
Pettis	19,390	160.0	
Phelps	3,838	19.9	
Pike	15,901	195.5	
Platte	26,821	181.5	
Polk	10,899	56.3	
Pulaski	1,304	24.0	
Putnam	1,212	28.0	
Ralls	12,246	152.6	
Randolph	9,683	150.0	
Ray	21,329	125.1	
Reynolds	755	29.2	
Ripley	2,075	16.2	
St. Charles	34,490	150.0	
St. Clair	15,298	102.5	
St. Francois	2,728	50.0	
St. Louis	17,744	150.0	
Ste. Genevieve	5,239	1.0	
Saline	31,491	194.4	
Schuyler	1,559	25.0	
Scotland	4,992	50.0	
Scott	19,050	9.1	
Shannon	799	29.0	
Shelby	14,891	168.5	
Stoddard	23,962	75.0	
Stone	1,043	24.9	
Sullivan	3,301	100.0	
Taney	145	24.4	
Texas	6,845	33.1	
Vernon	29,578	300.0	
Warren	14,492	152.1	
Washington	1,571	37.0	
Wayne	1,523	51.3	
Webster	4,592	100.0	
Worth	4,358	58.0	
Wright	2,657	50.0	
Reserve new farms	1,500		
Reserve appeals and corrections	1,001		
Total	1,273,623	12,528.6	405

MONTANA

Beaverhead	8,843	75	
Big Horn	67,656	200	
Blaine	81,404	400	
Broadwater	25,238	60	
Carbon	30,598	50	
Carter	25,910	150	
Cascade	129,325	750	
Chouteau	344,575	800	
Custer	20,885	125	
Daniels	193,142	600	
Dawson	131,874	300	
Deer Lodge	1,045	15	
Fallon	85,903	408	
Fergus	157,635	100	
Flathead	26,460	100	
Gallatin	65,312	300	
Garfield	42,000	200	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

MONTANA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Glacier	50,767	200	
Golden Valley	18,559	75	
Granite	1,336	25	
Hill	307,660	450	
Jefferson	9,364	25	
Judith Basin	81,041	225	
Lake	20,321	200	
Lewis and Clark	15,050	75	
Liberty	162,252	300	
Lincoln	870	25	
McCone	164,780	250	
Madison	11,741	25	
Meagher	3,683	20	
Mineral	941	10	
Missoula	8,557	75	
Musselshell	17,233	20	
Park	23,431	20	
Petroleum	6,628	50	
Phillips	89,194	385	
Pondera	148,441	300	
Powder River	29,001	100	
Powell	5,236	25	
Prairie	36,699	200	
Ravalli	7,270	80	
Richland	139,031	300	
Roosevelt	253,316	200	
Rosebud	24,853	100	
Sanders	7,097	70	
Sheridan	213,953	400	
Silver Bow	75		
Stillwater	60,456	100	
Sweet Grass	11,613	50	
Teton	159,861	300	
Toole	145,609	259	
Treasure	6,119	30	
Valley	225,744	227	
Wheatland	9,639	50	
Wibaux	53,984	200	
Yellowstone	82,889	150	
Reserve new farms	2,500		
Reserve appeals and corrections	3,433		
Total	4,058,327	10,289	

NEBRASKA

Adams	89,383	288	
Antelope	6,681	65	
Arthur	10		
Banner	55,523	50	
Blaine	7	7	
Boone	10,394	42	
Box Butte	97,891	200	
Boyd	2,092	300	
Brown	2,302	15	
Buffalo	43,454	178	
Burt	8,580	60	
Butler	47,159	200	
Cass	27,159	100	
Cedar	380	5	
Chase	75,496	100	
Cherry	1,428	20	
Cheyenne	164,792	400	
Clay	54,918	300	
Colfax	18,895	100	
Cuming	1,685	500	
Custer	50,359	259	
Dakota	321	23	
Dawes	43,665	200	
Dawson	20,827	150	
Deuel	67,955	100	
Dixon	221	87	
Dodge	25,395	100	
Douglas	2,794	451	
Dundy	33,067	70	
Fillmore	85,211	300	
Franklin	43,979	192	
Frontier	56,101	200	
Furnas	62,067	218	
Gage	80,906	400	
Garden	42,503	49	
Garfield	177	27	
Gosper	31,504	131	
Greeley	9,724	100	
Hall	34,271	137	
Hamilton	60,788	259	
Harlan	53,814	137	
Hayes	43,922	122	
Hitchcock	71,262	200	
Holt	7,081	60	
Hooker	8	8	
Howard	25,527	120	
Jefferson	59,892	200	
Johnson	24,901	101	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

NEBRASKA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Kearney	69,703	202	------
Keith	71,788	100	------
Keya Paha	1,165	8	------
Kimball	137,665	250	------
Knox	3,473	13	------
Lancaster	70,300	300	------
Lincoln	56,725	275	------
Logan	6,800	10	------
Loup	256	83	------
McPherson	87	------	------
Madison	5,437	25	------
Merrick	24,493	130	------
Morrill	36,258	100	------
Nance	21,282	111	------
Nemaha	24,739	125	------
Nuckolls	49,106	150	------
Otoe	38,378	150	------
Pawnee	16,441	200	------
Perkins	138,836	200	------
Phelps	56,140	204	------
Pierce	1,802	420	------
Platte	21,001	------	------
Polk	35,974	103	------
Redwillow	66,371	173	------
Richardson	26,915	100	------
Rock	50	5	------
Saline	76,492	200	------
Sarpy	4,291	173	------
Saunders	33,205	200	------
Scotts Bluff	16,627	50	------
Seward	57,428	200	------
Sheridan	55,561	116	------
Sherman	15,896	90	------
Sioux	8,586	50	------
Stanton	1,630	180	------
Thayer	73,171	125	------
Thomas	3	3	------
Thurston	440	10	------
Valley	16,237	82	------
Washington	8,836	50	------
Wayne	347	10	------
Webster	44,128	315	------
Wheeler	142	20	------
York	53,592	212	------
Reserve new farms	------	2,999	------
Reserve appeals and corrections	1,000	------	------
Total	3,228,377	12,824	------

NEW JERSEY

Atlantic	10	------	------
Bergen	7	7	------
Burlington	3,378	50	------
Camden	493	12	------
Cape May	120	20	------
Cumberland	960	25	------
Essex	8	8	------
Gloucester	659	30	------
Hunterdon	9,350	175	------
Mercer	9,376	40	------
Middlesex	6,520	100	------
Monmouth	10,110	110	------
Morris	752	25	------
Ocean	222	5	------
Passaic	2	------	------
Salem	2,965	75	------
Somerset	4,801	101	------
Sussex	276	10	------
Union	30	------	------
Warren	3,006	25	------
Reserve new farms	------	300	------
Reserve appeals and corrections	0	------	------
Total	53,345	818	------

NEW MEXICO

Bernalillo	1,356	24	------
Catron	421	11	------
Chaves	710	2	------
Colfax	12,011	1,349	------
Curry	191,214	4,000	------
De Baca	509	91	------
Eddy	130	100	------
Grant	137	1	------
Guadalupe	218	99	------
Harding	25,727	150	------
Hidalgo	27	19	------
Lea	860	1	------
Lincoln	267	2	------
McKinley	381	2	------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

NEW MEXICO—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Mora	1,947	35	------
Otero	101	1	------
Quay	117,367	500	------
Rio Arriba	7,541	20	------
Roosevelt	55,490	50	------
Sandoval	1,156	10	------
San Juan	850	10	------
San Miguel	1,689	10	------
Santa Fe	5,302	410	------
Sierra	66	15	------
Socorro	3,767	17	------
Taos	2,023	20	------
Torrance	26,648	959	------
Union	10,439	40	------
Valencia	4,189	40	------
Reserve new farms	1,500	------	------
Reserve appeals and corrections	200	------	------
Total	474,243	7,988	------

NEW YORK

Albany	1,735	[1] 75.0	------
Allegany	3,775	[1] 110.0	------
Broome	283	[1] 23.0	------
Cattaraugus	1,516	[1] 50.0	------
Cayuga	20,702	177.7	------
Chautauqua	2,995	41.1	------
Chemung	2,388	[1] 142.0	------
Chenango	822	[1] 40.0	------
Clinton	23	[1] 3.0	------
Columbia	1,962	48.0	------
Cortland	731	[1] 53.0	------
Delaware	106	[1] 3.0	------
Dutchess	828	21.9	------
Erie	11,714	188.1	------
Essex	399	14.8	------
Franklin	3	------	------
Fulton	183	15.2	------
Genesee	22,372	[1] 218.0	------
Greene	1,345	8.3	------
Herkimer	963	49.8	------
Jefferson	2,445	[1] 55.0	------
Lewis	63	[1] 1.0	------
Livingston	27,690	300.9	------
Madison	2,812	51.4	------
Monroe	28,208	192.1	------
Montgomery	1,956	[1] 60.0	------
Nassau	281	[1] 2.0	------
Niagara	20,540	[1] 240.0	------
Oneida	2,157	[1] 40.0	------
Onondaga	10,301	[1] 300.0	------
Ontario	27,976	[1] 276.0	------
Orange	326	6.0	------
Orleans	16,918	[1] 200.0	------
Oswego	2,407	23.1	------
Otsego	685	19.0	------
Putnam	1	1.0	------
Rensselaer	1,508	[1] 53.0	------
Rockland	21	------	------
St. Lawrence	191	[1] 20.0	------
Saratoga	1,041	39.9	------
Schenectady	353	14.9	------
Schoharie	1,872	35.1	------
Schuyler	5,650	[1] 140.0	------
Seneca	17,210	206.6	------
Steuben	13,096	[1] 400.0	------
Suffolk	1,668	31.6	------
Sullivan	36	2.0	------
Tioga	1,896	[1] 54.0	------
Tompkins	7,175	[1] 219.0	------
Ulster	1,305	3.0	------
Warren	7	7.0	------
Washington	662	24.5	------
Wayne	16,771	168.0	------
Westchester	53	1.8	------
Wyoming	11,862	[1] 250.0	------
Yates	13,229	229.4	------
Reserve for new farms	160	------	------
Reserve for appeals and corrections	178	------	------
Total	315,570	4,949.2	------

NORTH CAROLINA

Alamance	6,963	116.5	------
Alexander	3,678	46.3	------
Alleghany	219	12.4	------
Anson	6,373	45.9	------
Ashe	40	4.8	------
Avery	19	2.0	------

[1] Estimated reserve.

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

NORTH CAROLINA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Beaufort	448	10.1	------
Bertie	31	3.9	------
Bladen	1,073	50.2	------
Brunswick	238	9.4	------
Buncombe	405	11.5	------
Burke	2,448	21.2	------
Cabarrus	8,037	48.2	------
Caldwell	1,593	38.1	------
Camden	84	------	------
Carteret	91	2.9	------
Caswell	5,243	68.9	------
Catawba	12,412	26.0	------
Chatham	5,000	41.1	------
Cherokee	57	3.9	------
Chowan	60	5.0	------
Clay	67	30.0	------
Cleveland	10,908	104.4	------
Columbus	880	9.1	------
Craven	423	7.3	------
Cumberland	5,398	146.7	------
Currituck	110	3.0	------
Davidson	8,879	127.0	------
Davie	4,000	73.9	------
Duplin	1,225	36.7	------
Durham	1,242	44.5	------
Edgecombe	877	6.2	------
Forsyth	4,518	40.9	------
Franklin	3,962	39.7	------
Gaston	6,424	39.6	------
Gates	162	6.0	------
Granville	2,046	159.6	------
Greene	334	5.2	------
Guilford	8,699	76.9	------
Halifax	1,754	31.7	------
Harnett	4,381	52.6	------
Haywood	74	3.7	------
Henderson	167	7.4	------
Hertford	107	1.0	------
Hoke	2,561	42.1	------
Hyde	49	1.0	------
Iredell	15,033	68.5	------
Jackson	22	2.1	------
Johnston	3,539	81.2	------
Jones	177	3.0	------
Lee	1,996	46.5	------
Lenoir	1,036	5.7	------
Lincoln	9,921	113.4	------
McDowell	730	10.1	------
Macon	79	1.9	------
Madison	235	6.3	------
Martin	96	6.6	------
Mecklenburg	6,119	119.2	------
Mitchell	1	------	------
Montgomery	2,584	30.0	------
Moore	3,758	35.5	------
Nash	2,433	41.6	------
New Hanover	45	------	------
Northampton	852	31.6	------
Onslow	98	5.5	------
Orange	3,271	55.9	------
Pamlico	285	4.7	------
Pasquotank	234	14.0	------
Pender	415	14.1	------
Perquimans	197	10.3	------
Person	4,080	121.9	------
Pitt	576	15.5	------
Polk	713	12.8	------
Randolph	9,574	82.4	------
Richmond	3,655	30.2	------
Robeson	4,738	80.0	------
Rockingham	5,730	72.7	------
Rowan	15,223	434.4	------
Rutherford	4,535	81.1	------
Sampson	2,825	48.4	------
Scotland	1,463	11.1	------
Stanly	14,974	135.2	------
Stokes	1,984	52.0	------
Surry	1,767	29.6	------
Swain	1	1.0	------
Transylvania	30	2.0	------
Tyrrell	186	3.9	------
Union	12,839	150.8	------
Vance	1,507	21.6	------
Wake	4,909	135.8	------
Warren	3,426	140.8	------
Washington	233	10.0	------
Watauga	82	3.0	------
Wayne	2,364	38.7	------
Wilkes	2,421	49.2	------
Wilson	1,703	8.7	------
Yadkin	4,831	79.8	------
Yancey	5	2.0	------
Reserve for new farms	285	------	------
Reserve for appeals and corrections	302	------	------
Total	282,796	4,226.7	------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

NORTH DAKOTA

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Adams	146,227	400	------
Barnes	179,328	500	------
Benson	187,636	200	------
Billings	35,847	200	------
Bottineau	243,504	800	------
Bowman	119,652	300	------
Burke	134,033	400	------
Burleigh	100,233	400	------
Cass	192,781	602	------
Cavalier	203,281	1,200	------
Dickey	69,990	300	------
Divide	174,116	500	------
Dunn	124,983	500	------
Eddy	57,375	250	------
Emmons	141,167	400	------
Foster	68,590	350	------
Golden Valley	73,929	200	------
Grand Forks	171,262	1,185	------
Grant	134,911	337	------
Griggs	66,634	200	------
Hettinger	190,290	500	------
Kidder	80,035	370	------
La Moure	130,468	600	------
Logan	101,767	550	------
McHenry	188,324	500	------
McIntosh	114,780	425	------
McKenzie	153,602	500	------
McLean	267,945	700	------
Mercer	90,547	300	------
Morton	152,833	400	------
Mountrail	208,909	600	------
Nelson	114,759	500	------
Oliver	56,212	200	------
Pembina	165,962	415	------
Pierce	140,206	900	------
Ramsey	189,296	850	------
Ransom	85,395	300	------
Renville	124,091	400	------
Richland	84,936	436	------
Rolette	99,943	443	------
Sargent	71,152	300	------
Sheridan	108,740	450	------
Sioux	43,248	200	------
Slope	97,716	244	------
Stark	156,751	500	------
Steele	77,368	300	------
Stutsman	243,436	850	------
Towner	175,891	500	------
Traill	99,106	300	------
Walsh	181,148	600	------
Ward	252,798	700	------
Wells	171,947	550	------
Williams	260,909	900	------
Reserve for new farms	5,000	------	------
Reserve for appeals and corrections	5,003	------	------
Total	7,309,992	25,705	------

OHIO

Adams	12,235	99.9	------
Allen	21,904	197.5	------
Ashland	19,478	151.6	------
Ashtabula	12,379	168.3	------
Athens	1,853	47.7	------
Auglaize	21,701	149.5	------
Belmont	4,294	66.9	------
Brown	15,451	84.0	------
Butler	18,585	193.8	------
Carroll	7,458	81.7	------
Champaign	22,902	200.0	------
Clark	21,739	272.0	------
Clermont	9,012	197.0	------
Clinton	29,683	96.2	------
Columbiana	13,218	134.0	------
Coshocton	12,324	200.0	------
Crawford	24,020	104.2	------
Cuyahoga	1,326	602.0	------
Darke	32,299	319.6	------
Defiance	25,999	268.0	------
Delaware	18,039	168.0	------
Erie	14,227	107.3	------
Fairfield	31,506	161.9	------
Fayette	32,122	171.7	------
Franklin	24,021	214.0	------
Fulton	24,967	132.0	------
Gallia	2,362	70.0	------
Geauga	4,944	101.7	------
Greene	26,928	194.3	------
Guernsey	4,691	96.7	------
Hamilton	3,963	53.1	------
Hancock	37,284	191.0	------
Hardin	23,843	172.9	------
Harrison	3,099	38.0	------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

OHIO—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Henry	31,499	150.0	------
Highland	30,150	167.6	------
Hocking	4,067	58.5	------
Holmes	17,113	140.8	------
Huron	27,820	131.0	------
Jackson	2,674	55.5	------
Jefferson	3,634	31.3	------
Knox	23,655	195.9	------
Lake	1,993	185.8	------
Lawrence	662	12.0	------
Licking	25,955	294.8	------
Logan	18,378	229.1	------
Lorain	11,822	135.0	------
Lucas	13,288	264.4	------
Madison	30,510	314.6	------
Mahoning	9,924	85.0	------
Marion	19,610	238.8	------
Medina	15,122	206.9	------
Meigs	2,648	100.7	------
Mercer	24,765	187.3	------
Miami	27,163	200.0	------
Monroe	2,356	47.5	------
Montgomery	21,255	225.3	------
Morgan	3,232	155.6	------
Morrow	16,371	244.8	------
Muskingum	10,154	31.4	------
Noble	1,664	61.5	------
Ottawa	16,562	200.0	------
Paulding	25,673	166.9	------
Perry	9,894	106.6	------
Pickaway	42,581	138.0	------
Pike	4,767	97.5	------
Portage	11,836	66.7	------
Preble	24,924	228.3	------
Putnam	37,043	201.8	------
Richland	21,701	223.9	------
Ross	30,456	226.2	------
Sandusky	27,898	135.7	------
Scioto	4,086	100.0	------
Seneca	40,333	165.8	------
Shelby	21,867	284.6	------
Stark	20,491	87.5	------
Summit	5,136	155.0	------
Trumbull	9,195	55.0	------
Tuscarawas	12,754	140.2	------
Union	20,065	194.5	------
Van Wert	25,262	273.9	------
Vinton	1,439	101.4	------
Warren	18,145	144.2	------
Washington	4,481	102.0	------
Wayne	32,992	222.0	------
Williams	24,871	244.3	------
Wood	48,814	436.5	------
Wyandot	27,432	149.6	------
Reserve for new farms	1,500	------	------
Reserve for appeals and corrections	1,000	------	------
Total	1,553,180	14,305.7	------

OKLAHOMA

Adair	706	42	------
Alfalfa	220,357	200	------
Atoka	88	1	------
Beaver	265,644	400	------
Beckham	45,884	84	------
Blaine	158,357	338	------
Bryan	3,522	10	------
Caddo	89,059	159	------
Canadian	137,289	150	------
Carter	578	------	------
Cherokee	1,129	154	------
Choctaw	286	10	------
Cimarron	187,435	300	------
Cleveland	8,764	25	------
Coal	282	------	------
Comanche	55,488	138	------
Cotton	103,647	147	------
Craig	15,764	30	------
Creek	1,472	15	------
Custer	161,993	80	------
Delaware	6,428	14	------
Dewey	112,263	40	------
Ellis	118,376	140	------
Garfield	274,208	477	------
Garvin	6,574	27	------
Grady	46,795	41	------
Grant	274,687	300	------
Greer	64,609	80	------
Harmon	59,324	74	------
Harper	131,430	200	------
Haskell	1,502	5	------
Hughes	441	------	------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

OKLAHOMA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Jackson	131,886	300	------
Jefferson	6,999	25	------
Johnston	465	------	------
Kay	185,621	100	------
Kingfisher	208,772	277	------
Kiowa	185,375	337	------
Le Flore	3,646	6	81
Lincoln	8,983	15	------
Logan	70,656	25	------
Love	526	16	------
McClain	9,549	25	------
McCurtain	8	3	------
McIntosh	1,621	137	------
Major	138,476	60	------
Marshall	682	1	------
Mayes	7,556	20	------
Murray	2,050	10	------
Muskogee	8,336	15	------
Noble	108,508	100	------
Nowata	9,514	25	------
Okfuskee	1,403	3	------
Oklahoma	22,713	50	------
Okmulgee	734	30	------
Osage	23,270	30	------
Ottawa	21,294	36	------
Pawnee	15,944	7	------
Payne	18,647	7	------
Pittsburg	1,203	5	------
Pontotoc	664	------	------
Pottawatomie	9,748	5	------
Pushmataha	3	------	------
Roger Mills	51,645	145	------
Rogers	9,548	20	------
Seminole	1,189	5	------
Sequoyah	4,783	12	------
Stephens	13,710	10	------
Texas	393,386	250	------
Tillman	163,296	95	------
Tulsa	5,725	15	------
Wagoner	10,506	10	------
Washington	5,230	25	------
Washita	159,468	206	------
Woods	175,041	341	------
Woodward	104,270	150	------
Reserve	2,505	------	------
Total	4,859,635	6,626	81

OREGON

Baker	15,276	211.0	------
Benton	5,061	29.8	------
Clackamas	6,886	69.1	------
Columbia	233	5.5	------
Crook	3,426	24.5	------
Deschutes	1,328	31.4	------
Douglas	1,144	30.9	------
Gilliam	89,482	402.2	------
Grant	1,814	25.7	------
Harney	2,649	52.0	------
Jackson	1,568	20.6	------
Jefferson	26,491	526.8	------
Josephine	135	9.8	------
Klamath	11,531	206.5	------
Lake	17,156	242.5	------
Lane	4,878	109.1	------
Linn	7,550	3.0	------
Malheur	14,947	139.5	------
Marion	16,452	200.0	------
Morrow	115,580	211.4	------
Multnomah	389	5.7	------
Polk	11,772	124.6	------
Sherman	92,767	272.4	------
Umatilla	199,843	1,225.0	------
Union	41,920	494.1	------
Wallowa	24,445	206.7	------
Wasco	64,453	272.8	------
Washington	14,109	109.4	------
Wheeler	5,928	99.5	------
Yamhill	15,130	173.5	------
Reserve for new farms	750	------	------
Reserve for appeals and corrections	1,250	------	------
Total	816,443	5,538.0	------

PENNSYLVANIA

Adams	18,234	150	------
Allegheny	3,055	50	------
Armstrong	8,934	150	------
Beaver	4,407	50	------
Bedford	10,418	100	------

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

PENNSYLVANIA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Berks	28,014	300	
Blair	5,950	100	
Bradford	3,640	75	
Bucks	16,762	300	
Butler	11,222	125	
Cambria	5,081	50	
Cameron	21	1	
Carbon	2,791	50	
Centre	14,931	125	
Chester	13,349	100	
Clarion	8,276	100	
Clearfield	3,087	75	
Clinton	4,445	65	
Columbia	15,272	100	
Crawford	8,878	250	
Cumberland	21,930	125	
Dauphin	11,649	150	
Delaware	533	75	
Elk	350	10	
Erie	8,362	150	
Fayette	4,202	90	
Forest	360	25	
Franklin	30,277	150	
Fulton	7,352	100	
Greene	1,557	80	
Huntingdon	8,423	125	
Indiana	10,399	150	
Jefferson	5,485	75	
Juniata	8,653	75	
Lackawanna	162	10	
Lancaster	48,769	250	
Lawrence	8,194	250	
Lebanon	12,591	100	
Lehigh	14,264	160	
Luzerne	4,041	70	
Lycoming	12,246	150	
McKean	144	12	
Mercer	10,394	175	
Mifflin	7,529	50	
Monroe	2,362	50	
Montgomery	11,138	150	
Montour	6,517	150	
Northampton	9,293	200	
Northumberland	15,015	50	
Perry	11,908	55	
Philadelphia	349	20	
Pike	60	2	
Potter	716	35	
Schuylkill	9,717	125	
Snyder	10,275	125	
Somerset	6,429	60	
Sullivan	329	25	
Susquehanna	354	15	
Tioga	2,002	25	
Union	8,683	75	
Venango	3,024	75	
Warren	1,098	50	
Washington	6,810	100	
Wayne	64	5	
Westmoreland	11,398	150	
Wyoming	944	15	
York	43,404	400	
Reserve for new farms	400		
Reserve for appeals and corrections	596		
Total	587,517	6,880	

SOUTH CAROLINA

Abbeville	4,355	50	
Aiken	3,514	35	
Allendale	1,998	50	
Anderson	18,509	185	
Bamberg	1,474	25	
Barnwell	1,440	14	
Berkeley	112	1	
Calhoun	5,070	51	
Charleston	127	1	
Cherokee	4,356	44	
Chester	1,515	20	
Chesterfield	2,568	26	
Clarendon	1,300	13	
Colleton	265	3	
Darlington	5,365	54	
Dillon	1,184	12	
Dorchester	118	1	
Edgefield	2,048	24	
Fairfield	649	10	
Florence	3,381	55	
Georgetown	107	10	
Greenville	7,505	75	
Greenwood	2,215	22	
Hampton	1,090	20	
Horry	473	15	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

SOUTH CAROLINA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Jasper	20		
Kershaw	1,988	20	
Lancaster	1,449	14	
Laurens	7,080	71	
Lee	2,945	29	
Lexington	2,453	25	
McCormick	462	5	
Marion	360	8	
Marlboro	1,596	25	
Newberry	3,775	38	
Oconee	3,883	50	
Orangeburg	3,925	39	
Pickens	3,374	34	
Richland	3,259	33	
Saluda	2,742	27	
Spartanburg	13,001	130	
Sumter	3,825	38	
Union	1,513	15	
Williamsburg	661	10	
York	3,297	33	
Reserve for new farms	250		
Reserve for appeals and corrections	153		
Total	132,719	1,460	

SOUTH DAKOTA

Aurora	13,190	602.0	
Beadle	81,014	400.0	
Bennett	48,043	300.0	
Bon Homme	2,760	255.0	
Brookings	2,068	20.0	
Brown	182,530	678.2	
Brule	13,048	80.0	
Buffalo	5,032	50.0	
Butte	15,797	103.0	
Campbell	86,649	249.0	
Charles Mix	30,359	318.0	
Clark	64,555	271.2	
Clay	4,472	76.0	
Codington	32,083	100.0	
Corson	114,732	180.0	
Custer	4,725	105.0	
Davison	1,906	226.2	
Day	76,915	410.3	
Deuel	2,962	890.0	
Dewey	58,841	226.9	
Douglas	4,321	221.0	
Edmunds	126,190	200.0	
Fall River	16,563	150.0	
Faulk	81,477	221.2	
Grant	16,487	702.6	
Gregory	16,930	104.0	
Haakon	35,734	99.3	
Hamlin	8,784	1,202.0	
Hand	70,113	300.0	
Hanson	1,328	266.0	
Harding	39,248	100.0	
Hughes	44,556	160.0	
Hutchinson	6,999	984.0	
Hyde	20,917	171.2	
Jackson	14,758	106.1	
Jerauld	22,316	90.0	
Jones	47,722	108.4	
Kingsbury	26,921	300.0	
Lake	934	561.3	
Lawrence	5,773	205.4	
Lincoln	241	143.0	
Lyman	87,888	177.9	
McCook	1,589	651.4	
McPherson	93,049	116.0	
Marshall	54,087	154.0	
Meade	57,082	179.9	
Mellette	26,962	162.0	
Miner	6,945	1,207.0	
Minnehaha	177	36.2	
Moody	277	84.2	
Pennington	46,271	293.0	
Perkins	137,062	200.0	
Potter	92,948	264.0	
Roberts	49,464	162.0	
Sanborn	5,655	876.6	
Shannon	19,746	63.0	
Spink	232,242	280.0	
Stanley	26,096	130.0	
Sully	101,962	206.5	
Todd	10,531	105.9	
Tripp	76,235	377.0	
Turner	773	61.0	
Union	9,797	300.0	
Walworth	85,134	50.0	
Washabaugh	14,977	98.4	
Yankton	2,000	21.0	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

SOUTH DAKOTA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Ziebach	33,196	158.0	
Reserve for new farms	5,000		
Reserve for appeals and corrections	6,840		
Total	2,736,196	18,381.3	

TENNESSEE

Anderson	144	12.5	
Bedford	5,433	52.0	
Benton	548	18.6	
Bledsoe	843	12.5	
Blount	3,736	39.6	
Bradley	1,112	34.6	
Campbell	404	101.0	
Cannon	533	30.3	
Carroll	854	36.1	
Carter	517	46.0	
Cheatham	2,044	37.1	
Chester	90	5.2	
Claiborne	3,640	50.2	
Clay	743	7.6	
Cocke	2,350	62.1	
Coffee	3,023	74.3	
Crockett	168	10.4	
Cumberland	302	7.7	
Davidson	1,626	59.2	
Decatur	64	1.9	
De Kalb	1,271	13.6	
Dickson	1,354	16.2	
Dyer	1,334	48.9	
Fayette	22	3.0	
Fentress	693	14.0	
Franklin	6,262	119.3	
Gibson	1,199	51.8	
Giles	3,710	53.7	
Grainger	2,105	13.3	
Greene	9,050	135.6	
Grundy	614	11.3	
Hamblen	3,896	24.1	
Hamilton	577	14.1	
Hancock	1,185	19.6	
Hardeman	160	9.8	
Hardin	642	23.3	
Hawkins	5,542	60.1	
Haywood	226	9.9	
Henderson	36	1.9	
Henry	1,997	149.1	
Hickman	617	16.9	
Houston	446	5.7	
Humphreys	1,104	11.7	
Jackson	337	22.0	
Jefferson	5,578	113.4	
Johnson	782	9.5	
Knox	1,716	64.0	
Lake	56	3.0	
Lauderdale	145	5.0	
Lawrence	4,578	53.1	
Lewis	149	3.0	
Lincoln	4,508	45.3	
London	3,176	22.2	
McMinn	1,777	104.8	
McNairy	19	2.0	
Macon	1,115	41.4	
Madison	240	9.5	
Marion	444	16.3	
Marshall	3,757	47.6	
Maury	6,519	48.3	
Meigs	1,006	21.6	
Monroe	3,648	37.2	
Montgomery	6,321	41.7	
Moore	421	5.8	
Morgan	255	120.0	
Obion	5,239	129.3	
Overton	1,709	19.4	
Perry	235	11.1	
Pickett	707	17.1	
Polk	647	12.4	
Putnam	1,200	22.9	
Rhea	898	25.2	
Roane	920	29.6	
Robertson	19,711	147.0	
Rutherford	4,489	39.9	
Sequatchie	240	5.4	
Sevier	3,384	100.2	
Shelby	299	10.3	
Smith	721	38.1	
Stewart	499	7.4	
Sullivan	3,482	434.0	
Sumner	4,930	198.9	
Tipton	498	12.7	
Trousdale	343	10.2	
Unicoi	129	19.0	
Union	640	119.0	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

TENNESSEE—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Van Buren	200	4.9	
Warren	2,453	44.9	
Washington	4,728	55.4	
Wayne	518	9.5	
Weakley	2,583	55.9	
White	1,780	20.3	
Williamson	7,073	87.3	
Wilson	2,699	134.0	
Reserve for new farms	569		
Reserve for appeals and corrections	197		
Total	195,644	4,184.8	

TEXAS

Anderson	3		
Archer	31,311	11.4	
Armstrong	87,187	153.0	
Atascosa	279	.4	
Austin	3		
Bailey	16,868	311.2	
Bandera	45	.8	
Bastrop	21	.1	
Baylor	66,527	56.7	
Bee	13		
Bell	5,928	12.7	
Bexar	1,529	10.7	
Blanco	578	8.6	
Borden	1,900	26.2	
Bosque	3,827	27.8	
Bowie	113		
Brazos	6		
Briscoe	52,630	88.5	
Brown	16,621	59.0	
Burnet	1,373	24.5	
Caldwell	11		
Callahan	19,856	38.5	
Carson	152,776	110.2	
Castro	109,417	209.3	
Cherokee	1		
Childress	45,447	89.0	
Clay	31,003	87.3	
Cochran	2,602	65.2	
Coke	2,297	18.9	
Coleman	24,694	61.5	
Collin	40,653	22.5	
Collingsworth	26,518	87.2	
Comal	341	3.9	
Comanche	1,886	11.0	
Concho	23,380	101.6	
Cooke	24,777	34.3	
Coryell	9,230	25.0	
Cottle	26,883	45.4	
Crosby	40,285	2,703.4	
Culberson	30	6.0	
Dallam	72,057	177.8	
Dallas	22,905	78.9	
Dawson	2,188	1,186.4	
Deaf Smith	211,701	376.5	
Delta	864	4.5	
Denton	34,528	38.2	
De Witt	3		
Dickens	23,412	426.4	
Donley	19,360	131.9	
Eastland	5,684	29.3	
Edwards	24		
Ellis	10,150	32.3	
Erath	1,437	86.6	
Falls	242	1.5	
Fannin	9,571	54.5	
Fisher	29,810	18.1	
Floyd	138,895	216.8	
Foard	68,446	127.3	
Gaines	3,168	940.8	
Garza	2,094	118.5	
Gillespie	6,507	40.2	
Glasscock	301	.1	
Gonzales	15		
Gray	89,972	91.4	
Grayson	43,473	76.4	
Guadalupe	329	11.0	
Hale	68,357	1,255.4	
Hall	14,869	411.4	
Hamilton	4,289	37.1	
Hansford	224,550	329.4	
Hardeman	88,306	173.9	
Harris	7		
Hartley	86,561	128.9	
Haskell	52,974	93.9	
Hays	76	5.1	
Hemphill	37,173	20.0	
Henderson	11		
Hill	1,934	14.0	
Hockley	929	494.6	
Hood	205	1.9	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

TEXAS—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Hopkins	8		
Houston	4		
Howard	2,845	750.6	
Hudspeth	10		
Hunt	2,737	13.3	
Hutchinson	65,732	96.3	
Irion	61	14.6	
Jack	4,073	30.5	
Jackson	159	34.0	
Johnson	1,754	13.7	
Jones	58,289	70.4	
Karnes	267	.3	
Kaufman	1,111	11.1	
Kendall	2,069	18.9	
Kent	5,922	25.5	
Kerr	1,667	16.8	
Kimble	311	6.5	
King	5,230	11.8	
Knox	50,604	61.2	
Lamar	2,074	5.8	
Lamb	6,557	645.0	
Lampasas	1,518	10.7	
Limestone	38		
Lipscomb	111,889	142.0	
Live Oak	106	1.9	
Llano	103	3.0	
Lubbock	4,765	113.0	
Lynn	3,935	2,903.0	
McCulloch	15,055	50.8	
McLennan	6,521	20.0	
Martin	323	139.8	
Mason	47	2.0	
Maverick	97	1.0	
Medina	282	5.9	
Menard	1,068	8.7	
Midland	12	12.0	
Milam	133	1.1	
Mills	2,374	24.7	
Mitchell	8,837	401.6	
Montague	2,815	26.2	
Moore	140,602	207.3	
Motley	11,785	54.8	
Navarro	345	4.2	
Nolan	15,568	35.8	
Oehiltree	244,470	149.8	
Oldham	60,991	42.7	
Palo Pinto	2,921	22.6	
Parker	544	42.4	
Parmer	109,445	101.9	
Pecos	1		
Potter	33,391	23.9	
Presidio	17	3.4	
Rains	8		
Randall	138,901	144.2	
Red River	302	4.9	159
Reeves	18		
Roberts	29,237	40.7	
Rockwall	2,720	17.2	
Runnels	36,699	83.3	
San Saba	2,399	38.8	
Schleicher	688	3.0	
Scurry	11,954	59.3	
Shackelford	17,025	28.2	
Sherman	180,538	279.3	
Somervell	65	1.1	
Stephens	12,643	38.6	
Sterling	267		
Stonewall	22,118	68.0	
Swisher	124,735	87.7	
Tarrant	2,472	19.4	
Taylor	63,422	41.9	
Terry	13,808	2,636.0	
Throckmorton	31,969	40.0	
Titus	8		
Tom Green	1,940	9.5	
Travis	98	.8	
Uvalde	223	.1	
Van Zandt	143	.3	
Victoria	22	14.8	
Waller	28		
Wharton	44		
Wheeler	23,861	53.2	
Wichita	59,109	73.2	
Wilbarger	85,377	66.7	
Williamson	1,405	10.8	
Wilson	269	5.0	
Wise	5,070	25.0	
Wood	3		
Yoakum	2,616	64.8	
Young	49,186	89.1	
Zavala	120		
Reserve for new farms	4,500		
Reserve for appeals and corrections	794		
Total	4,164,302	22,229.2	159

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

UTAH

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Beaver	2,108	51	
Box Elder	97,094	550	
Cache	33,377	450	
Carbon	1,451	15	
Daggett	49	4	
Davis	3,791	50	
Duchesne	3,165	40	
Emery	3,056	40	
Garfield	1,446	20	
Grand	425	20	
Iron	6,388	99	
Juab	21,341	200	
Kane	1,087	35	
Millard	29,377	196	
Morgan	2,165	10	
Piute	181	6	
Rich	3,557	35	
Salt Lake	19,448	250	
San Juan	30,646	200	
Sanpete	12,792	150	
Sevier	2,919	41	
Summit	1,275	10	
Tooele	6,947	53	
Uintah	3,681	50	
Utah	17,672	275	
Wasatch	287	20	
Washington	6,832	42	
Wayne	336	6	
Weber	2,924	25	
Reserve for new farms	150		
Reserve for appeals and corrections	101		
Total	316,068	2,943	

VIRGINIA

Accomac	494	9.8	
Albemarle	1,793	41.7	
Alleghany	162	5.0	
Amelia	5,000	15.2	
Amherst	1,777	32.2	
Appomattox	5,257	40.0	
Augusta	11,184	114.8	
Bath	347	10.7	
Bedford	6,018	182.3	
Bland	1,117	9.4	
Botetourt	1,613	25.5	
Brunswick	3,282	4.2	
Buchanan	13	1.1	
Buckingham	4,529	38.6	
Campbell	6,954	90.0	
Caroline	5,052	37.0	
Carroll	740	.2	
Charles City	2,426	33.9	
Charlotte	4,414	154.0	
Chesterfield	1,249	13.6	
Clarke	3,553	106.9	
Craig	548	5.0	
Culpeper	2,342	41.0	
Cumberland	3,196	36.5	
Dickenson	1		
Dinwiddie	2,266	17.1	
Essex	5,585	19.2	
Fairfax	1,540	15.0	
Fauquier	5,900	69.7	
Floyd	1,589	9.6	
Fluvanna	1,666	29.0	
Franklin	4,832	87.1	
Frederick	4,403	43.9	
Giles	536	6.5	
Gloucester	691	13.0	
Goochland	1,822	11.8	
Grayson	681	4.7	
Greene	1,353	11.7	
Greensville	191	5.1	
Halifax	7,510	32.0	
Hampton	88	4.9	
Hanover	6,202	31.0	
Henrico	1,517	18.8	
Henry	980	72.0	
Highland	295	8.0	
Isle of Wight	55	2.2	
James City	761	11.4	
King and Queen	2,575	35.0	
King George	2,314	26.0	
King William	2,379	28.1	
Lancaster	988	18.3	
Lee	1,962	62.0	
Loudoun	9,299	106.4	
Louisa	3,772	31.4	
Lunenburg	2,498	49.2	
Madison	2,337	37.6	
Mathews	249	9.2	
Mecklenburg	5,788	141.2	
Middlesex	1,411	22.0	

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1958—Continued

VIRGINIA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Montgomery	1,338	12.3	-----
Nansemond	336	10.3	-----
Nelson	1,538	35.1	-----
New Kent	1,251	22.7	-----
Norfolk	1,558	19.6	-----
Northampton	122	6.1	-----
Northumberland	3,279	24.0	-----
Nottoway	2,021	8.7	-----
Orange	2,607	44.1	-----
Page	3,698	42.0	-----
Patrick	429	5.2	-----
Pittsylvania	13,648	408.0	-----
Powhatan	1,230	23.7	-----
Prince Edward	5,035	4.7	-----
Prince George	1,484	9.5	-----
Prince William	2,229	38.2	-----
Princess Anne	1,261	40.6	-----
Pulaski	1,276	24.6	-----
Rappahannock	898	30.0	-----
Richmond	3,732	22.5	-----
Roanoke	1,246	19.8	-----
Rockbridge	2,559	22.0	-----
Rockingham	11,224	129.5	-----
Russell	2,410	48.3	-----
Scott	1,984	35.3	-----
Shenandoah	5,581	73.0	-----
Smyth	2,002	47.6	-----
Southampton	413	9.8	-----
Spotsylvania	1,973	20.6	-----
Stafford	1,214	25.5	-----
Surry	401	15.9	-----
Sussex	606	17.1	-----
Tazewell	1,750	8.9	-----
Warren	1,691	17.0	-----
Warwick	13	13.0	-----
Washington	4,838	65.4	-----
Westmoreland	5,910	37.5	-----
Wise	24	4.0	-----
Wythe	3,812	34.9	-----
York	199	5.2	-----
Reserve new farms	400	-----	-----
Reserve appeals and corrections	100	-----	-----
Total	259,436	3,629.9	-----

WASHINGTON

Adams	272,920	1,836.2	-----
Asotin	27,414	130.1	-----
Benton	103,505	411.9	-----
Chelan	4,505	-----	-----
Clallam	97	-----	-----
Clark	435	-----	-----
Columbia	68,220	314.4	-----
Cowlitz	42	13.2	-----
Douglas	169,696	680.7	-----
Ferry	4,246	90.6	-----
Franklin	102,413	1,184.2	-----
Garfield	66,822	227.9	-----
Grant	133,551	5,096.0	-----
Grays Harbor	103	-----	-----
Island	1,094	1.5	-----
Jefferson	58	-----	-----
Kittitas	8,772	87.6	-----
Klickitat	56,970	796.2	-----
Lewis	2,913	2.1	-----
Lincoln	279,151	510.7	-----
Mason	7	-----	-----
Okanogan	27,483	501.4	-----
Pacific	4	-----	-----
Pend Oreille	948	15.9	-----
Pierce	34	9.0	-----
San Juan	224	120.2	-----
Skagit	975	33.0	-----
Skamania	4	-----	-----
Snohomish	144	-----	-----
Spokane	111,446	1,023.3	-----
Stevens	18,525	186.7	-----
Thurston	537	82.0	-----
Walla Walla	177,014	935.5	-----
Whatcom	318	-----	-----
Whitman	346,188	2,282.8	-----
Yakima	20,906	134.3	-----
Reserve new farms	3,357	-----	-----
Reserve appeals and corrections	3,357	-----	-----
Total	2,104,392	16,712.4	-----

WEST VIRGINIA

Barbour	239	37.7	-----
Berkeley	3,924	12.8	-----

WEST VIRGINIA—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Braxton	5	-----	-----
Brooke	346	0.5	-----
Cabell	148	59.6	-----
Calhoun	1	-----	-----
Doddridge	1	.3	-----
Fayette	100	4.6	-----
Gilmer	1	-----	-----
Grant	1,396	31.5	-----
Greenbrier	2,315	14.9	-----
Hampshire	2,094	20.9	-----
Hancock	377	11.6	-----
Hardy	2,077	8.9	-----
Harrison	23	8.0	-----
Jackson	284	21.9	-----
Jefferson	8,176	30.6	-----
Kanawha	1	-----	-----
Lewis	20	3.0	-----
Lincoln	18	2.0	-----
Marion	20	9.0	-----
Marshall	623	-----	-----
Mason	1,910	102.0	-----
Mercer	419	3.9	-----
Mineral	775	11.8	-----
Monongalia	136	14.5	-----
Monroe	3,090	16.7	-----
Morgan	1,521	4.9	-----
Nicholas	356	21.0	-----
Ohio	329	3.0	-----
Pendleton	2,159	10.7	-----
Pleasants	20	8.0	-----
Pocahontas	560	78.8	-----
Preston	1,204	17.6	-----
Putnam	510	139.6	-----
Raleigh	76	5.2	-----
Randolph	242	5.3	-----
Ritchie	18	4.0	-----
Roane	22	-----	-----
Summers	302	9.9	-----
Taylor	57	5.2	-----
Tucker	42	7.2	-----
Tyler	66	19.9	-----
Upshur	126	24.5	-----
Wayne	68	38.0	-----
Webster	6	-----	-----
Wetzel	42	18.0	-----
Wirt	89	14.6	-----
Wood	678	78.5	-----
Reserve new farms	300	-----	-----
Reserve appeals and corrections	3,000	-----	-----
Total	40,393	935.6	-----

WISCONSIN

Adams	355	175.0	-----
Ashland	34	24.4	-----
Barron	164	138.4	-----
Bayfield	207	27.8	-----
Brown	326	45.2	-----
Buffalo	776	289.6	-----
Burnett	89	37.0	-----
Calumet	684	164.8	-----
Chippewa	146	48.4	-----
Clark	358	198.0	-----
Columbia	2,181	485.0	-----
Crawford	193	107.4	-----
Dane	1,743	597.4	-----
Dodge	1,766	748.4	-----
Door	1,490	243.6	-----
Douglas	187	76.6	-----
Dunn	260	140.0	-----
Eau Claire	363	167.8	-----
Florence	30	20.4	-----
Fond du Lac	851	316.6	-----
Forest	64	31.2	-----
Grant	466	165.2	-----
Green	221	92.2	-----
Green Lake	804	277.6	-----
Iowa	394	135.6	-----
Iron	8	7.2	-----
Jackson	510	256.4	-----
Jefferson	1,079	425.4	-----
Juneau	238	119.6	-----
Kenosha	1,667	67.0	-----
Kewaunee	1,058	157.2	-----
La Crosse	273	106.6	-----
Lafayette	167	60.6	-----
Langlade	394	196.0	-----
Lincoln	110	31.6	-----
Manitowoc	984	277.6	-----
Marathon	776	271.2	-----
Marinette	368	122.4	-----
Marquette	759	236.6	-----
Milwaukee	1,137	39.1	-----

WISCONSIN—continued

Counties	Acreage apportioned to counties from State allotment	County reserve for appeals and corrections	Acreage apportioned from the national reserve
Monroe	227	82.2	-----
Oconto	500	184.8	-----
Oneida	92	7.0	-----
Outagamie	414	144.4	-----
Ozaukee	1,068	50.4	-----
Pepin	956	236.8	-----
Pierce	2,657	888.2	-----
Polk	368	159.2	-----
Portage	596	284.8	-----
Price	27	12.6	-----
Racine	4,558	30.1	-----
Richland	189	86.6	-----
Rock	1,867	239.8	-----
Rusk	44	40.8	-----
St. Croix	887	331.0	-----
Sauk	1,822	782.0	-----
Sawyer	5	5.0	-----
Shawano	479	212.6	-----
Sheboygan	743	65.4	-----
Taylor	79	36.6	-----
Trempealeau	819	397.4	-----
Vernon	106	58.0	-----
Vilas	4	4.0	-----
Walworth	1,137	101.8	-----
Washburn	61	37.8	-----
Washington	1,471	171.0	-----
Waukesha	1,579	350.2	-----
Waupaca	311	118.2	-----
Waushara	523	191.8	-----
Winnebago	799	267.8	-----
Wood	115	75.0	-----
Reserve new farms	100	-----	-----
Reserve appeals and corrections	302	-----	-----
Total	48,875	12,781.4	-----

WYOMING

Albany	385	71	-----
Big Horn	1,717	-----	-----
Campbell	30,127	103	-----
Carbon	10,714	50	-----
Converse	5,718	10	-----
Crook	26,299	100	-----
Fremont	3,154	54	-----
Goshen	59,140	140	-----
Hot Springs	229	-----	-----
Johnson	5,958	8	-----
Laramie	69,070	69	-----
Lincoln	3,974	10	-----
Natrona	300	10	-----
Niobrara	8,995	25	-----
Park	2,708	-----	111
Platte	39,658	148	-----
Sheridan	13,265	50	-----
Sublette	13	2	-----
Sweetwater	24	7	-----
Teton	614	-----	-----
Uinta	162	10	-----
Washakie	197	-----	-----
Weston	8,759	27	-----
Reserve new farms	198	-----	-----
Reserve appeals and corrections	200	-----	-----
Total	291,578	894	111
Total, commercial States	54,896,687	-----	15,120
Total, noncommercial States (not apportioned)	86,813	-----	-----
National reserve (not apportioned)	-----	-----	1,380
Total U. S	54,983,500	-----	16,500

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 334, 52 Stat. 54, 67 Stat. 151; 7 U. S. C. 1334.)

Done at Washington, D. C., this 15th day of August 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6829; Filed, Aug. 22, 1957; 8:45 a. m.]

PART 728—WHEAT

SUBPART—1958–59 MARKETING YEAR

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1958 CROP

The county normal yields for the 1958 crop of wheat contained in § 728.808 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended. These county normal yields are identical with the county normal yields for the 1957 crop of wheat issued by the Secretary in § 728.708. Section 301 (b) (13) (A) of the Agricultural Adjustment Act of 1938, as amended, provides for the determination of county normal yields of wheat as the average yield per acre of wheat for the county during the ten calendar years immediately preceding the year in which the county normal yield is determined, adjusted for abnormal weather conditions and for trends in yields. Since the determination of county normal yields for both 1957 and 1958 are being made during the calendar year 1957 the same period of years, with the same adjustments for abnormal weather conditions and trends in yields, is being used for determining the county normal yields for both such years. Accordingly, the 1958 county normal yields for wheat are determined to be identical to 1957 county normal yields for wheat. The description of the method used in determining 1957 county normal yields of wheat as stated with the listing of the 1957 yields in § 728.708 is equally applicable to the 1958 county normal yields for wheat in § 728.808.

Prior to preparing the regulations in § 728.808, public notice (21 F. R. 9778) was given in accordance with the Administrative Procedure Act. The data, views, and recommendations pertaining to the regulations in § 728.808 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.808 *Determination of county normal yields for 1958 crop of wheat.* The text of this section is identical to the provisions of § 728.708.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 16th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-6913; Filed, Aug. 22, 1957; 8:45 a. m.]

PART 728—WHEAT

SUBPART—1957–58 MARKETING YEAR

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1957 CROP

The regulations contained in § 728.708 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of county normal yields of wheat for 1957, including the appraisal of yields for years in the ten-year period used in determining county normal yields for which the data are not available or in which there were no actual yields.

Prior to preparing the regulations in § 728.708, public notice (20 F. R. 10062) was given in accordance with the Administrative Procedure Act. The data, views, and recommendations pertaining to the regulations in § 728.708, which were submitted, have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.708 *Determination of the county normal yields for the 1957 crop of wheat.*

(a) A county normal yield shall be determined for each wheat-producing county except counties in States designated by the Secretary as being outside the commercial wheat-producing area. The county normal yield for 1957 or 1958 shall be determined on the basis of the average of the yields per harvested acre of wheat for the county during the ten calendar years, 1947 through 1956, adjusted for abnormal weather conditions and trends in yields. In adjusting for abnormal weather conditions: (1) If the yield for the crop for any year of the ten-year period 1947 through 1956 is less than 75 per centum the average of the remaining nine years, such year shall be eliminated in calculating the normal yield per acre; (2) if the yield for the crop for any year of the ten-year period is more than 75 per centum of the average of the remaining nine years, but less than 90 per centum of the average yield for the ten-year period, such yield shall be adjusted by substituting therefor 90 per centum of the average yield for the ten-year period; (3) if the yield for the crop for any year is in excess of 111 per centum of the average yield for the ten-year period, such yield shall be adjusted by substituting therefor 111 per centum of the average yield for the ten-year period; (4) if in spite of such substitutions the county normal yield is not compatible with known conditions existing in the county as compared with similar adjacent counties, any annual yield thus adjusted either upward or downward shall be further adjusted by substituting therefor the average yield for the ten-year period for the county.

(b) The adjustment for trend in yields shall be made by averaging the ten-year average of the annual yields as adjusted for abnormal weather conditions as described above with the average of the annual yields for the five-year period, 1952–56 inclusive, adjusted for abnormal weather conditions as described above, giving equal weight to each. No adjustment for trend shall be made in those counties in which it is determined that due to abnormally unfavorable weather conditions it is impossible to determine if there has been any trend in yields for the county.

(c) (1) If for any year of the ten-year period 1947 through 1956 the yield data are not available, or there was no actual yield, the yield for such year shall be appraised, taking into consideration the yields for years for which data are available and the yield for such year in nearby or adjacent counties or crop reporting districts recognized by the Agricultural Marketing Service, in which the type of soil, topography, and farming practices associated with the production of wheat are similar.

(2) In those counties in which the production of wheat is partially on irrigated land and partially on dry land, a preliminary normal yield computed in accordance with the method described above shall be determined for each the irrigation and dry land cultural practices. The preliminary normal yield for each of these practices shall be averaged using for weights the latest data available as to the acreage devoted to each practice.

(d) County normal yields are as follows:

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE

ARKANSAS

County	Normal yield	County	Normal yield
Arkansas	19.7	Lincoln	18.8
Ashley	20.5	Little River	15.4
Baxter	14.4	Logan	16.8
Benton	18.2	Lonoke	18.6
Boone	16.6	Madison	17.6
Carroll	16.8	Marion	13.3
Chicot	20.3	Miller	16.8
Clark	15.0	Mississippi	23.3
Clay	16.8	Monroe	18.3
Cleburne	13.7	Montgomery	15.3
Conway	17.8	Newton	15.1
Craighead	16.0	Ouachita	14.0
Crawford	19.6	Perry	16.6
Crittenden	22.8	Phillips	20.6
Cross	22.3	Poinsett	19.8
Desha	23.7	Polk	12.6
Drew	18.2	Pope	17.4
Faulkner	19.0	Prarie	17.0
Franklin	17.8	Pulaski	20.1
Fulton	13.8	Randolph	16.8
Garland	13.1	St. Francis	23.2
Greene	14.8	Saline	14.8
Hempstead	15.6	Scott	17.5
Hot Spring	14.4	Searcy	13.0
Howard	15.0	Sebastian	16.0
Independence	17.4	Sevier	15.5
Izard	13.4	Sharp	13.8
Jackson	16.8	Stone	12.6
Jefferson	19.8	Van Buren	12.2
Johnson	14.8	Washington	17.3
Lafayette	17.3	White	15.8
Lawrence	15.8	Woodruff	18.6
Lee	21.2	Yell	16.2

CALIFORNIA

Alameda	22.9	Plumas	17.4
Alpine	30.0	Riverside	16.4
Amador	22.6	Sacramento	27.1
Butte	22.0	San Benito	20.0
Calaveras	19.5	San Bernardino	26.6
Colusa	25.4	San Diego	19.0
Contra Costa	23.2	San Joaquin	21.3
El Dorado	17.7	San Luis Obispo	14.9
Fresno	35.1	San Mateo	22.6
Glenn	23.6	Santa Barbara	18.8
Imperial	42.4	Santa Clara	22.8
Inyo	25.2	Santa Cruz	24.0
Kern	13.7	Shasta	12.1
Kings	28.1	Sierra	17.8
Lake	25.1	Siskiyou	17.6
Lassen	14.8	Solano	29.1
Los Angeles	9.8	Sonoma	20.8
Madera	14.8	Stanislaus	24.8
Marin	24.6	Sutter	35.0
Mariposa	21.2	Tehama	18.7
Mendocino	21.2	Trinity	20.7
Merced	24.4	Tulare	16.5
Modoc	18.2	Tuolumne	18.8
Mono	19.8	Ventura	21.2
Monterey	19.4	Yolo	33.2
Napa	29.3	Yuba	16.6
Orange	16.0		
Placer	16.0		

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

COLORADO

County	Normal yield	County	Normal yield
Adams	18.6	Kit Carson	12.5
Alamosa	23.3	La Plata	21.6
Arapahoe	16.3	Larimer	17.7
Archuleta	21.1	Las Animas	9.4
Baca	11.5	Lincoln	12.7
Bent	15.3	Logan	18.0
Boulder	21.5	Mesa	22.6
Chaffee	24.6	Moffat	17.6
Cheyenne	11.4	Montezuma	15.7
Conejos	25.2	Montrose	32.8
Costilla	22.8	Morgan	15.4
Crowley	12.2	Otero	26.8
Custer	14.6	Ouray	19.7
Delta	31.5	Phillips	21.3
Dolores	13.6	Pitkin	27.2
Douglas	17.9	Prowers	12.5
Eagle	36.1	Pueblo	13.5
Elbert	12.9	Rio Blanco	19.4
El Paso	11.6	Rio Grande	27.6
Fremont	15.4	Routt	20.7
Garfield	22.1	Saguache	23.7
Grand	17.1	San Miguel	20.5
Gunnison	25.9	Sedwick	23.3
Huerfano	12.8	Teller	16.6
Jackson	19.3	Washington	16.4
Jefferson	24.7	Weld	17.4
Kiowa	10.8	Yuma	17.4

DELAWARE

Kent	20.7	Sussex	19.6
New Castle	24.2		

GEORGIA

Appling	15.2	Gilmer	14.3
Atkinson	14.6	Glascock	13.8
Baker	14.8	Gordon	15.9
Baldwin	14.5	Grady	18.9
Banks	16.8	Greene	12.8
Barrow	15.6	Gwinnett	16.2
Bartow	18.7	Habersham	17.2
Ben Hill	14.2	Hall	16.2
Berrien	16.5	Hancock	13.7
Bibb	18.8	Haralson	15.8
Bleckley	14.2	Harris	13.4
Brooks	14.8	Hart	19.2
Bryan	15.6	Heard	18.2
Bulloch	17.8	Henry	17.1
Burke	15.0	Houston	21.8
Butts	18.2	Irwin	17.9
Calhoun	16.4	Jackson	17.4
Candler	16.8	Jasper	17.8
Carroll	17.7	Jefferson	17.4
Catoosa	16.4	Jenkins	12.4
Chattooga	14.8	Johnson	13.8
Cherokee	18.7	Jones	15.4
Clarke	16.6	Lamar	17.6
Clay	13.6	Laurens	16.9
Clayton	16.1	Lee	21.6
Cobb	16.5	Lincoln	13.9
Coffee	15.2	Lowndes	14.3
Colquitt	17.8	Lumpkin	14.9
Columbia	12.8	McDuffie	13.2
Coweta	15.0	Macon	18.4
Crawford	18.8	Madison	16.8
Crisp	18.2	Marion	15.3
Dade	15.6	Meriwether	18.0
Dawson	16.3	Miller	17.4
Decatur	16.3	Mitchell	19.0
De Kalb	16.5	Monroe	18.0
Dodge	12.7	Montgomery	15.6
Dooly	18.6	Morgan	16.4
Dougherty	23.4	Murray	17.2
Douglas	15.6	Muscogee	14.2
Early	24.0	Newton	16.8
Effingham	15.3	Oconee	17.0
Elbert	16.7	Oglethorpe	15.4
Emanuel	13.8	Paulding	15.5
Evans	17.2	Peach	20.6
Fannin	14.2	Pickens	16.2
Fayette	17.1	Pierce	16.0
Floyd	17.2	Pike	19.6
Forsyth	16.4	Polk	17.0
Franklin	17.7	Pulaski	18.6
Fulton	19.8	Putnam	16.4

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

GEORGIA—continued

County	Normal yield	County	Normal yield
Quitman	17.3	Toombs	16.6
Rabun	15.8	Towns	16.6
Randolph	15.1	Treutlen	14.8
Richmond	13.8	Troup	15.8
Rockdale	14.8	Turner	15.1
Schley	16.0	Twiggs	14.8
Screven	16.2	Union	17.9
Seminole	17.7	Upson	17.9
Spalding	19.2	Walker	17.0
Stephens	15.9	Walton	17.4
Stewart	16.4	Warren	15.9
Sumter	19.1	Washington	15.4
Talbot	17.8	Webster	16.4
Taliaferro	12.4	Wheeler	13.5
Tattnall	13.0	White	16.2
Taylor	16.2	Whitfield	16.5
Telfair	17.0	Wilcox	15.4
Terrell	18.2	Wilkes	14.3
Thomas	16.6	Wilkinson	17.4
Tift	16.2	Worth	17.7

IDAHO

Ada	40.9	Gem	40.3
Adams	23.1	Gooding	42.3
Bannock	22.6	Idaho	32.0
Bear Lake	17.5	Jefferson	38.7
Benewah	30.9	Jerome	49.9
Bingham	35.0	Kootenai	23.1
Blaine	31.2	Latah	32.8
Boise	25.9	Lemhi	39.4
Bonner	21.0	Lewis	35.3
Bonneville	26.9	Lincoln	41.6
Boundary	35.2	Madison	27.2
Butte	27.2	Minidoka	42.5
Camas	18.0	Nez Perce	35.9
Canyon	49.1	Oneida	21.7
Caribou	23.1	Owyhee	49.1
Cassia	33.3	Payette	40.5
Clark	15.7	Power	19.1
Clearwater	28.2	Teton	22.2
Custer	40.1	Twin Falls	53.3
Elmore	28.1	Valley	22.4
Franklin	25.4	Washinton	24.3
Fremont	26.7		

ILLINOIS

Adams	27.2	Jackson	21.0
Alexander	20.4	Jasper	22.0
Bond	25.3	Jefferson	21.9
Boone	30.3	Jersey	26.0
Brown	26.8	Jo Daviess	25.4
Bureau	30.5	Johnson	19.1
Calhoun	25.9	Kane	32.5
Carroll	27.8	Kankakee	29.8
Cass	29.4	Kendall	32.0
Champaign	31.8	Knox	29.4
Christian	31.4	Lake	29.0
Clark	22.9	La Salle	31.2
Clay	20.1	Lawrence	22.6
Clinton	23.9	Lee	30.3
Coles	28.5	Livingston	29.4
Cook	28.6	Logan	31.0
Crawford	20.9	McDonough	28.4
Cumberland	24.7	McHenry	30.0
De Kalb	31.8	McLean	31.2
De Witt	30.1	Macon	32.2
Douglas	32.9	Macoupin	28.3
Du Page	31.2	Madison	25.6
Edgar	29.4	Marion	22.0
Edwards	22.2	Marshall	30.5
Effingham	24.2	Mason	26.4
Fayette	23.5	Massac	21.0
Ford	30.0	Menard	30.0
Franklin	21.6	Mercer	24.8
Fulton	27.3	Monroe	25.2
Gallatin	22.6	Montgomery	28.8
Greene	27.3	Morgan	31.2
Grundy	30.6	Moultrie	31.0
Hamilton	20.6	Ogle	28.8
Hancock	27.4	Peoria	30.0
Hardin	21.2	Perry	20.8
Henderson	26.6	Piatt	32.8
Henry	28.1	Pike	25.8
Iroquois	32.2	Pope	20.8

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

ILLINOIS—continued

County	Normal yield	County	Normal yield
Pulaski	20.4	Tazewell	26.8
Putnam	28.9	Union	21.8
Randolph	23.3	Vermilion	31.1
Richland	19.8	Wabash	22.7
Rock Island	24.8	Warren	28.6
St. Clair	26.4	Washington	23.8
Saline	21.9	Wayne	21.0
Sangamon	30.7	White	21.2
Schuyler	28.2	Whiteside	28.8
Scott	27.1	Will	31.0
Shelby	26.9	Williamson	20.3
Stark	32.0	Winnebago	27.4
Stephenson	27.6	Woodford	28.8

INDIANA

Adams	26.4	Lawrence	21.4
Allen	28.5	Madison	29.2
Bartholomew	21.3	Marion	25.8
Benton	32.5	Marshall	26.2
Blackford	23.1	Martin	18.8
Boone	27.6	Miami	29.2
Brown	18.8	Monroe	22.8
Carroll	28.2	Montgomery	28.2
Cass	28.4	Morgan	24.2
Clark	20.4	Newton	30.6
Clay	21.6	Noble	28.4
Clinton	29.6	Ohio	21.8
Crawford	19.2	Orange	21.8
Daviess	23.4	Owen	18.6
Dearborn	21.2	Parke	27.1
Decatur	21.6	Perry	20.0
De Kalb	26.6	Pike	20.4
Delaware	26.4	Porter	29.5
Dubois	21.4	Posey	23.6
Elkhart	28.0	Pulaski	27.8
Fayette	20.6	Putnam	25.2
Floyd	22.0	Randolph	24.7
Fountain	28.0	Ripley	20.4
Franklin	20.6	Rush	21.8
Fulton	27.6	St. Joseph	28.0
Gibson	24.5	Scott	20.6
Grant	28.7	Shelby	20.4
Greene	21.9	Spencer	20.2
Hamilton	27.2	Starke	27.1
Hancock	26.0	Steuben	29.1
Harrison	20.6	Sullivan	22.6
Hendricks	25.8	Switzerland	20.9
Henry	25.6	Tippecanoe	29.4
Howard	30.7	Tipton	30.8
Huntington	28.3	Union	22.6
Jackson	20.0	Vanderburgh	22.4
Jasper	28.8	Vermillion	26.9
Jay	24.0	Vigo	23.6
Jefferson	21.6	Wabash	28.3
Jennings	19.4	Warren	30.7
Johnson	24.3	Warrick	23.2
Knox	25.2	Washington	23.0
Kosciusko	28.6	Wayne	22.9
Lagrange	28.1	Wells	27.8
Lake	28.8	White	28.8
La Porte	27.2	Whitley	28.3

IOWA

Adair	18.7	Clayton	23.2
Adams	19.8	Clinton	24.8
Allamakee	23.6	Crawford	21.0
Appanoose	17.9	Dallas	21.7
Audubon	19.2	Davis	19.6
Benton	23.8	Decatur	19.2
Black Hawk	18.4	Delaware	26.6
Boone	23.2	Des Moines	25.9
Bremer	19.6	Dickinson	16.5
Buchanan	19.4	Dubuque	24.0
Buena Vista	19.3	Emmet	17.4
Butler	18.8	Fayette	20.0
Calhoun	21.5	Floyd	18.3
Carroll	19.3	Franklin	21.1
Cass	21.6	Fremont	23.9
Cedar	27.3	Greene	19.8
Cerro Gordo	21.2	Grundy	22.3
Cherokee	20.2	Guthrie	18.6
Chickasaw	19.0	Hamilton	20.5
Clarke	16.7	Hancock	21.7
Clay	19.4	Hardin	18.4

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

IOWA—continued

County	Normal yield	County	Normal yield
Harrison	20.3	Osceola	16.8
Henry	21.6	Page	23.8
Howard	21.1	Palo Alto	15.2
Humboldt	19.5	Plymouth	19.6
Ida	18.3	Pocahontas	17.0
Iowa	22.0	Polk	24.5
Jackson	21.6	Pottawattamie	20.5
Jasper	23.3	Poweshiek	19.2
Jefferson	19.6	Ringgold	19.7
Johnson	21.3	Sac	19.2
Jones	25.0	Scott	25.2
Keokuk	20.8	Shelby	19.8
Kossuth	22.6	Sioux	19.8
Lee	23.2	Story	24.5
Linn	23.8	Tama	21.8
Louisa	23.6	Taylor	19.0
Lucas	18.4	Union	17.7
Lyon	20.0	Van Buren	20.4
Madison	20.6	Wapello	21.0
Mahaska	21.2	Warren	22.0
Marion	20.8	Washington	21.6
Marshall	23.0	Wayne	18.3
Mills	24.3	Webster	21.6
Mitchell	20.5	Winnebago	23.0
Monona	18.1	Winneshiek	21.0
Monroe	17.9	Woodbury	17.0
Montgomery	24.1	Worth	20.5
Muscatine	21.8	Wright	23.5
O'Brien	18.2		

KANSAS

Allen	24.5	Linn	23.0
Anderson	25.0	Logan	13.3
Atchison	23.2	Lyon	23.2
Barber	13.2	McPherson	17.9
Barton	14.8	Marion	17.4
Bourbon	21.4	Marshall	19.4
Brown	24.5	Meade	12.3
Butler	19.6	Miami	23.4
Chase	23.2	Mitchell	14.4
Chautauqua	21.4	Montgomery	21.5
Cherokee	20.8	Morris	20.4
Cheyenne	17.5	Morton	12.2
Clark	12.7	Nemaha	23.1
Clay	18.4	Neosho	23.6
Cloud	15.3	Ness	13.0
Coffey	24.1	Norton	17.9
Comanche	12.5	Osage	24.2
Cowley	20.4	Osborne	12.7
Crawford	20.8	Ottawa	16.9
Decatur	20.0	Pawnee	13.5
Dickinson	17.5	Phillips	13.6
Doniphan	25.1	Pottawatomie	22.7
Douglas	25.2	Pratt	15.0
Edwards	13.0	Rawlins	20.0
Elk	22.6	Reno	17.2
Ellis	13.4	Republic	16.7
Ellsworth	16.5	Rice	16.8
Finney	16.0	Riley	21.4
Ford	12.8	Rooks	13.8
Franklin	23.6	Rush	13.1
Geary	23.0	Russell	13.3
Gove	15.0	Saline	17.6
Graham	14.0	Scott	16.9
Grant	14.4	Sedgwick	17.0
Gray	12.9	Seward	11.3
Greeley	13.8	Shawnee	25.2
Greenwood	23.2	Sheridan	16.6
Hamilton	13.7	Sherman	16.3
Harper	15.0	Smith	13.9
Harvey	17.6	Stafford	14.2
Haskell	11.7	Stanton	16.5
Hodgeman	11.9	Stevens	12.4
Jackson	22.2	Sumner	16.9
Jefferson	23.7	Thomas	18.0
Jewell	14.6	Trego	14.0
Johnson	24.4	Wabaunsee	23.4
Kearny	14.4	Wallace	13.9
Kingman	13.8	Washington	18.3
Kiowa	13.8	Wichita	14.7
Labette	21.6	Wilson	23.2
Lane	15.2	Woodson	22.8
Leavenworth	22.6	Wyandotte	23.6
Lincoln	14.5		

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

KENTUCKY

County	Normal yield	County	Normal yield
Adair	17.8	Jessamine	20.0
Allen	18.0	Kenton	20.2
Anderson	18.2	Knox	14.6
Ballard	19.2	Larue	18.8
Barren	18.4	Laurel	16.7
Bath	20.6	Lee	16.0
Boone	20.2	Lewis	17.4
Bourbon	22.3	Lincoln	19.0
Boyd	20.0	Livingston	18.1
Boyle	20.0	Logan	21.8
Bracken	22.5	Lyon	20.0
Breckinridge	18.6	McCracken	19.4
Bullitt	19.8	McLean	19.2
Butler	16.0	Madison	19.2
Caldwell	19.8	Marion	17.6
Calloway	19.0	Marshall	17.4
Campbell	21.5	Mason	20.7
Carlisle	19.2	Meade	18.4
Carroll	20.2	Mercer	19.4
Carter	17.6	Metcalfe	17.4
Casey	17.0	Monroe	16.2
Christian	20.3	Montgomery	21.0
Clark	22.0	Morgan	16.3
Clay	14.7	Muhlenberg	18.6
Clinton	17.6	Nelson	18.8
Crittenden	18.8	Nicholas	21.3
Cumberland	16.0	Ohio	17.2
Daviess	21.4	Oldham	22.9
Edmonson	15.8	Owen	22.0
Elliott	16.2	Pendleton	20.4
Estill	16.8	Powell	15.4
Fayette	23.4	Pulaski	16.8
Fleming	20.0	Robertson	20.0
Franklin	20.4	Rockcastle	18.2
Fulton	21.2	Rowan	16.4
Gallatin	19.0	Russell	16.8
Garrard	18.2	Scott	21.2
Grant	21.4	Shelby	20.1
Graves	19.8	Simpson	22.0
Grayson	17.0	Spencer	19.2
Green	17.0	Taylor	18.0
Greenup	16.8	Todd	22.0
Hancock	19.7	Trigg	20.2
Hardin	18.4	Trimble	20.9
Harrison	21.4	Union	21.3
Hart	17.2	Warren	20.6
Henderson	21.8	Washington	18.8
Henry	21.2	Wayne	20.0
Hickman	20.4	Webster	19.4
Hopkins	18.6	Whitley	15.9
Jackson	15.8	Wolfe	15.2
Jefferson	23.9	Woodford	21.6

MARYLAND

Allegany	18.4	Howard	24.0
Anne Arundel	15.8	Kent	23.7
Baltimore	23.1	Montgomery	23.6
Calvert	16.0	Prince Georges	16.2
Caroline	19.8	Queen Annes	20.3
Carroll	22.4	St. Marys	18.8
Cecil	25.4	Somerset	23.7
Charles	17.5	Talbot	22.5
Dorchester	22.5	Washington	22.0
Frederick	22.0	Wicomico	18.3
Garrett	23.7	Worcester	20.6
Harford	26.0		

MICHIGAN

Alcona	25.3	Chippewa	16.8
Alger	20.9	Clare	26.2
Allegan	25.6	Clinton	28.5
Alpena	27.4	Crawford	16.0
Antrim	22.3	Delta	24.6
Arenac	26.6	Dickinson	25.1
Baraga	21.2	Eaton	28.9
Barry	26.2	Emmet	21.9
Bay	30.0	Genesee	27.6
Benzie	16.4	Gladwin	25.6
Berrien	26.5	Gogebic	13.0
Branch	26.1	Grand Traverse	22.6
Calhoun	27.2	Gratiot	30.2
Cass	24.8	Hillsdale	25.6
Charlevoix	24.0	Houghton	17.9
Cheboygan	23.7		

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

MICHIGAN—continued

County	Normal yield	County	Normal yield
Huron	29.9	Montcalm	27.2
Ingham	29.2	Montmorency	24.0
Ionia	27.6	Muskegon	24.1
Iosco	23.8	Newaygo	24.8
Iron	16.4	Oakland	27.6
Isabella	29.0	Oceana	25.0
Jackson	26.3	Ogemaw	24.8
Kalamazoo	28.0	Ontonagon	15.2
Kalkaska	16.4	Osceola	23.0
Kent	25.5	Oscoda	18.3
Lake	21.8	Otsego	20.0
Lapeer	28.4	Ottawa	25.1
Leelanau	21.6	Presque Isle	25.8
Lenawee	29.3	Roscommon	19.4
Livingston	27.4	Saginaw	30.4
Luce	16.0	St. Clair	27.4
Mackinac	17.5	St. Joseph	25.4
Macomb	26.4	Sanilac	27.4
Manistee	18.6	Schoolcraft	18.8
Marquette	22.6	Shiawassee	27.8
Mason	26.2	Tuscola	33.0
Mecosta	25.4	Van Buren	24.4
Menominee	27.0	Washtenaw	27.6
Midland	29.8	Wayne	27.0
Missaukee	21.4	Wexford	21.0
Monroe	28.1		

MINNESOTA

Aitkin	15.4	Martin	20.1
Anoka	16.1	Meeker	19.4
Becker	16.9	Mille Lacs	18.0
Beltrami	16.3	Morrison	16.0
Benton	14.4	Mower	19.4
Big Stone	14.8	Murray	16.8
Blue Earth	21.6	Nicollet	21.1
Brown	17.4	Nobles	16.8
Carlton	14.6	Norman	17.5
Carver	25.2	Olmstead	19.7
Cass	14.6	Otter Tail	15.8
Chippewa	15.5	Pennington	17.6
Chisago	15.8	Pine	15.2
Clay	17.7	Pipestone	16.2
Clearwater	17.6	Polk	18.0
Cottonwood	19.1	Pope	15.1
Crow Wing	14.7	Ramsey	19.2
Dakota	18.9	Red Lake	17.6
Dodge	20.8	Redwood	17.3
Douglas	16.7	Renville	18.2
Faribault	20.3	Rice	21.6
Fillmore	18.9	Rock	16.5
Freeborn	20.2	Roseau	18.1
Goodhue	19.1	St. Louis	17.4
Grant	15.0	Scott	22.9
Hennepin	21.0	Sherburne	14.4
Houston	20.0	Sibley	21.6
Hubbard	15.8	Stearns	16.2
Isanti	15.8	Steele	22.0
Itasca	16.2	Stevens	15.3
Jackson	18.8	Swift	14.8
Kanabec	15.9	Todd	15.6
Kandiyohi	15.8	Traverse	15.1
Kittson	17.7	Wabasha	18.3
Koochiching	15.0	Wadena	13.5
Lac qui Parle	15.0	Waseca	21.8
Lake of the Woods	17.5	Washington	18.5
Le Sueur	21.4	Watonwan	17.8
Lincoln	15.9	Wilkin	15.7
Lyon	16.9	Winona	20.4
McLeod	23.4	Wright	22.6
Mahnomen	17.5	Yellow Medicine	15.1
Marshall	18.9		

MISSOURI

Adair	26.0	Buchanan	26.9
Andrew	25.6	Butler	22.9
Atchison	23.5	Caldwell	25.0
Audrain	25.4	Callaway	26.0
Barry	21.8	Camden	20.2
Barton	21.3	Cape Girardeau	24.8
Bates	22.6	Carroll	26.6
Benton	20.6	Carter	18.7
Bollinger	17.9	Cass	23.3
Boone	24.1		

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

MISSOURI—continued

County	Normal yield	County	Normal yield
Cedar	20.4	Moniteau	24.4
Chariton	26.2	Monroe	24.6
Christian	23.4	Montgomery	25.8
Clark	23.0	Morgan	22.6
Clay	27.6	New Madrid	26.8
Clinton	26.1	Newton	22.2
Cole	22.6	Nodaway	24.6
Cooper	24.8	Oregon	18.6
Crawford	21.5	Osage	24.8
Dade	24.6	Ozark	16.0
Dallas	21.5	Pemiscot	26.5
Daviess	23.4	Perry	24.2
De Kalb	25.1	Pettis	24.3
Dent	19.4	Phelps	22.4
Douglas	16.6	Pike	25.6
Dunklin	23.6	Platte	26.8
Franklin	25.3	Polk	22.7
Gasconade	23.4	Pulaski	18.4
Gentry	25.3	Putnam	24.3
Greene	23.8	Ralls	27.0
Grundy	22.0	Randolph	23.8
Harrison	23.6	Ray	27.9
Henry	21.4	Reynolds	19.8
Hickory	19.4	Ripley	15.0
Holt	24.0	St. Charles	29.0
Howard	25.9	St. Clair	21.6
Howell	16.6	St. Francois	22.9
Iron	19.6	St. Louis	25.6
Jackson	26.4	Ste. Genevieve	25.5
Jasper	23.6	Saline	24.6
Jefferson	21.6	Schuyler	23.6
Johnson	23.1	Scotland	21.6
Knox	22.4	Scott	21.8
Laclede	21.8	Shannon	18.4
Lafayette	26.4	Shelby	24.2
Lawrence	22.1	Stoddard	21.9
Lewis	23.9	Stone	22.5
Lincoln	24.8	Sullivan	23.2
Linn	25.6	Taney	17.4
Livingston	26.4	Texas	20.0
McDonald	19.0	Vernon	21.2
Macon	25.1	Warren	25.0
Madison	19.3	Washington	25.4
Maries	21.4	Wayne	20.3
Marion	25.4	Webster	21.6
Mercer	24.1	Worth	22.0
Miller	23.6	Wright	20.4
Mississippi	24.1		

MONTANA

County	Normal yield	County	Normal yield
Beaverhead	24.8	Madison	21.5
Big Horn	21.1	Meagher	16.6
Blaine	17.0	Mineral	22.3
Broadwater	22.5	Missoula	24.7
Carbon	21.3	Musselshell	15.2
Carter	10.4	Park	21.2
Cascade	22.6	Petroleum	13.4
Chouteau	21.7	Phillips	15.6
Custer	12.5	Pondera	24.7
Daniels	13.8	Powder River	14.3
Dawson	12.2	Powell	21.8
Deer Lodge	29.7	Prairie	12.6
Fallon	10.6	Ravalli	31.8
Fergus	18.8	Richland	14.9
Flathead	27.5	Roosevelt	15.8
Gallatin	25.2	Rosebud	14.7
Garfield	10.0	Sanders	20.8
Glacier	21.6	Sheridan	15.5
Golden Valley	16.2	Silver Bow	21.3
Granite	21.0	Stillwater	18.2
Hill	16.4	Sweet Grass	16.4
Jefferson	19.4	Teton	24.1
Judith Basin	17.4	Toole	19.8
Lake	23.0	Treasure	18.2
Lewis and Clark	20.2	Valley	14.5
Liberty	17.8	Wheatland	15.6
Lincoln	19.2	Wibaux	13.5
McCone	12.5	Yellowstone	20.9

NEBRASKA

County	Normal yield	County	Normal yield
Adams	17.8	Banner	24.0
Antelope	15.8	Blaine	12.0
Arthur	11.3	Boone	17.6

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

NEBRASKA—continued

County	Normal yield	County	Normal yield
Box Butte	21.9	Keith	22.0
Boyd	12.6	Keya Paha	13.4
Brown	12.4	Kimball	18.5
Buffalo	16.9	Knox	17.4
Burt	25.9	Lancaster	21.8
Butler	21.2	Lincoln	18.3
Cass	24.5	Logan	13.4
Cedar	17.0	Loup	14.2
Chase	20.9	McPherson	11.3
Cherry	10.6	Madison	20.2
Cheyenne	24.1	Merrick	18.1
Clay	18.0	Morrill	19.7
Colfax	21.5	Nance	18.1
Cuming	24.4	Nemaha	23.1
Custer	17.6	Nuckolls	17.6
Dakota	21.8	Otoe	24.0
Dawes	22.2	Pawnee	21.4
Dawson	17.6	Perkins	22.5
Deuel	24.0	Phelps	20.8
Dixon	19.0	Pierce	19.2
Dodge	24.4	Platte	20.6
Douglas	24.7	Polk	20.5
Dundy	19.6	Redwillow	20.8
Fillmore	19.5	Richardson	23.6
Franklin	18.7	Rock	12.4
Frontier	20.0	Saline	20.6
Furnas	19.9	Sarpy	24.3
Gage	21.4	Saunders	24.2
Garden	23.8	Scotts Bluff	23.8
Garfield	13.3	Seward	23.3
Gosper	21.4	Sheridan	18.8
Greeley	16.0	Sherman	15.1
Hall	17.6	Sioux	17.9
Hamilton	19.8	Stanton	21.6
Harlan	21.1	Thayer	19.5
Hayes	18.8	Thomas	11.7
Hitchcock	19.9	Thurston	22.3
Holt	12.4	Valley	16.0
Hooker	11.9	Washington	25.7
Howard	17.8	Wayne	22.4
Jefferson	20.9	Webster	18.0
Johnson	21.3	Wheeler	13.8
Kearney	19.0	York	20.7

NEW JERSEY

County	Normal yield	County	Normal yield
Atlantic	16.7	Middlesex	26.8
Bergen	23.4	Monmouth	27.4
Burlington	26.3	Morris	25.6
Camden	23.6	Ocean	24.1
Cape May	19.4	Passaic	23.5
Cumberland	25.0	Salem	27.3
Essex	25.8	Somerset	24.0
Gloucester	22.3	Sussex	27.6
Hunterdon	26.1	Union	26.6
Mercer	26.6	Warren	27.1

NEW MEXICO

County	Normal yield	County	Normal yield
Bernalillo	16.4	Otero	23.0
Catron	16.6	Quay	6.8
Chaves	15.2	Rio Arriba	9.2
Colfax	11.1	Roosevelt	7.3
Curry	8.4	Sandoval	14.2
De Baca	18.4	San Juan	21.0
Eddy	25.0	San Miguel	11.1
Grant	21.2	Santa Fe	8.8
Guadalupe	12.3	Sierra	21.6
Harding	6.2	Socorro	12.5
Hidalgo	23.2	Taos	16.1
Lea	11.8	Torrance	12.2
Lincoln	19.2	Union	7.2
McKinley	14.4	Valencia	12.1
Mora	12.4		

NEW YORK

County	Normal yield	County	Normal yield
Albany	28.2	Cortland	30.0
Allegany	27.8	Delaware	28.6
Broome	29.3	Dutchess	29.7
Cattaraugus	27.2	Erie	27.1
Cayuga	30.5	Essex	25.4
Chautauqua	27.0	Franklin	25.4
Chemung	29.0	Fulton	26.0
Chenango	30.4	Genesee	30.9
Clinton	24.7	Greene	27.5
Columbia	29.2	Herkimer	28.2

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

NEW YORK—continued

County	Normal yield	County	Normal yield
Jefferson	20.3	St. Lawrence	23.6
Lewis	26.5	Saratoga	31.3
Livingston	30.6	Schenectady	27.4
Madison	30.6	Schoharie	30.1
Monroe	30.3	Schuyler	26.2
Montgomery	27.6	Seneca	28.6
Nassau	24.6	Steuben	27.2
Niagara	27.0	Suffolk	31.4
Oneida	32.2	Sullivan	28.2
Onondaga	30.2	Tioga	28.6
Ontario	31.2	Tompkins	28.8
Orange	27.8	Ulster	28.8
Orleans	30.2	Warren	25.4
Oswego	25.6	Washington	29.6
Otsego	31.6	Wayne	28.4
Putnam	29.7	Westchester	30.3
Rensselaer	28.3	Wyoming	31.0
Rockland	28.6	Yates	30.4

NORTH CAROLINA

County	Normal yield	County	Normal yield
Alamance	21.0	Jones	22.1
Alexander	18.1	Lee	22.6
Alleghany	23.1	Lenoir	23.2
Anson	17.9	Lincoln	20.3
Ashe	20.8	McDowell	18.0
Avery	19.4	Macon	19.5
Beaufort	22.0	Madison	19.0
Bertie	20.6	Martin	22.7
Bladen	21.2	Mecklenburg	19.0
Brunswick	22.7	Mitchell	18.0
Buncombe	21.0	Montgomery	17.6
Burke	19.4	Moore	17.9
Cabarrus	18.4	Nash	25.6
Caldwell	19.8	New Hanover	21.4
Camden	20.4	Northampton	19.4
Carteret	19.6	Onslow	21.4
Caswell	21.0	Orange	20.4
Catawba	19.8	Pamlico	23.2
Chatham	19.4	Pasquotank	22.5
Cherokee	17.8	Pender	22.9
Chowan	20.8	Perquimans	21.8
Clay	16.5	Person	19.6
Cleveland	21.3	Pitt	23.2
Columbus	22.8	Polk	19.8
Craven	20.0	Randolph	19.7
Cumberland	21.4	Richmond	18.0
Currituck	22.0	Robeson	21.4
Davidson	21.7	Rockingham	22.6
Davie	20.0	Rowan	21.1
Duplin	23.3	Rutherford	20.0
Durham	20.6	Sampson	22.5
Edgecombe	23.5	Scotland	18.5
Forsyth	22.2	Stanly	18.1
Franklin	20.7	Stokes	20.7
Gaston	19.6	Surry	22.0
Gates	19.6	Swain	19.6
Graham	18.0	Transylvania	20.8
Granville	20.5	Tyrrell	20.0
Greene	21.8	Union	19.7
Guilford	22.2	Vance	20.3
Halifax	19.4	Wake	22.4
Harnett	21.5	Warren	20.8
Haywood	21.0	Washington	20.4
Henderson	20.8	Watauga	21.5
Hertford	18.6	Wayne	23.4
Hoke	20.3	Wilkes	21.4
Hyde	21.0	Wilson	25.1
Iredell	20.4	Yadkin	22.0
Jackson	19.6	Yancey	19.6
Johnston	23.4		

NORTH DAKOTA

County	Normal yield	County	Normal yield
Adams	11.2	Dunn	12.3
Barnes	14.3	Eddy	11.2
Benson	12.8	Emmons	10.8
Billings	11.0	Foster	13.5
Bottineau	14.2	Golden Valley	13.7
Bowman	10.5	Grand Forks	16.7
Burke	14.4	Grant	10.2
Burleigh	11.5	Griggs	13.5
Cass	16.6	Hettinger	11.8
Cavalier	15.7	Kidder	10.0
Dickey	10.9	La Moure	11.4
Divide	13.7	Logan	10.7

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

NORTH DAKOTA—continued

County	Normal yield	County	Normal yield
McHenry	12.7	Rolette	13.4
McIntosh	9.7	Sargent	11.6
McKenzie	13.9	Sheridan	11.9
McLean	12.3	Sioux	9.8
Mercer	12.9	Slope	11.1
Morton	11.4	Stark	12.3
Mountrail	13.2	Steele	15.3
Nelson	13.1	Stutsman	12.8
Oliver	12.7	Towner	13.7
Pembina	18.5	Traill	17.2
Pierce	11.6	Walsh	17.0
Ramsey	13.6	Ward	14.5
Ransom	12.0	Wells	12.6
Renville	14.9	Williams	14.9
Richland	13.7		

OHIO

County	Normal yield	County	Normal yield
Adams	18.6	Licking	23.1
Allen	28.0	Logan	25.6
Ashland	26.5	Lorain	24.9
Ashtabula	23.6	Lucas	31.6
Athens	21.8	Madison	25.6
Auglaize	27.4	Mahoning	27.0
Belmont	26.2	Marion	26.0
Brown	18.6	Medina	26.1
Butler	22.6	Meigs	20.6
Carroll	26.2	Mercer	27.1
Champaign	26.8	Miami	25.8
Clark	25.9	Monroe	24.0
Clermont	20.3	Montgomery	24.4
Clinton	23.0	Morgan	22.8
Columbiana	27.7	Morrow	23.0
Coshocton	24.4	Muskingum	23.5
Crawford	26.8	Noble	22.8
Cuyahoga	25.8	Ottawa	26.2
Darke	25.2	Paulding	24.6
Defiance	25.6	Perry	23.0
Delaware	24.0	Pickaway	22.7
Erie	29.2	Pike	19.3
Fairfield	23.5	Portage	26.1
Fayette	23.6	Preble	23.7
Franklin	25.4	Putnam	27.7
Fulton	30.4	Richland	25.5
Gallia	20.2	Ross	21.8
Geauga	25.2	Sandusky	28.4
Greene	23.8	Scioto	21.0
Guernsey	22.5	Seneca	26.8
Hamilton	23.8	Shelby	26.4
Hancock	27.7	Stark	28.1
Hardin	27.0	Summit	26.8
Harrison	26.1	Trumbull	25.8
Henry	29.4	Tuscarawas	26.2
Highland	20.1	Union	24.6
Hocking	20.0	Van Wert	28.6
Holmes	26.6	Vinton	19.9
Huron	27.0	Warren	22.6
Jackson	19.7	Washington	22.3
Jefferson	26.6	Wayne	27.8
Knox	22.8	Williams	26.9
Lake	24.4	Wood	29.8
Lawrence	20.0	Wyandot	26.8

OKLAHOMA

County	Normal yield	County	Normal yield
Adair	15.0	Dewey	11.3
Alfalfa	15.5	Ellis	10.0
Atoka	13.9	Garfield	15.7
Beaver	9.2	Garvin	15.2
Beckham	10.9	Grady	15.2
Blaine	14.4	Grant	15.4
Bryan	14.0	Greer	10.9
Caddo	15.0	Harmon	11.2
Canadian	15.2	Harper	10.6
Carter	12.9	Haskell	15.4
Cherokee	14.8	Hughes	15.8
Choctaw	14.5	Jackson	13.4
Cimarron	9.1	Jefferson	11.6
Cleveland	14.9	Johnston	12.5
Coal	13.9	Kay	18.6
Comanche	12.6	Kingfisher	14.5
Cotton	12.8	Kiowa	12.8
Craig	18.4	Le Flore	16.5
Creek	14.5	Lincoln	14.0
Custer	12.4	Logan	14.8
Delaware	18.8	Love	12.8

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

OKLAHOMA—continued

County	Normal yield	County	Normal yield
McClain	14.6	Pittsburg	14.2
McCurtain	14.0	Pontotoc	14.3
McIntosh	16.0	Pottawatomie	16.4
Major	13.2	Pushmataha	14.0
Marshall	12.3	Roger Mills	9.3
Mayes	17.6	Rogers	17.7
Murray	14.4	Seminole	15.3
Muskogee	14.5	Sequoyah	17.2
Noble	14.6	Stephens	13.0
Nowata	18.5	Texas	9.8
Okfuskee	14.2	Tillman	16.3
Oklahoma	15.5	Tulsa	18.4
Okmulgee	14.4	Wagoner	18.2
Osage	18.2	Washington	18.7
Ottawa	20.3	Washita	13.2
Pawnee	16.0	Woods	12.4
Payne	13.6	Woodward	9.2

OREGON

County	Normal yield	County	Normal yield
Baker	31.2	Lane	23.1
Benton	25.8	Linn	24.8
Clackamas	28.2	Malheur	40.1
Columbia	26.2	Marion	29.3
Crook	38.1	Morrow	22.8
Deschutes	33.8	Multnomah	28.2
Douglas	20.4	Polk	27.6
Gilliam	25.4	Sherman	31.1
Grant	21.8	Umatilla	29.6
Harney	18.0	Union	33.5
Jackson	26.7	Wallowa	24.9
Jefferson	30.1	Wasco	26.8
Josephine	21.6	Washington	31.0
Klamath	20.0	Wheeler	20.4
Lake	18.6	Yamhill	29.4

PENNSYLVANIA

County	Normal yield	County	Normal yield
Adams	21.3	Lackawanna	24.2
Allegheny	25.4	Lancaster	28.7
Armstrong	23.8	Lawrence	26.0
Beaver	26.0	Lebanon	26.3
Bedford	23.1	Lehigh	24.3
Berks	23.6	Luzerne	21.9
Blair	25.5	Lycoming	23.0
Bradford	24.2	McKean	22.1
Bucks	25.3	Mercer	24.5
Butler	25.4	Mifflin	25.0
Cambria	23.9	Monroe	23.1
Cameron	20.4	Montgomery	25.3
Carbon	22.7	Montour	21.5
Centre	26.0	Northampton	26.0
Chester	26.6	Northumberland	23.2
Clarion	23.2	Perry	23.4
Clearfield	23.1	Philadelphia	27.4
Clinton	24.3	Pike	22.2
Columbia	23.1	Potter	25.8
Crawford	23.2	Schuylkill	21.8
Cumberland	23.8	Snyder	22.4
Dauphin	23.3	Somerset	24.4
Delaware	28.2	Sullivan	23.8
Elk	23.6	Susquehanna	23.0
Erie	24.0	Tioga	22.5
Fayette	24.5	Union	24.6
Forest	22.1	Venango	24.6
Franklin	21.1	Warren	22.2
Fulton	19.6	Washington	25.6
Greene	22.6	Wayne	23.3
Huntingdon	22.0	Westmoreland	25.0
Indiana	22.3	Wyoming	23.6
Jefferson	24.2	York	25.6
Juniata	22.6		

SOUTH CAROLINA

County	Normal yield	County	Normal yield
Abbeville	16.0	Chesterfield	16.9
Aiken	14.8	Clarendon	20.8
Allendale	18.8	Colleton	18.8
Anderson	18.1	Darlington	19.6
Bamberg	17.0	Dillon	21.4
Barnwell	16.7	Dorchester	18.9
Beaufort	18.2	Edgefield	18.1
Berkeley	17.6	Fairfield	16.4
Calhoun	20.6	Florence	20.8
Charleston	19.2	Georgetown	20.5
Cherokee	18.2	Greenville	17.4
Chester	18.0	Greenwood	18.0

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

SOUTH CAROLINA—continued

County	Normal yield	County	Normal yield
Hampton	19.1	Newberry	17.3
Horry	23.0	Oconee	18.0
Jasper	18.1	Orangeburg	18.6
Kershaw	16.4	Pickens	16.8
Lancaster	18.8	Richland	18.2
Laurens	18.0	Saluda	17.0
Lee	21.1	Spartanburg	17.6
Lexington	15.7	Sumter	21.5
McCormick	16.0	Union	16.0
Marion	23.1	Williamsburg	19.8
Marlboro	19.6	York	18.4

SOUTH DAKOTA

County	Normal yield	County	Normal yield
Aurora	11.5	Jackson	11.6
Beadle	10.9	Jerauld	10.7
Bennett	18.3	Jones	11.0
Bon Homme	11.6	Kingsbury	11.4
Brookings	14.2	Lake	13.0
Brown	10.9	Lawrence	14.7
Brule	11.7	Lincoln	13.6
Buffalo	11.1	Lyman	11.5
Butte	13.9	McCook	11.9
Campbell	10.7	McPherson	9.7
Charles Mix	12.2	Marshall	12.2
Clark	11.4	Meade	11.0
Clay	15.2	Mellette	12.3
Codington	11.8	Miner	10.7
Corson	9.3	Minnehaha	11.8
Custer	10.9	Moody	14.0
Davison	12.2	Pennington	10.2
Day	10.9	Perkins	10.1
Deuel	13.2	Potter	10.1
Dewey	9.6	Roberts	12.3
Douglas	11.6	Sanborn	10.8
Edmunds	8.9	Shannon	19.1
Fall River	14.8	Spink	10.6
Faulk	9.8	Stanley	11.6
Grant	12.4	Sully	11.3
Gregory	12.2	Todd	11.8
Haakon	12.6	Tripp	12.3
Hamlin	12.8	Turner	12.7
Hand	11.0	Union	14.6
Hanson	12.2	Walworth	11.1
Harding	9.9	Washabaugh	14.9
Hughes	10.1	Yankton	13.4
Hutchinson	10.3	Ziebach	10.2
Hyde	10.6		

TENNESSEE

County	Normal yield	County	Normal yield
Anderson	18.0	Hardin	13.2
Bedford	15.2	Hawkins	18.2
Benton	14.8	Haywood	16.8
Bledsoe	14.8	Henderson	14.6
Blount	18.6	Henry	18.0
Bradley	15.4	Hickman	13.8
Campbell	17.3	Houston	17.3
Cannon	14.0	Humphreys	14.9
Carroll	16.8	Jackson	11.8
Carter	20.4	Jefferson	19.8
Cheatham	18.8	Johnson	18.8
Chester	17.0	Knox	18.6
Claiborne	17.0	Lake	20.2
Clay	13.4	Lauderdale	17.8
Cocke	17.4	Lawrence	15.4
Coffee	16.9	Lewis	13.2
Crockett	15.2	Lincoln	15.2
Cumberland	14.6	Loudon	16.4
Davidson	17.2	McMinn	15.5
Decatur	13.2	McNairy	16.5
De Kalb	14.0	Macon	14.4
Dickson	15.1	Madison	16.5
Dyer	18.8	Marion	15.5
Fayette	16.6	Marshall	14.8
Fentress	16.2	Maury	17.8
Franklin	19.8	Meigs	15.6
Gibson	14.8	Monroe	16.1
Giles	15.0	Montgomery	20.0
Grainger	18.2	Moore	16.4
Greene	17.5	Morgan	17.0
Grundy	19.4	Obion	18.8
Hamblen	21.0	Overton	15.8
Hamilton	17.0	Perry	11.6
Hancock	16.4	Pickett	15.9
Hardeman	16.8	Polk	15.0

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

TENNESSEE—continued

County	Normal yield	County	Normal yield
Putnam	14.9	Tipton	20.5
Rhea	15.4	Trousdale	14.2
Roane	14.8	Unicoi	19.9
Robertson	21.0	Union	15.9
Rutherford	15.8	Van Buren	16.6
Scott	16.0	Warren	16.8
Sequatchie	15.5	Washington	20.4
Sevier	17.6	Wayne	13.4
Shelby	19.0	Weakley	16.8
Smith	12.1	White	17.1
Stewart	15.8	Williamson	16.0
Sullivan	19.6	Wilson	14.2
Sumner	16.1		

TEXAS

Anderson	11.5	Grayson	14.7
Andrews	8.4	Guadalupe	9.2
Archer	10.2	Hale	15.6
Armstrong	9.8	Hall	9.2
Atascosa	9.7	Hamilton	9.7
Austin	9.8	Hansford	10.7
Bailey	10.8	Hardeman	11.4
Bandera	9.2	Harris	10.0
Bastrop	9.9	Hartley	10.0
Baylor	11.9	Haskell	9.7
Bee	9.8	Hays	10.4
Bell	11.4	Hemphill	9.6
Bexar	9.6	Henderson	11.6
Blanco	10.7	Hill	11.1
Borden	6.5	Hockley	10.3
Bosque	11.6	Hood	9.9
Bowie	12.1	Hopkins	11.6
Brazos	9.8	Houston	11.6
Briscoe	11.5	Howard	7.7
Brown	8.8	Hudspeth	12.2
Burleson	9.5	Hunt	15.2
Burnet	9.5	Hutchinson	10.7
Caldwell	9.4	Irion	7.8
Callahan	8.0	Jack	9.5
Carson	9.9	Jackson	10.8
Castro	15.0	Jeff Davis	12.2
Chambers	10.0	Johnson	12.2
Cherokee	11.6	Jones	8.5
Childress	9.4	Karnes	10.5
Clay	11.3	Kaufman	12.9
Cochran	10.1	Kendall	9.8
Coke	6.5	Kent	8.4
Coleman	7.4	Kerr	10.9
Collin	15.4	Kimble	8.0
Collingsworth	9.2	King	9.5
Comal	9.4	Knox	12.3
Comanche	9.3	Lamar	14.7
Concho	7.0	Lamb	17.9
Cooke	15.6	Lampasas	9.8
Coryell	10.3	Limestone	10.1
Cottle	9.6	Lipscomb	10.1
Crosby	10.2	Live Oak	10.0
Culberson	12.2	Llano	10.0
Dallam	9.2	Lubbock	12.2
Dallas	15.0	Lynn	9.4
Dawson	8.0	McCulloch	8.2
Deaf Smith	12.8	McLennan	11.1
Delta	14.0	Martin	8.4
Denton	15.4	Mason	9.1
De Witt	9.7	Maverick	11.4
Dickens	8.6	Medina	10.4
Dimmit	11.2	Menard	8.0
Donley	8.4	Midland	9.1
Eastland	9.7	Milam	10.8
Edwards	8.4	Mills	9.6
Ellis	13.0	Mitchell	6.6
Erath	9.7	Montague	11.4
Falls	10.8	Moore	10.5
Fannin	14.5	Motley	8.5
Fisher	7.0	Navarro	13.0
Floyd	11.4	Nolan	6.8
Foard	11.8	Ochiltree	11.2
Gaines	6.7	Oldham	9.2
Garza	8.2	Palo Pinto	8.8
Gillespie	10.4	Parker	10.2
Glasscock	7.3	Parmer	14.6
Goliad	9.6	Pecos	12.2
Gonzales	9.8	Potter	9.9
Gray	9.6	Presidio	12.2
Rains	11.6	Terry	10.3
Randall	9.0	Throckmorton	11.7
Real	10.0	Titus	11.0
Red River	11.8	Tom Green	7.8
Reeves	12.2	Travis	9.8
Roberts	10.0	Uvalde	10.5
Rockwall	14.0	Van Zandt	10.9
Runnels	7.0	Victoria	9.6
San Saba	10.9	Waller	10.0
Schleicher	7.7	Ward	12.0
Scurry	6.5	Wharton	9.8
Shackelford	8.9	Wheeler	9.0
Sherman	10.3	Wichita	13.2
Somervell	9.1	Wilbarger	13.9
Stephens	8.7	Williamson	10.8
Sterling	6.6	Wilson	10.0
Stonewall	8.8	Wise	13.4
Sutton	8.0	Wood	11.6
Swisher	14.3	Yoakum	8.9
Tarrant	12.8	Young	9.8
Taylor	7.1	Zavala	11.2

UTAH

Beaver	28.6	Piute	31.4
Box Elder	19.4	Rich	20.7
Cache	23.2	Salt Lake	23.2
Carbon	28.6	San Juan	14.8
Daggett	31.2	Sanpete	22.4
Davis	36.0	Sevier	34.2
Duchesne	27.6	Summit	27.7
Emery	28.6	Tooele	14.9
Garfield	25.0	Uintah	27.0
Grand	22.3	Utah	24.9
Iron	19.0	Wasatch	38.8
Juab	15.6	Washington	14.9
Kane	19.0	Wayne	34.2
Millard	16.2	Weber	35.1
Morgan	27.5		

VIRGINIA

Accomac	21.4	Highland	21.0
Albemarle	22.3	Isle of Wight	23.0
Alleghany	19.9	James City	22.3
Amelia	21.7	King and Queen	20.8
Amherst	19.0	King George	23.2
Appomattox	21.8	King William	20.7
Augusta	23.2	Lancaster	22.2
Bath	20.2	Lee	19.0
Bedford	21.0	Loudoun	23.7
Bland	20.5	Louisa	21.6
Botetourt	21.2	Lunenburg	23.3
Brunswick	22.0	Madison	21.0
Buchanan	17.2	Mathews	19.6
Buckingham	21.0	Mecklenburg	21.4
Campbell	20.3	Middlesex	21.0
Caroline	22.6	Montgomery	21.6
Carroll	19.6	Nansemond	24.4
Charles City	24.3	Nelson	18.9
Charlotte	23.6	New Kent	20.8
Chesterfield	21.5	Norfolk	24.0
Clarke	24.0	Northampton	22.5
Craig	21.6	Northumberland	24.2
Culpeper	22.4	Nottoway	24.2
Cumberland	21.4	Orange	23.4
Dickenson	18.5	Page	23.0
Dinwiddie	22.6	Patrick	21.6
Essex	21.6	Pittsylvania	21.0
Fairfax	23.4	Powhatan	22.4
Fauquier	21.7	Prince Edward	22.2
Floyd	20.8	Prince George	20.4
Fluvanna	21.9	Prince William	22.8
Franklin	22.4	Princess Anne	23.6
Frederick	20.6	Pulaski	21.2
Giles	19.5	Rappahannock	20.2
Gloucester	19.0	Richmond	23.8
Goochland	21.7	Roanoke	25.2
Grayson	18.8	Rockbridge	20.2
Greene	18.2	Rockingham	23.3
Greensville	20.2	Russell	20.2
Halifax	21.1	Scott	19.2
Hampton	22.5	Shenandoah	22.4
Hanover	21.8	Smyth	21.0
Henrico	23.4	Southampton	22.4
Henry	20.2	Spotsylvania	22.1
Stafford	21.1	Surry	21.6
Sussex	21.2	Tazewell	20.5

WASHINGTON

Adams	23.6	Lewis	29.8
Asotin	25.6	Lincoln	30.2
Benton	21.4	Mason	33.5
Chelan	18.4	Okanogan	18.8
Clallam	44.2	Pacific	34.2
Clark	26.0	Pend Oreille	21.2
Columbia	32.8	Pierce	28.2
Cowlitz	25.6	San Juan	28.0
Douglas	21.7	Skagit	42.7
Ferry	22.4	Skamania	22.4
Franklin	24.7	Snohomish	35.5
Garfield	35.4	Spokane	28.4
Grant	25.7	Stevens	26.1
Grays Harbor	32.7	Thurston	27.2
Island	47.8	Walla Walla	32.3
Jefferson	37.9	Whatcom	37.0
Kittitas	35.8	Whitman	35.8
Klickitat	22.8	Yakima	32.6

WEST VIRGINIA

Barbour	21.0	Mineral	21.8
Berkeley	20.0	Monongalia	24.2
Boone	18.4	Monroe	22.4
Braxton	19.4	Morgan	17.4
Brooke	26.8	Nicholas	23.4
Cabell	17.4	Ohio	24.8
Calhoun	15.6	Pendleton	20.5
Clay	15.2	Pleasants	22.6
Doddridge	21.2	Pocohontas	24.0
Fayette	19.8	Preston	23.4
Gilmer	19.1	Putnam	18.8
Grant	21.4	Raleigh	18.9
Greenbrier	23.4	Randolph	24.6
Hampshire	21.9	Ritchie	19.0
Hancock	26.2	Roane	17.6
Hardy	21.6	Summers	20.2
Harrison	22.4	Taylor	20.5
Jackson	19.5	Tucker	23.0
Jefferson	21.5	Tyler	20.2
Kanawha	18.6	Upshur	23.0
Lewis	21.4	Wayne	18.0
Lincoln	18.6	Webster	15.8
Marion	23.6	Wetzel	19.4
Marshall	21.4	Wirt	22.2
Mason	21.2	Wood	20.8
Mercer	20.9	Wyoming	17.1

WISCONSIN

Adams	16.9	Jackson	20.8
Ashland	16.9	Jefferson	28.3
Barron	19.6	Juneau	20.4
Bayfield	18.3	Kenosha	27.9
Brown	24.6	Kewaunee	25.6
Buffalo	21.8	La Crosse	21.8
Burnett	16.1	Lafayette	25.1
Calumet	27.2	Langlade	22.8
Chippewa	18.6	Lincoln	21.1
Clark	22.1	Manitowoc	26.4
Columbia	24.8	Marathon	22.2
Crawford	23.6	Marinette	21.5
Dane	28.3	Marquette	18.5
Dodge	28.6	Milwaukee	26.5
Door	24.2	Monroe	23.5
Douglas	17.5	Oconto	23.3
Dunn	19.0	Oneida	19.4
Eau Claire	19.2	Outagamie	26.6
Florence	17.2	Ozaukee	28.8
Fond du Lac	29.0	Pepin	22.4
Forest	17.6	Pierce	20.9
Grant	25.6	Polk	18.0
Green	26.7	Portage	16.9
Green Lake	22.2	Price	19.4
Iowa	25.0	Racine	28.4
Iron	18.0	Richland	24.2

1957 AND 1958 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

WISCONSIN—continued

County	Normal yield	County	Normal yield
Rock	27.0	Vilas	19.6
Rusk	16.0	Walworth	28.3
St. Croix	19.7	Washburn	15.6
Sauk	23.9	Washington	28.1
Sawyer	15.9	Waukesha	26.6
Shawano	24.6	Waupaca	21.6
Sheboygan	28.6	Waushara	18.1
Taylor	19.5	Winnebago	27.6
Trempealeau	22.0	Wood	22.4
Vernon	25.2		

WYOMING

Albany	13.2	Natrona	16.8
Big Horn	30.7	Niobrara	14.4
Campbell	16.2	Park	32.3
Carbon	13.3	Platte	18.5
Converse	14.2	Sheridan	22.1
Crook	17.6	Sublette	17.4
Fremont	31.0	Sweetwater	22.8
Goshen	18.7	Teton	24.4
Hot Springs	27.9	Uinta	23.3
Johnson	17.0	Washakie	28.5
Laramie	18.4	Weston	17.1
Lincoln	15.6		

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 16th day of August 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-6912; Filed, Aug. 22, 1957; 8:45 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.53, Rev., Supp. 13]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NEBRASKA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631) the Agricultural Stabilization and Conservation Nebraska State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 65,657 acres established for Nebraska by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at Room 407, U. S. Post Office and Court House Building, Lincoln, Nebraska, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Nebraska. These bases and procedures incorporate the following:

§ 850.66 *Nebraska*—(a) *Proportionate share areas.* Nebraska shall be divided into four proportionate share areas as served by beet sugar companies. These areas shall be designated "American Crystal", "Great Western", "Holly", and "Utah-Idaho", respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area, a weighting of 75 percent to the average acreage for the crops of 1950 through 1954 as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with pro rata adjustments to a total of 65,657 acres. Acreage allotments computed as aforestated are established as follows: American Crystal Area—6,332 acres; Great Western Area—55,312 acres; Holly Area—497 acres; and Utah-Idaho Area—3,516 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from each area allotment of one percent for appeals and for new producers as follows: Holly Area—10 acres; American Crystal Area—330 acres; Great Western Area—1,106 acres; and Utah-Idaho Area—244 acres.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on Form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed and filed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing as provided in § 850.53, revised.

(d) *Establishment of individual farm proportionate shares*—(1) *For old producers*—(i) *Farm bases.* The farm base for each farm in each proportionate share area shall equal the "1956-crop share established for the farm". The term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustments made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30, as amended, and Supplement 3 thereto (21 F. R. 173) if it has been requested by the 1957 farm operator, except as a 1956-crop new producer.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from the farm bases in each proportionate share area as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the area allotments less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph.

(iii) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(2) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1957 crop year by new producers (as defined in § 850.53, rev.) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(3) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.53, rev., applicable to appeals.

(4) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1957-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other areas wherein it may be used.

(5) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1957 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU-103 if the adjustment results from an appeal, otherwise on a form SU-103-A or other similar written notice.

(e) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, revised.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Nebraska State Committee for determining farm proportionate shares in Nebraska in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 and 1956 crops. Nebraska is again divided into four areas, which division

is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. The procedure for establishing farm shares for new producers meets the related requirements of § 850.53, revised.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930 as amended; 7 U. S. C. 1132)

Dated: July 18, 1957.

[SEAL] WILFRED R. NELSON,
Chairman, Agricultural Stabilization and Conservation Nebraska State Committee.

Approved: August 14, 1957.

THOMAS H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57-6959; Filed, Aug. 22, 1957; 8:49 a. m.]

[Sugar Determination 850.53, Rev., Supp. 14]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

NEVADA FARM PROPORTIONATE SHARES FOR THE 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631) the Agricultural Stabilization and Conservation Nevada State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 563 acres established for Nevada by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 1479 Wells Avenue, Reno, Nevada, and at the office of the Agricultural Stabilization and Conservation Committee for Churchill County, in the Federal Building, Fallon, Nevada. These bases and procedures incorporate the following:

§ 850.67 *Nevada*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative), and shall be filed on or before the closing date for such filing, as provided in § 850.53, revised.

(b) *Establishment of individual farm proportionate shares.* For each farm in Nevada for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 563 acres so as to coincide with the acreage of 1957-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, revised.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Nevada State Committee for determining farm proportionate shares in Nevada in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted are smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-aside of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Dated: July 22, 1957.

[SEAL] KARL E. MARSHALL,
Chairman, Agricultural Stabilization and Conservation Nevada State Committee.

Approved: August 14, 1957.

THOMAS H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57-6960; Filed, Aug. 22, 1957; 8:49 a. m.]

[Sugar Determination 850.53, Rev., Supp. 17]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

WISCONSIN FARM PROPORTIONATE SHARES FOR THE 1957 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1957 Crop (22 F. R. 631) the Agricultural Stabilization and Conservation Wisconsin State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 13,014 acres established for Wisconsin by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 3010 E. Washington Avenue, Madison, Wisconsin, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Wisconsin. These bases and procedures incorporate the following:

§ 850.70 *Wisconsin*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on Form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator (the producer who controls and directs the operations on the farm) or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.53, revised.

(b) *Establishment of individual farm proportionate shares.* For each farm in Wisconsin for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 13,014 acres so as to coincide with the acreage of 1957-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.53, revised.

Statement of bases and considerations. This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wisconsin State Committee for determining farm proportionate shares in Wisconsin in accordance with the determination of proportionate shares for the 1957 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by both old and new producers, and the acreage of sugar beets actually planted is significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Dated: July 29, 1957.

[SEAL] JOHN P. DALE,
Chairman, Agricultural Stabilization and Conservation Wisconsin State Committee.

Approved: August 14, 1957.

THOMAS H. ALLEN,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57-6961; Filed, Aug. 22, 1957; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.325 *Limitation of shipments, Area No. 1*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the area committee for Area No. 1, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from August 26, 1957, through May 31, 1958, no handler shall ship potatoes of any variety grown in Area No. 1 unless such potatoes grade at least U. S. No. 2 and, in addition, (i) if such potatoes are of the long varieties, they are of a size not smaller than 2 inches in diameter or 4 ounces in weight, or (ii) if such potatoes are of the round varieties (including but not limited to, Irish Cobbler, Katahdin, Kennebec, Bliss Triumph, and Pontiac) they are of a size not smaller than 2⅛ inches in diameter and not larger than 24 ounces in weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540–51.1559 of this title), including the tolerances set forth therein.

(2) During the period from August 26, 1957, through November 2, 1957, and subject to the requirements set forth in subparagraph (1) of this paragraph, no handler shall ship any lot of potatoes of the round varieties grown in Area No. 1 if such potatoes are more than "slightly skinned," as such term is defined in said United States Standards, which means that not more than 10 percent of such potatoes have more than one-fourth of the skin missing or "feathered."

(3) Notwithstanding the restrictions of this section, any handler may ship potatoes for livestock feed only if such handler had (i) first made application to the area committee for Area No. 1 for permission to make such shipment and (ii) obtained the committee's permission to make such shipment. Such application to the committee shall be accompanied by a certification from both the handler and the consignee or buyer that the potatoes will in fact be used as livestock feed.

(4) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 19, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-6947; Filed, Aug. 22, 1957; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-184]

PART 60—BANK AND COMMERCIAL STATIONERY INDUSTRY

RESCISSION OF PART

Whereas, on November 3, 1931, the Commission promulgated trade practice rules for the Bank and Commercial Stationery Industry, which rules were thereafter codified in the Code of Federal Regulations (16 CFR Part 60); and

Whereas, it appears that said rules for this industry in certain respects do not accurately reflect present requirements of law, and there is insufficient public interest to warrant institution of proceedings leading to their revision;

It is ordered, That the said rules be, and the same are, hereby rescinded.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

Issued: August 20, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-6951; Filed, Aug. 22, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1013]

[Docket No. AO-279-A1]

HANDLING OF MILK IN PLATTE VALLEY, NEBRASKA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Yancey Hotel, Grand Island, Nebraska, beginning at 10:00 a. m., local time, on August 27, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Platte Valley, Nebraska, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central Nebraska Non-Stock Cooperative Milk Association, Inc., and the West Central Nebraska Milk Producers Association:

Proposal No. 1. Amend § 1013.50 *Class I price,* to read as follows:

§ 1013.50 *Class I price.* Subject to the provisions of §§ 1013.52 and 1013.53, the price per hundredweight of milk of 3.5 percent butterfat content which is classified as Class I shall be the Class I

price for milk of 3.5 percent butterfat content as determined pursuant to § 935.51 (a) of the order, as amended, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area (Order No. 35, Part 935 of this chapter).

Proposal No. 2. In the alternative amend § 1013.50 *Class I price* and § 1013.51 *Class II price*, to read as follows:

§ 1013.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a) or (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic, or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department:

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Northfield, Minn.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
Dean Milk Co., Pecatonica, Ill.
Fort Dodge Creamery Co., Fort Dodge, Iowa.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo Fay, Ill.

(b) The price per hundredweight computed by adding together the plus values determined pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price subtract 3 cents, multiply by 1.21, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1013.51 *Class prices.* Subject to the provisions of §§ 1013.52 and 1013.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40; and

(b) *Class II milk price.* The Class II milk price shall be the price specified in § 1013.50 (b) for the current month less 15 cents.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 305½ North Jackson, Grand Island, Nebraska, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 21st day of August 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-6988; Filed, Aug. 22, 1957; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGIC PRODUCTS

WHOLE BLOOD (HUMAN)

Notice is hereby given of intention to promulgate regulations pursuant to section 351 of the Public Health Service Act, as amended (42 U. S. C. 262). The purpose of the proposed regulations, set forth below, is to amend and supplement existing standards relating to whole blood (human), a biologic product, as now set forth in Part 73 of Title 42 Code of Federal Regulations. It is planned to make any such amendments effective 30 days after final publication.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing in triplicate, to the Surgeon General, Public Health Service, Washington 25, D. C. All relevant material received not later than 45 days after publication of this notice in the FEDERAL REGISTER will be considered.

1. Section 73.39 is to be repealed.

2. Part 73 would be further amended by the addition of the following subheading and new sections (§§ 73.300 to 73.306, inclusive):

ADDITIONAL STANDARDS: WHOLE BLOOD (HUMAN)

§ 73.300 *Proper name and definition.* For the purpose of section 351 (a) (2) of the act and § 73.1 (j), the proper name of this product shall be Whole Blood (Human) preceded by a term or terms indicating the anticoagulant used. Whole Blood (Human) is defined as blood collected from human donors for transfusion to human recipients.

§ 73.301 *Suitability of source*—(a) *Method of determining.* The suitability of a donor as a source of Whole Blood (Human) shall be determined by a qualified physician or by persons under his supervision trained in determining suitability. Such determination shall be made on the day of collection from the donor by means of a medical history, a test for hemoglobin level and such physical examination as appears necessary.

(b) *Qualifications of donor: General.* Only those persons may serve as a source of Whole Blood (Human) who are in good health, as indicated in part by: (1) Normal temperature; (2) demonstration that systolic and diastolic blood pressures are within normal limits, unless the examining physician is satisfied that an individual with blood pressures outside these limits is an otherwise qualified donor under the provisions of this section; (3) a blood hemoglobin level which shall be demonstrated to be not less than 12.5 Gm. of hemoglobin per 100 ml. of blood; (4) freedom from acute respiratory diseases; (5) freedom from any infectious skin disease at the site of phlebotomy and from any such disease generalized to such an extent as to create a risk of contamination of the blood; and (6) freedom from any disease transmissible by blood transfusion, insofar as can be determined by history and examinations indicated above.

(c) *Additional qualifications of donor: Viral hepatitis.* No individual shall be used as a source of Whole Blood (Human) if he has—

(1) A history of viral hepatitis;

(2) A history of close contact within six months of donation with an individual having viral hepatitis;

(3) A history of having received within six months human blood, human serum, human plasma, or any other derivative of human blood which the National Institutes of Health has advised the licensed establishment in a possible source of hepatitis.

(d) *Therapeutic bleedings.* Blood withdrawn in order to promote the health of an otherwise qualified donor shall not be used as a source of Whole Blood (Human) unless the container label conspicuously indicates the donor's disease that necessitated withdrawal of blood.

§ 73.302 *Collection of the blood.* Blood shall be drawn from the donor by a qualified physician or under his supervision by assistants trained in the procedure.

(a) *The donor clinic.* The pertinent requirements of § 73.37 shall apply at both the licensed establishment and at any other place where the bleeding is performed.

(b) *Blood containers.* Blood containers and donor sets shall be pyrogen-free, sterile, and identified by lot number. The amount of anticoagulant required for the quantity of blood to be collected shall be in the blood container when it is sterilized.

(c) *The anticoagulant solution.* The anticoagulant solution shall be sterile and pyrogen-free. Either of the following formulae may be used in the indicated volumes.

	Solution A	Solution B
Tri-sodium citrate ($Na_3C_6H_5O_7.2H_2O$).	22.0 Gm.	13.2 Gm.
Citric acid ($C_6H_8O_7.H_2O$)	8.0 Gm.	4.8 Gm.
Dextrose ($C_6H_{12}O_6.H_2O$)	24.5 Gm.	14.7 Gm.
Water for injection (U. S. P.) to make.	1,000 ml.	1,000 ml.
Volume per 100 ml. blood	15 ml.	25 ml.

No other anticoagulant may be used unless prior to use the Surgeon General has found that under such conditions of dating, storage, and use as he may prescribe the proposed anticoagulant is as safe and at least as effective as the above formulae in preserving red blood cells.

(d) *Donor identification.* Each unit of blood shall be so marked or identified by number or other symbol as to relate it to the individual donor.

(e) *Prevention of contamination of the blood.* The skin of the donor at the site of phlebotomy shall be prepared thoroughly and carefully by a method that gives maximum assurance of a sterile container of blood. The blood shall be collected by aseptic methods in a sterile system which may be closed or may be vented if the vent protects the blood against contamination.

(f) *Pilot samples for laboratory tests.* Before blood collection, at least one pilot tube shall be attached securely to the container in a manner that will give evidence of removal. The pilot tube and containers for additional samples as needed for laboratory testing shall be labeled with the donor's identification prior to collecting the blood. All samples shall be collected by the person collecting the blood at the time of filling the container.

(g) *Storage.* Immediately after collection, the blood shall be placed in storage at 4° to 6° C. unless it must be transported from the donor clinic to the processing laboratory. In this case the blood shall be placed in temporary storage having sufficient refrigeration capacity to cool the blood continuously toward 4° to 6° C. until it arrives at the processing laboratory where it shall be stored at 4° to 6° C.

§ 73.303 *Processing the blood.* All laboratory tests shall be made on a specimen of blood taken from the donor at the time of collecting the unit of blood, and these tests shall include the following:

(a) *Serological test for syphilis.* Whole Blood (Human) shall be negative to a serological test for syphilis, excepting that blood may be issued in an emergency without performing a serological test for syphilis, provided that the label conspicuously indicates that the test was not done.

(b) *Determination of blood group.* Each container of Whole Blood (Human) shall be classified as to ABO blood group. At least two blood group tests shall be made and the unit shall not be issued until grouping tests by different methods or with different lots of antiserums are in agreement. Only those Anti-A and Anti-B Blood Grouping Serums produced at establishments licensed for such products under the regulations of this part shall be used, and the technique used shall be that for which the serum is specifically designed to be effective.

(c) *Determination of the Rh factors.* Each container of Whole Blood (Human) shall be classified as to Rh type on the basis of tests done on the pilot sample using an Anti-Rh_0 (Anti-D) typing serum. If this test is positive, the container may be labeled "Rh positive". If this test is negative, the results shall be confirmed by further testing which may include tests for the Rh_0 variant (Rh_0) (D^u) and for other Rh-Hr factors. Blood may be labeled "Rh negative" if negative to a test for the Rh_0 variant (Rh_0) (D^u). If negative to Anti-Rh_0 (D) but not tested for the Rh_0 variant (D^u), the label must indicate that this test was not done by a statement to the effect of "Rh Negative—not tested for Rh_0 (D^u)". The label shall indicate the extent of typing and the results of all tests performed. Only Anti-Rh Typing Serums produced at establishments licensed for such products under the regulations of this part shall be used.

(d) *Sterility test.* Whole Blood (Human) intended for transfusion shall not be tested for sterility by a method that entails entering the container.

(e) *Inspection.* Whole Blood (Human) shall be inspected visually during storage and immediately prior to issue. If the color or physical appearance is abnormal or there is any indication or suspicion of microbial contamination the unit of Whole Blood (Human) shall not be issued for transfusion.

§ 73.304 *General requirements*—(a) *Manufacturing responsibility.* The entire processing of Whole Blood (Human), including donor examination, blood collection, laboratory tests, labeling, storage and issue, shall be done under the supervision and control of the same licensed establishment except that the Surgeon General may approve arrangements, upon joint request of two or more licensed establishments, which he finds are of such a nature as to assure compliance otherwise with the provisions of this part.

(b) *Continuous check on sterile technique.* One or more containers of blood shall be tested for sterility each month as a continuous check on technique.

(c) *Final container.* The original blood container shall be the final container and shall not be entered prior to issue either to add blood group specific substances or for any other purpose except for blood collection. Such container shall be uncolored and transparent to permit visual inspection of the contents and any closure shall be such as will maintain an hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents under the customary conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity, and potency of the blood.

(d) *Shipment of Whole Blood (Human).* Whole Blood (Human) shall be maintained continuously at 4° to 10° C. during shipment.

(e) *Reissue of blood.* Blood that has been removed from storage controlled by a licensed establishment shall not be reissued by a licensed establishment unless the following conditions are observed:

(1) The container has a tamper-proof seal when originally issued and this seal remains unbroken;

(2) The original pilot sample is properly attached and has not been removed, excepting that bloods lacking a pilot sample may be reissued once in an emergency with instructions for sampling provided that the expiration time shall be within not more than 6 hours after entering the container for sampling;

(3) The blood has been maintained continuously at 4° to 10° C.;

(4) The blood is held in quarantine until a significant reinspection can be made.

(f) *Records.* Records shall be maintained of all aspects of the collection and processing of Whole Blood (Human).

§ 73.305 *Labeling.* In addition to the items required in §§ 73.50, 73.51, 73.52, 73.54, and 73.55 or otherwise by law, the following must appear on the label of each container:

(a) Quantity and kind of anticoagulant used and the corresponding volume of blood.

(b) The serological test for syphilis used.

(c) Designation of blood group and Rh factors: (1) The blood group and Rh factors shall be designated conspicuously.

(2) If a color scheme for differentiating the ABO blood groups is used, the color for each blood group shall be:

Blood Group A: Yellow.
Blood Group B: Pink.
Blood Group O: Blue.
Blood Group AB: White.

(d) *Additional information for labels of Group O Bloods:* Each Group O blood shall be labeled with a statement indicating whether or not isoagglutinin titers or other tests to exclude so-called "dangerous" Group O bloods were performed, and indicating the classification based on such tests.

§ 73.306 *Expiration date.* The expiration date for Citrated Whole Blood (Human) using either of the two anticoagulant formulae specified in § 73.302 (c) shall not exceed 21 days after the date of bleeding the donor. The expiration date for Whole Blood (Human) using any other anticoagulant found acceptable under such section shall be determined by the National Institutes of Health on the basis of the length of red blood cell survival.

Dated: July 1, 1957.

L. E. BURNEY,
Surgeon General,
Public Health Service.

Dated: July 10, 1957.

S. B. HAYS,
Surgeon General of the Army.

Dated: August 5, 1957.

[SEAL] B. W. HOGAN,
Surgeon General of the Navy.

Approved: August 19, 1957.

EDWARD FOSS WILSON,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-6958; Filed, Aug. 22, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

VALUATION OF IMPORTS

PRELIMINARY LIST OF CERTAIN ARTICLES

Preliminary list published by the Secretary of the Treasury pursuant to section 6 (a), Public Law 927, 84th Congress.

The following has been determined and is made public by the Secretary of the Treasury as the preliminary list required by section 6 (a) of the Customs Simplification Act of 1956, act of August 2, 1956, 70 Stat. 948 (Public Law 927, 84th Cong.). This list is only the preliminary list of certain articles, which, under the act, will continue to be valued for customs purposes under existing law thirty days after publication of the final list provided for under the act.

Considerations of convenience to the public have suggested a listing with some deviations from existing principles of tariff classification, although the names and the order of the statutory schedules are maintained in the divisions of the list. It is to be emphasized that the order or position of any given article on this list does not in any sense represent an attempt to state, or to affect, the classification of any article for tariff purposes.

For notice of procedure to be followed by domestic interests see notice dated August 14, 1957, published in the FEDERAL REGISTER dated August 20, 1957 (22 F. R. 6663).

CHEMICALS, OILS AND PAINTS

COAL TAR PRODUCTS

Colors, Dyes, Stains, Color Acids, Bases, and Similar Products

Acetate Rayon Dyes:
- Artisil direct blue GFL.
- Artisil direct orange RFL.
- Rigan sky blue G.
- Setacyl blue for discharge G.
- Setacyl brown 2GR.
- Setacyl orange 2R.
- Setacyl red GBN.
- Setacyl violet BR.
- Setacyl violet 2R.

Acid Dyes:
- Acid anthracene red 3BL.
- Acid leather brown GBL.
- Acid leather dark brown G.
- Acid leather dark brown R.
- Acid light scarlet GL.
- Acid magenta FB extra.
- Acid pure blue R supra I.
- Acid red 3BL.
- Alizarine fast brown G.
- Alizarine light brown BL.
- Alizarine light blue ESE.
- Alizarine light blue FG.
- Alizarine light blue HR.
- Alizarine light violet RCN.
- Alizarine milling green B.
- Alizarine pure blue BL.
- Alizarine supra blue SES.
- Anthraquinone violet.
- Anthraquinone violet D.
- Brilliant alizarine light blue 3F.
- Brilliant alizarine milling blue FGL.
- Brilliant alizarine milling blue G.
- Brilliant alizarine milling red FBL.
- Brilliant alizarine milling violet FBL.
- Brilliant alizarine sky blue 2GS.
- Brilliant kiton red B.
- Brilliant sky blue 8G.
- Brilliant sulfon red 5B.
- Carbolan crimson BS.
- Cibalan blue BL.
- Cibalan bordeaux 3BL.
- Cibalan bordeaux GRL.
- Cibalan brilliant yellow 3GL.
- Cibalan brown BL.
- Cibalan brown TL.
- Cibalan brown 5RL.
- Cibalan corinth BL.
- Cibalan gray BL.
- Cibalan gray 2GL.
- Cibalan green GL.
- Cibalan red 2GL.
- Cibalan scarlet GL.
- Cibalan violet RL.
- Cibalan yellow GRL.
- Cloth fast brilliant red.
- Cloth fast bordeaux B.
- Cloth fast brilliant violet.
- Cloth fast orange G.
- Cloth fast red 3B.
- Cloth fast red 2BL.
- Cloth fast yellow 2G.
- Derma gray LL.
- Erio fast brown 5GL.
- Erio fast brown 5RL.
- Fast blue LM.
- Fast leather black CL.
- Fast silk sky blue.
- Indocyanine B.
- Irgalan blue GL.
- Irgalan bordeaux 2BL.
- Irgalan brown 3BL.
- Irgalan brown 2GL.
- Irgalan brown 2RL.
- Irgalan brown 7RL.
- Irgalan brown violet DL.
- Irgalan dark brown 5R.
- Irgalan gray BL.
- Irgalan green BLS.
- Irgalan olive BGL.
- Irgalan orange RL.
- Irgalan red BLS.
- Irgalan red 3G.
- Irgalan rubine RL.
- Irgalan violet 5RL.
- Irgalan yellow GL.
- Irgalan yellow 5 GLS.
- Lanasyn brown RL.
- Lanasyn brown 3 RL.
- Lanasyn orange RLN.
- Methyl lyons blue, salt-free.
- Neolan yellow 8 GE.
- Neutral orange GX.
- Neutral orange RX.
- Neutral yellow GX.
- Neutral yellow RX.
- Oxanol turquoise blue FGLL.
- Paper fast bordeaux B.
- Polar blue G supra I.
- Polar brilliant blue GAW.
- Polar brilliant red B.
- Polar brilliant red 3 B.
- Polar brilliant red BN.
- Polar brilliant red 3 BN.
- Polar brilliant red 10 B.
- Polar brilliant violet BL.
- Polar brown 2 GL.
- Polar gray.
- Polar maroon V.
- Polar red RL.
- Sella acid brown B supra I.
- Sella acid brown G supra I.
- Sella acid brown R supra I.
- Sella fast black FF.
- Silk brown 3 R.
- Sulfonine brilliant red 3 B.
- Sulfonine gray BWL.
- Sulfonine gray G.
- Sulfonine scarlet GWL.
- Supramine red B.
- Wool fast blue FBL.
- Xylene cyanol FF.
- Xylene fast orange P.
- Xylene fast red P.
- Xylene light yellow R.
- Xylene milling yellow.
- Xylene red B.

Basic Dyes:
- Brilliant sky blue RRM.
- Diorlene blue 5G.
- Diorlene brilliant red 3B.
- Setopaline supra I.

Color Lakes, and Oil and Spirit Soluble Dyes:
- Alcian blue 8GN.
- Grasol blue R.
- Grasol fast black G.
- Grasol fast brilliant red BL.
- Helizarine gold yellow G.
- Helizarine gray B.
- Helizarine olive green G.
- Helizarine orange R.
- Helizarine red B.
- Helizarine red GR.
- Helizarine red R.
- Helizarine yellow G.
- Microsol brilliant blue G.
- Orange G dye for nitro cellulose lacquers.
- Red dye for nitro cellulose lacquers.
- Red B dye for nitro cellulose lacquers.
- Viscofil blue BL.
- Viscofil blue green BL.
- Viscofil green 2GL.
- Viscofil red RL.
- Viscofil yellow 3GL.

Direct Dyes:
- Brilliant direct pink B.
- Brilliant direct pink 3B.
- Chloramine brilliant green BN.
- Chloramine fast brown R.
- Chloramine fast brown 2R.
- Chloramine fast brown 4RL.
- Chloramine light gray B.
- Chloramine light gray R.
- Chlorantine fast blue 2BLL.
- Chlorantine fast brown 6GLL.
- Chlorantine fast brown 4RL.
- Chlorantine fast gray GLL.
- Chlorantine fast gray NGLL.
- Chlorantine fast olive GLL.
- Chlorantine fast orange 2RL.
- Chlorantine fast red 5GL.
- Chlorantine fast rubine RNLL.
- Chlorantine fast scarlet BNLL.
- Chlorantine light gray B.
- Coprantine black RLL.
- Coprantine blue GLL.
- Coprantine blue RLL.
- Coprantine bordeaux 2RLL.
- Coprantine gray 2RLL.
- Coprantine green G.
- Coprantine green 3GLL.
- Coprantine yellow 2G.
- Coprantine yellow GRLL.
- Cuprofix brown CRL.
- Cuprofix gray 3LB.
- Cuprofix navy blue CBL.
- Cuprophenyl black RL.
- Cuprophenyl brilliant blue 2BL.
- Cuprophenyl brown GL.
- Cuprophenyl brown 2GL.
- Cuprophenyl brown 2RL.
- Cuprophenyl gray GRL.
- Cuprophenyl navy blue BL.
- Cuprophenyl navy blue RL.
- Cuprophenyl red BL.
- Cuprophenyl rubine RL.
- Cuprophenyl yellow RL.
- Cuprophenyl yellow brown RGL.
- Derma blue 2B.
- Derma carbon B.
- Derma carbon GTS.
- Diamine orange F.
- Diazamine fast bordeaux 2BWL.
- Diazamine fast scarlet RWL.
- Diazo brown BWA.
- Diazophenyl blue 8GW.
- Diazophenyl brilliant green G.
- Diazophenyl fast blue GL supra I.
- Diazophenyl fast green 2GL.
- Diazophenyl fast green GLN.

- Diphenyl brown BBN supra I.
- Diphenyl fast blue 10 GL.
- Diphenyl fast blue green BL.
- Diphenyl fast brown 2RL.
- Diphenyl fast orange GRW.
- Diphenyl fast orange 3RL.
- Diphenyl fast red GL.
- Fast jet black 2BRE.
- Lumicrease green 3LB.
- Lumicrease yellow 3LG.
- Paper fast bordeaux B.
- Pyrasol fast orange GLL.
- Rigan sky blue G.
- Sella fast black FF.
- Sirius black L.
- Sirius supra brown G.
- Solar blue FGL.
- Solar blue 2GLN.
- Solar brown RLN.
- Solar discharge orange 3LG.
- Solar gray 2BL.
- Solophenyl bordeaux 2BL.
- Solophenyl brown BL.
- Solophenyl brown GL.
- Solophenyl brown GRL.
- Solophenyl brown RL.
- Solophenyl dark green GBL.
- Solophenyl gray 4GL.
- Solophenyl olive GL.
- Solophenyl orange 2RL.
- Solophenyl red 4BL.
- Viscolan fast brown 3G.

Miscellaneous Unclassified Dyes:
- Bleachers tint.
- Fast leather dark blue BR.
- Leucophor B.
- Leucophor BS.
- Leucophor WS.
- Luxanthol red R.
- Tinopal SP.
- Tinopal WR.
- Uvitex GS.
- Uvitex RI.
- Uvitex RT.
- Uvitex SI.

Mordant and Chrome Dyes:
- Anodal light orange.
- Chrome fast bordeaux FBL.
- Eriochrome azural G.
- Eriochrome blue 2GK supra I.
- Eriochrome brilliant green GL.
- Eriochrome brilliant violet B supra II.
- Eriochrome brilliant violet R supra I.
- Eriochrome geranol R supra I.
- Eriochrome red G.
- Metomega chrome bordeaux 2BL.
- Metomega chrome brown PGL.
- Metomega chrome brown PRLL.
- Metomega chrome gray BLC.
- Naphthochrome violet R.

Vat Dyes:
- Anthrasol golden yellow IRK.
- Cibanone yellow 2GR.
- Cibanone violet 6B.
- Helizarine brilliant orange G.
- Palanthrene cyanine B.

Intermediates
- Adipic acid.
- Brenthol BA.
- Caprolactum.
- Carbazole.
- Diketoindoline (isatin).
- Epsilon amino caprolactum.
- Epsilon caprolactum.
- Fast black ANS salt.
- Fast black K salt.
- Fast blue RT salt.
- Fast corinth V salt.
- Fast garnet GC base.
- Fast red base.
- Fast red RBE base.
- Fast red SW base.
- 1—Hydroxycyclohexyl hydroperoxide—1.
- Metacresol—90 percent or more pure.
- Naphthol AS–S.
- Parachlormetacresol.
- Textile assistants (coal tar intermediates other than colors, dyes, stains, color acids, and bases).

Medicinals
- Acetarsol.
- Sodium thialbarbitone.

Other Finished Products
- Chemicals, photographic, coal tar.
- Irgatan LV.

NON-COAL TAR DRUGS, AND HERBS, LEAVES, ROOTS OR OTHER ARTICLES NOT IN MEDICINAL DOSES
- Aloin.
- Ascorbic acid (vitamin C), imported in other than medicinal doses.
- Atropine methyl nitrate.
- Atropine sulphate.
- Calciferol (vitamin D–2).
- Calcium lactate.
- Chloral hydrate.
- Cortisone acetate.
- Desoxycorticosterone acetate.
- Digitoxin.
- Ephedrine hydrochloride, natural
- Estrone.
- Ethinyl estradiol.
- Hyoscyamine hydrobromide.
- Hyoscyamine sulphate.
- Licorice extract in paste, rolls, or any other form.
- Lobeline hydrochloride.
- Methyl testosterone.
- Khellin.
- Mustard oil, genuine.
- Nucleic acid.
- Physostigmine sulphate.
- Pilocarpine hydrochloride.
- Pilocarpine nitrate.
- Rauwolfia extract.
- Rutin.
- Scopolamine methyl nitrate.
- Testosterone.
- Testosterone enanthate.
- Testosterone propionate.
- Theophylline, imported in other than medicinal doses
- Thymol
- Vitamin B–1 hydrochloride (thiamine hydrochloride) (B-thiazol compound)
- Vitamin B-6 hydrochloride (pyridoxine hydrochloride).

INDUSTRIAL CHEMICALS
- Aluminum chloride, anhydrous.
- Ammonium bifluoride.
- Ammonium persulphate.
- Brucine alkaloid.
- Brucine sulphate.
- Chalk, whiting, or paris white, precipitated.
- Chemical products chiefly used as assistants in preparing or finishing textiles.
- Chlorine, liquid.
- Chlorophyll
- Decyl alcohol derived from coconut oil
- Ergosterol, unirradiated
- Ethyl silicate
- Eucalyptol.
- Lauryl alcohol, derived from coconut oil, not sulphated.
- Nicotine alkaloid
- Nicotine sulphate
- Ore, manganese, activated
- Peroxide, hydrogen.
- Potassium chromium sulphate (chrome alum)
- Potassium metabisulphite
- Potassium persulphate
- Resin, synthetic, polyethylene
- Sodium alginate
- Sodium perborate
- Trichloroethylene
- Vinyl acetate, unpolymerized.

MEDICINAL AND PHARMACEUTICAL PREPARATIONS
- Cortisone, hydrocortisone, and compounds thereof, in capsules, pills, tablets, lozenges, troches, ampoules, jubes, or similar forms, including powders, put up in medicinal doses.
- Plasters, healing or curative.
- Throat lozenges and similar forms, not of animal origin non-coal tar.

MISCELLANEOUS PRODUCTS
- Extract, flavoring, orange and lemon mixture, containing more than 50 percent alcohol.
- Extract, tanning, chestnut (solid and powdered).
- Extract, tanning, valonia.
- Gelatin, edible, valued less than 40 cents per pound.
- Glue of animal origin, excluding glue size and fish glue, valued over 12 cents per pound and under 40 cents per pound.
- Ink, drawing, liquid.
- Polish, boot or shoe, non-alcoholic.
- Polish, metal, liquid, non-alcoholic.
- Shopping reminders, composed of a synthetic resin plastic, synthetic resin not chief binding agent, and dutiable under par. 31 (a) (2), Tariff Act of 1930 (an item designed to remind housewives of articles to be purchased when marketing).
- Tape, recording, of cellulose acetate.

OILS, DISTILLED OR ESSENTIAL, NOT CONTAINING ALCOHOL
- Oakmoss, absolute, natural essence of, concentrated.
- Oil, eucalyptus, not containing alcohol.
- Oil, ocotea cymbarum, not containing alcohol.
- Oil, sage, not containing alcohol.
- Oil, vetivert, not mixed or compounded with or containing alcohol.
- Oil, violet leaf, not containing alcohol.

PIGMENTS, PAINTS AND VARNISHES
- Acetylene black.
- Carbon black, in paste form.
- Chrome yellow, chrome green (chromicoxide), and all other chromium colors.
- Paint, temperature indicating.
- Pigments, synthetic, iron oxide or iron hydroxide.

SOAP AND TOILET PREPARATIONS
- Cream, face.
- Perfumery, including cologne and toilet waters, containing alcohol.
- Perfumery, not containing alcohol.
- Pomade, hair.
- Powder, dusting, perfumed.
- Powder, shampoo.
- Tint, hair, cream.
- Toilet waters, not containing alcohol.

EARTHS, EARTHENWARE AND GLASSWARE

EARTHENWARE
- Beer steins, earthenware, composed of a nonvitrified absorbent body, colored, enameled, gilded, ornamented, painted, printed, stained, tinted or decorated in any manner, and valued over $3 per dozen.
- Tiles, earthenware, floor and wall, glazed, valued not over 40 cents per square foot, 20 cm. x 20 cm., other than cement, ceramic mosaic, or quarry tiles.

EARTHY OR MINERAL SUBSTANCES OR ARTICLES
- Carbons, lighting, of all materials, ½ inch or more in diameter for photocopying purposes.
- Grease, lubricating, in part of graphite.
- Talc, ground, valued over $14 per ton.
- Tubes (except gauge glass tubes), of fused quartz or fused silica.
- Wheels, discs, handlaps, and similar diamond tools for cutting, grinding or polishing, metal bonded, in chief value of diamond, but not including truing tools.
- Wool, mineral, granulated (red top granulated wool).

GLASSWARE
- Bell jars, glass.
- Cloth, woven, glass.
- Desiccators and parts thereof, glass.
- Laminated glass, and manufactures thereof.
- Museum jars, glass.
- Plate glass, ½ inch or more in thickness, and over 1,008 square inches in area.
- Sheet glass, colored, blown.

OPTICAL GOODS

Colorimeters and polarimeters.
Colposcopes.
Condenser lenses, "plano-convex".
Endoscopes.
Goggles, and frames, mountings, and parts thereof, to be used in conjunction with under water swimming, and valued over $2.50 per dozen.
Microscopes, toolmakers', valued $25 each and over.
Optical flat reflectors and reflector carriages, designed for use with microptic automatic collimators.
Optical squares in mounts designed for use with microptic automatic collimators.
Polygons, glass, designed for use with microptic automatic collimators.
Telescopes, valued over $20 each.
Viewers, stereoscopic, miniature, having self-contained subject matter.

METALS AND MANUFACTURES OF

BEARINGS AND PARTS, BALL AND ROLLER

Balls and rollers for bearings, anti-friction, except balls 1 millimeter in diameter.
Bearings, ball, metal, and parts thereof (including cages).
Bearings, roller, metal, and parts thereof.

BULLIONS, METAL THREADS, LAME OR LAHN, AND ARTICLES MADE THEREFROM

Lame, or lahn, of gold, silver, or other metal.
Ribbons, tassels, and woven fabrics, wholly or in chief value of tinsel wire, metal thread, bullions, lame or lahn, or any of the foregoing combined with rubber.
Wire, tinsel, of gold, silver, or other metal.

ELECTRIC ARTICLES AND PARTS OTHER THAN MACHINERY

Detectors, gamma ray.
Flashlights and flashlight cases wholly or in chief value of metal.
Heaters, electric (simulated fireplace logs).
Irons, ultrasonic soldering.
Loud speakers.
Motors, electric, not over 75 horsepower.
Radio phonographs, wholly or in chief value of metal.
Repeaters, ship steering.
Resistors, specially designed for electric compasses, metal chief value.
Switches, radio, electrical, escapement type.
Telephone apparatus and parts, wholly or in chief value of metal.
Television apparatus, and parts thereof (except cameras), wholly or in chief value of metal.
Testers for electric motors.
Testers, insulation.
Tubes, radio receiving.
Welders, spot gun, electrical.

HOUSEHOLD, KITCHEN, AND TABLE UTENSILS

Boards, ironing, steel.
Bowls, platters, and similar table, household, or kitchen utensils or holloware of stainless steel, used in preparation or service of food.
Colanders, household, of iron or steel.
Graters or shredders, household (other than meat grinders), revolving disk or drum type, wholly or in chief value of iron or steel.
Letter openers, gold-plated.
Racks, wine bottle, wire.
Spoons (tea, soup, or dessert), of stainless steel.
Table, household, or kitchen utensils, of iron or steel, enameled or glazed with vitreous glasses.

KNIVES, INCLUDING MACHINE KNIVES, AND CUTLERY

Cutlery, table (forks, knives, and steels), under 4 inches in length exclusive of handle, with handles of nickel silver.
Forks, table, under 4 inches in length exclusive of handle, with handles of austenitic steel.
Forks, table, under 4 inches in length exclusive of handle, with handles of china, earthenware, or other ceramic material, valued over $3.75 per dozen.
Knives, folding, stiletto type, with simple opening or switch blade, valued over $6.00 per dozen.
Knives, for meat-chopping or grinding machines.
Knives, table, under 4 inches in length exclusive of handle, with handles of austenitic steel.
Knives, table, under 4 inches in length exclusive of handle, with handles of china, earthenware, or other ceramic material, valued over $3.75 per dozen.

MILL PRODUCTS

Aluminum

Tubing, aluminum.
Wire, zipper, wholly or in chief value of aluminum or aluminum alloy.

Nickel

Anodes, bars, castings (except machine parts), electrodes, plates, rods, sheets, strands, strips, or wire, wholly of nickel.
Anodes, bars, castings (except machine parts), rods, sheets, strands, strips, or wire, of nickel alloys (except those provided for in paragraph 302 or 380).

Steel

Steel, feeler gauge, cold rolled, hardened, tempered and bright polished, thicker than 1/100 inch and not thicker than 5/100 inch, not over 8 inches wide.
Steel, needle cutter, not thicker than 1/100 inch, not over 8 inches wide, alloyed.
Steel, razor blade, alloyed, 0.881 inch by 0.005 inch.
Steel, razor blade, alloyed, 0.750 inch by 0.009 inch.
Steel, razor blade, cold rolled, 0.881 inch by 0.005 inch.
Steel, strip, hot rolled, commercial quality, mill edge, specification 1055–F, thicker than 5/100 inch but not thicker than 23/100 inch, and over 8 inches but not over 16 inches wide.
Steel, wood band saw, cold rolled, tempered, not over 8 inches wide, thicker than 1/100 inch but not thicker than 5/100 inch, and alloyed under the provisions of paragraph 305, Tariff Act of 1930.
Tubing, steel, seamless, cold drawn.
Wire, steel, flat, galvanized or coated with any metal, not over 8 inches wide, thicker than 1/100 inch and not over 5/100 inch.

MACHINES, MACHINERY, AND PARTS THEREOF

Having as an Essential Feature an Electrical Element or Device

Drills, portable, electric, (Hobby shop type).
Engines, internal-combustion, carburetor type, having as an essential feature an electric element or device.
Guns, paint spray, electric.
Machines, adding, electric.
Machines, bakery dough mixing, electric.
Machines, calculating, electric, parts of, of a type specially constructed for multiplying and dividing.
Machines, candy wrapping, having as an essential feature an electric element or device.
Machines, chocolate covering confectionery, electric.
Machines, combination candy cutting and wrapping, having as an essential feature an electrical element.
Machines, cookie depositor, electric.
Machines, for electro-polishing metal.
Machines, glass ampoule cutting, electric.
Machines, lens grinding, electric.
Machines, macaroni conveyor and dryer, electric.
Machines, macaroni making electric.
Machines, noodle cutting, electric.
Machines, paper cutting, electric, other than bookbinding.
Machines, paper shredding, electric.
Machines, photostat, electric.
Machines, pie-making, electric.
Machines, pleating, electric.
Machines, testing, other than laboratory, for determining the hardness of metals or metal articles, having as an essential feature an electrical element or device, and parts thereof.
Machines, vinegar making, electric.
Pumps, submersible, electric.
Sieves, electric.

Not Having as an Essential Feature an Electrical Element or Device

Apparatus, breathing, underwater, incorporating a mechanical contrivance.
Chargers, turbo, gas.
Closers, door, mechanical.
Collets and chucks for machine tools.
Comparators, dial, non-electric.
Compressors, air and gas, parts of.
Cream separators, valued at more than $100 each.
Cream separators valued at more than $100 each, parts of, wholly or in chief value of metal or procelain.
Drivers, screw, pneumatic.
Guns, airplane riveting.
Lathes (except watch and tool makers').
Machinery, bookbinding (three-knife trimmers only).
Machinery, cotton spinning, parts of.
Machinery, cotton twisting, parts of.
Machinery for bleaching, printing, dyeing or finishing textiles, and parts thereof.
Machinery, printing presses, rotary type, for printing on paper, and other than duplicating machines.
Machinery, wool spinning, parts of.
Machines, automatic, numbering.
Machines, automatic, silk screen duplicating.
Machines, bag filling and closing, and parts thereof, non-electric.
Machines, bag making, and parts thereof, non-electric.
Machines, boring and milling.
Machines, brewing, and parts thereof.
Machines, calculating, and parts thereof, not having as an essential feature an electrical element or device, specially constructed for multiplying and dividing, and of the full keybord rotary type, not key driven.
Machines, calibration, for calibrating magnetometers.
Machines, candy wrapping, powered by other than electrical means.
Machines, centrifugal, and parts thereof, other than cream separators, for separation of liquids and solids.
Machines, chain making.
Machines, chalk marking, non-electric.
Machines, coil winding, non-electric.
Machines, combination candy cutting and wrapping, powered by other than electrical means.
Machines, combination jig-boring and milling.
Machines, flour and grain milling, parts of.
Machines, grinding, tool and cutter.
Machines, grinding, twist drill.
Machines, indexing.
Machines, jolt squeeze turnover molding, non-electric, (foundry type)
Machines, knitting, automatic flat ("V"-bed type).
Machines, knitting, flat bed (hand knitting type).
Machines, lifting and pulling, non-electric similar to chain hoists)
Machines, metal thread cutting.
Machines, milk pasteurizing, plate type (heat exchanger), not containing as an essential feature an electrical element or device.

Machines, pantograph, die sinking.
Machines, paper-bag cutting, non-electric.
Machines, paper box, and parts thereof.
Machines, rod casting, non-electric.
Machines, rust chipping.
Machines, semi-jig boring.
Machines, tablet counting and filling, non-electric.
Machines, textile yardage measuring, and parts thereof.
Machines, wood chip vibration screening, non-electric.
Magnetometers.
Presses, drill.
Shapers, metal working.
Winchdrums, and parts thereof, non-electric.

MISCELLANEOUS METAL ARTICLES

Assemblies and subassemblies of watch hands.
Bolts and latches, panic (of a type similar to those used on theater exit doors), and parts thereof, in chief value of metal.
Calcium metal, in crowns, flattened.
Chains and parts, of iron or steel, for the transmission of power, having not more than 2-inch pitch and more than three parts per pitch.
Clips, aluminum, specially designed for use in packaging clothing or as bag closures.
Cyclometers, for measuring distance, valued at not more than $1.10 each.
Darts, throwing, in chief value of steel or lead.
Dials, watch—less than 17 7/100 inches wide—imported separately.
Emblems, automobile, chief value iron or steel.
Grease seals and washers, in chief value of metal.
Grippers, for holding metal sheets, in chief value of metal.
Lighters, pipe, valued over $5 per dozen.
Locks, luggage, metal, not plated with platinum, gold or silver.
Magnets, chief value of iron or steel, except electromagnets and except those designed for use as machine parts or parts of electrical apparatus.
Metallic packing, wholly or in chief value of lead.
Pedestals, for ball or roller bearings (not including machine parts), in chief value of iron or steel.
Pillow blocks and parts thereof (for ball or roller bearings), in chief value of iron or steel.
Pins, sealing, aluminum, for airplanes.
Pistols, automatic or magazine, and revolvers, valued over $8 each.
Plaques, wall, brass, not plated with platinum, gold, or silver, or gold lacquered.
Pulleys, lamp, in chief value of metal.
Racks, drying, printers, in chief value of iron or steel.
Rivets, bifurcated, steel, machined.
Rivets, tubular, aluminum, machined, plain or anodized.
Sashes or frames of structural iron or steel, louvre (Jalousie) type.
Sharpeners, pencil, in chief value of metal.
Shores, building, and parts, in chief value of metal.
Skids, roller, in chief value of metal.
Studs, horseshoe, in chief value of metal.
Testers, freeness, for use in pulp making, in chief value of metal.
Watch cases, parts of, in chief value of any base metal.

NEEDLES

Needles, embroidery machine.
Needles, latch, for knitting machines.
Needles or hooks, crochet, of iron or steel.
Needles, sewing machine, household type.
Needles, sewing machine, industrial type.
Needles, shoe machine.

SCIENTIFIC, LABORATORY, AND PROFESSIONAL APPARATUS, INSTRUMENTS, AND EQUIPMENT

Apparatus, laboratory, for analytical determination of gluten.
Balances, analytical, and parts thereof.
Burrs, dental.
Electrophoresis equipment.
Instruments and parts, laboratory, sound measuring.
Instruments, laboratory, dissecting.
Machines, therapy, ultrasonic, and accessories.
Mills, laboratory.
Needles, surgical.
Sphygmomanometers.
Thermobalances, laboratory.

TOOLS, AND GAUGES

Calipers and parts thereof, which are hand tools of metal and capable of measuring finer than 1/32 of an inch.
Gauges, hand, stop and go type, chief value iron or steel.
Gauges, height, vernier, in chief value of metal.
Saw blades, for bow saws.
Saws, hand, in sets, with interchangeable blades, and universal handle.
Saws, pocket, wire (outdoorman's or camper's).

VEHICLES, VESSELS, AND PARTS

Airplanes, seating six passengers or less, not including seaplanes, amphibians, or aircraft other than airplanes.
Automobiles (complete or chassis).
Automobile parts, finished.
Boats, pleasure, sail, steam or motor propelled, of fiberglass construction, valued at not more than $15,000 each.
Engines, parts of, internal combustion, carburetor type, for pleasure boats.
Motorcycles, parts of.
Motorscooters.
Motorscooters, parts of.
Pins, pip release (airplane parts).
Spokes, bicycle.
Trucks, automobile, valued at $1,000 or more each.
Winches, sheet, for yachts, metal, bottom handle.

WOOD AND MANUFACTURES OF

Barrels or kegs, beer, wooden.
Blocks, wooden, hat.
Figures, wooden, whistling.
Flooring, hardwood, of maple (except Japanese), birch, or beech.
Frames, tennis racket, wood chief value, not in part of bamboo, osier or willow, or rattan, valued over $3 each.
Handles, wood, fan.
Osier or willow, including chip and split willow, prepared for basket makers' use.
Plywood, birch, including door panels.

SUGAR, MOLASSES, AND MANUFACTURES OF

Candy, sugar, and all confectionery, valued at six cents or more per pound.

AGRICULTURAL PRODUCTS AND PROVISIONS

BAKED ARTICLES

Biscuits, cake, cakes, wafers, and similar baked articles other than puddings or rice crackers; all the foregoing by whatever name known, whether or not containing chocolate, fruits, nuts, or confectionery of any kind.

DAIRY PRODUCTS

Cheese, cheddar, whether or not in original loaves, but not processed otherwise than by division into pieces, having a score of 92 or more.

FRUITS AND PREPARATIONS

Jelly, currant, red or black, four pound pack.
Mixtures of two or more fruits, prepared or preserved, other than mincemeat.

FODDERS AND FEEDS

Dog food, unfit for human consumption, canned and dried and containing a substantial amount of grain products.
Feeds, mixed.
Waste, mustard bran.

MEAT PRODUCTS

Beef, brisket, canned, two pound pack and four pound pack.
Beef, corned, canned, four pound pack and six pound pack.
Beef, roast, canned, twelve ounce pack and five pound pack.
Meatballs, cocktail, packed in celery sauce, in curry sauce, or in brine, in one pound cans.
Sausages, cocktail, pork with beef, in 4 1/2 ounce cans.

OTHER EDIBLE PREPARATIONS

Millet, hulled, for human consumption.
Peppers, packed in brine or vinegar.
Snails, other than marine, edible, canned.
Soup mix, dehydrated, for human consumption.
Soups, soup rolls, soup tablets or cubes, and other soup preparations.

NURSERY AND GREENHOUSE STOCK

Buds, lily (heads only), fresh cut.
Bulbs, Begonia.
Bulbs, Gloxinia.
Corms and bulbs, Anemone.

COTTON MANUFACTURES

Belts and belting, for conveyor machinery, of vegetable fiber and rubber, valued at 40 cents or more per pound.
Cases or covers, for underwater fishing guns, wholly or in chief value of cotton.
Covers, adding machine and cash register, wholly or in chief value of cotton.
Cotton, embroidery, put up for hand work, in lengths not exceeding 840 yards.
Felt, dryer, paper makers', wholly or in chief value of cotton, not in part of India rubber, and used as belts or belting on paper making machinery.
Handbags, ladies, wholly or in chief value of cotton.
Measures, tape, wholly or in chief value of cotton.
Mop cloths, cotton, not pile fabric.
Packing, mechanical, molded, cotton and rubber, chief value cotton.
Tapestries, needlework, unfinished, wholly or in chief value of cotton.
Tapestries and other Jacquard-figured upholstery cloth (not including bed ticking or pile fabric), in the piece, in chief value of cotton, and containing 17 percent or more by weight of wool.
Velvets, other than upholstery velvets, cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton.

FLAX, HEMP, JUTE, AND MANUFACTURES OF

Canvas, flax, waterproof, brown.
Cloth, lapping, woven, in chief value of vegetable fiber other than cotton or jute, containing over 17 percent by weight of wool, but not including woven fabrics of flax, hemp, or ramie with woven or printed colored stripes in the warp.
Floor coverings, felt base, including only those which are made with an asphalt impregnated paper felt or paper and rag felt base.
Matting, sisal (not cut to specific size or shape) in rolls.
Packing, mechanical, molded, linen and rubber, chief value linen.
Tapestries, needlepoint, unfinished, wholly or in chief value of vegetable fibers other than cotton.

WOOL AND MANUFACTURES OF

Blankets, wholly or in chief value of wool, not exceeding 3 yards in length, valued not over $1 per pound, not handwoven.
Carpets, wool, of oriental weave, produced on a power driven loom.

Felts, belts, blankets, jackets, or other articles of machine clothing, for papermaking, printing, or other machines, wholly or in chief value of wool, woven as units or in the piece, finished or unfinished.
Gloves and mittens, knit, finished or unfinished, wholly or in chief value of wool, valued as defined in subdivisions (c), (d), and (f) of section 402 of the Tariff Act of 1930, in the order specified in section 402 (a) at not more than $1.75 per dozen pairs.
Sweaters, men's and women's, including pullovers, slipovers, cardigans, and similar articles, wholly or in part of cashmere, knit or crocheted, valued over $5 per pound.
Yarns, wholly or in chief value of wool or other hair (including mohair), fancies (including nub, flamme, slub, and similar types), valued over $1.50 per pound.

SILK MANUFACTURES

Fabrics, silk, woven, in the piece, except pile, exceeding 30 inches in width, Jacquard-figured, bleached, printed, dyed, or yarn dyed, valued over $14 per pound.
Ribbons, velvet, silk pile.

MANUFACTURES OF RAYON AND OTHER SYNTHETIC TEXTILES

Fabrics, pile (including velvets, chenilles, and plushes), wholly or in chief value of rayon or other synthetic textile.
Filaments, other than waste, synthetic, not exceeding 30 inches in length, noncellulosic, for textile use.
Gloves, composed of 15 denier knit nylon fabric, valued over $1.50 per dozen pair.
Line, fishing, composed of nylon.
Ribbon, derived from pile fabrics, pile partly cut, in chief value of rayon or other synthetic textile.
Ribbons, pile fabric, with pile wholly cut or wholly uncut, wholly or in chief value of rayon or other synthetic textiles.
Yarn, fancy, composed of cotton and rayon, in chief value of rayon.
Yarns, rayon, plied, having not more than 20 turns twist per inch and weighing 150 deniers or more.
Yarns, rayon, singles, having not more than 20 turns twist per inch, weighing less than 150 deniers per length of 450 meters.

PAPER AND BOOKS

BOOKS AND OTHER PRINTED MATTER

Books, bound or unbound, of bona fide foreign authorship, (not including catalogues, manuals and instruction books for automobiles, trucks, machinery or similar equipment, prayer books, or books bound wholly or in part of leather).
Books, bound or unbound, not of bona fide foreign authorship, (not including catalogues, manuals and instruction books for automobiles, trucks, machinery or similar equipment, prayer books, or books bound wholly or in part of leather).
Cards, greeting, (other than valentines, tally cards, place cards, and all other social and gift cards, including folders, booklets, and cutouts), with greeting, title or other wording.
Cards, social and gift, without greeting, title or other wording.
Literature, tourist, of bona fide foreign authorship, (excluding printing matter lithographically printed).
Music, in books or sheets, of bona fide foreign authorship.

PAPERS

Carbon paper, uncoated.
Coarse paper, uncoated, embossed.
Decalcomania paper, simplex, not printed.
Filter paper, in sheets, valued at $0.75 or more per pound, not cut, die cut, or stamped into designs or shapes for articles.
Filter paper, cut, die cut, or stamped into designs or shapes.
Linmaster paper, uncoated, embossed.
Newsprint paper, heavyweight, white, over 0.004" thick, over 35 lbs. weight per ream, in rolls or sheets.
Newsprint paper, novel news, white, 0.005" and over thick, 32 lbs. to 35 lbs. weight per ream, in rolls or sheets.
Newsprint paper, trim news, white or colored, under 15" width, not over 0.004" thick, 32 lbs. to 35 lbs. weight per ream, in rolls only.
Newsprint paper, various colors, not over 0.004" thick, 32 lbs. to 35 lbs. weight per ream, in sheets only.
Newsprint paper, yellow or canary color, 15" width or over, not over 0.004" thick, 32 lbs. to 35 lbs. weight per ream, in rolls only, (includes pencil tablet paper).
Photographic paper, unsensitized, baryta coated.
Roofing paper, felt.
Sensitized paper to be used in photography.
Surface coated paper, covered partly or wholly with metal or its solutions, weighing 15 lbs. or more per ream (basis 20 x 25 inch sheet).
Unsensitized paper, basic, to be sensitized for use in photography.
Vegetable parchment paper.

BOARD PRODUCTS

Boards, wood pulp, including beer mat board (not plate finished, supercalendered, friction calendered, laminated by means of an adhesive substance, coated, surface stained or dyed, lined or vat-lined, embossed, printed, decorated or ornamented in any manner, or cut into shapes for boxes or other articles).
Boxboard, lined, folding.
Container board of a bursting strength over 60 pounds per square inch by the Mullen or Webb test.
Hardboard, plate-finished, in sheets.
Paperboards, over 0.012 inch thick, for use as corrugating media, (not coated, cut into shapes for boxes or other articles, decorated or ornamented in any manner, embossed, friction calendered or supercalendered, laminated by means of an adhesive substance, lined or vat-lined, plate finished, printed nor surface stained or dyed).
Test board of a bursting strength over 60 pounds per square inch by the Mullen or Webb test.

OTHER PAPER ARTICLES

Dart boards of paper.
Decalcomanias, in ceramic colors, weighing over 100 pounds per 1,000 sheets on the basis of 20 by 30 inches.
Envelopes, filled or unfilled, plain, of writing paper, under 110 square inches in area.
Napkins made of crepe paper, plain or printed (but not lithographed), and packed in bulk.
Seat sets, toilet, chief value pulp.
Thimbles, extraction, chief value pulp.

SUNDRIES

CAMERAS AND PHOTOGRAPHIC SUPPLIES

Camera accessories in chief value of metal, consisting of lens hoods, holding arms, neck chains, lens caps, tripods, clips for cameras, close-up focussing attachment, extension tubes for close-up photography, adaptors for auxiliary lenses, and trigger handles.
Cameras and parts, photographic, lens not chief value, folding type, valued under $10 each, and not including motion picture or box type (set focus).
Cameras, lens chief value, parts of (other than photographic lenses imported separately).
Cameras, photographic, fixed focus, box type, of which the lens is not the component of chief value, and other than those specially constructed for use in aerial surveying.
Cameras, photographic, lens not chief value, other than motion picture, not box type (set focus), and valued at $10 or more each.
Cases, camera, leather (other than reptile).
Film, motion-picture, sensitized, not exposed or developed, less than one inch in width.
Film, photographic, cartridge or roll (except motion-picture film 1 inch or more wide), sensitized, but not exposed or developed.
Films, photographic (except motion-picture film 1 inch or more wide), sensitized, but not exposed or developed, and other than cartridge, roll, or X-ray film, but including film packs.
Films, photographic, X-ray, sensitized, but not exposed or developed.
Meters, exposure.
Plates, photographic, dry.
Range finders to be used with photographic cameras.

FURS AND MANUFACTURES

Bodies, coat, unfinished, made of lamb fur pieces.
Fur, coney or rabbit, dressed, not dyed.
Fur, moleskins, dyed.
Furs, hatters', or furs not on the skin, prepared for hatters' use, including fur skins carroted.
Plates, fur, made of ermine pieces, dressed, undyed.
Plates, fur, made of mink pieces, dressed, undyed.

LEATHER AND MANUFACTURES

Helmets, crash, wholly or in chief value of leather other than reptile (of the type used predominately by motorcyclists and racing car drivers).
Leather, made from hides or skins of cattle of the bovine species, other than calf or kip, processed by graining.
Leather, patent, imitation, made of polyvinyl chloride.
Leather, shell-cordovan, made from hides of animals of the horse family.
Leather, sole, (other then flexible bend splits and offal), made from hides or skins of cattle of the bovine species.
Leather, upper, calf or kip, made from hides or skins of cattle of the bovine species.

MISCELLANEOUS ARTICLES

Brushes, toilet, not including tooth brushes, valued over 40 cents each, and having handles or backs of material other than cellulose compounds, and other than gold, silver, or platinum.
Construction sets, toy, wholly or in chief value of metal, valued 30 cents or more per pound, and other than model airplane construction sets in chief value of metal valued at 75 cents or more each.
Extract, seaweed, manufactured.
Fiber, istle or Tampico, dressed or manufactured.
Insulating articles and products, electrical, high density, not laminated, composed of wood flour and having a synthetic resin or resin-like substance as chief binding agent.
Leads, pencil, colored or crayon.
Paper or cloth, or combinations thereof, coated with sand, emery, or other natural or artificial abrasives.
Pencils, lead or crayon, of wood or other material except metal.
Pencils, wood, stamped with names other than the manufacturer's name, trade name or trade mark.
Plumes, chief value of feathers.
Polyisobutylene.
Powder, ficin.
Spangles, gelatin.
Spangles, rhodoid.
Wax, sealing.

MUSICAL INSTRUMENTS OR ARTICLES

Bassoons.
Carillons, containing not more than 34 bells, and parts thereof.
Metronones.
Music boxes, in the form of a feathered bird in a cage.
Pianos, upright, non-player type, having 64 keys (5⅓ octaves).

ORNAMENTED OR EMBROIDERED FABRICS AND ARTICLES, AND LACES, NETS, AND VEILINGS

Fabrics, embroidered, wholly or in chief value of wool.
Gloves, composed of 15 denier sheer knit nylon fabric and in part of all-overs, edgings, flouncings, flutings, fringes, galloons, insertings, ornaments, quillings, ruchings, trimmings, or tuckings.
Gloves, embroidered (whether or not the embroidery is on a scalloped edge), tamboured, appliqued, ornamented with beads, bugles, or spangles, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem, composed of 15 denier sheer knit nylon fabric.
Laces, lace fabrics and lace articles, wholly or in chief value of wool (except veils and veilings) made on a levers (including go-through) lace machine (whether or not embroidered and whether or not made full gauge on a machine of 12 point or finer).
Napkins, of cotton, in chief value of lace made in designs or patterns formed wholly by joining machine made materials by handwork.
Nets and nettings, wholly or in chief value of silk, not embroidered, made on other than a bobbinet machine.
Tablecloths, of cotton, in chief value of lace made in designs or patterns formed wholly by joining machine made materials by handwork.
Trimmings, in part of cotton, chief value of beads.
Veilings, dyed or colored, wholly or in chief value of rayon or other synthetic textiles, made on any lace or net machine, whether or not embroidered, in bolt length, suitable for cutting to veil size.
Veilings, dyed or colored, wholly or in chief value of silk, made on any lace or net machine, whether or not embroidered, in bolt length suitable for cutting to veil size.

RUBBER ARTICLES

Boots, shoes, or other footwear (including athletic or sporting boots and shoes but not including footwear commonly known as "Tabi" or "Jikatabi"), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk or substitutes for any of the foregoing, with soles composed wholly or in chief value of India rubber or substitutes for rubber.
Boots, shoes, overshoes, or other footwear, wholly or in chief value of India rubber or substitutes for rubber.
Catheters, wholly or in chief value of rubber.
Combs, hard rubber, household and pocket type, valued over $4.50 per gross.
Gloves, rubber.
Hose and tubing, polyethylene or polyvinyl chloride, having an inside diameter of less than ⅜".
Hose and tubing, rubber, not made of hard rubber, having at no point an inside diameter of less than ⅜".
Insulating material, rigid, in sheet or board form, chief value rubber.
Matting, rubber, floor, corrugated, in rolls.
Packing, rubber, in sheets.
Powder, rubber, chlorinated.
Rubber, synthetic.
Sheeting, rubber, designed for use in facing table tennis paddles.
Suits, rubber, designed for underwater use.
Tires and tubes, pneumatic, wholly or in chief value of rubber or substitutes for rubber, except bicycle tires and tubes.
Tissue, gutta percha.

SPORTING AND FISHING EQUIPMENT

Balls, lawn-tennis.
Balls, table tennis.
Bands, wholly or in chief value of rubber, suitable for underwater fishing guns.
Fins, swim, composed wholly or in chief value of rubber.
Floats, cork, for fish nets.
Floats, trawl, aluminum.
Guns, fishing, underwater.
Leaders, fishing, knotless, tapered, made of synthetic monofilament.
Shinguards, soccer.
Spoons, fishing.
Sticks, field hockey.
Sticks, ice-hockey, wholly or in chief value of wood.
Swivels, fishing.
Tees, golf, brass.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

AUGUST 20, 1957.

[F. R. Doc. 57-6970; Filed, Aug. 22, 1957; 5:04 p. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957 Supp. 167]

VALLEY FORGE INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

AUGUST 19, 1957.

Effective July 3, 1957, American Aviation and General Insurance Company, Reading, Pennsylvania, formally changed its name to Valley Forge Insurance Company. A copy, certified by the Insurance Commissioner of the State of Pennsylvania, of the Amendment to Charter changing the name of American Aviation and General Insurance Company to Valley Forge Insurance Company, approved by the Governor of Pennsylvania July 3, 1957, has been received and filed in the Treasury.

The change in name of American Aviation and General Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), to qualify as sole surety on such obligations.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-6956; Filed, Aug. 22, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

GRAZING DISTRICT NO. 1; MODIFICATION

AUGUST 16, 1957.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, § 2.22 (15 F. R. 5645), it is ordered as follows:

The exterior boundaries of Montana Grazing District No. 1, established by Departmental Order dated July 11, 1935, are hereby modified to exclude the following townships and all of the public domain lands located therein:

MONTANA PRINCIPAL MERIDIAN

T. 34 N., R. 40, 41, 42, and 43 E.
T. 35 N., R. 40, 41, 42, and 43 E.
T. 36 N., R. 40, 41, and 42 E.
T. 37 N., R. 40, 41, and 42 E.

J. P. BEIRNE,
Acting Director.

[F. R. Doc. 57-6920; Filed, Aug. 22, 1957; 8:45 a. m.]

Bureau of Reclamation

[Public Announcement 9, Amdt. 1]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF SALE OF FULL-TIME FARM UNITS

Public announcement of the sale of full-time farm units in the East Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated February 8, 1952, and published in the FEDERAL REGISTER at 17 F. R. 1775, is amended as follows:

In subsection 1. a. by deleting from the list of farm units offered, the farm units listed below:

Irrigation Block No.	*Farm Unit No.*
49	17
49	145

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 14, 1957.

[F. R. Doc. 57-6938; Filed, Aug. 22, 1957; 8:45 a. m.]

[Public Announcement 16, Amdt. 1]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF SALE OF FULL-TIME FARM UNITS

Public announcement of the sale of full-time farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated December 14, 1953, and published in the FEDERAL REGISTER at 19 F. R. 122, is amended as follows:

In subsection 1. a. by deleting from the list of farm units offered, the farm units listed below:

Irrigation Block No.	*Farm Unit No.*
16	90
16	92
16	129

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 14, 1957.

[F. R. Doc. 57-6939; Filed, Aug. 22, 1957; 8:45 a. m.]

[Public Announcement 18, Amdt. 1]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF SALE OF FULL-TIME FARM UNITS

Public announcement of the sale of full-time farm units in the East Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated February 15, 1954, and published in the FEDERAL REGISTER at 19 F. R. 1290, is amended as follows:

The following farm units which have been offered under the provisions of subsection 1. b. will no longer be available for sale under the terms of this announcement:

Irrigation Block No.	*Farm Unit No.*
42	6
43	6
44	159
44	238
44	246

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 14, 1957.

[F. R. Doc. 57-6940; Filed, Aug. 22, 1957; 8:45 a. m.]

[Public Announcement 19, Amdt. 1]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF SALE OF FULL-TIME FARM UNITS

Public announcement of the sale of full-time farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated March 19, 1954, and published in the FEDERAL REGISTER at 19 F. R. 2029, is amended as follows:

In subsection 1. a. by deleting from the list of farm units offered, the farm units listed below:

Irrigation Block No.	*Farm Unit No.*
13	22
15	126
16	1
16	23
16	39
16	67
16	68

The following farm units which have been offered under the provisions of subsection 1. b. will no longer be available for sale under the terms of this announcement:

Irrigation Block No.	*Farm Unit No.*
13	5
13	6
13	9
13	15
13	46
13	52
13	53
13	57
13	61
13	72
15	2
15	45
15	127

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 14, 1957.

[F. R. Doc. 57-6941; Filed, Aug. 22, 1957; 8:45 a. m.]

[Public Announcement 21, Amdt. 1]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF SALE OF FULL-TIME FARM UNITS

Public announcement of the sale of full-time farm units in the East Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated December 1, 1954, and published in the FEDERAL REGISTER at 19 F. R. 8820, is amended as follows:

In subsection 1. a. by deleting from the list of farm units offered, the farm units listed below:

Irrigation Block No.	*Farm Unit No.*
45	151
45	158
45	169
45	174
45	190

The following farm units which have been offered under the provisions of subsection 1. b. will no longer be available for sale under the terms of this announcement:

Irrigation Block No.	*Farm Unit No.*
45	149
49	47

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 14, 1957.

[F. R. Doc. 57-6942; Filed, Aug. 22, 1957; 8:46 a. m.]

[Public Announcement 22, Amdt. 1]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF SALE OF FULL-TIME FARM UNITS

Public announcement of the sale of full-time farm units in the Quincy-Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated February 21, 1955, and published in the FEDERAL REGISTER at 20 F. R. 1509, is amended as follows:

In subsection 1. a. by deleting from the list of farm units offered, the farm units listed below:

Irrigation Block No.	*Farm Unit No.*
87	161
87	201
87	214

The following farm units which have been offffered under the provisions of subsection 1. b. will no longer be available for sale under the terms of this announcement:

Irrigation Block No.	*Farm Unit No.*
87	174
87	175
87	183
87	186

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 14, 1957.

[F. R. Doc. 57-6943; Filed, Aug. 22, 1957; 8:46 a. m.]

[Public Announcement 23, Amdt. 1]

COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF SALE OF FULL-TIME FARM UNITS

Public announcement of the sale of full-time farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated June 1, 1955, and published in the FEDERAL REGISTER at 20 F. R. 4375, is amended as follows:

In subsection 1. a. by deleting from the list of farm units offered, the farm units listed below:

Irrigation Block No.	*Farm Unit No.*
19	35
19	55
19	59
19	60
19	63
19	80
19	97
19	100
19	104
19	116
19	126
19	127
19	128
19	129

The following farm units which have been offered under the provisions of subsection 1. b. will no longer be available for sale under the terms of this announcement:

Irrigation Block No.	*Farm Unit No.*
13	21
13	50
15	69
16	110
19	27

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 14, 1957.

[F. R. Doc. 57-6944; Filed, Aug. 22, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 450]

DENVER UNION STOCKYARD CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued in this proceeding on August 17, 1951 (10 A. D. 1033), prescribing the rates and charges to be assessed by the respondent for stockyard services at the Denver Union Stockyards, Denver, Colorado. By orders issued on December 26, 1951 (10 A. D. 1502), October 16, 1952 (11 A. D. 851), November 4, 1953 (12 A. D. 1264), November 26, 1954 (13 A. D. 1058), November 15, 1955 (14 A. D. 927), and April 3, 1956 (15 A. D. 380), temporary modifications in such schedule of rates and charges have been authorized. The temporary modifications are currently due to expire on December 31, 1957.

On July 29, 1957, the respondent filed a petition requesting authority to make certain additional modifications in its

current schedule of rates and charges to remain in effect to and including December 31, 1959. The proposed modifications are as indicated below.

SECTION 1, YARDAGE

Paragraph A

	Present rate (per head)	Proposed rate (per head)
Cattle (except bulls)	$0.90	$1.00
Bulls (600 pounds and over, except purebreds)	1.27	1.37
Calves (400 pounds and under)	.52	.57
Hogs	.28	.32
Sheep or goats	.17	.21

Exceptions

Item No. (1) of exceptions would be changed to read as follows:

On livestock consigned to the Denver Market and offered for sale but forwarded unsold a charge of $12.50 per car will be made unless the livestock is returned to the point of origin or forwarded to a Missouri River Market or beyond, in which event the $12.50 charge will be waived. This exception does not apply on livestock offered for sale by auction, in which event full yardage will apply whether sold or not. Neither does this exception apply to purebred livestock nor on carload lots of fat and feeder livestock entered or exhibited in the National Western Stock Show. On such shipments regardless of whether sold or not, full yardage rates shall apply. (See section 14 for special sales charges.)

Item No. (3) of exceptions would be added as a new item to read as follows:

The Denver Union Stock Yard Company may require adequate proof of the facts which make applicable the charges in any part of this section.

SECTION 2, RESALE OR REWEIGH

	Present rate (per head)	Proposed rate (per head)
Cattle (except purebred cows) resold and/or reweighed through or by commission firms	$0.90	$1.00
Resold and/or reweighed for purposes of sale except through commission firms	.25	.28
Resold and/or reweighed other than through a commission firm for shipment from this stockyard	.12	.14
Bulls (600 pounds and over except purebred bulls) resold and/or reweighed through or by commission firms	1.27	1.37
Calves (400 pounds and under) resold and/or reweighed through or by commission firms	.52	.57
Resold and/or reweighed for purposes of sale except through commission firms	.13	.15
Resold and/or reweighed other than through a commission firm for shipment from this stockyard	.05	.06
Hogs; resold and/or reweighed through or by commission firms	.28	.32
Resold and/or reweighed for purposes of sale except through commission firms	.08	.09
Resold and/or reweighed other than through a commission firm for shipment from this stockyard	.04	.05
Sheep or goats; resold and/or reweighed through or by commission firms	.17	.21
Resold and/or reweighed for purposes of sale except through commission firms	.04	.05
Resold and/or reweighed other than through a commission firm for shipment from this stockyard	.02	.03

SECTION 3, DIRECT DELIVERY TO PACKERS

	Present rate (per head)	Proposed rate (per head)
Cattle (except bulls)	$0.90	$1.00
Bulls (600 pounds and over)	1.27	1.37
Calves (400 pounds and under)	.52	.57
Hogs	.20	.22
Sheep or goats	.12	.14

SECTION 4A, U. S. DEPARTMENT OF AGRICULTURE PRESCRIBED MARGINS

	Present rate (per hundredweight)	Proposed rate (per hundredweight)
Hay (on fence) current market price, f. o. b. stockyards, plus	$0.60	$0.70
Hay (fed) current market price f. o. b. stockyards, plus	.70	.80

	Present rate	Proposed rate
Corn; current market price, f. o. b. stockyards, plus (per bushel)	$0.60	$0.70
Bedding; current market price f. o. b. stockyards, plus (per bale)	.45	.55

SECTION 5, FEED AND SERVICE CHARGE FOR TRANSIT BUSINESS

	Present rate (per bushel)	Proposed rate (per bushel)
Corn; under 4 bushels per deck, current market price f. o. b. stockyards, plus	$0.70	$0.80
Corn; for 4 bushels or over, per deck, current market price, f. o. b. stockyards, plus	.60	.70

SECTION 6, SERVICE AND YARDING CHARGES FOR TRANSIT BUSINESS

	Present rate (per deck)	Proposed rate (per deck)
Cattle, calves, horses and sheep	$1.82	$1.92
Hogs	1.12	1.18

SECTION 8, DIPPING AND SPRAYING

	Present rate (per head)	Proposed rate (per head)
A. Dipping charges will be as follows:		
Lambs	$0.10	$0.12
Ewes	.12	.15
Bucks	.15	.18
B. Spraying charges will be as follows:		
Cattle	.36	.40
Lambs	.10	.12
Ewes	.12	.15
Bucks	.15	.18

SECTION 9, BRANDING, CASTRATING, TIPPING, DEHORNING, ETC.

	Present rate (per head)	Proposed rate (per head)
Branding: One iron	$0.33	$0.40
Dehorning: Steers and cows	.56	.60

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 16th day of August 1957.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57-6910; Filed, Aug. 22, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10968 etc.; FCC 57M-784]

GREAT LAKES TELEVISION, INC., ET AL.

ORDER ADVANCING HEARING

In re applications of Great Lakes Television, Inc., Buffalo, New York, Docket No. 10968, File No. BPCT-1812; Leon Wyszatycki, d/b as Greater Erie Broadcasting Company, Buffalo, New York, Docket No. 10969, File No. BPCT-1827; WKBW-TV, Inc., Buffalo, New York, Docket No. 10970, File No. BPCT-1841; for construction permits for new television stations (Channel 7).

The Hearing Examiner having under consideration an informal request of counsel for WKBW-TV, Inc. for advancing the date of further hearing in the above-entitled proceeding from September 16 to September 6, 1957;

It appearing that good cause has been shown and that all the parties have consented to a grant of this request;

It is ordered, This 16th day of August, 1957, that the request for advancing the date of hearing is granted and that the date for further hearing is advanced from September 16 to September 6, 1957, at 11:00 a. m. in Washington, D. C.

Released: August 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6962; Filed, Aug. 22, 1957; 8:49 a. m.]

[Docket No. 12118; FCC 57M-780]

TELEVISION BROADCASTERS, INC., ET AL.

NOTICE SCHEDULING PREHEARING CONFERENCE

In re applications of Television Broadcasters, Inc., Beaumont, Texas, Docket No. 12118, File No. BMPCT-4681, for modification of construction permit; WDSU Broadcasting Corporation, Port Arthur, Texas, Docket No. 12119, File No. BPCT-2300; KPBX Broadcasting Company, Beaumont, Texas, Docket No. 12120, File No. BPCT-2313; Brown Telecasters, Inc., Beaumont, Texas, Docket No. 12121, File No. BPCT-2327; for construction permits for new television broadcast stations.

Notice is hereby given that a prehearing conference, in accordance with § 1.813 of the rules, will be held in the above-entitled matter at 10:00 a. m., September 10, 1957, in the Commission's offices at Washington, D. C. Among those matters to be considered will be the establishment of a new hearing date.

Dated: August 14, 1957.

Released: August 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-6963; Filed, Aug. 22, 1957; 8:49 a. m.]

TARIFF COMMISSION

BICYCLES

"ESCAPE CLAUSE" REPORT AND SUMMARY

AUGUST 19, 1957.

The United States Tariff Commission today made public a report of its finding and conclusion in "escape clause" investigation No. 58 conducted under section 7 of the Trade Agreements Extension Act of 1951, as amended. This investigation covered bicycles, dutiable under paragraph 371 of the Tariff Act of 1930, as amended. The Commission concluded that there is no sufficient reason at this time for a recommendation to the President for the imposition of increased import restrictions on bicycles.

Bicycles were originally dutiable at 30 percent ad valorem. Pursuant to concessions granted in trade agreements, a series of specific rates of duty, with maximum and minimum ad valorem rates, were established which represented a substantial reduction from the 30 percent rate on virtually all bicycles.

Following an earlier escape clause investigation (No. 37), in which the Commission found that the domestic bicycle industry was being seriously injured by increased imports, the President increased the rates, effective August 1955. In applying for the current investigation, the domestic industry claimed that the increased rates previously granted were not adequate to prevent or remedy the serious injury which the Commission in its previous investigation found the industry to have sustained.

More than 90 percent of the imported bicycles in 1956 were dutiable at the minimum ad valorem rates—either 11¼ percent or 22½ percent ad valorem—depending upon the type.

Concurrently with the release of its escape-clause report on bicycles, the Commission reported to the President under paragraph 1 of Executive Order 10401 that the conditions of competition between imported and domestic bicycles has not so changed since the increase in duties as to warrant the institution of a formal investigation under paragraph 2 of Executive Order 10401. That order prescribes procedures for the periodic review of escape clause actions with a view to determining whether a concession that has been modified or withdrawn may be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-6950; Filed, Aug. 22, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-11965, G-11685]

TEXAS GAS TRANSMISSION CORP. AND ATLANTIC REFINING CO.

NOTICE OF APPLICATIONS

AUGUST 19, 1957.

In the matters of Texas Gas Transmission Corporation, Docket No. G-11965; The Atlantic Refining Company, Docket No. G-11685.

Take notice that Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation having its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed on February 11, 1957, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 4-inch main line tap and meter station on its existing 20-inch Thibodaux pipeline in Assumption Parish, Louisiana for the purpose of enabling Texas Gas to acquire new gas reserves in the Amelia Field, Assumption Parish, Louisiana.

The estimated cost to Texas Gas for the proposed facilities is $7,160, which will be financed from cash on hand.

The Atlantic Refining Company, a Pennsylvania corporation having its principal place of business with respect to natural gas in Dallas, Texas (P. O. Box 2819), filed on December 31, 1956, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the above-described sale of natural gas produced by it, pursuant to the terms of an amendment dated November 21, 1956, to a gas purchase contract dated April 22, 1955, between it and Texas Gas covering the purchase and sale of gas in the East Lake, Palourde Field, Assumption Parish, Louisiana. The amendment dated November 21, 1956, consists only of the removal of the depth limitation as to all properties dedicated and of the dedication of additional properties in the Amelia Field covered by leases as follows:

A certain tract or parcel of land containing three hundred twenty (320) acres, more or less, being situated in Section 65, T16S, R14E, Assumption Parish, Louisiana, and more fully described as being the E/2 of the NW/4; the whole of the NE/4; the NE/4 of the SE/4; the SW/4 of the SE/4.

That certain tract or parcel of land situated in Section 66, T16S, R14E, Assumption Parish, Louisiana, and more particularly described as being bounded, now or formerly, as follows: North by remaining portion of said lease in Section 32, T15S, R14E; East by land of Clement L. Landry; South by land of Dibert-Stark & Brown Cypress Company, Ltd.; West by land of A. H. Renthrop Estate.

The contract provides for the delivery of a minimum volume of 1,750 Mcf and a maximum volume of 2,500 Mcf per day and an initial price of twenty cents per Mcf (15.025 psia) plus one cent gathering tax. Delivery of the gas will be made from Atlantic's field lines at the proposed meter station.

Atlantic, as Operator, lists the co-owners and their respective interests as follows:

The Atlantic Refining Company, 50 percent.
Superior Oil Company, 25 percent.
Union Oil Company of California, 12.5 percent.
M. L. Mayfield Co., et al., 12.5 percent.

Applicant and Texas Gas are the only parties signatory to said amendment dated November 21, 1956. Atlantic states it understands that Superior Oil Company and Union Oil Company of California will execute similar but separate contracts to Texas Gas and that the interest of M. L. Mayfield Co., et al. has been dedicated to Tennessee Gas Transmission Company.

Applicants allege that Texas Gas will transport the gas, which is the subject of this proceeding, in interstate commerce for resale.

The above applications are on file with the Commission and open for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 6, 1957.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-6945; Filed, Aug. 22, 1957; 8:46 a. m.]

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AUG 24 1957
MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

COMPUTATION OF INTEREST; MILITARY SERVICE

1. Section 29.8 (d) is amended to read as follows:

§ 29.8 *Computation of interest.* • • •

(d) Interest at the rate of 4 percent to December 31, 1947, and at 3 percent thereafter, compounded annually, shall be charged on deposits from the midpoint of each service period for which deposit is involved, or from the date refund was paid, to the date of deposit or commencing date of annuity, whichever is earlier, except that no interest shall be charged for any period of separation from the service which began before October 1, 1956.

2. Section 29.9 (a) is amended to read as follows:

§ 29.9 *Military service.* (a) Periods of honorable active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States shall, after the employee has completed 5 years' civilian service, be credited under the retirement law. No credit for any military service shall be allowed if the employee is receiving retired pay awarded for reasons other than (1) service-connected disability incurred in combat with an enemy of the United States, (2) service-connected disability caused by an instrumentality of war and incurred in line of duty during an enlistment or employment as provided in Veterans Regulation 1 (a), part I, paragraph I, or (3) under Chapter 67, Title 10, United States Code.

(Sec. 16, 70 Stat. 758; 5 U. S. C. 2266)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-6987; Filed, Aug. 23, 1957; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

SUBPART—GENERAL PROGRAM PROVISIONS

The regulations in this subpart govern the Great Plains Conservation Program.

Sec.
601.1 Definitions.
601.2 Objective and purpose.
601.3 Administration.
601.4 Land eligible for the program.
601.5 Program applicability.
601.6 Program eligibility.
601.7 Plan of operations.
601.8 Contracts.
601.9 Conservation practice maintenance.
601.10 Selection of conservation practices.
601.11 Eligible conservation practices.
601.12 Cost-share payments.
601.13 Conservation materials or services.
601.14 Fair prices for conservation materials or services acquired by a producer signatory to a contract by means of an authorization.
601.15 Materials and services—Defective—Inspection and analysis.
601.16 Manner and time of cost-share payments.
601.17 Division of cost-share payments between producers signatory to a contract.
601.18 Reconstitution of operating units.
601.19 Identifiable units carried out with State or Federal aid.
601.20 Successors-in-interest.
601.21 Pooling arrangements.
601.22 Practices that tend to defeat the purposes of a contract.
601.23 Appeals.
601.24 Contract violations.
601.25 Contract violations procedure.
601.26 Assignments.
601.27 Cost-share payments not subject to claims.
601.28 Filing of false claims.
601.29 Set-offs.
601.30 Compliance with regulatory measures.
601.31 Misuse of authorizations.
601.32 Access to operating unit and program records.
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AUTHORITY: §§ 601.1 to 601.35 issued under sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d. Interpret or apply secs 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q. Other statutory provisions interpreted or applied are cited to text.

§ 601.1 *Definitions.* The succeeding terms shall have the following meanings in this part and in all contracts, forms, documents, instructions and procedures in connection therewith, unless the context or subject matter requires otherwise.

(a) Words in the singular form shall be deemed to impart the plural, and vice versa, as the case may demand.

(b) "Secretary" means the Secretary of Agriculture of the United States or other representative of the United States Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Administrator, SCS," means the Administrator of the Soil Conservation Service, United States Department of Agriculture.

(d) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service, United States Department of Agriculture.

(e) "State Conservationist" means the State Conservationist for a Great Plains State of the Soil Conservation Service, United States Department of Agriculture.

(f) "Great Plains Conservation Program" or "program" means the program provided for by the act of August 7, 1956 (70 Stat. 1115–1117).

(g) "Great Plains States" means the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

(h) "Great Plains Area" means the currently recognized area determined by the Secretary within the Great Plains States where the program is applicable generally.

(i) "Designated county" means any county within a Great Plains State in the Great Plains Area which has been designated by the Secretary where the program is applicable specifically.

(j) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other non-public legal entity. The term "person" shall include two or more persons having a joint or common interest.

(k) "State ASC Committee" means the individuals in a Great Plains State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(l) "County ASC Committee" means the individuals elected within a designated county as the county committee pursuant to regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(m) "State Program Committee" means the State Conservationist, who shall be the Chairman, the Chairman of the State ASC Committee, the State Director of the Farmers Home Administration, the State Director of the Federal Crop Insurance Corporation, and a representative of the Forest Service in each Great Plains State. Where another agency having membership on the Great Plains Program Inter-agency Group, referred to in § 601.3 (b) has a representative with State level administrative responsibilities in a Great Plains State, such representative shall be a member of the State Program Committee in such State. The State Director of the Agricultural Extension Service, the Director of the State Agricultural Experiment Station and a representative of the State Soil Conservation Committee (Board or Commission) shall be invited to participate. Representatives of other interested agencies or groups working in a Great Plains State may be invited to participate, as determined by the State Program Committee.

(n) "County Program Committee" means the designated SCS technician, who shall be the Chairman, the Chairman of the County ASC Committee of a designated county, and the county supervisor of the Farmers Home Administration of a designated county. Where another agency having membership on the Great Plains Program Inter-agency Group, referred to in § 601.3 (b) has a representative with county level administrative responsibilities in a designated county, such representative shall be a member of the County Program Committee in such county. The county agricultural extension agent and the governing body of any soil conservation district in a designated county shall be invited to participate. As determined by the County Program Committee, other local, State and Federal agencies operating in the designated county may be invited to participate.

(o) "Operating unit" means a parcel or parcels of land, whether contiguous or non-contiguous, constituting a single operating unit for agricultural purposes. An operating unit shall be regarded as located in the designated county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the designated county in which the major portion of the operating unit is located.

(p) "Producer" means any person having control of an operating unit in a designated county.

(q) "Conservation practice" or "conservation measure" means any process used to protect the soil from water or wind erosion and deterioration by natural causes and any adjustments in land or water use that assists in mitigation of climatic hazards to agricultural lands. The terms "eligible conservation practice" or "eligible conservation measure" refer only to a process eligible for a cost-share payment under the program.

(r) "Conservation treatment unit" means a field of an operating unit or part of an operating unit in a specific land use requiring a particular type of management and the use of related conservation practices.

(s) "Plan of operations" means a written plan for all the acreage of an operating unit incorporating a time schedule of land use and treatment providing for such combinations of land-use adjustments, cropping or grazing systems and conservation measures by conservation treatment units as are needed to conserve the soil and water resources.

(t) "Time schedule of land use and treatment" means a sequence of approved, planned land use and treatments listed by fields and by program years for an operating unit included in the plan of operations.

(u) "Identifiable unit" means all or an essential part or subdivision of an eligible conservation practice that, when carried out, can be clearly identified as a segment of the steps or sequence in carrying out the conservation practice.

(v) "Contract" means a Great Plains Conservation Program contract.

(w) "Cost-share payments" means payments to producers signatory to the contract as provided in the contract at established rates for the carrying out of identifiable units for which costs are shared and who have complied with the applicable provisions of the program.

(x) "Contracting officer" means the employee of the Soil Conservation Service designated for a part of a Great Plains State by the Administrator, SCS.

(y) "Designated SCS technician" means the Soil Conservation Service work unit conservationists for a designated county or in the absence thereof the employee of the Soil Conservation Service named for a designated county by the State Conservationist. In those cases involving the functions of the designated SCS technician with respect to the County Program Committee and eligible conservation practices, it means the employee of the Soil Conservation Service named for a designated county by the State Conservationist.

(z) "Certification of performance and compliance" means a written statement by the designated SCS technician that an identifiable unit has been properly carried out and that the producer signatory to the contract is in compliance with the terms and conditions of the program.

(aa) "Average cost" means the average of the current cost estimates for an eligible conservation practice established for each designated county or part of a designated county which reflects the costs considered necessary to carry out the eligible conservation practice.

(bb) "Program year" means the period beginning July 1 and ending on December 31 of the succeeding year.

§ 601.2 *Objective and purpose.* The Great Plains Conservation Program is a long-range voluntary program in addition to other United States Department of Agriculture programs in the Great Plains Area to assist farmers and ranchers to work out a land-use and treatment program which will help them to prevent the recurrence or effects of many of the hazards caused by the erratic climate of the Great Plains Area. In carrying out this program, the Secretary will enter into contracts based upon an approved plan of operations with producers and share the costs of carrying out eligible conservation practices on the operating unit for which cost-sharing is appropriate and in the public interest.

§ 601.3 *Administration.* (a) The Soil Conservation Service is responsible for administration of the program. The

contracting officer is authorized to sign Great Plains Conservation Program contracts on behalf of the Secretary subject to certification of availability of funds by the Soil Conservation Service State office. The County ASC Committee will certify that cost-share payments made under this program are not duplicates of payments made under Department of Agriculture programs administered by it, and will determine the status of indebtedness of producers shown on the county register of indebtedness maintained in the office of the County ASC Committee. The Soil Conservation Service will arrange for making cost-share payments.

(b) The following agencies of the United States Department of Agriculture compose the Great Plains Program Inter-agency Group: Soil Conservation Service, Agricultural Conservation Program Service, Agricultural Marketing Service, Agricultural Research Service, Commodity Stabilization Service, Farmers Home Administration, Federal Crop Insurance Corporation, Federal Extension Service, Forest Service and the Office of Information. Under the Chairmanship of the Soil Conservation Service, this group shall assist in developing and reviewing operating policies and procedure for the program in an advisory capacity to the Secretary.

(c) The State Program Committee will assist in developing and reviewing, within the Great Plains Area authorizations, policies and general operating procedures best suited in the Great Plains State.

(d) The County Program Committee will assist in developing and reviewing, within the Great Plains Area and Great Plains State authorizations, policies and general operating procedures best suited in the designated county.

(e) The program shall be carried out in close cooperation with interested Federal, State and local governmental units and organizations and other groups and individuals. The program in designated counties shall be coordinated with the work plan of soil conservation districts operating in such counties and with other United States Department of Agriculture activities including the Agricultural Conservation Program and the Soil Bank Conservation Reserve Program.

(f) Cooperation and advice of the Great Plains Agricultural Council will be sought in the program operation.

§ 601.4 *Land eligible for the program.* The program is applicable only to (a) private lands, and (b) non-private land when the applicability thereto is for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such lands under agreement with the non-private owner.

§ 601.5 *Program applicability.* The program will be applicable only in counties within the Great Plains Area of the Great Plains States designated by the Secretary. These designations will be based upon State Program Committee recommendations.

§ 601.6 *Program eligibility.* (a) Any producer who submits a plan of operations to the designated SCS technician in compliance with the terms and conditions of the program is eligible to sign a contract.

(b) Designated county representatives of United States Department of Agriculture agencies will assist any producer desiring to participate in the program in preparing an application (prescribed by the Administrator, SCS) for assistance and will receive such applications for transmittal to the local Soil Conservation Service office.

§ 601.7 *Plan of operations.* (a) (1) The producer is responsible for developing a plan of operations which is the basis of a contract and should use all available sources of assistance. Available technical assistance in preparing the plan of operations will be provided through the designated SCS technician.

(2) The Administrator, SCS, is authorized to prescribe the minimum requirements for the plan of operations. Each plan of operations must be approved by the designated SCS technician.

(b) The producer signatory to the contract is responsible for accomplishing his plan of operations and should use all available sources of assistance, including any phase of other United States Department of Agriculture programs that contribute to achieving the conservation aims. Available technical assistance will be provided to a producer signatory to the contract in accomplishing the plan of operations through the designated SCS technician.

(c) The Soil Conservation Service may also utilize the services of private, State and other Federal agencies in discharging its responsibility for technical assistance.

§ 601.8 *Contracts.* (a) (1) In order for a producer to participate in the program, a contract must be entered into by him for the contract period by which he shall agree to accomplish his plan of operations. Where any person has control of the operating unit for the proposed contract period, he must sign the contract. Evidence satisfactory to the contracting officer of the control of the operating unit by the producer must be presented. The period of the contract shall be to the end of the program year that is needed to carry out and establish the conservation practices in the plan of operations for which Federal cost-share commitments are made under the program. However, the period of the contract shall not be less than 3 years nor exceed 10 years and in no event shall end later than December 31, 1971.

(2) The contracting officer having determined that the plan of operations is adequate for a contract may execute the contract with the producer subject to certification in the Soil Conservation Service State office that funds are available. It is the responsibility of the producer who signs a contract to keep the contracting officer currently informed of his mailing address.

(3) If, during the contract period, all or a part of the right and interest of any producer signatory to the contract in an operating unit is transferred by sale or otherwise, his successor, as transferee, during the contract period may upon his request be substituted under the contract for that transferred by executing a form prescribed by the Administrator, SCS, for such purposes. Also, see § 601.20.

(b) Contracts previously entered into with a producer may be terminated upon mutual agreement of the contract signers and the contracting officer, only if such termination is specifically approved by the Administrator, SCS, or is authorized under general policies established by him. No contract may be so terminated unless the Administrator, SCS, determines either specifically or in the general policies authorizing termination that such termination would be in the public interest.

(c) Requirements of contracts previously entered into with a producer may be waived or modified by the contracting officer only if such waiver or modification is specifically authorized in this subpart, or is specifically approved by the Administrator, SCS, or is authorized under general policies established by him. For waivers or modifications specifically approved by this subpart, the Administrator, SCS, is authorized to establish general policies. Otherwise, no requirement of a contract may be so waived or modified unless the Administrator, SCS, determines either specifically or in the general policies authorizing waivers or modifications that such waivers or modifications are desirable to carry out the program purposes or such as to facilitate the practical administration thereof.

§ 601.9 *Conservation practice maintenance.* Each producer signatory to the contract shall agree to maintain in accordance with good farming practice, in accordance with sound grassland management principles or in accordance with sound woodland management, as the case may be, as prescribed by the contracting officer and as determined by the Administrator, SCS, or for the appropriate program, for the contract period or, if lesser, for the period of his control of the operating unit, conservation practices on the operating unit as specified in the contract. Failure to maintain for the required period the conservation practices shall be considered a contract violation.

§ 601.10 *Selection of conservation practices.* (a) The producer on the operating unit shall determine how he will use his land and the combination of conservation practices he will use in treating each conservation treatment unit.

(b) The conservation practices agreed to be carried out shall be carried out in conformity with the plan of operations. Conservation practices shall be carried out in accordance with the specifications obtained from the local Soil Conservation Service office or in accordance with the specifications applicable to the appropriate program. Conservation practices for which specifications are obtained from the local Soil Conservation Service office shall be carried out in accordance with the specifications which are applicable at the time the conservation practice is carried out or contracted for.

§ 601.11 *Eligible conservation practices.* (a) The Great Plains Conservation Program Practice List of soil and water conservation practices particularly suited to the Great Plains Area which are eligible for Federal cost-shares when carried out in combinations set forth in plans of operations is as follows:

(1) *GP–1 (A–2): Initial establishment of a permanent vegetative cover as a part of an improved cropping system or as a needed land-use adjustment.* This conservation practice is applicable only to land which should be established in permanent vegetative cover for protection against wind or water erosion, and to cropland which, as a part of a needed land-use adjustment, is being shifted to permanent protective vegetative cover as a part of establishing improved cropping system rather than as a part of a regular cropping system. Federal cost-sharing may be approved for constructing fences where fences are necessary to protect the seeded area and only for the extent necessary to fence that area. Federal cost-sharing for fences shall be limited to permanent fences, excluding boundary and road fences.

(2) *GP–2 (A–6): Initial establishment of field stripcropping to protect soil from wind or water erosion.* The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops.

(3) *GP–3 (A–5): Initial establishment of contour stripcropping to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. Where permanent sod waterways are needed for the disposal of excess water they should be planned in combination with this conservation practice.

(4) *GP–4 (E–2): Initial establishment of contour farming operations on nonterraced land to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. When permanent sod waterways are needed for the disposal of excess water they should be planned in combination with this conservation practice.

(5) *GP–5 (B–2): Improvement of vegetative cover on rangeland by artificial reseeding for soil protection.* The area seeded must not be grazed before the stand is established.

(6) *GP–6 (A–8): Initial establishment of a stand of trees or shrubs on farm or ranch lands for windbreaks, shelterbelts, erosion control, or other purposes to protect farm or ranch land from wind or water erosion.* This conservation practice will usually involve the use of adapted shrubs and trees in combinations that produce agricultural benefits such as protecting soil from wind and water erosion, protecting farm buildings and feed lots, stabilizing gullies and other critical silt and run-off source areas, building soil or improving wildlife habitat. No Federal cost-sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. If shrubs are used, those that benefit wildlife should be given preference whenever practicable. Plantings must be protected from fire and grazing. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences.

(7) *GP–7 (C–1): Initial establishment of permanent sod waterways to dispose of excess water without causing erosion.*

(8) *GP–8 (C–4): Constructing terraces to detain or control the flow of water and check soil erosion.* Necessary protective outlets or waterways must be provided. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

(9) *GP–9 (C–5): Constructing diversion terraces, ditches, or dikes to intercept runoff and divert excess water to protected outlets.* Necessary protective outlet or waterways must be provided. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

(10) *GP–10 (B–4): Furrowing, chiseling, ripping, scarifying, pitting, or listing non-crop grazing land to prevent soil loss, retard runoff, and improve water penetration.* The operation must be performed as nearly as practicable on the contour.

(11) *GP–11 (C–6): Constructing erosion control, detention, or sediment retention dams to prevent or heal gullying or to retard or reduce runoff of water.*

(12) *GP–12 (C–7): Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets or similar structures for the protection of outlets and water channels that dispose of excess water.*

(13) *GP–13 (C–8): Streambank or shore protection, channel clearance, enlargement or realignment, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.* This conservation practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land or where its primary purpose is to bring new land into agricultural production.

(14) *GP–14 (C–16): Constructing spreader ditches or dikes to divert and spread water to prevent erosion, to permit beneficial use of runoff, or to replenish ground water supply.*

(15) *GP–15 (C–12): Reorganizing irrigation systems to conserve water and prevent erosion.* This conservation practice must be carried out in accordance with a reorganization plan approved by the responsible technician. No Federal cost-sharing will be allowed for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the producer signatory to the contract, or for portable pipe. No Federal cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system for land which was not in use during at least two of the last five years.

(16) *GP–16 (C–13): Leveling land for more efficient use of irrigation water and to prevent erosion.* No Federal cost-sharing will be allowed for floating or restoration of grade. The leveling operation must be carried out in accordance with the plan of operations which shall also provide that temporary cover or a crop will be seeded on the land in the same growing season in which the leveling was done. The leveling plan shall be based on an adequate soil survey. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least two of the last five years.

(17) *GP–17 (C–14): Constructing, enlarging, deepening, or lining dams, pits or ponds for irrigation water.* The purpose of this conservation practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. Federal cost-sharing in excess of $2,500 will not be made for any structure installed under this conservation practice. No Federal cost-sharing will be allowed for constructing or lining dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least two of the last five years.

(18) *GP–18 (C–15): Lining irrigation ditches to prevent erosion and loss of water by seepage.* This conservation practice is limited to ditches that are properly located and constructed as a part of an existing irrigation system.

NOTE: The following conservation practices (GP–19 to GP–24) are provided to help achieve rangeland conservation through proper distribution of grazing or better grassland management.

(19) *GP–19 (B–5): Constructing wells for livestock water as a means of protecting vegetative cover.* The wells must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management. Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells. No Federal cost-sharing will be allowed for wells constructed primarily for the use of headquarters, or for costs other than for constructing or deepening wells and for water storage facilities.

(20) *GP–20 (B–6): Developing springs and seeps for livestock water as a means of protecting vegetative cover.* The springs or seeps must be at locations which will bring about the desired protection of vegetative cover through

proper distribution of grazing or better grassland management.

(21) *GP–21 (B–7): Constructing, enlarging, deepening, or sealing dams, pits, or ponds as a means of protecting vegetative cover.* The dams, pits, or ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

(22) *GP–22 (B–8): Installing pipelines for livestock water as a means of protecting vegetative cover.* The pipelines must deliver water to locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management.

(23) *GP–23 (B–3): Controlling competitive shrubs to permit growth of adequate desirable vegetative cover for soil protection on range or pasture land.* On areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, the conservation practice will not be approved unless followed by seeding or other approved erosion control conservation measures.

(24) *GP–24 (B–9): Constructing permanent fences as a means of protecting vegetative cover.* This conservation practice may be approved only where fencing will contribute to better distribution of livestock and seasonal use of the forage. Fences between pasture and other land will not qualify for Federal cost-sharing.

(25) *GP–25 (F–1): Special conservation practices.* Consistent with the principles set forth in this program, the designated SCS technician and the Chairman of the County ASC Committee may recommend to the State Conservationist and the Chairman of the State ASC Committee conservation practices included in the Great Plains Conservation Program Practice List for which there is need locally on a substantial number of operating units but which are not selected for use in the Great Plains State. Such conservation practices, when recommended by the State Conservationist and the Chairman of the State ASC Committee, shall be submitted by the State Conservationist to the Administrator, SCS, for review and recommendation of both the Administrator, SCS, and the Administrator, ACPS, prior to transmittal by the Administrator, ACPS, to the Secretary for approval.

(26) *GP–26 (F–2): Designated county conservation practices.* Consistent with the principles set forth in this program, any conservation practice not included in the Great Plains Conservation Program Practice List but which is needed to meet particular conservation problems in a designated county shall, with the recommendation of the Administrator, SCS, and the Administrator, ACPS, be submitted by the Administrator, ACPS, to the Secretary for approval. Such approval may be given only upon the recommendation of the State Conservationist and the Chairman of the State ASC Committee and the designated SCS technician and the Chairman of the County ASC Committee and upon their finding (1) that the conservation problem exists on a substantial number of operating units in the designated county, (2) that the conservation practices listed in this program will not provide adequate treatment of the problem, (3) that the proposed conservation practice will adequately meet the problem, (4) that the proposed conservation practice would not be performed to the extent needed without Federal cost-sharing, (5) that the proposed conservation practice will provide the most enduring solution to the problem practicably attainable under existing circumstances, (6) that the proposed conservation practice is one on which the offering of financial assistance is fully justified as being appropriate and in the public interest, and (7) that the proposed conservation practice meets the standards and requirements of comparable conservation practices in this program. Costs will not be shared under this conservation practice for elements of performance for which cost-sharing is specifically precluded by the wording of a similar conservation practice or elsewhere in this program.

(b) There will be developed within each Great Plains State a list of soil and water conservation practices from the Great Plains Conservation Program Practice List which will be eligible for cost-sharing when carried out in the Great Plains State in combinations set forth in the plan of operations. This list (the technical specifications for which must be obtained from the local Soil Conservation Service office) and the rates of cost-shares applicable to eligible conservation practices which appear on the Great Plains Conservation Program Practice List for the Great Plains State will be developed by the State Conservationist and the Chairman of the State ASC Committee after consultation with other representatives of other United States Department of Agriculture agencies on the State Program Committee and submitted by the State Conservationist to the Administrator, SCS, for review and recommendation of both the Administrator, SCS, and the Administrator, ACPS, prior to transmittal by the Administrator, ACPS, to the Secretary for approval.

(c) There shall be developed within each designated county from the Great Plains Conservation Program Practice List for the Great Plains State a list of soil and water conservation practices which will be eligible for cost-sharing when carried out in the designated county in combinations set forth in the plan of operation. This list, the current average cost of eligible conservation practices and the rates of cost-shares applicable to eligible conservation practices will be developed by the designated SCS technician and the Chairman of the County ASC Committee after consultation with other representatives of other United States Department of Agriculture agencies on the County Program Committee and approved for the designated county by the State Conservationist and the Chairman of the State ASC Committee.

§ 601.12 *Cost-share payments.* (a) The maximum cost-share which the Secretary will bear of the cost of carrying out an eligible conservation practice on an operating unit shall not exceed 80 percent of the average cost of carrying out each eligible conservation practice planned for the conservation treatment unit. The State Conservationist and the Chairman of the State ASC Committee in developing rates of cost-shares as provided in § 601.11 (b) may develop rates of cost-shares for eligible conservation practices lower than that specified in this subsection, and the designated SCS technician and the Chairman of the County ASC Committee in developing rates of cost-shares as provided in § 601.11 (c) may develop rates of cost-shares for eligible conservation practices lower than that established for the Great Plains State: *Provided*, In those cases where eligible conservation practices do not appear on the Great Plains Conservation Program Practice List for a Great Plains State, the rates of cost-shares for eligible conservation practices will be developed only for a designated county and may be developed at a lower rate than that specified in this subsection. Information as to items of cost for which cost-shares will be authorized will be available at the local Soil Conservation Service office and other local offices of United States Department of Agriculture agencies and the producer shall obtain such information there. Cost-share payments are not authorized for repairs or for normal upkeep or maintenance of any conservation practice.

(b) (1) Cost-share payments are made for carrying out identifiable units and are conditioned upon approval of the certificate of performance and compliance by the designated SCS technician. The County ASC Committee will certify that cost-share payments made under this program are not duplicates of payments made under Department of Agriculture programs administered by it, and will determine the status of indebtedness of producers as shown on the county register of indebtedness maintained in the office of the County ASC Committee. The designated SCS technician shall submit to the Soil Conservation Service State office the application for payment with the certificate of performance and compliance. The designated SCS technician may also utilize the assistance of private, State and other Federal agencies in discharging his responsibility for certification of performance and compliance.

(2) A producer is not eligible to receive cost-share payments under the program for an identifiable unit which was not or is not to be carried out under this program.

(c) The contracting officer may find, in accordance with standards determined by the Administrator, SCS, that an identifiable unit has been carried out in accordance with applicable program provisions but, due to conditions beyond the control of the producer signatory to the contract, has failed to achieve the desired results. In such cases, cost-share payments may be made for the identifiable unit carried out upon the modification of the contract by the contracting officer and the producer signatory to the contract to provide for repeat application of the identifiable unit previously carried out.

(d) The contracting officer may find, in accordance with standards determined by the Administrator, SCS, that an identifiable unit has been carried out in accordance with applicable program provisions and has achieved the desired results but, due to conditions beyond the control of the producer signatory to the contract, subsequently deteriorated during the contract period to the point of need of repeat application. In such cases, the contracting officer may agree to modify the contract to authorize cost-share payments for carrying out the identifiable unit again: *Provided*, That the remaining period of the contract should be of such length of time as to allow the carrying out and establishment of such additional identifiable unit.

§ 601.13 *Conservation materials or services.* (a) Conservation materials or services needed by producers to carry out their contracts will be obtained or contracted for by producers. In sharing the cost of carrying out eligible conservation practices, the contract between the producer and the United States may provide that part or all of the Federal cost-share for an eligible conservation practice may be made to those who furnish conservation materials or services to the producer under the program for use in carrying out the eligible conservation practice after the conservation material or service has been purchased by the producer and supplied to him under his purchase. This method may not be used if the producer signatory to the contract is indebted to the United States as indicated by the register of indebtedness maintained in the office of the County ASC Committee, except in those cases where the agency to which the debt is owed waives its rights to set-off in order to permit this method of sharing the cost of carrying out eligible conservation practices.

(b) Title to any material purchased as provided in this section shall vest in the United States until the material is applied or planted, or all charges against the producer for the material are satisfied.

(c) Federal cost-shares will be made as provided in this section, under instructions issued by the Administrator, SCS, not in excess of the cost-share attributable to the use of the material or service or not in excess of the cost-share for all identifiable units as may be requested by the producer, with the approval of the contracting officer in accordance with standards determined by the Administrator, SCS.

(d) The producer signatory to the contract who purchases a material or service as provided in this section will be relieved of responsibility for the material or service upon determination by the contracting officer that the material or service was used for the purpose for which it was purchased and that any other identifiable units, on which the amount of the Federal cost-share toward the cost of the material or service was determined, have been carried out in accordance with applicable program provisions. If the producer uses any material or service obtained under this section for any purpose other than for which is was purchased under an authorization, he shall be indebted to the United States for that part of the cost of the material or service paid by the United States as provided in this section and shall pay such amount to the Soil Conservation Service or such amount shall be withheld from cost-share payments otherwise due him under the program.

(e) Any producer to whom materials are furnished as provided in this section shall be responsible to the United States for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used, they may, in accordance with instructions issued by the Administrator, SCS, be transferred to another producer signatory to a contract or otherwise disposed of at the expense of the producer who abandoned or failed to use the material.

(Sec. 16, 49 Stat. 1151, as amended; 16 U. S. C. 590p)

§ 601.14 *Fair prices for conservation materials or services acquired by a producer signatory to a contract by means of an authorization.* (a) A fair price for a producer signatory to a contract acquiring a conservation material or service by means of an authorization shall be established only where the individual designated to establish fair prices determines that the establishing of a fair price for a given material or service is necessary because (1) the supply or availability of the material or service through local commercial channels is inadequate to meet the anticipated demand, and (2) the inadequate supply will result in commercial prices that are excessive in relation to such supply.

(b) The Administrator, SCS, shall designate the conservation materials or services which may be purchased by means of authorizations in connection with the program, the individual who shall establish the fair prices, the method of making such determinations, and shall prescribe the procedures under which materials or services may be purchased: *Provided, however*, That (1) any such fair prices shall be established in accordance with the provisions of this section, and (2) any such fair prices shall be subject to such review as may be required by the individual who has delegated the authority to establish fair prices.

(c) A fair price for conservation materials shall be the price at which a vendor agrees to furnish the material to the producer signatory to the contract at a given time under a given set of conditions, provided it is determined by the individual authorized to establish fair prices that the price is not excessive in relation to: (1) The prices which farmers or ranchers are currently paying for the same or similar material under the same or similar conditions, (2) the prices at which farmers or ranchers could obtain the same material through other than local channels, and (3) the actual or estimated cost to the vendor and a reasonable margin for profit.

(d) A fair price for services shall be the price at which a vendor equipped to perform a service agrees to furnish it to a producer signatory to a contract at a given time and under a given set of conditions, providing it is determined by the individual authorized to establish fair prices that the price is not excessive in relation to: (1) The prices which farmers or ranchers are currently paying for the same or similar service under the same or similar conditions, and (2) the actual or estimated cost to the vendor and a reasonable margin for profit.

(Sec. 16, 49 Stat. 1151, as amended; 16 U. S. C. 590p)

§ 601.15 *Materials and services; defective; inspection and analysis.* (a) The material or service furnished to a producer signatory to a contract under authorizations shall be deemed to be defective if it is determined that the material or service does not meet quality specification. In such case the Secretary will make no payments under any authorization. At the option of the individual designated to establish the fair price such materials or services may be accepted by the producer signatory to the contract subject to a deduction equal to the difference between the price of the material or service of the quality specified and the value of the material or service furnished to the producer signatory to the contract.

(b) As a condition to the Secretary making payments under authorizations, opportunity must be given to inspect materials or services and to take necessary samples in accordance with instructions issued by the Administrator, SCS: *Provided, however*, That the inspection and analysis controls exercised by State regulatory authorities may be deemed a sufficient protection to the United States as to the quality standards of any material over which such authority is exercised: *Provided, further*, That this shall not deprive the United States of the opportunity of the taking of additional samples nor shall it deprive the United States of the opportunity for the making of separate inspections of materials in any case where such further action is necessary to adequately protect the interests of the United States.

(Sec. 16, 49 Stat. 1151, as amended; 16 U. S. C. 590p)

§ 601.16 *Manner and time of cost-share payments.* Cost-share payments shall be paid to the producer after he has carried out an identifiable unit of his plan of operations and arrangements therefor shall be made by the Soil Conservation Service State office. Payments shall be made as soon as practicable after the identifiable unit is carried out and the extent of performance has been established. It shall be the responsibility of the producer eligible for cost-share payments to establish his claim to such payments. Cost-share payments for identifiable units carried out under the program will be made only upon application submitted on the form prescribed by the Administrator, SCS, to the desig-

nated SCS technician or to the County ASC Committee for transmittal to the designated SCS technician. Such application shall be filed by June 30 of the year following the calendar year in which the identifiable unit was carried out. Application for cost-share payments shall specify the proportions of each producer's contribution to the carrying out of each identifiable unit. Cost-share payments will be made for the identifiable units carried out in the program year as shown on the time schedule of land use and treatment unless otherwise provided for by modification of the contract.

§ 601.17 *Division of cost-share payments between producers signatory to a contract.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the producer to whom the authorization for purchase of materials or services is furnished. The remainder of the cost-share shall be credited to the producer who carried out the identifiable unit by which such remainder of the cost-share is earned. If more than one producer contributed to the carrying out of an identifiable unit, the cost-share payment shall be divided among the producers in proportion to the extent which they contributed to the carrying out of the identifiable unit as set forth in the approved application for cost-share payments. The furnishing of land or the right to use water will not be considered as a contribution for the carrying out of any identifiable unit.

§ 601.18 *Reconstitution of operating units.* If, for any cause, two or more operating units as constituted at the time a contract is entered into are later combined, or if one operating unit as constituted at the time the contract is entered into is later divided into two or more operating units, or if at the time the contract is entered into it is agreed that the operating unit as constituted at that time is inadequate and the operating unit is enlarged to include additional land, any contract must be modified by the contracting officer and the contract signers to reflect the changes, if any, required by such reconstitution.

§ 601.19 *Identifiable units carried out with State or Federal aid.* The total extent of any identifiable unit carried out shall be reduced for the purpose of computing Federal cost-shares by the percentage of the total cost of the items carried out on which costs are shared which the designated SCS technician determines was furnished by a State or Federal agency.

§ 601.20 *Successors-in-interest.* (a) In case of death, incompetency, or disappearance of any producer, any cost-share payment under the contract due him shall be paid to his successor, as determined in accordance with the provisions of the regulations (Chapter XI, Part 1108 of this title) issued by the Secretary, and any amendments thereto, for payments under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) (1) If during the contract period all or a part of the right and interest of any producer signatory to the contract in the operating unit is transferred by sale or otherwise, the contract shall terminate as to such producer with respect to the acreage which has been transferred. In the event of such termination the producer whose right and interest is transferred shall forfeit all rights to further cost-share payments or grants under the contract with respect to the acreage which has been transferred and all cost-share payments or grants made to him under the contract shall be refunded with respect to such acreage unless the transferee who acquires his right and interest in such acreage is or becomes a party to a contract which will assume all obligations of the producer under the contract.

(2) The contract shall remain in full force and effect in accordance with the original terms and conditions of the contract with respect to the right and interest remaining in the producer, to be modified by the contracting officer and the producer signatory to the contract, however, to reflect the changes, if any, brought about by any transfer. In the event necessary modifications cannot be agreed to with the contracting officer, the producer shall refund all cost-share payments or grants made with respect to the remaining right and interest of the operating unit in the producer in the contract. If this refund occurs, the producer would have no further rights or obligations under the contract.

(3) Except as this subpart may require otherwise, the transfer of all or part of the operating unit by any producer signatory to the contract shall not affect the rights and obligations of all other producers signatory to the contract.

§ 601.21 *Pooling arrangements.* Producers in any local area may, with the prior approval of the contracting officer, enter two or more operating units jointly in the program if a plan of operations satisfactory to the designated SCS technician is developed that would result in a better land use and treatment program for the operating units through such joint participation than would be obtained through individual operating unit participation.

§ 601.22 *Practices that tend to defeat the purposes of a contract.* The following practices are specified as practices which tend to defeat the purposes of the contract:

(a) Knowingly or negligently destroying or breaking up a conservation practice in the plan of operations, irrespective of cost-share payments, unless prior approval in writing is given by the contracting officer to the destroying or breaking up under standards determined by the Administrator, SCS.

Adoption of any such practices by a producer on an operating unit while he has control thereof during the life of the contract shall constitute a violation of the contract.

§ 601.23 *Appeals.* (a) (1) Any producer may request the contracting officer or the designated SCS technician to reconsider, prior to the execution of the contract by the producer, any determination made by him affecting the contract except this may not include development of eligible conservation practices, cost-share rates and average costs. Such request shall be in writing and shall be filed within 15 days after receiving notice of such determination. A producer shall be deemed to have received notice of the determination if a letter, form or other document has been mailed or delivered to him which discloses such determination. The contracting officer or the designated SCS technicial shall notify the producer of his decision in writing (by mailing or by delivery of the decision) within 15 days after the filing of the written request for reconsideration.

(2) If the producer is dissatisfied with the decision of the contracting officer or the designated SCS technician, he may, within 15 days after receiving written notice of the decision, file a written appeal with the State Conservationist. The State Conservationist shall notify the producer of his decision in writing (by mailing or by delivery of the decision) within 30 days after filing of the appeal. If the producer fails to request reconsideration of a determination by the contracting officer or designated SCS technician, or fails to appeal from a decision of the contracting officer or designated SCS technician, within the 15-day period, the determination or decision of the contracting officer or the designated SCS technician shall be final.

(3) The contracting officer or designated SCS technician may submit statements or briefs, including a review of the case, to the State Conservationist.

(b) Any dispute concerning a question of fact arising under the contract, except contract violations (which are governed by separate regulations in this subpart), which is not disposed of by written agreement after a reasonable time shall be referred to the State Conservationist for a decision. The State Conservationist shall notify the producer in writing (by mailing or delivery of the notice) that the matter will be considered on a date specified in the notice, which date shall be not less than 30 days subsequent to receiving the notice. If the producer files a request for such an opportunity within 15 days from receiving such notice, the producer will be afforded an opportunity to appear and present his views orally and to offer relevant evidence in support of his position. If the producer does not request an opportunity to appear and to present relevant evidence, the State Conservationist shall promptly proceed to consider the matter on the basis of such information as may be available to him, including statements or briefs of the authorized representatives of the Secretary whose actions are in dispute. The State Conservationist shall notify the producer of his decision in writing by mailing or delivery of the decision.

(c) Any producer adversely affected may appeal to the Administrator, SCS, from a decision of the State Conservationist. A producer who wishes to take such action must file his appeal and any

briefs or statements in the office of the Administrator, SCS, within 30 days from receiving notice of the decision of the State Conservationist. The State Conservationist may file a brief or statement in the office of the Administrator, SCS, within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the issues or disputes and records before the State Conservationist. The State Conservationist shall submit the record before him, which will include his decision, to the Administrator, SCS. The Administrator, SCS, upon receipt of the record, will promptly as possible render a decision, which decision in writing shall be brought to the attention of the producer by mailing or delivery of the decision.

(d) Any producer adversely affected may appeal to the Secretary from a decision of the Administrator, SCS. A producer who wishes to take such action must file his appeal and any briefs or statements in the office of the Secretary within 30 days from receiving notice of the decision of the Administrator, SCS. The Administrator, SCS, may file a brief or statement in the office of the Secretary within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the issues or disputes and records before the Administrator, SCS. The Administrator, SCS, shall submit the record before him, which will include his decision, to the Secretary. The Secretary, upon receipt of the record, will make a decision from which no appeal will lie in the Department. The producer shall be notified of this decision in writing.

(e) Whenever the regulations in this section require the filing of a document, it is deemed filed when received in the office of the individual concerned.

§ 601.24 *Contract violations.* (a) The producer shall agree by signing a contract to forfeit all rights to further cost-share payments or grants under the contract and to refund all cost-share payments or grants received thereunder, if the Secretary determines that there has been a violation of the contract during the time the producer has control of the operating unit and that such violation is of such a nature as to warrant termination of the contract. The producer who signs the contract will be obligated to refund all cost-share payments and all cost-shares paid under authorizations.

(b) The producer shall agree by signing a contract to make refunds of cost-share payments or grants received under the contract or to accept payment adjustments in the contract, if the Secretary determines that there has been a violation of the contract during the time the producer has control of the operating unit and that such violation is of such a nature as not to warrant termination of the contract. Payment adjustments may include decreasing the rate of a cost-share or deleting from the contract a cost-share commitment or withholding cost-share payments earned but not paid. The producer who signs the contract will be obligated to refund cost-share payments and cost-shares paid under authorizations.

§ 601.25 *Contract violations procedure.* (a) This section prescribes the regulations for determining whether a violation of a contract has occurred and for the effect and result of such violation. The Secretary reserves the right upon notice to modify, amend, revise, or supplement any of the provisions of this section at any time: *Provided,* That such action shall not adversely affect any producer where determination or decision has been made and the producer has been officially notified thereof before such action is taken. No cost-share payment or cost-share shall be made pending the determination or decision as to whether a contract violation has occurred.

(b) If the contracting officer receives information indicating that a violation of a contract may have occurred but determines, without the issuance of a notice as provided in this section, with the approval of the State Conservationist, that no violation has occurred, or that the violation does not call for any forfeiture, refund or payment adjustment, no further action shall be taken.

(c) If all of the producers subject to a forfeiture, refund or payment adjustment agree in writing on a form prescribed by the Administrator, SCS, to accept such forfeiture, refund or payment adjustment, no further proceeding under this section shall be undertaken. The contracting officer and the State Conservationist shall give approval to this agreement. The agreement shall specify what occurs to the contract.

(d) (1) If the State Conservationist believes, on information submitted by the contracting officer or otherwise, that a violation of a contract has occurred which would call for a forfeiture, refund or payment adjustment under the provisions of this section, written notice thereof, on a form prescribed by the Administrator, SCS, shall be given to each producer signatory to the contract.

(2) Notice to a producer under this section may be shown by (i) a written statement by an authorized representative of the Secretary that the notice was personally delivered to the producer; (ii) a written statement by a producer acknowledging receipt of the notice; and (iii) a post office return receipt (registered or certified mail) showing that the notice was delivered at the last address of the producer or showing that the notice could not be delivered to the producer at his last address because he had moved without a forwarding address, or because the producer refused to accept delivery at his last address, or because the last address does not exist. A producer under this section will be considered to have received the notice at the time of the delivery of a registered or certified letter, or at the time of the return of an undelivered registered or certified letter.

(3) The notice shall set forth the nature of the alleged violation and shall inform the producer that he will be given an opportunity to appear at a hearing before a person designated by the State Conservationist to conduct a hearing if he files a written request for such hearing in the local Soil Conservation Service office not later than 30 days after the time he received the notice. The producer shall be notified in writing by the hearing officer of the time, date and place set for the hearing. When practicable, the hearing will be held in the designated county where the operating unit is regarded as being located. If the producer does not file written request for a hearing, or does not appear at the appointed time or is not represented at a hearing so requested, he shall have no further right to a hearing before a hearing officer. However, a hearing officer already appointed may, in his discretion, permit such producer to appear before him. A request filed by any one producer with the local Soil Conservation Service office shall be deemed to be the request of all producers signatory to the contract.

(e) (1) The hearing before the hearing officer shall be held at the time and place and on the date set forth in the notice of the hearing to the producer.

(2) The hearing shall be conducted in the manner deemed most likely to obtain the facts relevant to the alleged violation. The hearing officer shall have full authority to confine the presentation of facts and evidence to pertinent matters and to exclude irrelevant, immaterial or unduly repetitious evidence, information or questions. In so doing, the hearing officer shall not be bound by the strict rules of evidence as required in courts of law. Witnesses may be sworn at the discretion of the hearing officer. The hearing shall be public.

(f) The producer, or his representative, at the hearing shall be given a full opportunity to present facts and information relevant to the alleged violation and may present oral or documentary evidence. Statements and evidence may be submitted at the hearing by the United States. Individuals not otherwise presented at the hearing to give information or evidence may, in the discretion of the hearing officer, be requested or permitted to give information or evidence. The hearing officer, in his discretion, may permit witnesses to be cross-examined, including those individuals called by him.

(g) The hearing officer shall provide for the making of a record at the hearing as will enable him to make a summary of the testimony received at the hearing if the producer and the State Conservationist agree. If the State Conservationist feels that the nature of the case is such as to make a transcript desirable or if the producer requests such a transcript a reasonable period prior to the time that the hearing begins, a transcript of the hearing shall be made. If a transcript is desired only by a producer, he will be required to provide for its preparation and for the payment of the expense thereof. If a transcript is desired by both the State Conservationist and the producer, the producer will be required to pay only the expense of a copy of the transcript. The remainder of the expense will be paid by the United States.

(h) If, at the time scheduled for the hearing, the producer is absent and no appearance is made on his behalf, the hearing officer shall, after a lapse of such a period of time as he may consider

proper and reasonable, close the hearing, or may, in his discretion, accept information and evidence submitted by others present for the hearing.

(i) In every case where a producer is sent a notice of an alleged violation pursuant to paragraph (d) of this section, except where the producer agrees to the forfeiture, refund or payment adjustment as provided in paragraph (c) of this section, the hearing officer shall furnish the State Conservationist with a written report setting forth his findings, conclusions, and recommendations. The report shall include the summary of testimony or transcript made of any hearing before the hearing officer and all other information which would be of aid to the State Conservationist in reaching his determination.

(j) The State Conservationist shall make a determination on the basis of the hearing officer's report and any other information available to him as to whether a violation of the contract has occurred, and, in accordance with the provisions of this section, the amount of the forfeiture, refund or payment adjustment. The determination of the State Conservationist shall specifically state whether the violation is of such a nature as to warrant termination of the contract or that the violation does not warrant termination of the contract. Each producer who signed the contract shall be notified in writing of the determination reached by the State Conservationist.

(k) The State Conservationist may authorize or require the reopening of any hearing before a hearing officer for any reason at any time prior to his determination.

(l) Any producer adversely affected by a determination of the State Conservationist shall have the right of appeal to the Administrator, SCS. A producer who wishes to appeal to he Administrator, SCS must file in the office of the Administrator, SCS, his appeal. This appeal and any briefs or statements must be received in such office within 30 days after the producer has received notice of the determination of the State Conservationist. The State Conservationist may file a brief or statement in the office of the Administrator, SCS, within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the records and the issues made before the State Conservationist which records shall be submitted to the Administrator, SCS, by the State Conservationist. The Administrator, SCS, will render his decision on the basis of the records before him and the issues presented by the appeal. The producer will be notified in writing of this decision.

(m) Any producer adversely affected may appeal to the Secretary from a decision of the Administrator, SCS. A producer who wishes to appeal to the Secretary from a decision of the Administrator, SCS, must file in the office of the Secretary his appeal. This appeal and any briefs or statements must be received in such office within 30 days after the producer has received notice of the decision of the Administrator, SCS. The Administrator, SCS, may file a brief or statement in the office of the Secretary within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the records and the issues made before the Administrator, SCS, which records shall be submitted to the Secretary by the Administrator, SCS. The Secretary will make his decision from which no appeal will lie in the Department. This decision will be based upon the record before him and the issues presented by the appeal and the producer shall be notified in writing.

(n) If the determination or decision is that the violation is of such a nature as to warrant termination of the contract, the determination or decision shall state that the contract is terminated and that all rights to further cost-share payments or grants under the contract are forfeited and that all cost-share payments or grants received under the contract shall be refunded. The determination or decision will state the amount of the refund and how payment may be accomplished.

(o) If the determination or decision is that the violation is of such a nature as not to warrant termination of the contract, the producer may be required to make a refund of cost-share payments or grants or to accept payment adjustments. The determination or decision shall state the extent of refunds of cost-share payments or grants or payment adjustments. In arriving at the extent of a refund of cost-share payments or grants or payment adjustments under this section there will be considered (1) the extent of the violations; (2) whether the violation was deliberate or the result of negligence or was due to circumstances beyond the control of the producer; (3) the effect on the program if no refund or payment adjustment is required; (4) the extent to which the producer benefited by the violation; (5) the effect of the violation on the contract as a whole; and (6) other pertinent considerations including the appropriations and reasonableness of the refund or payment adjustment.

§ 601.26 *Assignments.* Assignments by any producer who may be entitled to any cost-share payment under the program are prohibited unless made in accordance with the provisions of section 203, Title 31, U. S. C., and any amendments thereto, and section 15, Title 41, U. S. C., and any amendments thereto.

§ 601.27 *Cost-share payments not subject to claims.* Any cost-share payment, or portion thereof, due any producers hereunder shall be determined and allowed without deduction of claims for advances (except as provided in § 601.26 and except for indebtedness to the United States subject to set-off); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner of the operating unit or any other creditor.

§ 601.28 *Filing of false claims.* No producer shall file a claim for a cost-share payment to which he knows he is not entitled under the provisions of the program, including claim for a cost-share payment not carried out or for eligible conservation practices carried out in such a manner that they do not meet the required specifications therefor, and the filing of any such claim shall constitute a violation of the contract.

§ 601.29 *Set-offs.* If any producer to whom compensation is payable under the program is indebted to the United States Department of Agriculture, or any agency thereof, including the Commodity Credit Corporation and Federal Crop Insurance Corporation, or is indebted to any other agency of the United States, and such indebtedness to such other agency is listed on the county register of indebtedness maintained in the office of the County ASC Committee, the compensation due such producer shall be set-off against such indebtedness. Indebtedness owing to the United States Department of Agriculture, or any agency thereof, shall be given first consideration. Set-offs made pursuant to this section shall not deprive the producer of any right to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 601.30 *Compliance with regulatory measures.* Producers who carry out conservation practices shall be responsible for obtaining the authorities, rights, easements or other approvals necessary to the carrying out and maintenance of the conservation practices in keeping with applicable laws and regulations. Producers shall save the United States harmless from any infringements upon the rights of others or from any failure to comply with applicable laws or regulations.

§ 601.31 *Misuse of authorizations.* No producer shall knowingly use an authorization issued to him for obtaining conservation materials or services for a purpose other than for which it was issued and the misuse of the authorization shall constitute a contract violation.

§ 601.32 *Access to operating unit and program records.* Any authorized representative of the Secretary, for the purpose of ascertaining the accuracy of any of the representations made in or in connection with or leading up to any contract entered into hereunder and the entering into any contract or the performance of the terms and conditions of such contract shall have the right to enter the operating unit at any reasonable time in order to measure the acreage, to render technical assistance, to inspect the work undertaken under any contract and to examine any program records pertaining to the operating unit and the producer shall furnish such information relating to the operating unit as may be requested by authorized representatives of the Secretary.

§ 601.33 *State Conservationist approval of designated county program determinations.* The State Conservationist, upon his own initiative, may revise or require revision of any determination made by the contracting officer or the designated SCS technician in connection with the program except that the State Conservationist may not make a revision of any executed contract other than as may specifically be authorized herein.

§ 601.34 *Waivers.* The Secretary, upon recommendation of the Administrator, SCS, may waive the requirements of any provisions of the regulations in this part, if not prohibited by law, if, in his judgment, such waiver is desirable to carry out the purposes of the program or will facilitate the practical administration thereof.

§ 601.35 *Effect on acreage allotment and marketing quota programs.* (a) Insofar as the acreage of cropland on any operating unit enter into the determination of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage on the operating unit shall not be decreased during the period of any contract by reason of any action taken for the purpose of carrying out such contract.

(b) The acreage on any operating unit which is diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out a contract shall be considered as acreage devoted to the commodity for the purposes of establishing future State, county and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

(c) In applying the provisions of paragraph (6) of Public Law 74, 77th Congress (7 U. S. C. 1340 (6)), and section 326 (b) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1326 (b)), relating to reduction of the storage amount of wheat, the acreage on any operating unit which is diverted from the production of wheat in order to carry out a contract shall be regarded as wheat acreage on the operating unit.

Done at Washington, D. C., this 21st day of August 1957.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 57-6981; Filed, Aug. 23, 1957; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

ESTABLISHMENT OF SALABLE AND SURPLUS PERCENTAGES FOR 1957–58 CROP YEAR

Pursuant to Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), a proposal was published in the FEDERAL REGISTER on August 6, 1957 (22 F. R. 6278) which would establish a salable percentage of 70 and a surplus percentage of 30 applicable to almonds received by handlers during the 1957–58 crop year. The notice provided that written data, views or arguments filed by August 16, 1957, would be considered prior to issuance of a final order establishing the percentages.

Three communications were received suggesting that a smaller surplus percentage would be desirable. However, none of these contained specific data as to changes that should be made and they do not, nor does any other data, provide a basis for establishing percentages different from those contained in the aforementioned proposal. No other communications were received within the time provided.

After consideration of all relevant information available it is hereby determined that to establish the salable and surplus percentages set forth below will tend to effectuate the declared policy of the act.

It is hereby ordered, That the salable and surplus percentages for almonds received by handlers during the 1957–58 crop year shall be as follows:

§ 909.207 *Salable and surplus percentages for almonds during the crop year beginning July 1, 1957.* The salable and surplus percentages during the crop year beginning July 1, 1957, applicable to the total kernel weight of almonds received by handlers for their own accounts shall be 70 percent and 30 percent, respectively.

It is hereby determined that good cause exists for making this order effective upon publication in the FEDERAL REGISTER rather than 30 days thereafter for the reasons that (1) harvest of the 1957–58 almond crop is now under way, and (2) establishment of these percentages provides a basis for trading between growers and handlers, and (3) compliance with the percentages herein established will require no special preparation on the part of handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 20, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-6978; Filed, Aug. 23, 1957; 8:47 a. m.]

[Valencia Orange Reg. 116]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.416 *Valencia Orange Regulation 116*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 22, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., August 25, 1957, and ending at 12:01 a. m., P. s. t., September 1, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 808,500 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 23, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7041; Filed, Aug. 23, 1957; 12:28 p. m.]

[Lemon Reg. 701]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.808 *Lemon Regulation 701*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 21, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 25, 1957, and ending at 12:01 a. m., P. s. t., September 1, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 22, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7021; Filed, Aug. 23, 1957; 8:55 a. m.]

PART 988—MILK IN THE KNOXVILLE, TENN., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 988), regulating the handling of milk in the Knoxville, Tennessee, marketing area, hereinafter referred to as the "order", it is hereby found that:

(a) The table as it appears in § 988.51 (a) (2), except for the words "Rate (cents)" and the numeral "2", no longer tends to effectuate the declared policy of the act.

(b) Notice of proposed rule making, public procedure thereon, and 30-day prior notice of the effective date hereof are found to be impracticable, unnecessary and contrary to the public interest in that (1) this issue was considered at a public hearing at Knoxville, Tennessee, on August 13–15, 1957, and the issuance of this suspension order as a separate action is necessary in order to reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area, pending further consideration and action on this and other issues of said hearing; (2) this suspension order should be made effective on September 1, 1957, to insure production of an adequate supply of pure and wholesome milk for the market; (3) unless such action is taken, there may be an immediate sharp decline in the Class I price when the margin between production and Class I sales is at its seasonally lowest level; (4) the request for this suspension order was made on behalf of a substantial majority of producers whose milk is regulated by the order; (5) this suspension order does not require of persons affected substantial or extensive preparation prior to its effective date; and (6) the time intervening between the date of this suspension order and its effective date affords persons affected a resaonable time to prepare for its effective date.

It is therefore ordered, That the table as it appears in § 988.51 (a) (2), except for the words "Rate (cents)" and the numeral "2" be and hereby is suspended effective September 1, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 20th day of August 1957.

[SEAL] DON PARLBERG,
Assistant Secretary.

[F. R. Doc. 57-6979; Filed, Aug. 23, 1957; 8:47 a. m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

§ 1017.302 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017; 22 F. R. 26), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of onions, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from August 25, 1957, through June 30, 1958.

(i) Except as otherwise provided in this section, no handler shall handle onions of the yellow or brown varieties unless such onions are of a size not smaller than 2 inches minimum diameter, with not more than 5 percent, by weight, of a size smaller than 2 inches in diameter, and unless such onions, other than U. S. No. 2 grade onions, are packed within the following size ranges:

(*a*) Medium—2 inches to 3⅛ inches in diameter; or

(*b*) Large or jumbo—3 inches and larger in diameter;

(ii) Each handler may make one shipment of less than one ton per day without regard to the inspection requirements of this part; and

(iii) Onions may be handled for the following purposes without regard to the regulatory, assessment, and inspection requirements of this part: (*a*) Export; (*b*) relief or charity; (*c*) livestock feed; or (*d*) planting.

(2) The tolerances for size shall be the same as in the United States Standards for Northern Grown Onions (§§ 51.2830–51.2847 of this title); the term "diameter," as used in this section, shall have the same meaning as in the said United States Standards; and the terms "medium" and "large or jumbo," as used in this section, shall relate to and designate the respective sizes specified for such terms. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and Order No. 117 (Part 1017 of this chapter; 22 F. R. 26).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 21, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-6990; Filed, Aug. 23, 1957; 8:49 a. m.]

TITLE 12—BANKS AND BANKING

Chapter IV—Export-Import Bank of Washington

PART 401—PROCEDURES

PART 402—EXTENSION OF CREDIT

The Board of Directors of the Export-Import Bank of Washington approved a condensed "Statement of Policy" with respect to the operations of the Bank and procedures for filing loan applications, said statement being attached to these minutes.

The Board directed that the statement be filed with the National Archives for publication in the FEDERAL REGISTER in accordance with §§ 1.32 and 1.35 of Title I of the Code of Federal Regulations.

I, Edward S. Conger, Acting Secretary of Export-Import Bank of Washington, do hereby certify that the foregoing excerpt is a true and correct copy of a portion of the minutes of a meeting of the Board of Directors of said Bank held on the 15th day of August 1957.

In witness whereof, I have hereunto set my hand and the seal of said Bank this 20th day of August 1957.

[SEAL] EDWARD S. CONGER,
Acting Secretary.

1. Part 401, Procedures, is revised to read as follows:

Sec.
401.1 Types of assistance available.
401.2 How to apply.
401.3 Principals, agents, certifications and covenants.

AUTHORITY: §§ 401.1 to 401.3 issued under sec. 2, 59 Stat. 526, as amended; 12 U. S. C. 635.

§ 401.1 *Types of credit assistance available*—(a) *Direct financing.* The Bank engages in direct financing of exports when it purchases from an exporter without recourse upon him a portion of the notes or acceptances of a foreign importer received by the exporter in connection with an export sale. In a like manner, direct financing of exports is provided by the Bank when it makes loans to a United States or foreign private entity or foreign government for purchases of United States materials, equipment or services destined for a project abroad. Similarly, the Bank directly finances imports when it purchases the obligation of a United States importer in connection with an import transaction.

(b) *Guaranties.* In lieu of direct purchase of obligations by the Bank, the financing of either exports or imports is frequently provided through guaranties extended directly to exporters or importers, or through purchase of the obligations from them by a commercial bank or other financial institution in the United States under an agency or guaranty agreement with the Export-Import Bank. Such guaranties may cover all of the risks of repayment or, if so requested, may be limited to coverage only of dollar transfer or other specified risks.

(c) *Advance commitments.* United States exporters who expect to bid on specific foreign business may consult the Export-Import Bank prior to submission of bids in order to obtain an understanding of the conditions under which the Bank might consider the granting of a credit or a guaranty. In instances in which sufficient information is supplied with respect to the prospective buyer and the proposed transaction, the Bank will issue a commitment to enable the exporter to make a bid or negotiate a contract of sale.

§ 401.2 *How to apply*—(a) *Method of application.* Applications to Export-Import Bank should be in writing but no application form is prescribed. The applicant should present all the information on which he relies to justify financial assistance by the Bank. Additional information, if required, will be requested by the Bank after review of the initial submission. Alternatively, preliminary inquiry may be made in a letter to the Bank outlining the proposed transaction. On the basis of the information contained in such a letter, the Bank should be able to indicate whether it would be advisable for the applicant to take the time and incur the expense involved in preparation of a complete application.

(b) *Classes of applicants.* Applicants may be divided into three general types as follows: (1) United States exporters or importers, (2) private firms, whether domiciled in the United States or abroad, that desire to purchase United States materials, equipment, or services for utilization in a project abroad, and (3) foreign governments or their agencies that wish to purchase United States materials, equipment, or services for utilization in a project abroad.

§ 401.3 *Principals, agents, certifications and covenants*—(a) *Principals.* Applications for credits must be signed by the principals involved. In the case of a corporation or similar entity, a duly authorized officer of the entity shall sign on its behalf. In the case of a government, a duly accredited representative of the government shall sign on its behalf. In the case of a United States exporter seeking financing of the sale of goods to a foreign buyer on credit terms, the exporter shall constitute the principal.

(b) *Agents.* The Bank prefers to deal with principals, especially in negotiations leading up to the granting of a loan, but the applicant has the right to engage attorneys, engineers, or other qualified persons to advise and aid in preparing material required by the Bank in connection with a loan application or with the operation of a loan which has been granted.

(c) *Certification.* (1) Every person, including any foreign government or an agency thereof, individual, partnership, corporation, or association, in whose favor the Bank authorizes the extension of financial assistance within the purview of the Export-Import Bank Act of 1945, as amended, shall, as a condition precedent to the utilization of such financial assistance, represent and certify to the Bank in such form and at such time or times as may be prescribed by the Bank that:

(i) Such person has not paid or agreed to apy to any person including any individual, partnership, corporation, or association, except its regular full-time individual employees or staff members to the extent of their regular remuneration, any commission, fee, or compensation in connection with obtaining such financial assistance, except such amounts as are included in the certificate, such certificate to set forth the name and address of each such person or persons, together with the description of the services rendered, accompanied by the verification of the recipient or beneficiary of an agreement to pay named in the certificate required hereunder.

(ii) No employee, agent, attorney, or consultant, of such person who performed services in connection with obtaining such financial assistance was a Director, officer, or employee of the Bank during the period of one year immediately preceding the authorization of the extension of such financial assistance.

(2) Upon a determination by the Board of Directors that any commission, fee, or other compensation paid or agreed to be paid in connection with the obtaining of such financial assistance and disclosed in the certification required under this subsection is unreasonable, the person in whose favor the extension of financial assistance has been authorized shall as a condition precedent to the utilization of such assistance, effect an adjustment satisfactory to the Bank in such commission, fee, or other compensation.

(3) Every person, including any foreign government or agency thereof, individual, partnership, corporation, or association, in whose favor the Bank authorizes the extension of financial assistance within the purview of the Export-Import Bank Act of 1945, as

amended, shall, as a condition precedent to each advance:

(i) If such person is the supplier of the equipment, materials, or services with respect to which the advance has been requested, certify that, other than as disclosed to the Bank, no payments, allowances, or charges in connection with the sale of, or obtaining the contract to sell, such equipment, materials, or services have been paid or granted or agreed to be paid or granted by such person to any other person, except such person's regular full-time individual employees or staff members to the extent of their regular remuneration.

(ii) If such person is not the supplier of the equipment, materials, or services with respect to which the advance has been requested,

(*a*) Certify that such person has paid or agreed to pay for the equipment, materials, or services with respect to which the advance has been requested, no more and no less than the amounts which such person has certified to the Bank as the purchase price and all payments, allowances, and charges connected therewith.

(*b*) Furnish the Bank with a certificate of the supplier of the equipment, materials, or services, with respect to which the advance has been requested, addressed to the Bank and setting forth that such supplier has not, other than as disclosed to the Bank, paid or granted or agreed to pay or grant to such person or any other person, except such supplier's regular full-time individual employees to the extent of their regular remuneration, any payments, allowances or charges in connection with the sale of, or obtaining the contract to sell, such equipment, materials, or services.

(d) *Covenants.* (1) Every person, including any foreign government or an agency thereof, individual, partnership, corporation, or association, in whose favor the Bank authorizes the extension of financial assistance within the purview of the Export-Import Bank Act of 1945, as amended, shall, as a condition precedent to the utilization of such financial assistance, covenant and agree with the Bank in such form as may be prescribed by the Bank that:

(i) Such person will not during the period of two years following the authorization of the extension of such financial assistance employ or enter into any understanding to employ any person who is a Director, officer, or employee of the Bank or was a Director, officer, or employee of the Bank during the period of one year prior to the authorization of the extension of such financial assistance, unless such employment is approved in writing by the Bank after full disclosure to the Bank of all facts in connection therewith which the Board of Directors shall deem to be relevant.

(ii) Such person has not paid or agreed to pay and will not pay or agree to pay to any person including any individual partnership, corporation, or association except its regular full-time individual employees or staff members to the extent of their regular remuneration, any fee, commission, or compensation in connection with obtaining such financial assistance, except for reasonable compensation satisfactory to the Bank for bona fide professional, technical, or other comparable services incident to presenting the merits of the application and operation of the credit and such person will certify to the Bank any such amounts, such certificates to set forth the name and address of each such person together with a description of the services rendered, accompanied by the verification of the recipient or beneficiary of an agreement to pay named in the certificate required hereunder.

(2) Upon a determination by the Board of Directors that any commission, fee, or other compensation paid or agreed to be paid in connection with the obtaining of such financial assistance and disclosed in the certification or covenants required under this sub-section is unreasonable, the person in whose favor the extension of financial assistance has been authorized shall, as a condition precedent to the utilization of such assistance, effect an adjustment satisfactory to the Bank in such commission, fee, or other compensation.

(e) *Remedies and penalties.* (1) The certificates, representations, and covenants provided for in this part are deemed to be material to and an inducement for the extension by the Bank of such financial assistance and falsifications in any such representation or certificate or the breach of any such covenant shall entitle the Bank to cancel any commitment for the extension of financial assistance to such person or such additional remedies as may be provided in the credit agreement.

(2) The remedies of the Bank provided for in this section and in the contract shall be in addition to any liability or penalty provided by law including those provided for in 18 U. S. C. 1001.[1]

(f) *List of loans, borrowers, and representatives before the Bank.* The Bank will maintain for public inspection during regular hours of business the following information with respect to its operations:

(1) The name of each person including any government, government agency, individual, partnership, corporation, or association in whose favor the Bank has authorized financial assistance;

(2) The amount of such financial assistance, the undisbursed part of such amount, the principal outstanding;

(3) The purpose of such financial assistance; and

(4) The names of all persons who have been certified to the Bank as authorized to act for or on behalf of the respective recipients of financial assistance from the Bank and of all persons listed in certificates required in connection with paragraphs (c) (1) (i) and (d) (1) (ii) of this section.

2. Part 402, Extension of Credit, is revised to read as follows:

Sec.
402.1 Basic principals.
402.2 Maturities, interest rates, and participation.
402.3 Marine transportation and insurance.

AUTHORITY: §§ 402.1 to 402.3 issued under sec. 2, 59 Stat. 526, as amended; 12 U. S. C. 635.

§ 402.1 *Basic principles.* The Export-Import Bank is guided in its operations by the following basic principles:

(a) The Bank extends loans, guaranties, or financial assistance in other forms for the primary purpose of promoting the export and import trade of the United States. This foreign trade may be assisted, for example, by financing specific exports of United States products or by financing exports of equipment, materials, and services required for specific developments abroad. Foreign trade may also be promoted through financing to build up the economy, increase employment and raise income levels in foreign countries, which thereby afford better markets for American products or become better suppliers of imports required by the United States. Imports can usually be financed through normal commercial channels; but in exceptional cases where private financing is not available the Bank may assist in their financing.

(b) The Bank generally makes loans only for specific purposes. A corollary of this principle is that disbursements under a commitment by the Bank are made only upon receipt of satisfactory evidence that the purpose of the loan have been or are being carried out.

(c) The Bank makes only loans which offer reasonable assurance of repayment. This assurance usually involves not only the credit-worthiness of the borrower but also the ability of the borrower to obtain the necessary dollar exchange to service the loan.

(d) As a general rule, the Bank extends credit only to finance purchases of materials and equipment produced or manufactured in the United States together with technical services of American firms and individuals, as distinguished from expenditures for goods and services in the borrowing country or for purchases in third countries.

(e) The Bank supplements and encourages the utilization of private capital in export and import trade and in foreign investment generally. Financial assistance is not extended by the Bank for any purpose if capital for the same purpose is believed to be obtainable from private sources on reasonable terms.

(f) In the absence of a clear showing to the contrary, it is assumed that credit for periods of less than one year may be obtained on reasonable terms from private sources. Accordingly, the Bank generally limits its consideration to transactions justifying credit of one year or more.

(g) The Bank is prepared to consider proposals for the purchase of portions of its portfolio by commercial banks or other private investors.

[1] Section 18 U. S. C. 1001 provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both." (June 25, 1948, ch. 645, sec. 1, 62 Stat. 749.)

§ 402.2 *Maturities, interest rates, and participation*—(a) *Maturities.* The maturities of credits granted by the Export-Import Bank are arranged in accordance with the circumstances in each case. Generally speaking they are commensurate with those customarily extended in the United States for similar goods or projects. Principal amounts are ordinarily made payable in equal semiannual or quarterly installments.

(b) *Interest rates.* In determining rates of interest to be charged on loans, the Bank will take into consideration the maturity of the loan and the extent of credit risk to be assumed by the Bank as affected by such guaranties as may be offered, as well as prevailing United States commercial and government rates. Interest is computed on the outstanding balance and is usually payable semiannually or quarterly.

(c) *Participation.* The Bank ordinarily requires that a United States exporter who desires financial assistance from it shall have contracted to receive a cash payment of not less than 20 percent of the invoice value not later than delivery of the goods, and that the exporter shall participate in the financing to the extent of not less than 25 percent of the financed portion. Similarly if the applicant is the foreign buyer he should, wherever possible, arrange participation in the financing by the proposed United States exporter.

§ 402.3 *Marine transportation and insurance*—(a) *Marine transportation.* Public Resolution No. 17, Seventy-Third Congress, requires that exports of agricultural or other products fostered by loans made by any instrumentality of the United States Government shall be carried exclusively in vessels of United States registry unless it is determined by the Maritime Administration that such vessels are not available in sufficient numbers or in sufficient tonnage capacity or on necessary sailing schedule or at reasonable rates. When appropriate the Bank is prepared to finance United States inland freight and ocean freight under the relative credit.

(b) *Insurance.* When the Bank determines that shipments of exports financed through its credits must be covered by marine insurance, the insurance contracts shall be satisfactory to the Bank and shall provide that payments for loss or damage will be made in United States dollars. When such insurance contracts are placed in the United States market the Bank is prepared to finance the premiums under the relative credit.

[F. R. Doc. 57-6965; Filed, Aug. 23, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6623]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CALIFORNIA FISH CANNERS ASSOCIATION, INC., ET AL.

Subpart—*Coercing and intimidating:* § 13.345 *Competitors:* By policing operations.[1] Subpart—*Combining or conspiring:* § 13.397 *To control or restrict marketing or trading methods, practices and conditions;* § 13.410 *To eliminate or restrain competition in conspirators goods;* § 13.430 *To enhance, maintain or unify prices;* § 13.452 *To limit production;* § 13.475 *To restrict competition in buying.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, California Fish Canners Association, Inc. (Terminal Island, Calif.), et al., Docket 6623, July 24, 1957]

In the matter of California Fish Canners Association, Inc., its officers, directors and members; and F. E. Booth Company, Inc.; California Marine Curing & Packing Co.; Franco-Italian Packing Co., Inc.; High Seas Tuna Packing Co., Inc.; Pan-Pacific Fisheries, Inc.; The Quaker Oats Company; South Coast Fisheries, Inc.; and South Pacific Canning Co., Inc., West Shore Company, Carleton E. Byrne, Esther J. Byrne, Robert C. Jackson, Edith Lloyd Smith and Lloyd Melvin Smith, doing business as South Pacific Canning Company; Star-Kist Foods, Inc.; Breast-o'-Chicken Tuna, Inc. (formerly named Sun Harbor Packing Company); Van Camp Sea Food Company, Inc.; Walter M. Longmoor, Jerrold E. Spangler and Thomas A. Thomas, doing business as Western Canners Company; and Westgate-California Corporation (legal successor to Westgate-California Tuna Packing Company), all individually and as members of California Fish Canners Association, Inc.; Columbia River Packers Association, Inc.; American Tunaboat Association, its officers, directors and members; and W. Wade Ambrose, Vernon M. Brown, John G. Cardosa, S. Crivello, Arthur De Fever, Frank H. Gonsalves, Jr., Luigi Guidi, William A. Hoss, Sverre Jangaard, Anthony D. Madruga, Edward X. Madruga, Ralph X. Madruga, M. O. Medina, H. Morgan, Joseph Penacho, Frank M. Perry, Joseph N. Pombo, Joseph S. Rogers, Manuel Serpa, Edward P. Silva, Manuel E. Simas, Francis W. Szalinski, Louis Vattuone, and John Zolezzi, individually, as officers, directors and as representative of the entire membership of American Tunaboat Association, and Harold F. Cary and W. M. Chapman, individually and as General Manager and Director of Research, respectively, of American Tunaboat Association; Fishermen's Association of San Pedro (legal successor to Fishermen's Cooperative Association of San Pedro), its officers, directors and members; and Tony Barcott, Joe Califano, Anthony Dileva, Matt Dragich, Bill Horner, Andrew Rafkin, and Andrew Tipich, individually, as officers, directors and as representative of the entire membership of Fishermen's Cooperative Association of San Pedro; California Commercial Fishermen's Association, Inc., its officers, directors and members, and Robert Austin, Robert C. Carpenter, Fred Delight, Russell Farnell, Richard Francis, John Hansen, Jack Holland, Gus Johansen, George Knowlton, Nick Larsen, and Douglas Pate, individually, as officers, directors and as representative of the entire membership of California Commercial Fishermen's Association, Inc.; Five Star Fish and Cold Storage, its officers, directors and members; and E. E. Allen, A. L. Barrett, R. C. Bradley, L. E. Brady, Scott Haselton, V. L. Samson, William Self, Charles Smith, Charles White, Wendell White, and Tony Zarkos, individually, as officers, directors and as representative of the entire membership of Five Star Fish and Cold Storage; Fishermen's Cooperative Association (of Seattle), its officers, directors and members; and Reidar Hammer, Dan Hjort, Bert G. Johnston, Adam Kanzler, Kristian Kyvik, Harry J. McCool, Henry Parpart and Neil Rasmussen, individually, as officers, directors and as representative of the entire membership of Fishermen's Cooperative Association (of Seattle); Salmon Trollers Marketing Association, Inc., its officers, directors and members; and Erwin Baker, Paul Lackey and Neva Miller, individually, as officers, directors and as representative of the entire membership of Salmon Trollers Marketing Association, Inc.; Federated Fishermen's Association, Inc., its officers, directors and members; and Mason Case, Fred Makela and Chester White, individually, as officers, directors and as representative of the entire membership of Federated Fishermen's Association, Inc., and Bert G. Johnston, John Hansen, Harry J. McCool, Neva Miller and Tony Zarkos, as officers, directors and as representative of the entire membership of Federated Fishermen's Association, Inc.; Cannery Workers & Fishermen's Union of San Diego (incorrectly referred to in the complaint as Cannery Workers & Fishermen's Union of the Pacific), its officers, trustees and members; and Gus Adams, P. Akersborg, Lester Balinger, Frank Currier, A. Landowsky, George Ledesma, Fred Martinez, Howard Moore, Guy Russell, Frank Silva, Manuel Souza and Jack Tarantino, individually, as officers, trustees and as representative of the entire membership of Cannery Workers & Fishermen's Union of the Pacific; Local No. 33, Fishermen and Allied Workers Division, International Longshoremen & Warehousemen's Union, its officers, trustees, members of the Executive Board and members; and Pete Andrich, Pete Boskovich, Steve Columbic, Al Despot, Andy Fiamengo, Paul Higashi, George Ivankovich, Milenko D. Kolumbic, Nick Lovrich, John Lukrich, Steven Setka, Anthony Sokolich, Dick Tomich, Nick Uglesich, and Mike Vladimir, individually, as trustees, officers, directors or members of the Executive Board, and as representative of the entire membership of Local No. 33, Fishermen and Allied Workers Division, International Longshoremen & Warehousemen's Union; Seine and Line Fishermen's Union of San Pedro, its officers, trustees, members of the Executive Board and members; and Pete Balestreri, John Calise, Sam Ciolino, Carmine DeMeglio, Pat DiMassa, John Ghio, Nick Pecoraro, Victor Rosselli, and Kiyohi Shigekawa, individually, as officers, trustees or members of the Executive Board, and as representative of the entire membership of Seine

[1] New.

and Line Fishermen's Union of San Pedro.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a substantial part of the West Coast tuna industry, including an association of canners and its eight corporate members, seven associations of tuna boat owners, and three area unions of fishermen and cannery workers, with concerted fixing of prices for the purchase and sale of canned, raw, and frozen tuna fish, and suppressing competition in the industry, including the practices of curtailing the volume and raising the prices of tuna imported from Japan, maintaining a patrol of all fishing boats coming into San Pedro harbor to unload at the canneries to ascertain that they sold all tuna at the established prices and paid an assessment for the maintenance of the patrol, coercing buyers to pay fixed prices, and on the part of the canners' association, collecting statistics of individual inventories, purchases, sales, etc., for price-fixing purposes.

After service of the complaint, agreements containing consent orders, each with several appended provisos, were entered into between complaint counsel and certain of the respondents or their counsel. The agreements were rejected as inappropriate by the hearing examiner who based his conclusion not on the scope of the injunctive provisions but on his view that the provisos detracted from their clarity or were unnecessary.

From his decision, all parties filed joint appeal, and the Commission, disagreeing with the hearing examiner's decision, on July 24, 1957, accepted the agreements and made its findings and orders to cease and desist. The orders include dismissals of the complaint against a number of canners and individuals.

The orders to cease and desist, including the several said provisos and order requiring reports of compliance therewith, are as follows:

I. *It is ordered*, That the respondents California Marine Curing & Packing Co.; Franco-Italian Packing Co., Inc.; Pan-Pacific Fisheries, Inc.; South Coast Fisheries, Inc.; Star-Kist Foods, Inc.; Breast-o'-Chicken Tuna, Inc. (named in the complaint as respondent Sun Harbor Packing Company); Van Camp Sea Food Company, Inc.; and Westgate-California Corporation (the legal successor to the respondent named in the complaint as Westgate-California Tuna Packing Company), their respective successors and assigns, agents, representatives, employees, directly or through any corporate or other device, in connection with the purchase or sale or offering to purchase or to sell in commerce, as "commerce" is defined in the Federal Trade Commission Act, of canned tuna fish, raw tuna fish, or frozen tuna fish, in any form for canning, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common and concerted course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

1. To establish, fix, or maintain prices, terms or conditions of sale for the purchase or sale of raw or frozen tuna;

2. To refuse to sell canned tuna fish on a consignment basis, or to compel or to coerce any processor or canner not to sell canned tuna fish on a consignment basis;

3. To negotiate jointly or collectively, by any means or method, in the purchase or sale of raw, canned or frozen tuna, in any form for canning:

Provided, That nothing in this order shall be interpreted to prevent any of said respondent Canners from individually negotiating and agreeing, in the purchase of raw or frozen tuna fish for canning by said Canner, as to the price, terms or conditions of sale with any fishing vessel or other individual seller of such fish or with any Cooperative Association of fishermen acting pursuant to the Fishermen's Cooperative Marketing Act (15 U. S. C. Pars. 521–522):

Provided further, However, that if any respondent Canner enters into any contract or agreement with any Cooperative Association of Fishermen acting pursuant to the said Fishermen's Cooperative Marketing Act, for the purchase of raw or frozen tuna caught by any cooperative member vessel in which said Canner has an interest, said Canner shall not, during the term of said contract or agreement, exercise any control inconsistent with said contract or agreement, over the marketing, sale, delivery or disposition of such raw or frozen tuna fish.

Provided further, That nothing in this order shall be interpreted to prevent bona fide collective bargaining between any such respondent in its capacity as the owner or operator of any fishing vessel and any employee or employees thereon, or the Union to which they belong, with respect to their wages, hours or working conditions.

II. *It is further ordered*, That the respondent California Fish Canners Association, Inc., its officers and directors, and respondents California Marine Curing & Packing Co.; Franco-Italian Packing Co., Inc.; Pan-Pacific Fisheries, Inc.; South Coast Fisheries, Inc.; Star-Kist Foods, Inc.; Breast-o'-Chicken Tuna, Inc.; Van Camp Sea Food Company, Inc.; and Westgate-California Corporation, their respective successors and assigns, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase or sale or offering to purchase or to sell in commerce, as "commerce" is defined in the Federal Trade Commission Act, of canned tuna fish, or frozen tuna fish, in any form, for canning, do forthwith cease and desist from entering into, or continuing, cooperating in or carrying out any planned common and concerted course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts, or things:

1. To establish, fix or maintain prices, terms or conditions of sale for the purchase or sale of canned tuna or of imported tuna fish, in any form, for canning;

2. To collect or to compile, for the purpose or with the effect of fixing or maintaining prices, terms or conditions of sale of canned tuna fish, statistical compilations or reports, in any form, showing, for the processors or canners furnishing same, for any period of time, the number of cases of canned tuna packed, or the number sold, or the number purchased from others, or the number of cases on hand at the end of any particular period, or showing any other similar information;

3. To restrain or to suppress competition, by any means or method, from canned tuna fish, or frozen tuna fish, in any form, for canning, imported into the United States from any other country, which has for its purpose or effect the curtailing of the volume of such imports or the raising of the prices of such imports of canned tuna fish or frozen tuna fish, in any form, for canning:

Provided, That nothing in this order shall be interpreted:

(a) To prohibit the joint collection of factual information in any exporting country for the purpose of its presentation to any agency of the United States, or of any State or to Congress:

(b) To prohibit one or more of the aforesaid respondents from entering into or continuing a bona fide partnership, joint operation, or venture for the purchase in, or from, any exporting country of canned tuna fish, or frozen tuna fish, in any form, for canning; but this proviso shall not be construed as an approval or disapproval of the legality of any specific partnership, joint operation or venture, or as permitting the formation or continuation of such a partnership, joint operation or venture, where the purpose or the effect of same is to render ineffectual or unenforceable any of the inhibitions of this order;

(c) To prevent any respondent canner from directing the operations of any corporation which it utilizes in marketing its canned tuna fish and which is wholly or substantially owned by the same interests, where such marketing operations do not result in any restraint of trade.

It is further ordered, That the complaint be dismissed as to the respondents F. E. Booth Company, Inc.; High Seas Tuna Packing Co., Inc.; Quaker Oats Company; South Pacific Canning Co., Inc.; West Shore Company, Carleton E. Byrne, Esther J. Byrne, Robert C. Jackson, Edith Lloyd Smith and Lloyd Melvin Smith, doing business as South Pacific Canning Company; and Walter M. Longmoor, Jerrold E. Spangler and Thomas A. Thomas, doing business as Western Canners Company; and Columbia River Packers Association, Inc.

III. *It is further ordered*, That respondents American Tunaboat Association, a corporation organized and existing under the laws of the State of California; Fishermen's Association of San Pedro (the legal successor to Fishermen's Cooperative Association of San Pedro, which was named as party respondent in the complaint, and under which name this said respondent is conducting business), a corporation organized and existing under the laws of the State of California; California Commercial Fishermen's Association, Inc., a corporation organized and existing under the laws of the State of California; Five Star Fish and Cold Storage, a corporation organized and existing under the laws of the State of California; Salmon Trollers Marketing Association, Inc., a corporation organized and existing under the laws of the State of California; and Federated Fishermen's Association, Inc., a corporation organized and existing under the laws of the State of California; and each of said respondents, and their respective successors and assigns, and each and all of them, acting by or through any of their respective officers, directors, agents, employees or members, directly or through any corporate or other device, in connection with the sale or purchase or offering to sell or purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of raw tuna fish in any form for canning, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common and concerted course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and any other respondent or respondents in the instant case, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

1. To negotiate jointly or collectively, by any means or method, in the sale or purchase of raw tuna fish, or to establish, fix or maintain prices, terms or conditions of sale for the sale or purchase of said raw tuna fish, except in the manner and to the extent authorized by law, as hereinafter set forth in the first proviso hereto;

2. To threaten, coerce or compel, by any means or method, as a condition or requirement for the purchase or prospective purchase of said raw tuna fish, the prior simultaneous or subsequent purchase of any other type or species of raw fish;

3. To threaten, coerce or compel, by any means or method, as a condition or requirement for the purchase or prospective purchase of any other type or species of raw fish, the prior, simultaneous or subsequent purchase of raw tuna fish;

4. To participate in, oversee, or contribute to any assessment or levy, by whatever name called or by whatever means computed, for the purpose or with the effect of attempting to establish, fix or maintain, or establishing, fixing or maintaining prices for the purchase or sale of raw tuna fish, by the patrolling of waters or harbors leading into or forming part of any port or ports;

5. To curtail or attempt to curtail the importation of raw or frozen tuna from any foreign country into the United States by any means or method not permitted by law.

6. To create, form, maintain or operate or to attempt to create, form, maintain or operate any corporation, association, group or organization of those who own, control or operate fishing boats which are engaged wholly or partially in the catching of raw tuna, by whatever name called, without its having control over the marketing, sale, delivery and disposition of raw tuna fish caught by all of its members.

Provided, however, That nothing herein shall prevent any association of bona fide tuna fishermen acting pursuant to and in accordance with the provisions of the Fishermen's Cooperative Marketing Act (15 U. S. C. A. Pars. 521–522) from performing any of the acts and practices permitted by said act.

Provided further, The fact that any of the aforesaid corporations may have negotiations with any prospective purchaser for the purchase and sale of future catches of tuna by any of its members, for the purpose or with the effect of entering into, or which actualy results in, or does not result in, a contract or agreement for the purchase and sale of any type or species of fish other than raw tuna, in addition to the purchase and sale of said raw tuna, shall not, in itself, be interpreted or construed as violation of the aforesaid subsections 2 or 3.

Provided further, That nothing herein contained shall prevent the proper enforcement by any of the aforesaid corporations of any existing contract or contracts which it has, or may have, with its own members or any purchasers of raw tuna fish caught by its members.

It is further ordered, That the charges of the complaint be, and they hereby are, dismissed as to the respondent individuals joined as parties hereto in Paragraphs 3, 4, 5, 6, 8 and 9 of the complaint in their individual capacities and in their capacities as officers, directors and representatives of all the members of respondents American Tunaboat Association, Fishermen's Association of San Pedro, California Commercial Fishermen's Association, Inc., Five Star Fish and Cold Storage, Salmon Trollers Marketing Association, Inc., and Federated Fishermen's Association, Inc.

IV. *It is further ordered*, That respondents Cannery Workers & Fishermen's Union of San Diego (incorrectly referred to in the complaint as Cannery Workers & Fishermen's Union of the Pacific); its officers, trustees and members; Gus Adams, Lester Balinger, Frank Currier, A. Landowsky, George Ledesma, Frank Silva and Jack Tarantino, individually, as officers, trustees and as representative of the entire membership of Cannery Workers & Fishermen's Union of San Diego; and each of said respondents, together with all of the members of the respondent Union, and the successors, assigns, agents, representatives and employees of said respondent Union, directly or through any corporate or other device, in connection with the purchase or sale in commerce, as "commerce" is defined in the Federal Trade Commission Act, of raw tuna fish do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common and concerted course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and any other respondent or respondents in the instant case, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

1. To establish, fix or maintain prices, for the sale or purchase of said raw tuna fish;

2. To threaten, coerce or compel, by any means or method, as a condition or requirement for the purchase or prospective purchase of said raw tuna fish, the prior, simultaneous or subsequent purchase of any other type or species of raw fish;

3. To threaten, coerce or compel, by any means or method, as a condition or requirement for the purchase or prospective purchase of any other type or species of raw fish, the prior, simultaneous or subsequent purchase of raw tuna fish;

4. To negotiate jointly or collectively, by any means or method, for the sale or purchase of said raw tuna fish;

5. Participating in, overseeing, or contributing to any assessment or levy, by whatever name called or by whatever means computed, for the purpose or with the effect of attempting to establish, fix or maintain, or establishing, fixing or maintaining prices for the purchase or sale of raw tuna fish, by the patrolling of waters or harbors leading into or forming part of any port or ports;

6. To threaten, coerce or compel, by any means or method, purchasers or prospective purchasers of any raw tuna fish, to pay, adhere to, or comply with, any particular or specific prices for the purchase or sale of same;

Provided, however, Nothing herein contained shall be construed or interpreted as preventing or prohibiting any respondent, individually, from purchasing or selling or bargaining for the purchase or sale of any such raw tuna fish with any single buyer or seller;

Provided further, That nothing herein contained shall prevent genuine collective bargaining between respondent Union and any employer or employers with respect to rates of pay or wages, hours and working conditions of any employee members of said Union, or activities in relation thereto, or shall prevent or prohibit said Union from performing any of the acts or practices permitted by the provisions of the Labor-Management Relations Act, 1947 (act of June 23, 1947, Public Law 101, 80th Congress) or any other lawfully authorized Union activities:

Provided further, The fact that the respondent Union, acting on behalf of its members, may have negotiations with any employer or employers of said members for compensation relating to future catches of tuna by any of said members, for the purpose or with the effect of entering into, or which actually results in, or does not result in a working agreement relating to the compensation for the catching of any type or species of fish other than raw tuna, in addition to the compensation for catching said raw tuna, shall not, in itself, be interpreted or construed as a violation of the aforesaid subsections 2 or 3:

Provided further, That nothing herein contained shall be construed as preventing the enforcement, against the other parties thereto, by patrol or other means,

by the respondent Union of any contract or contracts which it now has, or may have, at the time of the aforesaid enforcement, with its own members, pertaining to their relationship as members of said Union, or with any employer or employers of said members pertaining to rates of pay or wages, hours or working conditions of such members as employees;

Provided further, That nothing herein contained shall prevent bona fide fishermen members of respondent Union, or the Union itself while acting on behalf of its members, where the specific raw tuna fish has already been caught by said members and cannot otherwise be sold or disposed of in accordance with the existing contract between the employer of said members and the purchaser or purchasers named in said contract, from negotiating in good faith for the sale or to sell such specific fish for the benefit of the members who caught same:

Provided further, That nothing herein contained shall be construed as preventing the respondent Union from taking proper action on behalf of its members who participated in a particular catch of raw tuna fish, or the members themselves, to protect the interest of such members against a purchaser of said fish who refuses or fails to comply with, or abide by, the terms, conditions or provisions of an existing contract covering said catch, to enforce said contract.

V. *It is further ordered,* That respondents Local No. 33, Fishermen and Allied Workers Division, International Longshoremen & Warehousemen's Union, its officers, trustees, members of the Executive Board and members; Paul Higashi, Milenko D. Kolumbic, Nick Lovrich and Steve Setka, individually, as trustees, officers, directors or members of the Executive Board, and as representative of the entire membership of Local No. 33, Fishermen and Allied Workers Division, International Longshoremen & Warehousemen's Union; and each of said respondents together with all of the members of the respondent Union, and the successors, assigns, agents, representatives and employees of said respondent Union, directly or through any corporate or other device, in connection with the purchase or sale in commerce, as "commerce" is defined in the Federal Trade Commission Act, of raw tuna fish do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common and concerted course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and any other respondent or respondents in the instant case, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

1. To establish, fix, or maintain prices, for the sale or purchase of said raw tuna fish;

2. To threaten, coerce or compel, by any means or method, as a condition or requirement for the purchase or prospective purchase of said raw tuna fish, the prior, simultaneous or subsequent purchase of any other type or species of raw fish;

3. To threaten, coerce or compel, by any means or method, as a condition or requirement for the purchase or prospective purchase of any other type or species of raw fish, the prior, simultaneous or subsequent purchase of raw tuna fish;

4. To negotiate jointly or collectively, by any means or method, for the sale or purchase of said raw tuna fish;

5. Participating in, overseeing, or contributing to any assessment or levy, by whatever name called or by whatever means computed, for the purpose or with the effect of attempting to establish, fix or maintain, or establishing, fixing or maintaining prices for the purchase or sale of raw tuna fish, by the patrolling of waters or harbors leading into or forming part of any port or ports;

6. To threaten, coerce or compel, by any means or method, purchasers or prospective purchasers of any raw tuna fish, to pay, adhere to, or comply with, any particular or specific prices for the purchase or sale of same.

Provided, however, Nothing herein contained shall be construed or interpreted as preventing or prohibiting any respondent, individually, from purchasing or selling or bargaining for the purchase or sale of any such raw tuna fish with any single buyer or seller:

Provided further, That nothing herein contained shall prevent genuine collective bargaining between respondent Union and any employer or employers with respect to rates of pay or wages, hours and working conditions of any employee members of said Union, or activities in relation thereto, or shall prevent or prohibit said Union from performing any of the acts or practices permitted by the provisions of the Labor-Management Relations Act, 1947 (act of June 23, 1947, Pub. Law 101, 80th Cong.) or any other lawfully authorized Union activities:

Provided further, The fact that the respondent Union, acting on behalf of its members, may have negotiations with any employer or employers of said members for compensation relating to future catches of tuna by any of said members, for the purpose or with the effect of entering into, or which actually results in, or does not result in a working agreement relating to the compensation for the catching of any type or species of fish other than raw tuna, in addition to the compensation for catching said raw tuna, shall not, in itself, be interpreted or construed as a violation of the aforesaid subsections 2 or 3;

Provided further, That nothing herein contained shall be construed as preventing the enforcement, against the other parties thereto, by patrol or other means, by the respondent Union of any contract or contracts which it now has, or may have, at the time of the aforesaid enforcement, with its own members, pertaining to their relationship as members of said Union, or with any employer or employers of said members pertaining to rates of pay or wages, hours or working conditions of such members as employees;

Provided further, That nothing herein contained shall prevent bona fide fishermen members of respondent Union, or the Union itself while acting on behalf of its members, where the specific raw tuna fish has already been caught by said members and cannot otherwise be sold or disposed of in accordance with the existing contract between the employer of said members and the purchaser or purchasers named in said contract, from negotiating in good faith for the sale or to sell such specific fish for the benefit of the members who caught same;

Provided further, That nothing herein contained shall be construed as preventing the respondent Union from taking proper action on behalf of its members who participated in a particular catch of raw tuna fish, or the members themselves, to protect the interest of such members against a purchaser of said fish who refuses or fails to comply with, or abide by, the terms, conditions or provisions of an existing contract covering said catch, to enforce said contract.

VI. *It is further ordered,* That respondents, Seine and Line Fishermen's Union of San Pedro, its officers, trustees, members of the Executive Board and members; and John Calise, Pat DiMassa, Nick Pecoraro and Kiyohi Shigekawa, individually, as officers, trustees or members of the Executive Board, and as representatives of the entire membership of Seine and Line Fishermen's Union; and each of said respondents together with all of the members of the respondent Union, and the successors, assigns, agents, representatives and employees of said respondent Union, directly or through any corporate or other device, in connection with the purchase or sale in commerce, as "commerce" is defined in the Federal Trade Commission Act, of raw tuna fish do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common and concerted course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and any other respondent or respondents in the instant case, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

1. To establish, fix or maintain prices, for the sale or purchase of said raw tuna fish;

2. To threaten, coerce or compel, by any means or method, as a condition or requirement for the purchase or prospective purchase of said raw tuna fish, the prior, simultaneous or subsequent purchase of any other type or species of raw fish;

3. To threaten, coerce or compel, by any means or method, as a condition or requirement for the purchase or prospective purchase of any other type or species of raw fish, the prior, simultaneous or subsequent purchase of raw tuna fish;

4. To negotiate jointly or collectively, by any means or method, for the sale or purchase of said raw tuna fish;

5. Participating in, overseeing, or contributing to any assessment or levy, by whatever name called or by whatever means computed, for the purpose or with the effect of attempting to establish, fix or maintain, or establishing, fixing or maintaining prices for the purchase or sale of raw tuna fish, by the patrolling of waters or harbors leading into or forming part of any port or ports;

6. To threaten, coerce or compel, by any means or method, purchasers or prospective purchasers of any raw tuna fish, to pay, adhere to, or comply with, any particular or specific prices for the purchase or sale of same.

Provided, however, Nothing herein contained shall be construed or interpreted as preventing or prohibiting any respondent, individually, from purchasing or selling or bargaining for the purchase or sale of any such raw tuna fish with any single buyer or seller;

Provided further, That nothing herein contained shall prevent genuine collective bargaining between respondent Union and any employer or employers with respect to rates of pay or wages, hours and working conditions of any employee members of said Union, or activities in relation thereto, or shall prevent or prohibit said Union from performing any of the acts or practices permitted by the provisions of the Labor-Management Relations Act, 1947 (act of June 23, 1947, Pub. Law 101, 80th Cong.) or any other lawfully authorized Union activities;

Provided further, The fact that the respondent Union, acting on behalf of its members, may have negotiations with any employer or employers of said members for compensation relating to future catches of tuna by any of said members, for the purpose or with the effect of entering into, or which actually results in, or does not result in a working agreement relating to the compensation for the catching of any type or species of fish other than raw tuna, in addition to the compensation for catching said raw tuna, shall not, in itself, be interpreted or construed as a violation of the aforesaid subsections 2 or 3;

Provided further, That nothing herein contained shall be construed as preventing the enforcement, against the other parties thereto, by patrol or other means, by the respondent Union of any contract or contracts which it now has, or may have, at the time of the aforesaid enforcement, with its own members, pertaining to their relationship as members of said Union, or with any employer or employers of said members pertaining to rates of pay or wages, hours or working conditions of such members as employees;

Provided further, That nothing herein contained shall prevent bona fide fishermen members of respondent Union, or the Union itself while acting on behalf of its members, where the specific raw tuna fish has already been caught by said members and cannot otherwise be sold or disposed of in accordance with the existing contract between the employer of said members and the purchasers named in said contract, from negotiating in good faith for the sale or to sell such specific fish for the benefit of the members who caught same;

Provided further, That nothing herein contained shall be construed as preventing the respondent Union from taking proper action on behalf of its members who participated in a particular catch of raw tuna fish, or the members themselves, to protect the interest of such members against a purchaser of said fish who refuses or fails to comply with, or abide by, the terms, conditions or provisions of an existing contract covering said catch, to enforce said contract.

It is further ordered, That the respondents named in this order, except those as to whom the complaint has been hereby dismissed, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 24, 1957.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F. R. Doc. 57-6974; Filed, Aug. 23, 1957; 8:46 a. m.]

[Docket 6697]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

H. B. DAVIS CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.215 *Seals or emblems of investigation, test and approval.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*[1] Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, H. B. Davis Corporation et al., New York, N. Y., Docket 6697, July 31, 1957]

In the Matter of H. B. Davis Corporation, a Corporation; and Harry B. Davis and Charles J. Schwartz, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in New York City with labeling falsely as "All new material consisting of wool batting", bed comforters which contained substantial amounts of fibers other than wool, and with failing to conform to the labeling requirements of the Wool Products Labeling Act; with including in the transparent containers streamers bearing fictitious prices; and with representing falsely in catalogs that their said comforters were "100% All Wool Filled" and bore "Good Housekeeping Seal of Approval".

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 31 the decision of the Commission. The complaint was dismissed as to an individual respondent no longer connected with the company.

The order to cease and desist is as follows:

It is ordered, That the respondents, H. B. Davis Corporation, a corporation, and its officer, Charles J. Schwartz, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting or distributing, in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act, bed comforters or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool" as those terms are defined in said Act:

1. Any such products which are misbranded in that they are falsely or deceptively stamped, tagged, labeled or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. Any such products which are misbranded in that they are falsely or deceptively identified as to prices at which they are sold by retailers in their usual and regular course of business.

3. Any such products which are misbranded in that a stamp, tag, label or other means of identification is not on or securely affixed to such product showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That H. B. Davis Corporation, a corporation, and its officer, Charles J. Schwartz, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distri-

[1] New.

bution of bed comforters or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Misrepresenting in any way the constituent fiber or material used in their merchandise or the respective percentage thereof;

2. Representing in any manner that a certain amount is the usual and regular retail price for their products when such amount is in excess of the price at which their products are usually and regularly sold at retail;

3. Representing directly or by implication that their products are approved by Good Housekeeping Magazine or any other individual, firm, or organization, unless such is the fact.

It is still further ordered, That the complaint be, and the same hereby is, dismissed as to the respondent Harry B. Davis.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents H. B. Davis Corporation, a corporation, and Charles J. Schwartz, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 31, 1957.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 57-6976; Filed, Aug. 23, 1957; 8:47 a. m.]

[Docket 6761]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SIRO FASHIONS, INC. AND JULES ROTH

Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* Wool Products Labeling Act: *Maker or seller, etc.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Siro Fashions, Inc. et al., New York, N. Y., Docket 6761, August 1, 1957]

In the Matter of Siro Fashions, Inc., a Corporation, and Jules Roth, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with violating the Wool Products Labeling Act by failing to stamp or tag ladies' wool dresses so as to show the name or registration number of the manufacturer or other persons, as required by the act.

Following approval of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became, on August 1, 1957, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Siro Fashions, Inc., a corporation and its officers, and Jules Roth, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' dresses or other "wool products" as such products are defined in and subject to said Wool Products Labeling Act, which products contain, purport to contain, or in any way are represented as containing, "wool", "reprocessed wool" or "reused wool" as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 1, 1957.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 57-6977; Filed, Aug. 23, 1957; 8:47 a. m.]

[Docket 6771]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ALRICH MANUFACTURING CO., INC., AND JUDITH GLEICHENHAUS

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service;* § 13.190 *Results.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Alrich Manufacturing Co., et al., Great Neck, L. I., N. Y., Docket 6771, July 31, 1957]

In the Matter of Alrich Manufacturing Co., Inc., a Corporation, and Judith Gleichenhaus, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Great Neck, Long Island, of a sheet of transparent plastic sprayed with colored paint designated "Color Pix" and designed to be attached to television sets, with representing falsely in advertising in periodicals and in material supplied to their customers, that a black and white television set would produce the same visual effect as a color television when said "Color Pix" was attached to it; that its use would eliminate glare and snow from television screens, and eliminate eyestrain and relieve headaches caused by viewing television; and that it would not burn.

Following approval of an agreement containing a consent order between the parties, the hearing examiner made his initial decision and order to cease and desist which became, on July 31, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Alrich Manufacturing Co., Inc., a corporation, and its officers, and Judith Gleichenhaus, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of a plastic sheet to be fastened over the viewing screen of a television set, designated as "Color Pix," or any other product of substantially similar construction or possessing substantially the same characteristics, whether sold under the same or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That by the use of said product:

(1) In connection with the operation of a black-and-white television set, said television will thereby produce the same visual effect as a color television set.

(2) Glare will be eliminated from television screens.

(3) Snow will be eliminated from television screens.

(4) Eye strain caused by viewing television will be eliminated.

(5) Headache caused by viewing television will be relieved.

(b) That said product will not burn.

2. Using the word "Manufacturing" or any other words of the same import as a part of a trade or corporate name, or otherwise representing in any manner that respondents manufacture said product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Alrich Manufacturing Co., Inc., a corporation, and its officers, and Judith Gleichenhaus, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 31, 1957.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 57-6975; Filed, Aug. 23, 1957; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6250]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

FIGURE TO BE USED FOR 1957 IN DETERMINING RESERVE AND OTHER POLICY LIABILITY DEDUCTION FOR LIFE INSURANCE COMPANIES

By virtue of the authority contained in section 812 (a) of the Internal Revenue Code of 1954 (70 Stat. 45; 26 U. S. C. 812 (a)), it is hereby determined that the figure to be used under section 812 in computing the "reserve and other policy liability deduction" of life insurance companies for the taxable year 1957 shall be 0.7766.

Because the figure announced in this Treasury decision is computed from information contained in the income tax returns of life insurance companies for the year 1956, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said Act.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] DAN THROOP SMITH, *Deputy to the Secretary.*

AUGUST 15, 1957.

[F. R. Doc. 57-6993; Filed, Aug. 23, 1957; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 612—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

PART 719—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

WAGE ORDER AND AMENDMENT TO WAGE ORDER

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) Administrative Order No. 483 (22 F. R. 3757) as amended by Administrative Orders Nos. 486 and 488 (22 F. R. 4689 and 5874) appointed, convened, and gave notice of the hearing of Industry Committee No. 31–D to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the Needlework and Fabricated Textile Products Industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing pursuant to the notice, the committee filed with the Administrator a report containing its findings and recommendations with respect to matters referred to it.

The definition of this industry, with the exception of the exclusion of several products hereinafter mentioned, is the same as that of the present Needlework and Fabricated Textile Products Industry in Puerto Rico. Products contained in the previous definition and now excluded from this industry are women's and misses' blouses, shirts, waists, neckwear, and scarves; men's, women's, misses', boys', and girls' knit sweaters, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear; and infants' garments made of waterproof materials, such as waterproof pants and diaper covers; all of these products excluded from this industry have been transferred to other industries in Puerto Rico for which wage orders have been recently issued (29 CFR Parts 609, 610, and 611).

Industry Committee No. 31–D recommended four separate classifications within the industry and recommended a separate rate of pay for each such classification, which are effected by this wage order.

Accordingly, as authorized and required by section 8 of the act, reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45–A (15 F. R. 3290), the recommendations of this committee are adopted in this amendment to Title 29 of the Code of Federal Regulations, to become effective September 9, 1957, which hereby revokes Part 719 and issues a new Part 612 to read as follows:

Sec.
612.1 Definition of the industry.
612.2 Wage rates.
612.3 Notices.

AUTHORITY: §§ 612.1 to 612.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 612.1 *Definition of the industry.* The needlework and fabricated textile products industry, to which this part shall apply, is defined as follows: The manufacture from any material of all apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the definition shall not cover products or activities included in the fabric and leather glove industry; the hosiery industry; the shoe and related products classification of the leather, leather goods, shoe, and related products industry; the textile and textile products industry; the artificial flower, decoration, and party favor industry; the button, jewelry, and lapidary work industry; the straw, hair, and related products industry; the corsets, brassieres, and allied garments industry; the men's and boys' clothing and related products industry; the children's dress and related products industry; the handkerchief, square scarf, and art linen industry; the sweater and knit swimwear industry; or the women's and children's underwear and women's blouse and neckwear industry, as defined in the respective wage orders for these industries in Puerto Rico.

§ 612.2 *Wage rates*—(a) *Knit glove, crocheted slipper, and leather handbag classification.* Wages at a rate of not less than 62 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the knit glove, crocheted slipper, and leather handbag classification which is defined as the manufacture of knit or crocheted gloves and mittens; slippers, slipper socks, mukluks, and similar types of footwear (except infants' bootees) made by a crocheting or knitting process; and women's, misses', and girls' leather handbags and purses.

(b) *Hand-embroidering and hand crocheting on crocheted hats and infants' bootees classification.* Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-embroidering and hand-crocheting on crocheted hats and infants' bootees classification which is defined as the operations of hand-crocheting, hand-embroidering, hand-knitting, hand-embellishing, ornamental stitching, and other hand operations involving decorative effects in the manufacture of crocheted or knitted headwear for women, misses, girls, and infants three years of age or under, and crocheted or knitted bootees for infants.

(c) *Dungarees, slacks, and related products, and other operations on crocheted hats and infants' bootees classi-*

fication. Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the dungarees, slacks, and related products, and other operations on crocheted hats and infants' bootees classification which is defined as the manufacture of dungarees, slacks, pedal pushers, culottes, shorts, and similar apparel for women, misses, and girls and any operations on crocheted hats and infants' bootees other than operations in the hand-embroidering and hand-crocheting on crocheted hats and infants' bootees classification.

(d) *General classification.* Wages of not less than 72 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification which is defined as the manufacture from any material of all apparel and apparel furnishings and accessories, and all textile products and like articles in which a synthetic material in sheet form is the basic component, which are not included in any other classification of the needlework and fabricated textile products industry in Puerto Rico; the outlining or embroidery of lace by machine and embroidery of any article or trimming on a bonnaz embroidery machine, or by a crochet beading process, or with bullion thread, and all operations immediately incidental thereto.

§ 612.3 *Notices.* Every employer subject to the provisions of § 612.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 612.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 21st day of August 1957.

JOHN C. FRASER,
Acting Administrator.

[F. R. Doc. 57-6991; Filed, Aug. 23, 1957; 8:49 a. m.]

PART 786—MISCELLANEOUS EXEMPTIONS

SUBPART F—NEWSPAPER PUBLISHING ENFORCEMENT POLICY

In accordance with section 3 of the Administrative Procedure Act (5 U. S. C. 1002) and pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F. R. 3290), and amendment to 29 CFR Part 786, adding a new Subpart F, is adopted to read as follows:

Subpart F—Newspaper Publishing

§ 786.250 *Enforcement policy.* For the purposes of enforcement it is the Division's position that the exemption provided by section 13 (a) (8) of the Fair Labor Standards Act of 1938 [1] applies to an employee engaged also in job printing activities for commerce, if less than 50 percent of his time is spent in job printing work. If none of the job printing is covered by the act the exemption applies even if the job printing activities exceed 50 percent of the employee's time. However, this exemption is not applicable if the employee spends 50 percent or more of his time on job printing, any portion of which is covered work.

(52 Stat. 1060, as amended; 29 U. S. C. 201-219)

Signed at Washington, D. C. this 20th day of August 1957.

JOHN C. FRASER,
Acting Administrator.

[F. R. Doc. 57-6992; Filed, Aug. 23, 1957; 8:50 a. m.]

[1] The exemption in section 13 (a) (8) reads: "The provisions of sections 6 and 7 shall not apply with respect to * * * any employee employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than four thousand the major part of which circulation is within the county where printed and published or counties contiguous thereo". [29 U. S. C. 213 (a) (8)]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 57-39]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

DECK OFFICERS FOR VESSELS IN MINERAL AND OIL INDUSTRIES

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated March 7, 1957 (22 F. R. 1433-1439), March 28, 1957 (22 F. R. 2047), and May 4, 1957 (22 F. R. 3185, 3186), as Items I through XVIII of the Agenda to be considered by the Merchant Marine Council. Pursuant to these notices a public hearing was held on May 7, 1957, by the Merchant Marine Council at Washington, D. C. This document is the ninth of a series covering the regulations considered at this public hearing. The first document (CGFR 57-26) deals with inspection of cargo gear on passenger, cargo, and miscellaneous vessels. The second document (CGFR 57-27) deals with lifesaving, fire protection, and grain loading requirements for passenger, cargo, and miscellaneous vessels. The third document (CFGR 57-29) deals with cargo tanks for liquefied inflammable gases and anhydrous ammonia, stowage of baled cotton, and use of equivalents or alternative procedures respecting dangerous cargoes. The fourth document (CGFR 57-30) deals with crew accommodations on tank ships. The fifth document (CGFR 57-31) deals with drydocking of passenger, tank, cargo, and miscellaneous vessels. The sixth document (CGFR 57-32) deals with the first assistant engineer of vessels not over 2,000 horsepower and examination of lifeboatmen and able seamen. The seventh document (CGFR 57-33) deals with miscellaneous amendments respecting dangerous cargoes, and is being processed for printing. The eighth document (CGFR 57-36) deals with structural fire protection for passenger vessels.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised. With respect to Item I—Deck Licenses as Master and Chief Mate for Vessels Engaged in Offshore Mineral and Oil Industry, changes were made in 46 CFR 10.05-5 (b), 10.05-28, and in Table 10.05-45 (b). The revised regulations establish requirements for applicants to obtain licenses as masters and mates of motor vessels of not more than 300 gross tons when operated in connection with the offshore mineral and oil industries. These licenses will be limited to a stated distance offshore on the continental shelf of the Atlantic and Pacific Coasts of the United States or the Coast of the Gulf of Mexico as determined by the Commander of the district in which the license is issued.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026); and Treasury Department Order CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER.

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

1. Section 10.05-5 is amended by adding a paragraph (b), reading as follows:

§ 10.05-5 *Master of coastwise steam or motor vessels.* * * *

(b) The minimum service required to qualify an applicant for a license as master of motor vessels of not more than 300 gross tons, operated in connection with the offshore mineral and oil industries, limited to a stated distance offshore on the continental shelf of the Atlantic, Gulf or Pacific Coast of the United States, as determined by the Commander of the District in which the license is issued, is:

(1) One year as a licensed mate of mineral or oil industry vessels; or,

(2) One year as a licensed master or first class pilot of inland steam or motor vessels, plus 1 year in the deck department of coastwise vessels or mineral or oil industry vessels; or,

(3) Two years' service as a licensed master of ocean or coastwise uninspected vessels; or,

(4) Three years' service in the deck department of ocean or coastwise vessels of which at least one year shall have been as master or person in charge of vessels of at least 50 gross tons. If the required service as master or person in charge has been on vessels of more than 15 and less than 50 gross tons, the service may be accepted as qualifying experience for a license as master of vessels of not more than 100 gross tons.

2. Part 10 is amended by adding after § 10.05-27 a new section, reading as follows:

§ 10.05-28 *Mate of motor vessels engaged in offshore mineral and oil industries.* (a) The minimum service required to qualify an applicant for a license as mate of motor vessels of not more than 300 gross tons, operated in connection with the offshore mineral and oil industries, limited to a stated distance offshore on the continental shelf of the Atlantic, Gulf or Pacific Coast of the United States, as determined by the Commander of the District in which the license is issued, is:

(1) Two years' service as a licensed officer in charge of a deck watch on mineral or oil industry vessels, or

(2) One year's service as master or first class pilot of inland steam or motor vessels plus six months in the deck department of coastwise vessels or mineral or oil industry vessels, or

(3) One year's service as a licensed master or two years' service as a licensed mate of ocean or coastwise uninspected vessels, or

(4) Three years' service in the deck department of ocean or coastwise steam or motor vessels, including mineral and oil industry vessels.

3. Section 10.05-45 (b) is amended by revising Table 10.05-45 (b) to read as follows:

TABLE 10.05-45 (b)—SUBJECTS FOR DECK OFFICERS OF OCEAN OR COASTWISE STEAM OR MOTOR VESSELS

Subjects	Master				Chief mate		Second mate		Third mate		Mate—Limited mineral and oil industry
	Ocean	Coastwise	Yachts	Limited mineral and oil industry	Ocean	Coastwise	Ocean	Coastwise	Ocean	Coastwise	
1. Latitude by Polaris	X	X			X		X				
2. Latitude by meridian altitude method							Sun or star.	Sun	Sun	Sun	
3. Fix or running fix	Any body	Sun or star.	Any body		Any body	Sun or star.	do	do	do		
4. Star identification (any method)	X	X	X		X	X	X				
5. Chart navigation	X	X	X	X	X	X	X	X	X	X	X
6. Compass deviation	Any body	Sun or star.	Sun		Sun or star.	Sun or star.	Sun or star.	Sun	Sun	Sun	
7. Traverse sailing			X			X	X	X	X		
8. Middle latitude sailing			X					X	X		
9. Mercator sailing	X	X				X	X				
10. Great Circle sailing	X										
11. Piloting	X	X	X	X	X	X	X	X	X	X	X
12. Aids to navigation	X	X	X	X	X	X	X	X	X	X	X
13. Speed by revolutions	X	X			X						
14. Fuel conservation	X				X						
15. Instruments and accessories	X	X	X	X	X	X	X	X	X	X	X
16. Magnetism, deviation and compass compensation.	X	X	X	[1] X	X						
17. Chart construction	X	X									
18. Tides and currents	X	X		X	X	X	X	X	X	X	X
19. Ocean winds, weather and currents	X	X	X		X		X		X		
20. Nautical astronomy and navigation definitions	X					X	X		X		[3] X
21. International and inland rules of the road	X	X	X	X	X	X	X	X	X	X	[3] X
22. Signaling by international code flags, flashing light and semaphore; lifesaving, storm and special signals.	X	X		[2] X	X	X	X	X	X	X	[2] X
23. Stability and ship construction	X	X		X							
24. Seamanship	X	X	X	X	X	X	X	X	X	X	X
25. Cargo stowage and handling		X		X	X	X	X	X	X		X
26. Change in draft due to density											
27. Determination of area and volume						X	X	X	X	X	X	X
28. Lifesaving apparatus and fire fighting equipment.	X	X	X	X	X						
29. Ship sanitation	X	X			X						
30. Rules and regulations for inspection of merchant vessels.	X	X	X	X	X	X	X	X	X	X	X
31. Laws governing marine inspection	X	X		X	X	X					
32. Ship's business	X	X									
33. Such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.	X	X	X	X	X	X	X	X	X	X	X

[1] Practical use of the magnetic compass. [2] Lifesaving, storm and special signals. [3] Navigation definitions only.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438-4442, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 68 Stat. 484, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 231, 233, 225, 237, 367, 247, 526f, 526p, 1333, 710c, 50 U. S. C. 198)

Dated: August 16, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 57-6918; Filed, Aug. 23, 1957; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

MISCELLANEOUS AMENDMENTS

Basis and purpose. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, at amended (40 Stat. 755; 16 U. S. C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published on June 25, 1957 (22 F. R. 4456), the public was invited to submit views, data, or arguments in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D. C., on or before July 22, 1957, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose of specifying open seasons, certain closed seasons, shooting hours, and bag limits for migratory game birds, as well as amendments to existing provisions of the part which govern the means of taking and restrict the importation, transportation, and possession of such birds. The notice of proposed rule making also invited comment on the text of proposed regulations to be adopted under the Act of July 3, 1956 (70 Stat. 492), to govern the distribution of grain for use in preventing crop depredations by migratory waterfowl.

In addition to the notice of proposed rule making made available to the public generally, an outline of proposed changes in the provisions of the part which prescribe the means of taking and restrict the possession, importation, and transportation of migratory game birds has been presented to and commented upon by representatives of several well-known national wildlife conservation organizations. Proposed changes in these regulations also were reviewed at meetings held during the months of May and June by the Atlantic, Mississippi, Central; and Pacific Flyway Councils, the membership of which is composed of the directors of the conservation departments of the States comprising the four flyways which provide the basis for migratory waterfowl management. These groups provide the best available means for obtaining a representative expression of the views of the public in matters relating to the management and conservation of migratory game birds.

Consideration having been given to all relevant matter presented, it has been determined that more effective management of the migratory game bird resources of the Nation will be effected by amending portions of Part 6 as hereinafter indicated.

1. Section 6.3 is amended to read as follows:

§ 6.3 *Hunting methods.* The provisions of this section shall govern the methods by which any person may take migratory game birds on which open seasons are prescribed in this part.

(a) *Permitted methods.* Migratory game birds may be taken—

(1) By the aid of a dog, with bow and arrow, or with a shotgun (not larger than No. 10 gauge and incapable of holding more than three shells) fired from the shoulder;

(2) In the open or from a blind or other place of concealment (except a sinkbox) on land or water (as used in this part the term "sinkbox" refers to a raft or any type of low floating device having a depression which affords a hunter a means of concealing himself below the surface of the water);

(3) From a floating craft, excluding a sinkbox but including a sailboat or a boat or other craft having a motor attached when such sailboat, boat, or other craft with motor attached is beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind;

(4) On or over standing crops (including aquatics), flooded standing crops, flooded harvested crop lands, grain crops properly shocked on the field where grown, or grains found scattered solely as a result of normal agricultural harvesting; or

(5) By the aid of a motorboat, sailboat, or other craft when used solely as a means of picking up dead or injured birds.

(b) *Prohibited methods.* Migratory game birds may not be taken—

(1) With a trap, snare, net, rifle, swivel gun, or machinegun;

(2) With a shotgun of any description originally capable of holding more than three shells, the magazine of which has not been cut off, altered, or plugged with a one-piece metal or wooden filler, incapable of removal without disassembling the gun, so as to reduce the capacity of the said gun to not more than three shells in the magazine and chamber combined;

(3) From or by means, aid, or use of a sinkbox, motor-driven conveyance, motor vehicle, or aircraft of any kind;

(4) From or by means of a sailboat or other boat or floating craft having a motor attached unless such boat, craft, or sailboat is beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind, or is used solely as a means of picking up dead or injured birds;

(5) By the use or aid of livestock as a blind or means of concealment;

(6) By the use or aid of live birds as decoys;

(7) By the use or aid of recorded bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(8) By means or aid of any motor-driven land, water, or air conveyance or sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of waterfowl and coots; or

(9) By the aid of salt, or shelled or shucked or unshucked corn, wheat, or other grains, or other feed or means of feeding similarly used to lure, attract, or entice such birds to, on, or over the area where hunters are attempting to take them. As used in the preceding sentence, the terms "shelled or shucked or unshucked corn, wheat, or other grains," or "other feed or means of feeding similarly used," shall not be construed as including standing crops (including aquatics), flooded standing crops, flooded harvested crop lands, grain crops properly shocked on the field where grown, or grains found scattered solely as a result of normal agricultural harvesting.

(c) *Exceptions.* Nothing contained in this section shall be construed to apply to the taking of migratory nongame birds as permitted in § 6.5, or to apply to propagating, scientific, depredation-control, or other operations in accordance with the terms of permits or other authorizations issued pursuant to this part.

2. Paragraph (a) of § 6.7 is amended to read as follows:

§ 6.7 *Importations from Canada, Mexico, or other foreign country.* • • •

(a) The numbers of such birds permitted to be entered and transported by one person, either in a single shipment or by multiple shipments, shall be limited as follows:

From	*Not to exceed*
Province of Alberta, Canada	25 ducks and 10 geese per season.
Province of British Columbia, Canada	Do.
Province of Manitoba, Canada	Do.
Province of Saskatchewan, Canada	Do.
Any other Province or Territory of Canada	16 ducks and 10 geese per calendar week (beginning Sunday).
Mexico or any other foreign country (except Canada) or subdivision thereof.	10 ducks and 5 geese per calendar week.
Any foreign country or subdivision thereof:	
Band-tailed pigeons	6 per calendar week.
Brant	Do.
Coots	25 per calendar week.
Doves; mourning or white-winged	25, singly or in the aggregate of both kinds, per calendar week.
Rails (except sora) and gallinules	30, singly or in the aggregate of both kinds, per calendar week.
Sora	25 per calendar week.
Wilson's snipe	8 per calendar week.
Woodcock	Do.

(Sec. 3, 40 Stat. 755, as amended, 16 U. S. C. 704)

3. No data, arguments, or views having been submitted with respect to the new sections proposed to be added to Part 6 to implement the migratory waterfowl depredation control measures authorized by the Act of July 3, 1956 (70 Stat. 492), the added center headnote, "Feeding of Depredating Waterfowl", and new §§ 6.81 to 6.87, inclusive, which appeared with the notice published on June 25, 1957, are adopted without change, effective as of the date hereinafter indicated, and are set forth below.

Amendment numbered 2 effects changes in existing limitations on the numbers of migratory game birds which may be imported from foreign countries during and after the open seasons prescribed on such birds in the countries where taken. Since it is desirable that the provisions of amendment numbered 2 be uniformly applied throughout the open seasons on migratory game birds in foreign countries (some of which begin on September 1), it has been determined that the amendment may become effective when published under the provisions of the exceptions provided in section 4 (c) of the Administrative Procedure Act of June 11, 1956 (60 Stat. 238; 5 U. S. C. 1003 (c)). Accordingly, amendment numbered 2 shall become effective upon publication in the FEDERAL REGISTER. Amendments numbered 1 and 3 shall become effective thirty days after publication.

Issued at Washington, D. C., and dated August 13, 1957.

HATFIELD CHILSON,
Acting Secretary of the Interior.

FEEDING OF DEPREDATING WATERFOWL

Sec.
6.81 Statutory provisions.
6.82 Interpretation.
6.83 Policy.
6.84 Waterfowl depredation complaints; where filed.
6.85 Criteria to govern approval of applications.
6.86 Action following investigation.
6.87 Compliance with other regulations.

AUTHORITY: §§ 6.81 to 6.87 issued under sec 2, 70 Stat. 492; 7 U. S. C. 443.

FEEDING OF DEPREDATING WATERFOWL

§ 6.81 *Statutory provisions.* Section 1 of the act of July 3, 1956 (70 Stat. 492), provides that the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn or other grains, acquired through price support operations and certified by the Corporation to be available for purposes of the act or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary may requisition for the purpose of preventing crop damage by migratory waterfowl. Section 2 of the act authorizes and directs the Secretary, upon a finding by him that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, whether or not during the open season for such migratory waterfowl; to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Corporation through price support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding programs.

§ 6.82 *Interpretation.* The authorization contained in the statute limits the availability of grain acquired through price support operations to the prevention of crop damage by migratory waterfowl (brant, wild ducks, geese, and swans) and no such grain may be made available for the feeding of any other species of migratory birds (as defined in § 6.1), whether or not such other species of migratory birds are committing or threatening to commit crop damage. The statute does not authorize the use of such grain to conduct a migratory waterfowl feeding program for the purpose of augmenting natural sources of food available to migratory waterfowl, or for any purpose incident to migratory waterfowl management, which is not related to the prevention of crop damage. Accordingly, no grain shall be made available pursuant to this part in substitution for or to augment natural sources of migratory waterfowl food except so far as may be determined to be necessary to aid in the prevention of crop damage by such birds.

§ 6.83 *Policy.* To achieve economy and promote efficiency and expedition whenever it is found necessary to conduct feeding programs under this part for the prevention of crop damage by migratory waterfowl, it shall be the policy of the Secretary to accord preference to feeding programs proposed to be executed through the placement of grain upon wildlife management areas or other lands or waters owned, leased, or otherwise controlled by an agency of the United States or of a State.

§ 6.84 *Waterfowl depredation complaints; where filed.* Any person having an interest in crops being damaged or threatened with damage by migratory waterfowl in circumstances meeting the criteria prescribed in § 6.85 may make application for grain for use in luring such waterfowl away from such crops by submitting a written request to the Regional Director of the Bureau of Sport Fisheries and Wildlife Regional Office having administrative supervision over wildlife activities in the State where the affected crops are located.[1] Such application may be in letter form but must contain information disclosing the location, nature, condition and extent of the crops being damaged or threatened, and the particular species of migratory waterfowl committing or threatening to commit damage. For the purposes of this section any authorized official of a Federal, State, or local governmental body shall be deemed to be a "person" and to have such an interest in crops threatened with damage as will qualify him as an applicant.

§ 6.85 *Criteria to govern approval of applications.* Upon receipt of an application for grain for use in preventing crop depredations, the Regional Director shall promptly cause such investigation to be made as may be necessary to determine whether the applicant is entitled to have grain made available to him for such purposes. Whenever feasible the required investigation shall be made jointly by a representative of the Game Department of the State in which the affected crops are located and a representative of the Regional Director. When conducting investigations of grain applications consideration shall be given separately to each of the factors set forth in paragraphs (a) to (d), inclusive, of this section and no application for grain shall be approved if it is determined that one or more of the enumerated factors minimizes the extent of crop damage or provides an effective method for preventing crop damage.

(a) The migratory waterfowl committing or threatening to commit crop damage must be predominantly of species which are susceptible of being effectively lured away from crops by the use of grain.

(b) The crop damage or threat of crop damage must be substantial in nature (when measured by the extent and potential value of the crops involved and the number of birds threatening damage) and must affect growing crops or mature unharvested crops in such condition as to be marketable or have a value as feed for livestock or other purposes of material value to the applicant.

(c) It must be shown that the damage or threat of damage cannot be abated through the exercise of privileges of the nature granted in permits authorized by § 6.61 to frighten or otherwise herd migratory waterfowl away from affected crops.

(d) No application for grain shall be approved in any event for use in preventing crop damage during the open season for migratory waterfowl unless the area affected by crop damage has been and is yet open to public hunting during such season and it is clearly demonstrated that such hunting is ineffec-

[1] Region 1: (California, Idaho, Montana, Nevada, Oregon, Washington): 1001 Northeast Lloyd Boulevard (P. O. Box 3737), Portland 14, Oregon.

Region 2: (Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, Wyoming): 906 Park Avenue SW. (P. O. Box 1306), Albuquerque, New Mexico.

Region 3: (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Nebraska, North Dakota, South Dakota, Wisconsin): 1006 West Lake Street, Buzza Building, Minneapolis 8, Minnesota.

Region 4: (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia): Peachtree-Seventh Building, Atlanta 23, Georgia.

Region 5: (Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia): 59 Temple Place, 1105 Blake Building, Boston 11, Massachusetts.

Region 6: (Alaska: Federal Building (P. O. Box 2021), Juneau, Alaska.

tive, and cannot be made effective, to prevent crop damage on such area.

§ 6.86 *Action following investigation.* Upon receipt of a report and recommendations based upon an investigation conducted under § 6.84 and upon a determination by the Secretary that the applicant meets the qualifications for receiving grain, the Secretary will determine the quantity of grain to be made available, either bagged or in bulk, the means of transportation, and the point of delivery in the vicinity of the crop damage. Before receiving delivery of such grain the applicant shall execute and deliver to any officer authorized to enforce this part written assurances as follows:

(a) That grain made available to him under this part will be used exclusively for the prevention and abatement of crop damage by migratory waterfowl and that no portion of such grain will be sold, donated, exchanged, or used as feed for livestock or other domestic animals or for any other purpose.

(b) That consent is granted to any officer authorized to enforce this part to inspect, supervise or direct the placement and distribution of grain made available under this part for the prevention of crop damage whenever such authorized officer shall be instructed to conduct such supervisory activities;

(c) That free and unrestricted access to the premises on which feeding operations have been or are to be conducted is permitted at all reasonable times by any officer authorized to enforce this part and that such information as may be required by the officer will promptly be furnished; and

(d) That he will not take, nor permit his agents, employees, invitees, or other persons under his control to take, migratory game birds on or over any lands or waters subject to his control during any time when grain made available under this part is placed, exposed, deposited, distributed, scattered, or present upon such lands or waters, nor during a period of 10 days immediately following the consumption or removal of such grain from such lands or waters.

§ 6.87 *Compliance with other regulations.* Nothing in §§ 6.81 to 6.86, inclusive, shall be construed to supersede or modify § 6.3, nor shall anything in said sections be construed to permit transportation, distribution, or use of grain contrary to any applicable health, inspection, quarantine, game protection, or other requirements imposed by law or by regulations of authorized Federal or State agencies and local governmental bodies.

[F. R. Doc. 57-6756; Filed, Aug. 23, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1469]

[Idaho 07359]

IDAHO

REVOKING EXECUTIVE ORDER NO. 1297 OF FEBRUARY 13, 1911, WHICH RESERVED LANDS FOR MILITARY PURPOSES FOR THE PROTECTION OF THE WATER SUPPLY OF BOISE BARRACKS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of February 13, 1911, reserving the following-described lands for military purposes for the protection of the water supply of Boise Barracks, which was revoked in part of Public Land Order No. 777 of December 29, 1951, is hereby revoked in its entirety. The following-described lands are released from withdrawal by this order:

BOISE MERIDIAN

T. 3 N., R. 3 E.,
Sec. 5, SE¼NE¼, and lot 4;
Sec. 6, lots 1 and 2.
T. 4 N., R. 3 E.,
Secs. 20, 28, 29, and 30;
Sec. 31, all excepting 20.596 acres in patented mining claim;
Sec. 32;
Sec. 33, N½NW¼, SW¼NW¼.

The areas described aggregate 3,963.964 acres.

2. The lands lie northeast of the City of Boise, Idaho, on the drainages of Cottonwood Creek and Crane Gulch. An improved county road crosses Sections 20, 29 and 30. This road is open during early spring, summer and fall months. There are several unimproved dirt roads leading up the canyons for short distances. The higher areas not adjacent to the improved road are inaccessible during the winter months.

3. The lands support a vegetative cover of big sage, native grasses, cheat grass, and weeds, with small areas of willow on the small streams and springs. The soils are of decomposed granite of varying depths. The south portion of the area has been burned over and the regrowth of cheat grass and weeds constitute a serious fire hazard.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on September 24, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 24, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on December 24, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws, beginning at 10:00 a. m., on December 24, 1957.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Boise, Idaho.

ROGER C. ERNST,
Assistant Secretary of the Interior

AUGUST 19, 1957.

[F. R. Doc. 57-6969; Filed, Aug. 23, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 985]

[Docket No. AO-240-A4]

MILK IN MUSKEGON, MICHIGAN, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of a public hearing to be held in the Exhibition Room, Holland Civic Center, 150 West Eighth Street, Holland, Michigan, beginning at 10:00 a. m., e. d. t., on September 10, 1957, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Muskegon, Michigan, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

With respect to proposals numbered 1, 3 and 4, opportunity is provided to present evidence with respect to (a) the need for continued regulation of the territory added to the marketing area by amendment of the order effective May 1, 1957 (townships of Robinson, Allendale, Port Sheldon, Olive, Blendon, Park, Holland, and Zeeland in Ottawa County, and townships of Fillmore and Laketown in Allegan County all in Michigan); and (b) whether such regulation, if continued, should be under Order No. 85 or under a separate regulation; and if under Order No. 85 what, if any, modifications in the present pooling provisions are appropriate.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Holland and Muskegon Locals of Michigan Milk Producers' Association:

Proposal No. 1: Review the pooling provisions to determine whether the present order should continue with one pool or some modification should be considered.

Proposal No. 2: Review § 985.51 so that Class I prices can be brought into proper alignment with other Michigan Milk Orders.

Proposed by a number of producers under Order No. 85:

Proposal No. 3: Delete Holland and Zeeland from the marketing area.

Proposed by Riverview Dairy, United Dairy et al:

Proposal No. 4: That no order be in effect in the Holland-Zeeland area.

Proposed by Farr View, Dairy, Inc., Highland Park Dairy Co., and Sanitary Dairy Co.:

Proposal No. 5: Add the following to the marketing area: (1) Oceana County, excluding Crystal, Colfax, Elbridge and Leavitt townships and (2) the townships of Bridgeton, Ashland, Grant, Sheridan, Garfield, Brooks, Dayton, Sherman and Everett in Newaygo County.

Proposal No. 6: Amend the definition of a *Pool Plant* (§ 985.6) and all correlated sections.

Proposal No. 7: Amend provisions affecting *Nonpool Plants.*

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 8: Clarify the order as to obligations of the respective handlers with respect to receipts of milk in packaged form at pool plants.

Proposal No. 9: Add a section reading as follows:

§ 985.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Proposal No. 10: Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 156 West Sherman Blvd., Muskegon Heights, Michigan, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 21st day of August 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-6994; Filed, Aug. 23, 1957; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Part 244]

BUSINESS PRACTICES OF FREIGHT FORWARDERS

NOTICE OF FURTHER EXTENSION OF TIME

Notice is hereby given that, pursuant to additional requests received, the time in which written views and suggestions may be filed relative to the proposed rule making in the matter of business practices of freight forwarders (General Order 72, Revised), notice of which appeared in the FEDERAL REGISTER issue of March 19, 1957 (22 F. R. 1779), is hereby extended from August 30, 1957 (22 F. R. 4862, July 10, 1957), to and including September 27, 1957.

Dated: August 22, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7017; Filed, Aug. 23, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

PRECEDENCE OF MEMBERS OF ARMED FORCES OF UNITED STATES WHEN IN FORMATIONS

By virtue of the authority vested in me by the National Security Act of 1947, as amended: *It is hereby ordered*, That the members of the Armed Forces of the United States shall take precedence in the following order during formations in which the members thereof may participate:

1. Cadets, United States Military Academy.
2. Midshipmen, United States Naval Academy.
3. Cadets, United States Air Force Academy.
4. Cadets, United States Coast Guard Academy.
5. United States Army.
6. United States Marines.
7. United States Navy.
8. United States Air Force.
9. United States Coast Guard.
10. National Guard of the United States.
11. Organized Reserve Corps of the Army.
12. Marine Corps Reserve.
13. Naval Reserve.

14. Air Force National Guard of the United States.
15. United States Air Force Reserve.
16. Coast Guard Reserve.
17. Other training organizations of the Army, Marine Corps, Navy, Air Force, and Coast Guard, in that order, respectively.

Provided, however, That during any period when the United States Coast Guard shall operate as part of the United States Navy, the Cadets, U. S. Coast Guard Academy, the United States Coast Guard, and the Coast Guard Reserve, shall take precedence, respectively, next after the Midshipmen, United States Naval Academy, the United States Navy, and the Naval Reserve.

This notice supersedes and cancels that published August 19, 1949.

C. E. WILSON,
Secretary of Defense.

AUGUST 20, 1957.

[F. R. Doc. 57-6967; Filed, Aug. 23, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 36]

REDELEGATION OF AUTHORITY

AUGUST 20, 1957.

Order 551, as amended, is further amended as hereinafter indicated.

1. Section 12 is revised to read as follows:

SEC. 12. *Leases and permits.* The exercise of any and all the authority of the Commissioner set forth in 25 CFR Part 171, except the approval of permits on lands permitted to the tribes with provision for the sub-permitting thereof.

2. Section 28 is revised to read as follows:

SEC. 28. *Roads.* The approval of minor changes to approved road systems and the exercise of any and all of the authority delegated to the Commissioner under 25 CFR 261.6, 261.8, and 261.9 and pursuant to section 28 of Secretarial Order No. 2508.

3. A new section is added under the heading Functions Relating to Indian Lands and Minerals, to read as follows:

SEC. 31. *Soil and moisture conservation.* Soil and moisture conservation operations on Indian lands, pursuant to the President's Reorganization Plan No. IV, of 1940 (54 Stat. 1235), and the Soil Conservation Act of April 27, 1935, (16 U. S. C. sec. 590a).

4. Paragraph (b) of section 132, *Approval of mortgages and deeds of trust,* is revoked and the designation paragraph (a) is deleted.

5. Section 322, *Demountable surplus housing,* is revoked.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 57-6968; Filed, Aug. 23, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GREAT PLAINS AREA

DESIGNATION OF COUNTIES WITHIN STATES WHERE GREAT PLAINS CONSERVATION PROGRAM IS SPECIFICALLY APPLICABLE

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the act of August 7, 1956 (70 Stat. 1115-1117), the following counties of the following States are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

COLORADO

Adams.	Larimer.
Arapahoe.	Las Animas.
Baca.	Lincoln.
Bent.	Logan.
Boulder.	Morgan.
Cheyenne.	Otero.
Crowley.	Phillips.
Douglas.	Prowers.
Elbert.	Pueblo.
El Paso.	Sedgwick.
Huerfano.	Washington.
Jefferson.	Weld.
Kiowa.	Yuma.
Kit Carson.	

KANSAS

Cheyenne.	Meade.
Clark.	Morton.
Decatur.	Ness.
Finney.	Norton.
Ford.	Rawlins.
Gove.	Scott.
Graham.	Seward.
Grant.	Sheridan.
Gray.	Sherman.
Greeley.	Stanton.
Hamilton.	Stevens.
Haskell.	Thomas.
Hodgeman.	Trego.
Kearny.	Wallace.
Lane.	Wichita.
Logan.	

MONTANA

Fallon.	Rosebud.
Hill.	Roosevelt.
Judith Basin.	

NEBRASKA

Arthur.	Hitchcock.
Banner.	Howard.
Box Butte.	Keith.
Chase.	Kimball.
Cheyenne.	Lincoln.
Custer.	Logan.
Dawson.	Loup.
Deuel.	McPherson.
Dundy.	Morrill.
Franklin.	Nuckolls.
Frontier.	Perkins.
Furnas.	Red Willow.
Garden.	Scotts Bluff.
Garfield.	Sherman.
Gosper.	Valley.
Greeley.	Webster.
Harlan.	Wheeler.
Hayes.	

NEW MEXICO

Chaves.	Mora.
Colfax.	Quay.
Curry.	Roosevelt.
DeBaca.	San Miguel.
Eddy.	Santa Fe.
Guadelupe.	Socorro.
Harding.	Torrance.
Lea.	Union.
Lincoln.	

NORTH DAKOTA

Adams.	Golden Valley.
Bowman.	Morton.
Grant.	Slope.

OKLAHOMA

Beaver.	Harmon.
Beckham.	Harper.
Cimarron.	Major.
Custer.	Roger Mills.
Dewey.	Texas.
Ellis.	Woods.
Greer.	Woodward.

SOUTH DAKOTA

Aurora.	Hand.
Brule.	Jerauld.
Buffalo.	Jones.
Butte.	Meade.
Charles Mix.	Perkins.
Corson.	Todd.
Custer.	Tripp.
Fall River.	Walworth.
Haakon.	

TEXAS

Andrews.	Howard.
Armstrong.	Hutchinson.
Bailey.	Jones.
Borden.	Kent.
Brisco.	King.
Carson.	Knox.
Castro.	Lamb.
Childress.	Lipscomb.
Cochran.	Lubbock.
Coke.	Lynn.
Collingsworth.	Martin.
Cottle.	Midland.
Crosby.	Mitchell.
Dallam.	Moore.
Dawson.	Motley.
Deaf Smith.	Nolan.
Dickens.	Ochiltree.
Donlay.	Oldham.
Fisher.	Parmer.
Floyd.	Potter.
Foard.	Randall.
Gaines.	Roberts.
Garsa.	Runnels.
Gray.	Scurry.
Hale.	Sherman.
Hall.	Stonewall.
Hansford.	Swisher.
Hardeman.	Taylor.
Hartley.	Terry.
Haskell.	Wheeler.
Hemphill.	Wilbarger.
Hockley.	Yoakum.

WYOMING

Campbell.	Laramie.
Converse.	Platte.
Goshen.	

Done at Washington, D. C., this 21st day of August 1957.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 57-6980; Filed, Aug. 23, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 825]

PACIFIC COAST-PUERTO RICO GENERAL INCREASES IN RATES AND CHARGES

NOTICE OF INVESTIGATION AND OF HEARING

On August 13, 1957, the Federal Maritime Board entered the following order:

It appearing that there have been filed with the Federal Maritime Board tariff schedules setting forth new increased rates and charges, and new rules, regulations and practices affecting such rates and charges, between Pacific Coast ports on the one hand and ports in Puerto Rico on the other, to become effective August 15, 1957 and later, designated as follows:

Loose-leaf revised pages (or designated items) specified in Appendix attached hereto, to Pacific Coast-Puerto Rican Conference Tariff No. 1-D, Agent C. R. Nickerson FMB-F. No. 4, and Pacific Coast-Puerto Rican Conference Tariff No. 2, Agent C. R. Nickerson FMB-F. No. 23.

It further appearing that upon consideration of the said schedules and protests thereto, there is reason to believe that they would, if permitted to become effective, result in rates and charges, rules and regulations or practices which would be unjust and unreasonable and in violation of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, as amended; and good cause appearing therefor;

It is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, charges, rules and regulations contained in said schedules, with a view to making such findings and order in the premises as the facts and circumstances shall warrant;

It is further ordered, That the operation of said pages, and/or designated items of revised pages specified in attached Appendix, be suspended and that the use thereof be deferred to and including December 15, 1957, unless otherwise authorized by the Board;

It is further ordered, That neither the schedules hereby suspended nor those sought to be altered thereby may be changed until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless otherwise authorized by the Board;

It is further ordered, That there shall be filed immediately with the Board by Pacific Coast-Puerto Rican Conference, C. R. Nickerson, Agent, consecutively numbered supplements to Pacific Coast-Puerto Rican Conference Tariffs Nos. 1-D and 2, FMB-F. Nos. 4 and 23, which shall reproduce the portion of this Order and Appendix wherein the suspended pages and designated items are described, and shall state that such pages and items are suspended and that the rates, charges, rules, regulations and practices therein stated may not be used until the 16th day of December 1957, unless otherwise authorized by the Board; and that neither the rates, charges, rules, regulations and practices hereby deferred nor those which are sought to be altered thereby, may be changed during the period of suspension or any extension thereof, unless otherwise authorized by the Board;

It is further ordered, That copies of this order shall be filed with said tariffs in the Regulation Office of the Federal Maritime Board; that a copy hereof shall be forthwith served upon Pan-Atlantic Steamship Corporation, Pope & Talbot, Inc., Waterman Steamship Corporation (Puerto Rico Division), and Pacific Coast-Puerto Rico Conference, C. R. Nickerson, Agent; and said agent and carriers be, and they are hereby, made respondents in this proceeding; that protestants, agent and carriers be duly notified of the time and place of the hearing herein ordered and that notice of such hearing be published in the FEDERAL REGISTER.

APPENDIX

Pacific Coast Puerto Rican Conference Tariff No. 1-D, Agent C. R. Nickerson's F. M. B. F No. 4, as follows:

Item 110 of 1st revised page 19.
2d revised page 21.
Item 200 on 4th revised page 22.
6th revised page 39.
9th revised page 40.
12th revised page 41.
14th revised page 42.
9th revised page 43.
9th revised page 44
7th revised page 45.
6th revised page 46.
6th revised page 47.
10th revised page 48.
11th revised page 49.
Item 130 of 1st revised page 20.
10th revised page 50.
11th revised page 50.[1]
Item 280 of 2d revised page 24.
6th revised page 51.
7th revised page 52
19th revised page 53.
12th revised page 54.
5th revised page 55.
5th revised page 56.
9th revised page 57.
7th revised page 58.
5th revised page 59.
7th revised page 60.

Effective August 15, 1957, except as noted.

Pacific Coast Puerto Rican Conference Tariff No. 2, Agent C. R. Nickerson's F. M. B. F No. 23, as follows:

1st revised page 10.
Item 80 of 1st revised page 11.
1st revised page 12.
Item 110 of 1st revised page 13.
Item 155 of 1st revised page 14.
5th revised page 20.
2d revised page 21.
5th revised page 22.

Effective August 19, 1957.

On August 16, 1957, the Board amended its order of August 13, 1957, in this proceeding to read as follows:

AMENDED ORDER

It appearing that there have been filed with the Federal Maritime Board tariff schedules setting forth new increased rates and charges, and new rules, regulations and practices affecting such rates and charges, between Pacific Coast ports on the one hand and ports in Puerto Rico on the other, to become effective August 15, 1957 and later, designated as follows:

Loose-leaf revised pages (or designated items) specified in Appendix attached hereto, to Pacific Coast-Puerto Rican Conference Tariff No. 1-D, Agent C. R. Nickerson FMB-F. No. 4, and Pacific Coast-Puerto Rican Conference Tariff No. 2, Agent C. R. Nickerson FMB-F. No. 23.

It further appearing that said loose-leaf revised pages and/or items, set forth new increased rates and charges, and new rules, regulations and practices affecting such rates and charges;

It further appearing that protests have been received from shippers alleging that the proposed increases named in the aforesaid schedules may be excessive and unreasonable;

It further appearing that the Board is of the opinion that this question should be made the subject of a public investigation and hearing to determine whether the proposed increases are in violation of Section 18 of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, as amended;

It further appearing that by order of August 13, 1957 the operation of said pages, and/or designated items of revised pages specified in attached Appendix, were suspended to and including December 15, 1957, unless otherwise authorized by the Board;

It further appearing that the carriers represent that they are in need of the additional revenues contemplated in the proposed rate increases in order that they may continue to perform adequate and efficient transportation services;

It further appearing that the members of the Pacific Coast-Puerto Rican Conference, i. e., Bay Cities Transportation Company, Pan-Atlantic Steamship Corporation, Pope & Talbot, Inc., and Waterman Steamship Corporation (Puerto Rico Division) have agreed (1) to keep account of all freight moneys received by reason of the increased rates and charges for a period commencing with August 20, 1957 and terminating with December 15, 1957; and (2) to refund to the person who paid the freight, upon proper authorization by the Federal Maritime Board, any freight charges collected during the said period which may be in excess of those determined by the Board to be just and reasonable, provided the proposed increased rates, and charges, are permitted to go into effect without further suspension;

It further appearing that under date of August 14, 1957, C. R. Nickerson, Agent Pacific Coast-Puerto Rican Conference, filed application for special permission to refile the tariff revisions specified in the Appendix attached hereto, such rates to become effective on one day's notice;

It further appearing that in view of the aforementioned representations and undertakings of the carriers, good cause exists for vacating the Board's suspension order aforesaid and granting the special permission to permit the suspended rates to become effective on one day's notice but not earlier than August 20, 1957.

It is ordered, That the Board's order of August 13, 1957, insofar as it directs the suspension of the aforesaid increases in rates and charges and the rules, regulations and practices affecting such rates and charges, is hereby vacated;

It is further ordered, That special permission application No. 3644 filed by C. R. Nickerson, Agent, for and on behalf of the carriers, parties to the aforesaid schedules, for permission to place into effect the aforesaid increases on one day's notice but not earlier than August 20, 1957, is hereby granted;

It is further ordered, That the Board enter upon a hearing concerning the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said revised pages and/or items specified in attached appendix;

It is further ordered, That (a) Bay Cities Transportation Company, Pan Atlantic Steamship Corporation, Pope & Talbot, Inc., and Waterman Steamship Corporation (Puerto Rican Division) (hereinafter called the carriers) shall keep an account of all freight moneys received by reason of the increases in rates published in said tariffs over the rates presently in effect for a period commencing with August 20, 1957 and terminating with December 15, 1957; and (b) the carriers, upon final determination by the Board, shall repay to shippers, out of their general funds, the sums if any to which the respective persons who pay the freight may be entitled;

It is further ordered, That this order amends the order entered in this proceeding on the 13th day of August, 1957; and

It is further ordered, That copies of this order shall be filed with said tariff in the Office of the Federal Maritime Board: that a copy hereof shall be forthwith served upon the Pacific Coast-Puerto Rican Conference, Agent C. R. Nickerson, and all participating carriers named in the aforesaid tariffs, and said agent and carriers be, and they are hereby, made respondents in this proceeding; that said protestants, agent and carriers be duly notified of the time and place of the hearing herein ordered and that notice of such hearing be published in the FEDERAL REGISTER.

[1] Effective August 19, 1957.

APPENDIX

Pacific Coast-Puerto Rican Conference Tariff No. 1-D, Agent C. R. Nickerson's F. M. B. F No. 4, as follows:

Item 110 of 1st revised page 19; 3d revised page 21.
Item 200 on 4th Revised page 22.
6th revised page 39.
9th revised page 40.
12th revised page 41.
14th revised page 42.
9th revised page 43.
9th revised page 44.
7th revised page 45.
6th revised page 46.
6th revised page 47.
10th revised page 48.
11th revised page 49.
Item 130 of 1st revised page 20.
10th revised page 50.
11th revised page 50.
Item 280 of 2d revised page 24.
6th revised page 51.
7th revised page 52.
19th revised page 53.
12th revised page 54.
5th revised page 55.
5th revised page 56.
9th revised page 57.
7th revised page 58.
5th revised page 59.
7th revised page 60.

Pacific Coast-Puerto Rican Conference Tariff No. 2, Agent C. R. Nickerson's F. M. B. F No. 23, as follows:

1st revised page 10.
Item 80 of 1st revised page 11.
1st revised page 12.
Item 110 of 1st revised page 13.
Item 155 of 1st revised page 14.
5th revised page 20.
2d revised page 21.
5th revised page 22.

Pursuant to the above order, as amended, notice is hereby given that a public hearing in this proceeding will be held at San Francisco, California, before Examiner Arnold J. Roth, beginning at 10 a. m., P. s. t., September 30, 1957. The location of the hearing room will be announced later. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the Examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board on or before September 16, 1957, and should file petitions for leave to intervene in accordance with Rule 5 (n) of said rules.

Dated: August 21, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-6983; Filed, Aug. 23, 1957; 8:48 a. m.]

OAHU RAILWAY AND LAND CO. AND MATSON NAVIGATION CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8255, between Oahu Railway and Land Company and Matson Navigation Company, provides that Oahu Railway and Land Company will grant to Matson the right to use Piers 31, 32 and 33, in the Port of Honolulu; that Matson agrees to use said piers and other piers owned by Oahu to the maximum extent consistent with expeditious turnaround of Matson's ships and service to its shippers and consignees; that Matson will pay Oahu dockage at the rates established and published by Oahu and lawfully in effect; and that Matson will collect, from shippers and consignees, wharfage charges established and published by Oahu, remitting same to them.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing, should such hearing be desired.

Dated: August 21, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-6984; Filed, Aug. 23, 1957; 8:48 a. m.]

BARBER-WEST AFRICAN LINE JOINT SERVICE AND FARRELL LINES, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8231, between the carriers comprising the Barber-West African Line joint service and Farrell Lines Incorporated, covers the transportation of cargo under through bills of lading in the trade between Harbel, Liberia, and United States Atlantic ports, with transhipment at Monrovia, Liberia. Agreement No. 8231, upon approval, will supersede and cancel approved transhipment Agreement No. 7747, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 21, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-6985; Filed, Aug. 23, 1957; 8:48 a. m.]

ANDERSEN AND CO. AND GENE MILLER

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8129 between Andersen and Company, San Francisco, California, and Gene Miller, San Pedro, California, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 21, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-6986; Filed, Aug. 23, 1957; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-61]

JAMES LOUDON & CO., INC.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission proposes to issue, on Form AEC-250, the facility export license described below unless within 15 days after filing of this notice with the Federal Register Division, a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

1. Pursuant to section 104 (c) of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and upon findings that (a) the reactor proposed to be exported is a utilization facility; (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Federal Republic of Germany on behalf of Berlin; and (c) the issuance of an export permit to James Loudon & Co., Inc., will not be inimical to the common defense and security and to the health and safety of the public, the Atomic Energy Commission will issue a license to James Loudon & Co., Inc., 354 South Spring Street, Los Angeles, California, for the export of a 50 kilowatt solution-type research reactor described in the Company's application filed March 28, 1957. The reactor is to be exported to the Senate of the Land Berlin, West Berlin, Germany.

2. The license will be subject to the following conditions:

(a) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

(b) The license will be subject to the right of recapture or control reserved by section 108 of the act and to all other provisions of the act, now or hereafter in effect, and to all rules and regulations of the United States Atomic Energy Commission.

(c) The license will be effective as of the date of issuance thereof and shall expire on August 31, 1958, unless sooner terminated.

Dated at Washington, D. C., this 19th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-6966; Filed, Aug. 22, 1957; 12:30 p. m.]

NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF ORGANIZATION [1]

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 3 (a) (1) of the Administrative Procedures Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and concurrently publishes in the Notices section of the FEDERAL REGISTER the following amendments to its description of organization in the field in respect to the places at which the public may secure information or make submittals or requests.

There has been established an office designated as the Twenty-second Regional Office, with headquarters at 744 Broad Street, Newark 2, New Jersey, effective September 3, 1957.

The following counties in New Jersey are hereby removed from the Second and Fourth Regions [2] and placed in the Twenty-second Region, effective September 3, 1957: Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren.

The addresses of the Regional and Sub-regional offices appearing at 21 F. R. 9914 are corrected as follows:

First Region—Boston 8, Mass., 24 School Street.

Second Region—New York 16, N. Y., 2 Park Avenue.

Third Region—Buffalo 2, N. Y., Room 112, United States Courthouse Building, 68 Court Street.

Fourth Region—Philadelphia 7, Pa., 1500 Bankers' Securities Building.

Fifth Region—Baltimore 1, Md., Eighth Floor, 104 West Baltimore Street.

Sixth Region—Pittsburgh 22, Pa., 2107 Clark Building.

Seventh Region—Detroit 26, Mich., Industrial Building, 232 W. Grand River.

Eighth Region—Cleveland 14, Ohio, Ninth-Chester Building.

Ninth Region—Cincinnati 2, Ohio, Ingalls Building, Fourth and Vine Streets.

Thirty-fifth Sub-Region—Indianapolis 4, Ind., 319 North Pennsylvania Street.

Tenth Region—Atlanta 23, Ga., 50 Seventh Street NE.

Eleventh Region—Winston-Salem, N. C., 1831 Nissen Building.

Twelfth Region—Tampa 2, Fla., 112 East Cass Street.

Thirteenth Region—Chicago 3, Ill., 176 West Adams Street.

Fourteenth Region—St. Louis 2, Mo., Room 935, United States Court and Custom House, 1114 Market Street.

Fifteenth Region—New Orleans 13, La., 820 Lowich Building, 2026 St. Charles Avenue.

Thirty-second Sub-Region — Memphis, Tenn., 714 Falls Building, 22 North Front Street.

Sixteenth Region—Fort Worth 4, Tex., 300 West Vickery, Room 2093.

Thirty-third Sub-Region—El Paso, Tex., 405 East Franklin Street.

Thirty-ninth Sub-Region—Houston, Tex., 650 M & M Building, 1 Main Street.

Seventeenth Region—Kansas City 6, Mo., 1400 Federal Office Building, 911 Walnut Street.

Thirtieth Sub-Region—Denver 2, Colo., 509 Railway Exchange Building.

Eighteenth Region—Minneapolis 1, Minn., 601 Metropolitan Building, Second Avenue and Third Street.

Nineteenth Region—Seattle 4, Wash., 407 United States Court House, Fifth Avenue and Spring.

Thirty-sixth Sub-Region—Portland 4, Oreg., Room 326, United States Court House.

Twentieth Region—San Francisco, Calif., 856 United States Appraisers Building, 630 Sansome Street.

Thirty-seventh Sub-Region—Honolulu 13, Territory of Hawaii, 334 Federal Building.

Twentieth Region—San Francisco, Calif., 111 West Seventh Street.

Twenty-second Region—Newark 2, N. J., 744 Broad Street.

Twenty-fourth Region—Santurce, Puerto Rico, Post Office Box 9176.

(Sec. 6, 49 Stat. 452, as amended; 29 U. S. C. 156)

Dated, Washington, D. C., August 19, 1957.

By direction of the Board.

[SEAL] FRANK M. KLEILER,
Executive Secretary.

[F. R. Doc. 57-6946; Filed, Aug. 22, 1957; 8:46 a. m.]

[1] This amends Description of Organization which appeared at 13 F. R. 3090, with amendments appearing at 13 F. R. 6266, 15 F. R. 973, 16 F. R. 1969, 19 F. R. 1259, and 21 F. R. 9914.

[2] The following counties are removed from the Second Region: Bergen, Essex, Hudson, Passaic, and Union; the following counties are removed from the Fourth Region: Hunterdon, Mercer, Middlesex, Monmouth, Morris, Somerset, Sussex, and Warren. The following New Jersey counties remain in the Fourth Region: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.

CIVIL AERONAUTICS BOARD

[Docket No. 4563]

AEROLINEAS ARGENTINAS FAMA

NOTICE OF HEARING

In the matter of the application of Aerolineas Argentinas Fama for renewal and amendment of its foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between Buenos Aires, Argentina, and New York, New York, via the intermediate points Sao Paulo, Brazil, (or Rio de Janeiro, Brazil) Belem, Brazil, Port of Spain, Trinidad, B. W. I., and Havana, Cuba, and authorizing service to Sao Paulo and Rio de Janeiro on the same flights.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled application is assigned for September 16, 1957, at 10:00 a. m., e. d. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., August 20, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-6989; Filed, Aug. 23, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-219, 54-13]

STANDARD SHARES, INC.

ORDER APPROVING AND RELEASING JURISDICTION WITH RESPECT TO ALLOWANCES

AUGUST 19, 1957.

The above entitled proceeding involved a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Standard Shares, Inc. (formerly Standard Power and Light Corporation and hereinafter referred to as "Shares") which plan provided for the reclassification of Shares' outstanding classes of stock into a single class; the elimination of Shares' sole remaining public-utility subsidiary; and the transformation of Shares into an investment company. In its order, dated February 16, 1956 (Holding Company Act Release No. 13101), approving said plan the Commission reserved jurisdiction to determine the reasonableness of all fees and expenses and all other remunerations incurred or to be incurred by Shares in connection with said plan, the transactions incidental thereto and all proceedings on or related thereto.

Applications for allowances have been filed with the Commission. Hellerstein & Rosier, counsel for Shares, requests approval by the Commission of the payment by Shares of a fee for services rendered in connection with said plan in the amount of $40,000 and for approval of expenses in the amount of $4,332.52. Reis & Chandler, Inc., financial expert for Shares, requests the approval by the Commission of the payment by Shares of a fee in the amount of $6,500 and expenses in the amount of $161.95. Levitt, Rosenberg, Stone & Notkins, counsel for a common stockholder of Shares, requests approval by the Commission of the payment by Shares of a fee and expenses in the respective amounts of $2,500 and $87. The above fees and expenses were considered by Shares prior to the filing of said applications and Shares has advised the Commission that it has no objection to the approval by the Commission of the amounts requested and, upon receipt of an order of the Commission, Shares has

agreed to pay such amounts as have not already been paid.

The Commission has considered the above fees and expenses and has concluded that said fees and expenses are for necessary services and are reasonable; that with respect to the payment of such fees and expenses jurisdiction heretofore reserved by the Commission in its order of February 16, 1956, may appropriately be released; and that an order should be entered approving and directing the payment thereof to the extent that such fees and expenses have not heretofore been paid.

It is ordered, That the applications of Hellerstein & Rosier, Reis & Chandler, Inc. and Levitt, Rosenberg, Stone & Notkins for allowances for services and reimbursement of expenses, in the amounts set forth above be, and hereby are, approved; that Shares is directed to pay such amounts to the extent any portion thereof has not heretofore been paid; and that, with respect to the payment by Shares of the fees and expenses set forth above, jurisdiction heretofore reserved by the Commission in its order of February 16, 1956, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6972; Filed, Aug. 23, 1957; 8:45 a. m.]

[File No. 70-3605]

WEST TEXAS UTILITIES CO.

NOTICE OF PROPOSED ACQUISITION, BY LONG-TERM LEASE, OF ELECTRIC FACILITIES

AUGUST 19, 1957.

Notice is hereby given that West Texas Utilities Company ("Company"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 2 (c), 9 (a) (1) and 10 thereof, and Rules U-41 and U-100 thereunder as applicable to the proposed transaction, which is summarized as follows:

The Company owns and operates an electric distribution system serving, among other communities, the City of Spur, Texas, and environs. The City of Spur ("City") also owns and operates an electric plant and distribution system serving the City and environs.

The Company proposes to enter into a Lease Agreement with the City, to be dated July 17, 1957, under which the Company will lease from the City, for an initial term of forty (40) years, all the properties comprising the City's electric generating plant and distribution system (less certain excepted properties) at an annual rental of $22,500. The Company will also pay to the City (in addition to ad valorem, occupation or other similar taxes upon properties owned by the Company, other than the leased properties) an annual franchise tax equal to 2 percent of the total annual revenues received by the Company from its domestic, commercial and industrial customers within the corporate limits of the City for electric service supplied to them for the previous calendar year.

The lease further provides that the Company shall merge the City's system and the Company's system into a single, modern electric distribution system, utilizing the best parts of each, as determined by the Company; that the rates to be charged by the Company in the City of Spur shall never be higher than the rates of the Company for comparable services in other communities of comparable size; that, at the end of the initial 40-year term, the City shall have the option to acquire the entire merged electric distribution system in the City of Spur (excluding the Company's generating and transmission system) at a price equal to the fair value, as defined; and that if the City fails to exercise such option, the Company may, at its election, either (a) extend the lease for an additional term of years, on rental terms then to be agreed upon, or (b) acquire the City's interest in the merged system at the appraised value as of the date of the lease, plus the salvage value realized by the Company from any portions of the leased property not incorporated in the merged system. For the full text of the lease, reference is made to the Lease Agreement, a copy of which is attached to the Company's application.

It is stated that no regulatory commission other than this Commission has jurisdiction over the proposed transaction.

The Company estimates that its expenses to be incurred in the matter will not exceed $500.

Notice is further given that any interested person may, not later than September 3, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6973; Filed, Aug. 23, 1957; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

JAMES F. BROWNLEE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Since the filing of Form ODM-163 on February 1, 1957, I have sold my stock in the Jefferson Island Salt Co.

This amends statement previously published in the FEDERAL REGISTER February 15, 1957 (22 F. R. 967).

Dated: August 13, 1957.

JAMES F. BROWNLEE.

[F. R. Doc. 57-6952; Filed, Aug. 22, 1957; 8:48 a. m.]

LEROY LUTES

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Since previous report the following changes have been made:

Deletions: Union Pacific R. R. Co., Hooker Electric & Chemical Co., New York Central bonds.

Additions: Socony Oil Co., Philips Oil Co, Trinidad Petroleum, Borax Holdings, Ltd.

Others: No change.

This amends statement previously published in the FEDERAL REGISTER March 2, 1957 (22 F. R. 1324).

Dated: August 1, 1957.

LEROY LUTES.

[F. R. Doc. 57-6953; Filed, Aug. 22, 1957; 8:48 a. m.]

C. E. WAMPLER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from the statement filed as of February 1, 1957.

This amends statement previously published in the FEDERAL REGISTER February 22, 1957 (22 F. R. 1094).

Dated: August 1, 1957.

C. E. WAMPLER.

[F. R. Doc. 57-6954; Filed, Aug. 22, 1957; 8:48 a. m.]

ERNEST A. TUPPER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change in status of holdings since submission of last report.

This amends statement previously published in the FEDERAL REGISTER March 15, 1957 (22 F. R. 1688).

Date: August 1, 1957.

ERNEST A. TUPPER.

[F. R. Doc. 57-6955; Filed, Aug. 22, 1957; 8:48 a. m.]

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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 29]

PART 3—AIRPLANE AIRWORTHINESS, NORMAL, UTILITY, AND ACROBATIC CATEGORIES

ANTICOLLISION LIGHT STANDARDS; ELECTRIC CABLE FOR POWER DISTRIBUTION

The amendment to § 3.705–1 *Anticollision light standards* clarifies that the policy applies to all airplanes for which an application for type certificate was made before April 1, 1957, instead of to airplanes type certificated before that date.

Section 3.693–1 *Electric cable for power distribution* sets forth design standards acceptable to the CAA for such cables when used in airplanes.

1. Section 3.705–1 *Anticollision light standards* as it appeared on May 24, 1957, in 22 F. R. 3653, is amended by revising the second sentence of the opening paragraph to read: "When anticollision lights are installed on aircraft for which an application for a type certificate was made before April 1, 1957, the applicant may conform either to § 3.705 or to the standards listed below:"

2. A new § 3.693–1 is added to read as follows:

§ 3.693–1 *Electric cable for power distribution (CAA policies which apply to § 3.693).* The design of power distribution cable [1] should be such that probable environmental conditions [2] will not produce hazardous deterioration of the cable insulation, or cause a failure of the conductor. Cable insulation should be flame-resistant and should not emit toxic fumes when overheated. Cable conforming to Military Specification MIL-W-5086 or the equivalent is acceptable for this application.

This supplement shall become effective September 15, 1957.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] S. A. KEMP, *Acting Administrator of Civil Aeronautics.*

AUGUST 20, 1957.

[F. R. Doc. 57-6998; Filed, Aug. 26, 1957; 8:45 a. m.]

[Supp. 33]

PART 4b—AIRPLANE AIRWORTHINESS: TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

The following policies present methods acceptable to the CAA for showing compliance with certain powerplant and electrical requirements of Part 4b of the Civil Air Regulations.

Section 4b.401–4 sets forth safety standards for engine operation when an automatic propeller control system is installed. The type of analysis or tests applicable to the propeller reversing system furnished by the airplane manufacturer are explained in § 4b.407–1.

Section 4b.474–1 provides acceptable means for stopping intermittent duty type motors employed in propeller reversing systems.

The types of malfunctions which should be revealed by the checking means required in fire detector circuits are set forth in § 4b.485–1.

The reliability criteria for electrical generating systems to assure continued service after the occurrence of a single fault or failure are given in § 4b.622–1, and acceptable standards for fire resistant electrical equipment and components as installed in airplanes are established in § 4b.626–1.

The following policies are hereby adopted:

§ 4b.401–4 *Engine operation with automatic propeller control system installed (CAA policies which apply to § 4b.401*

(Continued on next page)

[1] For the purpose of this section, the term "power distribution cable" includes all electric cable transmitting electric power from generators or batteries to load equipment, but does not include cable confined within metallic enclosures, such as in radio equipment.

[2] Environmental conditions which should be considered: Ambient temperature range which may exceed design limits of the cable; vibration leading to abrasive wear of cable insulation or conductor failure; presence of aircraft fluids, such as oil, gasoline, or water, which may have detrimental effects on cable insulation or increase its inflammability. (See § 3.631.)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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onstration, or (3) a combination of analysis and flight demonstration.

§ 4b.407–1 *Investigation of propeller systems which produce negative thrust (CAA policies which apply to § 4b.407).* (a) Compliance with § 4b.407 may be demonstrated by failure analysis, testing, or a combination of both for propeller systems that allow propeller blades to move from the flight low-pitch position to a position[2] that is substantially less than that at the normal flight low-pitch stop position.

(b) The analysis should disclose, for all components involved in the reversing system, the types of failure or malfunction likely to occur, how such failures or malfunctions affect propeller pitch, and the design feature that prevents unwanted travel of the propeller blades to a position substantially below the normal flight low-pitch stop. The analysis may include, or be supported by, the analysis made to demonstrate compliance with the requirements of § 14.103 of this subchapter for the propeller and associated installation components supplied with it.

(c) When necessary, testing should be conducted to verify assumptions made in the analysis of how the propeller will function with a failed system component and that the design feature provided does in fact prevent unwanted travel of the propeller blades.

§ 4.474–1 *Propeller feathering pump motors, intermittent duty type (CAA policies which apply to § 4b.474 (b)).* (a) An intermittent duty type motor[3] in the propeller feathering control system should automatically stop or be made to stop upon the completion of the feathering operation by any of the following means:

(1) Installation of a pressure cutout switch in the feathering button holding coil circuit.

(2) Installation of a timer switch in the feathering button holding coil circuit.

(3) Manually interrupting the feathering pump circuit by pulling out the feathering button. In this arrangement a warning light should be installed in the pump circuit to illuminate while the pump motor is operating. The light may be either in the feathering button or adjacent to it.

(b) Timer switches of either the mechanical or the thermal types are acceptable.

§ 4b.485–1 *Fire detector test circuit (CAA policies which apply to § 4b.485 (c)).* (a) The checking means should serve to assure the crew that a fire within the zone of coverage will produce a fire warning if all fire-responsive (detector) elements are operative. The means need not be designed to disclose whether fire detector sensor elements themselves would respond properly to a fire.[4]

(b) The check should reveal any probable malfunction or failure in the fire-detection system, external to the detector elements, which could interfere with, or prevent, fire warning. Open and short circuits in wiring, and inoperative lights, bells, switches, or relays are examples of malfunctions which should be revealed by such a check.

§ 4b.622–1 *Generating system reliability (CAA policies which apply to § 4b.622 (b)).* Generating systems should be analyzed, inspected or tested to assure conformance to the following reliability criteria:

(a) *Failure of propulsion engines or other prime movers.* The generating system performance (after failure of one or more propulsion engines or other prime movers) should be that specified in § 4b.606 (c).

(b) *Generating system malfunctions.* No probable malfunction[5] in the generating system, or in the generator drive system,[6] should result in the permanent loss of service to electric utilization systems[7] which are necessary to maintain controlled flight and to effect a safe landing,[8] unless the aircraft is equipped with an independent source of electric power capable of supplying continuous emergency service to these utilization systems.

(c) *Corrective action.* Where corrective action is necessary to comply with paragraphs (a) and (b) of this section,

(1) Adequate warning should be provided for any malfunction or failure requiring such corrective action.

(2) Controls should be so located as to permit such corrective action during any probable flight situation.

(3) If corrective action must be taken within a specified time interval for continued safe operation of the generating system, it should be demonstrated that such corrective action can be accomplished within the specified time interval during any probable flight situation.

(4) The procedure to be followed by the crew should be detailed in the Operating Procedures Section of the Airplane Flight Manual (see § 4b.740).

(d) *Electric system smoke and fire procedures (see § 4b.371 (c)).* To cope with electrical smoke or fire of undetermined origin, generating system controls should be designed to permit electrical disconnection of overheated equipment in flight without hazardous interruption of service to electric utilization systems. Procedures for this purpose should be contained in the Operating Procedures Section of the Airplane Flight Manual (see § 4b.740).

§ 4.626–1 *Fire-resistant electrical equipment*[9] *(CAA policies which apply to § 4b.626).* When applied to the electrical equipment and components defined in the last sentence of § 4b.626, an accepted criterion for "fire-resistant" is that such equipment and components, as installed in the aircraft, should withstand a surface temperature of 2000° F. for at least five minutes without adverse effect on their circuit function."[9] The 2000° F. surface temperature should be achieved by enveloping the equipment in an oxidizing flame, using a test setup simulating the actual aircraft installation."

This supplement shall become effective September 15, 1957.

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

AUGUST 20, 1957.

[F. R. Doc. 57–6999; Filed, Aug. 26, 1957; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

FORM S–2, REGISTRATION STATEMENT

The Securities and Exchange Commission announced today that it has adopted a revised Form S–2[1] (17 CFR 239.12) under the Securities Act of 1933. Notice of the proposed revision was published October 4, 1956 in Securities Act Release No. 3700.

(*b*)). (a) When an automatic control system for simultaneous r. p. m. control of all propellers is installed, it should be shown that no single failure or malfunction in this system or in an engine controlling this system will:

(1) Cause the tolerable engine overspeed for this condition[1] to be exceeded at any time, and

(2) Cause a loss of thrust which will cause the airplane to descend below the established takeoff path (§ 4b.116) if such system is certificated for use during takeoff and climb. This should be shown for all weights and altitudes for which certification is desired. A period of five seconds should be allowed from the time the malfunction occurs to the initial motion of the cockpit control for corrective action taken by the crew.

(b) Compliance with this policy may be shown by, (1) analysis, (2) flight demonstration, or (3) a combination of analysis and flight demonstration.

[1] 105 percent of takeoff r. p. m. will be considered tolerable for this condition for all engines, except that higher overspeeds may be acceptable if the engine manufacturer substantiates a higher value to the CAA.

[2] Where the blade position is intended to provide increased drag during the landing run (ground fine pitch) or a reversed propeller blade position.

[3] Intermittent duty type motors may fail if operated continuously for more than two minutes.

[4] This is normally a separate ground maintenance operation.

[5] A probable malfunction is any single electrical or mechanical malfunction or failure which is considered probable on the basis of past service experience with similar components in aircraft applications. This definition should be extended to multiple malfunctions when: (1) The first malfunction would not be detected during normal operation of the system, including periodic checks established at intervals which are consistent with the degree of hazard involved, or (2) the first malfunction would inevitably lead to other malfunctions.

[6] The generator drive system includes the prime movers (propulsion engines or other) and coupling devices such as gear-boxes or constant-speed drives.

[7] An electric utilization system is a system of electric equipment, devices and connected wiring which utilizes electric energy to perform a specific aircraft function.

[8] The specific electric utilization systems which are necessary to maintain controlled flight and effect a safe landing will vary with the type of aircraft and with the nature of the operation in which the aircraft is utilized. Examples of systems which may be in this category are as follows: Basic flight instruments, minimum navigation equipment, minimum two-way radio communications, and control system boost.

[9] This policy establishes a basic test standard for fire-resistant electrical equipment. However, installation approval may be granted for equipment which does not conform to this standard, if it can be shown that such equipment would provide equivalent safety when exposed to the probable fire conditions at its particular location.

[10] Excessive temperature may affect electrical equipment and components by causing such malfunctions as short circuit, open circuit, and changes in circuit parameters (for example, reduced insulation resistance and dielectric strength).

[11] In the case of electric cable, only a representative length, not less than 12 inches, need be enveloped in the flame.

[1] Filed as part of the original document.

[2] Filed as part of the original document.

The revised form is to be used for registration of capital stock of any corporation, other than an insurance, investment or mining company, if the securities being registered are to be sold to the public for cash. The form is prescribed only for such companies which have not had any substantial gross returns from the sale of their products or services, or any substantial net income from any source, for any of the past five fiscal years. If the registrant has succeeded, or intends to succeed, to any business, the form can be used only if such business has not had any substantial gross returns from the sale of products or services, or any substantial net income from any source, for any of the past five fiscal years. The form may not be used if the registrant has or intends to have any subsidiaries other than inactive subsidiaries with no more than nominal assets.

The revised Form S–2 brings the items and requirements of the form into line as nearly as practicable with the Commission's other registration forms under the act. Detailed instructions as to the form and content of financial statements have been omitted and a reference is made to Regulation S–X which sets forth the requirements with respect to the form and content of such statements.

Registrants using Form S–2 will normally file statements of assets and liabilities and statements of cash receipts and disbursements. However, provision is made in the form whereby the Commission may permit the filing of conventional balance sheets and profit and loss statements in appropriate cases.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19 (a) thereof, and shall become effective September 19, 1957.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 19, 1957.

[F. R. Doc. 57–7008; Filed, Aug. 26, 1957; 8:47 a. m.]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

FORM S–3 REGISTRATION STATEMENT

The Securities and Exchange Commission has adopted a revised Form S–3 [1] (17 CFR 239.13) under the Securities Act of 1933 and has rescinded Form S–11 (17 CFR 239.18) under that act. Notice of the proposed action was published August 2, 1956 in Securities Act Release No. 3668. The Commission has also adopted a minor clarifying amendment to Regulation A which provides a conditional exemption from registration under the act of issues of securities not in excess of $300,000.

The revised Form S–3 is to be used for registration under the act of capital stock of any mining corporation which is engaged, or intends to engage primarily in the exploration, development or exploitation of mineral deposits, other than oil or gas, where the securities being registered are to be sold to the public for cash. The form is prescribed only for such companies whose aggregate gross receipts from the sale of its products during the past five years have not exceeded the aggregate amount of its exploration, development and operating expenses for that period, exclusive of expenditures and liabilities incurred for plants and major equipment. If the registrant has succeeded or intends to succeed to any business, the gross receipts of such business during the past five years must have been similarly limited to permit use of the form. The form may not be used if the registrant has or intends to have any subsidiaries other than inactive subsidiaries with no more than nominal assets.

The revised Form S–3 brings the items and requirements of the form into line as nearly as practicable with the Commission's other registration forms under the act. The detailed instructions as to the form and content of financial statements have been omitted and a reference is made to Regulation S–X which sets forth the requirements with respect to the form and content of such statements. Registrants using Form S–3 will normally file statements of assets and liabilities and statements of cash receipts and disbursements. However, provision is made in the form whereby the Commission may permit the filing of conventional balance sheets and profit and loss statements in appropriate cases.

There is omitted from the revised form the requirements previously contained in the form for the filing of exhibits showing the estimated cost of recovery of ore. This requirement has been omitted because of the difficulty of obtaining reasonably accurate estimates of the various costs involved.

The amendment to Regulation A is a revision of the definition of the term "proven ore" contained in paragraph (c) of Item 8A of Schedule I to Form 1–A (17 CFR 239.90). This schedule specifies the information required to be included in an offering circular for securities offered under Regulation A. The Commission finds that notice and procedure pursuant to the Administrative Procedure Act is not necessary in connection with this amendment inasmuch as the amendment merely clarifies the existing definition and does not impose any additional substantive requirements. The text of paragraph (c) as so amended reads as follows:

(c) The term "proven ore" means a body of ore so extensively sampled that the risk of failure in continuity of the ore in such body is reduced to a minimum. The term "probable ore" means ore as to which the risk of failure in continuity is greater than for proven ore, but as to which there is sufficient warrant for assuming continuity of the ore.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19 (a) thereof, and shall become effective September 19, 1957.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 19, 1957.

[F. R. Doc. 57–7009; Filed, Aug. 26, 1957; 8:48 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

USE OF REGISTRATION STATEMENT UNDER SECURITIES ACT OF 1933; WITHDRAWAL OF PROPOSED AMENDMENT TO FORM 10–K

The Securities and Exchange Commission announced today that it has adopted a revision of § 240.12b–35 of its general rules and regulations under the Securities Exchange Act of 1934. Notice of the proposed revision was published March 11, 1957 in Release No. 5471.

This rule permits registrants under the Securities Act of 1933 to file an application for registration of securities on a national securities exchange consisting principally of its registration statement under the Securities Act and such annual, semi-annual or current reports as may be necessary to bring up to date the information contained in the registration statement. Where the registrant has previously filed such reports pursuant to section 13 or 15 (d) of the Securities Exchange Act they must be incorporated by reference in copies of the application filed with the Commission and copies of such reports must be filed with the exchange on which the securities are being registered.

The principal purpose of the revision is to conform the rule to the requirements of the Commission's existing forms and to provide that in appropriate cases the information contained in the Securities Act registration statement and in the required reports, if any, must be supplemented to provide up-to-date information in regard to the business and property of the registrant.

The proposed revision as announced in Release No. 5471 would have limited the use of the rule to registrants under the Securities Act which are subject to the reporting requirements of section 15 (d) of the Securities Exchange Act. The revision as adopted does not contain this limitation. The revised rule does, however, limit the use of the rule to cases where the registration statement under the Securities Act was filed on Form S–1, since this is the only form which contains information comparable to that required by Form 10 (17 CFR 249.210) under the Securities Exchange Act.

The Commission has determined not to adopt the proposed amendment to Form 10–K (17 CFR 249.310) announced in Release No. 5471. However, applications for registration filed by extractive companies pursuant to § 240.12b–35 must, in appropriate cases, contain up-to-date information in regard to reserves.

The text of the revised rule is as follows:

§ 240.12b–35 *Use of registration statement under Securities Act of 1933.* (a) Any registrant which has effective under the Securities Act of 1933 a registration statement filed on Form S–1 (§ 239.11 of this chapter) and not subject to any proceeding under section 8 of that act or to an order entered thereunder may file an application for registration of securities on an exchange consisting of the following:

(1) The registration statement and all amendments thereto filed under the Securities Act of 1933, including financial statements and exhibits, or a composite of such statement as amended. However, any financial statements or exhibits not called for by the appropriate application form may be omitted.

(2) A description of the securities being registered, as required by the appropriate application form, unless they are of the same class as those registered under the statement referred to in subparagraph (1) of this paragraph.

(3) Any financial statements or exhibits required by the appropriate application form which are not contained in the statement referred to in subparagraph (1) of this paragraph.

(4) The approximate number of holders of record of each class of stock of the registrant, as of the latest practicable date.

(b) If the registrant has no securities listed and registered on the particular exchange, the application shall also include as exhibits the annual, semi-annual and current reports which would have been required if securities of the registrant had become listed and registered on such exchange on the effective date of the registration statement referred to in paragraph (a) (1) of this section. If the registrant has filed reports pursuant to section 13 or 15 (d) of the act, it may file with the application copies of the reports filed pursuant to that section subsequent to the effective date of such registration statement, in lieu of the reports referred to in the preceding sentence.

(c) If the application for registration is filed more than one year after the effective date of the registration statement referred to in paragraph (a) (1) of this section, the information called for by items 3 and 4 of Form 10 shall be included in the application. If the application is filed within one year after the effective date of such registration statement or within one year after the end of the fiscal year covered by the latest annual report furnished pursuant to paragraph (b) of this section, the application shall include a brief description of any materially important changes not previously reported, in the business of the registrant and its subsidiaries since the effective date of the registration statement, or since the end of the fiscal year covered by such annual report, as the case may be, including, in the case of an extractive company, any material changes in the reserves of such company. This paragraph shall not apply, however, if the registrant has securities listed and registered on any national securities exchange.

(d) An application for registration filed pursuant to this section shall be filed under cover of the facing sheet of the appropriate application form and shall be signed in accordance with the requirements of that form. Except as otherwise provided in this section, all pertinent provisions of this part relating to the preparation and filing of applications for registration shall apply to applications filed pursuant to this section. The following statement and list of contents shall be set forth on the first page of the application immediately following the facing page thereof:

This application is filed pursuant to § 240.12b–35 of the general rules and regulations under the Securities Exchange Act of 1934 and consists of the following information and documents:

(List the contents of the application for registration, commencing with the registration statement under the Securities Act of 1933, identifying it by file number and effective date.)

(e) In copies of the application filed with the Commission the registrant shall incorporate by reference the registration statement referred to in paragraph (a) (1) of this section and any reports required by paragraph (b) of this section which are on file with the Commission. If such registration statement or any such annual report incorporates by reference any financial statements or exhibits required by the appropriate form which are on file with the Commission but are not on file with the exchange, copies of the application filed with the exchange shall include copies of such financial statements or exhibits. Section 240.12b–36 shall apply to financial statements filed as a part of, or incorporated by reference in, applications for registrations filed pursuant to this section.

(f) Notwithstanding any rule or regulation of the Commission to the contrary, the exhibits required by this form to be physically filed with the exchange may be in photocopy form.

The foregoing action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 12 (b) and 23 (a) thereof, and shall become effective September 19, 1957.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 19, 1957.

[F. R. Doc. 57–7010; Filed, Aug. 26, 1957; 8:48 a. m.]

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[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 15—CEREAL FLOURS AND RELATED PRODUCTS

SUBPART C—RICE AND RELATED PRODUCTS

ORDER RULING ON PROPOSAL TO ADOPT A DEFINITION AND STANDARD OF IDENTITY FOR ENRICHED RICE

In the matter of adopting a definition and standard of identity for enriched rice:

A notice of proposed rule making was published in the FEDERAL REGISTER of December 28, 1956 (21 F. R. 10412) setting forth a proposal to adopt a definition and standard of identity for enriched rice. The notice invited all interested persons to submit their views and comments on the proposal.

Upon consideration of the views and comments submitted and other available relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt a definition and standard of identity for enriched rice, and that the definition and standard of identity proposed should be adopted, with modifications. Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U. S. C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045): *It is ordered*, That Part 15 be amended by adding thereto the following new subpart:

SUBPART C—RICE AND RELATED PRODUCTS

§ 15.525 *Enriched rice; identity.* (a) The foods for which definitions and standards of identity are prescribed by this section are forms of milled rice (except rice coated with talc and glucose and known as coated rice), to which nutrients have been added so that each pound of the rice contains:

(1) Not less than 2.0 milligrams and not more than 4.0 milligrams of thiamine; not less than 1.2 milligrams and not more than 2.4 milligrams of riboflavin; not less than 16 milligrams and not more than 32 milligrams of niacin; and not less than 13 milligrams and not more than 26 milligrams of iron (Fe).

(2) Each pound may contain not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D.

(3) Each pound may contain not less than 500 milligrams and not more than 1,000 milligrams of calcium (Ca). Calcium carbonate derived from the use of this substance in milling rice, when present in quantities that furnish less than 500 milligrams of calcium (Ca) per pound, is considered a normal ingredient of the milled rice used and not an optional ingredient of the enriched rice unless such enriched rice is labeled to show it contains the optional ingredient calcium. Iron and calcium may be added

only in forms that are harmless and assimilable. The vitamins referred to in subparagraphs (1) and (2) of this paragraph may be combined with harmless substances to render them insoluble in water, if the water-insoluble products are assimilable.

(b) The substances referred to in paragraph (a) (1), (2), and (3) of this section may be added in a harmless carrier. Such carrier is used only in the quantity necessary to effect an intimate and uniform mixture of such substances with the rice.

(c) Unless the label of the food bears the statement "To retain vitamins do not rinse before or drain after cooking", immediately preceding or following the name of the food and in letters not less than one-fourth the point size of type used for printing the name of the food (but in no case less than 8-point type) and the label bears no cooking direction calling for washing or draining, the substances named in paragraph (a) (1), (2), and (3) of this section shall be present in such quantity or in such form that when the enriched rice is washed as prescribed in paragraph (e) of this section, the washed rice contains not less than 85 percent of the minimum quantities of the substances named in paragraph (a) (1) of this section, as required for enriched rice; and in case any optional ingredients named in paragraph (a) (2) and (3) of this section are used, the washed rice also contains not less than 85 percent of the minimum quantity specified for the substance or substances used.

(d) The name specified for each food for which a definition and standard of identity is prescribed by this section is the common name of the kind of milled rice to which the enriching substances are added, preceded by the word "enriched" as, for example, "Enriched rice" or "Enriched parboiled rice."

(e) The method referred to in paragraph (c) of this section is as follows: Mix the contents of one or more containers and transfer ½ pound thereof to a 4-liter flask containing 2 liters of distilled water at room temperature (but not below 20° C.). Stopper the flask and swirl it moderately for ½ minute so that the rice is in motion and in uniform suspension. Allow the rice to settle for ½ minute, then pour off 1,600 milliliters of the water, together with any floating and suspended matter, and discard. To the contents of the flask, add 1,600 milliliters of distilled water and 20 milliliters of 10 *N* hydrochloric acid. Agitate vigorously and wash down the sides of the flask with 150 milliliters of 0.1 *N* hydrochloric acid. In order to avoid excess foaming during the extraction, heat the mixture slowly to about 100° C., agitate gently if necessary, and maintain at this temperature until air is expelled. Again wash down the sides of the flask with 150 milliliters of 0.1 *N* hydrochloric acid. Heat the mixture in an autoclave at 120° C. to 123° C. for 30 minutes, remove and cool to room temperature. Dilute the mixture with distilled water so that the total volume is 2,500 milliliters. Swirl the flask, and while the solids are in uniform suspension pour off about 250 milliliters of the mixture for later determination of iron (and calcium, if this is to be determined). With filter paper that has been shown not to absorb thiamine, riboflavin, or niacin, filter enough of the remaining mixture for determination of thiamine, riboflavin, and niacin. (In the case of a mixture difficult to filter, centrifuging or filtering through fritted glass, or both, using a suitable analytical filter-aid, may be substituted for, or may precede, filtering through paper.) Dilute an aliquot of filtrate with 0.1 *N* hydrochloric acid, so that each milliliter contains about 0.2 microgram of thiamine, and determine thiamine by the method entitled "Rapid Fluorometric Method—Official," beginning with section 38.32 of the book "Official Methods of Analysis of the Association of Official Agricultural Chemists," 8th Edition, 1955. With a suitable aliquot determine riboflavin by the method entitled "Fluorometric Method—Official" in the same book, beginning with the third sentence of the second paragraph in section 38.35 (a), "Adjust, with vigorous agitation • • •." Determine niacin in a 200-milliliter aliquot of the filtrate by the method entitled "Chemical Method—Official" in the same book, beginning in the second sentence of the first paragraph in section 38.47 (a), "adjust to pH 4.5 with • • •." Evaporate to dryness a 100-milliliter aliquot of the nonfiltered material withdrawn while agitating, and determine iron using the method on page 208 of the same book entitled "Iron—Official," and, if required determine calcium as directed, on page 209 of the same book, entitled "Calcium—Official".

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order to which exceptions are taken and the grounds therefor, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 6 months from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed as the result of objections thereto, with request for public hearing. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; as amended 70 Stat. 919; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341)

Dated: August 19, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-6957; Filed, Aug. 26, 1957; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 74]

PART 1617—REGISTRATION CERTIFICATE

ISSUING OF DUPLICATE CERTIFICATE

Section 1617.12 of the Selective Service Regulations is amended to read as follows:

§ 1617.12 *Action by local boards when SSS Form No. 5 is filed.* A registrant may complete and file an Application for Issuance of Duplicate Registration Certificate (SSS Form No. 5) at his own or any other local board. If the registrant files such application at any local board other than the local board with which he is registered and the registrant's own local board or the place of residence of the registrant at the time of registration is within its State, the local board with which the application is filed shall immediately mail the application to the local board having jurisdiction of the registrant. If the local board with which the application is filed has any doubt as to which other local board in its State has jurisdiction or if the registrant's own local board or his place of residence at the time of registration is not within its State, it shall mail the application to the State Director of Selective Service for transmission to the proper local board. Upon receipt of a completed Application for Issuance of Duplicate Registration Certificate (SSS Form No. 5), the local board with which the registrant is registered shall issue a duplicate Registration Certificate (SSS Form No. 2) to such registrant. If the registrant has filed the application at his local board, the local board shall deliver the duplicate Registration Certificate (SSS Form No. 2) to him in person. If the registrant has filed the application through another local board, the duplicate Registration Certificate (SSS Form No. 2) shall be mailed to him at his mailing address.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460; E. O. 9979, July 20, 1948, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

AUGUST 22, 1957.

[F. R. Doc. 57-7016; Filed, Aug. 26, 1957; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 211—REAL ESTATE ACTIVITIES OF THE CORPS OF ENGINEERS IN CONNECTION WITH CIVIL WORKS PROJECTS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (39 Stat. 1053; 33 U. S. C. 471), § 202.193a is hereby prescribed establishing and governing the use and navigation of two temporary explosives anchorages in St. Joseph Bay, Port St. Joe, Florida, as follows:

§ 202.193a *St. Joseph Bay, Fla.*—(a) *The anchorage grounds*—(1) *Explosives Anchorage Area 1.* A rectangular area 3,000 yards long by 700 yards wide beginning at a point 1,350 yards west of U. S. Highway 98 Bridge over Gulf County Canal. The area is parallel to and 450 yards northeast of the north entrance channel to Port St. Joe, Florida.

(2) *Explosives Anchorage Area 2.* A circular area with a 500-yard radius around a center point located at latitude 29°47'30''; longitude 85°21'30'', 3,100 yards southeast of FW South Channel Light and 5,250 yards south of FW North Channel Light, in St. Joseph Bay, Port St. Joe, Florida.

(b) *The regulations.* (1) The explosives anchorage areas shall be used as a temporary anchorage for vessels engaged in loading and unloading explosives at the port of Port St. Joe, Florida, when the duration of the anchorage period is less than 12 hours.

(2) No vessel shall occupy this anchorage without obtaining a permit from the Captain of the Port.

[Regs., Aug. 8, 1957, 800.2121 (St. Joseph Bay, Fla.)—ENGWO] (Sec. 7, 39 Stat. 1053; 33 U. S. C. 471)

2. Section 211.81 is amended to include four additional reservoir areas to which §§ 211.71 to 211.80 are applicable, effective upon date of publication in the FEDERAL REGISTER, as follows:

§ 211.81 *Reservoir areas.* • • •

(d) Harlan County Reservoir Area, Nebraska.

(e) Fort Randall Reservoir Area, South Dakota.

(f) Garrison Reservoir Area, North Dakota.

(g) Kanopolis Reservoir Area, Kansas.

[Regs., Aug. 14, 1957, ENGLT] (Sec. 2, 70 Stat. 1065; 16 U. S. C. 460f)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-6995; Filed, Aug. 26, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

ALLOWABLE FEES

In § 17.146, subparagraphs (2) and (3) of paragraph (b) are amended to read as follows:

§ 17.146 *Allowable fees.* • • •

(b) • • •

(2) In those States which had in effect at the time the services were rendered no statewide fee schedule approved by the State medical society or association, the fees established in the Veterans Administration fee schedule or guide for charges for medical and ancillary services in effect at the time the services were rendered represent the maximum which may be allowed, provided they are not in excess of those customarily charged the general public for similar services by the physician or organization rendering the treatment or service.

(3) Fees charged for services not listed in an approved statewide fee schedule or not listed in the Veterans Administration fee schedule or guide for charges for medical and ancillary services in effect at the time the services were rendered may be allowed, provided they are considered reasonable and not in excess of those customarily charged the general public by the physician or organization for similar services.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, as amended, 53 Stat. 652, as amended; 38 U. S. C. 706, 706a)

This regulation is effective August 27, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-7014; Filed, Aug. 26, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 933]

[Docket No. AO-85-A3]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lakeland, Florida, beginning on February 25, 1957, after notice thereof published in the FEDERAL REGISTER (22 F. R. 476, 1069) on proposed amendments to the marketing agreement, as amended, and to Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on July 10, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 57-5693; 22 F. R. 5543).

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Add tangelos as a fruit subject to regulation under the order;

(2) Redefine the term "handler" so as to include all persons, except a common or contract carrier, who ship fruit or cause the fruit to be shipped;

(3) Redefine the term "ship" so as to make it applicable to all shipments, including exports, of fruit to destinations outside that portion of the State of Florida bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico, and, in conjunction therewith, to prescribe the types and scope of the regulations that may be imposed;

(4) Revise the provisions relating to assessments so as to continue to limit their application to the first handler of fruit and to permit the collection of assessments for the maintenance and functioning of the committee during any period of suspended activities;

(5) Permit regulation on the basis of minimum standards of quality and maturity when prices of fruit during a season are expected to average above parity; and

(6) Revise and clarify the provisions relating to shipments which may be made exempt from regulation.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be revised by adding tangelos to the fruits subject to regulation thereunder. The tangelo is a comparatively new type of citrus fruit developed by crossing the tangerine or mandarin orange with either the grapefruit or pummelo. The commercial types of these hyrbids are intermediate in character between the parent species and are so distinct that they cannot properly be classed with either parent. Tangelos generally are about the size of the common sweet orange and usually have a highly colored rind which is comparatively loose and easily removable. Tangelos are readily distinguishable from other citrus fruits by growers, handlers, and others closely associated with the citrus fruit industry but the consumer often may believe the

tangelos displayed in retail stores are Temple oranges.

At the time the order was made effective, production of tangelos was not considered to be sufficiently large to warrant coverage under the program. However, plantings of tangelos have increased, particularly during recent years, until there were 139,000 bearing and 108,000 non-bearing tangelo trees in Florida in 1956. Production of tangelos in 1956 totaled 235,000 boxes. Barring some unforeseeable destruction of current acreage, the increasing trend in the production of tangelos will continue since nearly all of the existing tangelo trees are relatively young and 46 percent has not yet reached bearing age.

The equivalent parity price for tangelos, as of January 15, 1957, was $4.56, per box of 1⅗ bushels, "on-tree," for fresh consumption. The season average "on-tree" returns to growers of tangelos, during the past 10 years, have ranged from $2.20 to $4.00 per box. These returns, while generally below parity, are considered to be relatively favorable and to have resulted, primarily from two factors (1) the volume of tangelos available for market, while increasing, has not been large; and (2) the major proportion of such volume has been marketed by one handler. This handler, with the support of the tangelo growers, has carried out extensive promotional activities designed to develop interstate markets for tangelos, where nearly all of such fruit is sold, and has maintained high quality standards in the grading and packing of the tangelos shipped to such markets. However, the shipment of immature and otherwise low quality tangelos has occurred and may be expected to increase as a greater volume of tangelos becomes available for market. The marketing of such low quality tangelos adversely affects the prices that may be obtained for the better quality fruit not only because of the price competition which exists in the marketing of citrus fruits but also through the lessening of demand resulting from the purchase by consumers of fruit which does not possess desired quality and flavor. Hence, grower returns could be augmented by restricting shipments of tangelos to fruit which is mature and of a grade and size acceptable to the consumer.

The evidence of record shows that tangelos should be regulated in the same manner as, and should be subject to all the provisions that are applicable to, other citrus fruits currently covered by the order. Tangelos are grown throughout the area in which other citrus fruits are grown in Florida and growers of tangelos generally produce other citrus fruits also. While not all handlers of other citrus fruits handle tangelos, it is expected that a greater proportion of such handlers will handle tangelos as the volume of production increases. Tangelos are prepared for market in the same manner as other citrus fruit varieties and all handlers who handle tangelos also handle several of the other varieties.

(2) Under the current provisions of the order, a "handler" is described as the person who first ships fruit. Since the handler is the only person who is required to comply with the order and the supplemental restrictions established thereunder, any person who subsequently sells, transports, or performs any of the other activities which comprise the shipment of fruit, may do so free from restrictions even though the fruit so shipped does not conform to the order requirements. This limitation has not been conducive to the effective operation of the program since it has been necessary, whenever fruit not meeting order requirements is discovered, to trace back to the person who first shipped such fruit before any enforcement procedures may be undertaken. Such tracing of the origin of fruit is not always possible, particularly where it is in possession of a "trucker-purchaser" who is unwilling to identify the initial handler of the fruit. Hence, for more effective program operations, all persons who ship fruit should be made responsible for compliance with the order; and the fact that a particular quantity of fruit may have been initially shipped in violation of the order should not excuse any person who subsequently ships that fruit from conforming to the order requirements and regulations thereunder.

One of the proposed amendments set forth in the notice of hearing and discussed at the hearing (see (3) of these findings and conclusions) concerned proposed regulations applicable to export shipments. Such regulations could require that fruit exported shall meet specified conditions at the time of exportation. Since the exporter is not always the same person who first ships the fruit, any such regulation would be meaningless unless the exporter also is made subject to the regulation. It is concluded, therefore, that the term "handler" should be defined as hereinafter set forth.

(3) The commercial production of citrus fruits covered by the order is confined to that portion of Florida which is south and east of the Suwannee River. However, shipments of such fruits to the so-called "West Florida" area—the western side of the Suwannee River—and to export markets other than Canada are not currently regulated under the order. The evidence of record shows that regulation of the shipments to such markets would tend to effectuate the declared policy of the act.

Records of the Florida State Inspection Service indicate that approximately 80 percent of the citrus fruits shipped from the commercially producing area to West Florida is U. S. No. 3 grade. Because of such large quantity of low quality citrus fruits in such markets, prices have been depressed below those prevailing in markets outside the State. It was testified that the existence of such low quality and low priced citrus fruits in West Florida markets has tended to depress the prices that can be obtained for citrus fruits sold in the near-by interstate markets in Georgia and Alabama. There are wholesalers and distributors of citrus fruits that have established businesses and retail outlets in West Florida and in Southern Georgia, Alabama, and Mississippi. These firms are, of course, well aware of the marketing situation throughout the area and the lower prices in the intrastate markets are used in bargaining for citrus fruits to be distributed to the near-by interstate markets. Furthermore, citrus fruits shipped to firms located in West Florida, ostensibly for distribution within the State have been diverted to points outside the State. Also, wholesalers and other receivers in West Florida frequently sell citrus fruits not meeting order requirements to itinerant truckers. These truckers endeavor to dispose of their purchases to the best advantage; and if prices obtainable within the State are not satisfactory they haul the fruit to the near-by markets outside the State even though the fruit may not be of the grade and size permitted under the order to move in interstate commerce. Buyers of citrus fruits in these markets necessarily keep such competitive conditions in mind when bargaining for the purchase of citrus fruits. The movement and sale of citrus fruits from the producing area to markets within West Florida are inextricably intermingled with the movement and sale of citrus fruits from such area to interstate markets and adversely affect such interstate commerce and the regulation thereof. Hence, it is concluded that all shipments of citrus fruits from such commercial producing area to points outside thereof (whether within or without the State of Florida) are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce.

The Suwannee River provides a natural boundary within the State for delineating the commercial citrus fruit production area of Florida. The production of citrus fruits in Florida is concentrated in approximately 20 counties in the central portion of the State but there is some production in nearly all of the central, southern, and coastal counties. The citrus fruits produced in these counties are of similar types, are marketed at approximately the same time, and compete with each other in the markets. Therefore, the exclusion of any of such production from regulation under the order as proposed to be amended would tend to lessen its effectiveness.

It is desirable to fix the boundaries of the production area so as to coincide with established check points employed by the State in connection with its regulations concerning citrus fruits. A substantial portion of the shipments of Florida citrus fruits are made by truck and there have been established so-called road guard stations to check truck shipments of citrus fruits and other commodities. These stations are located near the highway crossings of the Suwannee River and on the major roads east of that river leading out of the State. Thus there is already available an ideal situation for checking all out-of-area truck shipments of citrus fruits for compliance with regulations under the order. The exclusion of any portion of the State other than that west of the Suwannee River from the production area would increase the number of routes by which citrus fruits could be moved by truck from the area and would increase correspondingly the difficulties and expense of effecting compliance with such regulations.

Over the past several years, an increasing volume of Florida citrus fruits has been exported to European markets. It was testified at the hearing that the quality of such fruits exported to these markets immediately following World War II, coupled with the unsatisfactory containers used, had caused such poor arrival condition of the fruit that the European buyers practically discontinued purchases of Florida citrus fruits. However, the reduction by freezing temperatures of the citrus fruit crops in the producing areas of Spain made it possible again to market Florida citrus fruits in Europe. It was further testified that, fortunately, there then was effective an export diversion program under which the exporter of United States oranges and grapefruit received a payment on citrus fruits exported to most western European countries provided the export shipment met specified quality, container and other requirements. As the result, the export shipments of Florida citrus fruits were of good quality and properly packaged; and it was possible to reestablish a limited demand for Florida citrus fruits in these markets. It was the concensus of those testifying at the hearing that, with the upward trend in the production of citrus fruits in Florida, it is essential that every effort be made to expand the export markets, but that this would not be accomplished without the regulation of exports especially since the export diversion program has been discontinued and it is virtually certain that there will be exports of fruit of an unsuitable quality and condition, or which is improperly packaged.

One of the most serious problems encountered in the exportation of Florida citrus fruits is the development of softness, skin breakdown, decay, and related condition factors en route to the boat and on the boat en route to destination. Export shipments cannot be handled as promptly as shipments to the domestic and Canadian and Mexican markets. Not only is the total time en route to destination longer but also orders for such exports are large and generally specify a limited number of sizes. Consequently, the fruit must be accumulated over several days rather than shipped immediately as is the case for shipments to domestic and Canadian and Mexican markets. Unless precautions are followed to insure that the fruit for export is properly refrigerated and cared for while being held for loading on the export vessel, the fruit may become soft or decayed, or otherwise go out of condition. Such fruit cannot be expected to arrive at destination in acceptable condition and would adversely affect both the price of fruit in the export market and the future demand for Florida citrus fruits. Hence, the regulation of exports of such citrus fruits should be authorized, and such authority should include, in addition to the grade and size limitations of the type applicable to domestic shipments, authorization to prescribe condition requirements which must be met at the time the fruit is loaded on board the vessel.

In this connection, it is necessary that the provisions of the amendments to the order place the final responsibility for compliance with the export regulations on the exporter of the fruit since he is the only person in a position to ascertain the time of export and whether the fruit meets the regulation requirements at such time. Also, in order to assure compliance with such condition requirements, the inspection provisions of the order should be amended so that, unless the fruit is loaded on-board the export carrier within such time limitations following the required inspection as may be prescribed by the committee with the approval of the Secretary, an additional inspection would be required. It would not be practical to set forth the time limitations in the order since the keeping qualities of citrus often vary from season to season and should be reflected in the limitations that are effective during any period. Also, it may be necessary to fix different time limitations applicable to exports from different ports of the continental United States. For example, intransit time from Florida to the New York port is about four days whereas only one day is required to reach the port of Fort Pierce, Florida. If only one such time limitation were to be made applicable to all exports and it was fixed to assure sound condition for export from Fort Pierce, then it would be necessary to require the additional inspection for all shipments from the New York port even though the fruit may have been handled so as to insure satisfactory condition of the fruit at ship-side. On the other hand, if the time limitation were fixed with a distant port in mind, it would permit fruit to be loaded at Fort Pierce without needed inspection even though it may have been held for several days at the packinghouse without proper storage conditions.

Other important factors influencing the arrival condition of fruit exported by boat are the shipping containers used and the manner of packing the fruit therein. Large quantities of fruit are contained in boat shipments and consequently the containers are stacked much higher, and are subjected to much greater stress than where shipment is by rail or truck. Unless the containers are sufficiently strong and the fruit properly arranged and suitably protected, the fruit cannot be expected to reach the foreign markets in satisfactory condition. Also, much greater damage to the fruit results in boat shipments, as compared to movement by rail or truck, when containers are packed with either too much or too little fruit. Hence, it would be desirable to specify, in addition to the several containers that may be used, the arrangement and the amount of fruit that may be packed in the respective container, and the manner in which the fruit should be protected in such container. The provisions of the order relating to regulation of export shipments should, therefore, include authorization for the committee to recommend, and the Secretary to fix, the size, capacity, weight, dimensions, or pack of the container or containers that may be used in the exportation of citrus fruits.

Container regulations apparently are not needed at this time in connection with the domestic shipments of citrus fruits. The Florida Citrus Commission, in accordance with State laws, has established regulations limiting the containers that may be used for the shipment of citrus fruits. Such regulations have proven satisfactory with the exception that a handler may use any of the containers for shipments destined to any domestic or export market. Consequently, it was testified, containers of insufficient strength may be used for making export shipments. Containers suitable for use in export shipments are included in the approved list of the Commission, however; and it was further testified that container regulations, therefore, should not authorize the use of any container not approved by the Commission.

In the recommendation and establishment of regulations governing exports of citrus fruits, consideration should be given to the differences in demand in the export markets, and the distances and time involved, as compared to the domestic markets. A grade limitation which would be satisfactory to assure sound arrival in domestic markets may, because of such factors, be much too lax to accomplish the objectives of regulating exports. Also the characteristic of the demand in the European and domestic markets often differ and fruit of a size that may be sold only at discounts in domestic markets often may be a desired size in European markets. The order should, therefore, be amended to permit different grade and size regulations to be made applicable to the export and domestic shipments.

It was testified, without opposition, at the hearing that any limitations which were made applicable to exports to Mexico should be the same as those governing domestic and Canadian shipments. It was pointed out that, like Canada, Mexico borders the United States and exports to these countries are made by modes of transportation that are rapid and similar to those available for shipment to the domestic markets. The characteristics of the demand for citrus fruits in Mexico and Canada are similar to those in the domestic markets. Hence, the requirements as to containers, additional inspection, and condition factors, as well as different grade and size requirements, for fruit for export to the distant countries are not needed for export to Mexico and Canada.

It is concluded, therefore, that the regulatory and inspection provisions of the order should be amended as hereinafter set forth.

(4) Under the current provisions of the order, each handler is required to pay his pro rata share of the expense incurred for the maintenance and functioning of the committees established under the order through the payment of a designated rate of assessment levied on each box of citrus fruit shipped. The proposed broadening of the definition of the term "handler" would result in the assessment being levied more than once on the same box of fruit whenever more than one handler is involved in its shipment. It would not be desirable, nor

necessary, for the effective operation of the program, for the assessment provisions of the order to cause the marketing costs of a box of fruit handled in a certain manner to be larger than if a different handling was involved. Hence, it should be provided that only the first handler should be responsible for paying the assessments levied. This would result in assessments being collected from the same persons, and in the same manner, as has been required in the past.

This marketing order program has operated continuously since it was made effective in 1939. It does not appear likely, considering the prospective supply and demand conditions for citrus fruits, that a temporary suspension of provisions of the program would occur in the foreseeable future. It was testified, however, that it was conceivable that freezing temperatures or other conditions could reduce or damage the crop sufficiently that operation under the program would be suspended temporarily. In such event, it would be necessary for the committees to continue their activities, at least on a limited basis, during any such period so as to keep current information relating to supply and demand conditions for citrus fruits and to be prepared to resume all of their duties, without undue delay, upon termination of the suspension. The act authorizes the collection of assessments for specified purposes during periods when provisions of a marketing order are temporarily suspended; and the order should be amended accordingly.

(5) The order should provide authority for the committees to recommend and the Secretary to establish such minimum standards of quality and maturity, when prices for citrus fruits during a season are expected to average above parity, as would be in the public interest. It was testified that the chances of prices for citrus fruits exceeding parity were not great unless the crops are severely damaged by freezes or other weather hazards. Under these conditions, it would not be in the public interest to ship fruit which was bruised and marred as the result of high winds or which was dry or mushy from freezing injury. However, some fruit of such poor quality undoubtedly would be marketed in the absence of regulations if prices were above parity. Such fruit would not provide consumer satisfaction and would cause an adverse buyer reaction which would tend to demoralize the market for later shipments of citrus fruits.

It was pointed out at the hearing that the use of the term "quality regulations" had a colloquial meaning in the Florida citrus industry. For many years, the State of Florida has prescribed quality requirements for citrus fruits under which the soluble solids, acids, and ratio of the soluble solids to acid content of the juice have been regulated. Thus, any reference to quality regulations is generally taken to mean regulation of these factors. It was indicated that regulation of these factors by the State had proven satisfactory and that in order to obviate misunderstanding by the industry of the scope of regulation by minimum standards of quality and maturity, the authority to establish such standards should indicate that any minimum standards issued thereunder will be on the basis, or in terms, of grades and sizes only. With respect to "size" requirements under such standards, many varieties of the citrus fruits grown in Florida have a large number of seeds; and excessively small sizes of such fruit are little more than peel and seeds. Also, the large sizes of citrus fruits tend to develop dryness near the stem-end as the harvesting season progresses, particularly when freezing injury has occurred. Such undesirable sizes of fruit do not provide consumer satisfaction and have been eliminated under normal operation of the program. If such sizes were permitted to be shipped during periods when prices exceed parity, it could result in dissipation of the benefits accruing from the prior operation of the order.

(6) The provisions of the order relating to shipments of fruit not subject to regulation (§ 933.80) should be revised and clarified. Such provisions currently exempt from regulation shipments of citrus fruit exported to all foreign countries except Canada. Inasmuch as the order should now provide authority, as heretofore discussed, for regulating all exports of citrus fruits, this exemption should be deleted. It was pointed out, however, that fruit is purchased in continental United States ports and loaded on vessels for use as "ships stores" (supplies for consumption by the passengers and crew of a ship). Generally, fruit sold for ships stores would not reach the foreign markets and should not, for this reason, be subject to the export regulations unless it should develop that this exception provided an avenue for escape from the regulations. To facilitate the imposition of controls, if such should become necessary, the exception from regulation covering fruit exported as ships stores should be carried out under the proposed authorization for the committee, with the approval of the Secretary, to exempt such minimum quantities and types of shipments as it is not necessary to regulate to attain the objectives of the program.

The current provisions of § 933.80 of the order also exempt from regulation shipments of citrus fruits by express. Such exception was initialy designed to free from regulation express shipments which did not enter commercial fresh fruit channels of trade. The purpose of this exemption was to permit unregulated movement of so-called "gift packages" which are shipped directly to the consumer. At the time the order was issued practically all of the gift packages were shipped by Railway Express but this has since changed and a substantial volume of the gift packages are consolidated for movement by truck to the larger cities and thereafter distributed to the recipients of the gifts. Since these shipments generally differ only in the mode of transportation employed, the order provisions should be amended so that equal treatment may be applied to all such shipments. In order to provide the flexibility necessary to assure that such equal treatment may be afforded all such shipments in the future, the exemption from regulation of gift package shipments also should be carried out under the authorization to exempt such minimum quantities and types of shipments as may be prescribed by the committee with the approval of the Secretary.

Section 933.80 also exempts from regulation shipments of citrus fruits for "conversion into by-products." The term "by-products" now is defined therein as "processed and manufactured products of fruit, including canned and bottled fruits and fruit juices: *Provided*, That fruit shipped for conversion into fruit juices without further processing or treatment to render the same bona fide manufactured or processed products * * * shall be deemed fresh fruit and shall be subject to all regulations" under the order. While the present order definition of the term "by-products" does not specifically so state, the proviso in the definition would serve no useful purpose if shipments of fruit for conversion into fresh juice were intended to be included in the exemption from regulation. Evidence presented at the hearing indicates that fresh citrus fruits and fresh citrus fruit juices are highly competitive with each other, and that this provision was intended to exempt from regulation only those shipments of fruit that subsequently would be canned or frozen or converted into a product, such as a beverage base, that had been so processed or treated as to preserve the keeping qualities. The order has been so administered since its inception in 1939. Recently, however, it has been contended by one handler that his shipments of Florida-grown citrus fruits which subsequently are converted into fresh juice that is homogenized constituted an exempt movement under the order provisions. It was for this reason that it was proposed that the order be amended so as to state specifically the products for which exempt shipments of citrus fruits could be made under the program.

A substantial portion of the Florida citrus fruits, and a majority of the Florida oranges that are shipped in fresh market channels ultmately are converted into, and consumed as, fresh juice. The primary use of Florida oranges in the home is to juice them. Hotels, institutions, juice stands, and drug and chain grocery stores juice Florida citrus fruits and sell the commodity to the consumer in this form. Many of these distributors, particularly chain grocery stores, sell Florida citrus fruits both as fresh fruit and in the form of fresh juice. The movement and sale of citrus fruits for fresh fruit and fresh juice purposes generally are not segregated but are commingled in the marketing process. Thus, it is apparent that the problems of effectively regulating the handling of citrus fruits for fresh use are many and may be insurmountable unless such regulation extends to the handling of fruit that is to be converted into fresh juice and sold in this form to the consumer.

One witness at the hearing opposed the adoption of the proposal to specify in the order the products for which exempt shipments of citrus fruits could be made. It was alleged, in this connection, that this proposal, if adopted, would prevent the exempt handling of Florida oranges for conversion into fresh juice which was thereafter homogenized and/or mixed with juice from oranges produced in California whereas the current provisions of the order permit such exempt handling. However, as heretofore pointed out, the handling of oranges for conversion into fresh juice was not originally intended, nor has it been construed in the past, to be exempt from regulation under the current provisions of the order; and merely homogenizing the fresh juice or mixing it with fresh juice of other oranges would not change it to some product that is not fresh juice.

In the evidence in opposition to the proposed revision of § 933.80 (b), it was pointed out that fruit which does not meet regulation requirements under the order is now being converted into fresh juice within the State of Florida and that this juice is then pasteurized and either packed in cartons and placed in refrigerated trucks or placed directly into refrigerated tank trucks or boats and shipped in interstate commerce to the larger cities such as New York and Chicago. It was contended, therefore, that unregulated fruit should also be made available in such interstate markets so that the juice from such fruit could be extracted at these markets, and be promptly delivered to the consumer, thereby providing the consumer with a fresher and better product. While it may appear on the surface that this contention has merit, the record shows that the juice extracted in Florida does not reach the larger markets for 3 or 4 days after it is produced. This juice must, therefore, be stabilized by pasteurization in order to insure its acceptable condition at the time the consumer purchases it. Pasteurization of the juice results in flavor changes which tend to distinguish it from fresh juice. Hence, it was pointed out, the Florida-produced juice is not nearly as competitive with the fresh citrus fruits as is the juice that is produced in the market and so handled as to deliver to the consumer a product possessing the qualities of juice extracted in the home. The primary purpose of the order is to establish and maintain such orderly marketing conditions for fresh Florida citrus fruits as will increase returns to the producers of such fruits. If the unregulated citrus fruits were to be made available in the larger markets for the commercial production of juices which possess all the qualities of juice extracted in the home, the demand for fruit meeting regulation requirements under the order would be reduced since much of such fruit is ultimately consumed in fresh juice form. Any such reduction in demand would, of course, tend to lower the price that may be obtained in the fresh fruit markets. It is concluded, therefore, that handling of citrus fruits for the purpose of conversion into fresh juice should not be exempt from the order and the regulations thereunder; and the order should be amended, as hereinafter set forth, so as to specify the products for which exempt shipments of citrus fruits may be made. Such products should include only canned and frozen citrus fruits, canned and frozen citrus fruit juices, and beverage bases made from citrus fruits so as to clarify and continue in effect the current exemption of the order with respect to fruit shipped for conversion into "by-products."

(7) The order should be amended so as to make all of its provisions conform to the amendments that may be made effective as the result of this proceeding. Authority to include in marketing orders provisions for container regulations and for continuing certain limited regulatory activities during seasons when returns to growers will average above parity became available subsequent to the time the order was made effective. Hence, the definition of "act," as presently set forth in the order, does not contain the statutory references to the amendments by which such authority was added to the Agricultural Marketing Agreement Act of 1937. Since it is now proposed to include such authority in the order, as heretofore discussed, and it is also desirable to keep the definitions in the order current, the definition of "act" should be revised as hereinafter set forth.

Other changes in the order provisions which are now proposed would revise substantially the regulatory authority under this program. To facilitate the drafting of such provisions, and to make such provisions as concise and clear as possible, §§ 933.51 through 933.53 and §§ 933.60 through 933.62 should be deleted and these provisions combined with the new regulatory authority. Further, these provisions should expressly set forth the authority of the Secretary not only to issue but also to modify, suspend, and terminate regulations under the program. Such revision will also necessitate changes in the cross-references in other sections so that these order provisions will be meaningful. In this connection also, authority to regulate the "pack" of containers of fruit exported is now proposed. Such pack regulations may specify the arrangement of the fruit in the container, its minimum and maximum weights, that the fruit must be wrapped, and similar requirements. However, the term "pack" is defined in § 933.8 of the order to include such activities as to wash, grade, and size fruit to delineate the activities which may not be carried out during a cessation of shipping (i. e., shipping holiday) pursuant to the current provisions of § 933.62. These activities may more accurately be described as the preparing of fruit for market, and this section should be amended accordingly so as to limit its application as originally intended. Also, the evidence of record shows that the shipping holiday regulations are not needed with respect to exports since these regulations are designed to clear the domestic markets of excessive supplies which often accumulate during the Christmas season. It would not be practical, because of the distances involved and the large quantities included in individual shipments, to endeavor to carry out such objectives in connection with exports.

It is also proposed to regulate tangelos under the order whereas the title of the order refers only to oranges, grapefruit, and tangerines; and a more descriptive title should be provided.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activities specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the oranges (including Temple oranges), grapefruit, tangerines and tangelos grown in the production area; and

(5) All handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Rulings on exceptions. Exceptions to the recommended decision were filed, within the prescribed time, by Winston F. Lawless, John A. Snively, Jr., and J. M. Berry. Each of such exceptions was carefully and fully considered, in conjunction with the evidence in the record, in arriving at the findings and conclusions set forth herein.

Exception was taken to the findings and conclusions of the recommended decision, and to the effectuating provisions set forth in the recommended amendment, pertaining to the specification of the products for which shipments of fruit may be made exempt from regulation under the marketing agreement and order. It was contended that this amendment is "discriminatory" and that "in Florida a processor may squeeze juice and ship it to New York and sell it as chilled juice, but by the proposed amendment would prohibit a shipper from shipping oranges to New York and doing exactly the same thing." The provisions of the marketing agreement and order and the amendments thereto contained in the recommended decision do not purport to establish any controls over the marketing or disposition of fruit within the commercial citrus fruit production areas of Florida or over the products of such fruit that are shipped outside such area. Nor do they prohibit the juicing of fruit after it reaches the markets such as New York and its sale in this form. It is only when the speci-

fied citrus fruits are shipped in fresh form to destinations outside such production area that the restrictions of this regulatory marketing program become applicable and all of such shipments are equally covered by these restrictions. The recommended decision clearly sets forth the reasons and basis for not exempting, from coverage under the program, the shipments of fresh citrus fruits which are to be converted into fresh juice. Likewise, it is shown that there is no enlargement of the scope of such coverage insofar as the shipments of fresh citrus fruit to the interstate domestic markets are concerned. The only change that is made in this connection is to specify the products for which exempt shipments of citrus fruit may be made.

Exception was taken also to some of the additional regulatory provisions of the recommended amendments to the marketing agreement and order. It was asserted that (1) the provisions for the establishment of minimum standards of quality and maturity, during certain seasons, would constitute interference "in a State prerogative" to determine, under State laws, "the quality and maturity of citrus fruits," and (2) that the provisions for regulating exports of citrus fruits would place an undue burden upon the exporters. The recommended decision clearly indicates the scope of the minimum standards of quality and maturity that may be established under the recommended amendments. It is specifically stated therein that the State of Florida has regulated, for many years, the soluble solids, acid, and ratio of soluble solids to acid content of the juice of Florida produced citrus fruits, that such regulation of these factors had proven satisfactory, and that any minimum standards established under the proposed authority should not extend to such factors. With respect to the proposed regulation of exports of citrus fruits, the need for such regulation was stressed at the hearing because of the past experiences of the industry. The record of the hearing shows that, in the past, exports of Florida citrus fruit were made to European markets which were of such poor shipping quality or were so packaged that, upon arrival at destination, "they almost had to shovel it out of the boat." As a consequence, European buyers discontinued purchases of Florida citrus fruits and it was not until after the citrus fruit crops of Spain were temporarily reduced by freezing temperatures that it was possible to again sell any volume of Florida produced citrus fruits in Europe. All of the evidence at the hearing supported the proposals, set forth in the notice of hearing, to provide authority to regulate exports of Florida citrus fruit and to establish and maintain minimum standards of quality and maturity regulations for any variety of Florida citrus fruits during periods when the seasonal average price of such variety may be in excess of the parity price.

Each of the exceptors requested that a new hearing be held to receive evidence on the proposed amendments. As heretofore indicated, a public hearing on these proposals was held in Lakeland, Florida, on February 25 and 26, 1957, after notice thereof published in the FEDERAL REGISTER on January 24, 1957. Such notice was also given publicity by press release to the newspapers in the citrus producing areas of Florida and by mailing a copy of the notice to each person, including each of the exceptors, known to have an interest therein. The notice of hearing set forth, in detail, the proposed amendments to the marketing agreement and order; and the hearing thereon was continued until all persons offering to present evidence had been given an opportunity to do so. Time was provided, following the hearing, for the filing of briefs on the issues developed at the hearing and, following the issuance of the recommended decision, for the filing of exceptions thereto. Hence, ample opportunity already has been afforded all interested parties to present data, views, and arguments in this proceeding. The request for a new hearing at this time on these amendments is, therefore, denied.

To the extent that the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied for the foregoing reasons and on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

Amendments to the marketing agreement and amendments to the marketing order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida" and "Order Amending the Order Regulating the Handling of Oranges, Grapefruit, and Tangerines Grown in Florida," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: August 22, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending Order, as Amended, Regulating the Handling of Oranges, Grapefruit, and Tangerines Grown in Florida

§ 933.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Florida, beginning on February 25, 1957, upon proposed amendments to the marketing agreement, as amended, and to Order No. 33, as amended (7 CFR Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area; and

(5) All handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of oranges (including Temple oranges), grapefruit, tangerines, and tangelos grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Immediately preceding the period at the end of § 933.2 *Act* insert the following: "(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)"

2. Delete § 933.4 *Fruit* and substitute therefor the following:

§ 933.4 *Fruit.* "Fruit" means the following types of citrus fruits grown in the production area:

(a) Citrus sinensis, Osbeck, commonly called "oranges;"

(b) Citrus grandis, Osbeck, commonly called "grapefruit;"

(c) Citrus nobilis deliciosa, commonly called "tangerines;"

(d) Temple oranges; and

(e) Tangelos.

3. After changing the period at the end of § 933.5 *Variety* to a semicolon, and deleting the word "and" immediately preceding (h) of such section, add the following: "and (i) tangelos."

4. Amend § 933.7 *Handler* to read as follows:

§ 933.7 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting fruit for another person) who, as owner, agent, or otherwise, handles fruit in fresh form, or causes fruit to be handled.

5. Delete § 933.8 *Pack* and substitute therefor the following:

§ 933.8 *Prepare for market.* "Prepare for market" means to wash, grade, size, or place fruit (whether or not wrapped) into any container whatsoever; but such term shall not include the harvesting of fruit.

6. Delete § 933.9 *Ship* and substitute therefor the following:

§ 933.9 *Handle or ship.* "Handle or ship" means (a) to sell, consign, deliver, or transport fruit, or in any other way to place fruit, in the current of the commerce between the production area and any point outside thereof in the continental United States, Canada, or Mexico; and (b) to export fruit from any continental United States port to any destination other than Canada or Mexico.

7. Delete from paragraph (c) of § 933.12 *District* the following counties: Dixie, Lafayette, Hamilton, Madison, Taylor, Jefferson, Leon, Wakulla, Gadsden, Liberty, Franklin, Gulf, Calhoun, Jackson, Bay, Washington, Holmes, Walton, Okaloosa, Santa Rosa, and Escambia.

8. Delete from § 933.13 *Regulation Area I* the words "State of Florida" and substitute therefor the words "production area."

9. Insert immediately after § 933.14 the following new section:

§ 933.15 *Production area.* "Production area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

10. Amend paragraph (a) of § 933.41 *Assessments* to read as follows:

(a) Each handler who first handles fruit shall pay to the Growers Administrative Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by such committee for the maintenance and functioning, during each fiscal period, of the committees established under this subpart. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committees may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

11. Delete from §§ 933.31 (j) and 933.32 (c) the reference to "§§ 933.51 or 933.60" and substitute therefor "§ 933.51."

12. Delete the center heading entitled: "Regulation by Grades and Sizes" which precedes § 933.50 and substitute therefor the center heading "Regulations."

13. Delete §§ 933.51, 933.52, and 933.53 and substitute therefor the following:

§ 933.51 *Recommendations for regulation.* (a) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety in the manner provided in § 933.52 it shall promptly submit its recommendation, with supporting information, to the Growers Administrative Committee. In making such determination, the said committee shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (1) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (2) amount on hand at the principal markets, as evidenced by supplies on track; (3) maturity, condition, and available supply, including the grade and size thereof in the producing areas; (4) other pertinent market information; and (5) the level and trend in consumer income. The Growers Administrative Committee shall submit to the Secretary the recommendation of the Shippers Advisory Committee, together with its own recommendations and supporting information respecting the factors enumerated in this section.

(b) The failure of the Shippers Advisory Committee to make a recommendation with respect to regulations authorized by § 933.52, after having received notice of the intention of the Growers Administrative Committee to meet for the purpose of receiving such recommendations, shall not preclude the Growers Administrative Committee from submitting recommendations and supporting information to the Secretary.

(c) The Growers Administrative Committee shall give at least 24 hours notice of any meeting to consider the recommendation of regulations pursuant to § 933.52, by publication in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of the production area, and shall mail a copy of such notice to each handler who has filed his address with said committee for this purpose. The said committee shall give the same notice of any such recommendation at least 48 hours before the time it is recommended that such regulation become effective.

§ 933.52 *Regulation by the Secretary.* (a) Whenever the Secretary shall find from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that to limit the shipment of any variety would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods. Such regulations may:

(1) Provide that shipments of any variety shall be limited to such grades or sizes, or both, as shall be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I;

(2) Limit the shipment of any variety by establishing and maintaining, only in terms of grades or sizes, or both, minimum standards of quality and maturity;

(3) Limit the shipment of the total quantity of any variety by prohibiting the shipment thereof: *Provided,* That no such prohibition shall apply to exports other than to Canada or Mexico or be effective during any fiscal period with respect to any variety (i) for more than two periods, (ii) for more than a total of fourteen days, and (iii) during any period other than December 20 to January 20, both dates inclusive;

(4) Provide that exports of any variety, other than to Canada and Mexico, shall be limited to grades and sizes different from the grade and size limitation applicable to shipments of such variety in the United States, or to Canada and Mexico, and specify condition requirements for such variety; and

(5) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the shipment of fruit for export, other than to Canada and Mexico: *Provided,* That such regulation shall not authorize the use of any container which is prohibited for use for fruit under the provisions of the Florida Citrus Code.

(b) Prior to the beginning of any such regulation the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers by publication in daily newspapers, selected by the said committee, of general circulation in the citrus producing districts of the production area: *Provided,* That when the regulation as issued is different from the recommendation of the committee, notice thereof shall be given also by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

(c) Whenever the Secretary finds from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that a regulation should be modified, sus-

[1] This order shall not become effective unless and until the requirements of § 900.14 of this chapter of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met. When this order becomes effective, the part heading thereof that will appear in Title 7 of the Code of Federal Regulations will be "Part 933—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida".

pended, or terminated with respect to any or all shipments of fruit in order to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis, and in like manner, the Secretary may terminate any such modification or suspension.

(d) Whenever any variety is regulated pursuant to paragraph (a) (3) of this section, no such regulation shall be deemed to limit the right of any person to sell, contract to sell, or export other than to Canada or Mexico such variety, but no handler shall otherwise ship any fruit of such variety which was prepared for market during the effective period of such regulation.

§ 933.53 *Inspection and certification.* (a) Whenever the handling of a variety of a type of fruit is regulated pursuant to § 933.52, each handler who handles any variety of such type of fruit shall, prior to the handling of any lot of such variety, cause such lot to be inspected by the Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided,* That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified unless such prior inspection was not performed within such time limitations as may be prescribed pursuant to paragraph (b) of this section. Each handler shall promptly submit, or cause to be submitted, to the Growers Administrative Committee a copy of each certificate of inspection issued to him covering varieties so handled.

(b) With respect to any variety regulated pursuant to § 933.52 (a) (4), the Growers Administrative Committee may prescribe, with the approval of the Secretary, such requirements with respect to time of inspection as it may deem necessary to insure satisfactory condition of the fruit at time of export.

14. Delete §§ 933.60, 933.61, and 933.62 and the immediately preceding center heading entitled "Regulation of Shipments."

15. Amend § 933.80 *Fruit not subject to regulation* to read as follows:

§ 933.80 *Fruit not subject to regulation.* Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 933.52 and 933.53 and the regulations issued thereunder, ship any variety for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel post; or (e) in such minimum quantities, types of shipments, or for such purposes as the Growers Administrative Committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent varieties handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle a variety pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the variety will not be used for any purpose not authorized by this section.

16. Delete from § 933.81 *Compliance* the reference to "§§ 933.52 or 933.61" and substitute therefor "this part."

Order Directing That a Referendum Be Conducted; Designation of Referendum Agents To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1956, through July 31, 1957 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Florida, in the production of oranges, grapefruit, tangerines, and tangelos for market, to ascertain whether such producers favor the issuance of an order amending Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in Florida; and said amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. M. F. Miller and W. R. Cleveland, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) To Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F. R. 5176).

Copies of the aforesaid annexed order, of Order No. 33, of the aforesaid referendum procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D. C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at the said office, or from any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Dated: August 22, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-7020; Filed, Aug. 26, 1957; 8:50 a. m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN STATE OF WASHINGTON

PROPOSED REVISION OF RULES AND REGULATIONS

Notice is hereby given that the Secretary of Agriculture is considering the approval of a proposed revision of the rules and regulations (Subpart—Rules and Regulations, 7 CFR 992.104–992.124) as hereinafter set forth, which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto mailed in triplicate to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposed revision of the rules and regulations is as follows:

SUBPART—RULES AND REGULATIONS

DEFINITIONS

§ 992.100 *Order.* "Order" means Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington.

§ 992.101 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 113.

§ 992.102 *Terms.* Terms used in this subpart shall have the same meaning as set forth in said marketing agreement and order.

§ 992.103 *Area determinations.* The State of Washington Potato Committee determines, pursuant to §§ 992.56 to 992.59 inclusive, that:

(a) "Immediate production area" means each of the districts established pursuant to § 992.31, and

(b) "Immediate shipping area" means each of the districts established pursuant to § 992.31.

§ 992.104 *Reapportionment of committee membership.* On and after June 1, 1955, pursuant to paragraph (b) of § 992.31, the producer membership of the State of Washington Potato Committee shall be reapportioned among the 5 districts of the production area so as to provide the following representation:

Four producer members, with their respective alternates from District No. 1; one producer member, with his alternate from District No. 2; two producer members, with their respective alternates, from District No. 3; two producer members, with their respective alternates, from District No. 4; and one producer member, with his alternate, from District No. 5, each of whom shall be a certified seed producer.

EXEMPTION CERTIFICATES

§ 992.110 *Application.* Any producer or handler applying for exemption from grade and size regulations issued under this part shall make application to the State of Washington Potato Committee on forms to be furnished by the committee. Such application shall, when applicable, state:

(a) The name and address of the applicant for exemption;

(b) The location of the farm or farms on which potatoes for which the exemption is requested were produced or the location of the storage where such potatoes are held;

(c) The quantity of pototoes produced by the applicant, by grades and sizes for each variety produced;

(d) The quantity of ungraded potatoes purchased by the applicant during or immediately following the digging season and stored, and the grades and sizes thereof by varieties;

(e) The quantity of potatoes, by varieties, grades, and sizes, which have been sold or otherwise disposed of during the current season and the quantity remaining to be shipped of (1) potatoes produced, and (2) ungraded potatoes purchased and stored by the applicant;

(f) A statement (1) of the reason why the quantity of potatoes for which exemption is requested do not meet the requirements of the grade and size regulation in effect, and (2) that by reason of such regulation the applicant will be prevented from handling as large a proportion of production shipped by all producers in said applicant's immediate production area, or as large a proportion of his storage holdings as the average proportion of storage holdings handled by all handlers in said applicant's immediate shipping area;

(g) The name and address of the handler who will ship the potatoes; and

(h) Such other information as the committee may find necessary in making a determination regarding the granting of a certificate of exemption.

§ 992.111 *Issuance of certificate.* (a) The State of Washington Potato Committee shall give prompt consideration to all statements and facts relating to each application for exemption and shall determine from such statements and facts, and from the applicable terms of the marketing agreement and order, whether or not the application shall be approved. The determination, if favorable, shall be evidenced by the issuance of a certificate of exemption pursuant to §§ 992.56 to 992.59 inclusive. If the applicant's request for exemption is denied he shall be so notified in writing.

(b) Each certificate of exemption issued, as provided in this subpart, shall contain the name and address of the applicant; the location of all the applicant's remaining potatoes; the total quantity of potatoes which may be handled under the certificate of exemption; and the exceptions from the grade and size regulations which will be permitted by the exemption granted.

§ 992.112 *Transfer of certificate.* (a) Certificates of exemption issued to producers shall be transferred with the exempted potatoes at time of sale: *Provided, however,* That the committee may issue appropriate subcertificates to a producer applicant to whom a certificate of exemption is granted in cases where more than one sale is involved in disposing of such potatoes. Each such sale shall be covered by a subcertificate and such subcertificate shall be transferred with such potatoes at the time of sale.

(b) The producer shall notify the committee promptly following each such transfer and shall state the name and address of the person to whom the potatoes were sold, quantity sold, date of transfer, and such other information as the committee may request.

§ 992.113 *Reports.* Handlers shall report to the committee each shipment of potatoes made under a certificate of exemption and shall supply the committee with such other information as the committee finds necessary to keep the handling of potatoes pursuant to such exemptions within the quantity and terms specified in the certificates applicable thereto.

§ 992.114 *Appeals.* Appeals from determinations of the committee pursuant to this subpart shall be submitted to the committee pursuant to § 992.58 within ten days after receipt of the determination by an applicant for exemption.

CERTIFICATES OF PRIVILEGE

§ 992.120 *Application.* (a) Whenever shipments are regulated pursuant to the provisions of § 992.50, each handler desiring to make shipments of potatoes for the following purposes shall obtain from the committee prior to initiating such shipments, a Certificate of Privilege permitting such shipments:

(1) Export.

(2) Shipment of potatoes for distribution by relief agencies, or for consumption by charitable institutions.

(3) Manufacture or conversion into specified products or by-products.

(b) Application for Certificates of Privilege shall be made on forms furnished by the committee. Such application shall contain the name and address of the handler, and such other information the committee may require, such as, but not limited to, the estimated amount of potatoes to be shipped, the grades and sizes of potatoes to be shipped, name of consignee, destination, certification as to correctness of statements made, statement that applicant will comply with disposition stated therein, and other information or documents as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates of Privilege were granted.

§ 992.121 *Issuance.* The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

§ 992.122 *Reports.* Each handler shipping potatoes under and pursuant to a Certificate of Privilege shall supply the committee upon request, with a report thereon showing the name and address of the handler, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulation at time of such shipment), loading point, destination and consignee.

§ 992.123 *Denial and appeals.* The committee may rescind a Certificate, or Certificates, of Privilege issued to a handler or deny Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to the provisions of this subpart. Such committee action denying a Certificate, or Certificates, of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Dated: August 22, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-7013; Filed, Aug. 26, 1957; 8:49 a. m.]

[7 CFR Part 1010]

[Docket No. AO-276-A1]

MILK IN WILMINGTON, DEL., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wilmington, Delaware, on July 29, 1957 (22 F. R. 5900; F. R. Doc. 57-6084).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 13, 1957 (22 F. R. 6594; F. R. Doc. 57-6755) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue, findings and conclusions and the general findings of the recommended decision (22 F. R. 6594; F. R. Doc. 57-6755) are hereby approved and adopted as the material issue, findings and conclusions and the general findings of this decision as if set forth in full herein.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively,

"Marketing Agreement Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area", which has been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order, Determination of Representative Period, and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Wilmington, Delaware, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of July 1957 is hereby determined to be the representative period for the conduct of such referendum.

L. S. Iverson is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conduct of referenda and to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this decision is issued.

Issued at Washington, D. C., this 22d day of August 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area

§ 1010.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wilmington, Delaware, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement on which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Wilmington, Delaware, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete the words "through August 1957" as they appeared in § 1010.50 (a).

[F. R. Doc. 57-7023; Filed, Aug. 26, 1957; 8:50 a. m.]

[1] This order shall become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Ch. II]

NEW DRUGS HAVING AN ADDICTION-FORMING OR ADDICTION-SUSTAINING LIABILITY SIMILAR TO MORPHINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the provisions of section 1 of the act of March 8, 1946 (60 Stat. 38; 26 U. S. C. 4731), section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), and by virtue of the authority vested in me by the Secretary of the Treasury (12 F. R. 1480), that a determination is proposed to be made that each of the following-named new drugs has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate:

1-(2 Morpholinoethyl) - 4 - carbethoxy - 4 - phenylpiperidine.

d-2,2 - Diphenyl - 3 - methyl-4-morpholinobutyryl-pyrrolidine.

Consideration will be given to any written data, views, or arguments pertaining to the addiction-forming or addiction-sustaining liability of each of the above-named drugs, which are received by the Commissioner of Narcotics prior to September 26, 1957. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of any of the above-named drugs will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D. C., at 10:00 a. m., September 26, 1957, provided that each person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D. C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secretary of the Treasury for a finding under section 1 of the act of March 8, 1946.

(60 Stat. 38; 26 U. S. C. 4731)

Dated: August 20, 1957.

[SEAL] G. W. CUNNINGHAM,
Acting Commissioner of Narcotics.

[F. R. Doc. 57-7015; Filed, Aug. 26, 1957; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

RULES OF PRACTICE IN PATENT CASES

ADVERTISING

Notice is hereby given that it is proposed to amend the rules and regulations relating to practice before the Patent Office in patent cases. The purpose of the proposed amendment is to prohibit advertising to solicit patent business. The amendment is proposed to be issued pursuant to the authority contained in Title 35, United States Code, sections 6 and 31, as enacted July 19, 1952, Public Law 593, chapter 950, 66 Stat. 792.

All persons who desire to submit written data, views, arguments or suggestions, for consideration in connection with the proposed amendments, are invited to forward the same to the Commissioner of Patents, Washington 25, D. C., on or before November 19, 1957.

In addition to submitting briefs or statements, those who desire may be heard orally. A hearing is scheduled to commence at 10:00 o'clock a. m. on November 19, 1957, in the auditorium of the Department of Commerce Building. Persons expecting to appear for oral presentation are requested to notify the Commissioner of Patents in advance of the hearing date.

The text of the proposed amendment is as follows:

Section 1.345 (Patent Rule 345) is proposed to be amended to read as follows:

§ 1.345 *Advertising.* (a) The use of advertising, circulars, letters, cards, and similar material to solicit patent business, directly or indirectly, is forbidden as unprofessional conduct, and any person engaging in such solicitation, or associated with or employed by others who so solicit, shall be refused recognition to practice before the Patent Office or may be suspended, excluded or disbarred from further practice.

(b) The use of simple professional letterheads, calling cards, or office signs, simple announcements necessitated by opening an office, change of association, or change of address, distributed to clients and friends, and insertion of listings in common form (not display) in a classified telephone or city directory, and listings and professional cards with biographical data in standard professional directories shall not be considered a violation of this rule.

(c) No agent shall, in any material specified in paragraph (b) of this section or in papers filed in the Patent Office, represent himself to be an attorney, solicitor or lawyer.

(35 U. S. C. 6, 31)

ROBERT C. WATSON,
Commissioner of Patents.

Approved:

WALTER WILLIAMS,
Acting Secretary of Commerce.

[F. R. Doc. 57-7001; Filed, Aug. 26, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

LICENSING OF BYPRODUCT MATERIAL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following amendment to 10 CFR Part 30 is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendment should send them to the U. S. Atomic Energy Commission, Washington 25, D. C., Attention: Division of Civilian Application, within 30 days after publication of this notice in the FEDERAL REGISTER.

Paragraph (d) of § 30.71 *Schedule A* is amended to read as follows:

(d) *Ion generating tube.* Devices designed for ionization of air which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries of Polonium 210 per device or of a total of not more than 50 millicuries of Hydrogen 3 (tritium) per device.

Dated at Washington, D. C., this 20th day of August 1957.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 57-7018; Filed, Aug. 26, 1957; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

REQUIREMENTS FOR APPROVED TRAINING COURSE—AIRCRAFT SIMULATOR

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator of Civil Aeronautics contemplates the adoption of the following rules. These rules establish the procedure for securing approval, or revision, of an aircraft simulator training course; outline the minimum standards for such course; and stipulate that determination of satisfactory completion of the course shall be made by an authorized representative of the Administrator or a check airman, and that failure to meet or maintain any of the standards established for the approval of a training course shall be considered sufficient reason for cancellation of approval.

All interested persons who desire to submit comments and suggestions for consideration in connection with these proposed rules should send them to the Director, Office of Flight Operations and Airworthiness, Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 40.302-4 *Requirements for approved training course—aircraft simulator (CAA rules which apply to § 40.302 (b) (3))—(a) Application for approval.* An applicant desiring approval of an aircraft simulator training course shall submit his application in triplicate to the local Air Carrier Safety Inspector. The application shall contain a training course, including a description of the equipment, facilities, and material to be used, together with a letter to the Administrator of Civil Aeronautics requesting approval[1] of the course. The application shall be prepared in looseleaf form, shall include a table of contents, time required for each phase of the course; and procedures for administering the following training course:

(1) *Training course.* Flight equipment used shall be identical to that used in actual flight operations and the course[2] shall incorporate at least the following subjects:

(i) All of the required maneuvers in §§ 40.282 (b) (1) and 40.302-1 except the visual flight maneuvers performed around the airport.

(ii) A detailed description of the procedures to be employed in performing each of the required maneuvers applicable to the type aircraft being simulated.

(iii) Emergency procedures concerned with aircraft performance and also all emergency procedures outlined in the approved flight manual.

(b) *Revision of training course.* Requests for revisions of the approved training course, facilities, equipment, and material shall be accomplished in the manner established for securing approval of the original training course. Three copies of the revision shall be submitted in such form that entire pages of the approved course can be removed and replaced by the revision.

(c) *Satisfactory completion of course.* Determination of satisfactory completion of the approved aircraft simulator training course shall be made by an authorized representative of the Administrator or a check airman.

(d) *Cancellation of approval.* Failure to meet or maintain any of the standards established for the approval of a training course shall be considered sufficient reason for cancellation of approval.

§ 41.53-7 *Requirements for approved training course—aircraft simulator (CAA rules which apply to § 41.53 (b))—(a) Application for approval.* An applicant desiring approval of an aircraft simulator training course shall submit his application in triplicate to the local Air Carrier Safety Inspector. The application shall contain a training course, including a description of the equipment, facilities, and material to be used, together with a letter to the Administrator of Civil Aeronautics requesting approval[1] of the course. The application shall be prepared in looseleaf form, shall include a table of contents, time required for each phase of the course, and procedures for administering the following training course:

(1) *Training course.* Flight equipment used shall be identical to that used in actual flight operations and the course[2] shall incorporate at least the following subjects:

(i) All of the required maneuvers in § 40.282 (b) (1) of this subchapter and § 41.53-6 except the visual flight maneuvers performed around the airport.

(ii) A detailed description of the procedures to be employed in performing each of the required maneuvers applicable to the type aircraft being simulated.

(iii) Emergency procedures concerned with aircraft performance and also all emergency procedures outlined in the approved flight manual.

(b) *Revision of training course.* Requests for revisions of the approved training course, facilities, equipment, and material shall be accomplished in the manner established for securing approval of the original training course. Three copies of the revision shall be submitted in such form that entire pages of the approved course can be removed and replaced by the revision.

(c) *Satisfactory completion of course.* Determination of satisfactory completion of the approved aircraft simulator training course shall be made by an authorized representative of the Administrator or a check airman.

(d) *Cancellation of approval.* Failure to meet or maintain any of the standards established for the approval of a training course shall be considered sufficient reason for cancellation of approval.

[1] The Administrator will review the training course, and if it is found adequate, will return an approved copy of the application to the applicant.

[2] Any logical arrangement of the training course material will be acceptable, if all the required maneuvers are included, with appropriate description of techniques and procedures.

[1] The Administrator will review the training course, and if it is found adequate, will return an approved copy of the application to the applicant.

[2] Any logical arrangement of the training course material will be acceptable, if all the required maneuvers are included, with appropriate description of techniques and procedures.

§ 42.44–7 *Requirements for approved training course—aircraft simulator (CAA rules which apply to § 42.44 (a) (4)).* — (a) *Application for approval.* An applicant desiring approval of an aircraft simulator training course shall submit his application in triplicate to the local Air Carrier Safety Inspector. The application shall contain a training course, including a description of the equipment, facilities, and material to be used, together with a letter to the Administrator of Civil Aeronautics requesting approval[1] of the course. The application shall be prepared in looseleaf form, shall include a table of contents, time required for each phase of the course, and procedures for administering the following training course:

(1) *Training course.* Flight equipment used shall be identical to that used in actual flight operations and the course[2] shall incorporate at least the following subjects:

(i) All of the required maneuvers in § 40.282 (b) (1) of this subchapter and § 42.44–2 except the visual flight maneuvers performed around the airport.

(ii) A detailed description of the procedures to be employed in performing each of the required maneuvers applicable to the type aircraft being simulated.

(iii) Emergency procedures concerned with aircraft performance and also all emergency procedures outlined in the approved flight manual.

(b) *Revision of training course.* Requests for revisions of the approved training course, facilities, equipment, and material shall be accomplished in the manner established for securing approval of the original training course. Three copies of the revision shall be submitted in such form that entire pages of the approved course can be removed and replaced by the revision.

(c) *Satisfactory completion of course.* Determination of satisfactory completion of the approved aircraft simulator training course shall be made by an authorized representative of the Administrator or a check airman.

(d) *Cancellation of approval.* Failure to meet or maintain any of the standards established for the approval of a training course shall be considered sufficient reason for cancellation of approval.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

AUGUST 20, 1957.

[F. R. Doc. 57–6996; Filed, Aug. 26, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 250]

[File No. S7–160]

FINANCIAL CONNECTIONS OF OFFICERS AND DIRECTORS OF REGISTERED HOLDING COMPANIES AND THEIR SUBSIDIARIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule U-70 (§ 250.70), adopted under section 17 (c) of the Public Utility Holding Company Act of 1935, governing the connections with financial institutions of officers and directors of registered holding companies and subsidiary companies. Requests to amend the rule have been received from certain registered holding companies.

Section 17 (c) of the act prohibits any registered holding company or any subsidiary company thereof from having as an officer or director any "executive officer, director, partner, appointee or representative of any bank, trust company, investment banker, or banking association or firm * * *" except as permitted by rule and regulation of the Commission "as not adversely affecting the public interest or the interest of investors and consumers." Rule U-70 defines those persons or situations to which the Commission has granted exemption from section 17 (c).

Paragraph (b) (1) of Rule U-70 contains the limitation that no holding company or subsidiary shall have as many as one-half of its directors persons with financial connections within the scope of section 17 (c).

The proposed amendment would change the limitation of paragraph (b) (1) of the rule by adding subparagraph B so that the amended rule would read as follows:

§ 250.70 *Exemptions from section 17 (c) of the act.* * * *

(b) *Limitations on exemptions.* The foregoing exemptions are subject to the following conditions and restrictions:

(1) *Number of exempted directors.* No registered holding company or subsidiary shall have as many as one-half of its directors with financial connections within the scope of section 17 (c) except that this limitation shall not apply to a person:

(i) Who is exempted pursuant to the provisions of paragraph (a) (6) of this section; or

(ii) Whose only financial connection is as a director, but not as an officer or employee, of one or more commercial banking institutions each having combined capital and surplus not in excess of $2,500,000: *Provided*, That the person whose exemption is claimed serves the registered holding company or subsidiary only as a director and not as an officer or employee, and that the registered holding company or subsidiary concerned is a public-utility company: *And provided further*, That in no event shall the number of directors with financial connections proscribed by section 17 (c) exceed two-thirds of the total.

All interested persons are hereby invited to submit views and comments on the proposed revision of the rule. Such views and comments and any request for oral argument in respect thereof should be submitted to the Securities and Exchange Commission, Washington 25, D. C., on or before September 20, 1957. All correspondence in connection with this proposal should refer to the above file number.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 19, 1957.

[F. R. Doc. 57–7011; Filed, Aug. 26, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

SMALL TRACT CLASSIFICATION

AUGUST 19, 1957.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 166.39 acres in Deer Lodge County, Montana, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

MONTANA PRINCIPAL MERIDIAN

T. 5 N., R. 12 W.,
Sec. 22, containing a total of 166.39 acres, subdivided into 39 tracts, of which two (2), described in paragraph 4 below, are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located one quarter mile north of both Warm Springs Creek and U. S. Highway No. 10, alternate, and approximately 7 miles west of Anaconda, Montana. The topography is level to rolling and steep. Ungraded auto trails traverse the area. Electricity is available from a power line that diagonally crosses the small tract area in a northwest direction. A check made of well logs indicates that domestic water can be obtained from dug wells at depths varying from 50 to 200 feet. Schools, stores and other public facilities are available in the town of Anaconda. The surface soils are shallow to medium in depth. They are comprised of gravelly, sandy loams with some rocks and some rock outcropping. The native vegetation consists of bunchgrass, sagebrush, and an occasional patch of aspen and lodgepole pine. There is no evidence of metallic or non-metallic minerals.

4. The individual tracts vary in size from 2.12 to 5.04 acres and are all rectangular in shape. A plat of survey showing the location of each tract can be secured for $1.00 from the Manager, Land Office, 1245 North 29th Street, Billings, Montana. The tracts are appraised at $100.00 each. The advance three-year rental is $30.00. The tracts will be subject to all existing rights-of-way and rights-of-way for roads and public utilities will be reserved as below. All minerals in the land will be reserved to the United States.

MONTANA PRINCIPAL MERIDIAN

Tract No.–	Acres	Advance rental (3 years)	Right-of-way, width location	Appraised value
5	5.00	$30	50 feet existing road	$100
6	5.02	30	50 feet existing road and 50 feet S. boundary	100
7	5.00	30	50 feet road S. boundary	100
8	5.01	30	50 feet existing road	100
10	5.01	30	50 feet existing road	100
11	5.01	30	50 feet existing road and 50 feet S. boundary	100
12	5.00	30	50 feet existing road	100
13	5.00	30	50 feet existing road	100
14	5.01	30	50 feet existing road	100
15	5.01	30	50 feet existing road and 50 feet E. boundary	100
16	5.01	30	50 feet existing road	100
17	5.02	30	50 feet existing road	100
18	5.02	30	50 feet road E. boundary	100
19	5.01	30	50 feet existing road	100
20	4.98	30	50 feet existing road	100
21	4.24	30	50 feet existing road	100
22	2.50	30	50 feet existing road	100
23	5.01	30	50 feet existing road and 50 feet E. boundary	100
24	5.02	30	50 feet road E. and S. boundary	100
25	2.51	30	50 feet existing road and 50 feet N. and S. boundary.	100
26	5.03	30	50 feet road N. boundary	100
27	2.52	30	50 feet existing road and 50 feet S. boundary	100
28	5.03	30	50 feet existing road and 50 feet E. boundary	100
29	5.01	30	50 feet road E. boundary	100
30	2.50	30	50 feet existing road	100
31	2.12	30	50 feet existing road and 50 feet E. boundary	100
32	2.50	30	50 feet existing road and 50 feet N. boundary	100
33	5.00	30	50 feet existing road and 50 feet N. boundary	100
34	5.03	30	50 feet existing road and 50 feet N. boundary	100
35	5.04	30	50 feet existing road	100
36	5.03	30	50 feet existing road and 50 feet S. boundary	100
37	5.00	30	50 feet existing road	100
38	2.50	30	50 feet existing road and 50 feet E. boundary	100
39	2.14	30	50 feet road E. boundary	100
41	2.51	30	50 feet existing road	100
43	2.52	30	50 feet road N. boundary	100
44	2.52	30	50 feet existing road and 50 feet S. boundary	100
45	5.00	30	50 feet existing road	100
S½NE¼NW¼SW¼	5.00	30	50 feet existing road	100
S½NE¼NW¼SW¼	5.00	30	50 feet existing road	100

[1] Under application from an individual having statutory preference.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase these tracts at the prices listed above providing that, during the period of their leases, they either (a) construct the improvements as specified in paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure an additional tract unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 above must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards. The home must be livable and have a minimum of 300 square feet of floor space on a permanent foundation. The homes must be built in a workmanlike manner out of attractive properly finished materials. Adequate disposal and sanitary facilities must be installed. No other special terms or conditions are required.

8. Applicants must file, in duplicate, with the Manager, Land Office, 1245 North 29th Street, Billings, Montana, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above named official.

The applications must be accompanied by a filing fee of $10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

9. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to December 12, 1953, will be granted preference rights provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after December 12, 1953, and prior to 10:00 a. m., September 24, 1957, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after December 12, 1953, and prior to 10:00 a. m., December 24, 1957, will be considered as simultaneously filed at that time. All valid applications filed after that time will be considered in the order of filing.

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 57–7003; Filed, Aug. 26, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of North Carolina a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Camden.	Beaufort.
Chowan.	Pamlico.
Currituck.	Tyrrell.
Pasquotank.	Washington.
Perquimans.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 22d day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–7024; Filed, Aug. 26, 1957; 8:51 a. m.]

ARKANSAS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has

[1] The Administrator will review the training course, and if it is found adequate, will return an approved copy of the application to the applicant.

[2] Any logical arrangement of the training course material will be acceptable, if all the required maneuvers are included, with appropriate description of techniques and procedures.

been determined that in White County, Arkansas, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 22d day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-7025; Filed, Aug. 26, 1957; 8:51 a. m.]

AGRICULTURAL CONSERVATION PROGRAM SERVICE

ASSIGNMENT AND RESERVATION OF FUNCTIONS WITH RESPECT TO EMERGENCY CONSERVATION MEASURES

Pursuant to authority contained in R. F. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953 and Public Law 85-58, the Acting Secretary's order of December 24, 1953 (19 F. R. 74), as amended, is further amended by adding the following new paragraphs:

SEC. 600. *Assignment of functions.* • • •

c. The emergency conservation measures authorized by the item "Agricultural Conservation Program Service—Emergency Conservation Measures," in the Third Supplemental Appropriation Act, 1957 (Public Law 85-58, approved June 21, 1957).

SEC. 601. *Reservations* — a. *Reservations to the Secretary.* • • •

(3) The designation of areas in which the emergency conservation measures under Public Law 85-58 shall be available and final approval of allocation of funds and of national program regulations issued therefor.

Done at Washington, D. C., effective June 21, 1957.

Dated: August 22, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-7026; Filed, Aug. 26, 1957; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 235]

PETROLEUM SPECIALTIES, LTD., ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Petroleum Specialties Ltd., Leon Gourfinkel, Norfolk House, Norfolk Street, London, W. C. 2, England, and United Chemicals (London) Ltd., Andrew B. Futo, 147 Victoria Street, London, S. W. 1, England, respondents, Case No. 235.

The respondents, Petroleum Specialties Ltd., Leon Gourfinkel, United Chemicals (London) Ltd., and Andrew B. Futo, having been charged by the Agent in Charge, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder, which charge involved in general an alleged conspiracy by them to obtain wax from the United States for transshipment to Gdynia, Poland, without prior authorization from the Bureau of Foreign Commerce, by concealing from the American supplier the fact that the wax was to be shipped to Gdynia; and

The said respondents having been duly served with the charging letter; and

The said respondents having appeared herein and filed answers to the charging letter, the respondents Petroleum Specialties Ltd. and Gourfinkel demanding an oral hearing, this case was referred to the Compliance Commissioner, who held the hearing at which proof in support of and in opposition to the charges was received.

The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and all the evidence and arguments submitted by respondents in opposition thereto or in connection therewith, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, U. S. Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that remedial action, as hereinafter provided, be taken against the respondents, together with which report there have been transmitted also the transcript of testimony at the hearing, all exhibits submitted thereat, and the charging letter.

After reviewing and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. At all times hereinafter mentioned the respondents Leon Gourfinkel and Petroleum Specialties Ltd (hereafter referred to as Gourfinkel) and Andrew B. Futo and United Chemicals (London) Ltd. (hereafter referred to as United) were and now are engaged in the import and export business in London, England.

2. At all times hereinafter mentioned all the said parties knew that high melting point paraffin wax exported from the United States under general license GRO was not permitted by the United States to be exported or transshipped to Poland or Communist China without prior authorization from the United States.

3. In or about November 1954, United entered into negotiations with Gourfinkel for the purchase by it from him, or a firm in New York, with which he had business relations, of 60 tons of high melting point paraffin wax.

4. Having ascertained that such a purchase could be arranged, United thereafter, on or about the 3d day of December 1954, entered into an agreement with a firm in England, which, unbeknownst to United, was acting on behalf of a Communist Chinese purchaser, for the sale of 60 tons of such wax to the English firm, to be shipped to Gdynia, Poland.

5. United then arranged with Gourfinkel for the sale of said wax by Gourfinkel's supplier in New York to a firm in Amsterdam, Holland, and, by agreement or arrangement between Gourfinkel and United, both of whom well knew that the wax was to be transshipped to Gdynia after arrival in Holland, Gourfinkel did not disclose to and failed and omitted to inform the New York supplier that the wax was to be transshipped to Gdynia after arrival in Holland.

6. The New York supplier, not having been informed by Gourfinkel of the intended transshipment of the paraffin to Gdynia, caused to be executed and issued a shipper's export declaration and a bill of lading certifying that the proposed exportation was to be made under general license GRO, that the firm in Amsterdam, Holland, was the ultimate consignee, and that Holland was the country of ultimate destination.

7. Thereafter, under the authority of the shipper's export declaration, the New York firm exported from the United States 60 tons of high melting point paraffin wax to Holland.

8. The intention to transship the said wax to Gdynia was detected by officials of the United States and such transshipment was prevented in due time.

And, from the foregoing, the following are my conclusions:

A. The respondents Petroleum Specialties Ltd., Leon Gourfinkel, United Chemicals (London) Ltd., and Andrew B. Futo knowingly acted in concert and in accordance with a prearranged plan to conceal from the New York supplier a material fact concerning the intended destination of the 60 tons of paraffin wax in an attempt (contrary to § 381.3 of the export regulations) to bring about a violation of § 371.4 of the said regulations.

B. The said respondents knowingly concealed a material fact from the Bureau of Foreign Commerce and United States Customs officers indirectly through the New York supplier by withholding from that firm information in their possession relating to the intended destination of said 60 tons of paraffin wax in violation of § 381.5 (b) of the afore-mentioned regulations.

In his report, the Compliance Commissioner said:

> It is obvious that from the beginning • • • there was continual and complete intercommunication between and among all three parties to the transaction, Gourfinkel, United, and [a Dutch merchant, the nominal buyer]. The evidence shows that all three knew that the intended ultimate destination of the paraffin was Gdynia. It was general knowledge in the trade, as testified by Gourfinkel, that our export controls placed restrictions on the transshipment of goods to all Iron Curtain countries. Although Gourfinkel had this knowledge, he imposed a contract provision prohibiting only transshipment to Red China. Whether he did this because his New York [supplier] or because his government forbade such business, or for some other reason, is not too clear. It is clear and material, however, that, knowing the extent of our controls and knowing that the paraffin was to be exported from the United States (all this in 1954-1955), he limited his contract provision only to China transshipment and did not provide against any other Iron Curtain transshipment. Had he done so, there could not have been, under the facts of this case, either an honest or an enforceable contract with United and [the Dutch merchant]. This, plus the apparent original discussion of all the facts between United and Gourfinkel, leading to the bringing in of [the Dutch merchant], followed by the United letter to [the latter] • • • and [the latter's] letter to United • • •, coupled with all the attendant circumstances, lead me to conclude that United and Gourfinkel acted in concert to hide the Gdynia destination from [the New York supplier]. The motion to dismiss the conspiracy charge • • • is denied and the charges (except that relating to alleged false answers by United during the investigation) are sustained in all respects.

Now, after careful consideration of the entire record and being of the opinion that the recommendation of the Compliance Commissioner is fair and just and that this order is necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. All outstanding validated export licenses in which Petroleum Specialties Ltd., Leon Gourfinkel, United Chemicals (London) Ltd., or Andrew B. Futo appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. For a period of two years from the date hereof, except as qualified in Part IV hereof, the respondents and each of them hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license appliction, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control documents, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial shall extend not only to each of the respondents, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Without further order of the Bureau of Foreign Commerce, nine months after the date hereof, the respondents shall have their export privileges restored to them conditionally, the condition for such restoration being that, until two years from the date hereof, said respondents shall comply in all respects with this order and with all other requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. The privileges so conditionally restored to the respondents may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that any such respondent at any time hereafter has knowingly failed to comply with the conditions set forth in Part IV hereof, in which event a supplemental order shall be entered against such respondent so found to have violated this order or any export control law or regulation, which order shall deny all export privileges to such respondent for fifteen months thereafter or two years from the date hereof, whichever shall be the later. The entry of such supplemental order shall not prevent the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, any respondent affected thereby shall have the right to appeal therefrom, as provided in the export regulations.

VI. No person, firm, corporation or other business organization, whether in the United States or elsewhere, during any time when any respondent or related party is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, on behalf of or in any association with such respondent or related party, or (c) do any of the foregoing acts with respect to any exportation in which such respondent or related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: August 22, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-7000; Filed, Aug. 26, 1957; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8678]

ARCTIC-PACIFIC, INC.

NOTICE OF HEARING

In the matter of the revocation of Interim Operating Authorization No. 8 issued to Arctic-Pacific, Inc.

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on September 11, 1957, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitutiton Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., August 22, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7019; Filed, Aug. 26, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2144]

CITY OF SEATTLE

NOTICE OF APPLICATION FOR LICENSE

AUGUST 21, 1957.

Public Notice is hereby given that the City of Seattle, Washington, filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed Project No. 2144 to be located on the Pend Oreille River in Pend Oreille County, Washington, affecting lands of the United States none of which are within the Colville National Forest. The proposed development, known as the Boundary Project, would consist of a thin arch type concrete dam, approximately 385 feet in height and 975 feet long at the crest, having two overflow spillways with crests at elevation 1950 feet surmounted by radial gates, a spillway tunnel around the left abutment with the inlet structure of this spillway having a crest elevation of 1925 feet, and four auxiliary outlets through the dam with an invert elevation of 1780 feet, each controlled by a fixed wheel type gate; the dam creating a reservoir with normal pool at elevation 1990 feet and gross storage capacity of 94,000 acre-feet of which 42,000 acre-feet would be usable; an intake structure and two power tunnels about 1,600 feet in length around the right abutment of the dam extending downstream to a powerhouse with installation of six units, each consisting of a 125,000 horsepower turbine at 250-foot net head and direct connected to a 90,000 kilowatt (0.90 p. f.) generator and provisions for extension of the powerhouse to accommodate three future units; a 230-kv switchyard adjacent to the power plant and transmission lines consisting of three 230-kv circuits connecting to the Bonneville Power Administration transmission system in the Spokane area. The power generated by the project would be utilized by the applicant in supplying its customers located in and near the City of Seattle, and to provide power and energy to the Pend Oreille County Public Utility District.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 10, 1957.

The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7005; Filed, Aug. 26, 1957; 8:47 a. m.]

[Project Nos. 2197, 2206]

CAROLINA ALUMINUM CO. AND CAROLINA POWER & LIGHT CO.

ORDER FIXING HEARING ON APPLICATION FOR LICENSE AND CONSOLIDATING PROCEEDINGS

AUGUST 21, 1957.

Application was filed May 29, 1956, and supplemented March 11, 1957, by Carolina Power & Light Company, of Raleigh, North Carolina (Applicant) for a license under section 4 (e) of the Federal Power Act (hereinafter referred to as the act) for its Tillery and Blewett Falls hydroelectric developments (designated Project No. 2206) located at mile 219 and mile 191, respectively, on the Yadkin-Peedee River in Anson, Richmond, Montgomery and Stanly Counties, North Carolina.

On June 20, 1957, the Commission issued an order fixing hearing to commence October 15, 1957, concerning the matters involved in and the issues presented by an application for license filed by Carolina Aluminum Company for its proposed Tuckertown development, and its existing High Rock, Narrows, and Falls developments (Project No. 2197) on the lower Yadkin stretch of the Yadkin-Peedee River immediately upstream from the existing Blewett Falls and Tillery developments of Carolina Power & Light Company.

One of the principal issues concerning the application filed by Carolina Aluminum Company is the term of any license which may be issued for Project No. 2197. The same question is presented by the application for a license filed by Caroline Power & Light Company for Project No. 2206.

The Commission finds: It is appropriate and in the public interest that the proceedings involving the applications for licenses for Projects Nos. 2197 and 2206 be consolidated for a public hearing thereon as hereinafter provided.

The Commission orders: The proceeding upon application for license for Project No. 2206 be and the same is hereby consolidated with the proceeding in the matter of Project No. 2197 for the purpose of a public hearing thereon to be held on October 15, 1957, commencing at 10:00 a. m., e. d. s. t., at the Commission's Hearing Room, 441 G Street NW., Washington, D. C., respecting the matters involved in and the issues presented by the applications for licenses for Projects Nos. 2197 and 2206.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7006; Filed, Aug. 26, 1957; 8:47 a. m.]

FEDERAL RESERVE SYSTEM

TRANSAMERICA CORP. AND OCCIDENTAL LIFE INSURANCE COMPANY OF CALIFORNIA

ORDER DENYING APPLICATION FOR EXEMPTION

In the matter of the application of Transamerica Corporation, San Francisco, California, a bank holding company, for a determination by the Board of Governors of the Federal Reserve System that Occidental Life Insurance Company of California and its activities are of the kind described in section 4 (c) (6) of the Bank Holding Company Act of 1956 (12 U. S. C. 1843), and section 5 (b) of the Board's Regulation Y (12 CFR 222.5 (b)), so as to make it unnecessary for the prohibitions of section 4 of the act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the act;

A hearing having been held pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 and in accordance with sections 5 (b) and 7 (a) of the Board's Regulation Y (12 CFR 222.5 (b), 222.7 (a)); the recommended decision of the Hearing Examiner having been filed with the Board; exceptions to the recommended decision of the Hearing Examiner, together with a brief, having been filed with the Board by applicant; counsel for applicant having made oral argument before the Board; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been in accordance with the Board's rules of practice for formal hearings (12 CFR Part 263) and applicable law:

It is hereby ordered, That the request of Transamerica Corporation under section 4 (c) (6) of the Bank Holding Company Act of 1956 for an order exempting shares of Occidental Life Insurance Company of California from application of the prohibitions of section 4 (a) (2) of the said act shall be, and hereby is, denied.

This 20th day of August 1957.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 57-7007; Filed, Aug. 26, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 21, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34125: *Crushed stone—Missouri points to Illinois points.* Filed by The Wabash Railroad Company, for itself (No. 21). Rates on road surfacing, crushed stone, carloads from Hannibal and Huntington, Mo., to Alexander, Arnold, and Orleans, Ill.

Grounds for relief: Motor truck competition from wayside pits to job sites.

Tariff: Supplement 150 to Wabash Railroad Company tariff I. C. C. 7685.

FSA No. 34126: *Substituted service—Motor and rail—B & M, D & H and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 56), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported in substituted service on railroad flat cars between East Cambridge, Mass., on the one hand, and Toledo, Ohio, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 1 to The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 16.

FSA No. 34127: *Wheat—Kansas and Missouri points to Corpus Christi, Tex.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7102), for interested rail carriers. Rates on wheat, carloads from points in southern Kansas and southwestern Missouri described in the application to Corpus Christi, Tex., for export.

Grounds for relief: Motor truck competition.

Tariff: Supplement 38 to Atchison, Topeka & Santa Fe tariff I. C. C. 14744 and four other tariffs.

FSA No. 34128: *Substituted service—Motor and Rail—C&N. W. Ry.* Filed by Middlewest Motor Freight Bureau, Agent (No. 88), for The Chicago Great Western Railway Company, and interested motor carriers. Rates on freight loaded in highway trailers and transported in substituted service on railroad flat cars between Chicago, Ill., and St. Paul, Minn.

Grounds for relief: Motor truck competition.

Tariff: Supplement 23 to Agent Spanginger's tariff I. C. C. 1571.

FSA No. 34122: *Substituted service—Motor and rail—C. & N. W. Ry.* Filed by Middlewest Motor Freight Bureau, Agent, (No. 87), for the Chicago and North Western Railway Company and interested motor carriers. Rates on freight loaded in highway trailers and transported in substituted rail service on railroad flat cars between Chicago, Ill., on one hand, and Council Bluffs, and Sioux City, Iowa, on the other.

Grounds for relief: Motor truck competition.

FSA No. 34123: *Asphalt—Louisiana points to Memphis, Tenn.* Filed by O. W. South, Jr., Agent, (SFA No. A3518), for interested rail carriers. Rates on asphalt (asphaltum), tank-car loads from Baton Rouge, Chalmette, Destrehan, Good Hope, New Orleans, Norco, North Baton Rouge, and St. Rose, La., to Memphis, Tenn.

Grounds for relief: Barge competition.

Tariff: Supplement 37 to Alternate Agent J. H. Marque's tariff I. C. C. 424.

FSA No. 34124: *Asphalt—Illinois points to Memphis, Tenn.* Filed by H. R. Johnson, Agent (Agent Raasch's No. 632), for interested rail carriers. Rates on asphalt (asphaltum), tank-car loads from Hartford, Roxana, and Wood River, Ill., to Memphis, Tenn.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 43 to Agent Raasch's tariff I. C. C. 726.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6949; Filed, Aug. 22, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-3477]

POSTMAN CO.

ORDER VACATING ORDER OF SUSPENSION

AUGUST 21, 1957.

In the matter of Viola Rubber and Clifford Hayman as The Postman Company, File No. 24NY-3477.

Viola Rubber, 36 East 61st Street, New York, New York, and Clifford Hayman, 325 West 45th Street, New York, New York, issuers (the issuer to be The Postman Company, a limited partnership under the laws of New York on the formation thereof), filed with the Commission on September 3, 1953, a Notification on Form 1-A and an Offering Circular relating to a proposed offering of pre-formation limited partnership interests in an amount not to exceed $25,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3 (b) thereof and Regulation A thereunder.

The Commission on March 22, 1957, ordered, pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 as amended, that the conditional exemption under Regulation A sought for the offering be temporarily suspended on the grounds that the terms and conditions of Regulation A had not been complied with in that Form 2-A reports of sales, as required by Rule 224, had not been filed.

Subsequent to the Commission's action temporarily suspending the exemption, a Form 2-A report of sales was filed and an affidavit was submitted to establish, among other things, that the failure to file the report of sales was due to inadvertence.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors,

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-7012; Filed, Aug. 26, 1957; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 20, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34121: *Asphalt between points in southern territory.* Filed by O. W. South, Jr., Agent, (SFA No. A3516), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product, or petroleum (other than paint, stain or varnish), carloads, also tank-car loads between points in southern territory.

Grounds for relief: Short-line distance formula, grouping and motor truck competition.

[F. R. Doc. 57-6971; Filed, Aug. 23, 1957; 8:45 a. m.]

FEDERAL REGISTER

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MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE

Effective upon publication in the FEDERAL REGISTER, subparagraph (21) is added to § 6.304 (a) as set out below.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* * * *

(21) One Special Assistant to the Assistant Secretary of Defense for International Security Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-7059; Filed, Aug. 27, 1957; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter E—Production Credit System

PART 50—PRODUCTION CREDIT ASSOCIATIONS

APPROVALS OF LOANS; EXCESS LOANS

Pursuant to the authority vested in the Governor of the Farm Credit Administration by section 20 of the Farm Credit Act of 1933, as amended (12 U. S. C. 1131d), and, as prescribed by the farm credit board of each district with the approval of the Farm Credit Administration pursuant to section 23 of said act, as amended (12 U. S. C. 1131g), paragraph (a) of § 50.164 of Title 6 of the Code of Federal Regulations (21 F. R. 10329) is hereby amended to read as follows:

§ 50.164 *Excess loans.* (a) Except with the prior approval of the Bank, no loan shall be made to a borrower if the sum of his obligations to the association, whether as borrower, comaker, endorser, or guarantor, will exceed 15 percent of the unimpaired capital and surplus of the association, or such lesser amount as may be specified for any association by the board of directors of the Bank; nor shall the total of such obligations of a borrower exceed 35 percent of the association's unimpaired capital and surplus without the prior approval of the Bank and the Farm Credit Administration.

* * * * * *

(Secs. 20, 23, 48 Stat. 259, 261, as amended; 12 U. S. C. 1131d, 1131g)

[SEAL] THOS. A. MAXWELL, JR.,
Acting Governor.

[F. R. Doc. 57-7047; Filed, Aug. 27, 1957; 8:49 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

DESIGNATION AND USE OF ACREAGE RESERVE

Section 485.214 (c) of the regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, as amended and supplemented, is hereby amended to read as follows:

§ 485.214 *Designation and use of acreage reserve.* * * *

(c) The acreage reserve shall not be grazed after December 31, 1956, or the date the agreement is filed, whichever is later, and prior to January 1, 1958, unless the Secretary, after the Governor of the State in which the farm is located has certified that there is a need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster. Leasing of the acreage reserve to others for grazing purposes is prohibited. The restriction against grazing shall not apply to a crop which matured and normally would be harvested in 1956, unless harvesting of the crop in 1956 would have been in violation of a 1956 acreage reserve agreement.

(1) Except as provided in subparagraph (2) of this paragraph, a written

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FEDERAL REGISTER

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request to graze the acreage reserve, on a form approved by the Administrator, must be filed with the county committee in which the producer agrees to a deduction from the compensation payable under the agreement of an amount equal to $6.00 per acre times the total number of acres in the acreage reserve. If the compensation payable under the agreement amounts to less than $6.00 per acre times the total number of acres in the acreage reserve, the amount of the deduction shall be the amount of compensation payable under the agreement. If the request is approved and written consent to graze is given by the county committee, permission to graze the acreage reserve shall extend through December 31, 1957. Consent to graze the acreage reserve shall not be given if the county committee has reason to believe that there has been a violation of the terms and conditions of the agreement which would require a forfeiture or refund of compensation.

(2) In any area where the Secretary determines that the natural disaster is of such severity as to so warrant, the Secretary may permit unrestricted grazing of the acreage reserve without making a deduction from the compensation payable under the agreement.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 22d day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-7062; Filed, Aug. 27, 1957; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Burley, Flue, Fire, Air and Sun-57)-1, Amdt. 1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1957–58 MARKETING YEAR; MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of the Agricultural Act of 1949, as amended, the burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco marketing quota regulations, 1957–58 marketing year, are amended, as hereinafter provided to delete certain provisions requiring issuance of a limited support flue-cured marketing card because of failure of a farm operator to establish that none of the discount varieties of flue-cured tobacco was or will be harvested from another farm which he also operates, and to provide for marking of limited support flue-cured marketing cards to show mixed plantings of not more than one-third of discount varieties of flue-cured tobacco.

Since farmers are now marketing flue-cured tobacco at auction warehouses and price support advances are being made thereon, it is necessary that the provisions of this amendment become effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable, unnecessary and contrary to the public interest and this amendment shall become effective upon filing with the Division of the Federal Register.

1. Section 725.831 is amended by adding at the end thereof the following:

(ee) "Mixed planting" means the planting in a field on a farm in 1957 of some flue-cured tobacco of one or more of the seed varieties designated as Coker 139, Coker 140 or Dixie Bright 244, or any mixture or strain thereof (hereinafter referred to as "discount varieties", "discount variety", or "limited support variety") with some other seed variety or varieties of flue-cured tobacco.

2. Section 725.838, paragraph (c) (iv) is hereby deleted in its entirety.

3. Section 725.838, paragraph (f) (2) is amended by deleting the words "or any other farm operated by him" so that the paragraph reads as follows:

(2) If a within quota Limited Support Flue-Cured Marketing Card (MQ–76–D) is issued under the provisions of paragraph (c) of this section for any farm, it may, upon advance notice by the farm operator to the county committee and with prior approval of the county committee, be exchanged at the county office by the operator for a within quota marketing card (MQ–76) for flue-cured tobacco when the operator establishes to the satisfaction of the county committee that there has been no commingling or substitution of tobacco of the seed varieties of flue-cured tobacco designated as Coker 139, Coker 140, or Dixie Bright 244 with any other flue-cured tobacco produced on the farm and that any Coker 139, Coker 140 or Dixie Bright 244 varieties of flue-cured tobacco have been marketed and properly identified at time of marketing by a within quota limited support flue-cured marketing card.

4. Section 725.838 is amended by adding at the end thereof two new paragraphs (g) and (h) as follows:

(g) *Stamping within quota Limited Support Flu-Cured Marketing Card (MQ–76–D) to show mixed planting.* (1) If a within quota Limited Support Flue-Cured Marketing Card (MQ–76–D) is issued under the provisions of paragraph (c) of this section for any farm on which flue-cured tobacco was grown in 1957, such card and both the purchaser's and county office copy of each memorandum of sale contained therein shall, under the following conditions, have stated thereon, by stamp or writing verified by the signature of the issuing officer and date thereof, the percentage of unintentional mixed planting of limited support variety as determined by the county committee as hereinafter provided in this paragraph:

(i) An employee of the Department of Agriculture designated by the State administrative officer as a specialist qualified to examine and identify seed varieties of flue-cured tobacco, has certified on Form MQ–34, Verification of Flue-Cured Tobacco Varieties Planted in 1957, that on such farm there is a mixed planting of which not more than 33⅓ percent (as stated on the form) consists of the discount varieties;

(ii) The farm operator for any such farm has furnished the county office information which will show that such mixed planting was unintentional on the part of himself or any other producer on the farm; and

(iii) The county committee determines with respect to any such farm, pursuant to information furnished by the specialist and the farm operator and from such other information as it may obtain, that such mixed planting consisted of not more than 33⅓ percent of the discount varieties, and the amount of such percentage, and that such mixed planting has been unintentional. A record of such determination shall be made available for the purposes of this paragraph.

(2) If a within quota Limited Support Flue-Cured Marketing Card (MQ–76–D) is issued under the provisions of paragraph (c) of this section for any farm on which flue-cured tobacco was grown in 1957, such card and both purchaser's and county office copy of each memorandum of sale contained therein shall, under the following conditions, have stated thereon by stamp or writing verified by the signature of the issuing officer and date thereof, the percentage of mixed planting of limited support variety as determined by the county committee as hereinafter provided in this paragraph:

(i) An employee of the Department of Agriculture designated by the State administrative officer as a specialist qualified to examine and identify seed varieties of flue-cured tobacco, has certified on Form MQ–34, Verification of Flue-Cured Tobacco Varieties Planted in 1957, that on such farm there is a mixed planting of which not more than 33⅓ percent (as stated on the form) consists of the discount varieties;

(ii) The farm operator does not contend that such mixed planting was unintentional on the part of himself or any other producer on the farm, or, where the farm operator does make such contention, the county committee does not determine such mixed planting was unintentional; and

(iii) The county committee determines with respect to such farm, pursuant to information furnished by the specialist and the farm operator and from such other information as it may obtain, that such mixed planting consisted of not more than 33⅓ percent of the discount varieties, and the amount of such percentage. A record of such determination shall be made available for the purposes of this paragraph.

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, any within quota Limited Support Flue-Cured Marketing Card (MQ–76–D) issued for a farm having mixed plantings of not more than 33⅓ percent of the discount varieties shall not be stamped or written thereon as provided in subparagraphs (1) and (2) of this paragraph

if the farm operator of such farm objects to such stamp or writing being placed on such marketing card.

(h) *Issuance of marketing cards (MQ–76–D or MQ–76) to identify flue-cured tobacco produced by a publicly owned Agricultural Experiment Station.* If under the provisions of paragraph (c) or (d) of this section a farm on which tobacco is grown for experimental purposes only is eligible for the issuance of both a within quota limited support flue-cured marketing card (MQ–76–D) and a within quota flue-cured marketing card (MQ–76), notwithstanding the provisions of amended paragraph (f) (2) of this section, an MQ–76–D marketing card may be issued prior to or simultaneous with the issuance of an MQ–76 marketing card for flue-cured tobacco if the Director of a publicly owned Agricultural Experiment Station furnishes, in addition to the information and certification required under paragraph (d) (2) of this section, the following:

(1) A list by counties, showing for each farm on which tobacco is grown for experimental purposes only the acreage of discount varieties grown;

(2) A certification that all discount varieties of tobacco grown have been kept separate by varieties from tobacco of any other varieties during harvest and preparation for market and that each discount variety of tobacco will be marketed separately by use of a within quota limited support flue-cured marketing card (MQ–76–D); and

(3) An agreement to notify the ASC State administrative officer as to the place and date of sale of discount varieties of flue-cured tobacco.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 401, 63 Stat. 1054, 7 U. S. C. 1421)

Done at Washington, D. C., this 22d day of August 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-7063; Filed, Aug. 27, 1957; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Rev., Amdt. 93]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the Act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the Act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (22 F. R. 3005, 4377), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. A new subdivision (lxxviv) is added to subparagraph (5) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(lxxviv) Block 1, Lot 6, Plate 1, in Deptford Township, owned and operated by C. A. Bodine.

2. A new subdivision (xiv) is added to subparagraph (6) of paragraph (d), relating to Hudson County in New Jersey, to read:

(xiv) Block 30C, Lot 32, in Secaucus Township, owned by Mary Ulikowski and operated by S. Pinelli.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1956 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies sec. 7, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 112, 113, 117, 120, 123, 125)

Done at Washington, D. C. this 22d day of August, 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 57-7061; Filed, Aug. 27, 1957; 8:52 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 83—WAIVER OF PATENT RIGHTS

INVENTIONS OR DISCOVERIES BY SPONSOR PERSONNEL

Notice is hereby given that the AEC has adopted the following amendment to the "Waiver of Patent Rights" regulation published in Part 83 of Title 10 of the Code of Federal Regulations. This amendment will become effective upon publication.

Amend § 83.1 (b) (3) by adding the following: "The waiver does include inventions or discoveries made by sponsor personnel in the course of their use of the Gamma Irradiation Facility at the National Reactor Testing Station."

Amend § 83.2 (a) by adding the following at the beginning of that paragraph: "Except with regard to the use of the Gamma facility at the National Reactor Testing Station,".

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201)

Dated at Washington, D. C., this 18th day of July 1957.

K. E. FIELDS,
General Manager.

[F. R. Doc. 57-7048; Filed, Aug. 27, 1957; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54421]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 26—DISCLOSURE OF INFORMATION

RESTRICTIONS UPON PUBLIC INSPECTION OF CUSTOMS RECORDS

Restrictions were imposed by (1950) T. D. 52583 (15 F. R. 7295), upon disclosure to the public in accordance with the Customs Regulations of information from records of entry and clearance of vessels and from vessels' manifests filed with customs. Such restrictions, except as relate to disclosure of export information from vessels' manifests, have been suspended by prior decisions. Those decisions are (1950) T. D. 52608 (15 F. R. 7994) and (1951) T. D. 52681 (16 F. R. 2164).

It has now been decided also that some information in vessels' manifests concerning exports may be disclosed as provided in § 26.5 of the regulations without violating the purpose of existing restrictions.

To include these decisions, the Customs Regulations are amended as follows:

Section 4.95 is amended by placing a period after "public inspection" in the fourth sentence and by deleting the remainder of that sentence.

Paragraph (b) of § 26.5 is amended by adding the following new sentences: "Disclosure of special category export shipments which might endanger the security of the United States is not now permitted. Such restriction upon disclosure shall be in effect during any period covered by a finding by the President under section 1, of the act of August 9, 1950, as amended (50 U. S. C. 191). Such a finding is now in effect (Executive Order No. 10173, Oct. 18, 1950 (15 F. R. 7005))."

Before accredited representatives of the press or regularly established associations may examine outward vessels' manifests, therefore, customs shall separate at the cost of applicants all information about special category shipments.

Paragraph (c) of § 26.7 is deleted.

(R. S. 161, 251, sec. 3, 60 Stat. 238, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 1002, 19 U. S. C. 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: August 26, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7099; Filed, Aug. 27, 1957; 10:59 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 130—NEW DRUGS

PRAMOXINE HYDROCHLORIDE PREPARATIONS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

There was published in the FEDERAL REGISTER of June 14, 1957 (22 F. R. 4194) notice of a proposed amendment to § 130.102. No comment having been filed with respect to the proposed amendment within the 30-day period stipulated in the above-referenced notice, the amendment set out below is hereby ordered, effective 30 days from the date of its publication in the FEDERAL REGISTER, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701; 65 Stat. 649, 52 Stat. 1052, 1055, as amended; 21 U. S. C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 1956 Supp., 130.101 (b)).

In § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale* paragraph (a) is amended by adding the following new subparagraph:

(19) Pramoxine hydrochloride (4-*N*-butoxyphenyl γ-morpholinopropyl ether hydrochloride) preparations meeting all the following conditions:

(i) The pramoxine hydrochloride is prepared, with or without other drugs, in a dosage form suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The pramoxine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 1.0 percent of pramoxine hydrochloride.

(v) The preparation is labeled with adequate directions for use by external application to the skin for the temporary relief of pain or itching due to minor burns and sunburn, nonpoisonous insect bites, and minor skin irritations.

(vi) The directions for use recommend or suggest not more than four applications of the preparation per day, unless directed by a physician.

(vii) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Prolonged use.

(*b*) Application to large areas of the body.

(*c*) Continued use if redness, irritation, swelling, or pain persists or increases, unless directed by a physician.

(*d*) Use in the eyes or nose.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353, 355)

Dated: August 21, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-7038; Filed, Aug. 27, 1957; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 871—ENLISTMENT AND REENLISTMENT IN THE REGULAR AIR FORCE

REVISION OF PART

In Part 871, §§ 871.1 to 871.7 are revised to read as follows:

Sec.
871.1 Abbreviations and definitions.
871.2 Places of enlistment.
871.3 Qualifications.
871.4 Persons ineligible.
871.5 Persons with dependents.
871.6 Periods of enlistment and grade.
871.7 Miscellaneous instructions.

AUTHORITY: §§ 871.1 to 871.7 issued under sec. 8012, 70A Stat. 488; 10 U. S. C. 8012. Interpret or apply secs. 8251–8262, 70A Stat. 503–506; 10 U. S. C. 8251–8262.

SOURCE: AFM 39-9, July 1, 1957.

§ 871.1 *Abbreviations and definitions*—(a) *AFQT.* Armed Forces qualification test.

(b) *AFWST.* Armed Forces women's selection test.

(c) *EST.* Enlistment screening test.

(d) *WEST.* Women enlistment screening test.

(e) *AQE or AQE–D.* Airman qualifying examination.

(f) *AC–1B or AC–2A.* Airman classification battery.

(g) *Prior enlisted service.* When used in reference to personnel, includes:

(1) Former Regular airmen who have served a minimum continuous period exceeding 90 days, and who have been separated from the Air Force for a period of time exceeding 90 days.

(2) Former airmen of a Reserve component who have served in active military service or on active duty for training for a minimum continuous period exceeding 90 days.

(3) Former enlistees and inductees of any of the Regular Armed Forces who have served in active military service for a minimum continuous period exceeding 90 days.

(4) Former enlisted members of a Reserve component of any of the other Armed Forces who have served in active military service or on active duty for training for a minimum continuous period exceeding 90 days.

(h) *Reenlistment or reenlistee.* When used in reference to personnel, applies only to Regular airmen who enlist within 90 days from date of separation from the Regular Air Force.

(i) *Without prior service.* All persons who are not included in the prior enlisted service or reenlistment category indicated in paragraphs (g) and (h) of this section.

(j) *Original enlistment.* Enlistment of a person who has never previously been a member of the Army Air Corps, Army Air Forces, or the United States Air Force.

(k) *Dependent.* Includes all persons actually dependent upon the applicant either from a moral or legal standpoint. Applicant's stepchildren, in care or custody of spouse of applicant, are considered dependents even though not adopted by applicant, and whether or not support is being contributed by legal parent.

(l) *Within United States.* Only within the 48 States and the District of Columbia.

(m) *Use of terms "men," "male," "women," "female," "persons," "individuals" and "applicants.* Where instructions only apply to men, the word "men" or "male" is used. Where instructions apply only to women, the word "women" or "female" is used. Except when used in a section clearly applicable to only one sex, the word "persons," "individuals," and "applicants" refer to both men and women.

(n) *USAF recruiting service.* Recruiting activities under the jurisdiction of the 3500th USAF Recruiting Wing.

(o) *Chargeable accessions.* Male enlistments or inductions into the Active Forces of any of the Armed Services, excluding aviation cadets, officer candidates, members of the Reserve Forces entering active duty and persons exempt from induction.

(p) *Active military service.* Full-time duty with the active establishment, either extended active duty or active duty for training.

(q) *Extended active duty.* A tour of active military service performed by a Reservist who occupies an authorized troop space of the active military establishment.

(r) *Active duty for training.* A tour of active duty for Reserve training, under orders which provide for automatic reversion to an inactive duty training status upon completion of the specified period of active duty.

§ 871.2 *Places of enlistment*—(a) *Within the United States*—(1) *Persons without prior service.* Enlistments will be accomplished only through the USAF Recruiting Service.

(2) *Persons with prior enlisted service.* (i) Through the USAF Recruiting Service.

(ii) Former airmen may be enlisted at any Air Force installation having adequate facilities and personnel to accomplish the enlistment. WAF will be enlisted only at bases where WAF airmen can be assigned.

(3) *Reenlistees.* (i) Through the USAF Recruiting Service.

(ii) At any Air Force installation having adequate facilities and personnel to accomplish the reenlistment. WAF will be enlisted only at bases where WAF airmen can be assigned.

(b) *Within territories and possessions of the United States*—(1) *Persons without prior service.* Enlistments are authorized at Air Force bases, in accordance with special instructions issued by Headquarters USAF.

(2) *Persons with prior enlisted service.* (i) Enlistment of a bona fide Territorial resident is authorized provided that a vacancy exists. Enlistment may be accomplished at any Air Force installation having adequate facilities and personnel to accomplish the enlistment. WAF will be enlisted only at bases where WAF airmen can be assigned.

(ii) No exceptions to the policy contained in this subparagraph will be made except as authorized in specific instructions issued by Headquarters USAF. Requests for waivers will not be submitted.

(3) *Reenlistees.* (i) Any Air Force installation having adequate facilities and personnel to accomplish reenlistment may:

(*a*) Accomplish the immediate reenlistment of airmen to fill their own vacancy.

(*b*) Accomplish reenlistment of bona fide Territorial residents provided a vacancy exists. WAF will be enlisted only at bases where WAF airmen can be assigned.

(ii) No exceptions to the policy contained in this subparagraph will be made except as authorized in specific instructions issued by Hq USAF. Requests for waivers will not be submitted.

(c) *Outside the United States and its territories and possessions*—(1) *Persons without prior service.* Enlistments are not authorized.

(2) *Persons with prior enlisted service.* Enlistments are not authorized.

(3) *Reenlistees.* (i) Any Air Force installation having adequate facilities and personnel may accomplish immediate reenlistment of airmen to fill their own vacancies.

(ii) Other enlistments are not authorized.

§ 871.3 *Qualifications*—(a) *Age*—(1) *Persons without prior service*—(i) *Men.* Must be 17 to 34 years of age, inclusive.

(ii) *Women.* Must be 18 to 34 years of age, inclusive.

(2) *Persons with prior enlisted service*—(i) *Men.* (*a*) Must be 17 to 34 years of age, inclusive, or

(*b*) May be 35 to 54 years of age, inclusive, provided that age at time of enlistment is not greater than 35 plus the length of prior honorable active Federal service, and provided that at least 3 months of this service was in the Army Air Corps, Army Air Force, or the United States Air Force.

(ii) *Women.* (*a*) Must be 18 to 34 years of age, inclusive, or

(*b*) May be 35 years of age and over provided that age at time of enlistment is not greater than 35 years plus the length of prior active honorable Federal service completed after September 1, 1943, 3 months of which service must have been in the Women's Army Corps prior to September 1948 or in the Air Force at any time.

(3) *Reenlistees*—(i) *Men.* The minimum age is 17 with no maximum restrictions, except that airmen who have reached their sixty-fourth birthday and who have sufficient service to qualify for retirement will not be reenlisted.

(ii) *Women.* The minimum age is 18 with no maximum restrictions, except that airmen who have reached their sixty-fourth birthday and who have sufficient service to qualify for retirement will not be reenlisted.

(b) *Citizenship*—(1) *Persons without prior service.* Must be:

(i) A citizen of the United States, or

(ii) An alien who can present written evidence that he has made legal declaration of his intention to become a citizen of the United States. The evidence required is the triplicate of United States Department of Justice Immigration and Naturalization Service Form N–315, "Declaration of Intention," or Form N–321 or N–325 (in place of one lost, mutilated or destroyed), duly authenticated by an authorized State or Federal District Court. 18 U. S. C. 1426 (h) prohibits the reproduction without lawful authority of a declaration of intention to become a citizen or certificate of naturalization. Under no circumstances will these forms be reproduced.

(2) *Persons with prior enlisted service.* Must be:

(i) A citizen of the United States, or

(ii) An alien who can present written evidence that he has made legal declaration of his intention to become a citizen of the United States. The evidence required is the triplicate of United States Department of Justice Immigration and Naturalization Service Form N–315, or Form N–321 or N–325 (in place of one lost, mutilated, or destroyed), duly authenticated by an authorized State or Federal district court. 18 U. S. C. 1426 (h) prohibits the reproduction without lawful authority of a declaration of intention to become a citizen or certificate of Naturalization. Under no circumstances will these forms be reproduced.

(3) *Reenlistees.* There are no citizenship requirements.

(c) *Mental*—(1) *Persons without prior service*—(i) *Men.* Must obtain a:

(*a*) Final score of 23 or higher on the EST 3 or 4.

(*b*) Percentile score of 10 or higher on the AFQT currently in effect.

(ii) *Women.* Must achieve:

(*a*) A total score of 23 or higher on the WEST 1 or 2 for applicants required to undergo preliminary mental screening.

(*b*) A final score of 42 or higher on the AFWST 3 or 4. Waivers will not be granted.

(2) *Persons with prior enlisted service.* (i) Aptitude scores derived from airman classification battery, AC–1B or AQE: A score of four or higher must be achieved on technical specialty, plus a score of four or higher on either the clerical or mechanical aptitude index, except that:

(*a*) Former Reserves of the Air Force, who have served on active duty for a continuous period of 12 months or longer immediately prior to separation and who are discharged in grades E–5, E–6, and E–7 with a 5- or 7-skill level in their primary specialty who enlist in the Regular Air Force within 90 days, may be enlisted without regard to these mental standards.

(*b*) Applicants, who are eligible for enlistment in grades E–4 or higher, qualified at the 5- or 7-skill level, as appropriate, and have recorded a score of as least Technical Specialty–3, and Clerical or Mechanical–3, may be enlisted if their skill appears as "scarce", "scarce overseas only", "needed" or "needed overseas only".

(ii) Aptitude scores derived from airmen classification battery, AC–2A or AQE–D: A percentile score of 25 or higher on the general aptitude index plus a percentile score of 25 or higher on either mechanical or administrative aptitude clusters, except:

(*a*) Former Reserves of the Air Force, who have served on active duty for a continuous period of 12 months or longer immediately prior to separation and who are discharged in grades E–5, E–6 and E–7 with a 5- or 7-skill level in their primary specialty who enlist in the Regular Air Force within 90 days, may be enlisted without regard to these mental standards.

(*b*) Applicants, who are eligible for enlistment in grades E–4 or higher qualified at the 5- or 7-skill level and have recorded a score of at least a percentile of 20 in general aptitude index and 20 or higher on either mechanical or administrative aptitude clusters, may be enlisted if their skill appears as "scarce," "scarce overseas only," "needed" or "needed overseas only".

(iii) Men who do not have either an AQE, AC–1B, AQE–D or AC–2A score or an AFQT percentile score of 21 or higher indicated on their report of separation will undergo preliminary mental screening and must achieve a final score of 23 or higher on the EST.

(iv) Women who do not have either an AQE, AC–1B, AQE–D or AC–2A score indicated on their report of separation or an AFWST 1 or 2 percentile score of 57 or higher or an AFWST 3 or 4 total score of 42 or higher will undergo preliminary mental screening and must achieve a total score of 23 or higher on the WEST.

(v) Waivers of mental qualifications will not be granted.

(3) *Reenlistees.* (i) Aptitude scores derived from airman classification battery, AC–1B or AQE: A score of four or higher must be achieved on technical specialty plus a score of four or higher on either the clerical or mechanical aptitude index, except:

(*a*) Former airmen, discharged in grades E–5, E–6, and E–7 with a 5- or 7-skill level in their primary specialty, may reenlist within 90 days without regard to these mental standards.

(*b*) Applicants, who are eligible for reenlistment in grade E–4, qualified at the 5-skill level and have recorded a score of at least Technical Specialty–3, and Clerical or Mechanical–3, may reenlist.

(c) Prior to accomplishing reenlistment, airmen will be advised that acceptance of mental requirements in (*b*) of this subdivision for reenlistment does not waive mental requirements for entry into technical training.

(ii) Aptitude scores derived from airman classification battery, AC–2A or AQE–D: A percentile score of 25 or higher must be achieved on the general aptitude index plus a percentile score of 25 or higher on either mechanical or administrative aptitude clusters, except:

(*a*) Former airmen, discharged in grades E–5, E–6 and E–7 with a 5- or 7-skill level in their primary specialty, may reenlist within 90 days without regard to these mental standards.

(*b*) Applicants, who are eligible for reenlistment in grade E–4 qualified at the 5-skill level and have recorded a score of at least a percentile of 20 in general aptitude index and 20 or higher on either mechanical or administrative aptitude clusters, may reenlist.

(c) Prior to accomplishing reenlistment, airmen will be advised that acceptance of mental requirements in (*b*) of this subdivision for reenlistment does not waive mental requirements for entry into technical training.

(iii) Men who do not have either an AQE, AC–1B, AQE–D and AC–2A score indicated on their report of separation, or an AFQT percentile score of 21 or higher, will undergo preliminary mental screening and must achieve a final score of 23 or higher on the EST.

(iv) Women who do not have either an AQE, AC–1B, AQE–D or AC–2A score indicated on their report of separation, or an AFWST 1 or 2 percentile score of 57 or higher or an AFWST 3 or 4 final score of 42 or higher, will undergo preliminary mental screening and must achieve a total score of 23 or higher on the WEST.

(v) Waivers of mental qualifications will not be granted.

(d) *Physical*—(1) *Persons without prior service*—(i) *Men*—The standards for medical examination will be those prescribed in existing pertinent regulations. Applicants having a physical profile serial with numeral "3" (profile C) as the lowest grade in any factor may be accepted for enlistment.

(ii) *Women.* The standards for medical examinations will be those prescribed in existing pertinent regulations. Applicants having a physical profile serial with the numeral "1" (profile A) may be accepted for enlistment, except that the numeral "2" (profile B) is acceptable for hearing and vision.

(2) *Persons with prior enlisted service*—(i) *Men.* The standards for medical examination will be those prescribed in existing pertinent regulations. Applicants having a physical profile serial with numeral "3" (profile C) as the lowest grade in any factor may be accepted for enlistment, except as indicated in subdivision (iii) of this subparagraph.

(ii) *Women.* The standards for medical examination will be those prescribed in existing pertinent regulations. Applicants having a physical profile serial with the numeral "1" (profile A) may be accepted for enlistment, except that the numeral "2" (profile B) is acceptable for hearing and vision, and except as indicated in subdivision (iii) of this subparagraph.

(iii) *Persons last separated by reason of physical disability.* Applicants for enlistment, who were last separated from any of the Armed Forces by reason of physical disability, with or without severance pay, will not be accepted for enlistment without prior approval from Headquarters USAF, even though such persons currently meet the physical standards prescribed in subdivisions (i) and (ii) of this subparagraph. Requests for waivers of physical disability discharge will be accompanied by completed SFs 88 and 89. Requests will include a detailed description and current evaluation of the physical defect responsible for the person's discharge and a social history form evaluating the person's adjustment since discharge from the service. For example, all occupations and other significant activities since discharge will be listed chronologically, including any prolonged periods of hospitalization. Changes in activities or schooling should be explained, and contact with one or more employers for the person's employment record is desirable. Applicants for enlistment who were last separated from any of the Armed Forces by reason of physical disability based upon any of the psychotic disorders, such as Schizophrenic, Affective or Paranoid reactions, will not be accepted for enlistment. Waivers for history of psychotic disorders will not be granted. Applicants, who were last separated for physical disability will not be accepted for enlistment without prior approval from Headquarters USAF.

(*a*) Requests for waivers will be forwarded to the Director of Personnel Procurement and Training, Headquarters USAF, Attention: Personnel Procurement Division, Washington 25, D. C., only in those cases where the person has made a good adjustment and can be expected to perform general military service.

(*b*) Discharge by reason of physical disability from the Armed Forces is governed by existing pertinent regulations.

(3) *Reenlistees*—(i) *Men.* (*a*) The standards for medical examination will be those prescribed in existing pertinent regulations. Applicants having a physical profile serial with numeral "3" (profile C) as the lowest grade in any factor may be accepted for reenlistment. In especially deserving cases, request for waiver will be submitted to Headquarters USAF. Requests for waivers will be accompanied by completed SFs 88 and 89 and will be addressed to the Director of Personnel Procurement and Training, Headquarters USAF, Attention: Personnel Procurement Division, Washington 25, D. C.

(*b*) In addition, airmen having physical defects which are disqualifying for enlistment may be reenlisted immediately if they can be economically and universally assigned. Waivers will not be required from higher headquarters.

(ii) *Women.* The standards for medical examination will be those prescribed in existing pertinent regulations. Applicants having a physical profile serial with numeral "1" (profile A) may be accepted for enlistment except that the numeral "2" (profile B) is acceptable for hearing and vision. In especially deserving cases, request for waiver will be submitted to Headquarters USAF. Requests for waivers will be accompanied by completed SFs 88 and 89 and will be addressed to the Director of Personnel Procurement and Training, Headquarters USAF, Attention: Personnel Procurement Division, Washington 25, D. C.

(e) *Moral.* Applicants for enlistment or reenlistment must be of good moral character. A person's moral character will be determined by ascertaining his reputation in the community in which he lives.

(f) *Educational*—(1) *Persons without prior service*—(i) *Men.* No specific educational requirements.

(ii) *Women.* Applicants without prior service must possess a certificate of graduation from high school or must present substantiating data that they have successfully completed the high school level General Educational Development test. Successful completion is defined as that recommended by the Commission on Accreditation of the American Council on Education, that is, a standard score of 35 or above on each of the five tests in the battery, or an average standing score of 45 or above on the five tests in the battery. (This test will not be administered by recruiting personnel. Applicants desiring information about the General Educational Development test will be advised to contact the appropriate State department of education for information concerning this or similar tests.)

(2) *Persons with prior enlisted service*—(i) *Men.* No specific educational requirements.

(ii) *Women.* Applicants with prior service may be enlisted if they have completed a minimum of 2 years of high school or present substantiating data that they have successfully completed the high school level General Educational Development test.

(3) *Reenlistees.* There is no specific educational requirement for reenlistees.

§ 871.4 *Persons ineligible.* In addition to applicants who do not meet the eligibility requirements for enlistment as established in §§ 871.1 to 871.7, the persons listed in this section are not eligible to enlist or reenlist. Request for waiver will not be submitted unless specifically authorized. In all cases where request for waiver is to be referred to Headquarters USAF, the request will be addressed to the Director of Personnel Procurement and Training, Headquarters USAF, Attention: Personnel Procurement Division, Washington 25, D. C.

(a) *Illiterates.* Applicants must be able to speak, read, write and understand the English language sufficiently to assure that they can satisfactorily absorb the required training.

(b) *Persons with moral disqualification.* Applicants included in subparagraphs (1) through (3) of this paragraph, except that for applicants with prior military service and reenlistees, only offenses committed after date of separation under honorable conditions from last period of extended active duty are considered disqualifying.

(1) *Persons convicted by civil court for an offense punishable by death.* Persons convicted by a civil court for an offense punishable by death.

(2) *Repeated offenders and persons with certain traits of character.* Persons having frequent difficulties with law enforcement agencies, criminal tendencies, a history of antisocial behavior, alcoholism, drug addition, sexual perversion, or questionable moral character, which renders the person unfit to associate with members of the military service.

(3) *Persons convicted by civil court*—(i) *Men without prior service and men with prior enlisted service.* Persons convicted by a civil court except as provided in (*a*) and (*b*) of this subdivision:

(*a*) Waivers of minor offenses may be authorized by USAF recruiting detachment commanders. These offenses will include single cases of drunkeness, vagrancy, truancy, peace disturbance, and similar offenses for which no type of civil restraint is imposed. Parking tickets and single cases of traffic violations where the fine imposed does not exceed $25.00 are not considered disqualifying and do not require a waiver. Request for waiver will include the following:

(*1*) Nature of offense for which convicted and a brief description of details surrounding commission of offense.

(*2*) Date of offense.

(*3*) Age of applicant at time of offense.

(*4*) City and State in which offense was committed.

(*b*) Waivers may be requested from Headquarters USAF for men who have been convicted by a civil court where the disqualification is based upon an offense not involving moral turpitude. Request for waiver will not be submitted until after applicant has served the period of confinement, parole, or probation imposed by sentence of the court, plus a minimum period of 6 months as a law-abiding member of a civilian community. If applicant is convicted but not confined, paroled, or placed on probation, waiver will not be submitted for 6 months from date of conviction. However, the 6-month waiting period as a law-abiding member of a civilian community is not required for the submission of waivers when only minor offenses are involved. Request for waiver will include the following:

(*1*) Nature of offense for which convicted and a brief description of the details surrounding commission of the offense.

(*2*) Statement of maximum term of imprisonment by which punishable under the law under which tried.

(*3*) Date of offense.

(*4*) Age of applicant at time of offense.

(*5*) City and State in which offense was committed.

(*6*) Date of trial and sentence imposed.

(*7*) Date of release from confinement, if applicable, and/or date of unconditional release from parole, probation, or other form of supervision or restraint.

(*8*) Recommendation of investigating officer or recruiter and any other information considered pertinent to the case that will provide a sound basis for rendering a decision.

(*9*) Three letters of recommendation from reputable citizens other than relatives, such as persons in the educational field, local government officials, clergymen, or professional people (doctors and lawyers).

(ii) *Male reenlistees*—(*a*) Persons convicted by a civil court except that waivers of minor offenses may be authorized by USAF recruiting detachment commanders. These offenses will include minor traffic violations, single cases of drunkenness, vagrancy, truancy, peace disturbance, and similar offenses for which no type of civil restraint is imposed. Request for waiver will include the following:

(*1*) Nature of offense for which convicted and a brief description of details surrounding commission of offense.

(*2*) Date of offense.

(*3*) Age of applicant at time of offense.

(*4*) City and State in which offense was committed.

(*b*) No waivers will be granted where the disqualification is based upon an offense involving moral turpitude.

(iii) *Women.* Women who have been convicted by a civil court for any offense, except minor traffic violations.

(c) *Juvenile delinquency*—(1) *Men.* An adjudication that a person is a juvenile delinquent, youthful offender, wayward minor, or equivalent determination by a court having jurisdiction over juvenile cases is not in itself a bar to enlistment if the applicant is otherwise eligible. Prior to enlistment, all applicants will be asked if they have ever been in the custody of juvenile authorities or caused to appear before a court having jurisdiction over juvenile cases. If this is admitted by the applicant or suspected by recruiting personnel due to other information that may be available, enlistment action will be held in abeyance pending a complete investigation of the facts in the case. Investigation and requests for waivers of juvenile delinquency will be made in accordance with the following:

(i) Written reports will be obtained from juvenile authorities, juvenile courts, police authorities, detention homes, reformatories, or any other appropriate source for information as to the applicant's character and rehabilitation, the actual offenses committed, circumstances in the case, disposition by the courts, actual confinement served and whether any form of civil restraint still exists. The evaluation of the civil court and its probation officers will be an important consideration. Information thus obtained will not be classified from a security standpoint but will be treated in confidence and will not be revealed to any person other than those persons having an official interest in the case.

(ii) In the event civil authorities refuse to furnish complete information on the applicant's juvenile record, the enlistment will be held in abeyance and the applicant advised that the burden of obtaining and furnishing the information is upon him.

(iii) Persons who have been adjudicated juvenile delinquents, youthful offenders, or wayward minors but who, as an alternative to further disposition of their cases are granted a release by the court or whose civil restraint is terminated on the condition they will apply for and are accepted for enlistment, are not eligible for enlistment.

(iv) Requests for waivers of juvenile delinquency will include the following:

(*a*) Nature of offense or offenses, and date or dates committed.

(*b*) Number of offenses.

(*c*) Age of applicant at time of offense or offenses.

(*d*) Copy of report of investigation.

(*e*) Present reputation in community in which residing as evidenced by three letters of recommendation from reputable citizens other than relatives, such as persons in the educational field, local government officials, or professional people (doctors and lawyers).

(*f*) Work and/or school record since date of offense or release from restraint, detention, or supervision by civil authorities.

(*g*) Any other information deemed relevant to an evaluation of the case.

(v) Waivers of juvenile delinquency may be submitted to and granted to USAF recruiting detachment commanders when only minor offenses are involved. In other cases, requests may be submitted to Headquarters, USAF. Requests for waivers will not be submitted unless civil restraint has been terminated.

(vi) Waivers will not be granted for applicants who have, upon investigation, been found to have had frequent difficulties with law enforcement agencies, a history of antisocial behavior, sexual perversion, or questionable moral character which renders the person unfit to associate with members of the military service. Rejection will be on the above grounds and not due to the fact that the applicant was adjudged a youthful offender or juvenile delinquent.

(vii) If waiver is granted, a copy of the waiver authorization, together with a copy of the report of investigation on which waiver is predicated will be attached to the original and duplicate copies of DD Form 4, "Enlistment Record-Armed Forces of the United States."

(2) *Women.* Women who have juvenile or youthful offender records.

(d) *Persons with criminal charges filed or pending against them.* Persons who have criminal charges filed and pending against them, alleging a violation of State, Federal, or Territorial statute. In addition, persons who have criminal charges filed and pending against them, alleging a violation of State, Federal, or Territorial statute but, who, as an alternative to further prosecution, indictment, trial, or incarceration for such violation, are granted a release from the charge by a court on the condition that they will apply and are accepted for enlistment.

(e) *Parolees.* Persons under parole, probation, or suspended sentence from any civil court.

(f) *Intoxicated persons.* Persons who are under the influence of alcohol or drugs will not be processed for enlistment or reenlistment.

(g) *Insane persons.*

(h) *Persons who have venereal disease*—(1) *Men.* Men who have an active or chronic venereal disease.

(2) *Women.* Women who have an active or chronic venereal disease or a history of venereal disease.

(i) *Selective service system registrants.* Selective service system registrants who have received their orders to report for induction and those registrants classified 1-A (P), 1–A–O, 1–O or 4–F. (Does not apply to women.)

(j) *Disloyal or subversive applicants.* Applicants who admit or whose available records show that they have at any time engaged in disloyal or subversive activities. In addition, enlistment will be denied if such enlistment is not clearly consistent with the interests of national security.

(k) *Applicants who refuse to sign Armed Forces security questionnaire.* Applicants who refuse to sign DD Form 98, and applicants who claim Federal constitutional privilege.

(l) *Men 18 to 26 years of age who have not registered with selective service system*—(1) *Men without prior service.* Men 18 to 26 years of age who have not registered with the selective service system.

(2) *Men with prior enlisted service and male reenlistees.* Men 18 to 26 years who have been separated from military service over 30 days and who have not registered with the selective service system.

(m) *Conscientious objectors.* Applicants who claim to be conscientious objectors.

(n) *Persons with certain types of separation from last period of service.* Applicants with prior enlisted service and reenlistees separated from their last period of service for unsuitability, unfitness, disloyalty, or any of the regulations and/or conditions enumerated in subparagraphs (1) through (6) of this paragraph:

(1) *General*—(i) *Men.* Applicants last separated from any of the Armed Forces with other than an honorable or general discharge except:

(*a*) Restored Air Force prisoners, restored under the Air Force restoration policy, may be enlisted without regard to type or condition of the discharge.

(b) Former male airmen last separated with an undesirable, bad conduct or dishonorable discharge may be enlisted provided the Secretary of the Air Force deems the discharge is not a bar to enlistment and provided that he is otherwise qualified. Persons affected may be advised that they may submit an application for consideration after a period of two years has elapsed since discharge and/or unconditional release from confinement, probation or parole. Application may be submitted on AF Form #63, Application for Waiver of Discharge for Enlistment in the United States Air Force, which may be requisitioned from the Air Adjutant General, Headquarters USAF, Attention: Publishing Division, Washington 25, D. C.

(ii) *Women.* Applicants separated from any of the Armed Forces with other than an honorable discharge are not eligible to enlist.

(iii) Applicants last discharged from any of the Armed Forces by reason of dependency or hardship are not eligible to enlist, except as follows:

(*a*) Air Force recruiting detachment commanders may approve waivers for enlistment of persons last separated by reason of dependency or hardship provided that 1 year has elapsed since date of last discharge and the cause for discharge no longer exists. The following procedure will apply:

(*1*) A signed statement in duplicate will be submitted by applicant for enlistment. The statement will be in two parts. The first part will give the detailed reasons why discharge was obtained. The second part will give in detail the reasons why the conditions no longer exist.

(2) In addition to the statement from the applicant, proof that dependency or hardship no longer exists will be furnished in the form of affidavits or sworn statements in duplicate executed by the person or persons on whose behalf the discharge was obtained or from another member of the community who is thoroughly familiar with the home conditions of the applicant's family. The burden of proof rests with the applicant for enlistment. The facilities of the selective service system or the American Red Cross will not be used to obtain this information. If waiver is approved, the original waiver authorization with the statement from applicant and from interested party will be fastened to original of DD Form 4. The duplicates will be attached to duplicate of DD Form 4.

(*b*) Requests for waivers for the enlistment of persons last separated by reason of dependency or hardship may be submitted to Headquarters USAF when the applicant has been separated for a period of less than 1 year but more than 91 days. Statements required by this subdivision will be forwarded with requests for waivers.

(iv) Persons who were last separated from military service by a discharge and/or condition of separation which is a bar to enlistment, and where waivers are not authorized may be advised of the procedure for review of discharge, when appropriate. This procedure is contained in §§ 881.16 to 881.25 of this subchapter. Favorable action by the discharge review board may make the applicant eligible for enlistment, if otherwise qualified.

(o) *Applicants who claim prior honorable service but unable to produce written evidence of last active service.* Applicants who claim prior honorable service in the Armed Forces but who are unable to produce their report of separation or other written evidence of last active service will not be enlisted or reenlisted until verification of such service is obtained.

(p) *Retired personnel.* Persons who are in a retired status for disability or length of service.

(q) *Persons receiving retired or retainer pay.* Persons receiving retired or retainer pay from any of the Armed Forces.

(r) *Persons separated in pay grade E–1 or E–2.* (1) Persons who were last separated from any of the Armed Forces in pay grade E–1 or E–2 who had not progressed to pay grade E–3 or higher and who completed 18 months or more service during their last enlistment are ineligible, except as indicated in subparagraph (2) of this paragraph. Documentary evidence of progression to grade E–3 or higher must be submitted. Waivers will not be granted.

(2) Former Aviation Cadets who have served less than 18 months in an airman status subsequent to termination of aviation cadet training and who have not progressed to grade E–3 may reenlist if they are not in a surplus AFSC or if they are qualified for and volunteer for training in a skill other than surplus.

(s) *Persons with time lost*—(1) *Men.* Applicants who have 30 days or more time lost under former AW 107, 10 U. S. C. 3638, or act of July 24, 1956 (70 Stat. 631), or have time lost under similar circumstances in the Navy, Marine Corps, or Coast Guard. Waivers of time lost for prior service personnel and reenlistees may be requested from Headquarters USAF. Waivers for the purpose of reenlistment for airmen currently serving may be requested from air base commander.

(2) *Women.* Applicants who have over 5 days lost under former AW 107, 10 U. S. C. 3638, or act of July 24, 1956 (70 Stat. 631), or have time lost under similar circumstances in the Navy, Marine Corps, or Coast Guard, will not be enlisted. Waivers of time lost for prior service personnel and reenlistees may be requested from Headquarters USAF. Waivers for the purpose of reenlistment for airmen currently serving, may be requested from air base commander.

(t) *Married women without prior service.* Married women without prior service.

(u) *Women applicants found unsuitable for military service.* Women applicants found unsuitable for military service as a result of personal interview during enlistment processing.

(v) *Women applicants with prior enlisted service.* Women applicants with prior enlisted service in any of the other Armed Force at any time, and WAF separated prior to January 1, 1950, will not be enlisted without prior approval of Headquarters USAF.

§ 871.5 *Persons with dependents*—(a) *Persons without prior service.* Applicants otherwise eligible to enlist in pay grades E–1 or E–2 may enlist with not more than one dependent, subject to the limitations of paragraph (d) of this section. Waivers will not be granted.

(b) *Person with prior enlisted service.* (1) Applicants otherwise eligible to enlist in pay grades E–1 or E–2 may be enlisted with not more than one dependent, subject to the limitations of paragraph (d) of this section. Waivers will not be granted.

(2) Applicants otherwise eligible to enlist in pay grade E–3 may be enlisted with not more than two dependents, subject to the limitations of paragraph (d) of this section.

(3) Applicants otherwise eligible to enlist in pay grade E–4 may be enlisted with not more than two dependents, except that persons otherwise eligible to enlist in pay grade E–4 who have 3½ or more years of service for pay purposes may be enlisted without regard to num-

ber of dependents, subject to the limitations of paragraph (d) of this section.

(4) Applicants otherwise eligible to enlist in pay grades E–5, E–6 and E–7 may be enlisted without regard to number of dependents, subject to the limitations of paragraph (d) of this section.

(5) Waiver requests are authorized in subparagraphs (2) and (3) of this paragraph only in exceptional cases of unusual financial stability and income not based on gratuities of money or support from relatives or upon the assumption that the wife and mother will continue to work to assist in supporting the family.

(c) *Reenlistees.* Reenlistees may be enlisted without regard to number of dependents, subject to the limitations of paragraph (d) of this section.

(d) *Women with minor dependents.* (1) Women who are parents by birth or adoption of a child under 18 years of age of whom they have personal or legal custody may not be enlisted or reenlisted. Women who have surrendered all rights to custody and control of natural children through formal adoption may be accepted for enlistment, provided that evidence in the form of a copy of the decree of adoption is submitted. This document will be attached to original of DD Form 4.

(2) Women who are stepparents of a child under 18 years of age and if the child is within their household for a period of more than 30 days a year may not be enlisted or reenlisted.

(3) Women who have personal custody of any child under 18 years of age may not be enlisted or reenlisted.

(4) Women who have had an illegitimate pregnancy, may not be enlisted or reenlisted.

§ 871.6 *Periods of enlistment and grade*—(a) *Enlistment*—(1) *Men.* Enlistments are authorized for 4 or 6 years at the option of the person enlisting or reenlisting.

(2) *Women.* Enlistments are authorized for 3, 4 or 6 years at the option of the person enlisting or reenlisting.

(b) *Grade.* Applicants are enlisted in the permanent grade to which they are authorized. Persons authorized a higher temporary grade will be promoted to that grade at the time and place of enlistment.

§ 871.7 *Miscellaneous instructions*—(a) *Transportation and subsistence*—(1) *General.* Applicants for enlistment will be furnished transportation and meal tickets, if available, for travel from the place where these applicants make application for enlistment, or from their homes to the place of physical examination and/or place of acceptance for enlistment, including return travel in the event the applicant is rejected or returns home to await further orders.

(2) *Rejected applicants.* Return transportation and subsistence from the recruiting main stations to point of initial acceptance will be furnished in accordance with existing regulations to rejected applicants and to those acceptable applicants who cannot be enlisted due to quota or other administrative restrictions. Return transportation will not be furnished an applicant who concealed disqualification and, as a result, was later rejected as an applicant for enlistment.

(3) *Applicants discharged for physical disability.* Government transportation and meals or meal tickets will not be furnished from recruiting office, recruiting main station, or other place of physical examination for applicants who have been discharged from last active service by reason of physical disability. Such applicants desiring enlistment will be informed that they must defray their own expenses in connection with travel for physical examination.

(4) *Applicant declining or failing to enlist.* An applicant for enlistment who received transportation, lodging, subsistence, or monetary allowance in place thereof at Government expense or who is responsible for the loss or destruction of Government property and then declines or fails to enlist will be requested to refund the costs involved.

[SEAL] CHARLES M. McDERMOTT,
Colonel, U. S. Air Force,
Deputy Air Adjutant General.

[F. R. Doc. 57–7027; Filed, Aug. 27, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1471]

[Arizona 014355]

ARIZONA

WITHDRAWING PUBLIC LANDS IN ARIZONA FOR USE OF DEPARTMENT OF THE ARMY, IN CONNECTION WITH ELECTRONICS PROVING GROUND, FORT HUACHUCA, ARIZONA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except as hereafter indicated, and reserved for use by the Department of the Army, for military purposes:

GILA AND SALT RIVER MERIDIAN

T. 20 S., R. 20 E.,
Sec. 25, NE¼NE¼, S½NE¼, E½W½, and SE¼;
Sec. 26, Lot 1, NE¼SW¼, SW¼SW¼, and SE¼;
Sec. 36.
T. 21 S., R. 20 E.,
Secs. 1 and 2;
Sec. 3, Lot 1, N½SE¼, and SE¼SE¼;
Sec. 4, Lots 2 and 3, S½N½, and S½;
Sec. 9;
Sec. 10, N½ and SW¼;
Sec. 11, SE¼;
Sec. 12;
Sec. 13, NE¼;
Sec. 16.
T. 20 S., R. 21 E.,
Sec. 19, NE¼;
Sec. 20;
Sec. 21, W½;
Sec. 29, N½, SW¼;
Secs. 30 and 32.
T. 21 S., R. 21 E.,
Sec. 3, Lots 6, 7, W½SE¼ and SW¼;
Sec. 4, Lots 1, 2, 3, 4, S½N½, N½S½ and SW¼SW¼;
Sec. 6, Lots 1, 2, 3, 4, and SE¼;
Sec. 7, Lots 1, 2, 3, 4, NE¼, E½W½, and S½SE¼;
Secs. 8, 9, 10, and 16.

The areas described aggregate 13,463.27 acres.

2. The withdrawal made by this order shall attach to the following-described lands, or any of them, upon acquisition of title thereto by the United States:

T. 20 S., R. 20 E.,
Sec. 25, NW¼NE¼ and W½W½;
Sec. 26, SE¼SW¼.
T. 21 S., R. 20 E.,
Sec. 3, Lots 2, 3, 4, S½N½, SW¼ and SW¼SE¼;
Sec. 4, Lot 4;
Sec. 5, E½SE¼;
Sec. 8, E½NE¼;
T. 21 S., R. 21 E.,
Sec. 4, SE¼SW¼ and S½SE¼;
Sec. 6, S½N½ and SW¼;
Sec. 7, N½SE¼.

3. The jurisdiction granted by this order is subject to the following conditions:

(a) That the interests of the United States in all minerals, including oil and gas, in the lands shall remain under jurisdiction of the Department of the Interior, and no disposition of, or exploration for such minerals shall be made except under the applicable mining and mineral leasing laws, and then only after such modification of the provisions of this order, with concurrence of the Department of the Army, as may be necessary to permit such disposition.

(b) All hunting, fishing and trapping on the lands shall be in accordance with the fish and game laws of the State of Arizona. The general public shall enjoy the same rights to hunt, fish or trap on the lands as may be afforded to military personnel, their dependents or employees of the Department of Defense.

(c) Upon termination of jurisdiction of the Department of the Army over the lands, that Department shall certify to the Department of the Interior that the lands have been decontaminated of unexploded ordnance or other objects or materials potentially dangerous to users of the lands, and such certification shall be an essential prerequisite to the reassumption by the Department of the Interior of jurisdiction over the lands.

(d) The Department of the Army may close roads or trails commonly in public use but only at times when the public safety or national security as determined by the Commanding Officer in charge requires such closure, and appropriate warning notices shall be kept posted during such times.

(e) Grazing use of the lands, if determined by the Commanding Officer in charge to be compatible with their use for military purposes, shall be administered by the Bureau of Land Management under the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 315, 43 U. S. C. 315, et seq.) as amended.

(f) The Department of the Army shall take all necessary precautions to prevent and suppress brush and range fires occurring within the withdrawn lands, or outside such lands when resulting from military use, and may enter into agreement with the Bureau of Land Management to provide for a transfer of funds for the suppression of range fires by the Bureau of Land Management.

(g) Personnel of the State Department of Fish and Game and the United States Bureau of Sport Fisheries and Wildlife shall have access to the lands at appropriate times not inconsistent with military requirements, at such times as may be mutually agreed upon with the Commanding Officer of the installation in charge, for the purpose of conducting investigations and programs for the control of predatory animals, and at all times when hunting, fishing, or trapping is being permitted, for enforcement of the game laws.

(h) Personnel of the Bureau of Land Management shall have access to and across the lands, when necessary, and at appropriate times not inconsistent with military requirements, in connection with administration of adjacent public lands, and the Department of the Army shall designate such times as the necessities therefor arise.

(i) The withdrawal made by this order shall not extend to any waters in or upon the lands. Any waters not heretofore appropriated shall continue subject to appropriation, as may be authorized by applicable law. The Department of the Army shall not appropriate any of such waters except under applicable State law.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 22, 1957.

[F. R. Doc. 57–7028; Filed, Aug. 27, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

TERMINATION OF ESTATES AND TRUSTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

In order to clarify the Income Tax Regulations (26 CFR Part 1) under section 641 (b) of the Internal Revenue Code of 1954, relating to computation and payment of income taxes by an estate or trust, paragraph (c) of § 1.641 (b)–3 is amended to read as follows:

§ 1.641 (b)–3 *Termination of estates and trusts.* • • •

(c) (1) During the period between the occurrence of an event which causes a trust to terminate and the time when a trust is considered as terminated under this section, the income and the excess of capital gains over capital losses of the trust (subsequent to the terminating event) are, in general, considered as amounts required to be distributed for the year in which they are received. For example, a trust instrument provides for the payment of income to A during her life, and upon her death for the payment of the corpus to B. The trust reports on the basis of the calendar year. A dies on November 1, 1955, but no distribution is made to B until January 15, 1956. The income of the trust and the excess of capital gains over capital losses for the period November 2 through December 31 are treated under sections 661 and 662 as amounts required to be distributed to B for the year 1955. See § 1.663 (c)–3 (e) for application of the separate share rule.

(2) Where there is a legal dispute as to the proper distribution of the trust property (or portion thereof) on termination, the income and the excess of capital gains over capital losses of the trust (subsequent to the terminating event) allocable to such portion as is in dispute are not considered as amounts required to be distributed for the year in which they are received. Such income and gains are taxable to the trust. The throwback provisions of sections 665 through 668 may, however, apply when actual distribution is made.

[F. R. Doc. 57–7050; Filed, Aug. 27, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 28]

COTTON FIBER AND SPINNING TESTS

PROPOSED REVISION OF TESTS AND FEES

Notice is hereby given that the United States Department of Agriculture is considering amendment of the regulations governing cotton fiber and spinning tests (7 CFR 28.950–28.961) to revise the schedule of tests offered and the fees charged, pursuant to authority contained in the Cotton Statistics and Estimates Act of March 3, 1927, as amended (55 Stat. 131; 7 U. S. C. 473d).

The proposed amendment would make provision for new tests of cotton fiber length and on bleaching, dyeing, and mercerizing of samples of cotton yarn, measurement of color and luster of cotton yarn, and measurement of moisture regain and acid-alkalinity of cotton samples. The proposed amendment would delete the item for ginning fiber and spinning test samples, quantity rates for all tests, would provide minimum fees for some tests, and in a few instances would make adjustments in fees charged in order to make such fees cover as nearly as possible the costs of performing the tests.

The proposed amendment is as follows:

SUBPART E—COTTON FIBER AND SPINNING TESTS

ADMINISTRATION

§ 28.950 *Authority.* The Administrator of the Agricultural Marketing Service is charged with the administration of the provisions of the act and the regulations in this subpart and is authorized to issue such instructions as he may deem proper and necessary.

§ 28.951 *Laboratories.* Laboratories shall be maintained at points designated by the Administrator of the Agricultural Marketing Service.

FIBER AND SPINNING TESTS

§ 28.952 *Testing of samples.* The Administrator of the Agricultural Marketing Service or his authorized representatives, upon written requests, shall make fiber and spinning tests of the properties of cotton samples and report the results thereof to the persons from whom such requests are received, subject to compliance by such persons with the regulations in this subpart and to the payment by them of fees as prescribed herein.

§ 28.953 *Requirements as to samples.* Each sample of ginned cotton lint submitted for fiber and spinning tests shall weigh approximately as shown below unless otherwise specified in the particular test item as prescribed herein:

1 ounce or more for fiber tests.
6 pounds or more for carded yarn spinning tests.
8 pounds or more for combed yarn spinning tests.
10 pounds or more for carded and combed yarn spinning tests.

Each individual sample submitted for testing shall contain a tag or coupon bearing a number or other identification symbol. Individually labelled samples may be sent in one or more parcels, each of which shall bear on the outside thereof the name and address of the person submitting it. Persons who submit samples to laboratories for testing shall comply with any Federal or State quarantine requirements applicable to

counties from which such samples are shipped.

§ 28.954 *Costs of submitting samples.* The transportation of samples to a laboratory for testing shall be without expense to the Government.

§ 28.955 *Disposition of samples.* The remnants of samples and the other materials accumulated in the making of tests under the regulations in this subpart shall be the property of the Government. Portions of such samples and materials, however, may be used for illustrative purposes in connection with laboratory reports submitted to persons applying for such tests or may be returned to such persons as prescribed herein for specific test items.

§ 28.956 *Prescribed fees.* Fees for fiber and spinning tests shall be assessed in accordance with items 1 to 35, inclusive, as listed below:

Item No.	KIND OF TEST	Fee per test
1.	Truncated fiber length array of cotton samples (reporting the percentage of fibers ½-inch and longer and the mean length and uniformity of length of such fibers as based on 3 specimens from a blended sample):	
	a. Ginned cotton lint, per sample	$9.00
	b. Comber noils, per sample	14.00
	c. Other cotton waste, per sample	19.00
2.	Fiber length array of cotton samples (reporting the average length and the average length variability as based on 3 specimens from a blended sample):	
	a. Ginned cotton lint, per sample	10.00
	b. Cotton comber noils, per sample	15.00
	c. Other cotton wastes, per sample	20.00
2.1.	Fiber length array of cotton samples (reporting the average percentage of fibers by weight in each ⅛-inch group, the average length, and the average length variability as based on 3 specimens from a blended sample):	
	a. Ginned cotton lint, per sample	12.50
	b. Cotton comber noils, per sample	17.50
	c. Other cotton wastes, per sample	22.50
2.2.	Fiber array of cotton samples including purified or absorbent cotton (reporting the average percentage of fibers ½-inch and longer by weight, the average of fibers shorter than ¼-inch by weight, the average length, and the average length variability as based on 3 specimens from each sample), per sample	12.50
3.	Fiber length of ginned cotton lint by Fibrograph method (reporting the average length and the average length uniformity as based on 4 specimens from a blended sample), per sample	1.50
	Minimum fee unless performed in connection with other tests requiring a blended specimen	3.00
3.1.	Fiber length of ginned cotton lint by Fibrograph method (reporting the length of each sub-sample and the average length and the average length uniformity for each group of replicate sub-samples as based on 2 specimens from each of 3 or more replicate unblended sub-samples), per sub-sample	.75
	Minimum fee	3.00
4.	Foreign matter content in unginned seed cotton (reporting the percentage of foreign matter as based on a fractionation test on a 300-gram specimen), per sample	$1.00
	Minimum fee	3.00
5.	Fiber strength of ginned cotton lint by flat bundle method (reporting the average strength as based on 4 or more specimens from a blended sample), per sample	1.50
	Minimum fee unless performed in connection with other tests requiring a blended specimen	3.00
5.1.	Fiber strength of ginned cotton lint by flat bundle method (reporting the strength of each sub-sample and the average strength for each group of replicate sub-samples as based on 2 specimens for each of 3 or more replicate unblended sub-samples), per sub-sample	.75
	Minimum fee	3.00
6.	Fiber maturity and fineness of ginned cotton lint by the Causticaire method (reporting the average maturity and fineness as based on 2 specimens from a blended sample), per sample	1.50
	Minimum fee	6.00
6.1.	Micronaire tests on ginned cotton lint (reporting the average Micronaire reading as based on 2 specimens from a blended sample), per sample	.75
	Minimum fee unless performed in connection with other tests requiring a blended specimen	3.00
6.2.	Micronaire tests on ginned cotton lint (reporting the Micronaire reading for each sub-sample and the average Micronaire reading for each group of replicate sub-samples as based on 1 specimen from each of 2 or more replicate unblended sub-samples), per sub-sample	.25
	Minimum fee	3.00
6.3.	Fiber fineness and maturity of ginned cotton lint by array method (reporting the weighted average according to the distribution of the fibers in the arrays for both weight-per-inch and percentage of mature fibers as based on 2 determinations on the fibers in each ⅛-inch group from a composite of 2 length arrays):	
	a. From raw stock, per sample	15.00
	b. From arrayed specimens prepared in connection with items 2, 2.1, or 2.2, per sample	7.50
7.	Neps content of ginned cotton lint (reporting the neps per 100 square inches as based on the web prepared from a 3-gram specimen by using accessory equipment with the mechanical fiber blender), per sample	2.00
	Minimum fee unless performed in connection with other tests requiring a blended specimen	6.00
8.	Furnishing American cotton for laboratory check test (including data for length by both array and Fibrograph methods, strength by flat bundle method ⅛-inch gauge, maturity and fineness by the Causticaire method):	
	a. Short staple, per 1-pound sample	7.50
	b. Medium staple, per 1-pound sample	7.50
	c. Long staple, per 1-pound sample	7.50
	d. Extra long staple, per 1-pound sample	7.50
9.	Blending samples of ginned cotton lint (including the blending of a 10-gram sample on the mechanical fiber blender and returning the blended sample to the applicant), per sample	$1.00
10.	Moisture content of ginned cotton lint, cotton stock at various stages of processing, and cotton lint waste of various types (reporting the percentage of moisture content by the oven-drying method as based on a 20-gram specimen), per sample	.75
	Minimum fee	3.00
10.1.	Moisture content of unginned seed cotton (reporting the percentage of moisture content by the oven-drying method as based on a 50-gram specimen), per sample	1.25
	Minimum fee	5.00
10.2.	Moisture regain of ginned cotton lint at 92 percent relative humidity (reporting the average percentage of moisture regain as based on the bone-dry weight of two ½-gram specimens), per sample	1.25
	Minimum fee	5.00
11.	Cotton carded yarn spinning test (reporting data on the wastes extracted, the neps in card web, the yarn skein strength, the yarn appearance and classification and fiber length as specified in items 28 and 3 as well as comments summarizing any unusual observations as based on the processing of 5 pounds of cotton in accordance with standard laboratory procedures at one of the standard rates of carding of 6½, 9½, or 12½ pounds-per-hour into two of the standard carded yarn members of 8s, 14s, 22s, 36s, 44s, 50s, or 60s, employing a standard twist multiplier unless otherwise specified), per sample	30.00
	Minimum fee	60.00
12.	Cotton combed yarn spinning test (reporting data on the wastes extracted, the neps in card web, the yarn skein strength, the yarn appearance, and classification and fiber length as specified in items 28 and 3 as well as comments summarizing any unusual observations as based on the processing of 7 pounds of cotton in accordance with standard procedures at one of the standard rates of carding of 4½, 6½, or 9½ pounds-per-hour into two of the standard combed yarn numbers of 22s, 36s, 44s, 50s, 60s, 80s, or 100s employing a standard twist multiplier unless otherwise specified), per sample	40.00
	Minimum fee	80.00
13.	Cotton carded and combed yarn spinning test (reporting the results specified in item numbers 11 and 12 in combination as based on the processing of 9 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing the same carding rate and the same yarn numbers for both the carded and the combed yarns), per sample	50.00
	Minimum fee	100.00
14.	Cotton carded and combed yarn spinning test (reporting the results specified in item numbers 11 and 12 in combination as based on the processing of 9 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing different carding rates and/or yarn numbers for the carded and combed yarns), per sample	60.00
	Minimum fee	120.00

Item No.	KIND OF TEST	Fee per test
15.	Two-pound cotton carded yarn spinning test (available to cotton breeders only reporting data on the neps in card web, the yarn skein strength, the yarn appearance and the classification and the fiber length of the cotton as specified in item numbers 28 and 3 as well as comments on any unusual processing performance as based on the processing of 2 pounds of cotton in accordance with standard procedures into 22s and 36s carded yarns employing a standard twist multiplier), per sample	$20.00
	Minimum fee	40.00
16.	Processing and testing of additional yarn (any carded or combed yarn number processed in connection with spinning tests as specified in item numbers 11 through 14 including either additional yarn numbers or additional twist multipliers employed on the same yarn numbers):	
	a. Single yarn reporting data on skein strength and appearance, per additional lot of yarn	5.00
	b. 2- or 3-ply yarn reporting data on skein strength only, per lot of yarn	10.00
16.1.	Processing and furnishing of additional yarn (any yarn number processed in connection with spinning tests as specified in items 11 through 14):	
	a. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn	10.00

In the following quantities wound on paper tubes:

Yarn number	Per pound	Minimum fee
b. Carded 60s or coarser	10.00	12.50
c. Combed 60s or coarser	12.50	15.00
d. Combed 61s to 80s	15.00	17.50
e. Combed 81s to 100s	17.50	20.00

Item No.	KIND OF TEST	Fee per test
17.	Spinning twist test (reporting data on the skein strength of any yarn number processed from ginned lint or stock in process employing 6 different spinning twist multipliers as specified by the applicant for determining the optimum twist) processed as follows:	
	a. From ginned lint or picker lap, per sample	40.00
	b. From sliver, per sample	35.00
	c. From roving, per sample	30.00
17.1.	Additional spinning twist test (from the same material and in connection with a spinning test or a spinning twist test as specified in item numbers 11 through 14 and 17 reporting data on yarn skein strength for an additional yarn number or additional twists on the same yarn number), per 6 lots of yarn	25.00
18.	Skein strength of yarn (reporting data on the strength and the yarn numbers based on 25 skeins from yarn furnished by the applicant), per sample	2.50
18.1.	Single strand strength of yarn (reporting data on the strength as based on a minimum of 10 breaks on yarn from each of 7 bobbins employing an automatic testing machine), per sample	3.00
	Minimum fee	6.00
	a. Furnishing copy of chart record, per test	1.00
18.2.	Single strand strength of ply yarn or cord (reporting data on the strength as based on 25 breaks employing a pendulum type testing machine), per sample	$2.50
18.3.	Appearance grade of yarn on bobbins furnished by applicant (reporting the appearance grade in accordance with ASTM standards as based on yarn wound from one bobbin), per bobbin	1.00
	a. Furnishing yarn wound on boards in connection with yarn appearance tests as specified in item numbers 11 through 15 and 18.3, per yarn number	1.00
19.	Processing, weaving, and testing of fabric (reporting data on the warp and the filling strength by the grab method for any standard cotton fabric for which the laboratories are equipped to produce which are processed in accordance with standard laboratory procedures):	
	a. Processed in connection with spinning tests as specified in item numbers 11 through 14, per lot of fabric	70.00
	b. Processed from yarns furnished by the applicant, per lot of fabric	60.00
20.	Strength of cotton fabric (reporting the average warp and filling strength by the grab method as based on 5 breaks for both warp and filling of fabric furnished by the applicant), per lot of fabric	2.50
20.1.	Cotton Fabric Analysis (reporting data on the number of warp and filling threads per inch and the weight per yard of fabric as based on at least three (3) 6x6-inch specimens of fabric which was processed as specified in item number 19, or furnished by the applicant), per lot of fabric	5.00
	Minimum fee	10.00
20.2.	Sizing content of cotton fabric or yarn (reporting data on sizing content as based on the desizing of a 20 to 40 gram specimen of sized and, if available, unsized fabric or yarn which was processed as specified in item number 19 or furnished by the applicant), per lot of fabric or yarn	5.00
	Minimum fee	20.00
20.3.	Air-permeability of cotton fabric (reporting the average cubic feet of air per minute per square foot of fabric at a pressure drop of 0.5 inches of water across the fabric as based on five 10 x 10-inch specimens), per lot of fabric	2.50
	Minimum fee	5.00
21.	Neps and waste test (reporting data on neps in card web and wastes extracted in the processing of a 5-pound specimen of ginned cotton lint through the picking and carding processes in accordance with standard procedures as specified in item number 11), per sample	7.50
21.1.	Determination of neps in card web of cotton (reporting the average number of neps per 100 square inches of web in specimens furnished by the applicant on boards covered with black velvet not to exceed 10 specimens or a total of 360 square inches), per test	1.50
22.	Sugar content and acid-alkalinity of ginned cotton lint (reporting data on the percentage of soluble reducing sugar content and the acid-alkalinity in pH units as based on chemical-colorimetric and electronic meter tests on water extracts), per sample	$1.00
	Minimum fee	5.00
22.1.	Sugar content only, per sample	.75
	Minimum fee	3.75
22.2.	Acid-alkalinity only, per sample	.75
	Minimum fee	3.75
23.	Color of ginned cotton lint (reporting data on the reflectance in terms of Rd values and the degree of yellowness in terms of b values as based on color tests employing the Nickerson-Hunter colorimeter on samples which have a uniform surface measuring 5 x 6½ inches and weighing approximately 50 grams in order to provide specimens which are sufficiently thick to be opaque), per sample	.25
	Minimum fee	2.00
23.1.	Furnishing color diagrams of official grade standards (reporting color values plotted on a diagram as based on tests employing the Nickerson-Hunter colorimeter for standards purchased by the applicant), per set or portion of set	15.00
23.2.	Furnishing color standards (including a set of standards and a master diagram for use in calibrating Nickerson-Hunter cotton colorimeters), per set	25.00
24.	Furnishing copies of test data work sheets (includes individual observations and calculations which are not routinely furnished to the applicant), per sheet	1.00
25.	Foreign matter content of cotton samples (reporting data on the non-lint content as based on the Shirley Analyzer separation of lint and foreign matter):	
	a. For samples of ginned lint or comber noils, per 100-gram specimen	2.00
	Minimum fee	4.00
	b. For samples of ginning and processing wastes other than comber noils, per 100-gram specimen	5.00
	Minimum fee	10.00
26.	Furnishing identified cotton samples (includes samples of ginned lint, stock at any stage of processing or testing, waste of any type, yarn or fabric selected and identified in connection with fiber and/or spinning tests), per identified sample	.75
27.	Furnishing additional copies of test reports (includes extra copies in addition to the 2 copies routinely furnished in connection with each test item), per additional sheet	.50
27.1.	Furnishing a certified relisting of test results (includes samples selected from any previous tests except sub-sample tests as specified in item numbers 3.1, 5.1 and 6.2 which may not be relisted unless all replicate sub-samples in a group are included), per sheet	2.50
28.	Classification of ginned cotton lint in connection with fiber and/or spinning tests (includes grade and staple classification of 4-ounce samples in accordance with the applicable American standards for the cotton submitted), per sample	.25

Item No.	KIND OF TEST	Fee per test
29.	Combination fiber test including test item numbers 3, 5, and 6, per sample	$3.75
	a. When tested in connection with spinning test item numbers 11, 12, 13, 14 and 15, per sample	2.50
29.1.	Combination fiber test including test items 3, 5 and 6.1, per sample	3.00
	a. When tested in connection with spinning test item numbers 11, 12, 13, 14 and 15, per sample	1.75
29.2.	Combination fiber test including test items 3.1, 5.1 and 6.2 (on 3 or more replicate sub-samples), per sub-sample	1.50
	Minimum fee	4.50
30.	Mercerizing and testing of cotton yarn (reporting data on the luster of two 120-yard skeins and strength of the yarn as based on twenty-five 120-yard skeins mercerized in accordance with standard laboratory procedures):	
	a. Including the processing of the extra yarn in connection with spinning test item numbers 11 through 14, per lot of yarn	12.50
	Minimum fee	50.00
	b. For yarn furnished by the applicant (27 skeins of 120 yards each required), per lot of yarn	10.00
	Minimum fee	40.00
31.	Bleaching and testing of cotton yarn (reporting data on the color of the yarn in terms of R_d reflectance values and plus b degree of yellowness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and bleached in accordance with standard laboratory procedures), per lot of yarn	6.00
	Minimum fee	90.00
32.	Bleaching, dyeing and testing of cotton yarn (reporting data on the color of the dyed yarn in terms of R_d reflectance values and minus b degree of blueness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and bleached then dyed in accordance with standard laboratory procedures), per lot of yarn	10.00
	Minimum fee	150.00
33.	Dyeing and testing of grey cotton yarn (reporting data on the color of the dyed yarn in terms of R_d reflectance values and minus b degree of blueness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and dyed in accordance with standard laboratory procedures), per lot of yarn	6.00
	Minimum fee	90.00
34.	Luster of cotton yarn (reporting data on the percent luster of grey or mercerized yarn either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant as based on the measurement of two 120-yard skeins), per lot of yarn	1.00
	Minimum fee	3.00
35.	Color of cotton yarn (reporting data on the color of grey, bleached, dyed or bleached and dyed yarn either processed in connection with spinning test items 11 through 14 or furnished by the applicant as based on the measurement of two 120-yard skeins), per lot of yarn	$1.00
	Minimum fee	3.00

§ 28.957 *Fees for special tests.* In the discretion of the Administrator of the Agricultural Marketing Service, special tests not listed in § 28.956 may be made to the extent that available facilities will permit, subject to the payment of fees as determined by him.

§ 28.958 *Payment of fees.* As soon as practicable after the last day of each calendar month, bills shall be rendered by officers in charge of testing laboratories to all persons from whom payment of fees and costs under the regulations of this subpart shall become due, provided that when desirable any bill may be rendered at an earlier date. Payment under the regulations in this subpart shall be by check or by draft or post office or express money order, payable to the order of "Agricultural Marketing Service."

§ 28.959 *Limitation of testing services.* If at any time funds available for services under the regulations in this subpart may be insufficient to provide for the testing of all samples that may be submitted for the purpose, the Administrator of the Agricultural Marketing Service may place reasonable limitations upon the quantities of samples to be submitted by individuals during any one fiscal year or any one calendar month, and may direct that samples received from cotton breeders shall take precedence over those received from other persons.

§ 28.960 *Confidential information.* No information concerning individual tests under the regulations in this subpart shall be published or communicated in such a way as to disclose to others the identity of the owners of cotton represented by samples submitted for testing, except with the written permission of such owners.

§ 28.961 *False and misleading information.* The publication or communication by any person of false or misleading information concerning the results of tests as reported by laboratories under the regulations in this subpart shall be deemed sufficient cause for denial of testing services to such persons.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 14th day of August 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-7022; Filed, Aug. 27, 1957; 8:45 a. m.]

[7 CFR Part 961]

[Docket No. AO-160-A18]

MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the recommended marketing agreement and amending order were formulated was called by the Agricultural Marketing Service, United States Department of Agriculture, to receive evidence relative to those proposals set forth in the hearing notice issued on January 17, 1956 (21 F. R. 429; F. R. Doc. 56-500) which under the amended notice of hearing issued by the Deputy Administrator on January 25, 1956 (21 F. R. 647; F. R. Doc. 56-699) were reserved for later hearing. Additional proposals were also invited and were submitted on behalf of interested parties. The hearing was held in Philadelphia, Pennsylvania, on June 11-13, July 16-31, August 3-22, November 13-21, 1956, and January 21-31, February 1-2, 1957, pursuant to a notice duly published in the FEDERAL REGISTER on May 22, 1956 (21 F. R. 3386; F. R. Doc. 56-3983) and supplemental notices duly published in the FEDERAL REGISTER on October 25, 1956 (21 F. R. 8194; F. R. Doc. 56-8624) and January 10, 1957 (22 F. R. 223; F. R. Doc. 57-185). The period until April 6, 1957, was allowed interested parties for the filing of briefs on the record.

The material issues of record relate to:

1. Enlargement of the marketing area.
2. The producer milk plant definition.
3. Revision of the Class I pricing formula, the level of the Class I price and the deletion of the supply-demand adjuster.
4. The level of Class II price.
5. The handler and producer butterfat differentials.
6. Elimination of nearby location differentials.
7. Revision of other location differentials.
8. Provision for an out-of-area pricing.
9. The adoption of a marketwide type of pooling.
10. Miscellaneous revisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Enlargement of the marketing area.* Proposals of producers and handlers as set forth in the hearing notice encompassed an area which, in addition to the present marketing area, would have included the remainder of Philadelphia County, virtually all of both Bucks and Montgomery Counties, eleven boroughs and townships in the southeastern corner and the eastern edge of Chester County. At the hearing they withdrew their proposals except for the remainder of Philadelphia County, 15 townships and boroughs in the southern portion of Bucks County, all or portions of 16 townships and boroughs in Montgomery County and three townships and boroughs in Chester County.

It is concluded that the marketing area should be extended and redefined to include, in addition to the present territory, the remainder of Philadelphia County and that part of Bucks County encompassing the townships of Bensalem, Bristol, Falls, Lower Makefield, Middletown, and Lower Southampton, and the boroughs of Yardley, Morrisville, Tullytown, Bristol, Hulmeville, Longhorne, Longhorne Manor and Penndel.

The marketing area, as presently constituted, includes all of Delaware County, the bulk of Philadelphia County (City) and, with the exception of the northern tip of Upper Moreland township, ten immediately adjacent Montgomery County townships and boroughs.

The inclusion of the remainder of Philadelphia County at this time will bring no additional handlers under regulation. This area, which in earlier years was substantially rural in character, is now highly urbanized and represents an appropriate extension of the present marketing area. It is served generally by Order 61 handlers in the regular course of business and is virtually indistinguishable from the remainder of the county which has long been a part of the marketing area.

The southern portion of Bucks County which is herein recommended for inclusion in the marketing area is served by Philadelphia regulated handlers, local Pennsylvania dealers and by New Jersey dealers, primarily from the Trenton area. While the record suggests that that portion of the proposed marketing area immediately across the river from Trenton was earlier served primarily by Trenton dealers, rapid urbanization has encouraged Philadelphia handlers to extend their routes throughout this area. While Philadelphia handlers have greatly expanded their business in such area there appears to have been little increase in the relative volume of distribution by Trenton handlers. There can be no doubt, on the basis of the record, that Philadelphia handlers are the primary handlers now serving the area. While the local Pennsylvania dealers who would be brought under regulation by this extension do virtually all of their business within the Bucks County portion of the proposed area, the distribution within the proposed area by New Jersey dealers is a minor part of their total Class I business. Borden-Castania, the largest New Jersey dealer serving the area, does almost 25 percent of its total Class I business here. Other New Jersey dealers, however, do a much smaller proportion of their business here.

Even though certain New Jersey dealers may be brought under regulation by doing less than 25 percent of their total fluid business in the area, such dealers are not placed in the usual circumstances of the regulated dealer who finds himself in competition with unregulated milk in his normal market. New Jersey has a State milk control law and since 1951 prices established by the New Jersey Office of Milk Industry have been higher than prices established under Federal marketing Order No. 61. Under such circumstances the obligation of paying minimum Federal order prices will not adversely affect a New Jersey handler's operations in his local distribution. At the same time it will give assurance to present Order 61 handlers and to local Pennsylvania dealers operating in the area under consideration that such New Jersey dealers cannot operate under a pricing advantage gained through uncontrolled interstate movements of milk.

The situation in the presently unregulated portion of Philadelphia County and the southern part of Bucks County herein recommended for inclusion in the marketing area is significantly different from that in the balance of the Chester-Montgomery-Bucks County area which producers and handlers proposed and supported for inclusion. While the record does not permit a precise determination of what dealers serve each of the various townships and boroughs in this area it is clear that the inclusion of any part thereof would bring under regulation a number of local Pennsylvania dealers doing the greater volume of their business over a much wider unregulated area. The record also substantiates the fact that presently regulated handlers do a substantial business beyond the limits of the supported proposal.

The dynamic urbanization of the Philadelphia suburbs is not restricted to the Philadelphia-Southern Bucks County area herein proposed for inclusion nor to the remaining area which proponents supported at the hearing. Both producers and handlers placed considerable emphasis on population density in the delineation of marketing area. While density of population is an important factor in the organization of distribution routes, an arbitrary density standard cannot appropriately provide the standard for area delineation. It is apparent that neither the present marketing area, nor the area as herein recommended embraces the normal area of distribution of regulated handlers. Not only do Order 61 handlers located in Philadelphia do a substantial business outside the area supported at the hearing, but other Order 61 handlers have their receiving and bottling plants actually located in this outside area and it is apparent that they do a very substantial part of their fluid business in the surrounding local area. The record does not reveal why both producers and handlers withdrew support of their original proposals.

Ideally, the established marketing area boundaries should encompass that area in which handlers who would be regulated do the preponderance of their business and should leave a minimum of competition with unregulated handlers outside the area. The record is clear, that much of the data and argument presented by producers and handlers in support of their modified proposals is equally applicable with reference to the area originally proposed and then abandoned at the hearing. Any further extension of the marketing area on the basis of the facts contained in this record would necessarily encompass a substantially larger area than was supported by proponents. However, all of the information necessary for a precise delineation of boundaries to provide further extension of area is not set forth in the record.

2. *Revision of the producer milk plant definition.* The producer milk plant definition should be revised by deleting the listing of plants which in the past has provided the basis for regulation of the specified plants irrespective of their actual performance in supplying milk to the market. The criteria for determining whether a plant shall or shall not be regulated should be its current performance in supplying Class I milk to the market. It is not intended that through Federal regulation any group of producers shall be guaranteed a market for their milk. The order is intended to fix minimum prices which handlers must pay for milk in accordance with its actual use classification. So far as this order is concerned the handler, however, is free to choose his source of supply without restraint of any kind.

It has been concluded in a later part of this decision that the individual handler type of pooling presently used in distributing returns to producers should not be changed at this time. If substantial performance standards are established under an individual handler pool a handler may elect to get a part or all of his supply from plants not meeting the qualifying standards and by so doing, to evade effective regulation. While it cannot be concluded that a procedure for protecting the integrity of regulation through some appropriate system

of compensatory payment is not practical under an individual handler type pooling, the record of this hearing does not provide the basis for such a provision. Consequently, except during the short months of production, it is necessary that the operator of any plant which supplies milk to the market, any part of which is allocated to Class I, be fully regulated under the terms of the order and that all of the milk received at such plants from dairy farmers be considered producer milk fully subject to the pricing provisions of the order.

During the months of October through January, under the present terms of the order, a plant which makes shipments on less than 11 days during the month(s) to a pasteurizing or bottling plant or to a plant(s) supplying such plant, any part of which is allocated to Class I milk does not qualify as a producer milk plant. It was pointed out at the hearing that the Philadelphia market has an adequate supply of producer milk throughout the year and that such a provision is no longer necessary. In recognition of this fact it was proposed that this exemption be either entirely removed or at least be further limited to plants supplying milk in an amount less than one hundred thousand pounds during the month.

With supply plants fully regulated during the balance of the year there is little likelihood that a handler would give up his regular supply during the short months of production in order to gain a possible short term advantage by the use of unpriced milk during such months when milk is generally in demand and prices are highest. While the record indicates that there is an adequate supply of regular producer milk throughout the year in the Philadelphia market, it must be recognized that under changing circumstances it is possible that during the shortest months of production handlers may find it necessary to import supplemental supplies to meet fluid needs. Unless shipping privileges during this period are left rather liberal, handlers may have difficulty in securing such supplemental supplies when necessary since plant operators may be reluctant to place their entire operations under full regulation on the basis of limited shipments to the market. Notwithstanding, producers should have assurance that their milk, which is the regular source of supply for the market, will not be displaced by unpriced milk in Class I uses. Proposed changes in the allocation procedure will tend to implement this position. Under the circumstances, it is unnecessary at this time to place further limitations on milk from other than fully regulated plants.

The handler, however, should not be permitted to change his regular source of supply from its regulated to an unregulated status merely by application of the 11-day shipping provision. Accordingly, it is provided that during any of the months of October through January a plant which supplies milk, any part of which is allocated to Class I, and which plant was a producer milk plant in at least four of the eight preceding months of February through September shall be a producer milk plant in such month even though such shipments were made on less than eleven days.

In the situation of a distributing plant (producer milk plant) which receives milk directly from producers, as well as from independent supply plants, available Class I utilization at the distributing plant should first be assigned to the direct receipts from producers, then to receipts from other producer milk plants and finally to receipts from independent supply plants. Such assignment as between several independent supply plants should be made pro rata according to the proportional volume of receipts from each such plant. This same procedure should also be applicable in the case of distributing plants which receive no milk from producers but which look to other plants as a source of supply.

In the case of a multiple plant handler with both a pasteurizing and bottling plant and receiving plants, the handler should be permitted for pooling purposes to qualify his system of supply plants as a unit irrespective of whether the milk actually moves to the market as Class I milk. A multiple plant handler has a considerable degree of flexibility in the operation of a system of plants and under usual circumstances would be in a position to qualify all of his plants even though individual plant performance standards were established. The operator of such a system should be required to advise the market administrator in writing what plants are to be included in the unit. Such notice, and notice of any changes in designation, should be furnished prior to the first day of the month to which the notice applies.

While a multiple plant handler should be permitted to qualify his system as a unit, producers shipping to such handlers should not be required to bear the cost of transporting to the market milk for Class II use nor should they bear the cost of transporting milk from distant points when milk is available from such handlers' nearby producer milk plants. In order to implement this principle it is provided that for purposes of computing transportation allowances in the case of a multiple plant handler, the total system Class I utilization shall first be allocated to direct producer receipts at the Philadelphia pasteurizing and bottling plant(s) and then in sequence to producer receipts at other plants qualified on the basis of the system in accordance to their nearness to Philadelphia. This procedure will provide maximum freedom to the handler in the operation of his system plants while at the same time providing producers assurance that they will not be burdened with unnecessary transportation costs for the convenience of the handler.

3. *Revision of the Class I pricing formula, the level of the Class I price and the deletion of the supply-demand adjuster.* No change should be made in the Class I pricing formula or in the level of Class I price on the basis of this record. The Class I price under the order is presently determined on the basis of an economic type formula reflecting the movements in the U. S. wholesale price index, prices paid Pennsylvania farmers for feed, prices received by Pennsylvania farmers for farm products except dairy, the midwestern condensery pay price and Class I sales by regulated handlers. The formula contains a supply-demand adjustment factor which under specified conditions may raise or lower the price 40 cents per hundredweight. Producer proponents at the hearing proposed that (1) the formula be revised to include a farm labor index, (2) the annual Class I level be raised, and (3) the supply-demand adjustment factor be eliminated.

Producer witnesses on the issue of Class I price strongly supported the inclusion of a farm labor factor in the pricing formula. They contended that wages for farm labor in the Philadelphia milkshed are strongly influenced by the fact that much of the area is highly industrialized and that farm labor has considerable alternative employment opportunity. As a result farm wage rates have advanced very sharply over an extended period of time and the pricing formula has failed to fully reflect these increased costs.

There can be no question but that farm wage rates have very substantially increased since 1951 when the present pricing formula was first adopted under the order. It is also quite evident that the rate of increase in farm wages has been much greater than the rate of increases in the other factors which are included in the pricing formula. In this connection, however, it must be recognized that very substantial strides have been made in the efficiency of labor during this same period. Any factor intended to reflect labor costs necessarily must take cognizance not only of the increase in the labor wage rates per se, but also of the increase in efficiency of labor. The index of labor wage rates proposed for inclusion in the formula fails to provide any weighting for changes in efficiency.

Producer witnesses at the hearing proposed that the Class I price be increased 5 cents per hundredweight to a level equal to the then effective Pennsylvania Milk Control Commission price and that an additional 7-cent increase per hundredweight be granted to offset currently higher transportation costs of milk. In their briefs filed subsequent to the hearing producer proponents for a Class I price increase argued that a minimum increase of 20 cents per hundredweight was in order.

Obviously, producers' primary interest in a labor factor in the pricing formula was the expectation that the inclusion of this factor would prospectively strengthen the Class I price. Evidence offered at the hearing indicated that the index of combined farm wage rates for Pennsylvania, using the period of 1936–1940 as a base, stood at 356.6 in July 1956. At this time the composite formula index for all items presently in the formula was approximately 200. Official notice is taken of the fact that the proposed index of combined farm wage rates increased from 356.6 for July 1956 to 372.6 in April 1957. While producer proponents at the hearing contended that the proposal for the inclusion of the labor factor in the pricing formula in combination with other proposed formula adjustments would not have significantly changed the Class I price it is apparent at this time that the results of the proposed changes would currently be a 20-cent higher Class I price.

The basic change in the Class I formula proposed at the hearing, in addition to the inclusion of a wage index, included bringing up to date seasonal variation used to adjust farm prices other than milk, the midwest condensery pay price and Class I sales.

In any consideration of the level of Class I price it must be recognized that the prices which resulted from the present formula and which were the effective prices in the market until January 1, 1957 provided at least an adequate supply of milk for the fluid market. This is one of the statutory standards provided in the act which must be weighed in any consideration of pricing level. Under the supply-demand situation which has existed in the Philadelphia market it is not possible to consider an increase in the Class I price level at this time. Any change in the pricing formula to include an index of farm wages or revise the seasonality of factors necessarily would have to be accomplished by an adjustment in the basic price level which would assure that the prospective price in future months would be no higher than for that resulting from the present formula. Since this pricing formula has been providing prices which meet the standards of the act, it is not clear what would be accomplished by piecemeal adjustments of the formula at this time. Under the circumstances it is concluded that there is no need on the basis of this record to make any changes in the pricing formula.

Producers also proposed the deletion of the supply-demand adjuster from the pricing formula on the premise that such a factor in their judgment was unnecessary in the Philadelphia order.

The supply-demand adjustment feature in the Class I pricing formula is intended to adjust the price either upward or downward as the case may be, whenever supply during the 12-month period ending with the second preceding month is less than 115 percent or more than 137 percent of Class I sales, respectively. The adjuster is not intended to eliminate the hearing process but does provide assurance that whenever the supply-demand balance in the market is significantly out of adjustment a limited Class I price change will be provided. Under the present provisions of the order the possible range of adjustment is 80 cents with a change of 40 cents up or down from normal. Handlers, while opposing the deletion of the adjuster, suggested that the range of adjustment be limited to 40 cents with a change from normal of 20 cents.

The supply-demand adjuster in the Philadelphia market is not particularly variable and producers and handlers will have ample forewarning of prospective price changes as a result of its action. Since the adjuster has never changed the Class I price it is not possible to conclude that the 40-cent movement presently provided is inappropriate.

The changes hereinafter proposed in the application of location differentials and the sequence of assignment will tend to increase handlers' overall costs for milk. However, the impact will vary as between handlers and it is not possible to specifically ascertain the overall effect either on the market as a whole or on individual handlers. In general, it is anticipated that the overall returns for the market as a whole will be enhanced slightly in excess of three cents per hundredweight by virtue of the change in location differentials. In addition, the recommended sequence of assignment of receipts to Class I will further affect costs and hence returns to producers. While the overall effect will tend to increase handlers' costs, the increase is not of such magnitude as to necessitate a revision in the basic price level.

4. *The level of Class II price.* No change should be made in the price regularly applicable to Class II milk and no provision should be made for a sub-Class II classification and pricing during the months of March, April, May, and June.

Under the present terms of the order all milk other than that disposed of in Class I uses is priced at the same level and on the basis of Philadelphia cream or New York 92–score butter price and roller nonfat dry milk solids prices. The Milk Distributors Association proposed to increase make allowances during each March, April, May and June for Class II milk and to provide a permanent classification and lower pricing for milk used in specified manufactured products during these months.

In support of their proposal proponents said that manufacturing plant costs have increased despite increasing volumes of Class II milk in the Philadelphia market. They contended that the classification applicable to nonfluid products under the order is too broad and that the pricing formula for Class II milk is deficient in that it provides inadequate make allowances, especially during the flush production months. They alleged that they are forced to operate at a competitive disadvantage with New York Order 27 Class III milk and unregulated milk with which they compete since the New York order provides for a butter-cheese adjustment on all milk used for butter and cheese and the Pennsylvania Milk Control Commission orders provide, in addition to a regular Class II classification, a Class III classification for milk manufactured into specified uses and a procedure for emergency relief which may be granted to dealers regulated under Pennsylvania Milk Control orders through so-called "B–I" orders during surplus production months. Inter-State Milk Producers' Cooperative supported the proposal for a sub-Class II classification and pricing during March, April, May and June and suggested that a permanent subclassification and pricing similar to that which was provided for under the Philadelphia order during the past several years (prior to 1956) would allay the need for increased make allowances for manufactured Class II products. On the other hand, Southern York County Dairymen's Association opposed any decrease in the Class II price and proposed that the pricing formula be revised to provide an increase in such price to compensate for increased milk production costs.

The appropriate price level for milk in excess of the Class I needs of the fluid market is that which will move such milk in an orderly manner into dairy products for which outlets are available in the local market and at the same time return to producers the highest practical prices for such milk.

The regular Class II price under the Philadelphia order is directly related to open market cream, butter and nonfat dry milk values and as such should reflect the value of milk disposed of in such uses. A considerable quantity of producer milk is disposed of as fluid cream in all months of the year. Since, at the same time, substantial quantities of outside cream regularly find a market locally throughout the year it is apparent that a ready market for butterfat in producer milk is available at all times.

The Class II pricing under the order has accommodated the disposal of producer milk in excess of Class I needs during all months of each year except those in which a special sub-Class II price has been in effect. No subclassification was provided for the flush months of 1956 and the record shows that all surplus milk in the market was readily moved to manufacturing facilities. The record provides no basis for concluding that milk cannot be disposed of throughout the year, including the months of March, April, May and June, under the present pricing since both the Class II price and the Class II butterfat differential reflect current market values for milk and butterfat during all months of the year.

The bulk of the Class II disposition other than in fluid cream, soft cheese, condensed milk, condensed skim milk and ice cream for which no special pricing has been provided in the past, is in nonfat dry milk, soup, candy and bakery products. The New York Class III price, which has been comparable to the Philadelphia Class II price, has regularly accommodated marketing of New York producer milk in these products. A substantial portion of the skim milk in producer milk in excess of Class I needs is regularly disposed of in the manufacture of nonfat dry milk throughout the year and with the exception of the months when a sub-Class II has been effective this milk has been handled at the regular Class II price. In both 1954 and 1955 roughly 75 percent of all milk subject to special subclass price was disposed of in nonfat dry milk solids. As indicated in the Assistant Secretary's decision of May 7, 1956 in denying a sub-Class II pricing for 1956, there is no apparent reason why such milk should not return to producers a price which reflects the adjacent New York open market nonfat solids price.

The utilization of producer milk in nonfat dry milk solids, cream, ice cream, evaporated and condensed milk should afford ample outlets for all excess producer milk. If there is a demand for producer milk in butter, cheese, candy, soup or bakery products the price for

milk in these products should not be lower than that established for other manufacturing uses which provide adequate outlets for all producer milk in excess of fluid needs.

Milk production under normal conditions varies from season to season with the greatest production occurring in the spring months as cows are turned onto pastures. In developing his procurement policy, a handler must make a decision as to whether to operate with a full year-round supply of producer milk or whether it is to his advantage to look to outside sources for supplemental supplies during the short season in order to minimize his surplus problems during the flush. A handler who uses nonproducer milk to supplement his producer supplies may find that, when handling and transportation costs are added to procurement cost, the overall cost for such supplemental supplies exceeds the cost of local producer milk. The order grants no compensation to such handler for his additional procurement costs in such instances. The handler who operates with a full year-round supply should likewise expect to assume some direct responsibility and risk in the dispostion of his seasonal surplus. As to which way he wishes to operate his plant is clearly a choice of the handler.

5. *Revision of the handler and producer butterfat differentials.* The basic butterfat test at which milk is priced to handlers and on which the uniform prices to producers are computed should be changed to 3.7 percent. The Class I and Class II butterfat differentials used in the computation of each handler's cost for milk utilized at tests above or below basic test and the producer butterfat differential used in computing the payments for producer milk received which is above or below basic test should be directly related to the butterfat component of the Class II price. The Grade A butterfat premium should be eliminated.

Under the present order provisions prices are computed at a basic test of 4.0 percent. The Class I butterfat differential applicable for milk with a butterfat content of from 3 to 6 percent, inclusive, is 5 cents and the butterfat differential for Class I milk with a butterfat content below 3 percent or in excess of 6 percent and the Class II butterfat differential are directly related to the butterfat component of the Class II price. The producer butterfat differential is 5 cents and an additional 2 cents is provided in the way of a premium for Grade A milk received with a butterfat content in excess of 3.7 percent.

Butterfat differentials have been an issue in the Philadelphia market over an extended period of time. A recommendation on butterfat differentials for the Philadelphia market prepared in May 1952 by a committee representing technicians from the University of Delaware, the University of Maryland, the Pennsylvania State College and Rutgers University and introduced in evidence in previous hearings was also presented as an exhibit in this hearing. Some of the proposals by producer organizations in the market were based on the findings and recommendations of the committee report of 1952.

While milk is priced to handlers on a per hundredweight basis and at the basic test (herein recommended to be 3.7 percent), the handler may by separation or standardization decrease or increase the butterfat percentage in the milk as actually utilized in a class. Under the classified pricing scheme in effect in this market it is intended that the handler pay for the skim milk and butterfat components of producer milk in the class in which such milk is actually utilized. It is necessary therefore, that butterfat differentials be established to adjust the Class I and Class II prices of milk in accordance with the average test of milk in each class and thus reflect the variations in value due to variations in butterfat content. It is herein proposed that such differentials shall be the same for both Class I and Class II milk and that the same differential shall be effective for the entire range of variations in test in the two classes.

The sanitary regulations applicable in the marketing area permit standardization of milk for consumer use. Accordingly, there is no reason why each pound of butterfat received in producer milk and disposed of for Class I use should not be equally priced. Under usual circumstances, milk disposed of for fluid uses commands a higher price than milk disposed of for manufactured uses. This principle is generally recognized in milk pricing and reflects the greater cost of producing quality milk for fluid uses. Under such circumstances is it inappropriate to price even a portion of the butterfat in Class I milk below that fixed for Class II milk.

The butterfat differential herein proposed reflects a competitive price for butterfat and represents the identical pricing for differential butterfat in Class II and for Class I milk testing below 3 percent and in an excess of 6 percent which has prevailed under the present order. The use of central market cream and/or butter prices to reflect values of butterfat in milk for adjusting for butterfat variations is a standard practice in most fluid milk markets.

Producer milk delivered to Philadelphia handlers is intended primarily for the fluid milk requirements of the market and the butterfat differential should be designed to encourage the production of milk with a butterfat content about the same, or at least as high, as the butterfat content of fluid milk products sold by handlers. Inspected milk not designated as Grade A milk accounts for approximately 75 percent of total Class I sales of handlers. The average test of inspected milk sales other than Grade A are slightly less than 3.7 percent butterfat. Over 59 percent of the non-Grade A shippers' tests in 1955 were 3.7 percent or below. While there has been very little decline in average test of producer milk since 1952, the record suggests that this has been due, at least in part, to the fact that handlers have required producers to maintain not less than a 3.5 percent test to stay on the market.

The producer butterfat differential which is used to adjust the uniform price in the event the receipts of milk from a producer contain more or less than 3.7 percent butterfat, should approximate the differential which handlers are charged for differential fat in both Class I and Class II. Such differential reflects the competitive value of butterfat and gives producers assurance that they are being paid for their milk on the basis of its use value. The use of a different differential would tend to disturb the skim milk and butterfat values and would not equitably distribute returns among producers.

The producer butterfat differential should move in one-cent intervals and should be adjusted to the nearest cent for convenience to handlers in computing amounts due to each producer for milk received and in recognition of the practice that producers have long been on a fixed differential and are not accustomed to constantly changing values. The handlers' butterfat differential, however, should be computed to the nearest one-tenth cent. This has been a practice of long standing under the order program in the case of Class II differentials and the Class I differential applicable in the case of milk with a butterfat content below 3 percent or over 6 percent.

The removal of the butterfat differential premium of two cents per point applicable to Grade A milk testing in excess of 3.7 percent butterfat will maintain handler costs for Grade A milk at approximately the same level which has prevailed under the present terms of the order and will assure handlers the same costs for all differential fat.

Producer witnesses at the hearing contended that the removal of the Grade A butterfat premium would tend to encourage production of milk with a lower butterfat content while handlers would continue to collect the premium price from consumers based in part on the high fat content of the milk. They further contended that the act requires the establishment of uniform prices to handlers for all butterfat and requested that the two-cent butterfat premium be made applicable to standard milk in excess of 4.0 percent butterfat tests. They argued that unless this is done premiums now existing in the market will be gradually reduced and eventually eliminated. Handlers, on the other hand, while asking that no change be made in the present differential or basis of pricing contended that the butterfat premium was intended to encourage the production of high fat milk and that if the regular butterfat differential was raised the intent of the Grade A fat premium would be accomplished, and accordingly, there would be no justification for continuation of such premium.

The record supports the position that high fat content standard milk is a competitive product with Grade A milk. Much of the 21.3 million pounds decline in the annual sales of Grade A milk which has occurred since 1951 has been offset by increase sales in high fat standard milk. The use of central market cream and/or butter prices to price differential fat whether in Grade A or standard milk will tend to promote equity as between handlers in the cost of their milk. Such values reflect a competitive price for butterfat and represent the price which a handler must pay for butterfat of similar quality purchased in the Philadelphia market which is an open cream market.

6. *Elimination of nearby location differential.* The nearby location differentials should be deleted. Under the present order provisions plants located more than 11 miles from Philadelphia City Hall but not in excess of 16 miles may deduct 7 cents per hundredweight from payments otherwise due producers and plants located more than 16 miles but less than 31 miles from such point may deduct the 7 cents plus 2 cents for each additional 5 miles in excess of 16 miles. Producer proponents at the hearing supported deletion of these differentials. These nearby differentials are applicable irrespective of use which is made of the milk and were initially placed in the order when the Philadelphia fluid market was essentially the concentrated population area in and immediately around the city. The handlers' milk plants located beyond the 11-mile limit but within the 31 miles then looked to the same population concentration as an outlet for their milk as did the handlers whose plants were located in and immediately adjacent to the city proper. Over the years the population concentration has extended over a much wider area embracing essentially most of the area within the 31-mile limit. This area is substantially the extended marketing area originally proposed by both producers and handlers in the hearing notice. In this area center city handlers operate regular routes in direct competition with local Order 61 handlers who under the present pricing scheme have received their milk from 7 to 13 cents cheaper by reason of the nearby differentials. Center city handlers, however, are confronted with the same transportation cost in moving milk to customers in the suburban areas as suburban handlers have in moving packaged milk from their plants to center city consumers. The elimination of the nearby location differentials will promote equality in cost of milk among handlers and will provide to producers assurance that their milk is being priced and paid for in accordance with its actual use value.

7. *Revision of other location differentials.* The handler Class I and the producer location differentials should be revised to more nearly reflect transportation cost in moving milk from receiving stations to city plants and the additional handling costs involved at the processing plant in receiving milk from receiving stations. No change should be made in the handler Class II location differential. Under the present order provisions the handler Class I location differential reflects a 16-cent allowance for receiving stations plus a 15-cent transportation allowance at the 31–40 mile zone and an additional one cent for each additional 10-mile zone. The Class II location differential reflects the cost of moving milk in the form of cream and nonfat dry milk from the country plant to city. The producer location differential is computed on a pro rata basis weighted by the handler's actual percentage utilization in Class I and Class II, respectively, and the Class I and Class II handler location differential.

Handlers contended that the present transportation allowances in the location differentials do not reflect actual transportation costs and proposed that they be adjusted to more accurately reflect such costs. Extensive testimony was presented by handler witnesses and by witnesses from the Pennsylvania State College relative to receiving and transportation costs. While there appears little question but that hauling costs have increased over the years and that the present allowance of one cent per ten mile zone in the Class I differential is inadequate, the evidence presented on the record raises a far more fundamental question, i. e., the propriety of the receiving station allowances contained in the present differentials.

The evidence introduced in the record was intended to show that receiving station costs, per se, in the market averaged 24.8 cents and 23.3 cents, respectively, in 1954 and 1955. Other figures were introduced to substantiate receiving costs of tank milk at city plants of 5.7 and 5.5 cents, respectively, for these years, resulting in total receiving costs for receiving station milk of 30.5 and 28.8 cents, respectively. At the same time data were presented for these same years showing direct receiving costs at city plants of 15.5 and 15.3 cents respectively, leaving a net difference in favor of city plant receiving of 15.0 and 13.5 cents respectively. While these data proport to represent actual cost data submitted by individual handlers on their operations, the record is clear that no analysis was made of the original records of the handlers involved or of the propriety of the individual handlers' allocation of cost as between receiving, processing, bottling, administration, overhead, etc., for purposes of computing their receiving cost data, collectively presented on the record.

Evidence presented by a witness of the State Milk Control Commission substantiates the fact that receiving costs for manufacturing plants in the Philadelphia milkshed varied from 5 cents to over 12 cents per hundredweight and averaged 9.93 cents per hundredweight. The receiving cost information presented by proponent witnesses must be presumed to reflect these figures since at least 5 of the 42 country receiving plants in 1955 carried on manufacturing operations.

No reason appears why there should be a substantial difference in the actual receiving costs as between country receiving plants, manufacturing plants and city plants. If the figures presented by proponents accurately reflect their actual costs, their receiving station operations apparently are somewhat inefficient and such costs should not be recognized in fixing location differentials. In light of the extreme variations in the data presented in evidence, it is inappropriate to continue recognition of a 16-cent receiving station allowance.

Location differentials recognize the principle that milk similarly used and located should be similarly priced. Milk which originates nearest the market should command a higher price than milk more distantly located in order to reflect the differences in transporting it to the marketing area. No advantage is accorded any particular group of producers if the location differentials established realistically reflect only differences in transportation and associated receiving and handling costs. Consideration, of course, must be given to any added and incidental costs which result to the handler in transferring milk from the receiving station to the city bottling plant and in actual receipt at the second plant.

The determination of proper location differentials can be made without passing specific judgment as to the receiving costs, per se. As previously indicated there is no reason why there should be substantial differences in the actual receiving costs as between country receiving plants, manufacturing plants and city plants. Location differentials should reflect the costs of additional functions involved in country assembly at receiving stations and transportation to city plants as compared to the costs of receiving milk directly from producers at city plants. These additional costs include only loading the tank truck at the country plant, transportation from the country plant to the city plant and receiving the milk at the city plant.

The record indicates that the fixed cost of transportation associated with the loading a tanker in the Philadelphia milkshed approximates 10 cents per hundredweight. The record indicates that the additional cost of hauling tank milk in this area under current conditions is approximately 1.5 cents per hundredweight per 10 miles transported. Because of paucity of evidence on the factors included in this rate, its accuracy cannot be verified. However, it is the best rate which can be developed from the evidence. Since there are presently no receiving stations in the Philadelphia market located less than 45 miles distance from the City Hall in Philadelphia, it is unnecessary to provide for location differentials within this distance from which milk should normally move directly from farm to city plant. The application of the loading and hauling rates indicated above would provide a differential of 17.5 cents for a plant located 45 miles distance from Philadelphia. If the 5.5 cents receiving costs which proponents indicate is their average 1955 experience in receiving bulk milk at city plants is recognized an overall location differential of 23 cents would be appropriate for a plant at a 45-mile location. This differential is computed as follows: (1) Loading, $0.10; (2) transportation (5 zones $0.015 per zone), $0.075; and (3) city receiving, $0.055.

In the case of plants located in excess of 45-mile distance from Philadelphia the differential should be increased at the rate of 1.5 cents for each additional 10-mile distance or fraction thereof. This will provide a reasonable location allowance and is concluded to appro-

priately reflect additional costs which a handler incurs in receiving milk at the country point and transporting it to the city.

The Class II location differential in the order was initially intended to reflect the cost of moving producer milk to market in the form of cream and nonfat dry milk and the necessary amount of fluid milk needed to float the cream. The record indicates, however, that much of the cream and nonfat dry milk manufactured at country plants is now sold f. o. b. manufacturing plant at competitive prices reflected in the Class II price. Under such circumstances, there is serious question as to the propriety of providing any Class II location differential. A proposal for discontinuation of this differential was included in the hearing notice but was not supported at the hearing. No action in this regard should be taken on the basis of the record. However, it appears desirable that further consideration of the matter be given in a future hearing. In order to conform with the revisions made in application of the Class I differential, the initial zone in which the Class II differential becomes applicable should be changed to the 45–70 mile zone.

Producers on the Philadelphia market are producing milk for a fluid market. The difference in the use value of producer milk for fluid purposes received at a country plant as compared to a city plant is the additional cost to the handler in getting the country plant milk to his city bottling plant. Returns to producers located near the market should reflect their location advantage. In order to preserve equity as between producers in the distribution of returns from the sale of their milk, the applicable uniform price effective at the city should be reduced 23 cents in paying producers for milk received at plants located at least 45 miles from the City Hall at Philadelphia plus 1.5 cents for each additional 10 miles or fraction thereof.

8. *Provision for an out-of-area pricing.* No provision for a special out-of-area pricing should be included in the order. Under the present terms of the order all Class I milk is priced at the specified order price subject only to quality premiums and location differentials for place of receipt.

The proposal to provide an out-of-area pricing was made by Borden-Castania of Trenton, New Jersey, who may become a regulated handler under the area extension herein proposed. It was supported at the hearing by Inter-State Milk Producers, Order 61 handlers and suburban dealers. Essentially, however, the facts and arguments presented at the hearing were the same or similar to those offered at the hearing held on February 1–7, 1956 on which the Assistant Secretary in the decision of May 7, 1956, concluded that the out-of-area pricing provision then in the order should be removed.

The essentials of the classified pricing plan in effect in the Philadelphia order and generally applicable to all Federal orders issued by the Secretary are to establish one level of price for milk which is sold as fluid milk or fluid milk products for fluid consumption and another lower price or prices for the necessary surplus of the market which is disposed of in lower valued manufactured products. It is intended that the Class I price effective under the Philadelphia order shall be established at a level which will bring forth a sufficient supply to meet the demands of milk for the marketing area but not necessarily to fulfill the requirements of outside markets. Producer milk sold for fluid uses outside the Philadelphia marketing area has the same characteristics of bulk and perishability, is produced under identical conditions and cost and is subject to the same transportation cost of moving from the farm to the handlers' producer milk plant, as is milk disposed of in the marketing area. Different health and sanitation requirements in markets outside the marketing area might result in different costs of producing milk for those markets only, but would have no effect on the production cost of producer milk sold to Philadelphia handlers. It is not intended that Federal regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by competing unregulated distributors in such markets. Such action would tend to lower blended returns to producers in the Philadelphia market with the result that the level of prices for milk to be sold within the regulated market might have to be raised to provide incentive for the production of a sufficient supply to fulfill the market needs. In this connection, the local consumers should not be called upon to subsidize consumers in out-of-area markets. It is concluded that no change should be made in the order to provide for out-of-area pricing.

9. *The adoption of a marketwide type of pooling.* No change should be made at this time in the type of pooling employed to distribute proceeds from the sale of producer milk. The present terms of the order provide for individual handler pooling whereby each handler pools the use value of his producer receipts and returns to all of his producers a uniform per hundredweight price varied as among producers to reflect only variations in butterfat test, quality and place of receipt.

Certain Philadelphia handlers and certain producer and handler interests associated with the New York market proposed that the individual handler pooling be dropped in favor of a marketwide type of pooling. A great deal of time and testimony on the record was devoted to this proposal. The proposal was opposed by most of the organized producer groups presently associated with the Philadelphia market; however, individual producers appeared in favor of the proposal.

Under usual circumstances the question of pooling is primarily a producer consideration. Since it does not affect handler costs for milk under the order, the desires of the majority of producers are of primary importance.

Under certain circumstances, however, the type of pool in a market can create situations which threaten the general stability of the market; in such case the problem extends beyond producer preferences. Usually the individual handler pool is more appropriately adapted to those markets where the utilization of the several handlers is similar and no one handler or group of handlers (or producers) carry the burden of the surplus of the market. Individual handler type pools also have value in markets where certain handlers primarily interested in manufacturing operations would use a marketwide pool to maintain a satisfactory return to producers at the expense of the regular producers for the fluid market.

The situation presently existing in the Philadelphia market raises many questions as to the adequacy of present pooling methods under existing marketing conditions. Under the individual handler pool which has operated in the market since it was placed under regulation, little attention has been given to the development of a dynamic marketing structure. Except insofar as price is a factor the market has exercised little initiative in moving milk of producers among handlers. Because of this situation blend prices of individual handlers vary widely. Certain handlers with insufficient producer milk to meet their fluid needs have relied regularly on nonproducer sources for a substantial part of their supply. At the same time other handlers with excess producer milk have marketed their surplus in manufacturing outlets, in many instances at sub-Class II prices. On numerous occasions producers supplying certain other handlers have been forced to withhold portions of their production from the market to be disposed of in low price manufacturing outlets. Producers thus have not only lost Class I sales to unregulated unpriced milk, but have also received a price less than competitive market value for their surplus.

Handlers asking for a market pool claim they function as a supply balance and have handled the surplus of the entire market. But there is and has been a minimum of movement of supplies between handlers; those with surplus facilities in a large measure handle only their own excess supplies and any outside market nonproducer milk which from a pricing standpoint they may find it advantageous to purchase. These handlers state that the fact milk does not move readily between handlers is due to variations in health regulations. Yet at the same time, they admit that arrangements could easily be made to assure ready movement of milk. They suggest that the ease with which other handlers have been able to use unpriced nonproducer milk for fluid uses has deterred movement of milk between handlers. Other handlers who normally operate with a very high Class I utilization and who rely on outside sources for balancing supply contend that unreasonable handling charges demanded by local handlers deters free movement of producer milk.

Certainly, under circumstances presently existing in the market, it cannot be concluded that the handler proponents for a market pool are in fact acting as a balance of supply for the market nor that they handle the surplus for the market. The relatively low blends of these particular handlers are primarily of their own making.

On the other hand, a market structure where manufacturing facilities are concentrated in the plants of a few handlers usually indicates the preferability of a market pool. Further, the record does not support the claims of excessive handling charges. It seems probable in this regard that such charges appear excessive to the affected handlers primarily because of the freedom which they have enjoyed in using unpriced milk.

The amending order made effective June 1, 1956, substantially restricted a handler's ability to use unpriced nonproducer milk as Class I milk except in the short production season. Additional changes proposed in this decision in the allocation and pricing provisions are intended to further restrict the displacement of producer milk by unpriced milk and to provide greater equality among handlers in the cost of producer milk. The framework of this proposed amended order is also intended to encourage a greater freedom of movement of milk between handlers. Under the circumstances, the burden of proving their position as a balance of supply for the market rests squarely with the handlers with manufacturing facilities. Further consideration of market pooling should be deferred for later hearing.

10. *Other issues.* No change should be made in the producer and handler definitions on the basis of this record to permit diversion of producer milk. Under the present order provisions milk must be received directly at a producer milk plant to qualify as producer milk and the operator of the plant at which the milk is first received is the responsible handler for properly accounting for milk and for payments to producers. Both the principal cooperative association in the market and proprietary handlers proposed that consideration be given to incorporating diversion privileges in the applicable provisions of the order.

The producers' interest in diversion is associated with the anticipated expansion of farm bulk tank handling. Their primary concern, however, is in a procedure for designating those producers to be considered as regularly associated with the market and hence eligible for pooling.

It is not intended that through Federal regulation any particular group of producers shall be guaranteed a market for their milk to the exclusion of other producers. The order establishes minimum prices which handlers must pay and the handler is free to choose his sources of supply within the limits of the applicable health regulation in the market. Under the terms of the order as herein proposed any milk received at a producer milk plant directly from dairy farmers will be accorded producer status. While it might be possible, and desirable under certain circumstances, to condition producer status on regularity of delivery, it is not clear on the basis of the record how this procedure should be adopted under the individual handler pooling in effect in this market.

Proprietary handlers' interest in diversion is also primarily associated with the anticipated expansion of farm bulk tank handling. Here again the proponent was unable to place into the record the specific circumstances under which the proposed provision would or should have application.

It must be recognized that bulk handling of milk encourages far greater mobility and flexibility in the handling of milk than in the case of can milk. For this reason it is essential that any change in the order to permit diversions be very carefully framed in recognition of the local conditions in the particular market. The record of this hearing does not provide the basis for revision of the order in this respect.

Under the present order provisions it is not clear that a cooperative association may receive payments of the amounts otherwise due its individual member producers. The provisions dealing with class prices specifically provide that the handler shall pay for milk received "____ from producers or an association of producers _____." The payment provision, however, provides that the handler shall make full payment "____ to each producer _____." Under the provisions hereinafter proposed a cooperative association by definition has "full authority in the sale of milk of its members" and is engaged in "making collective sales of or marketing milk or its products for its members". As the duly authorized agent of its producer members there can be no question of its authority to receive the payments otherwise due such producers. This privilege is specifically provided for in the act. The record indicates that under certain situations this practice is being followed at the present time. The inclusion of this provision will provide specificity regarding the status of such practice.

The order should also require that a handler must pay the minimum class prices for all milk received from a cooperative association in its capacity as a handler. The act clearly establishes the intent that no cooperative association may sell milk to any handler at less than the prescribed order class prices. Under certain conditions it is possible that a cooperative association might be able to enhance its overall returns to its members by selling its excess milk in the market to an account which would be available only at prices below the prescribed order prices. Clearly, this is not in accordance with the intent of regulation and this situation can best be safeguarded against by a requirement that handlers pay to cooperative associations the minimum class prices. The pricing provisions of the order are applicable at the plant of the handler on whom the regulation is binding. In this situation the applicable prices are those for the location of the plant of handlers to whom the cooperative is selling. Adoption of this provision will provide greater assurance of equality as between handlers in the cost of their milk.

The entire order should be redrafted to add greater specificity to the various provisions and to incorporate a number of conforming and clarifying changes throughout the order.

A definition of certified milk should be provided to describe a special type of milk sold in the Philadelphia marketing area and such milk received at producer milk plants in packaged form from the farm on which it was produced and packaged should be exempted from regulation under the order.

There is one farm engaged in the production of certified milk for sale in the Philadelphia marketing area. This farm is also a source of supply for certified milk in other surrounding fluid markets. The milk is sold in packaged form from the farm on which it was produced to Order 61 handlers who distribute it on their regular milk routes. The handler producing and packaging the milk has no retail or wholesale distribution in the marketing area and sells only to other handlers.

Production requirements for certified milk are far more rigid than for other fluid milk and all such milk must be bottled on the farm where produced which must be the sole source of supply. Certified milk sells for a price substantially higher than for other milk and is sold under conditions not generally competitive with other milk. The circumstances under which certified milk is produced and marketed are such that an expansion in its production sufficient to be a disturbing factor in the market appears extremely remote.

Under the present order provisions this certified milk operation has been interpreted as a producer-handler operation. There is some question, however, whether receipts in package form from a dairy farmer with no direct distribution properly qualifies as a receipt from a producer-handler. The definition and treatment as to classification and allocation herein recommended clarifies the status of such milk and is consistent with the past treatment accorded such receipts.

The powers and duties of the market administrator should be redefined for greater specificity to conform more generally with the language of other milk orders issued under the act. The powers of the market administrator as herein recommended are specifically provided in section 8c (7) (c) of the act and the proposed language is essentially that of the statutory language. The duties herein provided are essentially those found in Federal milk orders generally. Some question was raised as to the propriety of permitting the administrator any discretion in the performance of his duties. In this connection it must be recognized that the market administrator is the agent of and is directly responsible to the Secretary. Unless some latitude of judgment is permitted in handling unusual circumstances in the event of violations, equitable and efficient administration cannot prevail.

The provisions dealing with the computation and allocation of shrinkage should be revised to provide for a pro

rata allocation of shrinkage between producer and nonproducer milk and to limit the allowable shrinkage on producer milk and butterfat to be classified in Class II to 2 percent of receipts thereof, respectively. It is not intended that allowable shrinkage be permitted twice on the same milk. Accordingly, it is provided in the case of interhandler transfers that shrinkage be allowed only to the handler first receiving the milk.

Under the present terms of the order shrinkage in Class II is limited to 2 percent of total receipts and this is all allocated to producer milk. The change herein provided, while limiting shrinkage on producer milk in Class II to 2 percent of such receipts, permits unlimited allocation of shrinkage on other source milk in such class. Producers thereby have assurance that their milk is fully accounted for and paid for at actual use value and they are not required to bear excess shrinkage losses on nonproducer milk. On the other hand, handlers have assurance that their payments to producers will not be increased solely as a result of excess shrinkage on other source milk.

If after making the various assignments of milk and butterfat pursuant to the allocation provisions of the order, the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported to have been received by the handler for whose fluid milk plant(s) the computation is being made, such "overage" should be assigned first to available Class II utilization and any remainder to Class I. Such overage should be paid for by the handler at the applicable class prices. In the allocation procedure recognition is given to all receipts of other source milk reported by the handler. When utilization records indicate a disposition greater than receipts it must be presumed that the handler has underreported his receipts of producer milk. This "overage" is thus charged to him at the applicable price in the lowest available class usage.

The transfer provisions should be revised to provide producer milk priority on Class I utilization in the case of transfers between producer milk plants and to revise the procedure of classification in the case of transfers to producer-handlers and to nonproducer milk plants. Under the present terms of the order transfers between producer milk plants may be classified by agreement, provided, in the case of a Class II agreement, an equivalent amount of milk was actually so utilized in the transferee plant. Under such circumstances it is possible that producer milk may be classified in Class II at the same time that the transferee handler is utilizing nonproducer milk in Class I. The procedure herein proposed while permitting continuation of classification by agreement, conditions such classification by providing that the classification in both plants shall be made in a manner which provides the greatest utilization of producer milk in Class I.

In the case of transfers of milk or skim milk to a producer-handler the classification should be in Class I. Producer-handlers operate primarily only a fluid milk business. Any supplemental supplies which a producer-handler may obtain from other handlers, by virtue of the type of operation involved, may be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. Any milk which is received at a producer milk plant from a producer-handler should be allocated to the lowest class utilization after the allocation and shrinkage on producer milk. Milk disposed of to another handler by a producer-handler must be presumed to be surplus to the operation of the producer-handler and since other producers do not share in the Class I utilization of the producer-handler it would be unfair to provide that producers share their Class I utilization with the excess milk of a producer-handler.

Transfers of milk and skim milk to a nonproducer milk plant may be classified as other than Class I provided specified conditions are met. Transfers of cream both to nonproducer milk plants and to producer-handlers are automatically classified in Class II and are not subject to change. While it is possible that cream so transferred might find its way into a Class I use, it must be recognized that the market is an open cream market and any other procedure would likely deny the outlet to local cream.

The allocation provisions should be revised to recognize the treatment hereinbefore proposed to be accorded certified milk, to provide for the computation of overage, to discontinue the permissive pro rata allocation of milk received from producer-handlers and to provide during all months of the year for the allocation of nonproducer milk in the lowest available use class after the allocation of allowable shrinkage and receipts from producer-handlers.

In his decision of May 7, 1956, the Assistant Secretary concluded that the market had a more than adequate supply of producer milk during the months of February through September and that there was no need to accommodate the use of milk from nonproducer sources for fluid purposes during this period. He further indicated that there was serious questions under the existing supply-demand situation whether nonproducer milk should be permitted to be used in Class I even in the months of October through January.

Producer witnesses appearing at this hearing contended that nonproducer milk should not be permitted to displace producer milk in Class I. They requested that during the months of October through March the permissive pro rata allocation of nonproducer milk be discontinued and such milk be allocated to the lowest available use class prior to the allocation of producer milk.

As previously indicated in this decision it is possible even though the market is adequately supplied and handlers may at times during the short production months find it necessary to secure supplemental supplies. Unless shipping privileges are rather liberal in these months handlers might have difficulty in securing such necessary supplemental supplies. Notwithstanding, the milk of producers who are the regular suppliers of milk for the Philadelphia market should be given priority in the assignment of Class I utilization at producer milk plants in all months of the year. Unless this precedure is followed there can be no assurance that nonproducer milk will not be used to displace producer milk in Class I when it is advantageous to the purchasing handler. This procedure of allocation should in no way jeopardize a handler's ability or willingness to obtain other source milk if such milk is actually needed because of a shortage of regular producer milk.

Producer proponents suggested the possibility of reserving 5 percent of producer receipts in Class II before the allocation of nonproducer milk during the short production months in recognition of the fact that handlers might over the entire month have sufficient producer receipt to cover Class I needs but still be short on certain days. In this regard the record indicates that certain handlers continuously maintain extremely high Class I utilization in all months of the year. The choice of maintaining an adequate supply or buying supplemental milk is the choice of the individual handler. Producers should not be expected to share the risks which are properly those of the handler.

Handler witnesses at the hearing proposed that the accounting for condensed or nonfat dry milk used to fortify or reconstitute Class I products be on the basis of actual product pounds so used rather than in the milk equivalent thereof. Under the accounting system in effect under the Philadelphia order producer milk, which is the regular source of supply for the market, is given priority in assignment to Class I and the handler is required to make a full accounting for all milk, skim milk and butterfat received. Condensed or dry milk utilized in Class I, either to reconstitute or fortify, displaces regular producer milk. Unless accounting is made on the whole milk equivalent the intent of the classification system is violated and producers do not realize the full use value from their milk.

It was pointed out at the hearing that the present requirement that handlers file their reports of receipts and utilization with the market administrator not later than the 8th day after the close of the month places considerable hardship on handlers and in many cases requires extra help or overtime to comply. The market administrator has indicated that under the individual handler pooling in effect in this market it is not necessary for him to wait until all handlers have filed reports before he begins the computation of individual uniform prices and that some additional time could be permitted handlers without delaying the announcement of uniform price on the 15th. Under the circumstances it is concluded that the deadline for filing reports should be changed from the 8th to the 10th day after the end of the month.

The order presently provides that the advance payment to producers for milk delivered during the first 15 days of the month be made on or before the last day of the month at not less than the handler's estimate of his uniform price. This provision provides no standard for the market administrator in determining whether a handler is complying with the intent of the order and leaves entirely to the discretion of the handler the amount of the advance payment. While there is no indication that handlers have taken advantage of the latitude of discretion granted them in the wording of this provision to delay payments to producers it is desirable that greater specificity be provided. It is concluded therefore that the minimum payment should be at not less than the Class II price for the previous month. Such payment will provide a reasonable advance for producers while at the same time providing full protection to the handler. There is nothing which would prevent a handler from making a larger payment if he so desired.

Under the present order provisions the administrative assessment charge is applicable on all milk received directly from producers and on all nonproducer milk allocated to Class I. By administrative determination the assessment has not been made on the handler's own farm production.

The act provides that the cost of order administration shall be financed through an assessment on handlers. Equity in sharing the cost of administration among handlers can best be achieved by applying the administrative assessment uniformity to all producer milk and to other source milk allocated to Class I. Since under the present order a handler is a producer with reference to his own farm production which is received at a producer milk plant, the assessment should be applicable on such milk. The language of the order in this regard is clear and no changes therein are necessary to accomplish this end.

Other changes in the order deal largely with the general administrative provisions which are common to all orders and which are necessary for the proper and efficient administration of the order.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied.

General findings. (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

DEFINITIONS

§ 961.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 961.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 961.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the United States Department of Agriculture.

§ 961.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 961.5 *Philadelphia, Pennsylvania, milk marketing area.* "Philadelphia, Pennsylvania, milk marketing area", hereinafter called the "marketing area" means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line: Beginning at a point in the Pennsylvania State line at the northern boundary of the Lower Makefield township line in Bucks County, thence first westerly, thence southerly along said Lower Makefield township line to the Middletown township line; thence westerly and southerly along the Middletown township line to the Lower Southampton township line; thence northerly and thence westerly along the Lower Southampton township line to the Montgomery County line; thence northerly along the Montgomery County line to the Trenton cut-off of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin township line, thence along the southern and western boundaries of Upper Dublin township to the Whitemarsh township line; thence southerly along the Whitemarsh township line to the lower Merion township line; thence along the northern boundary of lower Merion township to the Delaware County line; thence northerly, westerly and southerly along the Delaware County line to the Pennsylvania State line; thence easterly and northerly along the Pennsylvania State line to the point of beginning.

§ 961.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 961.7 *Producer milk plant.* "Producer milk plant" means:

(a) A pasteurizing or bottling plant from which milk is disposed of during the month as Class I milk in the marketing area on routes (including routes operated by vendors), or through plant stores to retail or wholesale outlets (except other producer milk plants); or

(b) Any other plant from which milk in the form of products designated as Class I milk (not including certified milk) is supplied during the month to a pasteurizing or bottling plant described in paragraph (a) of this section, any part of which is allocated to Class I milk pursuant to § 961.47: *Provided*, That any such other plant shall not be included in this definition during any of the months of October, November, December and January in which shipments, any part of which is allocated to Class I milk, are made from the plant on less than 11 days during such month to such pasteurizing and bottling plant, or to a plant or plants supplying such pasteurizing or bottling plant unless such plant was a producer milk plant in at least four of the preceding months of February through September: *And provided further*, That all plants supplying milk to a pasteurizing or bottling plant(s) qualifying as a producer milk plant(s) under subparagraph (a) of this section and which are operated by one handler may be considered as a unit (system) upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any changes in designation, shall be furnished prior to the first day of the month to which the notice applies.

§ 961.8 *Nonproducer milk plant.* "Nonproducer milk plant" means any milk manufacturing, processing, bottling or distributing plant other than a producer milk plant.

§ 961.9 *Handler.* "Handler" means any person wherever located or operating, who engages in the handling of milk which is disposed of in the marketing area as milk, or skim milk.

§ 961.10 *Producer.* "Producer" means any person, except a producer-handler,

who produces milk which is received directly at a producer milk plant.

§ 961.11 *Producer-handler.* "Producer-handler" means any person who operates as his own personal enterprises both a dairy farm and a producer milk plant from which Class I milk is disposed of in the marketing area, but who receives no milk from producers.

§ 961.12 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 961.13 *Product pounds.* "Product pounds" means the total pounds of milk, skim milk, cream or butterfat including the skim milk equivalent of all concentrated milk products and other milk products in any form which enter into the accounting as a source of supply for a producer milk plant.

§ 961.14 *Other source milk.* "Other source milk" means all receipts from any source in the form of products designated as Class II pursuant to § 961.41 (b) which are reprocessed or converted to another product during the month and all receipts in the form of Class I products from any source other than producers and producer milk plants other than those operated by producer-handlers.

§ 961.15 *Certified milk.* Certified milk is milk which is produced, packaged and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Commissions.

MARKET ADMINISTRATOR

§ 961.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 961.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 961.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 961.85, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation and (3) all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(f) Publicly disclose to the handlers and producers, at his discretion, the name of any person who within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 961.30 and 961.31 or (2) payments pursuant to §§ 961.80 through 961.85;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers and handlers, general statistics and information concerning the operation of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handlers' records and the records of any other handler or person upon whose utilization the classification of milk and butterfat for such handler depends;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following:

(1) The 5th day of each month, the Class II price and the handler butterfat differential, both for the preceding month;

(2) The 15th day of the month preceding the start of each calendar quarter, the Class I price for such calendar quarter;

(3) The 15th day of each month, the uniform price for each handler computed pursuant to § 961.71, the utilization percentage for such handlers, and the differentials applicable pursuant to §§ 961.81 and 961.82 all for the preceding month; and

(4) The 15th day of each month the names and locations of all nonproducer milk plants which supplied milk or skim milk during the preceding month to a producer milk plant(s), any part of which milk or skim milk was allocated to Class I milk.

§ 961.30 *Reports of receipts and utilization.* On or before the 10th day after the end of each month, each handler, except a producer-handler, shall report for each of his producer milk plants for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) Receipts of producer milk (including such handler's own production);

(b) Receipts from other producer milk plant(s);

(c) Receipts of other source milk;

(d) The utilization of all milk, milk products and butterfat required to be reported pursuant to this section; and

(e) Inventories of milk and milk products on hand at the beginning and end of the month.

§ 961.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 25th day after the end of the month for each of his producer milk plants his producer payroll for such month which shall show for each producer, (i) his name and address, (ii) the total pounds of milk received from such producer, (iii) the average butterfat content of such milk, and (iv) the net amount of such handler's payment together with the price paid and the amount and nature of any deductions;

(2) His purchases, if any, of sweet cream showing the quantity and source of each such purchase and the cost thereof at Philadelphia;

(3) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received;

(4) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may prescribe; and

(5) Promptly after milk is first received from any producer, (i) the name and address of such producer, (ii) the date upon which such milk was first received, and (iii) the plant at which such milk was received.

§ 961.32 *Verification of reports.* Each handler shall permit the market administrator or his agent, or such other person as the Secretary may designate, during the usual hours of business, to (a) verify the information contained in reports submitted in accordance with this section and (b) weigh milk received from each producer and sample and test milk for butterfat.

§ 961.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are not longer necessary in connection therewith.

CLASSIFICATION

§ 961.40 *Milk to be classified.* All milk and milk products received within the month at producer milk plants and which is required to be reported pursuant to § 961.30 shall be classified by the market administrator pursuant to the provisions of §§ 961.41 through 961.47.

§ 961.41 *Classes of utilization.* Subject to the conditions set forth in §§ 961.43 through 961.45 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all milk and skim milk (including the milk or skim milk equivalent of concentrated milk, and of dry whole milk, condensed skim milk and nonfat dry milk used in reconstituting or fortifying any Class I product) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, or any mixture of milk, cream, or skim milk containing less than 18 percent butterfat (except sterilized products in hermetically sealed containers, ice cream mixes, ice milk mixes and eggnog) including such products which are: (1) Disposed of to retail establishments which dispose of milk both for fluid and other uses, (2) contained in inventory variations of milk and milk products designated as Class I milk, or (3) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all milk, skim milk and butterfat: (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) dumped or disposed of for livestock feed; (3) disposed of in bulk and used in soup, candy, bakery products or any other nondairy commercial food product; (4) contained in inventory variation of cream and (5) in actual plant shrinkage not in excess of 2 percent of the total pounds of producer milk received by handler at all of his producer milk plants; and (6) in shrinkage of other source milk.

§ 961.42 *Shrinkage.* The market administrator shall allocate shrinkage at the producer milk plant(s) of each handler as follows:

(a) Compute the shrinkage of product pounds of milk and butterfat;

(b) Allocate the resulting amounts pro rata to the handler(s) receipts of product pounds of milk and butterfat, respectively, in producer milk and in other source milk.

§ 961.43 *Responsibility of handlers and reclassification of milk.* (a) All milk, skim milk and butterfat required to be classified shall be Class I milk unless the handler who first receives such milk, skim milk and butterfat proves to the market administrator that such milk, skim milk and butterfat should be classified otherwise.

(b) Any milk, skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 961.44 *Transfers of milk.* Milk and skim milk containing less than 18 percent butterfat disposed of each month from a producer milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 961.41 (a) to a producer milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 961.30: *Provided*, That the milk or skim milk so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee handler after the allocation of receipts from plants subject to regulation under other Federal orders pursuant to subparagraph (6) of § 961.47 (a) and (b) and any additional amount of milk and skim milk shall be classified as Class I milk: *And provided further*, That if either or both handlers have received other source milk, the milk and skim milk so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 961.41 (a);

(c) As Class I milk if transferred in bulk to a nonproducer milk plant unless: (1) the handler claims a Class II utilization; (2) the buyer maintains books and records showing the utilization of all milk and skim milk at his plant which are made available if requested by the market administrator for the purpose of verification; and (3) not less than an equivalent amount of milk and skim milk was actually used as Class II milk in such buyer's plant.

§ 961.45 *Transfers of cream.* Cream containing 18 percent or more butterfat disposed of each month from a producer milk plant shall be classified: (a) as Class II milk if transferred to a producer milk plant of another handler: *Provided*, That the cream so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee handler after the allocation of receipts from plants subject to regulation under other Federal orders, pursuant to subparagraph (6) of § 961.47 (a) and (b) and any additional amounts of cream shall be classified as Class I milk; (b) as Class II milk if transferred to a producer-handler; and (c) as Class II milk if transferred to a nonproducer milk plant.

§ 961.46 *Computation of milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports of each handler submitted pursuant to § 961.30 and compute the total product pounds of milk and milk products and the pounds of butterfat respectively, in Class I milk and Class II milk in the producer milk plant(s) of such handler.

§ 961.47 *Allocation of milk, skim milk, and butterfat classified.* After making the computations pursuant to § 961.46 the market administrator shall determine the classification of producer milk for each handler as follows:

(a) The gross product pounds of milk and milk products classified shall be allocated in the following manner:

(1) Subtract from the total product pounds in Class II milk the product pounds in producer milk classified pursuant to § 961.41 (b) (5);

(2) Subtract from the remaining product pounds in Class II milk the total product pounds of milk and milk products in receipts from producer-handlers;

(3) Subtract from the total product pounds in Class I milk the product pounds of receipts of certified milk in packaged form;

(4) Subtract from the remaining product pounds in each class, in sequence beginning with Class II milk, the product pounds in receipts of other source milk in the form of cream containing 18 percent or more butterfat and the milk or skim milk equivalent of such receipts of concentrated and dried milk or skim milk utilized in a reconstituted or fortified product and other Class II products which are reprocessed during the month;

(5) Subtract from the remaining product pounds in Class II milk the product pounds in the form of Class I products received as other source milk (except from plants exempted from regulation pursuant to § 961.61);

(6) Subtract from the remaining product pounds in each class, in sequence, beginning with Class II milk, the product pounds in the form of Class I products received from plants subject to regulation under other Federal orders;

(7) Subtract from the product pounds remaining in each class the product pounds in receipts from producer milk plants of other handlers and assigned to such class pursuant to §§ 961.44 and 961.45: *Provided*, That if the product pounds of such receipts to be subtracted from Class II milk are greater than the remaining product pounds in such class, the balance shall be subtracted from the remaining product pounds of Class I milk;

(8) Add to the remaining product pounds in Class II milk the product pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) If the remaining product pounds in both classes exceeds the product pounds of producer milk, subtract such excess from the remaining product pounds in series beginning with Class II milk. Any amount so subtracted shall be known as overage.

(b) Butterfat shall be allocated under the same procedure outlined for gross product pounds in paragraph (a) of this section.

(c) Divide the pounds of butterfat in each class by the hundredweight of product pounds in such class to determine the weighted average butterfat content of each class.

MINIMUM PRICES

§ 961.50 *Class prices.* Except as set forth in § 961.53, each handler shall pay, at the time and in the manner set forth in § 961.80 for each hundredweight of milk containing 3.7 percent of butterfat received at his producer milk plant(s) during each month from producers or a cooperative association not less than the following prices, subject to the differentials set forth in §§ 961.51 and 961.52:

(a) *Class I milk.* For each month the price per hundredweight of Class I milk shall be the price computed pursuant to subparagraphs (1) through (8) of this paragraph.

(1) Compute an index of wholesale commodity prices by averaging the four latest weekly index figures of wholesale commodity prices published by the Bureau of Labor Statistics, United States Department of Labor, and convert the result to a 1936–1940 base period by dividing by 0.5108.

(2) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1936–1940 base period, by dividing by 0.01776 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service.

(3) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, in a 1936–1940 base period, by dividing the monthly index published by the Pennsylvania Federal-State Crop Reporting Service on a 1910–1914 base by 1.0915, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January, February, March	0.96
April, May, June	1.00
July, August, September	1.04
October, November, December	1.00

(4) Compute an index of prices paid for milk by 18 Midwest condenseries, using a 1936–40 base period, by dividing by 0.013945 the monthly average price paid by 18 Midwest condenseries as reported by the United States Department of Agriculture, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	1.02	July	0.97
February	1.02	August	1.00
March	1.01	September	1.00
April	0.99	October	1.00
May	0.98	November	1.02
June	0.96	December	1.03

(5) Compute an index of average daily pounds of Class I milk sold by all handlers during the previous month, except that milk which is moved to plants outside of New Jersey and Delaware from which no routes are operated in the marketing area, using a 1936–40 base period, by dividing the monthly figure by 16.640, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	0.98	July	0.99
February	0.99	August	0.99
March	1.00	September	1.04
April	0.99	October	1.05
May	0.98	November	1.02
June	0.98	December	0.99

(6) Divide the sum of the indexes calculated in subparagraphs (1) through (5) of this paragraph by 5. This figure shall be the formula index, and shall determine the Class I price for each calendar quarter in accordance with the following table, subject to the provisions of subparagraphs (7) and (8) of this paragraph. The price for each calendar quarter shall be determined by the index value calculated and announced in the month preceding the calendar quarter, in accordance with the bracket shown in the following table in which such index value is included, for if such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter.

CLASS I PRICE SCHEDULE—CLASS I PRICE PER HUNDREDWEIGHT

Formula index	Jan., Feb., Mar., July., Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
116.3–120.3	$3.29	$2.89	$3.69
124.1–128.1	3.49	3.09	3.89
131.9–135.9	3.69	3.29	4.09
139.6–143.6	3.89	3.49	4.29
147.4–151.4	4.09	3.69	4.49
155.2–159.2	4.29	3.89	4.69
163.0–167.0	4.49	4.09	4.89
170.8–174.8	4.69	4.29	5.09
178.5–182.5	4.89	4.49	5.29
186.3–190.3	5.09	4.69	5.49
194.1–198.1	5.29	4.89	5.69
201.9–205.9	5.49	5.09	5.89
209.7–213.7	5.69	5.29	6.09
217.5–221.5	5.89	5.49	6.29
225.2–229.2	6.09	5.69	6.49
233.0–237.0	6.29	5.89	6.69
240.8–244.8	6.49	6.09	6.89
248.6–252.6	6.69	6.29	7.09
256.4–260.4	6.89	6.49	7.29

If the formula index is more than 260.4, this table shall be extended at the same rate as in the three highest index brackets shown above.

(7) For any calendar quarter the Class I price shall be 40 cents more than the price prescribed in subparagraph (6) of this paragraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are less than 115 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year plus 80 cents.

(8) For any calendar quarter the Class I price shall be 40 cents less than the price prescribed in subparagraph (6) of this paragraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are more than 137 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount, which will result in a Class I price equal to the Class I price for the same quarter of the preceding year minus 80 cents.

(b) *Class II milk.* The price per hundredweight of Class II milk during each month shall be the sum of the values calculated by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph.

(1) *Butterfat.* Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00 and divide by 919: *Provided,* That such butterfat value shall not be less than 3.7 times 120 percent of the average of the daily wholesale selling price for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 18.0 cents.

(2) *Skim milk.* From the average of all the prices per pound for nonfat dry milk made by the roller process sold as "other brands" for human consumption in bags or barrels by carlots (using midpoint of any range as one quotation), published during such month in "Producer's Price Current", subtract 5 cents, multiply by .90 and multiply by 7.5.

§ 961.51 *Butterfat differential to handlers.* For milk containing more or less than 3.7 percent butterfat, the class prices for the month calculated pursuant to § 961.50 shall be increased or decreased, respectively, for each one-tenth of one percent variation in butterfat content by the amount calculated pursuant to § 961.50 (b) (1) divided by 37 and rounded to the nearest one-tenth cent.

§ 961.52 *Location differential to handlers*—(a) *Class I milk.* For that milk received from producers at a producer milk plant located 45 miles from City Hall in Philadelphia, Pennsylvania, by shortest highway distance as determined by the market administrator, and classified as Class I milk, the Class I price set forth in § 961.50 (a) shall be reduced 23 cents per hundredweight plus one and one-half cent for each additional 10 miles distance, or fraction thereof, which such plant is located from City Hall in Philadelphia: *Provided,* That for purpose of calculating such location differential, in the case of a handler who operates multiple producer milk plants as a system, the Class I utilization allocated to producer receipts pursuant to § 961.47 shall be assigned first to producer receipts at the plant located nearest the City Hall in Philadelphia and any remaining Class I utilization shall be assigned to the remaining plants in the system, in sequence, beginning with the plant next nearest the City Hall in Philadelphia.

(b) *Class II milk.* For that milk received from producers at a producer milk plant located 45–70 miles from City Hall in Philadelphia, Pennsylvania, by shortest highway distance, as determined by the market administrator, and classified as Class II milk, the Class II price set forth in § 961.50 (b) shall be reduced 5 cents per hundredweight plus one cent for each additional 70 miles distance, or

fraction thereof, which such plant is located from City Hall in Philadelphia.

§ 961.53 *Class I milk disposed of in the New York marketing area.* The price to be paid by handlers for Class I milk disposed of in the New York metropolitan milk marketing area shall be the Class I–A price computed pursuant to the New York-New Jersey order less such payment as is required on such milk pursuant to the New York-New Jersey order.

§ 961.54 *Equivalent prices or indexes.* If for any reason a price or index specified by this order for use in computing class prices or other purposes is not reported or published in the manner described in this order, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 961.60 *Handlers who receive no milk from producers.* Sections 961.40 through 961.47, 961.50 through 961.53, 961.70 through 961.71 and 961.80 through 961.85 shall not apply to a producer-handler nor to a handler whose sole source of milk supply consists of receipts from other producer milk plants.

§ 961.61 *Plants subject to other Federal orders.* A plant specified in paragraphs (a), (b) or (c) of this section shall be exempt from regulation under this order except that the operator thereof shall, with respect to total receipts and utilization at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to §§ 961.30 through 961.31) and allow verification of such reports by the market administrator.

(a) Any distributing or supply plant which disposes of Class I milk in the marketing area but which is a fully regulated plant under the New York Federal order.

(b) Any other distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except producer milk plants) in the Philadelphia marketing area than in the marketing area regulated pursuant to such other order.

(c) Any other supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant disposes of a greater volume of Class I milk to producer milk plants under the Philadelphia order than to plants distributing in the marketing area regulated pursuant to such other order.

DETERMINATION OF UNIFORM PRICES

§ 961.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his producer milk plant(s) each month shall be the sum of money computed by the market administrator as follows:

(a) Multiply the total hundredweight of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 961.47 (a) (11) and (b) by the applicable class price; and

(d) Add or subtract as the case may be the amount necessary to correct errors discovered by the market administrator in the verification of such handler of his receipts and utilization of milk for the previous month.

§ 961.71 *Computation of uniform prices for handlers.* For each month the market administrator shall compute a uniform price for the producer milk receipts received by each handler as follows:

(a) Add to the amount computed pursuant to § 961.70 the total of the location differential deductions applicable pursuant to § 961.82;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 3.7 percent an amount computed by multiplying such difference by the butterfat differential to producers computed pursuant to § 961.81 and multiplying the result by the total hundredweight of producer milk;

(c) Add any amount computed pursuant to § 961.83 as a result of Grade A sales in excess of the milk received from designated Grade A producers;

(d) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price for such handler for the preceding month;

(e) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 3.7 butterfat content, f. o. b. market.

PAYMENTS

§ 961.80 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested in writing by the cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section:

(a) On or before the last day of each month each handler shall make payment for milk received during the first 15 days of such month at not less than such handler's estimate of his uniform price per hundredweight but in no event less than the price per hundredweight for Class II milk for the preceding month.

(b) On or before the 20th day after each month each handler shall make payment for milk received during such month at not less than the uniform price per hundredweight computed for such handler pursuant to § 961.71, subject to the butterfat differential computed pursuant to § 961.81, the location differential computed pursuant to §961.82 and Grade A premiums in § 961.83 less proper deductions authorized in writing by such producers and less payment made pursuant to paragraph (a) of this section.

(c) On or before the 20th day of each month each handler shall pay a cooperative association which is a handler, with respect to milk, skim milk and cream received by him from a producer milk plant operated by such cooperative association not less than an amount computed by multiplying the minimum prices in each class subject to butterfat differential computed pursuant to § 961.51 and the location differential of the buying handler computed pursuant to § 961.52 by the hundredweight of such milk in each class.

§ 961.81 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 961.80 shall be increased or decreased, for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.7 percent, respectively, at a rate determined by dividing by 37 the butterfat value computed pursuant to § 961.50 (b) (1) and rounded to the nearest full cent.

§ 961.82 *Location differential to producers.* In making payments to producers pursuant to § 961.80, the applicable uniform prices to be paid for producer milk received at a producer milk plant located at least 45 miles from the City Hall in Philadelphia, Pennsylvania, by shortest highway distance as determined by the market administrator, shall be reduced 23 cents plus one and one-half cent for each additional 10 miles distance, or fraction thereof, which such plant is located from the City Hall in Philadelphia.

§ 961.83 *Premium for Grade A milk.* In addition to the uniform price and all other payments required pursuant to §§ 961.80 through 961.82 each handler shall pay for milk, which he has designated as qualified under the Commonwealth of Pennsylvania Department of Health or the New Jersey Department of Health requirements for sale as Grade A milk and which is delivered to a plant similarly qualified (so long as such requirements are in effect as a separate grade), 40 cents per hundredweight of Grade A milk received from producers of 10,000 bacteria or less per c. c. and 25 cents per hundred weight of Grade A milk received from producers of more than 10,000 but less than 25,000 bacteria, times the ratio of such milk sold as Grade A either in fluid form or as products manufactured from Grade A milk to the total quantity of Grade A milk received from producers: *Provided,* That in addition to the above payments each handler shall add to the value of his milk computed pursuant to § 961.70, 40 cents per hundredweight of milk sold by a handler as Grade A in excess of the milk received from designated Grade A producers for whom the handler has maintained adequate laboratory records which

qualify such producers for the 40-cent or 25-cent premiums described in this section.

§ 961.84 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclosed errors resulting in money due a producer or the market administrator, from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 961.85 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 20th day after the end of the month for such month 2 cents per hundredweight, or such amount not exceeding 2 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk including such handler's own production, and (b) receipts of milk from nonproducer milk plants which is classified as Class I milk.

§ 961.86 *Termination of obligations.* The provisions of the section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 961.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 961.91.

§ 961.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 961.92 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 961.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 961.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 961.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 23d day of August 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-7060; Filed, Aug. 27, 1957; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF SODIUM DEHYDROACETATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 65 parts per million for residues of sodium dehydroacetate, as dehydroacetic acid, in or on strawberries, from post-harvest application.

The analytical method proposed in the petition for determining residues of sodium dehydroacetate, as dehydroacetic acid, is as follows: The fruit sample is mashed, if necessary, and is extracted with chloroform. The chloroform is re-extracted with 0.5 *N* sodium hydroxide, which is acidified and diluted to a known volume. The concentration of dehydroacetic acid in the solution is determined by measurement of its optical density in the ultraviolet spectrum at 307 mμ. An additional measurement at 360 mμ permits correction for certain other extractable compounds. (Reference: Journal of Pharmacology and Experimental Therapeutics, Volume 99, Page 84 (1950).)

Dated: August 22, 1957.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 57-7039; Filed, Aug. 27, 1957; 8:47 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF *O,O*-DIETHYL O-(2-ISOPROPYL-4-METHYL-6-PYRIMIDINYL)-PROSPHOROTHIOATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Geigy Agricultural Chemicals, P. O. Box 430, Yonkers, New York, proposing the establishment of tolerances of 0.75 part per million for residues of *O,O-diethyl O*-(2-isopropyl-4-methyl-6-pyrimidinyl)-phosphorothioate in or on the following raw agricultural commodities: Broccoli, cabbage, cauliflower, sweet corn, tomatoes.

The analytical methods proposed in the petition for determining residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl)-phosphorothioate are the methods described in the FEDERAL REGISTER of March 21, 1957 (22 F. R. 1889).

Dated: August 22, 1957.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 57-7040; Filed, Aug. 27, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 43]

[Docket No. 12141; FCC 57-941]

PRACTICE AND PROCEDURE; REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

ANNUAL REPORT FORM M FOR CLASS A AND CLASS B TELEPHONE COMPANIES

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission, on September 19, 1956, adopted amendments to Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of its rules with respect to accounting for station apparatus, station installations and station wiring. These amendments were adopted to become effective January 1, 1958. However, any company that desired to do so could place the amendments into effect as of January 1, 1957.

3. In view of the foregoing, it is believed necessary to change certain schedules in Annual Report Form M, effective with the 1957 reporting year, in order to coordinate the report form with the new accounting requirements. It is also believed that, because of the accounting changes, certain additional information, which is incorporated in the proposed new schedules 58A and 58B, should be included in the report. Particulars with respect to the proposed changes and the reasons therefor are included with respect to each schedule.

4. The proposed changes in Form M and the primary reasons therefor follow:

(a) *Schedule 12A, Analysis of Telephone Plant Accounts.* Delete lines 9, 10, 11 and 12 reading respectively, "232 Station installations," "233 Drop and block wires," "234 Private branch exchanges," and "235 Booths and special fittings"; insert new lines 9 and 10 reading respectively, "232 Station connections" and "234 Large private branch exchanges"; and renumber remaining lines and references thereto in accordance with the foregoing changes. These changes are proposed in order to conform the plant account titles to the new prescribed accounts.

(b) *Schedule 12B, Analysis of Credits for Telephone Plant Retired.* Delete line 3, captioned "605 Repairs of station equipment," and line 4, captioned "607 Station removals and changes," and renumber the remaining lines of the schedule accordingly. Change instruction 4 so that line references therein correspond with new line references of the schedule. These changes are made necessary by the aforementioned amendments, one of which eliminated the provision that certain retirements of drop or block wires should be charged to account 605, and by the deletion of account 607 from the expense accounts.

(c) *Schedule 14A, Analysis of Entries in Depreciation Reserve (Account 171).* In order to conform to the new list of depreciable accounts, delete lines 5 and 6 of columns (a) and (k) captioned respectively, "234 Private branch exchanges" and "235 Booths and special fittings," and substitute in lieu thereof "232 Station connections" and "234 Large private branch exchanges," respectively.

On the second page of schedule 14A, delete the footnote at the bottom of the schedule reading "[1] Included in account 607, 'Station removals and changes'" and also the symbol "[1]" on line 4 in column (r) referring thereto. These changes are necessary since account 607 has been deleted and the cost of removal of station apparatus, under the revised accounting, is chargeable to the depreciation reserve, but is associated with the retirement of the station connections.

(d) *Schedule 14B, Theoretical Depreciation Reserve Study.* In order to conform to the new list of depreciable accounts, delete lines 5 and 6 captioned, respectively, "234 Private branch exchanges" and "235 Booths and special fittings" and substitute in lieu thereof new lines 5 and 6, captioned "232 Station connections" and "234 Large private branch exchanges," respectively.

(e) *Schedule 14C, Bases of Charges for Depreciation.* Make the same changes as indicated for schedule 14B in (d), above.

(f) *Schedule 35, Operating Expenses.* Delete line 15 of the schedule reading "607 Station removals and changes" as this account has been deleted under the revised accounting. Renumber the remaining lines and make corresponding changes in the references to line numbers on the lines showing group totals and the grand total.

Change the instruction to read, "Class B companies may use only lines 10, 11 to 23, inclusive, 26, 33, 36, 37, 45, 50, 51, 58, 61 and 62." Deletion of line 15, account 607 makes this change necessary.

(g) *Schedule 52, Telephones in Service.* Insert new column (t) under the subheading "Company Telephones Classified by Type of Customer," captioned "Coin." It is believed that this type of telephone is of sufficient importance and its characteristics differ so substantially as to justify separate reporting. Coin telephones have previously been reported as business telephones. The insertion of new column (t) will require the redesignating of present columns (t) through (w) to become (u) through (x).

Delete old column (x) "Left in Telephones," since an analysis of such data is proposed to be incorporated in new schedule 58A.

In instruction 2, preceding the words "changes from" add the word "and"; delete the parentheses from around "such as from a 'Main telephone' to a 'P. B. X. telephone' "; insert a period; and delete the remainder of the sentence. These changes are being proposed for editorial purposes and because of the new simplified method of field reporting adopted by many companies in connection with station apparatus inward and outward movements, whereby only physical changes will be considered as inward or outward movements.

In instruction 3, make the same changes as indicated for instruction 2, above.

In instruction 4, delete the word "to" preceding the words "changes of customers" and also delete the words "(as supersedures)." The first change is editorial and the second is to coordinate instruction 4 with the revisions in instructions 2 and 3.

Delete instruction 5 since old column (x), to which it relates, is proposed to be deleted from this schedule and included in schedule 58A.

(h) *Schedule 58A, Stations Left in Place.* It is proposed to add this new schedule showing by classes the number of disconnected telephones (excluding temporary suspensions) which had not been removed from the former customers' premises. In previous reports a single column giving the total left-in telephones was included as column (x) of schedule 52. It is believed that there are sufficient differences of regulatory significance in residence, business and coin stations to warrant reporting the number of left-in stations of each type. The columns proposed for inclusion in the schedule are as follows:

Column (a), State or territory;
A caption over-riding columns (b), (c), (d) and (e) reading Number at End of the Year;
Column (b), Business;
Column (c), Coin;
Column (d), Residential; and
Column (e), Total.

The proposed instruction for the schedule reads as follows:

Report the number of disconnected telephones (excluding temporary suspensions) of the respective classes which

had not been removed from the former customers' premises.

(i) *Schedule 58B, Station Apparatus in Stock.* It is proposed to add this new schedule showing the number of items in stock of three of the principal types of station apparatus, namely, telephones, teletypewriters and radiotelephones. These items, except for certain semi-obsolete types, are, under the new accounting regulations, included in account 231, "Station apparatus," when held in stock. They were formerly included in account 122, "Material and supplies." Note E to § 31.231 of the system of accounts, as revised, requires that an annual inventory be taken of all telephones in stock that are included in that account and it is believed that fairly substantial quantities of teletypewriters and radiotelephones may also be included therein by some companies. It is believed of sufficient regulatory and statistical value that the quantities of such items in stock should be reported. Data reportable on line 2 of the schedule, relating to station apparatus included in account 122, "Material and supplies," are deemed of sufficient significance that if any items are so included the quantity thereof should be reported. The columns proposed for inclusion in this schedule are as follows:

Column (a), Particulars;
A caption over-riding columns (b), (c) and (d) reading Number at End of the Year;
Column (b), Telephones;
Column (c), Teletypewriters; and
Column (d), Mobile Radiotelephones.
Line 1, Column (a) reads: Included in account 231, Station apparatus.
Line 2, column (a) reads: Included in account 122, Material and supplies.

The proposed instructions for this schedule reads as follows:

1. Report in column (d) number of transmitter-receiver combinations and separate receivers.

2. Report on line 1 the number of units of the respective types, other than those in service or "left in place," included in account 231, "Station apparatus."

3. Report on line 2 the number of units of the respective types, included in account 122, "Material and supplies," in accordance with the provisions of Note D to § 31.231 of the Commission's rules, which reads as follows: "Items of station apparatus in stock for which no further use in the ordinary conduct of the business is contemplated, but which as a precautionary measure, are held for possible future contingencies instead of being junked, shall be excluded from this account and included in account 122, 'Material and supplies' ".

(j) The Table of Contents and the Index will be revised to include appropriate references to proposed new schedules 58A and 58B.

5. It is contemplated that the annual report form for 1957, only, will contain copies of both the proposed revised schedules 12A, 12B, 14A, 14B, 14C and 35 and those that are being superseded in order that companies which did not exercise the option of adopting the new accounting as of January 1, 1957, may conveniently report under the old accounting requirements. Commencing with the report form for 1958, the superseded schedules will, of course, be deleted inasmuch as the revised accounting will then be mandatory. Schedule 52, only in its revised form, will be included in the 1957 report form. Schedules 58A and 58B will be included but schedule 58B will not be used by respondents who did not adopt the new accounting January 1, 1957.

6. This Notice of Proposed Rule Making is issued under authority of sections 4 (i) and 219 of the Communications Act of 1934, as amended. Report Form M is prescribed by § 43.21 of Part 43 (Reports of Communications Carriers) and § 1.544 of Part 1 (Practice and Procedure) of the Commission's rules.

7. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before September 30, 1957, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within ten days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: August 23, 1957.

Released: August 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7053; Filed, Aug. 27, 1957; 8:50 a. m.]

FEDERAL HOME LOAN BANK BOARD

[24 CFR Parts 144, 145]

[No. 10,989]

CHARTER AND BYLAWS AND OPERATIONS

PROPOSED AMENDMENTS RELATING TO THRIFT INCENTIVE AND INVESTMENT INCENTIVE

AUGUST 22, 1957.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), it is hereby proposed that, pursuant to section 5 (a), 48 Stat. 132, as amended (12 U. S. C. 1464 (a)), Part 144 and Part 145 of the rules and regulations for the Federal Savings and Loan System (24 CFR Parts 144, 145) be amended by amendments the substance of which is as follows:

The rules and regulations for the Federal Savings and Loan System are hereby amended as follows:

1. By adding to Part 145, immediately after § 145.3, three new sections to be numbered 145.3–1, 145.3–2, and 145.3–3 and to read as follows:

§ 145.3–1 *Thrift incentive and investment incentive*—(a) *General provisions.* The board of directors of a Federal association which has a charter not inconsistent with the provisions of this section and of §§ 145.3–2 and 145.3–3 and which has the bylaw provision set forth in § 144.6–1 of this subchapter may, by resolution, obligate the association to pay a bonus in the form of the thrift incentive set forth in § 145.3–2 or the investment incentive set forth in § 145.3–3, or both. References in this part to thrift incentive shall mean the thrift incentive set forth in § 145.3–2 and references in this part to investment incentive shall mean the investment incentive set forth in § 145.3–3.

(b) *Exclusiveness of provisions.* No account shall receive a thrift incentive or an investment incentive for or with respect to any period during which, or during any part of which, such account is subject to any bonus plan (other than the thrift incentive and the investment incentive) under any provision of this part or under any provision of the charter of the association. No account shall receive an investment incentive for or with respect to any period as to which it is eligible to receive a thrift incentive.

(c) *Effect of redemption.* Total redemption of an account by the association prior to the time for crediting or payment of the first thrift incentive or the first investment incentive, or after the dividend period in which the account is eligible for crediting or payment of such first incentive but prior to the time for crediting or payment of the first thrift incentive of the second stage or the first investment incentive of the second stage, shall automatically accelerate such time to the dividend period in which such redemption occurs, and in any such case the amount of the incentive so accelerated shall be calculated as if such redemption had occurred immediately after the close of the dividend period in which such redemption occurs. Partial redemption of an account by an association at any time shall be disregarded for all purposes of the thrift incentive or the investment incentive except the determination of the amount of such incentive, and for the purpose of such determination any such partial redemption shall be deemed to have occurred immediately after the close of the dividend period in which such partial redemption occurs. As used in this paragraph, the term "redemption" includes the taking by the association of such action toward redemption as terminates the right of the holder of the account to participate in distributions of earnings of the association with respect to the account or a part of the account.

§ 145.3–2 *Thrift incentive*—(a) *Accounts eligible for thrift incentive.* An account eligible for the thrift incentive shall be an account with respect to which the holder has made to the association a statement in writing of intent to qualify for the thrift incentive and upon which there have been made only regular, periodic payments, on a weekly, bi-weekly, semimonthly, or monthly basis, the amount of which shall be the amount of the first payment (which payment shall not be less than $5.00 and shall be made simultaneously with the making of such statement), continuously thereafter without any delay of more than 60 days in the making of any payment and without any prepayment of more than 6 months, and without the withdrawal of any part of the amount of the payments made on such account.

(b) *Rate of thrift incentive.* The rate of the thrift incentive for the first stage shall be one-fourth of 1 percent per annum or such lower rate as shall have been most recently specified for such stage of the thrift incentive by action of the association's board of directors in force at the time when such statement is made. The rate of the thrift incentive for the second stage shall be one-half of 1 percent per annum or such lower rate, not less than the rate for the first stage of the thrift incentive, as shall have been most recently specified for the second stage of the thrift incentive by action of the association's board of directors in force at the time such statement is made.

(c) *Calculation and payment or crediting of thrift incentive.* The thrift incentive for a dividend period shall be calculated on the same basis and in the same manner as if it were a dividend at the same rate for such dividend period. The first thrift incentive shall be credited to the account (or paid, if directed by the holder of the account) as if it were, in total, a dividend with respect to the dividend period in which there occurs the third anniversary of the making of such statement and shall apply to that period and all prior dividend periods of the first stage, and any subsequent thrift incentive of the first stage shall be credited to the account (or paid, if directed by the holder) as if it were a periodic dividend. The first thrift incentive of the second stage shall be credited to the account (or paid, if directed by the holder of the account) as if it were, in total, a dividend with respect to the dividend period in which there occurs the seventh anniversary of the making of such statement and, if the rate for the second stage is greater than the rate for the first stage, it shall, to the extent of the excess of the former rate over the latter rate, apply also to all dividend periods of the first stage, and any subsequent thrift incentive of the second stage shall be credited to the account (or paid, if directed by the holder) as if it were a periodic dividend.

(d) *Definitions.* As used in this section, and as used in § 145.3–1 with respect to the thrift incentive—

(1) The term "first stage" shall mean all dividend periods beginning with the dividend period in which there occurs the making of the statement referred to in paragraph (a) of this section and ending with the dividend period immediately prior to the first dividend period of the second stage.

(2) The term "second stage" shall mean all dividend periods beginning with the dividend period in which there occurs the seventh anniversary of the making of such statement.

(3) The term "dividend period" shall mean any of the following: (i) A period of six months ending on June 30 or December 31 and not including such a quarter-year as is mentioned in subdivisions (ii) or (iii) of this subparagraph; (ii) a quarter-year so ending or ending on March 31 or September 30 with respect to which the association actually makes a distribution of earnings on a quarterly basis; (iii) a quarter-year ending on June 30 or December 31 which immediately follows such a quarter-year as is described in subdivision (ii) of this subparagraph.

§ 145.3–3 *Investment incentive*—(a) *Accounts eligible for investment incentive.* An account eligible for the investment incentive shall be an account with respect to which the holder has made to the association a statement in writing of intent to qualify for the investment incentive and which has and continuously has had, beginning with the making of such statement, a balance of at least $500.

(b) *Rate of investment incentive.* The rate of the investment incentive for the first stage shall be one-fourth of 1 percent per annum or such lower rate as shall have been most recently specified for such stage of the investment incentive by action of the association's board of directors in force at the time when such statement is made. The rate of the investment incentive for the second stage shall be one-half of 1 percent per annum or such lower rate, not less than the rate for the first stage of the investment incentive, as shall have been most recently specified for the second stage of the investment incentive by action of the association's board of directors in force at the time such statement is made.

(c) *Calculation and payment or crediting of investment incentive.* The investment incentive for a dividend period shall be calculated on the same basis and in the same manner as if it were a dividend at the same rate for such dividend period. The investment incentive for a dividend period during the first stage shall be calculated as if the lowest actual balance of the account of not less than $500 during the three years ending at the close of the date as of which such investment incentive is calculated had been the highest balance thereof during such three years. The first investment incentive shall be credited to the account (or paid, if directed by the holder of the account) as if it were, in total, a dividend with respect to the dividend period in which there occurs the third anniversary of the making of such statement, and shall apply to that period and all prior dividend periods of the first stage, and any subsequent investment incentive of the first stage shall be credited to the account (or paid, if directed by the holder) as if it were a periodic dividend.

The investment incentive for a dividend period during the second stage shall consist of (1) an investment incentive at the rate for the first stage, calculated as if such investment incentive were an investment incentive for a dividend period during the first stage, and (2), if the rate of the investment incentive for the second stage is greater than the rate of the investment incentive for the first stage, an investment incentive at a rate equal to the excess of the former rate over the latter rate, calculated as if the lowest actual balance of the account of not less than $500 during the seven years ending at the close of the date as of which the investment incentive is calculated had been the highest balance thereof during such seven years. The first investment incentive of the second stage shall be credited to the account (or paid, if directed by the holder of the account) as if it were, in total a dividend with respect to the dividend period in which there occurs the seventh anniversary of the making of such statement, and, if the rate for the second stage is greater than the rate for the first stage, it shall, to the extent of the excess of the former rate over the latter rate, also apply to all dividend periods of the first stage, calculated as if the lowest actual balance of the account of not less than $500 during the first stage had been the highest balance thereof during said stage, and any subsequent investment incentive of the second stage shall be credited to the account (or paid, if directed by the holder), as if it were a periodic dividend.

(d) *Definitions.* As used in this section, and as used in § 145.3–1 with respect to the investment incentive—

(1) The term "first stage" shall mean all dividend periods beginning with the dividend period in which there occurs the making of the statement referred to in paragraph (a) of this section and ending with the dividend period immediately prior to the first dividend period of the second stage.

(2) The term "second stage" shall mean all dividend periods beginning with the dividend period in which there occurs the seventh anniversary of the making of such statement.

(3) The term "dividend period" shall have the same meaning as in § 145.3–2.

2. By adding to Part 144 a new section to be numbered § 144.6–1 and to read as follows:

§ 144.6–1 *Additional amendment to bylaws.* This section constitutes approval by the Board of the following amendment to the bylaws of any Federal association which has a charter not inconsistent with the provisions of §§ 145.3–1, 145.3–2, and 145.3–3 of this subchapter, upon the valid adoption of such amendment by such association's directors or members as provided in its bylaws, effective when so adopted: "If so provided by resolution of its board of directors, the association may be obligated to pay a bonus in the form of the thrift incentive set forth in the rules and regulations made by the Federal Home Loan Bank Board, or in the form

of the investment incentive set forth in the rules and regulations made by the Federal Home Loan Bank Board, or both."

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue, Northwest, Washington 25, D. C., not later than September 30, 1957, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F. R. Doc. 57-7049; Filed, Aug. 27, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 20, 1957.

The United States Department of State has filed an application, Serial No. New Mexico 029882, for the withdrawal of lands described below, from all forms of appropriation, including the general mining and mineral leasing laws.

The applicant desires the land for use as a rock, sand, and gravel pit in connection with the Rio Grande Canalization Project.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 1 E.,
Sec. 29, NW¼NW¼;
Sec. 30, N½NE¼.

The area described aggregates 120 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 57-7029; Filed, Aug. 27, 1957; 8:45 a. m.]

UTAH

AIR NAVIGATION FACILITIES WITHDRAWAL

AUGUST 20, 1957.

By virtue of the authority vested in the Secretary, Department of the Interior, by section 4 of the Act of May 24, 1928 (49 U. S. C. Sec. 214) and pursuant to the authority delegated to the Director, Bureau of Land Management, Order No. 2583 of August 16, 1950, as amended, and redelegated by Order No. 541 of April 21, 1954 (19 F. R. 2473), as amended, it is ordered as follows:

Subject to valid existing rights, the following described public lands in Carbon County, Utah, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except grazing leases under the Act of June 28, 1934 (48 Stat. 1269), as amended, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, as an air navigation facilities site:

SALT LAKE MERIDIAN

T. 13 S., R. 14 E.
Sec. 33: SE¼SE¼.

Containing 40 acres.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-7031; Filed, Aug. 27, 1957; 8:46 a. m.]

UTAH

NOTICE FOR FILING OBJECTIONS TO AIR NAVIGATION FACILITIES WITHDRAWAL

AUGUST 20, 1957.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain lands may file their objections in duplicate in the office of the State Supervisor, Bureau of Land Management, Federal Building, P. O. Box 777, Salt Lake City, Utah. If any objections are filed and the nature of the opposition is such as to warrant, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents can explain the purpose, intent and extent of the withdrawal. Should any objection be filed, whether or not a hearing is held, notice of the determination as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-7032; Filed, Aug. 27, 1957; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Fish and Wildlife Service has filed an application, Serial No. Anchorage 033318, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and mineral leasing laws. The applicant desires the land for Warehouse and Marine Ways site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CORDOVA AREA

Beginning at the northeasterly corner of Lot 4 of Block 4 of U. S. Survey 1383 located along the southwesterly boundary of Forestry Way; thence:
S. 83°22' E. 75.00 feet;
S. 22°30' W. 75.64 feet;
N. 83°30' W. 75.05 feet;
N. 22°30' E. 75.82 feet to the Point of Beginning and designated on the official plat of survey as "Forestry Service Marine Way Site Reserve", containing 5,463 square feet.

JOHN E. BURT, JR.,
Acting Operations Supervisor,
Anchorage.

[F. R. Doc. 57-7052; Filed, Aug. 27, 1957; 8:50 a. m.]

Office of the Secretary

[70316]

MONTANA

RESTORING LANDS TO TRIBAL OWNERSHIP OF BLACKFEET TRIBE OF INDIANS

Whereas, pursuant to authority contained in the act of Congress approved March 1, 1907 (34 Stat. 1015, 1039), certain townsites were established within the Blackfeet Indian Reservation, Montana, and

Whereas, there are certain undisposed of lands within the Townsite of Browning which are desired by the Indians and for which there appears to be no public demand, and

Whereas, the Tribal Council and the Commissioner of Indian Affairs have recommended restoration of the lands involved to tribal ownership:

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 463a), I hereby find that the restoration to tribal ownership of the lands listed below will be in the public interest and the said lands are hereby restored to tribal ownership for the use and benefit of the Blackfeet Indian Reservation, Montana, and are added to and made a part of the existing reservation, subject to any valid existing rights:

BROWNING TOWNSITE

A tract of land formerly surveyed and identified as Lot 7, Block 7, Plat of the Townsite of Browning, Montana, approved December 6, 1909.

The departmental order of September 30, 1912, which withdrew lands for reclamation purposes, is hereby revoked so far as it affects the above-described lands.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 22, 1957.

[F. R. Doc. 57-7033; Filed, Aug. 27, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11786, 11787; FCC 57 M-797]

WEST SHORE BROADCASTING CO. AND WESTPORT BROADCASTING CO.

ORDER CANCELLING HEARING CONFERENCE

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; for construction permits.

On the oral request of all parties: *It is ordered*, This 21st day of August 1957, that the further conference now scheduled for September 3, 1957, is canceled.

Released: August 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7054; Filed, Aug. 27, 1957; 8:50 a. m.]

[Docket No. 11953; FCC 57M-794]

WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING HEARING

In the matter of the Western Union Telegraph Company, Docket No. 11953; complaint and petition for new and revised divisions of charges for the landline handling of international message telegraph traffic.

It Is Ordered, This 21st day of August 1957, on the Hearing Examiner's own motion, that the hearing in the above-styled proceeding which was adjourned on July 19, 1957, to a date to be set by subsequent order, is hereby scheduled to be held in the offices of the Commission, Washington, D. C., at 10:00 a. m., September 4, 1957.

Released: August 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7055; Filed, Aug. 27, 1957; 8:50 a. m.]

[Docket Nos. 12049, 12050; FCC 57M-792]

JEFFERSON RADIO CO. AND BESSEMER BROADCASTING CO., INC. (WBCO)

ORDER SCHEDULING PREHEARING CONFERENCE AND CONTINUING HEARING

In re applications of W. D. Frink, tr/as Jefferson Radio Company, Irondale, Alabama, Docket No. 12049, File No. BP-10672; The Bessemer Broadcasting Company, Incorporated (WBCO), Bessemer, Alabama, Docket No. 12050, File No. BP-10886; for construction permits.

The Acting Chief Hearing Examiner, in the absence of the hearing examiner designated to preside in the above-entitled proceeding, having under consideration the Motion for Continuance filed on August 14, 1957, by The Bessemer Broadcasting Company, Incorporated, requesting that a pre-hearing conference be scheduled for September 24, 1957, and that the hearing date be continued for an indefinite period to a date to be selected at the pre-hearing conference;

It appearing that good and sufficient reason exists why said Motion for Continuance should be granted;

It further appearing that counsel for all parties to the proceeding have agreed to this Motion for Continuance and to a waiver of § 1.745 of the Commission's rules;

It is ordered, This 19th day of August 1957, that the Motion for Continuance be, and it is hereby, granted; that the pre-hearing conference is scheduled for September 24, 1957, in the Commission's offices in Washington, D. C., at 10 o'clock a. m.; and the hearing herein is continued for an indefinite period to a date to be selected at said pre-hearing conference.

Relcased: August 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7056; Filed, Aug. 27, 1957; 8:51 a. m.]

[Docket Nos. 12122, 12123; FCC 57M-799]

NORTHERN ALLEGHENY BROADCASTING CO. AND ROBERT H. SAUBER

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Northern Allegheny Broadcasting Company, Union City, Pennsylvania, Docket No. 12122, File No. BP-10802; Robert H. Sauber, Franklin, Pennsylvania, Docket No. 12123, File No. BP-10998; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding:

It is ordered, This 22d day of August 1957, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., September 11, 1957.

Released: August 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7057; Filed, Aug. 27, 1957; 8:51 a. m.]

[Docket Nos. 12126, 12127; FCC 57M-800]

GOLD COAST BROADCASTING CO. AND PUBLIC SERVICE BROADCASTING

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Garland C. Burt and Sam C. Phillips, d/b as Gold Coast Broadcasting Company, Lake Worth, Florida, Docket No. 12126, File No. BP-11005; Robert Hecksher, tr/as Public Service Broadcasting, Riviera Beach, Florida, Docket No. 12127, File No. BP-11256; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding:

It is ordered, This 22d day of August 1957, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules at the Commission's offices in Washington, D. C., at 2:30 p. m., September 11, 1957.

Released: August 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7058; Filed, Aug. 27, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11608 etc.]

CARTER OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 21, 1957.

In the matters of The Carter Oil Company, Docket No. G-11608; Mobley and

Stephens, Operator, et al.,[1] Docket No. G–11757; Amerada Petroleum Corporation, Docket No. G–11759; Sunray Mid-Continent Oil Company, Docket No. G–11760; Chas. A. Daubert, Operator, et al.,[2] Docket No. G–11761; Frank E. Kirkpatrick, Jr., Docket No. G–11763; Gulf Oil Corporation,[3] Docket No. G–11764; Getty Oil Company, Operator,[4] Docket No. G–11767; John W. Coyle, Jr., Operator, et al.,[5] Docket No. G–11769; The Atlantic Refining Company,[6] Docket No. G–11786; Bass and Vessels et al.,[7] Docket No. G–11788; Mayfield Corporation, Docket No. G–11805; Cities Service Oil Company, Docket Nos. G–11838, G–12163; N. V. Kinsey, Docket No. G–11839; Gulf Oil Corporation, Docket No. G–12049; Sun Oil Company, Operator, et al.,[8] Docket No. G–12148; Riley Gas Company, by Cecil B. Dean, Agent,[9] Docket No. G–12152; Naoma Oil and Gas Company, Docket No. G–12161; The Atlantic Refining Company, Docket Nos. G–12164, G–12170, G–12318; Wood River Oil & Refining Company, Inc., Operator, et al.,[10] Docket No. G–12165; Akron Gasoline Company, Operator,[11] Docket No. G–12172; Champlin Oil & Refining Company, Docket No. G–12173; The Texas Company, Docket Nos. G–12179, G–12244, G–12317; Harkins & Company, Operator, et al.,[12] Docket No. G–12184; Keating Drilling Company, Operator, et al.,[13] Docket No. G–12255; S. H. Fagadau, Docket No. G–12256; Skelly Oil Company, Operator,[14] Docket No. G–12257; Graham-Michaelis Drilling Company,[15] Docket No. G–12258; Kerr-McGee Oil Industries, Inc., Docket No. G–12260; The British-American Oil Producing Company, Docket No. G–12262; Continental Oil Company, Docket No. G–12265; Pan American Petroleum Corporation, Operator,[16] Docket No. G–12273; J. M. Huber Corporation,[17] Docket No. G–12278; J. M. Huber Corporation,[18] Docket No. G–12279; Moran Bros., Inc., Docket No. G–12289; Hayes Brothers Drilling Company,[19] Docket No. G–12291; Ashland Oil & Refining Company, Docket No. G–12309; Woodley Petroleum Company, Docket No. G–12320.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G–; Location of Field; and Buyer

11608; Enns Area, Texas County, Oklahoma; Panhandle Eastern Pipe Line Company.

11757; Metcalf Field, Caddo Parish, Louisiana; Arkansas Louisiana Gas Company.

11759; Hugoton Field, Kearney County, Kansas; Cities Service Gas Company.

11760; Burnell Field, Karnes County Texas; United Gas Pipe Line Company.

11761; Alfred Field, Jim Wells County, Texas; Alfred Production Company.

11763; East Blackwell Field, Kay County, Oklahoma; Cities Service Gas Company.

11764; Southeast Camrick Field, Texas County, Oklahoma; Natural Gas Pipeline Company of America.

11767; Bilneberry-Tubb Field, Lea County, New Mexico; Permian Basin Pipeline Company.

11769; South Hunter Area, Garfield County, Oklahoma; Consolidated Gas Utilities Corporation.

11786; Sharon Field, Barber County, Kansas; Cities Service Gas Company.

11788; N. E. Starr County Field, Starr County, Texas; Tennessee Gas Transmission Company.

11805; Joaquin Field, Shelby County, Texas; Southern Natural Gas Company.

11838; Belpre Field, Edwards County, Kansas; Northern Natural Gas Company.

11839; Greenwood-Waskom Field, Caddo Parish, Louisiana; United Gas Pipe Line Company.

12049; North Hansford Field, Hansford County, Texas; Northern Natural Gas Company.

12148; Yoyard Field, Bee County, Texas; Texas Eastern Transmission Corporation.

12152; Triadelphia District, Logan County, West Virginia; Hope Natural Gas Company.

12161; Appalachian Field, Clearfield County, Pennsylvania; United Natural Gas Company.

12163; Permian Basin Field, Lea County, New Mexico; Permian Basin Pipeline Company.

12164; Langlie-Mattix Field, Lea County, New Mexico; El Paso Natural Gas Company.

12165; Blanco-Mesa Verde Field, San Juan County, New Mexico; El Paso Natural Gas Company.

12170; Northeast Norman Field, Cleveland County, Oklahoma; Cities Service Gas Company.

12172; Battle Canyon Field, Weld County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

12173; Hugoton Field, Haskell County, Kansas; Northern Natural Gas Company.

12179; South Cabeza Creek Field, Goliad County, Texas; Texas Eastern Transmission Corporation.

12184; Piedre Lumbre (Wilcox) Field, Duval County, Texas; Tennessee Gas Transmission Company.

12244; N. E. Waynoka Field, Woods County, Oklahoma; Cities Service Gas Company.

12255, 12260; Mocane Field, Beaver County, Oklahoma; Colorado Interstate Gas Company.

12256; Panhandle Field, Hutchinson County, Texas; Shamrock Oil and Gas Company.

12257; Hugoton Field, Finney County, Kansas; Colorado Interstate Gas Company.

12258; Acreage in Ford County, Kansas; Northern Natural Gas Company.

12262; Mt. Hope Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

12265; Keystone McKee Field, Winkler County, Texas; El Paso Natural Gas Company.

12273; Blanco and Aztec Fields, San Juan County, New Mexico; El Paso Natural Gas Company.

12278; Richfield Field, Morton County, Kansas; Panhandle Eastern Pipe Line Company.

12279; Hugoton Field, Morton County, Kansas; Cities Service Gas Company.

12289; Hugoton Field, Sherman County, Texas; Phillips Petroleum Company.

12291; Acreage in Floyd County, Kentucky; Kentucky West Virginia Gas Company.

12309; Acreage in Clark County, Kansas; Northern Natural Gas Company.

12317; Blackwell East Field, Kay County, Oklahoma; Frank E. Kirkpatrick, Jr.

12318; S. E. Eureka Area, Grant County, Oklahoma; Cities Service Gas Company.

12320; Bakke Field, Andrews County, Texas; El Paso Natural Gas Company.

Said applications are on file with the Commission and open for public inspection.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 23, 1957, at 9:30 a. m. (e. d. s. t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 16, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[1] Mobley and Stephens, Operator, a partnership composed of O. B. Mobley, Jr., Joseph J. Stephens, Robert Winthrop, Henry G. Davis and C. S. McCain, Jr., is filing for its interest and on behalf of the following nonoperators: Gilbert S. Johnson, Jr., and Lewis Gottlieb. The individual parties comprising the partnership of Mobley and Stephens are all signatory seller parties to the gas sales contract dated November 5, 1956.

[2] Chas. A. Daubert, Operator, is filing for himself and lists as a portion of the rate schedule filings the names and percentages of interest of the following nonoperators: Mrs. Louise Hays (Executrix of the R. S. Hays Estate), Leonard R. Sayres, Harry O'Shea, J. K. Stark, Roy Smith, David N. Sosland (Trustee), Don Danvers, Claude Hamill and Elmer H. Dolch. All of the above-mentioned parties except Elmer H. Dolch are signatory seller parties to the gas sales contract dated December 21, 1956. The contractual relationship of Elmer H. Dolch is not stated.

[3] Gulf Oil Corporation is filing for its interest in a 640-acre gas unit located in S½, T2N, R19ECM, Texas Co., Oklahoma, and is a signatory seller party to a ratification agreement dated November 16, 1956, of a basic contract between The Texas Company and Natural Gas Pipeline Company of America dated February 21, 1955, as amended. Purchaser has also signed the above-mentioned ratification agreement.

[4] Tidewater Oil Company is filing as agent for the Getty Oil Company, Operator. The application lists the following owners of working interests: Getty Oil Company, Operator, and The Ohio Oil Company. Getty is the only signatory seller party to the gas sales contract dated December 31, 1956.

[5] John W. Coyle, Jr., Operator, is filing for himself and on behalf of the following nonoperators: R. S. Bowers and Eugene and Julia Jordan. All are signatory seller parties to the gas sales contract dated January 9, 1957.

[6] Application covers proposed sale under an amendatory agreement dated December 27, 1956, which adds additional acreage to basic contract dated July 5, 1955. Applicant authorized in Docket No. G–9393 covering basic contract.

[7] Bass & Vessels, a partnership consisting of Howard L. Bass, T. E. Vessels, Tom Vessels, Jr., is filing for itself and as agent for the following parties: G. W. Pirtle, John Wrather, T. W. George, F. O. Penn, Joseph T. P. Sullivan, Henry C. Beck, Thomas A. Wright, Charles Ridgway, J. A. Reeder, J. S. Hudnall, Katherine Ryan, Leland Rhine, George H. Coates, McLendon Investment Corp., Forrest & Cotton by T. C. Forrest and James A. Cotton; David G. Baird, Robert B. Baird and Marion Baird Neville. All of the above-mentioned parties are signatory seller parties to the gas sales contract dated July 12, 1956.

[8] Sun Oil Company, Operator, is filing for its 87.844 percent interest in the R. E. Wolter lease and as operator lists the 12.156 percent nonoperating working interest of Slick Oil Corporation. Both are signatory seller parties to the gas sales contract dated December 18, 1956.

[9] Cecil B. Dean is filing for himself and as Attorney-in Fact for 33 additional parties, d. b. a. Riley Gas Company, a partnership, and is the sole signatory seller party to the gas sales contract dated February 4, 1957.

[10] Wood River Oil & Refining Co., Inc., Operator, is filing for itself and for nonoperator, Claude R. Lambe. Both are signatory seller parties to the amendatory agreement dated March 1, 1957, which adds additional acreage to a basic sales contract dated July 6, 1953, as amended. In addition, Operator lists the purchaser, El Paso, as the owner of a 25 percent nonoperating working interest in the Wright #2 Unit. Production is limited to horizons down to the base of the Pictured Cliffs Formation.

[11] Akron Gasoline Company, operator and owner of a natural gas processing plant, is filing for itself and on behalf of the following producers from whom it purchases casinghead gas: Pan American Petroleum Corporation, Shell Oil Company and Lowell J. Williamson. The above-named producers are paid a percentage of the revenues derived from the sale of residue gas.

[12] Harkins & Company, Operator, is filing for itself and on behalf of 8 nonoperators listed, together with the percentage of working interest of each, in the application. All are signatory seller parties to the gas sales contract dated January 19, 1957.

[13] Keating Drilling Company, Operator, is filing for itself and as operator lists in the application 8 nonoperators, together with the percentage of interest of each. All coowners are signatory seller parties to the gas sales contract dated January 30, 1957.

[14] Skelly Oil Company, Operator, is filing for its 50 percent interest in the D. R. Lightner Unit and lists Graham-Michaelis Drilling Company, Nonoperator, as owner of 25 percent working interest, which company has negotiated a separate gas sales contract for the disposition of its share of the gas. Skelly Oil Company is the owner of the remaining 25 percent working interest in this unit, which, however, is dedicated by prior contract to Kansas-Nebraska Natural Gas Company, Inc. The subject application covers the proposed sale of Skelly's 50 percent interest in production from the above-mentioned unit to Colorado Interstate under an amendatory agreement dated February 19, 1957, which adds additional acreage to a basic contract dated October 23, 1951, as amended.

[15] Graham-Michaelis Drilling Company is a partnership composed of William L. Graham, Marjorie Lois Graham and W. A. Michaelis, Jr. Each member of the partnership is a signatory seller party to the gas sales contract dated March 1, 1957.

[16] Pan American Petroleum Corporation (formerly Stanolind Oil and Gas Company), Operator, is filing for itself and on behalf of all nonoperators who do not negotiate separate gas sales contracts for the disposition of their proportionate shares of the production. Pan American Petroleum Corporation is the only signatory seller party to the gas sales contract dated March 13, 1957.

[17] J. M. Huber Corporation, Nonoperator, is filing for its 18.75 percent interest in the Lemon "E" Gas Unit and is the only signatory seller party to the gas sales contract dated February 15, 1957.

[18] J. M. Huber Corporation, Nonoperator, is filing for its 18.75 percent interest in the Lemon "E" Gas Unit, production from which is proposed to be sold under an amendatory agreement dated March 15, 1957, which adds additional acreage to a basic contract dated November 10, 1953, as amended.

[19] Hayes Brothers Drilling Company is a partnership composed of Hobart Hayes and Clarence Hayes who are both signatory seller parties to the gas sales contract dated March 25, 1957.

[F. R. Doc. 57–7004; Filed, Aug. 27, 1957; 8:45 a. m.]

[Docket No. E–6771]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

AUGUST 22, 1957.

Take notice that on August 19, 1957, an application was filed with the Federal Power Commission pursuant to Section 204 of the Federal Power Act by Gulf States Utilities Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of $17,000,000 of First Mortgage Bonds, Series due October 1, 1987. Applicant proposes to issue the aforesaid $17,000,000 of First Mortgage Bonds under and pursuant to the provisions of a Trust Indenture, dated September 1, 1926 from the Applicant to The Hanover Bank, Trustee as supplemented, including the Supplemental Trust Indenture to be dated as of October 1, 1957. Applicant proposes to sell the $17,000,000 of First Mortgage Bonds at competitive bidding. The proceeds from the sale of the First Mortgage Bonds will be used initially to reimburse the treasury of Applicant in part for construction expenditures heretofore made and to enable Applicant to pay off approximately $16,000,000 of short-term notes expected to be outstanding as of the date of issuance of the aforesaid First Mortgage Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 10th day of September 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–7036; Filed, Aug. 27, 1957; 8:47 a. m.]

[Docket No. G–13099]

T. J. AHERN ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 22, 1957.

T. J. Ahern et al. (Ahern) on July 25, 1957, tendered for filing a proposed change in the presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge,[2] is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Illinois Natural Gas Pipe Line Company.
Rate schedule designation: Supplement No. 5 to Ahern's FPC Gas Rate Schedule No. 2.
Effective date: [3] September 1, 1957.

The only support of the proposed rate increase submitted by Ahern consists of references to the pertinent price provisions of the rate schedule.

A prior proposed (three step) periodic increase to 15.74976 cents per Mcf was suspended by the Commission in Docket No. G–11140 until February 27, 1957. Ahern has not filed a motion to place the suspended rate in effect, and has given no reason for his failure to do so.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof de-

[1] Rate is 15 cents per Mcf, plus applicable taxes to September 1, 1954, with yearly periodic increases of 0.2 cent per Mcf (plus applicable taxes).

[2] The proposed increase covers the first four steps from 15.0 cents to 15.8 cents, plus applicable taxes.

[3] The stated effective date is the effective date proposed by Ahern.

ferred until February 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7034; Filed, Aug. 27, 1957; 8:46 a. m.]

[Docket No. G-13100]

WARREN PETROLEUM CORP. ET AL.

ORDER PERMITTING RATE FILING, PROVIDING FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 22, 1957.

Warren Petroleum Corporation (Operator), et al., (Warren) on July 24, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 22, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 6 to Warren's FPC Gas Rate Schedule No. 31.

Effective date: [2] August 24, 1957.

In support of the proposed favored-nations rate increase,[3] Warren states that the contract resulted from arm's-length bargaining and the price agreed upon at that time gave consideration to gas quality and delivery pressure, it being agreed that the portion of liquid values retained by El Paso Natural Gas Company (El Paso) offset the costs of upgrading the residue gas to pipeline requirements. Warren also states that because the contract was for a long term (20 years) that the favored-nations clause was inserted as a protection against inflation. In substantiation that inflation has occurred since the time of contract negotiation in 1953, Warren cites figures indicating that the proposed rate (exclusive of tax reimbursement) is about 9.54 cents per Mcf in terms of 1953 purchasing power.

Warren is the operator of the properties from which the gas is sold and is the only signatory seller. The only other co-owner is Pan American Petroleum Corporation (Pan American) which owns a 25 percent interest in the production from two of the four leases covered by the rate schedule. Pan American does not have a separate contract for the sale of its gas, but has specifically requested Warren to refrain from filing for Pan American. Consequently, Warren is only filing for its interest and requests that the requirements of § 154.91 (b) of the Commission's regulations under the Natural Gas Act relating to the filing by an operater for all party sellers be waived with respect to its proposed change in rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that the requirements of § 154.91 (b) of the Commission's regulations under the Natural Gas Act relating to the filing by an operator for all party sellers be waived with respect to Supplement No. 6 to Warren's FPC Gas Rate Schedule No. 31, and that Warren be permitted to make the rate filing.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The requirements of § 154.91 (b) of the Commission's regulations under the Natural Gas Act is hereby waived with respect to Supplement No. 6 to Warren's FPC Gas Rate Schedule No. 31 be and it is hereby permitted to be filed.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 24, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7035; Filed, Aug. 27, 1957; 8:46 a. m.]

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[1] Commissioner Digby dissenting.

[2] The stated effective date is the first day after expiration of the required thirty days' notice.

[3] The increase has been actuated by the spiral escalation rate increase of 15.05 percent of Phillips Petroleum Company for sales in the Permian Basin to El Paso. That increase was suspended in Docket No. G-11217, and made effective subject to refund on March 11, 1957.

INTERSTATE COMMERCE COMMISSION

[Notice 179]

MOTOR CARRIER APPLICATIONS

AUGUST 23, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time (or 9:30 o'clock a. m., local Daylight Saving Time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 239 (Sub No. 20), filed July 22, 1957, ECKLAR-MOORE EXPRESS, INC., U. S. Highway 62, Cynthiana, Ky. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between Florence, Ky., and Louisville, Ky., from Florence over U. S. Highway 42 to Louisville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and Louisville, Ky., and between Cincinnati, Ohio, and Frankfort, Ky. Applicant is authorized to transport similar commodities in Kentucky and Ohio.

HEARING: September 27, 1957, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 105.

No. MC 531 (Sub No. 81), filed July 29, 1957, YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415 Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, and *acids* and *chemicals*, not limited to Appendix XV of Ex Parte MC-45 or the definition in the Maxwell case, in bulk, in tank, multiple cylinder, hopper, vacuum and other type vehicles, between points in Texas and Louisiana within 100 miles of Shreveport, La., on the one hand, and, on the other, points in Arizona, California, Colorado, Indiana, Iowa, Kansas, Missouri, Illinois, Kentucky, Minnesota, Nebraska, Nevada, North Carolina, South Carolina, Virginia, South Dakota, Tennessee, West Virginia, Utah, Wisconsin, Alabama, Georgia, Florida, New York, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, and Michigan.

NOTE: Applicant seeks no duplicating authority.

HEARING: October 14, 1957, at the Jung Hotel, New Orleans, La., before Examiner Michael Driscoll.

No. MC 531 (Sub No. 83), filed July 29, 1957, YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from points in Louisiana on and south of U. S. Highway 190 to points in Alabama, Tennessee, Georgia, Florida, Arkansas, Mississippi, South Carolina, North Carolina, Kentucky, Missouri, Oklahoma, New Mexico, Kansas, Colorado, and Texas.

NOTE: Applicant seeks no duplicating authority.

HEARING: October 14, 1957, at the Jung Hotel, New Orleans, La., before Examiner Michael Driscoll.

No. MC 531 (Sub No. 85), filed July 29, 1957, YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating, transformer and petroleum oils*, in bulk, in tank vehicles, (1) from points in Louisiana to points in Alabama, Arkansas, Georgia, Missouri, Mississippi, Tennessee, North Carolina, Florida, South Carolina, Kentucky, New Mexico and Oklahoma; and (2) from points in Texas on and east of U. S. Highway 75 to points in Alabama, Mississippi, Arkansas, Georgia, Missouri, Tennessee, Florida, South Carolina, North Carolina, Kentucky, New Mexico, and Oklahoma.

NOTE: Applicant seeks no duplicating authority.

HEARING: October 14, 1957, at the Jung Hotel, New Orleans, La., before Examiner Michael Driscoll.

No. MC 1649 (Sub No. 62), filed July 31, 1957, RAILWAY EXPRESS MOTOR TRANSPORT, INCORPORATED, 1003 North Meridian Street, Indianapolis, Ind. Applicant's attorney: O. R. Livinghouse, Legal Committee, Indiana Railroads, 617 Bankers Trust Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *commodities of unusual value, Class A and B explosives, commodities in bulk*, and *those requiring special equipment*, but excluding household goods as defined by the Commission, moving in express service, between Crawfordsville, Ind., and Indianapolis, Ind., as follows: From Crawfordsville over Indiana Highway 43 to Greencastle, Ind., thence over Stilesville Road to junction U. S. Highway 40, a distance of approximately eleven (11) miles, thence over U. S. Highway 40 to Indianapolis, and return over the same route, serving all intermediate points, including Greencastle, Ind. Applicant is authorized to transport General commodities, over regular and irregular routes, in Indiana. RESTRICTION: The service authorized herein is subject to the following conditions: (a) The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service; (b) Shipments transported by said carrier shall be limited to those moving on a through bill of lading on express receipt, covering in addition to a motor-carrier movement by said carrier an immediately prior or immediately subsequent movement by rail, motor, or air; and (c) Such further specific conditions as the Commission may, in the future, find it necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, express service.

NOTE: The portion of the above route, between junction U. S. Highway 36 and Indiana Highway 43 and Greencastle, Ind., over Indiana Highway 43, is now held by applicant under Certificate No. MC 1649 (Sub No. 37), dated October 8, 1947, and applicant states that the proposed operation will be in connection with said Certificate. Applicant states that no duplicate authority is requested.

HEARING: October 2, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 72.

No. MC 2229 (Sub No. 84), filed April 15, 1957, RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Texarkana, Ark.-Tex., and Ida, La., over U. S. Highway 71, a distance of approximately 34 miles, serving no intermediate points, and serving no new points not now being served by applicant, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, and Texas.

HEARING: October 7, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 153, or, if the Joint Board waives its right to participate, before Examiner Michael Driscoll.

No. MC 2941 (Sub No. 12), filed July 1, 1957, C. & E. TRUCKING CORPORATION, 1311 South Olive Street, South Bend 19, Ind. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Packinghouse products, fresh meat* and *groceries*, in refrigerated equipment, between points in Indiana, Illinois (except Chicago) and those in the lower peninsula of Michigan on and north of a line beginning at Benton Harbor and extending along U. S. Highway 12 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to Port Huron. Applicant is authorized to transport similar commodities in Illinois, Indiana, and Michigan.

HEARING: October 8, 1957, at Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 5649 (Sub No. 23), filed August 6, 1957, KULP AND GORDON, INC., 370 Hall Street, Phoenixville, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Returned structural steel, equipment, materials and supplies*, which have been used in the erection or installation of bridges at construction sites, from points in Connecticut, Rhode Island, Massachusetts, Maine, and Washington, D. C., to Phoenixville, Pa.

NOTE: Applicant's attorney states that the above requested authority will be subject to the condition that the authority granted shall not be joinder or tacked with any presently held authority for the purpose of performing through service. Applicant is authorized to conduct operations in Pennsylvania, Maryland, New Jersey, New York, Delaware, Virginia, and the District of Columbia.

HEARING: October 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 8681 (Sub No. 55), filed June 20, 1957, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, except trailers, in truckaway and driveaway service, in secondary movements, between points in Oregon, on the one hand, and, on the other, points in California, Colorado, Idaho, Montana, Nevada, Utah, Washington, and Wyoming; and between points in California, on the one hand, and, on the other, points in Montana. Applicant is authorized to conduct operations in Michigan, Nevada, Colorado, Wyoming, Idaho, Washington, California, Utah, Missouri, Arizona, New Mexico, Oregon, Iowa, and Kansas.

HEARING: October 2, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner F. Roy Linn.

No. MC 8681 (Sub No. 56), filed July 19, 1957, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street., Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, except trailers, in truckaway and driveaway service, in secondary movements, and *damaged shipments* of motor

vehicles and *shipments of the above described units to be returned to the factory for repairing*, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 17, 1957, at the Jung Hotel, New Orleans, La., before Examiner Michael Driscoll.

No. MC 10761 (Sub No. 68), filed July 22, 1957, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Ave., Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except loose bulk commodities, livestock, explosives, exoept small arms ammunition, currency bullion, commodities that are contaminating as injurious to other lading, and commodities exceeding ordinary equipment and loading facilities, between Fort Wayne, Ind., and Bryan, Ohio: from Fort Wayne over U. S. Highway 24 to junction U. S. Highway 127, and thence over U. S. Highway 127 to Bryan, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route authority (1) between Detroit, Mich., and Indianapolis, Ind., and (2) between Chicago, Ill., and Cleveland, Ohio, in its Certificate No. MC 10761.

HEARING: October 1, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 60.

No. MC 15977 (Sub No. 1), filed July 11, 1957, MILLER BEARD, doing business as MILLER BEARD'S TRUCK LINE, R. F. D. No. 2, Box 86, Alexandria, La. Applicant's attorney: Lamar Polk, 715 Johnston Street, Alexandria, La. For authority to operate as a *contract carrier*, over regular routes, transporting: *Paper bags, plain wrapping paper,* and *newsprint paper,* and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, (1) between Elizabeth, La., and Lake Charles, La., from Elizabeth over Louisiana Highway 10 to Oakdale, La., thence over U. S. Highway 165 to junction U. S. Highway 90, thence over U. S. Highway 90 to Lake Charles, and return over the same route, serving no intermediate points, and (2) between Lake Charles, La., and Shreveport, La., over U. S. Highway 171, serving no intermediate points; and *White sugar,* and *empty containers or other such incidental facilities* (not specified) used in transporting white sugar, (1) between Labadieville, La., and Houma, La., from Labadieville over Louisiana Highway 1 to junction Louisiana Highway 24, thence over Louisiana Highway 24 to Houma, and return over the same route, serving no intermediate points, and (2) between Labadieville, La., and New Orleans, La., from Labadieville over Louisiana Highway 1 to junction U. S. Highway 90, thence over U. S. Highway 90 to New Orleans, and return over the same route, serving no intermediate points.

HEARING: October 9, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner Michael Driscoll.

No. MC 17793 (Sub No. 13), filed July 5, 1957, FOSTER FREIGHT LINES, INC., 1240 South Holt Road, Indianapolis, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M. C. C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Louisville, Ky., and Dayton, Ohio; From Louisville over U. S. Highway 31E to its junction with Indiana Highway 62, thence over Indiana Highway 62 to its junction with Indiana Highway 107, thence over Indiana Highway 107 to its junction with U. S. Highway 421, thence over U. S. Highway 421 to its junction with U. S. Highway 50, thence over U. S. Highway 50 to its junction with Ohio Highway 128, thence over Ohio Highway 128 to its junction with Ohio Highway 4, thence over Ohio Highway 4 to its junction with Ohio Highway 73, thence over Ohio Highway 73 to its junction with U. S. Highway 25, thence over U. S. Highway 25 to Dayton, and return over the same route, serving no intermediate points as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (1) between Louisville, Ky., and Chicago, Ill., and (2) between Chicago, Ill., and Cincinnati, Ohio. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Missouri, and Ohio.

HEARING: September 30, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 208.

No. MC 21571 (Sub No. 20), filed June 28, 1957, SCHERER FREIGHT LINES, INC., 424 West Madison Street, Ottawa, Ill. Applicant's attorney: Robert L. Levy, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between junction U. S. Highway 6 and Illinois Highway 88 and Peoria, Ill., from junction U. S. Highway 6 and Illinois Highway 88 over Illinois Highway 88 to Peoria, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between (a) Chicago, Ill., and Peoria, Ill., (b) Indiana-Illinois State line and junction U. S. Highways 51 and 52, (c) Kewanee, Ill., and Princeton, Ill.; and (2) between Rockford, Ill., and junction Illinois Highway 173 and U. S. Highway 45, from Rockford over Illinois Highway 173 to junction U. S. Highway 45 and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between (a) Chicago, Ill., and Peoria., Ill., (b) Mendota, Ill., and Milwaukee, Wis., (c) Chicago, Ill., and Milwaukee, Wis. Applicant is authorized to conduct similar operations in Illinois, Indiana, Missouri, and Wisconsin. Applicant is a contract carrier and holds Permit No. MC 115738. Dual operations under section 210 may be involved.

HEARING: October 3, 1957, at Room 852, U. S. Court House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 29647 (Sub No. 26), filed August 2, 1957, CHARLTON BROS. TRANSPORTATION COMPANY, INC., 552 Jefferson Street, P. O. Box 1097, Hagerstown, Md. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Oils*, other than petroleum, in bulk, from Baltimore, Md., to Berlin, Pa. Applicant is authorized to conduct similar operations over regular routes in Maryland, Pennsylvania, Virginia, and West Virginia, and other irregular routes in Maryland, Pennsylvania, and West Virginia.

HEARING: October 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 29955 (Sub No. 11), filed May 1, 1957, ENGLAND BROS. TRUCK LINE, a corporation, 300–322 North Second Street, Fort Smith, Ark. Applicant's attorney: Lee Reeder, 10th Floor, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Dallas, Tex., and Little Rock, Ark., over U. S. Highway 67, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (1) between Dallas., Tex., and Broken Bow, Okla., (2) between Fort Smith, Ark., and Hugo, Okla., and (3) between Fort Smith, Ark., and Memphis, Tenn. RESTRICTION: The above-described authority is restricted against service between Texarkana, Tex.-Ark., on the one hand, and, on the other, Sherman and Dallas, Tex. Applicant is authorized to transport similar commodities in Arkansas, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: October 4, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Joint Board No. 152, or, if the Joint Board waives its right to participate, before Examiner Michael Driscoll.

No. MC 35088 (Sub No. 1), filed April 5, 1957, R. T. GILL, JR., 530 Deckbar Avenue, New Orleans, La. Applicant's attorney: Lamar Polk, 715 Johnson Street, Alexandria, La. For authority to operate as a *contract carrier*, over

irregular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Louisiana and Natchez, Miss., and also, *roofing materials*, from Natchez, Miss., to points in Louisiana.

HEARING: October 8, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Michael Driscoll.

No. MC 40302 (Sub No. 25), filed August 6, 1957, FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Terre Haute, Ind., and East St. Louis, Ill., over U. S. Highway 40, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Detroit, Mich., and Evansville, Ind., and between St. Louis, Mo., and Vincennes, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio.

HEARING: October 2, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 21.

No. MC 42487 (Sub No. 342), filed August 5, 1957, CONSOLIDATED FREIGHTWAYS, INC., 2116 NW. Savier Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh and frozen foods, including but not limited to fresh and frozen fruits and vegetables, juices and concentrates, foods processed preparatory to freezing and canning and commodities requiring refrigeration*, and *empty containers* used in transporting the commodities specified, between points in Washington, Oregon and California. Applicant is authorized to conduct similar operations in Arizona, California, Idaho, Illinois, Indiana, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming.

HEARING: September 9, 1957, in Room 400, U. S. Court House, Fifth and Madison Streets, Seattle, Wash., before Joint Board No. 5.

No. MC 52858 (Sub No. 64), filed May 20, 1957, CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks,* and *busses*, except commercial trailers, in secondary movements, in truckaway service, from points in Oregon, Washington and Idaho, to points in North Dakota and Minnesota. Applicant is authorized to conduct similar operations in Oregon, Washington, Idaho, Montana, California, Nevada, Utah, Wyoming, North Dakota, New Mexico, Arizona, Colorado, South Dakota, and Nebraska.

HEARING: October 1, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner F. Roy Linn.

No. MC 55236 (Sub No. 31), filed July 3, 1957, OLSON TRANSPORTATION COMPANY, a Corporation, P. O. Box 1187, Green Bay, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from points in Indiana located in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M. C. C. 673, to Fox River Grove, Ill., and *rejected and damaged shipments* of the above-specified commodity on return.

HEARING: October 8, 1957, at Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 58923 (Sub No. 28), filed May 20, 1957, GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta 15, Ga. Applicant's attorney: Allen Post, 1220 First National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Ellaville, Ga., and junction U. S. Highways 19 and 80, from Ellaville over U. S. Highway 19 to junction U. S. Highway 80, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Americus and Columbus, Ga., and between Macon and Columbus, Ga. Applicant is authorized to transport similar commodities in Georgia and Tennessee.

HEARING: September 30, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 101.

No. MC 58923 (Sub No. 29), filed May 20, 1957, GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta 15, Ga. Applicant's attorney: Allen Post, 1220 First National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (1) between junction Georgia Highways 41 and 103 near Buena Vista, Ga., and junction Georgia Highways 41 and 80 near Geneva, Ga., over Georgia Highway 41, with no service at intermediate points not now authorized to be served, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Americus and Columbus, Ga., and between Macon and Columbus, Ga., and (2) between junction Georgia Highways 41 and 80 at Talbottom, Ga., and junction Georgia Highways 41 and 85 near Manchester, Ga., over Georgia Highway 41, with no service at intermediate points not now authorized to be served, and serving the junction Georgia Highways 41 and 85 for the purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized operations over a regular route between Macon and Columbus, Ga., and over an alternate route between Hapeville and Columbus, Ga. Applicant is authorized to transport similar commodities in Georgia and Tennessee.

HEARING: September 30, 1957, at the Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 101.

No. MC 60393 (Sub No. 13), filed June 3, 1957, CENTRAL TRANSFER COMPANY, a Corporation, 2118 South Griswold Street, Peoria, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Bloomington, Ill., and Chicago, Ill., over U. S. Highway 66, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (1) between Peoria, Ill., and Chicago, Ill., and (2) between Peoria, Ill., and Bloomington, Ill. Applicant is authorized to transport similar commodities in Illinois and Iowa.

NOTE: Duplication with present authority to be eliminated.

HEARING: October 8, 1957, at Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 68618 (Sub No. 25), filed August 5, 1957, LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh and frozen foods*, including, but not limited to fresh and frozen fruits and vegetables, juices and concentrates, foods processed preparatory to freezing and canning and commodities requiring refrigeration, and *empty containers* used in transporting the commodities specified, between points in Washington, Oregon, and California. Applicant is authorized to conduct operations in California, Oregon, and Washington.

HEARING: September 9, 1957, in Room 400, U. S. Court House, Fifth and Madison Streets, Seattle, Wash., before Joint Board No. 5.

No. MC 71096 (Sub No. 30), filed June 24, 1957, NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and

B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Benton Harbor, Mich., and Niles, Mich., from Benton Harbor over U. S. Highway 31 to Niles, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between (a) Benton Harbor, Mich., and Toledo, Ohio, (b) South Bend, Ind., and junction U. S. Highway 12 and Michigan Highway 40, near Lake Cora, Mich., (c) alternate route operations between Mottville, Mich., and junction U. S. Highways 112 and 12, and (d) alternate route operations between Jackson, Mich., and Niles, Mich. Applicant is authorized to conduct similar operations in Illinois, Indiana, Michigan, Ohio, and Pennsylvania.

HEARING: October 9, 1957, at the Olds Hotel, at Lansing, Mich., before Joint Board No. 76.

No. MC 72140 (Sub No. 37), filed June 19, 1957, SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Brush Beryllium Company plant located near the intersection of Ohio Highways 105 and 590 (near Elmore, Ottawa County, Ohio), as an off-route point in connection with applicant's authorized regular route operations between Toledo, Ohio and Sandusky, Ohio and between Toledo, Ohio and Cleveland, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

HEARING: September 25, 1957, at the New Post Office Building, at Columbus, Ohio, before Joint Board No. 117.

No. MC 80430 (Sub No. 87), filed May 17, 1957, GATEWAY TRANSPORTATION CO., a Corporation, 2130 South Avenue, La Crosse, Wis. Applicant's attorney: Joseph E. Ludden, P. O. Box 85, La Crosse, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over the following alternate routes for operating convenience only, with no service at intermediate points or off-route points or any points not already authorized in applicant's Certificates, and serving the termini as points of joinder only with no service at any points not presently authorized, (1) between junction U. S. Highways 20 and 33 near Elkhart, Ind., and junction U. S. Highways 33 and 6 near Ligonier, Ind., from junction U. S. Highways 20 and 33 near Elkhart over U. S. Highway 33 to junction U. S. Highway 6 near Ligonier, and return over the same route, in connection with applicant's authorized regular route operations between Chicago, Ill., and Akron, Ohio, and between Chicago, Ill., and Sandusky, Ohio; (2) between junction U. S. Highways 6 and 27 and junction U. S. Highways 27 and 30 at Fort Wayne, Ind., from junction U. S. Highways 6 and 27 over U. S. Highway 27 to junction U. S. Highway 30 at Fort Wayne, and return over the same route, in connection with applicant's authorized regular route operations between Chicago, Ill., and Sandusky, Ohio, and between Chicago, Ill., and Youngstown, Ohio; (3) between Fort Wayne, Ind., and junction Ohio Highway 69 and U. S. Highway 224, west of Findlay, Ohio, from Fort Wayne over U. S. Highway 24 to junction Indiana Highway 14 at New Haven, Ind., thence over Indiana Highway 14 to the Indiana-Ohio State line, thence over Ohio Highway 113 to junction Ohio Highway 69, thence over Ohio Highway 69 to junction U. S. Highway 224, west of Findlay, and return over the same route, in connection with applicant's authorized regular route operations between Chicago, Ill., and Youngstown, Ohio, and between Bryan and Youngstown, Ohio; (4) between Toledo, Ohio, and junction U. S. Highways 68 and 30–S at Kenton, Ohio, from Toledo over combined U. S. Highways 25 and 68 to Findlay, Ohio, thence over U. S. Highway 68 to junction U. S. Highway 30–S at Kenton, and return over the same route, in connection with applicant's authorized regular route operations between Chicago, Ill., and Akron, Ohio, between Bryan and Toledo, Ohio, and between Chicago, Ill., and Youngstown, Ohio; and (5) between junction U. S. Highways 20 and 250 at Norwalk, Ohio, and junction U. S. Highways 250 and 30 at Wooster, Ohio, from junction U. S. Highways 20 and 250 at Norwalk over U. S. Highway 250 to junction U. S. Highway 30 at Wooster, and return over the same route, in connection with applicant's authorized regular route operations between Chicago, Ill., and Youngstown, Ohio, and alternate route operations between junction U. S. Highway 20 and Ohio Highway 120 west of Toledo, Ohio, and Cleveland, Ohio. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin.

HEARING: September 30, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 60.

No. MC 92983 (Sub No. 235), filed July 5, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Illinois, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to transport similar commodities in Arkansas, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

HEARING: October 18, 1957, at the Jung Hotel, New Orleans, La., before Examiner Michael Driscoll.

No. MC 92983 (Sub No. 246), filed July 25, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Champaign, Ill., and points within 10 miles of Champaign, to points in Indiana. Applicant is authorized to conduct similar operations in Iowa, Illinois, Wisconsin, Missouri, Minnesota, Arkansas, and Kansas.

HEARING: October 4, 1957, at Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 100666 (Sub No. 26), filed April 8, 1957, B. E. MELTON, P. O. Box 312, Nashville, Ark. Applicant's attorney: Max G. Morgan, 443–454 American National Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plaswood lumber* (a chipped and ground waste lumber product being an extrusion of a thermal setting plastic material), from the site of the Southern Plaswood Corporation 8 miles from Hope, Ark., to points in Missouri, Kansas, Oklahoma, Texas, and Louisiana.

HEARING: October 3, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Examiner Michael Driscoll.

No. MC 100666 (Sub No. 28), filed July 1, 1957, B. E. MELTON, doing business as MELTON TRUCK LINE, Crossett, Ark. Applicant's attorney: W. Samuel Dykeman, 443–54 American National Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing material* and *asbestos siding*, from Shreveport, La., to points in Alabama, Mississippi, and Tennessee, and points in Florida west of the Apalachicola River. Applicant is authorized to transport similar commodities in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

HEARING: October 3, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Examiner Michael Driscoll.

No. MC 101075 (Sub No. 46), filed July 26, 1957, TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products* and *all derivatives thereof*, in bulk, in tank vehicles, from Duluth, Minn., and points within 25 miles of Duluth, to points in North Dakota, the Upper Peninsula of Michigan, points in Wisconsin, and those in Minnesota on and south of Minnesota Highway 23, and ports of entry on the International Boundary line between the United States and Canada at or near Pigeon River, International Falls, and Noyes, Minn. Applicant is authorized to conduct similar operations in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

HEARING: September 30, 1957, at the Federal Court Building, Marquette Avenue, South, and Third Street, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 101126 (Sub No. 78), filed June 24, 1957, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Tall oil, tall oil other than crude*, and *tall oil fatty acids*, from Nitro, W. Va., to St. Bernard, Ohio. Applicant is authorized to conduct operations in Ohio, Kentucky, Indiana, Illinois, Maryland, New York, North Carolina, Michigan, Tennessee, South Carolina, Virginia, Florida, New Jersey, Alabama, Wisconsin, Pennsylvania, Missouri, Arkansas, Iowa, Kansas, Minnesota, and Nebraska.

HEARING: September 26, 1957, at the New Post Office Building at Columbus, Ohio, before Joint Board No. 61.

No. MC 102138 (Sub No. 24), filed July 17, 1957, REFINERS TRANSPORT, INC., 412 Illinois Building, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Champaign, Ill., and points within 10 miles thereof, to points in Indiana. Applicant is authorized to transport petroleum products from specified points in Illinois and Indiana to described points and territories in Illinois and Indiana.

NOTE: This application duplicates an application filed by the applicant for common carrier authority assigned Docket No. MC 116805. Applicant requests that this application be dismissed if authority is granted to applicant as a common carrier in Docket No. MC 116805.

HEARING: October 1, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 21.

No. MC 102567 (Sub No. 57), filed June 24, 1957, EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphate black liquor skimmings*, in bulk, in tank vehicles, from the site of the plant of the International Paper Company, at or near Camden, Ark., to the site of the International Paper Company plant approximately three miles south of Natchez, Miss. Applicant is authorized to transport similar commodities in Arkansas and Louisiana.

HEARING: October 7, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 218, or, if the Joint Board waives its right to participate, before Examiner Michael Driscoll.

No. MC 102567 (Sub No. 58), filed July 8, 1957, EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. (Mailing address: P. O. Box 1822, Shreveport, La.) Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Texas, Louisiana and Arkansas within 150 miles of Henderson, Tex., to points in Florida, and Tennessee, except from Cotton Valley, La., and points within 10 miles thereof to Memphis, Tenn. and points in Tennessee within 10 miles of Memphis. Applicant is authorized to conduct similar operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: October 21, 1957, at the Jung Hotel, New Orleans, La., before Examiner Michael Driscoll.

No. MC 103051 (Sub No. 27), filed June 6, 1957, WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Warp sizes, dye assistants, mercerizing oils, sanforizing oils, softeners, twist setting conditioners, spinning oils, wetting agents, scouring agents, fulling oils for wool, bleaching assistants, cord polishes* and *softeners for spinning and weaving paper yarns* (all to be transported in liquid form), in bulk, in tank vehicles, from Atlanta, Ga., and Valdese, N. C., to points in Alabama and South Carolina. Applicant is authorized to conduct operations in Georgia, Tennessee, and Alabama.

HEARING: October 3, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner William E. Messer.

No. MC 103498 (Sub No. 5), filed March 18, 1957, W. D. SMITH, P. O. Box 68, DeQueen, Ark. Applicant's attorney: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Poles*, utility, telephone, power line, and highline, and *piling* and *posts*, from DeQueen, Ark., to points in Texas, Oklahoma, Missouri, Kansas, and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: October 4, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Examiner Michael Driscoll.

No. MC 103654 (Sub No. 41), filed July 26, 1957, SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Boulevard, St. Paul, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, and *all derivatives thereof*, in bulk, in tank vehicles, from Duluth, Minn., and points within 25 miles of Duluth, to points in North Dakota, the Upper Peninsula of Michigan, points in Wisconsin, and those in Minnesota on and south of Minnesota Highway 23, and ports of entry on the International Boundary line between the United States and Canada at or near Pigeon River, International Falls and Noyes, Minn. Applicant is authorized to conduct similar operations in Illinois, Indiana, Minnesota, and Wisconsin.

HEARING: September 30, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 106603 (Sub No. 50), filed July 24, 1957, DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Gypsum products*, from Grand Rapids, Mich., to points in Illinois and Indiana.

HEARING: October 11, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 73.

No. MC 106965* (Sub No. 110), filed August 7, 1957, M. I. O'BOYLE & SON, INC., 817 Michigan Avenue NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from points in Chesterfield and Prince George Counties, Va., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Connecticut, and the District of Columbia. Applicant is authorized to conduct operations in Maryland, West Virginia, Virginia, Pennsylvania, New Jersey, New York, Delaware, Ohio, North Carolina, Illinois, Indiana, Michigan, Minnesota, Missouri, Wisconsin, and the District of Columbia.

NOTE: Duplicating authority should be eliminated.

HEARING: October 7, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 107128 (Sub No. 8), filed May 8, 1957, FAST FREIGHT, INC., 2612 West Morris Street, Indianapolis 21, Ind. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Empty glass containers*, with or without closures, and (2) *Empty fiberboard cartons*, knocked down, when shipped in mixed truckloads with shipments of empty glass containers, from Dunkirk, Ind., to points in Kentucky, and *Refused, rejected, or returned shipments* of the articles described above, from points in Kentucky to Dunkirk, Ind.

HEARING: September 30, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 208.

No. MC 107496 (Sub No. 95), filed July 19, 1957, RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, and *all derivatives thereof*, in bulk, in tank vehicles, from Duluth, Minn., and points in Minnesota within 25 miles to Duluth, to points in North Dakota, the Upper Peninsula of Michigan, points in Wisconsin, and points in Minnesota on and south of Minnesota Highway 23, and the ports of entry on the International Boundary

line between the United States and Canada at or near Pigeon River, International Falls, and Noyes, Minn. Applicant is authorized to transport similar commodities in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: September 30, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 107500 (Sub No. 15), filed July 8, 1957, BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Caterpillar Tractor Company plant (under construction) immediately adjacent to and west of Illinois Highway 31 approximately .4 miles southwest of the Village of Montgomery in Kendall County, Ill., as an intermediate or off-route point in connection with applicant's authorized regular route operations, subject to the same conditions, limitations, and restrictions, if any, contained in applicant's present operating authority. Applicant is authorized to conduct similar operations in Colorado, Illinois, Indiana, Iowa, Missouri, Montana, Nebraska, and Wyoming.

NOTE: Applicant states its present certificate excludes intermediate points between the Chicago commercial zone and Princeton, Ill.

HEARING: October 3, 1957, at Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 107515 (Sub No. 257), filed July 25, 1957, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., and points within 10 miles of Chambersburg, to points in North Carolina, South Carolina, Tennessee, Georgia, Florida, Mississippi, Louisiana and Alabama. Applicant is authorized to conduct similar operations in Georgia, Tennessee, Louisiana, North and South Carolina, Florida, Alabama, Mississippi, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Wisconsin, Arkansas, Minnesota, Oklahoma, Texas, Iowa, Kansas, and Nebraska.

HEARING: October 3, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner William E. Messer.

No. MC 108678 (Sub No. 15), filed July 3, 1957, LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid Dextrine*, in bulk, in tank vehicles, from Indianapolis, Ind., to Springfield, Mo.

HEARING: October 2, 1957, at the U. S. Court Rooms, at Indianapolis Ind., before Joint Board No. 160.

No. MC 108859 (Sub No. 25) filed July 5, 1957, CLAIRMONT TRANSFER CO., a Corporation, 1803 Seventh Avenue, Escanaba, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *Class A and B explosives*, between Green Bay, Wis., and Kinross Air Force Base, at or near Kinross, Mich.: From Green Bay, over U. S. Highway 41 to junction U. S. Highway 2 at or near Rapid River, Mich., thence over U. S. Highway 2 to Kinross, thence on and three-fourths miles over unnumbered Chippewa County roadway to Kinross Air Force Base, and return over the same route, serving no intermediate points. Applicant is authorized to transport similar commodities in Michigan and Wisconsin.

HEARING: October 10, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 95.

No. MC 109242 (Sub No. 2), filed August 8, 1957, ALBERT N. SCOTT AND ESTELLE E. SCOTT, doing business as MOTOR CITY CARTAGE COMPANY, 175 Twelfth Street, Detroit, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products* and *packing house products*, between Detroit, Mich., on the one hand, and, on the other, points in the Lower Peninsula of Michigan. Applicant is authorized to conduct operations in Michigan.

NOTE: Duplication should be eliminated.

HEARING: October 9, 1957, at the Olds Hotel, at Lansing, Mich., before Joint Board No. 76.

No. MC 109326 (Sub No. 71), filed June 6, 1957, C & D TRANSPORTATION CO., INC., 414 Bay Bridge Road, Prichard, Ala. Mailing address: P. O. Box 1503, Mobile, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Perishable subsistence*, requiring refrigeration, moving on government bills of lading, from the site of the U. S. Quartermaster Market Center, New Orleans, La., and supply points within 15 miles thereof, to Orange, Tex. Applicant is authorized to transport similar commodities in Alabama, Florida, Georgia, and Mississippi.

HEARING: October 9, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Michael Driscoll.

No. MC 109365 (Sub No. 11), filed August 5, 1957, RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUNK LINE, P. O. Box 15, Ashdown, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wooden poles, wooden piling* (treated and untreated), and *treated timbers*, between points in Arkansas, Louisiana and Texas. Applicant is authorized to transport lumber and wooden pallets from specified points in Arkansas and Louisiana to points in Oklahoma, Texas, Kansas, Missouri, Louisiana, and Tennessee.

HEARING: September 30, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Examiner Michael Driscoll.

No. MC 109365 (Sub No. 12), filed August 5, 1957, RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, P. O. Box 15, Ashdown, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Milled and processed livestock, animal and poultry feed*, in bags and in bulk, from points in Illinois and Missouri to points in Arkansas, Louisiana and Texas. Applicant is authorized to transport lumber and wooden pallets from specified points in Arkansas and Louisiana to points in Oklahoma, Texas, Kansas, Missouri, Louisiana, and Tennessee.

HEARING: September 30, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Examiner Michael Driscoll.

No. MC 109365 (Sub No. 13), filed August 5, 1957, RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, P. O. Box 15, Ashdown, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, wooden pallets, fabricated wooden products*, and *wooden boxes*, in truckload lots, between points in Arkansas, Louisiana, and Oklahoma. Applicant is authorized to transport lumber and wooden pallets from specified points in Arkansas and Louisiana to points in Oklahoma, Texas, Kansas, Missouri, Louisiana, and Tennessee.

HEARING: September 30, 1957 at the U. S. Court Rooms, Little Rock, Ark., before Examiner Michael Driscoll.

No. MC 109365 (Sub No. 14), filed August 5, 1957, RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, P. O. Box 15, Ashdown, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Treated and untreated wooden poles and piling*, from points in Arkansas, Texas, and Louisiana, to points in Mississippi, Tennessee, Indiana, Michigan, Illinois, Missouri, Colorado, Kansas, Nebraska, Oklahoma, and Kentucky. Applicant is authorized to transport lumber and wooden pallets from specified points in Arkansas and Louisiana to points in Oklahoma, Texas, Kansas, Missouri, Louisiana, and Tennessee.

NOTE: Applicant states the above commodities will be untreated at origin, treated at points in Illinois, and delivered to points in named destination states.

HEARING: September 30, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Examiner Michael Driscoll.

No. MC 109365 (Sub No. 15), filed August 5, 1957, RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, P. O. Box 15, Ashdown, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, wooden pallets, fabricated wooden products, wooden boxes, poles, piling*, treated and untreated, and *treated timbers*, between points in Arkansas and Louisiana, on the one hand, and, on the other, points in Mississippi, Tennessee, Indiana; Michigan, Illinois, Missouri, Colorado, Kansas, Nebraska, Texas, Oklahoma, and Kentucky. Applicant is authorized to transport lumber and wooden pallets from specified points in Arkansas and Louisiana, to points in Oklahoma, Texas, Kansas, Missouri, Louisiana, and Tennessee.

HEARING: September 30, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Examiner Michael Driscoll.

No. MC 110505 (Sub No. 31), filed June 21, 1957, RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, in bags and in packages, from Gramercy, Reserve, Supreme, Mathews, New Orleans, and Houma, La., and points within two miles of Houma, La., to points in Tennessee, Kentucky, Indiana, Illinois, and Wisconsin, and *damaged or rejected shipments* of sugar from the above destination territory to the above-specified origin points.

HEARING: October 11, 1957, at the Jung Hotel, New Orleans, La., before Examiner Michael Driscoll.

No. MC 110525 (Sub No. 340), filed July 26, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *Chemicals*, in bulk, in tank vehicles, from Wurtland, Ky., to Washington, W. Va., and Marietta, Ohio. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Pennsylvania, Delaware, West Virginia, Kentucky, Ohio, Michigan, Illinois, Indiana, Virginia, North Carolina, Tennessee, Connecticut, Massachusetts, Rhode Island, District of Columbia, Alabama, Minnesota, Missouri, South Carolina, Wisconsin, Georgia, Iowa, and Arkansas.

HEARING: September 26, 1957, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 62.

No. MC 110981 (Sub No. 1), filed July 10, 1957, ALFRED BERGMAN AND ADOLPH BERGMAN, doing business as A. & A. BERGMAN, Pigeon, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Poultry feed*, from Bad Axe and Reed City, Mich., to port of entry on the International Boundary line between the United States and Canada, at or near Port Huron, Mich.

HEARING: October 10, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 163.

No. MC 111320 (Sub No. 31), filed August 8, 1957, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building and earth moving equipment* and *parts thereof* when moving with such equipment, and *additional attachments* not a part of the shipment being transported, in truckaway service, between Findlay, Ohio, and points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states that it is already authorized to transport road building and earth moving equipment and parts thereof, when moving with such equipment, in driveaway service, between the points named above. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 8, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 111957 (Sub No. 1), filed July 1, 1957, DANIEL B. GABERDIEL, DANIEL B. GABERDIEL, JR., and PAUL G. GABERDIEL, a partnership, doing business as DANIEL B. GABERDIEL & SONS, Spencerville, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Decorative trim* and *hardware*, from Spencerville and Edgerton, Ohio, to St. Joseph, Mich.; and from Winchester, Ind., to Clyde, Ohio; (2) *zinc die castings*, from Holland, Bangor and Benton Harbor, Mich., to Spencerville, Ohio; and (3) *steel stampings*, from Clyde, Ohio, to Winchester, Ind.; and *damaged, rejected and returned shipments* of the above specified commodities from the above named destination points to the above named origin points.

HEARING: September 26, 1957, at the New Post Office Building, at Columbus, Ohio, before Joint Board No. 9.

No. MC 112223 (Sub No. 36), filed July 23, 1957, QUICKIE TRANSPORT COMPANY, 1121 South Seventh Street, Minneapolis, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products* and *all derivatives thereof*, in bulk, in tank vehicles, from Duluth, Minn., and points in Minnesota within 25 miles thereof, to points in North Dakota, the Upper Peninsula of Michigan, points in Wisconsin, and those in Minnesota on and south of Minnesota Highway 23, and ports of entry on the International boundary line between the United States and Canada at or near Pigeon River, International Falls and Noyes, Minn., and *damaged shipments* of the above described commodities on return. Applicant is authorized to conduct operations in Minnesota, Iowa, Wisconsin, North Dakota, and South Dakota.

HEARING: September 30, 1957, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 112497 (Sub No. 96), filed August 19, 1957, HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rosin sizing*, from Baxley, Ga., and points within 5 miles of Baxley, to Cantonment, Fla. Applicant is authorized to conduct operations in Louisiana, Mississippi, Arkansas, Alabama, Florida, Georgia, Tennessee, California, Ohio, New York, Texas, South Carolina, Missouri, North Carolina, Illinois, and Indiana.

HEARING: October 1, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 64.

No. MC 112750 (Sub No. 23), filed August 5, 1957, ARMORED CARRIER CORPORATION, De Bevoise Building, Bayside, L. I., N. Y. Applicant's attorney: James K. Knudson, Sundial House, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commercial papers, documents* and *written instruments*, as are used in the businesses of banks and banking institutions when transported in containers other than trace-alarm bags and in vehicles other than armored vehicles, (1) between Washington, D. C., Baltimore, Md., and Philadelphia, Pa., and (2) between Philadelphia, Pa., on the one hand, and, on the other, Bel Air, Rising Sun, Havre de Grace, Aberdeen and Elkton, Md. Applicant is authorized to conduct operations in Connecticut, Delaware, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: Any duplication with present authority should be eliminated.

HEARING: October 3, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 112977 (Sub No. 2), filed July 25, 1957, N. A. SIMS, doing business as SIMS TRANSFER COMPANY, 127 East St. John Street, Spartanburg, S. C. Applicant's attorney: Robert R. Odom, 120 Walnut Street, Spartanburg, S. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Concrete pipe*, from Spartanburg, S. C., to points in Buncombe, Burke, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Macon, McDowell, Polk, Rutherford, Transylvania, Cherokee, Graham, Swain, Madison, Yancey, and Mitchell Counties, N. C. Applicant is authorized to transport similar commodities in Georgia, North Carolina and South Carolina.

HEARING: October 1, 1957, at the U. S. Court Rooms, Columbia, S. C., before Joint Board No. 2, or, if the Joint

Board waives its right to participate, before Examiner William E. Messer.

No. MC 113265 (Sub No. 2), filed July 22, 1957, ATLANTA-ASHEVILLE MOTOR EXPRESS, INC., 1010 North Avenue NW., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *articles of unusual value, commodities in bulk*, and *those requiring special equipment*, but excluding Class A and B explosives, and household goods as defined by the Commission, between Hollywood, Ga., and Toccoa, Ga., over Georgia Highway 17, serving all intermediate points, and the off-route points of the sites of the Coats & Clark, Inc., plant and the LeTourneau-Westinghouse Company plant. Applicant is authorized to transport similar commodities in Georgia and North Carolina.

NOTE: Applicant states that the site of the Coats & Clark, Inc., plant is located approximately three and one-half (3½) miles south of Toccoa, on Georgia Highway 106 and the site of the LeTourneau-Westinghouse Company plant is located approximately five (5) miles east of Toccoa on U. S. Highway 123.

HEARING: September 30, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 101.

No. MC 113336 (Sub No. 14), filed July 18, 1957, PETROLEUM TRANSIT COMPANY, INC., East 2d Street, Lumberton, N. C. Applicant's attorney: James E. Wilson, Perpetual Bldg., 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Savannah, Ga., to Tampa, Fla. Applicant is authorized to transport petroleum products in bulk, and containers, and asphalt in truckload lots from and to specified points in Georgia, Maryland, South Carolina, and North Carolina.

HEARING: October 1, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 64.

No. MC 113410 (Sub No. 14), filed August 2, 1957, DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorneys: John R. Sims, Jr., and Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer compounds, fertilizer, fertilizer ingredients, liquid fertilizer and fertilizer ammoniating solutions including but not limited to anhydrous ammonia, aqua ammonia, nitrogen solutions and nitrogen solids, liquid sulphur and sulphur products*, either dry or in liquid form, in bulk, in tank or hopper-type vehicles, from Pine Bend, Minn. and points within two (2) miles of Pine Bend, to points in Illinois, Wisconsin, Nebraska, North Dakota, South Dakota, Iowa, and those in that portion of Minnesota on and east of U. S. Highway 53 between Duluth, Minn. and the United States-Canada International boundary line; *petroleum and petroleum products, and all derivatives* thereof, in bulk, in tank vehicles, from Pine Bend, Minn. and points within two (2) miles of Pine Bend, Savage, Minn. and St. Paul-Minneapolis, Minn. and points within ten (10) miles thereof, to that portion of Minnesota on and east of U. S. Highway 53 between Duluth, Minn. and the United States-Canada International Boundary line. Applicant is authorized to transport petroleum products in Minnesota, Wisconsin, and North Dakota.

HEARING: October 1, 1957, at the Federal Court Building, Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 113410 (Sub No. 15), filed August 2, 1957, DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorneys: John R. Sims, Jr., and Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products, and all derivatives thereof*, in bulk, in tank vehicles, from Duluth, Minn. and points within 25 miles thereof, to points in North Dakota and Wisconsin, those in the Upper Peninsula of Michigan and those in Minnesota lying on, south and east of Minnesota Highway 23, and to the Ports of Entry between the United States and Canada located at or near Pigeon River, International Falls, and Noyes, Minn. Applicant is authorized to conduct operations in Minnesota, Wisconsin, and North Dakota.

HEARING: September 30, 1957, at the Federal Court Building, Marquette Avenue, South, and Third Streets, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 114106 (Sub No. 10), filed July 31, 1957, MAYBELLE TRANSPORT COMPANY, Box 461, Salisbury Road, Lexington, N. C. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Amoniating nitrogen solutions*, in bulk, in tank vehicles, from Savannah and Port Wentworth, Ga., to points in North Carolina and South Carolina. Applicant is authorized to conduct operations in North Carolina, South Carolina, Virginia, Georgia, and Tennessee.

HEARING: September 27, 1957, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 115582 (Sub No. 1), filed August 2, 1957, DETROIT TERMINAL & CARTAGE COMPANY, 3936 Lonyo Avenue Detroit, Mich. Applicant's attorney: V. J. Schaeffner, 4055 Penobscot Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Parts, assemblies and materials used in the manufacture of motor vehicles by Ford Motor Company* between Detroit, Mich. and the Ford Motor Company plant site at Mt. Clemens, Mich. Applicant is authorized to conduct operations in Michigan.

HEARING: October 10, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 115606 (Republication—clarification and correction), filed September 20, 1955, published page 8062, issue of October 26, 1955, and amended November 18, 1955, published page 8800, issue November 30, 1955 and further amended January 12, 1956, published page 566, issue of January 25, 1956.

NORTH CREEK TRUCKING, INC., North Creek, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier* over irregular routes.

Through inadvertence the summary of the authority sought in this application was not accurately set forth in the prior publications. The authority sought in the application, as amended, is:

Rough lumber green and dried, *lumber dunnage, planed lumber*, used for flooring and shiplap, furniture manufacturing, doors, windows, boxes, crates, manufacture of heels for women's shoes, etc., from points in Warren, Essex, Hamilton, Franklin, Fulton, Oneida, Herkimer, and Lewis Counties, N. Y., to points in New York, New Jersey, New Hampshire, Massachusetts, Vermont, Connecticut, Pennsylvania, and Maine, and *wooden racks* used in the transportation of lumber on return.

Division 1 of the Commission in the report of August 16, 1957, authorized the issuance of a certificate to applicant as follows:

Rough lumber, from points in Warren, Essex, Hamilton, Franklin, and Herkimer Counties, N. Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont, and *wooden racks* used in the transportation of rough lumber on return.

An appropriate certificate will be issued to perform the service authorized by Division 1 after the elapse of 30 days from the date of this publication provided no protests and petitions for further hearing are received during such period.

No. MC 115641 (Sub No. 2), filed June 24, 1957, ROY JACOBSEN AND W. C. JACOBSEN, doing business as JACOBSEN BROS., 328 Mill Street, Silverton, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, between points in Oregon, Washington, Idaho, Nevada, Wyoming, Colorado, Utah, and Arizona. Applicant is authorized to transport the above-specified commodity in Idaho, Oregon, and Utah.

HEARING: September 30, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner F. Roy Linn.

No. MC 115989 (Sub No. 1), filed June 7, 1957, MACY L. NELSON, doing business as NELSON MOTOR FREIGHT, Joy, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Facing brick*, from Shale City, Ill., to points in Marion, St. Charles, Callaway and Jefferson Counties, Mo. Applicant is authorized to transport facing brick from Shale City, Ill., to points in St. Louis County, Mo.

HEARING: October 7, 1957, at Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 135.

No. MC 116285 (Sub No. 3), filed August 14, 1957, BENNETT TRUCK LINES, INC., 9 Broughton Drive, Charleston, S. C. Applicant's attorney: Joseph R. Young, Charleston, S. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glazed tile, manufactured stone from limestone base*, from Charleston, S. C., to all points in North Carolina and Florida, and *empty pallets* and *refused or defected products*, on return.

HEARING: October 1, 1957, at the U. S. Court Rooms, Columbia, S. C., before Examiner William E. Messer.

No. MC 116514 (Sub No. 1), filed May 31, 1957, EDWARDS TRUCKING, INC., Main Street, Hemingway, S. C. Applicant's attorney: Jerome P. Askins, Jr., Hemingway, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Tobacco hogshead materials* and *box shooks*, and *equipment, materials and supplies* used in the manufacture of tobacco hogshead materials and box shooks, between Andrews, S. C., and Goldsboro, N. C., and points in Georgia, South Carolina, North Carolina, Virginia, Kentucky and Tennessee, and (2) *fertilizer* and *fertilizer materials*, between Wilmington and Navassa, N. C., and points within 35 miles of Hemingway, S. C.

HEARING: October 1, 1957, at the U. S. Customs Rooms, Columbia, S. C., before Examiner William E. Messer.

No. MC 116706, filed May 29, 1957, HOUSE TRAILER TRANSPORT CORPORATION, Route 5, Wilkinson Boulevard, Charlotte, N. C. Applicant's attorney: Charles T. Myers, 3 Law Building, Charlotte 2, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, between points in Mecklenburg and Gaston Counties, N. C., points in Virginia, Tennessee, South Carolina, Georgia, and Florida.

HEARING: September 27, 1957, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner William E. Messer.

No. MC 116707, filed May 16, 1957, SOLLITT CONSTRUCTION COMPANY, INC., 301 Columbia Street, South Bend, Ind. Applicant's attorney: James H. Pankow, 800–810 Odd Fellows Building, South Bend 1, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Transformers, oil circuit breakers, regulators and other miscellaneous electrical equipment, including structural steel*, between South Bend, Ind., and points in Michigan and Indiana within 60 miles of South Bend.

HEARING: September 27, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 23.

No. MC 116710, filed May 31, 1957, M. D. ALTGELT and HART F. SMITH, a Partnership, doing business as MISSISSIPPI CHEMICAL EXPRESS, P. O. Box 1634, Hattiesburg, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Virgin sulphuric acid*, from Le Moyne, Ala., and Baton Rouge, La., to Pontiac, Miss., *molten sulphur*, from Pontiac, Miss., to Le Moyne, Ala., and *spent sulphuric acid*, from Pontiac, Miss., to Baton Rouge, La.

HEARING: October 8, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 165, or, if the Joint Board waives its right to participate, before Examiner Michael Driscoll.

No. MC 116728, filed June 10, 1957, CARL METHENY, doing business as METHENY ELEVATOR, R. R. No. 2, Bourbon, Ind. Applicant's attorney: Harold J. Bell, 1110–1114 Fletcher Trust Building, Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer* and *fertilizing materials*, in bulk or in bags, from Detroit, Mich., and Cairo Ohio, and points within 2 miles thereof to Bourbon, Indiana, and points within 5 miles thereof.

NOTE: Applicant states that it will transport exempt commodities on return.

HEARING: September 27, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 9.

No. MC 116729, filed June 10, 1957, ELVIN MURPHY, doing business as MURPHY TRUCKING COMPANY, Denver, Ind. Applicant's attorney: Harold J. Bell, 1110–1114 Fletcher Trust Building, Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer* and *fertilizing materials*, in bulk or in bags, from Detroit, Mich., and Cairo, Ohio, and points within 2 miles of each to Bourbon, Indiana, and points within 2 miles thereof.

NOTE: Applicant states that it will transport exempt commodities on return.

HEARING: September 27, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 9.

No. MC 116740, filed June 14, 1957, LEE N. HICKOX, Route No. 3, Casey, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Timber, wood*, and *timber and wood products*, from points in Clark, Perry, and Clay Counties, Ill., to points in Jefferson County, Ky.; and *agricultural fertilizers*, from points in Floyd County, Ind., to points in Clark County, Ill.

HEARING: October 1, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 1.

No. MC 116771, filed June 24, 1957, LAWRENCE O. COUSINO, doing business as COUSINO BODY SHOP, 5523 Secor Road, Toledo, Ohio. Applicant's attorney: James A. Baird, Suite 803 Edison Building, Toledo 4, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Damaged and disabled motor vehicles, automobiles, trucks, tractors, semitrucks* and *trailers*, and *house trailers*, in truckaway service, between points in Saint Clair, Macomb, Wayne, Monroe, Lenawee, Hillsdale, Branch, Saint Joseph, Cass, Berrien, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Oakland, Livingston, Ingham, Eaton, Barry, Allegon, Ottawa, Kent, Ionia, Clinton, Shiawassee, Genesee, and Lapeer Counties, Mich., and Williams, Defiance, Paulding, Van Wert, Mercer, Darke, Preble, Montgomery, Greene, Miami, Shelby, Auglaize, Allen, Putnam, Henry, Fulton, Lucas, Wood, Hancock, Hardin, Logan, Champaign, Ottawa, Sandusky, Seneca, Wyandot, Crawford, Clark, Madison, Franklin, Union, Marion, Morrow, Delaware, Licking, Muskingum, Guernsey, Belmont, Erie, Hueon, Richland, Ashland, Wayne, Lorain, Cuyahoga, Medina, Holmes, Coshocton, Tuscarawas, Stark, Portage, Geauga, Lake, Ashtabula, Trumbull, Mahoning, Columbiana, Carroll, Harrison, and Jefferson Counties, Ohio.

HEARING: October 11, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 116775, filed June 26, 1957, STANLEY KUBICKI, doing business as McFARREN CARTAGE, 140 12th Street, Room 223, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as defined in 61 M. C. C. 209, from Detroit, Mich., to points in Michigan within the area bounded by the Ohio-Michigan State line on the South, U. S. Highway 127 and U. S. Highway 27 on the West and Michigan Highway 46 on the North.

HEARING: October 9, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 116776, filed June 26, 1957, ARTHUR STROYAN, 227 Evans Avenue, De Kalb, Ill. Applicant's attorney: Lewis M. Long, Sandwich, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal, pigeon, and poultry feed, fly spray* and *mange oil, feed ingredients for the manufacture of animal, pigeon and poultry feeds*, in bulk or in containers, between Burlington, Wis., and points in De Kalb, Lee, La Salle, Ogle, and Whiteside Counties, Ill.

NOTE: Applicant states he proposes to transport Animal, pigeon, and poultry feed, and fly spray and mange oil, in bulk, or in containers, on the south-bound operation, from Burlington, Wis., to the above-specified points in Illinois; on the north-bound operation applicant proposes to transport Feed ingredients for the manufacture of animal, pigeon, and poultry feed, from the above-specified points in Illinois to Burlington, Wis.

HEARING: October 4, 1957, at Room 852, U. S. Customs House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 116778, filed June 27, 1957, FLOYD R. BEARD, Denmark, S. C. Applicant's attorney: Julius B. Ness, Bamberg, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Brick*, from Augusta, Ga., to Denmark, S. C., and points within 15 miles thereof; (2) *Fertilizer*, from Savannah, Ga., to Denmark, S. C., and points within 15 miles thereof; (3) *Cotton seed hulls*, from Augusta, and Savannah, Ga., to Denmark, S. C., and points

within 15 miles thereof; (4) *Cotton seed meal* and *other cotton seed products* from Augusta and Savannah, Ga., to Denmark, S. C., and points within 15 miles thereof; (5) *Insecticides*, from points in Alabama, Georgia, Florida, North Carolina and Virginia to Denmark, S. C. and points within 15 miles thereof; (6) *Nitrogen*, from Hopewell, Va., and points in Georgia and Florida to Denmark, S. C. and points within 15 miles thereof; (7) *Fish meal*, from points in Florida to Denmark,, S. C. and points within 15 miles thereof; (8) *Cotton gin machinery*, from Atlanta, Ga., to Denmark, S. C. and points within 15 miles thereof; (9) *Cotton bagging and ties*, from Charlotte, N. C., and Atlanta, Ga., to Denmark, S. C. and points within 15 miles thereof: (10) *Cucumbers*, in brine and *finished pickles*, from Denmark, S. C. to points in North Carolina, Georgia, Florida, Alabama and Tennessee; (11) *Furniture*, from Denmark, S. C. to points in Georgia, North Carolina, Tennessee, Florida, Virginia, Maryland, Ohio, Alabama, Mississippi, and Louisiana.

HEARING: October 2, 1957, at the U. S. Court Rooms, Columbia, S. C., before Examiner William E. Messer.

No. MC 116797 (Sub No. 1), filed August 1, 1957, A. E. CARTER, doing business as SOUTHERN PINE EXPRESS, U. S. Highway 52, Gold Hill, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Livestock, dehydrated cattle manure* (Fertal-Gro), and *alfalfa meal*, from the site of Maegeo Farms, Inc., near Lexington, N. C., to points in Maryland, District of Columbia, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama and Florida; *fertilizer*, from Columbia and Charleston, S. C., Danville and Norfolk, Va., Wilmington, N. C., and Savannah, Ga., to the site of Maegeo Farms, Inc., near Lexington, N. C.; *rock phosphate*, from Fort Pierce, Fla., to the site of Maegeo Farms, Inc., near Lexington, N. C.; *citrus pulp* from Dade City, Fla., to the site of Maegeo Farms, Inc., near Lexington, N. C.; and *slag* (iron and steel flue dust), from Birmingham, Ala., to the site of Maegeo Farms, Inc., near Lexington, N. C.

NOTE: Applicant has common carrier authority in MC 116622. Section 210 may be involved.

HEARING: September 30, 1957, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner William E. Messer.

No. MC 116820, filed July 19, 1957, MOTOR TRUCK AND EQUIPMENT COMPANY, INC., Raleigh Highway, Sanford, N. C. Applicant's Attorney: J. Allen Harrington, Perry Building, Sanford, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, rough and dressed, both hardwood and yellow pine, (1) from points in that portion of North Carolina beginning at the North Carolina-Virginia State line, near Mt. Airy, N. C., and extending in a southerly direction along U. S. Highway 52 to Winston-Salem, N. C., thence along U. S. Highway 158 to Mocksville, N. C., thence along U. S. Highway 70 to Statesville, N. C., thence along U. S. Highway 21 to the North Carolina-South Carolina State line and continue along U. S. Highway 21 to Columbia, S. C., thence in an easterly direction along U. S. Highway 378, through Sumter, S. C., to Conway, S. C., thence along South Carolina Highway 90 to Little River, S. C., thence in a northeasterly direction along U. S. Highway 17 to the South Carolina-North Carolina State line, thence continue along U. S. Highway 17 to Williamston, N. C., thence along North Carolina Highway 125 to junction U. S. Highway 301, thence along U. S. Highway 301 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to point of beginning, including points on the indicated portions of the highways indicated, to points in Pennsylvania, West Virginia, Ohio, Indiana, Illinois, New York, Connecticut, Rhode Island, Massachusetts, South Carolina, Georgia, and Florida, and (2) from points in Pennsylvania, West Virginia, and New York to points in North Carolina and South Carolina, as described above by reference to highway boundary lines.

HEARING: September 30, 1957, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner William E. Messer.

No. MC 116805, filed July 10, 1957, REFINERS TRANSPORT, INC., 412 Illinois Building, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Champaign, Ill. and points within ten (10) miles of Champaign, to points in Indiana. In Permits Nos. MC 102138 and Subs 9, 10, 16, and 18 thereunder, applicant is authorized to transport petroleum products as a contract carrier between specified points or territories in Illinois and Indiana. Dual operations may be involved.

HEARING: October 2, 1957, at the U. S. Court Rooms, at Indianapolis, Ind., before Joint Board No. 21.

No. MC 116825, filed July 22, 1957, CAROLINA HAULERS, INC., Windley Street, P. O. Box 390, New Bern, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, such as gasolines, light heating and other fuel oils, in bulk, from Norfolk, Va., to points in Beaufort, Bertie, Chowan, Craven, Edgecombe, Gates, Halifax, Hertford, Jones, Lenoir, Martin, Northampton, Pamlico, Pasquotank, Perquimans and Pitt Counties, N. C. *Empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return.

HEARING: September 27, 1957, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 7, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 116826, filed July 22, 1957, BILLY W. COOK, doing business as COOK TRUCKING COMPANY, 109 Elm Street, Erlanger, Ky. Applicant's attorney: Frank Lee Dils, 31 West Eighth Street, Covington, Ky. For authority to operate as a *contract carrier*, over regular routes, transporting: *Sand* and *gravel*, (1) from Newton, Ohio, to Erlanger, Ky., from Newton over Ohio Highway 74 to junction U. S. Highway 25 (through Cincinnati, Ohio, and Covington, Ky.), and thence over U. S. Highway 25 to Erlanger; and (2) from Cleves, Ohio, over U. S. Highway 50 to junction U. S. Highway 25 (through Cincinnati, Ohio, and Covington, Ky.), thence over U. S. Highway 25 to Erlanger, and return over the above described routes, serving the intermediate point of Covington, Ky.

HEARING: September 26, 1957, at the New Post Office Building, at Columbus, Ohio, before Joint Board No. 37.

No. MC 116837, filed July 26, 1957, WAYNE ALLEN & JAMES YOUNG, doing business as C. & J. TRUCKING CO., 1621 Alexis Road, Toledo 12, Ohio. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fill sand*, in dump trucks, from points in Monroe County, Mich., within 10 miles of the Michigan-Ohio boundary line to points in Lucas County, Ohio.

HEARING: October 11, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 116858, filed August 5, 1957, J. & M. LEASING CORP., 646 East 12th Street, New York, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is distributed by a premium stamp redemption center in redemption of stamps*, and in connection therewith *equipment, materials and supplies* used in the conduct of such business, from Metuchen, N. J., to New York, N. Y., and points on Long Island, N. Y., those in Pennsylvania on and east of U. S. Highway 15, Baltimore, Md., and Wilmington, Del.; and from New York, N. Y., to Metuchen, N. J.; and *returned shipments* of the commodities specified and *premium stamp books with stamps attached*, from New York, N. Y., and points on Long Island, N. Y., points in Pennsylvania on and east of U. S. Highway 15, Baltimore, Md., and Wilmington, Del., to Metuchen, N. J. RESTRICTION: Proposed service to be limited to service wherein motor vehicles, accompanied by drivers employed by carrier and who operate such vehicles, are assigned to shipper, the business of such shipper is the redemption of premium stamps under continuing contract for the exclusive use of shipper in transporting such shipper's property.

HEARING: October 2, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alvin H. Schutrumpf.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 219), filed August 7, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, same address as above. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Bayonne, N. J., and Jersey City, N. J.: (1) beginning at junction Avenue "C" and West First Street, Bayonne, N. J. over Avenue "C" to West Fifth Street, thence over West Fifth Street to Broadway, thence over Broadway to West 10th Street, thence over West 10th Street to Avenue "C", thence over Avenue "C" to Merritt Street in Jersey City, N. J., thence over Merritt Street to Old Bergen Road, thence over Old Bergen Road to Rose Avenue, thence over Rose Avenue to Long Street, thence over Long Street to Jackson Avenue, thence over Jackson Avenue to Communipaw Avenue, thence over Communipaw Avenue to Monticello Avenue, thence over Monticello Avenue to Fairmount Avenue, thence over Fairmount Avenue to Bergen Avenue and thence over Bergen Avenue to junction Sip Avenue, Jersey City, N. J., and return over the same route, serving all intermediate points; (2) from junction Avenue "C" and Schley Street (New Jersey Turnpike Marginal Road), Jersey City, N. J., over Schley Street, New Jersey Turnpike Marginal Road) to Garfield Avenue, thence over Garfield Avenue to Broadway, Bayonne, N. J., thence over Broadway to East 53d Street, thence over East 53d Street to Avenue "E", thence over Avenue "E" to Bayonne Interchange No. 14A of the New Jersey Turnpike, Jersey City, N. J., thence over New Jersey Turnpike (Bayonne Interchange No. 14A) and New Jersey Turnpike to junction 12th Street and Jersey Avenue, Jersey City, N. J., returning from junction 14th Street and Jersey Avenue-New Jersey Turnpike, Jersey City, N. J., over New Jersey Turnpike to Bayonne Interchange No. 14A, thence over Bayonne Interchange No. 14A to Avenue "E", Bayonne, N. J., thence over Avenue "E" to East 53d Street, thence over East 53d Street to Broadway, thence over Broadway to Garfield Avenue, Jersey City, N. J., thence over Garfield Avenue to Schley Street (New Jersey Turnpike Marginal Road), thence over Schley Street (New Jersey Turnpike Marginal Road) to junction Avenue "C", to Jersey City, N. J., serving all intermediate points; (3) from junction Communipaw Avenue and Monticello Avenue, Jersey City, N. J., over Communipaw Avenue to Grand Street, thence over Grand Street to Jersey Avenue, thence over Jersey Avenue to Eighth Street, thence over Eighth Street, to West Hamilton Place, thence over West Hamilton Place to Ninth Street, thence over Ninth Street to Jersey Avenue, thence over Jersey Avenue to junction 12th Street, Jersey City, N. J., returning from junction 14th Street and Jersey Avenue, Jersey City, N. J., over Jersey Avenue to Ninth Street, thence over Ninth Street to East Hamilton Place, thence over East Hamilton Place to Eighth Street, thence over Eighth Street to Jersey Avenue, thence over Jersey Avenue to Grand Street, thence over Grand Street to Communipaw Avenue, thence over Communipaw Ave. to junction Monticello Avenue., Jersey City, N. J., serving all intermediate points. Applicant is authorized to conduct passenger operations in New Jersey, New York, Pennsylvania, Virginia, the District of Columbia, Delaware, Maryland, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

HEARING: October 21, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 3647 (Sub No. 220), filed August 7, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, same address, as above. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, within Jersey City, N. J.: from junction Communipaw Avenue and Hudson County Boulevard, Jersey City, N. J., over Communipaw Avenue to Grand Street, thence over Grand Street to Jersey Avenue, thence over Jersey Avenue to Eighth Street, thence over Eighth Street to West Hamilton Place, thence over West Hamilton Place to Ninth Street, thence over Ninth Street to Jersey Avenue, and thence over Jersey Avenue to junction 12th Street, Jersey City, N. J., returning from junction 14th Street and Jersey Avenue, Jersey City, N. J., over Jersey Avenue to Ninth Street, thence over Ninth Street to East Hamilton Place, thence over Eighth Street to Jersey Avenue, thence over Jersey Avenue to Grand Street, thence over Grand Street to Communipaw Avenue, thence over Communipaw Avenue to junction Hudson County Boulevard, Jersey City, N. J., serving all intermediate points. Applicant is authorized to conduct passenger operations in New Jersey, New York, Pennsylvania, Virginia, the District of Columbia, Delaware, Maryland, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

HEARING: October 25, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 28680 (Sub No. 12), filed April 18, 1957, JORDON BUS COMPANY, Jordan Terminal Building, Hugo, Okla. Applicant's attorney: Max G. Morgan, 443 American Nat'l. Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *mail* in the same vehicle with passengers, between Antlers, Okla., and Fort Smith, Ark., over U. S. Highway 271, serving all intermediate points. Applicant is authorized to conduct operations in Oklahoma, Texas, and Arkansas.

HEARING: October 2, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Joint Board No. 217, or, if the Joint Board waives its right to participate, before Examiner Michael Driscoll.

No. MC 29623 (Sub No. 24), filed July 15, 1957, SOUTHEASTERN STAGES, INC., 457–463 Piedmont Avenue NE., Atlanta 8, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *package express, newspapers*, and *mail*, in the same vehicle with passengers, between junction U. S. Highways 17 and 17–A, approximately seven (7) miles south of Hardeeville, S. C., and Savannah, Ga., over U. S. Highway 17–A (a total distance of approximately six (6) miles, serving all intermediate points.) Applicant is authorized to conduct operations in Georgia and South Carolina.

NOTE: Applicant states that the above route will avoid congested commercial traffic in Savannah.

HEARING: October 1, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 131.

No. MC 104326 (Sub No. 1), filed August 19, 1957, SAFEWAY TRAILS, INC., 820 T Street NE., Washington, D. C. Applicant's attorney: Edward G. Villalon, Continental Building, 14th at K Northwest, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers and their baggage*, between points within the territory authorized as an origin territory for charter operations in the State of Maryland and the District of Columbia and points in the territory now authorized to be served in charter operations in the District of Columbia, the states of Maryland, Virginia, North Carolina, Pennsylvania, Delaware, New Jersey, and New York. Applicant is authorized to conduct similar operations as a common carrier in the States of New York, New Jersey, Maryland, Pennsylvania, Delaware, and the District of Columbia.

HEARING: September 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 116248 (Sub No. 2), filed July 22, 1957, G. W. CONNER, doing business as CONNER BUSLINES, 1302 Tremont Street, Poplar Bluff, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Cairo, Ill., and Paducah, Ky., from Cairo over U. S. Highway 62 to Wickliffe, Ky., thence over Kentucky Highway 286 to junction 62, thence over U. S. Highway 62 to Paducah, and return over the same route, serving Wickliffe, Gage, and Hamburg, Ky., as intermediate points. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: October 3, 1957, at Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 156.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub No. 82), filed August 7, 1957, SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, 1600 Niels Esperson Building, Houston 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *air freight having a prior or subsequent movement by air*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Baldwin, La., and New Iberia, La., from Baldwin over Louisiana Highway 83 to junction Louisiana Highway 14, (formerly Louisiana Highway 25) thence over Louisiana Highway 14 to New Iberia, and return over the same route, serving the intermediate points of Choupique, Caneland, Ashton, Home Place, Glencoe, Florence, Ivanhoe, United, Alice B, Cypremort, Footes, Gajan, and Weeks (also known as Weeks Island), La., all of which are located on Louisiana Highway 83, and also serving the termini. Applicant is authorized to conduct operations in Louisiana and Texas.

NOTE: Applicant states that all the intermediate points described above are located on and served by applicant's affiliate, The Texas & New Orleans Railroad, except Ashton, La., including the termini. Dual operations or common control may be involved. Duplication with present authority to be eliminated.

No. MC 101126 (Sub No. 80), filed August 14, 1957, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fatty acids of vegetable oil*, in bulk, in insulated stainless steel tank vehicles, from St. Bernard, Ohio, to Monsanto, Ill.

No. MC 109513 (Sub No. 5), filed August 12, 1957, CHARLES B. RETZER, doing business as BEVERAGE TRANSPORTATION COMPANY, 2158 Hamilton Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wines*, in packages, from Hammondsport, N. Y., to points in Ohio, except Cleveland, Ohio. *Empty containers or other such incidental facilities* used in transporting the commodity specified on return. Applicant is authorized to transport similar commodities between points in Ohio, Illinois, Indiana, New Jersey, New York, Pennsylvania, Wisconsin, Massachusetts, and St. Louis, Mo.

No. MC 112520 (Sub No. 16), filed August 13, 1957, SOUTH STATE OIL CO., a Corporation, New Quincy Road, Tallahassee, Fla. Applicant's attorney: Dan R. Schwartz, 713 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rosin, resinous compounds* and *resinous oils, pinene, tall oil* and *tall oil products* including but not limited to *tall oil pitch, tall oil fatty acids, tall oil rosin, crude tall oil* and *tall oil other than crude* in bulk, in tank vehicles, from Port St. Joe, Fla., to all points in Alabama, Georgia, Louisiana and Mississippi. Applicant is authorized to transport the commodities specified in Alabama and Florida; and other commodities in those states and in Georgia and Mississippi.

No. MC 116387 (Sub No. 3), filed August 5, 1957, ALABAMA TANK LINES, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: H. N. Nunnally, 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum chemicals* (chemicals with a petroleum base), in bulk, in tank vehicles, from Chester, Pa., to Birmingham, Ala. Applicant is authorized to transport other commodities in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6626, published in the August 7, 1957, issue of the FEDERAL REGISTER on page 6365. Supplement filed August 16, 1957, to show joinder of CLARENCE F. KAUFFMAN and ROY J. MINTEER, both of Jobstown, N. J., as the persons in control of KAUFFMAN & MINTEER, INC.

No. MC–F 6656, published in the August 14, 1957, issue of the FEDERAL REGISTER on page 6545. Supplement filed August 19, 1957, to show joinder of MEYER J. BUTENSKY and EMANUEL BURTEN, both of 455 West 16th Street, New York, N. Y., as persons in control of BRANCH MOTOR EXPRESS COMPANY.

No. MC–F 6665 (correction), published in the August 21, 1957, issue of the FEDERAL REGISTER on page 6736. The name of the applicant should have been shown in all instances as SMITH'S TRANSFER CORPORATION OF STAUNTON, VA.

No. MC–F 6672. Authority sought for purchase by SERVICE TRANSFER & STORAGE, INC., Third and Cass Streets, LaCrosse, Wis., of the operating rights of AUSTIN H. S. TRUCKING, INC., (JAMES E. KENNEDY, TRUSTEE), doing business as AUSTIN TRUCK SERVICE, 11 South La Salle Street, Chicago, Ill., and for acquisition by DAVID H. RATNER and PAUL SHRIVER, both of Adams Building, Springfield, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., and Francis Clamitz, 1 North La Salle Street, Chicago, Ill. Operating rights sought to be transferred: *Structural, architectural and ornamental iron, steel and metal work, pulpboard boxes, corrugated boxes, non-corrugated boxes, wood pulpboard, wooden and iron cores, wooden skids, wastepaper, roofing, siding, roof and siding materials and equipment, insulating material, wire, wire fencing*, other iron and steel articles, brick and clay products, *face brick, feed, ingredients* used in the manufacture of feed, *malt and carbonated beverages, water, shelled corn, soy beans, canned goods, prepared foods, canned and preserved foodstuffs, equipment, materials* and supplies used by, or useful to, companies engaged in the canning and preserving of foodstuffs, *food-canning, preserving, and processing machinery and equipment, canned vegetables, glassware*, and *glassware covers*, as a *common carrier*, over irregular routes, from, to or between points and areas, varying with the commodity transported, in Wisconsin, Illinois, Iowa and Minnesota. Vendee is authorized to operate as a *common carrier* in Wisconsin, Minnesota, Illinois, South Dakota, Ohio, Michigan, and Indiana. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6673. Authority sought for purchase by WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, of the operating rights of A. B. & C. MOTOR TRANSPORTATION CO., INC., (JOHN D. FORD, SAMUEL ROSEN, AND ARTHUR T. WASSERMAN, CO-TRUSTEES), 300 Lunenburg Street, Fitchburg, Mass., and for acquisition by LEONARD S. SHORE, JOSEPH M. GANTZ and S. DAVID SHOR, all of Cincinnati, of control of such rights through the purchase. Applicants' attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington 6, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Fitchburg, Mass., and New York, N. Y., between New Haven, Conn., and the junction of Massachusetts Highway 15 and U. S. Highway 20, between Worcester, Mass., and New Haven, Conn., between Boston, Mass., and Worcester, Mass., between Greenfield, Mass., and Springfield, Mass., between Greenfield, Mass., and Fitchburg, Mass., between Providence, R. I., and Fitchburg, Lowell, Clinton and Haverhill, Mass., and between Boston, Mass., and Albany, N. Y., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Springfield and Boston, Mass., and points in Massachusetts within ten miles of Boston, and Albany and Saugerties, N. Y., and points in New York within 15 miles of Albany, on the one hand, and, on the other, points in Massachusetts; *new furniture*, between Gardner and Baldwinsville, Mass., on the one hand, and points in Rhode Island on the other;

paper and paper products, hot water heaters, machine rolls, machinery, oil, in containers, *rugs, malt beverages*, and *empty malt beverage containers*, between Springfield, Mass., and points within ten miles of Springfield, on the one hand, and on the other, Albany and Troy, N. Y.; *iron and steel wire*, from Palmer, Mass., to points in Connecticut. Vendee is authorized to operate as a *common carrier* in Massachusetts, Pennsylvania, New York, Ohio, New Jersey, Maryland, West Virginia, Virginia, North Carolina, Kentucky, Tennessee, Delaware, Indiana, Connecticut, Illinois, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6674. Authority sought for purchase by UNITED TRANSPORTS, INC., 4900 North Santa Fe Street, Oklahoma City, Okla., of a portion of the operating rights and certain property of MILLS KING, doing business as KING TRANSPORT, 314 Nolan, San Antonio, Texas, and for acquisition by ROY G. WOODS, also of Oklahoma City, of control of such rights and property through the purchase. Applicants' attorneys: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., and Ewell Muse, Perry Brooks Building, Austin, Texas. Operating rights sought to be transferred: *New automobiles, new trucks*, and *new assembled and partially assembled automobile chassis*, in initial movements, in truckaway and driveaway service, as a *common carrier*, over irregular routes, from Flint, Mich., South Bend, and Evansville, Ind., and Toledo, Ohio, to San Antonio, San Marcos, Austin, Laredo, and Seguin, Tex.; *new automobiles, new trucks*, and *new assembled and partially assembled automobile chassis*, in initial movements in driveaway service, from Detroit, Mich., to San Antonio, San Marcos, Austin, Laredo, and Seguin, Tex.; *new automobiles, new trucks*, and *new assembled and partially assembled automobile chassis*, in initial movements, in truckaway service, from Detroit, Mich., and from Willow Run in Washtenaw County, Mich., to certain points in Texas; *new automobiles, new trucks* and *new assembled and partially assembled automobile chassis*, in secondary movements, by the driveaway and truckaway methods, from Memphis, Tenn., and Houston, Tex., and from points within five miles of each to certain points in Texas. Vendee is authorized to operate as a *common carrier* in Missouri, Oklahoma, Texas, Indiana, Ohio, Kansas, Tennessee, Arizona, and New Mexico. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6675. Authority sought for control and merger by GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P. O. Box 986, Kalamazoo, Mich., of the operating rights and property of MICHICAGO MOTOR EXPRESS, INC., 2929 North Burdick Street, P. O. Box 6, Kalamazoo, Mich., and for acquisition by THOMAS B. WOODWORTH and FRED J. BUCKHOUT, both of Kalamazoo, of control of such rights and property through the transaction. Applicants' attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over a regular route, between Chicago, Ill., and Kalamazoo, Mich., serving all intermediate and certain off-route points. GRAFF TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in Michigan, Kentucky, Missouri, Iowa, Indiana, Illinois, Ohio, and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6676. Authority sought for control and merger by DIXIE HIGHWAY EXPRESS, INC., 1600 B Street, Meridian, Miss., of the operating rights and property of MOHAWK MOTOR LINES, INC., doing business as WEHBY SYSTEM-MOHAWK MOTOR LINES, 825 Palmer Place, Nashville 3, Tenn., and for acquisition by R. A. GOODLING, also of Meridian, of control of such rights and property through the transaction. Applicants' attorney: R. J. Reynolds, Jr., 1403 C & S Bank Building, Atlanta, Ga. Operating rights soughts to be controlled and merged: *General commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier*, over regular routes, between Birmingham, Ala., and Nashville, Tenn., between Nashville, Tenn., and Paducah, Ky., and between Hardin, Ky., and Nashville, Tenn,. serving certain intermediate and off-route points; *general commodities*, except livestock and commodities which require special equipment, between St. Louis, Mo., and Paducah, Ky., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Paducah, Ky., and Cairo, Ill., and between Louisville, Ky., and Nashville, Tenn., serving certain intermediate and off-route points; alternate routes for operating convenience only between St. Louis, Mo., and West Vienna, Ill., between St. Louis, Mo., and Hopkinsville, Ky., and between Elizabethtown, Ky., and Nashville, Tenn.; *empty equipment*, only between Gadsden, Ala., and Birmingham, Ala., between Attalla, Ala., and the junction of U. S. Highway 11 and Alternate U. S. Highway 11, and between Anniston, Ala., and Birmingham, Ala.; *the commodities* classified as meats, meat products and meat by-products, dairy products, and articles distributed by meat-packing houses in *Modification of Permits, Packing House Products*, 46 M. C. C. 23, from Nashville, Tenn., to Sylacauga, Ala., serving certain intermediate points, and the off-route point of Jacksonville, Ala.; *the commodities* classified as meats, meat products and meat by-products, dairy products and articles distributed by meat-packing houses, as set forth in the appendix to the report in *Modification of Permits, Packing-House Products*, 46 M. C. C. 23, over irregular routes, from Birmingham, Ala., to certain points in Alabama. DIXIE HIGHWAY EXPRESS, INC., is authorized to operate as a *common carrier* in Mississippi, Alabama, Georgia, Louisiana, and Florida. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-7043; Filed, Aug. 27, 1957; 8:48 a. m.]

[Notice 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 23, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–2202 (Deviation No. 2), ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron 9, Ohio, filed August 20, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Joplin, Mo., as follows: from Tulsa over the Will Rogers Turnpike to Joplin and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Tulsa, Okla., and Joplin, Mo., over U. S. Highway 66.

No. MC–30319 (Deviation No. 2), SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex., filed August 19, 1957. Attorney for said carrier, Edwin N. Bell, 1600 Esperson Building, Houston, Tex. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Bunkie, La., and Beggs, La., as follows: from Bunkie over U. S. Highway 71 to Lebeau, La., thence over Louisiana Highway 10 to Beggs and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Bun-

kie, La., and Beggs, La., over the following route: from Bunkie over Louisiana Highway 29 to junction unnumbered highway, thence over unnumbered highway to Beggs.

No. MC–59488 (Deviation No. 1), SOUTHWESTERN TRANSPORTATION COMPANY, Texarkana, Tex., filed August 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediary points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over the following pertinent routes: from Dallas over Texas Highway 114 to Grapevine, Tex., thence over Texas Highway 121 to Fort Worth; from Dallas over U. S. Highway 80 to Fort Worth; and return over the same routes.

No. MC–61440 (Deviation No. 1), LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, P. O. Box 2488, Oklahoma City 8, Okla., filed August 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Joplin, Mo., as follows: from Tulsa over the Will Rogers Turnpike to Joplin and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Tulsa, Okla., and Joplin, Mo., over U. S. Highway 66.

No. MC–61440 (Deviation No. 2), LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, P. O. Box 2488, Oklahoma City 8, Okla., filed August 19, 1957. Carrier proposes to operate as a *common carrier* by motor vehicles of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over U. S. Highway 80.

No. MC–66286 (Deviation No. 1), P. S. DUBREY TRUCKING CO., INC., 539 Hartford Turnpike, Shrewsbury, Mass., filed August 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Mt. Lebanon, N. Y., and Weston, Mass., as follows: from Mt. Lebanon over New York Highway 22 and Massachusetts Highway 102 to Lee, Mass., thence over the Massachusetts Turnpike to Weston and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Worcester over U. S. Highway 20 to Boston; from Worcester over Massachusetts Highway 9 to Boston; and from Worcester over U. S. Highway 20 to Albany, N. Y.; and return over the same routes.

No. MC–66286 (Deviation No. 2), P. S. DUBREY TRUCKING CO., INC., 539 Hartford Turnpike, Shrewsbury, Mass., filed August 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between New York, N. Y., and Utica, N. Y., as follows: from New York City over The New York State Thruway to Utica and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between New York, N. Y., and Utica, N. Y., over the following pertinent routes: from New York over U. S. Highway 9 via Peekskill, N. Y., to Albany, N. Y., thence over New York Highway 32 to junction New York Highway 7, thence over New York Highway 7 to Schenectady, N. Y., thence over New York Highway 5 to Utica; from New York over U. S. Highway 9 to Peekskill, N. Y., thence over U. S. Highway 6 to junction New York Highway 9D, thence across the Hudson River to Newburgh, N. Y., thence over U. S. Highway 9W to Albany, thence over New York Highway 5 to Utica; and return over the same routes.

No. MC–71478 (Deviation No. 1), THE CHIEF FREIGHT LINES CO., P. O. Box 4049 Station A, Kansas City, Mo., filed August 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Dallas, Tex., and Forth Worth, Tex., as follows: from Dallas over the Dallas-Forth Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over U. S. Highway 183.

No. MC–75320 (Deviation No. 2), CAMPBELL "66" EXPRESS, INC., P. O. Box 390, Springfield, Mo., filed August 14, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Jackson, Mo., and Little Rock, Ark., as follows: from Jackson, over Missouri Highway 34 to junction U. S. Highway 67, thence over U. S. Highway 67 to Little Rock, Ark., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Memphis, Tenn., and Little Rock, Ark., over the following pertinent routes: from Memphis over U. S. Highway 61 to St. Louis; from Memphis over U. S. Highway 70 to Little Rock; and return over the same routes.

No. MC–116004 (Deviation No. 1), TEXAS-OKLAHOMA EXPRESS, INC., 1005 South Lamar Street, Dallas, Tex., filed August 20, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Dallas, Tex., and Tulsa, Okla., as follows: from Dallas over U. S. Highway 77 to Davis, Okla., thence over Oklahoma Highway 7 to Scullin, Okla., thence over Oklahoma Highway 12 to Ada, Okla., thence over Oklahoma Highway 99 to Stroud, Okla., thence over U. S. Highway 66 to Tulsa and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Tulsa, Okla., over the following route: from Dallas over U. S. Highway 77 to Oklahoma City, Okla., thence over U. S. Highway 66 to Tulsa.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–7042; Filed, Aug. 27, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW–1083]

INTERSTATE HOLDING CORP.

ORDER PERMANENTLY SUSPENDING EXEMPTION

AUGUST 19, 1957.

Interstate Holding Corporation having filed with the Commission on March 8, 1957, a notification on Form 1–A and an offering circular, and amendments thereto, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, pursuant to section 3 (b) thereof and Regulation A thereunder, with respect to a public offering of 12,400 shares of its non-voting Class A stock, par value $5.00 per share, and 12,400 shares of its voting Class B stock, par value 1¢ per share, in units, each unit consisting of 100 shares of Class A stock and 100 shares of Class B stock, at $1,501.00 per unit;

The Commission having by order dated July 8, 1957, as amended by orders of July 17, 1957 and July 22, 1957, pursuant to Rule 261 (a) of Regulation A, temporarily suspended the aforesaid exemption;

The Commission, having ordered a hearing on the question whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption;

A hearing having been held after appropriate notice, at which Interstate Holding Corporation admitted the allegations in the order, as amended, waived a recommended decision by the hearing examiner and all other post-hearing procedures, and consented to the entry of a permanent suspension order;

The Commission having this day issued its Findings and Opinion; on the basis of said Findings and Opinion

It is ordered, Pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the above described offering of securities by Interstate Holding Corporation be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–7037; Filed, Aug. 27, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARTHA KLEMM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marth Klemm, Muhlestiegrain 51, Riehen near Basle, Switzerland; Claim No. 64048; Vesting Order No. 9068; $4,719.22 in the Treasury of the United States.

Securities, presently in the custody of the Safekeeping Department, Federal Reserve Bank of New York, as follows:

Six (6) $1,000.00 Federal Republic of Germany-Prussia Conversion Issue of 1953 4% dollar bonds, due October 1, 1972, Certificate Nos. 9637 to 9642 inclusive.

Coupons due April 15, 1941 to October 15, 1952 inclusive, detached from 4% Free State of Prussia Issue of 1927 Sinking Fund Gold Bonds Nos. 2185, 2186, 16696, 17662, 27509, and 27870; 144 coupons Nos. 27 to 50 inclusive.

Executed at Washington, D. C., on August 22, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–7051; Filed, Aug. 27, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

PAUL BUTLER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 19, 1957.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1957.

PAUL BUTLER.

AUGUST 14, 1957.

[F. R. Doc. 57–7045; Filed, Aug. 27, 1957; 8:48 a. m.]

HAROLD L. GRAHAM

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 19, 1957.

A. Deletions: Sold 1,400 shares of Resort of Delaware.
B. Additions: None.

This statement is made as of August 1, 1957.

HAROLD L. GRAHAM.

AUGUST 9, 1957.

[F. R. Doc. 57–7044; Filed, Aug. 27, 1957; 8:48 a. m.]

ROBERT L. TURNER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 1, 1957.

A. Deletions: 4,704 Shares Northeast Airlines Common Stock.
B. Additions: None.

This statement is made as of August 1, 1957.

ROBERT L. TURNER.

AUGUST 19, 1957.

[F. R. Doc. 57–7046; Filed, Aug. 27, 1957; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 168

Washington, Thursday, August 29, 1957

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

MAIN READING ROOM

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*.

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.326 *Limitation of shipments, Area No. 2*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the area committee for Area No. 2, established pursuant to said marketing agreement and order, and upon the basis of other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from September 3, 1957, through June 30, 1958, no handler shall ship (i) any potatoes of the round varieties grown in Area No. 2 unless such potatoes meet the requirements of the U. S. No. 2, or better, grade, size A, 2⅛ inches minimum diameter, or (ii) any potatoes of the long varieties grown in Area No. 2 unless such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of a size not less than 2⅛ inches minimum diameter or 4 ounces minimum weight, as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(2) During the period from September 3, 1957, through October 8, 1957, and subject to the requirements set forth in subparagraph (1) of this paragraph, no handler shall ship any lot of potatoes (i) of the Russet Burbank or Red McClure variety grown in Area No. 2 if such potatoes are more than "slightly skinned" as such term is defined in said United States Standards, which means that not more than 10 percent of such potatoes have more than one-forth of the skin missing or "feathered," or (ii) of any other varieties grown in Area No. 2 if such potatoes are more than "moderately skinned" as such term is defined in the said United States Standards which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered."

(3) Terms used in this section shall have the same meaning as when used in

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 26, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-7068; Filed, Aug. 28, 1957; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; MISSOURI

On August 7, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MISSOURI

County	Average value	County	Average value
Adair	$30,000	Dunklin	$40,000
Andrew	38,000	Franklin	31,000
Atchison	38,000	Gasconade	30,000
Audrain	30,000	Gentry	33,000
Barry	23,000	Greene	32,000
Barton	30,000	Grundy	31,000
Bates	31,000	Harrison	33,000
Benton	21,000	Henry	31,000
Bollinger	21,000	Hickory	20,000
Boone	30,000	Holt	38,000
Buchanan	38,000	Howard	32,000
Butler	30,000	Howell	20,000
Caldwell	33,000	Iron	20,000
Callaway	30,000	Jackson	36,000
Camden	20,000	Jasper	31,000
Cape Girardeau	30,000	Jefferson	30,000
Carroll	37,000	Johnson	32,000
Carter	20,000	Knox	30,000
Cass	32,000	Laclede	20,000
Cedar	23,000	Lafayette	38,000
Charlton	35,000	Lawrence	30,000
Christian	23,000	Lewis	30,000
Clark	30,000	Lincoln	32,000
Clay	38,000	Linn	30,000
Clinton	38,000	Livingston	32,000
Cole	30,000	McDonald	20,000
Cooper	33,000	Macon	30,000
Crawford	21,000	Madison	20,000
Dade	24,000	Maries	20,000
Dallas	20,000	Marion	30,000
Daviess	32,000	Mercer	29,000
De Kalb	33,000	Miller	20,000
Dent	20,000	Mississippi	40,000
Douglas	20,000	Moniteau	30,000
		Monroe	30,000

MISSOURI—Continued

County	Average value	County	Average value
Montgomery	$30,000	St. Clair	$24,000
Morgan	23,000	St. Francois	23,000
New Madrid	40,000	Ste. Genevieve	30,000
Newton	30,000	St. Louis	33,000
Nodaway	38,000	Saline	38,000
Oregon	20,000	Schuyler	30,000
Osage	30,000	Scotland	30,000
Ozark	20,000	Scott	40,000
Pemiscot	40,000	Shannon	20,000
Perry	30,000	Shelby	30,000
Pettis	30,000	Stoddard	40,000
Phelps	20,000	Stone	20,000
Pike	32,000	Sullivan	29,000
Platte	38,000	Taney	20,000
Polk	30,000	Texas	20,000
Pulaski	20,000	Vernon	30,000
Putnam	29,000	Warren	30,000
Ralls	30,000	Washington	21,000
Randolph	30,000	Wayne	20,000
Ray	36,000	Webster	21,000
Reynolds	20,000	Worth	33,000
Ripley	22,000	Wright	20,000
St. Charles	33,000		

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: August 23, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-7072; Filed, Aug. 28, 1957; 8:46 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3216, 3379 and 5977 containing the specific requirements for the 1957-crop grain sorghums price support program are hereby amended as follows:

Section 421.2433 (c) (1) is amended by adding to the list of basic county support rates the following:

MICHIGAN

County and Rate per Hundredweight (No. 2 or Better)	
All counties	$1.75

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421)

Issued this 23d day of August 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-7095; Filed, Aug. 28, 1957; 8:51 a. m.]

[1957 CCC Cotton Bulletin 1, Admt. 2]

PART 427—COTTON

SUBPART—1957 COTTON LOAN PROGRAM

SCHEDULE OF BASE LOAN RATES BY COUNTIES FOR FARM-STORED UPLAND COTTON

Correction

In Federal Register Document 57-6824, appearing at page 6673 in the issue for Wednesday, August 21, 1957, the following changes should be made in the table of rates under § 427.834:

1. In the third entry under Georgia, "Laurenz" should read "Laurens".
2. In the last entry under Missouri, the rate, now reading "82.39", should read "32.39".
3. In the third entry under New Mexico, "Nora" should read "Mora".
4. In the fifth entry under Texas, "Star" should read "Starr".

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 37—FISH; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARDS OF FILL OF CONTAINER

ORDER CONFIRMING EFFECTIVE DATE FOR STANDARD OF FILL OF CONTAINER FOR CANNED TUNA AND STAYING EFFECTIVENESS OF PARTS OF DEFINITION AND STANDARD OF IDENTITY FOR CANNED TUNA

In the matter of adopting a definition and standard of identity and a standard of fill of container for canned tuna:

An order ruling on proposals to adopt a definition and standard of identity (§ 37.1) and a standard of fill of container (§ 37.3) for canned tuna was published in the FEDERAL REGISTER of February 13, 1957 (22 F. R. 892). Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701 (e), 52 Stat. 1055, 70 Stat. 919; 21 U. S. C. 371 (e)) the order notified persons who would be adversely affected that they could file written objections to the order showing how they would be adversely affected, specifying with particularity the provisions of the order deemed objectionable, stating grounds for the objections, and requesting a public hearing on the objections. A number of written communications were submitted in response to the notice. Communications meeting the provisions of section 701 (e) of the act objected to the requirement in the identity standard that the words "in water" be included in the name of the food when water is used as the packing medium. Other communications meeting the provisions of section 701 (e) of the act objected to the requirement in the identity standard calling for label declaration of tuna darker than Munsell value 5.3 as "dark tuna." It will be necessary to hold a public hearing on whether the words "in water" are to be included in the name of the food when water is used as the packing medium and what label declaration shall be used to designate tuna darker than Munsell value 5.3.

Some communications were received which failed to comply with section 701 (e) of the act and accordingly they do not have the effect of objections within the meaning of that section—that is, they do not require staying the effectiveness of any provisions of standards promulgated by the order and they do not raise issues for a hearing. A number of persons filed objections requesting that various species of fish be included in the class known as tuna. Evaluation of these objections shows that all the species mentioned in the objections (except for a request to include bonito) are already included in the standard as tuna, under different names. Since the fish referred to are already included, those filing objections have shown no adverse effect, and a hearing upon such objections would serve no useful purpose. The person requesting that bonito be classed as tuna did not request a public hearing, nor did he show reasonable grounds for classifying bonito as tuna. For these reasons, the objections concerning the species of fish classified as tuna will not operate to stay the effectiveness of that portion of the order and no hearing will be held concerning what fish will be classified as tuna.

No communications were filed objecting to provisions of the fill of container standard for canned tuna (§ 37.3), published in the FEDERAL REGISTER February 13, 1957 (22 F. R. 892), and the order promulgating those regulations became effective August 13, 1957.

The order published in the FEDERAL REGISTER of February 13, 1957, announced that the effective date for the definition and standard of identity for canned tuna (§ 37.1) would be one year after publication in the FEDERAL REGISTER, and that the effective date for the standard of fill of container for canned tuna (§ 37.3) would be 90 days after publication in the FEDERAL REGISTER. An order which was published May 2, 1957 (22 F. R. 3106), extended the effective date for the standard of fill of container for canned tuna to August 13, 1957.

Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045); *It is ordered*, That:

The regulations establishing a definition and standard of identity for canned tuna (§ 37.1) as published in the FEDERAL REGISTER of February 13, 1957 (22 F. R. 892), shall go into effect on February 13, 1958, except as to the provisions stayed as follows:

The provision of the definition and standard of identity for canned tuna (§ 37.1), requiring that the words "in water" are to be included in the name of the food when water is used as the packing medium and the requirement for label declaration of tuna darker than Munsell value 5.3 as "dark tuna" are stayed to the extent that they would cause to be deemed to be misbranded under section 403 (g) of the act canned tuna that in all respects except as to these labeling provisions complies with the definition and standard of identity. This stay shall continue until final action is taken, disposing of the objections after public hearing thereon.

Notice of a public hearing to receive evidence on the provisions of the identity standard which were stayed by the filing of objections will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341)

Dated: August 23, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-7076; Filed, Aug. 28, 1957; 8:47 a. m.]

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 141b, 141c, 146; 21 CFR, 1956 Supp., 141a.90) are amended as indicated below:

1. Section 141a.90 (a) (2) is amended to read as follows:

§ 141a.90 *Crystalline penicillin-streptomycin-polymyxin-oxytetracycline-carbomycin powder veterinary;* • • • (a) *Potency.* • • •

(2) *Oxytetracycline content.* To an aliquot of the clear methanol solution prepared as directed in subparagraph (1) of this paragraph, add sufficient penicillinase to completely inactivate the penicillin and then dilute with sufficient 0.1 *M* monopotassium phosphate buffer, pH 4.5, to obtain a concentration of 0.24 microgram per milliliter (estimated) and proceed as directed in § 141c.218 (a) of this chapter, except use the oxytetracycline working standard (obtained from the U. S. P. Reference Standards Committee, 46 Park Avenue, New York 16, N. Y.) as the standard of comparison. Its content of oxytetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

2. Section 141b.112 (b) (1) (iii) is amended to read as follows:

§ 141b.112 *Streptomycin-polymyxin-bacitracin tablets.* • • •

(b) *Polymyxin used in making the batch*—(1) *Potency.* • • •

(iii) *Working standard.* Weigh out a sufficient quantity of the working standard (obtained from the U. S. P. Reference Standards Committee, 46 Park Avenue, New York 16, N. Y.) and make a 10,000 units per milliliter stock solution by diluting with 1 percent phosphate buffer, pH 6.0. This solution may be used for 2 weeks if kept in refrigerator.

3. Section 141b.126 (a) (1) (ii) (c) is amended to read as follows:

§ 141b.126 *Streptomycin-erythromycin ointment*—(a) *Ointment*—(1) *Potency.* • • •

(ii) • • •

(c) *Working standard.* Keep the working standard (obtained from the U. S. P. Reference Standards Committee, 46 Park Avenue, New York 16, N. Y.) at refrigeration in tightly stoppered vials, which in turn are kept in larger stoppered vials containing a suitable desiccant. Dry 30 milligrams to 50 milligrams of the standard as described in § 141a.5 (a) of this chapter. Dissolve the weight of dry working standard in sufficient methyl alcohol to give a concentration of 10,000 micrograms per milliliter. Further dilute with 0.1 *M* potassium phosphate buffer, pH 7.8 to 8.0, to give a stock solution of 1,000 micrograms per milliliter. This stock solution may be kept under refrigeration for 1 week.

4. Section 141e.410 (b) (1) (iii) is amended to read as follows:

§ 141e.410 *Bacitracin-neomycin tablets;* • • •

(b) *Neomycin used in making the tablets*—(1) *Potency.* • • •

(iii) *Working standard.* Dry the working standard (obtained from the U. S. P. Reference Standards Committee, 46 Park Avenue, New York 16, N. Y.) for 3 hours at 60° C. and a pressure of 5 millimeters or less and weigh out a sufficient quantity to make a convenient stock solution by diluting with a 0.1 *M* potassium phosphate buffer, pH 7.8 to 8.0. The stock solution, when stored at a temperature of approximately 15° C., or less, may be used for a period not exceeding 1 month.

5. In § 146.26 *Animal feed containing penicillin* • • •, paragraph (b) (21) is amended in the following respects:

a. Subdivision (v) is redesignated as (vi) and the following new subdivision (v) is inserted between subdivision (iv) and renumbered (vi):

(v) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraph (15) of this paragraph, it contains dienestrol diacetate in the amounts and under the conditions set forth in subdivision (i) of this subparagraph, and it contains furazolidone in the amounts specified in subparagraph (15) of this paragraph.

b. In renumbered subdivision (vi) the words "and (iv)" are changed to read ", (iv), and (v)".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing antibiotic drugs which conform with the requirements set forth in amendment 5 of this order need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they are used in the amounts and for the purposes specified in these amendments.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055. as amended. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357, 371)

Dated: August 23, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-7077; Filed, Aug. 28, 1957; 8:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter F—Quarantine, Inspection, Licensing

PART 71—FOREIGN QUARANTINE

Correction

In Federal Register Document 57-6606, published at page 6460 in the issue for Tuesday, August 13, 1957, the headnote for Subpart G should read: "Subpart G—Sanitary Inspection: Control of Rodents, Insects, and Other Vermin; Disinfection".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 34]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

The following corrections and deletions to Part 4b (14 CFR 4b) pertain to the policies on takeoff flight path, landing distance, trim, stability, fuel system operation in hot weather, induction anti-icing provisions, and main fuel pumps. These amendments are issued to bring the policies in Civil Aeronautics Manual 4b into line with the amendments in Civil Air Regulation Amendment 4b-2, effective August 25, 1955 (20 F. R. 5303–5309, July 26, 1955).

1. Section 4b.116–2 is amended by deleting the words "reference to" in footnote 7.

2. Section 4b.116–2 (b) (2) (i) and (3) (i) are amended by changing the fourth parenthetical expression which reads "(feathered if automatic feathering device is installed)" to read "(feathered if automatic feathering device is installed, sec § 4b.120–1)."

3. Section 4b.123–2 (c) (3) is amended by deleting the first word, "Humidity," so that the sentence now reads, "Wind direction and wind velocity should be recorded adjacent to the runaway at a height of 6 feet."

4. Section 4b.141–1 (b) is amended by changing the first sentence to read: "It should be possible to maintain hands-off lateral and directional trim when demonstrating compliance with § 4b.141."

5. Section 4b.142–1 (c) is revised as follows:

(c) *Longitudinal trim during level flight, § 4b.142* (c)—(1) *Configuration.* This test should be conducted in the configuration that follows:

Weight—maximum takeoff.
C. G. position—most forward and most aft.
Wing flaps—retracted.
Landing gear—retracted and extended.
Engines—power required for level flight.
Cowl flaps—appropriate for flight condition.

(2) *Test procedure and required data.* It should be possible to maintain hands-off longitudinal trim when demonstrating compliance with § 4b.142 (c).

6. Section 4b.154–1 (a) is amended by changing the configuration description for "Engines" to read: "Engines—the power specified in § 4b.154 (d)."

7. Section 4b.155–1 (a) (1) is amended by changing the configuration description for "Engines" to read: "Engines—the power specified in § 4b.155 (b) (3)."

8. Section 4b.155–1 (a) (2) is amended by changing the first sentence to read: "The airplane should be trimmed at the speed for level flight with the power specified in § 4b.155 (b) (3)."

9. Section 4b.155–1 (b) (1) is amended by changing the configuration description for "Engines" to read: "Engines—the power specified in § 4b.155 (b) (3)."

10. Section 4b.155–1 (b) (2) is amended by changing the first sentence to read: "The airplane should be trimmed at the speed for level flight with the power specified in § 4b.155 (b) (3)."

11. Section 4b.157–1 (b) is amended by changing the word "may" to "should" in the first sentence.

12. Section 4b.337–1 (a) is rescinded.

13. Section 4b.417–1 (c) is amended by deleting the second and third sentences.

14. Section 4b.430–1 is rescinded.

15. Section 4b.461–1 (a) is amended by removing the word "mixture" from the first sentence.

This supplement shall become effective September 15, 1957.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

AUGUST 22, 1957.

[F. R. Doc. 57-7075; Filed, Aug. 28, 1957; 8:46 a. m.]

[Supp. 13]

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

ELECTRIC CABLE FOR POWER DISTRIBUTION

This supplement sets forth design standards acceptable to the CAA for electric cables used in the power distribution system of rotorcraft certificated in the normal category.

A new § 6.627–1 is added to read as follows:

§ 6.627–1 *Electric cable for power distribution (CAA policies which apply to § 6.627).* The design for power distribution cable [1] should be such that probable environmental conditions [2] will not produce hazardous deterioration of the cable insulation, or cause a failure of the conductor. Cable insulation should be flame-resistant and should not emit toxic fumes when overheated. Cable conforming to Military Specification MIL–W–5086 or the equivalent is acceptable for this specification.

This supplement shall become effective September 20, 1957.

(Sec. 205, 52 Stat. 984, as amended, 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007 as amended, 1009 as amended; 49 U. S. C. 551, 553)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

AUGUST 23, 1957.

[F. R. Doc. 57-7074; Filed, Aug. 28, 1957; 8:46 a. m.]

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[1] For the purpose of this section, the term "power distribution cable" includes all electrical cable transmitting electric power from generators or batteries to load equipment, but does not include cable confined within metallic enclosures, such as in radio equipment.

[2] Environmental conditions which should be considered: Ambient temperature range which may exceed design limits of the cable; vibration leading to abrasive wear of cable insulation or conductor failure; presence of aircraft fluids, such as oil, gasoline, or water, which may have detrimental effects on cable insulation or increase its inflammability. (See § 6.620)

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 32]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 21 SEPT 57.							

City, Dayton; State, Ohio; Airport Name, Dayton; Elev, 1008'; Fac Class, BVOR; Ident, DAY; Procedure No. 1, Amdt 2; Eff Date, 1 Apr 54; Sup Amdt No. 1; Dated, 25 Aug 51

2. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Augusta LFR	Augusta VOR	Direct	1700	T-d	400–1	400–1	400–1
				T-n	500–1	500–1	500–1
				C-d	700–1	700–1	700–1½
				C-n	700–1½	700–1½	700–1½
				S-dn-17	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 348 Outbnd, 168 Inbnd, 1800' within 10 mi.
Minimum altitude over facility on final approach crs, 1100'.
Course and distance, breakoff point to app. end of rnwy 17, 171°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a climbing right turn to 1800' outbnd on R-232 Augusta VOR within 10 mi.
AIR CARRIER NOTE: Night operations restricted to Runways 17-35.

City, Augusta; State, Maine; Airport Name, State; Elev. 357'; Fac Class, BVOR; Ident, AUG; Procedure No. TerVOR-17, Amdt 1; Eff Date, 21 Sept 57; Sup Amdt No. Orig; Dated, 24 July 54

Augusta LFR	Augusta VOR	Direct	1700	T-d	400–1	400–1	400–1
				T-n	500–1	500–1	500–1
				C-d	600–1	600–1	600–1½
				C-n	600–1½	600–1½	600–1½
				S-dn-26	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 086 Outbnd, 266 Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, breakoff point to app. end of rnwy 26, 266°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1800' on R-232 Augusta VOR within 10 mi.
AIR CARRIER NOTES: Night operations restricted to Runways 17-35. Straight-in minimums not authorized on Rnwy 26.

City, Augusta; State, Maine; Airport Name, State; Elev, 357'; Fac Class, BVOR; Ident, AUG; Procedure No. TerVOR-26, Amdt 1; Eff Date, 21 Sept 57; Sup Amdt No. Orig; Dated, 24 July 54

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Augusta LFR	Augusta VOR	Direct	1700	T-d	400–1	400–1	400–1
				T-n	500–1	500–1	500–1
				C-d	600–1	600–1	600–1½
				C-n	600–1½	600–1½	600–1½
				S-dn-35	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 174 Outbnd, 354 Inbnd, 1600' within 10 mi.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, breakoff point to app. end of rnwy 35, 351°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a climbing right turn to 2300' on R-070 Augusta VOR within 10 mi.
AIR CARRIER NOTE: Night operations restricted to Runways 17-35.

City, Augusta; State, Maine; Airport Name, State; Elev, 357'; Fac Class, BVOR; Indent, AUG; Procedure No. TerVOR-35, Amdt 1; Eff Date, 21 Sept 57; Sup Amdt No. Orig; Dated, 24 July 54

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Chattanooga VOR	ILS LOM	Direct	2300	T-dn	300–1	300–1	200–½
Chickamauga Int	CQN MHW	Direct	2200	C-dn	600–1½	700–1½	700–2
Whitwell Int	CQN MHW	Direct	3400	S-dn-19°:			
Bridgeport Int	CQN MHW	Direct	3400	ILS	300–¾	300–¾	300–¾
Coalmont Int	CQN MHW	Direct	3400	ADF	500–1	500–1	500–1
Georgetown Int	CQN MHW	Direct	2900	A-dn:			
Crandall Int	CQN MHW	Direct	2900	ILS	600–2	700–2	700–2
				ADF	800–2	800–2	800–2

Take-off on rnys 14-32 N. A. with less than 300–1.
Procedure turn E side of N crs, 015 Outbnd, 195 Inbnd, 2500' within 10 mi of CQN. (Nonstandard due to terrain.)
Minimum altitude at G. S. int inbnd 2500' ILS; minimum altitude over CQN MHW inbnd final 2500' ADF; over LOM inbnd final 1900 ADF.
Altitude of G. S. and distance to approach end of rny at CQN, 2500'—7.7; at OM, 1900'—4.1; at MM, 890'—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3300' on S crs ILS or 7.7 mi after passing CQN RBn (ADF), climb to 3300' on crs of 195° within 20 mi.
NOTE: *500–¾ required when glide slope not utilized. No approach lights.
AIR CARRIER NOTE: Application of sliding scale to straight-in minima NA.

City, Chattanooga; State, Tenn; Airport Name, Lovell Fld; Elev, 682'; Fac Class, ILS-ICHA; Ident, MHW-CQN; Procedure No. ILS-19, Amdt 5, Comb ILS and ADF; Eff Date, 21 Sept 57; Sup Amdt No. Proc No. 1, Amdt 4; Dated, 4 May 57

Radar transition to ILS NE crs to be conducted in accordance with established surveillance patterns for Runway 23R.	4 mile Radar fix (final)	Direct	1600	T-dn	300–1	300–1	200–½
Stadium RBn				C-dn:			
				ILS	400–1	500–1	500–1½
				ADF	700–1	700–1	700–1½
				S-dn, 23R, ILS	400–1	400–1	400–1
				A-dn, ILS and ADF.	800–2	800–2	800–2

Procedure turn N side NE crs, 054 Outbnd, 234 Inbnd, 2500' within 10 miles of Stadium RBn.
No glide slope or markers. Minimum altitude over Stadium RBn inbnd final, 2000' ADF. Minimum altitude to 4 mile fix 2000' without Stadium RBn. Descend to landing minimums after passing 4 mile fix, as determined by surveillance radar.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 mi after passing radar fix or 8 mi after RBn, climb to 2300' or at higher altitude when requested by ATC) on SW crs ILS or 234° from Stadium RBn to LOM. No glide slope and no altitude information given on final approach between ASR 4 mi fix and airport unless requested.
NOTE: The following radar transition altitudes are applicable to all procedures: S, NW, and N quadrants of Cleveland LFR within 10 mi 2000', within 30 mi 3000' in SE quadrant within 30 mi 3000' in all quadrants in accordance with established radar patterns.
CAUTION: 1970' TV towers approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev, 789'; Fac Class, ILS; Ident, CLE; Procedure No. ILS-23R, Amdt 4, Comb ILS-ADF; Eff Date, 21 Sept 57; Sup Amdt No. Proc No. 2, 3; Dated, 12 Nov. 55

Dayton VOR	LOM	Direct	2300	T-dn	300–1	300–1	200–½
Wright-Patterson LFR	LOM	Direct	3000	C-dn	400–1	500–1	500–1½
W crs Columbus LFR & ILS NE crs or brng 236 to LOM.	LOM	Direct	2300	S-dn-6°:			
				ILS	200–½	200–½	200–½
Lil erty Int	LOM	Direct	2300	ADF	400–1	400–1	400–1
West Alexandria Int ILS#	LOM (final)	Direct	2300	A-dn:			
West Alexandria Int ADF	LOM (final)	Direct	1700	ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*400–¾ required with glide slope inoperative.
#Int W crs Wright Patterson LFR and SW crs ILS or brng 056 to LOM.
Procedure turn W side SW crs, 236 Outbnd, 056 Inbnd, 2300' within 10 mi.
Minimum altitude at glide slope int inbnd: 2300' ILS. Min. Alt. over LOM inbnd final—1700' ADF.
Alt. of glide slope and distance to approach end of rny at OM—2270'—3.8; at MM—1235—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM (ADF), climb to 2200' on 360 crs from Tipp City MHW within 10 mi.

City, Dayton; State, Ohio; Airport Name, Dayton; Elev, 1008'; Fac Class, ILS-DAY; Ident, LOM-DA; Procedure No. ILS-6, Amdt 12, Comb ILS-ADF; Eff Date, 21 Sept 57; Sup Amdt No. Proc No. 1, Amdt 11; Dated, 17 Nov 56

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dayton VOR	TPC MHW	Direct	2200	T-dn	300–1	300–1	200–½
Wright-Patterson LFR	TPC MHW	Direct	2200	C-dn	400–1	500–1	500–1½
Springfield MHW	TPC MHW	Direct	2300	S-dn-24:			
Int W crs Columbus LFR and ILS NE crs or 236 brng to Tipp City MHW.	TPC MHW (final)	Direct	1700	ILS	400–1	400–1	400–1
				ADF	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side NE crs (back crs ILS) 056 Outbnd, 236 Inbnd, 2200′ within 10 mi of Tipp City MHW.
No glide slope or markers. Alt. over Tipp City MHW 1700′. Distance Tipp City to Rnv 24, 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, climb to 2300′ on SW crs ILS or 236 brng Outbnd from Tipp City MHW within 10 mi.
NOTE: Provision for inoperative ILS components not applicable.

City, Dayton; State, Ohio; Airport Name, Dayton; Elev, 1008′; Fac Class, ILS-DAY; Ident, MHW-TPC; Procedure No. ILS-24, Amdt 2, Comb ILS-ADF; Eff Date, 21 Sept 57; Sup Amdt No. Proc No. 2, Amdt 1; Dated, 1 Apr 54

4. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
0	360	15	#3000											Surveillance approach			
240	220			25	3000												
220	240			25	4000												
														T-dn	300–1	300–1	200–½
														C-dn	400–1	500–1	500–1½
														S-dn–21, 20R*, 23.	400–1	400–1	400–1
														A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
#2000′ when radar provides 3 mi separation from radio and TV towers 8 mi SW, 5 mi W and 9 mi NW of airport.
*Maintain at least 1400′ until 2.5 mi of runway end.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 2L: Climb to 2000′ on N crs ILS or on crs of 015 from LOM within 20 mi., or when directed by ATC, turn right, climb to 3000′ on NE crs LFR within 20 mi. Runways 20 or 23: Climb to 2500′ on S crs ILS within 20 mi, or when directed by ATC, climb to 3000′ on SW crs LFR within 20 mi.
AIR CARRIER NOTE: Takeoff with less than 200–½ on Runway 15, NA.

City, Nashville; State, Tenn; Airport Name, Berry Field; Elev, 666′; Fac Class, Nashville: Ident, Radar; Procedure No. 1, Amdt 1; Eff Date, 21 Sept 57; Sup Amdt No. Orig; Dated, 31 Aug 57 or com. of facility

006	020	5	1600	10	2500	15	3000	20	3000	25	3000			Surveillance approach			
020	095	5	1600	10	2500	15	4000	20	5500	25	6500						
095	112	5	1600	10	2000	15	2000	20	5500	25	6500			T-dn	300–1	300–1	200–½
112	125	5	1600	10	2000	15	2000	20	2000	25	4000			C-dn	500–1	500–1	500–1½
125	150	5	1600	10	1700	15	2000	20	2000	25	4000			S-dn, 16-34	400–1	400–1	400–1
150	205	5	1600	10	1700	15	2000	20	2000	25	4000			S-dn, 2–20	500–1	500–1	500–1½
205	250	5	1900	10	1900	15	2000	20	2000	25	4000			A-dn	800–2	800–2	800–2
250	290	5	1900	10	1900	15	2000	20	2000	25	2000						
290	305	5	1900	10	1900	15	2000	20	3500	25	3500						
305	328	5	1600	10	1600	15	2000	20	2000	25	3000						
328	006	5	1600	10	1600	15	2000	20	3000	25	3000						

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 2 and 34 climb to 2000′ on NW crs Seattle LFR 292° Outbnd within 25 miles of station. Runways 16 and 20, climb to 2000′ on 158° Outbnd crs Seattle LOM within 8 mi of station. Alternate Missed Approach: All runways, when requested by ATC, climb to 2000′ on R-230 SEA-VOR within 20 mi of station.

City, Seattle; State, Wash; Airport Name, Seattle-Tacoma Int; Elev, 424′; Fac Class, Seattle-Tacoma; Ident, Radar; Procedure No. 1, Amdt 2; Eff Date, 21 Sept 57; Sup Amdt No. 1; Dated, 17 Mar 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

AUGUST 20, 1957.

[F. R. Doc. 57-6997; Filed, Aug. 28, 1957; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

APPLICATIONS

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1952 ed. §§ 1–17a), § 1.10 of Part 1, Chapter I, Title 17, Code of Federal Regulations (17 CFR 1.10), is hereby amended to read as follows:

§ 1.10 *Applications for registration required on prescribed forms; financial statements of futures commission merchants; registration suspended or revoked for willful misrepresentation.* (a) Application for registration as futures commission merchant shall be made on Form 1–R. Application for registration as floor broker shall be made on Form 2–R. Each application shall be executed and filed in accordance with the instructions appearing on the prescribed form.

(b) Every application for registration as futures commission merchant other than an application necessitated solely by reason of a change in the name of the registrant shall be accompanied by the applicant's latest statement of financial condition. If such statement is as of date more than 6 months prior to the date application is filed, the applicant shall file within 3 months following registration a statement of financial condition as of a date not more than 6 months prior to the date of filing such statement: *Provided*, That, for good cause shown, the Act Administrator may extend for a reasonable period the time for filing any statement of financial condition required under the provisions of this section.

(c) Every financial statement shall bear the certification of the applicant in the following form, to wit:

Applicant represents that all information contained or incorporated in this financial statement is true to the best of applicant's knowledge and belief.
Dated at ____, the ____ day of ____, 19__.

(d) Willful misrepresentation or concealment by the applicant (or registrant) of any material fact in an application for registration or in any statement supplemental thereto shall constitute cause for the suspension or revocation of registration.

The effect of this amendment is to liberalize the existing requirements pertaining to the filing of financial statements by applicants for registration as futures commission merchant.

Since this amendment will operate to liberalize existing requirements and will not adversely affect the public, it is hereby found that notice and public procedure under section 4 of the Administrative Procedure Act are unnecessary, and that this amendment should be made effective within less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Issued: August 26, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-7096; Filed, Aug. 28, 1957; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter F—Animal Breeds

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

PEDIGREE CERTIFICATE

On July 10, 1957, there was published in the FEDERAL REGISTER (22 F. R. 4862) a notice with respect to a proposed amendment of § 151.4 of Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with the notice, and pursuant to the provisions of paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, par. 1606), said § 151.4 is hereby amended to read as follows:

§ 151.4 *Pedigree certificate.* A pedigree certificate for an animal of a breed listed in § 151.9, issued by the custodian of the appropriate book of record listed in said section and on which there has been entered, in accordance with the rules of entry of the registry association, a complete record of transfers of ownership from the breeder to and including the United States importer, or a complete record of transfers of ownership from the breeder to and including the person who owns the animal when it is imported into the United States and the name of the United States importer, shall be furnished by the importer or his agent to the inspector at the time of examination of the animal as provided in § 151.7. Following examination of the animal, the importer or his agent shall present the pedigree certificate to the Division at the time of making application for a certificate of pure breeding as provided in § 151.3. The Division will later return the document to the party who submitted it. A verbatim translation of the description relating to color and markings shall appear in English in the pedigree certificate for the animal or in a separate certificate appended to the pedigree certificate.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

This amendment relieves certain restrictions with respect to the transfers of ownership which must be shown on a pedigree certificate furnished by the importer or his agent to the Department in connection with an application for a certificate of pure breeding under paragraph 1606 of section 201 of the Tariff Act of 1930. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, Par. 1606)

Done at Washington, D. C., this 23d day of August 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 57-7094; Filed, Aug. 28, 1957; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter L—Mineral Lands

[Circular 1983]

PART 192—OIL AND GAS LEASES

AVAILABILITY OF LANDS TO FURTHER LEASE OFFERS WHERE NONCOMPETITIVE LEASE IS CANCELLED, RELINQUISHED OR TERMINATED

On page 1588 of the FEDERAL REGISTER of March 12, 1957, there was published a notice of proposed amendment of 43 CFR 192.43 (a) as a proposed rule making. Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. The comments and suggestions which were submitted within the 30-day period have not been adopted. Therefore, the proposed amended regulation is hereby adopted without change and is set forth below.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

HATFIELD CHILSON,
Acting Secretary of the Interior.

AUGUST 23, 1957.

Paragraph (a) of § 192.43 is amended to read as follows:

§ 192.43 *Availability of lands to further lease offers where noncompetitive lease is cancelled, relinquished or terminated.* (a) Where the lands embraced in a relinquished or cancelled noncompetitive lease are not on the known geologic structure of a producing oil and gas field, and are not withdrawn from leasing, such lands become available for, and subject to, filings of new lease offers immediately upon the notation of the cancellation or relinquishment on the tract book, or, for acquired lands, on the official records relating thereto, of the appropriate land office. If prior to such notation, the lease term would have expired in the absence of the cancellation or relinquishment, the lands shall, upon such expiration of the lease term, become subject to the filing of lease offers even though the notation of the cancellation or relinquishment has not been made on the records. See § 192.120 (f) and (g) for the availability for new filings of lands in a lease for which an application for extension has or has not been timely filed; also, see § 192.161 (a) for the availability for new filings of lands in a lease subject to the automatic

termination provisions of the act of July 29, 1954 (68 Stat. 583; 30 U. S. C. 188), for lessee's failure timely to pay the lease rental.

[F. R. Doc. 57-7078; Filed, Aug. 28, 1957; 8:47 a. m.]

Appendix—Public Land Orders

[Public Land Order 1470]

[017802]

New Mexico

WITHDRAWING PUBLIC LANDS IN NEW MEXICO FOR USE BY THE DEPARTMENT OF THE ARMY IN CONNECTION WITH THE MCGREGOR RANGE (FORT BLISS)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, except as hereinafter indicated, and reserved for use by the Department of the Army as a missile testing range:

New Mexico Principal Meridian

T. 19 S., R. 9 E.,
Sec. 3, all that part lying east of Southern Pacific Railway right-of-way;
Sec. 10, all that part of the E½ lying east of the Southern Pacific Railway right-of-way;
Sec. 11, W½;
Sec. 12, E½;
Secs. 13 and 14;
Sec. 15, all that part of the E½ lying east of the Southern Pacific Railway right-of-way;
Sec. 22, all that part of the E½ lying east of the Southern Pacific Railway right-of-way;
Secs. 23 to 26, inclusive;
Secs. 27 and 34, those parts lying east of Southern Pacific Railway right-of-way;
Sec. 35.

T. 19 S., R. 10 E.,
Sec. 2, SE¼;
Sec. 7, W½ and S½SE¼;
Sec. 9, SW¼;
Sec. 10, NE¼ and W½SE¼;
Sec. 11, N½;
Sec. 13, N½;
Sec. 14, NE¼;
Sec. 17, W½W½;
Secs. 18, 24, 25, 26, 29, 30, and 31;
Sec. 12, W½.

T. 20 S., R. 9 E.,
Sec. 1;
Secs. 3 and 10, those parts lying east of Southern Pacific Railway right-of-way;
Secs. 11 to 14, inclusive;
Secs. 15 and 21, those parts lying east of Southern Pacific Railway right-of-way;
Secs. 22 to 27, inclusive;
Secs. 28 and 33, those parts lying east of Southern Pacific Railway right-of-way;
Secs. 34 and 35.

T. 20 S., R. 10 E.,
Sec. 1;
Secs. 3 to 9, inclusive;
Secs. 11 to 15, inclusive;
Secs. 17 to 19, inclusive;
Secs. 22 to 27, inclusive;
Sec. 30;
Secs. 33, 34, and 35.

T. 20 S., R. 11 E.,
Sec. 1;
Secs. 3 to 15, inclusive;
Secs. 17 to 31, inclusive;
Secs. 33, 34, and 35.

T. 20 S., R. 12 E.,
Sec. 2, S½SE¼;
Sec. 3, lots 1, 2, 3, 4, and S½N½;
Sec 5, lots 1 and 2, S½NE¼;
Sec. 7, NE¼;
Sec. 8, NW¼;
Sec. 24, lot 3 and NW¼SE¼;
Sec. 26, SE¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 27, S½NW¼, SW¼NE¼, N½SW¼, and N½SE¼;
Sec. 28, N½S½, S½N½, N½NW¼, and NW¼NE¼;
Sec. 30.

T. 20 S., R. 13 E.,
Sec. 19, lots 1, 2, 3, 4, and E½W½;
Sec. 25, SW¼ and E½NW¼;
Sec. 26, SW¼NE¼ and E½SE¼;
Sec. 27, S½NW¼ and N½SW¼;
Sec. 28, E½SE¼;
Sec. 29, S½;
Sec. 30, E½, E½SW¼, and SE¼NW¼;
Sec. 31, NE¼, E½NW¼, N½SE¼, and NE¼SW¼;
Sec. 35, W½W½, SE¼NW¼, and NE¼SW¼.

T. 21 S., R. 9 E.,
Secs. 1 and 3;
Secs. 4 and 9, those parts lying east of S. P. Ry. right-of-way;
Secs. 10 to 15, inclusive;
Sec. 21, that part lying east of S. P. Ry. right-of-way;
Secs. 22 to 25, inclusive;
Sec. 26, W½, NE¼, N½SE¼, and SE¼SE¼;
Sec. 27;
Secs. 28 and 33, those parts lying east of S. P. Ry. right-of-way;
Secs. 34 and 35.

T. 21 S., R. 10 E.,
Sec. 1, N½, S½S½, N½SE¼, and NE¼SW¼;
Secs. 3 to 14, inclusive;
Sec. 15, SE¼;
Secs. 17 to 22, inclusive;
Sec. 23, W½, NE¼, and N½SE¼;
Secs. 24 and 25;
Sec. 26, S½, NW¼, and W½NE¼;
Secs. 27 to 31, inclusive;
Secs. 33, 34, and 35.

T. 21 S., R. 11 E.,
Secs. 1 and 3;
Secs. 6 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 25 to 31, inclusive;
Sec. 33;
Sec. 34, lots 1, 2, 3, 4, N½S½, S½N½, N½NW¼, and NW¼NE¼;
Sec. 35.

T. 21 S., R. 12 E.,
Sec. 1;
Sec. 3, lots 1, 2, 3, and 4;
Sec. 4, W½ and lots 1 and 2;
Secs. 5 to 8, inclusive;
Secs. 11 to 15, inclusive;
Secs. 17 to 21, inclusive;
Sec. 22, N½;
Secs. 23 to 27, inclusive;
Secs. 29 to 31, inclusive;
Secs. 34 and 35.

T. 21 S., R. 13 E.,
Sec. 1, S½, lots 8, 9, 10, and 12;
Sec. 3;
Sec. 4, S½, lots 3, 5, 6, 7, 8, 9, 10, 11, and 12;
Sec. 5, S½, lots 5, 6, 7, 8, 9, 10, 11, and 12;
Sec. 6, SE¼, E½SW¼, lots 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14;
Secs. 7 to 15, inclusive;
Secs. 17 to 19, inclusive;
Secs 21 to 23, inclusive;
Sec. 24, W½ and NE¼;
Sec 25, NW¼;
Secs 26 and 27;
Sec. 28, E½, NW¼, and N½SW¼;
Sec. 29;
Sec. 30, NE¼, E½NW¼, N½SE¼, NE¼SW¼, lots 1, 2, and 3;
Secs. 31, 33, and 34;
Sec. 35, W½ and NE¼.

T. 21 S., R. 14 E.,
Sec. 5, lots 1, 2, 3, 8, and SW¼;
Sec. 6;
Sec. 7, NE¼, E½NW¼, E½SW¼, lots 1, 2, 3, and 4;
Sec. 18, E½NW¼, lots 1 and 2.

T. 22 S., R. 8 E.,
Secs. 13, 23, and 24, those parts lying east of S. P. Ry. right-of-way;
Sec. 25;
Sec. 26, N½NE¼, SE¼SE¼, and that part of the S½ east of S. P. Ry. right-of-way;
Secs. 34 and 35, those parts lying east of S. P. Ry. right-of-way.

T. 22 S., R. 9 E.,
Sec. 3, S½;
Sec. 4, S½;
Secs. 5, 7, and 8, those parts lying east of S. P. Ry. right-of-way;
Secs. 9, 10, and 13;
Sec. 15, S½, NE¼, NW¼NW¼, and E½NW¼;
Sec. 17;
Sec. 18, that part lying east of S. P. Ry. right-of-way;
Secs. 19 to 21, inclusive;
Sec. 22, NE¼;
Secs. 25 and 26;
Sec. 27, E½;
Secs. 28 to 31, inclusive;
Sec. 33;
Sec. 34, E½;
Sec. 35.

T. 22 S., R. 10 E.,
Secs. 1 and 3;
Sec. 4, lots 5, 6, 7, 8, 9, 10, 11, and 12;
Sec. 5, lots 1, 2, 3, 4, and S½N½;
Sec. 6, SE¼, E½SW¼, lots 6 and 7;
Secs. 7 to 15, inclusive;
Secs. 17 to 19, inclusive;
Sec. 20, lots 1 to 15, inclusive;
Secs. 21 to 24, inclusive;
Sec. 25, N½;
Secs. 26 to 31, inclusive;
Secs. 33, 34, and 35.

T. 22 S., R. 11 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 19, inclusive;
Secs. 23 to 31, inclusive;
Secs. 33, 34, and 35.

T. 22 S., R. 12 E.,
Secs. 1, 3, 4, 5, and 6;
Sec. 8, S½, NW¼, and SW¼NE¼;
Sec. 9, S½SW¼, N½NE¼, and SE¼NE¼;
Sec. 10, N½ and SE¼;
Secs. 11, 12, and 14;
Sec. 15, E½;
Sec. 17;
Sec. 18, E½;
Secs. 19 to 22, inclusive;
Sec. 24, N½, N½S½, and S½SW¼;
Sec. 25, S½, S½N½, and N½NW¼;
Secs. 26 to 31, inclusive;
Secs. 33, 34, and 35.

T. 22 S., R. 13 E.,
Sec. 3;
Sec. 4, lots 3, 4, S½NW¼, and SE¼;
Secs. 5, 6, and 7;
Sec. 9, E½ and SW¼;
Sec. 10, W½;
Sec. 20;
Sec. 21, NW¼;
Sec. 29, W½ and NE¼.

T. 23 S., R. 8 E.,
Sec. 1;
Secs. 3, 9, and 10, those parts lying east of S. P. Ry. right-of-way;
Secs. 11 to 15, inclusive;
Secs. 20 and 21, those parts lying east of S. P. Ry. right-of-way;
Secs 22 to 28, inclusive;
Secs. 29 and 31, those parts lying east of S. P. Ry. right-of-way;
Secs. 33, 34, and 35.

T. 23 S., R. 9 E.,
Sec. 1;
Sec. 3, E½;
Secs. 4 to 8, inclusive;
Sec. 9, W½ and W½NE¼;
Secs. 11 to 15, inclusive;
Secs. 17 to 21, inclusive;
Sec. 23, N½, SW¼, E½SE¼, and SW¼SE¼;
Secs. 24 to 31, inclusive;
Sec. 10, S½, NE¼, and SE¼NW¼.

T. 23 S., R. 10 E.,
Sec. 1, lots 1, 2, 3, S½N½, and S½;
Secs. 3 to 9, inclusive;
Sec. 10, E½, E½W½, W½NW¼, and NW¼SW¼;
Secs. 11 to 14, inclusive;
Sec. 15, E½, SW¼, S½NW¼, and NE¼NW¼;
Secs. 17 and 19;
Sec. 19, lots 1, 2, 3, 4, E½W½, SE¼, SW½NE¼, and N½NE¼;
Sec. 20, S½, NW¼, W½NE¼, and NE¼NE¼;
Secs. 21 to 31, inclusive;
Sec. 33;
Sec. 34, E½, E½W½, NW¼NW¼, W½SW¼;
Sec. 35.

T. 23 S., R. 11 E.,
Sec. 1, lots 2, 3, 4, S½NW¼, SW¼NE¼, SW¼, and W½SE¼;
Secs. 3 to 11, inclusive;
Secs. 14 and 15;
Secs. 17 to 23, inclusive;
Sec. 24, W½ and W½E½;
Sec. 25, W½ and W½E½;
Secs. 26 to 30, inclusive;
Sec. 31, lots 1, 2, 3, E½NW¼, NE¼SW¼, NW¼SE¼, and W½NE¼;
Sec. 32, N½ and N½S½;
Sec. 33, N½ and N½S½;
Sec. 34, N½ and N½S½.

T. 23 S., R. 12 E.,
Sec. 1, SW¼, S½NW¼, SW¼NE¼, and W½SE¼;
Sec. 3, SE¼, S½NE¼, SE¼NW¼, and E½SW¼;
Secs. 4 to 9, inclusive;
Sec. 10, E½ and E½W½;
Sec. 11;
Sec. 12, W½ and W½E½;
Sec. 14, N½;
Sec. 15, NE¼, E½NW¼, N½SE¼, and NE¼SW¼;
Secs. 17 to 21, inclusive;
Sec. 22, W½, W½NE¼, and SE¼NE¼;
Sec. 28, NW¼;
Sec. 29 and 30;
Sec. 31, lots 1, 2, 3, 4, 5, 6, NE¼SE¼, and NE¼.

T. 23 S., R. 13 E.,
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, and E½SW¼.

T. 24 S., R. 7 E.,
Secs. 1, 12, 13, 14, and 23, those parts lying east of S. P. Ry. right-of-way;
Secs. 24 and 25;
Secs. 26, 27, and 34, those parts lying east of S. P. Ry. right-of-way;
Sec. 35.

T. 24 S., R. 8 E.,
Sec. 1, lots 3, 4, and S½;
Secs. 3, 4, and 5;
Secs. 6 and 7, those parts lying east of S. P. Ry. right-of-way;
Secs. 8 to 14, inclusive;
Sec. 15, N½, N½S½, S½SE¼, and SE¼SW¼;
Secs. 17 to 30, inclusive.

T. 24 S., R. 9 E.,
Sec. 1;
Secs 3 to 11, inclusive;
Sec 12, E½, E½W½, W½NW¼, and NW¼SW¼;
Secs. 13, 14, and 15;
Secs. 17 to 31, inclusive;
Secs. 33, 34, and 35.

T. 24 S., R. 10 E.,
Sec. 1;
Secs. 3 to 9, inclusive;
Sec. 10, S½, NE¼, and N½NW¼;
Secs. 11 to 15, inclusive;
Secs. 17 to 30, inclusive;
Sec. 31, lots 1, 2, E½NW¼, and NE¼;
Secs. 33, 34, and 35.

T. 24 S., R. 11 E.,
Sec. 1;
Secs. 3 to 11, inclusive;
Sec. 12, NW¼;
Sec. 14, NW¼;
Secs. 15, 17, 18, 19, 20, and 21;
Sec. 22, lots 3, 4, 5, 6, 11, 12, 13, and 14;
Sec. 29, 30, and 31;
Sec. 28, W½ and NE¼.

T. 24 S., R. 12 E.,
Sec. 6, lots 10, 11, 12, and 13.

T. 25 S., R. 7 E.,
Sec. 1;
Sec. 3, that part of the S½, NW¼, and W½NE¼ lying east of the S. P. Ry. right-of-way;
Secs. 4 and 9, those parts lying east of S. P. Ry. right-of-way;
Secs. 10 to 14, inclusive;
Sec. 23, S½SW¼, N½, and N½S½;
Sec. 24, N½, N½SW¼, and SW¼SE¼;
Sec. 25, E½, E½W½, W½NW¼, and NW¼SW¼;
Sec. 26, S½ and S½NE¼;
Sec. 27, S½S½ and N½;
Sec. 30, that part lying east of S. P. Ry. right-of-way;
Sec. 34, lots 1, 2, N½SE¼, and NE¼;
Sec. 35.

T. 25 S., R. 8 E.,
Sec. 31, lots 1, 2, 3, 4, SE¼NW¼, E½SW¼, and SE¼;
Secs. 33, 34, and 35.

T. 25 S., R. 9 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, N½S¼, S½SE¼, and SE¼SW¼;
Secs. 3 to 10, inclusive;
Sec. 11, W½, W½E½, E½SE¼, and SE¼NE¼;
Sec. 12, SW¼SW¼;
Sec. 13, 14, and 15;
Sec. 17, W½, W½E½, E½NE¼, and NE¼SE¼;
Sec. 18;
Sec. 19, lots 2, 3, 4, SE¼NW¼, SW¼NE¼, E½SW¼, and W½SE¼;
Sec. 20, E½, E½SW¼, and SW¼SW¼;
Secs. 21, 22, 23, and 24;
Sec. 25, SW¼, S½NW¼, W½SE¼, and SW¼NE¼;
Sec. 26, S½ and S½N½;
Sec. 27, SE¼, SE¼SW¼, and NW¼;
Sec. 28, N½ and S½SW¼;
Sec. 29, SW¼, W½SE¼, and NE¼SE¼;
Sec. 30, lots 1, 2, E½NW¼, NW¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 31, lots 3, 4, E½W½, and E½;
Sec. 33, W½, W½E½, E½SE¼, and SE¼NE¼;
Secs. 34 and 35.

T. 25 S., R. 10 E.,
Sec. 1;
Secs. 3 to 7, inclusive;
Sec. 8, SW¼;
Sec. 9, S½;
Sec. 10, S½S½;
Sec. 11, N½;
Secs. 12 and 13;
Sec. 14, SE¼, E½SW¼, and NW¼SW¼;
Secs. 15, 17, 18, and 19;
Sec. 20, E½ and NW¼;
Sec. 21, E½, E½W½, W½SW¼, and SW¼NW¼;
Sec. 22;
Sec. 23, E½E½, W½SE¼, and NW¼NE¼;
Sec. 24, W½ and NE¼;
Sec. 26, E½ and S½SW¼;
Sec. 27;
Sec. 28, S½SW¼, NE¼, N½SE¼, and N½NW¼;
Sec 29, N½NE¼, SE¼, SE¼SW¼, and NW¼SW¼;
Sec. 30, lots 1, 3, 4, NE¼NW¼, N½NE¼, E½SW¼, and SW¼SE¼;
Sec. 31, lots 1, 2, 3, 4, E½NW¼, and SE¼;
Sec. 33, W½, S½SE¼, and NW¼SE¼;
Sec. 35.

T. 25 S., R. 11 E.,
Sec. 5, lots 3, 4, S½NW¼, and SW¼;
Sec. 6;
Sec. 7, N½ and SW¼;
Sec. 18, NW¼.

T. 26 S., R. 7 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, N½S½, and SW¼SE¼;
Sec. 3, lots 1, 2, S½NE¼, and SE½;
Sec. 10;
Sec. 11, E½ and NW¼;
Sec. 12, NW¼, N½SW¼, SW¼SW¼, E½SE¼, and SW¼SE¼;
Sec. 13, E½;
Sec. 14, E½ and SW¼;
Sec. 15, NE¼, N½NW¼, and SE¼NW¼;
Sec. 17;
Sec. 18, lots 3, 4, E½SW¼, and E½;
Sec. 19;
Sec. 23, W½ and W½E½;
Sec 24, E½ and E½W½;
Sec. 25;
Sec. 26, SE¼ and NW¼;
Sec. 27, N½ and N½S½;
Sec. 28, NE¼, N½NW¼, and SE¼NW¼;
Sec. 29, N½NE¼;
Sec. 30, lot 1, NE¼NW¼, and N½NE¼;
Sec. 35, N½NE¼.

T. 26 S., R. 8 E.,
Sec. 1, S½, S½NW¼, SW¼NE¼, and lot 1;
Secs. 3, 4, 5, and 6;
Sec. 7, lots 2, 3, 4, SE¼NW¼, E½SW¼, SE¼, and N½NE¼;
Sec. 8, NE¼, N½NW¼, SW¼, SW¼SE¼;
Sec. 9;
Sec. 10 NW¼, N½SW¼, W½NE¼, and NW¼SE¼;
Secs. 11 and 12;
Sec. 13, S½ and S½N½;
Sec. 14, S½ and S½N½;
Sec. 15, E½, E½W½, W½SW¼, and SW¼NW¼;
Secs. 17 to 24, inclusive;
Sec. 25, N½, NW¼SW¼, and S½SE¼;
Sec. 26;
Sec. 27, E½, E½W½, W½NW¼, and NW¼SW¼;
Sec. 28, N½N½, NW¼SE¼, and NE¼SW¼;
Sec. 30;
Sec. 31, lot 1, NE¼NW¼, and N½NE¼;
Sec. 33, lot 4 and NW¼NW¼;
Sec. 34, N½NE¼, NE¼NW¼;
Sec. 35, NW¼NW¼.

T. 26 S., R. 9 E.,
Sec. 1, SW¼, S½NW¼, SE¼SE¼, and E½NE¼;
Secs. 3 and 4;
Sec. 5, E½;
Sec. 6, lots 1, 2, 3, 4, and E½W½;
Secs. 7 to 14, inclusive;
Sec. 15, N½ and N½S½;
Sec. 17, N½ and SW¼;
Secs. 18 and 19;
Sec. 20, W½;
Sec. 21, E½ and SW¼;
Sec. 22;
Sec. 23, N½N½, S½NW¼, SW¼NE¼, and S½;
Sec. 24, NE¼NE¼, S½N½, N½S½, S½SE¼, and SE¼SW¼;
Secs. 25 to 31, inclusive;
Secs. 33, 34, and 35.

T. 26 S., R. 10 E.,
Sec. 3, N½, N½S½, S½SW¼, and SW¼SE¼;
Secs. 4 and 5;
Sec. 6, lot 1, NE¼NW¼, S½NE¼, SE¼, and E½SW¼;
Secs. 7, 8, and 9;
Sec. 10, NW¼;
Secs. 17, 18, 19, and 20;
Sec. 21, NW¼;
Sec. 29, N½ and SW¼;
Sec. 30, lot 1, NE¼NW¼, and NE¼.

termination provisions of the act of July 29, 1954 (68 Stat. 583; 30 U. S. C. 188), for lessee's failure timely to pay the lease rental.

[F. R. Doc. 57-7078; Filed, Aug. 28, 1957; 8:47 a. m.]

Appendix—Public Land Orders

[Public Land Order 1470]

[017802]

New Mexico

WITHDRAWING PUBLIC LANDS IN NEW MEXICO FOR USE BY THE DEPARTMENT OF THE ARMY IN CONNECTION WITH THE MC-GREGOR RANGE (FORT BLISS)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, except as hereinafter indicated, and reserved for use by the Department of the Army as a missile testing range:

New Mexico Principal Meridian

T. 19 S., R. 9 E.,
Sec. 3, all that part lying east of Southern Pacific Railway right-of-way;
Sec. 10, all that part of the E½ lying east of the Southern Pacific Railway right-of-way;
Sec. 11, W½;
Sec. 12, E½;
Secs. 13 and 14;
Sec. 15, all that part of the E½ lying east of the Southern Pacific Railway right-of-way;
Sec. 22, all that part of the E½ lying east of the Southern Pacific Railway right-of-way;
Secs. 23 to 26, inclusive;
Secs. 27 and 34, those parts lying east of Southern Pacific Railway right-of-way;
Sec. 35.

T. 19 S., R. 10 E.,
Sec. 2, SE¼;
Sec. 7, W½ and S½SE¼;
Sec. 9, SW¼;
Sec. 10, NE¼ and W½SE¼;
Sec. 11, N½;
Sec. 13, N½;
Sec. 14, NE¼;
Sec. 17, W½W½;
Secs. 18, 24, 25, 26, 29, 30, and 31;
Sec. 12, W½.

T. 20 S., R. 9 E.,
Sec. 1;
Secs. 3 and 10, those parts lying east of Southern Pacific Railway right-of-way;
Secs. 11 to 14, inclusive;
Secs. 15 and 21, those parts lying east of Southern Pacific Railway right-of-way;
Secs. 22 to 27, inclusive;
Secs. 28 and 33, those parts lying east of Southern Pacific Railway right-of-way;
Secs. 34 and 35.

T. 20 S., R. 10 E.,
Sec. 1;
Secs. 3 to 9, inclusive;
Secs. 11 to 15, inclusive;
Secs. 17 to 19, inclusive;
Secs. 22 to 27, inclusive;
Sec. 30;
Secs. 33, 34, and 35.

T. 20 S., R. 11 E.,
Sec. 1;
Secs. 3 to 15, inclusive;
Secs. 17 to 31, inclusive;
Secs. 33, 34, and 35.

T. 20 S., R. 12 E.,
Sec. 2, S½SE¼;
Sec. 3, lots 1, 2, 3, 4, and S½N½;
Sec 5, lots 1 and 2, S½NE¼;
Sec. 7, NE¼;
Sec. 8, NW¼;
Sec. 24, lot 3 and NW¼SE¼;
Sec. 26, SE¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 27, S½NW¼, SW¼NE¼, N½SW¼, and N½SE¼;
Sec. 28, N½S½, S½N½, N½NW¼, and NW¼NE¼;
Sec. 30.

T. 20 S., R. 13 E.,
Sec. 19, lots 1, 2, 3, 4, and E½W½;
Sec. 25, SW¼ and E½NW¼;
Sec. 26, SW¼NE¼ and E½SE¼;
Sec. 27, S½NW¼ and N½SW¼;
Sec. 28, E½SE¼;
Sec. 29, S½;
Sec. 30, E½, E½SW¼, and SE¼NW¼;
Sec. 31, NE¼, E½NW¼, N½SE¼, and NE¼SW¼;
Sec. 35, W½W½, SE¼NW¼, and NE¼SW¼.

T. 21 S., R. 9 E.,
Secs. 1 and 3;
Secs. 4 and 9, those parts lying east of S. P. Ry. right-of-way;
Secs. 10 to 15, inclusive;
Sec. 21, that part lying east of S. P. Ry. right-of-way;
Secs. 22 to 25, inclusive;
Sec. 26, W½, NE¼, N½SE¼, and SE¼SE¼;
Sec. 27;
Secs. 28 and 33, those parts lying east of S. P. Ry. right-of-way;
Secs. 34 and 35.

T. 21 S., R. 10 E.,
Sec. 1, N½, S½S½, N½SE¼, and NE¼SW¼;
Secs. 3 to 14, inclusive;
Sec. 15, SE¼;
Secs. 17 to 22, inclusive;
Sec. 23, W½, NE¼, and N½SE¼;
Secs. 24 and 25;
Sec. 26, S½, NW¼, and W½NE¼;
Secs. 27 to 31, inclusive;
Secs. 33, 34, and 35.

T. 21 S., R. 11 E.,
Secs. 1 and 3;
Secs. 6 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 25 to 31, inclusive;
Sec. 33;
Sec. 34, lots 1, 2, 3, 4, N½S½, S½N½, N½NW¼, and NW¼NE¼;
Sec. 35.

T. 21 S., R. 12 E.,
Sec. 1;
Sec. 3, lots 1, 2, 3, and 4;
Sec. 4, W½ and lots 1 and 2;
Secs. 5 to 8, inclusive;
Secs. 11 to 15, inclusive;
Secs. 17 to 21, inclusive;
Sec. 22, N½;
Secs. 23 to 27, inclusive;
Secs. 29 to 31, inclusive;
Secs. 34 and 35.

T. 21 S., R. 13 E.,
Sec. 1, S½, lots 8, 9, 10, and 12;
Sec. 3;
Sec. 4, S½, lots 3, 5, 6, 7, 8, 9, 10, 11, and 12;
Sec. 5, S½, lots 5, 6, 7, 8, 9, 10, 11, and 12;
Sec. 6, SE¼, E½SW¼, lots 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14;
Secs. 7 to 15, inclusive;
Secs. 17 to 19, inclusive;
Secs. 21 to 23, inclusive;
Sec. 24, W½ and NE¼;
Sec. 25, NW¼;
Secs. 26 and 27;
Sec. 28, E½, NW¼, and N½SW¼;
Sec. 29;
Sec. 30, NE¼, E½NW¼, N½SE¼, NE¼SW¼, lots 1, 2, and 3;
Secs. 31, 33, and 34;
Sec. 35, W½ and NE¼.

T. 21 S., R. 14 E.,
Sec. 5, lots 1, 2, 3, 8, and SW¼;
Sec. 6;
Sec. 7, NE¼, E½NW¼, E½SW¼, lots 1, 2, 3, and 4;
Sec. 18, E½NW¼, lots 1 and 2.

T. 22 S., R. 8 E.,
Secs. 13, 23, and 24, those parts lying east of S. P. Ry. right-of-way;
Sec 25;
Sec. 26, N½NE¼, SE¼SE¼, and that part of the S½ east of S. P. Ry. right-of-way;
Secs. 34 and 35, those parts lying east of S. P. Ry right-of-way.

T. 22 S., R 9 E.,
Sec. 3, S½;
Sec. 4, S½;
Secs. 5, 7, and 8, those parts lying east of S. P. Ry. right-of-way;
Secs. 9, 10, and 13;
Sec. 15, S½, NE¼, NW¼NW¼, and E½NW¼;
Sec. 17;
Sec. 18, that part lying east of S. P. Ry. right-of-way;
Secs. 19 to 21, inclusive;
Sec. 22, NE¼;
Secs. 25 and 26;
Sec. 27, E½;
Secs. 28 to 31, inclusive;
Sec 33;
Sec. 34, E½;
Sec 35.

T. 22 S., R. 10 E.,
Secs. 1 and 3;
Sec. 4, lots 5, 6, 7, 8, 9, 10, 11, and 12;
Sec. 5, lots 1, 2, 3, 4, and S½N½;
Sec. 6, SE¼, E½SW¼, lots 6 and 7;
Secs. 7 to 15, inclusive;
Secs. 17 to 19, inclusive;
Sec. 20, lots 1 to 15, inclusive;
Secs. 21 to 24, inclusive;
Sec. 25, N½;
Secs. 26 to 31, inclusive;
Secs. 33, 34, and 35.

T. 22 S., R. 11 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 19, inclusive;
Secs. 23 to 31, inclusive;
Secs. 33, 34, and 35.

T. 22 S., R. 12 E.,
Secs. 1, 3, 4, 5, and 6;
Sec. 8, S½, NW¼, and SW¼NE¼;
Sec. 9, S½SW¼, N½NE¼, and SE¼NE¼;
Sec. 10, N½ and SE¼;
Secs. 11, 12, and 14;
Sec. 15, E½;
Sec. 17;
Sec. 18, E½;
Secs. 19 to 22, inclusive;
Sec. 24, N½, N½S½, and S½SW¼;
Sec. 25, S½, S½N½, and N½NW¼;
Secs. 26 to 31, inclusive;
Secs. 33, 34, and 35.

T. 22 S., R. 13 E.,
Sec. 3;
Sec. 4, lots 3, 4, S½NW¼, and SE¼;
Secs. 5, 6, and 7;
Sec. 9, E½ and SW¼;
Sec. 10, W½;
Sec. 20;
Sec. 21, NW¼;
Sec. 29, W½ and NE¼.

T. 23 S., R. 8 E.,
Sec. 1;
Secs. 3, 9, and 10, those parts lying east of S. P. Ry. right-of-way;
Secs. 11 to 15, inclusive;
Secs. 20 and 21, those parts lying east of S. P. Ry. right-of-way;
Secs. 22 to 28, inclusive;
Secs. 29 and 31, those parts lying east of S. P. Ry. right-of-way;
Secs. 33, 34, and 35.

T. 23 S., R. 9 E.,
Sec 1;
Sec 3, E½;
Secs 4 to 8, inclusive;
Sec. 9, W½ and W½NE¼;
Secs. 11 to 15, inclusive;
Secs. 17 to 21, inclusive;
Sec 23, N½, SW¼, E½SE¼, and SW¼SE¼;
Secs 24 to 31, inclusive;
Secs. 33, 34, and 35;
Sec 10, S½, NE¼, and SE¼NW¼.

T. 23 S., R. 10 E.,
Sec 1, lots 1, 2, 3, S½N½, and S½;
Secs. 3 to 9, inclusive;
Sec 10, E½, E½W½, W½NW¼, and NW¼SW¼;
Secs. 11 to 14, inclusive;
Sec 15, E½, SW¼, S½NW¼, and NE¼NW¼;
Secs. 17 and 19;
Sec. 19, lots 1, 2, 3, 4, E½W½, SE¼, SW½NE¼, and N½NE¼;
Sec. 20, S½, NW¼, W½NE¼, and NE¼NE¼;
Sec 21 to 31, inclusive;
Sec. 33;
Sec 34, E½, E½W½, NW¼NW¼, W½SW¼;
Sec. 35.

T. 23 S., R. 11 E.,
Sec. 1, lots 2, 3, 4, S½NW¼, SW¼NE¼, SW¼, and W½SE¼;
Secs. 3 to 11, inclusive;
Secs. 14 and 15;
Secs. 17 to 23, inclusive;
Sec. 24, W½ and W½E½;
Sec. 25, W½ and W½E½;
Secs. 26 to 30, inclusive;
Sec. 31, lots 1, 2, 3, E½NW¼, NE¼SW¼, NW¼SE¼, and W½NE¼;
Sec. 32, N½ and N½S½;
Sec. 33, N½ and N½S½;
Sec. 34, N½ and N½S½.

T. 23 S., R. 12 E.,
Sec. 1, SW¼, S½NW¼, SW¼NE¼, and W½SE¼;
Sec. 3, SE¼, S½NE¼, SE¼NW¼, and E½SW¼;
Secs. 4 to 9, inclusive;
Sec. 10, E½ and E½W½;
Sec. 11;
Sec. 12, W½ and W½E½;
Sec. 14, N½;
Sec. 15, NE¼, E½NW¼, N½SE¼, and NE¼SW¼;
Secs. 17 to 21, inclusive;
Sec. 22, W½, W½NE¼, and SE¼NE¼;
Sec. 28, NW¼;
Sec. 29 and 30;
Sec. 31, lots 1, 2, 3, 4, 5, 6, NE¼SE¼, and NE¼.

T. 23 S., R. 13 E.,
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, and E½SW¼.

T. 24 S., R. 7 E.,
Secs. 1, 12, 13, 14, and 23, those parts lying east of S. P. Ry. right-of-way;
Secs. 24 and 25;
Secs. 26, 27, and 34, those parts lying east of S. P. Ry. right-of-way;
Sec. 35.

T. 24 S., R. 8 E.,
Sec. 1, lots 3, 4, and S½;
Secs. 3, 4, and 5;
Secs. 6 and 7, those parts lying east of S. P. Ry. right-of-way;
Secs. 8 to 14, inclusive;
Sec. 15, N½, N½S½, S½SE¼, and SE¼SW¼;
Secs. 17 to 30, inclusive.

T. 24 S., R. 9 E.,
Sec. 1;
Secs. 3 to 11, inclusive;
Sec. 12, E½, E½W½, W½NW¼, and NW¼SW¼;
Secs. 13, 14, and 15;
Secs. 17 to 31, inclusive;
Secs. 33, 34, and 35.

T. 24 S., R. 10 E.,
Sec. 1;
Secs. 3 to 9, inclusive;
Sec. 10, S½, NE¼, and N½NW¼;
Secs. 11 to 15, inclusive;
Secs. 17 to 30, inclusive;
Sec. 31, lots 1, 2, E½NW¼, and NE¼;
Secs. 33, 34, and 35.

T. 24 S., R. 11 E.,
Sec. 1;
Secs. 3 to 11, inclusive;
Sec. 12, NW¼;
Sec. 14, NW¼;
Secs. 15, 17, 18, 19, 20, and 21;
Sec. 22, lots 3, 4, 5, 6, 11, 12, 13, and 14;
Sec. 29, 30, and 31;
Sec. 28, W½ and NE¼.

T. 24 S., R. 12 E.,
Sec. 6, lots 10, 11, 12, and 13.

T. 25 S., R. 7 E.,
Sec. 1;
Sec. 3, that part of the S½, NW¼, and W½NE¼ lying east of the S. P. Ry. right-of-way;
Secs. 4 and 9, those parts lying east of S. P. Ry. right-of-way;
Secs. 10 to 14, inclusive;
Sec. 23, S½SW¼, N½, and N½S½;
Sec. 24, N½, N½SW¼, and SW¼SE¼;
Sec. 25, E½, E½W½, W½NW¼, and NW¼SW¼;
Sec. 26, S½ and S½NE¼;
Sec. 27, S½S½ and N½;
Sec. 30, that part lying east of S. P. Ry. right-of-way;
Sec. 34, lots 1, 2, N½SE¼, and NE¼;
Sec. 35.

T. 25 S., R. 8 E.,
Sec. 31, lots 1, 2, 3, 4, SE¼NW¼, E½SW¼, and SE¼;
Secs. 33, 34, and 35.

T. 25 S., R. 9 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, N½S½, S½SE¼, and SE¼SW¼;
Secs. 3 to 10, inclusive;
Sec. 11, W½, W½E½, E½SE¼, and SE¼NE¼;
Sec. 12, SW¼SW¼;
Secs. 13, 14, and 15;
Sec. 17, W½, W½E½, E½NE¼, and NE¼SE¼;
Sec. 18;
Sec. 19, lots 2, 3, 4, SE¼NW¼, SW¼NE¼, E½SW¼, and W½SE¼;
Sec. 20, E½, E½SW¼, and SW¼SW¼;
Secs. 21, 22, 23, and 24;
Sec. 25, SW¼, S½NW¼, W½SE¼, and SW¼NE¼;
Sec. 26, S½ and S½N½;
Sec. 27, SE¼, SE¼SW¼, and NW¼;
Sec. 28, N½ and S½SW¼;
Sec. 29, SW¼, W½SE¼, and NE¼SE¼;
Sec. 30, lots 1, 2, E½NW¼, NW¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 31, lots 3, 4, E½W½, and E½;
Sec. 33, W½, W½E½, E½SE¼, and SE¼NE¼;
Secs. 34 and 35.

T. 25 S., R. 10 E.,
Sec. 1;
Secs. 3 to 7, inclusive;
Sec. 8, SW¼;
Sec. 9, S½;
Sec. 10, S½S½;
Sec. 11, N½;
Secs. 12 and 13;
Sec. 14, SE¼, E½SW¼, and NW¼SW¼;
Secs. 15, 17, 18, and 19;
Sec. 20, E½ and NW¼;
Sec. 21, E½, E½W½, W½SW¼, and SW¼NW¼;
Sec. 22;
Sec. 23, E½E½, W½SE¼, and NW¼NE¼;
Sec. 24, W½ and NE¼;
Sec. 26, E½ and S½SW¼;
Sec. 27;
Sec. 28, S½SW¼, NE¼, N½SE¼, and N½NW¼;
Sec. 29, N½NE¼, SE¼, SE¼SW¼, and NW¼SW¼;
Sec. 30, lots 1, 3, 4, NE¼NW¼, N½NE¼, E½SW¼, and SW¼SE¼;
Sec. 31, lots 1, 2, 3, 4, E½NW¼, and SE¼;
Sec. 33, W½, S½SE¼, and NW¼SE¼;
Sec. 35.

T. 25 S., R. 11 E.,
Sec. 5, lots 3, 4, S½NW¼, and SW¼;
Sec. 6;
Sec. 7, N½ and SW¼;
Sec. 18, NW¼.

T. 26 S., R. 7 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, N½S½, and SW¼SE¼;
Sec. 3, lots 1, 2, S½NE¼, and SE½;
Sec. 10;
Sec. 11, E½ and NW¼;
Sec. 12, NW¼, N½SW¼, SW¼SW¼, E½SE¼, and SW¼SE¼;
Sec. 13, E½;
Sec. 14, E½ and SW¼;
Sec. 15, NE¼, N½NW¼, and SE¼NW¼;
Sec. 17;
Sec. 18, lots 3, 4, E½SW¼, and E½;
Sec. 19;
Sec. 23, W½ and W½E½;
Sec 24, E½ and E½W½;
Sec. 25;
Sec. 26, SE¼ and NW¼;
Sec. 27, N½ and N½S½;
Sec. 28, NE¼, N½NW¼, and SE¼NW¼;
Sec. 29, N½NE¼;
Sec. 30, lot 1, NE¼NW¼, and N½NE¼;
Sec. 35, N½NE¼.

T. 26 S., R. 8 E.,
Sec. 1, S½, S½NW¼, SW¼NE¼, and lot 1;
Secs. 3, 4, 5, and 6;
Sec. 7, lots 2, 3, 4, SE¼NW¼, E½SW¼, SE¼, and N½NE¼;
Sec. 8, NE¼, N½NW¼, SW¼, SW¼SE¼;
Sec. 9;
Sec. 10 NW¼, N½SW¼, W½NE¼, and NW¼SE¼;
Secs. 11 and 12;
Sec. 13, S½ and S½N½;
Sec. 14, S½ and S½N½;
Sec. 15, E½, E½W½, W½NW¼, and NW¼SW¼;
Secs. 17 to 24, inclusive;
Sec. 25, N½, NW¼SW¼, and S½SE¼;
Sec. 26;
Sec. 27, E½, E½W½, W½NW¼, and NW¼SW¼;
Sec. 28, N½N½, NW¼SE¼, and NE¼SW¼;
Sec. 30;
Sec. 31, lot 1, NE¼NW¼, and N½NE¼;
Sec. 33, lot 4 and NW¼NW¼;
Sec. 34, N½NE¼, NE¼NW¼;
Sec. 35, NW¼NW¼.

T. 26 S., R. 9 E.,
Sec. 1, SW¼, S½NW¼, SE¼SE¼, and E½NE¼;
Secs. 3 and 4;
Sec. 5, E½;
Sec. 6, lots 1, 2, 3, 4, and E½W½;
Secs. 7 to 14, inclusive;
Sec. 15, N½ and N½S½;
Sec. 17, N½ and SW¼;
Secs. 18 and 19;
Sec. 20, W½;
Sec. 21, E½ and SW¼;
Sec. 22;
Sec. 23, N½N½, S½NW¼, SW¼NE¼, and S½;
Sec. 24, NE¼NE¼, S½N½, N½S½, S½SE¼, and SE¼SW¼;
Secs. 25 to 31, inclusive;
Secs. 33, 34, and 35.

T. 26 S., R. 10 E.,
Sec. 3, N½, N½S½, S½SW¼, and SW¼SE¼;
Secs. 4 and 5;
Sec. 6, lot 1, NE¼NW¼, S½NE¼, SE¼, and E½SW¼;
Secs. 7, 8, and 9;
Sec. 10, NW¼;
Secs. 17, 18, 19, and 20;
Sec. 21, NW¼;
Sec. 29, N½ and SW¼;
Sec. 30, lot 1, NE¼NW¼, and NE¼.

The areas described aggregate approximately 469,936.80 acres.

2. The withdrawal made by this order shall attach to the following-described non-public lands, or any of them, upon the acquisition of title thereto by the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 S., R. 9 E.,
Sec. 2, lots 1 to 12, inclusive, and S½;
Sec. 36.
T. 19 S., R. 10 E.,
Sec. 10, E½SE¼;
Sec. 11, S½;
Sec. 13, SW¼, lots 3 and 4;
Sec. 14, S½;
Secs. 15, 16, 19, 20, 21, and 22;
Sec. 23, S½ and NE¼;
Secs. 27, 28, 32, 33, and 34;
Sec. 36, W½, W½E½, lots 1, 2, 3, and 4.
T. 19 S., R. 11 E.,
Sec. 6, lots 6, 7, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 8;
Sec. 9, S½;
Sec. 14, SW¼;
Secs. 15, 16, and 17;
Secs. 18 and 19;
Secs. 20, 21, 22, and 23;
Sec. 24, S½;
Sec. 25, S½SW¼, NW¼SW¼, NW¼, and E½;
Secs. 26 to 33 inclusive;
Sec. 34, N½;
Sec. 35, S½SW¼, NW¼SW¼, NW¼, and E½;
Sec. 36.
T. 19 S., R. 12 E.,
Sec. 29, S½;
Secs. 30, 31, and 32.
T. 20 S., R. 9 E.,
Secs. 2 and 36.
T. 20 S., R. 10 E.,
Secs. 2, 16, 32, and 36.
T. 20 S., R. 11 E.,
Secs. 2, 16, 32, and 36.
T. 20 S., R. 12 E.,
Sec. 2, SW¼, N½SE¼;
Sec. 9, SE¼NE¼;
Sec. 10, N½SW¼ and SE¼SE¼;
Sec. 11, NE¼SW¼, and E½NW¼;
Sec. 15, E½NE¼ and SE¼SE¼;
Sec. 16;
Sec. 22, W½SW¼;
Sec. 32;
Sec. 36.
T. 20 S., R. 13 E.,
Sec. 7, lots 3 and 4;
Sec. 16, S½;
Sec. 17, S½;
Sec. 18, lots 1, 2, 3, 4, E½SW¼, and SE¼;
Sec. 19, E½;
Sec. 21, NE¼;
Sec. 22, E½SW¼, N½, and SE¼;
Sec. 27, S½SW¼, N½NW¼, and E½;
Sec. 28, W½, W½E½, and E½NE¼;
Sec. 30, lots 1, 2, 3, 4, and NE¼NW¼;
Sec. 31, lots 1, 2, 3, 4, SE¼SW¼, and S½SE¼;
Secs. 32, 33, 34, and 36.
T. 21 S., R. 9 E.,
Sec. 2, lots 1 to 8, inclusive, lots 10 to 12, inclusive, and S½;
Sec. 16, E½;
Sec. 32, that part lying east and south of S. P. Ry. right-of-way;
Sec. 36.
T. 21 S., R. 10 E.,
Sec. 1, NW¼SW¼;
Secs. 2, 16, 32, and 36.
T. 21 S., R. 11 E.,
Secs. 2, 16, 32, and 36.
T. 21 S., R. 12 E.,
Secs. 2, 16, 32, and 36.
T. 21 S., R. 13 E.,
Sec. 2;
Sec. 4, lots 1, 2, 4, and 7;
Sec. 5, lots 1, 2, 3, and 4;
Sec. 6, lots 3 and 4;
Secs. 16 and 20;
Sec. 28, S½SW¼;
Sec. 30, lot 4, SE¼SW¼, and S½SE¼;
Sec. 32.
T. 22 S., R. 8 E.,
Sec. 36.
T. 22 S., R. 9 E.,
Secs. 1 and 2;
Sec. 3, lots 1, 2, 3, 4, and S½N½;
Sec. 4, lots 1, 2, 3, 4, and S½N½;
Secs. 11, 12, 14, and 16;
Sec. 22, SE¼;
Secs. 23, 24, 32, and 36.
T. 22 S., R. 10 E.,
Sec. 2;
Sec. 4, N½;
Sec. 6, lots 1, 2, 3, 4, 5, SE¼NW¼, and S½NE¼;
Sec. 16;
Sec. 25, S½;
Secs. 32 and 36.
T. 22 S., R. 11 E.,
Secs. 1, 2, 3, 4, 9, 10, 11, 12, 15, 16, 20, 21, 22, 32, and 36.
T. 22 S., R. 12 E.,
Sec. 2;
Sec. 8, N½NE¼ and SE¼NE¼;
Sec. 9, N½SW¼, NW¼, SW¼NE¼, and SE¼;
Sec. 10, SW¼;
Sec. 15, W½;
Sec. 16;
Sec. 24, S½SE¼;
Sec. 25, N½NE¼;
Secs. 32 and 36.
T. 22 S., R. 13 E.,
Sec. 4, SW¼;
Sec. 16, N½SW¼ and NW¼;
Sec. 30;
Sec. 31, lot 4, SE¼SW¼, and S½SE¼;
Sec. 32, NW¼;
T. 23 S., R. 8 E.,
Sec. 2;
Sec. 16, that part lying south and east of S. P. Ry. right-of-way;
Sec. 32, that part lying south and east of S. P. Ry. right-of-way;
Sec. 36.
T. 23 S., R. 9 E.,
Secs. 2, 16, 22, 32, and 36.
T. 23 S., R. 10 E.,
Sec. 2;
Sec. 10, SW¼SW¼;
Sec. 15, NW¼NW¼;
Secs. 16, 32, and 36.
T. 23 S., R. 11 E.,
Sec. 1, lot 1, SE¼NE¼, and E½SE¼;
Secs. 2, 12, 13, and 16;
Sec. 24, E½E½;
Sec. 25, E½E½;
Sec. 31, lot 4, SE¼SW¼, and S½SE¼;
Sec. 32;
Sec. 33, S½S½;
Sec. 34, S½S½;
Sec. 35, S½S½;
Sec. 36.
T. 23 S., R. 12 E.,
Sec. 1, N½N½, SE¼NE¼, and E½SE¼;
Sec. 2;
Sec. 3, W½W½, NE¼NW¼, and N½NE¼;
Sec. 10, W½W½;
Sec. 12, E½E½;
Sec. 15, W½W½ and SE¼SW¼;
Sec. 32, NW¼.
T. 24 S., R. 7 E.,
Sec. 36.
T. 24 S., R. 8 E.,
Sec. 1, S½NW¼, lots 1 and 2, and SE¼NE¼;
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 16;
Sec. 31, lots 1, 2, 3, 4, E½W½, and E½;
Secs. 32 to 36, inclusive.
T. 24 S., R. 9 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Secs. 16, 32, and 36.
T. 24 S., R. 10 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, and S¼;
Sec. 16;
Sec. 31, lots 3, 4, E½SW¼, and SE¼;
Sec. 32, S½, S½N½, NW¼NW¼, and N½NE¼;
Sec. 36.
T. 24 S., R. 11 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Secs. 16 and 32.
T. 25 S., R. 7 E.,
Sec. 2;
Sec. 3, E½NE¼;
Sec. 16, that part lying south and east of S. P. Ry. right-of-way;
Sec. 20, NE¼NE¼;
Sec. 21, NW¼NW¼;
Sec. 23, S½SE¼;
Sec. 24, S½SW¼, E½SE¼;
Sec. 25, SW¼SW¼;
Sec. 26, NW¼, N½NE¼;
Sec. 27, N½S½;
Sec. 28, S½S½;
Sec. 31, lots 5, 6, and 7;
Sec. 32, lots 1, 2, 3, 4, N½S½, and N½;
Sec. 36, lots 1, 2, 3, 4, N½S½, and N½.
T. 25 S., R. 8 E.,
Sec. 1, lots, 1, 2, 3, 4, S½N½, and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, E½SW¼, SE¼NW¼, and S½NE¼SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, and E½;
Secs. 8 to 17, inclusive;
Sec. 18, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 19, lots 1, 2, 3, 4, E½W½, and E½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 31, NE¼NW¼ and NE¼;
Secs. 32 and 36.
T. 25 S., R. 9 E.,
Sec. 1, SW¼SW¼;
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 16;
Sec. 17, SE¼SE¼;
Sec. 19, lot 1, NE¼NW¼, N½NE¼, SE¼NE¼, and E½SE¼;
Sec. 20, NW¼SW¼ and NW¼;
Sec. 25, N½N½, SE¼NE¼, and E½SE¼;
Sec. 26, N½N½;
Sec. 27, W½SW¼, NE¼SW¼, NW¼NE¼, and S½NE¼;
Sec. 28, N½SW¼ and SE¼;
Sec. 30, lots 3, 4, E½SW¼, NE¼NE¼, S½NE¼, and NW¼SE¼;
Sec. 31, lots 1 and 2;
Sec. 32;
Sec. 33, NE¼NE¼;
Sec. 36;
Sec. 29, N½ and SE¼SE¼.
T. 25 S., R. 10 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 16;
Sec. 20, SW¼;
Sec. 21, NW¼NW¼;
Sec. 28, N½SW¼, S½NW¼, and S½SE¼;
Sec. 29, SW¼SW¼, NE¼SW¼, NW¼, and S½NE¼;
Sec. 30, lot 2, SE¼NW¼, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 31, E½SW¼ and NE¼;
Sec. 32;
Sec. 33, NE¼ and NE¼SE¼.
T. 26 S., R. 6 E.,
Sec. 1, N½SE¼ lying south and east of S. P. Ry. right-of-way;
Sec. 25, S½N½ and E½SE¼;
Sec. 26, S½NE¼;
Sec. 36, lots 5, 6, 7, 8, and N½N½.
T. 26 S., R. 7 E.,
Sec. 1, S½SW¼, SE¼SE¼;
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 6, lots 3, 6, and SE¼NW¼;
Sec. 12, SE¼SW¼, NE¼, and NW¼SE¼;
Sec. 13, W½;
Sec. 15, SW¼SW¼;
Sec. 16;
Sec. 23, E½E½;
Sec. 24, W½W½;
Sec. 26, SW¼ and NE¼;
Sec. 27, S½S½;
Sec. 28, S½ and SW¼NW¼;
Sec. 29, S½N½;

Sec. 30, lot 2, SE¼NW¼, and S½NE¼;
Sec. 31, lots 2, 3, 4, and 5;
Sec. 32, lots 1, 2, 3, 4, N½N½;
Sec. 33, lots 1, 2, 3, 4, N½N½;
Sec. 34, lots 1, 2, 3, 4, N½N½;
Sec. 35, lots 1, 2, 3, 4, N½NW¼;
Sec. 36, lots 1, 2, 3, 4, N½N½.
T. 26 S., R. 8 E.,
Sec. 1, lots 2, 3, 4, and SE¼NE¼;
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 7, lot 1, NE¼NW¼, and S½NE¼;
Sec. 8, S½NW¼, N½SE¼, and SE¼SE¼;
Sec. 10, S½SW¼, E½E½, and SW¼SE¼;
Sec. 13, N½N½;
Sec. 14, N½N½;
Sec. 15, NW¼NW¼;
Sec. 16;
Sec. 25, S½SW¼, NE¼SW¼, and N½SE¼;
Sec. 31, lots 2, 3, 4, and 5;
Sec. 35, lots 1, 2, 3, 4, NE¼NW¼, and N½NE¼;
Sec. 36, lots 1, 2, 3, 4, and N½N½.
T. 26 S., R. 9 E.,
Sec. 1, N½NW¼, W½NE¼, and NW¼SE¼;
Sec. 2;
Sec. 15, S½S½;
Sec. 16;
Sec. 23, SE¼NE¼;
Sec. 24, N½NW¼ and NW¼NE¼;
Sec. 32, lots 1, 2, 3, 4, and N½N½;
Sec. 36, lots 1, 2, 3, 4, and N½N½.
T. 26 S., R. 10 E.,
Sec. 2;
Sec. 3, SE¼SE¼;
Sec. 6, lot 2, SE¼NW¼, and N½NE¼;
Sec. 16, W½ and NE¼;
Sec. 32, lots 3, 4, and N½NW¼.

The areas described aggregate approximately 155,232.22 acres.

3. Subject to valid existing rights, the minerals reserved to the United States in the following-described patented lands in the areas described in paragraphs 1 and 2 of this order are hereby withdrawn from lease or disposal under the mining and mineral-leasing laws of the United States and are reserved under jurisdiction of the Secretary of the Interior:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 S., R. 9 E.,
Sec. 11, E½;
Sec. 12, W½.
T. 19 S., R. 10 E.,
Sec. 8, S½SE¼, NW¼SE¼, and SE¼SW¼;
Sec. 9, E½;
Sec. 10, W½;
Sec. 17, E½NW¼, N½NE¼, S½SE¼, and E½SW¼.
T. 20 S., R. 12 E.,
Sec. 3, S½;
Sec. 4, SW¼;
Sec. 5, SE¼;
Sec. 8, NE¼ and S½;
Sec. 9, SW¼, W½E½, NE¼NE¼, and E½SE¼;
Sec. 10, N½, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 11, E½, W½W½, and SE¼SW¼;
Sec. 12, 13, and 14;
Sec. 15, E½NW¼, W½NE¼, E½SW¼, W½SE¼, and NE¼SE¼;
Sec. 17;
Sec. 18, E½;
Sec. 20, E½;
Sec. 21, W½, S½SE¼, NE¼, and NW¼SE¼;
Sec. 22, E½, NW¼NW¼, and E½NW¼;
Sec. 23, N½ and S½SW¼;
Sec. 24, lots 1 and 2, W½NE¼, NW¼;
Sec. 26, N½NW¼;
Sec. 27, N½N½;
Sec. 28, NE¼NE¼.
T. 20 S., R. 13 E.,
Sec. 7, SE¼ and E½SW¼;
Sec. 17, N½;
Sec. 18, NE¼ and E½NW¼;
Sec. 20;
Sec. 21, W½ and SE¼;
Sec. 22, W½SW¼;
Sec. 23, SW¼;
Sec. 25, SE¼;
Sec. 26, W½ and NW¼NE¼;
Sec. 29, N½;
Sec. 35, E½E½, SW¼NE¼, W½SE¼, and SE¼SW¼.
T. 20 S., R. 14 E.,
Sec. 31.
T. 21 S., R. 10 E.,
Sec. 15, N½ and SW¼;
Sec. 23, S½SE¼;
Sec. 26, E½NE¼.
T. 21 S., R. 11 E.,
Secs. 4 and 5.
T. 21 S., R. 12 E.,
Sec. 3, lots 5, 6, 7, 8, 9, 10, 12, and S½;
Sec. 4, lots 7, 8, 9, 10, and SE¼;
Secs. 9 and 10;
Sec. 22, S½;
Secs. 28 and 33.
T. 21 S., R. 13 E.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, 7, and 11.
T. 21 S., R. 14 E.,
Sec. 5, lots 4, 5, 6, 7, 9, 10, 11, and 12.
T. 22 S., R. 9 E.,
Sec. 22, NW¼;
Sec. 27, W½;
Sec. 34, W½.
T. 22 S., R. 12 E.,
Secs. 13 and 23.
T. 22 S., R. 13 E.,
Sec. 19.
T. 23 S., R. 9 E.,
Sec. 3, W½;
Sec. 9, SE¼ and E½NE¼;
Sec. 10, NE¼NW¼ and SW¼NW¼.
T. 25 S., R. 9 E.,
Sec. 11, NE¼NE¼;
Sec. 12, N½, N½S½, S½SE¼, and SE¼SW¼;
Sec. 20, E½;
Sec. 21, S½;
Sec. 22, S½ and NE¼;
Sec. 27, NW¼.
T. 25 S., R. 10 E.,
Sec. 8, N½ and SE¼;
Sec. 9, N½;
Sec. 10, N½ and N½S½;
Sec. 11, S½;
Sec. 14, N½ and SW¼SW¼;
Sec. 23, W½ and SW¼NE¼;
Sec. 26, NW¼ and N½SW¼;
Sec. 34.
T. 26 S., R. 6 E.,
Sec. 26, SW¼;
Sec. 27, that part of SE¼SW¼ and SE¼ lying east of S. P. Ry. right-of-way.
T. 26 S., R. 7 E.,
Sec. 11, SW¼;
Sec. 14, NW¼;
Sec. 15, SW¼NW¼, N½S½, S½SE¼, and SE¼SW¼;
Secs. 20, 21, and 22;
Sec. 28, SW¼NW¼;
Sec. 29, S½;
Sec. 30, S½;
Sec. 31, lot 1, NE¼NW¼, and N½NE¼.
T. 26 S., R. 9 E.,
Sec. 17, SE¼;
Sec. 20, E½;
Sec. 21, NW¼.
T. 26 S., R. 10 E.,
Sec. 30, lot 2, SE¼NW¼, SE¼, and E½SW¼;
Sec. 31, lot 1, NE¼NW¼, and N½NE¼.

The areas described aggregate approximately 33,677.18 acres.

4. The jurisdiction granted by this order is subject to the following conditions:

(a) That all minerals, including oil and gas, in the lands shall remain under jurisdiction of the Department of the Interior, and no disposition of, or exploration for such minerals shall be made except under the applicable mining and mineral leasing laws, and then only after such modifications of the provisions of this order, with concurrence of the Department of the Army, as may be necessary to permit such disposition.

(b) All hunting, fishing and trapping on the lands shall be in accordance with the fish and game laws of the State of New Mexico. The general public shall enjoy the same rights to hunt, fish or trap on the lands as may be afforded to military personnel, their dependents or employees of the Department of Defense.

(c) Upon termination of jurisdiction of the Department of the Army over the lands, that Department shall certify to the Department of the Interior that the lands have been decontaminated of unexploded ordnance or other objects or materials potentially dangerous to users of the lands, and such certification shall be an essential prerequisite to the reassumption by the Department of the Interior of jurisdiction over the lands, or any contaminated areas thereof, notwithstanding the provisions of paragraph 5 of this order.

(d) The Department of the Army may close roads or trails commonly in public use but only at times when the public safety or national security as determined by the Commanding Officer in charge requires such closure, and appropriate warning notices shall be kept posted during such times.

(e) Grazing use of the lands, if determined by the Commanding Officer in charge to be compatible with their use for military purposes, shall be administered by the Bureau of Land Management under the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315, et seq.), as amended.

(f) The Department of the Army shall take all necessary precautions to prevent and suppress brush and range fires occuring within the withdrawn lands, or outside such lands when resulting from military use. The Department of the Army may enter into an agreement with the Bureau of Land Management to provide for a transfer of funds for the suppression of range fires by the Bureau of Land Management.

(g) Personnel of the State Department of Fish and Game and the United States Bureau of Sport Fisheries and Wildlife shall have access to the lands at appropriate times not inconsistent with military requirements, at such times as may be mutually agreed upon with the Commanding Officer of the installation in charge, for the purpose of conducting investigations and programs for the control of predatory animals, and at all times when hunting, fishing or trapping is being permitted, for enforcement of the game laws.

(h) Personnel of the Bureau of Land Management shall have access to and across the lands, when necessary, and at appropriate times not inconsistent with military requirements, in connection with administration of adjacent public lands, and the Department of the Army shall designate such times as the necessities therefor arise.

(i) The withdrawal made by this order shall not extend to any non-navigable

waters in or upon the lands. Any such waters not heretofore appropriated shall continue subject to appropriation as may be authorized by applicable law. The Department of the Army shall not appropriate any of such waters except under applicable State law.

5. The jurisdiction of the Department of the Army over, and its use of the lands described in this order shall terminate ten years after the date of this order. Thereafter the jurisdiction over and administration of the lands shall be vested in the Department of the Interior and any other department or agency of the Federal Government according to their respective interests then of record: *Provided*, That the Department of the Interior may consent to use of the lands by the Department of the Army for an additional period of ten years if, at the end of nine years from the date of this order the Department of the Army notifies the Department of the Interior of a continuing military requirement for the use of the lands, and affirmatively demonstrates its need therefor.

6. The Department of the Army will notify the Range Manager in Charge, New Mexico Grazing District No. 3–4 of the dates and hours of closing of State Highway No. 33 which crosses the Range, as well as any other recognized roads commonly used by travelers entering upon or crossing the area within the Range.

HATFIELD CHILSON,
Acting Secretary of the Interior.

AUGUST 21, 1957.

[F. R. Doc. 57–7002; Filed, Aug. 28, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

[Docket No. FDC–63]

CANNED PRUNE JUICE, A WATER EXTRACT OF DRIED PRUNES

ORDER FURTHER EXTENDING TIME FOR FILING BRIEFS

In the matter of amending the definition and standard of identity for canned prune juice, a water extract of dried prunes:

On June 19, 1957 (22 F. R. 4326), there was published in the FEDERAL REGISTER an order extending the time for filing briefs in the above-entitled matter until August 26, 1957. The presiding officer at the public hearing held on April 23, 1957, has now received from an interested person a request for a further extension of time in which to file such briefs; and good reason therefor appearing: *It is ordered*, That the time for filing briefs be extended to and including September 23, 1957, and that such extension shall apply to any interested person whose appearance was filed at the hearing.

Dated: August 23, 1957.

[SEAL] LEONARD A. HARDY,
Presiding Officer.

[F. R. Doc. 57–7091; Filed, Aug. 28, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

EUREKA SPRINGS SALES CO. ET AL.

DEPOSTING OF STOCKYARDS

It has been ascertained that the Eureka Springs Sales Company, Eureka Springs, Arkansas, originally posted on June 11, 1957, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under the act for the reason that it no longer meets the area requirements, and that the Ranger Livestock Commission Company, Ranger, Texas, originally posted on March 18, 1957, as being subject to said act, no longer comes within the definition of a stockyard under the act for the reason that it is no longer being conducted or operated as a public market. Accordingly, notice is given to the owners thereof and to the public that such livestock markets are no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore,, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C. this 23d day of August 1957.

[SEAL] JOHN C. PIERCE, JR.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57–7069; Filed, Aug. 28, 1957; 8:45 a. m.]

KELLY & HOLMES AUCTION SALE ET AL.

POSTED STOCKYARDS

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U. S. C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyard as required by said section 302.

Name of stockyard	*Date of posting*
ARKANSAS	
Kelly & Holmes Auction Sale, Heber Springs	July 13, 1957
LOUISIANA	
Jennings Commission Barn, Opelousas	July 25, 1957
Jennings Stock Yards, Baton Rouge	July 25, 1957
MISSOURI	
Mexico Stockyards Company, Inc., Mexico	July 19, 1957
Hannibal Sales Company, Inc., Hannibal	July 18, 1957
Charleston Auction Company, Charleston	July 16, 1957
Fraley Sale Pavilion, Chillicothe	July 24, 1957
Beebe Brothers Livestock Sale, Warrensburg	July 23, 1957
Davis-Johnston-Patrick Sales & Commission Company, Inc., Boonville	July 23, 1957
Rock Port Sale Pavilion, Inc., Rock Port	July 27, 1957
Linn County Auction Company, Brookfield	July 25, 1957
Milan Auction Company, Milan	July 25, 1957
Fairground Sale Company, Maryville	July 31, 1957
TEXAS	
Gainesville Livestock Auction, Gainesville	July 18, 1957

Done at Washington, D. C., this 23d day of August 1957.

[SEAL] JOHN C. PIERCE, JR.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57–7070; Filed, Aug. 28, 1957; 8:46 a. m.]

CASA GRANDE CATTLE AND FEED CO. ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Casa Grande Cattle and Feed Co., Casa Grande, Arizona.
Wentz Brothers Livestock Auction, Tucson, Arizona.
Yuma Valley Livestock Auction Corp., Yuma, Arizona.
Cornelius Livestock Co., Phoenix, Arizona.
Paynes Livestock Auction, Tucson, Arizona.
Willcox Livestock Auction, Willcox, Arizona.
Falls City Auction Company, Falls City, Nebraska.
Pecos Valley Livestock Commission Company, Inc., Roswell, New Mexico.
Asheville Live Stock Yard, Asheville, North Carolina.
Western Carolina Livestock Market, Inc., Asheville, North Carolina.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of August 1957.

[SEAL] JOHN C. PIERCE, JR.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57–7071; Filed, Aug. 28, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order No. 121]

NEVADA

SMALL TRACT OPENING

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby open the following described lands, which were classified by Classification Order No. 121, dated November 27, 1956 (F. R. Doc. 56–9960), to application under the Small Tract Act of June 1, 1938 (Stat. 609, 43 U. S. C. 682a) as amended:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 19 E.,
Sec. 34, SE¼.

The area described contains 160 acres, subdivided into 52 small tracts.

2. The lands are located approximately 9 miles south of Reno along State Highway 27, five miles west of its intersection with U. S. Highway 395. The topography is gently sloping to the southeast. A power line along State Highway 27 crosses the area. Culinary water is not available from any presently developed source, and all surface sources are presently appropriated. Schools, stores and other public facilities are available in the City of Reno. Soils are a shallow sandy loam mixed with assorted sized rocks. The area has been burned in the past and now supports a stand of cheat grass and annuals. Prior to burning, it supported a stand of sagebrush and bitterbrush. There is no evidence of metallic or nonmetallic minerals.

3. The individual tracts vary in size from 2.50 acres to 5 acres and are all rectangular in shape. The appraisal value of the tracts varies from $125.00 to $250.00, as shown below. Right-of-ways, 50 feet in width, for road purposes and for public utilities, will be reserved as shown below. All minerals in the land will be reserved to the United States.

Tract No.[1]	Acreage	Advance rentals (3 years)	Rights-of-way (width—location)	Appraised value	Tract description
1	2.50	$30.00	50 feet N-S-E-W boundary	$125.00	NE¼NE¼NE¼SE¼.
2	2.50	30.00	50 feet N-S-E-W boundary	125.00	NW¼NE¼NE¼SE¼.
3	2.50	30.00	50 feet N-S-E-W boundary	125.00	NE¼NW¼NE¼SE¼.
4	2.50	30.00	50 feet N-S-E-W boundary	125.00	NW¼NW¼NE¼SE¼.
5	2.50	30.00	50 feet N-S-E-W boundary	125.00	NE¼NE¼NW¼SE¼.
6	2.50	30.00	50 feet N-S-E-W boundary	125.00	NW¼NE¼NW¼SE¼.
7	2.50	30.00	50 feet N-S-E-W boundary	125.00	NE¼NW¼NW¼SE¼.
8	2.50	30.00	50 feet N-S-E-W boundary	125.00	NW¼NW¼NW¼SE¼.
9	2.50	30.00	50 feet N-S-E-W boundary	125.00	SW¼NW¼NW¼SE¼.
10	2.50	30.00	50 feet N-S-E-W boundary	125.00	SE¼NW¼NW¼SE¼.
11	2.50	30.00	50 feet N-S-E-W boundary	125.00	SW¼NE¼NW¼SE¼.
12	2.50	30.00	50 feet N-S-E-W boundary	125.00	SE¼NE¼NW¼SE¼.
13	2.50	30.00	50 feet N-S-E-W boundary	125.00	SW¼NW¼NE¼SE¼.
14	2.50	30.00	50 feet N-S-E-W boundary	125.00	SE¼NW¼NE¼SE¼.
15	2.50	30.00	50 feet N-S-E-W boundary	125.00	SW¼NE¼NE¼SE¼.
16	2.50	30.00	50 feet N-S-E-W boundary	125.00	SE¼NE¼NE¼SE¼.
17	3.75	30.00	50 feet N-E-W boundary	187.50	NE¼SE¼NE¼SE¼. N½SE¼SE¼NE¼SE¼.
18	3.75	30.00	50 feet N-E-W boundary	187.50	NW¼SE¼NE¼SE¼. N½SW¼SE¼NE¼SE¼.
19	5	30.00	50 feet N-E-W boundary	250.00	E½SW¼NE¼SE¼.
20	5	30.00	50 feet N-E-W boundary	250.00	W½SW¼NE¼SE¼.
21	2.50	30.00	50 feet N-S-E-W boundary	125.00	NE¼SE¼NW¼SE¼.
22	2.50	30.00	50 feet N-S-E-W boundary	125.00	NW¼SE¼NW¼SE¼.
23	2.50	30.00	50 feet N-S-E-W boundary	125.00	NE¼SW¼NW¼SE¼.
24	2.50	30.00	50 feet N-S-E-W boundary	125.00	NW¼SW¼NW¼SE¼.
25	5	30.00	50 feet N-E-W boundary	250.00	SW¼SW¼NW¼SE¼. NW¼NW¼SW¼SE¼.
26	5	30.00	50 feet N-E-W boundary	250.00	SE¼SW¼NW¼SE¼. NE¼NW¼SW¼SE¼.
27	3.75	30.00	50 feet N-E-W boundary	187.50	SW¼SE¼NW¼SE¼. N½NW¼NE¼SW¼SE¼.
28	3.75	30.00	50 feet N-E-W boundary	187.50	SE¼SE¼NW¼SE¼. N½NE¼NE¼SW¼SE¼.
29	5	30.00	50 feet S-E-W boundary	250.00	W½NW¼SE¼SE¼.
30	5	30.00	50 feet S-E-W boundary	250.00	E½NW¼SE¼SE¼.
31	3.75	30.00	50 feet S-E-W boundary	187.50	NW¼NE¼SE¼SE¼. S½SW¼SE¼NE¼SE¼.
32	3.75	30.00	50 feet S-E-W boundary	187.50	NE¼NE¼SE¼SE¼. S½SE¼SE¼NE¼SE¼.
33	2.50	30.00	50 feet N-S-E-W boundary	125.00	SE¼NE¼SE¼SE¼.
34	2.50	30.00	50 feet N-S-E-W boundary	125.00	SW¼NE¼SE¼SE¼.
35	3.75	30.00	50 feet S-E-W boundary	187.50	SE¼NE¼SW¼SE¼. S½NE¼NE¼SW¼SE¼.
36	3.75	30.00	50 feet S-E-W boundary	187.50	SW¼NE¼SW¼SE¼. S½NW¼NE¼SW¼SE¼.
37	5	30.00	50 feet S-E-W boundary	250.00	SE¼NW¼SW¼SE¼. NE¼SW¼SW¼SE¼.
38	5	30.00	50 feet S-E-W boundary	250.00	SW¼NW¼SW¼SE¼. NW¼SW¼SW¼SE¼.
39	2.50	30.00	50 feet N-S-E-W boundary	125.00	NW¼SE¼SW¼SE¼.
40	2.50	30.00	50 feet N-S-E-W boundary	125.00	NE¼SE¼SW¼SE¼.
41	2.50	30.00	50 feet N-S-E-W boundary	125.00	NW¼SW¼SE¼SE¼.
42	2.50	30.00	50 feet N-S-E-W boundary	125.00	NE¼SW¼SE¼SE¼.
43	2.50	30.00	50 feet N-S-E-W boundary	125.00	NW¼SE¼SE¼SE¼.
44	2.50	30.00	50 feet N-S-E-W boundary	125.00	NE¼SE¼SE¼SE¼.
45	2.50	30.00	50 feet N-S-E-W boundary	125.00	SE¼SE¼SE¼SE¼.
46	2.50	30.00	50 feet N-S-E-W boundary	125.00	SW¼SE¼SE¼SE¼.
47	2.50	30.00	50 feet N-S-E-W boundary	125.00	SE¼SW¼SE¼SE¼.
48	2.50	30.00	50 feet N-S-E-W boundary	125.00	SW¼SW¼SE¼SE¼.
49	2.50	30.00	50 feet N-S-E-W boundary	125.00	SE¼SE¼SW¼SE¼.
50	2.50	30.00	50 feet N-S-E-W boundary	125.00	SW¼SE¼SW¼SE¼.
51	2.50	30.00	50 feet N-S-E-W boundary	125.00	SE¼SW¼SW¼SE¼.
52	2.50	30.00	50 feet N-S-E-W boundary	125.00	SW¼SW¼SW¼SE¼.

[1] Under application from an individual entitled to preference under 43 CFR 257.5 (a). To obtain this preference these applicants must conform to the size and dimensions of the tracts as set forth in the above schedule. As all applications were for 5 acres and since the tracts were reduced in size, conformance by these applicants will make available for drawing approximately 19 tracts.

4. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract unless they can make a showing satisfactory to the Bureau of Land Management that

the acquisition of another tract is warranted in the circumstances.

6. The improvements referred to in paragraph 4 above must conform with health, sanitation and construction requirements of applicable ordinances and must, in addition, meet the following standards. The home must be suitable for year-round use, on a permanent foundation, and with a minimum of 500 square feet of floor space.

7. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veteran's preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, 50 Ryland Street, P. O. Box 1551, Reno, Nevada.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the above-named official. A drawing will be held at a time to be announced for those tracts remaining after statutory preference-right claimants have made their selections of tracts in conformance with this order. At the time of announcement of the drawing, plats showing the location of each tract can be secured from the Manager of the Land Office, 50 Ryland Street, P. O. Box 1551, Reno, Nevada. Any person who submits more than one card will be declared ineligible to participate in the drawing.

8. Inquiries concerning these lands shall be addressed to Manager, Land Office, 50 Ryland Street, P. O. Box 1551, Reno, Nevada.

E. R. GREENSLET,
State Supervisor for Nevada.

AUGUST 20, 1957.

[F. R. Doc. 57–7030; Filed, Aug. 28, 1957; 8:45 a. m.]

[Document 159]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 20, 1957.

The United States Forest Service has filed an application, Serial No. AR–016986, for the withdrawal of the lands described below from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for establishing and enlarging recreational areas to be used by the public.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box No. 148, Phoenix, Arizona.

If circumstance warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 23 E.,
Sec. 26: S½S½NE¼, SE¼SE¼NW¼, E½E½SW¼, SE¼.
T. 13 S., R. 15 E.,
Sec. 10: SE¼SW¼.
T. 23 S., R. 12 E.,
Sec. 23: SE¼SW¼, SW¼SE¼;
Sec. 26: W½NE¼, N½NW¼, SW¼NW¼, W½SW¼, NW¼SE¼.

The area described totals 690.00 acres in the Coronado National Forest.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 57–7084; Filed, Aug. 28, 1957; 8:48 a. m.]

[Document 160]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 20, 1957.

The Fish and Wildlife Service, U. S. D. I., has filed an application, Serial No. AR–016724, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the lands for the purpose of enlarging the boundaries of the Havasu Lake National Wildlife Refuge.

For a period of thirty (30) days from the date of publication of this Notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box No. 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 17 N., R. 21 W.,
Sec. 21: E½E½, E½W½NE¼, NE¼NW¼ SE¼, S½NW¼SE¼, SW¼SE¼;
Sec. 27: NW¼, E½SW¼;
Sec. 34: E½.
T. 16 N., R. 21 W.,
Sec. 3: W½;
Sec. 10: W½;
Sec. 22: W½E½;
Sec. 26: N½SW¼, SE¼SW¼.
T. 11 N., R. 17 W.,
Sec. 17: All;
Sec. 18: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 19: Lots 1, 2, 3, 4, E½W½, E½ (All);
Sec. 20: E½, E½NW¼, NE¼SW¼, S½SW¼;
Sec. 21: All;
Sec. 28: N½, SW¼.

The area described totals 5,294.51 acres.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 57–7083; Filed, Aug. 28, 1957; 8:48 a. m.]

[Document 161]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 21, 1957.

Pursuant to determination DA–130–Arizona and in accordance with Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2473–2476, it is ordered as follows:

The lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 18) as amended.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 14 E.,
Sec. 7, Lots 3, 4, 7, SW¼SE¼;
Sec. 17, SE¼SW¼.

The area described totals 196.03 acres of public land.

The subject lands are located along both banks of the Gila River, approximately 20 to 22 miles upstream from the suggested Buttes dam site located in section 11, T. 4 S., R. 11 E., Gila and Salt River Meridian, Arizona. They are located about 4 miles upstream from the community of Kelvin and about 15 miles downstream from the towns of Hayden and Winkleman.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required, in whole or in part, for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The lands described shall be subject to application by the State of Arizona for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulations provided in the preceding paragraph.

Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby opened to filing of applications and selections in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the application and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land, and small tract laws by qualified veterans of World War II and, or, the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284, as amended), presented prior to 10:00 a. m. September 26, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on December 26, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (1) and (2) above presented prior to 10:00 a. m., on December 26, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights under Paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of their certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 148, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 57–7082; Filed, Aug. 28, 1957; 8:48 a. m.]

[Classification No. 15]

COLORADO

SMALL TRACT CLASSIFICATION: AMENDMENT SMALL TRACT OPENING: (PUBLIC SALE)

Pursuant to authority delegated to me by Bureau Order No. 541 dated April 21, 1954 (19 F. R. 2473), Amendement to Classification Order No. 15, appearing as Federal Register Document 57–6225 on page 6023, the issue of July 31, 1957, is hereby amended to show that Reference No. 62 is asterisked (*) to indicate that this tract is urider application from an individual having statutory preference. The asterisk (*) by Reference No. 63 is removed.

MAX CAPLAN,
State Supervisor.

AUGUST 22, 1957.

[F. R. Doc. 57–7080; Filed, Aug. 28, 1957; 8:48 a. m.]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; CORRECTION

AUGUST 20, 1957.

Order providing for opening of public lands in Nevada, identified as F. R. Doc. 57–2754, filed April 9, 1957, 8:46 a. m. and appearing in FEDERAL REGISTER of April 10, 1957, page 2379, is corrected to change the date for Air-Navigation Site Withdrawal No. 10, from May 24, 1928 to September 14, 1928.

E. R. GREENSLET,
State Supervisor.

[F. R. Doc. 57–7079; Filed, Aug. 28, 1957; 8:48 a. m.]

Office of the Secretary

[74623]

UTAH

REVOKING RESERVOIR SITE NO. 10, EAST FORK SEVIER RIVER, UTAH

1. The Departmental orders of August 26, 1889 and August 18, 1894, respectively, segregating and withdrawing the following-described lands as Reservoir Site No. 10, East Fork Sevier River, Utah, are hereby revoked in compliance with the provisions of the act of March 3, 1891 (26 Stat. 1095):

SALT LAKE MERIDIAN

T. 32 S., R. 2 W.,
Sec. 34, E½SE¼;
Sec. 35, SW¼.
T. 32 S., R. 2 W.,
Sec. 1, SW¼NW¼ and W½SW¼;
Sec. 2, lots 3, 4, SE¼NE¼, SW¼NW¼, and S½;
Sec. 3, lot 1, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 9, E½NE¼, SW¼NE¼, and SE¼;
Sec. 10;
Sec 11, N½NE¼, SW¼NE¼, W½, and W½SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, W½NE¼, W½, and W½SE¼;
Sec. 15;
Sec. 16, E½NE¼, E½SE¼, and SW¼SE¼;
Sec. 21, NE¼ and N½SE¼;
Sec. 22, NE¼, W½, N½SE¼, and SW¼SE¼;
Sec. 23, NW¼ and NW¼SW¼.

The area described aggregates 4,956.77 acres.

2. Within the above-described areas are the following-described patented lands:

T. 33 S., R. 2 W.,
Sec. 11, W½W½;
Sec. 14, W½W½;
Sec. 15, NE¼NE¼, SE¼NW¼, SW¼, and S½SE¼;
Sec. 22, N½NE¼ and NE¼NW¼;
Sec. 23, NW¼NW¼.

3. The lands restored are located immediately north of the abandoned town of Widtsoe, Utah, in a wide, gently sloping to flat valley, and are fair grazing lands, but because of insufficient rainfall, cannot be farmed economically by dry farm methods. There is no source of irrigation water available.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on September 27, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on December 27, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on December 27, 1957, will be considered as simultane-

ously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the mining laws beginning at 10:00 a. m., on December 27, 1957.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 22, 1957.

[F. R. Doc. 57-7085; Filed, Aug. 28, 1957; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957, Supp. 168]

GENERAL CASUALTY COMPANY OF AMERICA

TERMINATION OF AUTHORITY TO QUALIFY AS SURETY ON FEDERAL BONDS

AUGUST 23, 1957.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to General Casualty Company of America, Seattle, Washington, under the provisions of the act of Congress approved July 30, 1947 (U. S. Code, Title 6, sections 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, has been terminated effective midnight June 30, 1957.

General Insurance Company of America, Seattle, a Washington corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to Agreement of Merger, effective midnight, June 30, 1957, General Casualty Company of America, Seattle, Washington, was merged into General Insurance Company of America which is the surviving corporation. General Insurance Company of America acquired all of the assets and assumed all of the liabilities of General Casualty Company of America. A certified copy of the agreement of merger filed with the Secretary of State of the State of Washington on June 28, 1957, and a copy of the agreement filed with the Auditor of King County, Washington, is on file in the Treasury.

The merger of the companies will not affect the underwriting limitation for the surviving corporation, General Insurance Company of America, which will remain at $6,242,000.00.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7090; Filed, Aug. 28, 1957; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50-72]

UNIVERSITY OF UTAH

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to the University of Utah, Salt Lake City, Utah, the license set forth in Annex "A" below unless on or before 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is attached as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 22d day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE AUTHORIZING ACQUISITION, POSSESSION AND OPERATION OF UTILIZATION FACILITY

On June 24, 1957, the University of Utah, Salt Lake City, Utah, filed an application to acquire, possess and operate a nuclear reactor which is authorized for construction by Construction Permit CPRR-13, dated July 8, 1957, and issued to Aerojet-General Nucleonics, San Ramon, California.

The application also seeks authorizations relating to special nuclear material, byproduct material and source material associated with the operation of the reactor.

The Atomic Energy Commission has found that:

A. The reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. There is reasonable assurance that the applicant will comply with the regulations in Chapter I of Title 10 of the Code of Federal Regulations, including the regulations in Part 20, and that the health and safety of the public will not be endangered by the operation of the facility as proposed in the application by the University of Utah filed June 24, 1957, as amended.

C. The acquisition, possession, and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed by the University of Utah in the application in Docket 50-72 will not be inimical to the common defense and security or to the health and safety of the public.

D. The University of Utah proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

E. The University of Utah is financially qualified to operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

F. The University of Utah is technically qualified to operate the reactor.

Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses the University of Utah as provided below:

A. Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the Act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to acquire, possess and operate the reactor at the location in Salt Lake City, Utah, described in the application in Docket 50-72.

B. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess, and use up to 700 grams of contained uranium 235 for use in connection with the operation of the reactor.

C. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess but not to separate from the fuel or target material such byproduct material as may be produced from operation of the reactor.

This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

A. The reactor shall be operated only in accordance with instructions from the Chief Reactor Supervisor.

B. The reactor shall not be operated unless the University of Utah has an individual as Chief Reactor Supervisor who has been approved by the Commission.

C. When unattended the reactor shall be secured with the standard seals and locks supplied by the manufacturer; at such times as the reactor is in a dismantled state, access shall be limited to authorized persons by means of a guard or locked enclosure, locked room, or locked building.

D. The conditions and requirements in Appendix "A" attached hereto are a part of this license.

E. This license shall expire 20 years from the date of issuance hereof unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

———— ————,
Director,
Division of Civilian Application.

APPENDIX "A"

I. *Operating restrictions.* a. The University of Utah shall operate the reactor in accordance with the procedures described in its application filed June 24, 1957, as amended, as such procedures may be further amended by this license.

b. The University of Utah shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.

II. *Records.* In addition to those otherwise required under this license and applicable regulations, the University of Utah shall keep the following records:

a. Reactor operating records, including power levels.

b. Record of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of the University of Utah as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* The University of Utah shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

ANNEX "B"

MEMORANDUM

The utilization facility proposed to be acquired and operated by the University of Utah is a small reactor of 100 milliwatt maximum power level to be constructed by Aerojet-General Nucleonics, San Ramon, California, and designated by the company as Model AGN-201, Serial No. 107. It is presently authorized for construction by Construction Permit CPRR-13 dated July 8, 1957, and issued to Aerojet-General Nucleonics. The Notice of Proposed Issuance of CPRR-13, published in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, provided that the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by Aerojet-General Nucleonics and the transfer of possession of or title to the reactor, or both, to any person licensed to acquire it, if it is found that the reactor has been constructed in accordance with the specifications contained in the application for the construction permit, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

A complete description and hazards analysis of the reactor are contained in license applications and amendments submitted by AGN in Dockets F-15, F-32, F-44 and 50-53. A summary of the Model AGN-201 reactor description and discussion of the hazards analysis by the Commission's staff are set forth in a memorandum accompanying the Notice of Proposed Issuance of Construction Permit in Docket F-32 published in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742.

Description of site. The reactor is to be located on the campus of the University of Utah inside the city limits of Salt Lake City, Utah. The reactor is to be housed in a room on the lower floor of a building identified as Building 15 on the campus map. Building 15 is of brick construction. A floor drain near the reactor area runs into the campus sewer system. In addition to housing the reactor, Building 15 houses the welding shop, fuel technology research laboratory, bulk flow research laboratory, and the campus steam generating plant. The University advises that the welding shop is occupied by about 12 people at a time. The entrance to the welding shop is through one end of the reactor area and the University states that the personel using the route will be at least twenty feet from the reactor at all times. The bulk flow laboratory is at one end of the reactor area and normal occupancy of the laboratory is one or two people. The fuel technology laboratory is located above the reactor area, a concrete slab floor separating the rooms. The applicant states that normal occupancy of that laboratory is eight people. The steam plant is separated from the reactor area by a twelve-inch brick wall, and normal occupancy of the steam plant is four men.

The proposed license incorporates a condition that when the reactor is unattended it shall be secured with the standard locks and seals supplied by the manufacturer; and at such times as the reactor is in a dismantled state, access shall be limited to authorized persons by means of a guard or locked enclosure, locked room, or locked building.

Hazards analysis. The hazards and safety features associated with this reactor were discussed in the aforementioned memorandum published in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742.

It is concluded from an examination of the potential hazards and conceivable mishaps that (1) no significant amount of radiation or radioactive materials would be released and no hazards to the public would ensue from the proposed operation and (2) there are no characteristics of the site or proposed operations at the University of Utah campus which would detract from the safety of operation of the reactor.

Technical qualifications. The reactor is proposed to be utilized primarily for the training of students in various fields of nuclear technology.

The organization which has been devised for operation of the reactor by the University of Utah places responsibility for the promulgation and enforcement of administrative rules, regulations and operating procedures on the Chief Reactor Supervisor. In view of these important functions assigned to the Chief Reactor Supervisor, the evaluation of the technical qualifications of the University of Utah to operate the reactor in a safe and competent manner must to a large measure rely on the qualifications of the individual in that position.

The University has designated Mr. Richard E. Turley as Chief Reactor Supervisor. Mr. Turley, who is Instructor of Mechanical Engineering has a M.S. degree and will teach the courses in nuclear engineering at the University of Utah. During 1955 and 1956, he was in the Test Engineering Nuclear Operations group of Convair, a Division of General Dynamics Corporation, Fort Worth, Texas, engaged in experiments involving reactor hazards after shutdown. Group responsibility also included the operation of two heterogeneous, water-cooled and -moderated reactors. He has been closely associated with work being done in radiation effects, meteorology, shielding and reactor facility design. He participated in a nine-month seminar covering nuclear physics, reactor theory, reactor technology, radiation effects, health physics and analysis of experiments.

In view of the qualifications and position of Mr. Turley and considering the background of various other members of the University of Utah in nuclear matters, it is concluded that the University is technically qualified to operate the reactor.

Financial qualifications. The University of Utah has received a grant from the AEC to cover the approximately $95,000 purchase price of the reactor. The annual operating expenses are estimated to be $9,300 which the University has budgeted for the coming fiscal year and which it states it will continue to do in the future. This is a minor portion of the University's annual expenditures which amounted to $10,600,000 in the 1956 fiscal year.

Conclusions. Based on the above considerations it is concluded that:

a. There is reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor at the proposed site on the University of Utah campus.

b. The University of Utah is technically and financially qualified to engage in the proposed activities.

Dated: August 22, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-7064; Filed, Aug. 27, 1957; 12:30 p. m.]

[Docket 50-80]

COLORADO STATE UNIVERSITY

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to Colorado State University, Fort Collins, Colorado, the license set forth in Annex "A" below unless on or before 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is attached as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 22d day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE AUTHORIZING ACQUISITION, POSSESSION AND OPERATION OF UTILIZATION FACILITY

On July 22, 1957, Colorado State University, Fort Collins, Colorado, filed an application to acquire, possess and operate a nuclear reactor authorized for construction by Construction Permit CPRR-13, dated July 8, 1957, and issued to Aerojet-General Nucleonics, San Ramon, California. The application also seeks authorizations relating to special nuclear material, byproduct material and source material associated with the operation of the reactor.

The Atomic Energy Commission has found that:

A. The reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. There is reasonable assurance that the applicant will comply with the regulations in Chapter I of Title 10 of the Code of Federal Regulations, including the regulations in Part 20, and that the health and safety of the public will not be endangered by the operation of the facility as proposed in the application by Colorado State University filed July 22, 1957.

C. The acquisition, possession, and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed by Colorado State University in the application in Docket 50-80 will not be inimical to the common defense and security or to the health and safety of the public.

D. Colorado State University proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

E. Colorado State University is financially qualified to operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

F. Colorado State University is technically qualified to operate the reactor.

Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses Colorado State University as provided below:

A. Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to acquire, possess and operate the reactor at the location in Fort Collins, Colorado, described in the application in Docket 50–80.

B. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess, and use up to 700 grams of contained uranium 235 for use in connection with the operation of the reactor.

C. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess but not to separate from the fuel or target material such byproduct material as may be produced from operation of the reactor.

This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, and is subject to any additional conditions specified or incorporated below:

A. The reactor shall be operated only in accordance with instructions from the Chief Reactor Supervisor.

B. The reactor shall not be operated unless Colorado State University has an individual as Chief Reactor Supervisor who has been approved by the Commission.

C. When unattended the reactor shall be secured with the standard seals and locks supplied by the manufacturer; at such times as the reactor is in a dismantled state, access shall be limited to authorized persons by means of a guard or locked enclosure, locked room, or locked building.

D. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

E. This license shall expire 20 years from the date of issuance hereof unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

———— ————,
Director,
Division of Civilian Application.

APPENDIX "A"

I. *Operating restrictions.* a. Colorado State University shall operate the reactor in accordance with the procedures described in its application filed July 22, 1957, as such procedures may be further amended by this license.

b. Colorado State University shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.

II. *Records.* In addition to those otherwise required under this license and applicable regulations Colorado State University shall keep the following records:

a. Reactor operating records, including power levels.

b. Records of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of Colorado State University as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* Colorado State University shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

ANNEX "B"

MEMORANDUM

The utilization facility proposed to be acquired and operated by Colorado State University is a small reactor of 100 milliwatts maximum power level to be constructed by Aerojet-General Nucleonics, San Ramon, California, and designated by the company as Model AGN–201, Serial No. 109. It is presently authorized for construction by Construction Permit CPRR–13, dated July 8, 1957, and issued to Aerojet-General Nucleonics. The Notice of Proposed Issuance of CPRR–13, published in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, provided that the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by Aerojet-General Nucleonics and the transfer of possession of or title to the reactor, or both, to any person licensed to acquire it if it is found that the reactor has been constructed in accordance with the specifications contained in the application for the construction permit, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

A complete description and hazards analysis of the reactor are contained in license applications and amendments submitted by AGN in Dockets F–15, F–32, F–44 and 50–53. A summary of the Model AGN–201 reactor description and discussion of the hazards analysis by the Commission's staff are set forth in a memorandum accompanying the Notice of Proposed Issuance of Construction Permit in Docket F–32 published in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742.

Description of site. The reactor is to be located on the campus of Colorado State University inside the city limits at Fort Collins, Colorado. The reactor is to be housed in a room to be constructed on the lower floor of the Physics Wing in the Engineering Building. The Engineering Building is a three-floor, four-wing structure with the four wings connected by an arcade. In addition to housing the reactor, the building will be utilized for teaching and research. Colorado State University states that the number of people expected to be present in the Physics Wing at any one time would be approximately 200.

The proposed license incorporates a condition that when the reactor is unattended it shall be secured with the standard locks and seals supplied by the manufacturer; and at such times as the reactor is in a dismantled state, access shall be limited to authorized persons by means of a guard or locked enclosure, locked room or locked building.

Hazards analysis. The hazards and safety features associated with this reactor were discussed in the aforementioned memorandum published in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742.

It is concluded from an examination of the potential hazards and conceivable mishaps that (1) no significant amount of radiation or radioactive materials would be released and no hazards to the public would ensue from the proposed operation and (2) there are no characteristics of the site or proposed operations at the Colorado State University campus which would detract from the safety of operation of the reactor.

Technical qualifications. The reactor is proposed to be utilized primarily for the training of students in various fields of nuclear technology.

The organization which has been devised for operation of the reactor by Colorado State University places responsibility for the promulgation and enforcement of administrative rules, regulations and operating procedures on the Chief Reactor Supervisor. In view of these important functions assigned to the Chief Reactor Supervisor, the evaluation of the technical qualifications of Colorado State University to operate the reactor in a safe and competent manner must to a large measure rely on the qualifications of the individual in this position.

Colorado State University has designated Mr. Elias Smith Murphy as Chief Reactor Supervisor. Mr. Murphy obtained a B. S. degree from Brigham Young University and an M. S. degree from Colorado A&M College. He has had the one-week Aerojet-General Nucleonics training course and will have completed the eight-week Oak Ridge Reactor Training Program by August 23, 1957.

In view of the qualifications and position of Mr. Murphy and considering the background of various other members of the Colorado State University staff in nuclear matters, it is concluded that the University is technically qualified to operate the reactor.

Financial qualifications. Colorado State University has received a grant from the AEC to cover the approximately $95,000 purchase price of the reactor. The annual operating expenses are estimated at $10,000 which Colorado State University has budgeted for the coming fiscal year and which it states it will continue to do in the future.

Conclusion. Based on the above considerations it is concluded that:

a. There is reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor at the proposed site on the Colorado State University campus.

b. Colorado State University is technically and financially qualified to engage in the proposed activities.

Dated: August 22, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57–7067; Filed, Aug. 27, 1957; 12:30 p. m.]

[Docket No. 50–62]

UNIVERSITY OF VIRGINIA

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue to the University of Virginia a construction permit substantially as set forth in Appendix A below unless on or before 15 days after filing of this notice in the FEDERAL REGISTER a request for formal hearing is filed in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is annexed as Appendix B a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the proposed reactor and the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 22d day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

APPENDIX A

CONSTRUCTION PERMIT

The University of Virginia (hereinafter referred to as "the University") on March 29, 1957, filed its application for a Class 104 license to construct and operate a nuclear reactor (hereinafter referred to as "the reactor"). An amendment to the application was filed on June 28, 1957. The application as amended will be referred to herein as "the application".

The Atomic Energy Commission (hereinafter referred to as the "Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The University proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. The University is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. The University is technically qualified to design and construct the reactor.

E. The University has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

F. The issuance of a construction permit to the University will not be inimical to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to the University to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

A. The earliest completion date of the reactor is January 1, 1958. The latest date for completion of the reactor is January 1, 1959. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location near Charlottesville, Virginia, specified in the application.

C. The general type of facility authorized for construction is a light water cooled and moderated research reactor designed to operate at a thermal power level of 1,000 kilowatts, as described in the application.

This permit is subject to submittal by the University to the Commission (by proposed amendment of the application) of the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and a finding by the Commission that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to the University pursuant to section 104c of the act, which license shall expire twenty (20) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

———— ————,
Director,
Division of Civilian Application.

APPENDIX B

MEMORANDUM

Part I—Description of facility. The University of Virginia has submitted a license application for a nuclear reactor designed to operate at a maximum thermal power of one megawatt. The reactor is of the "swimming pool" type and will be moderated, reflected, shielded and cooled with light water. It will be used for instruction, research and development.

It is proposed to locate the reactor in Albemarle County, Virginia, 2000 feet west of the city limits of Charlottesville (population approximately 25,000) at an elevation of 700 feet above sea level. The site is located at an abandoned reservoir 200 feet up the ridge that runs between Mt. Jefferson and Lewis Mountain. There are no residential districts closer than 2000 feet. Thinly populated suburban developments are located over the ridge about ¾ mile west of the reactor. The County of Albemarle which extends beyond the reactor site for more than ten miles in all directions has a rural population density of less than 300 persons per square mile. The site will be fenced off to prevent entry of unauthorized personnel.

The reactor will be housed in a reinforced masonry cylindrical structure which is rendered reasonably gas-tight by an inside plaster coating and suitable gas seals or gaskets on both doors. The facility will be built into the side of a hill with three sides of the pool in which the reactor operates below ground level and the fourth side above ground level to provide access to the reactor through ports known as beam holes which are normally plugged. To assure adequate shielding from radiation an additional thickness of concrete will be provided at the exposed end of the pool. A laboratory area will be provided adjacent to the pool. The building is ventilated through normally closed gasketed shutters with a fan that is interlocked for shutdown when excess radiation is detected. Conventional masonry construction will be used for the remainder of the building which houses a supporting laboratory, shop and office space.

The pool in which the reactor operates will be constructed of reinforced concrete with a suitable sealant such as "Amercoat" and will be 32 feet long, 14 feet wide and 25 feet deep with a 24-foot operating water level. An aluminum gate is located approximately midway of the pool so that either side may be drained independently of the other while the reactor is adequately shielded by the water in the undrained side. The reactor will be suspended from a travelling platform with the active lattice 18.5 feet below the water surface. It can be operated at either end of the pool at up to 100 kilowatts power level using convection cooling by the pool water. Demineralized water will not be necessary for operation up to 100 kilowatts. However, operation at one megawatt power level requires demineralized water and forced cooling. This operation can be accomplished only at the beam hole end of the pool where forced cooling facilities are provided. In the event that experimental procedures call for the emergence of radiation from the beam holes the area will be adequately shielded by temporary shielding stacked around the experimental equipment.

The reactor core will be made up of 3-inch x 3-inch aluminum clad enriched uranium fuel subassemblies, four of which will operate with the center half of the fuel plates removed to accommodate the control rods. The subassemblies will contain 12 and 6 plates and 165 and 82.5 grams of fuel, respectively. The fuel section of the plates is approximately 24 inches long. The estimated critical loading is 2,970 grams of U–235 and the core will contain 16 standard and four half subassemblies with three boron carbide and one stainless steel control rods. The rod worths are estimated approximately to be 3 percent and 0.5 percent delta k, respectively.

The applicant has stated that the estimated reactivity requirements for 100-kilowatt operation are:

Requirement:	Amount (% delta k/k)
Operational	0.3
Temperature (10° C. average rise)	0.42
Fuel depletion	0.15
Xe poisoning	0.45
Total for operation	1.32
Allowance for experiments	2.0

Values in this table appear to be reasonable and acceptable with the possible exception of the 2 percent listed as allowance for experiments. Since the applicant has not presented a detailed analysis justifying the need for 2 percent excess reactivity for experiments, judgment on the validity of this number is reserved. In some cases it has seemed wise to limit the total value of reactivity in experiments to values somewhat lower than 2 percent. Whatever the value, careful study must give assurance that accidents will not lead to inadvertent reactivity additions into the reactor. This study is usually given at the time detailed attention is given to the planning of the experimental program.

For one megawatt operation the amount of reactivity required for xenon override will be 2.4 percent.

The coefficients of reactivity are estimated as:

Temperature coefficient	-4.18×10^{-4}/° Centigrade.
Void coefficient	-7.2×10^{-3}/% void.

Part II—Hazards analysis—General considerations. There is an extensive body of relevant knowledge and successful operating experience for reactors of this type. The power levels of existing reactors range from several kilowatts to many megawatts. Therefore, there is no reason to doubt that this reactor can be designed, constructed and operated successfully as planned by the University of Virginia. In addition, the information presented indicates that the experimental program planned for this reactor

can be conducted without undue hazard to either the operating personnel or the general public.

Negative coefficients of reactivity. Features of importance in considerations of safe operation of this reactor are the negative coefficients of reactivity that tend to protect the reactor from an uncontrolled power excursion. The two major coefficients are the temperature and void coefficients, values of which are noted in Part I, and both of these are negative.

Consequences of accidents. The reactor building will be constructed as a containment vessel designed for 0.5 psi differential pressure. The volume will be about 80,000 cubic feet. The applicant estimates that an energy release of approximately 27 megawatt-seconds would be required to create a pressure of 0.5 psi. The BORAX experiments show that for this type of reactor excess reactivities of greater than 2 percent delta k with attendant reactor periods shorter than 10 milliseconds would be required to achieve such an energy release.

The applicant has investigated various acts or accidents to determine the possibility of introducing excess reactivity of the order of 2 percent delta k. According to Bulk Shielding Facility data the complete collapse or flooding of the largest horizontal beam hole (6 inches diameter) would yield about 0.3 percent delta k. Tests to determine the terminal velocity of a fuel subassembly in water indicate that a subassembly inadvertently dropped into a position in the periphery of the lattice would be roughly equivalent to a step addition of approximately 1.2 percent delta k. Therefore, there seems to be no credible act or accident that would cause a power excursion great enough to exceed the 0.5 psi pressure which is considered safe for the container. If a violent power excursion induced a shock wave of sufficient magnitude to crack the walls of the pool, the water would drain to the waste pond where it would be collected.

As noted above, the applicant could not postulate a credible act that would produce a transient of sufficient violence to breach the container. However, in order to evaluate the site proposed for the reactor the applicant selected a hypothetical case in which a 100 megawatt-second energy release was assumed without indicating a cause for the release.

Estimates of the consequences of such an accident, even under most unfavorable local weather conditions, show that the general public off-site is reasonably safe from overexposure to radiation. This includes even a postulate that a large portion of the radioactivity is deposited by washout in the settling basins of the City of Charlottesville filtration plant.

Summary. The application has been reviewed at this time only for the purpose of determining whether there is a reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public. The determination is based on information contained in the application, as amended, and the relatively large amount of experience available to date on the operation of other reactors of this general type. It was not considered necessary at this stage to give detailed consideration to the adequacy or acceptability of particular design features or specifications of the reactor and its associated equipment, to the proposed operating procedures, or to the safety of the reactor for specific types of research and development programs.

Prior to the issuance of a license authorizing operation of the reactor, a complete review and evaluation of (1) the safety aspects of the reactor and containment design; (2) the operating and supervisory procedures; (3) the particular research and development programs to be carried out; and (4) the emergency plans, must demonstrate that operation of the reactor will not be inimical to the common defense and security or to the health and safety of the public.

Within this framework and based on the considerations described above, it is concluded that a facility of the type proposed can be constructed and operated at the selected site without undue hazard to the health and safety of the public.

Part III—Technical qualifications. The applicant has available the professional skills of the staffs of its Engineering School and of the science departments of the schools of the University. Members of the staff who will have direct supervision of design and construction of the facility have had extensive experience in nuclear reactor technology.

Part IV—Financial qualifications. The University of Virginia is an agency of the Commonwealth of Virginia and is financed by legislative appropriations, endowment income, gifts, and tuition charges. This facility will be constructed in the major part with funds appropriated for this purpose by the legislature.

Part V—Conclusions. Based on the above considerations, it is concluded that:

a. There is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to design and construct the facility.

For the Division of Civilian Application.

H. L. PRICE,
Director.

AUGUST 22, 1957.

[F. R. Doc. 57-7065; Filed, Aug. 28, 1957; 8:45 a. m.]

[Docket No. 50-79]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission (hereinafter "the Commission") proposes to issue, on Form AEC-250, the facility export license described below unless within 15 days after filing of this notice with the Federal Register Division, a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

1. Pursuant to section 104 (c) of the Atomic Energy Act of 1954 (hereinafter "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and findings by the Commission that (a) the reactor proposed to be exported is a utilization facility; (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Government of Portugal, and (c) the issuance of an export permit to the American Machine & Foundry Company will not be inimical to the common defense and security and to the health and safety of the public, the Commission will issue a license to American Machine & Foundry Company, 261 Madison Avenue, New York 16, New York, authorizing the export of a 1 megawatt pool-type research reactor described in the company's license application filed July 22, 1957. The reactor is to be exported to the Junta De Energia Nuclear (Atomic Energy Commission) Lisbon, Portugal.

2. The license will be subject to the following conditions:

(a) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the act.

(b) The license will be subject to the right of recapture or control reserved by section 108 of the act and to all other provisions of the act, now or hereafter in effect, and to all rules and regulations of the Commission.

(c) The license will be effective as of the date of issuance thereof and shall expire on December 31, 1958, unless sooner terminated.

Dated at Washington, D. C., this 22d day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-7066; Filed, Aug. 28, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 8625, 8697]

UNITED AIRLINES, INC.; UNITED CUSTOM COACH SUSPENSION AND INVESTIGATION

NOTICE OF ORAL ARGUMENT

In the matter of "DC-7 Custom Coach" fares and provisions proposed by United Air Lines, Inc.

Notice is hereby given that oral argument in the above-entitled proceeding is assigned for September 12, 1957, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C. August 26, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7098; Filed, Aug. 28, 1957; 8:52 a. m.]

[Public Notice PN 11]

STATEMENT OF ORGANIZATION

Correction

In Federal Register Document 57-6348, appearing at page 6124 in the issue for Friday, August 2, 1957, the following change should be made: The 17th line of paragraph (c) of section 02.2 should read: "organization Plan No. 13; (3) and the".

FEDERAL POWER COMMISSION

SABIANNA OIL CO., INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 23, 1957.

In the matters of Sabianna Oil Company, Inc., Docket No. G-12057; Gulf Oil Corporation, Docket No. G-12064; Magnolia Petroleum Company,[1] Docket No. G-12099; Pan American Petroleum Corporation, Operator,[2] Docket No. G-12106; Petroleum, Inc., Operator, et al.,[3] Docket No. G-12108; Edwin L. Cox, Docket No. G-12111; Petroleum, Inc., Operator, et al.,[4] Docket No. G-12112; Sunray Mid-Continent Oil Company, Docket No. G-12114; Delta Drilling Company, Operator, et al.,[5] Docket No. G-12119; W. E. Bakke, Operator, et al.,[6] Docket No. G-12120; The Texas Company, Docket Nos. G-12132, G-12249; Amerada Petroleum Corporation, Docket No. G-12133; Greenbrier Oil Company,[7] Docket No. G-12187; Continental Oil Company, Operator,[8] Docket No. G-12213; Robert G. Goelet, Docket No. G-12216; Skelly Oil Company, Docket Nos. G-12220, G-12237; Shell Oil Company, Docket No. G-12233; E. J. McCartt, Jr., Operator, et al.,[9] Docket No. G-12238; Sun Oil Company, Docket No. G-12240; The Ohio Oil Company,[10] Docket No. G-12243; Cities Service Oil Company, Docket No. G-12246; Walter Kuhn, Operator, et al.,[11] Docket No. G-12254; Slick Oil Corporation, Operator,[12] Docket No. G-12648; Dakamont Exploration Corporation, Operator, et al.,[13] Docket No. G-12835.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-; Location of Field; Buyer

12057; Bethany Field, Panola County, Texas; United Gas Pipe Line Company.

12064; Northwest Eva Pool, Texas County, Oklahoma; Panhandle Eastern Pipe Line Company.

12099, 12132; Hugoton Field, Finney County, Kansas; Northern Natural Gas Company.

12106; Richfield Field, Morton County, Kansas; Panhandle Eastern Pipe Line Company.

12108; Elwood Field, Barber County, Kansas; Cities Service Gas Company.

12111; Grand Valley Field, Texas County, Oklahoma; Kansas-Nebraska Natural Gas Company, Inc.

12112; Hugoton Field, Finney County, Kansas; Cities Service Gas Company.

12114; Jack Herbert and Amacker-Tippitt Fields, Upton County, Texas; El Paso Natural Gas Company.

12119; Rodessa Field, Marion County, Texas; Arkansas Louisiana Gas Company.

12120; Bakke Field, Andrews County, Texas; El Paso Natural Gas Company.

12133; Bagley Field, Lea County, New Mexico; El Paso Natural Gas Company.

12187; Jack Herbert Field, Upton County, Texas; El Paso Natural Gas Company.

12213; Wemac Field, Andrews County, Texas; El Paso Natural Gas Company.

12216; La Copita Field, Starr County, Texas; Tennessee Gas Transmission Company.

12220; Acreage in Ford County, Kansas; Northern Natural Gas Company.

12233; Westwich Field, Ochiltree County, Texas; Northern Natural Gas Company.

12236; West Eureka Field, Alfalfa County, Oklahoma; Cities Service Gas Company.

12237; Ballard Field, San Juan County, New Mexico; El Paso Natural Gas Company.

12238; Quinduno Field, Roberts County, Texas; Natural Gas Pipeline Company of America.

12240; Hardtner Field, Barber County, Kansas; Cities Service Gas Company.

12243; Eumont Field, Lea County, New Mexico; El Paso Natural Gas Company.

12246; Acreage in Morton County, Kansas; Panhandle Eastern Pipe Line Company.

12249; Raymondville and Monte Pasture Fields, Kenedy County, Texas; Tennessee Gas Transmission Company.

12254; Hugoton Field, Hamilton County, Kansas; Colorado Interstate Gas Company.

12648; S. E. Alice Field, Jim Wells County, Texas; Trunkline Gas Company.

12835; Pearl Field, Bee County, Texas; Wilcox Trend Gathering System, Inc.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 26, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[1] Application covers ratification agreement dated August 1, 1956, of basic contract dated February 9, 1956, between The Texas Company and Northern Natural Gas Company. The Texas Company, Operator, was authorized in Docket No. G-10083 covering the basic contract. Magnolia is a signatory seller party to the ratification agreement which was also signed by purchaser.

[2] Pan American Petroleum Corporation (formerly Stanolind Oil and Gas Company), Operator, is filing for itself and on behalf of all nonoperators who do not negotiate separate gas sales contracts for the disposition of their proportionate shares of the production. Neither the application nor the related rate schedule list the nonoperating owners of working interests or the percentages of interest, but the application states such information will be filed after the commencement of deliveries in conformance with Commission Order No. 190. Stanolind Oil and Gas Company (now Pan American Petroleum Corporation) is the only signatory seller party to the gas sales contract dated January 18, 1957.

[3] Petroleum Inc., Operator, is filing for itself and on behalf of numerous nonoperators listed in the application, together with the percentage of working interest of each. Petroleum Inc. is the only signatory seller party to the two amendatory agreements dated December 27, 1956, and January 11, 1957, each of which adds additional acreage to a basic contract dated February 7, 1956. Petroleum Inc. was authorized in Docket No. G-10033 covering basic contract.

[4] Petroleum Inc., Operator, is filing for itself and on behalf of 25 nonoperators listed, together with the percentage of interest of each, in the application. Petroleum Inc. is the only signatory seller party to the gas sales contract dated December 11, 1956. Production limited to horizons at depths above sea level.

[5] Delta Drilling Company, Operator, is filing for itself and on behalf of 9 nonoperators listed, together with the percentage of interest of each, in the application. All are signatory seller parties to the gas sales contract dated November 21, 1956. The March 11, 1957, amendment shown is the request for temporary authorization.

[6] W. E. Bakke, Operator, is filing for himself and on behalf of 11 nonoperators listed, together with the percentage of working interest of each, in the application. W. E. Bakke, Choya Drilling Company, Inc., and Virginia S. McCullough are the only signatory seller parties to the gas sales contract dated December 19, 1956. The remaining 9 nonoperators have authorized Operator to dispose of their proportionate shares of the subject gas.

[7] Greenbrier Oil Company is a copartnership composed of William Hamm, Jr., Marie H. Ankeny, Margaret H. Kelley, Theodora Lang, D. H. Ankeny, James E. Kelley, William H. Lang and Joseph A. Maun. All the parties comprising the copartnership are signatory seller parties to the amendatory agreement dated December 14, 1956, to a basic contract dated August 24, 1954. The subject amendatory agreement provides for the sale of low pressure casinghead gas produced from the same acreage as is dedicated to basic contract. Applicant has been authorized in Docket No. G-4631 for the sale of high pressure gas well gas under the basic contract.

[8] Continental Oil Company is filing for its interest in the McCollum and Means, the McCollum and Weibusch, the McCollum and Weibusch "A", the Weibusch and McCollum and the Grady Leases. As operator of the McCollum and Means Lease, Continental lists the following owners of working interests: Continental Oil Company, Operator; Hunt Oil Company; and Lympia Royalties, Inc. Continental is the sole signatory seller party to the gas sales contract dated January 28, 1957.

[9] E. J. McCartt, Jr., is the operator for a partnership composed of E. J. McCartt, Jr., Morris B. McCartt and Robert S. McCartt. Each member of the partnership is filing for its individual interest and are signatory seller parties to the gas sales contract dated February 6, 1957.

[10] Application covers ratification agreement dated December 27, 1956, of a basic contract dated January 6, 1955, between Makin Drilling Company and El Paso Natural Gas Company. The Ohio Oil Company is a signatory seller party to the ratification agreement which is also signed by Makin (Operator), Island Oil Company (Nonoperator) and El Paso (Purchaser). Makin was authorized in Docket No. G-10644 covering basic contract. The ratification agreement amends the basic contract in certain respects including provisions for the independent disposition of each working interest owner's proportionate share of the gas produced from the Warlick-Queen Well No. 1 and the limitation of pro-

See footnotes at end of document.

duction to Tansill, Yates, Seven Rivers and Queen formations.

[11] Walter Kuhn, Operator, is filing for himself and on behalf of the following nonoperators: Wm. S. Millener; J. A. La Fortune; and E. T. Lindsay and V. W. McKnab. All are signatory seller parties to the gas sales contract dated January 15, 1957.

[12] Slick Oil Corporation, Operator, is filing for its interest and lists Seaboard Oil Company as the other interest owner. On a portion of the acreage Slick owns 100% interest and 50% on the remainder. Both are signatory seller parties to the same sales contract.

[13] Dakamont Exploration Corporation, Operator, is filing for its interest and those of F. Julius Fohs, Cora B. Fohs, Pernie Bailey, Lewis O. Tyra and Judy Hancock Wyatt, all of whom are signatory party sellers to the gas sales contract involved herein. Charles Allen, Jr., Herbert Allen, National Bulk Carriers, Inc., Pan American Petroleum Corporation (formerly Stanolind Oil and Gas Company) and Sun Oil Company are also signatory seller parties to the same sales contract.

[F. R. Doc. 57-7087; Filed, Aug. 28, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

AUGUST 22, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On August 13, 1957 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1943, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, August 23 to September 1, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7089; Filed, Aug. 28, 1957; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ADRIANUS ROSMOLEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Adrianus Rosmolen, Melissant, Holland, Claim No. 60906, Vesting Order No. 17915; $540.04 in the Treasury of the United States.

Executed at Washington, D. C., on August 22, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7092; Filed, Aug. 28, 1957; 8:51 a. m.]

MIRKO AND JOSIP AUGUSTINCIC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mirko Augustincic, Krscenovac No. 5, Sv., Ivan Zelina, Yugoslavia, $114.51 in the Treasury of the United States.

Josip Augustincic, Krscenovac No. 5, Sv., Ivan Zelina, Yugoslavia, $114.51 in the Treasury of the United States.
Claim No. 45464.

Executed at Washington, D. C., on August 22, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7093; Filed, Aug. 28, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 26, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34129: *Chemicals between, from and to points in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on chemicals, namely, chlordane, diisobutyl ketone, methyl ethyl ketone, epichlorohydrin or glycerol-dichlorohydrin, sodium (soda), caustic (sodium hydroxide) and potassium (potash), caustic, in solution, fertilizer ammoniating solution, and nitrogen fertilizer solution, tank-car loads, returned to original points of shipment, from and to points in southern territory.

Grounds for relief: Short-line distance formulas, and grouping.

FSA No. 34130: *Paper winding cores—Printing—Between, and to points in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on printing paper winding cores, old or reused, carloads, returned to original point of origin from which shipped with printing paper in carload lots, from and to points in southern territory.

Grounds for relief: Short-line distance formula, grouping, short-line arbitraries, and movement over short-tariff routes through higher-rated intermediate territories.

FSA No. 34131: *Substituted service—Motor and rail, C. & N. W. Railway Co.* Filed by Midwest Haulers, Inc., Agent, (No. 3) for itself, other motor carriers and the Chicago and Northwestern Railway Company. Rates on property by freight loaded in highway motor-truck trailers and transported in substituted service on railroad flat cars between Chicago, Ill., and St. Paul, Minn., on traffic originating at or destined to points beyond the named points reached or served by applicant motor carriers.

Grounds for relief: Motor truck competition.

Tariff: Supplement 9 to Midwest Haulers, Inc., tariff MF-I. C. C. No. 21.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-7088; Filed, Aug. 28, 1957; 8:50 a. m.]

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OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 169

Washington, Friday, August 30, 1957

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.*

TITLE 3—THE PRESIDENT

PROCLAMATION 3196

CITIZENSHIP DAY AND CONSTITUTION WEEK, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, by a joint resolution approved February 29, 1952 (66 Stat. 9), the Congress of the United States has designated the seventeenth day of September of each year as Citizenship Day in commemoration of the signing of the Constitution of the United States on September 17, 1787, and in recognition of all our citizens who have come of age and all who have been naturalized during the year; and

WHEREAS, by a joint resolution approved August 2, 1956 (70 Stat. 932), the Congress has requested the President to designate the week beginning September 17 of each year as Constitution Week, a time for the contemplation and observance of the historic acts which resulted in the formation of our Constitution; and

WHEREAS it is fitting that every citizen, native-born and naturalized, should reflect upon the vision and courage of those who created this historic and living document of human liberty for themselves and for the millions who later became citizens of this Nation; and

WHEREAS the aforesaid resolutions authorize the President to issue annually a proclamation calling for the observance of Citizenship Day and Constitution Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, call upon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1957; and I urge Federal, State, and local officials, as well as all religious, civic, patriotic, educational, and other organizations, to arrange for appropriate ceremonies on Citizenship Day through which all our people may gain a better understanding of our rights and responsibilities as citizens of the United States.

I also designate the period beginning September 17 and ending September 23, 1957, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches and in other suitable places, so that they may give solemn and grateful expressions of appreciation for that eventful week in September 1787 when our Constitution was signed, delivered to the Continental Congress, and made known to the people.

I further call upon all our citizens to renew and rededicate themselves to the Constitutional principles which guarantee our system of government by consent of the governed—the most cherished political possession of this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of August in the year of our Lord nineteen hundred and
[SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 57-7165; Filed, Aug. 28, 1957; 1:26 p. m.]

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Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (l) (21) of § 6.310 is amended as set out below.

§ 6.310 *Department of the Interior.* * * *

(l) *Office of Territories.* * * *

(21) One Confidential Assistant to the Governor of American Samoa.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-7143; Filed, Aug. 29, 1957; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (28), (d) (2) and (15) of § 6.312 are revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-7134; Filed, Aug. 29, 1957; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (12) of § 6.314 is amended as set out below.

§ 6.314 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* * * *

(12) One Assistant to the Congressional Liaison Officer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

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[F. R. Doc. 57-7135; Filed, Aug. 29, 1957; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

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[1957 CCC Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

SUBPART—1957 COTTON LOAN PROGRAM

SCHEDULE OF BASE LOAN RATES FOR WAREHOUSE-STORED UPLAND COTTON

Correction

In Federal Register Document 57-6826, published at page 6812 of the issue for Friday, August 23, 1957, the following changes should be made: in the list under § 427.833:

1. Under "Alabama":
a. "Bufaula; Barbour" should read "Eufaula; Barbour".
b. "Repton; Conscuh" should read "Repton; Conecuh".
c. "Sylacauga; Talladoga" should read "Sylacauga; Talladega".
2. Under "New Mexico": "Lordsburg; Ridalgo" should read "Lordsburg; Hidalgo".
3. Under "South Carolina":
a. "Brunson; Hempton" should read "Brunson; Hampton".
b. "Chappella; Newberry" should read "Chappells; Newberry".
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4. Under "Tennessee": "Shelbyville; Redford" should read "Shelbyville; Bedford".
5. Under "Texas":
a. The rate for "Rowlett; Dallas" should read "32.29".
b. "Temple; Beli" should read "Temple; Bell".

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR SHELLED VIRGINIA TYPE PEANUTS [1]

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.), the existing United States Standards for Shelled Virginia Type Peanuts (21 F. R. 4851; §§ 51.2750 to 51.2763 and 21 F. R. 5671 §§ 51.2750 to 51.2752 and 51.2754) are hereby amended to read as follows:

GRADES

Sec.
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51.2751 U. S. Medium Virginia.
51.2752 U. S. No. 1 Virginia.
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51.2762 Minor defects.
51.2763 Damage.

AUTHORITY: §§ 51.2750 to 51.2763 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

GRADES

§ 51.2750 *U. S. Extra Large Virginia.* "U. S. Extra Large Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{21}/_{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 512 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 0.75 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2751 *U. S. Medium Virginia.* "U. S. Medium Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{18}/_{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 640 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2752 *U. S. No. 1 Virginia.* "U. S. No. 1 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{15}/_{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 800 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2753 *U. S. Virginia Splits.* "U. S. Virginia Splits" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are free from foreign material, damage and minor defects, and which will not pass through a screen having $^{20}/_{64}$ inch round openings. Not less than 90 percent, by weight, shall be splits.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign materials; and,

(4) 3 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

§ 51.2754 *U. S. No. 2 Virginia.* "U. S. No. 2 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $^{17}/_{64}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2755 *Application of tolerances.* The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2756 *Similar varietal characteristics.* "Similar varietal characteristics" means that the peanut kernels in the lot are not of distinctly different varieties. For example, Spanish type shall not be mixed with Virginia type.

§ 51.2757 *Whole.* "Whole" means that the peanut kernel is not split or broken.

§ 51.2758 *Split.* "Split" means the separated half of a peanut kernel.

§ 51.2759 *Broken.* "Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2760 *Foreign material.* "Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2761 *Unshelled.* "Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2762 *Minor defects.* "Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2763 *Damage.* "Damage" means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;

(b) Mold;

(c) Insects, worm cuts, web or frass;

(d) Freezing, injury causing hard, translucent or discolored flesh; and,

(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

It is hereby found and determined that it is impractical, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule making proceedings with respect to the aforementioned amended standards. The amendatory action relates solely to the provisions of § 51.2754. Heretofore this section required that U. S. No. 2 Virginia contain not less than 25 percent, by weight, of splits. The section as amended provides that the kernels may be split or broken, but does not require a minimum percentage of splits, and thus is in relief of the former requirement. The U. S. No. 2 grades in the U. S. Standards for Shelled Spanish Type Peanuts and the U. S. Standards for Shelled Runner Type Peanuts now provide that the kernels may be split or broken, but do not require a minimum percentage of splits. It is necessary that this amendatory change be made effective as soon as possible in order that the aforementioned requirement will not be in conflict with similar requirements in the standards for other types of shelled peanuts or with industry shelling and merchandising practices.

It is hereby further found that good cause exists for not postponing the effective date of this amendment for thirty days after publication hereof in the FEDERAL REGISTER (section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.) in that (1) the amendment is in relief of an existing restriction; (2) is in conformity with similar requirements in the standards for other types of shelled peanuts; and, (3) is in accordance with current industry shelling and merchandising practices. Accordingly the amended United States Standards for Shelled Virginia Type Peanuts contained in this subpart shall become effective 15 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Shelled Virginia Type Peanuts which have been effective since July 31, 1956 (21 F. R. 4851; §§ 51.2750 to 51.2763 and 21 F. R. 5671; §§ 51.2750 to 51.2752 and 51.2754).

Dated: August 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-7138; Filed, Aug. 29, 1957; 8:52 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1958-59 MARKETING YEAR

COUNTY ACREAGE ALLOTMENTS FOR 1958 CROP OF WHEAT

Correction

In Federal Register Document 57-6829, published at page 6821 of the issue for Friday, August 23, 1957, the following changes should be made in the tables:

1. In the table for Nebraska, the entries for "Reserve new farms" should read as follows:

Reserve new farms	2,999		

2. In the table for New Jersey, the entries for "Reserve new farms" should read as follows:

Reserve new farms	300		

3. The second column total for Washington, now reading "2,104,392"; should read "2,014,392".

[Amdt. 1]

PART 729—PEANUTS

ALLOTMENT AND MARKETING QUOTA REGULATIONS FOR PEANUTS OF THE 1957 AND SUBSEQUENT CROPS

Correction

In Federal Register Document 57-6911, published at page 6741 of the issue for Thursday, August 22, 1957, the following changes should be made:

1. Amendatory paragraph 1 should read as follows:

1. Section 729.811 (n): The definition of farm contained in § 729.811 (n) is hereby deleted and there is substituted therefor the definition of farm, as it now reads or as it may be amended to read from time to time, contained in § 718.2 (i) of the Farm Marketing Quotas and Acreage Allotments Regulations governing the determination of acreage and performance signed by the Acting Secretary of Agriculture on May 24, 1957, and published in the FEDERAL REGISTER of May 29, 1957 (22 F. R. 3747).

NOTE: For codification purposes, § 729.811 (n) shall read as follows:

(n) For definition of "farm", see § 718.2 (i) of this chapter.

2. In amendatory paragraph 2, the sentence added to § 729.851 (a) should read as follows: "The basic support price for peanuts for the marketing year beginning August 1, 1957, and ending July 31, 1958, is $221.40 per ton or 11.07 cents per pound and, therefore, the basic penalty rate for the 1957 crop of peanuts is 8.3 cents per pound."

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017, 22 F. R. 26), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER August 9, 1957 (22 F. R. 6385). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 1017.201 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 117 (§§ 1017.1 to 1017.88), to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period beginning July 1, 1957, and ending June 30, 1958, will amount to $3,200.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 130 and Order No. 117 (§§ 1017.1 to 1017.88), shall be three-tenths of one cent ($0.003) per hundredweight, or ninety cents ($0.90) per carload, of onions handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and Order No. 117 (§§ 1017.1 to 1017.88).

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 27, 1957 to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-7137; Filed, Aug. 29, 1957; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Service, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

REGISTRATION; MARKET AGENCY AND DEALER BONDS

Pursuant to the authority vested in me under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U. S. C. 181 et seq.), paragraph (d) of § 201.10 and § 201.29 of the regulations under such act (9 CFR, 1956 Supp., 201.10 (d), 201.29) are hereby amended in the respects specified below.

1. Paragraph (d) of § 201.10 is amended by striking "September 1, 1957," in the last line thereof and inserting "December 1, 1957,".

2. Section 201.29 is amended by striking "September 1, 1957," and inserting in lieu thereof "December 1, 1957,".

The purpose of the amendments is to provide that on and after December 1, 1957, instead of September 1, 1957, as previously specified in the regulations, no market agency engaged in selling livestock on an agency basis shall act in the capacity of clearing agency for any independently operated and separately registered market agency and that on and after December 1, 1957, instead of September 1, 1957, as previously specified in the regulations, the only bond equivalent that may be filed, or maintained, by a market agency engaged in selling livestock on an agency basis shall be one representing a pledge of fully-negotiable bonds of the United States Government. The amendments relieve temporarily certain restrictions previously scheduled to become effective on September 1, 1957, and should be made effective prior to such date. Accordingly, pursuant to sections 4 (a) and (c) of the Administrative Procedure Act (5 U. S. C. 1003 (a) and (c)), it is found upon good cause that notice and other public procedure with respect to such amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than thirty days after publication in the FEDERAL REGISTER.

(Sec. 407, 42 Stat. 169; 7 U. S. C. 228)

Done at Washington, D. C., this 27th day of August 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] DON PAARLBERG,
Assistant Secretary of Agriculture.

[F. R. Doc. 57-7139; Filed, Aug. 29, 1957; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 11]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing all after Millville, N. J., radio range station to read: "Millville, N. J., radio range station; Beachwood, N. J., nondirectional radio beacon; the intersection of the southeast course of the Newark, N. J., radio range and the southwest course of the Peconic, Long Island., N. Y., radio range; Peconic, Long Island, N. Y., radio range station; the intersection of the northeast course of the Peconic, Long Island, N. Y., radio range and the southeast course of the Hartford, Conn., radio range to the Boston, Mass., radio range station."

2. Section 600.106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border)* is amended by deleting the portion which reads: "From the Columbus, Ohio, radio range station to the intersection of the northeast course of the Columbus, Ohio, radio range and the west course of the Cleveland, Ohio, radio range."

3. Section 600.208 is amended to read:

§ 600.208 *Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.).* From the intersection of the west course of the Wright-Patterson AFB radio range and the northwest course of the Cincinnati, Ohio, radio range via the Wright-Patterson AFB, Dayton, Ohio, radio range station to the intersection of the east course of the Wright-Patterson AFB radio range and the south course of the Columbus, Ohio, radio range. From the Butler, Pa., nondirectional radio beacon via the Brookville, Pa., nondirectional radio beacon; the intersection of the southwest course of the Elmira, N. Y., radio range and the west course of the Williamsport, Pa., radio range; Williamsport, Pa., radio range station; Crystal Lake, Pa., nondirectional radio beacon to the Newark, N. J., radio range station.

4. Section 600.213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)* is amended by changing the portion which reads: "From the Wilkes-Barre, Pa., radio range station via the Stewart AFB, N. Y., nondirectional radio beacon; Poughkeepsie, N. Y., radio range station;" to read: "From the Crystal Lake, Pa., nondirectional radio beacon via the Stewart AFB, N. Y., nondirectional radio beacon; Poughkeepsie, N. Y., radio range station;".

5. Section 600.217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.)* is amended by deleting the portion which reads: "From the McKeesport, Pa., nondirectional radio beacon to the Johnstown, Pa., nondirectional radio beacon."

6. Section 600.223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.)* is amended by changing the last portion to read: "New York (La Guardia), N. Y., radio range station to the intersection of the east course of the New York (La Guardia), N. Y., radio range and the northeast course of the Peconic, Long Island, N. Y., radio range."

7. Section 600.227 is added to read:

§ 600.227 *Red civil airway No. 27 (Nenabank, Alaska, to Wolf Intersection, Alaska).* From the intersection of the northwest course of the Nenana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range via the Nenana, Alaska, radio range station to the intersection of the southeast course of the Nenana, Alaska, radio range and the southwest course of the Fairbanks, Alaska, radio range.

8. Section 600.261 *Red civil airway No. 61 (Butler, Pa., to Washington, D. C.)* is amended by changing the portion which reads: "From the Butler, Pa., nondirectional radio beacon via the Johnstown, Pa., nondirectional radio beacon to the intersection of the southeast course of the Pittsburgh, Pa., radio range and the south course of the Altoona, Pa., radio range." to read: "From the intersection of the southeast course of the Akron, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range via the Butler, Pa., nondirectional radio beacon to the Johnstown, Pa., nondirectional radio beacon."

9. Section 600.262 *Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.)* is revoked.

10. Section 600.285 *Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.)* is revoked.

11. Section 600.615 is amended to read:

§ 600.615 *Blue civil airway No. 15 (Akron, Ohio, to Hubbard, Ohio).* From the Akron, Ohio, Akron-Canton County Airport ILS outer marker to the Hubbard, Ohio, nondirectional radio beacon.

12. Section 600.626 is amended to read:

§ 600.626 *Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).* From the Anchorage, Alaska, radio range station via the Talkeetna, Alaska, nondirectional radio beacon; Summit, Alaska, radio range station; intersection of the north course of the Summit, Alaska, radio range and the southwest course of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

13. Section 600.639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.)* is amended by deleting the portion which reads: "From the intersection of the west course of the Elkins, W. Va., radio range and the southwest course of the Morgantown, W. Va., radio range via the Morgantown, W. Va., radio range station to the New Alexandria, Pa., nondirectional radio beacon."

14. Section 600.643 is amended to read:

§ 600.643 *Blue civil airway No. 43 (Healy, Alaska, to Fairbanks, Alaska).* From the intersection of the north course of the Summit, Alaska, radio range and the southwest course of the Fairbanks, Alaska, radio range via the intersection of the north course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range; Nenana, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

15. Section 600.670 *Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.)* is amended by changing the words which read: "via the intersection of the northwest course of the Waco, Tex., radio range and the west course of the Dallas, Tex., radio range;" to read: "via the intersection of the northwest course of the Waco, Tex., radio range and a line bearing 255° True from the Dallas, Tex., nondirectional radio beacon;".

16. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing the portion which reads: "Flat Rock, Va., omnirange station to the point of intersection of the Flat Rock omnirange 023° True and the Gordonsville, Va., omnirange 056° True radials." to read: "Flat Rock, Va., omnirange station; Brooke, Va., omnirange station; to the Washington, D. C., terminal omnirange station."

17. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by changing the portion which reads: "Burley, Idaho, omnirange station, including a south alternate from the Boise omnirange station to the Burley omnirange station via the Twin Falls, Idaho, omnirange station;" to read: "Burley, Idaho, omnirange station;".

18. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the portion which reads: "Midland, Tex., omnirange station, including a north alternate from the Wink omnirange station to the Midland omnirange station via the point of intersection of the Wink omnirange 066° True and the Hobbs, N. Mex., omnirange 147° True radials;" to read: "Midland, Tex., omnirange station;" and is corrected by changing the portion which reads: "Pine Bluff, Ark., omnirange station;" to read: "Pine Bluff, Ark., omnirange station, including a south alternate;".

19. Section 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to the United States-Canadian Border)* is amended by changing the portion which reads: "Dubois, Idaho, omnirange station, including a west alternate between the Pocatello, Idaho, omnirange station and the Dubois, Idaho, omnirange station via the direct radials;" to read: "Dubois, Idaho, omnirange station;".

20. Section 600.6035 *VOR civil airway No. 35 (Miami, Fla., to Syracuse, N. Y.)* is amended by changing the portion which reads: "Macon, Ga., omnirange station; Royston, Ga., omnirange station;" to read: "Macon, Ga., omnirange station; Athens, Ga., omnirange station; Royston, Ga., omnirange station;" and by changing the portion which reads: "intersection of the Parkersburg omnirange 060° True and the Pittsburgh omnirange 223° True radials; Pittsburgh, Pa., omnirange station; Philipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station; to read: "intersection of the Parkersburg omnirange 060° True and the Pittsburgh omnirange 223° True radials; to the Pittsburgh, Pa., omnirange station. From the Johnstown, Pa., omnirange station via the Tyrone, Pa., omnirange station; Philipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station;".

21. Section 600.6036 *VOR civil airway No. 36 (Toronto, Ontario, to New York, N. Y.)* is amended by changing the portion which reads: "Elmira, N. Y., omnirange station, including a south alternate;" to read: "Elmira, N. Y., omnirange station;".

22. Section 600.6038 *VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.)* is amended by changing the portion which reads: "Appleton, Ohio, omnirange station, including a south alternate via the point of intersection of the Findlay omnirage 144° True and the Mansfield, Ohio, omnirange 241° True radials;" to read: "Appleton, Ohio, omnirange station;".

23. Section 600.6039 *VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine)* is amended by changing the portion which reads: "Herndon, Va., omnirange station; to the point of intersection of the Herndon omnirange 045° True and the Baltimore, Md., omnirange 346° True radials. From the intersection of the Baltimore, Md., omnirange 015° True and the Allentown, Pa., omnirange 228° True radials via the Allentown, Pa., omnirange station;" to read: "Herndon, Va., omnirange station; Westminster, Md., omnirange station; point of intersection of the Allentown omnirange 228° True radial with the Harrisburg, Pa., omnirange direct radial to the West Chester, Pa., omnirange station; Allentown, Pa., omnirange station;".

24. Section 600.6053 *VOR civil airway No. 53 (Charleston, S. C., to Chicago, Ill.)* is amended by changing the portion which reads: "to the Chicago, Ill., Midway Airport terminal omnirange station." to read: "to the point of intersection of the Peotone omnirange 003° True and the Joliet, Ill., omnirange 056° True radials."

25. Section 600.6066 is amended by changing the caption to read: *"VOR civil airway No. 66 (San Diego, Calif., to Charlotte, N. C.)"* and by adding a new last portion to read: "From the Atlanta, Ga., omnirange station via the Athens, Ga., omnirange station; point of intersection of the Spartanburg, S. C., omnirange 148° True and the Charlotte omnirange 242° True radials; to the Charlotte, N. C., omnirange station."

26. Section 600.6069 *VOR civil airway No. 69 (Shreveport, La., to Chicago, Ill.)* is amended by changing the portion which reads: "to the Chicago, Ill., Midway Airport terminal omnirange station." to read: "to the point of intersection of the Joliet omnirange 056° True and the Peotone, Ill., omnirange 003° True radials."

27. Section 600.6072 *VOR civil airway No. 72 (Troy, Ill., to Albany, N. Y.)* is amended by changing the portion which reads: "Binghamton, N. Y., omnirange station; to the Albany, N. Y., omnirange station." to read: "Binghamton, N. Y., omnirange station; Rockdale, N. Y., omnirange station; to the Albany, N. Y., omnirange station."

28. Section 600.6104 is amended to read:

§ 600.6104 *VOR civil airway No. 104 (Ottawa, Ont., to Plattsburgh, N. Y.)* That airspace over United States territory from the Ottawa, Ont., omnirange station via the intersection of the Ottawa omnirange 082° True and the Massena omnirange 346° True radials; Massena, N. Y., omnirange station; to the Plattsburgh, N. Y., omnirange station.

29. Section 600.6106 *VOR civil airway No. 106 (Charleston, W. Va., to Kennebunk, Maine)* is amended by changing all before the Selinsgrove, Pa., omnirange station to read: "From the Charleston, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Johnstown, Pa., omnirange station, including a north alternate via the intersection of the Morgantown omnirange 021° True and the Pittsburgh omnirange 117° True radials; point of intersection of the Tower City, Pa., omnirange 279° True radial with the Philipsburg, Pa., omnirange direct radial to the Harrisburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station;".

30. Section 600.6124 *VOR civil airway No. 124 (Burley, Idaho, to Pocatello, Idaho)* is revoked.

31. Section 600.6128 *VOR civil airway No. 128 (Chicago, Ill., to New Bern, N. C.)* is amended by changing the portion which reads: "From the Chicago, Ill., Midway Airport terminal omnirange station via the Peotone, Ill., omnirange station;" to read: "From the point of intersection of the Joliet, Ill., omnirange 056° True and the Peotone omnirange 003° True radials via the Peotone, Ill., omnirange station;".

32. Section 600.6133 is amended to read:

§ 600.6133 *VOR civil airway No. 133 (Parkersburg, W. Va., to Flint, Mich.).* The airspace over United States territory from the point of intersection of the Parkersburg omnirange 172° True radial with the Charleston W. Va., omnirange direct radial to the Morgantown, W. Va., omnirange station via the Parkersburg, W. Va., omnirange station; point of intersection of the Wheeling, W. Va., omnirange 252° True radial with the Appleton, Ohio, omnirange direct radial to the Morgantown, W. Va., omnirange station; Tiverton, Ohio, omnirange station; Mansfield, Ohio, omnirange station; intersection of the Mansfield omnirange 345° True and the Salem omnirange 140° True radials; Salem, Mich., omnirange station; to the point of intersection of the Salem omnirange 342° True and the Lansing, Mich., omnirange 068° True radials.

33. Section 600.6140 *VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.)* is amended by changing the portion which reads: "point of intersection of the Front Royal, Va., omnirange 140° True and the Washington, D. C., omnirange 249° True radials;" to read: "point of intersection of the Gordonsville, Va., omnirange direct radial to the Herndon, Va., omnirange station with the Brooke, Va., omnirange 306° True radial;".

34. Section 600.6153 is amended to read:

§ 600.6153 *VOR civil airway No. 153 (New York, N. Y., to Syracuse, N. Y.).* From the Caldwell, N. J., omnirange station via the Stillwater, N. J., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; point of intersection of the DeLancey, N. Y., omnirange 289° True radial with the Binghamton, N. Y., omnirange direct radial to the Rockdale, N. Y., omnirange station; to the Syracuse, N. Y. omnirange station.

35. Section 600.6144 *VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.)* is amended by changing the portion which reads: "From the Chicago, Ill., Midway Airport terminal omnirange station via the Peotone, Ill., omnirange station;" to read: "From the point of intersection of the Joliet, Ill., omnirange 056° True and the Peotone omnirange 003° True radials via the Peotone, Ill., omnirange station;".

36. Section 600.6155 is amended by changing the caption to read: *"VOR civil airway No. 155 (Raleigh, N. C., to Washington, D. C.)"* and by changing all after the Gordonsville, Va., omnirange station to read: "Gordonsville, Va., omnirange station; to the point of intersection of the Gordonsville omnirange direct radial to the Herndon, Va., omnirange station with the Brooke, Va., omnirange 306° True radial. The portion of this airway which overlaps the Camp Pickett restricted area (R–44) is excluded."

37. Section 600.6156 is amended to read:

§ 600.6156 *VOR civil airway No. 156 (Elkins, W. Va., to Richmond, Va.).* From the Elkins, W. Va., omnirange station via the Gordonsville, Va., omnirange station; to the Richmond, Va., radio range station.

38. Section 600.6157 is amended to read:

§ 600.6157 *VOR civil airway No. 157 (Miami, Fla., to Richmond, Va.).* From the Miami, Fla., omnirange station via the LaBelle, Fla., omnirange station; Lakeland, Fla., omnirange station; to the Gainesville, Ga., omnirange station. From the Wilmington, N. C., omnirange station via the Rocky Mount, N. C., omnirange station; Lawrenceville, Va., omnirange station; Richmond, Va., radio range station; to the Brooke, Va., omnirange station. The portions of this airway which overlap the Camp Pickett restricted area (R–44) and the Camp A. P. Hill restricted area (R–40) are excluded.

39. Section 600.6164 is amended by changing the caption to read: *"VOR civil airway No. 164 (Buffalo, N. Y., to*

New York, N. Y.)" and by changing the portion which reads: "From the Bradford, Pa., omnirange station via the intersection of the Bradford omnirange 097° True and the Williamsport omnirange 306° True radials;" to read: "From the Buffalo, N. Y., omnirange station via the Wellsville, N. Y., omnirange station; point of intersection of the Bradford, Pa., omnirange 097° True and the Williamsport omnirange 306° True radials;".

40. Section 600.6170 *VOR civil airway No. 170 (Milwaukee, Wis., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Selinsgrove, Pa., omnirange station; to the West Chester, Pa., omnirange station." to read: "Selinsgrove, Pa., omnirange station; Tower City, Pa., omnirange station; to the West Chester, Pa., omnirange station." and by adding a new last sentence to read: "The portion of this airway which conflicts with the Indiantown Gap restricted area (R–69) is excluded."

41. Section 600.6173 *VOR civil airway No. 173 (Springfield, Ill., to Chicago, Ill.)* is amended by changing the portion which reads: "to the Chicago, Ill., Midway Airport terminal omnirange station." to read: "to the point of intersection of the Joliet, Ill., omnirange 056° True and the Peotone, Ill., omnirange 003° True radials."

42. Section 600.6191 *VOR civil airway No. 191 (Walnut Ridge, Ark., to Milwaukee, Wis.)* is amended by changing the portion which reads: "to the Chicago, Ill., Midway Airport terminal omnirange station." to read: "to the point of intersection of the Joliet, Ill., omnirange 056° True and the Peotone, Ill., omnirange 003° True radials."

43. Section 600.6238 is amended to read:

§ 600.6238 *VOR civil airway No. 238 (Philipsburg, Pa., to Atlantic City, N. J.).* From the Philipsburg, Pa., omnirange station via the point of intersection of the Philipsburg omnirange direct radial to the Selinsgrove, Pa., omnirange station with the Williamsport, Pa., omnirange 227° True radial; Tower City, Pa., omnirange station; West Chester, Pa., omnirange station; point of intersection of the West Chester omnirange 120° True radial and the Philadelphia, Pa., International Airport ILS localizer 256° True course; Woodstown, N. J., omnirange station; to the point of intersection of the Woodstown omnirange 106° True and the Coyle, N. J., omnirange 203° True radials. The portion of this airway which conflicts with the Indiantown Gap restricted area (R–69) is excluded.

44. Section 600.6249 is amended to read:

§ 600.6249 *VOR civil airway No. 249 (Caldwell, N. J., to Utica, N. Y.).* From the Caldwell, N. J., omnirange station via the Huguenot, N. Y., omnirange station; DeLancey, N. Y., omnirange station; Rockdale, N. Y., omnirange station; to the Utica, N. Y., Oneida County Airport, ILS outer marker.

45. Section 600.6252 *VOR civil airway No. 252 (Binghamton, N. Y., to New York, N. Y.)* is amended by changing the portion which reads: "and the Wilkes-Barre-Scranton, Pa., omnirange 358° True radials;" to read: "radial with the Wilkes-Barre-Scranton, Pa., omnirange direct radial to the point of intersection of the DeLancey, N. Y., omnirange 289° True radial with the Binghamton, N. Y., omnirange direct radial to the Rockdale, N. Y., omnirange station;".

46. Section 600.6253 is amended to read:

§ 600.6253 *VOR civil airway No. 253 (Utah Lake, Utah, to Boise, Idaho).* From the Utah Lake, Utah, omnirange station to the point of intersection of the Utah Lake omnirange 315° True and the Salt Lake City, Utah, omnirange 265° True radials. From the Bonneville, Utah, omnirange station via the Lucin, Utah, omnirange station; Twin Falls, Idaho, omnirange station; to the Boise, Idaho, omnirange station.

47. Section 600.6258 *VOR civil airway No. 258 (Charleston, W. Va., to Roanoke, Va.)* is amended by changing the portion which reads: "to the Roanoke, Va., terminal omnirange station." to read: "Roanoke, Va., terminal omnirange station; to the point of intersection of the Greensboro, N. C., omnirange direct radial to the Montebello, Va., omnirange station with the South Boston, Va., omnirange 298° True radials."

48. Section 600.6262 is amended to read:

§ 600.6262 *VOR civil airway No. 262 (Bradford, Ill., to Chicago, Ill.).* From the Bradford, Ill., omnirange station via the Joliet, Ill., omnirange station; to the point of intersection of the Joliet omnirange 056° True and the Peotone, Ill., omnirange 003° True radials.

49. Section 600.6266 is amended to read:

§ 600.6266 *VOR civil airway No. 266 (South Boston, Va., to Elizabeth City, N. C.).* From the South Boston, Va., omnirange station to the Lawrenceville, Va., omnirange station. From the point of intersection of the Lawrenceville omnirange 076° True and the Elizabeth City omnirange 311° True radials; to the Elizabeth City, N. C., omnirange station.

50. Section 600.6269 is amended to read:

§ 600.6269 *VOR civil airway No. 269 (Wells, Nev., to Dubois, Idaho).* From the Wells, Nev., omnirange station via the Twin Falls, Idaho, omnirange station; Burley, Idaho, omnirange station; Pocatello, Idaho, omnirange station; to the Dubois, Idaho, omnirange station.

51. Section 600.6273 is amended to read:

§ 600.6273 *VOR civil airway No. 273 (Downsville, N. Y., to Syracuse, N. Y.).* From the DeLancey, N. Y., omnirange station via the point of intersection of the DeLancey omnirange 289° True radial with the Binghamton, N. Y., omnirange direct radial to the Rockdale, N. Y., omnirange station; to the Syracuse, N. Y., omnirange station.

52. Section 600.6275 *VOR civil airway No. 275 (Cincinnati, Ohio, to Detroit, Mich.)* is amended by changing the portion which reads: "Dayton omnirange 208° True radials;" to read: "Dayton omnirange 209° True radials;".

53. Section 600.6276 is amended to read:

§ 600.6276 *VOR civil airway No. 276 (Ellwood City, Pa., to Monmouth, N. J.).* From the Ellwood City, Pa., omnirange station via the point of intersection of the Ellwood City omnirange 102° True and the Fitzgerald, Pa., omnirange 191° True radials; Tyrone, Pa., omnirange station; point of intersection of the Philipsburg, Pa., omnirange direct radial to the Harrisburg, Pa., omnirange station with the Tower City omnirange 279° True radial; Tower City, Pa., omnirange station; Yardley, Pa., omnirange station; to the point of intersection of the Yardley omnirange 098° True radial with the Coyle, N. J., omnirange direct radial to the Idlewild, N. Y., omnirange station.

54. Section 600.6279 is added to read:

§ 600.6279 *VOR civil airway No. 279 (Columbus, Ohio, to Findlay, Ohio).* From the Columbus, Ohio, radio range station to the Findlay, Ohio, omnirange station.

55. Section 600.6280 is added to read:

§ 600.6280 *VOR civil airway No. 280 (El Paso, Tex., to Roswell, N. Mex.).* From the El Paso, Tex., omnirange station via the point of intersection of the El Paso omnirange 092° True and the Pinon omnirange 219° True radials; Pinon, N. Mex., omnirange station; to the Roswell, N. Mex., omnirange station.

56. Section 600.6281 is added to read:

§ 600.6281 *VOR civil airway No. 281.* [Unassigned.]

57. Section 600.6282 is added to read:

§ 600.6282 *VOR civil airway No. 282 (Cofield, N. C., to Elizabeth City, N. C.).* From the Cofield, N. C., omnirange station to the Elizabeth City, N. C., omnirange station.

58. Section 600.6618 *VOR civil airway No. 1518 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "point of intersection of the Gordonsville omnirange 056° True and the Washington terminal omnirange 197° True radials;" to read: "point of intersection of the Gordonsville omnirange 056° True radial with the Brooke, Va., omnirange direct radial to the Washington terminal omnirange station;".

59. Section 600.6620 *VOR civil airway No. 1520 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "From the Little Rock, Ark., omnirange station via the Memphis, Tenn., omnirange station;" to read: "From the Little Rock, Ark., omnirange station via the intersection of the Little Rock omnirange 077° True and the Memphis omnirange 261° True radials; Memphis, Tenn., omnirange station;" and by changing the portion which reads: "point of intersection of the Gordonsville omnirange 056° True and the Washington terminal omnirange 197° True radials;" to read: "point of intersection of the Gordonsville omnirange 056° True radial with the Brooke, Va., omnirange direct radial to the Washington terminal omnirange station;".

60. Section 600.6622 *VOR civil airway No. 1522 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "point of intersection of the Gordonsville omnirange 056° True and the Washington terminal omnirange 197° True radials;" to read: "point of intersection of the Gordonsville omnirange 056° True radial with the Brooke, Va., omnirange direct radial to the Washington terminal omnirange station;".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 E. S. T. September 26, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

AUGUST 23, 1957.

[F. R. Doc. 57–7100; Filed, Aug. 29, 1957; 8:45 a. m.]

[Amdt. 13]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.227 is added to read:

§ 601.227 *Red civil airway No. 27 control areas (Nenabank, Alaska, to Wolf Intersection, Alaska).* All of Red civil airway No. 27.

2. Section 601.262 *Red civil airway No. 62 control areas (Pittsburgh, Pa., to Altoona, Pa.)* is revoked.

3. Section 601.285 *Red civil airway No. 85 control areas (Akron, Ohio, to Altoona, Pa.)* is revoked.

4. Section 601.615 is amended by changing the caption to read: "*Blue civil airway No. 15 control areas (Akron, Ohio, to Hubbard, Ohio).*"

5. Section 601.643 is amended to read:

§ 601.643 *Blue civil airway No. 43 control areas (Healy, Alaska, to Fairbanks, Alaska).* All of Blue civil airway No. 43.

6. Section 601.1018 is amended to read:

§ 601.1018 *Control area extension (Meridian, Miss.).* Within 5 miles either side of the north course of the Meridian, Miss., radio range extending from the radio range station to a point 20 miles north, within 5 miles either side of the ILS localizer south course extending from the localizer to a point 30 miles south, and within 5 miles either side of the 314° True radial of the Meridian omnirange extending from the omnirange station to a point 20 miles northwest.

7. Section 601.1019 *Control area extension (Nashville, Tenn.)* is amended by adding the following portion to present control area extension: "including the airspace within 5 miles either side of the Nashville ILS localizer south course extending from the 50-mile radius area to VOR civil airway No. 7–E."

8. Section 601.1042 is amended to read:

§ 601.1042 *Control area extension (Columbus, Ohio).* Within a 15-mile radius of the Appleton, Ohio, omnirange station; that airspace south of Columbus bounded on the east by Blue civil airway No. 81, on the southeast by VOR civil airway No. 44, on the west by a line extending from the York, Ky., omnirange station to the southeast corner of restricted area (R–109) thence on the west by restricted area R–109 and Amber civil airway No. 6, and on the north by Green civil airway No. 4; that airspace southwest of Columbus bounded on the north by Green civil airway No. 4, on the east by Amber civil airway No. 6, on the south by Red civil airway No. 8 and on the west by Blue civil airway No. 87.

9. Section 601.1067 is added to read:

§ 601.1067 *Control area extension (Lexington, Ky.).* The airspace within a 40-mile radius of the Lexington, Ky., omnirange station extending clockwise from VOR civil airway No. 4 to VOR civil airway No. 57 and the airspace within a 25 mile radius of the omnirange station extending clockwise from VOR civil airway No. 57 to VOR civil airway No. 4.

10. Section 601.1070 is added to read:

§ 601.1070 *Control area extension (Charlottesville, Va.).* The airspace bounded on the northwest by VOR civil airway No. 140, on the northeast by VOR civil airway No. 156 and on the south by VOR civil airway No. 16.

11. Section 601.1095 *Control area extension (Fort Wayne, Ind.)* is amended by adding the following portion to present control area extension: "The airspace south of Fort Wayne bounded on the northwest by VOR civil airway No. 11, on the southeast by VOR civil airway No. 14, and on the east by VOR civil airway No. 55–W."

12. Section 601.1155 *Control area extension (Omaha, Nebr.)* is amended by changing the words which read: "bounded on the north by VOR civil airways No. 8–S, 6–S and Red civil airway No. 93, on the east by Amber civil airway No. 4" to read: "bounded on the north by VOR civil airways No. 8–S and 6–S, on the east by VOR civil airway No. 15."

13. Section 601.1203 *Control area (Montague, Calif.)* is amended by changing the words: "170° True" to read: "179° True."

14. Section 601.1223 *Control area extension (Miramar, Calif.)* is amended by adding the following portion to present control area extension: "The airspace east of Miramar bounded on the south by Red civil airway No. 9, on the west by Blue civil airway No. 14, on the northwest by Red civil airway No. 65 and on the east by longitude 116°05'00''."

15. Section 601.1261 *Control area extension (Lansing, Mich.)* is amended by adding the following portion to present control area extension: "The airspace south of Lansing bounded on the south by VOR civil airway No. 100, on the northwest by VOR civil airway No. 218, and on the northeast by VOR civil airway No. 45."

16. Section 601.1275 is amended to read:

§ 601.1275 *Control area extension (Fairbanks, Alaska).* The airspace within a 25-mile radius of Ladd Air Force Base, within 5 miles either side of the east course of the Fairbanks radio range extending to a point 25 miles east of the Chena, Alaska, nondirectional beacon, and the airspace within 15 miles on the southwest side of the centerline of Amber civil airway No. 2 extending from the Big Delta, Alaska, radio range station to the Fairbanks 25-mile radius control area extension, excluding the portion which lies within and overlaps Big Delta restricted area R–346.

17. Section 601.1318 is amended to read:

§ 601.1318 *Control area extension (Muscle Shoals, Ala.).* Within 5 miles either side of the 112° True and 292° True radials of the Muscle Shoals omnirange extending from the omnirange station to points 20 miles southeast and northwest.

18. Section 601.1435 is added to read:

§ 601.1435 *Control area extension (Peconic, L. I., N. Y.).* The airspace north of Peconic bounded on the west by Red civil airway No. 21, on the north by VOR civil airway No. 34, on the east by Green civil airway No. 5, and on the south by Red civil airway No. 23.

19. Section 601.1984 *Five mile radius zones* is amended by adding the following airport: "Fort Lauderdale, Fla.: Broward County International Airport."

20. Section 601.2019 is amended to read:

§ 601.2019 *Pittsburgh, Pa., control zone.* Within a 5-mile radius of Allegheny County Airport, Pittsburgh, Pa., within 2 miles either side of a direct line extending from the airport to the Cecil nondirectional radio beacon, within 2 miles either side of the 227° and 047° True radials of the Pittsburgh omnirange extending from the 5 mile radius zone to a point 10 miles southwest of the omnirange station, and within 2 miles either side of the extended centerline of the Allegheny County Airport east-west runway extending from the 5-mile radius zone to the McKeesport, Pa., nondirectional radio beacon.

21. Section 601.2027 *Dallas, Tex., control zone* is amended by changing the name of the facility which reads: "Duncanville fan marker" to read: "Duncanville nondirectional radio beacon."

22. Section 601.2028 *El Paso, Tex., control zone* is amended by changing the words which read: "to the Newman non-

directional radio beacon," to read: "to the Newman, Tex., omnirange station,".

23. Section 601.2086 *Chicago, Ill., control zone* is amended by deleting the portion which reads: "within 2 miles either side of the 007° True, 124° True and 223° True radials of the Chicago-Midway terminal omnirange extending from the terminal omnirange station to points 12 miles north, southeast and southwest."

24. Section 601.2155 is amended to read:

§ 601.2155 *Meridian, Miss., control zone.* Within a 5-mile radius of Key Field, Meridian, Miss., within 2 miles either side of the northwest course of the Meridian radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 314° True radial of the Meridian omnirange extending from the omnirange station to a point 10 miles northwest.

25. Section 601.2160 is amended to read:

§ 601.2160 *Muscle Shoals, Ala., control zone.* Within a 5-mile radius of Muscle Shoals Airport, within 2 miles either side of the southeast course of the Muscle Shoals radio range extending to a point 10 miles southeast of the radio range station, and within 2 miles either side of the 112° True and 292° True radials of the Muscle Shoals omnirange extending from the 5-mile radius zone to a point 10 miles southeast of the omnirange station.

26. Section 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing all after Millville, N. J., radio range station to read: "Millville, N. J., radio range station; the intersection of the northeast course of the Millville, N. J., radio range and the southeast course of the McGuire AFB, N. J., radio range; Peconic, Long Island, N. Y., radio range station; the intersection of the west course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range."

27. Section 601.4208 *Red civil airway No. 8 (Dayton, Ohio, to Newark, N. J.)* is amended by deleting the following reporting point: "Bergholz, Pa., nondirectional radio beacon;".

28. Section 601.4213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)* is amended by deleting the following reporting point: "Wilkes-Barre, Pa., radio range station;".

29. Section 601.4217 *Red civil airway way No. 17 (St. Louis, Mo., to Baltimore, Md.)* is amended after "Mansfield, Ohio, nondirectional radio beacon;" by adding the following reporting point: "Bergholz, Pa., nondirectional radio beacon;".

30. Section 601.4220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.)* is amended by adding the following reporting point after "the intersection of the south course of the Youngstown, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range;" to read: "the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northeast course of the Morgantown, W. Va., radio range;".

31. Section 601.4223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.)* is amended by adding the following reporting point: "the intersection of the east course of the New York (LaGuardia), N. Y., radio range and the northeast course of the Mitchel AFB, N. Y., radio range."

32. Section 601.4227 is added to read:

§ 601.4227 *Red civil airway No. 27 (Nenabank, Alaska, to Wolf Intersection, Alaska).* The intersection of the southeast course of the Nenana, Alaska, radio range and the southwest course of the Fairbanks, Alaska, radio range.

33. Section 601.4261 is amended to read:

§ 601.4261 *Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).* Butler, Pa., nondirectional radio beacon; the intersection of the northwest course of the Arcola, Va., radio range and the west course of the Martinsburg, W. Va., radio range.

34. Section 601.4262 *Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.)* is revoked.

35. Section 601.4285 *Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.)* is revoked.

36. Section 601.4615 is amended to read:

§ 601.4615 *Blue civil airway No. 15 (Akron, Ohio, to Hubbard, Ohio).* No reporting point designation.

37. Section 601.4639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.)* is amended by deleting the following reporting points: "Morgantown, W. Va., radio range station; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northeast course of the Morgantown, W. Va., radio range."

38. Section 601.4643 is amended to read:

§ 601.4643 *Blue civil airway No. 43 (Healy, Alaska, to Fairbanks, Alaska).* No reporting point designation.

39. Section 601.6021 is amended to read:

§ 601.6021 *VOR civil airway No. 21 control areas (Long Beach, Calif., to the United States-Canadian Border).* All of VOR civil airway No. 21 including an east alternate.

40. Section 601.6036 is amended to read:

§ 601.6036 *VOR civil airway No. 36 control areas (Toronto, Canada, to New York, N. Y.).* All of VOR civil airway No. 36 including a south alternate, but excluding the airspace between the main airway and the south alternate.

41. Section 601.6038 is amended to read:

§ 601.6038 *VOR civil airway No. 38 control areas (Iowa City, Iowa, to Elkins, W. Va.).* All of VOR civil airway No. 38.

42. Section 601.6066 is amended to read:

§ 601.6066 *VOR civil airway No. 66 control areas (San Diego, Calif., to Charlotte, N. C.).* All of VOR civil airway No. 66 including north alternates.

43. Section 601.6104 is amended to read:

§ 601.6104 *VOR civil airway No. 104 control areas (Ottawa, Ont., to Plattsburgh, N. Y.).* All of VOR civil airway No. 104.

44. Section 601.6124 *VOR civil airway No. 124 control areas (Burley, Idaho, to Pocatello, Idaho)* is revoked.

45. Section 601.6155 is amended to read:

§ 601.6155 *VOR civil airway No. 155 control areas (Raleigh, N. C., to Washington, D. C.).* All of VOR civil airway No. 155.

46. Section 601.6156 is amended to read:

§ 601.6156 *VOR civil airway No. 156 control areas (Elkins, W. Va., to Richmond, Va.).* All of VOR civil airway No. 156.

47. Section 601.6164 is amended to read:

§ 601.6164 *VOR civil airway No. 164 control areas (Buffalo, N. Y., to New York, N. Y.).* All of VOR civil airway No. 164 including a south alternate, but excluding the airspace between the main airway and the south alternate.

48. Section 601.6238 is amended to read:

§ 601.6238 *VOR civil airway No. 238 control areas (Philipsburg, Pa., to Atlantic City, N. J.).* All of VOR civil airway No. 238.

49. Section 601.6253 is amended to read:

§ 601.6253 *VOR civil airway No. 253 control areas (Utah Lake, Utah, to Boise, Idaho).* All of VOR civil airway No. 253.

50. Section 601.6266 is amended to read:

§ 601.6266 *VOR civil airway No. 266 control areas (South Boston, Va., to Elizabeth City, N. C.).* All of VOR civil airway No. 266.

51. Section 601.6269 is amended to read:

§ 601.6269 *VOR civil airway No. 269 control areas (Wells, Nev., to Dubois, Idaho).* All of VOR civil airway No. 269.

52. Section 601.6276 is amended to read:

§ 601.6276 *VOR civil airway No. 276 control areas (Ellwood City, Pa., to Monmouth, N. J.).* All of VOR civil airway No. 276.

53. Section 601.6279 is added to read:

§ 601.6279 *VOR civil airway No. 279 control areas (Columbus, Ohio, to Findlay, Ohio).* All of VOR civil airway No. 279.

54. Section 601.6280 is added to read:

§ 601.6280 *VOR civil airway No. 280 control areas (El Paso, Tex., to Roswell, N. Mex.).* All of VOR civil airway No. 280.

55. Section 601.6281 is added to read:

§ 601.6281 *VOR civil airway No. 281 control areas.* [Unassigned].

56. Section 601.6282 is added to read:

§ 601.6282 *VOR civil airway No. 282 control areas (Cofield, N. C., to Elizabeth City, N. C.).* All of VOR civil airway No. 282.

57. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points:

Dayton Intersection: The intersection of the Westminster, Md., omnirange 179° True and the Baltimore, Md., omnirange 281° True radials.

Newport Intersection: The intersection of the Nantucket, Mass., omnirange 252° True and the Norwich, Conn., omnirange 127° True radials.

Marion Intersection: The intersection of the Mansfield, Ohio, omnirange 244° True and the Appleton, Ohio, omnirange 309° True radials.

Fitzgerald, Pa., omnirange station.

Rock Springs, Tex., omnirange station.

by changing the following reporting points to read:

Coldwater Intersection: The intersection of the Dayton, Ohio, omnirange 327° True and the Findlay, Ohio, omnirange 250° True radials.

Marchand Intersection: The intersection of the Youngstown, Ohio, omnirange 233° True and the Cleveland, Ohio, omnirange 132° True radials.

Atwater Intersection: The intersection of the Youngstown, Ohio, omnirange 233° True and the Cleveland, Ohio, omnirange 116° True radials.

and by revoking the following reporting point:

Troy Intersection: The intersection of the Dayton, Ohio, omnirange 020° True radial and the Columbus, Ohio, radio range west course.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. September 26, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

AUGUST 23, 1957.

[F. R. Doc. 57-7101; Filed, Aug. 29, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6738]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ALBERT GROSS FURS, INC. AND ALBERT GROSS

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Albert Gross Furs, Inc., et al., New York, N. Y., Docket 6738, August 7, 1957]

In the Matter of Albert Gross Furs, Inc., a Corporation, and Albert Gross, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by invoicing of fur products which failed to conform to the requirements thereof.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Albert Gross Furs, Inc., a corporation, and its officers, and respondent Albert Gross, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction or manufacture for introduction, into commerce, or the sale, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the manufacture for sale, sale, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of furs which have been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

e. The name and address of the person issuing such invoice;

f. The name of the country of origin of any imported furs contained in the fur product;

g. The item number of such fur product as required in Rule 40 (a) of the regulations under the Fur Products Labeling Act (§ 301.40 (a));

2. Setting forth on invoices of fur products:

a. Information, required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, in abbreviated form.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Albert Gross Furs, Inc., a corporation, and Albert Gross, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 7, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-7129; Filed, Aug. 29, 1957; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 15—CEREAL FLOURS AND RELATED PRODUCTS

SUBPART C—RICE AND RELATED PRODUCTS

ORDER RULING ON PROPOSAL TO ADOPT A DEFINITION AND STANDARD OF IDENTITY FOR ENRICHED RICE

Correction

In Federal Register Document 57-6957, published at page 6887 of the issue for Tuesday, August 27, 1957, the following changes should be made:

1. In the ninth line of paragraph (c) of § 15.525, the word "direction" should read "directions".

2. In the 11th sentence of paragraph (e) of § 15.525 (fifth line, middle column, page 6888), the word "absorb" should read "adsorb".

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1956 Supp., 146.26) are amended by adding to § 146.26 (b) the following new subparagraph (32):

(32) It is intended for use as an aid in the control of infestation of large round-

worms (Ascaris suis), nodular worm (Oesophagostomum dentatum), and whipworm (Trichuris suis) in swine; it contains, per ton of feed, 6,000 units (equivalent to 6 milligrams) of hygromycin B (produced by the growth of (Streptomyces hygroscopicus); and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or packaging or the facilities and controls used for such manufacturing, processing, or packaging, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes certain requirements, and since it would be against public interest to delay publication of this amendment.

I further find that animal feeds containing antibiotic drugs and conforming with the conditions prescribed in this amendment need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply secs. 502, 507, 52 Stat. 1051, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: August 23, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-7130; Filed, Aug. 29, 1957; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 728]

WHEAT

MEASUREMENT OF ACREAGE, MARKETING, COLLECTION OF MARKETING PENALTIES, STORAGE, AND RECORDS AND REPORTS, 1958–59 MARKETING YEAR

A national marketing quota proclamation for the 1958 crop of wheat was issued by the Secretary of Agriculture on April 25, 1957 (22 F. R. 2905), and the quota was approved by wheat producers voting in a referendum on July 20, 1957. Farm acreage allotments were established pursuant to section 334 of the Agricultural Adjustment Act of 1938, as amended, and notices thereof mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

Pursuant to the authority contained in the applicable provisions of the act, as amended and supplemented (7 U. S. C. 1301, 1331–1340, 1372–1375), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the measurement of farms, the determination of farm normal yields and farm marketing excesses, the issuance of marketing cards, the identification of wheat, the storage and delivery of wheat to avoid or postpone payment of penalties, the collection and refund of penalties, and the records and reports incident thereto with respect to the 1958 crop of wheat.

It is proposed that the regulations be substantially the same as the regulations in effect for the 1957–58 marketing year (22 F. R. 1355, 3224, 3699, 3750, 3751, 4359, 5977).

Prior to the issuance of such regulations consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C.

All submissions must be postmarked not later than thirty days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued this 26th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-7140; Filed, Aug. 29, 1957; 8:52 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

FURTHER EXTENSION OF TIME FOR FILING VIEWS AND COMMENTS ON PROPOSAL TO ESTABLISH DEFINITIONS AND STANDARDS OF IDENTITY FOR CERTAIN TYPES OF ORANGE JUICE PRODUCTS

By a notice published in the FEDERAL REGISTER of July 12, 1957 (22 F. R. 4918), the time for filing views and comments upon the proposal to establish definitions and standards of identity for certain types of orange juice, which proposal was published in the FEDERAL REGISTER on June 4, 1957 (22 F. R. 3893), was extended to August 16, 1957.

The Commissioner of Food and Drugs has received a request for a further extension of time in this matter; and reasonable grounds therefor appearing: *It is ordered*, That the time for filing views and comments be further extended until September 30, 1957. This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U. S. C. 371), which authority was delegated to the Commissioner by the Secretary of Health, Education, and Welfare (22 F. R. 1045).

Dated: August 23, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-7131; Filed, Aug. 29, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 176]

[Ex Parte No. MC-19]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

NOTICE OF PROPOSED RULE MAKING

AUGUST 27, 1957.

A notice of proposed rule making dated July 15, 1957 (22 F. R. 6065), provided, among other things, that anyone desiring to make representations to the Commission with respect to the subject matter of the notice might do so on or before September 1, 1957. The Movers Conference of America by petition filed August 23, 1957, asks, among other things, an extension of the time for making such representations.

The time for filing such representations is hereby modified so that they may be filed on or before October 1, 1957.

Notice to the general public shall be given by depositing a copy hereof in the office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] ROBERT J. TEST,
Acting Secretary.

[F. R. Doc. 57-7136; Filed, Aug. 29, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 23, 1957.

The U. S. Department of Agriculture has filed an application, Serial No. Sacramento 047049, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for use as administrative sites, public service sites, recreation areas or for other public purposes as set forth specifically with regard to each area or description in the Stanislaus National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, 8th Floor, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of the Sonora Pass Highway Project 38-H, State of California Route 108 through the following legal subdivisions:

T. 3 N., R. 16 E.,
Sec. 25, SE¼SW¼, NE¼SE¼, S½SE¼.
T. 3 N., R. 17 E.,
Sec. 2, Lots 1, 2, and 3, S½NW¼;
Sec. 3, SE¼;
Sec. 9, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 10, NW¼NE¼, S½NW¼;
Sec. 16, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 17, Lots 2, 3, and 4;
Sec. 20, Lots 1, 3, and 6, SE¼SW¼;
Sec. 30, N½NE¼, E½NW¼.
T. 4 N., R. 17 E.,
Sec. 35, SE¼SE¼;
Sec. 36, SE¼NW¼, NE¼SW¼, SW¼SW¼.
T. 4 N., R. 18 E.,
Sec. 4, Lot 1, E½SE¼;
Sec. 8, E½SE¼, SW¼SE¼;
Sec. 9, NE¼, S½NW¼, SW¼;
Sec. 17, Lots 1, 2, and 3, N½NE¼, E½NW¼, E½SW¼, NW¼SE¼;
Sec. 20, SE¼SE¼;
Sec. 21, Lots 3 and 4, S½NW¼, W½SW¼;
Sec. 29, N½NE¼, SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 30, Lots 7, 8, and 12, SE¼SW¼, SW¼SE¼;
Sec. 31, Lot 1.
T. 5 N., R. 18 E.,
Sec. 1, E½SE¼;
Sec. 11, E½SE¼, SW¼SE¼;
Sec. 12, E½NE¼, SW¼NE¼, SE¼NW¼, SW¼;
Sec. 14, N½NE¼, SW¼NE¼, SE¼NW¼, SW¼;
Sec. 21, E½SE¼;
Sec. 22, NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 23, NW¼NW¼;
Sec. 27, W½NW¼;
Sec. 28, N½NE¼, N½SE¼, SW¼SE¼;
Sec. 33, NW¼NE¼, S½NE¼, E½NW¼, SE¼.
T. 5 N., R. 19 E.,
Sec. 6, Lots 3, 4 and 5.
T. 6 N., R. 19 E.,
Sec. 31, E½SW¼, W½SE¼.

The areas described aggregate 1,480 acres.

ADMINISTRATIVE SITES

American Camp Addition:
T. 3 N., R. 14 E.,
Sec. 25, NE¼NE¼SE¼.
T. 3 N., R. 15 E.,
Sec. 30, S½ Lot 2, Lot 3, SW¼SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼NW¼SE¼.
American Camp Lookout:
T. 3 N., R. 14 E.,
Sec. 25, SE¼SE¼NW¼, SW¼SW¼NE¼.
Folsom Lookout:
T. 7 N., R. 15 E.,
Sec. 29, NW¼NW¼, SW¼NE¼NW¼.
Mt. Elizabeth Lookout:
T. 3 N., R. 16 E.,
Sec. 32, SW¼ of Lot 4.
Center:
T. 3 N., R. 16 E.,
Sec. 33, Lots 7 and 8.
Riverside:
T. 2 N., R. 16 E.,
Sec. 34, Lots 11, 12, 13, and 14.
Long Barn:
T. 3 N., R. 17 E.,
Sec. 20, S½SW¼.
Thompson Peak Lookout:
T. 2 N., R. 17 E.,
Sec. 26, NE¼SE¼.
Sugarloaf Lookout:
T. 1 N., R. 17 E.,
Sec. 31, SW¼NE¼.
Bear Valley:
T. 7 N., R. 18 E.,
Sec. 18, SW¼NE¼.
Old Strawberry Addition:
T. 4 N., R. 18 E.,
Sec. 21, W½SW¼NE¼, S½NW¼.
North Fork Tuolumne:
T. 4 N., R. 18 E.,
Sec. 28, W½NW¼NW¼;
Sec. 29, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, N½SE¼NE¼.
Cow Creek Addition:
T. 5 N., R. 18 E.,
Sec. 33, SE¼NE¼SE¼, NE¼SE¼SE¼.
Herring:
T. 5 N., R. 19 E.,
Sec. 20, W½SE¼, W½NE¼SE¼, E½SE¼SW¼;
Sec. 29, NW¼NE¼, NE¼NW¼.
Junction:
T. 6 N., R. 19 E.,
Sec. 22, S½SW¼NE¼, S½SE¼NW¼, SE¼SW¼NW¼, N½NW¼SE¼, N½NE¼SW¼, NE¼NW¼SW¼.
Iceberg:
T. 7 N., R. 20 E.,
Sec. 26, SE¼SW¼, SE¼SW¼SW¼;
Sec. 35, NW¼NW¼NE¼, N½NE¼NW¼.
Smith Peak Lookout:
T. 1 S., R. 17 E.,
Sec. 34, W½ Lot 6.
Pilot Lookout:
T. 2 S., R. 18 E.,
Sec. 13, SW¼SW¼NE¼, SE¼SE¼NW¼, NW¼NW¼SE¼, NE¼NE¼SW¼.
Hog Ranch:
T. 1 S., R. 19 E.,
Sec. 2, Lots 8, 12, and 13.
Carlon:
T. 1 S., R. 19 E.,
Sec. 34, SE¼NE¼NE¼, NE¼SE¼NE¼;
Sec. 35, SW¼NW¼NW¼, NW¼SW¼NW¼.

The areas described aggregate 1,551.01 acres.

RECREATION AREAS

Beardsley Reservoir:
T. 4 N., R. 17 E.,
Sec. 1, E½, E½SW¼, SW¼SW¼;
Sec. 2, SE¼SE¼;
Sec. 11, NE¼, E½NW¼, NW¼SE¼, E½SW¼, SW¼SW¼;
Sec. 12, N½NE¼, SE¼NE¼, NW¼, NE¼SE¼, S½SE¼, SE¼SW¼;
Sec. 13, NE¼, NE¼NW¼, S½NW¼NW¼, S½NW¼;
Sec. 14, W½NW¼NE¼, S½NE¼, NW¼, N½SE¼, NE¼SW¼.
T. 4 N., R. 18 E.,
Sec. 6, Lots 3, 4, 5, and 6, E½SW¼;
Sec. 7, Lots 1, 2, 3, and 4, E½W½;
Sec. 18, Lot 1, NE¼NW¼.
Donnells Reservoir:
T. 6 N., R. 18 E.,
Sec. 35, SE¼NE¼, E½SE¼, NW¼SE¼;
Sec. 36, W½NW¼, NW¼SW¼.
T. 6 N., R. 19 E.,
Sec. 19, SW¼NE¼SW¼, SE¼NW¼SW¼, NW¼SE¼SW¼, NE¼SW¼SW¼.
Cherry Valley:
T. 1 N., R. 19 E.,
Sec. 4, NE¼;
Sec. 5, N½, N½S½;
Sec. 6, Lot 1.
T. 2 N., R. 19 E.,
Sec. 17, S½SE¼;
Sec. 20, E½NW¼, SW¼NW¼, W½SW¼, NW¼NE¼SW¼;
Sec. 28, E½, NE¼NW¼, E½SE¼NW¼;
Sec. 29, W½W½, W½SE¼NW¼, W½NE¼SW¼, SE¼SW¼;
Sec. 31, E½SE¼;
Sec. 27, W½, less that portion within Yosemite National Park;
Sec. 32, NW¼, W½SW¼, NE¼SW¼, W½SE¼SW¼;
Sec. 33, All;
Sec. 34, NW¼ (less that portion within Yosemite National Park).
Clear View:
T. 6 N., R. 19 E.,
Sec. 30, SE¼NE¼.
Bennett Juniper:
T. 5 N., R. 20 E.,
Sec. 7, NE¼.

The areas described aggregate 8,820.17 acres.

CAMPGROUNDS

Moore Creek:
T. 7 N., R. 15 E.,
Sec. 12, NE¼NE¼.
Big Meadow:
T. 7 N., R. 17 E.,
Sec. 33, S½S½N½, N½N½S½.
Sand Flat:
T. 7 N., R. 17 E.,
Sec. 35, S½SE¼NE¼, SE¼SW¼NE¼, NE¼NW¼SE¼, N½NE¼SE¼, SW¼NE¼SE¼.
Lake Alpine:
T. 7 N., R. 18 E.,
Sec. 8, NE¼NE¼, SE¼NE¼;
Sec. 9, S½N½NW¼.
Cascade:
T. 5 N., R. 18 E.,
Sec. 14, W½SW¼SW¼.
Mill Creek:
T. 5 N., R. 18 E.,
Sec. 12, SE¼NE¼, E½, SW¼NE¼, N½NE¼SE¼.

Pinecrest:
T. 4 N., R. 18 E.,
Sec. 21, SE¼NE¼, N½NE¼SE¼;
Sec. 22, SW¼NW¼, SW¼NW¼NW¼.
Cow Creek:
T. 5 N., R. 18 E.,
Sec. 33, SE¼SE¼NE¼, NE¼NE¼SE¼;
Sec. 34, SW¼SW¼NW¼.
Hells Half Acre:
T. 5 N., R. 18 E.,
Sec. 31, NW¼NE¼.
Eagle Meadow Road:
T. 5 N., R. 19 E.,
Sec. 4, W½SW¼SE¼, E½SE¼SW¼.
Hermit Valley:
T. 8 N., R. 19 E.,
Sec. 15, S½N½SW¼, N½S½SW¼.
Brightman Flat:
T. 6 N., R. 19 E.,
Sec. 23, NE¼SE¼;
Sec. 24, W½NW¼SW¼.
Dardanelle:
T. 6 N., R. 19 E.,
Sec. 25, SW¼NE¼NE¼, SE¼NE¼.
Pacific Valley:
T. 8 N., R. 19 E.,
Sec. 28, W½W½NW¼;
Sec. 29, E½E½NE¼.
Herring Creek:
T. 5 N., R. 19 E.,
Sec. 30, S½S½SE¼, S½SE¼SW¼;
Sec. 31, N½NE¼, N½S½NE¼, NE¼NW¼.
Niagara Creek:
T. 6 N., R. 19 E.,
Sec. 32, SW¼SW¼NE¼, SE¼SE¼NW¼, NW¼NW¼SE¼, NE¼NE¼SW¼.
Deadman:
T. 5 N., R. 20 E.,
Sec. 2, Lot 3;
T. 6 N., R. 20 E.,
Sec. 35, SE¼SE¼SW¼.
Clark Fork:
T. 6 N., R. 20 E.,
Sec. 5, Lot 3, E½ Lot 4; S½NW¼, W½W½NE¼, N½N½SW¼.
Cottonwood:
T. 6 N., R. 20 E.,
Sec. 7, Lot 1.
Disaster Creek:
T. 7 N., R. 20 E.,
Sec. 26, SW¼SW¼SW¼;
Sec. 27, SE¼SE¼SE¼;
Sec. 34, NE¼NE¼NE¼;
Sec. 35, NW¼NW¼NW¼.
Douglas:
T. 6 N., R. 20 E.,
Sec. 27, NW¼SE¼, N½SW¼SE¼.
Pigeon Flat:
T. 6 N., R. 20 E.,
Sec. 29, N½SW¼.
Bone Springs:
T. 6 N., R. 20 E.,
Sec. 30, NW¼SW¼, W½NE¼SW¼.
Upper Baker Station:
T. 6 N., R. 20 E.,
Sec. 35, E½SW¼NW¼, SW¼SE¼NW¼, E½NW¼SW¼, W½NE¼SW¼.
Lumsden:
T. 1 S., R. 17 E.,
Sec. 24, N½NE¼SE¼.
Lost Claim:
T. 1 S., R. 17 E.,
Sec. 25, SE¼NE¼SE¼, E½SE¼SE¼;
T. 1 S., R. 18 E.,
Sec. 30, SW¼NW¼SW¼, W½SW¼SW¼.
The Pines:
T. 1 S., R. 17 E.,
Sec. 27, S½SE¼SW¼, SW¼SW¼SE¼.
Lumsden Bridge:
T. 1 S., R. 18 E.,
Sec. 17, SW¼SW¼.
Middle Fork:
T. 1 S., R. 19 E.,
Sec. 14, W½SW¼NW¼, SW¼NW¼NW¼;
Sec. 15, SE¼NE¼, S½NE¼NE¼.
Soldier Creek:
T. 1 S., R. 19 E.,
Sec. 31, E½ of Lot 12.
Rush Creek:
T. 1 S., R. 19 E.,
Sec. 34, SW¼SW¼NW¼, NW¼NW¼SW¼.
Carlon:
T. 1 S., R. 19 E.,
Sec. 35, E½SW¼NW¼.

The areas described aggregate 2,198.42 acres.

The described totals 14,049.60 acres.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-7081; Filed, Aug. 29, 1957; 8:45 a. m.]

Office of the Secretary

DIRECTOR, GEOLOGICAL SURVEY

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACT FOR OBTAINING COMPONENT PARTS FOR ASSEMBLY AND CONSTRUCTION OF MASS SPECTROMETERS

1. The Director, Geological Survey, is authorized to exercise, subject to the provisions of 2 below, the authority delegated by the Administrator of General Services (22 F. R. 6636) to the Secretary of the Interior, for the period ending June 30, 1958, to negotiate, without advertising, under sections 302 (c) (5) and 302 (c) (10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252 et seq.), a contract required by the Geological Survey in the administration of its program for research and development work in connection with the assembly and construction of mass spectrometers for the purpose of making analyses for the isotopes of certain chemical elements.

2. The authority granted in 1 above shall be exercised in accordance with applicable limitations and requirements of the Federal Property and Administrative Services Act, particularly sections 304, 305, and 307 thereof, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

3. The authority granted in 1 above may not be redelegated.

HATFIELD CHILSON,
Acting Secretary of the Interior.

AUGUST 26, 1957.

[F. R. Doc. 57-7108; Filed, Aug. 29, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 16]

ORGANIZATION AND FUNCTIONS

CHANGE IN ADDRESS OF FLIGHT OPERATIONS AND AIRWORTHINESS DISTRICT OFFICE

In accordance with the public information requirements of the Administrative Procedure Act, section 22 (b) of the Organization and Functions of the Civil Aeronautics Administration, as published on February 16, 1957, 22 F. R. 990, is hereby amended to include the following change in address:

In Region 2, the Flight Operations and Airworthiness District Office at Peter O. Knight Airport, P. O. Box 2112, Tampa, Florida, to Pinellas County International Airport, St. Petersburg, Florida.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

AUGUST 19, 1957.

[F. R. Doc. 57-7102; Filed, Aug. 29, 1957; 8:45 a. m.]

Federal Maritime Board

PORT OF SEATTLE AND MATSON TERMINALS, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8235-1, between the Port of Seattle and Matson Terminals, Inc., modifies Agreement No. 8235, covering the leasing by the Port of Seattle certain shore and pier structure areas, referred to as Pier 48 and adjacent areas, to Matson Terminals, and provides that Matson may not assign any of its rights thereunder without prior written approval of the Port. The modification provides for the filing with the Federal Maritime Board of a copy of any such approval together with a copy of the assignment agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 26, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7103; Filed, Aug. 29, 1957; 8:45 a. m.]

UNITED STATES LINES CO. (AMERICAN PIONEER LINE) AND BULL INSULAR LINE, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8243, between United States Lines Company (American Pioneer Line) and Bull Insular Line, Inc. covers the transportation of cargo under through bills of lading from the Far East to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia.

Agreement No. 8243, upon approval, will supersede and cancel approved Agreement No. 7775, between the same companies in the same trade.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 26, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7104; Filed, Aug. 29, 1957; 8:46 a. m.]

MEMBER LINES OF INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7690-4, between the member lines of The India, Pakistan, Ceylon and Burma Outward Freight Conference, modifies the basic agreement of that conference (No. 7690, as amended) by the addition of a new provision giving the Secretary, or such person as he may designate, access to the records of the member lines and permission to make such copies of, and extracts and transcripts from, such records as he may deem advisable and necessary in order to determine that the member lines are abiding by the terms and conditions of the conference agreement, provided the information so acquired shall not be used in violation of section 20 of the Shipping Act, 1916. Agreement No. 7690, as amended, covers the trade from United States Atlantic and Gulf of Mexico ports to ports in India, Pakistan, Ceylon and Burma.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 26, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7105; Filed, Aug. 29, 1957; 8:46 a. m.]

OAHU RAILWAY AND LAND CO. AND MATSON NAVIGATION CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8255-1, between Oahu Railway and Land Company and Matson Navigation Company modifies Agreement No. 8255 under which Oahu grants to Matson the right to use Piers 31, 32 and 33, Port of Honolulu. The modification provides (1) that Oahu will file with the Federal Maritime Board, its tariff, supplements thereto and reissues thereof, showing dockage and wharfage rates, and (2) that a copy of the written notice of termination of the agreement shall be filed with the Federal Maritime Board by the party giving such notice.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 26, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7106; Filed, Aug. 29, 1957; 8:46 a. m.]

AMERICAN PRESIDENT LINES, LTD., ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8061-4, between American President Lines, Ltd., Lykes Bros. Steamship Co., Inc., Isthmian Lines, Inc., Mitsui Steamship Company, Ltd., Prince Line, Ltd., N. V. Stoomvaart Maatschappij "Nederland", Koninklyke Rotterdamsche Lloyd, N. V., N. V. Nederlandsch-Amerikansche Stoomvaart Maatschappij "Holland-Amerika Lijn", and the carriers comprising the following joint services, Barber Fern-Ville Lines, Blue Funnel Line, Hoegh Line, and A. P. Moller-Maersk Line, modifies approved Agreement No. 8061, as amended, which covers an arrangement for the apportionment of the carriage of all rubber originating in Siam (except Bangkok local rubber) destined to United States Atlantic and Gulf ports, whether loaded direct at Siam ports or transhipped by road, rail or otherwise, to vessels of the carriers at ports in Malaya, Kohsichang or Bangkok. The purpose of this modification is to provide (1) that the annual aggregate percentage participation of the three U. S. Flag carriers (A. P. L., Isthmian and Lykes), based on the maintenance of sailings of these lines, as presently set forth in the agreement, shall not fall below 34.5 per cent of the cargo covered by said agreement; (2) that to insure this percentage of participation, the allocations to each of the U. S. Flag carriers may be varied as may be determined by said carriers; and (3) that adjustments between the U. S. Flag carriers, as provided, shall be made as of December 31, 1957, covering participation until that date, and, thereafter, such adjustments shall be made as of the end of each calendar year.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 26, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7107; Filed, Aug. 29, 1957; 8:46 a. m.]

Office of the Secretary

COURTLANDT F. DENNEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8938; March 23, 1956, 21 F. R. 1809; August 22, 1956, 21 F. R. 6307; February 27, 1957, 22 F. R. 1155.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1957.

COURTLANDT F. DENNEY.

AUGUST 16, 1957.

[F. R. Doc. 57-7124; Filed, Aug. 29, 1957; 8:49 a. m.]

WALLACE E. CARROLL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as re-

ported in the FEDERAL REGISTER of March 5, 1957, 22 F. R. 1346.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 18, 1957.

WALLACE E. CARROLL.

AUGUST 19, 1957.

[F. R. Doc. 57-7125; Filed, Aug. 29, 1957; 8:49 a. m.]

JOHN A. CLAUSSEN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956, 21 F. R. 1608; August 31, 1956, 21 F. R. 6585; March 5, 1957, 22 F. R. 1346.

A. Deletions: None.
B. Additions: Firth Sterling, Inc.

This statement is made as of August 23, 1957.

JOHN A. CLAUSSEN.

AUGUST 23, 1957.

[F. R. Doc. 57-7126; Filed, Aug. 29, 1957; 8:50 a. m.]

MARVIN S. PLANT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 8, 1956, 21 F. R. 6845; February 27, 1957, 22 F. R. 1155.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1957.

MARVIN S. PLANT,

AUGUST 15, 1957.

[F. R. Doc. 57-7127; Filed, Aug. 29, 1957; 8:50 a. m.]

RICHARD V. FORD

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 6, 1956, 21 F. R. 6720; March 5, 1957, 22 F. R. 1346.

A. Deletions: None.
B. Additions: N. Y. Cap. Fnd. of Canada.

This statement is made as of August 24, 1957.

RICHARD V. FORD.

AUGUST 24, 1957.

[F. R. Doc. 57-7128; Filed, Aug. 29, 1957; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-44]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, the Atomic Energy Commission has issued License R-20 authorizing Aerojet-General Nucleonics to possess, operate and transfer to any authorized person a 100-milliwatt nuclear reactor designated by AGN as Model AGN-201, Serial Number 107.

Dated at Washington, D. C., this 23d day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-7097; Filed, Aug. 29, 1957; 8:45 a. m.]

[Docket 50-53]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, the Atomic Energy Commission has issued License R-21 authorizing Aerojet-General Nucleonics to possess, operate and transfer to any authorized person a 100-milliwatt nuclear reactor designated by AGN as Model AGN-201, Serial Number 109.

Dated at Washington, D. C., this 23d day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-7132; Filed, Aug. 29, 1957; 8:51 a. m.]

[Docket No. 50-82]

UNIVERSITY OF WYOMING

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the University of Wyoming, Laramie, Wyoming, on August 21, 1957, filed an application under section 104 c of the Atomic Energy Act of 1954 for a license to acquire, possess and operate on the University's campus a 100-milliwatt research reactor designated by the manufacturer, Aerojet-General Nucleonics, as Model AGN-201. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 26th day of August 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-7133; Filed, Aug. 29, 1957; 8:51 a. m.]

[Docket No. 50-2]

REGENTS OF UNIVERSITY OF MICHIGAN

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a facility license, pursuant to section 104 (c) of the Atomic Energy Act of 1954, to the Regents of the University of Michigan substantially in the form set forth as Annex "A" unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is included as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the facility and the principal factors considered in reviewing the application for a license. A construction permit authorizing the Regents of the University of Michigan to construct the facility was issued by the Commission on February 17, 1955. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 27th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE

[No. R-25]

1. Pursuant to the Atomic Energy Act of 1954 (hereinafter "the act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter "the Commission") has found:

a. That the utilization facility authorized for construction by Construction Permit dated February 17, 1955, and issued to the Regents of the University of Michigan (hereinafter "the University"), has been constructed and will operate in conformity with the application as amended and in conformity with the act and the rules and regulations of the Commission;

b. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

c. The University is technically and financially qualified to operate the facility.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the University:

a. Pursuant to section 104 (c) of the Atomic Energy Act of 1954, and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as a utilization facility the nuclear reactor designated below;

b. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use:

(1) Four (4) kilograms of contained uranium 235 in fuel element assemblies for operation of the facility;

(2) Sixty (60) milligrams of contained Uranium-235 in a neutron measuring instrument incorporated in the facility.

c. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess, but not to separate such byproduct material as may be produced in the operation of the facility.

3. This license applies to the facility which is owned by the University and located in Ann Arbor, Michigan, and described in its application dated January 12, 1955, and amendments and supplements to the application, filed on February 10, 1956, March 26, 1956, June 13, 1956, November 9, 1956, December 19, 1956, June 7, 1957 and August 9, 1957 (hereinafter "the application").

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

a. *Operating restrictions.* Unless further authorized by the Commission:

(1) The University shall operate the facility in accordance with the procedures described in the application.

(2) The University shall not operate the facility at thermal power levels in excess of 100 kilowatts.

(3) The fast-acting electronic period interlock shall be set to scram the reactor at any period as short as 5 seconds.

(4) The neutron level interlock shall be set to scram the reactor at levels as close as is practicable to the level existing at any given time, and in no case at more than 150 percent of the level for powers above 50 KW.

(5) The sum of the absolute magnitudes of the reactivity of all experiments shall not exceed 0.35 percent.

(6) The total excess reactivity above cold, clean critical, in any core configuration and including all experiments and fission product poisons, shall not be greater than that needed to operate at 100 KW.

(7) The cumulative reactor operation in any 7 day period shall not exceed 1 MW hour.

b. *Records.* In addition to those otherwise required under this license and applicable regulations, the University shall keep the following records:

(1) Facility operating records, including power levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of the University as measured at the point of such release or discharge.

(3) Records of emergency scrams, including reasons for emergency shutdowns.

c. *Reports.* The licensee shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. This license is effective as of the date of issuance and shall expire at midnight February 17, 1965, unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

———, ———,
Director,
Division of Civilian Application.

ANNEX "B"

MEMORANDUM

Introduction. The University of Michigan submitted an application dated January 12, 1955, for the necessary licenses to construct and operate a "swimming pool" type research reactor at a power level of 1,000 kilowatts on its campus in Ann Arbor, Michigan. On February 17, 1955, the Atomic Energy Commission issued a construction permit to the University authorizing construction of the reactor. Amendments to the permit were issued on May 21, 1956, and December 27, 1956, extending the latest completion date.

Construction of the facility is now completed. The applicant has filed additional data required to complete the application, including information on operating procedures, initial measurements and emergency procedures. Representatives of the Commission have inspected the facility and determined that it was constructed substantially in accord with the design set forth in the license application, as amended.

Description of the facility. The Ford Nuclear Reactor is a swimming-pool-type installation, basically a modification of the Oak Ridge Bulk-Shielding Facility. The reactor is located on the north campus of the University of Michigan, Ann Arbor, Michigan, about one and one-half miles northeast of the center of Ann Arbor.

The facility is designed to operate at a maximum power level of one megawatt and is moderated, cooled and partially reflected by light water. The U-shaped tank, in which the core is immersed, is 26 feet high and is constructed of barytes concrete to a height of 15 feet, the remainder being ordinary concrete. The walls of the lower section are sufficiently thick (6½ feet) to reduce the radiation dose rate at the outside surface of the wall to less than one-tenth the maximum permissible dose. The tank, which is approximately 10 feet wide and 20 feet long, is divided lengthwise into two sections by means of a vertical watertight gate. One section will be used for the operation of the reactor and into this section beam tubes and other experimental facilities converge. The other section will be used to store spent fuel elements and for a gamma irradiation facility. When the gate is in place, the water can be drained from either section of the pool for purposes of maintenance and repair as well as making preparations for certain experiments. The core is suspended from a mobile bridge assembly which is mounted on rails that are located above the surface of the pool water along the edges of the tank.

The active fuel lattice may consist of from 16 to 30 fuel elements, depending on the loading pattern. The fuel elements are the same type as those used in the Oak Ridge Bulk-Shielding Reactor. Thus, the core will contain between 2.24 and 4.20 kg of U-235 at start-up. The actual amount of fuel will be governed by requirements of the experiments and limitations placed thereon.

The reflector elements are made up of extruded-aluminum shells sealed at both ends containing graphite blocks. They are the same shape as the fuel elements but are 42 inches long as compared to 35 inches for the fuel elements. The core will have reflector elements on all four sides; however, the grid plate is so constructed to prevent the placing of reflector elements in the reactor core in any of the sixteen center locations.

The reactor control system consists of three safety rods made by filling flattened aluminum tubing with boron carbide and one control rod of hollow, flat aluminum-clad stainless-steel tubing. Movement of these rods in the reactor core is in a vertical direction inside of four special fuel elements. These elements are similar to the standard fuel elements except that slots to accommodate the rods have been provided by removing 13 of the fuel plates in each element. Each safety rod has an average reactivity control valve of about 3.0 percent while the control rod has an average reactivity control valve of about 0.5 percent. The safety rods are coupled to a drive unit by means of an electromagnet. In the event of a scram, the magnetic coupling between the armature and the magnet is broken, and the rod drops into the special fuel elements by gravity. The control rod is attached directly, without the magnet, to a drive unit. The maximum rate at which reactivity can be added by the safety and control rods is less than 0.04 percent per second.

Heat will be removed from the reactor core by natural circulation of the pool water at power levels less than 100 kilowatts.

At power levels greater than 100 kilowatts, a forced-circulation cooling system is used. The primary components of this latter system include a heat exchanger, a 1000 gpm pump, a holdup tank and associated piping and instrumentation. This system will remove one megawatt of heat from the reactor core by forced circulation at a flow of 1,000 gallons per minute, and will maintain a pool temperature not exceeding 90° F. A removable header is attached to the pool floor to provide forced coolant circulation when the reactor is in this position. During operation, primary water flows down through the core and then through the removable header. From the header the coolant presses into a retention tank, to the heat exchanger, and then back to the pool. In event of a power failure, the header drops down, the reactor is scrammed, and decay heat from the core is removed by natural circulation of the pool water.

The impurities in the pool water are kept at a minimum through the use of filters and two mixed-resin-bed deionizers. One of these units is in continuous operation to repurify the pool water. The second is used to provide deionized water for the initial filling of the tank and for keeping it full.

The reactor has been built primarily for instruction and research in reactor technology and use of radiation. Three methods are available by which radiation from the reactor core may be utilized. First, fourteen ports, which run to or near the core, are installed through the concrete of the pool wall. Second, a thermal column has been built into the west wall of the tank. Third, a pneumatic tube system, which terminates at the face of the core, serves short-time exposure of small samples.

The Reactor Building is a windowless four-story structure having 12-inch-thick-reinforced concrete walls, which are structurally integral with the footings and foundation mats.

The building is designed to be air-tight and tests for over-all leakage have been made. The building has been subjected to increased pressure and reduced pressure with respect to the atmosphere. In addition, diffusion tests were made with tracer gas released in the building. All these tests show that for all reasonable weather conditions, the leakage will be less than 10 percent of the building volume per day.

Hazards evaluation. The fuel elements used in the Ford Nuclear Reactor are of the

same type as those used in the Oak Ridge Bulk-Shielding Facility and hence their general characteristics are well known. The transient behavior of water-moderated lattices utilizing fuel elements of this general type (though of some differences in detail) has been the subject of study in the BORAX and SPERT tests.

Data from the BORAX tests indicate that the instantaneous addition of about 1.8 percent excess reactivity to a just critical reactor having fuel elements like those of the Michigan reactor would melt the meat of the hottest fuel element, if the initial ambient coolant-temperature were as low as 70° F. In the initial experiments, the total available excess reactivity in the Michigan reactor will be limited to less than this amount, and in future operations, amounts as large as this or larger will never be permitted unless there is clear assurance that inadvertent addition of this amount of reactivity cannot occur. Thus, there appear to be no credible means by which the fuel can be melted by nuclear excursion. Furthermore, since evidence indicates that a water-aluminum reaction will not occur unless the aluminum is at least hot enough to melt, the possibility of a chemical reaction between aluminum and water appears very unlikely.

As a result of extrapolating BORAX data for the case of sub-cooled pool water, it is calculated by Michigan that the instantaneous addition of 1.6 percent excess reactivity to their reactor would cause the center of the hottest fuel plate to rise to about 900° F., some 300 degrees below the melting point. If such an addition should occur with an initial coolant-moderator temperature of 70° F., 34 megawatt-seconds of energy would be released. If this energy were absorbed in the pool water to generate steam, it would give rise to a pressure increase in the building of 1.3 inches of water. The building is capable of containing a 2-inch increase without a breach of integrity. The plate temperature of 900° F., appears to be a conservative figure, based on SPERT information. Hence, an accidental reactivity insertion of 1.6 percent would not breach the building.

The maximum accident in the Michigan reactor which appears to be credible is stated by the applicant to be less than that which would result from instantaneous addition of 1.6 percent excess reactivity and, as indicated above, such an accident would not release fission products from the core and would not cause rupture of the containment building. These conclusions by the applicant are based on comparisons with BORAX data and in our opinion, are valid to the extent that such extensions and extrapolations from experimental data in one reactor can be trusted to represent behavior of another similar reactor. We believe that this comparison can be safely trusted to give assurance that the Michigan reactor can be operated under limited conditions (described below) without incurring significant hazards. During these operations under limited conditions the values of nuclear parameters essential to an accurate prediction of this particular reactor's behavior under more extensive operation can be accurately determined and then new limitations can be specified within which operations at higher powers may be permitted.

Conclusion. It is our conclusion that the Michigan reactor can be operated during initial exploratory operations without endangering the health and safety of the public, provided the following limitations are observed.

1. The fast-acting electronic period interlock shall be set to scram the reactor at any period as short as 5 seconds.

2. The neutron level interlock shall be set to scram the reactor at levels as close as is practicable to the level existing at any given time, and in no case at more than 150 percent of the level for powers above 50 KW.

3. The reactor shall not be operated above 100 KW.

4. The cumulative reactor operation in any 7 day period shall not exceed 1 MW hour.

5. The sum of the absolute magnitudes of the reactivity of all experiments shall not exceed 0.35 percent.

6. The total excess reactivity above cold, clean critical, in any core configuration and including all experiments and fission product poisons, shall not be greater than that needed to operate at 100 KW.

During the initial period in which these limitations shall apply, the program of operation should include experiments to determine the temperature coefficient, void coefficient, transient responses within permissible reactivity limitations, rod calibrations, specific U-235 reactivity value, and other parameters which would permit an estimation of the boundaries within which the reactor could be operated safely at higher powers.

Technical qualifications. The staff of the University of Michigan has substantial experience in many areas of radiation and isotope utilization plus theoretical and practical training in reactor operation on substantially similar facilities. Based on the information presented in the application it is concluded that the University is technically qualified to operate this reactor within the limitations prescribed.

Financial qualifications. The application states that it is estimated that the initial operating expenses for the reactor may be $50,000 per year. These operating funds will come from three sources:

a. From Phoenix Project funds,
b. From University funds and
c. From service charges in cooperative research with industry or government.

It has been concluded that the University is financially qualified to carry out the proposed activity.

Dated: August 27, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-7145; Filed, Aug. 28, 1957; 12:30 p. m.]

[Docket No. 50-60]

BETHESDA NAVAL HOSPITAL

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue to the United States Naval Hospital, Bethesda, Maryland, the license set forth in Annex "A" below unless on or before 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is attached as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 26th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE AUTHORIZING ACQUISITION, POSSESSION AND OPERATION OF UTILIZATION FACILITY

On March 27, 1957, the United States Naval Hospital, Bethesda, Maryland, (hereinafter referred to as Bethesda Naval Hospital), filed an application to acquire, possess and operate a nuclear reactor authorized for construction by Construction Permit CPRR-13, dated July 8, 1957, and issued to Aerojet-General Nucleonics, San Ramon, California. The application also seeks authorizations relating to special nuclear material and byproduct material.

The Atomic Energy Commission has found that:

A. The reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. There is reasonable assurance that the applicant will comply with the regulations in Chapter 1 of Title 10 of the Code of Federal Regulations, including the regulations in Part 20, and that the health and safety of the public will not be endangered by the operation of the facility as proposed in the application by the Bethesda Naval Hospital filed March 27, 1957.

C. The acquisition, possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed by the Bethesda Naval Hospital in the application in Docket 50-60 will not be inimical to the common defense and security and to the health and safety of the public.

D. Bethesda Naval Hospital is financially qualified to operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

E. Bethesda Naval Hospital is technically qualified to operate the reactor.

Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses Bethesda Naval Hospital as provided below:

A. Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to acquire, possess and operate the reactor at the location in Bethesda, Maryland, described in the application in Docket 50-60.

B. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 700 grams of contained uranium 235 for use in connection with the operation of the reactor.

C. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate from the fuel or target material such byproduct material as may be produced from operation of the reactor.

This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, and is subject to any additional conditions specified or incorporated below:

A. The conditions and requirements contained in Appendix "A", attached hereto are a part of this license.

B. This license shall expire 20 years from the date of issuance hereof unless sooner terminated.

For the Atomic Energy Commission.

———, ———,
Director,
Division of Civilian Application.

APPENDIX "A"

I. *Operating restrictions.* a. Bethesda Naval Hospital shall operate the reactor in accordance with the procedures described in its application filed March 27, 1957, as such procedures may be amended by this license.

b. Bethesda Naval Hospital shall not operate the reactor at power levels in excess of 5 watts without previous authorization from the Commission.

II. *Records.* In addition to those otherwise required under this license and applicable regulations Bethesda Naval Hospital shall keep the following records:

a. Reactor operating records, including power levels.

b. Record of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of Bethesda Naval Hospital as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* Bethesda Naval Hospital shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

ANNEX "B"

MEMORANDUM

The utilization facility proposed to be acquired and operated by the United States Naval Hospital, Bethesda, Maryland (Bethesda Naval Hospital) is a 5-watt research reactor to be constructed by Aerojet-General Nucleonics, San Ramon, California, and designated by the company as Model AGN-201M, Serial No. 105. It is presently authorized for construction by Construction Permit CPRR-13, dated July 8, 1957, and issued to Aerojet-General Nucleonics. The notice of proposed issuance of CPRR-13, published in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, provided that the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by Aerojet-General Nucleonics and the transfer of possession of or title to the reactor, or both, to any person licensed to acquire it if it is found that the reactor has been constructed in accordance with the specifications contained in the application for the construction permit and in conformity with the provisions of the act and of the rules and regulations of the Commission and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

The 5-watt reactor is a modification of the 100-milliwatt reactor constructed by Aerojet-General Nucleonics and designated by the company as Model AGN-201. A complete description and hazards analysis of the reactor are contained in the license application and amendments submitted by Aerojet-General Nucleonics in Dockets F-15, F-32, F-44 and 50-53. A description and hazards analysis of the 5-watt modification are contained in an amendment to Docket 50-32 filed with the Commission on February 11, 1957.

A summary of the reactor description and discussion of the hazards analysis of the 100-milliwatt reactor by the Commission's staff are set forth in a memorandum accompanying the notice of proposed issuance of construction permit in Docket F-32 published in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742. A similar discussion of the 5-watt modification was published in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4327.

Description of site. The reactor is to be located on the grounds of the United States Naval Hospital, Bethesda, Maryland. The building at Bethesda Naval Hospital which will house the reactor is a concrete structure, 20 feet square, with concrete floor, 12 inch thick walls and a concrete roof. A plastic dome skylight 6 feet in diameter is in the center of the roof. The reactor room will adjoin the existing high level radiation laboratory of the present radio-therapy building. There will be several doors into the room; they are weatherstripped, making the room reasonably gas-tight. Provision will be made for collecting radioactive liquids from the experiments performed in equipment auxiliary to the reactor into one of two 3,500-gallon holdup tanks. The contents of the holdup tanks will be monitored prior to effecting any discharge.

The reactor will be 150 feet southeast of the rear of the main hospital, and about 75 feet north of the nearest wards. Winds are predominantly from the northwest or southwest quadrants. Buildings to the southeast and northwest and within 600 feet of the reactor are shops, garages, power plant, laundry and fire house.

Hazards analysis. The hazards and safety features associated with this reactor were discussed in the aforementioned memoranda published in the FEDERAL REGISTER.

The Bethesda Naval Hospital reactor will have 18 inches of heavy concrete shielding around the reactor and, in addition, there will be a layer of 12-inch square timbers for shielding over the top of the reactor. Precautions are described in the application for preventing presence of persons on the upper level working area of the reactor room during operation of the reactor.

Technical qualifications. Bethesda Naval Hospital will use the reactor for the production of isotopes, for the training of personnel, and as a neutron source in medical research. The reactor will be operated at the Bethesda Naval Hospital under the Chief of Radiology and in conjunction with the Radioisotope Laboratory. This laboratory has been operated for nine years and presently performs about three thousand studies annually upon about 1,200 patients. Associated with it is a Radioisotope Therapy Technicians School.

The staff of the hospital which will be in charge of the reactor are Naval medical personnel including several radiologists and others trained in nuclear technology.

The head of the Reactor Branch, who is also head of the Radioisotope Laboratory, is a radiologist who has been trained at the Oak Ridge Institute of Nuclear Studies and otherwise has had extensive training and experience in nuclear activities. The Senior Reactor Supervisor, a position which is to have full responsibility for the supervision and operation of the reactor, is set up for a mature, experienced engineer or physicist. The individual who is proposed for this position has been associated with nuclear matters for about ten years and has been trained at the Oak Ridge Institute of Nuclear Studies.

All persons proposed as operators have completed the hospital's course for Radioisotope Therapy Technicians and will necessarily obtain AEC operator licenses prior to operation. Several of the hospital personnel have already completed a one-week reactor operator's course at the AGN plant and have applied for or have been issued operator licenses.

In view of the qualifications and background of the Senior Reactor Supervisor and the staff which will be associated with the operation of the reactor, it is concluded that Bethesda Naval Hospital is technically qualified to operate the reactor.

Financial qualifications. The Chief, Bureau of Medicine and Surgery of the Department of the Navy has authorized procurement and installation of the reactor and has directed the allocation of $150,000 for this purpose including the construction of the building.

Conclusions. Based on the above considerations it is concluded that:

a. There is reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor at the proposed site at the Bethesda Naval Hospital.

b. The Bethesda Naval Hospital is technically and financially qualified to engage in the proposed activities.

For the Division of Civilian Application.

H. L. PRICE,
Director.

AUGUST 26, 1957.

[F. R. Doc. 57-7144; Filed, Aug. 28, 1957; 12:30 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7735 et al.]

ST. LOUIS-SOUTHEAST SERVICE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 17, 1957, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 28, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7146; Filed, Aug. 29, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12167]

HANLON OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 26, 1957.

Take notice that on March 7, 1957, Hanlon Oil Company (Applicant), an independent producer of natural gas, filed in Docket No. G-12167 an application, pursuant to section 7 (b) of the Natural Gas Act, for an order permitting and approving the abandonment of the sale of natural gas to Hope Natural Gas Company (Hope) from the Union, Murphy, and Grant Districts, Ritchie County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the term of its contract with Hope was for the duration of gas production in marketable quantities, that the volume of gas available for delivery has declined until it no longer economically feasible to continue the operation, only three Mcf of gas was de-

livered to Hope during the last month of operation, and that an agreement has been entered into with Hope cancelling the subject service. Said service was originally authorized on April 11, 1955, in Docket No. G–5391.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 26, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issue presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–7109; Filed, Aug. 29, 1957; 8:47 a. m.]

[Docket No. G–12180]

JACKSON GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 26, 1957.

Take notice that on March 11, 1957, Julia W. Jackson (Applicant), an independent producer of natural gas, doing business as Jackson Gas Company, filed an application, pursuant to section 7 (b) of the Natural Gas Act, for approval and permission to abandon the sale of natural gas to Hope Natural Gas Company (Hope) from the Sherman District, Calhoun County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the term of its contract with Hope was for the life of the well or for the duration of gas production in marketable quantities, that during repairs to its well the tubing collapsed causing production to be drowned out, and that an agreement has been entered into with Hope cancelling the subject service. Said service was originally authorized on April 11, 1955, in Docket No. G–5548.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 26, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–7110; Filed, Aug. 29, 1957; 8:47 a. m.]

[Docket No. G–13118]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 27, 1957.

Pan American Petroleum Corporation (Pan American), on August 1, 1957, tendered for filing proposed changes in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Letter, dated July 24, 1957. (2) Notice of Change, dated July 31, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 14 to Pan American's FPC Gas Rate Schedule No. 8. (2) Supplement No. 15 to Pan American's FPC Gas Rates Schedule No. 8.

Effective date: [2] September 1, 1957.

In support of the proposed favored-nations rate increases, Pan American states the increases are a contractual obligation and the proposed rates will not adversely affect natural gas competition with other fuels for residential heating.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–7121; Filed, Aug. 29, 1957; 8:49 a. m.]

[Docket No. G–13119]

KERR-MCGEE OIL INDUSTRIES, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 27, 1957.

Kerr-McGee Oil Industries, Inc. (Kerr-McGee), on July 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 26, 1957.

Purchaser: Phillips Petroleum Company.

Rate schedule designation: Supplement No. 12 to Kerr-McGee's FPC Gas Rate Schedule No. 8.

Effective date: [1] September 15, 1957.

In support of the proposed spiral escalation increase,[1] Kerr-McGee states that the proposed rate is no higher than necessary to encourage future exploration for future reserves and to make the business of exploration, discovery, development and production of natural gas attractive to induce the investment of the large amounts of risk capital necessary. In addition, Kerr-McGee cites rising costs, and states that the increase results from a contractual provision, and denial thereof would result in taking of Kerr-McGee's property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 15, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–7122; Filed, Aug. 29, 1957; 8:49 a. m.]

[Docket No. G–13120]

TOM COOK, JR., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 27, 1957.

Tom Cook, Jr., (Operator), et al. (Cook), on July 30, 1957,[3] tendered for filing proposed changes in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Letter, dated July 24, 1957. (2) Notice of Change, dated July 24, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: (1) Supplement No. 1 to Cook's FPC Gas Rate Schedule No. 1. (2) Supplement No. 2 to Cook's FPC Gas Rate Schedule No. 1.

Effective date: [4] September 1, 1957.

In support of the proposed favored-nations rate increases, Cook states that the increases result from a contractual provision and will help offset the added cost of expenditures to rework the presently producing wells in an attempt to shut off encroaching salt water and will further induce expenditures to drill to greater depths to find additional gas producing zones; that deliveries began in January 1957, and unless the wells are reworked, Cook estimates it will be necessary to plug and abandon one of the two wells on October 1, 1957.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–7123; Filed, Aug. 29, 1957; 8:49 a. m.]

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[1] Present rate previously suspended and is in effect subject to refund in Docket No. G–11341.

[2] The stated effective date is the effective date proposed by Pan American.

[1] The effective date is the earliest date Michigan-Wisconsin Pipe Line Company's proposed increase suspended in Docket No. G–12292 may become effective.

[2] Based on Michigan-Wisconsin Pipe Line Company's three proposed increases in suspension Dockets Nos. G–8511, G–10524, and G–12292.

[3] Filing corrected and completed August 5, 1957.

[4] The stated effective date is the effective date proposed by Cook.

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

[Delegation of Authority 301]

SECRETARY OF COMMERCE

NEGOTIATION OF CONTRACTS FOR APPRAISAL SERVICES IN CONNECTION WITH ACCELERATED HIGHWAY PROGRAM

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for the period ending June 30, 1958, to the Secretary of Commerce to negotiate, without advertising, under section 302 (c) (4) and (9) of the act, contracts with qualified individuals, or firms, for appraisal services deemed necessary by the Bureau of Public Roads in its administration of the accelerated highway program.

2. This authority shall be exercised in accordance with the applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Commerce, within the limitations of the act.

4. This delegation shall be effective as of the date hereof.

Dated: August 23, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57–7111; Filed, Aug. 29, 1957; 8:47 a. m.]

EXTRA LONG STAPLE COTTON HELD IN NATIONAL STOCKPILE

PROPOSED DISPOSITION

AUGUST 29, 1957.

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition from the national stockpile of approximately 134,384,000 pounds of extra long staple cotton less 50,000 bales authorized to be withdrawn therefrom by the act of July 10, 1957 (Public Law 85–96).

The Office of Defense Mobilization has made a revised determination, pursuant to section 2 (a) of the Strategic and Critical Materials Stock Piling Act, of the need for stockpiling extra long staple cotton and concluded that there is no longer any need for stockpiling such cotton. The revised determination is

based upon the finding of the Office of Defense Mobilization that a sufficient quantity of extra long staple cotton can now be grown domestically to meet anticipated military and essential civilian needs.

It is proposed that approximately 26,876,800 pounds of cotton will be made available for sale hereunder during each of the 5 marketing years beginning with the year commencing August 1, 1957, and ending July 31, 1958, except that the amount to be made available for sale hereunder during the first of such marketing years shall be such 26,876,800 pounds less the number of pounds in the 50,000 bales withdrawn pursuant to said act of July 10, 1957 (Public Law 85–96). Any of such cotton made available for sale but not sold during a marketing year will be sold during subsequent marketing years in addition to any other amounts that may then become available for sale.

It is further proposed that sales of such cotton hereunder will begin six months after the date of publication of this notice in the FEDERAL REGISTER. In view of the fact that the revised determination is not by reason of obsolescence of extra long staple cotton for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3 (e) of the Strategic and Critical Materials Stock Piling Act.

About 58 percent of such cotton, including the cotton covered by Public Law 85–96, is domestically grown cotton, or is foreign grown cotton which has already been entered for consumption under the import quota for such cotton. The remaining 42 percent is foreign grown cotton held in bond but never entered under applicable import quotas. It is proposed to enter such cotton under applicable quotas in a manner that will not interfere with normal commercial entries during the quota year. This will be done by applying stockpile cotton to any unused balance in the import quota that may be remaining at the end of a quota year.

The cotton will be cataloged and sold pursuant to announcements issued by the Department of Agriculture and containing the terms and conditions of sale. Sales hereunder will be made by the Department of Agriculture on a competitive bid basis in generally the same manner as sales of price-supported extra long staple cotton from the inventory of the Commodity Credit Corporation. American-Egyptian cotton will be sold at not less than 110 percent of the current support prices for the respective qualities of such cotton. Egyptian and Sudanese cotton will be sold at the same level as would comparable qualities of the American-Egyptian cotton as determined by the Secretary of Agriculture or his designee. The minimum acceptable prices for any particular type or quality of extra long staple cotton will be established by the Secretary of Agriculture or his designee for any period in which there is no support price program for such cotton or for any period for which marketing quotas for such cotton have not been approved. In establishing such prices, he shall give due consideration to the criteria contained in section 3 (e) of the Strategic and Critical Materials Stock Piling Act. No sales of cotton hereunder will be made at reduced prices for export or any other purpose.

This plan of disposition, it is believed, will protect the United States against avoidable loss and also protect producers, processors, and consumers against avoidable disruption of their usual markets.

Dated: August 29, 1957.

FRANKLIN G. FLOETE,
Administrator of General Services.

[F. R. Doc. 57–7222; Filed, Aug. 29, 1957; 3:00 p. m.]

Public Buildings Service

[Wildlife Order 46]

MISSISSIPPI RIVER POOL NO. 13, MISSISSIPPI RIVER, CARROLL COUNTY, ILL. (D–Ill–427A)

TRANSFER OF PROPERTY TO SECRETARY OF THE INTERIOR

Pursuant to the authority granted under the act of May 19, 1948 (62 Stat. 240, 16 U. S. C. 667–B—667–D), notice is hereby given that:

1. By letter of transfer from the Acting Regional Commissioner of General Services Administration to the Secretary of the Interior, dated June 18, 1957, that property known as Mississippi River Pool No. 13, Mississippi River, Carroll County, Illinois, comprising 288.0 acres, more or less, and more particularly described in said letter, has been transferred to the Secretary of the Interior.

2. The above-described property is transferred to the Secretary of the Interior for migratory bird conservation purposes in accordance with the provisions of said act of May 19, 1948.

F. MORAN MCCONIHE,
Commissioner,
Public Building Service.

AUGUST 23, 1957.

[F. R. Doc. 57–7112; Filed, Aug. 29, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30–152]

STANDARD SHARES, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER

AUGUST 23, 1957.

Notice is hereby given that Standard Shares, Inc. ("Shares"), a registered holding company, has filed an application with this Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("the act") requesting an order declaring that it has ceased to be a holding company.

On April 18, 1938, Shares registered as a holding company. It now owns approximately 45.6 percent of the common stock of Standard Gas and Electric Company ("Gas"), a registered holding company, which, in turn, owns 100 percent of the common stock of Philadelphia Company ("Philadelphia"), also a registered holding company. Gas and Philadelphia are subject to Commission orders under section 11 (b) (2) of the act requiring them to liquidate and dissolve. (Standard Gas and Electric Company, Holding Company Act Release No. 8773 (January 3, 1949), and 10717 (August 14, 1951); and Philadelphia Company, Holding Company Act Release No. 8242 (June 2, 1948).)

Shares, Gas, and Philadelphia have consummated a number of divestments, simplifications, and reorganizations in the process of effectuating compliance with section 11 (b) of the act and the Commission's orders of liquidation and dissolution. On February 16, 1956, the Commission approved a plan filed by Shares under section 11 (e) of the act providing, among other things, for its transformation into a closed-end, nondiversified investment company. (Standard Power and Light Corporation, Holding Company Act Release No. 13101.) At the time of Commission approval of this plan the system's program for the divestment of system companies had terminated all parent-subsidiary relationships with public-utility companies with the exception of Duquesne Light Company ("Duquesne") then a statutory public-utility subsidiary of Shares. In its plan to become an investment company, Shares proposed that during a period of uncertain duration the system's interest in the outstanding common stock of Duquesne would be reduced to less than 5 percent. The plan also provided that not later than sixty days after Shares reduced its direct and indirect holdings of Duquesne common stock to less than 5 percent of the shares outstanding, Shares would file with the Commission an application under section 5 (d) of the act for an order declaring that it has ceased to be a holding company.

Shares states that (1) the principal steps contemplated by its investment company plan have been consummated; (2) it has disposed of 292,600 shares of Duquesne common stock thereby reducing its direct interest in Duquesne's outstanding common stock to 4.58 percent of the total outstanding; (3) the interest of Gas and Philadelphia in Duquesne's outstanding common stock has been reduced to 1.2 percent; (4) Shares has outstanding only common stock and a bank loan of $1,250,000; (5) neither Shares nor Gas nor Philadelphia has any common officers or directors with Duquesne or any public-utility company which had ever been a part of the Shares' holding company system; (6) Shares does not, directly or indirectly, either alone or pursuant to any arrangement or understanding with one or more other persons or otherwise, have control of, or exercise a controlling influence over, the management or policies of Duquesne or any of its former statutory subsidiaries which were or are public-utility companies or holding companies or of any other public-utility company or holding company or registered holding company; (7) no public-utility company is now a subsidiary company of Shares or of Gas or of Philadelphia within the meaning of section 2 (a) (8) of the act which

defines "subsidiary company" and none of said companies is a holding company within the meaning of that term as defined by section 2 (a) (7) of the act, and no holding company is a subsidiary company of Shares; (8) Gas and Philadelphia are in the final stages of liquidation and the issuance of an order under section 5 (d) of the act granting Shares' request that it has ceased to be a holding company will not affect the tax questions arising from a dispute between Gas, Philadelphia, and Duquesne on the one hand and the United States Department of the Treasury on the other hand as to Federal income tax liabilities for the years 1942 through 1950; and after the disposition of such tax difficulties, the liquidation of Gas and Philadelphia will be consummated promptly; and (9) during January 1958, Shares will dispose of an additional 9,000 shares of Duquesne common stock and, in accordance with the provisions of its investment company plan will, if necessary, reduce its direct and indirect interest in the common stock of Duquesne to less than 5 percent of its outstanding common stock. In its application Shares undertakes to take any further step or steps pertinent to the question of the presence of any relationship between it and Duquesne that the Commission deems necessary in order to make the finding that Shares has ceased to be a holding company, subject to Shares' right to appeal from any order which may contain conditions.

Notice is further given that any interested person may not later than September 17, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, 25, D. C. At any time after said date the application, as filed or as amended, may be granted, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–7113; Filed, Aug. 29, 1957; 8:47 a. m.]

[File No. 70–3609]

MISSISSIPPI POWER & LIGHT CO.

NOTICE OF FILING OF DECLARATION

AUGUST 23, 1957.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). The declaration designates sections 6 (a) and 7 of the act as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Mississippi has outstanding 2,600,000 shares of no par common stock having a stated value of $100 per share, or an aggregate of $26,000,000. It has outstanding 60,000 shares of $100 par value 4.36 percent cumulative preferred stock, and 44,476 shares of $100 par value 4.56 percent cumulative preferred stock. At June 30, 1957 its earned surplus amounted to $9,216,640. During the 12 month period ended on that date its common stock dividends amounted to $2,340,000, and its annual preferred stock dividend requirements amounted to $464,411. Mississippi proposes to transfer $5,200,000 from its earned surplus account to capital stock account; thus increasing the stated value of its outstanding no par common stock from $26,000,000 to $31,200,000.

The declaration states that no State or Federal commission or agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 9, 1957, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–7114; Filed, Aug. 29, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–VI–1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4) dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in section 202 of SBA–100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA–500, Financial Assistance Manual;

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $20,000;

3. To decline disaster loans;

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By ——— ———
Chief,
Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

12. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insur-

ance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence or principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

13. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

14. To accept and join with others in the acceptance of resignations of trustees under declaration of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

15. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, instrument or instruments issued pursuant thereto and secured thereby.

16. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

17. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declaration of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

18. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale of special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue thereof.

19. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

20. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

21. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

22. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

23. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration, its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

Administrative. 1. To approve annual and sick leave for employees under his supervision.

2. To administer oaths of office to employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 21, 1957.

JAMES G. GARWICK,
Regional Director,
Cleveland Regional Office.

[F. R. Doc. 57-7118; Filed, Aug. 29, 1957; 8:48 a. m.]

[Delegation of Authority 30-XIII-1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $50,000;

3. To decline disaster loans;

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By ——— ———
Chief,
Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans.

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust, or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

24. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind of nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

Administrative. 25. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. Only the authority delegated in subparagraph I. C. herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Fi-

nancial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 15, 1957.

ROBERT F. BUCK,
Regional Director, Region XIII,
Seattle Regional Office.

[F. R. Doc. 57-7115; Filed, Aug. 29, 1957; 8:48 a. m.]

[Delegation of Authority 30-III-9]

BRANCH MANAGER, PITTSBURGH, PA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated 1 July 1957, there is hereby delegated to the Branch Manager, Pittsburgh Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 201 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000 and

b. Participation loans in an amount not exceeding $30,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of $20,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint setasides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Pittsburgh, Pa., is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 22, 1957.

WILLIAM H. HARMAN,
Regional Director,
Philadelphia Regional Office.

[F. R. Doc. 57-7116; Filed, Aug. 29, 1957; 8:48 a. m.]

[Delegation of Authority 30-XII-1, Amdt. 2]

BRANCH MANAGER, HONOLULU BRANCH OFFICE

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-XII-1 (22 F. R. 3430) is hereby amended by:

Deleting sections I. B. 1 and I. B. 2 in their entirety and substituting the following in lieu thereof:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000; and

b. Participation loans in an amount not exceeding $100,000.

2. To approve or decline disaster loans in an amount not exceeding $20,000.

Dated: August 19, 1957.

EDWARD L. TURKINGTON,
Regional Director,
San Francisco Regional Office.

[F. R. Doc. 57-7117; Filed, Aug. 29, 1957; 8:48 a. m.]

TARIFF COMMISSION

TUNA FISH

NOTICE OF SUPPLEMENTAL INVESTIGATION

Pursuant to a resolution adopted by the Committee on Finance, United States Senate, on August 20, 1957, the United States Tariff Commission, on the 26th day of August, 1957, instituted an investigation under the provisions of section 332 of the Tariff Act of 1930, as amended, with respect to tuna fish, supplemental to the investigation under section 332 made by the Commission pursuant to a Finance Committee Resolution of June 26, 1952.

On March 20, 1953, the Commission submitted to the Finance Committee a report of the results of its investigation with respect to tuna fish in response to that Committee's resolution of June 26, 1952. In its resolution of August 20, 1957, the Committee instructed the Commission "to make a supplementary investigation similar in scope to the investigation made in accordance with the Committe resolution of June 26, 1952, and to report the results of its supplementary investigation to the Committee on or before February 1, 1958."

The resolution of August 20, 1957 directs the Commission to hold a public hearing in the course of the supplementary investigation at which all interested parties shall be given opportunity to appear and be heard with regard to the subject matter of the investigation. The time and place of such hearing will be announced at a later date.

Issued: August 27, 1957.

By order of the United States Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-7119; Filed, Aug. 29, 1957; 8:49 a. m.]

[Investigation 1]

SHORT HARSH COTTON

NOTICE OF SUPPLEMENTAL INVESTIGATION AND HEARING

The United States Tariff Commission on the 23d day of August 1957 instituted an investigation under section 22 (d) of the Agricultural Adjustment Act, as amended (7 U. S. C. 624 (d)), with respect to harsh or rough cotton having a staple of less than ¾ inch in length.

Cotton above described was subjected to an annual absolute import quota of 70 million pounds by Presidential Proclamation 2715, dated February 1, 1947 (CFR, 1947 Supp., p. 34; T. D. 51624), after investigation under section 22 by the United States Tariff Commission. In the proclamation the President found that the imposition of this annual quota was then necessary to protect cotton programs of the U. S. Department of Agriculture. The Tariff Commission has maintained a continuous review of the situation, and it now appears that the continuance of the quota restrictions on this type of cotton may no longer be necessary to carry out the purposes of section 22. The purpose of this supplemental investigation is to determine whether there is in fact need for continuing the quota restrictions on the short harsh cotton above described.

Hearing. A public hearing in connection with this investigation will be held on November 13, 1957, in the Hearing Room of the Commission at Eighth and E Streets NW., Washington, D. C., beginning at 10:00 a. m., e. s. t. Interested parties desiring to appear and be heard at such hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: August 26, 1957.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-7120; Filed, Aug. 29, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Shirt Corp., Ashland, Pa.; effective 8-24-57 to 8-23-58 (men's sport and dress shirts).

Lafayette Pants Corp., 401 Lafayette Boulevard, Fredericksburg, Va.; effective 8-15-57 to 8-14-58 (men's dress trousers).

Miss Fashion, Inc., Sixth and Rickory Streets, Mt. Carmel, Pa.; effective 8-16-57 to 8-15-58 (women's sleeping apparel).

Quaker Manufacturing Co., Inc., 19 St. Louis Street, Lewisburg, Pa.; effective 8-15-57 to 8-14-58 (women's nightwear).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Okla.; effective 8-19-57 to 8-18-58 (overalls and pants for men, boys, ladies, and girls).

Stapleton Garment Co., Stapleton, Ga.; effective 8-20-57 to 8-19-58. Workers engaged in the manufacture of men's trousers and shirts (men's trousers and shirts).

Stapleton Garment Co., Stapleton, Ga.; effective 8-20-57 to 8-19-58. Workers engaged in the manufacture of women's shorts and pedal pushers (ladies' shorts and pedal pushers).

Todd Manufacturing Co., Elkton, Ky.; effective 8-19-57 to 8-18-58 (work shirts and jackets for men).

Trimble Manufacturing Co., Trimble, Tenn.; effective 8-12-57 to 8-11-58 (poplin sport jackets).

Wright Manufacturing Co., 626 West Currahee Street, Taccoa, Ga.; effective 8-20-57 to 8-19-58 (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

C. R. Dix, Inc., 7 Augusta Street, Greenville, S. C.; effective 8-27-57 to 8-26-58; 10 learners (junior dresses).

Eureka Dress Co., Inc., 305 East Diamond Avenue, Hazleton, Pa.; effective 8-16-57 to 8-15-58; 10 learners (women's dresses)

Hoffner of Dallas, Canton, Tex.; effective 8-15-57 to 8-14-58; 10 learners (women's and children's blouses).

Mid-South Manufacturing Co., Inc., Richton, Miss.; effective 8-15-57 to 8-14-58; 10 learners (men's cotton work shirts).

Sherman Manufacturing Co., Lamar, S. C.; effective 8-23-57 to 8-22-58; 10 learners (women's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Belmont Manufacturing Co., 146 North 13th Street, Philadelphia, Pa.; effective 8-14-57 to 2-13-58; 10 learners (ladies' and children's blouses).

Oberman Manufacturing Co., Harrison, Ark., effective 8-16-57 to 1-29-58; 14 additional learners (supplemental certificate) (men's and boys' pants).

Skyland Textile Co., Vance Street, Forest City, N. C.; effective 8-14-57 to 2-13-58; 10 learners (children's knitted outerwear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Florida Knitting Mills, Inc., 20 North Coburn Avenue, Orlando, Fla.; effective 8-25-57 to 8-24-58; 10 learners for normal labor turnover purposes (gloves and mittens).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Dawson Hosiery, Inc., Crawford Drive, Dawson, Ga.; effective 8-12-57 to 8-11-58; five learners for normal labor turnover purposes (full-fashioned).

Gainor Hosiery Mills, 411 Academy Street, Madison, N. C.; effective 8-12-57 to 8-11-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Kosciusko Hosiery Mills, Kosciusko, Miss.; effective 8-23-57 to 2-22-58; 35 learners for plant expansion purposes (seamless).

Mars Hosiery Co., Inc., West Asheville, N. C.; effective 8-14-57 to 2-13-58; 15 learners for plant expansion purposes (full-fashioned and seamless dyeing and finishing).

Withrow's Hosiery Mill, 209 Church Street, Athens, Tenn.; effective 8-14-57 to 8-13-58; five learners for normal labor turnover purposes (seamless).

Wright Knit Hosiery Mills, Inc., 876 East Highland Avenue, Hickory, N. C., effective 8-15-57 to 8-14-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Junior Form Lingerie Corp., Jerome, Pa.; effective 8-19-57 to 8-18-58; five learners for normal labor turnover purposes (women's sleepwear).

Marion Rohr Corp., 18 North Main Street, Hornell, N. Y.; effective 8-16-57 to 8-15-58; five learners for normal labor turnover purposes (ladies' underwear).

Stratford Knitting Mills, Inc., Linfield, Pa.; effective 8-28-57 to 8-27-58; five learners for normal labor turnover purposes (ladies' cotton knit pajamas, sweaters, fleeched jackets).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich.; effective 8-19-57 to 2-18-58; 10 learners for plant expansion purposes (men's, women's, children's underwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Livermore Shoe Co., Livermore Falls, Maine; effective 8-22-57 to 8-21-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Manistee Shoe Manufacturing Co., 50 Filer Street, Manistee, Mich.; effective 8-15-57 to 8-14-58; 10 learners for normal labor turnover purposes.

Trimfoot Co., Trimfoot Terrace, Farmington, Mo.; effective 8-16-57 to 8-15-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Rawlings Manufacturing Co., Willow Springs Division, Willow Springs, Mo.; effective 8-14-57 to 2-13-58; authorizing the employment of 50 learners for plant expansion purposes, in the occupations of: (1) panel attaching and hand stitching of baseballs and softballs for a learning period of 400 hours; (2) sewing machine operating for a learning period of 320 hours; and (3) die and clicker machine operating and miscellaneous machine operating for a learning period of 160 hours. Each occupation shall be paid for at the rate of at least 85 cents an hour for the first 160 hours and not less than 90 cents an hour for the remaining hours of the authorized learning period (athletic equipment, baseballs, mitts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 20th day of August, 1957.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 57-7086; Filed, Aug. 28, 1957; 8:49 a. m.]

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1934

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 22 NUMBER 170

Washington, Saturday, August 31, 1957

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*.

TITLE 3—THE PRESIDENT

PROCLAMATION 3197

NATIONAL OLYMPIC DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the XVIIth Olympic Games of the modern era will be held in Rome, Italy, beginning August 25 and ending September 11, 1960, with the Winter Games to be held at Squaw Valley, California, during February and March 1960; and

WHEREAS these games will afford an opportunity for the most outstanding athletes from more than seventy participating countries to engage in friendly competition; and

WHEREAS these men and women of different nations, creeds, and races will match their athletic abilities against one another under established rules of sportsmanship which insure fairness for each participant and the country he represents; and

WHEREAS there is a great need among the peoples of the world today for those friendly relationships which are fostered by individuals meeting with one another on the basis of their common interests and skills; and

WHEREAS the Congress by a joint resolution approved August 29, 1957, calls attention to the fact that the United States Olympic Association is engaged in assuring maximum support for the teams representing the United States at Rome and Squaw Valley; and

WHEREAS the said joint resolution requests the President to issue a proclamation designating the nineteenth day of October 1957 as National Olympic Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Saturday, October 19, 1957, as National Olympic Day, and I urge our citizens to do all in their power to support the XVIIth Olympic Games and the Winter Games to be held in 1960, so as to insure that the United States will be fully and adequately represented in these games.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-ninth day of August in the year of our Lord nineteen hundred
[SEAL] and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-7262; Filed, Aug. 30, 1957; 11:32 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

MISCELLANEOUS AMENDMENTS

A notice of proposed amendment to the regulations governing the grading and inspection of dairy products (7 CFR Part 58) was published in the FEDERAL REGISTER on August 14, 1957 (22 F. R. 6514) and afforded interested persons

(Continued on p. 7013)

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FEDERAL REGISTER

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the opportunity to submit written data, views or arguments in connection therewith. The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The amendment is to clarify the meaning of the wording in § 58.19, Grading Certificate Issuance; to change the heading of § 58.43, Butter and Cheese Grading Fees, to include grading fees for lots of miscellaneous dairy products; and to add paragraph (d) to provide specific fees for grading lots of miscellaneous dairy products covered by a single grading certificate.

After consideration of all relevant material presented and the notice of rule making, the amendment hereafter set forth is hereby promulgated to become effective October 1, 1957.

The amendment is as follows:

Amend § 58.19 to read as follows:

§ 58.19 *Grading certificate issuance.* Each grader and each inspector shall issue a grading certificate covering product graded. Lots of miscellaneous dairy products comprising more than one kind of product may be covered by a single grading certificate. In no case shall a grader or inspector sign any certificate covering any product not graded by him.

Change the heading of § 58.43 to read as follows: § 58.43 *Butter, cheese and miscellaneous dairy products grading fees.*

Add paragraph (d) to § 58.43 as follows:

(d) Fees for grading lots of miscellaneous dairy products covered by a single grading certificate shall be based on the actual time required to perform the service and shall be at the rate of $3.60 per hour, with a minimum charge of $1.80.

(60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., this 29th day of August 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator.

[F. R. Doc. 57-7233; Filed, Aug. 30, 1957; 9:16 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

On April 26, 1957, there was published in the FEDERAL REGISTER (22 F. R. 2952), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making concerning a proposed amendment of notice of quarantine No. 52 relating to the pink bollworm and the regulations supplemental thereto. After due consideration of all relevant matters presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and sections 103 and 106 of the Federal Plant Pest Act (Public Law 85-36), the quarantine and regulations in 7 CFR 301.52, 301.52-1 et seq., as amended, are hereby revised to read as follows:

QUARANTINE

Sec.
301.52 Notice of quarantine.

REGULATIONS

301.52-1 Definitions.
301.52-2 Designation of regulated area.
301.52-3 Pink bollworms: Conditions of movement.
301.52-4 Other regulated articles: Conditions of movement.
301.52-5 Use of certificates or limited permits with shipments.
301.52-6 Protecting certified articles.
301.52-7 Conditions governing the issuance of certificates and limited permits.
301.52-8 Assembly of articles for inspection.
301.52-9 Cancellation of certificates or limited permits.
301.52-10 Inspection and disposal.
301.52-11 Nonliability of Department.

AUTHORITY: §§ 301.52 to 301.52-11 issued under sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 71 Stat. 33; 7 U. S. C. 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161.

QUARANTINE

§ 301.52 *Notice of quarantine.* Under the authority conferred by sections 8 and 9 of the Plant Quarantine Act, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Public Law 85-36, 71 Stat. 32, 33), the States of Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, which have heretofore been quarantined under said Plant Quarantine Act after public hearings, are hereby continued to be quarantined to prevent the spread of the pink bollworm, a dangerous insect of foreign origin injurious to cotton, okra, and kenaf, and not heretofore widely prevalent or distributed within and throughout the United States, and regulations are hereinafter prescribed (§§ 301.52-1 through 301.52-11) governing the movement of the pink bollworm and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, from the quarantined States into or through any other State, Territory, or District of the United States in any manner or method or under conditions other than those prescribed in the regulations as from time to time amended: (a) Okra and kenaf, including all parts of the plants; (b) cotton and wild cotton, including all parts of both cotton and wild cotton plants; (c) seed cotton; (d) cotton lint; (e) cotton linters; (f) cotton waste produced at cotton gins, cottonseed oil mills, or textile mills; (g) gin trash; (h) cottonseed; (i) cottonseed hulls; (j) cottonseed cake; (k) cottonseed meal; (l) used bagging and other used wrappers for cotton; (m) used cotton harvesting equipment; and (n) other farm products, other farm equipment, farm household goods, ginning and oil mill equipment, other cotton processing machinery, and means of conveyance, and, unlimited by the foregoing, any other products and articles of

any character whatsoever, not within paragraph (a) through (m) of this section, when it is determined in accordance with the regulations (§§ 301.52–1 to 301.52–11) that they present a hazard of spread of the pink bollworm. Moreover, movement of products, articles, and means of conveyance designated above from a quarantined State or portion thereof into or through another quarantined State or portion thereof may be restricted or prohibited under the regulations. The requirements of this quarantine and the regulations in this subpart with respect to the products, articles, and means of conveyance designated above, are hereby limited to the areas in any quarantined State which may be designated as within the regulated area as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated area will be adequate to prevent the spread of the pink bollworm, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of live pink bollworms and the other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such area or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of the pink bollworm within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles or means of conveyance to which the regulations apply, making it safe to modify, by making less stringent, the requirements contained in the regulations, except § 301.52–3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for all or such portion of the regulated area and for such products, articles, and means of conveyance as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected area. Under the Federal Plant Pest Act, no person shall knowingly move any pink bollworms in any living stage of development, into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory or District, or knowingly accept delivery of such insects so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.52–1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Pink bollworm.* The live insect known as the pink bollworm of cotton (Pectinophora gossypiella Saund.), in any stage of development.

(b) *Infestation.* The presence of the pink bollworm.

(c) *Regulated area.* The counties, parishes, and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.52–2 as regulated area.

(d) *Eradication area.* That part of the regulated area where eradication may be undertaken as an objective, as designated in administrative instructions under § 301.52–2.

(e) *Generally infested area.* All of the regulated area, exclusive of the eradication area, as designated in administrative instructions under § 301.52–2.

(f) *Regulated articles.* Pink bollworms, means of conveyance, and other products and articles of any character whatsoever, the movement of which is regulated by the pink bollworm quarantine (§ 301.52) and regulations in §§ 301.52–1 through 301.52–11.

(g) *Cotton.* All parts of cotton and wild cotton plants of the genera Gossypium and Thurberia, except cotton products.

(h) *Cotton products.* Seed cotton, cotton lint, cotton linters, cotton waste, gin trash, cottonseed, cottonseed hulls, cottonseed cake, and cottonseed meal.

(i) *Seed cotton.* All forms of cotton lint from which the seed has not been separated.

(j) *Cotton lint.* All forms of raw ginned cotton not including cotton linters and cotton waste.

(k) *Cotton linters.* All forms of unmanufactured cotton fiber separated from cottonseed after the cotton lint has been removed, other than cotton waste.

(l) *Cotton waste.* All waste produced from the processing of cotton at gins, cottonseed oil mills, or textile mills in any form or under any trade designation. Gin trash is not within the definition of waste.

(m) *Gin trash.* All of the material produced during the cleaning and ginning of seed cotton, bollies, or snapped cotton except the cotton lint, cottonseed, and cotton waste.

(n) *Okra (Hibiscus esculentus L.).* All parts of okra plants, including seeds and edible and dry pods.

(o) *Kenaf (Hibiscus cannabinus L.).* All parts of kenaf plants, including seeds and pods.

(p) *"Moved" ("movement", "move").* Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(q) *Interstate.* From any State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(r) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(s) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization or processing, or for treatment.

(t) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(u) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(v) *Inspector.* An inspector of the United States Department of Agriculture.

(w) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.52–2 *Designation of regulated area.* The Director of the Plant Pest Control Division shall, from time to time, in administrative instructions promulgated by him, list the counties, parishes, other minor civil divisions, and premises, or parts thereof, in the quarantined States, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such civil divisions and premises, and parts thereof, as constituting the regulated area. Any civil division or premises, or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the pink bollworm therein and that regulation of such civil division, premises, or part thereof is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, premises, or part thereof, as regulated area. The Director of the Plant Pest Control Division may, in said administrative instructions, divide the regulated area into an eradication area and a generally infested area.

§ 301.52–3 *Pink bollworms: Conditions of movement.* Live pink bollworms may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District, and delivery of such bollworms so moving may be accepted, only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director. The permit shall be securely attached to the outside of the container of the bollworms when they are so moved.

§ 301.52–4 *Other regulated articles: Conditions of movement.*—(a) *Designated articles.* Unless exempted by administrative instructions, the following may be moved from the regulated area into or through any point outside thereof, or from the generally infested area into or through the eradication area, only if accompanied by a valid certificate or limited permit issued in compliance with § 301.52–7 and if the applicable requirements of §§ 301.52–5 and 301.52–6 are also met: Cotton, cotton products, okra, kenaf, used bagging and other used wrappers for cotton, and used cotton harvesting equipment. However, regulated articles of kinds within this paragraph which originate outside of the regulated area, and are moving through or are being reshipped from the regulated area, may be moved from the regulated area and from the generally infested area into or through the eradication area, without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to an inspector and do not present a hazard of spread of the pink bollworm. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated area.

(b) *Articles determined to present hazards.* When it has been determined by an inspector that, due to contamination with pink bollworms or untreated cottonseed or cottonseed hulls or any other reason, a hazard of spread of pink bollworm is presented by any farm products, farm equipment, farm household goods, ginning or oil mill equipment, other cotton processing machinery, or means of conveyance, or unlimited by the foregoing, any other products or articles of any character whatsoever, not covered by paragraph (a) of this section or § 301.52–3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated articles may be moved from the regulated area into or through any point outside thereof, or from the generally infested area into or through the eradication area, only after they have been cleaned, treated, or otherwise disinfested to the satisfaction of the inspector or when they are moving under limited permit as required by the inspector.

§ 301.52–5 *Use of certificates or limited permits with shipments.* Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.52–4 shall have such certificate or permit securely attached to the outside thereof when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required.

§ 301.52–6 *Protecting certified articles.* Subsequent to certification as provided in § 301.52–7, regulated articles must be loaded, handled, and shipped, only under such protection and safeguards against infestation as are required by the inspector.

§ 301.52–7 *Conditions governing the issuance of certificates and limited permits.*—(a) *Certificates.* Certificates may be issued by the inspector for the movement of the regulated articles designated in § 301.52–4 (a) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by the inspector and found to be free of infestation.

(3) When they have been treated under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles under § 301.52–4 to specified destinations for limited handling, utilization, or processing, or for treatment.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in transportation of such articles as may be required by the inspector.

§ 301.52–8 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.52–4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.52–9 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of the pink bollworm.

§ 301.52–10 *Inspection and disposal.* Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.52–10 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

The revised quarantine and regulations shall be effective on and after August 31, 1957, when they shall supersede the provisions in 7 CFR 301.52, 301.52–1 et seq., effective July 12, 1955, as amended effective June 2, 1956 (21 F. R. 3737).

Modifications have been made in the notice of quarantine and in the regulations to utilize the authority granted in the new Federal Plant Pest Act (Public Law 85–36). This act was approved May 23, 1957, subsequent to the publication of the notice of proposed rule making with respect to the revision.

This revision authorizes the Director of the Plant Pest Control Division to designate the regulated area and an eradication area and a generally infested area and otherwise conforms the quarantine and regulations more closely to the pattern of other quarantines and regulations under the Plant Quarantine Act and the Federal Plant Pest Act. The list of products and articles subject to regulation has been modified to include specifically cotton waste produced at textile mills and to include generally any products and articles found to present a hazard of spread of the pink bollworm, and to make other changes for clarity.

The quarantine and regulations should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of pink bollworms. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that further notice of rule-making and other public procedure on the revision is impracticable, unnecessary, and contrary to the public interest and good cause is found for making the revised quarantine and regulations effec-

tive less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of August 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-7162; Filed, Aug. 30, 1957; 8:48 a. m.]

[P. P. C. 621]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

On April 26, 1957, there was published in the FEDERAL REGISTER (22 F. R. 2955), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to the issuance of administrative instructions designating regulated area under the pink bollworm quarantine and regulations. After due consideration of all relevant matters presented, and pursuant to § 301.52–2 of the regulations (7 CFR 301.52–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 106 of the Federal Plant Pest Act (Pub. Law 85–36, administrative instructions to be designated as 7 CFR 301.52–2a are hereby issued to read as follows:

§ 301.52–2a *Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworm quarantine.* (a) Infestations of the pink bollworm have been determined to exist, in the quarantined States, in the civil divisions and premises or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the pink bollworm regulated area within the meaning of the provisions in this subpart:

Arizona. Counties of Cochise, Graham, Greenlee, and Santa Cruz, and all of Pima County except that portion lying west of the west line of Range 9 East.

Arkansas. Counties of Calhoun, Clark, Columbia, Conway, Crawford, Dallas, Franklin, Garland, Hempstead, Hot Springs, Howard, Johnson, Lafayette, Little River, Logan, Miller, Montgomery, Nevada, Ouachita, Perry, Pike, Polk, Pope, Scott, Sebastian, Sevier, Union, Washington, and Yell.

Louisiana. Parishes of Allen, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, Claiborne, De Soto, Jefferson Davis, Lincoln, Natchitoches, Red River, Sabine, Union, Vermilion, Vernon, and Webster.

New Mexico. All counties in the State.

Oklahoma. All counties in the State.

Texas. All counties in the State.

(b) *Eradication area.* All regulated area within the States of Arizona, Arkansas, and Louisiana is hereby designated as eradication area.

(c) *Generally infested area.* All regulated area within the States of New Mexico, Oklahoma, and Texas is hereby designated as generally infested area.

These administrative instructions shall become effective August 31, 1957.

These administrative instructions list the localities that are to be regulated under a revision of the pink bollworm notice of quarantine and regulations that is to become concurrently effective. The instructions add to the regulated area for the first time the county of Washington, in Arkansas, and all previously nonregulated areas in New Mexico.

These instructions should be made effective as soon as possible in order to be of maximum benefit in preventing the spread of pink bollworms. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85–36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 27th day of August 1957.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F. R. Doc. 57-7163; Filed, Aug. 30, 1957; 8:48 a. m.]

[P. P. C. 620]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

On April 26, 1957, there was published in the FEDERAL REGISTER (22 F. R. 2955), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to proposed administrative instructions exempting certain articles from the regulations supplemental to pink bollworm quarantine No. 52 (7 CFR 301.52), as revised. After due consideration of all relevant matters presented, and pursuant to said quarantine and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and section 106 of the Federal Plant Pest Act (Pub. Law 85–36), administrative instructions to be designated as 7 CFR 301.52a are hereby issued as follows:

§ 301.52a *Administrative instructions exempting certain articles from specified requirements.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of § 301.52–4 (a) with respect to the movement of such articles from any point in the regulated area into or through any point outside of the regulated area or from the generally infested area into or through the eradication area, as hereinafter provided. The following articles are hereby exempted from the requirements of § 301.52–4 (a) under the conditions set forth below:

(a) Compressed bale cotton lint moving by common carrier when such lint has been given standard or equivalent compression.

(b) Baled cotton lint moving from the generally infested area into the eradication area.

(c) Samples of cotton lint and cotton linters of the usual trade size.

(d) Cottonseed cake.

(e) Cottonseed meal.

(f) Kenaf and edible okra produced in the eradication area (Arizona, Arkansas, Louisiana) or in Oklahoma or New Mexico.

(g) Edible okra produced in Texas during the period December 1 to April 30, inclusive.

(h) Edible okra produced in Texas during the period May 1 to November 30, inclusive, found moving to the District of Columbia or to the following States or parts of States for immediate processing or consumption therein when the containers are marked as noncertified Texas okra by a stamp as required by the inspector: Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, and that part of Virginia, Missouri, Illinois, and Kentucky north of the 38th parallel.

These administrative instructions shall become effective on August 31, 1957.

The foregoing administrative instructions relieve restrictions by permitting the movement of certain articles without a certificate or limited permit or compliance with related requirements under the pink bollworm quarantine unless the articles are found by an inspector to present a hazard of spread of the pink bollworm in specific cases. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) the instructions may become effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85–36, 71 Stat. 33; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 27th day of August 1957.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F. R. Doc. 57-7161; Filed, Aug. 30, 1957; 8:48 a. m.]

Chapter IV—Federal Crop Insurance Corporation

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 415.1 of the above-identified regulations, as amended (17 F. R. 8416; 18 F. R. 3631, 6988; 19 F. R. 5602; 20 F. R. 5054; 21 F. R. 7312), the following counties have been designated for insurance for the 1957 crop year.

Minnesota:
Becker.
Big Stone.
Brown.
Chippewa.
Clay.
Cottonwood.
Jackson.
Kittson.
Lac Qui Parle.
Lincoln.
Mahnomen.
Marshall.
Martin.
Murray.
Nobles.
Norman.
Pennington.
Pipestone.
Polk, East.
Polk, West.
Pope.
Redwood.
Renville.
Rock.
Roseau.
Traverse.
Wilkin.
Minnesota—Con.
Yellow Medicine.
North Dakota:
Benson.
Bottineau.
Cass.
Eddy.
Emmons.
Foster.
Logan.
McIntosh.
McLean.
Nelson.
Pembina
Ramsey.
Stutsman.
Traill.
Walsh.
Ward.
South Dakota:
Brookings.
Brown.
Clark.
Codington.
Day.
Grant.
Marshall.
Roberts.

(Secs. 506; 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-7180; Filed, Aug. 30, 1957; 8:51 a. m.]

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 416.1 of the above-identified regulations, as amended (17 F. R. 10531; 18 F. R. 3632, 6989; 19 F. R. 5602; 20 F. R. 5255; 21 F. R. 7312, 8533), the following counties have been designated for insurance for the 1957 crop year.

Illinois:
Adams.
Carroll.
McDonough.
Montgomery.
Sangamon.
Tazewell.
Indiana:
Carroll.
Clinton.
Decatur.
De Kalb.
Delaware.
Huntington.
Jackson.
Johnson.
Marshall.
Miami.
Wayne.
Iowa:
Adair.
Audubon.
Boone.
Buena Vista.
Cass.
Cerro Gordo.
Chickasaw.
Iowa—Continued
Clayton.
Crawford.
Fayette.
Floyd.
Fremont.
Guthrie.
Hancock.
Jones.
Linn.
Lyon.
Madison.
Mitchell.
Osceola.
Pottawattamie-West.
Poweshiek.
Shelby.
Sioux.
Story.
Washington.
Webster.
Kansas:
Atchison.
Brown.
Jackson.
Marshall.
Kansas—Continued
Nemaha.
Washington.
Maryland:
Kent.
Michigan:
Monroe.
Minnesota:
Blue Earth.
Brown.
Cottonwood.
Jackson.
Martin.
Mower.
Murray.
Nobles.
Pipestone.
Redwood.
Renville.
Rice.
Rock.
Wabasha.
Watonwan.
Missouri:
Atchison.
Bates.
Henry.
Jasper.
Johnson.
Lafayette
Lawrence.
Marion.
Nodaway.
Pettis.
Saline.
Vernon.
Nebraska:
Boone.
Butler.
Nebraska—Con.
Cass.
Cedar.
Colfax.
Cuming.
Dodge.
Pierce.
Richardson.
Saunders.
Stanton.
Wayne.
Ohio:
Hancock.
Hardin.
Medina.
Preble.
Seneca.
Wayne.
Pennsylvania:
Chester.
South Dakota:
Brookings.
Clay.
Lincoln.
Minnehaha.
Moody.
Union.
Yankton.
Wisconsin:
Columbia.
Dane.
Grant.
Green.
Iowa.
Lafayette.
Pierce.
Rock.
Sauk.
Trempealeau.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-7181; Filed, Aug. 30, 1957; 8:51 a. m.]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1954 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 417.1 of the above-identified regulations, as amended (18 F. R. 5703; 19 F. R. 469, 5602; 20 F. R. 5625, 7983; 21 F. R. 1002, 2123, 7312, 8533), the following counties have been designated for insurance for the 1957 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the name of the county.

Connecticut:	
Hartford	51, 52
Florida:	
Alachua	14
Columbia	14
Hamilton	14
Madison	14
Suwanee	14
Georgia:	
Appling	14
Berrien	14
Brooks	14
Bulloch	14
Candler	14
Coffee	14
Colquitt	14
Cook	14
Lowndes	14
Mitchell	14
Tattnall	14
Tift	14
Toombs	14
Worth	14
Kentucky:	
Adair	31
Allen	31, 35
Barren	31
Bath	31
Bourbon	31
Breckenridge	31
Caldwell	22, 31, 35
Calloway	23, 35
Casey	31
Christian	22, 31, 35
Clark	31
Daviess	31, 36
Garrard	31
Grant	31
Graves	23, 31, 35
Green	31
Harrison	31
Hart	31
Henry	31
Larue	31
Lincoln	31
Logan	22, 31, 35
Mason	31
Mercer	31
Metcalfe	31
Montgomery	31
Nelson	31
Nicolas	31
Owen	31
Pendleton	31
Pulaski	31
Russell	31
Scott	31
Simpson	31, 35
Todd	22, 31, 35
Warren	31, 35
Washington	31
Wayne	31
Maryland:	
Charles	32
Calvert	32
Massachusetts:	
Hampshire	52
North Carolina:	
Alamance	11a
Beaufort	12
Brunswick	13
Buncombe	31
Caswell	11a
Columbus	13
Duplin	12
Forsyth	11a
Franklin	11b
Granville	11b
Greene	12
Guilford	11a
Harnett	11b
Jones	12
Johnston	12
Lenoir	12
Moore	11b
Nash	12
Person	11a
Pitt	12
Robeson	13
Rockingham	11a
Sampson	12
Stokes	11a
Surry	11a
Vance	11b
Wake	11b
Warren	11b
Wayne	12
Wilson	12
Yadkin	11a
Ohio:	
Adams	31
Brown	31
Highland	31
Pennsylvania:	
Lancaster	41
South Carolina:	
Chesterfield	13
Clarendon	13
Darlington	13

South Carolina—Continued	
Dillon	13
Florence	13
Georgetown	13
Horry	13
Marion	13
Sumter	13
Williamsburg	13
Tennessee:	
Clairborne	31
De Kalb	31
Dickson	22
Grainger	31
Greene	31
Hamblen	31
Hawkins	31
Johnson	31
Loudon	31
Marshall	31
McMinn	31
Maury	31
Monroe	31
Montgomery	22, 31
Putnam	31
Robertson	22, 31, 35
Sevier	31
Smith	31
Stewart	22, 31
Sullivan	31
Sufner	22, 31, 35
Trousdale	31
Unicoi	31
Washington	31
Williamson	31
Wilson	31
Virginia:	
Appomattox	11a, 21
Brunswick	11a, 21
Campbell	11a, 21
Charlotte	11a, 21
Cumberland	11a, 21, 37
Dinwiddie	11a, 21
Halifax	11a
Lee	31
Lunenburg	11a
Mecklenburg	11a
Pittsylvania	11a
Prince Edward	11a, 21, 37
Russell	31
Scott	31
Washington	31
Wisconsin:	
Dane	54
Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-7182; Filed, Aug. 30, 1957; 8:52 a. m.]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1957 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 418.1 of the above-identified regulations (20 F. R. 10015; 21 F. R. 5164, 9397), the following counties have been designated for insurance for the 1957 crop year.

California:	Colorado—Con.
Kern.	Kit Carson.
Los Angeles.	Larimar.
San Luis Obispo	Lincoln.
Tulare.	Logan.
Colorado:	Phillips.
Adams.	Sedgwick.
Arapahoe.	Washington.
Cheyenne.	Yuma.
Elbert.	
Idaho:	Kansas—Con.
Benewah.	Mitchell.
Bonneville.	Morris.
Camas.	Nemaha.
Cassia.	Ness.
Idaho.	Norton.
Kootenai.	Osborne.
Latah.	Ottawa.
Lewis.	Pawnee.
Nez Perce.	Phillips.
Oneida.	Pratt.
Power.	Rawlins.
Teton.	Reno.
Illinois:	Republic.
Adams.	Rice.
Bond.	Rooks.
Christian.	Rush.
Clinton.	Russell.
Effingham.	Saline.
Fayette.	Scott.
Greene.	Sedgwick.
Jersey.	Seward.
Macoupin.	Sheridan.
Madison.	Sherman.
Marion.	Smith.
Mason.	Stafford.
Monroe.	Stanton.
Montgomery.	Stevens.
Pike.	Sumner.
St. Clair.	Thomas.
Sangamon.	Trego.
Schuyler.	Wallace.
Scott.	Washington.
Shelby.	Wichita.
Vermilion.	Maryland:
Washington.	Kent.
Indiana:	Michigan:
Allen.	Calhoun.
Boone.	Clinton.
Clinton.	Eaton.
Decatur.	Hillsdale.
DeKalb.	Huron.
Howard.	Ingham.
Johnson.	Ionia.
Kosciusko.	Kalamazoo.
Madison.	Lenawee.
Montgomery.	Monroe.
Noble.	Saginaw.
Pulaski.	St. Clair.
Randolph.	Sanilac.
Ripley.	Shiawassee.
Rush.	Minnesota:
Shelby.	Becker.
Sullivan.	Big Stone.
Wayne.	Clay.
Whitley.	Kittson.
Kansas:	Mahnomen.
Atchison.	Marshall.
Barber.	Norman.
Barton.	Otter Tail, West.
Cheyenne.	Polk, East.
Clark.	Polk, West.
Clay.	Traverse.
Cloud.	Wilkin.
Cowley.	Missouri:
Decatur.	Bates.
Dickinson.	Buchanan.
Edwards.	Carroll.
Ellis.	Cass.
Ellsworth.	Chariton.
Finney.	Cooper.
Ford.	Franklin.
Gove.	Henry.
Graham.	Holt.
Grant.	Jasper.
Gray.	Lafayette.
Greeley.	Lawrence.
Hamilton.	Marion.
Harper.	Pettis.
Harvey.	Pike.
Haskell.	St. Charles.
Hodgeman.	Saline.
Kearny.	Vernon.
Kingman.	Montana:
Kiowa.	Blaine.
Lane.	Cascade.
Lincoln.	Chouteau.
Logan.	Daniels.
McPherson.	Dawson.
Marion.	Fergus.
Marshall.	Hill.
Meade.	Judith Basin.
Montana—Con.	Ohio—Continued
Liberty.	Clinton.
McCone.	Erie.
Petroleum.	Fayette.
Phillips.	Franklin.
Pondera.	Greene.
Richland.	Hardin.
Roosevelt.	Henry.
Sheridan.	Highland.
Teton.	Knox.
Valley.	Marion.
Yellowstone.	Mercer.
Nebraska:	Montgomery.
Banner.	Morrow.
Box Butte.	Pickaway.
Butler.	Preble.
Chase.	Putnam.
Cheyenne.	Sandusky.
Dawes.	Seneca.
Deuel.	Stark.
Fillmore.	Tuscarawas.
Frontier.	Williams.
Furnas.	Oklahoma:
Gage.	Alfalfa.
Garden.	Beckham.
Gosper.	Blaine.
Hamilton.	Caddo.
Harlan.	Canadian.
Hayes.	Comanche.
Hitchcock.	Cotton.
Jefferson.	Custer.
Keith.	Dewey.
Kimball.	Ellis.
Lancaster.	Garfield.
Morrill.	Grant.
Perkins.	Greer.
Phelps.	Harmon.
Red Willow.	Harper.
Richardson.	Kay.
Saline.	Kingfisher.
Saunders.	Kiowa.
Seward.	Major.
Thayer.	Noble.
York.	Texas.
North Dakota:	Tillman.
Adams.	Washita.
Benson.	Woods.
Billings.	Oregon:
Bottineau.	Baker.
Bowman.	Gilliam.
Burke.	Jefferson.
Burleigh.	Morrow.
Cass.	Sherman.
Cavalier.	Umatilla.
Divide.	Union.
Dunn.	Wallowa.
Eddy.	Wasco.
Emmons.	Pennsylvania:
Foster.	Chester.
Golden Valley.	Lancaster.
Grant.	South Dakota:
Griggs.	Beadle.
Hettinger.	Bennett.
Kidder.	Brown.
Logan.	Campbell.
McHenry.	Clark.
McIntosh.	Codington
McKenzie.	Corson.
McLean.	Day.
Mercer.	Dewey.
Morton.	Edmunds.
Mountrail.	Faulk.
Nelson.	Grant.
Oliver.	Hand.
Pembina.	Jones.
Ramsey.	Lyman.
Renville.	McPherson.
Rolette.	Marshall.
Sheridan.	Mellette.
Sioux.	Perkins.
Slope.	Potter.
Stark.	Roberts.
Stutsman.	Spink.
Towner.	Sully.
Traill.	Tripp.
Walsh.	Walworth.
Ward.	Texas:
Wells.	Baylor.
Williams.	Castro.
Ohio:	Collin.
Allen.	Cooke.
Auglaize.	Denton.

Texas—Continued	Washington—Con.
Floyd.	Benton.
Foard.	Columbia.
Gray.	Douglas.
Grayson.	Franklin.
Hale.	Grant.
Jones.	Klickitat.
Lipscomb.	Lincoln.
Potter.	Spokane.
Wilbarger.	Walla Walla.
Utah:	Whitman.
Box Elder.	Wyoming:
Cache.	Goshen.
Washington:	Laramie.
Adams.	Platte.
Asotin.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-7183; Filed, Aug. 30, 1957; 8:52 a. m.]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 419.1 of the above-identified regulations, as amended (20 F. R. 7984, 10020; 21 F. R. 7314), the following counties have been designated for insurance for the 1957 crop year.

Alabama:	Mississippi—Con.
Blount.	Holmes.
Cherokee.	Humphreys.
Colbart.	Jefferson Davis.
Cullman.	Lee.
DeKalb.	Leflore.
Etowah	Madison.
Franklin.	Marion.
Jackson.	Marshall.
Lauderdale.	Monroe.
Lawrence.	Panola.
Limestone.	Pontotoc.
Madison.	Quitman.
Marshall.	Sharkey.
Morgan.	Sunflower.
Tuscaloosa.	Tallahatchie.
Arkansas:	Tunica.
Chicot.	Union.
Craighead.	Washington.
Crittenden.	Yazoo.
Desha.	New Mexico:
Jefferson.	Chaves.
Lee.	Dona Ana.
Lincoln.	Eddy.
Mississippi.	Luna.
Monroe.	North Carolina:
Phillips.	Cleveland.
Saint Francis.	Lincoln.
California:	Mecklenburg.
Fresno.	Robeson.
Tulare.	Rutherford.
Louisiana:	Oklahoma:
Avoyelles.	Beckham.
Caddo.	South Carolina:
East Carroll.	Anderson.
Franklin.	Chesterfield.
Morehouse.	Clarendon.
Natchitoches.	Darlington.
Rapides.	Dillon.
Richland.	Florence.
Saint Landry.	Greenville.
Mississippi:	Marion.
Alcorn.	Orangeburg.
Bolivar.	Spartanburg.
Coahoma.	Sumter.
DeSoto.	Williamsburg.
Hinds.	York.

Tennessee:	Texas—Continued
Carroll.	Floyd.
Fayette.	Grayson.
Gibson.	Hale.
Hardeman.	Hill.
Haywood.	Hockley.
McNairy.	Hunt.
Madison.	Lamar.
Shelby.	Lamb.
Tipton.	Limestone.
Texas:	Lubbock.
Bailey.	McLennan.
Brazos.	Milam.
Bell.	Navarro.
Castro.	Nueces.
Collin.	San Patricio.
Ellis.	Swisher.
Falls.	Travis.
Fannin.	Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-7184; Filed, Aug. 30, 1957; 8:52 a. m.]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 420.1 of the above-identified regulations, as amended (20 F. R. 3526, 5765, 8071; 21 F. R. 49 1381, 4473, 5883, 6858, 7314, 7787, 8534, 9397; 22 F. R. 2076, 2796, 3284, 5855), the following counties have been designated for insurance for the 1957 crop year.

Arkansas:	Iowa—Continued
Arkansas.	Howard.
Colorado:	Humboldt.
Morgan.	Ida.
Weld.	Mitchell.
Illinois:	Story.
Bond.	Tama.
Christian.	Union.
Clinton.	Warren.
Effingham.	Winnebago.
Fayette.	Worth.
Hamilton.	Kansas:
Jasper.	Bourbon.
Jersey.	Cherokee.
Livingston.	Franklin.
Madison.	Linn.
Morgan.	Montgomery.
Pike.	Louisiana:
Schuyler.	St. Martin.
Scott.	Vermilion.
Wayne.	Maryland:
Indiana:	Kent.
Boone.	Michigan:
Delaware.	Gratiot.
Jackson.	Jackson.
Marshall.	Monroe.
Ripley.	Minnesota:
Shelby.	Bigstone.
Sullivan.	Chippewa.
Wells.	Dakota.
Whitley.	Dodge.
Iowa:	Faribault.
Boone.	Goodhue.
Buena Vista.	Kandiyohi.
Calhoun.	Lac Qui Parle.
Carroll.	Lincoln.
Clay.	Lyon.
Delaware.	McLeod.
Emmet.	Meeker.
Floyd.	Nicollet.
Franklin.	Polk, East.
Hardin.	Pope.
Minnesota—Con.	Ohio—Contiued
Stearns.	Union.
Stevens.	Van Wert.
Swift.	Wayne.
Yellow Medicine.	Williams.
Missouri:	Oregon:
Audrain.	Linn.
Callaway.	Malheur.
Carroll.	Pennsylvania:
Cass.	Chester.
Cooper.	Lebanon.
Franklin.	South Dakota:
Johnson.	Bon Homme.
St. Charles.	Clay.
Nebraska:	Day.
Antelope.	Deuel.
Pawnee.	Grant.
Washington.	Hamlin.
North Dakota:	Hutchinson.
Barnes.	Kingsbury.
Dickey.	Lake.
Grand Forks.	McCook.
LaMoure.	Miner.
Pierce.	Tennessee:
Ransom.	Franklin.
Richland.	Obion.
Sargent.	Weakley.
Steele.	Wisconsin:
Ohio:	Fond du Lac.
Hancock.	Wyoming:
Paulding.	Platte.
Sandusky.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies Secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-7185; Filed, Aug. 30, 1957; 8:52 a. m.]

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 421.1 of the above-identified regulations (20 F. R. 10020; 21 F. R. 7323), the following counties have been designated for insurance for the 1957 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

State and county	*Class(es) of beans insured*
Colorado:	
Dolores	Pinto.
Montezuma	Do.
Idaho:	
Cassia	Great Northern, Pinto, Small Red.
Gooding	Do.
Jerome	Do.
Minidoka	Do.
Twin Falls	Do.
Michigan:	
Bay	Pea and Medium White.
Huron	Do.
Saint Clair	Do.
Sanilac	Do.
Shiawassee	Do.
Nebraska:	
Morrill	Great Northern, Pinto.
Scotts Bluff	Do.
Washington:	
Grant	Great Northern, Pinto, Small Red, Flat Small White.
Wyoming:	
Goshen	Great Northern, Pinto.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-7186; Filed, Aug. 30, 1957; 8:52 a. m.]

PART 423—SOYBEAN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1955 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 423.1 of the above-identified regulations, as amended (19 F. R. 7473, 9365; 20 F. R. 1068, 5626; 21 F. R. 7323), the following counties have been designated for insurance for the 1957 crop year.

Illinois:
Macoupin.
Iowa:
Hancock.
Webster.
Cerro Gordo.
Minnesota:
Renville.
Ohio:
Putnam.
Mercer.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-7187; Filed, Aug. 30, 1957; 8:53 a. m.]

PART 424—BARLEY CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

APPENDIX

Pursuant to authority contained in paragraph (a) of § 424.1 of the above-identified regulations, as amended (19 F. R. 9315; 20 F. R. 7637, 10023; 21 F. R. 1004, 5164, 7323), the following counties have been designated for insurance for the 1957 crop year.

California:
San Luis Obispo.
Idaho:
Lewis.
Minnesota:
West Polk.
Montana:
Chouteau.
Fergus.
Judith Basin.
Oregon:
Morrow.
Umatilla.
North Dakota:
Cass.
Pembina.
Traill.
South Dakota:
Clark.
Washington:
Walla Walla.
Whitman.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-7188; Filed, Aug. 30, 1957; 8:53 a. m.]

PART 425—PEACH CROP INSURANCE

SUBPART—REGULATIONS FOR CONTRACTS FOR 1957 CROP YEAR

APPENDIX

Pursuant to authority contained in paragraph (a) of § 425.1 of the above-identified regulations (21 F. R. 5209), the following county has been designated for insurance for the 1957 crop year.

South Carolina:
Spartanburg.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 57-7189; Filed, Aug. 30, 1957; 8:53 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1957 EXTRA LONG STAPLE CROP

NORMAL YIELD

Basis and purpose. The purpose of this amendment to the regulations pertaining to Cotton Marketing Quotas for the 1957 Extra Long Staple Crop (22 F. R. 3548, 4845) is to establish the normal yields for counties. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendment set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.1442 (d) (8) of the regulations pertaining to Cotton Marketing Quotas for the 1957 Extra Long Staple Crop is amended by addition of the respective county normal yields at the end thereof and reads as follows:

(8) "Normal yield for any county" means the average yield per harvested acre of ELS lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the Director. If for any year of such five-year period the data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The normal yield determined for a county shall be kept readily available to the public in the county office, and the normal yield determined for each county in a State shall be kept readily available to the public in the State office. The following table sets forth the normal yields, as adjusted pursuant to this subparagraph, which are established for the respective counties.

ARIZONA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Cochise	443	Pima	627
Graham	578	Pinal	649
Greenlee	518	Santa Cruz	484
Maricopa	726	Yuma	434

CALIFORNIA

Imperial	368	Riverside	481

FLORIDA

Alachua	334	Orange	198
Bradford	316	Putnam	194
Columbia	185	Seminole	265
Hamilton	288	Sumter	209
Jefferson	270	Suwannee	127
Lake	239	Union	355
Madison	283	Volusia	212
Marion	263		

GEORGIA

Berrien	182	Lanier	188
Cook	205		

NEW MEXICO

Dona Ana	416	Otero	300
Eddy	328	Sierra	344
Luna	306		

PUERTO RICO

Area		Area	
North	185	South	98

TEXAS

County		County	
Brewster	426	Loving	336
Culberson	452	Pecos	348
El Paso	493	Presidio	398
Hudspeth	427	Reeves	475
Jeff Davis	449	Ward	401

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 301, 52, Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 26th day of August 1957. Witness my hand and the Seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-7142; Filed, Aug. 30, 1957; 8:45 a. m.]

[Amdt. 3]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1957 UPLAND CROP

NORMAL YIELD

Basis and purpose. The purpose of this amendment to the regulations pertaining to Cotton Marketing Quotas for the 1957 Upland Crop (22 F. R. 3284, 3651, 4847) is to establish the normal yields for counties. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendment set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.842 (d) (8) of the regulations pertaining to Cotton Marketing Quotas for the 1957 Upland Crop is amended by addition of the respective county normal yields at the end thereof and reads as follows:

(8) "Normal yield for any county" means the average yield per harvested acre of lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the Director. If for any year of such five-year period the data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The normal yield determined for a county shall be kept readily available to the public in the county office, and the normal yield determined for each county in a State shall be kept readily available to the public in the State office. The following table sets forth the normal yields, as adjusted pursuant to this subparagraph, which are established for the respective counties.

ALABAMA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Autauga	413	Chambers	307
Baldwin	368	Cherokee	424
Barbour	296	Chilton	378
Bibb	374	Choctaw	296
Blount	376	Clarke	276
Bullock	277	Clay	318
Butler	306	Cleburne	276
Calhoun	330	Coffee	322
Colbert	364	Lowndes	454
Conecuh	289	Macon	330
Coosa	264	Madison	404
Covington	326	Marengo	337
Crenshaw	302	Marion	346
Cullman	431	Marshall	438
Dale	312	Mobile	358
Dallas	401	Monroe	415
De Kalb	425	Montgomery	363
Elmore	401	Morgan	423
Escambia	464	Perry	372
Etowah	396	Pickens	335
Fayette	346	Pike	277
Franklin	332	Randolph	313
Geneva	377	Russell	262
Greene	340	St. Clair	346
Hale	409	Shelby	388
Henry	375	Sumter	349
Houston	332	Talladega	291
Jackson	400	Tallapoosa	289
Jefferson	380	Tuscaloosa	387
Lamar	331	Walker	325
Lauderdale	330	Washington	335
Lawrence	423	Wilcox	319
Lee	286	Winston	353
Limestone	417		

ARIZONA

Cochise	688	Pima	857
Graham	787	Pinal	1005
Greenlee	767	Santa Cruz	697
Maricopa	1071	Yavapai	1046
Mohave	469	Yuma	888

ARKANSAS

Arkansas	385	Lee	510
Ashley	497	Lincoln	480
Baxter	230	Little River	325
Boone	239	Logan	364
Bradley	267	Lonoke	411
Calhoun	306	Marion	220
Chicot	455	Miller	308
Clark	312	Mississippi	493
Clay	388	Monroe	411
Cleburne	234	Montgomery	231
Cleveland	263	Nevada	190
Columbia	219	Newton	259
Conway	295	Ouachita	231
Craighead	401	Perry	433
Crawford	522	Phillips	549
Crittenden	624	Pike	240
Cross	499	Poinsett	464
Dallas	270	Polk	246
Desha	518	Pope	362
Drew	379	Prairie	343
Faulkner	290	Pulaski	388
Franklin	339	Randolph	386
Fulton	257	St. Francis	560
Garland	271	Saline	230
Grant	246	Scott	228
Greene	389	Searcy	281
Hemstead	353	Sebastian	396
Hot Spring	237	Sevier	255
Howard	252	Sharp	278
Independence	453	Stone	210
Izard	298	Union	236
Jackson	365	Van Buren	147
Jefferson	504	White	297
Johnson	451	Woodruff	450
Lafayette	366	Yell	432
Lawernce	375		

CALIFORNIA

Fresno	764	San Benito	874
Imperial	842	San Bernardino	396
Kern	895	San Diego	686
Kings	671	San Luis Obispo	481
Los Angeles	522	Stanislaus	447
Madera	584	Tehama	474
Merced	627	Tulare	654
Riverdale	878		

FLORIDA

Alachua	393	Clay	326
Baker	309	Columbia	226
Bay	351	Dixie	205
Calhoun	306	Duval	326
Escambia	368	Madison	269
Gadsden	294	Nassau	337
Gilchrist	121	Okaloosa	359
Hamilton	264	Orange	215
Hillsborough	212	Putnam	154
Holmes	325	Santa Rosa	350
Jackson	258	Suwannee	322
Jefferson	204	Taylor	223
Lafayette	289	Union	334
Leon	244	Walton	345
Levy	255	Washington	308
Liberty	255		

GEORGIA

Appling	301	Houston	287
Atkinson	310	Irwin	330
Bacon	323	Jackson	294
Baker	270	Jasper	323
Baldwin	239	Jeff Davis	283
Banks	366	Jefferson	264
Barrow	331	Jenkins	268
Bartow	429	Johnson	268
Ben Hill	343	Jones	216
Berrien	294	Lamar	282
Bibb	383	Lanier	275
Bleckley	380	Laurens	284
Brantley	259	Lee	329
Brooks	391	Liberty	188
Bryan	251	Lincoln	239
Bulloch	300	Long	287
Burke	287	Lowndes	299
Butts	300	Lumpkin	292
Calhoun	373	McDuffie	238
Camden	240	McIntosh	209
Candler	256	Macon	341
Carroll	295	Madison	337
Catoosa	373	Marion	273
Charlton	211	Meriwether	344
Chatham	320	Miller	350
Chattahoochee	153	Mitchell	329
Chattooga	347	Monroe	265
Cherokee	300	Montgomery	252
Clarke	315	Morgan	319
Clay	379	Murray	313
Clayton	239	Muscogee	235
Clinch	288	Newton	327
Cobb	272	Oconee	351
Coffee	278	Oglethorpe	326
Colquitt	365	Paulding	289
Columbia	220	Peach	398
Cook	326	Pickens	243
Coweta	271	Pierce	269
Crawford	326	Pike	353
Crisp	391	Polk	327
Dade	291	Pulaski	299
Dawson	243	Putnam	264
Decatur	205	Quitman	230
De Kalb	280	Randolph	338
Dodge	285	Richmond	223
Dooly	414	Rockdale	248
Dougherty	248	Schley	333
Douglas	227	Screven	249
Early	398	Seminole	369
Echols	278	Spalding	317
Effingham	296	Stephens	354
Elbert	361	Stewart	277
Emanuel	280	Sumter	453
Evans	305	Talbot	227
Fayette	304	Taliaferro	202
Floyd	340	Tattnall	271
Forsyth	325	Taylor	401
Franklin	373	Telfair	287
Fulton	305	Terrell	468
Gilmer	289	Thomas	321
Glascock	257	Tift	344
Gordon	384	Toombs	327
Grady	360	Treutlen	313
Greene	232	Troup	252
Gwinnett	309	Turner	348
Habersham	336	Twiggs	253
Hall	312	Upson	304
Hancock	259	Walker	300
Haralson	298	Walton	339
Harris	260	Ware	323
Hart	372	Warren	261
Heard	327	Washington	295
Henry	286	Wayne	292

GEORGIA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Webster	264	Wilcox	327
Wheeler	287	Wilkes	241
White	333	Wilkinson	230
Whitfield	299	Worth	362

ILLINOIS

Alexander	404	Perry	334
Jefferson	366	Pulaski	381
Madison	244	Williamson	264
Massac	375		

KANSAS

Cowley	174	Montgomery	174

KENTUCKY

Ballard	369	Graves	341
Calloway	315	Hickman	510
Carlisle	422	McCracken	283
Fulton	617	Marshall	310

LOUISIANA

Acadia	453	Livingston	339
Allen	303	Madison	567
Ascension	305	Morehouse	525
Assumption	340	Natchitoches	414
Avoyelles	579	Orleans	440
Beauregard	261	Ouachita	477
Bienville	268	Plaquemines	448
Bossier	467	Pointe Coupee	524
Caddo	503	Rapides	668
Calcasieu	354	Red River	411
Caldwell	443	Richland	404
Cameron	338	Sabine	240
Catahoula	433	St. Helena	305
Claiborne	207	St. James	349
Concordia	541	St. John the Baptist	289
De Soto	267	St. Landry	524
East Baton Rouge	316	St. Martin	472
East Carroll	533	St. Mary	321
East Feliciana	325	St. Tammany	327
Evangeline	506	Tangipahoa	330
Franklin	423	Tensas	531
Grant	462	Union	283
Iberia	307	Vermilion	472
Iberville	298	Vernon	235
Jackson	219	Washington	356
Jefferson	401	Webster	287
Jefferson Davis	345	West Baton Rouge	513
Lafayette	478	West Carroll	435
Lafourche	321	West Feliciana	393
La Salle	449	Winn	229
Lincoln	247		

MISSISSIPPI

Adams	332	Jefferson	369
Alcorn	396	Jefferson Davis	358
Amite	360	Jones	387
Attala	406	Kemper	324
Benton	418	Lafayette	379
Bolivar	484	Lamarq	380
Calhoun	474	Lauderdale	364
Carroll	452	Lawrence	338
Chickasaw	405	Leake	409
Choctaw	411	Lee	386
Claiborne	430	Leflore	504
Clarke	321	Lincoln	355
Clay	364	Lowndes	344
Coahoma	552	Madison	426
Copiah	373	Marion	355
Covington	352	Marshall	468
De Soto	504	Monroe	394
Forrest	357	Montgomery	509
Franklin	312	Neshoba	366
George	373	Newton	317
Greene	389	Noxubee	306
Grenada	462	Oktibbeha	315
Hancock	321	Panola	453
Harrison	345	Pearl River	357
Hinds	365	Perry	327
Holmes	530	Pike	337
Humphreys	554	Pontotoc	435
Issaquena	525	Prentiss	415
Itawamba	401	Quitman	491
Jackson	372	Rankin	454
Jasper	317	Scott	393

MISSISSIPPI—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Sharkey	500	Union	405
Simpson	349	Walthall	388
Smith	365	Warren	503
Stone	348	Washington	516
Sunflower	531	Wayne	344
Tallahatchie	475	Webster	436
Tate	514	Wilkinson	360
Tippah	440	Winston	401
Tishomingo	334	Yalobusha	401
Tunica	518	Yazoo	513

MISSOURI

Bollinger	243	Oregon	226
Butler	369	Ozark	222
Cape Girardeau	393	Pemiscot	511
Carter	247	Ripley	251
Dunklin	443	Scott	472
Howell	187	Stoddard	553
Jefferson	235	Vernon	335
Mississippi	555	Wayne	212
New Madrid	490		

NEVADA

Clark	528	Nye	528

NEW MEXICO

Chaves	808	Lea	667
Curry	313	Luna	848
De Baca	569	Otero	746
Dona Ana	739	Quay	470
Eddy	880	Roosevelt	316
Grant	440	Sierra	792
Guadalupe	325	Socorro	623
Hidalgo	873	Valencia	318

NORTH CAROLINA

Alamance	327	Jones	260
Alexander	336	Lee	343
Anson	338	Lenoir	342
Beaufort	415	Lincoln	338
Bertie	414	Martin	406
Bladen	279	Mecklenburg	332
Brunswick	269	Montgomery	294
Burke	312	Moore	318
Cabarrus	331	Nash	335
Caldwell	302	New Hanover	309
Camden	428	Northampton	434
Carteret	295	Onslow	314
Catawba	348	Orange	359
Chatham	293	Pamlico	316
Chowan	469	Pasquotank	345
Cleveland	378	Pender	279
Columbus	291	Perquimans	479
Craven	314	Person	345
Cumberland	340	Pitt	350
Currituck	328	Polk	361
Davidson	349	Randolph	303
Davie	302	Richmond	278
Duplin	349	Robeson	341
Durham	335	Rockingham	328
Edgecombe	399	Rowan	347
Forsyth	284	Rutherford	381
Franklin	272	Sampson	364
Gaston	331	Scotland	313
Gates	476	Stanly	367
Granville	303	Tyrrell	531
Greene	350	Union	367
Guilford	342	Vance	328
Halifax	373	Wake	298
Harnett	371	Warren	297
Hertford	445	Washington	455
Hoke	337	Wayne	366
Hyde	300	Wilkes	272
Iredell	331	Wilson	352
Johnston	368	Yadkin	330

OKLAHOMA

Adair	156	Canadian	291
Alfalfa	199	Carter	157
Atoka	145	Cherokee	154
Beaver	109	Choctaw	234
Beckham	167	Cleveland	348
Blaine	224	Coal	184
Bryan	219	Comanche	169
Caddo	269	Cotton	200

OKLAHOMA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Craig	233	Marshall	276
Creek	171	Mayes	208
Custer	182	Murray	226
Dewey	182	Muskogee	302
Ellis	170	Noble	184
Garfield	126	Noweta	157
Garvin	284	Okfuskee	183
Grady	339	Oklahoma	195
Grant	120	Okmulgee	167
Greer	181	Osage	245
Harmon	231	Pawnee	195
Harper	100	Payne	176
Haskell	242	Pittsburg	232
Hughes	199	Pontotoc	167
Jackson	320	Pottawatomie	213
Jefferson	170	Pushmataha	108
Johnston	202	Roger Mills	143
Kay	155	Rogers	188
Kingfisher	186	Seminole	154
Kiowa	164	Sequoyah	362
Latimer	141	Stephens	206
Le Flore	294	Texas	166
Lincoln	165	Tillman	263
Logan	191	Tulsa	310
Love	206	Wagoner	249
McClain	317	Washington	217
McCurtain	368	Washita	203
McIntosh	246	Woodward	120
Major	160		

SOUTH CAROLINA

Abbeville	311	Greenwood	289
Aiken	283	Hampton	342
Allendale	314	Horry	294
Anderson	351	Jasper	328
Bamberg	277	Kershaw	281
Barnwell	269	Lancaster	336
Beaufort	354	Laurens	327
Berkeley	319	Lee	379
Calhoun	361	Lexington	299
Charleston	255	McCormick	289
Cherokee	334	Marion	314
Chester	392	Marlboro	326
Chesterfield	273	Newberry	301
Clarendon	349	Oconee	381
Colleton	326	Orangeburg	323
Darlington	317	Pickens	372
Dillon	284	Richland	363
Dorchester	387	Saluda	336
Edgefield	398	Spartanburg	315
Fairfield	301	Sumter	389
Florence	317	Union	333
Georgetown	239	Williamsburg	343
Greenville	397	York	381

TENNESSEE

Bedford	350	Lawrence	341
Benton	339	Lewis	293
Bradley	335	Lincoln	382
Cannon	325	Loudon	400
Carroll	392	McMinn	266
Chester	439	McNairy	503
Coffee	392	Madison	387
Crockett	461	Marion	377
Cumberland	196	Marshall	323
Davidson	317	Maury	292
Decatur	328	Meigs	268
De Kalb	278	Monroe	247
Dyer	481	Moore	425
Fayette	430	Obion	504
Franklin	405	Perry	416
Gibson	423	Polk	332
Giles	301	Rhea	253
Grundy	377	Roane	247
Hamilton	308	Rutherford	404
Hardeman	432	Shelby	483
Hardin	383	Tipton	471
Haywood	426	Van Buren	241
Henderson	470	Warren	295
Henry	373	Wayne	332
Hickman	305	Weakley	390
Humphreys	280	White	274
Knox	392	Williamson	284
Lake	624	Wilson	380
Lauderdale	492		

TEXAS

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Anderson	162	Gray	183
Andrews	111	Grayson	202
Angelina	241	Gregg	239
Aransas	234	Grimes	296
Archer	139	Guadalupe	170
Armstrong	208	Hale	523
Atascosa	152	Hall	174
Austin	299	Hamilton	180
Bailey	280	Hansford	213
Bandera	168	Hardeman	208
Bastrop	143	Hardin	295
Baylor	168	Harris	339
Bee	181	Harrison	199
Bell	175	Hartley	186
Bexar	151	Haskell	167
Blanco	134	Hays	185
Borden	147	Hemphill	173
Bosque	166	Henderson	175
Bowie	358	Hidalgo	435
Brazoria	487	Hill	191
Brazos	343	Hockley	341
Brewster	671	Hood	164
Briscoe	280	Hopkins	230
Brooks	220	Houston	223
Brown	76	Howard	164
Burleson	352	Hudspeth	822
Burnet	110	Hunt	266
Caldwell	183	Hutchinson	247
Calhoun	364	Irion	389
Callahan	104	Jack	134
Cameron	436	Jackson	300
Camp	264	Jasper	218
Carson	272	Jeff Davis	856
Cass	234	Jefferson	361
Castro	524	Jim Hogg	100
Chambers	369	Jim Wells	222
Cherokee	280	Johnson	243
Childress	130	Jones	122
Clay	193	Karnes	111
Cochran	335	Kaufman	223
Coke	67	Kendall	115
Coleman	121	Kenedy	136
Collin	236	Kent	143
Collingsworth	165	Kerr	129
Colorado	275	Kimble	149
Comal	180	King	139
Comanche	122	Kinney	329
Concho	102	Kleberg	251
Cooke	215	Knox	237
Coryell	166	Lamar	241
Cottle	155	Lamb	359
Crockett	545	Lampasas	112
Crosby	365	La Salle	199
Culberson	958	Lavaca	208
Dallam	262	Lee	155
Dallas	209	Leon	239
Dawson	218	Liberty	346
Deaf Smith	384	Limestone	145
Delta	330	Lipscomb	186
Denton	190	Live Oak	127
De Witt	173	Llano	134
Dickens	182	Loving	402
Dimmit	408	Lubbock	473
Donley	190	Lynn	261
Duval	114	McCulloch	137
Eastland	132	McLennan	160
Ector	588	McMullen	104
Ellis	235	Madison	230
El Paso	812	Marion	198
Erath	121	Martin	260
Falls	163	Mason	127
Fannin	229	Matagorda	394
Fayette	231	Maverick	473
Fisher	124	Medina	153
Floyd	441	Menard	75
Foard	168	Midland	274
Fort Bend	390	Milam	219
Franklin	278	Mills	167
Freestone	177	Mitchell	116
Frio	332	Montague	168
Gaines	220	Montgomery	189
Galveston	343	Moore	247
Garza	246	Morris	222
Gillespie	115	Motley	144
Glasscock	271	Nacogdoches	223
Goliad	158	Navarro	169
Gonzales	164	Newton	177

TEXAS—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Nolan	106	Stonewall	140
Nueces	345	Sutton	782
Ochiltree	455	Swisher	414
Oldham	364	Tarrant	243
Orange	363	Taylor	132
Palo Pinto	119	Terrell	425
Panola	224	Terry	259
Parker	145	Throckmorton	91
Parmer	581	Titus	366
Pecos	891	Tom Green	117
Polk	237	Travis	163
Potter	235	Trinity	238
Presidio	824	Tyler	308
Rains	251	Upshur	230
Randall	298	Upton	210
Reagan	405	Uvalde	671
Real	390	Val Verde	473
Red River	275	Van Zandt	235
Reeves	1048	Victoria	294
Refugio	322	Walker	213
Roberts	149	Waller	281
Robertson	423	Ward	611
Rockwall	226	Washington	272
Runnels	86	Webb	439
Rusk	215	Wharton	365
Sabine	205	Wheeler	168
San Augustine	206	Wichita	247
San Jacinto	224	Wilbarger	244
San Patricio	335	Willacy	378
San Saba	123	Williamson	172
Schleicher	137	Wilson	121
Scurry	99	Winkler	362
Shackelford	131	Wise	182
Shelby	241	Wood	216
Smith	220	Yoakum	253
Somervell	172	Young	100
Starr	173	Zapata	404
Stephens	93	Zavala	656
Sterling	577		

VIRGINIA

Accomack	456	Isle of Wight	381
Appomattox	320	Lunenburg	376
Brunswick	346	Mecklenburg	320
Caroline	259	Nansemond	397
Charlotte	302	Norfolk	337
Chesterfield	297	Prince Edward	307
Cumberland	307	Prince George	304
Dinwiddie	308	Princess Anne	323
Franklin	253	Southampton	369
Greensville	342	Surry	315
Halifax	418	Sussex	347
Hanover	279		

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 26th day of August 1957. Witness my hand and the Seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-7141; Filed, Aug. 30, 1957; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 117]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.417 *Valencia Orange Regulation 117*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 29, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 1, 1957, and ending at 12:01 a. m., P. s. t., September 8, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 877,800 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2,"

"District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 30, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7263; Filed, Aug. 30, 1957; 11:57 a. m.]

PART 943—MILK IN NORTH TEXAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec.
943.0 Findings and determinations.

DEFINITIONS

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943.2 Secretary.
943.3 Department.
943.4 Person.
943.5 Cooperative association.
943.6 North Texas marketing area.
943.7 Route.
943.8 Distributing plant.
943.9 Supply plant.
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943.11 Nonpool plant.
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943.14 Producer milk.
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943.90 Time and method of payment.
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943.93 Payments to the producer-settlement fund.
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EFFECTIVE TIME, SUSPENSION OR TERMINATION

943.100 Effective time.
943.101 Suspension or termination.
943.102 Actions after suspension or termination.
943.103 Liquidation.

MISCELLANEOUS PROVISIONS

943.110 Agents.
943.111 Separability of provisions.

AUTHORITY: §§ 943.0 to 943.111 issued under sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c.

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than September 1, 1957. Any delay beyond that date in the effective date of this order amending the order, as amended, will impair the proper operation of the order and will threaten the orderly marketing of milk in the North Texas marketing area. The provisions of the order are well known to handlers, the recommended decision having been issued by the Acting Deputy Administrator, Agricultural Marketing Service, on July 30, 1957, and the final decision having been issued by the Acting Secretary of Agriculture on August 16, 1957. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. The issuance of this order amending the order, as amended, does not require of persons affected substantial or extensive preparation prior to its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order effective September 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the North Texas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended to read as follows:

DEFINITIONS

§ 943.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 943.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 943.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal Agency as is authorized to perform the price reporting functions specified in this subpart.

§ 943.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 943.5 *Cooperative association.* "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the Association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 943.6 *North Texas marketing area.* "North Texas marketing area", hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities and installations and State institutions, within the counties of Cooke, Collin, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hopkins, Hunt, Johnson, Kaufman, Lamar, Parker, Rockwall, and Tarrant, all in the State of Texas.

§ 943.7 *Route.* "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than a delivery in bulk form to a milk processing plant.

§ 943.8 *Distributing plant.* "A distributing plant" means any milk plant approved by any health authority having jurisdiction in the marketing area for the processing or packaging of Grade A fluid milk products and from which any such products are disposed of on a route(s) in the marketing area.

§ 943.9 *Supply plant.* "Supply plant" means any plant approved by and under the routine inspection of the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area; and

(a) During the month 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20; or

(b) During the last month of any four or less consecutive months during which period an average of 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20 and 15 percent or more of such receipts are thus moved and assigned during the month; or

(c) During each of the months of January through August, if (1) such plant was a supply plant pursuant to (a) or (b) of this section during each of the immediately preceding months of September through December except for 1956 the months of October through December 1955 shall be used: *Provided* That, to remain a supply plant during August, 15 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk, or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20, and (2) the operator of such plant has filed a written request on or before January 31 with the market administrator requesting that such plant be designated as a supply plant through August of such year.

§ 943.10 *Pool plant.* "Pool plant" means (a) a distributing plant, (b) a supply plant, or (c) any plant located within the marketing area, which has been approved by a municipal health authority having jurisdiction in the marketing area, at which milk is received from dairy farmers holding permits or authorization from such health authority and which is operated by a cooperative association having member producers whose milk is delivered directly to the pool plants of other handlers.

§ 943.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or packaging plant other than a pool plant described in § 943.10.

§ 943.12 *Handler.* "Handler" means: (a) any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to producer milk diverted by it from a pool plant to a nonpool plant for the account of such cooperative association; or

(c) Any cooperative association with respect to producer milk which it causes to be delivered during any period of less than a full month from its members directly to the pool plant of another handler if (1) during the same month such cooperative association is a handler pursuant to paragraph (a) or (b) of this section with respect to any milk of such producer and (2) such association notifies the handler and the market administrator in writing of its intent to become a handler with respect to such milk prior to delivery. Such milk shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered except that such milk shall be considered as a receipt of producer milk by the operator of such pool plant for the purpose of § 943.41 (b) (4), § 943.42, § 943.46 (a) (5), the proviso in § 943.53 and § 943.97.

§ 943.13 *Producer.* "Producer" means any person, except a producer-handler, who produces milk approved by the applicable health authority having jurisdiction in the marketing area for consumption as Grade A milk which milk is received at a pool plant: *Provided,* That if such milk is diverted by a handler for his account from a pool plant to a nonpool plant any day during the months of January through July and on not more than half the days of delivery during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted. "Producer" shall not include any person during periods of temporary degrading by such health authority if such health authority notifies the operator of the pool plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval.

§ 943.14 *Producer milk.* "Producer milk" means skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from the pool plant to a nonpool plant in accordance with the conditions set forth in § 943.13.

§ 943.15 *Fluid milk products.* "Fluid milk products" means milk, skim milk, buttermilk, flavored milk drinks, cream and any other product defined as Class I milk pursuant to § 943.41 (a) (1) and (2).

§ 943.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) receipts during the month of fluid milk products except (1) fluid milk products received from other pool plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant), which are reprocessed or converted to another product in the pool milk plant during the month.

§ 943.17 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from producers;

(c) Disposes of no other source milk as Class I milk; and

(d) Receives from pool plants an amount of milk equal to not more than 5 percent of his own production.

§ 943.18 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of March through June of each year which is not in excess of each producer's daily average base computed pursuant to § 943.80 multiplied by the number of days in such month.

§ 943.19 *Excess milk.* "Excess milk" means milk received by a handler during any of the months of March through June which is in excess of base milk received from each producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 943.80.

§ 943.20 *Reserve supply credit.* The hundredweight of reserve supply credit that may be assigned to milk moved from

a supply plant to a distributing plant shall be calculated as follows: From the total hundredweight of milk classified as Class I milk at the distributing plant during the month, deduct Class I sales to other pool plant(s) and from this result deduct an amount equal to 85 percent of the total hundredweight of milk received from producers during the month at such plant. Any plus figure resulting from this calculation shall be assigned pro rata to milk moved to such plant from supply plants unless the operator of the distributing plant notifies the market administrator in writing of a different assignment on or before the 7th day after the end of the month.

MARKET ADMINISTRATOR

§ 943.25 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 943.26 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 943.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 943.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 943.96) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 943.30 to 943.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 943.33; or

(3) Made payments pursuant to §§ 943.90 to 943.95, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the price determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk, pursuant to § 943.51 (a) and the Class I butterfat differential pursuant to § 943.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 943.51 (b) and the Class II butterfat differential pursuant to § 943.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 943.72 or § 943.73, as applicable, and the butterfat differential computed pursuant to § 943.91, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association for its members the data furnished pursuant to § 943.31 (a).

REPORTS, RECORDS AND FACILITIES

§ 943.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk and for the base-operating months, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in receipts of fluid milk products from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The disposition of fluid milk products on routes wholly outside the marketing area; and

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 943.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer, and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 943.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 943.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and end of each month.

§ 943.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act

or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 943.40 Skim milk and butterfat to be classified. All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 943.30 shall be classified by the market administrator pursuant to the provisions of §§ 943.41 to 943.46, inclusive.

§ 943.41 *Classes of utilization.* Subject to the conditions set forth in §§ 943.43 and 943.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairly product mixes) of cream and milk or skim milk;

(2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and

(3) All other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of (i) as bulk milk or skim milk during the months of March through August, (ii) as bulk cream during any month, and (iii) as ungraded bulk milk or skim milk during any month, to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption: *Provided,* That, the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the month;

(3) In frozen cream stored in a public cold storage warehouse and not removed within 30 days after date of storage;

(4) In shrinkage up to 2 percent of skim milk and butterfat in receipts from producers and in shrinkage of other source milk received in the form of fluid milk products; and

(5) In inventory at the end of the month of fluid milk products.

§ 943.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between skim milk and butterfat in receipts from producers and in other source milk received in the form of fluid milk products.

§ 943.43 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified Class II milk.

§ 943.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant including transfers made by a cooperative association pursuant to § 943.12 (c) shall be classified:

(a) As Class I milk if transferred or diverted for not more than 7 days during the month in the form of fluid milk products to the pool plant of another handler (other than a producer-handler) except as:

(1) Utilization in Class II milk is claimed by the operator of both plants in their reports submitted pursuant to § 943.30;

(2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the greatest possible Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month: *Provided,* That this subparagraph shall not operate to classify as Class I milk any skim milk and butterfat transferred in the form of cream from ungraded sources for manufacturing purposes only from a pool plant at which ungraded milk is regularly received from dairy farmers;

(b) As Class I milk, if transferred to a producer-handler in the form of bulk fluid milk products;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located (1) outside the marketing area and (2) outside the Counties of Barry, Cedar, Greene, Lawrence, Polk, Newton and McDonald in the State of Missouri; Erath, Titus, Runnels, Fayette, Cherokee and Wood Counties in the State of Texas; Carter, Comanche, Grady, Muskogee and Cleveland Counties in the State of Oklahoma; Benton, Scott, Franklin, and Sebastian in the State of Arkansas;

(d) As Class I milk is transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located inside of the marketing area or inside any of the counties named in paragraph (c) of this section unless:

(1) The handler claims classification as Class II milk in his report submitted pursuant to § 943.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant, subtract packaged fluid milk products received at such plant and the skim milk and butterfat received at such plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remainder, subtract the skim milk and butterfat disposed of in the form of bulk cream by such plant to a second plant if it is established that such cream was disposed of as ungraded product for manufacturing use with each container so tagged and such shipment(s) is so invoiced;

(4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3), an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers;

(e) On the basis of the conditions and the allocation procedure described in paragraph (d) of this section at a second nonpool plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant located within the area described in paragraph (c) of this section and from which all receipts of milk or skim milk are moved in bulk to such a second nonpool plant for further processing; and

(f) As Class I milk if transferred in the form of cream under Grade A certification to a nonpool plant, or unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are an ungraded product suitable for manufacturing use only, and that the shipment was so invoiced.

§ 943.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 943.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 943.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk determined pursuant to § 943.41 (b) (4).

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk received as Class II milk in the form of cream from ungraded sources from the pool plant of another handler at which ungraded milk is regularly received from dairy farmers;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received during the month in a form other than fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received during the month in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk in Class II milk, 5 percent of the skim milk contained in producer milk receipts or the remaining pounds of skim milk in Class II milk whichever is less;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(9) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in the form of fluid milk products (other than that subtracted pursuant to subparagraph (2) of this paragraph) according to the classification thereof determined pursuant to § 943.44 (a);

(10) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(11) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 943.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

(c) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

§ 943.51 *Class Prices.* Subject to the provisions of §§ 943.52 and 943.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $2.00 for the months of March through June and plus $2.20 for all other months subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk under this part and Parts 949, 952, 982, and 998 of this chapter regulating the handling of milk in the North Texas, San Antonio, Austin-Waco, Central West Texas and Corpus Christi marketing areas, respectively, during the second and third months preceding by the total gross volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for a second time as Class I milk) under such orders during the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage";

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October-November	105	107
February	November-December	109	111
March	December-January	111	113
April	January-February	111	113
May	February-March	113	115
June	March-April	120	122
July	April-May	124	126
August	May-June	121	123
September	June-July	117	119
October	July-August	108	110
November	August-September	103	105
December	September-October	103	105

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation;

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month;

(b) *Class II milk.* For each of the months of April, May and June the price computed pursuant to § 943.50 (b) less 20 cents or the price computed pursuant to § 943.50 (c), whichever is higher; and for each of the other months of the year, the higher of the prices computed pursuant to § 943.50 (b) or (c); rounded in each case to the nearest one-tenth cent.

§ 943.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 943.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 943.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the department during the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125;

(b) *Class II milk.* Multiply such price for the current month by 0.115, except during the months of March, April, May and June multiply by 0.110.

§ 943.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 110 miles or more from the City Hall, of Dallas, Texas, and which is transferred to another pool plant in the form of fluid milk products and classified as Class I milk, or which is otherwise classified as Class I milk, the price specified in § 943.50 (a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such pool plant is located from the Dallas City Hall by shortest hard-surfaced highway distance, as determined by the market administrator: *Provided,* That for purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 943.46 (a) (1) through (8) and the corresponding steps in § 943.46 (b) for such plant less 5 percent of the receipts of producer milk at such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

APPLICATION FOR PROVISIONS

§ 943.60 *Producer-handlers.* Sections 943.40 through 943.46, 943.50 through 943.53, 943.70 through 943.73, 943.80 through 943.81, and 943.90 through 943.97 shall not apply to a producer-handler.

§ 943.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool milk plant during the month except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 943.30), and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant through routes in the North Texas marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant pursuant to § 943.9 for each of the preceding months of September through December.

§ 943.70 *Computation of value of milk.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 943.46 (a) (11) and the corresponding step of (b) by the applicable class price(s); and

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 943.46 (a) (8) and the corresponding step of paragraph (b);

(d) Add the amount computed by multiplying the difference between the Class II price, adjusted by the Class II butterfat differential, and the Class I price at the pool plant, adjusted by the Class I butterfat differential, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 943.46 (a) (3) and the corresponding step of paragraph (b); and

(e) In any month in which total receipts of producer milk by all handlers are 110 percent or more than Class I sales by all handlers, add the amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 943.46 (a) (4) and the corresponding step of paragraph (b) by the difference between the Class II price, adjusted by the Class II butterfat differential, and the Class I price at a pool plant of the same location as the nonpool plant supplying such other source milk, adjusted by the Class I butterfat differential: *Provided,* That if such handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the amount of skim milk and butterfat allocated to Class I milk shall be considered to have been received from the plants in sequence starting with the nonpool plant at which the smallest location differential is applicable.

§ 943.71 *Computation of aggregate value used to determine uniform price(s).* For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 943.70 for all handlers who made the reports prescribed in § 943.30 and who made the payments pursuant to § 943.93 for the preceding month;

(b) Add not less than one-fourth of the cash balance on hand in the producer-settlement fund, less the total amount of the contingent obligations to handlers pursuant to § 943.94;

(c) Subtract if the average butterfat content of the milk included in these computations is greated than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 943.91 (a) and multiplying the resulting figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the location differentials to producers pursuant to § 943.91 (b).

§ 943.72 *Computation of uniform price.* For each of the months of July through February the market administrator shall compute the uniform price per hundredweight for producer milk of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 943.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 943.73 *Computation of Uniform prices for base milk and excess milk.* For each of the months of March through June the market administrator shall compute the uniform price per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 943.71 by multiplying the hundred-

weight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 butterfat content, plus 4 cents, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk.

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value computed pursuant to § 943.71;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk.

§ 943.80 *Computation of daily average base for each producer.* For the months of March through June the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 943.81:

(a) Divide the total pounds of producer milk received from such producer at a pool plant(s) during the immediately preceding base-forming period of September through December by the number of days from the first day for which such producer made deliveries during such period to the last day of such period, less the number of days for which no deliveries are made, or 112, whichever is more.

§ 943.81 *Base rules.* (a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 943.80 to each person for whose account producer milk was delivered to pool plants during the base-forming period;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the beginning of the month next following the receipt by the market administrator of an application for such transfer, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, or assigns.

§ 943.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 943.72 and 943.73, adjusted by the butterfat differential computed pursuant to § 943.91 (a) and the location differential computed pursuant to § 943.91 (b), and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 943.94 he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 4 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 943.31.

(d) On or before the 13th day after the end of the month each handler shall pay to each cooperative association which is also a handler for milk received from it not less than the value of such milk as classified pursuant to § 943.44 (a) at the applicable respective class prices, including differentials prescribed by the order.

§ 943.91 *Butterfat and location differentials to producers.* (a) In making payments pursuant to § 943.90 (a) or (c), there shall be added to, or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount determined from the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, according to the following table:

Butter price:	Butterfat differential (cents)
20.0–29.99 cents	3
30.0–39.99 cents	4
40.0–49.99 cents	5
50.0–59.99 cents	6
60.0–69.99 cents	7
70.0–79.99 cents	8
80.0–89.99 cents	9
90.0–99.99 cents	10
$1.00–$1.10	11

(b) In making payments to producers pursuant to § 943.90 (a) or (c) the applicable uniform price computed pursuant to § 943.72 and the applicable uniform price for base milk computed pursuant to § 943.73 to be paid for producer milk received at a pool plant located 110 miles or more from the City Hall of Dallas, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the City Hall in Dallas.

§ 943.92 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to § 943.93, and out of which he shall make all payments to handlers pursuant to §§ 943.94 and 943.95.

§ 943.93 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 943.70 is greater than the amount required to be paid producers by such handler pursuant to § 943.90.

§ 943.94 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 943.70 is less than the amount required to be paid producers by such handler pursuant to § 943.90: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available: *And provided further*, That any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 943.93, 943.95, 943.96 or 943.97.

§ 943.95 *Adjustment of accounts*—(a) *Payments.* Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 943.90, 943.93, 943.94, 943.96, 943.97 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 943.96 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 943.90, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative asociation and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 943.97 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 943.46 and (b) milk from producers (including such handler's own production).

§ 943.98 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 943.100 *Effective time.* The provisions of this subpart or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 943.101.

§ 943.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 943.102 *Actions after suspension or termination.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 943.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 943.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 943.111 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C., this 28th day of August 1957 to be effective on and after September 1, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-7158; Filed, Aug. 30, 1957; 8:47 a. m.]

[Peach Order 1]

PART 950—PEACHES GROWN IN UTAH

REGULATION BY GRADES AND SIZES

§ 950.306 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 1, 1957. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until August 23, 1957; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on August 23, 1957, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department, and made available to growers and handlers; necessary supplemental information was not available to the Department until August 27, 1957; shipments of the current crop of such peaches are expected to begin on or about September 1, 1957, and this regulation should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., M. s. t. September 1, 1957, and ending at 12:01 a. m., M. s. t., October 15, 1957, no handler shall ship:

(i) Any peaches which do not grade at least U. S. No. 1;

(ii) Any early Elberta peaches which do not measure at least 1⅞ inches in diameter: *Provided,* That a handler may ship any lot of early Elberta peaches if not more than 10 percent, by count, of the peaches in such lot are smaller than 1⅞ inches in diameter and if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 1⅞ inches in diameter; or

(iii) Any variety of peaches other than early Elberta peaches which do not measure at least 2 inches in diameter: *Provided,* That a handler may ship any lot of peaches if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter and if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inches in diameter.

(2) Definitions. As used herein, "peaches," "handler," and "ship" shall have the same meaning as when used in the aforesaid marketing agreement and order; and "U. S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 29, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7234; Filed, Aug. 30, 1957; 9:16 a. m.]

[Lemon Reg. 702]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.809 *Lemon Regulation 702*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 28, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 1, 1957, and ending at 12:01 a. m., P. s. t., September 8, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 29, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7235; Filed, Aug. 30, 1957; 9:16 a. m.]

[Docket No. AO-178-A9]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

ORDER AMENDING ORDER, REGULATING HANDLING

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973.7 Route.
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EFFECTIVE TIME, SUSPENSION AND TERMINATION

973.100 Effective time.
973.101 Suspension or termination.
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973.103 Liquidation after suspension or termination.

AUTHORITY: §§ 973.0 to 973.103 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 973.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1957. Any delay beyond that date in the effective date of this order amending the order will impair the proper operation of the order and will threaten the orderly marketing of milk in the Minneapolis-St. Paul, Minnesota, marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Acting Deputy Administrator, Agricultural Marketing Service, on July 12, 1957 (22 F. R. 5690) and the final decision having been issued by the Acting Secretary of Agriculture on August 15, 1957. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.):

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order) of more than 50 percent of the milk covered by this order amending the order which is marketed within the Minneapolis-St. Paul, Minnesota, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (June 1957) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended to read as follows:

DEFINITIONS

§ 973.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 973.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 973.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 973.4 *Minneapolis-St. Paul, Minnesota, marketing area.* "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory (a) within the corporate limits of the cities of Minneapolis, Robbinsdale and Wayzata, in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear Lake, in Ramsey County; and West St. Paul and South St. Paul, in Dakota County; and (b) within the following townships and villages: Brooklyn township, Crystal village, St. Anthony village, Golden Valley village, St. Louis Park village, Orono township, Excelsior village, Excelsior township, Minnetonka township, Edina village, Bloomington township, and Richfield village in Hennepin County; Fridley village and Fridley township, in Anoka County; Mounds View township, White Bear township, Falcon Heights village, Lauderdale village, Roseville village, and New Canada township, in Ramsey County; Grant township, Oakdale township, Woodbury township, Cottage Grove township, Newport township, and Newport village, in Washington County; and Mendota township, Mendota village, Inver Grove township and Inver Grove village in Dakota County; all in the State of Minnesota.

§ 973.5 *Market administrator.* "Market administrator" means the person des-

ignated pursuant to § 973.20 as the agency for the administration of this part.

§ 973.6 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 973.7 *Route.* "Route" means any delivery either inside or outside the marketing area (including disposition by a vendor or from a plant store or from vending machines) of any item of Class I milk to a wholesale or retail stop, including any governmentally operated institution, but excluding any disposition of skim milk or butterfat not eligible for sale in fluid form as Grade A milk or cream in the marketing area from a nonpool plant to any other plant or to a commercial processor of foods.

§ 973.8 *Plant.* "Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. Under this definition any separate portion of a premises or facilities qualified under § 973.9 (b) used to receive, process, or otherwise handle milk which is subject to the class price provisions of another milk marketing agreement or order issued pursuant to the act shall be deemed to be a separate plant. This definition shall not include any building, premises, facilities, or equipment used primarily (a) to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s), or (b) to transfer milk from one conveyance to another in transit from farm to plant of first receipt.

§ 973.9 *Pool plant.* "Pool plant" means any plant meeting the conditions of paragraphs (a) or (b) of this section, but not any plant withdrawn pursuant to paragraph (c) of this section, any plant exempt pursuant to § 973.62, or the plant of a producer-handler.

(a) A plant in which milk is processed or packaged and from which not less than 15 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s): *Provided,* That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area, is equal to 40 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area in any of the months of January through June, or to 60 percent or more of such total receipts in any of the months of July through December; or

(b) (1) Except as provided in subparagraph (2) of this paragraph, any plant from which during any month 50 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (i) a plant(s) which has qualified pursuant to paragraph (a) of this section, (ii) any other plant(s) located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (iii) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided,* That if during each of the months of July through October, beginning in 1958, 50 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following June: *And provided further,* That if during each of the months of August through November 1957, 50 percent or more of such plant's total receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through June 1958;

(2) Producer milk which was received on more than 45 days during the months of April, May and June at a pool plant qualified under this paragraph, which milk is caused to be delivered from farms to a pool plant(s) described in paragraph (a) of this section during any of the months of July, August, September, or October shall be considered for the purposes of this paragraph as having been received at the plant at which it was received during April, May and June, and as having been shipped from thence to the plant(s) described in paragraph (a) of this section: *Provided,* That the producers of such milk are listed on the payroll reports (of the respective plants) submitted pursuant to § 973.32 and appropriately noted on the reports of receipts and utilization submitted pursuant to § 973.30: *And provided further,* That for the year 1957 the months "August, September, October or November" shall be substituted for the months "July, August, September, or October" in the context of this subparagraph.

(c) Upon notice by the handler in writing received by the market administrator, or postmarked, on or before the last day of any month, any plant qualified as a pool plant pursuant to paragraph (b) of this section may be withdrawn from pool plant status beginning with the next month: *Provided however,* That any such plant withdrawn from pool plant status may not regain status prior to the next July 1 and then only by meeting the requirements set forth prior to the first proviso in paragraph (b) (1) of this section in the manner of a plant qualifying for pool plant status for the first time.

§ 973.10 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

§ 973.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is received from the farm at a pool plant: *Provided,* That any such person whose milk is received from the farm at a pool plant during any portion of the period July through October, inclusive, but subsequently received at a nonpool plant shall not regain status as a producer prior to the next July 1: *And provided further,* That for the year 1957 the months September, October and November, inclusive, shall be substituted for the months July through October, inclusive, in the first proviso of this section.

§ 973.12 *Producer milk.* "Producer milk" or "milk received from producers" means milk produced by one or more producers (as defined in § 973.11).

§ 973.13 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant(s): *Provided,* That any cooperative association qualifying as a handler pursuant to this paragraph shall be, for the purposes of making payments pursuant to § 973.84, the handler also with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s); or (b) any person in his capacity as the operator of any other plant from which milk is disposed of as Class I milk within the marketing area on a route(s). This definition shall not apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities.

§ 973.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

§ 973.15 *Producer-handler.* "Producer-handler" means any person who both produces milk eligible for sale in fluid form as Grade A milk within the marketing area and is a handler, and who receives no milk directly from the farms of other producers and not more than 50,000 pounds of milk (3.5 percent milk equivalent of butterfat) during the month from other handlers which are cooperative associations: *Provided,* That the maintenance, care and management of the dairy animals and other resources necessary to produce such milk and the processing, packaging, or distribution of such milk are the personal enterprise, and the personal risk, of such person.

§ 973.16 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that skim milk and butterfat (a) contained in producer milk, and (b) received from a pool plant(s).

§ 973.17 *Base milk.* "Base milk" means producer milk received by a handler from a producer(s) during each of the months of January through June which is not in excess of such producer's daily base computed pursuant to § 973.75, multiplied by the number of days in such month.

§ 973.18 *Excess milk.* "Excess milk" means producer milk received by a handler from a producer(s) during each of the months of January through June which is in excess of base milk received from such producer during such month.

MARKET ADMINISTRATOR

§ 973.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 973.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part;

(c) Recommend to the Secretary amendments to this part; and

(d) Make rules and regulations to effectuate the terms and provisions of this part.

§ 973.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 973.90, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.91;

(c) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (1) made reports pursuant to § 973.30 or (2) made payments pursuant to §§ 973.80, 973.84, and 973.86; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(e) Verify each handler's reports and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(f) Prepare and disseminate to the public such statistics and information concerning the operations under this order as he deems advisable and as do not reveal confidential information;

(g) On or before the 5th working day of each month, mail to all handlers and make public announcement of the Class I price computed pursuant to § 973.53, and the butterfat differential computed pursuant to § 973.56 (a) for the then current month, and the Class II price computed pursuant to § 973.54 and the butterfat differential computed pursuant to § 973.56 (b) for the preceding month; and

(h) On or before the 13th day after the end of each month, mail to all handlers and make public announcement of the uniform price computed pursuant to § 973.71, or the uniform prices for base milk and excess milk computed pursuant to § 973.72, whichever is applicable.

REPORTS, RECORDS AND FACILITIES

§ 973.30 *Monthly reports of receipts and utilization.* (a) On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 973.13 (a) shall report to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class II milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other pool plants.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including on a skim milk equivalent basis any nonfat milk solids used to fortify (or as an additive to) any milk product as described in § 973.45, and including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(4) The aggregate quantities of base milk and excess milk received (for January through June); and

(5) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) On or before the 8th day after the end of each month, each handler who operates a nonpool plant as referred to in § 973.13 (b) shall report to the market administrator his total receipts, his utilization of milk and milk products, his total disposition of Class I milk, including as a separate figure the quantity of Class I milk disposed of within the marketing area on routes, and such other information with respect to all receipts and utilization as the market administrator may prescribe.

§ 973.31 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

§ 973.32 *Reports as to producers and cooperative associations of producers.* On or before the last day of each month, each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (a) the total pounds of milk delivered with the average butterfat test thereof, and (b) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved.

§ 973.33 *Records and facilities.* Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (a) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (b) the weights, and tests for butterfat and for other content, of all other skim milk or butterfat handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 973.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 973.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by each handler during each month which is required to be reported pursuant to § 973.30 (a) and (b) shall be classified by the market administrator pursuant to the provisions of §§ 973.41 through 973.46.

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 through 973.46, inclusive, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk, flavored milk drinks (except any such item disposed of as animal feed and sterilized milk or milk drinks in metal containers hermetically sealed), cream (sweet or sour, including mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream), and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this sec-

tion, including shrinkage computed pursuant to § 973.42 not eligible for classification as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) stored in a public cold storage warehouse as frozen cream, contained in any item included under paragraph (a) of this section disposed of as animal feed, or used to produce a milk product other than those specified in paragraph (a) of this section; and (2) in shrinkage assigned to other source milk pursuant to § 973.42.

§ 973.42 *Shrinkage.* The market administrator shall determine, for each handler, shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each of such handler's pool plants separately; and

(b) Prorate the sum of the shrinkages of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between receipts at such plant of producer milk and other source milk.

§ 973.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 973.44 *Interplant movements.* Skim milk and butterfat transferred by a handler from a pool plant in any of the forms specified in § 973.41 (a) to a pool plant or a nonpool plant shall be classified as provided in paragraphs (a), (b), and (c) of this section.

(a) As Class I milk if transferred to another pool plant unless utilization in Class II milk is mutually indicated to the market administrator in the reports submitted for both such plants for the month in which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class at the transferee plant: *Provided,* That if other source milk has been received at either or both plants, the milk so transferred shall be classified at both plants so as to return the higher class utilization to producer milk;

(b) As Class II milk if transferred in bulk to a nonpool plant, except as provided in paragraph (c) (2) and (3) of this section: *Provided,* That (1) the handler claims the transfer as Class II milk on his report of receipts and utilization submitted on or before the 8th day after the end of the month in which the transfer was made; (2) records are maintained for the nonpool plant which show the receipts and utilization of all skim milk and butterfat at such plant, including the transferred quantities, and such records are made available to the market administrator for purposes of verification; and (3) there had been actually utilized in such nonpool plant not less than an equivalent amount of skim milk and butterfat (i) in frozen cream for storage in such plant or at a public cold storage warehouse, or (ii) to produce a milk product included in Class II milk: *Provided,* That if verification of such records does not disclose that an equivalent amount of skim milk and butterfat had been used in such products of Class II milk, the balance of skim milk and butterfat so transferred shall be classified as Class I milk;

(c) As Class I milk if transferred to a nonpool plant: (1) In consumer packages; (2) in bulk as any such item of § 973.41 (a), except cream, and such plant is located more than 100 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota; or (3) in bulk as cream and such plant is located as described in subparagraph (2) of this paragraph and is a plant from which milk is disposed of in fluid form on routes: *Provided,* That this subparagraph shall not apply in the case of bulk cream transferred to any plant subject to another marketing agreement or order issued pursuant to the act, if such cream is allocated thereunder in the transferee-plant to a class of utilization other than Class I milk as defined in such other marketing agreement or order.

§ 973.45 *Computation of milk in each class.* For each month the market administrator shall correct mathematical and other obvious errors in the monthly report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler: *Provided,* That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, and any other product condensed from milk or skim milk, are utilized by such handler either (a) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (b) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

§ 973.46 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall determine the classification of milk received from producers in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided,* That if the pounds of skim milk in other source milk exceed the total pounds of skim milk classified as Class II milk, an amount equal to the difference shall be subtracted from Class I milk: *Provided further,* That any other source milk subject to the class price provisions of another marketing agreement or order issued pursuant to the act shall be allocated to Class I milk before any additional other source milk is so allocated;

(2) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk contained in receipts from other pool plants, in accordance with its classification as determined pursuant to § 973.44 (a); and

(3) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II milk. Any amount in excess of that in Class II milk shall be subtracted from Class I milk. The amounts so subtracted shall be called "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 973.50 *Class prices.* Each handler shall pay, at the time and in the manner set forth in §§ 973.80 through 973.84, not less than the prices set forth in §§ 973.53 and 973.54 for all milk received during each month from producers and cooperative associations: *Provided,* That with respect to skim milk and butterfat transferred from the pool plant of, or caused to be delivered as producer milk by, a cooperative association which is a handler to the pool plant of another handler, the applicable class price shall be that for the location of the latter plant.

§ 973.51 *Basic formula price.* The basic formula price to be used in determining the Class I price shall be the highest of the following: The price for Class II milk computed pursuant to § 973.54 for the preceding month, or the prices computed from the formulas set forth in paragraphs (a) and (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the preceding month at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Companies and Locations

Borden Co., Mount Pleasant, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) (1) Multiply by 6 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York, as reported by the Department of Agriculture during the preceding month; (2) add 2.4 times the weekly prevailing price of "Cheddars" during the preceding month on the Wisconsin Cheese Exchange, as reported by the Department of Agriculture; (3) divide the resulting sum by 7; (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

§ 973.52 *Supply and demand ratio.* On or before the 5th working day of each month the market administrator shall make the following computations based upon information obtained from handlers' reports of receipts and utilization:

(a) Determine the total receipts of milk from all producers (including receipts from own farm production) during the second and third preceding months;

(b) Determine the total pounds of milk and milk products disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk), but converting cream to its 3.5 percent milk equivalent) during the same two months; and

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio."

§ 973.53 *Class I price.* Subject to the differentials provided in §§ 973.55 and 973.56 (a), the price for Class I milk shall be the basic formula price computed pursuant to § 973.51, plus 70 cents for the months of December through June; plus $1.10 for July through October; and plus $1.00 for November: *Provided,* That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio:

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	88	October-November.
February	82	November-December.
March	78	December-January.
April	73	January-February.
May	71	February-March.
June	70	March-April.
July	68	April-May.
August	66	May-June.
September	70	June-July.
October	82	July-August.
November	88	August-September.
December	88	September-October.

§ 973.54 *Class II price.* Subject to the differential computed pursuant to § 973.56 (b) the price for Class II milk shall be that computed by the market administrator as follows: (1) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York, as reported by the Department of Agriculture during the month; (2) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk, for human consumption f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and (4) subtract 75.2 cents therefrom.

§ 973.55 *Location differential to handlers.* (a) With respect to milk received as producer milk at a pool plant and classified as Class I milk, the price per hundredweight computed pursuant to § 973.53 shall be reduced by the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

Miles:	Cents
0 to 15	0
15 to 20	8
20 to 30	10
30 to 40	12
40 to 50	14
50 to 60	15
60 to 70	16
70 or over	[1]17

[1] Plus an additional 1-cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 973.56 *Butterfat differentials to handlers.* If the average butterfat content of the Class I milk or Class II milk, computed pursuant to § 973.46 (c), for any handler for the month is more or less than 3.5 percent, there shall be added to, or subtracted from, the applicable class price per hundredweight, computed pursuant to §§ 973.53 and 973.54, for each one-tenth of 1 percent that the average butterfat content of such class is above or below 3.5 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the Department of Agriculture for the preceding month, add 25 percent during each of the months of December through June, and 35 percent during each of the remaining months, and divide the sum obtained by 10.

(b) *Class II milk.* To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) butter at New York, as reported by the Department of Agriculture for the month, add 21.14 percent, and divide the sum obtained by 10.

§ 973.57 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to, or comparable with, the price specified.

APPLICATION OF PROVISIONS

§ 973.60 *Application to producer-handlers.* Sections 973.40 through 973.46, 973.50 through 973.56, 973.62 through 973.64, 973.70 through 973.73, 973.75 through 973.77, 973.80 through 973.87 and 973.90 through 973.93 shall not apply to the handling of milk by producer-handlers.

§ 973.61 *Producer-handlers.* Any handler claiming producer-handler status shall furnish to the market administrator, for verification, evidence of his qualifications as a producer-handler pursuant to § 973.15 and shall furnish evidence of subsequent changes made in the manner of producing, securing, or distributing milk that affect such qualifications as a producer-handler; such verification by the market administrator shall be made within 15 days of receipt of the evidence and shall be effective as of the first day of the month during which verification is made.

§ 973.62 *Milk under more than one Federal order.* Milk received at a plant qualified as a pool plant under § 973.9 (a) shall be exempt from the provisions of this order if the conditions of paragraphs (a) and (b) of this section are met: *Provided,* That the handler of such milk shall make reports to the market administrator with respect to his total receipts and utilization of skim milk and butterfat at such times and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with § 973.33:

(a) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to another regulated area as defined in another marketing agreement or order issued pursuant to the act either on routes or through plants regulated by such other marketing agreement or order than is disposed of from such plant in the Minneapolis-St. Paul marketing area either on routes or through other pool plants; and

(b) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part.

§ 973.63 *Payment for overage.* If any skim milk or butterfat has been subtracted pursuant to § 973.46 (a) (3) or (b) the market administrator, in computing the value of milk for any handler pursuant to § 973.70, including a handler whose sole source of supply is a pool plant(s), shall add an amount computed by multiplying the pounds of skim milk or butterfat so subtracted by the applicable class price.

§ 973.64 *Butterfat in fluid skim milk.* A handler may claim, for classification purposes, pursuant to §§ 973.40 through 973.46, butterfat in skim milk either disposed of to others or used in the manufacture of milk products, by specifying the butterfat content of such skim milk in his report for the month filed pursuant to § 973.30 (a), or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.065 percent as the butterfat content per hundredweight of such skim milk: *Provided,* That if the

handler at any time after discontinuing the accounting of butterfat in skim milk desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the month during which such change shall become effective.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 973.70 *Computation of the value of milk.* (a) For each month the total value of the milk received by each handler from producers or associations of producers (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association) during such month shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class prices, adding together the resulting amounts, and adding any amounts computed for such handler pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Any amount computed pursuant to § 973.63; and

(2) If any skim milk or buterfat received in other source milk (except other source milk which is classified and priced under the class price provisions of another marketing order issued pursuant to the act) has been allocated to Class I pursuant to § 973.46 in any month when total receipts of producer milk at all pool plants exceed 105 percent of Class I milk, the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and at the Class II price.

(b) For each month the total obligation to the producer-settlement fund for each handler who during such month disposed of Class I milk within the marketing area on routes from a nonpool plant shall be a sum of money computed by the market administrator by multiplying the pounds of skim milk or butterfat in other source milk so disposed of by the difference between the applicable Class I milk and Class II milk prices: *Provided,* That this paragraph shall not apply for any month in which the total receipts of producer milk at all pool plants do not exceed 105 percent of Class I milk.

§ 973.71 *Computation of uniform price.* For each of the months of July through December, the market administrator shall compute a uniform price per hundredweight for producer milk as follows:

(a) Combine into one total the values computed pursuant to § 973.70 for all handlers who filed reports pursuant to § 973.30, and who are not in violation of §§ 973.70, 973.80 or 973.84 for the preceding month;

(b) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.81, and multiplying the resulting amount by the total hundredweight of milk included in these computations.

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 973.82;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for milk of 3.5 percent butterfat content.

§ 973.72 *Computation of uniform price for base milk.* For each of the months of January through June, the market administrator shall compute a price per hundredweight for base milk of producers as follows:

(a) Make the same computations required pursuant to § 973.71 (a), (b), (c), and (d);

(b) Subtract an amount computed by multiplying the pounds of excess milk included in these computations by the Class II price plus 8 cents (hereinafter referred to as the "uniform price for excess milk" of 3.5 percent butterfat content);

(c) Divide the resulting sum by the total hundredweight of base milk included in these computations; and

(d) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "unifom price for base milk" of 3.5 percent butterfat content.

§ 973.73 *Notification of handlers.* On or before the 13th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his producer milk in each class computed pursuant to §§ 973.46 and 973.70, and the totals of such amounts and values;

(b) The uniform price (§ 973.71), or the uniform prices for base milk and excess milk (§ 973.72), whichever is applicable;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The amounts to be paid by each handler pursuant to §§ 973.80, 973.84, 973.86, 973.90, 973.91 and 973.92.

DETERMINATION OF BASES

§ 973.75 *Computation of base for each producer.* (a) Subject to the provisions of § 973.77, each producer whose milk is received at a pool plant(s) during any portion of the period July-October, inclusive, shall have a daily base computed by the market administrator, to be applicable during the following January through June, inclusive, equal to the total pounds of such producer's milk eligible for sale in fluid form as Grade A milk so received in the 4-month period divided by the number of days of such receipt or by 105, whichever is greater.

(b) Any producer not eligible to receive a base pursuant to the provisions of paragraph (a) of this section, including any producer for whom a base may not be computed pursuant to paragraph (a) of this section because of lack of information concerning such producer's deliveries in the applicable July–October period, shall have a base for each of the months of January through June equal to 30 percent of such producer's deliveries to a pool plant during such month.

§ 973.76 *Establishing new bases.* Any producer for whom a base has been established pursuant to § 973.75 (a) may relinquish such base for the following base-paying period by notifying the market administrator prior to December 31. The daily base of such producer shall then be determined pursuant to § 973.75 (b).

§ 973.77 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period.

(b) The base of a producer may be moved from one handler to another, and may be transferred from such producer to another producer: *Provided,* That all deliveries of milk by a producer who has transferred his base to another producer shall be excess milk until July 1 next following such transfer.

(c) In applying the provisions of § 973.75 in the case of a producer on every-other-day or every-third-day delivery of his milk, the days of non-delivery intervening days of delivery shall be considered as days of delivery;

(d) The daily base of any producer whose milk was received at a plant not operated by a cooperative association which becomes first qualified as a pool plant during the period November through June, inclusive, shall be computed under § 973.75 (a) on the basis of such producer's deliveries to such plant in the preceding July-October period;

(e) The daily base of any producer whose milk was received at a plant operated by a cooperative association which becomes first qualified as a pool plant during the period November through June, inclusive, shall be computed under § 973.75 (b) until such producer establishes a base under § 973.75 (a) on deliveries during the next following July-October period.

PAYMENTS FOR MILK

§ 973.80 *Time and method of payment.* Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) On or before the 10th day after the end of the month in which the skim milk or butterfat was received, to a cooperative association which is a handler, at not less than the applicable class prices for all skim milk and butterfat received from a pool plant(s) operated by such cooperative association or caused by it to be delivered to such handler from producers' farms, less the amount of payment made pursuant to paragraph (c) of this section.

(b) On or before the 21st day after the end of the month during which the milk was received, to each producer for milk not caused to be delivered to such handler by a cooperative association which is a handler, as follows: *Provided,* That such payment shall be made, upon request, to a cooperative association which is not a handler, or to its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 20th day after the end of such month.

(1) For the months of July through December, at not less than the uniform price computed pursuant to § 973.71, subject to the butterfat and location differentials set forth in §§ 973.81 and 973.82, and less the amount of payment made pursuant to paragraph (c) of this section; and

(2) For the months of January through June, at not less than the price for base milk computed pursuant to § 973.72 for all base milk received from such producer, and, at not less than the uniform price for excess milk for all milk received from such producer in excess of his base milk, subject in both cases to the butterfat and location differentials set forth in §§ 973.81 and 973.82, and less the amount of payment made pursuant to paragraph (c) of this section.

(c) Handlers (other than cooperative associations) shall make partial payments to producers and cooperative associations pursuant to subparagraphs (1) and (2) of this paragraph: *Provided,* That in the event any producer discontinues shipping to such handler during the month, such partial payment shall not be made and full payment for all milk received from such producer during such month shall be made pursuant to paragraphs (a) and (b) of this section.

(1) On or before the 25th day of each month, each handler shall make payment, except as set forth in subparagraph (2) of this paragraph, to each producer, at not less than the applicable uniform price computed pursuant to §§ 973.71 (f) or 973.72 (d) for the preceding month, for the milk of such producer received by such handler during the first 15 days of the current month;

(2) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is not a handler for milk of producers from whom such association has received written authorization to collect payment, at not less than such uniform price for the preceding month, for all such milk received by such handler during the first 15 days of the current month; and

(3) On or before the 20th day of each month, each handler shall make payment to a cooperative association which is a handler, at not less than the applicable Class I price for the current month pursuant to § 973.53, for all skim and butterfat received from a pool plant(s) operated by such cooperative association, or caused by such association to be delivered from the producers' farms to such handler, during the first 15 days of the current month.

(4) All payments made pursuant to this paragraph shall be subject to the butterfat and location differentials pursuant to §§ 973.81 and 973.82.

§ 973.81 *Butterfat differential to producers.* If, during the month, any handler has received milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in § 973.80 (b) and (c), shall add to the applicable price, for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent not less than, and shall deduct for each one-tenth of one percent that such average butterfat content is below 3.5 percent not more than, an amount computed by adding 21.14 percent to the simple average of the daily wholesale selling prices per pound of Grade AA (93-score) butter at New York, as reported by the Department of Agriculture during the month, and dividing the sum obtained by 10.

§ 973.82 *Location differential to producers.* In making payments pursuant to § 973.80 (b) and (c) for milk received at a pool plant, each handler shall deduct from the applicable price payable to such producers the amount indicated below for the distance that such pool plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

Miles:	Cents
0 to 15	0
15 to 20	8
20 to 30	10
30 to 40	12
40 to 50	14
50 to 60	15
60 to 70	16
70 or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 973.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 973.84 and 973.86 and out of which he shall make all payments due handlers pursuant to §§ 973.85 and 973.86: *Provided,* That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 973.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each month each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, as follows:

(a) Each handler who operates a pool plant(s) shall pay the amount, if any, by which the total value computed for him pursuant to § 973.70 (a) for such month is greater than the total of the amounts payable by such handler pursuant to § 973.80 (b) and (c): *Provided,* That payment made by a cooperative association as a handler pursuant to this paragraph with respect to milk transferred to another handler from the pool plant of such cooperative association, or caused to be delivered to such handler from the farms of producers for the account of such cooperative association, shall not relieve the transferee-handler of any obligation on any such milk which is due the cooperative association, or otherwise due pursuant to §§ 973.80 through 973.92, inclusive;

(b) Each handler who receives his entire supply of milk from a pool plant(s) shall pay the amount, if any, computed for him pursuant to § 973.63; and

(c) Each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who disposes of milk as described in § 973.70 (b) shall pay the amount computed for him pursuant to such paragraph.

§ 973.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each month, the market administrator shall pay, subject to the proviso of § 973.83, to each handler for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 973.80 (b) and (c) is more than the total computed for him pursuant to § 973.70 (a).

§ 973.86 *Adjustments to payments.* (a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments to the producer-settlement fund pursuant to § 973.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payment to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 973.80, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 973.87 *Statement to producers.* In making payment to individual producers as required by § 973.80, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month involved, and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of the milk received from the producer, and for the months of January through June, the pounds of base milk and the pounds of excess milk;

(c) The minimum rate (or rates) at which payment to the producer is required pursuant to § 973.80;

(d) The rate used in making the payment if such rate is other than the applicable minimum;

(e) The amount (or rate) per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.91, together with a description of the respective deductions; and

(f) The net amount of the payment to the producer.

MISCELLANEOUS

§ 973.90 *Expense of administration.* (a) As his pro rata share of the expense of the administration hereof, each handler who operates a pool plant(s) shall pay to the market administrator, on or before the 15th day after the end of the month, 1.5 cents per hundredweight, or such amount not exceeding 1.5 cents per hundredweight as the Secretary from time to time may prescribe, with respect to all receipts within the month of (1) producer milk, including such handler's own farm production, and (2) other source milk which is classified as Class I milk.

(b) Each handler who does not operate a pool plant(s) shall make such payment only with respect to other source milk disposed of as Class I milk within the marketing area on routes.

§ 973.91 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 973.80, shall make a deduction of 2 cents per hundredweight, or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 18th day after the end of such month. Such monies shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from, said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.92 *Adjustment of overdue accounts.* Any balance of payment due from a handler pursuant to §§ 973.80 (a) and (b), 973.84, 973.86 and this section for which remittance has not been made by the close of business on the next day following the date specified for such payment shall be increased 1/10 of 1 percent, and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid.

§ 973.93 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, by the handler against whom the obligation is sought to be imposed; and

(d) Any obligation of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 973.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

EFFECTIVE TIME, SUSPENSION AND TERMINATION

§ 973.100 *Effective time:* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 973.101.

§ 973.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 973.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 973.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Issued at Washington, D. C., this 28th day of August 1957 to be effective September 1, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-7159; Filed, Aug. 30, 1957; 8:48 a. m.]

PART 1004—MILK IN CENTRAL ARIZONA MARKETING AREA

ORDER AMENDING ORDER, REGULATING HANDLING

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AUTHORITY: §§ 1004.0 to 1004.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1004.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all skim milk and butterfat contained in (i) producer milk (including such handler's own production), (ii) other source milk in pool plants which is allocated to Class I, and (iii) Class I milk disposed of in the marketing area by nonpool plants.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective on September 1, 1957. Any delay beyond September 1, 1957, in the effective date of this order amending the order will tend to disrupt the orderly marketing of milk in the Central Arizona marketing area. The provisions of this order are well known to handlers. The public hearing on which this order is based was conducted on March 12–14, 1957. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was published in the FEDERAL REGISTER on July 10, 1957 (22 F. R. 4855). The final decision was issued by the Secretary on August 7, 1957 and published in the FEDERAL REGISTER on August 13, 1957 (22 F. R. 6464). The issuance of this order amending the order does not require of persons affected substantial or extensive preparation prior to its effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective September 1, 1957 (See sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations who are not engaged in processing, distributing or shipping milk covered by this order amending the order which is marketed within the Central Arizona marketing area) of more than 50 percent of the milk which is marketed within the said marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in the referendum on the

question of approval of its issuance and who during the determined representative period (June 1957) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 1004.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 1004.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1004.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1004.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1004.5 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk for its members.

§ 1004.6 *Central Arizona marketing area.* "Central Arizona marketing area", hereinafter called the "marketing area", means all territory within the counties of Cochise, Graham, Greenlee, Maricopa, Pima and Pinal, and that part of Yuma County south of 33 degrees latitude (North from the Equator), all in the state of Arizona.

§ 1004.7 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk pursuant to the requirements specified in paragraph (a) or in paragraph (b) of this section, which milk is received directly from the farm at a pool plant or is caused to be diverted by a handler within the limits prescribed in § 1004.62:

(a) Producers milk, on a dairy farm subject to the regular inspection by a duly constituted state or municipal health authority, under a dairy farm permit or rating issued by such authority for the production of milk to be disposed of for fluid consumption;

(b) Produces milk which is acceptable to an agency of the Federal government for fluid consumption in its institution or basis. "Producer" does not mean any dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this part pursuant to § 1004.61.

§ 1004.8 *Pool plant.* "Pool plant" means any milk plant:

(a) Approved by a duly constituted state or municipal health authority for the receipt or processing of Grade A milk and from which there is disposed of in the marketing area on a route(s) during the month, Class I milk in an amount greater than an average of 600 pounds per day;

(b) Supplying to any agency of the United States Government located within the marketing area Class I milk products; or

(c) Any plant which ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period November through June to a plant specified in paragraph (a) of this section: *Provided,* That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the market administrator on or before October 31 following such compliance, be designated as a pool plant until the end of the following June.

(d) For the purpose of this definition, milk diverted from a pool plant to a nonpool plant as described in § 1004.7 shall be deemed to have been received at the pool plant from which such milk was diverted.

§ 1004.9 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1004.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant, or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area, or (b) a cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to a pool plant or nonpool plant for the account of such cooperative association. Milk which is diverted by a cooperative association to a nonpool plant shall be considered as having been received by the cooperative association at the pool plant from which it was diverted, and milk diverted to a pool plant shall be considered as received by the cooperative association at the plant to which it is diverted.

§ 1004.11 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and the operator of a pool plant in accordance with § 1004.8 (a) or (b), but who receives no milk from producers or other dairy farmers: *Provided,* That, such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (b) the operation of such pool plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 1004.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 1004.20 as the agency for the administration of this part.

§ 1004.13 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received at a pool plant directly from such producer.

§ 1004.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1004.15 *Fluid milk product.* "Fluid milk product" means milk (including frozen or concentrated milk), skim milk, buttermilk, flavored milk, flavored milk drinks and cream in fluid form or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, yogurt, ice cream mix and aerated cream).

§ 1004.16 *Route.* "Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 1004.41 (a) other than a delivery to a plant described in § 1004.8 (a).

§ 1004.17 *Base milk.* "Base milk" means producer milk received by handlers from a producer during the months of January through June which is not in excess of such producer's daily base determined pursuant to § 1004.90, multiplied by the number of days during the month for which milk was received from such producer.

§ 1004.18 *Excess milk.* "Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the months of January through June of each year.

§ 1004.19 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1004.20 *Designation.* The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1004.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1004.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditions upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1004.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1004.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1004.30 through 1004.32 or payments pursuant to §§ 1004.80 through 1004.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 11th day of each month, the uniform price, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS, AND FACILITIES

§ 1004.30 *Reports of sources and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk,

(2) Fluid milk products received from other pool plants,

(3) Other source milk,

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1004.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of February through July the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of January through June, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any authorized deductions,

(3) On or before the first day other source milk is received in the form of a fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(4) On or before the day prior to diverting producer milk pursuant to § 1004.7 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(5) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1004.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1004.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain; *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1004.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1004.30 (a) shall be classified each month by the market administra-

tor, pursuant to the provisions of §§ 1004.41 through 1004.45.

§ 1004.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1004.42 through 1004.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted and concentrated nonfat milk solids) and butterfat; (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to subparagraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat; (1) used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) skim milk disposed of for livestock feed, or dumped after prior notification to and opportunity for verification by the market administrator; and (4) in shrinkage not to exceed 2 percent, respectively of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1004.7) and other source milk: *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1004.7) and other source milk, respectively.

§ 1004.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1004.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1004.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1004.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk;

(c) Skim milk and butterfat transferred to a nonpool plant in the form of fluid milk products in consumer packages shall be classified as Class I milk;

(d) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located in the marketing area or in Imperial County, California, shall be classified as Class I milk, unless (1) the handler claims classification as Class II milk in his report filed with the market administrator pursuant to § 1004.30 for the month within which such transfer occurred; (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for purposes of verification; and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually utilized in such plant during the month in the use indicated, the pounds transferred in excess of such actual use shall be classified as Class I milk; and

(e) Skim milk and butterfat diverted or transferred in bulk as milk, skim milk or cream to a nonpool plant located outside the marketing area and not in Imperial County, California, shall be classified as Class I milk, except that cream so transferred may be classified as Class II milk if (1) the handler claims classification as Class II milk in his report filed with the market administrator pursuant to § 1004.30 for the month within which such transfer is made, (2) the handler attaches tags or labels to each container of such cream bearing the words "Grade C cream for manufacturing use only" and the shipment is so invoiced, and (3) the handler gives the market administrator sufficient notice to allow him to verify the shipment.

§ 1004.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1004.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That, the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1004.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1004.41 (b),

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk, received during the month in a form other than fluid milk products.

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received during the month in the form of fluid milk products.

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1004.43 (a),

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1004.50 *Basic formula price.* The higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic, or field, prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, muliply by 8.5, and then multiply by 0.962.

§ 1004.51 *Class prices.* Subject to the provisions of §§ 1004.52 and 1004.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk price.* The basic formula price for the preceding month plus $2.80. This price shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk in the second and third months preceding by the total gross volume of Class I milk (excluding interhandler transfers that would result in the same milk being accounted for a second time as Class I milk) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a, "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	111	115
February	November–December	114	118
March	December–January	116	120
April	January–February	115	119
May	February–March	115	119
June	March–April	114	118
July	April–May	114	118
August	May–June	112	116
September	June–July	111	115
October	July–August	110	114
November	August–September	108	112
December	September–October	110	114

(3) For a "minus net deviation" the Class I price shall be increased and for a "plus net deviation" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation, plus

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation of opposite direction considered to be zero for purposes of computation of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation,

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk price.* The Class II milk price shall be the "butter-powder" price computed pursuant to § 1004.50 (b) during the months of July through December, and that price less 25 cents during the months of January through June.

§ 1004.52 *Butterfat differentials to handlers.* For each class of milk containing more or less than 3.8 percent butterfat, the class prices calculated pursuant to § 1004.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.175; and

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.115.

§ 1004.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Tucson, Arizona, by the shortest hard-surfaced highway distance as determined by the market administrator and classified as Class I milk, the price specified in § 1004.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall of Tucson, Ariz. (miles):	*Rate per hundredweight (cents)*
60 but not more than 160	30.0
160 but not more than 260	40.0
For each additional 10 miles or fraction thereof an additional	1.0

§ 1004.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1004.60 *Producer-handler.* Sections 1004.40 through 1004.45, 1004.50 through 1004.53, 1004.70 through 1004.75, and 1004.80 through 1004.87 shall not apply to a producer-handler.

§ 1004.61 *Plants subject to other Federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, any plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any pool plant which (1) would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, and (2) does not dispose of a greater volume of Class I milk to retail or wholesale outlets (except pool plants or nonpool plants) in the Central Arizona marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant which (1) would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, and (2) qualified as a pool plant for each of the preceding months of July through October in accordance with the provisions of § 1004.8 (c).

§ 1004.62 *Diverted milk.* (a) Milk of a producer diverted by a handler other than a cooperative association from a pool plant to the pool plant of another handler for not more than ten consecutive days (10 days' production in the case of a producer whose milk is picked up every other day) during any month shall be deemed to have been received by the diverting handler at the approved plant from which such milk was diverted, except that for purposes of determining shrinkage pursuant to § 1004.41 (b) (4), such milk shall be considered as producer milk at the pool plant to which it is diverted. Milk so diverted for more than ten consecutive days during the month shall be considered as received at the plant to which it was diverted for the entire period of diversion.

(b) Milk diverted by a cooperative association, which does not operate a pool plant, for the account of such cooperative association from the pool plant of another handler to a nonpool plant shall be considered to have been received by such cooperative association at a pool plant at the same location as that from which the milk was diverted.

(c) Milk diverted from a pool plant by the handler operating such pool plant to a nonpool plant shall be considered to have been received at the plant from which diverted.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1004.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to

§ 1004.45 by the applicable class price, total the resulting amounts; and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 1004.53;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1004.45 (a) (7) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1004.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1004.45 (a) (4) and (b) for the current month; and

(d) If any other source milk has been subtracted from Class I pursuant to § 1004.45 (a) (2) and the corresponding step of paragraph (b), add an amount equal to the difference between its value at the Class I and Class II price for the current month.

§ 1004.71 *Computation of the uniform price.* For each of the months of July through December, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.8 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1004.70 for the producer milk of all handlers who submit reports prescribed in § 1004.30 and who are not in default of payments pursuant to § 1004.80 or § 1004.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 1004.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1004.74;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 1004.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of January through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.8 percent butterfat content, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1004.30, and who are not in default of payments pursuant to § 1004.80 or § 1004.82 as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the hundredweight of excess milk not included in subparagraph (1) of this paragraph by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(c) Subtract the total value of excess milk, determined by multiplying the uniform price obtained in paragraph (b) of this section, times the hundredweight of excess milk, from the total value of producer milk for the month as determined according to the calculations set forth in § 1004.71 (a) through (d) (using location differentials applicable to base and excess milk);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content.

§ 1004.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.8 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1004.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 1004.74 *Location differential to producers.* The applicable uniform prices computed pursuant to §§ 1004.71 and 1004.72 (for base milk) to be paid for producer milk received at a pool plant located 60 miles or more from the City Hall at Tucson, Arizona, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in §1004.53. The rates applicable to excess milk shall be determined by dividing the quantity of excess milk specified in § 1004.72 (a) (2) by the total quantity of excess milk and multiplying the result by the rates applicable to base milk.

§ 1004.75 *Notification of handlers.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) For the months of January through June the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential computed pursuant to § 1004.73; and

(d) The amounts to be paid by such handler pursuant to §§1004.82, 1004.85, and 1004.86 and the amount due such handler pursuant to § 1004.83.

PAYMENTS

§ 1004.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is receiving during the month as follows:

(1) On or before the 27th day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1004.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1004.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of January through June the total pounds of base and excess milk received, (iii) the amount or rate and nature of any authorized deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1004.84.

§ 1004.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 1004.82 and out of which he shall make all payments pursuant to § 1004.83: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1004.82 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1004.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1004.83 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1004.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1004.84 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1004.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1004.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1004.86 *Expense of administration.* On or before the 15th day after the end of each month each handler who operates a pool plant shall pay to the market administrator as his pro rata share of the expense of the administration hereof, 4 cents or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in (a) producer milk, and (b) other source milk allocated to Class I pursuant to § 1004.45 (a) (2) and (3), and (b), and each handler who operates a nonpool plant shall make such payment only with respect to Class I milk disposed of within the marketing area.

§ 1004.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the amount for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE RATING

§ 1004.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1004.91, the daily average base of each producer shall be calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of August through November immediately preceding by the number of days from the first day of delivery by such producer during such month to the last day of November, inclusive, or by 90, whichever is more: *Provided*, That for each person who became a producer on the effective date of this part by virtue of the plant to which such person delivers his milk having become a pool plant on the effective date of this part, a base shall be computed on the deliveries of such person to such plant during the period August 1 to November 30, 1957, in the same manner as if such person had been a producer for the entire period, and the plant to which he delivers his milk had been a pool plant for the entire period.

§ 1004.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1004.90 to each person for whose account producer milk

was delivered to pool plants during the months of August through November; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

(c) If a base is held jointly it may be divided among the joint holders effective as of the end of the month during which an application for diversion of the base is received by the market administrator: *Provided*, That such application is signed by all joint holders or their heirs, and such application sets forth the percentage of the jointly held base which is to be assigned to each of the joint holders or their heirs.

§ 1004.92 *Announcement of established bases.* On or before December 25 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1004.100 *Effective time.* The provisions of the part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1004.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1004.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1004.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1004.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1004.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 27th day of August 1957, to be effective on and after the first day of September 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-7160; Filed, Aug. 30, 1957; 8:48 a. m.]

PART 1018—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

ORDER TERMINATING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order (7 CFR Part 1018; 22 F. R. 5919), regulating the handling of milk in the Southeastern Florida marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provisions reading "butterfat and" in §§ 1018.82 and 1018.83, which adjust payments into or out of the producer-settlement fund, do not tend to effectuate the declared policy of the act in that:

(1) The inclusion of such provisions in these sections of the order was inadvertent;

(2) Such provisions impose an inequity on handlers in that they prevent a proper balance of payments into or out of the producer-settlement fund. Such balance is fundamental to the successful functioning of the pooling arrangement of the order; and

(3) The record of the hearing, on the basis of which the marketing order was issued, fully justifies the omission of the provisions "butterfat and" as they appear in §§ 1018.82 and 1018.83.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impracticable, unnecesary and contrary to the public interest in that:

(1) The time intervening between the date on which the information on which this action is based became available and the date on which this order should become effective is insufficient for such proceedings;

(2) This termination order will have the effect of relieving regulated handlers by eliminating inequities which otherwise would be imposed under the order on and after September 1, 1957, and does not require of persons affected any substantial or extensive preparation prior to its effective date; and

(3) The termination of said provisions should be made effective September 1, 1957, to insure equity among handlers.

It is therefore ordered, That the provisions reading "butterfat and" as they appear in §§ 1018.82 and 1018.83 be and hereby are terminated effective September 1, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 28th day of August 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-7191; Filed, Aug. 30, 1957; 8:53 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (2) of § 6.309 is amended as set out below.

§ 6.309 Post Office Department—(a) *Office of the Postmaster General.* • • •

(2) Two Executive Assistants to the Postmaster General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-7177; Filed, Aug. 30, 1957; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Basis and purpose. By notice of proposed rule making published on June 25, 1957 (22 F. R. 4456), the public was invited to submit views, data, or arguments in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D. C., on or before July 22, 1957, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose, among others, of specifying open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds.

Subsequently, after consideration of data obtained through investigations conducted by representatives of various State game departments and by personnel of the Bureau of Sport Fisheries and Wildlife, the several State game departments were informed concerning the season lengths and daily bag and possession limits proposed to be prescribed for the 1957–58 seasons on migratory waterfowl, coots, and Wilson's snipe. The State game departments were also invited to submit recommendations for hunting seasons in the respective States on applicable members of these species; such hunting seasons to conform to the season lengths, and to fall within a framework of opening and closing dates, as established by this Department.

Each State game department has now furnished information concerning the hunting seasons desired for its State on migratory waterfowl, coots, and Wilson's snipe. In addition, the game department of the State of Alabama has recommended a season on rails and gallinules to open currently with the seasons on migratory waterfowl and coots in that State, and the game department of the State of Michigan has submitted its recommendations for open seasons on rails, gallinules, and woodcock. The fixing of seasons for these species in Alabama and Michigan was deferred until a later date at the time the 1957–58 seasons for these birds in other States were prescribed on July 30, 1957 (22 F. R. 6224). Consideration having been given to all pertinent data received in response to the Notice of Proposed Rule Making relating to the fixing of seasons and bag limits on migratory waterfowl, coots, and Wilson's snipe, the Migratory Bird Treaty Act regulations are amended as follows:

1. Paragraph (b) *Mississippi Flyway States* of § 6.46, as the same appears in 22 F. R. 6225, is amended by deleting therefrom footnotes 1 and 2 and by prescribing an open season on rails and gallinules in Alabama from November 7, 1957, to January 10, 1958; an open season on rails and gallinules in Michigan from October 1, 1957, to December 9, 1957; and an open season on woodcock in Michigan in three zones as defined by State law or orders or regulations of the Michigan Department of Conservation as follows: Zone 1, October 1 to November 9, 1957; Zone 2, October 1 to November 9, 1957; and Zone 3, October 21 to November 9, 1957. As so amended, paragraph (b) of § 6.46 will read, in pertinent part, as follows:

(b) *Mississippi Flyway States.*

	Rails and gallinules		Woodcock
	Sora	All others (singly or in aggregate)	
Daily bag limits	25	15	4
Possession limits	25	15	8
Seasons in—			
Alabama	Nov. 7–Jan. 10		Dec. 12–Jan. 20.
Michigan: [1]			
Zone 1	Oct. 1–Dec. 9		Oct. 1–Nov. 9.
Zone 2	do		Do.
Zone 3	do		Oct. 21–Nov. 9.

[1] Zones for hunting woodcock are prescribed by State law or orders or regulations of the Michigan Department of Conservation.

2. The first or introductory paragraph of § 6.51 and paragraphs (c), (d), (e), and (f) of § 6.51 are amended to read as follows:

§ 6.51 *Seasons and limits on waterfowl, coots, and Wilson's snipe.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of waterfowl and on coots and Wilson's snipe as designated in this section are prescribed between the dates of September 1, 1957, and February 15, 1958, as follows:

• • • • • •

§ 6.51 *Seasons and limits on waterfowl, coots, and Wilson's snipe.* • • •

(c) *Atlantic Flyway States.*

	Ducks	Geese (except snow geese)	Coots	Brant	Wilson's snipe
Daily bag limits	[1] 4	2	10	6	8
Possession limits	[1] 8	4	10	6	8
Seasons in—					
Connecticut	Oct. 26–Jan. 3				Closed season.
Delaware	Nov. 1–Jan. 9				Nov. 1–Nov. 30.
District of Columbia	Closed season				Closed season.
Florida	Nov. 23–Jan. 15				Dec. 14–Jan. 12.
Georgia	Nov. 7–Jan. 15				Dec. 3–Jan. 1.
Maine	Oct. 4–Dec. 12				Oct. 4–Nov. 2.
Maryland	Nov. 7–Jan. 15				Nov. 15–Dec. 14.
Massachusetts	Oct. 26–Jan. 3				Oct. 26–Nov. 24.
New Hampshire	Oct. 5–Dec. 13				Oct. 1–Oct. 30.
New Jersey	Nov. 2–Jan. 10				Nov. 2–Nov. 30.
New York:					
Counties of Nassau and Suffolk, and that part of Westchester County lying south of the Hutchinson River Parkway.	do				Nov. 2–Dec. 1.
Remainder of State	Oct. 19–Dec. 27				Oct. 19–Nov. 17.
North Carolina	Nov. 7–Jan. 15				Nov. 28–Dec. 27.
Pennsylvania:					
Counties of Bucks, Philadelphia, and Delaware, and the Delaware River bordering on such counties.	Nov. 2–Jan. 10				Oct. 15–Nov. 13.
Remainder of State	Oct. 15–Dec. 23				Do.
Puerto Rico	Dec. 15–Feb. 12				Closed season.
Rhode Island	Nov. 7–Jan. 15				Nov. 1–Nov. 30.
South Carolina	do				Dec. 17–Jan. 15.
Vermont	Oct. 19–Dec. 18				Oct. 16–Nov. 8.
Virginia	Nov. 7–Jan. 15				Nov. 19–Dec. 18.
West Virginia	Nov. 3–Jan. 11				Nov. 4–Dec. 3.

[1] Wood ducks and mergansers: Daily bag limit may not include more than 1 wood duck; possession limit not more than 2 wood ducks. Daily bag and possession limits may not include more than 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, possession limit 10, singly or in the aggregate of both kinds.

(d) *Mississippi Flyway States.*

	Ducks [1]	Geese [1]	Coots [1]	Wilson's snipe
Daily bag limits	[2] 4	[3] 5	10	8
Possession limits	[2] 8	[3] 5	10	8
Seasons in—				
Alabama [4]	Nov. 7–Jan. 15			Dec. 17–Jan. 15.
Arkansas [4]	do			Nov. 16–Dec. 15.
Illinois	Oct. 19–Dec. 27			Oct. 19–Nov. 17.
Indiana	Oct. 26–Jan. 3			Oct. 26–Nov. 24.
Iowa	Oct. 5–Dec. 13			Oct. 5–Nov. 3.
Kentucky	Nov. 7–Jan. 15			Nov. 20–Dec. 19.
Louisiana [4]	See footnote 4			Dec. 17–Jan. 15.
Michigan	Oct. 1–Dec. 9			Oct. 1–Oct. 30.
Minnesota	Oct. 5–Dec. 13			Oct. 5–Nov. 3.
Mississippi [4]	See footnote 5			Dec. 17–Jan. 15.
Missouri	Oct. 25–Jan. 2			Oct. 25–Nov. 23.
Ohio [4]	See footnote 6			Oct. 18–Nov. 16.
Tennessee [4]	Nov. 7–Jan. 15			Dec. 1–Dec. 30.
Wisconsin	Oct. 1–Dec. 9			Oct. 1–Oct. 30.

[1] Wood ducks and mergansers: Daily bag and possession limits may include not more than one hooded merganser. Closed season on wood ducks in the States of Kentucky, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri,

and Wisconsin. In the States of Alabama, Arkansas, Louisiana, Mississippi, Ohio, and Tennessee, not more than one wood duck may be included in the daily bag and possession limits. In addition to the daily bag and possession limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, possession limit 10, singly or in aggregate of both kinds. Except as provided in footnote 3, the shooting hours for waterfowl and coots shall be one-half hour before sunrise to sunset.

[2] Geese: Such limit may not include, in the alternative, more than (a) 2 Canada geese or its subspecies; (b) 2 white-fronted geese; or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

[3] Shooting hours for waterfowl and coots in the States of Alabama, Arkansas, Louisiana, Mississippi, Ohio, and Tennessee, shall be one-half hour before sunrise to one-half hour before sunset.

[4] Louisiana: Waterfowl and coots, Nov. 2-Jan. 10: *Provided*, That for lands and waters of the State of Louisiana lying easterly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana to latitude 31° N., the season shall be Nov. 7-Jan. 15.

[5] Mississippi: Waterfowl and coots, Nov. 7-Jan. 15: *Provided*, That for lands and waters of the State of Mississippi lying westerly of the center line of the main navigable channel of the Mississippi River from the northerly boundary of Louisiana to latitude 31° N., the season shall be Nov. 2-Jan. 10.

[6] Ohio: Waterfowl and coots, Oct. 18-Dec. 26: *Provided*, That for Pymatuning Reservoir in Ashtabula County, and ¼ mile distant in any direction from said reservoir, the season shall be Oct. 15-Dec. 23 and the shooting hours for the area described shall be one-half hour before sunrise to sunset.

(e) *Central Flyway States.*

	Ducks	Coots	Geese (except Ross's geese)	Wilson's snipe
Daily bag limits	[1] 5	10	[2] 6	8
Possession limits	[1] 10	10	[2] 6	8
Seasons—				
Colorado	Oct. 18-Dec. 31	Nov. 17-Jan. 15	Oct. 18-Nov. 16.	
Kansas	Oct. 12-Dec. 25	Oct. 12-Dec. 10	Oct. 12-Nov. 10.	
Montana:				
East of Continental Divide	Oct. 5-Dec. 18	Oct. 5-Dec. 3	Closed season.	
West of Continental Divide	do	Oct. 5-Nov. 18	Do.	
Nebraska	do	Oct. 12-Dec. 10	Oct. 5-Nov. 3.	
New Mexico	Nov. 2-Jan. 15	Nov. 17-Jan. 15	Nov. 2-Dec. 1.	
North Dakota	Oct. 1-Dec. 14	Oct. 1-Nov. 29	Oct. 1-Oct. 30.	
Oklahoma	Oct. 19-Jan. 1	Oct. 19-Dec. 17	Dec. 3-Jan. 1.	
South Dakota	Oct. 5-Dec. 18	Oct. 5-Dec. 3	Oct. 5-Nov. 3.	
Texas [3]	Nov. 1-Jan. 14	Nov. 1-Dec. 30	Dec. 16-Jan. 14.	
Wyoming:				
Teton County and that part of Lincoln County within the drainages of Bear, Salt, Grey's and Snake Rivers.	Oct. 11-Dec. 24	Oct. 11-Dec. 24	Closed season.	
Remainder of State	do	Oct. 26-Dec. 24	Do.	

[1] Wood ducks and mergansers: Daily bag and possession limits may not include more than 1 wood duck and 1 hooded merganser. In addition to the daily bag and possession limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, possession limit 10, singly or in aggregate of both kinds.

[2] Geese: In all States (except in Teton County and that part of Lincoln County, Wyoming within the drainages of the Bear, Salt, Greys, and Snake Rivers, and west of the Continental Divide in Montana) such limit may not include in the alternative, more than (a) 2 Canada geese or its subspecies; or (b) 1 Canada goose or its subspecies and 1 white-fronted goose. In Teton County and that part of Lincoln County, Wyoming within the drainages of Bear, Salt, Greys, and Snake Rivers, and west of the Continental Divide in Montana, the bag limit on geese may not include more than (a) 1 Canada goose or its subspecies; or (b) 1 Canada goose or its subspecies and 1 white-fronted goose. In no event may such limits contain more than 1 white-fronted goose. Closed season on Canada geese or its subspecies in Moffat County, Colorado. Closed season on snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, and in the entire State of Wyoming.

[3] Texas: Closed season on black-bellied tree ducks.

(f) *Pacific Flyway States.*

	Ducks	Geese (except Ross's geese)	Coots and Gallinules (singly or in aggregate)	Brant	Wilson's snipe
Daily bag limits	[1] 5	[2] 6	25	3	8
Possession limits	[1] 10	[2] 6	25	3	8
Season in—					
Arizona [2]	Oct. 12-Jan. 14		Closed season	Closed season.	
California [3]	do		Dec. 8-Feb. 15	Dec. 1-Dec. 30.	
Idaho [3] [4]	Oct. 5-Jan. 7		Closed season	Oct. 5-Nov. 3.	
Nevada	See footnote 4		do	Do.	
Oregon	Oct. 12-Jan. 14		Nov. 16-Jan. 24	Nov. 16-Dec. 15.	
Utah [3]	Oct. 5-Jan. 7		Closed season	Closed season.	
Washington	Oct. 13-Jan. 15		Dec. 8-Feb. 15	Nov. 2-Dec. 1.	

[1] In all States except California, the daily bag limit is 5 and the possession limit is 10. These limits may be increased to 8 and 13 respectively, provided such limits contain not less than 3 pintails, 3 widgeons, or 3 of these species in the aggregate. In California the daily bag and possession limit is 6, which may be increased to 9, provided such limit contains not less than 3 pintails, 3 widgeons, or 3 of these species in the aggregate. Wood ducks and mergansers: Daily bag and possession limits in all States may not include more than 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, possession limit 10, singly or in aggregate of both kinds.

[2] Geese: Not more than 3 of the dark species of geese may be included in the daily bag and possession limit: *Provided*, that in the counties of Yuma and Mohave, Arizona; the counties of Bear Lake, Caribou, and Bonneville, Idaho; Clark county, Nevada; and the entire State of Utah, the daily bag and possession limit may not include more than 1 Canada goose or its subspecies: *Provided further*, That a closed season is prescribed on Canada geese and its subspecies in California Fish and Game District No. 22 (as defined in the California Fish and Game Code).

[3] Idaho: Closed season on snow geese in the counties of Clark, Fremont, Madison, and Teton.

[4] Nevada: Ducks and geese, Oct. 5-Jan. 7: *Provided*, That in that portion of the State lying south and east of a line beginning at a point where Highway 91 intersects the Arizona-Nevada State line; thence following Highway 91 to Las Vegas; thence following Highway 95 to its intersection with the California-Nevada State line, the season shall be Oct. 12-Jan. 14.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.)

The foregoing amendments shall become effective on October 1, 1957.

Issued at Washington, D. C., and dated August 28, 1957.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 57-7167; Filed, Aug. 30, 1957; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 CCC Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

SUBPART—1957 COTTON LOAN PROGRAM

SCHEDULE OF BASE LOAN RATES FOR WAREHOUSE-STORED UPLAND COTTON; CORRECTION

The above document published August 23, 1957 (22 F. R. 6812) should read as follows:

LOUISIANA

From—

Farriday; Concordia 32.41

To—

Ferriday; Concordia 32.41

SOUTH CAROLINA

From—

Dumbarton; Barnwell 33.19

To—

Dunbarton; Barnwell 33.19

[SEAL] F. MARION RHODES,
Director,
Cotton Division,
Commodity Stabilization Service.

[F. R. Doc. 57-7178; Filed, Aug. 30, 1957; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

EXEMPTION FROM REQUIREMENT OF TOLERANCE FOR RESIDUES OF CHLOROPICRIN

A petition was filed with the Food and Drug Administration requesting that chloropicrin be exempted from the requirement of a tolerance when used as a fumigant for cottonseed and certain grains. The request for an exemption with respect to cottonseed was subsequently withdrawn.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which exemptions are being established in this order.

After consideration of the data submitted in the petition and other relevant material which show that the exemptions from the requirement of a tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.155 *Exemption from the requirement of a tolerance for residues of chloropicrin.* Chloropicrin is exempted from the requirement of a tolerance for residues when used as a fumigant for the following grains: Barley, buckwheat, corn, oats, rice, rye, grain sorghum, wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: August 29, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-7244; Filed, Aug. 30, 1957; 11:04 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.328]

PART 75—UNITED STATES MUNITIONS LIST; ENUMERATIONS OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR, INCLUDING TECHNICAL DATA RELATING THERETO; AND REGULATIONS GOVERNING SAME

MISCELLANEOUS AMENDMENTS

The regulations of the Secretary of State, issued August 26, 1955, as amended May 15, 1956 and November 5, 1956, are amended as follows:

1. Section 75.49 (a) is amended to read:

§ 75.49 *Licenses filed with collectors of customs.* (a) Export or import licenses shall be filed prior to exportation or importation with the collector of customs at the port through which the shipment authorized is being made. Shippers' export declarations (United States Department of Commerce Form 7525-V) must also be filed with and authenticated by the collector before the commodities are exported. (See also § 75.51.)

2. Section 75.76 is amended to read:

§ 75.76 *Aircraft of foreign registry entering the United States.* (a) Collectors of customs are authorized to permit aircraft of foreign registry to enter and depart from the United States without requiring the presentation of an individual license, provided it is established to their satisfaction that the country of ultimate destination is the same as the country of origin and that the airplane will not be sold or disposed of in the United States and will not remain in the United States in excess of a period of six months.

(b) This section does not apply to aircraft returning to the United States for major overhaul or the installation of major components and re-export. The provisions of § 75.77 are applicable to such aircraft.

3. Section 75.77 is amended to read:

§ 75.77 *Articles returned to the United States for repair or overhaul and re-export.* (a) Collectors of customs are authorized on presentation of satisfactory evidence to permit arms, ammunition, and implements of war, which have been legally exported from the United States and which are returned to the United States worn or damaged for repair and re-export to the country of origin, to enter the United States without requiring the presentation of an import license (subject to the provisions § 75.83). An individual export license, however, is required before such articles may be re-exported.

(b) In the case of aircraft, however, an export license is required for its re-export only when it has undergone a major overhaul or major components were installed thereon during its stay in the United States. The articles listed below shall be considered as major components of aircraft:

(1) Air frames and components thereof:

Fuselages or hulls.
Wings, wing panels, and sections.
Rudders and fins.

(2) Complete engines and superchargers including jet engines and afterburners.

(3) Propellers:

Complete assemblies.
Propeller blades.

(4) Landing gears:

Complete assemblies.
Wheels.
Tires and tubes.
Brakes.

(5) Automatic pilots.
(6) Aircraft radio:

Transmitters.
Receivers.

(7) Aircraft radar.
(8) Components, instruments, accessories and attachments peculiarly military in nature which are installed in or attached to tactical aircraft shall be considered as major components.

4. Section 75.102 is amended to read:

§ 75.102 *Transmission of technical information.* The export controls established under the provisions of section 414 of the Mutual Security Act of 1954 relating to technical data cover the exportation of technical information on articles designated as arms, ammunition, and implements of war in the United States Munitions List, regardless of whether the actual transmission of such information is accomplished by mail, by hand, through American technical personnel sent abroad or through release to foreign nationals in the United States.

5. Sections 75.110, 75.111, 75.112, 75.113 and 75.114 are amended to read:

§ 75.110 *Exportation of technical data.* (a) A written approval by the Secretary of State is required in all cases for the exportation of unclassified technical data to any of the destinations referred to in § 75.140 (f) (see also § 75.2).

(b) A written approval is also required for the exportation of such data to all other destinations except when otherwise exempted by §§ 75.111 to 75.160 or when it is in published form and is (1) sold at newsstands or bookstores; (2) available by subscription or purchase to any individual without restriction; or (3) granted second class mailing privilege by the United States Government.

(c) The written approval may take the form of a Department of State license or letter.

(d) Classified military information including classified technical data may only be transferred or exported on a Government to Government basis. Should such data be involved in any proposed transaction the matter must be taken up with the Department of State by letter. Such a letter should contain full details of the proposed transaction and be accompanied by additional documents that might assist in the consideration of the proposal. Requests and documents submitted for this purpose should be in quadruplicate.

§ 75.111 *Shipment by or to the United States Government.* The exportation of technical data relating to arms, ammunition, and implements of war by a defense agency of the United States Government is not subject to the provisions of Section 414 of the Mutual Security Act of 1954. A written approval or an export license is not required when the United States Government or an agency thereof is the consignee unless a private individual or firm is involved in the shipping or mailing procedures.

§ 75.112 *Importation of technical data.* No written approval is required for technical data imports.

§ 75.113 *Canadian shipments.* Collectors of customs or postal authorities may permit unclassified technical data to be exported to Canada without the presentation of written approval or release certificate.

§ 75.114 *Exportation of technical data with patent applications.* The exportation of technical data relating to arms, ammunition and implements of war with any patent application for foreign patents is subject to the jurisdiction of the Secretary of State. A Department of State written approval or export license is required for the exportation of unclassified technical data included as part of or with an application for a foreign patent. If the subject mat-

ter is covered by a secrecy order, the provisions of § 75.110 (d) are applicable.

6. Sections 75.120, 75.121, 75.122, 75.123, 75.124, and 75.125 are amended to read:

§ 75.120 *Unclassified technical data relating to sales bulletins, operation manuals, etc.* Collectors of customs or postal authorities may permit the exportation without written approval to any destination other than those listed in § 75.140 (f) of unclassified technical data in the form of sales bulletins, operational, maintenance and sales promotion manuals which relate to equipment previously approved for export.

§ 75.121 *Unclassified technical data on civil aircraft equipment.* Collectors of customs or postal authorities may permit the exportation without written approval (subject to the provisions of § 75.140) of unclassified technical data relating to all civil aircraft, including components and parts therefor, except unclassified technical data containing advanced designs, processes and manufacturing techniques.

§ 75.122 *Unclassified technical data on small arms and ammunition.* Collectors of customs or postal authorities may permit exportation without written approval (subject to the provisions of § 75.140) of unclassified technical data relating to all civil aircraft, including components and parts therefor, except unclassified technical data containing advanced designs, processes and manufacturing techniques.

§ 75.123 *Technical data imported from abroad.* Collectors of customs or postal authorities are authorized to permit exportation without written approval of unclassified technical data which has been imported from abroad and is being returned to the country of origin.

§ 75.124 *Contracts with other Government agencies.* Collectors of customs or postal authorities may permit the exportation of unclassified technical data without written approval when such shipment is directly in furtherance of a contract with an agency of the United States Government or a contract between an agency of the United States Government and a foreign manufacturer or other foreign entity, provided the contract specifically calls for transmission of relevant technical data.

§ 75.125 *Special licensing agreements.* (a) Collectors of customs or postal authorities may permit exportation without specific Department of State written approval or license of unclassified technical data being exported directly in furtherance of a licensing agreement, covering specific items, which has been submitted to the Department of State for review and to which the Department of State has, in writing, expressed no objection, unless a new design, process or manufacturing technique is involved.

(b) Collectors of customs and postal authorities may permit the exportation without specific Department of State written approval or license of unclassified technical data being exported directly in furtherance of a licensing agreement covering specific items effective prior to February 1, 1954, whether or not previously submitted to the Department of State, unless a new design, process or manufacturing technique is involved.

7. Section 75.140 is amended to read:

§ 75.140 *Specific requirements relating to technical data exemptions.* The specific requirements relating to technical data exemptions in this section should be referred to in accordance with the procedure set forth in § 75.160.

(a) Under the exemption provided by § 75.120 an exporter must certify that the technical data being exported without written approval does not contain advanced designs, processes and manufacturing techniques and that the type of equipment to which the technical data relates has previously been exported.

(b) Under the exemptions provided by §§ 75.121 and 75.122 the exporter must certify that the technical data being exported without written approval does not contain advanced designs, processes and manufacturing techniques.

(c) Under the exemption provided by § 75.123 the exporter must certify that the technical data being exported without written approval was imported from abroad and is being returned to the country of origin.

(d) Under the exemption provided by § 75.124 the exporter must certify that the technical data being exported without written approval is being shipped directly in furtherance of a contract with an agency of the United States Government or a contract between an agency of the United States Government and a foreign manufacturer.

(e) Under the exemption provided by § 75.125 the exporter must certify that the technical data being exported without written approval is being shipped directly in furtherance of a licensing agreement to which the Department of State has, in writing, expressed no objection and which does not pertain to a more recent design, process or manufacturing technique. If the shipment being exported without written approval relates to a licensing agreement antedating February 1, 1954, the exporter must certify that the shipment does not pertain to a more recent design, process or manufacturing technique.

(f) Under any of the above exemptions, the exporter must also certify that the technical data is not intended for the Soviet Union, Soviet bloc countries, Communist China, North Korea, and that part of Viet-Nam which lies north of approximately the 17th parallel and any of the territories of free Viet-Nam or Laos which are under de facto control of the Communists, or any other area that may come under Communist control.

8. Section 75.160 is amended to read:

§ 75.160 *Procedures for mailing or shipping technical data.* (a) If written approval is required in connection with the exportation of technical data, such written approval must be presented to the customs or post office at the time of mailing or shipping.

(b) If the exemptive provisions apply, the exporter may comply with the special requirements as to certification by plainly marking the package or envelope "22 CFR 75.140 complied with". This would mean that he certified that one of the exemptions referred to in § 75.140 applies and that he has complied with the conditions set forth therein.

9. The following caption and sections are added under the authority of section 6A of the Air Commerce Act of 1926 as amended:

FOREIGN MILITARY AIRCRAFT FLIGHTS

§ 75.200 *Foreign military flight clearances.* Foreign governments desiring to overfly or land on United States territory are required to obtain written authorization to do so in advance from the Department of State. As a minimum requirement the request for such an authorization should state the purpose of the flight, identify the aircraft, name the crew and give the scheduled itinerary.

§ 75.201 *Use of military installations.* Requests by foreign governments for authorization to land their military aircraft at United States military installations should have the approval of the defense agency owning or leasing the military installations in addition to the required authorization of the Secretary of State. Requests for authorization to visit a military installation should be made to the defense agency concerned as far in advance as possible and no later than 72 hours in advance of the arrival date. It should contain information outlined in § 75.202. The request to the Department of State should be made at about the same time furnishing it with the same information.

§ 75.202 *Required information.* Foreign governments requesting permission for military aircraft to land at military installations in the United States should support the request with the following information:

(a) The purpose of the flight,
(b) The type and identity of the aircraft,
(c) Names of crew,
(d) Names and nationality of passengers,
(e) Dates of arrival and departure at each point,
(f) Special services and facilities desired.

§ 75.203 *Reciprocal arrangements.* Reciprocal arrangements have been entered into with certain countries concerning military flights. Such arrangements have the effect of modifying or eliminating the necessity of obtaining prior clearances under the conditions set forth in the agreements.

10. Section 75.195 is replaced by the following provisions.

ADMINISTRATIVE PROCEDURE

§ 75.300 *Administrative Procedures Act.* (a) The functions conferred by section 414 of the Mutual Security Act of 1954 are excluded from the operation of the Administrative Procedures Act (60 Stat. 237), as contemplated by section 1003 thereof.

(b) The functions conferred by section 6A of the Air Commerce Act of 1926 as amended are excluded from the operations of the Administrative Procedures Act as contemplated by section 1003 thereof.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934, sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

Dated: August 22, 1957.

For the Secretary of State.

[SEAL] RODERIC L. O'CONNOR,
Administrator,
Bureau of Security
and Consular Affairs.

[F. R. Doc. 57-7152; Filed, Aug. 30, 1957; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6251]

[Regulations 43]

PART 101—TAXES ON ADMISSIONS, DUES, AND INITIATION FEES

REQUIREMENTS WITH RESPECT TO CREDIT OR REFUND OF TAXES

Regulations 43 (1941 edition) (26 CFR (1939) Part 101) and such regulations 43 (1941 edition) as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954, are each amended, effective as of January 1, 1955, as follows:

PARAGRAPH 1. Section 101.41 is amended to read as follows:

§ 101.41 *Credits.* (a) Every person required to pay tax, or to collect and pay tax, who overpays from his own funds tax on any quarterly return may, in cases where the overpayment was the result of a clerical or mechanical error, take credit for such overpayment against the tax due on a subsequent quarterly return.

(b) Every person required to collect tax, who makes a refund of any payment on which tax has been collected, may repay therewith the amount of tax collected on such payment and take credit for the amount so repaid against the tax due on a subsequent quarterly return.

(c) Any quarterly return on which a credit is taken shall have attached thereto a written statement explaining the reason or reasons for claiming the credit, setting forth the amount of each kind of tax, and the portion thereof chargeable to each quarter's tax payment which is claimed to have been overpaid or overcollected, and stating whether a claim for refund with respect to any of the amounts involved has been filed, either with the district director or the Commissioner. To the extent that credit claimed on a return filed by a collecting agency is based on refunds or adjustments made with persons who paid the tax, the statement shall show that the collecting agency has refunded the tax to the persons involved or has obtained the written consent of such persons to the allowance of the credit. The written consent must be forwarded to the district director with the return on which the credit is taken. In the case of dues or initiation fees, a complete list of the members making excess payments must also be forwarded to the district director with the return on which the credit is taken. In the case of the cabaret tax (see § 101.13), the taxpayer may take credit for any tax erroneously or illegally paid, but only if it is established by a written statement under the penalties of perjury or other sufficient evidence that (1) the claimant has neither included the tax in the price of the admission, refreshment, service, or merchandise, with respect to which it was imposed nor collected the amount of the tax from the vendee of such admission, refreshment, service, or merchandise, and (2) no claim for refund of such overpayment has been filed in the manner provided for in § 101.42.

(d) A complete and detailed record of all credits taken shall be maintained and made available for inspection by internal revenue officers for four years from the date the the return is filed on which the credit is taken.

PAR. 2. Section 101.42 is amended to read as follows:

§ 101.42 *Abatement or refund of erroneous or illegal assessments or collections.* (a) A claim for abatement or refund of taxes alleged to have been erroneously or illegally assessed or paid (or of any interest or penalties assessed or collected without authority) shall be prepared on Form 843 and presented within the applicable statutory period of limitations to the district director for the district in which the amount claimed was assessed or paid.

(b) Where a collecting agency has erroneously or illegally overpaid from its own funds any tax, the collecting agency may claim a refund of the overpayment. In case a collecting agency has erroneously or illegally overcollected and overpaid any tax, the collecting agency may claim a refund of the amount so overcollected and overpaid, but only if it is established by a written statement under the penalties of perjury or other sufficient evidence that (1) the tax so overcollected and overpaid has been repaid to the person from whom collected, or the collecting agency has obtained the written consent of such person to the allowance of the refund, and (2) no credits have been taken for the alleged overpayment in the manner provided for in § 101.41. In the case of dues or initiation fees, an alphabetical list of the names of the members making excess payments, showing the amount of the overpayment made on behalf of each, and the dates on which such overpayments were made to the district director must also be submitted with the refund claim.

(c) Where an amount claimed was paid directly by the taxpayer to the district director, the claim must be made in the name of the taxpayer and shall set forth the date and place of payment and such additional data as is necessary to support the claim. If a collecting agency has erroneously or illegally overcollected and overpaid a tax, the person from whom such tax was collected may file a claim in his own name for refund of the overpayment. The claim shall set forth the facts on which the claim for refund is based, including a statement that no repayment of the tax alleged to have been overpaid or any part thereof has been made to the claimant by the collecting agency and that the claimant has not consented to the allowance of credit or refund of such tax or any part thereof to the collecting agency. A statement of a responsible officer of the collecting agency, or other sufficient evidence, showing the amount or amounts paid to the collecting agency to which the claim relates, the date or dates of such payments, and the date or dates when such agency paid over such amounts to the district director, shall be attached to the claim. In the case of the cabaret tax (see § 101.13), the taxpayer may claim a refund of such tax erroneously or illegally paid, but only if it is established by a written statement under the penalties of perjury or other sufficient evidence that (1) the claimant has neither included the tax in the price of the admission, refreshment, service, or merchandise, with respect to which it was imposed nor collected the amount of the tax from the vendee of such admission, refreshment, service, or merchandise, and (2) no credits have been taken for the alleged overpayment in the manner provided for in § 101.41.

(d) A complete and detailed record with respect to all abatements or refunds claimed shall be maintained and made available for inspection by internal revenue officers for four years from the date the claim is filed.

(53 Stat, 467, sec. 7805, 68A Stat. 917; 26 U. S. C. 3791, 7805)

Because this Treasury decision liberalizes the requirements of existing regulations with respect to claims for credit or refund of taxes on admissions, dues, and initiation fees, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of such act.

[SEAL] O. GORDON DELK,
Acting Commissioner
of Internal Revenue.

Approved: August 27, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7153; Filed, Aug. 30, 1957; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 57-23]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

MISCELLANEOUS AMENDMENTS

By virtue of the authority contained in section 280, title 10, U. S. Code, the

act of October 12, 1949, as amended (63 Stat. 825, 826), the act of August 2, 1946, as amended (60 Stat. 854), and title 14, U. S. Code, the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

PROCUREMENT

GENERAL REQUIREMENTS

1. Subparagraph (8) of paragraph (a) of § 8.2102 is hereby amended to read as follows:

(8) A person who is drawing retired pay from the Government of the United States on account of his own military service.

INSTRUCTION AND TRAINING

TRAINING OF RESERVE

2. Section 8.5306 is hereby amended to read as follows:

§ 8.5306 *Equivalent instruction or duty.* (a) Periods of equivalent instruction or duty are analogous to regular drills and may be performed for the sole purpose of substituting for regular drills which were missed. Under instructions issued by the Commandant, the commanding officer will determine which members of his unit may perform such instruction or duty.

(b) Subject to instructions issued by the Commandant, periods of equivalent instruction or duty may be performed with or without pay and shall be scheduled in advance by the commanding officer of the unit or by the district commander who will coordinate such periods of equivalent instruction or duty with the commanding officer of the facility where training is to be conducted. The commanding officer of the appropriate unit will certify periods of equivalent instruction or duty as having been performed. In areas where 2 or more units are located within a reasonable distance of each other and in the same Coast Guard district, the district commander may schedule periods of equivalent instruction or duty to be attended by members of all such units who are authorized by their commanding officers to perform such instruction or duty.

(c) Equivalent instruction or duty must be:

(1) A period of not less than 2 hours' duration but, in any event, not less than the duration of a regularly scheduled drill.

(2) Conducted on a day other than the one on which a regular drill is scheduled for the individual or for the unit.

(3) Performed by the member not more frequently than is prescribed by the Commandant.

(d) Members assigned to interservice training shall be allowed to perform periods of equivalent instruction or duty with or without pay under the same circumstances and to the same extent as is prescribed for members of the unit belonging to the service conducting the training except that interservice trainees not assigned in a drill pay status shall not be allowed to perform equivalent instruction or duty with pay.

(e) Periods of equivalent instruction or duty shall not be credited for purposes of competitive standing in any competition.

PAY, ALLOWANCES, AND COMPENSATION

ACTIVE DUTY PAY AND ALLOWANCES

3. A new § 8.7120 is hereby added as follows:

§ 8.7120 *Command pay.* (a) In addition to any other pay to which he may be entitled, a commanding officer of an Organized Reserve Training Unit or units who satisfactorily performs the administrative duties and responsibilities of a commanding officer may receive compensation at the rate of not less than $36 nor more than $240 per year.

(b) The exact amount of compensation shall be as prescribed by the Commandant based upon the authorized strength of the unit or units, the number of drills authorized to be held per year, and such other criteria as he may require.

(c) The appointment of an officer as commanding officer of an Organized Reserve Training Unit or units does not automatically entitle him to command pay. Under instructions issued by the Commandant, district commanders shall certify commanding officers of such unit or units as being entitled to command pay and shall withdraw such certification at the beginning of any quarter if, during the preceding quarter, there has occurred a failure to discharge faithfully and efficiently the administrative duties and responsibilities of command.

(d) Notwithstanding the provisions of paragraph (a) of this section, entitlement to command pay shall not accrue for any period during which the commanding officer is performing active duty or active duty for training.

(e) Procedures for certification of entitlement to and for payment of command pay shall be as prescribed in the Comptroller Manual.

COMPENSATION FOR INJURIES

4. Section 8.7204 is hereby amended to read as follows:

§ 8.7204 *Reservists in receipt of a pension, disability compensation, or retired pay.* (a) Except as provided for in § 8.7205, Reservists ordered to perform active duty, active duty for training, or inactive duty training in a pay status who are in receipt of a pension, disability compensation, or retired pay from the Government of the United States by virtue of prior military service may elect to receive compensation for such duty in lieu of the pension, disability compensation, or retired pay. They shall not be entitled to both.

(b) Except as provided for in § 8.7205, no Reservist may be certified to receive pay and allowances unless he has completed an affidavit stating that he is not drawing a pension, disability compensation, or retired pay from the Government of the United States by virtue of prior military service or has executed a waiver of such compensation for the period of duty to be performed in a pay status for the current fiscal year.

(c) The form and disposition of the affidavit or waiver shall be as prescribed in the Comptroller Manual.

5. Section 8.7205 is hereby amended to read as follows:

§ 8.7205 *Suspension of pension, disability compensation, or retired pay for Reservists ordered to extended active duty in time of war or national emergency.* (a) The law provides for the suspension of the pension, disability compensation, or retired pay of a Reservist who, having been found physically qualified, is ordered to extended active duty in excess of 30 days in time of war or national emergency unless such compensation is greater than the pay and allowances which he would receive for the performance of active duty. The law further provides that, if suspended, payment of pension, disability compensation, or retired pay shall be resumed upon termination of the period of such active duty.

(b) If the pension, disability compensation, or retired pay is less than the pay and allowances which the Reservist would receive for the performance of active duty, he shall be certified to receive such pay and allowances. If the reverse is true, the Reservist shall not be certified to receive active duty pay and allowances.

(c) Prompt notice of entry upon or release from active duty of a Reservist under the conditions enumerated in this section shall be given to the appropriate agency of the government which notice shall reflect the facts of each individual case. In appropriate cases, the notice shall request such agency to suspend the pension, disability compensation, or retired pay, as applicable.

UNIFORMS

GENERAL

6. Section 8.8101 is hereby amended to read as follows:

§ 8.8101 *Uniform requirements.* (a) Except for temporary members of the Coast Guard Reserve, the provisions of the U. S. Navy Uniform Regulations, As Amended for Coast Guard Use, shall apply to personnel and former personnel of the Coast Guard Reserve.

(b) The uniform for temporary members of the Coast Guard Reserve and the provisions concerning the wearing thereof shall be as prescribed by the Commandant.

7. Sections 8.8102 and 8.8103 are hereby deleted.

(Sec. 1, 63 Stat. 503, as amended, 545, sec. 280, 70A Stat. 14; 14 U. S. C. 92, 633, 10 U. S. C. 280).

Approved: June 21, 1957.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

Concurred in: August 15, 1957.

THOMAS S. GATES, Jr.,
Secretary of the Navy.

[F. R. Doc. 57-7169; Filed, Aug. 30, 1957; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1472]

[Fairbanks 012980]

ALASKA

WITHDRAWING LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE FOR COMMUNICATIONS SYSTEM PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force in connection with Sparrevohn White Alice Site:

MOUNT SPARREVOHN AREA

Beginning at a point from which the U. S. C. and G. S. Station "spar" latitude 61°07'11.275" N., longitude 155°35'42.261" W., bears N. 22°05' E. approximately 4,415 feet, thence
South, 800 feet;
West, 800 feet;
North, 800 feet;
East, 800 feet to point of beginning.

The tract described contains 14.69 acres.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 27, 1957.

[F. R. Doc. 57-7147; Filed, Aug. 30, 1957; 8:45 a. m.]

[Public Land Order 1473]

[BLM 72175]

[DA-8]

MINNESOTA

POWER SITE RESTORATION NO. 523; REVOCATION OF POWER SITE RESERVE NO. 166 IN ITS ENTIRETY, AND NO. 185 IN PART

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of December 16, 1910, which withdrew the following-described lands as Power Site Reserve No. 166, is hereby revoked:

FOURTH PRINCIPAL MERIDIAN

T. 62 N., R. 21 W.,
Sec. 4, lot 4.

2. The Executive order of May 16, 1911, creating Power Site Reserve No. 185 is hereby revoked so far as it affects the following-described lands:

FOURTH PRINCIPAL MERIDIAN

T. 62 N., R. 21 W.,
Sec. 1, W½SW¼;
Sec. 4, lot 4 and S½NW¼.
T. 63 N., R. 21 W.,
Sec. 29, lot 4.
T. 63 N., R. 22 W.,
Sec. 4, lot 12;
Sec. 5, lot 10;
Sec. 6, lots 3, 4, 6, and 7;
Sec. 13, lot 10;
Sec. 14, lot 1.
T. 64 N., R. 22 W.,
Sec. 31, lot 3.

The areas described aggregate 424.81 acres.

3. The lands are best suited for timber production. There is a little marginal agricultural activity in the area.

4. No application for the restored lands may be allowed under the homestead, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the public lands released from withdrawal by this order, are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Small Tract Laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m. on October 2, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 1, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs 5 (a) (1) and 5 (a) (2) above, and applications and offers under the mineral-leasing laws presented prior to 10:00 a. m. on January 1, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The lands have been open to applications and offers under the mineral-leasing laws.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. The restored lands shall be subject until 10:00 a. m. on January 1, 1958, to application by the State of Minnesota under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

Inquiries concerning the lands shall be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D. C.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 27, 1957.

[F. R. Doc. 57-7148; Filed, Aug. 30, 1957; 8:45 a. m.]

[Public Land Order 1474]

[New Mexico 011867]

NEW MEXICO

CORRECTING PUBLIC LAND ORDER NO. 1095 OF MARCH 15, 1955, WHICH RESERVED LANDS WITHIN SANTA FE NATIONAL FOREST FOR USE OF THE FOREST SERVICE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

In Federal Register Document 55-2251, appearing as Public Land Order No. 1095 at page 1660 of the issue for Saturday, March 19, 1955, the land description of the Capulin Forest Camp, so far as such description refers to lands in T. 23 N., R. 2 E., is corrected to read T. 23 N., R. 1 E.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 27, 1957.

[F. R. Doc. 57-7149; Filed, Aug. 30, 1957; 8:45 a. m.]

[Public Land Order 1475]

[73409]

CALIFORNIA AND NEVADA

POWER SITE RESTORATION NO. 530; PARTIALLY REVOKING THE EXECUTIVE ORDERS OF JULY 2, 1910, SEPTEMBER 14, 1910 AND SEPTEMBER 21, 1916 WHICH CREATED POWER SITE RESERVES NOS. 58, 150 AND 555 RESPECTIVELY

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive orders of July 2, 1910, September 14, 1910, and September 21, 1916, which created Power Site Reserves Nos. 58, 150, and 555 respectively, are hereby revoked so far as they affect the following-described lands:

EAST WALKER RIVER, CALIFORNIA AND NEVADA

POWER SITE RESERVE NO. 58

Mount Diablo Meridian, California

T. 3 N., R. 25 E.,
Sec. 2, W½ and W½SE¼;
Sec. 4, W½NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, and NW¼SE¼;
Sec. 11, W½NE¼, SE¼NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 14, NE¼, E½NW¼, E½SW¼, N½SE¼, and SE¼SE¼;
Sec. 23, NE¼NE¼ and E½NW¼;
Sec. 26, SE¼NE¼, E½NW¼, SW¼, NE¼SE¼, and S½SE¼;
Sec. 34, NE¼, S½NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 35, N½NW¼ and SW¼NW¼.
T. 4 N., R. 25 E.,
Sec. 22, SE¼NW¼, SW¼, and W½SE¼;
Sec. 26, SW¼SW¼;
Sec. 27, W½NE¼, SE¼NE¼, and E½SE¼;
Sec. 28, SW¼SW¼;
Sec. 29, S½NE¼, NE¼SW¼, and SE¼;
Sec. 33, SW¼NE¼, NW¼, W½SW¼, SE¼SW¼, and W½SE¼;
Sec. 34, E½E½;
Sec. 35, W½NW¼, SE¼NW¼, and SW¼.
T. 7 N., R. 26 E.,
Sec. 31, lot 2, SW¼NE¼, SE¼NW¼, and E½SW¼.

Mount Diablo Meridian, Nevada

T. 7 N., R. 26 E.,
Sec. 25, SE¼;
Sec. 26, SW¼NW¼ and SW¼;
Sec. 27, NW¼NE¼ and SE¼NW¼;
Sec. 35, NE¼NE¼, SW¼NE¼, and NE¼NW¼;
Sec. 36, NW¼NE¼.
T. 7 N., R. 27 E.,
Sec. 4, lots 1 and 2, S½NE¼, SE¼NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 5, S½SW¼, and SE¼;
Sec. 7, NE¼NE¼, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 8, NW¼NE¼, NW¼, and W½SW¼;
Sec. 17, W½NW¼ and NW¼SW¼;
Sec. 18, lots 3 and 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼, and NE¼SE¼;
Sec. 19, lot 1, NE¼NE¼, SE¼NW¼, and SE¼SW¼;
Sec. 20, W½SW¼;
Sec. 30, lots 2, 3, 4, NE¼, and NW¼SE¼;
Sec. 31, lot 4.
T. 8 N., R. 27 E.,
Sec. 5, lot 4, S½NW¼, and NE¼SW¼;
Sec. 6, lots 1 and 2;
Sec. 8, NE¼NE¼ and NE¼SE¼;
Sec. 9, NE¼SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 15, S½SE¼;
Sec. 22, N½NE¼, SE¼NE¼, E½NW¼, NE¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 27, W½;
Sec. 28, SE¼SE¼;
Sec. 33, E½;
Sec. 34, NW¼NW¼.
T. 9 N., R. 27 E.,
Sec. 16, E½NW¼;
Sec. 21, lot 6 and NE¼SW¼;
Sec. 28, lots 1 and 2, and E½NW¼;
Sec. 31 E½SE¼.

POWER SITE RESERVE NO. 150

Mount Diablo Meridian, California

T. 5 N., R. 25 E.,
Sec. 18, SE¼NW¼.
T. 6 N., R. 25 E.,
Sec. 23, W½NW¼ and NW¼SW¼;
Sec. 26, SW¼SW¼:

POWER SITE RESERVE NO. 555

Mount Diablo Meridian, California

T. 6 N., R. 25 E.,
Sec. 27, SE¼NE¼ and NE¼SE¼.

The areas described aggregate 9,943 acres.

2. The following-described lands are within the Toiyabe National Forest and have been open to applications and offers under the mineral-leasing laws. They also have been open to location under the mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621). They will be open to such other applications, selections and locations as are permitted on national forest lands effective at 10:00 a. m. on

Mount Diablo Meridian, California

T. 6 N., R. 25 E.,
Sec. 23, W½NW¼, NW¼SW¼;
Sec. 26, SW¼SW¼;
Sec. 27, SE¼NE¼, NE¼SE¼.
T. 7 N., R. 26 E.,
Sec. 31, lot 2, SW¼NE¼, SE¼NW¼, E½SW¼.

Mount Diablo Meridian, Nevada

T. 7 N., R. 26 E.,
Sec. 26, SW¼NW¼, SW¼;
Sec. 27, NW¼NE¼, SE¼NW¼;
Sec. 31, lot 2, SE¼NW¼, SW¼NE¼, E½SW¼;
Sec. 35, NE¼NE¼, SW¼NE¼, NE¼NW¼.

3. The following lands have been patented:

Mount Diablo Meridian, California

T. 3 N., R. 25 E.,
Sec. 4, E½ of lot 2;
T. 4 N., R. 25 E.,
Sec. 22, E½SW¼, SW¼SE¼;
Sec. 29, S½NE¼, NE¼SW¼, N½SE¼.

4. The remaining lands in California are principally grazing lands, lying at an average elevation of about 7,000 feet. Those in Nevada cover some desert areas, and their chief value is also for grazing.

5. No application for the restored lands may be allowed under the homestead, desert land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals, the public lands released from withdrawal by this order, are hereby opened to filing of applications, selections, and locations in accordance with the following; any unsurveyed lands being opened to such applications, selections, and locations as are allowable on unsurveyed lands.

(a) Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications for surveyed lands under the Homestead, Desert Land, and Small Tract Laws and for unsurveyed lands under the Small Tract Laws by qualified veterans of World War II or the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m. on October 2, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 1, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs 6 (a) (1) and 6 (a) (2) above, and applications and offers under the mineral-leasing laws presented prior to 10:00 a. m. on January 1, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The lands have been open to applications and offers under the mineral-leasing laws. They also have been open to location under the U. S. mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621).

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. The restored lands shall be subject until 10:00 a. m. on January 1, 1958, to application by the States of Nevada or California, depending upon the State wherein the lands lie, under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada, or Sacramento, California, depending upon the State in which the lands are located.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 27, 1957.

[F. R. Doc. 57-7150; Filed, Aug. 30, 1957; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter C—Real Property Management

PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

PENTAGON AREA TRAFFIC AND PARKING REGULATIONS

Sections 100.21 to 100.23 are revised as follows:

Sec.
100.21 Vehicle parking.
100.22 Pedestrian traffic.
100.23 Penalties.

AUTHORITY: §§ 100.21 to 100.23 issued under sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a.

§ 100.21 *Vehicle parking.* The following regulations apply to the parking and operation of vehicles in the Pentagon area:

(a) No person shall operate or park a motor vehicle in the parking areas of or on the roads adjacent to the Pentagon contrary to the regulations in this subpart or to the directions of police officers on duty or to the directions of posted signs.

(b) The provisions of subparagraphs (1) through (6) of this paragraph are applicable from 7:30 a. m. to 6:00 p. m. Monday through Saturday, and 7:30 a. m. to 1:00 p. m. Sundays and holidays. Directions by police officers on duty will apply at all times.

(1) A valid parking permit is required for parking in the reserved sections of the Pentagon parking area and must be conspicuously displayed inside front windshield of the vehicle. (For the purposes of the regulations in this subpart a valid parking permit is a permit issued by a department parking control officer to park a specific vehicle identified by license tag number in a designated reserved parking section of the Pentagon parking area. The permit is not transferable except in the case of a properly registered car pool. The permit is automatically invalidated upon the resignation of the permit holder or cancellation by a parking control officer, change in license tag number, damage or mutilation of the permit, or loss or pilferage of the permit.)

(2) Parking in a reserved section other than that which corresponds to the permit assignment, is prohibited. If space is not available in the assigned section, the vehicle may be parked in an unreserved section in the North or West parking area. The circumstances in such a case shall be reported to the department parking control officer.

(3) Motorcycles, motor bicycles, motor scooters, and all similar type motor vehicles shall be parked in Lane 19 only. No parking permit is required.

(4) Bona fide occupants of the Pentagon, including newly assigned personnel, who have no parking assignment within the reserved section, may park only in the unreserved sections.

(5) Personnel assigned to the Pentagon on temporary duty may park only in the unreserved sections.

(6) Visitors [1] may park only in visitor's spaces as follows:

(i) *South Parking.* Three-hour parking limit in special spaces designated by posted signs.

(ii) *North Parking.* Unreserved section.

(iii) *West Parking.* Entire area.

(iv) *Mall and River Terraces.* A number of designated parking spaces are reserved for the exclusive use of Congressional, diplomatic, official and press representatives. Spaces are also available, for not to exceed a two-hour period, for certain other visitors provided permission to park is granted by the police officer on duty.

(c) Vehicles shall be parked well inside the marked parking spaces. Parking in areas other than designated parking spaces and parking in parking lanes at tree wells or in such a manner as to block or partially block such lanes is prohibited.

(d) No vehicle may be parked in excess of 18 hours in one location, unless prior permission for such extended parking has been obtained from the Captain, U. S. Special Police, Pentagon Building.

(e) No vehicle shall be parked or operated in bus lanes, except as follows:

(1) Authorized transit busses in Lanes A and B.

(2) Authorized official shuttle busses in Lane C.

(3) Taxis in Lane C.

(4) Commercial and official vehicles authorized to make delivery to concessionaires and the post office while loading and unloading at specially designated platforms in Lane C.

(f) No vehicle shall be parked on interior roads except as follows:

(1) Commercial vehicles, either official or private, while unloading and loading authorized supplies.

(2) Official cars transporting prisoners under guard.

(3) Other specially authorized vehicles.

(g) In any case charging a violation of the rules and regulations in this subpart governing the parking of a vehicle, proof that the particular vehicle involved in such stated offense was parked in violation of such rules, together with proof that the party charged with the offense was the registered owner of such vehicle at the time of such parking, shall constitute, in evidence, a prima-facie presumption that such registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

§ 100.22 *Pedestrian traffic.* Pedestrians shall not walk in roadways in and immediately outside the bus terminals, on the curb alongside stairways in bus lanes, or in other areas where such action is prohibited by posted signs.

§ 100.23 *Penalties.* Whoever shall be found guilty of violating the regulations in this subpart shall be fined not more than $50.00 or imprisoned for not more than thirty days, or both.

Dated: August 26, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-7154; Filed, Aug. 30, 1957; 8:46 a. m.]

[1] Only nonoccupants of the Pentagon are recognized as bona fide visitors.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Docket No. 32260]

PART 205—REPORTS OF MOTOR CARRIERS

MOTOR CARRIER HOLDING COMPANIES

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 14th day of August A. D. 1957.

The matter of motor carrier annual reports being under consideration pursuant to provisions of section 220 (a) of the Interstate Commerce Act, as amended (49 Stat. 563, as amended, 49 U. S. C. 320); and,

It appearing, that by orders entered in various motor carrier finance proceedings certain persons which are not motor carriers have been found and declared to be subject to the reporting requirements for motor carriers by reason of the ownership of securities issued or assumed by motor carriers; and,

It further appearing, that the regulation hereinafter adopted is not one of general applicability, but applies to named persons previously identified in orders of this Commission, so that the public rule making requirements of section 4 (a) of the Administrative Procedure Act are deemed to be unnecessary, and for purposes of proper administration of Part II of the act:

It is ordered, That the following section be, and it is hereby, approved to become effective upon due notice to the persons which are to be subject to its provisions:

§ 205.2 *Motor carrier holding companies.* Each person which is not a motor carrier, but which shall be considered a motor carrier subject to provisions of section 220 of the Interstate

Commerce Act by reason of effective control over one or more motor carriers through ownership of securities issued or assumed by such controlled motor carrier or carriers, shall file a report of its financial transactions during the year 1956 in accordance with Motor Carrier Annual Report Form A as prescribed in § 205.1. Such reports hereby required to be filed shall be complete as to all schedules, declarations, replies, attachments, and other requirements of Motor Carrier Annual Report Form A, other than those which relate solely to the direct ownership and operation of highway equipment, and shall be filed in duplicate with the Interstate Commerce Commission, Washington, D. C., on or before November 1, 1957. Such persons shall also file similar reports annually, prepared in accordance with requirements for compiling Motor Carrier Annual Report Form A, as those requirements are now in effect or may in the future be modified, for each succeeding calendar year beginning with the year 1957, such annual reports to be filed in duplicate with the Commission on or before March 31 of the year following the one to which the report relates.

It is further ordered, That this order shall be served on each person which by previous order of the Commission has been found and declared to be subject to this reporting requirement, and that notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing the order with the Director of the Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7156; Filed, Aug. 30, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Maritime Administration

[46 Parts 296, 298]

FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

EXTENSION OF TIME ON PROPOSED RULE MAKING

Notice is hereby given that the time within which written data, views and arguments may be filed relative to the proposed regulations governing Federal Ship Mortgage and Loan Insurance (22 F. R. 6105, August 2, 1957) is extended to and including September 20, 1957.

Dated: August 30, 1957.

CLARENCE G. MORSE, *Maritime Administrator.*

[F. R. Doc. 57-7245; Filed, Aug. 30, 1957; 11:54 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF MALATHION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by American Cyanamid Company; 30 Rockefeller Plaza, New York 20, New York proposing the establishment of tolerances of 8 parts per million for residues of malathion, from post-harvest treatment, in or on the following raw agricultural commodities: Barley, corn, oats, peanuts, rice, rye, sorghum, wheat.

The analytical method proposed in the petition for determining residues of malathion is the method published in the Journal of Agricultural and Food Chemistry, Volume II, No. 11, pages 570–573 (1954).

Dated: August 27, 1957.

[SEAL] ROBERT S. ROE, *Director, Bureau of Biological and Physical Sciences.*

[F. R. Doc. 57-7168; Filed, Aug. 30, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PAINT, VARNISH, AND RELATED PRODUCTS INDUSTRY

NOTICE OF HEARING TO DETERMINE PREVAILING MINIMUM WAGES

This matter is before the Department pursuant to the act of June 30, 1936 (49 Stat. 2036, as amended; 41 U. S. C. 35 et seq.), known as the Walsh-Healey Public Contracts Act.

The paint, varnish, and related products industry, for the purpose of this hearing, is defined to include the following: The manufacture of inorganic pigments or colors, either in dry or paste form; paints mixed ready for use or in dry or paste form, varnishes, lacquers and enamels (including industrial product finishes); filler, putty, top dressings; paint and varnish removers; furniture and floor wax; and artists' oil and water colors.

Now, therefore, notice is hereby given that a public hearing will be held on the 1st day of October, 1957, beginning at 10 a. m. in Room 1214, United States Department of Labor Building, Fourteenth and Constitution Avenue, N. W., Washington, D. C., before a duly assigned Hearing Examiner, at which hearing all interested parties may appear and submit data, views, and arguments (1) as to the propriety of the proposed definition of the industry; (2) as to what are the prevailing minimum wages in the industry; (3) as to whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry; and (4) as to whether there should be included in any determination for this industry provision for the employment of probationary workers at subminimum rates and on what terms or limitations, if any, such employment should be permitted. Employment and wage data have been prepared in the Department of Labor for consideration at the hearing and will be made available to interested parties upon request.

Persons intending to appear are requested to notify the Administrator of the Wage and Hour and Public Contracts Divisions of their intention in advance of the hearing.

Written statements of position or argument may be filed in quadruplicate with the Chief Hearing Examiner, United States Department of Labor, Washington, D. C., at any time prior to the date of the hearing by persons who cannot appear personally. Any such statement shall include the reason or reasons for nonappearance. Such statements as contain factual matter should be sworn to and will be received in evidence by the Hearing Examiner presiding at the hearing. If objection is made to the receipt of such evidence, the statement will nevertheless be received subject to the objection which will be considered to affect the weight rather than the admissibility of the statement.

The following information is particularly invited with respect to the subject matter of the testimony of each witness, or the sworn statements of persons who cannot appear personally: (1) The identity of any product not now included in the definition of the industry which should be included and of any product now included which should not be included; (2) with respect to the testimony or presentation the number and location of establishments in the industry; (3) the number of workers employed in each such establishment; (4) the minimum rates paid and the number of workers at each such establishment receiving such rates and the occupations in which they are employed; (5) at each such establishment the minimum wages paid to probationary workers, the scale of wages paid during the probationary period, the length of such period, the number of workers receiving such wages, and the occupations in which they are employed; and (6) the nature and the geographic pattern of competition within this industry. To the extent possible, data should be submitted in such manner as to permit evaluation thereof on a plant by plant basis.

This hearing shall be conducted pursuant to the rules of practice set forth in Part 203, Subpart C, of Title 41 of the Code of Federal Regulations,

Signed at Washington, D. C., this 27th day of August 1957.

JAMES T. O'CONNELL, *Acting Secretary of Labor.*

[F. R. Doc. 57-7176; Filed, Aug. 30, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

[Draft Release No. 57-16A]

AIR TRAFFIC RULES

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

AUGUST 28, 1957.

The Board gave notice in 22 F. R. 6252, and by circulation of Civil Air Regulations Draft Release No. 57-16 dated July 29, 1957, that it proposed to amend Part 60 of the Civil Air Regulations to authorize the Administrator to waive compliance with air traffic rules and to designate restricted areas.

In its notice the Board requested that interested parties submit such comment as they may desire not later than September 3, 1957.

The Board has been requested to extend the date for return of comment on the proposed rules contained in Draft Release 57-16 in order to permit a more complete evaluation of the proposal. Since such request appears to be justified, and an extension of 30 days is reasonable, notice is hereby given that the time within which comments on Draft Release No. 57-16 will be received is extended to October 3, 1957.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., August 28, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-7190; Filed, Aug. 30, 1957; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 57-40]

APPROVAL OF EQUIPMENT AND CORRECTION OF A PRIOR DOCUMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authorities cited with each item of equipment: *It is ordered*, That:

(a) All the approvals listed in this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority; and

(c) The Document CGFR 57-37 appearing in the FEDERAL REGISTER dated August 3, 1957, shall be corrected as indicated below.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 2, 3, 5 AND 6

Approval No. 160.002/60/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, and 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.002)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/40/0, 30-inch cork ring life buoy, U. S. C. G. Specification Subpart 160.009, manufactured by George Broom & Sons, 2620 Commodore Way, Seattle 99, Wash. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6 and 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 1333, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 481, 489, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.009)

DAVITS, LIFEBOAT

Approval No. 160.032/130/0, gravity davit, type G. D. 30–72–7.6, approved for maximum working load of 22,000 pounds per set (11,000 pounds per arm) using 2 part falls, identified by general arrangement dwg. No. 1497-1 dated May 8, 1951, and revised May 13, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

Approval No. 160.032/155/0, mechanical davit, straight boom sheath screw, Type B–36 (Special), approved for maximum working load of 7,210 pounds per set (3,605 pounds per arm), using two part falls, identified by arrangement dwg. No. 3671, dated December 14, 1956, and revised April 8, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.032)

LIFEBOATS

Approval No. 160.035/265/1, 24.0' x 8.0' x 3.58' aluminum, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 3328 dated January 25, 1950, and revised June 3, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/265/0 terminated in FEDERAL REGISTER August 13, 1955.)

Approval No. 160.035/316/2, 24.0' x 7.75' x 3.33' aluminum, motor-propelled lifeboat without radio cabin (Class B), 35-person capacity, identified by construction and arrangement dwg. No. 80110 dated June 12, 1956, and revised May 21, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/316/1 published in FEDERAL REGISTER December 8, 1954.)

Approval No. 160.035/354/0, 37.0' x 13.0' x 5.33' aluminum, hand-propelled lifeboat, 150-person capacity, identified by construction and arrangement dwg. No. 80083 dated June 20, 1957, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR 1952 Supp.; 46 CFR 160.035)

KITS, FIRST-AID

Approval No. 160.041/3/0, First-aid kit, Model No. 600 M, dwg. No. 100A dated Feb. 25, 1952, manufactured by Medical Supply Co., 1027 West State Street, Rockford, Ill. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec.

3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.041)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/4/2, Sound powered telephone station relay, for operation with hand generator, non-locking, splashproof, dwgs. 60–162, Alt. 4, dated April 19, 1957, manufactured by Henschel Corp., Amesbury, Mass. (Supersedes Approval No. 161.005/4/1 published in FEDERAL REGISTER October 6, 1953.)

Approval No. 161.005/29/2, Sound powered telephone station bell, vibrating, 3", 6", and 8" sizes, watertight, dwg. 20–162–2, Alt. 3, dated April 10, 1957, types 3B, 6B, 8B, 3P, 6P, 8P, 3BH, 6BH and 8BH, manufactured by Henschel Corp., Amesbury, Mass. (Supersedes Approval No. 161.005/29/1 published in FEDERAL REGISTER October 6, 1953.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 3 (c) 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 113.30–25 (a))

BOILERS, HEATING

Approval No. 162.003/23/1, Model No. 29M2, steel plate steam heating boiler, dwg. No. 266.091, revision F, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

Approval No. 162.003/24/1, Model No. 29M3, steel plate steam heating boiler, dwg. No. 266.091, revision F, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

Approval No. 162.003/25/1, Model No. 29M4, steel plate steam heating boiler, dwg. No. 266.091, revision F, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

Approval No. 162.003/37/1, Model No. 33M1, steel plate steam heating boiler, dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

Approval No. 162.003/38/1, Model 33M2, steel plate steam heating boiler, dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

Approval No. 162.003/39/1, Model No. 33M3, steel plate steam heating boiler, dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

Approval No. 162.003/40/1, Model No. 33M4, steel plate steam heating boiler, dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

Approval No. 162.003/41/1, Model No. 40M1, steel plate steam heating boiler, dwg. No. 265.091, revision E, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4434, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/38/0, American La France Model PDC–5, Series 2, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1226, alt. B dated October 19, 1956, name plate dwg. No. 33X–386, alt. C dated November 24, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American La France Corp., Elmira, N. Y.

Approval No. 162.010/39/0, American La France Model PDC–10, Series 2, 10-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1227, alt. B dated October 19, 1956, name plate dwg. No. 33X–387, alt. B dated September 27, 1956 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American La France Corp., Elmira, N. Y.

Approval No. 162.010/40/0, American La France Model PDC–20, Series 2, 20-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1230, alt. C dated October 18, 1956, name plate dwg. No. 33X–383, alt. F dated March 27, 1957 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by American La France Corp., Elmira, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, secs. 8 and 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 463a, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

VALVES, SAFETY (FOR STEAM HEATING BOILERS)

Approval No. 162.012/8/0, Fig. 629 pop safety valve, bronze body, for steam heating boilers and unfired steam generators, dwg. No. S4785, dated February 27, 1952, approved for a maximum pressure of 30 p. s. i. in the following sizes:

Size (inches)	Capacity (pounds/hour)	
	At 15 p. s. i.	At 30 p. s. i.
¾	98	148
1	163	246
1¼	204	307
1½	294	443
2	457	689
2½	653	983
3	980	1,475

manufactured by the Lunkenheimer Co., Cincinnati 14, Ohio. (Extension of the approval published in FEDERAL REGISTER July 17, 1952, effective July 17, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.012)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/24/1, Consolidated 4" Type 1661 safety relief valve for liquefied compressed gas service, carbon steel construction, internal type, valve disc seat fitted with "O" ring gasket, dwg. No. CM–4–1661, undated, approved for a maximum set pressure of 250 p. s. i., flow-rated at 110 percent of the following set pressures (discharge in cubic feet per minute of free air measured at 60° F. and 14.7 p. s. i. a.), manufactured by Manning, Maxwell & Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla.

Set pressure, p. s. i.	*Discharge capacity, c. f. m. air*
100	5,490
150	7,780
200	9,890
250	11,950

(Reinstates Approval No. 162.018/24/1 terminated in FEDERAL REGISTER April 10, 1957, effective Feb. 6, 1957.)

Approval No. 162.018/46/0, Consolidated 4" Type 1661S safety relief valve for liquefied compressed gas service, stainless steel construction, internal type, valve disc seat fitted with "O" ring gasket, dwg. No. CM–4–1661S, undated, approved for a maximum set pressure of 250 p. s. i., flow-rated at 110 percent of the following set pressures (discharge in cubic feet per minute of free air measured at 60° F. and 14.7 p. s. i. a.), manufactured by Manning, Maxwell & Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla.

Set pressure, p. s. i.	*Discharge capacity, c. f. m. air*
100	5,490
150	7,780
200	9,890
250	11,950

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, and 4491, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.018)

CORRECTION OF PRIOR DOCUMENT

The Coast Guard Document CGFR 57–37 and Federal Register Document 57–6370 published in the FEDERAL REGISTER dated August 3, 1957, is corrected by changing the phrase "oar-propelled" to "hand-propelled" in Approval No. 160.035/361/0 (22 F. R. 6254), and by changing the instruction plate drawing number from "6633" to "6683" in Approval No. 162.010/42/0 (22 F. R. 6255).

Dated: August 26, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard
Acting Commandant.

[F. R. Doc. 57–7170; Filed, Aug. 30, 1957; 8:50 a. m.]

[CGFR 57–41]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment, the following approvals of equipment are terminated because the approvals have expired. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

WINCHES, LIFEBOAT

Termination of Approval No. 160.015/53/0, Type C–70A lifeboat winch, approval is limited to mechanical components and for a maximum working load of 5,500 pounds pull at the drums (2,750 pounds per fall), identified by arrangement dwg. No. 3325 dated Feb. 20, 1950, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

Termination of Approval No. 160.015/54/0, Type A–150AH lifeboat winch, approval is limited to mechanical components and for a maximum working load of 15,000 pounds pull at the drums (7,500 pounds per fall), identified by arrangement dwg. No. 2917–24, dated Feb. 14, 1950, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER July 17, 1952, Termination of approval effective July 17, 1957.)

Termination of Approval No. 160.015/58/0, Type G. W. lifeboat winch, approval is limited to mechanical components and for a maximum working load of 11,000 pounds pull at the drums (5,500 pounds per fall), identified by arrangement dwg. No. 1494–1 revised May 13, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

Termination of Approval No. 160.015/59/0, Type A–190A lifeboat winch, approval is limited to mechanical components and for a maximum working load of 19,000 pounds pull at the drums (9,500 pounds per fall), identified by arrangement dwg. No. 3340 dated August 11, 1950, and revised March 21, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

Termination of Approval No. 160.015/61/0, Type A–54A lifeboat winch, approval is limited to mechanical components and for a maximum working load of 5,400 pounds pull at the drums (2,700 pounds per fall), identified by arrangement dwg. No. 3341 dated August 8, 1950, and revised May 21, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.015)

DAVITS, LIFEBOAT

Termination of Approval No. 160.032/129/0, gravity davit, type 30–70, approved for maximum working load of 20,500 pounds per set (10,250 pounds per arm) using 2 part falls, identified by general arrangement dwg. No. DG–301–1 dated June 5, 1951, and revised June 6, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.032)

HAND-PROPELLING GEAR, LIFEBOAT

Termination of Approval No. 160.034/6/1, Double Gear Type hand-propelling gear identified by arrangement dwg. No. 1857 dated November 4, 1940, revised April 17, 1952, submitted by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.034)

LIFEBOATS

Termination of Approval No. 160.035/11/2, 16.0' x 5.7' x 2.3' steel oar-propelled lifeboat, 12-person capacity, identified by general arrangement dwg. No. G–1612 dated June 12, 1951, and revised May 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

Termination of Approval No. 160.035/279/0, 30.0' x 10.0' x 4.13' aluminum hand-propelled lifeboat, 70-person capacity, identified by construction and arrangement dwg. No. 30–1B dated December 15, 1950, and revised June 5, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

BOILERS, HEATING

Termination of Approval No. 162.003/1/1, AGITAIR hot water heating boiler, forced circulation coil type, dwg. No. WH–102, revision III, dated May 27, 1952, WH–103A, revision IV, dated May 27, 1952, and WH–100 revised May 29, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Air Devices, Inc., 17 East 42d St., New York 17, N. Y. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

Termination of Approval No. 162.003/4/1, Class "OB" steel plate hot water heating boiler, dwg. Nos. G–260 dated Oct. 30, 1951, G–262 dated May 28, 1952, and G–412 dated November 9, 1951, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Bethlehem Foundry & Machine Company, Bethlehem, Pa. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

Termination of Approval No. 162.003/135/0, Size 1924–8C, steel plate hot water

heating boiler, dwg. No. H–200, dated March 17, 1952, and H–207, dated June 13, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by the Way-Wolff Associates, Inc., 33 Fulton St., New York 38, N. Y. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4434, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR Part 52)

DECK COVERING

Termination of Approval No. 164.006/41/0, "Plastic-Stone", Magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–1840: FP3139, dated May 20, 1952, approved for use without other insulating material to meet Class A–60 requirements in a 2 inch thickness, manufactured by E. A. Mortrude & Co., 8701 15th Avenue NW., Seattle 7, Wash. (Approved FEDERAL REGISTER July 17, 1952. Termination of approval effective July 17, 1957.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.006)

Dated: August 26, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard
Acting Commandant.

[F. R. Doc. 57–7171; Filed, Aug. 30, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 12]

COLORADO

SMALL TRACT CLASSIFICATION: AMENDMENT; SMALL TRACT OPENING: (PUBLIC SALE)

1. Effective immediately, paragraphs 1 through 7 of Federal Register Document 54–1297 appearing on page 1096 of the issue of Friday, February 26, 1954, so far as they affect the lands described below, are hereby revoked and the following paragraphs are substituted therefor.

2. Pursuant to authority delegated to me by Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby offer the following described lands which are classified by Classification Order No. 12, dated February 17, 1957 (19 F. R. 1096) as amended, for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 44 N., R. 8 W.,
Sec. 13, Lots 20, 21, 23, 25, 26; containing a total of 10.22 acres, subdivided into 5 small tracts.

3. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

4. These tracts are located in the Valley of the Uncompahgre River about three miles northwest of Ouray, Colorado, immediately adjacent to U. S. Highway 550. The highway and a secondary road provide access to lots 20, 21, 23, and 25. Vegetation consists of oakbrush and a few ponderosa pine trees.

The individual lots vary in size from 1.54 to 3.65 acres. A small scale copy of the official plat of survey showing the various lots classified by this Order can be obtained by writing the Manager, Colorado Land Office, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado. The fair market value of Lot 20 is $300; Lot 21 is $300; Lot 23 is $450; Lot 25 is $350; and Lot 26 is $275. The lots will be sold subject to all existing rights-of-way of record. A road right-of-way 50 feet in width, 25 feet on either side of the center line of an established secondary road is reserved across Lot 25. A right-of-way 25 feet in width is reserved along the north boundary of Lot 25, between Corner No. 1 and Corner No. 6. A right-of-way 50 feet in width is reserved along the east boundary of Lot 26, between Corner No. 1 and Corner No. 4. These rights-of-way are reserved for road purposes and for public utilities in accordance with 43 CFR 257.17 (b). All minerals in the land will be reserved to the United States.

5. Veterans preference rights in accordance with the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) were provided for by Small Tract Classification No. 12 (19 F. R. 1096), dated February 17, 1954. This sale is therefore open to the general public irrespective of qualifications upon which veterans preference is based.

The above described tracts will be sold at public auction at a public sale to be held at Denver, Colorado at 10:00 a. m., October 17, 1957. Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered only if received at the Land Office, Denver, Colorado, prior to 10:00 a. m., October 15, 1957. No sealed bid will be accepted if it is less than the appraised price of the lot. Sealed bids will be opened in the presence of the public in Room 367 New Custom House, Denver, Colorado, beginning at 10:00 a. m., on October 15, 1957. A list of the highest sealed bids received for each lot will be posted for public inspection at the sale. Sealed bids must be in units of $5. Oral bidding will be in increments to be announced at the sale and such increments will be approximately 10 percent of the appraised value of the tracts offered rounded to the nearest $5. See paragraph 4 for appraised values.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the sale unless they can make a satisfactory showing to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. Each bid sent by mail must clearly show: (a) The name and mailing address of the bidder; (b) Classification Order No. 12; (c) the number of the lot for which the bid is made, described in accordance with paragraph 4 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. Bids for separate lots must be enclosed in separate envelopes but payment need only accompany the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must be addressed to the Manager, Colorado Land Office, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado, and carry in the lower left-hand corner of its face the following information and nothing else: (a) "Bid for Small Tract"; (b) "Classification Order No. 12"; and (c) the number of the lot for which the bid is made, described in accordance with paragraph 4 above. Sender's name and return address should be shown on reverse side of envelope.

8. Each lot will be awarded to the highest qualified bidder. If the highest bid is oral the bidder will be required to make payment for the tract at the close of the bidding, and a personal check will be acceptable for this purpose. Any person who is declared high bidder for any tract will automatically be disqualified for consideration of other tracts at the sale unless he is an agent acting for one or more persons.

9. Inquiries concerning these lands should be addressed to the Land Office Manager, Bureau of Land Management, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado, and should be accompanied by a stamped, self-addressed envelope.

MAX CAPLAN,
State Supervisor.

AUGUST 23, 1957.

[F. R. Doc. 57–7151; Filed, Aug. 30, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50–37]

GENERAL DYNAMICS CORP.

AMENDMENT OF UTILIZATION FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 1) to License CX–3 authorizing General Dynamics Corporation to conduct a critical experiment with uranium foils. The experiment is substantially similar to experiments previously authorized under the license. It was found upon review of the license amendment request that prior public notice of proposed issuance of this amendment is not required in the public interest because the proposed experiment does not involve material alteration of the facility and does not present substantial questions affecting health and safety which were not resolved in connection with the licensee's application for the original license. Further details may be obtained by examination of Docket 50–37 on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 26th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

Paragraph I of Appendix "A" of License No. CX–3 issued to General Dynamics Corporation on August 13, 1957, is hereby amended to read as follows:

Experiments. General Dynamics Corporation is authorized to perform the critical experiments described in the application and in the Corporation's request for license amendment dated August 21, 1957. Any changes in the experiments as described in the application and in the request dated August 21, 1957, must be authorized by the Commission.

[F. R. Doc. 57–7173; Filed, Aug. 30, 1957; 8:50 a. m.]

[Docket 50–59]

TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on August 10, 1957, 22 F. R. 6435, the Atomic Energy Commission has issued License R–23 authorizing Texas Agricultural and Mechanical College System to acquire, possess and operate, at the location in College Station, Texas, described in the application in Docket 50–59, a 100-milliwatt nuclear reactor constructed by Aerojet-General Nucleonics and designated by AGN as Model AGN–201, Serial No. 106.

Dated at Washington, D. C., this 26th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–7174; Filed, Aug. 30, 1957; 8:50 a. m.]

[Docket 50–58]

OKLAHOMA AGRICULTURAL AND MECHANICAL COLLEGE

ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on August 10, 1957, 22 F. R. 6434, the Atomic Energy Commission has issued License R–22 authorizing Oklahoma Agricultural and Mechanical College to acquire, possess and operate, at the location near Stillwater, Oklahoma, described in the application in Docket 50–58, a 100-milliwatt nuclear reactor constructed by Aerojet-General Nucleonics and designated by AGN as Model AGN–201, Serial No. 102.

Dated at Washington, D. C., this 26th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–7175; Filed, Aug. 30, 1957; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[Requirement of certification—1957; Notice 2]

ENTRY OF SUGAR OR LIQUID SUGAR INTO THE CONTINENTAL UNITED STATES

QUOTA FOR REPUBLIC OF PHILIPPINES

Pursuant to § 817.4 (13 F. R. 127; 14 F. R. 1169; 16 F. R. 12847), notice is hereby given that the 1957 sugar quota for the Republic of the Philippines, amounting to 980,000 short tons, raw value, has been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.4, after the close of business on August 30, 1957, and for the remainder of the calendar year 1957, Collectors of Customs shall not permit the entry into the continental United States from the Republic of the Philippines of any sugar unless and until the certification described in § 817.4 (a) is issued.

Issued this 28th day of August 1957.

[SEAL] LAWRENCE MYERS,
Director,
Sugar Division,
Commodity Stabilization Service.

[F. R. Doc. 57–7179; Filed, Aug. 30, 1957; 8:51 a. m.]

Office of the Secretary

GENERAL COUNSEL AND STAFF LEGAL OFFICER

DELEGATION OF AUTHORITY WITH RESPECT TO TORT CLAIMS

The General Counsel and the Staff Legal Officer, or persons acting in their stead, are authorized to allow or disallow tort claims as provided in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries in connection with Foreign Agricultural Service operations abroad authorized under title VI of the act of August 28, 1954, 68 Stat. 908.

This is in addition to the general delegation of May 3, 1955, 20 F. R. 3142.

Done at Washington, D. C., this 27th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–7164; Filed, Aug. 30, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–12121 etc.]

SUPERIOR OIL CO. ET AL.

NOTICE OF APPLICATIONS AND CONSOLIDATION OF PROCEEDINGS

AUGUST 28, 1957.

In the matters of The Superior Oil Company, Docket No. G–12121; Texas Gulf Producing Company, Docket No. G–12128; United Gas Pipe Line Company, Docket No. G–12169; Olin Gas Transmission Corporation, Docket No. G–12417.

Take notice that applications for certificates of public convenience and necessity were filed, pursuant to section 7 (c) of the Natural Gas Act, by The Superior Oil Company (Superior) in Docket No. G–12121 on February 27, 1957; Texas Gulf Producing Company (Texas Gulf) in Docket No. G–12128 on March 1, 1957; United Gas Pipe Line Company (United) in Docket No. G–12169 on March 7, 1957, and Olin Gas Transmission Corporation (Olin) in Docket No. G–12417 on April 15, 1957, hereinafter collectively referred to as Applicants, authorizing said Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Superior is a California corporation with principal place of business at 400 Oil & Gas Building, Houston, Texas; Texas Gulf is a Delaware corporation with principal place of business in the Bank of the Southwest Building, Houston, Texas; United is a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana; and Olin is a Delaware corporation with principal place of business at 400 Ouachita National Bank Building, Monroe, Louisiana.

United proposes to construct and operate approximately 1.5 miles of 8-inch lateral transmission line extending southerly from a point of connection with United's existing 12-inch transmission line in Terrebonne Parish, Louisiana, to a point in the Bayou Rambio Field, Terrebonne Parish, Louisiana, together with two meter stations. The estimated total cost of these facilities is $126,058 which will be financed by United out of current working funds. These facilities will be used for the purpose of enabling United to take natural gas produced by Superior, Texas Gulf and Olin in the Bayou Rambio Field into its pipeline system. United will use this gas to assure the continued and uninterrupted flow of natural gas to its existing customers in meeting their present and future requirements. United also seeks authority to construct and operate such other facilities as may be required from time to time to connect, or to take additional deliveries from, wells in the Bayou Rambio Field.

Superior, Texas Gulf and Olin each propose to sell natural gas in interstate commerce produced from Bayou Rambio Field, Terrebonne Parish, Louisiana, to United for resale.

United, as purchaser, has entered into a 20-year gas purchase contract with Superior, dated February 5, 1957, with Texas Gulf, dated February 14, 1957, and with Olin, dated March 21, 1957. The provisions of these three contracts are identical except for dates of execution and party sellers and, except for the inclusion of an additional provision, viz. Article XIX, in the case of Olin. Olin's contract is filed as that company's FPC Gas Tariff, Original Volume No. 3, Rate Schedule F–3. Superior's contract is filed as that company's FPC Gas Rate Schedule No. 71 while that of Texas Gulf is filed as its FPC Gas Rate Schedule No. 25.

Under these contracts, Applicants have each dedicated to the performance of its contract all of the natural gas, subject to certain reservations, produced from all reservoirs or producing formations down to 15,600 feet as found on the electrical log of Superior's No. 3 Harry Bourg Well which is attributable to their respective interests in all lands and leaseholds in the Bayou Rambio Field, Terrebonne Parish, Louisiana, as it now exists or as said field may hereafter be extended or enlarged during the term of the contracts. The present boundaries or area of the instant gas field is not defined. Applicants' applications do not specifically describe or list the lands and leaseholds, leases, units, acreage or interests therein from under which the gas found is dedicated to the performance of the contracts.

Each of the aforesaid contracts provides for an initial price of 21.3 cents per Mcf at 15.025 psia, which includes reimbursement of 1 cent for gathering and 3/10 cent for severance taxes, during the first five years commencing with the date of first delivery. Thereafter, a periodic increase of one cent is effective at the beginning of each five year period, subject to redetermination as set forth in detail in the contracts. In addition, Buyer is liable for three-fourths of any new, additional or increased taxes with respect to the gas delivered.

The annual minimum quantity of gas which must be taken or paid for during each contract year by United under each of the three contracts is stated to be 46,625,000 cubic feet for each billion cubic feet of total estimated recoverable gas reserves dedicated. United states that the estimated total volume of proven dedicated reserves in place in Bayou Rambio Field is not less than 101,154,000 Mcf at 14.73 psia.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1957.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57–7166; Filed, Aug. 30. 1957; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 28, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34132: *Substituted service—Motor and rail, Pennsylvania Railroad.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 14), for interested motor carriers and the Pennsylvania Railroad Company. Rates on freight loaded in highway trailers and transported in substituted service on railroad flat cars between East St. Louis, Ill., on the one hand, and Indianapolis, Ind., and Cleveland, Ohio, on the other, on traffic originating at or destined to points on applicant motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 5 to Central States Motor Freight Bureau, Inc., Agent, tariff I. C. C. 27.

FSA No. 34133: *Liquefied petroleum gas—New Orleans, La., and group to Farmville, N. C.* Filed by O. W. South, Jr., Agent (SFR No. A3521), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from New Orleans, La., Baton Rouge, La., and 12 other points in Louisiana named in the application grouped with New Orleans and taking the same rates to Farmville, N. C., on the Norfolk Southern Railway Company.

Grounds for relief: Cross-country competition with Greenville, N. C., and operation through higher-priced intermediate points of destination on the Norfolk Southern Railway, a relief line.

Tariff: Supplement 60 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 34134: *Iron and steel articles—Alabama City, Ala., group to New Orleans, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on iron and steel articles, carloads, as described in the application, minimum 40,000 and 80,000 pounds from Alabama City, Attalla, and Gadsden, Ala., to New Orleans, La.

Grounds for relief: Competition with Birmingham, Ala., at New Orleans, La.

Tariff: Supplement 10 to Agent Spaninger's tariff I. C. C. 1592.

FSA No. 34135: *Sugar—Washington points to Illinois, Iowa, Missouri, and Wisconsin points.* Filed by W. J. Prueter (TCBF 340), Agent, for interested rail carriers. Rates on sugar, beet or cane, carloads from Scalley, Sugar Spur, and Toppenish, Wash., to specified points in Illinois, Iowa, Missouri, and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 20 to Agent Prueter's tariff I. C. C. 1586.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57–7155; Filed, Aug. 30, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1102]

COMMONWEALTH INCOME FUND, INC., AND NORTH AMERICAN SECURITIES CO.

NOTICE OF FILING OF APPLICATION

AUGUST 26, 1957.

Notice is hereby given that Commonwealth Income Fund, Inc. (the "Fund"), a registered open-end management investment company, and North American Securities Company ("Securities"), the investment adviser of and principal underwriter for the Fund, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting the Fund from the provisions of sections 16 (a) and 32 (a), and Securities from the provisions of section 15 (a) of the act.

The Fund has an authorized capitalization of 2,000,000 shares, par value $1.00 per share, none of which is outstanding. The Fund has not issued or received any subscriptions for any stock and has no assets. The application states that the first issuance and sale of shares of the Fund will be through its principal underwriter to one individual for proceeds to the Fund of $100,000 pursuant to a firm agreement in compliance with section 14 (a) (3) of the act. The Fund then proposes to make a continuous public offering of 500,000 shares of its capital stock through its principal underwriter.

Prior to beginning operation as an investment company, the Fund proposes to enter into an investment advisory contract and an underwriting agreement with Securities. The fiscal year of the Fund ends on November 30, and the date of its first annual meeting of stockholders is fixed by its by-laws as March 31, 1958. Since the Fund will have no stockholders prior to the public offering, it is proposed to take appropriate stockholder action at the first annual meeting of stockholders with respect to an investment advisory contract, the selection of the Fund's independent public accountants, and the election of directors.

The Fund requests an order of the Commission under section 6 (c) of the act exempting the Fund from the provisions of sections 16 (a) and 32 (a), and Securities from the provisions of section 15 (a) of the act so that the Fund may operate for a limited period without stockholder election of directors, without stockholder approval of the selection of independent public accountants, and without stockholder approval of an investment advisory contract as required, respectively, by those sections of the act, until stockholder approval can be obtained with respect to these matters at the first annual meeting of stockholders scheduled to be held on March 31, 1958.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than September 10, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–7157; Filed, Aug. 30, 1957; 8:47 a. m.]

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MAIN READING ROOM

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: For listing of current public laws approved by the President, see last page of this issue.

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.18, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT-CONSUMPTION PORTION OF MAINLAND QUOTA FOR PUERTO RICO, 1957

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of further amending Sugar Regulation 814.18 (22 F. R. 104, 4074) which established allotments of the direct-consumption portion of the mainland quota for Puerto Rico.

This amendment of S. R. 814.18 is necessary to: (1) Give effect to Amendment 7 of Sugar Regulation 811 (22 F. R. 6481) which established the direct-consumption portion of the 1957 mainland quota for Puerto Rico of 136,113 short tons, raw value, a quantity greater than the 133,064 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and (2) prorate a deficit in the allotments declared by four allottees to other allottees to the extent they are able to utilize additional allotments.

Each named allottee under the order indicated in writing to the Department of Agriculture the maximum quantity of the direct consumption portion of the 1957 mainland quota for Puerto Rico he will be able to utilize. These maximum use quantities were compared with the respective allotment each allotee would receive if no deficits existed. Thereby, it was determined that four allottees had a deficit which collectively totaled 3,984 tons and two allottees collectively could use larger allotments to the extent of 653 tons.

Accordingly, the allotments of the allottees able to utilize larger allotments than they otherwise would receive, were increased by a total of 653 tons and were established at the maximum quantity each such allottee could utilize. The total allotments that would otherwise be established for allottees with deficits were decreased by a total of 653 tons, each such allottee's reduction in allotment being in the proportion which his deficit was of the total deficit.

Findings heretofore made by the Secretary in the course of this proceeding (22 F. R. 104) provide that this order shall be revised without further notice or hearing for the purpose of adjusting allotments to take account of any change in the direct-consumption portion of the 1957 mainland sugar quota for Puerto Rico and to prorate a deficit to other allottees able to use larger allotments.

It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that paragraph (a) of § 814.18, as amended, be further amended to read as follows:

§ 814.18 *Allotment of the direct-consumption portion of 1957 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1957 sugar quota for Puerto Rico, amounting to 136,113, as established in § 811.91, is hereby allotted as follows:

Allottee	*Direct-consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	7,052
Central Roig Refining Co	21,400
Central San Francisco	1,376
Porto Rican American Sugar Rfy, Inc	83,410
So. Porto Rico Sugar Co. of P. R.	1,462
Western Sugar Refining Co	21,213
All other persons (raw sugar only)	200
Total	136,113

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

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Done at Washington, D. C., this 28th day of August 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-7217; Filed, Sept. 3, 1957; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6756]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NEW HAVEN QUILT & PAD CO. OF TEXAS, INC., AND J. PAUL LEVINE

Subpart—*Furnishing false guaranties:* § 13.1053 *Furnishing false guaranties:* Wool Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, New Haven Quilt & Pad Co. of Texas, Inc., et al., Dallas, Tex., Docket 6756, Aug. 8, 1957]

In the Matter of New Haven Quilt & Pad Co. of Texas, Inc., a Corporation, and J. Paul Levine, Individually and as an Officer of said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Dallas, Texas, with violating the Wool Products Labeling Act by tagging as "Wool Batting", etc., bed comforters containing substantial amounts of fibers other than wool; by failing in other respects to label such wool products as required by the act; by furnishing false guarantees that certain of their wool products were not misbranded; and by invoicing batts falsely as to the percentage of wool content.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 8 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents New Haven Quilt & Pad Co. of Texas, Inc., a corporation, and its officers and J. Paul Levine, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of bed comforters or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool" as these terms are defined in said act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

B. Furnishing false guarantees that bed comforters or any other wool products or materials are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported or distributed into commerce.

It is further ordered, That New Haven Quilt & Pad Co. of Texas, Inc., a corporation, and its officers and J. Paul Levine, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of batts or battings or any other products or materials in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly: Misrepresenting the constituent fibers of which their products are composed or the percentages or amounts thereof, in sales invoices, shipping memoranda or in any other manner.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 8, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7207; Filed, Sept. 3, 1957; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 33]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Shreveport VOR	SHV-LFR	Direct	1700	T-dn	300–1	300–1	300–1
Dixie MHW	SHV-LFR (Final)	Direct	1100	C-d	600–1	600–1	600–1½
				C-n	600–1½	600–1½	600–1½
				A-dn			

Procedure turn E side NW crs, 326 Outbnd, 146 Inbnd, 1900′ within 10 miles. Beyond 10 mi NA. (Non-standard due to traffic.)
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 152—1.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles, turn left, climb to 1700′ on E crs (087) and proceed to Minden Int.
NOTE: No weather or communications available at this airport.
CAUTION: 480′ MSL TV Tower located 1.6 mi S of airport. 1446′ MSL and 1403′ TV antennas located approx. 12 miles WNW of SHV LFR.
AIR CARRIER NOTE: Air carrier use not authorized.

City, Shreveport; State, La; Airport Name, Downtown; Elev. 179′, Fac Class, SBRAZ; Ident, SHV; Procedure No. 1, Amdt 8; Eff Date, 28 Sept 57; Sup Amdt No. 7; Dated, 5 Nov 55

Shreveport VOR	SHV-LFR	Direct	1700	T-dn	300–1	300–1	200–1½
Dixie MHW	SHV-LFR (Final)	Direct	1100	C-d	600–1	600–1	600–1½
Radar Terminal area transition altitudes—bearings are from radar site with azimuths progressing clockwise:				C-n	600–2	600–2	600–2
				A-dn	800–2	800–2	800–2
000	089	Within 40 miles	1700				
090	269	Within 40 miles	1500				
270	359	Within 40 miles	2400				

Procedure turn E side NW crs, 326 Outbnd, 146 Inbnd, 1900′ within 10 miles. Beyond 10 mi NA. (Non-standard due to traffic.)
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 196—7.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.8 miles, turn left, climb to 1400 on crs of 135°, intercept and proceed S on S crs of SHV LFR within 20 miles.
CAUTION: 1446′ and 1403′ TV antennas located approximately 11 mi WNW of SHV LFR.

City, Shreveport; State, La; Airport Name, Greater Shreveport; Elev, 251′; Fac Class, SBRAZ; Ident, SHV; Procedure No. 1, Amdt 6; Eff Date, 28 Sept 57; Sup Amdt No. 5; Dated, 2 Feb 57

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Lake Charles VOR	Lake Charles RBn	Direct	1300	T-dn	300–1	300–1	200–1½
Radar vectoring position	Lake Charles RBn (Final)	352—5.0	800	C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar terminal area transition altitude 1500′ within 25 mi. Radar may be used to position aircraft for final approach within 5 miles of Lake Charles RBn with the elimination of a procedure turn.
Procedure turn S crs, 172 Outbnd, 352 Inbnd, 1300′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 003—1.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, climb to 1500′ on crs of 340° within 20 mi.

City, Lake Charles; State, La; Airport Name, Lake Charles AFB; Elev, 19′; Fac Class, MH; Ident, LCH; Procedure No. 1, Amdt Orig; Eff Date, 28 Sept 57; Sup Amdt No. LFR Spec Proc No. 1, Orig; Dated, 5 Jul 55

Myrtle Beach VOR	MYR-RBn	Direct	1200	T-dn	300–1	300–1	200–1½
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 201 Outbnd, 021 Inbnd, 1200′ within 10 mi. Beyond 10 mi NA. (Non-standard due to warning area.)
Minimum altitude over facility on final approach crs, 600′.
Facility on Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1400′ on crs of 055 within 20 mi.

City, Myrtle Beach; State, S C; Airport Name, Myrtle Beach, AFB-MUN; Elev, 25′; Fac Class, BMH; Ident, MYR; Procedure No. 1, Amdt 2; Eff Date, 28 Sept 57; Sup Amdt No. 1; Dated, 16 Apr 54

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Baton Rouge LFR	BTR-VOR	Direct	1500	T-dn	300–1	300–1	200–1½
				C-d	800–1	800–1	800–1½
				C-n	800–1	800–1	800–2
				S-d-4			800–1
				S-n-4			800–2
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 244 Outbnd, 064 Inbnd, 1200′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 064—7.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.6 mi, climb to 1400′ on R-064 within 20 mi., or when directed by ATC, turn right, climb to 2000′ on R-085.

City, Baton Rouge; State, La; Airport Name, Ryan; Elev, 70′; Fac Class, BVOR; Ident, BTR; Procedure No. 1, Amdt 3; Eff Date, 28 Sept 57; Sup Amdt No. 2; Dated, 7 Sept 57

				T-dn	300–1	300–1	200–1½
				C-dn	*1000–3	*1000–3	#1000–3
				S-dn-27	*1000–3	*1000–3	*1000–3
				A-dn	1000–3	1000–3	1000–3

*500–1 authorized only when aircraft is equipped with dual VOR receivers or VOR and LFR receivers, and when position over Int. ELX R-266 and SBN R-356 or Int. ELX R-266 and N crs SBN LFR can be determined.
#900–1½ authorized only when aircraft is equipped with dual VOR receivers or VOR and LFR receivers, and when position over Int. ELX R-266 and SBN R-356 or Int. ELX R-266 and N crs SBN LFR can be determined.
Procedure turn N side of crs, 086 Outbnd, 266 Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 266—13.3.
Minimum altitude over Int ELX VOR R-266 and SBN VOR R-356 or Int ELX R-266 and N crs SBN LFR, 1600′.
Crs and distance, Int ELX VOR R-266 and SBN VOR R-356 or Int ELX R-266 and N crs SBN LFR, 266—3.0.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 13.3 miles (3.3 miles from Int R-266 ELX and R-356 SBN), climb to 2000′ on ELX R-266 within 20.0 miles, proceed to ELX VOR and contact SBN ATCS for further instructions.
ADVISORY NOTE: Close flight plan with South Bend radio at minimum approach altitude or by long distance phone immediately upon landing.

City, Benton Harbor; State, Mich; Airport Name, Ross Field; Elev, 642′; Fac Class, VOR; Ident, ELX; Procedure No. 1, Orig; Eff Date, 28 Sept 57

Mermaid Int (via R-228 PMM VOR)—Int R-271 ELX and R-328 SBN VOR (via R-328 SBN).	R-266 ELX (Final)	048	1600	T-dn	300–1	300–1	200–1½
	R-266 ELX (Final)	148	1600	C-dn	400–1	500–1	500–1½
				S-dn-9	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 266 Outbnd, 086 Inbnd, 1900′ within 10 miles.
Minimum altitude over Int R-266 ELX and R-338 SBN, 1600′.
Crs and distance, Int R-266 ELX and R-338 SBN, 086—3.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 2000′ on R-266 ELX, proceed to ELX, contact SBN ATCS for further instructions.
ADVISORY NOTE: Close flight plan with South Bend radio at minimum approach altitude or by long distance phone immediately upon landing.

City, Benton Harbor; State, Mich; Airport Name, Ross Fld; Elev, 642′; Fac Class, VOR; Ident, ELX; Procedure No. 2, Orig; Eff Date, 28 Sept 57

LCH RBn—Radar vectoring position	LCH VOR	Direct	1300	T-dn	300–1	300–1	200–1½
	LKC VOR (Final)	326—5.0	700	C-dn	500–1	500–1	500–1½
				S-dn-33	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar Terminal Area transition altitude 1500′ within 25 miles. Radar may be used to position aircraft for a final approach, within 5 miles of LCH VOR, with the elimination of a procedure turn.
Procedure turn E side crs, 146 Outbnd, 326 Inbnd, 1300′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 326—3.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi, climb to 1500′ on R-326 within 20 miles, or when directed by ATC, turn right, climb to 1500′ on R-015 within 20 miles.

City, Lake Charles; State, La; Airport Name, Lake Charles AFB; Elev, 19′; Fac Class, BVOR; Ident, LCH; Procedure No. 1, Amdt 1; Eff Date, 28 Sept 57; Sup Amdt No Spec. Proc, Amdt Orig; Dated, 3 Oct 55

Myrtle Beach RBN	MYR-VOR	Direct	1200	T-dn	300–1	300–1	200–1½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 042 Outbnd, 222 Inbnd, 1200′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 222—3.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 1200′ on R-222 within 20 miles.

City, Myrtle Beach; State, S. C.; Airport Name, Myrtle Beach AFB/Mun; Elev, 25′; Fac Class, BVOR; Ident, MYR; Procedure No. 1, Amdt 2; Eff Date, 28 Sept 57; Sup Amdt No. 1; Dated, 16 Aug 54

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine more than-65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Shreveport LFR	SHV-VOR	Direct	1700	T-dn	300–1	300–1	300–1
				C-d	1000–1	1000–1	1000–1½
				C-n	1000–1½	1000–1½	1000–1½
				A-dn			
				T-d	4000–3	4000–3	4000–3
				T-n*	4000–5	4000–5	4000–5
				C-d	4000–3	4000–3	4000–3
				C-n#	4000–5	4000–5	4000–5
				A-d	4000–3	4000–3	4000–3
				A-n#	4000–5	4000–5	4000–5

Procedure turn E side of crs, 339 Outbnd, 159 Inbnd, 1700′ within 10 miles, beyond 10 mi NA. (Non-standard due to traffic.)
Minimum Altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 158—13.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles, climb to 1600′ on R-094 within 20 miles.
NOTE: No weather available at this airport.
AIR CARRIER NOTE: Air carriers not authorized use of this procedure.
CAUTION: 480′ MSL TV tower located 1.6 miles S of airport.

City, Shreveport; State, La; Airport Name, Downtown; Elev, 179′; Fac Class, BVOR; Ident, SHV; Procedure No. 1, Amdt 3; Eff Date, 28 Sept 57; Sup Amdt No. 2; Dated, 9 Oct 54

*Night take-offs authorized Runway 34 only.
#Night landing authorized Runway 16 only.
Procedure turn S side crs, 200 Outbnd, 020 Inbnd, 5000′ within 10 miles.
Minimum Altitude over facility on final approach crs, 4600′.
Crs and distance, facility to airport, 020—5.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 6000′ on R-020 within 10 miles of UKI VOR.

City, Ukiah; State, Calif; Airport Name, Ukiah; Elev, 615′; Fac Class, VORW; Ident, UKI; Procedure No. 1, Amdt 3; Eff Date, 28 Sept 57; Sup Amdt No. 2; Dated, 17 Dec 54

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Baton Rouge LFR	LOM	Direct	1200	T-dn	300–1	300–1	200–½
Baton Rouge VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-13:			
				ILS	300–¾	300–¾	300–¾
				ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Procedure turn W side of NW crs, 306 Outbnd, 126 Inbnd, 1300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 1300′ ILS, minimum altitude over LOM inbnd final 700′ ADF.
Crs and distance, LOM to airport, 126°—3.8.
Altitude of G. S. and distance to approach end of rny at OM 1300—3.8, at MM 240—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM (ADF) climb to 1500′ on SE crs ILS (126) within 20 miles, or when directed by ATC, turn left, climb to 2000′ on R-085 BTR VOR, or turn left, climb to 1500′ on NE (054) crs BTR LFR.
NOTE: 400–¾ required when glide slope not utilized. Approach lights not installed.

City, Baton Rouge; State, La; Airport Name, Ryan; Elev, 70′; Fac Class, ILS-IBTR; Ident, LOM-BT; Procedure No. ILS-13, Amdt 4, Comb ILS and ADF; Eff Date, 28 Sept 57; Sup Amdt No. 3; Dated, 7 Sept 57

Dallas VOR	LOM	Direct	1800	T-dn	300–1	300–1	200–½
Ross Ave. Int	LOM	Direct	1800	C-dn	400–1	500–1	500–1½
Farmers Branch Int	LOM	Direct	1600	S-dn-13:			
Little Elm Int	LOM	Direct	1600	ILS	200–½	200–½	200–½
DAL RBn	LOM	Direct	1800	ADF	400–1	400–1	400–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Radar terminal area transition altitude: 2000′** within 20 miles.
**Radar control must provide 1000′ clearance when within 3 mi or 500′ clearance when within 3–5 mi of radio towers—1108′ msl 20 mi N; 1221′ msl 10 mi WNW; and TV tower 2349′ msl 17 mi SSW of airport.
Procedure turn N side NW crs, 307 Outbnd, 127 Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude at G. S. int inbnd, 2000′ ILS, minimum altitude over LOM inbnd final 1400′ ADF.
Altitude of G. S. and distance to appr end of rny at OM 1920—4.2, at MM 775—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles of LOM (ADF) climb to 2000′ on SE crs ILS (127) within 20 miles or, when directed by ATC, turn left, proceed to DAL VOR, climbing to 2000′, or when under positive radar contact, climb to 2000′** on crs as directed by ATC.
CAUTION: 1221′ R. T. 5.6 mi WNW of LOM. 695′ tank 1.7 mi SE runway 31. Procedure turn non-standard due ATC.
MAJOR CHANGE: Deletes final transition.

City, Dallas; State, Tex; Airport Name, Love Field; Elev, 485′; Fac Class, ILS-IDAL; Ident, LOM-DA; Procedure No. 13, Amdt 4; Comb ILS and ADF; Eff Date, 28 Sept 57; Sup Amdt No. 3; Dated, 29 Aug 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Louisville VOR	LOM	Direct	2100	T-dn	300–1	300–1	200–½
Bourbon Int	LOM	Direct	2100	C-dn	500–1	500–1	500–1½
Elizabeth Int	LOM	Direct	2100	S-dn-01*:			
				ILS	200–½	200–½	200–½
				ADF	500–1	500–1	500–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*400–¾ required with glide slope inoperative.
Procedure turn W side S crs, 190 Outbnd, 010 Inbnd, 2100′ within 6 mi. NA beyond 6 mi to avoid Godman Restricted Area.
Minimum altitude at glide slope int inbnd, 2000′ ILS. Min. alt. over LOM inbnd final—1600′ ADF.
Altitude of glide slope and distance to approach end of rny at OM 1870—4.9; at MM 665—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi after passing LOM (ADF), turn left as soon as practical, climbing to 2600′ on R-309 LOU within 20 mi, or when directed by ATC, turn right as soon as practical, climbing to 2300′ and proceed to LOU VOR at 2200′.
CAUTION: Obstruction 1060′ 4 mi N of Standiford Field.

City, Louisville; State, Ky; Airport Name, Standiford; Elev, 497′; Fac Class, ILS-SDF; Ident, LOM-SD; Procedure No. ILS-01, Amdt 16, Comb ILS-ADF; Eff Date, 28 Sept 57; Sup Amdt No. Proc No. 1, Amdt 15; Dated, 6 Jun 57

MSP-LFR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
MSP-VOR	LOM	Direct	2500	C-dn	500–1	500–1	500–1½
Hastings FM-ILS	Glide slope int (Final)	Direct	2200	S-dn 29L:			
Hastings FM-ADF	LOM (Final)	Direct	1700	ILS	200–½	200–½	200–½
Stanton Rbn via crs 360	SE ILS crs (Final)	Direct	2200	ADF	400–1	400–1	400–1
Jordan FM	LOM	Direct	2200	A-dn:			
Houlton Int	LOM	Direct	2300	ILS	600–2	600–2	600–2
Diamond Bluff Int ILS	Glide slope int (Final)	Direct	2200	ADF	800–2	800–2	800–2
Lakeville Int	LOM	Direct	2200				
Prior Int	LOM	Direct	2200				
Stanton RBN	Brng 295 to LOM	Direct	2200				
White Bear Int	LOM	Direct	2500				
Elmo Int	LOM	Direct	2300				
Radar transitions as directed by ATC	Radar site	Within 25 mi	2600				

Procedure turn E side SE crs, 115 Outbnd, 295 Inbnd, 2200′ within 10 mi.
Minimum altitude at glide slope int inbnd—2200′ ILS. Min. alt. inbnd final—1700′ ADF.
Altitude of glide slope and distance to approach end of runway at OM—2084—4.0; at MM—1038—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi (ADF), climb to 2600′ on NW crs MSP-LFR to Hamel FM, or if directed by ATC:
(1) Make left climbing turn, climb to 2500′ on crs of 241 and proceed to Jordan FM.
(2) Make left climbing turn, climb to 2200′ and return to LOM.
CAUTION: Tower 1223′ MSL 3 mi W of Hastings FM.

City, Minneapolis; State, Minn; Airport Name, Minneapolis-St. Paul International (Wold Chamberlain Field); Elev, 840′; Fac Class, ILS-MSP; Ident, LOM-MS; Procedure No. ILS-29L, Amdt 9, Comb, ILS-ADF; Eff Date, 28 Sept 57; Sup Amdt No. Proc No. 1, Amdt 8; Dated, 10 Aug 57

Shreveport LFR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Shreveport VOR	LOM	Direct	1900	C-dn	400–1	500–1	500–1½
Dixie MHW	LOM	Direct	1900	S-dn-13:*			
Blanchard Int	LOM (Final) ILS	Direct	1400	ILS	200–½	200–½	200–½
Forbing Int	LOM	Direct	1400	ADF	400–1	400–1	400–1
Lucien Int	LOM	Direct	1400	A-dn:			
Caddo Lake Int	LOM	Direct	2400	ILS	600–2	600–2	600–2
Blanchard Int	LOM (Final) ADF#	Direct	900	ADF	800–2	800–2	800–2
Radar Terminal area transition altitudes—bearings are from Radar site with azimuths progressing clockwise:							
000	089	Within 40 miles	1700				
090	269	Within 40 miles	1500				
270	359	Within 40 miles	2400				

*400–¾ required when glide slope not utilized..
Procedure turn W side of NW crs, 315 Outbnd, 135 Inbnd, 2400′ within 10 mi.
Minimum altitude at G. S. int inbnd, 1400′ ILS, minimum altitude over LOM 900 ADF.
Altitude of G. S. and distance to appr end of rny at OM 1400—3.7, at MM 455—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi after passing LOM (ADF) climb to 1400′ on R-135 within 20 mi, or when directed by ATC:
1. Turn right, climb to 1400′ on heading 195°, intercept and proceed outbnd on SW crs BAD LFR within 20 mi.
2. Turn right, intercept and climb to 1400′ on R-180 SHV VOR within 20 mi.
CAUTION: 1446′ and 1403′ TV antennas approx 11 mi NNW of LOM.

City, Shreveport; State, La; Airport Name, Greater Shreveport; Elev, 251′; Fac Class, ILS-ISHV; Ident, LOM-SH; Procedure No. ILS-13, Amdt 6, Comb ILS and ADF; Eff Date 28 Sept 57; Sup Amdt No. Proc No. 1, Amdt 5; Dated, 2 Feb 57

Shreveport LFR	Forbing Int	Direct	1500	T-dn	300–1	300–1	200–½
Shreveport VOR	Forbing Int	Direct	1700	C-dn	400–1	500–1	500–1½
Barksdale LFR	Forbing Int	Direct	1400	S-dn-31	400–1	400–1	400–1
Blanchard Int	Forbing Int	Direct	1400	A-dn	800–2	800–2	800–2
Minden Int	Forbing Int	Direct	1700				
Caddo Lake Int	Forbing Int	Direct	2400				
Radar terminal area transition altitudes—bearings are from Radar site with azimuths progressing clockwise:							
000	089	Within 40 miles	1700				
090	269	Within 40 miles	1500				
270	359	Within 40 miles	2400				

Procedure turn S side SE crs, 135 Outbnd, 315 Inbnd, 1400′ within 10 mi of Forbing Int. (Non-standard due to traffic.)
No Glide Slope. 900′ at Forbing Int, 315—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi after passing Forbing Int, climb to 2400′ on NW crs of ILS within 20 miles, or when directed by ATC, turn left, climb to 1500′ on 230° crs from LMM within 20 mi.
NOTE: Procedure authorized only when aircraft is equipped to receive ILS and LFR simultaneously.
CAUTION: 1446′ & 1403′ TV antennas approx 11 mi NNW of LOM.

City, Shreveport; State, La; Airport Name, Greater Shreveport; Elev, 251′; Fac Class, ILS; Ident, ISHV; Procedure No. ILS-31, Amdt 3; Eff Date, 28 Sept 57; Sup Amdt No. Proc No. 2, Amdt 2; Dated, 2 Feb 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

AUGUST 23, 1957.

[F. R. Doc. 57-7073; Filed, Sept. 3, 1957; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter E—Credit to Indians

PART 21—GENERAL CREDIT TO INDIANS

REPAYMENTS

AUGUST 28, 1957.

Section 21.14 of Part 21 is amended to read as follows:

§ 21.14 *Repayments.* Repayments on loans by the United States shall be made to the Bureau of Indian Affairs designated collection officer who shall issue an official receipt therefor.

(Sec. 10, 48 Stat. 986; 25 U. S. C. 470. Interprets or applies secs. 1, 6, 49 Stat. 1250, 1968, 62 Stat. 211, sec. 4, 64 Stat. 45, 25 U. S. C. 473a, 506, 482, 634)

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 57-7196; Filed, Sept. 3, 1957; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

CHLORTETRACYCLINE (OR TETRACYCLINE) OINTMENT

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of chlortetracycline, chlortetracycline hydrochloride, and tetracycline ointment (21 CFR 146c.202; 21 CFR, 1956 Supp., 146c.202; 22 F. R. 6590) are amended as follows:

1. Paragraph (a) is amended by changing the word "preservatives" in the second sentence to read "preservatives and stabilizing agents."

2. Paragraph (c) (1) (iv) is amended by changing the words "36 months if it is chlortetracycline hydrochloride ointment" to read "48 months if it is chlortetracycline hydrochloride ointment".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for these amendments.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: August 28, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-7225; Filed, Sept. 3, 1957; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN THE NEEDLEWORK INDUSTRIES

PIECE RATE FOR HAND-BRAIDING LEATHER BUTTONS

On July 31, 1957, notice was published in the FEDERAL REGISTER (22 F. R. 6019) that the Administrator of the Wage and Hour and Public Contracts Divisions proposed to amend § 681.9 of Title 29, Code of Federal Regulations by the issuance of a new piece rate for hand-braiding leather buttons. In the proposal interested persons were given until and including August 16, 1957, to submit for consideration data, views, or arguments pertaining to the proposed amendment. No objections or comments have been received. In order to conform to another proposed amendment to § 681.9 which is hereby reserved as § 681.9 (b), an editorial revision designating this proposed amendment as § 681.9 (a) has been deemed necessary.

Accordingly, pursuant to authority provided in section 6 (a) (2) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U. S. C. 206 (a) (2)), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), § 681.9 of Title 29, Code of Federal Regulations is hereby amended to read as follows:

§ 681.9 *Minimum piece rates prescribed by the Administrator*—(a) *Piece rate for hand-braiding leather buttons.* A minimum piece rate of 36 cents a gross for homeworkers in Puerto Rico engaged in the handbraiding of leather buttons, 24 to 30 ligne, by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather; all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

(Secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211)

This amendment shall become effective the 4th day of October 1957.

Signed at Washington, D. C., this 29th day of August 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57-7227; Filed, Sept. 3, 1957; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

MISCELLANEOUS AMENDMENTS

1. In § 577.62 (d), revise subparagraph (6) as follows:

§ 577.62 *Definition of terms used in §§ 577.60–577.70.* • • •

(d) "Dependent" means any person who bears to a member or retired member of a uniformed service, or to a person who died while a member or retired member of a uniformed service, any of the following relationships:

• • • • • •

(6) A parent or parent-in-law, if the said parent or parent-in-law is, or was at the time of the member's or retired member's death, in fact dependent on the said member or retired member for over one-half of his support and is or was at the time of the member's or retired member's death, actually residing in the household of the said member or retired member. For the purposes of §§ 577.60–577.70, the requirement of actually residing in the household shall be fulfilled when the parent or parent-in-law actually resides, or was residing at the time of death of a member or retired member, in a dwelling place provided or maintained by said member or retired member; or

2. In § 577.64, the introductory portion of paragraph (b) and subparagraph (3) are amended to read as follows:

§ 577.64 *Determination of dependents' eligibility.* • • •

(b) Each uniformed service will, by separate directive, prescribe and utilize the following forms as soon as practicable with full implementation to be completed by December 31, 1957:

• • • • • •

(3) DD Form 1173 (Uniformed Services Identification and Privilege Card).

3. In § 577.65, revise the introductory portion of paragraph (a), subparagraph (6) of paragraph (a), and paragraph (b), to read as follows:

§ 577.65 *Identification for admission to medical treatment facilities.* • • •

(a) Prior to January 1, 1958, any of the following means of identification is acceptable for this purpose:

• • • • • •

(6) "Uniformed Services Identification and Privilege Card" (DD Form 1173).

(b) On or after January 1, 1958, the "Uniformed Services Identification and Privilege Card" (DD Form 1173) will be primary means of identification.

4. In § 577.69, the opening portion of paragraph (g) and subparagraphs (5) and (6) are revised to read as follows:

§ 577.69 *Medical care for eligible dependents in civilian medical facilities.* • • •

(g) *Charges for dependent medical care.* When the charge for the hospitalization of a spouse or a child is $25 or less, the patient shall pay the charge as a direct transaction not involving the Government. Also, when the charge for authorized care of an injury not involving hospitalization is $15, or less, the patient shall pay the amount charged by the physician as a direct transaction. In other instances, the patient shall pay the charge as prescribed under applicable circumstances listed below:

• • • • • •

(5) When a patient is treated for injury other than as an inpatient in a hospital in accordance with paragraph (d) (4) (iii) of this section, the payments made will be in accordance with the local schedules of allowances. Payments by the Government, not to exceed a maximum of $75, except as provided for under paragraph (d) (4) (i) (*d*) (*4*) of this section, are also authorized for laboratory tests and pathology and radiology examinations provided they are procedures performed or authorized by the attending physician or surgeon. Payment of charges is also authorized for use of hospital outpatient facilities required for the treatment of the injury, e. g., a cast room. The patient shall pay the first $15 of the physician's charges for each different cause or accident for which treatment and services are rendered, except that multiple injuries to the same person resulting from a single accident will be considered as one injury for payment of the maximum required fee ($15) by the patient. The Government will pay the authorized charges of the physician in excess of the first $15 of such charges and the total amount of all other authorized charges incurred; however, payment by the Government for laboratory tests and pathology and radiology examinations shall not exceed the $75 maximum except as provided for under paragraph (d) (4) (i) (*d*) (*4*) of this section.

(6) All admissions to a hospital of an obstetrical patient as an inpatient for care required in direct connection with the pregnancy, including direct complications thereof, rendered during the period of pregnancy up to and including delivery and postpartum inpatient care following delivery, or immediate postpartum inpatient care for patients delivered outside the hospital, shall be considered as one admission for the purposes of determining charges to the dependent. Admission for a nonobstetrical diagnosis in the course of a pregnancy would require the patient to pay the charges for a separate admission. Patients who are delivered in a home or office will pay to the physician the first $15 of the physician's charges in connection with the delivery, if not subsequently hospitalized. If hospitalized, the charges will be in accordance with other applicable provisions of this paragraph.

5. Paragraphs (a) and (b) of § 577.70 are revised to read as follows:

§ 577.70 *Medical care in medical facilities not otherwise provided for.* (a) When spouses and children receive medical care authorized by §§ 577.60–577.70 on an emergency basis in a medical facility which is not included in the definition of a hospital as provided for in paragraph (d) (1) (i) or (iv) of this section or is not a uniformed services medical facility, the patient should pay the charges listed in paragraph (g) of this section as applicable and the Government will pay the difference between the amount payable by the patient and reimbursable cost. Payments by the Government for such care rendered in Federal medical facilities other than those of a uniformed service will be on a reimbursement basis between the executive agent and the department or agency concerned if the care provided is in an area under the purview of the executive agent. If care is provided in a Federal medical facility other than that of a uniformed service which is in an area not under the purview of the executive agent, reimbursement will be effected between the agency or department furnishing the care and the department of which the sponsor is a member. This does not apply to paragraph (c) of this section.

(b) When spouses and children receive medical care authorized by §§ 577.60–577.70 in the governmental facilities of a foreign government, the patient shall pay the charges listed in paragraph (g) of this section, and the difference between the total bill and the amount paid by the dependent will be paid by the United States Government. In instances where a reciprocal agreement between a foreign government and the United States is in effect which provides for no charge or a lesser charge to the patient than those listed in paragraph (g) of this section, such charges, if any under the reciprocal agreement will prevail. Spouses and children will have free choice between foreign government medical facilities provided by a foreign government under the reciprocal agreement and civilian medical facilities, if a civilian medical care program has been established in that oversea area in accordance with §§ 577.60–577.70.

[C1, AR 40-121, Aug. 5, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply secs. 101–303, 70 Stat. 250–254; 37 U. S. C. 401–423)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 57-7195; Filed, Sept. 3, 1957; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order IX-2, Amdt. 2]

DMO IX-2—CREATING A TELECOMMUNICATIONS ADVISORY BOARD

ADDITION TO LIST OF AGENCIES REPRESENTED ON BOARD

Paragraph 1 of Defense Mobilization Order IX-2, effective April 23, 1956, which established the Telecommunications Advisory Board, is hereby further amended by adding to the list of agencies represented on the Board the following: "United States Information Agency."

OFFICE OF DEFENSE MOBILIZATION,
GORDON GRAY,
Director.

[F. R. Doc. 57-7223; Filed, Sept. 3, 1957; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1476]

[55724]

WASHINGTON

CORRECTING PUBLIC LAND ORDER NO. 1436 OF JUNE 17, 1957

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

In Federal Register Document 57-5095, appearing at pages 4418-19 of the issue for Saturday, June 22, 1957, as Public Land Order No. 1436, the land description in paragraph two under T. 31 N., R. 30 E., so far as such description refers to sec. 31, N½N½, is hereby corrected to read sec. 32, N½N½.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 27, 1957.

[F. R. Doc. 57-7197; Filed, Sept. 3, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 34]

FIRE-RESISTANT CONVEYOR BELTS; FLAME TEST

TESTS FOR PERMISSIBILITY; PROCEDURES AND SPECIFICATIONS FOR TESTING

Notice is hereby given that pursuant to the authority in section 5, 36 Stat. 370; 30 U. S. C. 7, it is proposed to amend Part 34 of Title 30, Code of Federal Regulations, as follows:

1. Section 34.6 would be amended to read as follows:

§ 34.6 *Termination of investigation; disposal of fee and material.* (a) Upon request by an applicant that the Bureau terminate its investigation of the conveyor belt, the Bureau will terminate the investigation, and will return to the applicant the fees paid by him, less such portion thereof as the Bureau determines is applicable to the testing already done.

(b) The Bureau of Mines may retain as its own, for record, all or any part of the material submitted. Any material not retained by the Bureau for record will be returned to the applicant at his expense upon receipt of written request and shipping instructions within one year from the termination or completion of the tests; and thereafter may be disposed of by the Bureau as it sees fit.

2. Paragraph (d) (2) of § 34.10 *Flame test* would be amended to read as follows:

(d) *Procedure for flame test.* • • •

(2) The Bunsen burner shall be adjusted to give a blue flame 3 inches in height when using Pittsburgh natural gas or equivalent as a fuel.

Interested persons may submit, in triplicate, written data, views or arguments concerning the proposed amendment to the Director, Bureau of Mines, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Dated: August 28, 1957.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 57-7203; Filed, Sept. 3, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 942]

[Docket No. AO-103-A15]

MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to fomulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the proposed marketing agreement and the proposed order amending the order were formulated was held at New Orleans, Louisiana, on January 28–31, 1957, pursuant to notice thereof issued January 9, 1957 (22 F. R. 263). Two proposals in the hearing notice were not specifically supported by proponents at the hearing. Consequently, this recommended decision does not deal with proposals 37 and 44 as they appeared in the notice of hearing.

The material issues of record related to:

1. Extension of the marketing area.
2. The type of pool.
3. The classification of milk.
4. The pricing provisions of the order:
(a) The level of the Class I milk price.
(b) An out-of-area price for Class I milk.
5. An exemption for "certified milk".
6. The computation of location adjustments.
7. Revision of the base and excess milk provisions.
8. Administrative changes in the order.

Findings and conclusions. The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. *The marketing area should be extended.* The present marketing area includes all the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard, in the State of Louisiana. Two cooperative associations proposed that the area be extended to Lafourche, St. Charles, and Terrebonne parishes. Handlers concurred. The essential evidence is as follows:

About half of the unregulated handlers distributing milk in Lafourche and Terrebonne parishes receive supplemental milk during all months of the year. As much as 40 percent of their Class I distribution is purchased from a plant supplied by members of the proponent cooperative associations. The unregulated plants obtain the balance of their supply from dairy farmers. The principal population centers are Houma, and Thibodaux, Louisiana. Local production has increased slowly, while Class I sales have increased rapidly due to offshore oil operations in the area. One handler's sales increased 300 percent during the past two years.

For the four-year period 1953–1956, dairy farmers' receipts at the unregulated plants in Lafourche and Terrebonne parishes ranged between 55 and 60 percent of Class I sales by those plants. The remaining volume of milk necessary to supply their Class I outlets came from other sources, primarily from an unregulated plant which is supplied by dairy farmers who are members of proponent cooperative associations.

Producer members of these associations also ship milk to three New Orleans handlers who sell Class I milk in Lafourche and Terrebonne parishes. While the record does not contain sufficient evidence to show precisely what percentage of his Class I sales each regulated handler sells in the two parishes, approximately 40 percent of the Class I milk distributed in the two parishes is from plants regulated by Order No. 42. Only Order No. 42 handlers distribute fluid milk in St. Charles parish, which is part of their regular trade territory. Routes going into Lafourche and Terrebonne parishes first pass through St. Charles. The operator of an unregulated plant in the Lafourche-Terrebonne area testified that 60 percent of his Class I sales are in this area. His evidence did not show precisely where his other sales are made.

The members of the proponent's cooperative associations bear the full responsibility of carrying the seasonal surplus of dairy farmers supplying two of the unregulated handlers distributing milk in Lafourche and Terrebonne parishes. These handlers merely draw on the plant supplied by the proponents to furnish the substantial volume of milk needed to supply their Class I sales over and above what they receive from dairy farmers. The cooperative associations furnish a substantial volume of milk needed to supply these handlers with their total Class I needs. Amounts of such sales fluctuate as much as 300,000 pounds per month.

Milk distributors located within the three parishes of St. Charles, Lafourche, and Terrebonne, purchase additional milk from dairy farmers at a flat price of 60 cents per gallon. Prices received by dairy farmers shipping to these plants are in approximate alignment with prices received by producers shipping to plants of regulated handlers except that such prices do not generally reflect classification use values or variations due to different butterfat content of milk. Dairy farmers supplying the supplemental quantities of milk needed by the nonregulated plants are subsidized in the price they receive for milk from the returns received by other members of the

two cooperative associations, a substantial portion of whose milk is subject to order pricing. These nonregulated handlers thus purchase a substantial portion of their fluid needs partly at the expense of producers whose milk is priced under the order.

The addition of these three parishes will provide more orderly marketing conditions for the entire area. All milk distributed therein will be subject to the minimum class prices and the dairy farmers supplying the handlers who serve such parishes will be assured of payment for their milk on the same basis as producers supplying competing regulated handlers.

It is concluded that the extension of regulation to Lafourche, St. Charles and Terrebonne parishes will result in a more equitable sharing of Class I sales in the area among producers and dairy farmers, and that these parishes should be included in the area.

Several unregulated handlers proposed that the marketing area be extended to include the Louisiana parishes of St. Mary, Iberville, Assumption, Ascension, St. John the Baptist, and St. James. But there was no supporting testimony that showed in sufficient detail the nature of the Grade A milk trade in these parishes. No data were presented with respect to the extent of competition between regulated and unregulated handlers. For instance, Assumption parish would be on the fringe of the proposed area. Two New Orleans regulated handlers distribute milk there, and one unregulated handler from Iberville parish. However, the record contains no marketing data pertaining to any of these operators. The same is true for the portions of St. James and St. John parishes proposed for inclusion in the New Orleans marketing area.

It is concluded from this record that the Louisiana parishes of St. Mary, Iberville, Assumption, Ascension, St. John the Baptist, and St. James, should not be added to the marketing area.

2. *Type of pool.* Since 1950, there has been a steady increase in the disparity in individual handler pool prices. This disparity in prices of itself does not clearly indicate, however, that marketwide equalization of producer prices would ameliorate the marketing situation for producers under prevailing supply arrangements in the market as a whole.

In a decision issued by the Department July 3, 1956, the request for marketwide pooling was denied. The record of this hearing does not disclose changes in marketing conditions in this marketing area during the year 1956 that justify any different decision from that issued July 3, 1956. There is still a diversity of marketing relations and practices among producers. Only one-third of the producers are prepared to market their milk in accordance with the requirements of handlers and thus maximize returns to all producers. Handlers must rely on their own resources, rather than the cooperative associations to assure themselves of an adequate supply of inspected milk.

While an equalization pool might well contribute to market stability under certain conditions it is the general circumstances of excessive supplies, more than anything else, that threatens market stability. Market conditions complained of by the proponents of a marketwide pool will be alleviated when supplies come into better balance with Class I utilization of the market. Further examination of marketing methods and practices of producers and of the market relations of producers and handlers would be appropriate before a change in method of pooling is made.

3. *Classification of milk.* The hearing notice contained a proposal by handlers that a new class (Class II–A) be adopted, and that a formula for pricing such milk be established. At the hearing, however, the proponents revised their proposal and requested that a Class III milk classification be adopted instead.

Handlers proposed that the Class II milk classification be changed to specify that only skim milk and butterfat used in the manufacture of ice cream, creole cheese, cottage cheese and eggnog shall be classified as Class II milk. No change was proposed for pricing Class II milk.

At the present time, milk used to produce ice cream, creole cheese, and cottage cheese is classified as Class II milk. Eggnog is defined as a fluid milk product (Class I); and there was no specific testimony or evidence submitted to justify changing the classification of eggnog.

Handlers also proposed that Class III milk include skim milk and butterfat (1) transferred by a handler to a manufacturing plant and processed into cheddar cheese, (whole) milk powder, nonfat dry milk, condensed milk, evaporated milk, buttermilk powder, butter, and fluid cream, irrespective of ultimate utilization.

In addition, the present Class II provisions relating to month-end inventory, dumped skim, livestock feed and shrinkage would be changed to be included in the proposed Class III classification. Proponents proposed that the Class III milk price be equal to the average pay prices of four Mississippi manufacturing plants, less 20 cents per hundredweight f. o. b., the manufacturing plant to which delivered.

At the present time, the transfer provisions of the order provide within specified limits for classification in Class II of milk transferred by a handler and utilized by the transferee in the manufacture of the products specified in part (1) of the handlers' proposal. However, fluid cream is a fluid milk product, and unless utilization in Class II is established pursuant to the transfer provisions it should be classified as Class I. The proposal to classify fluid cream as Class III, irrespective of its ultimate utilization would constitute a significant change from the present classification provisions of the order.

The reasons stated for proposing a revision of the classification provisions were: (1) The burden of surplus milk has increased since 1951, (2) a Class III classification would reduce the uniform price to producers, indicating to them that the production of surplus milk reduces revenue, (3) handlers have accepted all milk from producers and have marketed the surplus, often at a loss, and cannot continue to lose money on surplus that must be disposed of to manufacturing plants.

The effect of the proposal would be to enable handlers to continue to accept surplus milk from producers, and dispose of it to manufacturing plants without incurring further monetary loss. However, there is no justification for establishing a lower classification that would perpetuate the burdensome surplus affecting the market at the present time. This proposal would price fluid cream irrespective of ultimate utilization at 20 cents per hundredweight less than is paid for manufacturing milk at four Mississippi locations and it might very well encourage rather than deter the delivery of surplus Grade A milk to the New Orleans market. Fluid cream could be moved long distances and disposed of in other markets with no regard to utilization. The present Class II price and classification provisions tend to discourage excessive delivery of Grade A milk for Class II use. A change in the classification provisions at this time would encourage uneconomic movement of producer milk.

It is concluded that the classification provisions should not be amended.

4. (a) *The level of the Class I price.* Producers proposed that (1) the Class I milk differential should be $2.65 in all months of the year, (2) the supply-demand adjuster should be amended to incorporate into the representative supply-demand index the significant increase in production that has occurred in the New Orleans market during the past three years, and (3) price adjustments by the supply-demand adjuster should not exceed plus or minus 24 cents in any month.

At the present time, the Class I differential is on a seasonal basis, that is, $2.65 during the months September through February, and $2.20 in all other months. The effect of the proposal would be to raise the Class I milk price above its present level.

In support of the proposal, producers testified that (1) New Orleans handlers probably would not reduce their prices to consumers in response to a change in the seasonal differential, and that there is no evidence to indicate clearly what the handlers' practice in this respect would be; (2) during the flush production season, areas outside the New Orleans marketing area also have increased production, and consequently, seasonal pricing does not greatly increase Class I sales, for such outside sales represent approximately only five percent of handlers total Class I sales. Producers contend that this small percentage should not be a factor in determining seasonal Class I differentials.

Handlers supported the proposal for a uniform Class I differential throughout the year. They testified, however, that it should be the average of the present seasonal differentials, or somewhere between $2.65 and $2.20.

The present Class I price provisions were made effective August 1, 1956. The full effect of these provisions was delayed in order to afford a gradual adjustment

to the price level deemed necessary to carry out the declared policy of the enabling act. Consequently, the level established as a result of the hearing held in April 1955 had not become fully effective at the time of this hearing. During the past year, production continued to increase at a more rapid rate than Class I sales. No new evidence was presented at this hearing that would justify maintaining a Class I price level higher than that provided by the amended order that became effective August 1, 1956.

It is concluded that the level of the Class I price should not be changed.

Seasonal pricing is used in nearby markets. To establish a different seasonal pricing pattern for the New Orleans market than for surrounding markets would make it difficult to preserve price alignment.

It is concluded that the proposed changes in the seasonal pattern of pricing should not be adopted.

The proposal to revise the supply-demand adjuster was supported by producers and handlers primarily on the basis of reducing its effect in adjusting the Class I milk price. Producers revised their original proposal to reconstruct the supply-demand adjuster. The revised proposal would reverse the reciprocals now used in computing the "current supply-demand relationship". The effect of this would be to reduce the net deviation percentage, which determines the amount of the supply-demand adjustment. In addition, producers proposed that the total amount of any adjustment resulting from the present supply-demand adjuster should be limited to plus or minus 24 cents.

It has been noted that the price adjustments made effective August 1, 1956, were delayed to provide for gradual transition. The record contains no evidence to justify further delay in effectuating the amendments considered to be necessary and in the public interest.

At the time of hearing, the supply-demand adjuster had not come into operation. Hence, testimony for amending it lacked the substantial evidence that would be required for reexamination and revision.

(b) *An out-of-area price on Class I milk disposed of outside the New Orleans marketing area should not be adopted.* Handlers proposed that the price for all Class I milk sold outside the New Orleans marketing area be 75 cents per hundredweight less than the New Orleans Class I price. The purpose of the proposal is to enable New Orleans handlers to dispose of surplus Grade A milk to "deficit" areas. The price reduction proposed would enable handlers to transport such surplus to deficit areas for Class I use.

Adoption of the proposal would, in effect, permit the use of adjacent outside markets as a dumping ground for milk in excess of the market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by competing unregulated distributors in such markets. Such action would tend to lower blended returns to producers in the New Orleans market with the result that prices of milk sold within the regulated market might have to be raised to provide an incentive to maintain production of a sufficient supply to fulfill the market needs. In this connection, the local consumer of fluid milk should not be called upon to subsidize consumers in out-of-area markets.

The statute requires that minimum prices established by orders shall be set at a level which, over a reasonable period of time, considering the need for supplies of reserve milk, and seasonal variations in production, will result as nearly as practicable in the production of a quantity of milk equal to the demands of the market for such milk. Lower pricing of Class I milk that is sold outside the marketing area would be contrary to the basis for determining the level of the Class I price. Milk used in outside sales should be priced at the Class I price and thus share the burden of meeting the production and marketing costs associated with assuring an adequate and dependable supply of milk for fluid use.

5. *The proposal to exempt from the other source milk definition, the distribution of "certified milk" in bottles should not be adopted.* A New Orleans regulated handler testified that he distributes "certified milk" in bottles from an unregulated source along with his own fluid milk products.

The proponent testified that this certified milk should not be allocated to Class II as other source milk because he pays a premium of 50 percent over the Class I price for it.

Although the proponent proposed that a definition of certified milk be established, the record contains no testimony or evidence on which to construct a definition.

In the absence of more information concerning the marketing of certified milk in the New Orleans area, it is concluded that the proposed exemption of it from the other source milk definition should not be adopted.

6. *The location adjustment provisions should be amended.* An unregulated handler proposed that in computing the handler location adjustment in the event his plant, located at Franklinton, Louisiana, becomes subject to regulation, the distance between such plant and those of his customers located in the marketing area should be used. At the present time, the location adjustment for a plant situated at Franklinton, Louisiana, is computed on the basis of the distance of such plant from the New Orleans City Hall.

The effect of this proposal would be to provide a larger location adjustment for the proponent's plant if it is regulated by Order No. 42, than would be allowed pursuant to present order language.

The proponent also proposed that the rate of the location adjustment should be 2.0 cents for every 10 miles up to 150 miles. At the present time, the rate beyond 100 miles is 1.5 cents for every 10 miles.

In support of the proposal the proponent contended that handlers in Lafourche and Terrebonne parishes should not be required to pay a price that is based on the Class I price for milk received at supply plants located at Franklinton. The proponent testified that some of the handlers in Lafourche and Terrebonne parishes must purchase their supplemental supplies from the Franklinton area. Consequently, a higher location adjustment is requested for Franklinton, Louisiana, plants that furnish milk to handlers in the proposed marketing area extension than for plants shipping to handlers presently regulated.

Plant operators located in Lafourche and Terrebone parishes have purchased supplemental supplies of milk from the Franklinton area. Such supplies are also available from other unregulated handlers throughout the State of Louisiana. Proponent's proposal would establish a Class I milk price at Franklinton to enable a plant there to compete for sales of supplemental milk to handlers in Lafourche and Terrebonne parishes.

There is no economic justification, however, in amending the present location differentials to result in what would amount to a special Class I milk price at a specific location. Nor is there sufficient evidence in the record from which to conclude that the present rates are not appropriate.

In the absence of conclusive evidence that the present location differentials are inadequate, as they relate to the City of New Orleans, where the greatest concentration of population is located, it is concluded that the proposal should not be adopted.

The Dairy Division, Agricultural Marketing Service, also proposed that consideration be given to a revision of the location differential provisions. The purpose in doing so was to afford interested parties an opportunity to review the present rate and method of determining the zone location of each regulated fluid milk plant.

The zone location of each regulated plant is now determined on the basis of the shortest highway or railroad mileage between such plants and the New Orleans City Hall. Shipments of milk by railroad have not been made for many years. Milk is currently transported by tank truck from supply plants to city distributing plants.

The record evidence is not sufficient to make any revision, at this time, in regard to the rate per hundredweight for each zone. The order language with respect to determining the shortest highway mileage should be changed, however, to specify that only toll free public highways should be used in the determination of the shortest highway distance between a regulated plant and the New Orleans City Hall. The record is inconclusive as to the extent of use and savings realized by handlers in the use of the Greater New Orleans Freeway. Until further evidence is available only toll free highway distances should be used in determining pool plant locations. The attached order language provides for such a revision and for the elimination of the use of the railroad mileage in determining plant location.

7. *The base and excess milk provisions of the order should not be amended.* A cooperative association proposed that the base rules be amended to provide that bases may be computed for dairy farmers who were producers during six consecutive months in 1956. Pursuant to the proposal, the market administrator would use the deliveries of such dairy farmers during the months October 1956 through February 1957, irrespective of point of delivery, to compute bases for such dairy farmers during the base-operating months of March through August 1957.

The base operating period is now past. Producers will have opportunity to establish bases during the base-making period of 1957. Therefore the need for amending the order in this respect no longer exists.

8. *Administrative changes.* Certain provisions of the order should be redrafted in order to add more specificity with respect to the reporting and accounting of milk. The proposed changes will designate more clearly what milk and what plants would be subject to the regulation and the application of the order provisions to them. This can best be done by clarifying the present definitions for producer, fluid milk plant, producer milk, other source milk, and transfers.

The term fluid milk plant should include all plants distributing fluid milk products in the marketing area and all supply plants which are to be fully subject to the regulation, and which regularly ship milk to plants distributing fluid milk products in the marketing area. No attempt has been made to change the present meaning of the definition of fluid milk plant. The revision of this definition makes more specific the exclusion from the fluid milk plant definition a supply plant from which no transfers of fluid milk products are classified as Class I milk at a city distributing plant.

The definitions of producer and producer milk are modified to provide diversion of milk directly from producer farms by handlers to other fluid milk plants or to nonfluid milk plants. The privilege for handlers to divert milk under such circumstances facilitates the economical disposal of seasonal and temporary excesses in reserve supplies. Unlimited diversion should be permitted. The individual handler type of pool will insure that only the producers providing the regular sources of supply of pure and wholsome milk for the marketing area will be included. It is further provided that milk diverted by handlers should be deemed to have been received at the fluid milk plant at the same location as the plant from which it was diverted for the account of the handler.

The definition of other source milk should be modified to clarify the meaning and to specify in the definition that it includes all milk utilized in the operations at a fluid milk plant except producer milk, fluid milk products received from other fluid milk plants, and inventory of fluid milk products on hand at the beginning of the month. Other source milk represents all skim milk and butterfat used in a fluid milk plant which is not subject to the pricing provisions of the order during the month. It will include all fluid milk products from plants other than fluid milk plants and all manufactured dairy products from any source which are repackaged, reprocessed, or converted in another product in the fluid milk plant during the month. It will include those manufactured products from a fluid milk plant's own production which are reprocessed or reconverted into another product during the same or a later month.

Provisions relating to transfers of fluid milk, skim milk or cream in bulk should be clarified by stating in the order specific rules with respect to such transfers within a distance of 275 miles from the New Orleans City Hall, to distances greater than 275 miles from the marketing area, and to the assignment and accounting of these products when shipped to a nonfluid milk plant. The provisions in the attached order will state more clearly the administrative technique for classifying such transfers.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and amendment to the order, as amended. The following order, amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 942.4 and substitute therefor the following:

§ 942.4 *New Orleans marketing area.* "New Orleans marketing area" hereinafter referred to as the marketing area means all territory, including incorporated municipalities, geographically within Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, and Terrebonne parishes all in the State of Louisiana.

2. Delete § 942.6 and substitute therefor the following:

§ 942.6 *Producer.* "Producer" means any person other than a producer-handler who produces milk in compliance with Grade A inspection requirements for milk for fluid consumption within the marketing area which milk is (a) received during the month at a fluid milk plant, or (b) diverted from a fluid milk plant to another fluid milk plant or to a nonfluid milk plant pursuant to § 942.10.

3. Delete § 942.9 and substitute therefor the following:

§ 942.9 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed and packaged and from which Class I milk pursuant to § 942.41 (a) is disposed of to retail or wholesale outlets (including plant stores) in the marketing area, or (b) a plant from which during the month:

(1) Shipments of milk, skim milk or cream are made to a plant described in paragraph (a) of this section;

(i) On 20 or more days during any month of September through December; or

(ii) On 5 or more days during any other month; and

(2) Some skim milk or butterfat in such shipments of milk, skim milk or cream is assigned to Class I pursuant to § 942.43 (a).

4. Delete § 942.10 and substitute therefor the following:

§ 942.10 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in the milk (a) received at a fluid milk plant directly from producers, or (b) diverted for the account of the operator of a fluid milk plant from a fluid milk plant to another fluid milk plant or to a nonfluid milk plant. Any such milk so diverted shall be deemed to have been received at the fluid milk plant from which it was diverted.

5. Delete § 942.11 and substitute therefor the following:

§ 942.11 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from fluid milk plants and (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

6. Delete § 942.43 and substitute therefor the following:

§ 942.43 *Transfers.* Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream in bulk from a fluid milk plant to:

(a) The fluid milk plant of another handler shall be classified as Class I unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 942.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) A plant operated by a producer-handler shall be Class I milk;

(c) A nonfluid milk plant located more than 275 miles by the shortest highway distance from City Hall in New Orleans, Louisiana, as determined by the market administrator, shall be Class I milk;

(d) A nonfluid milk plant, except as specified in paragraphs (b) and (c) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonfluid milk plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The Class II use at the nonfluid milk plant exceeds skim milk and butterfat received from a fluid milk plant(s) under this order and from a plant(s) at which the milk is priced under another order(s) issued pursuant to the act. In the event such Class II use is less than the aggregate of receipts from such regulated plants, amounts of skim milk and butterfat respectively, equal to the differences shall be classified as Class I milk with each fluid milk plant being assigned a share of such a Class I milk pro rata in accordance with the receipts of milk from all regulated plants.

7. Delete § 942.53 (b) and substitute therefor the following:

(b) The market administrator shall determine and publicly announce the zone location of each plant of each handler according to the shortest toll-free highway distance between such plant and the City Hall in New Orleans. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

Issued at Washington, D. C., this 28th day of August 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-7216; Filed, Sept. 3, 1957; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 50]

[Draft Release No. 57-20]

AIRMAN AGENCY CERTIFICATES; HANGAR FACILITIES REQUIREMENT

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board an amendment to Part 50 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by October 31, 1957. Copies of such communications will be available after November 4, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Part 50 of the Civil Air Regulations prescribes minimum requirements for the issuance of airman agency certificates for one or more school ratings. Section 50.12 (b) requires each flying school to have "Adequate hangar facilities housing all aircraft used for flight instruction."

The Bureau has reviewed the necessity for retaining the hangar requirement of § 50.12 (b) and concludes that this requirement is not necessary to assure the airworthiness of aircraft used in flight training.

In reaching this conclusion, the Bureau has taken into consideration the fact that the Civil Air Regulations currently require that all aircraft used for flight instruction and other purposes for hire, whether hangared or not, be given periodic inspection or, in the alternative, require that such aircraft be inspected in accordance with a continuous airworthiness inspection system (progressive system) which provides for inspections at scheduled intervals in accordance with procedures prescribed by the Administrator. A record of the time in service of each aircraft and engine, inspections, maintenance, compliance with mandatory notes, weight and balance records, equipment list, and a reference to major repairs and major alterations are now required to be kept in the aircraft log. There is no special exemption given for aircraft that are required to be kept hangared, nor are there more stringent requirements for those aircraft which are not required to be hangared. The approved school operator is the only segment of aviation burdened with the requirement to hangar aircraft.

The degree of surveillance exercised by the Administrator of Civil Aeronautics is sufficient to assure that all aircraft used for flight instruction by agencies certificated under Part 50 are inspected and maintained in an airworthy condition, as required by the Civil Air Regulations, whether or not such aircraft are kept in a hangar.

In view of the foregoing, notice is hereby given that the Bureau proposes to recommend to the Board that paragraph (b) of § 50.12 of Part 50 of the Civil Air Regulations be deleted.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., August 28, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 57-7242; Filed, Sept. 3, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12054]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS; COLUMBUS, GA.

ORDER EXTENDING THE TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Columbus, Georgia); Docket No. 12054.

1. The Commission has before it for consideration a petition filed August 20, 1957, by Columbus Broadcasting Company, Inc., licensee of Station WRBL-TV, Channel 4, Columbus, Georgia, requesting the Commission to extend the time for filing reply comments in the above-entitled proceedings from August 30, 1957, to September 17, 1957.

2. In support of its request petitioner alleges that voluminous original comments were filed in this proceeding; that several of the comments include counterproposals which inject substantially new issues into the porceeding and that petitioner therefore will be unable to complete its analysis of the comments, to study and determine the feasibility of the counterproposals and prepare its reply comments within the time allowed.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing reply comments in the above-entitled proceeding.

4. In view of the foregoing, *It is ordered*, That the aforesaid petition of Columbus Broadcasting Company, Inc. is granted, and that the time for filing reply comments in the above-entitled proceeding is extended from August 30, 1957, to September 17, 1957.

Adopted: August 26, 1957.

Released: August 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7228; Filed, Sept. 3, 1957; 8:51 a. m.]

[47 CFR Part 11]

[Docket No. 11991]

INDUSTRIAL RADIO SERVICES

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of Part 11, Rules Governing the Industrial Radio Services, to delete, modify and create Services, and to effect changes in the availability of frequencies; Docket No. 11991.

By order of May 24, 1957, the Commission extended the time for filing original comments in the above-entitled proceeding from June 10, 1957 to September 3, 1957, and the time for filing reply comments in the same proceeding from June 20, 1957, to September 17, 1957.

The Commission now has before it for consideration two petitions seeking further extension of the above comment and reply dates. These petitions were filed on August 26, 1957 by American Mining Congress and American Iron Ore Association, respectively.

On the basis of the representations set forth in the above petitions the Commission concludes that the public interest would be served by an extension of the comment date to October 3, 1957, and by an extension of the reply date to October 21, 1957.

In view of the foregoing, and pursuant to section 0.291 (b) (4) of the Commission's rules, *It is ordered*, That the time for filing original comments in the above-entitled proceedings is extended from September 3, 1957, to October 3, 1957, and the time for reply comments from September 17, 1957, to October 21, 1957.

Adopted: August 28, 1957.

Released: August 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7229; Filed, Sept. 3, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Air Force

HERMAN W. BEVIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Names of any corporations of which the appointee is, or within 60 days preceding his appointment has been, an officer or director, or in which the appointee owns, or within 60 days preceding his appointment has owned, any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner, and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

General Time Corp.
Grumman Aircraft Engineering Corp.
Kaiser Aluminum and Chemical Corp.[1]
Kuman Aircraft Corporation [1]
Socony Mobil Oil Company, Inc.
W. L. Maxson Co.[1]

REFERENCE: FEDERAL REGISTER dated February 8, 1957, 22 F. R. 795.

Dated: August 19, 1957.

HERMAN W. BEVIS.

[F. R. Doc. 57-7192; Filed, Sept. 3, 1957; 8:45 a. m.]

[1] Additions since February 1, 1957, filing.

RALPH E. CROSS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Names of any corporations of which the appointee is, or within 60 days preceding his appointment has been, an officer or director, or in which the appointee owns, or within 60 days preceding his appointment has owned, any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner, and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Adrian City School District.
Ellicott Ellington School District No. 1.
Grosse Pointe Public School.[1]
Los Angeles City Sewer.[1]
New York State Thruway.[1]
St. Louis County Public Improvement.[1]
Utica Community School District No. 1.
Wayne County, Metropolitan Water Supply.[1]
The Cross Company.[1]
Connecticut General Life Insurance.[1]
Continental Insurance Co.
Eastman Kodak Co.[1]
Ford Motor Co.[1]
Gerber Products Co.[1]
Gillette Co.[1]
International Business Machine.
Lily Tulip Cup Corp.[1]
Minnesota Mining and Mfg. Co.[1]
Peerless Cement Corp.[1]
Standard Oil—Indiana.[1]
Standard Oil—New Jersey.[1]
Trane Co.[1]
Union Carbide Corp.

REFERENCE: FEDERAL REGISTER dated February 8, 1957, 22 F. R. 795.

Dated: August 8, 1957.

RALPH E. CROSS.

[F. R. Doc. 57-7193; Filed, Sept. 3, 1957; 8:45 a. m.]

ROBERT M. TRUEBLOOD

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Names of any corporations of which the appointee is, or within 60 days preceding his appointment has been, an officer or director, or in which the appointee owns, or within 60 days preceding his appointment has owned, any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner, and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Partner—Touche, Niven, Bailey & Smart. No changes since February 1, 1957, filing.

REFERENCE: FEDERAL REGISTER dated February 8, 1957, 22 F. R. 795.

Dated: August 12, 1957.

ROBERT M. TRUEBLOOD.

[F. R. Doc. 57-7194; Filed, Sept. 3, 1957; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F. R. 8071, December 8, 1954), as amended, are prescribed:

1. The Class A ports of entry of District No. 15—El Paso, Tex., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* are amended by deleting "*Ysleta, Tex.".

2. The Class B ports of entry of District No. 15—El Paso, Tex., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* are amended by deleting "Hot Springs, Tex.".

3. The Class B ports of entry of District No. 22—Portland, Maine, of subpararaph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* are amended by adding "Daaquam, Maine" in alphabetical sequence.

4. District No. 10—St. Paul, Minn., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of section 1.51 *Field Serv-*

ice is amended by adding the following international airport in alphabetical sequence: "Minot, N. Dak., Port O'Minot Airport".

5. District No. 30—Helena, Mont., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by deleting "Great Falls, Mont., Gore Field" and inserting in lieu thereof "Great Falls, Mont., Great Falls International Airport".

Dated: August 28, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 57-7219; Filed, Sept. 3, 1957; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 6 (Revised)]

DISTRICT DIRECTORS

DELEGATION OF AUTHORITY TO GRANT AUTHORIZATIONS OF AGENTS UNDER SECTION 3504 OF INTERNAL REVENUE CODE

The authority to grant authorizations of agents to perform all acts required of employers under chapters 21, 22, 24, and 25, subtitle C of the Internal Revenue Code of 1954, is delegated to each District Director of Internal Revenue to be exercised in accordance with applicable regulations and procedures.

The District Directors are authorized to redelegate the authority to such subordinates within their jurisdiction as, in their judgment, may be desirable.

This order supersedes Commissioner Delegation Order No. 6, effective June 1, 1955. (20 F. R. 4661).

Issued: August 22, 1957.

Effective: August 22, 1957.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

[F. R. Doc. 57-7224; Filed, Sept. 3, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1151018]

CALIFORNIA

REVOKING DEPARTMENTAL ORDER OF APRIL 11, 1930, WHICH CREATED RECREATIONAL WITHDRAWAL NO. 35

AUGUST 28, 1957.

By virtue of the authority vested in the Secretary of the Interior by the act of June 14, 1926 (44 Stat. 741; 43 U. S. C. 869), as amended, and pursuant to Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

1. The departmental order of April 11, 1930, withdrawing the public lands in the following-described areas in California as Recreational Withdrawal No. 35, is hereby revoked:

HUMBOLDT MERIDIAN

T. 2 S., R. 2 E.,
Sec. 8, NE¼SE¼.

MOUNT DIABLO MERIDIAN

T. 32 S., R. 46 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 19, 20, 22, 24 to 28 inclusive, and 30 to 35 inclusive.

SAN BERNARDINO MERIDIAN

T. 11 N., R. 1 W.,
Secs. 2, 3, 4, 6, 7, 8, 10, 11, 12, and 14;
Sec. 15, NE¼;
Sec. 18.
T. 12 N., R. 1 W.,
Secs. 31 and 32;
Sec. 34, lots 1, 2, 3, 7, 8, S½NE¼, and N½SE¼;
Sec. 35.
T. 11 N., R. 2 W.,
Secs. 2, 3, 4, 6, 7, 8, 10, 11, 12, 14, 15, and 18.
T. 12 N., R. 2 W.,
Secs. 31, 32, 34, and 35.

The areas described aggregate approximately 33,888.73 acres, of which the NE¼SE¼, sec. 8, T. 2 S., R. 2 E., H. M., has been patented without a reservation of minerals to the United States.

2. The following-described lands are included in an application for withdrawal (Los Angeles 0107128) filed by the Department of the Navy. With respect to these lands applications under the public land laws will be suspended in accordance with 43 CFR 295.10 until action on the application for withdrawal has been taken:

MOUNT DIABLO MERIDIAN

T. 32 S., R. 46 E.,
Secs. 4, 6, 8, 10, 18, 19, 20, 22, 27, 28, and 30.

The areas described aggregate 7,176.04 acres.

3. The following-described lands shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; U. S. C. 682a) as amended, with a 91-day preference right period for filing such applications by veterans of World War II, the Korean conflict, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284) as amended.

MOUNT DIABLO MERIDIAN

T. 32 S., R. 46 E.,
Secs. 2, 12, 14, 24, 25, 26, 31, 32, 33, 34, and 35.

SAN BERNARDINO MERIDIAN

T. 11 N., R. 1 W.,
Secs. 3, 4, 6, 7, 8, 10, and 14;
Sec. 15, NE¼.
T. 12 N., R. 1 W.,
Secs. 31 and 32;
Sec. 34, lots 1, 2, 3, 7, 8, S½NE¼, and N½SE¼;
Sec. 35, lots 3, 4, 5, 6, S½NW¼, and N½SW¼.

The areas described aggregate 13,607.19 acres.

4. The following-described lands are unreserved public lands of the United States:

SAN BERNARDINO MERIDIAN

T. 11 N., R. 1 W.,
Secs. 2, 11, 12, and 18.
T. 12 N., R. 1 W.,
Sec. 35, lots 1, 2, 7, 8, S½NE¼, and N½SE¼.
T. 11 N., R. 2 W.,
Secs. 2, 3, 4, 6, 7, 8, 10, 11, 12, 14, 15, and 18.
T. 12 N., R. 2 W.,
Secs. 31, 32, 34, and 35.

The areas described aggregate 13,065.50 acres.

5. The lands described in paragraph 4 are situated in the west-central portion of the Mojave Desert, San Bernardino County, about 21 miles north of Barstow, California. Access to the area may be made from Barstow via the Camp Irwin Highway to the Copper City road. The lands lie in an area that conforms to the characteristics of what is known as "high desert country". The topography varies from rough mountains, steep canyons and ridges to fairly level lands.

6. No application for the lands described in paragraphs 2 and 4 of this order may be allowed under the homestead, desert-land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

7. Subject to valid existing rights and the requirements of applicable law, the lands described in paragraphs 2 and 4 of this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Desert Land Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, presented prior to 10:00 a. m., on October 3, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on January 2, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs 7 a (1) and 7 a (2) above, presented prior to 10:00 a. m., on January 2, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m., on January 2, 1958.

8. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

9. No application under the Small Tract Act for lands described in paragraph 4 of this order will be accepted (43 CFR, 1957 Supp., 257.5).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Bartlett Building, 215 W. 7th Street, Los Angeles, California.

EARL J. THOMAS,
Acting Director.

[F. R. Doc. 57-7198; Filed, Sept. 3, 1957; 8:46 a. m.]

[76671]

WISCONSIN

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 28, 1957.

Plats of survey of the lands described below, accepted April 26 and May 1, 1957, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on October 8, 1957.

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 43 N., R. 5 E.,
Sec. 31, Lots 8 to 15 incl., 177.75 acres;
Sec. 32, Lots 5 to 9 incl., 69.06 acres.
T. 38 N., R. 9 E.,
Sec. 12, Lot 6, 36.32 acres.

These surveys were made as an administrative measure to identify certain lands found to have been omitted from the original survey in these townships.

The area surveyed in T. 43 N., R. 5 E., is low land, with considerable area of swamp land. The soil is a sandy loam and muck. The timber species consists of cedar, ash, hemlock, spruce, balsam, Tamarack, white and Norway pine. The undergrowth is growing timber, alder, and some willow and swamp brush. The improvements consist of a resort on the north shore of Circle Lily Lake. An improved road leads across the area to the resort. There are old logging bunk houses in Secs. 31 and 32 and an old logging road traversing the area. All of the lots surveyed are over 50 percent swamp land, except Lots 12 and 14, Sec. 31.

In T. 38 N., R. 9 E., the area surveyed is mostly rolling upland with two small areas of swamp. The soil is a sandy and gravelly loam, with some stone. Most of the timber was removed during early timber operations. A rim of timber remains along the shore line and species consists of poplar, birch, white and Norway pine, oak, elm, maple and hemlock, with some cedar in one of the small swamp areas. The improvements consist of the old Robbins store and post office, the old log settlement house, a newer main house, an old cabin and a small storehouse, and the clearing and road leading to the houses.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (50 Stat. 747; 43 U. S. C. 274–284, as amended), presented prior to 10:00 a. m., on October 8, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on January 7, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on January 7, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

K. K. SCHOLL,
Manager.

[F. R. Doc. 57-7199; Filed, Sept. 3, 1957; 8:46 a. m.]

[76795]

LOUISIANA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 28, 1957.

Plat of survey of the lands described below, accepted April 23, 1957, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on October 8, 1957.

LOUISIANA MERIDIAN, LOUISIANA

T. 15 S., R. 12 E.,
Sec. 25, Lot 1, 10.72 acres.
T. 15 S., R. 13 E.,
Sec. 30, Lot 1, 2.62 acres.

This plat represents the survey of an island between Flat Lake, Lake Palourde, Solar Pass and Pique Bayou, which was not included in the original surveys of said townships.

The island mostly upland in character, over 50 percent reaching approximately 4 feet above the surrounding water level. There are some slough troughs and a narrow strip of swamp land along the North and West shores. The soil is a black gumbo. The timber growth consists of sweet gum, black gum, live oak, bay, ash, cypress, and hackberry, with palmetto undergrowth and some vines. There are no improvements on the island. There are no surface indications of mineral deposits; however, there is oil activity in the general area.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be

subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274–284 as amended), presented prior to 10 a. m., on October 8, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10 a. m., on January 7, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10 a. m., on January 7, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57-7200; Filed, Sept. 3, 1957; 8:46 a. m.]

[75700]

MINNESOTA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING PUBLIC LANDS

AUGUST 28, 1957.

Plats of survey of the lands described below, accepted April 23 and 26, 1957, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on October 7, 1957.

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 110 N., R. 28 W.,
Sec. 30, Lot 1, 11.27 acres;
Sec. 31, Lot 4, 5.14 acres.
T. 110 N., R. 29 W.,
Sec. 25, Lot 2, 5.88 acres.
T. 139 N., R. 26 W.,
Sec. 6, Lot 6, 0.54 acre.
T. 139 N., R. 27 W.,
Sec. 1, Lot 7, 2.94 acres.

The plat of T. 110 N., Rs. 28 and 29 W., represents the survey of Brooks Island in Swan Lake. The plat of T. 139 N., Rs. 26 and 27 W., represents the survey of an island in Lake George.

The island in T. 110 N., Rs. 28 and 29 W. (Brooks Island) is upland in character. The soil is a sandy, black loam with some stone. The timber species consists of boxelder, elm, basswood, willow, oak and cottonwood. The main body of the island in Secs. 25 and 30 has been cleared and farmed. There are several buildings in Section 25.

The portion of the island in Sec. 6, T. 139 N., R. 26 W., is 100 percent swamp and has no timber growth; it is mostly open marsh. The soil is sandy muck. The part of the island in Sec. 1, T. 139 N., R. 27 W., is reported more than 50 percent upland. The soil is a sandy and stony loam, with muck in the swamp.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274–284 as amended), presented prior to 10:00 a. m., on October 7, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on January 6, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on January 6, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57-7201; Filed, Sept. 3, 1957; 8:46 a. m.]

[75846]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 28, 1957.

Plat of Survey of the lands described below, accepted April 26, 1957, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on October 7, 1957.

TALLAHASSEE MERIDIAN, FLORIDA

T. 19 S., R. 16 E.,
Sec. 25, Lots 9 and 10.
Containing 39.67 acres.

This plat represents the survey of lands within Sec. 25, east of Price Creek not included in the original surveys, as shown by plats of adjacent surveys approved February 14, 1845, June 12, 1850 and April 30, 1879.

The major portion of the lands within this survey are wet marshlands having a heavy growth of needle and saw grass thereon. Areas of Price's Hammock are of heavy limestone rock formation, rough and broken. The soil cover is a thin humus material. A dense growth of palms, oak and cedar and undergrowth, mainly of ferns, grow upon the hammock lands. The lands are over 50 percent swamp and overflow within the meaning of the Swamp Land Acts.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274–284 as amended), presented prior to 10:00 a. m., on October 7, 1957, will be considered as simultaneously filed

at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on January 6, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on January 6, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57-7202; Filed, Sept. 3, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

AREA CONSERVATIONISTS

DESIGNATION TO SERVE AS CONTRACTING OFFICER FOR SECRETARY OF AGRICULTURE FOR GREAT PLAINS CONSERVATION PROGRAM

Pursuant to the authority vested in the Administrator, Soil Conservation Service, by the Secretary of Agriculture, under date of August 21, 1957 (22 F. R. 6851), Area Conservationists and Acting Area Conservationists of the Soil Conservation Service in the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, with respect to the geographical area within the boundaries of designated counties for which they respectively are responsible are designated to serve as contracting officers on behalf of the Secretary of Agriculture in administering the Great Plains Conservation Program pursuant to the act of August 7, 1956 (70 Stat. 1115), and the above referred to regulations.

Done at Washington, D. C., this 26th day of August 1957.

[SEAL] D. A. WILLIAMS,
Administrator,
Soil Conservation Service.

[F. R. Doc. 57-7218; Filed, Sept. 3, 1957; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

UNITED STATES LINES CO.

NOTICE OF APPLICATION

Notice is hereby given that United States Lines Company seeks permission to carry outbound, for a period of six months, part cargoes of grain on its subsidized vessels on Line B Service, Trade Route Nos. 5, 7 and 9, to ports on Line F Service, Trade Route No. 8, to satisfy the demands of shippers for optional ports of discharge.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605 (c) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1175, should within fifteen (15) days from the date of publication of this Notice in the FEDERAL REGISTER notify the Secretary, Federal Maritime Board, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Federal Maritime Board.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

Dated: August 29, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7236; Filed, Sept. 3, 1957; 8:51 a. m.]

FRONTIER FREIGHT FORWARDERS, INC., AND DIXIE FORWARDING CO., INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8233 between Frontier Freight Forwarders, Inc., Miami, Florida, and Dixie Forwarding Co., Inc., Houston, Texas, is a cooperative working arrangement between the parties under which they will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 29, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7237; Filed, Sept. 3, 1957; 8:52 a. m.]

STONE FORWARDING CO., INC., AND MARKLEY EXPORT CORP.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8194 between Stone Forwarding Company, Inc., Houston, Texas, and Markley Export Corporation, Philadelphia, Pennsylvania, is a cooperative working arrangement between the parties under which they will perform freight forwarding services for each other in connection with relief cargo.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 29, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7238; Filed, Sept. 3, 1957; 8:52 a. m.]

AMERICAN PRESIDENT LINES ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8390, between American President Lines, Daido Kaiun Kaisha, Ltd., The East Asiatic Company, Ltd., et al., provides for the creation of a conference, to be known as the Caribbean/Pacific Northbound Freight Conference, for the establishment, regulation and maintenance of agreed rates, charges and practices for or in connection with the transportation of cargo in the trade from Cuba, Jamaica, Haiti, Dominican Republic, Trinidad, Windward and Leeward Islands, Barbados, French and British Guianas, Surinam, French West Indies, Venezuela and Netherlands Antilles to Pacific Coast ports of the United States and Canada.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 29, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7239; Filed, Sept. 3, 1957; 8:52 a. m.]

MISSISSIPPI SHIPPING CO. AND WATERMAN STEAMSHIP CORP.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following decribed agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8242, between Mississippi Shipping Company, Inc., and Waterman Steamship Corporation, covers the transportation of cargo under through bills of lading from ports in West Africa to Puerto Rico, with transhipment at New Orleans, La., or Mobile, Alabama.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 29, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7240; Filed, Sept. 3, 1957; 8:52 a. m.]

LLOYD BRASILEIRO (PATRIMONIO NACIONAL) ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8205-1, between Lloyd Brasileiro (Patrimonio Nacional) and Cia. Argentina de Navegacion Dodero, S. A., Dampskibsselskapet Torm, Flota Mercante del Estado, Mississippi Shipping Company, Inc., Moore-McCormack Lines, Inc., The Northern Pan-America Line, A/S, and the parties comprising the Brodin Line, Holland Interamerica Line, Ivaran Lines and the Norton Line joint services, all members of the Brazil/United States-Canada Freight Conference (No. 5450), modifies Agreement No. 8205, covering an arrangement for the stabilization of rates on coffee from Brazil to U. S. Atlantic and Gulf and Eastern Canadian ports, to include a clause providing that any other steamship company holding membership in said freight conference (No. 5450) may become a participant in Agreement No. 8205 by signing a counterpart thereof.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 29, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7241; Filed, Sept. 3, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10984, 11873; FCC 57M-802]

RCA COMMUNICATIONS, INC., AND WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of RCA Communications, Inc. v. The Western Union Telegraph Company, Docket No. 10984; lawfulness of certain actions of defendant with respect to handling of certain traffic originating in Canada and destined to points in Asia and Oceania; and RCA Communications, Inc. v. The Western Union Telegraph Company, Docket No. 11873; complaint for money damages.

The Acting Chief Hearing Examiner, in the absence of the hearing examiner designated to preside in the above-entitled proceeding, having under consideration the "Motion to Postpone Hearing" filed by RCA Communications, Inc., complainant herein, on August 19, 1957;

It appearing that RCA Communications, Inc. has also filed a "Motion to Dismiss and Terminate Proceeding", which pleading is now pending before the Commission;

It further appearing that good and sufficient reason exists why said motion herein should be granted and there is no opposition thereto;

It is ordered, This 23d day of August 1957, that the Motion to postpone hearing be, and it is hereby, granted, and that the hearing now scheduled to commence on September 3, 1957, is continued without date.

Released: August 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7230; Filed, Sept. 3, 1957; 8:51 a. m.]

[Docket No. 12142; FCC 57-942]

NORTH AMERICAN BROADCASTING CO. (WMNI)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of North American Broadcasting Company (WMNI), Columbus, Ohio, Docket No. 12142, File No. BP-10937; for construction permit.

1. The Commission has before it for consideration a "Protest And Petition For Reconsideration" filed on July 29, 1957, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Purdue University, licensee of standard broadcast Station WBAA, Lafayette, Indiana (hereinafter sometimes also referred to as WBAA), and directed against the Commission's action of June 27, 1957 in granting without hearing the above-captioned application of North American Broadcasting Company (hereinafter sometimes also referred to as WMNI [1]) for a construction permit for a new standard broadcast station at Columbus, Ohio to operate on 920 kilocycles with a power of 500 watts, unlimited time, utilizing a directional antenna, File No. BP-10937; an opposition thereto filed on August 7, 1957, by WMNI; and a reply to opposition filed on August 14, 1957 by WBAA.[2]

2. Prior to the Commission's grant of the instant WMNI application, WBAA had requested (in a petition filed on February 6, 1957) that said application be set for hearing on the grounds that the proposed operation would cause interference to Station WBAA in an area beyond its normally protected contour for which WBAA claims special protection pursuant to the provisions of § 3.182 (c) of the Commission's Rules. On June 27, 1957, the Commission granted the instant application and, in a letter of the same date, dismissed WBAA's petition of February 6, 1957 because of WBAA's failure to make the requisite showing under § 3.182 (c) of the rules that primary service to approximately 90 percent of the population in the alleged WBAA interference area is not supplied by any other station or stations carrying the same general program service. It is against the Commission's action in granting the WMNI application that the subject protest and petition for reconsideration is directed. WBAA requests that we set aside or reconsider our grant; designate the WMNI application for hearing on specified issues; name WBAA as a party to the proceeding; and postpone the effective date of the grant to the effective date of the Commission's final decision following the hearing on the application.

3. Station WBAA operates on a frequency of 920 kilocycles at Lafayette, Indiana with a power of 5 kilowatts day, 1 kilowatt night, using a directional antenna at night. Station WBAA is operated by Purdue University on a noncommercial educational basis. WBAA claims that it is a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the act, respectively, and thus has standing to file its "Protest and Petition For Reconsideration." WBAA bases this claim on the grounds that the proposed operation of WMNI would cause objectionable interference to the service of Station WBAA in an extensive area in northeastern Indiana, an area which, although outside of WBAA's 0.5 mv/m or normally protected contour, presently receives a primary interference-free service from WBAA and as such "should

[1] The call letters WMVW were assigned to this station originally. On August 8, 1957 the call letters were changed to WMNI.

[2] Also on August 14, 1957 WBAA tendered a "Further Statement * * *" in support of its protest and petition for reconsideration. WMNI tendered on August 20, 1957 a motion to strike said statement on the ground that it introduces new factual allegations after the 30 day statutory period prescribed by sections 309 (c) and 405 of the act. These pleadings are discussed further in paragraphs 16, 17 and 18, infra. WBAA, on August 26, 1957, filed a reply to WMNI's motion to strike.

be protected from interference under the so-called 'individual merit' standard of § 3.182 (c) of the Commission's rules." This section provides:

When it is shown that primary service is rendered by any station, beyond the normally protected contour, and when primary service to approximately 90 percent of the population (population served with adequate signal) of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations carrying the same general program service, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration.

4. In a supporting engineering affidavit, WBAA claims that it provides an interference-free service in all directions beyond its 0.5 mv/m contour and that in "certain directions is interference-free to the 0.1 mv/m contour from objectionable fading, atmospheric and man-made noise and objectionable interference from co-channel and adjacent channel stations." In all, WBAA alleges that it presently provides an interference-free broadcast service to a total of 1,426,731 persons residing in an area of 28,100 square miles, and that the population and area between the interference-free and 0.5 mv/m contour amounts to 577,579 persons residing in an area of 12,200 square miles. The area to which WBAA claims it provides the most extensive service beyond its 0.5 mv/m contour is to the northeast of Lafayette, Indiana, including a substantial portion of the eastern part of the State of Indiana. Finally, WBAA claims that the operation proposed by WMNI would cause objectionable interference within WBAA's presently interference-free service area in that part of the state, an area encompassing 225,184 persons and 4630 square miles, constituting 39 percent of the total population served by WBAA beyond its 0.5 mv/m contour and 37.9 percent of the total area to which it renders primary service beyond this contour.[3]

5. In addition, WBAA states that while some 90 other standard broadcast stations render service to varying portions of WBAA's interference-free service area beyond its 0.5 mv/m contour, none of these stations provides the same general program service as WBAA's; that its program schedule is different in material respects from any other existing broadcast service available to the citizens of Indiana, Ohio, and Illinois who can hear the WBAA signal; that uniqueness of programming stems both from the overall difference between the type of broadcast service rendered by WBAA (i. e., non-commercial educational) as contrasted with the standard commercial broadcast service rendered by other stations in the area and from the fact that WBAA broadcasts a large number of specific programs and series of programs which are not carried by any other station serving the area involved.[4]

6. At the time of its last application for renewal of license, filed on June 6, 1955, WBAA proposed to devote the following percentages of time to the following categories of programs:

	Percent
Religious and Home Economics	4.17
Entertainment	17.09
Agricultural	13.79
Educational	12.87
News	17.04
Discussion	1.91
Talks	1.56
Classical Music	31.57

7. WBAA cites the following programs as characteristic of its "unique program service":

"School of the Air". Each week WBAA presents some 15 different school programs especially fitted to fill the classroom needs of local Indiana elementary and secondary schools. The educational scope of these broadcasts cover such subjects as Indiana folklore, Indiana music, Indiana history, U. S. history, biology, current events, etc. Over 200,000 pupils have been enrolled for these broadcasts in the 1955-56 school year, and during the last 2 years "School of the Air" has contacted about 1,000,000 students in nearly 2,000 Indiana Schools.

"Listener's Classroom". Each semester WBAA broadcasts selected courses of regularly scheduled Purdue University classes as part of its adult education program.

"NAEB Tape Network". Each academic year the Purdue Department of Modern Languages presents daily a 15 minute program in language instructions, supplemented by a 15 minute program of background material on how people live in the continental country which is studied. Select programs of this series are taped and aired by more than 50 member stations of the National Association of Educational Broadcasters Tape Network.

"Festivals". Each year WBAA carries various festivals in the area of symphony, drama, books, opera, i. e., Metropolitan Opera and Interlocken Music Festival.

"Farm Service". WBAA originates programs at the Indiana State Fair, the annual Remington Soybean Show, the Summer and Winter Agricultural Conferences at Purdue, and in addition, market reports (USDA) of special interest to Indiana farmers are aired six times daily.

"Sports Events". Only WBAA broadcasts the major sports events of Purdue University—including all at home and away football and basketball games.

8. WBAA submits that an analysis of the program services provided by the other 90 stations which serve portions of WBAA's primary service area beyond its 0.5 mv/m contour—on the basis of the information contained in the Commission's license files of the station and actual knowledge of and familiarity with these programs—reveals no instance in which any such station provides the same general program service as WBAA; that the uniqueness of WBAA's service stems not only from the fact that it regularly broadcasts numerous programs not carried by any other stations in its area, but also from the fact that, viewed as a whole, no other existing broadcast station available to WBAA's listeners provides the same general service, day-in and day-out, on a regular basis. WBAA admits that a number of the commercial stations serving portions of WBAA's primary service area beyond its 0.5 mv/m contour do carry, in varying amounts, programs which under Commission definitions could be classified as educational, agricultural, or religious, but claims that aside from the technical classification, these programs (except in isolated instances) are not comparable either in form or in content to the programs carried by WBAA.[5]

9. On the basis of the matters set forth in Paragraphs 6 to 9, *supra*, WBAA contends that it has made the requisite showing that its program service is unique though it admits that "under the provisions of § 3.182 (c) of the rules the mere fact that a station's program service is shown [or claimed] to be unique does not * * * automatically confer upon the station the right to protection from objectionable interference beyond its 0.5 mv/m contour." WBAA contends further that "in any such case the Commission must determine at a hearing whether or not the unique program service is of sufficient value as to entitle the station to the additional protection contemplated by § 3.182 (c)."

10. In its opposition, filed on August 7, 1957, WMNI contends, in substance, that WBAA has no standing to file its subject pleading for the following reasons: "WBAA provides service to only 46.4 percent of the population residing between the normally protected 0.5 mv/m contour and the present interference-free contour, and not 90 percent as required under § 3.182 (c)"; the provisions of § 3.182 (c), by the "Commission's own conclusions (FCC Report #2969, Public

[3] Cities and towns with populations of over 2500 receiving a signal of less than 2 mv/m have not been included in the population figures set forth in paragraph 4.

[4] In its engineering affidavit WBAA indicates that only two non-commercial educational stations serve the interference-free area of WBAA, namely, WMBI, operated by the Moody Bible Institute in Chicago, and WILL, operated by the Board of Trustees of the University of Illinois at Urbana, Illinois; that WMBI serves 13.0 percent of the area lying between the WBAA 0.5 mv/m and the WBAA interference-free contour; and that WILL serves 36.5 percent of the same area and completely overlaps the area served by WMBI.

[5] Paragraph 2 of WMNI's reply of March 11, 1957, to WBAA's Petition To Designate Application For Hearing reads in part: "[WMNI] directs the Commission's attention to the attached program schedules of radio stations WOWO, WKJG, and WGL of Fort Wayne, Indiana, and WJR of Detroit, Michigan, and suggests that there are any number of programs of an educational, agricultural, musical, and general service nature provided to the general public in the area of northeastern Indiana, southern Michigan, and northwestern Ohio, some identical to those carried by WBAA, i. e., WKJG and WGL carrying the Purdue School of the Air 15 minutes daily Monday thru Friday; and WKJG, WGL and WJR broadcast farm news daily; and WKJG, WGL, and WJR weekly devote hourly programming to the Boston Symphony Orchestra, the Metropolitan Opera, and Symphony Hall, respectively."

Notice 40177, Jan. 3, 1957, Docket No. 11896, Proposed Rule Making to delete said section) 'are too vague and indefinite', 'give rise to much uncertainty', 'provide no criteria', and 'the public interest would be served by their deletion' ", and "to grant protestant's claims under rules which are so defective would be a deprivation of due process of law under the Fifth Amendment to the Constitution of the United States"; and protestant has not alleged or shown economic injury or interference within its normally protected 0.5 mv/m contour. WMNI further contends that "the protestant has refused even to make an attempt to comply with the Commission's instructions and normal requirements on the type of proof a protestant should submit to make a prima facie case"; that "the instant protest does not contain the proffer of one iota of proof that WBAA's program service is unique in character"; that "if the Commission should find that this matter warrants further proceedings, oral argument is the most that it should grant in this case"; and that "the Commission should find that the public interest would be served by not staying the effective date of the grant", because the public will receive a new radio service by WMNI and there is little likelihood that the grant will ultimately have to be set aside.

11. In its reply to opposition, WBAA contends, in substance, that cities with more than 2500 persons are to be excluded from the population count in the interference-free area under § 3.182 (c); that until, or unless, § 3.182 (c) is amended by pending rule-making proceedings, it is controlling; that WBAA is entitled to an evidentiary hearing on the threshhold question of whether it is a party in interest; that oral argument is insufficient; and that a stay of the WMNI grant is necessary.

12. WBAA's claim as a "party in interest" rests on whether it is entitled to protection beyond its 0.5 mv/m normally protected contour under the "individual merit" provision of § 3.182 (c) of our rules. In its attempt to show that it is entitled to such protection on the ground that its program service is unique, WBAA has merely described some of its programs. (See paragraphs 6 to 8, supra.) We considered WBAA's contention that its programming service is unique when we dismissed WBAA's petition to designate the instant application for hearing on the grounds that WBAA had failed to make the requisite showing under § 3.182 (c) of our rules because it had, inter alia, "submitted no analysis of the number of other stations which also provide primary service to the same general area served by WBAA; no analysis of the number of such stations which provide primary service to approximately 90 percent of the population of the area in question; no analysis of the individual programs of other stations and no breakdown of their daily or weekly operating schedule either by methods prescribed in the Commission's application forms or by any other method; and no analysis of the individual programs of each of the other pertinent stations in comparison with the programs of WBAA which are claimed to be unique."[6] Although WBAA did attach an engineering exhibit to its instant pleading in which it is shown that there are 90 other standard broadcast stations rendering service to some portion of the interference area in question, WBAA has made no attempt to make a comparison of the individual programs of WBAA and the other stations which provide service to the area under consideration We believe it is insufficient to say that certain programs are entirely different (unique) from what any other station broadcasts without showing what the other stations broadcast. It is not enough for WBAA to describe certain of its programs which are broadcast at various times throughout the year and claim that no other station provides a similar general program service. A further showing is necessary as to the individual programs and the daily operating schedules of other stations, providing primary service to at least 90 percent of the population of the area in question; to permit a determination as to what the general program service of each of these stations is, and wherein WBAA's individual programs are unique to make its general program service different therefrom. WBAA has failed to make such a showing. In re Application of Mid-State Broadcasting Company, 5 Pike and Fischer RR 250 (1949), In re Application of Prairie Broadcasting Company (WPRE), 14 Pike and Fischer RR 520 (g) (1956). The burden of making a prima facie showing that a station is entitled to protection beyond its normally protected contour under the individual merit standard of § 3.182 (c) clearly falls upon the protestant. In re Application of Cole E. Wylie, 6 Pike and Fischer RR 758, 764 (1950); and In re Application of Manitowoc Broadcasting Co., 6 Pike and Fischer RR 1048, 1052 (1950). Therefore, since we cannot determine the nature of the other program service to the area involved because WBAA has submitted "no analysis of the individual programs of each of the other pertinent stations in comparison with the programs of WBAA which are claimed to be unique," we cannot find, as a matter of fact, that protestant is a party in interest. However, we think the allegations contained in the protest are sufficient to warrant the matter being set for hearing on the issues specified by the protestant, the first of which, in effect, will place in issue, at this hearing, the basic question upon which the protestant's standing or lack of standing must rest. However, the Commission is not adopting said issues; and, therefore, the burden of proceeding with the introduction of evidence and the burden of proof on each issue shall be on WBAA. Furthermore, we are adding two issues, one of which is to determine whether or not WBAA is a party in interest within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended.

13. The protestant has requested that the effective date of the grant be postponed pending the conclusion of a full evidentiary hearing and the issuance of a final decision. Section 309 (c) provides, in pertinent part, that "the effective date of the Commission's action * * * shall be postponed to the effective date of the Commission's decision after hearing, unless * * * the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing."

14. WMNI contends that public interest considerations require that WMNI's grant remain in effect because, permitting WMNI to proceed, would give the public a much needed new broadcast service in the Columbus, Ohio area, while to protect channels in the manner requested by protestant would, in effect, deny service to 804,821 persons (1950 U. S. Census) in WMNI's proposed 0.5 mv/m area.

15. In considering the need for the new service in question, we find that there are five other standard broadcast stations operating in the city of Columbus, and that at least two other stations place a 2 mv/m signal over the city.[7] Therefore, we cannot make an affirmative finding that the public interest requires that this grant remain in effect. Accordingly, the effective date of the Commission's action here in question will be postponed to the effective date of the Commission's decision in the proceeding hereinafter ordered.

16. We have one final question to be resolved. On August 14, 1957 WBAA tendered a "Further Statement In Support Of Protest And Petition For Reconsideration And Request For Additional Relief". Therein, WBAA contends that, in light of newly discovered facts, the WMNI operation, as authorized, would receive from Stations WBAA and WMMN, Fairmont, West Virginia, interference which would affect more than 10 percent of the population in the normally protected primary service area of WMNI, in contravention of § 3.28 (c) of our rules. WBAA requests that an issue be added to determining whether the WMNI authorization would be in compliance with § 3.28 (c). WMNI tendered on August 20, 1957 a motion to strike WBAA's "Further Statement * * *" on the ground that it introduces new factual allegations subsequent to the 30-day statutory period prescribed by sections 309 (c) and 405 of the Act. Without addressing ourselves to the question as to the acceptability of WBAA's "Further Statement", we believe the question of whether the WMNI proposal is in compliance with § 3.28 (c) of our rules requires further inquiry on our own motion, to determine whether our grant was properly made. Section 309 (c) provides

[6] Commission's letter of June 27, 1957 to WBAA, Paragraph 2, supra.

[7] WTVN; Columbus, Ohio; 610 kc; 5 kw. WLW; Cincinnati, Ohio; 700 kc; 50 kw. WOSU; Columbus, Ohio; 820 kc; 5 kw. WRFD; Worthington, Ohio; 880 kc; 5 kw. WCOL; Columbus, Ohio; 1230 kc; 250 w. WBNS; Columbus, Ohio; 1460 kc; 5 kw. WVKO; Columbus, Ohio; 1580 kc; 1 kw-DA.

that a protest may be set for hearing on issues set forth in said protest, together with such further specific issues, if any, as may be prescribed by the Commission. The statute contemplates that, in appropriate cases, the Commission's inquiry will extend beyond matters alleged in the protest in order to reach any issue which may be relevant in determining the legality of the challenged grant. Clarksburg Publishing Co. v. F. C. C., 12 Pike and Fischer RR 2024, 2028.

17. Reexamination of the WMNI application shows that in computing the extent of interference caused to the proposed operation from WBAA, WMNI used radiation values for WBAA in the order of 330 to 347 mv/m which are less than the radiation value expected from a non-directional antenna of the height presently employed by WBAA; and that WMNI obtained the low radiation values from the measured WBAA 1941 non-directional horizontal pattern adjusted to 5 kilowatts of power authorized for WBAA, but that this horizontal pattern is based only on spot measurements and, therefore, does not accurately establish the WBAA unattenuated field at one mile. Our Engineering Standards provide that in the absence of radial measurements to establish an existing station's inverse distance field at one mile, Figure 8 of the Commission's Technical Standards must be used in determining a station's antenna efficiency. On the basis of Figure 8, the inverse distance field at one mile for WBAA is 424 mv/m and the interference caused to the proposed WMNI operation from WBAA would be greater than that determined by WMNI and the increase in interference could result in the total interference received being in excess of the 10 percent specified in § 3.28 (c). The Commission's action in granting the WMNI application was based, in part, on WMNI's showing that the total interference received amounted to 8.2 percent.

18. In reply to the WBAA "Further Statement", WMNI contends that the WBAA proof of performance clearly indicates there is distortion in the WBAA non-directional pattern (radiation toward WMNI is reduced due to this distortion); that the field intensity data contained in the WBAA proof of performance are the best available and appear reasonable; and that on the basis of this data, the interference conditions obtain, outlined in its application and indicating compliance with § 3.28 (c). Our own examination of the WBAA non-directional proof of performance data indicates that the WBAA non-directional proof of performance is based on measurements of the radiation from the directional array as well as the non-direction operation antenna system; that the non-directional and directional fields were measured at different azimuths from the station and at distances varying from 1.25 to 4.6 miles from the antenna system; that the shape of the non-directive pattern was obtained by plotting the product of the measured non-directional field and distance from the station for each azimuth; and that the pattern as plotted indicates considerable distortion in the WBAA non-directional pattern. It was on the basis of this distorted pattern that WMNI arrived at radiation values from WBAA toward the proposed operation. However, the WBAA proof of performance data in issue does not accurately establish the WBAA non-directional inverse distance fields at one mile in a direction toward the proposed WMNI operation because the WBAA daytime non-directional proof does not include complete non-directional radial measurements and because the single non-directional measurement on each azimuth is inadequate to establish a station's inverse field at one mile. Since the interference caused to the proposed operation on the basis of an antenna efficiency for WBAA as obtained from Figure 8 of the Rules would be greater than that determined by WMNI, and the WBAA non-directional proof of performance radiation pattern on file is not based upon sufficient field intensity measurement data as required by § 3.186 of the Commission's rules, WMNI's showing of compliance with § 3.28 (c) of the rules may be defective. Accordingly, on our own motion, we are including an issue relative thereto in the hearing provided for below. Since we are specifying this issue, the burden of proof will be on WMNI.

Accordingly, it is ordered, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the subject Protest And Petition For Reconsideration is granted to the extent provided for below and is denied in all other respects; that, effective immediately, the effective date of the grant of the above-captioned application is postponed pending a final determination by the Commission in the hearing described below; and that the above-captioned application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether standard broadcast station WBAA, Lafayette, Indiana, renders primary service beyond its normally protected (0.5 mv/m) service contour and if so, whether the same general program service is provided by any other station or stations to approximately 90 percent of the area so served.

2. To determine whether in light of the evidence adduced pursuant to Issue 1, Station WBAA has standing as a party in interest to protest or seek reconsideration within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, respectively.

3. To determine whether the proposed operation of North American Broadcasting Company (Station WMNI) would cause objectionable interference to the primary service area of Station WBAA and if so, the extent of the area and population subject to such interference.

4. To determine the areas and populations which would receive primary service from the proposed operation, the character of the program service which would be rendered under this proposal, and the availability of other primary broadcast service to such areas and populations.

5. To determine, in the light of the evidence introduced under the foregoing issues, whether WBAA is entitled to the protection afforded by § 3.182 (c) of the Commission's rules.

6. To determine whether, as a result of the interference received from Stations WBAA, Lafayette, Indiana and WMMN, Fairmont, West Virginia, the operation proposed by North American Broadcasting Company would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether there is a sufficient need for the proposed service to warrant a waiver of said section of the rules.

7. To determine whether the public interest, convenience and necessity will be served by a grant of the application of North American Broadcasting Company.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to Issues 1, 2, 3, and 4 shall be on the protestant; and as to Issue 6 on North American Broadcasting Company;

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that;

1. The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order; and

2. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

3. The appearances by the parties intending to participate in the above hearing shall be filed not later than September 20, 1957.

Adopted: August 28, 1957.

Released: August 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7231; Filed, Sept. 3, 1957; 8:51 a. m.]

[Docket No. 12143; FCC 57-943]

DISPATCH, INC. (WICU)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Dispatch, Inc. (WICU), Erie, Pennsylvania, Docket No. 12143, File No. BMPCT 1113; for modification of construction permit.

1. The Commission has before it for consideration (1) a "Protest and Petition for Reconsideration" filed on August 2, 1957, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Great Lakes Television Company (protestant), permittee of Television Station WSEE (Channel 34), Erie, Pennsylvania, and directed against the Commission's action of June 28, 1957, granting without hearing the above-entitled application of Dispatch, Inc., for modification of its construction permit for Television Station WICU

(Channel 12), Erie, Pennsylvania, to change its transmitter location to a site 5.6 miles southeast of the center of Erie, Pennsylvania, and to increase effective radiated power (aural: 1.5 kw. to 158 kw.; visual 2 kw. to 316 kw.); (2) an "Opposition to Protest and Petition for Reconsideration" filed by Dispatch, Inc. on August 12, 1957 and (3) Reply[1] to such opposition filed by the protestant on August 22, 1957.

2. The protestant claims standing as a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, as the permittee of an existing television broadcast station in the same community where the grantee proposes to operate its television broadcast station pursuant to the modified authorization. Protestant alleges, in substance, that if Dispatch is allowed to operate its station as modified by the grant, the service area of the Dispatch station will be increased and it will generally improve its over-all service to the public. As a result thereof, protestant asserts, it will be injured competitively and may be forced to curtail its UHF operation, or alternatively, to operate at a loss or reduce the quality of its present operation, to the detriment of protestant and the public now enjoying its television service.[2]

3. In support of its protest, WSEE alleges that two television broadcast stations are presently in operation at Erie, namely, WICU on VHF Channel 12 (Dispatch) and WSEE on UHF Channel 35 (protestant), the latter since April, 1954; that Erie is a market capable of supporting two or more television stations, but that competitive conditions "should not be exaggerated in favor of the VHF station only because it is a VHF operation"; that more than three quarters of the television revenues realized by the existing Erie stations "go to the VHF station and less than one quarter to the UHF (protestant's) station"; that "the artificial competitive factor enjoyed" by the VHF station has imposed economic hardship on WSEE and if Dispatch is permitted to utilize higher powered facilities, the economic burden on protestant will be intensified by causing further losses of revenue which could force the UHF station off the air or seriously deteriorate its service; that the gain in service area which Dispatch will obtain under its higher powered operation would not offset the loss the public would suffer if protestant's station were forced to discontinue its service to the Erie area; and, that the Commission should prevent the contingency of the destruction of the UHF operation by preserving the status quo.

4. Protestant also requests a stay pending a final decision after hearing, or pending the outcome of the rule making proceeding referred to above, and asserts in effect that the Commission in its Notice of Proposed Rule Making in Docket No. 12076 (see Footnote 2) stated that the outstanding authorization to Dispatch may be subject to change as a result of the rule making proceeding; that, therefore, the Commission should at this time preserve the status quo in order to facilitate the disposition of the rule making proceeding; and that postponement of the effective date of the grant to Dispatch for higher powered facilities will not affect the television service now enjoyed by the public in the Erie area.

5. In view of the foregoing the protestant requests that the Commission (1) stay the grant of the above-mentioned application; (2) grant an evidentiary hearing on issues specified by protestant; and (3) make the protestant a party to said hearing. The protestant requests that the hearing be held upon the following issues:

1. To determine whether grant of the application would result in an imbalance of competition between television stations in Erie, Pennsylvania, which would jeopardize the continuation of the present service of Station WSEE.

2. To determine whether the operation of Station WSEE by Great Lakes will be impaired with regard to programming and hours of operation by the operation of Station WICU on higher-powered facilities and whether the service now offered by WSEE will in any way be curtailed thereby.

3. To determine in the light of the foregoing issues, whether the public interest, convenience and necessity will be served by a grant of the above-entitled application.

6. On August 12, 1957, Dispatch filed an "Opposition to Protest and Petition for Reconsideration". Dispatch asserts therein that the instant protest fails to comply with the requirements of section 309 (c) of the act, in that it is devoid of any allegations of relevant or material facts but consists almost entirely of general allegations of a speculative, argumentative or conclusionary nature, and also fails to "specify with particularity" any facts which, if proven, would constitute grounds for granting the relief requested; that the instant petition for reconsideration fails to comply with the requirements of section 405 of the act in that it fails to state sufficient grounds for the Commission in the exercise of its discretion to grant the relief requested; that protestant's allegations of prospective economic injury do not constitute allegations of legal error because, as a matter of law, the Commission is expressly precluded from withholding a permit or license solely on the basis of economic injury considerations and, as a matter of policy, the Commission will not consider the effects of legal competition upon the public service in the field of broadcasting; that protestant's request for a stay is contrary to the public interest and must be denied since protestant makes no showing of irreparable injury and the only effect of a stay would be to deprive the community involved of a much needed, improved service for which Dispatch has tried continuously since May, 1953 to obtain authority; and that the instant protest or petition for reconsideration is inappropriate, in that it seeks to achieve by indirection an objective that is properly the subject of the current rule making proceeding in Docket No. 12076.

7. In view of the fact that the protestant is the permittee of Television Station WSEE in Erie, Pennsylvania, and has alleged that as a result of the grant of the above-captioned application it will be injured competitively through the higher powered operation by the loss of advertising revenues and the gain in population to be served by the Dispatch station and will thus suffer economic injury, we find the protestant to be a "party in interest" within the meaning of section 309 (c), of the Communications Act of 1934, as amended, and a "person aggrieved or whose interests are adversely affected" within the meaning of section 405 of said act. Federal Communications Commission *v.* Sanders Brothers Radio Station, 309 U. S. 470; In re T. E. Allen & Sons, Inc., 9 Pike & Fischer RR 197; Versluis Radio and Television, Inc., 9 Pike & Fischer RR 102. We further find that the protestant has specified with sufficient particularity the facts relied upon to warrant designating the instant application for hearing. The initial question to be determined is what type of hearing is to be held.

8. In substance, the issues specified by protestant concern the competitive injury which protestant allegedly will suffer in the Erie area as a result of the grant of higher powered facilities to Dispatch. The protestant's position is that the competitive advantage now held by the VHF television operation of Dispatch in Erie has imposed economic hardship on protestant in the operation of its UHF station which allegedly is receiving less than one quarter of the television revenues now realized by both stations in this area; and, that the Dispatch station will reap a further competitive advantage from the grant of the requested changes in its broadcast facilities which may cause protestant's station to discontinue operation or at least result in a serious deterioration in the service by protestant's station so that the public interest will suffer. Thus, the protestant contends, in effect, that a determination of these issues is required because the alleged deterioration of the program services involved is a public interest consideration.

9. We think it clear that the major thrust of protestant's argument is that intermixture in Erie has made effective competition of its UHF station with the Dispatch VHF Station difficult, a problem to which we are directing our attention in rule making (Docket No. 12076), looking towards the possible deintermixture of the Erie area. We are not persuaded by protestant's allegations intended to show that the present increase in coverage by Dispatch will have any real impact upon the competitive picture or if it does that this impact will outweigh the public advantage of the gain in service from the increased coverage of the VHF station. Nevertheless, we are constrained to find that the allegations in the protest are sufficient to warrant hearing on the issues the protestant has specified. See Federal Broadcasting System, Inc., v. Federal Communications Commission, 231 F. 2d 246; 97 U. S. App. D. C. 293. Nor do we believe that the problems raised as to the competitive impact of increased VHF service on a UHF station are of the type which lend themselves to demurrer. We shall, accordingly, designate the protest for evidentiary hearing.

10. We turn now to the question of whether we should stay the effective date of our grant of the above-captioned application until a decision in this matter after hearing. Section 309 (c) of the Communications Act proyides, in pertinent part, that "• • • the effective date of the Commission's action to which protest is made shall be postponed • • • unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing."

11. We are of the view that there is a definite and compelling need for the improved service proposed by Dispatch under its higher powered facilities. As protestant has pointed out, these facilities will enlarge the area and increase the population served by Station WICU (Dispatch). Operating as proposed, WICU will bring the first television service (Grade B) of any kind to a substantial number of people located in the area to the southeast of Erie. In addition, still other areas will receive a choice of services for the first time.[3] Accordingly, it appears that the proposed operation will fulfill a significant need by providing either a first or second service to an appreciable number of people. On the other hand, while of course we cannot state what our conclusions will be in the light of the hearings record, we do not believe that on the basis of its pleading, protestant had made a prima facie case that the grant may not be in the public interest, in view of what has been stated by us in Paragraph 9, supra. We cannot conclude, therefore, that the protestant has demonstrated a reasonable probability of success on the merits of its protest which would override the public need for the service of WICU, operating pursuant to its modified permit. We affirmatively find, therefore, without attempting to predict whether this grant will have to be set aside after the hearing herein ordered, that the public interest requires that the grant remain in effect. Accordingly, the effective date of the Commission's action here in question will not be postponed.

12. As an alternative to postponement of the grant pending decision after hearing protestant has requested that the Commission condition the grant in such a manner as to stay construction pending the outcome of the rule making proceeding in Docket No. 12076. The Commission is of the view that the protestant's request in this respect must be denied inasmuch as the pendency of the rule making proceeding in question presents wholly separate and different issues from those raised in the instant protest and petition for reconsideration and our disposition of this pleading will not constitute a prejudgment on the rule making proceeding and should not be so construed. Accordingly, the effective date of the Commission's grant in question will not be conditioned so as to stay construction thereunder until the outcome of the aforementioned rule making.

13. In view of the foregoing: *It is ordered*, That the subject Protest and Petition for Reconsideration is granted; that the request for postponement of the effective date of the grant is denied; and that, pursuant to section 309 (c) of the Federal Communications Act of 1934, as amended, the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether grant of the application would result in an imbalance of competition between television stations in Erie, Pennsylvania, which would jeopardize the continuation of the present service of Station WSEE.

2. To determine whether the operation of Station WSEE by Great Lakes will be impaired with regard to programming and hours of operation by the operation of Station WICU on higher-powered facilities and whether the service now offered by WSEE will in any way be curtailed thereby.

3. To determine in the light of the foregoing issues, whether the public interest, convenience and necessity will be served by a grant of the above-entitled application.

14. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues shall be on the protestant.

15. *It is further ordered*, That the protestant and the Chief of Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at a date to be specified in a subsequent order, before an Examiner to be specified at a later date.

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than September 20, 1957.

Adopted: August 29, 1957.

Released: August 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7232; Filed, Sept. 3, 1957; 8:51 a. m.]

[1] On August 22, 1957, protestant filed a belated "Reply to Opposition to Protest and Petition for Reconsideration" controverting Dispatch's contentions with respect to lack of standing and alleged failure to specify material facts, and reiterating and expanding upon its arguments in support of its request for stay.

[2] Protestant also states that it has filed with the Commission a petition requesting reassignment of Channel 12, presently used by Dispatch, from Erie, Pennsylvania, to Akron-Cleveland, Ohio, with Channel 41 to be made available to Dispatch. The Commission on July 2, 1957, issued a Notice of Proposed Rule Making (Docket No. 12076) requesting comments on protestant's reassignment proposals and similar proposals by another party.

[3] These findings are based upon information on file with the Commission.

CIVIL AERONAUTICS BOARD

[Docket No. 8813]

ABC AIR FREIGHT CO., INC.; ENFORCEMENT CASE

NOTICE OF HEARING

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on September 18, 1957, at 10:00 a. m., e. d. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., August 29, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7243; Filed, Sept. 3, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13144]

SHELL OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 28, 1957.

Shell Oil Company (Operator) et al. (Shell), on July 29, 1957, tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Letter, dated June 21, 1957. (2) Notice of Change, dated July 26, 1957.

Purchaser: Olin Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 7 to Shell's FPC Gas Rate Schedule No. 57. (2) Supplement No. 8 to Shell's FPC Gas Rate Schedule No. 57.

Effective date: [1] August 29, 1957.

In support of the proposed renegotiated rate increases, Shell states that a contract amendment of 1952 extending the term also provided for renegotiation of the rate for the five-year period commencing August 29, 1957, and the proposed rate of 16 cents per Mcf is in line with the going market price in the area and the proposed increase does little more than cover the increased costs since 1952. Shell also states that its basic wage rates alone have increased 22 percent since January 1, 1953.

[1] The stated effective date is the effective date proposed by Shell.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 7 and 8 to Shell's FPC Gas Rate Schedule No. 57.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until January 29, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7204; Filed, Sept. 3, 1957; 8:47 a. m.]

[Docket No. G-13145]

ATLANTIC REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 28, 1957.

The Atlantic Refining Company (Atlantic), on July 29, 1957, tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Letter, dated June 21, 1957. (2) Notice of Change, dated July 22, 1957.

Purchaser: Olin Gas Transmission Corporation.

Rate schedule designation: (1) Supplement No. 6 to Atlantic's FPC Gas Rate Schedule No. 56. (2) Supplement No. 7 to Atlantic's FPC Gas Rate Schedule No. 56.

Effective date: [1] August 29, 1957.

[1] The stated effective date is the effective date proposed by Atlantic.

In support of the proposed renegotiated rate increases, Atlantic states that a contract amendment of 1952 extending the term also provided for renegotiation of the rate for the five-year period commencing August 29, 1957, and the proposed rate of 16 cents per Mcf is in line with the going market price in the area and the proposed increase does little more than cover the increased costs since 1952. Atlantic also cites rates of 17.5 cents per Mcf for initial service in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 6 and 7 to Atlantic's FPC Gas Rate Schedule No. 56.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until January 29, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7205; Filed, Sept. 3, 1957; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION VI (SAN FRANCISCO)

REDELEGATION OF AUTHORITY WITH RESPECT TO URBAN PLANNING GRANT PROGRAM

The Regional Director of Urban Renewal, Region VI (San Francisco), Housing and Home Finance Agency, is hereby authorized within such Region to exercise the authority delegated to the HHFA Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective December 23, 1954 (20 F. R. 428-429, January 19, 1955), as amended, with respect to grants for urban planning authorized under section 701 of the Housing Act of 1954, as amended (68 Stat. 640, as amended, 40 U. S. C. 461), except those authorities which under paragraph 5 of such delegation may not be redelegated.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 13th day of August 1957.

[SEAL] M. JUSTIN HERMAN,
Regional Administrator, Region VI.

[F. R. Doc. 57-7226; Filed, Sept. 3, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1021]

GUNN AND MCCRARY, INC.

NOTICE OF AND ORDER FOR HEARING

AUGUST 28, 1957.

Gunn and McCrary, Incorporated (Gunn and McCrary), a Louisiana corporation, 512 Ricou-Brewster Building, Shreveport, Louisiana, filed with the Commission on April 20, 1956, a notification and an offering circular relating to an offering of 97,900 shares of its $1.00 par value capital stock at $1.00 per share for an aggregate of $97,900, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on July 20, 1957 issued an order pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 223 (b). A written request for a hearing was received by the Commission from Gunn and McCrary.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on September 25, 1957, at 10:00 a. m., Central Standard Time, at the Fort Worth Regional Office of the Commission, U. S. Courthouse, 10th and Lamar Streets, Fort Worth, Texas, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether Wayne D. Gunn, president, director and an affiliate of Gunn and McCrary, is subject to an order entered on March 27, 1957, by the Commission pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 340 of Regulation B adopted thereunder suspending the effectiveness of the filing of an offering sheet relating to certain non-producing working interests in an oil and gas lease;

B. Whether the terms and conditions of Regulation A have not been complied with, in that:

1. The offering circular fails to contain a statement of cash receipts and disbursements or income and expense as required by Rule 219 (c) (6) and fails to contain a financial statement of Gunn and McCrary's condition of the type required by Rule 219 (c) (6); and

2. Gunn and McCrary has failed to file reports on Form 2-A as required by Rule 224;

C. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The results to be encountered, if additional wells are drilled to develop Gunn and McCrary's properties;

2. Gunn and McCrary's oil reserves;

3. The location of Gunn and McCrary's properties and the development that had taken place thereon and in the vicinity of the said properties;

4. The nature, size and character of the legal interests that Gunn and McCrary had in the lands to which reference is made in the said offering circular;

5. The production history of the wells of Gunn and McCrary; and

6. The financial condition and history of Gunn and McCrary and more particularly in that the financial statement contains extensions of dollar amounts for non-cash transactions notwithstanding that Gunn and McCrary as of the date of the statement and the date of the offering circular was an extractive company in the promotional, exploratory or development stage;

D. Whether the use of the offering circular would operate as a fraud and deceit upon the purchasers; and

E. Whether the order dated July 20, 1957 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

It is further ordered, That Mr. Robert N. Hislop, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Gunn and McCrary, Incorporated, 512 Ricou-Brewster Building, Shreveport, Louisiana; that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before September 23, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-7208; Filed, Sept. 3, 1957; 8:47 a. m.]

[File No. 70-3611]

UTAH POWER & LIGHT CO.

NOTICE OF PROPOSED ISSUE AND SALE AT COMPETITIVE BIDDING OF SHARES OF COMMON STOCK AND PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

AUGUST 28, 1957.

Notice is hereby given that Utah Power & Light Company ("Company"), a registered holding company which is also a public-utility operating company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, (a) 400,000 shares of its Common Stock, with par value of $12.80 per share, and (b) $15,000,000 aggregate principal amount of First Mortgage Bonds, — percent Series due 1987, to be dated October 1, 1957, and to mature October 1, 1987.

The interest rate on the Bonds (a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid for the Bonds (not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by competitive bidding. The Bonds will be issued under the Company's Mortgage and Deed of Trust to Guaranty Trust Company of New York et al., dated as of December 1, 1943, as heretofore supplemented and as further supplemented by an Eleventh Supplemental Indenture to be dated as of October 1, 1957. Such Bonds will also be entitled to the benefit of the Indenture dated as of December 1, 1943, between the Company's subsidiary, The Western Colorado Power Company, and said trustees.

The Company states that part of the proceeds from the sale of said securities will be used to pay bank loans aggregating $21,000,000 made in connection with its construction program; that the remainder of such proceeds, together with the Company's available cash, will be used to carry forward the construction program of the Company and its Colorado subsidiary, involving expenditures for the three-year period 1957-1959 aggregating $46,000,000; and that to the extent its cash resources are not sufficient to meet such expenditures, the Company will issue and sell such additional securities, from time to time, as it deems desirable.

The Company estimates that its expenses in connection with the issue and sale of said securities will be as follows:

	Bonds	Stock
Federal stamp taxes	$16,500	$5,632
Filing fees, this Commission	1,530	1,040
Trustee's fees	7,000	-------
Listing fees, New York Stock Exchange	-------	1,000
Auditors' fees (Haskins & Sells)	1,500	1,500
Fees of Company counsel (Reid & Priest)	6,000	3,000
Printing and engraving	17,500	12,750
Miscellaneous	7,470	6,078
Total	57,500	31,000

The fees of Beekman & Bogue, counsel to the underwriters, are estimated at $5,750 with respect to the Bonds and $2,750 with respect to the Common Stock. These fees and the firm's incidental expenses, estimated at $250, will be paid by the successful bidders.

The Company has also filed applications for the approval of its issuance and sale of Common Stock and Bonds as aforesaid by the Public Services Commission of Wyoming and by the Idaho Public Utilities Commission, which, in the opinion of the Company's counsel, are the only State regulatory commissions having jurisdiction in the premises.

Notice is further given that any interested person may, not later than September 12, 1957, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-7209; Filed, Sept. 3, 1957; 8:47 a. m.]

[File No. 811-717]

CAPITAL AND MANAGEMENT, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

AUGUST 28, 1957.

Notice is hereby given that Capital and Management, Inc. ("CAM"), a closed-end, non-diversified investment company, registered as such under the Investment Company Act of 1940 ("act"), has filed an application pursuant to section 8 (f) of the act for an order de-

claring that CAM has ceased to be an investment company.

The application makes the following representations:

CAM was incorporated in the State of Florida on March 16, 1956. It filed its Notification of Registration as an investment company on Form N-8A on March 20, 1956. The Company has not engaged in any business; enabling legislation by the Florida State Legislature being required before the company can commence operations. No such legislation is in prospect at this time. CAM has no stockholders or directors.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 12, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7210; Filed, Sept. 3, 1957; 8:47 a. m.]

[File No. 8-4597]

ROBERTS SECURITIES CORP.

ORDER REVOKING BROKER-DEALER REGISTRATION

AUGUST 27, 1957.

In the matter of Roberts Securities Corporation, 210 5th Avenue, New York, New York; File No. 8-4597.

Proceedings having been instituted under section 15 (b) of the Securities Exchange Act to determine whether to revoke the registration as a broker and dealer of Roberts Securities Corporation, and whether, under section 15A (b) (4) of that Act, John V. Holmes is a cause of an order of revocation, if entered;

Hearings having been held after appropriate notice, the Division of Trading and Exchanges of the Commission having filed proposed findings, and the hearing examiner having filed a recommended decision;

Registrant having requested withdrawal from registration;

The Commission having this day issued its findings and opinion; on the basis of said findings and opinion;

It is ordered, That the registration as a broker and dealer of Roberts Securities Corporation be, and it hereby is, revoked, and that its request for withdrawal from registration be, and it hereby is, denied, and it is found that John V. Holmes is a cause of this order of revocation.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7211; Filed, Sept. 3, 1957; 8:48 a. m.]

[File No. 812-1105]

NATIONAL AVIATION CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

AUGUST 27, 1957.

Notice is hereby given that National Aviation Corporation ("National"), a registered closed-end, non-diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act"), for an order of the Commission exempting from the provisions of section 10 (f) of the act the proposed purchase by the applicant of not to exceed $750,000 principal amount of Sinking Fund Debentures, due September 1, 1982, with common stock purchase warrants, of Sperry Rand Corporation ("Sperry Rand").

The application makes the following representations:

Sperry Rand, a manufacturer of, among other things, electronics equipment, instrumentation and controls, gyroscope devices, computing systems, and navigational equipment for sea and air, proposes the issuance and sale of $110,000,000 principal amount of said debentures. Such issuance is covered by a registration statement filed by Sperry Rand under the Securities Act of 1933 on August 16, 1957. The investment banking firms, Paine, Webber, Jackson & Curtis and Hornblower & Weeks, each are expected to be members of the underwriting group as a "principal underwriter".

The application recites that Stuart R. Reed, a director of applicant, is a special partner in the firm of Paine, Webber, Jackson & Curtis, and that Charles S. Sargent, also a director of applicant, is a partner of Hornblower & Weeks.

The applicant states that it proposes to purchase the debentures from any of the underwriters other than Paine, Webber, Jackson & Curtis and Hornblower & Weeks. The amount of debentures proposed to be purchased by the applicant would constitute approximately 0.68 percent of the total offering and, on the assumption that the price would be 100 percent of principal amount, would represent approximately 4 percent of the total assets of National.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since Reed and Sargent are affiliated persons of investment banking firms which will be part of the underwriting group of the debenture offering referred to above, the purchase of such debentures by the applicant during the underwriting is subject to the provisions of section 10 (f) of the act.

It is represented that the proposed purchase of debentures is consistent with the protection of investors and the investment policies of the applicant as recited in its registration statement filed with the Commission.

Notice is further given that any interested person may, not later than September 9, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7212; Filed, Sept. 3, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XV-1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division, the following authority:

A. *General.* To carry out all of the financial assistance functions listed in Section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $20,000.

2. To approve disaster loans in an amount not exceeding $20,000;

3. To decline disaster loans in an amount not exceeding $20,000;

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator,

By ———————
Chief,
Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond, or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possesion thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services, for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

24. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in

and to any terms of sale or bid made at any such foreclosure sale.

25. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 19, 1957.

F. W. PRITCHARD,
Regional Director,
Detroit Regional Office XV.

[F. R. Doc. 57-7213; Filed, Sept. 3, 1957; 8:48 a. m.]

[Delegation of Authority 30-XIII-5]

BRANCH MANAGER, PORTLAND, OREGON

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Portland Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline Limited Loan Participation loans.

2. To approve or decline disaster loans not in excess of $50,000.

3. Where there is substantial concurrence in the recommendation of the processing Loan Examiner or Financial Specialist and by a Financial Specialist who shall have reviewed the report and indicated his comments thereon:

a. To approve but not decline direct business loans in an amount not exceeding $20,000;

b. To approve but not decline participation loans in an amount not exceeding $100,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Portland, Oregon, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 15, 1957.

ROBERT F. BUCK,
Regional Director,
Region XIII.

[F. R. Doc. 57-7214; Filed, Sept. 3, 1957; 8:48 a. m.]

[S. B. A. Pool Request No. 23]

WITHDRAWAL FROM MEMBERSHIP IN GENERAL TIRE PRODUCTION POOL, INC.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following companies, which have withdrawn from participation in the operations of General Tire Production Pool, Inc., of Wabash, Indiana, are herewith published:

ECTRO, Inc. (now Delaware Industries, Inc.), 425 South Sandusky Street, Delaware, Ohio.

The McCaskey Register Co., 2435 South Union Avenue, Alliance, Ohio.

The Sterling Manufacturing Co., 7201 Wentworth Avenue, Cleveland, Ohio.

Bedford Gear & Machine Products, Inc., Krick Road, Bedford, Ohio.

The acceptance of the first three above-named companies appeared in 17 F. R. 8112, on September 6, 1952, and that of Bedford Gear & Machine Products, Inc., in 18 F. R. 2423, on April 24, 1953.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, 18 F. R. 6583, Oct. 16, 1953)

Dated: August 26, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-7215; Filed, Sept. 3, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 29, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34136: *Commodities from, to, and between points in Texas.* Filed by Lee Douglass, Agent, (No. 310), for interested rail carriers. Rates on cement or concrete mix, carloads; canned or preserved foods, carloads; and sewer pipe or sewer pipe fittings, carloads from Dallas, Texas, to points in Texas, on cement or concrete mix; between points in Texas on canned or preserved foodstuffs; and between points in Texas on sewer pipe or sewer pipe fittings.

Grounds for relief: Texas intrastate competition.

Tariff: Supplement 44 to Agent J. F. Brown's tariff I. C. C. 865.

FSA No. 34138: *Proportional rates on newsprint paper to Texas.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7103), for interested rail carriers. Rates on newsprint paper, carloads from upper Mississippi River crossings on traffic originating in eastern Canada to specified destinations in New Mexico and Texas.

Grounds for relief: Equalization of combination rates via other base points.

Tariffs: Supplement 239 to Agent Kratzmeir's tariff I. C. C. 4109 and three other tariffs.

FSA No. 34139: *Bags and bagging material in mixed carloads with citrus fruit from Florida points.* Filed by O. W. South, Jr., Agent (SFA No. A3523), for interested rail carriers. Rates on bags and bagging material, in mixed carloads with citrus fruit from Florida points to points in southern, official (including Illinois), southwestern and western trunk line territories.

Grounds for relief: Short-line distance formulas, and grouping.

Tariff: Supplement 118 to Agent Spaninger's tariff I. C. C. 1211.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34137: *Commodities—From, to, and between points in Texas.* Filed by Lee Douglass, Agent (No. 309), for interested rail carriers. Rates on cement or concrete mix, carloads; canned or preserved foods, carloads; and sewer pipe or sewer pipe fittings, carloads, from and to, and between points in Texas over interstate routes.

Grounds for relief: Maintenance of rates between points in Texas to meet intrastate competition without being required to observe competitive rates as factors in constructing combination rates from or to more distant points outside Texas.

Tariff: Supplement 44 to Agent J. F. Brown's tariff I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-7220; Filed, Sept. 3, 1957; 8:49 a. m.]

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, First Session.

Acts Approved August 30, 1957

S. 1574 ---------- Public Law 85-240.
To provide for the disposal of certain Federal property in the Coulee Dam and Grand Coulee areas, to provide assistance in the establishment of a municipality incorporated under the laws of Washington, and for other purposes.

S. 2431 ---------- Public Law 85-222.
Granting the consent of Congress to the Klamath River Basin Compact between the States of California and Oregon, and for related purposes.

S. 2460 ---------- Public Law 85-234.
To authorize the transfer of certain housing projects to the city of Decatur, Illinois, or to the Decatur Housing Authority.

H. J. Res. 370 ---------- Public Law 85-232.
To extend the time limit for the Secretary of Commerce to sell certain war-built vessels for utilization on essential trade routes 3 and 4.

H. J. Res. 408 ---------- Public Law 85-228.
Authorizing the President to invite the States of the Union and foreign countries to participate in the Saint Lawrence Seaway Celebration to be held in Chicago, Illinois, from January 1, 1959, to December 31, 1959.

H. R. 1944 ---------- Public Law 85-238.
To amend title II of the Social Security Act so as to make inapplicable, in the case of the survivors of certain members of the Armed Forces, the provisions which presently prevent the payment of benefits to aliens who are outside the United States.

H. R. 2580 ---------- Public Law 85-230.
To increase the storage capacity of the Whitney Dam and Reservoir and to make available fifty thousand acre-feet of water from the reservoir for domestic and industrial use.

H. R. 2842 ---------- Public Law 85-235.
To amend the Tariff Act of 1930 to provide for the temporary free importation of certain tanning extracts, and to amend the Internal Revenue Code of 1954 to suspend temporarily the tax on the processing of coconut oil.

H. R. 4098 ---------- Public Law 85-236.
To provide for the conveyance to the State of California a portion of the property known as Veterans' Administration Center Reservation, Los Angeles, California, to be used for National Guard purposes.

H. R. 5894 ---------- Public Law 85-237.
To amend the laws relating to the endorsement of masters on vessel documents and to provide certain additional penalties for failure to exhibit vessel documents or other papers when required by enforcement officers.

H. R. 6363 ---------- Public Law 85-221.
To amend the Act of May 24, 1928, providing for a bridge across Bear Creek at or near Lovel Point, Baltimore County, Maryland, to provide for the construction of another bridge, and for other purposes.

H. R. 6709 ---------- Public Law 85-223.
To implement a treaty and agreement with the Republic of Panama, and for other purposes.

H. R. 7458 ---------- Public Law 85-231.
To amend the Fair Labor Standards Act of 1938, as amended, to restrict its application in certain overseas areas, and for other purposes.

H. R. 7864 ---------- Public Law 85-225.
To amend the Act of May 4, 1956 (70 Stat. 130), relating to the establishment of public recreational facilities in Alaska.

H. R. 8126 ---------- Public Law 85-224.
To amend section 16 (c) of the Revised Organic Act of the Virgin Islands.

H. R. 8240 ---------- Public Law 85-241.
To authorize certain construction at military installations, and for other purposes.

H. R. 8646 ---------- Public Law 85-233.
To amend the Alaska Public Works Act (63 Stat. 627, 48 U. S. C. 486, and the following) to clarify the authority of the Secretary of the Interior to convey federally owned land utilized in the furnishing of public works.

H. R. 8753 ---------- Public Law 85-227.
To amend title II of the Social Security Act to include California, Connecticut, Minnesota, and Rhode Island among the States which are permitted to divide their retirement systems into two parts so as to obtain social-security coverage, under State agreement, for only those State and local employees who desire such coverage.

H. R. 8755 ---------- Public Law 85-226.
To amend title II of the Social Security Act to permit any instrumentality of two or more States to obtain social-security coverage, under its agreement, separately for those of its employees who are covered by a retirement system and who desire such coverage, to include Alabama, Georgia, New York, and Tennessee among the States which may obtain social-security coverage for policemen and firemen in positions covered by a retirement system on the same basis as other State and local employees, and to extend the period during which State agreements for social-security coverage of State and local employees may be made retroactive.

H. R. 8821 ---------- Public Law 85-229.
To amend title II of the Social Security Act to facilitate the provision of social-security coverage for State and local employees under certain retirement systems.

H. R. 8892 ---------- Public Law 85-239.
To amend the Internal Revenue Code of 1954 to extend the time within which a minister may elect coverage as a self-employed individual for social security purposes and to permit such a minister to include, for social security purposes, the value of meals and lodging furnished him for the convenience of his employer and the rental value of the parsonage furnished to him, and for other purposes.

Acts Approved August 31, 1957

S. 268 ---------- Public Law 85-245.
To provide that the United States shall return to the former owners certain mineral interests in lands acquired for the Arkabutla, Sardis, Enid, and Grenada Reservoirs, Mississippi.

S. 939 ---------- Public Law 85-246.
To amend section 22 of the Interstate Commerce Act, as amended.

S. 2603 ---------- Public Law 85-242.
To amend the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896.

H. J. Res. 230 ---------- Public Law 85-252.
To suspend the application of certain Federal laws with respect to personnel employed by the House Committee on Ways and Means in connection with the investigations ordered by H. Res. 104, Eighty-fifth Congress.

H. J. Res. 313 ---------- Public Law 85-243.
Designating the week of November 22-28, 1957, as National Farm-City Week.

H. J. Res. 404 ---------- Public Law 85-247.
Providing for the recognition and endorsement of the second World Metallurgical Congress.

H. R. 1214 ---------- Public Law 85-251.
To authorize the President to award the Medal of Honor to the unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Korean conflict.

H. R. 6456 ---------- Public Law 85-250.
To amend section 304 (d) of the Federal Food, Drug, and Cosmetic Act, with respect to the disposition of certain imported articles which have been seized and condemned.

H. R. 6508 ---------- Public Law 85-244.
To modify the Code of Law for the District of Columbia to provide for a uniform succession of real and personal property in case of intestacy, to abolish dower and curtesy, and to grant unto a surviving spouse a statutory share in the other's real estate owned at the time of death, and for other purposes.

H. R. 7384 ---------- Public Law 85-248.
For the relief of the town of Medicine Lake, Montana.

H. R. 9023 ---------- Public Law 85-249.
To amend the Act of October 31, 1949, to extend until June 30, 1960, the authority of the Surgeon General to make certain payments to Bernalillo County, New Mexico, for furnishing hospital care to certain Indians.

Acts Approved September 2, 1957

S. 1482 ---- Public Law 85-264.
To amend certain provisions of the Columbia Basin Project Act, and for other purposes.

S. 2377 ---- Public Law 85-269.
To amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses.

S. 2438 ---- Public Law 85-254.
To amend the District of Columbia Business Corporation Act.

S. 2500 ---- Public Law 85-277.
An act to make uniform the termination date for the use of official franks by former Members of Congress, and for other purposes.

H. J. Res. 351 ---- Public Law 85-262.
To establish a Lincoln Sesquicentennial Commission.

H. R. 38 ---- Public Law 85-257.
To amend the Tariff Act of 1930 to provide for the temporary free importation of casein.

H. R. 110 ---- Public Law 85-261.
To amend section 372 of title 28, United States Code.

H. R. 293 ---- Public Law 85-255.
To authorize settlement for certain inequitable losses in pay sustained by officers of the commissioned services under the emergency economy legislation, and for other purposes.

H. R. 499 ---- Public Law 85-258.
To direct the Secretary of the Navy or his designee to convey a two thousand four hundred seventy-seven and forty-three one-hundredths acre tract of land, avigation, and sewer easements in Tarrant and Wise Counties, Texas, situated about twenty miles northwest of the city of Fort Worth, Texas, to the State of Texas.

H. R. 896 ---- Public Law 85-263.
To amend title 10, United States Code, to authorize the Secretary of the Army to furnish heraldic services.

H. R. 3028 ---- Public Law 85-272.
To provide for the relief of certain female members of the Air Force, and for other purposes.

H. R. 3367 ---- Public Law 85-259.
To amend section 1867 of title 28 of the United States Code to authorize the use of certified mail in summoning jurors.

H. R. 3377 ---- Public Law 85-253.
To promote the national defense by authorizing the construction of aeronautical research facilities and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research.

H. R. 3940 ---- Public Law 85-265.
To grant certain lands to the Territory of Alaska.

H. R. 4144 ---- Public Law 85-270.
To provide that the commanding general of the militia of the District of Columbia shall hold the rank of brigadier general or major general.

H. R. 4191 ---- Public Law 85-276.
To amend section 633 of title 28, United States Code, prescribing fees of United States commissioners.

H. R. 4193 ---- Public Law 85-268.
To amend section 1716 of title 18, United States Code, so as to conform to the Act of July 14, 1956 (70 Stat. 538-540).

H. R. 4609 ---- Public Law 85-260.
To further amend the Act entitled "An Act to authorize the conveyance of a portion of the United States military reservation at Fort Schuyler, New York, to the State of New York for use as a maritime school, and for other purposes", approved September 5, 1950, as amended.

H. R. 5810 ---- Public Law 85-274.
To provide reimbursement to the tribal council of the Cheyenne River Sioux Reservation in accordance with the Act of September 3, 1954.

H. R. 5811 ---- Public Law 85-275.
To amend subdivision b of section 14—Discharges, when granted—of the Bankruptcy Act, as amended, and subdivision b of section 58—Notices—the Bankruptcy Act, as amended.

H. R. 6258 ---- Public Law 85-273.
To amend the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937, as amended.

H. R. 6562 ---- Public Law 85-271.
Relating to the north half of section 33, township 28 south, range 56 east, Copper River meridian, Alaska.

H. R. 7383 ---- Public Law 85-256.
To amend the Atomic Energy Act of 1954, as amended, and for other purposes.

H. R. 8030 ---- Public Law 85-266.
To amend the Agricultural Adjustment Act of 1938 with respect to acreage history.

H. R. 8508 ---- Public Law 85-278.
To provide that there shall be two county committees elected under the Soil Conservation and Domestic Allotment Act for certain counties.

H. R. 8679 ---- Public Law 85-267.
To provide a one-year extension of the programs of financial assistance in the construction of schools in areas affected by Federal activities under the provisions of Public Law 815, Eighty-first Congress.

SEP 3 1957
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 22 NUMBER 172

Washington, Thursday, September 5, 1957

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A listing of current public laws approved by the President appears at the end of this issue.

TITLE 3—THE PRESIDENT

PROCLAMATION 3198

NATIONAL FARM-CITY WEEK, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it is fitting that all citizens, rural and urban, should recognize their interdependence in contributing to the strength, character, and prosperity of our Nation; and

WHEREAS it is increasingly important that the public should understand the mutuality of interests of those who live on farms and those who live in cities; and

WHEREAS the productivity of the farms and of urban labor and business continues to provide the food, the tools, the services, and the goods that afford our citizens the highest standard of living in the world; and

WHEREAS the Congress, by a joint resolution approved August 31st, 1957, has designated the week of November 22 to November 28, 1957, as National Farm-City Week, and has authorized and requested the President to issue a proclamation calling for suitable observance of that week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people throughout the country to participate fully in the observance of the period from November 22 to November 28, 1957, as National Farm-City Week; and I request the Department of Agriculture, the land-grant colleges, the Agricultural Extension Service, and all other appropriate agencies and officials of the Government, to cooperate with National, State, and local farm organizations and other groups in the several States and counties in preparing and carrying out programs for the appropriate observance of National Farm-City Week, including plans for public meetings, discussions, exhibits, pageants, and press, radio, and television features, with special emphasis on notable achievements by rural groups and individuals, local, State, and National, and on the enrichment of American country living through adequate cultural, spiritual, educational, recreational, and health facilities for both rural youth and rural adults.

I also request urban groups to join in this observance, along with farm groups, as evidence of our appreciation of all those on the farms and in the cities of this Nation who have worked so well in providing us with the food, the fiber, and the products that we need and enjoy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirty-first day of August, in the year of our Lord nineteen hundred [SEAL] and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-7336; Filed, Sept. 4, 1957; 11:09 a. m.]

EXECUTIVE ORDER 10727

DESIGNATING THE PREPARATORY COMMISSION OF THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE INTERNATIONAL ATOMIC ENERGY AGENCY, AND THE UNIVERSAL POSTAL UNION AS PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the Preparatory Commission

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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of the International Atomic Energy Agency and in the International Atomic Energy Agency under the authority of the Statute of the International Atomic Energy Agency ratified July 29, 1957, pursuant to the advice and consent of the Senate given June 18, 1957, and in the Universal Postal Union under the authority of a convention approved January 8, 1953, I hereby designate the Preparatory Commission of the International Atomic Energy Agency, the International Atomic Energy Agency, and the Universal Postal Union as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the said International Organizations Immunities Act.

The designation of the Preparatory Commission of the International Atomic Energy Agency, the International Atomic Energy Agency, and the Universal Postal Union as public international organizations within the meaning of the said International Organizations Immunities Act is not intended to abridge in any respect privileges, exemptions, and immunities which such organizations may have acquired or may acquire by treaty or congressional action.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 31, 1957.

[F. R. Doc. 57-7319; Filed, Sept. 3, 1957; 3:05 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

1. Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (f) of § 6.102 is redesignated to read "Bureau of Security and Consular Affairs".

2. Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (b) of § 6.302 is redesignated to read "Bureau of Security and Consular Affairs", paragraph (b) (4) is revoked, paragraph (b) (2) is amended, and paragraph (b) (7) is added, as set out below.

§ 6.302 *Department of State.* • • •

(b) *Bureau of Security and Consular Affairs.* • • •

(2) One Staff Assistant.

• • • • • •

(7) One Private Secretary to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-7267; Filed, Sept. 4, 1957; 8:48 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 224—DISCOUNT RATES

MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, §§ 224.2 to 224.6 are amended as set forth below:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	3½	Aug. 13, 1957
New York	3½	Aug. 23, 1957
Philadelphia	3½	Aug. 9, 1957
Cleveland	3½	Aug. 23, 1957
Richmond	3½	Aug. 19, 1957
Atlanta	3½	Aug. 13, 1957
Chicago	3½	Aug. 9, 1957
St. Louis	3½	Aug. 21, 1957
Minneapolis	3½	Aug. 9, 1957
Kansas City	3½	Do.
Dallas	3½	Aug. 13, 1957
San Francisco	3½	Aug. 15, 1957

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4	Aug. 13, 1957
New York	4	Aug. 23, 1957
Philadelphia	4	Aug. 9, 1957
Cleveland	4	Aug. 23, 1957
Richmond	4	Aug. 19, 1957
Atlanta	4	Aug. 13, 1957
Chicago	4	Aug. 9, 1957
St. Louis	4	Aug. 21, 1957
Minneapolis	4	Aug. 9, 1957
Kansas City	4	Do.
Dallas	4	Aug. 13, 1957
San Francisco	4	Aug. 15, 1957

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4½	Aug. 13, 1957
New York	4¼	Aug. 23, 1957
Philadelphia	4	Aug. 9, 1957
Cleveland	4½	Aug. 23, 1957
Richmond	4½	Aug. 19, 1957
Atlanta	4½	Aug. 13, 1957
Chicago	4½	Aug. 9, 1957
St. Louis	4½	Aug. 21, 1957
Minneapolis	4½	Aug. 9, 1957
Kansas City	4½	Do.
Dallas	4½	Aug. 13, 1957
San Francisco	4½	Aug. 15, 1957

§ 224.5 *Rates to industrial or commercial businesses under section 13b.* The rates to industrial and commercial businesses (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On loans	Effective	On commitments	Effective
Boston	4– 6	June 5, 1957	½–1½	Aug. 13, 1948
New York	4¼–6	Aug. 23, 1957	½–1½	Aug. 23, 1957
Philadelphia	3½–6	Aug. 9, 1957	½–1½	May 27, 1957
Cleveland	4 –6	Aug. 23, 1957	½–1½	June 17, 1957
Richmond	4 –6	Aug. 19, 1957	½–1½	Aug. 19, 1957
Atlanta	3½–6	Aug. 13, 1957	1 –1½	Aug. 13, 1957
Chicago	3½–6	Aug. 9, 1957	½–1½	Aug. 9, 1957
St. Louis	4 –6	Aug. 21, 1957	½–1½	Aug. 21, 1957
Minneapolis	4 –6	Aug. 9, 1957	½–1½	Aug. 9, 1957
Kansas City	4 –6	June 17, 1957	½–1½	June 17, 1957
Dallas	4 –6	Aug. 13, 1957	½–1½	Aug. 13, 1957
San Francisco	4 –6	Aug. 15, 1957	½–1½	Aug. 15, 1957

§ 224.6 *Rates to financing institutions under section 13b.* The rates to financing institutions under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On discounts or purchases: Portion for which institution is obligated	On discounts or purchases: Remaining portion	On commitments	Effective
Boston	(1)	(2)	½–1½	Aug. 13, 1948
New York	(1)	(2)	½–1½	Aug. 23, 1957
Philadelphia	(3)	(2)	½–1½	May 27, 1957
Cleveland	(1)	(2)	½–1½	June 17, 1957
Richmond	(1)	(2)	½–1½	Aug. 19, 1957
Atlanta	(1)	(4)	(4)	Aug. 13, 1957
Chicago	3½–6	3½–6	½–1½	Aug. 9, 1957
St. Louis	3½–4	(2)	½–1½	Aug. 21, 1957
Minneapolis	4 –6	4 –6	½–1½	Aug. 9, 1957
Kansas City	(1)	(2)	½–1½	June 17, 1957
Dallas	(1)	(2)	½–1½	Aug. 13, 1957
San Francisco	(1)	(2)	½–1½	Aug. 15, 1957

[1] Rate charged borrower less commitment rate.
[2] Rate charged borrower, but not exceeding 1 percent above rate under § 224.2.
[3] Rate charged borrower.
[4] Twenty-five percent of loan rate on disbursed portion; ½ percent per annum on undisbursed portion.
[5] One-fourth percent per annum on undisbursed portion.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interpret or apply sec. 14 (d), 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 57-7206; Filed, Sept. 4, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1010—MILK IN THE WILMINGTON, DELAWARE, MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

1. All of the findings, terms, and provisions of the "Order Amending the Order Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area" which were annexed to and made a part of the decision of the Assistant Secretary of Agriculture issued August 22, 1957, and published in the FEDERAL REGISTER August 27, 1957 (22 F. R. 6897), with respect to a proposed marketing agreement and to a proposed order amending the order regulating the handling of milk in the Wilmington, Delaware, marketing area shall be and are the findings, terms and provisions of the order amending the order as if set forth in full herein.

2. The aforesaid findings are supplemented by the following additional findings and determinations (§ 1010.0 (b) and (c)):

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective September 1, 1957. Any delay beyond that date in the effective date of this order amending the order will seriously threaten the orderly marketing of milk in the Wilmington, Delaware, marketing area. The provisions of the said order are well known to handlers—the public hearing having been held on July 29, 1957, the recommended decision having been issued on August 13, 1957 (22 F. R. 6594; F. R. Doc. 57-6755) and the final decision having been issued August 22, 1957 (22 F. R. 6897; F. R. Doc. 57-7023). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001, et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order) of more than 50 percent of the milk covered by the order, which is marketed within the Wilmington, Delaware, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum thereon and who, during the determined representative period (July 1957), were engaged in the production of milk for sale in the said marketing area.

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Wilmington, Delaware, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete the words "through August 1957" as they appear in § 1010.50 (a).

(Sec. 5, 49, Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of August to be effective on and after September 1, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-7264; Filed, Sept. 4, 1957; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6380]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BEST FOODS, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Oleomargarine amendment to FTC Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; sec. 12, 52 Stat. 114; sec. 15, 64 Stat. 20-21; 15 U. S. C., Secs. 45, 52, 55) [Modified order to cease and desist, The Best Foods, Inc., New York, N. Y., Docket 6380, Aug. 8, 1957]

Order modifying the order to cease and desist of November 8, 1955, 20 F. R. 8631, so that it conforms to the modification requested by the Commission and approved on January 18, 1956, by the Court of Appeals, Third Circuit, in the Reddi-Spred case, 229 F. 2d 557.

The modified order to cease and desist is as follows:

It is ordered, That the respondent, The Best Foods, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oleomargarine or margarine, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any statement, word, grade designation, design, device, symbol, sound or any combination thereof which represents or suggests that said product is a dairy product: *Provided, however,* That nothing contained in this order shall prevent the use in advertisements of a truthful, accurate and full statement of all of the ingredients contained in said product.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product any advertisement which contains any of the representations prohibited in paragraph 1 of this order.

Issued: August 8, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-7257; Filed, Sept. 4, 1957; 8:46 a. m.]

[Docket 6716]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ATLANTIC SEWING STORES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.75 *Free goods or services;* § 13.155 *Prices:* Bait; fictitious marking. Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1955 *Free goods.* Subpart—*Using misleading name*—Vendor: § 13.2395 *Individual or private business as association or guild.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Atlantic Sewing Stores, Inc., et al., Flushing, N. Y., Docket 6716, Aug. 12, 1957]

In the Matter of Atlantic Sewing Stores, Inc., a Corporation; Northern Appliance Stores, Inc., a Corporation; Para Specialties, Inc., a Corporation; Appliance Buyers Corporation, a Corporation, and Aaron Glubo, Robert B. Epstein and Seymour Exelberth, Individually and as Officers of the Above Named Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging four affiliated concerns in Flushing, N. Y., and their three common officers who also did business under a variety of trade names, with false advertising in newspapers and by television which used "bait" offers made for the purpose of obtaining leads to prospective buyers of sewing machines, priced fictitiously and excessively the models pushed, and made deceptive "free gift" offers; and with deceptive use of the word "Guild" in their trade names.

Following respondents' answer and hearings, the hearing examiner made his initial decision including findings, conclusions and order to cease and desist which became on August 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Atlantic Sewing Stores, Inc., a corporation, Northern Appliance Stores, Inc., a corporation, Para Specialties, Inc., a corporation, Appliance Buyers Corporation, a corporation, Aaron Glubo, Robert B. Epstein, and Seymour Exelberth, officers of the above-named corporations, and individually or as co-partners trading under any name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of sewing machines or related products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That certain sewing machines or other related products are offered for sale when such offer is not a bona fide offer to sell such sewing machines or other related products.

2. That certain amounts are the usual and regular retail prices of their sewing machines or other related products when such amounts are in excess of the prices at which such sewing machines or other related products are usually and regularly sold at retail.

3. That any article of merchandise or anything else of value is given free to anyone unless such merchandise or other thing of value is actually tendered or delivered.

It is further ordered, That respondents Aaron Glubo, Robert B. Epstein, and Seymour Exelberth, their agents, representatives and employees in connection with the offering for sale, sale, or distribution of sewing machines or related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the word "guild" as a part of a trade or corporate name or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the corporate respondents, Atlantic Sewing Stores, Inc., Northern Appliance Stores, Inc., Para Specialties, and Appliance Buyers Corporation, and the individual respondents, Aaron Glubo, Robert B. Epstein, and Seymour Exelberth, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: August 12, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-7256; Filed, Sept. 4, 1957; 8:46 a. m.]

[Docket 6766]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

M & A INC. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; usual as reduced, special, etc. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 8, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, M & A Inc., trading as Philipson's (Dallas, Tex.) et al., Docket 6766, Aug. 15, 1957]

In the Matter of M & A Inc., a Corporation Trading as Philipson's and Mrs. Glenna Rice, an Individual.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Dallas, Tex., with violating the Fur Products Labeling Act by labeling certain fur products with fictitious prices; by invoicing which abbreviated required information; by advertising in newspapers, etc., which failed to disclose that certain fur products were artificially colored or composed of cheap or waste fur, and misrepresented prices; and by failing to maintain adequate records as the basis for claims of savings.

Following approval of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents M & A Inc., a corporation, trading under its own name, or as Philipson's or under any other name or names, and its officers, and Mrs. Glenna Rice, individually and as manager of Philipson's and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the introduction, into commerce, or the sale, advertising or offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur products," are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by setting forth on labels attached to fur products prices represented to be the regular or usual price of any fur products which are in excess of the prices at which the respondents have usually or customarily sold such fur products in the recent regular course of their business;

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

e. The name and address of the person issuing such invoice;

f. The name of the country of origin of any imported fur contained in a fur product.

2. Setting forth required information in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

b. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

2. Represents, directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent regular course of its business.

3. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

4. Makes price claims and representations of the type referred to in paragraphs 2 and 3 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 16, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-7258; Filed, Sept. 4, 1957; 8:46 a. m.]

[Docket 6776]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JOEL WORKMAN CO.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Joel S. Workman trading as Joel Workman Company, New York, N. Y., Docket 6776, Aug. 14, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

Following acceptance of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Joel S. Workman, an individual trading as Joel Workman Company, or any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

(a) Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs used in the fur product;

(7) The item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

(a) Failing to furnish purchasers of fur products invoices showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide or as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5). The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Joel S. Workman, an individual trading as Joel Workman Company, shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 16, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7255; Filed, Sept. 4, 1957; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54425]

PART 16—LIQUIDATION OF DUTIES

CONVERSION OF CURRENCY; FRANCE REMOVED FROM THE LIST OF QUARTERLY RATE COUNTRIES

Pursuant to section 522 (c) (1) (B) of the Tariff Act of 1930, as amended by the Customs Simplification Act of 1956 (31 U. S. C. 372 (c) (1) (B)), France is hereby removed from the list of countries whose currencies shall be subject to conversion for customs purposes in accordance with applicable law and regulations at the rate first certified by the Federal Reserve Bank of New York for a day within the quarter beginning January 1, 1957, and each quarter thereafter.

The list of countries set forth at the end of paragraph (d) of § 16.4 of the Customs Regulations (19 CFR 16.4 (d)) is amended by deleting France, effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

Publication of notice and public procedure under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is found to be impracticable because it is imperative in the proper administration of the above-mentioned provision of the Tariff Act of 1930, as amended, that this Treasury decision be put into effect without delay. This urgency is also found to be good cause for not deferring the effective date pursuant to section 4 (c) of the Administrative Procedure Act.

(R. S. 251, secs. 522, 624, 46 Stat. 739, as amended, 759; 19 U. S. C. 66, 1624, 31 U. S. C. 372)

The Federal Reserve Bank of New York suspended certification of rates for the French franc effective August 12, 1957. The Bank has resumed certification and is now certifying two rates. Further instructions will be issued as soon as practicable with respect to the rates certified for dates on and after August 12, 1957, and prior to the effective date of this Treasury decision.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: August 30, 1957.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 57-7277; Filed, Sept. 4, 1957; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) SULFATE VETERINARY

Effective as of the date of publication in the FEDERAL REGISTER, § 146b.114 is revised to read as set forth below. This revision is made solely for editorial and codification purposes, and no change is made in the context of the regulations:

§ 146b.114 *Streptomycin sulfate veterinary; dihydrostreptomycin sulfate veterinary; dihydrostreptomycin hydrochloride veterinary*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate veterinary is the sulfate salt of a kind of streptomycin or a mixture of two or more such salts. Dihydrostreptomycin sulfate veterinary and dihydrostreptomycin hydrochloride veterinary are the hydrogenated sulfate or hydrochloride salt of a kind of streptomycin or a mixture of two or more such salts. Each such drug is so purified and dried that:

(1) Its potency is not less than 450 micrograms per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 14.0 percent.

(4) Its pH in aqueous solution of 0.2 gram per milliliter is not less than 3.0 and not more than 7.0.

(5) If it is dihydrostreptomycin sulfate veterinary or dihydrostreptomycin hydrochloride veterinary, its content of streptomycin is not more than 5 percent when calculated as streptomycin base.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container:

(1) The batch mark.

(2) The number of milligrams of streptomycin or dihydrostreptomycin per gram and the number of grams of the drug in the immediate container.

(3) The statement "Expiration date _____," the blank being filled in with the date which is 36 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For use only in the manufacture of nonsterile veterinary drugs."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams of streptomycin or dihydrostreptomycin per gram, and the total number of grams of streptomycin or dihydrostreptomycin in each package. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, and streptomycin content, if it is dihydrostreptomycin.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of 6 packages each containing approximately 1.0 gram taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations, other than the examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, since the section is republished for codification purposes only, and no change has been made in the context of the regulation.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: August 29, 1957.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 57-7266; Filed, Sept. 4, 1957; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

DELAWARE BAY AND RIVER

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.157 establishing and regulating the use of anchorage grounds in Delaware Bay and River is hereby amended by revision of paragraph (a) (7) redesignating the preferential area therein and correcting the dimensions of the anchorage, as follows:

§ 202.157 *Delaware Bay and River*—(a) *The Anchorage Grounds.* • • •

(7) *Anchorage 7 off Marcus Hook.* On the southeast side of the channel along Marcus Hook Range, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°25'50''; thence northeasterly along the edge of the channel to longitude 75°23'30''; thence 207°, 933 yards; thence 237°, 2,692 yards; thence 267°, 933 yards, to the point of beginning. A preferential area in this anchorage is designated for the use of vessels awaiting quarantine inspection, this area being 333 yards wide on the downstream side of a line projected from Blueball Road in Marcus Hook. Should the remainder of the anchorage be in use, the preferential area, when available, may be used by vessels not subject to quarantine inspection.

[Regs. 20 August 1957, 800.212 (Delaware Bay and River)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

[SEAL] HERBERT M. JONES, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 57-7247; Filed, Sept. 4, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

SURRENDER OF SERVICEMEN'S INDEMNITY; SERVICEMEN'S INDEMNITY FOR CHILDREN

Immediately after § 4.427, new §§ 4.428 and 4.429 are added as follows:

§ 4.428 *Surrender of servicemen's indemnity.* (a) Except as provided in § 4.429, no person who, on January 1, 1957, was a principal or contingent beneficiary of any payments under the Servicemen's Indemnity Act of 1951 may receive any such payments based upon the death giving rise to such payments after he has been granted dependency and indemnity compensation (sec. 206 (e) (1), Pub. Law 881, 84th Cong.).

(b) No principal or contingent beneficiary who assigns his interest in payments under the Servicemen's Indemnity Act of 1951 after June 28, 1956, may receive dependency and indemnity compensation based upon the death giving rise to such payments until the portion of the indemnity so assigned is no longer payable to any person (sec. 206 (e) (1), Pub. Law 881, 84th Cong.). An award of dependency and indemnity compensation shall not be made to commence prior to the day following the due date of the final installment which is payable.

(c) Where a beneficiary is barred under the circumstances outlined in paragraph (a) of this section from the receipt of payments under the Servicemen's Indemnity Act of 1951 because of having been granted dependency and indemnity compensation, no payments of the portion of servicemen's indemnity in which such beneficiary had an interest shall be made to any other beneficiary (sec. 206 (e) (2), Pub. Law 881, 84th Cong.). A beneficiary's portion means all remaining installments of the share of servicemen's indemnity which would otherwise have been payable, and is not limited to installments payable during the beneficiary's lifetime.

(d) Where servicemen's indemnify is discontinued because the beneficiary has been granted dependency and indemnity compensation, the award of servicemen's indemnity shall be discontinued the day preceding the due date of the installment next following the commencing date of the award of dependency and indemnity compensation.

§ 4.429 *Servicemen's indemnity for children*—(a) *Widow granted dependency and indemnity compensation; child under 18.* Except as provided in paragraph (b) (2) of this section, the right of a child under 18 to receive service-

men's indemnity is not affected by a widow's election to receive dependency and indemnity compensation. The payment of servicemen's indemnity for a child under 18 will not preclude payment of an additional allowance under § 4.447 (c) where there is a widow and two or more children under 18.

(b) *Child granted dependency and indemnity compensation.* (1) Where a child has applied for dependency and indemnity compensation and is or becomes a beneficiary of servicemen's indemnity by reason of the death giving rise to his eligibility for dependency and indemnity compensation, the child shall be paid for each month or part thereof, dependency and indemnity compensation or servicemen's indemnity, whichever is the greater amount. A claim is not required for this purpose (sec. 206 (e) (3), Pub. Law 881, 84th Cong.).

(2) A child may "become" a beneficiary of servicemen's indemnity either as a designated contingent beneficiary or by devolution, by reason of the death of a beneficiary who has not surrendered this benefit in order to receive dependency and indemnity compensation, or by reason of the death of another child (sec. 206 (e) (4), Pub. Law 881, 84th Cong.). A child may not "become" a beneficiary of servicemen's indemnity by reason of the death of another beneficiary, other than a child, who has surrendered servicemen's indemnity in order to receive dependency and indemnity compensation.

(3) Where a person is receiving dependency and indemnity compensation as a child under this paragraph and his entitlement to this benefit ceases, any installments of servicemen's indemnity which become due after that date and for which he is eligible shall be paid to or for him.

(c) *Rate of dependency and indemnity compensation.* Where one or more children are receiving servicemen's indemnity under this section and another child or children are receiving dependency and indemnity compensation, the monthly rate of dependency and indemnity compensation for each eligible child shall be that which would be payable if all children were receiving the same benefit. (See § 4.449 (d).)

(d) *Award actions*—(1) *Servicemen's indemnity becomes greater.* An award of servicemen's indemnity shall be made to commence the due date of the installment next following the death of the former beneficiary. Dependency and indemnity compensation which is otherwise payable shall be discontinued the day preceding such due date, as provided in § 4.463 (g).

(2) *Dependency and indemnity compensation becomes greater.* An award of servicemen's indemnity shall be terminated the day preceding the due date of the installment next following the happening of the contingency upon which entitlement arises under this section. The award of dependency and indemnity compensation shall be made to commence the date the monthly rate of dependency and indemnity compensation becomes greater than monthly installments of servicemen's indemnity, as provided in § 4.445 (a) (4).

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply sec. 206, 70 Stat. 865; 38 U. S. C. 1116)

This regulation is effective September 5, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-7268; Filed, Sept. 4, 1957; 8:48 a.m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. MC-19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS; CHANGE IN EFFECTIVE DATE OF RULES

It appearing that by its report on further proceedings and order in the above-entitled matter, decided March 28, 1957, the Commission, division 1, adopted certain rules governing the practices of motor common carriers engaged in the transportation of household goods in interstate or foreign commerce (49 CFR 176.3, 176.10 (a), 175.12, and 176.13), and prescribed said rules to become effective on June 17, 1957; and that by order dated June 10, 1957, the effective date of said rules was postponed from June 17, 1957, to September 1, 1957;

And it further appearing that certain parties have filed petitions requesting that the date on which said rules shall become effective be further postponed to November 1, 1957, in order to allow respondents additional time in which to revise their procedures in accordance with the requirements of said rules; and good cause appearing;

It is ordered, That the date on which said rules shall become effective be, and it is hereby, postponed from September 1, 1957, to November 1, 1957.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 558, as amended, 560 as amended; 49 U. S. C. 316, 317)

Dated at Washington, D. C., this 28th day of August A. D. 1957.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-7280; Filed, Sept. 4, 1957; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 111—PRINCE WILLIAM SOUND AREA

FISHING FOR CHUM SALMON IN PORT FIDALGO

Basis and purpose. In order to permit limited fall chum salmon fishing in Prince William Sound it has been determined that such fishing can be permitted in Port Fidalgo.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 111.2 is amended in text by adding the following additional proviso: *Provided further,* That these prohibitions shall not apply during 1957 only to fishing for chum salmon in Port Fidalgo from 9 o'clock antemeridian September 3 to 6 o'clock postmeridian September 6, during which time no salmon fishing boat shall enter or depart Port Fidalgo without first notifying the local representative of the United States Fish and Wildlife Service.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

D. L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-7318; Filed, Sept. 3, 1957; 3:05 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 961]

[Docket No. AO-160-A19]

MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER NOW IN EFFECT REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the opening of a public hearing to be held in Court Room No. 3, United States Court House, 9th and Market Streets, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. d. t., September 9, 1957, for the purpose of receiving evidence with respect to the proposal hereinafter set forth or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order now in effect regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. This proposal (set forth below) to be heard would provide for an adjustment in the Class I price based on the available supply of milk for the market in relation to the market requirements for Class I (fluid) milk. Accordingly, evidence will be received with respect to emergency and other economic conditions which relate to such proposal. The proposed amendment has not received the approval of the Secretary of Agriculture.

Proposed by Inter-State Milk Producers' Cooperative, Inc.

1. Consider an adjustment in the Class I price as a result of conditions created by the drought and its effect in shortening supply in relation to demand.

By the Dairy Division.

2. Change all references where necessary that refer to the New York metropolitan milk marketing area to New York-New Jersey milk marketing area and all references which refer to the New York order to Order 27, as amended.

3. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments therein that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the market administrator: Fox Building, 12th Floor, 1612 Market Street, Philadelphia, Pennsylvania; or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 30th day of August 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-7281; Filed, Sept. 4, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 23, 1957.

The Bureau of Indian Affairs, Department of the Interior, has filed an application, Serial Number Nevada 044970, for withdrawal of the lands described below, from all forms of appropriation and use including mineral leasing and mining. The applicant desires the land to be included within the Summit Lake Indian Reservation.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 42 N., R. 26 E.
Sec. 20, SE¼NE¼, NE¼SE¼, containing 80 acres.

E. R. GREENSLET,
State Supervisor.

[F. R. Doc. 57-7248; Filed, Sept. 4, 1957; 8:45 a. m.]

MINNESOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 29, 1957.

The office of the Chief of Engineers, Department of the Army, has filed an application, Serial No. BLM 044858, for the withdrawal of the lands described below, from grazing, mineral leasing and mining locations and all other forms of appropriation except for use as a part of the Lac qui Parle Reservoir, Headwaters, upper Mississippi River, Minnesota.

The applicant desires the land for use as a part of the Lac qui Parle Reservoir. The land is located within the reservoir area and will be subject to flooding.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 118 N., R. 42 W.,
Sec. 11, Lot 1;
Sec. 14, Lots 4 and 5.

The area described contains 60.10 acres.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57-7249; Filed, Sept. 4, 1957; 8:45 a. m.]

[76796]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 29, 1957.

Plat of survey of the lands described below, accepted May 2, 1957, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on October 9, 1957.

TALLAHASSEE MERIDIAN, FLORIDA

T. 7 S., R. 15 E.,
(North of Santa Fe River)
Sec. 5, Lot 2, 1.70 acres;
Sec. 6, Lot 3, 7.06 acres.

This plat represents the survey of lands north of the Santa Fe River not included in the original survey of the sections 5 and 6.

The lands in this survey are low, overflow bottoms of the Santa Fe River. During flood periods the lands are overflowed. Along the river bank is a miscellaneous growth of oak, ash, gum, hickory and cypress with dense brush. The overflow lands behind the bank are covered with a dense willow-like growth known locally as "tupple." The soil in the low lands is a black muck; along the river bank it is of clayey sand. The areas are underlain with a soft limestone that shows outcroppings along the river. These lands are over 50 percent swamp and overflow within the meaning of the Swamp Land Acts.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274-284 as amended), presented prior to 10:00 a. m., on October 9, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on January 8, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m.,

on January 8, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57-7250; Filed, Sept. 4, 1957; 8:45 a. m.]

Bureau of Reclamation

BOISE PROJECT, IDAHO

ORDER OF REVOCATION

FEBRUARY 15, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of June 22, 1915, in so far as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 3 N., R. 4 W.,
Sec. 25, NE¼SW¼.

The above area aggregates 40 acres.

E. G. NIELSEN,
Acting Commissioner.

[527579]

AUGUST 29, 1957.

I concur.

Jay P. Munsey, desert land entryman under Idaho 01137, who has incurred considerable expense in preparing the land for irrigation, is asserting equitable claims thereto. The lands are desert in character.

No application for the lands may be allowed under any non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of the lands until 10:00 a. m. on October 4, 1957. At that time the lands shall, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right period for veterans and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, become subject to application, petition, location or other appropriation under the applicable public land laws.

EARL J. THOMAS,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 57-7251; Filed, Sept. 4, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELEGATION OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

AMENDMENT

Pursuant to the authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order dated December 24, 1953 (19 F. R. 74), as amended, is further amended as follows:

The following paragraph m, is added to section 800, Assignment of Functions, Agricultural Marketing Service:

m. Poultry Products Inspection Act (71 Stat. 441).

Done at Washington, D. C., this 30th day of August 1957.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 57-7265; Filed, Sept. 4, 1957; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corporation, Crestview, Fla.; effective 9-14-57 to 9-13-58 (men's pajamas).

Connellsville Sportswear Co., South First Street, Connellsville, Pa.; effective 8-22-57 to 8-21-58 (men's and boys' pants).

Fairfield Manufacturing Co., Inc., Winnsboro, S. C.; effective 9-9-57 to 9-8-58 (women's cotton wash dresses).

Fleetline Industries, Inc., Garland, N. C.; effective 8-23-57 to 8-22-58 (sport shirts).

Glenn Manufacturing Co., Inc., Amory, Miss.; effective 9-1-57 to 8-31-58 (dress pants).

Kenrose Manufacturing Co., Inc., 230 Center Avenue NW. and 321 Albermarle Avenue SW., Roanoke, Va.; effective 8-22-57 to 8-21-58 (cotton wash dresses).

Lackawanna Pants Manufacturing Co., Corner Brook Street and Cedar Avenue, Scranton, Pa.; effective 9-8-57 to 9-7-58 (trousers).

Lehigh Valley Shirt Manufacturing Co., 428 Union Street, Allentown, Pa.; effective 8-26-57 to 8-25-58 (men's shirts).

Samuel Meltzer, d/b/a The Liberty Co., Bradford, Tenn.; effective 8-26-57 to 11-29-57 (replacement certificate) (men's and boys' pajamas).

McCoy Manufacturing Co., Inc., Sulligent, Ala; effective 9-1-57 to 8-31-58 (dress pants).

Southern Textiles, Inc., Alamo, Tenn.; effective 8-24-57 to 8-23-58 (foundation garments).

I. Taitel and Son, Drew, Miss.; effective 8-22-57 to 8-21-58 (men's and boys' jackets).

Tom & Huck Togs, Inc., Amory, Miss.; effective 9-1-57 to 8-31-58 (men's and boys' play slacks).

Westway Manufacturing Co., Fredericksburg, Tex.; effective 8-26-57 to 8-25-58 (boys' shirts and jackets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barnwell Garment Co., Barnwell, S. C.; effective 8-22-57 to 8-21-58; 10 learners (ladies' and children's robes).

Gaye Manufacturing Co., Inc., Ashland, Ala.; effective 8-21-57 to 8-20-58; 10 learners (sport shirts).

Miller Western Wear, Inc., Baxley, Ga.; effective 9-4-57 to 9-3-58; 10 learners (sport shirts).

Mount Holly Dress Co., Inc., Murrell and Paxson Streets, Mt. Holly, N. J.; effective 8-26-57 to 8-25-58; three learners (children's dresses).

J. Rogat Shirt Co., 55-61 Broadway, Bangor, Pa.; effective 8-26-57 to 8-25-58; five learners (men's shirts).

Sunbright Manufacturing Co., Inc., Sunbright, Tenn.; effective 8-23-57 to 8-22-58; 10 learners (men's and boys' shirts).

Superior Garment Contractors, Middlesex, N. C.; effective 9-3-57 to 9-2-58; 10 learners (ladies' and children's pedal pushers).

Welsrog Manufacturing Co., 55-61 Broadway, Bangor, Pa.; effective 8-26-57 to 8-25-58; five learners (women's blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barnwell Garment Co., Barnwell, S. C.; effective 8-22-57 to 2-21-58; 20 learners (ladies' and children's robes).

Cotton Blossom Manufacturing Co., Inc., Abbeville, Ga.; effective 8-27-57 to 2-26-58; 20 learners (children's jackets).

Cowden Manufacturing Co., 109 Mackville Hill, Springfield, Ky.; effective 9-2-57 to 2-28-58; 50 learners (dungarees).

Greenway Manufacturing Co., Waynesburg, Pa.; effective 8-20-57 to 2-19-58; 20 learners (boys' and infants' cotton polo shirts).

Sunbright Manufacturing Co., Inc., Sunbright, Tenn.; effective 8-23-57 to 2-22-58; 25 learners (men's and boys' shirts).

Thorsby Manufacturing Co., Thorsby, Ala.; effective 8-26-57 to 2-25-58; 10 learners (ladies' blouses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Picardy Mills, Inc., Sherwood and Reeve Streets, Dunmore, Pa.; effective 8-25-57 to 8-24-58; 10 learners for normal labor turnover purposes (women's dress, knit fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Aberdeen Hosiery Mills Co., Inc., Aberdeen, Moore County, N. C.; effective 8-28-57 to 8-27-58; five learners for normal labor turnover purposes (seamless).

Archdale Machinery & Hosiery Co., Inc., Highways 29 and 70 SE., High Point, N. C.; effective 8-26-57 to 8-25-58; three learners for normal labor turnover purposes (seamless).

Fort Payne Hosiery Mills, Inc., 800 North Gault Avenue, Fort Payne, Ala.; effective 8-26-57 to 8-25-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

G & F Hosiery Co., 420 Haywood Road, Asheville, N. C.; effective 8-23-57 to 8-22-58; five learners for normal labor turnover purposes (finishing hosiery (boarding, pairing, etc.)).

Harriman Hosiery Co., Siluria Street, Harriman, Tenn.; effective 9-1-57 to 2-28-58; 50 learners for plant expansion purposes (seamless).

Paul Knitting Mills, Inc., Pulaski, Va.; effective 8-23-57 to 8-22-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Pittsburg Knitting Mills, Inc., 212 East First Street, South Pittsburg, Tenn.; effective 9-5-57 to 9-4-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Scottsboro Hosiery Co., Scottsboro, Ala.; effective 9-1-57 to 2-28-58; 50 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 9-1-57 to 8-31-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's slips, petticoats, gowns).

Redwood City Knitting Mills, 120 Wilson Street, Redwood City, Calif.; effective 8-26-57 to 2-25-58; authorizing the employment of two learners for normal labor turnover purposes in the occupation of hand embroiderer for a learning period of 160 hours at the rate of 85 cents an hour (embroidery on ladies' sweaters).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Advertisers Manufacturing Co., 415 East Oshkosh Street, Fond du Lac County, Ripon, Wis., effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 85 cents an hour (advertising caps, aprons, newsbags).

Bogene, Inc., 21-33 Lehman Street, Lebanon, Pa.; effective 9-4-57 to 3-3-58; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 85 cents an hour (garment bags, shoe bags).

J. Capps & Sons, Ltd., 500 West Lafayette Avenue, Jacksonville, Ill.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator and hand sewer, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, topcoats, sport coats).

Doro Apparel Corp., Pottsville Street, Wiconisco, Pa.; effective 8-23-57 to 2-22-58; authorizing the employment of five learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rates of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (belts, shoulder pads).

Famous-Sternberg, Inc., 950 Posyfarre Street, New Orleans, La.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's wool, cotton, and synthetic fiber suits, jackets, and trousers).

Hardwick Clothes, Cleveland, Tenn.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's and boys' tailored garments).

Kewanee Headwear Co., 410 West Second Street, Kewanee, Ill.; effective 9-1-57 to 2-28-58; authorizing the employment of five learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 85 cents an hour (caps).

Michaels Stern & Co., Inc., Coat Shop, 204 Liberty Street, Penn Yan, N. Y.; effective 9-2-57 to 3-1-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator, final presser, and hand sewer, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits and coats).

Michaels Stern & Co., Inc., Pants and Vest Shop, 204 Liberty Street, Penn Yan, N. Y.; effective 9-2-57 to 3-1-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits and pants).

Picariello & Singer, Inc., 183 Orleans Street, East Boston, Mass.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator and hand sewer, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (boys' tailored suits and sportcoats).

Steiner Manufacturing Co., Saltsburg, Pa.; effective 8-23-57 to 2-22-58; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rate of 85 cents an hour (draperies).

Wagenvoord and Co., 306 North Grand Avenue, Lansing, Mich.; effective 9-1-57 to 2-28-58; authorizing the employment of 3 learners for normal labor turnover purposes in the occupation of bindery workers for a learning period of 320 hours at the rates of 80 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (rebinding of library books, textbooks, bibles, newspapers, lawbooks, etc.).

Wolverine Hat & Cap Manufacturing Co., Inc., Reform, Ala.; effective 8-26-57 to 2-25-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 85 cents an hour (caps).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annuled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 27th day of August, 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-7252; Filed, Sept. 4, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 14-13, between the member lines of the Trans-Pacific Freight Conference (Hongkong), modifies the basic agreement of that conference (No. 14-1, as amended) to eliminate Java from the trading area thereof. Agreement No. 14-1, as amended, presently covers the trade from or via certain specified ports in the Orient to the Pacific Coast ports of North America and Hawaii, or via such Pacific Coast ports to Overland points in the United States and Canada.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 30, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7269; Filed, Sept. 4, 1957; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-67]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission on August 27, 1957, issued License No. XR-11 to American Machine & Foundry Company authorizing the export of a one-megawatt pool-type research reactor to Hamilton College, McMaster University, Hamilton, Ontario, Canada. A notice of proposed issuance of this license was published in the FEDERAL REGISTER on August 7, 1957, 22 F. R. 6303.

Dated at Washington, D. C., this 27th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-7246; Filed, Sept. 4, 1957; 8:45 a. m.]

[Docket No. 50-66]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission proposes to issue, on Form AEC-250, the facility export license described below unless within 15 days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by section 2.102 (b) of the Commission's Rules of Practice (10 CFR Part 2).

1. Pursuant to section 104 (c) of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," and upon findings that (a) the reactor proposed to be exported is a utilization facility; (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Royal Greek Government; and (c) the issuance of an export permit to American Machine & Foundry Company will not be inimical to the common defense and security and to the health and safety of the public, the Atomic Energy Commission will issue a license to American Machine & Foundry Company, 261 Madison Avenue, New York 16, New York, authorizing the export of a one-megawatt pool-type research reactor described in the Company's application filed May 7, 1957. The reactor is to be exported to the Greek Atomic Energy Commission for installation at the Democritus Nuclear Center, St. Poraskeri, Athens, Greece.

2. The license will be subject to the following conditions:

(a) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

(b) The license will be subject to the right of recapture or control reserved by section 108 of the act and to all other provisions of the act, now or hereafter in effect, and to all rules and regulations of the United States Atomic Energy Commission.

(c) The license will be effective as of the date of issuance thereof and shall expire on September 30, 1958, unless sooner terminated.

Dated at Washington, D. C., this 28th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-7270; Filed, Sept. 4, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13155]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 29, 1957.

The Texas Company (Texas) on August 1 and 2, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Changes, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 6 to Texas' FPC Gas Rate Schedule No. 17. Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 18. Supplement No. 4 to Texas' FPC Gas Rate Schedule No. 19. Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 21. Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 25. Supplement No. 1 to Texas' FPC Gas Rate Schedule No. 168.
Effective date:[1] September 1, 1957, September 2, 1957.

In support of the proposed favored-nations rate increases,[2] Texas states that El Paso Natural Gas Company (El Paso) notified it that Phillips Petroleum Company's (Phillips) rate to El Paso increased 15.05 percent and that Texas is advised that the rates paid Phillips prior to the increase equal the rates currently paid Texas when consideration is given to the various delivery conditions. Texas also states that the contracts resulted from arm's-length bargaining and the increases are justified on a continuing basis because of increased costs of operation, replacement of equipment, drilling and exploration costs.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, proposed Supplement No. 6 to Texas' FPC Gas Rate Schedule 17, Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 18, Supplement No. 4 to Texas' FPC Gas Rate Schedule No. 19, and Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 21 are each hereby suspended and their use deferred until February 1, 1958; Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 25, and Supplement No. 1 to Texas' FPC Gas Rate Schedule No. 168, are each hereby suspended and their use deferred until February 2, 1958, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7253; Filed, Sept. 4, 1957; 8:46 a. m.]

[Docket No. G-13162]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 29, 1957.

The Texas Company (Texas), submitted for filing on August 1, 1957, a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 5 to its FPC Gas Rate Schedule No. 23.
Effective date:[1] September 1, 1957.

In support of its increased rate Texas states, in effect, that it bases its increase upon the "favored nation" escalation provisions of its rate schedule. In accordance with those provisions the increase in rate has been "triggered" by the spiral escalation rate increase of Phillips Petroleum Company for sales of gas in the Permian Basin to El Paso, which increased rate was suspended in Docket No. G-11217, and made effective subject to refund, by order issued March 11, 1957. Texas additionally cites increased operation and maintenance costs.

Texas requests that the Commission waive the statutory notice requirements and permit the proposed increased rate to take effect either as of the date of filing the notice of change, or, as of March 11, 1957, the date Phillips' increase became effective under corporate undertaking.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change; and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7254; Filed, Sept. 4, 1957; 8:46 a. m.]

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[1] The stated effective date is the first day after expiration of the required thirty days' notice.

[2] The proposed increases have been triggered by the spiral escalation rate increase of 15.05 percent of Phillips for gas sales in the Permian Basin to El Paso, which increase was suspended in Docket No. G-11217 and made effective subject to refund on March 11, 1957.

[1] The stated effective date is the first day after expiration of the required thirty days' notice.

SECURITIES AND EXCHANGE COMMISSION

[24W-1854]

MCCULLOUGH MOTOR CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

AUGUST 29, 1957.

I. McCullough Motor Corporation (McCullough), a Delaware Corporation, Room 1111 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pennsylvania, filed with the Commission on October 19, 1955, a Notification and an Offering Circular, and subsequently filed amendments thereto, relating to an offering of 7,500 shares of no par Class A common stock and 7,500 shares of no par Class B common stock in units of 1 share of Class A common and 1 share of Class B common at $6.00 per unit, or in units of 1 share of Class B common at $3.00 per unit, for a maximum aggregate offering price of $45,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder; and

II. The Commission has reasonable cause to believe:

(A) That the terms and conditions of Regulation A have not been complied with in that the Notification and Offering Circular, filed as a part thereof, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to its failure to disclose:

1. That William L. McCullough, listed as President, director, general manager, principal promoter and controlling stockholder of the issuer, and the person upon whose designs and inventions the success of the issuer's business depended, has severed all relationship and connection with the issuer;

2. That William L. McCullough, both prior to and subsequent to the incorporation of the issuer, was vice president and general manager of another corporation which was organized for identical purposes as the issuer, to develop a "light weight truck";

3. That while employed by such other corporation, Mr. William L. McCullough had assigned to it all present and future rights, title and interest in his designs and inventions for such "light weight truck"; and

4. That such other corporation is to receive royalties on all of the "light weight trucks" produced and sold by the issuer.

(B) That the use of said Offering Circular in connection with the offering of the issuer's securities would and did operate as a fraud or deceit upon the purchasers.

It is therefore ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-7259; Filed, Sept. 4, 1957; 8:47 a. m.]

[File No. 24D-1496]

NEW ENGLAND URANIUM-OIL CORP., INC.

NOTICE OF AND ORDER FOR HEARING

AUGUST 29, 1957.

New England Uranium-Oil Corporation, Inc. (Issuer), an Oklahoma corporation, with its principal place of business in Oklahoma City, Oklahoma, filed with the Commission on November 8, 1954, a notification on Form 1-A and an offering circular, subsequently amended, relating to a public offering of 300,000 shares of its five cent ($0.05) par value stock through Omer C. Caouette named as principal underwriter and its officers and directors, at one dollar ($1.00) per share aggregating $300,000 for the purposes of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

The Commission on December 17, 1956 issued an order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 223 (b). A written request for a hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on September 25, 1957, at 10:00 a. m., e. d. t., at the Boston Regional Office of the Commission, U. S. Post Office and Courthouse, Boston, Massachusetts, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that:

1. Written offers and sales of the securities were made without delivery of an Offering Circular, as required by Rule 219;

2. Representations were made in connection with the offering, that the securities offered were registered with and had been approved by this Commission in violation of the prohibition in Rule 222;

3. Written communications—a letter signed by William Clark as president of Issuer and the text of a radio broadcast—were prepared or authorized by the Issuer and used in connection with the offering without having been filed, as required by Rule 221;

4. The Offering Circular filed as a part of the Issuer's notification failed, as required by Rule 219,

(a) To describe correctly the properties to be operated or developed by the Issuer; and

(b) To describe fully and correctly the direct and indirect material interests by stockholdings options of officers, directors and persons controlling the Issuer.

B. Whether the notification and other sales literature:

1. Contain untrue statements of material facts in representing that:

(a) The securities were to be offered only at $1.00 per share;

(b) The material interests by stockholdings or options of the officers, directors and promoters of the Issuer were as represented in the Offering Circular;

(c) Paul J. Posco, secretary of the Issuer, is a certified public accountant; and

(d) Raymond J. Jena is a vice president of the Issuer when in fact he had resigned in February, 1955.

2. Failed to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in omitting to state that:

(a) The underwriters named in the filing had been refused a license to sell the securities by the Commonwealth of Massachusetts;

(b) Notwithstanding such refusal, the offering would be made in Massachusetts; and

(c) With respect to sales made in Massachusetts, a conditional liability—to the extent thereof—would exist against the Issuer.

C. Whether in connection with, and furtherance of, the offering of the Issuer's securities, materially false or misleading statements were made orally in representing, among other things:

1. That Floyd Odlum had offered the Issuer $5,000,000 or more for its properties;

2. That in March, 1955, only 75,000 shares of the 300,000 share offering remained unsold;

3. That there was "no risk involved" in purchasing the securities offered, they represented a "sound investment", were "not speculative", and had been "approved by" and "registered with" this Commission;

and whether such statements did operate as a fraud or deceit upon purchasers.

D. Whether the order dated December 17, 1956 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

It is further ordered, That Mr. William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under Sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on New England Uranium-Oil Corporation, Inc., 424 Hightower Building, Oklahoma City, Oklahoma, Carl L. Shipley, National Press Building, Washington 4, D. C., and Omer C. Caouette, 42 Summer Street, Fitchburg, Massachusetts, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before September 23, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7260; Filed, Sept. 4, 1957; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-II-1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in Section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $20,000;

3. To decline disaster loans;

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreement with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES, *Administrator.*

By ——— ———,
Chief, Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

15. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

16. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

17. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

18. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

19. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

20. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

21. To approve annual and sick leave for employees under his supervision.

22. To authorize or approve official travel.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 13, 1957.

ARTHUR E. LONG,
Regional Director,
New York Regional Office.

[F. R. Doc. 57-7261; Filed, Sept. 4, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 180]

MOTOR CARRIER APPLICATIONS

AUGUST 30, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time (or 9:30 o'clock a. m., local Daylight Saving Time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub No. 85), filed April 19, 1957, RED BALL MOTOR FREIGHT, INC., 1210 S. Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Bldg., Fort Worth 2, Tex. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Herty, Tex., and the intersection of Texas Highways 103 and 147 over Texas Highway 103 as an alternate route for operating convenience only, serving no intermediate point nor any new or additional points not authorized to be served by applicant with joinder at Herty, Tex. and at the intersection of Texas Highways 103 and 147. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, New Mexico, and Colorado.

HEARING: October 7, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No MC 6380 (Sub No. 4), filed August 9, 1957, R. F. TRUESDELL, INC., 1616 West 47th Street, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Bldg., Cleveland 13, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Pulpboard, fibreboard boxes* (plain or wood-cleated), and *paper and paper products*, except printing or fine papers, from Biglerville, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont; (2) *Pulpboard*, from points in the destination territory specified above to Biglerville, Pa. Applicant is authorized to conduct operations in Ohio, Pennsylvania, New York, West Virginia, New Jersey, North Carolina, South Carolina, Georgia, Florida, Delaware, Maryland, and Virginia.

HEARING: October 16, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 6380 (Sub No. 5), filed August 9, 1957, R. F. TRUESDELL, INC., 1616 West 47th St., Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Bldg., Cleveland 13, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Paper and paper products*, from Ashtabula, Ohio to points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line and extending along U. S. Highway 219 to junction U. S. Highway 6 (formerly U. S. Highway 219), thence along U. S. Highway 6 via Griffiths and Kanesholm, Pa., to Kane, Pa., thence along unnumbered highway (formerly U. S. Highway 219) via East Kane, Sergeant, and Dahoga, Pa. to junction U. S. Highway 219, thence along U. S. Highway 219 to Somerset, Pa., thence along Pennsylvania Highway 31 (formerly U. S. Highway 219) to junction unnumbered highway (formerly U. S. Highway 219), thence along unnumbered highway to Berlin, Pa., and thence along U. S. Highway 219 to the Pennsylvania-West Virginia line; that part of New York east of a line beginning at Windsor Beach, N. Y. and extending in a southerly direction to Rochester, N. Y., thence along New York Highway 96 (formerly New York Highway 2) to Ithaca, N. Y., thence along New York Highway 968 (formerly New York High-

way 2) to Candor, N. Y., thence along New York Highway 96 (formerly New York Highway 2) to Oswego, N. Y., and thence directly south to the New York-Pennsylvania State line; (2) *Waste paper* and *materials used in the manufacture of paper products*, from points in the above-specified destination territory to Ashtabula, Ohio; (3) *Corrugated and solid fiber boxes or containers*, plain or wood reinforced, from Erie, Pa. to points in that part of New York east of a line beginning at Windsor Beach, N. Y. and extending to Rochester, N. Y., thence along New York Highway 96 through Waterloo, N. Y. to Ithaca, N. Y., thence along New York Highway 968 (formerly New York Highway 96) to Candor, N. Y., thence along New York Highway 96 to Owego, N. Y., and thence south to the New York-Pennsylvania State line; (4) *Waste paper* and *materials used in the making of fiber boxes*, from points in the destination territory specified immediately above to Erie, Pa. Applicant is authorized to conduct operations in Ohio, Pennsylvania, New York, West Virginia, New Jersey, North Carolina, South Carolina, Georgia, Florida, Delaware, Maryland, and Virginia.

HEARING: October 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 9685 (Sub No. 57), filed August 9, 1957, THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 S. Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such general merchandise, equipment, materials* and *supplies* as are used by business houses engaged in the retail and mail order distribution of food, household supplies, household furnishings and personal items, between Barrington, Ill., and Conklin, N. Y.

NOTE: Applicant conducts contract carrier operations under Permit MC 9685 and sub-numbers thereunder; has application pending in MC 114019 to change from contract to common carrier status; application filed in MC 114019 Sub 12 for the same authority requested above, as a common carrier.

HEARING: October 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 11185 (Sub No. 105), filed June 27, 1957, J–T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Aircraft assemblies*, uncrated, requiring special handling and equipment because of their delicate and fragile nature, from Buffalo, N. Y., and Evansville, Ind., to Grand Prairie, Tex. Applicant is authorized to conduct similar operations throughout the United States.

HEARING: October 21, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 24115 (Sub No. 8), filed June 14, 1957, D. H. KESSMAN, Box 95, Hamel, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dairy products*, in bulk, in tank vehicles, (1) from points in Illinois to St. Louis, Mo., (2) from Carbondale, Ill., to Memphis, Tenn., (3) between Warsaw, Ind., and Litchfield, Ill., and (4) between Litchfield, Ill., and Seneca, Mo. *Soy bean oil*, in bulk, in tank vehicles, from Alhambra, Ill., to St. Louis, Mo. Applicant is authorized to conduct similar operations in Illinois and Missouri.

HEARING: October 8, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Herbert L. Hanback.

No. MC 26739 (Sub No. 22), filed July 3, 1957, CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Mo., and Chicago, Ill. Applicant is authorized to conduct similar operations over regular routes in Iowa, Kansas, and Missouri, and over irregular routes in Illinois, Indiana, Iowa, Missouri, and Nebraska. Applicant holds Permits No. MC 106942 and (Sub No. 33) as a contract carrier. Dual operations under section 210 may be involved.

NOTE: Applicant states the following: Applicant now holds authorities, among others, to handle general freight between points on its regular routes, including Kansas City on the one hand, and, on the other, points in Illinois and the Indiana portion of the Chicago commercial zone, by operating through the gateway of Maryville, Mo., or points within ten miles thereof. The purpose of the instant application is to eliminate the necessity of operating through that gateway on movements between Kansas City and Chicago and certain other points on its regular route. Since the gateway will be used in connection with other operations, it is proposed to retain the irregular route authority which applicant now holds between Maryville and points within ten miles thereof on the one hand, and, on the other, the States of Illinois, Iowa, Kansas, and Nebraska.

HEARING: October 24, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 30378 (Sub No. 45), filed July 19, 1957, ASSOCIATED TRANSPORTS, INC., P. O. Box 85, Robertson, Mo. Applicant's attorney: T. D. Drury, 506 Olive Street, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new trucks, new chassis* and *automobile parts and accessories* incidental to equipment of vehicles being transported, in initial movements, by truckaway and driveaway methods, from Hazelwood, Mo., to points in Michigan, Ohio and Pennsylvania, and *damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct similar operations in all States of the United States except Arizona, California, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and the District of Columbia.

HEARING: October 9, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Herbert L. Hanback.

No. MC 30605 (Sub No. 93), filed March 19, 1957, THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, Broadway and English Streets, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, Law Department, The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Blvd., Chicago 4, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Route No. 1: General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Oklahoma Highway 74 and Oklahoma Highway 51, south of Marshall, Okla., and junction Oklahoma Highway 51 and Oklahoma Highway 40 at Stillwater, Okla., over Oklahoma Highway 51, a distance of approximately 32 miles, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (a) between Omaha, Nebr., and Oklahoma City, Okla., and (b) between Covington, Okla., and Oklahoma City, Okla., (c) between Guthrie, Okla., and junction Oklahoma Highway 99 and U. S. Highway 64, about four miles north of Hallett, Okla., and (d) between junction Oklahoma Highways 40 and 33, and Stillwater, Okla.; *Route No. 2: General commodities*, except livestock, sand, coal, rock, hay, explosives, and those exceeding capacity of equipment, between junction Oklahoma Highways 99 and 20 at Hominy, Okla., and junction Oklahoma Highways 20 and 18 at or near Ralston, Okla., over Oklahoma Highway 20, a distance of approximately 21 miles, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (a) between Cleveland, Okla., and junction Oklahoma Highways 99 and 11, about two miles north Pershing, Okla., and (b) between Fairfax, Okla., and Pawnee, Okla.; *Route No. 3: General commodities*, except livestock, and except sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment, and articles prohibited by Law from transportation in motor vehicle, between junction Oklahoma Highways 99 and 33 at Drumwright, Okla., and junction Oklahoma Highway 99 and U. S. Highway 66 at Stroud, Okla., over Oklahoma Highway 99, a distance of approximately 19 miles, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating

convenience only in connection with applicant's authorized regular route operations (a) between Omaha, Nebr., and Oklahoma City, Okla., and (b) between Guthrie, Okla., and junction Oklahoma Highway 99 and U. S. Highway 64, about four miles north of Hallett, Okla., *Route No. 4: General commodities*, except livestock, and except sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment, and articles prohibited by Law from transportation in motor vehicle, between junction Oklahoma Highways 99 and 33 at Drumright, Okla., and junction Oklahoma Highway 33 and U. S. Highway 66, near Sapulpa, Okla., over Oklahoma Highway 33, a distance of approximately 25 miles, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (a) between Omaha, Nebr., and Oklahoma City, Okla., and (b) between Guthrie, Okla., and junction Oklahoma Highway 99 and U. S. Highway 64, about four miles north of Hallett, Okla.; *Route No. 5: General commodities*, except livestock, and except sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment, and articles prohibited by Law from transportation in motor vehicle, between junction U. S. Highway 75 and Oklahoma Highway 23, near Bartlesville, Okla., and junction Oklahoma Highways 23 and 11, near Barnsdall, Okla., over Oklahoma Highway 23, a distance of approximately 20 miles, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (a) between Wellington, Kans., and Fort Smith, Ark., and (b) between Bartlesville, Okla., and Pawhuska, Okla.; *Route No. 6: General commodities*, except livestock, and except sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment, and articles prohibited by Law from transportation in motor vehicle, between junction U. S. Highway 77 and Oklahoma Highway 3 at Oklahoma City, Okla., and Shawnee, Okla., from junction U. S. Highway 77 and Oklahoma Highway 3 at Oklahoma City over Oklahoma Highway 3 to junction U. S. Highway 270, thence over U. S. Highway 270 to Shawnee, and return over the same route, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (a) between Omaha, Nebr., and Oklahoma City, Okla., and (b) between Shawnee, Okla., and junction Oklahoma Highways 18 and 33. RESTRICTION: The service is subject to such specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service; and *Route No. 7: General commodities*, except those of unusual value, explosives, dangerous articles, livestock, household goods as defined by the Commission, and those injurious or contaminating to other lading, between junction U. S. Highway 64 and Oklahoma Highway 14 at Alva, Okla., and junction U. S. Highway 64 and Oklahoma Highway 58, just north of Cherokee, Okla., over U. S. Highway 64, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (a) between Wellington, Kans., and Fairview, Okla., and (b) between Woodward, Okla., and junction Kansas Highway 14 and unnumbered highway, at a point approximately six miles west of Anthony, Kans. RESTRICTION: The service authorized hereinabove is subject to the following conditions: (a) The service to be performed by the carrier shall be limited to service which is auxiliary to or supplemental of, train service of the railway; (b) The carrier shall not render any service to, or from, or interchange traffic at, any point not a station on the railway; (c) In operating under the rights acquired to which these conditions relate, or under a combination of those rights otherwise confirmed in it, the carrier shall not transport any shipment between any of the following points, or through, or to, or from more than one of said points: Wichita and Hutchinson, Kans., and Pueblo, Colo.; (d) All contractural arrangements between the carrier and the railway should be reported to the Commission and shall be subject to revisions, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties; and (e) Such further specific conditions as the Commission in the future may find it necessary to impose to insure that the service shall be auxiliary to, or supplemental of, train service; and (2) *Dangerous explosives*, except liquid nitroglycerine, between the same routes as described in Route (1) to Route (7) above, inclusive, subject to the following RESTRICTIONS: (a) The service to be performed by the carrier in the transportation of dangerous explosives shall be limited to service which is auxiliary to, or supplemental of, rail service of the railway; (b) The carrier shall not serve, or interchange traffic at, any point not a station on a rail line of the railway; and (c) No shipment shall be transported by the carrier between any of the following points, or through, or to, or from more than one of said points: Wichita and Hutchinson, Kans., and Pueblo, Colo. Applicant is authorized to conduct similar operations in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: October 7, 1957, at the Federal Bldg., Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 30844 (Sub No. 31), filed May 13, 1957, HEUER TRUCK LINES, INCORPORATED, 306 May St., Marshalltown, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glass* and *glassware*, as described in Appendix IX to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 287, from Sapulpa, Okla., to points in Iowa, except Des Moines, Marshalltown, Mason City, Ft. Dodge, Nevada, Belle Plaine, State Center, and Boone. Applicant is authorized to transport similar commodities in Arkansas, Indiana, Iowa, Missouri, Ohio, and Oklahoma.

HEARING: October 10, 1957, at the Federal Bldg., Oklahoma City, Okla., before Examiner James C. Cheseldine.

No. MC 31600 (Sub No. 427), filed August 12, 1957, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Synthetic resin and sizing*, in bulk, in tank vehicles, from Chicopee, Mass., to Tyrone, Pa. Applicant is authorized to transport the commodities specified in Connecticut, Delaware, Illinois, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont; and other commodities in each of the named states and the states of Kentucky, Maryland, North Carolina, Ohio, and South Carolina.

HEARING: October 8, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 33641 (Sub No. 31), (CORRECTION) filed July 26, 1957, published page 6731, issue of August 21, 1957, INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Twin Falls and Filer, Idaho, on the one hand, and, on the other, Wells, Nev., as follows: From Twin Falls over U. S. Highway 30 to junction U. S. Highway 93, (also from Filer over U. S. Highway 30 to junction U. S. Highway 93), thence over U. S. Highway 93 to Wells, and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, and (2) between Burley, Idaho and Pocatello, Idaho, over U. S. Highway 30N, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Nebraska, Nevada, Oregon, Idaho, and Wyoming.

NOTE: Route 1: Applicant is authorized to serve Twin Falls and Filer, Idaho, and Wells, Nev., and by the instant application requests authority to serve said points for joinder purposes in connection with its authorized regular route operations; and Route 2: Applicant is also authorized to serve Burley and Pocatello, Idaho, and by the instant application requests authority to serve said

points for joinder purposes in connection with its authorized regular route operations.

HEARING: Remains as assigned September 27, 1957, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 174, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 50132 (Sub No. 28), filed July 29, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting the following canning company products: *Catsup, prepared cereal (also in bulk in cartons), chili con carne, chili sauce, fish, fruits, fruit juices, fruit salads, fruit preserves, grapefruit, hominy, jams, jellies, kraut and tomato juice, horseradish, macaroni (also in bulk in cartons), meat with cereal and/or vegetable ingredients, milk, molasses, mustard, olives, peanut butter or paste, pickles, pimentos, pineapple, pepper, pork and beans, salad dressing, sandwich spread, table sauces, sauerkraut, soup, broth, chowder, spaghetti (also in bulk in cartons), syrup, malted syrup, syrup malt, tomato puree, pulp, or paste, vegetables, vegetables with sauce or meat ingredients, vermicelli, (also in bulk in cartons)*, and *vinegar*, from Collinsville, Ill., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, North Carolina, South Carolina, Tennessee, Virginia, and Wisconsin. Applicant is authorized to transport similar commodities in Alabama, Georgia, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: October 11, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Herbert L. Hanback.

No. MC 52858 (Sub No. 63), filed May 20, 1957, CONVOY COMPANY, a Corporation, 3900 NW. Yeon Ave., Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *busses*, except commercial trailers, in secondary movements, in truckaway service, between points in North Dakota, South Dakota and Nebraska. Applicant is authorized to conduct similar operations in Oregon, Washington, Idaho, Montana, California, Nevada, Utah, Wyoming, North and South Dakota, New Mexico, Arizona, Colorado, and Nebraska.

HEARING: October 31, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Herbert L. Hanback.

No. MC 52858 (Sub No. 65), filed May 24, 1957, CONVOY COMPANY, a Corporation, 3900 NW, Yeon Ave., Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks* and *busses*, except commercial trailers, in secondary movements, in truckaway service, between points in North Dakota and South Dakota, on the one hand, and, on the other, points in Colorado. Applicant is authorized to conduct similar operations in Oregon, Washington, Idaho, Montana, California, Nevada, Utah, Wyoming, North and South Dakota, New Mexico, Arizona, Colorado, and Nebraska.

HEARING: October 31, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Herbert L. Hanback.

No. MC 59150 (Sub No. 7), filed July 26, 1957, PLOOF TRANSFER COMPANY, INC., 907 Mary Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aluminum pipe* and *steel pipe*, from Jacksonville, Fla., to points in Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New York, West Virginia, Ohio, Michigan, Indiana, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Illinois, Iowa, Nebraska, Kansas, Oklahoma, Texas, New Jersey, Arkansas, and Missouri.

HEARING: October 7, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Examiner William E. Messer.

No. MC 59531 (Sub No. 75), filed May 31, 1957, AUTO CONVOY CO., 3020 S. Haskell Ave., Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Bldg., Fort Worth 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Assembled helicopters (with or without blade removed), assembled rotary and fixed wing aircraft (with or without wing removed)*, and *parts, when shipped with the aircraft as a portion of the total shipment of such aircraft*, between points in Wichita, Anderson, Bosque, Clay, Collin, Cooke, Dallas, Delta, Denton, Ellis, Erath, Fannin, Freestone, Grayson, Henderson, Hill, Hood, Hopkins, Jack, Johnson, Kaufman, Lamar, Limestone, McLennan, Montague, Navarro, Palo Pinto, Parker, Rains, Smith, Somervell, Tarrant, Van Zandt, Wise, and Wood Counties, Tex., and Bryan, Carter, Johnston, Love, and Marshall Counties, Okla., and points in the United States; *damaged shipments of the above-named commodities* on return.

PRE-HEARING CONFERENCE: October 3, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner R. Edwin Brady presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their direct testimony with respect to: (a) Their present operating authority, (b) Their corporate organization if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 69116 (Sub No. 34), filed June 4, 1957, SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Ave., Chicago 8, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, from St. Joseph, Mo., to Chicago, Ill., from St. Joseph, over U. S. Highway 36 to junction with U. S. Highway 66, thence over U. S. Highway 66 to Gardner, Ill., thence over Alternate U. S. Highway 66 to junction with U. S. Highway 66, and thence over U. S. Highway 66 to Chicago; and between Gardner, Ill., and junction U. S. Highways 66 and Alternate 66, over U. S. Highway 66, serving no intermediate points on the portions of the above-specified highways except Gardner, Ill., and the junction of U. S. Highways 66 and Alternate U. S. Highway 66, located approximately 10 miles north of Joliet, Ill., for purpose of joinder only.

NOTE: Applicant states he is already authorized to transport the commodities specified herein from Chicago, Ill., to St. Joseph, Mo., but not in the reverse direction. Applicant is authorized to transport similar commodities in Connecticut, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

HEARING: October 15, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 83835 (Sub No. 35), filed May 6, 1957, WALES TRUCKING COMPANY, 319 South Forest Avenue Road, P. O. Box 6186, Dallas, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Heavy machinery, and other commodities* which because of size or weight require the use of special equipment, between points in Colorado, Illinois, Kansas, Missouri, Nebraska, Oklahoma and Texas, on the one hand, and, on the other, points in Indiana, Kentucky, Ohio and Pennsylvania. NOTE: Applicant states that the sole purpose of the instant application is to remove Fulton County, Illinois, as a gateway on the involved traffic now transported under applicant's existing authority. The following restriction is contained in applicant's existing authority and there is no proposal by this application to change the commodity description by removing this restriction. RESTRICTIONS CONTAINED IN PRESENT AUTHORITY: The service authorized herein is restricted against the transportation of such commodities when moving otherwise than as mining

and contractors' machinery, and equipment and supplies moving in connection therewith; and service authorized herein is further restricted against the transportation of iron and steel and iron and steel articles, but not mining and contractors' machinery, and equipment and supplies moving in connection therewith, originating at points in Indiana which are within the Chicago, Ill., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Montana, Utah, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Michigan, Indiana, Ohio, Kentucky, West Virginia, and Pennsylvania.

HEARING: October 8, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Allan F. Borroughs.

No. MC 87857 (Sub No. 31), filed August 14, 1957, BRINK'S, INCORPORATED, 234 East 24th St., Chicago 16, Ill. Applicant's attorney: Francis D. Partlan (same address as applicant). For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin, currency* and *negotiable instruments*, between Washington, D. C., and Engineering project site near Dickerson, Md., and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, and *unused coin, currency* and *negotiable instruments* transported to site, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 7, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 92983 (Sub No. 227), filed May 29, 1957, ELDON MILLER, INC., 330 E. Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *Acids and chemicals*, in bulk, from Lawrence, Kans., and points within 15 miles of Lawrence, to points in Colorado, Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Oklahoma, Texas, West Virginia and Wisconsin. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: October 25, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 92983 (Sub No. 229), filed June 24, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals* and *paints*, in bulk, from Valley Park, Mo., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: October 10, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Herbert L. Hanback.

No. MC 92983 (Sub No. 230), filed June 24, 1957, ELDON MILLER, INC., 330 E. Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in California to points in Kansas.

HEARING: October 25, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 92983 (Sub No. 240), filed July 17, 1957, ELDON MILLER, INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals*, in bulk, from points in Pike County, Mo., to points in Ohio. Applicant is authorized to transport similar commodities in Illinois, Louisiana, Missouri, Oklahoma, Texas, West Virginia, Kansas, Ohio, Indiana, Arkansas, Colorado, Nebraska, North and South Dakota, Tennessee, Iowa, Minnesota, Wisconsin, Michigan, and Kentucky.

HEARING: October 10, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Herbert L. Hanback.

No. MC 92983 (Sub No. 243), filed July 22, 1957, ELDON MILLER, INC., 330 E. Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Kansas City, Kans., to points in Colorado, Iowa, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct similar operations in Alabama, Arkansas, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 25, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 92983 (Sub No. 249), filed August 1, 1957, ELDON MILLER, INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats* and *oils*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Arkansas, Louisiana, Mississippi and Tennessee. Applicant is authorized to conduct similar operations in Iowa, Illinois, Ohio, Kansas, Missouri, New York, Minnesota, Tennessee, Texas, North and South Dakota, Nebraska, Massachusetts, Indiana, Michigan, Wisconsin, Pennsylvania, Arkansas, Georgia, Mississippi, and Kentucky.

HEARING: October 25, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 103051 (Sub No. 28), filed June 10, 1957, WALKER HAULING CO., INC., 624 Penn Avenue, NE., Atlanta 6, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Liquid acetic acid*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Alabama, Florida and South Carolina; (2) *Liquid aqua ammonia*, in bulk, in tank vehicles, from Ketona, Ala., to points in Georgia; and (3) *Liquid nitric acid*, in bulk, in tank vehicles, from Mineral Springs, Ala., to points in Florida, Georgia, Louisiana, North Carolina, South Carolina, and Texas.

HEARING: October 8, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., NE., Atlanta, Ga., before Examiner William E. Messer.

No. MC 103378 (Sub No. 86), filed June 26, 1957, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Anniston, Ala., to points in Florida. Applicant is authorized to transport similar commodities in Alabama, Florida, Georgia, and Tennessee.

HEARING: October 4, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 103378 (Sub No. 88), filed July 15, 1957, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Synthetic resins* and *paint oils*, in bulk, in tank vehicles, from Brooker, Fla., to points in Georgia, North Carolina, South Carolina and Alabama. Applicant is authorized to transport similar commodities in Florida and Georgia.

HEARING: October 4, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Examiner William E. Messer.

No. MC 103378 (Sub No. 90), filed August 1, 1957, PETROLEUM CARRIER CORPORATION, 369 Margaret St., Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Bldg., Jacksonville, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Nonedible vegetable oils*, in bulk, in tank vehicles, from Jacksonville, Fla., to points in Alabama and Georgia; (2) *Mineral spirits*, in bulk, in tank vehicles, from Jacksonville, Fla., to all points in Alabama and those in Georgia beyond 175 miles of Jacksonville, Fla. Applicant is authorized to conduct operations in Florida, Georgia, South Carolina, North Carolina, Alabama, and Tennessee.

HEARING: October 4, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 104149 (Sub No. 166), filed July 30, 1957, LEROY OSBORNE, doing business as OSBORNE & COMPANY, 500

North 31st Street, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325 Frank Nelson Bldg., Birmingham, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products*, and *commodities*, the transportation of which because of their size or weight require the use of special equipment, and *related machinery parts* and *contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require the use of special equipment, between points in Alabama, on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, Tennessee, Florida, and those points in that part of Louisiana east of the Mississippi River.

NOTE: Duplication with applicant's present authority should be eliminated. Applicant is authorized to transport similar commodities in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

HEARING: October 10, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William E. Messer.

No. MC 106213 (Sub No. 9), filed April 18, 1957, FOX-SMYTHE TRANSPORTATION CO., a corporation, P. O. Box 2311—Stockyards Station, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products*, and *articles distributed by meat-packing houses* as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, as modified in 61 M. C. C. 766, from Oklahoma City, Okla., to El Paso, Tex., and points in Texas within 25 miles of El Paso, including El Paso, in peddle service. Applicant is authorized to transport similar commodities in Arkansas, New Mexico, Oklahoma, and Texas.

HEARING: October 9, 1957, at the Federal Bldg., Oklahoma City, Okla., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 106965 (Sub No. 111), filed August 15, 1957, M. I. O'BOYLE & SON, INC., a corporation, doing business as O'BOYLE TANK LINES, 817 Michigan Avenue, NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Winchester, Va., to Brooklyn, N .Y., and Terre Haute, Ind. Applicant is authorized to transport Vinegar in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and other commodities in Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 107403 (Sub No. 241), filed August 2, 1957, E. BROOK MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals* and *coal tar products*, in bulk, in tank vehicles, between Toledo, Ohio, on the one hand, and, on the other, points in Brooke and Monongalia Counties, W. Va., Monroe and Erie Counties, N. Y., and Allegheny, Beaver and Washington Counties, Pa. Applicant is authorized to transport the commodities specified in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia; and other commodities in each of the named states and in Alabama, Kansas, and Minnesota.

HEARING: October 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 107515 (Sub No. 256), filed July 17, 1957, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, except frozen citrus products, from points in Mississippi, Alabama, Tennessee, North Carolina, South Carolina, Georgia, Florida and Louisiana to Loring, Kansas. Applicant is authorized to transport similar commodities in Alabama, Louisiana, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Wisconsin, Arkansas, Oklahoma, Virginia, Georgia, Tennessee, North Carolina, South Carolina, Florida, Nebraska, Minnesota, Iowa, and Texas.

HEARING: October 22, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 108158 (Sub No. 45), filed July 22, 1957, MID-CONTINENT FREIGHT LINES, INC., 4350 West Roosevelt Rd., Chicago, Ill. Applicant's attorney: Max G. Morgan, 443–54 American National Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Glass* and *glass articles*, in truckloads, from Sand Springs, Okla., to points in Missouri, Indiana, and Illinois. *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Chicago, Ill., and Mansfield, Ohio: from Chicago over U. S. Highway 41 to junction with U. S. Highway 30, thence over U. S. Highway 30 to Delphos, Ohio, and thence over U. S. Highway 30N to Mansfield, and return over the same route, serving no intermediate points, and serving the termini as points of joinder. Applicant is authorized to conduct similar operations in Texas, Oklahoma, Illinois, Missouri, Indiana, Minnesota, Wisconsin, Kansas, and Ohio.

NOTE: In connection with applicant's proposed irregular route, it seeks no duplicating authority; in connection with its proposed regular route, applicant states its Certificate MC 108158 (Sub No. 43) authorizes service between the named points over other routes.

HEARING: October 11, 1957, at the Federal Bldg., Oklahoma City, Okla., before Examiner James C. Cheseldine.

No. MC 108207 (Sub No. 54), filed July 8, 1957, FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P. O. Box 5382, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, (1) from Mankato, Minn., to Memphis, Tenn., and points in Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Louisiana, Texas, New Mexico, Arizona, California, and Mississippi, and (2) from Frankfort, Mich., to points in Iowa. Applicant is authorized to transport similar commodities in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

HEARING: October 7, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Allan F. Borroughs.

No. MC 108375 (Sub No. 4), filed June 3, 1957, LEROY L. WADE & SON, INC., 1615 Izard Street, Omaha, Nebr. Applicant's attorney: Loyal G. Kaplan, Suite 924, City National Bank Bldg., Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, requires the use of special equipment, and *related contractor's materials, parts and supplies*, between points in Nebraska and points in Montana.

NOTE: Applicant has contract carrier authority in No. MC 226. Section 210 may be involved. Applicant is authorized to transport similar commodities in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

HEARING: October 28, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Herbert L. Hanback.

No. MC 111320 (Sub No. 32), filed August 14, 1957, CURTIS KEAL TRANSPORT COMPANY, INC., E. 54th and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Construction, Mining, Quarrying, Road Building and Earthmoving Equipment* and *parts* which are not necessarily a part of the equipment transported, excluding commercial trucks, in driveaway and truckaway service, between Exton, Pa., and points in the United States, including the District of Columbia, and Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 111545 (Sub No. 26), filed July 15, 1957, HOME TRANSPORTATION COMPANY, INC., 928 Four Lane Highway, Marietta, Ga. Applicant's attorney: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Road construction machinery and equipment* as defined in Appendix VIII, Descriptions in Motor Carrier Certificates, Ex Parte No. MC–45, 61 M. C. C. 209, on low boy or flat bed equipment, (2) *tractors* (except tractors designed for pulling trailers), and *engines*, and (3) *commodities*, the transportation of which because of size, weight, or handling require the use of special equipment and of *related machinery parts* and *related contractor's materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require the use of special equipment, between points in Alabama, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Michigan, New Jersey, New York, Ohio, Oklahoma, Wisconsin, Minnesota, Delaware, Missouri, Nebraska and Pennsylvania. Applicant is authorized to conduct similar operations in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and West Virginia.

HEARING: October 9, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William E. Messer.

No. MC 112848 (Sub No. 6), filed May 1, 1957, J. H. JENKINS, doing business as B & B LINES, 1002 North Owasso, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular and regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Henryetta and Tulsa, Okla., over U. S. Highway 75; (2) between Tulsa and Bixby, Okla., over U. S. Highway 64; (3) between Tulsa and Coweta, Okla., over U. S. Highway 64 and Oklahoma Highway 51, serving the off-route point of Jenks, Okla.; (4) between Bartlesville, Okla., Coffeyville, Kans., and Tulsa, Okla., from Tulsa over U. S. Highway 66 to Chelsea, Okla., thence over Oklahoma Highway 28 to Coody's Bluff, Okla., thence over U. S. Highway 60 to Nowata, Okla., thence over U. S. Highway 169 to Coffeyville, Kans., thence return over U. S. Highway 169 to Nowata, Okla., thence over U. S. Highway 60 to Bartlesville, Okla., thence over U. S. Highway 75 to junction of Oklahoma Highway 20, thence over Oklahoma Highway 20 to junction of Oklahoma Highway 11, thence over Oklahoma Highway 11 to Tulsa, Okla., and return over the same route; (5) between Tulsa, Okla., and Nowata, Okla., over U. S. Highway 169, serving the off-route points of Watova, Talala, Oologah and Oologah Dam Site; and serving the above named points and all intermediate points on the above routes, and points in Kansas within five miles of Coffeyville, Kans., as intermediate and off-route points; and (6) over irregular routes in the transportation of contents of carload shipments, including distribution to one or more consignees between points in Oklahoma and Coffeyville, Kans., and points in Kansas within five miles of Coffeyville.

NOTE: Applicant is authorized to perform operations under the second proviso of section 206 (a) (1), Interstate Commerce Act under Dockets Nos. MC 112848 (Sub No. 2) and MC 112848 (Sub No. 5), and requests cancellation and revocation of these rights simultaneously with the issuance of a Certificate as sought herein. Applicant is authorized to conduct operations in Oklahoma.

HEARING: October 7, 1957, at the Federal Bldg., Oklahoma City, Okla., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 113514 (Sub No. 23), filed April 11, 1957, SMITH TRANSIT, INC. (formerly Chemical Transports, Inc.), 305 Simons Bldg., Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Bldg., Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Spent catalyst*, in bulk, in covered hopper vehicles, from Arkansas City, Kans., to Cyril, Okla. Applicant is authorized to transport the same commodity between points in Texas, Oklahoma, Arkansas, and Louisiana.

NOTE: Applicant is under common control with Chemical Express, a Texas corporation, which corporation has authority to transport cement in bulk as a contract carrier from Maryneal, Tex. to points in New Mexico. Dual operations under section 210 may be involved.

HEARING: October 8, 1957, at the Federal Bldg., Oklahoma City, Okla., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 113524 (Sub No. 9), filed August 15, 1957, JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore 5, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Silica Gel Catalyst*, and *spent Silica Gel Catalyst*, in bulk, in covered hopper vehicles, between Baltimore, Md., and Conanicut Island, R. I., and *returned shipments* of the commodities described above, on return. Applicant is authorized to transport Silica Gel Catalyst, in bulk, in covered hopper vehicles, from Baltimore, Md., to Delaware City, Del., Westville, N. J., and Yorktown, Va., and other commodities in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia.

HEARING: October 11, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 113908 (Sub No. 22), filed June 13, 1957, ERICKSON TRANSPORT CORPORATION, Coon Valley, Wis. Applicant's attorney: Turner White, 809 Woodruff Building, Springfield, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid precipitated ocean trace minerals*, in bulk, in tank vehicles, (1) from Arkansas Pass, Tex., to Sullivan, Ill., and (2) from Sullivan, Ill., to Cedar Rapids, Iowa, and LaCrosse, Wis., and Springfield, Mo.

HEARING: October 21, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 113908 (Sub No. 23), filed July 15, 1957, ERICKSON TRANSPORT CORP., Coon Valley, Wis.; OFFICE: P. O. Box 706, Springfield, Mo. Applicant's attorney: Turner White III, 808 Woodruff Building, Springfield, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh liquid eggs, fresh liquid egg albumen*, and *fresh liquid egg whites*, in bulk, in tank vehicles, from points in South Dakota to points in Kansas, Iowa, Missouri, and Minnesota. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Texas.

HEARING: October 21, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 113908 (Sub No. 24), filed August 5, 1957, ERICKSON TRANSPORT CORPORATION, Mail: Coon Valley, Wis. Office: P. O. Box 706, Springfield, Mo. Applicant's attorney: Turner White III, 808 Woodruff Bldg., Springfield, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brandy* and *wine* (197 proof), in bulk, in tank vehicles, from points in Florida to points in Ohio, Michigan, Illinois and Indiana. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Texas.

HEARING: October 7, 1957, at the Mayflower Hotel, Jacksonville, Fla., before Examiner William E. Messer.

No. MC 114019 (Sub No. 12), filed August 9, 1957, THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 S. Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such general merchandise, equipment, materials* and *supplies* as are used by business houses engaged in the retail and mail order distribution of food, household supplies, household furnishings and personal items, between Barrington, Ill., and Conklin, N. Y.

NOTE: Applicant conducts contract carrier operations under Permit MC 9685 and subnumbers thereunder; has application pending in MC 114019 to change from contract carrier status. Application filed in MC 9685 Sub No. 12 for the same authority requested above, as a contract carrier.

HEARING: October 9, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 114019 (Sub No. 13), filed August 12, 1957, THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 S. Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glassware*, and *such materials, supplies* and *equipment* as are used in the manufacture of glassware, between Zanesville, Ohio, Clarksburg and Wheeling, W. Va., and Washington, Pa., and between Zanesville, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, the southern peninsula of Michigan, New York, Ohio, and Pennsylvania.

NOTE: Applicant conducts contract carrier operations under Permit MC 9685 and sub-numbers thereunder; has application pending in MC 114019 to change from contract to common carrier status.

HEARING: October 11, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 114284 (Sub No. 4), filed June 19, 1957, F. GAFFIN, INC., P. O. Box 2734, Stockyards Station, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *dairy products*, as defined by the Commission, in peddle service, from Oklahoma City, Okla., to Las Vegas, Nev., and points within twenty (20) miles of Las Vegas. Applicant is authorized to transport similar commodities in Arkansas, New Mexico, Oklahoma, and Texas.

HEARING: October 10, 1957, at the Federal Bldg., Oklahoma City, Okla., before Examiner James C. Cheseldine.

No. MC 114364 (Sub No. 25), filed April 15, 1957, WRIGHT MOTOR LINES, INC., 16th & Elm, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, from Garden City, Kans., to points in Oklahoma, Kansas, and those in that part of Texas bounded by a line beginning at the New Mexico-Texas State Line and extending east along U. S. Highway 180 to junction U. S. Highway 87, thence along U. S. Highway 87 to junction U. S. Highway 80, thence along U. S. Highway 80 to junction U. S. Highway 75, thence north along U. S. Highway 75 to the Texas-Oklahoma State Line, thence northwesterly along the Texas-Oklahoma State Line to the New Mexico-Texas State Line, and thence south along the New Mexico-Texas State Line to point of beginning, including points on the indicated portion of the highways specified, for storage in transit purposes, in connection with applicant's continued movement from Torrington, Wyo., to Swink, Colo., to the destination points here set out. Applicant is authorized to transport sugar in Colorado, Oklahoma, Wyoming, Kansas, Idaho, Utah, Missouri, New Mexico, Arkansas, and Texas.

HEARING: October 8, 1957, at the Federal Bldg., Oklahoma City, Okla., before Examiner James C. Cheseldine.

No. MC 115162 (Sub No. 20), filed August 7, 1957, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P. O. Box 869, Montgomery, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from points in Escambia and Santa Rosa Counties, Fla., to points in Alabama. *Damaged and refused shipments* of fertilizer, on return. Applicant is authorized to conduct operations in Alabama, Tennessee, Georgia, Kentucky, Florida, Mississippi, Louisiana, Arkansas, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Mexico, New York, North and South Carolina, Oklahoma, North Dakota, Ohio, Pennsylvania, Texas, West Virginia, Wisconsin, and Virginia.

HEARING: October 16, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 115162 (Sub No. 21), filed August 7, 1957, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P. O. Box 869, Montgomery, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, from Mobile, Ala., to points in Florida west of the Apalachicola River, except the United States Naval Base near Pensacola, Fla., and except Eglin Air Force Base, Fla. *Damaged and refused shipments* of cement, on return. Applicant is authorized to conduct operations in Alabama, Tennessee, Georgia, Kentucky, Flordia, Mississippi, Louisiana, Arkansas, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Mexico, New York, North Carolina, Oklahoma, North Dakota, Ohio, Pennsylvania, South Carolina, Texas, West Virginia, Wisconsin, and Virginia.

HEARING: October 16, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 115162 (Sub No. 22), filed August 7, 1957, WALTER POOLE, doing business as POOL TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P. O. Box 869, Montgomery, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed*, animal and poultry, and *feed ingredients*, from Guntersville, Ala., to (a) points in the following counties in Tennessee: Hamilton, Bledsoe, Franklin, Roane, Monroe, Cumberland, Knox, Marion, Rhea, Sequatchie, McMinn, Blount, Morgan, Fentress, Grundy, Bradley, Sevier, Meigs, Loudon and Anderson; (b) points in the following counties in Georgia: Schley, Randolph, Walker, Seminole, Taylor, Meriwether, Stewart, Calhoun, Macon, Clay, Chattooga, Worth, Sumter, Talbot, Webster, Baker, Tift, Early, Whitfield, Crisp, Dougherty, Chattahootchee, Decatur, Grady, Quitman, Mitchell, Murray, Dooly, Troup, Lee, Thomas, Terrell, Catoosa, Miller, Upson, Harris, Marion, Dade and Colquitt; and (c) points in Florida on and west of U. S. Highway 319. *Damaged and refused shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Alabama, Tennessee, Georgia, Kentucky, Florida, Mississippi, Louisiana, Arkansas, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Mexico, New York, North and South Carolina, Oklahoma, North Dakota, Ohio, Pennsylvania, Texas, West Virginia, Wisconsin, and Virginia.

HEARING: October 14, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William E. Messer.

No. MC 115357 (Sub No. 3), filed July 29, 1957, GEORGE WILLARD TURNER, doing business as TURNER AUTO TRANSPORT, 701 OK Drive, Gashland, Mo. Applicant's attorney: R. Kenneth Elliott, 1803 Swift Ave., North Kansas City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in secondary movements, in truckaway service, between Kansas City, Mo., on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Nebraska, Oklahoma, and Texas.

NOTE: Applicant's attorney states that applicant is presently authorized to transport used automobiles in the above-described area, and the purpose of this application is to remove the word used from automobiles.

HEARING: October 18, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 115357 (Sub No. 4), filed August 5, 1957, GEORGE WILLARD TURNER, doing business as TURNER AUTO TRANSPORT, 701 OK Drive, Gashland, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in secondary movements, in truckaway service, between Omaha, Nebr., on the one hand, and, on the other, points in Colorado, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Utah and Wyoming. Applicant is authorized to transport used automobiles between Kansas City, Mo., and points in Colorado, Iowa, Kansas, Nebraska, Oklahoma, and Texas.

HEARING: October 30, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner L. Hanback.

No. MC 116062 (Sub No. 11), filed June 4, 1957, CALIFORNIA EXPRESS, INC., 1701 Vinewood, Fort Worth, Tex. Applicant's attorney: John W. Carlisle, 422 Perry Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from all points in California except Fresno, Modesto, Tulare, Sonomo, Asti and Di Giorgio, Calif., to points in Texas.

HEARING: October 10, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Allan F. Borroughs.

No. MC 116062 (Sub No. 12), filed June 4, 1957, CALIFORNIA EXPRESS, INC., 1701 Vinewood, Fort Worth, Tex. Applicant's attorney: John W. Carlisle, 422 Perry Brooks Bldg., Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Fresno, Modesto, Tulare, Sonomo, Asti and Di Giorgio, Calif., to Houston, Tex.

HEARING: October 10, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Allan F. Borroughs.

No. MC 116687 (CORRECTION), GOTEN ENTERPRISES, INC., 20 Forest Road, New Hartford, N. Y. Applicant's representative: Otto Grausz, 28 Fairview Heights, Utica, N. Y., published in FEDERAL REGISTER issue August 7, 1957, on page 6312. A note appended to the application when same was published on the above date referred to section 203 (b) (2) of the Interstate Commerce Act in error. The correct reference is to section 203 (b) (6).

No. MC 116713, filed June 3, 1957, CARL F. ROPOS, doing business as ROPOS MOBILE HOME HAULING, 101 South Pitts Street, Freeburg, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, designed to be drawn by passenger automobiles, in truckaway service, between points in St. Clair County, Ill., on the one hand, and, on the other, points in the United States.

HEARING: October 9, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Herbert L. Hanback.

No. MC 116723, filed June 7, 1957, CLARENCE W. PETREE, doing business as MOBILE HOMES TRANSIT COMPANY, 612 Tuscaloosa Avenue, SW., Birmingham, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, in initial movements, by the truckaway method, between points in Alabama, Georgia, North Carolina, South Carolina, Kentucky, Tennessee, Ohio, Indiana, Michigan, New York, Mississippi, Texas, Louisiana, Arkansas, Florida, Virginia, Illinois, Missouri, Pensylvania, New Jersey, Maryland, and Delaware.

HEARING: October 11, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William E. Messer.

No. MC 116735, filed June 12, 1957, LYLE MELVIN, doing business as MELVIN TRAILER SALES, 210 S. Broadway, Salina, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes—trailers designed to be drawn by passenger automobile*, in secondary movements, by truckaway method, between Salina, Kans. and points within five (5) miles of Salina, on the one hand, and, on the other, points in the United States.

HEARING: October 18, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 116841, filed July 29, 1957, EDWIN G. SEELBINDER, JR., doing business as BAYOU EXPRESS, 11111 West 49th Terr., Shawnee, Kans. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise* as is dealt in by meat packing houses and their subsidiaries, from Kansas City, Kans., to points in East Carroll, Madison, Tensas, Concordia, Catahoula, Avoyelles, Point Coupee, West Baton Rouge, Iberville, Assumption, St. James, St. Charles, John the Baptist, Ascension, Jeffers, St. Bernard, Livingston, St. Helena, West Feliciana, East Feliciana, East Baton Rouge, Caddo, Bossier, Lincoln, Jackson, Webster, Richland, Franklin, Rapides, Calcasiew, Lafayette, Quachita, Vernon, Plaquemines, Jefferson, and Orleans Parishes, La., and Wilkinson, Adams, Jefferson, Claiborne, and Warren Counties, Miss.

HEARING: October 22, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 116879, filed August 19, 1957, RICHARD T. BESTWICK, 716 South 12th, Sabetha, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Milk* and *dairy products*, from Sabetha, Kans., to Omaha, Nebr., and St. Joseph and Kansas City, Mo., and *ice cream bars, creamery milk supplies* and *empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified on return movements. *Milk* and *dairy products, ice cream bars*, and *creamery milk supplies*, between Sabetha, Kans., and Smith Center, Concordia and Topeka, Kans.

HEARING: October 24, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

MOTOR CARRIERS OF PASSENGERS

No. MC 460 (Sub No. 6), filed March 21, 1957, THE OKLAHOMA TRANSPORTATION CO., INC., 1206 Exchange Avenue, Oklahoma City, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Krebs, Okla., (on U. S. Highway 270), and junction U. S. Highways 271 and 59, near Bokoshe, Okla., over Oklahoma Highway 31, serving all intermediate points, except with closed doors between Krebs and Kinta, Okla. Applicant is authorized to conduct operations in Arkansas, Oklahoma, and Texas.

HEARING: October 9, 1957, at the Federal Bldg., Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 116360 (Sub No. 1), filed February 7, 1957, MISSOURI, KANSAS & OKLAHOMA LINES, INC., 321 So. Cincinnati, Tulsa, Okla. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between Ponca City, Okla., and Shawnee, Okla., from Ponca City over U. S. Highway 77 to the junction of unnumbered highway at a point approximately 10 miles west of Kaw, thence over unnumbered highway to Kaw, thence over unnumbered highway to Apperson, thence over unnumbered highway to Burbank (also from Ponca City over U. S. Highway 60 to Burbank), thence over U. S. Highway 60 to junction of Oklahoma Highway 18, thence over Oklahoma Highway 18 to Pawnee, thence over U. S. Highway 64 to junction unnumbered highway at Lela, thence over unnumbered highway to Glencoe, thence over unnumbered highway to junction of Oklahoma Highway 51, thence over Oklahoma Highway 51 to Stillwater (also from Pawnee over U. S. Highway 64 to junction Oklahoma Highway 40, thence over Oklahoma Highway 40 to Stillwater), thence over Oklahoma Highway 40 to Perkins, thence over Oklahoma Highway 33 to Cushing, thence return over Oklahoma Highway 33 to junction Oklahoma Highway 18, thence over Oklahoma Highway 18 to Shawnee, and return over the same route, serving all intermediate points.

HEARING: October 9, 1957, at the Federal Bldg., Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 116850, filed August 1, 1957, JOHNSON COUNTY TRANSIT LINES, INC., 1401 Dierks Bldg., Kansas City, Mo. Applicant's attorney: Kenneth E. Arnold, 1401 Dierks Bldg., 1006 Grand Ave., Kansas City 6, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *newspapers* and *packages*, in the same vehicle with passengers, between the following points: (1) Beginning at 9th and Main, Kansas City, Mo.; thence South on Main to 47th St.; thence West on 47th Street to Ward Parkway to State line; thence South on State line to Mission Drive; thence West on Mission Drive to Tomahawk Road; thence Southwest on Tomahawk Road to Prairie Village, Kans.; thence Southwest on Tomahawk Road to 79th St.; thence West on 79th St.; to Santa Fe Drive; thence return over the same route to point of beginning; (2) beginning at 9th and Main, Kansas City, Mo.; thence South on Main St. to 47th St.; thence West on 47th St. to Ward Parkway and Highway 50; thence West on Highway 50 and Ward Parkway to State line and Johnson Drive; thence West on Johnson Drive to Mission Road; thence South on Mission Road to 60th St.; thence West on 60th St. to Granada; thence South on Granada to 61st St.; thence East on 61st St. to Mission Road; thence South on Mission Road to 69th St.; thence South on Nall Ave. to 75th St.; thence West on 75th St. to Antioch; thence South on Antioch to 80th St.; thence East on 80th St. to Santa Fe Drive; thence return over the same route to point of beginning; (3) beginning at 9th and Main, Kansas City, Mo.; thence South on Main St. to 19th St.; thence West on 19th St. to Southwest Blvd.; thence Southwest on Southwest Blvd., to Merriam Lane; thence Southwest on Merriam Lane to Johnson Drive; thence West on Johnson Drive to Balientine; thence South on Balientine to Rogers Drive; thence West on Rogers Drive to Nieman Road; thence North on Nieman Road to 55th St.; thence West on 55th St. to Cody; thence South on Cody to Johnson Drive; thence West on Johnson Drive to the junction Highway 10 and Pflumm Road; thence return over the same route to point of beginning; (4) beginning at 9th and Main, Kansas City, Mo.; thence South on Main St. to 19th St.; thence West on 19th St. to

Southwest Blvd.; thence Southwest on Southwest Blvd. to Rainbow; thence South on Rainbow to 43d St.; thence West on 43d St. to Lloyd; thence South on Lloyd to 47th St.; thence East on 47th St. to Belinder; thence South on Belinder to Johnson Drive; thence West on Johnson Drive to Mission Road; thence North on Mission Road to 47th St.; thence East on 47th St. to Lloyd; thence return over said route to point of beginning; (5) beginning at 9th and Main, Kansas City, Mo.; thence South on Main St. to 19th St.; thence West to Southwest Blvd.; thence Southwest on Southwest Blvd. to Rainbow; thence South on Rainbow to 47th St.; thence West on 47th St. to Delmar; thence South on Delmar to Elledge Drive; thence Southwest on Elledge Drive to Buena Vista; thence South on Buena Vista to 51st St.; thence West on 51st St. to Rosewood; thence South on Rosewood to Sycamore; thence Southwest on Sycamore to Birch; thence South on Birch to 55th St.; thence West on 55th St. to Nall Ave.; thence South on Nall Ave. to Johnson Drive; thence West on Johnson Drive to Outlook; thence North on Outlook to 53d St.; thence West on 53d St. to Lamar; thence return over the same route to point of beginning; (6) beginning at 63d St. and Brookside, Kansas City, Mo.; thence West on 63d St. to Ward Parkway; thence South on Ward Parkway to 63d Terrace; thence West on 63d Terrace to Sagamore Rd.; thence South on Sagamore Rd. to 65th St.; thence West on 65th St. to Tomahawk Rd.; and Belinder Ave.; thence North on Belinder Ave. to 63d St.; thence West on 63d St. to Wenonga Rd.; thence Southwest on Wenonga Rd. to Tomahawk Road; (7) beginning at 75th and Belinder Rd.; thence North on Belinder Road to 71st St.; thence West on 71st St. to Glenwood; thence South on Glenwood to 73d St.; thence East on 73d St. to Lamar; thence South on Lamar to 75th St.; thence East on 75th St. to Mission Rd.; thence North on Mission Road to 71st St.; thence Southeast on Cherokee Drive to Belinder; (8) beginning at 75th and Juniper; South on Juniper to 79th St.; East on 79th St. to Roe Blvd.; thence North on Roe Blvd. to Tomahawk Rd.; (9) beginning at Johnson Drive and Roe Ave.; South on Roe Ave. to 60th St.; thence East on 60th St. to Granada; thence South on Granada to 63d St.; thence West on 63d St. to Roe Ave.; thence South on Roe Ave. to 67th St.; thence East on 67th St. to Mission Rd.; thence South on Mission Rd. to 69th St.; thence West on 69th St. to Glenwood; thence North on Glenwood to 67th St.; thence East on 67th St. to Roe Avenue; (10) beginning at Tomahawk Rd. and Dearborn Drive; South on Dearborn Drive to 79th St.; thence West on 79th St. to Metcalf; thence South on Metcalf to 81st St.; thence East on 81st St. to Lamar; thence South on Lamar to 83d St.; thence West on 83d St. to Metcalf; thence South on Metcalf to 85th St.; thence West on 85th St. to Marty; thence North on Marty to Overland Park Drive; thence North on Overland Park Drive to 79th St.; thence East on 79th St. to Tomahawk Road; (11) beginning at Johnson Drive and Roe Ave.; South on Roe Ave. to Highway 50; thence Southwest on Highway 50 to Metcalf; thence South on Metcalf to 79th St.; thence West on 79th St. to Lowell; thence North on Lowell to 77th St.; thence East on 77th St. to Conser; thence North on Conser to 76th St.; thence East on 76th St. to Metcalf; (12) beginning at 81st St. and Santa Fe Drive; West on 81st St. to Antioch Rd.; South on Antioch Rd. to 82d St.; East on 82d St. to Hardy; South on Hardy to Santa Fe Drive, and return over the above routes, serving all intermediate points.

HEARING: October 23, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 565 (Sub No. 14), filed August 23, 1957, FLEETLINES OF NEVADA, a Corporation, 1201 East Fifth Street, Los Angeles, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives other than small arms ammunition, livestock, and commodities in bulk, (1) between Los Angeles, Calif., and Las Vegas, Nev., from Los Angeles over U. S. Highway 99 to junction U. S. Highway 91, thence over U. S. Highway 91 to Las Vegas, and return over the same route; (2) between Los Angeles, Calif., and Pomona, Calif., from Los Angeles over Valley Blvd. via La Puente, Calif., to Pomona, and return over the same route; (3) between Los Angeles, Calif., and San Bernardino, Calif., from Los Angeles over U. S. Highway 66 to San Bernardino, and return over the same route; (4) between Los Angeles, Calif., and Long Beach, Calif., from Los Angeles over U. S. Highway 6 to junction U. S. Highway 101A, thence over U. S. Highway 101A to Long Beach, and return over the same route; (5) between Long Beach, Calif., and Colton, Calif., from Long Beach over U. S. Highway 91 to Colton, and return over the same route; (6) between Las Vegas, Nev., and Boulder City, Nev., from Las Vegas over U. S. Highway 93 to Boulder City, and return over the same route; (7) between junction U. S. Highway 99 and unnumbered highway three miles west of Colton, Calif., and junction said unnumbered highway and U. S. Highway 91 north of San Bernardino, Calif., from junction U. S. Highway 99 and unnumbered highway three miles west of Colton over unnumbered highway via Rialto, Calif., to junction U. S. Highway 91 north of San Bernardino, and return over the same route; and (8) between Las Vegas, Nev., and Mercury, Nev., from Las Vegas over U. S. Highway 95 to junction unnumbered highway, thence over unnumbered highway to Mercury, and return over the same route. Serving between all termini described above, and to, from and between all intermediate points on each of the above-described routes, and to and from off-route points in Nevada within 50 miles of Las Vegas, Nev., to and from off-route points in California within 25 miles of Los Angeles, Calif., and those within 25 miles of Long Beach, Calif. Applicant presently holds authority to transport the commodities sought between various points in California and Nevada by virtue of Certificate No. MC 565, dated May 23, 1957. The purpose of this application is to request the issuance of a Certificate clarifying applicant's operations.

No. MC 8873 (Sub No. 1), filed August 20, 1957, CATALANO BROS., INC., 69 Clinton Street, Chelsea, Mass. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plaster, tile, lime, plaster board, mineral wool, insulating materials, paint, pulp board, roofing*, and *roofing materials*, and *metal plaster grounds*, from Boston, Mass., to points in Maine and Vermont, and *empty pallets*, and *rejected and damaged shipments* of the above-specified commodities, from points in Maine and Vermont to Boston, Mass. *Empty pallets*, used, from Brattleboro, Vt., points in Massachusetts, New Hampshire, Rhode Island, Connecticut, and that part of Maine south of a line beginning at Brunswick, Maine, and extending along Maine Highway 196 to Auburn, Maine, and east of a line beginning at Auburn, Maine, and extending along Maine Highway 3 to Gray, Maine, thence along Main Highway 115 to North Windham, Maine, thence along Maine Highway 35 to Standish, Maine, south of a line beginning at Standish, Maine, and extending along Maine Highway 25 to the Maine-New Hampshire State line, including points on the indicated portions of the highways specified, to Boston, Mass. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE: Applicant states (1) it presently holds authority to a portion of the States of Maine and Vermont; and (2) it requests authority to return empty pallets within the area presently authorized in Permit No. MC 8873.

No. MC 30319 (Sub No. 83), filed August 15, 1957, SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 N. San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, Esperson Bldg., Houston 2, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including air freight* having a prior or subsequent movement by air, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Marlin, Tex., and Kosse, Tex., over Texas Highway 7, serving no intermediate or off-route points, and serving no new or additional stations, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operation between Mexia, Tex., and Hempstead, Tex., and between Bremond, Tex., and Marlin, Tex., subject to the conditions provided in the Restrictions to applicant's service by motor vehicle which is auxiliary to, or supplemental of the service of the Texas and New Orleans Railroad Company. Applicant is authorized to conduct similar operations in Louisiana and Texas.

No. MC 30887 (Sub No. 79), filed August 16, 1957, SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's representative: Donald E. Freeman, 534 Main Street, Reisterstown, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Sizing emulsified petroleum*, in bulk, in stainless steel tank vehicles, from Clairton, Pa., to New York, N. Y., and (2) *Natural latex*, in bulk, in tank vehicles, (a) from North Bergen, N. J., and New York, N. Y., to Greenback, Tenn., and (b) from New York, N. Y., to the port of entry on the International Boundary line between the United States and Canada at or near Buffalo, N. Y. Applicant is authorized to conduct operations in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin.

No. MC 64828 (Sub No. 9), filed May 8, 1957, JOHN J. GARTLAND, doing business as GARTLAND MOTOR LINES, 44 Tulip Street, Poughkeepsie, N. Y. Applicant's attorney: Edward J. Murtaugh, 226 Union St., Poughkeepsie, N. Y. For authority to operate as a *common carrier*, transporting: *Meats, meat products, meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, and 61 M. C. C. 766, serving the intermediate points of Ohioville, Tillson, Rosendale, Esopus, Ulster Park and Lake Katrine, N. Y.; and the off-route points of High Falls, Stone Ridge, Clintondale, Vail's Gate, Glasco, Cornwall, Cornwall-on-Hudson, Cold Spring, Red Oaks Mills and West Point, N. Y., in connection with applicant's authorized regular route operations to and from Poughkeepsie, N. Y., as described in No. MC 64828, No. MC 64828 (Sub No. 4) and No. MC 64828 (Sub No. 7). Applicant is authorized to transport the commodities specified in the State of New York.

No. MC 66562 (Sub No. 1379), filed August 22, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd St., New York 17, N. Y. Applicant's attorney: William H. Marx, same address as above. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, moving in express service, serving Landisville, N. J., as an off-route point in connection with applicant's authorized regular route operations between Philadelphia, Pa., and Maurice River, N. J., in No. MC 66562 (Sub No. 1156). RESTRICTIONS: The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of air or railway express service. Shipments transported by carrier shall be limited to those moving under a through bill of lading, or express receipt. Such other specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, air or railway express service.

NOTE: Interchange with rail and air express service will be made at Philadelphia, Pa., except for local interstate traffic originating at Philadelphia, Pa., destined to Landisville, N. J., or vice versa, which traffic will have its entire movement local to the route and not have an immediately prior or an immediately subsequent movement by rail or air.

No. MC 109637 (Sub No. 53), filed August 19, 1957, GASOLINE TRANSPORT CO., a corporation, 4107 Bells Avenue, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lacquers, lacquer thinners*, and *lacquer sealers*, in bulk, in tank vehicles, from Louisville, Ky., to Truman, Ark., and Oklahoma City, Okla. Applicant is authorized to transport commodities, other than those specified herein, in Illinois, Indiana, Kentucky, Ohio, and Tennessee.

No. MC 115992 (Sub No. 1), filed May 31, 1957, L. M. PEPPER, doing business as PEP'S KEROSENE SERVICE, 2300 Tidelands Ave., National City, Calif. Applicant's attorney: Waller Taylor II, 523 West Sixth Street, Los Angeles 14, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, as described by the Commission (61 MCC 209), other than those moving in pressurized vehicles, serving points in Arizona within 50 miles of Yuma, Ariz., in connection with and as an extension of applicant's authorized regular route operation between San Diego, Calif., and Yuma, Ariz., over U. S. Highway 80 in Permit No. MC 115992 dated April 1, 1957.

No. MC 116387 (Sub No. 4), filed August 19, 1957, ALABAMA TANK LINES, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: H. N. Nunnally, 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum chemicals*, in bulk, in tank vehicles, from Chester, Pa., to Morganton, N. C. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

No. MC 116883, filed August 22, 1957, RUSSELL DIMMITT, 276 East Barnes, Bushnell, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bacon*, in refrigerated vehicles, from Bushnell, Ill., to St. Louis, Mo., and Davenport, Iowa. *Fresh meat*, in refrigerated vehicles, from St. Louis, Mo., to Bushnell, Ill.

PETITIONS

No. MC 7953, (PETITION FOR A SPECIFIC FINDING) filed by DALLAS J. PETERSON, 107 Portland St., Rochester, N. H. Applicant's representative: Oliver C. Peterson, 1340 Melrose Avenue South, St. Petersburg, Fla. By Certificate dated January 6, 1950, petitioner was granted, in part, authority to transport: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points in Strafford, Rockingham, and Carroll Counties, N. H., on the one hand, and, on the other, points in Androscoggin, Cumberland, Oxford, and York Counties, Maine. Petitioner specifically requests that this Commission find *no prohibition* against the transportation of *fertilizer* or *fertilizers*, found in the generic heading "Such merchandise, as is dealt in by wholesale, retail, and chain grocery and food houses"; no tonnage limitation in this section of the certificate; no point to point limitation in the quoted section of the certificate so long as such points fall within the area of the three New Hampshire counties and the four Maine counties.

No. MC 30062 (CORRECTION) JOHN DAVID BARRICKS, (WILLIAM THOMAS HUGHES, JR., ADMINISTRATOR), doing business as BARRICKS MOTOR LINES, Petersburg, Va., published in FEDERAL REGISTER issue of July 10, 1957, page 4869. A notice of the filing of a petition dated June 19, 1957, to reopen, reconsider, and modify the authority in No. MC 30062 was published in the FEDERAL REGISTER under the foregoing date. The said notice indicated that Mr. Jno. C. Goddin, Attorney at Law, was the applicant's representative: *The designation of Mr. Jno. C. Goddin, was in error.* Mr. Goddin *does not* represent applicant in this proceeding. All correspondence, requests for copies of the petition, any matters relating to this petition should be addressed to Mr. W. T. Hughes, Jr., Barricks Motor Lines, 112 South West Street Petersburg, Virginia.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6584, published in the May 22, 1957, issue of the FEDERAL REGISTER on page 3615. Supplemental application filed August 26, 1957, by STATE TRUCKING INC., to participate in the control of MID-CONTINENT FREIGHT LINES, INC., through ownership of capital stock and for A. J. WILLENBORG, 1035 Flint Street, Cincinnati, Ohio, to continue in control of STATE TRUCKING, INC. Application assigned for hearing September 19, 1957, at Des Moines, Iowa.

No. MC–F 6647, published in the July 31, 1957 issue of the FEDERAL REGISTER on page 6037. Supplement filed August 23, 1957, to show joinder of H. A. AUSTIN, 1301 Highland Avenue, Bluefield, W. Va., as the person in control of vendee.

No. MC–F 6678. Authority sought for control and merger by STANDARD

FREIGHT LINES, INC., Robinson Bldg., Rock Island, Ill., of the operating rights and property of DOHRN TRANSFER COMPANY, Robinson Bldg., Rock Island, Ill., and for acquisition by CHARLES H. DOHRN and ARTHUR H. LORENZEN, both of Rock Island, of control of such rights and property through the transaction. Applicants' attorney: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be controlled and merged: *General commodities*, without exception, as a *common carrier*, over regular routes, between specified points in Illinois, between Davenport, Iowa, and La Salle, Ill., between Sheffield, Ill., and Burlington, Iowa, between Bettendorf, Iowa, and St. Louis, Mo., between Galesburg, Ill., and Keokuk, Iowa, between Alton, Ill., and St. Louis, Mo., between Chicago, Ill., and Clinton, Iowa, between Davenport, Iowa, and Sterling, Ill., and between junction U. S. Highway 30 and Illinois Highway 80 and Davenport, Iowa, serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Middlegrove, Ill., and junction Illinois Highway 116 and U. S. Highway 34, between Chicago, Ill., and Indianapolis, Ind., between Burlington, Iowa, and the site of the shell loading plant near West Burlington, Iowa, and between St. Louis, Mo., and Indianapolis, Ind., serving certain intermediate points; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, between Indianapolis, Ind., and Peoria, Ill., and between Morton, Ill., and Pekin, Ill., serving no intermediate points; *general commodities*, without exception, over irregular routes, between points in the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission, and between points in the ST. LOUIS, MO.,-EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission; *general commodities*, with certain exceptions including household goods and commodities in bulk, between points in Marion County, Ind. STANDARD FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Illinois, Michigan, Indiana, Ohio and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6679. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 24, Colo., of the operating rights and certain property of SHAW TRANSPORTATION, INC., 710 West 2nd Street, Hutchinson, Kans., and for acquisition by LAURENCE COHEN, also of Denver, of control of such rights and property through the purchase. Applicants' attorneys: James F. Miller, 500 Board of Trade Bldg., 10th & Wyandotte, Kansas City 5, Mo., and Paul M. Hupp, 738 Majestic Bldg., Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, except Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment, as a *common carrier* over regular routes between Hutchinson, Kans., and Kansas City, Mo., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Hutchinson, Kans., and Wichita, Kans., serving the intermediate points of Maize, Colwich, Andale, Mt. Hope, and Haven, Kans.; *salt*, in bulk, from Hutchinson, Kans., to Kansas City, Mo., serving no intermediate points; *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, except in connection with main pipe lines, over irregular routes between points in Kansas. Vendee is authorized to operate as a *common carrier* in California, New Mexico, Arizona, Texas, Colorado, Nebraska, Illinois, Missouri, Iowa, Nevada, Indiana, Oklahoma and Kansas. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6681. Authority sought for purchase by SOUTHERN TRANSPORT, INC., 1109 Barnett National Bank Bldg., Jacksonville 2, Fla., of the operating rights of DIXIE TRANSPORT COMPANY, Whitley City, Ky., PROPST TRANSPORT, INC., Concord, N. C., CAROLINA CAR CARRIER, INC., Concord, N. C., and CRAWFORD TRANSPORT COMPANY, INCORPORATED, 1804 North Second Street, Ironton, Ohio, a portion of the operating rights of McDOWALL TRANSPORT, INC., 33 West Grant Avenue, Orlando, Fla., and a portion of the operating rights and certain property of CASE DRIVEWAY, INC., 6001 U. S. Route 60, Huntington, W. Va., acquisition by DIXIE TRANSPORT COMPANY, Whitley City, Ky., McDOWALL TRANSPORT, INC., 33 West Grant Avenue, Orlando, Fla., PROPST TRANSPORT, INC., Concord, N. C., CAROLINA CAR CARRIER, INC., Concord, N. C., and CRAWFORD TRANSPORT COMPANY, INCORPORATED, 1804 North Second Street, Ironton, Ohio, of control of such rights and property through the purchase, and, in turn, by MRS. RUTH B. BETTES and MRS. RUTH B. BETTES AS TRUSTEE, 430 West State Street, Jacksonville, Fla., JAMES A. McDOWALL, 33 West Grant Avenue, Orlando, Fla., J. W. PROPST, JR., and CARL A. PROPST, both of Concord, N. C., F. S. CRAWFORD and S. T. CRAWFORD, JR., both of 1804 North Second Street, Ironton, Ohio, through the acquisition of control by DIXIE TRANSPORT COMPANY, ET AL. Applicants' attorneys: R. J. Reynolds, Jr., Citizens & Southern Bank Bldg., Atlanta, Ga., and George C. Young, Barnett National Bank Bldg., Jacksonville, Fla. Operating rights sought to be transferred: (DIXIE) *Automobiles* and *trucks*, as a *common carrier* by truckaway over irregular routes from Detroit, Pontiac, Flint, and Lansing, Mich., and South Bend and Evansville, Ind., to points in Florida and certain points in Georgia; *new automobiles, automobile chassis, automobile bodies*, and when moving in connection therewith, *automobile parts and accessories* and *automotive show equipment and paraphernalia, garden tractors*, and parts and accessories therefor when moving in a mixed shipment with a new automobile, in initial movements, in truckaway service, from points in Washtenaw County, Mich., to points in Florida and certain points in Georgia; *new and used automobiles*, by the driveaway and truckaway method, in secondary movements from points in Florida to points in Georgia, and from points in Florida and certain points in Georgia to points in Tennessee, Kentucky, Ohio, Indiana and Michigan; *new and used automobile chassis*, by the driveaway and truckaway method, in secondary movements, from points in Florida to points in Georiga, and from points in Florida and certain points in Georgia to Richmond, Ind., and Lima, Ohio; *new trucks* and *new truck chassis*, in initial movements, in driveaway service, from points in Wayne County, Mich., and Warren Township, Macomb County, Mich., to all points in Florida; *farm tractors*, from Jacksonville, Fla., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee; *automobilyes, trucks, and busses*, as defined by the Commission, (excluding trailers, ambulances, and hearses), and parts and accessories of such vehicles moving in connection therewith, in secondary movements, in truckaway service, from Lima, Ohio, and Whitley City, Ky., to points in Florida. (McDOWALL) *Automobiles, trucks, chassis*, and *trailers*, as a *common carrier*, over irregular routes, from Detroit, Flint, and Pontiac, Mich., South Bend and Elkhart, Ind., and Toledo, Ohio, to points in Florida; *used automobiles*, in secondary movements, in truckaway service, from points in Florida to points in Indiana, Ohio, the lower peninsula of Michigan, Chicago, Ill., and points in that part of Illinois within 50 miles of Chicago, Louisville, Ky., and points within 25 miles of Louisville; *trucks* and *chassis*, in initial movement, by driveaway and truckaway service, from Warren Township, Macomb County, Mich., to points in Florida; *automobiles* and *chassis*, in initial movement, by driveaway and truckaway service, from Willow Run in Washtenaw County, Mich., to points in Florida. (PROPST) *New automobiles* and *new trucks*, in truckaway and driveaway service, as a *common carrier* over irregular routes, from Detroit, Mich., and points in Michigan within ten miles of Detroit, to Gaffney, Chester, and Spartanburg, S. C., and certain points in North Carolina; *such machinery and supplies* as are used in textile mills, from Philadelphia, Pa., to Concord, N. C.; *empty carbonated-beverage containers*, from Laurens, S. C., to Concord, N. C.; *household goods*, as defined by the Commission, between Concord, N. C., on the one hand, and, on the other, points in South Carolina, Pennsylvania, and New York; *coal tar dyes* and *empty metal drums*, between

Charlotte, N. C., and Deepwater Point, N. J.; *textile products*, between Concord, N. C., on the one hand, and, on the other, Martinsville, Va., Chester and Gaffney, S. C., and points in North Carolina, between Yadkinville, N. C., and Chester, S. C., from Concord, Salisbury, and Kannapolis, N. C., to Columbus, Ohio, and Chester and Philadelphia, Pa., and from Philadelphia, Pa., to Concord, N. C.; *new automobiles*, from Galax, Va., to points in North Carolina and South Carolina; *new automobiles* and *new trucks*, restricted to initial movements, in truckaway and driveaway service, from Evansville, Ind., to points in North Carolina and South Carolina, and from Detroit, Mich., and points in Michigan within ten miles of Detroit, to Gaffney, Chester, and Spartanburg, S. C., and certain points in North Carolina; *used, wrecked, damaged or refinished automobiles and trucks*, from the above-specified destination points to the above-specified origin points, respectively. (CAROLINA) *New automobiles* and *new trucks*, in initial movements, in truckaway service, as a *common carrier* over irregular routes from places of manufacture and assembly in Wayne County, Mich., to certain points in North Carolina; *new automobiles*, and *new motor trucks*, in initial movements, in truckaway and driveaway service, from places of manufacture in Wayne County, Mich., and those in Warren Township, Macomb County, Mich., to certain points in North Carolina. (CRAWFORD) *New automobiles, new trucks*, and *new chassis*, in initial movements, in driveaway and truckaway service, as a *common carrier* over irregular routes, between Detroit, Mich., and Toledo, Ohio, from Detroit, Mich., to Chillicothe, Waverly, Portsmouth, Jackson, and Ironton, Ohio, Ashland, Louisa, Lexington, Paintsville, Pikeville, and Maysville, Ky., and from Toledo, Ohio, to Maysville and Lexington, Ky.; *new automobiles, new trucks*, and *new chassis*, in secondary movements, in driveaway and truckaway service, between Detroit, Mich., Toledo, Chillicothe, Waverly, Portsmouth, Jackson, and Ironton, Ohio, and Ashland, Louisa, Lexington, Paintsville, Pikeville, and Maysville, Ky.; *new automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway service, from Detroit, Mich., to certain points in North Carolina; *new automobiles, new trucks*, and *new chassis*, in secondary movements, in truckaway service, from Toledo and Ironton, Ohio, to certain points in North Carolina; *new automobiles* and *chassis*, in truckaway service, in secondary movements, from Warren Township, Macomb County, Mich., to Toledo, Chillicothe, Waverly, Portsmouth, Jackson and Ironton, Ohio, Ashland, Louisa, Paintsville, Pikeville and Maysville, Ky., and certain points in North Carolina; *new automobiles, new automobile bodies and chassis*, and *automobile show equipment and paraphernalia*, in initial movements, in truckaway and driveaway service, and *farm and garden tractors* and *parts* thereof, from Willow Run in Washtenaw County, Mich., to Toledo, Chillicothe, Waverly, Portsmouth, Jackson, and Ironton, Ohio, Ashland, Louisa, Paintsville, Pikeville, Lexington, and Maysville, Ky.; *new automobiles, new automobile bodies and chassis*, and *automobile show equipment and paraphernalia*, in initial movements, in truckaway service, and *farm and garden tractors* and *parts* thereof, from Willow Run in Washtenaw County, Mich., to certain points in North Carolina; *new automobiles*, in initial movements, by the truck-away method, from Detroit, Mich., to certain points in Kentucky; *automobiles* and *chassis*, in initial movements, by the truck-away method, from points in Wayne County, Mich., to certain points in West Virginia; *mineral wool batts* and *mineral wool crash pads*, from Vienna, W. Va., to points in Ohio and those in the Lower Peninsula of Michigan. (CASE) *Automobiles, trucks, bodies, cabs, chassis*, and *unfinished automobiles*, as a *common carrier* over irregular routes, between points in Wayne County and Warren Township, Macomb County, Mich.; *new automobiles, new trucks, new bodies, new cabs, new chassis*, and *unfinished automobiles*, in initial movements, in truckaway and driveaway service, from places of manufacture and assembly in Wayne County, Mich., and Toledo, Ohio, to Ashland, Louisa, Paintsville, and Pikeville, Ky., Richmond and Knightstown, Ind., certain points in Ohio, certain points in West Virginia, certain points in Virginia, and points in North Carolina and South Carolina, and from places of manufacture in Willow Run, Washtenaw County, Mich., to Ashland, Louisa, Paintsville, and Pikeville, Ky., Richmond and Knightstown, Ind., certain points in Ohio, certain points in West Virginia, certain points in Virginia, and points in North Carolina and South Carolina; *automobiles, trucks, bodies, cabs*, and *chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in truckaway and driveaway service, between points in Wayne County, Mich., Ashland, Louisa, Paintsville, and Pikeville, Ky., Richmond and Knightstown, Ind., certain points in Ohio, certain points in West Virginia, certain points in Virginia, and points in North Carolina and South Carolina. Vendee holds no authority from this Commission. Application has been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6677. Authority sought for control by SAFEWAY TRAILS, INC., 820 T Street, NE., Washington 18, D. C., and VIRGINIA STAGE LINES, INCORPORATED, 401 East Water Street, Charlottesville, Va., of TRAILWAYS OF NEW ENGLAND, INC., 179 Allyn Street, Hartford, Conn., and for acquisition by CLAUDE A. JESSUP, SAMUEL A. JESSUP, VIRGINIA PEPSI COLA BOTTLING CO., JAMES L. JESSUP, BETTY SUE JESSUP and MARY IRVA JESSUP, all of Charlottesville, WILLIAM A. ROBERTS and CHARLES B. McINNIS, both of Washington, and MARVIN E. WALSH, Silver Spring, Md., of control of TRAILWAYS OF NEW ENGLAND, INC., through the acquisition by SAFEWAY TRAILS, INC., and VIRGINIA STAGE LINES, INCORPORATED. Applicants' attorneys: William A Roberts and Edward G. Villalon, both of 1012 - 14th Street, NW., Washington 5, D. C. Operating rights sought to be controlled: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, as a *common carrier*, over regular routes, including routes between New York, N. Y., and Boston, Mass., between Hartford, Conn., and Worcester, Mass., between Auburn, Mass., and Boston, Mass., between Springfield, Mass., and Sturbridge, Mass., between Springfield, Mass., and Northampton, Mass., between Hartford, Conn., and Haverhill, Mass., between Willimansett, Mass., and Northampton, Mass., between Fitchburg, Mass., and Ayer, Mass., and between Haverhill, Mass., and Newburyport, Mass., serving certain intermediate points; alternate routes for operating convenience only between Hartford, Conn., and junction U. S. Highways 6 and 44, near South Manchester, Conn., and between junction new Connecticut Highway 15 and U. S. Highway 44 near Buckland, Conn., and junction new Connecticut Highway 15 and combined old Connecticut Highway 15 and Connecticut Highway 74, at Tolland Station, Conn.; *passengers and their baggage*, between Lowell, Mass., and Rockingham Park Race Track at or near Salem, N. H., between Worcester, Mass., and Fitchburg, Mass., and between West Boylston, Mass., and junction Massachusetts Highways 110 and 2 near Ayer, Mass., serving certain intermediate points; *passengers and their baggage*, during the season from from May 15 to September 15, inclusive, of each year, between Newburyport, Mass., and Hampton Beach, N. H., serving no intermediate points; *passengers and their baggage*, in special roundtrip operations, restricted to operations during the authorized racing seasons at the Rockingham Park Race Track, at or near Salem, N. H., beginning and ending at points on carrier's authorized routes, including the route specified immediately following, and extending to the Rockingham Park Race Track, between Providence, R. I., and Chelmsford, Mass., serving all intermediate points; alternate route for operating convenience only between junction U. S. Highway 1 and Massachusetts Highway 115, at Foxborough, and Methuen, Mass.; *passengers and their baggage*, in special roundtrip operations, beginning and ending at points on carrier's authorized routes located north and northeast of Chelmsford and at those authorized points on the routes specified immediately following, and extending to either the Narragansett Park Race Track at or near Pawtucket, R. I., or the Lincoln Downs Race Track at or near Lincoln, R. I., during the authorized racing seasons at each track, respectively, between Chelmsford, Mass., and the Narragansett Park Race Track at or near Pawtucket, R. I., and between Chelmsford, Mass., and the Lincoln Downs Race Track at or near Lincoln, R. I., serving certain intermediate points; alternate route for operating convenience only between Lowell, Mass., and junction U. S. Highway 1 and Massachusetts Highway 115, at Foxborough; authority to engage in operations as a *broker* at Boston, Lowell, and Springfield, Mass.,

and Hartford, and New Haven, Conn., in connection with transportation of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Boston, Lowell, and Springfield, Mass., and Hartford and New Haven, Conn., on the one hand, and, on the other, points in the United States. SAFEWAY TRAILS, INC., is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Maryland, Delaware and the District of Columbia. VIRGINIA STAGE LINES, INCORPORATED, is authorized to operate as a *common carrier* in Virginia, North Carolina, West Virginia, Kentucky, Ohio, Pennsylvania and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7278; Filed, Sept. 4, 1957; 8:50 a. m.]

[Notice 7]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 30, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-19201 (Deviation No. 1), PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh 20, Pa., filed August 27, 1957. Attorney for carrier, Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Corry, Pa., and junction U. S. Highway 6 and Pennsylvania Highway 27 at or near Pittsfield, Pa., as follows: from Corry over U. S. Highway 6 to junction Pennsylvania Highway 27 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over numerous routes, including the following pertinent routes: from Spring Creek over Pennsylvania Highway 426 (formerly Pennsylvania Highway 177) to Corry, Pa., thence over U. S. Highway 6 to Union City, Pa., thence over Pennsylvania Highway 97 to Erie, Pa., and thence over Pennsylvania Highway 8 to Belle Valley; from Garland, Pa., over Pennsylvania Highway 27 to Pittsfield, Pa., thence over U. S. Highway 6 to Ludlow, Pa., from Spring Creek over Pennsylvania Highway 77 to junction Pennsylvania Highway 27; and return over the same routes.

No. MC-30867 (Deviation No. 3), CENTRAL FREIGHT LINES, INC., 303 South Twelfth Street, P. O. Box 238, Waco, Tex., filed August 27, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Houston, Tex., and Virginia Point, Texas, as follows: from Houston over U. S. Highway 75 (Gulf Freeway) to Virginia Point and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Houston, Tex., and Virginia Point, Tex., over Texas Highway 3 (old U. S. Highway 75).

No. MC-35628 (Deviation No. 1), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, S. W., Grand Rapids 2, Mich., filed August 26, 1957. Carrier proposes to operate as a common carrier by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction Northern Indiana Toll Road and U. S. Highway 41 and junction Northern Indiana Toll Road and U. S. Highway 20 as follows: from junction Northern Indiana Toll Road and U. S. Highway 41 over the Northern Indiana Toll Road using various access routes to junction Northern Indiana Toll Road and U. S. Highway 20 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between junction Northern Indiana Toll Road and U. S. Highway 41 and junction Northern Indiana Toll Road and U. S. Highway 20 over U. S. Highways 41, 12, 20, 421, 31, and 27; Indiana Highway 9 and Michigan Highway 78.

No. MC-35628 (Deviation No. 2), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, S. W., Grand Rapids 2, Mich., filed August 26, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction Ohio Turnpike and U. S. Highway 20 and junction Ohio Turnpike and Pennsylvania Turnpike as follows: from junction Ohio Turnpike and U. S. Highway 20 over the Ohio Turnpike using various access routes to junction Ohio Turnpike and Pennsylvania Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between junction Ohio Turnpike and U. S. Highway 20 and junction Ohio Turnpike and Pennsylvania Turnpike over U. S. Highways 20, 250, and 42; and Ohio Highways 53, 8, 14 and 7.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7279; Filed, Sept. 4, 1957; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EMIL BAENNINGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emil Baenninger, 25 Laimatstr., St. Gallen, Switzerland, Claim No. 61583; Vesting Orders Nos. 17829 and 17903; $619.50 in the Treasury of the United States.

10 shares Baltimore and Ohio Railroad Company P. V. common stock, evidenced by Certificate No. 429103, in the name of the Attorney General, presently in the custody of the Safekeeping Department of the Federal Reserve Bank, New York.

Executed at Washington, D. C., on August 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7271; Filed, Sept. 4, 1957; 8:48 a. m.]

TSUNEO AND MASAO IMANISHI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Tsuneo Imanishi and Masao Imanishi, 3305-1 Fuchu-machi, Aki-Gun, Hiroshima-ken, Japan; Claim No. 39538; Vesting Order No. 10541; $20,397.73 in the Treasury of the United States.

Dated at Washington, D. C., August 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7272; Filed, Sept. 4, 1957; 8:49 a. m.]

EDOARDO AND GINESTRA SPINOLA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Edoardo Spinola a/k/a Edward Spinola, 4054 B. Madison Avenue, Culver City, California; Claim No. 41748; All right, title, interest and claim of any kind or character of Edoardo Spinola in and to the trust created under the Will of James L. Woods, deceased, administered under the judicial supervision of the Surrogate's Court, Chemung County, New York, as vested by Vesting Order No. 2381 (8 F. R. 14497; October 26, 1943).

Ginestra Spinola, % The Italian Embassy, 14/ 3 Kings Yard, London W. 1., England; Claim No. 41749; All right, title, interest and claim of any kind or character of Ginestra Spinola in and to the trust referred to above. Vesting Order No. 2381.

Executed at Washington, D. C., on August 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7273; Filed, Sept. 4, 1957; 8:49 a. m.]

MARYSIA DOROTHY ULAM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marysia Dorothy Ulam, Paris, France, Claim No. 61776; Vesting Order No. 17693; $1,198.85 in the Treasury of the United States.

Executed at Washington, D. C., on August 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7274; Filed, Sept. 4, 1957; 8:49 a. m.]

REINOLD DAVID VAN ESSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Reinold David van Essen, Hoofdstraat 42, Veenendaal, Holland; Claim No. 61716; Vesting Orders Nos. 17840, 17896, 17948, and 18118; $4,405.13 in the Treasury of the United States.

Executed at Washington, D. C., on August 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7275; Filed, Sept. 4, 1957; 8:49 a. m.]

MRS. TH. VERSNEL-BRAADBAART

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Th. Versnel-Braadbaart, Overschie, The Netherlands, Claim No. 62261, Vesting Order No. 18117; $120.58 in the Treasury of the United States.

Executed at Washington, D. C., on August 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7276; Filed, Sept. 4, 1957; 8:49 a. m.]

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, First Session.

Acts Approved September 3, 1957

H. R. 9302 ---------- Public Law 85-279. Making appropriations for Mutual Security for the fiscal year ending June 30, 1958, and for other purposes.

Acts Approved September 4, 1957

S. J. Res. 18 ---------- Public Law 85-297. To authorize and request the President to issue a proclamation in connection with the centennial of the birth of Theodore Roosevelt.

S. 807 ---------- Public Law 85-291. For the relief of Jackson School Township, Indiana.

S. 1520 ---------- Public Law 85-294. To amend an Act entitled "An Act to provide for the disposal of federally owned property at absolescent canalized waterways, and for other purposes."

S. 1645 ---------- Public Law 85-280. To authorize the Secretary of the Interior to grant easements in certain lands to the city of Las Vegas, Nevada, for road widening purposes.

S. 1791 ---------- Public Law 85-286. To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

S. 1996 ---------- Public Law 85-283. To approve the contract negotiated with the Casper-Alcova Irrigation District, to authorize its execution, and for other purposes.

H. J. Res. 453 ---------- Public Law 85-290. Establishing that the second regular session of the 85th Congress convene at noon on Tuesday, January 7, 1958.

H. R. 230 ---------- Public Law 85-292. To require the Secretary of the Army to convey to the county of Los Angeles, California, all right, title, and interest of the United States in and to certain portions of a tract of land heretofore conditionally conveyed to such county.

H. R. 580 ---------- Public Law 85-282. To authorize the exchange of certain land in the State of Missouri.

H. R. 2136 ---------- Public Law 85-298. To amend section 124 (c) of title 28 of the United States Code so as to transfer Shelby County from the Beaumont to the Tyler division of the eastern district of Texas.

H. R. 7096 ..... Public Law 85-284.
To amend paragraph 1684 of the Tariff Act of 1930 with respect to istle or Tampico fiber, to admit free of duty a beta-ray spectrometer for use at Stanford University, Stanford, California, and for other purposes.

H. R. 7636 ..... Public Law 85-293.
To provide for the conveyance to the State of Florida of a certain tract of land in such State owned by the United States.

H. R. 7671 ..... Public Law 85-295.
To amend section 116 of chapter X of the Federal Bankruptcy Act, to make certain equipment trust provisions applicable to aircraft and aircraft equipment of air carriers.

H. R. 7972 ..... Public Law 85-288.
To provide for the conveyance to the city of Warner Robins, Georgia, of certain lands and any improvements located thereon in such city.

H. R. 8256 ..... Public Law 85-281.
To amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, to exclude social security benefits and to provide additional exemptions for age and blindness, and to exempt from personal property taxation in the District of Columbia boats used solely for pleasure purposes, and for other purposes.

H. R. 8918 ..... Public Law 85-285.
To further amend the Act of August 7, 1946 (60 Stat. 896), as amended by the Act of October 25, 1951 (65 Stat. 657), to provide for the exchange of lands of the United States as a site for the new Sibley Memorial Hospital; to provide for the transfer of the property of the Hahnemann Hospital of the District of Columbia, formerly the National Homeopathic Association, a corporation organized under the laws of the District of Columbia, to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, including Sibley Memorial Hospital, a corporation organized under the laws of the District of Columbia, and for other purposes.

H. R. 8994 ..... Public Law 85-287.
To amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes.

H. R. 9280 ..... Public Law 85-296.
To facilitate the conduct of fishing operations in the Territory of Alaska, to promote the conservation of fishery resources thereof, and for other purposes.

H. R. 9406 ..... Public Law 85-289.
To amend the Act of June 23, 1949, as amended, to provide that telephone and telegraph service furnished Members of the House of Representatives shall be computed on a biennial rather than an annual basis.

FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

Approval has been given to an interest rate of 5½ percent per annum on loans closed by the Federal Land Bank of St. Louis on applications accepted by national farm loan associations on and after September 1, 1957. The bank advises that applications pending at the close of business on August 31, 1957, will be closed at the present 5 percent interest rate, provided funds are disbursed and the loan closed on or before October 31, 1957. In order to reflect this change, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (21 F. R. 10167; 22 F. R. 133, 653, 1318, 1586, 2095, 3863, 6214), is hereby further amended, effective September 1, 1957, by substituting "5½" for "5" in the line with "St. Louis" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 57-7316; Filed, Sept. 5, 1957; 8:51 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188) the regulations for the conservation reserve program issued August 16, 1956 (21 F. R. 6289), as amended, are hereby amended as follows:

1. Section 485.150 (q) is amended to read as follows:

(q) "Producer" means any person who is an owner or landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, sharecropper, or in the case of rice, a person who furnishes water for a share of the crop.

2. Section 485.150 (l) is amended by deleting the last sentence thereof.

3. Section 485.150 (r) is amended to read as follows:

(r) "Farm" means farm as defined in regulations governing determination of acreage and performance (22 F. R. 3747).

4. Section 485.156 (c) is amended by (1) striking out in the first sentence of subparagraph (3) the language ", or woody vegetation under practice G–1," and inserting in lieu thereof the words "for forest purposes"; and (2) adding new paragraphs (7) and (8) at the end thereof to read as follows:

(7) If the contract provides that the conservation reserve is to be established in tree or shrub cover under practice A–7 for shelter belt or windbreak purposes or in tree or shrub cover under practice G–1, G–2 or G–3, the contract period shall be 5 or 10 years at the election of the producer. Contracts in which 1956 or 1957 is included in the contract period which were entered into for 10 years shall remain in effect, but the contract period may be changed to 5 years at the election of the producer.

(8) Notwithstanding any other provision of this paragraph, if additional land is designated as conservation reserve under an existing contract and if it is necessary to make the contract period for all the land on a farm in the conservation reserve (except land planted to forest trees under practice A–7) expire simultaneously, the contract period may be increased for the land previously placed in the conservation reserve or the contract period for the additional land placed in the conservation reserve may be 6, 7, 8, or 9 years, at the election of the producer, except that the contract period may not be less than the minimum required period for any of the approved conservation uses to which the land is devoted.

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FEDERAL REGISTER

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5. Section 485.157 (d) (2) is amended by (1) inserting the following statement immediately after the first sentence of practice A–7: "For contracts becoming effective in 1958 or a subsequent year, practice A–7 shall be: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion"; and (2) by inserting the following new practice immediately following practice A–7:

A–8—Initial establishment of a stand of trees or shrubs on farmland to prevent wind or water erosion. (This practice shall be applicable only to contracts becoming effective in 1958 or a subsequent year.)

6. Section 485.157 (d) (4) is amended by adding to the end thereof the following: "In selecting eligible grasses and legumes and developing the seeding rates and rates of application of liming materials and fertilizers, full consideration should be given to the fact that the vegetative cover is to remain on the land for the contract period without the removal of any growth therefrom. For contracts becoming effective in 1958 or a subsequent year, legumes such as alfalfa, red clover, Ladino clover, or sweetclover shall not be included as eligible legumes where the growth thereof, if not removed, would result in failure of the vegetative cover through smothering or where such legumes are not necessary to the establishment of the vegetative cover."

7. Section 485.157 (h) (1) is amended by (1) inserting "A–8" immediately following the word "practices" in the second sentence; and (2) adding the following new sentence immediately following the second sentence: "The Soil Conservation Service will utilize to the full extent available resources of the State forestry agencies in carrying out its assigned responsibilities for practice A–8."

8. Section 485.157 (h) (2) is amended by adding the following to the last sentence thereof: "but services of State forestry agencies will be utilized to the full extent such services are available."

9. Section 485.158 (a) is amended as follows:

a. Paragraph (a) (1) is amended by adding at the end thereof the following: "The provisions of this subparagraph shall apply only to contracts under which 1956 or 1957 is the first year of the contract period."

b. Immediately following subparagraph (1), the following new subparagraph shall be added:

(2) The provisions of this subparagraph shall apply to all contracts under which 1958 or a subsequent year is the first year of the contract period. A soil bank base shall be established by the county committee for each farm on which land is placed in the conservation reserve. The soil bank base for the farm shall be the average acreage of land devoted to soil bank base crops during the soil bank base period applicable to the farm, subject to adjustment by the county committee as follows: (i) Such average acreage shall be adjusted where necessary to make due allowance for abnormal weather conditions to the extent that such abnormal weather conditions affected the acreage of such crops during such period; (ii) if 1958 or a subsequent year is the first year of the contract period, such average acreage shall be adjusted downward (*a*) by the acreage of new land brought into the production of soil bank base crops on the farm after December 31, 1956, to the extent that such new land is not offset by the retirement of cropland on the farm to noncropland, and (*b*) by the acreage necessary to eliminate soil bank base acreage credit resulting from considering the acreage on the farm in the acreage reserve as being devoted to a crop of the commodity covered by the acreage reserve agreement in any case where such soil bank base acreage credit would, if not eliminated, increase the soil bank base above the acreage which would have been grown on the farm in the soil bank base period in the absence of participation in the acreage reserve program. The soil bank base period for a farm shall be the two-year period immediately preceding the first year of the contract period. The soil bank base crops shall consist of all crops produced for harvest on the farm other than (*1*) annual grasses pastured or cut for hay or ensilage, provided a crop of seed or grain was not harvested from such grasses, (*2*) biennial legumes, (*3*) perennial grasses and legumes, (*4*) annual legumes except soybeans, cowpeas, peanuts, field and canning peas, and field and canning beans, and (*5*) land devoted to a garden primarily for home consumption: *Provided*, That the acreage of any commodity for which payment is made under the acreage reserve program during the soil bank base period shall be considered as being devoted to a crop of such commodity and shall be included in determining the soil bank base. The soil bank base established hereunder may provide different acreages for alternate years when necessary to reflect an established summer fallow rotation system, provided the average of the acreages for such alternate years shall equal the acreage as determined above. Notwithstanding the provisions of this paragraph, if a contract in which 1958 or a subsequent year is the first year of the contract period and an acreage reserve agreement is in effect on the farm for such year, the soil bank base established for such agreement shall be the soil bank base for the conservation reserve contract.

c. The present subparagraph (2) is redesignated as subparagraph (3).

10. Section 485.158 (b) is amended (1) by inserting at the end of subparagraph (1) immediately following the words "conservation reserve": "at the regular rate and less the acreage in the acreage reserve for contracts under which 1958 or a subsequent year is the first year of the contract period"; and (2) by adding at the end thereof the following: "Notwithstanding any other provision of this paragraph, beginning with contracts in which 1958 or a subsequent year is the first year of the contract period there may be placed in the conservation reserve on any farm (i) an acreage at the non-diversion rate up to but not in excess of the acreage on such farm placed in the conservation reserve at the regular rate; and (ii) any acreage at the non-diversion rate which is to be devoted to forest trees under practice A–7."

11. Section 485.158 (c) is amended to read as follows:

(c) If the farm soil bank base for each year of the contract period is not more than 30 acres, (1) the producers may enter into a contract under which the entire conservation reserve is placed in the conservation reserve program at the nondiversion rate specified in § 485.163 (c), in which event they shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops in excess of the soil bank base less the acreage in the acreage reserve in the case of a contract under which 1958 or a subsequent year is the first year of the contract period, or (2) the producers may enter into a contract under which a specified acreage of the conservation reserve, not to exceed the number of acres in the farm soil bank base, is placed in the conservation reserve program at the regular rate specified in § 485.163 (b) (such acreage may be in addition to acreage placed in the conservation reserve program at the non-diversion rate) in which event they shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops in excess of the farm soil bank base less the number of acres placed in the conservation reserve program at the regular rate and less the number of acres in the acreage reserve in the case of a contract under which 1958 or a subsequent year is the first year of the contract period.

12. Section 485.162 (b) is amended to read as follows:

(b) *Maximum cost-share limitations for practices.* (1) The cost-share for a water storage facility, including a water storage facility constructed under practice G–2 or practice G–3, shall not exceed the sum of (i) 80 per centum of that part of the cost of constructing the water storage facility which is not in excess of $625, (ii) 40 per centum of that part of the cost of constructing the water storage facility which is in excess of $625 but not in excess of $1,000, and (iii) 20 per centum of that part of the

cost of constructing the water storage facility which is in excess of $1,000: *Provided*, That where the area covered by the water impounded by a water storage facility is not wholly within the conservation reserve on a farm, the cost-share for such water storage facility practice shall be limited to a percentage of the cost-share computed as above which is equal to the percentage which the area located on the conservation reserve covered by the impounded water is of the total area covered by the impounded water: *Provided further*, That in no case shall the cost-share for a water storage facility exceed $1,500. With respect to water storage facility practices approved on and after the date authorized as the beginning date for approving contracts starting with 1958, the total cost-share for all conservation reserve water storage facilities constructed on a farm including those previously approved shall not exceed the larger of $1,500 or $40 times the acreage in the conservation reserve on such farm.

(2) With respect to practices approved on and after the date authorized as the beginning date for approving contracts starting with 1958, the State committee shall establish a maximum cost-share limitation per acre for practices, other than those involving the construction of water storage facilities, in accordance with instructions issued by the Administrator of CSS.

(3) No cost-share payment will be made for conservation reserve practices carried out on land other than that for which an annual payment is payable.

13. Section 485.162 (d) is amended by adding at the end thereof: "*Provided*, That for conservation reserve practices approved on and after the date authorized as the beginning date for approving contracts starting with 1958, cost-shares for completed components of a practice shall not be paid unless the practice is substantially completed."

14. Section 485.163 (c) is amended by deleting the last sentence thereof and adding the following: "Notwithstanding any other provision of this paragraph, the non-diversion rate for land first placed under contract in 1958 or a subsequent year (1) may be up to 50 per centum of the regular rate where all eligible land on a farm is placed in the conservation reserve or for any land placed under contract which is to be planted to forest trees under practice A–7, provided the county committee determines that the land value, rental rate, or productivity of the farm justifies such higher rate; and (2) may be up to 100 per centum of the regular rate where all eligible land on a farm is placed in the conservation reserve and all such eligible land is to be planted to forest trees under practice A–7 provided the county committee determines that the land value, rental rate, or productivity of the farm justifies such higher rate."

15. Section 485.163 (d) (2) is amended to read as follows:

(2) In the case of farms on which the entire acreage in the conservation reserve is placed in the conservation reserve at the non-diversion rate, the number of acres which shall be used in computing the amount of the annual payment for any year shall be the number of acres placed in the conservation reserve, less the number of acres, if any, by which the acreage devoted to soil bank base crops on the farm for such year exceeds the acreage permitted under the contract to be devoted to soil bank base crops: *Provided*, That no payment shall be made and the producer shall be considered in violation of his contract in any year if for such year (i) the acreage permitted under the contract to be devoted to soil bank base crops is zero and any acreage is devoted to such crops, or (ii) the acreage permitted under the contract to be devoted to soil bank base crops is more than zero and the acreage devoted to such crops exceeds such permitted acreage by more than one acre or three per centum of the permitted acreage, whichever is larger.

16. Section 485.166 is amended by inserting "(a) *General*" immediately following the title of the section and by adding a new paragraph (b) as follows:

(b) *Assignees.* Assignees designated as payees, shall be notified of the amount of any indebtedness owed by a producer subject to set-off on the date the assignment is filed. Set-off of such indebtedness shall be made prior to payment to the assignee, and the assignee shall be entitled to any amount remaining. The assignee shall be entitled to payment prior to set-off with respect to any amount not specified in the notice of indebtedness owed by the producer.

17a. Section 485.167 is amended by adding to the end of paragraph (b) the following: "The provisions of this paragraph shall apply only to contracts under which 1956 or 1957 is the first year of the contract period."

b. Section 485.167 is further amended by adding a new paragraph (c) as follows:

(c) *Annual payments.* The provisions of this paragraph shall apply to all contracts under which 1958 or a subsequent year is the first year of the contract period. The contract as executed shall specify the basis on which the landlords, tenants, sharecroppers, and (in the case of rice) persons who furnish water for a share of the crop are to share in the annual payments payable under the contract. The basis on which the producers share in such annual payments must be approved by the county committee as being fair and equitable taking into consideration (1) the respective contribution of each producer to the reduction, if any, of soil bank base crops below the farm soil bank base; (2) the basis on which they would have shared in such crops or the proceeds thereof; (3) the respective contribution which would have been made by each producer in the production of the crops which would have been produced on the conservation reserve; (4) the savings or benefits accruing to each producer as a result of the reduction in the production of any crops which would otherwise be grown on the farm. If the county committee determines that with the mutual agreement of the producers involved a producer is not making a contribution to the reduction of any crops, or is making a smaller contribution to the reduction of any crops than would normally occur in the absence of any mutual agreement, a larger share of the annual payment than would otherwise be approved may be approved for the producers who are making the greater contribution to such reduction.

18. Section 485.168 is amended by adding a new paragraph (c) as follows:

(c) In addition to the grounds for not approving a contract specified in paragraph (a) of this section, the county committee shall disapprove a contract where such action is for any other reason determined by the county committee to be necessary to protect the interests of tenants and sharecroppers.

19a. Section 485.169 is amended by adding to the end of paragraph (c) the following: "The provisions of this paragraph shall apply only to contracts under which 1956 or 1957 is the first year of the contract period.

b. Section 485.169 is further amended by adding a new paragraph (d) as follows:

(d) The provisions of this paragraph shall apply to all contracts under which 1958 or a subsequent year is the first year of the contract period. If the county committee is notified in writing, prior to payment of compensation under an existing contract to a tenant (including tenant operator) or to a sharecropper, that such tenant or sharecropper is no longer on the farm, the county committee shall determine the division of compensation between the original tenant or sharecropper and the successor tenant or sharecropper, or between the original tenant or sharecropper and the landlord or operator if the tenant or sharecropper is not replaced, on a basis which it determines to be fair and equitable. In making such determination, the county committee shall consider, among any other factors it deems pertinent: (1) The respective interests which the original tenant or sharecropper and successor tenant or sharecropper (or the landlord or operator) have in the crops on the farm, (2) the contribution to the reduction of crops which has been made by the tenant or sharecropper up to the time he leaves the farm, (3) the contribution which will be made by the successor tenant or sharecropper (or landlord or operator) to such reduction, (4) the length of time the agreement has been in effect prior to the change in tenant or sharecropper, (5) the respective contributions which have and will be made by the original tenant or sharecropper and by the successor tenant or sharecropper (or landlord or tenant) in carrying out those provisions of the contract relating to the preventing of harvesting or grazing and the control of noxious weeds on the conservation reserve: *Provided*, That if the successor is a tenant-operator, no compensation shall be paid to him unless he becomes a party to the contract.

20. Section 485.170 is amended by striking out paragraph (d).

21. Section 485.176 is amended to read as follows:

§ 485.176 *Access to farms and records.* The county committeemen or their representatives, or any authorized representative of the Secretary, for the purpose of ascertaining the accuracy of the representations made in or in connection with any contract entered into hereunder and the performance of the terms and conditions of such contract, shall have the right to enter the farm at any reasonable time in order to measure the acreage or determine the production of any agricultural commodity on the farm, and to examine any records pertaining to the farm or to the acreage, production, or sale of any such agricultural commodity.

22. Section 485.183 is amended to read as follows:

§ 485.183 *Breaking out noncropland.* No producer shall break out any land not classified as cropland at the time the contract was entered into unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the farm (exclusive of the acreage and conservation reserves) is retired to noncrop use. The breaking out of such land without the approval of the county committee shall constitute a violation of the contract.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C. this 30th day of August 1957.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 57-7287; Filed, Sept. 5, 1957; 8:45 a. m.]

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188) the regulations for the conservation reserve program issued August 16, 1956 (21 F. R. 6289), as amended, are hereby amended as follows:

1. Section 485.162 (g) is amended by striking out the last sentence and inserting in lieu thereof the following: "Materials or services furnished by any agency of a State to another agency of the same State, materials or services furnished or used by a State agency for the performance of practices on its land, or any assistance provided by a State agency for the establishment of practice G–1, G–2, or G–3 shall not be regarded as costs borne by a State or Federal agency for the purposes of this section."

2. Section 485.167 (a) is amended by adding the following sentence at the end thereof: "The payments which a producer would otherwise receive for the establishment of practice G–1, G–2 or G–3 shall not be reduced by reason of any assistance provided by a private person or agency or a State agency in establishing the practice."

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Done at Washington, D. C. this 30th day of August 1957.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 57-7286; Filed, Sept. 5, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WITCHWEED QUARANTINE AND REGULATIONS

On July 12, 1957, there was published in the FEDERAL REGISTER (22 F. R. 4914), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making concerning proposed notice of quarantine No. 80 relating to the witchweed and the regulations supplemental thereto. After due consideration of all relevant matter presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (Public Law 85–36; 71 Stat. 32, 33), the quarantine and regulations to appear in 7 CFR 301.80, 301.80–1 et seq., are hereby issued as follows:

QUARANTINE

Sec.
301.80 Notice of quarantine.

REGULATIONS

301.80–1 Definitions.
301.80–2 Designation of regulated areas.
301.80–3 Witchweed; conditions of movement.
301.80–4 Other regulated articles; conditions of movement.
301.80–5 Use of certificates or limited permits with shipments.
301.80–6 Protecting certified articles.
301.80–7 Conditions governing the issuance of certificates and limited permits.
301.80–8 Assembly of articles for inspection.
301.80–9 Cancellation of certificates or limited permits.
301.80–10 Inspection and disposal.
301.80–11 Nonliability of Department.

AUTHORITY: §§ 301.80 to 301.80–11 issued under sec. 9, 37 Stat. 318, secs. 103, 106, Pub. Law 85–36, 85th Cong.; 7 U. S. C. 162. Interpret or apply sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161.

QUARANTINE

§ 301.80 *Notice of quarantine.* Under the authority conferred by sections 103 and 106 of the Federal Plant Pest Act (Public Law 85–36) and sections 8 and 9 of the Plant Quarantine Act, as amended (7 U. S. C. 161, 162), and after public hearing, it has been determined that it is necessary to quarantine the States of North Carolina and South Carolina to prevent the spread of witchweed (Striga sp.), a parasitic plant which causes a dangerous disease of corn, sorghum, and other crops of the grass family, and which has not heretofore been widely prevalent or distributed within and throughout the United States, and said States are hereby quarantined and regulations are hereinafter prescribed (§§ 301.80–1 through 301.80–11) governing the movement of witchweed and carriers thereof. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved by mail or otherwise, by any person, from any quarantined State into or through any other State, Territory, or District of the United States in any manner or method, or under conditions other than those prescribed in the regulations as from time to time amended: (a) Soil, separately or with other things; (b) nursery stock and other plants with roots attached; (c) true bulbs, corms, rhizomes, and tubers; (d) root crops; (e) hay, straw, fodder and plant litter of any kind; (f) seed cotton; (g) tobacco; (h) peanuts in shells; (i) ear corn; (j) soybeans; (k) small grains; (l) used farm tools, implements and harvesting machinery; (m) used construction and maintenance equipment; (n) used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers; and (o) other farm products and farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and, unlimited by the foregoing, any other products and articles of any character whatsoever, not covered by paragraphs (a) through (n) of this section, when it is determined in accordance with the regulations that they present a hazard of spread of witchweed. However, the requirements of the quarantine and other regulations with respect to such products, articles, and means of conveyance, are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of witchweed, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of witchweed and other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine and other regulations in this subpart, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of witchweed within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles, or means of conveyance to which the regulations apply, making it safe to modify by making less stringent the requirements contained in the regulations, except § 301.80–3, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period

and for such regulated areas or portion thereof and for such products, articles, and means of conveyance, as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas. Under the Federal Plant Pest Act, no person shall knowingly move any witchweed plants or reproductive parts thereof, including seed, into or through the United States or from any State, Territory, or District of the United States into or through any other such State, Territory, or District, or knowingly accept delivery of such plants or parts so moving, unless such movement is authorized under permit from the Department of Agriculture and is made in accordance with any conditions in the permit and applicable provisions of this subpart.

REGULATIONS

§ 301.80–1 *Definitions.* For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Witchweed.* Parasitic plants of the genus Striga, and any reproductive parts thereof, including seed.

(b) *Infestation.* The presence of witchweed.

(c) *Regulated area.* Any county, other minor civil division, farm, or other premises, or part thereof, designated in administrative instructions under § 301.80–2 as a regulated area.

(d) *Regulated articles.* Witchweed, means of conveyance, and other products and articles of any character whatsoever, the movement of which is regulated by the witchweed quarantine (§ 301.80) and the regulations in §§ 301.80–1 through 301.80–11.

(e) *"Moved" ("movement," "move").* Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(f) *Interstate.* From any State, Territory or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) *Certificate.* A document evidencing compliance with the requirements of this subpart.

(h) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing, or for treatment.

(i) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(j) *Administrative instructions.* Documents relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director of the Plant Pest Control Division, Agricultural Research Service.

(k) *Inspector.* An inspector of the United States Department of Agriculture.

(l) *Person.* This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.

§ 301.80–2 *Designation of regulated areas.* The Director of the Plant Pest Control Division shall, from time to time, in administrative instructions promulgated by him, list the counties, other minor civil divisions, farms, and other premises, or parts thereof, in the quarantined States, in which infestation has been determined to exist, or in which it has been determined infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such civil divisions and premises, and parts thereof, as regulated areas. Any civil division or premises, or part thereof, so designated shall continue in a regulated status until the Director of the Plant Pest Control Division shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate witchweed therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, premises, or part thereof, as a regulated area.

§ 301.80–3 *Witchweed; conditions of movement.* Witchweeds may be moved from any State, Territory, or District of the United States into or through any other such State, Territory, or District and delivery of witchweeds so moving may be accepted only if such movement is made for scientific purposes under specific permit from the Director of the Plant Pest Control Division and in accordance with such conditions as may be required in such permit by the Director. The permit shall be securely attached to the outside of the container of the witchweeds when they are so moved.

§ 301.80–4 *Other regulated articles; conditions of movement*—(a) *Designated articles.* Unless exempted by administrative instructions, the following may be moved from any regulated area into or through any point outside of the regulated areas only if accompanied by a valid certificate or limited permit issued in compliance with § 301.80–7 and if the applicable requirements of §§ 301.80–5 and 301.80–6 are also met; soil, separately or with other things; nursery stock and other plants with roots attached; true bulbs, corms, rhizomes and tubers; root crops; hay, straw, fodder, and plant litter of any kind; seed cotton; tobacco; peanuts in shells; ear corn; soybeans; small grains; used farm tools, implements and harvesting machinery; used construction and maintenance equipment; and used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers. However, regulated articles of kinds within this paragraph which originate outside of the regulated areas and are moving through or are being reshipped from a regulated area may be moved from such regulated area into or through any point outside of the regulated areas without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, and when they have been safeguarded against infestation while in the regulated areas in a manner satisfactory to an inspector and do not present a hazard of spread of witchweed. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated areas.

(b) *Articles determined to present hazards.* When it has been determined by an inspector that, due to contamination with witchweed, a hazard of spread of witchweed is presented by any farm products, farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, other means of conveyance, or, unlimited by the foregoing, any other products or articles of any character whatsoever, not covered by paragraph (a) of this section or § 301.80–3, notice of such fact shall be given to the person having custody thereof. Thereafter, such contaminated articles may be moved from any regulated area into or through any point outside of the regulated areas only after they have been cleaned, treated, or otherwise disinfested to the satisfaction of the inspector or when they are moving under limited permit as required by the inspector.

§ 301.80–5 *Use of certificates or limited permits with shipments.* Every container of regulated articles, or if there is none the article itself, required to have a certificate or limited permit under § 301.80–4 shall have such certificate or permit securely attached to the outside thereof, when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or the article itself, will not be required.

§ 301.80–6 *Protecting certified articles.* Subsequent to certification as provided in § 301.80–7, regulated articles must be loaded, handled, and shipped, only under such protection and safeguards against infestation as are required by the inspector.

§ 301.80–7 *Conditions governing the issuance of certificates and limited permits*—(a) *Certificates.* Certificates may be issued by the inspector for the movement of the regulated articles specified in § 301.80–4 (a) under any of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by the inspector and found to be free of infestation.

(3) When they have been treated to destroy infestation under the observation of the inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(4) When grown, produced, manufactured, stored or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles under § 301.80–4 to specified destinations for limited handling, utilization, or processing, or for treatment.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

§ 301.80–8 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.80–4 shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.80–9 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of witchweed.

§ 301.80–10 *Inspection and disposal.* Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other such State, Territory, or District and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to this subpart or any other regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act.

§ 301.80–11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart other than for the services of the inspector.

This quarantine and the related regulations shall be effective on September 6, 1957.

The purpose of the quarantine and regulations is to prevent the spread of the witchweed from North Carolina and South Carolina, where it is known to occur, to other parts of the United States. The regulations provide methods whereby most host material and other carriers may be inspected or treated or otherwise made eligible for interstate movement from the regulated areas. The regulations also govern movement of witchweed for scientific purposes.

The quarantine and regulations are supplemented by administrative instructions listing regulated areas and providing certain exemptions from specified requirements (§§ 301.80–2a, 301.80a, post).

This quarantine and its related regulations should be effective as soon as possible in order to be of maximum benefit in preventing the spread of the witchweed. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 30th day of August 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57–7326; Filed, Sept. 5, 1957; 8:51 a. m.]

[P. P. C. 628]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WITCHWEED

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIED REQUIREMENTS

On July 12, 1957, there was published in the FEDERAL REGISTER (22 F. R. 4917), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to proposed administrative instructions exempting certain articles from proposed witchweed quarantine regulations (7 CFR 301.80, 301.80–1 et seq., supra). After due consideration of all relevant matters presented, and pursuant to § 301.80 of said regulations under the Federal Plant Pest Act (Public Law 85–36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions to be designated as 7 CFR 301.80a are hereby issued as follows:

§ 301.80a *Administrative instructions exempting certain articles from specified requirements.* (a) It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of § 301.80–4 (a) of the regulations with respect to the movement of such articles from any regulated area into or through any point outside of the regulated areas, as hereinafter provided. The following articles are hereby exempted from the requirements of § 301.80–4 (a), under the conditions set forth below:

(1) Root crops, such as turnips, carrots, and sweet potatoes, when moving to a designated processing plant, or when washed free of soil and thereafter protected from infestation to the satisfaction of the inspector.

(2) Seed cotton when moving to a designated gin.

(3) Tobacco when moving to a designated warehouse or storage facility, provided it has been subjected to a temperature of 180° F. for 12 hours in the curing barn and subsequently protected from contamination.

(4) Soybeans if the beans and any containers for the beans did not come in contact with the soil during harvesting and if the beans are moving forthwith to a designated oil mill or storage facility for crushing or uses other than planting.

(5) Small grain if the grain and any containers for the grain did not come in contact with the soil during harvesting and if the grain is moving forthwith to a designated storage facility for uses other than planting.

(6) Ear corn when harvested from the stalk and placed, without coming in contact with the soil, in a wagon or truck for direct transportation to storage or other handling facility.

(7) Used farm tools and implements, when washed, steam cleaned or air cleaned, and thereafter protected from infestation, to the satisfaction of the inspector. (This exemption does not apply to mechanical cotton or corn pickers, combines, or hay balers or to cotton picking sacks.)

(b) Information as to designated processing plants, oil mills, warehouses, storage facilities, and gins may be obtained from the inspector.

These administrative instructions shall become effective on September 6, 1957.

The administrative instructions allow the movement of certain articles without a certificate or limited permit or compliance with related requirements under the witchweed quarantine, unless the articles are found by an inspector to present a hazard of spread of witchweed in specific cases. The tobacco exemption has been modified from that stated in the notice of rule making to provide that the tobacco be heated to 180° F. for 12 hours, a normal processing practice, and to require protection from reinfestation after heating.

The instructions provide exemptions from certain restrictions imposed by the witchweed quarantine regulations which are to be made effective as soon as possible. The modification with respect to the tobacco exemption is deemed necessary to provide fullest protection against the spread of witchweed and must be in-

cluded in the instructions. The instructions should be made effective at the same time as the regulations in order to be of maximum benefit to affected shippers. Therefore under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that further notice or other public rule-making procedure with respect to the modified instructions would be impractical and contrary to the public interest, and good cause is found for making the modified instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85–36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 30th day of August 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57–7325; Filed, Sept. 5, 1957; 8:51 a. m.]

[P. P. C. 627]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WITCHWEED

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

On July 12, 1957, there was published in the FEDERAL REGISTER (22 F. R. 4916), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making to designate regulated areas under the proposed witchweed quarantine regulations. After due consideration of all relevant matters presented, and pursuant to § 301.80–2 of the regulations supplemental to the witchweed quarantine (7 CFR 301.80–2, supra), under the Federal Plant Pest Act (Public Law 85–36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions to appear in 7 CFR 301.80–2a are hereby issued as follows:

§ 301.80–2a *Administrative instructions designating regulated areas under the witchweed quarantine.* Infestations of the witchweed have been determined to exist, in the quarantined States, in the civil divisions and premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and premises, and parts thereof, are hereby designated as witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Bladen County. That area of Bladen County lying west and north of U. S. Highway No. 701.

Columbus County. The area bounded by a line beginning at a point where North Carolina Highway No. 410 crosses the Columbus-Bladen County Line and extending south along said highway to its intersection with the Atlantic Coastline Railroad, thence westward along said railroad to its intersection with the Columbus-Robeson County Line (including the area within the corporate limits of the Town of Fair Bluff), thence northeasterly along said county line to the Columbus-Bladen County Line, thence southeast along said county line to the point of beginning.

The Maggie Hobbs farm located one mile south of the Bladen-Columbus County Line on the west side of Mount Olive-Bladenboro Road, including all highways and roadways abutting thereon.

The George Elkin farm located on a dirt road one mile south of the junction of said dirt road with U. S. Highway No. 701, said junction being 2.7 miles southwest of the Columbus-Bladen County Line, including all highways and roadways abutting thereon.

The Malcolm Ransom farm located one mile south of the Bladen-Columbus County Line on the east side of Mount Olive-Bladenboro Road, including all highways and roadways abutting thereon.

The Chadbourn Veneer Company property, located in the Town of Chadbourn, south of the Atlantic Coastline Railroad tracks and approximately 0.1 mile east of the Town Hall, including all highways and roadways abutting thereon.

The Minnie I. Tedder farm located six miles southeast of Chadbourn on the west side of Hewitt Road, including all highways and roadways abutting thereon.

Cumberland County. The area bounded on the north by State Highway No. 24, on the east by the Cumberland-Sampson County Line, on the south by the Cumberland-Bladen County Line and the Cumberland-Robeson County Line, and on the west by U. S. Highway No. 301, excluding the area within the corporate limits of the City of Fayetteville.

The Mrs. D. D. Carter farm located 1.5 miles east of Vander at the junction of the Clement Road with State Highway No. 24, including all highways and roadways abutting thereon.

Harnett County. The area included within a circle having a three-mile radius and center at the point where the Overhills-Lillington dirt road crosses McLeod Creek.

Hoke County. The Edwin Pate, Jr., farm operated by Marshall Hearn, located on a dirt road 0.5 mile north of the junction of said dirt road with the Antioch-Dundarrach Road, said junction being 0.5 mile southwest of Dundarrach, including all highways and roadways abutting thereon.

Robeson County. All of Robeson County.

Sampson County. The area bounded by a line beginning at a point where Big Swamp empties into South River and extending northwesterly along said river to its junction with North Carolina Highway No. 24, thence eastward along said highway to its junction with Autryville-Salemburg Highway, thence northeasterly along said highway to its intersection with Big Swamp, thence following Big Swamp in a southerly direction to the point of beginning, excluding the area within the corporate limits of the Town of Autryville.

The H. A. Pope farm located on the west side of Old Fayetteville Road, 1.8 miles southeast of the junction of Old Fayetteville Road and North Carolina Highway No. 24, said junction being 2.5 miles northwest of Roseboro, including all highways and roadways abutting thereon.

The J. F. Simmons farm located on a dirt road, one mile west of the junction of said dirt road and North Carolina Highway No. 411, said junction being 3.5 miles north of Parkersburg, including all highways and roadways abutting thereon.

The Lulla Brinson farm located on a dirt road, one mile east of the junction of said dirt road and North Carolina Highway No. 411, said junction being three miles northeast of Parkersburg, including all highways and roadways abutting thereon.

The D. D. McLarium farm located on the south side of Loop Road, 1.3 miles north of the junction of said Loop Road and North Carolina Highway No. 24, said junction being 1.8 miles east of Roseboro, including all highways and roadways abutting thereon.

The Earl Patterson farm located on the south side of a dirt road, two miles south of the junction of said dirt road and the Salemburg-Clinton Highway, said junction being 2.1 miles northeast of Salemburg, including all highways and roadways abutting thereon.

The James Howard farm located on the east side of a dirt road, one mile southeast of the junction of said dirt road and Clement-Halls Store Road, said junction being 2.1 miles northeast of Clement, including all highways and roadways abutting thereon.

Scotland County. That area within Scotland County included within a circle having a 4.3 miles radius and center at Johns.

The William Cagle farm located on the Laurinburg-Maxton Air Base Road, one mile north of the Air Base, including all highways and roadways abutting thereon.

SOUTH CAROLINA

Darlington County. The J. B. Howle farm located on a dirt road, 0.6 mile northeast of the junction of said dirt road and South Carolina State Secondary Highway No. 29, said junction being 1.8 miles northwest of Mechanicsville, including all highways and roadways abutting thereon.

Dillon County. The portion of the county lying east of the Seaboard Airline Railroad right-of-way, said right-of-way beginning at Smithboro, and extending in a northwesterly direction to the Dillon-Marlboro County Line.

The southwestern portion of the county bounded by a line beginning at a point where Little Reedy Creek crosses the Dillon-Marlboro County Line, thence southeasterly along said creek to its junction with Buck Swamp and continuing in a southeasterly direction along Buck Swamp to its junction with U. S. Highway No. 301, thence along said highway in a southwesterly direction to the Dillon-Marion County Line, thence in a southwesterly direction along said county line to the Great Pee Dee River, thence along said river in a northwesterly direction to the Dillon-Marlboro County Line, thence along the Dillon-Marlboro County Line to the point of beginning.

Horry County. The northwestern portion of the county bounded by a line beginning at a point where U. S. Highway 76 crosses the North Carolina-South Carolina State Line and extending southwest along said highway to its junction with South Carolina Secondary Highway No. 44, thence southwest along said secondary highway to its junction with South Carolina Secondary Highway No. 19, and continuing southeast along said highway No. 19 to its junction with Lake Swamp Creek, thence in a westerly and southerly direction along Lake Swamp Creek to the Little Pee Dee River, thence in a northeasterly direction along said river to the Lumber River, thence in a northeasterly direction along said river to the North Carolina State Line, thence in a southeasterly direction along the North Carolina-South Carolina State Line to the point of beginning.

That area included within a circle having a five mile radius and center at Good Hope Church located on South Carolina State Secondary Highway No. 97, including all highways and roadways abutting thereon.

The George H. Harrelson farm located on the north side of a dirt road, 0.6 mile west of the junction of said dirt road and South Carolina State Secondary Highway No. 31, said junction being approximately one mile north of Red Bluff Crossroads, including all highways and roadways abutting thereon.

The Hortense Hughes farm located on the south side of a dirt road, 0.5 mile west of the junction of said dirt road with South Carolina State Secondary Highway No. 31, said junction being approximately 1.5 miles north of Red Bluff Crossroads, including all highways and roadways abutting thereon.

Marion County. An area bounded by a line beginning at the junction of the Little Pee Dee River and South Carolina Secondary Highway No. 60 and extending northeasterly along said highway to its junction with South Carolina Secondary Highway No. 30, thence along said highway No. 30 southeasterly to the corporate limits of the City of Nichols, thence southerly along said corporate limits to the junction of U. S. Highway No. 76, thence southwesterly along said highway to the Little Pee Dee River, thence along said river in a northwesterly direction to the point of beginning, including all highways and roadways abutting thereon.

That area bounded by a line beginning at a point where South Carolina Primary Highway No. 41 crosses the Marion-Dillon County Line and extending southerly along said highway to its junction with South Carolina Primary Highway No. 41A, thence northwesterly along said highway to its junction with U. S. Highway No. 501, thence northwesterly along said highway to its junction with the Marion-Dillon County Line, thence easterly along said county line to the point of begining, excluding the area within the corporate limits of the Towns of Mullins and Marion.

The Walter W. Larrimore farm located on the north side of U. S. Highway No. 378, 0.3 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

The Mrs. John Steadman farm, located on the north side of U. S. Highway No. 378, 0.3 mile northwest of the Potato Bed Ferry Bridge across the Little Pee Dee River, including all highways and roadways abutting thereon.

Marlboro County. The southern portion of the county bounded on the east by the Dillon-Marlboro County Line, on the south by the Florence-Marlboro County Line, on the west by the Darlington-Marlboro County Line, and on the north by South Carolina Secondary Highway No. 57 and South Carolina Secondary Highway No. 49, including all highways and roadways abutting thereon.

The area bounded by a line beginning at a point where U. S. Highway No. 15 crosses the North Carolina-South Carolina State Line, and extending thence in a southeasterly direction along said state line to the Dillon-Marlboro County Line, thence in a southwesterly direction along said county line to its intersection with South Carolina Primary Highway No. 9, thence along said highway No. 9 in a northwesterly direction to its intersection with U. S. Highway No. 15, thence in a northeasterly direction along said highway No. 15 to the point of beginning, including all highways and roadways abutting thereon.

These administrative instructions shall become effective September 6, 1957.

Since publication in the notice of rule making on July 12, 1957, of the proposed designation of regulated areas, a number of additional witchweed infestations have been discovered. Consequently, the regulated areas designated hereby are greater in number and scope than proposed in the notice.

These administrative instructions list the areas that are regulated under the new witchweed quarantine to become effective September 6, 1957. They must be made effective concurrently with such quarantine to effectuate the purposes thereof. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that further notice of rule making and other public procedure with respect to the instructions would be impracticable and contrary to the public interest and good cause is found for making the instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85–36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 30th day of August 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57–7324; Filed, Sept. 5, 1957; 8:51 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1958–59 MARKETING YEAR

COUNTY ACREAGE ALLOTMENTS FOR 1958 CROP OF WHEAT

Correction

In F. R. Document 57–6829 appearing in the issue for Friday, August 23, 1957, at page 6821, make the following change for the State of New York: In column 2, opposite the entry for Broome, the figure "283" should read "238".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[959.315 Amdt. 1]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF. AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating on and after the effective date of this amendment the shipment of potatoes in the manner hereinafter set forth; (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date; (4) reasonable time is permitted, under the circumstances, for such preparation; and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. The provisions of paragraph (b) (2) of § 959.315 (FEDERAL REGISTER July 13, 1957; 22 F. R. 5532) are hereby amended to read as follows:

(2) During the period from September 9, 1957, through June 30, 1958, and subject to the requirements set forth in subparagraph (1) of this paragraph, no handler shall ship:

(i) Potatoes of any variety grown in District No. 1, 2, or 4 if such potatoes are more than "slightly skinned," as such term is defined in said United States Standards, which means that not more than ten percent of such potatoes have more than one-fourth of the skin missing or "feathered"; or

(ii) Potatoes of any variety grown in District No. 3 if such potatoes are more than "moderately skinned," as such term is defined in said United States Standards, which means that not more than ten percent of such potatoes have more than one-half of the skin missing or "feathered": *Provided,* That during such period, any handler may ship not to exceed a total of 100 hundredweight of each variety of such potatoes every seven days without regard to the aforesaid skinning requirements if prior to such handling the handler reports to the Oregon-California Potato Committee the name and address of the producer of such potatoes, and each such shipment is handled as an identifiable entity.

Except as otherwise provided, terms used in this amendment shall have the same meaning as when used in said marketing agreement, as amended, and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 3, 1957, to become effective September 9, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57–7321; Filed, Sept. 5, 1957; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1464]

[Oregon 04996]

OREGON

Correction

In F. R. Doc. 57-6636, appearing at page 6511 of the issue for Wednesday, August 14, 1957, the following change should be made:

That portion of the seventh line following the heading in the land description, now reading "Sec. 36, N½NW½," should read "Sec. 36, N½NW¼,".

[Public Land Order 1477]

[1825763]

UTAH

PARTIALLY REVOKING EXECUTIVE ORDERS NOS. 8579 OF OCTOBER 29, 1940 AND 8652 OF JANUARY 28, 1941, WHICH RESERVED LANDS FOR USE OF THE WAR DEPARTMENT AS AN AERIAL BOMBING AND GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Orders Nos. 8579 of October 29, 1940, and 8652 of January 28, 1941, which reserved the public lands within described areas in Utah for use of the War Department as an aerial bombing and gunnery range, are hereby revoked so far as they affect the following-described lands:

IN EXECUTIVE ORDER NO. 8579

SALT LAKE MERIDIAN

T. 1 N., Rgs. 12, 13, and 14 W., unsurveyed.
T. 1 S., Rgs. 12, 13, and 14 W., unsurveyed.
T. 1 S., R. 15 W.,
Secs. 19 to 36, inclusive.
T. 1 S., R. 16 W.,
Secs. 19 to 36, inclusive.
T. 1 S., R. 17 W.,
Secs. 19 to 36, inclusive.
T. 1½ S., R. 15 W.,
Secs. 31 to 36, inclusive.
T. 2 S., Rgs. 12 and 13 W., unsurveyed.
Secs. 1 to 18, inclusive.
T. 2 S., Rgs. 14, 15, 16, and 17 W.,
Secs. 1 to 18, inclusive.

The areas described aggregate 248,810.84 acres.

Excepting, however, a strip of land in T. 1 N., and 1 S., R. 12 W., containing approximately 275.48 acres, which will remain withdrawn in connection with its continued use by the Department of the Air Force as a low flight strip.

IN EXECUTIVE ORDER NO. 8652

SALT LAKE MERIDIAN

T. 1 N., R. 15 W.,
T. 1 S., R. 15 W.,
Secs. 1 to 18, inclusive.
T. 2 S., R. 18 W.,
Sec. 1, lots 1, 2, S½NE¼, SE¼, SE¼NW¼, NE¼SW¼, E½NW¼SW¼, and S½SW¼;
Sec. 11, E½NE¼NE¼, SE¼NE¼, E½SW¼ NE¼, E½NE¼SW¼, SE¼SW¼, E½ SW¼SW¼, and SE¼;
Secs. 12, 13, and 14;
Sec. 15, E½NE¼NE¼, SE¼NE¼, E½SW¼ NE¼, and S½.

The areas described aggregate 37,591.04 acres.

2. The following-described lands in the areas described in paragraph 1 of this order have been patented without a reservation of minerals to the United States:

SALT LAKE MERIDIAN

T. 2 S., R. 14 W.,
Sec. 21.
T. 1 S., R. 15 W.,
Sec. 26, W½;
Sec. 35, W½.
T. 2 S., R. 15 W.,
Sec. 2, lots 3, 4, S½NW¼, and SW¼;
Sec. 7, lots 7, 8, SE¼SW¼, and S½SE¼;
Sec. 8, S½S½;
Sec. 11, W½;
Sec. 14, W½;
Sec. 16, W½;
Sec. 17, E½.
T. 1 S., R. 16 W.,
Sec. 21.
T. 2 S., R. 16 W.,
Sec. 5, lots 1, 2, S½NE¼, and SE¼;
Sec. 8, E½;
Sec. 9, S½;
Sec. 10, S½;
Sec. 11, S½;
Sec. 12, S½;
Sec. 17, E½.
T. 1 S., R. 17 W.,
Sec. 19, lots 1, 2, 3, 4, NE¼NW¼, W½SE¼NW¼, and W½NE¼SW¼;
Sec. 30, lot 1, W½ of lot 2, and W½ of lot 3.

The areas described aggregate 6,561.28 acres.

3. The following-described lands in the areas described in paragraph 1 of this order are state school lands:

SALT LAKE MERIDIAN

T. 1 N., R. 15 W.,
Sec. 16, S½NE¼, E½, and SE¼;
Secs. 32 and 36.
T. 2 S., R. 14 W.,
Secs. 2 and 16.
T. 1 S., R. 15 W.,
Secs. 2, 16, 32, and 36.
T. 1½ S., R. 15 W.,
Secs. 32 and 36.
T. 2 S., R. 15 W.,
Sec. 2, lots 1, 2, S½NE¼, and SE¼;
Sec. 16, E½.
T. 1 S., R. 16 W.,
Secs. 32 and 36.
T. 2 S., R. 16 W.,
Secs. 2 and 16.
T. 1 S., R. 17 W.,
Secs. 32 and 36.
T. 2 S., R. 17 W.,
Secs. 2 and 16.

The areas described aggregate 12,284.19 acres.

4. Sections 14, 15, 22, and 23, T. 1 S., R. 12 W., will remain within the withdrawal made by Executive Order No. 4872 of May 3, 1928, for use of the Department of Commerce as an air navigation site. The NE¼, sec. 18, T. 1 S., R. 14 W., is within Air Navigation Withdrawal No. 70, created by departmental order of October 20, 1931.

5. The remaining lands, aggregating approximately 263,036 acres, are located on the salt flats to the east of Wendover, Utah. They are barren of vegetation and have no value for grazing purposes. The released land is a portion of the Wendover Bombing and Gunnery Range.

6. No application for the opened lands may be allowed under the homestead, desert-land, small tract or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

7. Subject to any valid existing rights and the requirements of applicable law, the public lands released from withdrawal by this order, are hereby opened to filing of applications, selections, and locations in accordance with the following; the unsurveyed lands being opened to such applications, selections, and locations as are allowable on unsurveyed lands.

(a) Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications for surveyed lands under the Homestead, Desert Land, and Small Tract Laws and for unsurveyed lands under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10 a. m., on October 5, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on January 4, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs 7 (a) (1) and 7 (a) (2) above, and applications and offers under the Mineral Leasing Laws presented prior to 10:00 a. m., on January 4, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The opened lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m., on January 4, 1958.

8. Persons claiming veterans preference rights under paragraph 7 (a) (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning, the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ROGER C. ERNST,
Assistant Secretary of the Interior.

AUGUST 30, 1957.

[F. R. Doc. 57-7294; Filed, Sept. 5, 1957; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEEDS CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1956 Supp., 146.26; 22 F. R. 1932) are amended as follows:

1. Section 146.26 (b) (9) is amended by adding thereto the following sentence: "When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section."

2. Section 146.26 (b) (10) is amended by adding thereto the following sentence: "When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section."

3. Section 146.26 (b) (27) is amended to read as follows:

(27) It is intended for use as an aid in maintaining or increasing egg production, hatchability of eggs, prevention of early mortality of chicks when due to organisms that are sensitive to chlortetracycline, and for improving feed efficiency as related to egg production; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed, except that if it is intended for use in the presence of disease outbreaks it shall contain not less than 100 grams of chlortetracycline per ton of feed.

4. Section 146.26 (b) is amended by adding thereto the following new subparagraphs:

(30) It is intended for use as an aid in the prevention of early mortality of chicks when due to organisms that are sensitive to streptomycin and penicillin; its labeling bears adequate directions and warnings for such use; and it contains, per ton of feed, not less than 75 grams of streptomycin and 15 grams of penicillin.

(31) It is intended for use in nursing sows to stimulate milk flow; it contains 100 milligrams of iodinated casein per pound; and its labeling bears information that it is to be administered as the complete ration for 3 days before farrowing and for the first week of lactation. It may also be intended for use in the prevention or treatment of bacterial swine enteritis if it contains the antibiotics in the amounts prescribed by this section for that disease.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes certain requirements, and since it would be against public interest to delay publication of these amendments.

I further find that animal feeds containing antibiotic drugs and conforming with the conditions prescribed in these amendments need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply secs. 502, 507, 52 Stat. 1051, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: August 30, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-7289; Filed, Sept. 5, 1957; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

HOSPITAL

The following amendment to § 56.5–3 (a) (1) of this Part 56 has been authorized by the Secretary of Defense and the Secretary of Health, Education, and Welfare:

(1) *Hospital.* The word "hospital" shall mean only an institution which is operated in accordance with the laws of the jurisdiction in which it is located pertaining to institutions identified as hospitals, is primarily engaged in providing diagnostic and therapeutic facilities for surgical and medical diagnosis, treatment and care of injured and sick persons by or under the supervision of staff physicians or surgeons, and continuously provides 24-hour nursing service by registered graduate nurses. It shall specifically exclude any institution which is primarily a place of rest, a place for the aged, a place for the treatment of drug addiction or alcoholism, a nursing home, a convalescent home, or a facility operated by the Federal Government or any agency thereof, except Freedmen's Hospital, Washington, D. C. If the experience of the Executive Agent indicates that the care provided in a hospital is substandard, or charges of a hospital are excessive, Government approval of its use in the future may be withdrawn and payment of charges by the Government denied for patients admitted subsequent to the withdrawal of approval unless the case is certified as an emergency by the attending physician or surgeon.

(Secs. 101–103, 201–204, 301–305, 70 Stat. 250–254; 37 U. S. C. 401–403, 411–414, 421–423, 404–405)

MAURICE W. ROCHE,
Administrative Secretary.

Approved: August 14, 1957.

FRANK B. BERRY,
Assistant Secretary of Defense (Health and Medical).

Approved: August 27, 1957.

EDWARD FOSS WILSON,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-7282; Filed, Sept. 5, 1957; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 110—DESTRUCTION OF RECORDS

SUBPART A—RAILROAD COMPANIES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 21st day of August A. D. 1957.

The matter of regulations to govern the destruction of records of railroad companies being under consideration pursuant to provisions of section 20 (7) (b) of the Interstate Commerce Act, as amended; and,

It appearing, that a notice of proposed rule making was issued July 3, 1957 showing in detail revised regulations which were receiving consideration, such notice being published in the FEDERAL REGISTER issue of July 18, 1957 (22 F. R. 5713) pursuant to provisions of section 4 (a) of the Administrative Procedure Act; and after consideration of written views or comments received on or before August 15, 1957 as provided in such notice;

It is ordered, That the order entered April 20, 1945 which prescribed the Regulations to Govern the Destruction

of Records of Steam Railroads—Issue of 1945, as subsequently modified by orders entered May 12, 1949, June 27, 1949, and April 16, 1954, respectively, be and it is hereby vacated and set aside effective October 1, 1957, in conformity with which, Part 110 Subpart A (§§ 110.1–110.12) of Title 49 in the Code of Federal Regulations is hereby canceled and the regulations hereinafter prescribed are substituted in lieu thereof, the title of Subpart A being changed to agree with the heading of this order; and,

It is further ordered, That effective October 1, 1957, all carriers by railroad subject to provisions of the Interstate Commerce Act and not independently operated as electric lines, including lessors thereof, shall comply with the Regulations to Govern the Destruction of Records of Railroad Companies—Issue of 1957, which were previously issued as a proposed rule and which are attached hereto and are by this reference made a part hereof, before destroying operating, accounting or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents; and,

It is further ordered, That a copy of this order with the regulations set forth below shall be served on each such carrier by railroad and lessor thereof which is subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of any such carrier or lessor, and notice of this order shall be given to the general public by depositing a copy thereof with the attached regulations in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

Sec.

110.0 Regulations prescribed.
110.1 Introduction.
110.2 Authority to destroy records.
110.3 Photographic copies.
110.4 Supervision of destruction.
110.5 Record of destroyed records.
110.6 Carriers going out of business.
110.7 Prescribed periods of retention.

AUTHORITY: §§ 110.0 to 110.7 issued under sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended, 49 U. S. C. 20.

SPECIAL NOTE: Section 20 (7) (b) of the Interstate Commerce Act includes the following provision:

Any person who shall knowingly and willfully make, cause to be made, or participate in the making of, any false entry in any annual or other report required under this section to be filed, or in the accounts of any book of accounts or in any records or memoranda kept by a carrier, or required under this section to be kept by a lessor or other person, or who shall knowingly and willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such accounts, records, or memoranda, • • • shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction to a fine of not more than five thousand dollars or imprisonment for not more than two years, or both such fine and imprisonment: *Provided*, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of such carriers, lessors, or other persons as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

§ 110.0 *Regulations prescribed.* Effective October 1, 1957, all railroad companies not independently operated as electric lines, including lessors thereof, shall comply with the regulations in this subpart before destroying any operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents.

§ 110.1 *Introduction.* The following regulations specify the records and documents which may be destroyed and prescribe the length of time the same shall be preserved, but mention of a record or document hereinafter imposes no requirement that it shall be installed if its purpose is otherwise being adequately served. Compliance with the regulations in this subpart will not exempt a carrier from statutory requirements, other than provisions of the Interstate Commerce Act, for retention of records or documents for periods longer than those herein prescribed.

§ 110.2 *Authority to destroy records—*(a) *General authority.* Railroad companies which are not independently operated as electric lines may destroy records or documents named or described in these regulations after they have been preserved for the prescribed periods of time. Permanent records are those which may not be destroyed without special authority.

(b) *Special authority.* A carrier subject to the provisions of the regulations in this subpart proposing to destroy records or documents which are not named or described in the regulations in this subpart, or which if named or described have not been retained for the period required by the regulations, may request special authority to destroy them. Applications for such special authority shall describe in detail the records or documents to be destroyed and shall explain why their continued retention is unnecessary.

§ 110.3 *Photographic copies.* (a) Records and documents may be destroyed if they have been suitably photographed, and the microfilm is retained in lieu of the original record or document for the period prescribed for such originals, subject however to the following limitations:

(1) The records listed in § 110.7 with a permanent retention period may not be destroyed after being photographed for preservation unless special authority is first secured as provided in § 110.2 (b).

(2) Records and documents listed in the following items of § 110.7 shall be retained in their original form throughout the entire period of retention prescribed for them respectively, unless special authority to destroy them is first secured as provided in § 110.2 (b):

Item	Description
1	Corporate elections.
6	Records of securities owned.
16	Tax records.
51 (a)	Original payrolls and summaries.
55 (a)	Registers of audited invoices and vouchers, and indexes thereto.
(b)	Paid drafts, paid checks, and receipts for cash paid out.
(c)	Paid and canceled vouchers, audit office copies of vouchers, and supporting papers.
60 (a)	Registers of bills collectible and indexes thereto.
70 (c)	Records and memoranda pertaining to depreciation of road and equipment.
(d)	Contracts and other agreements relating to the construction, acquisition, or sale of road property.
334	Correspondence which pertains to records or documents required by this subsection to be retained in original form.

(3) The records and documents listed below, which are required under the regulations in this subpart to be retained two years or more, shall be retained in their original form at least two years, even after they have been photographed for preservation:

Item	Description
13	Original records summarizing the results of or non-carrier operations for entry in the general books.
21	Miscellaneous records pertaining to agents' accounts.
30	Records of revenue.
31	Interline freight settlements.
33	Records of passenger receipts.
36	Records of revenue from operations other than transportation.
50	Labor records which pertain to transportation employees covered by the Hours of Service Act.
110	Signal department records.
132	Records and reports of equipment in and out of service.
151	Diversion of freight.
173	Records of hours of service.
179	Car movements.
180	Car distribution.
210	Claim register.
211	Claim papers.
230 to 257	Agencies, yards, and accounting bureaus.
270 to 283	Joint associations, bureaus, and similar agencies.
300 (k) to 300 (o)	Locomotive inspection and repair reports.
334	Correspondence which pertains to records or documents required by this subsection to be retained two years in original form.

(b) To be acceptable in lieu of original records, photographic copies must meet the following minimum requirements:

(1) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read, or reproduce such photographic copies.

(2) Any significant characteristic, feature, or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made.

(3) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(4) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidental destruction.

§ 110.4 *Supervision of destruction.* (a) Within six months after the effective date of the regulations in this subpart, or within six months after becoming subject to this provision, each carrier shall appoint an officer or other responsible employee to supervise the destruction of records and documents. Such appointment shall be by formal corporate act of the carrier's Board of Directors.

(b) Authority to supervise the destruction of carrier records maintained by an association, joint bureau, etc., may be delegated to the manager or other chief officer by the supervising officer of each member line.

(c) The Board of Directors at its option may by a similar formal act of appointment delegate to a bank, trust company, or similar institution having custody of railroad records in the normal course of business, the authority to destroy such records upon compliance with the requirements of the regulations in this subpart.

§ 110.5 *Record of destroyed records.* (a) The supervising officer or other designated employee shall maintain a record of all carrier records and documents which have been destroyed pursuant to the regulations in this subpart, except those the retention of which is optional with the carrier. However, the record shall include all records and documents destroyed under the supervision of persons other than the supervising officer pursuant to § 110.4 (b) and (c), including those the retention of which is optional and which could be omitted if the supervising officer had directed the destruction.

(b) The record shall be available for inspection in the office of the supervising officer and shall be in such detail that the destroyed records or documents may be identified and the time, place, and method of destruction can be established. If the destruction is by accident or at the hand of an unauthorized person not subject to the carrier's control, then the record shall include a statement of the relevant circumstances.

§ 110.6 *Carriers going out of business.* The records and documents relating to operations of a Carrier subject to the regulations in this subpart may be destroyed without regard to the prescribed periods of retention after carrier status is abandoned for purposes of the Interstate Commerce Act: *Provided however*, (a) If the carrier is a corporation being dissolved by act of the authority which created it, the records may not be destroyed until dissolution is otherwise complete, and (b) if the carrier is not incorporated or is being kept alive for purposes other than carrier operations, records relating to former carrier operations may not be destroyed until all transactions relating to such operations are completed.

§ 110.7 *Prescribed periods of retention.* The following list describes the purpose for which a record is necessary and the prescribed periods shall be observed even if a record by some other name serves the described purpose. If identical copies of the same document serve more than one such described purpose, only one copy is required to be retained by the regulations in this subpart.

Item	Description of records	Period to be retained
	CORPORATE AND FINANCIAL	
1	Corporate elections:	
	(a) Proxies of holders of voting securities	3 years.
	(b) Lists of holders of voting securities presented at meetings	Do.
	(c) Qualification oaths of judges of election	Optional.
	(d) Qualification oaths of directors	Do.
	(e) Ballots cast and tabulations of vote	3 years.
	(f) Judges' reports of election results	Do.
2	Minute books of directors', executive committee's, stockholders', and other meetings	Permanent.
3	Code and cipher books, file copies of	Optional.
4	Capital stock records:	
	(a) Capital stock ledger	10 years.
	(b) Capital stock certificates, records of or stubs of	Do.
	NOTE: If the information shown on the stubs described in this item 4 (b) is recorded in permanent records, the stubs are required to be retained only for a period of three years.	
	(c) Stock transfer register	Do.
	(d) Memoranda and bills of sale or of transfer of capital stock	2 years.
	(e) Capital stock subscription notices and requests for allotment	1 year.
	(f) Canceled capital stock certificates. (See item 7.)	
5	Bond records:	
	(a) Registered bond ledger	10 years.
	(b) Records or stubs of bonds	Do.
	NOTE: If the information shown on the stubs described in this item 5 (b) is recorded in permanent records, the stubs are required to be retained only for a period of three years.	
	(c) Memoranda and bills of sale or of transfer of registered bonds	2 years.
	(d) Records of interest coupons paid and unpaid	Do.
	(e) Funded debt subscription notices and requests for allotment	1 year.
	(f) Canceled bonds, paid interest coupons, and unissued bonds. (See item 7.)	
6	Record of securities owned:	
	Record of securities owned, in treasury, or with custodians	10 years after disposition.
7	Retired securities:	
	Stock certificates, bonds, notes, interest coupons, receiver's certificates, and temporary certificates taken up and canceled.	Optional, but see sec. 110.5.
8	Reports to stockholders:	
	(a) Annual reports or statements to stockholders, file copies of	Permanent.
	(b) Supporting papers	10 years.
9	Ledgers:	
	(a) General and auxiliary ledgers and indexes thereto, except as provided for elsewhere in these regulations.	Permanent.
	(b) Balance sheets of general ledgers	10 years.
	(c) Trial balance sheets of general and auxiliary ledgers	Do.
10	General journals	Permanent.
11	Cash books:	
	(a) Original general cash books	15 years.
	(b) Auxiliary cash books	6 years.
12	Journal entries:	
	(a) Original general journal entries	Permanent.
	(b) Copies of general journal entries and supporting papers	15 years.
13	Original records of auxiliary or noncarrier operations:	
	Original records summarizing the results of auxiliary or noncarrier operations for entry in general books.	Do.
	NOTE: Ledgers, journals, abstracts, reports, vouchers, tickets, etc., shall be retained for the same periods as are provided for similar documents elsewhere in these regulations.	
14	Deeds and other title papers and franchises	Permanent.
15	Contracts, leases, and agreements, except those provided for in items 70 and 230	5 years after termination, expiration or completion.
16	Tax records:	
	(a) Copies of schedules and returns to taxing authorities for tax purposes	6 years.
	(b) Records of appeals, tax bills, and statements	6 years after settlement.
17	Copies of applications to and authorities from regulating bodies for the issuance of stocks, bonds and other securities. (See item 300q.)	Permanent when approved: optional when denied.
18	Fidelity bonds:	
	Records and files of fidelity bonds of employees	3 years after expiration of coverage.
19	Insurance records:	
	(a) Schedules of fire and other insurance, also records of payment of premiums and of amounts recovered.	3 years.
	(b) Insurance policies	2 years after expiration of coverage.
	(c) Record of policies in force	Do.
	(d) Inspector's reports of condition of property	Optional.
	(e) Reports of property in transit covered by insurance, such as cotton at compresses, cotton in transit, etc.	Do.
	(f) Telegraphic reports of merchandise at terminals, in warehouses, compresses, etc.	Do.
	(g) Letter and telegraphic reports of fire damages	Do.
	(h) Reports of minor losses by fire not covered by insurance or less than minimum amount collectible.	Do.
20	Treasurer's records:	
	(a) Statements and summaries of balances on hand and with depositaries	3 years.
	(b) Statements from depositaries of funds received, disbursed, and transferred	Do.
	(c) Authorities for and statements of transfer of funds from one depositary to another.	Do.
	(d) Records pertaining to verifications of treasurer's cash, or securities	2 years.
	(e) Records of outstanding vouchers, checks, drafts, etc., issued and not presented	3 years.

Item	Description of records	Period to be retained
	CORPORATE AND FINANCIAL—continued	
20	Treasurer's records—Continued	
	(f) Periodical statements of working cash balances	Optional.
	(g) Bank deposit books, and stubs, ledgers, or records of checks	3 years.
	(h) Slips or statements giving the postings of miscellaneous receipts and payments of funds.	Do.
	(i) Lists of vouchers, drafts and checks showing mailing dates	Optional.
	(j) Copies of deposit slips	2 years.
21	Miscellaneous records pertaining to agents' accounts:	
	(a) General office records or ledgers of agents' accounts showing debits and credits from various sources.	3 years.
	(b) Records and files of indemnity bonds incident to transportation and other charges.	Do.
	(c) General office records relating to extension of credit for transportation and other charges.	2 years after discontinuance of credit arrangement.
	(d) Statements of corrections in agents' accounts	3 years.
22	Traveling accountants' and auditors' reports: Reports of examinations, audits, and transfers by special accountants, traveling auditors, time inspectors, weight inspectors, etc., and supporting papers.	Do.
	REVENUES	
30	Record of revenue: Records summarizing the debits and credits arising from settlements with agents, conductors, and others, and from interline settlements with other carriers, as follows: freight, passenger, baggage, sleeping car, parlor and chair car, mail, express, other passenger-train, milk, switching, water transfers, dining and buffet, hotel and restaurant, station, train, and boat privileges, parcel room, storage, demurrage, communication, grain elevator, power, rents of buildings and other property, and miscellaneous.	4 years.
31	Interline freight settlements:	
	(a) Abstracts, recapitulations, correction accounts, and summaries	Do.
	(b) Statements of differences	1 year after disposition.
32	Unsettled waybills:	
	(a) Record of unsettled waybills, waybills in suspense, etc	Do.
	(b) Tracers and supporting papers concerning unsettled freight waybills	Until receipt of settlement.
33	Records of passenger receipts: Distribution of revenue statements, or recapitulation of passenger revenue by stations; conductors' accounts; ferry and steamer accounts.	4 Years.
34	Interline passenger fare settlements: Interline ticket reports, summaries, statements of differences, statements of corrections, and accounts current pertaining to settlements of interline passenger revenue between carriers, passenger associations, and mileage and scrip bureaus.	Do.
35	Records of cash fare collections on trains	2 years.
36	Records of revenue from operations other than transportation:	
	(a) Records summarizing the debits and credits to the various accounts	4 years.
	(b) Reports of station and train privileges, parcel and other coin locks, telephone, telegraph, rents, and miscellaneous revenue.	2 years.
	(c) Originals and copies of telegrams	1 year.
	EXPENDITURES	
50	Daily or periodic reports of labor, material and supplies: Time books, time slips, overtime tickets, delayed-time tickets, work orders, job tickets, check rolls, and other papers pertaining to services of employees and reports of material and supplies used.	2 years.
51	Payroll records:	
	(a) Original payrolls and summaries	10 years.
	(b) Applications and authorities for changes in payrolls	Optional.
	(c) Applications for payroll changes not authorized	Do.
	(d) Records and memoranda pertaining to deductions from payrolls	Do.
	(e) Receipted pay checks, receipted time tickets, certificates issued for wages, discharge tickets, and other evidences of payments for services rendered by employees. (See items 20e, g.)	3 years.
	(f) Canceled pay checks drawn in favor of "bearer" in payment of wages for which receipt is shown on payrolls or other records retained by carrier.	Optional.
	(g) Comparative or analytical statements of payrolls	Do.
52	Assignments, attachments, and garnishments:	
	(a) Record of assignment, attachment, and garnishment of employees' salaries	1 year.
	(b) Files containing assignments, attachments, garnishments, notices of suits, notices of release, and correspondence relating thereto.	Do.
53	Distribution of labor expenditures: Records showing the detailed distribution of labor expenditures charged to all accounts, including memoranda and memorandum recapitulation sheets.	4 years.
	EXPENDITURES—continued	
54	Distribution of expenditures for material and supplies: Records and memoranda showing the detailed distribution of expenditures for materials and supplies chargeable to all accounts, including memorandum recapitulation sheets.	4 years.
55	Vouchers:	
	(a) Register of audited invoices and vouchers and indexes thereto	15 years.
	(b) Paid drafts, paid checks, and receipts for cash paid out	6 years.
	(c) Paid and canceled vouchers, audit office copies of vouchers and supporting papers.	Do.
	(d) Lists containing authorities for payments of specific vouchers	2 years.
	(e) Reports of drafts issued by claim agents, station agents, and others	1 year.
	(f) Record or index of vouchers to be made, with notations of dates of issue	Optional.
	(g) Defect and repair cards attached to bills supporting vouchers. (See item 125.)	Do.
	MISCELLANEOUS ACCOUNTS RECEIVABLE	
60	Bills collectible:	
	(a) Register of bills collectible and indexes thereto	15 years.
	(b) Audit office copies of bills issued for collection, and supporting papers which do not accompany the original bills.	4 years.
	(c) Periodical statements of unsettled accounts, except trial balance sheets	Optional.
	(d) Record or index of bills to be issued with notations of dates of issue	Do.
	ROAD AND EQUIPMENT PROPERTY RECORDS	
70	Road and equipment records:	
	(a) Records and memoranda of the cost or the inventory value of road property	Permanent.
	(b) Records and memoranda of the cost or the inventory value of equipment, including shop and power plant machinery.	3 years after sale or retirement.
	(c) Records and memoranda pertaining to depreciation of road and equipment	20 years.
	(d) Contracts and other agreements relating to the construction, acquisition, or sale of road property.	10 years after termination, expiration of contract or agreement, sale or retirement.
	(e) Contracts and other agreements relating to the construction, acquisition, or sale of equipment.	3 years after termination, expiration or completion of contract or agreement.
	(f) Records, reports, statements, and memoranda showing the details of all debits and credits on account of the cost of road and equipment property, such as labor and material distribution sheets, copies of individuals' and companies' bills, time books, time tickets, work orders, job tickets, check rolls, material requisitions, and similar records if transcribed into records covered by items (a) to (e) above.	3 years. 10 years if not transcribed into records covered by items (a) to (e) above.
	(g) Estimates, authorities for expenditures and completion reports for new lines, extensions, additions and betterments made.	Permanent.
	(h) Estimates, detail records, and memoranda, when the expenditures were not authorized.	Optional.
	(i) Detail records and memoranda used in preparation of estimates, if summarized in records covered by item (g) above.	Do.
71	Engineering records:	
	(a) Maps, profiles, plans, specifications, estimates of work, records of engineering studies, and similar records pertaining to extension, addition, and betterment projects which have been put into execution.	Permanent.
	(b) Maps, profiles, plans, specifications, estimates of work, records of engineering studies and similar records pertaining to extension, addition, and betterment projects which have been abandoned.	3 years after abandonment.
	PURCHASES AND STORES	
80	Material ledgers:	
	(a) Records of material and supplies on hand	4 years.
	(b) Telegraphic reports of supplies on hand other than fuel	Optional.
	(c) Balance sheets of material and supplies received, issued, and on hand at division storehouses, shops, and other places.	2 years.
81	Inventories of materials and supplies:	
	(a) General inventories of materials and supplies on hand, with record of adjustments between accounts.	Do.
	(b) Stock cards, inventory cards, and other detail records pertaining to the taking of inventories, if abstracted into records covered by (a) above.	1 year.
	(c) Minor inventories of materials and supplies on hand, if not used for adjustments.	Do.
82	Purchases and sales:	
	(a) Copies of orders for the purchase of materials and supplies	2 years.
	(b) Invoices for materials and supplies purchased whether attached to vouchers or filed separately. (See item 55c.)	6 years.

Item	Description of records	Period to be retained
	PURCHASES AND STORES—continued	
82	Purchases and sales—Continued	
	(c) Advices from individuals and companies acknowledging receipt of orders for materials and supplies and notices of shipment.	Optional.
	(d) Bids and offers for the sale or purchase of material and supplies	1 year.
	(e) Contracts for the purchase or sale of materials and supplies	4 years.
	(f) Advices or requisitions from storekeepers and others for the purchase of materials and supplies.	2 years.
	(g) Lists or records of invoices transmitted to or from storekeepers	Optional.
	(h) Receipts or delivery tickets issued for material and supplies received in installments and subsequently surrendered with and in support of invoices or bills showing full information.	Do.
	(i) Freight bills covering charges on materials and supplies	4 years.
	(j) Reports of scrap on hand	2 years.
	(k) Authorities for the sale of scrap and other material and supplies	Do.
	(l) Price records of purchases	6 years.
83	Materials and supplies received:	
	(a) Records or reports of materials and supplies received by carriers	5 years.
	(b) Records of inspecting and testing materials and supplies	1 year.
	(c) Records of materials and supplies released and returned to stock	2 years.
	(d) Orders on other carriers for, and records of receipt of, material for repairs of foreign cars.	Do.
84	Materials and supplies issued:	
	(a) Records and reports of materials and supplies issued	3 years.
	(b) Records and reports of materials and supplies transferred from one department or division to another.	2 years.
	(c) Requisitions and receipts for materials and supplies issued	1 year.
	(d) Price records of materials and supplies issued, file copies	4 years.
85	Manufactured stock:	
	(a) Shop orders or requisitions for the manufacture of stock	2 years.
	(b) Records and reports of manufactured stock	Do.
86	Oil and waste reports and records	1 year.
87	Company fuel:	
	(a) Detailed record of fuel purchased	5 years.
	(b) Reports and record of fuel delivered to fueling stations	2 years.
	(c) Records and untranscribed reports of fuel received and issued at fueling stations, except records covered by item (b) below.	Do.
	(d) Reports from fueling stations of fuel received, issued, on hand, and transferred to other stations, if transcribed to records covered by (c) above.	1 year.
	(e) Daily reports of fuel on hand	Optional.
	(f) Reports and records showing the detailed distribution of expenditures for fuel chargeable to all accounts, including fueling station balance sheets.	5 years.
	(g) Reports of labor handling company fuel	1 year.
	(h) Requisitions and receipts from enginemen and others for fuel supplied	Optional.
88	Dining and cafe car supplies:	
	(a) Conductors' and stewards' reports of supplies, drawn, consumed, and on hand	1 year.
	(b) Conductors' and stewards' requisitions and receipts for supplies	Do.
	(c) Commissary inventories	Do.
	WAY AND STRUCTURES	
100	Authorities for expenditures for repairs of roadway and structures	Optional.
101	Records of roadway and track work performed:	
	(a) Reports and records of rail and cross-ties laid, ballast applied, and work performed on roadway and track, by quantities, locations, or otherwise.	2 years.
	(b) Records and reports of spur tracks laid and taken up	Do.
102	Reports and records of repairs and renewals of buildings, bridges, and other structures	Do.
103	Reports of buildings, bridges, and other structures painted	Do.
104	Records of signal servicing and operations	Do.
105	Inspection records:	
	(a) Reports of condition of roadway and structures	Do.
	(b) Reports of inspection of bridges	Do.
	(c) Reports of broken rails	Do.
	(d) Reports of inspection of scales	Do.
106	Reports of derailments	Do.
	RECORDS REQUIRED BY SIGNAL INSPECTION ACT	
110	Signal department records:	
	(a) Tests of gas and vacuum type lightning arresters	1 year.
	(b) Tests of signal mechanisms	2 years.
	(c) Tests of switch circuit controllers	1 year.
	(d) Tests of shunt fouling circuits	Do.
	(e) Tests of electric locks	2 years.
	(f) Tests of relays	Do.
	(g) Tests of insulation resistance	8 years.
	(h) Tests of mechanical locking	4 years.
	(i) Tests of approach locking	1 year.
	RECORDS REQUIRED BY SIGNAL INSPECTION ACT—continued	
110	Signal department records—Continued	
	(j) Tests of time locking	1 year.
	(k) Tests of route locking	Do.
	(l) Tests of indication locking	2 years.
	(m) Tests of traffic locking	1 year.
	(n) Switch obstruction tests	Do.
	(o) Tests of valve locks and valve magnets	Do.
	(p) Tests of cross protection	Do.
	(q) Tests of time releases and timing relays	Do.
	(r) Tests of restoring feature on power switches	Do.
	(s) Tests of movable bridge locking	Do.
	(t) Tests of roadway elements ATC, ATS, and ACS	Do.
	(u) Tests of acknowledgment and cut-in circuits	Do.
	(v) Periodic tests of ATC, ATS, and ACS	Do.
	(w) Tests of engine relays ATC, ATS, and ACS	4 years.
	(x) Daily or after trip tests ATC, ATS, and ACS	1 year.
	(y) Departure test ATC, ATS, and ACS	Do.
	SHOPS AND ENGINEHOUSES	
120	Records and reports of repairs to locomotives, cars, and other equipment	3 years.
121	Authorities for expenditures for repairs to locomotives, cars, and other equipment	Optional.
122	Records and reports of repairs needed on locomotives, cars, and other equipment	Do.
123	Record of locomotive boilers:	
	(a) Steam locomotives	6 years.
	(b) Record of boiler inspection of diesel locomotives, where required	4 years.
124	Records and reports of trucks, wheels, and axles removed and applied:	
	(a) to steam locomotives	6 years.
	(b) to diesel locomotives	Do.
125	Defect and repair cards:	
	(a) Defect and repair cards, stubs or records of	Optional.
	(b) Defect and repair cards attached to bills supporting vouchers. (See item 55g.)	Do.
	(c) Lists and statements transmitting defect and repair cards for preparation of bills.	Do.
	(d) Improper-repair cards	Do.
	(e) Reports of cars forwarded or received under defect cards	Do.
126	Inspection records:	
	(a) Certificates of inspection of equipment purchased	3 years.
	(b) Records and reports of locomotives and cars inspected	1 year.
	(c) Firebox inspection reports	Do.
	(d) Spark-arrester and ashpan inspection reports	Do.
	(e) Locomotive boiler inspection and repair reports. (See items 300k to 300o.)	Do.
127	Records and reports of locomotives and cars received, forwarded, and on hand at shops	2 years.
128	Reports of service and mileage of individual locomotives	Do.
129	Records and reports of cars light-weighed and stenciled	Optional after equipment is retired.
130	Records and reports of equipment numbers changed	
131	Patent records	2 years.
132	Records and reports of equipment in and out of service	Do.
133	Records and reports of locomotive failures	1 year.
134	Records of engines ordered and dispatched	Do.
135	Reports of passenger cars cleaned, iced, and similarly prepared for service	Optional.
	TRAFFIC	
150	Tariffs and other rate authorities:	
	(a) Tariffs, classifications, division sheets, and circulars relative to the transportation of persons or property, in the general files of the traffic or other department in which the complete official file is maintained.	2 years after expiration or cancelation.
	(b) Tariffs, classifications, division sheets, and circulars in other departments and at agencies, if copies of the same issues of such tariffs, etc., are preserved in the general files referred to in (a) above.	Optional after expiration or cancellation.
	(c) Applications for and file copies of special-rate orders authorizing the sale of passenger fare tickets at reduced rates.	2 years.
	(d) Requests and receipts from agents and others for tariffs, classifications, division sheets, and circulars.	Optional.
	(e) Written requests on carrier from persons and companies for quotations of rates and copies of carrier's quotations.	Do.
	(f) Copies of concurrences filed with the Interstate Commerce Commission and with other regulating bodies.	2 years after cancellation.
	(g) Authorities for the transportation of property, free or at reduced rates, and supporting papers.	3 years.
	(h) Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and circulars affecting the transportation of persons or property.	3 years after cancellation of tariff, etc.
151	Diversion of freight: Records for diversion or reconsignment of freight	2 years.

Item	Description of records	Period to be retained
	TRAFFIC—continued	
152	Market, weather and crop reports: Market quotations, weather and crop reports, and other surveys received from agents and others, when not affecting claims.	Optional.
153	Public time-tables: Public time-tables and descriptive literature and records and correspondence regarding compilation, publication, and distribution of time-tables, etc., for use of the public.	Do.
154	Ticket records: (a) Copies of orders on printing houses for ticket stock	2 years.
	(b) Record of ticket stock received, issued, and destroyed	Do.
	(c) Requisitions and receipts for tickets and cash fare receipts furnished agents and conductors.	Do.
	(d) Bulletins of tickets lost or stolen	Optional.
	(e) Records and files pertaining to the extension of time limits of tickets, granted	2 years.
	(f) Records and files pertaining to the extension of time limits of tickets, not granted.	Optional.
155	Baggage check records: (a) Copies of orders for the purchase of baggage checks	2 years.
	(b) Record of baggage, parcel, and storage checks received, issued and destroyed	Do.
	(c) Requisitions and receipts for baggage checks, excess baggage checks, and storage checks furnished agents, baggagemen, and transfer companies.	Do.
	(d) Bulletins of baggage checks lost or stolen	Optional.
156	Tickets and checks: (a) Used and canceled tickets, checks, etc., the reports of which, showing their sale or issue, have been audited, as follows: Bar checks. Berth checks. Bridge toll tickets. Clergy certificates. Commutation and trip tickets. Exchange train tickets. Extra fare tickets. Ferry tickets. Meal checks. Milk tickets. One-way and round-trip passenger fare tickets upon which the name of the user does not appear: Parlor car tickets. Permits to ride on freight trains. Seat checks. Sleeping car tickets. Train checks. Transfer checks or coupons. Validation pasters when attached to any of the above tickets. Water tickets.	Do.
	(b) Used and canceled tickets, passes, etc., the reports of which, showing their sale or issue, have been audited (except as provided for free tickets in item 178i) as follows: One-way and round-trip passenger fare tickets upon which the name of the user is shown. Trip and telegraphic passes collected. Free passenger fare tickets collected. Prepaid orders. Exchange orders. Validation pasters when attached to any of the above tickets. Stop-over pasters.	Do.
	(c) Used mileage books and scrip books on which the name of user is shown and passenger-fare credentials, the reports of which showing their sale or issue have been audited; coupons, auditors' stubs, contract portion signed by purchaser and other detachments from such books on which transportation has been performed; and identification slips required by the conditions of any of these tickets.	6 months.
	(d) Used mileage books and scrip books on which the name of the user is not shown, the reports of which showing their sale or issue have been audited, and the coupons, auditors' stubs, and other detachments from such books on which transportation has been performed.	Optional.
	(e) Used caretakers' tickets	2 years.
	(f) Used baggage checks, parcel room checks, storage checks, excess baggage checks (including C. O. D.), excess baggage book coupons, and baggage scrip, the reports of which have been audited.	Optional.
	(g) Unused or unissued tickets, if record is kept in accordance with item 154 (b)	Do.
	(h) Unused baggage checks, if record is kept in accordance with item 155 (b)	Do.
	(i) Redeemed tickets, redeemed mileage and scrip book covers, and redeemed credentials.	6 months.
	(j) Redeemed portions of conductor's cash fare and duplex tickets	Do.
	(k) Redeemed and canceled orders issued by conductors for refund of extra fares assessed on extra-fare trains.	Do.
	(l) Used book ticket stubs	Do.
157	Records and reports of tickets redeemed, including claimant's receipt for cash refund	2 years.
158	Records, circulars, and settlements, regarding conventions, excursions, and similar matters.	Do.
	TRANSPORTATION	
170	Dispatchers' records: (a) Train sheets	3 years.
	(b) Train-order books or dispatchers' copies of train orders	Do.
	(c) Train orders—operators' copies	6 months.
	(d) Train orders—trainmen's copies	Optional.
	(e) Clearance cards or orders—operators' copies	6 months.
	(f) Clearance cards or orders—trainmen's copies	Optional.
	(g) Operators' block reports	6 months.
	(h) Daily reports of trains moved	2 years.
171	Employees' timetables: (a) Official file of employees' timetables	Do.
	(b) Receipts for timetables	Duration of time-table.
172	Records of crews: (a) Train register or roster	1 year.
	(b) Records of crews called, including call boy records	Do.
173	Records of hours of service: (a) Records of hours of service of train and station employees. (See item 300j)	3 years.
	(b) Train-delay reports. (See item 300j)	Do.
174	Locomotive mileage: (a) Records of movement of locomotives	1 year.
	(b) Reports of locomotive mileage, from division offices	Do.
175	Conductors' train and car reports: (a) Reports showing the dates and numbers of trains the initials and numbers of cars, the movement of cars, and the mileage of cars and trains (i. e., wheel reports), if not transcribed into other records.	2 years.
	(b) Reports showing dates and numbers of trains, the initials and numbers of cars, the movement of cars, and the mileage of cars and trains (i. e., wheel reports), if transcribed into other records for retention.	Do.
	(c) Reports of cars interchanged with connecting lines	Do.
	(d) Reports of cars on hand at nonagency stations	1 year.
	(e) Train books showing crews, car-seal records, cars moved, etc.	2 years.
176	Train accidents: (a) Record of train accidents	Do.
	(b) Reports of train accidents by conductors, enginemen, or others	Do.
	(c) Reports of damage to equipment by accidents	Do.
177	Conductors' passenger, freight, and dining car reports: (a) Reports of cash collections, if transcribed to records covered by item 35	1 year.
	(b) Reports of cash collections, if not transcribed to records covered by item 35	2 years.
	(c) Stubs of cash fare receipts or conductors' portions of duplex tickets	Optional.
	(d) Reports of passengers carried, or of tickets, mileage coupons, etc., collected or honored.	2 years.
	(e) Reports of passes honored or collected	1 year.
	(f) Pass identification slips	Optional.
	(g) Sleeping car identification checks and envelopes	Do.
	(h) Reports of passengers handled in sleeping and parlor cars	1 year.
	(i) Envelopes for enclosing tickets, passes, etc., collected	Optional.
	(j) Slips or memoranda for freight received at nonagency stations	2 years.
	(k) Conductors' monthly balance sheets and supporting papers	Do.
	(l) Conductors' daily or weekly balance sheets, when figures are combined on monthly balance sheet.	1 year.
178	Passes and free tickets: (a) Copies of orders on printing houses for pass stock	Do.
	(b) Records of pass stock received, distributed, and destroyed	Do.
	(c) Requests for passes; copies or stubs of requests for passes; and receipts for passes	2 years.
	(d) Records of passes issued	Do.
	(e) Records of passes received from other carriers	Do.
	(f) Stubs of trip passes	Do.
	(g) Records of annual or term passes honored	Optional.
	(h) Unexpired, surrendered, or partially used annual or term passes	Do.
	(i) Void, unused, or unissued passes	Do.
	(j) Records of free passenger fare tickets issued	2 years.
	(k) Reports of trip passes issued	Do.
	(l) Bulletins of lost and outlawed passes, file copies of	Optional.
	(m) Bulletins of lost and outlawed passes, other than file copies of	Do.
179	Car movements: (a) Records of movement of cars, home and foreign	2 years.
	(b) Junction card reports from other carriers of cars interchanged, when data are transcribed to records provided for in (a) above.	Optional.
	(c) Records and reports of cars switched	2 years.
	(d) Minor records pertaining to the handling and movement of equipment if the movements are recorded in records covered by (a) above.	Optional.

Item	Description of records	Period to be retained
	TRANSPORTATION—continued	
180	Car distribution: (a) Records of car allotment and distribution	2 years.
	(b) Records of cars ordered, furnished, and loaded	Do.
	(c) Telegraphic and other reports of cars on hand and required	1 year.
	(d) Reports of unfilled car orders	Do.
181	Per diem and mileage reports: (a) Per diem and mileage reports made and received, including reclaims	2 years.
	(b) Per diem and mileage discrepancy and adjustment reports	Do.
182	Records and reports pertaining to embargoes, congested traffic, and similar matters	1 year.
183	Reports of or certificates of train-rules examination	2 years.
184	Records of ticket punches	1 year after use of punch is discontinued.
185	Import and export: Records and reports pertaining to import and export freight, bonded freight and baggage, steamships' engagements, etc.	2 years.
186	Marine equipment: Records and reports pertaining to the operation of marine and floating equipment: (a) Blueprints and specifications covering construction of boats	Duration of vessel.
	(b) Major repair records	Do.
	(c) Boat damage records	5 years.
	(d) Personnel records	1 year after termination of service.
	(e) Tug masters', tug engineers', ferry pilots' logs	Permanent.
	(f) Tug dispatcher's tow order and float sheet	3 years.
	(g) Cooperative towing reports	2 years.
	(h) Floatmen's reports	3 years.
	(i) Barge, lighter and scow captain's daily reports	5 years.
	(j) Directional check sheets	3 years.
	(k) Demurrage records	2 years.
187	Railway mail service: (a) Records and reports of mail service, mail failures, and detentions, fines, deductions, and irregularities.	Do.
	(b) Records and reports of mail pouches received and distributed	1 year.
188	Property protection service: Reports and records in connection with policing the company's property, detective service, investigations of robberies, and attempts to defraud the company when not the subject of claim against the carrier.	Optional.
189	Loss and damage prevention: Reports and records in connection with the prevention of loss and damage to freight shipments.	Do.
	CLAIMS	
210	Claim registers: (a) Claim registers, card or book indexes, and other records in connection with the recording of overcharge, loss and damage, personal injury, fire, and other claims presented against carriers.	6 years.
	(b) Records showing the details of authorities issued to agents, carriers, and others for participation in freight claims.	3 years.
211	Claim papers: (a) All papers substantiating personal injury claims, whether such papers are filed separately or attached to vouchers. (See item 55c.)	6 years after settlement or rejection.
	(b) All papers substantiating overcharge, loss and damage, fire, and other claims, whether such papers are filed separately or attached to vouchers. (See item 55c.)	3 years after settlement or rejection.
	(c) Claim jackets, if all information thereon appears in records covered by (a) and (b) above.	Optional.
	(d) Claim bases constituting a duplicate record of claims if the substantiating papers are filed with another interested carrier.	2 years after settlement.
212	Records of personal injury: Reports and statements regarding personal injuries, when not necessary to support claims or vouchers.	3 years.
213	Records of fire and other damages to property of others: Reports and statements of trackmen and other employees regarding injuries by fire or otherwise to property of others, when not necessary to support claims or vouchers.	2 years.
214	Records of stock killed or injured: Reports and statements by trainmen, trackmen, and other employees regarding stock killed or injured, when not necessary to support claims or vouchers.	Do.
215	Records of unclaimed, over, short, damaged, and refused freight: Tracers, reports, and other records pertaining to unclaimed, over, short, damaged, and refused freight when not necessary to support claims or vouchers.	1 year.
216	Sales orders: Authorities for the disposal of unclaimed, damaged, and refused freight.	3 years.
	AGENCIES, YARDS AND ACCOUNTING BUREAUS	
230	Bills of lading and releases: (a) Consignors' shipping orders, consignors' shipping tickets, and copies of bills of lading.	2 years.
	(b) Shippers' order-notify bills of lading taken up and canceled	Do.
	(c) Contracts covering risks of carriers in transportation and storage	Do.
	(d) Shipping contracts for transportation of caretakers of freight	Do.
	(e) Releases for deliveries at nonagency stations	Do.
	(f) Bills of lading and shipping tickets lifted on inbound shipments	Do.
231	Freight loading records: (a) Records of loading, unloading and inspection of cars	3 years.
	(b) Records and reports of carload and less-than-carload shipments transferred	2 years.
	(c) Records of iced, refrigerated, heated, or ventilated	Do.
	(d) Records of unloading, loading, feeding, and watering livestock	Do.
	(e) Duplicates of above records. (See item 336a.)	
232	Weighing of freight: Records, reports, orders, and tickets pertaining to the weighing of carload and less-than-carload shipments. (For duplicates see item 336a.)	4 years.
233	Freight waybills: (a) Local waybills	2 years.
	(b) Interline waybills received from other carriers	Do.
	(c) Copies of interline waybills made to other carriers	Do.
	(d) Company freight waybills	1 year.
	(e) Memoranda or slips on which are listed waybills sent to audit office, if such memoranda or slips are not used in auditing the accounts.	Optional.
	(f) Duplicates of above records. (See item 336a.)	
234	Card waybills: (a) Card waybills, when used as revenue billing	2 years.
	(b) Card waybills, when shipments are covered by other revenue waybills	1 year.
	(c) Card waybills for nonrevenue shipments	Do.
	(d) Home route car waybills	Do.
235	Car cards, placards, and car certificates: (a) Car cards, side cards, placards and copies of car certificates when used for routing purposes or to show contents or condition of cars and with rules for handling.	Optional.
	(b) Inspection certificates for cars containing explosives, forwarding agents' original	2 years.
236	Reports, records, and instructions regarding the makeup of trains	1 year.
237	Records of freight stopped in transit: Records and reports showing the particulars in connection with shipments stopped, such as grain to be cleaned or milled, lumber to be dressed, posts or poles to be sorted, livestock to be fed, cotton to be compressed, etc.; and those showing particulars in regard to reshipment to final destination. (For duplicates see item 336a.)	3 years.
238	Freight bills and settlements: (a) Copies of freight bills for freight and other charges	2 years.
	(b) Copies of agents' settlements with consignors and consignees	Do.
	(c) Agents' settlements between carriers	Do.
	(d) Lists of bills sent to audit office for collection and credit	Do.
	(e) Reports of uncollected freight charges	Do.
	(f) Duplicates of above records. (See item 336a.)	
239	Freight corrections: (a) Records and reports of correction notices	Do.
	(b) Duplicates of above records. (See item 336a.)	
240	Freight records: (a) Records of and receipts for delivery of freight to consignees and connecting carriers.	3 years.
	(b) Freight checkers' records	Do.
	(c) Orders from consignees for delivery of freight	Do.
	(d) Transfer records of freight received from and delivered to connecting carriers	Do.
	(e) Records for the diversion or reconsignment of freight	Do.
241	Notices of freight arrivals: Copies of notices to consignees of the arrival of freight	2 years.
242	Records of shipments accorded pick-up, delivery, drayage, c. o. d. or substitute highway service: (a) Reports and manifests of shipments accorded pick-up, delivery or drayage service.	Do.
	(b) Records and reports of c. o. d. shipments billed and received	Do.
	(c) Reports and manifests of shipments handled in substitute highway service	Do.
243	Freight reports: (a) Reports and abstracts of commercial waybills made and received	Do.
	(b) Reports and abstracts of company freight waybills made and received	Do.
	(c) Passing reports at junction points of through waybills forwarded to and received from connecting carriers.	1 year.

Item	Description of records	Period to be retained
	AGENCIES, YARDS AND ACCOUNTING BUREAUS—continued	
243	Freight reports—Continued	
	(d) Passing reports of waybills covering freight moving over divisions, bridges, etc.	1 year.
	(e) Reports of shipments received or forwarded, not covered by waybills, such as coal, ore, etc.	2 years.
	(f) Duplicates of above records. (See item 336a.)	
244	Switching records:	
	(a) Reports and records pertaining to revenue switching	Do.
	(b) Switching orders, switching tickets, and switching waybills	Do.
	(c) Duplicates of above records. (See item 336a.)	
245	Demurrage and storage records:	
	(a) Records of cars received, placed, and released and of accruals of demurrage	Do.
	(b) Records of car hire department and to demurrage and storage bureaus of accruals and collections of demurrage and storage charges.	Do.
	(c) Reports of uncollected demurrage and storage charges	Do.
	(d) Duplicates of above records. (See item 336a.)	
246	Miscellaneous collections by agents:	
	Records and reports of overcollection of freight and other charges (with record of refunds or additional charges obtained), of weight, loss, weighing, reconsignment, loading, and unloading charges; garnishee fees, etc. (For duplicates see item 336a.)	Do.
247	Car records and interchange reports:	
	(a) Records and reports of cars received, forwarded, and on hand and wanted, including interchange reports of cars interchanged at junctions, when data are transcribed into other records	Do.
	(b) Telegraphic report of movement of freight, when data are transcribed into other records	1 year.
	(c) Telegraphic report of movement of freight, when data are transcribed into other records	Do.
	(d) Record of car seals applied, released, and on hand	Do.
	(e) Yard car books showing cars on various yard tracks and industrial tracks	Do.
	(f) Duplicates of above records. (See item 336a.)	Optional.
248	Ticket records:	
	(a) Records of tickets received, sold, and on hand	2 years.
	(b) Inventories of tickets at agencies	Do.
	(c) Records of adjustments and corrections on ticket reports	Do.
	(d) Stubs of tickets, etc	6 months after audit.
	(e) Envelopes and receipts for stop-over tickets deposited with agents at stop-over points	Optional.
	(f) Duplicates of above records. (See item 336a.)	
249	Ticket reports:	
	(a) Reports of sale of tickets, sale of mileage books, collection for baggage, etc. (For duplicates, see item 336a.)	2 years.
	(b) Report of coupons returned for tickets redeemed or issued in exchange	Do.
250	Sleeping, parlor, and chair car diagrams and correspondence in connection with reservations.	Optional.
251	Baggage records:	
	(a) Baggage records	2 years.
	(b) Baggage way bills and manifests	Do.
	(c) Weight slips for baggage and for return of empty containers	1 year.
	(d) Records of excess and c. o. d. baggage checks issued	2 years.
	(e) Releases for baggage in bad order	Do.
	(f) Receipts from agents, baggagemasters, and others for valuable letters and packages	Optional.
	(g) Receipts for lost and mismatched baggage checks	Do.
	(h) Transfer baggage checks (see item 336b)	Do.
	(i) Duplicates of above records. (See item 336b.)	
252	Agency cash books	6 years.
253	Remittances:	
	(a) Agents' and conductors' remittance slips, bank deposit slips, and supporting papers, not provided for elsewhere	2 years.
	(b) Agents' records of remittances	Do.
	(c) Statements of cash items and cash papers deposited with agents by conductors.	Do.
	(d) Duplicates of above records. (See item 336a.)	
254	Relief claims:	
	(a) Register of agents' relief claims	Do.
	(b) Agents' relief claims and supporting papers	Do.
255	Station records summarizing the debits and credits on account of revenues, remittances, claims, etc.	Do.
256	Agents' balance sheets:	
	(a) Monthly balance sheets and supporting papers	3 years.
	(b) Daily and weekly balance sheets, when figures are combined on monthly balance sheets.	1 year.
	(c) Daily and weekly balance sheets and supporting papers, when figures are not combined and carried to monthly balance sheets.	3 years.
	(d) Duplicates of above records. (See item 336a.)	
257	Other agency and yard records:	
	All records at agencies and yards not otherwise provided for in these regulations	1 year.

Item	Description of records	Period to be retained
	REPORTS TO REGULATORY AGENCIES—continued	
300	Financial and statistical reports—Continued	
	(k) Monthly locomotive boiler inspection and repair reports, file copies of, and supporting papers.	2 years.
	(l) Annual locomotive boiler inspection and repair reports, file copies of, and supporting papers.	5 years.
	(m) Special orders from Interstate Commerce Commission for repairs to locomotive boilers, and file copies of special repair reports covering such repairs.	2 years.
	(n) Quarterly boiler inspection and repair reports, other than steam locomotive, file copies of, and supporting papers.	5 years.
	(o) Specification cards for locomotive boilers, file copies of, and supporting blueprints and alteration reports.	1 year after boiler is retired.
	(p) Freight car location reports, file copies of, and supporting papers	1 year.
	(q) Reports to regulating bodies regarding expenditures of proceeds from sale of authorized securities, file copies of, and supporting papers.	5 years.
	ADMINISTRATIVE, FINANCIAL, AND STATISTICAL REPORTS	
310	Monthly or other periodical statements of general balance sheet, income, and retained income accounts, comparative or otherwise.	2 years.
311	Monthly or other periodical statements of revenues and expenses, comparative or otherwise, and analyses of increases and decreases.	Do.
312	Monthly or periodical statements of estimated or approximate revenues and expenses, when not used as bases for crediting or charging the accounts.	Optional.
313	Agents' daily or weekly reports of tonnage, revenue, or receipts, used only for preparing statements of estimated revenues or the movement of traffic.	Do.
314	Monthly or other periodical statements of tonnage handled, by tons, ton-miles, commodities, divisions, or otherwise.	2 years.
315	Monthly or other periodical statements of car-miles, train-miles, and movements of freight and passenger cars.	Do.
316	Monthly or other periodical statements of performances of locomotives	Do.
317	Monthly or other periodical statements of employees by duties, days, compensation, or otherwise.	Do.
318	Monthly or other periodical statements of passenger traffic, by number of passengers, passenger-miles, divisions, or otherwise.	Do.
319	Working papers or records on which are assembled figures for records covered by items 310, 311, 314–318.	Do.
320	Miscellaneous statistical reports, statements, and summaries used for administrative purposes only. (Not otherwise provided for herein.)	Optional.
	MISCELLANEOUS	
330	Records of employees:	
	(a) Applications for employment, reports and certificates of examinations, service records, efficiency tests, employees' rosters, and other similar records pertaining to employees.	1 year after termination of service.
	(b) Applications for employment and replies thereto not resulting in employment of applicant.	Optional.
331	Instructions to agents and others:	
	(a) Books and circulars of instructions to agents and others, in the general file of the department in which the complete official file is maintained.	3 years after expiration or cancellation.
	(b) Surplus copies of books and circulars of instructions and copies in other departments and at agencies, if copies of the same issues are preserved in the general file referred to in (a) above.	Optional.
332	Land, industrial, and immigration department records:	
	(a) Reports, records, and correspondence containing inquiries from and replies to prospective homeseekers and industries regarding localities and conditions.	2 years.
	(b) Agents' periodical itinerary reports	1 year.
	(c) Agents' periodical field or work reports	Do.
	(d) Periodical reports from agents, industries, and others, furnishing data for annual reports for industrial, commercial, and agricultural directories, and similar publications.	Do.
333	Provident department records:	
	Records of provident departments, such as employees' relief, hospital, insurance and savings departments, other than records pertaining to the receipt and disbursement of funds.	1 year after termination.
	NOTE: The records pertaining to the receipt and disbursement of funds must be retained for the same periods as are provided for similar records elsewhere in this order.	
334	Correspondence:	
	(a) Correspondence and records thereof relating to subjects listed in items 1 to 333 inclusive.	For the period prescribed for the records to which the correspondence relates.
	(b) Operators' copies of telegrams, including relay copies, if the original or other copies of such messages are retained, as provided for in (a) above.	Optional.
	(c) Stenographers' notebooks and phonograph and other mechanical device records, if transcripts thereof are retained, as provided for in (a) above.	Do.
	(d) Extra copies of letters, etc., used for tracing or following up correspondence, or for other purposes, if original or other copies are retained as provided for in (a) above.	Do.
335	Data processing:	
	Tabulating cards, tapes, and other media used in the compilation of accounts and statistics and other data, when the results are transcribed to other records covered by these regulations.	Do.
336	(a) Duplicate copies of records and documents covered by items 231–233; 237–239; 245–249; 251, 253, 256, when held by agents.	See § 110.7.
	(b) Duplicates of other accounts, records, and memoranda listed in these regulations when they are not provided for otherwise and when they contain no information other than that shown on the originals.	Optional.
337	The official record of records and documents destroyed (see § 110.5)	Permanent.

[F. R. Doc. 57–7221; Filed, Sept. 5, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

COLORADO RIVER INDIAN IRRIGATION PROJECT, ARIZONA

OPERATION AND MAINTENANCE CHARGES

Notice is hereby given of intention to modify the regulations in Part 130 dealing with operation and maintenance assessments against the irrigable lands of the Colorado River Indian Irrigation Project, Arizona, as set forth below. This modification would increase the basic allowance of irrigation water from 5 acre-feet per acre to from 6 to 8 acre-feet per acre on certain sandy areas; revoke the charges for stock water; advance the due date for payment of basic charges from March 1 to February 1; eliminate the partial cash payment rate of $3 per acre, in the old portion of the project; remove the 10 acre limitation contained in present § 130.8a *Advance payment may be waived*, and combine the modified provisions thereof with § 130.8; and renumber § 130.8b *Water users responsible for water after delivery* by assigning § 130.8a thereto.

Interested persons are hereby given opportunity to participate in the proposed revisions by submitting their views, data, or arguments in writing to the Area Director, Bureau of Indian Affairs, P. O. Box 7007, Phoenix, Arizona, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 30, 1957.

1. Section 130.6 is amended to read as follows:

§ 130.6 *Charges.* Pursuant to the provisions of the acts of Congress approved August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385–387), the annual basic charge against the land to which water can be delivered under the Colorado River Indian Irrigation Project in Arizona, for the operation and maintenance of that project, is hereby fixed at $6 per irrigable acre, whether water is used or not. Payment of this charge will entitle the water user to from six to eight acre-feet of water per acre on certain sandy areas as described in a schedule on file at the Colorado River Indian Agency and available for inspection by interested parties, and to five acre-feet of water per irrigable acre on all other lands. With the ap-

proval of the Superintendent excess water may be allowed on certain alkali tracts at no additional charge for the purpose of reclaiming lands by the usual methods, such as flooding, leaching, etc. The foregoing charges and allotments of water shall become effective for the calendar year of 1958 and continue in effect thereafter until further notice.

2. Section 130.7 is amended to read as follows:

§ 130.7 *Excess water charges.* Additional water, if and when available, in excess of basic allowances, may be delivered upon written request to the Superintendent by landowners or users at the rate of $1.50 per acre-foot, or fraction thereof.

3. Section 130.7a *Charges for stock water* is revoked.

4. Section 130.8 is amended to read as follows:

§ 130.8 *Time of payments.* The basic water charge fixed in § 130.6 shall become due on February 1 of each year and shall be payable on or before that date each year, and in advance of delivery of water, except when:

(a) The Superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the Superintendent stating that such Indian is not financially able to pay such charges. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

(b) The Superintendent allows postponement of payment of the water charges by Indians in hardship cases. Such postponements, however, are not to exceed sixty days from February 1.

(c) Assignments or leases of Indian lands that become effective during the last half of the calendar year, and basic charges have not been paid in full, and irrigation water is desired during that half of the calendar year, the assignee or lessee will be required to pay prior to delivery of water, one-half the annual basic charge, for delivery of not to exceed one-half of the annual basic allotment of water, and if the lease term ends on June 30, the lessee shall be charged one-half of annual basic assessment for that calendar year, plus excess water charges for water used in excess of one-half of the annual basic allotment.

(1) The excess water charge is payable at the time of written request for such water and must be paid prior to delivery of the excess water, except as provided under paragraph (a) of this section.

(2) No water shall be delivered for use on Indian trust lands under lease until the Superintendent of the Indian Reservation has certified that the lessee has paid the required operation and maintenance charges and complied with all the terms of the lease contract.

5. Section 130.8a *Advance payment may be waived* is revoked.

6. Section 130.8b *Water users responsible for water after delivery* is renumbered § 130.8a.

[F. R. Doc. 57-7290; Filed, Sept. 5, 1957; 8:46 a. m.]

Bureau of Land Management

[43 CFR Part 76]

LAND GRANT FOR MENTAL HEALTH PROGRAM, ALASKA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 202 of the act of July 28, 1956 (70 Stat. 709, 711, 712), and Revised Statutes 2478 (43 U. S. C. 1201), it is proposed to issue regulations governing selection of public lands by the Territory of Alaska in satisfaction of the land grant made by said act in furtherance of the Alaska Mental Health Program.

The proposed regulations are set forth below.

Interested persons may submit in triplicate written comments, suggestions, or objections in respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 30, 1957.

SUBCHAPTER A—ALASKA

The title to Part 76 is revised to read "School Land Reservation, Grants for Educational and Institutional Purposes" and new §§ 76.7 to 76.13 are added to read as follows:

GRANT TO ALASKA FOR MENTAL HEALTH PROGRAM

Sec.
76.7 Statutory authority.
76.8 Waiver of Territorial preference right of selection.
76.9 Lands subject to selection; patents; minerals.
76.10 Selections.
76.11 Segregative effect of selections; effect of approvals.
76.12 Publication and protests.
76.13 Appeals.

AUTHORITY: §§ 76.7 to 76.13 issued under 70 Stat. 709, 711, 712, and R. S. 2478 (43 U. S. C. 1201).

GRANT TO ALASKA FOR MENTAL HEALTH PROGRAM

§ 76.7 *Statutory authority.* (a) The act of July 28, 1956 (70 Stat. 709, 711, 712), referred to in §§ 76.7 to 76.13 as "the act", grants to the Territory of Alaska the right to select, within 10 years from July 28, 1956, not to exceed one million acres from the public lands in Alaska which are vacant, unappropriated and unreserved at the time of selection.

(b) The act further provides, that, upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than 90 days before the date on which it otherwise becomes effective during which period the Territory of Alaska shall have a preferred right of selection under the act, subject to prior existing valid rights, to equitable claims subject to allowance and confirmation, and to other preferred rights of application conferred by law other than the preferred right of application created by section 4 of the act of September 27, 1944 (58 Stat. 749; 43 U. S. C. 282), as amended.

§ 76.8 *Waiver of Territorial preference right of selection.* Where the proper selecting agent of the Territory files in writing in the appropriate land office a waiver of the preference provisions of paragraph (b) of § 76.7 in connection with the proposed revocation of an order of withdrawal, the order effecting such revocation will not provide for such preference.

§ 76.9 *Lands subject to selection; patents; minerals.* (a) Under the act, the Territory may select any vacant, unappropriated, and unreserved public lands in Alaska, whether or not they are surveyed and whether or not they contain mineral deposits. Where the preference provisions of paragraph (b) of § 76.7 do not apply, selections by the Territory of lands covered by an application filed prior to the Territorial selection will be rejected when and if such application is allowed.

(b) Patents will be issued for all selections approved under the act by the authorized officer of the Bureau of Land Management but such patents will not issue unless or until the lands are officially surveyed.

(c) Patents issued under the act will convey to the Territory all mineral deposits in the selected lands except that mineral deposits in lands which were on January 1, 1956, subject to Public Land Order No. 82 of January 22, 1943, will be reserved to the United States. Any minerals subject to the leasing laws and reserved to the United States in lands patented under the act may be disposed of to any qualified person under applicable laws and regulations. Until rules and regulations are issued, other minerals are not subject to disposition, or, except by an authorized Federal agency, to prospecting.

§ 76.10 *Selections.* (a) Selections of lands under the act will be made by the proper selecting agent of the Territory and will be filed, in triplicate, in the land office of the district in which such selected lands are situated. No special form is required but it must be typewritten and must contain the following information:

(1) A reference to the act of July 28, 1956 (70 Stat. 709).

(2) A certificate by the selecting agent showing

(i) That the selection is made under and pursuant to the laws of the Territory.

(ii) That the selection, together with other selections under the act pending or approved, does not exceed one million acres.

(iii) His official title and his authority to make the selection on behalf of the Territory.

(iv) That no portion of the selected land is occupied for any purpose by the United States and that the land is unoccupied, unimproved, and unappropriated by any person claiming the land other than the applicant.

(v) That the selected land does not extend more than 160 rods along the shore of any navigable water or that such restriction has been waived or should be waived (see § 77.4 (b) of this chapter).

(vi) All the facts relative to medicinal or hot springs or other waters upon the selected lands.

(vii) The date on which the lands were posted in accordance with § 76.11.

(3) If the selected lands are surveyed, the legal description of the lands in accordance with the official plats of survey.

(4) If the selected lands are unsurveyed, a description of the lands and a map or maps, in triplicate, sufficient to permit ready identification of the location, boundaries, and area of the lands.

(b) Selections must be accompanied by a filing fee of $10 for each 1,000 acres or fraction thereof in the selection which fee is not returnable.

(c) All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved. A tract will not be considered compact if it adjoins other public lands available for selection which the authorized officer of the Bureau of Land Management considers a part of such tract, taking into account the situation and potential uses of all the lands involved. Not more than 6,400 acres will be included in any one selection except where the lands selected consist of one compact tract in excess of 6,400 acres.

§ 76.11 *Segregative effect of applications; effect of approvals.* (a) Lands desired by the Territory under the act will be segregated from all appropriations based upon settlement and location, including locations under the mining laws, when the Territory adequately posts the lands with notices showing the date of said posting and that it has selected the lands or intends to select them within 60 days of the date of posting such notices. Such segregation will automatically terminate if the Territory fails to make selection of the lands within 60 days of posting notice of intention to select. Otherwise it will continue until final action is taken on the selection. The Territory will be expected to remove such notices from public lands promptly upon termination of the segregation period. Lands desired by the Territory under the act will be segregated from all appropriations based upon applications upon filing of its selection in the appropriate land office.

(b) Following the selection of lands by the Territory pursuant to the requirements of §§ 76.10 and 76.12, the Territory shall be authorized to lease and make conditional sales of such selected lands pending survey of the lands, if necessary, and issuance of patent.

§ 76.12 *Publication and protests.* (a) The Territory will be required to publish once a week for five consecutive weeks in accordance with § 106.14 of this chapter, at its own expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of patent for lands selected under the act. A protestant must serve on the Territory a copy of the objections and furnish evidence of service to the appropriate land office.

(b) The Territory must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 76.13 *Appeals.* An appeal pursuant to the Rules of Practice, Part 221 of this chapter, may be taken from the decision of the authorized officer of the Bureau of Land Management.

[F. R. Doc. 57-7295; Filed, Sept. 5, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture is considering the approval of a proposed revision of rules and regulations (Subpart—Rules and Regulations, 7 CFR 959.100–959.132) as hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Considerations will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposed revision of the rules and regulations is as follows:

SUBPART—RULES AND REGULATIONS

GENERAL

§ 959.100 *Communications.* Unless otherwise provided in the marketing agreement and order (§§ 959.1 to 959.88), or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection therewith shall be addressed to the committee at its principal office.

DEFINITIONS

§ 959.110 *Order.* "Order" means Order No. 59, as amended (§§ 959.1 to 959.88), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon, except Malheur County.

§ 959.111 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 114, as amended.

§ 959.112 *Terms.* Terms used in this subpart shall have the same meaning as when used in said marketing agreement and order.

§ 959.113 *Area determinations.* "Immediate production area," and "immediate shipping area," respectively, are each synonymous with "district."

EXEMPTIONS

§ 959.120 *Application.* (a) Any producer or handler applying for an exemption pursuant to §§ 959.65 through 959.68 from regulations issued pursuant to § 959.52, shall file such application with the committee, or its duly designated agent for such purpose, on forms to be furnished by the committee. Each application shall state (1) the name and address of the applicant, (2) the grade, size, and quality regulations for which exemption is requested, (3) facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond the applicant's reasonable expectation and control, and (4) any further information, in addition to the information required in paragraphs (b) and (c) of this section, as the committee may find necessary in making determinations with respect to such an application.

(b) Producer applications shall set forth the information required by subparagraphs (1), (2), (3), and (4) of this paragraph:

(1) The immediate production area, the location of the applicant's farms or ranches, and the fields and storage facilities where the applicant's potato crop may be inspected;

(2) The applicant's acreage and production of potatoes for the current season, varieties produced, and the quantity of each variety stated in terms of hundredweights, grades, and sizes;

(3) An estimate of the percentage of such applicant's potato crop which cannot be shipped because of regulations issued and in effect pursuant to §§ 959.52, 959.54, 959.65 through 959.68 inclusive, or any combination thereof, stated in terms of varieties, grades, and sizes; and

(4) A statement of the respective aggregate amounts of the applicant's potato crop (i) which have been sold during the current marketing season, and (ii) are remaining to be sold, each stated in terms of varieties, hundredweights, grades, and sizes.

(c) Handler applications shall set forth the information required by subparagraphs (1), (2), (3), and (4) of this paragraph:

(1) The quantity of potatoes acquired by the applicant during and immediately following the current digging season and stored, stated in terms of varieties, hundredweights, grades and sizes;

(2) The immediate shipping area and the location of the cellars, warehouses, and other storage facilities where such potatoes are stored;

(3) An estimate of the percentage of applicant's holdings of ungraded potatoes which cannot be shipped because of regulations issued and in effect pursuant to §§ 959.52, 959.54, 959.65 through 959.68, inclusive, or any combination thereof, stated in terms of varieties, grades and sizes; and

(4) A statement of the respective aggregate amounts of potatoes referred to in subparagraph (1) of this paragraph which (i) have been sold by the applicant during the current marketing season and (ii) are remaining to be sold, each in terms of varieties, hundredweights, grades, and sizes.

§ 959.121 *Investigation of applications.* (a) Each exemption application filed with the committee shall be accompanied by the applicant's certified statement setting forth the total quantity of such applicant's potatoes which have been graded; the quantity of such potatoes which meet the requirements in effect pursuant to § 959.52 on the date of the application; the quantity of such potatoes (exclusive of culls) which fail to meet such requirements on such date; and the quantity of such potatoes which are culls. Such certified statement shall be based upon the actual packout or grading of such potatoes. The committee, or any specifically authorized representative thereof, including a Federal-State inspector, may make such further investigations deemed necessary by the committee to verify the foregoing statements, and the cost of any such Federal-State inspection shall be borne by the applicant for exemption. If more than one exemption certificate is issued to an applicant during a marketing season, the total quantity of potatoes authorized to be shipped by such certificates shall not exceed the proportion specified in § 959.122.

(b) The committee shall keep account of the exemptions issued to applicants in those cases where the exemption certificate covers only a portion of the applicant's production or storage holdings. The quantity of potatoes exempted, if computed on a part of an applicant's production or storage holdings, shall be taken into consideration prior to issuing any future exemptions on the remainder of such applicant's production or storage holdings and shall be computed as part of the exemptions granted to such applicant during the then current season.

(c) In any case where the committee determines that the total quantity of graded potatoes referred to in paragraph (a) of this section is not representative of the applicant's entire production or ungraded storage holdings, the committee may require the exemption application to be accompanied by a report of a Federal-State inspector, which report shall contain the following:

(1) A statement by the inspector that he personally visited the farm, ranch, cellar, warehouse, and storage facility described in the application, and that a representative sample of the potatoes remaining therein or contained thereon was taken by him;

(2) A statement of the percentage of the potatoes so sampled by him which meet the grade, size, and quality requirements of regulations then in effect;

(3) A statement of the defects or damage causing such potatoes, or stated percentage thereof, to fail to meet such grade, size, and quality requirements. In the event that different regulations are in effect for different varieties of potatoes, the inspector's report shall show such percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The committee, or any specifically authorized representative thereof, may make such investigation as is deemed necessary to determine whether the exemption requested should be granted.

§ 959.122 *Issuance of certificate.* (a) Whenever the committee finds and determines, from proof satisfactory to the committee, that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of, an exemption certificate which shall authorize the applicant to ship, or cause to be shipped, such quantity of potatoes, which may fail to meet the minimum grade, size, and quality requirements in effect at the time thereof, as is authorized by §§ 959.65 through 959.68, inclusive.

(b) The manager of the committee, or any employee authorized by him, may issue exemption certificates for and on behalf of the committee: *Provided,* That the committee shall have first determined the "average proportions" or percentages referred to in § 959.66.

(c) If it is determined by the committee that an applicant is not entitled to an exemption certificate, the applicant shall be so advised in writing and given the reasons therefor.

(d) Each certificate of exemption issued as provided in this section shall contain the applicable producer's or handler's name and address, the location of his farm, ranch, cellar, warehouse, and storage facility, as the case may be, the quantities of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the applicant to ship, or cause to be shipped, potatoes which do not meet the requirements of the then current grade, size, and quality regulations. Each certificate of exemption shall be transferable, in whole or in part, with the potatoes in accordance with the amount of potatoes transferred.

§ 959.123 *Reports and records.* For the purpose of enabling the committee to perform its functions pursuant to the provisions of this part, each handler shall report shipments under exemption certificates to the committee in such form and at such times and substantiated in such manner as shall be prescribed by the committee. All forms, reports, correspondence, and documents used, pursuant to this subpart, shall be kept on file by the committee and records thereof shall be maintained by the manager of the committee. A record of all exemption certificates issued (if any) shall be furnished weekly by the manager to the Secretary of Agriculture.

SAFEGUARDS

§ 959.130 *Application for Certificates of Privilege.* (a) All handlers desiring to make shipments of potatoes for the following purposes shall, when such shipments are regulated pursuant to §§ 959.40 to 959.60, inclusive, or any combination thereof, obtain from the committee prior to initiating such shipments, a Certificate, or Certificates, of Privilege permitting such shipments:

(1) Grading or storing in the production area;

(2) Export;

(3) Distribution by relief agencies or consumption by charitable institutions;

(4) Manufacture or conversion into specified products or byproducts;

(5) Livestock feed.

(b) Handlers desiring to make shipments of seed potatoes may be required to first apply to the committee for and obtain a Certificate, or Certificates, of Privilege permitting such shipments.

(c) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, the quantity of potatoes to be shipped, name of the consignee, designation, certification as to correctness of statements made, a statement that the applicant will comply with disposition stated therein, and such other information, or be accompanied by such other documents, as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate, or Certificates, of Privilege were granted.

§ 959.131 *Issuance.* The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

§ 959.132 *Reports.* Each handler shipping potatoes under, and pursuant to, a Certificate of Privilege shall supply to the committee, upon request, a report thereon, showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulations in effect at the time of such shipment), loading point, destination, and consignee.

§ 959.133 *Denial and appeals.* The committee may rescind a Certificate, or Certificates, of Privilege, issued to a handler pursuant to this part, or deny Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to provisions of this part. Such committee action denying or rescinding a Certificate, or Certificates, of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Dated: August 30, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-7283; Filed, Sept. 5, 1957; 8:45 a. m.]

Agricultural Research Service

[7 CFR Part 301]

SOYBEAN CYST NEMATODE

DOMESTIC QUARANTINE NOTICES

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (Public Law 85–36), proposes to amend notice of quarantine No. 79 relating to the soybean cyst nematode (7 CFR 301.79, 22 F. R. 5911) by adding to the quarantined States specified therein the States of Arkansas, Kentucky, and Mississippi.

A public hearing on the aforesaid proposal was held before a representative of the Agricultural Research Service in Memphis, Tennessee, on July 24, 1957.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; secs. 103, 106, Pub. Law 85-36)

Done at Washington, D. C., this 30th day of August 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-7322; Filed, Sept. 5, 1957; 8:51 a. m.]

[7 CFR Part 301]

SOYBEAN CYST NEMATODE

PROPOSED AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Director of the Plant Pest Control Division, pursuant to § 301.79–2 of the regulations supplemental to the soybean cyst nematode notice of quarantine (7 CFR 301.79–2, 22 F. R. 5913), under the Federal Plant Pest Act (Pub. Law 85–36) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), proposes to amend administrative instructions now appearing as § 301.79–2a (22 F. R. 5915) by adding to the counties, other civil divisions, farms, other premises, and parts thereof designated as regulated areas therein the following localities in Arkansas, Kentucky, and Mississippi.

ARKANSAS

Crittenden County. The irregular portion on the eastern boundary of the county between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line, bounded on the north by the Crittenden-Mississippi County line and on the south by an east-west line projected from the levee to the State line, lying one mile south of the intersection of a graded road and the levee at the head of Wapanocca Bayou.

Mississippi County. The irregular portion on the eastern boundary of the county lying between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line.

The property known as the Bert Hardesty Farm, shown on some ownership maps as the E. C. Adkisson Farm, located 1½ miles north and 3¼ miles east of the Town of Armorel on State Highway 137, this tract of land being the S½ of SE¼ of sec. 6, T. 15 N., R. 13 E.

KENTUCKY

Fulton County. The property owned and operated by Whitson Bros., in secs. 24 and 25, T. 1 N., R. 7 W., in the detached portion of Fulton County.

MISSISSIPPI

De Soto County. That portion of secs. 28, 29, 31, and 32, T. 2 S., R. 10 W., lying between the Mississippi River levee and the Mississippi-Arkansas State line.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, Pub. Law 85-36, 85th Cong.; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 30th day of August 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57-7323; Filed, Sept. 5, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12065]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATION (LAFAYETTE-TERRE HAUTE, IND.)

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Lafayette-Terre Haute, Indiana).

The Commission has before it for consideration the petition of Plains Television Corporation filed on August 26, 1957, requesting that the time for filing reply comments in the above-entitled proceeding be extended to September 9, 1957.

On June 24, 1957, the Commission released a Notice of Proposed Rule Making in this proceeding with respect to the proposal of Lafayette Broadcasting Company, Inc. for the shifting of television Channel 10 from Terre Haute to Lafayette, Indiana. The Notice specified that comments should be filed by August 1, 1957. On July 30, 1957, the Commission adopted an Order extending the time for filing comments to August 16, 1957, with reply comments to be filed by August 26, 1957.

On the last day for filing reply comments, Plains Television filed the subject request for an extension to September 9, 1957. Plains states that Northwestern Publishing Company (WDAN–TV), Danville, Illinois, submitted a counterproposal for the assignment of Channel 10 to Danville or to Danville-Lafayette and urges that this counterproposal has altered the issues in the proceeding and will require the filing of more extensive comments. Plains Television states, also, that the time for preparation of reply comments "fell within the August recess period" and that for this reason and due to the press of other business, it has been unable to complete preparation of reply comments in time for filing by the August 26th date.

The Commission is of the view that Plains Television has established good cause for extending the time for filing reply comments in this proceeding and that such extension will serve the public interest, convenience and necessity.

In view of the foregoing: *It is ordered,* That the aforesaid request of Plains Television Corporation for an extension of time to file reply comments in this proceeding is granted; and that the time for filing comments in the above-entitled proceeding is extended from August 26, 1957 to September 9, 1957.

Adopted: August 29, 1957.

Released: August 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7327; Filed, Sept. 5, 1957; 8:52 a. m.

[47 CFR Parts 7, 8]

[Docket No. 11374; FCC 57-944]

SHIP AND COAST STATIONS USING RADIOTELEPHONY ON THE MISSISSIPPI RIVER AND CONNECTING INLAND WATERS (EXCEPT THE GREAT LAKES)

EXTENSION OF TIME FOR FILING PROPOSED FINDINGS OF FACTS AND CONCLUSIONS OF LAW AND REPLIES THERETO

In the matter of amendment of parts 7 and 8 of the Commission's rules to delete the frequencies 6240 and 6455 kc and to make 4372.4 kc available on a full-time basis for ship and coast stations using radiotelephony on the Mississippi River and connecting inland waters (except the Great Lakes), Docket No. 11374.

At a session of the Federal Communications Commission, held at its offices in

Washington, D. C., on the 30th day of August 1957;

The Commission having before it for consideration a petition filed by American Waterways Operators, Inc. in the above-entitled proceeding; requesting that the time for filing proposed findings of fact and conclusions of law be extended from September 5 until September 12, 1957, and that the time for filing replies be extended from September 16 to September 18, 1957;

It appearing that good cause having been shown in the petition for the requested extension of time; and

It further appearing that while this is an expedited proceeding and that the Commission has ordered the record to be certified to it for final decision, the requested extension will delay the filing of pleadings for only two days; and

It further appearing that all other parties to the proceeding have indicated that they have no objection to the granting of this petition, and have agreed to a waiver of § 1.745 of the Commission's rules;

It is ordered, That the petition of American Waterways Operators, Inc. is granted, and the time for filing proposed findings of fact and conclusions of law is extended to September 12, 1957, and the time for filing replies thereto is extended to September 18, 1957.

Released: September 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7328; Filed, Sept. 5, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-162]

SUBMISSION OF DATA BY INDEPENDENT PRODUCERS; REVISION OF FORM

ORDER DENYING MOTION FOR HEARING, POSTPONEMENT OF ORAL ARGUMENT AND FILING OF BRIEFS

AUGUST 29, 1957.

On August 21, 1957, Sam Sklar, Carter-Jones Drilling Company, Nemours Corporation, J. C. Trahan Drilling Contractors, Inc., Bluford Stinchcombe, M. Ascher, Frank J. Anderson, B. E. Barnhill, L. D. Sinclair, Herbert Liese, Helen E. Anderson, Margaret A. Boden, Associated Oil & Gas Company, Orange Grove Oil and Gas Corporation, H. J. Mosser, Independent Petroleum Association of America, Continental Oil Company, Seaboard Oil Company, Phillips Petroleum Company, Gulf Oil Corporation, Humble Oil & Refining Company, Pan American Petroleum Corporation (formerly Stanolind Oil and Gas Company), and Rocky Mountain Oil & Gas Association, filed in this matter a Motion for Hearing, Postponement of Oral Argument and Filing of Briefs.

The Commission has carefully considered the allegations contained in the motion and is of the opinion that ample time was given by its order issued July 25, 1957, to prepare for the oral argument set for September 5, 1957, and that the opportunity afforded to file briefs and present oral argument is in complete accord with the provisions of the Natural Gas Act and the Administrative Procedure Act.

The Commission finds: No good cause has been shown for the Commission to grant the above-mentioned motion filed on August 21, 1957, and the motion should be denied.

The Commission orders: The motion for hearing and for other relief filed in this proceeding on August 21, 1957, as described above, is hereby denied.

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7311; Filed, Sept. 5, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EXCESS PROFITS CREDIT

ALLOWANCE DURING FISCAL YEAR ENDED JUNE 30, 1957

Subchapter E of Chapter 2 of the 1939 Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing the cases arranged alphabetically by internal revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowance pursuant to decisions entered by The Tax Court of the United States has been made in forty-one docketed cases. These are included in the list with appropriate notations. There are included as a supplemental to this list three cases in which relief was allowed by the Commissioner and seventeen cases in which relief was allowed by The Tax Court of the United States during the fiscal year ended June 30, 1956. These cases were not included in the list of allowances made during the fiscal year 1956 previously published.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain items, as displayed in their respective column headings of the list, and the data evolved follow:

Business in which engaged, column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved; therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of the business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess profits credit before allowance of relief, column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or capital.

Increase in the amount of excess profits credit claimed by taxpayer, column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the amount of excess profits credit allowed, column 6. This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross reduction in the excess profits tax, column 7.

Gross increase in the income tax, column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deferment under section 710 (a) (5), the foreign tax credit under section 729, the credit for debt retirement under section 783, the ten per cent credit under section 784, and the adjustment under section 734. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount of which 80 percent of net income exceeds the income tax, applicable to certain taxable years, and (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended—	Volume	No.	Date
June 30, 1942	9	194	Sept. 28, 1944
June 30, 1943	9	194	Do.
June 30, 1944	9	219	Nov. 2, 1944
June 30, 1945	10	224	Nov. 15, 1945
June 30, 1946	11	196	Oct. 8, 1946
June 30, 1947	12	197	Oct. 8, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951
June 30, 1952	17	175	Sept. 6, 1952
June 30, 1953	18	164	Aug. 21, 1953
June 30, 1954	19	185	Sept. 23, 1954
June 30, 1955	20	219	Nov. 9, 1955
June 30, 1956	21	183	Sept. 20, 1956

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE OF 1939 BY THE COMMISSIONER OF INTERNAL REVENUE

FISCAL YEAR ENDED JUNE 30, 1957

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722 (7)	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722 (8)
Albany:							
Watervliet Tool Co., Inc., 1349 Broadway, Albany, N. Y.	Manufacturer — tools and reamers.	Dec. 31, 1941[1]	$11,192.00	$46,792.20	$7,808.00	$3,145.34	$1,383.95
		Dec. 31, 1942[1]	11,192.00	46,792.20	7,808.00	7,027.20	2,190.45
		Dec. 31, 1944[1]	14,357.76	43,626.44	4,642.24	4,980.13	2,563.28
		Dec. 31, 1945[1]	16,025.38	41,958.82	2,974.62	2,825.89	1,576.56
Atlanta:							
Peerless Woolen Mills, Rossville, Ga.	Manufacturers of woolen cloth.	June 30, 1941[1]	353,250.01	218,185.14	30,419.24	13,688.66	None
		June 30, 1942[1]	425,834.11	351,831.04	57,004.93	34,202.96	10,602.93
		June 30, 1944[1]	461,483.99	305,832.41	11,006.30	18,845.34	9,020.53
		June 30, 1945[1]	455,552.08	310,379.03	15,552.92	8,360.83	8,360.83
		June 30, 1946[1]	442,618.59	323,312.52	28,486.41	13,948.90	5,861.21
Boston:							
First National Stores, Inc., 5 Middlesex Ave., Somerville, Mass.	Retail grocery and meat stores.	Mar. 31, 1943	3,263,536.87	598,134.83	59,475.33	507,902.06	225,734.25
		Mar. 31, 1944	3,263,536.87	598,134.83	59,475.33	54,267.17	23,790.13
		Mar. 31, 1945	3,263,536.87	598,134.83	59,475.33	56,501.56	23,790.14
		Mar. 31, 1946	3,263,536.87	598,134.83	59,475.33	42,569.67	17,924.07
Fraser's Inc. (Formerly: Fraser Dry Goods Co.), 144-152 Main St., Brockton, Mass.	Retail dry goods	Jan. 31, 1945[1]	10,408.13	32,976.52	516.87	491.02	149.90
		Jan. 31, 1946[1]	10,408.13	32,976.52	516.87	449.32	137.17
Peter R. Previte, Inc., 18 Clarendon St., Boston, Mass.	Wholesale florists	Dec. 31, 1945	2,086.83	9,313.17	763.17	824.14	234.28
Camden:							
Thermoid Co., Whitehead Rd., Trenton, N. J.	Manufacturing	Dec. 31, 1940[1]	317,214.94	590,095.39	76,589.51	32,047.03	None
		Dec. 31, 1941[1]	396,203.07	533,538.17	118,483.64	62,350.97	None
		Dec. 31, 1942[1]	358,252.43	824,385.47	118,483.64	106,635.27	47,393.46
		Dec. 31, 1943[1]	350,210.28	824,385.47	118,483.64	131,317.89	58,363.51
		Dec. 31, 1944[1]	352,284.90	824,385.47	118,483.64	112,559.46	47,393.46
		Dec. 31, 1945[1]	396,447.03	824,385.47	118,483.64	77,005.58	32,423.40
Chicago:							
Acme Visible Records, Inc., Crozet, Va. (Formerly: Chicago, Ill.).	Visible card system	Sept. 30, 1941[1]	52,441.48	91,089.51	13,773.52	4,595.96	None
		Sept. 30, 1942[1]	61,060.47	118,886.25	24,439.53	13,234.26	5,580.67
J. P. Seeburg Corp., 1510 North Dayton St., Chicago, Ill.	Manufacturer of automatic musical instruments and electronic equipment.	Sept. 30, 1943	788,317.73	1,111,682.27	42,932.27	115,917.12	51,518.73
		Sept. 30, 1944	788,317.73	1,111,682.27	42,932.27	80,492.14	34,345.82
		Sept. 30, 1945	785,124.58	1,111,682.27	42,932.27	40,785.66	17,172.91
Cleveland:							
The Alliance Manufacturing Co., Lake Park Blvd., Alliance, Ohio.	Manufacturers of fractional horsepower motors.	Dec. 31, 1941[2]	38,242.43	10,643.52	10,256.57	3,393.77	1,052.05
		Dec. 31, 1942[1]	24,312.96	24,572.99	24,189.04	21,234.09	12,364.93
		Dec. 31, 1943[1]	32,528.09	16,317.86	15,933.91	14,333.76	10,082.46
		Dec. 31, 1944[1]	49,400.89	62,185.21	1,045.11	5,875.43	3,808.17
Denver:							
Public Service Co. of Colorado, 900 15th St., Denver, Colo.	Electric and gas utility	Nov. 30, 1943 to Dec. 31, 1943[1]	2,699,935.11	752,187.53	343,279.33	27,086.14	12,268.91
		Dec. 31, 1944[1]	2,699,935.11	752,187.53	343,279.33	326,115.36	137,148.91
		Dec. 31, 1945[1]	2,699,935.11	752,187.53	343,279.33	326,115.36	137,311.73
Des Moines:							
Journal—Tribune Publishing Co., 423 Douglas St., Sioux City, Iowa.	Newspaper publishers	Oct. 31, 1943[3]	8,791.86	282,702.98	152,708.14	124,471.53	63,428.66
		Oct. 31, 1944[3]	12,877.82	278,617.02	152,422.18	112,795.73	64,396.41
		Oct. 31, 1945[3]	11,082.77	280,412.07	154,217.23	104,399.10	61,886.90
Detroit:							
Crystal Refining Co. of Carson City, Inc., Now: Carson City Refineries Inc., Carson City, Mich.	Crude oil refinery	Dec. 31, 1941[1]	83,099.80	131,923.79	49,900.20	18,089.32	5,607.69
		Dec. 31, 1942[1]	83,099.80	131,923.79	49,900.20	87,279.56	38,790.91
		Dec. 31, 1943[1]	83,099.80	131,923.79	49,900.20	44,910.18	19,960.08
		Dec. 31, 1944[1]	83,099.80	131,923.79	49,900.20	94,810.38	39,920.15
		Dec. 31, 1945[1]	83,099.80	131,923.79	49,900.20	47,405.19	19,960.08
The Detroit Edison Co., 2000 Second Ave., Detroit, Mich.	Public utility	Dec. 31, 1942[1]	8,611,202.79	5,996,460.62	218,957.21	416,885.87	185,282.61
		Dec. 31, 1943[1]	8,603,713.14	6,016,732.32	226,536.86	203,883.18	90,614.75
		Dec. 31, 1945[1]	8,389,846.04	6,057,221.39	268,077.82	254,673.93	107,231.13
Fitzjohn Coach Co., Muskegon, Mich.	Manufacturing busses	Nov. 30, 1941[2]	29,944.29	93,555.71	26,533.21	7,314.76	None
		Nov. 30, 1942[2]	35,877.42	87,622.58	32,997.58	22,031.54	9,000.55
		Nov. 30, 1943[2]	35,877.42	87,622.58	32,997.58	29,697.82	14,384.97
		Nov. 30, 1944[2]	35,877.42	87,622.58	32,997.58	19,572.57	13,790.04

See footnotes at end of table.

[1] Commissioner Digby dissenting.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE OF 1939 BY THE COMMISSIONER OF INTERNAL REVENUE—Continued
FISCAL YEAR ENDED JUNE 30, 1957—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Hartford:							
The Whitney Blake Co., P. O. Box K, Hamden, Conn.	Manufacturer of insulated wire.	Dec. 31, 1940[1]	$51, 993. 76	$57, 541. 24	$3, 581. 24	$2, 127. 15	None
		Dec. 31, 1941[1]	59, 965. 16	69, 329. 84	6, 534. 84	4, 482. 36	$1, 389. 53
New Haven Terminal, Inc., 30 Waterfront St., New Haven, Conn.	Rail, water, and truck terminal.	June 30, 1944[1]	26, 375. 48	106, 624. 52	3, 549. 52	17, 257. 71	8, 559. 89
		June 30, 1945[1]	24, 947. 74	108, 052. 26	4, 977. 26	15, 830. 91	6, 623. 59
		June 30, 1946[1]	23, 569. 37	109, 430. 63	6, 355. 63	4, 718. 02	3, 297. 86
Indianapolis:							
Champion Corp., 4714 Sheffield Ave., Hammond, Ind.	Manufacturing farm machinery.	Nov. 30, 1943[1]	38, 339. 79	111, 314. 18	6, 310. 21	5, 300. 79	2, 355. 90
		Nov. 30, 1944[1]	38, 339. 79	111, 314. 18	6, 310. 21	7, 604. 77	3, 487. 24
		Nov. 30, 1945[1]	38, 339. 79	111, 314. 18	6, 310. 21	5, 904. 70	2, 739. 92
		Nov. 30, 1946[1]	38, 339. 79	111, 314. 18	6, 310. 21	314. 83	231. 85
Greater Indianapolis Amusement Co., Inc., 134 West Washington St., Indianapolis, Ind.	Motion picture theaters	Sept. 30, 1941[1]	3, 368. 99	33, 076. 78	13, 731. 01	2, 694. 47	None
		Sept. 30, 1942[1]	3, 795. 63	32, 650. 14	26, 604. 37	19, 838. 51	8, 281. 34
Jackson:							
Seminole Manufacturing Co., Columbus, Miss.	Clothing manufacturing	Oct. 31, 1941[1]	74, 192. 51	142, 628. 37	14, 632. 49	6, 794. 06	None
		Oct. 31, 1942[1]	102, 029. 11	164, 928. 87	11, 970. 89	11, 052. 89	4, 630. 81
		Oct. 31, 1943[1]	103, 691. 42	163, 266. 51	10, 328. 53	14, 454. 37	6, 424. 17
		Oct. 31, 1945[1]	108, 176. 11	163, 246. 84	10, 288. 86	12, 194. 42	5, 134. 49
Jacksonville:							
Moore Dry Kiln Co., 1220 West State St., Jacksonville, Fla.	Dry kiln manufacturers	Dec. 31, 1941[1]	67, 624. 29	112, 863. 01	11, 223. 01	5, 611. 50	1, 739. 57
		Dec. 31, 1942[1]	67, 614. 99	165, 123. 01	11, 223. 01	10, 100. 71	4, 489. 20
Kansas City:							
Nutrena Mills, Inc. (Kansas) successor to Nutrena Mills, Inc. (Missouri), 44 Ewing St., Kansas City, Kans.	Feed	Dec. 31, 1941[2]	138, 733. 77	290, 269. 20	19, 000. 00	14, 250. 00	4, 417. 50
		Dec. 31, 1942[2]	153, 803. 78	275, 525. 91	4, 256. 73	3, 831. 05	1, 702. 69
Los Angeles:							
General Teleradio Inc. (Formerly: Thomas S. Lee Enterprises, Inc.), 1313 North Vine St., Hollywood, Calif.	Radio broadcasting	Dec. 31, 1940[1]	66, 709. 72	353, 469. 52	30, 665. 28	1, 349. 10	None
		Dec. 31, 1941[1]	85, 171. 75	335, 007. 49	33, 578. 25	23, 763. 10	7, 366. 56
		Dec. 31, 1942[1]	109, 941. 01	313, 708. 28	8, 808. 09	7, 928. 09	3, 523. 60
		Dec. 31, 1943[1]	112, 434. 11	311, 225. 18	6, 325. 89	5, 693. 30	2, 530. 35
Rocky Mountain Drilling Co., 437 South Hill St., Los Angeles, Calif.	Drilling contractors and operators.	July 31, 1944[2]	53, 629. 46	118, 804. 09	10, 970. 54	40, 543. 54	17, 455. 02
		July 31, 1945[2]	53, 629. 46	178, 103. 12	10, 970. 54	10, 422. 01	4, 388. 22
		July 31, 1946[2]	53, 629. 46	178, 103. 12	10, 970. 54	2, 258. 19	1, 839. 43
Lower Manhattan:							
Allied Chemical & Dye Corp., successor by merger to National Aniline & Chemical Co., Inc., 61 Broadway, New York, N. Y.	Manufacturing and selling dyestuffs, colors, etc.	Dec. 31, 1940[1]	2, 867, 855. 13	638, 587. 16	32, 019. 87	12, 156. 62	None
		Jan. 1, 1941 to Oct. 31, 1941[1]	3, 400, 695. 46	757, 064. 55	97, 481. 31	54, 942. 72	17, 032. 24
West Penn Power Co. c/o West Penn Electric Co., 50 Broad St., New York, N. Y.	Electric light and power	Dec. 31, 1942	6, 248, 792. 98	2, 666, 337. 87	280, 010. 51	264, 892. 95	112, 001. 21
		Dec. 31, 1943	6, 259, 384. 76	2, 655, 746. 09	269, 435. 56	452, 033. 88	200, 903. 95
		Dec. 31, 1944	6, 300, 031. 15	2, 615, 099. 70	228, 816. 05	217, 375. 24	91, 526. 42
Milwaukee:							
Ray-O-Vac Co., 2317 Winnebago Ave., Madison, Wis.	Manufacturing dry cell batteries.	Dec. 31, 1940[1]	151, 035. 57	101, 237. 40	23, 725. 74	6, 116. 39	None
		Dec. 31, 1941[1]	183, 914. 31	139, 019. 66	47, 613. 89	24, 461. 85	7, 583 17
		Dec. 31, 1942[1]	193, 553. 62	164, 702. 23	37, 473. 06	33, 725. 75	14, 989. 22
		Dec. 31, 1943[1]	192, 559. 33	164, 720. 19	37, 491. 02	28, 704. 28	14, 996. 41
Nashville:							
D. Canale & Co., 408 South Front St., Memphis, Tenn.	Produce and beer distributors.	Mar. 31, 1943[1]	40, 352. 52	51, 558. 08	7, 147. 48	6, 432. 73	3, 445. 49
		Mar. 31, 1944[1]	42, 119. 01	49, 791. 59	5, 380. 99	5, 245. 28	1, 029. 22
		Mar. 31, 1945[1]	43, 545. 28	48, 365. 32	3, 954. 72	4, 017. 60	1, 691. 62
		Mar. 31, 1946[1]	45, 926. 06	45, 984. 54	1, 573. 94	1, 288. 15	533. 96
Newark:							
Martin Weiner Corp., (formerly: Wohl Fabrics Co.) 225 Clifton Blvd., Clifton, N. J.	Converters of piece goods	Dec. 31, 1941[2]	34, 166. 87	150, 643. 28	7, 158. 13	3, 221. 16	998. 56
		Dec. 31, 1942[2]	35, 766. 87	150, 643. 28	7, 158. 13	6, 442. 32	3, 793. 81
New Orleans:							
Pan-Am Southern Corp., (formerly: Root Petroleum Co.) P. O. Box 2, New Orleans, La.	Oil	Dec 31, 1941[1]	299, 468. 20	801, 490. 55	129, 449. 36	140, 842. 70	43, 661. 24
		Dec. 31, 1942[1]	300, 666. 52	781, 552. 08	125, 923. 16	113, 330. 84	50, 399. 27
		Dec. 31, 1943[1]	275, 675. 37	811, 336. 76	149, 605. 89	134, 645. 30	59, 842. 35
		Dec 31, 1944[1]	238, 414. 29	831, 923. 18	186, 095. 24	143, 423. 00	74, 438. 09
		Dec. 31, 1945[1]	246, 729. 99	828, 424. 65	176, 101. 92	112, 162. 86	70, 440. 77
Oklahoma City:							
Rocky Mountain Pipe Line Co., P. O. Drawer 1267, Ponca City, Okla.	Transportation of crude oil by pipeline.	Dec. 31, 1940[3]	403, 664. 77	359, 361. 81	31, 160. 01	13, 354. 18	None
		Dec. 31, 1941[3]	509, 575. 99	404, 228. 30	38, 000. 00	41, 800. 00	12, 958. 00
		Dec. 31, 1942[3]	509, 575. 99	404, 228. 30	38, 000. 00	11, 948. 48	5, 310. 43
Omaha:							
Johnson Fruit Co., 717 West First St., Hastings, Nebr.	Wholesale fruit and vegetables.	Dec. 31, 1942[1]	14, 710. 43	35, 299. 47	9, 989. 17	21, 736. 66	11, 612. 85
		Dec. 31, 1943[1]	15, 950. 63	34, 059. 67	8, 749. 37	11, 095. 40	5, 519. 81
		Dec. 31, 1944[1]	17, 595. 90	32, 414. 40	7, 104. 10	6, 839. 15	3, 815. 52
		Dec. 31, 1945[1]	19, 454. 49	30, 555. 81	5, 245. 51	5, 009. 36	2, 794 69
The Famous Mercantile Corp., 1218 O St., Lincoln, Nebr.	Retail ladies' ready-to-wear	Aug. 31, 1943[1]	2, 339. 85	12, 932. 14	3, 645. 15	10, 114. 53	3, 058. 68
		Sept. 1, 1943 to July 31, 1944[1]	2, 793. 18	12, 478. 81	3, 191. 82	2, 751. 15	796. 51
Parkersburg:							
Ohio—Apex, Inc., Nitro, W. Va.	Manufacturing chemicals	Oct. 31, 1942[1]	105, 609. 32	511, 890. 68	51, 140. 68	34, 460. 45	12, 768. 02
		Oct. 31, 1943[1]	105, 609. 32	511, 890. 68	51, 140. 68	34, 784. 97	20, 456. 28
		Oct. 31, 1944[1]	105, 555. 41	511, 890. 68	51, 140. 68	23, 876. 95	20, 456. 26
		Oct. 31, 1945[1]	105, 655. 41	511, 890. 68	51, 140. 68	42, 694. 74	20, 456. 28
		Oct. 31, 1946[1]	105, 674. 71	511, 936. 77	51, 140. 68	8, 119. 47	3, 418. 72
Philadelphia:							
Hanover Canning Co., Hanover, Pa.	Vegetable canning	May 31, 1941[2]	7, 152. 47	17, 100. 00	9, 947. 53	943. 28	None
		May 31, 1942[2]	8, 076. 85	47, 507. 13	9, 023. 15	3, 792. 47	1, 175. 67
		May 31, 1943[2]	8, 191. 54	52, 378. 46	8, 908. 46	8, 017. 61	2, 447. 29
		May 31, 1944[2]	10, 392. 63	60, 570. 00	8, 546. 17	4, 746. 51	3, 328. 93
		May 31, 1945[2]	14, 453. 94	50, 916. 06	7, 446. 06	8, 462. 32	4, 239. 23
Pittsburgh:							
Latrobe Electric Steel Co., 2626 Ligonier St., Latrobe 22, Pa.	Manufacturing iron and steel	Dec. 31, 1940[1]	199, 117. 27	481, 610. 60	41, 232. 73	18, 799. 61	None
		Dec. 31, 1941[1]	241, 748. 28	587, 558. 70	76, 501. 72	46, 713. 94	14, 061. 32
Portsmouth:							
Claremont Waste Manufacturing Co., Claremont, N. H.	Flock manufacturers	Dec. 31, 1941[2]	76, 748. 58	113, 251. 42	4, 719. 96	1, 887. 99	585. 27
Verney Corp. (formerly: Verney Mills, Inc.), McGregor St., Manchester, N. H.	Textile manufacturing	June 30, 1942[1]	29, 633. 01	146, 176. 16	41, 616. 99	25, 740. 85	7, 979. 67
		July 1, 1943 to Dec. 31, 1943[1]	72, 939. 50	701, 570. 85	18, 470. 50	9, 390. 50	6, 580. 33
		June 30, 1943[1]	65, 521. 40	706, 937. 88	23, 837. 53	32, 665. 16	15, 297. 77
		Dec. 31, 1945[1]	86, 833. 28	687, 677. 07	4, 576. 72	12, 036. 93	7, 534. 60

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE OF 1939 BY THE COMMISSIONER OF INTERNAL REVENUE—Continued
SUPPLEMENTAL LIST FOR FISCAL YEAR ENDED JUNE 30, 1956—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
St. Louis:							
The Berland Shoe Stores, Inc., 4241 Folsom St., St. Louis 10, Mo.	Retail women's footwear	Jan. 31, 1941[1]	$102, 277. 03	$318, 162. 89	$24, 781. 08	$6, 810. 28	None
		Jan. 31, 1942[1]	120, 837. 33	293, 623. 45	29, 481. 73	14, 740. 87	$4, 569. 67
		Feb. 1, 1942 to July 31, 1942[1]	126, 347. 76	309, 952. 21	25, 720. 34	10, 586. 42	4, 744. 06
International Shoe Co., 1509 Washington Ave., St. Louis 3, Mo.	Shoe manufacturing	July 31, 1943[1]	126, 347. 76	355, 440. 07	23, 720. 34	19, 261. 16	9, 488. 14
		July 31, 1944[1]	126, 347. 76	355, 440. 07	23, 720. 34	22, 038. 53	9, 488. 13
		Nov. 30, 1941[1]	7, 211, 052. 76	5, 869, 737. 59	384, 197. 24	1, 691. 66	None
		Nov. 30, 1942[1]	8, 698, 196. 64	4, 382, 593. 71	564, 303. 36	409, 545. 09	155, 580. 76
		Nov. 30, 1943[1]	8, 698, 196. 64	4, 382, 593. 71	564, 303. 36	507, 873. 03	225, 721. 34
		Nov. 30, 1944[1]	8, 698, 196. 64	4, 382, 593. 71	564, 303. 36	15, 266. 35	6, 464. 92
		Nov. 30, 1945[1]	8, 698, 196. 64	4, 382, 593. 71	564, 303. 36	1, 583, 812. 73	666, 868. 52
San Francisco:							
Flotill Products, Inc., Fresno and South Aves., Stockton, Calif.	Cannery	Aug. 31, 1941[3]	55, 348. 80	302, 820. 80	19, 918. 41	3, 012. 05	None
		Aug. 31, 1942[3]	65, 758. 01	450, 812. 77	67, 241. 99	62, 028. 29	21, 092. 17
		Aug. 31, 1943[3]	65, 758. 01	450, 812. 77	67, 241. 99	57, 751. 15	26, 896. 80
		Aug. 31, 1944[3]	65, 758. 01	450, 812. 77	67, 241. 99	62, 759. 17	26, 896. 77
Frank Raiter Canning Co., Foot of East San Luis St., Salinas, Calif.	Canning fruits and vegetables.	May 31, 1942[1]	6, 616. 31	21, 883. 69	4, 783. 69	2, 450. 57	1, 078. 25
		May 31, 1943[1]	5, 457. 88	23, 042. 12	5, 942. 12	5, 672. 26	2, 451. 04
		May 31, 1944[1]	6, 180. 11	22, 319. 89	5, 219. 89	3, 248. 05	1, 944. 24
		May 31, 1945[1]	12, 729. 64	25, 797. 36	None	2, 644. 91	891. 91
		May 31, 1946[1]	14, 202. 62	24, 324. 38	None	350. 15	106. 94
Tacoma:							
Washington Asphalt Co., 309 West 39th St., Seattle, Wash.	Paving contractors	Dec. 31, 1944[1]	3, 270. 43	63, 279. 65	3, 854. 57	3, 835. 58	1, 090. 11
Upper Manhattan:							
The American Home Magazine Co., 300 Park Ave., New York, N. Y.	Publishing	Dec. 31, 1944	134, 919. 06	523, 559. 19	57, 721. 94	164. 507, 53	69, 266. 33
Celanese Chemical Corp., Celanese Corporation of America, successor, 180 Madison Ave., New York, N. Y.	Sale of chemicals and chemical products.	Dec. 31, 1945	80. 00	151, 112. 50	70, 017. 65	50, 412. 66	29, 417. 46
DeBoer & Livingston, Inc., 274 Madison Ave., New York, N. Y.	Manufacturer and wholesaler dresser sets, perfume bottles, etc.	Apr. 30, 1942[1]	2, 254. 76	35, 745. 24	2, 115. 24	477. 83	104. 41
		Apr. 30, 1944[1]	2, 818. 47	35, 181. 53	1, 551. 53	810. 62	243. 19
		Apr. 30, 1945[1]	2, 983. 70	35, 016. 30	1, 386. 30	1, 316. 98	374 30
Magazines of Industry, Inc., 99 Church St., New York, N. Y.	Publishing	Oct. 31, 1943[1]	15, 137. 65	58, 819. 95	2, 912. 45	2, 621. 20)	1, 521. 60
		Oct. 31, 1944[1]	16, 707. 87	57, 249. 63	1, 342. 13	1, 263. 83	657. 64
		Oct. 31, 1946[1]	16, 924. 56	56, 073. 29	165. 79	26. 32	14. 69
Thomas Wilson & Co., Inc., 200 Madison Ave., New York, N. Y.	Lace manufacturers and importers.	Dec. 31, 1941[1]	51, 815. 62	118, 803. 17	5, 184. 38	2, 073. 76	642. 86
		Dec. 31, 1942[1]	51, 814. 72	118, 804. 07	10, 885. 28	9, 796. 75	4, 354. 11
		Dec. 31, 1943[1]	51, 814. 72	118, 804. 07	10, 885. 28	9, 796. 75	4, 354. 13
		Dec. 31, 1944[1]	51, 814. 72	118, 804. 07	10, 885. 28	10, 341. 02	4, 354. 11
		Dec. 31, 1945[1]	51, 814. 72	118, 804. 07	10, 885. 28	10, 341. 01	4, 354. 12

SUPPLEMENTAL LIST FOR FISCAL YEAR ENDED JUNE 30, 1956

Boston:							
Fabreeka Products Co., 222 Summer St., Boston, Mass.	Manufacturers of insulating pads and distributors of transmission and conveyor belting.	Dec. 31, 1940[1]	$9, 578. 03	$177, 136. 93	$1, 887. 97	$471. 99	None
		Dec. 31, 1941[1]	9, 127. 90	176, 790. 70	8, 856. 74	3, 985. 53	$1, 235. 52
Brooklyn:							
The Blum Folding Paper Box Co., Inc., Box 82, Valley Stream, Long Island, N. Y.	Manufacturers of folding paper boxes.	Dec. 31, 1942[3]	12, 177. 84	64, 453. 91	9, 197. 16	8, 496. 10	3, 013. 83
		Dec. 31, 1943[3]	13, 110. 80	63, 520. 95	8, 264. 20	7, 530. 22	2, 716. 56
		Dec. 31, 1944[3]	14, 825. 49	61, 806. 26	6, 549. 51	6, 222. 03	3, 429. 36
Chicago:							
Meyer & Wenthe, Inc., 30 South Jefferson St., Chicago, Ill.	Manufacture marking devices.	Dec. 31, 1941[1]	7, 548. 96	70, 745. 29	3, 376. 04	1, 198. 23	275. 59
		Dec. 31, 1942[1]	7, 923. 21	70, 371. 04	3, 001. 79	2, 057. 89	810. 48
		Dec. 31, 1943[1]	8, 106. 91	70, 187. 34	2, 818. 09	4, 021. 32	1, 206. 41
		Dec. 31, 1944[1]	8, 732. 00	69, 562. 25	2, 193. 00	2, 083. 31	611. 03
Cleveland:							
Bardons & Oliver, Inc., 1133 West Ninth St., Cleveland, Ohio.	Machine tool manufacturing	Dec. 31, 1940[3]	33, 652. 99	255, 984. 91	15, 390. 53	6, 925. 74	None
		Dec. 31, 1941[3]	49, 467. 57	264, 032. 43	19, 000. 00	11, 400. 00	3, 534. 00
Jacksonville:							
Publix Super Markets, Inc. (formerly: Lakeland Grocery Co., Inc.), 115 North Florida Ave., Lakeland, Fla.	Wholesale and retail grocery	Dec. 31, 1942[1]	25, 412. 04	32, 389. 09	1, 187. 96	1, 069. 16	475. 19
		Dec. 31, 1943[1]	25, 412. 04	32, 389. 09	1, 187. 96	1, 069. 17	629. 62
		Dec. 31, 1944[1]	25, 412. 04	19, 596. 85	1, 187. 96	1, 128. 56	629. 62
		Dec. 31, 1945[1]	25, 412. 04	19, 596. 85	1, 187. 96	1, 128. 56	629. 62
United Paper Co., P. O. Box 958, Tampa, Fla.	Fruit wraps, facial tissues, etc.	Mar. 31, 1944[1]	83, 208. 66	100, 143. 47	8, 341. 34	7, 610. 91	3, 336. 53
		Mar. 31, 1945[1]	83, 208. 66	100, 143. 47	8, 341. 34	7. 924. 27	3, 337. 53
		Mar. 31, 1946[1]	83, 208. 66	100, 143. 47	8, 341. 34	5, 970. 35	2, 513. 82
Los Angeles:							
Pacific Employers Insurance Co., 1033 South Hope St., Los Angeles, Calif.	Insurance (other than life or mutual).	Dec. 31, 1942[1]	288, 493. 25	198, 381. 65	34, 506. 75	62, 112. 15	27, 605. 40
The Plomb Tool Co., 2209 Santa Fe Ave., Los Angeles, Calif.	Manufacturers of hand tools	Dec. 31, 1943[1]	289, 082. 40	198, 381. 65	34, 506. 75	13, 662. 44	6, 072. 21
Seaboard Finance Co., transferee Seaboard Finance Co. of California, transferor, 945 South Flower St., Los Angeles, Calif.	Small loans	Dec. 31, 1940[1]	37, 835. 90	149, 723. 88	4, 594. 48	3, 563. 65	None
		Dec. 31, 1941[1]	54, 486. 16	140, 309. 32	22, 292. 92	15, 685. 36	4, 862. 46
		Sept. 30, 1942[2]	281, 046. 95	92, 204. 51	25, 894. 51	13, 454. 46	4, 960. 63
		Sept. 30, 1942[1]	278, 105. 49	92, 204. 51	25, 894. 51	15, 783. 41	7, 014. 84
		Sept. 30, 1944[1]	265, 000. 87	92, 204. 51	25, 894. 51	24, 274. 34	10, 357. 80
		Sept. 30, 1945[1]	298, 895. 44	92, 204. 51	25, 894. 51	24, 399. 79	10, 357. 80
Lower Manhattan:							
Hofor Tobacco Corp., 99 Wall St., New York, N. Y.	Wholesale tobacco	Dec. 31, 1942[1]	32, 979. 69	33, 520. 31	12, 145. 31	14, 170. 78	8, 328. 77
		Dec. 31, 1943[1]	35, 098. 46	31, 401. 54	10, 026. 54	9, 023. 88	5, 297. 82
		Dec. 31, 1944[1]	37, 802. 40	28, 697. 60	7, 322. 60	6, 956. 47	3, 214. 73
		Dec. 31, 1945[1]	41, 071. 38	25, 428. 62	4, 053. 62	3, 850. 94	1, 621. 45
Milwaukee:							
Allen-Bradley Co., 136 West Greenfield Ave., Milwaukee, Wis.	Manufacture and sale of electrical control apparatus and radio parts.	Dec. 31, 1940	196, 514. 48	148, 216. 34	17, 445. 21	7, 850. 34	None
		Jan. 1, 1941 to Nov. 30, 1941	262, 364. 33	146, 868. 97	20, 799. 00	11, 419. 51	3, 540. 04
		Nov. 30, 1942	262, 248. 43	146, 984. 87	20, 914. 90	10, 795. 43	5, 653. 31

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE OF 1939 BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

SUPPLEMENTARY LIST FOR FISCAL YEAR ENDED JUNE 30, 1956—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-c'), E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Newark:							
Boonton Molding Co., 326 Myrtle Ave., Boonton, N. J.	Molders of plastics	Dec. 31, 1941 [1]	$36,011.34	$219,697.00	$72,200.00	$31,861.47	$9,877.06
		Dec. 31, 1942 [2]	39,841.46	269,544.12	72,200.00	59,670.01	29,559.61
		Dec. 31, 1943 [2]	40,151.82	377,024.43	72,200.00	54,071.07	29,519.52
		Dec. 31, 1944 [2]	40,151.82	377,024.43	72,200.00	64,364.78	28,880.00
		Dec. 31, 1945 [2]	35,534.88	377,024.43	72,200.00	68,590.00	29,460.47
Cliffside Dyeing Corp., 99 Cliff St., Paterson, N. J.	Textile dyeing and finishing of rayons, acetates, and mixtures.	May 31, 1943 [1]	1,646.87	104,729.13	40,153.13	27,809.49	16,609.31
John Simmons Co., 152 Mulberry St., Newark, N. J.	Jobbers of pipe, fittings, plumbing supplies.	Dec. 31, 1943 [2]	5,142.65	234,368.20	38,092.12	29,294.17	16,433.27
		Dec. 31, 1944	6,317.39	233,193.46	36,917.38	35,071.51	14,791.42
		Dec. 31, 1945 [2]	40,241.19	199,269.66	2,993.58	2,843.90	1,203.55
Omaha:							
General Tobacco and Candy Co., 1036 L St., Lincoln, Nebr.	Wholesale tobacco, candy, and sundries.	Oct. 31, 1943 [1]	988.92	11,844.06	2,336.08	2,102.47	630.74
		Oct. 31, 1944 [1]	1,356.24	11,476.74	1,968.76	1,853.92	531.57
Pittsburgh:							
Glenshaw Glass Co., Inc., Glenshaw, Pa.	Manufacturer of glass containers.	Sept. 30, 1942 [2]	139,866.35	89,931.07	45,383.65	27,942.85	9,705.57
		Sept. 30, 1944 [2]	159,234.43	70,562.99	26,015.57	24,387.82	10,406.22
		Sept. 30, 1945 [1]	159,234.43	70,562.99	26,015.57	24,714.80	10,406.23
St. Louis:							
Huttig Sash & Door Co., 1206 South Vandeventer Ave., St. Louis, Mo.	Manufacturers and jobbers of sash, doors, etc.	Dec. 31, 1941 [2]	193,214.97	168,460.48	2,332.49	5,456.48	1,691.50
San Francisco:							
Pacific Grape Products Co., 320 Grand St., Modesto, Calif.	Canning	Dec. 31, 1941 [2]	37,459.72	68,940.28	30,940.28	42,978.08	13,323.20
		Dec. 31, 1942 [2]	46,824.65	59,575.35	21,575.35	19,417.82	8,630.14
		Dec. 31, 1943 [2]	46,824.65	59,575.35	21,575.35	38,835.63	17,240.28
		Dec. 31, 1944 [1]	46,824.65	59,575.35	21,575.35	15,701.79	8,630.14

[1] Allowance in accordance with decision of Tax Court of the United States based on agreed settlement of parties. No previous allowance by the Commissioner.

[2] Allowance made during fiscal year ended June 30, 1957, represents addition to relief previously allowed and published.

[3] Allowance in accordance with decision of the Tax Court of the United States after hearig on the merits. No previous allowance by the Commissioner.

[F. R. Doc. 57-7172; Filed, Sept. 5, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 162]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 16; AMENDMENT

AUGUST 26, 1957.

Effective on date of this publication, paragraph 1 of Federal Register Document 49-5207 appearing in the issue for June 29, 1949, is hereby amended to read as follows:

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Phoenix, Arizona, land district embracing 320 acres:

ARIZONA SMALL TRACT CLASSIFICATION NO. 16

For lease and sale for home and cabin sites only:

T. 4 N., R. 2 E., G. & S. R. B. & M., Arizona, Sec. 33, NW¼.
T. 3 N., R. 2 E., G. & S. R. B. & M., Arizona, Sec. 3, SE¼.

except for the W½SE¼NW¼NW¼ of Sec. 33 which is classified for recreation only.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 57-7291; Filed, Sept. 5, 1957; 8:46 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 27, 1957.

The U. S. Department of Agriculture, has filed an application, Serial No. Sacramento 047050, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for use as roadside zone, administrative sites, campground areas or for other public purposes as set forth specifically with regard to each area described.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, 8th Floor, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

MENDOCINO PASS ROAD, FOREST HIGHWAY 7 (3), ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of the pass road through the following legal subdivisions:

T. 21 N., R. 7 W.,
Sec. 18, SE¼SE¼;
Sec. 20, N½N½;
Sec. 21, NW¼NW¼;
Sec. 22, N½NE¼, NE¼NW¼;
Sec. 23, N½;
Sec. 24, SW¼, NW¼SE¼.
T. 21 N., R. 8 W.,
Sec. 6, SW¼NE¼;
Sec. 13, N½NE¼, SE¼NE¼, SW¼SE¼;
Sec. 24, NE¼, SW¼SW¼;
Sec. 26, NE¼NE¼;
Sec. 30, NE¼SE¼.
T. 22 N., R. 8 W.,
Sec. 30, Lot 4, SE¼SW¼;
Sec. 31, E½W½.
T. 22 N., R. 9 W.,
Sec. 17, Lots 1 and 2, E½NW¼, NE¼SW¼, W½SE¼;
Sec. 20, NE¼NE¼;
Sec. 21, S½NE¼, NW¼;
Sec. 22, N½NW¼, SW¼NW¼, W½SE¼;
Sec. 26, S½N½;
Sec. 27, NE¼.
T. 22 N., R. 10 W.,
Sec. 1, SW¼SW¼;
Sec. 2, Lots 1 and 2, S½NE¼, NE¼SE¼;
Sec. 12, NW¼, SE¼;
Sec. 13, NE¼NE¼.
T. 23 N., R. 10 W.,
Sec. 28, S½NE¼, SW¼NW¼;
Sec. 29, SE¼SW¼, NE¼SE¼, E½E½NW¼SE¼, SW¼SE¼;
Sec. 31, Lot 2, S½NE¼, E½NE¼NW¼;
Sec. 32, NW¼.
T. 23 N., R. 11 W.,
Sec. 27, SW¼NW¼, NW¼SE¼;
Sec. 36, NE¼.

Campground Areas

Old Mill:
T. 17 N., R. 7 W.,
Sec. 21, SE¼SW¼.
Red Bridge:
T. 18 N., R. 7 W.,
Sec. 33, N½NW¼.

Mud Flat:
T. 23 N., R. 7 W.,
Sec. 28, N½NW¼NW¼.
Whitlock:
T. 24 N., R. 7 W.,
Sec. 19, NE¼SE¼.
Cedar:
T. 16 N., R. 8 W.,
Sec. 1, NE¼SE¼.
Lower Nye:
T. 18 N., R. 8 W.,
Sec. 6, NE¼SW¼.
Board Tree:
T. 21 N., R. 9 W.,
Sec. 26, E½NE¼.
Telephone Camp:
T. 22 N., R. 9 W.,
Sec. 21, SE¼NW¼.
Plaskett:
T. 22 N., R. 9 W.,
Sec. 26, W½SE¼, SE¼SE¼.
Pogie Point:
T. 18 N., R. 10 W.,
Sec. 3, NW¼SE¼.
Seven Troughs:
T. 22 N., R. 10 W.,
Sec. 11, S½NE¼NE¼, N½SE¼NE¼.
Wells Cabin:
T. 23 N., R. 10 W.,
Sec. 22, NE¼NE¼.
Leechlake:
T. 24 N., R. 11 W.,
Sec. 21, SE¼SE¼.
Asa Bean:
T. 25 N., R. 11 W.,
Sec. 32, Lot 3.

Administrative Sites

Pacific Point:
T. 16 N., R. 7 W.,
Sec. 25, NW¼NW¼.
Mill Creek:
T. 17 N., R. 7 W.,
Sec. 4, W½NW¼SW¼.
Black Diamond:
T. 18 N., R. 7 W.,
Sec. 15, SE¼SE¼.
Valley View:
T. 22 N., R. 7 W.,
Sec. 7, E½SE¼.
Red Mountain:
T. 22 N., R. 7 W.,
Sec. 23, SE¼SE¼.
Patton Mill:
T. 24 N., R. 7 W.,
Sec. 29, SE¼SW¼NW¼, SW¼SE¼NW¼, NE¼NW¼SW¼, N½NE¼SW¼, SE¼NE¼SW¼.
Franklin Point:
T. 25 N., R. 7 W.,
Sec. 6, SE¼SE¼.
Pinnacle Rock:
T. 15 N., R. 8 W.,
Sec. 17, SE¼.
Goat Mountain:
T. 16 N., R. 8 W.,
Sec. 2, SE¼SE¼.
Potato Hill:
T. 17 N., R. 8 W.,
Sec. 6, NW¼SE¼.
Letts Valley:
T. 17 N., R. 8 W.,
Sec. 24, SW¼SE¼.
Signal Peak:
T. 18 N., R. 8 W.,
Sec. 27, SW¼SW¼NW¼, NW¼NW¼SW¼;
Sec. 28, E½NE¼, N½NE¼SE¼, N½S½NE¼SE¼.
Sheetiron:
T. 19 N., R. 8 W.,
Sec. 22, NE¼, SW¼NW¼, E½SW¼NW¼, E½NW¼SW¼, NE¼SW¼, NW¼SE¼;
Sec. 23, NW¼NW¼NW¼.
Long Point:
T. 21 N., R. 8 W.,
Sec. 12, SW¼NE¼.
Alder Springs:
T. 21 N., R. 8 W.,
Sec. 25, SW¼NW¼, NW¼SW¼;
Sec. 26, E½NE¼, NE¼SE¼.
Log Spring:
T. 23 N., R. 8 W.,
Sec. 29, SE¼NW¼, NE¼SW¼.
Ball Mountain:
T. 24 N., R. 8 W.,
Sec. 17, SE¼SW¼.
High Glade:
T. 16 N., R. 9 W.,
Sec. 25, SE¼NW¼.
Plaskett:
T. 22 N., R. 9 W.,
Sec. 26, E½NE¼, SE¼NW¼.
Elk Mountain:
T. 16 N., R. 10 W.,
Sec. 1, Lot 1.
Hunter Point:
T. 16 N., R. 10 W.,
Sec. 27, SE¼NW¼SE¼.
Garrett Mountain:
T. 17 N., R. 10 W.,
Sec. 17, SE¼SE¼SW¼, W½W½SE¼;
Sec. 20, NE¼NE¼NW¼.
Soda Creek:
T. 18 N., R. 10 W.,
Sec. 10, E½SW¼SW¼.
Pine Mountain:
T. 18 N., R. 10 W.,
Sec. 32, Lot 4.
Hull Mountain:
T. 19 N., R. 10 W.,
Sec. 11, NW¼NE¼.
Gravelly Valley (Airport):
T. 19 N., R. 10 W.,
Sec. 34, SW¼.
Low Gap:
T. 22 N., R. 10 W.,
Sec. 2, Lot 3.
Anthony Peak:
T. 23 N., R. 10 W.,
Sec. 15, S½NW¼SW¼, N½SW¼SW¼.
Tantrum:
T. 24 N., R. 10 W.,
Sec. 12, S½N½SW¼, S½SW¼.
Beaver Glade:
T. 24 N., R. 10 W.,
Sec. 17, N½NW¼SE¼.
Osborne:
T. 24 N., R. 10 W.,
Sec. 29, W½SW¼, SE¼SW¼;
Sec. 30, SE¼.
Hammerhorn:
T. 25 N., R. 11 W.,
Sec. 22, E½SE¼;
Sec. 27, N½NE¼.
Frying Pan:
T. 26 N., R. 10 W.,
Sec. 22, SE¼SW¼;
Sec. 27, N½N½NE¼NW¼.
Big Signal:
T. 19 N., R. 11 W.,
Sec. 8, SE¼NE¼.
John Day:
T. 19 N., R. 11 W.,
Sec. 15, SW¼SW¼.
Montague:
T. 23 N., R. 11 W.,
Sec. 11, S½SE¼SE¼;
Sec. 12, SW¼SW¼SW¼;
Sec. 13, W½NW¼NW¼;
Sec. 14, NE¼NE¼, SW¼NE¼, NW¼SE¼NE¼.
Indian Dick:
T. 25 N., R. 11 W.,
Sec. 22, S½ of Lots 9 and 10, Lots 15 and 16.
Sulphur Camp:
T. 26 N., R. 11 W.,
Sec. 16, S½NW¼SW¼, N½SW¼SW¼.

Within the area described are 4,173.35 acres of public land in the Mendocino National Forest.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-7292; Filed, Sept. 5, 1957; 8:46 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 29, 1957.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Sacramento 047402 for the withdrawal from location and entry under the general mining laws, subject to existing valid claims, of the lands described below.

The applicant desires the land for administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 801 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

FOLSOM LOOKOUT ADMINISTRATIVE SITE

T. 7 N., R. 15 E.,
Sec. 29, N½SW¼NE¼, SE¼NE¼NW¼, N½SE¼NW¼.
Sand Flat Recreation Area:
T. 6 N., R. 17 E.,
Sec. 2, N½NE¼NW¼, W½W½;
Sec. 3, NE¼, S½N½NW¼, S½NW¼, SW¼.
T. 7 N., R. 17 E.,
Sec. 34, SE¼SE¼SE¼;
Sec. 35, S½SW¼.
Cherry Reservoir Recreation Area:
T. 2 N., R. 19 E.,
Sec. 20, NW¼NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, NE¼SW¼.
Arnot Creek Recreation Area:
T. 7 N., R. 20 E.,
Sec. 32, S½NE¼, SE¼NW¼, E½SW¼, N½SW¼;
Sec. 33, S½SW¼NW¼, N½NW¼SW¼.
Falls Organization Camp Area:
T. 1 S., R. 18 E.,
Sec. 22, S½SE¼NE¼, N½NE¼SE¼.

The area described totals 1,200 acres of public land in Stanislaus National Forest.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-7293; Filed, Sept. 5, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELAWARE AND MARYLAND

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the State of

Delaware and in the following counties in the State of Maryland a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MARYLAND

Allegany.	Howard.
Anne Arundel.	Kent.
Baltimore.	Montgomery.
Calvert.	Prince Georges.
Caroline.	Queen Annes.
Carroll.	St. Marys.
Cecil.	Somerset.
Charles.	Talbot.
Dorchester.	Washington.
Frederick.	Wicomico.
Harford.	Worcester.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named State of Delaware and counties of Maryland after June 30, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 30th day of August 1957.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 57-7288; Filed, Sept. 5, 1957; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-69]

GENERAL ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to General Electric Company substantially in the form set forth in Annex "A" below unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is attached as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for a license at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C.

Notice is also hereby given that if the Commission issues the construction permit the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor at the proposed site if it is found that the reactor has been constructed in accordance with the specifications contained in the terms and conditions of the construction permit, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

Dated at Washington, D. C. this 30th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

CONSTRUCTION PERMIT

No. CPCX-

General Electric Company (hereinafter "General Electric") on June 14, 1957, filed its application for Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct and operate a Nuclear Checkout Test (Spanish Swimming Pool Reactor) (hereinafter "the facility").

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. General Electric proposes to utilize the facility in the conduct of research and development activities of the types specified in Section 31 of the Atomic Energy Act of 1954.

C. General Electric is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. General Electric is technically qualified to design and construct the facility.

E. General Electric has submitted sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to General Electric will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954, and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Atomic Energy Commission hereby issues a construction permit to General Electric to construct the facility as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

A. The earliest date for the completion of the facility is September 20, 1957. The latest date for completion of the facility is November 15, 1957. The term "completion date" as used herein means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The site proposed for the location of the facility is the Vallecitos Atomic Laboratory located in Alameda County, California.

C. The facility authorized for construction is a pool-type facility utilizing fuel elements containing 20 percent enriched uranium in light water with graphite as reflector and designed to operate at a power level of up to 50 watts, as described in the application.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to General Electric pursuant to section 104c of the act, which license shall expire eight (8) months after the date of this construction permit.

Date of Issuance:

For the Atomic Energy Commission.

_____,
Director,
Division of Civilian Application.

ANNEX "B"

MEMORANDUM

Introduction. The General Electric Company filed on May 22, 1957, an application for a facility export license for a 3 Mw swimming pool reactor. On July 29, 1957, Export License XR-10 was issued to General Electric Company for the export of the reactor to the Junta de Energia Nuclear, Serrano, 121 Madrid, Spain, a Department of the Spanish Ministry of Industry.

On November 23, 1956, the Junta de Energia Nuclear and General Electric Company submitted to the AEC a report entitled "Spanish Swimming Pool Reactor Safeguards Report." The Commission advised Spain with regard to the hazards of reactors of this type and as a result, an addendum to the safeguards report was submitted on February 8, 1957.

The General Electric Company submitted on June 14, 1957, a license application for a construction permit and facility license for a nuclear checkout test on the Spanish swimming pool reactor. The license application included a second addendum to the Spanish Swimming Pool Reactor Safeguard Report dated May 8, 1957. This document describes the experiments to be conducted and the hazards involved in the proposed nuclear checkout test.

Description of the facility. The Spanish research reactor is to be of the swimming pool type, operated at a maximum power of 3 Mw. Each fuel element will contain 10 plates, each 0.099 inch in overall thickness. Uranium-aluminum alloy will be clad with 0.015 inch of aluminum. The core will also contain graphite reflector elements, clad in aluminum, to form a reflector 3 inches thick and 30 inches high surrounding the fuel elements. The control elements in the reactor will comprise four 10.25-inch wide vertical blades and one 2.5-inch square vertical servo control rod. It is proposed to operate two control blades in gang, but the speed of withdrawal will be limited to that corresponding to 0.02 percent reactivity insertion per second. The control rods will be attached to the rod drives by means of electromagnets which are deactivated in the event of a scram, resulting in the rods falling by gravity into the core.

The General Electric Company proposes to install the actual reactor core components of the Spanish swimming pool reactor at the Company's Vallecitos Laboratory. Minor and inconsequential modifications will be made in order that the reactor components can be accommodated in the laboratory pool. The purpose of the nuclear checkout test is to determine low power characteristics at a power not to exceed 50 watts. Various characteristics of the reactor will be determined, including the critical mass, mass required for 4.5 percent excess reactivity, reactivity values of control blades and servo control element, void and temperature coefficients of reactivity, reactivity of simulated beam ports and fuel position reactivity evaluation. In addition to the 50-watt limitation on power, the excess reactivity will be limited to 4.5 percent by poison material firmly attached to the fuel elements. The control instrumentation of the Spanish swimming pool reactor will be employed and, in addition, other instruments will be provided for safety and control at low power. The core components will be supported on I-beams resting on the bottom of a pool filled to a depth of 11½ feet of water. For convenience in determining the temperature coefficient of reactivity, the core will be surrounded by a 4-foot square, open-topped plywood box. This plywood box will permit the water content of the entire pit to be used for shielding, while minimizing test time required to heat water for temperature coefficient determination. Cooling water is removed from and returned to the plywood box by means of a recirculating pump so that both water purity and temperature will be controlled. A 2-3 curie Po-Be neutron source will be used to start the reactor. The only experimental facilities to be used are radiation baskets located in the pool outside of the graphite reflector elements. Provision will be made for simulating beam ports.

The applicant has calculated that the temperature coefficient will be -2.1×10^{-4} fraction reactivity per °C., and that the void coefficient will be -2.9×10^{-3} fraction reactivity per % void.

The reactor operating organization and operating procedure described in the safeguard report are judged to be appropriate for carrying out an experimental program of this type.

Hazards evaluation. Various possible accidents are described by the applicant, including power failure, fuel element failure, binding of control blades, startup accident and refueling accident. These accidents and those related to environmental factors, such as fire and flood, apparently introduce no unacceptable nuclear risk since any such accidents would result in reactivity insertions of less than 0.5 percent. The applicant has stated that the core will be loaded, that operating conditions will be restricted and that experiments will be limited, to such extent that not more than 0.5 percent reactivity can be introduced rapidly in any credible accident. For such insertion, the temperature of the water would rise, the negative temperature coefficient of the reactor would offset the inserted reactivity, no violence would be done and no release of fission products would occur.

We believe it to be reasonable, on the basis of described arrangements and procedures to be followed, that large reactivity insertions will not occur, and that, if the temperature and void coefficients are negative as calculated, inherent stability will thereby be provided and no damage will result. It is not clear how confidently the calculations can be trusted in their indication of negative values for these coefficients, since the core design is somewhat different from those on which measurements have been made. We believe, however, that initial experiments can be performed safely by the procedure outlined, and that accurate measurements of these parameters in this core can be made. If positive values should be found, contrary to expectations, more extended operations should should not be attempted without further study and evaluation.

Conclusion. Based upon our review of the equipment design, operating organization and operating procedures, and based on our evaluation of the hazard analysis made by the applicant, we concluded that there is reasonable assurance that the nuclear checkout test described by the applicant can be conducted at the Vallecitos Atomic Laboratory without undue hazard to the health and safety of the public.

Dated: August 30, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-7335; Filed, Sept. 4, 1957; 12:30 p. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FRONTIER FREIGHT FORWARDERS, INC. AND MAHER & CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8234 between Frontier Freight Forwarders, Inc., Miami, Florida and Maher & Co., New Orleans, Louisiana, is a cooperative working arrangement between the parties under which they will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 3, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7320; Filed, Sept. 5, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12068; FCC 57M-807]

FLORENCE BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068, File No. BP-10850; for construction permit.

The Hearing Examiner having under consideration a petition for continuance filed by the Chief of the Commission's Broadcast Bureau on August 21, 1957;

It appearing that the date for the exchange of the applicant's affirmative case and the date for hearing should be continued indefinitely, pending the processing and designation of the application of Triangle Broadcasting Company (File No. BP-11192) for hearing consolidated with the application of Florence Broadcasting Company, Inc., in view of the fact that the Triangle application has been pending since March 25, 1957 and is mutually exclusive with the Florence application;

It further appearing that the time has expired within which an opposition may be filed to the above petition, and that no opposition has been received;

It is ordered, This 28th day of August 1957, that the petition is granted, and the date for the exchange of the applicant's affirmative case and the date for hearing, presently scheduled for September 3 and 23, 1957, respectively, are continued indefinitely, pending the processing and designation of the application of Triangle Broadcasting Company for hearing consolidated with the application of Florence Broadcasting Company, Inc.

Released: August 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7329; Filed, Sept. 5, 1957; 8:52 a. m.]

[Docket No. 12117; FCC 57M-809]

BEST CABS, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of application of Best Cabs, Inc., 203 West 9th Street, Wichita, Kansas, Docket No. 12117; for radio station authorization in the Taxicab Radio Service.

On the oral request of counsel for the Commission's Safety and Special Radio Services Bureau, a prehearing conference is scheduled for Friday, September 13, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Dated: August 29, 1957.

Released: August 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7330; Filed, Sept. 5, 1957; 8:52 a. m.]

[Docket Nos. 12124, 12125; FCC 57M-808]

GEOFFREY A. LAPPING AND PHOENIX BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Geoffrey A. Lapping, Phoenix, Arizona, Docket No. 12124, File No. BP-10963; Harold Lampel and Dawkins Espy, d/b as Phoenix Broadcasting Company, Phoenix, Arizona, Docket No. 12125, File No. BP-10964; for construction permits.

It is ordered, This 29th day of August 1957, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington,

D. C., at 10 o'clock a. m., September 24, 1957.

Released: August 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7331; Filed, Sept. 5, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13187]

STANDARD OIL CO. OF TEXAS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 30, 1957.

Standard Oil Company of Texas (Standard Oil), on August 1, 1957,[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 5 to Standard Oil's FPC Gas Rate Schedule No. 22.
Effective date: [2] September 1, 1957.

In support of the proposed favored-nations rate increase,[3] Standard Oil quotes the pertinent pricing provision of its rate schedule.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Standard Oil's FPC Gas Rate Schedule No. 22 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Standard Oil's FPC Gas Rate Schedule No. 22.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7296; Filed, Sept. 5, 1957; 8:47 a. m.]

[Docket No. G-13190]

TEXAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 30, 1957.

The Texas Company (Texas), on August 6, 1957,[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 24.
Effective date: [2] September 6, 1957.

In support of the proposed favored-nations rate increase,[3] Texas states that El Paso Natural Gas Company (El Paso) notified it that Phillips Petroleum Company's (Phillips) rate to El Paso increased 15.05 percent; that Texas is advised that the rates paid Phillips prior to the increase equal the rates currently paid Texas considering variations in delivery conditions; that the contract resulted from arm's-length bargaining; and that the increase is justified on a continuing basis because of increased operating, replacement, drilling and exploration costs.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 24 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Texas' FPC Gas Rate Schedule No. 24.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 6, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7297; Filed, Sept. 5, 1957; 8:47 a. m.]

[Docket No. G-13191]

HUNT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 30, 1957.

Hunt Oil Company (Hunt), on August 5, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Hunt's FPC Gas Rate Schedule No. 31.
Effective date: [1] September 5, 1957.

In support of the proposed favored-nations rate increase,[2] Hunt states that the change fulfills the contractual obligation and disallowance thereof would deprive it of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Hunt's FPC Gas Rate Schedule No. 31 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Hunt's FPC Gas Rate Schedule No. 31.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7298; Filed, Sept. 5, 1957; 8:48 a. m.]

[Docket No. G-13178]

SOUTHEASTERN GAS CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 30, 1957.

Southeastern Gas Company (Southeastern), on August 1, 1957, tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Arbitrators Award,[1] dated July 26, 1957. (2) Notice of Change, dated July 31, 1957.
Purchaser: United Fuel Gas Company.
Rate schedule designation: (1) Supplement No. 5 to Southeastern's FPC Gas Rate Schedule No. 5. (2) Supplement No. 6 to Southeastern's FPC Gas Rate Schedule No. 5.
Effective date: [2] September 1, 1957.

In support of the proposed increases, Southeastern states that the contract provides that the rate for the five-year period, commencing November 1, 1955, was to be determined by mutual agreement, or, if the parties were unable to agree, then by arbitration, and the arbitrators should base their decision on the reasonable market value of the gas in the area where produced; that the parties were unable to reach an agreement as to the rate for the period and elected to submit the matter to arbitration; and the unanimous award of the arbitrators, rendered July 26, 1957, after extensive hearings, was 26 cents per Mcf. Southeastern also states that the reason for proposing the increase is its dissatisfaction with the abnormally low rate which has been paid for the gas after gathering and compression. Southeastern further states that the difference in revenues from November 1955 to July 1957 at 16 cents and 26 cents per Mcf is about $34,000, and requests that if the increase is suspended that the suspension be for not longer than 30 days so that the rate may go into effect, subject to refund, on September 1, 1957.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 5 and 6 to Southeastern's FFC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 5 and 6 to Southeastern's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until October 1, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7299; Filed, Sept. 5, 1957; 8:48 a. m.]

[Docket No. G-13179]

M. B. CHASTAIN ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 30, 1957.

M. B. Chastain et al. (Chastain), on August 1, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 30, 1957.
Purchaser: Texas Gas Transmission Corporation.
Rate schedule designation: Supplement No. 6 to Chastain's FPC Gas Rate Schedule No. 2.
Effective date: [2] September 1, 1957.

In support of the proposed redetermined rate increase, Chastain cites the provision of the contract to the effect that the redetermined rate shall be the average of the two highest rates paid or to be paid by interstate transporters within 50 miles of Chastain's delivery point during the five year period commencing August 1, 1957. Chastain also states that the contract was negotiated in good faith at arm's-length and the increased rate is necessary to provide incentive for exploration and development of additional reserves.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Chastain's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No.

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[1] Filing not completed until August 21, 1957.

[2] The stated effective date is the first day after expiration of the required 30 days' notice.

[3] The proposed rate increase has been triggered by the spiral escalation rate increases of 15.05 percent of Phillips Petroleum Company for gas sales in the Permian Basin to El Paso Natural Gas Company, which increases were suspended in Docket No. G-11217, and made effective subject to refund on March 11, 1957.

[1] Filing reconciled August 15, 1957.

[2] The stated effective date is the first day after expiration of the required 30 days' notice.

[3] The proposed increase has been triggered by the spiral escalation rate increase of 15.05 percent of Phillips for gas sales in the Permian Basin to El Paso, which increases were suspended in Docket No. G-11217, and made effective subject to refund on March 11, 1957.

[1] The stated effective date is the first day after expiration of the required 30 days' notice.

[2] The proposed rate increase has been triggered by the spiral escalation rate increases of 15.05 percent of Phillips Petroleum Company for gas sales in the Permian Basin to El Paso Natural Gas Company, which increases were suspended in Docket No. G-11217, and made effective subject to refund on March 11, 1957.

[1] Arbitrators award increased from 16¢ to 26¢ per Mcf.

[2] The stated effective date is the first day after expiration of the required thirty days' notice.

6 to Chastain's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7300; Filed, Sept. 5, 1957; 8:48 a. m.]

[Docket No. G-13180]

PLACID OIL COMPANY, ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 30, 1957.

Placid Oil Company et al. (Placid), on August 5, 1957, tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated May 29, 1957. (2) Notice of Change, dated July 31, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: (1) Supplement No. 1 to Placid's FPC Gas Rate Schedule No. 7. (2) Supplement No. 2 to Placid's FPC Gas Rate Schedule No. 7.
Effective date:[2] September 5, 1957.

In support of the proposed renegotiated rate increases, Placid states that one of the considerations for increasing the rate was the extension of the contract term about 15 years.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 1 and 2 to Placid's FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

[1] Renegotiated increase in rate and term of contract.

[2] The stated effective date is the first day after expiration of the required 30 days' notice.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 1 and 2 to Placid's FPC Gas Rate Schedule No. 7.

(B) Pending such hearing and decision theron, said supplements be and they are each hereby suspended and the use thereof deferred until February 5, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7301; Filed, Sept. 5, 1957; 8:48 a. m.]

[Docket No. G-13181]

KERR-MCGEE OIL INDUSTRIES, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 30, 1957.

Kerr-McGee Oil Industries, Inc. (Kerr-McGee), on August 19, 1957,[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 17, 1957.
Purchaser: Phillips Petroleum Company.
Rate schedule designation: Supplement No. 9 to Kerr-McGee's FPC Gas Rate Schedule No. 11.
Effective date:[2] August 31, 1957.

In support of the proposed spiral escalation increase,[3] Kerr-McGee states the change is in accordance with the provision of the contract, but at the time of Kerr-McGee's filing of the original rate schedule it was not aware of the increase due under the contract provision, and, further, the exact amount of said increase could not be determined until the Commission issued its final order on July 20, 1956, in Docket No. G-2018, determining El Paso Natural Gas Company's (El Paso) rates. Kerr-McGee further states that the buyer, Phillips Petroleum Company (Phillips), has paid the increased rate for the period prior to June 7, 1954, and stands ready to pay the additional amount from June 7, 1954, to date.

[1] Original filing made on July 31, 1957. Revised filing requests withdrawal.

[2] The proposed increase results from a spiral escalation clause providing that whenever El Paso, the purchaser of the subject gas from Phillips (after processing), shall be granted a general increase in rates, Kerr-McGee's rate to Phillips shall be increased in proportion to El Paso's increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 9 to Kerr-McGee's FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Kerr-McGee's FPC Gas Rate Schedule No. 11.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7302; Filed, Sept. 5, 1957; 8:48 a. m.]

[Docket No. G-13158]

ESTATE OF LYDA BUNKER HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 30, 1957.

On August 5, 1957, the Estate of Lyda Bunker Hunt (Hunt) tendered for filing a proposed change in the presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Hunt's FPC Gas Rate Schedule No. 5.
Effective date:[1] September 5, 1957.

In support of the proposed favored-nations rate increase,[2] Hunt states that the change fulfills the contractual obligation, and disallowance would be a deprivation of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Hunt's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7303; Filed, Sept. 5, 1957; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice.

[2] The proposed increase has been triggered by the spiral escalation rate increase of 15.05 percent of Phillips Petroleum Company for gas sales in the Permian Basin to El Paso Natural Gas Company, which increase was suspended in Docket No. G-11217, and made effective subject to refund on March 11, 1957.

[Docket No. G-13159]

SECURE TRUSTS

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 30, 1957.

On August 5, 1957, Secure Trusts tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Secure Trusts' FPC Gas Rate Schedule No. 4.
Effective date:[1] September 5, 1957.

In support of the proposed favored-nations rate increase,[2] Secure Trusts states that the change fulfills the contractual obligation, and disallowance would be a deprivation of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Secure Trusts' FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7304; Filed, Sept. 5, 1957; 8:49 a. m.]

[Docket No. G-13160]

SUNRAY MID-CONTINENT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 30, 1957.

Sunray Mid-Continent Oil Company (Sunray), on August 12, 1957, submitted for filing proposed changes in its rates schedules presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated August 8, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 7 to its FPC Gas Rate Schedule No. 81. Supplement No. 2 to its FPC Gas Rate Schedule No. 92. Supplement No. 2 to its FPC Gas Rate Schedule No. 93. Supplement No. 3 to its FPC Gas Rate Schedule No. 94.
Effective date:[1] September 12, 1957.

Sunray's increase in rates is based upon the "favored nation" escalation provisions of its rate schedules. In accordance with those provisions the increase in rate has been "triggered" by the spiral escalation rate increase of Phillips Petroleum Company for sales of gas in the Permian Basin to El Paso, which increased rate was suspended in Docket No. G-11217, and made effective subject to refund, by order issued March 11, 1957.

In support of its increased rates, Sunray states that the contracts, as entities, were entered into at arm's length; that the consideration for the long term sales was the whole price schedules to insure Sunray's receiving the minimum market value of the gas; and that the proposed increased rates are just and reasonable and not greater than the market value of the gas in the field. Sunray, additionally, requests that the Commission waive the statutory notice requirements and permit the proposed increased rates to take effect as of March 11, 1957, the date on which Phillips' increased rates became effective under corporate undertaking.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 12, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7305; Filed, Sept. 5, 1957; 8:49 a. m.]

[Docket No. G-13161]

E. B. MCFARLIN AND E. P. KETCHAM

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 30, 1957.

E. B. McFarlin and E. P. Ketcham (McFarlin), submitted for filing on August 12, 1957, a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 7, 1957.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 7 to their FPC Gas Rate Schedule No. 1.
Effective date: [1] September 12, 1957.

McFarlin's proposed increase in rate is based upon the "favored nation" escalation provisions of their rate schedule. In accordance with those provisions the increase in rate has been "triggered" by the spiral escalation rate increase of Phillips Petroleum Company for sales of gas in the Permian Basin to El Paso, which increased rate was suspended in Docket No. G-11217, and made effective subject to refund, by order issued March 11, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change; and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 12, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7306; Filed, Sept. 5, 1957; 8:49 a. m.]

[Docket No. G-13177]

OIL PARTICIPATIONS, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 30, 1957.

Oil Participations, Incorporated (Oil Participations), on July 31, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: United Fuel Gas Company.
Rate schedule designation: Supplement No. 1 to Oil Participations' FPC Gas Rate Schedule No. 4.
Effective date: [1] August 31, 1957.

In support of the proposed periodic rate increase, Oil Participations states that the contract was arrived at by arm's-length bargaining, the pricing provisions constitute an integral part of the consideration upon which the contract was based, the proposed rate is fair, reasonable and just, and is lower than prices currently paid and offered for comparable quantities of similar gas in the general area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Oil Participations' FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Oil Participations' FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 31, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7307; Filed, Sept. 5, 1957; 8:49 a. m.]

[Docket Nos. G-12416, G-12422]

UNITED GAS PIPE LINE CO. AND HUMBLE OIL & REFINING CO.

NOTICE OF APPLICATIONS AND CONSOLIDATION OF PROCEEDINGS

AUGUST 30, 1957.

Take notice that United Gas Pipe Line Company (United), a Delaware corporation, with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, and Humble Oil & Refining Company (Humble), a Texas corporation with principal place of business in Humble Building, Houston, Texas, hereinafter collectively referred to as Applicants, filed in Docket Nos. G-12416 and G-12422 on April 15, 1957, respectively, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

United proposes to construct and operate approximately 3.5 miles of 8-inch lateral supply line extending southeasterly from a point of connection on United's existing 6-inch Dulac Field Line near the Dulac Field purchase meter station to the Lapeyrouse Area, Terrebonne Parish, Louisiana, together with a meter and separator at the end thereof. The estimated total cost of these facilities is $227,014 which will be financed by United out of current working funds. These facilities will be used for the purpose of enabling United to take natural gas produced by Humble in the Lapeyrouse Area, Terrebonne Parish, Louisiana, into its existing pipeline system. United will use this gas to assure the continued and uninterrupted flow of natural gas to its existing customers in meeting their present and future requirements. United also seeks authority to construct and operate such other facilities as may be required from time to time to connect, or to take additional deliveries from wells in the Lapeyrouse Area.

Humble proposes to sell natural gas in interstate commerce to United for resale. In this respect, Humble has entered into a 20-year gas sales contract with United dated March 5, 1957, under the terms of which Humble has dedicated to the performance thereof, all of the natural gas, subject to certain reservations, produced from its interests in all lands and leaseholds now owned by Humble in the Lapeyrouse Area, Terrebonne Parish, Louisiana, as set forth in Exhibit A to the contract.

United states that the estimated total volume of proven reserves in place in the dedicated acreage is 70,396,000 Mcf at 14.73 psia and that the estimated total volume of recoverable reserves is 14,612,000 Mcf at 14.73 psia. United also states that the instant contract together with its contract with Placid Oil Company results in United's having 100 percent of the field under contract. It is further stated that the Area is presently being actively developed; that it is conservatively estimated that there is a deliverability of 18,000 Mcf per day at present; that United will purchase between 4,000,000 and 5,000,000 Mcf during the first year after deliveries commence; that after the Area has been fully developed, there will be an estimated deliverability of 25,000 Mcf per day; and that United will purchase an estimated quantity of between 6,000,000 and 12,000,000 Mcf each year thereafter. United states that approximately 30 percent of these estimated daily and annual withdrawal rates will be attributable to Humble and that the remaining 70 percent will be attributable to Placid Oil Company from whom United is presently purchasing gas.

The aforesaid Humble-United contract provides for an initial price of 19.5 cents per Mcf at 15.025 psia for each of the 1st 4 years commencing with the date of the first deliveries; 21.5 cents for each of the next 3 years; 22.0 cents for each of the next 8 years; and 23.0 cents for each of the next 5 years. (These prices include the present Louisiana Gathering Tax.) In addition to the foregoing prices, United will reimburse Humble for 3/4ths of any new, additional or increased taxes.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 23, 1957.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7308; Filed, Sept. 5, 1957; 8:49 a. m.]

[Docket No. G-13156]

H. L. HUNT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 30, 1957.

H. L. Hunt (Hunt) on August 5, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description. Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Hunt's FPC Gas Rate Schedule No. 16.
Effective date: [1] September 5, 1957.

In support of the proposed favored-nations rate increase,[2] Hunt states that the change fulfills the contractual obligation, and disallowance would be a deprivation of property without due process of law.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the said proposed increased rates and charges contained in Supplement No. 3 to Hunt's FPC Gas Rate Schedule No. 16.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7309; Filed, Sept. 5, 1957; 8:49 a. m.]

[Docket No. G-13157]

HUNT OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

AUGUST 30, 1957.

Hunt Oil Company (Hunt) on August 5, 1957, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 3 to Hunt's FPC Gas Rate Schedule No. 34. Supplement No. 6 to Hunt's FPC Gas Rate Schedule No. 7.
Effective date: [1] September 5, 1957.

In support of the proposed favored-nations rate increases,[2] Hunt states that the changes fulfill the contractual obligations, and disallowance would be a deprivation of property without due process of law.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges.

[1] The stated effective date is the first day after expiration of the required thirty days' notice.

[2] Commissioner Digby dissenting.

[1] The stated effective date is the first day after expiration of the required thirty days' notice.

[2] The proposed increase has been triggered by the spiral escalation rate increase of 15.05 percent of Phillips Petroleum Company for gas sales in the Permian Basin to El Paso Natural Gas Company, which increase was suspended in Docket No. G-11217, and made effective subject to refund on March 11, 1957.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 5, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7310; Filed, Sept. 5, 1957; 8:50 a. m.]

[Docket No. G-12211 etc.]

SUNRAY MID-CONTINENT OIL CO., ET AL.

NOTICE OF APPLICATIONS AND CONSOLIDATION OF PROCEEDINGS

SEPTEMBER 3, 1957.

In the matters of Sunray Mid-Continent Oil Company, Docket No. G-12211; Buffalo Oil Company, Docket No. G-12214; Warren Petroleum Corporation, Docket No. G-12215; United Gas Pipe Line Company, Docket No. G-12270.

Take notice that applications for certificates of public convenience and necessity were filed, pursuant to section 7 (c) of the Natural Gas Act, by Sunray Mid-Continent Oil Company (Sunray) in Docket No. G-12211 on March 11, 1957, Buffalo Oil Company (Buffalo) in Docket No. G-12214 on March 13, 1957, Warren Petroleum Corporation (Warren) in Docket No. G-12215 on March 13, 1957, and United Gas Pipe Line Company (United) in Docket No. G-12270 on March 22, 1957, hereinafter collectively referred to as Applicants, authorizing said Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Sunray and Warren are Delaware corporations with principal places of business in Tulsa, Oklahoma; Buffalo is a Maryland corporation with principal place of business in Tulsa, Oklahoma; and United is a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana.

United proposes to construct and operate approximately 8.1 miles of 8-inch lateral transmission line extending southwesterly from a point of connection with United's existing 10-inch transmission line, in Lafayette Parish, Louisiana, near milepost 110 to a point in the Ridge Field, located within the Ridge Area, Lafayette Parish, Louisiana, together with a meter station and separator at the end thereof. The estimated total cost of these facilities is $110,614 which will be financed by United out of current working funds. These facilities will be used for the purpose of enabling United to take natural gas produced by Sunray, Buffalo and Warren in the Ridge Field and Area into its pipeline system. United will use this gas to assure the continued and uninterrupted flow of natural gas to its existing customers in meeting their present and future requirements. United also seeks authority to construct and operate such other facilities as may be required from time to time to connect, or to take additional deliveries from wells in the Ridge Area.

Sunray, Buffalo and Warren each propose to sell natural gas in interstate commerce produced from Ridge Field and Area, Lafayette Parish, Louisiana, to United for resale. Each of these producers has entered into a 20-year gas sales contract with United, dated January 1, 1957, as amended January 1 and January 30, 1957, providing for such sale. The provisions of these three basic contracts, as so amended, are identical except for party sellers and except, in the case of Sunray and Buffalo, respectively, for a reservation as to gas reserves heretofore dedicated by Sunray and Buffalo to Transcontinental Gas Pipe Line Corporation under contracts dated December 10, 1954, as amended, which pertain to recoverable gas reserves in the South Duson Field, Lafayette and Acadia Parishes, Louisiana. A part of the South Duson Field lies within the Ridge Area. By further amendment of its contract with United, dated March 4, 1947, Buffalo has dedicated the gas under certain additional acreage to the performance of its contract with United.

Under the aforesaid contracts, Sunray, Buffalo and Warren have each dedicated to the performance of its contract all of the natural gas, subject to certain reservations exclusive of the aforesaid reservation, produced from their respective interests in all lands, leaseholds and units now owned by them in the Ridge Area, Lafayette and Vermillion Parishes, Louisiana, as set forth, in the cases of Sunray and Warren, in Exhibit A to their respective contracts, and, in the case of Buffalo, as set forth in Exhibit A-1 to its contract, all as more precisely set forth in Exhibit H-2 (h) of United's application.

The contracts provide for an initial price of 20.5 cents per Mcf at 15.025 psia for each of the first 5 years commencing with the date of first delivery or with the date at which United becomes obligated to take or pay, whichever first occurs. Thereafter, the price (called base price) escalates 1.0 cent per Mcf for each of the next three 5-year periods. These base prices are subject to adjustment in inverse proportion to changes of the purchasing power of the dollar as indicated by the U. S. Dept. of Labor Index of Wholesale Prices of Commodities Other Than Farm Products and Food based on the period for 1957-1959 as set forth in detail in the contracts. Optionally, these base prices are also subject to renegotiation as set forth in the contracts. In addition to the foregoing prices, United will reimburse the sellers for the present Louisiana Gathering tax and for 3/4ths of any new, additional or increased taxes.

The annual minimum quantity of gas which must be taken or paid for during each contract year by United under the contracts is stated to be the product of 45,625/1,000,000 times the estimated total quantity of recoverable gas reserves dedicated. United also states that the estimated total volume of proven reserves in place in the Ridge Area is 155,872,000 Mcf at 14.73 psia and that the estimated recoverable reserves amount to 132,318,000 Mcf at 14.73 psia. It is also stated that there are 4 wells in the area which are very recent completions; that it is conservatively estimated that these wells will have a deliverability of 20,000 Mcf per day; that with such deliverability, United will purchase an estimated 5,000,000 to 6,000,000 Mcf during the first year and thereafter; and that if further development shows larger reserves or deliverability, United's purchases will increase in later years.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 23, 1957.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7332; Filed, Sept. 5, 1957; 8:53 a. m.]

[Docket No. G-12749]

TIDEWATER OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 3, 1957.

Take notice that on June 17, 1957, Tidewater Oil Company (applicant), filed in Docket No. G-12749 an application pursuant to section 7 (b) of the Natural Gas Act for an order permitting and approving the abandonment of natural gas service to Tennessee Gas Transmission Company from the West Bishop Field, Nueces County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that production from its Luling Foundation Well No. 1 in said West Bishop Field has declined to the extent that further operations are uneconomical and continuance of the subject service is unwarranted. Applicant states further that said well was plugged and abandoned on April 7, 1957.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of an concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7333; Filed, Sept. 5, 1957; 8:53 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of authority 303]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS FOR PROFESSIONAL SERVICES

AUGUST 30, 1957.

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for the period ending September 1, 1958, to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (4) of the act, contracts for the services of architectural and engineering firms in connection with the construction activities under the Alaska Public Works Program authorized by the act of August 24, 1949 (63 Stat. 627), as amended by the act of July 15, 1954 (68 Stat. 483).

2. This delegation of authority shall be subject to all provisions of Title III of the act with respect to negotiated contracts, and to all other provisions of law.

3. The authority herein delegated may be redelegated to any officer or official of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

5. The prior delegation of authority on the same subject to the Secretary of the Interior, dated August 21, 1956 (21 F. R. 6425), is hereby superseded.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-7334; Filed, Sept. 5, 1957; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

AUGUST 30, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On August 22, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, September 2 to 11, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-7313; Filed, Sept. 5, 1957; 8:50 a. m.]

[File No. 24B-962]

GOB SHOPS OF AMERICA, INC.

NOTICE OF AND ORDER FOR HEARING

AUGUST 29, 1957.

Gob Shops of America, Inc. (Gob Shops), a Rhode Island corporation, 41 Stukely Street, Providence, Rhode Island, filed with the Commission on January 21, 1957 a notification and an offering circular relating to an offering of 240,000 shares of its 30¢ par value common stock "at the market", but in no event for more than $300,000.00 on its behalf and on the behalf of Ernest Nathan, Theodore Schoenfeld, Joseph S. Porr, Laurence H. Lubin, J. Bowling Bruns, Jr., and Harold S. Coleman for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder. Bruns, Nordeman & Co., 52 Wall Street, New York 5, New York, was named as underwriter.

The Commission on July 25, 1957, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and denying Gob Shops' request for withdrawal of its notification without prejudice and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for a hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption and whether to deny with prejudice Gob Shops' request for withdrawal of its notification or to consent to the withdrawal of the notification,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on September 23, 1957, at 10:00 a. m., e. d. t. at the Boston Regional Office of the Commission, U. S. Post Office and Courthouse, Boston, Massachusetts, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that the notification fails to contain the information required by Item 9 with respect to unregistered securities of Gob Shops which were sold within one year prior to the filing of the notification by or for the account of persons who at the time were directors of Gob Shops, to wit Laurence H. Lubin and Harold S. Coleman;

B. Whether the notification and offering circular contain untrue statements of material fact and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning:

1. Unregistered securities of Gob Shops which were sold within one year prior

to the filing of the notification by or for the account of persons who at the time were directors;

2. The market for securities of which Gob Shops was the issuer;

3. The market price for securities of which Gob Shops was the issuer;

4. The activities of the underwriter in the market for securities of which Gob Shops was the issuer; and

5. The maintenance, dominance and control by the underwriter of the market for, and market price of, securities of which Gob Shops was the issuer;

C. Whether the offering would be made in violation of section 17 of the Securities Act of 1933, as amended, in that use would be made of an offering circular which contains false and misleading statements of material facts as is specified hereinabove;

D. Whether the order dated July 25, 1957, temporarily suspending the exemption under Regulation A should be vacated or made permanent; and

E. Whether Gob Shops' request for withdrawal of its notification should be denied with prejudice or whether the Commission should consent to the withdrawal.

It is further ordered, That Mr. William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Gob Shops of America, Inc., 41 Stukely Street, Providence, Rhode Island, Walter Adler and Bernard R. Pollock, 1006 Hospital Trust Building, Providence, Rhode Island, and Nathan B. Kogan, 99 Wall Street, New York, New York, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before September 20, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7314; Filed, Sept. 5, 1957; 8:50 a. m.]

[File No. 70-3608]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

ORDER APPROVING ISSUANCE OF PROMISSORY NOTE

AUGUST 30, 1957.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company and a subsidiary of Standard Shares, Inc., a registered holding company in the process of conversion into an investment company, and Philadelphia Company ("Philadelphia"), a subsidiary of Standard Gas and also a registered holding company, have filed with this Commission a joint application-declaration pursuant to sections 6 (a), 7, 9 and 10 of the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transaction:

Philadelphia proposes to issue and deliver to Standard Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,500,000 which will mature on September 10, 1957, and which bears interest at the rate of 4 percent per annum, payable monthly. The renewal note, in the same principal amount, will bear interest at the prime interest rate prevailing for short-term commercial bank loans (presently 4½ percent) at the date of the new note, and will mature September 10, 1958, with the right of the issuer to anticipate at any time without penalty the payment of all or any part of the principal thereof.

No commissions or fees will be paid or incurred in connection with the proposed transaction and the expenses, if any, will be nominal in the amount.

Due notice having been given of the filing of said application-declaration (Holding Company Act Release No. 13527) and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7315; Filed, Sept. 5, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 3, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34140: *All commodities—McKeesport, Pa., to southern points.* Filed by O. E. Schultz, Agent, (ER No. 2401), for interested rail carriers. Rates on all commodities, mixed carloads from McKeesport, Pa., to Huntsville, Ala., Hickory, N. C., and Pensacola, Fla.

Grounds for relief: Motor truck competition.

Tariff: Supplement 1 to Agent Hinsch's tariff I. C. C. 4781.

FSA No. 34141: *Sand—Berkeley Springs and Hancock, W. Va., to Greensboro, N. C., and Harrodsburg, Ky.* Filed by O. E. Schultz, Agent, (No. ER 2402), for interested rail carriers. Rates on sand, ground or pulverized, carloads from Berkeley Springs and Hancock, W. Va., to Greensboro, N. C., and Harrodsburg, Ky.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 50 to Agent C. W. Boin's tariff I. C. C. A-1079.

FSA No. 34142: *Slag—Ensley, Ala., to Ceramic, Ala.* Filed by O. W. South, Jr., Agent (SFA No. A3525), for interested rail carriers. Rates on expanded or water granulated slag, carloads from Ensley, Ala., to Ceramic, Ala.

Grounds for relief: Intrastate competition and short-line distance formula.

Tariff: Supplement 121 to Agent Spaninger's tariff I. C. C. 1469.

FSA No. 34143: *Potatoes—Colorado Points to New Orleans, La.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7104), for interested rail carriers. Rates on potatoes, other than sweet, carloads from specified points in the San Luis Valley of Colorado, as described in the application to New Orleans, La., on the Gulf, Mobile and Ohio Railroad Company.

Grounds for relief: Circuitous routes.

Tariff: Supplement 153 to Agent Kratzmeir's tariff I. C. C. 3722.

FSA No. 34144: *Merchandise from New York, N. Y., to Henderson, N. C.* Filed by O. E. Schultz, Agent (ER No. 2403), for interested rail carriers. Rates on all commodities, mixed carloads from New York, N. Y., to Henderson, N. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 7 to Agent C. W. Boin's tariff I. C. C. A-1119.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-7312; Filed, Sept. 5, 1957; 8:50 a. m.]

TARIFF COMMISSION

[Investigation 119]

TUNGSTEN ORES AND CONCENTRATES

NOTICE OF INVESTIGATION

In accordance with Senate Resolution 195, 85th Congress, the United States Tariff Commission, on the 30th day of August 1957, instituted an investigation for the purposes of section 336 of the Tariff Act of 1930 (19 U. S. C. 1336) of the differences in the costs of production of foreign tungsten ores and concentrates provided for in paragraph 302 (c) of the Tariff Act of 1930 and domestic tungsten ores and concentrates.

Public hearings in connection with this investigation will be announced at a future date.

Issued: September 3, 1957.

By order of the United States Tariff Commission, the 30th day of August 1957.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-7317; Filed, Sept. 5, 1957; 8:51 a. m.]

FEDERAL REGISTER

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Washington, Saturday, September 7, 1957

SEP 9 1957 MAIN READING ROOM

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

SUBPART F—VENDING STANDS TO BE OPERATED BY LICENSED BLIND PERSONS

Part 1, Subtitle A, Title 7 of the Code of Federal Regulations is amended by the addition of a new Subpart F, entitled Vending Stands to be Operated by Licensed Blind Persons, as follows:

Sec.
1.91 Purpose.
1.92 Department policy.
1.93 Procedure.
1.94 Special provisions.

AUTHORITY: §§ 1.91 to 1.94 issued under sec. 1, 49 Stat. 1559, as amended; 20 U. S. C. 107.

§ 1.91 *Purpose.* This subpart prescribes policies and procedures governing the installation of vending stands and vending machines to be operated by licensed blind persons on premises under the control of the Department in accordance with the policy and purposes of the Randolph-Sheppard Vending Stand Act, as amended (20 U. S. C. 107–107f).

§ 1.92 *Department policy*—(a) *Preference.* Licensed blind persons shall be given preference in the operation of vending stands on any Department-controlled premises in which vending stands may be properly and satisfactorily operated by such persons without unduly inconveniencing the Department or adversely affecting the interests of the United States.

(b) *Vending machines.* Where a permit is to be or has been issued for operation of a vending stand by a licensed person, income from vending machines which are determined to be in competition and which would provide the same or similar items which are or could be vended at the stand shall also be granted to the vending stand operator. Vending machine permits shall not be granted in premises where vending opportunities exist for the purpose of avoiding issuance of a vending stand permit.

(c) *Existing permits.* Where a determination has been made that a permit for the operation of a vending stand or machines by licensed blind persons is to be issued, existing permits which are determined to be in substantial competition with the operation by the blind person shall be terminated as soon as possible under the terms of such permits.

(d) *Surveys.* Department Agencies shall cooperate with the Department of Health, Education, and Welfare and State licensing agencies in making surveys to determine whether and where vending stands may be properly and profitably operated by blind persons.

§ 1.93 *Procedure.* Where it is determined that a vending stand may be installed, the State licensing agency shall be so advised and the necessary permit agreed upon and issued to it. Permits shall be approved by the Head or designated representative of the Agency having custody of the building or holding the prime lease.

§ 1.94 *Special Provisions*—(a) *Articles to be sold.* Items to be provided at vending stands or through vending machines may include, in addition to those specified in 20 U. S. C. 107–107f, such items as mutually agreed upon between the State licensing agency and the Department Agency. Items held for sale shall be clean and wholesome and shall be stocked in sufficient quantity to meet the needs of the persons served.

(b) *Location.* Stands and/or machines shall be so located as to provide reasonable access by the public or employees and at the same time to not constrict or obstruct access and exit to the premises or interfere with the transaction of public business.

(c) *Leased premises.* If stands and/or vending machines are to be installed in leased premises, the necessary approval of the lessor shall be obtained prior to granting the permit.

(d) *Charges for services.* No charge shall be made to the permittee for the use of the Government-furnished space or utilities; provided however, the permittee shall assume the responsibility for all cost of installation, maintenance in good repair and tenantable condition, and removal or relocation of the stand and/or vending machines.

(e) *Codes and ordinances.* The permittee shall be responsible for the operation of the stand and/or machines in

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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compliance with applicable local and state health, sanitation and building codes or ordinances. In the absence of such codes or ordinances, reasonable standards, not inconsistent with regulations of the Department, shall be enforced by the granting agency.

(f) *Approval of installation.* Any installations involving structural alterations or connections to building services shall be approved by the Department Agency prior to being made.

(g) *Termination provision.* The permit shall provide for termination upon (1) mutual consent, (2) vacation of the premises by the Department, (3) failure to comply with provisions of the permit (see paragraph (h) of this section), and (4) upon written determination by the Department official granting the permit that the Department is unduly inconvenienced or the interests of the United States are adversely affected. A copy of the written determination provided in (4) above shall be furnished to the State licensing agency. (See paragraph (i) of this section.)

(h) *Enforcement procedure.* If there are significant violations of the terms of this subpart or the permit, the matter shall be called to the attention of the State licensing agency. Upon failure of the State licensing agency to take action, the matter shall be referred to the Director of Plant and Operations for determination by him, after consultation with the Office of Vocational Rehabilitation, Department of Health, Education, and Welfare, of whether the permit should be terminated.

(i) *Disputes.* Any disputes between the Department Agency and the State licensing agency, including whether opportunities exist for the establishment of a vending stand or whether vending machine income should be assigned to the operator, shall be referred to the Director of Plant and Operations for final determination by him after consultation with the Office of Vocational Rehabilitation, Department of Health, Education, and Welfare.

Done at Washington, D. C., this 5th day of August 1957.

[SEAL] RALPH S. ROBERTS,
Administrative Assistant Secretary.

Approved: August 29, 1957.

A. R. JONES,
Acting Director,
Bureau of the Budget.

[F. R. Doc. 57-7341; Filed, Sept. 6, 1957; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 118]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.418 *Valencia Orange Regulation 118*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 5, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 8, 1957, and ending at 12:01 a. m., P. s. t., September 15, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 877,800 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 6, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7405; Filed, Sept. 6, 1957; 11:37 a. m.]

[Grapefruit Reg. 269]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.856 *Grapefruit Regulation 269*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 3, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (7 CFR 51.750–51.790); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955, (Chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., September 9, 1957, and ending at 12:01 a. m., e. s. t., September 23, 1957, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will

pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 5, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7375; Filed, Sept. 6, 1957; 8:52 a. m.]

[Orange Reg. 321]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.857 *Orange Regulation 321*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 3, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1186).

(2) Orange Regulation 320 (§ 933.854; 22 F. R. 4750) is hereby terminated effective at 12:01 a. m., e. s. t., September 9, 1957.

(3) During the period beginning at 12:01 a. m., e. s. t., September 9, 1957, and ending at 12:01 a. m., e. s. t., September 23, 1957, no handler shall ship:

(i) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which (*a*) do not grade at least U. S. No. 1, or (*b*) are of a size smaller than $2^{8}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{7}/_{16}$ inches in diameter and smaller; or

(ii) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which (*a*) do not grade at least U. S. No. 2 Russet, or (*b*) are of a size smaller than $2^{4}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2^{4}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{3}/_{16}$ inches in diameter and smaller.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 5, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7376; Filed, Sept. 6, 1957; 8:52 a. m.]

[Lemon Reg. 703]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.810 *Lemon Regulation 703*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for

regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 4, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 8, 1957, and ending at 12:01 a. m., P. s. t., September 15, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 5, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7399; Filed, Sept. 6, 1957; 9:11 a. m.]

[Avocado Order 14, Amdt. 4]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY AND MATURITY REGULATION

a. *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date specified herein. This amendment establishes maturity requirements for the listed varieties of avocados which will be applicable on and after the time the shipment of each such variety is permitted. A reasonable determination as to the time of maturity of a particular variety of avocados must await the development of the crop thereof, and adequate information thereon, with respect to the varieties specified in this amendment, was not available to the Avocado Administrative Committee until September 3, 1957; determinations as to the time of maturity of the varieties of avocados covered by this amendment were made at the meeting of said committee on September 3, 1957, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

b. It is therefore ordered that the provisions of § 969.314 (Avocado Order 14, as amended; 22 F. R. 3652, 4251, 5679, 6746) are hereby further amended as follows:

1. Amend Table I, paragraph (b) (2), by deleting from column 2 of such table the date "9/9/57" applicable to the Booth 8 variety of avocados and insert in lieu thereof the date "9/16/57."

2. Amend Table II, paragraph (b) (3), by adding thereto the following:

TABLE II

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Booth 8	Sept. 16, 1957	15 oz. 3⁹⁄₁₆ in.	Sept. 30, 1957	13 oz. 3⁹⁄₁₆ in.	Oct. 14, 1957	11 oz. 3⁹⁄₁₆ in.	Oct. 28, 1957

(3) Redesignate subparagraphs (6) and (7), paragraph (b), as subparagraphs (7) and (8), respectively, and revise the provisions thereof to read as follows:

(7) Insofar as any and all avocados not covered under subparagraphs (1) through (6) of this paragraph are concerned no handler shall handle any such avocados except in accordance with the following terms and conditions:

(i) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., September 9, 1957, and ending at 12:01 a. m., e. s. t., October 7, 1957, the individual fruit in each lot must weigh at least 14 ounces: *Provided,* That not to exceed 10 percent, by count, may weigh less than 14 ounces but not less than 12 ounces and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within tolerances; and

(ii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., October 7, 1957, and ending at 12:01 a. m., e. s. t., December 23, 1957, the individual fruit in each lot must weigh at least 12 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces, but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(8) Notwithstanding the provisions of subparagraphs (6) and (7) of this paragraph, any handler may, on and after the applicable beginning date specified in subdivision (i) of each of such subparagraphs, handle any lot of avocados covered by such subparagraphs without regard to the minimum weight requirements specified when (i) the exterior seed coat of the individual fruit is of a brown color characteristic of a mature avocado, or (ii) such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(4) Redesignate subparagraph (5), paragraph (b), as subparagraph (6) and insert a new subparagraph (5) therein reading as follows:

(5) During the period beginning at 12:01 a. m., e. s. t., October 28, 1957, and ending at 12:01 a. m., e. s. t., November 18, 1957, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit weighs at least 10 ounces or measures at least $2^{5}/_{16}$ inches in diameter: *Provided,* That up to 10 percent, by count, of the individual fruit contained in each lot of Booth 8 avocados may weigh less than the minimum weight specified in this subparagraph for such variety and may measure less than the minimum diameter so specified if such avocados weigh not

more than two ounces less than the applicable specified weight.

c. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., September 9, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 5, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7377; Filed, Sept. 6, 1957; 8:52 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF PRUNE ADMINISTRATIVE COMMITTEE FOR 1957–58 CROP YEAR AND FIXING RATE OF ASSESSMENT

Notice was published in the August 16, 1957 issue of the FEDERAL REGISTER (22 F. R. 6593), that the Secretary of Agriculture had under consideration a proposed rule to approve a budget of expenses for the Prune Administrative Committee (hereinafter referred to as the "committee") for the 1957–58 crop year, and fix a rate of assessment for such year, as hereinafter set forth, in accordance with the recommendations of the committee and pursuant to the provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, interested persons were afforded an opportunity to file written data, views, or arguments with respect to the proposals. No objections were filed within the time limitation set forth in the said notice.

After consideration of all matters pertaining to the proposals, including the recommendations of the committee, it is hereby found and determined, and, therefore, it is hereby ordered, that the budget of expenses of the committee and the rate of assessment for the crop year which began on August 1, 1957 and will end on July 31, 1958 shall be as follows:

§ 993.308 *Budget of expenses of the Prune Administrative Committee and a rate of assessment for the 1957–58 crop year*—(a) *Budget of expenses.* Expenses in the amount of $76,950 are reasonable and likely to be incurred by the committee for its functions and maintenance for the crop year which began on August 1, 1957 and will end on July 31, 1958.

(b) *Rate of assessment.* Each handler shall pay to the committee, in accordance with the provisions of § 993.81 (a), an assessment of 50 cents for each ton of salable tonnage prunes handled by him as the first handler thereof, and an assessment of 50 cents for each ton of prunes sold to him from surplus tonnage for resale to purchasers other than Federal governmental agencies, during the crop year which began on August 1, 1957 and will end on July 31, 1958. Such assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found and determined that good cause exists for not postponing the effective date of this order for 30 days, or any lesser period after its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Deliveries of 1957 crop dried prunes from producers to handlers have already commenced; (2) the committee must be enabled to obtain assessment funds promptly to defray expenses of administering the program; and (3) compliance with this section will not require any advance preparation on the part of the handlers. Accordingly, it is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated September 4, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-7340; Filed, Sept. 6, 1957; 8:45 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1958, Supp. 1]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1958

STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1958, the 1958 National Agricultural Conservation Program, issued August 9, 1957 (22 F. R. 6482), is hereby amended as follows:

Section 1101.902 is amended to read as follows:

§ 1101.902 *State funds.* (a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1957 distribution. The allocation of funds among the States is as follows:

Alabama	$6,181,000
Alaska	54,000
Arizona	1,583,000
Arkansas	4,936,000
California	5,842,000
Colorado	3,359,000
Connecticut	504,000
Delaware	339,000
Florida	2,766,000
Georgia	7,380,000
Hawaii	$188,000
Idaho	1,827,000
Illinois	8,820,000
Indiana	5,732,000
Iowa	9,649,000
Kansas	6,599,000
Kentucky	7,084,000
Louisiana	4,338,000
Maine	980,000
Maryland	1,322,000
Massachusetts	561,000
Michigan	5,129,000
Minnesota	6,211,000
Mississippi	6,617,000
Missouri	9,130,000
Montana	3,871,000
Nebraska	6,445,000
Nevada	383,000
New Hampshire	537,000
New Jersey	735,000
New Mexico	1,939,000
New York	4,794,000
North Carolina	6,581,000
North Dakota	4,612,000
Ohio	6,059,000
Oklahoma	7,453,000
Oregon	2,294,000
Pennsylvania	5,090,000
Puerto Rico	868,000
Rhode Island	84,000
South Carolina	3,626,000
South Dakota	4,804,000
Tennessee	5,343,000
Texas	20,201,000
Utah	1,375,000
Vermont	1,114,000
Virgin Islands	12,000
Virginia	4,558,000
Washington	2,456,000
West Virginia	1,603,000
Wisconsin	5,592,000
Wyoming	2,140,000
Total	211,700,000

(b) The apportionment shown above does not include the amount set aside for administrative expenses, the amount required for increases in small Federal cost-shares in § 1101.930, and the amount set aside for the Naval Stores Conservation Program.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 71 Stat. 329; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 4th day of September 1957.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 57-7373; Filed, Sept. 6, 1957; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.329]

PART 44—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE REFUGEE RELIEF ACT OF 1953

REVOCATION OF PART

Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended by the revocation of Part 44—Visas: Documentation of Immigrants Under the Refugee Relief Act of 1953.

The revocation provided in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

(Sec. 4, 63 Stat. 111; 5 U. S. C. 151c)

Dated: August 27, 1957.

RODERIC L. O'CONNOR,
Administrator, Bureau of Security and Consular Affairs.

[F. R. Doc. 57-7347; Filed, Sept. 6, 1957; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES

PART 599—BONDS AND INSURANCE

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. In § 590.605, revoke paragraphs (d) and (e); §§ 591.302, 591.302–1, and 591.302–2 are hereby revoked, as follows:

§ 590.605 *Suspension of bidders.* • • •

(d) *Responsibility of heads of procuring activities (report on contractual status of suspended contractors, reports control symbol JAG–19).* [Revoked]

(e) *Services receiving notice of suspension.* [Revoked]

• • • • •

§ 591.302 *Time of submission.* [Revoked]

§ 591.302–1 *Determinations concerning late bids.* [Revoked]

§ 591.302–2 *Records.* [Revoked]

2. In § 592.403–3, revise the introductory portion of paragraph (b) as follows:

§ 592.403–3 *Fixed-price contract providing for the redetermination of price.* • • •

(b) The form of price redetermination clause set forth in subparagraph (1) of this paragraph may be used as directed by the Head of a Procuring Activity. The forms of price redetermination clauses set forth in subparagraphs (2) and (3) of this paragraph will not be used without the prior approval of the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C. However, in accordance with § 3.403–3 (b) (5) (iii) (*b*) of this title, authority is granted to the head of each technical service, with power of redelegation to a chief officer for procurement and his deputy within the office of the head of the technical service, to approve in writing the use of contract clauses providing for price redetermination after contract completion. The use of such clauses shall be closely supervised to insure that they are used with discretion and in accordance with § 3.403–3 (b) (5) (ii) of this title. They will not be used as a substitute for proper initial price negotiation. Forms of price redetermination clauses other than those in subparagraphs (1) through (3) of this paragraph will be used only after prior approval has been secured from the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C.

3. In § 596.103–11, revise paragraphs (f), (g), (h), (i), and (j), and revoke paragraphs (k) and (l); and revise paragraph (c) of § 596.103–12, as follows:

§ 596.103–11 *Default.* • • •

(f) *Action by commanding officer.* (1) If repurchase will not be effected, compute actual (or liquidated damages when clause contained in § 7.105–5 of this title is used), and make written demand upon the Contractor for the amount thereof.

(2) If repurchase is effected, compute excess costs and actual (or liquidated damages, when clause contained in § 7.105–5 of this title is used), and make written demand upon the Contractor for the total amount.

(g) *Amount chargeable against defaulting Contractor.* A purchase or purchases against the account of a defaulting Contractor must not exceed the quantity originally ordered, with consideration given, of course, to the variation clause, if any, in the contract, and must be secured if practicable on the same unit basis, such as each, dozen, pound. This, however, does not preclude the Government from entering into one contract with the completing Contractor which includes additional needed supplies provided that the excess costs to be charged against the account of the defaulting Contractor are determined as provided in the preceding sentence of this paragraph. In any event, actual damages (or liquidated damages, if clause contained in § 7.105–5 of this title is used) resulting from delay, may be assessed in addition to excess costs.

(h) *Action in connection with Federal Supply Schedule Contracts*—(1) *Action by contracting officer*—(i) *Ordering office.* Before declaring a Contractor in default, it is suggested that ordinarily ordering offices should notify the Contractor in writing that unless satisfactory performance occurs by a specified date, which should allow a reasonable time for performance, his right to proceed further under the delivery order will be considered terminated and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. This step would not be taken ordinarily when the default involves an attempted fraud on the United States, or when it obviously would be futile, as for example, when the Contractor has already declined to perform. Where excess costs are anticipated, the ordering office may likewise decide to withhold sufficient funds due the Contractor as offset security. Ordering offices will endeavor to minimize excess costs to be charged against the Contractor and to collect, by check or setoff, excess costs owed. Such collected funds are usually for deposit into the Treasury as miscellaneous receipts.

(ii) *Federal Supply Service.* Where ordering offices are notified by the Federal Supply Service that it has declared the Contractor in default, ordering offices will thereafter refuse to accept further performance by the Contractor or place further delivery orders with him. Ordering offices will thereafter purchase against the account of the Contractor from replacing contractors designated by the Federal Supply Service or in such other manner as directed by the Federal Supply Service.

(2) *Reports.* Ordering offices will report to the Purchase Branch, Federal Supply Service, Washington 25, D. C., the details concerning all material instances of unsatisfactory performance by the Contractor, whether or not properly adjusted and settled. Ordering offices also will report, as may be directed by the Federal Supply Service, all purchases made against the account of a Contractor placed in default by the Federal Supply Service.

(i) *Excusable delay.* Where, following termination for default, it is subsequently determined that the Contractor's delay was excusable, the procedure outlined in paragraph (e) of the Default Clause (§ 7.103–11 of this title) will be followed.

(j) *Applicability to oversea commands.* The default clause is applicable to oversea commands except where any of its provisions are inconsistent with or prohibited by local law, in which case the clause should be amended to conform to local law. For the purpose of this paragraph, local law is defined as the law of the foreign country or legal entity which is applicable to the execution and performance of contracts therein.

(k) *Excusable delay.* [Revoked]

(l) *Applicability to oversea commands.* [Revoked]

§ 596.103–12 *Disputes.* • • •

(c) *Major oversea commands.* (1) The following "Disputes" Clause will be inserted in all contracts entered into by major oversea commands and to be performed outside the United States (48 States and the District of Columbia) in lieu of the clause set forth in § 7.103–12 of this title.

DISPUTES

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Commanding General (--------[1]) and the decision of the Commanding General (--------[1]), or that of his duly authorized representative (other than the Contracting Officer under this contract) for the hearing of such appeals, shall, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricous, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence, be final and conclusive upon the parties hereto when the amount involved in the appeal is $50,000 or less; provided that, if no appeal is taken, within the said 30 days, the decision of the Contracting Officer shall be final and conclusive. When the amount

[1] Specify name of major oversea command concerned.

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involved is more than $50,000 the decision of the Commanding General (--------[1]) shall be subject to written appeal within 30 days after the receipt thereof by the Contractor to the Secretary of the Army and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence, be final and conclusive; provided that if no such further appeal is taken, within the said 30 days, the decision of the Commanding General (--------[1]) or that of his duly authorized representative shall be final and conclusive. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with Contracting Officer's decision.

(2) Each commanding general of a major oversea command will appoint within his command a Board to be known as "[name of command] Board of Contract Appeals." The Board will consist of three or more members who will be persons trained in the law, one of whom will be designated by the appointing authority as the President of the Board. There also will be appointed a Recorder of the Board who will perform such duties as the Board may prescribe. The Recorder of the Board also may be a member thereof.

(3) The Board, created pursuant to the provisions of subparagraph (2) of this paragraph will be designated by the commanding general as his duly authorized representative to hear, consider, and decide, as fully as he might do, all appeals to him under contracts having such provisions. The Board will be granted all power necessary and incident to the proper performance of its duties and, with the approval of the appointing authority, will adopt its own methods of procedure, rules and regulations for its conduct and for the preparation and presentation of appeals and issuance of decisions.

(4) Each commanding general of a major oversea command will designate one or more trial attorneys, who will be qualified attorneys at law, for the preparation and presentation of the contentions of the Procuring Activity in relation to appeals filed with the Board.

4. In Part 599, revise Subparts C, D, E, and G, as follows:

Subpart C—Insurance; General

Sec.
599.301 General.
599.302 Notice of cancellation or change.
599.303 Responsibility for loss of or damage to Government property.

§ 599.301 *General.* Insurance coverages, other than mandatory coverages may be required or authorized by Heads of Procuring Activities, where commingling of property, operations, circumstances of ownership, or degree of responsibility imposed by the contract make the purchase of insurance reasonably necessary for the protection of the several interests. Department of the Army restrictions or limitations on insurance purchases chargeable to Government contracts vary, depending upon the type of contract. The term "insurance" includes, but is not limited to the following forms of coverage, whether provided under a commercial insurance policy or under an approved self-insurance plan:

(a) Workmen's Compensation and Employers' Liability.
(b) General Liability.
(c) Automobile.
(d) Aircraft.
(e) Physical Damage (property).
(f) Bonds.
(g) Employees Group Insurance (Life, Hospitalization, Accident and Health, Surgical, etc.).
(h) Extra-Hazardous Accident.

§ 599.302 *Notice of cancellation or change.* Where insurance is required by the contract or required or approved by the Head of the Procuring Activity, the policies evidencing such insurance shall contain an endorsement to the effect that cancellation or material change in the policies will be subject to thirty (30) days written notice of cancellation or change to the Head of the Procuring Activity.

§ 599.303 *Responsibility for loss of or damage to Government property.* Except with respect to advertised fixed-price contracts, it is the policy of the Department of the Army not to hold prime Contractors responsible for loss of or damage to Government property caused by certain perils. (§§ 13.411, 13.502 and 13.503 of this title and §§ 596.150–4, 602.550 and 602.551 of this subchapter.) This policy is based upon the principle that insurance costs will not be incurred and consequently will not be reflected in the contract price or contract cost. Where, however, due to the commingling of Government and Contractor's property, or for other reasons, relief of the Contractor from liability will not result in a reduction of the contract price or contract cost to the Government, this policy may be waived and the Contractor held fully responsible in the same manner as in advertised fixed-price contracts by amending the contract clauses.

(a) The policy governing the responsibility and liability of subcontractors for Government property is set forth in § 13.104–2 of this title.

Subpart D—Insurance Under Fixed-Price Contracts

Sec.
599.401 Policy.
599.402 Government-furnished property.
599.450 Work at Government installation.
599.451 Insurance in negotiated fixed-price contracts.
599.452 Accident and disability insurance for extra-hazardous occupations.

§ 599.401 *Policy.* (a) Where certain laws apply, such as State laws governing workmen's compensation and employers' liability coverage, Federal laws such as the Federal Longshoremen's and Harbor Workers' Act or, in the case of common carriers, cargo insurance as required by Interstate Commerce Commission regulations, the Contracting Officer will not impose insurance requirements other than evidence from the Contractor that such laws have been complied with. Where a performance bond supports the contract, evidence of compliance will not be necessary.

(b) In special cases, other types of insurance may be required by the Head of the Procuring Activity only if such insurance is determined to be necessary in connection with the performance of the contract.

§ 599.402 *Government-furnished property.* Subject to the degree of responsibility for Government property established by the contract, the purchase or nonpurchase of property insurance is discretionary with the Contractor (§ 13.502 of this title).

§ 599.450 *Work at Government installation.* A fixed-price contractor performing work at a Government installation shall be required to furnish evidence of Comprehensive General Liability and Automobile Liability insurance, in each instance for both bodily injury and property damage. Such evidence of insurance shall be furnished to the Head of the Procuring Activity and shall be in such limits as is deemed reasonable under the circumstances.

§ 599.451 *Insurance in negotiated fixed-price contracts.* The costs of insurance in negotiated fixed-price contracts are not subject to the same degree of controls and supervision which are exercised under cost-type contracts; however, a Contractor's insurance program may develop costs which are substantial and which may have a material effect on the contract price. Consistent with the Department of the Army policy of close-pricing, evaluation of that portion of the contract price attributable to the Contractor's insurance program should be given careful consideration to establish as accurately as possible the insurance costs applicable to the contract. Technical advice and assistance with respect to insurance costs will be provided by the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Chief, Contracts Branch, upon request.

§ 599.452 *Accident and disability insurance for extra-hazardous occupations.* The insurance described in § 599.552 (a) for cost-type contracts is available for use in fixed-price type contracts.

Subpart E—Insurance under Cost-Reimbursement Type Contracts

Sec.
599.501 Policy.
599.501–1 Workmen's compensation and employers' liability insurance.
599.501–2 General liability insurance.
599.501–3 Automobile liability insurance.
599.501–4 Aircraft public and passenger liability insurance.
599.502 Self-insurance.
599.503 Government property.
599.503–50 Liability for loss.
599.550 Boiler inspection service.
599.551 Group insurance plans.
599.552 Accident and disability insurance for extra-hazardous occupations.
599.553 Insurance carrier.
599.554 Approval requirements for plans, policies, endorsements, and rates.

[1] Specify name of major oversea command concerned.

Sec.
599.555 Action on termination or completion of contract.
599.556 Assignment to Government of premiums, premium refunds, and dividends—cost-reimbursement type contracts.
599.557 Oversea.

§ 599.501 *Policy*—(a) *General.* (1) The kinds of insurance required in §§ 599.501–1, 599.501–2, 599.501–3 and 599.501–4 (a) ordinarily will be required by the Contracting Officer unless the Contractor is relieved by statute from liability and elects to invoke such immunity or has an acceptable program of self-insurance. In special cases other types of insurance may be required to the extent deemed necessary by the Head of the Procuring Activity.

(2) Where operations under the Department of the Army cost-type contracts are commingled with the Contractor's commercial operations and/or fixed-price contracts, and the cost-type operations constitute the minor part of the total operations, the limits of coverage prescribed in §§ 599.501–1, 599.501–2, 599.501–3 and 599.501–4 (a) may be modified and higher limits approved.

(3) Where the cost of insurance coverage is included in the overhead rate, the contract schedule shall specifically provide that the insurance cost included therein shall not be an item for separate reimbursement under the contract.

(4) The Contracting Officer, in establishing insurance costs for overhead rate negotiations, shall ascertain to the extent reasonably possible that such costs are net after dividends or other credits are taken.

(b) *Required endorsements*—(1) *Waiver of subrogation.* Unless an additional premium is required, an insurance policy covering performance under a Department of the Army Contract will be endorsed waiving the insurer's right to subrogation against the Government for losses under the policy arising out of contract performance.

(2) *Notice of cancellation or change.* Where insurance is required by the contract or approved by the Head of the Procuring Activity, the policies evidencing such insurance shall contain an endorsement to the effect that cancellation of or material change in the policies will be subject to thirty (30) days written notice of cancellation or change to the approving authority.

(c) The Contracting Officer will ascertain and advise the Head of his Procuring Activity, prior to completing the placement of insurance under the contract, as to whether (and if so, to what extent) the Contractor has cost-reimbursement type contracts with any other agency of the Department of Defense at the proposed location or adjacent thereto. This information should be readily obtainable from the Contractor and will be used by the Head of the Procuring Activity concerned to determine whether the insurance pertaining to the contract can be combined with the insurance pertaining to the Contractor's other contracts in order to be eligible for more favorable insurance arrangements.

§ 599.501–1 *Workmen's compensation and employers' liability insurance.* (a) Workmen's compensation insurance protects the employer against liability imposed by a workmen's compensation law to pay benefits and furnish medical care to employees injured, and to pay benefits to the dependents of the employees killed, in the course of and arising out of their employment. Employers' Liability insurance protects an employer against claims for damages which may arise out of injuries to employees in the course of their work where such work or injury is not covered by the workmen's compensation law. Employers' Liability insurance will be required, and endorsed to provide:

(1) Occupational disease coverage in jurisdictions where the workmen's compensation law does not cover all occupational diseases, in limits of $100,000 for any one policy year;

(2) In those jurisdictions where there is a "per accident" limitation coverage under paragraph 1 (b) of the insurance policy, additional limits up to $100,000 for each accident.

(3) In jurisdictions where workmen's compensation coverage is carried in a state fund which does not provide the protection afforded by the requirements of subparagraphs (1) and (2) of this paragraph, and the workmen's compensation act of the jurisdiction is not the exclusive remedy of employees against employers for all injuries or diseases relating to the employment, Employers' Liability insurance will be purchased in the following amounts: (i) Accidental injury $50,000 per person, $100,000 per accident and (ii) Occupational disease $100,000 aggregate per year.

(b) The Longshoremen's and Harbor Workers' Compensation Act, as amended (42 U. S. C. chapters 11 and 12, as amended) provides that workmen's compensation benefits as provided by the act must be afforded all United States citizen employees of any Contractor with the United States on any military, air or naval defense base or public work as defined therein, other than contractors or subcontractors engaged exclusively in furnishing materials or supplies. Where it is desired that the benefits under this law be waived with respect to the United States citizens employed by such Contractors outside the continental limits of the United States, a request for waiver will be submitted by the Head of the Procuring Activity to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Chief, Contracts Branch, for necessary action.

§ 599.501–2 *General liability insurance.* (a) General liability insurance, for bodily injury, protects the insured against loss due to all claims for bodily injury arising from his business premises or operation (except those arising from motor vehicles away from the premises, those covered by any workmen's compensation law, and other exclusions stated in the policy). This insurance will be required with limits of $50,000 per person and $100,000 per accident.

(b) General liability insurance for damage to property of others may be purchased under the general liability policy where, in the opinion of the Contracting Officer, the exposure under the contract operations is such as to warrant obtaining the experienced claims and investigating services of the insurance carrier. This form of coverage will be necessary only for Contractors engaged in the handling of high explosives or in extrahazardous research and development activities undertaken in populated areas. Prior approval for purchase of this type of insurance will be obtained from the Head of the Procuring Activity and limits of $50,000 per accident with an aggregate limit of $100,000 for each year of policy coverage will be considered adequate. Where a commingling of operations, however, permits property damage coverage at a nominal cost to the Department of the Army under insurance carried by the Contractor in the course of his commercial operations, the participation in such insurance will be deemed in the best interests of the Government.

(c) Products liability insurance protects the insured for damages to third persons arising out of the consumption, handling, or use of a product. This insurance will be required only where a Contractor under the authority of his contract operates a commissary or other similar facility for dispensing food. Such insurance, when necessary, will be added by endorsement to the general liability policy with limits of $50,000 per person and $100,000 aggregate for each year of policy coverage. Aircraft products liability insurance is set forth in § 599.501–4 (c).

(d) Contractual liability insurance protects the contractor against loss arising under assumption of liability by agreement. This insurance is provided by the comprehensive general liability policy where a Contractor has assumed liability in writing under:

(1) A lease of premises,
(2) An easement agreement,
(3) An agreement required by municipal ordinance,
(4) A sidetrack agreement, or under
(5) An elevator or escalator maintenance agreement.

The purchase of insurance for other assumed liability may be approved where assumption of such liability by the Contractor has been authorized and the Head of the Procuring Activity determines that the purchase of such insurance is necessary.

(e) Where the insurance required by this paragraph is purchased for contracts to be performed outside the continental limits of the United States, its Territories, possessions, and the Commonwealth of Puerto Rico, the Head of the Procuring Activity is authorized to revise downward the monetary limits prescribed herein.

§ 599.501–3 *Automobile liability insurance.* Automobile public liability and property damage insurance will be required with limits of $50,000 per person and $100,000 per accident for bodily injury liability and $5,000 for property damage liability on the comprehensive policy form covering all owned, non-

owned, hired, and Government-furnished motor vehicles which will be used in the contract operations where such use will not be limited exclusively to the premises on which the work under the contract is to be performed. When such insurance is purchased for contracts to be performed outside the continental limits of the United States, its Territories, possessions, and the Commonwealth of Puerto Rico, the Head of the Procuring Activity is authorized to revise downward the monetary limits prescribed herein.

§ 599.501–4 *Aircraft public and passenger liability insurance.* (a) The Contractor will carry the insurance set forth in this paragraph where the contract performance requires the operation, maintenance, or use of aircraft.

(1) Aircraft liability insurance: Aircraft liability insurance (including passengers, if the exposure exists) with bodily injury limits of $50,000 per person, $100,000 per accident and property damage limits of $50,000 per accident will be required.

(2) Airport liability insurance: If the operation of an airport is required in connection with the performance of the contract, airport liability insurance with bodily injury limits of $50,000 per person, $100,000 per accident will be required. Property damage coverage will not be required or approved without the specific approval of the Head of the Procuring Activity concerned.

(3) Where the Contractor's operations under the Department of the Army cost-type contracts are commingled with his commercial operations or with his performance under Government fixed-price type contracts, the higher limits normally carried by the Contractor may be approved in excess of those indicated in subparagraphs (1) and (2) of this paragraph.

(b) Aircraft hull and aircraft in the open insurance: Since the Contractor is relieved of liability under the Government property clause in the contract, Aircraft Hull and Aircraft in the Open Insurance shall not be purchased under cost-plus-fixed-fee contracts for manufacture, modification, or servicing of Government-owned aircraft. Aircraft Hull and Aircraft in the Open Insurance may be purchased to insure aircraft not owned by the Government but used in connection with performance under the contract.

(c) Aircraft products liability insurance: Aircraft products liability insurance may be authorized in contracts for the manufacture, modification, or repair of aircraft, and the premium therefor allowable, subject to approval of the terms, limits, and rates by the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics Department of the Army.

(1) Unless approved by the Assistant Secretary of the Army (Logistics), no provision shall be included in any contract for the manufacture, repair, or modification of aircraft which provides for reimbursement to, or indemnification of, a Contractor on account of liability to third persons for loss or damage to property, death, or bodily injury where the liability arises out of a "products hazard" (as that term is defined in the usual type of aircraft products liability insurance policy). Requests for the approval of the Assistant Secretary of the Army (Logistics), including full justification, shall be forwarded, through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Chief, Contracts Branch.

§ 599.502 *Self-insurance.* Self-insurance may be approved: *Provided*, The self-insurance program is used in the Contractor's commercial operations, the costs thereof are distributed throughout his operations on a reasonable basis, the program is not merely a system whereby losses arising out of an operation are charged directly to the contract for reimbursement, and the cost of the self-insurance program does not exceed the cost of a commercially insured program. Self-insurance programs may be approved only by the Head of the Procuring Activity concerned. Advice and technical assistance in evaluating the acceptability of self-insurance programs may be obtained from the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Department of the Army.

§ 599.503 *Government property.* The Government Property Clause (§ 13.503 of this title) generally relieves the Contractor for loss and damage to Government property in his care, custody, or control and therefore any insurance covering loss or damage to such property is not required or approved. This policy is subject to deviation under the circumstances stated in § 599.303.

(a) The loss and salvage organizations referred to in the contract clause (§ 13.503 of this title) will be found listed in the local telephone directory of the larger cities. They are known as: "General Adjustment Bureau, Inc.," "Underwriters Adjusting Company," and "Western Adjusting and Inspection Company." The services of these organizations are performed for the Government, within the continental limits of the United States, on a cost-plus travelling expense basis.

§ 599.503–50 *Liability for loss.* The Contractor's relief from liability for loss of or damage to Government property in his care, custody, or control is intended to place the Contractor in the same position he would occupy if commercial insurance policies providing broad protection were procured by him against the named perils.

§ 599.550 *Boiler inspection service.* (a) The Department of the Army maintains a contract with a recognized insurance company for the purpose of obtaining boiler inspection services on certain types of boilers located within the continental limits of the United States. The main value of Boiler Machinery Insurance is the boiler inspection services; therefore, the purchase of such insurance to procure inspection service is not authorized under a cost-reimbursement type contract. Among the types of boilers serviced by this contract are (1) Government-owned boilers located at military installations operated by private contractors, and (2) privately owned boilers located on military reservations. Accordingly, where steam boilers are placed in initial operation under a contract, the Contracting Officer will notify the appropriate ZI Army Commander and request the boilers to be included for inspection under the boiler inspection contract.

(b) In areas outside the continental limits of the United States, boiler insurance may be purchased where insurance companies are available to render adequate inspection service.

§ 599.551 *Group insurance plans.* (a) Group life insurance plans and other forms of insurance provided voluntarily to employees in order to furnish benefits in the event of death, disability, dismemberment, hospitalization, surgical, or medical care will be subject to approval by the Head of the Procuring Activity.

(b) The purpose of this requirement is to insure that greater benefits are not being extended under the Department of the Army cost-reimbursement type contract than are otherwise granted to employees under the Contractor's regular commercial operations. When an existing benefit schedule is being increased, such schedule will also be referred to the Head of the Procuring Activity for approval. Where Contractor's employees under the cost-reimbursement type contract are covered under the Contractor's commercial group life or similar-type insurance policies, provision should be made upon contract completion or termination to see that any experience refund due will be credited proportionately to the contract.

§ 599.552 *Accident and disability insurance for extra-hazardous occupations.* (a) Insurance for risks of disability or death due to extra-hazardous occupations of Contractor employees may be procured under one of the master policies negotiated with the Indemnity Insurance Company of North America. Master Policy No. FD–502 covers research operations, and Master Policy No. FD–508 covers other than research operations. Effective on new and renewal policies dated November 1, 1956 or later, the rate is $36.00 per year/per person for $10,000 insurance. Coverage is available in units of $5,000, $10,000, $15,000, and $20,000. For units of coverage other than $10,000, the rate of $36.00 shall be adjusted in the same ratio that the amount of coverage purchased bears to $10,000. The cost of coverage for less than 1 year is reduced pro-rata, subject to a minimum premium of $5.00. The Contractor can insure those employees who are engaged in extra-hazardous operations under a Government contract by contacting the insurance company. (Indemnity Insurance Company of North America, 620 Woodward Building, Washington 25, D. C.)

(b) When the cost of the insurance is an item for reimbursement under a Department of the Army contract, the Contractor may procure such insurance at the expense of the Government only with the prior approval of and determination by the Contracting Officer that the hazardous nature of the occupation necessitates the procurement of such insurance for the performance of the contract and that the amount of coverage is reasonable under the circumstances. Requests for approval of insurance coverage in excess of $20,000, together with findings and recommendations, shall be forwarded, through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Chief, Contracts Branch.

(c) Questions relative to such insurance may be directed, through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Chief, Contracts Branch.

§ 599.553 *Insurance carrier.* Contractors performing under cost-reimbursement type contracts will select their insurance carriers. Insurance carriers selected will be subject to approval by Heads of Procuring Activities as to compliance with the following established Department of the Army minimum standards:

(a) The carrier must have an unobligated minimum surplus of $350,000.

(b) In the case of a contract for casualty insurance, other than workmen's compensation insurance, the financial responsibility of the insurance carrier must be such that the policy will not expose the carrier in a single accident or occurrence to a loss (1) of more than 10 percent of its total capital stock and surplus, in the case of a fixed-premium carrier, or (2) of more than 10 percent of its net assets in the case of a dividend-paying carrier.

(c) In the case of workmen's compensation insurance, the insurance carrier shall have (1) a total capital and surplus of at least $1,000,000, in the case of a fixed-premium carrier, or (2) at least $1,000,000 of net assets in the case of a dividend-paying carrier.

Deviations in these standards may be made by the Head of the Procuring Activity in the case of a foreign insurance carrier operating outside the continental limits of the United States provided that the financial responsibility of such carrier has been established.

§ 599.554 *Approval requirements for plans, policies, endorsements, and rates.* All plans, policies, endorsements, rates, and premiums for insurance coverages in connection with cost-reimbursement type contracts will be subject to approval by the Head of the Procuring Activity. Heads of Procuring Activities may require a change of plan if the type selected by the Contractor is not deemed to be in the best interest of the Government.

(a) Copies of all policies, exhibits, and assignments, as required by the National Defense Projects Rating Plan, War Department Insurance Rating Plan (now obsolete except on selected oversea projects), or the Defense Department Group Term Insurance Plan, and Advisors Service Agreements will be forwarded upon receipt by the Head of the Procuring Activity to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Chief, Contracts Branch.

(b) Where the contract operations are separately insured (§§ 599.750, 599.751, and 599.752) under any form of retrospective rating plan, losses and final premium costs assigned to the policies involved will be subject to review and prior approval by the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Department of the Army. Copies of all such policies, retrospective premium calculations, and loss reports will be forwarded, when due, to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Chief, Contracts Branch. Retrospective rated policies are those under which the final premium cost is not determined until the policy has expired or has been terminated, and is dependent to a large degree upon the losses incurred during the policy period.

(c) Where the contract operations are jointly insured with the Contractor's commercial operations, the proportion of Government interest and amount of premium involved will be the governing factors in determining the necessity for maintenance of Government control.

§ 599.555 *Action on termination or completion of contract.* Generally, settlements of cost-reimbursement type contracts will have been completed prior to the required lapse of time for final settlement under any form of retrospective rating plan of insurance. Therefore, where a retrospective plan of insurance is involved, the Contracting Officer will take appropriate action, at the time of contract settlement, to insure that any remaining credits due the Contractor in connection with the insurance will be paid to the Government and any outstanding obligations of the Contractor with respect to insurance will be assumed by the Government.

§ 599.556 *Assignment to Government of premiums, premium refunds, and dividends—cost-reimbursement type contracts.* The action required by § 599.555 will be accomplished through execution of one of the two types of assignment set forth in this section.

(a) In the event the Government has less than a 100 percent interest in premium refunds or dividends, the assignment will be appropriately modified to reflect the percentage of the Government's interest in premium refunds or dividends and the extent of the Government's assumption of additional premium obligation.

(b) Assignments to the Government will be executed in sufficient copies to serve the purposes of the cognizant procuring activity. After the original and all copies have been executed by the Contractor and the Government, the Contracting Officer will mail the original and all copies by registered mail, return receipt requested, to the home office of the insurance company involved for signature by an officer of the company. The letter accompanying the forms will specify that all checks to cover return premiums and dividends are to be made payable to the Treasurer of the United States, and forwarded to the Contracting Officer with advice as to the contract to which it applies. The executed assignments will be distributed in accordance with the procedures of the procuring activity; however, in the event § 599.554 is applicable, one (1) copy shall be forwarded to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Chief, Contracts Branch.

(c) *Assignment forms.* (1) The form set forth in § 599.752 will be used in connection with National Defense Projects Rating Plan or War Department Insurance Rating Plan policies.

(2) The form set forth below will be used in connection with insurance policies not issued under the National Defense Projects Rating Plan or War Department Insurance Rating Plan when the Government has assumed the Contractor's obligations for further premium payments under the policies (§ 599.555).

ASSIGNMENT TO GOVERNMENT

It is agreed that the return premium and dividend [1] due or to become due the insured under Policy No. _____ are hereby assigned to and shall be paid to the United States of America, and the Contractor directs the company to make such payments to the Treasurer of the United States acting for and on account of the United States of America.

The United States of America hereby assumes and agrees to fulfill all present and future obligations of the Contractor with respect to the payment of the premiums due under said policy.

This agreement, upon acceptance by the Contractor, the United States of America and the company shall be effective from _____

Accepted _____
(Date)
(Name of Insurance Company) _____
By _____
(Title of official signing)

Accepted _____
(Date)
United States of America _____
By _____
(Authorized representative)

Accepted _____
(Date)
_____
(Prime contractor—Insured)
By _____

§ 599.557 *Oversea.* In areas outside the continental limits of the United States, its Territories, possessions, and the Commonwealth of Puerto Rico, where the insurance coverages are not available because of the absence of competent or financially responsible insurance carriers, the Head of the Procuring Activity is authorized to waive the insurance requirements.

Subpart G—Special casualty insurance rating plans

Sec.
599.750 Special rating plans.
599.750–1 Eligibility.
599.751 Insurance advisors.
599.752 Assignment to Government of premiums, premium refunds, and dividends—cost-reimbursement type contracts—rating plan policies.

§ 599.750 *Special rating plans.* In addition to the National Defense Projects Rating Plan and War Department Insurance Rating Plan (§ 10.700 of this title) a special Defense Department Group Term Insurance Rating Plan is

[1] Omit "and dividend," if non-dividend paying company.

available for cost-reimbursement type contracts in connection with the purchase of the various forms of group insurance coverage on a Contractor's employees. Even though the Plan is available, it will, under normal conditions, not be used. Application of the Plan is a matter for determination by the Head of the Procuring Activity concerned with the approval of the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C.

§ 599.750–1 *Eligibility.* The Contractor is eligible for the Defense Department Group Term Insurance Rating Plan only if:

(a) The Contractor is wholly engaged in operations under eligible contracts and the number of insured employees is 500 or more; or

(b) Ninety percent or more of the payroll of the Contractor's operations to be insured under the Plan arise under eligible contracts.

§ 599.751 *Insurance advisors.* When the insurance program is administered under the National Defense Projects Rating Plan for contracts within the continental limits of the United States, the Contractor may select an insurance advisor to represent him in connection with the insurance coverages under the Plan. The selected advisor must be a licensed insurance agent or broker. If a Contractor selects an insurance advisor, the advisor will submit his qualifications through the Contractor to the Contracting Officer for approval. The statement of qualifications should include the past experience of the firm or individual, location of the office from which the risk will be serviced, and a list of other Government contracts on which the advisor is presently servicing or has serviced in the past. After the individual or firm has been approved by the Contracting Officer, the Contractor will enter into the service agreement in paragraph (a) of this section with his insurance advisor. One copy of the insurance service agreement will be furnished to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Chief Contracts Branch.

(a) *Defense Department Insurance Service Agreement.*

DEFENSE DEPARTMENT INSURANCE SERVICE AGREEMENT

1. _____
(Name of Advisor)
an individual, a partnership, a corporation organized and existing under the laws of _____ (strike out inapplicable designation and/or add appropriate designation) of _____
(Address of Advisor)
_____ hereinafter called the "Advisor," agree(s), in consideration of a fee to be determined in the manner hereinafter set forth, to render complete insurance advisory service to _____
(Name of Contractor)
of _____,
(Address of Contractor)
Contractor with the United States of America under Contract No. _____ hereinafter called the "Contractor," on all insurance procured under the National Defense Projects Rating Plan with respect to the construction or operation (or both, as the case may be) of _____, located at or near _____, from the effective date of this agreement continuously until approval of final premium audit and of all premiums for such insurance has been made.

2. The Advisor agrees that he will:

a. Upon request, assist the Contractor in the selection of an insurance carrier;

b. Procure insurance binders and policies and examine to determine that they are correctly written and that the required coverages are provided;

c. Assist the Contractor in establishing proper procedure and records for determining payroll classifications and for other units of exposure upon which insurance premiums are based;

d. Review and approve all insurance audit statements and premium invoices as to rates and premium extensions;

e. Visit the project or location of operations as required by the Contractor or deemed advisable by the Advisor to determine that insurance matters under the National Defense Projects Rating Plan are properly handled;

f. Render any other assistance relating to insurance written under the National Defense Projects Rating Plan which the Contractor may require;

g. Submit to the Contractor a detailed report of findings and of services performed, during each quarter, and such special reports as may be necessary, and

h. Forward to the Contracting Officer the prescribed insurance assignment agreement or agreements executed by the Contractor.

3. The Contractor agrees to pay the Advisor a fee for his services, the amount of which shall be determined by applying the applicable percentages set forth in Column B below to 90 percent of each respective block of standard premium indicated in Column A accruing during the period of this Agreement on policies issued to the Contractor under the National Defense Projects Rating Plan. "Standard Premium" as used herein shall mean the premium for such policies computed on the basis of the manual rules and rates approved by the Defense Department for use in connection with the policies issued to the Contractor under the National Defense Projects Rating Plan.

FEE SCHEDULE ON INSURANCE SERVICE AGREEMENT

A	B	C	D	E
Standard premium	Percent	Fees	Cumulative standard premiums	Cumulative fees
First 10,000	@ 7½	675	(10,000)	675
Next 40,000	@ 4	1,440	(50,000)	2,115
Next 50,000	@ 2	900	(100,000)	3,015
Next 150,000	@ 1	1,350	(250,000)	4,365
Next 750,000	@ ½	3,375	(1,000,000)	7,740
Next 1,000,000	@ ½	4,500	(2,000,000)	12,240
Next 1,000,000	@ ¼	2,250	(3,000,000)	14,490
Next 1,000,000	@ ¼	2,250	(4,000,000)	16,740

A—Standard premium blocks.
B—Percent applicable to 90 percent of each respective block of standard premiums.
C—Fees by blocks.
D—Cumulative standard premiums.
E—Cumulative fees on respective cumulative standard premiums.

4. The Advisor shall submit quarterly a statement of the aggregate earned standard premium and the aggregate earned Advisor's fee, less the amount of all fees previously earned. If, however, this agreement supersedes a previous insurance service agreement or agreements, the Advisor shall submit quarterly a statement of (a) the aggregate standard premium earned during the term of all agreements; (b) the aggregate standard premium earned during the term of all previous agreements; and (c) the fee earned during the term of this agreement less all fees previously earned under this agreement. The fee earned under this agreement shall be computed by applying the basis of computation as set forth in this agreement to the aggregate standard premium earned during the term of all agreements, and deducting from the total fee thus computed, the portion thereof applicable to the aggregate standard premium earned during the term of all previous agreements. Upon approval by the Contractor of each such quarterly statement, the Advisor shall be paid the earned fee. A final statement shall be submitted by the Advisor upon receipt of final audit statements from the insurance carrier and final settlement of the Advisor's fee shall be made as soon as practicable thereafter.

5. The Advisor agrees that he will neither accept employment by nor any remuneration directly or indirectly from the insurance carrier for services rendered in connection with the insurance written under the National Defense Projects Rating Plan covering operations under the contract referred to in paragraph 1 hereof.

6. This agreement may be terminated by either of the parties hereto upon notice in writing mailed to the other party stating when, not less than ten days thereafter, such termination shall be effective. Delivery of such notice shall be equivalent to mailing. In the event of termination a copy of such notice shall be immediately mailed to _____ _____
(Contracting Officer) (Address)
If this Agreement is terminated as herein provided, the Advisor's fee shall be computed in the manner provided herein on the standard premium accrued to the effective date of termination.

This Agreement, executed this _____ day of _____, 19 __, shall be effective and binding on the undersigned from and after _____.

ATTEST:
_____
(Insurance Advisor)
_____
By _____
Title _____
_____
(Affix Corporate Seal)
WITNESSES as to Advisor:
_____ _____
(Name) (Address)
_____ _____
(Name) (Address)
ATTEST:
_____
(Contractor)
_____
By _____
Title _____
_____
(Affix Corporate Seal)
WITNESSES as to Contractor:
_____ _____
(Name) (Address)
_____ _____
(Name) (Address)
APPROVED:
_____
_____
(Contracting Officer)

NOTE: If a corporation, signature should be attested by a corporate officer and corporate seal affixed. In all other cases two witnesses are required.

(b) *Insurance Advisor's Quarterly Statement of Earned Fee.* The insurance advisor will bill the Contractor each quarter for his fee in accordance with the schedule of percentages outlined in the insurance service agreement. The following format will be used in the preparation of the fee statement:

INSURANCE ADVISOR'S QUARTERLY STATEMENT OF EARNED FEE

Advisor _____
Address _____
Date _____
Contractor _____
Contract No. _____
Project _____
Location _____
Insurance carrier _____
Policy period: From _____
To _____
Effective date of insurance service agreement _____

	Aggregate earned Standard premium
Period _____ to _____	
Workmen's Compensation and O. D. Policy	$_____
Comprehensive Public Liability Policy	$_____
Comprehensive Auto Liability Policy	$_____
Total	$_____

COMPUTATION OF ADVISOR'S FEE

(c) *Insurance Advisor's Quarterly Report of Services Rendered.* Each quarter the insurance advisor will submit a written report to the Contractor stating services rendered during the period. A copy of each quarterly report will be submitted, through channels to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Chief, Contracts Branch.

The following outline will be followed in preparing the report:

(The Insurance Advisor's Quarterly Report of Services Rendered should follow the following topical outline and should be complete, clear, and concise.)

INSURANCE ADVISOR'S QUARTERLY REPORT OF SERVICES RENDERED

Period _____ to _____

1. *Insurance Placed and Policies Procured.*
2. *Policies, Binders, Endorsements, etc., Examined—Conditions Found and Action Taken.*
3. *Rating Procedures and Records Established.*
4. *Audit Statements and Premium Invoices Reviewed—Conditions Found and Action Taken.*
5. *Other Data Procured From Carriers—Comments.*
6. *Visits to Projects.*
(a) Date.
(b) Report of Safety Engineering Service and Facilities.
(c) Report of Claim Service and Facilities.
(d) Report of Hospital and Medical Service and Facilities.
(e) Other Visits—Date, Purpose and Results.
7. *Other Services Rendered.*
8. Recommendations: (List and Be Specific).

_____
(Insurance Advisor)
By _____
Title _____

§ 599.752 *Assignment to Government of premiums, premium refunds, and dividends—cost-reimbursement type contracts—rating plan policies.* (a) The following format will be used for accomplishing the action required in assigning to the Government the interest of a cost-reimbursement type contractor in return premiums, premium refunds, etc., on insurance policies issued under Special Rating Plans, upon termination or completion of the contract, when the Government has assumed the payment of the Contractor's obligations for further premium payments under such policies:

ASSIGNMENT TO GOVERNMENT

It is agreed that the return premiums and premium refunds and dividends [1] due or to become due the prime Contractor under the policies to which the _____ [2] Rating Plan Endorsement made a part of Policy _____ applies are hereby assigned to and shall be paid to the United States of America, and the prime Contractor directs the company to make such payments to the Treasurer of the United States acting for and on account of the United States of America.

The United States of America hereby assumes and agrees to fulfill all present and future obligations of the prime Contractor with respect to the payment of the premiums under said policies.

This agreement, upon acceptance by the prime Contractor, the United States of America and the Company shall be effective from _____.

Accepted _____
(Date)
_____
(Name of insurance company)
By _____
(Title of official signing)
Accepted _____
(Date)
United States of America
By _____
(Authorized representative)
Accepted _____
(Date)
By _____
(Prime contractor)
By _____
(Authorized representative)

5. Section 606.207–1 is revised to read as follows:

§ 606.207–1 *Cost-type and time and materials contracts*—(a) *Submission of vouchers.* All reimbursement vouchers under cost-type contracts (including time and materials) will be submitted by the Contractor direct to the Contracting Officer for processing to the Disbursing Officer for payment. One copy of the voucher will be clearly marked "Auditor's Copy" and will have placed thereon before forwarding to the Disbursing Officer, the address of the appropriate Branch Office of the Army Audit Agency. Upon payment, the Disbursing Officer will insert in the "Brief Block", the check number, date of check, and the amount paid in the spaces provided on the voucher, and will forward the "Auditor's Copy" to the Branch Office of the Army Audit Agency indicated thereon. When any item of cost claimed by the Contractor is disapproved by the Contracting Officer, or when any item of cost requires or is given specific approval as to nature or amount, a written notice setting forth the Contracting Officer's action and basis therefor will be affixed to the Auditor's copy of the voucher.

(b) *Reports of audit.* Advisory audit reports pertaining to each cost-type contract (including time and materials) will be prepared by the Auditor and submitted to the Contracting Officer at a time or times when, in the opinion of the Auditor or the Contracting Officer, such advisory report is needed or desirable. Advisory audit reports must be submitted timely and in accordance with contract terms, and shall be rendered no less than once yearly. A contract audit closing statement will be prepared by the Auditor upon receipt of the Contractor's completion voucher and the Contractor's cumulative claim and reconciliation. The Contracting Officer will not process the Contractor's completion voucher for payment prior to receipt and review of the contract audit closing statement. Claims for costs reserved in the completion voucher and release will not be approved for payment prior to audit advice. (§ 7.203–4 (e) of this title.) If any audit discloses cost claimed by the Contractor which, in the opinion of the Auditor, do not appear to be reimbursable under the terms of the contract, or which appear to be excessive, unreasonable or not allocable, the Auditor will note and explain such costs in the advisory audit report in sufficient detail to enable the Contracting Officer to understand the issues involved.

(c) *Action upon receipt of advisory audit report.* Upon receipt of the advisory audit report the Contracting Officer will, pursuant to contract terms and this Procedure, determine the allowability of all costs covered by the audit giving full consideration to the Auditor's recommendations. Amounts determined by the Contracting Officer to be unallowable will be deducted from the next succeeding voucher, and a copy of the document setting forth his determination will be attached thereto.

(1) Where the Contracting Officer is in doubt or questions the recommendations of the Auditor, deductions from reimbursement vouchers need not be made until further review has been accomplished. On such items of cost the Contracting Officer should confer with the Auditor and if the Auditor's position is still questioned, the Contracting Officer will obtain the advice of the Head of the Procuring Activity involved.

(2) Where the Contracting Officer requests the advice of the Head of the Procuring Activity, he will prepare a file setting forth the Auditor's findings, recommendations, and opinions, and his reasons for questioning the Auditor's recommendations. This file will, when appropriate, include the comments of the Contracting Officer's legal and technical advisors on the problem.

(3) In reviewing the file, the Head of the Procuring Activity may solicit the advice and assistance of the Headquarters, Army Audit Agency. If the Head of the Procuring Activity is in agreement with the recommendations of the Army Audit Agency, the Contracting Officer will be advised accordingly by the Head of the Procuring Activity.

(4) Except in the oversea commands, where the Head of the Procuring Activity is not in agreement with the recommendations of the Army Audit Agency, the file prepared by the Contracting Officer and the recommendations of the Head of the Procuring Activity will be forwarded to the Deputy Chief of Staff for Logistics, Department of the Army,

[1] Omit "and dividends" in non-dividend paying carrier.
[2] Insert title of Rating Plan.

Washington 25, D. C., Attn: Contracts Branch.

(5) In oversea commands, the Commanding General of the command involved will establish procedures for final determinations when the audit agency of the command and the procuring activity of the command cannot agree.

(6) The Contracting Officer will not make a final determination in cases as set forth in this paragraph without the benefit of the advice of the Head of the Procuring Activity concerned or the comments of the Deputy Chief of Staff for Logistics, Department of the Army.

(d) *Marking of vouchers.* All vouchers, with the exception of the completion voucher, will be stamped or otherwise noted by the Contracting Officer as a "provisional payment."

6. In § 606.702, revise paragraphs (j), (l), (m), (n), (o), (p), (q), (r), and (s), and revoke paragraph (t), as follows:

§ 606.702 *Definitions.* • • •

(j) *Small business (for Government procurement)*—(1) *General definition.* A small business concern for the purpose of Government procurement is a concern that (i) is not dominant in its field of operation and, with its affiliates, employs fewer than 500 employees, or (ii) is certified as a small business concern by the Small Business Administration.

(2) *Status of non-manufacturer.* Anyone who submits bids or offers in his own name, but who proposes to furnish a product not manufactured by said bidder or offerer is deemed to be a small business concern when (i) he is a small business concern within the meaning of subparagraph (1) of this paragraph, and (ii) he is a regular dealer as defined in the Walsh-Healey Public Contracts Act, and (iii) in the case of a Government procurement reserved for or involving preferential treatment of small business or one involving equal bids, such nonmanufacturer shall, in order to qualify as small business, furnish the product of a small business manufacturer or producer in the performance of all contracts except construction or service-type contracts.

(3) *Status through certification.* Any business concern may apply to the Regional or Branch Office of Small Business Administration nearest to such concern's principal place of business for a Small Business Certificate. If the applicant, together with all its affiliates, is not dominant and is otherwise determined to be a small business in its field of operation, even though it has in excess of 500 employees, a certificate will be issued certifying that the applicant is a small business concern within the meaning of the act. The holder of such a certificate will then qualify, subject to the terms of the certificate, as a small business concern for Government procurement purposes. If the applicant is dominant, even though together with all its affiliates it employs fewer than 500 persons, the application for a certificate shall be denied.

(4) *Status through representation.* In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria of subparagraph (1) or (2) of this paragraph and which has not previously been denied small business status by Small Business Administration, may represent that it is a small business. In the absence of a written protest, such concern shall be deemed to be a small business for the purpose of the specific Government procurement involved. Small Business Administration is empowered by the Small Business Act of 1953 to determine the concerns which are to be designated "Small Business Concerns" for the purposes of the act. Such determinations, when made, shall be accepted by the Department of the Army; nevertheless, in the absence of such determination, the Department of the Army will observe the definition of Small Business concerns as above.

• • • • •

(l) *Small Business Advisers and Specialists.* Small Business Advisers and Specialists are individuals appointed in accordance with § 606.706 (c) (5), who have been assigned the responsibility for assisting small business concerns to participate in the defense procurement program. In the Department of the Army, Small Business Advisers and Specialists are appointed by name by the Head of the Procuring Activity concerned, in writing, and are responsible directly to him.

(m) *Sources of supply—small business.* See §§ 1.302–3 and 1.307 of this title, and § 590.201–9 of this subchapter.

(n) *Suitable for procurement from small business.* An item or service is considered suitable for procurement from Small Business when the item or service is one which business concerns in the Small Business category presently:

(1) Are technically competent to produce or furnish;

(2) Have adequate available facilities and open capacity to produce or furnish;

(3) Can produce or furnish at competitive prices (quantity and delivery factors considered), as sources of supply as defined in § 590.201–9 of this subchapter;

(4) Are capable of meeting the required delivery schedule, and

(5) Are able to produce or furnish without overtaxing their financial and technical resources.

(o) *Supplies and services.*—(1) *Supplies.* See § 1.201–8 of this title. All items necessary for the equipment, maintenance, and operation of a military command, including food, clothing, equipment, arms, ammunition, fuel, forage, materials, and machinery of all kind.

(2) *Services.* Services, not of a personal nature, such as research and development, transportation, packing and packaging, communications transmission, and repairing and other nonmaterial transaction, which may be purchased under contract or are pertinent to the completion of a contract.

(p) *Established supplier.* An "established supplier" for an item is a concern which is a "source of supplies" as defined in § 1.201–9 of this title and which has supplied the item satisfactorily to one or more military departments; or one with which mobilization planning is in effect.

(q) *Potential supplier.* A "potential supplier" of an item is a concern which is a "source of supplies" as defined in § 1.201–9 of this title and which is considered to be technically and financially competent to supply the item, but which is not an established supplier.

(r) *Fair proportion.* A "fair proportion of the total purchases and contracts for supplies and services for the Department of Defense to be placed with small business concerns" is defined as that proportion which small business concerns can win in open competition, provided they are given an equitable opportunity to compete.

(s) *Equitable opportunity.* An equitable opportunity to compete (with respect to the competition by small business firms for Defense procurement of an item, the bidders' mailing list for which contains the names of established or potential small business suppliers) is defined as that opportunity which exists when the following conditions are met:

(1) The bidders' mailing list of the procuring activity for the item includes the names of such established or potential small business suppliers as have made acceptable application for inclusion in the list.

(2) The Invitation for Bids or the Request for Proposals are sent to all the firms, large and small, on the list; or, where they are sent to less than the complete list, a pro rata percentage of small firms is included among those solicited.

(3) The quantities are appropriate, the delivery schedules reasonable, the time allowed for the preparation and submission of bids adequate, and the specifications and drawings sufficient to enable small business firms to compete.

(4) Proposed procurements are publicized as required by existing regulations.

(5) The definition of a fair proportion in paragraph (r) of this section shall not in itself be used as a reason for refusing to make joint determinations as provided in Part 607 of this subchapter.

(t) *Equitable opportunity.* [Revoked]

7. Section 606.704 is revised to read as follows:

§ 606.704 *Small Business Organization in the Department of the Army.* A Small Business Advisor is appointed on a full time basis at the Department of the Army level, in an advisory capacity to the Assistant Secretary of the Army (Logistics), and the Deputy Chief of Staff for Logistics, on all matters pertaining to the Small Business Program within the Department of the Army, and to provide guidance to all Department of the Army Small Business Advisors and their staffs. Small Business Advisors are appointed by Heads of Procuring Activities, and will serve other immediate staffs to advise on small business matters, and to direct the implementation of the Department of the Army Small Business Program. Small Business Specialists are appointed in certain field purchasing offices to advise the heads of such offices on Small Business matters and to participate in the implementation of the Department of the Army Small Business Program. The Small Business Specialist and his staff will be assigned to the headquarters of the purchasing office to which he is appointed and will serve under the direct supervision of the head of such purchasing office (§ 606.706 (c) (2)).

8. In § 606.705, revise the heading and the introductory sentence and paragraphs (n) and (o), as follows:

§ 606.705 *Functions to be performed by Small Business Advisors and Specialists in the Department of the Army Small Business Program.* (For specific assignment of responsibilities, see § 606.706 (c)).

• • • • •

(n) Reviews each procurement directive issued or to be issued by his office, with value of $5,000 or more, to determine suitability for and make recommendation as to Small Business participation.

(o) Reviews and analyzes all procurement action reports (Individual Procurement Action Report) (DD Forms 350) for the purpose of (1) ascertaining subcontract possibilities for Small Business and (2) to insure the accuracy of entries regarding Small Business. In addition, reviews and analyzes other reports which reflect Small Business activity, such as DA Form 377 and DA Form 1877, Data on proposed procurement action (§ 2.206–3 of this title).

9. Sections 606.706 and 606.711 are revised to read as follows:

§ 606.706 *Responsibilities for implementation of Department of the Army Small Business Program*—(a) *Department of the Army Small Business Advisor.* (1) Department of the Army Small Business Advisor exercises responsibility for initiating and developing plans, policies, and procedures with respect to the maximum utilization of small firms in the Department of the Army procurement program.

(2) In conjunction with other military departments and civilian agencies of the Government, develops Small Business policies and programs for joint use.

(b) *Department of the Army Small Business Council.* (1) There is established a Department of the Army Small Business Council, consisting of the Department of the Army Small Business Advisor, who shall be chairman of the Council, and the Small Business Advisor of the respective technical services. In addition to those functions listed in paragraph (d) of this section which may be exercised by the Small Business Advisor, the technical service members of the Council will have the following functions and duties:

(i) Serve as assistants to the Department of the Army Small Business Advisor, on all Small Business policy and procedure which may concern their particular technical service in order to assist in developing unity of action on Small Business matters.

(ii) Present special problems of their particular technical service to the Secretarial level and the Deputy Chief of Staff for Logistics, setting forth their impact on Small Business and relationship with Small Business Administration.

(iii) After coordination with the Office of Department Counselor, attended Congressional hearings when requested, which are concerned with Small Business matters, prepared to present their technical service Small Business Program, policies, and procedures, and to answer any questions if called upon by the Committee to do so.

(2) The Council shall receive and review appeals of Small Business determinations forwarded to the Office of the Deputy Chief of Staff for Logistics by the head of a technical service or by the Washington Office of the Small Business Administration, and make appropriate recommendations to the Office of the Deputy Chief of Staff for Logistics.

(3) The Council will carry out such other duties as may properly become a part of the Small Business Program.

(c) *Heads of Procuring Activities and administrative services.* (1) Heads of Procuring Activities (except commanding generals of the major oversea commands) and heads of administrative services are responsible for the successful implementation and effective operation of the Department of the Army Small Business Program.

(i) They will insure that their Small Business activities are adequately staffed and fully coordinated with the procurement and industrial mobilization activities.

(ii) Proper facilities will be furnished the Small Business Specialist including exhibits of procurement items which may be manufactured by Small Business, when the procurement mission warrants.

(iii) Procurement personnel will be instructed in the objective of the Small Business Program and will give full support to this activity.

(2) Heads of technical services (as Heads of Procuring Activities) will each redesignate their Senior Small Business Specialist as Small Business Advisor to the head of their respective technical service and as Chief, Office of Small Business of the technical service, on a full-time basis.

(3) Heads of administrative services and commanding generals of ZI armies and the Military District of Washington, U. S. Army, will each redesignate their Senior Small Business Specialist as Small Business Advisor to the head of their respective administrative service or command and as Chief, Office of Small Business of their administrative service or command on a full-time basis or a part-time basis as conditions warrant, but the principal function will be as Small Business Advisor and the promotion of the Army Small Business Policy and Program.

(4) The position of Small Business Advisor will be classified in the GS–1140 Business Analyst (Small Business) category. The duties of the position will encompass the maximum delegation of responsibility, as specified in § 606.705 and this section. This is essential because the level of the position must be sufficiently high to attract an individual with the qualifications, stature and background to function successfully with comparable personnel within the technical or administrative service, other Government agencies and with personnel from industry. The functions of a Small Business Advisor are set forth in § 606.705 (a), (b), (c), (d), (e), (f), (h), (i), (j), (k), (l), (m), (o), (q), (s), and (u), and shall include any other functions which the Head of the Procuring Activity and administrative service may wish to assign to the Small Business Advisor which are deemed desirable in the promotion and carrying out of the Army Small Business Policy and Program.

(5) Small Business Advisors and the Small Business Specialists in field purchasing offices will be appointed by name and in writing by Heads of Procuring Activities and heads of administrative services. The authority to appoint personnel to these positions may not be redelegated. The appointing authority will insure that the Small Business Advisors and Specialists be enabled to maintain the necessary independence of thought and action to perform their functions.

(i) A copy of each letter of appointment of a Small Business Advisor or of a Small Business Specialist will be forwarded to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Army Small Business Advisor.

(ii) Letters of appointment will indicate the name of the office or purchasing office to which the appointee is assigned; whether such office is a principal purchasing office; whether or not the assignment will require full-time or part-time duty; if part-time, the percentage of time which will probably be devoted to the Small Business program; and the Civil Service grade and status of the appointee.

(iii) The Office of the Deputy Chief of Staff for Logistics will also be notified promptly by letter by the Heads of Procuring Activities or heads of administrative services of each change which occurs in the Civil Service grade and/or other duties of appointed Small Business Specialists.

(d) *Commanders of Class II and Class III installations.* Commanders of field establishments engaged in procurement, where vacancies exist or occur, will nominate Small Business Specialists for appointment by the Head of the Procuring Activity. These appointments may be recommended on a full-time or part-time basis as deemed necessary in consideration of the procurement mission, the dollar volume of procurement, the number of individual procurement actions, and the accessibility of the installation to small business firms. In the event that the Small Business Administration has a full-time or part-time representative at the installation, this will be considered with respect to the full-time or part-time assignment of the Small Business Specialist. Small Business Specialists appointed on a part-time basis will have the primary duty and principal function as Small Business Specialist and the promotion of the Department of the Army Small Business Policy and Program. Appointments will

be made and a copy of letters of appointment will be forwarded in accordance with paragraph (c) (5) of this section. The position of Small Business Specialist will be classified in the GS–1140 Business Analyst (Small Business) category, but current appointees or prospective appointees in other categories (such as GS–2020, Purchasing Officer, GS–1102, Contract Specialist, etc.) who are otherwise fully qualified to meet the requirements of the position may be retained or appointed without change in Civil Service category. Functions of the Small Business Specialist are set forth in § 606.705 (a), (b), (c), (d), (e), (f), (g), (h), (i), (k), (n), (o), (p), (q), (r), (s), and (t). Commanders of class II and III installations will insure that:

(1) Small Business concerns are provided with all appropriate procurement information of the procuring activity program, in order that they may contact the appropriate purchasing offices.

(2) Small Business concerns are provided with information on prime contracts in order that they may explore subcontract possibilities.

(3) Where the procurement mission warrants, displays and exhibits of items under procurement are made available to assist and guide prospective bidders.

(4) Small Business concerns obtain advice and counsel with regard to methods of financing, management and technical assistance, generally by reference to the Small Business Administration.

(5) Suitable accommodations and administrative support are provided the Small Business Specialist.

(e) *Commanders of class I installations.* Commanders of class I installations of the ZI armies and Military District of Washington, U. S. Army, will appoint the Contracting Officer or his nominee to insure the interests of Small Business, in keeping with the Department of the Army Small Business Policy and Program. The functions that will be carried out by the Contracting Officer are set forth in § 606.705 (a), (b), (c), (g), (n), (o), (s), and (t).

(f) *Accomplishment of DA Form 1877 by class II and III installations.* All class II and III installations will accomplish DA Form 1877 in accordance with instructions set forth in §§ 591.250 and 592.106 of this subchapter, 606.705 (t) and (u) and 606.713 (c).

(g) *Accomplishment of DA Form 1877 by class I installations.* Contracting Officers at class I installations will accomplish DA Form 1877 in its entirety in accordance with instructions set forth in §§ 591.250 and 592.106 of this subchapter, §§ 606.705 (t) and (u) and 606.713 (c) except that Contracting Officers will sign on lines 22 and 23, respectively. The original copy of DA Form 1877 will be submitted to the Small Business Advisor of the respective ZI army or Military District of Washington, U. S. Army, for review; the second copy will be placed with the preaward transaction file (§ 591.203 (a) (1) of this subchapter); and the third copy will be retained by the Contracting Officer in chronological order for ready reference. The Small Business Advisor, upon making such a review, will bring to the attention of the commander of the installation any inequities therein which may negate small business receiving an equitable opportunity to compete.

§ 606.714 *Operational procedures.* The policies and procedures prescribed in this paragraph do not in any way alter the present policy on methods of procurement (§ 606.103). Therefore, if formal advertising is determined by the contracting officer to be the appropriate method to utilize for a particular procurement, invitations for bids will be issued and awards made in precise accord with the provisions of Part 2 of this title and Part 591 of this subchapter, pertaining to formal advertising. In the implementation of the policies stated herein, contracting officers are cautioned not to engage in the practice of inviting bids for formally advertised procurement and then rejecting all bids and resorting to negotiation; for, in so doing, bidders would quickly lose confidence in the competitive bid system. Special care will be exercised to the end that small business concerns whose names appear on the appropriate bidders' lists will receive an opportunity to participate.

(a) *Withdrawals of determinations.* If in the light of the facts and circumstances existing at the time of the placement of the contract the contracting officer considers that a contract cannot be made with a small business concern without detriment to the Government's interest (for example, because of unreasonable price, unsatisfactory delivery schedule, insufficient capacity, lack of technical ability to produce, etc.), the contracting officer may request withdrawal of the determination. In the case of a joint determination, if the Small Business Administration Representative does not agree, the matter shall be referred to the chief of the purchasing office or his designee, whose decision shall be final, unless the chief or his designee decides to refer the matter to higher authority, in which event the decision of higher authority shall be final. A signed memorandum record of the withdrawal of any determination will be made and retained as a part of the specific procurement files.

(b) *Procurements involving a 100-percent determination.* Procurements involving a 100-percent determination may be entered into by means of regular negotiation procedures or by a method of negotiating to be known as "Small Business Restricted Advertising." Small business restricted advertising, including awards thereunder, will be conducted under procedures prescribed for formal advertising under Part 2 of this title, except that bids and awards will be restricted to small business concerns and the contract shall be awarded pursuant to the authority of title 10, United States Code, section 2304 (a) (1), as well as section 214, Public Law 163, 83d Congress. Where regular negotiation procedures are utilized to effect the procurement, competition and widespread publicity will be used to the fullest extent practicable and due consideration shall be given to placing procurements, without detriment to the Government, with qualified small concerns in need of business as against small concerns having ample workload. Each invitation for bid (or request for proposal) issued in connection with a proposed procurement which has been set aside for small business concerns will contain substantially the following clause:

NOTICE TO PROSPECTIVE BIDDERS OR OFFERORS

This procurement shall be awarded to one or more small business concerns. This action is the result of a determination by the contracting officer, alone, or in conjunction with a duly authorized representative of the Small Business Administration, that is in the interest of maintaining or mobilizing the nation's full productive capacity, or in the interest of war or national defense programs. Therefore, bids, or proposals under this procurement are restricted to small business concern or concerns. A business concern is a concern that (i) is not dominant in its field of operation and, with its affiliates, employs fewer than 500 employees, or (ii) is certified as a small business concern by the Small Business Administration. In addition to meeting one of these criteria, a dealer submitting bids or proposals in its own name must be a regular dealer and agree to furnish the product of a small business manufacturer or producer in the performance of the contract. The right is reserved to reject any bid or proposal when it is in the interest of the Government to do so. Bids or proposals received from firms not classified as small business concerns shall be considered as nonresponsive.

Where bids are received from large business at prices lower than those quoted by small business, it may be an indication that screening for susceptibility of the procurement from small business was not as complete as it should have been. Such bids by large firms will be regarded as courtesy bids and will be considered nonresponsive. Records of such lower bids from large business should be maintained at the purchasing office for use in determining the propriety of executing determinations in connection with future procurements of the same or similar items. Although paragraph (a) of this section permits withdrawal of a determination due to unreasonable price, all purchasing offices should only enter into 100-percent determination after careful consideration of all the factors involved, including the possibility of a bid or proposal from a large firm substantially lower than any which could be received from a small business.

(c) *Procurements under partial determination.* (1) When a determination for a stated percentage of less than 100-percent is entered into in conjunction with a procurement to be effected by formal advertising conducted pursuant to title 10, United States Code, section 2304 (a), the percentage under partial determination will be negotiated. In situations in which such a stated percentage is so used, the following procedure will be followed:

(i) A notification to prospective bidders, stipulating that a portion of the procurement will be exempted for procurement from small business firms, will be included in the invitation for bid and be synopsized. It will contain the following statement:

NOTICE TO PROSPECTIVE BIDDERS OR OFFERORS

Negotiation for award of the exempted portion of this procurement will be conducted only with responsible small firms who submit responsive bids on the advertised portion at a unit price within 120 percent of the highest award made. Negotiations shall proceed among small business concerns beginning with the bidder or offeror which submitted the lowest responsive bid or proposal in connection with the unreserved procurement.

(ii) Negotiation for the procurement of quantities set aside shall be conducted only with such responsible bidders or offerors as have previously submitted bids or proposals on the unreserved quantities and whose bids or initial proposals offered a unit price no greater than 120 percent of the highest award made. Such negotiation shall proceed in the following order: Among small business concerns beginning with the bidder or offeror which submitted the lowest responsive bid or proposal in connection with the unreserved procurement.

(iii) After opening of bids, the portion exempted for small business will be negotiated with eligible small business firms:

(*a*) When the procurement of the unreserved quantity has resulted in one contract only, or in multiple awards all at the same price, awards for quantities set aside shall be made at the unit price of the unreserved quantities.

(*b*) When the procurement of the unreserved quantities has resulted in multiple awards at different unit prices, awards for quantities set aside shall be made at the highest unit price of the unreserved quantities.

(iv) In conducting negotiations for the exempted portion of the procurement, it is permissible to reveal only the total price(s) of the contract(s) awarded on the unexempted portion.

(v) In cases where no small business firm submits a proposal on the portion to be negotiated with small business, or cannot meet the price determined in accordance with subdivision (ii) of this subparagraph, the determination is automatically dissolved and the procurement may be negotiated with the successful bidder(s) on the portion not exempted provided there is a reasonable assurance that a better price cannot be obtained by readvertising or reopening negotiations with all interested firms for the entire remaining quantity to be procured.

(2) When a determination for a stated percentage of less than 100 percent is entered into in conjunction with a procurement to be effected by negotiation conducted pursuant to title 10, United States Code, section 2304 (a) (1), the procurement will be handled in the same manner as procurements under subparagraph (1) of this paragraph, except that the portion not exempted will be negotiated instead of formally advertised. Care must be exercised that sufficient small business sources are issued requests for proposals for the portion not exempted to insure competition for the exempted portion. In conducting negotiations for the exempted portion, cost or other pricing data pertaining to the award of the portion not exempted will not be divulged.

(d) *Form.* The following form of determination is recommended for use with both joint determinations and small business determinations.

Date ----------

1. In accordance with the provisions of section 214, Public Law 163, 83d Congress, it is hereby determined (use "jointly determined" in case of joint determination):

( ) a. To be in the interest of mobilizing the Nation's full productive capacity.

( ) b. To be in the interest of the national defense program to earmark ------- % of the attached procurement No. ---- with small business concerns only and to award to a small business concern or concerns the portion of the attached procurement so earmarked.

( ) c. Reasons for entering into above determinations:

---------- ----------
SBA Representative Military Representative

(In the case of small business determination, substitute "Small Business Specialist")

2. Statement by military representative (if rejection):

Date

Military Representative

3. Remarks of reviewing authority:

---------- ----------
Date Signature

WITHDRAWAL OR MODIFICATION

4. Statement of reasons by military representatives for requesting withdrawal or modification of the Small Business Determination (or Joint Determination):

Approved: ----------
Military Representative
Approved: ----------
Military Representative
Disapproved: ----------
Disapproved: ----------

5. Remarks of reviewing authority:

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Date Signature

[Changes 31, 32, and 33, APP, April 1, May 21, and June 4, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply 70A Stat. 127; 10 U. S. C. 2301–2314)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57–7342; Filed, Sept. 6, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

APPLICATIONS FOR CONSTRUCTION PERMITS FOR STANDARD BROADCAST STATIONS REQUESTING 5 KILOWATTS POWER ON MEXICAN CLEAR CHANNELS

JUNE 18, 1957.

Section 3.25 (d) of the Commission rules provides for operation of Class II stations on Mexican Clear Channels as follows:

In continental United States, for Class II stations which operate daytime only with power not in excess of 1 kilowatt and which will not deliver over 5 microvolts per meter groundwave at any point on the Mexican border, and in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, for Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on the said border: 730, 800, 900, 1050, 1220 and 1570 kilocycles.

The Agreement Between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band, signed in January 1957, provides (Article II B 8c (3) (b)) that daytime Class II assignments on Mexican Clear Channels will be subject to the following conditions:

(b) The United States of America may assign stations to operate with powers not in excess of 5 kw on the following channels: 730 kc/s, 800 kc/s, 900 kc/s, 1050 kc/s, 1220 kc/s, 1570 kc/s. Furthermore, stations with powers in excess of 1 kw may not be assigned in areas within the following distances of the locations specified:

i. 800 kc/s: 1319 kilometers (820 miles) from Ciudad Juarez, Chihuahua.

ii. 1050 kc/s: 998 kilometers (620 miles) from Monterrey, Nuevo Leon.

iii. 1570 kc/s: 998 kilometers (620 miles) from Ciudad Acuna, Coahuila.

Pending ratification of the Agreement between the United States and Mexico the Commission will accept, but withhold action on applications for construction permits for standard broadcast stations which propose operation on Mexican Clear Channels with five kilowatts power during daytime hours.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–6964; Filed, Sept. 6, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF ALLETHRIN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The Weevil-Cide Company, 1323 Union Avenue, Kansas City 7, Missouri, proposing the establishment of tolerances of 2 parts per million for residues of allethrin in or on the following grains from application during storage: Barley, corn, grain sorghum, milo, oats, rye, wheat.

The analytical method proposed in the petition for determining residues of allethrin is the method described in "Estimation of Micro Quantities of Pyrethroids," published in Analytical Chemistry, Volume 26, pages 604–607 (1954).

Dated: September 3, 1957.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F. R. Doc. 57-7364; Filed, Sept. 6, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 30, 1957.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Colorado 016666, for withdrawal of the lands described below, from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as ranger stations and guard stations.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

WHITE RIVER NATIONAL FOREST

Lost Creek Ranger Station:
T. 1 N., R. 90 W.,
Sec. 14, NW¼NW¼SW¼, S½NW¼SW¼, N½SW¼SW¼, SW¼NE¼SW¼, Lot 8;
Sec. 15, NE¼SE¼, N½SE¼SE¼.
Derby Mesa Guard Station:
T. 2 S., R. 86 W.,
Sec. 11, lots 6, 7, and 8, N½SE¼SW¼, N½S½SE¼.
Sweetwater Guard Station:
T. 3 S., R. 87 W.,
Sec. 9, SE¼SE¼.
Minturn Ranger Station:
T. 5 S., R. 81 W.,
Sec. 36, (NW¼) or lots 15, 16, 17, and 18.
Cattle Creek Guard Station:
T. 7 S., R. 86 W.,
Sec. 8, S½NW¼NW¼, N½SW¼NW¼, NW¼SE¼NW¼ (unsurveyed).
Cayton Guard Station:
T. 8 S., R. 91 W.,
Sec. 33, lots 3, 8, and 9.
T. 9 S., R. 91 W.,
Sec. 4, lots 1 and 2.
Woody Creek Guard Station:
T. 9 S., R. 84 W.,
Sec. 19, unencumbered portion of S½SW¼, SW¼SE¼ (unsurveyed);
Sec. 30, N½NE¼NW¼, N½NW¼NE¼ (unsurveyed).
Conundrum Guard Station:
T. 12 S., R. 85 W.,
Sec. 9, S½SE¼SE¼ (unsurveyed);
Sec. 16, NE¼NE¼ (unsurveyed).

Total acreage is approximately 838.59 acres.

J. ELLIOTT HALL,
Acting State Supervisor.

[F. R. Doc. 57-7344; Filed, Sept. 6, 1957; 8:46 a. m.]

Bureau of Reclamation

BLUE SOUTH PLATTE PROJECT, COLORADO

ORDER OF REVOCATION

JULY 9, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders dated May 13, 1943, and September 3, 1943, in so far as said orders affect the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 80 W.,
Sec. 20, NW¼NW¼.
T. 3 S., R. 74 W.,
Sec. 26, Lots 17, 20, 21, 22, 23, 56, 57, 58, 59.

The above area aggregates 168.62 acres.

E. G. NIELSEN,
Acting Commissioner.

[1952166]

SEPTEMBER 3, 1957.

1. I concur. The lands lie adjacent to the right bank of the Blue River, east of its confluence with the Colorado River, about one mile south of Kremmling, Colorado.

2. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights, the provisions of paragraphs 4 and 5, infra, and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on October 9, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 8, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on January 8, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. This opening, so far as it affects the NW¼NW¼ sec. 20, shall be subject to the provisions of section 24 of the Federal Power Act (DA-381–Colorado), except that notice to the State, provided by section 24, has been given, and has not been exercised by the State.

5. This opening, so far as it affects the NW¼NW¼ sec. 20, is made in furtherance of a proposed exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U. S. C. 315g), as amended, by which the offered lands will benefit a Federal land program, and as to said NW¼NW¼ sec. 20, is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284; 43 CFR 281), as amended, granting certain preference rights to veterans of World War II, the Korean Conflict, and others.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Inquiries concerning the lands shall be directed to the Manager, Land Office, Bureau of Land Management, 357 New Customhouse Building, P. O. Box 1018, Denver 2, Colorado.

8. The lands will be open to location under the United States mining laws, and to applications and offers under the mineral-leasing laws at 10:00 a. m. on January 8, 1958. Such applications and offers filed on or before that hour shall be considered as simultaneously filed at that hour. Rights under such applications filed after that hour will be governed by the time of filing.

EARL J. THOMAS,
Acting Director, Bureau of Land Management.

[F. R. Doc. 57-7346; Filed, Sept. 6, 1957; 8:46 a. m.]

National Park Service

[Order 18, Amdt. 1]

DELEGATION OF AUTHORITY TO ENTER INTO CERTAIN CONTRACTS

AUGUST 21, 1957.

Order No. 18, approved June 8, 1955 (20 F. R. 4430), is amended to read as follows:

1. The Chief, Branch of Property and Records Management, may enter into contracts each in an amount in excess of $25,000 but not in excess of $50,000 for supplies, equipment, and services; and the Chief, Property Management Section, may enter into contracts each in an amount not in excess of $25,000 for supplies, equipment, and services, in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

(Secretary's Order No. 2509, as amended; 17 F. R. 6793)

HILLORY A. TOLSON,
Acting Director.

[F. R. Doc. 57-7345; Filed, Sept. 6, 1957; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[TC 465.251]

PNEUMATIC RUBBER TUBING USED IN THE FORMATION OF DUCTS IN CONCRETE CLASSIFIABLE AS MANUFACTURE IN CHIEF VALUE OF INDIA RUBBER

SEPTEMBER 3, 1957.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated June 11, 1957 (22 F. R. 4104), that the existing practice of classifying pneumatic rubber tubing not exceeding 1½ inches in diameter and of a type used for the formation of ducts in concrete under the provision for "tubing, suitable for conducting gases or liquids" under paragraph 1537 (b), Tariff Act of 1930, as modified, with duty at the rate of 10 percent ad valorem was under review.

The Bureau, by its letter of September 3, 1957, addressed to the collector of customs at New York, New York, ruled that such tubing regardless of diameter, is not actually, practically, or commercially suitable for use in conducting gases or liquids and that it is classifiable under the provision for manufactures in chief value of india rubber, not specially provided for, other, in paragraph 1537 (b), Tariff Act of 1930, as modified, with duty at the rate of 12½ percent ad valorem.

Insofar as this decision results in the assessment of a duty at a rate higher than that which heretofore has been assessed under a uniform practice with respect to the tubing not exceeding 1½ inches in outside diameter, it shall be applied to such or similar merchandise not exceeding 1½ inches in diameter only when entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of this decision in the weekly Treasury Decisions. Such or similar tubing of larger diameter shall be classified currently under the provision for manufactures in chief value of india rubber, not specially provided for, other.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-7365; Filed, Sept. 6, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ALEXANDER D. THOMSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: The Consolidated Mining & Smelting Company of Canada, Kennecott Copper Corporation, The Ohio Oil Company, Phillips Petroleum Company, Sears, Roebuck and Company, Oil Tool Research & Delevopment Company.

B. Additions: Empire Oil Tool Company. Under Oil and Gas leases: Kansas.

This statement is made as of August 31, 1957.

ALEXANDER D. THOMSON.

[F. R. Doc. 57-7343; Filed, Sept. 6, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on July 31, 1957, 22 F. R. 6120, the Atomic Energy Commission has issued License DPR-1 authorizing General Electric Company to possess and operate at a maximum of 20,000 thermal kilowatts power a boiling water reactor at its Vallecitos Atomic Laboratory located in Alameda County, California. A copy of the license is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

In the original application for this facility, the core was described as consisting of fuel elements having six plates each. Tests during early critical experiments revealed that the void coefficient for this loading had a positive value.

By increasing the fuel loading in individual plates of six plate elements, it was revealed by further tests that the void coefficient could be made negative; however, the core dimensions were undesirably small for power operation. The applicant plans to correct this situation by increasing the number of plates per element. The license permits variations of the number of plates per fuel element to a maximum of twelve, but does not authorize changes in other physical features of the core from those described in the application. This will enable the applicant to adjust the core dimensions to desired values. In the interest of reactor stability, the license requires the applicant to insure by measurement in the exploratory criticality program that the temperature and void coefficients are negative for whatever loading is selected for power operation.

Dated at Washington, D. C., this 31st day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Civilian Application.

[F. R. Doc. 57-7337; Filed, Sept. 6, 1957; 8:45 a. m.]

[Docket No. 50-24]

GENERAL ELECTRIC CO.

ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on August 14, 1957, 22 F. R. 6577, the Atomic Energy Commission has issued License No. CX-4 authorizing General Electric Company to operate, at its Vallecitos Atomic Laboratory, Alameda County, California, the critical experiments facility described in the application in Docket 50-24.

Dated at Washington, D. C., this 30th day of August 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Civilian Application.

[F. R. Doc. 57-7338; Filed, Sept. 6, 1957; 8:45 a. m.]

[Docket No. 50-84]

UNIVERSITY OF CALIFORNIA

APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the University of California, Berkeley, California, on August 26, 1957, filed an application for a license to acquire, possess and operate on the University's campus a 100-milliwatt research reactor designated by the manufacturer, Aerojet-General Nucleonics, as Model AGN-201, Serial No. 104. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 30th day of August 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-7339; Filed, Sept. 6, 1957; 8:45 a. m.]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

NOTICE OF HEARING

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR, "Rules of Practice", notice is hereby given that a hearing will be held on October 8, 1957, at 10:00 a. m., e. d. s. t., in Conference Room "F", Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D. C., to consider the issuance of a construction permit to the above-named applicant under sections 104b and 185 of the Atomic Energy Act of 1954, as amended. The application is available for public inspection at the Commission's Public Documents Room, 1717 H Street, NW., Washington, D. C.

The issues to be considered at the hearing will be the following:

1. Whether there is information sufficient to provide reasonable assurance that a utilization facility of the general type proposed in the application can be constructed and operated at the location proposed therein without undue risk to the health and safety of the public;

2. Whether there is reasonable assurance that technical information omitted from and required to complete the application will be supplied;

3. Whether the applicant and its contractors are technically qualified to design and construct the proposed reactor;

4. Whether, (a) pursuant to § 50.40 (b) of the Commission's regulations, the applicant is financially qualified to design and construct the reactor, and (b) pursuant to § 50.60 (c) (2) of the Commission's regulations, the applicant is financially qualified to receive an allocation of special nuclear material; or (c) if applicant is not so qualified financially, whether, pursuant to § 50.12 of the Commission's regulations, an exemption should be granted for a period of one year from the financial requirements of §§ 50.40 (b) and 50.60 (c) (2).

5. Whether the issuance of a construction permit will be inimical to the common defense and security or to the health and safety of the public.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, 1901 Constitution Avenue, NW., Washington 25, D. C., prior to 10:00 a. m., e. d. s. t., October 8, 1957.

Answers may be filed pursuant to § 2.736 of the rules of practice on or before September 30, 1957. In the absence of good cause shown to the contrary, the AEC staff proposes to recommend at the hearing that the Commission make findings and issue a construction permit to the applicant substantially in the form annexed as Annex "A".

Papers required to be filed with the AEC in this proceeding shall be filed with the Secretary, Atomic Energy Commission, 1901 Constitution Avenue, NW., Washington 25, D. C. Pending further order of the presiding officer, parties shall file ten copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

The notice of proposed issuance of construction permit to the applicant dated July 31, 1957, is vacated.

Dated at Washington, D. C., this 4th day of September 1957.

ATOMIC ENERGY COMMISSION,
HAROLD D. ANAMOSA,
Acting Secretary.

ANNEX "A"

The Atomic Energy Commission finds that:

A. The reactor proposed by Yankee Atomic Electric Company (hereinafter "Yankee") will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, C. F. R., Part 50, "Licensing of Production and Utilization Facilities".

B. Yankee proposes to utilize the reactor in the conduct of research and development activities leading to the demonstration of the practical value of that type of reactor for industrial and commercial purposes.

C. Yankee and its contractors, Westinghouse Electric Corporation and Stone & Webster Engineering Corporation, are technically qualified to design and construct the proposed reactor.

D. The Commission is satisfied that it has sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public; and that additional information required to complete the application will be supplied.

The Commission believes that the applicant has identified the subjects which should be further investigated and that the plans described for carrying out these investigations will produce the information which will be needed prior to approval of final design and operating procedures and conversion of this construction permit to a license.

In the meantime, the Commission believes that approval should be granted to the applicant to proceed with plant construction in accordance with plans and specifications submitted in his application, recognizing that these will be subject to change as a result of information to be developed later.

E. The issuance of a construction permit to Yankee will not be inimical to the common defense and security or to the health and safety of the public.

F. Although the evidence submitted by Yankee to date does not justify a finding with respect to the financial qualifications of Yankee, good cause has been shown why the applicant should be granted an exemption for a temporary period from the financial requirements of §§ 50.40 (b) and 50.60 (c) (2). Accordingly the continued effectiveness of this permit will be conditioned upon a further showing in this regard as stated below.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, C. F. R., Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to Yankee to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954, as amended, and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

A. The earliest date for the completion of the reactor is December 1959. The latest date for the completion of the reactor is June 1961. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in Rowe, Massachusetts, described in the application.

C. The general type of facility authorized for construction is a pressurized light water-moderated and -cooled reactor to produce 134,000 kilowatts of electrical energy, as described in the application.

D. Unless, within twelve months from the date of this construction permit, Yankee submits sufficient information relating to its financial resources to enable the Commission to make a finding that the company has adequate financial resources to meet the requirements of the law and regulations, this permit shall expire; provided that the Commission may for good cause shown extend the time for the submission of such data.

This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless Yankee has submitted to the Commission (by proposed amendment to the application) the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in Paragraph A above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon a finding that the facility authorized has been constructed in conformity with the application as amended, and in conformity with the provisions of the act and the rules and regulations of the Commission and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the act, the Commission will issue a Class 104 license to Yankee pursuant to section 104 (b) of the act, which license shall expire forty (40) years after the date of this construction permit.

Pursuant to § 50.50 of the regulations in Title 10, Chapter I, C. F. R., Part 50, the Commission has allocated to Yankee for use in connection with the reactor, 6,052 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in Yankee's application for the license. Estimated schedules of special nuclear material transfers to Yankee and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Yankee in accordance with column 2 in Appendix "A" will be conditioned upon Yankee's return to the Commission of material substantially in accordance with column 3 of Appendix "A".

For the Atomic Energy Commission.

_____,
Director,
Division of Civilian Application.

APPENDIX "A"—YANKEE ATOMIC ELECTRIC COMPANY
CONSTRUCTION PERMIT

Estimated Schedule of Transfers of Special Nuclear Material from the Commission to Yankee and to the Commission from Yankee

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to Yankee,[1] kilograms U-235	(3) Returns by Yankee to AEC, kilograms U-235		(4) Net yearly distribution, kilograms U-235	(5) Cumulative distribution, kilograms U-235
		Recoverable scrap [1]	Spent fuel [2]		
1960	710.66			710.06	710.06
1961	322.66	61.36		261.30	971.36
1962	1,142.44	145.86	609.90	386.68	1,358.04
1963	356.98	28.34	230.85	97.79	1,455.83
1964	356.98	28.34	230.85	97.79	1,553.62
1965	713.96	56.68	461.70	195.58	1,749.20
1966	356.98	28.34	230.85	97.79	1,846.99
1967	713.96	56.68	461.70	195.58	2,042.57
1968	356.98	28.34	230.85	97.79	2,140.36
1969	713.96	56.68	461.70	195.58	2,335.94
1970	356.98	28.34	230.85	97.79	2,433.73
1971	356.98	28.34	230.85	97.79	2,531.52
1972	713.96	56.68	461.70	195.58	2,727.10
1973	356.98	28.34	230.85	97.79	2,824.89
1974	713.96	56.68	461.70	195.58	3,020.47
1975	356.98	28.34	230.85	97.79	3,118.26
1976	713.96	56.68	461.70	195.58	3,313.84
1977	356.98	28.34	230.85	97.79	3,411.63
1978	356.98	28.34	230.85	97.79	3,509.42
1979	713.96	56.68	461.70	195.58	3,705.00
1980	356.98	28.34	230.85	97.79	3,802.79
1981	713.96	56.68	461.70	195.58	3,998.37
1982	356.98	28.34	230.85	97.79	4,096.16
1983	713.96	56.68	461.70	195.58	4,291.74
1984	356.98	28.34	230.85	97.79	4,389.53
1985	356.98	28.34	230.85	97.79	4,487.32
1986	713.96	56.68	461.70	195.58	4,682.90
1987	356.98	28.34	230.85	97.79	4,780.69
1988	713.96	56.68	461.70	195.58	4,976.27
1989	356.98	28.34	230.85	97.79	5,074.06
1990	713.96	56.68	461.70	195.58	5,269.64
1991	356.98	28.34	230.85	97.79	5,367.43
1992	356.98	28.34	230.85	97.79	5,465.22
1993	713.96	56.68	461.70	195.58	5,660.80
1994	356.98	28.34	230.85	97.79	5,785.59
1995	713.96	56.68	461.70	195.58	5,954.17
1996	356.98	28.34	230.85	97.79	6,051.96
1997			692.55	(692.55)	5,359.41
1998			[3] 91.52	(91.52)	5,267.89

[1] 2.6 percent.
[2] 1.9 percent except for (3) which is 2.6 percent.

[F. R. Doc. 57-7362; Filed, Sept. 5, 1957; 2:00 p. m.]

[Docket No. 50-30]

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

NOTICE OF HEARING

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR, "Rules of Practice", notice is hereby given that a hearing will be held on October 8, 1957, at 10:00 a. m., e. d. s. t., in Conference Room "F", Interstate Commerce Commission Building, 12th Street and Constitution Avenue, NW., Washington, D. C., to consider the issuance of a construction permit to the above-named applicant under sections 104c and 185 of the Atomic Energy Act of 1954, as amended. The application is available for public inspection at the Commission's Public Documents Room, 1717 H Street, NW., Washington, D. C.

The issues to be considered at the hearing will be the following:

1. Whether there is information sufficient to provide reasonable assurance that a utilization facility of the general type proposed in the application can be constructed and operated at the location proposed therein without undue risk to the health and safety of the public;

2. Whether there is reasonable assurance that technical information omitted from and required to complete the application will be supplied;

3. Whether the applicant and its contractors are technically qualified to design and construct the proposed reactor;

4. Whether, (a) pursuant to § 50.40 (b) of the Commission's regulations, the applicant is financially qualified to design and construct the reactor, and (b) pursuant to § 50.60 (c) (2) of the Commission's regulations, the applicant is financially qualified to receive an allocation of special nuclear material.

5. Whether the issuance of a construction permit will be inimical to the common defense and security or to the health and safety of the public.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, 1901 Constitution Avenue NW., Washington 25, D. C., prior to 10:00 a. m., e. d. s. t., October 8, 1957.

Answers may be filed pursuant to § 2.736 of the rules of practice on or before September 30, 1957. In the absence of good cause shown to the contrary, the AEC staff proposes to recommend at the hearing that the Commission make findings and issue a construction permit to the applicant substantially in the form annexed as Annex "A".

Papers required to be filed with the AEC in this proceeding shall be filed with the Secretary, Atomic Energy Commission, 1901 Constitution Avenue, NW., Washington 25, D. C. Pending further order of the presiding officer, parties shall file ten copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

Dated at Washington, D. C. this 4th day of September 1957.

ATOMIC ENERGY COMMISSION,
HAROLD D. ANAMOSA,
Acting Secretary.

ANNEX "A"

The Atomic Energy Commission finds that:

A. The reactor proposed by the National Advisory Committee for Aeronautics (hereinafter "NACA") will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, C. F. R., Part 50, "Licensing of Production and Utilization Facilities".

B. NACA proposes to utilize the reactor in the conduct of research and development activities of the type specified in section 31 of the Atomic Energy Act of 1954.

C. NACA is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, C. F. R.; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. NACA is technically qualified to design and construct the reactor.

E. The Commission is satisfied that it has sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public; and that additional information required to complete the application will be supplied.

The Commission believes that the applicant has identified the subjects which should be further investigated and that the plans described for carrying out these investigations will produce the information which will be needed prior to approval of final design and operating procedures and conversion of this construction permit to a license.

In the meantime, the Commission believes that approval should be granted to the applicant to proceed with plant construction in accordance with plans and specifications submitted in his application, recognizing that these will be subject to change as a result of information to be developed later.

F. The issuance of a construction permit to NACA will not be inimical to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 and Title 10, C. F. R., Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to NACA to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

A. The earliest completion date of the reactor is January 1, 1959. The latest completion date of the reactor is January 1, 1960. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location on the grounds

of the Plum Brook Ordnance Works approximately 3 miles south-southeast of Sandusky, Ohio, as specified in the Facility Hazards Summary report dated April 17, 1956, submitted by NACA.

C. The general type of facility authorized for construction is a 60 megawatt research and testing reactor (having a corresponding maximum thermal flux of 10^{15}n/cm²-sec and composed of a core contained in a reactor pressure tank shielded by a concrete shield and a circular pool of water and further contained in a cylindrical steel tank), as described in NACA's application.

This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless NACA has submitted to the Commission (by proposed amendment to the application) the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to NACA pursuant to section 104c of the act, which license shall expire December 31, 1970.

Pursuant to § 50.60 of the regulations in Title 10, Chapter I, C. F. R., Part 50, the Commission has allocated to NACA, for use in the operation of the reactor, 224 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in NACA's application. Estimated schedules of special nuclear material transfers to NACA and returns to the Commission are contained in Appendix "A" which is attached hereto. Deliveries by the Commission to NACA in accordance with column 2 in Appendix "A" will be conditioned upon NACA's return to the Commission of special nuclear material substantially in accordance with column 3 of Appendix "A".

For the Atomic Energy Commission.

———,
Director,
Division of Civilian Application.

APPENDIX "A"—NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS
CONSTRUCTION PERMIT

Estimated Schedule of Transfers of Special Nuclear Material From the Commission to NACA and to the Commission from NACA

(1)	(2)	(3)		(4)	(5)
Date of transfer (fiscal) year	Transfers from AEC to NACA, kilograms U-235	Returns by NACA to AEC, kilograms U-235		Net yearly distribution, kilograms U-235	Cumulative distribution, kilograms U-235
		Recoverable scrap	Spent fuel		
1959	59.4	4.5		54.9	54.9
1960	64.8	10.8	29.7	24.3	79.2
1961	64.8	10.8	39.6	14.4	93.6
1962	64.8	10.8	39.6	14.4	108.0
1963	64.8	10.8	39.6	14.4	122.4
1964	64.8	10.8	39.6	14.4	136.8
1965	64.8	10.8	39.6	14.4	151.2
1966	64.8	10.8	39.6	14.4	165.6
1967	64.8	10.8	39.6	14.4	180.0
1968	64.8	10.8	39.6	14.4	194.4
1969	64.8	10.8	39.6	14.4	208.8
1970	64.8	10.8	39.6	14.4	223.2
1971		5.4	19.8	(25.2)	198.0
Inventory to be returned			28.9	(28.9)	169.1

[F. R. Doc. 57-7361; Filed, Sept. 5, 1957; 2:00 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13196]

CARTER-JONES DRILLING CO., INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 3, 1957.

Carter-Jones Drilling Company, Inc. (Operator) et al., (Carter-Jones) on August 12, 1957, tendered for filing a proposed change in its presently effective rate schedule [2] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Eastern Transmission Corporation.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11359.

Rate schedule designation: Supplement No. 3 to Carter-Jones' FPC Gas Rate Schedule No. 5.
Effective date: [2] September 12, 1957.

In support of the proposed favored-nations rate increase, Carter-Jones states that the increase results from the negotiation by Texas Eastern Transmission Corporation (Texas Eastern) of contracts in the area providing for the same rate as proposed by Carter-Jones which contracts were introduced in evidence in Texas Eastern's proceedings in Docket No. G-9784. Carter-Jones further states that since making the original contract (1956) there has been a 50 percent increase in the cost of tubular goods and about 10 percent increase in wages.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Carter-Jones' FPC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Carter-Jones' FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 12, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7348; Filed, Sept. 6, 1957; 8:47 a. m.]

[2] The stated effective date is the first day after expiration of the required 30-days notice.

[Docket No. G-13193]

MILLS BENNETT ESTATE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 3, 1957.

Mills Bennett Estate (Bennett), on August 5, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 1, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 2 to Bennett's FPC Gas Rate Schedule No. 5.
Effective date: [1] November 1, 1957.

In support of the proposed periodic rate increase, Bennett states that the provision for periodic rate increases was a basic and fundamental consideration for the sale, and but for that Bennett would not have entered into the long-term contract, nor agreed to the initial rate of 14.2 cents per Mcf. Bennett asserts that the contract was submitted to the Commission in connection with the certificate application of Texas Eastern Transmission Corporation in Docket Nos. G-9784 and G-9787, thereby leading Bennett to provide for a schedule of increasing rates over the term rather than a single fixed rate; that the contract was considered in Bennett's certificate application in Docket No. G-10101; and the Commission should approve all the contract terms or else allow Bennett an increase for the entire contract term equalling the average rate for the entire term. Bennett further states that the subject increase is justified because of the trend of increasing operating costs and other producers in the general area are receiving even higher prices for gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Bennett's FPC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Bennett's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7349; Filed, Sept. 6, 1957; 8:47 a. m.]

[1] The stated effective date is the effective date proposed by Bennett.

[Docket No. G-13194]

PAUL H. PEWITT

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 3, 1957.

Paul H. Pewitt (Pewitt), on August 8, 1957, tendered for filing proposed changes in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Letter,[2] dated July 24, 1957. (2) Notice of Change, dated August 6, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: (1) Supplement No. 7 to Pewitt's FPC Gas Rate Schedule No. 3. (2) Supplement No. 8 to Pewitt's FPC Gas Rate Schedule No. 3.
Effective date: [3] September 8, 1957.

In support of the proposed favored-nations rate increases, Pewitt refers to the pricing provision of the rate schedule and submits a copy of the notification from Texas Eastern Transmission Corporation to the effect that it had entered into a twenty-year contract providing for a higher rate than paid Pewitt.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 7 and 8 to Pewitt's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 7 and 8 to Pewitt's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 8, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7350; Filed, Sept. 6, 1957; 8:47 a. m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11310.

[2] Buyer's notification to seller that buyer is paying higher rate and that seller is entitled to increase in rate due to favored-nations clause of contract.

[3] The stated effective date is the first day after expiration of the required 30 days' notice.

[Docket No. G-13195]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

SEPTEMBER 3, 1957.

Magnolia Petroleum Company (Magnolia), on August 8, 1957, tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated March 21, 1957. (2) Notice of Change, undated.
Purchaser: Natural Gas Pipe Line Company of America.
Rate schedule designation: (1) Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 88. (2) Supplement No. 6 to Magnolia's FPC Gas Rate Schedule No. 88.
Effective date: [2] September 8, 1957.

In support of the proposed renegotiated rate increases, Magnolia tenders a copy of the renegotiation agreement and states that the sale is an installment sale; the sale is of a commodity as opposed to a service rendered by a gas distribution company and the rate reflects the commodity value.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement Nos. 5 and 6 to Magnolia's FPC Gas Rate Schedule No. 88 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regu-

[1] Bi-lateral agreement to increase rate as per The Carter Oil Company sales contract.

[2] The stated effective date is the first day after expiration of the required 30 days' notice.

[3] Commissioner Digby dissenting.

lations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 5 and 6 to Magnolia's FPC Gas Rate Schedule No. 88.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 8, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7351; Filed, Sept. 6, 1957; 8:47 a. m.]

[Docket No. E-6773]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

SEPTEMBER 4, 1957.

Take notice that on August 29, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company (Applicant), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, Montana, and Idaho, with its principal office at Portland, Oregon, seeking an order authorizing the issuance to its employees up to but not exceeding 31,656 of the 857,400 heretofore authorized and unissued shares of Applicant's Common Stock of the par value of $6.50 per share. The proposed issue is a continuation of a program authorized by the Federal Power Commission in Docket Nos. E-6490 and E-6573. The Applicant proposes to issue the aforesaid shares in September 1957 with the offering price to be determined. No underwriters will be employed by the Applicant for the proposed issue. Applicant proposes to use the proceeds from the sale of the aforesaid shares for construction, improvement and extension of its electric system.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 19th day of September 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7366; Filed, Sept. 6, 1957; 8:50 a. m.]

[Docket Nos. G-12185, G-12189]

OHIO OIL CO. AND UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATIONS AND CONSOLIDATION OF PROCEEDINGS

SEPTEMBER 4, 1957.

In the matters of The Ohio Oil Company, Docket No. G-12185; United Gas Pipe Line Company, Docket No. G-12189.

Take notice that The Ohio Oil Company (Ohio), an Ohio corporation, with principal place of business at 539 South Main Street, Findlay, Ohio, and United Gas Pipe Line Company (United), a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, hereinafter collectively referred to as Applicants, filed in Docket No. G-12185 on March 11, 1957, as amended April 15, 1957, and in Docket No. G-12189 on March 11, 1957, respectively, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

United proposes to construct and operate approximately 10.2 miles of 8-inch lateral transmission line extending southerly from a point of connection on United's existing 6-inch line in S65, T12S, R3E, Vermilion Parish, Louisiana, to the Theall Area, Vermilion Parish, Louisiana, together with a meter and separator at the end thereof. The estimated total cost of these facilities is $335,343 which will be financed by United out of current working funds. These facilities will be used for the purpose of enabling United to take natural gas produced by Ohio in in the Theall Area, Vermilion Parish, Louisiana, into its existing pipeline system. United will use this gas to assure the continued and uninterrupted flow of natural gas to its existing customers in meeting their present and future requirements. United also seeks authority to construct and operate such other facilities as may be required from time to time to connect, or to take additional deliveries from wells in the Theall Area.

Ohio, for itself and as Operator for Hudson Gas & Oil Corporation (Hudson), Texas Gas Exploration Corporation (Texas), and Pano Tech Exploration Corporation (Pano) as Agent for Carl E. Siegesmund, et al., proposes to sell natural gas in interstate commerce produced from the respective interests of such parties in leases located in the Theall Area, Vermilion Parish, Louisiana, to United for resale. In this respect, Ohio has entered into a 20-year gas sales contract with United, dated February 1, 1957 as amended on the same date, under the terms of which Ohio has dedicated to the performance thereof, all of the natural gas, subject to certain reservations, produced from Ohio's interests in all lands and leaseholds now owned (36 leases) or hereafter acquired by Ohio in the Theall Area, Vermilion Paris, Louisiana, as set forth in Exhibits B and D to the contract as amended.

Pano, as Agent, Ohio, Hudson and Texas have entered into an Operating Agreement, dated May 2, 1956 as amended July 15, 1956, which is to remain in full force and effect as long as the leases affected (same as those dedicated under the gas sales contract) and any extensions or renewals thereof remain in force and effect. Among other things, this agreement gives the parties thereto the right to take in kind and, upon failing to do so, provides that the Operator may either store or sell any party's share of the production at the best price obtainable. The agreement designates Ohio as the Operator and provides that the Operator has the right to commit the share of production attributable to any party thereto for reasonable periods of time not to exceed 1 year. The term of an Operator under the agreement is 1 year.

United states that the estimated total volume of proven reserves in place in the dedicated acreage is 107,687,000 Mcf at 14.73 psia and that the estimated total volume of recoverable reserves is 46,526,000 Mcf at 14.73 psia.

The gas sales contract provides for an initial price of 18.5 cents per Mcf at 15.025 psia for each of the first 4 years commencing with the date of first delivery; 20.5 cents for each of the next 3 years; 21.0 cents for each of the next 3 years; 21.0 cents for each of the next 5 years; and 22.0 cents for each of the next 5 years. The prices for the last two escalation periods are subject to renegotiation as set forth in detail in the contract. In addition to the foregoing prices, United will reimburse Ohio for the present Louisiana Gathering tax and for three-fourths of any new, additional or increased taxes.

These related matters should be heard on a consolidated record.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1957.

MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7367; Filed, Sept. 6, 1957; 8:50 a. m.]

[Docket No. G-12314]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 4, 1957.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Birmingham, Alabama, filed on April 1, 1957, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of 2,950 feet of 4½-inch O. D. gas transmission pipeline together with a metering station and authorization to supply natural gas from its Calera Line to Natco Corporation on an interruptible basis for industrial uses. The proposed facilities to extend from milepost 14.7 west of Birmingham, Alabama, to the customer's plant located about 10 miles west of Birmingham.

The estimated cost of the proposed facilities is $22,886 which cost will be financed from cash on hand.

Applicant's contract with Natco Corporation dated March 14, 1957, provides among other things for the sale and delivery of a daily maximum volume of natural gas of 1,200 Mcf and 425,000 Mcf on an annual basis beginning about November 1, 1957, and continuing for 10 years.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday September 30, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the Hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7368; Filed, Sept. 6, 1957; 8:50 a. m.]

[Docket No. G-12938]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 4, 1957.

Take notice that on July 24, 1957, Montana-Dakota Utilities Co. (Applicant), a Delaware corporation having its principal place of business in Minneapolis, Minnesota, filed in Document No. G-12938 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct and operate certain natural gas transmission facilities on its system in Carbon County, Montana, and Park County, Wyoming, all as more fully set forth in its application which is on file with the Commission and open to public inspection.

The proposed facilities will be used to transport gas from Applicant's existing main 12-inch Worland-Cabin Creek transmission line to underground storage at its existing Elk Basin storage reservoir, to bolster peak day service to the Billings, Montana, section of Applicant's transmission system. Said facilities include:

(1) Approximately 1.66 miles of 6-inch transmission main from a connection with Applicant's existing 12-inch Worland-Cabin Creek line to an existing 6-inch line in Carbon County, Montana, which Applicant recently purchased from Interstate Oil Pipe Line Company.

(2) Approximately 0.81 mile of 6-inch transmission line from Applicant's Elk Basin Compressor Station in Park County, Wyoming, to the west end of the existing 6-inch oil line mentioned above.

(3) A gas meter and regulator station at the Elk Basin Compressor Station.

In addition, Applicant requests authority to interconnect the proposed facilities with the 6-inch line purchased from Interstate Oil and to operate the proposed facilities, together with the purchased oil line (after reconditioning), as an integrated natural gas transmission pipeline.

Applicant estimates the total capital cost of the facilities proposed herein at $130,530, which will be financed from working capital.

The proposal herein is primarily a system improvement to increase operating flexibility. No new or additional sales are proposed and no appreciable economic change is expected as a result of the proposal.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 9, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7369; Filed, Sept. 6, 1957; 8:50 a. m.]

[Docket No. G-12836]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 4, 1957.

Take notice that on July 2, 1957, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in El Paso, Texas, filed in Docket No. G-12836 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity to construct and operate certain facilities necessary to sell and deliver natural gas to its existing customer, Lea County Gas Company, for resale in the community of Anapra, in Dona Ana County, New Mexico, all as more fully set forth in its application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 600 feet of 1-inch lateral pipeline from a connection on its existing 12-inch pipeline to the community of Anapra, and a meter station for service to said community. The estimated total capital cost of these facilities is $4,317, which will be financed out of current working funds.

The estimated gas requirements for the proposed service are 67 Mcf per peak day and 3,300 Mcf per year.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnec-

essary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7370; Filed, Sept. 6, 1957; 8:51 a. m.]

[Docket No. G-12804]

HOME GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 4, 1957.

Take notice that on June 27, 1957, Home Gas Company (Applicant), a New York corporation having its principal place of business in Pittsburgh, Pennsylvania, filed in Docket No. G-12804 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of certain natural gas facilities for the protection and expansion of its storage operations in New York State, all as more fully set forth in its application which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought include:

(1) 14.08 miles of storage field lines, varying in size from 4- to 16-inch, and appurtenant facilities necessary to the activation and operation of Wayne Extension to Dundee Storage Field, in Schuyler, Steuben and Yates Counties, New York; and

(2) 19.5 miles of 16-inch transmission pipeline from Dundee Compressor Station in the Town of Tyrone, Schuyler County, New York, to a connection with Applicant's existing east-west transmission system at Quackenbush Hill in the Town of Corning, Steuben County, New York.

The total estimated cost of the proposed facilities is $3,823,000, of which $280,000 has already been spent on lease acquisition and well reconditioning, the balance of $3,543,000 to be financed by Applicant's parent company, The Columbia Gas System, Inc.

Applicant states that there will be no discontinuance of service to existing customers and that no new service is contemplated.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., in Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7371; Filed, Sept. 6, 1957; 8:51 a. m.]

[Docket No. G-12961]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 4, 1957.

Take notice that on July 26, 1957, Lone Star Gas Company (Applicant), a Texas corporation having its principal place of business in Dallas, Texas, filed in Docket No. G-12961 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of certain natural gas transmission facilities, all as more fully set forth in its application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 12.6 miles of 8-inch transmission pipeline together with appurtenant facilities, from a point on its existing Line O-38 to a point on its existing 6-inch Line E-22 in Red River County, Texas. Lone Star also proposes to convert its heretofore intrastate Line O-38 consisting of approximately 29.28 miles of 12- and 16-inch transmission pipeline, for use in the transportation of natural gas in interstate commerce.

Applicant estimates the total capital cost of constructing Line O-38-1 (the new 12.6 miles of pipeline described above) at $237,498, which will be financed from funds currently on hand. The total investment in the portion of existing Line O-38 to be certificated for interstate service is estimated at $964,822, for a total investment of $1,202,320 in the subject facilities.

No new markets are proposed to be served and there will be no appreciable change in Applicant's gas supply, revenues, expenses or net income. The purpose of the proposal is to improve Applicant's ability to meet present and anticipated future system demands.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 9, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commisison may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7372; Filed, Sept. 6, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1096]

ATLAS CORP.

NOTICE OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

AUGUST 30, 1957.

Notice is hereby given that Atlas Corporation ("Atlas"), a registered closed-end, non-diversified management investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act"), requesting an order exempting from the provisions of section 17 (a) of the act the transactions described below concerning Atlas and Wellco Corporation ("Wellco"), an affiliated person of Atlas.

The application makes the following representations:

Wellco is a North Carolina corporation engaged in the manufacture and sale of footwear directly and through Moda Shoe Corporation, its wholly owned Puerto Rican subsidiary. It was organized for that purpose in 1941 and has conducted its business continuously since that date.

The Rollmans is a general partnership composed of Heinz W. Rollman, Ernest E. Rollman, Walter S. Kaufman and Curt E. Kaufman which is engaged in rendering advisory and consulting services throughout the world under technical assistance agreements with concerns engaged in the manufacture and sale of footwear. The partners of The Rollmans also provide the senior management of Wellco.

Ro-Search, Inc. ("Ro-Search") is a North Carolina corporation organized and wholly owned by the general partners of The Rollmans. Ro-Search either owns or has rights with respect to a number of United States and foreign patents relating to the manufacture of footwear and also acts as a collecting and disbursing agency for The Rollmans under the technical assistance agreements referred to above.

Atlas presently owns approximately 94 percent of the outstanding 5 percent Cumulative Preferred Stock, which is non-voting, and approximately 48 percent of the outstanding Common Stock of Wellco. All the remaining Common Stock of Wellco is owned by The Rollmans.

Wellco is presently engaged in negotiations contemplating the acquisition of additional manufacturing facilities in Jamaica, B. W. I., the output of which will be exported to the United Kingdom. In order to obtain funds required in connection with the Jamaican project, The Rollmans submitted a proposal to Atlas which included the suggestion that the other interests of the partnership in the shoe business be combined in Wellco. The negotiations between The Rollmans and Atlas have resulted in an Agreement and Plan which, in essence, provides that Atlas will invest an additional $75,000 in Wellco in exchange for an additional 4,000 shares of its Common Stock, and that substantially all of the assets of The Rollmans relating to the manufacture, distribution and sale of footwear, including all the outstanding capital stock of Ro-Search, will be transferred to Wellco in exchange for 13,834 shares of its Common Stock. As a result, Atlas will own approximately 35 percent of the Common Stock of Wellco and The Rollmans 65 percent. The Agreement also provides that the presently outstanding Common Stock of Wellco will be reclassified into Class A Common Stock and Class B Common Stock, with Atlas to receive Class A Common Stock, and The Rollmans to receive Class B Common Stock, on a share for share basis for their present holdings of Common Stock. The additional shares of Common Stock to be issued to Atlas will be of Class A and the additional shares of Common Stock to be issued to The Rollmans will be of Class B. Upon completion of the transaction, all the Class A Common Stock will be owned by Atlas and all the Class B Common Stock will be owned by The Rollmans. The two classes of Common Stock will be in all respects identical except that the Class A Common Stock shall have a preference over the Class B Common Stock to non-cumulative dividends of $2 per share in any fiscal year before any other dividends are declared on the Common Stock, in which such other dividends each share of Class A and Class B Common Stock shall participate equally. Class A Common Stock will be convertible at the option of the holder thereof into Class B Common Stock share for share.

The $75,000 to be paid by Atlas for the additional 4,000 shares of Wellco Common Stock is the equivalent of $18.75 per share. On that basis, the shares to be received by The Rollmans for the assets to be transferred to Wellco would have a value of $259,400. For the year ended June 30, 1956, net income per share of Common Stock of Wellco amounted to about $6 and the book value of the Common Stock at year end was approximately $20.50. The assets and business to be acquired from The Rollmans have little book value, but little importance was attached to this or to the small amount of current income of this business, since The Rollmans have followed the practice of charging research and development expenses to current operations. For the calendar year 1956, the revenues of this business in the form of service fees amounted to approximately $200,000, and expenditures, including amounts spent on research and development, totalled approximately $183,000. Service fees have heretofore been earned pimarily on a process developed by The Rollmans prior to the formation of Wellco which constitute the basis of Wellco's present operations. Two new processes for the production of footwear have now been developed which it is anticipated will be successful commercially. Over $200,000 was spent in developing these processes during the years 1952-1956, inclusive, and such expenditures have continued in 1957. As a result of the proposed transaction, the patents covering these processes will become the property of Wellco and be available for its use and licensing by it to others. In addition to the income potential of these new processes, continuing service fees from the established process are expected to provide Wellco funds with which to continue for its own benefit, to the extent deemed advisable, the program of research and development heretofore conducted by The Rollmans.

The terms and provisions of the proposed transaction were determined in arm's-length negotiations between Atlas and The Rollmans representing majority ownership of the outstanding voting stock of Wellco. In the opinion of Atlas, the price to be paid by Atlas for 4,000 additional shares of Wellco Common Stock is reasonable when considered in terms of the nature of the security and the type, character and present stage of development of the issuing corporation. Atlas is also of the opinion that the valuation of $259,400 attributed to the assets to be transferred by The Rollmans to Wellco is a fair and reasonable valuation of such assets from the point of view of all persons concerned.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security, with certain exceptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from section 17 (a) of the act after finding that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transactions are consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and consistent with the general purposes of the act. Since by definition under the act Atlas is an affiliated person of Wellco, the proposed transactions are subject to the provisions of section 17 (a).

Notice is further given that any interested person may, not later than September 12, 1957, at 1:00 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-7352; Filed, Sept. 6, 1957; 8:48 a. m.]

[File No. 7-1896]

KIMBERLY-CLARK CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 3, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Kimberly-Clark Corporation common stock; File No. 7-1896.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before September 19, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application

will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7353; Filed, Sept. 6, 1957; 8:48 a. m.]

[File No. 1-627]

A. HOLLANDER & SON, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 3, 1957.

In the matter of A. Hollander & Son, Inc., capital stock; File No. 1-627.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The reason for the proposed removal of the Capital Stock of the Company from listing and registration on the Exchange is that, in the opinion of the Exchange, further dealings therein on the Exchange are inadvisable because the Company as survivor to the merger with Philips Electronics, Inc. would not meet the Exchange's requirements for an original listing (as set forth in section B-1 of the Company Manual published by the Exchange) in that distribution of its shares (after deduction of concentrated holdings) would be less than 300,000 and there would be substantially less than 1,500 holders of record of such publicly held shares.

Dealings on the Exchange in the Capital Stock of the Company were suspended before the opening of the trading session on August 1, 1957.

The Capital Stock of the merged company has been admitted to listing on the American Stock Exchange.

Upon receipt of a request, on or before September 18, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7354; Filed, Sept. 6, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-X-1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in Section 201 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $20,000;

3. To decline disaster loans;

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreements with banks;

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By ——— ———
Chief,
Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administrations' agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any, note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of the Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

24. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledges, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

25. Administrative: to approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated in subsection I. C. may be redelegated limiting such redelegation to routine correspondence only. All other authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

Effective date: August 12, 1957.

C. W. FERGUSON,
Regional Director, SBA,
Region X.

[F. R. Doc. 57-7355; Filed, Sept. 6, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

DON PIETRO GIUSEPPE MENASSI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Don Pietro Giuseppe Menassi, as Pastor of the Roman Catholic Church in Lumezzane Pieve (Brescia), Italy; Claim No. 44015; Vesting Order No. 552; $79.82 in the Treasury of the United States.

Executed at Washington, D. C., on August 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-7358; Filed, Sept. 6, 1957; 8:49 a. m.]

KARL GRÜTTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Karl Grütter, Frohberg 15, Schaffhausen, Switzerland; Claim No. 62607; Vesting Order No. 17903; $179.00 in the Treasury of the United States.

Executed at Washington, D. C., on August 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-7359; Filed, Sept. 6, 1957; 8:49 a. m.]

HELEN AND LOUIS BARTOL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Helen Bartol, Nova vas, Yugoslavia; Claim No. 42108; $345.57 in the Treasury of the United States.

Louis Bartol, Nova vas, Yugoslavia; Claim No. 42109; $69.12 in the Treasury of the United States.

Voluntary turnover.

Executed at Washington, D. C., on August 30, 1957.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-7360; Filed, Sept. 6, 1957; 8:50 a. m.]

TARIFF COMMISSION

WHISKEY

NOTICE OF PUBLIC HEARING

The United States Tariff Commission has ordered that a public hearing in connection with the investigation instituted August 14, 1957, under section 332 of the Tariff Act of 1930, in accordance with a resolution of the Committee on Finance, United States Senate, relating to whiskey, be held beginning at 10 a. m., e. d. s. t., on October 22, 1957. The announcement regarding the institution of the investigation appeared in 22 F. R. 6671.

Interested parties desiring to appear and to be heard at the hearing should notify the Secretary, United States Tariff Commission, Washington 25, D. C., at least five days before the date of the hearing. The hearing will be held in the Tariff Commission hearing room on the third floor of the Tariff Commission Building, 8th and E Streets, NW., Washington, D. C.

Issued: September 4, 1957.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-7357; Filed, Sept. 6, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 4, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34145: *Substituted service, rail for motor.* Filed by Middlewest Motor Freight Bureau, Agent (No. 80), for the Chicago and North Western Railway Company and interested motor carriers. Rates on commodities loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Altoona-Eau Claire, Wis., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 60 to Middlewest Motor Freight Bureau, Agent, Substituted Freight Service tariff MF-I. C. C. 223.

FSA No. 34146: *Scrap iron and steel to Charlotte, N. C.* Filed by O. W. South, Jr., Agent (SFA No. A3526), for interested rail carriers. Rates on scrap iron or steel, carloads from points in North Carolina, South Carolina and Virginia to Charlotte, N. C.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 158 to Agent C. A. Spaninger's tariff I. C. C. 1329.

FSA No. 34147: *Caustic soda from Plaquemine, La.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7105), for interested rail carriers. Rates on caustic soda, in tank cars from Plaquemine, La., to points in Texas.

Grounds for relief: Market competition.

Tariff: Supplement 117 to Agent F. C. Kratzmeir's tariff I. C. C. 4161.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-7356; Filed, Sept. 6, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 175

Washington, Tuesday, September 10, 1957

SEP 13 1957
MAIN READING ROOM

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A listing of current public laws approved by the President appears at the end of this issue.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.331]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following September 7, 1957, paragraph (a) is amended by the deletion of the following:

Artibonite Valley (including Bois Dehors), Haiti.
Cagayan, Philippines.
Ilagan, Philippines.
Naga City, Philippines.

2. Effective as of the beginning of the first pay period following September 7, 1957, paragraph (b) is amended by the deletion of the following:

India, all posts except Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Kotah, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Rajkot, Simla, Trivandrum, Udaipur and Vellore.
Philippines, all posts except Angeles, Baguio City, Cagayan, Cavite (including Sangley Point), Ilagan, Manila, Naga City and Subic Bay.

3. Effective as of the beginning of the first pay period following August 10, 1957, paragraph (a) is amended by the addition of the following:

Choluteca Province, Honduras.
San Isidro del General, Costa Rica.
Valle Province, Honduras.

4. Effective as of the beginning of the first pay period following September 7, 1957, paragraph (a) is amended by the addition of the following:

Jodhpur, India.

5. Effective as of the beginning of the first pay period following September 7, 1957, paragraph (b) is amended by the addition of the following:

India, all posts except Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Jodhpur, Kotah, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Rajkot, Simla, Trivandrum, Udaipur and Vellore.
Philippines, all posts except Angeles, Baguio City, Cavite (including Sangley Point), Manila and Subic Bay.

6. Effective as of the beginning of the first pay period following May 18, 1957, paragraph (c) is amended by the addition of the following:

Cartwright, Canada.

(Sec. 102, Part I, E. O. 10,000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

Dated: August 27, 1957.

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

[F. R. Doc. 57-7382; Filed, Sept. 9, 1957; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Operating Loans

[FHA Instruction 441.3]

PART 342—OPERATING LOAN PROCESSING

DEFINITIONS

Section 342.2, Title 6, Code of Federal Regulations is revised to add paragraphs (b) and (c) defining initial and subsequent Operating loans. Revised § 342.2 reads as follows:

§ 342.2 *Definitions.* (a) "Applicant" is any individual who applies for an Operating loan under Title II of the Bankhead-Jones Farm Tenant Act, regardless of whether he has previously obtained or is presently indebted for such a loan.

(b) "Initial loan" is an Operating loan made to an applicant who is not indebted for an Operating loan or a Production and Subsistence loan made under Title II of the aforementioned Act.

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FEDERAL REGISTER

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(c) "Subsequent loan" is an Operating loan made to an applicant who is indebted for an Operating loan or a Production and Subsistence loan made under Title II of the aforementioned Act.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: September 3, 1957.

[SEAL] DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-7404; Filed, Sept. 9, 1957; 8:49 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The 1957 C. C. C. Grain Price Support Bulletin 1 (22 F. R. 2321), issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1957 was supplemented by 1957 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Wheat and Amendment 1 thereto (22 F. R. 2405 and 5733), containing specific requirements applicable to price support operations on the 1957 wheat crop. These regulations are further supplemented by the addition of paragraph (d) to § 421.2243 as follows:

(d) *Support rates.* Basic support rates for wheat placed under loan or delivered under purchase agreements are set forth in this paragraph.

(1) *Basic support rates at designated terminal markets.* Basic support rates per bushel for grade No. 1 wheat stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel: Wheat produced in commercial area	Rate per bushel: Wheat produced in non-commercial area
Astoria, Oreg.	$2.24	$1.68
Portland, Oreg.	2.24	1.68
Longview, Wash.	2.24	1.68
Seattle, Wash.	2.24	1.68
Tacoma, Wash.	2.24	1.68
Vancouver, Wash.	2.24	1.68
Los Angeles, Calif.	2.32	1.74
Oakland, Calif.	2.32	1.74
San Francisco, Calif.	2.32	1.74
Stockton, Calif.	2.32	1.74
Atchison, Kans.	2.32	1.74
Council Bluffs, Iowa	2.32	1.74
Kansas City, Kans.	2.32	1.74
Kansas City, Mo.	2.32	1.74
Louisville, Ky.	2.32	1.74
Saint Joseph, Mo.	2.32	1.74
Omaha, Nebr.	2.32	1.74
Sioux City, Iowa	2.32	1.74
Cairo, Ill.	2.32	1.74
Chicago, Ill.	2.32	1.74
East St. Louis, Ill.	2.32	1.74
Memphis, Tenn.	2.32	1.74
Milwaukee, Wis.	2.32	1.74
St. Louis, Mo.	2.32	1.74
Duluth, Minn.	2.36	1.77
Minneapolis, Minn.	2.36	1.77
St. Paul, Minn.	2.36	1.77
Superior, Wis.	2.36	1.77
Albany, N. Y.	2.44	1.83
Baltimore, Md.	2.44	1.83
Norfolk, Va.	2.44	1.83
Philadelphia, Pa.	2.44	1.83
New York, N. Y.	2.44	1.83
Corpus Christi, Tex.	2.49	1.87
Galveston, Tex.	2.49	1.87
Houston, Tex.	2.49	1.87
New Orleans, La.	2.49	1.87

(2) *Basic county support rates.* (i) The following basic county support rates per bushel are established for grade No. 1 wheat. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of § 421.2243, will be made at the support rate established for the county in which the wheat is stored: *Provided, however,* That if the wheat produced in the commercial wheat-producing area and stored outside the commercial wheat-producing area or if the wheat is produced in the non-commercial wheat-producing area and stored in the commercial wheat-producing area, the rates shall be the applicable rate where stored adjusted to the percentage level applicable to where the wheat was produced.

(ii) If two or more approved warehouses are located at the same or adjoining towns, villages or cities having the same domestic interstate freight rate, such towns, villages or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate in the county involved.

ALABAMA

County	Rate per bushel
All counties	$1.63

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$1.19	Mohave	$1.19
Cochise	1.47	Navajo	1.19
Coconino	1.19	Pima	1.52
Gila	1.28	Pinal	1.56
Graham	1.40	Santa Cruz	1.52
Greenlee	1.34	Yavapai	1.30
Maricopa	1.56	Yuma	1.56

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$2.05	Lee	$2.11
Ashley	2.09	Lincoln	2.06
Baxter	2.00	Little River	2.09
Benton	1.96	Logan	1.96
Boone	1.97	Lonoke	2.06
Bradley	2.08	Madison	1.96
Calhoun	2.08	Marion	1.99
Carroll	1.95	Miller	2.10
Chicot	2.10	Mississippi	2.11
Clark	2.07	Monroe	2.07
Clay	2.08	Montgomery	2.00
Cleburne	2.07	Nevada	2.08
Cleveland	2.06	Newton	1.97
Columbia	2.10	Ouachita	2.08
Conway	2.01	Perry	2.01
Craighead	2.09	Phillips	2.08
Crawford	1.96	Pike	2.01
Crittenden	2.15	Poinsett	2.12
Cross	2.12	Polk	2.00
Dallas	2.07	Pope	2.00
Desha	2.08	Prairie	2.07
Drew	2.08	Pulaski	2.04
Faulkner	2.02	Randolph	2.08
Franklin	1.97	St. Francis	2.11
Fulton	2.04	Saline	2.04
Garland	2.03	Scott	2.00
Grant	2.06	Searcy	1.97
Greene	2.08	Sebastian	1.98
Hempstead	2.09	Sevier	2.02
Hot Spring	2.04	Sharp	2.04
Howard	2.02	Stone	2.03
Independence	2.06	Union	2.10
Izard	2.02	Van Buren	2.00
Jackson	2.08	Washington	1.96
Jefferson	2.04	White	2.07
Johnson	1.99	Woodruff	2.09
Lafayette	2.10	Yell	2.00
Lawrence	2.08		

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$2.19	Plumas	$1.97
Alpine	1.99	Riverside	2.13
Amador	2.13	Sacramento	2.15
Butte	2.10	San Benito	2.15
Calaveras	2.13	San Bernardino	2.16
Colusa	2.12	San Diego	2.12
Contra Costa	2.19	San Joaquin	2.16
El Dorado	2.09	San Luis Obispo	2.10
Fresno	2.11	San Mateo	2.20
Glenn	2.10	Santa Barbara	2.11
Humboldt	1.93	Santa Clara	2.18
Imperial	2.09	Santa Cruz	2.16
Inyo	1.96	Shasta	2.04
Kern	2.11	Sierra	1.97
Kings	2.11	Siskiyou	1.95
Lake	2.13	Solano	2.17
Lassen	1.95	Sonoma	2.17
Los Angeles	2.18	Stanislaus	2.15
Madera	2.13	Sutter	2.12
Marin	2.19	Tehama	2.08
Mariposa	2.14	Tulare	2.11
Mendocino	2.10	Tuolumne	2.16
Merced	2.14	Ventura	2.17
Modoc	1.90	Yolo	2.15
Mono	1.90	Yuba	2.13
Monterey	2.12		
Napa	2.18		
Orange	2.16		
Placer	2.13		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.94	Dolores	$1.63
Alamosa	1.84	Douglas	1.94
Arapahoe	1.94	Eagle	1.77
Archuleta	1.76	Elbert	1.94
Baca	1.95	El Paso	1.94
Bent	1.95	Fremont	1.90
Boulder	1.94	Garfield	1.76
Chaffee	1.80	Grand	1.80
Cheyenne	1.96	Huerfano	1.92
Conejos	1.83	Jackson	1.83
Costilla	1.84	Jefferson	1.94
Crowley	1.94	Kiowa	1.96
Custer	1.89	Kit Carson	1.96
Delta	1.76	La Plata	1.76
Denver	1.94	Larimer	1.94

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Los Animas	$1.94	Prowers	$1.96
Lincoln	1.94	Pueblo	1.94
Logan	1.94	Rio Blanco	1.76
Mesa	1.76	Rio Grande	1.83
Moffat	1.76	Routt	1.76
Montezuma	1.67	Saguache	1.83
Montrose	1.76	San Miguel	1.70
Morgan	1.94	Sedgwick	1.97
Otero	1.94	Summit	1.80
Ouray	1.76	Washington	1.94
Phillips	1.97	Weld	1.94
Pitkin	1.76	Yuma	1.96

CONNECTICUT

All counties	$1.66

DELAWARE

Kent	$2.25
New Castle	2.25
Sussex	2.24

FLORIDA

All counties	$1.63

GEORGIA

All counties	$2.20

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.79	Gem	$1.79
Adams	1.76	Gooding	1.73
Bannock	1.73	Idaho	1.86
Bear Lake	1.77	Jefferson	1.72
Benewah	1.89	Jerome	1.72
Bingham	1.73	Kootenai	1.88
Blaine	1.71	Latah	1.89
Boise	1.78	Lemhi	1.72
Bonner	1.86	Lewis	1.86
Bonneville	1.73	Lincoln	1.72
Boundary	1.84	Madison	1.72
Butte	1.72	Minidoka	1.73
Camas	1.70	Nez Perce	1.89
Canyon	1.79	Oneida	1.73
Caribou	1.73	Owyhee	1.79
Cassia	1.74	Payette	1.80
Clark	1.72	Power	1.73
Clearwater	1.88	Shoshone	1.85
Custer	1.72	Teton	1.72
Elmore	1.76	Twin Falls	1.76
Franklin	1.73	Valley	1.77
Fremont	1.72	Washington	1.81

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$2.07	Hardin	$2.02
Alexander	2.10	Henderson	2.07
Bond	2.12	Henry	2.09
Boone	2.12	Iroquois	2.10
Brown	2.08	Jackson	2.10
Bureau	2.10	Jasper	2.09
Calhoun	2.11	Jefferson	2.10
Carroll	2.09	Jersey	2.13
Cass	2.10	Jo Daviess	2.09
Champaign	2.10	Johnson	2.04
Christian	2.10	Kane	2.14
Clark	2.10	Kankakee	2.14
Clay	2.10	Kendall	2.13
Clinton	2.13	Knox	2.09
Coles	2.10	Lake	2.16
Cook	2.16	La Salle	2.12
Crawford	2.08	Lawrence	2.09
Cumberland	2.10	Lee	2.11
De Kalb	2.13	Livingston	2.11
DeWitt	2.10	Logan	2.10
Douglas	2.10	McDonough	2.08
DuPage	2.15	McHenry	2.13
Edgar	2.10	McLean	2.10
Edwards	2.08	Macon	2.10
Effingham	2.10	Macoupin	2.13
Fayette	2.10	Madison	2.13
Ford	2.10	Marion	2.10
Franklin	2.10	Marshall	2.10
Fulton	2.10	Mason	2.10
Gallatin	2.08	Massac	2.09
Greene	2.12	Menard	2.10
Grundy	2.12	Mercer	2.08
Hamilton	2.09	Monroe	2.12
Hancock	2.07	Montgomery	2.11

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Morgan	$2.10	Scott	$2.10
Moultrie	2.10	Shelby	2.10
Ogle	2.11	Stark	2.10
Peoria	2.10	Stephenson	2.09
Perry	2.10	Tazewell	2.10
Piatt	2.10	Union	2.10
Pike	2.09	Vermilion	2.10
Pope	2.05	Wabash	2.07
Pulaski	2.10	Warren	2.08
Putnam	2.10	Washington	2.10
Randolph	2.10	Wayne	2.08
Richland	2.09	White	2.06
Rock Island	2.09	Whiteside	2.09
Saint Clair	2.13	Will	2.14
Saline	2.06	Williamson	2.10
Sangamon	2.10	Winnebago	2.10
Schuyler	2.09	Woodford	2.10

INDIANA

Adams	$2.05	Lawrence	$2.12
Allen	2.05	Madison	2.06
Bartholomew	2.11	Marion	2.07
Benton	2.08	Marshall	2.07
Blackford	2.06	Martin	2.06
Boone	2.07	Miami	2.07
Brown	2.07	Monroe	2.13
Carroll	2.08	Montgomery	2.06
Cass	2.08	Morgan	2.06
Clark	2.16	Newton	2.10
Clay	2.04	Noble	2.06
Clinton	2.07	Ohio	2.08
Crawford	2.11	Orange	2.13
Daviess	2.05	Owen	2.06
Dearborn	2.08	Parke	2.06
Decatur	2.10	Perry	2.07
De Kalb	2.05	Pike	2.06
Delaware	2.05	Porter	2.11
Dubois	2.09	Posey	2.04
Elkhart	2.07	Pulaski	2.10
Fayette	2.07	Putnam	2.07
Floyd	2.19	Randolph	2.06
Fountain	2.05	Ripley	2.08
Franklin	2.08	Rush	2.08
Fulton	2.08	Saint Joseph	2.08
Gibson	2.05	Scott	2.12
Grant	2.06	Shelby	2.07
Greene	2.06	Spencer	2.09
Hamilton	2.07	Starke	2.09
Hancock	2.07	Steuben	2.05
Harrison	2.08	Sullivan	2.03
Hendricks	2.07	Switzerland	2.08
Henry	2.05	Tippecanoe	2.07
Howard	2.07	Tipton	2.06
Huntington	2.05	Union	2.07
Jackson	2.11	Vanderburgh	2.09
Jasper	2.11	Vermillion	2.08
Jay	2.05	Vigo	2.08
Jefferson	2.09	Wabash	2.07
Jennings	2.10	Warren	2.07
Johnson	2.08	Warrick	2.07
Knox	2.05	Washington	2.13
Kosciusko	2.07	Wayne	2.05
Lagrange	2.06	Wells	2.05
Lake	2.13	White	2.10
La Porte	2.09	Whiteley	2.07

IOWA

Adair	$2.10	Clarke	$2.09
Adams	2.11	Clay	2.10
Allamakee	2.10	Clayton	2.09
Appanoose	2.06	Clinton	2.07
Audubon	2.12	Crawford	2.12
Benton	2.09	Dallas	2.09
Black Hawk	2.09	Davis	2.05
Boone	2.09	Decatur	2.08
Bremer	2.10	Delaware	2.09
Buchanan	2.09	Des Moines	2.06
Buena Vista	2.09	Dickinson	2.11
Butler	2.10	Dubuque	2.08
Calhoun	2.09	Emmet	2.12
Carroll	2.12	Fayette	2.10
Cass	2.11	Floyd	2.12
Cedar	2.06	Franklin	2.10
Cerro Gordo	2.12	Fremont	2.14
Cherokee	2.09	Greene	2.10
Chickasaw	2.11	Grundy	2.09

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Guthrie	$2.10	Muscatine	$2.06
Hamilton	2.09	O'Brien	2.09
Hancock	2.11	Osceola	2.10
Hardin	2.09	Page	2.13
Harrison	2.14	Palo Alto	2.11
Henry	2.05	Plymouth	2.10
Howard	2.12	Pocahontas	2.09
Humboldt	2.10	Polk	2.08
Ida	2.10	Pottawattamie	2.15
Iowa	2.07	Poweshiek	2.07
Jackson	2.07	Ringgold	2.09
Jasper	2.08	Sac	2.10
Jefferson	2.04	Scott	2.07
Johnson	2.07	Shelby	2.13
Jones	2.08	Sioux	2.10
Keokuk	2.05	Story	2.08
Kossuth	2.11	Tama	2.09
Lee	2.06	Taylor	2.10
Linn	2.09	Union	2.10
Louisa	2.06	Van Buren	2.05
Lucas	2.08	Wapello	2.05
Lyon	2.09	Warren	2.08
Madison	2.09	Washington	2.05
Mahaska	2.06	Wayne	2.07
Marion	2.06	Webster	2.09
Marshall	2.09	Winnebago	2.12
Mills	2.15	Winneshiek	2.10
Mitchell	2.13	Woodbury	2.11
Monona	2.13	Worth	2.13
Monroe	2.06	Wright	2.10
Montgomery	2.13		

KANSAS

Allen	$2.10	Linn	$2.11
Anderson	2.11	Logan	2.00
Atchison	2.14	Lyon	2.09
Barber	2.03	McPherson	2.05
Barton	2.03	Marion	2.06
Bourbon	2.11	Marshall	2.09
Brown	2.13	Meade	2.00
Butler	2.06	Miami	2.13
Chase	2.08	Mitchell	2.06
Chautauqua	2.08	Montgomery	2.09
Cherokee	2.09	Morris	2.07
Cheyenne	1.99	Morton	1.96
Clark	2.00	Nemaha	2.10
Clay	2.07	Neosho	2.10
Cloud	2.06	Ness	2.03
Coffey	2.10	Norton	2.03
Comanche	2.01	Osage	2.11
Cowley	2.06	Osborne	2.05
Crawford	2.10	Ottawa	2.06
Decatur	2.01	Pawnee	2.03
Dickinson	2.06	Phillips	2.03
Doniphan	2.14	Pottawatomie	2.10
Douglas	2.13	Pratt	2.03
Edwards	2.03	Rawlins	2.00
Elk	2.08	Reno	2.05
Ellis	2.03	Republic	2.06
Ellsworth	2.05	Rice	2.05
Finney	2.00	Riley	2.09
Ford	2.02	Rooks	2.04
Franklin	2.13	Rush	2.03
Geary	2.08	Russell	2.04
Gove	2.01	Saline	2.05
Graham	2.03	Scott	2.00
Grant	1.99	Sedgwick	2.06
Gray	2.00	Seward	1.98
Greeley	1.99	Shawnee	2.11
Greenwood	2.08	Sheridan	2.01
Hamilton	1.99	Sherman	1.99
Harper	2.05	Smith	2.05
Harvey	2.06	Stafford	2.03
Haskell	2.00	Stanton	1.98
Hodgeman	2.03	Stevens	1.98
Jackson	2.12	Sumner	2.06
Jefferson	2.13	Thomas	2.00
Jewell	2.05	Trego	2.03
Johnson	2.15	Wabaunsee	2.10
Kearny	1.99	Wallace	1.99
Kingman	2.05	Washington	2.07
Kiowa	2.03	Wichita	1.99
Labette	2.09	Wilson	2.09
Lane	2.01	Woodson	2.10
Leavenworth	2.15	Wyandotte	2.16
Lincoln	2.05		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$2.14	Kenton	$2.14
Allen	2.13	Knox	2.14
Anderson	2.15	Larue	2.14
Ballard	2.11	Laurel	2.15
Barren	2.13	Lawrence	2.15
Bath	2.15	Lee	2.15
Bell	2.14	Lewis	2.16
Boone	2.14	Lincoln	2.16
Bourbon	2.16	Livingston	2.11
Boyd	2.16	Logan	2.12
Boyle	2.16	Lyon	2.12
Bracken	2.15	McCracken	2.11
Breathitt	2.14	McCreary	2.14
Breckenridge	2.12	McLean	2.11
Bullitt	2.14	Madison	2.16
Butler	2.12	Magoffin	2.14
Caldwell	2.12	Marion	2.15
Calloway	2.11	Marshall	2.11
Campbell	2.14	Mason	2.15
Carlisle	2.11	Meade	2.12
Carroll	2.14	Menifee	2.14
Carter	2.15	Mercer	2.16
Casey	2.15	Metcalfe	2.13
Christian	2.12	Monroe	2.14
Clark	2.16	Montgomery	2.15
Clay	2.14	Morgan	2.14
Clinton	2.15	Muhlenberg	2.12
Crittenden	2.11	Nelson	2.15
Cumberland	2.14	Nicholas	2.15
Daviess	2.11	Ohio	2.12
Edmonson	2.12	Oldham	2.14
Elliott	2.15	Owen	2.15
Estill	2.15	Owsley	2.14
Fayette	2.16	Pendleton	2.15
Fleming	2.15	Powell	2.15
Franklin	2.15	Pulaski	2.16
Fulton	2.11	Robertson	2.15
Gallatin	2.14	Rockcastle	2.16
Garrard	2.16	Rowan	2.16
Grant	2.15	Russell	2.14
Graves	2.11	Scott	2.15
Grayson	2.13	Shelby	2.14
Green	2.15	Simpson	2.13
Greenup	2.16	Spencer	2.14
Hancock	2.12	Taylor	2.15
Hardin	2.13	Todd	2.12
Harrison	2.15	Trigg	2.12
Hart	2.13	Trimble	2.14
Henderson	2.11	Union	2.11
Henry	2.14	Warren	2.12
Hickman	2.11	Washington	2.16
Hopkins	2.12	Wayne	2.15
Jackson	2.14	Webster	2.11
Jefferson	2.14	Whitley	2.14
Jessamine	2.16	Wolfe	2.14
Johnson	2.14	Woodford	2.16

LOUISIANA

All counties	$1.56

MAINE

All counties	$1.63

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	$2.16	Howard	$2.28
Anne Arundel	2.22	Kent	2.25
Baltimore	2.24	Montgomery	2.23
Calvert	2.20	Prince Georges	2.21
Caroline	2.25	Queen Annes	2.25
Carroll	2.24	St. Marys	2.21
Cecil	2.24	Somerset	2.23
Charles	2.20	Talbot	2.25
Dorchester	2.24	Washington	2.20
Frederick	2.23	Wicomico	2.24
Garrett	2.10	Worcester	2.23
Harford	2.24		

MASSACHUSETTS

All counties	$1.65

MICHIGAN

Alcona	$1.92	Antrim	$1.92
Alger	2.00	Arenac	1.96
Allegan	2.04	Baraga	2.07
Alpena	1.92	Barry	2.04

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Bay	$2.01	Livingston	$2.04
Benzie	2.01	Luce	1.92
Berrien	2.07	Mackinac	1.91
Branch	2.05	Macomb	2.05
Calhoun	2.05	Manistee	1.97
Cass	2.08	Marquette	2.04
Charlevoix	1.91	Mason	1.97
Cheboygan	1.91	Mecosta	1.97
Chippewa	1.92	Menominee	2.00
Clare	2.01	Midland	2.01
Clinton	2.03	Missaukee	1.97
Crawford	1.93	Monroe	2.06
Delta	2.00	Montcalm	2.01
Dickinson	2.00	Montmorency	1.91
Eaton	2.04	Muskegon	2.01
Emmet	1.90	Newaygo	2.00
Genesee	2.03	Oakland	2.03
Gladwin	1.99	Oceana	1.97
Gogebic	2.09	Ogemaw	1.99
Grand Traverse	1.95	Ontonagon	2.01
Gratiot	2.03	Osceola	1.98
Hillsdale	2.04	Oscoda	1.99
Houghton	2.02	Otsego	1.91
Huron	1.99	Ottawa	2.04
Ingham	2.04	Presque Isle	1.91
Ionia	2.03	Roscommon	1.93
Iosco	1.93	Saginaw	2.03
Iron	2.01	Saint Clair	2.04
Isabella	2.00	Saint Joseph	2.07
Jackson	2.04	Sanilac	2.02
Kalamazoo	2.07	Schoolcraft	2.00
Kalkaska	1.92	Shiawassee	2.03
Kent	2.03	Tuscola	2.01
Keweenaw	2.02	Van Buren	2.06
Lake	1.97	Washtenaw	2.04
Lapeer	2.03	Wayne	2.04
Leelanau	1.92	Wexford	1.98
Lenawee	2.04		

MINNESOTA

Aitkin	$2.17	Marshall	$2.07
Anoka	2.20	Martin	2.13
Becker	2.11	Meeker	2.17
Beltrami	2.11	Mille Lacs	2.17
Benton	2.16	Morrison	2.15
Big Stone	2.11	Mower	2.14
Blue Earth	2.15	Murray	2.12
Brown	2.15	Nicollet	2.17
Carlton	2.18	Nobles	2.10
Carver	2.19	Norman	2.09
Cass	2.14	Olmsted	2.15
Chippewa	2.14	Otter Tail	2.13
Chisago	2.18	Pennington	2.08
Clay	2.10	Pine	2.16
Clearwater	2.10	Pipestone	2.11
Cottonwood	2.13	Polk	2.08
Crow Wing	2.15	Pope	2.14
Dakota	2.19	Ramsey	2.21
Dodge	2.15	Red Lake	2.09
Douglas	2.14	Redwood	2.14
Faribault	2.13	Renville	2.15
Fillmore	2.12	Rice	2.17
Freeborn	2.15	Rock	2.10
Goodhue	2.16	Roseau	2.07
Grant	2.12	Saint Louis	2.15
Hennepin	2.21	Scott	2.19
Houston	2.12	Sherburne	2.18
Hubbard	2.12	Sibley	2.17
Isanti	2.17	Stearns	2.16
Itasca	2.15	Steele	2.15
Jackson	2.12	Stevens	2.13
Kanabec	2.16	Swift	2.14
Kandiyohi	2.16	Todd	2.14
Kittson	2.05	Traverse	2.11
Koochiching	2.07	Wabasha	2.16
Lac Qui Parle	2.12	Wadena	2.14
Lake of the Woods	2.08	Waseca	2.15
Le Sueur	2.17	Washington	2.20
Lincoln	2.12	Watonwan	2.14
Lyon	2.13	Wilkin	2.11
McLeod	2.17	Winona	2.15
Mahnomen	2.09	Wright	2.18
		Yellow Medicine	2.13

MISSISSIPPI

County	Rate per bushel
All counties	$1.56

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.06	Livingston	$2.12
Andrew	2.16	McDonald	2.08
Atchison	2.12	Macon	2.07
Audrain	2.09	Madison	2.09
Barry	2.08	Maries	2.09
Barton	2.10	Marion	2.09
Bates	2.13	Mercer	2.09
Benton	2.10	Miller	2.06
Bollinger	2.09	Mississippi	2.08
Boone	2.08	Moniteau	2.09
Buchanan	2.16	Monroe	2.08
Butler	2.08	Montgomery	2.11
Caldwell	2.12	Morgan	2.09
Callaway	2.09	New Madrid	2.08
Camden	2.06	Newton	2.08
Cape Girardeau	2.09	Nodaway	2.12
Carroll	2.12	Oregon	2.03
Carter	2.07	Osage	2.09
Cass	2.13	Ozark	2.02
Cedar	2.11	Pemiscot	2.08
Charlton	2.11	Perry	2.10
Christian	2.08	Pettis	2.10
Clark	2.07	Phelps	2.09
Clay	2.14	Pike	2.09
Clinton	2.15	Platte	2.15
Cole	2.07	Polk	2.09
Cooper	2.10	Pulaski	2.07
Crawford	2.10	Putnam	2.09
Dade	2.09	Ralls	2.09
Dallas	2.07	Randolph	2.08
Daviess	2.12	Ray	2.13
De Kalb	2.15	Reynolds	2.06
Dent	2.08	Ripley	2.08
Douglas	2.05	Saint Charles	2.16
Dunklin	2.08	Saint Clair	2.12
Franklin	2.13	Sainte Genevieve	2.11
Gasconade	2.10	Saint Francois	2.11
Gentry	2.13	Saint Louis	2.17
Greene	2.08	Saline	2.12
Grundy	2.10	Schuyler	2.06
Harrison	2.11	Scotland	2.06
Henry	2.13	Scott	2.08
Hickory	2.10	Shannon	2.04
Holt	2.13	Shelby	2.08
Howard	2.09	Stoddard	2.08
Howell	2.00	Stone	2.07
Iron	2.10	Sullivan	2.09
Jackson	2.15	Taney	2.06
Jasper	2.09	Texas	2.05
Jefferson	2.14	Vernon	2.11
Johnson	2.12	Warren	2.13
Knox	2.07	Washington	2.11
Laclede	2.05	Wayne	2.07
Lafayette	2.13	Webster	2.06
Lawrence	2.08	Worth	2.11
Lewis	2.08	Wright	2.05
Lincoln	2.13		
Linn	2.09		

MONTANA

Beaverhead	$1.69	Hill	$1.80
Big Horn	1.79	Jefferson	1.76
Blaine	1.82	Judith Basin	1.80
Broadwater	1.80	Lake	1.76
Carbon	1.80	Lewis and Clark	1.80
Carter	1.92	Liberty	1.80
Cascade	1.80	Lincoln	1.78
Chouteau	1.80	McCone	1.89
Custer	1.90	Madison	1.77
Daniels	1.88	Meagher	1.80
Dawson	1.91	Mineral	1.76
Deer Lodge	1.75	Missoula	1.76
Fallon	1.92	Musselshell	1.83
Fergus	1.80	Park	1.80
Flathead	1.76	Petroleum	1.80
Gallatin	1.80	Phillips	1.84
Garfield	1.89	Pondera	1.80
Glacier	1.80	Powder River	1.88
Golden Valley	1.80		
Granite	1.73		

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Powell	$1.75	Stillwater	$1.80
Prairie	1.91	Sweet Grass	1.80
Ravalli	1.72	Teton	1.80
Richland	1.91	Toole	1.80
Roosevelt	1.92	Treasure	1.85
Rosebud	1.86	Valley	1.87
Sanders	1.77	Wheatland	1.80
Sheridan	1.90	Wibaux	1.93
Silver Bow	1.76	Yellowstone	1.80

NEBRASKA

Adams	$2.07	Jefferson	$2.10
Antelope	2.08	Johnson	2.11
Arthur	1.99	Kearney	2.06
Banner	1.95	Keith	1.99
Blaine	2.03	Keya Paha	2.03
Boone	2.10	Kimball	1.94
Box Butte	1.98	Knox	2.07
Boyd	2.06	Lancaster	2.14
Brown	2.03	Lincoln	2.02
Buffalo	2.07	Logan	2.03
Burt	2.13	Loup	2.06
Butler	2.13	McPherson	2.02
Cass	2.14	Madison	2.10
Cedar	2.08	Merrick	2.10
Chase	1.99	Morrill	1.97
Cherry	2.01	Nance	2.10
Cheyenne	1.95	Nemaha	2.12
Clay	2.06	Nuckolls	2.06
Colfax	2.13	Otoe	2.13
Cuming	2.13	Pawnee	2.10
Custer	2.05	Perkins	1.99
Dakota	2.11	Phelps	2.06
Dawes	1.96	Pierce	2.10
Dawson	2.06	Platte	2.11
Deuel	1.97	Polk	2.11
Dixon	2.10	Red Willow	2.03
Dodge	2.14	Richardson	2.11
Douglas	2.15	Rock	2.04
Dundy	1.99	Saline	2.12
Fillmore	2.10	Sarpy	2.15
Franklin	2.06	Saunders	2.14
Frontier	2.03	Scotts Bluff	1.95
Furnas	2.04	Seward	2.13
Gage	2.11	Sheridan	1.98
Garden	1.98	Sherman	2.07
Garfield	2.07	Sioux	1.94
Gosper	2.05	Stanton	2.11
Grant	1.99	Thayer	2.09
Greeley	2.09	Thomas	2.02
Hall	2.09	Thurston	2.12
Hamilton	2.10	Valley	2.07
Harlan	2.05	Washington	2.15
Hayes	2.00	Wayne	2.09
Hitchcock	2.01	Webster	2.07
Holt	2.07	Wheeler	2.10
Hooker	2.01	York	2.11
Howard	2.09		

NEVADA

Churchill	$1.43	Lyon	$1.40
Clark	1.34	Mineral	1.29
Douglas	1.48	Nye	1.13
Elko	1.33	Ormsby	1.48
Esmeralda	1.25	Pershing	1.48
Eureka	1.33	Storey	1.48
Humboldt	1.36	Washoe	1.48
Lander	1.33	White Pine	.98
Lincoln	1.33		

NEW HAMPSHIRE

All counties	$1.64

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Bergen	$2.21	Middlesex	$2.21
Burlington	2.22	Monmouth	2.20
Camden	2.24	Morris	2.19
Cape May	2.17	Ocean	2.19
Cumberland	2.19	Passaic	2.20
Essex	2.21	Salem	2.20
Gloucester	2.21	Somerset	2.19
Hunterdon	2.19	Sussex	2.17
Mercer	2.24	Warren	2.18

New Mexico

County	Rate per bushel	County	Rate per bushel
Bernalillo	$1.89	Mora	$1.89
Catron	1.81	Otero	1.92
Chaves	1.95	Quay	1.98
Colfax	1.88	Rio Arriba	1.75
Curry	1.99	Roosevelt	1.97
De Baca	1.94	Sandoval	1.89
Dona Ana	1.89	San Juan	1.55
Eddy	1.94	San Miguel	1.89
Grant	1.75	Santa Fe	1.86
Guadalupe	1.94	Sierra	1.89
Harding	1.92	Socorro	1.89
Hidalgo	1.82	Taos	1.82
Lea	1.98	Torrance	1.92
Lincoln	1.92	Union	1.94
Luna	1.82	Valencia	1.85
McKinley	1.75		

New York

Albany	$2.26	Oneida	$2.20
Allegany	2.18	Onondaga	2.20
Broome	2.20	Ontario	2.20
Cattaraugus	2.16	Orange	2.18
Cayuga	2.20	Orleans	2.19
Chautauqua	2.12	Oswego	2.20
Chemung	2.20	Otsego	2.17
Chenango	2.20	Putnam	2.18
Clinton	2.10	Rensselaer	2.24
Columbia	2.22	Rockland	2.19
Cortland	2.20	Saratoga	2.23
Delaware	2.15	Schenectady	2.25
Dutchess	2.18	Schoharie	2.24
Erie	2.17	Schuyler	2.20
Essex	2.13	Seneca	2.20
Franklin	2.07	Steuben	2.20
Fulton	2.15	St. Lawrence	2.12
Genesee	2.20	Suffolk	2.13
Greene	2.21	Sullivan	2.16
Herkimer	2.20	Tioga	2.20
Jefferson	2.17	Tompkins	2.20
Lewis	2.17	Ulster	2.19
Livingston	2.20	Warren	2.18
Madison	2.20	Washington	2.19
Monroe	2.20	Wayne	2.20
Montgomery	2.25	Westchester	2.19
Nassau	2.15	Wyoming	2.19
Niagara	2.19	Yates	2.19

North Carolina

All counties	$2.21

North Dakota

County	Rate per bushel	County	Rate per bushel
Adams	$1.97	McKenzie	$1.94
Barnes	2.07	McLean	2.00
Benson	2.03	Mercer	1.98
Billings	1.97	Morton	2.00
Bottineau	1.99	Mountrail	1.98
Bowman	1.96	Nelson	2.05
Burke	1.98	Oliver	2.00
Burleigh	2.02	Pembina	2.04
Cass	2.08	Pierce	2.02
Cavalier	2.03	Ramsey	2.04
Dickey	2.06	Ransom	2.07
Divide	1.96	Renville	1.98
Dunn	1.97	Richland	2.10
Eddy	2.04	Rolette	2.01
Emmons	2.02	Sargent	2.08
Foster	2.05	Sheridan	2.02
Golden Valley	1.94	Sioux	1.99
Grand Forks	2.07	Slope	1.94
Grant	1.98	Stark	1.98
Griggs	2.07	Steele	2.07
Hettinger	1.98	Stutsman	2.06
Kidder	2.03	Towner	2.02
La Moure	2.05	Traill	2.07
Logan	2.04	Walsh	2.05
McHenry	2.01	Ward	1.99
McIntosh	2.03	Wells	2.04
		Williams	1.97

Ohio

Adams	$2.04	Auglaize	$2.04
Allen	2.05	Belmont	2.07
Ashland	2.07	Brown	2.04
Ashtabula	2.10	Butler	2.04
Athens	2.06	Carroll	2.07

Ohio—Continued

County	Rate per bushel	County	Rate per bushel
Champaign	$2.04	Mahoning	$2.10
Clark	2.04	Marion	2.06
Clermont	2.04	Medina	2.07
Clinton	2.04	Meigs	2.04
Columbiana	2.08	Mercer	2.05
Coshocton	2.07	Miami	2.04
Crawford	2.06	Monroe	2.07
Cuyahoga	2.07	Montgomery	2.04
Darke	2.07	Morgan	2.07
Defiance	2.04	Morrow	2.06
Delaware	2.06	Muskingum	2.07
Erie	2.08	Noble	2.07
Fairfield	2.06	Ottawa	2.06
Fayette	2.04	Paulding	2.05
Franklin	2.06	Perry	2.06
Fulton	2.04	Pickaway	2.05
Gallia	2.04	Pike	2.04
Geauga	2.10	Portage	2.07
Greene	2.04	Preble	2.04
Guernsey	2.07	Putnam	2.05
Hamilton	2.04	Richland	2.07
Hancock	2.06	Ross	2.05
Hardin	2.06	Sandusky	2.06
Harrison	2.07	Scioto	2.04
Henry	2.04	Seneca	2.06
Highland	2.04	Shelby	2.05
Hocking	2.06	Stark	2.07
Holmes	2.07	Summit	2.07
Huron	2.06	Trumbull	2.10
Jackson	2.04	Tuscarawas	2.07
Jefferson	2.09	Union	2.06
Knox	2.06	Van Wert	2.05
Lake	2.09	Vinton	2.06
Lawrence	2.04	Warren	2.04
Licking	2.07	Washington	2.07
Logan	2.05	Wayne	2.07
Lorain	2.07	Williams	2.04
Lucas	2.06	Wood	2.06
Madison	2.05	Wyandot	2.06

Oklahoma

Adair	$2.02	Le Flore	$2.01
Alfalfa	2.01	Lincoln	2.01
Atoka	2.01	Logan	2.01
Beaver	1.96	Love	2.01
Beckham	2.01	McClain	2.01
Blaine	2.01	McCurtain	2.01
Bryan	2.01	McIntosh	2.02
Caddo	2.01	Major	2.00
Canadian	2.01	Marshall	2.01
Carter	2.01	Mayes	2.06
Cherokee	2.03	Murray	2.01
Choctaw	2.01	Muskogee	2.02
Cimarron	1.93	Noble	2.02
Cleveland	2.01	Nowata	2.08
Coal	2.01	Okfuskee	2.01
Comanche	2.01	Oklahoma	2.01
Cotton	2.01	Okmulgee	2.02
Craig	2.08	Osage	2.04
Creek	2.02	Ottawa	2.07
Custer	2.01	Pawnee	2.02
Delaware	2.07	Payne	2.01
Dewey	2.00	Pittsburg	2.01
Ellis	1.98	Pontotoc	2.01
Garfield	2.01	Pottawatomie	2.01
Garvin	2.01	Pushmataha	2.01
Grady	2.01	Roger Mills	2.00
Grant	2.02	Rogers	2.06
Greer	2.01	Seminole	2.01
Harmon	2.01	Sequoyah	2.02
Harper	1.98	Stephens	2.01
Haskell	2.01	Texas	1.95
Hughes	2.01	Tillman	2.01
Jackson	2.01	Tulsa	2.05
Jefferson	2.01	Wagoner	2.05
Johnston	2.01	Washington	2.07
Kay	2.03	Washita	2.01
Kingfisher	2.01	Woods	2.01
Kiowa	2.01	Woodward	1.99
Latimer	2.01		

Oregon

Baker	$1.86	Columbia	$2.06
Benton	2.04	Coos	1.94
Clackamas	2.08	Crook	2.03
Clatsop	2.04	Curry	1.93

Oregon—Continued

County	Rate per bushel	County	Rate per bushel
Deschutes	$2.03	Malheur	$1.80
Douglas	1.97	Marion	2.07
Gilliam	2.04	Morrow	2.03
Grant	2.03	Multnomah	2.09
Harney	1.74	Polk	2.06
Hood River	2.09	Sherman	2.05
Jackson	1.93	Tillamook	2.09
Jefferson	2.04	Umatilla	1.96
Josephine	1.90	Union	1.87
Klamath	1.90	Wallowa	1.86
Lake	1.87	Wasco	2.00
Lane	2.01	Washington	2.10
Lincoln	1.98	Wheeler	2.03
Linn	2.04	Yamhill	2.06

Pennsylvania

Adams	$2.20	Lancaster	$2.22
Allegheny	2.10	Lawrence	2.10
Armstrong	2.12	Lebanon	2.20
Beaver	2.10	Lehigh	2.20
Bedford	2.15	Luzerne	2.18
Berks	2.22	Lycoming	2.16
Blair	2.15	McKean	2.15
Bradford	2.19	Mercer	2.10
Bucks	2.24	Mifflin	2.16
Butler	2.12	Monroe	2.17
Cambria	2.10	Montgomery	2.23
Carbon	2.16	Montour	2.16
Centre	2.15	Northampton	2.20
Chester	2.24	Northumberland	2.16
Clarion	2.12	Perry	2.16
Clearfield	2.13	Pike	2.16
Clinton	2.16	Potter	2.11
Columbia	2.20	Schuylkill	2.18
Crawford	2.10	Snyder	2.16
Cumberland	2.19	Somerset	2.11
Dauphin	2.17	Sullivan	2.20
Delaware	2.24	Susquehanna	2.18
Elk	2.15	Tioga	2.18
Erie	2.10	Union	2.15
Fayette	2.11	Venango	2.10
Forest	2.12	Warren	2.10
Franklin	2.19	Washington	2.10
Fulton	2.17	Wayne	2.14
Greene	2.10	Westmoreland	2.10
Huntingdon	2.15	Wyoming	2.19
Indiana	2.11	Yates	2.19
Jefferson	2.12		
Juniata	2.16		
Lackawanna	2.17		

Rhode Island

All counties	$1.96

South Carolina

All counties	$2.20

South Dakota

County	Rate per bushel	County	Rate per bushel
Aurora	$2.04	Hand	$2.07
Beadle	2.08	Hanson	2.07
Bennett	1.99	Harding	1.97
Bon Homme	2.07	Hughes	2.04
Brookings	2.10	Hutchinson	2.06
Brown	2.08	Hyde	2.05
Brule	2.03	Jackson	1.96
Buffalo	2.05	Jerauld	2.07
Butte	1.92	Jones	1.97
Campbell	2.03	Kingsbury	2.09
Charles Mix	2.05	Lake	2.09
Clark	2.09	Lawrence	1.93
Clay	2.10	Lincoln	2.09
Codington	2.10	Lyman	2.00
Corson	2.00	McCook	2.09
Custer	1.94	McPherson	2.05
Davison	2.06	Marshall	2.06
Day	2.09	Meade	1.95
Deuel	2.10	Mellette	2.01
Dewey	1.99	Miner	2.09
Douglas	2.06	Minnehaha	2.09
Edmunds	2.06	Moody	2.10
Fall River	1.94	Pennington	1.95
Faulk	2.06	Perkins	1.98
Grant	2.10	Potter	2.03
Gregory	2.05	Roberts	2.10
Haakon	1.98	Sanborn	2.07
Hamlin	2.10	Shannon	1.98

South Dakota—Continued

County	Rate per bushel	County	Rate per bushel
Spink	$2.08	Union	$2.10
Stanley	2.03	Walworth	2.03
Sully	2.03	Washabaugh	1.96
Todd	2.01	Yankton	2.08
Tripp	2.03	Ziebach	1.97
Turner	2.08		

Tennessee

Anderson	$2.19	Lauderdale	$2.10
Bedford	2.16	Lawrence	2.15
Benton	2.13	Lewis	2.15
Bledsoe	2.17	Lincoln	2.17
Blount	2.20	Loudon	2.19
Bradley	2.19	McMinn	2.19
Campbell	2.19	McNairy	2.12
Cannon	2.15	Macon	2.14
Carroll	2.12	Madison	2.11
Carter	2.22	Marion	2.17
Cheatham	2.14	Marshall	2.16
Chester	2.12	Maury	2.15
Claiborne	2.21	Meigs	2.18
Clay	2.15	Monroe	2.20
Cocke	2.20	Montgomery	2.13
Coffee	2.16	Moore	2.16
Crockett	2.11	Morgan	2.18
Cumberland	2.17	Obion	2.11
Davidson	2.14	Overton	2.16
Decatur	2.13	Perry	2.14
De Kalb	2.15	Pickett	2.16
Dickson	2.14	Polk	2.20
Dyer	2.10	Putnam	2.16
Fayette	2.10	Rhea	2.18
Fentress	2.17	Roane	2.18
Franklin	2.17	Robertson	2.13
Gibson	2.12	Rutherford	2.15
Giles	2.16	Scott	2.18
Grainger	2.20	Sequatchie	2.17
Greene	2.21	Sevier	2.20
Grundy	2.16	Shelby	2.10
Hamblen	2.21	Smith	2.15
Hamilton	2.18	Stewart	2.13
Hancock	2.22	Sullivan	2.23
Hardeman	2.11	Sumner	2.13
Hardin	2.13	Tipton	2.10
Hawkins	2.23	Trousdale	2.14
Haywood	2.11	Unicoi	2.21
Henderson	2.13	Union	2.20
Henry	2.12	Van Buren	2.16
Hickman	2.14	Warren	2.16
Houston	2.13	Washington	2.22
Humphreys	2.13	Wayne	2.14
Jackson	2.15	Weakley	2.12
Jefferson	2.20	White	2.16
Johnson	2.22	Williamson	2.15
Knox	2.20	Wilson	2.14
Lake	2.11		

Texas

Andrews	$2.00	Coleman	$2.07
Archer	2.01	Collin	2.09
Armstrong	2.01	Collingsworth	2.01
Atascosa	2.11	Comal	2.14
Bailey	2.01	Comanche	2.03
Bandera	2.09	Concho	2.07
Bastrop	2.14	Cooke	2.04
Baylor	2.01	Coryell	2.09
Bee	2.09	Cottle	2.01
Bell	2.13	Crosby	2.01
Bexar	2.12	Culberson	1.93
Blanco	2.12	Dallam	1.96
Borden	2.01	Dallas	2.09
Bosque	2.11	Dawson	2.01
Bowie	2.04	Deaf Smith	2.01
Briscoe	2.01	Delta	2.07
Brown	2.09	Denton	2.09
Burleson	2.16	DeWitt	2.13
Burnet	2.09	Dickens	2.01
Caldwell	2.14	Dimmit	2.03
Callahan	2.04	Donley	2.01
Carson	2.01	Eastland	2.01
Castro	2.01	Edwards	2.01
Chambers	2.19	Ellis	2.11
Childress	2.01	El Paso	1.91
Clay	2.02	Erath	2.05
Cochran	2.01	Falls	2.14
Coke	2.01	Fannin	2.04

Texas—Continued

County	Rate per bushel	County	Rate per bushel
Fisher	$2.01	Menard	$2.07
Floyd	2.01	Midland	1.98
Foard	2.01	Milam	2.15
Gaines	2.01	Mills	2.09
Galveston	2.29	Mitchell	2.01
Garza	2.01	Montague	2.04
Gillespie	2.08	Moore	1.99
Glasscock	2.01	Motley	2.01
Goliad	2.12	Navarro	2.13
Gray	2.00	Nolan	2.01
Grayson	2.04	Ochiltree	1.98
Guadalupe	2.14	Oldham	2.01
Hale	2.01	Palo Pinto	2.04
Hall	2.01	Parker	2.07
Hamilton	2.06	Parmer	2.01
Hansford	1.98	Pecos	1.94
Hardeman	2.01	Potter	2.01
Harris	2.28	Presidio	1.92
Hartley	1.98	Randall	2.01
Haskell	2.01	Real	2.06
Hays	2.14	Reeves	1.94
Hemphill	1.98	Refugio	2.12
Hill	2.12	Roberts	1.99
Hockley	2.01	Robertson	2.14
Hood	2.08	Rockwall	2.09
Howard	2.01	Runnels	2.04
Hudspeth	1.92	San Saba	2.09
Hunt	2.09	Schleicher	1.98
Hutchinson	1.98	Scurry	2.01
Irion	1.98	Shackelford	2.01
Jack	2.04	Sherman	1.96
Jackson	2.14	Somervell	2.09
Jeff Davis	1.92	Stephens	2.01
Johnson	2.11	Sterling	1.98
Jones	2.01	Stonewall	2.01
Karnes	2.09	Sutton	1.97
Kaufman	2.11	Swisher	2.01
Kendall	2.09	Tarrant	2.10
Kent	2.01	Taylor	2.03
Kerr	2.08	Terry	2.01
Kimble	2.07	Throckmorton	2.02
King	2.01	Tom Green	2.01
Kinney	2.02	Travis	2.14
Knox	2.01	Uvalde	2.06
Lamar	2.04	Van Zandt	2.09
Lamb	2.01	Victoria	2.14
Lampasas	2.09	Waller	2.26
Limestone	2.14	Ward	1.96
Lipscomb	1.98	Wharton	2.24
Live Oak	2.09	Wheeler	2.00
Llano	2.09	Wichita	2.01
Loving	1.94	Wilbarger	2.01
Lubbock	2.01	Williamson	2.14
Lynn	2.01	Wilson	2.09
McCulloch	2.08	Wise	2.07
McLennan	2.14	Yoakum	2.01
Martin	2.00	Young	2.04
Mason	2.09	Zavala	2.02
Maverick	1.98		
Medina	2.11		

Utah

Beaver	$1.81	Piute	$1.68
Box Elder	1.73	Rich	1.77
Cache	1.73	Salt Lake	1.77
Carbon	1.77	San Juan	1.70
Daggett	1.77	San Pete	1.73
Davis	1.77	Sevier	1.69
Duchesne	1.77	Summit	1.77
Emery	1.77	Tooele	1.73
Garfield	1.68	Uintah	1.77
Grand	1.77	Utah	1.77
Iron	1.81	Wasatch	1.77
Juab	1.73	Washington	1.81
Kane	1.68	Wayne	1.68
Millard	1.76	Weber	1.77
Morgan	1.77		

Vermont

All Counties	$1.64

Virginia

County	Rate per bushel	County	Rate per bushel
Accomac	$2.21	Amelia	$2.21
Albermarle	2.20	Amherst	2.20
Alleghany	2.18	Appomattox	2.21

Virginia—Continued

County	Rate per bushel	County	Rate per bushel
Arlington	$2.20	Louisa	$2.20
Augusta	2.20	Lunenburg	2.21
Bath	2.18	Madison	2.20
Bedford	2.20	Mathews	2.21
Bland	2.18	Mecklenburg	2.20
Botetourt	2.19	Middlesex	2.21
Brunswick	2.20	Montgomery	2.18
Buchanan	2.18	Nansemond	2.20
Buckingham	2.21	Nelson	2.20
Campbell	2.20	New Kent	2.21
Caroline	2.21	Norfolk	2.20
Carroll	2.19	Northampton	2.21
Charles City	2.21	Northumberland	2.21
Charlotte	2.21	Nottaway	2.21
Chesterfield	2.21	Orange	2.20
Clarke	2.20	Page	2.20
Craig	2.18	Patrick	2.19
Culpeper	2.20	Pittsylvania	2.20
Cumberland	2.21	Powhatan	2.21
Dickenson	2.18	Prince Edward	2.21
Dinwiddie	2.21	Prince George	2.21
Elizabeth City	2.21	Prince William	2.20
Essex	2.21	Princess Anne	2.20
Fairfax	2.20	Pulaski	2.19
Fauquier	2.20	Rappahannock	2.20
Floyd	2.19	Richmond	2.21
Fluvanna	2.20	Roanoke	2.19
Franklin	2.19	Rockbridge	2.20
Frederick	2.20	Rockingham	2.20
Giles	2.18	Russell	2.19
Gloucester	2.21	Scott	2.19
Goochland	2.21	Shenandoah	2.20
Grayson	2.19	Smyth	2.19
Greene	2.20	Southampton	2.20
Greensville	2.20	Spotsylvania	2.21
Halifax	2.20	Stafford	2.21
Hanover	2.21	Surry	2.20
Henrico	2.21	Sussex	2.20
Henry	2.19	Tazewell	2.18
Highland	2.18	Warren	2.20
Isle of Wight	2.20	Warwick	2.21
James City	2.21	Washington	2.19
King and Queen	2.21	Westmoreland	2.21
King George	2.21	Wise	2.19
King William	2.21	Wythe	2.19
Lancaster	2.21	York	2.21
Lee	2.19		
Loudoun	2.20		

Washington

Adams	$1.91	Lewis	$2.03
Asotin	1.89	Lincoln	1.90
Benton	1.97	Mason	1.98
Chelan	1.95	Okanogan	1.89
Clallam	1.86	Pacific	1.98
Clark	2.10	Pend Oreille	1.86
Columbia	1.95	Pierce	2.09
Cowlitz	2.08	San Juan	2.05
Douglas	1.89	Skagit	2.05
Ferry	1.80	Skamania	2.09
Franklin	1.93	Snohomish	2.06
Garfield	1.95	Spokane	1.90
Grant	1.91	Stevens	1.85
Grays Harbor	2.00	Thurston	2.04
Island	2.05	Wahkiakum	2.08
Jefferson	1.97	Walla Walla	1.96
King	2.09	Whatcom	2.03
Kitsap	1.97	Whitman	1.90
Kittitas	1.98	Yakima	1.97
Klickitat	2.05		

West Virginia

Barbour	$2.15	Hampshire	$2.18
Berkeley	2.19	Hancock	2.12
Boone	2.14	Hardy	2.18
Braxton	2.14	Harrison	2.14
Brooke	2.12	Jackson	2.11
Cabell	2.12	Jefferson	2.20
Calhoun	2.13	Kanawha	2.13
Clay	2.14	Lewis	2.14
Doddridge	2.12	Lincoln	2.13
Fayette	2.16	Logan	2.14
Gilmer	2.13	McDowell	2.16
Grant	2.17	Marion	2.13
Greenbrier	2.18	Marshall	2.12

WEST VIRGINIA—Continued

County	Rate per bushel	County	Rate per bushel
Mason	$2.12	Randolph	$2.17
Mercer	2.17	Ritchie	2.12
Mingo	2.14	Roane	2.12
Mineral	2.17	Summers	2.18
Monongalia	2.13	Taylor	2.15
Monroe	2.17	Tucker	2.17
Morgan	2.18	Tyler	2.11
Nicholas	2.16	Upshur	2.15
Ohio	2.12	Wayne	2.13
Pendleton	2.18	Webster	2.16
Pleasants	2.11	Wetzel	2.12
Pocahontas	2.18	Wirt	2.12
Preston	2.15	Wood	2.11
Putnam	2.12	Wyoming	2.15
Raleigh	2.15		

WISCONSIN

Adams	$2.08	Marathon	$2.09
Ashland	2.13	Marinette	2.02
Barron	2.14	Marquette	2.07
Bayfield	2.14	Milwaukee	2.14
Brown	2.05	Monroe	2.10
Buffalo	2.14	Oconto	2.04
Burnett	2.17	Oneida	2.05
Calumet	2.07	Outagamie	2.06
Chippewa	2.13	Ozaukee	2.09
Clark	2.10	Pepin	2.15
Columbia	2.06	Pierce	2.17
Crawford	2.10	Polk	2.17
Dane	2.08	Portage	2.08
Dodge	2.08	Price	2.11
Door	2.02	Racine	2.14
Douglas	2.18	Richland	2.05
Dunn	2.15	Rock	2.10
Eau Claire	2.14	Rusk	2.13
Florence	2.04	St. Croix	2.17
Fond du Lac	2.08	Sauk	2.06
Forest	2.08	Sawyer	2.14
Grant	2.05	Shawano	2.05
Green	2.08	Sheboygan	2.08
Green Lake	2.06	Taylor	2.11
Iowa	2.05	Trempeleau	2.12
Iron	2.11	Vernon	2.10
Jackson	2.12	Vilas	2.05
Jefferson	2.09	Walworth	2.10
Juneau	2.09	Washburn	2.15
Kenosha	2.15	Washington	2.09
Kewaunee	2.03	Waukesha	2.10
La Crosse	2.11	Waupaca	2.06
Lafayette	2.06	Waushara	2.05
Langlade	2.05	Winnebago	2.06
Lincoln	2.05	Wood	2.09
Manitowoc	2.07		

WYOMING

Albany	$1.84	Natrona	$1.81
Big Horn	1.78	Niobrara	1.91
Campbell	1.86	Park	1.77
Carbon	1.84	Platte	1.91
Converse	1.85	Sheridan	1.83
Crook	1.87	Sublette	1.76
Fremont	1.78	Sweetwater	1.76
Goshen	1.94	Teton	1.73
Hot Springs	1.78	Uinta	1.76
Johnson	1.83	Washakie	1.78
Laramie	1.94	Weston	1.89
Lincoln	1.76		

(iii) Where the State committee determines that State or district weed control laws affect the wheat crop, the support rate shall be 10 cents per bushel below the applicable county support rate set forth in the schedule in this subparagraph. If upon delivery of the wheat to CCC the producer supplies a certificate indicating that the wheat complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(3) *Premiums and discounts for classification, grade, variety and protein content.*

	(Cents per bushel)
(i) Classification premiums and discounts:	
(a) Premiums:	
Hard Amber Durum [1]	+15
Amber Durum [1]	+10
(b) Discounts:	
Yellow Hard Winter	−2
Red Durum	−20
Soft Red Winter Wheat and White Wheat (except the varieties Baart and Bluestem of the sub-class Hard White) stored in the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington and in counties in neighboring States where the natural movement of wheat is toward West Coast terminals	−2
Mixed Wheats (do not apply more than 1 of the Mixed Wheat discounts):	
Mixed Wheat (including Mixed Wheat containing less than 5 percent of wheats of the classes Durum and/or Red Durum)	−2
Mixed Wheat (containing from 5 percent to 10 percent of wheats of the classes Durum and/or Red Durum)	−6
Mixed Wheat (containing more than 10 percent of wheats of the classes Durum and/or Red Durum)	−15

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

[2] These discounts are in addition to any other applicable numerical grade discount.

[3] Not applicable to any of the mixed wheats or Red Durum. For discounts applicable to mixed wheat containing Durum and/or Red Durum, see subparagraph (3), (i) of this paragraph.

(ii) Grade premium and discount:

(a) Premium:	
No. 1 Heavy (Hard Red Spring)	+1
(b) Discounts:	
No. 2	−1
No. 3	−3
No. 4 on basis of test weight	−6
No. 5 on basis of test weight	−9
No. 4 or No. 5 because of containing Durum and/or Red Durum [2 3]	−6
Smut—Degree basis:	
Light Smutty	−2
Smutty	−6
Smut—Percentage basis:	
One-half of 1 percent	−1
1 percent or over	−3
Garlic—Degree basis:	
Light garlicky	−6
Garlicky	−15

(iii) Special discounts for wheat grading "Sample" on factor of test weight only: [4]

Test weight (pounds)	Discount for Hard Red Spring Wheat	Discount for wheat of all other classes
	Cents per bushel	Cents per bushel
50	0	4
49	4	8
48	8	12
47	12	16
46	16	20
45	20	24
44	26	30
43	32	36
42	38	43
41	44	49
40	50	54

[4] These discounts are in addition to the discount of 9 cents per bushel for wheat grading No. 5 on the basis of test weight only and in addition to any other applicable discounts.

(iv) Variety discount 20

The following varieties listed by class will be subject to discount of 20¢ per bushel. This discount is in addition to any other applicable discount:

Hard Red Winter	Hard Red Spring	Durum	White	Soft Red Winter
Stafford	Henry (except in Wis. and Wash.)	Pentad	Rex	Kawvale.
Pawnee Sel. 33		Golden Ball	Sonora	
Red Chief	Spinkcota	Peliss		
Chiefkan	Premier			
Early Blackhull	Sturgeon			
Red Jacket	Progress			
Kanking				
New Chief				
Blue Jacket				
Purkof				
Cimmarron				
Red Hull				

NOTE: CCC Grain Form 32, "Wheat Varieties Certification" must be signed by the producer to determine whether or not a variety discount is applicable.

(v) Protein premiums: [1]

Protein content (percent)	Hard Red Winter	Hard Red Spring	Hard White Wheat of the varieties Baart and Bluestem
	Cents per bushel	Cents per bushel	Cents per bushel
10.0–10.9	0	0	1
11.0–11.9	0	1	2
12.0–12.9	1	2	3
13.0–13.9	2	3	4
14.0–14.4	3	4	5
14.5–14.9	4	5	6
15.0–15.4	5	6	7
15.5–15.9	6	7	8
16.0–16.4	7	8	9
16.5–16.9	8	10	11
17.0–17.4	9	12	13
Over 17.4	(1)	(1)	(1)

[1] 2-cent premium for each ½ of protein over 17.4 percent.

[2] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 30th day of August 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-7285; Filed, Sept. 9, 1957; 8:45 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

The 1957 C. C. C. Grain Price Support Bulletin 1 (22 F. R. 2321), issued by the Commodity Credit Corporation and the Commodity Stabilization Service and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1957 was supplemented by 1957 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Soybeans (22 F. R. 3063) containing specific requirements, applicable to price support operations on the 1957 soybean crop. These regulations are further supplemented by the addition of § 421.2637 as follows:

§ 421.2637 *Support rates.* Basic county support rates for soybeans placed under loan and for soybeans delivered under purchase agreement, and the schedule of premiums and discounts are set forth in this section. Farm-storage and warehouse-storage loans, and purchases under purchase agreements will be made on the basis of the support rate established for the county in which the soybeans were produced.

(a) *Basic county support rates.* (1) Basic county support rates per bushel for soybeans of the classes Green soybeans and Yellow soybeans grading No. 2 or better, and containing from 13.8 to 14.0 percent moisture, are as follows:

	Rate per bushel
ALABAMA	
All counties	$2.03
ARIZONA	
All counties	$1.95
ARKANSAS	
All counties	$2.06
CALIFORNIA	
All counties	$1.95
DELAWARE	
All counties	$2.04
FLORIDA	
All counties	$2.03
GEORGIA	
All counties	$2.04

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$2.13	Grundy	$2.15
Alexander	2.09	Hamilton	2.11
Bond	2.14	Hancock	2.12
Boone	2.13	Hardin	2.10
Brown	2.12	Henderson	2.12
Bureau	2.12	Henry	2.12
Calhoun	2.12	Iroquois	2.15
Carroll	2.12	Jackson	2.10
Cass	2.13	Jasper	2.14
Champaign	2.15	Jefferson	2.11
Christian	2.15	Jersey	2.12
Clark	2.14	Jo Daviess	2.12
Clay	2.13	Johnson	2.09
Clinton	2.12	Kane	2.15
Coles	2.15	Kankakee	2.15
Cook	2.16	Kendall	2.15
Crawford	2.13	Knox	2.13
Cumberland	2.15	Lake	2.15
De Kalb	2.15	La Salle	2.15
De Witt	2.15	Lawrence	2.12
Douglas	2.15	Lee	2.12
Du Page	2.15	Livingston	2.15
Edgar	2.15	Logan	2.15
Edwards	2.11	McDonough	2.12
Effingham	2.15	McHenry	2.14
Fayette	2.15	McLean	2.15
Ford	2.15	Macon	2.15
Franklin	2.10	Macoupin	2.14
Fulton	2.12	Madison	2.13
Gallatin	2.10	Marion	2.13
Greene	2.13	Marshall	2.14

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Mason	$2.13	Saline	$2.10
Massac	2.10	Sangamon	2.15
Menard	2.13	Schuyler	2.12
Mercer	2.12	Scott	2.13
Monroe	2.10	Shelby	2.15
Montgomery	2.14	Stark	2.13
Morgan	2.14	Stephenson	2.12
Moultrie	2.15	Tazewell	2.14
Ogle	2.12	Union	2.09
Peoria	2.13	Vermilion	2.15
Perry	2.10	Wabash	2.11
Platt	2.15	Warren	2.12
Pike	2.12	Washington	2.11
Pope	2.10	Wayne	2.11
Pulaski	2.09	White	2.10
Putnam	2.12	Whiteside	2.12
Randolph	2.10	Will	2.15
Richland	2.13	Williamson	2.10
Rock Island	2.12	Winnebago	2.12
St. Clair	2.11	Woodford	2.14

INDIANA

Adams	$2.09	Lawrence	$2.09
Allen	2.10	Madison	2.08
Bartholomew	2.08	Marion	2.09
Benton	2.14	Marshall	2.10
Blackford	2.08	Martin	2.09
Boone	2.10	Miami	2.08
Brown	2.08	Monroe	2.09
Carroll	2.10	Montgomery	2.12
Cass	2.09	Morgan	2.09
Clark	2.07	Newton	2.14
Clay	2.10	Noble	2.10
Clinton	2.10	Ohio	2.07
Crawford	2.07	Orange	2.08
Daviess	2.09	Owen	2.09
Dearborn	2.07	Parke	2.11
Decatur	2.08	Perry	2.07
De Kalb	2.10	Pike	2.09
Delaware	2.08	Porter	2.13
Dubois	2.08	Posey	2.09
Elkhart	2.09	Pulaski	2.11
Fayette	2.08	Putnam	2.10
Floyd	2.07	Randolph	2.08
Fountain	2.13	Ripley	2.07
Franklin	2.08	Rush	2.08
Fulton	2.09	St. Joseph	2.10
Gibson	2.10	Scott	2.07
Grant	2.08	Shelby	2.08
Greene	2.10	Spencer	2.07
Hamilton	2.09	Starke	2.11
Hancock	2.08	Steuben	2.10
Harrison	2.07	Sullivan	2.11
Hendricks	2.09	Switzerland	2.07
Henry	2.08	Tippecanoe	2.12
Howard	2.09	Tipton	2.09
Huntington	2.09	Union	2.08
Jackson	2.08	Vanderburg	2.09
Jasper	2.12	Vermillion	2.13
Jay	2.08	Vigo	2.12
Jefferson	2.07	Wabash	2.08
Jennings	2.07	Warren	2.13
Johnson	2.08	Warrick	2.08
Knox	2.10	Washington	2.07
Kosciusko	2.09	Wayne	2.08
Lagrange	2.10	Wells	2.09
Lake	2.14	White	2.12
La Porte	2.11	Whitley	2.10

IOWA

Adair	$2.06	Cedar	$2.10
Adams	2.05	Cerro Gordo	2.06
Allamakee	2.06	Cherokee	2.05
Appanoose	2.07	Chickasaw	2.06
Audubon	2.06	Clarke	2.06
Benton	2.09	Clay	2.06
Black Hawk	2.08	Clayton	2.07
Boone	2.07	Clinton	2.10
Bremer	2.07	Crawford	2.06
Buchanan	2.08	Dallas	2.07
Buena Vista	2.06	Davis	2.08
Butler	2.07	Decatur	2.06
Calhoun	2.06	Delaware	2.08
Carroll	2.06	Des Moines	2.09
Cass	2.06	Dickinson	2.05

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Dubuque	$2.08	Mitchell	$2.05
Emmet	2.05	Monona	2.05
Fayette	2.07	Monroe	2.07
Floyd	2.08	Montgomery	2.05
Franklin	2.07	Muscatine	2.10
Fremont	2.05	O'Brien	2.05
Greene	2.06	Osceola	2.05
Grundy	2.08	Page	2.05
Guthrie	2.06	Palo Alto	2.06
Hamilton	2.07	Plymouth	2.05
Hancock	2.06	Pocahontas	2.06
Hardin	2.08	Polk	2.08
Harrison	2.05	Pottawattamie	2.05
Henry	2.08	Poweshiek	2.09
Howard	2.05	Ringgold	2.06
Humboldt	2.06	Sac	2.06
Ida	2.06	Scott	2.10
Iowa	2.09	Shelby	2.06
Jackson	2.10	Sioux	2.05
Jasper	2.09	Story	2.08
Jefferson	2.08	Tama	2.09
Johnson	2.09	Taylor	2.05
Jones	2.09	Union	2.06
Keokuk	2.08	Van Buren	2.08
Kossuth	2.06	Wapello	2.08
Lee	2.09	Warren	2.07
Linn	2.09	Washington	2.08
Louisa	2.09	Wayne	2.07
Lucas	2.07	Webster	2.07
Lyon	2.05	Winnebago	2.05
Madison	2.06	Winneshiek	2.08
Mahaska	2.08	Woodbury	2.05
Marion	2.08	Worth	2.05
Marshall	2.09	Wright	2.07
Mills	2.05		

KANSAS

Allen	$2.02	Lyon	$2.01
Anderson	2.03	McPherson	1.99
Atchison	2.03	Marion	2.00
Barber	1.97	Marshall	2.01
Barton	1.97	Miami	2.03
Bourbon	2.02	Mitchell	1.99
Brown	2.02	Montgomery	1.99
Butler	2.00	Morris	2.01
Chase	2.00	Nemaha	2.02
Chautauqua	1.99	Neosho	2.01
Cherokee	2.01	Osage	2.02
Clay	2.01	Osborne	1.98
Cloud	2.00	Ottawa	2.00
Coffey	2.02	Phillips	1.97
Cowley	1.99	Pottawatomie	2.01
Crawford	2.01	Pratt	1.97
Dickinson	2.00	Reno	1.98
Doniphan	2.03	Republic	2.00
Douglas	2.03	Rice	1.98
Elk	2.00	Riley	2.01
Ellsworth	1.98	Rooks	1.97
Franklin	2.03	Russell	1.98
Geary	2.01	Saline	1.99
Greenwood	2.01	Sedgwick	1.99
Harper	1.98	Shawnee	2.03
Harvey	1.99	Smith	1.98
Jackson	2.02	Stafford	1.97
Jefferson	2.03	Sumner	1.98
Jewell	1.99	Wabaunsee	2.02
Johnson	2.03	Washington	2.01
Kingman	1.98	Wilson	2.00
Labette	2.00	Woodson	2.01
Leavenworth	2.03	Wyandotte	2.03
Lincoln	1.99	All other counties	1.97
Linn	2.03		

KENTUCKY

All counties	$2.08

LOUISIANA

All counties	$2.06

MARYLAND

All counties	$2.04

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$2.04	Bay	$2.02
Arenac	2.02	Berrien	2.07
Barry	2.04	Branch	2.07

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Calhoun	$2.06	Macomb	$2.06
Cass	2.06	Mecosta	2.02
Clare	2.02	Midland	2.02
Clinton	2.04	Monroe	2.08
Eaton	2.05	Montcalm	2.03
Genesee	2.04	Muskegon	2.02
Gladwin	2.02	Newaygo	2.02
Gratiot	2.03	Oakland	2.06
Hillsdale	2.08	Oceana	2.02
Huron	2.02	Ottawa	2.03
Ingham	2.06	Saginaw	2.03
Ionia	2.04	St. Clair	2.05
Isabella	2.02	St. Joseph	2.06
Jackson	2.07	Sanilac	2.03
Kalamazoo	2.05	Shiawassee	2.04
Kent	2.03	Tuscola	2.03
Lapeer	2.04	Van Buren	2.05
Lenawee	2.08	Washtenaw	2.07
Livingston	2.06	Wayne	2.07

MINNESOTA

Aitkin	$1.98	Morrison	$1.99
Anoka	2.02	Mower	2.04
Becker	1.97	Murray	2.02
Benton	2.01	Nicollet	2.03
Big Stone	2.00	Nobles	2.03
Blue Earth	2.04	Norman	1.97
Brown	2.03	Olmsted	2.04
Carver	2.03	Otter Tail	1.98
Chippewa	2.01	Pennington	1.97
Chisago	2.02	Pine	2.00
Clay	1.97	Pipestone	2.02
Clearwater	1.97	Polk	1.97
Cottonwood	2.03	Pope	2.00
Crow Wing	1.98	Ramsey	2.03
Dakota	2.03	Red Lake	1.97
Dodge	2.04	Redwood	2.02
Douglas	1.99	Renville	2.02
Faribault	2.04	Rice	2.04
Fillmore	2.04	Rock	2.02
Freeborn	2.04	Roseau	1.97
Goodhue	2.04	Scott	2.03
Grant	1.99	Sherburne	2.02
Hennepin	2.03	Sibley	2.03
Houston	2.04	Stearns	2.01
Hubbard	1.97	Steele	2.04
Isanti	2.02	Stevens	2.00
Jackson	2.03	Swift	2.01
Kanabec	2.01	Todd	1.99
Kandiyohi	2.01	Traverse	1.99
Kittson	1.97	Wabasha	2.04
Lac Qui Parle	2.01	Wadena	1.98
Le Sueur	2.04	Waseca	2.04
Lincoln	2.02	Washington	2.03
Lyon	2.02	Watonwan	2.04
McLeod	2.03	Wilkin	1.98
Mahnomen	1.97	Winona	2.04
Marshall	1.97	Wright	2.03
Martin	2.04	Yellow Medicine	2.01
Meeker	2.02		
Mille Lacs	2.00		

MISSISSIPPI

All counties	$2.06

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.07	Carroll	$2.05
Andrew	2.04	Carter	2.06
Atchison	2.04	Cass	2.04
Audrain	2.08	Cedar	2.03
Barry	2.02	Charlton	2.06
Barton	2.02	Christian	2.03
Bates	2.04	Clark	2.09
Benton	2.04	Clay	2.04
Bollinger	2.07	Clinton	2.04
Boone	2.07	Cole	2.06
Buchanan	2.04	Cooper	2.06
Butler	2.07	Crawford	2.06
Caldwell	2.04	Dade	2.02
Callaway	2.07	Dallas	2.04
Camden	2.05	Daviess	2.04
Cape Girardeau	2.07	De Kalb	2.04
		Dent	2.05

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Douglas	$2.04	Oregon	$2.05
Dunklin	2.07	Osage	2.06
Franklin	2.07	Ozark	2.04
Gasconade	2.06	Pemiscot	2.07
Gentry	2.04	Perry	2.07
Greene	2.03	Pettis	2.05
Grundy	2.05	Phelps	2.05
Harrison	2.04	Pike	2.09
Henry	2.04	Platte	2.04
Hickory	2.04	Polk	2.04
Holt	2.04	Pulaski	2.05
Howard	2.06	Putnam	2.06
Howell	2.05	Ralls	2.09
Iron	2.05	Randolph	2.07
Jackson	2.04	Ray	2.04
Jasper	2.02	Reynolds	2.05
Jefferson	2.07	Ripley	2.06
Johnson	2.04	St. Charles	2.08
Knox	2.08	St. Clair	2.04
Laclede	2.04	St. Francois	2.07
Lafayette	2.04	St. Louis	2.08
Lawrence	2.02	St. Genevieve	2.07
Lewis	2.09	Saline	2.05
Lincoln	2.08	Schuyler	2.07
Linn	2.06	Scotland	2.08
Livingston	2.05	Scott	2.07
McDonald	2.02	Shannon	2.05
Macon	2.07	Shelby	2.08
Madison	2.06	Stoddard	2.07
Maries	2.05	Stone	2.03
Marion	2.09	Sullivan	2.06
Mercer	2.05	Taney	2.04
Miller	2.05	Texas	2.05
Mississippi	2.07	Vernon	2.03
Moniteau	2.06	Warren	2.07
Monroe	2.08	Washington	2.06
Montgomery	2.07	Wayne	2.06
Morgan	2.05	Webster	2.04
New Madrid	2.07	Worth	2.04
Newton	2.02	Wright	2.04
Nodaway	2.04		

NEBRASKA

Adams	$1.98	Kearney	$1.97
Antelope	1.99	Knox	1.99
Boone	1.99	Lancaster	2.02
Box Butte	1.97	Madison	1.99
Boyd	1.98	Merrick	1.99
Brown	1.97	Nance	1.99
Buffalo	1.97	Nemaha	2.02
Burt	2.02	Nuckolls	1.99
Butler	2.02	Otoe	2.02
Cass	2.02	Pawnee	2.02
Cedar	2.00	Phelps	1.97
Clay	1.99	Pierce	1.99
Colfax	2.01	Platte	2.00
Cuming	2.01	Polk	2.00
Custer	1.97	Richardson	2.02
Dakota	2.01	Saline	2.01
Dawson	1.97	Sarpy	2.02
Dixon	2.01	Saunders	2.02
Dodge	2.02	Scotts Bluff	1.97
Douglas	2.02	Seward	2.01
Fillmore	2.00	Sherman	1.97
Franklin	1.97	Stanton	2.00
Furnas	1.97	Thayer	2.00
Gage	2.01	Thurston	2.01
Gosper	1.97	Valley	1.97
Hall	1.98	Washington	2.02
Hamilton	1.99	Wayne	2.00
Harlan	1.97	Webster	1.98
Howard	1.97	York	2.00
Jefferson	2.01	All other counties	1.97
Johnson	2.02		

NEW JERSEY

All counties	$2.05

NEW MEXICO

All counties	$1.95

NEW YORK

All counties	$2.04

NORTH CAROLINA

All counties	$2.04

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Barnes	$1.95	Sargent	$1.96
Cass	1.97	Steele	1.96
Grand Forks	1.96	Traill	1.97
Griggs	1.95	Walsh	1.95
Nelson	1.95	All other counties	1.95
Ransom	1.96		
Richland	1.97		

OHIO

Adams	$2.07	Licking	$2.09
Allen	2.10	Logan	2.09
Ashland	2.09	Lorain	2.10
Ashtabula	2.10	Lucas	2.11
Athens	2.08	Madison	2.08
Auglaize	2.09	Mahoning	2.09
Belmont	2.08	Marion	2.10
Brown	2.07	Medina	2.10
Butler	2.07	Meigs	2.07
Carroll	2.09	Mercer	2.09
Champaign	2.08	Miami	2.08
Clark	2.07	Monroe	2.07
Clermont	2.07	Montgomery	2.07
Clinton	2.07	Morgan	2.06
Columbiana	2.09	Morrow	2.10
Coshocton	2.09	Muskingum	2.09
Crawford	2.10	Noble	2.08
Cuyahoga	2.10	Ottawa	2.11
Darke	2.08	Paulding	2.11
Defiance	2.11	Perry	2.09
Delaware	2.09	Pickaway	2.08
Erie	2.11	Pike	2.07
Fairfield	2.09	Portage	2.10
Fayette	2.07	Preble	2.07
Franklin	2.09	Putnam	2.11
Fulton	2.11	Richland	2.10
Gallia	2.07	Ross	2.07
Geauga	2.10	Sandusky	2.11
Greene	2.07	Scioto	2.07
Guernsey	2.09	Seneca	2.11
Hamilton	2.07	Shelby	2.09
Hancock	2.10	Stark	2.09
Hardin	2.09	Summit	2.10
Harrison	2.09	Trumbull	2.10
Henry	2.11	Tuscarawas	2.09
Highland	2.07	Union	2.09
Hocking	2.08	Van Wert	2.10
Holmes	2.09	Vinton	2.08
Huron	2.10	Warren	2.07
Jackson	2.07	Washington	2.07
Jefferson	2.09	Wayne	2.09
Knox	2.09	Williams	2.11
Lake	2.10	Wood	2.11
Lawrence	2.07	Wyandot	2.10

OKLAHOMA

All counties	$2.00

PENNSYLVANIA

All counties	$2.04

SOUTH CAROLINA

All counties	$2.04

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.97	Jerauld	$1.97
Beadle	1.97	Kingsbury	1.98
Bon Homme	1.99	Lake	1.99
Brookings	1.99	Lincoln	2.01
Brule	1.97	McCook	1.98
Charles Mix	1.98	Marshall	1.96
Clark	1.96	Miner	1.98
Clay	2.00	Minnehaha	2.00
Codington	1.97	Moody	1.99
Davison	1.98	Roberts	1.97
Day	1.96	Sanborn	1.97
Dueul	1.98	Turner	2.00
Douglas	1.98	Union	2.01
Grant	1.98	Yankton	2.00
Hamlin	1.97	All other counties	1.96
Hanson	1.98		
Hutchinson	1.99		

TENNESSEE

All counties	$2.07

TEXAS

All counties	$2.00

VIRGINIA

All counties	$2.04

WEST VIRGINIA

All counties	$2.04

WISCONSIN

County	Rate per weight	County	Rate per weight
Adams	$2.06	Marquette	$2.07
Barron	2.03	Milwaukee	2.10
Brown	2.05	Monroe	2.05
Buffalo	2.04	Oconto	2.04
Burnett	2.02	Oneida	2.02
Calumet	2.06	Outagamie	2.05
Chippewa	2.03	Ozaukee	2.09
Clark	2.03	Pepin	2.04
Columbia	2.08	Pierce	2.04
Crawford	2.07	Polk	2.03
Dane	2.09	Portage	2.05
Dodge	2.09	Price	2.02
Door	2.04	Racine	2.12
Douglas	2.02	Richland	2.07
Dunn	2.04	Rock	2.11
Eau Claire	2.04	Rusk	2.02
Fond du Lac	2.08	St. Croix	2.03
Grant	2.08	Sauk	2.07
Green	2.10	Sawyer	2.02
Green Lake	2.07	Shawano	2.04
Iowa	2.08	Sheboygan	2.08
Jackson	2.05	Taylor	2.02
Jefferson	2.10	Trempealeau	2.04
Juneau	2.06	Vernon	2.06
Kenosha	2.12	Walworth	2.12
Kewaunee	2.04	Washburn	2.02
La Crosse	2.05	Washington	2.09
Lafayette	2.09	Waukesha	2.10
Langlade	2.03	Waupaca	2.05
Lincoln	2.02	Waushara	2.06
Manitowoc	2.06	Winnebago	2.06
Marathon	2.03	Wood	2.05
Marinette	2.03		

(2) Where the State committee determines that State or district weed control laws affect the soybean crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this paragraph. If, upon delivery of the soybeans to C. C. C. the producer supplies a certificate indicating that the soybeans comply with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(b) *Discounts and premiums*—(1) *Farm-storage.* In the case of eligible soybeans placed under farm-storage loan the applicable cumulative discounts contained in this paragraph shall be applied to the basic rate at the time the loan is completed. Premiums for low moisture content shall not be applied until time of settlement. In the case of eligible soybeans delivered from farm-storage under purchase agreement, the applicable discounts and premiums shall be applied to the basic rate at the time of settlement.

(2) *Warehouse storage.* In the case of warehouse-storage loans, the applicable discounts and premiums for eligible soybeans shall be applied to the basic rate at the time the loan is completed. In the case of eligible soybeans represented by warehouse receipts tendered to C. C. C. under purchase agreements, the applicable discounts and premiums shall be applied to the basic rate at the time of settlement.

(3) *Classification discount.* The support rates for soybeans of the classes Black Soybeans, Brown Soybeans, and Mixed Soybeans shall be 25 cents per bushel less than the support rates for the classes Green Soybeans and Yellow Soybeans.

(4) *Discounts for test weight per bushel, splits, and damaged kernels.* The following discounts are cumulative and apply to all classes of soybeans:

Test weight per bushel	Discount	Splits	Discounts	Damaged kernels [2]		Discount
				Heat	Total	
Pounds [1]	Cents per bushel	Percent [1]	Cents per bushel	Percent [1]	Percent [1]	Cents per bushel
53.0–53.9	½	20.1–25.0	½	0.6–0.7	3.1–4.0	½
52.0–52.9	1	25.1–30.0	1	0.8–1.0	4.1–5.0	1
51.0–51.9	1½	30.1–35.0	1½	1.1–1.5	5.1–6.0	1½
50.0–50.9	2	35.1–40.0	2	1.6–2.1	6.1–7.0	2
49.0–49.9	2½			2.2–3.0	7.1–8.0	2½

[1] The figures in these columns are inclusive.
[2] Use column which yields the higher applicable discount.

(5) *Premiums for low moisture content.* The following premiums are applicable to all classes of soybeans.

Moisture (percent):	Premium (cents per bushel)
12.2 or less	4
12.3 to 12.7 inclusive	3
12.8 to 13.2 inclusive	2
13.3 to 13.7 inclusive	1
13.8 to 14.0 inclusive	0

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 30th day of August 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-7284; Filed, Sept. 9, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 33—EXPORT APPLES AND PEARS

MINIMUM QUALITY REQUIREMENTS FOR SHIPMENTS IN EXPORT

An August 2, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 6100) regarding a proposed amendment to the regulations (7 CFR Part 33) governing the exportation of apples and pears, operative under the provisions of the so-called Export Apple and Pear Act (48 Stat. 123; 7 U. S. C. 581 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, § 33.13 *Minimum quality requirements for shipments in export* of the regulations is hereby amended as hereinafter set forth.

Paragraph (a) of § 33.13 *Minimum quality requirements for shipments in export* is amended to read as follows:

§ 33.13 *Minimum quality requirements for shipments in export*—(a) *Apples.* Any lot of apples in packages shipped or transported in foreign commerce must meet each minimum requirement of U. S. No. 1 Cookers grade or U. S. No. 1 Early grade, as specified in the United States Standards for Apples (§§ 51.300–51.327 of this chapter), subject to the tolerances for the applicable grade, except that such apples shall not contain apple maggots and, of such apples, not more than 2 percent may have apple maggot injury, and not more than 2 percent may be infested with San Jose scale: *Provided,* That any lot of apples in containers conspicuously marked "cannery" may be shipped or transported, as aforesaid, if such lot of apples meets each minimum requirement of the U. S. No. 2 grade, as specified in the United States Standards for Apples for Processing (§§ 51.340–51.344 of this chapter), subject to a tolerance of 10 percent for defects of this grade and an additional tolerance of 5 percent for apples below any specified minimum size, and an additional tolerance of 10 percent for apples above any specified maximum size.

The amendment set forth herein shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

(Sec. 7, 48 Stat. 124; 7 U. S. C. 587)

Done at Washington, D. C., this 5th day of September 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator for Marketing Services.

[F. R. Doc. 57-7401; Filed, Sept. 9, 1957; 8:48 a. m.]

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURES

APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, AS AMENDED, FISCAL YEAR 1958

Pursuant to section 4 of the National School Lunch Act, as amended (60 Stat. 230, 66 Stat. 591), food assistance funds available for the fiscal year ending June 30, 1958 are apportioned among the States as follows:

State	Total	State agency	Withheld for private schools
Alabama	$2,651,123	$2,572,544	$78,579
Alaska	58,670	58,670	
Arizona	580,242	536,391	43,851
Arkansas	1,695,550	1,661,382	34,168
California	4,364,196	4,364,196	
Colorado	731,216	668,216	63,000
Connecticut	669,093	669,093	
Delaware	119,916	96,883	23,033
District of Columbia	192,915	192,915	
Florida	1,681,907	1,599,319	82,588
Georgia	2,649,317	2,649,317	
Guam	56,330	47,585	8,745
Hawaii	290,568	235,422	55,146
Idaho	407,199	392,756	14,443
Illinois	3,150,558	3,150,558	
Indiana	1,911,146	1,911,146	
Iowa	1,430,789	1,272,315	158,474
Kansas	1,010,749	1,010,749	
Kentucky	2,327,207	2,327,207	
Louisiana	2,100,709	2,100,709	
Maine	493,675	416,602	77,073
Maryland	1,133,279	941,718	191,555
Massachusetts	1,720,881	1,720,881	
Michigan	2,887,870	2,437,922	449,948
Minnesota	1,623,361	1,355,882	267,479
Mississippi	2,357,963	2,357,963	
Missouri	1,827,220	1,827,220	
Montana	304,914	270,812	34,102
Nebraska	737,360	649,220	88,140
Nevada	75,491	71,361	4,130
New Hampshire	258,851	258,851	
New Jersey	1,707,823	1,330,906	376,917
New Mexico	590,220	590,220	
New York	5,131,452	5,131,452	
North Carolina	3,431,061	3,431,061	
North Dakota	447,302	401,677	45,625
Ohio	3,507,321	2,962,194	545,127
Oklahoma	1,310,355	1,310,355	
Oregon	765,425	765,425	
Pennsylvania	4,544,279	3,625,631	918,648
Puerto Rico	3,061,081	3,061,061	
Rhode Island	311,711	311,711	
South Carolina	2,165,775	2,136,342	29,433
South Dakota	489,980	440,042	49,938
Tennessee	2,536,700	2,463,129	73,571
Texas	4,763,185	4,483,527	279,658
Utah	508,756	501,061	7,695
Vermont	213,071	213,071	
Virginia	2,070,847	1,975,449	95,398
Virgin Islands	34,577	34,577	
Washington	1,094,867	1,007,445	87,422
West Virginia	1,532,146	1,491,842	40,304
Wisconsin	1,752,490	1,332,366	420,124
Wyoming	159,317	159,317	
Total	83,600,000	78,955,686	4,644,314

(Secs. 2–11, 60 Stat. 230–233, as amended; 42 U. S. C. 1751–1760)

Dated: September 4, 1957.

[SEAL] ORIS V. WELLS,
Administrator.

[F. R. Doc. 57-7378; Filed, Sept. 9, 1957; 8:45 a. m.]

Chapter IV—Federal Crop Insurance Corporation

FEDERAL CROP INSURANCE

REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

Correction

In F. R. Document 57-6697 appearing in the issue for Thursday, August 15, 1957, at page 6557, make the following changes:

1. On page 6559, column 3, the section designation "401.70" should read "401.7".

2. On page 6561, column 1, the eighth line of paragraph 11 (d) (§ 401.11), the word "of" should read "if".

3. On page 6565, column 3, the second line of paragraph 9 (e) (§ 401.23), the word "head" should read "bed".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 910—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR Part 910) regulating the handling of vegetables grown in certain designated counties in Colorado, was published in the FEDERAL REGISTER August 9, 1957 (22 F. R. 6385). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the San Luis Valley Vegetable Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 910.211 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the San Luis Valley Vegetable Committee, established pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended (§§ 910.1 to 910.93), to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended marketing agreement and order, during the fiscal period ending May 31, 1958, will amount to $1,250.

(b The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, shall be sixtenths of one cent ($0.006) per bushel of peas or crate of cauliflower, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in §§ 910.1 to 910.93 (Marketing Agreement No. 67, as amended, and Order No. 10, as amended).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 5, 1957 to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-7402; Filed, Sept. 9, 1957; 8:48 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

TIME OF FILING PETITIONS FOR LEAVE TO INTERVENE

This amendment modifies the Commission's rules of practice to specify that petitions for leave to intervene shall be deemed to have been filed with the Commission as of the time they are received in the Office of the Secretary, Atomic Energy Commission, 1901 Constitution Avenue, NW., Washington 25, D. C. In the absence of such amendment, in the case of petitions for leave to intervene filed by mail or telegraph, the time of filing would be deemed to be the time the petitions are deposited in the mail or with the telegraph company (§ 2.700). Hence, parties to a proceeding in which hearings are held might not know of the filing of a petition for leave to intervene until several days after the hearing has convened or, if the hearing is brief, until after the hearing has ended.

In view of the foregoing and the procedural nature of these amendments, the Atomic Energy Commission has found that general notice of proposed rule-making and public procedure thereon are unnecessary and would be contrary to the public interest; and that good cause exists why these amendments should be made effective without the customary period of prior notice.

Effective upon publication in the FEDERAL REGISTER, Part 2, Rules of Practice, is amended in the following respects:

1. The last sentence of § 2.700 is amended to read as follows: "Unless otherwise specified, the filing, when by mail or telegraph, shall upon actual receipt be deemed complete as of the date of deposit in the mail or with the telegraph company as provided in paragraph (d) of § 2.703."

2. Paragraph (a) of § 2.705 is amended by adding the following at the end of the paragraph: "Petitions for leave to intervene, whether filed by mail, telegraph or otherwise, shall be deemed to have been filed with the AEC as of the time received in the Office of the Secretary, Atomic Energy Commission, 1901 Constitution Avenue, NW., Washington 25, D. C."

(Sec. 161, 68 Stat. 948, 42 U. S. C. 2201)

Dated at Washington, D. C., this 4th day of September 1957.

For the Atomic Energy Commission.

R. W. COOK,
Acting General Manager.

[F. R. Doc. 57-7391; Filed, Sept. 9, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 10]

[Docket No. 11990]

PUBLIC SAFETY RADIO SERVICES

MODIFICATION OF EXISTING SERVICES, CREATION OF NEW SERVICES, AND EFFECTING OF CHANGES IN AVAILABILITY OF FREQUENCIES

By order of May 24, 1957, the Commission extended the time for filing original comments in the above-entitled proceeding from June 10, 1957 to September 3, 1957, and the time for filing reply comments in the same proceeding from June 20, 1957 to September 17, 1957.

The Commission now has before it for consideration petitions seeking further extension of the above comment and reply dates. These petitions were filed on August 29 and 30, 1957 by the International Association of Fire Chiefs and the American Bridge, Tunnel and Turnpike Association, Inc., respectively.

On the basis of the representations set forth in the above petitions the Commission concludes that the public interest would be served by an extension of the comment date to October 3, 1957, and by an extension of the reply date to October 21, 1957.

In view of the foregoing, and pursuant to § 0.291 (b) (4) of the Commission's rules: *It is ordered*, That the time for filing original comments in the above-entitled proceeding is extended from September 3, 1957 to October 3, 1957, and the time for reply comments from September 17, 1957 to October 21, 1957.

Adopted: August 30, 1957.

Released: September 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7393; Filed, Sept. 9, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 997]

FILBERTS GROWN IN OREGON AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES FOR 1957–58 CROP YEAR

Notice is hereby given that the Secretary is considering a proposed rule to establish a salable percentage of 66⅔ percent, a surplus percentage of 33⅓ percent, and a withholding percentage of 50 percent for filberts grown in Oregon and Washington during the crop year which began on August 1, 1957, and will end July 30, 1958. The proposed rule, which is based upon the recommendation of the Filbert Control Board and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 115 and Order No. 97, as amended (7 CFR, Part 997), regulating the handling of filberts grown in Oregon and Washington. Said marketing agreement and order is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

Consideration will be given to data, views or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

The proposed percentages are based on the following estimates (unshelled weight basis) for the crop year beginning August 1, 1957: (1) Merchantable production from the 1957–58 crop year of 16,491,800 pounds; (2) uncertified handler carryover on August 1, 1957, of 8,200 pounds; (3) total merchantable filberts subject to regulation of 16,500,000 pounds; (4) trade demand of 10,000,000 pounds; (5) an increase in trade and handler carryover from August 1, 1957, to July 30, 1958, of 1,000,000 pounds; and (6) total trade and carryover requirements for 1957 crop inshell filberts of 11,000,000 pounds.

The proposed rule is as follows:

§ 997.207 *Salable, surplus, and withholding percentages for merchantable filberts during fiscal year beginning August 1, 1957.* The salable percentage of merchantable filberts shall be 66⅔ percent, the surplus percentage shall be 33⅓ percent, and the withholding percentage shall be 50 percent during the fiscal year beginning August 1, 1957.

Dated: September 4, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-7400; Filed, Sept. 9, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54431]

FOREIGN CURRENCIES

RATES OF EXCHANGE FOR FRENCH FRANC

SEPTEMBER 6, 1957.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the French franc between August 12, 1957, and September 4, 1957.

Your attention is directed to T. D. 54425 which removed France from the list of quarterly rate countries set forth at the end of paragraph (d) of § 16.4 of the Customs Regulations (19 CFR 16.4 (d)), effective on September 5, 1957, the date on which T. D. 54425 was published in the FEDERAL REGISTER. That Treasury decision also announced that the Federal Reserve Bank of New York has resumed certification of rates for the French franc and that further instructions would be issued with respect to the rates certified for dates on and after August 12, 1957, and prior to its effective date. The rates certified by the Bank pursuant to section 522 (c) of the Tariff Act of 1930, as amended (31 U. S. C. 372 (c)), for those dates are published herewith together with instructions for their use:

France (Metropolitan) Franc:		
August 12, 1957	[1] $0.00285795	(1)
	.00237500	(2)
August 13, 1957	[1] .00285795	(1)
	.00237500	(2)
August 14, 1957	[1] .00285795	(1)
	.00237500	(2)
August 15, 1957	[1] .00285795	(1)
	.00237500	(2)
August 16, 1957	[1] .00285795	(1)
	.00237687	(2)
August 19, 1957	[1] .00285795	(1)
	.00237750	(2)
August 20, 1957	[1] .00285795	(1)
	.00237750	(2)
August 21, 1957	[1] .00285795	(1)
	.00237750	(2)
August 22, 1957	[1] .00285795	(1)
	.00237750	(2)
August 23, 1957	[1] .00285795	(1)
	.00237437	(2)
August 26, 1957	[1] .00285795	(1)
	.00237500	(2)
August 27, 1957	[1] .00285795	(1)
	.00237625	(2)
August 28, 1957	[1] .00285795	(1)
	.00237562	(2)
August 29, 1957	[1] .00285795	(1)
	.00237562	(2)
August 30, 1957	[1] .00285795	(1)
	.00237562	(2)
September 3, 1957	[1] .00285795	(1)
	.00237562	(2)
September 4, 1957	[1] .00285795	(1)
	.00237562	(2)

[1] Nominal rate.

The rate of $0.00285500 for the France (Metropolitan) franc, as published in the quarterly list of T. D. 54392 is effective for the dates indicated in the above table and shall be used for customs purposes as appropriate in accordance with § 16.4 of the Customs Regulations (19 CFR 16.4), instead of the rate of $0.00285795 designated as "(1)" in the above table because the variance between the two rates is less than 5 per centum.

The various rates designated as "(2)" in the above table shall be used for customs purposes as appropriate for the indicated dates in accordance with § 16.4 of the Customs Regulations (19 CFR 16.4), because such rates vary by 5 per centum or more from the rate of $0.0028550.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-7444; Filed, Sept. 9, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

MARGUERITE M. SAUERS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 3, 1956, 21 F. R. 2130; September 6, 1956, 21 F. R. 6721; March 9, 1957, 22 F. R. 1578:

A. Deletions: No change.
B. Additions: Steep Rock Mining Company, Bethlehem Steel Company.

This statement is made as of August 29, 1957.

Dated August 29, 1957.

MARGUERITE M. SAUERS.

[F. R. Doc. 57-7380; Filed, Sept. 9, 1957; 8:45 a. m.]

HARRY D. BITNER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Harry D. Bitner.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: August 26, 1957.

4. Title of position: Consultant (Adviser to Director).

5. Name of private employer: Reynolds Metals Company, Richmond, Va.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 7, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

United States Foil Company.
Reynolds Metals Company.
Bank Deposits.

Dated: August 27, 1957.

HARRY D. BITNER.

[F. R. Doc. 57-7379; Filed, Sept. 9, 1957; 8:45 a. m.]

MR. JOHN H. CLEMSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956, 21 F. R. 1608.

A. Deletions: None.
B. Additions: None.

This statement is made as of September 1, 1957.

Dated: September 1, 1957.

JOHN H. CLEMSON.

[F. R. Doc. 57-7384; Filed, Sept. 9, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

SEPTEMBER 1957 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in September under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 4⅜ percent per annum.
For periods over 6 months up to and including 18 months, 4⅞ percent per annum.
For periods over 18 months up to and including 36 months, 5⅜ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list.

Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

SEPTEMBER 1957 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	All sales are under LD-25, as amended. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. (See amendment 3.)
Butter (as available)	Domestic price: For unrestricted use price is "in store" [1] at storage locations or products. For restricted use price is on the basis of delivery f. o. b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-25, as amended. Export prices are on the basis of delivery f. o. b. point of export. CCC will convert to "in store" price as provided in LD-25, as amended. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office. Domestic, unrestricted use: 63.5 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.75 cents per pound, Washington, Oregon, and California. All other States, 62.5 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk (spray, roller) as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 17.0 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade; in barrels and drums, 15.0 cents per pound; in bags, 14.15 cents per pound. Domestic, restricted use (animal and poultry feed): In barrels and drums, 11.5 cents per pound; in bags, 10.65 cents per pound. Export, unrestricted use: Spray process, U. S. Extra Grade; in barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound.
Cheddar cheese, cheddars, flats, twins, and rindless blocks (standard moisture basis) 182,000,000 pounds.	Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States, 37 cents per pound. Export: 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcements CN-EX-4 and NO-C-9, as amended.
Cotton, Extra Long Staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10 but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.

See footnotes at end of table.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Grain sorghums, bulk	Domestic: Market price, basis in store,[1] but not less than the 1957 applicable loan rate plus (1) 20 cents per hundredweight if received by truck, or (2) 20 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the computation of price per hundredweight (ex rail or barge): Kansas City, No. 2 or better, $2.43. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.[3]
Flaxseed, bulk (carlots as available).	Domestic (for crushing): Market price basis in-store but not less than the 1956 applicable loan rate at point of storage plus 7½ cents per bushel. If delivery is outside the area of production, applicable freight will be added to the above. Example of the computation of price per bushel (ex rail or barge): Minneapolis, No. 1 Flax, $3.465; Duluth, No. 1 Flax, $3.465. Also L. C. L. lots at best prices obtainable. Available Minneapolis CSS Commodity Office. Export: Competitive bid, under the terms and conditions of Announcement GR-MF-227, amendments thereto.
Rice, milled 1956 crop (as available).	Domestic: Market price but not less than the following minimum price per hundredweight for U. S. No. 1, f. o. b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1957 price support differential. Available Minneapolis CSS Commodity Office. Export: Market price but not less than the following minimum price per hundredweight for U. S. No. 1, f. o. b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1957 price support differential. Example of minimum prices of milled rice per hundredweight, at mills:

	U. S. No. 3	U. S. No. 4	U. S. No. 5
Blue Bonnet	$10.61	$9.76	$8.83
Century Patna	9.78	8.93	8.11

	Export: Competitive bid under DL-MR-400/57 as announced by Dallas CSS Commodity Office. Special export: Competitive bid on "as is" basis, under DL-MR/53 as announced by Dallas CSS Commodity Office.
Rice, rough	Domestic, unrestricted: Market price but not less than the 1957 loan rate plus 5 percent, plus 15 cents per hundredweight basis in store. Prices and quantities available by varieties may be obtained from Dallas CSS Commodity Office Domestic, restricted: Same as unrestricted for milling use. Export: For export as milled rice. Competitive bid as announced by the Portland CSS Commodity Office.
Dry edible beans (bagged) (as available).	Domestic: Domestic market price but not less than the following minimum price per hundredweight for U. S. No. 1, f. o. b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1957 price support differential.

Class	Price per hundredweight	Area of production	CSS Commodity Office
Large lima	$10.26	California	Portland.
Pinto	6.00	Washington	Do.
Pink	7.16	California and Washington	Do.
Small white	7.37	Washington	Do.

	Export: Competitive bids under announcement GR-350 for the following classes offered by the Portland CSS Commodity Office: Red kidney, Great northern, Large lima, Baby lima, Small red, Pink.
Gum rosin	Domestic or export: Offer and acceptance basis "as is", in galvanized metal drums (averaging 517# net) in the stated quantities and on the designated storage yards, subject to the prices, terms and conditions of Announcement TP-121 (Revised) and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers Assn. Cooperative, Valdosta, Ga.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Wool, shorn approximately 20,000,000 pounds.	Domestic or export: Limited quantities (not more than 6,250,000 pounds) in September) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis ewarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 100 percent of the support price of shorn wool plus an allowance or shrinkage, clean basis, adjusted for net freight on wool stored outside the Boston storage area. Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Available Dallas CSS Commodity Office.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[2] but not less than the 1957 applicable loan rate, plus (1) 21 cents per bushel if received by truck or (2) 16 cents per bushel if received by rail or barge. Examples of the foregoing minimum price per bushel (ex rail or barge): Chicago, No. 1 RW, $2.48; Minneapolis, No. 1 DNS, $2.62; Kansas City, No. 1 HW, $2.43; Portland, No. 1 SW, $2.38. Noncommercial wheat-producing area: Market price, basis in store,[2] but not less than 132 percent of applicable 1957 county loan rate plus (1) 21 cents per bushel if received by truck or (2) 16 cents per bushel if received by rail or barge, adjusted to the above if outside the area of production, applicable freight will be added to the above. Export (as wheat): Under Announcement GR-261 revised, as amended, for application to certain barter contracts and specially approved credit sales only, at prices determined daily, and under Announcement GR-212 revised, as amended, for specific offerings as announced. Disposals under special export program under Announcement GR-345. Available Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic sale, except under GR-345 at Dallas and Chicago, and Portland when announced.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[2] but not less than the 1956 applicable loan rate plus: (1) a markup of 33 cents per bushel for corn in storage at point of production, (2) a markup of 33 cents per bushel and the rail freight rate from point of production to the present point of storage for corn in storage at other than point of production. Examples of the foregoing minimum price per bushel for No. 3 yellow corn including average rail-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, $2.0134; Minneapolis, $1.9014. Noncommercial corn-producing area: Market price, basis in store,[2] but not less than 121 percent of the applicable 1956 loan rate plus premiums as above. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Nonstorable corn is also available at the above offices. Export: Competitive bid basis as announced by the Portland and Chicago CSS Commodity Offices.[3]
Oats, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus: (1) a markup of 10 cents per bushel for oats in storage at point of production, (2) a markup of 12 cents per bushel and the rail freight rate at other than the point of production to the present point of storage for oats in storage Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, No. 3 oats or better, $0.7934; Minneapolis, No. 3 oats or better, $0.74. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices.[3] Export: Competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[3]
Barley, bulk	Domestic: Market price, basis in store,[2] but not less than the 1957 applicable loan rate plus (1) 14 cents per bushel if received by truck, or (2) 11 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the computation of minimum price per bushel (ex rail or barge): Minneapolis, No. 2 barley, $1.28. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[3]
Rye, bulk	Domestic: Market price basis in store,[2] but not less than the 1957 applicable loan rate plus: (1) 7 cents per bushel if received by truck, or (2) 12 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis No. 2 or better, $1.49. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[3]

See footnotes at end of table.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Gum turpentine	Domestic or export: Offer and acceptance basis, "as is", bulk in tanks in the stated quantities and in the designated storage tanks subject to the prices, terms and conditions of Announcement TB-21 (Revised) and supplements thereto which will be issued monthly. Available through American Turpentine Farmers Assn. Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.
[3] Sales of grains other than wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: September 5, 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 57-7403; Filed, Sept. 9, 1957; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-83]

UNIVERSITY OF FLORIDA

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that the University of Florida, Gainesville, Florida, on August 23, 1957, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct and operate a nuclear reactor designed to operate at a power level of 10 kilowatts and to be located on the University's campus at Gainesville, Florida. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C., this 29th day of August 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-7374; Filed, Sept. 9, 1957; 8:45 a. m.]

SPECIAL NUCLEAR MATERIAL

WAIVER OF CHARGES

1. Pursuant to section 53c of the Atomic Energy Act of 1954, the Atomic Energy Commission will make special nuclear material available to non-profit educational and medical institutions for use in the operation of research reactors without charge for the use of the material and without charge for the material consumed during fabrication, reprocessing, and reactor operation.

2. The criteria that must be met in order to receive the waiver of charges are as follows:

(a) The applicant is a non-profit educational or medical institution;

(b) The reactor will be ably used in a well conceived research program in the fields specified in section 31 of the Atomic Energy Act of 1954 and in the training of students in nuclear science and engineering;

(c) The applicant agrees to enter into a contract with the Commission which will contain, among other things, a requirement that the applicant will furnish the Commission with copies of all published reports embodying the results of activities involving the facility, that the contractor will furnish the Commission with reports of results of the contractor's other activities or investigations involving the facilities, and that information contained in such reports may be used by the Commission and distributed by the Commission for use by others. In addition, the agreement will contain a patent provision under which the Commission would have the sole power to determine the disposition of patent rights in inventions or discoveries made or conceived by the applicant or his employees relating to improvements in the design, construction, or operation of the facility in which the material is used, or relating to a method or process useful in the production or utilization of special nuclear material, resulting in whole or in part from work involving the use of the material but not inventions resulting from the utilization of radiation from this material in the performance of work for others than the Commission.

3. The waiver will apply until July 1, 1960. Subsequent to that date, persons who have been granted waiver under this policy will either have to return the material or assume complete financial responsibility for the charges for the material.

4. This waiver of charges will not relieve anybody from obtaining such licenses as are necessary under the Commission's regulations or from compliance with the regulations and orders of the Commission.

Dated at Washington, D. C., this 4th day of September 1957.

R. W. COOK,
Acting General Manager.

[F. R. Doc. 57-7392; Filed, Sept. 9, 1957; 10:44 a. m.]

[Docket Nos. 50-29, 50-30]

YANKEE ATOMIC ELECTRIC CO. AND NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

HEARING; ADDITIONS AND MODIFICATIONS

In the matter of Yankee Atomic Electric Company, Docket No. 50-29; National Advisory Committee for Aeronautics, Docket No. 50-30.

By notices published in the FEDERAL REGISTER on September 7, 1957, the Commission designated the above-entitled matters for hearing on October 8, 1957. The Commission hereby makes the following additions and modifications to said notices:

1. J. A. Kyle, Esq., is designated as the Presiding Officer to conduct the hearings. Pursuant to § 2.751 (b) of the Commission's regulations, the Presiding Officer at the conclusion of the hearing shall, without rendering an intermediate decision, certify the record of the hearings to the Commission.

2. The hearings in these matters will be held on October 8, 1957, at 9:00 a. m., e. d. t., in Conference Room "F", Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington 25, D. C., or such other time and place as the Hearing Examiner shall direct.

3. Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, 1901 Constitution Avenue NW., Washington 25, D. C., prior to 9:00 a. m., e. d. t., October 8, 1957.

Dated at Washington, D. C., this 6th day of September 1957:

ATOMIC ENERGY COMMISSION,
HAROLD D. ANAMOSA,
Acting Secretary.

[F. R. Doc. 57-7450; Filed, Sept. 6, 1957; 5:12 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8982]

GUEST AEROVIAS MEXICO, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Guest Aerovias Mexico, S. A. for a foreign air carrier permit authorizing air transportation between Mexico City, Miami and beyond.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on September 13, 1957, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue, NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., September 5, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7396; Filed, Sept. 9, 1957; 8:48 a. m.]

[Docket No. 6093 et al.]

INTRA-ALASKA CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 25, 1957, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 5, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7397; Filed, Sept. 9, 1957; 8:48 a. m.]

[Docket No. 7735 et al.]

ST. LOUIS-SOUTHEAST SERVICE CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on September 17 is postponed to September 19, 1957, 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 4, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7398; Filed, Sept. 9, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12036; FCC 57M-814]

EXCURSION INLET PACKING CO.

ORDER CONTINUING HEARING

In the matter of Excursion Inlet Packing Company, Seattle, Washington, Docket No. 12036; order to show cause why the license for Alaska Public Fixed and Public Coast Radio Stations KWO 70 should not be revoked.

It is ordered, This 5th day of September 1957, on the Hearing Examiner's own motion, that pending action on respondent's motion to dismiss the above-entitled proceeding which was filed August 19, 1957, hearing in the matter, presently scheduled to commence September 9, 1957, is continued without date.

Released: September 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7394; Filed, Sept. 9, 1957; 8:47 a. m.]

[Docket Nos. 12111, 12112; FCC 57M-811]

K. C. LAURANCE AND PHILIP D. JACKSON

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of K. C. Laurance, Medford, Oregon, Docket No. 12111, File No. BP-10622; Philip D. Jackson, Weed, California, Docket No. 12112, File No. BP-11268; for construction permits.

The Hearing Examiner having under consideration the procedure required to be followed in the above-entitled matter which is scheduled for hearing on October 9, 1957;

Now therefore, it is ordered, This 3d day of September 1957, pursuant to §§ 1.813 and 1.841 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m., on Wednesday, September 11, 1957, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

2. The possibility of stipulating with respect to facts;

3. The procedures to be followed prior to and at the hearing;

4. The limitation of the number of witnesses;

5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and

6. Such other matters as may aid in the disposition of this proceeding.

Released: September 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7395; Filed, Sept. 9, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13202]

PACIFIC NORTHWEST PIPELINE CORP.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED TARIFF SHEETS

SEPTEMBER 4, 1957.

Pacific Northwest Pipeline Corporation (Pacific), on August 6, 1957, tendered for filing first Revised Sheet Nos. 4, 7, 10, 15, 16-C, and 16-E; Second Revised Sheet Nos. 6, 8, 9, 11, 12, 13, 14, and 20; and Original Sheet No. 20-A to its FPC Gas Tariff, Original Volume No. 1.[1] Said tendered sheets are intended to be made effective on September 5, 1957, and propose an annual increase in rates and charges for jurisdictional sales amounting to approximately $5,500,000, based on estimated 1957 sales volumes. The proposed increase is 17 percent over the rates and charges now being collected by Pacific.

The proposed increase is stated to be based on stated increased costs which were not known at the time the present rates were designed. In addition, Pacific claims a need for a 6½ percent rate of return and computes income taxes associated therewith.

Protests and requests for suspension of the proposed rate increase were received from the regulatory commissions of Washington, Oregon, Utah, Wyoming, and Colorado, as well as from distribution company purchasers, including Washington Natural Gas Company, Portland Gas & Coke Company, Pacific Natural Gas Company, Spokane Natural Gas Company, Intermountain Gas Company, Cascade Natural Gas Company, and Mountain Fuel Supply Company. In addition, certain customers and the Idaho Public Utilities Commission urged suspension of the proposed rate increase.

It appears that Pacific's proposed increase includes a number of questionable items, including but not limited to the data utilized in the proposed test year of 5 months actual experience and 7 months of estimated operations, without normalizing sales upon the basis of operations, inclusive of Canadian gas expected to be utilized after November 1957, the allocation of costs between jurisdictional and non-jurisdictional sales, provisions for depreciation, and the inclusion of provisions for income taxes which Pacific states will not be payable, as well as certain differentials among various rate schedules.

The increased rates and charges provided in said tariff sheets, as tendered on August 6, 1957, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The aforesaid First Revised Sheet No. 15 and Second Revised Sheet No. 14 to Pacific's FPC Gas Tariff, Original Volume No. 1, provide for the sale of natural gas for resale to industrial customers.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Pacific's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the tariff sheets tendered on August 6, 1957; and that the aforesaid First Revised Sheet Nos. 4, 7, 10, 16-C, and 16-E; Second Revised Sheet Nos. 6, 8, 9, 11, 12, 13, and 20; and Original Sheet No. 20-A to Pacific's FPC Gas Tariff Original Volume No. 1, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Pacific's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the aforesaid sheets tendered for filing on August 6, 1957.

(B) Pending such hearing and decision thereon, Pacific's proposed First Revised Sheet Nos. 4, 7, 10, 16-C and 16-E; Second Revised Sheet Nos. 6, 8, 9, 11, 12, 13, and 20; and Original Sheet No. 20-A to its FPC Gas Tariff, Original Volume No. 1, are hereby suspended and the use thereof deferred until February 5, 1958, and until such further time as

[1] First Revised Sheet Nos. 8, 9, 11, 12, 13, and 14 to Pacific's FPC Gas Tariff, Original Volume No. 1, were suspended by the Commission in Docket No. G-12765 and were permitted to be withdrawn by order issued therein on July 30, 1957.

they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7388; Filed, Sept. 9, 1957; 8:46 a. m.]

NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 57-6946, appearing in the issue for Saturday, August 24, 1957, at page 6881, make the following change:

Twentieth Region—San Francisco, Calif., 111 West Seventh Street.

should read:

Twenty-first Region—Los Angeles 14, Calif., 111 West Seventh Street.

OFFICE OF DEFENSE MOBILIZATION

ROBERT J. HARBISON, III

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Added since last filing: Reynolds Metals. No deletions.

This amends statement previously published in the FEDERAL REGISTER March 15, 1957 (22 F. R. 1688).

Dated: September 5, 1957.

ROBERT J. HARBISON, III.

[F. R. Doc. 57-7389; Filed, Sept. 9, 1957; 8:47 a. m.]

JOHN E. WARREN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Deletions: Target Petroleums, Ltd., Warner Brothers Pictures.
Addition: Savanna Creek Gas & Oil.

This amends statement previously published in the FEDERAL REGISTER March 15, 1957 (22 F. R. 1688).

Dated: August 10, 1957.

JOHN E. WARREN.

[F. R. Doc. 57-7390; Filed, Sept. 9, 1957; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XII-2]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division, San Francisco Regional Office, Small Business Administration, the following authority:

A. *General.* To carry out all of the financial assistance functions listed in Section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $20,000;

3. To decline disaster loans;

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By ——— ———,
Chief, Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and contract for the sale or lease of real or personal property.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

24. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral, whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration, its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

Effective date: August 29, 1957.

EDWARD L. TURKINGTON,
Regional Director,
San Francisco Regional Office.

[F. R. Doc. 57-7383; Filed, Sept. 9, 1957; 8:46 a. m.]

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, First Session.

Acts Approved September 7, 1957

S. 2080 ---------- Public Law 85-311.
Relating to the computation of income for the purpose of payment of death benefits to parents or pension for non-service-connected disability or death in certain cases.

S. 2413 ---------- Public Law 85-310.
To clarify the authority of the President to fill the judgeship for the district of South Dakota authorized by the Act of February 10, 1954, and to repeal the prohibition contained in such Act against filling the next vacancy occurring in the office of district judge for such district.

S. 2229 ---------- Public Law 85-307.
To provide for Government guaranty of private loans to certain air carriers for purchase of modern aircraft and equipment, to foster the development and use of modern transport aircraft by such carriers, and for other purposes.

S. 2434 ---------- Public Law 85-308.
To amend the Act entitled "An Act to provide books for the adult blind".

H. J. Res. 253 ---------- Public Law 85-305.
To establish a commission to commemorate the one hundredth anniversary of the Civil War, and for other purposes.

H. R. 277 ---------- Public Law 85-313.
To amend title 17 of the United States Code entitled "Copyrights" to provide for a statute of limitations with respect to civil actions.

H. R. 1937 ---------- Public Law 85-300.
To authorize the construction, maintenance, and operation by the Armory Board of the District of Columbia of a stadium in the District of Columbia, and for other purposes.

H. R. 2486 ---------- Public Law 85-312.
To authorize Commodity Credit Corporation to grant relief with respect to claims arising out of deliveries of eligible surplus feed grains on ineligible dates in connection with purchase orders under its emergency feed program.

H. R. 3370 ---------- Public Law 85-299.
To amend section 1871 of title 28, United States Code, to increase the mileage and subsistence allowances of grand and petit jurors.

H. R. 3625 ---------- Public Law 85-309.
To amend section 214 of the Interstate Commerce Act, as amended, to prevent the use of arbitrary stock par values to evade Interstate Commerce Commission jurisdiction.

H. R. 6760.....Public Law 85-303. To grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes.

H. R. 7536.....Public Law 85-306. To amend the act of January 12, 1951, as amended, to continue in effect the provisions of title II of the First War Powers Act, 1941.

H. R. 7900.....Public Law 85-314. To permit the Secretary of Agriculture to sell to individuals land in Ottawa County, Michigan, which was acquired pursuant to the provisions of title III of the Bankhead-Jones Farm Tenant Act.

H. R. 7964.....Public Law 85-302. To remove the limitation on the use of certain real property heretofore conveyed to the city of Austin, Texas, by the United States.

H. R. 8928.....Public Law 85-304. To amend the act of June 9, 1880, entitled "An Act to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city".

H. R. 9282.....Public Law 85-301. To provide additional office space in home districts of Congressmen, Delegates, and Resident Commissioners.

FEDERAL REGISTER

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Washington, Wednesday, September 11, 1957

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934
UNIVERSITY OF MICHIGAN
SEP 13 1957
MAIN READING ROOM

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A listing of current public laws approved by the President appears at the end of this issue.

TITLE 3—THE PRESIDENT

PROCLAMATION 3199

AMERICAN EDUCATION WEEK, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS education has advanced the national welfare by enriching our culture, by providing a surer foundation for our freedoms, and by helping to prepare our citizens for the demands of each new age; and

WHEREAS our educational institutions have lifted the people of each generation to higher levels of personal living and have trained them for greater service to their fellow men; and

WHEREAS Americans are proud of their educational system and have shown their determination to widen the road to opportunity by maintaining the highest standards of scholarship:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the period from November 10 to November 16, 1957, as American Education Week, and I urge our people to enter fully into its observance. Let them demonstrate their appreciation of the work of our Nation's teachers, and let them show their active support for every program designed to improve our schools and colleges, which are firmly engaged in building a better and a stronger Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of September in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-7489; Filed, Sept. 10, 1957; 10:38 a. m.]

EXECUTIVE ORDER 10728

ESTABLISHING THE PRESIDENT'S COMMITTEE ON FUND-RAISING WITHIN THE FEDERAL SERVICE

WHEREAS it has been the traditional policy of the executive branch of the United States Government to permit certain national voluntary health and welfare agencies and certain other voluntary agencies to solicit funds from Federal employees and members of the armed forces at their places of employment or duty stations; and

WHEREAS such solicitations should be conducted so as to afford an opportunity for true voluntary giving to such agencies for charitable and other purposes; and

WHEREAS it is essential that solicitations for these voluntary agencies be conducted in such manner as will occasion minimum interruption of Government functions; and

WHEREAS it is desirable that solicitations be conducted on a basis of uniform standards:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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SECTION 1. Fund-raising campaigns and solicitations within the executive branch of the Government shall be in accordance with and subject to the following rules and regulations:

(a) There shall be a uniform fund-raising program of true voluntary giving for all executive departments and agencies, including the armed forces of the United States.

(b) There shall be not more than three solicitations annually; provided that exceptions to this rule may be made for emergency and disaster appeals.

(c) Each recognized and approved national voluntary agency shall be assigned an appropriate period for its solicitation; and no solicitation shall be made in any period other than that assigned therefor.

(d) Persons on duty shall be subjected to a minimum of disturbance.

(e) The record-keeping relating to, and the administration of, fund-raising programs shall be held to a minimum by all Government departments and agencies concerned.

(f) There shall be preserved the right of the giver to choose the agency or agencies which shall receive his gift.

(g) The identity of each recognized national voluntary agency shall be preserved.

(h) Each national voluntary agency shall be afforded an opportunity to inform potential givers with respect to the purposes, functions, administration and operations of the agency.

(i) There shall be reserved to the individual giver the option of disclosing his contribution or keeping it confidential.

The principles enumerated above shall not be construed to affect contractual agreements with respect to the distribution of gifts between voluntary fund-raising agencies recognized for solicitation under this program.

SEC. 2. There is hereby established the President's Committee on Fund-Raising within the Federal Service, hereinafter referred to as the Committee. The Committee shall be composed of five persons from the executive branch appointed by the President, who shall designate the Chairman and Vice Chairman of the Committee. The Chairman, Vice Chairman, and other members of the Committee shall serve at the pleasure of the President.

SEC. 3. The Committee shall:

(a) Periodically review the conduct and operation of the fund-raising program under the policy reflected by this order.

(b) Recommend to the President such changes in policy as it believes necessary to improve the functioning of the program based upon its review of the conduct and operation of the fund-raising program.

(c) Make modifications in the fund-raising program as necessary to improve its functioning within the provision of this order.

(d) Review requests for participation in the said fund-raising program received from national voluntary health and welfare organizations, make determinations as to their acceptance, and assign the appropriate solicitation period to such acceptable organization.

SEC. 4. The Chairman of the Committee shall establish an Advisory Council which shall be composed of the following persons or their personal representatives:

The Surgeon General of the Public Health Service
The President of the American National Red Cross
The President of the United Community Funds and Councils of America
The President of a participating national health agency, who shall serve on a rotating basis
The Chairman of the Government Employes' Council (AFL–CIO)
The President of the National Federation of Federal Employees
The President of a participating international agency, who shall serve on a rotating basis
A member at large who shall be appointed by and serve at the pleasure of the Chairman of the Committee

The Chairman and the Vice Chairman of the Advisory Council shall be designated by the Chairman of the Committee.

SEC. 5. The Advisory Council shall provide the Committee with advice and counsel concerning the policies, procedures and eligibility for solicitation within the Federal establishment.

SEC. 6. The head of each department or agency shall:

(a) See that voluntary fund-raising within his department or agency is conducted in accordance with the policies, principles, and procedures prescribed by or pursuant to this order.

(b) Cooperate with the Committee and the participating voluntary agencies under this order.

(c) Designate a representative to work with the Committee as necessary to put the fund-raising program into effect within his department or agency.

SEC. 7. This order shall not apply to solicitations conducted by organizations composed of civilian employees or members of the armed forces among their own members for organizational support or for benefit or welfare funds for their members. Such solicitations shall be conducted under policies and procedures approved by the head of the department or agency concerned.

SEC. 8. Federal officers and employees shall receive no additional compensation for services performed for, or as members of, the Committee or the Advisory Council. Non-Federal members of the Advisory Council and their personal representatives shall receive no Federal compensation for their services as such members or representatives.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 6, 1957.

[F. R. Doc. 57-7471; Filed, Sept. 9, 1957; 1:02 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.10]

PART 372—FARM OWNERSHIP LOANS

SUBPART H—ASSIGNMENT OF INSURED MORTGAGES TO THE GOVERNMENT IN TRUST

ASSIGNMENTS TO INSURANCE FUND AND CERTAIN RESTRICTIONS

Section 372.141, Title 6, Code of Federal Regulations (21 F. R. 6055), is revised to provide for discontinuing assignments to the United States in trust of insured Farm Ownership mortgages in Colorado and Missouri, and to provide for the execution of assignments to the United States in trust preparatory to having such mortgages purshased by the Government, except in certain States. The revised section reads as follows:

§ 372.141 *General.* This subpart provides for assigning insured Farm Ownership mortgages to the Government, as trustee, by the holders of the mortgages. The mortgage will be held in trust for the benefit of the holder of the note. When such an assignment has been completed, the Government will take all actions usually performed by mortgagees, including the execution of partial releases, subordinations, and satisfactions. Holders of the notes may sell them separately by endorsement and delivery without further assignment of the mortgages. Notice of such sales, nevertheless, must be given to the Government. Assignments of insured Farm Ownership mortgages to the Government in trust may be executed by holders of such mortgages when they sell the notes to buyers who have agreed to such assignment, except when the mortgaged property is located in Colorado, Louisiana, Missouri, or Puerto Rico. Assignments of insured Farm Ownership mortgages to the Government in trust may be executed by holders who retain the notes, except when the mortgaged property is located in Alaska, Colorado, Louisiana, Missouri, Nevada, Puerto Rico, or South Carolina. Assignments of insured Farm Ownership mortgages to the Government in trust may be executed by the holders preparatory to selling the notes to the Government for the Insurance Fund by reason of the expiration of the fixed period, except when the mortgaged property is located in Alaska, Colorado, Louisiana, Missouri, Nevada, Puerto Rico, or South Carolina.

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: September 5, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-7456; Filed, Sept. 10, 1957; 8:54 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

DESIGNATION AND USE OF ACREAGE RESERVE; AMOUNT OF COMPENSATION

The regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, as amended and supplemented, are hereby amended as provided herein.

1. Section 485.214 (a) is amended by adding the following new subparagraph (4) at the end thereof:

(4) Where the operator is notified that the measured acreage reserve is more than the number of acres specified in the agreement, or less than the number of acres specified in the agreement and additional eligible land is available for designation as acreage reserve, the operator may make an adjustment in the number of acres in the acreage reserve to correspond with the terms of the agreement by notifying the county committee of such adjustment and paying the cost of remeasurement of the acreage reserve: *Provided,* That in the case of winter wheat such adjustment must be made within 10 days from the date of notification of the measured acreage or May 3, 1957, whichever is later, and in the case of crops other than winter wheat within 10 days from the date of such notification or June 30, 1957, whichever is later. Additional acreage may not be designated after June 17, 1957, unless the county committee determines that the operator made a reasonable effort to set aside the number of acres designated in the original agreement. The fact that a crop must be disposed of on otherwise eligible land shall not make such land ineligible for designation as additional acreage reserve. If the description of the acreage reserve in the original agreement does not completely and accurately describe the acreage reserve after adjustment, a revised agreement accurately describing the acreage reserve must be filed within the applicable period during which adjustments may be made.

2. Section 485.216 (a) is amended to read as follows:

(a) If there has been no violation of the agreement, the amount of compensation payable for the commodity shall be determined by multiplying the rate of compensation per acre for the commodity, determined in accordance with § 485.217, by (1) the number of acres in the acreage reserve, or the number of acres which the producer has agreed to place in the acreage reserve, whichever is the smaller, less (2) the number of acres of new land not presently included in the cropland for the farm at the time of the signing of the agreement which is brought into cultivation and used for the production of a crop for harvest in 1957: *Provided,* That in the case of an agreement for wheat on Form CSS–800–1 (Soil Bank), "Acreage Reserve Agreement 1957 (Winter Wheat)," no compensation shall be paid if the acreage so determined is below the minimum acreage which may be placed in the acreage reserve, unless the county committee determines that the producer made a reasonable effort to set aside and treat as acreage reserve the number of acres designated in the original agreement: *Provided further,* That in the case of any agreement if, under the provisions of § 485.213 (b) (3), the producers are not in violation of the agreement but did not dispose of excess acreage as provided in § 485.213 (b) (2), the amount of compensation payable shall be determined by multiplying the rate of compensation per acre for the commodity by the acreage by which the commodity is reduced below the allotment if the amount thus determined is less than would otherwise be determined.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 29th day of August 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-7406; Filed, Sept. 10, 1957; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 94]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (22 F. R. 3005, 4377, 6753, 6910), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. Subdivision (iii) of subparagraph (2) of paragraph (c), relating to Bristol County in Massachusetts, is deleted.

2. Subdivisions (i), (ii), and (iii), of subparagraph (3) of paragraph (c), relating to Essex County in Massachusetts, are deleted.

3. Subdivision (i) of subparagraph (4) of paragraph (c), relating to Hampden County in Massachusetts, is amended to read:

(i) That part of the town of Agawam lying north of Suffield Street, south and west of Springfield and Miller Streets, and east of Cooper Street.

4. Subdivisions (iii) and (iv) of subparagraph (4) of paragraph (c), relating to Hampden County in Massachusetts, are deleted.

5. Subdivision (iv) of subparagraph (5) of paragraph (c), relating to Middlesex County in Massachusetts, is deleted.

6. Subdivisions (i), (ii), and (iii), of subparagraph (6) of paragraph (c), relating to Norfolk County in Massachusetts, are deleted.

7. Subdivision (i) of subparagraph (7) of paragraph (c), relating to Plymouth County in Massachusetts, is deleted.

8. Subdivision (ii) of subparagraph (7) of paragraph (c), relating to Plymouth County in Massachusetts, is amended to read:

(ii) That part of the Town of Rockland lying north of Summer Street, south of Centre Street, east of Plymouth Street (Abington), and west of Spring Street.

9. Subdivisions (ii) and (viii) of subparagraph (8) of paragraph (c), relating to Worcester County in Massachusetts, are deleted.

10. Subdivision (v) of subparagraph (8) of paragraph (c), relating to Worcester County in Massachusetts, is amended to read:

(v) That part of the Town of Leicester lying north of Hemlock Street, east of Whittemore Street, and west of Marshall Street.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in Massachusetts from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1956 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended, 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. I, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C. this 6th day of September 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-7455; Filed, Sept. 10, 1957; 8:54 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

On September 2, 1957, Public Law 256 (85th Congress) was signed by the President and became effective as an amendment to the Atomic Energy Act of 1954 (68 Stat. 919). Public Law 256 provides a means for protecting the public from financial loss from a nuclear incident.

To implement the indemnity provisions of the law the Atomic Energy Commission is issuing the following regulations which will be effective until definitive regulations are issued. In connection with the development of such more definitive regulations, the Commission intends to solicit the views of representatives of all affected groups and to furnish full opportunity for public comment.

At the present time there are no licenses in effect under section 103 of the act, and a relatively small number under section 104, authorizing operation of facilities. With one exception, all the licenses authorizing operation of facilities were issued under section 104 c. for the operation of nuclear reactors at relatively low power for research and development, or at nominal power for critical experiments. The exception is a license issued under section 104 b. for the operation of a reactor in California for the generation of electrical energy.

The regulation requires each licensee authorized to operate a nuclear reactor to maintain financial protection in the amount of $150,000 per thousand kilowatts of thermal capacity authorized by his license. This amount is established as a temporary basis for determining financial protection required. Public Law 256, 85th Congress, requires financial protection equal to the total amount of private liability insurance available (expected to be approximately $60,000,000) for all power reactors with a capacity of 100,000 electrical kilowatts or more. Such a relationship applied to all reactors needs to be expressed in thermal capacity since many reactors will not be used in connection with the generation of electricity. The ratio of thermal to electrical capacity varies somewhat among different types of reactors. For the purpose of this regulation, this ratio has been assumed as four to one. Therefore, a capacity of 400,000 thermal kilowatts would require $60,000,000 of private insurance, or $150,000 per thousand kilowatts of thermal capacity.

While this formula is deemed appropriate during the interim period for power reactors and the larger research and test reactors, it is not meaningful for those operating at very low power which will produce correspondingly small amounts of fission products. The principal hazard and potential public liability arising from such reactors will be the possibility of exposing to radiation persons in the immediate vicinity of the reactor, such as students, trainees, visitors and persons working on cooperative research projects. There is a remote possibility that a number of such persons might be injured resulting in fairly substantial claims. This type of hazard is present in reactors of any size and the extent to which it varies with different reactors is not readily subject to measurement. For the purpose of this temporary regulation, therefore, it has been determined that $250,000 is a minimum reasonable amount in view of the potential liability.

It is particularly important to note that the amounts of financial protection required by this regulation are not necessarily indicative of those that will be required by the more definitive regulations. The provisions of the latter for determination of these amounts will be based on more thorough consideration of such criteria as cost and terms of private insurance; type, size and location of the licensed activity and other factors pertaining to hazard; and the nature and purpose of the licensed activity, as provided by section 4 of Public Law 256. It should be emphasized, therefore, that the amounts of financial protection required by the more definitive regulations may vary substantially from those in this regulation.

Preparation of the form of indemnity agreement which the Commission will enter into under Public Law 256 has not

been completed. Section 140.18 of the regulation, however, is intended to make it clear that such agreements will be issued in due course; and that the Government's obligation to indemnity will take effect at the time established in the section and will not be affected by the time of execution or issuance of such agreements. This will assure maximum financial protection to the public and licensees.

Because these regulations are expected to be replaced at an early date by more definitive regulations, and because it is the purpose of these regulations to carry out the requirements of Public Law 256 with respect only to such types of licensees as are presently authorized to operate facilities, this part does not include many types of provisions which will be included in later revisions; and does not apply to certain kinds of licensees who may be subject to such future regulations.

In light of the foregoing, the Atomic Energy Commission has found that general notice of proposed rule-making and public procedure thereon are unnecessary and would be contrary to the public interest; and that good cause exists why these rules should be made effective after less than the customary 30 days' prior notice. These findings are based particularly on the desirability of making the Federal indemnity available on reasonable terms for protection of the public as promptly as is practicable.

The following rules are published as a document subject to codification, effective 15 days after publication in the FEDERAL REGISTER.

Sec.
140.1 Purpose.
140.2 Scope.
140.3 Definitions.
140.4 Interpretations.
140.5 Communications.
140.11 Amount of financial protection required.
140.12 Types of financial protection.
140.13 Proof of financial protection.
140.14 Special provisions applicable to licensees furnishing financial protection in whole or in part in the form of liability insurance.
140.15 Commission review of proof of financial protection.
140.16 Reports by certain licensees asserting immunity from liability.
140.17 Indemnity agreements.
140.18 Specific exemptions.

AUTHORITY: §§ 140.1 to 140.18 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201. Interpret or apply sec. 4, Public Law 256, 85th Cong.

§ 140.1 *Purpose.* The regulations in this part are issued to provide appropriate procedures and requirements for determining the financial protection required of licensees and for the indemnification and limitation of liability of certain licensees and other persons pursuant to section 170 of the Atomic Energy Act of 1954 (68 Stat. 919), as amended.

§ 140.2 *Scope.* (a) The regulations in this part apply to each person who has authority under a license issued pursuant to Part 50 of this chapter, to operate a nuclear reactor. To the extent provided in paragraph (b) of this section, this part applies also to applicants for such licenses.

(b) Each applicant for license under Part 50 authorizing operation of a nuclear reactor shall (prior to issuance of such license) furnish the proof of financial protection specified in § 140.13, and if appropriate shall furnish the information specified in § 140.16.

§ 140.3 *Definitions.* As used in this part,

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto.

(b) "Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

(c) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

(e) "Financial protection" means the ability to respond in damages for public liability and to meet the costs of investigating and defending claims and settling suits for such damages.

(f) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(g) "Licensee" means any person who is the holder of a license issued under the regulations in Part 50 of this chapter authorizing such person to operate a nuclear reactor.

(h) "Licensed activity" means an activity authorized by a license described in § 140.2.

(i) "Nuclear incident" means any occurrence within the United States causing bodily injury, sickness, disease, or death, or loss of or damage to property, or for loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear or byproduct material.

(j) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(k) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public, or private institution, group, Government agency other than the Commission, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

(l) "Person indemnified" means the person with whom an indemnity agreement is executed and any other person who may be liable for public liability.

(m) "Public liability" means any legal liability arising out of or resulting from a nuclear incident, except claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs, and except for claims arising out of an act of war. "Public liability" also includes damage to property of persons indemnified: *Provided*, That such property is covered under the terms of the financial protection required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs.

(n) "Source material" means source material as defined in the regulations contained in Part 40 of this chapter.

(o) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(p) "United States" when used in a geographical sense, includes all Territories and Possessions of the United States, the Canal Zone, and Puerto Rico.

§ 140.4 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretations of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 140.5 *Communications.* All communications concerning the regulations in this part should be addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Division of Civilian Application.

§ 140.11 *Amount of financial protection required.* Each licensee is required to have and maintain financial protection for each nuclear reactor in the amount of $150,000 per thousand kilowatts of thermal energy capacity authorized by his license: *Provided*, That in no event shall the amount be less than $250,000 for each nuclear reactor.

§ 140.12 *Types of financial protection.* (a) The amounts of financial protection required under this part may, at the option of the licensee, be furnished and maintained in the form of:

(1) An effective policy of liability insurance from private sources for which the premiums have been paid; or

(2) Adequate resources to provide the financial protection required by § 140.11; or

(3) Such other type of financial protection as the Commission may approve. The Commission may permit licensees, such as Government agencies, for whom none of the above means of establishing protection is feasible, to furnish proof of financial protection in some other appropriate form; or

(4) Any combination of the foregoing.

(b) In any case where the Commission has approved proof of financial protection filed by a licensee pursuant to § 140.13, the licensee shall not substitute one type of financial protection for another type without first obtaining the written approval of the Commission.

§ 140.13 *Proof of financial protection.* (a) Each person, who, on the effective date of this part, is the holder of a license described in § 140.2, shall, within 30 days after the effective date of this part, file with the Commission eight copies of proof of financial protection. The Commission may, upon good cause shown, grant extensions of such period.

(b) Proof of financial protection in the case of licensees who maintain financial protection in whole or in part in the form of liability insurance shall (with respect to such insurance) consist of a copy of the liability policy (or policies) together with a certificate by the issuing organization or organizations stating or undertaking:

(1) That said copy is a true copy of a currently effective policy issued to the licensee;

(2) The period of time for which premiums on the policy have been paid;

(3) That the issuing organization or organizations agree that they will not (for any reason whatever, including any act or failure to act of the licensee) modify, amend, terminate, or suspend said policy, or do any other act affecting such organization's or organizations' obligations under said policy, unless they shall have filed with the Commission a written notice thereof prior to the effective date of such act or action: *Provided*, That nothing in such undertaking shall be deemed to require such organization or organizations to furnish notice to the Commission of the expiration of such policy at the end of the period of time specified in the policy as the term thereof.

(c) Proof of financial protection in the case of licensees who maintain financial protection in whole or in part in the form specified in § 140.12 (a) (2) shall consist of a showing that the licensee has adequate resources to provide the financial protection required under this part.

(d) The Commission may require any licensee to file with the Commission such additional proof of financial protection or other financial information as the Commission determines to be appropriate for the purpose of determining whether the licensee has or is maintaining financial protection as required under this part.

(e) The licensee shall notify the Commission of any material change in proof of financial protection or in other financial information filed with the Commission under this part.

§ 140.14 *Special provisions applicable to licensees furnishing protection in whole or in part in the form of liability insurance.* In any case where a licensee undertakes to maintain financial protection in the form of liability insurance for all or part of the financial protection required by this part,

(a) The Commission may require that the licensee demonstrate that the organization or organizations which have issued such policies are legally authorized to issue them and do business in the United States and have clear ability to meet their obligations; and

(b) The licensee shall notify the Commission, at least 30 days prior to the expiration of any such policy, of the renewal of such policy or of arrangements made by the licensee to maintain financial protection in some other form.

§ 140.15 *Commission review of proof of financial protection.* (a) The Commission will promptly review proof of financial protection filed by any licensee pursuant to § 140.13. If the Commission finds that the licensee is maintaining financial protection in compliance with the requirements of this part, the licensee will be notified that his proof of financial protection has been approved. In the case of licensees maintaining all or part of their financial protection in a form other than liability insurance such notice of approval may designate the times upon which the licensee shall thereafter furnish to the Commission additional financial information for the purpose of determining whether the licensee is maintaining financial protection as required by this part.

(b) In any case where a licensee has not furnished to the Commission satisfactory proof of financial protection within the period allowed by the Commission pursuant to § 140.13, the Commission may suspend or terminate the license in accordance with the procedures provided in Subpart B, Part 2 of this chapter.

§ 140.16 *Reports by certain licensees asserting immunity from liability.* (a) Within 60 days after the effective date of this part, each licensee who believes that he is wholly or partially immune from public liability under any provision of State or Federal law shall file with the Commission eight copies of an opinion of Counsel containing the following information:

(1) The nature and extent of any such immunity possessed by the licensee;

(2) Whether or not employees of the licensee when engaged in the licensed activity are immune from public liability under any provision of State or Federal law and, if so, the nature and extent of such immunity;

(3) Whether or not the licensee has authority to waive such immunity;

(4) Whether or not the licensee has authority to purchase liability insurance.

(b) Reports filed under this section should include appropriate references to legal authorities. The Commission may, upon good cause shown, grant extensions of the period within which reports may be filed under this section.

§ 140.17 *Indemnity agreements.* (a) The Commission will, in due course, execute and issue agreements of indemnity pursuant to the regulations in this part of such other regulations as may be issued by the Commission. Each such agreement shall contain such provisions as are required by law and such additional provisions as may be incorporated therein by the Commission pursuant to regulation. Such agreements, as to any licensee, shall be effective on:

(1) The effective date of this part; or

(2) The effective date of the license authorizing the licensee to operate the nuclear reactor involved, whichever is later.

(b) Each licensee shall pay a fee to the Commission at the rate of $30 per year per thousand kilowatts of thermal capacity authorized in its license: *Provided*, That no fee shall be less than $100 per annum for any nuclear reactor. Such fee shall be due for the period beginning with the date on which the applicable indemnity agreement will be effective under paragraph (a) of this section; and shall be paid in accordance with billing instructions received from the Commission.

§ 140.18 *Specific exemptions.* The Commission may, upon application by any interested person, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest.

Dated at Washington, D. C., this 5th day of September 1957.

For the Atomic Energy Commission.

R. W. COOK,
Acting General Manager.

[F. R. Doc. 57-7451; Filed, Sept. 10, 1957; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 206]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. Section 608.12, the Ft. Huachuca, Arizona area (R–181 formerly D–181), amended July 14, 1956 in 21 F. R. 5260, is further amended by changing the "Controlling Agency" column to read: "Commanding General, Ft. Huachuca, Arizona".

2. Section 608.12, the Yuma, Arizona area (R–284 formerly D–284), amended June 10, 1952 in 17 F. R. 5216, is further amended by changing the "Controlling Agency" column to read: "Commanding Officer, Yuma Tests Station, Yuma, Arizona".

3. Section 608.14, the Ft. Ord, California area (R–284), amended December 22, 1955, in 20 F. R. 9856, is further amended by changing the "Controlling Agency" column to read: "Commanding General, Ft. Ord, California".

4. Section 608.14, the Hunter Liggett, California area (R–285 formerly D–285), amended October 31, 1951, in 16 F. R. 11066, is further amended by changing the "Controlling Agency" column to

read: "Commanding Officer, Hunter Liggett, California".

5. Section 608.14, the Camp Roberts, California area (R–415 formerly D–415), amended October 31, 1951, in 16 F. R. 11066, is further amended by changing the "Controlling Agency" column to read: "Commanding Officer, Camp Roberts, California".

6. Section 608.14, the Camp San Luis Obispo, California area (R–416 formerly D–416), amended October 31, 1951, in 16 F. R. 11066, is further amended by changing the "Controlling Agency" column to read: "Commanding Officer, Camp San Luis Obispo, California".

7. Section 608.61, the Fairbanks, Alaska area (R–345), amended December 19, 1956, in 21 F. R. 10176, is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on September 26, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 3, 1957.

[F. R. Doc. 57-7411; Filed, Sept. 10, 1957; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose.

The revision of Part 201 and the amendments pertaining to Parts 206 and 210 are effective from the date of publication in the FEDERAL REGISTER; the amendment pertaining to Part 203 is effective from January 1, 1958; the deletion of Part 214 was effective July 1, 1957.

PART 201—ELECTRICITY AND ELECTRONICS

Part 201 is revised to read as follows:

NOTE: The tests covered by this part include the determinations of the corrections for standard electrical measuring apparatus and their range-extending auxiliaries used at power and audio frequencies (i. e., up to 30 kc/s).

The National Bureau of Standards does not test, except occasionally for other agencies of the Federal Government, electrical devices or supplies not directly related to the field of measurement. Tests of power transformers, motors, generators, relays, wiring, appliances, etc., should not be requested.

RESISTANCE MEASUREMENTS, 0 TO 1 MEGOHM

Sec.
201.100 General.
201.101 Precision standard resistors.
201.102 Precision resistance apparatus.

RESISTANCE MEASUREMENTS ABOVE 1 MEGOHM

Sec.
201.103 Multi-megohm resistors.

INDUCTANCE AND CAPACITANCE MEASUREMENTS

201.104 Standard inductors.
201.105 Standard capacitors; tests with alternating current.

ELECTRICAL INSTRUMENTS

201.300 General.
201.301 Standard resistors for current measurement.
201.302 Direct-current ammeters.
201.303 Direct-current voltmeters and millivoltmeters.
201.304 Alternating-current ammeters (20 to 30,000 c/s).
201.305 Alternating-current voltmeters (20 to 30,000 c/s).
201.306 Wattmeters.
201.307 Watthour meters.
201.308 Frequency meters for power frequencies.
201.309 Current transformers.
201.310 Voltage (potential) transformers.
201.311 Volt boxes.
201.312 Instrument transformer testing sets (portable).

MAGNETIC MEASUREMENTS

201.400 General.
201.401 General magnetic measurements; normal induction and hysteresis.
201.402 Magnetic materials; alternating-current permeability and core loss.
201.403 Magnetic testing apparatus; mutual inductors, search coils, and fluxmeters.

DIELECTRICS

201.500 Dielectric constant, power factor.

ELECTROCHEMISTRY

201.801 Standard cells.

AUTHORITY: §§ 201.100 to 201.801 issued under sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interpret or apply sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276.

RESISTANCE MEASUREMENTS, 0 TO 1 MEGOHM

§ 201.100 *General.* In general, §§ 201.101 and 201.102 apply only to apparatus embodying the following essential features:

(a) The resistance material should have a low temperature coefficient, should not change its resistance with time, and for low-valued coils should have a small thermoelectric power against copper.

(b) All wire standard resistors and the more important sections of resistance apparatus for use in d-c circuits should be wound on metal supports, preferably in a single layer. Electrical connections to the resistance material should be brazed in all cases in which the total resistance is less than 1,000 ohms. The resistance material should be protected against oxidation and other chemical action and should be annealed or aged by baking after winding.

(c) Precision standard resistors and resistance apparatus should be so adjusted as to give an accuracy of at least 0.1 percent without corrections.

(d) Because comparatively rapid changes in resistance take place in new apparatus, it is not advisable to test new or repaired apparatus until at least two months after the resistors have been annealed and adjusted. Precision apparatus, known to be new, may be held in the laboratory (in the absence of other instructions) for several months when the measurements will be repeated to determine the drift in value, if any. No extra charge is made for these later measurements.

(e) Unless otherwise stated, the tests listed are generally made using a direct current of such magnitude as to cause only a negligible heating of the resistance material. Tests of standard resistors, bridges and rheostats consist of determinations of the resistance of the standards or of the resistance of the elements of the bridges or similar apparatus from which values corresponding to all possible readings can be computed. Tests of potentiometers consist of determinations from which the ratios of the resistances corresponding to all possible readings can be computed.

§ 201.101 *Precision standard resistors.* Standards of precision type provided with amalgamated terminals and designed for oil immersion. Standards of 0.1 ohm and less must be of the four-terminal type, that is, must have both current and potential terminals. The resistance of each standard will be given to as many figures as are significant at the time of measurement and will be certified to an accuracy designed to indicate the degree of dependence which may ordinarily be placed on the standard for a period of one year. The certified accuracy will vary from 0.0002 percent to 0.025 percent depending on the nominal value of the standard, its type, age, and previous history. Well-aged standards in good condition having nominal values in the range 0.001 ohm to 10,000 ohms will usually be certified to 0.002 percent.

Item	Description	Fee
201.101a	Determination of resistance in oil bath at 25° C. For all standards having resistances in the range 0.0001 to 100,000 ohms, inclusive, provided they are adjusted within 0.5 percent of a nominal value which is itself a decimal multiple (or submultiple) of 1 ohm	$20.00
201.101b	Determination of resistance in oil bath at 25° C. For odd-valued standards not falling within the scope of item 201.101a	25.00
201.101c	Measurement of resistance in oil bath at 20, 25, and 30° C., and determination of temperature coefficient. This test is made only when it is shown that the small changes in resistance resulting from necessary variations of the temperature from 25° C. are of importance	70.00
201.101d	Stability study and certification of 25° C. value of high-quality standards kept under observation for a period of at least 6 months. Each resistor	30.00
201.101z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the test.	

§ 201.102 *Precision resistance apparatus.* Corrections pertinent to apparatus of suitable quality submitted under this section will ordinarily be determined to such an accuracy that results obtained with the apparatus may be relied upon to 0.01 percent.

Item	Description	Fee
201.102a	Precision rheostats and plug boxes, calibration and certification of corrections for decades not exceeding 10,000 ohms per step, 1 to 3 decades per box, each decade	$40.00
	For each additional decade above 3 included in one resistance box	25.00
201.102b	Megohm box, 10 sections each 100,000 ohms—calibration and certification of corrections	70.00
201.102c	Megohm box, unequal sections—calibration and certification of corrections	120.00
201.102d	Precision Wheatstone and colorimetric bridges of all kinds—calibration and certification of corrections	210.00
201.102e	Potentiometers, minimum steps 10 microvolts or more—calibration and certification of corrections	140.00
201.102f	Potentiometers, minimum steps less than 10 microvolts—calibration and certification of corrections	210.00
201.102g	Kelvin bridge ratio box—calibration and certification of corrections	80.00
201.102h	Double ratio set for Kelvin bridge, with double set of fixed and variable arms—calibration and certification of corrections	210.00
201.102z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	

RESISTANCE MEASUREMENTS ABOVE 1 MEGOHM

§ 201.103 *Multi-megohm resistors.* Measurement made on resistors submitted under this section are accurate to 0.1 percent at the time of test if nominal values are in the range 10^6 to 10^{12} ohms; for higher-valued resistors the accuracy is 0.5 percent. In order that the reported results be of significance it is necessary that standards submitted for test be made of suitable materials processed in such a manner that resistance values do not change appreciably with time. They should be so constructed and treated that the effect of relative humidity is minimized. The resistance of these standards usually depends on the magnitude of the applied voltage; the test voltage should therefore be specified. Each resistor should have an identifying number engraved on, or permanently attached to it.

Item	Description	Fee
201.103a	Determination of resistance of a resistor at 1 voltage (1.5 to 250 volts) at room temperature (23° C.) and humidity (50% R. H. or less) when the resistor has a nominal value between 10^6 and 10^{12} ohms	$20.00
201.103b	Determination of resistance at an additional voltage or of an additional resistor of the same nominal value under the same conditions as 201.103a and at the same time on the same purchase order	10.00
201.103c	Determination of the resistance of a resistor at 1 voltage (1.5 to 250 volts) at standard laboratory temperature (23° C.) and humidity (50% R. H. or less) when the resistance is higher than 10^{-6} ohms but the current involved is not less than 10^{-12} ampere	25.00
201.103d	Determination of resistance of additional resistors of the same nominal value at the same voltage under the same conditions as 201.103c and at the same time under the same purchase order, each	15.00
201.103e	Determination of resistance of a resistor at each voltage (1.5 to 250 volts) at standard laboratory temperature (23° C.) and humidity (50% R. H. or less) when the current involved is less than 10^{-12} ampere but not less than 10^{-13} ampere	35.00
201.103f	Determination of resistance of additional resistors of the same nominal value at the same voltage under the same conditions as 201.103e and at the same time under the same purchase order, each	$25.00
201.103z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	

INDUCTANCE AND CAPACITANCE MEASUREMENTS

NOTE: Tests at radio frequencies are performed at the NBS Boulder Laboratories, Boulder, Colorado.

§ 201.104 *Standard inductors.* (a) Inductors for use in a-c bridges are ordinarily tested at 100, 400, or 1,000 c/s at room temperature of 24°C and relative humidity of less than 50 percent. Most inductors used at 6 c/s can be tested at 100 c/s since the variation of inductance with frequency in this range is usually negligible. Mutual inductors used in magnetic testing for calibrating ballistic galvanometers should be tested by direct current under item 201.403a.

(b) Inductors can usually be shipped safely by express but should be carefully packed to avoid damage to the coil fastenings and terminals.

Item	Description	Fee
201.104a	Determination of self or mutual inductance of a fixed inductor with non-magnetic core at 1 frequency, 100, 400, or 1,000 c/s	$20.00
201.104b	Determination at an additional frequency, 65, 100, 400, or 1,000 c/s, on an inductor tested under item 201.104a	15.00
201.104z	For special tests not covered by the above schedule advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	

§ 201.105 *Standard capacitors; tests with alternating current.* (a) Tests are ordinarily made at room temperature of about 24° C. and relative humidity of less than 50 percent. Measurements are usually made at 60, 100, 400 or 1,000 c/s. (Except for item 201.105e).

(b) Variable air capacitors should be packed as carefully as instruments with delicate pivots. If the highest accuracy is desired, they should be transported by messenger. All instruments submitted for test should be examined for backlash or any looseness in bearings and adjusted to minimize these before being submitted for test. Tests will ordinarily be made with the settings approached in the direction of increasing scale readings to avoid errors due to backlash. Since the measured value of capacitance depends on the position of the leads with respect to the terminals, the difference in capacitance between two scale settings taken with the leads in a fixed position can be measured with greater accuracy than the capacitance at the given setting.

(c) Solid dielectric capacitors can ordinarily be shipped by mail or express without serious risk. The frequency at which measurements are desired should be stated.

Item	Description	Fee
201.105a	Determination of either direct or grounded capacitance and conductance of a fixed capacitor or 1 section of a variable or subdivided capacitor with alternating current at 1 frequency from those listed above (201.105)	$15.00
201.105b	Determination of capacitance and conductance of each additional point on the same variable or subdivided capacitor tested under item 201.105a	5.00
201.105c	Determination of either direct or grounded capacitance of a fixed capacitor or 1 point of a variable or subdivided capacitor with alternating current at 1 frequency from those listed above (201.105)	12.00
201.105d	Determination of capacitance of each additional point on the same variable or subdivided capacitor submitted under item 201.105c	4.00
201.105e	Determination of direct capacitance of 1 unit or 1 point of a variable 3-terminal capacitor at 465 kc/s	15.00
201.105f	Determination of direct capacitance of each additional unit or additional point of the same 3-terminal capacitor tested under item 201.105e	12.00
201.105z	For special tests not covered by the above schedule advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	

ELECTRICAL INSTRUMENTS

§ 201.300 *General.* (a) Tests of an instrument usually consist of determinations of the values of the measured quantity required to deflect the instrument pointer to specified scale marks. Normally at least two determinations, with increasing and decreasing values respectively, are made at each specified scale mark, and the average of these results is reported in tabular form. Unless otherwise requested, all tests are made at room temperature and after the instrument pointer has been set to the zero mark on open circuit. Voltmeters and the voltage circuits of wattmeters are energized for at least 20 minutes before tests are begun.

(b) Unless otherwise requested, single-range instruments are tested at five scale marks, which should preferably be selected from those that the maker used as cardinal calibration points in laying out the scale. Multirange instruments are tested at five such marks on one range and two on each other range. From the ratios of the tabulated results, a multiplying factor can be determined by which the values stated for the five points on the base range can be used to determine the values for the corresponding points on other ranges. Only in exceptional cases will such computed values be in error by more than the certified accuracy.

(c) High-quality instruments which are intended for use as laboratory standards in testing other instruments should preferably be tested on the base range at each cardinal scale mark used by the maker in laying out the scale, so that suitable corrections may be applied by linear interpolation to readings at intermediate points.

(d) Unless otherwise specifically requested, instruments which can equally well be used with direct and alternating current will first be tested with direct current at five points on one range and two points on each other range. Deter-

minations of the difference of indication on reversed direct current and on alternating current of the specified frequency will then be made at one or two scale points on each range of the instrument. The mean values for the two directions of current through the instrument (reversed d–c) best represent the performance of the instrument on direct current since it minimizes the effect of the local magnetic field and of residual magnetism in the instrument shield. The results obtained by these procedures (tests on reversed d–c followed by a transfer test) are more accurate than those obtained from a test on alternating current only. They are also of greater value since the a–c—d–c differences are relatively permanent for an instrument so that subsequent tests will generally need to be made only on reversed direct current.

(e) Instruments used with transformers: Alternating current instruments used with externally connected transformers should preferably be tested separately, as the transformers will probably have a very constant ratio over a long period of time while the instruments are more liable to change with time and use. When an instrument and a separate transformer are so tested, they will be counted as two pieces of apparatus, and fees will be charged accordingly. After separate tests of the instrument and transformer, it is sufficient thereafter to test the instrument alone at suitable intervals, provided that the transformer is well constructed of good material and is properly used.

(f) Packing for shipment:

(1) Electrical measuring instruments such as ammeters, voltmeters, wattmeters and watthour meters contain extremely delicate jewels and pivots, upon which the operation of the instrument depends. These delicate parts must be carefully protected from mechanical shocks and jars during shipment. Sensitive instruments will not arrive in satisfactory operating condition unless great care is taken in packing. Every effort is made to handle and to repack these instruments carefully at the Bureau, and whenever possible the return shipment is made in the original container.

(2) Before each instrument is packed, all binding posts should be tightened, and any externally operated clamping device for the moving system should be switched to the "clamp" or "transit" position. Plugs and other small accessories should be enclosed in a small separate container tied to the instrument. Glass windows of instruments lacking protective cases should be protected by pieces of thin wood or heavy cardboard before wrapping. Each instrument should then be wrapped in heavy manila paper or similar covering and sealed with gummed tape to exclude dust and excelsior.

(3) Boxes in which instruments are packed should be strong, preferably of wood, with screwed-on tops to avoid damage to pivots or jewels, which may be caused by a hammer or nail puller.

(4) Clean, fresh excelsior or its equivalent in special packaging material should be used as the shock-absorbing material. A layer of excelsior at least 3 to 4 inches deep, pressed down firmly, should surround each wrapped instrument. Instruments having pivoted components should be packed upside down.

(5) High-grade pivoted instruments of the laboratory standard type, which have comparatively heavy moving systems without clamping devices, should be packed with special care and should always be individually shipped in wooden boxes with the equivalent of 4 to 6 inches of excelsior around the wrapped instrument. Portable standard watthour meters (rotatably standards) should also be individually packed. A wedge made of a folded piece of cardboard may be placed between the rotating disc and the magnets to protect the meter bearings in transit.

(6) Certain heavy accessories used with instruments, such as ammeter shunts, current transformers, and voltage (potential) transformers, should be packed in separate boxes to avoid possible damage to the instruments. Heavy pieces should always be shipped in wooden boxes and held in place, if necessary, by checks or cleats. Large transformers, especially those having oil-filled iron cases, should be crated separately and arranged whenever possible so that the terminals can be made accessible for tests without removing the entire crate.

(7) The tops of boxes and crates must be marked "This Side Up". Boxes containing delicate instruments should be marked "Fragile, Handle With Care". Those containing any glass parts should be marked "Glass". Failure to use such markings precludes recourse in the event of loss or damage in shipping.

§ 201.301 *Standard resistors for current measurements.* (a) Standard resistors used to measure large currents may be heated by rated current to such an extent that their resistance while in use is materially different from that at room temperature. Such resistors when first submitted for test should be tested both with small test current and with full rated current (201.301a and c). The change in resistance between these two conditions, if not excessively large, is a fairly definite property of the standard, and in later tests determinations need be made only with small test current (201.301a). Resistors of very large current capacity are often so constructed that the temperature rise and distribution in them is dependent to a large extent upon the heat generated at the current-terminal contacts and on the cooling effects of the bus-bars to which they may be connected. When this is the case, resistance determinations made in the laboratory even with rated current cease to be of value because the working temperature conditions cannot be duplicated. The best experimental procedure to use in such cases is to place the standard in a temperature-controlled enclosure and measure its resistance with a comparatively low test current when it is heated uniformly to temperatures approximating that at which it will operate in service (201.301g and h). From data at two or more elevated temperatures combined with that at room temperature, a curve can be plotted from which the resistance at the operating temperature can be read off, provided this temperature is determined by the user with the standard under the actual operating conditions.

(b) Results of tests in this section are normally certified to an accuracy of 0.01 percent if the apparatus is of suitable quality.

Item	Description	Fee
201.301a	Initial determination of resistance at room temperature, at 50 percent rated current or less (current not to exceed 1,000 amperes)	$23.00
201.301b	Initial determination of resistance at room temperature, at current exceeding 50 percent rated current (current not to exceed 1,000 amperes)	29.00
201.301c	Test according to item 201.301a or 201.301b having been made, for an additional determination at another test current (not to exceed 1,000 amperes)	10.00
201.301d	Test of 1 range of a multirange shunt according to item 201.301a and 201.301c having been made, for 2 determinations of resistance at room temperature on another resistance range, 1 not exceeding 50 percent rated current and the other exceeding 50 percent rated current (current not to exceed 1,000 amperes)	16.00
201.301e	Test of 1 range of a multirange shunt according to item 201.301a having been made, for 1 determination of resistance at room temperature on another resistance range with a current not exceeding 50 percent rated current (current not to exceed 1,000 amperes)	7.00
201.301f	Test of 1 range of a multirange shunt according to item 201.301b having been made, for 1 determination of resistance at room temperature on another resistance range with a current exceeding 50 percent rated current (current not to exceed 1,000 amperes)	11.00
201.301g	Additional determination of resistance at temperatures above room temperature, at current not greater than 50 percent rated, for first elevated temperature	45.00
201.301h	Additional determination of resistance of each additional elevated temperature, at current not greater than 50 percent rated	10.00
201.301i	Twenty determinations of resistances corresponding to 9 plug positions and 11 slider positions of an adjustable low resistance standard, at 30 amperes	119.00
201.301j	For tests corresponding to those listed above but at current exceeding 1,000 amperes, the test fee is 50 percent higher.	
201.301z	For determinations of resistance requiring unusual setups or procedures, and for special tests not covered by the above schedule advance arrangements must be made. Fees for such tests will depend upon the nature of the test.	

§ 201.302 *Direct-current ammeters.*

NOTE: The combination of a millivoltmeter and shunt will be tested as an ammeter, and the fee will be the same as that given in 201.302 for an ammeter of the same range. If the millivoltmeter is also to be tested separately, the additional fee will be that given in § 201.303.

Item	Description	Fee
201.302a	Test at not more than 5 scale points on 1 range not to exceed 100 amperes	$25.00
201.302b	Test at not more than 5 scale points on 1 range greater than 100 amperes but not to exceed 3,000 amperes	39.00
201.302c	Test at 1 scale point on an additional range not to exceed 100 amperes	8.00
201.302d	Test at 1 scale point on an additional range greater than 100 amperes but not to exceed 3,000 amperes	11.00
201.302e	Test according to 201.302a, b, c, or d having been made, for each additional scale point on the same range	3.50
201.302z	For special tests not covered by the above schedule advance arrangements must be made. Fees will be charged dependent upon the nature of the test.	

§ 201.303 *Direct-current voltmeters and millivoltmeters.*

NOTE: For millivoltmeter and shunt, see § 201.302.

Item	Description	Fee
201.303a	Test at not more than 5 points on 1 range, not to exceed 500 volts	$25.00
201.303b	Test at 1 scale point on an additional range, not to exceed 500 volts	8.00
201.303c	Test according to 201.303a or 201.303b having been made, for each additional scale point on the same range, not to exceed 500 volts	3.50
201.303d	Determination of the instrument resistance (with low test voltage), for each range measured	4.50
201.303z	For tests at higher voltages, and for special tests not covered by the above schedule advance arrangements must be made. Fees will be charged dependent on the nature of the test.	

§ 201.304 *Alternating currents ammeters (20 to 30,000 c/s).* Unless otherwise specified, ammeters equally suitable for use on direct and alternating currents and with ranges up to 50 amperes will be tested by the procedures of items 201.304a–c and 201.304g–i, as the accuracy and information thus obtained materially exceed those given by the procedures of items 201.304d–f.

Item	Description	Fee
201.304a	Test at not more than 5 scale points on 1 range, using reversed direct current not exceeding 100 amperes	$29.00
201.304b	Test with reversed direct current at 1 scale point on an additional range, not to exceed 100 amperes	9.00
201.304c	Test according to item 201.304a or 201.304b having been made, for each additional scale point on the same range	3.50
201.304d	Test at not more than 5 scale points on 1 range and frequency, using alternating current	45.00
201.304e	Test at 1 scale point on an additional range or frequency, using alternating current	10.00
201.304f	Test according to item 201.304d or 201.304e having been made, for each additional scale point on the same range and frequency	3.50
201.304g	Determination of the difference between the reading on reversed direct current and the reading on alternating current at the first scale point at which this difference is determined, current not to exceed 50 amperes	16.00
201.304h	Determination of this difference at the first scale point on an additional range or frequency, current not to exceed 50 amperes	6.50
201.304i	Determination according to item 201.304g or 201.304h having been made, determination at an additional scale point with the same combination of range and frequency, current not to exceed 50 amperes	3.50
201.304z	For special tests not covered by the above schedule advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

§ 201.305 *Alternating-current voltmeters (20 to 30,000 c/s).* Unless otherwise specified, voltmeters equally suitable for use on direct and alternating voltages, and with ranges up to 750 volts, will be tested by the procedures of items 201.305a–e and 201.305m–o, as the accuracy and information thus obtained materially exceed those given by the procedures of items 201.305g–k. Because of the lower order of accuracy required, electronic voltmeters will be tested, at frequencies up to 30,000 c/s, in accordance with items 201.305p–q. If tests are to be made at higher frequencies, inquiries should be directed to the NBS laboratories at Boulder, Colorado.

Item	Description	Fee
201.305a	Test at not more than 5 scale points on 1 range, using reversed direct voltage, not to exceed 500 volts	$29.00
201.305b	Test at not more than 5 scale points on 1 range, using direct voltage of either polarity to ground, more than 500 volts but not to exceed 50,000 volts	63.00
201.305c	Test at 1 scale point on an additional range, using reversed direct voltage, not to exceed 500 volts	9.00
201.305d	Test at 1 scale point on an additional range, using direct voltage of either polarity to ground, more than 500 volts but not to exceed 50,000 volts	14.00
201.305e	Test according to item 201.305a or 201.305c having been made, for each additional scale point on the same range, not to exceed 500 volts	3.50
201.305f	Test according to item 201.305b or 201.305d having been made, for each additional scale point on the same range, more than 500 volts but not to exceed 50,000 volts	5.00
201.305g	Test at not more than 5 scale points on 1 range and frequency, using alternating voltage not to exceed 500 volts	45.00
201.305h	Test at not more than 5 scale points on 1 range and frequency, using alternating voltage more than 500 volts but not to exceed 50,000 volts at 60 cycles	47.00
201.305i	Test at 1 scale point on an additional range or frequency, using alternating voltage not to exceed 500 volts	10.00
201.305j	Test at 1 scale point on an additional range or frequency, using alternating voltage more than 500 volts but not to exceed 50,000 volts at 60 cycles	13.00
201.305k	Test according to item 201.305g or 201.305i having been made, for each additional scale point on the same combination of range and frequency, not to exceed 500 volts	3.50
201.305l	Test according to item 201.305h or 201.305j having been made, for each additional scale point on the same combination of range and frequency, more than 500 volts but not to exceed 50,000 volts at 60 cycles	4.50
201.305m	Determination of the difference between the reading on reversed direct voltage and the reading on alternating voltage at the first scale point at which this difference is determined, not to exceed 750 volts	16.00
201.305n	Determination of this difference at the first scale point on an additional range or frequency, not to exceed 750 volts	6.50
201.305o	Determination according to item 201.305m or 201.305n having been made, determination at an additional scale point with the same combination of range and frequency, not to exceed 750 volts	3.50
201.305p	Test of an electronic voltmeter at not more than 5 scale points on 1 range and frequency, using alternating voltage not to exceed 750 volts	24.00
201.305q	Test of an electronic voltmeter at each additional combination of range, scale point and frequency not to exceed 750 volts	3.50
201.305z	For special tests such as those of instruments requiring manipulation of controls, or at voltages and frequencies higher than those listed above, advance arrangements must be made. Fees will be charged depending on the nature of the test.	

§ 201.306 *Wattmeters.* Electrodynamic wattmeters on current ranges of ten amperes or less will be tested only by the procedures of items 201.306a–c and 201.306g–i as the accuracy and information thus obtained materially exceed those given by the procedures of items 201.306d–f.

(a) *Single phase.* When single-phase wattmeters are submitted for test without specific instructions and are of a type which may be operated on direct current and on alternating current, they will be tested with reversed direct current at five points on a base range and at two points on each other combination of ranges. They will then be given an a-c—d-c transfer test at two scale points (the determination of the difference in indication between the mean of results obtained with the two directions of direct current and the results with alternating current constitutes an a-c—d-c transfer test). This transfer test should be made at a low power factor (50 percent) on each voltage range, as the percentage errors resulting from inductance in the voltage circuit are much greater at low than at high power factor. A transfer test at unity power factor is generally necessary only on one range.

(b) *Polyphase.* Unless otherwise specified polyphase wattmeters will be tested first for interaction by applying alternating voltage to the voltage circuit of one element and alternating current to the current circuit of the other element and vice versa. If the interaction is sufficiently small the wattmeter will then be tested on reversed direct current with the current coils of the two elements in series and the voltage coils in parallel. A further test will be made to determine the departure from equality of the two elements at zero by opposition and at two other points on the scale by reversed d-c tests on the separate elements. In computing the fee, the normal rating of one element will be taken as the normal rating of the wattmeter.

Item	Description	Fee
201.306a	Test at not more than 5 scale points on 1 range using reversed direct current, not to exceed 100 amperes and 500 volts	$40.00
201.306b	Test at 1 scale point on each additional range using reversed direct current, not to exceed 100 amperes and 500 volts	10.00
201.306c	Test according to item 201.306a or 201.306b having been made, for each additional scale point on the same range, not to exceed 100 amperes and 500 volts	3.50
201.306d	Test at not more than 5 scale points on 1 range, frequency and power factor, using alternating current at frequencies not to exceed 70 c/s, current not to exceed 100 amperes and voltages not to exceed 500 volts	60.00
201.306e	Test at 1 scale point on an additional range, frequency or power factor, using alternating current at frequency not to exceed 70 c/s, current not to exceed 100 amperes and voltage not to exceed 500 volts	19.00
201.306f	Test according to item 201.306d or 201.306e having been made, for each additional scale point on the same combination of range, frequency and power factor, not to exceed 100 amperes and 500 volts	4.50
201.306g	Determination of the difference between the reading on reversed direct current and the reading on alternating current at the first scale point at which this difference is determined, at currents not to exceed 10 amperes	17.00

Item	Description	Fee
201.306h	Determination of this difference at 1 scale point on an additional range, frequency or power factor, at currents not to exceed 10 amperes	$10.00
201.306i	Determination according to item 201.306g or 201.306h having been made, determination at each additional scale point with the same combination of range, frequency and power factor, at currents not to exceed 10 amperes	3.50
201.306j	Determination of the resistance, with low test voltage of the voltage circuit, for each range measured	4.50
201.306k	Determination of interaction between elements of a polyphase wattmeter at zero, and equality of the elements at zero and 2 other scale points, current not to exceed 100 amperes and voltage not to exceed 500 volts	18.00
201.306z	For frequencies greater than 70 c/s and for special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

§ 201.307 *Watthour meters.* Tests of watthour meters consist of determinations of their percentage registration "as received." Before tests can be started the test conditions must be completely specified as to current and voltage ranges to be tested, frequency, applied voltage and current, and power factor. A guide listing a limited yet adequate schedule of tests is available at no charge. It is recommended that meters be cleaned and well adjusted before being submitted for tests, as the Bureau cannot undertake the cleaning or adjustments of meters. Unless otherwise specified, test runs on portable standard watthour meters (rotating standards) are of 100-second duration, after an initial warm-up of 30 minutes with the rotor stationary and with the test voltage only applied.

Item	Description	Fee
201.307a	Test at 60 c/s on 1 range-combination of voltage and current at 1 power factor with not more than 5 current loads, current not to exceed 100 amperes and voltage not to exceed 520 volts	$38.00
201.307b	Additional test at 1 current load used in 201.307a with a different combination of range, power factor and applied voltage	5.50
201.307c	Additional test at 1 current load other than those used in 201.307a but with the same combination of range, power factor and applied voltage as in (a) or (b)	3.50
201.307d	For tests at frequencies other than 60 c/s or at voltages greater than 520 volts and for tests of house type watthour meters, the fee will be 50 percent greater than the fee indicated in (a), (b), or (c), as applicable.	
201.307z	For special tests not covered by the above schedule, fees will be charged depending upon the nature of the test.	

§ 201.308 *Frequency meters for power frequencies.*

Item	Description	Fee
201.308a	Test of not more than 5 reeds or not more than 5 scale points	$53.00
201.308b	Test according to item 201.308a having been made, for an additional reed or scale point	5.50
201.308z	For tests at frequencies outside the range 15 to 75 c/s, and for special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

§ 201.309 *Current transformers.* (a) Tests cannot be started until information is furnished concerning the following conditions: (1) Test frequency; (2) secondary test currents; (3) secondary burdens; (4) ranges to be tested. It is customary to make tests at 0.5, 1, 2, 3, 4 and 5 amperes (secondary), and the specification of other values within this range should be avoided if possible.

(b) Only well-designed transformers of good construction should be submitted for test. The Bureau reserves the right to decline to make extended tests on transformers which show unduly large errors in ratio or phase angle or which fail to repeat their performance. The Bureau's equipment is suitable for testing only those current transformers whose rated secondary current is five amperes. The results will, in general, be certified to 0.05 percent in ratio and to 1 minute in phase angle.

(c) Current transformers should be tested with burdens which approximate those with which they are to be used. The "statement burdens" listed in the "American Standard for Instrument Transformers, C57.13" are for rating purposes only, and do not correspond to actual instrument burdens. The ASA standard burdens differ so greatly from the usual instrument burdens that tests made using them do not provide values of ratio and phase angle sufficiently accurate for use with actual instrument loads. Hence the inclusion of tests at ASA burdens is not recommended. The test apparatus regularly used at the Bureau imposes a minimum test burden of about 0.16 ohm with a minimum inductance of about 10 μh. In the advance planning of tests, the user should if possible select a burden larger than this minimum, and preferably not less than 0.2 ohm and a smaller actual instrument burden can easily be made up as series resistance (or lead resistance) by the user. Generally there is very little to be gained in transformer performance by making the burden less than 0.2 ohm, because the resistance of the secondary winding of the transformer is itself usually several tenths of an ohm. Tests with lower burdens may be made with special equipment when necessary, but arrangements for such tests must be made in advance and higher fees must be charged. If the burden is specified in terms of measured resistance and inductance, the leads used to connect the instruments to the transformer should be included in the measurement. If it is not convenient to make this measurement, it will suffice in most cases to state the maker's name, type, range, and serial number of each instrument used in the burden, and the size and length of wire used in the secondary circuit.

(d) Multiple-range current transformers, in which the same sections of primary windings are used in series and in parallel, usually have phase angles and ratio factors which are equal on the several ranges to within the accuracy needed for almost any measurement purpose. Hence a test at six values of secondary current on one range is nearly always sufficient to determine the characteristics of the transformer. Further tests, often made at 0.5 and 5 secondary amperes on each additonal range, merely serve as a safeguard by means of which mistakes in winding may be detected. When the various ranges of a multirange transformer are obtained by taps on either winding, this relation does not necessarily hold, particularly in the case of secondary taps; and tests in addition to the initial six-point test on one range should be made using at least two values of secondary current on each of the ranges so obtained. Transformers of some designs, however, show very little difference in ratio factor and phase angle on the various ranges, and the Bureau should be consulted before tests on a large number of ranges are ordered.

(e) Unless otherwise specified, current transformers will be demagnetized before being tested. If it is desired to have a transformer tested as submitted (without demagnetization), this fact should be specifically stated.

Item	Description	Fee
201.309a	Test for ratio of transformation and phase angle of a current transformer at 1 frequency and 1 burden (not less than 0.2 ohm resistance) at not more than 6 values of secondary current, namely, 0.5, 1, 2, 3, 4, and 5 amperes unless otherwise ordered; primary current not to exceed 500 amperes	$11.00
201.309b	Test for ratio of transformation and phase angle of a current transformer at 1 frequency and 1 burden (not less than 0.2 ohm resistance) at not more than 6 values of secondary current, namely, 0.5, 1, 2, 3, 4, and 5 amperes unless otherwise ordered; primary current greater than 500 amperes but not to exceed 8,000 amperes	70.00
201.309c	Test for ratio and phase angle at 1 value of secondary current on an additional combination of frequency, range and burden (not less than 0.2 ohm resistance); primary current not to exceed 500 amperes	8.00
201.309d	Test for ratio and phase angle at 1 value of secondary current on an additional combination of frequency, range and burden (not less than 0.2 ohm resistance); primary current greater than 500 amperes but not to exceed 8,000 amperes	16.00
201.309e	Test according to item 201.309a, b, c, or d having been made, determinations of ratio and phase angle at an additional value of secondary current with the same combination of frequency, range and burden, primary current not to exceed 8,000 amperes	3.50
201.309z	For tests of current transformers at frequencies other than 25, 50, or 60 c/s, or with burdens less than 0.2 ohm resistance, or with primary current greater than 8,000 amperes, and for special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

§ 201.310 *Voltage (potential) transformers.* (a) Tests cannot be started until information is furnished concerning the following test conditions: (1) Test frequency; (2) secondary test voltages; (3) secondary burdens; (4) ranges to be tested.

(b) Only well-designed transformers of good construction should be submitted for test. The Bureau reserves the right to decline to make extended tests on transformers which show unduly large errors in ratio or phase angle, or which fail to repeat their performance. The results will, in general, be certified correct to 0.05 percent in ratio and 1 minute in phase angle.

(c) The ratio and phase angle of a voltage transformer change linearly with changes in secondary current at constant voltage, frequency and power factor within its rating. Hence, if values of ratio and phase angle are determined for two secondary burdens having the same power factor, values for intermediate currents may be found by interpolation. It is also possible to compute with good accuracy the performance of a voltage transformer at any burden within its rating from data obtained at open circuit and at one noninductive load (preferably the full load indicated by the name plate rating of the transformer) at the same secondary voltage and frequency. Formulas for this purpose are printed on the back of the Bureau's certificate form for voltage transformers. When a secondary burden of fixed impedance is used, the ratio and phase angle of a voltage transformer are nearly independent of the secondary voltage within its normal operating range. Hence a test at one secondary voltage is generally sufficient, unless the transformer is to be used over a considerable range of secondary voltages. The "standard burdens" of the American Standard for Instrument Transformers, ASA C57.13, are for rating purposes only, and their inclusion as specified burdens is not recommended. The performance of a voltage transformer with such burdens may readily be computed from values taken at unity power factor burdens, using the formulas printed on the back of the Bureau's certificate form.

(d) Multirange voltage transformers, in which the same sections of the primary winding are used in series and in parallel to obtain several ranges, usually have phase angles and ratio factors on the various ranges which are equal to within the accuracy needed for most measurement purposes. Hence a test on one range at all the desired burdens is usually sufficient to determine the performance of the transformer for all such ranges. In addition, tests on each of the other ranges at some one burden may also be desirable in cases where extreme accuracy is required.

(e) When a voltage transformer is submitted with fuses in the primary circuit, the test will be made (in the absence of instructions to the contrary) with the fuses considered as part of the primary winding.

Item	Description	Fee
201.310a	Test for ratio of transformation and phase angle of a voltage transformer at 1 frequency, 1 range and 1 secondary voltage with not more than 4 values of secondary burden, namely, those giving zero, half and full rated noninductive load at rated voltage, and with 1 instrument burden to be specified by the customer; primary voltage not to exceed 25,000 volts	$50.00
201.310b	Test for ratio of transformation and phase angle of a voltage transformer at 1 frequency, 1 range and 1 secondary voltage with not more than 4 values of secondary burden, namely, those giving zero, half and full rated noninductive load at rated voltage, and with 1 instrument burden to be specified by the customer; primary voltage greater than 25,000 volts but not to exceed 100,000 volts	70.00
210.310c	Test for ratio of transformation and phase angle of a voltage transformer at 1 frequency, 1 range and 1 secondary voltage with not more than 4 values of secondary burden, namely, those giving zero, half and full rated noninductive load at rated voltage, and with 1 instrument burden to be specified by the customer; primary voltage greater than 100,000 volts but not to exceed 250,000 volts	$159.00
201.310d	Determination of ratio and phase angle at 1 value of secondary voltage on an additional range or frequency, and with 1 of the burdens used in tests performed according to item 201.310a, b, or c; primary voltage not to exceed 25,000 volts	10.00
201.310e	Determination of ratio and phase angle at 1 value of secondary voltage on an additional range or frequency, and with 1 of the burdens used in tests performed according to item 201.310a, b, or c; primary voltage greater than 25,000 volts but not to exceed 100,000 volts	15.00
201.310f	Determination of ratio and phase angle at 1 value of secondary voltage on an additional range or frequency, and with 1 of the burdens used in tests performed according to item 201.310a, b, or c; primary voltage greater than 100,000 volts but not to exceed 250,000 volts	25.00
201.310g	Tests according to item 201.310a, b, c, d, e, or f having been made, determination of ratio and phase angle with a second burden used in item 201.310a, c, and with the same combination of range, frequency and voltage used in item 201.310d, e, or f	6.50
201.310h	Tests according to item 201.310a, b, c, d, e, or f having been made, determination of ratio and phase angle at an additional burden other than those used in tests made in accordance with item 201.310a, b, or; primary voltage not to exceed 250,000 volts	21.00
201.310i	Tests according to item 201.310a, b, c, d, e, f, g, or h having been made, for determination of ratio and phase angle at an additional value of secondary voltage on the same combination of range, frequency and burden; primary voltage not to exceed 250,000 volts	4.50
201.310z	For tests of voltage transformers at frequencies other than 25, 50, or 60 c/s, or with primary voltage greater than 250,000 volts, and for other special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending on the nature of the test.	

§ 201.311 *Volt boxes.* A measurement voltage divider (volt box) is a tapped resistor used to extend the voltage range of a potentiometer or other voltage-measuring devices. Its ratio for any one range is defined as the ratio of the total applied voltage to the voltage drop in the tapped section across which the measuring device is connected, no current being withdrawn at the tap point. Both self-heating and humidity effects may cause changes of several hundredths percent in the value of ratio. Measurement voltage dividers should therefore be tested at rated voltage. A further test at 20 percent rated voltage is often desirable because at this voltage any self-heating effect would be negligible. From the two values the extent of the self-heating effect at rated voltage can be determined and an estimate can be made of effects at intermediate voltages. Tests having once been made on a measurement voltage divider at rated voltage and at 20 percent of rated voltages, later tests need be made only at rated voltage since the self-heating effect should not change with time.

Item	Description	Fee
201.311a	Test for ratio on 1 range at rated voltage, not to exceed 1,500 volts, and at a ratio not to exceed 5,000/1	$38.00
201.311b	Test according to 201.311a having been made, test at rated voltage on an additional range	8.50
201.311c	Test according to item 201.311a or 201.311b having been made, for test at a reduced voltage on the same range	4.50
201.311z	For tests on volt boxes at voltages exceeding 1,500 volts, for ratios greater than 5,000/1, and for special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

§ 201.312 *Instrument transformer testing sets (portable).*

Item	Description	Fee
201.312a	Determination of the values of current ratio and phase angle for settings of the dials of a portable current transformer testing set at 60 c/s	$172.00
201.312b	Determination according to 201.312a having been made, for corresponding determinations at 25 c/s	26.00
201.312c	Determination of values of the voltage ratio and phase angle for settings of the dials of a portable voltage transformer testing set at 60 c/s	172.00
201.312d	Determinat on according to item 201.312c having been made, for corresponding determinations at 25 c/s	14.00
201.312z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

MAGNETIC MEASUREMENTS

§ 201.400 *General.* (a) A general discussion of magnetic principles methods used in magnetic testing is given in NBS Circular 456, Magnetic Testing, issued in 1946. Copies can be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., price 10 cents.

(b) Tests in this field are for the most part made on standard samples which service to coordinate work in various laboratories and thus secure uniformity in commercial testing. For this purpose it is essential that the standard bars be very uniform in their magnetic properties. The National Bureau of Standards does not normally make routine acceptance tests of magnetic materials unless these specimens are to be used, at least temporarily, as standards. The standard dimensions of magnetic test specimens are given in §§ 201.401 and 201.402. It is occasionally possible to test specimens of unusual materials or shapes where the services of the National Bureau of Standards are needed in the development of new test procedures which are likely to be of importance in the industry. In such cases a full understanding of the problem should be developed by correspondence, or preferably by a visit which will permit direct discussion between the engineers concerned and our staff.

§ 201.401 *General magnetic measurements; normal induction and hysteresis.* Specimens submitted for test should be of rectangular cross section, width not to exceed 3.0 cm (1⅛ in); thickness not to exceed 1.0 cm (⅜ in.); for magnetizing forces from 0 to 300 or 0 to 5,000 oersteds.

length to be not less than 25.4 cm (10 in.); for magnetizing forces in the range 100 to 5,000 oersteds, length to be not less than 7 cm (2⅝ in.). Specimens whose permeability is not greater than 4 may be of circular cross section, diameter not to exceed 1.27 cm (½ in.) but in any event the cross-sectional area must be not less than 0.2 sq. cm (0.031 sq. in.).

Item	Description	Fee
201.401a	Determination of data for normal induction curve in the range 0–300 oersteds	$28.00
201.401b	Determination of data for normal induction curve in the range 100–5,000 oersteds	28.00
201.401c	Determination of data for normal induction curve in the range 0–5,000 oersteds	48.00
201.401d	Determination of data for demagnetization curve, 1 value of magnetizing force	34.00
201.401e	Same as 201.401d, each additional value of maximum magnetizing force	25.00
201.401f	Determination of permeability for specimens whose permeability is less than 4; first specimen	10.00
201.401g	Each additional specimen submitted at the same time	5.00
201.401z	For examination of material found to be unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test.	

§ 201.402. *Magnetic materials; A–C permeability and core loss.* Test specimens should consist of the proper number of strips 3 cm (1^{3}⁄$_{16}$ in.) wide and either 28 cm (11^{1}⁄$_{32}$ in.) to 30.5 cm (12 in.), or 50 cm (19^{11}⁄$_{16}$ in.) long prepared in accordance with the specifications of the American Society for Testing Materials, A–34.

Item	Description	Fee
201.402a	Determination of total core loss at 60 c/s at 1 value of maximum induction	$25.00
201.402b	Same as 201.402a, each additional value of maximum induction	10.00
201.402c	Determination of a-c permeability at 60 c/s at 1 value of maximum induction	25.00
201.402d	Same as 201.402c, each additional value of maximum induction	10.00
201.402z	For examination of material found to be unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test.	

§ 201.403 *Magnetic testing apparatus; Mutual inductors, search coils, and fluxmeters.*

Item	Description	Fee
201.403a	Determination of mutual induction by direct current	$17.50
201.403b	Same as 201.403a, each additional inductor submitted at the same time or each additional value for variable or tapped inductors	7.00
201.403c	Determination of the area-turns of a search coil, first coil	17.50
201.403d	Each additional search coil submitted at the same time	7.00
201.403e	Calibration of fluxmeter at not more than 5 points on 1 range	28.00
201.403f	Calibration of fluxmeter at 1 scale point on an additional range	7.00
201.403z	For examination of apparatus unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test.	

DIELECTRICS

§ 201.500. *Dielectric constant, power factor.*

NOTE: In general, tests of insulating and dielectric properties of materials are made only on specimens of pure materials of known composition where values are considered of use by the Bureau, or by other government agencies, or in connection with cooperation in improving methods of measurement. Measurements are not made on the effective insulation resistance of dielectric constant and power factor of structures and assemblies of insulation, or on electric breakdown generally. Inquiries giving comprehensive information regarding any tests desired from low frequencies up to 30 kc/s should be directed to the National Bureau of Standards, Washington, D. C. Inquiries about tests above 30 kc/s should be addressed to the NBS, Boulder, Colorado.

ELECTROCHEMISTRY

§ 201.801 *Standard cells.* (a) Normally about 2 weeks are required to complete a test of a standard cell of the unsaturated type. The cells are kept in a thermally insulated cabinet and readings of their emf are taken daily for a period of ten days after the values have become reasonably constant. If the emf continues to fluctuate, or is abnormally low, or if the cell shows other indications of poor quality, a report is issued in lieu of a certificate and the nature of the failure is indicated. Cells should be carefully packed and if this is done, cells of the unsaturated type are not likely to be injured by normal transportation (mail or express). Shipment during very cold weather should preferably be avoided because of the possible hazard from freezing.

(b) Cells of the saturated type should be transported by messenger because they should not be inverted. It is desirable that such cells be kept in our temperature-controlled baths for a period of several weeks or months in order to make sure that the final average values are truly representative of the high accuracy of which such saturated cells are capable.

Item	Description	Fee
201.801a	Cadmium standard cell (unsaturated type), determination of electromotive force with accuracy of 0.01 percent	$15.00
201.801b	Cadmium standard cell (saturated type), measurement of the first cell of a group at a fixed temperature of 28° C. in a thermostatically controlled oil bathor at a fixed temperature in a thermoregulated air bath	30.00
201.801c	Each additional saturated cell of a group	15.00
201.801d	Cadmium standard cell (saturated type), measurement of the first cell of a group at any temperature between 20° C. and 30° C., except 28° C., in a thermostatically controlled oil bath	40.00
201.801e	Each additional cell of a gronp (at temperatures between 20° C. and 30° C., except 28° C., in thermostatically controlled oil bath)	20.00
201.801z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

PART 203—HEAT AND POWER

1. Section 203.401 *Viscometers* is amended by the following statement:

a. The National Bureau of Standards announces the discontinuance of the calibration of viscometers, effective January 1, 1958.

b. The National Bureau of Standards has for many years made available to users of viscometers a series of standard viscosity oils for use as viscometer calibrating liquids. In addition, the Bureau has undertaken the calibration of a few types of capillary tube viscometers at the request of the user or supplier of such instruments. Directions for the calibration of these instruments are available in the literature (American Society for Testing Materials Method D445). Most users prefer to effect the calibration of these instruments in their own laboratories using the oil standards available from the NBS or from the American Petroleum Institute. Calibration of these viscometers by the user has the advantage that the effects of any slight peculiarities of operating technique and accessory equipment may tend to cancel out when they are the same for both the calibration and the measurements on unknowns.

c. The Bureau is proposing to discontinue only the viscometer calibration service. The standard viscosity oils will continue to be available as in the past, for use in calibrating viscometers.

d. Accordingly, § 203.401 *Viscometers* is deleted.

PART 206—MECHANICS

1. Section 206.204 *Timepieces* is deleted.

PART 210—BUILDING TECHNOLOGY

FIRE RESISTANCE

1. A new § 210.201 is added to read as follows:

§ 210.201 *NBS fire resistance tests of building components.* (a) The National Bureau of Standards has for over 40 years been active in studies of the fire resistance behavior of structures. Many tests have been performed in cooperation with industrial organizations. Recently limitations on funds available for such work, together with the administrative policy of avoiding competition with commercial or industrial testing laboratories, have necessitated almost complete elimination of such cooperative activities. It has, however, become apparent that the demand for certain fire resistance tests has so greatly exceeded the rate with which tests can be performed by other laboratories that excessive delays in the evaluation of construction behavior have resulted. Because of this, and the recent introduction of a means whereby the National Bureau of Standards can make use of funds supplied by industry in reimbursement for such work, the Bureau may now accept requests for a limited number of fire resistance tests of structures. To be acceptable for consideration for test, constructions must be of a type which permits adequate engineering description of the various components. Constructions involving the use of secret fabrication processes or material compositions of a type likely to influence test performance will not be considered. Requests for tests should be made in writing to the Fire Protection Section, National Bureau of Standards, Washington 25, D. C. To expedite acceptance, requests should be accompanied with detail drawings and specifications of the structures proposed for test. It is also desirable that information be provided to indicate the extent to which the submitter has investigated the availability of other laboratories for such work.

(b) At the present time only two types of fire resistance tests appear likely to be considered as qualifying for performance under the foregoing policy. These are:

Item	Description	Fee
210.201a	Fire endurance test of a floor, roof, or ceiling, 13½ x 18 feet	$2, 210. 00
210.201b	Fire endurance test of structural column subject to load, 13 feet high	1, 835. 00

NOTE: This modification in no way affects the previous long standing policy of performing all types of fire tests for other Federal agencies at their expense.

PART 214—RADIO STANDARDS

1. Part 214—Radio Standards published originally as Part 284 in the FEDERAL REGISTER issue of March 30, 1956, and redesignated Part 214 in the issue of April 11, 1956, is amended by the following statement.

a. All test fee schedules for this part were discontinued, effective July 1, 1957, and pending completion of permanent test setups for Rf measurements at Boulder.

b. Calibration services will be continued and cost estimates of proposed tests or calibrations will be made. All inquiries concerning tests or calibrations of High Frequency and Microwave Standards or other radio or microwave equipment should be addressed to: National Bureau of Standards, Radio Standards Laboratory, Boulder, Colorado.

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
Director,
National Bureau of Standards.

Approved: August 30, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-7363; Filed, Sept. 10, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6711]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WARSON PRODUCTS CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.90 *History of product or offering;* § 13.130 *Manufacture or preparation;* § 13.170 *Qualities or properties of product or service;* § 13.195 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Warson Products Corp. et al., St. Louis, Mo., Docket 6711, Aug. 22, 1957]

In the Matter of The Warson Products Corporation, a Corporation, and John J. Powers, George R. Williams, and Donald E. Fahey, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in St. Louis, Mo., with disseminating advertising in newspapers and by radio and television broadcasts which represented falsely that their "Warsene Capsules" were an effective treatment for the pains and discomforts of arthritis, rheumatism, etc.; contained several active ingredients and were made like a doctor's prescription; and were a new and different kind of treatment not theretofore available which would not cause stomach upset.

Following approval of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent The Warson Products Corporation, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the preparation "Warsene Capsules", or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said preparation:

a. Is an adequate, effective, or reliable treatment for the aches, pains, or discomforts of any kind of arthritis, rheumatism, neuralgia, neuritis, bursitis, sciatica, lumbago, muscle soreness, or allied disorders; will afford immediate, complete, or permanent relief from the aches, pains, or discomforts thereof, or have any therapeutic effect on the symptoms or manifestations of any such conditions or disorders in excess of affording temporary relief of minor aches or pains thereof;

b. Contains any analgesic ingredient other than salicylamide;

c. Is made like a doctor's prescription, provided, however, this shall not prohibit the making of truthful representations concerning the use of such product by physicians;

d. Is a new, or substantially different, kind of preparation or substantially different in its mode of action or analgesic effect from other commonly used analgesics;

e. Will not cause stomach upset;

2. Disseminating or causing to be disseminated any advertisements by any means, for the purpose of inducing, or which will likely induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of such preparation which contain any of the representations prohibited in Paragraph 1 of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent The Warson Products Corporation, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 22, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-7447; Filed, Sept. 10, 1957; 8:52 a. m.]

[Docket 6613]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MORSE SALES, INC.

Subpart—*Using, selling, or supplying lottery devices:* § 13.2470 *Using, selling, or supplying lottery devices;* § 13.2480 *In merchandising.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Morse Sales, Inc., et al., Chicago, Ill., Docket 6613, Aug. 22, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Chicago with selling and distributing electric appliances, housewares, and other articles of merchandise by means of push cards, and with supplying push cards for use in such sale.

Following respondents' answers and hearings in due course, the hearing examiner made his initial decision and order to cease and desist from which counsel for respondents filed appeal. The Commission, having heard the matter on briefs, denied the appeal and on August 22 adopted the initial decision as its own decision.

The order to cease and desist is as follows:

It is ordered, That the respondents, Morse Sales, Inc., a corporation, its officers, agents, employees or representatives, and Leo R. Fox, individually and as an officer thereof, his agents, employees or representatives, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to, or placing in the hands of others, pull cards, push cards,

or any other lottery devices, either with merchandise or separately, which are designed or intended to be used in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondents Morse Sales, Inc., a corporation, and Leo R. Fox, individually and as an officer thereof, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said initial decision.

Issued: August 22, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7448; Filed, Sept. 10, 1957; 8:53 a. m.]

[Docket 6686]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

L'ARGENE PRODUCTS CO.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.50 *Dealer or seller assistance;* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.235 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Pretricketing merchandise.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1400 *Dealer as manufacturer;* [*Misrepresenting oneself and goods*]—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious pretricketing.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Joseph H. Somlo doing business as L'Argene Products Co., New York, N. Y., Docket 6686, Aug. 21, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in New York City with representing falsely in advertising in circulars and magazines and on the labeling of his perfume products that fictitious and excessive prices were the usual retail prices; that the perfumes were compounded in France and that he manufactured them; and with advertising falsely that they were nationally advertised on television.

Following an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Joseph H. Somlo, individually and trading as L'Argene Products Co., or trading under any other name, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, colognes or any other related product, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products, which advertisement:

(a) Contains or lists prices or amounts when such prices or amounts are in excess of the prices at which the products are usually and customarily sold at retail.

(b) Uses the words "From Paris To You" or a picture of the Eiffel Tower or any picturization indicative of France in connection with any products not manufactured or compounded in France, or otherwise representing, directly or by implication, that such products are manufactured or compounded in France.

(c) Uses any French name or word as a corporate or trade name or as a part thereof or any name, word, term or depiction indicative of French origin in connection with products manufactured or compounded in the United States, unless it is clearly and conspicuously revealed in immediate connection and conjunction therewith that such products are manufactured or compounded in the United States.

(d) Represents, directly or by implication, that respondent manufactures the products sold by him.

(e) Represents, directly or by implication, that the products sold by him are advertised on television or in any other manner that is not in accordance with the facts.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondent's products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 of this order.

It is further ordered, That respondent Joseph H. Somlo, individually and trading as L'Argene Products Co., or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, colognes, or any other related product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Setting out prices or amounts on the labels or in the labeling of his products, when such prices or amounts are in excess of the prices at which such products are usually and customarily sold at retail.

2. Using the words "From Paris To You" or a picture of the Eiffel Tower or any picturization indicative of France in connection with any products not manufactured or compounded in France, or otherwise representing, directly or by implication, that such products are manufactured or compounded in France, on the labels or in the labeling.

3. Using any French name or word as a corporate or trade name or as a part thereof or any name, word, term or depiction indicative of French origin, on the labels or in the labeling of products manufactured or compounded in the United States, unless it is clearly and conspicuously revealed in immediate connection and conjunction therewith that such products are manufactured or compounded in the United States.

4. Representing, directly or by implication, on the labels or in the labeling that respondent manufactures the products sold by him.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: August 21, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7449; Filed, Sept. 10, 1957; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54426]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

NEWLY-DESIGNATED CUSTOMS STATION OF GRAMERCY, LA.

The town of Gramercy, Louisiana, was designated as a customs station in Customs Collection District No. 20 (New Orleans) effective July 19, 1957.

Section 1.2 (d), Customs Regulations, is hereby amended by adding "Gramercy, La." preceding "Morgan City, La." in the column headed "Customs station" and by adding "New Orleans" opposite "Gramercy, La." in the column headed "Port of entry having supervision" in District No. 20.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: August 30, 1957.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 57-7420; Filed, Sept. 10, 1957; 8:47 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter Q—Leasing and Permitting of Restricted Indian Lands and Other Lands Administered by the Bureau of Indian Affairs for Farming, Farm Pasture, Business, and Other Purposes

PART 171—LEASING AND PERMITTING

PALM SPRINGS, CALIF.

Section 171.29, a new section, has been added to read as follows:

§ 171.29 *Palm Springs, California.* In addition to the authority for the negotiation of leases contained in § 171.8, leases or permits for the use of individual trust or restricted lands belonging to members of the Agua Caliente or Palm Springs band of Mission Indians may be negotiated by guardians duly qualified as to authority and bond under the laws of California, to enter into transactions on behalf of the owner of the property. Such leases shall be made on forms approved by the Secretary, subject to the regulations of this part and the written approval of the Secretary. Leases so negotiated shall provide that rentals due may, in the discretion of the Secretary, be paid to such guardians, providing, however, that at any time during the term of the lease, the Secretary may, at his discretion and upon thirty days' notice to the lessee, require the remaining rentals to be paid to the Secretary.

(R. S. 161; 5 U. S. C. 22)

HATFIELD CHILSON, *Secretary of the Interior.*

SEPTEMBER 5, 1957.

[F. R. Doc. 57-7413; Filed, Sept. 10, 1957; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

JAMAICA BAY, NEW YORK

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.190 (f) is hereby amended to include the North Channel Bridge in Jamaica Bay, at Hamilton Beach, Borough of Queens, New York, New York, as follows:

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

• • • • • •

(3-b) Jamaica Bay, North Channel; New York City Transit Authority bridge at Hamilton Beach, Borough of Queens, New York, New York. At least 24 hours' advance notice required, except that the draw shall be opened promptly at any time for the passage of vessels owned, controlled or employed by the United States or by the City of New York, upon reasonable notice.

• • • • • •

[Regs., 22 August 1957, 823.01 (Jamaica Bay, N. Y.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 57-7407; Filed, Sept. 10, 1957; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—FIRST CLASS

PART 33—METERED STAMPS

PART 44—CONDITIONS OF DELIVERY

MISCELLANEOUS AMENDMENTS

a. In § 21.2 *Classification*, amend paragraph (c) (6) as follows:

1. In form A, strike out 3¢ and insert in lieu thereof 4¢.

2. In form C strike out 5¢ and insert in lieu thereof 6¢.

(R. S. 161, 396, as amended; sec. 8, 20 Stat. 358, sec. 2, 45 Stat. 940; 5 USC 22, 369, 39 USC 222, 303)

b. In § 33.3 *Use of meter*, amend paragraph (b) as follows:

1. Designate the text thereof as subparagraph (1).

2. Add subparagraph (2) to read as follows:

(2) Your local postmaster may set a meter for use in paying postage on fourth-class packages to be presented at another post office under the following conditions:

(i) A meter license must be obtained from the post office where packages are to be mailed (see § 33.2 (a)). When the license is received, present it to the local post office with the meter for setting. The license will be returned to you.

(ii) A separate meter must be used for each post office. The postmark die must show the name of the post office of mailing.

(iii) Payment for each meter setting must be made by certified check payable to the postmaster at the post office where packages will be mailed. The check must be presented to the local post office when the meter is set.

(iv) The packages may not be consigned to the post office in bulk by freight, express or other carrier. They must be presented for mailing at a designated receiving point in the post office by the mailer's representative. The postmaster may not act as the mailer's representative and the Department has no responsibility for the packages until they are actually received in the mails.

(v) Packages sent to other post offices for mailing must be shipped in private containers. Post offices will not furnish mail sacks for this purpose.

(vi) If other than fourth-class mail is presented under this arrangement, the matter will be refused.

(vii) When the use of a meter is discontinued, it must be presented to the post office where it was set for checking out of service. Any postage adjustment will be made by the postmaster where the packages have been mailed.

(R. S. 161, 396, as amended; sec. 5, 41 Stat. 583, as amended; 5 USC 22, 369, 39 USC 273)

c. In § 44.1 *Delivery to persons*, add new paragraph (f) to read as follows:

(f) *Restricted delivery.* Registered certified, numbered insured, and COD mail which the sender has restricted in delivery to the addressee only may not be delivered to any other person except as provided in § 51.7 (g) of this chapter.

d. In § 44.6 *Delivery of mail addressed to persons at firms, hotels, institutions, schools, etc.*, add new paragraph (c) to read as follows:

(c) Registered mail addressed to persons at hotels and apartment houses will be delivered to the persons designated by the management of the hotel or apartment house in a written agreement with the Postal Service. If delivery of the registered mail has been restricted by the sender, it may not be delivered to the representative of the hotel or apartment house, but only to the addressee.

(R. S. 161, 396, as amended, 3926, as amended; 5 USC 22, 369, 39 USC 381)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 57-7423; Filed, Sept. 10, 1957; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1478]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF PUBLIC ROADS AS ADMINISTRATIVE SITES; PARTIALLY REVOKING PUBLIC LAND ORDER NO. 868 OF OCTOBER 21, 1952

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Bureau of Public Roads, Department of Commerce, as administrative sites:

ANCHORAGE 027045

Beginning at a point on the east right-of-way line of the Richardson Highway, 150 feet from the center line thereof and 200 feet north of the north end of Stewart Creek bridge, thence

Easterly, 311.14 feet, at right angles to centerline of road;
Northerly, 700.00 feet, parallel to centerline of road;
Westerly, 311.14 feet to right-of-way of road;

Southerly, 700.00 feet along right-of-way to point of beginning.
The tract described contains 5 acres.

ANCHORAGE 028162

U. S. Survey No. 3312,
Tract C, lots 18A and 19A.

The areas described aggregate 9 acres.

Public Land Order No. 868 of October 21, 1952, which withdrew certain lands for classification, is hereby revoked so far as it affects the lands in Anchorage 028162.

ROGER C. ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 4, 1957.

[F. R. Doc. 57-7414; Filed, Sept. 10, 1957; 8:46 a. m.]

[Public Land Order 1479]

IDAHO

RESERVING LANDS WITHIN KANIKSU AND CACHE NATIONAL FORESTS FOR USE OF FOREST SERVICE AS RECREATION AREAS, ADMINISTRATIVE AND PUBLIC SERVICE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands within the national forests named are hereby withdrawn from all forms of appropriation under the public land laws including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for the use of the Forest Service, Department of Agriculture, as indicated:

BOISE MERIDIAN

KANIKSU NATIONAL FOREST

[Idaho 04319]

Priest Lake Recreation Areas:
T. 59, N., R. 4 W.,
Sec. 5, lot 1.
T. 60 N., R. 4 W.,
Sec. 3, lots 3, 6, 7, 9, and M. S. No. 1873;
Sec. 5, lots 1 and 2;
Sec. 6, lots 1, 2, 6, 7, 9, 10, 12, and SE¼ NW¼;
Sec. 7, lots 1, 2, 3, 4, 5, and SE¼NE¼;
Sec. 8, lots 1, 2, and 3;
Sec. 16, lots 1 and 2;
Sec. 17, lots 1, 2, 4, 5, and SW¼SE¼;
Sec. 19, lots 1, 2, 3, 4, 5, 7, N½SE¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼, and SE¼SW¼;
Sec. 20, lots 1, 2, 3, and 4;
Sec. 28, lot 2;
Sec. 29, lots 1, 2, 3, 4, and W½SW¼;
Sec. 30, lot 6;
Sec. 32, lots 1, 2, 3, 4, and W½W½.

Papoose Island, an unsurveyed island in Priest Lake containing 0.97 acre and described as follows:

Beginning at a point on the mean high water line on said island from which the southwest corner of sec. 19, T. 60 N., R. 4 W., B. M., bears S. 31°48' W., 158.00 chains, thence following the mean high water line,
N. 31° E., 1.19 chains,
N. 36° E., .78 chains,
N. 9°30' E., .48 chains,
N. 54°30' E., .80 chains,
S. 63°30' E., 2.00 chains,
S. 9°30' W., .62 chains,
S. 23°30' W., 2.06 chains,
S. 44° W., 1.33 chains,
N. 74°30' W., 1.49 chains,
N. 60° W., 1.41 chains to the place of beginning.
T. 61 N., R. 4 W.,
Sec. 4, lots 1, 2, and 3;
Sec. 5, lots 1, 2, 3, 4, SW¼NE¼, S½NW¼, and SE¼;
Sec. 8, lots 1, 2, NE¼, and W½SE¼;
Sec. 9, lots 2 and 3;
Sec. 17, lot 2, SE¼NE¼, and SE¼SW¼;
Sec. 19, SE¼NE¼, and SE¼ lot 3, lot 6 except N½NW¼;
Sec. 20, lots 1, 2, 3, 4, 5, and NW¼NW¼;
Sec. 29, lots 3, 4, SW¼SW¼ and that portion of lot 2 and NW¼SW¼ not included in H. E. S. No. 683;
Sec. 30, That portion of lot 1 and SE¼ NE¼ not included in H. E. S. No. 683;
Sec. 31, E½E½;
Sec. 32, lots 1, 2, 3, and 4.
T. 62 N., R. 4 W.,
Sec. 4, lots 4, 5, 8, 9, and SW¼SW¼;
Sec. 9, lots 1, 2, 4, 5, 6, 9, W½NW¼, E½ SW¼, and NW¼SE¼;
Sec. 10, lot 7;
Sec. 16, lots 1, 2, 3, 4, E½E½W½, and SW¼SE¼;
Sec. 21, lots 1, 2, 3, 4, 5, E½E½NW¼, N½SW¼, and SW¼SW¼;
Sec. 28, lots 1, 2, 3, and NW¼NW¼;
Sec. 29, lots 1, 2, NE¼NE¼, S½NE¼, SW¼, and N½SE¼;
Sec. 32, lots 1, 2, 3, 4, N½NW¼, SW¼ NW¼, and SW¼.
T. 63 N., R. 4 W.,
Sec. 19, lots 4, 5, 6, and 7;
Sec. 29, lot 4;
Sec. 30, lots 1, 2, 5, 6, 7, SE¼NW¼, NW¼ SE¼, and SE¼SE¼;
Sec. 32, lots 1, 2, 3, 4, 6, W½NW¼, NW¼ SE¼, NW¼NE¼SE¼, and S½NE¼ SE¼;
Sec. 33, lots 4 and 5.
T. 60 N., R. 5 W.,
Sec. 1, E½SE¼;
Sec. 12, lot 5, NE¼NW¼, W½W½;
Sec. 13, lots 1, 2, 3, 4, and E½W½;
Sec. 24, lots 1, 2, 3, 4, NE¼NW¼, NW¼ SE¼, and SE¼SE¼.
T. 61 N., R. 5 W.,
Sec. 24, NW¼NE¼SW¼NE¼, S½NE¼ SW¼NE¼, NW¼SW¼NE¼, S½SW¼ NE¼, SW¼SE¼NE¼, W½SE¼SE¼ NE¼, lot 4, and NE¼SE¼.

The area described contains 6,648.51 acres.

BOISE MERIDIAN

CACHE NATIONAL FOREST

[Idaho 05279]

Eight Mile Administrative Site:
T. 10 S., R. 42 E.,
Sec. 29, E½NW¼, and N½NE¼SW¼, unsurveyed.

The areas described aggregate 100 acres.

Lago Administrative Site:
T. 11 S., R. 41 E.,
Sec. 27, lots 1, 2, and E½NW¼.

The areas described aggregate 158.17 acres.

Meadowview Administrative Site:
T. 11 S., R. 42 E., unsurveyed.
Sec. 28, E½SW¼NW¼, SE¼NW¼, NE¼NW¼SW¼, NE¼SW¼, NE¼SE¼ SW¼, NW¼SW¼SE¼, and SW¼ NW¼SE¼.

The areas described aggregate 150 acres.

Sharon Administrative Site:
T. 12 S., R. 42 E.,
Sec. 12, E½W½SW¼, E½SW¼, SW¼ NW¼SE¼, NW¼SW¼SE¼.

The areas described aggregate 140 acres.

Paris Administrative Site:
T. 14 S., R. 42 E.,
Sec. 13, NE¼NE¼NE¼, S½NE¼NE¼, SE¼NE¼, and E½SW¼NE¼.

The areas described aggregate 90 acres.

Blackstone Administrative Site:
T. 15 S., R. 43 E.,
Sec. 17, lot 1, unpatented portion.

The area described contains 39.24 acres.

Franklin Basin Administrative Site:
T. 16 S., R. 41 E.,
Sec. 1, NW¼SE¼, and N½SW¼SE¼.

The areas described aggregate 60 acres.

Indian Flat Administrative Site:
T. 16 S., R. 41 E.,
Sec. 6, NE¼.

The area described contains 160 acres.

Minnetonka Recreation Area:
T. 15 S., R. 42 E.,
Sec. 26, W½ and W½E½;
Sec. 27, E½NE¼.

The areas described aggregate 560 acres.

Emigration Picnic and Camp:
T. 12 S., R. 42 E.,
Sec. 21, SE¼NW¼, SW¼NE¼, NW¼ SE¼, and NE¼SW¼.

The areas described aggregate 160 acres.

Paris Springs Recreation Area:
T. 14 S., R. 42 E.,
Sec. 13, SE¼NW¼, W½SW¼NE¼, and N½N½SE¼.

The areas described aggregate 100 acres.

Bloomington Lake Picnic and Camp:
T. 15 S., R. 42 E.,
Sec. 5, SE¼NW¼, and NE¼SW¼.

The areas described aggregate 80 acres.

This order shall be subject to existing withdrawals for power purposes, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 5, 1957.

[F. R. Doc. 57-7415; Filed, Sept. 10, 1957; 8:46 a. m.]

[Public Land Order 1480]

[Wyoming 043672]

WYOMING

RESERVING PUBLIC LANDS WITHIN TARGHEE NATIONAL FOREST FOR USE OF FOREST SERVICE AS RECREATION AREA AND PUBLIC SERVICE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Targhee National Forest in Wyoming are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as a recreational area and public service sites:

SIXTH PRINCIPAL MERIDIAN

TETON CANYON PUBLIC SERVICE SITE

T. 44 N., R. 118 W., unsurveyed,
Sec. 23, NE¼SW¼ and NW¼SE¼.

DARBY CANYON PUBLIC SERVICE SITE

T. 43 N., R. 118 W., unsurveyed,
Sec. 20, S½NW¼.

ALASKA BASIN-SOUTH TETON RECREATION AREA

T. 43 N., R. 116 W., unsurveyed,
Sec. 18, that portion not located within the Grand Teton National Park.
T. 43 N., R. 117 W., unsurveyed,
Secs. 1, 2, 12, 13, and 14, those portions not located within the Grand Teton National Park;
Sec. 11, all.

The areas described aggregate approximately 3,440 acres.

The order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 5, 1957.

[F. R. Doc. 57-7416; Filed, Sept. 10, 1957; 8:46 a. m.]

[Public Land Order 1481]

[Colorado 012368]

COLORADO

RESERVING LANDS WITHIN SAN ISABEL NATIONAL FOREST FOR USE OF FOREST SERVICE AS RECREATION AREAS, ADMINISTRATIVE SITES, AND FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the San Isabel National Forest in Colorado, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws or the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas, administrative sites, and for other purposes as indicated:

SIXTH PRINCIPAL MERIDIAN, COLORADO

HALFMOON PICNIC GROUND

T. 10 S., R. 81 W.,
Sec. 24, S½SE¼SW¼, and S½N½SE¼ SW¼ (unsurveyed).

The areas described aggregate 30 acres.

COLLEGIATE PEAKS PICNIC GROUND

T. 14 S., R. 80 W.,
Sec. 22, E½SW¼SW¼, SE¼SW¼, and S½ SW¼SE¼;
Sec. 27, N½NW¼NE¼, and N½NE¼NW¼.

The areas described aggregate 120 acres.

COTTONWOOD LAKE CAMPGROUND

T. 14 S., R. 80 W.,
Sec. 36, SW¼SW¼, and S½NW¼SW¼.

The areas described aggregate 60 acres.

COTTONWOOD LAKE RECREATION AREA

T. 14 S., R. 80 W.,
Sec. 36, S½SE¼.
T. 15 S., R. 80 W.,
Sec. 1, N½NE¼.

The areas described aggregate 160 acres.

FOX LAKE RECREATION AREA

T. 15 S., R. 80 W.,
Sec. 2, N½NW¼NE¼, and NE¼NE¼NW¼.

The areas described aggregate 30 acres.

HOPE GULCH CAMPGROUND

T. 15 S., R. 80 W.,
Sec. 2, N½SE¼NW¼.

The areas described aggregate 20 acres.

MT. PRINCETON PICNIC GROUND

T. 15 S., R. 79 W.,
Sec. 28, SW¼NE¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, and NW¼SE¼SW¼.

The areas described aggregate 40 acres.

CASCADE PICNIC GROUND

T. 15 S., R. 79 W.,
Sec. 29, SW¼SE¼;
Sec. 32, N½NW¼NE¼.

The areas described aggregate 60 acres.

ORR PICNIC GROUND

T. 20 S., R. 70 W.,
Sec. 19, NE¼NW¼.

The area described contains 40 acres.

OAK CREEK PICNIC GROUND

T. 20 S., R. 70 W.,
Sec. 19, lot 2, N½ of lot 3, and N½NE¼ SW¼.
T. 20 S., R. 71 W.,
Sec. 24, SE¼NE¼, and N½NE¼SE¼.

The area described contains 142.49 acres.

FLORENCE PICNIC GROUND

T. 22 S., R. 69 W.,
Sec. 16, S½SW¼NE¼, SE¼NE¼, S½NE¼ SW¼, N½SE¼SW¼, and NW¼SE¼.

The areas described aggregate 140 acres.

OPHIR PICNIC GROUND

T. 23 S., R. 69 W.,
Sec. 9, S½S½SW¼NW¼, N½NE¼SE¼, NW¼SW¼NE¼SE¼, NE¼NW¼SE¼, W½NW¼SE¼, W½SE¼NW¼SE¼, NE¼ SE¼NW¼SE¼, W½SW¼SE¼, and W½ E½SW¼SE¼.

The areas described aggregate 100 acres.

DAVENPORT PICNIC GROUND

T. 23 S., R. 69 W.,
Sec. 11, S½SE¼SW¼, and S½S½SE¼;
Sec. 13, N½NW¼NW¼;
Sec. 14, N½N½NE¼.

The areas described aggregate 120 acres.

ALVARADO RECREATION AREA

T. 23 S., R. 73 W.,
Sec. 5, SE¼NE¼, and SE¼.

The areas described aggregate 200 acres.

BEAVER & ST. CHARLES PICNIC GROUND

T. 24 S., R. 69 W.,
Sec. 11, NE¼, and E½NW¼.

The areas described aggregate 240 acres.

SPRING CREEK PICNIC GROUND

T. 31 S., R. 69 W.,
Sec. 4, SW¼SE¼.

The area described contains 40 acres.

CUCHARAS PICNIC GROUND

T. 31 S., R. 69 W.,
Sec. 21, S½NE¼SW¼, SE¼SW¼, S½SW¼ SW¼, S½NE¼SE¼, S½NW¼SE¼, N½ SE¼SE¼, and N½SW¼SE¼;
Sec. 22, NE¼NW¼SW¼, and S½NW¼ SW¼;
Sec. 28, N½NW¼NW¼;
Sec. 29, N½NE¼NE¼, and N½NW¼NE¼.

The areas described aggregate 250 acres.

BLUE LAKES PICNIC GROUND

T. 31 S., R. 69 W.,
Sec. 30, S½SE¼NE¼, and N½NE¼SE¼;
Sec. 29, S½SW¼NW¼, and N½NW¼SW¼.

The areas described aggregate 80 acres.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

LAKE CREEK RECREATION AREA

T. 46 N., R. 12 E.,
Sec. 5, N½SW¼, and N½SE¼.

The areas described aggregate 160 acres.

MARSHALL PASS ADMINISTRATIVE SITE

T. 48 N., R. 6 E.,
Sec. 24, NE¼SE¼.
T. 48 N., R. 7 E.,
Sec. 19, lot 3.

The areas described aggregate 80.13 acres.

O'HAVER LAKE CAMPGROUND

T. 48 N., R. 7 E.,
Sec. 12, S½SE¼NW¼, S½SW¼NW¼, NW¼SW¼, and NE¼SW¼.

The areas described aggregate 120 acres.

SHIRLEY ADMINISTRATIVE SITE

T. 48 N., R. 8 E.,
Sec. 18, SW¼NW¼SW¼NE¼, W½SW¼ SW¼NE¼, SE¼NE¼SE¼NW¼, E½ SE¼SE¼NW¼, NE¼NE¼SE¼SW¼, and NW¼NW¼NW¼SE¼.

The areas described aggregate 20 acres.

MONARCH PASS RECREATION AREA

T. 49 N., R. 6 E.,
Sec. 17, S½SW¼, S½SE¼, and S½N½ SE¼.

The areas described aggregate 200 acres.

PONCHA CREEK CAMPGROUND

T. 49 N., R. 7 E.,
Sec. 13, W½SW¼NE¼, SE¼SE¼NW¼, and NE¼NE¼SW¼.

The areas described aggregate 40 acres.

BEAR CREEK PICNIC GROUND

T. 49 N., R. 9 E.,
Sec. 34, SE¼NW¼.

The area described contains 40 acres.

NORTH FORK ARKANSAS ADMINISTRATIVE SITE

T. 50 N., R. 7 E.,
Sec. 16, SW¼SW¼.

The area described contains 40 acres.

MIDWAY ADMINISTRATIVE SITE

T. 50 N., R. 9 E.,
Sec. 11, SE¼NE¼, and NE¼SE¼;
Sec. 12, SW¼NW¼, and NW¼SW¼.

The areas described aggregate 160 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER C. ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 5, 1957.

[F. R. Doc. 57-7417; Filed, Sept. 10, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1003]

DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES, CALIF.

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF BUDGET OF EXPENSES FOR THE DATE ADMINISTRATIVE COMMITTEE AND FIXING RATE OF ASSESSMENT FOR THE 1957–58 CROP YEAR

Notice is hereby given that the Secretary of Agriculture is considering a proposed rule to approve a budget of expenses for the Date Administrative Committee for the 1957–58 crop year and to fix the rate of assessment for that year to defray such expenses, as hereinafter set forth. The proposed rule, which is based on the unanimous recommendation of the Date Administrative Committee and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 127

and Marketing Order No. 103 (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the seventh day after the publication of this notice in the FEDERAL REGISTER, except that, if said seventh day after publication should fall on a legal holiday, Saturday, or Sunday, such submission must be received not later than the close of business on the next following business day.

The proposed budget of expenses and rate of assessment follow:

§ 1003.302 *Budget of expenses of the Date Administrative Committee and rate of assessment for the 1957–58 crop year*—(a) *Budget of expenses.* Expenses in the amount of $36,900 are reasonable and are likely to be incurred by the Date Administrative Committee for its maintenance and functioning for the crop year which began on August 1, 1957 and will end on July 31, 1958.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of §§ 1003.72 and 1003.73, an assessment rate of 15 cents per hundredweight of dates handled or certified for handling by him during the crop year which began on August 1, 1957 and will end on July 31, 1958. Such assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Dated: September 6, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-7453; Filed, Sept. 10, 1957; 8:53 a. m.]

Agricultural Research Service

[7 CFR Part 362]

REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

MISBRANDING; FALSE OR MISLEADING STATEMENTS

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator, Agricultural Research Service, U. S. Department of Agriculture, pursuant to sections 2. u. (1) and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135 (u) (1), 135d), proposes to amend paragraph (a) (6) of § 362.14 of the Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 CFR 362.14 (a) (6)) as follows:

§ 362.14 *Misbranding.*—(a) *False or misleading statements.* Among representations in the labeling of an economic poison which render it misbranded are the following:

• • • • •

(6) Any statement directly or indirectly implying that an economic poison or device, or any ingredient or constituent element thereof, or combination of ingredients, is recommended or endorsed by any agency of the Federal Government.

Legislative history of the Federal Insecticide, Fungicide, and Rodenticide Act clearly indicates a Congressional intent to prohibit statements on the label on products subject to the act which might be construed as an endorsement of the product by this Department. For this reason, and for the additional reason that it has long been the policy of the Department not to endorse specific products, the present paragraph (a) (6) of § 362.14 of the regulations was issued stating that an economic poison or device will be considered misbranded if its labeling bears any statement implying that the economic poison or device is recommended or endorsed by any agency of the Federal Government. This paragraph has been interpreted by this Department as applying only to statements about a particular economic poison or device, and not to statements about particular formulations or ingredients. At the present time, certain economic poisons are being marketed under labeling which bears claims such as, "Formula Recommended by the United States Department of Agriculture," or "Active Ingredients Recommended by the United States Department of Agriculture." It has been brought to the attention of the Department that such claims are being interpreted to mean that the economic poison or proprietary product is recommended or endorsed by this Department. Therefore, the Department believes that to more fully effectuate the purpose for which the present paragraph (a) (6) was issued, such paragraph should be amended as indicated above.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Head of the Pesticide Regulation Section, Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 6th day of September 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-7454; Filed, Sept. 10, 1957; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 593, 657, 663, 673, 689]

[Administrative Order 490]

PUERTO RICO; TOBACCO INDUSTRY, FOOD AND RELATED PRODUCTS INDUSTRY, SUGAR MANUFACTURING INDUSTRY

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 34-A for the Tobacco Industry in Puerto Rico, Industry Committee No. 34-B for the Food and Related Products Industry in Puerto Rico, and Industry Committee No. 34-C for the Sugar Manufacturing Industry in Puerto Rico.

Industry Committee No. 34-A is composed of the following representatives:

FOR THE PUBLIC

Pedro Munoz Amato, Chairman, Rio Piedras, P. R.
Charles Bennett Deane, Rockingham, N. C.
Lloyd H. Baller, New York, N. Y.

FOR THE EMPLOYEES

Grover R. Hathaway, Chicago, Ill.
Bertrand R. Seidman, Washington, D. C.
Prudencio Rivera-Martinez, San Juan, P. R.

FOR THE EMPLOYERS

Ralph C. Lasbury, Hartford, Conn.
Francisco Verdiales, Caguas, P. R.
Serafin E. Inclan, Jr., Caguas, P. R.

For the purpose of this order the tobacco industry in Puerto Rico is defined as follows: The processing of leaf tobacco including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco; and the manufacture of cigarettes, cigars, cheroots, little cigars, snuff, chewing tobacco, and smoking tobacco.

Industry Committee No. 34-B is composed of the following representatives:

FOR THE PUBLIC

Pedro Munoz Amato, Chairman, Rio Piedras, P. R.
Charles Bennett Deane, Rockingham, N. C.
Lloyd H. Baller, New York, N. Y.

FOR THE EMPLOYEES

Grover R. Hathaway, Chicago, Ill.
Bertrand R. Seidman, Washington, D. C.
Hipolito Marcano, San Juan, P. R.

FOR THE EMPLOYERS

Ralph C. Lasbury, Hartford, Conn.
Jose Unanue, Bayamon, P. R.
Luis Raul Quinones, Rio Piedras, P. R.

For the purpose of this order the food and related products industry in Puerto Rico is defined as follows: The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and non-alcoholic beverages, including, but without limitation, meat animals and meat animal products, poultry and poultry products, milk and dairy products, fish and seafood products, fruits and vegetables and fruit or vegetable products, grains and grain products, bakery products, confectionery and related products, and miscellaneous foods and food products; and the handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal life: *Provided, however,* That the definition shall not include any product or activity included in the Alcoholic Beverage and Industrial Alcohol Industry, as defined in the wage order for that industry in Puerto Rico (22 F. R. 160), the Chemical, Petroleum, Rubber, and Related Products Industry, as defined in Administrative Order No. 487 appointing Committee No. 32-A for Puerto Rico (22 F. R. 5549), or the Sugar Manufacturing Industry, as defined in this Administrative Order No. 490.

Industry Committee No. 34-C is composed of the following representatives:

FOR THE PUBLIC

Pedro Munoz Amato, Chairman, Rio Piedras, P. R.
Charles Bennett Deane, Rockingham, N. C.
Lloyd H. Baller, New York, N. Y.

FOR THE EMPLOYEES

Grover R. Hathaway, Chicago, Ill.
Bertrand R. Seidman, Washington, D. C.
Hipolito Marcano, San Juan, P. R.

FOR THE EMPLOYERS

Ralph C. Lasbury, Hartford, Conn.
Fernando A. Villamil, Aguirre, P. R.
Juan B. Garcia-Mendez, San Juan, P. R.

For the purpose of this order the sugar manufacturing industry in Puerto Rico is defined as follows: The production of raw sugar, cane juice, molasses and refined sugar, and incidental by-products; all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer) where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry; and any transportation activities by truck or other vehicle performed by a producer of the products of the industry in connection with the production or shipment of such products by such producer: *Provided, however,* That the industry shall not include any transportation activity covered by the wage order for the Communications, Utilities, and Transportation Industry in Puerto Rico (22 F. R. 160) or any transportation activity to which the agricultural exemption contained in section 13 (a) (6) of the act is applicable.

I hereby refer to each of the above mentioned industry committees the question of the minimum wage rate or rates to be fixed under section 6 (c) of the act for its industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 34-A shall commence its hearing on October 14, 1957, at 2 p. m. in the offices of the United States Department of Labor, Wage and Hour Division, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Consecutively, at the same place, after the hearing of Industry Committee No. 34-A, Industry Committees Nos. 34-B and 34-C shall hold their hearings in that order.

Each committee will meet at the same place before its hearing to make its investigations and appropriate decisions concerning its hearing. Industry Committee No. 34-A will meet at 10 a. m. on October 14, 1957, and Industry Committees Nos. 34-B and 34-C will meet at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classifications shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for each committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each such report may be obtained at the national and the Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than October 4, 1957.

Signed at Washington, D. C. this 6th day of September, 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-7446; Filed, Sept. 10, 1957; 8:52 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF THIRAM

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Wilmington, Delaware, proposing the establishment of tolerances for residues of thiram (tetramethylthiuram disulfide) in or on raw agricultural commodities, as follows: 25 parts per million in or on celery and peaches; 15 parts per million in or on strawberries; 7 parts per million in or on apples and tomatoes.

The analytical method proposed in the petition for determining residues of thiram is the method of W. K. Lowen, described in "Determination of Dithiocarbamate Residues on Food Crops," published in Analytical Chemistry, Volume 23, page 1846 (1951).

Dated: September 5, 1957.

[SEAL] ROBERT S. ROE,
Director, Bureau of
Biological and Physical Sciences.

[F. R. Doc. 57-7434; Filed, Sept. 10, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12135]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (AGUADILLA, ARECIBO AND FAJARDO, PUERTO RICO-CHARLOTTE AMALIE, V. I.

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations. (Aguadilla, Arecibo and Fajardo, Puerto Rico-Charlotte Amalie, V. I.); Docket No. 12135.

The Commission has before it for consideration a petition filed September 3, 1957, by Abacoa Radio Corporation, requesting that the time for filing comments in the above-entitled proceeding be extended from September 6, 1957 to October 11, 1957 and an opposition thereto filed on September 5, 1957 by Continental Broadcasting Corporation.

In support of its request the petitioner alleges that because of delays in communications to and from Puerto Rico and August vacation schedules, it has not been able to complete its comments by September 6 and that no inconvenience or hardship will result from the requested extension.

Continental asserts in opposition that, the the reasons offered by Abacoa do not justify the requested delay; that it has also experienced delays in communications and vacations but is ready to proceed according to the Commission's schedule; that there is a real need for television service in Fajardo; and that any unnecessary delay in the finalization of the proposal would cause hardship to the people of the area. It submits that a copy of its petition for rule making was furnished to counsel for Abacoa and accordingly Abacoa has had notice of the pendency of this matter for more than two months and has been aware of the institution of the actual rule making proceeding for more than 30 days. Continental states, however, that if the Commission believes that an extension should be granted a shorter period than that requested by Abacoa should be specified.

The Commission is of the view that Abacoa Radio Corporation has established good cause for extending the time for filing comments in this proceeding and that a reasonable extension will serve the public interest, convenience and necessity. However, we do not believe that an extension to October 11 is warranted and are of the view that an extension until September 16, 1957 would afford Abacoa ample opportunity to file comments without unduly delaying the proceeding.

In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended from September 6, 1957 to September 16, 1957 and that the time for filing reply comments is extended from September 16, 1957 to September 26, 1957.

Adopted: September 6, 1957.

Released: September 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7436; Filed, Sept. 10, 1957; 8:51 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11735; FCC 57M-813]

NEVADA TELECASTING CORP. (KAKJ)

MEMORANDUM OPINION AND ORDER CONTINUING HEARING

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada, Docket No. 11735.

1. The Hearing Examiner has under consideration a motion to change the place of hearing, filed by the Broadcast Bureau on August 27, 1957. Respondent Nevada filed an opposition on September 3.

2. Hearing is now scheduled for September 9, 1957, in Los Angeles, California (Memorandum Opinion and Order released July 30, 1957, FCC 57M-735). In its original order of designation, released June 15, 1956, the Commission had directed the respondent "to appear and give evidence * * * at a hearing to be held at the offices of the Commission in Washington, D. C. * * *" After several prehearing conferences, the last on July 10, 1957, the posture of the case was that the respondent requested that the hearing be held in California,[1] and the Broadcast Bureau declared that it had no objection to hearing there (July 10, 1957, Tr. 124-26); the Memorandum Opinion and Order released July 30, mentioned above, then followed, changing the place of hearing to Los Angeles. In the instant motion, however, the Bureau states that "We have reconsidered our position and for the reasons which follow, now request that the hearing be held in Washington, D. C., as originally ordered by the Commission."

3. The Bureau's reasons are: (1) Since the Commission has enlarged the Order to Show Cause to include the question of the unauthorized transfer of control of Nevada, the Bureau feels that wilful misrepresentation and abandonment can be established by documentary evidence introduced in Washington; (2) The only purpose of a California hearing would be to permit Nevada to submit reply evidence, through "witnesses who are members of the alleged syndicate and whose identity was not disclosed to the Commission when it granted the construction permit. To hold the hearing in California could only be for the convenience of such witnesses and cannot be justified on any other ground," in view of, among other things, the expense of a California hearing and the Commission's limited funds for field hearings. Accordingly, declares the Bureau, "the ends of justice and the public interest will be served best by conducting the hearing in Washington, D. C."

4. In its opposition Nevada contends that no good cause is shown for filing the motion "at this late date"; that "traditionally" revocation hearings are held in the field, and that a Washington hearing would visit unfair expense upon it.

5. The following excerpts from the transcript of prehearing conferences will show the position hitherto taken on venue.

(Tr. 7-8-March 27, 1957): "Mr. Fitzpatrick [Broadcast Bureau]: * * * Mr. Kehoe and myself have had telephone conversations last Wednesday, I believe it was, on March 20th. It was sometime last week anyway. He, Mr. Brown, and myself had a meeting in my office, in which we, to some extent, explored the possibility of how to proceed in this case. At that time I did make him aware that I had a limited knowledge of the case, but we agreed that we would come here today and inform the Examiner that we were going to attempt to enter into a stipulation of fact, and that we would try to do that starting after this meeting; and that we had agreed that for a week following today the parties would have the right, if they wished to exercise it, to file any pleading they wished, to move the venue to Reno, Nevada, or California, if need be, rather than have the proceeding here in Washington, without any necessity for a showing of good cause on the part of either the applicant or the Broadcast Bureau."

* * * * *

Mr. Kehoe [for respondent]: That is about it. Depending upon what we are actually going to agree to will actually determine, in our opinion, what would be the proper place of venue for the hearing. If we can stipulate quite a bit of testimony then the proper place would be here, rather than out on the coast.

(Tr. 23-26-May 16, 1957): The Presiding Officer: Let me say this about that, gentlemen: I have a case, Docket 11374, which is scheduled for July 8th. I do not know how many days that will take, but the chances are it will not be over in time for me to get out to wherever this case is to be heard, unless it is to be heard in Washington.

What did you have in mind? That it would be held on the Coast?

Mr. Fitzpatrick: I should have stated that. We have not reached that point. We also explored where the hearing would be held. There is general agreement it will be held on the Coast.

The Presiding Officer: I have no objection to that.

Mr. Fitzpatrick: We are exploring whether it will be more convenient to hold it in Los Angeles rather than one of the smaller communities.

The Presiding Officer: What do you gentlemen feel about that?

Mr. Fitzpatrick: I would like to have some time to check up on that as to the facilities involved.

The Presiding Officer: It is probably easier to hold it in a larger city.

Mr. Fitzpatrick: Yes. I think we will probably come to the conclusion that Los Angeles is most convenient to all counsel.

The Presiding Officer: I would suppose so. Just from the standpoint of getting the facilities there. You can get a Federal court house there, and so on.

Mr. Fitzpatrick: That is one of the factors we are considering. The reporting system that will be available in a large city also.

Mr. Brown: Together with the fact that there appear to be two or three probable witnesses on the part of the respondent, and probably on the part of the Commission as well, who live in Los Angeles.

The Presiding Officer: I see, but you do not want me to make any ruling today about the exact place of the hearing? You want to leave that open for further consideration?

Mr. Keogh: The respondent would suggest that the hearing be held in Los Angeles.

The Presiding Officer: All right. I feel that should be done if it is going to be held on the Coast.

Mr. Fitzpatrick: I thought I might state on the record that one of the factors we have to consider, Mr. Examiner, and I want you to have this in mind before you make a statement, is the question that we would like to explore with Mr. Keogh. We will, of course, find it necessary, I feel, to call a number of the people involved in this matter, and if it is necessary that they be subpensed and that the necessary fees of transportation be furnished them, we will have to take that cost item into consideration in an agreement as to where it should be located, as to whether it is in Los Angeles, or Tulare, or Visalia, California. I wanted to point it out. I think possibly we can explore that matter with Mr. Keogh, and if these people are willing to answer the subpena and come without incurring cost to the Federal Government, then we would certainly not feel any problem was involved in having it at Los Angeles.

The Presiding Officer: Then let the place of the hearing be left open, and you gentlemen will let me know, and I will issue an order setting the exact town for the hearing.

Mr. Fitzpatrick: That will be fine.

The Broadcast Bureau itself indicates in its motion that, as noted in Par. 2, above, as late as July 10 it had no objection to the respondent's request for hearing in California. The parties thus in accord, the Hearing Examiner then issued his ruling on July 30, scheduling hearing in Los Angeles. With the enlargement of the Order to Show Cause on August 5, 1957, to cover also the question of unauthorized transfer of control, however, the Bureau apparently feels that a sufficient case can be put in against respondent through documents in Washington, and, from its standpoint, that a field hearing is unnecessary. This attitude, wholly disregarding the convenience, if not the rights of respondent, cannot be endorsed.

6. Section 5 (a) of the Administrative Procedure Act declares that "In fixing the times and places for hearings, due regard shall be had for the convenience and necessity of the parties or their representatives." Section 312 (c) of the Communications Act provides that an order to show cause why revocation should not follow "shall call upon [the] * * * permittee * * * to appear before the Commission at a time and place stated in the order * * *" Section 4 (e) of the Communications Act reads:

The principal office of the Commission shall be in the District of Columbia, where its general sessions shall be held, but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the Commission may hold special sessions in any part of the United States.

And Section 4 (j):

The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice * * * Any party may appear before the Commission and be heard in person or by attorney.

7. Though "the convenience and necessity of the parties or their representatives," recognized as a factor by the Administrative Procedure Act, applies to "an agency party as well as a private party" (Davis on Administrative Law (1951), p. 291), it is evident that the convenience of the private party is not to be subordinated to, or canceled by, the agency's convenience, but that each must be taken into account. The APA imposes a limitation upon the discretion to schedule hearings, and where the fairness of a Washington hearing is seriously questioned it is necessary to appraise the contending considerations. In most cases the propriety of a Washington hearing and the lack of any serious justification for a field hearing have been tacitly recognized by the parties, as is evidenced by the dearth of requests to move hearings from Washington, at least in recent years. To a considerable extent the diffidence of parties in this respect has been undoubtedly occasioned by the present policy of the Commission to hold hearings in Washington except under unusual circumstances, but it cannot be supposed that had the parties been confident of their position they would not have been diligent in asserting their claims to a field hearing.[2] The Commission's budget has dictated its policy on hearing location, and has compelled it to alter its previous practice, when field hearings, at least on the non-engineering portion of broadcast cases, were by no means unusual. The Hearing Examiner is completely aware of the Commission's budget situation which has prompted its change in policy, and of the need to scrutinize any request for a field hearing. But the fact that parties have apparently refrained of late to consult their own convenience too singlemindedly because of their understanding of the Commission's budget problems should not prevent a serious evaluation of the contentions of a party when it does seek a field hearing.

8. Davis (op. cit., p. 292) notes that "In absence of statute an agency has a broad discretion to fix the place of hearing" (citing cases); and that the decision of the 6th Circuit in NLRB v. Prettyman, 117 F. 2d 786 (1941), which "held that the NLRB denied 'fair play' by holding a hearing in Washington, instead of in Ann Arbor, Michigan * * * is extreme and apparently stands almost alone." This case, however, was before the APA, and Davis indicates that the lack of judicial pronouncements on section 5 (a) of the APA is caused by the requirement that administrative remedies be exhausted. "In a practical sense," he writes, "the exhaustion rule largely prevents judicial enforcement of section 5 (a). But this is far from saying that section 5 (a) is without effect. A tabulation of information contained in monographs of the Attorney General's Committee shows that some agencies usually hold hearings at agency headquarters (Fn. 41 Col. L. Rev. 1097, 1098-99 (1941). Included are CAB, SEC, Post Office Department, Wage-Hour Division, and National Railroad Adjustment Board); some of the monographs were critical of this practice (Fn. E. g., FCC Monograph, 21 (1940) * * *)."[3] By no means, therefore, in spite of the paucity of judicial construction of the section, is 5 (a) to be disregarded.[4]

9. With the convenience of the respondent and its principals to be weighed against that of the Commission and its staff, as would appear necessary from the foregoing discussion, a summary of opposing considerations reveals:

(a) For a Washington hearing, as requested by the Bureau. (1) Budget limi-

[1] Where respondent's principals live, though the grant is for Reno, Nevada.

[2] See, for an example of a hearing moved to the field after a request by a party, Radio Associates, Inc. 12 RR 204, 208a.

[3] The monograph stated (it should be noted that the date was 1940, when apparently few or no hearings were held outside Washington, a practice which, as indicated above, was changed for some years:

The Commission is even more seriously handicapped [than by space limitations] by its financial inability to conduct hearings in the field. In many cases purely local issues are involved and the most efficacious manner in which to proceed would be to send a hearing officer into or near the city in which the applicant proposes to build his station. The necessity of having the hearings in Washington does not, however, result in a complete failure to obtain a full record. The statutory right to take depositions enables both the applicant and the Commission to procure evidence in the field. It should be recognized, however, that this procedure does not provide an entirely adequate substitute for actual hearings in the field.

[4] In a comment on *Prettyman*, it is stated in 41 Columbia Law Rev. 1097, 1098, 1100:

The instant case, indicates, however, that some hearings, at least must be held at a place convenient for the defendants. To reconcile this decision with earlier cases, a distinction must therefore be made between hearings involving the taking of testimony and cross-examination of witnesses, on the one hand, and the mere submission of briefs, reports and oral arguments which usually involve only the lawyers of the parties, on the other.

Although it would seem that the agencies have generally chosen the localities of hearings on the basis of reasonableness and convenience, they have rather naturally tended to emphasize the demands of their own tasks. The instant case is significant because it decided that the concept of venue was so important that it must be transplanted into administrative law. Moreover, it would seem to be the first decision in which a court has included in its notions of fairness under the due process clause of the Fifth Amendment the requirement that the place of hearing be convenient for all parties,

tations; (2) The Bureau's case can be introduced through documents in Washington; (3) A California hearing would be only for the convenience of witnesses, through whom respondent's case would be presented, who have no claim upon the Commission's sympathy because they were not known to it when it granted the construction permit.

(b) For a California hearing, as requested by respondent. (1) The burden of proof is on the Commission; (2) It would be unfair to place upon respondent the expense of transporting witnesses from the West to Washington in a proceeding which it did not formally initiate; (3) As to respondent's principals being interlopers, to deny them the convenience of a field hearing would be, in effect, to prejudge the issues.

10. The contending factors being so ranged, it is evident that only a single-minded concern for the Commission's fisc would compel respondent to come to a hearing so far from home. And it is not at all sure that the Commission would save money by a Washington hearing, since respondent might demand cross-examination of documentary declarants. In any event, the Hearing Examiner cannot close his eyes to respondent's claims merely because it will be burdensome to the Commission, cognizant though he is of the Commission's budgetary limitations.

Accordingly, it is ordered, This 4th day of September 1957, that the motion to change the place of hearing is denied.

It is further ordered, However, that the hearing now scheduled for September 9, 1957, is continued pending action by the Commission on any petition to review the present ruling which may be filed.

Released: September 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7437; Filed, Sept. 10, 1957; 8:51 a. m.]

[Docket Nos. 11880, 11881; FCC 57M-816]

BIRNEY IMES, JR. (WMOX) AND MISSISSIPPI BROADCASTING CO.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Birney Imes, Jr. (WMOX), Meridian, Mississippi, Docket No. 11880, File No. BP-10163; Mississippi Broadcasting Company, Carthage, Mississippi, Docket No. 11881, File No. BP-10637; for construction permits.

The Hearing Examiner having under consideration a motion filed September 3, 1957, by Mississippi Broadcasting Company requesting that the hearing conference now scheduled for September 9, 1957 be postponed for a period of 30 days; and

It appearing that the reason for the requested postponement is the fact that Mississippi Broadcasting Company is replacing its legal counsel and the requested extension is necessary to permit time to secure new counsel and for new counsel to become familiar with the case; and

It further appearing that there are no objections to the granting of the above motion and that good cause for the requested continuance having been shown;

It is ordered, This 5th day of September 1957 that the motion for continuance filed September 3, 1957 by Mississippi Broadcasting Company is granted and the hearing conference now scheduled for September 9, 1957 is continued to October 8, 1957.

Released: September 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7438; Filed, Sept. 10, 1957; 8:51 a. m.]

[Docket No. 12051; FCC 57M-821]

PILLAR OF FIRE (KPOF)

ORDER CONTINUING HEARING

In re application of Pillar of Fire (a corporation) (KPOF), Denver, Colorado, Docket No. 12051, File No. BML-1703; for modification of license.

The Hearing Examiner having under consideration a petition filed September 5, 1957 by Red River Valley Broadcasting Corporation, party respondent in the above-entitled proceeding, requesting that the time for the exchange of the written direct case and related exhibits be continued from September 6, 1957 to September 20, 1957 and that the time for the hearing be continued from September 23, 1957 to October 14, 1957; and

It appearing that the reason for the requested continuance is the fact that whereas certain exhibits were exchanged on August 22, 1957 pursuant to the order controlling the conduct of hearing, additional time is necessary for the further study of such exhibits prior to the exchange of the complete written direct case; and

It further appearing that counsel for the applicant and the Broadcast Bureau have consented to the requested continuance, that good cause for the granting thereof has been shown, and that immediate action on the petition is necessary;

It is ordered, This the 5th day of September 1957 that the above-entitled petition is granted and the time for the exchange of the written direct case and related exhibits is continued from September 6, 1957 to September 20, 1957 and the time for the hearing is continued from September 23, 1957 to October 14, 1957.

Released: September 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7439; Filed, Sept. 10, 1957; 8:51 a. m.]

[Docket No. 12139; FCC 57M-817]

CHARLES HENRY CONEY

ORDER SCHEDULING HEARING

In the matter of Charles Henry Coney, Coney Dock, Beach Haven, New Jersey, and 722-52nd Street, Palm Beach, Florida, Docket No. 12139; suspension of restricted radiotelephone operator permit.

It is ordered, This 5th day of September 1957, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 6, 1957, in Washington, D. C.

Released: September 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7440; Filed, Sept. 10, 1957; 8:51 a. m.]

[Docket No. 12140; FCC 57M-818]

NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC.

ORDER SCHEDULING HEARING

In the matter of the application of New York Technical Institute of Cincinnati, Inc., Docket No. 12140, File No. 1697-C2-P-57; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Detroit, Michigan (KQD309).

It is ordered, This 5th day of September 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1957, in Washington, D. C.

Released: September 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7441; Filed, Sept. 10, 1957; 8:51 a. m.]

[Docket No. 12142; FCC 57M-819]

NORTH AMERICAN BROADCASTING CO. (WMNI)

ORDER SCHEDULING HEARING

In re application of North American Broadcasting Company (WMNI), Columbus, Ohio, Docket No. 12142, File No. BP-10937; for construction permit.

It is ordered, This 5th day of September 1957, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1957, in Washington, D. C.

Released: September 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7442; Filed, Sept. 10, 1957; 8:52 a. m.]

[Docket No. 12143; FCC 57M-820]

DISPATCH, INC. (WICU)

ORDER SCHEDULING HEARING

In re application of Dispatch, Inc. (WICU), Erie, Pennsylvania, Docket No. 12143, File No. BMPCT 1113; for modification of construction permit.

It IS ORDERED, This 5th day of September 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1957, in Washington, D. C.

Released: September 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7443; Filed, Sept. 10, 1957; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

Patent Compensation Board

[Docket No. 26]

FRANK E. DUDLEY

NOTICE OF APPLICATION

Notice is hereby given that Dr. Frank E. Dudley has filed an application before the Patent Compensation Board for determination of reasonable royalty fee under sections 157 and 173 of the Atomic Energy Act of 1954 for alleged infringement or use of the subject matter of U. S. Patent No. 2,524,164.

The application of Dr. Frank E. Dudley is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

MARGARET H. MELIN,
Acting Clerk,
Patent Compensation Board.

SEPTEMBER 5, 1957.

[F. R. Doc. 57-7452; Filed, Sept. 10, 1957; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 17]

ORGANIZATION AND FUNCTIONS

FLIGHT OPERATIONS AND AIRWORTHINESS DISTRICT OFFICES

In accordance with the public information requirements of the Administrative Procedure Act, section 22 (b) of the Organization and Functions of the Civil Aeronautics Administration as published on February 16, 1957, in 22 F. R. 989, is amended by adding the following new district office to the list of Region Four offices.

State	City	Location	Mailing address	Specialty
California	Long Beach	Douglas Aircraft Co., Long Beach Div. C-8, Bldg. 83, 3855 Lakewood.	Care of Douglas Aircraft Co., Long Beach Div. C-8, Bldg. 83, 3855 Lakewood.	(M).

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 3, 1957.

[F. R. Doc. 57-7410; Filed, Sept. 10, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7912]

FREE BAGGAGE ALLOWANCES AND EXCESS BAGGAGE CHARGES

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned for September 11, 1957, is postponed to a date to be later assigned at the request of counsel for the Bureau of Air Operations.

Dated at Washington, D. C., September 6, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7457; Filed, Sept. 10, 1957; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2144]

CITY OF SEATTLE

ERRATUM NOTICE

SEPTEMBER 5, 1957.

In the Notice of Application, dated August 21, 1957, and published in the FEDERAL REGISTER on August 27, 1957 (22 F. R. 6903-4), described the project as "affecting lands of the United States none of which are within the Colville National Forest." This sentence should be corrected to read "some" of which, in lieu of none.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7422; Filed, Sept. 10, 1957; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2509, Amdt. 26]

INDIAN PROBATE PROCEEDINGS AND ESCHEAT OF INDIAN ESTATES

DELEGATIONS OF AUTHORITY—GENERAL

SEPTEMBER 3, 1957.

Order No. 2509, as amended (17 F. R. 6793) is further amended as follows:

1. Section 25 is revised to read as follows:

SEC. 25 *Indian probate proceedings.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to the

(a) Disposition of appeals to the Secretary in proceedings for the determination of heirs or the approval of wills of deceased Indians.

(b) Extension of time or waiver of time limitations with respect to rehearings, reopenings, or appeals in proceedings for the determination of heirs or the approval of wills of deceased Indians.

(c) Disposition of the restricted or trust estates of Indians who have died intestate and without heirs.

2. Section 26 *Escheat of Indian estates* is revoked.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 57-7418; Filed, Sept. 10, 1957; 8:47 a. m.]

CERTAIN WATERS ADJACENT TO UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE, IOWA, MINNESOTA, AND WISCONSIN

INTENTION TO DESIGNATE AS CLOSED AREAS

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice is hereby given that the Secretary of the Interior intends to issue a regulation designating as closed areas in which the pursuing, hunting, taking, capture, or killing of migratory birds or attempting to take, capture, or kill migratory birds will not be permitted, all lands and waters below the highwater mark of the Mississippi River, lying within the exterior boundaries of the areas designated as closed to hunting by the Director, Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, on March 25, 1957 (50 CFR 33.275; 22 F. R. 2129), and including the following-described reaches of the Mississippi River:

Pool 4: Beginning at the extreme southeast limits of the City Limits of Wabasha, Minnesota, and extending downstream to Lock and Dam No. 4 (Alma) and being within the Petersons Lake-Reicks Lake closed area.

Pool 5: Beginning at the south end of Fisher Island in Pool 5 and extending downstream about two and one-half miles to the mouth of the Whitewater River at the Village Minneiska and being between the Lost Island and Whitman closed areas.

Pool 5A: Beginning at the northern end of Island 63 and extending downstream about two and one-half miles to Lock and Dam No. 5A (Winona) and being within the Winona Pool closed area.

Pool 8: Beginning at the north end of Island 120 at the head of Raft Slough and extending downstream to Lock and Dam No. 8 (Genoa) and being within the Wisconsin Island closed area.

Pool 9: Beginning at the north end of Island 153 at the head of Harpers Slough and extending downstream to Lock and Dam No. 9 (Lynxville) and being within the Harpers Slough closed area.

Pools 10 and 11: Swift Slough from its head about one mile upstream from Lock and Dam No. 10 and extending downstream to its mouth about three-fourths mile below Lock and Dam No. 10 and being within the 12-mile Island closed area.

All interested persons are hereby afforded an opportunity to participate in the formulation of the proposed regulation by submitting their views, data, or arguments in writing to D. H. Janzen, Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., on or before September 15, 1957.

HATFIELD CHILSON,
Acting Secretary of the Interior.

SEPTEMBER 3, 1957.

[F. R. Doc. 57-7419; Filed, Sept. 10, 1957; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DIRECTOR, COMMUNITY DISPOSITION PROGRAM; COMMUNITY DISPOSITION SUPERVISORS

AMENDMENT OF DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSITION OF CERTAIN GOVERNMENT-OWNED PROPERTY AT AEC COMMUNITIES OF OAK RIDGE, TENN., AND RICHLAND, WASH.

The delegation of authority with respect to the disposition of certain Government-owned property at the Atomic Energy Commission communities of Oak Ridge, Tennessee, and Richland, Washington, effective as of May 16, 1956 (21 F. R. 3236, 3237, May 16, 1956), as amended (21 F. R. 8999, November 20, 1956), is hereby further amended by adding subparagraph c to paragraph numbered 2 as follows:

c. Endorse any checks or drafts in payment of insurance losses on which the United States of America, acting by and through the Housing and Home Finance Administrator, his successors, or assigns, is a payee (joint or otherwise) in connection with the disposition of the Government's interest in property at such communities or lease of such property.

Effective as of the 11th day of September, 1957.

[SEAL] ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 57-7445; Filed, Sept. 10, 1957; 8:52 a. m.]

INTERNATIONAL COOPERATION ADMINISTRATION

AUTHORIZATION OF REPRESENTATIVES TO SIGN FIELD PURCHASE ORDERS

Pursuant to the authority vested in me by the delegation of authority from the Director, Foreign Operations Administration, to the Officer for Contract Relations dated November 26, 1954 (19 F. R. 8049), which authority is continued by virtue of Executive Order No. 10610, as amended, and State Department Delegation of Authority No. 85, as amended:

1. I hereby authorize the Chiefs of the Training Development Staff, the Agricultural Training Division, the Labor Technical Assistance Division, the Technical Assistance Training Staff, the Chief and Assistant Chief of the Training and Technical Aids Division, and the Chief of the Training Branch of the Public Administration Division, of the International Cooperation Administration, as my representatives, to sign field purchase orders in amounts not to exceed $999.99 for services in connection with participants engaged in programs of training under the Mutual Security Act of 1954, as amended, other than Chapter 1 of Title I, such orders to be limited to the following categories of expenses:

(a) Technical books and other publications.

(b) Medical bills.

(c) Burial of remains of deceased participants.

(d) Regularly established tuition costs, special programs, lecture fees, honorariums, and similar costs.

(e) Costs incurred by short visits of participants on a nontuitional basis to universities or other organizations.

2. The Chief of the Training Services Branch of ICA is authorized, as my representative, to sign field purchase orders in amounts not to exceed $5,000 for interpreter services.

3. Administrative Officers, Administrative Assistants, and Senior Public Administration Specialists in the Staffs, Divisions, and Branches named in paragraph 1 are authorized, as my representatives, to sign field purchase orders in amounts not to exceed $999.99 for services for participants other than interpreter services and services in the categories listed in paragrpah 1 above.

4. The authorizations in the foregoing paragraphs are subject to all applicable provisions of law, and shall be used in conformity with all applicable restrictions, regulations, and directives which are now in effect or which may be issued hereafter.

E. E. KUNZE,
Director,
Office of Contract Relations.

SEPTEMBER 3, 1957.

[F. R. Doc. 57-7421; Filed, Sept. 10, 1957; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-IX-5]

BRANCH MANAGER, OMAHA, NEBRASKA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Omaha Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline Limited Loan Participation loans.

2. To approve or decline disaster loans not in excess of $50,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

3. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Omaha, Nebraska is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 30, 1957.

C. I. MOYER,
Regional Director,
Kansas City Regional Office.

[F. R. Doc. 57-7425; Filed, Sept. 10, 1957; 8:48 a. m.]

[Delegation of Authority No. 30-IX-1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in Section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000.

2. To approve disaster loans in an amount not exceeding $50,000;

3. To decline disaster loans;

4. To approve or decline Limited Loan Participation loans;

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By ——— ———,
Chief,
Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

24. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Ad-

ministration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

ADMINISTRATIVE

25. To approve annual and sick leave to employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 30, 1957.

C. I. MOYER,
Regional Director,
Kansas City Regional Office.

[F. R. Doc. 57-7428; Filed, Sept. 10, 1957; 8:49 a. m.]

[Delegation of Authority No. 30-IX-6]

BRANCH MANAGER, ST. LOUIS, MISSOURI

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, St. Louis Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline Limited Loan Participation loans.

2. To approve or decline disaster loans not in excess of $50,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

3. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, St. Louis, Missouri, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 30, 1957.

C. I. MOYER,
Regional Director,
Kansas City Regional Office.

[F. R. Doc. 57-7427; Filed, Sept. 10, 1957; 8:49 a. m.]

[Delegation of Authority No. 30-IX-7]

BRANCH MANAGER, WICHITA, KANSAS

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Wichita Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline Limited Loan Participation loans.

2. To approve or decline disaster loans not in excess of $50,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

3. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B and C may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Wichita, Kansas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 30, 1957.

C. I. MOYER,
Regional Director,
Kansas City Regional Office.

[F. R. Doc. 57-7428; Filed, Sept. 10, 1957; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATION

Report of Purchases under Domestic Purchase Regulation operating on delegation of authority by Department of Interior under Public Law 733.

JUNE 30, 1957.

Commodity	Termination date of program	Unit of measure	Total limitation	Interim limitation	Purchases			
					During June		Inception to June 30, 1957	
					Quantity	Cost [1]	Quantity	Cost [1]
Asbestos	12-31-58	Short tons, Crude No. 1 and No. 2.	2,000	469	0	0	523	$607,650.00
		Short tons, Crude No. 3.	2,000	469	0	0	354	141,460.00
Columbium-tantalum.	12-31-58	Pounds, contained combined pentoxide.	250,000	57,559	0	0	414	703.16
Fluorspar	12-31-58	Short tons, acid grade.	250,000	58,647	7,586	$402,773.78	28,116	1,534,037.32
Tungsten	12-31-58	Short ton units, tungsten trioxide.	1,250,000	293,584	0	4,703.86	283,463	15,537,920.91

[1] Material cost.

Dated: September 4, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-7430; Filed, Sept. 10, 1957; 8:49 a. m.]

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATION

Report of Purchases under Domestic Purchase Regulations pursuant to section 4, Public Law 206, 83d Congress.

JUNE 30, 1957.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases during quarter		Cumulative purchases through end of quarter	
				Quantity	Amount	Quantity	Amount
Asbestos	10-1-57	Short tons, Crude No. 1 and/or Crude No. 2 Asbestos.	1,500	0	0	1,499	$1,762,505.00
		Short tons, Crude No. 3.	----------	0	0	850	340,070.05
Beryl	6-30-62	Short dry tons, beryl ore.	4,500	136	$79,128.00	1,467	813,627.32
Chrome	6-30-59	Long dry tons, chrome ore and/or chrome concentrates.	200,000	6,975	660,079.17	150,715	14,781,144.94
Columbium-tantalum.	12-31-58	Pounds, contained combined pentoxide	15,000,000	[1](20,069)	[2]687,947.26	15,580,392	60,583,471.16
Manganese:							
Butte-Phillipsburg.	6-30-58	Long ton units, recoverable manganese.	6,000,000	491,444	736,239.72	4,106,196	5,985,891.23
Deming	6-30-58	Long ton units, recoverable manganese.	6,000,000	0	0	6,215,258	12,036,388.37
Wenden	6-30-58	Long ton units, recoverable manganese.	6,000,000	0	0	6,108,316	10,743,179.21
Domestic small producers.	1-1-61	Long ton units, contained manganese.	28,000,000	1,760,697	4,578,674.54	13,719,226	34,321,732.77
Mercury	12-31-57	Flasks, prime virgin mercury.	125,000	0	0	5	1,125.00
Mica	6-30-62	Short tons, hand-cobbed mica or equivalent.	25,000	724	586,921.25	11,508	12,139,638.67
Tungsten	7-1-58	Short ton units, tungsten trioxide.	3,000,000	[1](167)	[1](10,957.07)	2,996,280	189,213,622.72

[1] Material rejected.
[2] Net adjustment for cost of material rejected and additional charges for customs duties.

Dated: September 4, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-7429; Filed, Sept. 10, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 812-1103, 812-1104]

INSTITUTIONAL SHARES, LTD., ET AL.

NOTICE OF FILING OF APPLICATIONS FOR EXEMPTION PERMITTING COMBINING PURCHASES OF SHARES OF DIFFERENT FUNDS TO OBTAIN QUANTITY DISCOUNTS

SEPTEMBER 4, 1957.

In the matters of Institutional Shares, Ltd., and Hare's Ltd., File No. 812-1103; and Institutional Income Fund, Inc., and Hare's Ltd., File No. 812-1104.

Notice is hereby given that Institutional Shares, Ltd. ("Shares") and Institutional Income Fund, Inc. ("Income"), both open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("act"), and Hare's, Ltd., the principal underwriter for Shares and Income, have filed applications pursuant to section 6 (c) of the act for an order exempting from the provisions of section 22 (d) of the act the offering of the shares of the open-end companies at reduced public offering prices based on combined quantity purchases of their shares.

The applications contain the following representations:

Shares (composed of four series of funds, viz Institutional Bank Fund, Institutional Insurance Fund, Institutional Growth Fund and Institutional Foundation Fund) and Income, are affiliated through common management, having the same Board of Directors, underwriter, investment manager, investment advisory committee and certain of the same officers. Each of the above five funds has a different investment objective to serve the varied needs of individual investors.

The current offering price of the stock of Shares and Income is equal to net asset value per share plus a sales charge which is approximately the percentages of the offering price based on the amount of purchases, as follows:

Amount of purchase:	*Sales commission (Percent)*
Less than $15,000	8½
$15,000 to $24,999	7½
$25,000 to $49,999	6
$50,000 to $99,999	4
$100,000 or more	2¼

A majority of the Board of Directors of each of the respective applicants voted in favor of permitting the extension of the foregoing quantity discounts to purchases of shares of all five funds so that the reduced sales commissions will be applicable to purchases of shares of either fund or the aggregate purchases of shares of all five funds by (1) a single purchase for a single account of a person, joint tenancy, corporation or association, or to such a purchase by a fiduciary acting as such and not as an agent for others and (2) separate purchases aggregating $15,000 or more of shares of either fund within a period of thirteen months by the same purchaser pursuant to a signed form of letter of intention to make such purchases.

It is stated that the reduced sales charge would not affect the net asset value to be received by Shares or Income for their shares and would appear appropriate in that the extension of quantity discounts as indicated would permit investors who wish to diversify their investments by purchasing shares of both companies to do so without sacrificing the discount which would be the case if the discount were confined to the entire investment being made in shares of only one of the funds.

Section 6 (c) of the act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Since the proposed transactions may involve an offering of redeemable securities otherwise than at a current public offering price described in the prospectus, which is prohibited by section 22 (d) of the act, the application requests an exemption to the extent necessary to permit the offering of shares on the basis proposed.

Notice is further given that any interested person may, not later than September 19, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 57-7424; Filed, Sept. 10, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 181]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 6, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time (or 9:30 o'clock a. m., local Daylight Saving Time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub No. 82), filed July 29, 1957, YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415 Perry Brooks Bldg., Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from points in Texas on and south of U. S. Highway 190 from the Texas-Louisiana State line through Jasper, Woodville and Livingston to junction U. S. Highway 75 and on and east of U. S. Highway 75 from junction with U. S. Highway 190 through Conroe, Houston and Galveston to the Gulf of Mexico, to points in Alabama, Tennessee, Georgia, Florida, Arkansas, Mississippi, South Carolina, North Carolina, Kentucky, Missouri, Oklahoma, New Mexico, Kansas and Colorado.

NOTE: Applicant seeks no duplicating authority.

HEARING: November 25, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Mack Myers.

No. MC 531 (Sub No. 84), filed July 29, 1957, YOUNGER BROTHERS, INC., 4904 Griggs Rd., Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Bldg, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, and *acids* and *chemicals*, not limited to Appendix XV of Ex Parte MC 45 or the definition in the Maxwell case, in bulk, in tank, multiple cylinder, hopper, vacuum and other type vehicles, (1) between points in Texas on and south of U. S. Highway 190 from the Texas-Louisiana State line through Jasper, Woodville, Livingston, Huntsville and Cameron, to junction U. S. Highway 81 at Temple, Tex., and on and east of U. S. Highway 81 from Temple through Austin and San Antonio, Tex., to Laredo, Tex., on the one hand, and, on the other, points in Arizona, California, Colorado, Indiana, Iowa, Kansas, Missouri, Illinois, Kentucky, Minnesota, Nebraska, Nevada, North Carolina, South Carolina, Virginia, South Dakota, Tennessee, West Virginia, Utah, Wisconsin, Alabama, Georgia, Florida, New York, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, and Michigan; and (2) between points in Louisiana on and south of U. S. Highway 190, on the one hand, and, on the other, points in Arizona, California, Colorado, Indiana, Iowa, Kansas, Missouri, Illinois, Kentucky, Minnesota, Nebraska, Nevada, North Carolina, South Carolina, Virginia, South Dakota, Tennessee, West Virginia, Utah, Wisconsin, Alabama, Georgia, Florida, New York, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, and Michigan.

NOTE: Applicant seeks no duplicating authority.

HEARING: December 12, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Mack Myers.

No. MC 704 (Sub No. 20), filed July 15, 1957, JESSE O. WILLETT, doing business as J. O. WILLETT, P. O. Box 2836, Monroe, La. Applicant's attorney: Carll V. Kretsinger, Suite 1014 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipe-line material, machinery* and *equipment*, incidental to and used in the construction, repairing, or dismantling of pipe-lines, between points in all states of the United States, including the District of Columbia, except points in California. RESTRICTION: Applied-for authority to be limited to traffic moving to or from pipe-line rights-of-way and pipe-line construction projects.

NOTE: Applicant requests cancellation of any duplicating authority concurrently with issuance of a certificate as sought herein. Applicant is authorized to transport similar commodities in all states in the United States and the District of Columbia, except the State of California.

HEARING: November 12, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner Allen W. Hagerty.

No. MC 730 (Sub No. 105), filed August 5, 1957, PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prepared foodstuffs, fruits* and *vegetables, poultry (including turkeys)*, eviscerated or prepared, *fish, including shell fish, beverages, beverage preparations, fruit and vegetable juices and concentrates, meats, meat products and meat by-products and dairy products* as defined by the Commission, and *all other food products* requiring refrigerated equipment in transit, between points in California, Oregon and Washington. Applicant is authorized to transport the commodities specified in California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and other commodities in the same states and in Arizona.

HEARING: October 28, 1957, at Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 873 (Sub No. 29), filed June 3, 1957, SOONER FREIGHT LINES, 3000 West Reno, Box 2458, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *Class A and B explosives*, between Oklahoma City, Okla., and the McCullough Tool Company magazine site located one mile south and one-half mile west of Mustang, Okla., from Oklahoma City over Oklahoma Highway 152 to Mustang, Okla., thence over unnumbered county roads to the McCullough magazine site, and return over the same route, serving no intermediate points.

HEARING: October 14, 1957, at the Mayo Hotel, Tulsa, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 1124 (Sub No. 136), filed August 21, 1957, HERRIN TRANSPORTATION COMPANY, a Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, and commodities in bulk, between Dallas, Tex., and Alexandria, La., from Dallas over U. S. Highway 80 to Shreveport, La., thence over U. S. Highway 71 to Alexandria, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct regular route operations in Alabama, Arkansas, Florida, Louisiana, Tennessee, and Texas, and irregular route operations in Arkansas, Louisiana, Oklahoma, and Texas.

HEARING: November 27, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 1124 (Sub No. 137), filed August 22, 1957, HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, and commodities in bulk, between Alto, Tex., and Leesville, La., from Alto over Texas Highway 21 to junction Louisiana Highway 6, thence over Louisiana Highway 6 to Many, La., thence over U. S. Highway 171 to Leesville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct regular route operations in Alabama, Arkansas, Florida, Louisiana, Tennessee, and Texas, and irregular route operations in Arkansas, Louisiana, Oklahoma, and Texas.

NOTE: Duplication with present authority to be eliminated.

HEARING: November 27, 1957, at the Federal Office Building, Franklin & Fannin Sts., Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 1124 (Sub No. 138), filed August 26, 1957, HERRIN TRANSPORTATION COMPANY, a Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives*, but excepting commodities of unusual value, household goods as defined by the Commission, and commodities in bulk, between Houston, Tex., and Leesville, La.: from Houston over U. S. Highway 59 to Livingston, Tex., thence over U. S. Highway 190 to Jasper, Tex., thence over Texas Highway 63 to its junction with Louisiana Highway 8, thence over Louisiana Highway 8 to Leesville, La., serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Houston, Tex., and New Orleans, La., and between Lake Charles, La., and Shreveport, La. Applicant is authorized to transport general commodities in Arkansas, Florida, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

HEARING: November 27, 1957, at the Federal Office Building, Franklin & Fannin Sts., Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 1124 (Sub No. 139), filed August 26, 1957, HERRIN TRANSPORTATION COMPANY, a Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Baton Rouge, La., and the junction of U. S. Highways 190 and 90 near Slidell, La., over U. S. Highway 190, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to transport general commodities in Arkansas, Florida, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

HEARING: November 27, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Joint Board No. 164, or, if the Joint Board waives its right to participate, Examiner Mack Myers.

No. MC 1224 (Sub No. 2), filed July 12, 1957, LEO J. GRIFFITH, doing business as GRIFFITH TRANSFER, Pisgah, Iowa. Applicant's attorney: Wallace W. Huff, 310-14 Security Bank Bldg., Sioux City 1, Iowa. For authority to operate as a *common carrier*, over a regular and an alternate route: transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Soldier, Iowa, and Onawa, Iowa: from Soldier over Iowa Highway 37 to Onawa, and return over the same route, serving the intermediate point of Turin, Iowa; and (2) between Missouri Valley, Iowa, and Onawa, Iowa: from Missouri Valley over U. S. Highway 75 to Onawa, and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's proposed route No. (1) herein and its authorized regular route between Missouri Valley, Iowa and Soldier, Iowa in Certificate No. MC 1224. Applicant is authorized to conduct similar operations between specified points in Iowa and Nebraska.

HEARING: October 15, 1957, at the Federal Office Bldg., 5th and Court Avenues, Des Moines, Iowa, before Joint Board No. 92, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 2473 (Sub No. 13), (Correction and clarification) filed April 12, 1957, published June 12, 1957, on page 4145, BILLINGS TRANSFER CORP., INC., 704 West Fifth Avenue, Lexington, N. C. Applicant's attorney: Edgar Watkins, Munsey Bldg., Washington 4, D. C. This Form BMC 78 application filed to change the wording of commodity description in applicant's authorized *common carrier* operations in Certificate No. MC 2473 (Sub No. 12) now reading: "textiles and textile products (except cotton products)", to read *"textiles and textile products (except cotton products) and clothing and wearing apparel and component parts used in the manufacture thereof, as described in Appendix X to Descriptions in Motor Carrier Certificates, 61 M. C. C. 209"*. Applicant is authorized to transport similar commodities in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

HEARING: September 16, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 4405 (Sub No. 289), filed July 19, 1957, DEALERS TRANSIT, INC., 12601 South Torrence Ave., Chicago 33, Ill. Applicant's attorney: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks and busses*, as defined in Descriptions in Motor Carrier Certificates Ex Parte MC-45, and *fire engines* and/or *fire apparatus*, in initial movements via driveaway and truckaway service, and *parts and accessories* thereof moving at the same time and with the vehicle of which they are a part and on which they are to be installed, from Sidney, Ohio, to points in the United States; *damaged, rejected or returned shipments* of the above-described commodities on return. Applicant is authorized to conduct similar operations throughout the United States.

HEARING: October 14, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Joint Board No. 164, or, if the Joint Board waives its right to participate, Examiner Mack Myers.

No. MC 6150 (Sub No. 6), filed April 29, 1957, GEORGE B. DUNN, 602 W. Randolph, Enid, Okla. Applicant's attorney: C. F. Hanely, 300 Colcord Building, Oklahoma City, Okla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Commercial fertilizer*, in bulk and bags, from Dallas, Tex., and points within 10 miles thereof, to points in Oklahoma, and *empty containers or other such incidental facilities* (not specified) used in transporting commercial fertilizer on return.

HEARING: October 16, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 8989 (Sub No. 168), filed July 19, 1957, HOWARD SOBER, INC., 2400 West St. Joseph St., Lansing 4, Mich. Applicant's attorney: Albert F. Beasley, Investment Bldg., 15th and K Sts., NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, and busses*, as defined in Descriptions in Motor Carrier Certificates, Ex Parte MC-45, *fire engines* and/or *fire apparatus*, in initial movements via driveaway and truckaway service, and *parts and accessories* thereof moving at the same time and with the vehicle of which they are a part and on which they are to be installed, from Sidney, Ohio, to points in the United States; *damaged, rejected or returned shipments* of the above-described commodities, on return. Applicant is authorized to conduct similar operations throughout the United States.

HEARING: October 14, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 14743 (Sub No. 17), filed April 22, 1957, E. L. POWELL, H. H. POWELL AND B. L. POWELL, doing business as E. L. POWELL AND SONS TRUCKING COMPANY, 405 North Elwood, P. O. Box 356, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) (a) *Machinery, equipment, materials*, and *supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and (b) *Machinery, materials, equipment*, and *supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; (2) *heavy machinery* and *heavy machinery parts*, when incidental to the transportation of heavy machinery; (3) *contractors' equipment* and *supplies*; (4) *commodities*, the transportation of which, by reason of size or weight, require the use of spedial equipment; and (5) *parts of commodities* described in (4) above, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments, between points in Missouri, Kansas, Oklahoma, and Texas, on the one hand, and, on the other, points in Utah and Arizona. Applicant is authorized to transport similar commodities in Arkansas, Colorado, Kansas, Louisiana, New Mexico, Mississippi, Montana, North Dakota, Oklahoma, Texas, and Wyoming.

HEARING: October 24, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner James C. Cheseldine.

No. MC 14743 (Sub No. 18), filed August 5, 1957, E. L. POWELL, H. H. POWELL AND B. L. POWELL, doing business as E. L. POWELL AND SONS

TRUCKING COMPANY, 405 North Elwood, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipeline material, machinery* and *equipment*, incidental to and used in the construction, repairing, or dismantling of pipe lines, (1) between points in Kansas, New Mexico, Oklahoma and Texas; (2) between points in Oklahoma and Kansas on the one hand, and, on the other, points in Arkansas and Louisiana; (3) between points in Tulsa County, Okla., on the one hand, and, on the other, points in Mississippi, Colorado and Wyoming; (4) between points in Oklahoma on and east of U. S. Highway 81, points in Texas on and east of U. S. Highway 281, and on and north of U. S. Highway 90, and points in Kansas on and east of U. S. Highway 81, and on and south of U. S. Highway 54, on the one hand, and, on the other, points in Wyoming and Colorado, and, except the stringing and picking up of pipe in connection with main or trunk pipe lines used for the transportation of *petroleum, petroleum products* and *natural gas*, (1) between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U. S. Highway 212 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the Canadian Boundary, those in that part of North Dakota on and west of North Dakota Highway 30, and those in South Dakota west of the Missouri River and on and north of U. S. Highway 14; and, (2) between points in Oklahoma on the one hand, and, on the other, ports of entry on the United States-Canada International Boundary line in Montana and North Dakota between Sweetgrass, Mont., and Pembina, N. Dak., both inclusive. Applicant is authorized to conduct operations in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Montana, Texas, and Wyoming.

HEARING: October 15, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner James C. Cheseldine.

No. MC 19416 (Sub No. 9), filed July 15, 1957, DUNN BROS., INC., 801 Mercantile Securities Building, P. O. Box 5771, Dallas 22, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Bldg., Dallas, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe* and *pipe-line material, machinery* and *equipment*, incidental to and used in the construction, repairing, servicing, maintenance or dismantling of pipe-lines, between points in the United States, including the District of Columbia, but excepting points in the state of California. RESTRICTION: Applied-for authority to be limited to traffic moving to or from pipe-line rights-of-way and pipe-line construction projects.

NOTE: Applicant states no duplicating authority is sought. Applicant is authorized to transport similar commodities in all states in the United States except California.

HEARING: November 12, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner Allen W. Hagerty.

No. MC 19564 (Sub No. 54), filed March 18, 1957, L. C. JONES TRUCKING COMPANY, INC., 4300 S.E. 29th St., P. O. Box 4368, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Tractars* (other than truck tractors) *tractor tool bars* and *tractor attachments*, (2) *contractors equipment* and *contractors equipment attachments*, (3) *construction machinery and equipment* as defined by the Commission in Appendix VIII to MC–45, 61 M. C. C. 286, (4) *road and street building and maintenance machinery and equipment, including motor graders, scarifiers, street sweepers, snow plows* and *attachments*, (5) *excavating, dirt moving, loading and unloading machinery and equipment*, and *attachments*, (6) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines*, and *accessories*, with or without electrical generators attached, and *empty containers*, (7) *cranes, derricks, lift trucks* and *attachments*, (8) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power, (9) *logging and mining machinery, equipment* and *attachments*, (10) *lathes* and *machine shop machinery* and *equipment*, (11) *printing presses, accessories* and *attachments*, (12) *generators* and *boilers*, (13) *electric welders* and *weld rods*, plain or flux coated, (14) *airplanes*, (15) *castings*, (16) *artillery, artillery carriages, gun barrels, half-tracks, tanks, tank engines*, and *cargo or freight trailers*, (17) *conex, seal bins, and plastic or metal containers*, empty, or fully loaded, (18) *buildings, silos* and *grain or feed storage bins*, knocked down or erected, (19) *steel, bar, plate, sheet*, or *structural*, singularly or in bundles, (20) *heavy machinery* and *attachments*, (21) *commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling. RESTRICTION: In instances of overlapping in the above commodity descriptions, applicant seeks only one right. Applicant agrees that the above commodity descriptions shall be nonseverable by sale or otherwise. (22) *machinery, equipment, materials*, and *supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (23) *machinery, materials, equipment*, and *supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof. Between points in Arizona, Colorado, New Mexico, and Utah.

HEARING: November 4, 1957, at the New Mexico State Corporation Commission, Santa Fe, New Mex., before Examiner Allen W. Hagerty.

No. MC 21455 (Sub No. 5), filed August 21, 1957, GENE MITCHELL, West Liberty, Iowa. Applicant's representative: Kenneth F. Dudley, 106 North Court Street, P. O. Box 557, Ottumwa, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Animal and poultry feed*, in bags and in bulk, from Iowa City, Riverside, and West Liberty, Iowa to points in Illinois, Minnesota, Missouri, Nebraska and Wisconsin. (2) *Animal and poultry feed ingredients*, from points in Illinois, Minnesota, Missouri, Nebraska and Wisconsin to Iowa City, Riverside and West Liberty, Iowa. (3) *Beer* and *malt beverages*, from South Bend, Ind., to Muscatine and Iowa City, Iowa, and *empty containers* of beer and malt beverages from Muscatine and Iowa City, Iowa to South Bend, Ind. Applicant is authorized to transport similar commodities in Illinois, Iowa and Wisconsin, and other commodities in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin.

HEARING: October 28, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 26462 (Sub No. 1), filed June 27, 1957, JOE JACA, JR., doing business as JACA TRUCK LINE, McDermitt, Nev. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including commodities in bulk*, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between Winnemucca, Nev., and McDermitt, Nev., and points within 50 miles of McDermitt in Nevada and Oregon. Applicant is authorized to conduct similar operations in Nevada over a regular route.

HEARING: October 11, 1957, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 297.

No. MC 28132 (Sub No. 47), filed August 30, 1957, HVIDSTEN TRANSPORT, INC., 2821 Main Avenue, Fargo, N. Dak. Applicant's attorney: Alan Foss, First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products* and *all derivatives thereof*, in bulk, in tank vehicles, from Duluth, Minn., and points within 25 miles of Duluth, to points in North Dakota, Upper Peninsula of Michigan, Wisconsin, points in that part of Minnesota on and south of Minnesota Highway 23, and to ports of entry on the International Boundary between the United States and Canada at or near Pigeon River, International Falls and Noyes, Minn. Applicant is authorized to transport similar commodities in Minnesota, North Dakota and Wisconsin, and other commodities in Minnesota and North Dakota.

HEARING: September 30, 1957, at the Federal Courts Bldg., National Labor Relations Board, 601 Metropolitan Building, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 30042 (Sub No. 16), filed August 5, 1957, JOHN W. PRESLEY, doing business as SECURITY TRUCKING CO., P. O. Box 2497, 1211 N. Peoria, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipe line material, machinery* and *equipment*, incidental to and used in the construction, repairing, or dismantling of pipe lines, (1) between points in Oklahoma, Kansas, and Texas; (2) between points in Oklahoma, Kansas, Arkansas, and Texas, and those in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Illinois and Missouri; (3) between points in Oklahoma, on the one hand, and, on the other, points in Arkansas and Louisiana; (4) between points in New Mexico; (5) between points in New Mexico on the one hand, and, on the other, points in Texas, and, Except the stringing and picking up of pipe in connection with main or trunk pipe lines used for the transportation of *petroleum, petroleum products* and *natural gas*, (1) between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U. S. Highway 212 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the Canadian boundary, those in that part of North Dakota on and west of North Dakota Highway 30, and those in South Dakota west of the Missouri River and on and north of U. S. Highway 14. Applicant is authorized to conduct operations in Oklahoma, Kansas, Texas, New Mexico, Illinois, Missouri, Louisiana, Colorado, Nebraska, Wyoming, Montana, North Dakota, and South Dakota.

HEARING: October 15, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner James C. Cheseldine.

No. MC 30250, filed January 28, 1936, HOUSTON AND NORTH TEXAS MOTOR FREIGHT LINES, INC., 842 Slocum Street, Dallas, Tex. Applicant's attorneys: Carl L. Phinney and Leroy Hallman, 617 First National Bank Bldg., Dallas, Tex. *PETITION* filed April 5, 1957, for an order declaring that it may properly transport: *guided missiles* when packed, and mounted upon special built, government-owned trailers, from Grand Prairie, Tex., to Oklahoma City, Okla., under its Certificated authority, which reads in part, to transport: *General commodities*, except those of unusual value, and except livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M. C. C. 467, commodities in bulk, and those requiring special equipment, between Dallas, Tex., and Oklahoma City, Okla., from Dallas over U. S. Highway 77 to Oklahoma City, and return over the same route. Service is authorized to and from the intermediate points of Denton and Gainesville, Tex., and those between the Texas-Oklahoma State line and Oklahoma City, Okla.

HEARING: October 14, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 30423 (Sub No. 15), filed July 15, 1957, OKLAHOMA - LOUISIANA MOTOR FREIGHT CO., a corporation, 6850 South Shields, P. O. Box 2667, Stockyards Station, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials*, as described in Appendix VI to Descriptions in Motor Carrier Certificates, Ex Parte Nos. MC 45, 61 M. C. C. 209, from Ennis, Tex., and points within five (5) miles thereof, to points in Oklahoma. Applicant is authorized to transport similar commodities in Louisiana and Oklahoma.

HEARING: December 12, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 30837 (Sub No. 228), filed July 19, 1957, KENOSHA AUTO TRANSPORT CORPORATION, 4519-76th Street, Kenosha, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks and busses*, as defined in Descriptions in Motor Carrier Certificates, Ex Parte MC–45, *fire engines* and/or *fire apparatus*, in initial movements via driveaway and truckaway service, and *parts and accessories* thereof moving at the same time and with the vehicle of which they are a part and on which they are to be installed, from Sidney, Ohio, to points in the United States; *damaged, rejected or returned shipments* of the above-described commodities, on return. Applicant is authorized to conduct similar commodities throughout the United States.

HEARING: October 14, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 30837 (Sub No. 229), filed July 30, 1957, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th St., Kenosha, Wis. Applicant's attorney: James K. Knudson, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movements, by truckaway method, from Kenosha, Wis. to points in Idaho. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 15, 1957, in Room 852, U. S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 30867 (Sub Nos. 69 through 165), CENTRAL FREIGHT LINES, INC., Waco, Tex. Assigned for hearing to determine whether the motor vehicle operations of the said carrier are and will be managed and operated in a common interest with those of Central Forwarding, Inc., a multiple-State operator under certificate issued in No. MC 24670 and MC 24670 (Sub No. 5), and of the eligibility of the said CENTRAL FREIGHT LINES, INC., to engage in operations in interstate or foreign commerce within the State of Texas, under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

HEARING: December 6, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 52110 (Sub No. 64), filed June 5, 1957, BRADY MOTORFRATE, INC., Register & Tribune Bldg., 12th Floor, Des Moines, Iowa. Mailing address: P. O. Box 716, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Bldg., Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packing house products*, and *commodities used by packing houses*, as defined by the Commission in Appendix I of Ex Parte No. MC 45 (61 M. C. C. 209), from Austin, Minn., to Cincinnati, Columbus, Dayton, Hamilton, and Middletown, Ohio.

HEARING: October 21, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 52657 (Sub No. 507), filed July 19, 1957, ARCO AUTO CARRIERS, INC., 7530 S. Western Ave., Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 W. Doty St., Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks and busses*, as defined in Descriptions in Motor Carrier Certificates Ex Parte MC–45, and *fire engines* and/or *fire apparatus*, in initial movements via driveaway and truckaway service, and *parts and accessories* thereof moving at the same time and with the vehicle of which they are a part and on which they are to be installed, from Sidney, Ohio, to points in the United States; *damaged, rejected or returned shipments* of the above-described commodities, on return. Applicant is authorized to conduct similar operations throughout the United States.

HEARING: October 14, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 59894 (Sub No. 12), filed July 11, 1957, TEXAS-ARIZONA MOTOR FREIGHT, INC., P. O. Box 1034, 1700 East Second Street, El Paso, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Fort Stockton, Tex., and junction unnumbered county road and U. S. Highway 290, approximately 18 miles west of Sheffield, Tex., from Fort Stockton over U. S. Highway 285 to junction unnumbered county road approximately 26 miles southeast of Fort Stockton, thence over said unnumbered county road to junction U. S. Highway 290, approximately 18 miles west of Sheffield, and return over the same route, serving all intermediate points and the off-route point of Permian Base Pipeline Company's Michell Carbon Dioxide Removal Plant. Applicant is authorized to conduct simi-

lar operations in Arizona, California, New Mexico, and Texas.

HEARING: October 29, 1957, at the Hotel Paso del Norte, El Paso, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 59894 (Sub No. 13), filed July 11, 1957, TEXAS-ARIZONA MOTOR FREIGHT, INC., P. O. Box 1034, 1700 East Second Street, El Paso, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Van Horn, Tex., and Alpine, Tex., from Van Horn over U. S. Highway 90 to Alpine, and return over the same route, serving all intermediate points; (2) between Marfa, Tex., and Presidio, Tex., from Marfa over U. S. Highway 67 to Presidio, and return over the same route, serving all intermediate points; (3) between Kent, Tex., and Alpine, Tex., from Kent over Texas Highway 118 to Alpine, and return over the same route, serving all intermediate points, and the off-route point of McDonald Observatory; and (4) between Fort Davis, Tex., and Marfa, Tex., from Fort Davis over Texas Highway 17 to Marfa, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in Arizona, California, New Mexico, and Texas.

HEARING: October 29, 1957, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 59894 (Sub No. 14), filed August 8, 1957, TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second St., P. O. Box 1034, El Paso, Tex. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highways 80 and 290 and Odessa, Tex., from junction U. S. Highways 80 and 290 over U. S. Highway 80 to Odessa, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between El Paso, Tex., and Midland, Tex. Applicant is authorized to conduct similar operations in Arizona, California, New Mexico, and Texas.

HEARING: November 1, 1957, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 63562 (Sub No. 31), filed August 23, 1957, NORTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 176 East 5th Street, St. Paul, Minn. Applicant's attorney: H. K. Bradford, Jr., Law Department, Northern Pacific Railway Company, St. Paul 1, Minn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Schilling, Mont., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct regular route operations in Idaho, Montana, North Dakota, and Washington, and irregular route operations in Minnesota, Montana, and North Dakota.

HEARING: September 20, 1957, at the U. S. Court Rooms, Helena, Mont., before Joint Board No. 82.

No. MC 70451 (Sub No. 194), filed August 19, 1957, WATSON BROS. TRANSPORTATION CO., INC., 1523 Marcy St., Omaha, Nebr. Applicant's attorney: Edward G. Bazelon, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment because of unusual size and weight, (1) serving the site of the Caterpillar Tractor Company plant immediately adjacent to and west of Illinois Highway 31, approximately four-tenths of a mile southwest of the village of Montgomery (Kendall County), Ill., as an off-route point in connection with applicant's authorized regular routes between (a) Omaha, Nebr., and Chicago, Ill., (b) Plattsmouth, Nebr., and Chicago, Ill., (c) Des Moines, Iowa, and Chicago, Ill., (d) Davenport, Iowa, and junction U. S. Highway 34 and Illinois Highway 65, (e) Cook County, Ill., and points in Buchanan, Andrew, Nodaway, Worth, Gentry, Harrison and DeKalb Counties, Mo., and Taylor and Page Counties, Iowa, and (f) Cook County, Ill., and points in Buchanan, Andrew, Nodaway, Worth, Gentry, Harrison and DeKalb Counties, Mo., and Taylor and Page Counties, Iowa, in Certificate No. MC 70451, and (g) between Iowa City, Iowa, and Chicago, Ill., in Certificate No. MC 70451 (Sub No. 98); and (2) between the site of the Caterpillar Tractor Company plant immediately adjacent to and west of Illinois Highway 31 approximately four-tenths of a mile southwest of the village of Montgomery (Kendall County), Ill., and Peoria, Ill.: (a) from site of said plant over Illinois Highway 31 to junction U. S. Highway 34, thence over U. S. Highway 34 to junction Illinois Highway 88, and thence over Illinois Highway 88 to Peoria, and return over the same route, (b) from site of said plant over Illinois Highway 31 to junction U. S. Highway 34, thence over U. S. Highway 34 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U. S. Highway 66, thence over U. S. Highway 66 to junction U. S. Highway 24, and thence over U. S. Highway 24 to Peoria, and return over the same route, and (c) from site of said plant over Illinois Highway 31 to junction U. S. Highway 34, thence over U. S. Highway 34 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 66, thence over U. S. Highway 66 to junction U. S. Highway 24, and thence over U. S. Highway 24 to Peoria, and return over the same route.

NOTE: (a) No authority is sought herein to pick-up and deliver a shipment between any two points both of which are located east of the Illinois-Iowa State line; (b) applicant intends, by foregoing request, to permit it to serve between the site of said plant and all points which it is authorized to serve in interstate commerce west of the Illinois-Iowa State line, or at which applicant may interchange interstate traffic with other highway carriers; in addition, it will permit applicant to partially load traffic at the site of said plant destined to a point west of the Illinois-Iowa State line and to complete loading, on the same vehicle, at Peoria and Morton, Ill., as well as permitting stops at Morton and Peoria for partial unloading with final delivery at the site of said plant on traffic originating at a point west of the Illinois-Iowa State line.

HEARING: October 3, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 149.

No. MC 83539 (Sub No. 24), filed March 18, 1957, C & H TRANSPORTATION CO., INC., P. O. Box 5976, 2135 West Commerce Street, Dallas, Tex. Applicant's attorney: W. T. Brunson, 508 Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Tractors* (other than truck tractors) *tractor tool bars* and *tractor attachments*, (2) *contractors equipment* and *contractors equipment attachments*, (3) *construction machinery and equipment* as defined by the Commission in Appendix VIII to MC-45, 61 M. C. C. 286, (4) *road and street building and maintenance machinery and equipment, including motor graders, scarifiers, street sweepers, snow plows* and *attachments*, (5) *excavating, dirt moving, loading and unloading machinery and equipment*, and *attachments*, (6) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines*, and *accessories*, with or without electrical generators attached, and *empty containers*, (7) *cranes, derricks, lift trucks* and *attachments*, (8) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power, (9) *logging and mining machinery, equipment* and *attachments*, (10) *lathes* and *machine shop machinery* and *equipment*, (11) *printing presses, accessories* and *attachments*, (12) *generators* and *boilers*, (13) *electric welders* and *weld rods*, plain or flux coated, (14) *airplanes*, (15) *castings*, (16) *artillery, artillery carriages, gun barrels, half-tracks, tanks, tank engines*, and *cargo or freight trailers*, (17) *conex, seal bins*, and *plastic or metal containers*, empty or fully loaded, (18) *buildings, silos* and *grain or feed storage bins*, knocked down or erected, (19) *steel, bar, plate, sheet*, or *structural*, singularly or in bundles, (20) *heavy machinery* and *attachments*, (21) *commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling, (22) *parts* and *accessories* of commodities described in Items 1 through 21 (inclusive) above, either when incidental to the transportation of Items 1 through 21, or when transported as separate and independent shipments. RESTRICTION: In instances of overlapping in the above commodity descriptions, applicant seeks only one right. Applicant agrees that the above-commodity descriptions shall be non-severable by sale or otherwise, (23) *machinery, equipment, materials,* and *supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (24) *machinery, materials, equipment,* and *supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the string and picking up thereof. Between points in Arizona, Colorado, New Mexico, and Utah.

HEARING: November 4, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Allen W. Hagerty.

No. MC 83539 (Sub No. 25), filed May 8, 1957, C & H TRANSPORTATION COMPANY, INC., 1935 Commerce St., P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipe line material, machinery and equipment, incidental to and used in the construction, repairing, or dismantling of pipe lines*, except the stringing, or picking up of pipe in connection with main or trunk petroleum and natural gas pipe lines, between points in Arkansas, Colorado, Illinois, Indiana, Kentucky, Kansas, Louisiana, Mississippi, Montana, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, Wisconsin and Wyoming. Applicant is authorized to transport similar commodities in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, Wisconsin, and Wyoming.

NOTE: Duplicating authority should be eliminated.

HEARING: October 15, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner James C. Cheseldine.

No. MC 83539 (Sub No. 26), filed July 12, 1957, C & H TRANSPORTATION CO., INC., 1935 Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes. This application has been filed on applicant's contention that it is presently authorized to transport the commodities listed below, and seeks, thereby, to obtain a clarification of its present authority to transport contractors equipment and supplies, heavy machinery, heavy machinery parts, road and bridge-building machinery and equipment, and commodities, the transportation of which because of size or weight require the use of special equipment and parts: (1) tractors, (other than truck tractors), tractor tool bars and tractor attachments; (2) contractors equipment and contractors equipment attachments; (3) construction machinery and equipment as defined by the Commission in Appendix VIII to MC-45, 61 M. C. C. 286; (4) road and street building and maintenance machinery and equipment, including motor graders, scarifiers, street sweepers, snow plows and attachments; (5) excavating, dirt moving, loading and unloading machinery and equipment, and attachments; (6) internal combustion, radial, rocket, nuclear powered and jet propulsion engines, and accessories, with or without electrical generators attached, and empty containers; (7) cranes, derricks, lift trucks and attachments; (8) motor vehicles (other than conventional autos) inoperative and not loaded under their own power; (9) logging and mining machinery, equipment and attachments; (10) lathes and machine shop machinery and equipment; (11) printing presses, accessories and attachments; (12) generators and boilers; (13) electric welders, weld rods, plain or flux coated; (14) castings; (15) airplanes; (16) artillery, artillery carriages, gun barrels, half-tracks, tanks, tank engines, and cargo or freight trailers; (17) conex, seal bins and plastic or metal containers, empty or fully loaded; (18) buildings, silos and grain or feed storage bins, knocked down or erected; (19) steel, bar, plate, sheet, or structural, singly or in bundles; (20) heavy machinery and attachments; (21) commodities, the loading, unloading or transportation of which, because of size, weight or shape, require use of special equipment, special rigging, or special handling; and (22) parts and accessories of commodities described in Items 1 through 21 above. RESTRICTIONS: In instances of overlapping in the above commodity description, applicant seeks only one right; applicant agrees that the above commodity descriptions shall be non-severable by sale or otherwise. Heavy machinery parts which are not transported with the machinery of which they are a part or on which they are to be installed, shall not be transported between points in Illinois, on the one hand, and, on the other, points in Mississippi and Louisiana and those in Arkansas on U. S. Highway 61. No service shall be performed in the stringing or picking up of pipe in connection with main or trunk pipe lines.

HEARING: December 9, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 83539 (Sub No. 29), filed August 5, 1957, C & H TRANSPORTATION CO., INC., 1935 Commerce St., P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *tractors* (other than truck tractors) *tractor tool bars and tractor attachments;* (2) *contractors' equipment* and *contractors' equipment attachments;* (3) *construction machinery and equipment* as defined by the Commission in Appendix VIII to MC 45, 61 M. C. C. 286; (4) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines*, and *accessories*, with or without electrical generators attached, and empty containers; (5) *cranes, derricks, lift trucks* and *attachments;* (6) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power; (7) *logging and mining machinery, equipment* and *attachments;* (8) *conex, seal bins*, and *plastic or metal containers*, empty containers, empty or fully loaded; (9) *heavy machinery* and *attachments;* (10) *commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling, (11) *parts and accessories* of commodities described in Items 1 through 11 (inclusive) above, between points in Oklahoma, Kansas, Texas, Nebraska, New Mexico and Colorado, on the one hand, and, on the other, points in Washington, Oregon and Idaho. Applicant is authorized to conduct operations in Arkansas, Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, Wyoming, Washington, Oregon, Idaho, and Utah.

HEARING: December 13, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 92983 (Sub No. 219), filed April 29, 1957, ELDON MILLER, INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Highway and bridge construction and maintenance machinery and equipment, structural and reinforcing steel, culvert pipe, castings, engines, generators*, and *parts of an accessories for highway and bridge construction and maintenance machinery and equipment*, between (1) points in Iowa; (2) points in Illinois; (3) those in Missouri on and east of U. S. Highway 63 and on and north of U. S. Highway 50; (4) those in Minnesota on and south of U. S. Highway 12; and (5) those in Wisconsin. Applicant is authorized to conduct operations in Iowa, Illinois, Missouri, Nebraska, Kansas, Minnesota, Wisconsin, Ohio, Arkansas, Kentucky, Tennessee, and Michigan. NOTE: Applicant states that if this application is granted it will request that Certificate No. MC 92983 (Sub No. 29) be canceled. Certificate No. MC 92983 (Sub No. 29) authorizes the transportation of highway and bridge construction and maintenance machinery and equipment between points in Iowa, Illinois and that portion of Missouri on and east of U. S. Highway 63 and on and north of U. S. Highway 50; between points in Iowa, Illinois and that part of Missouri on and east of U. S. Highway 63 and on and north of U. S. Highway 50, on the one hand, and, on the other, points in that part of Minnesota on and south of U. S. Highway 12, and those in Wisconsin, except Green Bay, and those within 50 miles of Green Bay; between points in

Wisconsin, except Green Bay, and those within 50 miles of Green Bay, on the one hand, and, on the other, points in that part of Minnesota on and south of U. S. Highway 12; iron and steel castings (each individual piece weighing 300 pounds or more), structural and reinforcing steel, internal combustion engines, generators, and parts of and accessories for highway and bridge construction and maintenance machinery and equipment, between points in Iowa, Illinois, those in that part of Missouri on and east of U. S. Highway 63 and on and north of U. S. Highway 50, those in that part of Minnesota on and south of U. S. Highway 12, and those in Wisconsin, except Green Bay and points within 50 miles of Green Bay, subject to the restriction that no service shall be rendered under the next-above authority between points in the Chicago, Ill. commercial zone, as defined by the Commission, on the one hand, and, on the other, Milwaukee, Wis.; culvert pipe, from Clinton, Iowa, to points in that part of Minnesota on and south of U. S. Highway 12 and points in Wisconsin except Green Bay and those within 50 miles of Green Bay.

HEARING: November 1, 1957, at the Federal Office Bldg., 5th and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 92983 (Sub No. 223), filed May 3, 1957, ELDON MILLER, INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, and in packages and containers, from Berwyn, Ill., to points in Minnesota, North Dakota and South Dakota. *Empty packages and containers*, on return. Applicant is authorized to transport similar commodities in Illinois, Nebraska, Iowa, Wisconsin, Missouri, Minnesota, and Arkansas.

HEARING: October 29, 1957, in the Federal Office Bldg., 5th and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 92983 (Sub No. 224), filed May 22, 1957, ELDON MILLER, INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats* and *oils*, other than petroleum and petroleum products, in bulk, in tank vehicles, between points in Iowa, Kansas, Missouri, Nebraska and South Dakota. Applicant is authorized to transport similar commodities in Iowa, Missouri, Kansas, Nebraska, New York, Pennsylvania, South Dakota, Tennessee, Arkansas, Georgia, Mississippi, Ohio, Texas, Kentucky, Illinois, Minnesota, and Wisconsin.

HEARING: October 30, 1957, at the Federal Office Bldg., 5th and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 92983 (Sub. No. 238), filed July 11, 1957, ELDON MILLER, INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Alkyl benzene*, in bulk, in tank vehicles, from St. Louis, Mo., to Dallas, Tex. Applicant is authorized to transport similar commodities in Iowa, New York, Kansas, Nebraska, Indiana, Kentucky, Pennsylvania, Massachusetts, New York, Connecticut, Missouri, Illinois, Michigan, Minnesota, Wisconsin, and Texas.

HEARING: October 16, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Allan F. Borroughs.

No. MC 92983 (Sub No. 239), filed July 11, 1957, ELDON MILLER, INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Illinois, Missouri, Minnesota and Wisconsin. Applicant is authorized to conduct similar operations in Missouri, Iowa, Nebraska, Illinois, Kentucky, Louisiana, Oklahoma, Texas, West Virginia, Kansas, Ohio, Indiana, Arkansas, Colorado, North and South Dakota, Tennessee, Minnesota, Wisconsin, and Michigan.

HEARING: October 29, 1957, at the Federal Court Bldg., 5th and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 92983 (Sub No. 247), filed August 1, 1957, ELDON MILLER, INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt syrup*, in bulk, in tank vehicles, from Villa Park, Ill., to points in Colorado, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin. Applicant is authorized to transport corn syrup and molasses in Iowa, Missouri, Kansas, Nebraska, Indiana, Texas, North and South Dakota, Minnesota, Louisiana, Mississippi, Tennessee, Alabama, Arkansas, Georgia, Kentucky, Oklahoma, Illinois, Pennsylvania, and Wisconsin.

HEARING: October 11, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 92983 (Sub No. 248), filed August 1, 1957, ELDON MILLER, INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in La Salle County, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri and Wisconsin. Applicant is authorized to conduct similar operations in Missouri, Texas, and Illinois.

HEARING: October 11, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Walter R. Lee.

No. MC 93890 (Sub No. 13), filed April 5, 1957, McDOWALL TRANSPORT, INC., 33 W. Grant Ave., P. O. Box 3231, Orlando, Fla. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern Nat'l. Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, chassis* and *trailers*, from Evansville, Ind., to points in Florida. Applicant is authorized to transport the named vehicles from specified points in Indiana and Michigan to points in Florida.

HEARING: October 22, 1957, at the Federal Bldg., Detroit, Mich., before Examiner Walter R. Lee.

No. MC 102570 (Sub No. 1), filed April 17, 1957, FRED FINK, Delmont, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial livestock feed* and *poultry feed, fertilizer*, and *building materials*, from Sioux City, Iowa, to Delmont, S. Dak., and points within 15 miles of Delmont.

HEARING: October 15, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 148, or, if the Joint Board waives it right to participate, before Examiner Gerald F. Colfer.

No. MC 103066 (Sub No. 12), filed March 18, 1957, VAN STONE, doing business as STONE TRUCKING CO., P. O. Box 2014, 1516 West 49th Street, Tulsa, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Tractors* (other than truck tractors) *tractor tool bars* and *tractor attachments*, (2) *contractors equipment* and *contractors equipment attachments*, (3) *construction machinery and equipment* as defined by the Commission in Appendix VIII to MC–45, 61 M. C. C. 286, (4) *road and street building and maintenance machinery and equipment, including motor graders, scarifiers, street sweepers, snow plows* and *attachments*, (5) *excavating, dirt moving, loading and unloading machinery and equipment*, and *attachments*, (6) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines*, and *accessories*, with or without electrical generators attached, and *empty containers*, (7) *cranes, derricks, lift trucks* and *attachments*, (8) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power, (9) *logging and mining machinery, equipment* and *attachments*, (10) *lathes* and *machine shop machinery* and *equipment*, (11) *printing presses, accessories* and *attachments*, (12) *generators* and *boilers*, (13) *electric welders* and *weld rods*, plain or flux coated, (14) *airplanes*, (15) *castings*, (16) *artillery, artillery carriages, gun barrels, half-tracks, tanks, tank engines*, and *cargo or freight trailers*, (17) *conex, seal bins*, and *plastic or metal containers*, empty or fully loaded, (18) *buildings, silos* and *grain or feed storage bins*, knocked down or erected, (19) *steel, bar, plate, sheet*, or *structural*, singularly or in bundles, (20) *heavy machinery* and *attachments*, (21) *commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling. RESTRICTION: In instances of overlapping in the above commodity descriptions, applicant seeks only one right. Applicant agrees that the above commodity descriptions shall be non-severable by sale or otherwise. (22) *machinery, equipment, materials* and *supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (23) *machinery, materials, equipment* and *supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof. Between points in Arizona, Colorado, New Mexico, and Utah.

HEARING: November 4, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Allen W. Hagerty.

No. MC 103066 (Sub No. 13), filed August 5, 1957, VAN STONE, doing business as STONE TRUCKING CO., P. O. Box 2014, 1516 West 49th St., Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipe line material, machinery* and *equipment*, incidental to and used in the construction, repairing, or dismantling of pipe lines, (1) between points in Arkansas and Illinois; (2) between points in Arkansas and Illinois on the one hand, and, on the other, points in Oklahoma, Texas, Kansas, New Mexico and Louisiana; (3) between points in Kansas, Oklahoma and Texas; and, Except the stringing and picking up of pipe in connection with main or trunk pipe lines used for the transportation of *petroleum, petroleum products* and *natural gas*, (1) between points in Nevada on the one hand, and, on the other, points in Kansas, Texas, and Oklahoma; and (2) between points in Oklahoma on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, and extending along U. S. Highway 212 to Miles City, thence along Montana Highway 22 to Jordan, thence northwesterly in a straight line to Malta, and thence along unnumbered highway (formerly Montana Highway 19) to the United States-Canada Boundary line; those in that part of North Dakota on and west of a line beginning at the United States-Canada Boundary line and extending along North Dakota Highway 30 through St. John, York, and Medina to Lehr, thence along unnumbered highway (formerly North Dakota Highway 30) to Ashley, and thence along North Dakota Highway 3 (formerly North Dakota Highway 30) to the North Dakota-South Dakota State line; and those in South Dakota west of the Missouri River and on and north of U. S. Highway 14, and, (3) between points in Oklahoma on the one hand, and, on the other, ports of entry on the United States-Canada Boundary line in Montana and North Dakota between Sweetgrass, Montana, and Pembina, North Dakota, both inclusive. Applicant is authorized to conduct operations in Oklahoma, Montana, Wyoming, South Dakota, Arkansas, Illinois, Texas, Kansas, New Mexico, Louisiana, and Nevada.

HEARING: October 15, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner James C. Cheseldine.

No. MC 103880 (Sub No. 175), filed May 24, 1957, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Detroit, Mich., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin. Applicant is authorized to conduct operations in Indiana, Michigan, Ohio, Illinois, Kentucky, Wisconsin, Pennsylvania, West Virginia, Iowa, and New York.

HEARING: October 23, 1957, at the Federal Bldg., Detroit, Mich., before Examiner Walter R. Lee.

No. MC 103880 (Sub No. 176), filed June 24, 1957, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone to points in New York, Ohio, Pennsylvania, and Kentucky. Applicant is authorized to conduct similar operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

HEARING: October 8, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 103880 (Sub No. 177), filed July 19, 1957, PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Phenol*, (carbolic acid) in bulk, in tank vehicles, from Midland, Mich., to Beaumont, Tex. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin.

HEARING: October 17, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 105920 (Sub No. 7), filed August 5, 1957, THE SQUAW TRANSIT COMPANY, P. O. Box 9415, 5121 South 49th West Avenue, Tulsa 7, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipe line material, machinery* and *equipment*, incidental to and used in the construction, repairing, or dismantling of pipe lines, (1) between points in Colorado, Kansas, Nebraska, and Oklahoma, (2) between Coffeyville, Kans., Bartlesville and Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Missouri, New Mexico, Ohio, Texas, and West Virginia, (3) between Houston, Texas, and Parkersburg, W. Va., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas and West Virginia. Applicant is authorized to conduct operations in Colorado, Kansas, Nebraska, Oklahoma, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Missouri, New Mexico, Ohio, Texas, and West Virginia.

HEARING: October 15, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner James C. Cheseldine.

No. MC 106398 (Sub No. 84), filed July 29, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Rd., Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian St., Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Iowa (except Des Moines, Iowa), to points in the United States (except Mt. Clemens, Detroit and Flint, Mich.) Applicant is authorized to transport the commodity specified throughout the United States.

HEARING: October 23, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 106497 (Sub No. 11), filed July 15, 1957, PARKHILL TRUCK COMPANY, a Corporation, P. O. Box 3807, Tulsa, Okla. Applicant's attorney: Carll V. Kretsinger, 1014 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipe-line material, machinery* and *equipment*, incidental to and used in connection with the construction, repairing, servicing, maintenance, or dismantling of pipe lines, between points in Arizona, Connecticut, Delaware, Idaho, Massachusetts, Maryland, Montana, Maine, New Hampshire, North Carolina, New Jersey, Nevada, Rhode Island, South Carolina, Utah, Vermont and the District of Columbia; and between points in the above-named States and the District of Columbia, on the one hand, and, on the other, points in the remaining 32 States, except California. RESTRICTION: Applied-for authority to be limited to traffic moving to or from pipe-line rights-of-way and pipe-line construction projects.

NOTE: Applicant states if the above-described authority is granted, cancelation of its authority in MC–106497 (Sub No. 3) will be requested. Applicant is authorized to transport similar commodities to all points in the United States and the District of Columbia, except points in California.

HEARING: November 12, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner Allen W. Hagerty.

No. MC 107052 (Sub No. 5), filed August 22, 1957, EDWIN L. MORTON, 101 West Willis Avenue, Perry, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (a) *Sheet steel, corrugated sheet steel*, and *galvanized corrugated sheet steel, steel posts, galvanized post, rivets, steel fencing, gal-*

vanized gates, steel gates, sectional corrugated galvanized plating, galvanized bolts, galvanized nuts and *galvanized fence*, from Kokomo, Ind., and points in the Chicago, Ill., Commercial Zone as defined by the Commission, to Muscatine, Des Moines, and Sioux City, Iowa, and Pierre, S. Dak. (b) *Corrugated galvanized culvert pipe, tarred corrugated galvanized pipe, galvanized bands, galvanized bolts, galvanized nuts, galvanized fence, galvanized posts,* and *galvanized gates*, from Des Moines and Sioux City, Iowa, to points in Nebraska and South Dakota. (c) *Sheet steel, corrugated sheet steel,* and *galvanized corrugated sheet steel, steel posts, galvanized post, rivets, steel fencing, galvanized gates, steel gates, sectional corrugated galvanized plating, galvanized bolts, galvanized nuts* and *galvanized fence, corrugated galvanized culvert pipe, tarred corrugated galvanized pipe, galvanized bands,* and *galvanized bolts*, from Pierre, S. Dak., to Sioux City, Des Moines, and Muscatine, Iowa. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return for (a), (b) and (c) above. Applicant is authorized to transport other commodities in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota.

HEARING: October 28, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 107103 (Sub No. 4), filed June 19, 1957, ROBINSON CARTAGE COMPANY, a Corporation, 2712 Chicago Drive, Grand Rapids, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities, the transportation of which, because of size or weight, require the use of special equipment,* and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which, by reason of size or weight, require the use of special equipment, between points in the Lower Peninsula of Michigan on and west of U. S. Highway 27, and on and north of the southern boundary lines of Allegan, Barry and Eaton Counties, on the one hand, and, on the other, points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee and Kentucky. Applicant is authorized to transport similar commodities in Illinois, Indiana, Michigan, Ohio, and Wisconsin.

HEARING: October 24, 1957, at the Federal Bldg., Detroit, Mich., before Examiner Walter R. Lee.

No. MC 107107 (Sub No. 90), filed June 18, 1957, ALTERMAN TRANSPORT LINES, INC., 2424 NW. 46th St., Miami, Fla. Mailing address: P. O. Box 65, Allapattah Station, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fish, fruits, nuts, bakery goods, pickled vegetables, candy, confectionary* and *salad dressing*, from Chicago, Ill., to Tampa and Jacksonville, Fla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities on return. Applicant is authorized to conduct operations in Florida, New York, Pennsylvania, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia, Illinois, Indiana, Missouri, Maryland, Michigan, Ohio, Louisiana, Texas, District of Columbia, Tennessee, Nebraska, Wisconsin, Iowa, Kansas, South Dakota, Alabama, Kentucky, Minnesota, Oklahoma, Vermont, Maine, Massachusetts, Mississippi, and West Virginia.

HEARING: October 16, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 107295 (Sub No. 57), filed July 5, 1957, PRE-FAB TRANSIT CO., a Corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sash, windows, doors, awnings* and *canopies* (all made from aluminum), from Litchfield, Ill., to points in the United States. Applicant is authorized to conduct similar operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 17, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 107376 (Sub No. 6), filed May 27, 1957, TELISCHAK TRUCKING, INC., 12300 Farmington Road, Livonia, Mich. Applicant's attorney: William B. Elmer, 2606 Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *High pressure concrete water pipe*, from Dearborn, Mich., to points in Pennsylvania and New York, and *returned or rejected shipments* of the above-described commodity on return.

HEARING: October 25, 1957, at the Federal Bldg., Detroit, Mich., before Examiner Walter R. Lee.

No. MC 107477 (Sub No. 7), filed April 8, 1957, AUTO EXPRESS, INC., Route 1, Box 812, Dinsmore, Fla. Applicant's attorney: Sol H. Proctor, Suite 713 Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles*, in initial movements, by the truckaway method, from Evansville, Ind., to Augusta, Ga., and points in Florida. Applicant is authorized to conduct similar operations in Florida, Georgia, and Michigan.

HEARING: October 22, 1957, at the Federal Bldg., Detroit, Mich., before Examiner Walter R. Lee.

No. MC 107496 (Sub No. 92), filed April 1, 1957, RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Liquid and dry chemicals, liquid fertilizers,* and *fertilizer ammoniating solutions*, including, but not limited to anhydrous ammonia, aqua ammonia, nitrogen solutions, and mineral solutions, in bulk, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, Lemont, Ill., and points within five miles thereof, and points in Will County, Ill., to points in Illinois, Iowa, Minnesota, Michigan, Missouri, Wisconsin, Indiana, Kansas, Kentucky, Nebraska, North Dakota, Ohio and South Dakota. (2) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Illinois on and north of U. S. Highway 50, points in Iowa on and east of U. S. Highway 65, points in Indiana on and north of a line beginning at Vincennes, and extending along Indiana Highway 67 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 45, thence along Indiana Highway 45 to Bloomington, and thence along Indiana Highway 46 to the Indiana-Ohio State line, points in Michigan on and south of a line beginning at Lake Michigan and extending along an unnumbered highway via North Muskegon to junction U. S. Highway 31, thence along U. S. Highway 31 to Muskegon, thence along Michigan Highway 46 to St. Louis, Mich., and on and west of a line beginning at St. Louis and extending along U. S. Highway 27 to Lansing, Mich., thence along U. S. Highway 127 to junction U. S. Highway 223, thence along U. S. Highway 223 to the Michigan-Ohio State line, and those in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 69 to junction U. S. Highway 151, thence along U. S. Highway 151 through Madison to Fond du Lac, and on and south of Wisconsin Highway 23. (3) *Wax, petrolateum, white oils, road oils* and *asphalt*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Illinois, Iowa, Minnesota, Michigan, Missouri, Wisconsin, Indiana, Kansas, Kentucky, Nebraska, North Dakota, Ohio, and South Dakota. RESTRICTION: No authority is being sought to render service between any two points located in any one single State or in the same State. Applicant is authorized to transport similar commodities in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant states all duplicating authority will be eliminated.

HEARING: October 4, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Gerlad F. Colfer.

No. MC 107515 (Sub No. 256), (Amended) filed July 17, 1957, published in issue of September 5, 1957, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta, Ga. Applicant's attorneys: Allan Watkins, Grant Bldg., Atlanta 3, Ga., and Carll V. Kretsinger, Suite 1014–18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities* requiring refrigeration or temperature control, except citrus products from Florida, between the site of the Natural Storage Co., Inc., at or near Loring, Kans., on the one hand, and, on the other, points in Mississippi, Alabama, Tennessee, North Carolina, South Carolina, Georgia, Florida and Louisiana. Applicant is authorized to transport similar commodities in Alabama, Louisiana, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Wisconsin, Arkansas, Oklahoma, Virginia, Georgia, Tennessee, North Carolina, South Carolina, Florida, Nebraska, Minnesota, Iowa, and Texas.

HEARING: Remains as assigned October 22, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 108053 (Sub No. 18), filed June 28, 1957, LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P. O. Box 310, Fremont, Nebr. Applicant's attorney: Erle W. Francis, 214 W. Sixth St., Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meatpacking houses*, as defined by the Commission, (1) from Chicago and Peoria, Ill., Mason City and Sioux City, Iowa, Kansas City, Kans., St. Joseph, Mo., Omaha, Nebr., and Topeka, Kans., on the one hand, to, on the other, Salt Lake City, Utah, and points in Washington and Oregon; (2) from St. Louis, Mo., Fremont, Nebr., Arkansas City, Kans., and Oklahoma City, Okla., on the one hand, to, on the other, Salt Lake City, Utah, Las Vegas and Reno, Nev., and points in Washington, Oregon, and California; (3) from St. Paul, Minn. and Huron, S. Dak. to Salt Lake City, Utah; *empty containers or other such incidental facilities (not specified) used in transporting the named commodities* and *damaged shipments of the named commodities*, on return. Applicant is authorized to conduct operations in Kansas, New Mexico, Arizona, Texas, California, Colorado, Illinois, Iowa, Missouri, Nebraska, South Dakota, Nevada, and Minnesota.

HEARING: October 9, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 108461 (Sub No. 54), filed August 24, 1957, WHITFIELD TRANSPORTATION, INC., 280 West Amador, Las Cruces, N. Mex. Applicant's attorney: Loyal G. Kaplan, Suite 924 City National Bank Bldg., Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Cottonseed oil*, in bulk, in tank vehicles, from points in Texas and New Mexico, to points in California; (2) *cottonseed oil*, in tank vehicles, between points in Texas and New Mexico; and (3) *fish oils* and *fish solubles*, in bulk, in tank vehicles, from Los Angeles Harbor Commercial Zone and Los Angeles Commercial Zone, Calif., to points in Texas and New Mexico. Applicant is authorized to transport commodities other than those specified above in Arizona, California, Colorado, New Mexico, Texas, and Utah.

HEARING: October 31, 1957, at the Hotel Paso Del Norte, El Paso, Tex., before Examiner Allen W. Hagerty.

No. MC 108615 (Sub No. 5), filed August 2, 1957, TERRY TRUCKING SERVICE, INC., Route #3, Box 502, Ottawa, Ill. Applicant's representative: George S. Mullins, 4704 W. Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products*, (1) from Aledo, Alsey, Colchester, Danville, Galesburg, Shale City, Sparland, and Peoria, Ill., to points in Indiana, Iowa, Wisconsin, and points in the lower peninsula of Michigan, (2) from Des Moines and points in Polk County, Iowa, to points in Illinois and Indiana; and (3) from Brazil and Veedersburg, Ind., to points in Illinois, Wisconsin, and points in the lower peninsula of Michigan; and *lime*, from Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Indiana and Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

HEARING: October 21, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 109346 (Sub No. 4), filed July 15, 1957, J. L. COX & SON, INC., Raytown, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipe-line material, machinery* and *equipment*, incidental to and used in the construction, repairing, or dismantling of pipe-lines, between points in all states of the United States, including the District of Columbia, except the State of California. RESTRICTION: Applied-for authority to be limited to traffic moving to or from pipe-line rights-of-way and pipe-line construction projects.

NOTE: Applicant states it will request cancelation of any duplicating authority concurrently with issuance of a certificate as sought herein. Applicant is authorized to transport similar commodities in all states in the United States and the District of Columbia, except California.

HEARING: November 12, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner Allen W. Hagerty.

No. MC 109584 (Sub No. 36), filed August 1, 1957, ARIZONA-PACIFIC TANK LINES, 717 North 21st Ave., Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils*, and *rejected and contaminated shipments of vegetable oils*, in bulk, in tank vehicles, between points in California, on the one hand, and, on the other, points in Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Michigan, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington and Wisconsin. Applicant is authorized to transport the commodities specified in Arizona, California, Colorado, Nevada, Oregon, Texas, Utah and Washington; and other commodities in the named states and in Idaho and New Mexico.

HEARING: October 17, 1957, at Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 110312 (Sub No. 7), filed August 2, 1957, MILAM AND SPROULE TRUCKING, INC., 1003 N. Vermillion St., Streator, Ill. Applicant's representative: George S. Mullins, 4704 W. Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products*, from Sparland, Ill., to points in Indiana, Iowa, the Lower Peninsula of Michigan, and Wisconsin. Applicant is authorized to transport clay products from described points in Illinois to described points in Indiana, Iowa, and Wisconsin.

HEARING: October 21, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 110420 (Sub No. 151), filed July 15, 1957, QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt syrup*, in bulk, in tank vehicles, from Villa Park, Ill., to points in Colorado, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Applicant is authorized to conduct similar operations in Illinois, Michigan, Missouri, and Nebraska.

HEARING: October 17, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 110988 (Sub No. 44), filed July 22, 1957, KAMPO TRANSIT, INC., 200 Cecil St., Neenah, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn syrup* and *liquid sugar*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Wisconsin and the Upper Peninsula of Michigan. Applicant is authorized to conduct operations in Wisconsin, Illinois, Indiana, Georgia, Louisiana, Missouri, Oklahoma, Texas, Nebraska, Minnesota, Iowa, Ohio, Michigan, Kentucky, Arkansas, Kansas, and Tennessee.

HEARING: October 18, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 111320 (Sub No. 31), (Clarification) filed August 8, 1957, published page 6949, issue of August 28, 1957, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th St., and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building and earth moving equipment*, and *parts thereof* when moving with

such equipment, and, *additional attachments* not a part of the shipment being transported, in truckaway service, between Findlay, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states that it is already authorized to transport road building and earth moving equipment and parts thereof, when moving with such equipment, in driveaway service, between the points named above. Applicant is authorized to conduct operations throughout the United States.

HEARING: Remains as assigned October 8, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 111472 (Sub No. 50), filed July 26, 1957, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 W. Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Tractors, including tractors which have general utility use, not limited to farm tractors, with or without attachments*, but excepting truck tractors, from Wichita and Hutchinson, Kans., to points in the United States excepting the District of Columbia.

HEARING: October 15, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 111623 (Sub No. 14), filed August 8, 1957, SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid and compressed gases*, (except liquefied petroleum gases), in cylinders and shipper-owned trailers; and *cylinder cradles, empty cylinders*, and *shipper-owned trailers*, between Lima, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Pennsylvania, West Virginia, and points in the lower Peninsula of Michigan. Applicant is authorized to transport Carbon dioxide, liquefied, in bulk, in tank vehicles, and carbon dioxide, solidified (dry ice), from Lima, Ohio, to points in Indiana and points in the lower Peninsula of Michigan, and other commodities in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, West Virginia, and Wisconsin.

HEARING: October 21, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 111722 (Sub No. 1), filed July 31, 1957, S. C. WILLIAMS, doing business as BRACY & WILLIAMS, Route #5, Albia, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including steel* and *steel products*, but excluding those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Maywood, Argo, Bellewood, Calumet City, Chicago Heights, Hegeswisch, Riverdale, Summit, Villa Park, West Pullman, Clearing, Evanston, Cicero, Berwyn, Blue Island, Oak Park, Forest Park, and Joliet, Ill., and Calumet, Gary, Grosselli, Hammond, Indiana Harbor, Whiting, and East Chicago, Ind., on the one hand, and, on the other, Albia and Centerville, Iowa. Applicant is authorized to conduct similar operations in Illinois, Indiana, and Iowa.

HEARING: October 23, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 113434 (Sub No. 3), filed April 19, 1957, GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pickles* and *pickle products*, between Benthiem, Mich., and points in Wisconsin, Illinois, Indiana, Ohio, West Virginia, Pennsylvania, Kentucky and Missouri; *vinegar*, in bulk, in tank vehicles, between Holland, Mich., and points in Wisconsin, Illinois, Indiana, Ohio, West Virginia, Pennsylvania, Kentucky, Missouri and Iowa; and *mineral feeds*, from Carey, Ohio, to Saginaw and Holland, Mich. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: Duplicating authority should be eliminated.

HEARING: October 25, 1957, at the Federal Bldg., Detroit, Mich., before Examiner Walter R. Lee.

No. MC 113459 (Sub No. 12), filed March 18, 1957, H. J. JEFFRIES TRUCK LINE, INC., 4720 South Shields, P. O. Box 4877, Capitol Hill Station, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Tractors* (other than truck tractors) *tractor tool bars* and *tractor attachments*, (2) *contractors equipment* and *contractors equipment attachments*, (3) *construction machinery and equipment* as defined by the Commission in Appendix VIII to MC–45, 61 M. C. C. 286, (4) *road and street building and maintenance machinery and equipment, including motor graders, scarifiers, street sweepers, snow plows* and *attachments*, (5) *excavating, dirt moving, loading and unloading machinery and equipment*, and *attachments*, (6) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines*, and *accessories*, with or without electrical generators attached, and *empty containers*, (7) *cranes, derricks, lift trucks* and *attachments*, (8) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power, (9) *logging and mining machinery, equipment* and *attachments*, (10) *lathes* and *machine shop machinery* and *equipment*, (11) *printing presses, accessories* and *attachments*, (12) *generators* and *boilers*, (13) *electric welders* and *weld rods*, plain or flux coated, (14) *airplanes*, (15) *castings*, (16) *artillery, artillery carriages, gun barrels, half-tracks, tanks, tank engines*, and *cargo or freight trailers*, (17) *conex, seal bins*, and *plastic or metal containers*, empty or fully loaded, (18) *buildings, silos* and *grain or feed storage bins*, knocked down or erected, (19) *steel, bar, plate, sheet*, or *structural*, singularly or in bundles, (20) *heavy machinery* and *attachments*, (21) *commodities*, the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling, (22) *parts* and *accessories* of commodities described in Items 1 through 21 (inclusive) above, either when incidental to the transportation of Items 1 through 21, or when transported as separate and independent shipments. RESTRICTION: In instances of overlapping in the above commodity descriptions, applicant seeks only one right. Applicant agrees that the above-commodity descriptions shall be nonseverable by sale or otherwise. (23) *machinery, equipment, materials* and *supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (24) *machinery, materials, equipment*, and *supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereeof. Betweeen points in Arizona, Colorado, New Mexico, and Utah.

HEARING: November 4, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Allen W. Hagerty.

No. MC 113459 (Sub No. 13), filed July 12, 1957, H. J. JEFFERIES TRUCK LINE, INC., P. O. Box 4877, Capitol Hill Station, 4720 S. Shields, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes. This application has been filed on applicant's contention that it is presently authorized to transport the commodities listed below, and seeks thereby to obtain a clarification of its present authority to transport road building machinery and road building machinery parts, heavy machinery and heavy machinery parts, and commodities, and parts of such commodities, which because of size or weight require use of special equipment: (1) tractors (other than truck tractors), tractor tool bars and tractor attachments; (2) contractors equipment and contractors equipment attachments; (3) construction machinery and equipment, as defined by the Commission in Appendix VIII to MC–45, 61 M. C. C. 286; (4) road and street building and maintenance machinery and equipment, including motor graders, scarifiers, street sweepers, snow plows and attachments; (5) excavating, dirt moving, loading and unloading machinery and equipment, and attachments; (6) internal combustion, radial, rocket, nuclear powered and jet propulsion engines, and accessories, with or without electrical generators attached, and empty containers; (7) cranes, derricks, lift trucks and attachments; (8) motor vehicles (other than conventional autos) inoperative and not loaded under their own power; (9) logging and mining machinery, equipment and attachments; (10) lathes and machine shop machinery and equipment; (11) printing presses, accessories and attachments; (12) generators and boilers; (13) electric welders and weld rods, plain or flux coated; (14) airplanes; (15) castings; (16) artillery, artillery carriages, gun barrels, half-tracks, tanks, tank engines, and cargo or freight trailers; (17) conex, seal bins and plastic or metal containers, empty or fully loaded; (18) buildings, silos and grain or feed storage bins, knocked down or erected; (19) steel, bar, plate, sheet, or structural, singularly or in bundles; (20) heavy machinery and attachments; (21) commodities, the loading, unloading or transportation of which because of size, weight or shape require use of special equipment, special rigging or special handling; (22) parts and accessories of commodities described in 1 through 21 above, either when incidental to the transportation thereof, or when transported as separate and independent shipments. RESTRICTIONS: In instances of overlapping in the above commodity description, applicant seeks only one right. Applicant agrees that the above commodity description shall be non-severable by sale or otherwise. The authority sought is to be restricted against the stringing or picking up of pipe in connection with main or trunk pipe lines.

NOTE: Applicant states that if this application is approved, it will request cancellation of any duplicating authority simultaneously with the issuance of a Certificate embracing the authority applied for herein. Applicant does not seek any extension of territory nor elimination of any of its present gateway restrictions. Applicant is authorized to conduct operations in Oklahoma, Illinois, Kansas, Texas, Arkansas, New Mexico, Indiana, Iowa, Kentucky, Missouri, Louisiana, Colorado, Wyoming, Montana, Nebraska, North and South Dakota, Utah, and Nevada.

HEARING: December 9, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 113459 (Sub No. 14), filed August 12, 1957, H. J. JEFFERIES TRUCK LINE, INC., P. O. Box 4877, 4720 South Shields, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipe line material, machinery and equipment*, incidental to and used in the construction, repairing, or dismantling of pipe lines, (1) between points in Oklahoma; (2) between points in Oklahoma, on the one hand, and, on the other, points in Illinois; (3) between points in Oklahoma, Kansas, Texas and Arkansas, and those in Lea and Eddy Counties, N. Mex.; (4) between points in Illinois south of U. S. Highway 36, those in Indiana south of a line beginning at the Indiana-Illinois State line, and extending along U. S. Highway 36 to Indianapolis, thence along U. S. Highway 40 to the Indiana-Ohio State line, and those in Kentucky within 75 miles of Owensboro, Ky., including points on the indicated portions of the highways specified; (5) between points in Colorado, Kansas, Louisiana, Oklahoma, Texas and Wyoming, and, Except the stringing and picking up of pipe in connection with main or trunk pipe lines used for the transportation of *petroleum, petroleum products* and *natural gas*, (1) between points in Oklahoma, on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, South Dakota and Utah; (2) between points in Nevada, on the one hand, and, on the other, points in Wyoming Colorado, Oklahoma and Texas; (3) from Fort Morgan, Colorado, to points in Banner, Cheyenne and Kimball Counties, Nebr.; (4) between Sterling, Colo., and points within 15 miles of Sterling, on the one hand, and, on the other, points in Banner, Cheyenne and Kimball Counties, Nebr. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Montana, Nebraska, New Mexico, Nevada, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

HEARING: October 15, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner James C. Cheseldine.

No. MC 113779 (Sub No. 54), filed May 29, 1957, YORK INTERSTATE TRUCKING, INC., 9020 LaPorte Expressway, Houston 17, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Compressed gases*, in bulk, in manifolded cylinder trailers, from points in Harris County, Tex., to points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma.

HEARING: October 24, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Allan F. Borroughs.

No. MC 113833 (Sub No. 2), filed June 26, 1957, SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Carbon dioxide*, in bulk, in tank vehicles, and *carbon dioxide, solidified*, (dry ice), from Chicago, Ill., to points in Indiana, Iowa, and Wisconsin.

HEARING: October 8, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 113883 (Sub No. 2), filed April 26, 1957, HARVEY BORCHERS, Big Rock, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as described in Appendix XII to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, from Hutchinson, Kans., to Stanwood, Iowa.

HEARING: October 21, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 114211 (No. 8), filed May 17, 1957, DONALDSON TRANSFER COMPANY, a Corporation, 213 Witry Street, Waterloo, Iowa. Applicant's attorneys: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C., and Franklin R. Overmyer, Harris Trust Building, 111 West Monroe Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tractors, roadmaking machinery*, and *contractors' equipment and supplies* (1) between points in Illinois, on the one hand, and, on the other, points in Iowa, Nebraska, Kansas, and Colorado; and (2) between points in Iowa, Minnesota, South Dakota, Nebraska, Kansas, and Colorado.

NOTE: Applicant now holds the same authority here requested, except that its present commodity description reads, Tractors, roadmaking machinery and contractors' equipment and supplies, requiring special equipment.

HEARING: October 7, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 114211 (Sub No. 9), filed August 2, 1957, DONALDSON TRANSFER COMPANY, a Corporation, 213 Witry St., Waterloo, Iowa. Applicant's attorney: Franklin R. Overmyer, Harris Trust Bldg., 111 West Monroe St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roadmaking, grading and excavating machinery, tractors* (not including tractors with vehicle beds, vehicle bed frames, fifth wheels, vehicle axle or bolster bearings), and *related internal combustion engines, parts and loading and grading attachments* when incidental to the transportation of roadmaking, grading and excavating machinery and tractors, from points in Linn County, Iowa, to points in Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Idaho, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia and Wyoming. Applicant is authorized to transport similar commodities in Illinois, Iowa, Nebraska, Kansas, Minnesota, South Dakota, Colorado, Missouri, Indiana, North Dakota, and Wisconsin.

HEARING: October 22, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 115162 (Sub No. 23), filed August 23, 1957, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P. O. Box 869, Montgomery, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Soy Bean Meal*, in

bulk, from Taylorville and Decatur, Ill., and Decatur, Ind., to Guntersville, Ala. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 16, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William E. Messer.

No. MC 115920, filed April 12, 1957, (REOPENED FOR FURTHER HEARING), ROBERT F. COX, doing business as TWIN CITY TRANSPORT, 609 N. Cunningham St., Urbana, Ill. Applicant's attorney: W. G. Winkelmann, 211 South Race Street, Urbana, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, in secondary movements, in tow-away service, between points in Illinois, on the one hand, and, on the other, points in the United States.

HEARING: October 7, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 116062 (Sub No. 13), filed June 25, 1957, CALIFORNIA EXPRESS, INC., 1701 Vinewood, Fort Worth, Tex. Applicant's attorney: John W. Carlisle, 422 Perry-Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in Harris County, Tex., to points in Arkansas, Louisiana, Missouri, and Tennessee.

HEARING: October 21, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Allan F. Borroughs.

No. MC 116077 (Sub No. 27), filed May 15, 1957, ROBERTSON TANK LINES, INC., P. O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, Brown Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Sulphate black liquor* and *sulphate black liquor skimmings*, in bulk, in tank vehicles, from Elizabeth, La., to Evadale, Tex., and (2) *rosin size*, in tank vehicles, from De Ridder, La., to Evadale, Tex. Applicant is authorized to transport black liquor and black liquor skimmings in specified points in Louisiana and Texas.

HEARING: October 18, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 116082 (Sub No. 1), filed July 25, 1957, JUAN MORALES AND AMADOR P. MORALES, doing business as MORALES AND SON, 2312 Water Street, Laredo, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including commodities in bulk*, and *household goods* as defined by the Commission but excluding those of unusual value, and Class A and B explosives; and *heavy machinery, heavy or cumbersome commodities*, which because of size or weight require special equipment, *machinery* and *materials* used in oil and gas industry, between Laredo, Tex., and points in Texas within five miles of Laredo, on the one hand, and, on the other, the port of entry on the International boundary line between the United States and Mexico at or near Laredo, Tex.

HEARING: October 25, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Joint Board No. 294, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 116535 (Sub No. 1), filed August 13, 1957, O. E. FLING, doing business as FLING TRUCK LINES, 2411 Inwood Road, Dallas, Tex. Applicant's attorney: John W. Carlisle, 422 Perry-Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Steel*, such as bars, angles, rounds or rods, sheets, galvanized, hot rolled and cold rolled, beams and reinforcing rods in bundles weighing not less than 2,000 pounds per bundle, and steel plates requiring the use of special equipment in the loading, unloading, and transportation thereof, from Gadsden, Bessemer, Fairfield, and Birmingham, Ala., to points in Texas, Oklahoma, and Arkansas, and *exempt commodities*, as defined by the Commission, on return.

HEARING: November 29, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Mack Myers.

No. MC 116544 (Sub No. 1), filed May 27, 1957, WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Robert R. Hendon, Investment Bldg., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Flour, hominy grits, corn meal, rolled oats, baking mixes*, and *pancake flour*, from points in Kansas, and from St. Joseph and Kansas City, Mo., and Alva, Okla., to points in Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

NOTE: Applicant has contract carrier irregular route authority in Permit Nos. 111290 and MC 111290 (Sub No. 7), dated October 15, 1953 and January 23, 1956, respectively—section 210 (dual authority) may be involved.

HEARING: October 24, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 116773, filed June 25, 1957, HALTOM & GREER, INC., P. O. Box 662, Nacogdoches, Tex. Applicant's attorney: Francis Ingraham Tucker, P. O. Box 662, Nacogdoches, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, (1) from Nacogdoches, Tex., to points in Arkansas, Louisiana and Texas; and (2) *Lumber* from points in Arkansas and Louisiana to points in Texas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

NOTE: Applicant states that it will transport the above commodities for the Nacogdoches County Lumber Company and the Buckley Lumber Company, and that it will not haul any other commodities nor haul for any other person.

HEARING: October 17, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Allan F. Borroughs.

No. MC 116774, filed June 25, 1957, JOHN N. JOHN, JR., doing business as JOHN N. JOHN TRUCK LINE, Crowley, La. Applicant's attorney: John W. Carlisle, 422 Perry-Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid and dust fertilizer, insecticides, and fungicides*, in drums, sacks and boxes, from Houston, Fort Worth, Dallas, Sulphur Springs, Lubbock, Corpus Christi, El Paso, San Antonio, and Harlingen, Tex. and Pryor, Okla., to points in Louisiana.

NOTE: Under the name of John N. John, Jr. applicant holds Permit No. MC 81755 authorizing transportation of unrelated commodities.

HEARING: October 18, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Allan F. Borroughs.

No. MC 116794, filed July 5, 1957, C. E. RHODES, doing business as C. E. RHODES TRUCK LINE, P. O. Box 272, Kountze, Tex. Applicant's attorney: Jo E. Shaw, 342 First National Bank Bldg., Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in Texas, Louisiana, Oklahoma, and New Mexico.

HEARING: October 25, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Allan F. Borroughs.

No. MC 116800, filed July 8, 1957, DONALD CLINE, 3445 Southland Drive, Corpus Christi, Tex. Applicant's representative: Donald R. Cline, 3445 Southland Drive, Corpus Christi, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lubricating oils, petroleum products*, and *greases*, in barrels, drums, cans in cartons or cases, or in packages, from Oil City and Rouseville, Pa., to Corpus Christi and Victoria, Tex., and *exempt commodities*, such as fish and agricultural products, on return.

HEARING: October 21, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Allan F. Borroughs.

No. MC 116834 (Sub No. 1), filed August 8, 1957, JAMES P. PHILLIPS, doing business as J. P. PHILLIPS TRUCKING, 853 Sixth St., Petaluma, Calif. Applicant's representative: Pete H. Dawson, Suite 306, 717 Market St., San Francisco, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *Frozen fish sticks*, from Santa Rosa, Calif., to Seattle, Wash., from Santa Rosa over U. S. Highway 101 to junction of California Highway 37, thence over California Highway 37 to the junction of California Highway 48, thence over California Highway 48 to the junction of U. S. Highway 40, thence over U. S. Highway 40 to the junction of U. S. Highway 99W, thence over U. S. Highway 99W to the junction of U. S. Highway 99, thence over U. S. Highway 99 to Seattle, serving the intermediate point of Portland, Oreg.; (2) *Frozen shrimp* and *crabmeat*, in cans, from Bodega Bay, Calif., to Seattle, Wash., from Bodega Bay over California Highway 1 to Tomales, thence over county road to Petaluma, thence over U. S. Highway 101 to the junction of California Highway 37, thence over California Highway 37 to the junction of California Highway 48, thence over California Highway 48 to the junction of U. S. Highway 40, thence over U. S. Highway 40 to the junction of U. S. Highway 99W, thence over U. S. Highway 99W to the junction of U. S. Highway 99, thence over U. S. Highway 99 to Seattle, serving Portland, Oregon as an intermediate point.

HEARING: November 4, 1957, at Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116868, filed August 12, 1957, EARL J. RUCKDASCHEL, Postville, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal* and *poultry feed* and *feed ingredients, fertilizer, binder twine* and *seed*, from Postville, Iowa, to points in Dodge, Fillmore, Freeborn, Houston, Mower, Olmsted, Wabasha and Winona Counties, Minn., and points in Wisconsin on and west of U. S. Highway 12.

HEARING: October 15, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

MOTOR CARRIERS OF PASSENGERS

No. MC 57298 (Sub No. 5), filed May 28, 1957, UNION BUS LINES, INC., 610 Beaumont Avenue, McAllen, Tex. Applicant's attorney: H. H. Rankin, Jr., P. O. Box 569, Edinburg, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *mail* and *express* in the same vehicle with passengers, between Driscoll, Texas, and Robstown, Tex., over U. S. Highway 77. Applicant is authorized to conduct similar operations in Texas.

HEARING: October 22, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 116552 (Sub No. 1), filed July 30, 1957, GUY L. EMBREE, LULA M. EMBREE, GLENN L. EMBREE, CAROL EMBREE PENDELL, GUY WESTON EMBREE, and ALVIN G. EMBREE, doing business as EMBREE BUSES, 303 North Allen Avenue, Pasadena, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle and in separate vehicles, in charter operations, beginning and ending at points in Los Angeles, Orange, San Diego, Ventura and Santa Barabara Counties, Calif., and extending to points in Arizona, New Mexico, Colorado, Utah, and Nevada.

HEARING: October 14, 1957, at Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Examiner F. Roy Linn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30887 (Sub No. 80), filed August 27, 1957, SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aluminum Chloride*, in bulk, in dump-tank or hopper vehicles, from Elberta and North Tonawanda, N. Y., to Baltimore, Md., and *returned or rejected shipments of aluminum chloride* from Baltimore, Md., to Elberta and North Tonawanda, N. Y.

No. MC 110525 (Sub No. 342), filed August 26, 1957, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, Munsey Bldg., Washington 4, D. C., *and* Gerald L. Phelps, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trimethyl borate methanol mixture*, in bulk, in tank vehicles, from Los Angeles, Calif., to Quehanna, Pa. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governed notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F 6680. Authority sought for control by HARRY L. GRUBBS, JR., 61 Pierce Street, NE., Washington 2, D. C., of the *common carrier* operating rights only of MORTON SCHNEIDER'S TRANSFER, INCORPORATED, Dock and Ash Streets, Richmond, Va. Applicant's attorney: Spencer T. Money, Room 419, Mills Building, Washington, D. C. Operating rights sought to be controlled: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier* over irregular routes, between Richmond, Va., and the United States Airport, approximately four miles southwest of Richmond, Va., and between Richmond, Va., and Ampthill, Va.; general commodities, with exceptions as specified above, in pick-up and delivery service, between points in Richmond, Va.; *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving Ampthill and Richmond Deep Water Terminal, Va., as additional points in connection with the immediately above-described collection and delivery operation at Richmond, Va., and between Richmond, Va., and the Richmond General Depot, near Ampthill, Va.; *meats, meat products, meat by-products and dairy products* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209 and 766, in vehicles equipped for mechanical refrigeration, from Richmond, Va., to points in Virginia within 65 miles therof. Applicant is not a motor carrier, but is affiliated with (1) THE JACOBS TRANSFER COMPANY OF BALTIMORE, Baltimore, Md., which is authorized to operate as a *common carrier* in Maryland, Delaware, and the District of Columbia, and (2) THE JACOBS TRANSFER COMPANY, INC., Washington, D. C., which is authorized to operate as a *contract carrier* in Virginia, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6683. Authority sought for purchase by MICHIGAN EXPRESS, INC., 505 Monroe Avenue, N. W., Grand Rapids 2, Mich., of the operating rights and certain property of CHICAGO-ST. LOUIS EXPRESS, INC., 1030 South Eleventh Street, St. Louis 4, Mo., and for acquisition by H. E. TEN RAA, G. W. RYKSE and FRED G. TIMMER, JR., TRUSTEES, all of Grand Rapids, of control of such rights and property through the purchase. Applicants' attorney: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Chicago, Ill., and St. Louis, Mo., serving certain intermediate and off-route points; alternate route for operating convenience only between Springfield, Ill., on the one hand, and, on the other, Hammond, Ind., with service at Springfield for the purpose of joinder only; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, over irregular routes, between points in the ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission; *household goods*, as defined by the Commission, between points in the ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission; *scales* and *scale parts*, between St. Louis, Mo., and Belleville, Ill. Vendee is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6684. Authority sought for purchase by CAR CARRIER COMPANY, 200 Joyce Building, Clinton, Iowa, of the operating rights and certain property of AUTOCAR CARRIERS, INC., 48 Wright Street, Coldwater, Mich., and for acquisition by GEORGE W. PILLERS, JR., and ROBERT E. PILLERS, both of Clinton, of control of such rights and prop-

erty through the purchase. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue, NW., Washington, D. C. Operating rights sought to be transferred: *New automobiles* and *new trucks*, in initial movements, in truckaway service, as a *common carrier*, over irregular routes, from places of manufacture and assembly in Wayne County, Mich., and Warren Township, Macomb County, Mich., to points in Iowa; *automobiles, trucks*, and *chassis*, in driveaway service, between points in Wayne County, Mich., and those in Warren Township, Macomb County, Mich. Vendee is authorized to operate as a *common carrier* in Michigan, South Dakota, Illinois, Minnesota, Iowa, Montana, Idaho, Oregon, and Washington. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6687. Authority sought for control by MRS. SUSAN J. DUBUISSON, JAMES G. DUBUISSON, MRS. HELEN J. RAMSEY AND WILLIAM S. RAMSEY, all of P. O. Box 1705, Shreveport, La., of GULF STATES TRUCK LINE, INC., 6016 St. Vincent Street, Shreveport, La. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Operating rights sought to be controlled: *Machinery, materials, supplies*, and *equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier* over irregular routes between points in Louisiana, Texas, Arkansas, Oklahoma, and Mississippi; *structural steel* and *steel tanks*, from Shreveport, La., to points in Texas, Oklahoma, Arkansas, and Mississippi. Applicants hold no authority from this Commission but are affiliated with GREAT SOUTHERN COACHES, INC., which is authorized to operate as a *common carrier* in Missouri, Arkansas, Tennessee and Illinois. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7433; Filed, Sept. 10, 1957; 8:50 a. m.]

[Notice 8]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 6, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-730 (Deviation No. 1), PACIFIC INTERMOUNTAIN EXPRESS CO., 299 Adeline Street, P. O. Box 958, Oakland 4, Calif., filed August 29, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Rawlins, Wyo., and Junction U. S. Highways 66 and 34 near Berwyn, Ill., as follows: from Rawlins over U. S. Highway 287 (Wyoming Highway 789) to Muddy Gap, Wyo., thence over Wyoming Highway 220 to Casper, Wyo., thence over U. S. Highway 20 to junction U. S. Highway 71 near Early, Iowa, thence over U. S. Highway 71 to Carroll, Iowa, thence over U. S. Highway 30 to Aurora, Ill., thence over Illinois Highway 65 to junction U. S. Highway 34 approximately 7 miles east of Aurora, Ill., thence over U. S. Highway 34 to junction U. S. Highway 66 near Berwyn, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over numerous routes including the following pertinent routes: from Denver over U. S. Highway 287 to Laramie, Wyo., thence over U. S. Highway 30 to Rawlins; from St. Joseph, Mo., over U. S. Highway 36 via Hiawatha, Kans., to junction Kansas Highway 15W, thence over Kansas Highway 15W via Morrowville, Kans., to junction unnumbered highway, thence over unnumbered highway via Haddam, Kans., to junction U. S. Highway 36, thence over U. S. Highway 36 to Strasburg, Colo., and thence over U. S. Highway 40 to Denver; from St. Joseph, Mo., over U. S. Highway 36 via Cameron, Mo., to Springfield, Ill., thence over U. S. Highway 66 through Lincoln, Atlanta, McLean, Bloomington, Lexington, Chenoa, Pontiac, Odell, and Dwight, Ill., to junction Alternate U. S. Highway 66 (formerly U. S. Highway 66) at or near Gardner, Ill., thence over Alternate U. S. Highway 66 (formerly U. S. Highway 66) to Elwood, Ill., thence east over unnumbered highway (formerly U. S. Highway 66) approximately one mile, thence north over unnumbered highway (formerly U. S. Highway 66) to junction Alternate U. S. Highway 66 (formerly U. S. Highway 66), thence over Alternate U. S. Highway 66 (formerly U. S. Highway 66) to junction U. S. Highway 66, northeast of Plainfield, Ill., thence over U. S. Highway 66 to Junction U. S. Highway 66 and U. S. Highway 34 near Berwyn, Ill.; and return over the same routes.

No. MC-14421 (Deviation No. 1), CHICAGO DUBUQUE MOTOR TRANSPORTATION COMPANY, 51 Shields St., P. O. Box 388, Dubuque, Iowa, filed August 28, 1957. Attorney for said carrier, Edward G. Bazelon, 39 South La Salle St., Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dubuque, Iowa and St. Paul, Minn., as follows: from Dubuque over U. S. Highway 52 to St. Paul and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dubuque, Iowa and St. Paul, Minn., over U. S. Highway 61.

No. MC-48022 (Deviation No. 1), INLAND EXPRESS, INC., 28 Travis Street, Alston, Mass., filed September 3, 1957. Attorney for said carrier, Norman M. Pinsky, 407 South Warren Street, Syracuse 2, N. Y. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over three deviation routes: (A) between Stockbridge, Mass., and Weston, Mass., as follows: from Stockbridge over the Massachusetts Turnpike to Weston; (B) between New Lebanon, N. Y., and Lee, Mass., as follows: from New Lebanon over New York Highway 22 to the New York-Massachusetts State Line, thence over Massachusetts Highway 102 to Lee; and (C) between Albany, N. Y., and Buffalo, N. Y., as follows: from Albany over New York State Thruway to Buffalo; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodites over the following pertinent route: from Boston, Mass., over U. S. Highway 20 to Albany, N. Y., thence over New York Highway 5 to Waterloo, N. Y., thence over New York Highway 96 to Rochester, N. Y., and thence over New York Highway 33 to Buffalo, N. Y., and return over the same route.

No. MC-105807 (Deviation No. 1), RED BALL TRANSFER CO., 1009 Capitol Ave., Omaha, Nebr., filed August 30, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Kansas City, Mo., and St. Joseph, Mo., as follows: from Kansas City over U. S. Highway 169 to St. Joseph and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities, over the following pertinent route: from Omaha over U. S. Highway 275 to Sidney, Iowa, thence over Iowa Highway 2 to Clarinda, Iowa, thence over U. S. Highway 71 to Kansas City, Mo., and return over the same route.

No. MC-108158 Sub 29 (Deviation No. 1), MID-CONTINENT FREIGHT LINES, INC., 4350 West Roosevelt, Chicago 24, Ill., filed September 3, 1957. Attorney for said carrier, Max G. Morgan, 443-54 American National Bldg., Oklahoma City 2, Okla. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over deviation routes between Oklahoma City, Okla., and Tulsa, Okla., and between Tulsa, Okla., and Joplin, Mo., as follows: From the intersection of the Oklahoma City entrance to Turner Turnpike and U. S. Highway 66 in a northeasterly direction, approximately one-half mile, to Turner Turnpike, thence over said turnpike to the Tulsa exit of the Turner Turnpike, thence over said Tulsa exit in a northeasterly direction, approximately one-half mile, to intersection with U. S. Highway 66; from the intersection of the Tulsa entrance to the Will Rogers Turnpike and U. S. Highway 66 over said entrance in a northeasterly direction approximately one mile to the Will Rogers Turnpike, thence over said Turnpike to the Joplin exit of said Turnpike, thence over said exit in a northeasterly direction, approximately one-half mile, to the intersection of U. S. Highway 166, thence over U. S. Highway 166 in an easterly and northerly direction, approximately 11 miles to the intersection with U. S. Highway 66; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the commodities over the following pertinent routes: from Oklahoma City via Tulsa, Okla., over U. S. Highway 66 to Joplin, Mo.; from Durant, Okla., over U. S. Highway 69 to Kansas City, Mo., and thence over U. S. Highway 40 to St. Louis; from Atoka, Okla., over U. S. Highway 75 to Independence, Kans., thence over U. S. Highway 160 to junction U. S. Highway 169, thence over U. S. Highway 169 to junction U. S. Highway 50, thence over U. S. Highway 50 to Kansas City; from Pond Creek, Okla., over U. S. Highway 60 to Seneca, Mo., and thence over Missouri Highway 43 to Joplin; and from Enid, Okla., over U. S. Highway 64 to Muskokee, Okla.; and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7432; Filed, Sept. 10, 1957; 8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 6, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34148: *Furniture and parts from Bayport and Stillwater, Minn.* Filed by W. J. Prueter, Agent (WTL No. A-1925), for interested rail carriers. Rates on furniture, furniture parts, and related articles, carloads from Bayport and Stillwater, Minn., to Denver, Colo., other points in Colorado and Wyoming grouped with and taking same rates.

Grounds for relief: Modified short-line distance formula, and market competition.

Tariff: Supplement 65 to Agent Prueter's tariff I. C. C. A-4071.

FSA No. 34149: *Substituted service—Motor and rail, Pennsylvania Railroad.* Filed by Riss & Company, Agent, (No. 1) for itself, other interested motor carriers and the Pennsylvania Railroad. Rates on freight loaded in highway trailers and transported on railroad flat cars between Baltimore, Md., Kearney, N. J., Harrisburg and Philadelphia, Pa.; on one hand, and Chicago, East St. Louis, Ill., Cincinnati, Cleveland, Toledo, Ohio, Detroit, Mich., Indianapolis, Ind., and Louisville, Ky., on the other; also between Pittsburgh, Pa., and Chicago, East St. Louis, and Indianapolis; between Cleveland and Chicago and East St. Louis; between Kearney and Pittsburgh; and between Indianapolis and East St. Louis.

Grounds for relief: Motor truck competition.

Tariff: Supplement 5 to Riss & Company, Inc., tariff MF-I. C. C. 2.

FSA No. 34150: *Coarse grains—Iowa and Nebraska to Missouri points.* Filed by W. J. Prueter, Agent, (WTL No. A-1927; SWFB No. B-7062), for interested rail carriers. Rates on coarse grains, grain products, and seeds, carloads from specified points in Nebraska, also Council Bluffs, Iowa, to specified points in Missouri.

Grounds for relief: Short-line distance formulas.

Tariff: Supplement 8 to Agent Prueter's tariff I. C. C. A-4183.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7431; Filed, Sept. 10, 1957; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JAKOB RIETMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. med. Jakob Rietmann, Frauenfeld, Switzerland; Claim No. 42186, Vesting Order No. 104; $1,893.23 in the Treasury of the United States.

Executed at Washington, D. C., on September 4, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7435; Filed, Sept. 10, 1957; 8:51 a. m.]

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, First Session.

Acts Approved September 9, 1957

H. R. 6127 ---------- Public Law 85-315. Civil Rights Act of 1957.

FEDERAL REGISTER

VOLUME 22 NUMBER 177

Washington, Thursday, September 12, 1957

SEP 1

MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3200

IMPOSING AN IMPORT QUOTA ON TUNG OIL

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), the Secretary of Agriculture advised me there was reason to believe that tung oil is being, and is practically certain to continue to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to tung nuts and tung oil, or to reduce substantially the amount of products processed in the United States from domestic tung nuts or tung oil with respect to which such program of the Department of Agriculture is being undertaken; and

WHEREAS, on March 21, 1957, I caused the United States Tariff Commission to make an investigation under the said section 22 with respect to this matter; and

WHEREAS the said Tariff Commission has made such investigation and has reported to me its findings and recommendation made in connection therewith; and

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that tung oil is being, and is practically certain to continue to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the said price-support program with respect to tung nuts and tung oil, and as to reduce substantially the amount of products processed in the United States from domestic tung nuts or tung oil with respect to which such program is being undertaken; and

WHEREAS I find and declare that the imposition of the quantitative limitations on imports of tung oil hereinafter proclaimed is shown by such investigation of the Tariff Commission to be necessary in order that the entry of tung oil will not render or tend to render ineffective, or materially interfere with, the said price-support program, or reduce substantially the amount of products processed in the United States from tung nuts or tung oil; and

WHEREAS I find that the quantitative limitations hereinafter proclaimed will not reduce the permissible total quantity of tung oil which may be entered to proportionately less than 50 per centum of the average annual quantity of tung oil entered during the representative period November 1, 1952 to October 31, 1956, inclusive; and

WHEREAS the allocation of the quotas among foreign supplying countries as hereinafter prescribed will assure an equitable distribution of the imports of tung oil which may be entered hereunder, based upon the proportion of imports for consumption that such foreign countries supplied during the said representative period:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim—

1. That for the period commencing September 9, 1957, and ending October 31, 1958, the total quantity of tung oil entered shall not exceed 26,000,000 pounds, of which no more than 846,066 pounds shall be entered before October 1, 1957, and no more than 1,154,000 pounds shall be entered during each of the succeeding four calendar months of said period;

2. That for the 12 month period commencing November 1, 1958, and ending October 31, 1959, the total quantity of tung oil entered shall not exceed 26,000,000 pounds, of which no more than 6,500,000 pounds shall be entered during the first quarter of said period;

3. That for the 12 month period commencing November 1, 1959, and ending October 31, 1960, the total quantity of tung oil entered shall not exceed 26,000,000 pounds, of which no more than 6,500,000 pounds shall be entered during the first quarter of said period;

(Continued on p. 7267)

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FEDERAL REGISTER

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4. That of the 26,000,000 pounds of tung oil specified in paragraphs 1, 2, and 3, respectively, not more than 22,100,000 pounds shall be the product of Argentina, nor more than 2,964,000 pounds shall be the product of Paraguay, nor more than 936,000 pounds shall be the product of other foreign countries; that of the 846,066 pounds specified in paragraph 1, not more than 719,156 pounds shall be the product of Argentina, nor more than 96,452 pounds shall be the product of Paraguay, nor more than 30,458 pounds shall be the product of other foreign countries; that of the 1,154,000 pounds specified in paragraph 1, not more than 980,900 pounds shall be the product of Argentina, nor more than 131,556 pounds shall be the product of Paraguay, nor more than 41,544 pounds shall be the product of other foreign countries; and, that of the 6,500,000 pounds specified in paragraphs 2 and 3, respectively, not more than 5,525,000 pounds shall be the product of Argentina, nor more than 741,000 pounds shall be the product of Paraguay, nor more than 234,000 pounds shall be the product of other foreign countries.

As used in this proclamation, the term "entered" means "entered, or withdrawn from warehouse, for consumption."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of September in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-7573; Filed, Sept. 11, 1957; 12:02 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Fifth Revision, Supp. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2, as amended) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions issued as § 301.76-2a (22 F. R. 6407), effective August 10, 1957, are hereby amended in the following respects:

a. The designation as regulated areas of the following premises, included in the list contained in paragraph (a) of such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Cortaro Cotton and Cattle Company Ranch, Casa Grande Highway and Picture Rock Road, Tucson.

East Broadway Trading Company property, 2410 East Broadway, Phoenix.

Farm & Ranch Service property, 4419 South 16th Street, Phoenix.

Ray Luster Farm, Box 246, Pima.

Miller Ranch, Starr Route, Mammoth.

Miller Ranch Dry Camp No. 1, General Delivery, Mammoth.

Miller Ranch No. 2 (Holy Joe Camp), General Delivery, Mammoth.

Miller Ranch, Holy Joe Camp No. 3, General Delivery, Mammoth.

Miller Ranch Camp No. 4 (Absie or Haunted Corral Camp), General Delivery, Mammoth.

Saliba's Market, P. O. Box 37, El Mirage.

Trader Joe's property, 1937 East Indian School Road, Phoenix.

CALIFORNIA

Eugene B. Kinnaird Ranch, on Magnolia Avenue, one mile east of Highway 115, Holtville. Mail address, P. O. Box 681, Holtville.

b. The following premises are added to the list, contained in paragraph (a) of such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

David Jenner Ranch, Box 56, Skull Valley.

Kirkland Junction Store, Kirkland Junction.

Miller Ranch, Box 110, Kingman.

Miller Ranch, Antelope Camp, Box 110, Kingman.

c. The following premises are deleted from the list, contained in paragraph (b) of such instructions, of premises in which infestations of the khapra beetle have been determined to exist, and their designation as regulated area is hereby revoked, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

CALIFORNIA

Louis Carano Ranch, east of Southern Pacific Railroad tracks at intersection of County Roads East B and No. 8, 1 mile south of Heber.

Subsequent to the fifth revision, effective August 10, 1957, an infestation of the khapra beetle was discovered in the Riverside County Storehouse, Blythe, California. Movement of regulated articles from this property was immediately stopped. Within a few days such infested premises had been fumigated and declared free of khapra beetle infestation. Accordingly, this property is not being included in this supplement.

This amendment shall become effective September 12, 1957.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 9th day of September 1957.

[SEAL] E. D. BURGESS,
Director, Plant Pest Control Division.

[F. R. Doc. 57-7487; Filed, Sept. 11, 1957; 8:51 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 849.1]

PART 849—DETERMINATION OF PREVENTED ACREAGE CREDIT

1955 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302 (b) of the Sugar Act of 1948, as

amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 849.1 *Scope and purpose*—(a) *Applicability.* The provisions of this section apply only in the Domestic Beet Sugar Area and provide procedures for protecting the interests of producers in local producing areas whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects or other similar abnormal and uncontrollable conditions, as provided in section 302 (b) of the act.

(b) *Definitions.* For the purpose of this section the terms:

(1) "Prevented acreage" means the number of acres of sugar beets which the Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") State Committee to be qualified for prevented acreage credit pursuant to paragraph (e) of this section, but were not planted because of drought, storm, flood, freeze, disease, insects, or, upon prior approval of the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, other similar abnormal and uncontrollable conditions.

(2) "local producing area" means a township, as established by Federal survey, in all States in the domestic beet sugar area except Texas and Utah. In Texas and Utah, a local producing area shall mean an ASC community with boundaries as fixed by the ASC State Committee at the time of issuance of this determination and as shown on maps available for inspection in the respective ASC county offices.

(c) *Claim for prevented acreage credit.* To obtain prevented acreage credit with respect to the 1955 or 1956 crop years for any farm, any interested person shall file a claim therefor on Form SU–102–1, Claim for Prevented Acreage Credit, at the ASC county office of the county in which the headquarters of the farm are located. Copies of this form will be available at county offices. For the 1957 and subsequent crop years, the county committee shall determine prevented acreages and credits therefor in accordance with the provisions of this section as part of the general determination of performance. Any claim for prevented acreage with respect to the 1955 or 1956 crops must be filed prior to the closing date shown below, or ten days subsequent to the date of issuance of this determination, whichever is later: *Provided, however,* That if the county committee finds that the interested person could not reasonably have been expected to have knowledge of such date or was prevented from filing a claim by such date by reasons beyond his control, his claim as filed subsequently may be considered.

State and Date
California, August 15, 1957.
Colorado, August 30, 1957.
Idaho, September 30, 1957.
Illinois, August 20, 1957.
Indiana, August 15, 1957.
Iowa, August 15, 1957.
Kansas, September 1, 1957.
Michigan, August 15, 1957.
Minnesota, September 1, 1957.
Montana, September 30, 1957.
Nebraska, August 15, 1957.
Nevada, December 13, 1957.
New Mexico, September 15, 1957.
North Dakota, January 31, 1958.
Ohio, September 1, 1957.
Oregon, August 15, 1957.
South Dakota, August 15, 1957.
Utah, December 1, 1957.
Washington, August 16, 1957.
Wisconsin, August 16, 1957.
Wyoming, November 1, 1957.

(d) *Limitations on prevented acreage credit for a farm.* The following limitations are applicable to the prevented acreage credits for any farm:

(1) The farm must be located in a local producing area qualified for prevented acreage credit in accordance with paragraph (e) of this section.

(2) The number of prevented acres credited for a farm for 1955 or subsequent years when restrictive proportionate shares are applicable shall not be larger than the amount by which the proportionate share initially established for the farm, including adjustments under appeals but excluding any reallotments, exceeds the planted acreage for such year. In States where proportionate shares were established to coincide with planted acreages, the excess of the requested acreage over the planted acreage for the farm may be credited. If a producer other than a new producer (as defined in the proportionate share determination for the applicable year) did not request a proportionate share or requested one smaller than he would have requested because of his knowledge that he would be limited in his plantings due to one or more of the conditions specified in paragraph (b) (1) of this section, his credit shall be limited by the share that would have been established except for such conditions, as determined by the county committee.

(3) For any non-restricted crop, the prevented acreage credit for the farm shall not exceed the largest planted acreage plus any prevented acreage credit for the farm for any one of the three years immediately preceding the year for which credit is claimed.

(e) *Qualification of local producing areas for prevented acreage credit.* Subject to the review and approval of the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, the ASC State Committee shall determine the local producing areas wherein the planting of sugar beets during any crop year subsequent to 1954 was adversely, seriously and generally affected by one or more of the conditions specified in paragraph (b) (1) of this section. The State Committee shall not approve an area as a qualified local producing area for a given crop year unless the planting of sugar beets was adversely and seriously affected by one or more of the conditions specified in paragraph (b) (1) of this section on ten percent or more of sugar beet farms in the area or the acres so affected on farms in the area for a given crop amount to ten percent or more of the total of the proportionate shares established for farms in the area for such year.

(f) *Determining and recording prevented acreage credits.* Subject to the provisions of this section, the ASC county committee shall determine the extent of prevented acreage to be credited for the crop years 1955 and 1956 for each farm for which a claim for prevented acreage credit is filed, and the extent of prevented acreage to be credited to each farm for the 1957 and subsequent crop years upon the basis of the prevented acreage reported with respect to such farm by the operator thereof, information contained in the county office records, and information brought to the attention of the ASC county committee. The prevented acreage credit for each farm for any given crop year as determined and approved by the ASC county committee, together with a brief reference to the basis relied upon by the committee in determining the extent of such credit, shall be recorded on the appropriate county office records. The State Committee shall record prevented acreage credits for proportionate share allotment areas in accordance with instructions issued by the Deputy Administrator of Production Adjustment, Commodity Stabilization Service, U. S. Department of Agriculture.

(g) *Notice.* In each case of denial or reduction of prevented acreage credit, as claimed for the 1955 or 1956 crop or reported for the 1957 or subsequent crop, the ASC County committee shall notify the person claiming or reporting the prevented acreage regarding the credit, if any, approved in his case, giving the basis of such denial or reduction.

(h) *Appeals.* Any person claiming credit for prevented acreage with respect to the 1955 or 1956 crop year or reporting prevented acreage for the 1957 or subsequent crop year may appeal the county committee's determination to the State Committee if prevented acreage is denied or reduced. Such an appeal must be filed within fifteen days of the date on which notice of such denial or reduction was mailed to the person claiming or reporting the prevented acreage. Upon receipt of an appeal, the State Committee shall ascertain the county committee's basis for denying or reducing the claim and any other information which is deemed necessary for consideration of the appeal. The appellant shall be informed when the State Committee will consider his appeal and that he may appear personally before the committee at such time if he so desires. After all the facts in the case have been assembled, the committee shall consider the case carefully and determine the prevented acreage credit which should be approved in the case. The appellant shall be notified of the decision reached in his case. If the prevented acreage credit is less than that claimed, the notice shall also indicate the basis for the committee's decision and inform him that if he is not satisfied with the decision, he may, within fifteen days after such notice is mailed to him, appeal directly to the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C., whose decision shall be final. In acting upon the appeal, consideration shall be given by the State Committee or the Director only to such matters as were required or permitted to be considered by the county committee in approving prevented acreage credits in the case being reviewed.

STATEMENT OF BASES AND CONSIDERATIONS

Section 302 (a) of the act provides in part that in determining farm proportionate shares, "the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share tenants, adherent planters, or sharecroppers [and of the producers in any local producing area whose past production has been adversely, seriously, and generally, affected by drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions.]" The material appearing within the brackets is added to the language inserted by amendments approved on May 29, 1956.

The new language was made effective as of January 1, 1956. Since it relates to past production, the question of applicability to crop years is significant. During 1956, considerable information on prevented acreages for the crop years 1950–55, was developed by ASC State Committees, working with sugar beet processors, for consideration by representatives of the Department. These data appeared too incomplete and inconclusive for use in assigning credits to States and proportionate share areas. Accordingly, a conference between a representative of the Department and a special committee of growers and processors was arranged to review the problems. At the conclusion of the conference, the committee recommended that any prevented acreages of the crop years 1950 through 1954 be disregarded and that the Department develop prevented acreage credits for the 1955 and subsequent crops for possible use in establishing proportionate shares. During recent months, instructions incorporating provisions similar to this determination were developed, discussed with the special industry committee, and made available to ASC State and county offices.

Under this determination, prevented acreage credits will be developed for each of the 1955 and subsequent crops. To obtain such credits for the 1955 or 1956 crops, claims must be filed on or before the closing dates set forth in this determination, or ten days subsequent to the date of issuance of this determination, whichever is later. For the 1957 and subsequent crops, credits will be developd in connection with the regular check of performance for each crop.

This determination establishes limitations on the approval of prevented acreage credits. A farm must be located in a local producing area which is approved by the ASC State Committee and the Director of the Sugar Division as a prevented acreage area for the applicable crop year because ten percent or more of the sugar beet farms in the area had prevented acreages or the planting of ten percent or more of the proportionate share acreage in the area was prevented by natural conditions enumerated in the amendment to section 302 (b) of the act. Failure to plant solely because of economic conditions or lack of interest is not a qualifying condition. A local producing area is defined as a township in any State except Texas and Utah, wherein the ASC Community constitutes such an area. This is the same definition as is now effective under section 303 of the act with respect to acreage abandonment and crop deficiency payments. The prevented acreage which may be credited to the farm for any year is limited in reference to the established proportionate share. Limits are also made effective for acreage credits that may be used in establishing proportionate share area allotments and State allocations.

The cultural practices followed in producing sugarcane in the domestic sugarcane areas tend to minimize prevented plantings. Moreover, the formulae used for establishing restrictive proportionate shares in such areas have largely counteracted the effects of any prevented acreages. Therefore, this determination is made applicable only to the domestic beet sugar area.

Accordingly, I hereby find and conclude that this determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Issued this 6th day of September 1957.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary of Agriculture.

[F. R. Doc. 57–7470; Filed, Sept. 11, 1957; 8:48 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 873.10]

PART 873—PRICES: SUGARCANE: FLORIDA 1957 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Clewiston, Florida, on May 9, 1957, the following determination is hereby issued:

§ 873.10 *Fair and reasonable prices for the 1957 crop of Florida sugarcane.* A producer of sugarcane in Florida who is also a processor of sugarcane (hereinafter referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1957 crop grown by other producers and processed by him, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (domestic contract) adjusted to a duty paid basis by adding the U. S. duty prevailing on Cuban raw sugar, except, that if the Director of the Sugar Division determines that such price does not reflect the true market value of sugar, because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of sugar.

(2) "Raw sugar" means raw sugar, 96° basis.

(3) "Net sugarcane" means the gross weight of the sugarcane as delivered by a producer to a processor minus a deduction for trash of 4 percent.

(4) "Standard sugarcane" means sugarcane containing 12.5 percent sucrose in the normal juice.

(5) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.07 per ton for each one cent per pound of the average price of raw sugar obtained by weighting the simple average of daily prices of raw sugar for each month in which sugar is sold by or for the account of the processor by the quantity of 1957 crop raw sugar or raw sugar equivalent of the sugar sold during each month, adjusted by deducting the applicable admissible storage and handling expenses actually incurred on such sugar as a result of marketing allotments. The items of expenses which may be deducted are listed in Schedule A below: *Provided,* That nothing in this subparagraph shall be construed as prohibiting expense deductions which may be necessary because of unusual circumstances. The processor shall submit to the Florida State Agricultural Stabilization and Conservation Office (hereinafter referred to as "State Office") for approval, a statement setting forth the weighted average price of raw sugar, and the items of expense which have been deducted.

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor and the producer, subject to the approval of the State Office.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice:	*Standard sugarcane quality factor* [1]
9.5	0.70
10.0	0.75
10.5	0.80
11.0	0.85
11.5	0.90
12.0	0.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

(d) *Molasses payment.* For each ton of net sugarcane ground there shall be paid to the producer a molasses payment equal to the product of 5.80 and one-half of the net liquidation from the disposal of blackstrap or final molasses in excess

of 4.75 cents per gallon, f. o. b. sugarhouse tanks, during the 12-month period ending May 31, 1958: *Provided*, That the processor shall submit to the State Office, for approval, a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the net liquidation price of blackstrap molasses.

(e) *General.* (1) The price for sugarcane specified in this determination is applicable to sugarcane loaded on carts or trucks at the farm or, if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm: *Provided*, That if a producer delivers sugarcane directly to the mill the processor shall pay the producer for transporting such sugarcane an amount equal to the cost of transporting sugarcane (based on gross weight) by railroad or by other common carrier whichever customarily is used by the processor.

(2) Methods of sucrose analysis, deductions for frozen sugarcane because of decreased boiling house efficiency, fiber content determinations and deductions, definitions of delivery schedules and similar terms employed in connection with the purchase of the 1957 crop shall be as set forth in the contract between the producer and the processor or, in the absence of such a contract, as employed in connection with the purchase of the 1956 crop.

(3) Nothing in subparagraphs (1) and (2) of this paragraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be approved by the State Office.

(4) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor and as approved by the State Office.

(5) The requirements of this section are applicable to all sugarcane grown by a producer and processed by the processor for the extraction of sugar or liquid sugar: *Provided*, That such requirements shall not apply with respect to sugarcane grown on acreage in excess of the proportionate share for the farm if such sugarcane is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed.

(6) The processor shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1957 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1957 fair price determination.* The 1957 price determination continues the provisions of the 1956 determination except (1) net sugarcane will be determined by applying to the gross weight of the sugarcane delivered, a fixed deduction of 4 percent as representing the trash content of such sugarcane; and (2) the molasses payment to producers shall be based on 5.80 gallons per ton of sugarcane to reflect the average production for the most recent 5 crops. In addition, the provision relating to transportation of sugarcane is clarified to provide that the costs of transporting sugarcane shall be based on gross weight in conformity with customary practices.

A public hearing was held at Clewiston, Florida, on May 9, 1957, at which interested persons presented testimony with respect to fair and reasonable prices for the 1957 crop. A processor representative recommended that the provisions of the 1956 price determination be continued for the 1957 crop. In reference to specific provisions of the determination, the witness stated that there was no objection to specifying a trash deduction of 4 percent of the gross weight of sugarcane, and that the provision which allows the processor to charge the actual costs of storing and handling of over-quota sugar be continued. A representative of producers recommended that the 1956 determination be continued unchanged for the 1957 crop, but stated that there was no objection to the inclusion of a provision specifying a 4 percent trash deduction.

Consideration has been given to the recommendations made at the public hearing, to information obtained through investigation and to other pertinent factors. An analysis has been made of the comparative returns, costs, and profits of producing and processing Florida sugarcane obtained by survey for prior years and recast in terms of prospective price and production conditions for the 1957 crop. The analysis indicates that there have been only nominal changes during recent years in the sharing of costs and returns between producers and processors. The changes made in this determination will have no appreciable effect on prices paid to producers for 1957 crop sugarcane compared with prices paid for the 1956 crop.

Price determinations in prior years defined net sugarcane as sugarcane delivered by a producer to a processor from which has been deducted the weight of trash determined in the customary manner. For several years processors have deducted 4 percent of the gross weight of all sugarcane delivered as representative of trash content. Studies have indicated that sugarcane delivered to the mills contains only a slightly higher percentage of trash on the average. The provision for a 4 percent trash deduction incorporates into the determination the customary relationship between gross and net weights of sugarcane which has heretofore been recognized by processors and producers in Florida.

The change in the molasses payment per ton of sugarcane recognizes differences in average molasses recoveries based on the most recent 5-year period.

On the basis of examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U. S. C. 1131)

Issued this 6th day of September 1957.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary of Agriculture.

SCHEDULE A

DEFINITION OF ADMISSIBLE DEDUCTIONS FOR STORAGE AND HANDLING EXPENSES ON RAW SUGAR

Admissible deductions from the weighted average price of raw sugar are those additional storage and handling expenses actually incurred by the processor on 1957 crop raw sugar as a result of marketing allotments. Such deductible expenses shall not commence prior to moving of sugar from the mill and shall be limited to the sum of the following expenses actually incurred, net of any receipts which reduce such expenses:

1. Storage and handling charges;
2. Insurance;
3. Losses in weight or polarization in excess of average losses for other sugar of the same crop.

When storage and handling services are furnished by the processor, costs for each of the services rendered shall include only the following:

Direct and immediate supervisory labor;
Maintenance labor and supplies;
Taxes and insurance, retirement, pensions, bonus and vacation expenses properly allocable to such labor;
Direct supplies;
Depreciation, property taxes and insurance on handling and storage facilities;
Properly allocable administrative expenses; and
Interest on investment.

[F. R. Doc. 57-7469; Filed, Sept. 11, 1957; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of this title is hereby amended as follows:

PART 101—THE INTERNATIONAL POSTAL SERVICE

In § 101.2 *Postal Union of the Americas and Spain*, amend the table of countries by striking therefrom "Morocco (Spanish Zone)".

NOTE: The corresponding Postal Manual section is 211.2.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 102—CATEGORIES OF INTERNATIONAL MAIL

Section 102.2 *Parcel post*, is amended to read as follows:

§ 102.2 *Parcel post.* Parcel post is exchanged under the provisions of the Parcel Post Agreement of the Postal Union of the Americas and Spain and/or bilateral agreements which establish the conditions applicable to each country. See Part 112 of this chapter.

NOTE: The corresponding Postal Manual section is 212.2.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 111—POSTAL UNION MAIL

a. In § 111.1 *All categories*, make the following changes:

1. Delete the last two sentences of paragraph (b) (1).

2. Amend paragraph (c) (3) to read as follows:

(3) *Articles mailed aboard ships.* (i) Mail posted aboard ships on the high seas must bear postage stamps of the country whose flag the vessel flies. On arrival at a port, an officer of the ship hands the mail into the post office of the port city, where the stamps are cancelled and the mail dispatched. If the stamps are foreign, the post office uses a special Paquebot postmark or applies the word Paquebot to the envelop in ink or with a rubber stamp.

(ii) Mail posted aboard a United States ship on the high seas, or aboard any ship while in a United States port, must bear United States stamps and is not entitled to Paquebot cancellation at a United States post office.

3. In paragraph (c) (4) add new subdivision (v) to read as follows:

(v) *Reply-paid post cards.* The reply half of a double card bearing foreign postage and the heading Carte postale réponse (reply post card) is considered as prepaid for surface transmission to the country which issued the card. See § 121.3 (b) of this chapter regarding additional postage required for reply-paid cards to be transmitted by airmail.

4. Paragraph (c) (5) is amended to read as follows:

(5) *Reply coupons.* (i) International reply coupons of the Universal Postal Union, printed in blue ink and bearing the caption "Coupon-Réponse International" at the top and the name of the country of issue at the bottom, are sold in most countries. The selling post office must postmark the coupons on the left-hand side. The period of exchange of the coupons is unlimited.

(ii) International reply coupons of United States issue may be purchased at United States post offices for 13 cents each. Each coupon is exchangeable in any country for a stamp or stamps representing the international postage on a single-rate surface letter. Upon presentation of a sufficient number of coupons, the stamp or stamps received in exchange may be used to prepay a letter to this country by air. Unused United States reply coupons may be redeemed by the original purchaser at the rate of 12 cents each.

(iii) International reply coupons issued in other countries are exchangeable at United States post offices for postage stamps at the rate of 8 cents each, except that Canadian and Mexican international reply coupons are exchanged at the rate of 3 cents each in postage. You may not redeem more than 10 coupons at one time unless you present the article or articles which are to be prepaid and affix the postage at the post office.

(iv) Reply coupons issued by the Postal Union of the Americas and Spain up to March 1, 1956, are no longer valid. These coupons are printed in green ink and bear the caption Cupón Respuesta Americo-Español. If any such coupons come into your possession, it is suggested that you return them to your correspondents for redemption through the selling post office.

5. In paragraph (d) (1), add the following to subdivision (iii): "Articles containing gas or liquid under pressure, except that products incorporating compressed gas are acceptable if the mist produced is noninflammable, the quantity of contents not more than a pint, and not more than one container per package. The container must be completely surrounded with sawdust, bran or other absorbent material sufficient to take up all the liquid content."

6. In paragraph (d) (1), add new subdivision (ix) to read as follows:

(ix) Articles whose acceptance or circulation is prohibited in the country of destination. See subparagraph (3) of this paragraph.

7. In paragraph (d) (2), amend subdivision (v) to read as follows:

(v) *Envelopes.* Use substantial envelopes that will withstand handling in the international mails. Use envelopes of any light color that will not interfere with legible address and postmark. Do not use three-cornered envelopes. Window envelopes meeting the conditions in § 12.4 of this chapter, with the exception of open-panel envelopes, are acceptable in the international mails. Open-panel envelopes are accepted only in the ordinary (unregistered) mails to Canada.

NOTE: The corresponding Postal Manual section is 221.1.

b. In § 111.2 *Specific categories*, make the following changes:

1. In paragraph (a) (5) make the following changes in subdivision (i):

a. Insert, in proper order, in the table of countries "Hungary (see note)".

b. Delete the notes appearing under the table of countries and insert in lieu thereof the following:

NOTE: See individual country items in Directory of International Mail concerning conditions under which certain articles are permitted in letters and letter-packages.

2. Amend paragraph (a) (6) to read as follows:

(6) *Endorsement.* Senders should add the words "Letter (lettre)" on the address side of letters and letter packages which, because of their size or manner of preparation, may be mistaken for matter of another class.

3. Amend paragraph (b) (1) to read as follows:

(1) *Rates*—(i) *Surface.* Canada and Mexico, 2 cents single; reply-paid, 2 cents each half. All other countries, 4 cents single; reply-paid, 4 cents each half.

(ii) *Airmail.* Canada and Mexico, 4 cents single; reply-paid, 6 cents on message half, 2 cents on reply half. St. Pierre and Miquelon, 8 cents single; reply-paid, 8 cents on message half, 4 cents on reply half. All other countries, 10 cents single; reply-paid, letter rate (10, 15 or 25 cents) on message half and 4 cents on reply half. There is no provision whereby you may prepay the reply half for return to the United States by airmail. See § 121.3 (b) of this chapter regarding prepayment of foreign reply-paid cards to be transmitted to other countries by airmail.

(iii) *Other rates.* Letter rates (surface or air) or printed matter rates, according to the nature of the card, apply to all double cards without prepaid reply. The same rates apply to all cards exceeding the prescibed maximum dimensions. See paragraph (d) (4), (ii) (*m*) and (iii) (*h*) of this section regarding cards admitted as printed matter.

4. In paragraph (b) (3), amend subdivision (ii) to read as follows:

(ii) *Preparation, addressing, and mailing.* Post cards shall be sent unenclosed, without wrapper or envelope. The right half, at least, of the address side is reserved for the address of the addressee and the notations or labels relating to the service. The sender may use the back and the left half of the address side. Postage must appear on the address side, in the upper right corner of the card, otherwise the card is treated as unprepaid.

5. In paragraph (b) (3) delete subdivision (iv).

6. Paragraph (b) (4) is amended to read as follows:

(4) *Reply-paid cards*—(i) *Availability.* Reply-paid postal cards, bearing the required endorsements and imprinted postage are available at post offices. The domestic reply-paid postal card shall not be used in international mails, except that it may be used to Canada after adding the headings prescribed in subdivision (ii) of this subparagraph for private cards.

(ii) *Private cards.* Double cards which are privately prepared for use as reply-paid cards shall have on the front in the French language, as the heading of the first or message part, the words Carte postale avec réponse payee (post card with reply paid), and the words Carte postale réponse (reply post card) as the heading on the second or reply part. Each of the two parts must fulfill the other conditions laid down for a single card. Prepayment of the two halves shall be by means of United States postage stamps (2 cents for Canada and Mexico and 4 cents for other countries) affixed to each half.

(iii) *Preparation and mailing.* The two parts of a reply-paid card are folded one part over the other, so that the fold forms the upper edge, and they may not be sealed in any manner. Prepare the card so that when it is folded the address of the addressee is on the part bearing the words Carte postale avec réponse payee, and the address on the reply part is folded on the inside. The sender may have printed on the back of the reply half a questionnaire to be filled in by the addressee. The latter may return the inquiry half attached to the reply-portion, in which case the address on the inquiry half is crossed out and folded on the inside of the card.

(iv) *Validity of postage.* The prepayment of the reply by means of postage of the country which has issued the card is valid only if the two parts of the card with the reply paid have arrived joined together from the country of origin and if the reply half is sent from the country where it arrived by mail and is addressed to the country of origin. If these conditions are not fulfilled, it is treated as unprepaid.

7. Paragraph (c) (6) is amended to read as follows:

(6) *Preparation and marking.* Envelopes or packages containing commercial papers must not be sealed. Mark the address side of the envelope or package "Commercial Papers".

8. In paragraph (d) make the following changes:

1. Amend subparagraph (1) to read as follows:

(1) *Surface rates.* Surface rates for printed matter to all countries are 2 cents for the first 2 ounces and 1½ cents for each additional 2 ounces or fraction of 2 ounces, except as follows:

(i) For rates on second-class matter mailed by publishers or registered news agents to PUAS countries, see § 22.1 (d) of this chapter.

(ii) For rates on books to certain PUAS countries, see subparagraph (6) of this paragraph.

(iii) For rates on raised print for the blind, see paragraph (e) of this section.

(iv) For airmail rates see § 111.1 (a).

2. In subparagraph (2), make the following changes:

a. In subdivision (ii) strike out Republic of Honduras and Morocco (Spanish Zone).

b. In subdivision (iii), insert Republic of Honduras.

3. In subparagraph (5), amend subdivision (i) to read as follows:

(i) *Wrapping and marking.* Prints must be placed either under wrapper, in rolls, between cardboard, in an open case, or in an unsealed envelope, provided, if need be, with easily removable fasteners offering no danger, or be fastened with a string which can be easily untied. Articles of printed matter should not be prepared in such a manner as to allow other articles to slip into them. Prints of the shape and consistency of a card (unfolded or folded only once) may be mailed without wrapper envelope, or fastener. Do not seal articles mailed at the printed matter rate. Mark the address side of the envelope, card, or package "Printed Matter", or "Printed Matter (Single Volume)", as the case may be.

4. Subparagraph (6) is amended, as follows:

a. Amend the opening statement of subdivision (i) to read as follows:

(i) *Rates.* Surface rate for books, as described in subdivision (iii) herein, is 8 cents each pound or fraction when addressed to the following countries:

b. Rescind subdivisions (iii) and (iv) and insert, in lieu thereof, the following:

(iii) *Description.* To be accepted at the book rate a book must have at least 22 printed pages, permanently bound, with no advertising other than incidental announcements of books.

(iv) *Permissible enclosures.* The following may be enclosed with books: An order form, an invoice, a printed circular relating to the accompanying book or containing announcements of other books. An addressed envelope, but not a United States domestic reply card or envelope, may also be enclosed.

(v) *Preparation and marking.* Prepare books as prescribed in subparagraph (5) of this paragraph and in § 11.3 (h) of this chapter. Packages mailed at the book rate must not be sealed. Mark the address side of the package "Books" or "Book (Single Volume)."

9. In paragraph (e) amend subparagraph (5) to read as follows:

(5) *Preparation and marking.* Matter for the blind must be prepared for mailing in the same manner as printed matter (see paragraph (d) (5) of this section), marked "Matter for the Blind," and must not be sealed. Envelopes or packages containing matter for the blind must not be sealed. Mark the address side of the envelope or package "(Matter for the Blind)."

10. In paragraph (g) make the following changes:

1. Add the following to subparagraph (1): "See subparargaph (8) of this paragraph for list of countries which do not accept small packets."

2. Redesignate subparagraph (4) as subparagraph (5) and insert new subparagraph (4), to read as follows:

(4) *Description.* Small packets offers a convenient and economical means for the transmission of small quantities of merchandise to those countries which admit this class of postal union mail.

3. Subparagraph (5), as redesignated, is amended to read as follows:

(5) *Preparation and marking.* Small packets may not be sealed. They are subject to the provisions applicable to samples of merchandise with respect to preparation and packing (see paragraph (f) (7) of this section). Mark the address side of the packet "Small Packet," or its equivalent in a language known in the country of destination—"petit paquet" (French), "paqueño paquete" (Spanish), "packchen" (German).

4. Present subparagraph (5) *Enclosures,* is redesignated as subparagraph (7); and subdivision (i) thereof is amended to read as follows:

(i) *Permitted enclosures.* You may enclose in small packets a simple invoice, and a slip showing the names and addresses of the sender and addressee of the packet.

5. New subparagraph (6) is added to read as follows:

(6) *Documentation.* Small packets, whether or not they are subject to customs inspection, must bear the green (customs) label, Form 2976. See § 111.1 (e) (1).

6. New subparagraph (8) is added to read as follows:

(8) *Countries not accepting.* Small packets are not accepted by the following countries:

Azores.
Bechuanaland Protectorate.
Bulgaria.
Burma.
Cambodia.
Canada.
Cape Verde Islands.
Chile.
China.
Colombia.
Cuba.
Egypt.
Estonia.
Finland.
Gilbert and Ellice Islands Colony.
Guatemala.
Haiti.
Iceland.
India.
Iraq.
Ireland (Eire).
Italy.
Korea.
Labuan.
Latvia.
Lithuania.
Macao.
Madeira Islands.
Pakistan.
Panama.
Paraguay.
Peru.
Portugal.
Portuguese East Africa.
Portuguese India.
Portuguese Timor.
Portuguese West Africa.
Rumania.
South-West Africa.
Sudan.
Union of South Africa.
Union of Soviet Socialist Republics.
Vatican City State.
Viet-Nam.

11. In paragraph (h) amend the table of countries in subparagraph (5) by striking therefrom Morocco, Spanish Zone.

NOTE: The corresponding Postal Manual section is 221.2.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 112—PARCEL POST

a. In § 112.2 *Preparing, packing, and mailing,* amend paragraph (b) (1) to read as follows:

(1) *General dimensions.* Greatest length, 3½ feet; greatest length and girth combined, 6 feet. Length and girth combined means the measurement of once the length, plus twice the width, plus twice the depth. See § 25.3 of this chapter for illustration of method of measuring parcels.

NOTE: The corresponding section in the Postal Manual is 222.2.

b. In § 112.3 *Prohibitions and restrictions,* make the following changes in paragraph (a):

1. Redesignate subparagraphs (9) and (10) as (10) and (11), respectively.

2. Insert new subparagraph (9) to read as follows:

(9) Articles containing gas or liquid under pressure, except that products incorporating compressed gas are acceptable if the mist produced is noninflammable, the quantity of contents not more than a pint, and not more than one container per package. The container must be completely surrounded with sawdust, bran or other absorbent material sufficient to take up all the liquid content.

NOTE: The corresponding section in the Postal Manual is 222.3.

c. In § 112.5 *Group shipments,* add the following to paragraph (b): "A separate customs declaration or set of declarations, together with a separate dispatch note if the latter is required, must be furnished for each group of parcels."

NOTE: The corresponding section in the Postal Manual is 222.5.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 121—AIR SERVICE

a. In § 121.3 *Prepayment,* amend paragraph (b) to read as follows:

(b) *Double or reply paid postcards.* If you wish the reply-paid half of a foreign card bearing postage of the country of address to be transmitted by air you must prepay, with United States postage, the difference between the surface and the air-mail post card rates to the country concerned. If the first or message part of the card is left attached to the reply half, the additional postage required will be the difference between the surface post card rate and the air-mail letter rate to the country concerned.

NOTE: The corresponding section in the Postal Manual is 231.3.

b. In § 121.4 *Marking,* amend paragraph (b) to read as follows:

(b) *Parcel post.* Paste an air-mail label, Form 3584, on the address side of each parcel to be sent by air, placing the label below and to the right of the name of the country of destination. If a dispatch note is required, place a blue Par Avion label, Form 2978, on that form.

NOTE: The corresponding section in the Postal Manual is 231.4.

c. § 121.5 *Air letter sheets,* is amended to read as follows:

§ 121.5 *Air letter sheets*—(a) *Availability and use.* Air letters (aerogrammes) which can be folded into the form of an envelope and sealed, may be sent by air to all countries. These sheets, bearing imprinted postage, are sold at all post offices at 10 cents each. All parts of the sheets may be used for the sender's message, except the address side. No enclosures are permitted. The affixing of address labels which add to the weight of the sheet, is prohibited. Air letter sheets may be sent under registration upon payment of the required registry fee in addition to the postage.

(b) *Private manufacture.* Air letters without imprinted postage may be manufactured, subject to prior approval by the Department, by private individuals or firms, for their own use or for sale to the public. Such sheets must be similar in size, color, and border markings, to the regular form issued by the Post Office Department, and must bear the same printed endorsements on the address and reverse sides as the regular form. In addition, the words "Authorized for mailing as air letter—P. O. Permit No." (the number to be filled in when issued) must appear in smaller type on the outside of the flap or near one of the edges on the reverse side, so that they will be visible when the sheet is folded for mailing. The quality and strength of the paper must be sufficient to guard against the likelihood of damage in the course of postmarking and handling, and to assure that the writing on the inner side will not interfere with the legibility of the address. Manufacturers shall submit 10 samples of proposed air letter sheets to the Director, International Service, Bureau of Transportation, Washington 25, D. C., for approval before engaging in their production. Approved private air letters must be prepaid 10 cents each when mailed, except those addressed to Canada and Mexico, which require 6 cents prepayment, and those for St. Pierre and Miquelon, which require 8 cents.

NOTE: The corresponding section in the Postal Manual is 231.5.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

PART 122—REGISTRATION

In § 122.3 *Preparation,* amend paragraph (b) (2) to read as follows:

(2) Articles under the classifications of commercial papers, printed matter, books, matter for the blind, samples of merchandise and small packets, or as 8-ounce merchandise packages (except as otherwise provided), presented for registration must not be sealed.

NOTE: The corresponding section in the Postal Manual is 232.3.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-7462; Filed, Sept. 11, 1957; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54429]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

NUMBER OF COPIES OF IN BOND TRANSPORTATION ENTRIES AND MANIFESTS

To reduce the required number of copies of customs Form 7512, Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit, commensurate with retention by customs of necessary controls over merchandise being transported in bond and the desire of all interested parties to eliminate copies not essential to such control, the Customs Regulations are amended as follows:

1. Section 18.2 (c) is amended by substituting "duplicate" for "triplicate" in the first sentence.

2. Section 18.10 (b) is amended by inserting "permit" before "copy" in the first sentence.

3. Section 18.11 (h) is amended by substituting "six" for "seven" in the first sentence.

4. Section 18.16 (a) is amended by substituting "seven" for "eight" in the second sentence.

5. Section 18.19 (b) is amended by substituting "seven" for "eight" in the first sentence.

6. Section 18.20 (a) is amended by substituting "six" for "seven" in the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 4, 1957.

FRED C. SCRIBNER,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7475; Filed, Sept. 11, 1957; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 34]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Loveland FM (Final)	CIN-LFR	224—7.7	1600	T-d	400-1	400-1	400-1
Mt Orab FM	CIN-LFR	296—22	2100	T-n	600-1	600-1	600-1
				C-d	800-1	900-1½	900-1½
				C-n	800-1½	900-1½	900-1½
				S-24-d	800-1	800-1	800-1
				S-24-n	800-1½	800-1½	800-1½
				A-dn			

Procedure turn E side NE crs, 044 Outbnd, 224 Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 227—4.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi after passing the Cincinnati LFR or if landing not accomplished, make a left climbing turn, climb to 2300′ on the SE crs within 10 mi.
AIR CARRIER NOTE: Air carrier hours of operations—6:00 a. m. through 9:00 p. m. (7 days a week).

City, Cincinnati; State, Ohio; Airport Name, Lunken; Elev, 488′; Fac Class, SBRAZ; Ident, CIN; Procedure No. 1, Amdt 3; Eff Date, 5 Oct 57; Sup Amdt No. 2; Dated, 7 Jun 56

ACT-VOR	ACT-LFR	direct	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-36 *▫	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*710 FPM descent required at 110K.
Procedure turn E side S crs, 189 Outbnd, 009 Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 010—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi, climb to 2000′ on N crs within 20 mi or, when directed by ATC, turn left, climb to 2000′ on NW crs within 20 mi.

City, Waco; State, Tex; Airport Name, Municipal; Elev, 515′; Fac Class, SBRAZ; Ident, ACT; Procedure No. 1, Amdt 9; Eff Date, 5 Oct 57; Sup Amdt No. 8; Dated, 7 Jan 56

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
HSV-VOR	Ballard Int.* (Final)▽	Direct	2200	T-dn	300-1	300-1	300-1
Ballard Int.*	Chemical Int.# (Final)	Direct	1700	C-d	400-1	500-1	500-1½
				C-n	600-2	600-2	600-2
				A-dn	NA	NA	NA

▽If Ballard Int. not received, descent below 2200′ NA.
*Ballard Int.: Int. HSV-VOR R-238 and HUA-VOR R-351.
#Chemical Int.: Int. HSV-VOR R-238 and HUA-VOR R-275.
(HUA-VOR is on Redstone AAF.)
Procedure turn N side of crs 058 Outbnd, 238 Inbnd, 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 238—17.9.
Minimum altitude over Ballard Int. on final approach crs, 2200′.
Crs and distance, Ballard Int. to airport, 238—14.2.
Minimum altitude over Chemical Int., 1700′.
Crs and distance, Chemical Int. to airport, 238—4.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 17.9 mi of HSV-VOR, turn left and return to HSV-VOR on R-238 at 3000′.
NOTE: No weather reporting facilities available.
Air carrier use not authorized.

City, Decatur; State, Ala; Airport Name, Pryor Fld; Elev, 591′; Fac Class, VOR; Ident, HSV; Procedure No. 1, Amdt 1; Eff Date, 5 Oct 57; Sup Amdt No. Orig; Dated, 17 Aug 57

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Downey FM/HW	LAX ON (Final)	Direct	1500	T-dn	300-1	300-1	200-½
Los Angeles RBn	LAX-VOR	Direct	1500	C-dn	500-1	600-1	600-1½
Hollywood FM	LAX-VOR	Direct	3000	S-dn-25L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring to final approach course authorized.
Procedure turn S side of crs, 069 Outbnd, 259 Inbnd, 2000′ within 15 miles. E of Downey FM/RBn NA. (Nonstandard due to terrain.)
Minimum altitude over LAX OM on final approach crs, 1500′*.
*Descend to landing minimums after passing LAX OM.
Crs and distance, LAX OM to Runway 25L, 249—5.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles of LAX OM, climb to 2000′ on LAX R-249 within 20 miles.

City, Los Angeles; State, Calif; Airport Name, International; Elev, 126′; Fac Class, BVOR; Ident, LAX; Procedure No. 2, Amdt 1; Eff Date, 5 Oct 57; Sup Amdt No. Orig; Dated, 29 Aug 57

Waco LFR	ACT-VOR	Direct	1900	T-dn	300-1	300-1	200-½
10 mi fix* on R-321	ACT-VOR (Final)	Direct	1400	C-dn	400-1	500-1	500-1½
10 mi orbit from R-027 4V	R-321		1900	S-dn-14	400-1	400-1	400-1
Brazos Int	ACT-VOR (Final	Direct	1400	A-dn	800-2	800-2	800-2

*DME fix.
Procedure turn W side of crs, 321 Outbnd, 141 Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 141—3.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles, climb to 2000′ on R-136 within 20 miles or, when directed by ATC, turn right, climb to 2000′ on R-187 within 20 miles, or turn right, climb to 2000′ and return to ACT-VOR, or turn right, climb to 2000′ on R-321 and proceed to Brazos Int.

City, Waco; State, Tex; Airport Name, Municipal; Elev, 515′; Fac Class, BVOR; Ident, ACT; Procedure No. 1, Amdt 4; Eff Date, 5 Oct 57; Sup Amdt No. 3; Dated, 9 Jun 56

12 mi orbit from R-187 E	R-141		2000	T-dn	300-1	300-1	200-½
12 mi fix* R-141	7 mi fix* R-141 (Final)	Direct	1500	C-dn#	400-1	500-1	500-1½
7 mi fix* R-141	4 mi fix* R-141 (Final to rny 32)	Direct	#900	S-dn-32#@	400-1	400-1	400-1
				A-dn#	800-2	800-2	800-2

#Landing ceiling minimums without DME are 1000′ (1500′ m. s. l.).
@570 F. P. M. descent required at 105 K.
Procedure turn E side of crs, 141 Outbnd, 321 Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′ over 7 mi fix* R-141, if no DME, 1500′ over VOR#.
Crs and distance, facility to airport, 141—4 VOR to SE end rny 32 (4 mi fix*), 321 3 mi from 7 mi fix* to rny 32 (4 mi fix*).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4 mi fix*, climb to 2300′ on R-306 within 20 mi. No DME: within 0 mi, (over VOR)# climb to 2300′ on R-306 within 20 mi, or when directed by ATC, climb to 2000′ on R-321, turn left and return to ACT VOR.
*DME fix.

City, Waco; State, Tex; Airport Name, Municipal; Elev, 515′; Fac Class, BVOR; Ident, ACT; Procedure No. 2, Amdt 2; Eff Date, 5 Oct 57; Sup Amdt No 1; Dated, 9 Jun 56

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Russell Int	Rockwood FM (Final)	Direct	1500	T-dn	300-1	300-1	200-½
Int 246° crs DAL-RBn and S crs ILS	Rockwood FM (Final)	Direct	1500	C-dn	500-1	600-1	600-1½
				S-dn-35*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*660 FPM descent required at 110K.
Procedure turn W side S crs, 174 Outbnd, 354 Inbnd, 2000′ within 10 mi Rockwood FM#.
#Procedure turn non-standard due obstruction.
No Glide Slope. Final approach altitude and distance 1500′ at Rockwood FM, 2.3 mi to appr end of rny 35.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi of Rockwood FM, climb to 2000′ on N crs ILS within 20 mi.
NOTE: Take-off on Runways 9-27 and 13-31 NA-with less than 300-1.
AIR CARRIER NOTE: Reduction in landing minima NA on cargo and ferry flights.
CAUTION: Tank 864′ MSL located 1.3 mi W of crs between Rockwood FM and airport. TV Tower 1743′ MSL located 4.8 mi E of S crs ILS.

City, Fort Worth; State, Tex; Airport Name, Meacham; Elev, 692′; Fac Class, ILS; Ident, IFTW; Procedure No. ILS-35, Amdt 6; Eff Date, 5 Sept 57; Sup Amdt No. 5, Dated, 10 Oct 56

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 3, 1957.

[F. R. Doc. 57-7408; Filed, Sept. 11, 1957; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 43 [1]]

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 385—EXPORTATIONS OF TECHNICAL DATA

MISCELLANEOUS AMENDMENTS

1. Section 371.3 *General License country groups*, paragraph (a) *Grouping of countries* is amended by deleting "Poland and Danzig" in subparagraph (2) thereof.

2. Section 371.8 *General License GRO; shipments of non-Positive List commodities*, paragraph (a) *Scope of license* is amended to read as follows:

(a) *Scope of license.* (1) A general license designated GRO is hereby established, authorizing the exportation to all destinations of all commodities not included on the Positve List of Commodities (§ 399.1 of this subchapter), subject to the other provisions set forth in this section, except that:

(i) No exportations may be made under this general license to Hong Kong, Macao or Subgroup A destinations; and

(ii) No exportations of the commodities listed in § 371.52 may be made under this general license to Poland (including Danzig).

NOTE: Gift parcels containing commodities not on the Positive List may be shipped under General License GRO except as indicated in § 371.8 (a) (1) (i) and (ii). Any commodity on the Positive List requires a validated license for export, even though intended as a gift, unless exportable under one of the other general licenses such as GIFT (see § 371.21), GO (see § 371.7), or GLV (see § 371.10).

3. Section 371.9 *General License GIT; in-transit shipments* is amended in the following particulars:

a. Paragraph (a) *General provisions*, subparagraph (1) *Scope*, subdivision (iii) is amended to read as follows:

(iii) Only those exportations of foreign origin which, if of United States origin, could be made respectively to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A country, under the provisions of a general license, may be exported to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A country, respectively, under General License GIT.

b. A new Note 3 is added following paragraph (c) to read as follows:

3. *Other general licenses.* The provisions of § 371.9 shall not be construed as limiting the use of any other general license specifically authorized.

4. Section 371.10 *General License GLV; shipments of limited value* is amended in the following particulars:

a. The first unnumbered subdivision of paragraph (d) *Positive List commodities* is amended to read as follows: "Commodities included on the Positive List of Commodities (§ 399.1 of this subchapter) may be exported in a single shipment under this general license to all destinations, except Hong Kong, Macao, Poland (including Danzig), and Subgroup A countries (see § 371.3 (a)), as follows:"

b. Note 1 following paragraph (e) *Non-Positive List commodities* is amended to read as follows and a new Note 3 is added as follows:

NOTE: 1. *General License GRO.* Commodities not included on the Positive List of Commodities (except shipments to Poland, including Danzig, of commodities listed in § 371.52) may be exported to any destination, except Hong Kong, Macao, and Subgroup A destinations, without dollar-value limit under the provisions of General License GRO (§ 371.8).

* * * * *

3. *General License GLSA.* Certain specified non-Positive List commodities may be exported to certain Subgroup A destinations in unrestricted quantities under the provisions of General License GLSA (§ 371.24).

5. Section 371.11. *General Licenses BAGGAGE and TOOLS OF TRADE* is amended by adding the following Note 4 following paragraph (c) *Requirement for filing Declaration:*

4. *Commodities for sale.* Commodities exported for sale, even though carried in the baggage or with the tools of a traveler, may not be exported under either General License BAGGAGE or TOOLS OF TRADE. Commodities exported for sale must be declared as a commercial shipment and may be exported only under a validated export license or under a general license applicable to such commercial shipments.

6. Section 371.13. *General Licenses SHIP STORES, PLANE STORES, CREW, and REGISTERED CARRIER STORES* is amended in the following particulars:

a. Paragraph (a) *General License SHIP STORES*, subparagraph (1) *Scope*, subdivision (ii) is amended to read as follows:

(ii) Equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel of any registry, except:

(*a*) A vessel registered in a Subgroup A country or Poland (including Danzig); or

(*b*) A vessel controlled by or under charter to a Subgroup A country or Poland (including Danzig) or a national of a Subgroup A country or Poland (including Danzig).

b. Paragraph (a) *General License SHIP STORES*, subparagraph (2) *Restrictions on the exportation of petroleum and petroleum products*, subdivision (iv) is amended to read as follows:

(iv) is registered in any Subgroup A country or Poland (including Danzig), or is controlled by, or under charter to, any Subgroup A country or Poland (including Danzig), or a national of a Subgroup A country or Poland (including Danzig).

c. Paragraph (b) *General License PLANE STORES*, subparagraph (1) *Scope*, subdivision (ii) is amended to read as follows:

(ii) Equipment and spare parts for permanent use on an aircraft, when necessary for the proper operation of such aircraft, may be exported on board an aircraft of any registry, except:

(*a*) An aircraft registered in a Subgroup A country or Poland (including Danzig); or

(*b*) An aircraft controlled by or under charter to a Subgroup A country or Poland (including Danzig) or a national of a Subgroup A country or Poland (including Danzig).

d. Paragraph (b) *General License PLANE STORES*, subparagraph (2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft*, subdivision (iv) is amended to read as follows:

(iv) is registered or documented in any Subgroup A country or Poland (including Danzig) or is controlled by, or under charter to, any Subgroup A country or Poland (including Danzig) or a national of any Subgroup A country or Poland (including Danzig).

7. Section 371.14 *General License GUS; shipments to members of the U. S. Armed Forces and to representatives of the U. S.* is amended to read as follows:

§ 371.14 *General License GUS; shipments to personnel and agencies of the United States Government.* A general license designated GUS is hereby established, authorizing exportations to any destination as follows:

(a) *Commodities for personal use.* Commodities in quantities sufficient solely for the personal use of members of the United States Armed Services, of civilian personnel of the United States Government, and of their immediate families and servants. Commodities for personal use include household effects, food, beverages, and other daily necessities.

(b) *Commodities for official use.* Any commodities for the official use of agencies of the United States Government. The term "agencies of the United States Government" includes all civilian and military departments, branches, missions, government-owned corporations, and other agencies of the United States Federal Government, but does not include such national agencies as the American Red Cross or international organizations in which the United States participates such as the Organization of American States. These non-governmental national agencies are therefore not eligible to use this general license.

8. Section 371.20 *General License G-PUB; exportation of certain publications*, paragraph (b) *Publications exportable* is amended by adding the following entry to the list:

Schedule B No.	*Commodity*
956100	Advertising matter (printed or unprinted), except calendars, exclusively related to any commodity exportable under General License G-PUB.

[1] This amendment was published in Current Export Bulletin 790, dated August 29, 1957.

9. Section 371.24 *General License GLSA; shipments of certain commodities to specified Subgroup A destinations* is amended by deleting therefrom the destinations "Poland and Danzig."

10. Part 371, General licenses, is amended by adding a new § 371.52 *Supplement 2; commodities destined to Poland (including Danzig) which are excepted from General License GRO* to read as follows:

§ 371.52 *Supplement 2; commodities destined to Poland (including Danzig) which are excepted from General License GRO.*

Schedule B No.	Commodity
	Petroleum and products:
501100	Petroleum, crude.
501360	Unfinished oils for further refining.
503000	Gas, oil, and distillate fuel oil.
503100	Residual fuel oil.
	Steel mill products, semifinished:
601604	Billets, projectile and shell steel, carbon steel (includes projectile and shell steel blooms and slabs).
601701	Billets, projectile and shell steel, alloy steel.
	Steel mill products, rolled and finished:
602310	Bars, projectile and shell steel, hot rolled carbon steel.
602610	Bars, projectile and shell steel, hot rolled alloy steel, except stainless.
	Line pipe, carbon and alloy steel, except stainless (if alloy, specify and give analysis):
606270	Seamless.
606280	Welded.
	Metal manufactures:
618971	Storage tanks, lined, n. e. c., and specially fabricated parts and accessories, n. e. c.
618979	Bridges, portable and knockdown, and specially fabricated parts, n. e. c. (all metals).
619013	Gas cylinders (all metals and all sizes), filled.
619021	Gas cylinders (all metals and all sizes), unfilled.
619152	Magnesium metal powder.
	Nonferrous metals:
664547	Magnesium metal and alloys in crude form and scrap.
664549	Magnesium alloy semifabricated forms, n. e. c.
	Electrical machinery and apparatus:
700610	Mobile steam turbine generator sets under 500 kilowatts. (Specify by rating.)
700805	Mobile steam turbine generator sets, 500 kilowatts and over. (Specify by rating.)
701105	Mobile and portable electrical generating sets powered by diesel engines. (Specify by rating.)
701140	Mobile and portable self-contained generating sets, except diesel, ¾ kilowatts and under.
701150	Mobile and portable self-contained generating sets, except diesel, over ¾ kilowatts.
707613	Shipborne radio communication receivers and subassemblies therefor, n. e. c.[1]
707617	Land-type radio communication receivers and subassemblies therefor, n. e. c.[1]
707905	Capacitors (condensers), n. e. c.
707910	Resistors, n. e. c.
707915	Transformers, n. e. c.
708500	Telegraph apparatus (wire), n. e. c., and specially fabricated parts, n. e. c.
	Construction, excavating, mining, and related machinery:
739750	Magnetic and electrostatic separators.
739810	Specially fabricated parts, n. e. c., for magnetic and electrostatic separators.
	Machine tools, parts, and accessories:
740305	Hollow spindle lathes.[1]
740900	Automatic milling machines, with tables 20 inches wide and over and/or 48 inches long and over.[1]
742300	Deep hole drilling machines.
743910	External cylindrical grinding machines, centerless (whether or not automatic sizing).[1]
744311	Combined internal and external cylindrical grinding machines.[1]
744310	Specially fabricated parts, n. e. c., for the above machine tools (Schedule B Nos. 740305 through 744311).[1]
744381	Deep-hole drills.[1]
744383	Accessories and attachments for use exclusively on the above types of machine tools (Schedule B Nos. 740305 through 744311).[1]
	Other industrial machines, and parts:
767100	Cotton gins, and specially fabricated parts, n. e. c.
770820	Mechanical vacuum pumps fabricated of or lined with any corrosion resistant material[2] and capable of producing a vacuum of 2 millimeters but not as low as 0.01 millimeter mercury pressure absolute.[1]
770840	Mechanical vacuum pumps fabricated of or lined with any corrosion resistant material[2] and capable of producing a vacuum less than atmospheric pressure but not as low as 2 millimeters mercury pressure absolute.
771200	Tubular heat exchangers, corrosion resistant,[2] designed to operate at pressures over 200 psi and specially fabricated parts, n. e. c.[1]
775055	Vacuum freeze-drying equipment, and specially fabricated parts, n. e. c.[1]
775330	Multiple effect evaporators, and specially fabricated parts, n. e. c.[1]
775330	Processing vessels, non-mixing, n. e. c., designed to operate at pressures over 200 psi, and specially fabricated parts, n. e. c.[1]
775360	Electromagnetic separators, and specially fabricated parts, n. e. c.[1]
775360	Filters, industrial process type, and specially fabricated parts, n. e. c.[1]
	Agricultural machines, implements, and parts:
785910	Mechanical cotton pickers.
787190	Specially fabricated parts, n. e. c., for mechanical cotton pickers.
	Watercraft:
795165	Parts and accessories, n. e. c., specially fabricated for military watercraft, except converted.
	Railway transportation equipment:
796104	Locomotives, new, straight electric, general service (line), of a gauge greater than 4 feet 8 inches (1.42 m) or with an individual axle load greater than 12 metric tons.
796106	Locomotives, new, diesel, nonelectric, general service (line), of a gauge greater than 4 feet 8 inches (1.42 m) or with an individual axle load greater than 12 metric tons.
796108	Locomotives, new, diesel-electric, general service (line), of a gauge greater than 4 feet 8 inches (1.42 m) or with an individual axle load greater than 12 metric tons.
796172	Parts, n. e. c., specially fabricated for the above locomotives (Schedule B Nos. 796104 through 796108).[1]
796186	Automatic (block type) railway signal systems, and specially fabricated parts, n. e. c.[1]
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.):
832985	Organo-fluorine compounds (specify by name): Dibromotetrafluoroethane (e. g., Freon 114-B2); dibromotetrafluorocthane (e. g., Freon 123-BR); monobromomonochlorodifluoromethane (e. g., Freon 12-B1); monochloropentafluoroethane (e. g., Freon 115); octafluorocyclobutane (e. g., Freon C-318); tetrachlorodifluoroethane (Freon 112); tetrafluoromethane (e. g., Freon 14).[1]
839900	Titanium tetrachloride; phosphorus, elemental; phosphorus oxychloride; and phosphorus trichloride.[1]
	Scientific and professional instruments, apparatus and supplies, n. e. c.:
916010	Transits having a telescope magnification of 20x or higher and reading direct to 1 sexagesimal minute or better.
916029	Parts, n. e. c., specially fabricated for transits having a telescope magnification of 20x or higher and reading direct to 1 sexagesimal minute or better.
916029	All photo-theodolites; other theodolites having an accuracy of 1 sexagesimal second or better by direct reading or a telescope magnification of 20x or higher and reading direct to 1 sexagesimal minute or better; and specially fabricated parts therefor.
916029	Tachymeters (tacheometers) having a telescope magnification of 20x or higher and reading direct to 1 sexagesimal minute or better; and specially fabricated parts, n. e. c.
999930	Miscellaneous commodities, n. e. c.: Military apparel of all types and materials, including insignia, and footwear (new and used).
999960	Miscellaneous military and naval equipment, n. e. c., and specially fabricated parts, n. e. c.

See footnotes at end of table.

[1] For other items under this Schedule B number which require a validated license for shipments to Poland (including Danzig), see the Positive List (§ 399.1 of this subchapter).

[2] As used in this list, the term "corrosion-resistant materials" means (i) metals or alloys containing 10 percent or more of chromium and/or nickel and/or silicon; 75 percent or more of copper; 85 percent or more of aluminum; or 90 percent or more of zinc, tin, cadmium, indium, lead, silver, titanium, molybdenum, tantalum or zirconium, either separately or in combination; (ii) glass, ceramics, carbon, graphite, or other nonmetallic materials of mineral origin; (iii) rubber (natural or synthetic), plastics, or synthetic resins; and (iv) any other newly-developed corrosion-resistant materials.

11. Section 372.4 *Applications for validated licenses*, paragraph (a) *Who may apply*, subparagraph (2) *Order party* is amended by deleting the last sentence of subdivision (i) thereof.

12. Section 372.7 *License applications for ship stores, plane stores, supplies and equipment* is amended in the following particulars:

a. Paragraph (b) *Preparation of license applications*, subparagraph (2) *Operating vessels and aircraft* is amended to read as follows:

(2) *Operating vessels and aircraft.* Applications for licenses to export commodities, including ship or plane stores, supplies and equipment, to operating vessels and aircraft, whether in operation or being repaired, shall be prepared on Form FC–419 in accordance with the instructions contained in § 372.5, with the following modifications:

(i) *Country of ultimate destination.* (*a*) Show country where the vessel or aircraft will take on the commodities.

(*b*) If the country where the vessel or aircraft will take on the commodities is uncertain at the time of filing the license application, and the commodities will not be shipped to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A destination, enter the statement: "Uncertain; however, shipment(s) will not be made to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A destination." An export license issued under these circumstances will bear the following destination restriction: "Shipment(s) may be made to the named vessel at any port in any country except Hong Kong, Macao, Poland (including Danzig), or a Subgroup A destination."

(ii) *Ultimate consignee in foreign country.* (*a*) Show name of owner and port or place where commodities will be taken aboard. Also, if a vessel, show name of vessel.

(*b*) If the port or place where the commodities will be taken aboard is uncertain at the time of filing the license application, and the commodities will not be shipped to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A destination, enter the statement: "Port or place where the commodities will be taken aboard the vessel is uncertain; however, the commodity(ies) will not be loaded on the named vessel at a port or place located in Hong Kong, Macao, Poland (including Danzig), or a Subgroup A destination." An export license issued under these circumstances will bear the destination restrictions indicated in subdivision (i) of this subparagraph.

(iii) *Commodity description.* For vessels under 40 feet in length, include a statement as to the length of the vessel. For vessels 40 feet in length or over, show the following information in this item or on an attachment to the application:

(c) Type of vessel.
(b) Business address of owner and his nationality.
(c) Country of registry.
(d) Name of charterer and the terms and type of charter, if under charter.

(iv) *End use of commodities covered by this application.* If the vessel is a tanker, the application or an attachment thereto shall include the following statement signed by a responsible person in a position to furnish this information; that is, the owner or his duly authorized agent, or the owner and charterer (or their duly authorized agents) when the vessel is chartered:

The vessel ----------
(Name of vessel)
for which these commodities are required (will be used) (will not be used) to transport petroleum or petroleum products directly or indirectly to any Subgroup A destination.
(Strike out inapplicable phrase)

(v) *Identification of parties to transaction.* In all cases, all parties to the transaction, including the United States or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in § 372.4 (c).

b. Paragraph (c) *Exportations of petroleum and petroleum products, including bunker fuel for use on vessels and fuel for planes departing from the United States,* subparagraph (1) (iv) is amended to read as follows:

(iv) If the carrier will call at Macao or a point under Far Eastern Communist control within the period of time shown in subdivision (iii) of this subparagraph or if the carrier is registered in, or under charter to, a Subgroup A country or Poland (including Danzig), or if the carrier is under charter to a national of a Subgroup A country or Poland (including Danzig), state whether any commodities included on the Positive List of Commodities (§ 399.1 of this subchapter), the United States Munitions List (§ 370.4 (a) of this subchapter), or the United States Atomic Energy List (§ 370.4 (d) of this subchapter), are carried on board the vessel or aircraft and destined directly or indirectly to any of these destinations. If the answer is in the affirmative, indicate where such commodities will be discharged, unless this information has already been supplied in accordance with subdivision (ii) of this subparagraph.

13. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery,* paragraph (a) (1) (ii) is amended by adding the parenthetical phrase "(including the Saar territory)" after "France".

14. Section 373.5 *Licensing policy for agricultural commodities and manufactures thereof covering shipments to Subgroup A destinations* is amended to read as follows:

§ 373.5 *Licensing policy for agricultural commodities and manufactures thereof covering shipments to subgroup A destinations*—(a) *Subsidized commodities.* It is the general policy of the Bureau of Foreign Commerce to deny applications for validated licenses to export, or authority to reexport, agricultural commodities and manufactures thereof to any Subgroup A destination, where the proposed shipment (1) consists of any commodity which is acquired directly or indirectly from the Commodity Credit Corporation, whether in the form acquired or in processed form; (2) consists of any commodity which is shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; and (3) is subsidized for export by the Commodity Credit Corporation either by cash payments or by payments in kind.

(b) *Non-subsidized Commodities*—(1) *Exports from the United States.* License applications covering proposed shipments of agricultural commodities and manufactures thereof destined to Eastern European countries within country designation Subgroup A, may be considered for approval, if approval would not be in conflict with the policy stated in paragraph (a) of this section. Such license applications submitted to the Bureau of Foreign Commerce shall contain the following certification in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify (1) that the commodities covered by this application have not been and will not be obtained directly or indirectly from Commodity Credit Corporation stocks; (2) that the commodities will not be shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; or (3) that if the exportation is eligible for a subsidy under a Commodity Credit Corporation export disposal program for surplus agricultural commodities, such subsidy has not been and will not be claimed or obtained.

NOTE: See § 371.8 of this subchapter for exportations under General License GRO of surplus agricultural commodities and manufactures thereof.

(2) *Reexportations.* Requests for authority to reexport agricultural commodities and manufactures thereof to Eastern European countries within country designation Subgroup A, may be considered for approval, if approval would not be in conflict with the policy stated in paragraph (a) of this section; or, (ii) if the commodities had not been exported from the United States under either the Mutual Security program or the foreign currency, barter, or other Public Law 480 program. Such requests shall be submitted by letter to the Bureau of Foreign Commerce by the United States exporter and shall contain the following certification:

I (We) certify (1) that none of these commodities was exported from the United States under either the Mutual Security program, or the foreign currency, barter, or other Public Law 480 program; (2) that the commodities covered by this request for authority to reexport have not been obtained directly or indirectly from Commodity Credit Corporation stocks; (3) that the commodities were not shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; or (4) that if the exportation is eligible for a subsidy under a Commodity Credit Corporation export disposal program for surplus agricultural commodities, such subsidy has not been and will not be claimed or obtained.

15. Section 379.3 *Presentation of shipper's export declaration,* paragraph (c) *Number of copies to be presented,* subparagraph (3) *Additional copies of Declaration* is amended to read as follows:

(3) *Additional copies of Declaration.* The Bureau of Foreign Commerce, the Collector, or the Postmaster may require, for the purpose of export control, the presentation of additional copies of the Declaration. In all cases where a Declaration is required by the Export Regulations or the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, an additional copy of the Declaration shall be presented for exportations described in subdivision (i), (ii), or (iii) of this subparagraph:

(i) Exportations of any commodity to Poland (including Danzig). The additional copy shall bear in the upper right corner the notation, "FC–2650".

(ii) Exportations to any destination of iron and steel scrap, Schedule B. Nos. 601015 through 601090.[1] The additional copy shall bear in the upper right corner the notation, "COMM–8".

(iii) Exportations of surplus agricultural commodities and manufactures thereof, as set forth in § 371.8 (b) (2) of this subchapter. The additional copy shall bear in the upper right corner the notation, "FC–2610".

NOTE: For exports from the United States to foreign countries made in transit via Canada, the exporter shall present for authentication an additional copy of the Declaration in such cases.

16. Section 379.10 *Destination control* is amended in the following particulars:

a. Paragraph (c) *Statement regarding ultimate destination on Declaration, Bill of Lading, and Commercial Invoice,* subdivisions (ii) and (iii) of subparagraph (1) are amended to read as follows:

(ii) (*a*) Instead of the statement set forth in subdivision (i) of this subparagraph, the following statement may be substituted with the blank spaces filled in as instructed below.

These commodities licensed by the United States for ultimate destination ---------- ---------- and for distribution or resale in ---------- Diversion contrary to the United States law prohibited.

(*b*) If the exportation is made under a general license, other than General Licenses GIT, G–PUB, GTDP, or GTDS, insert the name of the country to which the shipment is being made in the first blank space and the following words in the last blank space, "any destination except Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam and Laos unless otherwise authorized by the United States." Where commodities listed in § 371.52 of this subchapter are exported to any destination under any general license, other than GIT, the destination control statement shall be changed to add Poland and Danzig to the list of excepted destinations.

[1] This regulation includes shipments under a validated license, under a general license, and shipments to Canada.

(*c*) Where a shipment is made under the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the insertion in the last blank space of the above statement. Similarly, if a shipment is made under the provisions of General License GHK, the destination "Hong Kong" may be deleted from the insertion in the last blank space of the above statement. In addition, where a shipment is made under any general license and it is known or believed that the foreign importer intends to reexport to one of the excepted destinations included in the insertion in the last blank space of the above statement, the excepted destination may be deleted from the insertion in the last blank space provided that § 371.4 (b) of this subchapter permits such reexporation. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the insertion in the last blank space of the above statement.

(*d*) If the exportation is made under a validated license, insert in the first blank space the name of the country shown on the license as country of ultimate destination. In the last blank space, insert the names of the countries shown on the license as approved destinations for distribution or resale. If no country is shown on the license as approved for distribution or resale, insert the word "none" in the last blank space.

NOTE: The note following subdivision (i) of this subparagraph is also applicable to requests for permission to distribute or resell where the statement set forth in subdivision (ii) of this subparagraph is used.

(iii) (*a*) Where a shipment is made under a general license, other than General Licenses GIT, G–PUB, GTDP, or GTDS, the following statement may be entered on the Declaration instead of the statements set forth in subdivisions (i) and (ii) of this subparagraph.

United States law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Vietnam and Laos, unless otherwise authorized by the United States.

(*b*) Where commodities listed in § 371.52 of this subchapter are exported to any destination under any general license, other than GIT, the destination control statement shown above shall be changed to add Poland and Danzig to the list of excepted destinations.

(*c*) If a shipment is made under the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the above statement. Similarly, if a shipment is made under the provisions of General License GHK, the destination "Hong Kong" may be deleted from the above statement. In addition, where a shipment is made under any general license and it is known or believed that the foreign importer intends to reexport to one of the excepted destinations, the excepted destination may be deleted from the above statement provided that § 371.4 (b) of this subchapter permits such reexportation. For example, if a shipment is made from the United States to France under General License GRO, and the commodity being shipped is subject to the provisions of General License GLSA, the phrase "Soviet Bloc" may be deleted from the above statement.

NOTE: The note following subdivision (1) of this subparagraph is also applicable to requests for permission to distribute or resell where the statement set forth in subdivision (iii) of this subparagraph is used.

b. The following question and answer is added to the list of interpretive questions and answers appearing after paragraph (g).

25. Q. What countries are included in the term, "Soviet Bloc" as used in the destination control statement?

A. As used in the destination control statement, the term "Soviet Bloc" means all destinations listed in the Subgroup A country designation (see § 371.3 (a) (2) of this subchapter for destinations covered by Subgroup A). It will be noted that Poland (including Danzig) and Yugoslavia are not included in Subgroup A.

17. Section 385.2 *General Licenses GTDP, GTDU and GTDS,* paragraph (b) *General License GTDU; unclassified technical data either unpublished or not generally available in published form* is amended to read as follows:

(b) *General License GTDU; unclassified technical data either unpublished or not generally available in published form.* A general license designated GTDU is hereby established authorizing the exportation of unclassified technical data, either unpublished or not generally available in published form, to any destination, except a Subgroup A destination or Poland (including Danzig).[1]

18. Section 385.4 *Exportations to Subgroup A destinations* is retitled *Exportations to Subgroup A destinations and Poland (including Danzig)*[1] and paragraph (a) *Scope* is amended to read as follows:

(a) *Scope.* (1) Under the provisions of this section there is established a procedure for the exportation to Subgroup A destinations and Poland (including Danzig) of technical data not exportable under General Licenses GTDP or GTDS (see § 385.2).

(2) Pursuant to this procedure, application may be made for a validated license which, if issued, authorizes the exportation of specified technical data to a designated foreign consignee or consignees, within a validity period of six months.

This amendment shall become effective as of August 29, 1957, except that with respect to parts 11 and 16 thereof it shall become effective as of September 28, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57–7385; Filed, Sept. 11, 1957; 8:45 a. m.]

[8th Gen. Rev. of Export Regs., Amdt. 44 [2]]

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

Section 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges,* paragraph (b) *Table of compliance orders* is amended in the following particulars:

1. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Murwal, Inc., 17 State St., New York 4, N. Y.	7–24–57	11–24–57 (7–24–58)*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 5982, 7–30–57.
Schwick, Walter, 17 State St., New York 4, N. Y.	7–24–57	11–24–57 (7–24–58)*	do	Do.
Serti, S. A., 15 Rue de la Cite and 7 Place de la Fusterie, Geneva, Switzerland; and Kassas-Sadat Bldg., Rue Fardosse, Damascus, Syria; and Lazarieh Bldg., Beirut, Lebanon.	6–9–55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi, et al., which see.)	20 F. R. 4190, 6–15–55.
Treitel, E. & Co. Ltd., Dashwood House, 69 Old Broad St., London, E. C. 2, England.	(7–24–57)	(7–24–58)*	General and validated licenses, all commodities, any destination, also exports to Canada. (No actual period of suspension. On probation from 7–24–57 to 7–24–58.)	22 F. R. 5982, 7–30–57.

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

[1] See § 371.3 (a) (2) of this subchapter for listing of destinations in Subgroup A.

[2] This amendment was published in Current Export Bulletin 790, dated August 29, 1957.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Profilaco, S. A. R. L., 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland.	6-9-55	Duration	General and validated licenses, all commodities; any destination, except Iron Curtain countries. (Related to Les Fils de Basile Obegi, et al., which see.)	20 F. R. 4100, 6-15-55.
Societe d'Etudes et de Recherches Technique et Industrielles, (SERTI), S. A., 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland.	6-9-55	do	do	Do.
Thiele, Ernest, 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland.	6-9-55	do	do	Do.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-7386; Filed, Sept. 11, 1957; 8:45 a. m.]

[8th Gen. Rev. of Export Regs., Amdt. P.L. 15 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

1. Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

a. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
601200	Natural gasoline (bbl. of 42 gal.) [1]	Bbl.	PETR 1	1,000	RO
601400	Refined oils: Motor fuel and gasoline (report octane rating): Blending agents, of petroleum origin (specify by name) (report antiknock compounds in 829010).	Gal.	PETR 1	1,000	RO
601700	Automotive and other motor fuels and gasoline (bbl. of 42 gal.)	Bbl.	PETR 1	1,000	RO
602700	Kerosene, except distillate fuel oil (bbl. of 42 gal.) (report distillate fuel oils in 603000; and jet fuel in 501800).[1]	Bbl.	PETR 1	100	RO
523110	Optical instrument glass and glass blanks, including synthetic crystal: Glass blanks (slabs), pressings and molds (other than blocks, molded lenses and prisms), tinted or untinted, with a unit weight of 1 kg. or more. (1) [19]	Lb.	SATE 1	25	RO
523110	Glass rough-molded lenses and prisms, tinted or untinted, with a unit weight of 0.5 kg. or more. (2) [19]	Lb.	SATE 1	25	RO
619150	Metal powders: Nickel and nickel alloy powder and flakes (including monel metal powder) (2, 5 and 6) [2] [12] [18]	Lb.	NONF 16	25	RO
630060	Aluminum scrap (new and old) [7]	Lb.	NONF	500	RO
630070	Aluminum metal and alloys in crude form (including ingots, pigs, blooms, and slabs) [7]	Lb.	NONF	500	RO
644100	Copper-base alloy ingots. (1) [7]	Lb.	NONF 15	500	RO
644100	Other copper-base alloy crude forms. (2) [7]	Lb.	NONF 15	100	RO
654019	Nickel and nickel alloy crude forms, n. e. c. (Specify by name and nickel content.) (Report cupronickel wire in 646710.) [7]	Lb.	NONF 16	100	RO
708010	Electronic-type components: Components, n. e. c., for electronic apparatus and specially fabricated parts, n. e. c.: Parts, n. e. c., specially fabricated for crystal diodes and rectifiers (1) [3] [4]		RARA 52	25	RO

See footnotes at end of table.

[1] This commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective October 14, 1957.

This part of the amendment shall become effective as of September 5, 1957.

c. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
708010	Electronic-type components: Components, n. e. c., for electronic apparatus and specially fabricated parts, n. e. c.: Transformer and choke cores. Resistors, n. e. c., and resistors and equipment, n. e. c., and specially fabricated parts, n. e. c. (report counter current solvent extractors and bowl-type centrifuges in 775360): Infra-red light equipment for testing fluorescense in minerals.				
919080	Parts, n. e. c., specially fabricated for infra-red equipment for testing fluorescense in minerals.		RARA 52	25	RO
919080					

b. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
708410	Electronic detection and navigational apparatus, and specially fabricated parts, n. e. c. (report spare and replacement tubes in 707803-707830): Ionosphere recorders, and specially fabricated parts, n. e. c.		RARA	100	RO
766990	Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c. (except mass spectrometer type leak detectors in 919060): Centrifugal-action testing equipment and specially fabricated parts, n. e. c. [1]		GIEQ	100	RO
766990	Electronic physical properties testing and products testing and inspecting machines or equipment, incorporating a cathode ray tube, or one or more electronic tubes or transistors, and specially fabricated parts and accessories.		GIEQ	50	RO

[1] This amendment was published in Current Export Bulletin 790, dated August 29, 1957.

This part of the amendment shall become effective as of August 29, 1957.

2. The following entries are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
746010	Industrial manufacturing and service industries machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name): Specialized equipment for the production and assembly of electronic equipment or components, and specially fabricated parts, n. e. c.[1]		GIEQ	None	RO
796172	Parts, for locomotives and railway cars (Report motors, generators and controls in 704330, 714320-714360, 714710-715900; wheels and axles, see 610515-610538): Parts and accessories, n. e. c., specially fabricated for turbine locomotives (specify by name).[1]		CONS 7	1,000	RO
830080	Inorganic acids and anhydrides, n. e. c.: Perchloric acid	Lb.	SALT 1	100	RO
835900	Potassium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500-855100): Potassium perchlorate	Lb.	SALT 1	100	RO
837900	Sodium compounds: Sodium perchlorate	Lb.	SALT 1	100	RO
838500	Ammonium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500-855100): Ammonium perchlorate	Lb.	SALT 1	100	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective October 14, 1957.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
746010	Equipment designed for removing surplus stock from workpieces as follows: (a) by electrical discharge from a shaped electrode, (b) by applying ultrasonic vibrations, or (c) by electrolytic means in combination with abrasive action; and specially fabricated parts, n. e. c.[2] [21]		TOOL	100	RO
796136	Well cars, new, with a load capacity of 80 tons or over [15]	No.	CONS 7	None	RO
796148	Well cars, used and rebuilt, with a load capacity of 80 tons or over.[15]	No.	CONS 7	None	RO
796182	Parts, for locomotives and railway cars (report motors, generators and controls in 704330, 714320-714360, 714710-715900; wheels and axles in 610515-610538): Parts and accessories, n. e. c., specially fabricated for well cars with a load capacity of 80 tons or over.[15]		CONS 7	1,000	RO
831500	Alcohols (report jet fuels in 501800): Alcohols, n. e. c. (glycols, except ethylene glycol, included): Thiodiglycol. (5)[16]	Lb.	ORGN 1	100	RO
832985	Organo-fluorine compounds (specify by name): Trifluoromonochloroethylene. (5)[8]	Lb.	SALT 1	25	RO
839750	Metal salts of organic compounds, except paint and varnish driers (specify by name) (report paint and varnish driers in 843600): Nickel salts of organic compounds. (5)[5]	Lb.	SALT 1	100	RO
839900	Other industrial chemicals: Nickel compounds, except nickel oxide. (14)[2] [26]		SALT 1	100	RO
839900	Nickel oxides. (14)[26]		SALT 1	100	RO
839900	Zirconium oxide, stabilized zirconium oxide and zirconium silicate. (State hafnium content.) (19)[27]	Lb.	SALT 1	1	RO
839900	Zirconium compounds containing less than one part hafnium to 500 parts zirconium. (State hafnium content.) (19)[27]	Lb.	SALT 1	1	RO
839900	Zirconium compounds containing one part or more of hafnium to 500 parts zirconium, except zirconium oxide, stabilized zirconium oxide and zirconium silicate. (State hafnium content.) (19)[1] [2] [17] [27]	Lb.	SALT 1	100	R

[1] The GLV dollar-value limit is increased.
[2] The GLV dollar-value limit is decreased, effective September 5, 1957.
[3] The letter "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IC/DV procedure (see § 373.2 of this subchapter).
[4] The letter "B" is added in the column headed "Commodity Lists," indicating that the commodity is subject to DL restrictions (see § 374.2 of this subchapter), and is excepted from the Time Limit licensing procedure (see Part 377 of this subchapter), effective September 28, 1957.
[5] The letter "B" is deleted in column headed "Commodity Lists," indicating that the commodity is no longer subject to DL restrictions (see § 374.2 of this subchapter), and is no longer excepted from the Time Limit licensing procedure (see Part 377 of this subchapter).
[6] The letter "C" is deleted in the column headed "Commodity Lists," indicating that the commodity may now be exported under General License G1T (see § 371.9 (c) of this subchapter).
[7] The destination control is changed from R to RO, effective September 5, 1957.
[8] The destination control is changed from RO to R.
[9] The unit of quantity is changed.
[10] The commodity coverage is increased, effective September 5, 1957.
[11] The added commodities and nickel flakes are subject to the IC/DV procedure (see § 373.2 of this subchapter), effective October 14, 1957; nickel-chrome-boron powder, nickel flakes, and the added commodities are subject to DL restrictions (see § 374.2 of this subchapter), are excepted from the Time Limit licensing procedure (see Part 377 of this subchapter), and may no longer be exported under the provisions of General License G1T (see § 371.9 (c) of this subchapter), effective September 28, 1957. Commodities in this entry may be exported under General License GLV to R and O destinations only within the dollar-value limit specified on the Positive List (see § 371.10 (d) of this subchapter).
[12] The added commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter) effective October 14, 1957, and may be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter).
[13] The added commodities are subject to the IC/DV procedure (see § 373.2 of this subchapter), effective October 14, 1957.
[14] 2 entries are substituted for the present entry on the Positive List.
[15] 3 entries are substituted for the present entry on the Positive List.

This part of the amendment shall become effective as of August 29, 1957, unless otherwise indicated in the footnotes.

d. The entry for standard cells, and parts, n. e. c. specially fabricated for spectrophotometers, is deleted under Schedule B No. 919080. These items are covered on the Positive List under Schedule B No. 919060.

Shipments of any commodities removed from general license to Country Group R and Country Group O destinations as a result of changes set forth in Parts 1.b. and 1.c. above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., September 5, 1957, may be exported under the previous general license provisions up to and including September 28, 1957. Any such shipment not laden aboard the exporting carrier on or before September 28, 1957, requires a validated license for export.

2. Section 399.2 *Appendix B—Commodity interpretations* is amended by adding a new interpretation to read as follows:

INTERPRETATION 17: MELTING STEEL SCRAP

The specifications listed below for melting steel scrap, Schedule B Nos. 601015, 601025, 601035 and 601045, are those applicable for export control purposes. It is pointed out that all iron scrap shall be classified under Schedule B No. 601070, and does not relate to melting steel scrap, which is the subject of this interpretation.

NO. 1 HEAVY MELTING STEEL SCRAP (SCHEDULE B NO. 601015)

Carbon steel scrap, black only. Individual pieces must be free from attachments, and so cut as to lie flat in the charging box.
Size:
¼ inch and over in thickness.
Not over 18 inches in width.
Not over 5 feet in length.
Note:
May include new mashed pipe ends, 4 inches and over.

NO. 2 HEAVY MELTING STEEL SCRAP (SCHEDULE B. NO. 601025)

Carbon steel scrap, black or galvanized. Individual pieces must be free from attachments, and so cut as to lie flat in the charging box.
Size:
Black carbon steel scrap ⅛ up to ¼ inch in thickness; galvanized carbon steel scrap ⅛ inch and over in thickness.
Not over 18 inches in width.
Not over 3 feet in length.
Note:
May include pipe cut 3 feet and under.
May not include automobile body and fender stock.

NO. 1 BALED SHEET MELTING SCRAP (DESCRIBED IN INDUSTRY SPECIFICATIONS AS NO. 1 BUNDLES) (SCHEDULE B NO. 601035)

New black steel sheet scrap, clippings, or skeleton scrap, hydraulically compressed or hand-bundled. Must be free of paint or protective coating of any kind. (Bundles may be Stanley balls, or mandrel-wound bundles or skeleton reels, tightly secured. Hand-bundles must also be tightly secured and stand handling with a magnet.)
Size:
Bundles of charging box size.
Weight:
Not less than 75 pounds per cubic foot.
Note:
May include chemically detinned material. (No tin can will be deemed to be detinned unless it has undergone the chemical process for the removal and recovery of tin.)
May not include electrical sheets.
May not include material containing over 0.5 percent of silicon.

NO. 2 BALED SHEET MELTING STEEL SCRAP (DESCRIBED IN INDUSTRY SPECIFICATIONS AS NO. 2 BUNDLES) (SCHEDULE B NO. 601045)

Body and fender carbon steel scrap, or old black and/or galvanized carbon steel scrap, hydraulically compressed.
Size:
Bundles of charging box size.
Weight:
Not less than 75 pounds per cubic foot.
Note:
May include hydraulically compressed black or galvanized fence wire and light coil springs.
May not include turnings, beadwire, vitreous enameled stock, tin plate, terne plate, or other metal coated material. (Painted or lacquered material shall not be considered as metal coated material.)

This part of the amendment shall become effective as of August 29, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-7387; Filed, Sept. 11, 1957; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 111—FEDERAL ASSISTANCE UNDER TITLE IV, AFTER JUNE 30, 1956, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

MISCELLANEOUS AMENDMENTS

Subpart A of Part 111, 45 CFR (21 F. R. 6193, August 17, 1956) issued pursuant to title IV of Public Law 815, 81st Congress (64 Stat. 967), as amended, is hereby amended (1) by adding the reference to the amendatory law (P. L. 85-267, approved September 2, 1957) to

the introductory paragraph of § 111.1 and paragraphs (a) and (b) of that section; and (2) by changing the dates from 1957–58 to 1958–59 in § 111.3 (a) and (b). Subpart B of this part is hereby amended by adding a new section (§ 111.21) in order to establish a new deadline date for filing applications with respect to funds available or to be made available. The sections or paragraphs as amended read as follows:

§ 111.1 *Definitions.* All terms used in this part which are defined in Public Law 815, 81st Congress (64 Stat. 967), as amended by Public Law 246, 83d Congress (67 Stat. 522), Public Law 731, 83d Congress (68 Stat. 1005), by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949 (70 Stat. 968), and by Public Law 85–161 (71 Stat. 403) and Public Law 85–267 (71 Stat. 593), and not defined in this section shall have the meaning given to them in Public Law 815, as amended. As used in this part, for purposes of this part and determinations under the act as hereinafter defined, the following terms shall have the meaning indicated in paragraphs (a) to (q) of this section:

(a) *Act.* "The act" means title IV of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), extended and amended by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949 (70 Stat. 968), and by Public Law 85–267 (71 Stat. 593), and such provisions of titles I and II of Public Law 815 as are made applicable to title IV by Public Law 246.

(b) *Title IV.* "Title IV" means title IV of Public Law 815, 81st Congress, as added by Public Law 246, 83d Congress, extended and amended by the 84th Congress, by Public Law 382, Public Law 896, and Public Law 949, and by Public Law 85–267, and such provisions of titles I and II of Public Law 815 as are made applicable to it by Public Law 246.

• • • • •

§ 111.3 *Determination of priority indices for applications under section 401.* When the Commissioner has set a date by which complete applications must be filed, the priority indices for approval of such applications shall be determined as follows:

(a) A priority index will be determined for the first construction project for each applicant under section 401 by adding (1) the percentage that the estimated membership of the eligible federally connected children of the school district is of the total estimated membership of all children of such school district at the close of the regular school year 1958–59 to (2) the percentage of the estimated school membership within the school district which at the same time is without minimum school facilities: *Provided,* That in no case shall the total of the two percentages used in determining the priority index exceed twice the percentage in subparagraph (1) of this paragraph.

(b) In those cases where an applicant has filed more than one project application, the priority index for the second project will be determined by: (1) Dividing the normal capacity of the first project by the total estimated membership at the close of the regular school year 1958–59 and (2) reducing the applicant's priority index by twice the percentage so obtained. Where more than two project applications have been filed, the applicant's priority index for each succeeding project shall be reduced by the cumulative total capacity, as provided in the first sentence of this paragraph, of all the approved projects of the applicant.

§ 111.21 *First deadline for applications with respect to funds available or to be made available during fiscal year 1958.* Pursuant to section 401 (c) of title IV, November 18, 1957, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under title IV from funds then available or to be made available for payment of such applications shall be filed. Complete applications heretofore filed in compliance with the act since December 3, 1956, and for which funds have not been reserved, shall be considered as filed for the purposes of this section subject to the right of the applicant to modify or amend the same on or before November 18, 1957.

(Sec. 208, 64 Stat. 975; 20 U. S. C. 278)

[SEAL] L. G. DERTHICK,
United States Commissioner of Education.

Approved: September 4, 1957.

JOHN A. PERKINS,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-7477; Filed, Sept. 11, 1957; 8:49 a. m.]

PART 112—FEDERAL ASSISTANCE IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES UNDER TITLE III IN AREAS AFFECTED BY FEDERAL ACTIVITIES WITH RESPECT TO APPLICATIONS FILED AFTER JUNE 30, 1956

MISCELLANEOUS AMENDMENTS

Subpart A of Part 112, 45 CFR (21 F. R. 6194, August 17, 1956) issued pursuant to title III of Public Law 815, 81st Congress (64 Stat. 967), as amended, is hereby amended (1) by adding the reference to the new law (Public Law 85–267, approved September 2, 1957) to the introductory paragraph of § 112.1 and paragraphs (a) and (b) of that section; (2) by adding paragraphs (r) and (s) to § 112.1 *Definitions* in order to define the "2-year increase period" and the "base year" provided for in the new law; (3) by changing § 112.3 (a) and (b) to provide for recognition of the new 2-year increase period in the determination of priority indices for applications under section 306 of the act; (4) by changing the wording of paragraph (a) (4) of § 112.5 to give recognition to the new 2-year increase period in establishing criteria for waiver under section 305 (e) of the act; (5) by changing paragraph (a) of § 112.7 and paragraph (b) of § 112.8 to give recognition to the new 2-year increase period in dealing with the certification of payments and additional payments under section 308 of the act. Subpart B of this part is hereby amended by adding a new section (§ 112.22) in order to establish a new deadline date for filing applications with respect to funds available or to be made available. The amended sections or paragraphs read as follows:

§ 112.1 *Definitions.* All terms used in this part which are defined in Public Law 815, 81st Congress (64 Stat. 967), as amended by Public Law 246, 83d Congress (67 Stat. 522), Public Law 731, 83d Congress (68 Stat. 1005), by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949 (70 Stat. 968), and by Public Law 85–161 (71 Stat. 403) and Public Law 85–267 (71 Stat. 593), and not defined in this section shall have the meaning given to them in Public Law 815, as amended. As used in this part, for purposes of this part and determinations under the act as hereinafter defined, the following terms shall have the meaning indicated in paragraphs (a) to (s) of this section:

(a) *Act.* "The act" means title III of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005), by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949 (70 Stat. 968), and by Public Law 85–267 (71 Stat. 593), and such provisions of titles I and II of Public Law 815, as amended, as are made applicable to title III by Public Law 246.

(b) *Title III.* "Title III" means title III of Public Law 815, 81st Congress, as added by Public Law 246, 83d Congress, and as amended by Public Law 731, 83d Congress, by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949 (70 Stat. 968), and by Public Law 85–267 (71 Stat. 593), and such provisions of titles I and II of Public Law 815, as amended, as are made applicable to it by Public Law 246.

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(r) *Two-year increase period.* The "two-year increase period" means the period included in two consecutive school years designated by the act, during which the increase in membership can be counted in determining eligibility and calculating the amount of the maximum grant.

(s) *Base year.* The "base year" is the school year next preceding the two-year increase period. It is used as a base to calculate the increase in membership used in determining eligibility.

§ 112.3 *Determination of priority indices for application under section 305.* When the Commissioner has set a date by which complete applications must be filed, the priority indices for approval of such applications shall be determined as follows:

(a) A priority index will be determined for the first construction project for each applicant under section 306 by adding (1) the percentage that the estimated number of federally connected children in the school district (or in the approved attendance area) countable for payment under section 305 is of the total estimated membership of all children in such area at the close of the two-year increase period under consideration to (2) the percentage of the estimated school membership within the school district (or in the approved atendance area) which at the same time is without minimum school facilities: *Provided,* That in no case shall the total of the two percentages used in determining the priority index exceed twice the percentage in subparagraph (1) of this paragraph. No priority shall be established for any applicant having less than 20 unhoused children in the school district (or in the approved attendance area).

(b) In those cases where an applicant has filed more than one project application, the priority index for the second project will be determined by: (1) Dividing the normal capacity of the first project by the total estimated membership at the close of the two-year increase period under consideration and (2) reducing the applicant's priority index by twice the percentage so obtained. Where more than two project applications have been filed, the applicant's priority index for each succeeding project shall be reduced by the cumulative total capacity, as provided in the first sentence of this paragraph, of all the approved projects of the applicant.

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§ 112.5 *Criteria for waiver under section 305 (e) of the act.* (a) The Commissioner's authority in section 305 (e) of the act to waive or reduce the percentage requirement or requirements in section 305 (c), to waive the requirement contained in the first sentence of subsection 305 (d) thereof, or to reduce the percentage specified in clause (2) of such sentence will not be exercised unless:

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(4) There has been an unusually large Federal impact from the close of the base year to the close of the two-year increase period under consideration in an attendance area affecting one or more attendance centers;

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§ 112.7 *Certification of payments.* • • •

(a) Within the maximum otherwise payable under title III (except as provided in § 112.8), the Federal share of the cost of a title III project which will be certified for payment shall be equal to cost but shall in no case exceed the cost of constructing minimum school facilities in the school district of the applicant and shall in no case exceed the cost in such district of constructing minimum school facilities for the estimated number of children who will be in the membership of the school of such applicant at the close of the two-year increase period under consideration and who will otherwise be unhoused.

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§ 112.8 *Additional payments under section 308 of the act.* • • •

(b) Under the authority of paragraph (a) (1) of this section, a complete application under title III (except an application with respect to which the Commissioner has waived or reduced eligibility requirements under section 305 (e) of the act and § 112.5) may be considered for payment of part or all of the non-Federal share of the cost of any project which does not include more than minimum facilities for unhoused children, provided: (1) That the application contains a request for payment hereunder; (2) that the estimated number of children countable for payment under section 305 of the act for the two-year increase period under consideration equals or exceeds the number obtained by taking 10 percent of the average daily membership of the applicant school district for the base year; (3) that the applicant has exhausted all fiscal resources, including State aid, bonding authority, and Federal aid, which are practicably available to it and is unable to pay the non-Federal share of the cost of the project; (4) that it has been reached on the priority indices established by this part; and (5) that Federal monies reserved under paragraph (a) of this section are available. The additional payment to the applicant under this provision shall not exceed the non-Federal share of the cost of the project less all financial resources practicably available to the applicant; nor shall it exceed the difference between (i) the actual cost of providing minimum facilities for the federally connected pupils eligible for payment under the act, or the average cost in the State of providing such facilities, whichever is the lesser, and (ii) the Federal funds made available to the applicant under section 305 of the act.

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§ 112.22 *First deadline for applications with respect to funds available or to be made available during fiscal year 1958.* Pursuant to section 303 of title III, November 18, 1957, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under title III from funds then available or to be made available for payment of such applications shall be filed. Complete applications heretofore filed in compliance with the act since June 24, 1957, and for which funds have not been reserved, shall be considered as filed for the purposes of this section subject to the right of the applicant to modify or amend the same on or before November 18, 1957.

(Sec. 208, 64 Stat. 975; 20 U. S. C. 278)

[SEAL] L. G. DERTHICK,
United States Commissioner of Education.

Approved: September 4, 1957.

JOHN A. PERKINS.
Acting Secretary of Health, Education and Welfare.

[F. R. Doc. 57-7477A; Filed, Sept. 11, 1957; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN AND DIHYDROSTREPTOMYCIN AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141b, 141c, 146b, 146c) are amended by adding the following new sections:

§ 141b.134 *Streptomycin sulfate-dihydrostreptomycin sulfate powder oral veterinary*—(a) *Potency*—(1) *Total potency.* Using the dihydrostreptomycin working standard as the standard of comparison, proceed as directed in § 141b.101 (j). Its total potency is satisfactory if it contains not less than 90 percent of the combined number of milligrams of streptomycin and dihydrostreptomycin that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141b.118 (b). Its content of streptomycin is satisfactory if it contains not less than 45 percent and not more than 55 percent of the total potency as determined under subparagraph (1) of this paragraph.

(b) *Moisture.* Using a 1-gram sample, proceed as directed in § 141a.5 (a) of this chapter.

§ 141c.237 *Chlortetracycline-Neomycin-streptomycin ointment; chlortetracycline -neomycin- dihydrostreptomycin ointment; tetracycline hydrochloride-neomycin-streptomycin ointment; tetracycline hydrochloride - neomycin - dihydrostreptomycin ointment*—(a) *Potency*—(1) *Chlortetracycline content.* Place an accurately weighed sample of approximately 1 gram in an extraction funnel prepared by fusing a ground-glass joint to the top of a medium porosity sintered-glass filter funnel (30-millimeter diameter). Wash with five 10-milliliter portions of warm isooctane and draw off the ointment base under vacu-

um. Discard the isooctane washings. Wash the residue in the funnel four times with 10-milliliter portions of 0.3 percent piperidine in acetone solution. Withdraw each washing under vacuum. Combine the four washings in a 100-milliliter volumetric flask and make to mark with acetone. Remove an aliquot of this solution and proceed as directed in § 141c.201 (a) (8). Its content of chlortetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(2) *Tetracycline hydrochloride content.* Prepare the sample as directed in subparagraph (1) of this paragraph and proceed as directed in § 141c.218. Its content of tetracycline hydrochloride is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(3) *Neomycin content.* The residue remaining in the funnel after the extraction described in subparagraph (1) of this paragraph contains the neomycin and streptomycin or dihydrostreptomycin. Wash this residue five times, using 10-milliliter aliquots of distilled water, drawing each washing off under vacuum. Combine the washings in a 100-milliliter volumetric flask and make to mark with distilled water. Using an aliquot of this aqueous solution, proceed as directed in § 141a.65 (a) (4) of this chapter. The content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(4) *Streptomycin content.* Using an aliquot of the aqueous solution prepared as directed in subparagraph (3) of this paragraph, proceed as directed in § 141b.101 (a) through (i) of this chapter. The content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(5) *Dihydrostreptomycin content.* Using an aliquot of the aqueous solution prepared as directed in subparagraph (3) of this paragraph, and the dihydrostreptomycin working standard as the standard of comparison, proceed as directed in § 141b.101 (a) through (i) of this chapter. The content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 146b.129 *Streptomycin sulfate-dihydrostreptomycin sulfate powder oral veterinary*—(a) *Standards of identity, strength, quality, and purity; packaging; labeling; request for certification (samples); fees.* Streptomycin sulfate-dihydrostreptomycin sulfate powder oral veterinary conforms to all requirements and is subject to all procedures prescribed by § 146b.115 for streptomycin sulfate powder oral veterinary and dihydrostreptomycin sulfate powder oral veterinary, except that it is a mixture of equal parts of streptomycin sulfate veterinary and dihydrostreptomycin sulfate veterinary.

(b) *Exemption of streptomycin sulfate-dihydrostreptomycin sulfate powder oral veterinary from certification.* Streptomycin sulfate-dihydrostreptomycin sulfate powder oral veterinary that conforms to the requirements of paragraph (a) of this section (except that it may contain one or more essential vitamin and mineral substances for nutritive purposes) shall be exempt from the requirements of sections 502 (1) and 507 of the act, if it complies with all the following conditions:

(1) The labels bear an expiration date that is not more than 48 months after the month during which the batch was last assayed and released by the manufacturer.

(2) If it contains added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear a statement that solutions prepared with the drug are stable for not more than 24 hours.

(4) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bacterial enteritis in swine.

(ii) Bacterial calf scours.

(iii) Chronic respiratory disease (airsac infection) in chickens.

(iv) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

§ 146c.237 *Chlortetracycline-neomycin-streptomycin ointment; chlortetracycline-neomycin - dihydrostreptomycin ointment; tetracycline hydrochloride-neomycin-streptomycin ointment; tetracycline hydrochloride-neomycin-dihydrostreptomycin ointment.* (a) Chlortetracycline - neomycin - streptomycin ointment, chlortetracycline-neomycin-dihydrostreptomycin ointment, tetracycline hydrochloride-neomycin - streptomycin ointment, and tetracycline hydrochloride-neomycin-dihydrostreptomycin ointment conform to all requirements and are subject to all procedures prescribed by § 146c.202 for chlortetracycline hydrochloride ointment and tetracycline hydrochloride ointment, except that:

(1) They contain not less than 28 milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride per gram.

(2) They contain not less than 14 milligrams of neomycin per gram. The neomycin used conforms to the requirements prescribed by § 146e.410 (a) (2) of this chapter.

(3) They contain not less than 14 milligrams of streptomycin or dihydrostreptomycin per gram. The streptomycin used conforms to the standards prescribed by § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine.

(b) In lieu of the directions for labeling prescribed for chlortetracycline hydrochloride ointment and tetracycline hydrochloride ointment by § 146c.202 (c) (1) (ii) and (iii), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride, neomycin, and streptomycin or dihydrostreptomycin per gram. Its expiration date shall be 18 months after the month during which the batch was certified.

(c) In addition to complying with the requirements of § 146c.202 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch marks and (unless they were previously submitted) the results and dates of the latest tests and assays of the neomycin and streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, moisture, pH, streptomycin content of the dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin. He shall also submit in connection with his request a sample consisting of not less than 8 packages of such ointment and (unless they were previously submitted) accurately representative samples of the following, in the quantities indicated:

(1) The neomycin used in making the batch: 5 packages, each containing approximately equal portions of not less than 0.5 gram.

(2) The streptomycin or dihydrostreptomycin used in making the batch; 6 packages, each containing approximately equal portions of not less than 0.5 gram.

(d) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (c) of this section shall be:

(1) $6.00 for each immediate container of the ointment.

(2) $4.00 for each immediate container of neomycin and streptomycin or dihydrostreptomycin.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for these amendments.

I further find that streptomycin sulfate-dihydrostreptomycin sulfate powder oral veterinary conforming with the conditions prescribed in § 146b.129 need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure its safety and efficacy.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: September 6, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-7468; Filed, Sept. 11, 1957; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11751; FCC 57-961]

[Rules Amdt. 3-89]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS, ALBANY-SCHENECTADY-TROY AND VAIL MILLS, N. Y.; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Albany-Schenectady-Troy and Vail Mills, New York).

1. The Commission has before it for consideration the proposals set out in its Notice of Further Proposed Rule Making and Orders to Show Cause (FCC 57-657) released in this proceeding on June 24, 1957, for the reallocation of television channels in the Albany-Schenectady-Troy-Vail Mills, New York area.

2. Before proceeding to discuss the comments filed in response to the Notice, a brief resume of what transpired prior to the issuance of this latest Notice may be helpful in viewing the case in its present posture.

3. On June 26, 1956, the Commission released a Report and Order in its general television allocation proceeding in Docket No. 11532 outlining a long-range program designed to improve the television allocation structure. The Commission recognized that it may take a number of years to implement this long range phase, and therefore gave consideration to what action might be taken in the interim to improve opportunities for effective competition among a greater number of stations in individual markets. Accordingly, a number of rule making proceedings were undertaken to consider proposals for the reallocation of frequencies geared to improve, in the interim, the television situation in specific communities and areas. In some cities the Commission proposed to enhance the opportunities for more effective competition by deleting VHF channels in order to make the area completely or substantially dependent upon UHF; in other cities, where it was believed feasible, the Commission proposed to add VHF channels to accomplish its basic objective.

4. Two VHF channels had been assigned in the Albany area, Channel 6, upon which General Electric Company operates Station WRGB in Schenectady, and Channel 10 in Vail Mills. Four UHF channels, one of which is reserved for education, are also assigned. We initially proposed to deintermix partially the Albany area by substituting UHF Channel 47 for VHF Channel 10 in Vail Mills, but retaining VHF Channel 6 in Schenectady. Numerous comments and counterproposals were submitted; and several parties suggested that in addition to deleting Channel 10 from Vail Mills, Channel 6 should also be deleted in order that the area would be made all-UHF. On February 26, 1957 the Commission adopted a Report and Order and Order to Show Cause concluding that the Albany area should be made all-UHF by deleting Channel-10 from Vail Mills and looking toward the shifting of Channel 6 from Schenectady to Syracuse.[1]

5. When the Commission considered the Albany case prior to the adoption of its Report and Order deleting Channel 10 and looking toward the deletion of Channel 6, it was not aware of any method of assigning a third VHF channel in the Albany area that would meet existing minimum mileage requirements. The Commission did not believe that the public interest would be served by retaining the Albany area as a two-VHF market in light of the experience of UHF in multiple VHF markets. The Commission believed, therefore, that the only means of ensuring that the people of this area would be afforded at least three comparable television services was to make the area all-UHF. But this decision was based on the premise that a third VHF channel could not be assigned.

6. On March 19, 1957, Mohawk Valley Television, Inc., filed a petition for reconsideration of the Commission's Report insofar as it took no action on Mohawk's counterproposal that Channel 2 be assigned to Utica, New York. Mohawk Valley submitted an alternative proposal that Channel 7 be assigned to Utica by substituting Channel 8 for Channel 7 in Carthage and Channel 9 for Channel 8 in Syracuse. On April 1, 1957 General Electric filed a petition for reconsideration of the decision looking toward the substitution of UHF Channel 47 for VHF Channel 6 in Schenectady. On the same date, Hudson Valley Broadcasting Company, Inc., operating Station WCDA on Channel 41 in Albany, filed a petition for reconsideration requesting that the Commission stay the effectiveness of its action deleting Channel 10 from Vail Mills until all questions relating to the use of Channel 6 in Schenectady are resolved subsequent to the Show Cause proceeding and urging that the Commission's action deleting Channel 10 from Vail Mills should be vacated if Channel 6 is retained.

7. On March 28, 1957 the Brockway Company, licensee of Station WCNY-TV on Channel 7 in Carthage, New York, filed an opposition to the petition of Mohawk Valley insofar as it advanced as an alternative proposal that Channel 7 be assigned to Utica by substituting Channel 8 for Channel 7 at Carthage. On April 8, 1957 Van Curler Broadcasting Corporation, permittee of UHF Station WTRI on Channel 35 in Albany, filed an opposition to General Electric's petition. On April 10, 1957 WKNY-TV Corporation, permittee of UHF Station WKNY-TV, authorized to operate on Channel 21 in Poughkeepsie, New York, filed an opposition to the Hudson Valley petition. On April 17, 1957 American Broadcasting Company filed an opposition to the General Electric and Hudson Valley petitions. On April 24, 1957 General Electric filed a reply to the various oppositions to its petition.

8. Upon reconsideration, the Commission reexamined the television allocations in the Albany area with a view to obtaining an additional VHF channel. The Commission took this course of action in the light of its belief that a third VHF outlet for a market of this size would better serve the public interest than would deletion of the existing VHF channels. Deintermixing the area to make it all-UHF entails deletion of Channel 6, and such action cannot be accomplished until the completion of the Show Cause proceedings relating to General Electric's license. It would be some time, consequently, before the interim program for television allocations in the Albany area would be realized if the area were to become all-UHF. While this course of action might be warranted if only two VHF channels could be assigned to the area, if an additional VHF channel were available, three VHF television stations would provide service to the public in this area in a relatively short period and the Commission's objective of interim relief would be speedily accomplished.

9. The Commission, upon reexamining the allocation structure in the area, found that three VHF channels might be assigned. Channel 13, presently assigned to Utica, can be shifted to Albany, where it could be employed provided a transmitter site is chosen that would meet minimum spacing requirements and would provide city-grade service to Albany. The Commission determined that Channel 2 could be substituted for Channel 13 for Station WKTV in Utica if the licensee of that station specified a site meeting minimum spacing requirements and providing city-grade service to Utica.

10. The Commission was also of the view that the authorizations of the licensees of the two UHF stations presently operating in the Albany-Schenectady-Troy area should be modified to specify VHF operations on Channels 10 and 13, in order that three fully-competitive television stations might provide television service to the public in the area as soon as practicable. Thus, our June 24, 1957, Notice of Further Proposed Rule Making and Orders to Show Cause proposed to do the following:

(a) Retain Channel 10 in Vail Mills, New York, and Channel 6 in Albany-Schenectady-Troy, New York;

(b) Shift Channel 13 from Utica-Rome, New York, to Albany-Schenectady-Troy and delete Channels 35 and 41 from Albany-Schenectady-Troy;

(c) Substitute Channel 2 for Channel 13 in Utica-Rome; and

(d) Change the offset carrier requirement for the Channel 2 assignment in New York, New York, from 2 minus to 2 even.

11. In implementation of this proposal:

(a) Copper City Broadcasting Corporation was ordered to show cause why its authorization for Station WKTV in Utica should not be modified to specify operation on Channel 2;

[1] Since General Electric is licensed to operate Station WRGB on Channel 6 in Schenectady, final action with respect to this phase of the decision was not taken, General Electric at that stage merely being directed to show cause why its authorization should not be modified as proposed.

(b) Hudson Valley Broadcasting Company, Inc. was ordered to show cause why its authorization for Station WCDA should not be modified to specify operation on Channel 10 in Vail Mills, New York; and

(c) Van Curler Broadcasting Corporation was ordered to show cause why its outstanding authorization for Station WTRI should not be modified to specify operation on Channel 13 in Albany.

12. Comments supporting the Commission's proposals were filed by Van Curler Broadcasting Corporation, permittee of Station WTRI on Channel 35 in Albany; Hudson Valley Broadcasting Company, Inc., permittee of Station WCDA on Channel 41 in Albany; and Copper City Broadcasting Corporation, licensee of Station WKTV on Channel 13 in Utica. WTRI, WCDA and WKTV consented to the modification of their authorizations to specify operation on Channel 13 at Albany, Channel 10 at Vail Mills and Channel 2 at Utica, respectively. Each submitted engineering data relating to operation on the proposed new frequency, showing the location of the site selected, power and tower height, and indicating that the proposed operation would meet all requirements of the Commission's rules.[2]

13. These parties submit that the Commission's proposal would provide the Albany area with three competitive stations of approximately equal coverage; that such action would further the Commission's objective of improving the opportunities for effective competition among a greater number of stations; that the proposal offers the best possible interim action during the pendency of the long-range study for a permanent solution to the television allocations problem; and that since the "all-VHF" plan can be effectuated much more quickly than the Commission's previously proposed all-UHF plan, the public interest would be better served by its adoption.

14. Van Curler submits that operating on Channel 13 from its proposed site, with a power and antenna height combination equivalent to the maximum authorized for Zone I by the rules (152 kw at 1,250 feet), Station WTRI would serve about twice the area now served by its UHF operation; that the operation of Station WTRI on Channel 13 as proposed would provide a first Grade A and Grade B signal to substantial areas and populations; and that no persons would lose their only service as a result of the change.

15. Veterans Broadcasting Company, Inc., permittee of Station WVET on Channel 10 in Rochester, New York, and Tri-City Radio, Inc., licensee of standard broadcast Station WTRY in Troy, New York, support the Commission's proposal to assign Channels 10 and 13 to the Albany-Schenectady-Troy area, but oppose the proposal to delete UHF Channels 35 and 41 from the area and urge that the show cause orders to Hudson Valley and Van Curler be dismissed. They argue that Channels 10 and 13 should be made available to all qualified applicants and that applications filed for the new frequencies would be entitled to comparative consideration.

16. Mohawk-Hudson Council on Educational Television and the Joint Council on Educational Television support the Commission's proposal but urge that UHF Channels 35 and 41 should be retained in the Albany area. Negotiations are under way between the Council and Van Curler for the acquisition of UHF equipment, including a Channel 35 transmitter, antenna, tower, transmitter building and building site. In the event such equipment is obtained, Mohawk-Hudson states that it will file an application for a non-commercial educational television station on Channel 35 and submits that Channel 35 is to be preferred to Channel 17, presently reserved for education, since numerous receivers in the area are equipped for this frequency.

17. Oppositions to the Commission's proposals were filed by WKNY-TV Corporation, permittee of Station WKNY-TV, authorized to operate on Channel 21 at Poughkeepsie, New York; Capitol Television Corporation, prospective applicant for a third VHF station in Providence, Rhode Island; the American Broadcasting Company; and Mohawk Valley Television, Inc., prospective applicant for a second VHF station in Utica, New York. Counterproposals were submitted by ABC, Mohawk Valley and Star Broadcasting Company, Inc., permittee of Station WCBF-TV, authorized to operate on Channel 15 at Rochester, New York.

18. WKNY-TV contends that there is no justification for reversal of the Commission's previous determination that the Albany-Schenectady-Troy area should be made all-UHF; and that the VHF proposal will destroy present and prospective UHF operation in the entire Hudson River Valley and will preclude the reestablishment of service by its UHF station in Poughkeepsie.[3]

19. Capitol Television Corporation notes that the rule making proceeding looking toward the assignment of Channel 8 to the Providence area by substituting Channel 6 for Channel 8 in New Haven (Docket No. 11957) is contingent upon the deletion of Channel 6 for Schenectady; and that since the instant proposal would retain Channel 6 in Schenectady, it would preclude the assignment of a much-needed third VHF channel to Providence.

20. The American Broadcasting Company suggests that no determination be made with respect to the television assignments in the Albany area without first considering the effect that such allocations may have on other areas. ABC asks that the proceeding be enlarged to include allocations in related markets such as Syracuse, Providence and Rochester. ABC opposes the instant proposal on the ground that it might preclude solutions to the assignment problems in such other markets and asserts that the Commission's previous determination to make the area all-UHF is preferable since it would also provide a third VHF assignment for Syracuse and Providence. ABC argues that the instant proposal would result in the removal of four UHF stations from the area (WTRI and WCDA in Albany, WCDB in Hagaman, New York and WCDC in Adams, Massachusetts)[4] and would prevent another UHF station (WKNY-TV in Poughkeepsie) from returning to the air, thus having a depressing effect upon UHF generally. ABC urges that a supplemental notice should be issued looking toward: (a) consideration of the merits of total deintermixture of the Albany-Schenectady-Troy area as against partial deintermixture by retaining Channel 6 or by substituting Channel 10 for Channel 6 in order to permit the assignment of Channel 6 to Syracuse and New Haven, Channel 8 to Providence and Channel 13 to Rochester; (b) shift of Channel 13 from Utica to Rochester and the substitution of Channel 2 from Channel 13 at Utica; (c) assignment of Channels 6, 8 and 10 to Albany and the related moves of Channel 8 from New Haven to Albany and of Channel 3 from Hartford to Providence; (d) assignment of Channel 9 to Syracuse accompanied by the exchange of Channel 8 for 7 at Carthage and 7 for 8 at Syracuse; and (e) any alternative channel changes which would result in the assignment of a third VHF at Providence.

21. Mohawk Valley Television, Inc. requests that either Channel 2 or Channel 7 be assigned to Utica as a second VHF assignment, and opposes the allocation of Channel 13 to Albany if this assignment would restrict Utica to only one VHF channel.[5] Mohawk submits that if the Commission does not assign Channel 7 to Utica, it should determine whether a second VHF assignment in Utica or a third VHF assignment in the Albany area would better serve the public interest.

22. In reply to Mohawk's contentions, Van Curler argues that if Channel 13 is allocated to Albany, it can also be assigned to Rochester, so the choice is between a second station in Utica or stations in both Albany and Rochester; that the UHF assignments in the Utica-Rome area should not be ignored, particularly since a new application for a commercial station on one of these UHF channels has recently been filed; and that some weight must be given to the television signals coming into Utica. Van Curler points out that the two Syracuse stations provide Grade B or better service to Utica, and that a Channel 10 facility at Vail Mills would also do so.

[2] WKTV proposes to restrict its power to 12.5 kw in the direction of Cornwall, Canada. The Canadian Government has consented to the assignment of Channel 2 to Utica with this limitation on the radiation in the direction of Cornwall. However, Channel 2 in Utica would meet all minimum spacing requirements specified by the rules.

[3] Station WKNY-TV operated on Channel 21 in Poughkeepsie from April 1954 to July 1956.

[4] Stations WCDB and WCDC are satellites of Station WCDA in Albany.

[5] The Brockway Company licensee of Station WCNY-TV on Channel 7 in Carthage, opposes Mohawk's proposal for Channel 7 in Utica, which would substitute Channel 8 for Channel 7 in Carthage.

ABC also opposes Mohawk's request that either Channel 2 or Channel 7 be assigned to Utica as a second VHF in that market, arguing that additional VHF stations in both Rochester and Albany are more needed than a second VHF in Utica, and that Channel 7 should be assigned as a third VHF in Syracuse instead of a second VHF in Utica.

23. Star Broadcasting Company, Inc. advances a counterproposal that Channel 13— be assigned to Rochester[6] as well as to the Albany area and asks that the Commission order it to show cause why its outstanding authorization for Station WCBF-TV should not be modified to specify Channel 13 in lieu of Channel 15. Star asserts that Rochester, the 40th market in the country, with a population of 332,448 persons, should have a third VHF channel; that UHF is not feasible in a market with two operating VHF stations; and that transmitter sites are available at both Rochester and Albany from which the separation spacing and coverage requirements of the Rules can be met.[7]

24. WHEC, Inc., permittee of television Station WHEC-TV, sharing time with WVET-TV on Channel 10 in Rochester, Veterans Broadcasting Company, Inc., permittee of television Station WVET-TV, sharing time with WHEC-TV on Channel 10, and Federal Broadcasting System, Inc., licensee of standard broadcast Station WSAY, in Rochester, support Star Broadcasting Company's counterproposal for Channel 13 in Rochester, but oppose Star Broadcasting's request for modification of its authorization to specify operation on Channel 13.

25. Springfield Television Broadcasting Corporation, licensee of Station WWLP on Channel 22 at Springfield, Massachusetts, filed comments which, while not specifically opposing the instant proposal, assert that the action will lead to further deterioration of UHF service in the nation with attendant further crowding of the VHF spectrum.

26. The Commission has carefully considered the comments and counterproposals advanced in this proceeding. The basic choices available to us are to make the Albany area all-UHF or partially-UHF on the one hand, or to make the area a three-VHF market. It is our judgment that the public interest would best be served by finalizing our proposal to make the Albany area a three-VHF market by retaining VHF Channels 6 and 10 in the area and shifting Channel 13 to Albany from Utica. We believe, under the circumstances here presented, that a third VHF outlet for Albany-Schenectady-Troy would better serve the public interest than would the deletion of the existing VHF channel. We pointed out in our Notice of Rule Making that deintermixing the area to make it all-UHF would require deletion of Channel 6 and that such action cannot be accomplished until the show cause proceeding relating to General Electric's license for this frequency can be completed and that, consequently, it would be some time before this interim program for television allocations in the Albany area could be implemented. If, on the other hand, an additional VHF channel is available for the area, three VHF stations could, in a relatively short period, bring comparable television service to the public. It was upon these considerations that we reexamined the television allocation structure in the Albany area to determine whether it would be feasible to assign a third VHF channel. Furthermore, making the Albany area a 3 VHF market avoids the danger of "white areas" that might arise from an all-UHF allocation. Where 3 VHF channels are available for the area, we do not feel warranted in undertaking the risks inherent in making the area all-UHF. In view of our conclusion that the proposal to add VHF Channel 13 to Albany should be adopted, we are vacating our prior action (Report and Order and Order to Show Cause (FCC 57-178) adopted February 26, 1957) which looked toward deleting Channels 6 and 10.

27. In taking this action we are not unmindful of Mohawk Valley's suggestion that Channel 2 be assigned to Utica as an additional VHF facility rather than a replacement for Channel 13. We believe, nevertheless, that the public interest would be better served by utilizing Channel 2 as a means for freeing Channel 13 in order that it may make possible a third VHF facility for the Albany-Schenectady-Troy market. It is our considered judgment that the assignment of a third VHF channel to the Albany area is to be preferred to the assignment of a second VHF channel to Utica. Each of the two VHF stations in Syracuse now provides Utica with Grade B or better service, and a Channel 10 facility at Vail Mills would also place a Grade B signal over Utica. Thus, adoption and implementation of our proposal would result in the Utica area receiving at least four Grade B or stronger signals—one from a local station and three from outside communities. The Albany area, on the other hand, gets no such outside service. Moreover, making the Albany area a three-VHF market would be more consistent wtih our objective of enhancing the opportunity for more effective competition among a greater number of stations than would providing a second VHF channel for Utica. The proposal to shift Channel 13 to the Albany area, where it would provide this important market with a third VHF service, is to be preferred. Furthermore, if Channel 13 is deleted from Utica it may also be possible, if Canadian concurrence can be obtained, to assign Channel 13 to Rochester as well as Albany.

28. The opponents to our VHF proposal for Albany urge that assigning Channel 13 instead of deleting the present VHF channels will generally hinder the development of UHF. These parties misconceive the nature of the individual rule making proceedings issued subsequent to our general allocation proceeding in Docket No. 11532. In such proceedings we are endeavoring to provide communities and markets with television allocations best designed to enhance opportunities for more effective competition in order to make possible more and better service to the public until the long-range phase of our allocations study can be completed. We have concluded, in this respect, that making the Albany area a three-VHF market will best meet this objective. Whether particular broadcasters may be benefited or adversely affected under the proposal is not the paramount consideration—our first concern must be which allocation will provide the public with the most assurance of receiving multiple television service.

29. A number of parties have opposed the Commission's proposed VHF assignments for Albany since they maintain that they may preclude the addition of VHF channels in other communities such as Rochester, Utica, Syracuse and Providence. For example, Mohawk Valley advances an alternative plan for assigning a VHF channel—Channel 7—to Utica. However, these counterproposals for other cities involve, among other things, international considerations in that they would require amendment of the Television Agreement with Canada. We do not believe that we would be warranted in withholding action on our proposed reallocation of the Albany area until all problems with respect to these other communities can be resolved. However, we will continue to examine the allocations in such other cities to determine whether it would be feasible to add VHF channels. We do not believe, however, that these considerations should delay finalization of our outstanding proposal for Albany.[8]

30. In our Notice we proposed to delete UHF Channels 35 and 41 from the Albany area, indicating that these frequencies would be available for assignment elsewhere. We now believe, however, that such action is unnecessary. Retaining these UHF channels in the Albany area might make possible the early establishment of an eduactional television station, as noted above, and the channels would be available for other communities upon petition for rule making.

31. Our proposal for the assignment of Channel 13 and reassignment of Channel 10 in the Albany area, thereby affording this market with three VHF channels, represents our interim solution for the television allocations in the Albany area. In our Notice of Rule Making proposing to make Albany a 3-VHF market, we ordered the presently operating UHF stations in the Albany area to show cause

[6] This would require a change in the offset carrier of the Channel 13 assignment in Pembroke, Ontario from minus to even and in Three Rivers, Quebec from even to minus.

[7] Star and ABC contend that the site for an Albany Channel 13 facility specified by Van Curler is some 8 miles west of a site which would better accommodate a Channel 13 station in Rochester. Nevertheless, these parties concede that the site specified by Van Curler would not preclude a co-channel allocation in Rochester meeting all separation requirements of the rules, provided Canadian approval can be obtained for a Channel 13 assignment in the Rochester area.

[8] In this connection, it is our view that the site specified by Van Curler for Channel 13 in Albany will not have any substantial bearing on the possibility of the use of this channel in Rochester.

why their permits should not be modified to specify operation on the two VHF channels which would for the first time be available in the area. Pleadings filed in response to this Notice, however, indicate that there are other parties who would file for permanent operation on these new channels, and, in fact, one such application has already been tendered for filing. Under these circumstances comparative hearings for regular licensing on these channels are indicated, and we do not believe it would be appropriate to finalize the show cause orders and to give Hudson Valley or Van Curler permittee rights on these channels. However, in the interest of implementing this interim program and of bringing to the people in the Albany-Schenectady-Troy area three VHF television services as soon as practicable, we are modifying the authorizations of Van Curler and Hudson Valley under section 316 of the act to specify temporary operation on the VHF channels added to the community pending a determination on such applications for regular operation on the new frequencies as may be filed. We believe that such action is necessary in the public interest in order that our interim program for the improvement of television allocations in the Albany area can be expedited and that the public will be afforded three VHF services at the earliest practicable time. Furthermore, we believe such action is necessary in order to ensure that during the change-over period the public will continue to receive the same number of television services that it is presently receiving in the Albany area.

32. We emphasize that our action authorizing temporary operation on VHF Channels 10 and 13 in the Albany area by the existing UHF operators is not taken to assist any particular station but in order that our revised allocation scheme can be speedily implemented and the public can readily achieve the benefits of multiple VHF services. All interested parties will be entitled to file applications for regular operation on Channels 10 and 13; in the meantime Hudson Valley and Van Curler can continue to afford the viewers in the Albany area with television service. In any comparative hearing involving applications for regular operation on Channels 10 and 13, no effect whatsoever will be given to any expenditure of funds by Hudson Valley or Van Curler pursuant to the temporary operation, nor will any other preference redound to Hudson Valley or Van Curler by virtue of the temporary operation. The fact that Hudson Valley and Van Curler have been operating UHF stations in the Albany area, and the nature of such operation, however, could be considered to the extent otherwise pertinent. The extraordinary procedures adopted in this case are necessary in light of the particular problems involved in implementing our interim program for the Albany area and in providing a continuing television service to the public. See Peoples Broadcasting Company v. United States, 209 F. 2d 286 (1953).

33. Since in Utica we are merely substituting VHF Channel 2 for VHF Channel 13 upon which Copper City is licensed to operate, we are modifying Copper City's license to specify regular operation on Channel 2. Copper City is merely being modified from one VHF channel to another and an additional VHF facility is not being provided for Utica. We think, therefore, there is no necessity to make Channel 2 available to other applicants prior to the expiration of the present license term of Copper City.

34. Authority for the adoption of the amendments herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r), and 307 (b), the Communications Act of 1934, as amended.

35. In view of the foregoing: *It is ordered*, That the Commission's Report and Order and Order to Show Cause adopted in this proceeding on February 26, 1957, and released March 1, 1957, is vacated.

36. *It is further ordered*, That the above-described petitions for reconsideration of General Electric Company and Hudson Valley Broadcasting Company, Inc., insofar as they oppose the action contemplated in the aforesaid Report and Order and Order to Show Cause, are granted; and that the above-described petition for reconsideration of Mohawk Valley Television, Inc., insofar as it opposes the shift of Channel 13 from Utica to Albany, is denied.

37. *It is further ordered*, That effective October 9, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

(a) Amend the Table under the State of New York as follows:

City	Channel No.
Albany-Schenectady-Troy	6, 13, *17+, 23—, 35, 41
Utica-Rome	2—, *25+, 54—
Vail Mills	10—

(b) Change the offset carrier requirement only for Channel 2 in New York, New York, from 2 minus to 2 even.

38. *It is further ordered*, That effective October 9, 1957, pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended:

(a) The license of Copper City Broadcasting Corporation for Station WKTV on Channel 13 in Utica is modified to specify operation on Channel 2 in accordance with the data furnished in response to the Show Cause Order.

(b) The outstanding authorization of Hudson Valley Broadcasting Company, Inc., for Station WCDA on Channel 41 in Albany is modified to specify temporary operation on Channel 10 in Vail Mills, New York, pursuant to the data furnished in response to the Show Cause Order. Said temporary operation on Channel 10 in Vail Mills will expire automatically upon the commencement of operation on Channel 10 in Vail Mills by a permittee so authorized by final action of the Commission on any application or applications for regular operation on Channel 10. In any comparative hearing involving regular operation on Channel 10 in Vail Mills no effect whatsoever will be given to any expenditure of funds by Hudson Valley pursuant to the temporary authorization, nor will any preference redound to Hudson Valley by virtue of the temporary operation on Channel 10.

(c) The outstanding authorization of Van Curler Broadcasting Corporation for Station WTRI on Channel 35 in Albany is modified to specify temporary operation on Channel 13 in Albany pursuant to the data furnished in response to the Show Cause Order. Said temporary operation will expire automatically upon the commencement of operation on Channel 13 in Albany by a permittee so authorized by final action of the Commission on any application or applications for regular operation on Channel 13. In any comparative hearing involving regular operation on Channel 13 in Albany no effect whatsoever will be given to any expenditure of funds by Van Curler pursuant to the temporary authorization, nor will any preference redound to Van Curler by virtue of the temporary operation on Channel 13.

(d) The aforesaid orders of modification are subject to the further conditions that construction looking to a change-over to the new frequencies pursuant to the action herein should not be commenced until modified authorizations are issued to Copper City, Hudson Valley and Van Curler; and that Copper City, Hudson Valley and Van Curler may continue to operate in accordance with their present authorizations until they are ready to commence operation on the new frequencies in accordance with the orders of modification herein.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 5, 1957.

Released: September 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] EVELYN F. EPPLEY, *Acting Secretary.*

[F. R. Doc. 57-7478; Filed, Sept. 11, 1957; 8:49 a. m.]

* Dissenting statement of Commissioner Bartley is filed as part of original document.

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11957; FCC 57-979]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

NOTICE OF FURTHER PROPOSED RULE MAKING

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Providence, R. I., New Haven, Conn., Portland, Maine, Orono, Maine.

1. Notice is hereby given of further proposed rule making in the above-entitled matter to amend the Commission's Television Assignment Table in § 3.606 of the rules as tabulated below. In utilizing the channels as proposed it is contemplated that the transmitters would be located so as to meet the minimum spacing and coverage requirements.

City	Channel No.	
	Present	Proposed
Providence, R. I.	10+, 12+, 16, *36+	8+, 10+, 13+, 16, *36+
New Haven, Conn.	8+, 59+	12+, 59+
Portland, Maine	6—, 13+, *47—, 53+	6—, 12—, *47—, 53+
Orono, Maine	*12—	*11—

2. On March 25, 1957 the Commission released a Notice of Proposed Rule Making (FCC 57-265, Mimeo 42809) in this proceeding proposing to obtain an additional VHF channel for Providence, Fall River-New Bedford by shifting Channel 8 from New Haven, Connecticut to Providence and substituting Channel 6 for Channel 8 at New Haven by deleting Channel 6 from New Bedford, Mass. It was pointed out in the Notice that the channel shifts proposed were contingent on the move of Channel 6 from Albany-Schenectady-Troy to Syracuse, the subject of the proceeding in Docket No. 11751.

3. On June 20, 1957, the Commission adopted a Notice of Further Proposed Rule Making and Orders to Show Cause in the Albany-Schenectady-Troy case (Docket No. 11751), which, among other things, proposed to retain Channel 6 in Albany-Schenectady-Troy. In a Further Report and Order adopted today in the foregoing proceeding the Commission is announcing its decision to retain the assignment of Channel 6 to Schenectady. Accordingly, we believe that consideration should now be given to the instant alternate proposal for adding a third VHF channel to Providence.

4. The instant proposal would necessitate a shift in the operating channels of VHF stations in Providence, New Haven and Portland. Thus, we are directing Cherry & Webb Broadcasting Co., licensee of Station WPRO-TV, Providence, Rhode Island to Show Cause why its authorization should not be modified to specify operation on either Channel 8 or Channel 13 in place of Channel 12. Similarly, we are directing Triangle Publications, Inc., licensee of Station WNHC-TV, New Haven, Connecticut, to Show Cause why its authorization should not be modified to specify operation on Channel 12 in lieu of Channel 8. Finally, we are directing Guy Gannett Broadcasting Services, licensee of Station WGAN-TV, Portland, Maine, to Show Cause why its authorization should not be modified to specify operation on Channel 12 in place of Channel 13.

5. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 10, 1957 a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

6. In view of the foregoing: *It is ordered*, That pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended:

(a) Cherry & Webb Broadcasting Co. is ordered to Show Cause why its license for Station WPRO-TV on Channel 12 in Providence, Rhode Island, should not be modified to specify operation on either Channel 8 or Channel 13 in Providence.

(b) Triangle Publications, Inc. is ordered to Show Cause why its authorization for Station WNHC-TV on Channel 8 in New Haven, Connecticut, should not be modified to specify operation on Channel 12 in New Haven.

(c) Guy Gannett Broadcasting Services is ordered to Show Cause why its authorization for Station WGAN-TV on Channel 13 in Portland, Maine, should not be modified to specify operation on Channel 12 in Portland.

7. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i), 301, 303 (c), (d), (f), (g), and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

8. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: September 5, 1957.

Released: September 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] EVELYN F. EPPLEY, *Acting Secretary.*

[F. R. Doc. 57-7479; Filed, Sept. 11, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957, Supp. 169]

FARMERS ELEVATOR MUTUAL CASUALTY CO.

TERMINATION OF AUTHORITY TO QUALIFY AS SURETY ON FEDERAL BONDS

SEPTEMBER 6, 1957.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Farmers Elevator Mutual Casualty Company, Des Moines, Iowa, under the provisions of the Act of Congress approved July 30, 1947 (U. S. Code, title 6, secs. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, terminated effective 12:00 noon December 31, 1956.

Pursuant to a plan of merger dated November 7, 1956, and a reinsurance agreement dated November 23, 1956, both approved by the Commissioner of Insurance and the Attorney General of the State of Iowa on November 26, 1956, and both effective at 12:00 noon December 31, 1956, Farmers Elevator Mutual Insurance Company acquired all of the assets and assumed all of the liabilities of Farmers Elevator Mutual Casualty Company and the latter company ceased to do business. Farmers Elevator Mutual Insurance Company, Des Moines, Iowa, an Iowa corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States.

The Treasury has obtained from Farmers Elevator Mutual Insurance Company a separate indemnifying agreement dated May 31, 1957, whereby Farmers Elevator Mutual Insurance Company has assumed the liability for any losses and claims that have arisen or may arise under or in connection with any bond, undertaking or other form of obligation entered into or assumed by Farmers Elevator Mutual Casualty Company on or before December 31, 1956, or in its name at any time thereafter, in which the United States has or may have an interest, direct or indirect.

Copies of the plan of merger and the agreements are on file in the Treasury

Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

[SEAL] LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7476; Filed, Sept. 11, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah (II-1)]

UTAH

SMALL TRACT CLASSIFICATION

SEPTEMBER 4, 1957.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands as suitable for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

SALT LAKE MERIDIAN

T. 43 S., R. 2 E.,
Sec. 10: E½SE¼;
Sec. 11: SW¼SW¼;
Sec. 13: SW¼NE¼, W½, SE¼;
Sec. 14: NE¼, N½NW¼, SW¼NW¼, N½SE¼, SE¼SE¼;
Sec. 15: E½NE¼;
Sec. 24: All.

2. This classification of the above lands segregates them from appropriation under other public land laws, including the general mining laws, except as to the mineral leasing laws.

3. The lands so classified shall not become subject to application under the Small Tract Act of June 1, 1938, as amended, until properly subdivided and until it is so provided by an order issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-7458; Filed, Sept. 11, 1957; 8:45 a. m.]

[Sacramento 054573]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 3, 1957.

Pursuant to Determinations DA-916 and DA-920, California, of the Federal Power Commission and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473-2476), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn and reserved for power purposes in Power Site Reserves No. 261 and No. 655, Power Projects No. 382 and No. 1009, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended; and pursuant to the vacation orders of the Federal Power Commission, the public lands within the areas described are hereby restored to disposition under the applicable public land laws from the withdrawals for Federal Power Projects No. 284 and No. 564, subject to valid existing rights and the provisions of existing withdrawals:

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
CALIFORNIA			MOUNT DIABLO MERIDIAN
DA-916	Power Site Reserve No. 261 of April 19, 1912; Power Project No. 284 of July 31, 1922.	Under applicable public land laws.	T. 5 N., R. 13 E., Sec. 1, NW¼SW¼.
DA-920	Power Site Reserve No. 655 of Sept. 7, 1917; Power Project No. 382 of Feb. 28, 1925; Power Project No. 1009 of Jan. 3, 1930; Power Project No. 564 of Sept. 25, 1925.	do	T. 27 S., R. 32 E., Sec. 13, S½NW¼.

The areas described total 120 acres of public lands.

2. As to DA-920, this restoration is subject to the prior right of the licensee for Projects No. 382 and No. 1009 and its successors to use those portions of the lands for canal, conduit and transmission line purposes as provided by the licenses for the projects; and subject to the condition that in the event the lands described are required for power purposes any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees.

3. The lands in DA-916 consist of rolling hills lying above the headwaters of the North Fork of the Calaveras River. The average elevation of the land is perhaps 2900 feet. The topography is rolling with grades of 30 to 50 percent. A fair county road leads through the northern portion of the land. The vegetation consists for the most part of chamise and various other brush species on the south slopes, while the northern aspects may carry a fair stand of ponderosa pine and other conifers. The soil of this general area is a clay derived from a granitic parent material. As to the lands in DA-920, Kern River passes through the E½S½NW¼ to S½S½SW¼NW¼ and the topography on both sides of the river is rugged to mountainous.

4. No application for these lands will be allowed under the homestead, desert land, small tract or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. The lands described shall be subject to application by the State of California for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulations provided in paragraph 2.

6. Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlements rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284, as amended), presented prior to 10:00 a. m., local time, on October 9, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., local time, on January 8, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., local time, on January 8, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands in DA-916 have been opened to location and entry under the United States Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to applications and offers under the mineral leasing laws.

7. Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. Inquiries regarding these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 10th Floor, California Fruit Building, 4th and J Streets, Sacramento 14, California.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-7459; Filed, Sept. 11, 1957; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 5, 1957.

The Department of Agriculture has filed an application, Serial No. Sacramento 052439, for the withdrawal of the lands described below, from location and entry, under the General Mining Laws, subject to existing valid claims. The applicant desires the land for the construction of ski lifts, ski trail, skating, bobsled, housing and other facilities in connection with the 1960 Winter Olympic Games. Following the Olympic Games, the area will be used for public recreation and resort purposes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 801, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 15 N., R. 15 E.,
Sec. 2, Lots 1, 2, 5, 6, 7, and SE¼NW¼.
T. 16 N., R. 15 E.,
Sec. 36, Lots 1, 2, 3, 4, and N½S½.
T. 15 N., R. 16 E.,
Sec. 6, Lots 1, 2, 3, and 4.
T. 16 N., R. 16 E.,
Sec. 28, SE¼, excepting therefrom:

(1) Lots 46, 48, 50, 52, 62, 64, 66, 68, and 70 of Block E on Map of Tahoe-Truckee Forest recorded in office of the Recorder, Placer County, California, on 7/14/10, Book B of Maps;

(2) A lot beginning at a point N. 20°11 W. 1,918.7 ft. from the southeast corner of sec. 28, thence extending N. 44°20' E. 117.2 ft., thence S. 77°04' E. 530.4 ft. to the Truckee River; return to point of beginning, thence S. 77°04' E. 613.3 ft. to Truckee River;

(3) An area bounded by the north of the westerly prolongation of the common line of Lots 64 and 66 of Block E, on the west by a due north-and-south line distant due west 500 ft. from the northwest corner of Lot 68 of Block E, and on the south by the common line of secs. 28 and 33, T. 16 N., R. 16 E., and on the east by the western boundaries of Lots 66, 68, 70, and 72 of Block E;
Sec. 30, Lots 3, 4, 5, 6, 7, 8, S½NE¼, and SE¼;
Sec. 32, S½NW¼, and SW¼;
Sec. 33, N½, SE¼SW¼, and SE¼.

The areas described total approximately 2,024.66 acres, more or less, of lands in the Tahoe National Forest.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-7472; Filed, Sept. 11, 1957; 8:48 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 5, 1957.

The United States Department of the Army, has filed an application, Serial No. Sacramento 049543, for the withdrawal of the lands described below from all forms of appropriation including the mineral leasing and general mining laws, subject to valid existing rights. The applicant desires the land for the expansion of the demolition area in connection with the Sierra Ordnance Depot.

For a period of 30 days from the publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 801, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 28 N., R. 17 E.,
Sec. 4, all;
Sec. 5, all;
Sec. 8, N½, and SW¼;
Sec. 9, N½.

The areas described total 2,080 acres of public land in Lassen County.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-7473; Filed, Sept. 11, 1957; 8:48 a. m.]

Office of the Secretary

[74623]

UTAH

REVOKING RESERVOIR SITE NO. 10, EAST FORK, SEVIER RIVER, UTAH

Correction

In Federal Register Document 57-7085 appearing in the issue for Thursday, August 29, 1957, at page 6975, make the following change:

Under the center heading "Salt Lake Meridian", line 4, should read "T. 33 S., R. 2 W.,".

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 2]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY REGARDING COMPLIANCE WITH AIRPORT OPERATION AGREEMENTS

The purpose of this amendment is to authorize the redelegation to District Airport Engineers of certain authority with respect to matters involving compliance with grant agreements, surplus property instruments of disposal, and other airport operation agreements.

Pursuant to authority under Department of Commerce Department Order 86 (21 F. R. 7027), the Delegation of Authority Regarding Compliance With Airport Operation Agreements published in the FEDERAL REGISTER on April 12, 1956 (21 F. R. 2392) as amended on March 13, 1957 in 22 F. R. 1616, is further amended to authorize this redelegation.

1. Section 3.4 is added to read:

3.4 *District Airport Engineer.* The term "District Airport Engineer" as used in this delegation means the chief of any Airport District Office of any Civil Aeronautics Administration Regional Office or any person serving in that position in an acting capacity under proper authorization.

2. Section 5 is revised to read:

5. *Redelegation.* Each Regional Administrator is hereby authorized to redelegate to the Chief, Airports Division, of his Regional Office, any of the authority granted to him in Section 4, above, and to authorize the Chief, Airports Division, to further redelegate any of such authority to any District Airport Engineer of his Regional Office.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 4, 1957.

[F. R. Doc. 57-7474; Filed, Sept. 11, 1957; 8:48 a. m.]

Federal Maritime Board

[Docket No. 807 [1]]

UNITED STATES ATLANTIC AND GULF-PUERTO RICO CONFERENCE

NOTICE OF FURTHER HEARING ON INCREASE IN RATES

On September 5, 1957, the Board entered the following supplemental order in this proceeding:

It appearing that there is currently pending in this proceeding an investigation of an increase in rates between U. S. Atlantic and Gulf ports and ports in Puerto Rico which became effective January 9, 1957; and

It further appearing that there have been filed with the Federal Maritime Board new tariff schedules setting forth new increased rates and charges, and new rules, regulations and practices affecting such rates and

[1] See 22 F. R. 355.

charges, between U. S. Atlantic and Gulf ports, on the one hand and ports in Puerto Rico, on the other, to become effective September 14, 1957, and later, designated as follows:

Loose-leaf revised pages specified in Appendix attached hereto and made part hereof, to

U. S. Atlantic & Gulf-Puerto Rico Conference Outward Freight Tariff No. 7, Agent J. W. deBruycker F. M. B. F-No. 13, effective September 14, 1957; and

U. S. Atlantic & Gulf-Puerto Rico Conference Homeward Freight Tariff No. 7, Agent J. W. deBruycker, F. M. B. F-No. 14, effective September 14, 1957; and

Pan Atlantic Steamship Corporation Homeward Tariff No. 1, F. M. B. F-No. 1, effective September 18, 1957; and

It further appearing that upon consideration of the said schedules and protests thereto there is reason to believe that they would, if permitted to become effective, result in rates and charges, rules and regulations or practices which would be unjust and unreasonable and in violation of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, as amended; and good cause appearing therefor;

It is ordered, That this proceeding be, and it hereby is, expanded to include, in addition to matters now under investigation, an investigation into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said new schedules, with a view to making such findings and order in the premises as the facts and circumstances shall warrant; and

It is further ordered, That Pan Atlantic Steamship Corporation be, and it hereby is, made a respondent in this proceeding and the title of this proceeding be, and hereby is, amended to read: "Atlantic & Gulf-Puerto Rico General Increase in Rates and Charges"; and

It is further ordered, That the operation of said pages specified in the attached Appendix be, and they are hereby suspended, and that the use of the rates, charges, regulations, rules and practices therein stated be, and it is hereby, deferred to and including January 14, 1958, unless otherwise authorized by the Board; and

It is further ordered, That neither the schedules hereby suspended nor those sought to be altered thereby may be changed until this investigation and suspension proceeding has been disposed of, or until the period of suspension has expired, unless otherwise authorized by the Board; and

It is further ordered, That there shall be filed immediately with the Board by J. W. deBruycker, Agent, U. S. Atlantic & Gulf-Puerto Rico Conference and Pan-Atlantic Steamship Corporation, consecutively numbered supplements to U. S. Atlantic & Gulf-Puerto Rico Conference Tariff F. M. B. F-Nos. 13 and 14, and Pan-Atlantic Steamship Corporaton Tariff F. M. B. F-No. 1, which shall reproduce the portion of this order wherein the suspended pages are described; shall state that such pages are suspended and that the rates, charges, rules, regulations and practices therein stated may not be used until the 15th day of January 1958, unless otherwise authorized by special permission of the Board; and that neither the rates, charges, rules, regulations and practices hereby deferred, nor those which are sought to be altered thereby, may be changed during the period of suspension or any extension thereof, unless otherwise authorized by the Board; and

It is further ordered, That copies of this order shall be filed with said tariffs, in the Office of the Federal Maritime Board and that a copy hereof shall be forthwith served upon the respondents in this proceeding; and

It is further ordered, That a further public hearing be held in this proceeding before an Examiner of the Hearing Examiners' Office, at a time and place to be announced, to receive additional evidence which, together with the evidence heretofore received in this proceeding, will provide an adequate record for proper disposition of the issues, and an initial decision will be issued; and

It is further ordered, That notice of the further hearing be published in the FEDERAL REGISTER, served on all respondents, and mailed to all protestants herein.

APPENDIX

UNITED STATES ATLANTIC & GULF-PUERTO RICO CONFERENCE—OUTWARD FREIGHT TARIFF NO. 7

F. M. B.-F. No. 13

Revised Pages As Follows:
Second Revised Page No. 45.
Third Revised Page No. 46.
Fifth Revised Page No. 47.
Second Revised Page No. 48.
Second Revised Page No. 49.
Fourth Revised Page No. 50.
Third Revised Page No. 51.
Second Revised Page No. 52.
Fourth Revised Page No. 53.
Third Revised Page No. 54.
Fourth Revised Page No. 55.
First Revised Page No. 56.
Second Revised Page No. 57.
Second Revised Page No. 58.
First Revised Page No. 59.
Fourth Revised Page No. 60.
Third Revised Page No. 61.
Third Revised Page No. 62.
Second Revised Page No. 63.
Second Revised Page No. 64.
First Revised Page No. 65.
Sixth Revised Page No. 66.
Third Revised Page No. 67.
Second Revised Page No. 68.
Third Revised Page No. 69.
Second Revised Page No. 70.
Second Revised Page No. 71.
Second Revised Page No. 72.
Second Revised Page No. 73.
Third Revised Page No. 74.
Second Revised Page No. 75.
Second Revised Page No. 76.
Second Revised Page No. 77.
Fourth Revised Page No. 78.
Second Revised Page No. 79.
Second Revised Page No. 80.
Second Revised Page No. 81.
Second Revised Page No. 82.
Second Revised Page No. 83.
Third Revised Page No. 84.
First Revised Page No. 85.
Seventh Revised Page No. 86.
First Revised Page No. 86A.
Second Revised Page No. 87.
Second Revised Page No. 88.
Second Revised Page No. 89.
Fifth Revised Page No. 90.
Fourth Revised Page No. 91.
Second Revised Page No. 92.
Second Revised Page No. 93.
Third Revised Page No. 94.
Second Revised Page No. 95.
First Revised Page No. 96.
Second Revised Page No. 97.
Fifth Revised Page No. 98.
First Revised Page No. 99.
Second Revised Page No. 100.
First Revised Page No. 101.

UNITED STATES ATLANTIC & GULF-PUERTO RICO CONFERENCE—HOMEWARD FREIGHT TARIFF NO. 7

F. M. B.-F. No. 14

Revised Pages As Follows:
Second Revised Page No. 30.
Third Revised Page No. 31.
Third Revised Page No. 32.
Second Revised Page No. 33.
Third Revised Page No. 34.
Second Revised Page No. 35.
Second Revised Page No. 36.
Second Revised Page No. 37.

PAN ATLANTIC STEAMSHIP CORPORATION—HOMEWARD TARIFF NO. 1

F. M. B.-F. No. 1

Revised Pages As Follows:
First Revised Page 17.
Second Revised Page 18.
Second Revised Page 19.
First Revised Page 20.
Second Revised Page 21.
Second Revised Page 22.
First Revised Page 23.
First Revised Page 24.
Original Page 25.

The further hearing will be conducted in accordance with the order quoted above and the Board's rules of practice and procedure. All persons (including individuals, corporations, firms, partnerships, and public bodies) having an interest in this expanded proceeding and not having heretofore petitioned to intervene, should promptly do so in accordance with rule 5 (n) of said rules.

Dated: September 9, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7485; Filed, Sept. 11, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12032; FCC 57-959]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 12032.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of September 1957;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that Notice of Proposed Allocation (FCC 57-538) setting forth the above proposal was issued by the Commission on May 27, 1957 and was duly published in the FEDERAL REGISTER (22 F. R. 3824), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before June 24, 1957; and

It further appearing that only two comments were filed; one supporting the proposed reallocations, and the second, a counterproposal to add Channel 263 to the Huntington-Deer Park, New York area, which counterproposal subsequently was withdrawn; and

It further appearing that the immediate adoption of the proposed amendment would facilitate action on a pending application (File No. BPH-2203) for a Peekskill, New York, station proposing to operate on Channel 264; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the following listed cities:

General area	Channels	
	Delete	Add
Peekskill, N. Y.		264
New Haven, Conn.	264	273
Waterbury, Conn.	273	297

Released: September 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7480; Filed, Sept. 11, 1957; 8:50 a. m.]

[Docket No. 12113; FCC 57-958]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 12113.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of September 1957;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that Notice of Proposed Allocation (FCC 57-806) setting forth the the above proposal was issued by the Commission on July 29, 1957 and was duly published in the FEDERAL REGISTER (22 F. R. 6130), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before August 26, 1957; and

It further appearing that no comments were received either favoring or opposing the proposed amendment; and

It further appearing that adoption of the proposed amendment would permit reception of the signals of FM Station WBCN, Boston, Massachusetts, now operating on Channel 281, by a proposed FM broadcast station on Mt. Washington, New Hampshire (BPH-2250), for rebroadcasting without interference from a Bangor station operating on Channel 281 in the event that the channel is subsequently assigned in the area; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to Bangor, Maine:

General area	Channels	
	Delete	Add
Bangor, Maine	281	260

Released: September 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7481; Filed, Sept. 11, 1957; 8:50 a. m.]

[Docket Nos. 12153, 12154; FCC 57-957]

MAX M. LEON, INC., AND INDEPENDENCE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Max M. Leon, Inc., Philadelphia, Pennsylvania, Docket No. 12153, File No. BPH-2230; Independence Broadcasting Co., Inc., Philadelphia, Pennsylvania, Docket No. 12154, File No. BPH-2235; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of September 1957;

The Commission having under consideration the above-captioned applications of Max M. Leon, Inc., for a construction permit for a new Class B FM broadcast station to operate on 96.5 megacycles (Channel No. 243) in Philadelphia, and the Independence Broadcasting Co., Inc. (WHAT-FM), for a construction permit to change its assignment from 105.3 megacycles (Channel No. 287) to 96.5 megacycles (Channel No. 243) in Philadelphia;

It appearing that each of the applicants is legaly, technically, financially and otherwise qualified to operate their proposed stations, but that operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated July 18, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that Max M. Leon, Inc., has requested that an issue be included in the hearing to determine whether the Independence Broadcasting Co., Inc., by its actions has filed its application for the purpose of delaying action on the application of Max M. Leon, Inc., misusing the Commission's processes and increasing its workload and whether in light of evidence adduced, pursuant to such an issue, continued operation of WHAT-FM on any channel would be in the public interest; and

It further appearing that the Independence Broadcasting Company, Inc., points out that although its application was filed four days after the application of Max M. Leon, Inc., its application was being prepared prior to the filing of the application of Max M. Leon, Inc.; that the Independence Broadcasting Company, Inc., had previously been authorized to change from Channel 287 to Channel 243; that, at the request of Station WQXR, New York City, Independence Broadcasting did not shift over to Channel 243 because operation on Channel 243 in Philadelphia would interfere with the reception and rebroadcasting of the programs of Station WQXR-FM (96.3 megacycles, Channel 242) in the Philadelphia and Allentown areas; and that Independence subsequently surrendered its authorization to shift to Channel 243 and continued operation on Channel 287; and

It further appearing that in the Commission's opinion the explanation offered by Independence Broadcasting Company is reasonable and therefore the issue requested by Max M. Leon, Inc., will not be included in the hearing; and

It further appearing that the Commission after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applciants to own and operate its proposed station.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7482; Filed, Sept. 11, 1957; 8:50 a. m.]

[Docket No. 12155 etc.; FCC 57-962]

ORANGE COUNTY RADIOTELEPHONE SERVICE ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Benjamin H. Warner, Jr. and Vernon C. Starr, d/b as Orange County Radiotelephone Service, Santa Ana, California, Docket No. 12155, File No. 860-C2-P-56; Farrell A. McKean, d/b as Business & Professional Telephone Exchanges, Los Angeles, California, Docket No. 12156, File No. 1430-C2-P-56; Donald M. Rice, d/b as Tri-City Radio Dispatch Company, San Bernardino, California, Docket No. 12157, File No. 1931-C2-P-56; Homer H. Harris, d/b as Industrial Communications Systems, Los Angeles, California, Docket No. 12158, File No. 2126-C2-P-56; Pomona Radio Dispatch Corporation, Upland, California, Docket No. 12159, File No. 481-C2-P-57; for construction permits in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of September 1957;

The Commission, having under consideration the above-entitled applications of miscellaneous common carriers for authorizations in the Domestic Public Land Mobile Radio Service in the city of Los Angeles and nearby communities; and

It appearing that the number of applicants for such facilities in this area exceeds the number of frequencies available; and

It further appearing that by application of the procedures set forth in a Commission report, No. T. R. R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and use of the F(50, 50) and F(50, 10) radio wave propagation charts for TV channel 14 (contained in Part 3 of the Commission's rules and in the Commission's Sixth Report and Order in Docket Nos. 8736 et al.) adjusted downward in field strength by 6 db to compensate for the change in receiving antenna height to 6 feet in lieu of the 30 foot height for which the charts are drawn, a grant of such applications would result in harmful interference; and

It further appearing that evaluation of the service contours and interference potential of the proposed stations by the above mentioned standards is proper; and

It further appearing that in accordance with § 21.100 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area in order to permit the rendition of service on an interference-free basis; and

It further appearing that the Commission has advised each of the above-entitled applicants, and all other known parties in interest by letters dated October 31, 1956, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, as to the reasons why such applications cannot be granted without hearing, and that replies have been received from each of the interested parties, and that such replies have been considered; and

It further appearing that each of the applicants herein is legally, financially and technically qualified to be a licensee in this service;

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the Commission's offices in Washington, D. C., on a date to be hereafter specified, upon the following issues:

1. To determine, on a comparative basis, the nature and extent of the service proposed by each of the applicants, including rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

2. To determine the reasons and basis for the alleged need of Orange County Radiotelephone Service for a second frequency channel in the Domestic Public Land Mobile Radio Service.

3. To determine the reasons and basis for the alleged need of Business & Professional Telephone Exchanges for a second frequency channel in the Domestic Public Land Mobile Radio Service.

4. To determine the reasons and basis for the alleged need of Tri-City Radio Dispatch Company for a second frequency channel in the Domestic Public Land Mobile Radio Service.

5. To determine the area and population which may be expected to receive service from each of the proposed facilities and the need for each service in the area proposed to be served.

6. To determine, on the basis of the standards set forth above, whether any harmful interference would result from operation of any two of the proposed facilities if such facilities were operated on a co-channel basis and, if so, in view of the nature of the service proposed, whether such interference would be undesirable or intolerable.

7. To determine, on the basis of the standards set forth above, whether any harmful interference would result from the co-channel operation of Industrial Communications Systems, as proposed, to the facilities of Robert C. Crabb, licensee of station KMD690 at Lancaster, California, and, if so, in view of the nature of the service proposed, whether such interference would be undesirable or intolerable.

8. To determine, on the basis of the standards set forth above, whether any harmful interference would result from the co-channel operation of any of the other parties herein to the facilities of Robert C. Crabb, licensee of station KMD690, at Lancaster, California, and, if so, in view of the nature of the service proposed, whether such interference would be undesirable or intolerable.

9. To determine, in the light of the evidence adduced on the foregoing issues, which, if any, of the applications should be granted or denied.

It is further ordered, That, the Acting Chief, Common Carrier Bureau, is made a party to the proceeding herein; and

It is further ordered, That, Robert C. Crabb, licensee of station KMD690, at Lancaster, California, is made a party intervenor to the proceedings herein with his participation limited to issues 7 and 8; and

It is further ordered, That, the parties desiring to participate herein shall file their appearances in accordance with § 1.387 of the Commission's rules.

Released: September 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7483; Filed, Sept. 11, 1957; 8:50 a. m.]

[FCC 57-960]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

SEPTEMBER 6, 1957.

The Federal Communications Commission announces that the following dates will constitute the composite week for the preparation of program log analyses in connection with renewal applications of all AM, FM, and TV broadcast stations whose licenses expire in 1958. Attention is directed to the fact that the date for Sunday is in the year 1956, whereas, all other dates are in the year 1957.

Monday; February 25, 1957.
Tuesday; March 26, 1957.
Wednesday; April 3, 1957.
Thursday; June 13, 1957.
Friday; July 19, 1957.
Saturday; October 5, 1957.
Sunday; December 16, 1956.

The attention of licensees is directed to Section IV, page 3, Item 10, of the renewal application which permits the submission of any additional program data that the applicant desires to call to the Commission's attention, if, in the applicant's opinion, the statistics based on the composite week do not adequately reflect the program service rendered.

Adopted: September 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7484; Filed, Sept. 11, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12127]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 6, 1957.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation and a subsidiary of the Columbia Gas System, Inc., having its principal place of business at 1700 MacCorkle Avenue, SE., Charleston, West Virginia, filed on February 28, 1957, an application and on June 12, 1957, a supplement thereto, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale and deliverey of natural gas at wholesale to its affiliate, Central Kentucky Natural Gas Company (Central), for resale in a number of Kentucky towns, and the construction and operation of certain measuring and regulating facilities, in lieu of the retail service now rendered by Applicant in said towns, and also for resale to Ashland Oil and Refining Company in lieu of direct industrial service now rendered by Applicant, all as more fully described in the application, which is on file with the Commission and open for public inspection.

This proposal is a part of The Columbia Gas System plan for realignment of properties so that each operating subsidiary will be subject to regulation by only one regulatory agency. It is proposed that the retail distribution facilities of Applicant, subject to the jurisdiction of the Public Service Commission of Kentucky, and also the properties used in making industrial sales to Ashland Oil and Refining Company, consisting of approximately six hundred feet of two-inch service line, be operated and transferred by Applicant to Central and the interstate gas transmission facilities of Applicant, subject to the jurisdiction of the Federal Power Commission, be retained and operated by Applicant.

Applicant seeks a certificate of public convenience and necessity authorizing the wholesale sale and delivery of natural gas to Central for resale in the following communities and the areas adjacent to said communities and to Applicant's pipelines:

Community and County

Ashland, Boyd.
Catlettsburg, Boyd.
Westwood, Boyd.
Betsy Lane, Floyd.
Drift, Floyd.
Harold, Floyd.
Lancer, Floyd.
McDowell, Floyd.
Bellefonte, Greenup.
Clancy, Greenup.
Flatwoods, Greenup.
Fullerton, Greenup.
Greenup, Greenup.
Raceland, Greenup.
Riverview, Greenup.
Russell, Greenup.
Worthington, Greenup.
Wurtland, Greenup.
Hindman, Knott.
Louisa, Lawrence.
Beauty, Martin.
Inez, Martin.
Lovely, Martin.
Warfield, Martin.
South Williamson, Pike.

Applicant proposes to construct and operate seventeen measuring and regulating stations for the purpose of measuring and regulating deliveries to Central in the following marketing areas:

Four (4) measuring and regulating stations in Lawrence County for service to Louisa, Kentucky.

One (1) measuring and regulating station in Floyd County for service to Drift, Kentucky.

One (1) measuring and regulating station in Knott County for service to Hindman, Kentucky.

One (1) measuring and regulating station in Floyd County for service to Lancer, Kentucky.

Two (2) measuring and regulating stations in Floyd County for service to Harold, Kentucky.

Three (3) measuring and regulating stations in Martin County for service to Lovely, Kentucky.

Two (2) measuring and regulating stations in Martin County for service to Inez, Kentucky.

One (1) measuring and regulating station in Martin County for service to Warfield, Kentucky.

One (1) measuring and regulating station in Pike County for service to South Williamson, Kentucky.

One (1) measuring and regulating station in Boyd County for service to Ashland and Catlettsburg, Kentucky.

Applicant also seeks authority to establish one additional point of delivery at the outlet of the Leach gasoline plant in Boyd County, Kentucky, and sell natural gas to Central for resale to Ashland Oil and Refining Company.

Applicant estimates that the cost of the proposed measuring and regulating facilities will be approximately $54,858, and that the annual operating expense will be $6,500. Applicant proposes to finance said construction from current funds, which will be reimbursed by cash to be received from Central in payment for Applicant's retail distribution facilities.

There will be no change in Applicant's total gas requirements as a result of its application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 3, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 27, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7460; Filed, Sept. 11, 1957; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING ADMINISTRATOR

The officers described by position title or by individual name in the list below are hereby designated to act in the place and stead of the Housing and Home Finance Administrator, with the title of "Acting Administrator" and with all the powers, rights, and duties vested in or assigned to the said Administrator, in the event the Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer shall have authority to act as "Acting Administrator" unless all those whose titles or names precede his in this designation are unable to act by reason of absence, illness, or other cause:

(1) Deputy Administrator;

(2) Julian H. Zimmerman (General Counsel);

(3) Lewis E. Williams (Assistant Administrator, Administration);

(4) M. Carter McFarland (Acting Assistant Administrator, Plans and Programs).

This designation supersedes the designation of Acting Administrator effective April 22, 1955 (20 F. R. 2876, April 28, 1955), which designation is hereby revoked.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended, 12 U. S. C., 1952 ed. 1701c; 63 Stat. 440 (1949), 12 U. S. C., 1952 ed. 1701d-1)

Effective as of the 6th day of September, 1957.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 57-7486; Filed, Sept. 11, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3578]

MANILA ELECTRIC CO. AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING AND PERMITTING TO BECOME EFFECTIVE APPLICATION-DECLARATION REGARDING PROPOSAL BY SUBSIDIARY

SEPTEMBER 4, 1957.

General Public Utilities Corporation ("GPU"), a registered holding company, and its foreign public-utility subsidiary, Manila Electric Company ("Manila") have filed, pursuant to sections 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-43 promulgated thereunder, a joint application-declaration and amendments

thereto regarding the following proposed transactions:

Manila proposes (a) to amend its Certificate of Incorporation to change its authorized common stock from 1,000,000 shares of 40 pesos per share par value to 10,000,000 shares of 10 pesos per share par value common stock, (b) to reclassify its outstanding 1,000,000 shares of 40 pesos per share par value common stock into 4,000,000 shares of 10 pesos per share par value common stock, and to issue to GPU the 4,000,000 shares of new common stock in exchange for the outstanding 1,000,000 old shares held by GPU, and (c) to issue to GPU 2,000,000 additional shares of the new common stock as a stock dividend on the then outstanding 4,000,000 shares thereof.

GPU proposes to acquire the 4,000,000 shares of 10 pesos per share par value common stock of Manila in exchange for the 1,000,000 shares of 40 pesos per share par value common stock of Manila now held by GPU; and also to acquire the 2,000,000 additional shares of 10 pesos per share par value common stock to be issued by Manila as a stock dividend.

The fees and expenses to be incurred by GPU in connection with the proposed transactions are estimated at $1,500, including legal fees of not to exceed $1,000; and those to be incurred by Manila are estimated at $28,500, consisting of $25,000 documentary stamp tax, $2,000 legal fees, $505 filing fees, and $995 of miscellaneous expenses.

The Philippine Public Service Commission, the regulatory commission of the Republic of The Philippines, in which Manila is organized and doing business, has authorized the transactions proposed by Manila; and no commission, State or Federal, of the United States, except this Commission, has jurisdiction over the transactions proposed by Manila or GPU.

Notice of the filing of the joint application-declaration (Holding Company Act Release No. 13445) having been duly given in the manner prescribed by Rule U-23 promulgated under the act, and the last amendment to the application-declaration having been filed August 26, 1957, and no hearing having been requested of or ordered by the Commission:

The Commission finding in respect of the application-declaration, as amended, that no adverse findings are required, that no basis appears for the imposition of terms and conditions, that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates, and that the applicable provisions of the act and the rules thereunder are satisfied; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers to grant and permit to become effective, forthwith, the joint application-declaration as amended;

It is ordered, Pursuant to Rule U-23, and the applicable provisions of the act, that the joint application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7463; Filed, Sept. 11, 1957; 8:46 a. m.]

[File No. 70-3605]

WEST TEXAS UTILITIES CO.

ORDER AUTHORIZING ACQUISITION OF ELECTRIC FACILITIES BY LONG-TERM LEASE

SEPTEMBER 4, 1957.

West Texas Utilities Company ("Company"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application and an amendment thereto pursuant to section 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transaction:

The Company owns and operates an electric distribution system serving, among other communities, the City of Spur, Texas, and environs. The City of Spur ("City") also owns and operates an electric plant and distribution system serving the City and environs.

The Company proposes to enter into a Lease Agreement with the City, to be dated July 17, 1957, under which the Company will lease from the City, for an initial term of forty (40) years, all the properties comprising the City's electric generating plant and distribution system (less certain excepted properties) at an annual rental of $22,500. The Company will also pay to the City (in addition to ad valorem, occupation or other similar taxes upon properties owned by the Company, other than the leased properties) an annual franchise tax equal to 2 percent of the total annual revenues received by the Company from its domestic, commercial, and industrial customers within the corporate limits of the City for electric service supplied to them for the previous calendar year.

The lease further provides that the Company shall merge the City's system and the Company's system into a single, modern electric distribution system, utilizing the best parts of each, as determined by the Company; that the rates to be charged by the Company in the City of Spur shall never be higher than the rates of the Company for comparable services in other communities of comparable size; that, at the end of the initial 40-year term, the City shall have the option to acquire the entire merged electric distribution system (excluding the Company's generating and transmission system) at a price equal to the fair value, as defined; and that if the City fails to exercise such option, the Company may, at its election, either (a) extend the lease for an additional term of years, on rental terms then to be agreed upon, or (b) acquire the City's interest in the merged system at the appraised value as of the date of the lease, plus the salvage value realized from any portions of the leased property not incorporated in the merged system.

Due notice having been given of the filing of said application (Holding Company Act Release No. 13531), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7464; Filed, Sept. 11, 1957; 8:46 a. m.]

[File No. 70-3614]

CONSOLIDATED NATURAL GAS CO.

NOTICE OF PROPOSED EXECUTION OF REFUNDING BOND BY HOLDING COMPANY AS SURETY FOR PUBLIC UTILITY SUBSIDIARY

SEPTEMBER 5, 1957.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 12 (b) of the act and Rule U-45 thereunder as applicable to the proposed transaction, which is summarized as follows:

On March 11, 1957, Consolidated's wholly-owned public-utility subsidiary Hope Natural Gas Company ("Hope") filed new rate schedules with the Public Service Commission of West Virginia providing for rate increases approximating $2,300,000 per year, allegedly necessitated by increased operating costs. By action of the State commission the effectiveness of the new rates was suspended until August 29, 1957. The new rates may now become effective upon the filing by Hope of a bond in the amount of $2,300,000, with satisfactory surety, for the due and proper payment of any refunds which the State commission may order. The State commission has indicated that Consolidated may sign as surety for Hope.

Consolidated proposes without fee or other consideration to sign such bond as Hope's surety to save the cost of securing an outside corporate surety.

Notice is further given that any interested person may, not later than September 17, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7465; Filed, Sept. 11, 1957; 8:46 a. m.]

[File No. 70-3575]

COLUMBIA GAS SYSTEM, INC., ET AL.

SUPPLEMENTAL ORDER AUTHORIZING ISSUE AND SALE OF INSTALLMENT NOTES BY SUBSIDIARY TO PARENT COMPANY, WITH RESERVATION OF JURISDICTION AS TO REMAINING PROPOSED TRANSACTION

SEPTEMBER 5, 1957.

In the matter of the Columbia Gas System, Inc., the Manufacturers Light and Heat Company et al., File No. 70-3575.

On March 25, 1957, The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and eleven of its wholly-owned subsidiaries, including The Manufacturers Light and Heat Company ("Manufacturers"), filed a joint application-declaration herein pursuant, among others, to section 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act"), covering the intrasystem financing program for 1957. Due notice of said filing was issued on April 8, 1957 (Holding Company Act Release No. 13441).

By prior orders issued herein, the Commission has authorized specific portions of said program (Holding Company Act Release Nos. 13471, 13481, 13499, 13528), reserving jurisdiction over other proposed transactions as to which the record was not complete.

By Amendment No. 5 filed herein on August 27, 1957, the record has been completed with respect to Manufacturers' proposed issue and sale to Columbia of its Installment Notes to an aggregate amount not exceeding $13,000,000. The funds are to be used toward financing Manufacturers' 1957 construction and betterment program, requiring new money in the amount of $21,000,000. The balance of the required amount is being raised by the issuance and sale to Columbia of 160,000 shares of Manufacturers' common stock, par value $50 per share, as heretofore authorized in Holding Company Act Release No. 13499.

The Installment Notes will be payable in equal installments on February 15 of each of the years 1959 to 1983 inclusive, with interest payable semi-annually at the rate of 5½ percent per annum (Columbia's approximate cost of money in respect of its most recent sale of senior debentures).

The Pennsylvania Public Utility Commission, the regulatory commission of the State in which Manufacturers is organized and operating, has approved the issuance and sale of the Installment Notes as proposed.

Jurisdiction will be reserved with respect to the remaining transaction described in the original application-declaration, as to which the record is not yet complete.

Due notice having been given of the filing of said joint application-declaration as aforesaid, and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the proposed issue and sale by Manufacturers to Columbia of Installment Notes in the principal amount of $13,000,000, that the applicable provisions of the act and the rules promulgated thereunder are satisfied; and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended be granted and permitted to become effective forthwith as to such transaction:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith as to the aforesaid transaction, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the remaining transaction proposed in the original application-declaration, as to which the record is not yet complete, namely, the issue and sale of Installment Notes to Columbia by Binghamton Gas Works (now, by change of name, Columbia Gas of New York, Inc.).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7466; Filed, Sept. 11, 1957; 8:47 a. m.]

[File No. 70-3582]

CONSOLIDATED NATURAL GAS CO. ET AL.

SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE AND SALE BY PARENT OF DEBENTURES AT COMPETITIVE BIDDING, INCREASE IN AMOUNT OF OPEN ACCOUNT ADVANCES BY PARENT TO SUBSIDIARIES, AND INCREASE IN AMOUNT OF RELATED LONG-TERM NOTES TO BE ISSUED BY SUBSIDIARIES AND ACQUIRED BY PARENT

SEPTEMBER 4, 1957.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, the Peoples Natural Gas Company, New York State Natural Gas Corporation, the River Gas Company; File No. 70-3582.

On April 17, 1957, Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly-owned subsidiaries, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State"), and The River Gas Company ("River"), filed herein a joint application-declaration pursuant to sections 6 (b), 7, 10, and 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-45 and U-50 thereunder covering the system financing program for the year 1957. Due notice of said filing was issued on May 2, 1957 (Holding Company Act Release No. 13460).

On May 20, 1957, the Commission issued an order authorizing various transactions proposed in said application-declaration as then amended, including the issue and sale by Consolidated of a series of debentures in the principal amount of $25,000,000; the making by Consolidated of temporary open-account advances to its subsidiaries in the aggregate amount of $50,800,000, to be replaced by long-term serial notes after a second issue of debentures by Consolidated; and certain other transactions as described in said order. Jurisdiction was reserved with respect to Consolidated's proposal to issue and sell an additional $25,000,000 principal amount of debentures tentatively scheduled for October 1957 (Holding Company Act Release No. 13476).

By further amendments subsequently filed, the applicants-declarants have increased the amounts involved in the balance of their 1957 financing program in order to meet the increased construction requirements of the subsidiaries. Consolidated now proposes to increase its second debenture issue from $25,000,000 to $30,000,000, and to increase its open-account advances to the subsidiaries from $50,800,000 to $59,400,000, with a corresponding increase in the amount of the related long-term notes to be issued by the subsidiaries and acquired by Consolidated.

Accordingly, Consolidated proposes to issue and sell at competitive bidding, pursuant to Rule U-50, $30,000,000 principal amount of —% percent Debentures due September 1, 1982. The Debentures will be issued under the provisions of a Supplement to the Indenture dated as of June 1, 1957 between Consolidated and The Chase Manhattan Bank, Trustee. The interest rate on the Debentures (a multiple of ⅛ of 1 percent) and the price, exclusive of interest, to be paid to Consolidated for the Debentures (not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by competitive bidding.

Pending the sale of the second issue of debentures, Consolidated proposes to increase the amounts of its open-account advances to certain of its subsidiaries, for the purpose of financing their plant construction and for other corporate purposes, as follows: To East Ohio, from $23,000,000 to $24,000,000; to Hope, from $15,000,000 to $19,500,000; to New York State, from $6,000,000 to $9,000,000; to River, from $300,000 to $400,000—thus increasing the aggregate of the advances to all subsidiaries from $50,800,000 as heretofore authorized to $59,400,000.

After the sale of the second issue of debentures, the subsidiaries will issue long-term non-negotiable serial notes to Consolidated in replacement of the open-account advances. The notes will be issued from time to time prior to December 31, 1957, and they will mature in annual installments over varying periods between 1959 and 1982. The interest rate on the notes will be determined by Consolidated as soon as the result of the competitive bidding for the second series of debentures is known, and such interest rate will be predicated on and will substantially equal the effective cost of the money secured through the issuance of the two series of debentures.

Orders approving the issuance of the long-term notes in the increased amounts as now proposed have been issued by the Public Service Commission of West Virginia with respect to Hope, and by The Public Utilities Commission of Ohio with respect to East Ohio and River.

The fees and expenses incurred and to be incurred in connection with the second debentures issue and the other supplemental transactions considered herein are estimated as follows:

Filing fee, this Commission	$3,120
Printing	46,000
Trustee's charges	6,000
Legal fees (counsel for Indenture-Trustee)	2,000
Accountants' fees and expenses (Price Waterhouse & Co.)	6,000
Engineering fees and expenses (Ralph E. Davis)	2,500
Original issue tax	33,000
Listing fee, New York Stock Exchange	3,600
Other miscellaneous expenses	2,500
Total	104,720

The legal fee of Cahill, Gordon, Reindell & Ohl, counsel for the underwriters of the second debenture issue, stated at $5,500 plus expenses estimated at $250, will be paid by the successful bidders.

Due notice having been given of the filing of said joint application-declaration as aforesaid, and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the above-described transactions that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7467; Filed, Sept. 11, 1957; 8:47 a. m.]

TARIFF COMMISSION

WHISKEY

POSTPONEMENT OF PUBLIC HEARING

The Tariff Commission on September 9, 1957, ordered that the public hearing in connection with the investigation instituted August 14, 1957 under section 332 of the Tariff Act of 1930, in accordance with the resolution of the Committee on Finance, United States Senate, relating to whiskey (22 F. R. 6671), heretofore scheduled for October 22, 1957 (22 F. R. 7198) be postponed to 10 a. m., January 21, 1958.

The hearing will be held in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C.

Interested parties desiring to appear and to be heard at the hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., at least five days in advance of the date of the hearing.

Issued: September 9, 1957.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-7488; Filed, Sept. 11, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 9, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34151: *Paper and paper articles from Eau Claire, Wis.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on paper and paper articles, carloads, from Eau Claire, Wis., to specified points in Colorado, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming.

Grounds for relief: Short-line distance formulae.

Tariff: Supplement 53 to Agent Prueter's ICC A-4082.

FSA No. 34153: *Caustic potash—Anniston, Ala., to Cincinnati, Ohio.* Filed by O. M. South, Jr., Agent, for interested rail carriers. Rates on potassium (potash), caustic, tank-car loads, from Anniston, Ala., to Cincinnati, Ohio.

Grounds for relief: Market competition with Niagara Falls, Solvay, Suspension Bridge, and Syracuse, N. Y., at Cincinnati.

Tariff: Supplement 11 to Agent C. A. Spaninger's ICC 1536.

FSA No. 34154: *Moulding sand—Southern points to Pampa, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on moulding sand, naturally bonded, carloads, from specified points in Alabama, Mississippi, and Tennessee, to Pampa, Tex.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 116 to Agent Kratzmeir's ICC 4135.

FSA No. 34155: *Chemicals—Returned—From, to, and between western points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on chemicals, in tank-car loads, from, to, and between points in western trunkline territory, returned from original point of destination to original point of origin.

Grounds for relief: Short-line distance formulae and grouping.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34152: *Vegetables—Texas to southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cabbage and carrots, straight or mixed carloads; onions and lettuce, straight carloads; other vegetables, mixed carloads, from specified points in the Corpus Christi-Rio Grande Valley-Winter Garden area of Texas, also in the Fort Worth, Valley Junction, Palestine, Houston, and Jacksonville areas of Texas, to specified points in Arkansas, Kansas, Louisiana, Missouri, and Oklahoma, also East St. Louis, Ill., and Memphis, Tenn.

Grounds for relief: Maintenance of truck-competitive rates from and to above points without observing such rates as factors in constructing combination rates lower than through rates to points beyond in official, southern and western trunkline territories.

Tariffs: Supplement 129 to Agent Kratzmeir's ICC 4025 and two other tariffs.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-7461; Filed, Sept. 11, 1957; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 178

Washington, Friday, September 13, 1957

MAIN READING ROOM

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A listing of current public laws approved by the President appears at the end of this issue.

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF DRIED FIG ADMINISTRATIVE COMMITTEE FOR 1957–58 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

Pursuant to Marketing Agreement No. 123, as amended, and Order No. 64, as amended (7 CFR, Part 964; 21 F. R. 7649), regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of recommendations and information furnished by the Dried Fig Administrative Committee (hereinafter referred to as the "committee") and other available information, it is hereby found, and determined, and, therefore, it is hereby ordered, that the budget of expenses of the committee and the rate of assessment for the crop year which began on August 1, 1957 shall be as follows:

§ 964.302 *Budget of expenses of the Dried Fig Administrative Committee and rate of assessment for the 1957–58 crop year*—(a) *Budget of expenses.* Expenses in the amount of $26,260 are reasonable and are likely to be incurred by the committee for its functions and maintenance for the crop year which began on August 1, 1957 and will end on July 31, 1958.

(b) *Rate of assessment.* Each handler shall pay to the committee, in accordance with the provisions of § 964.71 (a) of the marketing agreement, as amended, and order, as amended, an assessment of $1.30 for each ton of salable tonnage dried figs handled by him as the first handler thereof during the crop year which began on August 1, 1957 and will end on July 31, 1958. Such assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

For the purpose of the foregoing action, "salable tonnage dried figs" means and includes all natural condition dried figs acquired by a handler during the crop year which began on August 1, 1957, pursuant to the applicable provisions of the aforesaid marketing agreement, as amended, and order, as amended.

It is hereby found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making (see section 4 (a) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.), and it is further found and determined that good cause exists for not postponing the effective date of this order for 30 days, or any lesser period, after its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act, supra) in that: (1) Deliveries of 1957 crop dried figs from producers and dehydrators to handlers have already commenced; (2) the committee must be enabled to obtain assessment revenue promptly to defray expenses of administering the program; and (3) this action will require no advance preparation by dried fig handlers. Accordingly, it is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated September 10, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-7545; Filed, Sept. 12, 1957; 8:56 a. m.]

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[Amdt. 9]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

FLIGHT AND POWERPLANT INSTRUMENTS

Minimum performance standards for instruments which specifically are required to be approved for use in civil aircraft of the United States are defined in the new regulations §§ 514.42 through 514.48 (TSO–C43 through TSO–C49).

Sections 514.42 through 514.48 appeared as notices of proposed rule making in 22 F. R. 4478–4479 on June 26, 1957. All interested persons have been afforded an opportunity to submit written views, data or argument. No comments were received.

Sections 514.42 through 514.48 are added under Subpart B of this part to read as follows:

§ 514.42 *Temperature indicators—TSO–C43*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for temperature indicators which specifically are required to be approved for use in civil aircraft of the United States. New models of temperature indicators manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–413A, "Temperature Indicator," dated December 15, 1954.[1] Temperature indicators approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the rating shall be shown.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(d) *Effective date.* October 15, 1957.

§ 514.43 *Fuel flow meters—TSO–C44*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fuel flow meters which specifically are required to be approved for use in civil aircraft of the United States. New models of fuel flow meters manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–407A, "Fuel Flow Meters," dated December 14, 1954.[1] Fuel flow meters approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the range and rating shall be shown.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(d) *Effective date.* October 15, 1957.

§ 514.44 *Manifold pressure indicating instruments—TSO–C45*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for manifold pressure indicating instruments which specifically are required to be approved for use in civil aircraft of the United States. New models of manifold pressure indicating instruments manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–411, "Manifold Pressure Indicating Instruments," dated November 1, 1948.[1] Manifold pressure indicating instruments approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the range and rating shall be shown.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(d) *Effective date.* October 15, 1957.

§ 514.45 *Maximum allowable airspeed indicators—TSO–C46*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for maximum allowable airspeed indicators which specifically are required to be approved for use in civil aircraft of the United States. New models of maximum allowable airspeed indicators manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–418, "Maximum Allowable Airspeed Indicators," dated December 15, 1956.[1] Maximum allowable airspeed indicators approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of the original approval.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the range shall be shown.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(d) *Effective date.* October 15, 1957.

§ 514.46 *Pressure instruments—fuel, oil, and hydraulic—TSO–C47*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for pressure instruments—fuel, oil and hydraulic—which specifically are required to be approved for use in civil aircraft of the United States. New models of pressure indicators—fuel, oil, and hydraulic—manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–408A, "Pressure Instruments—Fuel, Oil, and Hydraulic," dated December 15, 1954.[1] Pressure instruments—fuel, oil and hydraulic—approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the rating and range shall be shown.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(d) *Effective date.* October 15, 1957.

§ 514.47 *Carbon monoxide detector instruments—TSO–C48*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for carbon monoxide detector instruments which specifically are required to be approved for use in civil aircraft of the United States. New models of carbon monoxide detector instruments manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–412A, "Carbon Monoxide Detector Instruments," dated December 15, 1956.[1] Carbon monoxide detector instruments approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the rating shall be shown.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(d) *Effective date.* October 15, 1957.

§ 514.48 *Electric tachometers: magnetic drag (indicator and generator):—TSO–C49*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for electric tachometers: magnetic drag (indicator and generator) which specifically are required to be approved for use in civil aircraft of the United States. New models of electric tachometers: magnetic drag (indicator and generators) manufactured for installation in civil aircraft on or after October 15, 1957, shall meet the standards set forth in SAE Aeronautical Standard AS–404A, "Electric Tachometer: Magnetic Drag (indicator and generator)," dated December 15, 1954.[1] Electric tachometers: magnetic drag (indicator and generator) approved by the Civil Aeronautics Administration prior to October 15, 1957, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the range shall be shown.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(d) *Effective date.* October 15, 1957.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 6, 1957.

[F. R. Doc. 57-7492; Filed, Sept. 12, 1957; 8:45 a. m.]

[Amdt. 207]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. Section 608.39, the White Sands Restricted Area Number 1 (formerly called White Sands Proving Grounds), New Mexico, area (R–209 formerly D–209), amended October 31, 1951 in 16 F. R. 11066, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
White Sands, N. Mex. Restricted Area No. 1 (R–209) (Roswell, Albuquerque).	"Beginning at latitude 34°15'45", longitude 106°40'30"; thence to latitude 34°17'00", longitude 106°12'00"; thence to latitude 34°17'00", longitude 106°04'00"; thence to latitude 32°50'00", longitude 106°04'00"; thence to latitude 32°36'00", longitude 106°06'00"; thence to latitude 32°25'00", longitude 106°06'00"; thence to latitude 32°00'00", longitude 106°21'00"; thence to latitude 32°00'00"; longitude 106°34'00"; thence to latitude 32°18'00", longitude 106°34'00"; thence to latitude 32°18'00", longitude 106°39'00"; thence to latitude 33°13'00", longitude 106°52'00"; thence to point of beginning".	Unlimited	Continuous	Holloman AFB, Alamogordo N. Mex.

2. Section 608.39, the White Sands, New Mexico, Restricted Area Number 2 (R–521), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
White Sands, N. Mex. Restricted Area No. 2 (R–521) (Rosewell, Albuquerque).	"That airspace West of White Sands Restricted Area No. 1 (R–209), described above, which is bounded by an arc of 33 and one-half statute miles radius centered at North latitude 33°46'45", West longitude 106°46'00"."	From 20,000 feet mean sea level to unlimited.	Unlimited, except at such time as released to ARTC Center by Controlling Agency.	Holloman AFB, Alamogordo, N. Mex.

3. Section 608.39, the White Sands, New Mexico, Restricted Area Number 3 (R–522), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
White Sands, N. Mex. Restricted Area No. 3 (R–522) (Roswell, Albuquerque).	"Beginning at latitude 34°17'00", longitude 106°04'00"; thence to latitude 34°17'00", longitude 105°51'00"; thence to latitude 33°57'00", longitude 105°27'00"; thence to latitude 32°45'00", longitude 105°27'00"; thence to latitude 32°45'00", longitude 105°59'00"; thence to latitude 32°36'00", longitude 106°00'00"; thence to latitude 32°36'00", longitude 106°06'00"; thence to latitude 32°50'00", longitude 106°04'00"; thence to point of beginning."	From 16,000 feet mean sea level to unlimited.	Unlimited, except at such time as released to Albuquerque ARTC Center by Controlling Agency.	Holloman AFB, Alamogordo, N. Mex.

4. Section 608.62, the Dillingham, Territory of Hawaii, area (R–333) formerly Mokuleia, Territory of Hawaii, area amended April 27, 1956, in 21 F. R. 2719, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Dillingham, territory of Hawaii Restricted Area (R–333) (Hawaiian Islands).	"Beginning at latitude 21°34'45" North, longitude 158°17'20" West; thence to latitude 21°35'20" North, longitude 158°19'40" West; thence North and East along a line 3 statute miles from the shoreline of Oahu to latitude 21°37'50" North, longitude 158°08'50" West; thence to latitude 21°35'30" North, longitude 158°11'30" West; thence to latitude 21°35'15" North, longitude 158°14'30" West; thence to point of beginning".	40,000 feet mean sea level.	As published in NOTAMS (Firing Notices). During the hours 0700–1700.	Commanding General, USARPAC.

5. Section 608.62, the Kaena Point, Territory of Hawaii, area (R–317) amended October 31, 1951 in 16 F. R. 11066, is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 24, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 6, 1957.

[F. R. Doc. 57-7491; Filed, Sept. 12, 1957; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,

[T. D. 54432]

PART 20—DISPOSITION OF UNCLAIMED AND ABANDONED MERCHANDISE

SALE

In view of the limited transfer to collectors of customs of the function of determining the values of unclaimed merchandise abandoned to the Government (Customs Delegation Order No. 12, T. D. 54430), § 20.5 of the Customs Regulations is amended as follows:

Paragraph (b) is amended by inserting a footnote reference "5a" following "amended" in the first sentence, and a new footnote is appended, reading:

[5a] The function of determining values of unclaimed and abandoned merchandise in any case where the aggregate appraised value of the lot will not exceed $250 has been transferred from the appraiser to the collector. (T. D. 54430.)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 4, 1957.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7506; Filed, Sept. 12, 1957; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6252]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ITEMS NOT DEDUCTIBLE

On May 23, 1957, a notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as otherwise provided, under section 268, relating to the sale of land with unharvested crop, section 270, relating to limitation on deductions allowable to individuals in certain cases, and section 271, relating to debts owed by political parties, etc., was published in the FEDERAL REGISTER (22 F. R. 3627). After consideration of all such relevant matter as was presented by interested parties regarding the rules proposed, the following regulations are hereby adopted:

ITEMS NOT DEDUCTIBLE

Sec.
1.268 Statutory provisions; sale of land with unharvested crop.
1.268–1 Items attributable to an unharvested crop sold with the land.
1.270 Statutory provisions; limitation on deductions allowable to individuals in certain cases.
1.270–1 Limitation on deductions allowable to individuals in certain cases.
1.271 Statutory provisions; debts owed by political parties, etc.

AUTHORITY: §§ 1.268 to 1.271 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.268 *Statutory provisions; sale of land with unharvested crop.*

SEC. 268. *Sale of land with unharvested crop.* Where an unharvested crop sold by the taxpayer is considered under the provisions of section 1231 as "property used in the trade or business", in computing taxable income no deduction (whether or not for the taxable year of the sale and whether for expenses, depreciation, or otherwise) attributable to the production of such crop shall be allowed.

§ 1.268–1 *Items attributable to an unharvested crop sold with the land.* In computing taxable income no deduction shall be allowed in respect of items attributable to the production of an unharvested crop which is sold, exchanged, or involuntarily converted with the land and which is considered as property used in the trade or business under section 1231 (b) (4). Such items shall be so treated whether or not the taxable year involved is that of the sale, exchange, or conversion of such crop and whether they are for expenses, depreciation, or otherwise. If the taxable year involved is not that of the sale, exchange, or conversion of such crop, a recomputation of the tax liability for such year shall be made; such recomputation should be in the form of an "amended return" if necessary. For the adjustments to basis as a result of such disallowance, see section 1016 (a) (11) and the regulations thereunder.

§ 1.270 *Statutory provisions; limitation on deductions allowable to individuals in certain cases.*

SEC. 270. *Limitation on deductions allowable to individuals in certain cases*—(a) *Recomputation of taxable income.* If the deductions allowed by this chapter or the corresponding provisions of prior revenue laws (other than specially treated deductions, as defined in subsection (b)) allowable to an individual (except for the provisions of this section or the corresponding provisions of prior revenue laws) and attributable to a trade or business carried on by him for 5 consecutive taxable years have, in each of such years (including at least one year to which this subtitle applies), exceeded by more than $50,000 the gross income derived from such trade or business, the taxable income (computed under section 63 or the corresponding provisions of prior revenue laws) of such individual for each of such years shall be recomputed. For the purpose of such recomputation in the case of any such taxable year, such deductions shall be allowed only to the extent of $50,000 plus the gross income attributable to such trade or business, except that the net operating loss deduction, to the extent attributable to such trade or business, shall not be allowed.

(b) *Specially treated deductions.* For the purpose of subsection (a) the specially treated deductions shall be taxes, interest, casualty and abandonment losses connected with a trade or business deductible under section 165 (c) (1), losses and expenses of

the trade or business of farming which are directly attributable to drought, the net operating loss deduction allowed by section 172, and expenditures as to which taxpayers are given the option, under law or regulations, either (1) to deduct as expenses when incurred or (2) to defer or capitalize.

(c) *Redetermination of tax.* On the basis of the taxable income computed under the provisions of subsection (a) for each of the 5 consecutive taxable years specified in such subsection, the tax imposed by this subtitle or the corresponding provisions of prior revenue laws shall be redetermined for each such taxable year. If for any such taxable year assessment of a deficiency is prevented (except for the provisions of section 1311 and following) by the operation of any law or rule of law (other than section 7122, relating to compromises), any increase in the tax previously determined for such taxable year shall be considered a deficiency for purposes of this section. For purposes of this section, the term "tax previously determined" shall have the meaning assigned to such term by section 1314 (a) (1).

(d) *Extension of statute of limitations.* Notwithstanding any law or rule of law (other than section 7122, relating to compromises), any amount determined as a deficiency under subsection (c), or which would be so determined if assessment were prevented in the manner described in subsection (c), with respect to any taxable year may be assessed as if on the date of the expiration of the time prescribed by law for the assessment of a deficiency for the fifth taxable year of the 5 consecutive taxable years specified in subsection (a), 1 year remained before the expiration of the period of limitation upon assessment for any such taxable year.

§ 1.270–1 *Limitation on deductions allowable to individuals in certain cases*—(a) *Recomputation of taxable income.* (1) Under certain circumstances, section 270 limits the deductions (other than certain deductions described in subsection (b) thereof) attributable to a trade or business carried on by an individual which are otherwise allowable to such individual under the provisions of chapter 1 of the Internal Revenue Code of 1954 or the corresponding provisions of prior revenue laws. If, in each of five consecutive taxable years (including at least one taxable year beginning after December 31, 1953, and ending after August 16, 1954), the deductions attributable to a trade or business carried on by an individual (other than the specially treated deductions described in paragraph (b) of this section) exceed the gross income derived from such trade or business by more than $50,000, the taxable income computed under section 63 (or the net income computed under the corresponding provisions of prior revenue laws) of such individual shall be recomputed for each of such taxable years.

(2) In recomputing the taxable income (or the net income, in the case of taxable years which are otherwise subject to the Internal Revenue Code of 1939) for each of the five taxable years, the deductions (other than the specially treated deductions described in paragraph (b) of this section with the exception of the net operating loss deduction) attributable to the trade or business carried on by the individual shall be allowed only to the extent of (i) the gross income derived from such trade or business, plus (ii) $50,000. The specially treated deductions described in paragraph (b) of this section (other than the net operating loss deduction) shall each be allowed in full. The net operating loss deduction, to the extent attributable to such trade or business, shall be disallowed in its entirety. Thus, a carryover or a carryback of a net operating loss so attributable, either from a year within the period of five consecutive taxable years or from a taxable year outside of such period, shall be ignored in making the recomputation of taxable income or net income, as the case may be.

(3) The limitations on deductions provided by section 270 are also applicable in determining under section 172, or the corresponding provisions of prior revenue laws, the amount of any net operating loss carryover or carryback from any year which falls within the provisions of section 270 to any year which does not fall within such provisions. Also, in determining under section 172, or the corresponding provisions of prior revenue laws, the amount of any net operating loss carryover from a year which falls within the provisions of section 270 to a year which does not fall within such provisions, the amount of net operating loss is to be reduced by the taxable income or net income, as the case may be (computed as provided in § 1.172–5, or 26 CFR, 1949 Ed. 39.122–4 (c), as the case may be and, in the case of any taxable year which falls within the provisions of section 270, determined after the application of section 270), of any taxable year preceding or succeeding the taxable year of the net operating loss to which such loss must first be carried back or carried over under the provisions of section 172 (b), or the corresponding provisions of prior revenue laws, even though the net operating loss deduction is not an allowable deduction for such preceding or succeeding taxable year.

(4) If an individual carries on several trades or businesses, the deductions attributable to such trades or businesses and the gross income derived therefrom shall not be aggregated in determining whether the deductions (other than the specially treated deductions) exceed the gross income derived from such trades or businesses by more than $50,000 in any taxable year. For the purposes of section 270, each trade or business shall be considered separately. However, where a particular business of an individual is conducted in one or more forms such as a partnership, joint venture, or individual proprietorship, the individual's share of the profits and losses from each business unit must be aggregated to determine the applicability of section 270. See § 1.702–1 (a) (8) (ii) and (b), relating to applicability of section 270 to a partner. Where it is established that for tax purposes a husband and wife are partners in the same trade or business or that each is participating independently of the other in the same trade or business with his and her own money, the husband's gross income and deductions from that trade or business shall be considered separately from the wife's gross income and deductions from that trade or business even though they file a joint return. Where a taxpayer is engaged in a trade or business in a community property State under circumstances such that the income therefrom is considered to be community income, the taxpayer and his spouse are treated for purposes of section 270 as two individuals engaged separately in the same trade or business and the gross income and deductions attributable to the trade or business are allocated one-half to the taxpayer and one-half to the spouse. Where several business activities emanate from a single commodity, such as oil or gas or a tract of land, it does not necessarily follow that such activities are one business for the purposes of section 270. However, in order to be treated separately, it must be established that such business activities are actually conducted separately and are not closely interrelated with each other. For the purposes of section 270, the trade or business carried on by an individual must be the same in each of the five consecutive years in which the deductions (other than the specially treated deductions) exceed the gross income derived from such trade or business by more than $50,000.

(5) For the purposes of section 270, a taxable year may be part of two or more periods of five consecutive taxable years. Thus, if the deductions (other than the specially treated deductions) attributable to a trade or business carried on by an individual exceed the gross income therefrom by more than $50,000 for each of six consecutive taxable years, the fifth year of such six consecutive taxable years shall be considered to be a part both of a five-year period beginning with the first and ending with the fifth taxable year and of a five-year period beginning with the second and ending with the sixth taxable year.

(6) For the purposes of section 270, a short taxable year required to effect a change in accounting period constitutes a taxable year. In determining the applicability of section 270 in the case of a short taxable year, items of income and deduction are not annualized.

(b) *Specially treated deductions.* (1) For the purposes of section 270 and paragraph (a) of this section, the specially treated deductions are:

(i) Taxes,

(ii) Interest,

(iii) Casualty and abandonment losses connected with a trade or business deductible under section 165 (c) (1), or the corresponding provisions of prior revenue laws,

(iv) Losses and expenses of the trade or business of farming which are directly attributable to drought,

(v) The net operating loss deduction allowed by section 172, or the corresponding provisions of prior revenue laws, and

(vi) Expenditures as to which a taxpayer is given the option, under law or regulations, either (*a*) to deduct as expenses when incurred, or (*b*) to defer or capitalize.

(2) For the purpose of subparagraph (1) (iv) of this paragraph, an individual is engaged in the "trade or business of farming" if he cultivates, operates, or manages a farm for gain or profit, either as owner or tenant. An individual who receives a rental (either in cash or in kind) which is based upon farm production is engaged in the trade or business of farming. However, an individual who receives a fixed rental (without reference to production) is engaged in the trade or business of farming only if he participates to a material extent in the operation or management of the farm. An individual engaged in forestry or the growing of timber is not thereby engaged in the trade or business of farming. An individual cultivating or operating a farm for recreation or pleasure rather than a profit is not engaged in the trade or business of farming. The term "farm" is used in its ordinarily accepted sense and includes stock, dairy, poultry, fruit, crop, and truck farms, and also plantations, ranches, ranges, and orchards. An individual is engaged in the trade or business of farming if he is a member of a partnership engaged in the trade or business of farming.

(3) In order for losses and expenses of the trade or business of farming to qualify as specially treated deductions under subparagraph (1) (iv) of this paragraph such losses and expenses must be directly attributable to drought conditions and not to other causes such as faulty management or unfavorable market conditions. In general, the following are the types of losses and expenses which, if otherwise deductible, may qualify as specially treated deductions under subparagraph (1) (iv) of of this paragraph:

(i) Losses for damages to or destruction of property as a result of drought conditions, if such property is used in the trade or business of farming or is purchased for resale in the trade or business of farming;

(ii) Expenses directly related to raising crops or livestock which are destroyed or damaged by drought. Included in this category are, for example, payments for labor, fertilizer, and feed used in raising such crops or livestock. If such crops or livestock to which the expenditures relate are only partially destroyed or damaged by drought then only a proportionate part of the expenditures is regarded as specially treated deductions; and

(iii) Expenses which would not have been incurred in the absence of drought conditions, such as expenses for procuring pasture or additional supplies of water or feed.

(4) The expenditures referred to in subparagraph (1) (vi) of this paragraph include, but are not limited to, intangible drilling and development costs in the case of oil and gas wells as provided in section 263 (c) and the regulations thereunder, and expenditures for the development of a mine or other natural deposit (other than an oil or gas well) as provided in section 616 and the regulations thereunder.

(5) The provisions of section 270 (b) do not operate to make an expenditure a deductible item if it is not otherwise deductible under the law applicable to the particular year in which it was incurred. Thus, for example, if it is necessary, pursuant to the provisions of section 270, to recompute the taxable or net income of an individual for the taxable years 1950 through 1954, the individual in making the recomputation may not deduct expenditures paid or incurred in the years 1950 through 1953 which must be capitalized under the law applicable to those years, even though the expenditures are deductible under the Internal Revenue Code of 1954.

(c) *Applicability to taxable years otherwise subject to the Internal Revenue Code of 1939.* The net income of a taxable year otherwise subject to the Internal Revenue Code of 1939 shall be recomputed pursuant to section 270 if (i) such taxable year is included in a period of five consecutive taxable years which includes at least one taxable year beginning after December 31, 1953, and ending after August 16, 1954, and (ii) the deductions (other than the specially treated deductions specified in section 270 (b)) for each taxable year in such five-year period exceed the $50,000 limitation specified in section 270. As described in paragraph (a) (5) of this section, a taxable year may be part of two or more periods of five consecutive taxable years. If a particular taxable year is part of two periods of five consecutive taxable years, one meeting the requirements for recomputation pursuant to section 130 of the Internal Revenue Code of 1939 and the other meeting the requirements for recomputation pursuant to section 270 of the Internal Revenue Code of 1954, then the recomputation for such taxable year shall be made pursuant to section 270. For example, if a calendar year taxpayer sustains a loss from a trade or business for each of the years 1949 through 1954, the years 1950, 1951, 1952, and 1953 may be a part of two such periods of five consecutive taxable years. If, however, a taxable year is part of a period of five consecutive taxable years which meets the requirements for recomputation pursuant to section 130 of the Internal Revenue Code of 1939, but is not part of a period which meets the requirements for recomputation pursuant to section 270, then a recomputation of net income for such taxable year must be made pursuant to section 130.

(d) *Redetermination of tax.* The tax imposed by chapter 1 of the Internal Revenue Code of 1954, or by the corresponding provisions of prior revenue laws, for each of the five consecutive taxable years specified in paragraph (a) of this section shall be redetermined upon the basis of the taxable income or net income of the individual, as the case may be, recomputed in the manner described in paragraph (a) of this section. If the assessment of a deficiency is prevented (except for the provisions of sections 1311 through 1315, inclusive, relating to the effect of limitations and other provisions in income tax cases) by the operation of any provision of law (e. g., sections 6501 and 6502, or the corresponding provisions of prior revenue laws, relating to the period of limitations upon assessment and collection) except section 7122, or the corresponding provisions of prior revenue laws, relating to compromises, or by any rule of law (e. g., res judicata), then the excess of the tax for such year as recomputed over the tax previously determined for such year shall be considered a deficiency for the purposes of section 270. The term "tax previously determined" shall have the same meaning as that assigned to such term by section 1314 (a). See § 1.1314 (a)–1.

(e) *Assessment of tax.* Any amount determined as a deficiency in the manner described in paragraph (d) of this section in respect of any taxable year of the five consecutive taxable years specified in paragraph (a) of this section may be assessed and collected as if on the date of the expiration of the period of limitation for the assessment of a deficiency for the fifth taxable year of such five consecutive taxable years, one year remained before the expiration of the period of limitation upon assessment for the taxable year in respect of which the deficiency is determined. If the taxable year is one in respect of which an assessment could be made without regard to section 270, the amount of the actual deficiency as defined in section 6211 (a) (whether it is greater than, equal to, or less than the deficiency determined under section 270 (c)) shall be assessed and collected. However, if the assessment of a deficiency for such taxable year would be prevented by any provision of law (e. g., the period of limitation upon the assessment of tax) except section 7122, or the corresponding provision of prior revenue laws, relating to compromises, or by the operation of any rule of law (e. g., res judicata), then the excess of the tax recomputed as described in paragraph (d) of this section over the tax previously determined may be assessed and collected even though in fact there is no actual deficiency, as defined in section 6211 (a), in respect of the given taxable year.

§ 1.271 *Statutory provisions; debts owed by political parties, etc.*

SEC. 271. *Debts owed by political parties, etc.*—(a) *General rule.* In the case of a taxpayer (other than a bank as defined in section 581) no deduction shall be allowed under section 166 (relating to bad debts) or under section 165 (g) (relating to worthlessness of securities) by reason of the worthlessness of any debt owed by a political party.

(b) *Definitions*—(1) *Political party.* For purposes of subsection (a), the term "political party" means—

(A) A political party;

(B) A national, State, or local committee of a political party; or

(C) A committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of presidential or vice-presidential electors or of any individual whose name is presented for election to any Federal, State, or local elective public office, whether or not such individual is elected.

(2) *Contributions.* For purposes of paragraph (1) (C), the term "contributions" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable.

(3) *Expenditures.* For purposes of paragraph (1) (C), the term "expenditures" includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, and includes a contract,

promise, or agreement to make an expenditure, whether or not legally enforceable.

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: September 9, 1957.

FRED C. SCRIBNER, JR.
Acting Secretary of the Treasury.

[F. R. Doc. 57-7507; Filed, Sept. 12, 1957; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, immediately after § 3.255, a new § 3.255a is added as follows:

§ 3.255a *Discontinuance and recommencement of pension to veteran who is confined in a penal institution for more than 60 days after conviction of a felony or misdemeanor (Pub. Law 85-24, act of April 25, 1957).* (a) Where any veteran in receipt of pension under a public or private law administered by the Veterans Administration is imprisoned in a Federal, State or local penal institution for more than 60 days as the result of conviction of a felony or misdemeanor, such pension payments will be discontinued effective on the 61st day of imprisonment after conviction, or June 1, 1957, whichever is the later. At the time this action is taken the veteran will be duly informed of the provisions of paragraph (d) (2) of this section, where applicable.

(b) Where a veteran whose pension has been discontinued under paragraph (a) of this section has a wife, child or children, payment of pension may, upon receipt of an informal claim either from the veteran or the eligible payee(s), from a showing of need, be made to such wife, child or children during the period of his imprisonment, commencing the day following the effective date of discontinuance of payments to the veteran, subject to prior payments to the veteran over the same period, if any. The amount of pension payable to the wife and/or child or children may not exceed either the death pension rates payable under the applicable death pension law, or the amount which the veteran was receiving at time of his imprisonment, whichever is the lesser. Continued payments during the veteran's imprisonment will be contingent upon the veteran's eligibility. However, for the purpose of determining need, the income limitations which would control if the payee(s) was receiving death pension under Public Law 484, 73d Congress, as amended, will be applicable. Payments, if otherwise in order, will continue to be made to the wife or child until notice from the veteran (constituting an informal claim) is received in the Veterans Administration that the veteran's imprisonment has terminated.

(c) When an imprisoned veteran is entitled to a lesser rate of disability compensation, such rate will be awarded as of the 61st day of his imprisonment in lieu of the pension he was receiving, provided (1) he is a single man (no wife or child) or (2) from the date he requests such action, when married.

(d) (1) Pension payments to a veteran having a wife, child or children to whom an apportionment is being made will be recommenced effective the day of his release from incarceration, such payments to consist of the difference, if any, between his full pension entitlement and the amount paid his wife and/or child or children through the date of last payment and thereafter the full pension, provided the Veterans Administration is notified by the veteran of such release (notice constituting an informal claim).

(2) If the veteran has no wife or child, or no wife or child to whom an apportionment is being made, pension payments will be recommenced effective the day of his release from incarceration provided the Veterans Administration is notified by him of such release (the notice constituting an informal claim) within 1 year from the date thereof. If notice is not received within such time limit, payments may be resumed only from the date of receipt of the notice, if otherwise entitled.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, as amended, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interprets or applies Pub. Law 85-24; 71 Stat. 25)

2. In Part 4, paragraph (k) of § 4.86 is amended to read as follows:

§ 4.86 *Public Law 2, 73d Congress (act of March 20, 1933), as amended; sections 28 and 31, Title III, Public Law 141, 73d Congress (act of March 28, 1934), as amended; Public Law 484, 73d Congress (act of June 28, 1934), as amended; and Public Law 301, 79th Congress (act of February 18, 1946).* • • •

(k) *Election to receive Bureau of Employees' Compensation benefits.* Payment of death compensation or pension to any payee under any law administered by the Veterans Administration shall be discontinued effective the end of the month following the month in which there is received from the Bureau of Employees' Compensation, Department of Labor, notice that such payee has elected to receive benefits from that agency based upon military service in lieu of death compensation or pension from the Veterans Administration: *Provided*, That where payments of death compensation or pension to a widow are discontinued because of her election to receive benefits from the Bureau of Employees' Compensation, Department of Labor, payments to any child or children of the veteran, regardless of whether they are in the widow's custody, will be discontinued effective the same date,

3. Immediately after § 4.86, a new § 4.87 is added as follows:

§ 4.87 *Discontinuance and recommencement of pension to widow or child who is confined in a penal institution for more than 60 days after conviction of a felony or misdemeanor (Pub. Law 85-24, act of April 25, 1957).* (a) Where a widow or child to or for whom death pension is being paid under a public or private law administered by the Veterans Administration is imprisoned in a Federal, State or local penal institution for more than 60 days as a result of conviction of a felony or misdemeanor, such death pension payments will be discontinued effective on the 61st day of imprisonment after conviction, or June 1, 1957, whichever is the later. At the time this action is taken the payee will be duly informed of the provisions of paragraph (c) of this section.

(b) Where the widow or child of a veteran is disqualified for any period solely by reason of the application of paragraph (a) of this section, payment may, if the widow is disqualified, be made to the child or children, of the death pension that would be payable if there were no such widow or, if a child is disqualified there may be paid to the widow or other child or children the death pension which would be payable if there were no such child. Payment will be made to the eligible person(s) commencing the day following the effective date of discontinuance of payments to the disqualified person subject to prior payments to the disqualified person over the same period, if any. The annual income limitation applicable to the eligible person will be that which would apply if the imprisoned person did not exist. Payments will continue to be made, if otherwise in order, to the eligible person(s) until notice is received in the Veterans Administration that the person's imprisonment has terminated.

(c) Recommencement of benefits to a widow or to or for a child who was imprisoned will be made of the difference, if any, between the pension being paid during imprisonment and that otherwise payable from the date of release from incarceration, if notice of release is received by the Veterans Administration from the formerly incarcerated person within one year from the date of release (such notice constituting an informal claim). If notice is not received within such time limit, payments will be recommenced from the date of receipt of notice, if otherwise entitled.

(Interprets or applies Pub. Law 85-24, 71 Stat. 25)

4. In § 4.424, a new subparagraph (3) is added to paragraph (e) to read as follows:

§ 4.424 *Right of election.* • • •

(e) *Bureau of Employees' Compensation cases.* • • •

(3) Election by a widow controls the rights of the veteran's children, including children not in the widow's custody, and children who are not eligible to receive benefits under laws administered by the Bureau of Employees' Compensation.

5. In § 4.461, a new paragraph (d) is added as follows:

§ 4.461 *General.* • • •

(d) *Bureau of Employees' Compensation cases.* The discontinuance of dependency and indemnity compensation to any payee shall be effective the end of the month following the month in which there is received from the Bureau of Employees' Compensation notice that such payee has elected to receive benefits from that agency based upon military service, in lieu of dependency and indemnity compensation. Where payments to a widow are discontinued, payments to any child of the veteran shall be discontinued effective the same date.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, as amended, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective September 13, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-7508; Filed, Sept. 12, 1957; 8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.330]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

IMMIGRANT CLASSIFICATION SYMBOLS

Part 42, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respect:

Section 42.3 *Immigrant classification symbols* is amended by the addition of the following paragraph:

(d) The following symbols shall be used in the cases of nonquota immigrants who qualify for the benefits of the act of September 11, 1957 (Public Law 85-316).

Class	Section of the act	Symbol to be inserted in visa
Eligible orphan adopted abroad	4 (b) (2) (A)	K-1
Eligible orphan to be adopted	4 (b) (2) (B)	K-2
Spouse or child of adjusted first preference immigrant	9	K-3
Beneficiary of first preference petition approved prior to July 1, 1957	12	K-4
Spouse or child of beneficiary of first preference petition approved prior to July 1, 1957.	12	K-5
Beneficiary of second preference petition approved prior to July 1, 1957	12	K-6
Beneficiary of third preference petition approved prior to July 1, 1957	12	K-7
German expellee	15 (a) (1)	K-8
Netherlands refugee or relative	15 (a) (2)	K-9
Refugee-escapee	15 (a) (3)	K-10

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: August 30, 1957.

RODERIC L. O'CONNOR,
Administrator,
Bureau of Security and Consular Affairs.

[F. R. Doc. 57-7381; Filed, Sept. 12, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1482]

[2084557]

TENNESSEE

ENLARGING TENNESSEE NATIONAL WILDLIFE REFUGE

Whereas, on December 21, 1956, the Tennessee Valley Authority and the United States Department of the Interior entered into an agreement, designated as Supplement No. 1 to Contract No. TV-91534, providing for the transfer by the Authority to the Department of certain rights with respect to lands therein designated and described in the Counties of Benton, Humphreys and Decatur, State of Tennessee, so that such lands might be reserved and used as a part of the Tennessee National Wildlife Refuge heretofore established by Executive Order No. 9670, of December 28, 1945, all in accordance with the terms and conditions of the agreement, and subject to the approval of the agreement by the Director of the Bureau of the Budget and to the issuance of a Public Land Order extending the Tennessee National Wildlife Refuge to include the said lands; and

Whereas, the agreement between the Tennessee Valley Authority and the Department of the Interior was approved by the Director of the Bureau of the Budget on May 3, 1957; and

Whereas, it appears that the extension of the boundaries of the Tennessee National Wildlife Refuge as contemplated by the agreement will further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222) and is in the public interest;

Now, therefore, by virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, I hereby reserve and set apart for use of the Department of the Interior as a refuge and wildlife management area for migratory birds and other wildlife, the additional lands designated and described for that purpose in the said agreement of December 21, 1956, between the Tennessee Valley Authority and the United States Department of the Interior, designated as Supplement No. 1 to Contract No. TV-91534, such reservation to be in accordance with, and subject to, the terms and conditions of the said agreement.

This reservation shall be a part of the Tennessee National Wildlife Refuge.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7524; Filed, Sept. 12, 1957; 8:52 a. m.]

[Public Land Order 1483]

[Utah 016431]

UTAH

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS RECREATION AREAS, ADMINISTRATIVE SITES, AND ROADSIDE ZONE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws or the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas, administrative sites, and a roadside zone as indicated:

SALT LAKE MERIDIAN

ASHLEY NATIONAL FOREST

Hoop Lake Recreation Area:
T. 2 N., R. 16 E., unsurveyed,
Sec. 9, NE¼NE¼, S½NE¼, and N½SE¼;
Sec. 10, NW¼ and N½SW¼.
The areas described aggregate 440 acres.

WASATCH NATIONAL FOREST

Henrys Fork Bridge Recreation Area:
T. 2 N., R. 14 E., unsurveyed,
Sec. 1, SW¼NW¼ and NW¼SW¼;
Sec. 2, SE¼NE¼ and NE¼SE¼.
The areas described aggregate 160 acres.
Upper Henrys Fork Recreation Area:
T. 2 N., R. 14 E., unsurveyed,
Sec. 14, SW¼NW¼ and NW¼SW¼;
Sec. 15, SE¼NE¼ and NE¼SE¼.
The areas described aggregate 160 acres.
China Meadows Recreation Area:
T. 2 N., R. 14 E., unsurveyed,
Sec. 6, SW¼;
Sec. 7, NW¼.
The areas described aggregate 320 acres.
Marsh Lake Recreation Area:
T. 3 N., R. 14 E.,
Sec. 30, S½SE¼;
Sec. 31, N½NE¼.
The areas described aggregate 160 acres.
Beaver Recreation Area:
T. 2 S., R. 7 E.,
H. E. S. No. 100 located in:
Sec. 27, NW¼ and W½NE¼;
Sec. 28, NE¼.
The areas described aggregate 116.61 acres.
Bridger Lake Recreation Area:
T. 3 N., R. 14 E.,
Sec. 29, S½NW¼ and N½SW¼.
The areas described aggregate 160 acres.

White Squaw Recreation Area:
T. 3 S., R. 3 E., unsurveyed,
Sec. 9, E½NE¼, unpatented portions;
Sec. 10, W½NW¼, unpatented portions.
The areas described aggregate approximately 14 acres.

Albion Basin Recreation Area:
T. 3 S., R. 3 E., unsurveyed,
Sec. 4, S½NW¼, unpatented portions, S½N½NW¼, SW¼, W½SE¼SE¼, and W½SE¼; unpatented portions;
Sec. 9, NW¼, unpatented portions, W½NE¼, N½SW¼, and NW¼NW¼SE¼; unpatented portions;
Sec. 8, E½SE¼, unpatented portions.
The areas described aggregate approximately 517 acres.

Bald Mountain Recreation Area:
T. 3 S., R. 3 E., unsurveyed.
Sec. 8, SE¼NW¼, unpatented portions, SW¼NE¼, NE¼SW¼, and NW¼SE¼, unpatented portions.
The areas described aggregate approximately 53 acres.

Peruvian Recreation Area:
T. 3 S., R. 3 E., unsurveyed,
Sec. 7, NE¼, unpatented portions, E½NW¼, and SE¼, unpatented portions;
Sec. 8, NW¼NW¼, unpatented portions.
The areas described aggregate approximately 163 acres.

Bridger Lake Administrative Site:
T. 3 N., R. 14 E.,
Sec. 29, SW¼SW¼ and W½SE¼SW¼;
Sec. 32, W½NW¼.
The areas described aggregate 140 acres.

Mt. Olympus Powder Magazine Administrative Site:
T. 2 S., R. 1 E.,
Sec. 11, SE¼NE¼ and NE¼SE¼.
The areas described aggregate 80 acres.

Kamas-Evanston (Utah #150) Highway Roadside Zone:
A strip of land 300 feet on each side of the center line of Kamas-Evanston (Utah #150) Highway through the following legal subdivisions:

Salt Lake Principal Meridian:
T. 1 N., R. 9 E.,
Sec. 24, NE¼SE¼, NE¼SW¼NE¼, and E½NE¼;
Sec. 25, W½SW¼, E½NW¼, NE¼SW¼;
Sec. 36, W½SW¼ and N½NW¼NW¼.
T. 1 N., R. 10 E.,
Sec. 5, lots 3, 4, W½SW¼, and SW¼NW¼;
Sec. 7, SE¼SE¼NE¼ and SE¼;
Sec. 18, lot 2, E½NW¼, and NW¼NE¼.
The areas described aggregate approximately 490 acres.

Uinta Special Meridian:
T. 3 N., R. 9 W.,
Sec. 3, lot 3.
T. 4 N., R. 9 W.,
Sec. 23, lot 5;
Sec. 26, NW¼SW¼, N½SE¼, S½NW¼; and NE¼;
Sec. 27, lot 4, SE¼SW¼, and NE¼SE¼;
Sec. 34, E½SW¼, E½NW¼, and NE¼.
The areas described aggregate approximately 440 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7525; Filed, Sept. 12, 1957; 8:52 a. m.]

[Public Land Order 1484]

[Anchorage 022116]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF UNITED STATES COAST GUARD AS POINT HIGGINS RADIO STATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use of the United States Coast Guard in connection with the operation and maintenance of the Point Higgins Radio Station:

Beginning at a point from which Corner No. 9, U. S. Survey No. 3275 bears West, 4.484 chains, thence,
S. 89°24' E., 68.70 chains approximately, to Corner No. 3, U. S. S. 3022;
S. 85°08'30" E., 2.692 chains to Corner No. 13, U. S. S. 2808;
East, 16.48 chains;
South, 40.00 chains;
West, 87.88 chains;
North, 41.00 chains approximately, to point of beginning.

The tract described contains approximately 356 acres.

Public Land Order No. 842 of June 19, 1952, so far as it withdrew the lands for classification, is hereby revoked.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7526; Filed, Sept. 12, 1957; 8:52 a. m.]

[Public Land Order 1485]

[Nevada 045218]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY AS ARMY RESERVE TRAINING CENTER; PARTIALLY REVOKING PUBLIC LAND ORDER NO. 338 OF JANUARY 7, 1947

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Army as an Army Reserve training center.

MOUNT DIABLO MERIDIAN

T. 21 S., R. 61 E.,
Sec. 1, E½SE¼SE¼SW¼.

The tract described contains 5 acres.

Public Land Order No. 338 of January 7, 1947, withdrawing lands under the jurisdiction of the Bureau of Land Management for an administrative site, is hereby revoked so far as it affects the above-described lands.

It is the intent of the order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable public land mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7527; Filed, Sept. 12, 1957; 8:52 a. m.]

[Public Land Order 1486]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES PARTLY REVOKING PUBLIC LAND ORDER NO. 225 OF APRIL 21, 1944

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for administration or transfer in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

[Anchorage 033093]

(a) SEWARD AREA

Beginning at a point at mean high water on the north shore of Thumb Cove, Resurrection Bay, on the east side of the Kenai Peninsula, Alaska, at latitude 60°04'45" N., longitude 149°18'30" W., thence,
North, 12.00 chains;
East, 42.00 chains;
South, 42.00 chains;
S. 45° W., 64.00 chains;
N. 45° W., 8.00 chains to a point at mean high tide on the south shore of Thumb Cove whence Thumb Cove Light bears approximately N. 70° W.;
Northeasterly, northerly, and westerly along the mean high tide line of Thumb Cove to point of beginning.
The tract described contains 140 acres.

[Anchorage 033230]

(b) PAXSON AREA

TRACT "A"

Beginning at a point on the East bank of the Gulkana River at the confluence of the Middle Fork (Gulkana River) and the Gulkana River, thence,
Southerly, 15.00 chains along the east bank of Gulkana River;
Easterly, 15.00 chains;
Northerly, 48.00 chains to the south bank of the Gulkana River;
Southwesterly, 50.00 chains downstream along the southern and eastern bank of the Gulkana River to point of beginning.
The tract described contains 95 acres.

TRACT "B"

A strip of land parallel to and 5 chains in width extending approximately 160 chains along the south bank of the Gulkana River from the east boundary of the above-described tract to a point immediately south of Huffman's cabin on the outlet of Paxson Lake.
The tract described contains 80 acres.

[Anchorage 033232]

(c) STEPHAN AND SEVENMILE LAKE AREA

TRACT "A"

Beginning at a point identified by a 10" birch marked PSSWCMC1, on the southwesterly shore of Stephan Lake, latitude 61°28'45" N., longitude 149°56'56" W., thence,
S. 18° E., 0.15 chain;
S. 41°31' E., 2.41 chains;
N. 45° E., 4.15 chains;
N. 50° W., 2.82 chains;
Thence with meanders of Stephan Lake,
N. 10° W., 2.61 chains;
N. 16° E., 1.85 chains;
N. 19° W., 1.52 chains;
N. 72° W., 1.73 chains;
S. 71° W., 1.65 chains;
S. 52° W., 1.55 chains, thence leaving the shore;
S. 18° E., 8.18 chains to point of beginning.
The tract described contains 3.87 acres.

TRACT "B"

Beginning at a point identified by an 8" spruce marked PSSWCMC1, on the northwest shore of Sevenmile Lake, latitude 61°27'50" N., longitude 149°56'05" W., thence,
S. 77° E., 0.15 chain to shore of lake thence with meanders of Sevenmile Lake;
S. 13° W., 3.50 chains;
S. 36° W., 1.55 chains;
S. 59° W., 2.12 chains;
S. 70°15' W., 2.72 chains, thence leaving the shore;
N. 18° W., 5.00 chains;
N. 40° E., 3.85 chains;
S. 77° E., 5.00 chains to the point of beginning.
The tract described contains 3.69 acres.

TRACT "C"

Beginning at a point identified by a 6" spruce marked PSSMC1, on the southwest shore of Sevenmile Lake, latitude 61°27'33" N., longitude 149°56'30" W., thence by meanders of the Lake.
N. 74° E., 4.55 chains;
N. 85° E., 0.73 chains;
S. 54° E., 0.89 chains;
S. 32° E., 2.21 chains;
S. 22° E., 2.53 chains, thence leaving the the shore;
S. 68° W., 5.00 chains;
N. 31°45' W., 6.25 chains to point of beginning.
The tract described contains 3.12 acres.

TRACT "D"

Beginning at a point identified by an 8" spruce marked PSSWCMC1 on the west shore of an unnamed lake southwest of Stephan Lake, latitude 61°28'08" N., longitude 149°57'50" W., thence,
N. 46°30' E., 0.33 chains to shore of lake thence with meanders of the lake;
S. 65° E., 1.68 chains;
S. 72°30' E., 1.56 chains;
S. 45° E., 1.12 chains;
S. 3° E., 1.83 chains;
S. 36° W., 2.18 chains;
S. 25 W., 1.91 chains;
S. 59° W., 2.85 chains;
S. 53° W., 2.83 chains;
S. 61° W., 2.36 chains, thence leaving the shore;
N. 42° W., 5.00 chains;
N. 46°30' E., 11.48 chains to point of beginning.
The tract described contains 7.14 acres.

2. The withdrawal made by paragraph 1 (a) of this order shall be subject to Executive Order No. 8877 of August 29, 1941, withdrawing public lands for use of the War Department, so far as the latter order affects any of the lands described.

3. Public Land Order No. 225 of April 21, 1944, withdrawing public lands for classification, is hereby revoked so far as it affects the lands in paragraph 1 (b) of this order.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7528; Filed, Sept. 12, 1957; 8:52 a. m.]

[Public Land Order 1487]

[280796]

NEVADA

ABOLISHING NEVADA NATIONAL FOREST, TRANSFERRING ITS LANDS TO HUMBOLDT AND TOIYABE NATIONAL FORESTS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Department of Agriculture, it is ordered as follows:

1. The national forest lands in the following-described townships, now comprising that part of the Nevada National Forest defined by Proclamation No. 839 of February 10, 1909, and as subsequently modified by Proclamations Nos. 1221 of October 28, 1912, and 1509 of January 25, 1919, and Executive Orders Nos. 5863 of June 23, 1932, and 7884 of May 9, 1938, are hereby transferred to and consolidated with the Humboldt National Forest:

MOUNT DIABLO MERIDIAN

Tps. 2 and 3 N., R. 55 E., unsurveyed.
T. 4 N., R. 55 E.
Tps. 2, 3, and 4 N., R. 56 E., unsurveyed.
T. 3 N., R. 57 E.
Tps. 4, 5, 6, 12, 13, 14, and 15 N., R. 57 E., unsurveyed.
Tps. 16 and 17 N., R. 57 E.
Tps. 4, 5, and 6 N., R. 58 E., unsurveyed.
T. 11 N., R. 58 E., partly unsurveyed.
T. 12 N., R. 58 E., unsurveyed.
T. 13 N., R. 58 E., partly unsurveyed.
Tps. 14, 15, 16, and 17 N., R. 58 E.
T. 11 N., R. 59 E.
T. 12 N., R. 59 E., unsurveyed.
T. 13 and 14 N., R. 59 E.
T. 15 N., R. 59 E., unsurveyed.
Tps. 16 and 17 N., R. 59 E.
Tps. 11, 12, and 13 N., R. 60 E.
T. 14 N., R. 60 E.
Tps. 14, 15, and 16 N., R. 62 E.
Tps. 14, 15, and 16 N., R. 63 E.
Tps. 15, 16, and 17 N., R. 64 E.
T. 21 N., R. 64 E., partly unsurveyed.
T. 22 N., R. 64 E.
Tps. 14, 15 and 16 N., R. 65 E.
Tps. 17, 18 and 19 N., R. 65 E., partly unsurveyed.
T. 20 N., R. 65 E., unsurveyed.
Tps. 21 and 22 N., R. 65 E.
Tps. 14, 15, 16, 17, 18 and 19 N., R. 66 E., partly unsurveyed.
T. 20 N., R. 66 E.
T. 10 N., R. 68 E., unsurveyed.
T. 11 N., R. 68 E., partly unsurveyed.
T. 12 N., R. 68 E., unsurveyed.
T. 13 N., R. 68 E., partly unsurveyed.
Tps. 14 and 15 N., R. 68 E.
T. 16 N., R. 68 E., partly unsurveyed.
T. 17 N., R. 68 E.
Tps. 10, 11 and 12 N., R. 69 E., unsurveyed.
T. 13 N., R. 69 E., partly unsurveyed.
Tps. 14 and 15 N., R. 69 E.
Tps. 16 and 17 N., R. 69 E., unsurveyed.
T. 10 N., R. 70 E., partly unsurveyed.
Tps. 11, 12 and 13 N., R. 70 E.
Tps. 15, 16 and 17 N., R. 70 E.

2. The national forest lands in the following-described townships, now comprising that part of the Nevada National Forest defined by Proclamation of November 5, 1906 (34 Stat. 3252), as the Charleston Forest Reserve, and as subsequently modified by Executive Orders Nos. 908 of July 2, 1908, 1174 of December 8, 1911, 2162 of April 6, 1915, and 7607 of April 19, 1937, and by Proclamations Nos. 833 of January 21, 1909, 1134 of May 10, 1916, and 1465 of July 12, 1918, are hereby transferred to and consolidated with the Toiyabe National Forest:

MOUNT DIABLO MERIDIAN

Tps. 18 and 19 S., R. 55 E.
Tps. 18, 19 and 20 S., Rs 56 and 57 E.

3. It is not intended by this order to give a national forest status to any publicly owned lands which have not hitherto had such a status, or to change the status of any publicly owned lands which have hitherto had national forest status.

4. This order shall be effective on October 1, 1957.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7529; Filed, Sept. 12, 1957; 8:53 a. m.]

[Public Land Order 1488]

(Fairbanks 010504)

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for administration or transfer in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

1. MOON LAKE CAMPGROUND

Begining at a point on the centerline of the Alaska Highway at mile post 1338, latitude 63°23' N., longitude 143°30'W., thence,
Southeasterly, 4.40 chains along the centerline;

N. 16° E., 16.60 chains to a point on the line of mean high water Moon Lake, thence following the line of mean high water the following five courses;
S. 73° W., 0.71 chains;
N. 84° W., 1.55 chains;
N. 78° W., 2.16 chains;
N. 72° W., 2.96 chains;
N. 62° W., 2.86 chains;
S. 16° W., 16.15 chains to a point on the centerline of the Alaska Highway;
Southeasterly 5.80 chains along the centerline to the point of beginning;
The tract described contains 14.85 acres.

2. RETREAT CAMPGROUND

Beginning at a point on the centerline of the Steese Highway from which Milepost 36 bears westerly 2.50 chains, latitude 65°11'49" N., longitude 147°16' W., thence,
Northerly, 100 feet to a point from which M. P. 36 bears S. 50°30' W., 3.98 chains;
N. 70°30' W., 10.00 chains;
N. 80°00' W., 3.35 chains;
N. 20°00' W., 1.80 chains to line of mean high water on the left limit of Chatanika River;
Thence along said line of mean high water upstream,
N. 70°30' E., 1.29 chains;
N. 68°00' E., 1.35 chains;
N. 72°00' E., 1.58 chains;
N. 46°00' E., 9.00 chains;
N. 59°00' E., 4.12 chains;
N. 66°00' E., 1.03 chains;
S. 86°00' E., 1.84 chains;
S. 89°00' E., 1.67 chains;
S. 75°00' E., 1.87 chains;
S. 76°00' E., 2.36 chains;
S. 65°00' E., 1.73 chains;
S. 63°00' E., 1.49 chains;
S. 60°30' E., 1.05 chains;
Thence leaving line of mean high water,
S. 8°00' E., 13.39 chains to a point on the centerline of Steese Highway;
S. 82°00' W., 15.18 chains along centerline to point of beginning.
The tract described contains 34.30 acres.

3. CHATANIKA RIVER BRIDGE CAMPGROUND

Beginning at a point on the centerline of Steese Highway at the north bank of the Chatanika River and north end of the river bridge, latitude 65°12' N., longitude 147°15' W., thence,
N. 29° W., 10.00 chains along said centerline;
West, 10.00 chains;
South, 8.72 chains to the north bank of Chatanika River;
East, 14.80 chains along north bank to point of beginning.
The tract described contains 9.40 acres.

4. MILE 47 STEESE CAMPGROUND

Beginning at a point from which Milepost 47, Steese Highway, bears N. 75°30' E., 13.20 chains, latitude 65°13'30" N., longitude 146° 58' W., thence,
South, 2.30 chains to line of mean high water of Chatanika River;
Thence along the line of mean high water,
West, 0.50 chains;
N. 42° W., 1.51 chains;
West, 2.26 chains;
S. 29°30' W., 1.23 chains;
S. 61°30' W., 2.25 chains;
S. 41° W., 1.50 chains;
S. 62° W., 2.43 chains;
N. 33° W., 1.42 chains;
N. 53° W., 5.40 chains;
N. 80°30' W., 2.00 chains;
S. 80°30' W., 2.00 chains, thence leaving the shore line;
North, 5.70 chains;
East, 9.38 chains;
S. 53°30' E., 6.65 chains;
S. 75°00' E., 2.60 chains;
N. 80°00' E., 1.15 chains to the point of beginning.
The tract described contains 7.80 acres.

5. TOLOVANA CAMPGROUND

Beginning at a point on the centerline of the Elliot Highway at the south end of the bridge crossing the Tolovana River, latitude 65°10' N., longitude 148°17' W., thence,
Southerly, 9.68 chains along centerline;
S. 61° W., 5.95 chains;
N. 28°30' W., 19.50 chains;
N. 70°30' E., 7.20 chains to a point on the centerline of the Elliot Highway;
Southerly, 6.05 chains along centerline to point of beginning.
The tract described contains 8.80 acres.

6. BEDROCK CREEK CAMPGROUND

Beginning at a point on the centerline of Steese Highway at its crossing of Bedrock Creek, latitude 65°35' N., longitude 145°03' W., thence,
S. 53° W., 7.02 chains along centerline;
N. 23° W., 20.80 chains;
N. 67° E., 17.70 chains;
S. 23° E., 18.39 chains to a point on the centerline of Steese Highway;
Southwesterly, 11.00 chains along centerline to point of beginning.
The tract described contains 15.40 acres.

7. DEADMAN LAKE CAMPGROUND

Beginning at a point on the line of mean high water of Deadman Lake, thence,
N. 45° E., 8.00 chains to a point from which milepost 1250 Alaska Highway bears S. 65° E., 1.33 miles;
N. 45° W., 20.00 chains;
S. 45° W., 8.00 chains to a point on line of mean high water on Deadman Lake;
Southeasterly, 21.00 chains along line of mean high water to point of beginning.
The tract described contains 20.00 acres.

8. TOK RIVER CAMPGROUND

Beginning at a point on the centerline of the Alaska Highway and the east end of the Tok River bridge, latitude 63°20'12" N., longitude 142°59' W., thence,
S. 75°45' E., 5.00 chains along centerline;
N. 10°15' E., 5.40 chains to a point on line of mean high water of Tok River.
Thence following line of mean high water,
N. 81° W., 5.80 chains;
N. 88° W., 1.17 chains;
S. 75° W., 0.41 chains;
S. 37°30' W., 0.91 chains;
S. 16° W., 4.00 chains, thence leaving line of mean high water;
S. 75°45' E., 3.00 chains to point of beginning.
The tract described contains 4.10 acres.

9. CLEARWATER CAMPGROUND

Beginning at corner No. 1, U. S. Survey No. 2840, latitude 64°03'30" N., longitude 145°32' W., thence,
North, 5.00 chains;
East, 19.00 chains;
South, 23.00 chains parallel with portion of west boundary of R. R.;
West, 22.38 chains;
North, 12.03 chains to corner 2, U. S. S. 2840;
N. 29°30' E., 6.86 chains to point of beginning.
The tract described contains 48.14 acres.

The areas described aggregate approximately 163 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F .R. Doc. 57-7530; Filed, Sept. 12, 1957; 8:53 a. m.]

[Public Land Order 1489]

[Anchorage 025583]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES AS NANCY LAKE RECREATION AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for recreational purposes:

SEWARD MERIDIAN

T. 19 N., R. 4 W.,
Sec. 28, lots 9 and 26;
Sec. 33, lot 54;
Sec. 34, lots 20, 21, 28, and 29.

The areas described aggregate 53.42 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7531; Filed, Sept. 12, 1957; 8:53 a. m.]

[Public Land Order 1490]

[Anchorage 033231]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for administration or transfer in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

Beginning at a point on the west extremity of a small peninsula on the southeasterly shore of Landmark Gap Lake, latitude 63°06'20" N., longitude 146°04'34" W., thence
Southeasterly, 10 chains along shoreline;
Easterly, 2 chains;
Northerly, 15 chains;
Westerly, 2 chains to shoreline;
Southwesterly, 10 chains along shoreline to point of beginning.

The tract described contains 7 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7532; Filed, Sept. 12, 1957; 8:53 a. m.]

[Public Land Order 1491]

[Fairbanks 014046]

ALASKA

REVOKING EXECUTIVE ORDER NO. 8305 OF DECEMBER 19, 1939 AS AMENDED, WHICH WITHDREW LANDS FOR USE OF WAR DEPARTMENT; RESERVING LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8305 of December 19, 1939, as amended and modified by Public Land Order Nos. 679 of October 26, 1950, and 743 of August 16, 1951, which reserved the following-described lands for use of the War Department, is hereby revoked:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 5, lots 2, 3, and 4.
T. 1 N., R. 1 W.,
Sec. 32, N½, SW¼, N½SE¼, and SW¼SE¼.

The area described contains 718.99 acres.

2. Subject to valid existing rights the following-described lands which are a part of the lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force as a technical service site:

FAIRBANKS MERIDIAN

That portion of the W½ of the W½ of section 32, Township 1 North, Range 1 West described by metes and bounds as follows:
Starting at the common corner of sections 30, 29, 31, and 32 thence 900 feet south following the section line between sections 32 and 31 to the point of beginning;
Thence 1,000 feet east on a line parallel to the section line between sections 29 and 32;
Thence 2,400 feet south following a line parallel to the section line common to sections 31 and 32;
Thence 1,000 feet west on a line parallel to the section line common to sections 29 and 32;
Thence 2,400 feet north following the section line common to sections 31 and 32 to the point of beginning.

The area described contains approximately 55.1 acres.

3. Of the lands released by paragraph 1 of this order, approximately 1.90 acres in the southeast corner of lot 2, sec. 5, T. 1 S., R. 1 W., was reserved by Public Land Order No. 743 of August 16, 1951 for use of the Department of Agriculture, Soil Conservation Service. The remaining lands have been conveyed to the University of Alaska through the General Services Administration.

4. It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7533; Filed, Sept. 12, 1957; 8:53 a. m.]

[Public Land Order 1492]

[Colorado 011662]

COLORADO

RESERVING PUBLIC LANDS WITHIN ROUTT NATIONAL FOREST FOR USE OF FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS CAMP GROUNDS, RECREATION AREAS AND ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Routt National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as indicated:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

Lynx Pass Administrative Site:
T. 2 N., R. 83 W.,
Sec. 27, NE¼.

The area described contains 160 acres.

Crosho Lake Recreation Area:
T. 2 N., R. 86 W.,
Sec. 4, lots 16 and 20;
Sec. 5, E½SE¼.
The areas described aggregate 152.46 acres.
Pyramid Administrative Site:
T. 2 N., R. 88 W.,
Sec. 12, NE¼SW¼, E½NW¼SW¼, N½S½SW¼, SW¼SE¼SW¼, S½SW¼SW¼, NW¼NW¼SE¼;
Sec. 13, NW¼NE¼NW¼, and N½NW¼NW¼.
The areas described aggregate 170 acres.
Vaughn Lake Recreation Area:
T. 2 N., R. 88 W.,
Sec. 22, Area located in approximately NE¼ Sec. 22 (unsurveyed). West end of centerline of reservoir dam bears N. 8°04'14" E., 6,413.09 feet to section corner common to secs. 10, 11, 14, and 15, T. 2 N., R. 88 W., Beginning at west end of centerline of dam; thence west 1,270 feet, thence south 2,000 feet, thence east 2,000 feet, thence north 2,000 feet and thence west 730 feet to point of beginning.
The tract described contains 91.8 acres.
Oak Creek Administrative Site:
T. 3 N., R. 87 W.,
Sec. 36, W½ lot 10, and E½SE¼SW¼.
The areas described aggregate 40 acres.
Parkview Camp Ground:
T. 5 N., R. 78 W.,
Sec. 23, E½SE¼SE¼;
Sec. 24, W½SW¼SW¼;
Sec. 25, W½NW¼NW¼;
Sec. 26, E½NE¼NE¼.
The areas described aggregate 80 acres.
Bundy Park Camp Ground:
T. 5 N., R. 80 W.,
Sec. 14, SW¼SW¼.
The area described contains 40 acres.
Yampa View Camp Ground:
T. 5 N., R. 84 W.,
Sec. 26, SE¼SW¼NE¼, SW¼SE¼NE¼, NE¼NW¼SE¼, and NW¼NE¼SE¼.
The areas described aggregate 40 acres.
Pines Camp Ground:
T. 6 N., R. 77 W.,
Sec. 14, W½NW¼SW¼;
Sec. 15, E½NE¼SE¼.
The areas described aggregate 40 acres.
Teal Lake-Tiago Lake Recreation Area:
T. 7 N., R. 82 W.,
Sec. 16, NW¼NW¼NE¼, NE¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼, W½SW¼NW¼, N½SE¼SW¼NW¼, and NW¼NW¼SW¼.
The areas described aggregate 105 acres.
Rainbow Lake Recreation Area:
T. 8 N., R. 82 W.,
Sec. 19, E½SE¼;
Sec. 20, SW¼, and NW¼SE¼.
The areas described aggregate 280 acres.
Seedhouse Administrative Site:
T. 9 N., R. 84 W.,
Sec. 2, lots 6, 7, SW¼NE¼, and SE¼NW¼.
The areas described aggregate 160.64 acres.
California Park Administrative Site:
T. 9 N., R. 87 W.,
Sec. 2, W½NW¼NW¼;
Sec. 3, NE¼NE¼.
T. 10 N., R. 87 W.,
Sec. 34, SE¼SE¼;
Sec. 35, W½SW¼SW¼.
The areas described aggregate 120 acres.
Slater Park Camp Ground:
T. 10 N., R. 87 W.,
Sec. 9, N½NW¼NE¼.
The area described contains 20 acres.
Summit Creek Administrative Site:
T. 11 N., R. 86 W.,
Sec. 25, SE¼.
The area described contains 160 acres.
Hog Park Administrative Site:
T. 12 N., R. 84 W.,
Sec. 16, lots 1 and 2;
Sec. 21, N½NE¼.
The areas described aggregate 143.8 acres.
Whiskey Park Administrative Site:
T. 12 N., R. 85 W.,
Sec. 27, SW¼SW¼NW¼, and W½NW¼SW¼;
Sec. 28, SE¼SE¼NE¼, and E½NE¼SE¼.
The areas described aggregate 60 acres.
Whiskey Creek Camp Ground:
T. 12 N., R. 85 W.,
Sec. 22, W½SE¼SW¼, and E½SW¼SW¼.
The areas described aggregate 40 acres.

The areas described aggregate 1903.70 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes, and shall be subject to existing withdrawals for power purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7534; Filed, Sept. 12, 1957; 8:54 a. m.]

[Public Land Order 1493]

[Colorado 016619]

COLORADO

RESERVING PUBLIC LANDS WITHIN ROOSEVELT NATIONAL FOREST FOR USE OF FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS RECREATION AREAS AND ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands within the Roosevelt National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as indicated:

ROOSEVELT NATIONAL FOREST

Brown Park Campground:
T. 10 N., R. 76 W.,
Sec. 33, NE¼NW¼, N½SE¼NW¼.
Chambers Lake Campground:
T. 7 N., R. 75 W.,
Sec. 6, SE¼SW¼, E½SW¼SW¼;
Sec. 7, NW¼SE¼NW¼, NW¼NW¼NE¼.
Hooligan Roost Campground:
T. 10 N., R. 76 W.,
Sec. 29, S½NW¼SE¼, N½SW¼SE¼.
Skyline Campground:
T. 8 N., R. 75 W.,
Sec. 19, E½ Lot 1, NE¼ Lot 2.
Tunnel Campground:
T. 8 N., R. 75 W.,
Sec. 7, S½ Lot 3, N½ Lot 4, NE¼SW¼, NW¼SE¼SW¼.
Bellaire Lake Campground:
T. 9 N., R. 73 W.,
Sec. 6, NW¼SE¼, SW¼NE¼, E½NE¼SW¼.
Sleeping Elephant Campground:
T. 8 N., R. 75 W.,
Sec. 11, NE¼NE¼NW¼, W½NW¼NE¼.
Tom Bennett Campground:
T. 7 N., R. 73 W.,
Sec. 16, E½SE¼NW¼, W½SW¼NE¼.
Mt. Meeker Campground:
T. 3 N., R. 73 W.,
Sec. 11, SE¼NW¼.
Dahl Kelly Campground:
T. 1 S., R. 72 W.,
Sec. 30, S½SW¼NW¼, SW¼SE¼NW¼, NW¼SW¼, W½NE¼SW¼.
Creedmore Lake Campground:
T. 10 N., R. 73 W.,
Sec. 4, SW¼NW¼, S½NW¼NW¼.
West Lake Campground:
T. 10 N., R. 73 W.,
Sec. 34, S½N½NW¼, SE¼NW¼.
Sheep Creek Campground:
T. 11 N., R. 74 W.,
Sec. 12, W½SW¼, SE¼SW¼, S½NE¼SW¼.
Allenspark Campground:
T. 3 N., R. 73 W.,
Sec. 26, SW¼NE¼, S½NW¼NE¼.
Jenny Lake Campground:
T. 1 S., R. 74 W.,
Sec. 27, E½SW¼NW¼, W½SE¼NW¼.
North Fork Poudre Picnic Ground:
T. 10 N., R. 74 W.,
Sec. 20, S½NE¼SE¼, N½SE¼SE¼.
Ansel Watrous Picnic Ground:
T. 8 N., R. 71 W.,
Sec. 4, S½SW¼NE¼, SW¼SE¼NE¼, N½NW¼SE¼.
Bennett Creek Picnic Ground:
T. 8 N., R. 73 W.,
Sec. 13, N½SE¼SE¼.
Big South Picnic Ground:
T. 8 N., R. 75 W.,
Sec. 28, NE¼NW¼SE¼, NW¼NE¼SE¼.
Diamond Rock Picnic Ground:
T. 8 N., R. 71 W.,
Sec. 3, SE¼ Lot 2, NE¼SW¼NE¼, NW¼SE¼NE¼.
Fish Creek Picnic Ground:
T. 7 N., R. 73 W.,
Sec. 1, Lot 4.
Narrows Picnic Ground:
T. 8 N., R. 72 W.,
Sec. 2, SW¼SE¼NW¼, NW¼NE¼SW¼.
Rist Canyon Picnic Ground:
T. 8 N., R. 71 W.,
Sec. 26, S½NE¼NW¼, SE¼NW¼NW¼, SW¼NW¼.
Upper and Lower North Fork Picnic Grounds:
T. 6 N., R. 72 W.,
Sec. 26, W½NW¼SE¼, E½NE¼SW¼.
Longmont Picnic Ground:
T. 2 N., R. 73 W.,
Sec. 13, S½SW¼SW¼, S½SE¼SW¼;
Sec. 24, N½NW¼NW¼, N½NE¼NW¼.
Middle St. Vrain Picnic Ground:
T. 2 N., R. 73 W.,
Sec. 13, S½SE¼SE¼;
Sec. 24, N½NE¼NE¼.
Mont Alto Picnic Ground:
T. 1 N., R. 72 W.,
Sec. 15, NE¼SW¼, E½NW¼SW¼, NE¼SW¼SW¼, N½SE¼SW¼.
Rainbow Lakes Picnic Ground:
T. 1 N., R. 73 W.,
Sec. 33, SE¼NE¼NW¼, NE¼SE¼NW¼, SW¼NW¼NE¼, NW¼SW¼NE¼.
South St. Vrain Picnic Ground:
T. 3 N., R. 71 W.,
Sec. 26, S½NW¼NW¼.
Brainard Lake Recreation Area:
T. 1 N., R. 73 W.,
Sec. 5, E½NE¼SE¼, SE¼SE¼NE¼;
Sec. 4, S½S½NW¼, N½SW¼, N½S½SW¼, NW¼SE¼, NW¼SW¼SE¼.
Dowdy Lake Recreation Area:
T. 10 N., R. 73 W.,
Sec. 27, SE¼, N½SE¼SW¼, SE¼SE¼SW¼;
Sec. 26, W½SW¼, SW¼NW¼;
Sec. 34, N½NE¼, NE¼NE¼NW¼.
Fox Creek Recreation Area:
T. 3 N., R. 73 W.,
Sec. 24, NW¼SW¼, W½NE¼SW¼;
Sec. 23, NE¼SE¼.
Rock Creek Recreation Area:
T. 2 N., R. 73 W.,
Sec. 2, SE¼SW¼.
Redfeather Ranger Station Administrative Site:
T. 10 N., R. 73 W.,
Sec. 34, N½NW¼NW¼, NW¼NE¼NW¼, S½NE¼;
Sec. 27, SW¼SE¼SW¼.
White Pine Lookout Administrative Site:
T. 7 N., R. 72 W.,
Sec. 4, SE¼NW¼.
Deadman Lookout Administrative Site:
T. 10 N., R. 75 W.,
Sec. 13, SE¼NW¼SE¼, SW¼NE¼SE¼, NW¼SE¼SE¼, NE¼SW¼SE¼.
Mt. Thorodin Lookout Administrative Site:
T. 2 S., R. 72 W.,
Sec. 11, N½SE¼NW¼.
Ft. Collins Mt. Recreation Area:
T. 8 N., R. 72 W.,
Sec. 4, SE¼SE¼SW¼, S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 9, NE¼NW¼, N½NW¼NE¼.

The areas described total 2674.48 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7535; Filed, Sept. 12, 1957; 8:54 a. m.]

[Public Land Order 1494]

[Colorado 016735]

RESERVING PUBLIC LANDS WITHIN SAN JUAN NATIONAL FOREST FOR USE OF FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS PICNIC GROUNDS, RECREATION AREAS, AND ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands in the San Juan National Forest, Colorado, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as indicated:

SAN JUAN NATIONAL FOREST

Dolores River Canyon Overlook Picnic Ground:
T. 41 N., R. 17 W.,
Sec. 18, S½S½SW¼SW¼;
Sec. 19, W½NW¼NW¼, W½E½NW¼NW¼, NW¼SW¼NW¼.
Navareeso Campground:
T. 39 N., R. 13 W.,
Sec. 9, S½S½NW¼, N½NW¼SW¼, NW¼NE¼SW¼.
Transfer Picnic Ground:
T. 37 N., R. 12 W.,
Sec. 17, S½NW¼.
Burro Bridge Campground:
T. 41 N., R. 11 W.,
Sec. 27, S½SW¼NE¼, N½NW¼SE¼, E½NE¼SW¼, SW¼NW¼SE¼.
Sig Creek Campground:
T. 39 N., R. 9 W.,
Sec. 20, W½SW¼NE¼.
Columbine Campground:
T. 39 N., R. 9 W.,
Sec. 25, SE¼NW¼NW¼.
West Fork Campground:
T. 37 N., R. 1 E.,
Sec. 17, NE¼SW¼, E½NW¼SW¼, N½SE¼SW¼, W½SE¼NW¼, E½SW¼NW¼, SE¼SE¼NW¼.
Williams Creek Campground:
T. 38 N., R. 3 W.,
Sec. 30, W½SE¼.
East Columbine Campground:
T. 39 N., R. 9 W.,
Sec. 24, SW¼SE¼.
Lower Piedra Campground:
T. 34 N., R. 4 W., North of Ute Ceded Line,
Sec. 5, W½SW¼, SW¼NW¼.
West Dolores Campground:
T. 39 N., R. 13 W.,
Sec. 10, NE¼NW¼, W½NW¼NE¼.
East Fork Campground:
T. 38 N., R. 1 E.,
Sec. 7, E½NW¼.
Transfer Park Campground:
T. 37 N., R. 7 W.,
Sec. 19, E½NW¼, E½W½NW¼.
Emerson Campground:
T. 39 N., R. 13 W.,
Sec. 18, SE¼SW¼, S½ lot 2;
Sec. 19, N½ lot 1, NE¼NW¼.
Glade Guard Station Administrative Site:
T. 41 N., R. 16 W.,
Sec. 28, S½SE¼SE¼;
Sec. 33, NE¼NE¼.
Glade Mtn. Lookout Adm. Site:
T. 41 N., R. 16 W.,
Sec. 36, S½NE¼NW¼, N½SE¼NW¼.
Dunton Guard Station Adm. Site:
T. 41 N., R. 11 W.,
Sec. 28, W½SE¼, E½SW¼.
Cottonwood Guard Station Adm. Site:
T. 40 N., R. 14 W.,
Sec. 36, SW¼NE¼, E½SE¼NW¼, N½NW¼SE¼, NE¼NE¼SW¼.
Aspen Guard Station Adm. Site:
T. 37 N., R. 12 W.,
Sec. 8, SW¼NE¼, S½SE¼NE¼;
Sec. 9, SW¼SW¼NW¼.
Animas Ranger Station Adm. Site:
T. 36 N., R. 9 W.,
Sec. 22, SW¼SE¼;
Sec. 27, NE¼.
Yellow Jacket Guard Station Adm. Site:
T. 34 N., R. 5 W., North of Ute Line,
Sec. 10, lots 1, 2, 3;
Sec. 15, NE¼NW¼.
Chimney Rock Lookout Adm. Site:
T. 34 N., R. 4 W., South of Ute Line,
Sec. 17, SW¼SW¼NE¼, W½NW¼SE¼, E½NE¼SW¼, SW¼SE¼.
Jersey Jim Lookout Adm. Site:
T. 37 N., R. 12 W.,
Sec. 4, SW¼NE¼.
Granite Peaks Guard Station Adm. Site:
T. 39 N., R. 4 W., Unsurveyed,
Sec. 19, E½SW¼, W½SE¼.
Silver Falls Guard Station Adm. Site:
T. 37 N., R. 2 E.,
Sec. 28, NE¼SW¼, E½NW¼SW¼, N½N½SE¼SW¼.
Treasure Guard Station Adm. Site:
T. 36 N., R. 1 W.,
Sec. 33, SE¼NW¼, N½SW¼.
Eight Mile Mesa Lookout Adm. Site:
T. 34 N., R. 1 W.,
Sec. 19, E½SW¼NW¼.

The areas described total 2,374.57 acres.

This order shall be subject to existing withdrawals for reclamation purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect, the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7536; Filed, Sept. 12, 1957; 8:54 a. m.]

[Public Land Order 1495]

[Colorado 07761]

COLORADO

WITHDRAWING PUBLIC LANDS FOR USE OF UNITED STATES ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the hereinafter-described public lands in Colorado are hereby withdrawn as indicated and reserved for use of the United States Atomic Energy Commission:

a. From all forms of disposition under the public land laws, including the mining and the mineral-leasing laws:

NEW MEXICO PRINCIPAL MERIDIAN

T. 43 N., R. 19 W.,
Sec. 36, W½NW¼SE¼SE¼, and SW¼SW¼NE¼SE¼.

The areas described aggregate 7.5 acres.

b. From all forms of disposition under the public land laws, including the mining but not the mineral-leasing laws:

NEW MEXICO PRINCIPAL MERIDIAN

T. 43 N., R. 18 W.,
Sec. 4, NW¼.
T. 44 N., R. 18 W.,
Sec. 32, lots 2, 3, and 5;
Sec. 33, SW¼NW¼, and NW¼SW¼.

The areas described aggregate 215.47 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7537; Filed, Sept. 12, 1957; 8:54 a. m.]

[Public Land Order 1496]

[BLM 042717]

MISSISSIPPI

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands in Mississippi are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Army for military purposes:

ST. STEPHENS MERIDIAN

T. 3 N., R. 12 W.,
Sec. 19, SW¼SW¼.

The area described contains 34.76 acres.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7538; Filed, Sept. 12, 1957; 8:54 a. m.]

[Public Land Order 1501]

[Washington 01599]

WASHINGTON

RESERVING PUBLIC LANDS FOR USE OF FOREST SERVICE FOR USE AS RECREATION AREAS AND ROADSIDE ZONE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for use as recreation areas and a roadside zone:

WILLAMETTE MERIDIAN

SNOQUALMIE NATIONAL FOREST

North Fork Crossing Recreation Area:
T. 28 N., R. 11 E.,
Sec. 20, lots 1, 2, 5, and Mineral Survey No. 216.
The areas described contain 85.03 acres.
Troublesome Creek Recreation Area:
T. 28 N., R. 11 E.,
Sec. 21, NW¼NE¼SW¼, S½N½NW¼SW¼, and N½S½NW¼SW¼.
The areas described contain 30 acres.
Bear Creek Falls Recreation Area:
T. 28 N., R. 11 E.,
Sec. 22, E½SW¼SW¼, SE¼SW¼, and S½SW¼SE¼;
Sec. 27, N½NW¼NE¼, SW¼NW¼NE¼, and E½NE¼NW¼.
The areas described contain 130 acres.
San Juan Recreation Area:
T. 28 N., R. 11 E.,
Sec. 26, N½NW¼.
The area described contains 80 acres.
Deception Creek Recreation Area:
T. 26 N., R. 12 E.,
Sec. 25, SE¼NE¼, E½SW¼NE¼, and N½N½NE¼SE¼.
T. 26 N., R. 13 E.,
Sec. 30, lot 2 and N½ of lot 3.
The areas described contain 134.45 acres.

MT. BAKER NATIONAL FOREST

Mt. Baker State Highway Zone
T. 39 N., R. 7 E.,
Sec. 1, lots 1, 2, 3, 4, 5, and 6;
Sec. 2, lots 1, 2, 3, and 4;
Sec. 3, lots 2, 4, 5, and 6;
Sec. 4, lots 2, 4, 6, 7, 8, and W½SW¼;
Sec. 5, E½ of lot 1;
Sec. 8, N½NW¼NE¼.
T. 40 N., R. 7 E.,
Sec. 33, S½S½;
Sec. 34, S½S½;
Sec. 35, S½SE¼;
Sec. 36, lots 1, 2, 3, and 4.
T. 39 N., R. 8 E., unsurveyed,
Sec. 2, N½N½;
Sec. 3, NE¼NE¼;
Sec. 6, NW¼NW¼;
Sec. 25, E½E½.
T. 40 N., R. 8 E. (unsurveyed except for sec. 36),
Sec. 31, NW¼SW¼, S½SW¼, SE¼, exclusive of patented mining claims;
Sec. 32, N½S½, SW¼SW¼, exclusive of patented mining claims;
Sec. 33, SW¼NW¼ and N½S½;
Sec. 34, N½SW¼, SE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 35, SW¼SW¼ and SE¼SE¼;
Sec. 36, lots 1, 2, 3, 4, 5, 6, 7, and N½SE¼.
T. 39 N., R. 9 E., unsurveyed,
Sec. 5, SW¼SW¼;
Sec. 6, SW¼NE¼, NW¼, N½SE¼, and SE¼SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, W½ and SW¼SE¼;
Sec. 17;
Sec. 18, S½NE¼ and SE¼;
Sec. 19, E½;
Sec. 20, NW¼;
Sec. 30, N½.

T. 40 N., R. 9 E.,
Sec. 31, lots 3, 4, 5, 6, and 7.

The areas described contain approximately 5,230 acres.

This order shall be subject to the existing withdrawal of the lands for power purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7539; Filed, Sept. 12, 1957; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 57-975]

[Rules Amdt. 9-14]

PART 9—AVIATION SERVICES

RELAXING OF AIRCRAFT RADIO STATION IDENTIFICATION REQUIREMENTS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of September, 1957;

The Commission having under consideration amendment of Part 9—Aviation Services to relax identification requirements applicable to aircraft radio stations; and

It appearing that the Civil Aeronautics Administration (CAA) has requested that the Commission review existing aircraft identification procedures with a view to shortening the average time involved in completing air-to-ground contacts with CAA control towers and other facilities; and

It further appearing that the CAA request is justified by the heavy loading of air traffic control channels currently experienced in the vicinity of terminal areas; and

It further appearing that the Commission's rules now in force permit aircraft stations to identify, after the initial call, by use of the last three characters the aircraft registration number, provided the practice is first inaugurated by the ground station operator; and

It further appearing that air-to-ground contacts could be expedited by permitting two-character identification in lieu of three-character identification; and

It further appearing that conversion to two-character identification would not adversely affect aircraft safety; and

It further appearing that two-character aircraft radio station identification in the manner herein ordered is consistent with Chapter VII, Article 19 of the Atlantic City Radio Regulations (1947); and

It further appearing that issuance of Notice of Proposed Rule Making pursuant to section 4 (a) of the Administrative Procedure Act would unnecessarily delay the timely adoption of the amendment herein ordered, and would not therefore serve the public interest; and

It further appearing that since the amendment herein ordered imposes no new requirement on any applicant or licensee, but rather relieves existing restrictions, it may be made effective less than 30 days after publication as provided in section 4 (c) of the Administrative Procedure Act; and

It further appearing that authority for this Order is contained in sections 303 (o), (p), and (r) of the Communications Act of 1934, as amended:

It is ordered, That, effective September 20, 1957, Part 9 of the Commission's rules governing Aviation Services be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

Amend Part 9—Aviation Services as indicated below;

Amend § 9.191 (a) (3) to read as follows:

(3) When use is made of the aircraft registration number, the full number must be given upon the initial call of each continuous series of communications. In other communications in each series, the aircraft station may use an abbreviated identification consisting of the last two characters of the aircraft registration number if the practice is initiated by the ground station operator.

[F. R. Doc. 57-7513; Filed, Sept. 12, 1957; 8:50 a. m.]

[Docket No. 12066; FCC 57-974]

[Rules Amdt. 16-18]

PART 16—LAND TRANSPORTATION RADIO SERVICES

POLICY GOVERNING THE ASSIGNMENT OF FREQUENCIES; FREQUENCY COORDINATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of September 1957;

The Commission having under consideration amendment of its rules governing the Land Transportation Radio Services (1) to require each application for new radio facilities or for a change in the assigned frequency of an existing facility, in all cases where a choice of frequencies exists, to clearly indicate to the Commission the basis upon which a particular frequency has been selected and that the applicant has in fact coordinated that frequency selection in some definite manner; (2) to clearly indicate that licensees are expected to resolve their own interference problems; and (3) to specifically provide that, in the event they are unable to do so, the Commission may specify a time-sharing arrangement in addition to placing limitations on such things as station transmitter power, antenna height, hours of operation or geographical area of operation, as may otherwise be necessary; and

It appearing that the Commission on June 21, 1957 adopted a notice of proposed rule making in this matter which was published in the FEDERAL REGISTER of June 28, 1957 (22 F. R. 4582) in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing that the period in which interested persons were afforded an opportunity to submit comments with respect thereto has expired; and

It further appearing that comments in support of the Commission's proposal have been filed by the Association of American Railroads, the Southern California Radio Taxicab Association, and the Joint ATA-NATO Radio Committee, and that no objection or adverse comments with respect to the above-mentioned proposal have been received; and

It further appearing that the Commission, on its own motion, desires to clarify the wording of the amendment of § 16.8 (a) to more accurately express the original intent; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered and that authority therefor is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That effectiye October 15, 1957, Part 16 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

1. Amend paragraph (a) of § 16.8 to read as follows:

§ 16.8 *Policy governing the assignment of frequencies.* (a) The frequencies which normally may be assigned to stations in any one of the several Land Transportation Radio Services are listed in the applicable subparts of this part. Each frequency or band of frequencies thus listed is available on a shared basis only and will not be assigned for the exclusive use of any licensee. All applicants and licensees in these services shall cooperate in the selection and use of the frequencies in order to minimize interference and obtain the most effective use of their radio facilities. In the event of interference between stations, the licensees of the stations involved are expected to resolve such interference problems by mutually satisfactory agreement. If the licensees are unable to reach such an agreement the Commission, at its discretion, among other things, may specify a time sharing arrangement, or may limit the transmitting power, antenna height, and hours or area of operation of the stations concerned.

2. Add the following new section:

§ 16.9 *Frequency coordination.* Except for applications in the Automobile Emergency Radio Service proposing to use a frequency made available under provisions of § 16.503 (b), each application requesting assignment of a frequency not currently authorized for use by that station shall be accompanied by a statement as evidence that applicant is aware of and has complied with the requirement that he cooperate with other licensees in the selection of a frequency. This statement may be submitted in any one of the following forms, but any recommendations submitted in connection therewith are purely advisory in character and cannot be considered as binding upon the Commission.

(a) A statement, including an engineering survey if necessary, which sets forth the technical and other considerations in support of the selection of the particular frequency requested. The Commission expects that the applicant will notify the licensees of all known stations in the same service located within the local interference range of the proposed station location and operating on the frequency proposed to be used by the applicant, of the applicant's intention to request that frequency.

(b) A statement from a local frequency advisory committee of users suggesting a specific frequency or commenting upon the frequency which in its opinion would result in the least interference being caused to existing stations in the area by the proposed station. In the event the frequency recommended in accordance with the above is not in the frequency band desired by the applicant, the Committee should also indicate a frequency in the band desired by the applicant which in its opinion would result in the least amount of interference and would therefore appear to be most suitable. Such statements may appropriately include comments on other technical factors such as power, antenna height and other limitations which may serve to mitigate any possible interference. The frequency advisory committee must be so organized that it is representative of the industry eligible for radio facilities in the service concerned in the area in which the committee functions and for which recommendations are made.

(c) A recommendation from a frequency coordinating committee, or other appropriate representative of a national association composed of a majority of persons eligible for radio facilities in the particular service involved.

[F. R. Doc. 57-7514; Filed, Sept. 12, 1957; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

CROSS REFERENCE: For order reserving certain lands as an addition to the Tennessee National Wildlife Refuge (§ 17.3) see Public Land Order 1482 in the Appendix to Title 43, Chapter I, *supra*.

Subchapter F—Alaska Commercial Fisheries

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

ADDITIONAL FISHING TIME

Basis and purpose. On the basis of good escapements of chum salmon in the Taku-Port Snettisham section of the Eastern district, it has been determined that some additional fishing time can be permitted.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 119.3 is amended in paragraph (a) in the second sentence of text by deleting "12 o'clock noon Thursday" and substituting in lieu thereof "12 o'clock noon Friday."

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57-7585; Filed, Sept. 11, 1957; 4:29 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF MANGANOUS DIMETHYLDITHIOCARBAMATE

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)) the following notice is issued:

A petition has been filed by Food Machinery and Chemical Corporation, Middleport, New York, proposing the establishment of a tolerance of 7 parts per million for residues of manganous dimethyldithiocarbamate in or on apples.

The analytical method proposed in the petition for determining residues of manganous dimethyldithiocarbamate is a modification of the method of W. K. Lowen, Analytical Chemistry, Volume 23, pages 1846–1850 (December 1951).

Dated: September 6, 1957.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 57-7510; Filed, Sept. 12, 1957; 8:49 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF MONURON

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Wilmington, Delaware, proposing the establishment of a tolerance of 2 parts per million for residues of monuron (3-(p-chlorophenyl)-1,1-dimethylurea) in or on avocados.

The analytical method proposed in the petition for determining residues of monuron is the method reported in "Determination of 3-(p-Chlorophenyl)-1,1-dimethylurea in Soils and Plant Tissue," by W. E. Bleidner, H. M. Baker, Michael Levitsky, and W. K. Lowen, published in the Journal of Agricultural and Food Chemistry, Volume 2, pages 476–479, April 28, 1954.

Dated: September 6, 1957.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 57-7511; Filed, Sept. 12, 1957; 8:49 a. m.]

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NOTICE OF PROPOSAL TO EXEMPT CARBETAPENTANE CITRATE PREPARATIONS FROM PRESCRIPTION-DISPENSING REQUIREMENTS

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR, 1956 Supp., 130.101 (b)) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to pre-*

scription sale by adding the following new subparagraph:

Carbetapentane citrate (2- (2-diethylaminoethoxy) - ethyl - 1 - phenylcyclopentyl-1-carboxylate citrate) preparations meeting all the following conditions:

(i) The carbetapentane citrate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The carbetapentane citrate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of carbetapentane citrate per dosage unit; or if it is in liquid form, not more than 1.5 milligrams of carbetapentane citrate per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of cough due to minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 30 milligrams of carbetapentane citrate per dose or 120 milligrams of carbetapentane citrate per 24-hour period; for children 4 to 12 years of age, 7.5 milligrams per dose or 30 milligrams per 24-hour period; for children 2 to 4 years of age, 4.0 milligrams per dose or 16.0 milligrams per 24-hour period.

(vii) The label bears a conspicuous warning to keep the drug out of the reach of children, and the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) A clear warning statement against administration of the drug to children under 2 years of age, unless directed by a physician.

(*b*) Clear warning statements against use of the drug in the presence of high fever or if cough persists, since persistent cough as well as high fever may indicate the presence of a serious condition.

The proposed amendment will remove the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed only that they were safe if used under professional supervision.

Pursuant to the regulations in § 130.101 (b) of this chapter (21 CFR, 1956 Supp., 130.101 (b)), petitions have been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c))

Dated: September 6, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-7512; Filed, Sept. 12, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 961]

[Docket No. AO-160-A18]

MILK IN PHILADELPHIA, PA., MARKETING AREA

EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, which was issued on August 23, 1957 (22 F. R. 6920; F. R. Doc. 57-7060) is hereby extended to September 30, 1957. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business as of this date.

Dated: September 10, 1957.

[SEAL] ROY W. LENNARTSON.
Deputy Administrator.

[F. R. Doc. 57-7544; Filed, Sept. 12, 1957; 8:56 a. m.]

[7 CFR Parts 1002, 1009]

[Docket No. AO-268-A3]

MILK IN GREATER WHEELING AND CLARKSBURG, W. VA., MARKETING AREAS

RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS, AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreements and proposed orders amending the orders regulating the handling of milk in the Greater Wheeling, West Virginia, and Clarksburg, West Virginia, marketing areas. Interested parties may file written exceptions to this decision with Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreements and orders were formulated was conducted at Clarksburg, West Virginia, on March 26, 1957, and at Wheeling, West Virginia, on March 27-28, 1957, pursuant to notice thereof which was issued on March 6, 1957 (22 F. R. 1575). A number of proposals and much of the testimony on the record were directed toward similar amendments to both orders. For this reason the issues on the record are herein considered as bearing upon the need for amendment of either or both orders except in those instances where the proposals were specifically intended for only one of the orders.

Material issues. The material issues of record relate to:

1. The marketing area:

(a) Whether Kingwood, West Virginia, should be deleted from the Clarksburg marketing area;

(b) Whether Monroe County, Ohio, the remainder of Guernsey County, Ohio, and the township of Union in Muskingum County, Ohio, should be added to the Greater Wheeling marketing area.

2. Provisions affecting whether a plant qualifies as a pool plant, and regulation of nonpool plants.

3. Definition of "producer" with respect to diversion.

4. The price for Class I milk, including supply-demand adjustment provisions and seasonal price differentials in both markets.

5. The price for Class II milk.

6. Classification of various special types of receipts and disposition.

7. Definition of "base milk", changes in months in which producers earn base, and months in which producers are paid for base.

8. Location differentials.

9. Certain conforming and clarifying changes of order language.

1. *Marketing Area*—(a) *Clarksburg marketing area.* Kingwood, West Virginia, should be retained as part of the Clarksburg marketing area.

A handler regulated under the Clarksburg order proposed the deletion of Kingwood from the marketing area. The principal reasons advanced by the proponent for this action were to alleviate his surplus disposal problem in

flush months, and to enable him to compete more favorably with unregulated handlers for fluid sales in areas not included in the Clarksburg order. Kingwood is the largest population center in Preston County, and is the only part of the County included in the Clarksburg area. It is one of several population centers included in the Clarksburg marketing area which are separated by intervening rural territory from the main part of the area.

Nearly all fluid sales in Kingwood (not including raw Grade A milk sold by local producer-handlers) are made by four handlers regulated under either the Clarksburg or Wheeling order. Two of these handlers, who opposed the deletion of Kingwood, testified that their firms each distribute about 35 percent of the total fluid sales in Kingwood. A third regulated handler has only a fractional share of the market; and the fourth, the proponent handler, distributes about 30 percent. If Kingwood were deleted, the proponent handler would become nonregulated while the other three handlers, who market approximately 70 percent of the fluid milk sold in the town, would remain regulated.

Approximately 70 percent of the proponent handler's sales are outside the marketing area but within Preston County. His competition within the nonregulated portion of the County consists of regulated handlers and an unregulated handler whose plant is located in Cumberland, Maryland. The evidence indicates that this unregulated handler purchases milk at less than order prices. The proponent testified that competition was severe in the unregulated portion of the County, particularly in Terra Alta. It was indicated, however, that his sales, both in and outside the marketing area, have remained relatively constant. Deletion of Kingwood from the marketing area would expose regulated handlers who now provide about 70 percent of the sales in Kingwood to the unregulated competition of the proponent and other handlers.

It is concluded the proposal should be denied.

(b) *Greater Wheeling marketing area.* The Greater Wheeling marketing area should be expanded to include Monroe County, Ohio. The remainder of Guernsey County, Ohio, and Union Township in Muskingum County, Ohio, should not be added to the marketing area.

Some of the handlers under the Wheeling order proposed that Monroe County, Ohio, be added to the marketing area. Such enlargement of the area was supported on the basis of uniformity of health standards, and that the County is largely served by Wheeling handlers.

Monroe County was not included in the marketing area at the time of the order's promulgation. The evidence at the original hearing on the proposed order was insufficient to justify its inclusion.

Monroe County, which is contiguous to the presently defined marketing area, had a population of 15,362, according to the United States Census of 1950. Since this census, there has been a marked degree of industrial expansion within the area. This industrialization of Monroe County and its concomitant population growth have transformed the County from one of predominantly rural characteristics to one of more urban characteristics.

Regulated handlers now market a substantial majority of the total fluid distribution within Monroe County. There are 13 known retail and/or wholesale distributing routes within the County. Of these, 10 originate from plants regulated under the terms of the Wheeling order and 3 originate from 3 unregulated plants located outside of Monroe County and outside the marketing area.

A Grade A health ordinance has recently been adopted by the County. Milk plants in the County and dairy farms serving such plants are subject to health standards similar to those enforced in the communities presently comprising the Wheeling marketing area.

No evidence was submitted in opposition to the inclusion of Monroe County. Handlers who might be brought under regulation did not oppose this expansion.

Because of the similarity of health standards in effect in Monroe County with those in effect at the present marketing area, and because handlers regulated under the terms of the Wheeling order control the large majority of fluid sales within the County, it is concluded that Monroe County should be part of the marketing area.

Certain Wheeling handlers proposed that the remainder of Guernsey County, Ohio, not now in the marketing area, and Union Township in Muskingum County, Ohio, be added to the Greater Wheeling marketing area. This proposal was supported on the basis of similar health requirements, and that regulated handlers have substantial business in these proposed areas, but they claim they have lost business to unregulated handlers.

Regulated handlers have only a minor share of the fluid milk distributed in Union Township and that part of Guernsey County not already included in the marketing area. There are about 25 fluid distribution routes within this area, and of these, 9 are operated by handlers regulated under the Wheeling order.

These additions to the marketing area were opposed by two unregulated handlers whose plants are located in Zanesville, Ohio, which is outside the proposed area. These plants would become pool plants if these proposed areas were added. Wheeling handler operations do not extend to the Zanesville market.

Dairy farmers who deliver to plants which might be brought under regulation by such expansion of the area were not represented at the hearing. The association representing the majority of producers in the Greater Wheeling market opposed these additions to the area because of problems involved in regulated handlers with their principal business elsewhere.

Although addition of the proposed areas would no doubt reduce the problem of competition for some regulated handlers, it appears the same type of problem would be transferred to newly regulated handlers.

It is concluded that the remainder of Guernsey County and Union Township in Muskingum County should not be added to the marketing area.

2. *Pool plant qualifications and payments on nonpool milk.* The definitions of "pool plant", "distributing plant", and "supply plant" should be revised.

An association representing producers in both markets requested that the definition of "distributing plant" be changed to increase the required percentage of milk distributed on routes to 55 percent in the months of April, May and June, and 65 percent in other months. These percentages would be based upon the receipts at the plant from producers. The order now requires route distribution of 45 and 55 percent, in the same months, based on combined receipts from producers and other pool plants. An accompanying proposal made by this association was to eliminate the 10-day limit which applies to diversion of a producer's milk during the months of August through February, so that unlimited diversion would be permitted during any month of the year. This latter proposal was conditioned, however, on adoption of the higher percentage requirements for pool distributing plants. This association proposed also that the order should allow for "diversion" of milk between pool plants, so that the "diverted" producers would remain on the payroll of the diverting plants, and not appear in the receipts or pool plant qualification computations of the plant to which they were diverted. This, it was indicated, would facilitate movement of milk to handlers temporarily in need of additional supplies and would help in handling seasonal surplus.

Testimony given by handlers with respect to pool plant qualifications opposed changing the present percentage figures for distributing plants, but did favor basing these percentages on only receipts of milk from producers, and the elimination of the 10-day limit on diversion. One handler representative proposed that any plant which distributes more than 600 pounds of milk per day on routes in the marketing area should be a pool plant.

The qualifications for pool plants in these two orders are generally described within the definitions for "pool plant," "approved plant," "distributing plant," and "supply plant." A pool plant is defined as meaning a "distributing plant" or a "supply plant."

The pool plant qualification requirements now in the order have been designed to include in the market-wide pool those plants which have a substantial association with the market and whose business is primarily that of supplying fluid milk markets. For the months of July through March, a "distributing plant" is defined as having 55 percent of its receipts of milk (from producers and in the form of fluid milk products from other pool plants) distributed on routes inside or outside the marketing area. A seasonally lower requirement of 45 percent in the months of April, May and June, reflects the natural change in the level of a plant's utilization caused by a higher level of production in spring and early summer. A distributing pool plant must have 5

percent of such receipts distributed on routes in the marketing area. Nondistributing plants may qualify as pool plants in the months of September through January by shipping 55 percent of their receipts of producer milk to distributing plants. Such plants are called "supply plants." Any supply plant meeting the requirements for the months of September through January may continue as a pool plant through the following August. The market is not now served by any supply plants.

The definition of "pool plant" should take account of the variations in types of plant operations. One special type of plant which must be considered is a plant which has a substantial distribution of milk in the marketing area and receives its entire supply, or most of its supply, from a plant(s) regulated under another order. If this special type of plant is not regulated under any other order, it is necessary that it be regulated in some manner under one of these orders, so as to assure appropriate accounting for all milk in such plant. Pool plant qualification of distributing plants is not affected under present order provisions by receipts from other Federal order plants, since such receipts are not included in the computation. This type of receipt is an important factor, however, in market supply. On the other hand, receipts of milk from other pool plants under the same order (Wheeling or Clarksburg) do affect pool plant qualification.

Another type is a plant which fails to meet the pool qualifications either as a distributing plant or supply plant, although most of the milk it handles is accounted for either as route distribution or shipments to other pool plants.

The problem of handling seasonal surpluses of producer milk is also affected by the pool plant definition. One handler pointed out that he was limited as to the extent to which he could accommodate other handlers in processing their surplus producer milk, because if he received a volume of milk from other pool plants such that he would make full use of his manufacturing facilities, his percentage for route distribution would fall below the minimum required for pool plants.

A pool plant definition for distributing plants should not ordinarily include plants primarily in the business of manufacturing milk products, because pooling such operations will dilute the returns to producers for Class I milk. Such an occurrence would interfere with the function of the Class I price which is to provide the incentive for producers to supply the fluid market.

The objective of preventing dissipation of returns from Class I sales to milk produced for manufacturing, may be achieved in these markets by basing the definition of "distributing plant" upon the percentage of receipts from qualified dairy farmers and supply plants sold on routes. Such a definition is adopted. Under this provision, the volume a distributing plant receives from other distributing plants, which have similarly met the percentage requirement, would not affect such a plant's qualification for pooling. Receipts from supply plants should be included in the computation, however, since such receipts are the basis upon which the milk in the supply plant becomes qualified for inclusion in the equalization pool. Additional receipts from other sources, which such plant might use for manufacturing, would not affect the value of producer milk in the pool, and would not be part of the computation.

The producer proposal to raise the percentage requirements for distributing plants should not be adopted. Such a change could cause difficulty for some plants which receive all their milk from dairy farmers, but with a percentage in Class I only slightly in excess of the current minimum. Such a change is not necessary to assure the integrity of the pooling arrangement. The percentage figures should be the same as now in the order.

It is futher concluded that for distributing plants receiving milk from qualified dairy farmers, the percentage of such receipts and receipts from supply plants sold on routes should be the basis of qualification for pooling such plants.

The present order provisions base a distributing plant's connection with the market on the requirement that distribution on routes in the marketing area amount to at least 5 percent of receipts from producers and fluid milk products received from other pool plants. In view of the aforementioned possible variations in the make-up of a plant's receipts, a better measure of connection with the market would be the proportion of the plant's total route sales which are in the marketing area. It is concluded that a pool distributing plant should have 5 percent of its route sales in the marketing area.

It is possible that some plants with substantial distribution business in the marketing areas may not receive any milk from qualified dairy farmers. Such plants may obtain their supply from pool plants under the orders for the market in which they sell, from plants under other orders, or from plants which do not qualify as pool plants under any order. Under present provisions of either order, if such plants sell on routes in the marketing area an amount of milk equal to or exceeding 5 percent of their receipts from pool plants, they then qualify as pool plants. For purposes of uniformity and effectiveness of the application of regulation, it is necessary that such plants continue to be regulated as pool plants, with the modification, however, that the 5 percent be the minimum proportion of their Class I route sales which are in the marketing area.

The proposal to include in the pool any plant which distributes in the marketing area more than 600 pounds of milk per day would bring under regulation any plant, however large its business outside the area, which had such a volume of business inside the area. Such a method of regulation appears to be unnecessary to achieve effective regulation in view of other provisions, particularly in view of the pool plant requirements previously discussed. Furthermore, any advantage which a nonpool handler might have with respect to procurement and sales outside the marketing area is removed with respect to sales within the marketing area by reason of payments required to be made into a producer-settlement fund.

The definition of "supply plant" should be modified to include the type of plant which supplies market Class I needs both through direct distribution and shipments to pool distributing plants. To allow for this type of plant, the sales by distribution in the marketing area should be added to the volume of shipments to other pool distributing plants in determining whether 55 percent of the receipts of producer milk at such plant during the months of September through January is used in serving the fluid market.

The definitions of "distributing plant" and "supply plant" should be clarified by eliminating the term "receipts of producer milk" and substituting therefor "receipts from dairy farmers meeting the inspection requirements specified in the definition of 'producer'."

The order provisions which determine whether or not a plant shall be included in the pool for the respective market are related to the provisions affecting use of other source milk by pool plants and sales of milk in the marketing area by nonpool plants. On the basis of previous hearing records, it has been found necessary to provide that certain payments into the market pool be made on such other source milk. For these reasons, proposals with respect to compensatory payments on other source milk are considered in connection with the evidence on pool plant qualifications.

A handler representative proposed the deletion of the order provisions which set aside the requirement of compensatory payments on other source milk in any month in which total deliveries by producers are less than 110 percent of all handlers' Class I sales. The witness supported this proposal for the Clarksburg market on the basis that handlers do not attempt to maintain a full supply for year around needs even if additional producers are available, but prefer to depend upon other source milk to supplement their supply of producer milk. As a result, producer milk could be less than 110 percent of handlers' Class I sales, although the supply situation is not fundamentally so short that handlers should be excused from compensatory payments.

However, while such a condition conceivably could exist, the record did not indicate that any handlers are purchasing significant volumes of nonregulated other source milk. Nor is there evidence that handlers are unwilling to receive additional supplies of milk from dairy farmers who are desirous of shipping to the Clarksburg market. It is therefore concluded that this proposal should be denied.

From time to time, some plants may qualify as pool plants under more than one Federal order. The provisions in the Wheeling and Clarksburg orders which exempt such plants from regulation as pool plants should be revised for clarification, as described in the applicable provisions, and to provide, for determination by the Secretary, as to the order which should regulate when a plant is eligible for regulation under more than one order.

The producer request for specific provision with respect to "diversion" of producers between pool plants should be dealt with in terms of transfers of milk between plants. For this purpose, language should be included in the provisions dealing with classification of transfers, to indicate that transfers made by direct movement from the producer's farm to the transferee plant for the account of the transferor plant, shall be classified in the same manner as milk transferred as bulk shipments. Handlers who cause milk to be moved in this manner to another handler's plant should be responsible, under the orders, for reporting the receipt and disposition of such milk, and should be responsible for payment of the producer whose milk is so moved. Location differentials with respect to such milk should be applied at the point where the milk is physically received at a handler's plant although such receipt, for other purposes, may be reported at the plant from which the transfer is made.

3. *Producer diversion to nonpool plants.* No change should be made in the provisions affecting diversion of producers to nonpool plants, except in the case where such nonpool plant is regulated pursuant to another order.

A proposal was made by producers to delete the limitation to ten days of any one month during the months of August–February for diversion of a producer to a nonpool plant. This proposal was made conditional upon adoption of a proposed increase in percentage of utilization requirement in the "distributing plant" definition. The latter proposal is not adopted herein.

Handlers also favored deletion of the ten-day limit on diversion in the months mentioned.

The definition of "producer" in the order allows diversion of a producer any day during the months of March through July, and not more than ten days in any other month. Such a limit is needed to establish a producer's substantial association with the market in the months when the supply-sales relationship is closest. The present allowance for diversion is ample. The proposal is denied.

It is possible that a nonpool plant may be a plant regulated under another order. In this case, the regular diversion provision contained in the definition of "producer" should not apply, and the dairy farmer should not be considered to be a producer with respect to milk so delivered to a plant under another order. This will avoid conflict in regulations between the two orders.

4. *Class I price.* No change should be made in the Class I price formulas or in the supply-demand adjustments used in the Wheeling and Clarksburg orders.

A proposal was made by a producer association that the Class I prices in both the Wheeling and Clarksburg markets be increased 35 cents per hundredweight in each month. Another proposal, made by a representative of some producers in the Clarksburg area, requested that the Class I price for that area be 45 cents higher than the present price for the months of August through February, and that this level of prices be used in every month without seasonal changes. A proposal was also made for both markets which would modify the supply-demand adjustment so as to give some effect to the combined supply-sales relationship in the two markets, rather than depending entirely on the similar relationship in the Cleveland and Akron-Stark County markets as now provided in these orders.

The proposals to increase the level of the Class I prices in these markets were based largely on the increases in costs of production experienced by dairy farmers and the low margin by which supplies of producer milk cover Class I sales in some months. It was indicated in this connection that some handlers have had to supplement their producer milk supplies with milk from other sources to meet Class I needs.

The supply situation for both the Wheeling and Clarksburg markets is affected by the supply and demand situations in neighboring markets. This is particularly true with respect to the Cleveland and Akron-Stark County markets, because handlers in those markets distribute milk directly in the Greater Wheeling marketing area. Almost 10 million pounds of Class I milk, representing more than 10 percent of the total Class I sales in the market, were distributed directly in the Wheeling market during 1956 by handlers regulated under these other orders. It may be recognized that recent changes in the operations of one of the handlers, in this connection, could result in a lesser volume of Cleveland and Akron-Stark County milk in the Wheeling market in 1957, but nevertheless, the direct distribution by other order handlers may be expected to continue to be a substantial portion of all sales.

With respect to the Clarksburg area, an important intermarket relationship is established by the fact that a substantial volume of the distribution is from a Wheeling order pool plant. Some Tri-State order milk is also sold in the Clarksburg market.

The dependency of the Wheeling and Clarksburg handlers upon supplies from the other markets mentioned is further shown both by purchases on a regular basis and occasional purchases to supplement producer milk in months of short supply.

The principal non-Federal order market which competes for supplies in the same areas as the Wheeling and Clarksburg markets is the Pittsburgh market. The supply areas also overlap with the Youngstown market.

Class I prices under the Wheeling and Clarksburg orders are established in a manner which maintains a close relationship with prices in the Cleveland and Akron-Stark County markets. The Wheeling price is 10 cents higher than the Cleveland price and 15 cents higher than the Akron-Stark County price. This exact relationship is not maintained in every month because the Wheeling and Clarksburg markets use the Cleveland supply-demand adjustment but apply it one month later. The Clarksburg price is 25 cents over the Wheeling price. These intermarket price relationships are maintained season by season. The seasonally lower level of the Wheeling market Class I differential, $1.50, applies in the months of February through July which is the same as the period of seasonally lower price levels of the Cleveland and Akron-Stark County markets. In other months, the Class I price differential is $1.95.

The price differentials between these and the other Federal order markets within the region generally offset the cost of moving milk from the other markets to Wheeling or Clarksburg. The fact that milk continues to move from the other markets into these markets is an indication that these price differentials are sufficient to cover the cost. Any increase in the general level of Class I prices in Wheeling and Clarksburg would give an added incentive for handlers in the other markets to sell milk in these markets.

The supply of producer milk in some months exceeds Class I sales of pool plants by only a small margin. In the shortest months, this margin may be as low as 5 to 7 percent. However, this supply-sales relationship cannot be considered independently from the supply situations in neighboring markets. As mentioned elsewhere in this decision, many of the handlers do not have adequate facilities for processing into manufactured products regular and seasonal supply reserves. In this situation, there is a tendnecy for such handlers to carry a relatively short supply in relation to their Class I sales and also a tendency to depend on the larger neighboring markets for supplemental supplies. Consequently, in these particular markets, the percentage of producer milk classified as Class I does not accurately portray the whole supply-sales relationship for the market.

In these circumstances, it is necessary to judge the appropriateness of the level of Class I prices in the light of the price in effect in nearby Federal orders. This situation is, in fact, recognized in the use of the Cleveland supply and demand adjustment for these markets.

Prices in these markets should continue to be related closely to the prices in other major neighboring markets. It is concluded that the Class I prices in the Wheeling and Clarksburg markets should not be increased under present conditions.

Many of the considerations decided with respect to the general level of Class I prices in the Wheeling and Clarksburg markets also bear on the proposal to change the supply-demand adjustment. The producer proposal would allow for continued use of the Cleveland supply-demand adjustment except when producer milk in the two markets is less than 115 percent of producer milk in Class I, or more than 145 percent of producer milk in Class I. Under the proposal, 3 cents per hundredweight would be added to the Class I price for

each percent that producer deliveries are less than 115 percent of producer milk in Class I and conversely, 3 cents per hundredweight would be subtracted for each percent that producer milk exceeds 145 percent of producer milk classified as Class I.

The producer proposal would have resulted in plus price adjustments several months in which the supply-demand adjustment borrowed from the Cleveland order would have been negative. On the basis of the preceding findings and conclusions, such a widening in the intermarket differentials is not necessary to assure an adequate supply for the Wheeling and Clarksburg markets. Furthermore, such a widening of intermarket differentials would give Wheeling and Clarksburg handlers an incentive to carry an even shorter supply of producer milk and depend to a greater extent for reserves on supplies in other markets. An additional difficulty in using the type of supply-demand adjustment proposed is that the volume of producer milk classified as Class I does not give an adequate indication of the volume of Class I sales by all handlers operating in these markets. It is concluded that the present arrangement under which the Wheeling and Clarksburg Class I prices are adjusted by the supply-demand adjustment effective in the previous month in the Cleveland and Akron-Stark County markets should be continued. That supply-demand adjustment is based on the combined supply-sales relationship under the Cleveland and Akron-Stark County orders.

5. *Class II price.* The Class II price in all months should be the basic formula price.

The Class II prices under the Wheeling and Clarksburg orders are calculated by identical formulas. In each market, the Class II price is the basic formula price, subject to the exception, however, for the months of April, May and June, that this formula is reduced 20 cents per hundredweight if the supply-demand adjustment affecting the Class I price is negative. Aside from this exception, the Class II price is thus the highest of three alternative values for manufacturing milk: the average of the paying prices of Mid-west condenseries, a butter-powder formula, and a butter-cheese formula.

The Class II price formulas in these orders result in the same level of prices for surplus producer milk as in the nearby Federal order markets of Cleveland and Akron-Stark County, except for the possibility of the 20-cent deduction in these markets in the April-June period, and the 30-cent higher price for milk used in cottage cheese in the Cleveland and Akron-Stark County orders. The Cleveland and Akron-Stark County orders do not contain the butter-cheese formula as do the Wheeling and Clarksburg orders, but the butter-cheese formula has consistently been the lower of the three alternatives and, thus, has not been effective in establishing prices.

For the months of April, May and June 1956, the 20-cent per hundredweight deduction was effective in the Wheeling and Clarksburg markets because of a negative supply-demand factor in April and by order amendment for May and June 1956.

Producers proposed that the Wheeling and Clarksburg orders be amended to provide regular seasonal changes in the Class II price formulas without any contingency features depending on the supply-demand adjustment. They requested, however, that the annual average level of the price should be maintained at the average level of the basic formula price. The general basis given for this proposal was that there is a need for seasonal reduction of prices in the high production months of the spring so as to facilitate orderly marketing of producer milk, and that maintenance of the average annual level is necessary to return full value of milk to producers.

Handler witnesses requested that a 20-cent reduction during the months of April, May and June be a regular part of the Class II price formula, and that no compensating amount be added during other months of the year. Handlers maintained that the return obtainable in marketing the seasonal surplus during this three-month period is considerably below the basic formula price level.

The objectives in establishing prices for reserve and surplus producer milk under order regulation are related to the problem of establishing appropriate prices for Class I milk. If the price for milk in Class II is set at too low a level, the handling of milk for manufacture will become, in itself, an attractive business such that handlers will be encouraged to develop supplies solely for manufacturing. Particularly in a market-wide pool, this could result in a general increase of handlers' supplies, and also in the entrance into the market of new plants to take advantage of this situation. The effect of these developments which could take place over a period of time would be to dissipate the higher value contributed to the market-wide pool by Class I sales. Inasmuch as the Class I price is designed to attract an adequate but not excessive market supply of milk for fluid use, such development of supplies in excess of ordinary reserve requirements of handlers tends to defeat this purpose.

Handlers normally carry a supply which includes some reserve over the actual volume of Class I sales to allow for variations in production and sales. The Class II price should be established at a level low enough to allow for the orderly disposition of such reserve milk in manufacturing uses, but should not be so low as to encourage handlers to develop excessive supplies for manufacturing purposes, as explained previously.

The volume of Class II producer milk and other source fluid milk products used for manufacturing by Wheeling handlers in 1956 was approximately 34½ million pounds, of which about 26.4 million pounds was producer milk and the remainder was accounted for as other source milk. In the Clarksburg market, the volume of Class II milk reported by handlers for the year 1956 was 8.7 million pounds, of which producer milk accounted for about 7.5 million pounds and other source milk for the remainder. Handlers in both markets used milk on a year around basis in the manufacture of cottage cheese. Some handlers in both markets have regular ice cream manufacturing operations. The manufacture of butter also represents a lesser but relatively stable year around disposition of producer butterfat. The volume of milk in these various Class II items throughout the year indicates that they are part of the continuous, regular business of some of the handlers in these markets.

The proposals for seasonal reductions in the Class II price formula related particularly to the April, May and June quarter. For the Wheeling market, the percentages of producer milk reported in Class II in these months of 1956 were 17.8, 27.7, 25.0 percent, respectively. In the Clarksburg market, the corresponding percentages were 7.6, 21.4, and 20.6 percent. The lowest percent of Class II in any month of 1956 was, for Wheeling, about 11.0 percent in January, and for Clarksburg, 4.8 percent in March.

Other source milk used by Wheeling handlers in manufacturing operations also shows a seasonal pattern. The approximate volumes of other source milk classified as Class II during the several calendar quarters of 1956 were as follows: 0.7 million pounds for January-March, 2.8 million pounds for April-June, 2.5 million pounds for July-September, and 1.8 million pounds for October-December. From this analysis it is apparent that at least for some handlers plant capacity is not a problem in disposing of producer milk in Class II uses.

Handlers contended that without the 20-cent deduction during the months of April, May and June, the Class II price would be unduly high in relation to prices paid by nearby unregulated manufacturing plants. The only paying prices of an unregulated plant entered in the record, however, were prices paid by United Dairies at Barnesville, Ohio. This plant, from time to time, has served as a principal outlet for producer Class II milk. For the months of November 1955 through March 1956, the prices at this plant were lower than the order Class II price by 6 to 16 cents per hundredweight. For the months of April, May and June 1956, when the 20-cent deduction was effective in the Class II price formula, the Barnesville plant's prices were 3 to 4 cents lower than the order price. In the months of November 1956 through February 1957, however, the prices at the Barnesville plant were 2 to 7 cents higher than the order price.

The dependency of changes in the Class II price upon the supply-demand factor is no longer desirable. Uncertainty as to the outcome of such a relationship could occur at times when it would be difficult to make timely changes if such changes were needed. Also, changes in the supply-demand adjustment, which is based on data for preceding months in Cleveland and Akron-Stark County areas, may depend on a range of circumstances not directly related to the appropriate level of the Class II price for the Wheeling and Clarksburg markets.

Producers' contention for increase in the Class II formula price in months other than April, May and June would result in prices higher than the basic formula price. The basic formula price is the highest of three representative values for milk in manufacturing uses. It was not shown by proponents that special health requirements apply to any of handlers' regular Class II uses. Under these circumstances, there is no basis for establishing a price for Class II milk in these months higher than the basic formula price.

The proposals for a seasonal reduction in the Class II price are also denied. The Wheeling and Clarksburg markets are not subject to relatively large and burdensome amounts of surplus milk in the months of April, May and June. In fact, handlers, collectively, continue to import other source milk for manufacturing in these months. In addition, the prices paid at a local manufacturing plant for ungraded milk, at least in months immediately prior to the hearing, approximated basic formula prices.

The problem of surplus disposal experienced by those handlers without sufficient facilities to manufacture the seasonal surplus of their producers should be relieved as a result of the recommended order provision whereby pooled distributing plants will not include receipts from other pooled distributing plants in determining fluid qualification percentages.

It is therefore concluded that the Class II price in all months should be the basic formula price.

The proposal to reduce the Class II butterfat differential, made by certain Clarksburg area handlers, is denied. In view of the conclusion contained in this decision relative to Class II pricing, there is no basis for further consideration of a reduction in the general level of Class II milk values. The Class II butterfat differential per one-tenth of a percent of butterfat is 0.115 times the wholesale price per pound of butter. This value is not excessive for butterfat in Grade A milk used for manufacturing purposes.

6. *Classification.* No change should be made in the classification of butterfat dumped or used for livestock feed. No change should be made in the method of classifying and accounting for nonfat solids used to fortify fluid milk products.

Certain handlers under the Clarksburg order proposed that Class II classification should be allowed for butterfat dumped or disposed of in livestock feed. Such usage was described as resulting when certain types of route returns contain butterfat not readily separable for use in other milk products.

The provisions of the orders affecting classification of such butterfat operate uniformly with respect to all handlers. Accordingly, the order provisions do not operate to the disadvantage of one handler compared to another, and are equitable. The amount of butterfat in route returns depends on the success of the handler in coordinating the volumes of milk products bottled with the volumes he can sell. Change of order provisions in the manner proposed would tend to shift the burden of any inefficiency in this matter from handlers to producers. Handlers may utilize butterfat from route returns in the manufacture of certain Class II products. In such circumstances, this butterfat will be classified as Class II utilization. If a handler accounts for butterfat in route returns as a loss, such loss is classified pursuant to the provisions applicable to shrinkage or unaccounted for milk. Classification of actual shrinkage of producer milk in Class II up to 2 percent of such receipts is allowed in the order. Such a limit has been found to be reasonable. Such a limitation serves to prevent advantage to handlers who fail to keep full and accurate records.

Another handler proposal would establish a special price 10 percent higher than the Class II price for skim milk equivalent of nonfat solids used to fortify fluid milk products.

Nonfat solids used to fortify Class I products are classified under the order as Class I milk at the volume of the fluid skim milk used in the manufacture of the added solids. The witness presenting the proposal conceded that the applicable health department requires that the nonfat solids be from Grade A milk.

The value of each pound of nonfat milk solids utilized by addition to, or as, a Class I product has a value to the handler the same as every other pound contained therein. Neither the form in which, nor the source from which, such solids are obtained alter their value to the handler for this purpose and they may not be distinguished on the basis of cost of production, need for regular supplies, sanitary requirements, seasonality of production, or value to consumers. Since the Class I price provisions are designed to encourage producers to deliver an adequate and dependable supply of milk in all seasons, the returns to producers for one portion of Class I milk should not be reduced below the level of the remaining portion disposed of in such class. The proposal for a lesser value, therefore, is denied.

7. *Base-excess plan.* No change should be made in the base earning or base effective months under these orders. Provisions should be made so that bases may be assigned to producers delivering to plants which become pool plants after the beginning of the base-forming period. The definition of "base milk" should be clarified.

Under the Wheeling and Clarksburg orders, the base for each producer is calculated by dividing the total pounds of milk received from such producer at pool plants during the preceding months of September through December by the number of days from the first day of delivery to the last day of September, but not less than 90 days. Such bases are effective for the months of March through July, following.

Various proposals were made to change the months in which producers earn their base and the months in which bases apply. A proposal made by the cooperative association representing a majority of producers in the market would include the months of February and August in the period when bases are effective.

During the period in which the orders have been effective in these markets, the level of production has been such that there would have been a very small percentage of producer milk in the excess category in February and August if bases had been effective in these months. Consequently, there would have been very little difference between the base and excess prices. From this, it is apparent that adding the months of February and August to the base effective period would not be of any consequence in furthering the purpose of the base plan to even out the seasonal variations in production. Also, under the proposal, September would be the only month of the year in which a farmer could come on the market as a new producer and earn a full base without going through a period in which he receives only an excess price or payment on a base less than he would normally earn. Such a base plan does not appear suitable for a market which experiences a relatively short supply during several fall and winter months. This proposal is denied.

A handler in the Clarksburg area proposed that the months of January and February be added to the base earning months. The handler claimed that producers are freshening cows early in the base-forming period and, consequently, their deliveries fell off in the months of January and February as compared to the preceding months.

Deliveries per day per dairy in the Clarksburg area were higher in January and February 1956 than in December 1955, and similarly that production per day per dairy in January and February 1957 was at practically the same level as in December 1956. The rate of production in these two months was higher than in some other months in the base earning period. In view of the relatively short history of the base plan under this order it is not clear yet whether such a later base earning period would benefit the market. No modification of the base earning period should be made at this time.

The proposal was made by a producers' association which would allow a producer whose production is interrupted by causes beyond his control to earn a full base. The types of disaster which might interrupt production and would come within the meaning of the special provisions were described as animal diseases, destruction of crops and barns after the harvest period, enforced retirement, and entrance into the military service. Under the proposal, if a producer's deliveries were interrupted for these reasons, the number of days of interruption would not be included in computing his base.

Such a provision would be difficult to administer, since it would require the administrative agency to make determinations upon matters which are difficult to define in a manner to cover all circumstances and relate to production conditions rather than the marketing of milk after it leaves the farm. The order presently allows producers to compute a full base on a minimum of 90 days' shipments. In effect, this allows a producer to interrupt deliveries during the base-forming period and earn a full base. This proposal is denied.

The base rules allow a producer to transfer his base to another person. These rules therefore allow for transfers of base in the case of any involuntary withdrawal from the dairy business.

A handler proposed that producers who come on the market during the base-paying months should be allowed the base price on some of their milk. His proposal appears to be that such a new producer should be given a base such that the proportion of his deliveries paid for at the base price would be 60 percent as much as a proportion for the market average. This proposal was offered so that producers could come on the market in fall and winter months when the market most needs additional supplies, after it is too late to earn a full base, and be assured of at least a partial base. One handler testified also that in March he needed additional milk but could not take on new producers because they would receive only the excess price for their entire deliveries.

Under the order, the base earning period is September through December, but a producer may enter the market on the third day of October and earn a full base equal to his average deliveries during the October-December period. A producer who enters the market later than this is given a base which is less than average deliveries because the smallest divisor is 90 days. The proposal to allow a producer some portion of his milk as base milk although he enters the market too late to earn a full base, has some merit in that it would help handlers to obtain supplies of producer milk in the short season. However, insufficient evidence was adduced at the hearing to determine if the type of base allowance proposed by the handler would dilute the base price to an extent which would be inequitable to producers who earn a full base, or would impair the effectiveness of the base plan. The proposal should be denied at this time.

From time to time, there are changes in plants associated with a market. Some provision should be made in the order for assigning bases to producers delivering to a plant which enters the market after the beginning of the base earning period. Such producers should be assigned an earned base computed from the records of the deliveries to such plant to the extent that such records are available for the base earning period.

The definition of "base milk" should be clarified so that it applies to the number of days of milk production delivered in the month rather than the number of days on which such milk is delivered. This will accommodate instances where producers regularly deliver on every other day.

8. *Location differentials.* No change should be made in the location differential provisions of either the Wheeling or Clarksburg order except to clarify the provisions.

Producers were primarily concerned with the necessity for an additional basing point for location differentials if the marketing area should be expanded to include all of Guernsey County. This expansion proposal is denied in another part of this decision.

Producers also proposed that the provisions which apply to the location differential to producers should be amended to eliminate the application of the adjustment to producer milk allocated to Class II, and to excess milk in the base-paying months.

The order provides location differentials which apply to the Class I prices charged to handlers. These reflect representative costs of transporting whole milk from outlying points to the market. No location differential applies to Class II use of handlers. With respect to payments to producers, the uniform price is adjusted for location at the same rate as the Class I price.

No plants now supplying the market are receiving producer milk to which location differentials apply.

The value of milk for fluid use when it is delivered by farmers to plants located some distance from the market is affected by the cost of transporting whole milk to market. Accordingly, the uniform prices paid producers should reflect such variations in the value of milk at point of delivery at a distance from the marketing area in contrast to its value when delivered to the marketing area.

During base-paying months in these markets, some excess milk is generally used in Class I. In these circumstances, it would be inappropriate for excess milk to be unaffected by location differentials.

In the case of milk caused by a handler to be delivered to the pool plant of another handler, location differentials on such milk should apply at the plant of the second handler, although for purposes of classification and calculation of pool plant qualification such milk may be treated as if received and handled by the first handler. The order provisions should be clarified to indicate the point at which location differentials apply in the case of such receipts, and also for diverted milk. This will recognize the necessity to relate location allowances to the point of actual physical receipt.

The volume of milk to which the Class I location differential applies should be clarified by indicating that it applies to a volume of Class I disposition from the plant which does not exceed producer milk receipts, such Class I disposition in the case of transfers to be determined by the same allocation procedure as now set forth in the orders.

9. *Clarification.* (a) The classification provisions of the Wheeling and Clarksburg orders should be amended to classify specifically as Class II that skim milk and butterfat which is disposed of in bulk to commercial manufacturers, other than dairy plants, which do not dispose of fluid milk products. The present provisions provide for Class I classification of such disposition.

It was within the intent of the Secretary in the decision relative to these orders issued September 6, 1955, that skim milk and butterfat so disposed of should be classified as Class II. This decision said, in part, "skim milk and butterfat disposed of to commercial food product manufacturing plants, other than dairy plants, which do not dispose of fluid milk products for fluid consumption, should be Class II milk."

(b) In the sections of the Wheeling and Clarksburg orders which define the computation of the uniform price, reference to location differentials should be § 1002.74 and § 1009.74, respectively. In § 1009.5 of the Clarksburg order which defines the marketing area, "the City of Weston" in Lewis County is correct instead of "the City of Western".

(c) The designation of East Liverpool in the definition of the Greater Wheeling marketing area should be corrected.

(d) The allocation provisions, as they apply to receipts from plants regulated under the terms of another Federal order, should be clarified. It is concluded that the use of identical language in both orders will facilitate their administration and remove any possibility of misunderstanding.

General findings. (a) The proposed marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing areas, respectively, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreements and amendments to the orders. The following orders amending the orders, regulating the handling of milk in the Greater Wheeling, West Virginia, and Clarksburg, West Virginia, marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be identical with those contained in the orders, and orders as hereby proposed to be further amended.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Wheeling, West Virginia, Marketing Area

1. Delete § 1002.5 and substitute therefor the following:

§ 1002.5 *Greater Wheeling marketing area.* "Greater Wheeling marketing area", hereinafter called the "marketing area", means all territory included within the boundaries of (a) Jefferson, Belmont and Monroe counties, Ohio, (b) Hancock, Brooke, Ohio, and Marshall counties, West Virginia, (c) East Liverpool, St. Clair, Wellsville, Yellow Creek, Madison, and Washington townships in Columbiana County, Ohio, and (d) Londonderry, Oxford and Millwood townships in Guernsey County, Ohio.

2. In the proviso in § 1002.6, after the words "nonpool plant", insert the following: "(except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order)".

3. Delete § 1002.8 and substitute therefor the following:

§ 1002.8 *Distributing plant.* "Distributing plant" means an approved plant which meets the conditions of both paragraphs (a) and (b) of this section:

(a) Not less than the required percentage (as specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 1002.6 and fluid milk products from supply plants pursuant to § 1002.9, is disposed of during the month on routes (including disposal through plant stores or by vending machines) to wholesale or retail outlets (except pool plants), such required percentages being 45 percent in April, May and June, and 55 percent in other months; and

(b) Not less than 5 percent of such disposition on routes as described in paragraph (a) of this section is to wholesale or retail outlets (except pool plants) in the marketing area.

4. Delete § 1002.9 and substitute therefor the following:

§ 1002.9 *Supply plant.* "Supply plant" means: During any of the months of September through January, inclusive, an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1002.6 are shipped during the month to distributing plants or disposed of on routes (including disposal through plant stores or by vending machines) to wholesale or retail outlets (excluding pool plants) in the marketing area: *Provided*, That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

5. Delete § 1002.10 and substitute therefor the following:

§ 1002.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant;

(b) A supply plant; or

(c) An approved plant which receives no milk from dairy farmers and from which Class I milk equal to not less than 5 percent of milk disposed of during the month on routes (including disposal through plant stores or by vending machines) to retail or wholesale outlets (excluding pool plants), is so disposed of in the marketing area.

6. Delete § 1002.19 and substitute therefor the following:

§ 1002.19 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1002.90 multiplied by the number of days of milk production delivered in such month.

7. In § 1002.30 (a), add subparagraph (5) as follows:

(5) Milk caused to be moved from a producer's farm to a plant of another handler.

8. Delete § 1002.40 and substitute therefor the following:

§ 1002.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported pursuant to § 1002.30 (a) shall be classified each month pursuant to the provisions of §§ 1002.41 through 1002.45.

9. Delete § 1002.41 (b) and substitute therefor the following:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form; (4) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (5) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1002.6) and other source milk: *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1002.6) and other source milk, respectively.

10. Delete the first sentence of § 1002.43 (a) and substitute therefor the following: "(a) Skim milk and butterfat transferred to a pool plant of another handler (including that which the handler causes to be delivered from a producer's farm to the pool plant of the other handler, but not including transfers to a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk."

11. Delete that part of § 1002.45 (a) (3) which precedes the proviso and substitute therefor the following: "(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the act and classified as Class I pursuant to such other order(s):".

12. Delete § 1002.51 (a) and (b) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1002.50) for the preceding month plus the following amount for the month indicated:

Month	*Amount*
February, March, April, May, June, and July	$1.50
All others	1.95

Provided, That this Class I price shall be increased or decreased by the amount of any "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (Order No. 75, Part 975 of this chapter); and

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1002.50.

13. Delete § 1002.53 and substitute therefor the following:

§ 1002.53 *Location differentials to handlers.* For milk disposed of from a pool plant located 60 miles or more from the city halls of Wheeling, West Virginia, East Liverpool, Ohio, or Steubenville, Ohio, whichever is nearest by shortest hard-surfaced highway distance as determined by the market administrator, as Class I milk pursuant to paragraphs (a) and (b) of this section, but not to exceed producer milk received at such plant (including milk diverted therefrom to nonpool plants), the price specified in § 1002.51 (a) shall be reduced at the rate set forth in the following schedule according to the location specified in paragraph (c) of this section:

Distance from the city hall of Wheeling, W. Va., East Liverpool or Steubenville, Ohio, whichever is nearest (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	15.0
70 but not more than 80	16.5
80 but not more than 90	18.0
For each additional 10 miles or fraction thereof an additional	1.0

(a) In the case of fluid milk products which are moved from the pool plant to another pool plant, assign to Class I milk for the purposes of this section, that portion of the milk moved which remains after assigning such milk to the quantity of Class II milk in the transferee plant as determined by the calculations prescribed in § 1002.45 (a) (1) through (4), and the comparable steps

in § 1002.45 (b) for the transferee plant, such assignment to Class II milk in the case of transfers from several plants to be made in the sequence to the transferring plants according to the location differential applicable at each transferring plant, beginning with the plant having the largest differential;

(b) Class I disposition from the plant other than disposition to the other pool plants; and

(c) For the purpose of application of location differentials, milk shall be considered to be received from producers at the following locations:

(1) Milk delivered from a producer's farm to a pool plant shall be considered as received at such pool plant unless, pursuant to subparagraph (2) of this paragraph, it is considered to be received at another pool plant,

(2) Milk caused by a handler to be delivered from a producer's farm to the pool plant of another handler shall be considered to be received at the plant of the first handler if both handlers so indicate in their reports to the market administrator, and

(3) Milk which is diverted to a nonpool plant pursuant to § 1002.6 shall be considered to be received at a pool plant at the location of the plant from which diverted.

14. Delete § 1002.61 and substitute therefor the following:

§ 1002.61 *Plants subject to other Federal orders.* Upon determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1002.10 (a) or (c) which disposes of a lesser volume of Class I milk in the Greater Wheeling marketing area than in a marketing area where milk is regulated pursuant to another order issued pursuant to the act, and which is subject to the classification and pricing provisions of such other order if exempted pursuant to this paragraph from regulation as a pool plant under this part;

(b) Any plant qualified pursuant to § 1002.10 (b) for any portion of the period February through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the act and the Secretary determines that such plant should be exempted from this part.

15. In § 1002.62, add the following proviso: "*Provided*, That such payments shall not apply to butterfat or skim milk in excess of butterfat or skim milk received by such nonpool plant from dairy farmers and in the form of fluid milk products from plants not fully regulated under any Federal order."

16. Insert a new section, § 1002.63, as follows:

§ 1002.63 *Milk caused by a handler to be delivered to another handler's pool plant.* Milk caused by a handler to be delivered to the pool plant of another handler shall be considered, for purposes of reporting, classification, and payment, to be received by the handler who so caused the milk to be delivered, if both handlers report such milk as so caused to be delivered.

17. Delete that part of § 1002.70 from the beginning through (a) and substitute therefor the following:

§ 1002.70 *Computation of the obligation of each handler.* For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1002.45 by the applicable class price, as adjusted by location differentials on the amount of milk to which location differential allowance applies pursuant to § 1002.53;

18. Delete § 1002.71 (a) and (c) and substitute therefor the following:

(a) Combine into one total the obligations computed pursuant to § 1002.70 for all pool plants which submit reports prescribed in § 1002.30 and who are not in default of payments pursuant to § 1002.80 or § 1002.82;

* * * * *

(c) Add an amount equal to the sum of deductions to be made for producer payments for location differentials pursuant to § 1002.74;

19. Delete § 1002.74 and substitute therefor the following:

§ 1002.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk received at a pool plant located 60 miles or more from the city hall of Wheeling, West Virginia, East Liverpool, Ohio, or Steubenville, Ohio, whichever is nearest, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received, as indicated pursuant to § 1002.53 (c), at the following rate:

Distance from the city hall of Wheeling, W. Va., East Liverpool, Ohio, or Steubenville, Ohio, whichever is nearest (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	15.0
70 but not more than 80	16.5
80 but not more than 90	18.0
For each additional 10 miles or fraction thereof an additional	1.0

20. In §§ 1002.82 and 1002.83, delete the words "the value of his producer milk" and substitute therefor the words "his obligation".

21. Delete § 1002.90 and substitute therefor the following:

§ 1002.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1002.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90, whichever is more: *Provided*, That any producer who, during the preceding months of September through December, delivered his milk to a nonpool plant which became a pool plant after the beginning of such period shall be assigned a base, in the same manner as if he had been a producer during such period, calculated from his deliveries during such September-December period to such plant.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Clarksburg, West Virginia, Marketing Area

1. Delete "Western" as it appears in § 1009.5 and substitute therefor "Weston".

2. In the proviso in § 1009.6, after the words "nonpool plant", insert the following: "(except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order)".

3. Delete § 1009.8 and substitute therefor the following:

§ 1009.8 *Distributing plant.* "Distributing plant" means an approved plant which meets the conditions of both paragraphs (a) and (b) of this section:

(a) Not less than the required percentage (as specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 1009.6 and fluid milk products from supply plants pursuant to § 1009.9, is disposed of during the month on routes (including disposal through plant stores or by vending machines) to wholesale or retail outlets (except pool plants), such required percentages being 45 percent in April, May and June, and 55 percent in other months; and

(b) Not less than 5 percent of such disposition on routes as described in paragraph (a) of this section is to wholesale or retail outlets (except pool plants) in the marketing area.

4. Delete § 1009.9 and substitute therefor the following:

§ 1009.9 *Supply plant.* "Supply plant" means: During any of the months of September through January, inclusive, an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1009.6 are shipped during the month to distributing plants or disposed of on routes (including disposal through plant stores or by vending machines) to wholesale or retail outlets (excluding pool plants) in the marketing area: *Provided*, That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

5. Delete § 1009.10 and substitute therefor the following:

§ 1009.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant;

(b) A supply plant; or

(c) An approved plant which receives no milk from dairy farmers and from which Class I milk equal to not less than 5 percent of milk disposed of during the month on routes (including disposal through plant stores or by vending machines) to retail or wholesale outlets (excluding pool plants) is so disposed of in the marketing area.

6. Delete § 1009.19 and substitute therefor the following:

§ 1009.19 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1009.90 multiplied by the number of days of milk production delivered in such month.

7. In § 1009.30 (a), add subparagraph (5) as follows:

(5) Milk caused to be moved from a producer's farm to a plant of another handler.

8. Delete § 1009.40 and substitute therefor the following:

§ 1009.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported pursuant to § 1009.30 (a) shall be classified each month pursuant to the provisions of §§ 1009.41 through 1009.45.

9. Delete § 1009.41 (b) and substitute therefor the following:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form; (4) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (5) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1009.6) and other source milk: *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1009.6) and other source milk, respectively.

10. Delete the first sentence of § 1009.43 (a) and substitute therefor the following: "(a) Skim milk and butterfat transferred to a pool plant of another handler (including that which the handler causes to be delivered from a producer's farm to the pool plant of the other handler, but not including transfers to a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk."

11. Delete that part of § 1009.45 (a) (3) which precedes the proviso and substitute therefor the following: "(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the act and classified as Class I pursuant to such other order(s):".

12. Delete § 1009.51 (a) and (b) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 1009.50) for the preceding month plus the following amount for the month indicated:

Month	*Amount*
February, March, April, May, June, and July	$1.75
All others	2.20

Provided, That this Class I price shall be increased or decreased by the amount of any "supply-demand adjustment" effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (Order No. 75, Part 975 of this chapter); and

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1009.50.

13. Delete § 1009.53 and substitute therefor the following:

§ 1009.53 *Location differentials to handlers.* For milk disposed of from a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by shortest hard-surfaced highway distance, as determined by the market administrator, as Class I milk pursuant to paragraphs (a) and (b) of this section, but not to exceed producer milk received at such plant (including milk diverted therefrom to nonpool plants), the price specified in § 1009.51 (a) shall be reduced at the rate set forth in the following schedule according to the location specified in paragraph (c) of this section:

Distance from the City Hall of Clarksburg, W. Va., (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	20
70 but not more than 80	22
80 but not more than 90	24
For each additional 10 miles or fraction thereof an additional	1

(a) In the case of fluid milk products which are moved from the pool plant to another pool plant, assign to Class I milk for the purposes of this section, that portion of the milk moved which remains after assigning such milk to Class II milk in the transferee plant as determined by the calculations prescribed in § 1009.45 (a) (1) through (4), and the comparable steps in § 1009.45 (b) for the transferee plant, such assignment to Class II milk in the case of transfers from several plants to be made in the sequence to the transferring plants according to the location differential applicable at each transferring plant, beginning with the plant having the largest differential;

(b) Class I disposition from the plant other than disposition to the other pool plants; and

(c) For the purpose of application of location differentials, milk shall be considered to be received from producers at the following locations:

(1) Milk delivered from a producer's farm to a pool plant shall be considered as received at such pool plant unless, pursuant to subparagraph (2) of this paragraph, it is considered to be received at another pool plant,

(2) Milk caused by a handler to be delivered from a producer's farm to the pool plant of another handler shall be considered to be received at the plant of the first handler if both handlers so indicate in their reports to the market administrator, and

(3) Milk which is diverted to a nonpool plant pursuant to § 1009.6 shall be considered to be received at a pool plant at the location of the plant from which diverted.

14. Delete § 1009.61 and substitute the following:

§ 1009.61 *Plants subject to other Federal orders.* Upon determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1009.10 (a) or (c) which disposes of a lesser volume of Class I milk in the Clarksburg marketing area than in a marketing area where milk is regulated pursuant to another order issued pursuant to the act, and which is subject to the classification and pricing provisions of such other order if exempted pursuant to this paragraph from regulation as a pool plant under this part;

(b) Any plant qualified pursuant to § 1009.10 (b) for any portion of the period February through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the act and the Secretary determines that such plant should be exempted from this part.

15. In § 1009.62, add the following proviso: "*Provided*, That such payments shall not apply to butterfat or skim milk in excess of butterfat or skim milk received by such nonpool plant from dairy farmers and in the form of fluid milk products from plants not fully regulated under any Federal order.

16. Insert a new section, § 1009.63, as follows:

§ 1009.63 *Milk caused by a handler to be delivered to another handler's pool plant.* Milk caused by a handler to be delivered to the pool plant of another handler shall be considered, for purposes

of reporting, classification, and payment, to be received by the handler who so caused the milk to be delivered, if both handlers report such milk as so caused to be delivered.

17. Delete that part of § 1009.70 from the beginning through (a) and substitute therefor the following:

§ 1009.70 *Computation of the obligation of each handler.* For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1009.45 by the applicable class price, as adjusted by location differentials on the amount of milk to which location differential allowance applies pursuant to § 1009.53;

18. Delete § 1009.71 (a) and (c) and substitute therefor the following:

(a) Combine into one total the obligations computed pursuant to § 1009.70 for all pool plants which submit reports prescribed in § 1009.30 and who are not in default of payments pursuant to § 1009.80 or § 1009.82;

• • • • •

(c) Add an amount equal to the sum of deductions to be made for producer payments for location differentials pursuant to § 1009.74;

19. Delete § 1009.74 and substitute therefor the following:

§ 1009.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk received at a pool plant located 60 miles or more from the City Hall of Clarksburg, West Virginia, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received, as indicated pursuant to § 1009.53 (c), at the rates set forth in § 1009.53.

20. In §§ 1009.82 and 1009.83, delete the words "the value of his producer milk" and substitute therefor the words "his obligation".

21. § 1009.90 and substitute therefor the following:

§ 1009.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1009.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk produced by and received from such producer at all pool plants during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December, inclusive, or by 90, whichever is more: *Provided*, That any producer who, during the preceding months of September through December, delivered his milk to a nonpool plant which became a pool plant after the beginning of such period shall be assigned a base, in the same manner as if he had been a producer during such period, calculated from his deliveries during such September-December period to such plant.

Issued at Washington, D. C., this 10th day of September, 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 57-7542; Filed, Sept. 12, 1957; 8:55 a. m.]

[7 CFR Part 1008]

[Docket No. AO-275-A2]

MILK IN INLAND EMPIRE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Spokane, Washington, on May 28, 29 and 31, 1957 pursuant to notice thereof issued on May 8, 1957 (22 F. R. 3357).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 9, 1957 (22 F. R. 6514) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues of record are concerned with:

1. Whether the present Inland Empire marketing area should be extended, or separate regulation be adopted, to apply to any or all of several additional counties in Washington and Idaho;

2. A proposed increase in the price differential for Class I milk, provision for an automatic supply-demand adjuster, and revision of location adjustments;

3. Whether the classification provisions should be amended: (a) To classify ending inventories as Class II milk, (b) to classify skim milk dumped as Class II milk during any month of the year, and (c) to classify "cocoa mixes" as Class II milk;

4. Revision of "pool plant" delivery performance requirements; and

5. Proposals to clarify the language of various order provisions and certain administrative and conforming changes.

During the course of the hearing counsel for a handler requested the admission into the record of Exhibit No. 5 (marked for identification). Such exhibit is a photostat copy of the house organ of a cooperative association which contains certain statements credited to a former manager of the association who was not available for examination. In the circumstances the exhibit was not admitted by the presiding officer on the basis the statements contained therein which counsel sought to be included in the record does not constitute the kind of testimony upon which responsible persons are accustomed to rely. An offer of proof was made by counsel. It is determined that the ruling of the presiding officer was correct and such ruling is hereby affirmed.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and the record thereof:

(1) The marketing area should be extended to include Benewah and Boundary Counties, Idaho.

The extension of the marketing area to Benewah County was proposed by two producers' cooperatives associated with the marketing area. The proposal to include Boundary County was submitted by a third producer's cooperative, which operates a plant located at Bonner's Ferry, Idaho. In both instances, the primary reason offered by proponents for extending the marketing area is to provide a similar price plan for all members of the associations concerned. The proposals were further supported on the basis that regulated handlers distribute substantial amounts of milk in said counties. Some members of one proponent association opposed extension of the marketing area to Benewah County primarily because such dairy farmers are satisfied with the business relationship they have with the nonregulated distributor there.

At the present time, some members of one association are shipping milk each month both to a nonregulated fluid milk plant at St. Maries (Benewah County) and to a plant regulated by the order. The fact that some dairy farmers have the opportunity to ship milk to both regulated and unregulated plants in the same month has undesirable effects on returns to those producers whose milk is priced by the order, and even on the regulation itself. Each month the Inland Empire marketing area utilizes a portion of its producer receipts as Class II milk. During the first 12 months of order operation such utilization ranged, on a monthly basis, from 5.9 to 19.8 percent of total producer receipts. The partial supplies of milk delivered to a regulated plant increase the volume of producer milk on the Inland Empire market with milk that is surplus to the fluid milk operations of the nonregulated distributor in Benewah County. Its unavailability to the regulated plant a portion of each month makes it an undependable source of milk for Class I use in the marketing area but at such times as it is delivered to a pool plant, it adds to the available supply which must be utilized as Class II milk, and thus tends to reduce the uniform price to all producers. Moreover, the opportunity afforded the nonregulated plant operator in Benewah County to limit his supply to requirements for fluid utilization (enhanced by the purchase of supplemental Class II milk products in finished form from a regulated plant) results in relatively higher returns to dairy farmers who supply the unregulated plant. This situation potentially, if not presently, affords the nonregulated distributor a competitive advantage over regulated handlers in the procurement of milk due simply to the existence of the regulation with its marketwide pooling plan for distributing producer returns. Over the longer term a more stable supply situation will prevail in the Inland Empire market if all producers involved in the foregoing marketing situation are paid on a similar price plan. It is concluded that Benewah County, Idaho, should be included in the marketing area.

A somewhat similar marketing situation also exists in Boundary County. Some members of the proponent producers' association ship milk to a regulated plant and other members deliver to the association's unregulated processing plant at Bonner's Ferry. Proponents expressed a desire for a uniform pricing plan for all members of the association. A close and continuing relationship of proponent's operation at Bonner's Ferry with a regulated plant in the marketing area was shown. The cooperative's processing plant at Bonner's Ferry supplies the regulated plant with supplemental milk, and also purchases a portion of its packaged milk needs from the regulated plant. During the past year the unregulated plant twice qualified as a pool plant. It has been necessary for such association to rely on the regulated plant in the Inland Empire market as the outlet for its entire milk supply when floods occur at Bonner's Ferry. The inclusion of Boundary County in the marketing area will establish a price and classification basis for milk moved between the marketing area plant and the plant at Boundary County equivalent to that applicable to the movement of milk between plants now under the regulation. It is concluded that Boundary County, Idaho, should be included in the marketing area.

Producer organizations proposed further that the marketing area be extended to include Whitman County, Washington, and Latah County, Idaho.

A handler with unregulated distributing plants in Pullman, Washington, and Moscow, Idaho, proposed the extension of the marketing area to Asotin County, Washington, and Nez Perce County, Idaho. Such proposal was submitted for consideration only in the event Whitman and Latah Counties were to be included in the marketing area. The proponent handler testified that 25 percent of his milk sales are in such counties and that it is necessary that they be included in order that proponent might remain competitive with other dealers from unregulated areas in Idaho, Washington, and Oregon where producer prices historically have been lower than in the Whitman-Latah area.

A nonregulated distributor of milk proposed the extension of the marketing area to Clearwater, Lewis and Idaho Counties, Idaho, and to Asotin County, Washington.

Producer proponents, in supporting their proposal, contended that:

1. Whitman and Latah Counties normally are part of the Inland Empire marketing area.

2. Historically, milk prices to producers and consumers in this area have followed prices in the Spokane market.

3. Producers have been unsuccessful in attempts to negotiate agreements with distributors on prices, butterfat checktesting, and audits of milk utilization.

Testimony in opposition to the marketing area extension stressed that:

1. Farm prices for milk in the proposed area compare favorably with those paid at regulated plants.

2. During the past ten years no dairy farmer has been denied a market except by action of the health authorities.

3. Dairy farmers have not been compelled to restrict production, or to market any portion of their production themselves.

4. Marketing conditions are not disorderly, and consumer prices have not fluctuated materially.

5. Adequate supplies of milk for fluid needs are produced locally.

6. Distributors do not rely on the Inland Empire marketing area for supplemental milk supplies.

Producers contended that Whitman and Latah Counties are an integral part of the Inland Empire marketing area. However, only one of the ten handlers regulated by the order sells milk in such counties from a regulated plant. During the past two years, the sales of milk in this area from the regulated plant have increased slightly. This distribution accounts for about 3 percent of the total Class I utilization of all regulated handlers.

The proponent associations also indicated that, historically, farm pricing of Grade A milk in Whitman and Latah Counties has followed that of the Inland Empire marketing area. At the present time, nonregulated distributors in these two counties deduct twenty-four cents per hundredweight from the prevailing Inland Empire Class I price in establishing prices for milk delivered to plants at Pullman and Moscow. This deduction is equivalent to the handler location adjustment provided in the order, which would apply to any plant in the Pullman-Moscow area which might come under the regulation. Proponents contended that this deduction is unjustified because no milk is received at plants located in Whitman and Latah Counties for distribution in the Inland Empire marketing area.

The deduction referred to was begun in September 1956. The net price paid dairy farmers for Class I milk at the nonregulated plants in Pullman and Moscow is the prevailing price paid at a regulated plant of the same distributor at Spokane, less the twenty-four cent deduction. The prevailing price at such plant includes, however, a substantial premium above the order minimum Class I price. A comparison of the announced minimum Class I prices under the order with those paid by the nonregulated plants at Pullman and Moscow shows that during the past year Class I prices paid by the nonregulated plants have been consistently higher, ranging from plus 4 cents to plus 34 cents per hundredweight; the average difference being plus 18 cents.

A comparison of producer "blend" prices paid at the nonregulated plants with uniform prices announced under the order indicates that the blend prices in the unregulated area also have been consistently higher during the same 12-month period. Blend prices paid at Moscow, Idaho, area averaged 27 cents more than those paid by regulated handlers. In the Pullman, Washington, area, blend prices averaged 41 cents more.

Producers contended further that they have been unsuccessful in attempts to negotiate at nonregulated plants concerning price agreements, butterfat check-testing, and audits of milk utilization. But producers, through the efforts of their association, were successful in terminating a lower Class I price for milk packaged in half-gallon containers. This "special" price was instituted in August 1955 and terminated in July 1956.

Producers also testified that although their association was successful in negotiations to terminate the special price, the nonregulated plant at the same time arbitrarily increased the farm-to-plant hauling rate. The hauling rate was changed from 20 cents per can (or about 23 cents per hundredweight) to 35 cents per hundredweight, but the validity of such increase in rate was not questioned at the hearing. The prices to dairy farmers prevailing in the Whitman-Latah area are higher than the order minimum even after consideration of such rate increase.

Producers did not elaborate on butterfat check-testing problems, nor does the record indicate that the producers' association actually attempted to establish check-testing and audit programs at the nonregulated plants. The Class I milk utilization at the nonregulated plants represents a high percentage of their total receipts. On the whole, producer witnesses did not express dissatisfaction either with payments based on past utilization or with price policy followed at the unregulated plants, but merely were apprehensive about future prices because of increasing production.

An independent producer witness representing some of the dairy farmers in this area testified that their business relationship with the nonregulated plants in Whitman and Latah Counties has been satisfactory. They opposed the proposal to extend the marketing area to these counties.

The principal nonregulated distributor in these counties testified that no regulated handler supplies supplemental milk to unregulated plants there. He contended that local production is sufficient for all fluid milk sales, and for most of the cottage cheese and ice cream sales. Whenever supplemental milk has been needed, as in March 1955 and October 1956, it has been purchased from unregulated plant sources.

It may not be concluded from the present record that there are serious disorderly marketing conditions in the unregulated area in question. Producers whose milk is shipped to handlers regulated by the order are not being disadvantaged in the pricing of their milk because of an unregulated market in Whitman and Latah Counties. There was no showing of undue hardship on any regulated handler as the result of failure to regulate such counties. The marketing area should not be extended at this time to include said counties.

Asotin County, Washington, and Nez Perce County, Idaho, were proposed for inclusion in the marketing area only if Whitman and Latah Counties were to be regulated. In view of the above, it is concluded that no useful purpose would be served by including Asotin and Nez Perce Counties in the marketing area.

The nonregulated distributor proponent for the inclusion of Clearwater, Lewis and Idaho Counties, Idaho, did not make an appearance at the hearing. The record contains no supporting evidence for his proposal. A number of dairy farmers appeared at the hearing, and opposed the extension of the marketing area to said counties. In view of the foregoing conclusions concerning the other counties proposed, and in the absence of supporting evidence, it is concluded that the Inland Empire marketing area should not be extended to include Clearwater, Lewis and Idaho Counties, Idaho.

The proposal to include Shoshone County and the eastern part of Kootenai County, Idaho, in the marketing area was made by two producers' associations. The principal towns involved in the proposed annexation are Kellogg, Mullen and Wallace, in Shoshone County.

The associations supported their proposal on the following grounds:

1. Extension of the area will permit a free flow of milk between plants in the marketing area and those in the proposed extension.

2. Competition from unregulated plant sources in Montana could be controlled for the protection of local dairy farmers.

3. Inland Empire producers can supply all the milk needed at Wallace, Mullen and Kellogg, Idaho.

An unregulated distributor located in Shoshone County who would be regulated under the proposal supported the proposed extension of the marketing area primarily because dairy farmers supplying the plant desire it as a means of establishing their prices on a basis equivalent to that of the Inland Empire market, and because of the proximity of Kellogg, Idaho, to Spokane, Washington.

Two unregulated distributors with plants at Missoula, Montana, who distribute some milk in Shoshone County, opposed the proposed marketing area extension indicating that their milk is priced to both producers and consumers under the Montana Milk Control Act, and if the marketing area were extended to Shoshone County, they would be required to pay compensatory payments on the volume of their sales in Shoshone County.

Proponents conceded on examination that Shoshone County is not significantly a part of the sales area for handlers regulated by the Inland Empire order although one regulated handler sells milk in half-gallon containers to an unregulated local distributor at Kellogg, Idaho, and another regulated handler with a plant at Coeur d' Alene, Idaho, also sells some milk in the county. There are no data in the record indicating the extent of these sales, and the regulated handlers involved did not testify on this proposal. One of the proponents, who no longer distributes milk in Shoshone County, testified that its sales outlets there were lost as the result of a price war in 1954. This occurred prior to the introduction of the order.

Although a producer witness testified that competition from unregulated sources in Montana could be controlled for the protection of local dairy farmers if Shoshone County were included in the marketing area, there was no showing of unstable marketing conditions or that producers are not receiving returns reasonably aligned with those resulting from the order. The fact that members of the association are in a position to supply all the milk needed at Wallace, Mullen and Kellogg, Idaho, is not adequate reason to regulate the handling of milk in such communities.

It is concluded from the foregoing that the marketing of milk in Shoshone County is not sufficiently related to the handling of milk in the Inland Empire market at this time to warrant regulation and therefore the marketing area should not be extended to include Shoshone County, Idaho.

The eastern portion of Kootenai County was proposed for regulation only to maintain contiguity for the entire marketing area as proposed for extension to Shoshone County. There are no local fluid milk plants in the eastern portion of Kootenai County. It is concluded further that such territory should not be included in the marketing area.

A handler proposed inclusion of Grant, Adams and Lincoln Counties in the marketing area. In support of this proposal proponent pointed out that approximately 19 percent of his total Class I sales are made on routes in such counties. About 5 percent of his total Class I sales are made to a military installation in Grant County (referred to in the record as the "Columbia Basin"). The major portion of the volume so sold by the proponent handler is distributed to outlets in Grant County rather than in Adams and Lincoln Counties. It was contended that inclusion of the Columbia Basin in the marketing area would assist in maintaining the returns of Inland Empire producers and protect Class I sales made in such area from the regulated plant by placing all competitors for sales in the Basin on a uniform price basis in the purchase of milk. In this connection proponent alleges competitive disadvantage in the sale of milk as the result of the prices he is required to pay producers. Proponent, however, does not propose regulation in the Basin unless the Class I price f. o. b. the Basin is set at a level equivalent to the Class I price for milk delivered to a regulated plant located in Spokane, by eliminating the location adjustment between Spokane and the Basin.

A producer association expressed concern that loss of sales by the one regulated handler distributing in the Basin, as the result of any competitive disadvantage in the distribution of milk, would have a severe impact on producer returns. This association indicated, however, that if the Basin were regulated, the potential of "pool-riding" by plants located in the vicinity of the Basin should be mitigated by revising the delivery performance requirements provided for the pool qualification of plants which distribute Class I milk on routes.

The principal consuming centers, Moses Lake and Ephrata, in the Basin are each located approximately 110 miles from Spokane. The distance from Wenatchee to Ephrata is approximately 50 miles and the distance between Wenatchee and Moses Lake is about 70 miles. Ellensburg also is about 70 miles from Moses Lake.

Some milk produced in the Basin is delivered to Yakima, approximately 105 miles distant, for bottling and is returned for sale from distributing stations located in the Basin. A plant operated by a cooperative at Ellensburg has available a substantial quantity of milk qualified for sale as fluid milk. This milk is priced at present under the terms of the Puget Sound order and the industry-negotiated premium payment plan prevailing in the Puget Sound market. It is transported to the Puget Sound marketing area from the Ellensburg area at a hauling rate of 23 cents per hundredweight. Fluid milk distribution routes from the bottling plant of this association at Ellensburg approach, possibly enter, Grant County, at a point less than 40 miles from Moses Lake.

On an historical basis, the Basin communities have been served from Spokane plants. As such communities have developed, routes to the Basin have been established from the Wenatchee market also. About the time of the inception of the Inland Empire order in April 1956, certain milk previously produced and distributed in the Basin, but bottled in a Spokane plant, was shifted to a Yakima plant for bottling. Such milk continues to be distributed in the Basin.

The prevailing price to producers for milk for fluid use in the unregulated Wenatchee and Yakima markets is $5.50 per hundredweight on a 4 percent butterfat content basis. This price compares with a minimum Class I price for milk of similar butterfat content under the Inland Empire order of $5.44 per hundredweight for the first year of order operation (April 1956–March 1957). Such a price relationship does not manifest competitive disadvantage to a Spokane handler distributing in the Basin. Actual prices for Class I milk in the Inland Empire market averaged somewhat higher, however, than $5.44 per hundredweight during the past 12 months because premiums over order prices have been paid by handlers as the result of negotiation with producer organizations. Payments on Class I milk above order prices averaged about $0.42 per hundredweight in the April 1956–April 1957 period. Any competitive disadvantage felt by the Spokane handler as the result of premiums paid through negotiation with producers may not be regarded as sufficient reason for expansion of the marketing area as a means of eliminating competitive disadvantage to such handler based upon the price paid for milk. Similarly, the marketing area may not be expanded as proposed simply for the purpose of protecting current levels of sales of pooled milk in the area to be annexed at whatever price above the order level may be negotiated to insure adequate supplies for the principal communities covered by the regulation.

The payment of negotiated premium prices in the Spokane market indicates the necessity for somewhat higher prices for milk delivered to Spokane than have been necessary at Wenatchee, Ellensburg, or Yakima to induce the production of adequate milk supplies. Inland Empire producers request that the Class I price under the order be increased at this time to insure adequate supplies in the future for the marketing area already under regulation. Milk is available in the central portion of Washington (Yakima, Ellensburg and Sunnyside) at prices considerably lower than the level requested for Spokane and vicinity.

Application of the Spokane level of prices f. o. b. the Basin would establish prices at the latter point higher than necessary to induce adequate supplies in this section of the State. There was no evidence of disorderly marketing conditions for dairy farmers in the central Washington markets or that higher farm prices for Grade A milk are sought by producers in this area. Although producers shipping to Spokane plants historically have received the benefit of a large proportion of the fluid milk sales in the Basin, the advantages of location should not be denied to milk which is closer to the Basin. The record does not reveal a basis on which to eliminate location adjustments in the case of plants located in such vicinity as a corollary to inclusion of the Basin in the marketing area.

Producers at Spokane expressed concern that loss of sales in the Basin would be highly detrimental to their returns for milk. The Class I sales made from the Spokane plant to the Basin constitute about 4 percent of the total Class I sales in the marketing area. It would not be appropriate to set prices at Spokane, where a large majority of the Class I sales of regulated handlers are made, at a level which would guarantee sufficient supplies for both the present marketing area and the Basin when lower-priced milk is available for the latter market.

Without the inclusion of Grant County, no useful purpose would be served by including Adams and Lincoln Counties since the total distribution of milk there is small. It is concluded that the marketing area should not be extended to include Grant, Adams, and Lincoln Counties.

(2) The price formula for Class I milk should be revised.

Producers proposed that the present Class I price differential of $1.85 per hundredweight (over the basic formula price) be increased 15 cents to $2.00 per hundredweight. The proposed differential, like the present one, would apply each month of the year. In addition, proponents suggested a "supply-demand adjuster" under which the Class I price differential would be modified automatically as changes occur in the relationship of milk supply to sales of Class I milk. No opposition testimony was presented.

Proponents supported their proposal on the grounds that (a) handlers have paid premiums each month since the introduction of the order, (b) milk production has not been over-stimulated during the past year, and (c) the proposed price level would still be below the present Class I price level including the premiums paid since the inception of the order.

Each month since the effective date of the order, handlers have paid premiums above the minimum Class I milk prices established by the order. Such premiums have ranged from 8 cents to 99 cents. The wide range of premiums paid has caused disparities in returns to producers under the marketwide pooling provisions of the order, and also has resulted in varying costs of milk among handlers. During the 13 months between the effective date of the order and the hearing, the premiums paid (on a monthly basis) averaged 42 cents per hundredweight. The average minimum Class I milk price during that period was $5.44 per hundredweight. With premiums, the average monthly Class I milk price was $5.86 per hundredweight.

At the time the order became effective (April 1956), a temporary Class I price differential was established. This differential expires automatically at the end of September 1957. The current proceeding affords an opportunity to review the Class I milk price level in the light of current marketing conditions. During the past year, the number of pool plants decreased from 16 to 13. Between May 1956 and May this year the number of producers decreased from 979 to 950. At the same time, however, average daily deliveries per producer increased about 12 percent. Official notice is hereby taken of the statistical summary for April and May 1957 issued by the market administrator under Order 108, in order to provide statistical comparisons with the corresponding months of the previous year.

During April and May 1957, total producer receipts increased about 9 and 8 percent, respectively, over the levels of the same months a year ago. The total volume of Class I milk utilization increased less than 1 percent in the same period. The utilization of producer milk in Class I in April and May 1957 decreased 6 percent and 5 percent, respectively, below the corresponding months of the previous year. The utilization of producer milk in the other two classes increased slightly. During the 13 months prior to the hearing, the monthly utilization of producer milk in Class I ranged from 68.7 percent to 90.7 percent. On a monthly basis, the utilization of producer milk in Class I averaged 80.6 percent, in Class II–A, 10.9 percent, and in Class II, 8.5 percent. The effective Class I milk price level (including the premiums negotiated by producers) has encouraged a production increase in relation to Class I sales during the past year. Such price level has not resulted, however, in a burdensome surplus even though feed prices are slightly lower in the milkshed than they were a year ago.

Although producers proposed a stated Class I price differential of $2.00 per hundredweight, the difference between such differential and that ($1.65) fixed by the Puget Sound order, would exceed the difference in the relative costs of transporting milk to the two markets from areas where milk supplies could be made available for either market. The cost of moving milk to District No. 1 of the Puget Sound marketing area from Ellensburg, Washington, is 23 cents per hundredweight. An allowance of about 46 cents is provided under the Inland Empire order for the Ellensburg location. It is concluded that a Class I milk differential of $1.90 per hundredweight, which represents an increase of 5 cents from the current differential, is reasonable in light of the above costs of moving milk and should be adopted. Thus, the Inland Empire Class I price would be appropriately aligned with prices at the nearest plant associated with the Puget Sound market where milk supplies are available in substantial quantities. If the proposed Class I price differential of $1.90 had been in effect during the 13 months prior to the recent hearing, an average Class I price of $5.49 would have resulted. As previously stated, the average Class I price actually paid during this period was 37 cents higher, or $5.86 per hundredweight.

Producers also proposed that a supply-demand adjuster be included in the order. Handlers concurred in this proposal. The stated purpose of this type of provision is to adjust automatically the Class I milk price in response to changes in the relationship of producer milk to Class I utilization from a reasonable standard, or "norm". Such automatic adjustment is designed to facilitate prompt changes in price in response to changing supply and sales conditions, thus reducing the frequency of hearings as relatively minor changes in the supply-sales relationship occur.

The supply-demand adjuster set forth herein, as in the case of proponents' proposal, would relate Class I milk price changes to the ratio of producer milk to Class I sales during the second and third months preceding that to which the Class I price applies. The schedule of standard utilization percentages adopted is based on an average Class I utilization of about 76 percent of producer milk supplies. This allows for a 17 percent annual average reserve supply of producer milk, which should be the minimum necessary to prevent shortages in the fall months, after taking into account that about 7 percent of producer milk is used in Class II–A for cottage cheese (which is required by the marketing area health authorities to be made of Grade A milk).

Price adjustments would apply at a rate of five cents per hundredweight plus or minus for each point of change between the current supply-Class I sales ratio and a standard utilization percentage figure for the particular month. The total adjustment is limited to plus or minus 50 cents. Since an adjustment beyond this point would reflect a significant change in the supply-sales relationship from the present, it would be appropriate to convene a hearing to reconsider the Class I price level in the light of such change. This limitation will also help to preserve a reasonable price alignment with the Puget Sound market.

For the period July 1956 through June 1957, the Class I milk price provided herein, on a monthly basis, would have averaged about $5.74. On the basis that

the Class I price premiums paid by handlers in May and June 1957 are the same as in April 1957, the average Class I milk price effective for the 12-month period specified would be $5.93. The Class I price level adopted would have been about 19 cents less than the actual level for this period.

It is concluded also that the supply-demand adjuster set forth herein will provide appropriate price adjustments based on the normal needs of the Inland Empire market for Class I milk, cottage cheese, and a necessary reserve, and should be adopted. Although the price level to result from the provision will be somewhat higher than the present order Class I price, the formula does not result in a price as high as the current market price, including premiums. Further, it will reduce the Class I milk price promptly in the event production should increase at a faster rate than Class I sales.

At the hearing, producers proposed that in calculating a supply-demand adjuster, the milk of any handler whose plant was not a pool plant for at least three of the most recent 12 months should be excluded from the supply-demand computation. It was testified that the principal purpose of a supply-demand adjuster is to equate market supply and demand and that plants that qualify irregularly as pool plants may not be said to be a part of the long-run sources of milk for the market. However, in another part of this decision it is provided that the pooling standards for distributing plants be revised. Such revision should prevent unnecessary dilution of the pool through shipments of milk from plants associated with the market only in a casual way. In view of this, it is concluded that the proposal to exclude certain plants from the supply-demand computation should not be adopted.

Producers and handlers proposed changes in the location adjustment provisions, which would provide for additional basing points for computing location differentials and also would revise the rate of adjustment. The additional basing points were proposed in connection with proposals to extend the marketing area to the Columbia Basin and the Pullman-Moscow area. Elsewhere herein it is provided that such area extensions should not be made. No testimony was presented to show whether the present rate should be increased or decreased or in what manner the present rate schedule is inappropriate. In view of this, it is concluded that the location differential provisions should not be revised.

(3) Certain revisions to the classification provisions of the order should be made; the provision relating to the classification of skim milk dumped should not be changed.

(a) Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for the receipts and utilization of producer milk during the current month. Inventory is intended to include stocks on hand of bulk milk and skim milk, bottled milk, and other items designated as Class I milk. Manufactured products (Class II) on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for as Class II milk. As previously indicated, handlers will need to keep stock records of such products but they will not be included in inventory for the purpose of accounting for current receipts.

It is concluded that inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of the month, it will be necessary to provide a method to deal with the producer milk inventory which is used in the current month for Class I purposes but which the handler accounted for to producers as Class II milk at the end of the previous month. In a plant which engages primarily in a fluid milk business, it is quite possible that a decrease in inventory in any given month may exceed its total utilization of Class II milk. Handlers, at times, also use other source milk in their operations. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt in the following month and subtracting such receipt (under the allocation procedure) in series starting with Class II milk following the subtraction of other source milk.

To the extent that opening inventory is allocated to Class I milk and there was an equivalent amount of producer milk classified in Class II milk in the previous month (after the allocation of other source milk) a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the preceding month. This will promote uniformity in the cost of milk among handlers and in returns to producers for their milk, irrespective of whether or not such producer milk is from the previous month's ending inventory or is a current receipt.

(b) The provision which permits skim milk dumped during the months of April, May, June and July to be classified as Class II milk should not be revised.

A producers' organization suggested that skim milk dumped be classified as Class II milk in any month of the year in the event the marketing area were expanded to include certain communities, particularly those where colleges or universities are located. It was testified that school vacations might necessitate the dumping of skim milk in months other than those specified in the present provision. A milk distributor in one of the areas proposed for annexation to the present marketing area made a similar request in connection with his own plant operation.

In view of the decision not to include Shoshone, Whitman and Latah Counties in the marketing area and since no difficult problems of milk disposal have arisen during the period the order has been in effect, it is concluded that the classification of skim milk dumped should continue to be made on the basis currently provided.

(c) A handler proposed the reclassification of "Mayo's Cocoa Mix" and similar products from Class I milk to Class II milk.

Proponent testified that the product referred to contains 11 percent nonfat milk solids, and in addition cocoa, sugar, stabilizer, salt and vanilla. The finished product has the body and viscosity of low fat ice cream mix. It is usually frozen at the milk processing plant and distributed at soda fountains where it is consumed in the form of a hot chocolate drink after the addition of water. The product is heated and continuously agitated in the soda fountain dispenser in order to keep the solids content in suspension. It is not required to be produced from inspected milk supplies although Grade A milk is currently being used in its manufacture.

Since this product is not required to be made from Grade A milk it is in direct competition, from a procurement standpoint, with supplies of ungraded whole milk, and possibly with nonfat dry milk. However, in view of its similarity in form to ice cream mix and the fact that it does not constitute a distress outlet for Grade A milk, any such milk utilized for this product should be classified and priced as Class II A milk rather than as Class II milk. The order is so revised.

(4) The definition of "pool plant" should be revised in part.

Two proposals to modify the delivery performance standards required of distributing plants for pool plant status were made by producer organizations in connection with proposals to expand the marketing area. One of the proposals relating to pool plant qualification would require that no distributing plant could qualify for the pool unless 50 percent or more of its total receipts of milk were disposed of as Class I milk on routes and at least 20 percent of such receipts were sold as Class I milk in the marketing area on routes. The second proposal of producers would establish such percentages at 60 and 20, respectively. One handler also testified in support of stricter delivery performance standards for distributing plants. At present a distributing plant may qualify for pool status if 5 percent or more of its receipts of milk are distributed as Class I milk in the marketing area on routes. In support of such proposals proponents indicated the need to prevent operators of plants not primarily in the fluid milk business, and not continuously associated to a substantial degree with the Inland Empire market from, "riding" the pool, and thus diluting returns to regular producers.

Because of the difference in marketing practices and functions between distributing plants and supply-type plants, two sets of performance standards are provided in the order. Although not specifically defined in the order the term "distributing plant", for the purpose of this discussion, means a plant from which Class I milk is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants). In contrast, the term "supply plant", for the purpose of this discussion, refers to a plant (other than a distributing plant) from which milk, skim milk or cream which is acceptable to an appropriate health authority for

distribution in the marketing area is shipped during the month to a distributing plant which is qualified as a pool plant. There were no proposals to revise the delivery performance standards applicable to the supply-type plant in qualifying for pool status, and no revision of such standards is made.

Essential to the operation of a market-wide pool in this area is the establishment of delivery performance standards to apply uniformly to all plants similarly situated. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its dairy farmers share in the Class I sales of the market. Any dairy farmer who meets the necessary health inspection requirements should be permitted, under the order, to sell his milk to any plant meeting the standards of qualification as a "pool plant". Whether or not plants and dairy farmers choose to supply the Inland Empire market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of Grade A milk to the market may pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation, nor should they be permitted or required to equalize sales with all other plants in the market. If a milk plant were permitted to share on a pro-rata basis in the Class I utilization of the entire market without being genuinely associated with the market, the premiums or differentials paid by users of Class I milk would be dissipated without accomplishing their intended purpose. If a plant were qualified and fully regulated merely as the result of a token shipment therefrom of milk or cream into the market for sale as Class I milk, any distributor operating a milk plant with a smaller share of milk in Class I than the average for all regulated plants could make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health inspection standards.

Since reserve milk is an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets. This is particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Inland Empire market regularly may depend. If such plants were allowed to sell a token quantity of milk in the marketing area and pool their surplus whenever Class I outlets were not available to them, the result would be that such plants could maximize returns to their own dairy farmers at the expense of those producers who supply the long-run needs of the Inland Empire market through receipt of equalization payments from the Inland Empire pool.

Based on the record of the original hearing held on the Inland Empire order on May 24–June 2, 1955, it was concluded in the decision of the Assistant Secretary issued January 4, 1956, official notice of which is taken, that any distributing plant from which less than 5.0 percent of its receipts is disposed of in the marketing area during the month should be excluded from the "pool plant" definition. This was done in order that a distributor who might accidentally dispose of some fluid milk in the area would not be made subject to regulation and to prevent operators not primarily associated with the market from taking advantage of the pooling mechanism by distributing token quantities of milk in the marketing area. The above basis for exemption was established in the absence of indication in the original hearing that pool-riding would become a significant problem in the Inland Empire market.

A situation of this kind is, however, quite possible in the Inland Empire market under the terms of the present order. The operator of a cooperative plant located in the central part of Washington testified in the recent hearing that his dairy farmers are looking for any pool to which their milk might be shipped to improve their returns. Such plant, which has only a small portion of its Grade A milk receipts in Class I milk uses, is located in an area of relatively heavy milk production. It has no outlets for milk in the present marketing area or in the area as proposed to be extended by this decision. The representative of the plant referred to indicated that the milk supply of his plant would preferably remain in the pool under the Puget Sound order, where it is priced currently, if the uniform prices in the Inland Empire market were reduced by the entry into the pool of additional plants with substantial Class II milk operations. Plants with substantial quantities of milk in manufacturing uses are located at Ellensburg, Yakima and Sunnyside, in Washington, and at Wallowa, Oregon, all within a distance from which milk could be shipped readily to Spokane.

The Inland Empire market, however, would gain no advantage from the payment of equalization to a distributing plant not having a primary interest in the Inland Empire market. Such a distribution of equalization payments would, in fact, reduce the uniform prices to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market primarily depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately and dependably.

In order to qualify as a pool plant, a distributing plant therefore should be required to distribute at least 20 percent of its Grade A milk from dairy farmers and other plants during the month as Class I milk in the marketing area on retail or wholesale routes.

A distributing plant having more than 80 percent of its fluid milk business outside the marketing area or in other outlets should not be considered as genuinely associated with the market. It is not considered advisable to bring any such plant under full regulation because of the relatively small share of business done in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of the order, and might well place such plant at a competitive disadvantage in relation to its competitors in supplying unregulated markets, as well as avoid an adverse effect upon the returns of the regular Inland Empire producers.

Such a minimum is necessary also to avoid the possibility that a distributing plant not otherwise associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of making minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of Class I milk should be qualified as pool plants under this portion of the pool plant definition. In order to preserve this distinction, a further condition for qualification is placed on the distributing plant: the total distribution therefrom of Class I milk on routes to wholesale or retail outlets both inside and outside the marketing area during the month must amount to at least 50 percent of its receipts of milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply-type plant and its status under the pool should be judged by the standards applied to such plants.

Those plants from which milk for Class I uses is distributed regularly in the marketing area on routes at present may be expected, under normal circumstances, to dispose of milk in such a way as to exceed by a comfortable margin the minimum performance standards necessary to qualify as a pool plant. From time to time there may be, of course, plants supplying milk to the marketing area which will not qualify for pool status. Such plants will continue to be subject to partial regulation on the same basis as now provided.

(5) The compensatory payment provision should be applied in the case of other source milk received by a producer-handler and utilized as Class I milk; such payment should not be applied to other source milk received by handlers and utilized as Class I milk, or disposed of as Class I milk in the Inland Empire marketing area on routes by others, which is classified and priced under the provisions of another milk marketing agreement and order issued pursuant to the act.

It was stated in the decision of January 4, 1956, supporting issuance of the original Inland Empire order that "Since the order provides for the identification of that milk which is subject to total regulation under the order, the possibility remains that some milk will be disposed of in the marketing area as Class I milk which is not subject to total

regulation." It was stated also that a payment at the rate equal to the difference between the Class I and Class II milk prices is necessary on milk not subject to total regulation to maintain the integrity of the pricing and pooling provisions of the order.

The provision in the order which was designed to apply compensatory payments at a rate equal to the difference between the Class I and Class II milk prices on other source milk used as Class I milk did not indicate specifically whether other source milk received by a producer-handler would be subject to the payments. It is concluded that the order should be clarified in this respect so that such payment would apply to all other source milk received by a producer-handler, except milk of his own production and that received by him from a plant regulated by this order or any other marketing agreement or order issued under the statute. The price advantage which might otherwise accrue would tend to be disruptive in its effect on the market in the same manner as other source milk received by a fully regulated handler and so used.

It is not deemed necessary, however, in the circumstances which prevail in the Inland Empire market to apply the compensatory payment to any milk priced under another milk marketing agreement or order issued under the act, whether such milk is received by a fully regulated handler or distributed in the marketing area by a handler who is not fully regulated, such as a producer-handler. The alignment of prices between the Inland Empire market and other regulated markets which are potential sources of milk for the Inland Empire market is such that, after taking transportation costs into account, no price advantage is likely to accrue to the milk under another similar regulation when disposed of in the Inland Empire market. It is concluded that the order should be clarified to accomplish the above.

Certain revisions of the order have been made for the purpose of clarifying its terms. Some of these are self-explanatory. Other such changes are discussed below.

The Dairy Division, Agricultural Marketing Service, proposed that order language be clarified so that the reporting provisions would not apply to milk products which are received by a handler in finished or final form. At the time the order was promulgated, it was not intended to include in a handler's classification accounts milk products received at a pool plant in the form in which sold to consumers. The reporting section of the order is revised accordingly for clarification.

It is likely that at least two new pool plants will be qualified immediately as the result of the marketing area changes provided for herein. Since the effective date of the order amendments resulting from this proceeding will be subsequent to the beginning of the period used for computing bases currently in effect producers shipping milk to any new pool plant should have bases computed on the basis of their deliveries to such plant during the same period (September 1956–January 1957) in the manner of producers already on the market. During the ensuing base-operating period (March 1958–February 1959) bases for such producers should be computed on the basis of their deliveries to such plant and to other pool plants during the months September 1957–January 1958. The order so provides.

The base rules should be clarified so that wherever there is a joint operation of a farm production unit only one base shall apply. The present provision requires that where the land, buildings and equipment used are jointly owned or operated, one base shall apply. This language would not apply to a situation where the land is owned by one person and the buildings and equipment by another. A number of similar combinations of resources could be established to which the present provision of the order would not apply. The intent of the provision would be weakened thereby. The language provided will clarify the original intent of the provision.

Producers and handlers also testified concerning the transfer provisions of the base rules. It was their contention that the present language of such provision allows a producer to transfer his base to one person, and to sell his herd to another. It was proposed that the base accompany the herd in cases where the herd is sold to another person who produces milk for the market.

It was also contended that present order language permits a producer to transfer his current base and then obtain a base as a "new producer" prior to the next fall base-making period.

The latter practice would tend to inflate the total amount of base milk on the market to the disadvantage of other producers and should be discouraged. The base rules therefore are clarified to insure that a producer who transfers his base after the beginning of the base-operating period will not receive a percentage base in the same manner as a producer entering the market for the first time.

Although in certain instances under base plans effective only a few months of the year administrative convenience has dictated some limitation on base transfers, the transfer of base under a year-round application of bases may be left more appropriately to settlement between the parties involved in the transfer, provided that returns to other producers will not be adversely affected thereby. In view of the revisions made, it is concluded that other restrictions on the transfer of bases are not necessary.

General findings. (a) The proposed marketing agreement and the order, as proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as proposed to be amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement regulating the handling of milk in the Inland Empire Marketing Area", and "Order amending the Order regulating the handling of milk in the Inland Empire Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1957 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Inland Empire marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk

in the Inland Empire marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1957 is hereby determined to be the representative period for the conduct of such referendum.

Alexander Swantz is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this decision is issued.

Issued at Washington, D. C., this 10th day of September, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area

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§ 1008.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (i) other source milk (except other order milk) classified as Class I milk, and (ii) milk received from producers, including such handler's own production.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1008.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 1008.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1008.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 1008.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1008.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1008.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1008.6 *Inland Empire marketing area.* "Inland Empire marketing area" (hereinafter called the "marketing area") means that portion of Bonner County, Idaho, lying south of Township 60 and west of Range 2 East Boise Meridian; all of Kootenai County, Idaho, except that portion lying east of Range 3 West Boise Meridian and south of Township 53; Boundary County, Idaho; Benewah County, Idaho; Spokane County, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35; and that portion of Stevens County, Washington, lying south of Township 37. This definition shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above-described area.

§ 1008.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling, or processing of milk or milk products: *Provided*, That this definition shall not include any platform or depot used primarily for the transfer of milk from one conveyance to another in the original milk containers.

§ 1008.8 *Pool plant.* "Pool plant" means any plant, other than the plant of a producer-handler or a plant at which the milk of dairy farmers is priced by another milk marketing agreement or order issued pursuant to the act, which is approved by any health authority having jurisdiction in the marketing area as a plant for the receiving of milk qualified for consumption as fluid milk in the marketing area and from which:

(a) Class I milk pursuant to § 1008.41 (a) (1), (2) and (3) in an amount not less than 20 percent of its receipts of milk qualified as described in § 1008.11 is distributed within the marketing area on routes (for the purpose of this section route shall mean a delivery to retail or wholesale outlets, including delivery by a vendor or a sale from a plant or plant store of milk or any milk product classified as Class I milk pursuant to § 1008.41 (a) (1), (2) or (3) other than a delivery to another pool plant): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area on routes is not less than 50 percent of such plant's total receipts of milk qualified as described in § 1008.11; or

(b) Milk, skim milk, or cream is forwarded to a plant described in paragraph (a) of this section: *Provided*, That no plant forwarding milk in such manner shall be a pool plant if the percentage which the quantity of either butterfat or skim milk in milk, skim milk, and cream so forwarded is of the amount thereof contained in milk (qualified as described in § 1008.11) received from dairy farmers at such plant is less than 50 percent in the current month during the period October through December, and 20 percent in the current month during the period January through September, except if the percentage forwarded was more than 50 percent of such receipts for the entire period October through December, no percentage shall be required for such months of January through September immediately following: *And provided further*, That any such plant which otherwise meets the requirements of this paragraph but is not a plant qualified as a pool plant under paragraph (a) of this section may withdraw from pool plant status for any month in the January–September period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

§ 1008.9 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

§ 1008.10 *Dairy farmer.* "Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1008.11 *Producer.* "Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 1008.12 *Producer milk.* "Producer milk" or "milk received from producers" means milk of any producer qualified as described in § 1008.11 and either (a) received directly from a farm at a pool plant, or (b) caused to be diverted by a handler for his account from such plant to a nonpool plant during any of the months of February through August: *Provided*, That milk from the same producer (or from a producer who previously held such producer's base) was received at a pool plant during some portion of the period September through January immediately preceding: *And provided further*, That for all purposes under this order such diverted milk shall be deemed to have been received at the pool plant from which diverted.

§ 1008.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts of milk and milk products in any of the forms specified in § 1008.41 (a) (1), (2) and (3) (including other order milk), except (1) such milk and milk products received from a pool plant(s) and (2) producer milk; and

(b) Products other than those specified in § 1008.41 (a) (1), (2) and (3) from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1008.14 *Other order milk.* "Other order milk" means all skim milk and butterfat in any of the forms specified in § 1008.41 (a) (1), (2) or (3), received by a handler but the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any other milk marketing area.

§ 1008.15 *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a pool plant(s) or any other plant from which milk in any of the forms specified in § 1008.41 (a) (1), (2) and (3) is disposed of, either directly or indirectly, to any place or establishment within the marketing area other than a plant.

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted from a pool plant to a nonpool plant for the account of such association.

§ 1008.16 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care, and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 1008.17 *Base.* "Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 1008.60 (a) and (b), respectively.

§ 1008.18 *Base milk.* "Base milk" means milk received from a producer at a pool plant during the month in an amount which is not in excess of:

(a) Such producer's daily base computed pursuant to § 1008.60 (a) multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the intervening days of nondelivery shall be considered as days of delivery for the purposes of this section and § 1008.60; or

(b) His base computed pursuant to § 1008.60 (b).

§ 1008.19 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 1008.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1008.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1008.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1008.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1008.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate.

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1008.30 to 1008.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1008.80 to 1008.88, inclusive.

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1008.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1008.70 (a) (5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 1008.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1008.87 and 1008.88.

(2) Each handler whose total value of milk is computed pursuant to § 1008.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1008.51 (a) and the Class I butterfat differential pursuant to § 1008.52 (a), both for the current month; and the respective minimum prices for Class II A milk and Class II milk pursuant to § 1008.51 (b) and (c) and the Class II butterfat differential pursuant to § 1008.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 1008.71 and the butterfat differential(s) computed pursuant to § 1008.82, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 1008.30 *Monthly reports of receipts and utilization.* On or before the 7th day of each month, in the detail and on forms prescribed by the market administrator, each handler shall submit to the market administrator a report for such handler's pool plant(s) and with respect to milk or milk products subject to payments required under § 1008.70 (b), containing the following information for the preceding month:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk (including other order milk) received (except manufactured milk products of the types covered by Class II A milk and Class II milk in § 1008.41 disposed of in the form in which received without further processing by the handler);

(d) Inventories of items included in Class I milk on hand at the beginning of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including (1) the pounds of skim milk and butterfat on hand at the end of each month as items included in Class I milk; and (2) a separate statement as to the amount of Class I milk disposed of on wholesale or retail routes (other than to plants) entirely outside the marketing area.

(f) The aggregate quantities of base milk and excess milk received; and

(g) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 1008.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1008.32 *Other reports.* (a) At such times and in such manner as the market administrator may prescribe each handler shall report to the market administrator such information in addition to that required under § 1008.30 as may be requested by the market administrator with respect to milk and milk products handled by him.

(b) As requested by the market administrator, each producer-handler shall report to the market administrator relative to his receipts, utilization, and disposition of milk and milk products.

(c) As requested by the market administrator, each handler shall report the total quantity of milk received from each producer and the number of days of such delivery for each month beginning with September 1956.

§ 1008.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations (and summaries thereof customarily maintained) and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 1008.30, 1008.31, and 1008.32 and to payments required to be made pursuant to §§ 1008.80 through 1008.88.

§ 1008.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to

begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8 (c) (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market adminstrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1008.35 *Handler report to producers.* (a) In making payments to producers pursuant to § 1008.80, each handler, on or before the 17th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month (1) the identification of the handler and the producer; (2) the total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery; (3) the minimum rate(s) at which payment to the producer is required under the provisions of § 1008.80; (4) the rate(s) used in making the payment, if such rate(s) is other than the required minimum rate(s), (5) the amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and (6) the net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate pursuant to § 1008.80 (b) each handler upon request shall furnish to the cooperative association, on or before the 16th day of each month, with respect to each producer for whom such payment is made, all the information specified in paragraph (a) of this section.

CLASSIFICATION

§ 1008.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 1008.30 shall be classified by the market administrator pursuant to the provisions of §§ 1008.41 through 1008.45, inclusive.

§ 1008.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1008.42, 1008.43, and 1008.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in fluid or frozen form as milk, skim milk (including fortified skim milk), skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and cream (sweet or sour), but not including any of the above items if sterilized and packaged in metal containers hermetically sealed; (2) used in the production of concentrated milk, skim milk, flavored milk and flavored milk drinks not sterilized (but not including (i) those products commonly known as evaporated milk, condensed milk, and condensed skim milk, (ii) flavored milk or flavored milk drink sterilized and packaged in metal containers hermetically sealed; and (iii) any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section); (3) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, cocoa mixes, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt); (4) shrinkage of producer milk in excess of that pursuant to paragraph (b) (6) of this section and shrinkage allocated to receipts from other handlers pursuant to § 1008.42 (b); and (5) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than those included under paragraphs (a) (1), (2), (3), and (c) of this section; (2) disposed of (skim milk only) for livestock feed, or dumped during April, May, June, or July: *Provided*, That in the case of skim milk dumped, the market administrator is given not less than 6 hours' notice of the handler's intention to make such disposition; (3) disposed of in bulk in any of the forms specified in paragraph (a) (1), (2), and (3) of this section (i) to bakeries, soup companies and candy manufacturing establishments in their capacity as such, (ii) to nonpool plants subject to the conditions of § 1008.44 (b) (2); (4) disposed of in any of the forms specified in paragraph (a) (1), (2), and (3) of this section if sterilized and packaged in metal containers hermetically sealed; (5) contained in inventories of items included in paragraph (a) (1), (2), and (3) of this section on hand at the end of the month; (6) in actual shrinkage of producer milk computed pursuant to § 1008.42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk; and (7) in actual shrinkage of other source milk computed pursuant to § 1008.42.

(c) Class II A milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses (and shall be included in Class II milk for all purposes of this order except as otherwise expressly stated).

§ 1008.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers.

§ 1008.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 1008.30.

(c) Except as provided in § 1008.44 (b) (1), any skim milk or butterfat classified on the basis of its use in one product shall be reclassified if used or reused by any handler in another product.

§ 1008.44 *Inter-plant movements.* Skim milk and butterfat transferred as any item specified in § 1008.41 (a) (1), (2), and (3) from a pool plant to another plant shall be assigned (separately) to each class in the following manner:

(a) From a pool plant to another pool plant: As Class I milk unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the month within which such transfer was made: *Provided*, That if either or both plants received any other source milk, the quantity transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk: *And provided further*, That (1) milk received from a plant subject to location adjustments shall be assigned to Class I milk in the transferee-plant after producer milk receipts and any receipts from plants subject to no location adjustment are assigned to Class I milk; and (2) if milk is received from more than one transferor-plant, assignment to the available Class I milk in the transferee-plant shall be made in sequence according to the location adjustment applicable at each transferor-plant beginning with the plant having the least location adjustment.

(b) From a pool plant to a nonpool plant: Such transfer(s) (also diverted milk) shall be classified as provided below, except that if the market administrator is not permitted to audit the records of the nonpool plant(s) for the purpose of use verification, the entire transfer shall be classified as Class I milk:

(1) As Class I milk, if the transfer (or diversion) is to a nonpool plant which is engaged in the distribution of milk for consumption in fluid form (except as provided in subparagraph (2) of this paragraph) to the extent that milk is disposed of as any of the items specified in § 1008.41 (a) (1), (2), and (3) from the receiving plant.

(2) As Class II milk, if the transfer (or diversion) is to a nonpool plant which is not engaged in the distribution of milk for consumption in fluid form or is engaged in the processing and distribution of milk for fluid consumption which is sterilized and packaged in metal containers hermetically-sealed: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 1008.41 (a) (1), (2), and (3) to any other nonpool plant distributing milk in fluid form, such disposition, up to the quantity of milk transferred or diverted to the first nonpool plant, shall be classified as Class I milk: *And provided further*, That with respect to the milk to which the preceding proviso does not apply, the remaining transferred or diverted quantity shall be deemed to have been utilized first for the manufacture of Class II A milk products to the extent that such products were produced at such nonpool plant.

§ 1008.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler (1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (2) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids; and

(b) Allocate skim milk in the following manner:

(1) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 1008.41 (b) (6);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received (other order milk to be subtracted last) and in overage allocated to other source milk (§ 1008.70 (a) (4)): *Provided*, That if more than one source of other source milk is involved, the skim milk shall be subtracted in sequence beginning with the source at greatest distance from the City Hall, Spokane, Washington: *And provided further*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk in Class II A milk and in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of items included in § 1008.41 (a) (1), (2) and (3) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk remaining in Class II A milk and in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class pursuant to § 1008.44;

(5) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 1008.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month:

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 1008.51 *Class prices.* Subject to the differentials provided in §§ 1008.52 and 1008.53 the following are the minimum prices per hundredweight to handlers for Class I milk, Class II A, and Class II milk:

(a) *Class I milk.* For each month the price for Class I milk shall be the basic formula price rounded to the nearest cent, plus $1.90 adjusted by the amount computed pursuant to paragraph (d) of this section.

(b) *Class II A milk.* The price for Class II A milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for spray and roller process nonfat dry milk for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents and round to the nearest cent.

(d) *Supply-demand adjustment.* On or before the 6th day of each month the market administrator shall make the following computations based upon information obtained from handler's reports of receipts and utilization:

(1) Determine the total receipts of producer milk by all handlers (including receipts from a handler's own farm production) during the second and third months preceding;

(2) Determine the total pounds of milk and milk products disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from interhandler transfers) during the same two months; and

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio."

(4) Whenever the current supply-demand ratio varies from the standard utilization percentage for the current month set forth in the following table the Class I price shall be increased or decreased 5.0 cents for each full percentage point that the current supply-demand ratio is above or below, respectively, the percentage for such month set forth in the table, but such price shall

not be increased or decreased more than 50 cents for any month because of the current supply-demand ratio:

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	84	October–November.
February	83	November–December.
March	80	December–January.
April	82	January–February.
May	81	February–March.
June	79	March–April.
July	70	April–May.
August	64	May–June.
September	66	June–July.
October	69	July–August.
November	75	August–September.
December	81	September–October.

§ 1008.52 *Butterfat differentials to handlers.* If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 1008.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 1008.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.123, and round to the nearest tenth of a cent: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk and Class II–A milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department, during the month, multiply the result by 0.115, and round to the nearest tenth of a cent: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 1008.53 *Location adjustment credits to handlers.* The price for Class I milk at a pool plant located more than 50 miles from the City Hall, Spokane, Washington, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk pursuant to § 1008.51 (a), less a location adjustment per hundredweight of milk computed as follows: 3 cents for each 10 miles, or major fraction thereof, up to 100 miles, an additional 2.0 cents for each 10 miles, or major fraction thereof, for distances in excess of 100 miles but not more than 200 miles, and an additional 1.0 cent for each 10 miles, or major fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance, as determined by the market administrator, from such pool plant to the City Hall, Spokane, Washington.

§ 1008.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF BASE

§ 1008.60 *Computation of producer bases.* Subject to the rules set forth in § 1008.61 the market administrator shall determine bases for producers in the following manner:

(a) The daily base of each producer whose milk was received at a pool plant(s) on not less than 120 days during the months of September through January, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered to a pool plant in such five-month period by the number of days from the date of his first delivery to the end of such five-month period: *Provided,* That the daily base of any producer who delivered milk on not less than 120 days during such September–January period to a plant which subsequently qualified as a pool plant shall be computed, in similar manner, on the basis of such producer's deliveries to such plant in such September–January period. The base so computed, which shall be recomputed each year, shall become effective on the first day of March next following and shall remain in effect through the month of February of the next succeeding year.

(b) The base of any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section (including any producer for whom a base may not be computed pursuant to this section because of lack of available information concerning such producer's deliveries in the applicable September–January period) shall be a quantity, to be effective for the current month only, computed by multiplying his deliveries to a pool plant(s) during the month by the appropriate monthly percentage in the following table:

January	80	July	65
February	75	August	70
March	70	September	75
April	60	October	80
May	60	November	80
June	60	December	80

§ 1008.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base computed pursuant to § 1008.60 (a) may be transferred in its entirety to another producer upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases, or otherwise conveys his herd to the same producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part: *Provided,* That all deliveries of milk by a producer who has transferred his base to another producer shall be excess milk until March 1 next following such transfer.

(b) A producer who ceases deliveries to a pool plant for more than 45 consecutive days shall lose his base if computed pursuant to § 1008.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1008.60 (b) until he can establish a new base under § 1008.60 (a), to begin the next March 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 1008.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next March 1 such producer's base shall be computed in the manner provided by § 1008.60 (b).

(d) As soon as bases computed by the market administrator under § 1008.60 (a) and (b) are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list (or lists) showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm, he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 1008.11 may establish or earn a base pursuant to the provisions of § 1008.60 (a) or (b) and only one base shall be allotted with respect to milk produced by two or more persons where the land, buildings, or equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 1008.70 *Computation of value of milk.* (a) The total value of milk received during any month by each handler, including any cooperative association which is a handler, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 1008.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 1008.53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of the reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made.

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 1008.45 by the applicable class price: *Provided,* That if (i) overage results in a pool plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and (ii) overage results in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, and the transferor handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity.

(5) Add, with respect to other source milk (including overage allocated to other source milk but excluding other order milk) received at each pool plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk (other than Class II A) prices adjusted, respectively, by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk): *Provided,* That if the plant supplying such milk is located outside the marketing area and more than 50 miles from the City Hall, Spokane, Washington, the rate of payment per hundredweight of milk otherwise required by this subparagraph shall be reduced by the rate of location adjustment provided in § 1008.53 for the distance such plant is located from the City Hall, Spokane, Washington, but not to exceed $1.90 per hundredweight.

(6) Add the amount computed by multiplying the difference between the Class II price (§ 1008.51 (c)) for the preceding month and the Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1008.45 (b) (4) and (c) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1008.45 (b) (3) and (c) for the current month, whichever is less.

(b) The value of milk (except other order milk) of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of in the marketing area as any item included in Class I milk pursuant to § 1008.41 (a) (1), (2), or (3) shall be a sum of money computed by the market administrator by multiplying the hundredweight of other source milk so disposed of by the difference between the Class I and Class II milk (other than Class II A) prices, adjusted by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk), and by the same rate of location differential), if any, provided in paragraph (a) (5) of this section: *Provided,* That a producer-handler shall not be obligated for payments under this paragraph with respect to that portion of other source milk represented by his own farm production.

§ 1008.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who made the reports prescribed in § 1008.30 and who made the payments pursuant to § 1008.84 for the preceding month;

(b) Add the aggregate of values of the location adjustments on base milk allowable pursuant to § 1008.81;

(c) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4 percent, or add, if such average butterfat content is less than 4 percent, an amount computed by multiplying the amount by which the average butterfat content of base and excess milk varies from 4 percent by the appropriate butterfat differentials computed pursuant to § 1008.82, and multiply the resulting figures by the respective hundredweights of base and excess milk;

(e) Multiply the hundredweight of excess milk by the Class II (other than Class II A) price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided,* That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the sum of the amount obtained in paragraph (e) of this section and any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 1008.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 17th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided,* That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 1008.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 16th day after the end of such month: *And provided further,* That, if by such date such handler has not received full payment for such month pursuant to § 1008.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the location adjustment computed pursuant to § 1008.81 and by the butterfat differential computed pursuant to § 1008.82.

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1008.82.

(b) On or before the 16th day after the end of each month each handler shall pay to each cooperative association which operates a pool plant for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 1008.41) by the class price.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 1008.81 *Location adjustments to producers.* In making payment to producers pursuant to § 1008.80 for milk received at a pool plant to which the provisions of § 1008.53 apply, the uniform price per hundredweight for base milk shall be reduced at the same rate per hundredweight as is applicable to Class I milk at such plant pursuant to § 1008.53.

§ 1008.82 *Producer butterfat differential.* In making payments pursuant to § 1008.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, butterfat differentials computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 1008.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 1008.84 and out of which he shall make all payments to handlers pursuant to § 1008.85.

§ 1008.84 *Payments to the producer-settlement fund.* (a) On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, whose obligation is computed pursuant to § 1008.70 (a) shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80 (a).

(b) Each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who disposes of milk as described in § 1008.70 (b) shall pay the amount computed for him pursuant to such paragraph.

§ 1008.85 *Payments out of the producer-settlement fund.* On or before the 15th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80 (a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1008.84, 1008.86, 1008.87, and 1008.88: *Provided,* That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1008.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1008.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1008.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1008.80 (a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1008.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler, including any cooperative association which is a handler but not including a producer-handler, shall pay to the market administrator on or before the 14th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk (except other order milk) classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 1008.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information.

(1) The amount of obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1008.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1008.91.

§ 1008.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1008.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1008.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1008.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1008.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-7543; Filed, Sept. 12, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 7, 8]

[Docket No. 11374; FCC 57-971]

STATIONS ON LAND AND SHIPBOARD IN THE MARITIME SERVICES

ORDER SCHEDULING ORAL ARGUMENT

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete the frequencies 6240 and 6455 kc and to make 4372.4 kc available on a full-time basis for ship and coast stations using radiotelephony on the Mississippi River and connecting inland waters (except the Great Lakes); Docket No. 11374.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 5th day of September 1957.

The Commission having under consideration matters of record in the above-entitled proceeding; a petition by American Waterways Operators, Inc. that Oral Argument before the Commission en banc be scheduled; and a pleading submitted by the Commission's General Counsel concurring in the request;

It appearing that hearing in the above-entitled proceeding has been held and the record certified to the Commission for decision;

It further appearing that oral argument would be of assistance to the Commission in its determination of the issues;

It further appearing that the exigencies of time which led the Commission to instruct that the record be certified to it for decision also require that oral argument be held at the earliest opportunity;

It is ordered, That oral argument on the matters of record in the above-entitled proceeding be held before the Commission en banc on September 26, 1957, at 10:00 a. m. and, that each of the parties be allowed 20 minutes except that a single 20 minute period be assigned to the General Counsel, Chief, Safety and Special Radio Services Bureau, and Chief, Common Carrier Bureau.

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7515; Filed, Sept. 12, 1957; 8:50 a. m.]

[47 CFR Part 12]

[Docket No. 12160; FCC 57-972]

AMATEUR RADIO SERVICE

OPERATION AWAY FROM AUTHORIZED LOCATIONS

1. Notice is hereby given of Proposed Rule Making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed by Malcom A. Hormats seeking amendment of §§ 12.91 and 12.93 of its Rules Governing the Amateur Radio Service so as to provide that only one notice be required in the case of operation away from the authorized location, provided, that an additional notice will be required each time there is any change in the information supplied in the original notice. The Commission is also in receipt of a letter submitted on behalf of the Maritime Mobile Amateur Radio Club requesting that only one notice be required in the case of operation aboard ships, making repeated voyages over the same routes so long as "significant particulars" of such operation remain unchanged.

3. Sections 12.91 and 12.93 of the Commission's rules presently provide, among other things, that an amateur station may be operated away from the fixed transmitter location specified in the license for periods in excess of 48 hours only after written notice, containing specified information, has been given to the Commission of the intention to so operate. If such operation continues for a period in excess of one month, additional notices must be given for each month that such operation continues. An exception is made if the operation away from the authorized location occurs outside the continental limits of the United States, its territories, or possessions. In this instance only one notice is required "during any one continued absence".

4. The petitioner, Malcolm A. Hormats, contends that the monthly notices required by §§ 12.91 and 12.93 are of little or no value to the Commission in those instances where the operation of the station is merely being continued in accordance with the information supplied in the original notice, but that the requirement of such notices is unduly burdensome upon the involved amateurs. The letter, filed on behalf of the Maritime Mobile Amateur Radio Club, likewise contends that amateurs operating "mobile" aboard ships which make recurrent voyages over the same general routes should not be required to submit a new notice each time the ships return to a United States port unless there is some change in the information supplied in the original notice because "strict compliance with this provision is sometimes exceedingly difficult of accomplishment due to the peculiarities of the movement of ships in which, frequently, there is insufficient time to properly notify the Commission at the conclusion of one voyage and the commencement of a second voyage."

Both petitioner Hormats and the Maritime Mobile Amateur Radio Club contend that the changes requested would benefit not only the amateur licensees but would also benefit the Commission because, in their view, such changes in the Rules involved would result in a reduction in the Administrative work of field offices "with no relaxation of the Commission's requirements".

5. The Commission, believing that its rules applicable to operation of amateur radio stations away from authorized transmitter locations should be revised, proposes to amend Part 12 of its rules by adding a new § 12.90, and amending §§ 12.91 and 12.93. The principal effects of such proposed amendment are:

(a) To consolidate within one section all notice requirements, other than designation of the Commission office or offices to be notified in specific instances, when an amateur station is to be operated away from the authorized transmitter location;

(b) To provide that only one notice of operation away from the authorized transmitter location be required for periods not exceeding one year upon the condition that additional notices will be required whenever there is a change in the information contained in the previous notice; and

(c) To provide that the notice required when an amateur station is to be operated away from the authorized location contain the following specific information in addition to that presently required: The address at which, or through which, the licensee may be readily reached while operating away from the authorized transmitter location; and when operating as a mobile station, the official name, registry number or license

number of the aircraft, vessel or land vehicle from which the station will be operated.

6. The proposed amendments, authority for which is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, are set forth below.

7. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 22, 1957 a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to original comments may be filed within ten days from the last day for filing original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in these matters and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and three copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 5, 1957.

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

It is proposed to amend Part 12 of the Commission's rules governing the amateur radio service in the following particulars:

1. Delete the centerheading which presently appears immediately following § 12.82 and substitute the following:

"Station operation away from authorized location."

2. Add a new § 12.90 to read as follows:

§ 12.90 *Requirements for portable and mobile operation.* (a) Within the continental limits of the United States, its territories, or possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Notice of such operation in accordance with the provisions of § 12.91 shall be given to the Engineer in Charge of the radio district in which operation is intended.

(b) When outside the continental limits of the United States, its territories, or possessions, an amateur radio station may be operated as portable or mobile only under the following conditions:

(1) Operation may not be conducted within the jurisdiction of a foreign government except pursuant to, and in accordance with, expressed authority granted to the licensee by such foreign government. When a foreign government permits Commission licensees to operate within its territory, the amateur frequency bands which may be used shall be as prescribed or limited by that government. (See Appendix 4 of this part for the text of treaties or agreements between the United States and foreign governments relative to reciprocal amateur radio operation.)

(2) When outside the jurisdiction of a foreign government, operation may be conducted only in the amateur frequency bands 21.00 to 21.45 and 28.0 to 29.7 Mc.

(3) Notice of such operation, in accordance with the provisions of § 12.91, shall be given to the Engineer in Charge of the district having jurisdiction of the authorized fixed transmitter location.

3. Delete the text of § 12.91 and insert the following language:

§ 12.91 *Notice of operation.* Whenever an amateur station is, or is likely to be, operated for a period in excess of 48 hours away from the fixed transmitter location specified on the station license without return thereto, the licensee shall give advance written notice of such operation to the Commission office or offices specified in §§ 12.90 or 12.93. A new notice is required whenever there is any change in the particulars of a previous notice or whenever operation away from the authorized station continues for a period in excess of one year. The notice required by this section shall contain the following specific information:

(a) Name of licensee.

(b) Station call sign.

(c) Authorized fixed transmitter location.

(d) Portable location(s), or mobile itinerary as specifically as possible, or temporary fixed transmitter location, or new permanent fixed transmitter location.

(e) The dates of the beginning and end of each period of operation away from the location specified in the station license.

(f) The address at which, or through which, the licensee can be readily reached.

(g) In the case of mobile operation, the official name, registry number or license number (including the name of the issuing state or territory, if any) of the aircraft, vessel, or land vehicle in which the mobile station is installed and operated.

4. Delete the text of § 12.93 and insert the following language:

§ 12.93 *Special requirements for nonportable stations.* (a) An amateur station that has been moved from the authorized permanent location to another permanent location may be operated for a period not exceeding four consecutive months at the latter location, but in no event beyond the expiration of the license unless timely application for renewal thereof has been filed in accordance with the provisions of § 12.67 under the following conditions:

(1) Advance notice, in accordance with the provisions of § 12.91, shall be given to the Engineer in Charge of the radio district in which operation is intended; and

(2) Formal application for modification to change the permanent location shall be filed with the Commission within the above specified four month period.

(b) The licensee of an amateur station who changes residence temporarily, but retains a permanent residence associated with the fixed transmitter location designated in the station license, and moves his amateur station to a temporary location associated with his temporary residence, or the licensee-trustee for an amateur radio society which changes the normal location of its amateur station to a different and temporary location, may operate the station at such temporary location under the condition that: Notice, in accordance with the provisions of § 12.91, shall be given to the Commission in Washington 25, D. C., and to the Engineer in Charge of the radio district in which temporary operation is intended.

(c) When the station is operated under the provisions of this section, the portable identification procedures specified in § 12.32 shall be used.

[F. R. Doc. 57-7516; Filed, Sept. 12, 1957; 8:50 a. m.]

[47 CFR Part 16]

[Docket No. 12161; FCC 57-973]

LAND TRANSPORTATION RADIO SERVICES

PERMISSIBLE SCOPE OF COOPERATIVE USE OF FACILITIES

Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to amend § 16.3 (a) of Part 16, rules governing the Land Transportation Radio Services, so as to require specific prior approval from the Commission of any cooperative use of base station or mobile station radio facilities licensed under that part. The present rule requires the prior approval of the Commission when the proposed cooperative use comes within the provisions of § 16.3 (a) (1) but does not clearly require prior approval when the proposed use comes within § 16.3 (a) (2). From reports received by the Commission, it appears that this requirement is often misunderstood by licensees. The proposed amendment clarifies and extends the requirement to all cooperative use of base station or mobile station radio facilities licensed under Part 16. The cooperative use of fixed station radio facilities licensed under Part 16 will be considered only on a case by case basis pending further development of the Commission's microwave program.

3. Also, it is proposed to change the conditions under which licensees may engage in cooperative use of their base station or mobile station facilities. The present § 16.3 (a) requires that both parties proposing a cooperative use of base or mobile radio facilities operate transportation facilities in the same service. The proposed amendment would substitute therefor a provision that the same frequency must be assignable under Part 16 for use in connection with the transportation activity engaged in by each person proposing the cooperative use. This would permit persons operating any of the different types of transportation facilities to engage in cooperative use of their base or mobile radio facilities if the frequency proposed to be used was assignable under Part 16 to persons operating each type of transportation facility.

4. Coincident with the above, the Commission proposes to remove the requirement contained in § 16.3 (b) (2), that an audited financial statement reflecting the non-profit, cost-sharing nature of the cooperative arrangement be submitted annually to the Commission inasmuch as such annual statement does not appear to serve a useful purpose. However, the base station licensee will still be required to maintain such records and hold them available for inspection by Commission representatives.

5. In addition, it is proposed to amend § 16.251 (a) (5) of the rules governing the Motor Carrier Radio Service to provide for the eligibility in that service of non-profit corporations or associations organized for the purpose of furnishing a radiocommunication service on a cost-sharing basis to persons, all of whom are actually engaged in transportation activities for which provision is made in that service, provided that the frequency proposed to be used is assignable to persons engaging in all such transportation activities for base or mobile station use.

6. The foregoing amendments, which are set forth in detail below, are issued under authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before October 15, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: September 5, 1957.

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

1. Amend § 16.3 (a) to read as follows:

(a) Licensees shall not engage in any form of cooperative use of radio facilities licensed under this part except upon specific prior approval from the Commission with respect to every other person with whom such cooperative use is proposed. Such approval will not be granted by the Commission except in those cases where the frequencies proposed to be used are assignable under this part to base stations or mobile stations for use in connection with all the transportation activities involved. Cooperative use of point-to-point systems will be considered only on a case by case basis, pending further development of the Commission's microwave program. All cooperative arrangements will be governed by the following:

(1) Persons who are to receive mobile radiocommunication service from a base station licensed to another person may themselves be the licensees of the radio units to be installed in their respective vehicles: *Provided*, That prior to the mobile units receiving such service the person from whom the service is to be received shall obtain written authority to render such communications service, naming each person who is to receive service. When such communication service is to be rendered on a regular basis, the requests for such authority shall be made on an FCC Form 400, however, if the service is to be rendered on an irregular or temporary basis, the request may be in the manner provided for in § 16.53. Upon approval of the request, the Commission will designate the persons to whom service may be rendered, on the base station authorization or in the special temporary authority which shall be kept with the base station records.

(2) The licensee of a base station may install mobile units in vehicles of other persons, when the frequencies proposed to be used are assignable under this part for use in connection with all transportation activities involved: *Provided*, That in each case such persons shall enter into a written agreement verifying that the licensee has the sole right of control of the mobile radio units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his responsibilities under the license. A copy of the agreement with vehicle owners required hereby shall be kept with the station records and held available for inspection by the Commission representatives.

2. Amend § 16.3 (b) (2) to read as follows:

(2) Contributions to capital and operating expenses may be accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all persons who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the base station licensee and held available for inspection by Commission representatives.

3. Amend § 16.251 (a) (5) to read as follows:

(5) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service on a cost-sharing basis to persons all of whom are actually engaged in activities set forth in the preceding subparagraphs of this paragraph: *Provided*, That the frequency on which such operation is proposed is available for assignment for use by base stations or mobile stations in connection with all such transportation activities.

[F. R. Doc. 57-7517; Filed, Sept. 12, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

ORGANIZATION STATEMENT

OFFICE OF THE JUDGE ADVOCATE GENERAL

In Organization Statement of the Department of the Navy, published at 16 F. R. 12573–12590, delete paragraph (a) of subsection H appearing at 16 F. R. 12585, as amended, 22 F. R. 3078, and insert the following paragraph in lieu thereof.

H. *Office of the Judge Advocate General.* (a) The Office of the Judge Advocate General, authorized by the act of June 8, 1880 (21 Stat. 164) as revised and reenacted (10 U. S. C. 5148), has cognizance of all major phases of military, administrative and applied law listed below as are incident to the operation of the Department of the Navy.

(1) In substance, the organization consists of a Judge Advocate General, a Deputy and Assistant Judge Advocate General, an Assistant Judge Advocate General (International and Administrative Law), an Assistant Judge Advocate General (Personnel, Reserve and Management), an Assistant Judge Advocate General (Military Justice), and fourteen principal divisions designated as International Law, Admiralty, Civil Law, Administrative Law, Litigation, Personnel Security, Military Personnel, Administrative Management, Naval Reserve and Legal Assistance, Appellate Defense, Military Justice, Investigations, Editorial and Research, and Bureau of Naval Personnel Discipline Liaison Divisions. Within the several divisions are branches and sections performing specific functions embraced by the mission of the parent division. In addition to the divisions of the Office, there are special assistants and the Boards of Review organized pursuant to article 66 of the Uniform Code of Military Justice (10 U. S. C. 866); two of the Boards are the

principal part of the Office of the Judge Advocate General of the Navy, West Coast, located at San Bruno, California.

(2) The position of the Deputy and Assistant Judge Advocate General is to be occupied by the officer serving in the statutory position of Assistant Judge Advocate General (10 U. S. C. 5149). He shall perform such duties as the Judge Advocate General may prescribe. When there is a vacancy in the office of Judge Advocate General, or during the absence or disability of the Judge Advocate General, the Deputy and Assistant Judge Advocate General, unless otherwise directed by the President, shall perform the duties of the Judge Advocate General until a successor is appointed or the absence or disability ceases. The Assistant Judge Advocate General (International and Administrative Law), the Assistant Judge Advocate General (Personnel, Reserve and Management) and the Assistant Judge Advocate General (Military Justice) shall function within the fields of responsibility specified; shall perform such duties as may be prescribed by the Judge Advocate General; and shall be responsible to the Deputy and Assistant Judge Advocate General and the Judge Advocate General. When there is a vacancy in the office of Judge Advocate General, or during the absence or disability of the Judge Advocate General, and during the absence or disability of the Deputy and Assistant Judge Advocate General, the Assistant Judge Advocate General senior in military rank and available for such duty shall perform the duties of the Judge Advocate General, unless otherwise directed by the President.

By direction of the Secretary of the Navy:

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

SEPTEMBER 6, 1957.

[F. R. Doc. 57-7496; Filed, Sept. 12, 1957; 8:46 a. m.]

DEPARTMENT OF STATE

[Public Notice 152]

[Delegation of Authority No. 85-2]

INTERNATIONAL COOPERATION ADMINISTRATION

FURTHER DELEGATION OF AUTHORITY

By virtue of the authority vested in me by section 4 of the act of May 26, 1949 (63 Stat. 111, 5 U. S. C. 151c), section 3 (a) of Delegation of Authority No. 85, as amended, is hereby further amended by the addition of the following subsection:

(5) The functions which the Department of State is directed to carry out by section 4 (d) (3) of Executive Order 10560, as amended, relating to foreign currencies generated by sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, to carry out the purposes of section 104 (c) of the act.

JOHN FOSTER DULLES,
Secretary of State.

SEPTEMBER 4, 1957.

[F. R. Doc. 57-7504; Filed, Sept. 12, 1957; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54430]

[Customs Delegation Order 12]

TRANSFER FROM APPRAISERS OF MERCHANDISE TO COLLECTORS OF CUSTOMS OF CERTAIN FUNCTIONS

By virtue of authority vested in me by Treasury Department Order No. 165, Revised (T. D. 53654, 19 F. R. 7241), I hereby transfer from the appraisers of merchandise to the collectors of customs the function of determining the appraised value under section 402 of the Tariff Act of 1930, as amended (19 U. S. C. 1402), and the actual domestic value in its condition at the time and place of examination, of any unclaimed merchandise abandoned to the Government, where the aggregate appraised value of the lot as determined by the collector is not in excess of $250.

[SEAL] RALPH KELLY,
Commissioner of Customs.

SEPTEMBER 6, 1957.

[F. R. Doc. 57-7505; Filed, Sept. 12, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[The Dalles 028653]

OREGON

REVOKING RECREATIONAL WITHDRAWAL NO. 57

SEPTEMBER 10, 1957.

By virtue of the authority vested in the Secretary of the Interior by the act of June 14, 1926 (44 Stat. 741), and pursuant to Section 2.22 of Order No. 2583 of the Secretary of the Interior, dated August 16, 1950, it is ordered as follows:

1. The Departmental order of March 12, 1934, which withdrew the following-described lands for recreational purposes, is hereby revoked:

WILLAMETTE MERIDIAN

T. 13 S., R. 31 E.,
Sec. 26, SE¼SE¼.

The area described contains 40 acres.

2. The land is hilly and mountainous. It is the east hillside of a steep canyon on the bed of which are located the towns of Canyon City and John Day. Precipitation is approximately 11 inches per annum, most of which falls in the nongrowing period. Soils are shallow clay loam with much surface rock. Vegetation consists of a sagebrush-juniper type association.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on October 16, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 15, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on January 15, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m. on January 15, 1958. Applications and offers under the mineral leasing laws filed on or before that date will be considered as simultaneously filed at that time. Applications filed after that date will be considered in the order of filing.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

E. J. THOMAS,
Acting Director.

[F. R. Doc. 57-7540; Filed, Sept. 12, 1957; 8:55 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 6, 1957.

The United States Department of Agriculture, Forest Service, has filed an application, Serial No. Sacramento 048402, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for use as a Feather River Experimental Station within the Plumas National Forest for long range experimental forest purposes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, 8th Floor, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 23 N., R. 10 E.,
Sec. 4, lots 3, 4, SW¼;
Sec. 5, lots 1, 2, 3, 4, S½N½;
Sec. 6, lots 1, 2, S½NE¼;
Sec. 9, NW¼.
T. 24 N., R. 10 E.,
Sec. 31, SE¼NE¼, SE¼;
Sec. 32, NE¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 33, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 34, NW¼NE¼NW¼, NW¼NW¼, NW¼SW¼NW¼.

The area described totals approximately 879.96 acres in Plumas National Forest.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-7493; Filed, Sept. 12, 1957; 8:45 a. m.]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 6, 1957.

In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, and pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, Part II, Document 4, California State Office dated November 19, 1954 (19 F. R. 7697), the following described lands have been reconveyed to the United States under application numbers indicated:

MOUNT DIABLO MERIDIAN, CALIFORNIA

Sacramento 035125

T. 30 N., R. 13 E.,
Sec. 33, E½NW¼, NE¼SW¼.

Sacramento 036859

T. 9 N., R. 21 E.,
Sec. 24, N½NW¼.

Sacramento 036934

T. 9 N., R. 22 E.,
Sec. 5, lots 3, 4, S½NW¼, N½SW¼, W½SE¼, SE¼SE¼;
Sec. 6, SE¼NE¼, NE¼SE¼;
Sec. 8, NE¼NE¼, S½NW¼, NW¼SW¼;
Sec. 10, NW¼SE¼;
Sec. 30, NW¼NE¼.

Sacramento 036733

T. 31 N., R. 1 W.,
Sec. 10, NW¼NE¼, N½NW¼.

Sacramento 048100

T. 32 N., R. 8 W.,
Sec. 34, SW¼NE¼, W½NW¼, SE¼NW¼.

The area described totals 1,161.56 acres.

1. The lands are widely scattered throughout Northern California and generally occupy foothill and mountainous regions with climate and precipitation which vary according to elevation and locality. Accessibility is fair to poor as a rule. Adverse topography renders the lands generally unsuited to agricultural purposes other than grazing by livestock.

The lands in T. 30 N., R. 13 E., M. D. M., are part of organized Grazing District California No. 2; and those in T. 9 N., R. 21 E., and T. 9 N., R. 22 E., M. D. M., part of organized Grazing District Nevada No. 3.

The lands in T. 31 N., R. 1 W., and T. 32 N., R. 8 W., M. D. M., are part of the District Forestry Office, Redding. The exchange under Sacramento 048100 was made in furtherance of the Bureau timber program and is in the timber management unit.

2. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., local time, on October 12, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., local time, on January 11, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., local time, on January 11, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States Mining Laws, beginning 10:00 a. m., local time, on January 11, 1958, except as to Sacramento 036733 which has been open to mining at all times.

4. Persons claiming veteran's preference rights under Paragraph a (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 10th Floor, California Fruit Building, 4th and J Streets, Sacramento 14, California.

JEAN M. F. DUBOIS,
Acting Officer in Charge, Northern Field Group, Sacramento, California.

[F. R. Doc. 57-7494; Filed, Sept. 12, 1957; 8:46 a. m.]

Office of the Secretary

[Order No. 2824]

DIRECTOR, NATIONAL PARK SERVICE

DELEGATION OF AUTHORITY TO NEGOTIATE FOR SERVICES OF ENGINEERING, ARCHITECTURAL, AND LANDSCAPE ARCHITECTURAL FIRMS

SEPTEMBER 6, 1957.

SECTION 1. *Delegation of authority.* (a) The Director, National Park Service, is authorized to exercise, subject to the provisions of paragraph (b) of this section, the authority delegated by the Administrator of General Services (22 F. R. 6808) to the Secretary of the Interior, for the period ending June 30, 1958, to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 252 et seq.), contracts for the services of engineering, architectural, and landscape architectural firms required by the National Park Service in its construction programs.

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with all provisions of Title II of the act with respect to negotiated contracts, and all other provisions of law.

SECTION 2. *Redelegation.* The Director, National Park Service, may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order. Each such redelegation shall be published in the FEDERAL REGISTER.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 57-7541; Filed, Sept. 12, 1957; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Aero-Fab Corp., Olive Hill, Ky.; effective 8-29-57 to 11-20-57 (Replacement Certificate) (trousers).

Carolina Underwear Co., 110 West Guilford Street, Thomasville, N. C.; effective 9-10-57 to 9-9-58 (children's and ladies' panties).

W. R. Darling & Son, 251 West Bencamp Avenue, San Gabriel, Calif.; effective 8-29-57 to 8-28-58. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's sportswear).

Detroit Slacks, Inc., Detroit, Ala.; effective 9-1-57 to 8-31-58 (boys' and men's play slacks).

The Jerold Corp., Highway 301 South, Smithfield, N. C., effective 9-15-57 to 9-14-58 (women's and children's cotton sports jackets).

Mary Kirk, Inc., Eagle Building, Shamokin, Pa.; effective 8-30-57 to 8-29-58 (cotton wash dresses).

Renee of Hollywood, 2304 South Main Street, Los Angeles, Calif.; effective 8-30-57 to 8-29-58 (women's brassieres).

Renee of Hollywood, 743 Santee Street, Los Angeles, Calif.; effective 8-30-57 to 8-29-58 (women's brassieres).

Royal Manufacturing Co., Inc., Sandersville, Ga.; effective 8-30-57 to 8-29-58 (men's and boys' sport shirts).

Shreveport Garment Manufacturers, 908 McNeil Street, Shreveport, La.; effective 9-2-57 to 9-1-58 (cotton work pants).

Sylvan Manufacturing Co., Inc., 240 Penn Avenue, Scranton, Pa.; effective 8-29-57 to 8-28-58. Learners may not be employed at special minimum wage rates in the production of separate skirts and jumpers (children's sportswear).

Vernon Manufacturing Co., Inc., Vernon, Ala.; effective 9-1-57 to 8-31-58 (men's dress pants).

Weiss Shirt Co., Inc., 520 Lehman Street, Lebanon, Pa.; effective 9-7-57 to 9-6-58 (ladies' cotton shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Ann Lee Frocks (Lyndwood) 631 Fellows Avenue, Wilkes-Barre, Pa.; effective 9-15-57 to 9-14-58; 10 learners (dresses).

The Dantan Co., Inc., Rankin Street, Dumas, Ark., effective 9-1-57 to 8-31-58; 10 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts (ladies' sportswear—pedal pushers, shorts).

Fay Sportwear Co., East Union and Tatham Streets, Burlington, N. J.; effective 8-30-57 to 8-29-58; four learners (ladies' and children's sportswear and dresses).

Hamlet Products Co., 323 East Hamlet Avenue, Hamlet, N. C.; effective 8-29-57 to 8-28-58; five learners (ladies' lingerie).

Mode O'Day Corp., 607 Main Street, Osawatomie, Kans.; effective 8-27-57 to 8-26-58; 10 learners (ladies' blouses).

Mohawk Dress, Inc., 29 Chuctanunda Street, Amsterdam, N. Y.; effective 8-28-57 to 8-27-58; 10 learners (ladies' dresses).

Murlaw Manufacturing Corp., 152 West Ridge Street, Lansford, Pa.; effective 8-27-57 to 8-26-58; five learners (children's dresses).

Murray Perlman Dress Co., Tannersville, N. Y.; effective 8-28-57 to 8-27-58; four learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Glenn Slacks, Inc., Bruce, Miss.; effective 8-30-57 to 2-28-58; 100 learners (boys' dress pants and men's semi-dress pants).

Holiday Togs, Inc., Dayton, Tenn.; effective 8-28-57 to 2-27-58; 28 learners (children's outerwear).

Shelby Textiles, Inc., 706 Julius Street, Shelby, N. C.; effective 8-29-57 to 2-28-58; 10 learners (ladies' and children's underwear).

Triple A. Trouser Manufacturing Co., Inc., 1431 Capouse Avenue, Scranton, Pa.; effective 8-28-57 to 2-27-58; 10 learners (trousers).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Continental Cigar Co., Rocky Glen Road, Moosic, Pa.; effective 8-30-57 to 2-28-58; authorizing the employment of 10 learners for plant expansion purposes in the occupations of: (1) cigar machine operating and packing cigars (retailing for more than 6 cents), each for a learning period of 320 hours at the rate of 80 cents an hour; and (2) hand stripping, machine stripping, and packing cigars (retailing for 6 cents or less), each for a learning period of 160 hours at the rate of 80 cents an hour (Toscano style cigar).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Joseph A. Milstein Co., Inc., 64 Trinity Place, Albany, N. Y.; effective 8-29-57 to 8-28-58; 10 learners for normal labor turnover purposes (knit gloves).

Wells Lamont Corp., Waynesboro, Miss.; effective 9-5-57 to 9-4-58; 10 percent of the total number of factory production workers engaged in the authorized learner occupations for normal labor turnover purposes (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Burlington Industries, Inc., Franklin Hosiery Co., Franklin, N. C.; effective 9-1-57 to 2-28-58; 90 learners for plant expansion purposes (seamless).

DeKalb Hosiery Mills, Inc., 802 North Gault Avenue, Fort Payne, Ala.; effective 8-30-57 to 8-29-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N. C.; effective 9-1-57 to 2-28-58; 10 learners for plant expansion purposes (seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N. C.; effective 9-1-57 to 8-31-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Rabbit Hollow Knitting Co., Northfield, Vt.; effective 8-29-57 to 8-28-58; five learners for normal labor turnover purposes (seamless).

Waldridge Hosiery Mills, Inc., Highway No. 20, Marvell, Ark.; effective 8-29-57 to 8-28-58; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carolina Underwear Co., 110 West Guilford Street, Thomasville, N. C.; effective 9-10-57 to 9-9-58; 5 percent of the total number of factory production workers engaged in the production of children's and ladies' knitted panties, men's and boys' shorts and ladies' pajamas for normal labor turnover purposes (boys' and men's shorts).

Fine Guage Knitwear, Ashtabula, Ohio; effective 8-27-57 to 8-26-58; five learners for normal labor turnover purposes (sweaters).

Ladd Knitting Mills, Inc. North Sixth Street and Hiester's Lane, Reading, Pa.; effective 8-26-57 to 2-25-58; 25 learners for plant expansion purposes (sweaters).

Ladd Knitting Mills, Inc. North Sixth Street and Hiester's Lane, Reading, Pa.; effective 8-26-57 to 8-25-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (sweaters).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Crown Footwear Manufacturing Co., Inc., New Athens, Ill.; effective 8-28-57 to 8-27-58; 10 learners for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Carroll Manufacturing Co., Westminster, Md.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's sack coats and pants).

Crisfield Manufacturing Co., Crisfield, Md.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's pants and slacks).

Friedman-Marks Clothing Co., Inc., 1400 West Marshall Street, Richmond, Va.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, sportcoats and pants).

Glen L. Evans, Inc., 306 Paynter Avenue, Caldwell, Idaho; effective 9-3-57 to 3-2-58; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of fly and bug tier for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 85 cents an hour for the remaining 240 hours (artificial flies, artificial bugs).

Grant County Manufacturing Co., Williamstown, Ky.; effective 9-1-57 to 2-28-58; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of hand sewers for a learning period of 480 hours at the rates of 80 cents an hour for the first 320 hours and 85 cents an hour for the remaining 160 hours (baseballs and softballs).

Hart Schaffner and Marx, 728 West Jackson Boulevard, Chicago, Ill.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the production of men's and boys' clothing only, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, topcoats and sportcoats).

Lion Manufacturing Co., Everett, Pa.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's sack coats).

Middleburg Manufacturing Co., Hanover, Pa.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's pants, slacks, and vests).

Mount Union Manufacturing Co., Mount Union, Pa.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's sack coats).

Rachman Manufacturing Co., 1135 Moss Street, Reading, Pa.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 40 hours (U. S. Government uniforms).

The Raleigh Manufacturers, Inc., 414 Light Street, Baltimore, Md.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 40 hours (men's suits).

The Raleigh Manufacturers, Inc., 519 West Pratt Street, Baltimore, Md.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 320 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 40 hours (men's suits, coats, and pants).

State Coat Front Co., 90 Wareham Street, Boston, Mass.; effective 9-1-57 to 2-28-58; authorizing the employment of 3 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (canvas coat fronts).

Stewartstown Manufacturing Co., Stewartstown, Pa.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, topcoats, sportcoats).

Staunton Manufacturing Co., Staunton, Va.; effective 9-1-57 to 2-28-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's sack and topcoats).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annuled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 527 of the Regulations issued thereunder (29 CFR Part 527) special certificates authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. Effective and expiration dates, occupations, wage rates, number or porportion of student-workers as learners, and learning periods for certificates issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Adelphian Academy, 820 Academy Rd., Holly, Mich.; effective 9-1-57 to 8-31-58; authorizing the employment of 80 student-workers in the woodworking shop industry, in the occupations of woodworking machines operator, assembler and related skilled and semi-skilled occupations including incidental clerical work in the shop, each for a learning period of 240 hours at the rates of 80 cents an hour for the first 120 hours and 85 cents an hour for the remaining 120 hours.

Auburn Academy, Auburn, Wash.; effective 9-1-57 to 8-31-58; authorizing the employment of 70 student-workers in the woodworking shop (furniture) industry, in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semi-skilled occupations, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours.

Campbellsville College, Campbellsville, Ky.; effective 9-1-57 to 8-31-58; authorizing the employment of 15 student-workers for: (1) a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours in the furniture and handiwork "do-it-yourself" kits industry, in the occupations of woodworking machine operator, veneer machines operator including glue reel, assembler, furniture finisher and related skilled and semi-skilled occupations;

and (2) a learning period of 850 hours at the rates of 80 cents an hour for the first 425 hours and 85 cents an hour for the remaining 425 hours in the metalworking industry, in the occupations of machine tools operator: lathe, milling, planer shaper, drill press, die casting and related semi-skilled and skilled occupations.

Cedar Lake Academy, Cedar Lake, Mich.; effective 9–1–57 to 8–31–58; authorizing the employment of 36 student-workers in the woodworking (Redwood lawn furniture) industry, in the occupations of woodworking machines operator, assembler, and related skilled and semi-skilled occupations including incidental clerical work in shop, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours.

Clear Creek Mountain, Preachers Bible School, Pineville, Ky.; effective 9–1–57 to 8–31–58; authorizing the employment of 45 student-workers in the furniture manufacturing industry, in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semi-skilled occupations, including incidental clerical work in furniture shop, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours.

Emmanuel Missionary College, Berrien Springs, Mich.; effective 9–1–57 to 8–31–58; authorizing the employment of: (1) 40 student-workers in the bookbindery industry, in the occupations of bookbinder, bindery worker and related skilled and semi-skilled occupations, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours; (2) 12 student-workers in the print shop industry, in the occupations of pressman, compositor, and related skilled and semi-skilled occupations, each for a learning period of 1,000 hours at the rates of 80 cents an hour for the first 500 hours and 85 cents an hour for the remaining 500 hours; (3) 90 student-workers in the furniture industry, in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semi-skilled occupations, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours; and (4) 5 student-workers in the clerical industry, in the occupations of bookkeeper, typist and related skilled and semi-skilled occupations, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 85 cents an hour for the remaining 240 hours.

Enterprise Academy, Enterprise, Kans.; effective 9–1–57 to 8–31–58; authorizing the employment of 9 student-workers in the print shop industry, in the occupations of compositor, pressman, linotype operator, and related skilled and semi-skilled occupations, each for a learning period of 1,000 hours at the rates of 80 cents an hour for the first 500 hours and 85 cents an hour for the remaining 500 hours.

Forest Lake Academy, Maitland, Fla.; effective 9–1–57 to 8–31–58; authorizing the employment of 20 student-workers in the printing industry, in the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations including incidental clerical work in the shop, each for a learning period of 1,000 hours at the rates of 80 cents an hour for the first 500 hours and 85 cents an hour for the remaining 500 hours.

Glendale Union Academy, 700 Kimlin Drive, Glendale, Calif.; effective 9–1–57 to 8–31–58; authorizing the employment of 4 student-workers in the printing industry, in the occupations of compositor, pressman, and related skilled and semi-skilled occupations, each for a learning period of 1,000 hours at the rates of 80 cents an hour for the first 500 hours and 85 cents an hour for the remaining 500 hours.

La Sierra College, Arlington, Calif.; effective 9–1–57 to 8–31–58; authorizing the employment of 5 student-workers in the print shop industry, in the occupations of pressman, compositor, linotype operator, bindery worker, and related skilled and semi-skilled occupations, each for a learning period of 1,000 hours at the rates of 80 cents an hour for the first 500 hours and 85 cents an hour for the remaining 500 hours.

Laurelwood Academy (Laurelcraft Industries), Gaston, Oreg.; effective 9–1–57 to 8–31–58; authorizing the employment of 60 student-workers in the woodworking (folding doors) industry, in the occupations of woodworking machines operator, assembler, finisher, and related skilled and semi-skilled occupations, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours.

Lodi Academy, 1215 South Garfield Street, Lodi, Calif.; effective 9–1–57 to 8–31–58; authorizing the employment of 6 student-workers in the printing industry, in the occupations of compositor, pressman, linotype operator, bindery worker, and related skilled and semi-skilled occupations, each for a learning period of 1,000 hours at the rates of 80 cents an hour for the first 500 hours and 85 cents an hour for the remaining 500 hours.

Maplewood Academy, Hutchinson, Minn.; effective 9–1–57 to 8–31–58; authorizing the employment of 35 student-workers in the bookbindery industry, in the occupations of bookbinder, bindery worker, and related skilled and semi-skilled occupations; and 30 student-workers in the woodworking (furniture) industry, in the occupations of woodworking machines operator, assembler, finisher, and related skilled and semi-skilled occupations. A learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours is authorized for each of these occupations. Six student-workers are authorized in the clerical industry, in the occupations of typist, bookkeeper, and related skilled and semi-skilled occupations, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 85 cents an hour for the remaining 240 hours.

Monterey Bay Academy, Watsonville, Calif.; effective 9–1–57 to 8–31–58; authorizing the employment of 18 student-workers in the trellis manufacturing industry, in the occupations of millman, woodworking machine operator, assembler, and related skilled and semi-skilled occupations including incidental clerical work in shop, each for a learning period of 240 hours at the rates of 80 cents an hour for the first 120 hours and 85 cents an hour for the remaining 120 hours.

Newbury Park Academy, Newbury Park, Calif., effective 9–1–57 to 8–21–58; authorizing the employment of 35 student-workers in the broom industry, in the occupations of broom maker, sorter, winder, stitcher, and related skilled and semi-skilled occupations, each for a learning period of 360 hours at the rates of 80 cents an hour for the first 180 hours and 85 cents an hour for the remaining 180 hours.

Ozark Academy, Gentry, Ark.; effective 9–1–57 to 8–31–58; authorizing the employment of: (1) 30 student-workers in the furniture manufacturing industry, in the occupations of woodworking machines operator, assembler, furniture finisher, and related skilled and semi-skilled occupations including incidental clerical work in the shop, each for a 600-hour learning period; (2) 10 student-workers in the venetian blind manufacturing industry, in the occupations of rail cutter, machine operator, spray painter, slat, cord and tape cutter and assembler, and related skilled and semi-skilled occupations, each for a 400-hour learning period; and (3) 20 student-workers in the broom shop industry, in the occupations of broom maker, stitcher, and related skilled and semi-skilled occupations, each for a 360-hour learning period. All occupations shall be paid for at the rates of 80 cents an hour for the first half and 85 cents an hour for the remaining half of their respective authorized learning periods.

Pacific Union College, Angwin, Calif.; effective 9–1–57 to 8–31–58; authorizing the employment of: (1) 8 student-workers in the print shop industry, in the occupations of compositor, pressman, lithographer, bindery worker, and related skilled and semi-skilled occupations including incidental clerical work in the shop, each for a learning period of 1,000 hours at the rates of 80 cents an hour for the first 500 hours and 85 cents an hour for the remaining 500 hours; and (2) 20 student-workers in the bookbindery industry, in the occupations of bookbinder, sewer, stamper, trimmer, cutter, backer, case-maker, and related skilled and semi-skilled occupations including incidental clerical work in the shop, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours.

Plainview Academy, Redfield, S. Dak.; effective 9–1–57 to 8–31–58; authorizing the employment of 15 student-workers in the broom shop industry, in the occupations of broom maker, stitcher, and related skilled and semi-skilled occupations, each for a learning period of 360 hours at the rates of 80 cents an hour for the first 180 hours and 85 cents an hour for the remaining 180 hours.

Shenandoah Valley Academy, New Market, Va.; effective 9–1–57 to 8–31–58; authorizing the employment of 15 student-workers in the bookbindery industry, in the occupations of bookbinder, bindery worker, sewer, trimmer, backer, cutter, case-maker, letterer, and related skilled and semi-skilled occupations including incidental clerical work in the shop, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours.

Southern Missionary College, Collegedale, Tenn.; effective 9–1–57 to 8–31–58; authorizing the employment of: (1) 45 student-workers in the print shop industry, in the occupations of compositor, pressman, book binder, and related skilled and semi-skilled occupations including incidental clerical work in the shop, each for a learning period of 1000 hours; (2) 60 student-workers in the broom shop industry, in the occupations of broom maker, stitcher, winder, sorter, and related skilled and semi-skilled occupations, each for a learning period of 360 hours; and (3) 25 student-workers in the clerical industry, in the occupations of typist, stenographer, and related skilled and semi-skilled occupations, each for a learning period of 480 hours. All occupations shall be paid for at the rates of 80 cents an hour for the first half and 85 cents an hour for the second half of their respective authorized learning periods.

Southwestern Junior College, Keene, Tex.; effective 9–1–57 to 8–31–58; authorizing the employment of: (1) 12 student-workers in the print shop industry, in the occupations of compositor, pressman, bindery worker, and related skilled and semi-skilled occupations, each for a learning period of 1000 hours at the rates of 80 cents and hour for the first 500 hours and 85 cents an hour for the remaining 500 hours; and (2) 3 student-workers in the clerical industry, in the occupations of typist, file clerk, bookkeeper, stenographer, timekeeper, and related skilled and semi-skilled occupations, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 85 cents an hour for the remaining 240 hours.

Sunnydale Academy, Centralia, Mo.; effective 9–1–57 to 8–31–58; authorizing the employment of 18 student-workers in the food manufacturing industry, in food manufacturing semi-skilled occupations only, for a learning period of 300 hours at the rates of 80 cents an hour for the first 150 hours and 85 cents an hour for the remaining 150 hours.

Thunderbird Academy (Academy Wood Products), Scottsdale, Ariz.; effective 9–1–57 to 8–31–58; authorizing the employment of 60 student-workers in the woodworking shop (furniture) industry, in the occupations of woodworking machine operator, assembler, furniture finisher helper, and related skilled and semi-skilled occupations including incidental clerical work in shop, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents and hour for the remaining 300 hours.

Union College, Lincoln, Nebr.; effective 9–1–57 to 8–31–58; authorizing the employment of: (1) 6 student-workers in the print shop industry, in the occupations of compositor, pressman, and related skilled and semi-skilled occupations, each for a learning period of 1000 hours; (2) 12 student-workers in the bookbindery industry, in the occupations of bookbinder, bindery worker, and related skilled and semi-skilled occupations, each for a 600-hour learning period; (3) 6 student-workers in the broom industry, in the occupations of broom maker, stitcher, and related skilled and semi-skilled occupations, each for a 360-hour learning period; (4) 35 student-workers in the furniture industry, in the occupations of woodworking machines operator, assembler, finisher, and related skilled and semi-skilled occupations, each for a learning period of 600 hours; and (5) 6 student-workers in the clerical industry, in the occupations of bookkeeper, business machines operator, and related skilled and semi-skilled occupations, each for a learning period of 480 hours. All occupations shall be paid for at the rates of 80 cents an hour for the first half and 85 cents an hour for the remaining half of the respective authorized learning periods.

Upper Columbia Academy, Spangle, Wash.; effective 9–1–57 to 8–31–58; authorizing the employment of 30 student-workers in the furniture shop (upholstered) industry, in the occupations of woodworking machines operator, springer, sewer, upholsterer, assembler, furniture finisher, and related skilled and semi-skilled occupations, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours.

Walla Walla College, Drawer 1, College Place, Wash.; effective 9–1–57 to 8–31–58; authorizing the employement of: (1) 10 student-workers in the printing industry, in the occupations of compositor, pressman, bindery worker, and related skilled and semi-skilled occupations each for a learning period of 1,000 hours at the rates of 80 cents an hour for the first 500 hours and 85 cents an hour for the remaining 500 hours; and (2) 25 student-workers in the bookbindery industry, in the occupations of bookbinder, bindery worker, and related skilled and semi-skilled occupations, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours.

These student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 6th day of September 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–7495; Filed, Sept. 12, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50–64]

UNIVERSITY OF AKRON

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on August 10, 1957, 22 F. R. 6437, the Atomic Energy Commission has issued License R–24 authorizing the University of Akron to acquire, possess and operate, at the location in Akron, Ohio, described in the application in Docket 50–64, a 100-milliwatt nuclear reactor constructed by Aerojet-General Nucleonics and designated by AGN as Model AGN–201, Serial No. 104.

The license as issued covers Model AGN–201, Serial No. 104 rather than Serial No. 108 as indicated in the notice of proposed issuance. The two reactors are identical. Serial No. 104 is presently being used at Argonne National Laboratory.

Dated at Washington, D. C. this 5th day of September 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 57–7490; Filed, Sept. 12, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6093 et al.]

INTRA-ALASKA CASE

NOTICE OF REASSIGNMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on September 25 is reassigned for September 24, 1957, 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 10, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–7548; Filed, Sept. 12, 1957; 8:56 a. m.]

[Docket No. 8456]

CAPITAL GROUP STUDENT FARES

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held on September 25, 1957, at 10:00 a. m., e. d. s. t., in Room E–210, Temporary Building No. 5, Seventeenth Street and Constitution Avenue, NW., Washington, D. C., before Examiner William J. Madden.

In the Board's decision of July 31, 1957, the Board concluded that if Capital were to refile a group tariff within 15 days after service of this opinion, the record would be remanded to the Examiner for further hearing and other appropriate procedures. Capital refiled its group fare tariff to which objection was made by Delta and American. On September 5, 1957, the Board suspended the group fares in Docket No. 8991 and consolidated that docket into Docket No. 8456.

Examiner Ruhlen who conducted the hearing in the Capital Group Student Fares Case is not available because of other assignments and the case is, therefore, being remanded to Examiner Madden for further procedural action.

Dated at Washington, D. C., September 10, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–7547; Filed, Sept. 12, 1957; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11588 etc.; FCC 57M–825]

JOSEPH M. RIPLEY, INC., ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Joseph M. Ripley, Inc., Jacksonville, Florida, Docket No. 11588, File No. BP–9788; Robert Hecksher, Jacksonville, Florida, Docket No. 11777, File No. BP–10255; Dan Richardson, Orange Park, Florida, Docket No. 11999, File No. BP–10697; for construction permits.

The Hearing Examiner having under consideration an informal request from counsel for Robert Hecksher, an applicant herein, that the pre-hearing conference presently scheduled for September 10, 1957, be continued to September 17, 1957;

It appearing that counsel for all parties to the proceeding have concurred therein;

It is ordered, This 6th day of September 1957, that the pre-hearing conference, which is presently scheduled herein for September 10, 1957, be, and the same is hereby, continued to September 17, 1957, at 10:00 o'clock a. m., in the offices of the Commission, Washington, D. C.

Released: September 9, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7518; Filed, Sept. 12, 1957; 8:51 a. m.]

[Docket No. 11973 etc.; FCC 57–951]

PALM SPRINGS TRANSLATOR STATION, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 11973, File No. BPTT–12; Docket No. 11974, File No. BPTT–13; for construction permits for new television broadcast translator stations; Palm Springs Translator Station, Inc., Palm Springs, California, Docket

No. 12149, File No. BMPTT-5; Docket No. 12150, File No. BMPTT-6; for modification of construction permits to increase effective radiated power and to make changes in antenna system; Palm Springs Translator Station, Inc., Palm Springs, California, Docket No. 12151, File No. BLTT-11; Docket No. 12152, File No. BLTT-12; for television broadcast translator station licenses to cover translator stations K-70-AL and K-73-AD, Palm Springs, California.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of September 1957;

The Commission having under consideration the above-captioned applications requesting (1) authority to modify construction permits to increase Effective Radiated Power and to make changes in antenna system, and (2) licenses to cover television broadcast translator stations K-70-AL and K-73-AD, Palm Springs, California; and a letter filed by Palm Springs Community Television Corporation on April 19, 1957, requesting the Commission to order the permittee to cease operating its stations and designate for hearing the applications for modification of construction permits; and

It appearing that by Memorandum Opinion and Order dated April 3, 1957, the Commission, upon protest by Palm Springs Community Television Corporation, ordered that the above-captioned applications for construction permits be designated for hearing on certain specified issues; that Palm Springs Community Television Corporation (owner and operator of a community antenna system serving Palm Springs, California) was made a party to the hearing with respect to all the matters placed in issue; that the hearing in this matter has been continued without date; and

It further appearing that pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, Palm Springs Translator Station, Inc. was advised by letter dated June 6, 1957, of all objections to the above-captioned applications for modification of construction permits and for licenses to cover its translator stations, that the Commission was unable to determine that a grant of said applications would be in the public interest, and was afforded an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications for modification and license, the Commission's letter of June 6, 1957, the applicant's reply thereto of June 24, 1957, and the letter from Palm Springs Community Television Corporation, the Commission is unable to find that a grant of the applications would be in the public interest and concludes that a hearing is necessary; and

It further appearing that consolidation of the hearing upon the above-captioned applications for modification and license with the pending protest hearing in the above-captioned Dockets Numbers 11973 and 11974 would best conduce to the proper dispatch of the Commission's business and to the ends of justice;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, said applications of Palm Springs Translator Station, Inc., for modification of construction permits (BMPTT-5, BMPTT-6) and for licenses to cover its translator stations (BLTT-11, BLTT-12) are designated for hearing in a consolidated proceeding with the applications of Palm Springs Translator Station, Inc. (Dockets Numbers 11973, 11974, File Numbers BPTT-12, BPTT-13) at a time and place to be specified in a subsequent order upon the following issues in addition to the issues specified by the Commission in its Memorandum Opinion and Order of April 3, 1957 in Dockets Numbers 11973 and 11974:

1. To determine whether, in view of the installation and operation of equipment other than that specified in its construction permits, there has been construction and/or operation of Stations K-70-AL and K-73-AD without prior Commission authorization, and, if so, whether such construction and/or operation would preclude the issuance of licenses to cover permits pursuant to section 319 (a) of the Communications Act of 1934, as amended.

2. To determine whether there was any willful intent on the part of the permittee to disregard the specifications of its construction permits with respect to the type of equipment to be installed and the maximum Effective Radiated Power to be utilized.

3. To determine, in light of the evidence adduced on the above issues and the issues specified in the Commission's Order of April 3, 1957, whether a grant of the applications (BMPTT-5, BMPTT-6, BLTT-11, BLTT-12) for modification of construction permits and licenses to cover would be in the public interest.

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7519; Filed, Sept. 12, 1957; 8:51 a. m.]

[Docket Nos. 12089, 12090; FCC 57M-829]

PORT CITY TELEVISION CO., INC. AND BAYOU BROADCASTING CORP.

ORDER CONTINUING HEARING

In re applications of Port City Television Company, Inc., Baton Rouge, Louisiana, Docket No. 12089, File No. BPCT-2262; for construction permit for new television broadcast station; Bayou Broadcasting Corporation, Baton Rouge, Louisiana, Docket No. 12090, File No. BMPCT-4417; for modification of construction permit for new television broadcast station.

It is ordered, This 9th day of September 1957, that a further pre-hearing conference in the above-entitled matter will be held at 10:00 a. m., September 25, 1957, in the Commission's offices at Washington, D. C.; and

It is further ordered, That the hearing heretofore scheduled to commence September 16, 1957, is hereby rescheduled to commence at 10:00 a. m., October 2, 1957, in the Commission's offices at Washington, D. C.

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7520; Filed, Sept. 12, 1957; 8:51 a. m.]

[Docket Nos. 12104, 12105; FCC 57M-828]

RALPH D. EPPERSON AND WILLIAMSBURG BROADCASTING CO.

NOTICE OF PREHEARING CONFERENCE

In re applications of Ralph D. Epperson, Williamsburg, Virginia, Docket No. 12104, File No. BP-10958; Mary Cobb and Richard S. Cobb, d/b as Williamsburg Broadcasting Co., Williamsburg, Virginia, Docket No. 12105, File No. BP-11199; for construction permits.

Notice is hereby given that a further prehearing conference will be held in the above-entitled matter at 10:00 a. m., September 23, 1957, in the Commission's offices at Washington, D. C.

Dated: September 9, 1957.

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7521; Filed, Sept. 12, 1957; 8:51 a. m.]

[Docket Nos. 12144, 12145; FCC 57-948]

BEEHIVE TELECASTING CORP. AND JACK A. BURNETT

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Beehive Telecasting Corporation, Provo, Utah, Docket No. 12144, File No. BPCT-2051; Jack A. Burnett, Provo, Utah, Docket No. 12145, File No. BPCT-2264; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of September 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in Provo, Utah; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments filed thereto and the replies to the above letters, the Commission finds that Beehive Telecasting Corporation is legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station; and that Jack A. Burnett is legally, technically and otherwise qualified to construct, own and operate the proposed television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Beehive Telecasting Corporation and Jack A. Burnett are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

1. To determine the financial qualifications of Jack A. Burnett to construct, own and operate the proposed television broadcast station.

2. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the record made with respect to the significant differences between the applicants as to:

(a) the background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) the proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) the programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Beehive Telecasting Corporation and Jack A. Burnett, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7522; Filed, Sept. 12, 1957; 8:51 a. m.]

[Docket No. 12146 etc.; FCC 57-949]

UNITED BROADCASTING CO., INC., ET AL

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARINGS ON STATED ISSUES

In re applications of United Broadcasting Company, Inc., Wilmington, North Carolina, Docket No. 12146, File No. BPCT-2169; Carolina Broadcasting System, Inc., Wilmington, North Carolina, Docket No. 12147, File No. BPCT-2191; New Hanover Broadcasting Company, Wilmington, North Carolina, Docket No. 12148, File No. BPCT-2310; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 5th day of September 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3 in Wilmington, North Carolina; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications are mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that Carolina Broadcasting System, Inc. proposes a main studio location outside of Wilmington, the principal city; that Carolina Broadcasting System, Inc. has requested a waiver of § 3.613 (a) of the rules which requires that the main studio be located within the principal community unless good cause therefor is shown as provided in § 3.613 (b); and that such a showing has been made; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that United Broadcasting Company, Inc. is qualified to construct, own and operate the proposed television broadcast station except as to issues "1", "2", "3", and "4" below; that Carolina Broadcasting System, Inc. is legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station; and that New Hanover Broadcasting Company is legally, financially technically and otherwise qualified to construct, own and operate the proposed television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of United Broadcasting Company, Inc., Carolina Broadcasting System, Inc. and New Hanover Broadcasting Company are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether United Broadcasting Company, Inc., a Maryland Corporation, is authorized to construct, own and operate a television broadcast station in North Carolina.

2. To determine the financial qualifications of United Broadcasting Company, Inc. to construct, own and operate the proposed television broadcast station.

3. To determine the correct geographic coordinates of the antenna site proposed by United Broadcasting Company, Inc.

4. To determine the correct antenna power gain rating, the transmission line losses and transmitter power output of the installation proposed by United Broadcasting Company, Inc.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast stations.

(b) The proposals of each with respect to the management and operation of the television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

6. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, United Broadcasting Company, Inc., Carolina Broadcasting System, Inc., and New Hanover Broadcasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

[F. R. Doc. 57-7523; Filed, Sept. 12, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11465]

HUMPHREYS COUNTY UTILITY DISTRICT

NOTICE OF APPLICATION

SEPTEMBER 9, 1957.

Take notice that The Humphreys County Utility District, a municipal corporation organized under the laws of

Tennessee and located at Waverly, Tennessee, filed on July 29, 1957, a petition or application for an order amending the order issued by the Federal Power Commission on May 27, 1957, in the above-entitled matter wherein the Tennessee Gas Transmission Company was directed to establish physical connection with the facilities of Applicant and to sell and deliver natural gas to the municipality in volumes not to exceed 1515 Mcf per day (at 14.73 psia). Applicant now requests that the volume of natural gas be increased from the amount specified in the order abovementioned to the amounts shown in the table below, and that the said order be amended directing Tennessee Gas Transmission Company to supply the volumes at the time the facilities of the Applicant, which are to be constructed, are ready for service.

The estimated annual and peak day gas requirements expressed in Mcf for the first three years of operations as now proposed are as follows:

Year	Annual	Peak day
1	273,517	2,611
2	463,503	2,737
3	474,576	2,915

Applicant represents that the reason for the increased requirements of natural gas from Tennessee Gas Transmission Company is that a new customer has located an industry in its service area and is demanding gas service to the extent of the amount of the requested increase, 1400 Mcf per day as a maximum.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7497; Filed, Sept. 12, 1957; 8:46 a. m.]

[Docket No. E-6772]

DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES

SEPTEMBER 9, 1957.

Notice is hereby given that the United States Department of the Interior, on behalf of the Southwestern Power Administration (SWPA), has filed with the Federal Power Commission for confirmation and approval pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 887) the rates and charges for the sale of electric power and energy contained in an agreement dated April 29, 1957, between SWPA and the Southwestern Gas and Electric Company.

The agreement provides for SWPA to sell peaking power and energy and excess hydro energy to the Company and for the Company to sell power and energy to SWPA or for its account.

The rates and charges and certain related provisions contained in the proposed agreement are as follows:

(1) The Government shall sell and deliver and the Company shall purchase and receive (a) during each particular month, an amount of capacity equal to two times the greater of either the maximum sum of the non-simultaneous maximum 30-minute integrated demands established during any month of the elapsed period of the agreement at all points of delivery to the Government or for its account, or the total power which the Company is obligated to deliver to the Government and (b) during the contract year, an amount of energy equal to 1800 hours times such amount of capacity determined in (a) above. In the event such amount of capacity is increased or decreased during the contract year, the total number of kilowatt-hours (kwh) due the Company during the contract year shall be pro-rated for the remaining number of months in the contract year following such increase or decrease.

(2) *Payments by the company.* (a) The Company shall compensate the Government each month for the power and energy purchased pursuant to (1) above as follows:

Capacity charge. $1.20 per kw per month.
Energy charge. $0.002 per kwh for each kwh scheduled and received during the month.

(b) The Company shall compensate the Government each month for excess hydro energy as follows:

Excess hydro energy charge. $0.0015 per kwh for each kwh scheduled and received during the month.

(3) *Payments by the Government.* (a) The Government shall compensate the Company each month for power and energy delivered to the Government or for its account as follows:

Capacity charge. $1.65 per kw per month of the greater of either the maximum sum of the non-simultaneous maximum 30-minute integrated demands, established during any month of the elapsed period of the agreement, at all points of delivery to the Government or for its account, or the total power which the Company is obligated to deliver to the Government.

Energy charge. $0.003 per kwh for each kwh delivered to or for the account of the Government.

In addition, the Government shall, at the end of each contract year compensate the Company for each $0.01 increase in the average cost of fuel in the Company's thermal generating plant during such year above the average cost of $0.08 per million BTU, an amount equal to $0.00014 per kwh for the difference between the number of kwh delivered by the Company to the Government or for its account and the number of kwh (exclusive of excess hydro energy purchased and received by the Company) during such year.

(4) In addition, the agreement further provides that the Government will operate one or more generating units as condensers at the request of the Company, and the Company will furnish, without cost to the Government, the electric power and energy required for such condenser operation.

(5) It is also provided that the foregoing rates and charges shall remain in force and effect for a period of five years from the date of confirmation and approval of the Federal Power Commission at which time, and at the end of each succeeding five-year period, the rates and charges shall be reviewed and a new schedule of rates and charges for the succeeding five-year period submitted to the Federal Power Commission for confirmation and approval. In addition, because the rates and charges may be affected by conditions over which the two parties have no control, such rates and charges may be reviewed at any time at the request of either party. If the parties are unable to reach an agreement on a new schedule of rates and charges, which are the result of either the periodic or the requested review of the rates and charges, and the Government, in order to fulfill the requirements of section 5 of the Flood Control Act of 1944, submits a new schedule of rates and charges to the Federal Power Commission for confirmation and approval, the Company may terminate this proposed agreement by giving notice to the Government within 90 days after the date such new schedule of rates and charges is confirmed and approved by the Federal Power Commission; such termination to be effective on the date specified in such notice but not earlier than one year nor later than three years from the date of such notice: *Provided*, That all rates and charges for the sale of power and energy under this agreement as confirmed and approved by the Federal Power Commission shall become effective and applicable as of the date of such confirmation and approval.

The agreement shall remain in force and effect until July 1, 1976.

Any person desiring to make comments or suggestions with respect to the foregoing should submit the same in writing on or before October 1, 1957, to the Federal Power Commission, 441 G Street, NW., Washington 25, D. C. The proposed rates and the supplemental agreement in its entirety are on file with the Commission and are available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7498; Filed, Sept. 12, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2172]

IDEA INC.

ORDER PERMANENTLY SUSPENDING EXEMPTION

SEPTEMBER 5, 1957.

Idea Inc. having filed with the Commission on September 30, 1955, a notification on Form 1-A and an Offering Circular for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, pursuant to section 3 (b) thereof and Regulation A thereunder, with respect to an offering of 200,000 shares of its Class A stock, $1 par value, at $1 a share;

The Commission having by order dated December 20, 1956, pursuant to Rule 223 (a) of Regulation A, temporarily suspended the aforesaid exemption;

The Commission having ordered a hearing to determine whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption;

Hearings having been held after appropriate notice, and the hearing examiner having filed a recommended decision;

The Commission having this day issued its Findings and Opinion; on the basis of said Findings and Opinion.

It is ordered, Pursuant to Rule 223 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the above described offering of securities of Idea Inc. be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7499; Filed, Sept. 12, 1957; 8:47 a. m.]

[File No. 811-659]

CIVIL AND MILITARY INVESTORS MUTUAL FUND, INC.

NOTICE OF AND ORDER FOR HEARING CONCERNING CORPORATE NAME

SEPTEMBER 9, 1957.

On November 15, 1954 Government Personnel Mutual Fund, Inc. filed with this Commission, pursuant to the Investment Company Act of 1940 ("the act"), a Notification of Registration on Form N-8A in which it stated, among other things, that it proposed to engage in business as an open-end diversified management investment company. In November 1955 it filed its registration statement under the Securities Act of 1933 with respect to an offering of 300,000 shares of its stock, in which it represented that it proposed to limit the sale of such stock to personnel of the Federal State or local governments, including military personnel, or to organizations of such personnel.

In January 1956 the registrant changed its name to The Private Investment Fund for Governmental Personnel, Inc. and thereafter proceedings were instituted by the Commission to determine whether such name was deceptive or misleading within the scope of sections 35 (a) and (d) of the act. These proceedings culminated in a Findings, Opinion and Order of the Commission, dated January 18, 1957 (Investment Company Act Release No. 2474) in which it was found, among other things, that such name implied to the civilian and military personnel of the United States the approval by the United States of the registrant company or its securities in violation of sections 35 (a) and (d) of the act. It was further found that the name implied that the company had some particular investment or other advantage for the government employee or serviceman not obtainable by the general public, which implication rendered the name misleading and deceptive within the meaning of section 35 (d) of the act.

On March 22, 1957, the name of the corporation was changed to Civil and Military Investors Mutual Fund, Inc. No changes have been made in the investment policies of the Fund. An amended prospectus under the Securities Act of 1933 has been filed which discloses that the sale of the Fund's shares will no longer be restricted to personnel of the Federal, State or local governments but which states that "such personnel constitute a desirable group of investors for the Fund and its distributor to offer the Fund's shares to". Such prospectus further states that "no representation is here made or intended either (1) that the investment policy of this Fund or (2) that the terms on which its shares can be bought are more favorable to civil and military investors than to other persons".

It appearing to the Commission that the corporate name may contain representations or implications, as more fully set forth below, prohibited by section 35 (a) of the act or deceptive or misleading within the scope of section 35 (d) of the act; and

It further appearing to the Commission that it is in the public interest and the interest of investors that a hearing be held with respect to such matter, for the purpose of considering, in connection therewith, the various matters hereinafter set forth, and for the purpose of determining what order, if any, should be issued by the Commission pursuant to section 35 and any other applicable provisions of the Investment Company Act of 1940;

Wherefore it is ordered, That a hearing under the applicable provisions of the Investment Company Act of 1940 and the Rules of the Commission thereunder be held on the 23rd day of September, 1957, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street, NW., Washington, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. At such hearing consideration will be given to the following matters and questions, without prejudice, however, to the specification of any additional issues which may be presented by the use of such corporate name:

(1) Whether the use of the words "Civil and Military Investors" in registrant's corporate name implies that there will be special investment or other advantages to the civil and military personnel of the Federal, State and local governments to whom the sale of the Fund's shares will be directed.

(2) Whether, if the corporate name implies special investment or other advantage as set forth in paragraph 1 above, such special investment or other advantage will in fact exist, and if not, whether such corporate name is deceptive or misleading within the scope of section 35 (d) of the act.

(3) Whether the use of the name "Civil and Military Investors Mutual Fund, Inc." and specifically the use of the words "Civil and Military" in such name, may have the effect of representing or implying that such registrant, or any securities issued by it has been guaranteed, sponsored, recommended, or approved by the United States or any agency or any officer thereof, in violation of section 35 (a) of said act, and, if such representation or implication exists, whether such representation or implication renders such name deceptive or misleading within the scope of section 35 (d) of the act.

(4) Whether for any other reason such name is inconsistent with the provisions of said act;

(5) What order, if any, should be entered with respect to the use of such name or any words in such name, pursuant to the applicable provisions of the act.

It is further ordered, That James G. Ewell, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of this Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Civil and Military Investors Mutual Fund, Inc., 1033 30th Street, NW., Washington, D. C., and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

It is further ordered, That any person desiring to be heard in said proceedings, shall file with the Secretary of the Commission his application as provided by Rule XVII of the rules of practice, on or before the date provided in that rule setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7500; Filed, Sept. 12, 1957; 8:47 a. m.]

[File No. 1-703]

PHILADELPHIA INSULATED WIRE CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 9, 1957.

In the matter of Philadelphia Insulated Wire Company capital stock; File No. 1-703.

Philadelphia-Baltimore Stock Exchange has made application, pursuant

to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

There are only 17 holders of this stock. There have been no sales on the Exchange during the years 1955 and 1956. In filing the delisting application, the Exchange has complied with a request of the issuer.

Upon receipt of a request, on or before September 24, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7501; Filed, Sept. 12, 1957; 8:47 a. m.]

PHOENIX HOSIERY CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 9, 1957.

In the matter of Phoenix Hosiery Company common stock; File No. 1-73.

New York Stock Exchange has made application, pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

In the opinion of the Exchange, the Company does not meet the Exchange's requirements for continued listing in that the total outstanding Common Stock of the Company is held by less than 250 holders of record.

Dealings on the Exchange in the Common Stock of the Company were suspended before the opening of the trading session on August 19, 1957.

Upon receipt of a request, on or before September 24, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7502; Filed, Sept. 12, 1957; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-VII-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-VII-1 (22 F. R. 6449) is hereby amended by:

SEC. 1: Deleting subsection I. B. 2 in its entirety and substituting the following in lieu thereof:

2. To approve disaster loans in an amount not exceeding $50,000.

Dated: August 28, 1957.

WILLIAM H. KELLEY, *Regional Director, Chicago Regional Office.*

[F. R. Doc. 57-7503; Filed, Sept. 12, 1957; 8:47 a.m.]

TITLE 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President subsequent to adjournment will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 85th Congress, First Session.

Acts Approved September 11, 1957

S. 2792 ..... Public Law 85-316. To amend the Immigration and Nationality Act, and for other purposes.

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 119]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.419 *Valencia Orange Regulation 119*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 12, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 15, 1957, and ending at 12:01 a. m., P. s. t., September 22, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 877,800 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 13, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-7638; Filed, Sept. 13, 1957; 11:10 a. m.]

[Lemon Reg. 704]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.811 *Lemon Regulation 704*—(a) *Findings.* (1) Pursuant to the market-

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FEDERAL REGISTER

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ing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 11, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 15, 1957, and ending at 12:01 a. m., P. s. t., September 22, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 12, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7625; Filed, Sept. 13, 1957; 8:56 a. m.]

[Avocado Order 14, Amdt. 5]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY AND MATURITY REGULATION

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 22 F. R. 3513), regulating the handling of avocados grown in South Florida; effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date specified herein. This amendment establishes maturity requirements for the listed varieties of avocados which will be applicable on and after the time the shipment of each such variety is permitted. A reasonable determination as to the time of maturity of a particular variety of avocados must await the development of the crop thereof, and adequate information thereon, with respect to the varieties specified in this amendment, was not available to the Avocado Administrative Committee until September 10, 1957; determinations as to the time of maturity of the varieties of avocados covered by this amendment were made at the meeting of said committee on September 10, 1957, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is therefore ordered, That the provisions of § 969.314 (Avocado Order 14, as amended; 22 F. R. 3652, 4251, 5679, 6746, 7173) are hereby further amended as follows:

1. Amend Table I, paragraph (b) (2), by deleting from column 8 of such table the date "10–7–57" applicable to the Avon variety of avocados and insert in lieu thereof the date "10–22–57."

2. Amend Table I, paragraph (b) (2), by deleting therefrom the references and dates pertaining to the Booth 8, Nirody, Simpson, Rue, Black Prince, Lula, Booth 7, Sherman, Vaca, and Marcus varieties of avocados.

3. Amend Table II, paragraph (b) (3), by adding thereto the following:

TABLE II

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Nirody	Sept. 16, 1957	18 oz. 3 1/16 in.	Sept. 30, 1957	15 oz. 3 1/16 in.	Oct. 14, 1957	12 oz. 3 5/16 in.	Nov. 4, 1957
Simpson	Sept. 30, 1957	16 oz.	Oct. 14, 1957	14 oz.	Oct. 28, 1957	10 oz.	Nov. 18, 1957
Rue	Oct. 7, 1957	30 oz. 4 3/16 in.	do	24 oz. 3 1/16 in.	do	18 oz. 3 5/16 in.	Nov. 11, 1957
Black Prince	do	16 oz.	Oct. 21, 1957	14 oz.	Nov. 4, 1957	10 oz.	Nov. 25, 1957
Lula	do	18 oz. 3 9/16 in.	do	16 oz. 3 7/16 in.	do	14 oz. 3 5/16 in.	Nov. 18, 1957
Booth 7	Oct. 14, 1957	16 oz. 3 9/16 in.	Oct. 28, 1957	14 oz. 3 5/16 in.	Nov. 11, 1957	11 oz. 3 5/16 in.	Dec. 2, 1957
Sherman	do	16 oz.	do	14 oz.	do	10 oz.	Do.
Vaca	do	16 oz. 3 5/16 in.	do	14 oz. 3 7/16 in.	do	10 oz. 3 in.	Do.
Marcus	do	32 oz.	Nov. 25, 1957				

4. Amend paragraph (b) (5) to read as follows:

(5) During the period beginning at 12:01 a. m., e. s. t., October 28, 1957, and ending at 12:01 a. m., e. s. t., November 18, 1957, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit weighs at least 10 ounces or measures at least 2 15/16 inches in diameter; and, during the period beginning at 12:01 a. m., e. s. t., November 18, 1957, and ending at 12:01 a. m., e. s. t., December 9, 1957, no handler shall handle any avocados of the Lula variety unless the individual fruit weighs at least 11 ounces or measures at least 2 15/16 inches in diameter: *Provided*, That up to 10 percent, by count, of the individual fruit contained in each lot of Booth 8 or Lula avocados may weigh less than the minimum weight specified in this subparagraph for such variety and may measure less than the minimum diameter so specified if such avocados weigh not more than two ounces less than the applicable specified weight.

The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., September 16, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 12, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7603; Filed, Sept. 13, 1957; 8:53 a. m.]

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

§ 970.304 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from September 23, 1957, through July 12, 1958, and except as otherwise provided in this section, no handler shall ship:

(i) Potatoes of the round white or red skin varieties unless at least 90 percent of such potatoes are "fairly clean" and such potatoes meet the requirements of the U. S. No. 1, or better, grade, 2 1/4 inches minimum diameter and 4 inches maximum diameter; or

(ii) Potatoes of the long varieties (including, but not being limited to, the Russet Burbank variety) unless such potatoes are "generally fairly clean to clean, mostly clean", which means that not less than 55 percent of such potatoes are clean and not more than 10 percent are slightly dirty and such potatoes meet the requirements of the U. S. No. 2, or better, grade, 5 ounces minimum weight: *Provided*, that (*a*) any such potatoes that meet the requirements of the U. S. No. 1, or better, grade, size A, 2 inches minimum diameter or 4 ounces minimum weight may be shipped, and (*b*) any such potatoes that are in packs of 50 pounds, or larger, may be shipped if at least 90 percent of such potatoes are "fairly clean."

(2) No handler shall ship potatoes for chipping unless the potatoes meet the requirements of the U. S. No. 1, or better, grade, 1 1/2 inches minimum diameter and 4 inches maximum diameter. All such shipments are subject to the additional requirements of subparagraph (7) of this paragraph.

(3) No handler shall ship potatoes for processing into potato salad, fish cakes, or hash unless such potatoes grade 85 percent U. S. No. 1 quality, or better, 1 1/2 inches minimum diameter and 2 1/2 inches maximum diameter. All such shipments are subject to the additional requirements of subparagraph (7) of this paragraph.

(4) No handler shall ship potatoes for export unless such potatoes meet the requirements of the U. S. No. 1 grade. All such shipments are subject to the additional requirements of subparagraph (7) of this paragraph.

(5) Pursuant to § 970.54, each handler may ship not in excess of thirty (30) hundredweight of potatoes per week free from regulations effective pursuant to §§ 970.45 and 970.65: *Provided*, That at least 90 percent of such potatoes are "fairly clean."

(6) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of certified seed potatoes or to shipments of potatoes for the following purposes: (i) For grading or storing in the production area; (ii) for planting within the production area; (iii) for dehydration, or manufacture into potato flakes; (iv) for manufacture or conversion into starch, flour, or alcohol; (v) for canning or freezing; (vi) for livestock feed; (vii) for distribution by the Federal Government; and (viii) for charitable purposes.

(7) Each handler making shipments of potatoes for export, dehydration, potato flakes, potato chipping, potato salad, fish cakes, hash, livestock feed, canning or freezing, or charitable purposes shall: (i) File an application pursuant to §§ 970.56 and 970.130 with the administrative committee for a Certificate of Privilege for such shipments; (ii) pay assessments pursuant to § 970.45 with respect to the shipments of certified seed potatoes; and (iii) pay assessments pursuant to § 970.45 and have inspection pursuant to § 970.65 with respect to each shipment for export, potato chipping, potato salad, fish cakes, hash, distribution by the Federal Government, and for charitable purposes. Further, each handler who ships potatoes for export, dehydration, potato flakes, potato chipping, potato salad, fish cakes, hash, livestock feed, canning or freezing, distribution by the Federal Government, or charitable purposes shall furnish a record of such shipments to the administrative committee. In addition, each application for a Certificate of Privilege to ship potatoes for export, dehydration, potato flakes, potato chipping, potato salad, fish cakes, hash, canning or freezing, or charitable purposes shall be accompanied by the applicant handler's certification and the buyer's or receiver's certification that the potatoes to be shipped for the purpose stated in the application are to be used for such purpose. The buyer's or receiver's certification may, however, be furnished to the administrative committee within ten days from the date of shipment by said applicant handler. Handlers making shipments of potatoes for export to Canada may furnish the administrative committee with a copy of the Freight Delivery Receipt issued by Canadian customs officials upon entry of such shipment into Canada in lieu of the buyer's or receiver's certification required in this subparagraph. Each handler who applies for a Certificate of Privilege to ship potatoes for chipping shall at the same time or at such time subsequent thereto as the Maine Potato Administrative Committee may require, provide the administrative committee with appropriate evidence that such potatoes were, or are being, treated and conditioned for use for potato chipping and that such potatoes, except for damage resulting from shriveling or sprouting, meet the applicable grade and size requirements set forth in subparagraph (2) of this paragraph. The limitations set forth in this subparagraph shall not apply to shipments of potatoes of less than 15,000 pounds for canning or freezing, for dehydration, potato flakes, or for livestock feed when shipped in barrels, in bulk, or in unsewn 100-pound burlap bags within the production area.

(8) No handler shall ship potatoes under a Certificate of Exemption issued pursuant to §§ 970.70 through 970.75 and which are exempted from the grade and size limitations set forth in subparagraph (1) of this paragraph, unless such potatoes are packed in 50-pound or larger packs.

(9) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate had been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (c) of § 970.65, to be valid for a period not to exceed 48 hours following completion of inspection as shown in the certificate.

(10) The term "fairly clean" and the grades and sizes used in this section shall have the same meanings assigned these terms in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein; and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 10, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-7569; Filed, Sept. 13, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 35]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MINIMUM AREA OF VISIBILITY IN THE FLIGHT CREW COMPARTMENT

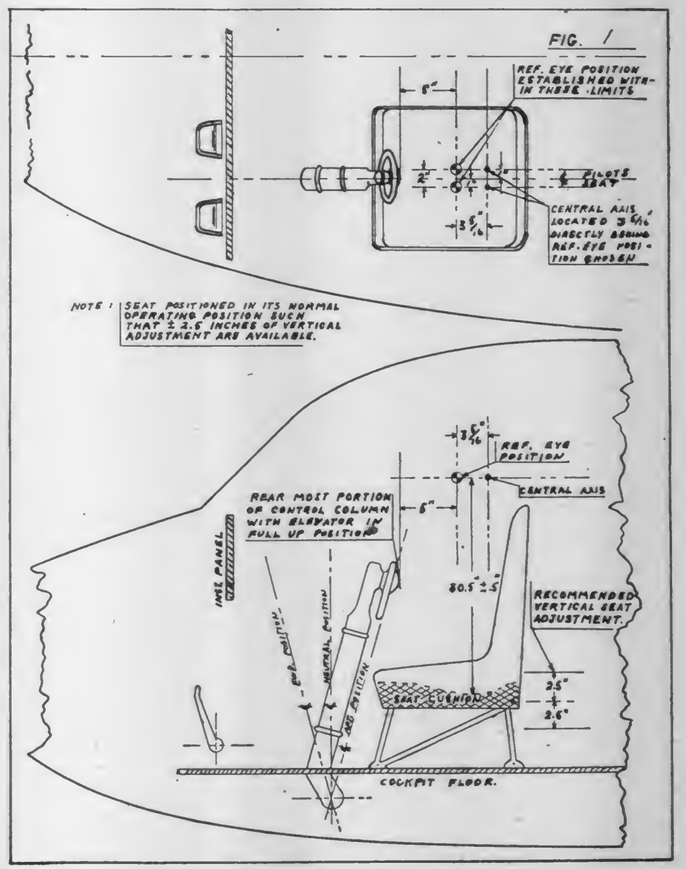
This supplement establishes the minimum areas of visibility to be provided to the pilot and copilot for compliance with the criteria set forth in § 4b.351. These areas are based upon binocular vision and azimuthal movement of the head and eyes at a specified eye level above the normal operating position of the seat. This eye level can be attained by a short or tall pilot using a seat having a vertical adjustment of 2.5 inches above or below the mean adjustment position.

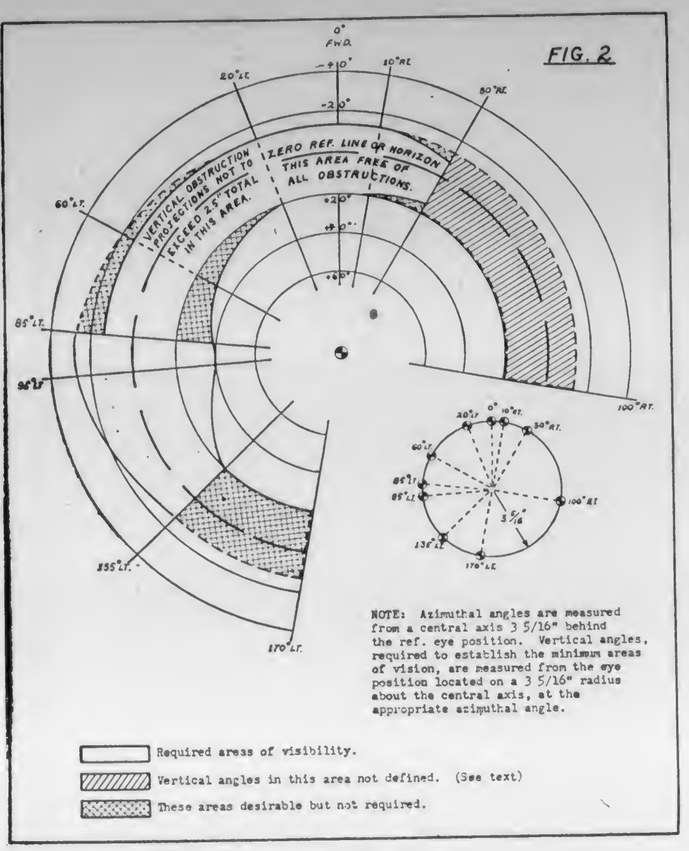
§ 4b.351–3 *Minimum area of visibility in the flight crew compartment (CAA policies which apply to § 4b.351 (a)).* The area of visibility established in this section for the pilot, and an equivalent area for the copilot, should be the minimum for showing compliance with the visibility provisions of § 4b.351 (a).

(a) *Reference eye position.* A single point established in accordance with the provisions of this paragraph constitutes the reference eye position (i. e., a point midway between the two eyes) from which the central axis may be located. The reference eye position is located 5 inches aft of the rearmost extremity of the elevator control device when the control is in its most rearward position (i. e., against the up elevator control stops), see figure 1, and 30.5 inches ±0.5 inch above the point of maximum depression of the seat cushion with:

(1) The pilot seat in a normal operating position from which all controls can be utilized to their full travel, by an average subject, and which will provide for vertical adjustment of the seat of not less than 2 1/2 inches above and 2 1/2 inches below this initial vertical position.

(2) The seat back in its most upright position.





(3) The seat cushion depression being that caused by a subject weighing 170 to 200 pounds.

(4) The longitudinal axis of the airplane level.

(5) The point established not beyond one inch to the left or right of the longitudinal center line of the pilot's seat. (See figure 1.)

(6) All measurements made from a single point established in accordance with this paragraph.

(b) *Clear areas of vision.* (1) With the reference eye position located as indicated in paragraph (a) of this section, and utilizing binocular vision and azimuthal movement of the head and eyes about a radius, the center of which is 3 5/16 inches behind the reference eye position (this point to be known as the central axis), the pilot should have the following clear areas of vision measured from the appropriate eye position with the aircraft's longitudinal axis level. The areas defined are based on the cardinal points of reference listed below and indicated in figure 2. A dual lens camera as photo recorder should be used in measuring the angles specified in this paragraph. Other methods, including the use of a goniometer, are acceptable if they produce equivalent areas to those obtained with the dual lens camera. When not using a dual lens camera compensation should be made for ½ the distance which exists between the eyes, or 1¼ inches as indicated in figure 4.

(i) 20° forward and up from the horizon between 20° left and 10° right allowed to diminish to 15° up at 30° right (this area unbroken).

(ii) 15° forward and down from the horizon between 20° left and 10° right allowed to diminish to 10° down at 30° right (this area unbroken).

(iii) 40° above horizon between 85° and 95° left.

(iv) 30° below horizon between 85° and 95° left.

(v) 20° up and 15° down from horizon at 135° left.

(2) There should be no obstruction to vision in the area indicated in subparagraph (1) (i) and (ii) of this paragraph and in figure 2. Beyond 20° left the angles indicated in subparagraph (1) (i) and (ii) of this paragraph should remain constant, or increase progressively until they reach the reference angles in subparagraph (1) (iii) and (iv) of this paragraph at 85° and should not be less than indicated in these subdivisions up to the 95° position, at which time they may diminish gradually to the angles shown in subparagraph (1) (v) of this paragraph, and should be governed by the limitations of paragraph (d) (2) of this section. The area beyond 135°, if any, should be as large as possible since the human eye does not present any limitation when the use of perceptive rather than binocular vision is the criterion.

(3) It is possible that in the symmetrical type pilot compartment, there may be an area about the center line of the windshield where the requirements governing pilot and copilot vision areas do not overlap. In this area the angles above and below eye level may diminish due to the increased distance between the appropriate eye position and the windshield, but the windshield dimensions established at the 30° right position, above and below the horizontal plane of the pilot's eye should be retained. This area should also be governed by the limitations of paragraph (d) (1) and (2) of this section. No attempt is made to define the angles of vision for the pilot, to the right of 30°, since it is assumed that the required vision for the copilot will govern this area. This area not defined by exact limits is indicated by shading in figure 2.

(c) *Optical properties of windshield.* The windshield should exhibit equivalent optical properties to those covered in MIL–G–8602 dated June 29, 1953, for flat panels, and MIL–G–7767, dated Aug. 14, 1951, for curved panels or any applicable military specifications which may be published subsequent to these specifications. In addition, the optical properties of the windshield should not deteriorate under pressurization loads.

(d) *Impairments to vision.* (1) Any windshield post should not exceed 2.5 inches total obstruction in projected width on the pilot's eyes when located within a sector of 20° and 60° of azimuth to the left of the pilot's forward vision, when measured with head rotated so that the eyes are perpendicular to a vertical plane passing through the center line of the projected width as indicated in figure 3.

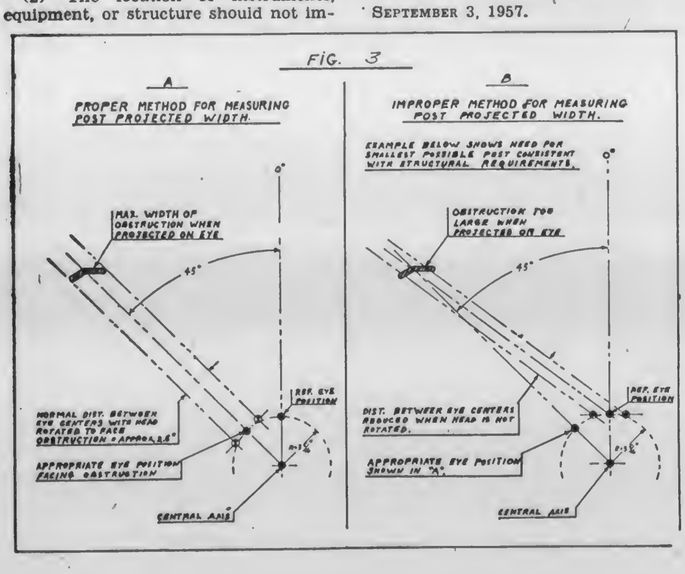
(2) The location of instruments, equipment, or structure should not impair any of the areas of vision established in this section. In addition, cockpit equipment should not obstruct a line of vision from a point two inches above the reference eye position to any point along the upper limit of the forward windshield panels, and similarly, a line of vision from a point two inches below the reference eye position to the lower limit of the forward windshield panels.

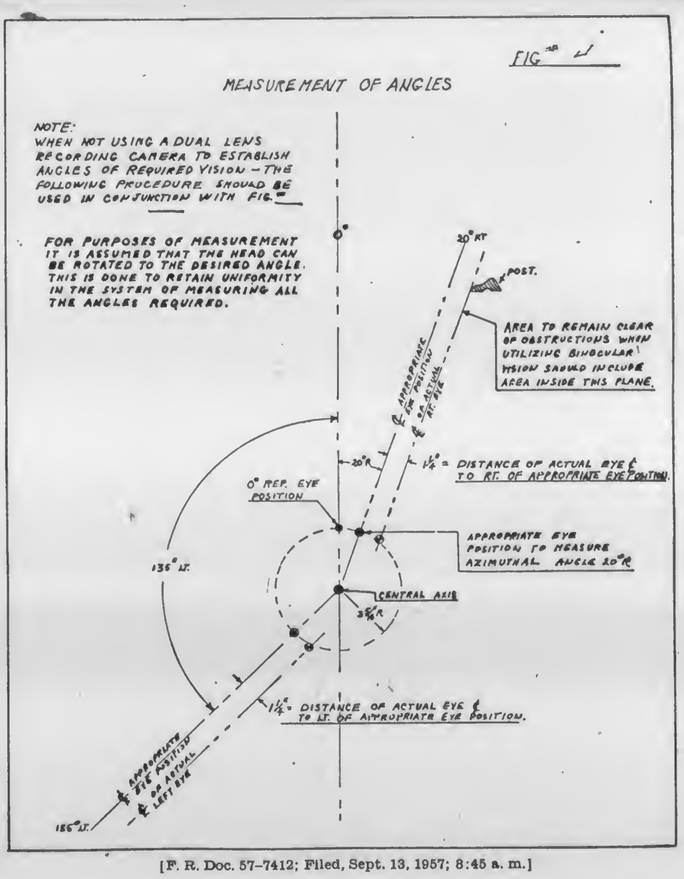
This supplement shall become effective September 20, 1957.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 3, 1957.





[F. R. Doc. 57-7412; Filed, Sept. 13, 1957; 8:45 a. m.]

UNIVERSITY OF MICHIGAN LIBRARIES

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6784]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ARTISTIC MODERN, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.125 *Limited offers or supply;* § 13.155 *Prices:* Usual as reduced, special, etc. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Artistic Modern, Inc., et al., New York, N. Y., Docket 6784, August 23, 1957]

In the Matter of Artistic Modern, Inc., a Corporation, and Harry Shapiro and Cyril Shapiro, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in New York City with advertising falsely that the price of chairs which regularly sold for $124.95 and $99.95 had been reduced to $44.95 and $39.95, respectively, with consequent savings to purchasers, when in fact the latter were the usual selling prices; and with representing falsely that the quantity of the chairs was limited.

Following an agreement between the parties providing for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Artistic Modern, Inc., a corporation, and its officers, and respondents Harry Shapiro and Cyril Shapiro, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale, offering for sale, or distribution of chairs or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That any amount is the regular or usual price for merchandise when it is in excess of the price at which the merchandise offered is regularly and customarily sold in the normal course of business.

2. That any savings are afforded on the sale of merchandise, unless the represented savings are based upon the price at which the merchandise offered is regularly and customarily sold in the normal course of business.

3. That the supply of merchandise offered for sale is limited, unless such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 23, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7575; Filed, Sept. 13, 1957; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NEPONSET RIVER, MASSACHUSETTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.75 is hereby amended to govern the operation of the New York, New Haven and Hartford Railroad Company bridge over Neponset River between Boston and Quincy, Massachusetts and the highway bridges at Neponset and Granite Avenues, changing paragraph references in paragraphs (c) and (f), and adding paragraph (k), as follows:

§ 203.75 *Boston Harbor, Mass., and adjacent waters; bridges.* • • •

(c) Except as otherwise provided in paragraphs (g) to (k), inclusive, • • •.

(f) The general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (g) to (k), inclusive, • • •.

(k) *Neponset River.* (1) The New York, New Haven and Hartford Bridge and the highway bridges at Neponset Avenue and Granite Avenue, shall not be required to be opened for the passage of vessels from November 1 to April 30, inclusive, between the hours of 10:00 p. m. and 6:00 a. m., except on at least a 24-hour notice in advance of the time an opening is required.

(2) The 24-hour advance notice will not apply to vessels owned or operated by the United States nor to vessels employed for police and fire protection, nor in an emergency by any vessel when danger to life and/or property is involved. For the type of vessel specified, and in emergencies by any vessel, the owner or agency operating the bridge shall, upon request, arrange for the opening of the drawspan as soon as practicable after receipt of the request.

(3) The owners or agencies controlling the bridges shall keep conspicuously posted on both sides of the bridges, in a position where it can be easily read at any time, a copy of the regulations of this section together with a notice stating to whom the advance notice should be given and directions for communicating with such person.

[Regs. August 28, 1957, 823.01 (Newport River, Mass.)—ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 57-7550; Filed, Sept. 13, 1957; 8:45 a. m.]

PART 203—BRIDGE REGULATIONS

PUNGO AND NORTHEAST RIVERS, N. C.; COLUMBIA RIVER, WASH. AND OREG.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 (g) (4) and (10-d) governing the operation of the North Carolina State Highway and Public Works Commission bridges across Pungo River at Leechville and Northeast River at Rocky Point, North Carolina, are hereby revoked, the bridges having been replaced by fixed bridges, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(g) *Waterways discharging into Atlantic Ocean between Chesapeake Bay and Charleston.* • • •

(4) Pungo River, N. C.; North Carolina State Highway and Public Works Commission bridge at Leechville. [Revoked.]

• • • • • •

(10-d) Northeast River, N. C.; North Carolina State Highway and Public Works Commission bridge at Rocky Point. [Revoked.]

[Regs., August 23, 1957, 823.02 (Pungo River, N. C.)—ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.759a is hereby prescribed establishing special signals for the operation of the Spokane, Portland and Seattle Railway Company bridge across Columbia River between Wishram, Washington and Celilo, Oregon, as follows:

§ 203.759a *Columbia River; Spokane, Portland and Seattle Railway Company bridge between Wishram, Washington, and Celilo, Oregon.* (a) The owner of, or agency controlling the bridge, shall provide the necessary equipment, controls and personnel necessary for the safe, prompt and efficient opening of the draw upon signal at any time of the day or night for the passage of any vessel or other watercraft which cannot pass under the closed draw.

(b) The call signal for opening the draw shall be one long blast of a whistle, siren, trumpet, horn or megaphone, followed immediately by one short blast. When the draw of the bridge can be opened immediately or if the draw is open and will be held open, for the passage of the vessel, the draw tender shall reply by one long blast of a whistle, siren, trumpet, horn or megaphone, followed by one short blast. If the draw cannot be opened immediately the draw tender shall reply by a succession of short blasts on a whistle, siren, trumpet, horn or megaphone.

(c) The operating machinery of the draw shall be maintained in a serviceable condition and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper condition for prompt operation.

(d) The owner of, or agency controlling the bridge, shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can be easily read at any time, a copy of the regulations of this section.

[Regs., August 26, 1957, 823.01 (Columbia River, Wash.-Oreg.)-ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 57-7552; Filed, Sept. 13, 1957; 8:46 a. m.]

PART 211—REAL ESTATE ACTIVITIES OF THE CORPS OF ENGINEERS IN CONNECTION WITH CIVIL WORKS PROJECTS

SALE OF LAND IN RESERVOIR AREAS FOR COTTAGE SITE DEVELOPMENT AND USE

Section 211.81 is amended to include six additional reservoir areas to which §§ 211.71 to 211.80 are applicable, effective upon date of publication in the FEDERAL REGISTER, as follows:

§ 211.81 *Reservoir Areas.* • • •

(h) Arkabutla Reservoir Area, Mississippi.

(i) Enid Reservoir Area, Mississippi.

(j) Sardis Reservoir Area, Mississippi.

(k) Narrows Reservoir Area, Arkansas.

(l) Wappapello Reservoir Area, Missouri.

(m) Norfork Reservoir Area, Arkansas and Missouri.

[Regs., September 5, 1957, ENGLT] (Sec. 2, 70 Stat. 1065; 16 U. S. C. 460f)

[SEAL] HERBERT M. JONES, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 57-7551; Filed, Sept. 13, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1497]

ALASKA

WITHDRAWING PUBLIC LANDS IN ALASKA FOR USE OF TERRITORIAL DEPARTMENT OF LANDS; REVOKING EXECUTIVE ORDER NO. 5500 OF DECEMBER 2, 1930

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for administration or transfer in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

[Anchorage 027603]

KENNEY LAKE AREA

Beginning at a point 50 feet from the centerline of the Edgerton Cut-off Highway at approximately Milepost 26.85, and from which USGS-BM 09/1923 bears N. 39 W., 4.00 chains, thence,

N. 56° W., 3.00 chains;
N. 78° W., 8.00 chains;
South, 3.50 chains;
East, 4.00 chains approximately to a point on the shore of Kenney Lake;
Easterly and southeasterly along the shore of said lake to a point due south of the point of beginning;
North, 4.50 chains to point of beginning.

The tract described contains 2.55 acres.

2. Executive Order No. 5500 of December 2, 1930, which withdrew the following-described lands for use of the Alaska Road Commission, is hereby revoked:

[Anchorage 027578]

A TRACT OF LAND ON THE RICHARDSON HIGHWAY NORTH OF CHITINA, ALASKA, DESCRIBED AS FOLLOWS:

Beginning at Corner No. 1, 150 ft. south of the Richardson Highway at mile 26.85 from Chitina, and S. 8°56' E., 280.2 ft. from the southeast corner of Kenney Lake Roadhouse, in approximate latitude 61°44¼' N., and longitude 144°57' W.; thence N. 61° W., 1,325.6 ft., to Corner No. 2; thence N. 34°46' E., 350.0 ft., to Corner No. 3; thence S. 67°09' E., 1,205.1 ft., to Corner No. 4; thence S. 18°04' W., 486.9 ft., to Corner No. 1, the place of beginning, containing approximately 12 acres.

3. At 10:00 a. m. on October 15, 1957, the public lands released from withdrawal by this order, and not included in the withdrawal made by paragraph 1, shall become subject to settlement and other forms of appropriation under the public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans of World War II, the Korean Conflict, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, and subject to the 90-day preference right of selection granted the Territory of Alaska by the act of July 28, 1956 (70 Stat. 709; 711; 48 U. S. C. 46).

ROGER ERNST, *Assistant Secretary of the Interior.*

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7554; Filed, Sept. 13, 1957; 8:46 a. m.]

[Public Land Order 1498]

ARIZONA

PARTIAL REVOCATION OF EXECUTIVE ORDER OF APRIL 17, 1926, CREATING PUBLIC WATER RESERVE NO. 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Department of the Interior Interpretation No. 69 of June 16, 1928, is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 39 N., R. 3 E.,
Sec. 35, E½SW¼, W½SE¼.

The area described contains 160 acres.

The SW¼SE¼ has been patented.

2. The remaining lands (E½SW¼, NW¼SE¼) are located in Coconino County on the western edge of House Rock Valley. The general area is composed of rolling range lands with a heavy sod of grama grasses. The soil is of a sandy loam type.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on October 15, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and be-

fore 10:00 a. m. on January 14, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on January 14, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Portions of the SE¼SW¼ are occupied by persons who have constructed improvements thereon and who claim equitable rights in the lands, subject to allowance and confirmation.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7555; Filed, Sept. 13, 1957; 8:46 a. m.]

[Public Land Order 1499]

[10-1933556]

NEVADA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 627 OF JANUARY 11, 1950, WHICH WITHDREW LANDS FOR DEPARTMENT OF THE ARMY

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 627 of January 11, 1950, withdrawing public lands for use of the Department of the Army in connection with the then Wendover Army Air Base, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 70 E.,
Sec. 15, lot 7 and that part of lot 8 lying north and east of a line extending from the southeast corner of lot 8, to a point on the west boundary of said lot 8 approximately 500 feet north of the southwest corner thereof.

The areas described aggregate approximately 11.8 acres.

2. Effective on 10:00 a. m. October 15, 1957, the lands described in paragraph 1, above, will become subject to application, petition, location, offer, or selection under the public land laws, including the mining and mineral leasing laws. This revocation is made in furtherance of a proposed exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U. S. C. 315g), as amended, which would provide lands within a planned watershed development program for soil and moisture conservation. Since this revocation is made in order to assist in a Federal land program, this opening is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284; 43 CFR Part 181), as amended, granting certain preference rights to veterans of World War II, the Korean conflict, and others.

3. No application for these lands will be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits and the lands will not be subject to occupancy or disposition until they have been classified and the application allowed.

4. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7556; Filed, Sept. 13, 1957; 8:47 a. m.]

[Public Land Order 1500]

[1299783]

NEVADA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 4873 OF MAY 3, 1928, CORRECTING OPENING ORDER OF MARCH 29, 1957

By virtue of the authority vested in the President and pursuant to section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) and Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 4873 of May 3, 1928, reserving certain lands in Nevada for use by the Department of Commerce in the maintenance of Air Navigation facilities, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 50 E.,
Sec. 16, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

The areas described aggregate 160 acres.

2. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposal until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager of the land office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on October 15, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 14, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs 3 a (1) and 3 a (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on January 14, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights under paragraph 3 a (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claim. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., January 14, 1958.

4. The order of the Manager, Land Office, Bureau of Land Management, Reno, Nevada, dated March 29, 1957, and appearing at pages 2379-80 of the FEDERAL REGISTER of April 10, 1957, so far as it describes Air Navigation Site Withdrawal No. 10 as being dated May 24, 1928, is hereby corrected by changing the date to read "September 14, 1928".

Inquiries concerning these lands shall be addressed to the Manager, Nevada Land Office, P. O. Box 1551, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7557; Filed, Sept. 13, 1957; 8:47 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter A—Archives and Records Management

PART 5—HARRY S. TRUMAN LIBRARY

Sec.
5.0 Scope.
5.1 Definitions.
5.2 Legal custody.
5.3 General conduct.
5.4 Photography by visitors.

AVAILABILITY AND USE OF HISTORICAL MATERIAL

5.10 Inquiries regarding use.
5.11 Restricted materials.
5.12 Admission card. [Reserved]
5.13 Withdrawal of admission card. [Reserved]

RESEARCH ROOM RULES [Reserved]

LOANS AND REPRODUCTIONS [Reserved]

AUTHENTICATION AND ATTESTATION [Reserved]

LEGAL DEMANDS

5.50 Service of subpoena or other legal demand; compliance.

MUSEUM

5.60 Admission fee.
5.61 Free admissions.
5.62 Hours of admission.

AUDITORIUM

5.70 Primary uses.
5.71 Standards for assigned uses.
5.72 Application procedure.
5.73 General provisions.

AUTHORITY: §§ 5.0 to 5.73 issued under sec. 205, 63 Stat. 389, as amended; 40 U. S. C. 486. Interpret or apply 69 Stat. 695; 44 U. S. C. 397 (e), (f), (l).

§ 5.0 *Scope.* The provisions of this part apply to historical material in the Harry S. Truman Library.

§ 5.1 *Definitions.* As used in this part, unless the context otherwise requires:

(a) The term "act" means the act approved August 12, 1955 (69 Stat. 695; 44 U. S. C. 397 (e), (f), (l)).

(b) The term "Library" means the Harry S. Truman Library, Independence, Missouri.

(c) The term "building" means the building occupied by the Library at Independence, Missouri.

(d) The term "Administrator" means the Administrator of General Services.

(e) The term "Archivist" means the Archivist of the United States.

(f) The term "Director" means the Director of the Harry S. Truman Library.

(g) The term "historical material" includes books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value.

§ 5.2 *Legal custody.* The Administrator has legal custody of historical material in the Library.

§ 5.3 *General conduct.* All persons entering in or upon Library property are subject to the general regulations covering public buildings and grounds issued by the Administrator (Subpart A, Part 100 of this chapter).

§ 5.4 *Photography by visitors.* Visitors are permitted to take photographs in the Library without restriction if flash bulbs or other special photo-lighting devices are not used, and the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photo-lighting devices, tripods or other elaborate equipment, or for commercial purposes, must obtain special permission from the Director. Applications for such permission should be made to the Director.

AVAILABILITY AND USE OF HISTORICAL MATERIAL

§ 5.10 *Inquiries regarding use.* Historical material in the Library, except for items displayed in the exhibit rooms, will not be available for use until restricted material has been identified and segregated. Notice will be given publicly when unrestricted materials are opened to research, and this section will be revised accordingly. In the interim, questions regarding access to historical material should be addressed to the Director.

§ 5.11 *Restricted materials.* Materials on which restrictions on availability and use have been specified in writing by the donors under the provisions of section 507 (f) (3) of the Federal Property and Administrative Services Act of 1949 (44 U. S. C. 397 (f) (3)) will be made available subject to the restrictions specified. The following classes of material will not be made available for examination or use:

(a) Materials on which the Archivist has imposed restrictions.

(b) Materials restricted by law or Executive order.

(c) Materials containing information the disclosure of which would be prejudicial to the national interest or security of the United States.

§ 5.12 *Admission card.* [Reserved]

§ 5.13 *Withdrawal of admission card.* [Reserved]

RESEARCH ROOM RULES [Reserved]

LOANS AND REPRODUCTIONS [Reserved]

AUTHENTICATION AND ATTESTATION [Reserved]

LEGAL DEMANDS

§ 5.50 *Service of subpoena or other legal demand; compliance.* When a subpoena duces tecum or other legal demand for the production of historical material in the Library is served upon the Administrator, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such material, or the original material if necessary, unless he determines that disclosure of the information is contrary to law or Executive order, would violate restrictions authorized by law and specified in writing by the donors of the material, or would prejudice the national interest or security of the United States. When a subpoena or demand for historical material is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such material on the ground that he does not have legal custody thereof, is without authority under this part to produce the same, and that the Administrator has not determined that production of the material is in accordance with the regulations in this part.

MUSEUM

§ 5.60 *Admission fee.* A charge of 50 cents, inclusive of tax, if any, will be collected from every person visiting and viewing the museum portion of the Library, except as provided in § 5.61.

§ 5.61 *Free admissions.* The following persons will be admitted to the museum free of charge: *Provided,* That the applicable tax, if any, will be collected from such persons unless exempt by law:

(a) *Without prior application.* (1) Children 12 years of age or under when accompanied by an adult assuming responsibility for their safety and orderly conduct;

(2) Uniformed members of the Armed Forces of the United States;

(3) Persons in the support or care of charitable institutions and their attendants.

(b) *When prior application has been made.* (1) Persons from educational institutions when such persons are accompanied by officers or instructors of such institutions.

(c) *Special cases.* (1) Persons engaged in business affecting the Library and other persons when specifically authorized by the Director.

§ 5.62 *Hours of admission.* The museum portion of the Library will be open from 9 a. m. to 4:30 p. m. Monday through Saturday, and from 2 p. m. to 5 p. m. Sunday, including Federal legal holidays except Thanksgiving Day, Christmas Day, and New Year's Day, and at such other times as the Director may authorize.

AUDITORIUM

§ 5.70 *Primary uses.* The auditorium is designed primarily to serve the purposes of the Library in the presentation or discussion of historical materials, through lectures, seminars, meetings of professional societies, projection of historical motion pictures, and the like.

§ 5.71 *Standards for assigned uses.* (a) Assignments will be made when the auditorium is not required for use by the Library, from time to time upon application, for the following uses:

(1) Meetings of Federal Government organizations or recognized Federal employee groups.

(2) For meetings (including meetings of civic or veterans organizations and professional, scientific, educational, and other similar societies or organizations) that are sponsored by or related to the activities of the Library or the Harry S. Truman Library Institute.

(3) For the presentation to the public of lectures, concerts and similar performances by the Library or at which its employees participate.

(4) For other uses at the discretion of the Director.

(b) Such meetings or performances shall not in any event include those sponsored by profit-making organizations, those promoting commercial enterprise or commodities, or those having political, sectarian, or similar nature or purpose.

(c) Assignment will not be made for Saturdays, Sundays, or holidays, unless specifically justified.

§ 5.72 *Application procedure.* Each application for use of the auditorium will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the proposed use. Each application should be directed to the Director and should include the following information:

(a) The name of the organization requesting the assignment;

(b) The date on which assignment is requested, and the hours of contemplated use;

(c) A brief description of the scheduled meeting or performance;

(d) The approximate number of persons expected to attend (capacity of the auditorium is 250);

(e) A statement as to whether or not it is the intention to exhibit at the meeting or performance motion pictures or slides and, if so, the size of the film or slides and whether the film to be shown, if any, is on nitrate or safety base; and

(f) Samples or description of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

§ 5.73 *General provisions.* (a) No program will be permitted to continue beyond 10 p. m.

(b) No admission fee may be charged, no indirect assessment fee may be made for admission, and no collection may be taken. Commercial advertising or the sale of articles of any character is not permitted.

(c) The serving or consumption of food or beverages within the auditorium is prohibited.

(d) Smoking is prohibited within the auditorium.

(e) Music racks, ushers, and attendants for checking wraps, if needed, will be furnished and paid for by the applying organization.

(f) If the projecting of motion pictures or slides is part of the program, a competent operator, if available, will be furnished by the Library for a fee. The using organization may provide its own operator with the approval of the Director of the Library.

(g) The posting of any material about the premises is subject to the approval of the General Services Administration's Building Manager.

(h) All persons attending meetings or performances are required to go directly to the auditorium. No one is admitted to other parts of the building closed to the general public.

FRANKLIN G. FLOETE,
Administrator.

SEPTEMBER 12, 1957.

[F. R. Doc. 57-7613; Filed, Sept. 13, 1957; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.11, I have determined that the taking of deer may be permitted by hunting on portions of the Malheur National Wildlife Refuge, Oregon, without interfering with the primary purpose of the area. Accordingly, a new centerhead note, as set forth above, and § 31.207, reading as follows, are added:

§ 31.207 *Hunting of deer permitted.* Deer may be taken solely by means of bow (except crossbow) and arrow during the period September 14, 15, and 16, 1957, only on the lands in that part of Malheur National Wildlife Refuge south of Witzel's Lane, being the line between secs. 10 and 15, T. 30 S., R. 31 E., subject to the following conditions, restrictions, and requirements:

(a) Strict compliance with all State laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) Smoking on the refuge is prohibited except on the public campgrounds designated by posting.

(d) The possession or use of firearms on the refuge is prohibited.

(e) Dogs are not permitted on the refuge for use in the hunting of deer.

(f) Hunters upon entering or leaving the hunting area shall report at such checking stations as may be established for the purpose of regulating the hunt.

(g) Not to exceed 300 hunters per day shall be permitted to hunt on the refuge, the determination of which number shall be established by controls at the checking stations.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendment involves public property and has the effect of relieving restrictions applicable to the Malheur National Wildlife Refuge, notice and public procedure thereon are unnecessary, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated September 12, 1957.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-7624; Filed, Sept. 13, 1957; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

CERTAIN WATERS ADJACENT TO UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE, IOWA, MINNESOTA, AND WISCONSIN

INTENTION TO DESIGNATE AS CLOSED AREAS

Correction

Federal Register Document 57-7419 appearing in the issue of September 11, 1957, at page 7243, as a Notice should have been published under the Proposed Rule Making section of the FEDERAL REGISTER.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 913, 980]

[Docket Nos. AO-182-A8, AO-23-A17]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Kansas City, Missouri, on April 2-5, 1957, pursuant to notice thereof issued on March 13, 1957 (22 F. R. 1725).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 14, 1957 (22 F. R. 6616) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues of record related to:

1. The merger of orders No. 13 and 80 regulating the handling of milk in the Greater Kansas City and Topeka, Kansas, marketing areas and the inclusion of certain additional territory in the marketing area;

2. The extent to which the present provisions of Order No. 13 (other than those involved in the issues listed below) would be appropriate for the merged and expanded marketing area;

3. The definition of producer-handler;

4. The definition of pool plant;

5. Provisions relative to unpriced milk;

6. The designation of a cooperative association as the handler on bulk tank milk;

7. The allocation of allowable shrinkage between receiving stations and bottling plants;

8. The classification of cream used for cottage cheese and of concentrated fluid milk;

9. Accounting for inventories of fluid milk products;

10. Classification of milk moved to nonpool plants;

11. Allowing cooperative associations to make unlimited diversion to nonpool plants;

12. Seasonal modification of the supply-demand adjustment;

13. Modification of the Class II price provisions;

14. Changing the location adjustments to handlers and producers;

15. Providing more time for the computation of the marketwide uniform price; and

16. Administrative changes.

Findings and conclusions. The following findings and conclusions are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* Order No. 80 regulating the handling of milk in the Topeka, Kansas, marketing area should be consolidated with Order No. 13 regulating the handling of milk in the Greater Kansas City marketing area. The marketing area should also be expanded to include the northern part of Cass County, Missouri, those portions of Leavenworth and Johnson Counties, Kansas, which are not now included, all of Douglas and Morris Counties, Kansas, and Riley County, Kansas, exclusive of the Fort Riley Military Reservation.

The consolidation of the Greater Kansas City and Topeka marketing areas is based primarily upon increasing competition between the two groups of distributors. The record discloses that there is a substantial, regular distribution of milk in the present Kansas City area by Topeka handlers. There is also a substantial and growing distribution by Kansas City handlers in the present Topeka area. The two groups of handlers also compete with each other in the sales territory between the two cities and at points as far away as Fort Riley. There is every prospect that competition between the two groups of handlers will continue to grow in response to improvement in roads (including the new turnpike connecting Kansas City, Topeka, and Emporia), improvements in refrigeration, and the general trend toward larger bottling plants and wider distribution territories.

There is also considerable competition between the two markets in the procurement of milk. There are now twelve counties from which producers ship to both markets. Health regulations applicable to the production and processing of milk are substantially similar as is evidenced by the cross distribution of milk.

These similarities are reflected in the two present orders. They have a common Class I price. Most other major provisions, including the base-rating plan of distributing returns to producers, are also similar in the two orders. The major producer organizations in the two markets support a merger of the Topeka and Greater Kansas City orders to place the entire area under one regulation. The principal advantage of this action will be the stability provided to producers by reflecting in one uniform price the Class I sales of all handlers rather than dividing these sales into two separate pools. Handlers will also have greater freedom to move milk within the entire area without distinction as to the individual pools affected.

To accomplish the merger effectively and most equitably the assets in the custody of the market administrator in the administrative marketing service and producer-settlement funds under the Topeka order should be merged with assets in similar funds under the Greater Kansas City order when the merger is effected. To distribute such funds under the Topeka order to Topeka producers and handlers, would unduly burden handlers and producers now regulated by the Greater Kansas City order. To distribute the funds under both orders and again accumulate the necessary reserves would entail considerable administrative detail to no good purpose.

The reasons for expanding the consolidated marketing area to include the northern portion of Cass County, Missouri, and all of those portions of Leavenworth and Johnson Counties, Kansas, which are not now included under regulation are essentially similar. There have been substantial increases of population in these territories as they have become a part of the Greater Kansas City residential area. The greater bulk of the milk sold in these counties is by presently regulated handlers. A survey of all the wholesale outlets in the presently unregulated portions of the three counties discloses that regulated handlers sell 55 percent of all milk in Cass County, 74 percent in Johnson County, and 92 percent in Leavenworth County. In addition to the wholesale business, the regulated handlers sell a substantial volume of milk on retail routes, although it is not possible to ascertain from the record their precise proportion of the total retail sales.

That portion of Cass County, Missouri, which is south of State Highway No. 2, should not be included in the area. This will exclude the population centers of Drexel, Archie, Garden City, Creighton, and Dayton. The wholesale outlets in these centers are served primarily by unregulated handlers. In fact, presently regulated handlers have outlets in only two of the named centers and there was no evidence that there is any serious competitive problem which would require the extension of regulation to this southern portion of Cass County.

Douglas County, Kansas, should be included in the marketing area. The City of Lawrence is the county seat and principal center of population. A handler whose plant is located in Lawrence has an estimated 70 percent of the total volume of milk sales in the county. He also sells milk at locations in Johnson and Leavenworth Counties and since these counties are recommended for regulation, therefore, he would be either wholly or partly subject to order regulation whether or not Douglas County were included. Three of the presently regulated Kansas City handlers and one from Topeka have regular sales in Douglas County. These close competitive relationships in the distribution of milk require that Douglas County be included in the combined marketing area.

That proportion of Riley County, Kansas, which lies outside the Fort Riley Military Post should be included in the marketing area. The county seat and largest center of population is Manhattan. Inclusion of the county was proposed by an association of producers supplying two handlers whose plants are located in Manhattan. The only other handler who would become subject to regulation is the dairy at Kansas State College. This dairy utilizes milk from the college herd to supply on-campus outlets. It also sells some milk through a local distributor off-campus in the City of Manhattan.

The producer's association has been unable to negotiate satisfactory arrangements for the marketing of member milk at the local plants. In fact, relationships are so strained that one of the member producers who testified on the first day of the hearing was notified by his handler that same day that his milk was no longer acceptable to the handler. Other instances of unsatisfactory marketing conditions include evidences of incorrect weights and tests which the handlers had refused to negotiate. One of the handlers operated a base-rating plan and the other paid for surplus milk at a manufactured price whenever his receipts from local farmers exceeded his Class I needs. In neither case were producers able to verify the data involved. Milk is also distributed in Riley County by presently regulated handlers from Kansas City and Topeka and by a partially regulated handler at Council Grove who would become fully regulated under the recommendations made herein.

The order should be expanded to include Riley County in order to provide producers supplying the local handlers with a classified price plan for the sale of their milk, to give the assurance that their milk will be properly weighed and tested, and to provide them with authentic market information. Also, all handlers distributing milk in the county will be placed on an equal competitive basis in the procurement of milk.

Fort Riley should not be included in the marketing area. The Fort extends into both Riley and Geary Counties, and

the major milk consumption centers are, in fact, in Geary County. The contracts to supply the various installations on the post are now split between regulated and partially regulated handlers and a totally unregulated handler whose plant is located at Junction City in Geary County. Geary County was not included in the notice of hearing and no specific mention of Fort Riley, as such, was included in the notice. It is clear that the handler at Junction City, did not, in fact, consider his sales outlets at Fort Riley potentially subject to regulation and did not submit any proposals regarding his own primary sales territory. In the circumstances, no part of Fort Riley should be made subject to the order.

All of Morris County should be included in the marketing area. Council Grove is the county seat and principal center of population in this County. Inclusion of the County was proposed by the handler operating a plant at Council Grove, the only one in the County. This handler is currently partially subject to the Topeka milk marketing order as the operator of a nonpool plant. He also has sales in Douglas and Riley Counties and would become subject to complete regulation if these Counties are added to the area. He distributes the bulk of the milk sold in Morris County. The most substantial volume of sales by other handlers are those by a presently regulated Topeka handler and those by a Manhattan handler who would become fully subject to regulaton by the inclusion of Riley County in the marketing area. The association of producers supplying this handler's plant also favored expansion of the combined order to include Morris County.

The marketing area should not be expanded to include those northern portions of Platte and Clay Counties in Missouri which are not now included in the Greater Kansas City area. The previously mentioned survey of wholesale milk distribution covered eleven population centers in the northern portion of Platte County and four in the unregulated portion of Clay County. Most of these centers were served by handlers whose plants are located in St. Joseph, Missouri, and the St. Joseph handlers have the great bulk of the distribution in northern Platte County. Since there was no proposal to regulate St. Joseph as such, the problem is to determine a reasonable boundary between the St. Joseph and Kansas City sales territories. It appears that the present boundary most appropriately accomplishes this division. Any northward extension of the marketing area in Platte and Clay counties would directly involve several of the St. Joseph handlers. It is concluded, therefore, that since regulation in St. Joseph was not at issue, the present boundaries should be maintained.

2. *Applicability of provisions of Greater Kansas City order to merged order.* The Greater Kansas City and Topeka orders contain the same Class I price provisions and are highly similar in most other important respects. It was proposed that the Kansas City order, with certain amendments, be used to regulate the handling of milk in the consolidated and enlarged area. Each section of the Greater Kansas City order was specifically considered at the hearing. The application of each section to marketing conditions in the present Topeka area and in the territories proposed to be included were open for consideration. There are relatively few substantive differences in the two orders. The majority of the provisions of a milk marketing order apply to the operations of individual handlers in determining the classification and minimum value of receipts of milk from producers by each handler. The effect of similar provisions of such nature in two separate orders are not changed when the two orders are combined into a single regulation.

Aside from the obvious differences in marketing area, the Kansas City and Topeka orders differ significantly with respect to pool plants, cooperative associations as handlers on diverted milk, the extent of the surplus disposal area, the level of the Class II price and butterfat differential, the application of location adjustments to handlers, and some of the payment dates. All of these issues are the subject of specific amendment proposals. Each will be discussed below under separate headings.

Other differences between the orders are primarily administrative in nature. The Kansas City order uses the terms "quota" and "excess" in connection with the plan for encouraging level production, while the Topeka order uses the terms "base" and "excess" for an identical plan. "Base" is the most frequently used term for similar plans in other orders. It appeared to be acceptable to the Kansas City groups at the hearing and should be used. The Kansas City order contains more specific requirements relating to certain reports by partially exempt handlers. These provisions, rather than the more general ones used in Topeka, should apply.

3. *Producer-handler.* Under the terms of the present order a producer-handler is exempt from the pricing and payment provisions. He does not pay the administrative assessment, nor is his own production included in the marketwide utilization pool.

The simplest form of producer-handler operation, is a person who sells only the milk produced on his own farm. Other operations may be carried on by producer-handlers, and the order should be made more specific with regard to the types of activities which can be followed without terminating a person's status as a producer-handler.

The proponents were particularly concerned that a producer-handler not be allowed to utilize other source milk for Class I purposes. Conceivably, a producer-handler could rely primarily on other source milk, including reconstituted solids, and thereby avoid the pricing and payment provisions of the marketing order. This should not be permitted. It was pointed out at the hearing, however, that a producer-handler should be permitted to purchase Class II products from unregulated sources for distribution on his routes. This permission should be extended to the purchase of other source milk, as well as products, for manufacturing uses.

The producer-handler definition should, therefore, be amended to provide that milk be received from no other dairy farm than the farm(s) of the producer-handler, that he distribute milk in the marketing area, and that he may purchase supplemental milk for Class I use only from pool plants under this order.

4. *Pool plants.* Pool plant standards should be provided for the three functionally different types of plants serving the market. Distributing plants should qualify as pool plants if they sell 20 percent or more of their total receipts of milk from approved dairy farmers as Class I in the marketing area and if in addition their total Class I sales are equal to 30 percent or more of such receipts during the months of March through June, to 35 percent of such receipts during December, January and February, and to 45 percent during July through November. Supply plants should qualify as pool plants in any month during which 50 percent of the total "available" receipts at such plant are shipped to distributing pool plants. Furthermore, if such plant qualifies as a pool plant in each of the months of August through December, it shall remain a pool plant without making shipments during the subsequent flush production months of January through July unless nonpool status is requested. A "stand-by" supply plant operated by a cooperative association of producers should qualify as a pool plant if 65 percent or more of the milk delivered during the month by producers who are members of such association is received at the pool plants of other handlers.

The distributing plant percentages provided herein are the same as those contained in the present Greater Kansas City order but they are somewhat lower percentages than those contained in the Topeka order. All of the plants which presently qualify as pool plants under either order, therefore, will qualify as pool plants.

The supply plant definition contained herein corresponds to that contained in the present Topeka order and is only slightly different from the Greater Kansas City definition. Under both orders, any supply plant from which 50 percent or more of receipts are shipped to distributing plants during each of the months of August through December can remain a supply plant during the following months of January through July. The Topeka order also provides that any supply plant not previously qualified can become a pool plant during the first month in which 50 percent of its available receipts are shipped to distributing plants. In view of the expansion of marketing area herein provided, it is particularly important that supply plants which may be serving distributors newly subject to the regulation be able to qualify immediately as pool plants. Since the amendments provided herein are not effective by August 1, any supply plant which qualifies as a pool plant during the period from the effective date of these amendments through December 1957, should remain qualified through the months of January through July 1958. The Topeka order also provides that shipments to distributing plants be computed as a percentage of the "available" supply rather than of the total supply of milk from approved dairy farmers. The "available" supply is that remaining after subtraction of any milk regularly disposed of as Class I on routes. The "available" supply concept recognizes that it is an increasingly common occurrence for supply plants to develop route sales in the local territory. Such sales represent regular outlets for Class I milk and are reported as such under the order. The milk so sold is not actually available to distributing plants in the market and should be subtracted to determine the quantity of milk which can be shipped to distributing plants.

Pool plants standards for a cooperative association-operated "stand-by" supply plant are provided in the present Kansas City order but not in the Topeka order. However, the percentage of total member milk which must be delivered to other pool plants should be reduced from 75 to 65. This reflects the fact the principal bargaining association of producers in the Kansas City portion of the market has recently acquired a supply plant formerly operated by a proprietary handler. This will reduce the proportion of milk delivered directly to other plants. Moreover, the demands on supply plant sources of milk are becoming more variable as a result of the adoption of bulk tanks by producers, the shift to fewer working days at the bottling plants, and the negotiation of contracts under which the cooperative associations undertake to supply distributors with their full requirements of milk for Class I use and to dispose of all the milk not so needed. It appears that these changes in market arrangements can be adequately cared for by reducing the percentage of delivery to other plants.

5. *Provisions relating to unpriced milk.* The pricing provisions of the order apply to that milk which is defined as producer milk. Producer milk includes that which is received from dairy farmers at plants qualifying as pool plants as described in the preceding topic. There are two major categories of nonproducer, or "other source", milk. One consists of the supplementary milk received at a pool plant from unregulated supply plants. The second consists of milk distributed on routes in the marketing area from plants which do not qualify as pool plants. Several aspects relating to unpriced milk were reviewed at the hearing. These include a more detailed definition of other source milk, the obligations of handlers operating nonpool plants with particular reference to administrative expense, the status of milk priced under other Federal orders, and the determination of circumstances in which compensatory payments should not apply.

Other source milk. The definition of "other source milk" should be revised. It should include all products utilized by the handler in his operations except fluid milk products received from pool plants and inventory and receipts of producer milk. Under this definition, manufactured products which are reprocessed or converted at the plant into fluid milk products would be considered as other source milk. However, Class II products disposed of in the same form in which received, without further processing or packaging by the handler would not be considered as other source milk. The market administrator could require that they be reported, as a memorandum entry, in order to provide a full accounting.

Nonpool handler. The application of administrative expense to the operations of a nonpool handler should also be modified. If the nonpool handler chooses to pay the difference between class prices on his in-area sales, administrative expense should be charged only on the volume sold in the area. Such limitation of administrative expense recognizes that the administrator's verification process consists essentially of a determination of the quantity sold in the marketing area. On the other hand, if the handler chooses the payments-to-dairy-farmer's option, he should pay administrative expense on his entire receipts from the Grade A dairy farmers. Obviously, this second option involves fully as much verification of receipts and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat tests, of receipts from dairy farmers, and of the product sold as well as an audit of the books and records.

Milk from other Federal order markets. The present Kansas City and Topeka orders give almost complete exemption to milk from plants disposing of more Class I milk in another Federal order area. This exemption should be clarified to apply only to plants which are fully subject to the pricing and payment provisions of another order and from which a larger quantity of milk is disposed of in the other Federal marketing area. The present orders also provide for an equalizing payment in the event the Class I price under the other order is lower than that prevailing during the month under the Kansas City or Topeka orders. It was proposed by producers that this equalizing payment be deleted. This proposal should be adopted. Any evidence of more than temporary misalignments of Class I prices between Federal orders should be dealt with by appropirate changes in Class I prices rather than by the imposition of equalizing payments.

The Topeka order specifies that other source milk received at a pool plant from unregulated plants be allocated to Class II before milk received from a plant subject to another Federal order. This order of allocation should be specified in the combined order so as to provide the highest utilization of producer milk under the other order.

Exemption from compensatory payments. Operators of pool plants are not obligated for compensatory payments on other source milk classified as Class I in circumstances where producer milk is not available. Instead of leaving the determination of availability to the subjective judgment of the market administrator, an objective measure should be provided. This should be done by making the payments inapplicable whenever producer receipts are equal to 120 percent or less of Class I sales.

6. *Designation of cooperative association as handler on bulk tank milk.* One proposal considered at the hearing was designed to accommodate efficiencies resulting from the system of collecting milk from farms in bulk tank trucks.

The cooperative associations in the Kansas City market have various types of programs for collecting bulk tank milk. They range from a cooperative association which owns and operates tank trucks to associations which have little or no control over the tank trucks. Recently there has been a considerable expansion in the number of bulk cooling tanks being installed on the farms supplying the Kansas City market. In January 1955 only 1.9 percent of the total milk was received from bulk tank shippers. In January 1956, the percentage had risen 6.9 and in February 1957 to 14.67 and this trend is continually increasing.

The transportation of milk from farm to market in insulated tank trucks owned or operated by, or under contract to, cooperative associations has created a problem with respect to the determination of the responsibility to the individual producer. When milk comes to market in cans, the milk of individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is fixed with the responsibility for paying the individual producer fer the pounds of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned or operated by, or under contract to, the cooperative association, the weight of each producer's milk is checked by, and a sample of milk for butterfat testing is taken by, a person who is an employee of, or a person directly responsible to the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no direct way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries make up the load, except as such information may be reported to him by the cooperative. In some instances, particularly in case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

When a cooperative is in control of the transportation, it is more appropriate to permit the cooperative association to qualify as a handler under the order and to report for such milk handled. In such case the cooperative should be required to report to the pool for it. On the milk for which it is a handler, the cooperative association would be required to charge class prices to the plant operator for such milk. The cooperative association in turn would be required to make monthly reports with respect to such milk and to settle with the producer-settlement fund for it.

Cooperative associations may also be handlers in their capacity as operators of pool plants. Sales by such cooperatives to other handlers should also be at not less than class prices. However, the cooperative should not be the handler on producer milk which is delivered in cans to more than one pool plant during the delivery period. The handlers on such milk should be the operators of the different pool plants to which the milk was delivered.

There was some consideration at the hearing to limiting the designation of a cooperative as a handler on any given load of bulk tank milk to those months in which such load was split between two or more receiving pool plants. Clearly, however, the basic aspect of the bulk technique is that the person responsible for the producers' weights and tests should be designated as the handler. On cooperative association routes, the cooperative would be responsible for weight and test, regardless of whether the milk was delivered to one or several bottling plants.

With respect to milk received from producers' farms in cans or tank trucks owned and operated by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or cooperative association at the applicable uniform price. In situations in which a cooperative does not choose to be a handler on the bulk tank milk or in which a proprietary handler controls the tank trucks, a bulk load might be split between handlers on any given day or be delivered to more than one handler during the month. In such case the operator of the first pool plant at which the tank is physically received each day should be the responsible handler.

It is concluded, therefore, that the cooperative association may become a handler on that bulk tank milk which is collected in trucks the cooperative owns or operates, or has under contract.

7. *Shrinkage.* A handler proposed that the order be amended to recognize that milk incurs relatively little shrinkage in its receipt and relatively much more in its processing, bottling, and distribution. Testimony indicated that receiving plants experience approximately one-half percent shrinkage on that milk received and transferred to another plant for processing and bottling.

It is concluded that the order should be amended to recognize that the greatest amount of shrinkage occurs in the processing and bottling phase of milk distribution. Up to one-half of one percent shrinkage should be allowed on that milk which is received at one plant and transferred to another plant for bottling and distribution. The bottling plant will be allowed up to one and one-half percent shrinkage on that milk received in bulk from another plant.

8. *Classification of cream used for cottage cheese and of concentrated fluid milk.* It was proposed at the hearing that cream used in creaming cottage cheese be classified as a Class II product. The present order provides that cream used in the creaming of cottage cheese be classified as a Class I product.

Evidence introduced at the hearing showed that creamed cottage cheese is manufactured under two different health ordinances. In Kansas the health ordinances require that creamed cottage cheese be made with Grade A cream while in the most parts of Missouri the health ordinances allow cottage cheese to be creamed with ungraded cream. In such a situation inequity exists among handlers who manufacture under different health ordinances, and compete for sales in the same market. To provide equality to all handlers who manufacture creamed cottage cheese under the Kansas City order, the cream used in creaming cottage cheese should be placed in Class II. The net effect on the blend price would be negligible as only two-tenths of one percent of the total pooled cream is used in this classification.

Whole fluid concentrated milk should be included in the Class I classification as it is in the present Topeka order. Although this product is not being sold in the market at the present time, it would be well to guard against any future problems which might arise in regard to the classification of concentrated milk and include it in the Class I classification now.

9. *Inventory accounting.* The month-end inventories of Class I items should be accounted for in accordance with the provisions of the present Topeka rather than the Kansas City order. The Topeka order provides that producer milk from the previous month's closing inventory, which was classified as Class II, have prior claim over other source milk on the Class I utilization for the current month. This can be accomplished in the accounting procedure by considering the opening inventory as a receipt. Under the allocation provisions, the opening inventory would be subtracted from Class II skim milk and butterfat after the subtraction of receipts from other sources. A reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month if opening inventory is allocated to Class I and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk the previous month after allocating other source milk and shrinkage. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month.

10. *Disposal of milk to nonpool plants.* Milk not needed for bottling purposes is frequently transferred or diverted to nonpool plants. Both the Kansas City and Topeka orders utilize the concept of a surplus marketing area. This area should be large enough to include all the nonpool manufacturing plants to which Class II milk might reasonably be moved for manufacturing purposes. Milk is so bulky and perishable that handlers will not ordinarily incur the expense of moving it beyond a reasonable distance except for Class I purposes. In the Kansas City order, the surplus marketing area extends 250 miles from the city hall in Kansas City, Missouri. Under the Topeka order, it extends 100 miles from the pool plant from which the milk is transferred or diverted.

It was proposed that the surplus disposal area for the combined order be established at 200 miles from the boundary of the marketing area. Since the marketing area provided herein is not continuous, it appears that the proposed objective can be better accomplished by defining the area as 200 miles from the principal outlying points of the marketing area, namely, Kansas City, Missouri, and Manhattan and Emporia, Kansas. Both of the present orders permit cream to be moved for unlimited distances at Class II if it is clearly designated for manufacturing purposes and this should be continued.

A second difference between the two orders in regard to the classification of milk moved to nonpool plants relates to possible retransfers from the nonpool plant first receiving the milk. These differences should be reconciled by providing that the same rules of allocation and classification should apply to any movements of milk from the nonpool plant as to the original movement from a pool plant to the nonpool plant.

11. *Diversion to nonpool plants.* The two largest cooperative associations in the market proposed that cooperatives be allowed to divert milk from a pool plant to a nonpool plant any time during the year, while the proprietary handlers be limited to the present Kansas City diversion privilege. This provides that both a cooperative association and a proprietary handler may divert milk any time during the months of January through August but during the months of September through December they may divert milk for not more than 10 days to a nonpool plant. The present Topeka order provides that both a cooperative association and a proprietary handler may divert milk any time during the year.

The fundamental problem involved in unlimited diversion is that some groups of producers may be pooled as part of the regular market supply, yet never establish any objective association with the market. The record clearly indicates that there is no need for unlimited diversion by cooperatives at the present time. However, there is evidence that the present 10-day limitation during the month of September through December should be increased to 16 days production. It has been shown that the handlers have been experiencing difficulties diverting milk to nonpool plants during the fall months, especially during the months of November and December. With December becoming a higher production month this change would eliminate some of the problems that are resulting in uneconomic movements of milk.

The wording of the diversion provisions should be changed so that it will be limited to not more than 16 days production of a producer diverted to a nonpool plant in the fall months. This clarifying change is desirable because of the increased number of bulk tank shippers whose milk is delivered every other day.

If a producer's milk is diverted by a proprietary handler or a cooperative association for more than 16 days, only that portion which is over 16 days should be treated as other source milk. Otherwise such producer's milk would not be pooled for the entire period it was diverted and he would lose both the advantages of the uniform price and his base-making credit. A producer should not incur such drastic penalties for a marketing condition over which he has very little control.

The recommended decision provided for a 15-day limit on diversion during the months of September through December. In their exceptions, producers pointed out that 15 days did not constitute a half-month during October and December. In their judgment, a half-month represents the minimum diversion period which would accommodate current and prospective milk marketing conditions.

It is concluded, therefore, that the diversion provision should be amended so as to limit the diversion period during the months of September through December to not more than 16 days production.

12. *Seasonal modification of the supply-demand adjustment.* It is recommended that the present type of supply-demand adjustment be retained. However, the standard utilization percentages should be changed to reflect the changes in seasonality in the market.

A proposal to revise the present supply-demand adjustment factors would have provided two adjustments, one based on a 12-month moving average and the other on a two-month moving average. Use of the 12-month moving average, either by itself or in conjunction with the two-month moving average, will not provide sufficient response to changing market conditions. A change of 8 percent or more in the supply-demand ratio is necessary in any one month before any change in the 12-month moving average would occur. Thus, it would be several months before a substantial and continuing change in supply-demand conditions would be reflected in any sizable adjustment in price. While this would eliminate the month-to-month variations which would have occurred, it would be so slow to respond to changed conditions of supply and demand that its effectiveness would be materially reduced. The most recent 2-month experience provides a more current indication of utilization prospects than a 12-month factor.

Producers submitted revised standard utilization percentages for use in the two-month portion of their proposed supply-demand adjuster. The revised standards were developed from Kansas City and Topeka data for the years 1954, 1955, and 1956, weighting them by one, two, and three, respectively. The heavier weighting of the most recent years reflects the probability that seasonality of production will continue to level off in response to the base-rating plan. The proposed standard percentages have been further modified to reflect the same annual average utilization percentage.

The seasonal pattern of utilization in the Kansas City market in the past two years has varied significantly from standard percentages presently set forth in the order. The present standard utilization percentages do not represent the seasonal pattern of utilization presently expected under normal conditions and has resulted in erratic pricing. It is quite obvious that the seasonal pattern of production in the past few years has changed significantly. This is shown in the increased receipts of producer milk during the fall and winter months and especially the months of November, December, January, and February. While the seasonal pattern of production has changed substantially, the seasonality of Class I sales has remained relatively stable.

The proposed standard utilization percentages proposed by the producers appropriately reflects the changes in the seasonality of supply and demand and they also appear to correct certain deficiencies which were caused by erratic pricing. The proposed percentages have been slightly reduced so as to retain the same annual average as the present percentages. One would expect that the use of the revised standard utilization percentages with the same annual average as the present percentages would result in the same annual average Class I price. This would be true over any extended period of time in which the market went through equal cycles of undersupply and oversupply. However, in the Kansas City market supplies have tended to be larger than normal in recent years. Also, the poor seasonal pattern of the present standard percentages has resulted in rather large price adjustments especially in the late fall and winter months. These have persisted long enough to bring the cumulative price feature into operation to a much greater extent than would have occurred if the revised standards had been in effect.

The following are the present and revised standard utilization percentages:

Delivery period for which price applies	Delivery period used in computations	Standard utilization percentages			
		Present		Revised	
		Min.	Max.	Min.	Max.
January	November-December	122	128	134	141
February	December-January	124	130	134	141
March	January-February	125	131	130	137
April	February-March	127	134	129	136
May	March-April	130	137	132	140
June	April-May	144	153	145	153
July	May-June	150	160	143	151
August	June-July	146	154	133	140
September	July-August	138	146	123	130
October	August-September	127	133	119	125
November	September-October	117	123	120	126
December	October-November	120	126	128	135

If the revised standard utilization percentages had been in effect in 1955, the range of price adjustment would have been from a minus 11 cents to a zero adjustment with the average adjustment being only minus 1.7 cents. The present supply-demand adjustment went in effect May 1, 1955, but projecting it back to January 1, 1955, the range of the price adjustment for the full year would have been from a minus 27 cents to a plus 10 cents with an average adjustment of minus 4.2 cents. In the year 1956 using revised percentages the range of price adjustment would have been from a minus 18 cents to a zero adjustment with an average of minus 7.5 cents. Under the present percentage the range of price adjustment was from a minus 27 cents to a zero adjustment with the average being a minus 11.5 cents. In the first six months of 1957 (official notice is hereby taken of the supply-demand figures announced by the market administrator for the months of March, April, and May) the price adjustment for the recommended percentages would have ranged from a minus 10 cents to a plus one cent with the average being a minus 4.5 cents. Under the present percentages the range of price adjustment was from a minus 38 cents to a zero adjustment with the average being a minus 17.8 cents.

It is concluded that the recommended standard utilization percentages would have provided a much better pattern of pricing during the last two and a half years than the ones which now are in effect and that they will provide appropriate adjustment of the Class I price under the conditions now prevailing in the market.

13. *Class II price.* The level of the Class II prices in the combined order should be approximately the same as under the present Kansas City order but should have less seasonal variation. This can be accomplished by establishing the Class II price each month at the higher of (1) the average of prices paid for manufacturing milk at five local manufacturing plants plus 15 cents or (2) a butter-powder formula consisting of the price of 93-score butter at Chicago multiplied by 4.60 (a yield factor of 1.21 and the basic butterfat content of 3.8) plus the price of spray-process nonfat dry milk, f. o. b. manufacturing plants in the Chicago area, multiplied by a yield of 8.2, less a "make" allowance of 78 cents.

This is essentially the same Class II price formula as was proposed by producers. The principal change is that the proposed list of local plants has been altered to avoid listing plants operated by handlers regulated under the order. Four of the local plants chosen have been used for pricing purposes under the Topeka order and the fifth is a large-scale manufacturing plant located in Missouri. The addition of 15 cents per hundredweight to the average of the

local plant pay prices reflects the premium which is commonly paid by manufacturing plants for milk which has been cooled by means of mechanical refrigeration. The Class II milk diverted or transferred to manufacturing plants would, of course qualify for such a premium.

The butter-powder formula is closely similar to the formula for Class IV milk under the Chicago order except for a slightly higher make allowance. At the current levels of support prices, it is 11 cents per hundredweight lower than the basic butter-powder formula in the Kansas City order.

The annual average level of Kansas City Class II prices appears to have been appropriate. It has returned producers somewhat more than the average prices paid for manufacturing grade milk at local plants. However, the Class II prices have not been so high as to impede the marketing of Class II milk. The 20-cent seasonal variation in the present Kansas City prices is currently less applicable than when it was first included in the order. Supplies of milk are now so nearly uniform throughout the year that Class II volume is no longer concentrated primarily in the months of March through August. It is more appropriate, therefore, to utilize a Class II price formula which will contain only such seasonality as results from the normal fluctuation in pay prices at manufacturing plants or in the market prices of the major manufactured dairy products.

One handler, whose plant is located in Topeka, pointed out that the Class II price has been substantially lower in that market than in Kansas City. He contended that the Kansas City price was not equally applicable to the western portions of the combined area. However, the cooperative associations which bear the ultimate responsibility for marketing their members' milk, testified that outlets could be found for their milk at the proposed prices.

14. *Location adjustments.* The conclusions reached on the major aspects of location adjustments may be summarized as follows:

1. Uniform Class I price should apply throughout the combined and expanded marketing area;

2. Distances should be measured from Lawrence, Manhattan, and Council Grove, Kansas, as well as from the presently designated points of Kansas City, Missouri, and Topeka and Emporia, Kansas;

3. The market area zone should continue at 50 miles from the named points rather than being expanded to 55 miles as proposed; and

4. Location adjustments should not apply to excess milk.

Expansion of the marketing area westward to include Riley and Morris Counties involves determining what prices at these points would be appropriate in relation to those in Kansas City. The inclusion in a combined order of Shawnee and Lyon Counties, which comprise the present Topeka marketing area, also calls for a review of price relationships at these points with those prevailing at Kansas City.

It is recognized that Kansas City, Missouri, and Kansas City, Kansas, comprise the greatest concentration of population in this region. To the extent that such points as Lawrence, Topeka, Emporia, Manhattan, and Council Grove are secondary markets within the Kansas City milkshed, lower prices would be appropriate, in direct relation to the distance of each point from Kansas City. However, these points are not, in fact, secondary markets in this sense. For example, there is some overlapping of the Topeka and Kansas City milksheds, but it is not complete. The same is true of Manhattan, Council Grove, and Emporia.

There are, however, offsetting influences which would tend to require prices to increase at locations west of Kansas City. The basis for this tendency is that the primary sources of supplemental milk are to the east, at such centers as Wisconsin and the Ozarks.

In establishing prices at the points west of Kansas City, one must judge the relative importance of these conflicting influences. Federal order Class I prices in the Topeka market (which was expanded to include Lyon County and Emporia effective October 1, 1956) have been set at exactly the same level as in Kansas City. At the hearing, it was proposed that this price be continued and applied in all of the other territories proposed to be added to the combined marketing area. Historically, prices paid to producers in these localities have approximated the Kansas City and Topeka Blend prices. Adequate supplies of producer milk have been maintained at these price levels in both the Kansas City and Topeka markets. It is concluded, therefore, that extension of the Kansas City Class I price to the entire combined area will be appropriate. If it develops that shortages or surpluses of milk develop in any portion of the marketing area, consideration should be given to providing price differentials for such territories.

A second major aspect of the location adjustment is to determine the distance at which they should begin to apply. At present this distance is 50 miles under each of the orders, but producers proposed that it should be changed to 55 miles in the combined order. The principal practical result of extending the "city" zone to a 55-mile radius would be its effect on the computation of compensatory payments applicable to partially regulated handlers whose plants are located at St. Joseph, Missouri. The plants of the St. Joseph handlers are more than 50 but less than 55 miles from Kansas City. Location adjustments are now applied in the computation of the compensatory payments but would not apply under a 55-mile city zone. The point has been made previously that the extension of Federal regulation to the St. Joseph market should be considered on its own merits so far as possible. Unless regulation of that entire market is to be considered, it is not appropriate that the status of those few handlers who may become partially subject to the Kansas City order should be affected. It is concluded that the city zone should be continued at 50 miles from designated points rather than 55 miles.

Under the Greater Kansas City order, the 50-mile radius is measured from city hall in Kansas City, Missouri. Under the Topeka order, the 50 miles is measured from the city hall in either Topeka or Emporia, whichever is closer. To accommodate the expansion of the marketing area, it is concluded that Lawrence, Manhattan, and Council Grove, all in Kansas, should also be designated as points from which the 50 miles should be measured. The same Class I prices will then apply throughout the marketing area and any supply plants from which distributors in the added territory obtain milk will be on the same basis regarding location allowances as those supplying the present area.

Location adjustments will no longer apply to one of the two supply plants serving the Greater Kansas City market. This plant is located at Ottawa, Kansas. The handler operating this plant will no longer be allowed credit against the cost of hauling milk to distributing plants in Kansas City or elsewhere in the marketing area, but will be able to draw from the pool the full city zone uniform price for the payment of producers. The handler has paid premiums equal to the location adjustment at this plant in order to hold his supply. It now appears that the necessity of paying such premiums has become virtually permanent as a result of competition for milk for direct shipment to Kansas City and other nearby markets.

The premium to producers is paid on their total deliveries of milk while the transportation credit on milk moved to market applies only to a portion of the total receipts. One result, as has been pointed out in a prior decision of the Secretary regarding location adjustments at this point, is that elimination of location adjustments relieves the handler of the necessity of paying premiums on milk manufactured at the plant. The corollary result is that continuation of location adjustments at Ottawa imposes a greater financial burden to the operator of the plant than would elimination of the adjustments. At the hearing, producers specifically proposed that the adjustments be eliminated at this point. They testified that the plant serves two important objectives, one being as a receiving station for milk collected from farms in cans and the other being the manufacture of excess milk into dairy products. The plant is so located that it can readily perform both the assembly and manufacturing functions for most of the combined and expanded marketing area. It must also be recognized that this plant performs virtually the same functions as the supply plant at Valley Falls, Kansas, which became pooled under the Topeka order 1956 and is located within the present "city" zone of that order.

A third aspect of the location adjustment problem consists of the application of adjustments to excess milk. At present, both orders apply location adjustments to producers on both the base and excess milk during the months of February through July. Under usual circumstances the price paid to producers for excess milk is equal to the Class II price. At the hearing, producers proposed that the location adjustment not apply to excess milk during such months. They maintained that the minimum value of excess milk is the manufacturing value, which does not vary significantly with distance from market. The manufacturing value of pooled milk is, of course, reflected in the Class II price. It is concluded that excess milk should not be subject to location adjustments.

15. *Specified dates.* The market administrator should be allowed two additional days for the computation of the marketwide uniform price, and handlers should be allowed one additional day for the subsequent payment to producers or cooperative associations.

Under the present Kansas City order the handlers' reports of receipts and utilization of milk are due on the 7th day of the month following the delivery month. The administrator then has only until the 10th to check the reports, compute and announce the blend price and the Class I price. The problem of meeting the deadline is complicated by the fact that the pool cannot be completed until the last report is in; unavoidable incidents frequently delay one or another report past the due date. The occurrence of a Sunday or holiday between the 7th and 10th creates a further problem.

Similarly, handlers are required to pay cooperatives on the 11th and individual nonmember producers on the 12th. This is an exceptionally brief period for such functions.

Both the producers and handlers present at the hearing recognized that the unduly short time available added considerably to the expense of performing these functions and favored a more adequate schedule. Allowing the market administrator two additional days for computing the pool and the handlers one more day for payment functions after the uniform price announcement, should be adequate. It is likely that the administrator will be able to announce the uniform price before the specified date in most months, thereby allowing a greater margin of time for making payments.

16. *Administrative provisions.* Certain changes of a primarily administrative nature should be made in the order.

Equivalent prices. The order should include a provision that whenever a price quotation is not available, a price which is determined by the Secretary to be equivalent should be used. Price series may be unavailable through such causes as failures to report, termination of market quotations resulting from changes in dairy marketing and, combining or termination of other Federal orders.

Price computations. In order to simplify subsequent computations, class prices and butterfat differentials should be computed to the nearest tenth of a cent.

Bases at newly qualified pool plants. It is always possible that plants may qualify as pool plants subsequent to the base forming months of September through December. This is particularly likely with respect to contract business. In such event the producers supplying such plant should have bases, computed from their deliveries to such plant during the base making period. These can be computed from plant records, or other evidence acceptable to the market administrator, under the same rules as would have applied had the plant been a pool plant during the base-forming months.

Nonpool plants. Provision in the order should be made for a definition of a "nonpool plant". Throughout the order reference is made to the word "nonpool plant" without the word being defined in the order. For the sake of clarity the definition section of the order should contain a provision which states that a nonpool plant is any plant other than a pool plant.

Proposed findings and conclusions. Briefs were filed on behalf of the producers' associations, the handlers in the market and those affected by proposed amendments. The briefs contained proposed findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order. Annexed hereto and made a part hereof are two documents entitled, respectively, "marketing agreement regulating the handling of milk in the Greater Kansas City marketing area", and "order amending the order regulating the handling of milk in the greater Kansas City marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Greater Kansas City marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1957 is hereby determined to be the representative period for the conduct of such referendum.

Edward L. St. Clair is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this decision is issued.

Issued at Washington, D. C. this 10th day of September 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area

Sec.
913.0 Findings and determinations.

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913.2 Secretary.
913.3 Department.
913.4 Person.
913.5 Cooperative association.
913.6 Greater Kansas City marketing area.
913.7 Producer.
913.8 Route.
913.9 Approved plant.
913.10 Pool plant.
913.11 Handler.

[1] This order shall not become effective unless and until the requirements of § 900.14 of this chapter of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
913.12 Producer-handler.
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913.90 Effective time.
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MISCELLANEOUS PROVISIONS

913.100 Agents.
913.101 Separability of provisions.

AUTHORITY: §§ 913.0 to 913.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 913.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 913.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 913.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 913.4 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 913.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers as defined in § 913.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 913.6 *Greater Kansas City marketing area.* "Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson County, Missouri; those portions, excluding Platte City, Missouri, of Platte and Clay Counties in Missouri, south of a line extending in an easterly direction from the Missouri River on the west along State Highway 92 to the intersection of State Highway 92 and U. S. Highway 69, thence north to the north section line of Section 26 in Washington Township in Clay County, thence east along the north section lines of Sections 26 and 25 in Washington Township to the boundaries of Clay and Ray Counties; that part of Cass County, Missouri, which is north of Highway 2; all of the counties of Wyandotte, Leavenworth, Johnson, Douglas, Shawnee, Lyon, and Morris in the State of Kansas, and Riley County, Kansas, exclusive of the Fort Riley Military Reservation.

§ 913.7 *Producer.* "Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk in the marketing area which: (1) Is received at a pool plant, or (2) is caused to be diverted during any of the months of January through August or to the extent of not more than 16 days' production during the months of September through December, from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the U. S. Government for fluid consumption in its institutions or bases which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area.

§ 913.8 *Route.* "Route" means any delivery (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

§ 913.9 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the United States Government located within the marketing area.

§ 913.10 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler:

(a) From which during the current or immediately preceding delivery period:

(1) There is disposed of as Class I milk on routes in the marketing area, an amount equal to 20 percent or more of such plant's total receipts of milk from dairy farmers qualified to become producers (as defined in § 913.7) and in bulk from other approved plants; and also

(2) During the same delivery period there is disposed of, as Class I milk in total an amount equal to not less than the applicable percentage of such receipts, as follows:

(i) March through June, 30 percent;

(ii) December through February, 35 percent; or

(iii) July through November, 45 percent;

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph:

(i) Milk in packaged form transferred from one approved plant to another approved plant shall be credited as Class I disposition on routes by the transferor plant and an equal volume shall be excluded from the Class I disposition of the transferee plant; and

(ii) The combined receipts and disposition of the multiple plant operation shall be used in the case of each handler who disposes of any milk on a route in the marketing area and also operates more than one approved plant;

(b) From which, during the month not less than 50 percent of its supply of milk from dairy farmers qualified to become producers, less any milk disposed of as Class I on routes is moved to a plant(s) described in paragraph (a) of this section: *Provided,* That any plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentage of its supply of milk from dairy farmers qualified to become producers during each of the months from the effective date hereof through December 1957, and, in subsequent years, during each of the months of August through December, shall be a pool plant for each of the following months of January through July unless a written request for nonpool status is furnished to the market administrator; or

(c) Which is operated by a cooperative association and 65 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(d) For the purpose of this section milk diverted to a nonpool plant shall be deemed to have been received at the pool plant from which it was diverted.

§ 913.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool plant from which fluid milk products are disposed of on a route(s) in the marketing area;

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.); or

(d) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association. Such milk shall be considered as having been received by such cooperative association at the plant from which it is diverted.)

§ 913.12 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The buttterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from pool plants of other handlers.

§ 913.13 *Producer milk.* "Producer milk" means all milk produced by a producer, which is received at a pool plant directly from such producer.

§ 913.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the delivery period of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 913.15 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part or any amendment thereto is in effect.

§ 913.16 *Base milk.* "Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's daily base computed pursuant to § 913.65 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 913.65.

§ 913.17 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of base milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 913.65.

§ 913.18 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream), and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 913.19 *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

MARKET ADMINISTRATOR

§ 913.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 913.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 913.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 913.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 913.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties:

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 913.30 through 913.32,

(2) Maintained adequate records and facilities pursuant to § 913.33, or

(3) Made payments pursuant to §§ 913.80 through 913.86,

(i) On or before the 14th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk pursuant to § 913.51 (a) and the Class I butterfat differential pursuant to § 913.52 (a), both for the current delivery period; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 913.51 (b) and the Class II butterfat differential pursuant to § 913.52 (b), both for the delivery period immediately preceding; and

(2) On or before the 12th day of each month the applicable uniform price(s) computed pursuant to §§ 913.71 and 913.72 and the producer butterfat differential computed pursuant to § 913.82, both applicable to milk delivered during the previous delivery period;

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information; and

(l) On or before February 1 of each year in writing notify: (1) Each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 913.65, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler received milk.

REPORTS, RECORDS, AND FACILITIES

§ 913.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler or a handler making payments pursuant to § 913.61 (a), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of base milk and excess milk received from each producer.

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of fluid milk products on routes wholly outside the marketing area;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(g) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the delivery period.

§ 913.31 *Payroll reports.* On or before the 23rd day of each delivery period, each handler except a producer-handler or a handler making payments pursuant to § 913.61 (a) shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including, for each of the delivery periods of February through July, such producer's deliveries of base milk and excess milk,

(b) The amount of payment to each producer and cooperative association, and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 913.32 *Other reports.* (a) Each producer-handler and each handler making payments pursuant to § 913.61 (a) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

(c) Each handler who receives from producers, milk for which payment is to be made to a cooperative association pursuant to § 933.80 (c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 23rd day of the delivery period, the total pounds of milk received during the first 15 days of the delivery period;

(2) On or before the 7th day after the end of the delivery period;

(i) The pounds per shipment, the total pounds of milk (base milk and excess milk separately for February through July) and the average butterfat test of milk received from such producer during the delivery period;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 913.86.

§ 913.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary or the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 913.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further writen notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 913.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler which is required to be reported pursuant to § 913.30 shall be classified by the market administrator pursuant to the provisions of §§ 913.41 through 913.46.

§ 913.41 *Classes of utilization.* Subject to the conditions set forth in §§ 913.43 and 913.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of for consumption in the form of fluid milk products except those classified pursuant to pararaph (b) (5) of this section, or (2) not specifically accounted for as Class II utilization;

(b) Class II milk shall be all skim milk and butterfat: (1) used to produce any products other than fluid milk products; (2) used for starter churning, wholesale baking and candy making purposes; (3) disposed of as livestock feed; (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (5) in inventory of fluid milk products on hand at the end of the month; (6) in shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers or received directly from cooperative associations pursuant to § 913.11 (c), less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk lots to the pool plants of other handlers; and (7) in shrinkage allocated to receipts of other source milk.

§ 913.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 913.11 (c) and in bulk tanks from pool plants of other handlers, and (2) the receipts of skim milk and butterfat in other source milk.

§ 913.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 913.44 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 913.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located more than 200 miles from the City Hall in Kansas City, Missouri, Manhattan, Kansas, or Emporia, Kansas, whichever is closest by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located not more than 200 miles from the City Hall in Kansas City, Missouri, Manhattan, Kansas, or Emporia, Kansas, whichever is closest by shortest highway distance as determined by the market administrator, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I Grade A milk, receipts of skim milk and butterfat at such nonpool plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for Grade A usage of such nonpool plant in markets supplied by such plant.

(e) If any skim milk or butterfat is transferred to a second nonpool plant under paragraph (d), the same conditions of audit, classification, and allocation shall apply.

§ 913.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 913.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 913.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 913.41 (b) (6);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association pursuant to § 913.11 (c) according to its classification as determined pursuant to § 913.44 (a);

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 913.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the higher of the prices computed pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for

which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.8.

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 913.51 *Class prices.* Subject to the provisions of §§ 913.52 and 913.53, and rounded to the nearest one-tenth of a cent, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding delivery period plus $1.15 during each of the delivery periods of April, May, June and July, and plus $1.45 during all other delivery periods plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk at pool plants (excluding interhandler transfers) for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage": *Provided,* That, in making this computation for the first month immediately following the effective date of this subpart, there shall be used the combined receipts of producer milk and the combined applicable gross volumes of Class I milk as reported under Part 980 of this chapter regulating the handling of milk in the Topeka, Kansas, marketing area and as reported under this subpart during the first and second months immediately preceding the effective date of this subpart, and in making such computation for the second month following the effective date of this subpart, there shall be used the applicable combined figures for the two markets for the month immediately preceding the effective date of this subpart.

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentages	
		Minimum	Maximum
January	November-December	134	141
February	December-January	134	141
March	January-February	130	137
April	February-March	129	136
May	March-April	132	140
June	April-May	145	153
July	May-June	143	151
August	June-July	133	140
September	July-August	123	130
October	August-September	119	125
November	September-October	120	126
December	October-November	128	135

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding; plus

(iii) One cent for each such percentage point of net deviation for which percentage points of net deviation in like direction were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for the first and second delivery periods immediately preceding.

(b) *Class II milk.* The higher of:

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator, plus 15 cents:

Present Operator and Location

Borden Co., Fort Scott, Kans.
Carnation Co., Girard, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift & Co., Parsons, Kans.

or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.60 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the Department; and

(iii) From the sum of the results arrived at under (i) and (ii) above, subtract 78 cents.

§ 913.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to either class pursuant to § 913.46 (c) is more or less than 3.8 percent there shall be added to the respective class price computed pursuant to § 913.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 913.50 (b) (1) by 1.3, divide the result by 10; and round to the nearest one tenth of a cent.

(b) For Class II milk (1) during each of the delivery periods of September through February, multiply the butter price specified in § 913.50 (b) (1) by 1.2 and divide the result by 10; and (2) during each of the delivery periods of March through August, multiply the butter price specified in § 913.50 (b) (1) by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

§ 913.53 *Location adjustments to handlers.* (a) For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, Manhattan, Kansas, Council Grove, Kansas, or Emporia, Kansas, whichever is closest, and which is classified as Class I milk the prices computed pursuant to § 913.51 (a) shall be reduced by 16 cents if such plant is located more than 50 miles but not more than 70 miles from such City Hall and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles.

(b) Milk moved in bulk from a plant as defined in § 913.10 (b) or (c) to a plant as defined in § 913.10 (a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the transferee plant exceeds receipts of milk from producers' farms: *Provided,* That if milk is received by a plant defined in § 913.10 (a) from more than one plant, the milk so classified as Class I shall be deemed to have been transferred from the transferor plants in the order of their lowest applicable location adjustment.

§ 913.54 *Use of equivalent prices.* If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

§ 913.60 *Producer-handlers.* Sections 913.40 through 913.45, 913.50 through 913.53, 913.61, 913.70, 913.71, 913.80 through 913.88 shall not apply to a producer-handler.

§ 913.61 *Handlers operating a nonpool plant.* In lieu of the payments required pursuant to §§ 913.80 through 913.89, each handler, other than a producer-handler or one exempt pursuant to § 913.62, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the delivery period the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 913.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) For the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 913.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 913.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the delivery period from dairy farmers whose milk was approved for fluid use; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 913.88 had such plant been a pool plant.

§ 913.62 *Milk subject to other orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Greater Kansas City marketing area shall be exempted for such delivery period from all provisions of this part except that he shall make reports to the market administrator at such time and in such manner as the market administrator may require.

DETERMINATION OF BASE

§ 913.65 *Computation of daily base for each producer.* The daily base for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided,* That, in the case of producers delivering milk to a plant which first became a pool plant during any of the months of October through July, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his deliveries of milk to such plant during the period September through December immediately preceding.

§ 913.66 *Daily base rules.* (a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the base forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a base is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

DETERMINATION OF UNIFORM PRICE

§ 913.70 *Computation of the value of milk received from producers by each handler.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 913.46 (c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 913.46 (a) (7) by the applicable respective class prices;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk (other than as shrinkage) during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 913.46 (a) (5) and (b), whichever is less; and

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 913.46 (a) (2) and (b), and pursuant to § 913.46 (a) (5) and (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the differences between the values of such skim milk and butterfat at the Class I price and at the Class II price: *Provided,* That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 120 percent of the total Class I utilization of such plants for the month;

§ 913.71 *Computation of uniform price.* For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers specified in § 913.11 (a), (c), or (d) and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants f. o. b. marketing area.

§ 913.72 *Computation of uniform price for base milk and excess milk.* For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports pursuant to § 913.30 and who make the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement funds;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this sect'on from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers at pool plants, f. o. b. marketing area.

PAYMENTS

§ 913.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 913.71 or § 913.72, adjusted by the butterfat differential computed pursuant to § 913.82, subject to the location adjustment to producers pursuant to § 913.81, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 913.87, and (3) any deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 913.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each delivery period to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section and (2) who had not discontinued shipping milk to such handler before the 18th day of the delivery period, an advance payment with respect to milk received from such producer during the first 15 days of the delivery period at the approximate value of such milk, not to be less than the Class II price for 3.8 percent milk for the preceding delivery period, without deduction for hauling;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 20th day of the delivery period, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each delivery period an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) On or before the 14th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 913.11 (c), not less than the value of such milk as classified pursuant to § 913.44 (a) at the applicable respective class price(s).

(e) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 913.80, 913.81 and 913.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 913.87 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(f) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 913.81 *Location adjustment to producers.* In making payments to producers pursuant to § 913.80 (a), for all milk received during the months of August through January and for base milk received during the months of February through July, at a pool plant located 50 miles or more from the City Hall in Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, Manhattan, Kansas, Council Grove, Kansas, or Emporia, Kansas, whichever is closest, by shortest highway distance as determined by the market administrator, there shall be deducted 16 cents per hundredweight of milk for distances of 50 to 70 miles, inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

§ 913.82 *Producer butterfat differential.* In making payments pursuant to § 913.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by adding 4 cents to the butter price specified in § 913.50 (b) (1) dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 913.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 913.61 (a) (1) and (b) (1) and 913.84 and all appropriate payments pursuant to § 913.86 and out of which he shall make all payments pursuant to § 913.85 and all appropriate payments pursuant to § 913.86: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 913.84 *Payments to the producer-settlement fund.* On or before the 14th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is greater than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.87 and (b) authorized by the producer.

§ 913.85 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is less than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.87 and (b) authorized by the producer: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shal reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 913.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 913.87 *Marketing service*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 913.80 (a), shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 913.80 (a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 913.88 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expenses set forth in this section.

§ 913.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an under payment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 913.90 *Effective time.* The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 913.91.

§ 913.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 913.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 913.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 913.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 913.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-7568; Filed, Sept. 13, 1957; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

REGULATIONS FOR ENFORCEMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXTENSION OF TIME FOR FILING VIEWS AND COMMENTS ON PROPOSED AMENDMENT OF DEFINITION OF "CHEMICAL PRESERVATIVE" AND PROPOSED EXEMPTION OF FRUITS AND VEGETABLES BEARING CHEMICAL PRESERVATIVES APPLIED PRIOR TO HARVEST FROM LABELING REQUIREMENTS

In the matter of amending the definition of "chemical preservative" and exempting fruits and vegetables bearing chemical preservatives applied prior to harvest from labeling requirements:

A request has been received for extension of the date for filing views and comments in the above-identified matter, which was published in the FEDERAL REGISTER of July 31, 1957 (22 F. R. 6019).

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 403 (k), 701 (a), 52 Stat. 1048, 1055; 21 U. S. C. 343 (k), 371 (a)) and in accordance with the authority delegated to him by the Secretary of Health, Education, and Welfare (22 F. R. 1045), the Commissioner of Food and Drugs hereby extends until December 1, 1957, the time for filing views and comments upon the proposal to amend the definition of "chemical preservative" and to exempt fruits and vegetables bearing chemical preservatives applied prior to harvest from labeling requirements.

Dated: September 10, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-7553; Filed, Sept. 13, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 37, Revised]

AUTHORITY TO ADMINISTER OATHS AND TO CERTIFY

1. The following officers and employees of the Internal Revenue Service are designated to administer such oaths or affirmations and to certify to such papers as may be necessary under the internal revenue laws or regulations made thereunder except that the authority to certify shall not be construed as applying to those papers or documents the certification of which is authorized by separate order or directive:

(a) Regional Commissioners and District Directors.

(b) Inspection: Assistant Commissioner; Director and Assistant Directors, Internal Security Division; Regional Inspectors; and all Internal Security Inspectors.

(c) Alcohol and Tobacco Tax: Assistant Regional Commissioners; Chiefs; Aides to Chiefs; Supervisors in Charge; Assistant Supervisors in Charge; Special Investigators; Investigators and Inspectors.

(d) Intelligence: Director; Assistant Director; Assistant Regional Commissioners; Executive Assistants to Assistant Regional Commissioners; Chiefs, Review and Conference Staff; Reviewer-Conferees; and all Chiefs and Assistant Chiefs of Divisions, Branches and Sections, Group Supervisors, and Special Agents, of the National, regional and district offices.

(e) International Operations: Director; Assistant Director; Chiefs of Branches and Sections; Special Agents; Internal Revenue Agents; Estate Tax Examiners; Officers in Charge; Treasury Representatives (Taxation); Assistant Treasury Representatives (Taxation); and Special Procedures Officers.

(f) Collection: Chiefs of the Collection Divisions; Chiefs of the Delinquent Accounts and Returns Branches; Group Supervisors, and Collection Officers.

(g) Audit: Chiefs of Divisions and Branches; Group Supervisors; Internal Revenue Agents; and Estate Tax Examiners.

2. The following officials are authorized to designate additional officers and employees under their jurisdiction to perform the functions described in paragraph 1 hereof: Assistant Commissioner (Inspection), all Regional Commissioners, Assistant Regional Commissioners (Alcohol and Tobacco Tax), Assistant Regional Commissioners (Intelligence), District Directors and the Director of International Operations.

3. Redelegations of authority or designations of officers and employees to administer oaths and to certify heretofore made shall continue in effect unless and until revoked by proper order or directive.

4. This order supersedes Delegation Order No. 37 (Revised), effective January 8, 1957 (22 F. R. 386).

Date of issue: September 3, 1957.

Effective date: September 3, 1957.

[SEAL] O. GORDON DELK,
Acting Commissioner.

[F. R. Doc. 57-7576; Filed, Sept. 13, 1957; 8:50 a. m.]

POST OFFICE DEPARTMENT

DELEGATIONS OF AUTHORITY COVERING CONTRACTUAL AND MAIL MESSENGER SERVICES

The following are excerpts from Regional Circular No. 334 of the Post Office Department, dated August 19, 1957:

I. *Purpose.* A. To restate in one issuance all authority previously delegated to regions to handle matters relating to highway service, powerboat service and air star route service.

B. Delegate additional authority to Regional Directors, Regional Transportation Managers, and District Transportation Managers to handle matters relating to star routes, air star routes, water routes, highway post office routes, mail messenger routes and panel body routes.

* * * * *

D. All authorizations to regions are subject to regulation by the Bureau of Transportation.

II. *Authority relating to star routes and water routes.* A. Each Regional Director is authorized to appoint a committee (each fiscal year) of persons under his jurisdiction to open and mark proposals for carrying the mail pursuant to Section 425 of Title 39, United States Code.

B. Subject to prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Advertise, award and sign contracts, and approve orders for air star routes.

2. Advertise, award and sign contracts, and approve orders for establishment of new star routes and water routes, in instances where diversion from other media of transportation results in an annual reduction in compensation of the affected carrier in excess of $1,000.

3. Approve orders—

a. Removing contractors for failure to comply with terms of contract.

b. Recognizing surety(ies) in charge of route due to death, removal or insanity of contractor.

c. Recognizing the legal representative of the estate of a deceased (or insane) contractor in charge of route.

d. Authorizing readjustments in annual compensation to contractors for reasons other than the Highway Revenue Act of 1956 (70 Stat. 374), and similar State laws.

C. Without prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Advertise, award and sign contracts, and approve orders for:

a. New star routes and water routes, not including air star routes, except in instances where diversion from other media of transportation results in an annual reduction in compensation of the affected carrier in excess of $1,000. Successive diversions from a specific route may not be authorized in any one year, the total of which would reduce the carrier's compensation in excess of $1,000.

b. New star routes and water routes, not including air star routes, made necessary by discontinuance of railroad service by railroad companies.

c. Service on existing star routes and water routes, including air star routes.

2. Sign renewal contracts.

3. Sign contracts entered into with subcontractors.

4. Reject requests of contractors for increased compensation based on changed economic conditions that do not meet minimum standards established by the Bureau of Transportation.

5. Approve orders—

a. Recognizing subcontracts entered into according to law; also terminating the recognition of subcontracts for good and sufficient reasons; * * * and removing subcontractors for failure to comply with terms of contract, and requiring contractors to assume charge of service.

b. Assessing or remitting fines against star and water route contractors for failure to comply with terms of contracts, other than failures to perform full service for which deductions may be made.

c. Authorizing deductions from compensation to contractors for service omissions, other than those caused by catastrophe or Act of God, which may be passed.

d. Discontinuing service.

e. Extending or curtailing service.

f. Changing and restating service.

g. Increasing or decreasing frequency of service.

h. Announcing establishment, discontinuance and site changes of terminals, post offices, stations and branches, affecting the routes.

i. Authorizing additional emergency trips.

j. Approving payment for additional trips performed upon authorization of District Transportation Managers and postmasters.

k. Authorizing additional pay to contractors for extra mileage traveled because of detours.

l. Approving contractors' applications for increases in annual compensation to offset increased costs of operation resulting from the Highway Revenue Act of 1956, and similar state tax laws.

m. Authorizing payment to temporary carriers upon abandonment of routes by contractors.

D. Each District Transportation Manager is authorized to:

1. Reject requests for increased compensation based on changing economic conditions that do not meet minimum standards established by the Bureau of Transportation.

2. Approve orders changing schedules, provided no change in distance or pay is involved.

3. Issue instructions to omit or change the frequency of the supply of intermediate post offices served, provided no change in distance or pay is involved.

4. Authorize additional trips during the month of December each year to relieve congestion in post offices, railroad stations, and terminals.

III. *Authority relating to highway post office routes.* (This authority does not apply to routes under negotiated contracts with railroads, paid out of railway transportation funds.)

A. Each regional committee, appointed by the Regional Director, is authorized to open and mark bids.

B. Subject to prior approval of the Bureau of Transportation, each Regional Director and each Regional Transportation Manager is authorized to:

1. Advertise, award and sign contracts, and approve orders for the establishment of new routes and for service on existing routes; sign renewal contracts.

2. Approve orders:

a. Authorizing readjustments in annual compensation to contractors for reasons other than the Highway Revenue Act of 1956 and similar State laws.

b. Removing contractors for failure to comply with terms of contract.

c. Recognizing surety(ies) in charge of route due to death, removal or insanity of contractor.

d. Recognizing the legal representative of the estate of a deceased (or insane) contractor in charge of a route.

e. Discontinuing routes.

C. Without prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Reject requests for increase compensation based on changing economic conditions that do not meet minimum standards established by the Bureau of Transportation.

2. Approve orders:

a. Recognizing subcontracts entered into according to law; also terminating the recognition of subcontracts for good and sufficient reasons; and removing subcontractors for failure to comply with terms of contract, and requiring contractors to assume charge of service.

b. Approving contractors' applications for increases in annual compensation to offset increased costs of operation resulting from the Highway Revenue Act of 1956 and similar State laws.

c. Authorizing additional pay to contractors for extra mileage traveled because of detours.

d. Authorizing extra trips required during the month of December each year to relieve congestion in post offices, railroad stations and terminals.

e. Authorizing additional emergency trips not provided for in the contract.

f. Assessing or remitting fines against contractors for failure to comply with terms of contract, other than failure to perform full service for which deductions may be made.

g. Authorizing deductions from compensation to contractors for service omissions, other than those caused by catastrophe or Act of God, which may be passed.

h. Extending or curtailing service.

i. Changing and restating service.

j. Increasing or decreasing frequency of service.

k. Announcing establishment, discontinuance, and site changes of terminals, post offices, stations and branches, affecting the routes.

D. Each District Transportation Manager is authorized to:

1. Reject requests for increased compensation based on changing economic conditions that do not meet minimum standards established by the Bureau of Transportation.

2. Issue instructions to omit or change the frequency of the supply of intermediate post offices served, provided no change in distance or pay is involved.

3. Authorize additional emergency trips during the month of December to relieve congestion in post offices, railroad stations, and terminals.

IV. *Authority relating to mail messenger and side-mail messenger service.* (This authority does not apply to special contracts with railroad companies and others for mail messenger service which include space and labor in the handling of non-rail mail at railroad stations or terminals.)

A. Subject to prior approval by the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to approve requests for readjustments in annual compensation to mail messengers and side-mail messengers involving changed conditions, or the supply of new or additional points.

B. Without prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Issue advertisements.

2. Designate mail messengers and side-mail messengers.

3. Establish, modify or discontinue routes.

4. Assess and remit fines for unsatisfactory service.

5. Remove mail messengers and side-mail messengers for cause.

6. Handle death claims.

7. Approve applications for increases in annual compensation to offset increased costs of operation resulting from the Highway Revenue Act of 1956, and similar State tax laws.

V. *Authority relating to panel body routes.* A. Each regional committee, appointed by the Regional Director, is authorized to open and mark bids.

B. Subject to prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Approve orders:

a. Removing contractors for failure to comply with terms of contract.

b. Recognizing surety(ies) in charge of route due to death, removal or insanity of contractor.

c. Recognizing the legal representative of the estate of a deceased (or insane) contractor in charge of route.

d. Authorizing readjustments in annual compensation to contractors for reasons other than the Highway Revenue Act of 1956, and similar State laws.

C. Without prior approval of the Bureau of Transportation, each Regional Director and Regional Transportation Manager is authorized to:

1. Approve orders:

a. Recognizing subcontracts entered into according to law; also terminating the recognition of subcontracts for good and sufficient reasons; and removing subcontractors for failure to comply with terms of contract, and requiring contractors to assume charge of service.

b. Approving contractors' applications for increases in annual compensation to offset increased costs of operation resulting from the Highway Revenue Act of 1956, and similar State laws.

c. Discontinuing service.

d. Extending or curtailing service.

e. Changing and restating service.

f. Announcing establishment, discontinuance and site changes of terminals, post offices, stations and branches, affecting panel body routes.

g. Authorizing payment to temporary carriers upon abandonment of routes by contractors.

2. Reject requests for increased compensation based on changing economic conditions that do not meet minimum standards established by the Bureau of Transportation.

D. Each District Transportation Manager is authorized to:

1. Reject requests for increased compensation based on changing economic conditions that do not meet minimum standards established by the Bureau of Transportation.

2. Approve orders changing schedules, provided no change in pay is involved.

VI. *Authority superseded.* All previous delegations of authority to handle matters relating to star routes, air star routes, water routes, highway post office routes, and mail messenger routes are rescinded.

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VIII. *Effective date.* Delegation of authority contained herein is effective immediately.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

ABE MCGREGOR GOFF,
General Counsel,

[F. R. Doc. 57–7562; Filed, Sept. 13, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[55840]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 10, 1957.

Plat of survey of the land described below, accepted July 31, 1950, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on October 18, 1957.

TALLAHASSEE MERIDIAN, FLORIDA

T. 44 S., R. 22 E.,
Sec. 31, Lot 1, 1.30 acres.

This plat represents the survey of an island in Pine Island Sound which was not included in the original survey of the township, as represented on the plat approved February 23, 1876.

According to the field notes, the island is of a hard shell mound formation rising sharply to an average height of 8 to 10 feet above mean high tide and is unsuitable for agricultural purposes because of no appreciable surface soil. There is a rank growth of wild grasses, yucca and prickly pear cactus on the island. Timber is scarce and consists of six gumbo limbo trees over 12 inches in diameter.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274–284 as amended), presented prior to 10:00 a. m., on October 18, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on January 22, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on January 22, 1958, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57–7558; Filed, Sept. 13, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHMOND LEWIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 8, 1956, 21 F. R. 6845; March 9, 1957, 22 F. R. 1578.

A. Deletions: None.

B. Additions: Standard Industries, Stanwell Gas & Oil.

This statement is made as of August 27, 1957.

RICHMOND LEWIS.

SEPTEMBER 4, 1957.

[F. R. Doc. 57–7570; Filed, Sept. 13, 1957; 8:50 a. m.]

JOSEPH P. CROSBY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956, 21 F. R. 1608; August 31, 1956, 21 F. R. 6585; March 5, 1957, 22 F. R. 1346.

A. Deletions: Colonial Life Insurance Company.

B. Additions: Federal Insurance Company.

This statement is made as of August 24, 1957.

JOSEPH P. CROSBY.

AUGUST 24, 1957.

[F. R. Doc. 57–7571; Filed, Sept. 13, 1957; 8:50 a. m.]

AL SERAFIN MINETTI

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 9, 1957, 22 F. R. 1578.

A. Deletions: No changes.

B. Additions: No changes.

This statement is made as of September 1, 1957.

AL SERAFIN MINETTI.

SEPTEMBER 1, 1957.

[F. R. Doc. 57–7572; Filed, Sept. 13, 1957; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CATEGORIES OF EQUIPMENT HAVING SANITARY SIGNIFICANCE, USED OR INTENDED TO BE USED ON INTERSTATE CARRIERS, IN THEIR SERVICING AREAS, OR IN THEIR CATERING ESTABLISHMENTS

NOTICE OF SCHEDULING FOR REVIEW

SEPTEMBER 4, 1957.

For the purposes of the Interstate Quarantine Regulations, 42 CFR, Part 72, adopted pursuant to the Public Health Service Act, P. L. 410, 78th Congress as amended, notice is hereby given that the Public Health Service has scheduled for review the following category of equipment having sanitary significance, used or intended to be used on interstate carriers, in their servicing areas, or in their catering establishments: Food Slicing, Chopping, Mixing and Grinding Equipment.

Dated: September 4, 1957.

[SEAL] W. P. DEARING,
Acting Surgeon General.

Approved: September 10, 1957.

E. L. RICHARDSON,
Acting Secretary.

[F. R. Doc. 57–7578; Filed, Sept. 13, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8734]

CALIFORNIA EASTERN AVIATION, INC.; JORGE CARNICERO INTERLOCKING RELATIONSHIPS

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on September 17, 1957, at 2:00 p. m., e. d. s. t., in Room 5859, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., September 11, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–7588; Filed, Sept. 13, 1957; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–61]

JAMES LOUDON & CO., INC.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission on September 7, 1957, issued license XR–12 to James Loudon & Company, Inc., authorizing the export of a 50-kilowatt solution-type research reactor to the Senate of the Land Berlin, West Berlin, Germany. Notice of the proposed issuance was filed with the Federal Register Division on August 22, 1957, 22 F. R. 6880.

Dated at Washington, D. C., this 9th day of September 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 57–7548; Filed, Sept. 13, 1957; 8:45 a. m.]

[Docket No. 50–85]

UNIVERSITY OF OKLAHOMA

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that The University of Oklahoma, Norman, Oklahoma, on August 30, 1957, filed an application for a license to construct, possess and operate on the University's campus a nuclear reactor designated by the manufacturer, North American Aviation, Inc., as Model L–47 and designed to operate at a maximum power level of 5 watts. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C., this 5th day of September 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 57–7549; Filed, Sept. 13, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11645, 11646; FCC 57M–833]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING ORAL ARGUMENT

In the matter of American Telephone and Telegraph Company, Docket No. 11645; charges, classifications, regulations and practices for and in connection with private line services and channels. The Western Union Telegraph Company, Docket No. 11646; charges, classifications, regulations and practices for and in connection with Domestic Leased Facility Service.

The Hearing Examiner having under consideration the Motion of General Services Administration filed August 28, 1957, requesting a modification of the Prehearing Order (Order After Second Prehearing Conference, released August 13, 1957) so as to permit the movant to have access to the data and conferences referred to in paragraph 6b of the Prehearing Order, together with separate responses to the GSA motion timely filed by AT&T and United Press; and

It appearing that the above pleadings were filed pursuant to paragraph 14 of the Prehearing Order which includes a provision that opposing contentions will be resolved after oral argument; and

It further appearing that the matters presented ought to be determined prior to the informal conference scheduled in paragraph 9f of the Prehearing Order;

Now therefore, it is ordered, This 10th day of September 1957, pursuant to the provisions of the Prehearing Order, that the pending motion and responses are set for oral argument on the record before the Hearing Examiner at the offices of the Commission at 10:00 a. m. on Tuesday, September 17, 1957; and

It is further ordered, That any interested party may but no party is required to, appear and participate in the scheduled oral argument.

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7586; Filed, Sept. 13, 1957; 8:52 a. m.]

[Docket Nos. 12102, 12103; FCC 57M–831]

MUSIC BROADCASTING CO. (WGRD) AND GREAT TRAILS BROADCASTING CORP. (WING)

ORDER AFTER PREHEARING CONFERENCE INCLUDING CONTINUANCE OF HEARING

In re applications of Music Broadcasting Company (WGRD), Grand Rapids, Michigan, Docket No. 12102, File No. BML–1638; for authority to operate specified pre-sunrise hours. Great Trails Broadcasting Corporation (WING), Dayton, Ohio, Docket No. 12103, File No. BR–292; for renewal of license.

A prehearing conference was held on September 3, 1957. The transcript is incorporated by reference. The following timetable was agreed to: [1]

(a) September 10, 1957, 2 p. m., in the offices of the Commission: Informal engineering conference.

(b) October 17, 1957: Applicants to furnish proposed exhibits.

(c) October 28, 1957: Respondents to furnish proposed exhibits, if they feel it necessary.

(d) November 5, 1957, 10 a. m., in the offices of the Commission, Washington, D. C.: Further conference.

(e) November 18, 1957, 10 a. m., in the offices of the Commission, Washington, D. C.: Hearing begins (continued from October 7, 1957).

So ordered, this 9th day of September, 1957.

Released: September 10, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7587; Filed, Sept. 13, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6337]

SOUTHWESTERN POWER ADMINISTRATION, DEPARTMENT OF THE INTERIOR

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES

SEPTEMBER 10, 1957.

Notice is hereby given that the United States Department of the Interior, on behalf of the Southwestern Power Administration (SWPA), has filed with the Federal Power Commission for confirmation and approval pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 887), the rates and charges for the sale of electric power and energy contained in a proposed supplemental agreement between SWPA and the Public Service Company of Oklahoma and Oklahoma Gas and Electric Company (Companies). The proposed supplemental agreement amends the basic agreement between SWPA and the Companies dated July 13, 1950, and the rates and charges contained therein heretofore approved by the Commission which approval expires August 9, 1958.

[1] Pending before the Commission is a Petition for Enlargement of the Issues.

The major revisions in the basic agreement as provided in the proposed supplement are as follows:

(1) The Government shall sell and deliver and the Companies shall purchase and receive (a) during each particular month, an amount of capacity equal to 1.65 times the greater of either the sum of the maximum 30-minute integrated demands established at each point of delivery to the Government during the 12-month period ending on the last day of such particular month or the total power which the Companies are obligated to deliver to the Government and (b) during the contract year, an amount of energy equal to 1800 hours times such amount of capacity determined in (a) above. In the event such amount of capacity is increased or decreased during the contract year, the total number of kilowatt hours due the Companies during the contract year shall be prorated for the remaining number of months in the contract year following such increase or decrease.

(2) In addition to the capacity and energy sold above, the Government shall sell and deliver and the Companies shall purchase and receive, as mutually agreed upon, capacity, with or without accompanying energy, which in its sole judgment the Government may have available in excess of its obligations to the Companies or its other customers.

(3) Payments by the companies: (a) The Companies shall compensate the Government each month for power and energy purchased pursuant to (1) above as follows:

Capacity charge. $1.20 per kw per month
Energy charge. $0.002 per kwh for each kwh scheduled and received during each month

(b) The Companies shall compensate the Government each month for excess power and energy purchased pursuant to (2) above, as follows:

Excess capacity charge. $0.0045 per kw per day for each kw scheduled and received during any month in excess of the amount determined in (1) above.
Accompanying energy charge. $0.002 per kwh for each kwh scheduled and received during each month.

(c) The Companies shall compensate the Government ecah month for energy purchased in excess of the energy in (3) (a) and (3) (b) above as follows:

Excess energy charge. $0.0015 per kwh for each kwh scheduled and received during the month.

(4) Payments by Government: (a) The Government shall compensate the Companies each month for power and energy delivered to the Government and/or for its account as follows:

Capacity charge. $1.60 per kw per month of the greater of either the sum of the maximum 30-minute integrated demands at each point of delivery to the Government, during the past 12 months or the total power which the Companies are obligated to deliver to the Government.
Energy charge. $0.0035 per kwh for each kwh delivered to the Government and/or for its account during the month.

(b) The Government shall compensate the Companies for "Off Peak" energy purchased, as follows:

Off peak energy charge. $0.00365 per kwh for each kwh delivered to the Government.

(5) The proposed supplement further provides that the term of the basic agreement shall be extended until July 1, 1977.

Any person desiring to make comments or suggestions with respect to the foregoing should submit the same in writing on or before October 1, 1957, to the Federal Power Commission, 441 G Street, NW., Washington 25, D. C. The proposed rates and the supplemental agreement in its entirety are on file with the Commission and are available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7559; Filed, Sept. 13, 1957; 8:47 a. m.]

[Docket No. E-6774]

NORTHERN STATES POWER CO. (MINNESOTA) ET AL.

NOTICE OF APPLICATION

SEPTEMBER 10, 1957.

In the matter of Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin), Wisconsin Hydro Electric Company; Docket No. E-6774.

Take notice that on September 3, 1957, a joint application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by Northern States Power Company (NSP (Minn)), its subsidiary, Northern States Power Company (NSP (Wis)), and Wisconsin Hydro Electric Company (Wisconsin Hydro) seeking an order or orders authorizing (a) NSP (Minn) to issue 176,300 shares of its common stock and to acquire 60,398 shares of common stock of NSP (Wis); (b) NSP (Wis) to acquire the properties of Wisconsin Hydro; and (c) Wisconsin Hydro to convey its properties, all as provided for in an Agreement of Sale, dated July 24, 1957, by and between Wisconsin Hydro, NSP (Minn), and NSP (Wis), whereby (1) Wisconsin Hydro will convey all its assets, except certain cash amounts, to NSP (Wis) in consideration of Wisconsin Hydro's receipt of 176,300 shares of common stock of NSP (Minn), redemption and payment by NSP (Minn) of Wisconsin Hydro's bonds, debentures, and notes payable to banks, and assumption of Wisconsin Hydro's other liabilities by NSP (Wis); (2) NSP (Minn) will acquire 60,398 shares of common stock of NSP (Wis) in consideration of NSP (Minn) issuing 176,300 shares of its common stock to Wisconsin Hydro or its nominees, depositing in trust sufficient moneys to redeem and pay Wisconsin Hydro's bonds and debentures, and prepaying Wisconsin Hydro's notes payable to banks; and (3) NSP (Wis) will acquire the assets of Wisconsin Hydro in consideration of the delivery by NSP (Wis) of 60,398 shares of its common stock to NSP (Minn) and the assumption by NSP (Wis) of Wisconsin Hydro's liabilities, except long-term debt and notes payable to banks. The Agreement provides that the closing date shall not be earlier than October 1, 1957 or later than December 1, 1957.

NSP (Minn) is a Minnesota corporation and is domesticated in the States of North Dakota and South Dakota, with its principal business office at Minneapolis, Minnesota. NSP (Wis) is a Wisconsin corporation and is domesticated in Minnesota, with its principal business office at Eau Claire, Wisconsin. Wisconsin Hydro is a Wisconsin corporation, with its principal business office at Amery, Wisconsin. The assets which NSP (Wis) proposes to acquire from Wisconsin Hydro include facilities used in generating, transmitting, and distributing electricity in and around Amery, Clear Lake, Colfax, and Durand, and in manufacturing and distributing gas in Monroe and Menomonie, all in Wisconsin. There will be no change in the use of such facilities after their acquisition by NSP (Wis), which will undertake all duties and legal obligations respecting the facilities and their operations.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of October 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7560; Filed, Sept. 13, 1957; 8:47 a. m.]

[Docket No. E-6775]

NORTHERN STATES POWER CO. (MINNESOTA)

NOTICE OF APPLICATION

SEPTEMBER 10, 1957.

Take notice that on September 3, 1957, an application was filed with the Federal Power Commission pursuant to Section 203 of the Federal Power Act by Northern States Power Company (NSP (Minn)) seeking an order authorizing it to purchase and acquire any or all of the presently issued shares of Cumulative Preferred Stock, 5 percent, par value $100 per share, of its subsidiary, Northern States Power Company (NSP (Wis)), consisting of 1773 shares outstanding in the hands of the public and 1598 shares in the treasury of NSP (Wis).

NSP (Minn) is a Minnesota corporation and is domesticated in the States of North Dakota and South Dakota, with its principal business office at Minneapolis, Minnesota. NSP (Wis) is a Wisconsin corporation and is domesticated in Minnesota, with its principal business office at Eau Claire, Wisconsin. According to the application, NSP (Minn) will offer all holders of the issued Preferred Stock, including NSP (Wis), $121 per share for their holdings. NSP (Minn) in purchasing such shares of Preferred Stock may in addition to the $121 per share pay to the holders an amount equivalent to the accrued dividends on such shares and may also pay any customary and usual fees to brokers in connection with the purchase of any such shares from other than NSP (Wis). This offer will remain open until December 13, 1957 and at the end of such period, or an authorized extension thereof, NSP (Wis) may hold a meeting of its shareholders to vote on an amendment to its Articles of Incorporation to provide that the Preferred Stock shall be redeemable at the option of NSP (Wis) at $121 per share plus accrued dividends. The application also states that it is desirable that the Preferred Stock be eliminated from the capitalization of NSP (Wis) and from the NSP system.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of October 1957, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7561; Filed, Sept. 13, 1957; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

J. B. FISK

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER February 22, 1957 (22 F. R. 1094).

Dated: August 1, 1957.

J. B. FISK.

[F. R. Doc. 57-7579; Filed, Sept. 13, 1957; 8:51 a. m.]

MORRIS A. LIEBERMAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Same as in last statement with following changes:
Delete: Maremont Automotive Products.
Add: Glen Alden Coal Co.

This amends statement previously published in the FEDERAL REGISTER March 31, 1957 (22 F. R. 1918).

Dated: September 6, 1957.

MORRIS A. LIEBERMAN.

[F. R. Doc. 57-7581; Filed, Sept. 13, 1957; 8:52 a. m.]

CARLTON S. DARGUSCH

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 710 (b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Carlton S. Dargusch, attorney at law, self-employed, Columbus, Ohio, as an advisor in the manpower area in the Office of Defense Mobilization. Mr. Dargusch's statement of his business interests is set forth below.

Dated: September 5, 1957.

GORDON GRAY,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

The following are the corporations in which I was an officer or director within sixty days preceding my appointment:
The Sunday Creek Coal Co., The Clark Grave Vault Co., The Ohio Tuberculosis & Health Assn., Columbus Town Meeting, The Ohio State University, The Ohio State University Research Foundation, The Ohio State University Development Fund, The Ohio Land & Railway Co., The Buckeye Coal & Railway Co., The Ohio National Bank, all of Columbus, Ohio.
The Granville Inn & Golf Course, Inc., Granville, Ohio.
Henrite Products Corp., Ironton, Ohio.
Ohio Agricultural Experiment Station, Wooster, Ohio.
Gem Coal Co., Drydock Coal Co., The Carbondale Coal Co., all of Nelsonville, Ohio.
I own stocks in the following companies:
The Ohio National Bank.
The Clark Grave Vault Company.
Henrite Products Corporation.
The Sunday Creek Coal Company.
The Granville Inn & Golf Course, Inc.
I am a member of the law partnership, dba Carlton S. Dargusch, which represents a substantial number of clients largely on an annual retainer basis, and am trustee or executor of several estates holding various securities.

Dated: September 5, 1957.

CARLTON S. DARGUSCH.

[F. R. Doc. 57-7580; Filed, Sept. 13, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3610]

COLUMBIA HYDROCARBON CORP. AND COLUMBIA GAS SYSTEM, INC.

NOTICE OF FILING AND ORDER FOR HEARING WITH RESPECT TO PROPOSED ACQUISITION BY HOLDING COMPANY OF SECURITIES OF NEW SUBSIDIARY

SEPTEMBER 6, 1957.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Columbia Hydrocarbon Corporation ("Hydrocarbon") have filed a joint application pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") seeking approval of the acquisition by Columbia of the securities proposed to be issued by Hydrocarbon, a company to be newly organized.

All interested persons are referred to the joint application which is on file in the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Columbia proposes to organize Hydrocarbon as a Delaware corporation with authorized capital stock of 140,000 common shares (par value $25 per share) to engage in the business of fractionating and selling liquid hydrocarbons (such as natural gasoline, butane, propane, and ethane) and related activities. Columbia estimates the maximum investment required for Hydrocarbon's operations at $5,700,000, as follows: Fractionation plant (including utilities and off-sites) $3,500,000 land $100,000, products pipeline $1,300,000, working capital $800,000.

To raise the required funds, Columbia proposes to acquire at par value 114,000 shares of Hydrocarbon's common stock, and thereafter, as further funds are required, up to $2,850,000 principal amount of Hydrocarbon's installment promissory notes. The notes will be payable in 23 equal installments on October 1 of each of the years 1960 to 1982 inclusive, with interest payable semi-annually at the rate of 5½ percent per annum (Columbia's approximate cost of money in respect of its most recent sale of senior debentures).

It is stated that Columbia's subsidiary United Fuel Gas Company ("United Fuel") has substantial reserves of Appalachian natural gas, rich in heavy hydrocarbons; that it now has five plants in the eastern Kentucky-western West Virginia area for removing natural gasoline, butane and part of the propane from the natural gas streams, which extracted hydrocarbons it has heretofore sold for fuel purposes; that until recently it had a contract with a non-affiliated corporation to extract ethane and the remaining propane from such gas streams for petrochemical uses; that United Fuel now proposes to construct at Kenova, West Virginia, at an estimated cost of $7,180,000, a modern and more efficient plant to extract all the heavier hydrocarbons from its Appalachian gas; that the residual gas will satisfy the quality specifications for the sale of natural gas as a fuel; that the stream of heavier hydrocarbons will be sold to Hydrocarbon for fractionation and utilization in the petrochemical industry. It is represented that the problems of fractionating hydrocarbons for petrochemical uses are considerably different from their sale as liquid fuel, and it has been concluded that the ownership and operation of the fractionation plant and facilities, and the development of markets for sale of the resultant hydrocarbons, can most efficiently be conducted by a new subsidiary concentrating exclusively in this field.

The proposed site of Hydrocarbon's

fractionation plant is at Siloam, Kentucky, approximately 35 miles from United Fuel's proposed new extraction plant at Kenova, West Virginia. Hydrocarbon proposes to build a pipeline connecting the two plants. A site of 160 acres has already been purchased for Hydrocarbon's plant, and a 3-year option has been taken (by Preston Oil Company, another subsidiary of Columbia) on an adjacent 396-acre tract in order to preserve its availability for the possible future construction of petrochemical facilities to utilize the raw materials produced by Hydrocarbon.

Columbia anticipates that the effect of the general program, of which its presently proposed acquisition of Hydrocarbon's common stock and installment notes is a part, will be (1) to obtain for United Fuel an advantageous market for the large quantities of heavier hydrocarbons available to it; (2) to eliminate the present uneconomic use of valuable natural resources as fuel; (3) to obtain for Columbia's investors an appropriate realization of the economic values contained in the natural gas reserves available to the operating subsidiaries.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transaction and that such application should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held on said matter on September 23, 1957, at 10:00 a. m. at the office of the Commission, 425 Second Street, NW., Washington, D. C. Any person desiring to be heard in connection with this proceeding shall file with the Secretary of the Commission on or before September 20, 1957, a request relative thereto, as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That Sidney L. Feiler or any other officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the joint application, and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the entry of Columbia into the proposed new enterprise will be detrimental to the public interest or the interest of investors or consumers or to the proper functioning of its holding company system.

(2) Whether the reasonably anticipated returns from the proposed new enterprise will justify the amounts proposed to be invested by Hydrocarbon and United Fuel in connection therewith.

(3) Whether the proposed new enterprise is reasonably incidental, or economically necessary or appropriate to the operations of Columbia's holding company system.

(4) Whether the proposed acquisition is detrimental to the carrying out of the provisions of section 11 of the act.

(5) Whether the issue and sale by Hydrocarbon of its securities is solely for the purpose of financing its business; and, if so, whether any terms and conditions should be imposed in the public interest or for the protection of investors or consumers.

(6) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the act and of the rules and regulations promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7563; Filed, Sept. 13, 1957; 8:48 a. m.]

[File No. 70-3612]

BROCKTON EDISON CO. AND FALL RIVER ELECTRIC LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSED ISSUANCE AND SALE OF SHORT-TERM NOTES TO BANKS

SEPTEMBER 9, 1957.

Notice is hereby given that Brockton Edison Company ("Brockton") and Fall River Electric Light Company ("Fall River"), public-utility subsidiaries of Eastern Utilities Associates ("EUA"), a registered holding company, have filed with this Commission a joint declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding proposals to issue and sell short-term notes to banks. Declarants have designated sections 6 (a) and 7 of the act and Rules U-50 (a) (2) and U-42 (b) (2) as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transactions proposed, which are summarized as follows:

As at June 30, 1957, Brockton and Fall River had outstanding bank loans in the amounts of $1,040,000 and $460,000, respectively. To meet requirements to September 30, 1958 for construction and for additional investments in Montaup Electric Company ("Montaup"), an indirect public utility subsidiary of EUA, it is estimated that Brockton and Fall River will require additional funds in the amounts of $8,846,000 and $4,241,000, respectively. Prior to September 30, 1958, Brockton and Fall River contemplate the issuance and sale of the following permanent securities:

	Brockton	Fall River
Bonds	$3,000,000	$3,000,000
Preferred stock	3,000,000	
Common stock	2,686,000	976,000
	8,686,000	3,976,000

The companies propose to borrow from various banks during the period ending September 30, 1958 such amounts as are needed and are not supplied through the sale of permanent securities. The proposed borrowings are to be evidenced by unsecured notes, dated as of the date of issuance, maturing not later than 90 days from the date of issue, and bearing interest at an annual rate not greater than the prime rate existing on the respective dates of issuance plus one-fourth of one per cent. The notes are to be prepayable at any time without penalty. The aggregate maximum amounts of short-term indebtedness to be issued by each company during the period ending September 30, 1958 will not exceed $10,000,000; and the maximum amounts to be outstanding at any one time for each company will not exceed $2,500,000.

The banks from which the borrowings are expected to be made and the maximum amounts to be outstanding at any one time with each bank are shown below:

Company	List of banks	Maximum amount to be outstanding at any one time
Brockton	National Bank of Plymouth County, Brockton, Mass.	$150,000
	Home National Bank of Brockton, Brockton, Mass.	120,000
	The First National Bank of Boston, Boston, Mass.	1,115,000
	Second Bank-State Street Trust Company, Boston, Mass.	1,115,000
		2,500,000
Fall River	B. M. C. Durfee Trust Co., Fall River, Mass.	500,000
	The Fall River National Bank, Fall River, Mass.	100,000
	Citizens Savings Bank, Fall River, Mass.	150,000
	Fall River Trust Co., Fall River, Mass.	230,000
	The First National Bank of Boston, Boston, Mass.	1,520,000
		2,500,000

The proceeds from the proposed bank loans are to be used to pay outstanding short-term bank loans, to pay for construction expenditures, or to purchase securities of Montaup.

The declaration states that if any permanent financing is done by either company prior to September 30, 1958, such company will use the proceeds therefrom to purchase Montaup securities and in partial or total payment of its short-term indebtedness then outstanding, except that the contemplated payment of short-term indebtedness may be temporarily reduced by that part, if any, of the proceeds which may be deposited with the mortgage trustee as required by indenture provision, and the $2,500,000 of short-term indebtedness that each company may have outstanding at any one time hereunder shall thereafter be reduced by the amount of the proceeds applied to the payment of short-term indebtedness, except that such reduction shall not limit the amount of short-term indebtedness permitted by the provisions of section 6 (b) of the act.

It is also stated that no State or Federal commission, other than this Commission has jurisdiction over the proposed borrowings and that no fees, expenses, or other remunerations are to be paid in connection therewith except legal fees and disbursements of counsel, the amounts of which will be supplied by amendment.

Notice is further given that any interested person may not later than September 24, 1957, at 5:30 p. m., request in writing that a hearing be held in respect of the declaration, stating the nature of his interest, the reasons for such hearing, and the issues of fact or law raised by the declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may permit the declaration, as filed or as it may be amended, to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7564; Filed, Sept. 13, 1957; 8:48 a. m.]

[File No. 70-3613]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED ISSUE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF DEBENTURES

SEPTEMBER 9, 1957.

Notice is hereby given that The Columbia Gas System, Inc., ("Columbia"), a registered holding company, has filed a declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 of the act and Rule U-50 thereunder as applicable to the proposed transaction, which is summarized as follows:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of — percent Debentures, Series I due 1982. The interest rate (a multible of ⅛ percent) and the price (exclusive of accrued interest) to be paid for the Debentures (not less than 98½ percent nor more than 101½ of the principal amount) will be determined by the bidding.

The Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, Trustee, dated as of June 1, 1950, as heretofore supplemented and as to be further supplemented by an Eighth Supplemental Indenture, dated as of October 1, 1957.

This debenture issue constitutes the third step in Columbia's 1957 financing program—the prior steps having been a common stock issue in April, producing net proceeds of $25,914,000, and a debenture issue in June, producing net proceeds of $19,956,000. The funds raised by public financing will be supplemented by other funds available within the system to meet expenditures estimated as follows: (1) 1957 construction program, $84,000,000; (2) advance to Gulf Interstate Gas Company, non-affiliated pipeline company which transports gas to the system from the southwest, $6,000,000; (3) construction of facilities for extracting and fractionating the heavier hydrocarbon components of the system's Appalachian natural gas reserves, $4,000,000, or approximately one-third of the total estimated expenditures for such purpose.

The present declaration relates only to the sale of the new debentures. The other matters above referred to are or will be the subject of separate declarations, and Columbia states that the action of the Commission on this matter will not be considered in any way as evidencing approval by the Commission of the proposed expenditures listed as (2) and (3) next above.

It is stated that no other regulatory commission has jurisdiction over the proposed transaction.

A list of the fees and expenses to be paid in connection with this matter will be filed by amendment.

Notice is further given that any interested person may, not later than September 24, 1957 at 5:30 p. m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commisison, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7565; Filed, Sept. 13, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

A/S HAUSTRUPS FABRIKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

A/S Haustrups Fabriker, Odense, Denmark; Claim No. 58764, Vesting Order No. 290; Property described in Vesting Order No. 290 (7 F. R. 9833—November 26, 1942) relating to Patent Application Serial No. 280,189 (now United States Letters Patent No. 2,313,198).

Executed at Washington, D. C., September 6, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7582; Filed, Sept. 13, 1957; 8:52 a. m.]

RODA WIESER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Roda Wieser, Vienna, Austria; Claim No. 56582, Vesting Order No. 104; $151.46 in the Treasury of the United States.

Executed at Washington, D. C., on September 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-7583; Filed, Sept. 13, 1957; 8:52 a. m.]

IDA MARX

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Ida Marx, individually and as executrix under the will of Emanuel Hess, deceased, London, England; Claim No. 42798, Vesting Order Nos. 8711 and 9068; $3,696.60 in the Treasury of the United States: $156.66 thereof to Mrs. Ida Marx individually and $3,539.94 thereof to Mrs. Ida Marx as execu-

trix under the will of Emanuel Hess, deceased.

Executed at Washington, D. C., on September 9, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-7584; Filed, Sept. 13, 1957; 8:52 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 164]

ARKANSAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of August, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Arkansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Conway, Greene, Johnson, Logan, Perry, Pope, Searcy, Van Buren, Faulkner, Clay, Cleburne and Stone (excessive rainfalls beginning on or about August 12).

Offices: Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Tex. Small Business Administration Branch Office, U. S. O. Building, 217 Main Street, Little Rock, Ark.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1958.

Dated: August 30, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-7566; Filed, Sept. 13, 1957; 8:49 a. m.]

[Delegation of Authority 30-IV-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-IV-1 (22 F. R. 6389) is hereby amended by: Deleting Part II in its entirety and substituting the following in lieu thereof:

II. The authority delegated herein may not be redelegated with the exception of I. C.

Dated: August 23, 1957.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F. R. Doc. 57-7567; Filed, Sept. 13, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 11, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34156: *Fertilizers and materials between points in Illinois territory.* Filed by H. R. Johnson, Agent, (Agent Raasch's No. 633), for interested rail carriers. Rates on fertilizers and fertilizer materials, dry, carloads between points in Illinois territory for distances to and including 110 miles.

Grounds for relief: Establishment and maintenance of a minimum rate and charge between points in Illinois for distances to and including 110 miles through higher-rated intermediate points between which the distances are greater and for which rates based on a short-line distance formula are currently maintained.

Tariff: Supplement 9 to Agent Raasch's tariff I. C. C. 877.

FSA No. 34157: *T. O. F. C. class and commodity rates between points in the southwest.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7109), for interested rail carriers. Rates on property moving on class and commodity rates loaded in or on trailers and transported on railroad flat cars, and loaded in demountable trailer bodies and transported in open-top rail equipment, between stations on railroads in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, also between such points, on the one hand, and Memphis, Tenn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 33 to Agent Kratzmeir's tariff I. C. C. 4251.

FSA No. 34158: *Sugar, corn and sorghum grain, Texas points to southern points.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7110), for interested rail carriers. Rates on sugar, corn and sorghum grain, carloads from Corpus Christi, Tex., and specified intermediate points in Texas to specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 372 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 34159: *Soda ash—Louisiana points to Nashville, Tenn.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7112), for interested rail carriers. Rates on soda ash (other than modified soda ash, in bulk), carloads from Baton Rouge, Lake Charles, and North Baton Rouge, La., to Nashville, Tenn.

Grounds for relief: Barge competition.

Tariffs: Supplement 251 to Agent Kratzmeir's tariff I. C. C. 4087; Supplement 56 to Agent Spaninger's tariff I. C. C. 1526.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-7574; Filed, Sept. 13, 1957; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 180

Washington, Tuesday, September 17, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

SEP 18 1957

MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (4) is added to § 6.111 as set out below.

§ 6.111 *Department of Agriculture.* * * *

(h) *Agricultural Marketing Service.* * * *

(4) Until June 30, 1958, Fresh Fruit and Vegetable Inspectors GS-9 and below; one Administrative Assistant GS-7; one Clerk-Stenographer GS-5; and not to exceed six Clerk-Typists GS-4 and below, for employment in the State of Texas to carry out a shipping point inspection program of fresh fruits and vegetables.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-7602; Filed, Sept. 16, 1957; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6621]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FREE STATE PRODUCTS, INC., ET AL.

Subpart—*Using, selling, or supplying lottery devices:* § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Free State Products, Inc., et al., Baltimore, Md., Docket 6621, Aug. 24, 1957]

In the Matter of Free State Products, Inc., a Corporation, and Allen B. Tabakof, and Jules J. Greenspan, Individually and as Officers of Free State Products, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Baltimore with selling punchboards and push cards to manufacturers and dealers for use in the sale of assortments of such merchandise as candy, cigarettes, clocks, razors, cosmetics, clothing, etc.

Following approval of an agreement containing consent order between the parties, the hearing examiner made his initial decision and order to cease and desist which became on August 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Free State Products, Inc., a corporation, and its officers, and respondents Allen B. Tabakof, Jules J. Greenspan, individually and as officers of said corporation and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punch boards, or other lottery devices which are designed or intended to be used in the sale and distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 23, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-7600; Filed, Sept. 16, 1957; 8:48 a. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 54435]

PART 22—DRAWBACK

MISCELLANEOUS AMENDMENTS

Section 22.7 (c) of the Customs Regulations now provides that the collector shall, upon receipt of a notice of exportation, assign a number thereto which shall be the same as the number assigned to the corresponding shipper's export declaration. Under certain circumstances the collector is no longer required to assign a number to the shipper's export declaration, and there has been some question whether the collector should in such a case assign a number to the notice of exportation. In order to clarify this point and insure that a number is in each instance assigned to a notice of exportation, § 22.7 is amended as follows:

1. Paragraph (b) is amended by inserting ", if any," after the word "number" in the first sentence.

2. The first sentence of paragraph (c) is deleted and the following is substituted therefor: "Upon receipt of the notice of exportation, the collector shall assign a number thereto which shall be stamped or endorsed on the original and each copy of the notice. If a number has been assigned to the corresponding shipper's export declaration, the same number shall be assigned to the notice of exportation."

3. The following sentence is inserted in paragraph (c) after the present second sentence: "However, if no number has been assigned to the shipper's export declaration, each notice of exportation shall be separately numbered."

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 10, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7611; Filed, Sept. 16, 1957; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

TERMINATION OF EXEMPTION FOR DESIGNATED FOODS FOR WHICH LABEL DECLARATION OF INGREDIENTS HAS NOT BEEN REQUIRED PENDING STANDARDIZATION

Prior to the effective date of the Federal Food, Drug, and Cosmetic Act, the Secretary of Agriculture, under authority of that act (sec. 902 (a) (2), 52 Stat. 1059; 21 U. S. C. 392 (a) (2)), designated a number of foods that were exempted from the requirement of label declaration of ingredients in section 403 (i) (2) of the act (4 F. R. 956). It was stated that the exemption as to any food might be revoked at any time by publication of a notice in the FEDERAL REGISTER, and it was further stated that any such revocation would become effective on the ninetieth day after publication of such notice unless a later date was specified in the notice.

After the Federal Food, Drug, and Cosmetic Act became effective, the Commissioner of Food and Drugs, in a notice dated January 21, 1941, listed the foods exempt from the requirement as to label declaration of ingredients made by section 403 (i) (2) of the act, pending standardization of the foods and stated that formal extension of the time for the termination of the exemptions was not contemplated. The Commissioner's notice added that it was not the purpose of the Food and Drug Administration to inaugurate action against the listed foods on the ground that they were in violation of the provisions of section 403 (i) (2) of the act pending the effective date of definitions and standards of identity or of an announcement terminating the exemptions.

Most of the foods listed in the Commissioner's notice have since been standardized but some remain unstandardized. It has now been concluded that the exemption from label declaration of ingredients requirements of section 403 (i) (2) of the act should be terminated for each food on the exempt list, with the exception of the following:

Ice cream; frozen custard; ice milk; milk sherbet; water ice or ice sherbet.
Nonalcoholic carbonated beverages.
Vanilla extract.

Now, therefore, pursuant to authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs (22 F. R. 1045), and in conformity with the Administrative Procedure Act (sec. 3, 60 Stat. 237; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.1 *Termination of exemption for designated foods for which label declaration of ingredients has not been required pending standardization.* Effective 1 year after the date of publication of this statement of policy in the FEDERAL REGISTER, the exemption from the label declaration of ingredients requirements of section 403 (i) (2) of the Federal Food, Drug, and Cosmetic Act is terminated for the following foods:

Canned clams; canned fish roe; canned shrimp (dry and wet pack).
Lemon extract; orange extract.
Malted milk.
Olives in brine.
Sauerkraut.
Unmixed canned fruits, properly prepared and in sugar solution of not less than 20° Brix, not in excess of the amount necessary for proper processing, but with no other added substance.
Unmixed immature canned vegetables, properly prepared and with water not in excess of the amount necessary for proper processing, with or without added salt or sugar or both, but with no other added substance.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Dated: September 10, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-7577; Filed, Sept. 16, 1957; 8:45 a. m.]

Subchapter C—Drugs

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, Parts 146a, 146e; 21 CFR, 1956 Supp., 146a.109; 22 F. R. 6338) are amended as follows:

1. Section 146a.109 *Benzathine penicillin V oral suspension* • • • is amended by deleting paragraph (b) and renumbering paragraph (c) as paragraph (b).

2. Section 146e.420 *Bacitracin-tyrothricin-neomycin troches* • • • is amended in the following respects:

a. Paragraph (c) is revised to read as follows:

(c) They may contain cortisone or a suitable derivative of cortisone and one or more suitable antitussive drugs.

b. Paragraph (d) is revised to read as follows:

(d) In addition to the labeling prescribed for bacitracin-neomycin troches and zinc bacitracin-neomycin troches, each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of tyrothricin in each troche of the batch, and if it contains cortisone or a derivative of cortisone or one or more antitussive drugs, the name and quantity of each such substance.

c. Paragraph (e) is revised to read as follows:

(e) In lieu of the labeling prescribed by § 146e.403 (c) (2), if it does not contain cortisone or a suitable derivative of cortisone or one or more antitussive drugs, it shall bear on the circular or other labeling within or attached to the package, adequate directions and warnings for the use of such drugs. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other uses of such troches by practitioners licensed by law to administer such drug will be sent to such practitioner upon request.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order will become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: September 11, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-7607; Filed, Sept. 16, 1957; 8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

GRAND CANYON NATIONAL PARK

1. Paragraphs (a), (b), (c), (d), and (e) of § 20.4 *Grand Canyon National Park* are amended to read as follows:

§ 20.4 *Grand Canyon National Park*—(a) *Limitations on load, weight, and size of vehicles.* Any vehicle operated or moved upon any road within the boundaries of Grand Canyon National Park shall comply with the following height, weight, and load limitations:

(1) No vehicle including any load thereon shall exceed a height of thirteen feet six inches.

(2) No vehicle including any load thereon shall exceed a length of forty feet extreme overall dimensions, inclusive of front and rear bumpers.

(3) No combination of vehicles coupled together shall consist of more than two units except that a truck tractor and semi-trailer will be permitted to haul one full trailer and no such combination of vehicles shall exceed a total length of sixty-five feet.

(4) (i) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed eighteen thousand pounds.

(ii) For the purposes of this section an axle load means the total load transmitted to the road by all wheels whose centers are included between two parallel transverse verticle planes forty inches apart, extending across the full width of the vehicle.

(5) Subject to the limit upon the weight imposed upon the road through any one axle as set forth in subparagraph (4) of this paragraph, the total gross weight with load imposed upon the road by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between first and last axles of group:	*Allowed load in pounds on group of axles*
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(6) The total gross weight with load imposed on the road by any vehicle or combination of vehicles where the distance between the first and last axles is more than eighteen feet shall not exceed that given for the respective distances in the following table:

Distance in feet:	*Allowed load in pounds*
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	67,150
40	68,000
41	68,000
42	68,000
43	68,000
44	68,000
45	68,000
46	68,800
47	69,600
48	70,400
49	71,200
50	72,000
51	72,800
52	73,600
53	74,400
54	75,200
55	76,000
56 or over	76,800

(7) The distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half foot the next larger whole number shall be used.

(8) *Provided, however,* That a horse-drawn vehicle equipped with metal tires may be operated when the weight of such vehicle including any load thereon does not exceed 700 pounds upon any inch in width of tire.

(9) *Provided, further,* That the provisions of this paragraph shall not apply to traction engines or tractors the propulsive power of which is exerted, not through wheels resting upon the ground, but by means of a flexible band or chain known as a movable track when the portions of the movable tracks in contact with the surface of the roadway present plane surfaces.

(b) *Flanges, ribs, clamps.* There shall not be operated or moved upon any road within the boundaries of Grand Canyon National Park any vehicle of any kind the face of the wheel or wheels of which are fitted flanges, ribs, clamps, cleats, lugs, spikes, or any device which may tend to damage the roadway. This paragraph applies to all rings or flanges upon guiding or steering wheels on any such vehicle, but it shall not be construed to prevent the use of ordinary detachable tire or skid chains.

(c) *Weighing by Park officers.* Any officer of Grand Canyon National Park having reason to believe that the weight of a vehicle and load is unlawful and not in conformity with the regulations, is authorized to weigh the same either by portable or by stationary scales and may require that such vehicle be driven to the nearest scales in the event such scales are within 5 miles. The officer may then require the driver to unload immediately such portions of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefor specified in paragraphs (a), (b), and (c) of this section.

(d) *Special permits.* The Superintendent of Grand Canyon National Park may, in his discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size or weight exceeding the maximum specified in the foregoing paragraphs upon any Park highway. Every such permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by said Superintendent. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any Park officer.

(e) *Reduction of load and tire limitations.* Whenever by reason of rains, thawing snow or frost, or as a result of any other cause, any Park road or roads are in a soft condition or are unsuitable for heavy traffic, the Superintendent of Grand Canyon National Park may, in his discretion and for so long a period as he deems advisable, reduce the load capacity limitations or he may prohibit all hauling if the condition of any road so warrants.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 26th day of August 1957.

JOHN S. MCLAUGHLIN,
Superintendent,
Grand Canyon National Park.

[F. R. Doc. 57-7598; Filed, Sept. 16, 1957; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PERSONS INCLUDED IN THE ACTS IN ADDITION TO COMMISSIONED OFFICERS AND ENLISTED MEN; ALIEN BENEFICIARIES

In § 3.1, paragraph (j) is amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* * * *

(j) *Alien beneficiaries.* A veteran discharged for alienage during a period of hostilities is ineligible for benefits unless he can establish that it was not pursuant to his own request. A veteran who was discharged for alienage after the termination of hostilities and whose service was honest and faithful is not barred from benefits if he is found to be otherwise entitled thereto. Where the character of the veteran's discharge was changed to honorable by a board established under the authority contained in section 301, Public Law 346, 78th Congress, as amended, or section 207, Public Law 601, 79th Congress, as amended, prior to January 7, 1957, it will be considered that the discharge for alienage was not issued at the veteran's own request.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective September 17, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-7612; Filed, Sept. 16, 1957; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1502]

[Anchorage 031940]

ALASKA

CORRECTING LAND DESCRIPTION IN PUBLIC LAND ORDER NO. 1457 OF JULY 31, 1957

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The tie to Corner No. 9 of Air Navigation Site Withdrawal No. 169 of June 19, 1950, described as bearing "approximately S. 22°00' W., 1598 feet" in the land description for the Naknek Area in Public Land Order No. 1457 of July 31, 1957 (F. R. Doc. 57-6434; 22 F. R. 6300-01) is hereby corrected to read "bears approximately S. 31°00' W., 785 feet".

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1957.

[F. R. Doc. 57-7592; Filed, Sept. 16, 1957; 8:46 a. m.]

[Public Land Order 1503]

[Fairbanks 012783]

ALASKA

WITHDRAWING PUBLIC LANDS IN ALASKA FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, but excepting disposals under the Materials Act of July 31, 1947 (61 Stat. 681; 69 Stat. 637; 30 U. S. C. 601-604) as amended, and reserved for use of the Department of the Army for military purposes:

Beginning at a point on the easterly bank of the Delta River from which USC and GS monument "Rapids Airport", latitude 63°32' 02.168" N., longitude 145°51'34.005" W., bears N. 17°30' W., 3,276 feet, thence
East, 1 mile;
South, ¾ mile;
West, to the east bank of the Delta River;
North, along the east bank of the Delta River to point of beginning.

The tract described contains 480 acres.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1957.

[F. R. Doc. 57-7593; Filed, Sept. 16, 1957; 8:46 a. m.]

[Public Land Order 1504]

ARIZONA, COLORADO, NEW MEXICO

RESERVING LANDS IN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS RECREATION AREAS AND ROADSIDE ZONES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as indicated:

[Arizona 014372]

ARIZONA

PRESCOTT NATIONAL FOREST

Gila and Salt River Meridian

Lynx Recreation Area:

T. 13 N., R. 1 W.,
Sec. 8, S½NE¼, SE¼NW¼, SE¼, and E½SW¼;
Sec. 9, W½SW¼SW¼;
Sec. 16, W½NW¼NW¼;
Sec. 17, N½NE¼.
The areas described aggregate 480 acres.

[Colorado 016655]

COLORADO

PIKE NATIONAL FOREST

Sixth Principal Meridian

Pikes Peak Summit Recreation Area:

Beginning at a point for the southwest corner of the station ground easement and the southeast corner of area withdrawn for use of the Forest Service, Department of Agriculture, as the Pikes Peak Summit Recreation Area by Public Land Order No. 1171 of June 24, 1955 located in the S½ of Sec. 7, T. 14 S., R. 68 W., 6th P. M., thence
Easterly, 400 feet along a line parallel to and extension of the south boundary of area withdrawn by Public Land Order No. 1171, to the west boundary of the right-of-way of the Pikes Peak R. R., thence
Northerly, 578.2 feet along said west right-of-way, thence
Westerly, 400 feet on a line at right angle to said west right-of-way to the northeast corner of the area withdrawn by Public Land Order No. 1171 thence
Southerly, 510.2 feet along east boundary of area withdrawn by Public Land Order No. 1171 to point of beginning.
The area described contains 5 acres.

[New Mexico 020007]

NEW MEXICO

LINCOLN NATIONAL FOREST

New Mexico Principal Meridian

Sacramento Peak Road (Air Force Service Road) Roadside Zone:

A strip of land 300 feet on each side of the center line of the Sacramento Peak Road through the following subdivisions:
T. 16 S., R. 12 E.,
Sec. 6, lot 26, W½NE¼SE¼, W½SE¼, SE¼SW¼;
Sec. 7, lots 1, 3, and 5.
T. 16 S., R. 11 E.,
Sec. 13, W½SE¼, S½SW¼;
Sec. 24, lots 3, and 4;
Sec. 35, S½NE¼, E½SE¼.
T. 17 S., R. 11 E.,
Sec. 1, lot 4, SW¼NW¼;
Sec. 2, lot 1.
The areas described aggregate approximately 123 acres.

Cox Canyon (State Route No. 24) Highway, Roadside Zone:

A strip of land 500 feet on each side of the center line of State Highway No. 24 through the following subdivisions:
T. 16 S., R. 12 E.,
Sec. 6, lots 16, 17, NE¼SE¼.
The areas described aggregate approximately 30 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1957.

[F. R. Doc. 57-7594; Filed, Sept. 16, 1957; 8:46 a. m.]

[Public Land Order 1505]

[73537]

NEVADA

POWER SITE RESTORATION NO. 531; PARTIALLY REVOKING EXECUTIVE ORDER OF JULY 2, 1910, WHICH CREATED POWER SITE RESERVE NO. 113

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of July 2, 1910, so far as it withdrew the following-described lands in Nevada as Power Site Reserve No. 113, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 44 N., R. 61 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, SW¼, and NW¼SE¼;
Sec. 3, NE¼SE¼ and S½SE¼;
Sec. 10, NW¼NE¼, S½NE¼, E½SW¼, and SE¼;
Sec. 11, NW¼, N½SW¼, and SW¼SW¼;
Sec. 15, N½, SW¼, and NW¼SE¼.
T. 45 N., R. 61 E.,
Sec. 25, SW¼NE¼ and S½;
Sec. 35, SE¼.
T. 45 N., R. 62 E.,
Sec. 17, SE¼SW¼ and S½SE¼;
Sec. 19, NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 20, NE¼NE¼, S½NE¼, NW¼NW¼, and S½NW¼;
Sec. 21, NE¼, N½NW¼, and NE¼SE¼;
Sec. 22, S½NW¼ and S½;
Sec. 23, SW¼;
Sec. 25, SW¼SW¼;
Sec. 26, NW¼NE¼, S½NE¼, NW¼, N½SW¼, and SE¼;
Sec. 27, NE¼NE¼;
Sec. 35, NE¼ and NE¼SE¼.
T. 44 N., R. 63 E.,
Sec. 5, SE¼NW¼, SW¼, and W½SE¼;
Sec. 8, NW¼NE¼, S½NE¼, NW¼, N½SW¼, and SE¼;
Sec. 9, SW¼NW¼ and W½SW¼.
T. 45 N., R. 63 E.,
Sec. 31, lots 1, 2, 3, 4, NE¼NW¼, E½SW¼, and SW¼SE¼.

The areas described aggregate 5,866 acres.

2. The lands are located in northeastern Elko County, Nevada, along the western tributaries of Salmon Falls Creek, northwest of and in the vicinity of Henry, Nevada. The topography is rough and mountainous except for small areas along the creek bottom which support good stands of grass. The general vegetative species are sagebrush and bunch grass, and the entire area is chiefly valuable for grazing purposes.

3. No application for the lands may be allowed under the homestead, desertland, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10 a. m. on October 16, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10 a. m. on January 15, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraph 4 (a) (1) and 4 (a) (2) above, presented prior to 10 a. m. on January 15, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They also have been open to location under the U. S. mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621).

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. The restored lands shall be subject until 10 a. m. on January 15, 1958, to application by the State of Nevada, under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1957.

[F. R. Doc. 57-7595; Filed, Sept. 16, 1957; 8:46 a. m.]

[Public Land Order 1506]

[142795]

NEVADA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 1354 OF MAY 16, 1911, WHICH RESERVED PUBLIC LANDS FOR USE OF DEPARTMENT OF AGRICULTURE AS BAKER ADMINISTRATIVE SITE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 1354 of May 16, 1911, which withdrew certain lands in Nevada for use of the Forest Service, Department of Agriculture as the Baker Administrative Site, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO PRINCIPAL MERIDIAN

T. 13 N., R. 70 E.,
Sec. 9, N½NW¼SE¼NW¼, SE¼NW¼SE¼NW¼, SW¼SE¼NW¼, and SW¼SE¼NW¼.

The areas described contain 20 acres.

2. The lands are situated near the town of Baker in eastern White Pine County, Nevada. They are accessible by hard surfaced roads between U. S. Highway No. 6 and Lehman Caves. It is in a rather isolated area.

3. No application for the lands may be allowed under the homestead, desertland, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on October 17, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 16, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on January 16, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the U. S. mining laws beginning at 10:00 a. m. on January 16, 1958.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1957.

[F. R. Doc. 57-7596; Filed, Sept. 16, 1957; 8:47 a. m.]

[Public Land Order 1507]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws or the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved under the jurisdiction of the Secretary of the Interior, for administration or transfer in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

[Fairbanks 010571]

U. S. SURVEY NO. 3299

TRACT 4, LOT 31

The tract described contains 26.39 acres.

[Anchorage 029474]

LAKE LOUISE RECREATION AREA NO. 1

U. S. SURVEY NO. 3483

Tract "A", lots 1, 2, 5, 6, and the northern 25.65 acres of lot 4.

The tracts described contain 481.90 acres.

LAKE LOUISE RECREATION AREA NO. 2

Two parcels of land lying between Lake Louise and Lake Susitna, one on either side of a stream connecting Lake Louise and Lake Susitna more particularly described as follows:

PARCEL "A"

Beginning at the point of the outlet of Lake Louise, approximate latitude 62°21'31" N., longitude 146°37'30" W., thence
Southwesterly, 680 feet along mean high water line of Lake Louise to a point which is the NE corner of a T and M site location (Anchorage 027167);
West, 400 feet to the mean high water line of Lake Susitna;
Northeasterly, 686 feet along line of mean high water to western end of a stream extending from Lake Louise to Lake Susitna;
Easterly, 2,218 feet along south limit of stream to point of beginning.
The tract described contains approximately 11 acres.

PARCEL "B"

Beginning at the point of the outlet of Lake Louise, approximate latitude 62°21'30" N., longitude 146°37'30" W., thence
Northerly and Westerly, 2,218 feet along north limit of the stream from Lake Louise to Lake Susitna to the line of mean high water of Lake Susitna;
Northerly and Easterly, 3,810 feet along line of mean high water to the east limit of a cove of Lake Susitna and the mouth of a stream;
Easterly, 370 feet along south limit of stream to an unnamed lake;
Easterly, 1,056 feet along line of mean high water of lake;
S. 45° E., 1,426 feet to line of mean high water of Lake Louise;
Southwesterly and Northerly, 2,957 feet along line of mean high water to point of beginning.
The tract described contains approximately 125 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1957.

[F. R. Doc. 57-7597; Filed, Sept. 16, 1957; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Amdt. 2]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

STATEMENT OF POLICY

Effective as of September 6, 1957, the Statement of Policy appearing in the FEDERAL REGISTER issue of November 8, 1956 (21 F. R. 8588), as amended (22 F. R. 4289), is further amended as follows:

1. In section I B by deleting the following paragraph under heading *"Trade-out-and-build" programs:*

NOTE: Transfers to foreign ownership and/or registry of the above types of U. S. flag vessels will NOT be approved in conjunction with construction programs involving jumboizing, modernization, or other types of conversion, of existing U. S. flag merchant ships.

And by substituting in lieu thereof, the following:

Transfers to foreign ownership and/or registry of the above types of U. S. flag vessels WILL be approved in conjunction with construction programs involving jumboizing, modernization, or other types of conversion of existing U. S. flag merchant ships, subject to the conditions specified in section I B, section III A and D, except that all of the provisions therein set forth as applicable to a "new vessel" shall be applicable to a converted vessel, and the following additional condition:

That the vessels as converted shall be documented under U. S. laws and shall be used exclusively in the domestic coastwise, intercoastal and/or non-contiguous territorial trades, unless otherwise approved by the Maritime Administration.

Each application involving jumboizing, modernization, or other types of conversion, will be considered on its individual merits and the number of vessels approved for transfer to foreign ownership and registry in consideration for such programs will depend upon the type, extent and cost of the work to be performed.

2. By renumbering item "4" of existing text in sections III A and III B to "5" and inserting in each of said sections a new item "4" reading as follows:

4. *Subordination of mortgage.* Any mortgage given by the foreign corporate buyer, or any subsequent transferee, on the transferred vessel shall unless the Administrator, for good cause shown, shall waive this requirement, include the provision that, if said vessel is sold or reclaimed pursuant to a foreclosure or judicial sale under the mortgage, such sale or transaction shall be subject to and include the provisions of the approval notice and agreement and the foreign corporate buyer, or any subsequent transferee, executing any such mortgage, shall forthwith deposit an executed copy thereof with the Maritime Administration.

3. Item 5 of sections III A and III B is amended by inserting "or 4" after "1 or 2 or 3."

(Sec. 19, 41 Stat. 995, as amended, sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 876, 1114)

Dated: September 6, 1957.

CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 57-7509; Filed, Sept. 16, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO–10–A22]

MILK IN ST. LOUIS, MISSOURI MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the St. Louis, Missouri, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at St. Louis, Missouri, during March 12–15, 1957, pursuant to notice thereof which was issued March 1, 1957 (22 F. R. 1439).

The material issues on the record of the hearing related to:

1. The definition of a cooperative association;
2. Diversion of milk directly from farms to nonpool plants;
3. The conditions under which bulk tank reload points should qualify for location adjustments;
4. Pool plant standards;
5. Status of dairy farmers primarily associated with other markets;
6. Cooperative association as handler with respect to bulk tank milk;
7. Accounting for inventories of products in fluid form;
8. Accounting for milk equivalent of concentrated products;
9. Classification of milk transferred to nonpool plants;
10. Readjustment of seasonal movement of Class I price;
11. Reduction of Class II price;
12. Changes in location adjustments to handlers and producers;
13. Providing for equivalent prices when specified prices are not available;
14. Pricing of milk sold in marketing areas subject to other Federal orders;
15. Compensatory payments on other source milk;
16. Designation by market administrator of membership in cooperative associations;
17. Interest on overdue payments; and
18. Deduction of cooperative association dues from handlers' payments to producers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Definition of cooperative association.* A section defining a cooperative association should be included in the order. This will facilitate subsequent order references to qualified associations and will apply to all functions of a cooperative association under the order. The definition should limit qualification to those cooperative marketing associations of producers which are qualified under the Capper-Volstead Act.

Present provisions. The general standard for qualifying a cooperative association for the performance of specific functions under the order is set forth at present in § 903.88 (b) of the order. This section deals with certain marketing services, as specified in paragraph (a) of the section, which are performed by associations qualified under the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act". Cooperative associations meeting the standard set forth in § 903.88 (b) are referred to in several other sections of the order. For example, in § 903.6 (b), defining producer, it is specified that a producer may maintain his status as such during periods when his milk is diverted to a nonpool plant by a cooperative association. In § 903.12 (c), a cooperative association is authorized to act as the handler on milk diverted to a nonpool plant. In § 903.22 (k), cooperative associations may request that they be notified of the utilization percentages of handlers to whom their members deliver milk. In § 903.32 cooperatives are entitled to receive payroll information from the handlers and in § 903.80 (b), they are entitled to collect payments for milk for their members. In addition to these specific references to cooperative associations, meeting the conditions of § 903.88 (b), associations may vote for their entire membership on the order, on amendments to the order, or concerning the termination of an order. The Act also authorizes cooperatives which meet the Capper-Volstead standard to reblend proceeds from the sales of milk.

Standard to be used. It is appropriate to provide a definition of "cooperative association" which will serve to identify it as an association of producers, in contrast to producers acting individually in the marketing of milk, and as a milk marketing agency with specific functions under the order.

The adoption of a definition separate and apart from other provisions of the order, in which use will be made of it, will serve to clarify order language and eliminate the need for the numerous cross references to § 903.88 (b) now contained in various provisions.

Proposed bases, or standards, for qualifying cooperative associations to perform certain specific functions under the order were offered at the hearing. One of these proposals would define a qualified cooperative as one which is bona fide engaged in marketing producer milk, or in rendering services or advancing the interests of the producers of such milk. The second proposal would employ the "Capper-Volstead" standard modified by the following requirements: (1) The association would have to be governed by the one member-one vote principle, and (2) it would have to exercise full authority in the sale of the milk of its members "consistent with good marketing practices which will bring about the highest possible utilization of its members' milk." The third proposal would qualify an association which operates facilities for receiving, weighing, cooling and shipping Class I milk and for processing milk into Class II products.

One of the generally available means of defining a cooperative association is the ascertainment, as provided in the act for certain purposes, as to whether the association meets the provisions of the Capper-Volstead Act. The act relates primarily to antitrust activities but provides a general basis for defining cooperatives, including milk marketing cooperatives.

The standards provided by the latter statute are equally applicable whether the cooperative (1) performs one or more specific functions under the order, such as the operation of a pool plant, the performance of check-weighing and check-testing services on milk, the reblending of market proceeds, or the collection of monies due members, or (2) does not perform the above functions under specific order terms but nevertheless acts on behalf of members by voting on behalf of its members, bargaining for its members with respect to hauling rates, prices and other terms of sale, and actively representing its members at public hearings to promulgate or amend the Federal order. The general standard provided by the "Capper-Volstead Act" is in accord with the general purposes of, and privileges granted to cooperatives by, the Agricultural Marketing Agreement Act of 1937, as amended. Proposed revisions of the order as submitted for hearing would require the Secretary to make special interpretation of the Capper-Volstead Act for the limited purpose of applying it to St. Louis order situations. It is believed that such an interpretation would influence the application of that act for other programs and such interpretation is therefore not being made.

Conclusions. It is concluded that the standard for qualifying a cooperative association contained in the present order, together with the review involved in designation by the Secretary, is appropriate for the various functions performed by such associations and should be the basis for qualification contained in the new definition of "cooperative association".

Application of definition. The general definition of cooperative association would then be applicable to any specific function performed by an association. If, for example, a qualified association diverted milk to a nonpool plant, it would become the responsible handler with respect to such milk. If it performed the specified marketing service functions of check-weighing, check-testing, and furnishing market information to its members, the market administrator would not perform duplicate services and would not make his deduction.

This would differ somewhat from the present provisions of the order. Now, only those associations which perform market services are qualified as cooperative associations with respect to the other functions. Under the revised order, any association meeting the general qualifications could qualify to perform any of the operating functions.

2. *Diversion to nonpool plants.* The diversion provision should not be amended except to clarify that the 15-day limit applies to production days.

The present order provides that either proprietary handlers or cooperative associations may divert milk to a nonpool plant any time during the flush months of March through July and further provides that only cooperative associations may divert milk to nonpool plants on not more than 15 days during any month from August through February.

There were two proposals, both by cooperative associations, for changing these provisions. One proposal would grant any cooperative unlimited diversion privilege, but would retain the present provision for proprietary handlers to divert during the flush months. The other proposal would allow unlimited diversion by cooperatives, but would entirely remove the proprietary handlers' diversion privilege.

The proposal to eliminate the diversion of milk to nonpool plants by proprietary handlers would hamper them in the movement of excess milk. Since diversions are often required to be made on short notice, the proprietary handler is often in a better position than the cooperatives to divert milk. If this proposal were adopted, any milk diverted to a nonpool plant by a proprietary handler would lose its status as producer milk. Non-members of cooperatives would be placed at a particularly great disadvantage because their milk could not be diverted without losing its status as pooled milk. Efficiency in marketing of milk requires that diversions be made from the farm directly to the manufacturing plants located in or near the production area. The privilege of diverting milk to nonpool plants during the flush months should continue to be available to proprietary handlers as well as to cooperative associations in order to promote the orderly marketing of market reserves which can become a market-wide problem.

The second aspect of the proposed changes in the diversion provisions is that the cooperative associations be allowed unlimited diversion privileges any time during the year. The fundamental problem involved in unlimited diversions is that some groups of producers may be pooled as part of the regular market supply, yet never establish any objective association with the market.

The evidence in the record showed that the cooperative associations have not had any difficulties with the present 15-day diversion limitation in the fall months. Statistical evidence shows that historically the fall months in the St. Louis market have been ones of short supply, and that the need to divert is least in these months. The wording of the present diversion provision should be changed so that it will be limited to not more than 15 days production of a producer diverted to a nonpool plant in the fall months. This clarifying change is desirable, because of the increased number of bulk tank shippers whose milk is delivered every other day.

Two cooperative associations proposed that before a cooperative could divert milk it must offer such milk for sale to all handlers in the market for Class I purposes by written notice stating the terms and conditions of sale. At the hearing, the proponents suggested a modification to this proposal which would allow diversion for a period of time of from three to five days before a cooperative would be required to offer such milk for sale. Since it has been concluded herein that only limited diversions will be permitted during the months of normally short supply, there appears to be no need for the administratively cumbersome offer system. This provision would be impractical to the extent that the cooperative must notify all the handlers in the St. Louis market by mail before it would be able to divert milk. There would be so many possibilities for a written notice to delay the diversion that it could nullify the effectiveness of the provision.

It is concluded, therefore, that no substantive changes should be made in the present diversion provision.

3. *Bulk tank reload points.* At the time of the hearing nearly half of the producer milk for the St. Louis market was picked up from farms in bulk tanks rather than in 10-gallon cans. Other aspects of the bulk tank developments are covered in Topic Number 6, but one feature of the change warrants separate attention.

It is sometimes advantageous to combine the loads from several farm pickup tanks into one large tank truck for shipment to the city. The only instance of such reloading described at the hearing was accomplished at a country pool plant. In this instance the farm tank milk was pumped into the plant and the highway tanker was loaded out from the plant. This milk was reported as received at the plant and as a subsequent disposition from the plant for location adjustment and pooling purposes.

Apparently there is no question about the status of reloading operations like the one described at the hearing. However, consideration was given to the possibility that reloading might be accomplished at points where no plant facilities are available. Under these circumstances the reload point might be claimed as a location where handler and producer location adjustments should apply. Under the present order these location adjustments are applicable only at pool plants. However, there appears to be no means by which any unequipped reloading point could qualify as a pool plant and thereby become eligible for location adjustments. Accordingly, there is no need for changing the definitions of "country plant" or "pool plant" in this connection.

4. *Pool plant standards.* The country pool plant standards provided herein would:

(1) Eliminate the reserve supply credit;

(2) Qualify a country plant as a pool plant for any month in which 50 percent or more of its approved milk was shipped to city plants;

(3) Permit supply plants to be qualified as pool plants during the succeeding flush months of March through August if they had shipped 50 percent or more of their approved milk to city plants in each of the months of September through February; and

(4) Permit systems of supply plants, upon appropriate notice to the market administrator, to qualify as a group by meeting the same total requirements as apply to individual plants.

There are two principal categories of pool plants described under the St. Louis order. The city plants are those which serve the market by bottling milk and distributing it on wholesale or retail routes in the marketing area in such proportions as to qualify as pool plants. The second group of pool plants, the country plants, are those which qualify by assembling milk from farmers, cooling it, and shipping the milk in bulk form to distributing plants. Commonly such shipments are needed most during the fall season when production per producer is lowest. Accordingly, these plants are pooled the year-round if they meet pool plant requirements during specified fall months. The notice of hearing contained several proposals to change the country plant standards. Because of the close interrelationship between country plants and city plants, the city plant definition was also reviewed at the hearing. However, no evidence was presented regarding any need for changing the city plant standards, so the remainder of this discussion relates only to the country plant standards.

The pool plant standards are objective measures of whether any given supply plant is closely enough associated with the market to require complete regulation and to permit participation in the marketwide pool. Such association with the market should be measured solely by the quantities of milk which the country plant ships to city plants rather than by the additional requirement that such

shipments qualify for reserve supply credit. The reserve supply credit measures whether or not the country supply plant milk was actually needed at the city plant for bottling purposes. It was designed to eliminate any incentive for a supply plant to make uneconomical shipments to city plants merely for the purpose of maintaining pool plant qualifications. However, handlers are allowed location adjustments only on such quantities of country supply plant milk as are needed for bottling purposes, the credit being assigned first to the closest sources of supply plant milk. Any quantities of milk shipped in excess of bottling requirements must be transported at the handler's expense. This serves as an impediment to the shipment of unnecessary quantites of milk to market.

On the other hand, some defects have become apparent in the operation of reserve supply credit. One is that the country plant operator cannot precisely determine the amount of credit which will apply to his shipments to city plants. The amount of credit is affected by such factors as unpredictable fluctuations in city plant sales and, perhaps more importantly, from unpredictable fluctuations in other receipts at the distributing plant from producers who deliver directly to the plant or in receipts from other supply plants. The net result is that country plant operators must be conservative in developing supplies of milk for the market, even though prices may be high enough to attract additional shippers.

The country plant pooling provisions must also be reviewed in the light of changed marketing conditions. Almost 50 percent of the total market supply is now collected from producers' farms in bulk tanks. It would be expected that such milk could be transported economically for longer distances than milk collected in ten-gallon cans. No such result is yet apparent in the market's statistics; the country plants are still growing in terms of the percentage of total production and number of producers. However, further development of bulk tank shipment will cause the country plants to supply only the residual demands of distributing plants and to process or dispose of the daily, weekly, and seasonal reserve supplies of milk. Another marketing development is that city plants have adopted 6-day operation in place of a former 7-day operation. The result is that their demands on country plant supplies fluctuate more widely. Unless there is sufficient holding capacity to "bank" the 7th day supply, a larger total supply of milk is needed to satisfy a given quantity of Class I sales.

Two cooperatives proposed that their supply plants be pooled on the basis of these cooperatives' total identification with the market instead of on the basis of specific performance of each of their country plants. More specifically, they proposed that their supply plants be pooled if certain percentages of the total quantity of member milk were delivered to pool plants other than those operated by the cooperative. They proposed that a minimum of 75 percent be so delivered in October and November and 50 percent in each of the other months. These receipts of member milk at the other pool plants would include both that milk delivered directly from members' farms to pool plants and that delivered from the association-operated supply plants. It was pointed out that this concept of pooling cooperative association "standby" plants has been adopted in other orders. However, it must be recognized that in these other cases the plants operated by the cooperative associations had never functioned as regular suppliers. Except for the fact that by designating them as pool plants the milk could occasionally be resold to other handlers for supplemental purposes as interhandler transfers, such facilities could, in most cases remain as nonpool plants and the milk received there accounted for as producer milk diverted to such plant for the cooperative association.

Such is not the case in St. Louis. Each of the cooperative association supply plants has received milk regularly from producers and each of them has been a regular supplier of milk to city plants. Furthermore, each of them has shipped virtually its entire available supply to city plants in the fall months. It is concluded that country supply plants should continue to be qualified only on the basis of their performance in shipping milk to city distributing plants.

A principal objective of the two cooperatives' proposal was to allow more economical use of available milk. The associations pointed to the obvious economies which could be achieved if all the milk from some of the supply plants could be shipped to market to meet bottling needs while the reserve milk was concentrated at other plants for processing into manufactured dairy products. This objective can be accomplished by allowing any group of supply plants to be pooled on the basis of total shipments of the group or system of plants. Qualifying supply plants on a group or system basis will not change the quantity of milk or number of plants which can be qualified for the pool. Under the present order, any handler or group of handlers can restrict the shipments from one plant to the minimum needed in order to qualify a second supply plant.

This principle of combining plants for maintaining pool qualification should be extended to cover all plants for which a handler is responsible for the marketing of milk. The marketing arrangements should be attested to in the form of a joint certification to the market administrator. The order should provide that the joint certification to the market administrator list the plants to be included in the system and the period that they should be so considered. The initial listing should be furnished with the handler's regular monthly report, due by the 7th day following the first month in which the system is applicable. Any additions to or deletions from the listing should likewise be made by the 7th day following the month to which they apply. Each system is responsible for meeting the overall qualification. If the system as a whole cannot remain qualified, the market administrator must be notified if it is desired that one or more of the component plants be deleted from the system.

The percentages of total supply which a country plant must ship to city plants were also considered at the hearing. A supply plant should qualify in any month when 50 percent of its supply is sent to a distributing plant. Moreover, if a supply plant ships a minimum of 50 percent in each of the six months of September through February, it should be qualified in the succeeding March-August period irrespective of whether it ships the minimum 50 percent of its receipts during these months. Under the present order, supply plants must ship 75 percent in October and November and 35 percent in three of the four months of August, September, December, January. Further, as previously explained, such shipments must qualify for reserve supply credit.

Data of record show that the present supply plants as a group have easily met the modified percentage requirements proposed herein. In 1955, the supply plant shipments which qualified for reserve supply credit during these months ranged from a low of 70.2 in February to a high of 97.5 in November and in 1956 they ranged from 69.0 percent in September to 91.1 in October. Separate data submitted by the two proponent cooperatives show that shipments from their supply plants exceeded 50 percent in all six months of 1955–56 season and in the last four months of 1956. By subtraction, it was demonstrated that the supply plants operated by handlers other than the two cooperatives shipped a considerably higher percentage of their total supplies than did the two associations.

The qualifying months should be September through February instead of August through January. Both the shipment data and the proportion of the total supply used in Class I demonstrate that in recent years these are the six months of greatest demand on the country supply plants.

5. *Dairy farmers for other markets.* Two cooperative associations proposed that the order define the term "dairy farmers for other markets". The definition would apply only during the five flush production months of March through July and would include dairy farmers who were shifted by a handler from a nonpool plant to a pool plant during these months. As proposed, the definition would prevent any dairy farmer from being so shifted, but the proponents apparently meant the definition to apply only to dairymen approved for the production of Grade A milk.

The St. Louis marketing area is surrounded by urban communities not included in the defined marketing area. In such communities there are a number of plants from which milk is distributed in fluid form locally. Although some of the handlers regulated by the order distribute milk in such communities, there are local distributors who do not have a sufficient volume of Class I sales in the St. Louis marketing area to be regulated by the order. In the local communities health requirements are such that many dairy farmers may be qualified to deliver their milk either to regulated plants or to unregulated plants. It is therefore a relatively simple matter for a handler to shift the delivery of milk from unregulated plants to plants covered by the order.

The existence of a classified price plan and pooling arrangement provided in the St. Louis order affords a means for shifting the surplus in these unregulated markets into the St. Louis market-wide pool and causing an uneconomical reduction in the St. Louis uniform price. This shifting is accomplished by causing producers whose milk is not resold in the unregulated market to deliver their milk to a St. Louis pool plant when it is disposed of as Class II but for which the producer receives the St. Louis uniform price. Regular St. Louis producers, hence, lose the difference between the uniform price and the Class II price on this shifted milk. Milk shifted in this manner does not necessarily represent an additional year-round source of supply for the St. Louis market since such milk may be easily removed from the market for local use in the fall months when production is lowest. If the St. Louis pool is required to support extra reserves of milk which are not genuinely a part of the St. Louis supply and are not available in the months when supplies normally are lowest, monies which would assist regular producers in the maintenance of adequate supplies for the marketing area are lost to them.

It has been considered necessary, heretofore, to adopt certain delivery standards which individual plants serving the St. Louis marketing area must meet to qualify for participation in the St. Louis pool during all months of the year. Such a plant may become eligible only through demonstration that it will serve the St. Louis marketing area in the periods when milk production is seasonally low. It is equally important that milk received from individual producers as well as milk received from individual plants be included in the pool only if such milk is a part of the normal and regular supply of the market. To accept in the pool any milk having primary affiliation with another market tends to defeat the purposes of the order as a means of establishing minimum producer prices, maintaining orderly marketing conditions, and assuring a sufficient supply of milk to satisfy market needs.

The proposed definition of "dairy farmers for other markets" would apply only to Grade A dairy farmers whose milk was delivered to an unregulated plant operated by a regulated handler, an affiliate of a handler, or any person who controls or is controlled by a handler during any of the preceding months of August through February. This provision, of course, would not prevent producers being shifted from unregulated plants to St. Louis pool plants during the flush season by totally unregulated handlers. However, the testimony discloses that producer shifts between handler related plants constitute the most serious problem under St. Louis conditions. It is, therefore, concluded that such definition of dairy farmers for other markets should be adopted and that such farmers should not qualify as producers during the specified months for pooling purposes. Their milk may, of course, be received at a pool plant as other source milk.

6. *Cooperative association as handler.* One proposal considered at the hearing was designed to accommodate efficiencies resulting from the system of collecting milk from farms in bulk tank trucks.

One cooperative association owns and operates insulated tank trucks in which the milk of producers who have bulk cooling tanks on the farm is picked up and transported to the distributing plants of handlers. Other cooperatives utilize contract haulers to accomplish these same functions. Recently there has been a very rapid expansion in the number of bulk cooling tanks being installed on the farms supplying the St. Louis market. In January 1955, only 2 percent of the total milk was received from bulk tank shippers. In January 1956, the percentage had risen to 15, and in January 1957, to 50. It is extremely likely that the trend in this direction will continue at a very rapid rate.

The transportation of milk from farm to market in insulated tank trucks owned or operated by, or under contract to, cooperative associations has created a problem with respect to the determination of the responsibility to the individual producers. When milk comes to the market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is fixed with the responsibility for paying the individual producer for the pounds of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned or operated by, or under contract to, the cooperative association, the weight of each producer's milk is checked, and a sample of the milk for butterfat testing is taken, by a person who is an employee of, or directly responsible to, the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries made up the load, except as such information may be reported to him by the association. In some instances, particularly in the case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

When a cooperative is in control of the transportation, it is more appropriate to permit the cooperative association which qualifies as a handler under the order to report for such milk handled. In such case the cooperative should be required to report to the pool for it.

On the milk for which it is a handler, the cooperative association would be required to charge the class prices to the plant operator for such milk. The cooperative association in turn would be required to make the monthly reports with respect to such milk and to settle with the producer-settlement fund for it. Cooperative associations may also be handlers in their capacity as operators of pool plants. Sales by such cooperative association handlers to other handlers should also be at not less than class prices.

There was some consideration at the hearing to limiting the designation of a cooperative as a handler on any given load of bulk tank milk to those months in which such load was split between two or more receiving pool plants. Clearly, however, the basic aspect of the bulk technique is that the person responsible for the producers' weights and tests should be designated as the handler. On cooperative association routes, it would be responsible for weights and tests, regardless of whether the milk was delivered to one or several bottling plants.

With respect to milk received from producers' farms in cans or in tank trucks owned or operated by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or the cooperative association at the applicable uniform prices.

A somewhat related proposal was directed to situations in which a cooperatives does not choose to be a handler on the bulk tank milk or in which a proprietary handler controls the bulk tank pickup. A bulk load might be split between handlers on any given day or be delivered to more than one handler during the month. In such case the operator of the first pool plant at which the tank of milk is physically received each day should be the responsible handler, in accordance with the procedure followed under the present order for milk picked up from farms either in cans or by bulk tank.

7. *Accounting for inventories.* Under the present order variations in month-end inventories of Class I items are classified as Class II. In the case of handlers who purchase all of their requirements from country plants, a reduction in inventory may often be larger than the quantity of producer milk physically used as Class II. This negative Class II quantity is settled for by means of a reclassification charge, but this obviously constitutes an indirect method of accounting.

A modified system of accounting for inventories should be adopted. Inventories of fluid milk items should be accounted for temporarily as Class II. Then a method should be provided for accounting for milk from inventory which is utilized in the current month for Class I purposes, but which the handler accounted for in Class II at the end of the preceding month. Handlers frequently use other source milk in their operations. The procedure for accounting for inventories should provide that producer milk from inventory should have prior claim on Class I milk over receipts of other source milk in the same manner as is provided for current receipts of producer milk. This may be accomplished through the accounting procedure by considering the opening inventory of a

month as a receipt in the same month and subtracting such receipt (under allocation procedure), in series, starting with Class II milk, following the subtraction of other source milk. To the extent that the opening inventory is allocated to Class I and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk in the previous month (after allocating other source milk) a reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month. Other source milk from inventory allocated to Class I milk should be subject to the reclassification charge at the same rate as the compensatory payment on current receipts of other source milk allocated to Class I milk. These inventory provisions will result in equality of cost of milk among handlers and returns to producers irrespective of whether or not such milk is from opening inventory or is a current receipt.

8. *Accounting for concentrated products.* The present order includes reconstituted skim milk sold for fluid purposes as a Class I use. In plants in which both bottling and manufacturing operations are conducted the Class I use is determined by accounting for all receipts and disposition at the plant in milk equivalent terms. This necessary procedure can be clarified in the order by specifically amending § 903.44, "computation of skim milk and butterfat in each class", to include the quantity of water originally associated with any concentrated product such as dry milk, condensed milk, and the like.

9. *Transfers to nonpool plants.* There is frequent occasion to transfer milk from pool plants to nonpool plants. This can be accomplished either as a direct transfer (usually in bulk tank) from one plant to the other or, alternatively, by a diversion for the account of a regulated handler directly from the farms to the nonpool plant. Obviously the particular milk transferred cannot be specifically accounted for at the nonpool plant so allocation rules are necessary just as they are to accomplish classification within a fully regulated plant. At present, the milk transferred or diverted to a nonpool plant is assigned to the lowest available use of an equivalent quantity of milk in the nonpool plant.

This method of allocating to the lowest equivalent use facilitates the disposal of milk not needed for bottling in the St. Louis market. However, there are opportunities for abuse, involving the bottling of the transferred milk and its sale for fluid use. It is possible that a supply plant can earn a greater margin by selling milk to a nonpool plant at a price somewhat above the Class II price than by shipping the milk to a St. Louis city plant at the Class I price. If the nonpool plant operator has both manufacturing and bottling operations in his plant, he can assign the transferred milk to Class II while physically using it for his bottling quality milk, he would be willing to pay substantially more than the Class II price for St. Louis supplies. At the same time, the St. Louis city plant might have to resort to other source milk for its Class I requirements. Obviously, such practice would reduce the quantity and proportion of producer milk used in Class I, reduce the blend price, and at the same time constitute unfair competition to the dairy farmers supplying the nonpool plant and to regulated competitors of such plant and perhaps deprive the St. Louis market of needed supplies from regular sources.

The most stringent proposal advanced for the correction of the situation would classify all transfers and diversions to nonpool plants having bottling operations as Class I to the extent of such use at the nonpool plant. This proposal should not be adopted because a sizable proportion of the St. Louis reserve supply is commonly manufactured at nonpool plants having both manufacturing and bottling operations.

There is an intermediate technique which will eliminate the major deficiencies in the present transfer provision without disrupting the outlets for the reserve milk. This can be done by classifying as Class I only such quantities of transferred or diverted milk as are left after assigning to the Class I use at the nonpool plant the regular receipts of Grade A milk from local dairy farmers. Some nonpool plants which might be involved were still selling non-Grade A milk for fluid purposes at the time of the hearing. However, at fully regulated plants, Class I sales of both graded and ungraded milk are assigned first to Grade A producer milk and the same principle should be followed in the allocation at nonpool plants. Moreover, the fluid plants located in Illinois are already taking steps to comply with the statewide Grade A ordinance which is scheduled to become effective July 1, 1957. The operators of some nonpool plants in this territory testified that it would be appropriate to measure the regular supply of milk for fluid use at such plants by reference to Grade A permits.

The transfer provisions should provide for pro rata allocation of assignable Class I credit in the event milk was sent to a nonpool plant from more than one St. Louis pool plant. In case milk is also received at the nonpool plant or from plants subject to other Federal milk marketing orders having similar requirements with respect to transfers to nonpool plants, milk from the closest plant should be assigned first to Class I. In case milk is transferred from the nonpool plant to a second plant(s), the same rules of classification should apply.

Two administrative aspects of the transfer provisions were considered at the hearing. One related to the area beyond which transfers are automatically considered as Class I. Such a limit is necessary for administrative convenience in verifying the utilization of reserve supplies. At present, the surplus disposal area includes the entire southern part of the State of Missouri and territories within the radius of 110 airline miles from the city hall in St. Louis. Some handlers testified that there were opportunities to market reserve milk for manufacturing purposes at distances of more than 110 miles from city hall. They proposed that the distance be increased to 150 miles. It is appropriate that this be done so that further assurance may be given that outlets will be available for the orderly disposal of reserve supplies. Mileage should be measured in terms of highway distance rather than airline miles for reasons related to those discussed under topic 12.

The second administrative problem involving transfers refers to the certificate furnished by the operator of a nonpool plant. At present such certificate must be furnished by the 7th day following the month in which the milk is transferred if Class II utilization is claimed. Since the use of milk at the nonpool plant is subject to verification by audit it appears that the certification of use by the operator of such plant is of little practical value. On the other hand failure to submit a certification on time results in assignment to Class I use. It is concluded that no certification should be required from the nonpool plant operator.

10. *Seasonality of Class I price.* Three proposals in the notice of hearing were directed to modify the seasonality of the Class I price either by means of changing Class I differentials or revising the supply-demand adjustment.

At the hearing brief general consideration was given to a "Louisville" type of plan whereby the Class I differential would be constant throughout the year but a deduction would be made from the pool during the flush months for repayment to producers during the fall months. A base-rating plan under which producers would set bases in the fall months and be paid at base and excess prices during the following flush months was also considered. However, no detailed provisions to implement either type of plan were presented; no detailed consideration was given to the resulting changes in price relationships with competitive markets, either regulated or unregulated; and there was no evidence that the plans had been widely discussed with or supported by any substantial proportion of producers in the market. It is concluded that no change should be made in the Class I price provisions of the order.

11. *Class II price.* Under the present order the Class II price during the eight months of lowest production is equal to the basic formula price less six cents. In the four flush months of March through July, the Class II price is determined by a butter-powder formula.

At the hearing consideration was given to a proposal which would use the butter-powder formula in August as well as in March through July and would reduce it approximately ten cents per hundredweight at current market prices. This proposal was submitted by a handler who operates a pool plant at which milk manufacturing operations are conducted. The manufacturing operations include

both the seasonal and short-time surplus of Grade A milk and a considerable volume of milk received from manufacturing grade shippers. The proponent maintained that at the prevailing Class II prices, the manufacture of surplus Grade A milk was subsidized by the manufacturing grade shippers. In a plant conducting joint operations, it is of course exceptionally difficult to allocate expenses between two sources of milk. It is clear that the Class II price has not been so high as to affect the proponent's acceptance of milk from producers; to the contrary he has pursued a course of adding volume at his pool plant. Neither was there any evidence of difficulty in marketing excess milk at present prices at the numerous other plants engaged in processing Class II milk.

The record shows that in 1956 the four months of greatest Class II volume were April through August. However, in 1953, 1954, and 1955 the presently-designated months of March through July were the months of greatest volume.

It is concluded that no change should be made in the Class II butter-powder formula or in the months when such formula should apply.

12. *Location adjustments.* The location adjustments to handlers and producers should be measured by highway distance rather than in airline miles, should apply only at plants located over 30 miles from the city hall in St. Louis, and should be at the rate of 13 cents per hundredweight at distances of 30 to 50 miles, and 18 cents at 50 to 70 miles plus one cent per 13 miles for distances over 70 miles. The method of computing the 5 percent tolerance for use in determining whether the Class I location adjustment applies on milk received from other pool plants should be revised. The location adjustment to producers should continue to apply on all milk delivered to plants at which the location adjustments apply.

No location adjustment should be allowed at plants within 30 miles of the City Hall in St. Louis. At present, any plant located outside the marketing area and certain other designated locations but less than 10 miles from City Hall is eligible for a 6-cent differential, those located over 10 but less than 20 miles for 12 cents and those over 20 and up to 30 miles for 14 cents. There have been fundamental changes in the distribution of milk since these differentials were established in the order in 1941. There has been a substantial shift of population to the surburban territory. This has prompted the St. Louis distributors to expand their sales territories. Improvement in roads, the widespread use of paper bottles, and the greatly increased distribution of milk through stores have all contributed to an expansion of the territories which can be economically served from a bottling plant. In fact, even for plants designed to serve the entire marketing area, there are considerable advantages in locating away from the downtown St. Louis area. Out to a distance of 30 miles, the distributors are all so highly competitive with each other that no location differential should be provided.

Location adjustments should not be eliminated with respect to the supply plants located at Breese, Carlyle, and Okawville, Illinois. These plants range from 40 to 50 miles from City Hall and function primarily as supply plants for the St. Louis market. Milk is received at these plants from producers and shipped in tank truck lots to distributing plants in the marketing area. Location adjustments range from 16 to 17 cents at these plants. The handler is allowed this amount of milk shipped to distributing plants for bottling purposes. Correspondingly, the blend price to producers delivering milk to these plants is 16 and 17 cents less than the uniform price at marketing area plants. There are no bottling operations at any of those plants, although some bulk milk may be supplied from them to bottling plants in Illinois points outside the marketing area.

Location adjustment rates of 13 cents per hundredweight should be provided at plants located in the 30 to 50 mile zone and a rate of 18 cents at plants located in the 50 to 70 mile zone. In the 30 to 50 mile zone, the reduction from the present rates of 16 to 17 cents to the 13-cent rate is based upon evidence relating to premium payments to producers and the cost of hauling milk to city plants.

Producers delivering milk to plants located in this zone have frequently received premiums above the uniform price, though such premiums have been of variable amounts and duration. Apparently these premiums are paid in response to the lower alternative costs of delivering milk directly to city plants. The shift to bulk farm tanks is nearly complete in this portion of the milkshed. Bulk tank milk is cheaper to haul than that in cans, it is easier to meet the 50-degree delivery requirement, and bulk tank milk is more readily acceptable at the bottling plants. The 3 to 4 cent reduction in the hauling rate will allow the handler less credit for hauling milk to the city but the uniform prices to producers will be higher and correspondingly reduce the need for paying premiums.

The only specific evidence on hauling rates was given by the operator of one of the nearby country plants. He testified that the contract rate on bulk tank shipments from his plant to city plants was 13 cents per hundredweight on the basis of fully loaded tanks. His average cost was higher because the quantities needed could not always be arranged in full tank lots. However, the location adjustment should reflect minimum costs, based on the most efficient type of operation. Accordingly, a rate of 13 cents should apply in the 30 to 50 mile zone.

There were no proposals or evidence at the hearing regarding possible changes in the location adjustments at plants located more than 50 miles from St. Louis. At the time of the hearing, there were 8 such plants serving the market. They were located at distances ranging from 102 to 266 miles, by highway distance, and the location adjustments ranged from 22 to 34 cents. Location adjustments at these plants can be maintained with little change by providing an 18-cent rate for plants located more than 50 but not more than 70 miles and by adding 1 cent for each additional 13 miles or fraction thereof. The 13-mile zones based on highway distances are almost exactly equal to the present 10-mile zones measured by airline distances; the only changes would be a reduction of 1 cent at Effingham, Illinois, and an increase of 1 cent at Ava, Missouri.

Location adjustments are allowed only on such country plant shipments as are considered essential to fill the Class I requirements of the city plants. It is recognized that some tolerance must be provided for fluctuations in demand. The order now provides such tolerance by deducting from the Class I sales at a city plant only 95 percent of the quantity of milk received directly from producers.

The same type of tolerance can be provided, with greater equity as between city plants depending wholly or only partly on country plant supplies, by inflating Class I sales at the city plant by 5 percent. This Class I requirement, including the tolerance, would be applied for location adjustment purposes first to direct receipts and then to country plant shipments, in order of nearness.

13. *Equivalent price.* If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary of Agriculture to be equivalent to the price which is required. Experience has shown that market quotations provided in the order may not be available or may be discontinued. It is concluded that provision for such contingencies should be made by providing for a determination by the Secretary of Agriculture of a price(s) equivalent to such quotations or prices.

14. *Sales to other Federal order markets.* It was proposed that Class I sales to other Federal markets be priced at the St. Louis Class I price or the Class I price prevailing under the other Federal order whichever is higher. It was maintained that the seasonal variation in the St. Louis price creates a particularly strong incentive during the spring months to sell milk in markets where there is less seasonal variation in Class I prices. To some extent this is another aspect of the seasonal price problem covered above under Topic Number 10.

There was no evidence presented on the extent of such sales. Obviously, if St. Louis handlers had to pay the higher of two order prices in each month of the year, they would be at a competitive disadvantage with handlers in other markets on an annual average basis. Moreover, any such sales would occur during the season of highest production on the St. Louis market and would not result in any shortage of milk at the time it was most needed.

It is concluded that there should be no special price on milk sold in other Federal order markets.

15. *Compensatory payments.* It was proposed that the method of computing compensatory payments on other source milk sold by nonpool distributing plants

("city" plants, as defined in the order) be revised. The basic technique suggested was that the payments be based on actual payments to dairy farmers at such plant instead of being based on assumed prices. No change was proposed in the rate of payments on other source milk allocated to Class I in pool plants. Such milk usually represents purchases of supplemental milk in bulk form. The operators of such plants would not qualify as handlers under the order, would not be making regular reports, would be widely scattered geographically, and might be comparatively numerous. At present, the rate of compensatory payment on both categories of other source milk in Class I is at the difference between the Class I and Class II prices during the five flush months of March through July and at the difference between the Class I blend prices during the other 7 months of the year.

Experience under other Federal orders demonstrates the feasibility of using actual payments to dairy farmers to determine the amount of any payment which should be made by the operator of a nonpool distributing plant in order to remove any competitive advantage he may have in the procurement of milk, as compared with fully regulated handlers. Only a few such nonpool plants are involved; at the time of the hearing it appears that there were only two such plants serving the St. Louis market. The pooling provisions, as such, were open for consideration at the hearing, but for the reasons given under Topic 4 above, no change is being made. The nonpool city plants are, therefore, those few plants from which Class I route sales are made in the marketing area but not in sufficient quantity to become fully subject to the order as pool plants. The operators of such plants already submit regular reports to the market administrator in adequate detail to determine their status. Their distribution is comparatively regular and the plant operator is aware of the order regulations.

The actual payments method of computing compensatory payments should be in the form of an option to the present rates of payment. In other words, a nonpool distributor should have the choice of paying either the difference between the Class I and Class II (March–July) and the difference between the Class I and the blend (August through February) prices on his in-area Class I sales or any amount by which he has failed to pay his Grade A dairy farmers the use value of milk at order prices.

Nonpool distributors are required to file regular reports of receipts and utilization. Under the second option the value of his disposition of milk would be computed at the Class I and Class II prices, adjusted for location and butterfat, in the same manner as at a pool plant. Such value would include the value of any milk received from other than Grade A shippers, at the same valuation as the other source milk at pool plants. (The option is, of course, not applicable to nonpool distributors who buy no milk from dairy farmers. If such an operator buys his milk from pool plants, it will be priced in accordance with the provisions for transfers of milk from pool to nonpool plants. If he buys from unregulated plants, he should pay the same rates of compensatory payment on his in-area sales as regulated plants pay on their purchases of supplemental milk for Class I use.) From this utilization value, the administrator would subtract cash payments to the Grade A dairy farmers who constitute the regular supply of milk at the nonpool plant. Only such payments would be recognized as have been made to dairy farmers by the 25th day of the following month. The payments would be the gross amount paid for milk delivered by farmers at the nonpool plant; the only deductions allowed would be those authorized in writing by the dairy farmer for supplies or services, including hauling. Any amount by which such payments failed to equal the utilization value of the milk would be payable to the producer settlement fund. In this way the nonpool plant operator will be fully equated in terms of the utilization cost of his milk with pool plant operators.

The assessment of administrative expenses should depend upon which option is chosen by the nonpool distributor. If he elects to pay the difference between Class I and Class II or Class I and blended prices on his in-area sales, he should continue to pay administrative expense only on such quantities. However, if he elects the payment-to-dairy-farmers option, he should pay administrative expense on his entire receipts from the Grade A dairy farmers. Obviously, the second option involves fully as much verification of receipts and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat tests of receipts from dairy farmers and of the product sold as well as an audit of the books and records. Also, some of the fully regulated plants have nearly as large a proportion of out-of-area sales as a nonpool distributor yet are assessed administrative expense on their entire receipts.

16. *Designation by the market administrator of membership in a cooperative association.* Two cooperative associations of producers proposed that the market administrator should become primarily responsible for designating which producers are members of cooperative associations.

The present order provides that if a cooperative association makes a request in writing to the handler to make payment for or authorized deductions on producer milk received during the month, such handler shall make payment to the cooperative. If a producer is a member of more than one cooperative association and the cooperatives have made conflicting requests to the handler with regard to payment and deductions on producers' milk received by the handler, the dispute is settled primarily between the cooperatives and the handler. This is not and should not be the responsibility of the market administrator. Under the proposed amendment, the market administrator would be given the equivalent of judicial powers in the matters involving the interpretation and validity of membership contracts or agreements of cooperatives with producers. Disputes of this kind are best resolved through normal judicial channels. In any case the position of market administrator confers no particular competency on the incumbent to deal with such disputes.

It is, therefore, concluded that the proposal to make the market administrator primarily responsible for designating which producers are members of a cooperative association should be denied.

17. *Interest payments.* Provision should be made for application of interest charges on all accounts which may become overdue.

The present order provides that interest payments be made on any overdue account due the producer-settlement fund. The proposal of the cooperatives was that interest charges should be applied on overdue payments to the producers or cooperatives. It is concluded that interest should be charged not only on payments to producers but also on payments in and out of the producer-settlement fund, on administrative expenses, adjustment of accounts, and payments due for marketing services, so as to be consistent throughout the order.

It is in accordance with good business practice to apply interest charges on money due producers or the market administrator, and the rate of interest is a reasonable charge for the use of the money. Therefore, any unpaid obligations of the market administrator or any handler regulated under the order should be increased one-half of one percent for each month or portion thereof that such payment is overdue. Under the attached order provisions, interest would be applied to any unpaid obligations which are due on the effective date of this amendment.

18. *Association dues.* Section 80 of the order provides means whereby cooperative associations of producers may request that the amounts due from handlers to their members be paid to the association, which in turn may pay its members. Section 88 (a) of the order provides that the market administrator shall furnish check-weighing, check-testing and informational services to producers who are not members of a cooperative association performing such services. Paragraph (b) of this section provides that a cooperative association which is performing such services may have its dues deducted from the amounts otherwise payable by each handler to its members and have the dues paid directly to the cooperative association by the handler. For purposes of both Sections 80 and 88, a cooperative association must be performing minimum testing and information services and must be qualified under the Capper-Volstead Act.

It was proposed that the paragraph (b) portion of Section 88, relating to the deduction of association dues be deleted. Cooperative associations which have been relying upon this method of collecting dues would then be required either to assess the members directly, have the handlers deduct the dues voluntarily without references to the authority of the order, or take over the entire payroll for their members under Section 80.

It does not appear that the proposal would contribute to orderly marketing. The first two alternatives available to cooperatives would be difficult of achievement, at best. On the other hand, the acquisition of the entire payroll pursuant to § 903.80 would have the sanction of the order. There appears to be no useful purpose in requiring the cooperatives to change from a dues basis to an entire payment basis since such change would not necessarily affect the cooperatives primary efforts on behalf of their membership.

It is concluded that the record contains insufficient evidence in support of the special considerations involved in this proposal and it should, therefore, be denied.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusion set forth herein, the request to make such findings or reach such conclusions are denied.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the St. Louis, Missouri, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 903.3 and substitute the following paragraph:

§ 903.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

2. In § 903.6 change the phrase "except a producer-handler", to read "except a producer-handler or a dairy farmer for other markets",.

3. In § 903.6 (a) change the phrase "fluid milk plant" to read "pool plant" and the phrase "nonfluid milk plant" to read "nonpool plant".

4. In § 903.6 (b) change the phrase "pursuant to § 903.88 (b)" to read "pursuant to § 903.10", and "or on not more than 15 days" to read "or to the extent of not more than 15 days' production".

5. Delete § 903.9 (b) and substitute the following:

(b) (1) A country plant from which no less than 50 percent of its approved milk, during the month, is shipped to city plants qualified pursuant to paragraph (a) of this section: *Provided,* That if such plant is a pool plant during each of the months of September through February, it shall be designated as a pool plant through the following August, unless nonpool designation is requested by means of written application to the market administrator on or before the 7th day after the end of the first month for which nonpool designation is requested.

(2) All country plants which are operated by one handler, or all of the plants for which a handler is responsible for the movement of milk to city plants under a marketing arrangement certified to the market administrator by both parties, may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the 7th day following the month to which the notice applies. In any of the months of March through August a unit shall not contain plants which were not qualified as pool plants, either individually or as members of another unit, during each of the previous months of September through February.

6. Delete § 903.10 and substitute the following:

§ 903.10 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers as defined in § 903.6, which the Secretary determines after application by the association is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

7. In § 903.12 change the phrase "903.88 (b)" to read "§ 903.10", change the period to a semi-colon, and add new paragraph (d) as follows:

(d) A cooperative association, which chooses to report as a handler with respect to milk which is delivered to the pool plant(s) of another handler in a tank truck owned or operated by, or under contract to, such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.)

8. Delete the period at the end of § 903.15 and add the phrase "or in milk received from a cooperative association pursuant to § 903.12 (d)."

9. Add a new definition as follows:

§ 903.17 *Dairy farmers for other markets.* "Dairy farmers for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during March through July from a farm from which the handler, or an affiliate of a handler, or any person who controls or is controlled by the handler, received nonpool milk approved as Grade A milk during any of the preceding months of August through February.

10. In § 903.22 (k) change § 903.88 (b)" to read § 903.10".

11. Revise § 903.30 (a) to read as follows:

(a) The quantities of skim milk and butterfat contained in all receipts at each of his city and country plants of (1) producer milk, (2) skim milk or butterfat contained in Grade A products designated as Class I milk pursuant to § 903.41 (a) received from pool plants, (3) milk received from cooperative associations pursuant to § 903.12 (d), and (4) other source milk.

12. Change § 903.41 (b) (2) to read as follows:

(2) In inventory of products designated as Class I milk in § 903.41 (a) on hand at the end of the month; and

13. Revise § 903.43 (c) to read as follows:

(c) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream by transfer or diversion from a pool plant to a nonpool plant shall be classified as Class I milk:

(1) Unless the product is transferred or diverted in bulk form or in producer cans;

(2) Unless the transferee-plant is located within 150 miles, by shortest highway distance as determined by the market administrator, from the city hall in St. Louis, Missouri, or in the State of Missouri south of the Missouri River;

(3) Unless the handler claims assignment to Class II, in the report submitted pursuant to § 903.30 or otherwise, on or before the 7th day after the end of the month in which such transaction occurred;

(4) Unless the operator of the transferee-plant maintains books and records showing the utilization of all skim milk and butterfat received in any form at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(5) To the extent of the quantity of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this part applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to

supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remainder, subtract the skim milk and butterfat, respectively, received from any plant which is (*a*) subject to the classification and pricing provisions of another order issued pursuant to the act, and (*b*) located at a shorter highway distance than the transferor pool plant which is subject to this order.

If any milk is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification, and allocation shall apply.

14. Revise § 903.44 by adding the following proviso: "*Provided*, That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids."

15. In § 903.45 (a) (3) change the phrase "and (ii) plants qualified pursuant to § 903.9 (b)" to read, ", (ii) plants qualified pursuant to § 903.9 (b), and (iii) cooperative associations pursuant to § 903.12 (d),"

16. Amend § 903.45 (a) by renumbering subparagraphs "(6)" and "(7)" as "(7)" and "(8)", respectively and adding a new subparagraph (6) as follows:

(6) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of products designated as Class I in § 903.41 (a) on hand at the beginning of the month: *Provided*, That if the pounds of milk in such inventory shall exceed the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk remaining in Class I.

17. In § 903.51 (a) (2) delete the proviso, "*Provided*, That for the months of September, October, and November, 1956 such rate shall be five cents and the maximum amount shall be plus or minus 45 cents."

18. Revise § 903.52 to read as follows:

§ 903.52 *Location Adjustments to handlers.* For that portion of milk which is (a) received from producers at a pool plant located outside the marketing area and 30 miles or more from City Hall, St. Louis, Missouri, by the shortest highway distance as determined by the market administrator, and (b) is either (1) transferred in the form of milk, skim milk or cream to a pool plant located in the marketing area and assigned to Class I pursuant to the proviso of this section, or (2) is classified as Class I milk without such movement, the prices specified in § 903.51 shall be reduced by a location differential, computed as follows:

Mileage:	*Allowance (cents)*
More than 30 but not more than 50 miles	13
More than 50 but not more than 70 miles	18
For each additional 13 miles or fraction thereof an additional	1

Provided, That for the purpose of calculating such differentials transfers between pool plants shall be assigned to Class I in a volume not in excess of that by which 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

19. Add a new § 903.54 as follows:

§ 903.54 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

20. Revise § 903.62 to read as follows:

§ 903.62 *Handlers operating nonpool city plants.* In lieu of the payments required pursuant to §§ 903.80 through 903.84, each handler, other than a producer-handler or one exempt pursuant to § 903.61, who operates during the month a nonpool city plant, shall pay to the market administrator the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 903.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts, at the times specified:

(1) On or before the 12th day after the end of the month, for the producer settlement fund, an amount equal to the difference between the value of Class I milk disposed of to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) at the Class I price for the month and:

(i) During the months of March through July, the Class II price, or

(ii) For the months of August through February the uniform price adjusted by the Class I location differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the result by the total butterfat in producer milk, and rounding the resultant figure to the nearest one-tenth cent; and

(2) On or before the 15th day after the end of the month, as his share of the expense of administration, the rate specified in § 903.87 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts, at the times specified:

(1) On or before the 25th day after the end of the month, for the producer settlement fund, any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 903.70 for milk received from Grade A dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to Grade A dairy farmers for milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee, on or before the reporting date plus the value of supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 25th day after the end of the month, as his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 903.87 had such plant been a pool plant.

21. Delete paragraphs (b) and (c) of § 903.70, and insert in lieu thereof the following:

(b) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II after the calculations pursuant to § 903.45 (a) (8) and (b) less the amount deducted pursuant to § 903.45 (a) (1) and (b) for the preceding month, or the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 903.45 (a) (6) and (b) for the current month, whichever is less: *Provided*, That in the case of a handler who receives no milk from producers, the computation shall be made on the lesser of the quantities deducted from Class I pursuant to § 903.45 (a) (6) and (b) for the current month, or the quantity of skim milk and butterfact subtracted from Class II the previous month pursuant to § 903.45 (a) (7) and (b) less the amount deducted pursuant to § 903.45 (a) (1) and (b);

(c) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 903.45 (a) (2) and pursuant to § 903.45 (a) (6) and (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (b) of this section (less, in the case of a plant permitted to bottle non-Grade A milk, the hundredweight of non-Grade A skim milk and butterfat, respectively, received at the plant and sold in non-Grade A Class I products outside the marketing area) by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat differential and the Class I location differential at the nearest plant(s) from which an equivalent amount of other source milk was received:

(1) For the months of March through July, the Class II price adjusted by the Class II butterfat differential; or

(2) For the months of August through February the uniform price adjusted by the Class I location differential and by a butterfat differential calculated by multiplying the total volumes of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resultant figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent; and

(d) Add the amounts computed by multiplying the pounds of overage deducted from each class, pursuant to § 903.45 (a) (8) and (b), by the applicable class price.

22. In § 903.80 (b) change the phrase "pursuant to § 903.88 (b)" to read "pursuant to § 903.10".

23. Add a paragraph (c) to § 903.80, as follows:

(c) On or before the 14th day of the following month each handler shall pay to a cooperative association, with respect to such milk as was received from the association in its capacity as a handler during the month not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location differential provided by § 903.52 and the butterfat differential provided by § 903.53, by the hundredweight of milk in each class.

24. Revise § 903.82 to read as follows:

§ 903.82 *Location differentials to producers.* In making payments for milk received from producers pursuant to § 903.80, the uniform price per hundredweight for milk received at plants located more than 30 miles from City Hall, St. Louis, Missouri, shall be reduced by the amounts set forth in the following schedule according to the shortest highway distance, as determined by the market administrator, from the plant where the milk is received from producers or the plant from which the milk is diverted, to City Hall in St. Louis, Missouri:

Mileage Zone:	*Allowance (cents)*
More than 30 but not more than 50 miles	13
More than 50 but not more than 70 miles	18
For each additional 13 miles or fraction thereof an additional	1

25. In § 903.84, following the phrase "pursuant to § 903.80", replace the colon with a period and delete the words "*Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue".

26. Revise § 903.87 to read as follows:

§ 903.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler operating a pool plant shall pay to the market administrator on or before the 15th day after the end of each month for such month 2½ cents, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in (a) producer milk and (b) Grade A other source milk (except other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act) which is allocated to Class I milk.

27. In § 903.88 (b) delete the phrase "to be qualified under the requirements of the act of Congress of February 18, 1922, as amended, known as the 'Capper-Volstead Act,'."

28. Add a new § 903.89, as follows:

§ 903.89 *Adjustments of overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 903.80, 903.84, 903.85, 903.86, 903.87, and 903.88 shall be increased one-half of one percent for each month or portion thereof that such payment is overdue.

Issued at Washington, D. C., this 12th day of September 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-7626; Filed, Sept. 16, 1957; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF MERCAPTOBENZOTHIAZOLE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Food Machinery and Chemical Corporation, Middleport, New York, proposing the establishment of a tolerance of 0.1 part per million for residues of mercaptobenzothiazole in or on apples.

The analytical method proposed in the petition for determining residues of mercaptobenzothiazole is as follows: The sample of apples is extracted with benzene, and any mercaptobenzothiazyl disulfide (an oxidation product of mercaptobenzothiazole) is reduced to mercaptobenzothiazole with hydrogen sulfide. The benzene is evaporated in the presence of dilute ammonium hydroxide and insoluble material removed by filtration. Excess hydrogen sulfide is removed from the filtrate and the filtrate further clarified by a second filtration. This second filtrate is acidified with hydrochloric acid, extracted with chloroform, and the extract concentrated by partial evaporation of the solvent. Color is developed on the concentrated extract by the addition of cobalt linoleate and is measured at 410 millimicrons.

Dated: September 11, 1957.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 57-7614; Filed, Sept. 16, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12076]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Erie, Pennsylvania; Akron-Cleveland, Ohio; Clarksburg and Weston, West Virginia; Flint-Saginaw-Bay City, Michigan.)

1. The Commission has before it for consideration a petition filed September 10, 1957, by Telecasting, Inc., permittee of television Station WENS, Pittsburgh, Pennsylvania, requesting the Commission to extend the time for filing reply comments in the above-entitled proceeding from September 16, 1957, to September 30, 1957.

2. In support of its request, petitioner alleges that approximately 16 parties have filed detailed comments containing voluminous technical and economic data; that appropriate reply comments must be based upon a careful analysis of such data, particularly the data pertaining to the engineering matters involved; and that it would be extremely difficult, if not impossible, to review adequately these comments and to prepare and submit necessarily comprehensive reply comments by September 16, 1957.

3. The Commission is of the view that the public interest would be served by extending the time for filing reply comments in the above-entitled proceeding.

4. In view of the foregoing: *It is ordered*, That the aforesaid petition of Telecasting, Inc., is granted, and that the time for filing reply comments in the above-entitled proceeding is extended from September 16, 1957, to September 30, 1957.

Adopted: September 11, 1957.

Released: September 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7615; Filed, Sept. 16, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS

EXTENSION OF DESIGNATION OF COUNTIES FOR PURPOSE OF MAKING PRODUCTION EMERGENCY LOANS

For the purpose of making Production Emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), the period for making initial Production Emergency loans authorized in the Acting Secretary's order of December 7, 1956 (21 F. R. 9955), in the counties listed below is extended without limitation until further notice.

KANSAS

Graham.
Norton.

Done at Washington, D. C., this 6th day of September 1957.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 57-7605; Filed, Sept. 16, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 237]

GEBRS. MELMAN

ORDER DENYING EXPORT PRIVILEGES

In the matter of: P. Melman, doing business under the firm name and style of Gebrs. Melman, Zuid Oosterfront 122, 's-Hertogenbosch, Netherlands; Respondent, Case No. 237.

P. Melman, doing business under the firm name and style of Gebrs. Melman, the respondent, was charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, U. S. Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, he made false representations as to end use and ultimate destination of commodities exported or sought to be exported from the United States, he attempted to procure and did procure U. S. controlled goods by making such representations, and he thereafter shipped such goods to Communist Bloc destinations. He was duly served with a copy of the charging letter but failed to appear or answer herein. He has been denied export privileges pending the outcome of this proceeding (21 F. R. 2302).

In accordance with the practice, this case was referred to the Compliance Commissioner, who has reviewed the evidence and submitted to the undersigned his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record, including the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, P. Melman, trading under the firm name and style of Gebrs. Melman, was and now is engaged in the export and import business in 's-Hertogenbosch, the Netherlands.

2. At al ltimes hereinafter mentioned, Melman knew that borax and chromic acid, originally exported from the United States as raw material or as a refined product, were subject to United States export controls. He knew that these controls prohibited the shipment or transshipment of such commodities to Soviet Bloc destinations without prior written authorization from the United States Department of Commerce. At no time hereinafter mentioned did he ever apply for and at no time hereinafter mentioned did he or anyone acting on his behalf receive such authorization from the United States Department of Commerce.

3. Heretofore, on the 10th day of May, 1955, Melman ordered 255 tons of borax from a supplier of borax in the United States and, for the purpose of enabling said supplier to apply for an export license, represented to said supplier that he was purchasing the said borax for sale to and consumption by Dutch customers.

4. Further, for the purpose of expediting the issuance of the export license, Melman furnished a list of names and addresses to the American Consul in Rotterdam and represented to him that the persons thereon set forth were his customers for the borax being ordered.

5. Melman had no customers in the Netherlands for said borax, some of the persons mentioned in the list so furnished by Melman were nonexistent and the others had not ordered any borax from him. He admitted to the American Consul that it had been his intention to transship the borax to Rostock, East Germany.

6. The application for export license was rejected.

7. In about April 1955, in an effort to obtain 250 tons of borax from an American supplier, Melman induced a Dutch firm to place an order for that quantity with the American supplier and, for the purpose of supporting the order and the necessary application for export license, induced the Dutch firm to execute an end-use statement in which it certified that the borax for which the export license was being sought was being acquired for the manufacture of soap or soap flakes to be sold in Holland, Belgium, and Luxembourg.

8. Said representations in the end-use statement were false in that the Dutch firm which executed the same did not so intend to use the borax but, on the contrary, was purchasing it for Melman's account.

9. Although an export license was issued on the basis of said representation, no exportation was made thereunder and the license was returned, unused, to the Department of Commerce.

In about May 1955, having the intention to transship to Eastern Germany about 30 tons of chromic acid, Melman arranged with a Dutch firm for it to purchase said acid from an American supplier without disclosing to him that the intention was to transship to Eastern Germany.

11. The American supplier, not being so informed and acting on the implied representation that the chromic acid was to be consumed in the Netherlands, exported 30 tons thereof to Melman's agent and, in support of said exportation, certified in an export declaration, as true and correct, that the ultimate consignee thereof was in the Netherlands and that the place of ultimate consumption was the Netherlands.

12. Said certifications were false and were induced by Melman who, upon obtaining control of the chromic acid in the Netherlands, transshipped it, without prior approval from the Department of Commerce, to Eastern Germany.

13. In an effort to obtain 150 tons of United States origin borax from a supplier in Western Germany, in July 1955, Melman caused the same Dutch firm mentioned in Finding 7 hereof, to represent falsely that it intended to use such borax in its own manufactures. During the delay resulting from the investigation instituted by the West German supplier, the Dutch firm withdrew from the negotiations, but Melman continued the same in the name of the Dutch firm and, in his efforts to induce the West German firm to supply the borax, made continued and repeated representations that the Dutch firm, having been named as a consignee in a U. S. export license, was a U. S. approved purchaser of borax and required the same in its business. All said representations were false because the Dutch firm had no use for the said borax and the license which had been issued for the exportation to it (Finding 9 hereof) had been obtained by the making of similar false representations. Melman obtained no borax in this series of negotiations.

14. Between August and November 1955, Melman induced a West German supplier of borax to sell and deliver to him two lots of U. S. origin borax, 100 metric tons each, by representing and warranting to him, in false end-use statements supplied by two Dutch firms, that the borax would be used in the factories of said Dutch firms.

15. The West German supplier, relying on said end-use statements, sold and delivered to Melman the two lots of borax and Melman transshipped the same to Rostock, East Germany, and to Gdynia, Poland.

16. Also, in and between July 1955 and January 1956, Melman induced two other West German suppliers to sell and deliver to him large quantities of U. S. origin borax and he induced such sales and deliveries by representing falsely that he required such borax for use and distribution in the Netherlands and that he would not reexport or transship the same to any Soviet Bloc destinations.

17. Said representations and commitments were false and known by Melman to be false at the times he made them and, further, he then and at all such times was seeking to acquire borax for transshipment to Soviet Bloc destinations.

18. In reliance on such representations and commitments, said two West German suppliers obtained the borax from their suppliers by executing similar commitments to them and they thereafter caused to be delivered to Melman an aggregate of approximately 800 tons of borax.

19. On obtaining control thereof, Melman transshipped some of said borax to Gdynia, Poland, and other of the said borax to Rostock, East Germany.

And, from the foregoing, the following are my conclusions:

A. Melman made or caused to be made false representations to and concealed or caused to be concealed material facts from the Bureau of Foreign Commerce in connection with the preparation, submission, issuance, or use of export control documents or documents relating thereto, or for the purpose of or in connection with effecting exportations from the United States, or the reexportation, transshipment, or diversion of such exportations, thereby violating § 381.5 of the U. S. Export Regulations, as then in effect.

B. Melman disposed of, diverted, reexported, and transshipped, U. S. origin commodities to a country or countries of ultimate destination contrary to his prior representations; contrary to the terms, provisions, and conditions of notification of prohibition against such action; and contrary to the U. S. Export Control Law and the regulations or export licenses issued thereunder, thereby violating §§ 371.4 (b) and 381.6 of the U. S. Export Regulations, as then in effect.

The Compliance Commissioner, in his Report, said:

> [O]ne phase of Melman's operations • • • involves either the attempts to procure controlled goods from the United States upon false representations or the procuring, by device, of such goods from the United States and the subsequent transshipment thereof to a Communist Bloc destination. The remainder of the case involved the obtaining of U. S. controlled goods from sources in Europe and the subsequent transshipment or intended transshipment thereof to Poland or East Germany. This tactic by Melman is easy of comprehension. He must have concluded that direct or indirect purchases from sources in the United States were either too risky or too difficult and so he went abroad to Germany to make his purchases of U. S. controlled goods.
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> • • • In his efforts, he made false representations directly to an American supplier, he induced others to make similar false representations, he induced others to make false representations to German suppliers, and he, himself, made false representations to other German suppliers. He was successful in a very large measure. Information has been supplied to me that he continued his transshipment activities even after service of an order in this proceeding temporarily denying to him all export privileges. He refused to accept service of the charging letter and has ignored the same even though ultimately it was delivered to him. The only remedial action here indicated is permanent denial of export privileges so long as export controls are in effect. That is my recommendation.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. The order dated April 5, 1956 (21 F. R. 2302, Apr. 10, 1956), denying to the respondent, Gebrs. Melman, all export privileges pending the outcome of this proceeding, is superseded hereby.

II. Henceforth, and for the duration of export controls, the respondent P. Melman, doing business under the firm name and style of Gebrs. Melman, be, and he hereby is, suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which he may be related, now or hereafter, by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any activity on behalf of or in any manner connected with the respondent, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with the respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which the respondent may have any interest of any kind or nature, direct or indirect.

Dated: September 4, 1957.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 57-7606; Filed, Sept. 16, 1957; 8:49 a. m.]

Federal Maritime Board

MEMBER LINES OF MARSEILLES/NORTH ATLANTIC U. S. A. FREIGHT CONFERENCE

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreements Nos. 5660-4 and 5660-5, between the member lines of the Marseilles/North Atlantic U. S. A. Freight Conference, modify the basic agreement of that conference (No. 5660, as amended). Agreement No. 5660-4, (1) clarifies the voting provisions of the agreement; (2) adds a clause providing for furnishing the Board copies of all tariffs, minutes and true and complete records of all affirmative and negative actions of the member lines; and (3) amends the admission provision to provide that carriers furnishing evidence of ability and intention in good faith to institute and maintain a regular service in the trade covered will be eligible for admission as conference members, as well as carriers who are regularly engaged in the trade as presently provided in the agreement. Agreement No. 5660-5 modifies the provisions of the agreement with respect to arbitration and the assessment of liquidated damages in case of breach of the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 12, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7606; Filed, Sept. 16, 1957; 8:48 a. m.]

DEPARTMENT OF LABOR

Bureau of Employees' Compensation

[Administrative Order 12]

WAIVER OF APPLICATION OF FEDERAL EMPLOYEES' COMPENSATION ACT

Pursuant to the authority contained in sections 28, 32, and 42 of the Federal Employees' Compensation Act (39 Stat. 748, 749, and 750, as amended; 5 U. S. C. 778, 783, and 793), Reorganization Plan No. 19 of 1950 (64 Stat. 1271, 3 CFR, 1950 Supp., p. 171), and General Order No. 46 (15 F. R. 3290), it is hereby found that conditions prevailing in the Republic of Korea during the period June 25, 1950, to November 30, 1954, inclusive, prevent the establishment of facilities for processing and adjudicating claims of employees of the United States components of the United Nations command in Ko-

rea, who are neither citizens nor residents of the United States, any Territory thereof, or Canada, as well as claims of dependents of such employees. Accordingly, pursuant to the said authority, the application of the Federal Employees' Compensation Act is hereby waived for the period June 25, 1950, to November 30, 1954, inclusive, with respect to such noncitizens and nonresident employees and their dependents.

Signed at Washington, D. C., this 10th day of September 1957.

WILLIAM MCCAULEY,
Director,
Bureau of Employees' Compensation.

[F. R. Doc. 57-7599; Filed, Sept. 16, 1957; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-47]

ORDNANCE MATERIALS RESEARCH OFFICE

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue to the Ordnance Materials Research Office a construction permit substantially in the form set forth in Annex "A" below unless on or before 15 days after filing of this notice with the Federal Register Division a request for formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). Annex "B," a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the proposed reactor and the principal factors considered in reviewing the application for license, is also set forth below. For further details see the application for license at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C., this 9th day of September, 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

ANNEX "A"

CONSTRUCTION PERMIT

The Ordnance Materials Research Office (hereinafter referred to as "OMRO") on January 15, 1957, filed its application for a Class 104 license to construct and operate a nuclear reactor (hereinafter referred to as "the reactor"). Amendments to the application were filed on March 1, May 1, and June 17, 1957. The application as amended will be referred to herein as "the application".

The Atomic Energy Commission (hereinafter referred to as the "Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. OMRO proposes to utilize the reactor in the conduct of research and development activities of the types specified in Section 31 of the Atomic Energy Act of 1954.

C. OMRO is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. OMRO is technically qualified to design and construct the reactor.

E. OMRO has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

F. The issuance of a construction permit to OMRO will not be inimical to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to OMRO to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

A. The earliest completion date of the reactor is July 1, 1958. The latest date for completion of the reactor is July 1, 1959. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location at Watertown, Massachusetts, specified in the application.

C. The general type of facility authorized for construction is a light water-cooled and moderated pool-type research reactor designed to operate at a thermal power level of 1,000 kilowatts, as described in the application.

This permit is subject to submittal by OMRO to the Commission (by proposed amendment of the application) of the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and a finding by the Commission that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to OMRO pursuant to Section 104c of the Act, which license shall expire forty (40) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to OMRO for use in the operation of the reactor, 9.35 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to OMRO and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to OMRO in accordance with Column (2) in Appendix "A" will be conditioned upon OMRO's return to the Commission of special nuclear material substantially in accordance with Column (3) of Appendix "A".

For the Atomic Energy Commission.

———,
Director,
Division of Civilian Application.

APPENDIX "A" TO ORDNANCE MATERIALS RESEARCH OFFICE CONSTRUCTION PERMIT

(1) Date of transfer (calendar year)	(2) Transfers from AEC to OMRO kgs. U-235	(3) Returns by OMRO to AEC kgs. U-235		(4) Net yearly Distribution kgs. U-235	(5) Cumulative distribution kgs. U-235
		Cold scrap	Spent fuel		
1958	7.56	3.78	------	3.78	3.78
1959	1.12	.56	.50	.06	3.84
1960	2.80	1.40	1.20	.20	4.04
1961	2.24	1.12	.94	.18	4.22
1962	1.40	.70	.61	.09	4.31
1963	1.40	.70	.59	.11	4.42
1964	1.40	.70	.57	.13	4.55
1965	1.40	.70	.55	.15	4.70
1966	1.40	.70	.55	.15	4.85
1967	1.40	.70	.55	.15	5.00
1968	1.40	.70	.55	.15	5.15
1969	1.40	.70	.55	.15	5.30
1970	1.40	.70	.55	.15	5.45
1971	1.40	.70	.55	.15	5.60
1972	1.40	.70	.55	.15	5.75
1973	1.40	.70	.55	.15	5.90
1974	1.40	.70	.55	.15	6.06
1975	1.40	.70	.55	.15	6.20
1976	1.40	.70	.55	.15	6.35
1977	1.40	.70	.55	.15	6.50
1978	1.40	.70	.55	.15	6.65
1979	1.40	.70	.55	.15	6.80
1980	1.40	.70	.55	.15	6.95
1981	1.40	.70	.55	.15	7.10
1982	1.40	.70	.55	.15	7.25
1983	1.40	.70	.55	.15	7.40
1984	1.40	.70	.55	.15	7.55
1985	1.40	.70	.55	.15	7.70
1986	1.40	.70	.55	.15	7.85
1987	1.40	.70	.55	.15	8.00
1988	1.40	.70	.55	.15	8.15
1989	1.40	.70	.55	.15	8.30
1990	1.40	.70	.55	.15	8.45
1991	1.40	.70	.55	.15	8.60
1992	1.40	.70	.55	.15	8.75
1993	1.40	.70	.55	.15	8.90
1994	1.40	.70	.55	.15	9.05
1995	1.40	.70	.55	.15	9.20
1996	1.40	.70	.55	.15	9.35
1997	------	------	3.35	3.35	6.00
	62.72	31.36	25.36	6.00	------

ANNEX "B"

MEMORANDUM

Part I—Description of the Facility

1. *Site*

The proposed reactor is to be located west of Boston at the Watertown Arsenal, Watertown, Massachusetts. The nearest property line will be 100 feet from the reactor building. State-owned land prevents private development within 500 feet of the reactor. There are 40 residences within 1,000 feet. The arsenal is located in a rather heavily populated residential and industrial neighborhood.

2. *Reactor*

The proposed facility is a 1,000-kilowatt pool-type research reactor. The reactor will be water moderated and beryllium oxide or graphite reflected, and will be fueled with conventional MTR-type fuel elements each containing 140 grams of uranium-235. Control will be by three boron carbide shim-safety rods each worth approximately four per cent in reactivity. Fine control will be accomplished by a regulating rod with six-tenths of one per cent reactivity.

3. *Experimental Facilities*

Experimental facilities include eight beam tubes each six inches in diameter emerging from the pool at the main floor level and two pneumatic tube facilities two inches in diameter. Provision has been made to add twelve more beam tubes, a six-inch diameter through tube, and two additional two-inch diameter pneumatic tubes. Horizontal beam tubes will emerge from the pool structure at the main floor level and slanting beam tubes at the level of the first balcony surrounding the pool. The second balcony, at the level of the top of the pool, will be used for fuel handling and will support the control room.

4. *Containment Building*

The cylindrical reactor containment building will be 80 feet in diameter and extend approximately 60 feet above and 15 feet below ground level. A gamma irradiation facility will be located in the basement area under the pool. Concrete-walled rooms for mechanical equipment and storage of radioactive materials will also be located in the basement. The welded steel plate containment shell will be lined with 2 feet of concrete to the level of the second balcony, about 27 feet above ground. It will be designed to an internal static pressure of 1.5 pounds per square inch gauge and to a leakage rate of 2 percent per day for each pound per square inch of overpressure. The building will be air-conditioned.

Part II—Hazards Evaluation

1. *General Considerations*

The reactor is to be of the pool type using standard MTR-type fuel elements. The characteristics of this type of reactor are well known and have been demonstrated by many years of operation without the development of any serious safety problems. The design of this reactor differs primarily from that of other pool-type reactors in two respects. First, the core will be stationary in the pool rather than being mounted on a traveling bridge, and, second, there exists a large number of neutron beam tubes penetrating the pool wall. The former enhances safety since it minimizes the amount of core handling. The latter introduces a potential hazard in that more facilities are available to affect reactivity. However, these effects appear to be small and no significant new safety problems are expected.

2. *Safety Considerations*

Temperatures and void coefficients of reactivity, overall stability characteristics and other operating parameters of the reactor have been thoroughly studied and their safety manifested in other similar reactors. The reactor has no experimental facilities which enter the core, thereby minimizing the effect experiments will have on the characteristics of the core.

The accident considered to be the maximum credible involves an instantaneous step addition of 2 percent reactivity. The applicant has indicated that the instantaneous flooding of all the beam holes would lead to a reactivity increase of approximately this amount. Based on Borax-I experiments, the reactor would shut itself down by water expulsion, with neither melting of the fuel nor aluminum-water reaction and, therefore, would not be expected to release fission products from the core.

Because of the location of the reactor in an area of high population density, it was nevertheless considered desirable to analyze a major release of fission products to the container and their subsequent leakage therefrom, even though no credible means for such a release can be postulated. According to calculations submitted by the applicant, a release to the containment building of 25 percent of the volatile fission products after operation at one megawatt for an infinite period of time would result in a dose at the nearest boundary of less than five roentgens in the first hour by direct and scattered gamma radiation from the fission products contained in the shell. The results of leakage from the containment building of these fission products following this release were also considered by the applicant. At the specified design leakage rate of 2 percent per day, doses at the site boundary would be less than five roentgens in the first hour by external radiation from airborne and deposited fission products, and less than 400 microcuries of iodine-131 would be inhaled by a person at that location during this time, as a result of such leakage. In view of the numerous conservative assumptions that have been made in these calculations, it appears that ample time would be available to take steps necessary to minimize exposures.

Though no means for causing such an event is believed possible, the applicant has illustrated the margin of safety of the containment design by considering the consequences of the energy release associated with the reaction with water of 25 per cent of the aluminum in the core, and the burning of the resulting hydrogen, combined with a 135-megawatt-second nuclear excursion. This energy release was found to result in a static pressure rise of 1.15 pounds per square inch in the containment building. Since the building has been designed to a pressure rise of 1.5 pounds per square inch, with a factor of safety of three on the ultimate tensile strength, no breaching of the shell is expected to result from even this accident. Ventilation will be provided to the extent of six air changes per hour. In the event of a significant release of fission products, the dose rate to persons inside the building would be extremely high and could become so to persons outside if the ventilation system were not properly sealed. Detectors in the ventilation system are provided to initiate a closing of this system to prevent undesirable releases.

3. *Summary*

The primary features concerning the safety of this reactor are:

1. The reactor is of the pool type and uses standard fuel elements. Extensive favorable experience has been had in operating similar reactors.

2. The reactor will be housed in an essentially gas-tight containment building.

3. The reactor will be located in a densely populated area at a distance of approximately 100 feet from the nearest site boundary.

The applicant has shown that even the contained incredible accident will not seriously endanger the safety of the public either by direct radiation from the shell or by subsequent leakage of fission products from the building at permissible rates.

Based on information contained in the application, it is concluded that there is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

Before issuance of a license to operate this reactor, a review will be made of the final reactor design, plant operating and supervisory procedures, accident analysis, emergency plans, and other relevant safety information, to determine whether the reactor as constructed can be operated without endangering the health and safety of the public.

Part III—Technical Qualifications

The Ordnance Materials Research Office, Watertown Arsenal, was established by the Office Chief of Ordnance, U. S. Army, in February 1954 and has responsibility for administration and execution of the Materials Research Program of the Ordnance Corps, for coordination and preparation of materials specifications, and for conducting special materials studies. Basic research studies are conducted within the Ordnance Materials Research Office by the Materials Research Laboratory of the Research Operations Division. It is the Materials Research Laboratory which will primarily use the proposed reactor in its research program. Personnel to be associated with the proposed reactor have had broad and varied experience at a number of installations devoted to nuclear research and technology.

Part IV—Industrial Qualifications

Unobligated funds are available and allotted to this project under Department of Army Research and Development Appropriation 21X2040 for installation of the proposed reactor.

Part V—Conclusions

Based upon the above considerations, it is concluded that:

a. There is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to engage in the proposed activities.

For the Division of Civilian Application.

FRANK K. PITTMAN,
Acting Director.

SEPTEMBER 9, 1957.

[F. R. Doc. 57-7589; Filed, Sept. 16, 1957; 8:45 a. m.]

[Docket No. 50-13]

BABCOCK & WILCOX CO.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to The Babcock & Wilcox Company substantially in the form set forth in Annex "A" below unless on or before 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is set forth below as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C., this 9th day of September 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

ANNEX "A"

CONSTRUCTION PERMIT

The Babcock & Wilcox Company (hereinafter referred to as "Babcock & Wilcox"), on February 1, 1957, April 5, 1957, and June 3, 1957, filed amendments to its critical experiment facility license application requesting a Class 104 license defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct and operate a second critical experiment facility (hereinafter referred to as "the

facility"). The amendments dated February 1, 1957, April 5, 1957, and June 3, 1957, are hereinafter referred to as "the application".

Previously on March 20, 1957, the Commission issued License No. CX–1 to Babcock & Wilcox authorizing operation of its critical experiment facility and performance of critical experiments related to the design of the Consolidated Edison power reactor. Notice of the issuance of this license was published in the FEDERAL REGISTER on March 27, 1957, 22 F. R. 2018.

The building housing the facility will cover an area of about 4,000 feet and will be contiguous to the presently licensed critical experiment facility but separated by a 5 foot concrete wall. The building will include on the first floor a reinforced concrete bay where critical experiments will be conducted, a control room, an electronic shop, two offices and a chemistry laboratory. Located on the lower floor of the facility will be a subassembly room, a change room, a physics laboratory and three offices.

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. Babcock & Wilcox proposes to utilize the facility in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. Babcock & Wilcox is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. Babcock & Wilcox is technically qualified to design and construct the facility.

E. Babcock & Wilcox has submitted sufficient information to provide reasonable assurance that a facility of the type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

F. The issuance of a construction permit to Babcock & Wilcox will not be inimical to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Babcock & Wilcox to construct the facility as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

A. The earliest completion date of the facility is October 1, 1957. The latest date for completion of the facility is June 1, 1958. The term "completion date" as used herein means the date on which construction of the facility is completed except for the introduction of the fuel material for the initial critical experiment.

B. The site proposed for the location of the facility is the location near Lynchburg, Virginia, specified in the application.

C. The type of facility authorized for construction is a critical experiment facility designed primarily for conducting critical experiments for a pressurized water reactor at near zero power levels.

D. At such time as this construction permit is converted into a license to operate the facility, such license will incorporate—as one of its conditions—a requirement that no critical experiment may be conducted in the facility until a description of the experiment and a Hazards Summary Report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

This permit is subject to submittal by Babcock & Wilcox to the Commission (by proposed amendment of the application) of additional information required to complete its Hazards Summary Report and a finding by the Commission that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the specified procedures.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to Babcock & Wilcox pursuant to section 104c of the act, which license shall authorize Babcock & Wilcox to operate the facility.

For the Atomic Energy Commission.

———,
Director,
Division of Civilian Application.

ANNEX "B"

MEMORANDUM

Introduction

On February 1, April 5, and June 3, 1957, The Babcock & Wilcox Company filed amendments to its critical experiment facility license application requesting a facility license authorizing construction and operation of an addition to its existing critical experiments facility. Previously, on March 20, 1957, the Commission issued license number CX–1 to The Babcock & Wilcox Company authorizing operation of its critical experiment facility, and the performance therein of critical experiments related to the design of the Consolidated Edison power reactor. Notice of the issuance of this license was published in the FEDERAL REGISTER on March 27, 1957, 22 F. R. 2018.

Description of Site and Facilities

The site is described in the Notice of Proposed Issuance of Facility License to The Babcock & Wilcox Company previously published in the FEDERAL REGISTER on March 6, 1957, 22 F. R. 1419.

The proposed addition will cover an area of about 4,000 square feet, and will be contiguous to the presently licensed critical experiment facility but separated by a 5-foot concrete wall which the applicant states is of sufficient thickness to avoid interaction between experiments. The addition includes a reinforced concrete bay where critical experiments will be carried out, a control room, electronic shop, offices, and chemistry laboratory on the first floor. Located on the lower floor will be a subassembly room, change room, physics laboratory, and other offices. The degree of containment afforded in the bay area is stated to be equivalent to that of the existing critical assembly bay which permits a leakage of only 2 percent of its contents per 24 hours under normal barometric pressure fluctuations.

Description of Initial Experiments

The initial experiments planned to be performed in this addition to the existing critical facility comprise an investigation of the proposed fuel assembly and core for the Nuclear Merchant Ship Reactor. The experiments will be similar to those presently being conducted in the existing critical facility for the Consolidated Edison Power Reactor. Approximately 10 to 15 thousand kilograms of uranium, enriched to between 1½ percent and 4 percent in U-235, will be used in the experiments. The uranium will be in the form of UO_2, which will be contained in stainless steel tubes about ½ inch in diameter and 5½ feet long. The critical assembly will normally be operated at fractions of a watt with an upper limit on power level of 10 watts, and occasionally with an upper power limit of 1,000 watts (for short intervals).

Poison-type safety rods will be used. The applicant states that the same controls will be exercised and the same safety procedures will be used as for the Consolidated Edison critical experiments. The amount of net excess reactivity available in the Consolidated Edison experiments does not exceed 3 percent and sufficient control is available to shut down the reactor even if two rods fail to be inserted.

Hazards Evaluation

For the initial critical experiments to be performed in this facility no unusual precautions appear necessary with regard to earthquake, storm or flood. No hazards are expected to result from normal operation.

The applicant states that the public hazards from the maximum credible accident in the new facility would be of no greater severity than those postulated for the existing licensed critical experiment facility. In the existing licensed facility, the maximum credible accident was assumed to result from an instantaneous addition of 2 percent excess reactivity, leading to the liberation of 87 Mw-sec of energy. The excursion was terminated by expulsion of water from the core, and was calculated to produce 4 x 10^5 curies of fission products. The integrated dose to a person located at the nearest site boundary for 50 days under the most adverse weather conditions was only 86 milliroentgens, which is less than that permitted under such circumstances by the Commission's regulations "Standards for Protection Against Radiation" (10 CFR Part 20).

Summary

This application has been reviewed for the purpose of determining whether, based on information contained in the application and taking into account the experience gained from the design and operation of the applicant's existing licensed critical facility, there is reasonable assurance that an addition to the existing critical facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

The applicant has evaluated the hazards to the public associated with construction and operation of the proposed critical experiment facility addition in relation to the existing licensed critical facility and has concluded that the risk to the public health and safety will not exceed that for the existing licensed facility. We concur in this conclusion. Before the Commission will consider authorizing performance of any specific experiments in the proposed facility addition, however, it will be necessary for the applicant to submit a complete hazards evaluation on the experiments. Such evaluations must demonstrate that performance of the experiments in the proposed facility will not endanger the health and safety of the public.

Technical Qualifications

The proposed activities will be conducted by the Atomic Energy Division of The Babcock & Wilcox Company. The education, training, and experience of the personnel responsible for the design and operation of the facility are considered adequate to insure safe operation.

Financial Qualifications

The Babcock & Wilcox Company's net income after taxes has increased $4.3 million since 1952. In 1956 such income amounted to $14.1 million. At the end of 1956 current assets totaled $148.2 million compared with $41.4 million for current liabilities—a current ratio of 3.5 to 1. The long-term debt at the end of 1956 totaled $32 million maturing in 1974. Of the company's total assets of $200.7 million, $126.2 million or approximately 63 percent represented stockholders' equity.

Conclusions

Based on the above considerations, it is concluded that:

a. There is reasonable assurance that an addition to the existing Babcock & Wilcox Critical Experimental Facility of the general type proposed can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to engage in the proposed activities.

For the Division of Civilian Application.

FRANK K. PITTMAN,
Acting Director.

SEPTEMBER 9, 1957.

[F. R. Doc. 57–7590; Filed, Sept. 16, 1957; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

LIST OF OFFICIALS

Section I, Description of Agency and Programs, is amended as follows:

Effective July 31, 1957, paragraph F is amended by deleting from the list of officials designated therein under the San Francisco Regional Office "2. James E. McFeeley, Regional Attorney" and by inserting in place thereof "2. Louis B. Ambler, Jr., Assistant Director for Development."

Date approved: September 4, 1957.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 57–7601; Filed, Sept. 16, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11973, etc.; FCC 57M–840]

PALM SPRINGS TRANSLATOR STATION, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Palm Springs Translator Station, Inc., Palm Springs, California; Docket No. 11973, File No. BPTT–12; Palm Springs Translator Station, Inc., Palm Springs, California; Docket No. 11974, File No. BPTT–13; for construction permits for new television broadcast translator stations, Palm Springs Translator Station, Inc., Palm Springs, California; Docket No. 12149, File No. BMPTT–5; Palm Springs Translator Station, Inc., Palm Springs, California; Docket No. 12150, File No. BMPTT–6; for modification of construction permits to increase effective radiated power and to make changes in antenna system. Palm Springs Translator Station, Inc., Palm Springs, California; Docket No. 12151, File No. BLTT–11; Palm Springs Translator Station, Inc., Palm Springs, California; Docket No. 12152, File No. BLTT–12; for television broadcast translator station licenses to cover translator stations K–70–AL and K–73–AD, Palm Springs, California.

The Hearing Examiner having under consideration informal agreement of the parties concerning date of pre-hearing conference in the above-entitled proceeding:

It is ordered, This 10th day of September 1957, that all parties, or their attorneys, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., September 17, 1957.

Released: September 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7616; Filed, Sept. 16, 1957; 8:50 a. m.]

[Docket No. 12079 etc.; FCC 57M–841]

JACK A. BURNETT ET AL.

ORDER POSTPONING HEARING AND SCHEDULING PREHEARING CONFERENCE

In re applications of Jack A. Burnett, Ogden, Utah; Docket No. 12079, File No. BPCT–2255; United Telecasting and Radio Company, Ogden, Utah; Docket No. 12080, File No. BPCT–2270; Granite District Radio Broadcasting Company, Ogden, Utah; Docket No. 12081, File No. BPCT–2274; for construction permits for new television broadcast stations.

It is ordered, This 10th day of September, 1957, that formal hearing date now scheduled as September 26, 1957, in the above-entitled proceeding is postponed indefinitely and that on that date a prehearing conference will be held.

Released: September 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7617; Filed, Sept. 16, 1957; 8:50 a. m.]

[Docket No. 12097; FCC 57M–822]

JACKSON COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Nathan L. Goetz, Robert Goetz and Merlin J. Meythaler, d/b as Jackson County Broadcasting Company, Maquoketa, Iowa; Docket No. 12097, File No. BP–10882; for construction permit.

The Hearing Examiner having under consideration a petition filed today by Jackson County Broadcasting Company, for extension of the time for the exchange of exhibits now due September 10, 1957, and for continuance of the hearing now scheduled for October 1, 1957, pending action by the Commission on certain applications, the consolidation of which for hearing with petitioner's application might change the issues;

It appearing that counsel for the other parties to the instant proceeding have no objection to a grant of the petition;

It is ordered, This 5th day of September, 1957, that the petition is granted, and that the time for the exchange of exhibits is extended, and the date for the hearing is continued, pending Commission action upon the applications of Parks Robinson (File No. BP–11060), Wisconsin Valley Television Corporation (WSAU) (File No. BP–11206), and Kankakee Daily Journal Company (WKAN) (File No. BP–11287).

Released: September 6, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7618; Filed, Sept. 16, 1957; 8:51 a. m.]

[Docket No. 12118, etc.; FCC 57M–835]

TELEVISION BROADCASTERS, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Television Broadcasters, Inc., Beaumont, Texas; Docket No. 12118, File No. BMPCT–4681; for modification of construction permit, WDSU Broadcasting Corporation, Port Arthur, Texas; Docket No. 12119, File No. BPCT–2300; KPBX Broadcasting Company, Beaumont, Texas; Docket No. 12120, File No. BPCT–2313; Brown Telecasters, Inc., Beaumont, Texas; Docket No. 12121, File No. BPCT–2327; for construction permits for new television broadcast stations.

It is ordered, This 10th day of September, 1957, that further prehearing conference will be held in the above-entitled matter commencing at 2:00 p. m., September 24, 1957, in the Commission's offices at Washington, D. C.; and

It is further ordered, That the parties shall mutually exchange their exhibits comprising their direct cases on or before November 4, 1957; and

It is further ordered, That the hearing in this matter heretofore scheduled to commence on September 12, 1957, is hereby rescheduled to commence at 10:00 a. m., November 12, 1957, in the Commission's offices at Washington, D. C.

Released: September 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7619; Filed, Sept. 16, 1957; 8:51 a. m.]

[Docket Nos. 12144, 12145; FCC 57M-836]

BEEHIVE TELECASTING CORP. AND JACK A. BURNETT

ORDER SCHEDULING HEARING

In re applications of Beehive Telecasting Corporation, Provo, Utah; Docket No. 12144 File No. BPCT-2051; Jack A. Burnett, Provo, Utah; Docket No. 12145, File No. BPCT-2264; for construction permits for new television broadcast stations.

It is ordered, This 10th day of September 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 21, 1957, in Washington, D. C.

Released: September 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7620; Filed, Sept. 16, 1957; 8:51 a. m.]

[Docket No. 12146 etc.; FCC 57M-837]

UNITED BROADCASTING CO., INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of United Broadcasting Company, Inc., Wilmington, North Carolina; Docket No. 12146, File No. BPCT-2169; Carolina Broadcasting System, Inc., Wilmington, North Carolina; Docket No. 12147, File No. BPCT-2191; New Hanover Broadcasting Company, Wilmington, North Carolina; Docket No. 12148, File No. BPCT-2310; for Construction Permits for New television Broadcast Stations.

It is ordered, This 10th day of September 1957, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 21, 1957, in Washington, D. C.

Released: September 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7621; Filed, Sept. 16, 1957; 8:51 a. m.]

[Docket Nos. 12153, 12154; FCC 57M-838]

MAX M. LEON, INC. AND INDEPENDENCE BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Max M. Leon, Inc., Philadelphia, Pennsylvania; Docket No. 12153, File No. BPH-2230; Independence Broadcasting Co., Philadelphia, Pennsylvania; Docket No. 12154, File No. BPH-2235; for construction permits.

It is ordered, This 10th day of September 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 7, 1957, in Washington, D. C.

Released: September 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7622; Filed, Sept. 16, 1957; 8:51 a. m.]

[Docket No. 12155, etc.; FCC 57M-839]

ORANGE COUNTY RADIOTELEPHONE SERVICE ET AL.

ORDER SCHEDULING HEARING

In re applications of Benjamin H. Warner, Jr. and Vernon C. Starr, d/b as Orange County Radiotelephone Service, Santa Ana, California; Docket No. 12155, File No. 860-C2-P-56; Farrell A. McKean, d/b as Business & Professional Telephone Exchanges, Los Angeles, California; Docket No. 12156, File No. 1430-C2-P-56; Donald M. Rice, d/b as Tri-City Radio Dispatch Company, San Bernardino, California; Docket No. 12157, File No. 1931-C2-P-56; Homer N. Harris, d/b as Industrial Communications Systems, Los Angeles, California; Docket No. 12158, File No. 2126-C2-P-56 and File No. 2127/2128-C1-P-56; Pomona Radio Dispatch Corporation, Pomona, California; Docket No. 12159, File No. 481-C2-P-57; for construction permits in the Domestic Public Land Mobile Radio Service.

It is ordered, This 10th day of September 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 12, 1957, in Washington, D. C.

Released: September 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7623; Filed, Sept. 16, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12875]

COLORADO INTERSTATE GAS CO.

NOTICE POSTPONING HEARING

SEPTEMBER 12, 1957.

Take notice that, a Joint Petition to Intervene having been filed on September 9, 1957, in the above-designated proceeding by National Coal Association, United Mine Workers of America and Fuels Research Council, Inc., the hearing now scheduled to commence on September 20, 1957, is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7609; Filed, Sept. 16, 1957; 8:49 a. m.]

[Project No. 2216]

POWER AUTHORITY OF THE STATE OF NEW YORK

ORDER FIXING HEARING

SEPTEMBER 12, 1957.

Application was filed August 20, 1956, which has been amended and supplemented by the Power Authority of the State of New York for a license pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a), and the provisions of Public Law 85-159, 85th Congress, approved August 21, 1957 (71 Stat. 401), for a proposed hydroelectric project on the Niagara River in Niagara County, New York.

There has been opposition by Interveners, City of Niagara Falls, Town of Lewiston, and County of Niagara, New York, concerning the water conduits and the reservoir area as proposed by Applicant. In addition one Intervener, the International Paper Company, has requested opportunity to present evidence and argument in support of its claim to the water rights involved in Federal Power Commission v. Niagara Mohawk Power Corp., 347 U. S. 239.

The Commission finds: It is appropriate and in the public interest that a public hearing be held concerning the aforesaid water conduits and reservoir for Project No. 2216, and the aforesaid water rights claim by the International Paper Company.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly Sections 4 and 308 thereof, by Public Law 85-159, 85th Congress, and the Commission's Rules of Practice and Procedure, a public hearing shall be held commencing on October 1, 1957, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., respecting the aforesaid issues raised by City of Niagara Falls, Town of Lewiston, County of Niagara, and International Paper Company concerning the application for license for Project No. 2216.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7610; Filed, Sept. 16, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 181

Washington, Wednesday, September 18, 1957

SEP 23 1957
MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3201

GENERAL PULASKI'S MEMORIAL DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, soon after the adoption of our Declaration of Independence, Count Casimir Pulaski, a Polish patriot, came from across the seas to join our army of freedom; and

WHEREAS, he quickly distinguished himself in battle; was made Brigadier General by the Continental Congress and formed the cavalry Legion which bore his name; and

WHEREAS on October 9, 1779, while leading his troops in an attempt to divide the enemy forces at Savannah, he received a grievous wound from which he died two days later, thus sacrificing a young life which gave promise of further contributions to the cause of liberty; and

WHEREAS, in acknowledgment of our debt to General Pulaski for his valorous conduct in our War for Independence, it is fitting that we pay tribute to his memory on the one hundred and seventy-eighth anniversary of his death:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Friday, the eleventh day of October, 1957, as General Pulaski's Memorial Day; and I invite the people of this Nation to observe the day with appropriate commemorative ceremonies. I also direct that the flag of the United States be displayed on all Government buildings on that day in honor of the memory of General Casimir Pulaski.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of September in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL] DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-7684; Filed, Sept. 16, 1957; 1:38 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter G—Miscellaneous Regulations

[Administration Letter 530(448)]

PART 384—SPECIAL LIVESTOCK LOANS

LOANS TO PURCHASE FEEDER LIVESTOCK

Part 384 of Title 6, Code of Federal Regulations (18 F. R. 4944), is amended by the addition of § 384.2b, limiting the making of Special Livestock loans in connection with the purchase of feeder livestock, and to read as follows:

§ 384.2b *Loans to purchase feeder livestock.* Subject to all other applicable requirements, Special Livestock loans to purchase feeder livestock may be made only to indebted borrowers when a subsequent loan appears necessary for the protection of the Government's interest in previous Special Livestock loans. All applications for such loans will be submitted to the National Office for prior concurrence.

(R. S. 161; 5 U. S. C. 22)

Dated: September 13, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-7653; Filed, Sept. 17, 1957; 8:49 a. m.]

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FEDERAL REGISTER

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[1957 C. C. C. Grain Price Support Bulletin; Supplement 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957 CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In F. R. Document 57-7285 appearing in the issue for Tuesday, September 10, 1957, at page 7200, make the following changes:

1. For the State of Pennsylvania, Wyoming County, the rate per bushel should read "2.20".

2. For the State of Pennsylvania, "Yates" County should read "York" County and the rate per bushel should read "2.21".

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter Q—Leasing and Permitting of Restricted Indian Lands and Other Lands Administered by the Bureau of Indian Affairs for Farming, Farm Pasture, Business, and Other Purposes

PART 171—LEASING AND PERMITTING PALM SPRINGS, CALIF.

Correction

In F. R. Document 57-7413 appearing in the issue for Wednesday, September 11, 1957, at page 7235, the signature should read "Hatfield Chilson, *Acting Secretary of the Interior.*"

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF MALATHION

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of malathion in or on pecans and walnuts.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 120.111; 21 CFR, 1956 Supp., 120.111) are amended by inserting in § 120.111, *Tolerances for residues of malathion*, in proper alphabetical order, the items "pecans" and "walnuts".

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: September 11, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-7639; Filed, Sept. 17, 1957; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED CURRANTS[1]

MISCELLANEOUS AMENDMENTS

Notice of proposed rule making with respect to proposed amendments to the United States Standards for Grades of Dried Currants (§§ 52.981 to 52.985) was published in the FEDERAL REGISTER on July 25, 1957 (22 F. R. 5900).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of these amendments until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) The processing season for dried currants is imminent and it is necessary for purposes of inspection and marketing that these amendments be effective at the beginning of the packing season; (2) the industry has had more than 30 days' notice of the proposed amendments and no views to the contrary have been received; and (3) additional time will not be needed to make preparation for compliance with these amendments.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the United States Standards for Grades of Dried Currants are hereby amended under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, et seq., as amended; 7 U. S. C. 1621 et seq.):

1. Change the applicable paragraphs and subparagraphs of the indicated sections to read:

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Section 52.983 (a) (4):

(4) Not more than 1 percent, by weight, of dried currants may be undeveloped;

Section 52.983 (b) (4):

(4) Not more than 2 percent, by weight, of dried currants may be undeveloped;

Section 52.984 (c):

(c) "Undeveloped" refers to extremely light currants that are lacking in sugary tissue indicating incomplete development; are completely shriveled and hard; possess fine wrinkles on smaller units and moderately deep wrinkles on slightly larger units; and are commonly referred to as "worthless".

2. In § 52.984, delete paragraph (f) and subparagraph (1) of paragraph (f) in their entirety; renumber paragraph (g) as "(f)"; renumber paragraph (h) as "(g)".

3. In Table I, change left-hand caption of "Poorly developed, blowovers ---" to "Underdeveloped ---".

4. In § 52.985 (work sheet) in left-hand column of captions, under "Defects", change words "Poorly developed, blowovers ---" to "Undeveloped ---".

The United States Standards for Grades of Dried Currants (fourth issue) as hereby amended and as contained in this subpart shall become effective October 1, 1957 and thereupon will supersede the United States Standards for Grades of Dried Currants (§§ 52.981 to 52.985) which have been in effect since September 1, 1956.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: September 13, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-7652; Filed, Sept. 17, 1957; 8:49 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF PROCESSED RAISINS[1]

MISCELLANEOUS AMENDMENTS

Notice of proposed rule making with respect to proposed amendments to the United States Standards for Grades of Processed Raisins (§§ 52.1841 to 52.1852) was published in the FEDERAL REGISTER on July 27, 1957 (22 F. R. 5958).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of these amendments until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) The processing season for raisins is imminent and it is necessary for purposes of inspection and marketing that these amendments be effective at the beginning of the packing season; (2) the industry has had more than 30 days' notice of the proposed amendments and no

views to the contrary have been received; and (3) additional time will not be needed to make preparation for compliance with these amendments.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the United States Standards for Grades of Processed Raisins are hereby amended under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, et seq., as amended; 7 U. S. C. 1621 et seq.):

1. Change the applicable paragraphs and subparagraphs of the indicated sections to read:

Section 52.1844 (a):

(a) "Well-bleached color" (or "extra fancy color") means that the raisins are practically uniform in color and may range from yellow or golden to light amber color with a predominating yellow or golden color and that not more than ½ of 1 percent, by weight, of all the raisins may be definitely dark berries.

Section 52.1845 (a) (3):

(3) Not more than 1 percent, by weight, of raisins may be undeveloped;

Section 52.1845 (b) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped;

Section 52.1845 (c) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped, except that in "Small" (or "midget") size not more than 3 percent, by weight, of raisins may be undeveloped;

Section 52.1846 (b) (3):

(3) "2 Crown" means raisins that will pass through round perforations $3\frac{1}{64}$ inch in diameter but will not pass through round perforations $2\frac{1}{64}$ inch in diameter.

Section 52.1847 (a) (4):

(4) Not more than 1 percent, by weight, of raisins may be undeveloped;

Section 52.1847 (b) (4):

(4) Not more than 2 percent, by weight, of raisins may be undeveloped;

Section 52.1847 (c) (4):

(4) Not more than 2 percent, by weight, of raisins may be undeveloped;

Section 52.1847a (a) (2):

(2) Not more than 1 percent, by weight, of raisins may be undeveloped;

Section 52.1847a (b) (2):

(2) Not more than 2 percent, by weight, of raisins may be undeveloped;

Section 52.1849 (a) (3):

(3) Not more than 1 percent, by weight, of raisins may be undeveloped;

Section 52.1849 (b) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped;

Section 52.1849 (c) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped;

Section 52.1851 (d):

(d) "Undeveloped" refers to extremely light berries that are lacking in sugary tissue indicating incomplete development; are reddish in color; are completely shriveled and hard; possess fine wrinkles on smaller units and moderately deep wrinkles on slightly larger units; and are commonly referred to as "worthless".

2. In § 52.1851, delete paragraph (g) and subparagraphs (1) and (2) of paragraph (g) in their entirety; renumber paragraph (h) as "(g)"; renumber paragraph (i) as "(h)".

3. In § 52.1852 (worksheet) in left-hand column of captions, under "Defects", change words "Poorly developed, blowovers:" to "Undeveloped:"

4. In § 52.1852 (worksheet) in lowest right-hand block under caption of "Maximum by weight (percent)" change figure "1" to "½".

5. In Tables I, II, IIA, III, change left-hand caption of "Poorly developed, blowovers ___" to "Undeveloped ___".

The United States Standards for Grades of Processed Raisins (fifth issue) as hereby amended and as contained in this subpart shall become effective October 1, 1957 and thereupon will supersede United States Standards for Grades of Processed Raisins (§§ 52.1841 to 52.1852) which have been in effect since September 1, 1956.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: September 13, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-7651; Filed, Sept. 17, 1957 8:48 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

MISCELLANEOUS AMENDMENTS

The amendments herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U. S. C. 1100 et seq.), the Agricultural Act of 1949, as amended (7 U. S. C. 1441 et seq.), and the Soil Bank Act (7 U. S. C. 1801 et seq.). These amendments will provide (1) for the reconstitution of farms which include land owned by the Federal Government and leased to producers under restrictive lease in order for such land to be designated as a separate farm, (2) to establish the location of the farm for administrative purpose, (3) to authorize State ASC committees to establish a minimum "normal row width" for farms, (4) to establish a minimum width for deductible areas on the farm, and (5) to publish State ASC committee determinations provided for in § 718.15 of the regulations.

Since farmers are now engaged in producing and harvesting their 1957 crops and are preparing to seed their 1958 crop of wheat, it is imperative that they be notified of these amendments as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Section 718.2 (i) is amended to read as follows:

(i) "Farm" means land which immediately prior to the effective date of this section as hereby amended was properly constituted and identified as a farm under regulations issued pursuant to the Agricultural Adjustment Act of 1938, as amended, or the Soil Bank Act, and such land shall continue to constitute a farm for all programs to which this part may apply until reconstituted as required because of changes in operation of the land occurring on or after the effective date of this section as hereby amended or because the land was not properly constituted as a farm immediately prior to the effective date of this section, or because of the provisions of subparagraph (3) (ii) or (iv) of this paragraph. With respect to reconstitutions made after the effective date of this section, or the identification of land as a farm for the first time after the effective date of this section, the term "farm" shall mean:

(1) All adjoining or nearby and easily accessible farm, wood, or range land under the same ownership which is operated by one person, and

(2) All additional farm, wood, or range land under different ownership operated by such person which the county committee determines:

(i) Is nearby and easily accessible, and

(ii) Is approximately equally productive, and

(iii) For the past two years has been operated by such person and will be so operated during the current year, or has been operated by such person for one year with proof satisfactory to the county committee that it will be operated by such person for at least two more years.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(3) Notwithstanding the conditions set forth in subparagraphs (1) and (2) of this paragraph:

(i) Fields and subdivisions of fields which are part of a farm shall remain a part of such farm when operated under a short term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or part of another farm under the provisions of this section.

(ii) Land for which one or more landlord(s) refuse(s) to sign a conservation reserve contract and which is part of a multiple ownership farm may be constituted as a separate farm provided some eligible land in the balance of such multiple ownership farm is covered by a conservation reserve contract.

(iii) Land which is properly constituted as a farm shall not be reconstituted when a change of the farm operator is the only basis for such action.

(iv) Where a part of a farm is owned by the Federal Government and the Federal agency handling the leasing of such land has leased the land under a lease restricting the production of price-supported commodities in excess supply, the farm shall be reconstituted so that such Government-owned land is a separate farm. Such Government-owned land, or other land as may be acquired by the Federal Government and leased to producers under such restrictive leases, shall not be combined with privately-owned land or other Government-owned land not under restrictive lease.

2. Section 718.15 is amended to read as follows:

§ 718.15 *State committee option.* (a) The State committee, upon approval of the Deputy Administrator, may establish a minimum row width for specific crops of less than the 36 inches provided for in § 718.2 if general cultural practices in the area warrant such action, may increase the minimum area which may be deducted and establish a minimum width for deductible areas under § 718.5 (f), (g) and (h), may establish a minimum area which may be deducted and increase the minimum width for deductible areas under § 718.15 (f) and may decrease the five-tenths (0.5) acre minimum error as provided in § 718.12 (a) and (b).

(b) The following State committee determinations, provided for in this section, which deviate from the standards otherwise prescribed in this part are effective for 1957 and will remain effective for subsequent years unless and until amended:

Table of sections affected by determinations of State Committees pursuant to § 718.15:

State	718.2 (1)	718.5 (f)		718.5 (g)	718.5 (h)	718.12		
	i	(1)	(2)			(a-2)	(b-1)	(b-2)
Alabama	30 inches—Cotton and peanuts.							
Arkansas		0.05 A.		0.05 A.	0.05 A.			
California		A deduction may be made for the continuous area of a ditch, contour check, border check, or road not planted to the crop being measured, provided it is 9 feet or more in width from cropline to cropline and contains 0.1 A. or more, except that contour checks in rice fields are not eligible for deduction.			0.10 A.			
Connecticut							0.25 A.	0.25 A.
Florida	18 inches for peanuts.							
Georgia	30 inches for cotton and peanuts other than Spanish; 26 inches for Spanish peanuts.					0.10 A.	0.10 A. except tobacco 0.01 A.	0.10 A. except tobacco 0.01 A.
Idaho		0.10 A.			0.10 A.			
Illinois		0.10 A. except for cotton, cotton acreage reserve, tobacco, and tobacco acreage reserve.	Minimum deductible area established of 0.10 A. for all crops except cotton, cotton acreage reserve, tobacco, and tobacco acreage reserve.		0.10 A. except for cotton and cotton acreage reserve.			
Indiana		0.10 A. and 10 feet width.	3 normal row width		0.10 A. and 10 feet width.			
Iowa					0.10 A.			
Kansas		0.10 A.			0.05 A.			
Kentucky		For tobacco one normal row width.		36 inch width.	For corn 0.10 A. one normal row width.			
Maryland	30 inches for tobacco.							
Michigan		0.10 A. except that two or more areas may be combined to meet this minimum provided no such area contains less than 0.03 A.			0.10 A. except that two or more areas may be combined to meet this minimum provided no such area contains less than 0.03 A.			
Minnesota		0.10 A. for sugar beets—for other crops except tobacco 0.25 A. 6-foot width.	Minimum deductible area established for sugar beets 0.10. A.—for other crops except tobacco 0.25 A. 6-foot width.		0.10 A. for sugar beets—for other crops 0.25 A.			
Mississippi		0.10 A. 0.2 chain width.			Minimum area in single plot 0.5 A. except (1) When total to be destroyed is 0.5 A. or less, entire acreage must be in one plot; (2) When acreage to be destroyed is more than 0.5 A. only one plot destroyed may be less than 0.5 A. (3) All of any field or subdivision planted to cotton may be disposed of to come within allotment regardless of size or number. 0.2 chain width.			
Missouri		0.10 A. except for tobacco and tobacco acreage reserve.	Minimum deductible area established—0.03 A. for tobacco—0.10 A. for all other crops.		0.10 A.		0.10 A. for tobacco and tobacco acreage reserve.	0.10 A. for tobacco and tobacco acreage reserve.

Table of sections affected by determinations of State Committees pursuant to § 718.15—Continued

State	718.3 (l)	718.5 (f) (1)	718.5 (f) (2)	718.5 (g)	718.5 (h)	718.12 (a-2)	718.12 (b-1)	718.12 (b-2)
Nebraska		0.10 A.			0.10 A.			
New Hampshire		0.06 A.			0.06 A.			
New York							0.20 A.	0.20 A.
North Carolina	18 inches for peanuts.	One normal row width.		0.50 A.	County committee authorized to establish individual minimums up to 1.0 A.			
North Dakota		0.10 A. for all crops except sugar beets.	Minimum deductible area established—For sugar beets 0.03 A. For all other crops 0.10 A.		0.10 A.			
Ohio		0.10 A.					0.10 A. for tobacco and tobacco acreage reserve.	0.10 A. for tobacco and tobacco acreage reserve.
Oklahoma		0.10 A.	0.1 chain width.		0.10 A.	0.10 A.	0.10 A.	0.10 A.
Oregon		0.10 A.			0.10 A.			
South Dakota		0.50 A.			0.50 A.			
Tennessee					0.10 A., 0.3 chain width.		0.03 A. for tobacco.	0.03 A. for tobacco.
Texas		Cotton and peanuts (1) outside boundary, permanent field 0.05 A., 0.1 chain width; (2) inside of field 0.10 A. 4 normal rows width—For wheat and rice (1) outside boundary permanent field 0.05 A., 0.1 chain width; (2) inside of field 0.10 A., 0.2 chain width.	Minimum deductible areas established—cotton and peanuts 0.10 A. 4 normal row width—For wheat and rice 0.10 A., 0.2 chain width.		Cotton and peanuts (1) outside boundary permanent field 0.05 A., 0.1 chain width; (2) inside of field 0.10 A. 4 normal rows width. For wheat and rice (1) outside boundary permanent field 0.05 A., 0.1 chain width; (2) inside of field 0.10 A., 0.2 chain width.			
Utah		0.10 A. for sugar beets 0.30 A. for wheat.			0.10 A. for sugar beets 0.30 A. for wheat.			
Virginia	32 inches for peanuts.	0.4 chain width.			0.4 chain width.			
Washington		0.10 A.			0.10 A.			
Wyoming	20 inches for all crops.							

(Secs. 374, 375, 52 Stat. 65, as amended, 66, as amended, sec. 403, 61 Stat. 932, sec. 401, 63 Stat. 1054, as amended, sec. 124, 70 Stat. 198, 7 U. S. C. 1374, 1375, 1421, 1153, 1812)

Done at Washington, D. C., this 11th day of September 1957.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 57-7604; Filed, Sept. 17, 1957; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1957

Notice was published in the FEDERAL REGISTER of August 22, 1957 (22 F. R. 6770) that the Secretary was considering a proposed rule to establish a budget of expenses of the Almond Control Board in the amount of $38,000 and a rate of assessment of twelve and one-half hundredths of a cent (.125¢) per pound of almond kernels received by handlers for the crop year beginning July 1, 1957. Said action was proposed to be taken in accordance with the applicable provisions of Marketing Agreement No. 119 and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California, which agreement and order is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). On the basis of an estimate of approximately 46 million pounds of assessable almonds during the 1956–57 crop year, the assessment rate established herein will result in the collection of adequate funds to defray expenses of the Almond Control Board according to the budget established herein, and provide a reasonable excess for board use during the first four months of the 1958–59 crop year.

The aforesaid notice afforded interested persons an opportunity to file data, views, or arguments concerning the proposal with the Department prior to final issuance of the rule. The prescribed time has expired and no such communications have been received.

After consideration of all relevant matters it is hereby found and determined and, therefore, it is hereby ordered that the budget of expenses of the Almond Control Board and rate of assessment for the year beginning July 1, 1957 shall be as follows:

§ 909.307 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1957*—(a) *Budget of expenses.* The budget of expenses for the crop year beginning July 1, 1957 shall be in the total amount of $38,000 for the maintenance and functioning of the Almond Control Board, and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year shall be twelve and one-half hundredths of a cent (.125¢) per pound of almonds, kernel weight basis, received by each handler for his own account, except almonds received from other handlers on which assessments have previously been paid.

It is hereby found and determined that good cause exists for not postponing the effective date of this order for thirty days, or any lesser period after its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedures Act; 5 U. S. C. 1001 et seq.), for the reasons that: (1) The action will apply to all almonds received by handlers for their own accounts during the crop year which began on July 1, 1957, and such receipts of 1957 crop almonds have already begun; (2) prior notice of such action was given all interested parties in the notice of proposed rule making which was published in the FEDERAL REGISTER of August 22, 1957 (22 F. R. 6770); and (3) no advance or special preparation for operations hereunder will be needed. Accordingly, it is hereby further ordered that this action be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, September 13, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-7646; Filed, Sept. 17, 1957; 8:47 a. m.]

[957.316 Amdt. 3]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et. seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 957.316 (b) (1), (4), and (5) (22 F. R. 4785; 5862; and 5993), are hereby amended to read as follows:

(b) *Order.* (1) Except as otherwise provided in this section during the period from September 18, 1957, through June 30, 1958, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean," which means that at least 90 percent of such potatoes are "fairly clean," as such terms are defined in the U. S. Standards for Potatoes (§§ 51.1540–51.1559 of this title), and

(i) If they are of the round varieties (including, but not being limited to, Bliss Triumph and Pontiac varieties), such potatoes meet the requirements of U. S. No. 2, or better, grade, 1⅞ inches minimum diameter,

(ii) If they are of the White Rose variety, such potatoes meet the requirements of U. S. No. 2, or better, grade, 5 ounces minimum weight: *Provided*, That any such potatoes that grade not less than U. S. No. 1, may be shipped if they are of 2⅛ inches minimum diameter or 4 ounces minimum weight,

(iii) If they are of the Kennebec variety, such potatoes meet the requirements of U. S. No. 2, or better, grade, and are of 2 inches minimum diameter or 4 ounces minimum weight, and

(iv) If they are of any other variety (including, but not being limited to, Russet Burbank, and Early Gem varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 2⅛ inches minimum diameter: *Provided*, That potatoes of any such variety that meet the requirements of U. S. No. 2, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight, may be shipped, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540–51.1559 of this title), including the tolerances set forth therein.

* * * * *

(4) The grade, size and maturity limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) As certified seed potatoes; (ii) export: *Provided*, That such potatoes meet the requirements of U. S. No. 2, or better, grade, 1½ inches minimum diameter; (iii) canning, freezing, dehydration or manufacture into starch or flour; (iv) charity; and (v) potato chipping: *Provided*, That such potatoes meet the requirements of U. S. No. 1, or better, grade, Size B.

(5) Each handler making any shipment of potatoes pursuant to subparagraph (4) of this paragraph for export, canning, freezing, potato chipping, dehydration or manufacture into starch or flour, or for charity shall (i) first apply to the committee for, and obtain, a Certificate of Privilege to make such shipments; (ii) pay assessments on such shipment, except shipment for canning or freezing; (iii) have such shipment inspected, except shipment for canning or freezing; (iv) upon request by the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege; (v) with respect to such shipment, furnish the committee with the bill of lading or appropriate record of movement in case of trucks of each such shipment made under Certificate of Privilege; (vi) with respect to such shipment, furnish the committee with the buyer's certification that the potatoes handled under the Certificate of Privilege are to be used only for the purpose stated therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated September 13, 1957, to become effective September 18, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-7649; Filed, Sept. 17, 1957; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 21]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.15 *Green civil airway 5* is amended to read in part:

From Millville, N. J., LFR; to Beachwood, N. J., LF/RBN; MEA 1,500.
From Beachwood, N. J., LF/RBN; to Peconic, N. Y., LFR; MEA 1,500.
From Peconic, N. Y., LFR; to Salem INT, Conn.; MEA 1,500.
From Salem INT, Conn.; to Boston, Mass., LFR; MEA 2,000.

Section 610.106 *Amber civil airway 6* is amended to delete:

From Columbus, Ohio, LFR; to a beam, Mansfield, Ohio, LF/RBN; MEA 2,600.
From a beam, Mansfield, Ohio, LF/RBN; to Brighton INT, Ohio; MEA 2,500.
From Brighton INT, Ohio; to Elyria, Ohio, LF/RBN; MEA 2,200.

Section 610.208 *Red civil airway 8* is amended to delete:

From Lockburne INT, Ohio; to Zanesville, Ohio, LF/RBN; MEA 2,400.
From Zanesville, Ohio, LF/RBN; to Bergholz, Ohio, LF/RBN; MEA 2,500.
From Bergholz, Ohio, LF/RBN; to Butler, Pa., LF/RBN; MEA 2,500.

Section 610.213 *Red civil airway 13* is amended to delete:

From Wilkes-Barre, Pa., LFR; to Stewart, N. Y., LF/RBN; MEA 3,500.

Section 610.213 *Red civil airway 13* is amended by adding:

From Crystal Lake, Pa., LF/RBN; to Stewart, N. Y., LF/RBN; MEA 4,000.
From Stewart, N. Y., LF/RBN; to Poughkeepsie, N. Y., LFR; MEA 3,000.

Section 610.217 *Red civil airway 17* is amended to delete:

From McKeesport, Pa., LF/RBN; to Johnstown, Pa., LF/RBN; MEA 4,500.

Section 610.223 *Red civil airway 23* is amended by adding:

From St. James INT, N. Y.; to Grumman INT, N. Y.; MEA 1,600.

Section 610.227 *Red civil airway 27* is added to read:

From Nenabank INT, Alaska; to Nenana, Alaska, LFR; MEA 3,000.
From Nenana, Alaska, LFR; to Wolf INT, Alaska; MEA 4,500.

Section 610.261 *Red civil airway 61* is amended to delete:

From Johnstown, Pa., LF/RBN; to Flint Stone INT, Md.; MEA 4,500.

Section 610.261 *Red civil airway 61* is amended by adding:

From Columbiana INT, Ohio; to Butler, Pa., LF/RBN; MEA 2,500.

Section 610.262 *Red civil airway 62* is amended to delete:

From Mt. Pleasant INT, Pa.; to Johnstown, Pa., LF/RBN; MEA 4,500.

From Johnstown, Pa., LF/RBN; to Altoona, Pa., LFR; MEA 4,500.

Section 610.285 *Red civil airway 85* is amended to delete:

From Columbiana INT, Ohio; to Butler, Pa., LF/RBN; MEA 2,500.
From Butler, Pa., LF/RBN; to Apollo INT, Pa.; MEA 3,000.
From Apollo INT, Pa.; to Altoona, Pa., LFR; MEA 4,500.

Section 610.605 *Blue civil airway 5* is amended to read in part:

From Waxahachie INT, Tex.; to *Duncanville, Tex., LF/RBN; MEA 2,800. *2,200—MCA Duncanville LF/RBN, southbound.

Section 610.615 *Blue civil airway 15* is amended to delete:

From Huntington, W. Va., LF/RBN; to Columbus, Ohio, LFR; MEA 2,500.

Section 610.626 *Blue civil airway 26* is amended to read in part:

From Summit, Alaska, LFR; to *Wolf INT, Alaska; MEA 9,500. *6,000—MCA Wolf INT, southbound.
From Healy, Alaska, FM; to Wolf INT, Alaska, northbound only; MEA 6,500.
From Wolf INT, Alaska; to Fairbanks, Alaska, LFR; MEA 3,000.

Section 610.639 *Blue civil airway 39* is amended to delete:

From Flat Woods, INT, W. Va.; to Morgantown, W. Va., LFR; MEA 4,000.
From Morgantown, W. Va., LFR; to Mt. Pleasant, INT, Pa.; MEA 3,600.
From Mt. Pleasant, INT, Pa.; to New Alexandria, Pa., LF/RBN; MEA 3,600.

Section 610.643 *Blue civil airway 43* is amended to read:

From Healy, Alaska, FM; to *Nenana, Alaska; LFR; MEA northbound 6,500; southbound 9,500. *6,000—MCA Nenana LFR, southbound.
From Nenana, Alaska, LFR; to Fairbanks, Alaska, LFR; MEA 3,900.

Section 610.1001 *Direct routes, U. S.* is amended by adding:

From Key West, Fla., LFR; to Tamiama, Fla., LF/RBN; MEA 1,300.

Section 610.6003 *VOR civil airway 3* is amended to delete:

From Flat Rock, Va., VOR; to Potomac INT, Va.; MEA *3,000. *1,500—MOCA.

Section 610.6003 *VOR civil airway 3* is amended by adding:

From Flat Rock, Va., VOR; to Brooke, Va., VOR; MEA 1,600.
From Brooke, Va., VOR; to Washington, D. C., TVOR; MEA 1,500.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Burton INT, S. C.; to Charleston, S. C., VOR; MEA 1,400.

Section 610.6004 *VOR civil airway 4* is amended to delete:

From Boise, Idaho, VOR, via S alter.; to Glenns Ferry INT, Idaho, via S alter.; MEA 8,500.
From Glenns Ferry INT, Idaho, via S alter.; to Twin Falls, Idaho, VOR via S alter.; MEA 8,500.
From Twin Falls, Idaho, VOR via S alter.; to Burley, Idaho, VOR via S alter.; MEA 6,700.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From Sacramento, Calif., VOR via N alter; to *Auburn INT, Calif., via N alter; MEA 3,500. *7,500—MCA Auburn INT, northeastbound.
From Auburn INT, Calif., via N alter; to Blue Canyon INT, Calif., via N alter; MEA northeastbound, 11,000; southwestbound, 7,000.
From Blue Canyon INT, Calif., via N alter; to Mt. Lola INT, Calif., via N alter; MEA 11,000.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Evansville, Ind., VOR; to *Decker INT, Ind.; MEA 1,900. *8,000—MRA.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Mansfield, Ohio, VOR; to *Mt. Hope INT, Ohio; MEA 2,500. *3,000—MRA.

Section 610.6009 *VOR civil airway 9* is amended to read in part:

From Jackson, Miss., VOR via W alter.; to Greenwood, Miss., VOR via W alter.; MEA 1,700.
From Greenwood, Miss., VOR; to Hernando INT, Miss.; MEA *2,400. *1,800—MOCA.
From Hernando INT, Miss.; to Memphis, Tenn., VOR; MEA 1,500.
From Greenwood, Miss., VOR via E alter.; to Memphis, Tenn., VOR via E alter.; MEA *2,900. *1,600—MOCA.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Winslow, Ariz., VOR; to Zuni, N. Mex., VOR; MEA 9,000.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Houston, Tex., VOR via W alter.; to *Conroe INT, Tex., via W alter.; MEA **2,000. *4,000—MRA. **1,800—MOCA.
From Conroe INT, Tex., via W alter.; to Lufkin, Tex., VOR via W alter.; MEA *2,000. *1,800—MOCA.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Florida INT, Ind.; to *Coldwater INT, Ind.; MEA **4,300. *3,000—MRA. **2,800—MOCA.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Goldsmith INT, Tex., via N alter.; to Pipe Line INT, Tex., via N alter.; MEA *5,000. *4,300—MOCA.
From El Paso, Tex., VOR; to *Hueco Mt. INT, Tex.; MEA 8,000. *8,800—MRA.
From Hueco Mt. INT, Tex.; to Salt Flat, Tex., VOR; MEA 8,000.

Section 610.6016 *VOR civil airway 16* is amended to delete:

From Wink, Tex., VOR via N alter.; to Goldsmith INT, Tex., via N alter.; MEA 4,400.
From Goldsmith INT, Tex., via N alter.; to Midland, Tex., VOR via N alter.; MEA 4,300.

Section 610.6021 *VOR civil airway 21* is amended to delete:

From Pocatello, Idaho, VOR via W alter.; to Dubois, Idaho, VOR via W alter.; MEA 7,500.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From Greenville INT, Fla., via N alter.; to *Quitman INT, Ga., via N alter.; MEA **3,500. *3,000—MRA. **1,200—MOCA.

Section 610.6032 *VOR civil airway 32* is amended to read in part:

From Bonneville, Utah, VOR; to Timpie INT, Utah; MEA westbound, 10,000; eastbound, 11,000.
From Timpie INT, Utah, MEA; to Stansbury INT, Utah, westbound, 10,000; eastbound, 11,000.

Section 610.6035 *VOR civil airway 35* is amended to delete:

From Pittsburgh, Pa., VOR; to *New Alexandria INT, Pa.; MEA 3,000. *4,000—MCA New Alexandria INT, eastbound.
From New Alexandria INT, Pa.; to Philipsburg, Pa., VOR; MEA 4,000.

Section 610.6035 *VOR civil airway 35* is amended by adding:

From Johnstown, Pa., VOR; to Tyrone, Pa., VOR; MEA 4,500.
From Tyrone, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,500.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Macon, Ga., VOR; to *Wayside INT, Ga.; MEA 2,000. *2,200—MRA.
From Wayside INT, Ga.; to *Eatonton INT, Ga.; MEA 2,000. *3,500—MRA.
From Eatonton INT, Ga.; to *Madison INT, Ga.; MEA 2,000. *3,500—MRA.
From Madison INT, Ga.; to Athens, Ga., VOR; MEA 2,000.
From Athens, Ga., VOR; to Royston, Ga., VOR, MEA 2,000.

Section 610.6036 *VOR civil airway 36* is amended to delete:

From Buffalo, N. Y., VOR via S alter.; to Angelica INT, N. Y., via S alter.; MEA *4,500. *4,000—MOCA.
From Angelica INT, N. Y., via S alter.; to Elmira, N. Y., VOR via S alter.; MEA 4,000.

Section 610.6037 *VOR civil airway 37* is amended to read in part:

From Hadley INT, Pa.; to Erie, Pa., VOR; MEA *4,000. *3,000—MOCA.

Section 610.6038 *VOR civil airway 38* is amended to delete:

From Findlay, Ohio, VOR via S alter.; to *Richwood INT, Ohio, via S alter.; MEA **3,000. *3,000—MRA. **2,400—MOCA.
From Richwood INT, Ohio, via S alter.; to Appleton, Ohio, VOR via S alter.; MEA *3,000. *2,400—MOCA.

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Findlay, Ohio, VOR; to *Marion INT, Ohio; MEA 2,400. *3,000—MRA.
From Marion INT, Ohio; to Appelton, Ohio, VOR; MEA 2,400.

Section 610.6039 *VOR civil airway 39* is amended to delete:

From Herndon, Va., VOR; to Lisbon INT, Md.; MEA 2,500.
From Lisbon INT, Md.; to Hereford INT, Md.; MEA *3,000. *2,500—MOCA.

Section 610.6039 *VOR civil airway 39* is amended by adding:

From Herndon, Va., VOR; to Westminster, Md., VOR; MEA 2,500.
From Westminster, Md., VOR; to *Fleetwood INT, Pa.; MEA 2,500. *4,000—MRA.
From Fleetwood INT, Pa.; to Allentown, Pa., VOR; MEA 2,500.

Section 610.6043 *VOR civil airway 43* is amended to read in part:

From Tiverton, Ohio, VOR; to *Mt. Hope INT, Ohio; MEA **3,000. *3,000—MRA. **2,500—MOCA.
Mt. Hope INT, Ohio; to Youngstown, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6044 *VOR civil airway 44* is amended to read in part:

From Centralia, Ill., VOR; to *Decker INT, Ind.; MEA **8,000. *8,000—MRA. **2,300—MOCA.

Section 610.6053 *VOR civil airway 53* is amended to read in part:

From Peotone, Ill., VOR; to Midway INT, Ill.; MEA 2,300.

Section 610.6055 *VOR civil airway 55* is amended to read in part:

From Dayton, Ohio, VOR via W alter.; to *Union City INT, Ind., via W alter.; MEA **2,500. *2,500—MRA. **2,200—MOCA.
From Union City INT, Ind., via W alter.; to Ft. Wayne, Ind., VOR via W alter.; MEA *2,500. *2,200—MOCA.
From Dayton, Ohio, VOR; to *Dawn INT, Ohio; MEA **3,000. *3,000—MRA. **2,200—MOCA.
From Dawn INT, Ohio; to *Coldwater INT, Ohio; MEA **3,000. *3,000—MRA. **2,200—MOCA.
From Coldwater INT, Ohio; to Ft. Wayne, Ind., VOR; MEA *3,000. *2,200—MOCA.

Section 610.6065 *VOR civil airway 65* is amended to read in part:

From Int. 231 T, Kansas City, Mo., VOR and 178 T rads., St. Joseph VOR; to St. Joseph, Mo., VOR; MEA 2,400.

Section 610.6066 *VOR civil airway 66* is amended by adding:

From Atlanta, Ga., VOR; to Athens, Ga., VOR; MEA 2,300.
From Athens, Ga., VOR; to Union INT, S. C.; MEA *3,000. *1,900—MOCA.
From Union INT, S. C.; to Charlotte, S. C., VOR; MEA 2,000.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From Pipe Line INT, Tex.; to Midland, Tex., VOR; MEA 4,200.

Section 610.6069 *VOR civil airway 69* is amended to read in part:

From Big Run INT, Ill.; to Midway INT, Ill.; MEA 2,100.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From Binghamton, N. Y., VOR; to *Sidney INT, N. Y.; MEA 3,500. *4,500—MRA.
From Sidney INT, N. Y.; to Rockdale, N. Y., VOR; MEA 3,500.
From Rockdale, N. Y., VOR; to Albany, N. Y., VOR; MEA 4,500.
From Youngstown, Ohio, VOR; to *Hadley INT, Pa.; MEA 3,500. *4,000—MRA.
From Hadley INT, Pa.; to Titusville INT, VOR; MEA 3,500.

Section 610.6092 *VOR civil airway 92* is amended to read in part:

From Mansfield, Ohio, VOR; to *Mt. Hope INT, Ohio; MEA 2,500. *3,000—MRA.

Section 610.6093 *VOR civil airway 93* is amended to read in part:

From Lancaster INT, Pa.; to *Fleetwood INT, Pa.; MEA 2,500. *4,000—MRA.
From Fleetwood INT, Pa.; to Allentown, Pa., VOR; MEA 2,500.
From Hiram INT, Maine; to Augusta, Maine, VOR; MEA *4,000. *3,000—MOCA.

Section 610.6104 *VOR civil airway 104* is amended to read in part:

From U. S.-Canadian Border; to Massena, N. Y., VOR; MEA 1,500.

Section 610.6105 *VOR civil airway 105* is amended to read in part:

From Prescott, Ariz., VOR; to *Peacock INT, Ariz.; MEA 11,000. *12,000—MRA.
From Peacock INT, Ariz.; to *Hackberry INT, Ariz.; MEA 11,000. *13,200—MRA.

Section 610.6106 *VOR civil airway 106* is amended to read in part:

From Johnstown, Pa., VOR; to Reedsville INT, Pa.; MEA *8,000. *4,500—MOCA.
From Reedsville INT, Pa.; to Selinsgrove, Pa., VOR; MEA *8,000. *4,000—MOCA.

Section 610.6124 *VOR civil airway 124* is amended to delete:

From Burley, Idaho, VOR; to Pocatello, Idaho, VOR; MEA 7,000.

Section 610.6128 *VOR civil airway 128* is amended to read in part:

From Midway INT, Ill.; to Peotone, Ill., VOR; MEA 2,300.

Section 610.6133 *VOR civil airway 133* is amended by adding:

From Walnut Grove INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 3,000.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Montebello, Va., VOR; to Remington INT, Va.; MEA 6,000.
From Remington INT, Va.; to Herndon, Va., VOR; MEA 3,000.

Section 610.6144 *VOR civil airway 144* is amended to read in part:

From Findlay, Ohio, VOR; to *Marion INT, Ohio; MEA 2,400. *3,000—MRA.
From Marion INT, Ohio; to Appleton, Ohio, VOR; MEA 2,400.
From Midway INT, Ill.; to Peotone, Ill., VOR; MEA 2,300.

Section 610.6153 *VOR civil airway 153* is amended to read in part:

From Wilkes-Barre, Pa., VOR; to *Sidney INT, N. Y.; MEA 4,000. *4,500—MRA.
From Sidney INT, N. Y.; to *Georgetown INT, N. Y.; MEA **4,500. *4,500—MRA. **3,500—MOCA.
From Georgetown INT, N. Y.; to Syracuse, N. Y., VOR; MEA *4,500. *3,500—MOCA.

Section 610.6155 *VOR civil airway 155* is amended to delete:

From Gordonsville, Va., VOR; to *Casanova INT, Va.; MEA 3,000. *4,000—MRA.
From Casanova INT, Va.; to Front Royal, Va., VOR; MEA 4,000.

Section 610.6155 *VOR civil airway 155* is amended by adding:

From Gordonsville, Va., VOR; to Remington INT, Va.; MEA 3,000.

Section 610.6156 *VOR civil airway 156* is amended by adding:

From Gordonsville, Va., VOR; to Richmond, Va., LFR; MEA 2,000.

Section 610.6157 *VOR civil airway 157* is amended by adding:

From Richmond, Va., LFR; to Brooke, Va., VOR; MEA 1,500.

Section 610.6162 *VOR civil airway 162* is amended to read in part:

From Reinholds INT, Pa.; to *Fleetwood INT, Pa.; MEA 2,500. *4,000—MRA.
From Fleetwood INT, Pa.; to Allentown, Pa., VOR; MEA 2,500.

Section 610.6164 *VOR civil airway 164* is amended to delete:

From Bradford, Pa., VOR; to Stonyfork INT, Pa.; MEA 4,500.

Section 610.6164 *VOR civil airway 164* is amended by adding:

From Buffalo, N. Y., VOR; to Wellsville, N. Y., VOR; MEA 4,500.
From Wellsville, N. Y., VOR; to Stonyfork INT, Pa.; MEA 4,500.

Section 610.6170 *VOR civil airway 170* is amended to read in part:

From Sellinsgrove, Pa., VOR; to Tower City, Pa., VOR; MEA 4,000.
From Tower City, Pa., VOR; to West Chester, Pa., VOR; MEA 3,500.

Section 610.6173 *VOR civil airway 173* is amended to read in part:

From Big Run INT, Ill.; to Midway INT, Ill.; MEA 2,100.

Section 610.6191 *VOR civil airway 191* is amended to read in part:

From Big Run INT, Ill.; to Midway INT, Ill.; MEA 2,100.

Section 610.6210 *VOR civil airway 210* is amended to read in part:

From Cowan INT, Ind.; to *Union City INT, Ind.; MEA 2,400. *2,500—MRA.
From Union City INT, Ind.; to *Dawn INT, Ohio; MEA 2,400. *3,000—MRA.
From Dawn INT, Ohio; to Sidney, Ohio, VOR; MEA 2,400.
From *Union Pass INT, Ariz.; to **Hackberry INT, Ariz.; MEA 16,000. *15,000—MRA. **13,200—MRA.
From Hackberry INT, Ariz.; to Valle, Ariz., VOR; MEA 16,000.
From Valle, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 16,000.
From Farmington, N. Mex., VOR; to Pueblo, Colo., VOR; MEA 16,000.

Section 610.6222 *VOR civil airway 222* is amended to read in part:

From Ft. Stockton, Tex., VOR; to Junction, Tex., VOR; MEA *8,000. *4,400—MOCA.

Section 610.6238 *VOR civil airway 238* is amended by adding:

From Philipsburg, Pa., VOR; to Coburn INT, Pa.; MEA 4,000.
From Coburn INT, Pa.; to Tower City, Pa., VOR; MEA *4,500. *4,000—MOCA.
From Tower City, Pa., VOR; to West Chester, Pa., VOR; MEA 3,500.
From West Chester, Pa., VOR; to Woodstown, N. J., VOR; MEA 1,800.

Section 610.6246 *VOR civil airway 246* is amended to read in part:

From Dayton, Ohio, VOR; to *Spring Hills INT, Ohio; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From Spring Hills INT, Ohio; to *Marion INT, Ohio; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From Marion INT, Ohio; to Mansfield, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6249 *VOR civil airway 249* is amended to read in part:

From DeLancey, N. Y., VOR; to Rockdale, N. Y., VOR; MEA 5,000.
From Rockdale, N. Y., VOR; Oneida Co., N. Y., ILS/OM; MEA 4,000.

Section 610.6252 *VOR civil airway 252* is amended to read in part:

From Binghamton, N. Y., VOR; to Huguenot, N. Y., VOR; MEA 4,000.

Section 610.6253 *VOR civil airway 253* is amended by adding:

From Twin Falls, Idaho, VOR; to Boise, Idaho, VOR; MEA 8,500.

From Mountain Home, Idaho, FM; to Boise, Idaho, VOR northwest bound only; MEA 7,600.

Section 610.6253 *VOR civil airway 253* is amended to read in part:

From Tooele, INT, Utah; to Timple INT, Utah; MEA *15,000. *13,000—MOCA.

Section 610.6258 *VOR civil airway 258* is amended by adding:

From Roanoke, Va., TVOR; to Penhook INT, Va.; MEA 5,000.

Section 610.6262 *VOR civil airway 262* is amended to read in part:

From Big Run INT, Ill.; to Midway INT Ill.; MEA 2,100.

Section 610.6266 *VOR civil airway 266* is amended by adding:

From Waverly INT, Va.; to Elizabeth City, N. C., VOR; MEA *3,000. *1,300—MOCA.

Section 610.6267 *VOR civil airway 267* is amended to delete:

From Daytona Beach, Fla., VOR via E alter.; to *Crescent Lake INT, Fla., via E alter.; MEA 1,200. *3,000—MRA.

From Crescent Lake INT, Fla., via E alter.; to Roy INT, Fla., via E alter.; MEA *3,000. *1,300—MOCA.

Section 610.6267 *VOR civil airway 267* is amended to read in part:

From Orlando, Fla., VOR; to Roy INT, Fla.; MEA *3,000. *1,300—MOCA.

Section 610.6269 *VOR civil airway 269* is amended by adding:

From Twin Falls, Idaho, VOR; to Burley, Idaho, VOR; MEA 6,700.

From Burley, Idaho, VOR; to Pocatello, Idaho, VOR; MEA 7,000.

From Pocatello, Idaho, VOR; to Dubois, Idaho, VOR; MEA 7,500.

Section 610. 6276 *VOR civil airway 276* is amended by adding:

From Ellwood City, Pa., VOR; to Creekside INT, Pa.; MEA *4,500. *3,500—MOCA.

From Creekside INT, Pa.; to Tyrone, Pa., VOR; MEA 4,000.

From Tyrone, Pa., VOR; to Tower City, Pa., VOR; MEA 4,000.

From Tower City, Pa., VOR; to *Fleetwood INT, Pa.; MEA 4,000. *4,000—MRA.

From Fleetwood INT, Pa.; to Yardley, Pa., VOR; MEA *4,000. *2,500—MOCA.

Section 610.6277 *VOR civil airway 277* is amended to read in part:

From *Plain City INT, Ohio; to **Spring Hills INT, Ohio; MEA 2,400. *3,500—MRA. **3,000—MRA.

From Spring Hills INT, Ohio; to Sidney, Ohio, VOR; MEA 2,400.

Section 610.6279 *VOR civil airway 279* is added to read:

From Columbus, Ohio, LFR; to Findlay, Ohio, VOR; MEA 2,500.

Section 610.6280 *VOR civil airway 280* is added to read:

From El Paso, Tex., VOR; to *Hueco Mt. INT, Tex.; MEA 8,000. *8,800—MRA.

From Hueco Mt. INT, Tex.; to Pinon, N. Mex., VOR; MEA 8,800.

From Pinon, N. Mex., VOR; to Roswell, N. Mex., VOR; MEA 8,800.

Section 610.6282 *VOR civil airway 282* is added to read:

From Cofield, N. C., VOR; to Elizabeth City, N. C., VOR; MEA 1,300.

Section 610.6602 *VOR civil airway 1502* is amended by adding:

From Lansing, Mich., VOR; to Salem, Mich., VOR; MEA 2,900.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From *Union Pass INT, Ariz.; to **Hackberry INT, Ariz.; MEA 16,000. *15,000—MRA. **13,200—MRA.

From Hackberry INT, Ariz.; to Valle, Ariz., VOR; MEA 16,000.

From Valle, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 16,000.

Section 610.6616 *VOR civil airway 1516* is amended to read in part:

From Valle, Ariz., VOR; to Farmington, N. Mex., VOR; MEA 16,000.

Section 610.6618 *VOR civil airway 1518* is amended to read in part:

From Locustgrove INT, Va.; to Washington, D. C., TVOR; MEA 1,500.

Section 610.6620 *VOR civil airway 1520* is amended to read in part:

From Biscoe INT, Ark.; to *Hughes INT, Ark.; MEA **2,500. *3,000—MRA. **1,700—MOCA.

From Hughes INT, Ark.; to Memphis, Tenn., VOR; MEA *2,500. *1,700—MOCA.

From Locustgrove INT, Va.; to Washington, D. C., TVOR; MEA 1,500.

Section 610.6622 *VOR civil airway 1522* is amended to read in part:

From Locustgrove INT, Va.; to Washington, D. C., TVOR; MEA 1,500.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective September 26, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 10, 1957.

[F. R. Doc. 57-7591; Filed, Sept. 17, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6762]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

J. SCHACHTER

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Wool Products Labeling Act; § 13.130 *Manufacture or preparation:* Wool Products Labeling Act; § 13.140 *Old, reclaimed, or reused as new.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise.* Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Jacob Schachter trading as J. Schachter, New York, N. Y., Docket 6762, August 24, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with labeling bed comforters falsely as to the wool and other fiber content and failing to label them as required, in violation of the Wool Products Labeling Act; and with representing falsely on advertising streamers and inserts enclosed in individual containers that the filling was 100 percent new material, that the comforters were treated with Westinghouse ultra-violet ray lamps, and that a fictitious and excessive figure was the usual retail price.

Following an agreement for consent order between the parties, the hearing examiner made his initial decision and order to cease and desist which became on August 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Jacob Schachter, an individual trading as J. Schachter or trading under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of bed comforters or other "wool products", as such products are defined in and subject to said Wool Products Labeling Act, which products contain, purport to contain, or in any way are represented as containing, "wool", "reprocessed wool" or "reused wool" as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag or label, or other means of identification, showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Jacob Schachter, trading as J. Schachter or trading under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bed comforters or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Representing in any manner that bed comforters or other products are "Westinghouse Ultra-Violet Treated" or treated in any other manner, when such is not the fact.

2. Representing, on labels or in any other manner, that certain amounts are the usual and regular retail prices of products when such amounts are in excess of the prices at which the products are usually and regularly sold at retail.

3. Putting into operation any plan whereby retailers or others may misrepresent (a) the regular and usual retail price of merchandise, and (b) the character, quality or treatment of the materials in such merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Jacob Schachter (erroneously referred to in the complaint as Jacob Schacter), an individual trading as J. Schachter, shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: August 23, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-7634; Filed, Sept. 17, 1957; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

SEASONS AND LIMITS ON WATERFOWL, COOTS AND WILSON'S SNIPE; CENTRAL FLYWAY STATES

Basis and purpose. On August 28, 1957, additional amendments to Part 6, Title 50, Code of Federal Regulations, were adopted to prescribe hunting seasons and bag and possession limits for the 1957–58 seasons on migratory waterfowl, coots and Wilson's snipe in the several States comprising the four flyways which form the basis for the management of these birds. These amendments were published in the FEDERAL REGISTER on August 31, 1957 (22 F. R. 7058), and will become effective on October 1, 1957.

Included as a part of these amendments were a number of special conditions designed to limit the harvest of particular species of geese frequenting the Central Flyway, particularly the Great Basin Canada goose in the States of Colorado, Montana, and Wyoming. These conditions were prescribed to carry into effect the recommendations contained in a resolution adopted at a meeting held at Santa Fe, New Mexico, on August 2, 1957, by the Central Flyway Waterfowl Council, an advisory group composed of representatives of the game departments of the several States included in the Central Flyway.

Subsequent to the promulgation of the amendments issued on August 28, 1957, this Department has been informed that an error occurred when reproducing the Central Flyway Waterfowl Council's resolution of August 2, 1957, with the result that an area in Uinta County, Wyoming, for which a 75-day goose season was recommended, was inadvertently omitted from the resolution. As a consequence, paragraph (e) of § 6.51 as adopted on August 28, 1957, failed to provide for a season on geese in a portion of Uinta County, Wyoming, separate and apart from the general goose season fixed for the State of Wyoming for the 1957–58 season.

Additional errors have been discovered in paragraph (e) of § 6.51 in that (1) it fails to implement the recommendation of the Central Flyway Waterfowl Council by restricting the bag and possession limit on geese taken in all areas of Wyoming, except Goshen County, to one (1) Canada goose or its subspecies, and (2) it prescribes a general goose hunting season in the State of Colorado between the dates of November 17 and January 15; whereas the hunting season for geese in Colorado should have been stated as extending from November 2 through December 31.

To correct the errors described and to state more clearly the limitations applicable to the taking and possession of geese in all States in the Central Flyway, paragraph (e) of § 6.51, as the same appears in 22 F. R. 7048, 7050, is revised to read as follows:

§ 6.51 *Seasons and limits on waterfowl, coots, and Wilson's snipe.* * * *

(e) *Central Flyway States.*

	Ducks	Coots	Geese (except Ross's geese)	Wilson's snipe
Daily bag limits	[1] 5	10	[2] 6	8
Possession limits	[1] 10	10	[2] 6	8
Seasons in—				
Colorado [3]	Oct. 18–Dec. 31		Nov. 2–Dec. 31	Oct. 18–Nov. 16.
Kansas	Oct. 12–Dec. 25		Oct. 12–Dec. 10	Oct. 12–Nov. 10.
Montana: [3]				
East of Continental Divide	Oct. 5–Dec. 18		Oct. 5–Dec. 3	Closed season.
West of Continental Divide	do		Oct. 5–Nov. 18	Do.
Nebraska	do		Oct. 12–Dec. 10	Oct. 5–Nov. 3.
New Mexico	Nov. 2–Jan. 15		Nov. 17–Jan. 15	Nov. 2–Dec. 1.
North Dakota	Oct. 1–Dec. 14		Oct. 1–Nov. 29	Oct. 1–Oct. 30.
Oklahoma	Oct. 19–Jan. 1		Oct. 19–Dec. 17	Dec. 3–Jan. 1.
South Dakota	Oct. 5–Dec. 18		Oct. 5–Dec. 3	Oct. 5–Nov. 3.
Texas [4]	Nov. 1–Jan. 14		Nov. 1–Dec. 30	Dec. 16–Jan. 14.
Wyoming: [3]				
Teton County; that part of Lincoln County within the drainages of the Bear, Grey's, Salt, and Snake Rivers; and that part of Uinta County within the drainage of the Bear River.	Oct. 11–Dec. 24		Oct. 11–Dec. 24	Closed season.
Remainder of State	do		Oct. 26–Dec. 24	Do.

[1] Wood ducks and mergansers: Daily bag and possession limits may not include more than 1 wood duck and 1 hooded merganser. In addition to the daily bag and possession limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, possession limit 10, singly or in aggregate of both kinds.

[2] Geese: Throughout all States in the Central Flyway the bag and possession limit on geese in no event may include more than 1 white-fronted goose. In Goshen County, Wyoming; that portion of Montana lying east of the Continental Divide; and throughout all other States in the Flyway, the bag and possession limit on geese may not include, in the alternative, more than (a) 2 Canada geese or its subspecies; or (b) 1 Canada goose and 1 white-fronted goose: *Provided*, That a closed season is prescribed on Canada geese in Moffat County, Colorado. In all areas of Wyoming (other than Goshen County) and in that portion of Montana lying west of the Continental Divide, the bag and possession limit on geese may not include more than 1 Canada goose or its subspecies. A closed season is prescribed on snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, and in the entire State of Wyoming.

[3] Texas: Closed season on black-bellied tree ducks.

The foregoing revision of paragraph (e) of § 6.51 will not affect the terms and conditions accompanying the permission heretofore granted, effective October 1, 1957, to take migratory waterfowl, coots, and Wilson's snipe in the Central Flyway States, except so far as the revision will affect the hunting season for geese throughout the State of Colorado, the hunting dates for geese in a limited area in Uinta County, Wyoming, and the bag and possession limit on geese in all areas of Wyoming, except Goshen County. A correction in the dates for hunting geese in Colorado is necessary to conform the closing date of the goose season with the December 31 closing date of the season on ducks and coots in that State. The revised dates for goose hunting in a portion of Uinta County, Wyoming, is necessary to effectuate the management of this species in such area in conjunction with the larger segment of the same flock in the adjoining State of Utah. The modification in the bag and possession limit for geese so as to reduce from two to one the number of Canada geese or its subspecies which may be taken and possessed in all areas of Wyoming, except Goshen County, is necessary to prevent an excessive harvest of Canada geese which breed in that State and are in need of greater protection. The revision of paragraph (e) of § 6.51 must be made effective without awaiting the expiration of a full period of 30 days in order to prescribe appropriate restrictions on the number of Canada geese which may be

taken daily and held in possession in Wyoming during the goose season which opens in a part of that State as early as October 11. In the circumstances, it has been determined that notice and public procedure on this revision are impracticable and that the 30-day advance publication requirement imposed by the provisions of section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c), may be waived under the exemptions provided in that section. Accordingly, the foregoing revision shall become effective on October 1, 1957.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.)

Issued at Washington, D. C., and dated September 12, 1957.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 57-7628; Filed, Sept. 17, 1957; 8:45 a. m.]

Subchapter I—Northwest Atlantic Commercial Fisheries

PART 155—HADDOCK AND COD FISHERIES

Basis and purpose. At its Fifth Annual Meeting held in Ottawa, Canada, June 6–11, 1955, the International Commission for the Northwest Atlantic Fisheries, a body created pursuant to Article II of the International Convention for the Northwest Atlantic Fisheries signed at Washington, D. C., under date of February 8, 1949, adopted a proposal amending a proposal previously adopted by the Commission in which it had been recommended that the Contracting Governments take appropriate action to prohibit the taking of haddock in Sub-area 5 of the Convention Area with a trawl net having a mesh size of less than four and one-half inches.

Under the terms of the proposal adopted at its Fifth Annual Meeting the Commission's earlier proposal was so amended as to recommend that all Contracting Governments prohibit the taking of cod, as well as haddock, in Subarea 5 of the Convention Area with a trawl net having a mesh size of less than four and one-half inches. In the amended proposal the restrictions on the mesh size of a net are stated in terms of a trawl net constructed of manila twine, with the provision that when trawl nets other than manila are used they shall have a selectivity equivalent to that of a four and one-half inch manila trawl net. The amended proposal also modified the Commission's previously adopted recommendation that all Contracting Governments restrict the nature and extent of the protective covering (chafing gear) which might be used to reduce and prevent damage to trawl nets used in taking haddock and cod.

At all times since the initial adoption by the International Commission for the Northwest Atlantic Fisheries at its meeting held in St. Andrews, New Brunswick, Canada, June 30–July 9, 1952, of a proposal recommending a mesh size restriction for the taking of haddock in Subarea 5, the Commission's proposals have limited the exemptions to the restriction to persons taking haddock for the purposes of scientific investigation or to persons having in possession on board a vessel haddock in amounts less than five thousand pounds or ten percent by weight of all fish on board such vessel, whichever is larger. At its Sixth Annual Meeting held in Halifax, Nova Scotia, Canada, June 11–15, 1956, the Commission so amended the proposal adopted at its Fifth Annual Meeting as to provide for an alternative to the "five thousand pound-ten percent" exemption per fishing trip applicable to the taking of haddock and cod in Sub-area 5. Under the alternative provided by the Commission's amended proposal all Contracting Governments may also exempt from the mesh size restriction any person who does not catch, in any period of twelve months, haddock or cod in quantities in excess of ten percent for each species of all the trawl-caught fish taken by such persons during such period of twelve months.

Acceptance of the proposal adopted at the Commission's Fifth Annual Meeting, as amended by the Commission at its Sixth Annual Meeting, was completed by the Governments of the United States and Canada on November 26, 1956. Accordingly, in accordance with the provisions of the International Convention for the Northwest Atlantic Fisheries, the proposal as adopted and amended entered into force with respect to all Contracting Governments on March 26, 1957.

In accordance with section 4 (a) of the Northwest Atlantic Fisheries Act of 1950, a proposed revision of existing regulations designed to implement the Commission's proposals, as described above, was submitted to the Advisory Committee to the United States Commissioners on the International Commission for the Northwest Atlantic Fisheries on March 5, 1957, at which time the proposed revised regulations received the approval, in principle, of the Advisory Committee.

By notice of proposed rule making published on May 30, 1957 (22 F. R. 3797), the public was invited to participate in the adoption of proposed amendments to these regulations by submitting written data, views, or arguments to the Commissioner, U. S. Fish and Wildlife Service, Washington 25, D. C., within a period of thirty days from the publication of the notice. Consideration having been given to all pertinent data received in response to the notice, the part headnote is revised to read as set forth above and the regulations appearing below are adopted to replace Part 155—Haddock Provisions:

Sec.
155.1 Meaning of terms.
155.2 Registration certificates.
155.3 Restrictions on fishing gear.
155.4 Temporary suspension of registration certificates.
155.5 Certain persons and vessels exempted.

AUTHORITY: §§ 155.1 to 155.5 issued under sec. 7, 64 Stat. 1069; 16 U. S. C. 986.

§ 155.1 *Meaning of terms.* When used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section.

(a) *Convention area.* All waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 59°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude; thence along a rhumb line to a point in 69°00′ north latitude and 59°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

(b) *Regulatory area.* That portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the Meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66° west longitude; thence along a rhumb line in a southeasterly direction to a point in 42° north latitude; 65°40′ west longitude; thence due south to the parallel of 39° north latitude; thence due west to the Meridian of 71°40′ west longitude; thence due north to a point three miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of three miles to the point of beginning.

(c) *Haddock.* Any fish of the species Melanogrammus aeglefinus.

(d) *Haddock fishing.* Means and includes (1) the catching, taking, or fishing for or the attempted catching, taking, or fishing for fish of the species Melanogrammus aeglefinus; and (2) the outfitting and departure of a vessel for or the return of a vessel from haddock fishing.

(e) *Cod.* Any fish of the species Gadus callarias.

(f) *Cod fishing.* Means and includes (1) the catching, taking, or fishing for or the attempted catching, taking, or fishing for fish of the species Gadus callarias; and (2) the outfitting and departure of a vessel for or the return of a vessel from cod fishing.

(g) *Fishing vessel.* Every kind, type, or description of watercraft subject to the jurisdiction of the United States used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(h) *Trawl net.* Any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(i) *Cod end.* The bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

§ 155.2 *Registration certificates.* (a) Unless permitted to do so by § 155.5, after October 1, 1957, no person shall engage in haddock fishing or cod fishing within the regulatory area, nor shall any person possess, transport or deliver by means of any fishing vessel haddock or cod taken within such area except under a registration certificate issued and in force in conformity with the provisions of this part.

(b) The owner or operator of a fishing vessel may obtain without charge a registration certificate by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the registration certificate is desired. The form shall be submitted, in duplicate, to the Regional Director, Bureau of Commercial Fisheries, Boston, Massachusetts, who shall grant the registration certificate for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the registration certificate is issued. New registration certificates shall similarly be issued to replace expired, lost or mutilated certificates. An application for replacement of an expiring registration certificate shall be made in like manner as the original application not later than ten days prior to the expiration date of the expiring certificate.

(c) The registration certificate issued by the Bureau of Commercial Fisheries shall be carried at all times on board the vessel for which it is issued and such certificate, the vessel, its gear and equipment shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

§ 155.3 *Restrictions on fishing gear.* (a) No person shall possess at any time on board a vessel for which a registration certificate is in force, or use or attempt to use from such vessel, a trawl net or nets, parts of nets, or netting of manila twine having a mesh size of less than four and one-half inches as defined in this section, nor a trawl net or nets, parts of nets, or netting of material other than manila twine unless it shall have a selectivity equivalent to that of a four and one-half inch manila trawl net.

(b) As used in this section, the term "mesh size of less than four and one-half inches" shall mean: (1) With respect to any part of the net except the cod end, the average size of any twenty consecutive meshes in any row located at least ten meshes from the side lacings measured when wet after use; and (2) with respect to the cod end, the average size of any row of meshes running the length of the cod end located at least ten meshes from the side lacings, measured when wet after use, or, at the option of the user, a cod end which has been approved, in accordance with paragraph (d) of this section, by an authorized employee of the Bureau of Commercial Fisheries, as having a mesh size when dry before use equivalent to not less than four and one-half inches when wet after use.

(c) All measurements of meshes when wet after use shall be made by the insertion into such meshes under pressure of not less than ten nor more than fifteen pounds of a flat wedge-shaped gauge having a taper of two inches in eight inches and a thickness of three thirty-seconds of an inch.

(d) For the purpose of approving a dry cod end before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod end shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least ten meshes from the side lacings, when stretched under a tension of two hundred pounds, and dividing the length by the number of meshes in such row: *Provided*, That not more than ten percent of the meshes in such row shall be more than one-half inch smaller when measured between knot centers than the average of the row. A cod end so measured which is constructed of one of the twines and is of not less than the average mesh size specified in the table below for such twine may be approved for haddock fishing or cod fishing by any authorized employee of the Bureau of Commercial Fisheries by the attachment to such cod end of an appropriate seal. The omission from the table of one or more specifications of twines shall not preclude the continued use of cod ends constructed from such twines where the cod ends received approval pursuant to the provisions of this part as the same were in effect between the dates of January 1, 1954, and October 24, 1956.

Twine:	*Average mesh size*
4-ply 45-yard manila, double strand.	5.625 inches (5⅝″).
4-ply 50-yard manila, double strand.	5.625 inches (5⅝″).
4-ply 75-yard manila, double strand.	5.625 inches (5⅝″).
4-ply 80-yard manila, double strand.	5.500 inches (5½″).
120-thread cotton	4.250 inches (4¼″).
No. 1000 braided nylon cargo netting, single strand (43 yd. per lb.).	4.625 inches (4⅝″).
No. 400–550 braided nylon parachute cord, single strand.	4,500 inches (4½″).

(e) The alteration, defacement or reuse of any seal affixed to a cod end in accordance with this section is prohibited.

(f) The repair, alteration or other modification of a cod end to which a seal has been affixed in accordance with this section shall invalidate such seal and such cod end shall not thereafter be deemed to be approved for haddock fishing or cod fishing. Nothing contained in this paragraph shall preclude the continued use at the option of the user of a cod end having an invalidated seal affixed thereto if such cod end after repair, alteration or other modification does not have a mesh size of less than four and one-half inches as defined in paragraph (b) of this section.

(g) For the purposes of this section, a cod end constructed of twine other than manila and not subject to approval and certification when measured dry before use as provided in paragraph (d) of this section shall be deemed to have a selectivity equivalent to that of a four and one-half inch manila trawl net if such cod end has a mesh size of not less than four and one-half inches when measured wet after use in the manner prescribed in paragraph (b) of this section.

(h) The use in haddock fishing or cod fishing within the regulatory area of any device or method which will obstruct the meshes of the trawl net or which otherwise will have the effect of diminishing the size of said meshes is prohibited: *Provided*, That (1) a protective covering of canvas, netting, or other material may be attached to the underside of the cod end only of the net to reduce and prevent damage and (2) a rectangular piece of netting may be attached to the upper side of the cod end only of the net to reduce and prevent damage so long as the netting attached to the upper side of the cod end conforms to the following conditions:

(i) Such netting shall not have a mesh size less than that specified in this section. For the purposes of this paragraph, the required four and one-half inch mesh size when measured wet after use shall be deemed to be the average of the measurements of twenty consecutive meshes in a series across the netting, such measurements to be made with a like gauge inserted into the meshes as specified in paragraph (c) of this section.

(ii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting.

(iii) Such netting shall not exceed sixteen meshes in length counted parallel to the long axis of the cod end and the width of the netting shall be at least one and one-half times the width of the area of the cod end which is covered; such widths to be measured at right angles to the long axis of the cod end.

§ 155.4 *Temporary suspension of registration certificates.* (a) The owner or operator of any fishing vessel which is proposed to be used in haddock fishing or cod fishing beyond the limits of the regulatory area or is proposed to be used in fishing within such area for species of fish other than haddock or cod, may obtain a temporary suspension of the registration certificate issued for such vessel for the specified period during which such nonregulated fishing is to be conducted.

(b) Temporary suspension of registration certificates shall be granted upon oral or written request, specifying the period of suspension desired, by an authorized officer of the State of Maine or of the State of Massachusetts or by an authorized officer of any one of the fol-

lowing agencies: Bureau of Commercial Fisheries, Coast Guard, Bureau of Customs, Post Office Department. Such officer shall make appropriate endorsement on the certificate evidencing the duration of its suspension.

§ 155.5 *Certain persons and vessels exempted.* Except as otherwise provided in this section, nothing contained in §§ 155.2 to 155.4 shall apply to:

(a) Any person or vessel authorized by the Secretary of the Interior to engage in haddock fishing or cod fishing for scientific purposes.

(b) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

(c) Any person who in the course of taking fish other than haddock or cod, takes and possesses a quantity of haddock or cod not exceeding five thousand pounds for each, or ten percent by weight for each, of all fish on board the vessel from which the fishing is conducted, whichever is the greater.

(d) Any person who does not take, in any period of twelve months, haddock or cod in quantities in excess of ten percent by weight for each of said species, of all the trawl-caught fish taken by such person in such period of twelve months. Any person desiring to avail himself of the exemption provided in this paragraph shall first obtain a certificate of exemption and shall comply with the following conditions:

(1) The owner or operator of a fishing vessel proposed to be operated under the exemption authorized in this paragraph may obtain without charge a certificate of exemption by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the name and address of the owner and operator of the vessel and the name, official number, and the home port of the vessel. Each such application must be accompanied by a written statement, certified by the applicant to be correct, listing by weight, species, and catch by month, the total quantities of all fish taken, by means of the vessel to be exempted, during a period of twelve months immediately preceding the date of application. The application form and the certified statement shall be submitted, in duplicate, to the Regional Director, Bureau of Commercial Fisheries, Boston, Massachusetts, who shall grant a certificate of exemption valid for a period of twelve months from the date of issue and authorizing during such period the use of the vessel for which issued in the taking of haddock or cod within the regulatory area without regard to the registration requirements and restrictions on fishing gear imposed, respectively, by §§ 155.2 and 155.3, so long as the vessel and its fishing gear are not used to take haddock or cod in quantities in excess of ten percent by weight for each species of all the trawl-caught fish taken by means of such vessel during the 12-month period covered by the certificate. Duplicate certificates of exemption shall be issued to replace lost or mutilated certificates. An application for renewal of an expiring certificate of exemption shall be made in like manner as the original application not later than 15 days prior to the expiration date of the expiring certificate, but no renewal shall be granted if it is determined by said Regional Director that the vessel for which a renewal is sought was used to take quantities of haddock or cod in excess of the allowable percentages during the 12-month period covered by the expiring certificate of exemption.

(2) The certificate of exemption issued by the Bureau of Commercial Fisheries shall be carried at all times on board the vessel for which it is issued, and such certificate, the vessel, its gear and equipment, and records pertaining to the catches of fish made by means of such vessel shall at all times be subject to inspection for the purposes of this part by any officer authorized to enforce the provisions of this part.

(3) The owner or operator of a fishing vessel for which a certificate of exemption is in force shall furnish on a form supplied by the Bureau of Commercial Fisheries, immediately following the delivery or sale of a catch of fish made by means of such vessel, a report, certified to be correct by the owner or operator, listing separately by species and weight the total quantities of all fish so sold or delivered. Such reports shall be delivered or mailed, in duplicate, to the said Regional Director.

(4) The owner or operator of a fishing vessel for which a certificate of exemption is in force, who proposes to use such vessel in fishing primarily for haddock or cod during any period of time within the 12-month period covered by the certificate, may obtain a temporary suspension of such certificate in like manner as provided in § 155.4 and may make application to engage in fishing for haddock or cod under a registration certificate as provided in § 155.2. Any haddock or cod taken by means of a vessel for which a registration certificate is in force and by means of haddock fishing or cod fishing conducted in conformity with the restrictions on fishing gear prescribed by § 155.3 shall be excluded from the total of all trawl-caught fish taken during the applicable 12-month period when computing the ratio of haddock or cod to the trawl-caught fish taken during such period. For the purposes of computing the quantities of haddock or cod so to be excluded, the owner or operator of a fishing vessel covered by a suspended certificate of exemption and taking haddock or cod while operating under a registration certificate shall submit catch reports in like manner as provided in subparagraph (3) of this paragraph.

The foregoing revision of Part 155 shall become effective on October 1, 1957.

Issued at Washington, D. C., and dated September 6, 1957.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 57-7627; Filed, Sept. 17, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1508]

[Anchorage 031958]

ALASKA

WITHDRAWING PUBLIC LANDS FOR PROTECTION OF WATER SUPPLY OF CITY OF SITKA AND MT. EDGECUMBE MEDICAL CENTER

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for the protection of the water supply of the City of Sitka and the Mt. Edgecumbe Medical Center:

SITKA AREA

Beginning at corner No. 5 of Tract B, U. S. Survey No. 407, thence

S. 65°30' E., 1,000 feet,
S. 24°30' W., 1,300 feet,
N. 65°30' W., 1,000 feet,
N. 24°30' E., 1,300 feet to point of beginning.

The tract described contains 29.843 acres.

ROGER C. ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 12, 1957.

[F. R. Doc. 57-7629; Filed, Sept. 17, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CONCENTRATED ORANGE JUICE FOR MANUFACTURING [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the U. S. Department of Agriculture is considering amendments to the United States Standards (§§ 52.2221–52.2231) for Grades of Concentrated Orange Juice for Manufacturing pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These amendments hereinafter set forth provide principally for a minimum concentration and changes in permitted Brix value to acid ratios.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Delete § 52.2221 and substitute therefor the following:

§ 52.2221 *Product description.* Concentrated orange juice for manufacturing is the concentrated product obtained from sound, mature fruit of the sweet orange group (Citrus sinencis) and the Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice and the extracted juice is concentrated. The concentrated orange juice is processed in accordance with good commercial practice; and may or may not require processing by heat, subsequent refrigeration, or freezing to assure preservation of the product, but is not the product known as "frozen concentrated orange juice." The finished product may contain cold pressed orange oil to standardize the flavor and may contain chemical preservatives permissible under the Federal Food, Drug, and Cosmetic Act. The Brix value of the finished concentrate is not less than 20 degrees.

2. Delete § 52.2224 and substitute therefor the following:

§ 52.2224 *Ascertaining the grade of a sample unit*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated in ascertaining the grade of a sample unit of concentrated orange juice for manufacturing:

(1) *Factor not rated by score points.* (i) Faculty of reconstituting properly.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum numbers of points that may be given such factors are:

Factors:	Points
Color	20
Absence of defects	40
Flavor	40
Total score	100

3. Delete § 52.2228 and substitute therefor the following:

§ 52.2228 *Flavor*—(a) *(A-Mfg.) classification.* Concentrated orange juice of which the reconstituted juice possesses a reasonably good flavor may be given a score of 34 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concentrated orange juice from properly processed and concentrated orange juice; that the flavor may range from high acidity to low acidity; is practically free from traces of scorching, caramelization, oxidation, or terpene; and is free from other off flavors of any kind. To score in this classification the ratio of the Brix value of the concentrate to the acid shall be not less than 8 to 1 nor more than 20 to 1.

(b) *(C-Mfg.) classification.* If the reconstituted juice possesses a fairly good flavor a score of 28 to 33 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a normal flavor for reconstituted concentrated orange jufce; and that the flavor may range from high acidity to low acidity; may have a slightly caramelized or slightly oxidized flavor or may possess traces of terpene but is free from off flavors of any kind. To score in this classification the ratio of the Brix value of the concentrate to the acid shall be not less than 8 to 1 nor more than 24 to 1.

(c) *(SStd-Mfg.) classification.* If the concentrated orange juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given. Concentrated orange juice that falls into this classification shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

4. Delete § 52.2229 and substitute therefor the following:

§ 52.2229 *Explanation of terms and analyses.* (a) "Reconstituted juice" means the product obtained by thoroughly mixing the concentrate with a sufficient quantity of distilled water to produce an article of between 11.7 and 12.7 degrees Brix.

(b) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(c) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in concentrated orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(d) "Brix value" is the refractometric sucrose value of the thawed concentrate determined in accordance with the refractometric method for sugars and sugar products outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists," and to which the applicable correction for acid is added.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE [1]

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

[1] SOURCE: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. 11, p. 447, Aug. 15, 1939.

(e) "Brix" of the reconstituted juice means the degree Brix as determined by the Brix hydrometer calibrated at 20 degrees Centigrade (68 degrees Fahrenheit) and to which any applicable temperature correction has been applied.

Dated: September 13, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-7650; Filed, Sept. 17, 1957; 8:48 a. m.]

[7 CFR Ch IX]

[Docket No. AO-299]

MILK IN NORTHLAND MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the City Council Room, City Hall, Escanaba, Michigan, beginning at 10:00 a. m., local time on October 8, 1957, with respect to a proposed marketing agreement and order to regulate the handling of milk in the Northland marketing area.

This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions, which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the act.

The proposals set forth below have not received the approval of the Secretary of Agriculture.

The following marketing agreement and order is proposed by the Michigan Milk Producers' Association, Pure Milk Products Cooperative, and Vacationland Cooperative Association:

Proposal No. 1:

DEFINITIONS

§ .1 *Act.* "Act" means Public Act No. 10 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ .2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ .3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ .4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ .5 *Northland Marketing Area.* "Northland Marketing Area" hereinafter referred to the "Marketing Area", means all the territory including all municipal corporations within: The counties of Alger, Baraga, Chippewa, Delta, Dickinson, Keweenau, Gogebic, Houghton, Iron, Luce, Mackinac, Marquette, Ontonagon, Schoolcraft and all of Menominee except the township of Menominee, all in the State of Michigan; and the townships of Carey, Kimbell, Oma, Pence, Saxon and the municipal corporation of Hurley, all in Iron County in the State of Wisconsin.

§ .6 *Fluid milk plant.* "Fluid milk plant" means all the premises, buildings and facilities of any milk receiving, processing or packaging plant from which:

(a) From which 1,200 pounds per day are shipped, or 20 percent of receipts of milk from dairy farmers, whichever is the lesser is sold as fluid milk products during the month in the marketing area either on the premises or to retail or wholesale routes, directly or through vendors; or

(b) Milk or skim milk is delivered to a plant(s) described in paragraph (a) of this section on 3 or more days in any month.

§ .7 *Handler.* "Handler" means (a) a person who operates a fluid milk plant or any other plant from which fluid milk products are disposed of during the month in the marketing area, or (b) a cooperative association with respect to milk customarily received by a handler as described under paragraph (a) of this section which is diverted to a nonhandler for the account of the association.

§ .8 *Producer.* "Producer" means a person, other than a producer-handler who produces milk in conformity with the sanitation requirements of any duly constituted health authority or in conformity with the sanitation requirements of the Michigan Grade A Law relating to milk for consumption in the marketing area in the form of a fluid milk product, which milk is received directly from the farm at a fluid milk plant or is diverted from such plant for the account of a cooperative association.

§ .9 *Producer-Handler.* "Producer-Handler" means a person who is a handler and who produces milk, but receives no milk from other producers.

§ .10 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ .11 *Other source milk.* "Other source milk" means all skim milk and butterfat received at a fluid milk plant in any form, other than that contained in producer milk.

§ .12 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers duly organized as such under the laws of any State, which the Secretary determines:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act;

(b) To have full authority in the sale of milk of its members, and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ .13 *Fluid milk product.* "Fluid milk product" means milk, flavored milk, skim milk, buttermilk, half and half or cream or any other fluid products carrying the Grade A label.

§ .14 *Associated producer.* "Associated producer" means a producer who with respect to any milk not accepted at or accounted for by a handler at a fluid milk plant in any month, meets all of the following qualifications:

(a) Produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for consumption in the area in the form of a fluid milk product.

(b) Delivered milk anytime during the preceding period of July through November which milk was received at/or diverted from a fluid milk plant; and

(c) Certifies in writing to the market administrator, on or before the first day of any month following the first month in which any of his milk is not accepted at/or accounted for by a handler at a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant, and does so perform in response to appropriate request from the handler through the market administrator.

§ .15 *Associated producer milk.* "Associated producer milk" means that portion of the milk produced by one or more associated producers which is not accepted at/or accounted for by a handler at a fluid milk plant and which milk is sold for manufacturing purposes.

MARKET ADMINISTRATOR

§ .16 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ .17 *Powers.* The market administrator shall have the following powers with respect to this part.

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ .18 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(c) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(d) Pay out of the funds provided by § .41:

(1) The cost of his bond and of the bonds of his employees

(2) His own compensation, and:

(3) All other expenses except those incurred under § .42, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ .19 and .20 or (2) payments pursuant to §§ .39, .41 and .42.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to §§ .32 and .33 and the handler butterfat differential computed pursuant to § .35 and

(2) On or before the 12th day of each month the uniform price for each handler for the preceding month, computed pursuant to § .37 and the producer butterfat differential computed pursuant to § .40.

(j) On or before the 8th day of the delivery month, furnish to each handler operating a fluid milk plant the names and addresses of any associated producers who have declared their willingness to deliver milk to such plant pursuant to § .14.

(k) On or before the 12th day following the delivery month notify each handler of the quality and butterfat test of associated producer milk assigned to such handler and the amount to be remitted to the market administrator therefore pursuant to § .39.

REPORTS, RECORDS AND FACILITIES

§ .19 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator the following with respect to (a) all producer milk received (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any non-fluid milk product which is disposed of in the same form as received) received at a plant(s) described in § .6:

(1) The quantities of butterfat and skim milk contained in such receipts and their sources;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ .20 *Other reports.* (a) Each producer-handler and each handler shall make reports at such time and in such manner as the market administrator may request;

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of milk received from each producer and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

(c) Each associated producer shall submit to the market administrator:

(1) On or before the 5th day following the delivery month, a statement of the quantity and butterfat test of his milk sold for manufacturing purposes, and

(2) On or before the 20th day following such delivery month, payment statements, weight slips, or other acceptable evidence to verify the quantity and butterfat test of milk sold for manufacturing purposes.

§ .21 *Records and facilities.* Each handler shall maintain and make available to the market administrator, during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat, skim milk and other contents of all milk and milk products handled, and

(c) Payments to producers and cooperative associations.

§ .22 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ .23 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a handler plant:

(a) In milk from producers or from a cooperative association

(b) In any form from other handlers, and

(c) In other source milk required to be reported pursuant to § .19, shall be classified (separately as skim milk and butterfat) in the classes set forth in § .24.

§ .24 *Classes of utilization.* Subject to the conditions set forth in §§ .23 and .26, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat:

(1) Disposed of for consumption in fluid form as milk, flavored milk drinks, skim milk, cream, half & half, or other mixtures of milk containing less than 18 percent butterfat, cultured milk, modified milk, yogurt and any new fluid products not named in Class II (b of this section)

(2) Not accounted for as Class II of this section in excess of 2 percent of total receipts.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce ice cream, ice cream mix, cottage cheese, whole and skim condensed or evaporated milk (sweetened or unsweetened) in bulk and hermetically sealed cans, cheese, dried whole milk and non-fat dry milk solids or butter.

(2) In actual shrinkage of skim milk and butterfat in milk received from producers, but not to exceed 2 percent of such receipts.

(3) In actual shrinkage of other source milk, or

(4) In skim milk authorized by the market administrator to be dumped and disposed of as livestock feed, or

(5) Any other mixture and/or cream not included in Class I containing more than 6 percent butterfat not labeled Grade A.

§ .25 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purpose of weighing and testing in the transferor handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferor handler in computing his shrinkage.

§ .26 *Transfers.* (a) Skim milk and butterfat disposed of from a fluid milk plant to another handler in the form of milk or skim milk shall be Class I utilization, unless another class utilization is indicated by both handlers in their reports submitted pursuant to § .19: *Provided*, That in no event shall the amount so classified in other classes be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk or skim milk from a fluid milk plant to a person not a handler shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the handler in his report submited pursuant to § .19.

(2) The operator of the transferee plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in Class II or moved such amount to another plant not operated by a handler which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such Class II utilization.

(c) Skim milk and butterfat disposed of from a fluid milk plant to a producer-handler shall be Class I utilization.

§ .27 *Responsibility of handlers and reclassification.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ .28 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat respectively, in

Class I and II utilization for such handler.

§ .29 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant(s) other than those subject to another marketing agreement or order issued pursuant to the act.

(b) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § .24.

(c) Subtract from the pounds of butterfat in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another marketing agreement or order issued pursuant to the act and disposed of in the same form as received.

(d) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to § .26 (a); and

(e) Add to the remaining pounds of butterfat in Class II utilization the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest priced utilization.

§ .30 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § .29.

MINIMUM PRICES

§ .31 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

§ .32 *Class I milk price.* (a) For the purpose of establishing the price to be paid for Class I utilization by handlers regulated under this order, three zones shall be established as follows:

Zone 1. All territory outside of the marketing area.

Zone 2. Counties of Ontonagon, Gogebic, Iron, Dickinson, Delta and all of Menominee County except the township of Menominee all in the State of Michigan, and the townships of Carey, Kimbell, Oma, Pence, Saxon, and the municipal corporation of Hurley, all in the Iron County in the State of Wisconsin.

Zone 3. Shall be comprised of the counties of Keweenaw, Houghton, Baraga, Marquette, Alger, Schoolcraft, Luce, Mackinac, Chippewa, all in the State of Michigan.

(b) The minimum price per cwt. to be paid by each handler f. o. b. his plant, as described in § .6, for 3.5 percent butterfat content milk received from producers or a cooperative association during the month which is classified as Class I utilization received in the plants located in the zones indicated, shall be priced as follows:

Zone 1. The basic formula price plus $1.00 per cwt.
Zone 2. The basic formula price plus $1.20 per cwt.
Zone 3. The basic formula price plus $1.40 per cwt.

§ .33 *Class II milk price.* The minimum price per hundredweight to be paid by each handler f. o. b. his plant as described in § .7 for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization shall be the price as computed by the market administrator by using the highest price formula pursuant to § .31 (a) and (b).

§ .35 *Handler butterfat differential.* There shall be added to or subtracted from as the case may be, the prices of milk for the various classes as computed pursuant to §§ .32 and .33 for each one-tenth of one percent variation and the average butterfat test of the milk in each class above or below 3.5 percent an amount as indicated below:

(a) Class I butterfat differential shall be computed by multiplying .122 times the average price of butter as described in § .31 (b).

(b) Class II butterfat differential shall be computed by multiplying .122 times the average price of butter as described in § .31 (b).

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ .36 *Value of producer milk.* The value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts and adding or subtracting as the case may be the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided,* That if a handler, after the subtraction of other source milk and receipts from other handlers has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his reports for the month, pursuant to § .19 has been credited to his producers as having been received from them there shall be added to the value of his producers milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to § .29 and the corresponding step of § .30 by the applicable class price.

§ .37 *Computation of uniform price.* For such month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants located in the marketing area as follows:

(a) Add the value, at the Class II price, of the quantity of associated producer milk reported pursuant to § .20 (c) (1);

(b) Subtract from the value of milk computed for such handler pursuant to § .36 and this paragraph, if the weighted average butterfat test of all milk represented by such value is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § .40 multiplied by 10;

(c) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (e) of this section for the previous month to the nearest cent;

(d) Divide the result by the total hundredweight of:

(1) The producer milk represented by the amount computed pursuant to § .36, and

(2) The associated producer milk specified in paragraph (a) of this section.

(e) Adjust the resulting figure to the nearest cent.

§ .38 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address a statement showing for such month;

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler computed pursuant to § .37 and the butterfat differential computed pursuant to § .40;

(c) The amounts to be paid by such handler pursuant to § .41; and

(d) The amounts to be paid to the market administrator for associated producer milk pursuant to § .39 (c).

PAYMENT FOR MILK

§ .39 *Time and method of payment.* (a) Except as provided in paragraph (b) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § .37 adjusted by the butterfat differential pursuant to § .40.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 10th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association on or before the 10th day of each month, written information which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month,

(ii) The total pounds of butterfat contained in such milk,

(iii) The number of days on which milk was received, and

(iv) The amounts withheld by the handler in payment for supplies sold.

The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator, and shall be subject to his determination.

(c) Payments for associated producer milk.

(1) On or before the 15th day after the end of each month each handler having associated producer milk shall remit to the market administrator for payment to associated producers, an amount computed by multiplying the quantity of associated producer milk determined pursuant to § .18 (k) by the difference between such handler's uniform price as determined pursuant to § .37.

(2) Such amounts shall be maintained by the market administrator in a separate fund out of which he shall, on or before the 25th day after the end of each delivery month, make payments to associated producers on the basis of the verifiable quantity records submitted by them pursuant to § .20 (c) (2).

§ .40 *Producer butterfat differential.* In making payments pursuant to § .39, the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § .31 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents, and decreased one-half cent for each full 5 cents variance in such price of butter below 64.99 cents.

§ .41 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production.

(b) Associated producer milk, and

(c) Any other source milk allocated to Class I pursuant to §§ .29 and .30.

§ .42 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § .39 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 10 cents per hundredweight, or such amount not exceeding 10 cents per hundredweight as the Secretary may prescribe, and on or before the 13th day after the end of each month shall pay such deductions to the market administrator. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § .39 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ .43 *Errors in payment.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ .44 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ .41 and .42, shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ .45 *Milk caused to be delivered by cooperative association.* Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ .46 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except, §§ .20, .21 and .22.

§ .47 *Milk subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the provisions of another Federal order and sold within the marketing area designated in this proposal, shall be paid for at the highest price prevailing under the two respective orders, and reports of sales shall be made to the respective market administrator: *Provided, however,* That the applicable prices paid shall be reflected back to the producers delivering milk to the handler affected.

ADDITIONAL PROPOSALS

Proposed by the Pine Mountain Dairy:

Proposal No. 2: (a) That the marketing area should include the following additional territory, the town of Niagara, in Marinette County and the townships of Florence and Aurora, in Florence County, all in the State of Wisconsin.

(b) That the entire Northland Marketing Area should be designated as one zone.

Proposed by the Fairmont Foods Company:

Proposal No. 3: That the marketing area include the following additional territory: Menominee Township, Menominee County, Michigan, and Brown, Calumet, Door, Florence, Fond du Lac, Forest, Iron, Juneau, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Oconto, Oneida, Outagamie, Portage, Sheboygan, Sha-

wano, Vilas, Waupaca, Winnebago and Wood Counties, all in the State of Wisconsin.

Proposed by M & M Producers Dairy and Menominee Ideal Dairy:

Proposal No. 4: That the marketing area include the following additional territory: Menominee Township, Menominee County, Michigan and Marinette County, Wisconsin.

Proposed by the Consolidated Badger Cooperative:

Proposal No. 5: That returns to producers be distributed through a market-wide pool.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 6: That the following sections be included:

§ .48 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to, or comparable with, the price specified.

§ .49 *Termination of obligations.* The provisions of this section shall apply to any obligations under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the _____ month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or associations or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ .50 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ .51 *Suspension or termination.* The Secretary shall, whenever he finds that this subpart, or any provision of this subpart, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ .52 *Continuing obligation.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ .53 *Liquidation.* Under the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

§ .54 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ .55 *Separability of provisions.* If any provision of this subpart, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 13th day of September 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-7644; Filed, Sept. 17, 1957; 8:47 a. m.]

[7 CFR Part 942]

[Docket No. AO-103-A15]

MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, which was issued September 4, 1957 (22 F. R. 7076), is hereby extended to September 21, 1957.

Dated: September 13, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-7645; Filed, Sept. 17, 1957; 8:49 a. m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.224 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1958, will amount to $3,024.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be one-tenth of one cent ($0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 13, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7648; Filed, Sept. 17, 1957; 8:48 a. m.]

[7 CFR Part 997]

FILBERTS GROWN IN OREGON AND WASHINGTON

BUDGET OF EXPENSES OF FILBERT CONTROL BOARD FOR CROP YEAR BEGINNING AUGUST 1, 1957

Notice is hereby given that the Secretary is considering a proposed rule to establish a budget of expenses of the Filbert Control Board of $27,225 for the crop year beginning August 1, 1957. The proposed rule, which is based on recommendations of the Filbert Control Board and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 115 and Order No. 97, as amended (7 CFR Part 997), regulating the handling of filberts grown in Oregon and Washington. Said marketing agreement and order is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to data, views or arguments pertaining to the proposed rule which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

The quantity of filberts certified as merchantable is presently estimated at approximately 16.5 million pounds for the 1957-58 crop year. On this basis, the assessment rate of two tenths of a cent (.2¢) per pound of filberts certified as merchantable, as fixed by § 997.91 (a) of the aforesaid marketing agreement and order, would result in the collection of sufficient funds to meet the estimated expenses for the 1957-58 crop year and provide a reasonable excess to defray board expenses during the first four months of the 1958-59 crop year. The marketing agreement and order provides that funds which are collected in excess of expenditures for a crop year may be used temporarily by the board to defray expenses during the first four months of the following crop year, but must be refunded to the handlers from whom collected within five months from the beginning of such crop year.

The proposed rule is as follows:

§ 997.302 *Budget of expenses of the Filbert Control Board for the crop year beginning August 1, 1957.* The budget of expenses for the crop year beginning August 1, 1957 shall be in the total amount of $27,225 for the maintenance and functioning of the Filbert Control Board, and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

Dated: September 13, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-7647; Filed, Sept. 17, 1957; 8:47 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket Nos. S-68, S-71]

MATSON ORIENT LINE, INC. AND UNITED STATES LINES CO.

NOTICE OF FURTHER PREHEARING CONFERENCE

Matson Orient Line, Inc., application for operating-differential subsidy on trade route No. 12 (U. S. Atlantic/Far East); Docket No. S-68.

United States Lines Company, application for increased subsidized sailings on trade route No. 12—Far East service; Docket No. S-71.

Notice is hereby given that a further prehearing conference in these consolidated proceedings will be held before Examiner C. W. Robinson on September 23, 1957, at 9:30 a. m., e. d. t., in Room 4519, New General Accounting Office Building, Washington, D. C.

The conference will be limited (1) to the fixing of the date for the hearing, and (2) to whether the direct testimony of witnesses shall be in the form of written statements rather than oral.

Dated: September 12, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-7640; Filed, Sept. 17, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Anchorage 036591, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and mineral leasing. The applicant desires the land for communications station purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

RABBIT CREEK AREA

T. 12 N., R. 3 W., Seward Meridian,
Section 36: SE¼NW¼SE¼NW¼.

Containing 2.50 acres.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F. R. Doc. 57-7643; Filed, Sept. 17, 1957; 8:47 a. m.]

OREGON

REVOKING AIR NAVIGATION SITE WITHDRAWAL NO. 81; ORDER PROVIDING FOR OPENING OF PUBLIC LAND

SEPTEMBER 9, 1957.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to the authority delegated by sec. 2.5 of Bureau of Land Management Order No. 541 of April 21, 1954 (19 F. R. 2473) as amended, it is ordered as follows:

1. Air Navigation Site Withdrawal No. 81, dated June 11, 1932, affecting lands described below, is hereby revoked.

WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 43 E.,
Sec. 1: SW¼;
Sec. 12: NE¼NW¼.

Approximately 200.00 acres.

2. The lands are in Baker County, Oregon, near Durkee. The elevation varies from 3,500 to 4,000 feet above sea level. The terrain varies from rolling to mountainous. The soil is a medium sandy loam intermingled with surface and solid rock. The land supports a stand of native grasses and sagebrush, and is valuable for the grazing of livestock. The land is not suitable for any agricultural use.

3. No application will be allowed under the homestead, desert land, small tract, or other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 USC 279–284 as amended), presented prior to 10:00 a. m. on October 14, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 13, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on January 13, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on January 13, 1958.

5. Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning the above lands shall be addressed to Manager, Land Office, Bureau of Land Management, 1001 N. E. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon.

ELTON M. HATTAN,
Acting State Supervisor.

[F. R. Doc. 57-7630; Filed, Sept. 17, 1957; 8:45 a. m.]

[Classification Order 130]

NEVADA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling 320 acres in Clark County, Nevada, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 60 E.,
Sec. 29, E½.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to October 8, 1955, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

A. L. SIMPSON,
Acting State Supervisor for Nevada.

SEPTEMBER 10, 1957.

[F. R. Doc. 57-7631; Filed, Sept. 17, 1957; 8:46 a. m.]

Office of Territories

[Alaska Public Works Memorandum 9]

DIRECTOR, ALASKA PUBLIC WORKS

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS WITH ARCHITECTURAL AND ENGINEERING FIRMS

SECTION 1. Pursuant to the authority delegated by the Secretary of the Interior in Departmental Order No. 2816, dated August 31, 1956 (21 F. R. 6794), the Director, Alaska Public Works, Division of Alaskan Affairs, Office of Territories, is hereby authorized for a period extending to September 1, 1958 and beyond for such further period as may be covered by delegations of authority to the Secretary of the Interior by the Administrator of General Services, to negotiate, without advertising, under subdivision 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (66 Stat. 594, 41 U. S. C., sec. 252 et seq.) contracts for the services of architectural and engineering firms in connection with the administration of the Alaska Public Works Act (63 Stat. 627, 48 U. S. C., sec. 486 et seq.) as amended (68 Stat. sec. 483).

SEC. 2. The authority granted in section 1 of this memorandum shall be exercised in accordance with the applicable limitations and requirements of the Federal Property and Administrative Services Act, particularly sections 304 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

SEC. 3. The Director, Alaska Public Works, Division of Alaskan Affairs, Office of Territories, shall not redelegate or authorize redelegation of the authority granted in Section 1 of this memorandum.

SEC. 4. This memorandum shall be effective immediately upon publication in the FEDERAL REGISTER and shall supersede and cancel Alaska Public Works Memorandum No. 8 dated September 20, 1956.

SEC. 5. This memorandum supplements subsection 5 (f) of Alaska Public Works Memorandum No. 1.

ANTHONY T. LAUSI,
Director.

[F. R. Doc. 57-7632; Filed, Sept. 17, 1957; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13258]

SOUTHERN NATURAL GAS CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF

SEPTEMBER 12, 1957.

Southern Natural Gas Company (Southern), on August 14, 1957, tendered for filing its FPC Gas Tariff, Fourth Revised Volume No. 1, superseding Third Revised Volume No. 1, proposed to become effective September 14, 1957. Southern's Volume No. 1 is applicable to sales for resale from its pipeline system.

The tendered filing proposes a general increase in rates of $18,174,648, or 33.5 percent, based upon adjusted sales for the year ended April 30, 1957.

The revised tariff, in addition to increasing charges for all services thereunder, among other changes, eliminates the FR (Optional) Rate Schedules, increases the limitation on maximum deliveries under the G (Optional) Rate Schedules from 1,000 Mcf to 5,000 Mcf per day, establishes new AO Rate Schedules for authorized overrun service, adds a penalty for unauthorized sales in excess of the maximum delivery obligation under the G Rate Schedules, and revises the penalty under the CD Rate Schedules, increases the minimum monthly billing demand under the CD Rate Schedules from 90 percent to 95 percent of contract demand, and revises the Form of Service Agreement to restate Southern's right to make tariff changes.

In support of its proposed increases in rates, Southern's statements of cost of service adjustments include, among others, increased purchased gas costs to reflect increased prices and shifts in source of supply to higher priced gas, increased wages and salaries, costs associated with the installation and operation of new facilities to be placed in service prior to December 31, 1957, and increased taxes. The company claims an increase in rate of return on invested capital from 6 percent to 6.8 percent per year and associated Federal income taxes computed without deduction for all tax benefits available.

Upon analysis of Southern's filing and supporting statements, it appears that of the proposed $18,174,648 overall increase, $12,067,110, or approximately 66 per cent, is attributed to increased cost of purchased gas. These costs, however, are based in part upon prices which have not been filed with the Commission and upon rates which, although filed, are or will be subject to possible refund. Such costs also reflect the aforesaid shifts in sources of supply. There is no showing in the statements that the anticipated shift in sources of supply to higher priced gas is a reasonable guide for the future. Although Southern states the present 6 per cent rate of return is "wholly inadequate to permit the Company to raise the capital needed in its business in the financial markets of today," it does not show that it is experiencing any financial hardships in obtaining capital funds. Southern's proposed test year adjusted to January 1, 1958, may not be a representative period for establishing rates for the future in view of the Company's statement that it "expects its next major expansion program to be extensive in terms of capacity and cost." It has increased its plant investment by about $10,000,000 for new supply facilities which will be in service before 1958, but it has made no corresponding adjustment to sales volumes and revenues. Southern contends that such new facilities will not increase system daily capacity and are non-revenue producing. Such contentions can be evaluated only after a full investigation and hearing.

Protests and requests for suspension of the proposed rate increase were received from the Georgia Public Service Commission and numerous customer companies and municipalities, and the Georgia Municipal Association. These parties object to the increase in rates and raise numerous issues which they state should be the subject of hearings.

The increased rates and charges and the amended rate schedules and revised sheets provided in said revised tariff, as tendered for filing on August 14, 1957, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Southern's FPC Gas Tariff, Fourth Revised Volume No. 1, tendered for filing on August 14, 1957; and that said revised tariff volume be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications and services contained in Southern's FPC Gas Tariff, Fourth Revised Volume No. 1, as tendered for filing on August 14, 1957.

(B) Pending such hearing and decision thereon, Southern's proposed FPC Gas Tariff, Fourth Revised Volume No. 1 is hereby suspended and the use thereof deferred until February 14, 1958, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commision.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7633; Filed, Sept. 17, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

SEPTEMBER 11, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation; File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On August 30, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days through September 11, 1957.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, September 12 to 21, 1957, inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 57-7635; Filed, Sept. 17, 1957; 8:46 a. m.]

[File No. 70-3609]

MISSISSIPPI POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

SEPTEMBER 10, 1957.

Mississippi Power & Light Company ("Mississippi"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, filed with this Commission a declaration, pursuant to section 6 (a) and 7 of the Public Util-

ity Holding Company Act of 1935 ("act"), regarding the following proposed transactions:

Mississippi has outstanding 2,600,000 shares of no par common stock having a stated value of $10 per share, or an aggregate of $26,000,000. Mississippi proposes to transfer $5,200,000 from its earned surplus account to capital stock account; thus increasing the stated value of its outstanding no par common stock from $26,000,000 to $31,200,000.

No State or Federal commission or agency, other than this Commission, has jurisdiction over the proposed transactions.

No fees, commissions or expenses, other than miscellaneous incidental expenses, are to be incurred by Mississippi in connection with the proposed transactions.

Due notice of the filing of the declaration (Holding Company Act Release No. 13534) having been given in the manner prescribed by Rule-23 of the rules and regulations promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

The Commission observing no basis for adverse findings or the imposition of terms and conditions, and finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declaration to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration be, and it hereby is, permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 57-7636; Filed, Sept. 17, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 165]

INDIANA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Indiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Jay (floods beginning on or about June 30).

Offices: Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Ill. Small Business Administration Branch Office, Federal Building, Room 505, Indianapolis, Ind.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1958.

Dated: September 4, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-7637; Filed, Sept. 17, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 13, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 [49 CFR 211.1 (c) (8)] and notice thereof to all interested persons is hereby given as provided in such rules [49 CFR 211.1 (d) (4)].

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules [49 CFR 211.1 (e)] at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-200 (Deviation No. 1), RISS & COMPANY, INC., 15 West Tenth Street, Kansas City, Mo., filed September 3, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Avondale, Colo., and Pueblo, Colo., as follows: from Avondale over Colorado Highway 18 to junction Colorado Highway 96, thence over Colorado Highway 96 to Pueblo and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Avondale, Colo., and Pueblo, Colo., over U. S. Highway 50.

No. MC-200 (Deviation No. 2), RISS & COMPANY, INC., 15 West Tenth Street, Kansas City, Mo., filed September 3, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Joplin, Mo., and Oklahoma City, Okla., as follows: from Joplin over the Will Rogers Turnpike to Tulsa, Okla., thence over the Turner Turnpike to Oklahoma City and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Joplin, Mo., and Oklahoma City, Okla., over U. S. Highway 66.

No. MC-200 (Deviation No. 3), RISS & COMPANY, INC., 15 West Tenth Street, Kansas City, Mo., filed September 3, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the New York-Massachusetts State line and Boston, Mass., as follows: from the New York-Massachusetts State line over the Massachusetts Turnpike to Boston, with access to the Turnpike over Massachusetts Highway 41 from U. S. Highway 20, near Pittsfield, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the New York-Massachusetts State line and Boston, Mass., over the following pertinent routes: from the New York-Massachusetts State line over U. S. Highway 20 to Boston; from the New York-Massachusetts State line over U. S. Highway 20 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston; and return over the same routes.

No. MC-1422 (Deviation No. 1), VOSS TRUCK LINES, INC., 900 West Washington, P. O. Box 917, Oklahoma City 1, Okla., filed September 3, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Joplin, Mo., and Tulsa, Okla., as follows: from Joplin over the Will Rogers Turnpike to Tulsa and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Joplin, Mo., and Tulsa, Okla., over U. S. Highway 66.

No. MC-60580 (Deviation No. 1), HIGHWAY EXPRESS LINES, INC., 236 North 23d Street, Philadelphia 3, Pa., filed September 11, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes, (A) between Pittsburgh, Pa., and New York, N. Y., as follows: from Pittsburgh over U. S. Highway 22 to the Pittsburgh Interchange of the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to its junction with the New Jersey Turnpike, thence over the New Jersey Turnpike to its Interchange No. 15 (near Newark, N. J.); and (B) between Philadelphia, Pa., and New York, N. Y., as follows: from Philadelphia over the Walt Whitman Bridge, via Camden City Streets and New Jersey Highway 43 to junction with the New Jersey Turnpike at Interchange No. 3, thence over the New Jersey Turnpike to its Interchange No. 15 (near Newark, N. J.); and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from State Road, Del., over U. S. Highway 13 to Philadelphia, Pa., thence over U. S. Highway 1 to New York, N. Y.; from New York, N. Y., over U. S. Highway 1 to junction U. S. Highway 130, thence over U. S. Highway 130 to junction U. S. Highway 40, thence over U. S. Highway 40 to State Road, Del.; from Philadelphia, Pa., over U. S. Highway 30 to Chambersburg, Pa.; from Philadelphia, Pa., over U. S. Highway 422 via Reading, Pa., to junction U. S. Highway 322, thence over U. S. Highway 322 to Harrisburg, Pa., (also from Reading over U. S. Highway 222 to Lancaster, Pa. (thence over U. S. Highway 130 to Harrisburg); from Harrisburg, Pa., over U. S. Highway 22 via Duncansville, Cresson, and Armagh, Pa., to Pittsburgh, Pa.; and return over the same routes.

No. MC-108671 (Deviation No. 1), TARBET TRUCKING INC., 311 East 18th Street, Muncie, Ind., filed September 3, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Muncie, Ind., and Toledo, Ohio, as follows: from Muncie over Indiana Highway 3 to Fort Wayne, thence over U. S. Highway 24 to Toledo and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Muncie, Ind., and Toledo, Ohio over the following route: from Muncie over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to St. Marys, Ohio, thence over U. S. Highway 33 to Wapakoneta, Ohio, thence over U. S. Highway 25 to Toledo.

No. MC-108671 (Deviation No. 2), TARBET TRUCKING, INC., 311 East 18th Street, Muncie, Ind., filed September 3, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Muncie, Ind., and Detroit, Mich., as follows: from Muncie over Indiana Highway 3 to Fort Wayne, thence over U. S. Highway 27 to junction U. S. Highway 112 near Coldwater, Mich., thence over U. S. Highway 112 to Detroit and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Muncie, Ind., and Detroit, Mich., over the following route: from Muncie over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to St. Marys, Ohio, thence over U. S. Highway 33 to Wapakaneta, Ohio, thence over U. S. Highway 25 to Detroit.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-7641; Filed, Sept. 17, 1957; 8:46 a. m.]

[Notice 182]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 12, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 5623 (Sub No. 6), filed September 3, 1957, ARROW TRUCKING CO., 2d and Heavy Traffic Way, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipe line material, machinery and equipment*, incidental to and used in the construction, repairing, or dismantling of pipe lines, except the stringing, or picking up of pipe in connection with main or trunk petroleum and natural gas pipe lines, between points in Oklahoma, Kansas and Texas. Applicant is authorized to conduct operations in Oklahoma, Kansas, and Texas.

HEARING: October 15, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner James C. Cheseldine.

No. MC 26739 (Sub No. 22), (CORRECTION), filed July 3, 1957, CROUCH BROS., INC., Transport Building, St. Joseph, Mo., published issue September 5, 1957, at page 7114. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading, between Kansas City, Mo., and Chicago, Ill. Applicant is authorized to conduct similar operations over regular routes in Iowa, Kansas, and Missouri, and over irregular routes in Illinois, Indiana, Iowa, Missouri, and Nebraska. Applicant holds Permits No. MC 106942 and (Sub No. 33) as a contract carrier. Dual operations under section 210 may be involved.

NOTE: Applicant states the following: Applicant now holds authorities, among others, to handle general freight between points on its regular routes, including Kansas City on the one hand, and, on the other, points in Illinois and the Indiana portion of the Chicago commercial zone, by operating through the gateway of Maryville, Mo., or points within ten miles thereof. The purpose of the instant application is to eliminate the necessity of operating through that gateway on movements between Kansas City and Chicago and certain other points on its regular route. Since the gateway will be used in connection with other operations, it is proposed to retain the irregular route authority which applicant now holds between Maryville and points within ten miles thereof on the one hand, and, on the other, the States of Illinois, Iowa, Kansas, and Nebraska.

HEARING: Remains as assigned October 24, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Herbert L. Hanback.

No. MC 29490 (Sub No. 8), filed August 19, 1957, WILLIAM S. CLARK, 506 North Street, Mifflintown, Pa. Applicant's attorney: Andrew Wilson Green, 222 North Third Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Firebrick*, from Van Dyke (near Thompsontown, Juniata County), Pa., to points in Delaware, points in that part of New Jersey south of U. S. Highway 1, and points in Long Island, N. Y.; and *empty pallets and skids* from the above-specified destination points to Van Dyke, Pa. Applicant is authorized to transport fire brick in Ohio, New York and Pennsylvania; and other commodities in Connecticut, Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: October 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 29566 (Sub No. 50), filed August 8, 1957, SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Ave., Kansas City, Kans. Applicant's representative: Vernon M. Masters, 1400 Kansas Avenue, Kansas City, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammonium nitrate fertilizer, fertilizer compounds* (manufactured), N. O. I. dry, in bags, from the site of Spencer Chemical Company Plant, Military, Kans., to points in Illinois, Iowa, Indiana, Kentucky and Missouri. Applicant is authorized to conduct similar operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Oklahoma, and Texas.

HEARING: October 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 29566 (Sub No. 51), filed August 8, 1957, SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Applicant's representative: Vernon M. Masters, 1400 Kans Avenue, Kansas City, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammonium nitrate fertilizer, fertilizer compounds*

(manufactured), N. O. I., dry, in bulk or in mixed shipments of bulk and bags, with bags not to exceed five percent of the total weight of the shipment, from the site of Spencer Chemical Company Plant, Military, Kans., to points in Illinois, Iowa, Indiana, Kentucky, and Missouri. Applicant is authorized to conduct similar operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Oklahoma, and Texas.

HEARING: October 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 31600 (Sub No. 429), filed September 6, 1957, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chocolate* and *liquid chocolate products*, in bulk, in tank vehicles, (1) from New York, N. Y., Newark, N. J., Milwaukee, Wis., and Mansfield, Mass., to Hershey, Pa.; (2) from Jersey City, N. J. to points in Pennsylvania, Maryland, Virginia, North Carolina, Ohio, New York and Illinois. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Connecticut, New Hampshire, New Jersey, Pennsylvania, Vermont, Maine, Delaware, Illinois, Kentucky, South Carolina, North Carolina, Maryland, Virginia, West Virginia, Ohio, Indiana, and Michigan.

HEARING: October 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 31600 (Sub No. 428), filed September 6, 1957, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Styrene*, in bulk, in tank vehicles, from Ledyard, Conn., to Baltimore, Md., (2) *Synthetic Resin*, in bulk, in tank vehicles, from Ballardvale, Mass., to Newark, Ohio and Odenton, Md., (3) *Synthetic Resin*, in bulk, in tank vehicles, from Springfield, Mass., to High Point, N. C. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Connecticut, New Hampshire, New Jersey, Pennsylvania, Vermont, Maine, Delaware, Illinois, Kentucky, South Carolina, North Carolina, Maryland, Virginia, West Virginia, Ohio, Indiana, and Wisconsin.

HEARING: October 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 52460 (Sub No. 41), filed May 17, 1957, HUGH BREEDING, INC., 1420 West 35th Street, P. O. Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape, Sterick Bldg., Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Kansas City, Kans., to Little Rock, Ark. Applicant is authorized to transport similar commodities in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

HEARING: October 24, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 154, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 59531 (Sub No. 75), filed May 31, 1957, published September 5, 1957, issue, on page 7116, AUTO CONVOY CO., 3020 S. Haskell Ave., Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Bldg., Fort Worth 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Assembled helicopters (with or without blade removed), assembled rotary and fixed wing aircraft (with or without wing removed)*, and *parts, when shipped with the aircraft as a portion of the total shipment of such aircraft*, between points in Wichita, Anderson, Bosque, Clay, Collin, Cooke, Dallas, Delta, Denton, Ellis, Erath, Fannin, Freestone, Grayson, Henderson, Hill, Hood, Hopkins, Jack, Johnson, Kaufman, Lamar, Limestone, McLennan, Montague, Navarro, Palo Pinto, Parker, Rains, Smith, Somervell, Tarrant, Van Zandt, Wise, and Wood Counties, Tex., and Bryan, Carter Johnston, Love, and Marshall Counties, Okla., and points in the United States; *damaged shipments of the above-named commodities* on return.

HEARING: October 3, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner R. Edwin Brady. This was previously scheduled for a pre-hearing Conference on October 3d at Washington.

No. MC 70267 (Sub No. 9), filed August 13, 1957, ELI E. WAGNER, JR., 724 East Boundary Avenue, York, Pa. Applicant's attorney: Norman T. Petow, 43 N. Duke St., York, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing and building paper, prepared roofing, roofing cement, roofing felt, asphalt paint, asphalt*, and *materials* used in the installation of such commodities, (1) from York, West York Borough, and points in Spring Garden Township, York County, Pa., to points in New York on and north and west of a line beginning at the New York-Pennsylvania State line at Waverly, N. Y., and extending along U. S. Highway 17 to Binghamton, N. Y., thence along U. S. Highway 7 to junction U. S. Highway 20, thence along U. S. Highway 20 to Albany, N. Y., thence along U. S. Highway 20 to the Massachusetts State Line; (2) from York, West York Borough, and points in Spring Garden Township, York County, Pa., to points in that part of West Virginia on and south of a line extending from Parkersburg eastwardly along West Virginia Highway 47 to junction U. S. Highway 33 (excluding Charleston and Keyser, W. Va.), thence over U. S. Highway 33 to junction West Virginia Highway 5, thence over West Virginia Highway 5 to junction U. S. Highway 19, thence over U. S. Highway 19 to junction West Virginia Highway 4, thence over West Virginia Highway 4 to junction U. S. Highway 33, thence over U. S. Highway 33 to junction U. S. Highway 250, and thence over U. S. Highway 250 to the West Virginia-Virginia State line and to points in that part of Virginia on and south of U. S. Highway 250 and on and south and west of U. S. Highway 11 to junction U. S. Highway 52, thence on and south and west of U. S. Highway 52 to the North Carolina State Line; (3) from York, West York Borough, and points in Spring Garden Township, York County, Pa., to points in that part of North Carolina on and west and south of a line beginning at the North Carolina-Virginia State line and extending along U. S. Highway 52 to Mount Airy, N. C., thence along U. S. Highway 601 to Salisbury, N. C., thence along U. S. Highway 52 to Wade, N. C., thence along U. S. Highway 74 to Lumberton, N. C., thence along North Carolina Highway 211 to Bolton, N. C., and thence along U. S. Highway 76 to Wrightsville Beach, N. C., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return over the above routes. Applicant is authorized to conduct operations in Pennsylvania, West Virginia, New Jersey, Maryland, Virginia, District of Columbia, North Carolina, New York, Pennsylvania, Delaware, Connecticut, Massachusetts, and Rhode Island.

HEARING: October 21, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 95212 (Sub. No. 27), filed August 15, 1957, HELEN R. HENDERSON, doing business as H. R. HENDERSON, Box 237, Seneca, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington St., Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Antifreeze compounds* and *petroleum products*, in barrels, cans and containers and *such materials and supplies* as are used or useful to persons engaged in the manufacture of petroleum products and antifreeze compounds, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified between the plant sites of the Prairie State Oil & Grease Company located approximately three miles east of Seneca, Ill., and four miles southwest of Danville, Ill., on the one hand, and, on the other, points in Ohio, Michigan, Wisconsin, Indiana, Illinois, Iowa, Georgia, Nebraska, Connecticut, Kansas, Oklahoma, Minnesota, North Dakota, South Dakota, North Carolina, Arkansas, Rhode Island, Mississippi, New Jersey, Pennsylvania, Maryland, Virginia, South Carolina, Tennessee, New York, Alabama, Louisiana, Texas, Colorado, West Virginia, Kentucky, Massachusetts, Florida, Missouri and Los Angeles, Calif. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Wisconsin, Kentucky, Ohio, Missouri, Minnesota, and South Dakota.

HEARING: October 22, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 99899 (Sub No. 1), filed June 26, 1957, A. S. FITZ-GERALD, doing business as FITZ-GERALD BROS., P. O. Box 378, Santa Maria, Calif. Applicant's attorney: Wyman C. Knapp, 727 West Seventh Street, Los Angeles 17, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Urea* and *manufactured fertilizer*, (1) from points in Ventura County, Calif., to San Francisco and Oakland, Calif., and points in the Los Angeles Harbor Commercial Zone; and (2) between points in Ventura County, Calif.

HEARING: October 14, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 102616 (Sub No. 641), filed August 13, 1957, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye St., NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum coke* (non-liquid), in bulk, in hopper-type vehicles, from the site of the Tidewater Oil Company Refinery at or near Delaware City, Del., to points in Maryland, New York, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: October 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 103993 (Sub No. 96), filed September 9, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Iowa (except Des Moines), to points in the United States (except Mt. Clemens, Detroit and Flint, Mich.) Applicant is authorized to transport the commodity specified throughout the United States.

HEARING: October 23, 1957, at the Federal Office Bldg., 5th and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 10717 (Sub No. 90) (CORRECTION), filed June 18, 1957, published September 11, 1957, issue page 7256, ALTERMAN TRANSPORT LINES, INC., 2424 NW. 46th Street, Miami, Fla. Mailing address: P. O. Box 65, Allapattah Station, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fish; fruits; nuts; bakery goods, materials and supplies; pickled vegetables; candy; confectionary; salad dressing; frozen foods; salads; juices; beverage preparations; dairy products, and condiments*, from Chicago, Ill., to Tampa and Jacksonville, Fla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities on return. Applicant is authorized to conduct operations in Florida, New York, Pennsylvania, New Jersey, Delaware, Virginia, North Carolina; South Carolina, Georgia, Illinois, Indiana, Missouri, Maryland, Michigan, Ohio, Louisiana, Texas, District of Columbia, Tennessee, Nebraska, Wisconsin, Iowa, Kansas, South Dakota, Alabama, Kentucky, Minnesota, Oklahoma, Vermont, Maine, Massachusetts, Mississippi, and West Virginia.

HEARING: Remains as assigned October 16, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Walter R. Lee.

No. MC 107496 (Sub No. 92) (Correction), filed April 1, 1957, RUAN TRANSPORT CORPORATION, 408 SE. 30th St., Des Moines, Iowa, published issue of September 11, 1957, on page 7256. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Liquid and dry chemicals, liquid fertilizers*, and *fertilizer ammoniating solutions*, including, but not limited to anhydrous ammonia, aqua ammonia, nitrogen solutions, and mineral solutions, in bulk, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, Lemont, Ill., and points within five miles thereof, and points in Will County, Ill., to points in Illinois, Iowa, Minnesota, Michigan, Missouri, Wisconsin, Indiana, Kansas, Kentucky, Nebraska, North Dakota, Ohio and South Dakota. (2) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Illinois on and north of U. S. Highway 50, points in Iowa on and east of U. S. Highway 69, points in Indiana on and north of a line beginning at Vincennes, and extending along Indiana Highway 67 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 45, thence along Indiana Highway 45 to Bloomington, and thence along Indiana Highway 46 to the Indiana-Ohio State line, points in Michigan on and south of a line beginning at Lake Michigan and extending along an unnumbered highway via North Muskegon to junction U. S. Highway 31, thence along U. S. Highway 31 to Muskegon, thence along Michigan Highway 46 to St. Louis, Mich., and on and west of a line beginning at St. Louis and extending along U. S. Highway 27 to Lansing, Mich., thence along U. S. Highway 127 to junction U. S. Highway 223, thence along U. S. Highway 223 to the Michigan-Ohio State line, and those in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 69 to junction U. S. Highway 151, thence along U. S. Highway 151 through Madison to Fond du Lac, and on and south of Wisconsin Highway 23. (3) *Wax, petrolatum, white oils, road oils* and *asphalt*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Illinois, Iowa, Minnesota, Michigan, Missouri, Wisconsin, Indiana, Kansas, Kentucky, Nebraska, North Dakota, Ohio, and South Dakota. RESTRICTION: No authority is being sought to render service between any two points located in any one single State or in the same State. Applicant is authorized to transport similar commodities in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant states all duplicating authority will be eliminated.

HEARING: October 14, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer. Previous publication gave October 4, 1957, as hearing date, this was in error. The correct date is October 14, 1957.

No. MC 110698 (Sub No. 87), filed August 28, 1957, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, J. Archie Cannon, Successor Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank-vehicles, from points in Chesterfield and Prince George Counties, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

HEARING: October 8, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 111320 (Sub No. 33), filed August 21, 1957, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th St. and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building, earthmoving*, and *construction equipment*, and *parts thereof*, excluding commercial trucks, in truckaway and driveaway service, between New Philadelphia, Ohio, on the one hand, and points in Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia on the other. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 22, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 111962 (Sub No. 6), filed September 4, 1957, AMERICAN TRANSFER & STORAGE COMPANY, a corporation, 1040 North Lewis, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe, pipe line material, machinery*

and equipment, incidental to and used in the construction, repairing, or dismantling of pipe lines, except the stringing, or picking up of pipe in connection with main or trunk petroleum and natural gas pipe lines, between points in Oklahoma, Kansas, Texas, Colorado, and Arkansas. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, Oklahoma, and Texas.

HEARING: October 15, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner James C. Cheseldine.

No. MC 116763, filed June 27, 1957, CARL SUBLER TRUCKING, INC., Magnolia Avenue, Auburndale, Fla. Applicant's attorney: Robert R. Hendon, Investment Bldg., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Malt beverages*, in cans, bottles, kegs, and other containers, and (2) *Malt beverages*, in bulk, in refrigerated tank vehicles, from Milwaukee, Wis., Chicago, Belleville, and Peoria, Ill., Terre Haute, Ind., St. Louis, Mo., Atlanta, Ga., New York, N. Y., Newark, N. J. and Cleveland, Ohio to points in Georgia and Florida; (3) *Packaged sugar*, in bags, boxes, and other containers, and (4) *Granulated and liquid sugar*, in bulk, in tank vehicles, from Savannah and Port Wentworth, Ga., to points in Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations as a contract carrier in the States of Ohio, Florida, Michigan, Illinois, Wisconsin, Minnesota, Indiana, and Georgia. Section 210 may be involved.

HEARING: October 21, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 116878, filed August 16, 1957, JAMES L. CAMPSEY, George Washington Hotel, Washington, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dicyandiamid*, dry, in bulk, in special-type semi-trailers, from Buffalo and Niagara Falls, N. Y., and points on the United States-Canada International boundary adjacent thereto, to Willow Island, Pleasant County, W. Va.; *Melamine*, dry, in bulk, in special-type semi-trailers, from Willow Island, Pleasant County, W. Va., to Wallingford, Conn.; *Empty equipment*, from Wallingford, Conn., to Buffalo and Niagara Falls, N. Y., and points on the United States-Canada International boundary adjacent thereto.

NOTE: Applicant states: Applicant is at present Vice-President and General Manager of Pittsburgh-Wheeling Express, Inc., a common carrier, and a stockholder in the same company. Common control may be involved.

HEARING: October 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

MOTOR CARRIERS OF PASSENGERS

No. MC 102129 (Sub No. 2), filed July 29, 1957, ARTHUR QUEEN, Ferndale, Md. Applicant's attorney: Marvin Ellin, 725 Munsey Bldg., Baltimore 2, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at points in Baltimore, Md., south of North Avenue, east of Hilton Street, and west of Gay Street, and those in Anne Arundel, Prince Georges, and Howard Counties, Md., and extending to points in Pennsylvania, except Gettysburg, New York, Ohio, New Jersey, North Carolina, West Virginia, and Virginia. Applicant is authorized to conduct charter operations from other specified Maryland points to points in the above-named states.

HEARING: October 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lucian A. Jackson.

No. MC 109199 (Sub No. 2), filed August 6, 1957, CLYDE B. DIDLAKE, doing business as CLYDE'S CHARTER BUS SERVICE, Route 2, Box 50, Glen Burnie, Md. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations beginning and ending at Glen Burnie, Md., and points within 15 miles of Glen Burnie, exclusive of Baltimore, Md., and extending to points in Virginia, Delaware, Pennsylvania, New Jersey, New York, West Virginia, and the District of Columbia. NOTE: Applicant is authorized in MC 109199 to conduct the identical operations set forth above beginning and ending at Glen Burnie, Md. and points within 10 miles thereof. Applicant seeks herein only a five-mile extension of the origin territory surrounding Glen Burnie, and no duplicating authority is sought. Applicant is also authorized to conduct similar operations from Baltimore, Md., to points in Maryland, the District of Columbia, Virginia, Pennsylvania, and Delaware, and return.

HEARING: October 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 20207 (Sub No. 30), filed August 30, 1957, CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, McKees Rocks, Pa. Applicant's attorney: Edwin C. Reminger, 1016 Standard Bldg., Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of The Ford Motor Company, Lorain Assembly Plant, located at the intersection of U. S. Highway 6 (Ohio Highway 2), and Baumhardt Road, Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations from and to Cleveland, Ohio. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Ohio, and Pennsylvania.

No. MC 20207 (Sub No. 31), filed August 30, 1957, CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, McKees Rocks, Pa. Applicant's attorney: Edwin C. Reminger, Standard Bldg., Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Corporation plant, Euclid Division, located on Ohio Highway 91 between Hudson, Ohio and Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations from and to Cleveland, Ohio. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Ohio, and Pennsylvania.

No. MC 25869 (Sub No. 6), filed September 3, 1957, MYRON R. NOLTE AND MAURICE D. NOLTE, doing business as NOLTE BROS., Farnhamville, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beer* and *Malt beverages*, (1) from St. Louis, Mo., to Fort Dodge and Carroll, Iowa; (2) from Milwaukee, Wis., to Carroll, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return. Applicant is authorized to conduct operations in Iowa, Nebraska and Illinois.

No. MC 29566 (Sub No. 52), filed August 28, 1957, SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. OFFICE: 1621 West 50th Street, Kansas City, Kans. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammonium nitrate fertilizer, fertilizer compounds* (Manufactured), N. O. I., dry, in bulk and/and or in mixed shipments of bulk and bulk, in bags, not to exceed five (5) percent of the total weight of the shipment, from Military (near Galena), Kans., to Boonville, Ind.; Carriers Mills Plant, Ill. (approximately ten miles east of Marion, Ill.); and old Magnolia Mine, Ky., and points within three miles thereof. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, and Wyoming.

No. MC 35396 (Sub No. 22), filed September 5, 1957, ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, U. S. 41 South, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, Seventh Floor, McClure Bldg., Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Radioactive materials, Class D, Group III poisons*, in specially constructed Government-owned cargo tank trailers, between the sites of the U. S. Atomic Energy Commission Gaseous Diffusion Plants at or near Kevil, Ky. and Sargents, Ohio. Applicant is authorized to transport commodities other than those specified herein in Illinois, Indiana, Kentucky, New Jersey, New York, Ohio, Tennessee, and West Virginia.

No. MC 52498 (Sub No. 3), filed September 4, 1957, CLAUDE CECIL RIFE, doing business as RIFE TRUCKING CO., Box 446, Yerington, Nev. Applicant's attorney: Paul D. Laxalt, Sweetland Bldg., Carson City, Nev. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, serving points within ten (10) miles of junction U. S. Highways 50 and 95, also known as Silver Springs, Nev., as intermediate and off-route points in connection with applicant's authorized regular route operations between Sacramento, Calif., and Yerington, Nev. Applicant is authorized to conduct operations in California and Nevada.

No. MC 52947 (Sub No. 25), filed September 3, 1957, PINSON TRANSFER COMPANY, INC., 119 20th Street, Huntington, W. Va. Applicant's attorney: Robert H. Kinker, Seventh Floor, McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Mt. Sterling, Ky., and Ashland, Ky., from Mt. Sterling over U. S. Highway 60 to Ashland, and return over the same route, serving the intermediate point of Salt Lick, Ky., and all intermediate points between Salt Lick and Ashland, and serving the off-route points of Haldeman, Lawton, Grahn and Hitchens, Ky. (in Carter County), and points within three miles of that part of U. S. Highway 60 between Salt Lick and Ashland; and (2) between junction U. S. Highway 60 and Kentucky Highway 180 (near Cannonsburg in Boyd County) and junction U. S. Highway 23 and Kentucky Highway 180, from junction U. S. Highway 60 and Kentucky Highway 180 over Kentucky Highway 180 to junction U. S. Highway 23, and return over the same route, serving all intermediate points. Applicant is authorized to transport similar commodities in Kentucky, Virginia and West Virginia, and specified commodities in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia.

No. MC 66562 (Sub No. 1381), filed September 6, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 E. 42d Street, New York 17, N. Y. Applicant's attorney: Elmer F. Slovacek, Railway Express Agency, Incorporated, 612 S. Clinton Street, Chicago 7, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including Class A and B explosives, moving in express service, between Decatur, Ill., and Illiopolis, Ill.: from Decatur over U. S. Highway 36 to Illiopolis, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading or express receipt, covering in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 103191 (Sub No. 5), filed August 30, 1957, THE GEO. A. RHEMAN CO., INC., North Charleston, S. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from North Charleston, S. C. to points in Florida. Applicant is authorized to conduct operations in Virginia, North Carolina, Georgia, and South Carolina.

No. MC 114772 (Sub No. 3), filed September 4, 1957, DUNBAR ARMORED SERVICE INCORPORATED, 56 Hopkins Street, Hartford, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bank bills, bonds, negotiable and nonnegotiable securities, notes, drafts*, and *other valuable papers*, in armored service, between New York, N. Y., on the one hand, and, on the other, Philadelphia, Pa., Baltimore, Md., Washington, D. C., and Wilmington, Del. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island.

No. MC 116905, filed September 4, 1957, LEE THRELKELD, EARL THRELKELD, JAY D. THRELKELD, RICHARD L. THRELKELD AND GERALD THRELKELD, doing business as THRELKELD SUPER SERVICE, 410 South 7th Street, Charlton, Iowa. Applicant's attorney: W. C. Stuart, Charlton, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum gas*, from Jefferson City, Mo., to points in that part of Iowa bounded on the west by U. S. Highway 69, on the north by U. S. Highway 6, on the East by a line beginning at junction U. S. Highways 6 and 218 and extending along U. S. Highway 218 to junction U. S. Highway 61, thence along U. S. Highway 61 to Keokuk, Iowa, and on the South by the Iowa-Missouri State line, including cities, towns and points located on the specified boundary highways, and excepting the City of Des Moines in Polk County and Charlton in Lucas County. *Empty containers or other such incidental facilities* (not specified) used in transporting liquid petroleum gas from points in the above-described destination territory to Jefferson City, Mo.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 223), filed August 29, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Frederick M. Broadfoot, Law Department, Public Service Coordinated Transport (same address as applicant). For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special round-trip operations, during the racing seasons, beginning and ending at Camden, N. J., and extending to Brandywine Race Track at Brandywine, Del., Laurel Race Track at Laurel, Del., and Bowie Race Track at Bowie, Md. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

No. MC 3647 (Sub. No. 225), filed September 5, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, during the racing seasons, beginning and ending at Newark and Jersey City, N. J. and extending to Saratoga Race Track at Saratoga Springs, N. Y. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Virginia, Maryland, Delaware, and the District of Columbia.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12666, filed September 3, 1957, F. W. VAN ZILE POPULAR TOURS, INC., 3 East Avenue, Caledonia, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Pk., P. O. Box 25, Webster, N. Y. For a license (BMC 5) for authority to operate as a *broker* for authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in round trip tours, from points in New York, New Jersey and Pennsylvania to all points in the United States and return.

NOTE: Applicant states that individual as well as groups of passengers and their baggage shall be handled.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 109533 (Sub No. 8), filed September 3, 1957, OVERNITE TRANSPORTATION COMPANY, P. O. Box 1216, Richmand 9, Va. Applicant's attorney: Reuben G. Grimm, 805 Peachtree St. Bldg., Atlanta 8, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities

requiring special equipment, between points in Georgia as follows: (1) between Jackson and Macon over Georgia Highway No. 87 serving all intermediate points; (2) between Macon and Warner Robins, Warner Robins Air Material Area, and Robins Air Force Base, over Georgia Highway 247, serving all intermediate points; (also from Macon over U. S. Highway 41 to junction Georgia Highway 247 and thence over Georgia Highway 247 to Warner Robins, Warner Robins Air Material Area and Robins Air Force Base), serving all intermediate points; (3) between Macon and Franklinton, from Macon over U. S. Highways 80–23 to junction County Road (Riggins Mill Road) and thence over Riggins Mill Road to Franklinton, and return over the same routes, serving all intermediate points; (4) between Macon and Macon Municipal Airport and U. S. Ordnance Plant, over U. S. Highway 41, Georgia Highway 22 and County Road, and return over the same routes, serving all intermediate points; (5) between Forsyth and junction Georgia Highways 148 and 87 over Georgia Highway 148, serving all intermediate points; (6) serving Rex, Ellenwood and Flippin, Ga. as off-route points in connection with regular routes between Atlanta and Macon and Griffin, Ga. (from Atlanta over Georgia Highway 42 to Forsyth and thence over U. S. Highway 41 to Macon) authorized in Certificate No. MC 23941. Applicant is authorized to conduct operations in Virginia, Georgia, North Carolina, and South Carolina.

NOTE: With the exception of route numbered (6), this application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act by Atlanta-Macon Motor Express, Inc., supported by intrastate Certificates on file with this Commission. This application is directly related to No. MC–F 6685.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6667, published in the August 21, 1957, issue of the FEDERAL REGISTER on page 6736. Application filed September 4, 1957, for temporary authority under section 210a (b).

No. MC–F 6685. Authority sought for purchase by OVERNIGHT TRANSPORTATION COMPANY, 501 South 14th Street, P. O. Box 1216, Richmond, Va., of the operating rights and property of ATLANTA-MACON MOTOR EXPRESS, INC., Third Street, Jackson, Ga., and for acquisition by J. HARWOOD COCHRANE, also of Richmond, of control of such rights and property through the purchase. Applicants' attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Atlanta, Ga., and Macon and Griffin, Ga., serving all intermediate points; operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the State of Georgia in the transportation of *property*, as a *common carrier*, over regular routes between Macon and Franklinton, between Macon and Macon Municipal Airport, between Macon and U. S. Ordnance Plant, between Macon and Atlanta, between Jackson and Macon, between Forsyth and junction of State Highways Nos. 148 and 87, and between Macon and Warner Robins and Warner Robins Air Material Area, Robins Air Force Base, serving certain off-route points; *commodities*, as provided under Rule 8 between all points in Georgia within the highway mileage radius of fifty miles of Jackson, Ga., over no fixed route. Vendee is authorized to operate as a *common carrier* in Virginia, North Carolina, South Carolina, Tennessee, and Georgia. Application has not been filed for temporary authority under section 210a (b).

NOTE: This application is a matter directly related to No. MC 109533 Sub 8.

No. MC–F 6686. Authority sought for control by JOSEPH G. McFARLAND, JR., AND PAUL J. McFARLAND, both of 1007 Dixwell Avenue, Hamden, Conn., of THE McFARLAND & STAMPLE TRUCKING COMPANY and THE McFARLAND TRANSPORTATION COMPANY, both of 1007 Dixwell Avenue, Hamden, Conn. Applicants' attorney: Frank W. Flood, 157 Church Street, New Haven, Conn. Operating rights sought to be controlled: (THE McFARLAND & STAMPLE TRUCKING COMPANY) *Petroleum products*, as a *common carrier*, over irregular routes, from Bayonne and Newark, N. J., to New Haven, Conn.; *acids* and *chemicals*, from New Haven, Conn., to Springfield, Holyoke and Westfield, Mass.; *radiators, boiler sections*, and *related articles*, between New Haven, Conn., on the one hand, and, on the other, Bayonne and Warren Point, N. J., and New Rochelle, N. Y.; *wire, wire products*, and *equipment used in the handling of wire*, between New Haven, Conn., and New York, N. Y.; *malt beverages*, as a *contract carrier*, over irregular routes, from Newark, N. J., to Hamden and Wethersfield, Conn., and from Newark, N. J., to Fairfield, Conn. (THE McFARLAND TRANSPORTATION COMPANY) *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between New York, N. Y., and Clinton, Conn., and between New Haven, Conn., and Greenwich, Conn., serving certain intermediate and off-route points; *beds, bed springs, mattresses, couches, cots, hammocks, sofas, pillows*, and *bedding*, from Elizabeth, N. J., to New Haven, Conn., serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between points on U. S. Highway 1 between New Haven, Conn., and Greenwich, Conn., both inclusive, on the one hand, and, on the other, New York, N. Y., and points in New York and New Jersey within ten miles of New York, N. Y., and between New Haven, Conn., on the one hand, and, on the other, certain points in Massachusetts, certain points in New Jersey, Mamaroneck and New York, N. Y., Woonsocket and Providence, R. I., and Hamden and West Haven, Conn.; *household goods*, as defined by the Commission, between New Haven, Conn., and points in Connecticut within 15 miles of New Haven, on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, and Pennsylvania; *waste paper, rags*, and *scrap cloth materials*, between New Haven, Manchester, and Stamford, Conn., New York, N. Y., Westfield, Springfield, Lowell, Fitchburg, Holyoke, and Boston, Mass., Providence and Valley Falls, R. I., and Bogota and Manville, N. J.; *scrap metals*, in truckloads, from Bridgeport, Ansonia, and New Haven, Conn., to Laurel Hill, N. Y., and Carteret, Newark, Perth Amboy, and Riverside, N. J.; *brass and copper ingots*, from Bridgeport, Conn., to Jersey City, Carteret, Riverside, East Orange, Perth Amboy, and Newark, N. J., and Port Chester, N. Y.; *copper rod*, from Phillipsdale, R. I., to Hamden, Conn.; *fertilizer*, and *fertilizer compounds*, between Bridgeport, Conn., on the one hand, and, on othe other, certain points in New York, points in Rhode Island, and certain points in Massachusetts. Applicants hold no authority from this Commission, but JOSEPH G. McFARLAND, JR., is the majority stockholder of THE McFARLAND TRANSPORTATION COMPANY and PAUL J. McFARLAND is the principal stockholder of THE McFARLAND & STAMPLE TRUCKING COMPANY. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6688. Authority sought for purchase by THE SANTA FE TRAIL TRANSPORTATION COMPANY, Broadway and English Streets, Wichita, Kans., of the operating rights of CHARLES W. PAYNE, MABEL JESSIE PAYNE, EXECUTRIX, doing business as PAYNE BROTHERS TRUCK LINE, 120 East Sherman, Kingman, Kans., and for acquisition of control of such rights by THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, 80 East Jackson Boulevard, Chicago, Ill. Applicants' attorney: F. J. Steinbrecher, 1211 Railway Exchange Building, Chicago, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route, between Wichita, Kans., and Hutchinson, Kans., serving the intermediate points of Kingman, Kans., and those between Wichita and Kingman, and the off-route points of Waterloo and Fourway, Kans. Vendee is authorized to operate as a *common carrier* in Nebraska, Oklahoma, Kansas, Missouri, Arkansas, Colorado, New Mexico, and Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6689. Authority sought for control by TAKIN BROS. FREIGHT LINE, INC., 100 East Tenth Street, Waterloo, Iowa, of IOWA-NEBRASKA TRANSPORTATION CO., INC., Avoca, Iowa, and for acquisition by WIRTZ LEASING SERVICE, INC., 7500 West Chicago Avenue, Gary, Ind., and, in turn, by FRANK J. WIRTZ, 18000 Governor's Highway, Homewood, Ill., of control of IOWA-NEBRASKA TRANSPORTATION CO., INC., through the acquisition by TAKIN BROS. FREIGHT LINE, INC. Applicant's attorney: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Omaha, Nebr., between Iowa City, Iowa, and Cedar Rapids, Iowa, between Marengo, Iowa, and Belle Plaine, Iowa, between Marshalltown, Iowa, and Des Moines, Iowa, and between Avoca, Iowa, and Des Moines, Iowa, serving certain intermediate and off-route points; several alternate routes for operating convenience only; *packing-house products* and *fresh meat*, between Omaha, Nebr., and Arcadia, Iowa, serving all intermediate and certain off-route points; *butter, eggs, dressed poultry*, and *agricultural commodities*, over regular and irregular routes from Avoca, Harlan, and Exira, Iowa, to Chicago, Ill., serving no intermediate points; *fresh meats, packing-house products*, and *packing-house supplies*, over irregular routes, between Dunlap, Iowa, and Panama, Portsmouth, and Persia, Iowa, between Denison, Iowa, and Deloit, Iowa, between Arcadia, Iowa, and Botna, and Irwin, Iowa, and between Harlan, Iowa, and Panora, Iowa. TAKIN BROS. FREIGHT LINE, INC., is authorized to operate as a *common carrier* in Iowa, Illinois, and Indiana. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6690. Authority sought for control and merger by HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn., of the operating rights and property of INDIANAPOLIS FORWARDING COMPANY, 2500 West Taylor Street, Chicago, Ill., and for acquisition by E. H. HOOVER, JR., MIRIAM HOOVER COLE, ELIZABETH HOOVER DERRYBERRY, DOROTHY HOOVER MILAM and RUTH HOOVER GARRETT, all of Nashville, of control of such rights and property through the transaction. Applicants' attorneys: Judson Harwood, Nashville Trust Building, Nashville, Tenn., and Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago, Ill. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk (not excluding red oils, stearic acid, and fatty acids, in bulk, in tank vehicles), commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes between Chicago, Ill., and Indianapolis, Ind., between Chicago, Ill., and Cincinnati, Ohio, and between Chicago, Ill., and Louisville, Ky., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, except those of unusual value, and except livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (not including red oils, stearic acid, and fatty acids, in bulk, in tank vehicles), commodities requiring special equipment, and those injurious or contaminating to other lading, between Hammond, Ind., and the junction of U. S. Highways 41 and 6 and Indiana Highway 152, serving no intermediate points. HOOVER MOTOR EXPRESS COMPANY, INC., is authorized to operate as a *common carrier* in Tennessee, Georgia, Alabama, Missouri, Kentucky, Illinois and Ohio. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6691. Authority sought for purchase by REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif., of the operating rights of EASTERN VAN LINES, INC., 620 Meigs Street, Rochester 20, N. Y., and for acquisition by PAUL J. SMITH, 215 West Longden, Arcadia, Calif., and S. H. SMITH, 300 Mockingbird Lane, South Pasadena, Calif., of control of such rights through the purchase. Applicants' attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, between points in New York, Pennsylvania, and Tennessee, on the one hand, and, on the other, points in Iowa, Missouri, Texas, Arkansas, Alabama, Florida, Georgia, South Carolina, and North Carolina, and between points in New York, Maryland, the District of Columbia, and Tennessee, on the one hand, and, on the other, the boundary of the United States and Canada at the following ports of entry: Van Buren, Madawaska, Fort Fairfield, Houlton, Vanceboro, and Calais, Maine, Swanton, Darby Line, and Norton, Vt., Champlain, Moores, Trout River, Rooseveltown, Clayton, Lewiston, Niagara Falls, and Buffalo, N. Y., Detroit, Port Huron, and Sault Sainte Marie, Mich., and St. Vincent, Mineral Center, and International Falls, Minn. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Minnesota, Nebraska, Colorado, Wyoming, Utah, Nevada, California, Alabama, Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, Oklahoma, Arkansas, Kansas, Texas, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6692. Authority sought for purchase by UNITED STATES VAN LINES, INC., 3340 North Mannheim Road, Franklin Park, Ill., of a portion of the operating rights of DAVIS TRANSFER & STORAGE CO., 410 South Fir, Medford, Oreg., and for acquisition by ARCHIBALD H. STEVENS, 121 South Niagara, Saginaw, Mich., ALLEN A. METCALF, SR., and ALLEN A. METCALF, JR., both of 1255 East Highway 36, St. Paul, Minn., and HAZEN H. STEVENS, 3340 Mannheim Road, Franklin Park, Ill., of control of such rights through the purchase. Applicants' attorney: Ramon S. Regan, 2255 Penobscot Building, Detroit 26, Mich. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Jackson, Josephine, and Douglas Counties, Oreg., on the one hand, and, on the other, points in California. Vendee is authorized to operate as a *common carrier* in South Dakota, Minnesota, Iowa, Florida, Arkansas, Missouri, North Dakota, Wyoming, Colorado, Oklahoma, Kansas, Nebraska, Massachusetts, Illinois, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, New York, Arizona, California, Idaho, Louisiana, Montana, North Carolina, Oregon, Tennessee, Texas, Utah, Washington, Connecticut, New Jersey, Maryland, Rhode Island, Delaware, West Virginia, Kentucky, Virginia, South Carolina, Georgia, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6693. Authority sought for control and merger by INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah, of the operating rights and property of MORGAN TRUCK SERVICE, INC., Three Flags Highway, John Day, Oreg., and for acquisition by T. S. CARTER, also of Salt Lake City, of control of such rights and property through the transaction. Applicants' attorneys: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif., Samuel B. Weinstein and Moe M. Tonkon, both of Public Service Building, Portland, Oreg. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Portland, Oreg., and Prairie City, Oreg., between Canyon City, Oreg., and Burns, Oreg., between junction U. S. Highway 28 and Oregon Highway 7 and Baker, Oreg., between Pendleton, Oreg., and Mount Vernon, Oreg., between Vale, Oreg., and Ontario, Oreg., between Canyon City, Oreg., and Izee, Oreg., between Prineville, Oreg., and the junction of U. S. Highway 26 and Oregon Highway 19, between Ontario, Oreg., and the Brownlee Dam Site, between Baker, Oreg., and the Brownlee Dam Site, and between Weiser, Idaho, and the Brownlee Dam Site, serving certain intermediate and off-route points; alternate routes for operating convenience only between Vale, Oreg., and Burns, Oreg., and between Portland, Oreg., on the one hand, and, on the other, junction Oregon

Highway 19 and U. S. Highway 26 west of Dayville, Oreg.: *general commodities*, except liquid petroleum products, in bulk, in tank trucks, between Fossil, Oreg., and Kinzua, Oreg., between John Day, Oreg., and Canyon City, Oreg., and between Condon, Oreg., and Vale, Oreg., serving certain intermediate and off-route points; *general commodities*, except household goods as defined by the Commission, between Boise, Idaho, and Weiser, Idaho, between Boise, Idaho, and junction U. S. Highway 30 and Idaho Highway 52 (formerly Idaho Highway 16), between Caldwell, Idaho, and Homedale, Idaho, between Caldwell, Idaho, and Parma, Idaho, between Wilder, Idaho, and Fruitland, Idaho, and between Roswell, Idaho, and Adrian, Oreg., serving certain intermediate points; *lumber mill products*, over irregular routes, from points in Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat Counties, Wash., to points in Umatilla, Union, Baker, and Malheur Counties, Oreg.; *ore and ore concentrates, livestock, wool, feeds*, and *salt*, between points in Grant and Wheeler Counties, Oreg., on the one hand, and, on the other, certain points in Oregon; *livestock* and *livestock feed*, between points in Grant and Wheeler Counties, Oreg., on the one hand, and, on the other, certain points in California, certain points in Idaho, and certain points in Washington; *livestock salt*, from certain points in California, certain points in Idaho, and certain points in Washington, to points in Grant and Wheeler Counties, Oreg. INTERSTATE MOTOR LINES, INC., is authorized to operate as a *common carrier* in Colorado, Utah, Wyoming, Nevada, California, Illinois, Nebraska, Iowa, Arizona, Idaho, Oregon, Kansas, and Missouri. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7642; Filed, Sept. 17, 1957; 8:46 a. m.]

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Washington, Thursday, September 19, 1957

SEP 23 1957
READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10729

SPECIAL ASSISTANT TO THE PRESIDENT FOR PERSONNEL MANAGEMENT

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. There shall be in the White House Office an official who shall be appointed by the President, shall have the title "Special Assistant to the President for Personnel Management," and shall receive compensation at such rate as the President, consonant with law, may prescribe.

SEC. 2. The Special Assistant to the President for Personnel Management shall:

(a) Assist the President in the execution of his duties with respect to personnel management, and advise and assist the President concerning personnel-management actions to be taken by or under the direction of the President, exclusive of actions with respect to Presidential appointments.

(b) Assist the President in the formulation and execution of his civilian personnel-management program, the establishment of policies and standards for the executive departments and agencies relating to the said program, and the evaluation of departmental and agency personnel-management programs and operations under such policies and standards.

(c) Assist the President in keeping informed with respect to activities of and developments in the executive departments and agencies which affect, or tend to determine, the personnel-management policies of the executive departments and agencies.

(d) Undertake on behalf of the President, and in collaboration with the Bureau of the Budget, a program designed to raise the level of effectiveness of personnel management in the executive departments and agencies, to improve steadily all personnel-management systems, and to bring about the proper coordination in personnel management among the executive departments and agencies.

SEC. 3. (a) Subject to the provisions of subsection (b) of this section, the United States Civil Service Commission or the Chairman thereof, as the case may be, shall, in performing the following, consult with the Special Assistant to the President for Personnel Management: (1) Any function vested by law in the President and by him delegated or otherwise assigned to the United States Civil Service Commission or to the Chairman thereof, and (2) any function vested by law in the said Commission or in the said Chairman which (i) is required by law to be performed with or subject to the approval, ratification, or other action of the President, and (ii) has been authorized by the President to be performed without his approval, ratification, or other action.

(b) The Special Assistant to the President for Personnel Management may, from time to time and partly or wholly, (1) exclude any specific matter or matters from the operation of the provisions of subsection (a) of this section, and (2) terminate any exclusion effected under this subsection (b).

(c) All rules, regulations, policies, determinations, instructions, requirements, or other actions of the United States Civil Service Commission or of the Chairman thereof, as the case may be, relating to any of the functions described in section 3 (a) of this order and in effect on the date of this order shall remain in effect until, and except as, hereafter revoked, amended, modified, or superseded by proper authority.

SEC. 4. The Special Assistant to the President for Personnel Management shall perform his functions under this order with the assistance of such personnel of the White House Office as may be provided for that purpose, and, as may be appropriate, with the assistance of

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FEDERAL REGISTER

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designated personnel of executive departments and agencies.

SEC. 5. As used herein, the term "function" embraces duty, power, responsibility, authority, and discretion, and the term "performing" may be construed to mean exercising.

SEC. 6. Executive Order No. 10452 of May 1, 1953, entitled "Providing for the Performance by the Chairman of the Civil Service Commission of Certain Functions Relating to Personnel Management", is hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 16, 1957.

[F. R. Doc. 57–7719; Filed, Sept. 17, 1957; 12:45 p. m.]

RULES AND REGULATIONS

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Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (3) of § 6.111 is amended as set out below.

§ 6.111 *Department of Agriculture.*

* * *

(f) *Farmers Home Administration.*

* * *

(3) Temporary positions whose principal duties involve the making and servicing of emergency and special livestock loans pursuant to Public Law 38, 81st Congress, as amended, and Public Law 727, 83d Congress, as amended. Appointment under this provision shall not exceed one year unless extended with the prior approval of the Commission for additional periods of not to exceed one year each.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57–7685; Filed, Sept. 18, 1957; 8:51 a. m.]

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PART 938—POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

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AUTHORITY: §§ 938.0 to 938.86 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 938.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Grand Forks, North Dakota, May 20–22, 1957, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in certain designated counties of North Dakota and Minnesota. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This part, and all the terms and conditions hereof, will tend to effectuate the declared policy of the act with respect to Irish potatoes grown in the production area defined herein as comprising the Counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of North Dakota, and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of Minnesota (1) by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, (ii) and by protecting the interest of the consumer by approaching the level of prices which it is declared to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) This part regulates the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This part is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This part prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of Irish potatoes grown in the production area; and

(5) All handling of Irish potatoes as defined in this part is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this part effective not later than the date of publication in the FEDERAL REGISTER. It would be contrary to the public interest to delay the effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). As soon as practical after such effective time the Red River Valley Potato Committee, the administrative agency provided for in the part should be organized so it may function as soon as possible. Subsequently, and prior to issuance of regulations it will be necessary for the committee and the Secretary to initiate and accomplish various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations for administration of the program. The shipment of potatoes from the production area has already begun for the 1957 crop year and will continue through next spring. Hence, for the program to be of maximum benefit to producers during the 1957–58 marketing season for Red River Valley potatoes, the part should be made effective as early in the season as practicable so as to permit timely organization of the committee, establishment of rules and regulations, and to facilitate other necessary preparations for regulatory activity under the program. Thus, it will be possible for regulations designed to effectuate the declared policies of the act to be formulated and issued so that producers may benefit from this program on as much as possible of their 1957 crop of potatoes. The provisions of the part are well known to handlers of potatoes grown in the production area by reason of the following facts: (1) The public hearing at which evidence was received from the industry and upon which this part is based, was held at Grand Forks, North Dakota, on May 20–22, 1957; (2) the recommended decision and the final decision were issued on July 26, 1957 (22 F. R. 6002), and August 15, 1957 (22 F. R. 6686), respectively; (3) copies of the regulatory provisions of the part were made available, prior to or during the course of the referendum which was held during the period August 29 through September 5, 1957, to determine whether producers of potatoes in the production area favored issuance of this part, to all known parties who may be subject thereto; and (4) all known handlers in the production area were mailed a copy of the marketing agreement, the regulatory provisions of which are the same as those contained in this part. Compliance with the regulatory provisions of this part will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulations pursuant thereto.

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping potatoes covered by this part) of more than 50 percent of the volume of potatoes covered by this part have signed a marketing agreement regulating the handling of potatoes grown in the production area, and

(2) The issuance of this part is approved or favored (i) by at least two-thirds of the producers who participated in the referendum held during the period August 29 through September 5, 1957, and who, during the designated representative period (July 1, 1956, through June 30, 1957), were engaged within the specified production area in the production of potatoes for market, and (ii) by producers of at least two-thirds of the volume of production of such potatoes represented in the aforesaid referendum.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof the handling of Irish potatoes grown in the production area as defined herein shall be in conformity to and in compliance with the terms and conditions of this part; and such terms and conditions are as follows:

DEFINITIONS

§ 938.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 938.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 938.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 938.4 *Production area.* "Production area" means all territory included within the boundaries of the Counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota, and of Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of the State of Minnesota.

§ 938.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 938.6 *Handle or ship.* "Handle" or "ship" means to sell or transport potatoes, or cause the sale or transportation of potatoes, in the current of the commerce between the production area and any point outside therof.

§ 938.7 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes.

§ 938.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 938.9 *Grading.* "Grading" is synonymous with "prepare for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

§ 938.10 *Grade and size.* "Grade" means any of the officially established grades of potatoes, and "size" means any of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559, inclusive of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587, inclusive of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) State standards for potatoes issued by the State in which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 938.11 *Maturity.* "Maturity" means the stage of development or condition of the outer skin (epidermis) of the potato determined according to skinning classifications defined by the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive of this title).

§ 938.12 *Varieties.* "Varieties" means all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 938.13 *Seed potatoes.* "Seed potatoes" or "seed" means all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State in which the potatoes were grown.

§ 938.14 *Table stock potatoes.* "Table stock potatoes" or "table stock" means all potatoes not included within the definition of "seed potatoes."

§ 938.15 *Washed potatoes.* "Washed potatoes" means potatoes cleaned by water that meet standards of cleanness established by the Secretary pursuant to committee recommendations. The United States Standards for Potatoes (§§ 15.1540 to 15.1559, inclusive of this title) shall be the basis for standards of cleanness and determinations and certification of cleanness shall be by the Federal, or the Federal-State, Inspection Service.

§ 938.16 *Pack.* "Pack" means a quantity of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 938.17 *Container.* "Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other receptacle used in the packaging, transportation, or sale of potatoes.

§ 938.18 *Committee.* "Committee" means the Red River Valley Potato Committee, established pursuant to § 938.25.

§ 938.19 *District.* "District" means each of the geographical divisions of the production area established pursuant to § 938.32.

§ 938.20 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 938.21 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

COMMITTEE

§ 938.25 *Establishment and membership.* (a) The Red River Valley Potato Committee consisting of fourteen members, all of whom shall be producers, is hereby established.

(b) Each person selected as a committee member or alternate shall be a producer or an officer or employee of a producer in the district for which selected and each such person shall be a resident of the production area.

(c) For each member of the committee there shall be an alternate who shall have the same qualifications as the member. An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ 938.26 *Selection.* (a) Committee members and alternates shall be selected by the Secretary on the basis of districts as established pursuant to § 938.32. One member and one alternate member shall be selected from each district.

(b) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 938.27 *Term of office.* (a) The term of office of committee members and alternates shall be two years beginning July 1 and ending June 30, except that of the initial fourteen members selected, six shall serve for a term ending on the second June 30 following their selection and eight shall serve for a term ending on the first June 30 following their selection. Each of the initial fourteen alternate members shall be selected to serve for the same term of office as the respective member from each district. No member shall serve for more than three consecutive terms.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 938.28 *Procedure.* (a) Ten members of the committee shall be necessary to constitute a quorum and ten concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication. Any vote cast at such meeting shall be confirmed promptly in writing. If any assembled meeting is held, all votes shall be cast in person.

§ 938.29 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this subpart.

§ 938.30 *Duties.* The committee shall have the following duties.

(a) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, select subcommittees and adopt such rules and procedures for the conduct of its business as it may deem advisable.

(b) Act as intermediary between the Secretary and any producer or handler.

(c) Appoint such employees, agents, and representatives as it may deem necessary and determine the salaries and define the duties of each.

(d) Keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative.

(e) Furnish the Secretary promptly with copies of the minutes of each committee meeting, and the annual report of the committee's operations for the preceding fiscal period, and such other reports or information as may be requested by the Secretary.

(f) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy.

(g) Subject to § 938.75 (b), consult, cooperate, and exchange information with other marketing agreement committees and other agencies or individuals in connection with proper committee activities and objectives.

(h) Take any proper action necessary to carry out the provisions of this subpart.

(i) To establish and pay the expenses of advisory committees for the purpose of consulting with Federal, State, or other appropriate agencies with respect to marketing research and development projects pursuant to § 938.47.

(j) To receive and consider complaints and petitions from growers with respect to marketing problems arising in connection with operations of this part and to initiate consideration by the committee within five days following receipt of appropriate presentations to the committee. A request or petition for consideration by 50 percent of the producers of a variety in a producing section, as determined by the committee, or 30 producers, whichever is smaller, shall be deemed adequate for invoking this duty.

§ 938.31 *Members' expenses.* Committee members and their respective alternates when acting on committee business may be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 938.32 *Districts.* (a) For the purpose of selecting committee members and alternates, the following districts of the production area are hereby initially established:

North Dakota District No. 1—Pembina County.

North Dakota District No. 2—Walsh County, that portion east of Highway 18.

North Dakota District No. 3—Towner and Cavalier Counties.

North Dakota District No. 4—Grand Forks and Nelson Counties.

North Dakota District No. 5—Traill and Steele Counties.

North Dakota District No. 6—Cass and Richland Counties.

North Dakota District No. 7—Ramsey and Walsh (that portion west of Highway 18) Counties.

Minnesota District No. 1—Kittson County.

Minnesota District No. 2—Marshall County.

Minnesota District No. 3—Pennington and Red Lake Counties.

Minnesota District No. 4—Polk County.

Minnesota District No. 5—Mahnomen and Norman Counties.

Minnesota District No. 6—Otter Tail and Wilken Counties.

Minnesota District No. 7—Clay and Becker Counties.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area. In recommending any such changes in districts, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative positions of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part and (4) other relevant factors: *Provided*, That there shall be no change in the total number of districts. No change in districting may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting may be made within less than six months prior to such date.

§ 938.33 *Nominations.* The Secretary may select the members of the Red River Valley Potato Committee and their respective alternates from nominations which may be made in the following manner, or from other eligible persons:

(a) Nominations for members and alternates of the committee may be submitted by producers, or groups thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each district in which the term of office of a committee member and alternate will commence the following July 1;

(2) In arranging for such meetings, the committee may, if it deems desirable,

utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following June 30;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than May 31 of each year;

(5) Only producers who reside within the production area may participate in designating nominees for committee members and their alternates.

(6) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this part.

§ 938.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 938.33, or from previously unselected nominees on the current nominee list from the district involved or from other eligible persons. If the names of nominees to fill any vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this part.

EXPENSES AND ASSESSMENTS

§ 938.40 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 938.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for its maintenance and functioning and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this part.

§ 938.42 *Assessments.* (a) Handlers shall share expenses on the basis of each fiscal period. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessment shall be in payment of such handler's pro rata share of the committee's expenses. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during such fiscal period.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were handled by the first handler thereof during such fiscal period.

(d) The committee, with the approval of the Secretary, may provide for collection of assessments through the Potato Control Boards of the Red River Valley areas of Minnesota and North Dakota.

§ 938.43 *Fiscal reports.* The books of the committee shall be audited by a competent accountant at the end of each fiscal period and at such other time as the committee may deem necessary or as the Secretary may request. Copies of each audit report shall be furnished the Secretary and a copy shall be made available at the principal office of the committee for inspection by producers and handlers.

§ 938.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operation of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operation during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practicable be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 938.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and may make available committee information and data to any person, or to any employee of an agency or its agent, authorized by the committee as its agent with the approval of the Secretary, to conduct such projects.

REGULATION

§ 938.50 *Marketing policy.* Each season prior to or at the same time as initial recommendations are made pursuant to § 938.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping potatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices for potatoes, including prices by grade, size, and quality in different packs, or in different containers;

(b) Supply of potatoes by grade, size, quality, and maturity in the production area and in other potato producing areas;

(c) The trend and level of consumer income;

(d) Establishing and maintaining orderly marketing conditions for potatoes;

(e) Orderly marketing of potatoes as will be in the public interest; and

(f) Other relevant factors.

§ 938.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 938.50, may recommend regulations to the Secretary whenever it finds that such regulations as provided for in this subpart will tend to effectuate the declared policies of the act.

§ 938.52 *Issuance of regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities of any or all varieties of table stock or of seed potatoes, or any combination of the foregoing during any period;

(2) Regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for washed and unwashed table stock for seed, for different sizes and types of containers, for different portions of the production area, for different packs, or for any combination of the foregoing, during any period.

(3) Provide a method through rules and regulations issued pursuant to this part for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both.

(4) Establish in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) No regulation applicable to seed shall modify or impair the official seed certification specification and requirements established by the official seed certification agency of the State in which the potatoes were grown.

(c) The Secretary may amend or modify any regulation issued under this subpart whenever he finds from the recommendations of the committee or other available information that such regulation as amended or modified would tend to effectuate the declared policy of the act. In like manner, the Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(d) The Secretary shall notify the committee of each regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 938.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments of potatoes will be free from requirements in effect pursuant to § 938.42 or § 938.60, or both.

§ 938.54 *Handling for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate requirements in effect pursuant to §§ 938.42 to 938.60, inclusive, in order to facilitate handling of the following special shipments of potatoes:

(a) Shipments of potatoes for export;

(b) Shipments of potatoes for distribution by relief agencies, or for charitable institutions;

(c) Shipments of potatoes for manufacture or conversion into specified products;

(d) Shipments of potatoes for livestock feed;

(e) Other shipments which the Secretary may specify.

§ 938.55 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribed adequate safeguards to prevent potatoes handled pursuant to § 938.54, or seed handled pursuant to § 938.52, from entering channels of trade for other than the specific authorizations therefor, and the rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle potatoes pursuant to § 938.54.

(2) Handlers shall obtain inspection required by § 938.60, or pay the assessment levied pursuant to § 938.42, or both, in connection with shipments made under § 938.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of potatoes affected or to be affected under the provisions of § 938.54.

(b) The committee may rescind or deny Certificate of Privilege to any handler if proof is obtained that potatoes handled by him for the purposes stated in § 938.54 were handled contrary to the provisions of this part. The right to be informed promptly of the basis for rescinding or denying a Certificate of Privilege shall be preserved to the holder thereof or applicant therefor. In addition, the right of appeal to the committee and in turn to the Secretary from any action rescinding or denying such certificate shall be preserved to the holder thereof, or applicant therefor.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 938.60 *Inspection and certification.* (a) During any period in which the handling of potatoes is regulated pursuant to § 938.52 or § 938.54, or both, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 938.53 or § 938.54, or both.

(b) Regarding, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal, or Federal-State, Inspection Service. Such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated upon recommendation by the committee, and approval by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal, or Federal-State, inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

EXEMPTIONS

§ 938.65 *Policy.* (a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 936.52, is or will be prevented from shipping or having shipped during the then current marketing season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 938.52, is prevented from shipping during the then current marketing season as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate

shipping area, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 938.66 *Rules and procedures.* The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures shall provide for processing applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 938.65), and for such other procedures as may be necessary to carry out the provisions in this section and § 938.65.

§ 938.67 *Granting exemptions.* The committee shall issue certificates of exemption to any qualified applicant who furnished adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation:

(b) That by reason of regulations issued pursuant to § 938.52, in case of an applicant who is a producer, he will be prevented from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 938.52, in case of an applicant who is a handler who has acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the person identified therein to ship or have shipped the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 938.68 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 938.69 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken within 7 days after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application within 14 days after receipt of such application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

REPORTS

§ 938.75 *Reports.* Upon the request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection: (a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of potatoes received and disposed of by types of outlets during specific periods;

(2) Sales records including dates, car or truck numbers, and inspection certificate numbers;

(3) Record of shipments handled under exemption certificates including number of such certificates;

(4) Record of all potatoes handled pursuant to § 938.53 and § 938.54 including Certificates of Privilege and inspection certificate numbers, if any.

(b) All such reports shall be held under appropriate protective classification in custody by the committee, or duly authorized individuals or agencies thereof, so that the competitive position of any handler in relation to other handlers will not be disclosed. Compilation of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 938.76 *Compliance.* No handler shall handle potatoes except in conformance with the provisions of this subpart and the rules and regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 938.77 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

§ 938.78 *Right of the Secretary.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States. The members of the committee (including successors and alternates), and any agent or employee, shall be subject to removal by the Secretary at any time. Each and every act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 938.79 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 938.80 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 938.81 *Proceedings when terminated, suspended, or inactive.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary and shall proceed pursuant to directions of the Secretary's liquidation order.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 938.82 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not: (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or of any regulation issued under this subpart;

(b) Release or extinguish any violation of this subpart or of any regulation issued under this subpart; or

(c) Affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 938.83 *Agents.* The Secretary may by designation in writing name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 938.84 *Personal liability.* (a) No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee's activities for which he is responsible and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the designated successor, agency, or person the right to all such property and funds and all claims vested in such member or alternate.

§ 938.85 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any persons by virtue of this subpart shall cease upon the termination of this subpart except with respect to acts done under and during the existence of this subpart.

§ 938.86 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

Issued at Washington, D. C., this 13th day of September, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-7658; Filed, Sept. 18, 1957; 8:46 a. m.]

PART 950—PEACHES GROWN IN UTAH

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1957–58 FISCAL YEAR

Pursuant to the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 950.206 *Expenses and rate of assessment for the 1957–58 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal year beginning May 1, 1957, and ending April 30, 1958, both dates inclusive, will amount to $3,500.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at one and three-quarter cents ($0.0175) per bushel basket of peaches, or an equivalent quantity of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

(c) *Definitions.* As used herein, the terms "handler," "ship," "shipped," "shipments," "peaches," and "fiscal year" shall have the same meaning as when used in said marketing agreement and order.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this determination until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) said Administrative Committee at a meeting held on August 23, 1957, proposed an itemized budget of expenses and a rate of assessment based upon information then available as to production of peaches during the 1957 season and anticipated expenses; (2) necessary supplemental information supporting the proposed budget and rate of assessment was not made available to the Department until September 9, 1957; (3) shipments of peaches from Utah have, since 12:01 a. m., M. s. t., September 1, 1957, been subject to the regulatory provisions of Peach Order 1 (§ 950.306; 22 F. R. 7031); (4) the rate of assessment is, in accordance with the marketing agreement and order, applicable to all fresh peaches shipped during the 1957–58 fiscal year; (5) a large volume of the Utah peach crop is handled by itinerant truckers who do not have permanent addresses in the production area and who operate in the area during only part of the season; and (6) in order to enable the said Administrative Committee to perform its duties and functions under said marketing agreement and order, it is essential that the rate of assessment be fixed immediately so as to permit the prompt collection, especially from the itinerant handlers, of each handler's assessment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 16, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-7702; Filed, Sept. 18, 1957; 8:55 a. m.]

PART 1005—MILK IN THE NORTH CENTRAL IOWA MARKETING AREA

ORDER REGULATING HANDLING

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AUTHORITY: §§ 1005.0 to 1005.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1005.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the North Central Iowa marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1005.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

(b) *Additional findings.* In view of the fact that this part will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire part to afford handlers an opportunity to make any necessary changes in their acounting procedure or other adjustments as required to conform with all provisions of the part. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. The provisions of said part are known to handlers. The decision of the Acting Secretary of Agriculture containing all the provisions of this part was issued on July 30, 1957. In view of the foregoing, it is hereby found and determined that good cause exists for making §§ 1005.1 through 1005.18, 1005.20 through 1005.22, 1005.30 through 1005.33, 1005.40 through 1005.46, 1005.60 and 1005.61, 1005.85 and 1005.86, 1005.90 through 1005.93, and 1005.100 and 1005.101, effective on October 1, 1957, and the entire part (§ 1005.1 through 1005.101) effective November 1, 1957. It would be contrary to the public interest to delay such effective dates of this part for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this part) of more than 50 percent of the milk covered by this part which is marketed within the North Central Iowa marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this part is the only practical means pursuant to the declared policy of the act of advancing the interest of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this part is approved or favored by at least three-fourths of the producers who participated in a referendum thereon and who, during the determined representative period (May 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Central Iowa marketing area shall be in conformity to, and in compliance with, the following terms and conditions.

DEFINITIONS

§ 1005.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1005.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1005.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 1005.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1005.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1005.6 *North Central Iowa marketing area.* "North Central Iowa marketing area" (hereinafter called the "marketing area") means all territory within the boundaries of Black Hawk County and the cities of Charles City, Clarion, Clear Lake, Eagle Grove, Fort Dodge, Hampton, Humboldt, Marshalltown, Mason City, New Hampton, Osage, Waverly and Webster City, all in the State of Iowa, including territory within such boundaries which is occupied by government (Municipal, State, or Federal) reservations, installations, institutions, or other establishments.

§ 1005.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of the operator of the pool plant (1) any day during the months of April through June, and (2) on not more than one-half the days on which milk was delivered from a farm during any of the months of July through March.

§ 1005.8 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other plants) located in the marketing area.

§ 1005.9 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1005.10 (a).

§ 1005.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to more than an average of 1,000 pounds per day or not less than 15 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other plants) in the marketing area.

(b) A supply plant for the month in which shipments of milk, skim milk or cream are made to distributing plants which are pool plants on not less than 10 days in any of the months of September, October, and November and on not less than 5 days in other months: *Provided*, That a supply plant which was not a pool plant for each of the immediately preceding months of September, October and November shall not be a pool plant for any month during which none of the milk, skim milk or cream from such plant was allocated to Class I milk pursuant to § 1005.46 at a distributing plant which is a pool plant.

§ 1005.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1005.12 *Handler.* "Handler" means any person in his capacity as the operator of one or more distributing or supply plants.

§ 1005.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 1005.14 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1005.7.

§ 1005.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1005.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1005.17 *Base zone.* "Base zone" means all the territory south of a line formed by the indefinite extension of the southern boundaries of Hancock, Cerro Gordo, and Floyd Counties, all in the State of Iowa.

§ 1005.18 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1005.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1005.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1005.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1005.85, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1005.84, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1005.30 and 1005.31, or payments pursuant to §§ 1005.80 through 1005.85;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce and notify each handler on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1005.50 (a) and the Class I butterfat differential pursuant to § 1005.51 (a), both for the current month; and the minimum price for Class II milk pursuant to § 1005.50 (b) and the Class II butterfat differential pursuant to § 1005.51 (b), both for the preceding month; and

(2) The 10th day after the end of each month the uniform prices pursuant to § 1005.71 and the producer butterfat differentials pursuant to § 1005.81.

REPORTS, RECORDS AND FACILITIES

§ 1005.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1005.7;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1005.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days on which milk was received from such producer, if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant(s), his intention to receive such product and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1005.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1005.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1005.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 1005.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1005.41 through 1005.46.

§ 1005.41 *Classes of Utilization.* Subject to the conditions set forth in § 1005.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) contained in inventory of fluid milk products on hand at the end of the month; and (3) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 1005.7) and other source milk (received in the form of a fluid milk product in bulk) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 1005.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 1005.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1005.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 1005.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1005.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the city halls of Waterloo, Mason City, Fort Dodge and Marshalltown, Iowa; and

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the city halls of Waterloo, Mason City, Fort Dodge, and Marshalltown, Iowa, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1005.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further*, That if the total skim milk and butterfat in fluid milk products which were transferred by all handlers to such nonpool plant during the month are less than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the assignment to Class I milk shall be prorated over the claimed Class II classification reported by each such handler on transfers to the nonpool plant.

§ 1005.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1005.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1005.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1005.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 1005.44 (a);

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1005.50 *Class prices.* Subject to the provisions of §§ 1005.51 and 1005.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 15 cents: *Provided*, That for milk received from producers at a pool plant north of the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 5 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Plant Location

Amboy Milk Products Co., Amboy, Illinois.
Borden Company, Dixon, Illinois.
Borden Company, Sterling, Illinois.
Carnation Company, Morrison, Illinois.
Carnation Company, Oregon, Illinois.
Carnation Company, Waverly, Iowa.
United Milk Products Company, Argo Fay, Illinois.

§ 1005.51 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1005.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110 for the months of April, May, and June, and by 0.115 for all other months.

§ 1005.52 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the city halls of each of the cities of Waterloo, Mason City, Fort Dodge and Marshalltown, Iowa, by the shortest hard surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1005.50 (a) shall be reduced by 10 cents for the first 65 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the city halls of Waterloo, Mason City, Fort Dodge and Marshalltown: *Provided*, That for the purpose of calculating the location differential adjustment applicable pursuant to this section fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculation prescribed in § 1005.46 (a) (2) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 1005.53 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1005.60 *Producer-handler.* Sections 1005.40 through 1005.46, 1005.50 through 1005.52, 1005.70, 1005.71, 1005.80 through 1005.85, and 1005.90 through 1005.93 shall not apply to a producer-handler.

§ 1005.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 1005.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the North Central Iowa marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1005.30) and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 1005.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his pool plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and

(e) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 1005.46 (a) (4) and (b), whichever is less.

§ 1005.71 *Computation of uniform prices for handlers.* For each month the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1005.70 the total of the location differential deductions to be made pursuant to § 1005.82;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more respectively, than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The quotient, adjusted to the nearest cent, shall be the uniform price for such handler for producer milk of 3.5 percent butterfat content in the base zone and within 50 miles of the city halls of Waterloo, Mason City, Fort Dodge or Marshalltown, Iowa.

PAYMENTS

§ 1005.80 *Time and method of payment for producer milk.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 14th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform prices per hundredweight pursuant to § 1005.71 subject to the butterfat differential computed pursuant to § 1005.81 plus or minus adjustments for errors made in previous payments to such producer; and less (1) location differential deductions pursuant to § 1005.82, (2) marketing service deductions pursuant to § 1005.84 and (3) proper deductions authorized by such producer: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk the handler shall, if requested by the cooperative association, pay such cooperative association on or before the 12th day after the end of each month an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph;

(b) In making the payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1005.81 *Butterfat differentials to producers.* The uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 1005.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1005.82 *Location differentials to producers.* (a) The uniform prices for milk received from producers at a pool plant located 50 miles or more from the city halls of each of the cities of Waterloo, Mason City, Fort Dodge, and Marshalltown, Iowa, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 10 cents for the first 65 miles or less and 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the city halls of Waterloo, Mason City, Fort Dodge and Marshalltown.

(b) The uniform prices for milk received from producers at a pool plant north of the base zone shall be reduced 5 cents.

§ 1005.83 *Adjustment of accounts.* Whenever verification by the market administrator of payment by a handler discloses errors resulting in money due a producer, a cooperative association, or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 1005.84 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1005.80, shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from such producer (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1005.85 *Expense of administration.* As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1005.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 1005.86 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1005.90 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1005.91 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1005.92 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment or which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1005.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1005.100 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1005.101 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Sections 1005.1 through 1005.18, 1005.20 through 1005.22, 1005.30 through 1005.33, 1005.40 through 1005.46, 1005.60 and 1005.61, 1005.85 and 1005.86, 1005.90 through 1005.93, and 1005.100 and 1005.101, shall be effective on and after the 1st day of October, 1957 and the entire part (§§ 1005.1 through 1005.101) shall be effective on and after the 1st day of November 1957.

Issued at Washington, D. C., this 13th day of September 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-7682; Filed, Sept. 18, 1957; 8:51 a.m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

ACQUIRING STOCK BY DIVIDENDS, STOCK SPLITS OR EXERCISE OF RIGHTS

§ 222.103 *Bank holding company acquiring stock by dividends, stock splits or exercise of rights.* (a) The Board of Governors has been asked whether a bank holding company may receive bank stock dividends or participate in bank stock splits without the Board's prior approval, and whether such a company may exercise, without the Board's prior approval, rights to subscribe to new stock issued by banks in which the holding company already owns stock.

(b) Neither a stock dividend nor a stock split results in any change in a stockholder's proportional interest in the issuing company or any increase in the assets of that company. Such a transaction would have no effect upon the extent of a holding company's control of the bank involved; and none of the five factors required by the Bank Holding Company Act to be considered by the Board in approving a stock acquisition would seem to have any application. In view of the objectives and purposes of the act, the word "acquire" would not seem reasonably to include transactions of this kind.

(c) On the other hand, the exercise by a bank holding company of the right to subscribe to an issue of additional stock of a bank could result in an increase in the holding company's proportional interest in the bank. The holding company would voluntarily pay additional funds for the extra shares and would "acquire" the additional stock even under a narrow meaning of that term. Moreover, the exercise of such rights would cause the assets of the issuing company to be increased and in a sense, therefore, the "size or extent" of the bank holding company system would be expanded.

(d) In the circumstances, it is the Board's opinion that receipt of bank stock by means of a stock dividend or stock split, assuming no change in the class of stock, does not require the Board's prior approval under the act, but that purchase of bank stock by a bank holding company through the exercise of rights does require the Board's prior approval, unless one of the exceptions set forth in section 3 (a) is applicable.

(Sec. 5, 70 Stat. 137; 12 U. S. C. 1844)

Board of Governors of the Federal Reserve System.

[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 57-7673; Filed, Sept. 18, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 4b-7]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

INSTRUMENT INSTALLATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of September 1957.

In 1953 the Civil Aeronautics Board promulgated § 4b.611 (b) of Part 4b of the Civil Air Regulations and established a standard arrangement for the location on the instrument panel of required basic flight instruments. This amendment to § 4b.611 (b) prescribes a new standard for the arrangement of basic flight instruments.

Studies made by representatives of the Government and industry indicated that the standard prescribed in § 4b.611 (b) no longer reflects the optimum instrument arrangement, and does not provide the flexibility needed to include new instruments, or to integrate related instruments, which have been or may be developed in the future. Accordingly, a proposal to replace the existing standard for flight instrument arrangement with a new one commonly referred to as the "Basic T" was published for comment in accordance with public rule making procedures and circulated as Civil Air Regulations Draft Release No. 57-5 on April 3, 1957.

In this draft release it was proposed to establish a "Basic T" arrangement consisting of a group of 6 instruments giving the following information: (1) Speed, (2) attitude, (3) altitude, (4) flight path deviation, (5) direction, and (6) climb. However, after consideration of the comment received in response to

the proposal and after further analysis of the problem, the Board has concluded that there are only 4, rather than 6, basic flight instruments that require a standard location on the instrument panel. The 4 instruments are those which present basic information as to air speed, attitude, altitude, and direction.

While it was originally proposed to establish standard positions for those instruments giving information as to flight path deviation and climb, it is believed such a proposal would make the standard so inflexible as to interfere with the possible integration of such instruments with the 4 basic instruments, and the use of newly developed instruments. Accordingly, this amendment prescribes standard positions on the instrument panel for only the 4 instruments which present basic information as to air speed, attitude, altitude, and direction.

The concept of the "Basic T" involves more than location of specifically named instruments. The theory is that it will constitute a system by which various items of related flight information will be cataloged and placed in certain standard locations in all instrument panels, regardless of type or make of instruments used. In this manner the "Basic T" takes advantage of the new types of integrated instruments which display more than one item of flight information. It is apparent, however, that if the proposed standard is to be a standard in fact, one basic indication must be specified for each instrument position. This eliminates, for example, the possibility of air speed being replaced by angle of attack under the theory that air speed is no longer required except for navigational purposes. It appears to be generally agreed that the basic indication of position 1 is air speed. In this location may be added related flight information such as Mach number and angle of attack. It also appears to be generally agreed that the basic indications for positions 2 and 3 are pitch and bank, and (barometric) altitude. Command signals for adjusting pitch or turning right or left may be added to the attitude instrument (pitch and bank) and similarly, terrain clearance information and rate of climb may be included in position 3 with the altimeter.

Some difference of opinion was registered by interested parties with respect to position 4, previously position 5 in Draft Release 57–5. This instrument has been labeled "direction," and is intended primarily for navigational information. Certain groups have contended that the basic indication for this location should be heading. Their reason is that heading is paramount in maintaining a course, or making good a desired track, and that a gyroscopically stabilized indication of heading logically belongs immediately below the attitude instrument where it can be read simultaneously with the attitude instrument for three-dimensional control of the airplane. Others, on the other hand, contend that there should be a choice left to the operator to place a display for heading, flight path deviation, or both in this location. The reasoning is that certain carriers desire to use an integrated instrument in this position which shows pictorially the airplane's position in reference to a desired track, but not a quantitative indication of heading.

In considering the above issue the Board takes cognizance of the fact that most air transports of today do not have installed a flight path director or steering computer. In these airplanes heading must be read continually to give significance to the signals received from radio navigation aids. Accordingly, heading is the basic indication to be required in position 4. However, with increased use of electronic computers and installation of instrument systems which include command signals to make good required flight tracks, there will be less dependence upon heading, and it is possible, therefore, that in the future the basic indication required by the pilot to maintain a given track will not be heading. Consequently, the rule establishes that the number 4 position shall be that instrument which most effectively indicates direction of flight with the understanding that the basic indication of this instrument shall be heading but that if future developments prove it feasible the basic indication of this instrument may be changed so long as it is demonstrated that it is the instrument which most effectively indicates direction of flight. It is believed that this solution is consonant with present and known future aircraft flight instrument systems and will at the same time provide sufficient flexibility to permit use of newer direction instruments if these prove more operationally feasible.

With respect to the specific location of the basic flight instruments, we believe that the attitude (bank and pitch) indicator is the keystone of any instrument arrangement, and should, therefore, be located in the central position on the panel, with the other basic instruments disposed around it. The indicator providing directional information is constantly monitored along with the attitude indicator, in order to provide continuous three-dimensional control of the flight path. Since directional information is associated with the longitudinal axis of the airplane, this instrument should be most naturally positioned centrally beneath the attitude indicator. Control of air speed and altitude are directly related to attitude, so their location laterally adjacent to the attitude indicator is a natural one.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 2538), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) effective October 17, 1957.

1. By amending § 4b.611 (b) to read as follows:

§ 4b.611 *Arrangement and visibility of instrument installations.* • • •

(b) Flight instruments required by § 4b.603 shall be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of the pilot's forward vision. The four basic instruments specified in subparagraphs (1) through (4) of this paragraph shall be located on the flight instrument panel as follows:

(1) The top center position on the panel shall contain that instrument which, of all instruments on the panel, most effectively indicates attitude.

(2) The position adjacent to and directly to the left of the top center position shall contain that instrument which, of all instruments on the panel, most effectively indicates air speed.

(3) The position adjacent to and directly to the right of the top center position shall contain that instrument which, of all instruments on the panel, most effectively indicates altitude.

(4) The position adjacent to and directly below the top center position shall contain that instrument which, of all instruments on the panel, most effectively indicates direction of flight.

2. By deleting Figure 4b–23.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–7699; Filed, Sept. 18, 1957; 8:54 a. m.]

[Reg. No. SR–389A]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

SPECIAL CIVIL AIR REGULATION; EMERGENCY EXITS FOR AIRPLANES CARRYING PASSENGERS FOR HIRE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of September 1957.

Special Civil Air Regulation SR–389, effective October 27, 1952, pertains to certain requirements for emergency exits for airplanes carrying passengers for hire. This regulation is being modified by adding the Viscount 700 series airplane to the table of airplanes contained in SR–389 without in any way changing the effect of any of the other provisions of SR–389.

Special Civil Air Regulation SR–389 is hereby superseded; however, it is being incorporated in its entirety in this regulation, including the reasons for its adoption, so that all pertinent information may be available in one document. The preamble to SR–389 is as follows:

Special Civil Air Regulation SR–387 effective October 27, 1952, contained inadvertent errors in the table with respect to the number of exits authorized by the Civil Aeronautics Administration for passenger use. These errors are being corrected in this Special Civil Air Regulation. Accordingly, the CV–240, CV–340, and M–202 which were listed in SR–387 with seven approved exits are listed herein with six exits, and the M–404 which was listed in SR–387 with eight approved exits is listed herein with seven exits.

Civil Air Regulations Amendment 4b–4, effective December 20, 1951, prescribes emergency exit provisions for new type transport category airplanes. The amendment was not made applicable to airplane types currently in operation. Nevertheless the Board considers that more stringent rules should apply to all large airplanes carrying pasengers for hire. A study of current type airplanes indicates that in some instances the exit facilities have become marginal for the number of occupants carried and that further increases in occupancy must be more strictly related to the number of exits available. The study further reveals that even in some of the airplane types which are not considered marginal in this respect further increases in occupancy should not be permitted without the installation of additional exits.

The regulation herein adopted requires on all large airplanes (above 12,500 pounds maximum certificated take-off weight) compliance with either § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b–4, effective December 20, 1951, or with the listed values of maximum number of occupants, except that the listed values can be adjusted for the number of exits installed in the ratio of not more than eight additional occupants for each additional exit. The type, size, and location of such additional exits are being made dependent upon the presently installed exit facilities on the individual airplane types. The listed values of maximum number of occupants and the corresponding number of exits reflect in most instances the arrangement presently approved. In a few cases, upward adjustments from the presently approved arrangement have been made where the number of exits so warrants.

The Viscount 700 series airplane, which is manufactured and was originally type certificated in the United Kingdom, was issued a U. S. type certificate by the Civil Aeronautics Administration in 1955 pursuant to the provisions of Part 10 of the Civil Air Regulations. The regulations in this part authorize the Administrator to issue type and airworthiness certificates for aircraft of foreign manufacture, under conditions of reciprocal agreement with such foreign country, when the foreign country certifies that its aircraft has complied with the airworthiness requirements of the Civil Air Regulations or has complied with the applicable airworthiness requirements of the government of the country in which it was manufactured, together with such other requirements as may be prescribed by the Administrator to provide a level of safety equivalent to the requirements prescribed in the Civil Air Regulations. The Viscount 700 series was certificated by the Administrator under the latter of these provisions without compliance with the provisions of SR–389.

The emergency exits for the Viscount 700 series airplane do not comply with the requirements of SR–389; however, the Administrator has advised the Board that the means for the emergency evacuation of passengers in the Viscount 700 series are at least as adequate as some of the other types of airplanes currently used in air carrier service under the exception provisions of SR–389. Although the Viscount does not comply with SR–389, the Board believes that it would be inappropriate to require modification of the Viscount to comply literally with the provisions of that regulation, since the airplane has an acceptable level of safety in respect of its emergency exits and the costs required to make the modifications would not be commensurate with the resulting increase in safety.

Since this regulation is necessary to clarify the applicability of emergency exit requirements to Viscount 700 series airplanes presently in operation, and imposes no additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary, and that good cause exists for making this regulation effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective September 13, 1957.

Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (above 12,500 pounds maximum certificated take-off weight) while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the provisions of § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b–4, effective December 20, 1951, except that airplane types listed in the following table may be operated with the listed maximum number of occupants (including all crew members) and the listed corresponding number of exits (including emergency exits and doors) heretofore approved by the Administrator for emergency egress of passengers. Additional occupants above the values listed in the table may be carried if additional exits are provided, except that in no case shall more than eight additional occupants be carried for any one additional exit. The type, size, and location of such additional exits shall be approved by the Administrator. For airplanes which have a ratio of maximum number of occupants to number of exits (as listed in the following table) greater than 14:1 and for airplanes which do not have installed at least one full-size door-type exit in the side of the fuselage in the rearward portion of the cabin, the first additional exit approved by the Administrator for increased occupancy shall be a floor-level exit not less than 24 inches wide by 48 inches high located in the side of the fuselage in the rearward portion of the cabin. In no case shall an occupancy greater than 115 be allowed unless there are two full-size door-type exits in the rearward portion of the cabin, one on each side of the fuselage.

Airplane type	Maximum number of occupants including all crew members	Corresponding number of exits authorized for passenger use
B–307	61	4
B–377	96	9
C–46	67	4
CV–240	53	6
CV–340	73	6
DC–3	35	4
DC–3 (Super)	39	5
DC–4	86	5
DC–6	87	7
DC–6B [1]	112	11
L–18	17	3
L–049, L–649, L–749	87	7
L–1049	96	9
M–202	53	6
M–404	53	7
Viscount 700 series	49	7

[1] The DC–6A, if converted to a passenger transport configuration, will be governed by the maximum number applicable to the DC–6B.

This regulation supersedes Special Civil Air Regulation SR–389 and shall remain effective until superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010; 49 U. S. C. 551, 553, 554)

Effective: September 13, 1957.

Adopted: September 13, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–7693; Filed, Sept. 18, 1957; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF SODIUM O-PHENYLPHENATE

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of sodium o-phenylphenate, calculated as o-phenylphenol, in or on peaches, from postharvest application. Tolerances have previously been established to provide for residues from the postharvest application of sodium o-phenylphenate to apples, certain citrus fruits, pears, and pineapple.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 22 F. R. 4076) are amended by changing § 120.129 to read as follows:

§ 120.129 *Tolerances for residues of sodium o-phenylphenate.* Tolerances are established as follows for residues from postharvest application of sodium o-phenylphenate, calculated as o-phenylphenol;

(a) 20 parts per million in or on peaches.

(b) 10 parts per million in or on citrus citron, grapefruit, kumquat, lemons, limes, oranges, pineapple, tangelos, tangerines.

(c) 5 parts per million in or on apples, pears.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the

effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: September 13, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-7686; Filed, Sept. 18, 1957; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12075; FCC 57-995]

[Rules Amdt. 3-90]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS, ALEXANDRIA-ST. CLOUD, MINN.; TABLE OF ASSIGNMENTS

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued on July 2, 1957, (FCC 57-704) proposing to substitute Channel 36 for Channel 7 at St. Cloud, Minnesota and to substitute Channel 7 for Channel 36 in Alexandria, Minnesota, in response to a petition filed by Central Minnesota Television Company.

2. Comments and reply comments were filed by Central Minnesota Television Company, KNUJ, Inc. and St. Cloud Television Company.

3. In support of the proposal, Central Minnesota Television Company asserts that no applications for Channel 7 at St. Cloud had been filed with the Commission[1] and that the close proximity of St. Cloud to Minneapolis and St. Paul makes the prospect of an application for the use of Channel 7 highly unlikely. Petitioner submits that the assignment of Channel 7 at Alexandria would provide that community with its first local outlet and that a suitable transmitter site is available which would meet the minimum mileage separation requirements of the Commission's Rules. It contends that a Channel 7 station at Alexandria would provide Grade B service to an area of 7,850 square miles with a population of 237,444; that less than 1 percent of the people within this area now receive Grade B service, whereas the Grade B service area of a station operating on Channel 7 at St. Cloud would include only 160,000 people who are not now receiving Grade B service; and that the number of people who will receive a first useable service is more important than the number of persons residing within the community to which the channel would be allocated. Central Minnesota maintains that the use of Channel 36, which is presently allocated to Alexandria, is not feasible since the only existing or proposed television stations which provide a signal to any part of the service area of an Alexandria station are in the VHF band and 49.7 percent of the households within the contemplated Grade B service area now have television receivers which presumably cannot receive UHF signals.

4. In opposition to the proposal St. Cloud Television argues that St. Cloud is the third largest city in Minnesota, with a population of 34,000; that the population of Alexandria is only 6,319; that St. Cloud is of considerably greater economic and cultural importance than Alexandria; and that in view of the disparity between Alexandria and St. Cloud in size and importance, there is no justification for depriving St. Cloud of its only opportunity for a local television service in order to assign Channel 7 to Alexandria, particularly in view of the other possible means for bringing local service to Alexandria. It maintains that its proposed operation on Channel 7 at St. Cloud will provide Grade A service to an area of 2,872 square miles with a population of 117,863 people and Grade B service to an area of 7,220 square miles containing a population of 236,472 persons; that all of the persons within the Grade A contour will receive their first Grade A or better service and 171,070 people in an area of 5,570 square miles will receive their first Grade B or better service. St. Cloud contends that the possibility of obtaining a local television service for St. Cloud depends upon the retention of Channel 7; that there is a wide circulation of VHF receivers within the St. Cloud area, with approximately 72 percent of the households in Sterns County having television receivers, and that in view of the complete lack of UHF receivers and the existence of multiple VHF signals in the area, a UHF station in St. Cloud could not succeed. On the other hand, St. Cloud Television argues that local service can be provided to Alexandria without making any changes in the Table of Assignments; that Alexandria is more than 100 miles from any television station and therefore ideally located for UHF and that the circulation of VHF receivers in the Alexandria area is low.

5. We have carefully reviewed the comments submitted in this proceeding and have concluded that the public interest would be better served by shifting Channel 7 from St. Cloud to Alexandria. A station on Channel 7 in either community would provide a first local outlet. While concededly the City of St. Cloud is larger in population than the community of Alexandria, Alexandria is more than 100 miles from the closest operating television station and Channel 7 in this community would provide a first television service to a significantly greater area and population. Channel 7 at St. Cloud would provide a first service to about 170,000 persons in an area of 5,500 square miles. Channel 7 in Alexandria, on the other hand, would mean a first Grade B service to a "white area" of about 7,500 square miles containing over 235,000 persons. Despite the fact that St. Cloud is the larger community, we believe that the assignment of Channel 7 should be made to Alexandria, where it would provide a first television service to almost 65,000 more persons than would the use of this frequency in St. Cloud. In our judgment shifting Channel 7 to Alexandria would comport with the first allocation principle underlying the Table of Assignments—to provide at least one television service to all parts of the country—and would better serve the public interest by making more effective use of available facilities.

6. In view of the foregoing: *It is ordered*, That effective October 18, 1957, § 3.606 *Table of assignments*, is amended insofar as the communities named are concerned, as follows:

City	*Channel No.*
Alexandria, Minn	7, 36
St. Cloud, Minn	33

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 43 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 11, 1957.

Released: September 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7691; Filed, Sept. 18, 1957; 8:52 a. m.]

[1] However, an application for Channel 7 was filed on August 1, 1957, by St. Cloud Television Company.

[2] Commissioner Hyde dissenting.

[Docket No. 12053; FCC 57-998]

[Rules Amdts. 7-22, 8-30]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

AVAILABILITY OF CERTAIN FREQUENCIES IN TAMPA, FLA. AREA

In the matter of amendments of Parts 7 and 8 of the Commission's rules to make the frequency pair 2466 kc (coast)—2009 kc (ship) available on a 24-hour basis in the Tampa, Florida area and to make effective certain limitations on the use of the frequency pair 2550 kc (coast)—2158 kc (ship) in the same area; Docket No. 12053, Rules Amdts. 7-22, 8-30.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 11th day of September 1957;

The Commission having under consideration the above-captioned matter;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on June 13, 1957 (22 F. R. 4166) and the period for filing comments has now expired; and

It further appearing that no comments or objections to the proposal were received in the subject docket before the comment period closed; and

It further appearing that inasmuch as a transition period is desirable, the effective date of the rule amendments, which would make the frequency pair 2466 kc-2009 kc available at Tampa on a 24-hour basis and which would limit the use of the frequency pair 2550 kc-2158 kc in the same area, has been set accordingly, and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective December 15, 1957, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.)

Released: September 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 7 is amended as follows:

In § 7.306 (b), that portion of the frequency table dealing with Tampa, Florida, is amended to read as follows:

Tampa, Fla	2466 2550	Available beginning Dec. 15, 1957, on a 24-hour basis. Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1958, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area, which in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.	2009 2158	Available beginning Dec. 15, 1957, on a 24-hour basis. Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1958, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area, which in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.

B. Part 8 is amended as follows:

In § 8.354 (a) (1), that portion of the frequency table dealing with Tampa, Florida, is amended to read as follows:

Tampa, Fla	2009 2158	Available beginning Dec. 15, 1957, on a 24-hour basis. Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1958, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area, which in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.	2466 2550	Available beginning Dec. 15, 1957, on a 24-hour basis. Unlimited hours of use from Dec. 15 to Apr. 1, annually, and beginning Apr. 1, 1958, day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area, which in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.

[F. R. Doc. 57-7692; Filed, Sept. 18, 1957; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 301]

PROCEDURE AND ADMINISTRATION

ADDITIONS TO THE TAX, ADDITIONAL AMOUNTS, AND ASSESSABLE PENALTIES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. These proposed regulations relate to the administrative provisions under chapter 68 of Subtitle F of the Internal Revenue Code of 1954. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

The following regulations relating to additions to the tax, additional amounts, and assessable penalties are prescribed under chapter 68 of the Internal Revenue Code of 1954:

ADDITIONS TO THE TAX, ADDITIONAL AMOUNTS, AND ASSESSABLE PENALTIES

ADDITIONS TO THE TAX AND ADDITIONAL AMOUNTS

Sec.
301.6651 Statutory provisions; failure to file tax return.
301.6651-1 Failure to file tax return.
301.6652 Statutory provisions; failure to file certain information returns.
301.6652-1 Failure to file certain information returns.
301.6653 Statutory provisions; failure to pay tax.
301.6653-1 Failure to pay tax.
301.6654 Statutory provisions; failure by individual to pay estimated income tax.
301.6654-1 Failure by individual to pay estimated income tax.
301.6655 Statutory provisions; failure by corporation to pay estimated income tax.
301.6655-1 Failure by corporation to pay estimated income tax.
301.6656 Statutory provisions; failure to make deposit of taxes.
301.6656-1 Failure to make deposit of taxes.
301.6657 Statutory provisions; bad checks.
301.6657-1 Bad checks.
301.6658 Statutory provisions; addition to tax in case of jeopardy.
301.6658-1 Addition to tax in case of jeopardy.
301.6659 Statutory provisions; applicable rules.
301.6659-1 Applicable rules.

ASSESSABLE PENALTIES

301.6671 Statutory provisions; rules for application of assessable penalties.
301.6671-1 Rules for application of assessable penalties.
301.6672 Statutory provisions; failure to collect and pay over tax, or attempt to evade or defeat tax.
301.6672-1 Failure to collect and pay over tax, or attempt to evade or defeat tax.
301.6673 Statutory provisions; damages assessable for instituting proceedings before the Tax Court merely for delay.
301.6673-1 Damages assessable for instituting proceedings before the Tax Court merely for delay.
301.6674 Statutory provisions; fraudulent statement or failure to furnish statement to employee.
301.6674-1 Fraudulent statement or failure to furnish statement to employee.
301.6675 Statutory provisions; excessive claims with respect to the use of certain gasoline.
301.6675-1 Excessive claims with respect to the use of certain gasoline.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

301.7851 Statutory provisions; applicability of revenue laws.

ADDITIONS TO THE TAX, ADDITIONAL AMOUNTS, AND ASSESSABLE PENALTIES

ADDITIONS TO THE TAX AND ADDITIONAL AMOUNTS

§ 301.6651 *Statutory provisions; failure to file tax return.*

SEC. 6651. *Failure to file tax return*—(a) *Addition to the tax.* In the case of failure to file any return required under authority of subchapter A of chapter 61 (other than part III thereof), of subchapter A of chapter 51 (relating to distilled spirits, wines, and beer), or of subchapter A of chapter 52 (relating

to tobacco, cigars, cigarettes, and cigarette papers and tubes), or of subchapter A of chapter 53 (relating to machineguns and certain other firearms), on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on such return 5 percent of the amount of such tax if the failure is for not more than 1 month, with an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate.

(b) *Penalty imposed on net amount due.* For purposes of subsection (a), the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

(c) *Exception for declarations of estimated tax.* This section shall not apply to any failure to file a declaration of estimated tax required by section 6015 or section 6016.

§ 301.6651–1 *Failure to file tax return*—(a) *Addition to the tax*—(1) *In general.* In case of failure to file a return required under authority of—

(i) Subchapter A of chapter 61, relating to returns and records (other than sections 6015 and 6016, relating to declarations of estimated tax, and part III thereof, relating to information returns);

(ii) Subchapter A of chapter 51, relating to distilled spirits, wines, and beer;

(iii) Subchapter A of chapter 52, relating to tobacco, cigars, cigarettes, and cigarette paper and tubes; or

(iv) Subchapter A of chapter 53, relating to machine guns and certain other firearms;

and the regulations thereunder, on or before the date prescribed for filing (determined with regard to any extension of time for such filing), there shall be added to the tax required to be shown on the return the amount specified below unless the failure to file the return within the prescribed time is shown to the satisfaction of the district director to be due to reasonable cause and not to willful neglect. (See subparagraph (3) of this paragraph.) The amount to be added to the tax is 5 percent thereof if the failure is for not more than one month, with an additional 5 percent for each additional month or fraction thereof during which the failure continues, but not to exceed 25 percent in the aggregate.

(2) *Month defined.* (i) If the date prescribed for filing the return is the last day of a calendar month, each succeeding calendar month or fraction thereof during which the failure to file continues shall constitute a month for purposes of section 6651.

(ii) If the date prescribed for filing the return is a date other than the last day of a calendar month, the period which terminates with the date numerically corresponding thereto in the succeeding calendar month and each such successive period shall constitute a month for purposes of section 6651. If, in the month of February, there is no date corresponding to the date prescribed for filing the return, the period from such date in January through the last day of February shall constitute a month for purposes of section 6651. Thus, if a return is due on January 30, the first month shall end on February 28 (or 29 if a leap year), and the succeeding months shall end on March 30, April 30, etc.

(iii) The fact that the date in any succeeding calendar month which corresponds to that prescribed for filing the return falls on a Saturday, Sunday, or a legal holiday is immaterial in determining the number of months for which the addition to the tax under section 6651 applies.

(3) *Showing of reasonable cause.* A taxpayer who wishes to avoid the addition to the tax for failure to file a tax return must make an affirmative showing of all facts alleged as a reasonable cause for his failure to file such return on time in the form of a written statement containing a declaration that it is made under penalties of perjury. Such statement should be filed with the district director with whom the return is required to be filed. If the district director determines that the delinquency was due to a reasonable cause, and not to willful neglect, the addition to the tax will not be assessed. If the taxpayer exercised ordinary business care and prudence and was nevertheless unable to file the return within the prescribed time, then the delay is due to a reasonable cause.

(b) *Penalty imposed on net amount due.* The amount of tax required to be shown on the return shall be reduced for purposes of section 6651 (a) by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed on the return. For example, under section 6072 (a), income tax returns of individuals on a calendar year basis must be filed on or before the 15th day of April following the close of the calendar year. Assume an individual filed his income tax return, Form 1040, for the calendar year 1954 on May 20, 1955, and such delinquency is not due to reasonable cause. The tax shown on the return is $1,000, of which $300 has been paid by withholding from wages and $400 has been paid as estimated tax. In addition to interest from April 15, 1955, there will be assessed an additional amount of $30, which is 10 percent (5 percent for the month from April 16 through May 15, and 5 percent for the fractional part of the month from May 16 through May 20) of the net amount of $300 due ($1,000 less $700 paid on or before April 15).

(c) *No addition to tax if fraud penalty assessed.* No addition to the tax under section 6651 shall be assessed with respect to an underpayment of tax if a 50 percent addition to the tax for fraud is assessed with respect to the same underpayment under section 6653 (b). See section 6653 (d).

§ 301.6652 *Statutory provisions; failure to file certain information returns.*

SEC. 6652. *Failure to file certain information returns*—(a) *Additional amount.* In case of each failure to file a statement of a payment to another person, required under authority of section 6041 (relating to information at source), section 6042 (relating to payments of corporate dividends), section 6044 (relating to patronage dividends), section 6045 (relating to returns of brokers), or section 6051 (d) (relating to information returns with respect to income tax withheld), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid by the person failing to file the statement, upon notice and demand by the Secretary or his delegate and in the same manner as tax, $1 for each such statement not filed, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $1,000.

(b) *Alcohol and tobacco taxes.* For penalties for failure to file certain information returns with respect to alcohol and tobacco taxes, see generally, subtitle E.

§ 301.6652–1 *Failure to file certain information returns*—(a) *Additional amount*—(1) *In general.* In case of each failure to file a statement, with respect to a payment to another person, required under authority of—

(i) Section 6041, relating to information at source,

(ii) Section 6042, relating to payments of corporate dividends,

(iii) Section 6044, relating to patronage dividends,

(iv) Section 6045, relating to returns of brokers, or

(v) Section 6051 (d), relating to information returns with respect to income tax withheld or the employee tax under the Federal Insurance Contributions Act,

and the regulations under such sections, within the time prescribed for filing such statement, there shall be paid by the person who failed to file such statement $1 for each such statement not filed. However, the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $1,000. The additional amount imposed for such failures shall be paid in the same manner as tax upon notice and demand by the district director.

(2) *Showing of reasonable cause.* The penalty imposed by section 6652 shall not apply if it is established that such failure to file was due to a reasonable cause and not to willful neglect. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration that it is made under the penalties of perjury, setting forth all the facts alleged as a reasonable cause.

(b) *Alcohol and tobacco taxes.* For penalties for failure to file certain information returns with respect to alcohol and tobacco taxes, see, generally, subtitle E.

§ 301.6653 *Statutory provisions; failure to pay tax.*

SEC. 6653. *Failure to pay tax*—(a) *Negligence or intentional disregard of rules and regulations with respect to income or gift taxes.* If any part of any underpayment (as defined in subsection (c) (1)) of any tax imposed by subtitle A or by chapter 12 of subtitle B (relating to income taxes and gift taxes) is due to negligence or intentional disregard of rules and regulations (but without intent to defraud), there shall be added to the tax an amount equal to 5 percent of the underpayment.

(b) *Fraud.* If any part of any underpayment (as defined in subsection (c)) of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment. In the case of income taxes and gift taxes, this amount shall be in lieu of any amount determined under subsection (a).

(c) *Definition of underpayment.* For purposes of this section, the term "underpayment" means—

(1) *Income, estate, and gift taxes.* In the case of a tax to which section 6211 (relating to income, estate, and gift taxes) is applicable, a deficiency as defined in that section (except that, for this purpose, the tax shown on a return referred to in section 6211 (a) (1) (A) shall be taken into account only if such return was filed before the last day prescribed for the filing of such return, determined with regard to any extension of time for such filing), and

(2) *Other taxes.* In the case of any other tax, the amount by which such tax imposed by this title exceeds the excess of—

(A) The sum of—

(i) The amount shown as the tax by the taxpayer upon his return (determined without regard to any credit for an overpayment for any prior period, and without regard to any adjustment under authority of sections 6205 (a) and 6413 (a)), if a return was made by the taxpayer within the time prescribed for filing such return (determined with regard to any extension of time for such filing) and an amount was shown as the tax by the taxpayer thereon, plus

(ii) Any amount, not shown on the return, paid in respect of such tax, over—

(B) The amount of rebates made.

For purposes of subparagraph (B), the term "rebate" means so much of an abatement, credit, refund, or other repayment, as was made on the ground that the tax imposed was less than the excess of the amount specified in subparagraph (A) over the rebates previously made.

(d) *No delinquency penalty if fraud assessed.* If any penalty is assessed under subsection (b) (relating to fraud) for an underpayment of tax which is required to be shown on a return, no penalty under section 6651 (relating to failure to file such return) shall be assessed with respect to the same underpayment.

(e) *Failure to pay stamp tax.* Any person (as defined in section 6671 (b)) who willfully fails to pay any tax imposed by this title which is payable by stamp, coupons, tickets, books, or other devices or methods prescribed by this title or by regulations under authority of this title, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of 50 percent of the total amount of the underpayment of the tax.

§ 301.6653–1 *Failure to pay tax*—(a) *Negligence or intentional disregard of rules and regulations with respect to income or gift taxes.* If any part of any underpayment, as defined in section 6653 (c) (1) and paragraph (c) (1) of this section, of any income tax imposed by subtitle A or gift tax imposed by chapter 12 of subtitle B, is due to negligence or intentional disregard of rules and regulations, but without intent to defraud, there shall be added to the tax an amount equal to 5 percent of the underpayment.

(b) *Fraud.* (1) If any part of any underpayment of tax, as defined in section 6653 (c) and paragraph (c) of this section, required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment.

(2) If a 50 percent addition to the tax for fraud is assessed under section 6653 (b) with respect to an underpayment—

(i) The addition to the tax under section 6651, relating to failure to file a tax return, will not be assessed with respect to the same underpayment, and

(ii) In the case of the income taxes imposed by subtitle A and the gift tax imposed by chapter 12 of subtitle B, the 5 percent addition to the tax under section 6653 (a), relating to negligence and intentional disregard of rules and regulations, will not be assessed with respect to the same underpayment.

(c) *Definition of underpayment*—(1) *Income, estate, and gift taxes.* In the case of income, estate, and gift taxes, an underpayment for purposes of section 6653 and this section is—

(i) The total amount of all deficiencies as defined in section 6211, if a return was filed on or before the last date (determined with regard to any extension of time) prescribed for filing such return, or

(ii) The amount of the tax imposed by subtitle A or B, as the case may be, if a return was not filed on or before the last date (determined with regard to any extension of time) prescribed for filing such return.

(2) *Other taxes.* In the case of any tax other than income, estate, and gift taxes, an underpayment for purposes of section 6653 and this section is the amount by which the tax imposed exceeds—

(i) In the case of any tax with respect to which the taxpayer is required to file a return, the sum of (*a*) the amount shown as tax by the taxpayer upon his return filed in respect of such tax, but only if the return is filed on or before the last date (determined with regard to any extension of time) prescribed for filing such return, plus (*b*) any amount not shown on a return filed by the taxpayer which is paid in respect of such tax prior to the date prescribed for filing the return. The "amount shown as tax by the taxpayer upon his return" for the purposes of this subparagraph shall be determined without regard to any credit for an overpayment for any prior tax return period, and without regard to any adjustment made under section 6205 (a), or section 6413 (a), relating to special rules applicable to certain employment taxes.

(ii) In the case of any tax payable by stamp, the amount paid (on or before the date prescribed for payment) in respect of such tax.

The amounts specified in subdivisions (i) and (ii) of this subparagraph shall be reduced, for purposes of determining the amount of the underpayment, by the amount of any rebates made. For purposes of this subparagraph, the term "rebates" means so much of an abatement, credit, refund, or other repayment as was made on the ground that the tax imposed was less than the excess of the amount specified in subdivision (i) or (ii) of this subparagraph, whichever is applicable, of this subparagraph over any rebates previously made.

(d) *No delinquency penalty if fraud assessed.* See paragraph (b) (2) of this section.

(e) *Failure to pay stamp tax.* Any person (as defined in section 6671 (b)) who willfully fails to pay any tax payable by stamp, coupons, tickets, books or other devices or methods prescribed by the Code or regulations promulgated thereunder, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of 50 percent of the total amount of the underpayment of the tax.

§ 301.6654 *Statutory provisions; failure by individual to pay estimated income tax.*

SEC. 6654. *Failure by individual to pay estimated income tax*—(a) *Addition to the tax.* In the case of any underpayment of estimated tax by an individual, except as provided in subsection (d), there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the amount of the underpayment (determined under subsection (b)) for the period of the underpayment (determined under subsection (c)).

(b) *Amount of underpayment.* For purposes of subsection (a), the amount of the underpayment shall be the excess of—

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax for such year, over

(2) The amount, if any, of the installment paid on or before the last date prescribed for such payment.

(c) *Period of underpayment.* The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

(1) The 15th day of the fourth month following the close of the taxable year.

(2) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b) (1) for such installment date.

(d) *Exception.* Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds whichever of the following is the lesser—

(1) The amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least—

(A) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months, or

(B) An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to personal exemptions under section 151 for the taxable year, but otherwise on the basis of the facts shown on his return

for, and the law applicable to, the preceding taxable year, or

(C) An amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the taxable income shall be placed on an annualized basis by—

(i) Multiplying by 12 (or, in the case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income (computed without deduction of personal exemptions) for the months in the taxable year ending before the month in which the installment is required to be paid,

(ii) Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

(iii) Deducting from such amount the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

(2) An amount equal to 90 percent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the months in the taxable year ending before the month in which the installment is required to be paid.

(e) *Application of section in case of tax withheld on wages.* For purposes of applying this section—

(1) The estimated tax shall be computed without any reduction for the amount which the individual estimates as his credit under section 31 (relating to tax withheld at source on wages), and

(2) The amount of the credit allowed under section 31 for the taxable year shall be deemed a payment of estimated tax, and an equal part of such amount shall be deemed paid on each installment date (determined under section 6153) for such taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts so withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld.

(f) *Tax computed after application of credits against tax.* For purposes of subsections (b) and (d), the term "tax" means the tax imposed by chapter 1 reduced by the credits against tax allowed by part IV of subchapter A of chapter 1, other than the credit against tax provided by section 31 (relating to tax withheld on wages).

(g) *Short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

(h) *Applicability.* This section shall apply only with respect to taxable years beginning after December 31, 1954; and section 294 (d) of the Internal Revenue Code of 1939 shall continue in force with respect to taxable years beginning before January 1, 1955.

§ 301.6654–1 *Failure by individual to pay estimated income tax.* For regulations under section 6654, see §§ 1.6654–1 to 1.6654–4, inclusive, of this chapter.

§ 301.6655 *Statutory provisions; failure by corporation to pay estimated income tax.*

SEC. 6655. *Failure by corporation to pay estimated income tax*—(a) *Addition to the tax.* In case of any underpayment of estimated tax by a corporation, except as provided in subsection (d), there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the amount of the underpayment (determined under subsection (b)) for the period of the underpayment (determined under subsection (e)).

(b) *Amount of underpayment.* For purposes of subsection (a), the amount of the underpayment shall be the excess of—

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent of the tax shown on the return for the taxable year or, if no return was filed, 70 percent of the tax for such year, over

(2) The amount, if any, of the installment paid on or before the last date prescribed for payment.

(c) *Period of underpayment.* The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

(1) The 15th day of the third month following the close of the taxable year.

(2) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on the 15th day of the 12th month shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b) (1) for the 15th day of the 12th month.

(d) *Exception.* Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser—

(1) The tax shown on the return of the corporation for the preceding taxable year reduced by $100,000, if a return showing a liability for tax was filed by the corporation for the preceding taxable year and such preceding year was a taxable year of 12 months.

(2) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the corporation for, and the law applicable to, the preceding taxable year.

(3) (A) An amount equal to 70 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(i) For the first 6 months or for the first 8 months of the taxable year, in the case of the installment required to be paid in the ninth month, and

(ii) For the first 9 months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the twelfth month.

(B) For purposes of this paragraph, the taxable income shall be placed on an annualized basis by—

(i) Multiplying by 12 the taxable income referred to in subparagraph (A), and

(ii) Dividing the resulting amount by the number of months in the taxable year (6 or 8, or 9 or 11, as the case may be) referred to in subparagraph (A).

(e) *Definition of tax.* For purposes of subsections (b), (d) (2), and (d) (3), the term "tax" means the excess of—

(1) The tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, whichever is applicable, over

(2) The sum of—

(A) $100,000, and

(B) The credits against tax provided in part IV of subchapter A of chapter 1.

(f) *Short taxable year.* The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

§ 301.6655–1 *Failure by corporation to pay estimated income tax.* For regulations under section 6655, see §§ 1.6655–1 to 1.6655–3, inclusive, of this chapter.

§ 301.6656 *Statutory provisions; failure to make deposit of taxes.*

SEC. 6656. *Failure to make deposit of taxes*—(a) *Penalty.* In case of failure by any person required by this title or by regulation of the Secretary or his delegate under this title to deposit on the date prescribed therefor any amount of tax imposed by this title in such government depositary as is authorized under section 6302 (c) to receive such deposit, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be imposed upon such person a penalty of 1 percent of the amount of the underpayment if the failure is for not more than 1 month, with an additional 1 percent for each additional month or fraction thereof during which such failure continues, not exceeding 6 percent in the aggregate. For purposes of this subsection, the term "underpayment" means the excess of the amount of the tax required to be so deposited over the amount, if any, thereof deposited on or before the date prescribed therefor.

(b) *Penalty not imposed after due date for return.* For purposes of subsection (a), the failure shall be deemed not to continue beyond the last date (determined without regard to any extension of time) prescribed for payment of the tax required to be deposited or beyond the date the tax is paid, whichever is earlier.

§ 301.6656–1 *Failure to make deposit of taxes*—(a) *Penalty.* (1) In case of failure by any person required by the Code or regulations prescribed thereunder to deposit any tax in a government depositary, as is authorized under section 6302 (c), within the time prescribed therefor, a penalty shall be imposed on such person unless such failure is shown to the satisfaction of the district director to be due to reasonable cause and not to willful neglect. The penalty shall be one percent of the amount of the underpayment if the failure is for not more than one month, with an additional one percent for each additional month or fraction thereof during which failure continues, not to exceed 6 percent in the aggregate. For purposes of this section, the term "underpayment" means the amount of tax required to be deposited less the amount, if any, which was deposited on or before the date prescribed therefor, and the term "month" shall have the same meaning assigned to such term in § 301.6651–1 (a) (2).

(2) A taxpayer who wishes to avoid the penalty for failure to deposit must make an affirmative showing of all facts alleged as a reasonable cause in a written statement containing a declaration that it is made under the penalties of perjury, which should be filed with the district director for the district in which the return with respect to the tax is required to be filed. If the district director determines that the delinquency was due to a reasonable cause, and not to willful neglect, the penalty will not be imposed.

(b) *Penalty not imposed after due date for return.* For the purpose of computing the amount of the penalty imposed by section 6656, the period of failure to make deposit is deemed not to continue beyond the last date (determined without regard to any extension of time) prescribed for payment of the tax required to be deposited, or beyond the date the tax is paid, whichever date is earlier. For example, during the months of January, February, and March 1955, the aggregate amount of the employee tax withheld under section 3102 of chapter 21 (the Federal Insurance Contributions Act), the employer tax for each such month under section 3111 of such chapter, and the income tax withheld at source on wages under section 3402 (exclusive of the employee tax withheld under section 3102 and the employer tax under section 3111 with respect to wages of household employees), amount to $1,000 for each month. Under the Employment Tax Regulations (Part 31 of this chapter), the employer is required to deposit the $1,000 for January on or before February 15, 1955, and the $1,000 for February on or before March 15, 1955, but is not required to deposit the $1,000 for March 1955, prior to the date the return is due. The employer filed his quarterly return on April 30, 1955, the date prescribed for filing such return, accompanied by a remittance of $3,000. Assuming that the employer failed, without reasonable cause, to make timely deposits the penalty under section 6656 for failure to make the January deposit is $30, and the penalty for failure to make the February deposit is $20, computed as follows:

Amount required to be deposited on or before Feb. 15, 1955	$1,000	
Less: Amount deposited	0	
Underpayment	1,000	
(1 percent penalty for each month or fraction thereof, Feb. 15, 1955 to Apr. 30, 1955, 3 months)	3%	
Penalty for failure to make January deposit		$30
Amount required to be deposited on or before Mar. 15, 1955	1,000	
Less: Amount deposited	0	
Underpayment	1,000	
(1 percent penalty for each month or fraction thereof, Mar. 15, 1955 to Apr. 30, 1955, 2 months)	2%	
Penalty for failure to make February deposit		20
Total penalty		50

§ 301.6657 *Statutory provisions; bad checks.*

SEC. 6657. *Bad checks.* If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered such check, upon notice and demand by the Secretary or his delegate, in the same manner as tax, an amount equal to 1 percent of the amount of such check, except that if the amount of such check is less than $500, the penalty under this section shall be $5 or the amount of such check, whichever is the lesser. This section shall not apply if the person tendered such check in good faith and with reasonable cause to believe that it would be duly paid.

§ 301.6657–1 *Bad checks*—(a) *In general.* Except as provided in paragraph (b) of this section, if a check or money order is tendered in the payment of any amount receivable under the Code, and such check or money order is not paid upon presentment, a penalty of one percent of the amount of the check or money order, in addition to any other penalties provided by law, shall be paid by the person who tendered such check or money order. If, however, the amount of the check or money order is less than $500, the penalty shall be $5 or the amount of the check or money order, whichever amount is the lesser. Such penalty shall be paid in the same manner as tax upon notice and demand by the district director.

(b) *Reasonable cause.* If payment is refused upon presentment of any check or money order and the person who tendered such check or money order establishes to the satisfaction of the district director that it was tendered in good faith with reasonable cause to believe that it would be duly paid, the penalty set forth in paragraph (a) of this section shall not apply.

§ 301.6658 *Statutory provisions; addition to tax in case of jeopardy.*

SEC. 6658. *Addition to tax in case of jeopardy.* If a taxpayer violates or attempts to violate section 6851 (relating to termination of taxable year) there shall, in addition to all other penalties, be added as part of the tax 25 percent of the total amount of the tax or deficiency in the tax.

§ 301.6658–1 *Addition to tax in case of jeopardy.* Upon a finding by the district director that any taxpayer violated, or attempted to violate, section 6851 (relating to termination of taxable year) there shall, in addition to all other penalties, be added as part of the tax 25 percent of the total amount of the tax or deficiency in the tax.

§ 301.6659 *Statutory provisions; applicable rules.*

SEC. 6659. *Applicable rules*—(a) *Additions treated as tax.* Except as otherwise provided in this title—

(1) The additions to the tax, additional amounts, and penalties provided by this chapter shall be paid upon notice and demand and shall be assessed, collected, and paid in the same manner as taxes;

(2) Any reference in this title to "tax" imposed by this title shall be deemed also to refer to the additions to the tax, additional amounts, and penalties provided by this chapter.

(b) *Additions to tax for failure to file return or pay tax.* Any addition under section 6651 or section 6653 to a tax imposed by another subtitle of this title shall be considered a part of such tax for the purpose of applying the provisions of this title relating to the assessment and collection of such tax (including the provisions of subchapter B of chapter 63, relating to deficiency procedures for income, estate, and gift taxes).

§ 301.6659–1 *Applicable rules*—(a) *Additions treated as tax.* Except as otherwise provided in the Code, any reference in the Code to "tax" shall be deemed also to be a reference to any addition to the tax, additional amount, or penalty imposed by chapter 68 with respect to such tax. Such additions to the tax, additional amounts, and penalties shall become payable upon notice and demand therefor and shall be assessed, collected, and paid in the same manner as taxes.

(b) *Additions to tax for failure to file return or pay tax.* Any addition under section 6651 or section 6653 to a tax shall be considered a part of such tax for the purpose of the assessment and collection of such tax. For applicability of deficiency procedures to additions to the tax, see paragraph (c) of this section.

(c) *Deficiency procedures*—(1) *Addition to the tax for failure to file tax return.* Subchapter B of chapter 63 (deficiency procedures) applies to the additions to the income, estate, and gift taxes imposed by section 6651 for failure to file a tax return to the same extent that it applies to such taxes. Accordingly, if there is a deficiency (as defined in section 6211) in the tax (apart from the addition to the tax) where a return has not been timely filed, deficiency procedures apply to the addition to the tax under section 6651. If there is no deficiency in the tax where a return has not been timely filed, the addition to the tax under section 6651 may be assessed and collected without deficiency procedures. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A filed his income tax return for the calendar year 1955 on May 15, 1956, not having been granted an extension of time for such filing. His failure to file on time was not due to reasonable cause. The return showed a liability of $1,000 and it was determined that A is liable under section 6651 for an addition to such tax of $50 (5 percent a month for 1 month). The provisions of subchapter B of chapter 63 (deficiency procedures) do not apply to the assessment and collection of the addition to the tax since such provisions are not applicable to the tax with respect to which such addition was asserted, there being no statutory deficiency for purposes of section 6211.

Example (2). Assume the same facts as in example (1) and assume further that a deficiency of $500 in tax and a further $25 addition to the tax under section 6651 is asserted against A for the calendar year 1955. Thus, the total addition to the tax under section 6651 is $75. Since the provisions of subchapter B of chapter 63 are applicable to the $500 deficiency, they likewise apply to the $25 addition to the tax asserted with respect to such deficiency (but not to the $50 addition to the tax under example (1)).

(2) *Additions to the tax for negligence or fraud.* Subchapter B of chapter 63 (deficiency procedures) applies to all additions to the income, estate, and gift taxes imposed by section 6653 (a) and (b) for negligence and fraud.

(3) *Additions to tax for failure to pay estimated income taxes*—(i) *Return filed by taxpayer.* The addition to the tax for underpayment of estimated income tax imposed by section 6654 (relating to failure by individuals to pay estimated income tax) or section 6655 (relating to failure by corporations to pay estimated income tax) is determined by reference to the tax shown on the return if a return is filed. Therefore, such addition

may be assessed and collected without regard to the provisions of subchapter B of chapter 63 (deficiency procedures) if a return is filed since such provisions are not applicable to the assessment of the tax shown on the return. Further, since the additions to the tax imposed by section 6654 or 6655 are determined solely by reference to the amount of tax shown on the return if a return is filed, the assertion of a deficiency with respect to any tax not shown on such return will not make the provisions of subchapter B of chapter 63 (deficiency procedures) apply to the assessment and collection of any additions to the tax under section 6654 or 6655.

(ii) *No return filed by taxpayer.* If the taxpayer has not filed a return and his entire income tax liability is asserted as a deficiency to which the provisions of subchapter B of chapter 63 apply, such provisions likewise will apply to any addition to such tax imposed by section 6654 or 6655.

ASSESSABLE PENALTIES

§301.6671 *Statutory provisions; rules for application of assessable penalties.*

SEC. 6671. *Rules for application of assessable penalties*—(a) *Penalty assessed as tax.* The penalties and liabilities provided by this subchapter shall be paid upon notice and demand by the Secretary or his delegate, and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in this title to "tax" imposed by this title shall be deemed also to refer to the penalties and liabilities provided by this subchapter.

(b) *Person defined.* The term "person", as used in this subchapter, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

§ 301.6671–1 *Rules for application of assessable penalties*—(a) *Penalty assessed as tax.* The penalties and liabilities provided by subchapter B of chapter 68 (sections 6671 to 6675, inclusive) shall be paid upon notice and demand by the district director and shall be assessed and collected in the same manner as taxes. Except as otherwise provided, any reference in the Code to "tax" imposed thereunder shall also be deemed to refer to the penalties and liabilities provided by subchapter B of chapter 68.

(b) *Person defined.* For purposes of subchapter B of chapter 68, the term "person" includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

§ 301.6672 *Statutory provisions; failure to collect and pay over tax, or attempt to evade or defeat tax.*

SEC. 6672. *Failure to collect and pay over tax, or attempt to evade or defeat tax.* Any person required to collect, truthfully account for, and pay over any tax imposed by this title who willfully fails to collect such tax, or truthfully account for and pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over. No penalty shall be imposed under section 6653 for any offense to which this section is applicable.

§ 301.6672–1 *Failure to collect and pay over tax, or attempt to evade or defeat tax.* Any person required to collect, truthfully account for, and pay over any tax imposed by the Code who willfully fails to collect such tax, or truthfully account for and pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties, be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over. The penalty imposed by section 6672 applies only to the collection, accounting for, or payment over of taxes imposed on a person other than the person who is required to collect, account for, and pay over such taxes. No penalty under section 6653, relating to failure to pay tax, shall be imposed for any offense to which this section is applicable.

§ 301.6673 *Statutory provisions; damages assessable for instituting proceedings before the Tax Court merely for delay.*

SEC. 6673. *Damages assessable for instituting proceedings before the Tax Court merely for delay.* Whenever it appears to the Tax Court that proceedings before it have been instituted by the taxpayer merely for delay, damages in an amount not in excess of $500 shall be awarded to the United States by the Tax Court in its decision. Damages so awarded shall be assessed at the same time as the deficiency and shall be paid upon notice and demand from the Secretary or his delegate and shall be collected as a part of the tax.

§ 301.6673–1 *Damages assessable for instituting proceedings before the Tax Court merely for delay.* Any damages awarded to the United States by the Tax Court under section 6673 against a taxpayer for instituting proceedings before the Tax Court merely for delay shall be assessed at the same time as the deficiency and shall be paid upon notice and demand from the district director and shall be collected as a part of the tax.

§ 301.6674 *Statutory provisions; fraudulent statement or failure to furnish statement to employee.*

SEC. 6674. *Fraudulent statement or failure to furnish statement to employee.* In addition to the criminal penalty provided by section 7204, any person required under the provisions of section 6051 to furnish a statement to an employee who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 6051, or regulations prescribed thereunder, shall for each such failure be subject to a penalty under this subchapter of $50, which shall be assessed and collected in the same manner as the tax on employers imposed by section 3111.

§ 301.6674–1 *Fraudulent statement or failure to furnish statement to employee.* For regulations under section 6674, see the employment tax regulations (Part 31 of this chapter).

§ 301.6675 *Statutory provisions; excessive claims with respect to the use of certain gasoline.*

SEC. 6675. *Excessive claims with respect to the use of certain gasoline*—(a) *Civil penalty.* In addition to any criminal penalty provided by law, if a claim is made under section 6420 (relating to gasoline used on farms) or 6421 (relating to gasoline used for certain nonhighway purposes or by local transit systems) for an excessive amount, unless it is shown that the claim for such excessive amount is due to reasonable cause, the person making such claim shall be liable to a penalty in an amount equal to whichever of the following is the greater:

(1) Two times the excessive amount; or

(2) $10.

(b) *Excessive amount defined.* For purposes of this section, the term "excessive amount" means in the case of any person the amount by which—

(1) The amount claimed under section 6420 or 6421, as the case may be, for any period, exceeds

(2) The amount allowable under such section for such period.

(c) *Assessment and collection of penalty.* For assessment and collection of penalty provided by subsection (a), see section 6206.

[Sec. 6675 as added by sec. 3, Act of April 2, 1956, 70 Stat. 90, and as amended by sec. 208 (d) (2), Highway Revenue Act of 1956, 70 Stat. 396]

§ 301.6675–1 *Excessive claims with respect to the use of certain gasoline.* For regulations under section 6675, see the manufacturers' and retailers' excise tax regulations (Part 40 of this chapter).

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

§ 301.7851 *Statutory provisions; applicability of revenue laws.*

SEC. 7851. *Applicability of revenue laws*—(a) *General rules.* Except as otherwise provided in any section of this title—

* * * * *

(6) *Subtitle F.*

(A) *General rule.* The provisions of subtitle F [including chapter 68, relating to additions to the tax, additional amounts, and assessable penalties] shall take effect on the day after the date of enactment of this title and shall be applicable with respect to any tax imposed by this title. * * *

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[F. R. Doc. 57–7687; Filed, Sept. 18, 1957; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 937]

[Docket No. AO–289]

HANDLING OF MILK IN BATTLE CREEK-KALAMAZOO, MICHIGAN, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Kalamazoo, Michigan, on November 26–29, 1956, pursuant to notice thereof issued on November 5, 1956 (21 F. R. 8663), upon a proposed marketing agreement and order regulating the handling of milk in the Battle Creek-Kalamazoo, Michigan, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 7, 1957 (22 F. R. 6415), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a milk marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions are based on evidence received at the hearing and the record thereof:

1. *Character of commerce.* The handling of milk produced for the Battle Creek-Kalamazoo, Michigan, marketing area, as defined herein, is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products.

While the proposed marketing area lies wholly within the State of Michigan, included within the area are two Federal government installations, namely Fort Custer and Percy Jones Hospital. Contracts for milk and its products to serve these installations are issued on a competitive bid basis with milk dealers from all portions of the area receiving such contracts from time to time.

Farm milk supplies for the proposed marketing area are inextricably interwoven with farm supplies for six Federally regulated markets and with those of several manufacturing plants doing business in the current of intertsate commerce.

At two supply plants under the Chicago Federal order manufacturing facilities are operated which also receive surplus supplies from the Battle Creek-Kalamazoo market. At least one of these two Chicago plants receives surplus milk from this area on a regular month to month basis and on occasion, as it did in the fall of 1956, supplies fluid milk to dealers in the marketing area. This Chicago supply plant has as its primary customer a handler at Hammond, Indiana. Producers supplying the marketing area and these two Chicago plants are intermingled over a wide area.

The farms from which milk is received at two supply plants for the Federally regulated Detroit market are in the area from which handlers for Battle Creek-Kalamazoo compete for their supply. One of these two Detroit plants is located within the proposed marketing area. The other Detroit supply plant distributes milk and its products on routes within the area.

A supply plant for the Federally regulated Cleveland, Ohio, market, located at Coldwater, Michigan, competes for a supply of fluid milk with dealers in the area proposed to be regulated. This plant does not contain facilities for the manufacture of dairy products. Milk that cannot be used in fluid form in the Cleveland market is transported to Fort Wayne, Indiana, for manufacturing into dairy products.

Producers located in the State of Michigan whose farms are intermingled with those of producers supplying the Battle Creek-Kalamazoo area supply handlers serving the Federally regulated markets of Toledo, Ohio, Fort Wayne and South Bend, Indiana. There is frequent interchange of producers between these other Federally regulated markets and the Battle Creek-Kalamazoo market.

A milk dealer that would be regulated by the proposed marketing agreement and order receives both inspected and uninspected supplies of milk. This handler is also a major handler of excesses in supply for the Kalamazoo portion of the proposed area. The excess of fluid milk is received in the manufacturing part of the plant and a substantial portion of the total manufactured milk is disposed of as either ice cream mix in the State of Indiana or as powdered milk in the states of Ohio, Indiana and Illinois.

Manufacturing milk plants located at Sturgis and Wayland, Michigan, and Angola, Indiana, also compete for milk supplies in the Battle Creek-Kalamazoo milkshed. Procurement for the Wayland and Angola plants is partly through receiving plants at Hastings, Charlotte and Homer, Michigan. Dairy products manufactured at these plants are widely distributed in interstate commerce. In addition milk for manufacturing use moves directly in interstate commerce from the Charlotte and Homer receiving plants to the Angola manufacturing plant. The procurement of milk for all these plants is in competition with procurement of milk for the proposed marketing area. As with the supply for the Federally regulated markets there are producers shifting between the manufacturing plants and the Battle Creek-Kalamazoo fluid milk market.

Milk received in a plant located in Toledo, Ohio, is sold on routes in the proposed marketing area in competition with handlers that would be regulated by this proposed marketing agreement and order. A handler under the Federally regulated Upstate Michigan order also sells milk in the marketing area. A Lansing, Michigan, milk dealer with sales and supplies interwoven with the Detroit market distributes milk in the proposed area through vendors.

Thus the handling of milk in the Battle Creek-Kalamazoo marketing area affects, and is affected by, the prices paid producers in other Federally regulated markets and by the manufacturing milk plants. Price relationships which interrupt or interfere with the distribution of milk in this region to the fluid and manufacturing markets in accordance with the relative value of milk for such outlets tend to burden, obstruct and affect interstate commerce in milk and its products.

2. *Need for regulation.* The marketing and pricing conditions in the Battle Creek-Kalamazoo marketing area require the issuance of a milk marketing agreement and order to establish and maintain orderly marketing conditions. Such an order will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Two cooperatives represent a majority of dairy farmers producing milk for handlers in the proposed marketing area. Neither cooperative operates any form of milk plant, but attempts to negotiate prices handlers shall pay for milk produced by their members. The cooperative association representing producers located generally in the eastern half of the marketing area currently is able to negotiate prices on a classified basis with all handlers located in or near Battle Creek, Michigan. This was not true, however, prior to February 1956, nor do such prices apply to all milk sold in Battle Creek and its environs. The association, as a result of competition from milk supplies purchased on a flat price basis, provided a reduced price for milk handlers sell to particular sales outlets in order to maintain the Class I milk volume for their producers. In so doing inequities, with respect to both costs to handlers and returns to producers, develop which make for unstable marketing conditions. This same cooperative in bargaining for prices to be paid by handlers located in southeastern Calhoun County has been unable to maintain its "quoted" prices and has in an attempt to maintain Class I sales outlets for its members provided special Class I prices as much as one dollar per hundredweight lower than the stated price for fluid milk when sold in half-gallon containers. In spite of such price arrangements, milk produced by local farmers and available for Class I use has been replaced by milk from other markets in the State and from Toledo, Ohio. The cooperative association supplies its handlers their total needs. The result of all these practices has been that local producers have been forced to move large quantities of milk to a Chicago supply plant which also maintains manufacturing facilities. From time to time this Chicago plant supplies bulk milk to handlers in the marketing area.

Another cooperative association representing producers generally located in the western half of the marketing area currently handles approximately 70 percent of the milk distributed or manufactured by handlers located in or near Kalamazoo, Michigan. From 1950–54 the association handled 80 percent and from 1940–50, 90 percent of the supply for this portion of the marketing area. Three handlers selling milk in the marketing area pay producers on a flat price basis in contrast to the use classification and base-excess plan used by the cooperative association. A fourth handler, also a cooperative, supplying a supermarket chain is located some distance

from the marketing area. The producers of this association are not paid on a base-excess plan, but generally follow pricing plans established by the Federally regulated South Bend, Indiana, market.

Dealers purchasing their milk supplies on flat pricing plans have generally restricted their purchases to their needs for fluid milk and have depended upon outside supplementary sources for needed reserve supplies. Such dealers obtain their milk supplies for fluid use at less than the Class I price negotiated by the association with other dealers, but pay their producers prices equal to or more than the returns to association members who carry a disproportionate share of the cost of maintaining the reserve supplies for the market. The diminishing percentage of the market supplied by the association is partly a result of this situation.

The larger bargaining cooperative in the Kalamazoo part of the marketing area has, as a result of the above mentioned pricing plans, given one handler in particular, and others on occasion a lower Class I price for specific sales outlets. This association supplies the daily needs of each of its cooperating handlers, transporting any excess over these needs to a handler in the marketing area that also has facilities for the manufacture of milk into ice cream mix, powdered milk and butter.

There is incomplete information on receipts and utilization in the marketing area. This is due in part to the following factors:

(a) Lack of a thorough and complete auditing program in the market;

(b) Unknown amounts of milk and its products being sold in the area from sources other than local producers;

(c) Local producers associations do not sell milk to all handlers in the area; and

(d) The apparent unwillingness of handlers in the proposed marketing area to offer direct testimony regarding amounts and movement of milk or general market conditions.

A producer shipping to a handler not receiving any milk from the cooperative association testified that prices paid by this handler were determined on the basis of the retail price regardless of prices established by the cooperative association.

At the time of the hearing the stated Class I milk price was $5.04 in the western part of the marketing area and $5.25 in the eastern portion. In both instances, however, the record testimony noted differences from these prices.

Variations in pricing plans and in net prices paid producers reflect different raw material costs to the various dealers in the marketing area. Unequal costs among milk dealers tend to stimulate price reductions by competitors. Such practices are contrary to the interests of producers and over a period of time may jeopardize an adequate supply of pure and wholesome milk.

As already indicated widely varying prices received by producers tend to shift producers (a) among handlers in the area or (b) in and out of the market to other fluid or manufacturing outlets. Such shifts may become frequent enough to jeopardize a dependable supply of milk for the market.

The marketing agreement and order as recommended herein will implement the policy declared in the Agricultural Marketing Agreement Act of 1937, as amended, of establishing and maintaining orderly marketing conditions by providing:

(1) A determination of prices to producers under a regular and dependable method at levels consistent with the policy established by the act;

(2) An impartial audit of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(3) The establishment of uniform prices to handlers based on the utilization made of the milk;

(4) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns for sale of reserve milk;

(5) Uniform rules for all producers for the operation of a seasonal production incentive plan which will encourage all producers to adjust production to a more even pattern;

(6) A system of impartial checking of all producer milk in respect to weight and butterfat content; and

(7) Market-wide information in respect to all receipts, utilization and intermarket movements of milk.

3. *Order provisions*—(a) *The scope of regulation:*

(1) *Marketing area.* The Battle Creek-Kalamazoo, Michigan, marketing area should include all the territory within the boundaries of: Kalamazoo and Calhoun Counties; Otsego and Gun Plain townships in Allegan County; Union township in Branch County and Bellevue township in Eaton County; all in the State of Michigan.

Proponent producers proposed the marketing area should include, in addition to the above stated territory, Assyria, Baltimore, and Johnstown townships in Barry County; Kalamo township in Eaton County; Sherwood township in Branch County and Lockport township in St. Joseph County, all in the State of Michigan. A handler proposed that Watervliet township in Berrien County, Michigan, be included in the marketing area. A cooperative association with a plant presently regulated under the Chicago order proposed that all of St. Joseph County, Michigan, be included in the marketing area.

The problems complained of by the two cooperatives representing a majority of the producers center primarily around the handling of milk in plants which are either located in or serve Calhoun and Kalamazoo Counties, Michigan. These two counties represent the concentration of population in the entire region under consideration. The principal metropolitan areas located in these two counties are Battle Creek and Kalamazoo. It appears orderly marketing in this region may be best achieved by regulating the counties in their entirety rather than to specify particular communities for regulation. The townships of Gun Plain and Otsego in Allegan County are directly north of and contiguous to Kalamazoo County. The cities of Plainwell and Otsego are located in these two townships and are considered a part of the Kalamazoo metropolitan area. Milk distributors located in these two townships have sales in Kalamazoo County. Kalamazoo distributors have sales in these two townships in competition with local distributors.

Health regulations are substantially similar throughout the area. The health regulations of the State of Michigan provide a uniform minimum standard which may be somewhat modified by more rigid requirements by local health authorities. State of Michigan health authorities work in conjunction with health authorities of Calhoun and Kalamazoo Counties with respect to inspection of dairy farms and plants serving this marketing area. The degree of similarity of minimum health standards, including the acceptance of supplemental or emergency supplies, throughout the area justifies the uniform application of prices to all inspected milk marketed within these two counties.

In the recommended decision, all seven townships proposed in Barry, Branch and Eaton Counties were omitted on the basis that sales in these townships were limited due to the predominantly rural character. The record has been reviewed in the light of exceptions received. In Union township, Branch County and Bellevue township, Eaton County, a local processing plant was operated until a few years ago, since which a Battle Creek handler has purchased these businesses and combined their distribution with that of his Battle Creek plant. This handler and others to be regulated now distribute a substantial volume of milk in these townships, each of which adjoins Calhoun County. These townships have thus become an integral part of the marketing area. Their inclusion will not bring any additional handlers under regulations. It is concluded that they should be included in the defined area. Inclusion of the five remaining townships proposed in Barry, Branch and Eaton Counties does not appear to be justified on the basis of this record.

The record testimony does not show that the inclusion of Watervliet township in Berrien County and Lockport township in St. Joseph County or St. Joseph County in its entirety would serve any good purpose. Proponents failed to support the inclusion of Lockport township or Watervliet township in Berrien County. The proponent for the inclusion of St. Joseph County operates a pool plant in the Chicago marketing area and only distributes packaged milk purchased from a handler distributing within the proposed marketing area. Handlers located within the marketing area as proposed have only limited sales, if any, in St. Joseph County which are of minor competitive importance.

The issuance of an order for the marketing area as proposed will bring under regulation all the milk in the sales area represented by milk dealers located within the proposed Battle Creek-Kalamazoo marketing area. The area so

proposed has been defined on the basis of extensive interrelationship of supply and distribution. The area is a continuous, homogeneous one within which milk distributors should be charged the same price for milk used in a given class and producers be paid a uniform price.

(2) *Milk to be regulated.* The milk to be regulated by the proposed marketing agreement and order should be that which is regularly delivered to plants from which milk is regularly distributed on routes in the marketing area, or which are regular sources of supply for such plants. To be eligible for such distribution milk must be produced, processed, and distributed in conformity with applicable health regulations. Provision should be made to designate clearly what milk will be subject to the pricing and pooling provisions of the recommended marketing agreement and order. For this reason, definitions of handler, plant (various types), producer, producer milk, and other source milk should be provided.

A handler should be defined as any person who operates: (1) a pool plant as hereinafter defined, (2) a plant from which Class I milk is processed, packaged and distributed on routes within the marketing area, and (3) any cooperative with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant by delivery directly from producer's farms to a nonpool plant for the account of such cooperative association. The handler receives the milk of producers and thus must be held responsible for reporting its receipts and utilization. The handler is the one responsible for the payment for producer milk at not less than specified minimum prices. In case a person operates more than one plant at which milk is to be priced, he should be a handler with respect to the combined operations of such plants. If a handler also operates an unregulated plant(s), this definition is not intended to include such person in his capacity as an operator of such type of plant(s). Producer-handlers and other operators of distributing plants should be handlers in order that such persons shall report to the market administrator to determine their status at any given time.

The definition of a pool plant should be such as to determine which producers, as hereinafter defined, are to be included in the determination of a market-wide uniform price to producers. Some plants have received milk from local dairy farmers and distributed most of such milk as fluid milk products in the proposed marketing area over a period of several years. There are other plants that fall into one of two categories, (a) distributing plants with a primary interest in other fluid markets but distributing milk within the area or (b) plants at which milk is received directly from dairy farmers and delivered in bulk to distributing plants, which are generally known as supply plants. There are two distributing plants not regulated by any Federal milk order located outside the marketing area that currently sell fluid milk products within the proposed marketing area, but have their primary market elsewhere. Milk distributors in this market do occasionally receive bulk supplies of milk during the short season of production and thus the opportunity to qualify supply plants is provided. Specific requirements for pool plants are therefore needed to define the supply which is generally regarded as an integral part of this fluid market. This can be accomplished by first defining a distributing plant and a supply plant.

A distributing plant should be defined as a plant at which fluid milk products, conforming to the sanitation requirements of any duly constituted health authority having jurisdiction in the marketing area, are processed and packaged and from which fluid milk products are disposed of on route(s) in the marketing area. This definition is not intended to include that portion of a plant building which is physically segregated and separately operated in which no fluid milk products are processed or packaged, and from which no fluid milk products are moved to any plant from which routes are operated.

A supply plant should be defined as a plant at which milk produced in conformity with health regulations for the marketing area is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

A pool plant should meet certain performance standards in order to determine its status as a regular and substantial supplier of fluid milk in the marketing area. In order to qualify as a pool plant a distributing plant should (1) dispose of 25 percent or more of receipts from dairy farmers and supply plants as fluid milk products on routes in the marketing area and (2) have a total disposition of fluid milk products on routes of 50 percent or more of receipts of fluid milk products from dairy farmers and supply plants. In order to qualify as a pool plant a supply plant should move 50 percent or more of receipts from dairy farmers to a distributing plant, as herein defined. If a supply plant qualifies on this basis during each of the months of August through January, it should be able to retain pool plant status February through July.

The supply area for the Battle Creek-Kalamazoo marketing area overlaps the supply area of other fluid markets and manufacturing milk production areas. Therefore, the previously stated pool plant requirements are necessary to insure (1) that the producers sharing in the uniform price of the market pool be those delivering to plants from which a substantial portion of the milk received at such a plant is disposed of as fluid milk products in the marketing area and (2) that the receipts of those plants which primarily serve markets outside the marketing area be excluded from sharing in the pool. Those plants that make sales of fluid milk products in the marketing area that represent less than 25 percent of total receipts from dairy farmers or which dispose of a majority of receipts from dairy farmers as manufactured dairy products cannot be regarded as a part of the Battle Creek-Kalamazoo fluid milk market.

The proponent cooperative associations proposed that 20 percent of receipts from dairy farmers be disposed of as Class I in the marketing area as a requirement for pooling milk received at a distributing plant. Proponents supported the provision on the basis that such sales in the marketing area needed regulation to insure that all handlers selling in the market area be subject to the same minimum prices, but such handlers should be permitted to pay their dairy farmers on an individual basis. A cooperative association operating a distributing plant that would be regulated by such a provision testified that the 20 percent requirement should be increased to 25 percent. The sales of this association in the proposed marketing area in relation to receipts from dairy farmer members are approximately 20 percent. Thus a requirement of 20 percent would create an unstable marketing situation—pooling such a plant one month and not the next. A requirement that 25 percent or more of receipts from dairy farmers and supply plants be route disposition of Class I milk in the marketing area will more effectively assure that a plant participating in the market-wide pool will have such a substantial proportion of its sales in the marketing area as to warrant the conclusion that the Battle Creek-Kalamazoo market is a primary market for such plant. On the other hand, handlers whose principal distribution of fluid milk products is outside the marketing area will not be required to equalize producer payments on such sales so long as their distribution in the area is less than 25 percent of receipts from dairy farmers and supply plants.

Distributing plants normally have a high proportion of their receipts from dairy farmers used as Class I milk, usually more than 50 percent. A requirement that a distributing plant to have its receipts pooled must have 50 percent or more of its receipts from dairy farmers and supply plants disposed of on routes either in or out of the marketing area, will serve to distinguish those plants that may qualify as pool plants through route distribution from those which must qualify as supply plants. Route is defined in the order to include deliveries of fluid milk products in packaged form to other milk plants so that the plant at which the milk is processed and packaged will receive credit toward pool plant qualification for any interplant movements in such form, and subsequent provisions of the order make the processing and packaging plant accountable for such milk whether or not it qualifies as a pool plant.

The Battle Creek-Kalamazoo market has so far been supplied from dairy farmers delivering directly to distributing plants. The fact that occasional bulk supplies of milk are received by handlers in the proposed marketing area plus the available supply from nearby milk plants suggests some provision should be made to define supply plants and establish requirements in the event such a plant(s) should enter the market. In view of the requirements herein adopted for distributing plants, it is appropriate that the shipping requirements for supply plants should be 50 percent or more of receipts from dairy farmers to such distributing

plants in the event such supply plant should enter the market. If a supply plant meets the required standards during the short supply season (August-January) compliance as a pool plant would then be retained during the balance of the year (February–July). These standards will require such supply plants that qualify to have a primary interest in supplying the Battle Creek-Kalamazoo market, and an opportunity to share in market-wide pooling at all times if it establishes its association with the market during the season of normally low supplies.

Producers proposed that handlers with plants located outside the marketing area but selling small quantities on routes within the marketing area should be exempt from the pricing and payment provisions, such handlers to be subject to reporting and auditing provisions. It was proposed the exemption should be based on a limitation of about 600 pounds per day sold on routes operated wholly or partially in the marketing area. Sales within the area, rather than on routes of which varying proportions may be in the area, provide an entirely feasible basis of determination for the Battle Creek-Kalamazoo area, since the area boundaries are principally rural points. In view of the provisions herein provided for partial regulation of nonpool handlers whose sales may exceed the exemption limit, and the use of sales only within the marketing area, it is concluded that a smaller exemption limit should be provided. Handlers whose sales do not exceed an average of 150 points (one point being defined as one-half pint of cream or one quart of any other fluid milk product) of Class I sales per day disposed of during the month in the marketing area, should be exempt from pricing and payment requirements of the order.

It was proposed that a handler whose plant failed to qualify as a distributing plant but which had sales of fluid milk products on routes in the marketing area in excess of an average of 150 points per day should be required to make payment to the equalization fund if the value of his milk at class prices of the order exceeded his payments to dairy farmers who would be considered producers had such plant been a pool plant. These nonpool handlers must report receipts and utilization of dairy products handled to determine their pool status and obligations. Payments made to dairy farmers are likewise available. If through choice or competitive conditions payments to dairy farmers equal or are greater than amounts that the order would provide at class prices on the entire utilization of such plants, no additional payments are necessary to insure that the cost of milk to the nonpool handler is no less than the minimum prices that pool handlers are required to pay. Under the conditions prevailing in the Battle Creek-Kalamazoo area the nonpool handler would have no competitive advantage, and producers regularly supplying the market needs for inspected milk would be protected from competition of cheaper milk. It was proposed that any deficit by which payment to farmers were less than the value of milk at class prices be assigned to procurement of milk for Class I purposes, and be prorated to sales in the Battle Creek-Kalamazoo marketing area. Such an assignment, however, would not in all cases prevent such handlers from having a competitive advantage over pool handlers. It is concluded that payment of the full deficit is required to insure that the nonpool handler has no procurement advantage as compared with fully regulated handlers, and to protect the integrity of the classified price plan of the order, unless this amount exceeds an amount computed by multiplying the volume of Class I milk sold in the marketing area by the difference between the Class I and Class II prices. It may safely be assumed that milk acceptable for fluid distribution in the marketing area cannot be procured for less than the Class II (manufacturing milk) price, and that payment of this amount will likewise prevent competitive advantage accruing to the nonpool handler.

Such provision will prevent competitive advantage while recognizing payments that nonpool handlers choose to make to their dairy farmers. It therefore, should be adopted. Similar provisions are included in several other Federal milk orders and have proven satisfactory as a means of effectuating the regulation. The nonpool handler should also pay his pro rata share of the costs of administration of the order. Complete verification of receipts, utilization and payments is required if the handler is to be given credit for payments as related to the classified use value of his milk. Accordingly administrative expense should be determined on the same basis as for fully regulated plants. Should the handler elect, when filing his report, to make payment to the pool at the difference between the Class I and Class II prices with respect to sales in the marketing area, expenses of administration will be assessed only with respect to such sales, since need for verification will then be confined to that volume.

Certain limitations on the applicability of these provisions should be made in case the nonpool plant does not receive milk from dairy farmers in a volume substantially equal to the Class I disposition of such plant. Unless receipts from dairy farmers (or from other plants of the same handler for which receipts, utilization, and payments may be included in the computation) are substantially as much as Class I utilization at the nonpool plant, effective comparison between class volumes and payments cannot be made, and the handler should be required to pay on the alternative basis of the difference between class prices.

In order not to require the alternative basis in temporary periods of short supply a tolerance of 5 percent deficit in supply from dairy farmers is permitted. Furthermore, milk supplies received from other plants operated by the same handler may be substituted for receipts from dairy farmers for purposes of the requirement, if receipts, utilization and payments to dairy farmers at such plants are made available for inclusion in the computations. The operator of one plant which will probably be subject to these provisions operates another plant, for which at the time of the hearing a new building was under construction. The record is somewhat indefinite as to the extent to which operations of these two plants may in the future be combined. Under these circumstances it is desirable that order provisions be such as to provide for the possibility of such combination.

Producer-handler should be defined as a dairy farmer who operates a distributing plant but received no milk from other dairy farmers or nonpool plants. Reports to the market administrator at such time and in such manner as may be requested should provide ample means through examination of accounts, records and facilities to determine the status of producer-handlers. A producer-handler under these provisions enjoys the full advantage of his fluid milk sales. It appears unnecessary to require a producer-handler to pay any particular price for milk produced on his own farm provided that any sales on the part of pool plants to such a handler are at Class I and any receipts from a producer-handler at a pool plant are considered other source milk, as hereinafter defined. Such provisions permit the producer-handler to participate in the trade of the marketing area to the full extent of his ability to obtain Class I sales for his own production without sharing in the balance of Class I sales of the market with other producers.

Producer should be defined as a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements issued by the duly constituted health authority having jurisdiction in the marketing area, for milk to be consumed as a fluid milk product and whose milk is received at a pool plant. Producer milk diverted from a pool plant by a handler, including a cooperative association, to a nonpool plant for its account should be deemed to have been received at a pool plant. Such provisions will permit milk regularly associated with the market to be diverted to manufacturing plants during periods of seasonal flush production and over weekends and holidays when supply and demand relationships may require some reserve to be manufactured in plants not regulated by the order. This provision will facilitate interplant movements of milk for the purpose of short time adjustments of supply and demand without depriving dairy farmers producing the regular supply for the market of their status as producers.

Other source milk should be defined as all skim milk and butterfat contained in milk products received by a handler at his plant(s), except producer milk and fluid milk products received from pool plants. This definition would include milk products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed and converted to another product in the plant during the month. Supplemental supplies from nonpool plants are occasionally needed and the amounts needed vary from season to season and between handlers. The record testimony did not indicate that such supplies have significantly displaced producer milk for use in fluid outlets. Therefore, under these circumstances the allocation of producer milk to the highest class of utilization appears to be an effective means of minimizing any displacement of producer milk and also insures uniform accounting among all handlers for such supplies.

(b) *The classification and allocation of milk.* Milk should be classified in two classes reflecting the principal differences in the quality and the value of milk required for different uses. Class I should include all skim milk and butterfat disposed of for consumption as a fluid milk product. Fluid milk product means milk, skim milk, buttermilk, flavored milk and drinks, cream and mixtures of milk, skim milk and cream. Plant loss of producer skim milk and butterfat in excess of 2 percent and skim milk and butterfat not accounted for as Class II should also be classified as Class I. Because skim milk and butterfat are not used in most products in the same proportions as received from producers, these components should be classified separately. Class prices, however, will apply per hundredweight of milk, and will be adjusted for the butterfat content of the milk actually used in each class through butterfat differentials.

Representatives of the health authorities having jurisdiction in the proposed marketing area testified that fluid milk products, as defined herein, sold for consumption in the area must be produced and handled in compliance with sanitation standards that are substantially uniform throughout the proposed marketing area. The proponent cooperative association requested that eggnog be a Class I product. The health regulations, however, require only the same health standards for eggnog as is required for ice cream mix. It is concluded that eggnog should be a Class II product. A handler on the other hand, proposed that sweet and sour cream be a Class II product. Skim milk and butterfat used to produce sweet and sour cream must meet the same health requirements as milk for fluid consumption, hence it is appropriate that cream be classified and priced in the same class as fluid milk.

The products which should be included in Class I are those distributed to consumers in fluid form and required by the health authorities having jurisdiction in the marketing area to be obtained from milk or milk products from approved inspected sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used as Class I somewhat higher than uninspected milk used for manufacturing purposes. It is appropriate that all of the products required to be from approved inspected sources be included in a single class so that all milk required to make such products may contribute uniformly to the cost of supplying the market needs for inspected milk.

Reserve milk not needed seasonally, or at other times such as week-ends, for Class I use must be disposed of for use in manufactured products. These products are not required to be made from inspected milk, must be sold in competition with products made from uninspected sources produced over a large area and generally are less perishable than fluid milk products. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

Class II should therefore include skim milk and butterfat used to produce any product other than a fluid milk product, including but not limited to such products as ice cream, ice cream mix, frozen cream, aerated cream, dried milk products, whole and nonfat, condensed or evaporated products, butter, cottage and hard cheese. Class II should also include plant loss of other source milk, all skim milk dumped or accounted for as disposed of for livestock feed, and inventories of fluid milk products on hand at the end of any month. Cream which is frozen and placed in storage should be Class II since such cream is intended primarily for use in ice cream or ice cream mix. Any frozen cream or other Class II products which may be used later in a fluid milk product would be considered as other source milk at the time of such use and assigned to the lowest priced utilization in the plant.

Handlers have inventories of milk and milk products at the beginning and end of each month which must enter into the accounting for current receipts and utilization. The record testimony indicates that an appropriate classification of the inventory of fluid milk products is as Class II. This manner of classifying inventory with correlated steps in the allocation procedure provides a means of charging each handler for his Class I sales each month at the current Class I price. Fluid milk products whether in bulk or packaged form should be inventoried and classified as Class II. Manufactured milk products are not included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Uniformity of costs to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of producer milk (except allowable Class II shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable Class II shrinkage) for which producers were paid at the Class II price in the preceding month.

Inventories of products designated as Class I on hand at a pool plant at the beginning of any month during which such a plant becomes qualified for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I so as to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose. No limit need be put on shrinkage of other source milk since such milk is deducted from the lowest use class under the allocation procedures. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts. Allowance for loss on producer milk diverted to another pool plant should be at the pool plant where actually received. Each handler must be held responsible for full accounting of all his receipts of skim milk or butterfat in any form. The handler who first receives the milk from producers should be responsible for establishing the classification of and the payment for producer milk. Except for such limited quantities of shrinkage that may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

Provision should be made for classification of fluid milk products transferred in bulk between pool plants and from plants to nonpool plants. Transfers between pool plants should be permitted in any class agreed upon by the handlers operating such plants so long as the prior claim of producer milk for Class I sales is maintained. Transfers between pool plants at an agreed upon class will not affect the total value of producer milk under a market-wide pool so long as this prior claim is maintained.

Transfers to other nonpool plants may be at Class II if the nonpool plant does not engage in the fluid milk business, or has receipts from inspected farmers equal to any Class I sales. If Class I sales exceed such receipts, the milk transferred should be Class I to the extent of the excess. In any event, in order to substantiate a Class II classification the nonpool plant must have and make available records adequate to verify any Class II utilization claimed.

There was no evidence indicating that the Battle Creek-Kalamazoo market carries milk supplies for other markets and therefore producers have no claims of priority to Class I sales in other markets resulting from transfers from pool plants to nonpool plants in such markets. The highest-valued uses should be assigned first to producers regularly supplying the other market. The provisions herein outlined are provided purposely to assure such assignment.

When handlers receive butterfat and skim milk from sources other than from producers, it is necessary to provide a method for allocating such receipts to the classes of utilization in such a manner as to determine the classification of producer milk. Inasmuch as producer milk is the regular available supply for fluid consumption in the marketing area, producer milk should be assigned the

Class I utilization in preference to other source milk. This is necessary to insure the effectiveness of the classified pricing program of the proposed order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the proposed market agreement and order.

In general this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;
(2) Other source milk;
(3) Beginning inventory;
(4) Receipts from other handlers (according to classication);
(5) Add shrinkage deducted in (1); and
(6) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month.

(c) *Class prices.* The price of milk for fluid use in the Battle Creek-Kalamazoo marketing area should be closely related to the prices of milk used in the production of manufactured dairy products. The area from which the Battle Creek-Kalamazoo market draws its milk supplies produces substantial quantities of milk for manufacturing purposes. The attractiveness of the fluid market to shippers supplying nearby manufacturing plants determines to a considerable extent the adequacy of the supply for fluid purposes. Experience in this market has shown that when the returns from the fluid milk market drop too near the level of returns for manufacturing milk the market becomes short of milk and that returns for fluid milk too far above manufacturing milk levels bring excessive supplies to the fluid market. Class I prices in the nearby Federal order markets of Detroit, Cleveland, Chicago, South Bend, Fort Wayne, Toledo, Muskegon and Upstate Michigan, with which Battle Creek-Kalamazoo competes in varying degrees for supplies and sales, are all based on manufacturing values. Use of a basic formula price to which a Class I differential is added will reflect manufacturing milk values.

(1) *Basic formula price.* The basic formula price used to determine the Class I price should be the highest of the average price paid by midwestern condenseries, a formula price based on market values of butter and nonfat dry milk, or the average paying price of nearby Michigan manufacturing plants. The first two of these prices measure the value of milk used in each of three major manufactured dairy products marketed nationally. Like factors are included in the pricing formulas effective in the surrounding Federal order markets. The prices paid at the Michigan plants will reflect local values when these exceed the national averages.

It was proposed that the Michigan plants be those used to determine the Class II price. In view of the desirability of maintaining alignment of the Class I price with that of the Detroit order the Michigan plant price used for basic formula purposes should be that presently used in the Detroit order.

(2) *Class I price.* The class I price differential to be added to the basic formula price should be at a level which will reflect the additional costs of providing an adequate but not excessive year-round supply of milk meeting the inspection requirements of the area. For the initial 18 months of operation of the order this differential should be established at an annual level of $1.26, varied seasonally to be $1.06 for the months of February through July and $1.46 for other months.

Producer associations proposed that the Class I price differentials vary by months from $1.20 to $1.65; under this proposal seven separate differentials, applicable for one or two months each, would be used. The annual average of the proposed differentials approximates $1.41. This pattern of differentials was used by the Kalamazoo cooperative association for several years prior to 1956 to determine the prices to be charged dealers supplied by the association. The prices negotiated between the other proponent cooperatives and Battle Creek handlers have had less seasonal variation and have generally averaged approximately 15 cents less than the prices negotiated at Kalamazoo. At Battle Creek, however, more products have been priced as Class I milk and the Class I price has applied more uniformly to sales of fluid milk. Consequently average returns to members of the Battle Creek association have approximated those of members of the Kalamazoo cooperative. Effective April 1956 a Kalamazoo Class I price of $5.04 was negotiated and such price remained in effect at the time of the hearing. At Battle Creek a $4.90 price was effective from mid-April through September 1956. For October and November, 1956, a $5.25 Class I price was in effect at Battle Creek. Negotiation of these prices paralleled closely the course of events in the Detroit market, where a $5.00 Class I price was negotiated for April through August 1956 and $5.35 price was negotiated effective September 1, 1956. The $5.04 price was almost $2.00 more than the basic formula price in midsummer and $1.73 more than the November basic formula. The Battle Creek $4.90 price ranged from $1.80 to $1.85 more than the basic formula and the $5.25 price was approximately $1.94 more than the basic formula price at the time of the hearing.

Proponents of the order recognized that the 1956 negotiated prices were of a temporary nature and were not aligned with the Detroit order price but with negotiated prices in effect in the Detroit market. They defended the somewhat lower level of price represented by the annual average $1.41 Class I price differential as representing the actual level of negotiated prices in effect for a substantial part of the marketing area for several years during which Detroit minimum order prices were effective.

In view of the volumes of milk priced under other Federal orders which are produced in or near the Battle Creek-Kalamazoo milkshed and the extent to which there is competition with these markets for sales as well as procurement, proper alignment of prices with the other order prices prevailing at the nearest plants subject to these orders is particularly important. The nearest Detroit plants are at Homer, in Calhoun County, Otsego in Allegan County both of which are located in the marketing area, and at Litchfield, just outside the marketing area in Hillsdale County. The Homer and Otsego plants are strictly supply plants for Detroit which compete only in procurement of milk. The Litchfield plant, however, also sells packaged milk in the marketing area in the vicinity of Battle Creek. The Detroit Class I differential is on the annual average, $1.43. A location adjustment of 17 cents applies at Homer and Litchfield, with a 20 cent adjustment at Otsego. Thus Detroit Class I price differentials average $1.26 at Homer and Litchfield and $1.23 at Otsego. The Cleveland Class I price differential applicable at Coldwater, 35 miles from Battle Creek averages $1.225. The Chicago Class I differential averages $0.90, from which location adjustment of 8 and 14 cents respectively are deducted at plants located at Constantine and Hopkins, Michigan. The South Bend, Indiana, market Class I differential is $1.10. The Muskegon order Class I differential is $1.17. An Upstate Michigan plant approximately midway between Battle Creek-Kalamazoo and the Upstate Michigan marketing area pays a Class I differential of $1.16. Under a recent amendment to the Toledo, Ohio, order effective April 1, 1957, of which official notice is hereby taken, the Toledo Class I differential at a supply plant at Angola, Indiana, now averages $1.22.

Prices of the Detroit market have a greater influence on marketing conditions in Battle Creek-Kalamazoo than do those of the other markets. Not only is the volume of nearby milk priced under the Detroit order greater than that priced under any other order, but there is more direct sales competition in the marketing area. In addition Detroit prices exert considerable influence on nearby unregulated markets, especially Lansing and Grand Rapids, with which Battle Creek-Kalamazoo handlers compete for milk supplies and sales.

Under the classification system herein provided, it is to be expected that more milk will be priced at Class I than is now the case, particularly in Kalamazoo. Thus producer prices can be maintained with a somewhat lower Class I price. In view of the influence of the Detroit market it does not appear that the Class I differential, at least for the initial period of the order, should exceed that for Detroit at the Litchfield plant from which milk is distributed on routes in the marketing area. It is therefore concluded that the annual level of the differential should be $1.26 for the first

18 months of operation of the order. Within this period the pricing provision should be reviewed in the light of experience under order operations.

The $1.26 should be varied seasonally to conform to the Detroit pattern of differentials. This currently is 20 cents below the annual average level during the months of February through July, and 20 cents above in other months. Therefore the Battle Creek-Kalamazoo differential should be $1.06 for February through July and $1.46 for other months. Should the Detroit seasonal pattern be changed, prompt consideration should be given to revision of the seasonal pattern in this market.

The Detroit and other order prices are adjusted on the basis of supply-demand relationships. Supply-sales data in the hearing record, while covering the period beginning with 1940, do not include all receipts and sales nor is classification based on the system herein provided. Accordingly such data do not provide an adequate basis for providing a similar provision for Battle Creek-Kalamazoo at this time. While consideration could be given to providing precise price alignment by use of the amount of adjustment each month under the Detroit order, such precise alignment does not appear necessary for the initial 18 month period in the light of the experience shown in the record.

(3) *Class II price.* The Class II price should reflect the value of milk for general manufacturing uses in the Battle Creek-Kalamazoo milkshed. The average of the prices paid at three Michigan dairy manufacturing plants provides an appropriate indication of the value of milk for such uses in the area. The three plants selected are in the general area of the Battle Creek-Kalamazoo milkshed, and are not operated or controlled by persons who will be handlers under the order. Two of these plants are included in the list of 12 midwest plants used in determining the basic formula price for the proposed order and for numerous other Federal orders.

(4) *Handler butterfat differential.* Butterfat and skim milk will be accounted for separately for classification purposes since they are not used in most products in the same proportions as received from producers. The basic test for which class prices are determined is 3.5 percent butterfat content, the usual fat test at which prices are quoted in the area, and on which the market has operated for many years. It will then be necessary to adjust Class I and Class II prices of milk to handlers in accordance with the average test of milk used in each class. Butterfat differentials which reflect differences in value due to differences in butterfat content are used for this purpose.

Producers proposed that a single butterfat differential apply to both Class I and Class II milk. They proposed that this differential be 0.113 times the Chicago price of 92 score butter. A differential of this amount applies to both Class I and Class II milk under the Detroit order. Fluid cream, however, need not be from inspected sources for the Detroit market and is priced as Class II milk. In Battle Creek-Kalamazoo fluid cream must be from inspected milk and is therefore priced as Class I milk. A differential of 0.113 times the Chicago butter price represents a butterfat value no higher than the value of uninspected cream used for butter manufacture. Butterfat in cream from inspected sources sold as fluid cream or cream mixtures has a higher value, which will be approximately reflected by a butterfat differential 0.125 times the Chicago butter price. Such a differential should be used to adjust the hundredweight price of Class I milk for each one-tenth percent variation for 3.5 percent butterfat content. The Class II butterfat differential should be the 0.113 times Chicago butter price proposed. That differential reflects an appropriate value of butterfat for Class II uses.

(5) *Location differentials.* Location adjustments should apply to all Class I milk distributed by handlers whose plants are located more than 60 miles from the nearer of the City Halls at Battle Creek or at Kalamazoo, Michigan. The rate of adjustment should be 10 cents per hundredweight for plants located more than 60 but not more than 80 miles distant, plus 1 cent per 20 miles for distances in excess of 80 miles. Distances would be measured by the shortest highway distance as determined by the market administrator.

At the time of the hearing the only milk distributed from a plant more than 60 miles distant was from a plant regulated under the Toledo, Ohio, order which is not subject to pricing under this order. However, if a distant plant should become subject to the order by selling milk in the area or supplying plants that sell milk in the area, it should have location credit. This credit should approximate the transportation costs involved in economic movement of milk to the area, since the order is designed to place handlers at an equal cost basis at the marketing area. The adjustment rates provided parallel fairly closely those in nearby markets and should meet the current needs of the market.

Since milk moved between pool plants may be classified by agreement between the handlers involved location credit on such milk should be limited to that required for Class I use by the transferee plant. The amount by which 105 percent of Class I use exceeds receipts of producer milk of such plant is an appropriate indication of such need. In addition, where there are receipts from more than one plant, location adjustment should be first assigned to the nearest plants so that producers are not charged for unnecessary movements of milk.

Location adjustment to producers should be at the same rates as to handlers, but should apply to all base milk (or milk paid for at uniform prices) delivered by producers to any plant at which location adjustments apply.

(d) *Payments to producers*—(1) *Type of pool.* The market-wide type of pool should be included as a means of distributing to producers the returns from the sale of their milk.

The proponent cooperatives proposed that distribution of returns from the sale of producer milk be on a market-wide basis. This method has been used satisfactorily by segments within the proposed marketing area for a long period of time. A proposal to distribute producer returns on an individual handler pool basis was not supported at the hearing.

Marketing conditions require payment of a uniform price to all producers representing the value of all market utilization to compensate all producers fairly for their contribution to the market supply. Some milk distributors buy as closely as possible to their Class I needs and carry little or no surplus in the high production months. The cooperative supply their cooperating handlers with as much milk as needed and handle the surplus production of their members by diversion to manufacturing outlets located both in and outside of the proposed marketing area. Through the present pooling arrangements operated by the cooperatives producers supplying these plants all member producers contribute equally to making available a year-round supply of milk for the market but do not share in all the Class I sales of the market. A majority of plants do not have manufacturing facilities and generally purchase supplies from dairy farmers close to their needs. Under an individual handler pool it could not be expected that reserve supplies for the market would be uniformly distributed among handlers. The burden of carrying the necessary reserve supplies of milk would continue to be shouldered by only a part of the producers who share in the year-round Class I sales in the area.

A market-wide pool will facilitate the movement of milk supplies by the cooperative associations between handlers to meet their individual needs or to those nonpool processing plants that can make the most efficient use of such milk. Such a pool will aid the market in retaining qualified and experienced producers on a year-round basis which will tend to make available enough milk to fill the Class I requirements during the normally short production season. A market-wide pool will permit any handler to bid on such business as that offered by military installations and other public institutions and to obtain the supplies for such sales without upsetting the market whenever the business might shift from one handler to another. These factors, taken in conjunction with the variations in amount of reserve supplies among plants, all support the adoption of a market-wide pool.

(2) *Producer payment plan.* A base and excess plan of distributing returns for milk among producers should be adopted for this market.

The majority of the producers are now receiving payment for milk on a base-excess plan. Each of the two cooperative associations has used this system of distributing payments among its members for many years. Data presented by the proponents cover the period from 1940 to the time of the hearing. This evidence, although it does not represent the total figures for the market, indicates that receipts vary widely relative to Class I sales between the summer and winter months. The two associations have operated separate base and excess plans with sub-

stantially the same rules. Due to lack of complete market information in regard to receipts from all producers and utilization data from all handlers, the effect of these plans on the relationship of supply to total inspected needs of the market cannot be accurately and specifically determined. It is evident, however, that these base-excess plans as operated in the past have encouraged more even production.

Fundamentally the base-excess plan proposed by the cooperative associations and included herein is the same as that now being used. Each producer will receive the manufacturing milk price for milk delivered each month in excess of a daily average amount, known as the producer's base. The base period is August through December. The producer's base for the 12 months beginning with the following February is determined by the daily average shipments during the preceding base period. The monthly base price is determined by dividing the total market base deliveries into the remaining returns for all producer milk after subtracting the value of excess milk and the value of milk from producers with no base. The base of each producer delivering milk 122 days or more in the base period is the amount determined by dividing the total pounds of milk received from such producer at all pool plants during the base period by the number of days for which milk was delivered. Producers with a previously established base may deliver less than the established base by as much as 10 percent without reducing such base. This limit in the reduction of established bases is a result of long experience in this and nearby markets which has shown such a limitation alleviates many cases of inequity and dissatisfaction resulting from reduced bases due to accident, disease, weather and other like conditions more or less beyond the control of the producer. Producers delivering milk less than 122 days during the August 1–December 31 base forming period may, by written request, have a base computed by dividing the total pounds of milk delivered to pool plants during such period by 122.

Provision is made for payments to producers without established bases and those who elect to relinquish their bases. The proponent cooperative associations proposed that a new producer (or one electing to relinquish a base) should establish a base by his deliveries in the first three full calendar months of his deliveries. A percentage of such deliveries seasonally varied from 40 percent for April, May and June to 70 percent August through November then would have become the producer's base for payment until a regularly established base was effective.

Provisions for new producers to enter the market should be consistent with the primary purpose of the base plan to discourage seasonal fluctuation in the flow of milk to the market. Since new producers have no prior fall deliveries from which the seasonality of their deliveries may be gauged it is necessary that their payments be determined somewhat arbitrarily as contrasted with producers with established bases who are paid on the basis of their individual performance. If the provisions assume that new producers have average seasonality of deliveries, their returns will be more favorable than those for old producers with wider than average seasonal variation in production. Such producers may then elect to relinquish their bases in order to receive payment under the new producer provisions, and the effectiveness of the base plan will be diminished. It is therefore desirable that the provisions for new producers be such as to encourage them to enter the market when their supplies will not increase seasonal variation and likewise will be such as not to invite substantial number of old producers to relinquish their bases. This can be accomplished by making payment to new producers (or those that relinquish a base) at an adjusted uniform price. The uniform price is adjusted by subtracting a stated percentage of the difference between the market average uniform price and the excess milk price. Stating the adjustment in this manner makes it equally applicable at all price levels. The adjustment percentage varies from 5 percent during the base forming period to 50 percent during the flush production months. This provision will be simpler than the plan proposed by the cooperative associations, yet accomplish the same general objectives.

Certain rules regulating the transfer of established bases were proposed and are adopted herein with the clarifying modifications made at the time of the hearing. These rules permit the transfer of a base to a member(s) of a producers' immediate family in the case of death, retirement or entry into military service. When a jointly held base is terminated division is limited to the joint holders. A base is forfeited in case a producer fails to deliver milk to a pool plant for 45 consecutive days except that a producer may maintain a base for 12 months in case complete loss of the dairy barn results from fire or windstorm. Transfers within these rules should be made only on written request filed with the market administrator. The above rules permit reasonable transfer of bases to alleviate hardship cases and correspond rather closely to present practices in the market.

Provision is also made for computing bases on deliveries during the preceding base forming period whenever any plant first achieves pool plant status. Such provision will permit the producers supplying such a plant to enter the market without any pooling handicap.

All milk delivered by producers from the effective date of the order, as proposed, until bases are established should be at the market average uniform price. Such a provision will assist in the orderly administration of the proposed order and provide an opportunity to some dairy farmers, not accustomed to a base-excess plan, to make any necessary adjustments. Cooperative associations will have the opportunity to continue paying their members in such manner as they desire.

Handlers should make payments to each producer for his milk at the required prices. If a producer has given a cooperative association written authorization by contract or in any other form, to collect payments for him, and the association makes a written request for the payments due such producer, payment should be made by the handler to the cooperative. A provision authorizing handlers to make payment directly to such qualified cooperative for milk received from producer-members is necessary to enable the association to carry out its essential functions authorized by the enabling act. A cooperative association, if it is to carry out these essential functions, must have full authority in the collective bargaining and selling of member milk. It is provided that handlers should make payments to producers, or to cooperative associations, at not less than applicable price(s) on or before the 15th day after the end of each month. In making payments for producer milk to a cooperative association the handler will pay an amount equal to the sum of the individual payments otherwise payable to member producers, and should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amounts of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary in order that the cooperative association can make proper distribution of the money to the producer-members for whom it makes collections.

(3) *Producer butterfat differential.* The butterfat differential used in making payments to producers should be calculated at the average of the returns actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class differentials provided in the order. The producer butterfat differential in no way affects the handlers' costs of milk but merely prorates returns among producers according to the varying butterfat tests of their milk.

(4) *Producer-settlement fund.* Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be adjusted each month.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producer.

(e) *Other administrative provisions.* The remaining provisions are of a general administrative nature, are incidental to the other provisions of the proposed order, and are necessary for proper and efficient administration. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required. They also prescribe the length of time that records must be retained and provide a plan for the liquidation in the event of suspension or termination. They are similar to like provisions of other milk orders, and except as set forth below require no comment.

As his share of the expenses of administering this proposed order each handler should pay not in excess of 4 cents per hundredweight with respect to all producer milk received, all other source milk received at a pool plant which was classified as Class I milk, and as discussed elsewhere with respect to a nonpool plant. The market administrator must verify receipts and utilization of all such milk; therefore all such milk should be subject to the expenses of administration. Experience in other markets indicates that 4 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 4 cents per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

Provision should be made for the dissemination of market information to producers, for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. The order should provide that 5 cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producers for use of the market administrator in financing such services. For producers for whom a cooperative association is rendering such services, the handler should pay to the cooperative association such deductions as the producer has authorized the cooperative to collect. Such payments to be in lieu of those to the market administrator.

Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the market-wide pooling operation and the uniform price to producers. Handlers are also required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and net amount paid to the producer.

There are limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949, (14 F. R. 444) covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of the decision.

Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perfom each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the month and function: 5th working day—Announcement of class prices by market administrator.

5th working day—Submission of monthly report of receipts and utilization by handlers.

11th—Announcement of uniform prices by market administrator.

12th—Notification by market administrator to handlers of the value of their producer milk and amounts due to or payable from producer-settlement fund.

13th—Payment by handlers of amounts due to producer-settlement fund and for expenses of administration.

15th—Payments by handlers to producers and cooperative association and by market administrator out of producer-settlement fund.

It was proposed that a handler selling Class I milk in another Federally regulated market be charged the higher of the Battle Creek-Kalamazoo price or the Class I price in the other Federally regulated market for the Class I milk sold in the other area provided such a provision was effective in the other Federal order. None of the six nearby Federal milk orders have such a provision. Further, the alignment of prices with the two Federal order markets, from which handlers are distributing milk in the Battle Creek-Kalamazoo marketing area, is such that this provision is unnecessary. It is concluded a handler who operates a plant at which minimum prices to dairy farmers are established under another Federal order issued pursuant to the act and also sells Class I milk in the Battle Creek-Kalamazoo marketing area should be exempt from the provisions of this regulation, except for reporting the volume of Class I sales in the marketing area.

It is impracticable to regulate a handler under two separate orders with respect to the same milk. The determination under which order a handler should be regulated should be based on where the greater volume of Class I milk is sold.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the proposed order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its product; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to (a) all receipts of producer milk including such handler's own production, (b) all other source milk at a pool plant in excess of that priced under other Federal orders which is classified as Class I milk, and (c) the applicable amount specified in § 937.62 (a) (2) or (b) (2).

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the request to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Battle Creek-Kalamazoo, Michigan, Marketing Area", and "Order Regulating the Handling of Milk in the Battle Creek-Kalamazoo, Michigan, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Battle Creek-Kalamazoo, Michigan, marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of July 1957, is hereby determined to be the representative period for the conduct of such referendum.

H. E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is issued.

Issued at Washington, D. C., this 13th day of September 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order [1] Regulating the Handling of Milk in the Battle Creek-Kalamazoo, Michigan, Marketing Area

Sec.

937.0 Findings and determinations.

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§ 937.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Battle Creek-Kalamazoo, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified, in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this part, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to (a) all receipts of producer milk including such handler's own production, (b) all other source milk at a pool plant in excess of that priced under other Federal orders which is classified as Class I milk, and (c) the applicable amount specified in § 937.62 (a) (2) or (b) (2).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Battle Creek-Kalamazoo, Michigan, marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

DEFINITIONS

§ 937.1 *Act.* Act means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 937.2 *Secretary.* Secretary means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 937.3 *Department of Agriculture.* Department of Agriculture means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified herein.

§ 937.4 *Person.* Person means any individual, partnership, corporation, association, or any other business unit.

§ 937.5 *Cooperative association.* Cooperative association means any cooperative marketing association of producers, duly organized as such under the laws of any State, which the Secretary determines:

(a) Is qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act;

(b) Has full authority in the sale of milk of its members; and

(c) Is engaged in making collective sales or marketing milk or its products for its members.

§ 937.6 *Battle Creek-Kalamazoo, Michigan, marketing area.* Battle Creek-Kalamazoo, Michigan, marketing area hereinafter referred to as the marketing area, means all territory, including incorporated municipalities, within Calhoun and Kalamazoo Counties, Gun Plain and Otsego Townships in Allegan County, Union Township in Branch County and Bellevue Township in Eaton County, all in the State of Michigan.

§ 937.7 *Route.* Route means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk form to any milk processing plant.

§ 937.8 *Distributing plant.* Distributing plant means any plant at which fluid milk products conforming to the sanitation requirements of any duly constituted health authority having jurisdiction in the marketing area are processed and packaged and from which fluid milk products are disposed of on route(s) in the marketing area. Distributing plant shall not include a physically segregated and separately operated portion of the building and facilities in which no fluid milk products are processed and packaged, and from which no fluid milk products are moved to any plant from which routes are operated.

§ 937.9 *Supply plant.* Supply plant means a milk plant at which milk produced in conformity with the sanitation requirements for milk to be consumed as a fluid milk product of any duly constituted health authority having jurisdiction in the marketing area is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 937.10 *Pool plant.* Pool plant means:

(a) A distributing plant, other than that of a producer-handler or one described in §§ 937.61 or 937.63 (a) from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 25 percent or more of receipts from dairy farmers and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts of fluid milk products from dairy farmers and supply plants; or

(b) A supply plant from which during the month 50 percent or more of receipts from dairy farmers is moved to a plant described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of August through January immediately preceding shall continue to be a pool plant for each of the following months of February through July unless written request to the contrary is filed with the market administrator on or before the first day of such month.

§ 937.11 *Producer.* Producer means a person, other than a producer-handler, who produces milk in conformity with the sanitation requirements for milk to be consumed as a fluid milk product of a duly constituted health authority having jurisdiction in the marketing area, which milk is received directly from the farm at a pool plant or is diverted from such plant to a nonpool plant for the account of the handler operating it or of a cooperative association. Milk so diverted shall be deemed to have been received at a pool plant by the handler or cooperative association that caused it to be diverted. Producer shall not include any person with respect to milk which is received at a plant subject to the pricing provisions of another Federal marketing order, and exempted hereunder pursuant to § 937.63.

§ 937.12 *Handler.* Handler means:

(a) The operator of a pool plant(s) in his capacity as such;

(b) The operator of any nonpool distributing plant; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant.

§ 937.13 *Producer-handler.* Producer-handler means a dairy farmer who operates a distributing plant at which no milk or fluid milk products are received during the month except his own production or from pool plants.

§ 937.14 *Producer-milk.* Producer-milk means milk received at a pool plant directly from producers, or diverted to a nonpool plant pursuant to § 937.11.

§ 937.15 *Fluid milk product.* Fluid milk product means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, aerated cream and cream frozen and stored).

§ 937.16 *Other source milk.* Other source milk means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 937.17 *Chicago butter price.* Chicago butter price means the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 937.18 *Base milk.* Base milk means milk delivered by a producer each month which is not in excess of the base determined pursuant to § 937.80 multiplied by the number of days production for which milk is delivered during the month.

§ 937.19 *Excess milk.* Excess milk means milk delivered by a producer each month in excess of such producer's base milk.

MARKET ADMINISTRATOR

§ 937.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 937.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 937.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 937.94:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 937.95, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and upon request by the Secretary, surrender the same to such other persons as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 937.30 through 937.33 or payments pursuant to §§ 937.90 through 937.96;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by examination of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information;

(j) Calculate a base for each producer pursuant to § 937.80 and advise the producer and the handler receiving the milk of such base;

(k) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th working day of each month, the minimum class prices for the preceding month computed pursuant to §§ 937.51 and 937.52, and the handler and producer butterfat differentials computed pursuant to §§ 937.53 and 937.75; and

(2) On or before the 11th day of each month the applicable uniform price(s), the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 937.72, 937.73, and 937.74.

REPORTS, RECORDS AND FACILITIES

§ 937.30 *Reports of receipts and utilization.* On or before the 5th working day of each month each handler who operates a pool plant(s), each handler (other than a producer-handler or the operator of a plant exempt pursuant to § 937.61 or 937.63) who operates a nonpool distributing plant and any cooperative association with respect to milk for which it is a handler pursuant to § 937.12 (c) shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk, showing separately the aggregate quantities of base milk, excess milk, and milk to be paid for at the applicable uniform price, in lieu thereof, the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers qualified to become producers if such plant were a pool plant;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements with respect to:

(1) Disposition of fluid milk products on routes within the marketing area from plants described in §§ 937.62 and 937.63, and from other plants for which the market administrator requires such information as a basis for determination of status or obligations; and

(2) Inventories of fluid milk products on hand at the end of the month; and

(c) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 937.31 *Payroll reports.* (a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 937.12 (c) shall report his producer payroll for the preceding month which shall show for each producer:

(1) The pounds of base milk and of excess milk (or the total pounds paid for at the applicable uniform price);

(2) The average butterfat content thereof; and

(3) The date and net of amount of payment to such producer, or to a cooperative association for such producer's milk, with the prices, deductions and charges involved and the nature of each.

(b) Each handler (other than a producer-handler or one described in § 937.61 or § 937.63) operating a nonpool distributing plant shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 937.32 *Producer-handler reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 937.33 *Exempt handler reports.* Each handler exempt pursuant to § 937.61 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

§ 937.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization or disposition of all skim milk and butterfat received including all milk products received and disposed of in the same form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) Inventories of all dairy products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 937.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 937.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat required to be reported pursuant to § 937.30 shall be classified (separately as skim milk and butterfat), pursuant to § 937.41 through § 937.45.

§ 937.41 *Classes of utilization.* Subject to the conditions set forth in § 937.42 through § 937.44 the classes of utilization shall be as follows:

(a) Class I utilization shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section; and

(2) Not accounted for as Class II utilization;

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In cream frozen and stored;

(3) In skim milk authorized by the market administrator to be dumped or accounted for as disposed of for livestock feed;

(4) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts;

(5) In shrinkage of other source milk; and

(6) In inventories of fluid milk products on hand at the end of the month.

§ 937.42 *Shrinkage.* (a) If a handler operates more than one pool plant, shrinkage shall be computed with respect to the combined receipts and disposition of all such plants.

(b) If a handler has receipts of other source milk, shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and in other source milk.

(c) Receipts of producer milk to which the limits of § 937.41 (b) (4) apply shall exclude diversions to other plants (pool or nonpool) but shall include producer milk received at the plant by diversion from another pool plant.

§ 937.43 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 937.44 *Transfers.* Skim milk and butterfat transferred or diverted as fluid milk products in bulk form from a pool plant to:

(a) The pool plant of another handler shall be classified at the utilization indicated by the operators of both plants in their reports submitted pursuant to § 937.30, otherwise as Class I utilization, subject in either event to the following conditions:

(1) The receiving plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) To a nonpool plant operated by a producer-handler, or a handler exempt pursuant to § 937.61, shall be Class I utilization; and

(c) To a nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization unless the following conditions apply:

(1) The transferring handler claims Class II utilization on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II utilization; and

(3) Class I utilization in the nonpool plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply of inspected milk for such plant. If Class I utilization exceeds such receipts, the skim milk and butterfat transferred shall be Class I to the extent of such excess.

§ 937.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler pursuant to § 937.30 and compute the total pounds of skim milk and butterfat respectively, in Class I and Class II utilization at all pool plants of such handler.

§ 937.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage pursuant to § 937.41 (b) (4);

(b) Subtract from the total pounds of butterfat remaining in each class, in series beginning with Class II, the pounds of butterfat in other source milk; except as specified in paragraph (d) of this section;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II, the pounds of butterfat in inventory of fluid milk products on hand at the beginning of the month;

(d) Subtract from the pounds of butterfat remaining in Class I the pounds of buttterfat in other source milk received in consumer packages from a nonpool distributing plant described in § 937.62;

(e) Subtract from the pounds of butterfat remaining in each class, the pounds of butterfat received from other handlers in such class pursuant to § 937.41 and § 937.44 (a);

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with Class II.

§ 937.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to producer milk in a manner similar to that prescribed for butterfat in § 937.46.

§ 937.48 *Computation of total producer milk in each class.* The amounts computed pursuant to §§ 937.46 and 937.47 will be combined into one total for each class and the weighted average butterfat content of producer milk in each class determined.

MINIMUM PRICES

§ 937.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department of Agriculture.

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the Chicago butter price subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents and then multiply by 8.2.

(c) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Lansing Dairy Co., Grand Ledge, Mich.
Kraft Cheese Co., Clare, Mich.
Kraft Cheese Co., Pinconning, Mich.
Nestle Co., Ubly, Mich.

§ 937.51 *Class I milk price.* (a) The minimum price per hundredweight to be paid by each handler f. o. b. a pool plant in the marketing area, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization shall, for the 18-month period following the date this section is first effective, be the basic formula price plus $1.06 for the months of February through July, and plus $1.46 for all other months.

§ 937.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization shall be the average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Carnation Milk Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Michigan Cheese Co., Reed City, Mich.

§ 937.53 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent there shall be added to the price of milk for such class as computed pursuant to § 937.51 or 937.52, for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat con-

tent is below 3.5 percent, an amount equal to the Chicago butter price, multiplied by the applicable factor as follows:

(a) Class I milk—multiply by 0.125

(b) Class II milk—multiply by 0.113

§ 937.54 *Location adjustment to handlers.* For milk received from producers at a pool plant located more than 60 miles by shortest highway distance, as determined by the market administrator, from the City Hall in either Battle Creek or Kalamazoo, Michigan, whichever is nearer, and which is classified as Class I utilization, the prices computed pursuant to § 937.51 shall be reduced 10 cents if such distance is more than 60 but not more than 80 miles, and by an additional 1 cent for each 20 miles or fraction thereof that such distance exceeds 80 miles.

For the purpose of calculating such adjustment, transfers to a pool plant at which no location adjustment is applicable or at which the location adjustment is less than at the transferor plant, shall be assigned to Class I utilization in a volume not in excess of that by which 105 precent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant. Such assignment to transferor plants shall be made first to plants at which no adjustment is applicable and then in the sequence at which the lowest location adjustment would apply.

§ 937.55 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 937.60 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 937.32, 937.34 and 937.35.

§ 937.61 *Exempt handler.* A handler who operates a nonpool distributing plant located outside the marketing area from which an average of less than 150 points (one point being defined as one-half pint of cream or one quart of any other fluid milk product) of Class I milk per day is disposed of during the month in the marketing area on route(s), shall be exempt from all provisions of this part except §§ 937.33 through 937.35.

§ 937.62 *Obligations of handler operating a nonpool distributing plant.* In lieu of payments required pursuant to §§ 937.90 through 937.94, each handler, other than a producer-handler or one exempt pursuant to §§ 937.61 or 937.63, who operates during the month a nonpool distributing plant, shall pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 937.30, or if the receipts of fluid milk products from dairy farmers and from other plants operated by such handler are less than 95 percent of Class I utilization at such plant, his obligations shall be as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of expense of administration, the rate specified in § 937.94 with respect to Class I milk disposed of on routes in the marketing area.

(b) Except as the handler's obligation may be computed pursuant to paragraph (a) of this section, his obligation shall be computed as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, the amount specified in paragraph (a) (1) of this section, or any plus amount resulting from the following computation, whichever is less:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 937.70 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant; and

(ii) Deduct the gross payments made by the handler to dairy farmers for milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 937.31 (b), plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 937.94 had such plant been a pool plant.

(3) In any case in which receipts from dairy farmers at the nonpool distributing plant are less than 95 percent of Class I utilization, but combined receipts from dairy farmers and from other plants operated by the handler equal or exceed 95 percent of Class I utilization at such plant, there shall be combined for the purposes of the computations pursuant to subparagraphs (1) and (2) of this paragraph the receipts, utilization, and payments to dairy farmers at such nonpool distributing plant and at other plants operated by the handler from which fluid milk products were moved during the month to such nonpool distributing plant.

§ 937.63 *Plants subject to other Federal orders.* The handler operating a plant specified in paragraphs (a) or (b) of this section shall be exempt from all provisions of this order except §§ 937.30 (b) (1), 937.34 and 937.35.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless a greater volume of Class I milk is disposed of during the month on routes in the Battle Creek-Kalamazoo marketing area than in the marketing area defined in such other order;

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant during each of the preceding months of August through January.

DETERMINATION OF PRICES TO PRODUCERS

§ 937.70 *Computation of value of producer milk.* The value of producer milk received during the month by each handler at pool plants shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 937.48, by the applicable respective class prices (adjusted pursuant to §§ 937.53 and 937.54);

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 937.46 (g) and the corresponding step of § 937.47 by the applicable class price;

(c) Add the amount obtained through multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 937.46 (c) and the corresponding step of § 937.47; or

(2) The hundredweight of producer milk classified as Class II milk (except as shrinkage) for the preceding month.

§ 937.71 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of all producer milk at the marketing area, as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 937.70;

(b) Add, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtract if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 937.75 multiplied by 10;

(c) Add the total of the values of the applicable producer location adjustments pursuant to § 937.76; and

(d) Add not less than one-half of the unobligated balance in the producer-equalization fund.

§ 937.72 *Uniform price(s).* For each month the uniform price(s) per hundredweight for milk containing 3.5 percent butterfat received from producers at pool plants (before location adjustments) shall be computed as follows:

(a) Divide the amount computed pursuant to § 937.71 by the hundredweight of milk received from all producers;

(b) Subtract not less than 6 cents nor more than 7 cents; the result is the "market average uniform price".

(c) For purposes of payments to producers described in § 937.80 (d) and (e) an "adjusted uniform price" shall be computed by subtracting from the "market average uniform price" the applicable

percentage specified below of the difference between such "market average uniform price" and the excess milk price and rounding to the nearest cent:

	Percent
January, February, and March	30
April, May, and June	50
July	15
All other months	5

§ 937.73 *Excess milk price.* For each month the price for excess milk containing 3.5 percent butterfat shall be computed as follows:

(a) Multiply the hundredweight of excess milk not in excess of the total quantity of Class II milk represented by the values included in § 937.71 (a) by the price for 3.5 percent Class II utilization pursuant to § 937.52;

(b) Multiply the hundredweight of any excess milk not included in the computation described in paragraph (a) of this section by the price for 3.5 percent Class I utilization pursuant to § 937.51; and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the hundredweight of excess milk and round to the nearest cent.

§ 937.74 *Base milk price.* For each month the price for base milk containing 3.5 percent butterfat received from producers at pool plants (before location adjustments) shall be computed as follows:

(a) Multiply the total pounds of excess milk by the excess milk price for the month;

(b) Multiply the total amount of milk to be paid for at the adjusted uniform price by the adjusted uniform price pursuant to § 937.72 (c);

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 937.71;

(d) Divide the resultant value by the total hundredweight of base milk; and

(e) Subtract not less than 6 cents nor more than 7 cents.

§ 937.75 *Producer butterfat differential.* In making payments pursuant to § 937.90, the applicable uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 935.53 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest tenth cent.

§ 937.76 *Location adjustment to producers.* In making payments to producers and cooperative associations, a handler may deduct, with respect to base milk and milk to be paid for at a uniform price received from the producers at a pool plant located more than 60 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Battle Creek or Kalamazoo, Michigan, whichever is nearer, the amount per hundredweight applicable to the plant as set forth in § 937.54.

§ 937.77 *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(c) The totals of the minimum amounts to be paid by such handler pursuant to §§ 937.90, 937.92, 937.94 and 937.95.

BASE RULES

§ 937.80 *Determination of base.* (a) Subject to the exceptions provided in paragraphs (b) and (e) of this section a producer who delivered milk of at least 122 days production during the period August 1 through December 31, inclusive, shall have a base computed by the market administrator, to be applicable for the 12-month period beginning the following February 1, equal to the total pounds of milk received from such producer at all pool plants during such months divided by the number of days for which milk was delivered;

(b) A producer who had a base before August 1, and whose average of daily deliveries computed pursuant to paragraph (a) of this section is less than such base, shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries;

(c) A producer delivering milk of less than 122 days production during the August 1–December 31 period may by written request filed with the market administrator prior to January 15, have a base computed by dividing by 122 the total pounds of milk delivered to pool plants during such period;

(d) A producer who has no base shall be paid until February 1 following the August–December period within which he establishes a base pursuant to paragraph (a) of this section at the applicable adjusted uniform price determined pursuant to § 937.72 (c);

(e) A producer with a base, by notifying the market administrator that he relinquishes such base, may be paid pursuant to paragraph (d) of this section, beginning with the first day of the month following that in which such notification is received by the market administrator;

(f) When a plant first becomes a pool plant pursuant to § 937.10 bases for producers delivering to such plant may be established on deliveries of milk for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator; and

(g) From the effective date of this part through January 31, 1958, all milk delivered by producers shall be paid for at the market average uniform price pursuant to § 937.72 (b). Deliveries of milk from August 1, 1957, to the effective date of this part certified by submission of delivery receipts or other evidence satisfactory to the market administrator will be used in computation of bases effective for the 12-month period beginning February 1, 1958.

§ 937.81 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of the immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base without loss for twelve months.

PAYMENT FOR MILK

§ 937.90 *Time and method of payment.* (a) Except as provided in paragraph (b) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer: not less than the applicable uniform price as provided in § 937.80 (d), (e) or (g), or the base price for base milk and the excess price for excess milk, adjusted by the butterfat and location differentials pursuant to § 937.75 and § 937.76, less (1) applicable deductions for marketing services pursuant to § 937.95 (a), and (2) proper deductions authorized in writing by such producer.

If by such date such handler has not received full payment for such month pursuant to § 937.93 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall (i) pay to the cooperative association on or before the 15th day of each month, in lieu of payments pursuant to paragraph (a) of this section

an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer, and (ii) submit to the cooperative association on or before the 10th day of each month written information which shows for each such member-producer (*a*) the total pounds of base, excess and all milk received from him during the preceding month, (*b*) the average butterfat content of such milk, (c) the number of days for which milk was received, and (*d*) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 937.91 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the producer-equalization fund into which he shall deposit all payments received pursuant to §§ 937.62 and 937.92 (including any adjustments thereto pursuant to § 937.96) and out of which he shall make all payments pursuant to § 937.93 (including any adjustments thereto pursuant to § 937.96).

§ 937.92 *Payments to the producer-equalization fund.* (a) On or before the 13th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 937.70 shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 937.90.

(b) On or before the 25th day after the end of each month each handler who is required to make payment pursuant to § 937.62 shall pay such amount to the market administrator.

§ 937.93 *Payments out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 937.70 is less than the total minimum amount required to be paid by him pursuant to § 937.90, less any unpaid obligations of such handler to the market administrator pursuant to § 937.92: *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 937.94 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 13th day after the end of the month for such month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to (a) all receipts of producer milk including such handler's own production, (b) all other source milk at a pool plant in excess of that priced under other Federal orders which is classified as Class I milk, and (c) the applicable amount specified in § 937.62 (a) (2) or (b) (2).

§ 937.95 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 937.90 for milk received from each producer, at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, with respect to all such milk received during the month, and on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such monies shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 937.90 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services.

ADJUSTMENT OF ACCOUNTS

§ 937.96 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made for any reason, which result in monies due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator; or

(c) To any producer or cooperative association from such handler, the market administrator shall notify such handler promptly of any such amount due; and payment thereof shall be made on or before the next date, following the 5th day after such notice, for making payment set forth in the provision under which such error occurred.

§ 937.97 *Overdue accounts.* Any unpaid obligations of a handler or of the market administrator pursuant to §§ 937.92 through 937.96 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 937.98 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) or (c) of this section, terminate two years after the last day of the month during which the market administartor receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books or records required by this subpart to be made available, the market administrator, may within a two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year perod with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files pursuant to section 8 (c) (15) (a) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 937.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 937.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 937.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 937.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 937.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 937.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-7681; Filed, Sept. 18, 1957; 8:51 a. m.]

Agricultural Research Service

[9 CFR Part 17]

LABELING

PROPOSED AMENDMENTS OF MEAT INSPECTION REGULATIONS

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U. S. C. 71–96) and section 306 (b) of the Tariff Act of 1930 (19 U. S. C. 1306 (b)), it is proposed to amend § 17.8 of the Meat Inspection Regulations (9 CFR 17.8 as amended) as follows:

1. Paragraph 17.8 (c) would be amended by adding a new subparagraph to read:

(57) When moist heat is used in preparing barbecued meat, a prominent statement indicating that fact shall be shown as part of the name of product, as for example, "Steam Cooked Barbecued Beef". Barbecued meats prepared with dry heat may be labeled to indicate the method of cooking, as for example, "Pit Cooked", "Grill Cooked" or "Oven Cooked", as the case may be. Barbecued meats shall be prepared so that the weight of the cooked meat shall not exceed 70 percent by weight of the fresh uncooked meat. When a sauce is added to the barbecued meat, the product shall be labeled in accordance with the provisions contained in subparagraph (48) of this paragraph.

A request has been received to use the term "Bar-B-Q Beef" in connection with labeling material for beef that has been cooked by moist heat rather than by dry heat. In addition to cooking by moist heat, the process involves dipping the product into a highly seasoned sauce after which it is smoked, sliced, chilled and packaged.

The petitioner contends that the modern concept of the terms "Bar-B-Q", "Barbecue" and "Barbecued" refers to the application of highly seasoned sauce to the meat rather than to the method of cooking. Information furnished by the petitioner, as well as that gleaned from well known cook books and home economists, indicates that two types of barbecued meats are recognized. One type is prepared with dry heat which includes cooking the meat in a pit in close contact with burning wood or the hot coals resulting from the burning wood; cooking it on a grill in close contact with hot coals; or cooking it in an oven or similar device in close contact with radiant heat. The other type is prepared with moist heat and includes cooking the product with a highly seasoned sauce in a skillet, pan or other receptacle. The moist cooked product may also be subjected to a smoking process.

The purpose of the proposed amendment is to establish a minimum meat content of product labeled "Barbecued" and to prescribe labeling requirements as to the type of cooking and ingredients used in preparing the barbecued product.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspector Division, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C. within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C. this 13th day of September 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-7683; Filed, Sept. 18, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1957 Dept. Circ. 994]

4 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C–1958

OFFERING OF CERTIFICATES

SEPTEMBER 16, 1957.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated 4 percent Treasury Certificates of Indebtedness of Series C–1958. The amount of the offering under this circular is $750,000,000, or thereabouts. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these certificates to Government Investment Accounts. The books will be open only on September 16, 1957, for the receipt of subscriptions for this issue.

II. *Description of certificates.* 1. The certificates now offered will be an addition to and will form a part of the 4 percent Treasury Certificates of Indebtedness of Series C–1958 issued pursuant to Department Circular No. 991, dated July 22, 1957, will be freely interchangeable therewith, are identical in all respects therewith, and are described in the following quotation from Department Circular No. 991:

1. The certificates will be dated August 1, 1957, and will bear interest from that date at the rate of 4 percent per annum, payable semiannually on February 1 and August 1,

1958. They will mature August 1, 1958. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding 50 percent of the combined capital, surplus and undivided profits, of the subscribing bank. Subscriptions from all others must be accompanied by payment of 2 percent of the amount of certificates applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of certificates allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest from August 1, 1957, to September 26, 1957 ($6.08696 per $1,000) for certificates allotted hereunder must be made or completed on or before September 26, 1957, or on later allotment. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of certificates allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for certificates allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 57-7688; Filed, Sept. 18, 1957; 8:51 a. m.]

[1957 Dept. Circ. 995]

4 PERCENT TREASURY NOTES OF SERIES B-1962

OFFERING OF NOTES

SEPTEMBER 16, 1957.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the United States, designated 4 percent Treasury Notes of Series B-1962. The amount of the offering under this circular is $1,750,000,000, or thereabouts. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these notes to Government Investment Accounts. The books will be open only on September 16 for the receipt of subscriptions for this issue.

II. *Description of notes.* 1. The notes will be dated September 26, 1957, and will bear interest from that date at the rate of 4 percent per annum, payable on a semiannual basis on February 15, and August 15, 1958, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1962, and will not be subject to call for redemption prior to maturity. However, they will be redeemable at the option of the holders on February 15, 1960, at par and accrued interest, if notice in writing of intention to redeem on that date is given to the Office of the Treasurer of the United States or to any Federal Reserve Bank or Branch on or before November 16, 1959, and the notes are temporarily surrendered to the office to which notice is given for the purpose of having an appropriate stamp placed on them to indicate that they will be redeemed on February 15, 1960, and for detaching coupons dated subsequent to that date.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding 50 percent of the combined capital, surplus and undivided profits, of the subscribing bank. Subscriptions from all others must be accompanied by payment of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no benefical interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before September 26, 1957, or on later allotment. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for notes alloted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 57-7689; Filed, Sept. 18, 1957; 8:52 a. m.]

[1957 Dept. Circ. 996]

4 PERCENT TREASURY BONDS OF 1969

OFFERING OF BONDS

SEPTEMBER 16, 1957.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 4 percent Treasury Bonds of 1969. The amount of the offering under this circular is $500,000,000, or thereabouts. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these bonds to Government Investment Accounts. The books will be open only on September 16, 1957, for the receipt of subscriptions for this issue.

II. *Description of bonds.* 1. The bonds will be dated October 1, 1957, and will bear interest from that date at the rate of 4 percent per annum, payable semiannually on April 1 and October 1 in each year until the principal amount becomes payable. They will mature October 1, 1969, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment: [1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at ---------- for credit on Federal estate taxes due from estate of ----------." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date; [2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and sworn to, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding 50 percent of the combined capital, surplus and undivided profits, of the subscribing bank. Subscriptions from all others must be accompanied by payment of 2 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of bonds allotted may be released upon the request of the subscribers.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before October 1, 1957, or on later allotment; provided, however, that payment for not more than 50 percent of the bonds allotted may be deferred until not later than October 21, 1957. All payments made subsequent to October 1, 1957, must be accompanied by accrued interest from that date at the rate of $0.11 per $1,000 per day. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of their respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds,

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in each half year.

[2] The transfer books are closed from March 2 to April 1, and from September 2 to October 1 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D. C.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 57-7690; Filed, Sept. 18, 1957; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order 32]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDED

Effective on date of this publication, paragraph 9 of Classification Order No. 32 dated May 18, 1949 is amended to include the following paragraph:

9. All tracts on which leases terminate will be leased for a period of three years at a rental of $37.50 for the entire lease period in advance of the issuance of the lease. All leases issued on these tracts will contain an option to purchase at the appraised value of $250.00 per tract providing improvements are constructed during the period of their leases. These improvements must conform with health, sanitation and construction requirements of applicable ordinances and must, in addition, meet the following standards: The home must be suitable for year-round use on a permanent foundation and with a minimum of 500 square feet of floor space.

A. L. SIMPSON,
Acting State Supervisor.

SEPTEMBER 12, 1957.

[F. R. Doc. 57-7660; Filed, Sept. 18, 1957; 8:46 a. m.]

[Classification Order 39]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDED

Effective on date of this publication, paragraph 9 of Classification Order No. 39 dated June 15, 1949 is amended to include the following paragraph:

9. All tracts on which leases terminate will be leased for a period of three years at a rental of $37.50 for the entire lease period in advance of the issuance of the lease. All leases issued on these tracts will contain an option to purchase at the appraised value of $250.00 per tract providing improvements are constructed during the period of their leases. These improvements must conform with health, sanitation and construction requirements of applicable ordinances and must, in addition, meet the following standards: The home must be suitable for year-round use on a permanent foundation and with a minimum of 500 square feet of floor space.

A. L. SIMPSON,
Acting State Supervisor.

SEPTEMBER 12, 1957.

[F. R. Doc. 57-7661; Filed, Sept. 18, 1957; 8:46 a. m.]

[Classification Order 69]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDED

Effective on date of this publication, paragraph 9 of Classification Order No. 69 dated March 9, 1951 is amended to include the following paragraph:

9. All tracts on which leases terminate will be leased for a period of three years at a rental of $37.50 for the entire lease period in advance of the issuance of the lease. All leases issued on these tracts will contain an option to purchase at the appraised value of $250.00 per tract providing improvements are constructed during the period of their leases. These improvements must conform with health, sanitation and construction requirements of applicable ordinances and must, in addition, meet the following standards: The home must be suitable for year-round use on a permanent foundation and with a minimum of 500 square feet of floor space.

A. L. SIMPSON,
Acting State Supervisor.

SEPTEMBER 12, 1957.

[F. R. Doc. 57-7662; Filed, Sept. 18, 1957; 8:46 a. m.]

[Classification Order 88]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDED

Effective on date of this publication, paragraph 8 of Classification Order No. 88 dated July 25, 1952 is amended to include the following paragraph:

8. All tracts on which leases terminate will be leased for a period of three years at a rental of $30.00 for the entire lease period in advance of the issuance of the lease. All leases issued on these tracts will contain an option to purchase at the appraised value of $100.00 per tract providing improvements are constructed during the period of their leases. These improvements must conform with health, sanitation and construction requirements of applicable ordinances and must, in addition, meet the following standards: The home must be suitable for year-round use on a permanent foundation and with a minimum of 500 square feet of floor space.

A. L. SIMPSON,
Acting State Supervisor.

SEPTEMBER 12, 1957.

[F. R. Doc. 57-7663; Filed, Sept. 18, 1957; 8:46 a. m.]

[Classification Order 90]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDED

Effective on date of this publication Small Tract Classification Order No. 90, dated May 7, 1953, is hereby revoked to the following described land, which is to be reclassified under the Recreation and Public Purposes Act for the benefit of the Nevada State Forester Fire Warden.

MOUNT DIABLO MERIDIAN

T. 18 N., R. 19 E.,
Sec. 25, W½SW¼SW¼SW¼;
Sec. 36, N½NW¼NW¼NW¼.

Effective on date of this publication, paragraph 8 of Classification Order No. 90 is amended to include the following paragraph:

8. All tracts on which leases terminate will be leased for a period of three years at a rental of $37.50 for the entire lease period in advance of the issuance of the lease. All leases issued on these tracts will contain an option to purchase at the appraised value of $250.00 per tract providing improvements are constructed during the period of their leases. These improvements must conform with health, sanitation and construction requirements of applicable ordinances and must, in addition, meet the following standards: The home must be suitable for year-round use on a permanent foundation and with a minimum of 500 square feet of floor space.

A. L. SIMPSON,
Acting State Supervisor.

SEPTEMBER 12, 1957.

[F. R. Doc. 57-7664; Filed, Sept. 18, 1957; 8:47 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 12, 1957.

The Forest Service, United States Department of Agriculture, has filed an application, Sacramento Serial No. 048-741, for the withdrawal of the lands described below, from all forms of appropriation and location, including the general mining laws, subject to valid existing rights, except that they shall be subject to leasing under the mineral leasing laws for their oil and gas deposits, providing that no part of the surface of the lands shall be used in connection with prospecting, mining, and removal of the oil and gas.

The applicant desires the land for the purpose of maintaining public service areas, including campgrounds, picnic areas and other developments within the Sierra National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, 8th Floor, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate copy will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

NELDER GROVE RECREATION AREA

T. 6 S., R. 22 E.,
Sec. 4, W½SW¼;
Sec. 5, W½, SE¼;
Sec. 6, E½, E½E½W½;
Sec. 8, N½.

HUNTINGTON LAKE RECREATION AREA

T. 8 S., R. 25 E.,
Sec. 1, S½SW¼, SE¼;
Sec. 10, S½S½;
Sec. 11, S½N½, S½;
Sec. 12, All;
Sec. 13, All;
Sec. 14, NW¼NE¼, S½NE¼, NE¼NW¼, W½NW¼, SE¼NE¼NW¼SW¼, N½NE¼NW¼SW¼, NW¼NW¼SW¼, SW¼SE¼NW¼SW¼, E½SE¼NW¼SW¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 15, NE¼NE¼, W½NE¼, N½SE¼NE¼, N½S½SE¼NE¼, NW¼, W½NE¼NW¼SW¼, W½NW¼SW¼, S½SW¼, N½NE¼SE¼, SW¼NE¼SE¼, N½SE¼NE¼SE¼, SW¼SE¼NE¼SE¼, SW¼SE¼, SE¼NE¼SE¼SE¼, NW¼SE¼SE¼, N½SW¼SE¼SE¼, SW¼SW¼SE¼SE¼, E½SE¼SE¼SE¼;
Sec. 16, N½SW¼, N½SE¼, N½NW¼SW¼SE¼, SW¼NW¼SW¼SE¼, SE¼SW¼SE¼, S½SE¼SW¼SE¼, E½SE¼SE¼, E½NW¼SE¼SE¼, NE¼SW¼SE¼SE¼, S½SW¼SE¼SE¼;
Sec. 21, E½NE¼;
Sec. 22, NE¼, W½W½NE¼NW¼, NW¼NW¼, S½NW¼.
T. 8 S., R. 26 E.,
Sec. 5, S½;
Sec. 6, SW¼, W½SE¼, NE¼SE¼;
Sec. 7, All;
Sec. 8, All;
Sec. 17, All;
Sec. 18, All;
Sec. 19, N½;
Sec. 20, N½.

Within the above-described area 9,200 acres of public land in the Sierra National Forest.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-7665; Filed, Sept. 18, 1957; 8:47 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 12, 1957.

The United States Department of Agriculture, has filed an application, Serial No. Sacramento 047313 for the withdrawal of the lands described below from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 801, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate copy will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

ADMINISTRATIVE SITES

Dumont:
T. 8 N., R. 21 E.,
Sec. 27, SE¼.
Henan Lake:
T. 9 N., R. 21 E.,
Sec. 4, NE¼SE¼.
Wheeler Creek:
T. 6 N., R. 23 E.,
Sec. 22, SE¼SE¼;
Sec. 23, SW¼SW¼, N½SW¼.

FOREST CAMP

Hope Valley:
T. 10 N., R. 19 E.,
Sec. 7, NE¼NE¼, S½NE¼.
Crystal Springs:
T. 10 N., R. 19 E.,
Sec. 1, Lot 15, Lot 16, W½ of Lot 14;
Sec. 2, Lot 3, Lot 14.
T. 11 N., R. 19 E.,
Sec. 33, SE¼SE¼.
Kit Carson:
T. 11 N., R. 19 E.,
Sec. 31, SW¼NW¼ (Lot 2), SE¼NW¼, SW¼NE¼.
Snowshoe Springs:
T. 11 N., R. 19 E.,
Sec. 31, NE¼NE¼, E½NW¼NE¼;
Sec. 32, NW¼NW¼.
Chris Flat:
T. 6 N., R. 23 E.,
Sec. 4, W½ of Lot 1, Lot 2, SW¼NE¼, W½SE¼NE¼.
Mountain Glen (Sonora Bridge):
T. 6 N., R. 23 E.,
Sec. 17, SW¼, SW¼NW¼;
Sec. 18, SE¼NE¼.
Honeymoon Flat:
T. 4 N., R. 24 E.,
Sec. 15, S½SW¼;
Sec. 22, NE¼NW¼.
Robinson Creek:
T. 4 N., R. 24 E.,
Sec. 22, SW¼SW¼;
Sec. 27, W½NW¼.
Huntoon:
T. 5 N., R. 24 E.,
Sec. 14, SW¼SW¼;
Sec. 15, S½SE¼.

RECREATION AREAS

Shay Creek:
T. 10 N., R. 19 E.,
Sec. 24, SE¼NE¼, E½SE¼, SW¼SE¼.
Buckeye Hot Springs:
T. 4 N., R. 24 E.,
Sec. 4, Lot 1, SE¼NE¼.
Virginia Lakes:
T. 2 N., R. 25 E.,
Sec. 6, S½SW¼SE¼;
Sec. 7, W½NE¼, N½NW¼SE¼, S½SE¼NW¼, N½NE¼SW¼, SW¼NW¼, NW¼SW¼, N½SW¼SW¼.

The areas described total 2,160.68 acres in Toiyabe National Forest.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-7666; Filed, Sept. 18, 1957; 8:47 a. m.]

[Nevada 045108]

NEVADA

AIR NAVIGATION SITE WITHDRAWAL

SEPTEMBER 10, 1957.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 214) and pursuant to authority delegated by Order Number 541 of the Director, Bureau of Land Management, approved April 24, 1954, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including mining and mineral leasing laws and reserved under jurisdiction of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air navigation facilities:

MOUNT DIABLO MERIDIAN, NEVADA

T. 13 S., R. 47 E.,
Sec. 17, SE¼NW¼SW¼, S½NE¼SW¼, SW¼NW¼SE¼, W½SW¼SE¼, SE¼SW¼, E½SW¼SW¼;
Sec. 20, NE¼NW¼NW¼, N½NE¼NW¼, NW¼NW¼NE¼.

The area described contains 160 acres.

This withdrawal shall take precedence over but, not otherwise affect the department order of November 3, 1936 establishing Nevada Grazing Districts Numbers 1 and 5, so far as such orders affect any of the above described lands.

JAMES E. KEOGH, Jr.,
Manager, Land Office.

[F. R. Doc. 57-7667; Filed, Sept. 18, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGARCANE PRICES IN PUERTO RICO AND WAGES AND PRICES IN THE VIRGIN ISLANDS AND DESIGNATION OF PRESIDING OFFICERS

NOTICE OF HEARING

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Conference Room of the Agricultural Stabilization and Conservation Office, Segarra Building, on October 10, 1957, at 9:30 a. m.;

At Christiansted, St. Croix, Virgin Islands, in the District Court Room at the Government House, on October 15, 1957, at 9:30 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1958 on farms with respect to which applications for payments under the said act are made, and (2) pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1957-58 Puerto Rican crop of sugarcane and the 1958 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process

sugarcane grown by other producers and who apply for payments under the said act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to wages and prices. While testimony on all pertinent points is desired, it is especially reqested that witnesses be prepared to offer information and recommendations on the following matters with respect to prices in Puerto Rico:

1. The provisions of the 1956–57 crop determination relating to trash and other extraneous material delivered with sugarcane and the proper methods for determining the quantities of trash and other extraneous material delivered with sugarcane.

2. Any needed changes in the sugar recovery formula which would more accurately reflect the proper distribution of sugar recovered between producers and processors when clean cane and trashy cane are ground concurrently.

3. Admissible selling and delivery expenses on raw sugar with particular emphasis on those expenses relating to the bulk handling of raw sugar.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Thomas H. Allen, Ward S. Stevenson, Charles F. Denny, and G. Laguardia are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 13th day of September 1957.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division.

[F. R. Doc. 57–7703; Filed, Sept. 18, 1957; 8:55 a. m.]

Office of the Secretary

ARKANSAS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Clay,	Johnson.
Cleburne.	Lafayette.
Conway.	Lincoln.
Craighead.	Little River.
Crawford.	Logan.
Cross.	Miller.
Faulkner.	Mississippi.
Franklin.	Perry.
Greene.	Poinsett.
Independence.	Pope.
Pulaski.	White.
Sebastian.	Yell.
Van Buren.	

Pursuant to the authority set forth above, production emergency loan will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 16th day of September, 1957.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 57–7704; Filed, Sept. 18, 1957; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 99]

GAMBARO CORPORATION CONSTRUCTION CO. ET AL.

ORDER CONDITIONALLY TERMINATING ORDER OF DENIAL OF EXPORT PRIVILEGES

In the matter of Gambaro Corporation Construction Company, Hans Gambaro, Johann Gambaro, Lucerne, Switzerland, Respondents, Case No. 99.

An order heretofore, on the 20th day of April 1951, having been entered by the Office of International Trade (now the Bureau of Foreign Commerce) of the United States Department of Commerce (16 F. R. 3670, April 28, 1951) whereby all privileges of participating in any manner in exportations from the United States were denied to Gambaro Corporation Construction Company, Hans Gambaro, Johann Gambaro, and any person, firm, corporation or other business organization with which they might be related, as more particularly set forth in the said order; and

The said respondents having applied for a termination of said order and having submitted evidence in support thereof; and

The said application and supporting evidence having been referred to the Compliance Commissioner, who has reviewed the same, received other evidence in relation thereto, and recommended that it be granted;

Now, after careful consideration of the application, all evidence submitted in support thereof, other evidence independently obtained, the entire record prior to and since the entry of the said order, and the recommendation of the Compliance Commissioner, it is concluded that the public interest and effective enforcement of the Export Control Act of 1949, as amended, subject to the condition hereinafter provided, do not require that the said order be continued in effect: *And it is therefore ordered*, That Decretal Parts (1), (2), and (3) of the said order of April 20, 1951 (16 F. R. 3670, April 28, 1951), be and the same hereby are terminated upon the condition proposed in the declaration duly signed and acknowledged by each of the respondents on the third day of July 1957, this termination to remain in effect until such time as and if a further order is made herein revoking this termination and reviving the said decretal parts of the order of April 20, 1951.

Dated: September 13, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57–7677; Filed, Sept. 18, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anniston Sportswear Corp., 919 West Ninth Street, Anniston, Ala.; effective 9–10–57 to 9–9–58 (men's dress trousers).

Berwick Shirt Co., 10th and Pine Streets, Berwick, Pa.; effective 9–6–57 to 9–5–58 (sport shirts).

Blue Bell, Inc., Ripley, Miss.; effective 9–25–57 to 9–24–58 (work shirts).

Culler & Oblander, Inc., North, S. C.; effective 9–9–57 to 9–8–58 (children's playwear).

M. Fine & Sons Manufacturing Co., Inc., 15th and Main Streets, New Albany, Ind.; effective 9–4–57 to 9–3–58 (cotton and wool shirts and jackets, work pants).

M. Fine & Sons Manufacturing Co., Inc., Paducah, Ky.; effective 9–12–57 to 9–11–58 (work and sport shirts).

Greenwood Shirt Co., Inc., 145 Maxwell Avenue., Greenwood, S. C.; effective 9–6–57 to 9–5–58 (sport shirts).

Harde Manufacturing Co., Inc., 201 South Dillard Street, Blackstone, Va.; effective 9–26–57 to 9–25–58 (boys' zipper jackets and boys' pants).

Kayler Manufacturing, Inc., 822 Anderson Street, New Kensington, Pa.; effective 9–16–57 to 9–15–58 (blouses).

Meridian Manufacturing Co., Inc., 2315 Front Street, Meridian Miss.; effective 9–3–57 to 9–2–58 (men's bathrobes).

Sized-To-Height Corp., Inc., 560 Harrison Avenue., Boston, Mass.; effective 9–9–57 to 9–8–58 (dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Arizona Garments, Inc., 19–21 East Buchanan Street., Phoenix, Ariz.; effective 9–6–57 to 9–5–58; five learners (boys' pants).

Blue Bell, Inc., Ada, Okla.; effective 9–9–57 to 9–8–58; 10 learners (men's and boys' dungarees).

Exeter Blouse Co., 54 Tunkhannock Avenue, Exeter, Pa., effective 9–6–57 to 9–5–58; five learners (ladies' blouses).

Morris Sportswear Co., 219 Arch Street, Nanticoke, Pa.; effective 9–18–57 to 9–17–58; five learners (ladies sportswear).

Vallejo Sportswear, Inc., 133 Ryder Street, Vallejo, Calif.; effective 9–9–57 to 9–8–58; six learners (men's sport shirts and jackets).

The Vanity Silk Underwear Co., Inc., 208 St. Clair Avenue, West, Cleveland, Ohio; effective 9–18–57 to 9–17–58; three learners (formal dresses and petticoats).

The following learner certificate was issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Ada, Okla.; effective 9–9–57 to 3–8–58; 50 learners (men's and boys' dungarees).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

General Cigar Co., Inc., White Owl Avenue and Robert Burns Drive, Mahanoy City, Pa.; effective 9–14–57 to 9–13–58; 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of hand stripping and machine stripping, each for a learning period of 160 hours at the rate of 80 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Monte Glove Co., Inc., Maben, Miss.; effective 10–1–57 to 9–30–58; 10 learners for normal labor turnover purposes (work gloves).

Portage Hosiery Co., Portage, Wis.; effective 9–5–57 to 9–4–58; five learners for normal labor turnover purposes (mittens).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Alba Hosiery Mills, Inc., Valdese, N. C.; effective 9–5–57 to 9–4–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full fashioned).

Davenport Hosiery Mills, Inc., Ellijay Plant, Ellijay, Ga.; effective 9–5–57 to 3–4–58; 50 learners for plant expansion purposes (seamless).

Davenport Hosiery Mills, Inc., Ellijay Plant, Ellijay, Ga.; effective 9–5–57 to 9–4–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ft. Payne Manufacturing Co., Inc., North Grand Avenue, Fort Payne, Ala.; effective 9–9–57 to 9–8–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wm. G. Leininger Knitting Co., Lyons Station, Pa.; effective 9–9–57 to 9–8–58; five learners for normal labor turnover purposes (seamless).

Portage Hosiery Co., Portage, Wis.; effective 9–5–57 to 9–4–58; 5 percent of the total number of factory production workers engaged in the manufacture of hosiery products for normal labor turnover purposes (seamless).

Van Raalte Co., Inc., Blue Ridge, Ga.; effective 9–1–57 to 2–28–58; 15 learners for plant expansion purposes (seamless).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Alco Ranch Washable Footwear Co., 324 South Chadbourne St., San Angelo, Tex.; effective 9–9–57 to 3–8–58; 25 learners for plant expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

S and M Manufacturing Co., 634–642 South Main Street, Greenville, S. C.; effective 9–9–57 to 3–8–58; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rate of 85 cents an hour (crib and youth sheets).

Michaels Stern and Co., 204 Liberty Street, Penn Yan, N. Y.; effective 9–9–57 to 3–1–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (replacement certificate) (men's suit coats and sport coats).

Timely Clothes, Inc., 1415 North Clinton Avenue, Rochester, N. Y.; effective 9–17–57 to 3–16–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, outercoats, and slacks).

Timely Clothes, Inc., 65 Sullivan Street, Rochester, N. Y.; effective 9–17–57 to 3–16–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents and hour for the remaining 200 hours (men's suits, outercoats, and slacks).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

General Electric Wiring Devices, Inc., Km. 67.2 Ponce-Juana Diaz Road, Juana Diaz, P. R.; effective 8–19–57 to 2–18–58; authorizing the employment of 106 learners for plant expansion purposes, in the occupation of molders-assemblers for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 75 cents an hour for the remaining 240 hours (electrical wiring devices).

High Fidelity, Inc. Mirasol Street, Ponce Playa, P. R.; effective 8–6–57 to 2–5–58; authorizing the employment of 36 learners for plant expansion purposes, in the occupations of: (1) press operators for a learning period of 320 hours at the rates of 60 cents an hour for the first 160 hours and 70 cents an hour for the remaining 160 hours; (2) blenders, spreaders, and quality inspectors, each for a learning period of 160 hours at the rate of 60 cents an hour; and (3) stampers maintenance for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (phonograph records).

International Molded Plastics of Puerto Rico, Inc., Loiza Street Station, Santurce, P. R.; effective 8–14–57 to 2–13–58; authorizing the employment of 14 learners for plant expansion purposes, in the occupations of: (1) performers, molders, buffers, and sanders, for a learning period of 200 hours; and (2) inspectors for a learning period of 160 hours. Each occupation shall be paid for at the rate of 60 cents an hour (plastic dinnerware).

Overseas Sports Co., Inc., Mayaguez, P. R.; effective 8–15–57 to 2–14–58; authorizing the employment of 50 learners for plant expansion purposes, in the occupation of hand-sewing of baseballs and softballs for a learning period of 320 hours at the rates of 40 cents an hour for the first 160 hours and 45 cents an hour for the remaining 160 hours (baseballs and softballs).

Puerto Rico Automatics, Inc., Guaynabo, P. R.; effective 8–12–57 to 2–11–58; authorizing the employment of 8 learners for plant expansion purposes, in the occupation of automatic screw machine operators for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (automatic screw machine products).

Rio Manufacturing Corp., State Road 838, Rio Piedras, P. R.; effective 8–6–57 to 1–31–58; authorizing the employment of 8 learners for normal labor turnover purposes, in the occupations of grinders, crimpers, spotters, silver welders, and spiral tool, each for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (replacement certificate) (fishing tackle hardware).

Stadium Manufacturing Co. of Puerto Rico, Inc., Villalba, P. R.; effective 8–15–57 to 2–14–58; authorizing the employment of 25 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (men's pajamas).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annuled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 527 of the Regulations issued thereunder (29 CFR Part 527) special certificates authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. Effective and expiration dates, occupations, wage rates, number or porportion of student-

workers as learners, and learning periods for certificates issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Atlantic Union College, Main Street, South Lancaster, Mass.; effective 9–1–57 to 8–31–58; authorizing the employment of: (1) 15 student-workers in the print shop industry, in the occupations of compositor, pressman, bindery worker, and related skilled and semi-skilled occupations, each for a learning period of 1,000 hours; and (2) 20 student-workers in the bookbindery industry, in the occupations of bookbinder, bindery worker, and related skilled and semi-skilled occupations, each for a learning period of 600 hours. Each occupation shall be paid for at the rates of 80 cents an hour for the first half and 85 cents an hour for the second half of the respective authorized learning periods.

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu, T. H.; effective 9–1–57 to 8–31–58; authorizing the employment of: (1) 5 student-workers in the print shop industry, in the occupations of compositor, pressman, bindery worker, and related skilled and semi-skilled occupations, each for a learning period of 1,000 hours; and (2) 1 student-worker in the clerical industry, in the occupations of typist, bookkeeper, and related skilled and semi-skilled occupations, each for a learning period of 480 hours. Each occupation shall be paid for at the rates of 90 cents an hour for the first half and 95 cents an hour for the second half of the respective authorized learning periods.

Indiana Academy, Cicero, Ind.; effective 9–1–57 to 8–31–58; authorizing the employment of 40 student-workers in the furniture industry, in the occupations of woodworking machine operator, assembler, furniture finisher helper, and related skilled and semi-skilled occupations, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours.

Wisconsin Academy, Columbus, Wis.; effective 9–1–57 to 8–31–58; authorizing the employment of 25 student-workers in the furniture manufacturing (outdoor Redwood) industry, in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semi-skilled occupations, each for a learning period of 600 hours at the rates of 80 cents an hour for the first 300 hours and 85 cents an hour for the remaining 300 hours.

These student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 10th day of September, 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–7668; Filed, Sept. 18, 1957; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50–80]

COLORADO STATE UNIVERSITY

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on August 27, 1957, the Atomic Energy Commission has issued License R–26 authorizing Colorado State University to acquire, possess and operate at the location in Fort Collins, Colorado, described in the application in Docket 50–80, a 100-milliwatt nuclear reactor constructed by Aerojet-General Nucleonics and designated by AGN as Model AGN–201, Serial No. 109. Notice of the proposed action was published in the FEDERAL REGISTER on August 29, 1957, 22 F. R. 6977.

Dated at Washington, D. C. this 12th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–7654; Filed, Sept. 18, 1957; 8:45 a. m.]

[Docket 50–72]

UNIVERSITY OF UTAH

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on August 27, 1957, the Atomic Energy Commission has issued License R–25 authorizing the University of Utah to acquire, possess and operate at the location in Salt Lake City, Utah, described in the application in Docket 50–72, a 100-milliwatt nuclear reactor constructed by Aerojet-General Nucleonics and designated by AGN as Model AGN–201, Serial No. 107. Notice of the proposed action was published in the FEDERAL REGISTER on August 29, 1957, 22 F. R. 6976.

Dated at Washington, D. C., this 12th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–7655; Filed, Sept. 18, 1957; 8:45 a. m.]

[Docket No. 50–2]

UNIVERSITY OF MICHIGAN

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Federal Register Division, the Commission on September 13, 1957, issued facility license R–28 authorizing the University of Michigan to possess and operate as a utilization facility the nuclear reactor described in the license application. Notice of the proposed action was published in the FEDERAL REGISTER on August 30, 1957, 22 F. R. 6998.

Dated at Washington, D. C., this 13th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–7656; Filed, Sept. 18, 1957; 8:45 a. m.]

[Docket No. 50–62]

UNIVERSITY OF VIRGINIA

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for a formal hearing having been filed following filing of the notice of the proposed action with the Federal Register Division, the Commission on September 13, 1957, issued Construction Permit No. CPRR–15 authorizing the University of Virginia to construct a nuclear reactor. Notice of the proposed action was published in the FEDERAL REGISTER on August 29, 1957, 22 F. R. 6978.

Dated at Washington, D. C., this 13th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–7657; Filed, Sept. 18, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6436 et al.;]

NORTHEASTERN STATES AREA INVESTIGATION

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 of the said act and the applicable regulations thereunder, that a hearing in the above-entitled proceeding is assigned to be held commencing October 22, 1957, at 10:00 a. m., e. d. s. t., in Room 207, Massachusetts State House, Boston, Massachusetts, continuing October 28, 1957, at 10:00 a. m., e. s. t., in the Court Room, U. S. District Court, Albany, New York, before Examiner John A. Cannon. Upon completion of the Albany session, the hearing will reconvene in Washington, D. C., on November 12, 1957, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue, Northwest.

Without limiting the precise scope of the issues, particular attention will be directed to the following matters and questions:

(1) Whether the public convenience and necessity require the amendment of existing certificates of public convenience and necessity or the issuance of new certificates as contemplated in the applications and investigations consolidated in this proceeding pertaining to improvements in the local air service pattern in

the Northeastern States Area as defined in the Board's Orders Nos. E–11015, E–11234, E–11346, E–11347, E–11659, E–11660 and E–11672, and explained in Notices to All Parties, dated March 14, 26, April 15, May 28, June 20, 26, July 3, and September 11, 1957.

(2) Are the applicants fit, willing and able to conduct the proposed air transportation and to conform to the provisions of the act and the regulations of the Board thereunder?

For further details regarding this proceeding, interested parties are referred to the Prehearing Conference Report, Orders, Notices and documents on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to questions involved in this consolidated proceeding must file with the Board on or before October 22, 1957, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's rules of practice in economic proceedings.

Dated at Washington, D. C., September 11, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–7700; Filed, Sept. 18, 1957; 8:54 a. m.]

[Docket No. 6093 et al.]

INTRA-ALASKA CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given that at the request of Counsel for the Bureau of Air Operations the oral argument in the above-entitled proceeding now assigned to be held September 24 is being postponed to October 15, 1957, 10 a. m., e. d. s. t., Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 12, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–7701; Filed, Sept. 18, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12071; FCC 57M–851]

RADIO HAWAII, INC. (KPOA)

ORDER FOR PRE-HEARING CONFERENCE

In re application of Radio Hawaii, Inc. (KPOA), Honolulu, Hawaii, Docket No. 12071, File No. BP–10786; for construction permit.

A pre-hearing conference in the above-entitled proceeding will be held on Wednesday, September 18, 1957, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of section 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered this the 12th day of September 1957.

Released: September 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7693; Filed, Sept. 18, 1957; 8:52 a. m.]

[Docket Nos. 10284–10286; FCC 57M–847]

HERBERT MUSCHEL ET AL.

ORDER CONTINUING HEARING

In re applications of Herbert Muschel, New York, N. Y., Docket No. 12084, File No. BPH–2184; Richard W. Brahm, d/b as Independent Broadcasting Co., New York, N. Y., Docket No. 12085, File No. BPH–2192; New Broadcasting Company, Inc., New York, N. Y., Docket No. 12086, File No. BPH–2194; for construction permits.

The Hearing Examiner having under consideration the desirability of changing the date for commencement of hearing;

It appearing that because of problems involved in the current hearing schedule a postponement of the present date of September 17 for commencing the hearing is desirable; and

It further appearing that a conference should be held prior to the exchange of exhibits or taking of evidence;

It is ordered, On the Hearing Examiner's own motion, this 12th day of September 1957, that the hearing now scheduled to commence on September 17 is continued to September 27, 1957, at 10:00 a. m., at which time a hearing conference will be held.

Released: September 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7694; Filed, Sept. 18, 1957; 8:53 a. m.]

[Docket No. 12132; FCC 57–993]

CLASS B FM BROADCAST STATIONS

AMENDMENT OF REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the revised tentative allocation plan for Class B FM broadcast stations; Docket No. 12132.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of September 1957;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that Notice of Proposed Rule Making (FCC 57–880) setting forth the above proposal was issued by the Commission on August 5, 1957 and was duly published in the FEDERAL REGISTER (22 F. R. 6368), which notice provided that interested parties might file statements or briefs with respect to the said proposal on or before September 3, 1957; and

It further appearing that no comments were received either favoring or opposing the proposed amendment; and

It further appearing that the immediate adoption of the proposed amendment would facilitate action on an application (File No. BPH–2246) for a new FM broadcast station in Franklin, North Carolina, to operate on Channel 233; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to Franklin, North Carolina:

General area	Channel	
	Delete	Add
Franklin, N. C.		233

Released: September 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7695; Filed, Sept. 18, 1957; 8:53 a. m.]

[Docket No. 12162; FCC 57–991]

BASIN BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Basin Broadcasting Company, Durango, Colorado, Docket No. 12162, File No. BP–11051; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of September 1957;

The Commission having under consideration the above-captioned application of the Basin Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1490 kilocycles with a power of 250 watts, unlimited time, at Durango, Colorado;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed nighttime interference-free contour would not encompass the city of Durango; that the applicant did not submit data showing the areas and population encompassed within said contour; and that the proposed site may not be satisfactory in that a minimum field intensity of 25 mv/m would not be pro-

vided over the business and factory areas of the city sought to be served; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated July 17, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a timely reply to the Commission's letter of July 17, 1957, but failed to remedy the noted deficiencies; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would comply with § 3.188 of the Commission's rules concerning coverage of the city sought to be served; and if compliance with § 3.188 is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7696; Filed, Sept. 18, 1957; 8:53 a. m.]

[Docket No. 12163; FCC 57-992]

CLASS B FM BROADCAST STATIONS; SAN DIEGO, CALIF.

NOTICE OF PROPOSED ALLOCATION AND ORDER TO SHOW CAUSE

In the matter of amendment of the revised tentative allocation plan for Class B FM Broadcast Stations, San Diego, California; Docket No. 12163.

1. In order to remedy an interference problem between Stations KFSD–FM and KPAY,[1] San Diego, California, notice is hereby given of proposed rule making in the above-entitled matter to amend the Commission's Tentative Allocation Plan For Class B FM Broadcast Stations to delete Channel 284 and add Channel 281 at San Diego, California; and Music Unlimited, licensee of Station KPAY, is being ordered to show cause why its license should not be modified to specify operation on Channel 281 in lieu of Channel 284, in the event that the above-referenced rule making proceeding is finalized.

2. In a petition and engineering statement filed on May 6, 1957, KFSD, Inc., licensee of Station KFSD–FM, San Diego, California (Channel 231, 94.1 Mc), contends that KFSD–FM has received objectionable interference from Station KPAY, San Diego, California since KPAY was authorized to operate on Channel 284, 104.7 Mc (1954) and requests that the Commission change its Revised Tentative Allocation Plan For Class B FM Stations to delete Channel 284 and add Channel 281 at San Diego, California and order Music Unlimited, licensee of Station KPAY, to show cause why the license of KPAY should not be modified to specify operation on Channel 231.

3. Station KFSD–FM has been licensed to operate on Channel 231 (94.1 megacycles) since February 23, 1949. A construction permit for Station KPAY was granted on July 7, 1954 for operation on Channel 268. An application to change the assignment of KPAY to Channel 284 was granted on October 6, 1954, and an application to increase the power of KPAY on Channel 284 was granted on November 23, 1954. A license to cover this construction permit was granted on January 25, 1955. On January 16, 1956, KPAY made application for a change in site, increase antenna height above average terrain from 14 to 210 feet, and decrease power from 14 to 13 kw. This application was granted February 28, 1956 and the operation subsequently licensed on September 4, 1956.

4. The Commission's Engineer In Charge, Los Angeles, California, in a report to the Commission dated October 2, 1956, stated that numerous complaints and inquiries had been received from persons in the San Diego, California, area relative to interference between Stations KPAY and KFSD–FM and that an investigation thereof indicated that the interference situation arises from the difference of frequency of 10.6 megacycles, resulting in mixing and detection in the FM receiving sets, many of which have an intermediate frequency of 10.7 megacycles.

5. In a letter dated October 18, 1956, and addressed jointly to the licensees of Stations KFSD–FM and KPAY, the Commission stated that apparently the only solution to the problem is for one of the two stations to change frequency. Listed in said letter were other frequencies then allocated to but unassigned in San Diego. Comments were requested from KFSD–FM and KPAY.

6. Both licensees acknowledged receipt of the Commission's letter and advised that the matter had been referred to their respective engineering consultants. Nothing further has been received from the licensee of Station KPAY. KFSD–FM, on May 6, 1957, filed the above-described petition requesting the Commission to issue an order requiring KPAY to show cause why its channel assignment should not be changed to Channel 281.

7. In support of its petition, KFSD–FM states that it has operated continuously since 1949 on Channel 231, 94.1 Mc; that a construction permit for operation on Channel 268 (101.5 mc) was issued to KPAY in July 1954; that KPAY began operation pursuant to a special temporary authorization; that KPAY was granted a change to Channel 284 (104.7 Mc) in October 1954; that "beat" interference to KFSD–FM has resulted since that time; that even greater mutual interference resulted after KPAY increased its antenna height in 1956; that "the present conditions are intolerable because the public of the San Diego area is being unnecessarily deprived of effective FM service from one of the established stations in the area"; that "KFSD–FM was broadcasting over its facilities for over five years before KPAY"; that "KPAY has indicated that it is unwilling to change its frequency voluntarily and, in fact, insists that KFSD should incur that hardship"; that "this would be manifestly unfair to KFSD, who not only would incur more substantial costs in changing its equipment than KPAY, but would also be compelled to change to Channel 300 at the top of the FM band in order to insure itself against further interference; that operation by KFSD–FM or KPAY on any of the other frequencies presently available in San Diego would not be satisfactory; and that "KFSD had its license first, and based all of its planning and broadcast policies on the premise that it would be protected by the Commission from unfair and unjust interference."

8. Channels 223, 243 and 300 are allocated to and unassigned in San Diego, California. Based on the chart of Ground Wave Signal Range for FM Broadcasting, maximum limitations on the channels now assigned or available in San Diego appear to be approximately as hereinafter indicated. Operating on its presently assigned Channel 231, KFSD–FM is limited to its 130 uv/m contour by Station KPOL–FM, Los Angeles, California. If KFSD–FM were to operate on Channel 223, it would receive objectionable interference to its 1500 uv/m contour from KFAC–FM, Los Angeles, California; on Channel 243, KFSD–FM would be limited to its 210 uv/m contour by KRKD–FM, Los Angeles; and, on Channel 300, KFSD–FM would not be limited within its 50 uv/m contour. Station KPAY is not limited within its 50 uv/m contour on its presently assigned Channel 284. If KPAY were to operate on Channel 223, it would experience objectionable interference to its 1200 uv/m contour from KFAC–FM; on Channel 243, it would be limited to its 170 uv/m contour from KRKD–FM; and on Channel 300 it would not be limited within its 50 uv/m contour. However, Channel 300 is not a desirable channel because many receivers do not function well thereon. Channels 281 or 283 could be made available for San Diego. If KPAY were to operate on either of these two channels, it would not be limited within the 50 uv/m contour. However, operation of KPAY on Channel 281 appears to be more desirable than operation on Channel 283 because of "beat frequency" considerations. According to KFSD's engineering report, the beat frequency interference now obtaining between KFSD–FM and KPAY would be completely eliminated if KPAY were to operate on Channel 281, but such may not be the case if KPAY were to operate on Channel 283.

9. In view of the foregoing, we are of the opinion that the public interest requires remedial action with respect to the conflict which presently obtains between KFSD–FM and KPAY. It appears that the only practical solution to the problem is for one of the two stations to operate on a different channel which would not include a 10.7 megacycle beat factor with the other. While a certain amount of expense and inconvenience to either KFSD–FM or KPAY would result from being required to change channels, we believe the equities here involved are in favor of KFSD–FM since KFSD–FM commenced operation in San Diego some 5 years before KPAY. For the reasons set forth in paragraph 8, supra, we believe that none of the channels presently available for assignment in San Diego would provide as satisfactory a service to the San Diego area as would Channel 281. Accordingly, we believe Channel 284 should be deleted and Channel 281 added at San Diego and, if such proposal should be finalized, KPAY should be required to change to Channel 281.

10. We are directing Music Unlimited to show cause why its authorization for Station KPAY should not be modified to specify operation on Channel 281 in lieu of Channel 284.

11. Pursuant to Section 316 of the Communications Act of 1934, as amended, Music Unlimited, is hereby notified of our proposed modification of its authorization to operate Station KPAY on Channel 281 in lieu of Channel 284, and the grounds and reasons therefor, and is directed to show cause why such order of modification should not issue by filing with the Commission at its offices in Washington, D. C., on or before October 10, 1957, a response stating in detail the reasons why it believes that its authorization should not be so modified.

12. Authority for the adoption of the amendment herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

13. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 10, 1957, a written statement setting forth his comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

14. Responses to the show cause order issued herein should be filed on or before October 10, 1957.

15. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished to the Commission.

16. In view of the foregoing: *It is ordered*, That KFSD–FM's above-referenced petition is granted, and that, pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended: Music Unlimited, is ordered to show cause why its license for Station KPAY on Channel 284 in San Diego, California should not be modified to specify operation on Channel 281.

Adopted: September 11, 1957.

Released: September 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7697; Filed, Sept. 18, 1957; 8:53 a. m.]

[1] Call letters were changed to KPAY from KSON–FM on July 26, 1957.

FEDERAL POWER COMMISSION

[Docket No. G–6180]

SUPERIOR OIL CO.

NOTICE OF HEARING

SEPTEMBER 13, 1957.

The Superior Oil Company (Applicant), a California corporation, with principal place of business at 550 South Flower Street, Los Angeles, California, filed on November 29, 1954, as amended May 14, August 3 and September 26, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act (act), authorizing Applicant to sell and continue the sale of natural gas in interstate commerce from and adjacent to the Canyon Largo Unit, Rio Arriba County, New Mexico, to El Paso Natural Gas Company (El Paso) for resale. Subsequently, Applicant filed on March 4, as amended May 6, 1957, pursuant to section 7 (b) of the act, an application for permission to abandon the aforesaid sale of natural gas to El Paso from the Canyon Largo Unit only.

Notice of the filing of the aforesaid applications was issued on July 31, 1957, and published in the FEDERAL REGISTER on August 6, 1957 (22 F. R. 6281–82). This notice fixed August 19, 1957, as the last day for filing protests or petitions to intervene in this proceeding.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a formal hearing will be held on October 2, 1957, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7669; Filed, Sept. 18, 1957; 8:48 a. m.]

[Docket No. G–12409]

TOWN OF NEW HARMONY, INDIANA

NOTICE OF APPLICATION

SEPTEMBER 13, 1957.

Take notice that on April 12, 1957, the Town of New Harmony, Indiana, (Applicant), a municipal corporation, organized under the laws of the State of Indiana, filed its application and supplements thereto on August 2 and August 5, 1957 for an order, pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation (Texas Eastern) to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to sell and deliver to Applicant sufficient natural gas for distribution and resale to the public in New Harmony, Indiana, and environs, all as more fully described in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to make interconnection with the pipeline facilities of Texas Eastern at a point approximately 2 miles northwest of New Harmony. From this point to the city limits, Applicant proposes to construct a 3½ inch transmission line.

The total estimated construction cost of Applicant's proposed natural gas system is $138,000. Applicant proposes to finance the proposed facilities by the issuance of revenue bonds, in the amount of $153,000 and bearing interest at 5 percent.

The estimated annual natural gas requirements and peak day requirements in Mcf at 14.73 psia, for Applicant's proposed system are as follows:

Year	Annual Mcf	Peak day demand Mcf
1	37,716	406
2	53,800	604
3	62,727	723
4	69,793	784
5	72,008	810

Texas Eastern timely filed on April 25, 1957, pursuant to § 1.9 (a) of the Commission's rules of practice and procedure, an answer to the application of the Town of New Harmony, which stated that Applicant's estimated third year peak day requirements of 723 Mcf (709 Mcf, at 15.025 psia) amounted to approximately 0.042 percent of its then authorized long term firm sales; that it then had pending two applications, Docket Nos. G–12227 and G–12446, requesting authorization to construct and operate additional facilities to increase its system capacity; that with its new facilities and with the utilization of its Oakford Storage Field facilities, Texas Eastern will be able to deliver the volumes requested by Applicant; and that Texas Eastern did not object to Applicant's proposal if the Commission determined that the proposed project was economically feasible and in the public interest.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 3, 1957.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7670; Filed, Sept. 18, 1957; 8:48 a. m.]

[Docket No. G-13259]

NEVADA NATURAL GAS PIPE LINE CO.

ORDER PROVIDING FOR HEARING AND SUSPENDING PROPOSED REVISED TARIFF SHEET

SEPTEMBER 13, 1957.

Nevada Natural Gas Pipe Line Co. (Nevada Natural), on August 14, 1957, tendered for filing First Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, proposing an increase in rates and charges from 42.5 cents per Mcf to 50.5 cents per Mcf in its firm service Rate Schedule G-1, amounting to $172,580, or 18.8 percent annually, based on sales for the year ended June 30, 1957, as adjusted. The increased rate is intended to become effective on September 14, 1957.

The proposed increase is stated to be based on (1) increased purchased gas costs reflecting rate increases of its supplier, El Paso Natural Gas Company (El Paso), including a proposed increase which was suspended until January 1, 1958, by Commisison order issued in Docket No. G-12948; (2) increased operating expenses; and (3) a rate of return of 6.9 percent.

Nevada Natural requests that if the proposed increase is suspended, the suspension period end on January 1, 1958, concurrently with that of El Paso.

A substantial portion of the proposed increase is sought to be justified by reliance on items other than the El Paso rate increase. Nevada Natural has not fully supported other aspects of its proposed increased rates and charges, including its rate base and computation of working capital, rate of return, and allocation of costs. In the circumstances, the shortening of the suspension period as requested by Nevada Natural does not appear to be warranted.

The increased rates and charges proposed in said revised sheet, as tendered on August 14, 1957, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Nevada Natural's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the revised tariff sheet tendered on August 14, 1957; and that the aforesaid First Revised Sheet No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Nevada Natural's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the aforesaid revised sheet tendered for filing on August 14, 1957.

(B) Pending such hearing and decision thereon, Nevada Natural's proposed First Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, is hereby suspended and the use thereof deferred until February 14, 1958, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7671; Filed, Sept. 18, 1957; 8:48 a. m.]

[Docket No. G-13260]

C. N. HOUSH, ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 13, 1957.

C. N. Housh, et al. (Housh), on August 16, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Illinois Natural Gas Pipeline Company.
Rate schedule designation: Supplement No. 8 to Housh's FPC Gas Rate Schedule No. 1.
Effective date:[1] September 16, 1957.

A prior proposed periodic increase of Housh to 15.74976 cents per Mcf was suspended by the Commission in Docket No. G-11112 until February 6, 1957. Housh has made no motion to place this suspended rate in effect and has given no reason for his failure to do so. Consequently, the prior rate of 15.54784 cents per Mcf is the effective rate since this rate, although suspended by the Commission in Docket No. G-9383, was made effective subject to refund by order issued September 21, 1956.

In support of the proposed increased rate, Housh states that the increase is more than justified by increased costs, but failed to furnish any supporting data. The proposed rate would be the highest increased rate for a sale to any pipeline purchaser in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 16, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 57-7672; Filed, Sept. 18, 1957; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Housh, if later.

[1] Commissioner Digby dissenting.

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 199, Rev.]

DIRECTOR OF CENTRAL INTELLIGENCE AGENCY

DELEGATION OF AUTHORITY TO APPOINT SPECIAL POLICEMEN

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377), authority is hereby delegated to the Director, Central Intelligence Agency to appoint not to exceed twenty special policemen, under section 9 of the act of May 27, 1924 as amended (D. C. Code 4-208) to police buildings and grounds occupied in the District of Columbia by the Agency, such authority to be exercised only to protect Agency employees, property, and classified documents and material, or in the event of fire or enemy attack.

2. This authority shall be exercised strictly in accordance with the "Authority of Special Police" set forth below and any other standards, procedures or regulations hereafter prescribed by the General Services Administration.

3. There shall be submitted to the General Services Administration an annual report at the close of each fiscal year summarizing operations under this delegation of authority. The report shall be in the form prescribed by the General Services Administration for the purpose.

4. The Director, Central Intelligence Agency may redelegate this authority to the Chief, Physical Security Branch.

5. This delegation shall be effective as of the date hereof. The prior delegation to the Director, Central Intelligence Agency on the same subject dated May 12, 1954 (19 F. R. 2833) is hereby rescinded.

FRANKLIN G. FLOETE,
Administrator.

SEPTEMBER 12, 1957.

AUTHORITY OF SPECIAL POLICE

Special police. The Administrator of General Services and duly authorized officials of the General Services Administration are authorized by law to appoint special policemen. Pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 USC 471) the Administrator may delegate that authority to the heads of Federal agencies when so requested by such agencies. The Act of May 27, 1924 as amended (D. C. Code 4-208), and the Act of June 1, 1948, as amended (40 USC 319) the pertinent provisions of which are set forth hereunder, specify the degree of police power conferred and the scope of activity of such special police.

1. *Act of May 27, 1924.* Under this enactment and subsequent transfers of functions and authorities, the Administrator of General Services is authorized to appoint special policemen, without compensation, to police reservations under his jurisdiction in the District of Columbia. These special policemen have the same powers and perform the same duties as the United States Park Police and the Metropolitan Police Force of the District of Columbia, but such powers are restricted to reservations within the District of Columbia and under the control of the Administrator of General Services.

2. *Act of June 1, 1948.* Under this enactment, the Administrator of General Services is authorized to appoint uniformed guards as special policemen, without additional compensation, for duty in connection with the policing of public buildings and other areas under the jurisdiction of the General Services Administration. These special policemen have the same powers as sheriffs and constables, upon such Federal property, to enforce the laws enacted for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce rules and regulations made and promulgated by the Administrator or other duly authorized officials. The jurisdiction and police powers of these special policemen are restricted to Federal property over which the United States has acquired exclusive or concurrent criminal jurisdiction.

Definitions. 1. Exclusive Federal Criminal Jurisdiction exists when the Federal Government has the exclusive right to enforce the criminal laws in effect in a location or area, ordinarily one which is owned by the United States. Such jurisdiction is obtained through legislation by the State in which the property is located, or in the enabling act governing the admission of the State. Where such jurisdiction exists the State and local authorities have no responsibility for criminal law enforcement, which rests entirely upon the Federal Government.

2. Concurrent Federal Criminal Jurisdiction exists when the Federal Government and the State in which the property is located both enforce criminal laws in a location or area. The State jurisdiction usually results from the reservation by the State of the right concurrently to exercise the same or part of the same powers as are vested in the Federal Government.

Local procedures. When properties over which the Federal Government has exclusive or concurrent criminal jurisdiction are guarded by special police every effort must be made to obtain the co-operation of local and Federal law enforcement agencies, as well as other protection organizations in the vicinity. Mutual assistance agreements should be entered into with these agencies in order to cope with large scale disorders, the handling and prosecution of Federal prisoners, fire fighting, and any other mission of the special police which might require more manpower, equipment, or facilities than are at their immediate disposal. Special policemen must be thoroughly instructed in the type of jurisdiction applicable to each facility in which they operate, their authorities under such jurisdiction, and the procedures which they should follow.

[F. R. Doc. 57-7678; Filed, Sept. 18, 1957; 8:50 a. m.]

[Delegation of Authority No. 155, Rev.]

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY TO ESTABLISH SPECIAL POLICE FORCE FOR PROTECTION OF MARITIME ADMINISTRATION INSTALLATIONS

1. Pursuant to authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Commerce to appoint uniformed guards as special policemen with such powers as are conferred in the Act of June 1, 1948 (62 Stat. 281) for duty in connection with the protection of Maritime Administration installations.

2. This authority shall be exercised strictly in accordance with the "Authority of Special Police" set forth below and any other standards, procedures or regulations hereafter prescribed by the General Services Administration.

3. There shall be submitted to the General Services Administration an annual report at the close of each fiscal year summarizing operations under this delegation of authority. The report shall be in the form prescribed by the General Services Administration for the purpose.

4. This authority may be redelegated to such officials of the Maritime Administration as the Secretary of Commerce may deem necessary.

5. This delegation shall be effective as of the date hereof and supersedes the prior delegation to the Secretary of Commerce on the same subject dated January 19, 1953 (18 F. R. 526).

FRANKLIN G. FLOETE,
Administrator.

SEPTEMBER 12, 1957.

AUTHORITY OF SPECIAL POLICE

Special police. The Administrator of General Services and duly authorized officials of the General Services Administration are authorized by law to appoint special policemen. Pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 USC 471) the Administrator may delegate that authority to the heads of Federal agencies when so requested by such agencies. The Act of May 27, 1924 as amended (D. C. Code 4-208), and the Act of June 1, 1948, as amended (40 USC 319) the pertinent provisions of which are set forth hereunder, specify the degree of police power conferred and the scope of activity of such special police.

1. *Act of May 27, 1924.* Under this enactment and subsequent transfers of functions and authorities, the Administrator of General Services is authorized to appoint special policemen, without compensation, to police reservations under his jurisdiction in the District of Columbia. These special policemen have the same powers and perform the same duties as the United States Park Police and the Metropolitan Police Force of the District of Columbia, but such powers are restricted to reservations within the District of Columbia and under the control of the Administrator of General Services.

2. *Act of June 1, 1948.* Under this enactment, the Administrator of General Services is authorized to appoint uniformed guards as special policemen, without additional compensation, for duty in connection with the policing of public buildings and other areas under the jurisdiction of the General Services Administration. These special policemen have the same powers as sheriffs and constables, upon such Federal property, to enforce the laws enacted for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce rules and regulations made and promulgated by the Administrator or other duly authorized officials. The jurisdiction and police powers of these special policemen are restricted to Federal property over which the United States has acquired exclusive or concurrent criminal jurisdiction.

Definitions. 1. Exclusive Federal Criminal Jurisdiction exists when the Federal Government has the exclusive right to enforce the criminal laws in effect in a location or area, ordinarily one which is owned by the United States. Such jurisdiction is obtained through legislation by the State in which the property is located, or in the enabling act governing the admission of the State. Where such jurisdiction exists the State and local authorities have no responsibility for criminal law enforcement, which rests entirely upon the Federal Government.

2. Concurrent Federal Criminal Jurisdiction exists when the Federal Government and the State in which the property is located both enforce criminal laws in a location or area. The State jurisdiction usually results from the reservation by the State of the right concurrently to exercise the same or part of the same powers as are vested in the Federal Government.

Local procedures. When properties over which the Federal Government has exclusive or concurrent criminal jurisdiction are guarded by special police every effort must be made to obtain the cooperation of local and Federal law enforcement agencies, as well as other protection organizations in the vicinity. Mutual assistance agreements should be entered into with these agencies in order to cope with large scale disorders, the handling and prosecution of Federal prisoners, fire fighting, and any other mission of the special police which might require more manpower, equipment, or facilities than are at their immediate disposal. Special

policemen must be thoroughly instructed in the type of jurisdiction applicable to each facility in which they operate, their authorities under such jurisdiction, and the procedures which they should follow.

[F. R. Doc. 57-7679; Filed, Sept. 18, 1957; 8:50 a. m.]

[Delegation of Authority No. 247, Rev.]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY TO APPOINT SPECIAL POLICEMEN FOR PROTECTION OF ELECTRO DEVELOPMENT LABORATORY, ALBANY, OREGON

1. Pursuant to authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377), authority is hereby delegated to the Secretary of the Interior to appoint uniformed guards as special policemen with such powers as are conferred in the Act of June 1, 1948, (62 Stat. 281) for duty in connection with the protection of the Electro Development Laboratory, Albany, Oregon.

2. This authority shall be exercised strictly in accordance with the "Authority of Special Police" set forth below and any other standards, procedures or regulations hereafter prescribed by the General Services Administration.

3. There shall be submitted to the General Services Administration an annual report at the close of each fiscal year summarizing operations under this delegation of authority. The report shall be in the form prescribed by the General Services Administration for the purpose.

4. This authority may be redelegated to such officials of the Department of the Interior as the Secretary of the Interior may deem necessary.

5. This delegation shall be effective as of the date hereof. The prior delegation to the Secretary of the Interior on the same subject dated June 27, 1955, (20 F. R. 4695) is hereby rescinded.

FRANKLIN G. FLOETE,
Administrator.

SEPTEMBER 12, 1957.

AUTHORITY OF SPECIAL POLICE

Special police. The Administrator of General Services and duly authorized officials of the General Services Administration are authorized by law to appoint special policemen. Pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. 471) the Administrator may delegate that authority to the heads of Federal agencies when so requested by such agencies. The act of May 27, 1924 as amended (D. C. Code 4-208), and the act of June 1, 1948, as amended (40 U. S. C. 319) the pertinent provisions of which are set forth hereunder, specify the degree of police power conferred and the scope of activity of such special police.

1. *Act of May 27, 1924.* Under this enactment and subsequent transfers of functions and authorities, the Administrator of General Services is authorized to appoint special policemen, without compensation, to police reservations under his jurisdiction in the District of Columbia. These special policemen have the same powers and perform the same duties as the United States Park Police and the Metropolitan Police Force of the District of Columbia, but such powers are restricted to reservations within the District of Columbia and under the control of the Administrator of General Services.

2. *Act of June 1, 1948.* Under this enactment, the Administrator of General Services is authorized to appoint uniformed guards as special policemen, without additional compensation, for duty in connection with the policing of public buildings and other areas under the jurisdiction of the General Services Administration. These special policemen have the same powers as sheriffs and constables, upon such Federal property, to enforce the laws enacted for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce rules and regulations made and promulgated by the Administrator or other duly authorized officials. The jurisdiction and police powers of these special policemen are restricted to Federal property over which the United States has acquired exclusive or concurrent criminal jurisdiction.

Definitions. 1. Exclusive Federal Criminal Jurisdiction exists when the Federal Government has the exclusive right to enforce the criminal laws in effect in a location or area, ordinarily one which is owned by the United States. Such jurisdiction is obtained through legislation by the State in which the property is located, or in the enabling act governing the admission of the State. Where such jurisdiction exists the State and local authorities have no responsibility for criminal law enforcement, which rests entirely upon the Federal Government.

2. Concurrent Federal Criminal Jurisdiction exists when the Federal Government and the State in which the property is located both enforce criminal laws in a location or area. The State jurisdiction usually results from the reservation by the State of the right concurrently to exercise the same or part of the same powers as are vested in the Federal Government.

Local procedures. When properties over which the Federal Government has exclusive or concurrent criminal jurisdiction are guarded by special police every effort must be made to obtain the cooperation of local and Federal law enforcement agencies, as well as other protection organizations in the vicinity. Mutual assistance agreements should be entered into with these agencies in order to cope with large scale disorders, the handling and prosecution of Federal prisoners, fire fighting, and any other mission of the special police which might require more manpower, equipment, or facilities than are at their immediate disposal. Special policemen must be thoroughly instructed in the type of jurisdiction applicable to each facility in which they operate, their authorities under such jurisdiction, and the procedures which they should follow.

[F. R. Doc. 57-7680; Filed, Sept. 18, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-340]

INTERMOUNTAIN PETROLEUM, INC.

ORDER AND NOTICE OF HEARING

SEPTEMBER 12, 1957.

In the matter of Intermountain Petroleum, Inc., (Formerly MAGNOLIA URANIUM & OIL COMPANY), File No. 1-340.

I. Intermountain Petroleum, Inc. (hereinafter called "registrant"), a corporation organized and incorporated under the laws of the State of Utah, filed an application for registration of its common stock, ten cent par value, with the Salt Lake Stock Exchange ("the Exchange") on October 19, 1950 on Form 8-A, pursuant to section 12 of the Securities Exchange Act of 1934 ("the 1934 Act") and the rules and regulations adopted by the Commission thereunder and filed a duplicate original Form 8-A with the Commission on October 23, 1950. The registration became effective November 22, 1950.

II. The Commission has reason to believe that the registrant has failed to comply with the provisions of section 13 of the 1934 Act in the following regards:

1. Registrant, in its current report filed September 19, 1955 with the Commission on Form 8-K for the month of August, 1955, falsely claimed an exemption from the registration requirements of the Securities Act of 1933 for the issuance of 1,400,000 shares of its stock in exchange for certain leases held by General Oil & Uranium, Inc., and Powder River Lease & Minerals Co. This report was not filed within the time provided by Commission Rule X-13A-11 under the 1934 act.

2. On March 20, 1957 the registrant delinquently filed a current report on Form 8-K for the month of April 1956. Registrant falsely stated in said report that 274,500 shares of its stock were issued for leases acquired from General Oil & Uranium, Inc. and Powder River Lease & Minerals Co. when in fact these shares were issued to another company. Moreover, the registrant failed to furnish all of the information required by Item 2 of Form 8-K and falsely claimed an exemption from the registration requirements of the Securities Act of 1933 for the issuance of these shares.

3. Registrant has failed to file a current report on Form 8-K with the Commission reflecting the acquisition of all of the assets of Aztec Uranium Company in exchange for approximately 274,500 shares of stock of the registrant in or about April 1956, as required by Item 2 of Form 8-K.

4. On March 20, 1957, the registrant delinquently filed its current report on Form 8-K for the month of May 1956. This report discloses certain transactions with officers and directors involving the sales of approximately 60 uranium mining claims to the registrant in exchange for securities, and the issuance of additional securities by the registrant to its officers and directors for cash. Said report appears to be false and misleading concerning the exemption from registration claimed under the Securities Act of 1933 and the valuation of uranium mining claims involved.

III. *It is ordered,* That a public hearing pursuant to section 19 (a) (2) of the 1934 Act, be held at 10:00 a. m., m. s. t., October 21, 1957, at the offices of the Salt Lake City Branch Office of the Commission, 301 Boston Building, Salt Lake City, Utah, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of registrant on the Salt Lake Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, as set forth in paragraph II above.

It is further ordered, That Robert N. Hislop is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the Salt Lake Stock Exchange, and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceeding should file with the Hearing Officer or the Secretary of the Commision on or before October 17, 1957 his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 57-7675; Filed, Sept. 18, 1957; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 166]

WISCONSIN

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of September 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Wisconsin;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Polk (flood beginning on or about Sept. 1, 1957).

Office: Small Business Administration Regional Office, 301 Metropolitan Building, Second Avenue and Third Street, Minneapolis 1, Minn.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 31, 1958.

Dated: September 4, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-7676; Filed, Sept. 18, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 16, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34160: *Wrought pipe—Baton Rouge, La., to Arkansas and Missouri.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7113), for interested rail carriers. Rates on wrought iron or steel pipe, carloads, as described in the application from Baton Rouge, La., to points in Arkansas and Missouri described in the application.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 121 to Agent Kratzmeir's tariff I. C. C. 4116.

FSA No. 34161: *Substituted service—Motor and rail, Pennsylvania Railroad.* Filed by Household Goods Carriers' Bureau, Agent, (No. 13), for The Pennsylvania Railroad Company and interested motor carriers. Rates on property loaded in highway trailers and transported on railroad flat cars in substituted service by The Pennsylvania Railroad Company between Chicago and East St. Louis, Ill., on the one hand, and Harrisburg, Pa., on the other, also between Cincinnati, Cleveland, Ohio, and Indianapolis, Ind., on the one hand, and Harrisburg, Pa., and Kearny, N. J., on the other, and also between Indianapolis, Ind., and Pittsburgh, Pa.

Grounds for relief: Motor truck competition.

Tariff: Supplement 5 to Household Goods Carriers' Bureau, Agent, tariff MF-I. C. C. No. 76.

FSA No. 34162: *Crude rubber—Dowling, Tex., to Louisiana and Oklahoma points.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7111), for interested rail carriers. Rates on crude rubber, namely, artificial, synthetic, or neoprene, carloads from Dowling, Tex., to specified points in Louisiana and Oklahoma.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 120 to Agent Kratzmeir's tariff I. C. C. 4161. Supplement 130 to Agent Kratzmeir's tariff I. C. C. 4025.

FSA No. 34163: *Substituted service—Motor and rail, N. Y., N. H. & H. R. R.* Filed by The New York, New Haven and Hartford Railroad Company, for itself (No. 198), and interested motor carriers. Rates on property loaded in semi-trailers, and empty trailers, transported in substituted service on railroad flat cars between Worcester, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Motor-truck competition.

FSA No. 34164: *Substituted service—Motor and rail, N. Y.; N. H. & H. R. R.* Filed by the New York, New Haven and Hartford Railroad Company, for itself, (197) and interested motor carriers. Rates on property, loaded in semi-trailers, and empty trailers, transported on railroad flat cars, in substituted service, by the New Haven line between, Worcester, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-7674; Filed, Sept. 18, 1957; 8:49 a. m.]

FEDERAL REGISTER

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1934
OF THE UNITED STATES

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TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54439]

PART 3—DOCUMENTATION OF VESSELS

RECORDING OF BILLS OF SALE AND MORTGAGES

In order to permit the indexing of all orders of courts of record having the effect of transferring any interest in a vessel or discharging a mortgage or lien, § 3.33 *Sale or transfer of vessel; change in membership of owning partnership,* is amended as follows:

1. Paragraph (e) is amended to read as follows:

(e) The collector shall index on customs Form 1332, continued if necessary on customs Form 1332–A, all decrees of distribution of estates of deceased owners, all orders of referees or courts appointing trustees in bankruptcy, and all orders of courts of record having the effect of transferring any interest in a vessel or discharging a mortgage or lien to show (1) the name of the vessel, (2) the name of the former owner, (3) the name of the new owner, (4) the interest transferred or lien discharged, (5) the name of the court, (6) the title of the case, and (7) the date of the order.

2. Paragraph (k) is amended to read as follows:

(k) Any abstract of title of a vessel furnished by the collector of customs at the home port of the vessel shall be on customs Form 1332, continued if necessary on customs Form 1332–A, and shall include any entry respecting each instrument required to be indexed under the regulations contained in this part, including a notice of claim of lien (§ 3.38 (h)).

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 16, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7727; Filed, Sept. 19, 1957; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF *S*-(*p*-CHLOROPHENYLTHIO)-METHYL *O,O*-DIETHYL PHOSPHORODITHIOATE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of *S*-(*p*-chlorophenylthio)-methyl *O,O*-diethyl phosphorodithioate in or on apples, crabapples, pears, and quinces.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 CFR, 1956 Supp., 120.3; 22 F. R. 4017, 6589) are amended as indicated below:

1. In § 120.3 *Tolerances for related pesticide chemicals,* paragraph (e) (5) is amended by inserting in the list of organic phosphates, as the first item, the name "*S*-(*p*-chlorophenylthio)-methyl *O,O*-diethyl phosphorodithioate."

2. Part 120 is further amended by adding thereto the following new § 120.156:

§ 120.156 *Tolerances for residues of S-(p-chlorophenylthio)-methyl O,O-diethyl phosphorodithioate.* A tolerance of 0.8 part per million is established for residues of *S*-(*p*-chlorophenylthio)-

(Continued on p. 7505)

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FEDERAL REGISTER

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methyl *O*,*O*-diethyl phosphorodithioate in or on each of the following raw agricultural commodities: Apples, crabapples, pears, quinces.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: September 16, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57–7724; Filed, Sept. 19, 1957; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 47—FORWARDING MAIL

PART 122—REGISTRATION

PART 152—INDEMNITY CLAIMS AND PAYMENTS

MISCELLANEOUS AMENDMENTS

1. In § 47.2 *Time limit of order*, amend paragraph (b) to read as follows:

(b) An unlimited order affecting general delivery mail at a carrier office expires in 30 days, except that it will be observed for 2 years when the change is from general delivery to a permanent local address.

NOTE: The corresponding section in the Postal Manual is section 157.2b.

(R. S. 161, 396, as amended; sec. 1, 64 Stat. 210, 5 U. S. C. 22, 369, 39 U. S. C. 278a)

2. In § 122.4 *Fees*, delete "Liberia" from the table of countries in paragraph (b).

NOTE: The corresponding section in the Postal Manual is section 232.42.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

3. In § 152.2 *Indemnity payments*, make the following changes:

a. In paragraph (c) add subparagraph (5) to read as follows:

(5) *Portugal (including Madeira and the Azores).* You may be paid up to $50 for loss (contents and wrapper) based on actual value.

NOTE: The corresponding section in the Postal Manual is section 262.235.

b. In paragraph (d), rescind subparagraphs (5) and (16).

NOTE: The corresponding section in the Postal Manual is section 262.24e and p.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57–7712; Filed, Sept. 19, 1957; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

APPOINTMENT IN MEDICAL, DENTAL, VETERINARY, MEDICAL SERVICE, ARMY NURSE, AND ARMY MEDICAL SPECIALIST CORPS, REGULAR ARMY

1. In § 573.3, amend paragraphs (e) (1) and (f) (1) to read as follows:

§ 573.3 *Age and special eligibility requirements.* • • •

(e) *Army Nurse Corps.* Applicant must:

(1) Have reached the 21st birthday on date of nomination by the President. Appointment will be made in grade of:

(i) Second lieutenant, for women who have performed less than 3 years of service creditable for promotion and who on the date of nomination have not passed their 27th birthday.

(ii) First lieutenant, for women who have performed less than 7 years of service creditable for promotion and who on the date of nomination have not passed their 30th birthday.

(iii) Captain, for women who have performed at least 7 years of service creditable for promotion and who on the date of nomination have not passed their 39th birthday.

The maximum ages for appointment in the grade of 1st and 2d lieutenant may be increased by the period of active commissioned service performed in the armed forces after December 7, 1941 but not by more than 5 years.

(f) *Army Medical Specialist Corps.* Applicant must:

(1) Have reached the 21st birthday on date of nomination by the President. Appointment will be made in grade of:

(i) Second lieutenant, for women who have performed less than 3 years of service creditable for promotion and who on the date of nomination have not passed their 27th birthday.

(ii) First lieutenant, for women who have performed less than 7 years of service creditable for promotion and who on the date of nomination have not passed their 30th birthday.

(iii) Captain, for women who have performed at least 7 years of service creditable for promotion and who on the date of nomination have not passed their 39th birthday.

The maximum ages for appointment in the grades of 1st and 2d lieutenant may be increased by the period of active commissioned service performed in the armed forces after December 7, 1941 but not more than 5 years.

2. Amend paragraph (c) of § 573.4 to read as follows:

§ 573.4 *Service credit.* • • •

(c) *Persons appointed under Title 10, United States Code, section 3291, as amended by Public Law 85–155, August 21, 1957.* Individuals appointed under this act in the grade of captain or below shall be credited at the time of appointment with all active commissioned service in the armed forces that they performed after becoming 21 years of age and before appointment; however, not more than 14 years of service will be credited. A person appointed as a commissioned officer under paragraphs (e) (1) (ii) and (f) (1) (ii) of § 573.3 who has not performed at least 3 years of active commissioned service in the armed forces after December 7, 1941 will be credited with that amount of service.

[C 4, AR 601–124, Aug. 29, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57–7705; Filed, Sept. 19, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 35]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lake Charles VOR	LCH RBn	Direct	1300	T-dn	300–1	300–1	200–½
Radar vectoring position	LCH RBn (Final)	352–5.0	800	C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar terminal area transition altitude 1500' within 25 mi. Radar may be used to position aircraft for final approach within 5 miles of LCH RBn with the elimination of a procedure turn.
Procedure turn S crs, 172 Outbnd, 352 Inbnd, 1300' within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 003—1.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, climb to 1500' on crs of 340° within 20 mi.

City, Lake Charles; State, La.; Airport Name, Lake Charles AFB; Elev, 19'; Fac Class, MIL; Ident, LCH; Procedure No. 2, Amdt 1; Eff Date, 12 Oct 57; Sup Amdt No. LFR Spec Proc No. 2; Dated, 28 Sept 57

The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LCH RBn	LCH VOR	Direct	1300	T-dn	300–1	300–1	200–½
Radar vectoring position	LCH VOR (Final)	326–5.0	700	C-dn	500–1	500–1	500–1½
				S-dn-33	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar Terminal Area transition altitude 1500' within 25 miles. Radar may be used to position aircraft for a final approach, within 5 miles of LCH VOR, with the elimination of a procedure turn.
Procedure turn E side crs, 146 Outbnd, 326 Inbnd, 1300' within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 326—3.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi, climb to 1500' on R-326 within 20 miles, or when directed by ATC, turn right, climb to 1500' on R-015 within 20 miles.

City, Lake Charles; State, La.; Airport Name, Lake Charles AFB; Elev, 19'; Fac Class, BVOR; Ident, LCH; Procedure No. 1, Amdt 2; Eff Date, 12 Oct 57; Sup Amdt No. Spec Proc, Amdt 1; Dated, 28 Sept 57

The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
All directions	Radar site	Within 25 mi	2500	S-dn-4	200-½	200-½	200-½
E of NE-SW crs of LOA-LFR	Radar site	15 mi	1500	C-dn-all	400–1	500–1	500–1½
				A-dn-4	600–2	600–2	600–2
				A-dn-all	800–2	800–2	800–2
				T-dn	300–1	300–1	200–½

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500' on heading of 043 make a climbing right turn to 1500' on 130° intersecting SW crs Mitchel LFR and proceed to the Long Beach Int. Contact Idlewild approach control for further instructions.
CAUTION: Ceiling minimums do not provide standard clearance over 278' stack 1.7 mi SSE of Runway 4R and 165' airport control tower.
Major change—Deletes surveillance approach.

City, New York; State, N. Y.; Airport Name, International; Elev, 12'; Fac Class, Idlewild; Ident, Radar; Procedure No. 1, Amdt 8; Eff Date, 12 Oct 57; Sup Amdt No. 7; Dated, 23 Feb 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 3, 1957.

[F. R. Doc. 57-7409; Filed, Sept. 19, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

MEASUREMENT OF FULL- OR PART-TIME COURSES

In § 21.2066, paragraph (d) (1) is amended to read as follows:

§ 21.2066 *Measurement of full- or part-time courses.* * * *

(d) *Institutional undergraduate course recognized for credit toward a standard college degree.* (1) A veteran pursuing an undergraduate course in a collegiate institution will be considered to be pursuing a course on a credit-hour basis measured at full time or part time, as provided in subparagraph (2) of this paragraph, provided all the conditions under subdivision (i), (ii), or (iii) of this subparagraph are met:

(i) The course is offered by a college or university which is a member of a nationally-recognized accrediting association, and

(*a*) The course is offered on a semester- or quarter-hour basis, and

(*b*) The course leads to an associate, baccalaureate, or higher degree, and

(c) The college or university which offers the course grants such a degree.

(ii) The course is offered by a college or university which is not a member of a nationally recognized accrediting association, and

(*a*) The course is offered on a semester- or quarter-hour basis, and

(*b*) The course leads to an associate, baccalaureate, or higher degree, and

(*c*) The college or university which offers the course grants such a degree, and

(*d*) The college or university furnishes letters from at least three institutions which are members of a nationally recognized association which certify that not less than 40 percent of the semester- or quarter-units of credit for the particular course or curriculum are acceptable at full value and without examination for fulfillment of the requirements for a baccalaureate or higher degree at each of the three member institutions.

(iii) The course is offered by either a member or non-member of a nationally recognized accrediting association, and

(*a*) The course is offered on a semester- or quarter-hour basis, and

(*b*) The course leads to a certificate or diploma, and

(c) The course requires not less than high school graduation or equivalent for admission, and

(*d*) A minimum of two full-time academic years is required for completion of the course, and

(*e*) If the institution which offers the course is a member of a nationally recognized accrediting association and not less than 40 percent of the credit hours for the particular course or curriculum are acceptable at full value in fulfillment of the requirements for a baccalaureate or higher degree by the element of the institution which awards such a degree, or

(*f*) If the institution which offers the course is not a member of a nationally recognized accrediting association, but furnishes letters from at least three member institutions which certify that not less than 40 percent of the credit hours for the particular course or curriculum are acceptable by them at full value and without examination for fulfillment of the requirements for a baccalaureate or higher degree granted by the three member institutions.

(Sec. 261, 66 Stat. 678; 38 U. S. C. 971)

This regulation is effective September 20, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-7722; Filed, Sept. 19, 1957; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 15 since it was last recapitulated in the FEDERAL REGISTER (December 29, 1955, 20 F. R. 10055), Part 15 is recapitulated as of August 31, 1957, to read as set forth below:

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] EVELYN F. EPPLEY,
Acting Secretary.

Subpart A—General

Sec.
15.1 Basis of this part.
15.2 Scope of this part.
15.3 General condition of operation.
15.4 General definitions.
15.5 Equipment available for inspection.
15.6 Information required by the Commission.
15.7 General requirement for restricted radiation devices.

Subpart B—Incidental Radiation Devices

15.31 Operating requirements.

Subpart C—Radio Receivers

15.61 Scope of this subpart.
15.62 Radiation interference limits.
15.63 Measurement procedure.
15.64 Certification of radio receivers.
15.65 Information to be filed with Commission.
15.66 Identification of certificated receivers.
15.67 Operation of radio receivers aboard a ship.
15.68 Effective date of this subpart.
15.69 Interference from a radio receiver.

Subpart D—Community Antenna Television Systems

15.161 Radiation from a community antenna television system.
15.162 Demonstration of compliance.
15.163 Interference from a community antenna television system.
15.164 Responsibility for a receiver generated interference.
15.165 Measurement of field strength.
15.166 Effective date of radiation limits in this subpart.

Subpart E—Low Power Communication Devices

15.201 Frequencies of operation.
15.202 Radiation limitation below 1600 kc.
15.203 Alternative requirement for operation on frequencies between 160 kc and 190 kc.
15.204 Alternative requirement for operation on frequencies between 510 kc and 1600 kc.
15.205 Operation in the frequency band 26.97–27.27 Mc.
15.206 Operation above 70 Mc.
15.207 Class B emission prohibited.
15.208 Certification requirements.
15.209 Location of certificate.
15.210 Interference from low power communication devices.

AUTHORITY: §§ 15.1 to 15.210 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 403, 48 Stat. 1081, 1094; 47 U. S. C. 301, 403.

SUBPART A—GENERAL

§ 15.1 *Basis of this part.* Section 301 of the Communications Act of 1934, as amended, provides for the control by the Federal Government over all the channels of interstate and foreign radio communication and further provides, in part, that no person shall use or operate apparatus for the transmission of energy, communications or signals by radio when the effects of such operation extend beyond state lines or cause interference with the transmission or reception of energy, communications, or signals, of any interstate or foreign character by radio, except under and in accordance with the Communications Act and a license granted under the provisions of that act. Restricted and incidental radiation devices emit radio frequency energy on frequencies within the radio spectrum and constitute a source of harmful interference to authorized radio communication services operating upon the channels of interstate and foreign communication unless precautions are taken which will prevent the creation of any substantial amount of such interference.

§ 15.2 *Scope of this part.* (a) This part contains rules that set forth the conditions under which the operation of incidental and restricted radiation devices is considered to fall outside the purview of section 301 of the Communications Act which specifies when a station license is required as a condition for lawful operation.

(b) No incidental or restricted radiation device which fails to conform to the provisions of this part, or which causes harmful interference, may be operated without a station license. Unless such devices may be operated in accordance with the provisions of some other part of this chapter (see particularly Part 19, Citizens Radio Service), persons wishing to operate such devices in a manner inconsistent with this part will be required to first secure an amendment of the Commission's rules to establish a licensed service providing for such operation and setting forth the technical and other limitations thereof; *Provided*, That in appropriate circumstances, when such a petition for rule making has been filed, the Commission may consider, prior to final action thereon, applications for Special Temporary Authorizations to operate stations on a developmental basis where it can be shown that such temporary operation would be in aid of a final determination as to whether the proposed rule should be adopted, and that such temporary operation would otherwise be in the public interest; and *Provided further*, That the Commission will, in exceptional situations, consider individual applications for licenses to operate incidental or restricted radiation devices, not conforming to the provisions of this part, where it can be shown that the proposed operation would be in the public interest, that it is for a unique type of station or for a type of operation which is incapable of establishment as a regular service, and that the proposed operation cannot feasibly be conducted under this part.

§ 15.3 *General condition of operation.* Persons operating restricted or incidental radiation devices shall not be deemed to have any vested or recognizable right to the continued use of any given frequency, by virtue of prior registration or certification of equipment. Operation of these devices is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by other incidental or restricted radiation devices, industrial, scientific or medical equipment, or from any authorized radio service.

§ 15.4 *General definitions*—(a) *Radio frequency energy.* Electromagnetic energy at any frequency in the radio spectrum between 10 kc and 3,000,000 Mc.

(b) *Harmful interference.* Any radiation or induction which endangers the functioning of a radio navigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in Part 2 of this chapter.

(c) *Incidental radiation device.* A device that radiates radio frequency energy during the course of its operation although the device is not intentionally designed to generate radio frequency energy.

(d) *Restricted radiation device.* A device in which the generation of radio frequency energy is intentionally incorporated into the design and in which the radio frequency energy is conducted along wires or is radiated, exclusive of transmitters which require licensing under other parts of this chapter and exclusive of devices in which the radio frequency energy is used to produce physical, chemical or biological effects in materials and which are regulated under the provisions of Part 18 of this chapter.

(e) *Community antenna television system.* A restricted radiation device designed and used for the purpose of distributing television signals by means of conducted or guided radio frequency currents to a multiplicity of receivers outside the confines of a single building.

NOTE: The television signals that are distributed are modulated radio frequency signals and may be:

(a) Broadcast signals that have been received and amplified,

(b) Broadcast signals that have been received and converted to another frequency,

(c) Any other modulated radio frequency signals fed into the system.

(f) *Low power communication device.* A low power communication device is a restricted radiation device, exclusive of those employing conducted or guided radio frequency techniques, used for the transmission of signs, signals (including control signals), writing, images and sounds or intelligence of any nature by radiation of electromagnetic energy.

Examples: Wireless microphone, phonograph oscillator, radio controlled garage door opener and radio controlled models.

§ 15.5 *Equipment available for inspection.* Any equipment or device subject to the provisions of this part together with any license, certificate, notice of registration or any technical data required to be kept on file by the operator of the device shall be made available for inspection by Commission representatives upon reasonable request.

§ 15.6 *Information required by the Commission.* The owner or operator of any device subject to this part shall promptly furnish to the Commission or its representative such information as may be requested concerning the operation of the device including a copy of any field strength measurements made by or for the operator of the device.

§ 15.7 *General requirement for restricted radiation devices.* Unless regulated under some other subpart of this part, any apparatus which gencrates a radio frequency electromagnetic field functionally utilizing a small part of such field in the operation of associated apparatus not physically connected thereto and at a distance not greater than $\frac{157{,}000}{F(kc.)}$ feet $\left(\text{equivalent to } \frac{\lambda}{2\pi}\right)$ need not be licensed provided:

(a) That such apparatus shall be operated with the minimum power possible to accomplish the desired purpose.

(b) That the best engineering principles shall be utilized in the generation of radio frequency currents so as to guard against interference to established radio services, particularly on the fundamental and harmonic frequencies.

(c) That in any event the total electromagnetic field produced at any point a distance of $\frac{157{,}000}{F(kc.)}$ feet $\left(\text{equivalent to } \frac{\lambda}{2\pi}\right)$ from the apparatus shall not exceed 15 microvolts per meter.

(d) That the apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission.

(e) That in the event harmful interference is caused, the operator of the apparatus shall promptly take steps to eliminate the harmful interference.

SUBPART B—INCIDENTAL RADIATION DEVICES

§ 15.31 *Operating requirements.* An incidental radiation device shall be operated so that the radio frequency energy that is radiated does not cause harmful interference. In the event that harmful interference is caused, the operator of the device shall promptly take steps to eliminate the harmful interference.

SUBPART C—RADIO RECEIVERS

§ 15.61 *Scope of this subpart.* Radio receivers come within the scope of this subpart insofar as they are restricted radiation devices and generate and radiate radio frequency energy. Typically, these rules apply to superheterodyne receivers in which the oscillator may produce harmful interference. As another example, these rules also regulate television broadcast receivers with respect to the radio frequency energy which is generated by the horizontal sweep circuits and which may cause interference.

§ 15.62 *Radiation interference limits.* (a) The radiation from all radio receivers that operate (tune) in the range 30 to 890 Mc, including frequency modulation broadcast receivers and television broadcast receivers, manufactured after the effective date specified in § 15.68 shall not exceed the following field strength limits at a distance of 100 feet or more from the receiver:

Frequency of radiation (Mc)	Field strength (uv/m)
0.45 up to and including 25	See paragraph (b).
Over 25 up to and including 70	32.
Over 70 up to and including 130	50.
130–174	50–150 (linear interpolation).
174–260	150.
260–470	150–500 (linear interpolation).
470–1000	500.

(b) Pending the development of suitable measurement techniques for measuring the actual radiation in the band 0.45 to 25 Mc, the interference capabilities of a receiver in this band will be determined by the measurement of radio frequency voltage between each power line and ground at the power terminals of the receiver. This requirement applies only to radio receivers intened to be connected to power lines of public utility systems. For television broadcast receivers the voltage so measured shall not exceed 100 uv at any frequency between 450 kc and 25 Mc inclusive. For all other receivers the voltage shall not exceed 100 uv at any frequency between 450 kc and 9 Mc inclusive, 1000 uv for frequencies between 10 Mc and 25 Mc and linear increase from 100 uv to 1000 uv for frequencies between 9 Mc and 10 Mc.

§ 15.63 *Measurement procedure.* (a) Any measurement procedure acceptable to the Commission may be used to show compliance with the requirements of this subpart. A detailed description of the proposed measurement procedure, including a list of the test equipment to be used, shall be submitted to the Commission when requesting a determination regarding the acceptability of the proposed measurement procedure.

(b) The following methods of measurement are considered acceptable procedures for certification of receivers pursuant to § 15.64:

(1) Institute of Radio Engineers Standard 51 IRE 17S1 for radiation measurements.

(2) Institute of Radio Engineers Standard 54 IRE 17.S1 for powerline interference measurements for television broadcast receivers, when the standard is modified by substituting a line stabilization network having the electrical constants described in MIL–I–16910A, "Military Specification For Interference Measurement" available from the Commanding Officer, Naval Supply Depot, Scotia 2, New York.

(c) In the case of measurements in the field, radiation in excess of 15 uv/m at any frequency between 450 kc and 25 Mc at the border of the property and more than 15 feet from any power line crossing this border under the control and exclusive use of the person operating or authorizing the operation of the receiver will be considered an indication of noncompliance with the radiation requirements of this subpart.

§ 15.64 *Certification of radio receivers.* (a) No radio receiver manufactured after the effective dates of this subpart that operates in the range 30 to 890 Mc, including frequency modulation broadcast receivers and television broadcast receivers, shall be operated without a station license unless it has been certificated to demonstrate compliance with the radiation interference limits in this subpart.

(b) The owner or operator need not certificate his own receiver, if it has been certificated by the manufacturer or the distributor.

(c) Certification made by a manufacturer or the distributor shall be based on tests made on receivers actually produced for sale. Tests shall be performed on a sufficient number of production units to assure that all production units comply with the radiation limitations of this subpart.

(d) The certificate may be executed by an engineer skilled in making and interpreting field strength measurements.

(e) The certificate shall contain the following information:

(1) Name of manufacturer or distributor of receiver,

(2) Model number,

(3) Brief description of receiver, including tuning range, type of circuit, purpose for which used (as broadcast, aircraft, etc.),

(4) Brief statement of the measurement procedure used,

(5) Date the measurements were made,

(6) A summary of the data obtained,

(7) A statement certifying that on the basis of measurements made, the radio receiver is capable of complying with the requirements of this part under normal operation with the usual maintenance,

(8) The name and address of the certifying engineer, and name and address of his employer, if any, and

(9) Date of the certificate.

(f) The certificate shall be retained by the owner, manufacturer or the distributor for a period of five years, and shall be made available, upon reasonable request, to an authorized Commission representative, or photostat furnished by mail. (See § 15.65 for filing requirement with FCC).

§ 15.65 *Information to be filed with Commission.* (a) Each manufacturer, distributor or other certifying agency that issues certifications pursuant to this subpart shall file with the Commission a description of its measurement facilities used for certification.

(b) A copy of each certificate prepared by a manufacturer, distributor or certifying agency shall be filed with the Commission at the time the certificate is prepared.

§ 15.66 *Identification of certificated receivers.* Each certificated receiver shall be identified by a distinctive seal or label, which may be a part of the name plate and which shall state that the receiver has been certificated for compliance with the requirements of this subpart. The seal or label shall be permanently attached to the receiver and shall be readily visible for inspection by prospective purchasers.

§ 15.67 *Operation of radio receivers aboard a ship.* In addition to meeting the requirements of this part, a radio receiver operated aboard a ship shall also meet the requirements of Part 8 of this chapter.

§ 15.68 *Effective date of this subpart.* VHF television broadcast receivers manufactured after May 1, 1956, shall comply with the certification requirements of this subpart, except that compliance with the power line interference limits for frequencies between 3 Mc and 25 Mc is required for such receivers manufactured after December 31, 1957. All other radio receivers that operate (tune) in the range 30 to 890 Mc manufactured after October 1, 1956, shall comply with the certification requirements of this subpart, except as follows:

(a) FM broadcast receivers manufactured after December 31, 1956, shall comply with the certification requirements with respect to frequencies above 25 Mc. All such receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to all frequencies.

(b) UHF television broadcast receivers manufactured after December 31, 1957, shall comply with the certification requirements of this subpart; *Provided, however*, that the limit 500 uv/m appearing in the table contained in § 15.62 of this part is temporarily increased to 1,000 uv/m for all UHF television receivers until December 31, 1958.

(c) The radiation interference limits and the certification requirement with respect thereto shall be met by all pocket type super-regenerative receivers used in the one-way signalling services as defined in Part 6 of this chapter which are manufactured after December 31, 1956.

§ 15.69 *Interference from a radio receiver.* The operator of a radio receiver, regardless of tuning range, date of manufacture, or of certification, which causes harmful interference shall promptly take steps to eliminate the harmful interference.

SUBPART D—COMMUNITY ANTENNA TELEVISION SYSTEMS

§ 15.161 *Radiation from a community antenna television system.* Radiation from a community antenna television system shall be limited as follows:

Frequencies (Mc)	Distance (ft.)	Radiation limits (uv/m)	
		General requirement	Sparsely inhabited areas [1]
Up to and including 54	100	15	15
Over 54 up to and including 132	10	20	400
Over 132 up to and including 216	10	50	1,000
Over 216	100	15	15

[1] For the purpose of this section, a sparsely inhabited area is an area where television broadcast signals are not, in fact, being received within 1,000 feet of any part of the community antenna television system.

§ 15.162 *Demonstration of compliance.* The operator of each CATV system shall be responsible for insuring that each such system is designed, installed and operated in a manner which fully complies with the provisions of this subpart. Each system operator shall be prepared to show, upon reasonable demand by an authorized representative of the Commission, that the system does, in fact, comply with the rules.

§ 15.163 *Interference from a community antenna television system.* In the event that the operation of a community antenna television system causes harmful interference to reception of authorized radio stations the operator of the system shall immediately take whatever steps are necessary to remedy the interference.

§ 15.164 *Responsibility for receiver generated interference.* Interference originating in a radio receiver shall be the responsibility of the receiver operator in accordance with the provisions of Subpart C of this part: *Provided, however*, That the operator of the community antenna television system to which the receiver is connected shall be responsible for the suppression of receiver generated interference that is distributed by the system when this interference is conducted into the system at the receiver.

§ 15.165 *Measurement of field strength.* Measurements to determine

the field strength of radio frequency energy generated by community antenna television systems shall be made in accordance with standard engineering procedures. Measurements made above 25 megacycles shall include the following:

(a) A field strength meter using a horizontal dipole antenna shall be employed.

(b) Field strength shall be expressed in terms of the RMS value of synchronizing peak.

(c) The dipole antenna shall be placed 12 feet above the ground and positioned directly below the system components. Where such placement results in a separation of less than 10 feet between the center of the dipole antenna and the system components, the dipole shall be repositioned to provide a separation of 10 feet.

(d) The horizontal dipole antenna shall be rotated about a vertical axis and the maximum meter reading shall be used.

(e) Measurements shall be made where other conductors are 10 or more feet away from the measuring antenna.

§ 15.166 *Effective date of radiation limits in this subpart.* (a) The radiation limits for community antenna television systems shall be met by all new systems whose construction begins on or after October 1, 1956, and by all new sections added to existing systems whose construction begins on or after October 1, 1956.

(b) Community antenna television systems in existence on September 30, 1956, shall comply with the radiation limits in this subpart not later than December 31, 1959: *Provided,* That any harmful interference to the reception of authorized radio stations caused by such systems shall be promptly remedied during this period by the operator of the CATV system.

SUBPART E—LOW POWER COMMUNICATION DEVICES

§ 15.201 *Frequencies of operation.* (a) A low power communication device may be operated on any frequency in the bands 10–490 kc, 510–1600 kc and 26.97–27.27 Mc.

(b) Other frequencies above 70 Mc may be used for operations of short duration in accordance with the requirements set forth in § 15.206.

§ 15.202 *Radiation limitation below 1600 kc.* A low power communication device which operates on any frequency between 10 and 490 kc or between 510 and 1600 kc shall limit the radiation so that the field strength does not exceed the value specified in the following table:

Frequency (kc)	Distance (feet)	Field strength (uv/m)
10–490	1,000	$\frac{2400}{F(kc)}$
510–1600	100	$\frac{24000}{F(kc)}$

§ 15.203 *Alternative requirement for operation on frequencies between 160 kc and 190 kc.* In lieu of meeting the radiation limitation, stated in § 15.202, a low power communication device operating on a frequency between 160 and 190 kc need only meet the following requirements:

(a) The power input to the final radio frequency stage (exclusive of filament or heater power) does not exceed one watt.

(b) All emissions below 160 kc or above 190 kc are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 50 feet.

§ 15.204 *Alternative requirement for operation on frequencies between 510 and 1600 kc.* In lieu of meeting the radiation limitation stated in § 15.202, a low power communication device operating on a frequency between 510 and 1600 kc inclusive need only meet the following requirements:

(a) The power input to the final radio stage (exclusive of filament or heater power) does not exceed 100 milliwatts.

(b) The emissions below 510 kc or above 1600 kc are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 10 feet.

(d) Low power communication devices obtaining their power from the lines of public utility systems shall limit the radio frequency voltage appearing on each power line to 200 microvolts or less on any frequency from 510 kc to 1600 kc. Measurements shall be made from each power line to ground both with the equipment grounded and with the equipment ungrounded.

NOTE: One method of determining radio frequency voltage on the power line is described in "Military Specification for Interference Measurement" MIL–I–16910 (SHIPS) dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia 2, New York. Note that this procedure calls for grounding the equipment under test, whereas the Commission's rules call for measurements both with the equipment grounded and with the equipment ungrounded.

§ 15.205 *Operation within the frequency band 26.97–27.27 Mc.* A low power communication device may operate within the band 26.97–27.27 Mc (27.12 Mc±150 kc) provided it complies with all of the following requirements:

(a) The carrier of the device shall be maintained within the band 26.97–27.27 Mc.

(b) All emissions, including modulation products, below 26.97 Mc or above 27.27 Mc shall be suppressed 20 db or more below the unmodulated carrier.

(c) The power input to the final radio stage (exclusive of filament or heater power) shall not exceed 100 milliwatts.

(d) The antenna shall consist of a single element that does not exceed 5 feet in length.

§ 15.206 *Operation above 70 Mc.* A low power communication device may be operated on any frequency above 70 Mc. provided it complies with all of the following conditions:

(a) Operation is limited to one second duration and to occur not more than once in 30 seconds.

(b) The radiated field on any frequency from 70 Mc to 1000 Mc does not exceed the limits specified for receivers in § 15.62.

(c) The radiated field on any frequency above 1000 Mc does not exceed 500 microvolts per meter at a distance of 100 feet.

(d) The device is provided with means for automatically limiting operation within the time restrictions specified in this section.

§ 15.207 *Class B emission prohibited.* Operation of low power communication devices that produce Class B emissions (damped waves) is prohibited.

§ 15.208 *Certification requirements.* (a) No low power communication device manufactured after January 1, 1958 shall be operated without a station license unless it has been certificated to demonstrate compliance with the requirements in this part.

(b) The owner or operator need not certificate his own low power communication device, if it has been certificated by the manufacturer or distributor.

(c) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to assure that all production units comply with the technical requirements of this subpart.

(d) The certificate may be executed by a technician skilled in making and interpreting the measurements that are required to assure compliance with the requirements of this part.

(e) The certificate shall contain the following information:

(1) The operating conditions under which the device is intended to be used.

(2) The antenna to be used with the device.

(3) A statement certifying that the device can be expected to comply with the requirements of this subpart under the operating conditions specified in the certificate.

(4) The month and year in which the device was manufactured.

§ 15.209 *Location of certificate.* The certificate shall be permanently attached to the device and shall be readily visible for inspection.

§ 15.210 *Interference from low power communication devices.* Notwithstanding the other requirements of this part, the operator of a low power communication device, regardless of date of manufacture, which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been eliminated.

[F. R. Doc. 57–7729; Filed, Sept. 19, 1957; 8:50 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Supp. 23]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

SUBPART H—ACCOUNTING PROCEDURE

Subpart H is added to Part 299 to read as follows:

Sec.
299.100 Purpose.
299.101 Definitions.
299.102 Accounting requirements.
299.103 Capital necessarily employed.
299.104 Net voyage profit.
299.105 Statements required by the Administration.
299.106 Certifications and verifications.
299.107 Statement of purposes and reservations.

AUTHORITY: §§ 299.100 to 299.107 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

§ 299.100 *Purpose.* The purpose of this subpart is to prescribe procedure to be followed by charterers in the rendition to the Maritime Administration of accountings required under SHIPSALESDEMISE 303 (1956), 1st Amendment, Bareboat Charter Agreements.

§ 299.101 *Definitions.* Except when the context clearly indicates otherwise, as used in this subpart:

(a) "Administration" or "owner" refers to the United States of America acting by and through the United States Department of Commerce, Maritime Administration.

(b) "Charterer" refers to a person, firm, or corporation that has chartered vessels from the Administration under a bareboat charter agreement known as SHIPSALESDEMISE 303, as hereinafter defined.

(c) "SHIPSALESDEMISE 303" refers to Form 303 SHIPSALESDEMISE (1956), 1st Amendment, published in the FEDERAL REGISTER on January 30, 1957, § 299.82, and to any future modifications of such 303 SHIPSALESDEMISE charter forms which may be adopted.

(d) "Other operations" refers to the operation by the Charterer of vessels other than those chartered from the Administration or the furnishing by the Charterer of services and facilities to such other vessels, and all other business activities of the Charterer.

(e) "Uniform System of Accounts" refers to the "Uniform System of Accounts for Maritime Carriers" prescribed by the Maritime Administration, United States Department of Commerce, in Part 282 of this chapter General Order 22, Revised (Issue of 1950), effective January 1, 1951, published in the FEDERAL REGISTER, November 21, 1950.

(f) "Statutory additional charter hire", which is required to be paid under Clause 13, Part II, shall be one-half (50%) of the cumulative net voyage profits in excess of ten per centum per annum, as provided in Section 709 of the Merchant Marine Act, 1936, as amended, computed on the basis as set forth in paragraph (c) of § 299.104.

(g) "Allowable return" refers to the amount, at the rate of ten per centum per annum of "capital necessarily employed", which, to the extent earned, the Charterer is permitted to deduct from the cumulative net voyage profit in the computation of statutory additional charter hire.

(h) "Accounting period" or "other accounting period" refers to a period with respect to which a separate determination of statutory additional charter hire due the Administration is required to be made pursuant to the provisions of the applicable bareboat charter agreement, commencing with the first day of the calendar year, or the first day of the month during which the first vessel is delivered to the Charterer under the agreement involved, or the first day of the month during which an addendum requiring a separate determination of statutory additional charter hire becomes effective, and ending with the last day of the calendar year or the last day of the month during the calendar year in which the last vessel is redelivered to the Administration under the agreement (or addendum) involved.

(i) "Overall accounting period" refers to a period from the earliest commencement of an accounting period to the latest termination of an accounting period during the same calendar year.

§ 299.102 *Accounting requirements—*(a) *Contract provisions and applicable instructions—*(1) *Preliminary payments, statutory additional charter hire.* (i) Clause 13, Part II, SHIPSALESDEMISE 303, which provides that the Charterer shall pay the Owner statutory additional charter hire, as required by section 709, Merchant Marine Act, 1936, as amended, also provides that the time of payment of such hire shall be as provided by regulations of the Owner.

(ii) The Administration hereby requires that the Charterer make preliminary payments to the Owner on account of such statutory additional charter hire, which shall be deemed to be preliminary and subject to adjustment either at the time of the rendition of preliminary statements or upon completion of each final audit by the Owner, at which times such payments will be made to the Owner as such preliminary statements or final audit may show to be due, or such overpayments refunded to the Charterer as may be required. Accordingly, preliminary statements as prescribed in paragraph (a) of § 299.105 shall be prepared and forwarded to the Owner at Washington 25, D. C., within sixty (60) days after the close of each semiannual period, i. e., June 30 and December 31, Provided, however, that in the event the Charterer can submit final accountings within one hundred twenty (120) days after the close of the annual accounting year or by April 30 or within one hundred twenty (120) days after the end of the month in which the last vessel is redelivered to the Owner, such preliminary statements as are required may be waived upon written request of the Charterer to the Owner. Each such preliminary statement and/or final accounting showing the computation of statutory additional charter hire due the Owner shall be accompanied by the Charterer's check payable to "Maritime Adm.—Commerce", on account of statutory additional charter hire for the period involved.

(2) Clause 27 of Part II of SHIPSALESDEMISE 303 provides, among other things, that the Charterer—

(i) Shall keep its books, records and accounts relating to the management, operation, conduct of the business of and maintenance of the Vessels covered by this Agreement in accordance with the "Uniform System of Accounts for Maritime Carriers" prescribed by the Maritime Administration, U. S. Department of Commerce, in Part 282 of this chapter (General Order 22, Revised (Issue of 1950), effective January 1, 1951), and under such regulations as may be prescribed by the Owner, *Provided,* That, notwithstanding the provisions of said Part 282, such reserves as may be specifically authorized by the Owner shall be taken into account in the determination of "Net Voyage Profit" hereunder or the expenses to provide for which such reserves are so authorized shall be distributed over the period of use hereunder of the Vessels involved in such manner as will accomplish the same results as though such reserves were established, as prescribed in paragraph (b) (9) of § 299.104; and

(ii) Shall file, upon notice from the Owner, balance sheets, profit and loss statements, and such other statements of financial operations, special reports, memoranda of any facts and transactions, which in the opinion of the Owner affect the financial results in, the performance of, or transactions or operations under, this Agreement. The Owner reserves the right to require that all annual and final accountings, related financial statements, and other documents related thereto deemed necessary by the Owner, shall be certified by independent certified public accountants acceptable to the Owner.

(b) *Annual and final accountings.* (1) Pursuant to the applicable provisions of the bareboat charter agreements, the Administration hereby requires that each Charterer submit a final accounting of statutory additional charter hire accrued to the Owner for each annual or overall accounting period under SHIPSALESDEMISE 303. Each such accounting shall be submitted in quadruplicate and shall include the basic statements prescribed in § 299.105 (Statements Required by the Administration). (When Charterer is located in Outports where branch of the principal coastal office of the Administration is maintained, e. g., Seattle Area Office, statements will be required in quintuplicate.)

(2) Each such accounting, if the amount of statutory additional charter hire shown thereby to have accrued to the Owner is in excess of the total of the payments theretofore made to the Administration (less any refunds theretofore made by the Administration on account of such payments) on account of statutory additional charter hire for the period involved, shall be accompanied by the Charterer's check payable to

"Maritime Adm.—Commerce" on account of statutory additional charter hire for the period involved.

(3) If, conversely, in any instance the amount of statutory additional charter hire shown by such accounting to have accrued to the Owner is less than the total of the payments theretofore made to the Administration (less any refunds theretofore made by the Administration on account of such payments) on account of statutory additional charter hire for the period involved, the Charterer may apply to the Administration for refund of such overpayment and, if such application is found to be in order, the amount of the overpayment will be refunded by the Administration. The application should be made on a public voucher (Form 1034—Revised), in quintuplicate (When Charterer is located in Outports where branch of the principal coastal office of the Administration is maintained, e. g., Seattle Area Office, vouchers will be required in sextuplicate.), bearing language substantially as follows:

Claim for refund of excess of preliminary payments made to Maritime Adm.—Commerce, on account of statutory additional charter hire, over the amount of such statutory additional charter hire indicated to be due the Administration for the period from ---------- to ---------- under Bareboat Charter Agreement SHIPSALESDEMISE 303 No. ----, as per accounting rendered pursuant to General Order No. 60, Supplement 23, which, by this reference, is incorporated in this claim for refund.

(4) The accounting comprising the statements and accompanying remittance or voucher required in this subpart shall be submitted to the Administration through the local District Comptroller and/or the Area or Port Auditor in the district, area, or port in which the home office of the Charterer is located.

(c) *Subsequent adjustments.* (1) In instances where operations under SHIPSALESDEMISE 303 continue beyond the end of a calendar year or other accounting period, at the time of the submission of the accounting for each succeeding annual or overall accounting period as required hereunder, the Charterer shall submit also a revised accounting for the previous period including all adjustments affecting that period that occurred subsequent to the rendition of the accounting therefor.

(2) If, in any instance, at the time of the submission of an accounting for an annual or overall accounting period, no adjustment affecting any preceding period has occurred subsequent to the submission of the accounting for such period, the Charterer shall submit to the Administration an appropriate certification to that effect, over the signature of a duly authorized officer.

§ 299.103 *Capital necessarily employed*—(a) *Fundamental basis.* The fundamental basis for the determination of "capital necessarily employed" is provided in Clause 23 (c) of Part II of SHIPSALESDEMISE 303.

(b) *Interim additions and deductions.* The definition of "capital necessarily employed" in SHIPSALESDEMISE 303 provides, among other things, that additional capital in the form of cash or tangible property paid in during the charter period shall be included in the computation of "capital necessarily employed" from the date paid in and that any withdrawals of capital shall be deducted from the date withdrawn. In the determination of "capital necessarily employed" additional capital, in the form of cash or tangible property paid in, and any withdrawals of capital during an annual or overall accounting period thereunder shall be included or deducted (as the case may be), pro rata, on the basis of the proportion of such additions or withdrawals represented by the relation that the number of days from the date thereof to the end of the calendar year or overall accounting period involved bears to the total number of days within such period, such proportion to be allocated to or between "capital necessarily employed" under SHIPSALESDEMISE 303 and "other operations" in the manner prescribed in paragraph (c) of this section.

(c) *Allocation among operations under Bareboat Charter Agreements and "other operations".* The definition of "capital necessarily employed" in SHIPSALESDEMISE 303 provides, among other things, that if the Charterer engages in other activities in addition to the operation of the vessels thereunder, the Owner shall determine the proper allocation of capital as between such activities. To implement this provision of the bareboat charter agreements, the following bases of allocation are prescribed:

(1) Wherever practicable and the result will not be disproportionate, "capital necessarily employed" in the business of the vessel(s) chartered from the Administration shall be determined upon the basis of the "net worth" reported by the Charterer in its balance sheet as of the close of the month preceding the date of delivery of the first vessel(s) under the contract (or at the end of the calendar year or other accounting period, deemed by the Owner to fairly present the financial position of the Charterer, but adjusted to take into account such subsequent changes in net worth and such other changes as the Owner may deem essential to a proper determination of "capital necessarily employed" at the end of such month), and as at each succeeding December 31st during the effective period of the agreement, adjusted in such manner as the Owner may determine to be fair and reasonable, including (i) such other adjustments as are consistent with sound accounting principles; (ii) pro rata reduction of any amounts in any instances where the accounting period involved is less than a calendar year, and (iii) the elimination of assets and applicable liabilities not necessarily employed in the operation of the chartered vessels, if $10,000, or in excess thereof as to each category ((*a*), (*b*), (*c*), etc.), e. g.:

(*a*) Marketable securities pledged, except for penal bonds—bareboat charter contract;

(*b*) Non-shipping inventories;

(*c*) Replacement and similar special funds (including contractual and statutory reserve funds of subsidized operators, less mortgage indebtedness due within one year payable from such funds);

(*d*) Deferred Operating-Differential Subsidy Receivable (less—recapturable profits—M. A.);

(*e*) Amounts on deposit under purchase contracts;

(*f*) Securities of related companies and other non-marketable securities;

(*g*) Advances and loans to and deposits with related companies;

(*h*) Non-current receivables from and payables (not in excess of receivables) to, related companies;

(*i*) Cash value of life insurance;

(*j*) Net book value of vessels and of non-shipping property and equipment, less the portion of any long-term debt arising from the acquisition of such assets due more than one year after the date of the balance sheet involved;

(*k*) Construction work in progress;

(*l*) Notes and accounts receivable from and payables (not in excess of receivables) to officers and employees and others;

(*m*) Goodwill and other intangible assets; and

(*n*) Appreciation, etc.

(2) Except in instances involving (i) considerable non-shipping operations, (ii) substantial dissimilarity between the operations of the vessels chartered from the Administration and those of vessels managed, owned or chartered from others by the Charterer (with respect to which the Charterer shall submit for the consideration of the Administration, in advance of the accounting herein prescribed, its concept of a fair and reasonable formula, addressed in the manner prescribed in § 299.102 (b) (4), if and to the extent that the "net worth" of the Charterer is employed in the general conduct of the shipping business, it shall be allocated between operations under the bareboat charter agreements with the Administration and "other operations" on the basis of the relation that the vessel operating expenses of the chartered vessels bears to the total vessel operating expenses of all vessels operated by the Charterer. The term "vessel operating expenses", as used in this subparagraph means, for the purposes of this formula, those expenses proper for inclusion in Account 700—Operating Expenses—Terminated Voyages, excepting Account 760—Charter Hire, which shall be eliminated for the purposes of this formula, and Account 765—Agency Fees and Commissions, which, for the purposes of this formula, shall be eliminated from "vessel operating expenses" and included in overhead expenses (for the purpose of eliminating the necessity for allocating branch office income and expense, separately, from the allocation of overhead expenses), and Account 800—Inactive Vessel Expense, excepting Account 826—Charter Hire, all as defined in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order No. 22, Revised): *Provided*, That for the purposes of this formula there shall be omitted the proportion of such vessel operating expenses represented by the relation that the expired days of voyages in progress at the commencement of the accounting period involved bears to the total days of such voyages and there shall be taken into account the proportion of such expenses represented by the relation that the expired days of voyages in progress at the termination of such period bears to the total days of such voyages, and further, that for the purposes of the formula prescribed herein only, subsequent adjustments of vessel operating expenses, after the original accounting is rendered, covering each contract for each overall accounting period, in which statutory additional charter hire is required to be computed, accounted for, and paid separately, shall neither be permitted nor required, except in instances where such adjustments, in the net aggregate, equal or exceed one (1) percentum of the aggregate overall vessel operating expenses applicable to the accounting period involved: *And provided further*, That, for the purposes of the formula prescribed herein only, as for example, in any instance where the vessel(s) hereunder is (are) under time charter to the Military Sea Transportation Service, the term "vessel operating expenses" shall include any similar expenses incurred for account of, and recoverable from such time charter.

(d) *Limitation of "capital necessarily employed."* (1) (i) If, in any instance, the amount allocated to "capital necessarily employed" under SHIPSALESDEMISE 303, in accordance with the foregoing provisions of this section, is in excess of the greater of (*a*) the working capital requirements, or (*b*) the net worth requirements determined in the manner provided in paragraph (2) of Clause H—Special Provisions, of Part I of SHIPSALESDEMISE 303, such allocation shall be disregarded and "capital necessarily employed" shall be determined in accordance with such Special Provisions. In the application of this limitation, for the purpose of determining

(*l*) The number of vessels involved in instances where they do not remain constant throughout the accounting period, and

(2) The amount of working capital requirements or the net worth requirements (whichever is the greater) in instances where more than one type of vessel is involved,

the following formula is prescribed:

(*i*) The number of vessels involved shall be deemed to be the result obtained by dividing into the total number of days, for all vessels for the accounting period involved, the number of calendar days within such period. (For the purposes of this calculation the "total number of days" shall be considered as beginning with the delivery date of the vessel during an accounting period to the end of such accounting period or the date on which the vessel is redelivered during the period), and

(*ii*) The average working capital requirements or net worth requirements per vessel shall be determined by multiplying the greater of such requirements (as modified in subparagraphs (a) and (b) of paragraph (2) of Clause H of Part I of "SHIPSALESDEMISE 303") for each type of vessel involved by the number of days covering all vessels of that type for the accounting period involved, and dividing the sum of the results thus obtained for all types of vessels involved by the aggregate number of days for all types of vessels.

(ii) The amount to be deducted in the determination of statutory additional charter hire (as ten per centum per annum on "capital employed") shall be that proportion of ten per cent represented by the relation that the number of days within the accounting period involved bears to three hundred and sixty-five (except leap year), the number of days within the year, as shown in the following example (in which the working capital requirements are assumed to exceed the net worth requirements and the accounting period is assumed to be 180 days):

Determination of Average Working Capital Requirements

Vessels		
Type "A"	11 for 150 days each = 1,650 days @ $90,000 ÷	= $148,500,000
Type "A"	5 for 180 days each = 900 days @ 90,000 ÷	= $81,000,000
Type "A"	2 for 120 days each = 240 days @ 100,000 ÷	= $24,000,000
Type "B"	1 for 180 days each = 180 days @ 100,000 ÷	= $18,000,000
Type "B"	1 for 180 days each = 180 days @ 140,000 ÷	= $25,200,000
	3,150 days	$296,700,000
Total as above		$296,700,000
Divided by—Total vessel days as above		3,150
Average working capital requirements per vessel		$94,190.48

Determination of Number of Vessels for Period

Total vessel days as above	3,150
Divided by—Total days in period	180
Total vessels for period	17½

Determination of "Capital Employed"

First to fifth vessel, inclusive (100% of $94,190.48 × 5) [2]	$470,952.40
Sixth to tenth vessel, inclusive (75% of $94,190.48 × 5) [2]	$353,214.30
Eleventh to fifteenth vessel, inclusive (50% of $94,190.48 × 5) [2]	$235,476.20
Excess of fifteen (2½ vessels) (25% of $94,190.48 × 2½) [2]	$58,869.05
	$1,118,511.95
"Allowable return" of 180/365 of 10% of "capital employed"	$55,159.49

[1] Working capital requirements (as modified in sub-paragraph (a) of paragraph (2) of Clause H of Part I of "SHIPSALESDEMISE 303") should be used for this purpose, if they exceed net worth requirements.

[2] Fractions resulting from the calculation of the number of vessels involved shall be taken into account, the 25 percent reduction being applicable to such fractions occurring between the fifth and sixth vessels, and the 50 percent reduction to those occurring between the tenth and eleventh vessels.

(iii) For the purpose of computing the limitation of "Capital Necessarily Employed", as prescribed in this paragraph, the "Working Capital" and/or "Net Worth" requirements (determined pursuant to Clause H, Special Provisions 1 and 2 of Part I of the Agreement), as published in the FEDERAL REGISTER, at the time vessel(s) were applied for, shall remain in full force and effect with respect to such vessel(s) during the entire period of the agreement: *Provided, however*, If any vessel(s) are redelivered and subsequently rechartered, the application to re-charter the vessel(s) shall be treated as a new application for purposes of determining the "Limitation of Capital Necessarily Employed".

§ 299.104 *Net voyage profit*—(a) *Fundamental basis.* (1) The fundamental basis for the determination of "net voyage profit" is provided in Clause 23 (a) of Part II of SHIPSALESDEMISE 303.

(2) The fundamental basis for the determination of "fair and reasonable overhead expenses" (which are deductible from gross income in the determination of "net voyage profit") is prescribed in Clause 23 (b) of Part II of SHIPSALESDEMISE 303.

(3) The fundamental basis with respect to reserves to be taken into account in the determination of "net voyage profit" is prescribed in Clause 27 of Part II of SHIPSALESDEMISE 303.

(b) *Allocation among operations under Bareboat Charter Agreements and "other operations".* The definition of "net voyage profit" in SHIPSALESDEMISE 303 provides, in effect, among other things, that, in instances where the Charterer engages in other activities in addition to the operation of the vessels thereunder, income and expenses other than those directly and exclusively allocable to the operation of such vessels shall be prorated between these activities on such basis as the Owner may determine to be fair and reasonable. To implement this provision of the bareboat charter agreements, the following bases of allocation are prescribed:

(1) Wherever practicable and the result will not be disproportionate, income and expenses (including, but not necessarily limited to, operating revenues and expenses on terminated voyages, inactive vessels expense, operating-differential subsidy, collections from and contributions to pools for the purpose of equalizing revenue in accordance with pooling agreements) shall be allocated directly to the operation from which they are derived or in which they are incurred.

(2) Except in instances where the Charterer maintains its accounts on an actual cost basis respecting the operations covered herein below, the "Uniform System of Accounts for Maritime Carriers" provided in Part 282 of this chapter (General Order 22, Revised), provides, among other things, that Ac-

counts Nos. 891—Credits from Terminal Operations, 892—Credits from Cargo Handling Operations, 893—Credits from Tug and Lighter Operations, 894—Credits from Other Shipping Operations (in instances where such services or facilities are maintained by the Charterer), shall be credited with "agreed amounts" for the use of such services or facilities by vessels owned by the Charterer, with corresponding charges to Vessel Operating Expense. In instances where the Charterer maintains such services or facilities and they are used by the chartered vessels, the Charterer shall charge in the Vessel Operating Expense Accounts of the chartered vessels fair and reasonable amounts for the use of such services or facilities (but not in excess of (i) the "going rates" for the services or facilities at the ports involved, or (ii) the rates at which such services or facilities could be obtained from independent suppliers, or (iii) the rates charged all other vessels using them): *Provided*, Similar charges are made in the accounts of all other vessels operated by the Charterer. If the sum of the gross income derived from the use of such services or facilities by vessels (i) under SHIPSALESDEMISE 303, (ii) owned by the Charterer, and (iii) chartered from others by the Charterer, exceeds the gross income derived from the use of such services or facilities by other vessels,

(*a*) The expense of maintaining such services or facilities shall be included in Accounts Nos. 855—Expense of Terminal Operations, 865—Expense of Cargo Handling Operations, 875—Expense of Tug and Lighter Operations, and 885—Expense of Other Shipping Operations, and shall be allocated among the operation of the vessels under SHIPSALESDEMISE 303 and "Other Operations" on the basis of the relation that the gross income so derived from the vessels engaged in each such operation bears to the total gross income derived from the furnishing of such services or facilities, except that income derived from the furnishing of such services or facilities to vessels neither owned, nor chartered from the Administration or others, by the Charterer shall not be included in the above calculation but shall be prorated between the operation of the vessels under SHIPSALESDEMISE 303 and "Other Operations" in the same manner as is the expense of maintaining such services or facilities as thus determined, and

(*b*) The amounts credited to the income accounts shall be allocated directly to the operation of the vessels under SHIPSALESDEMISE 303 and "Other Operations" on the same basis as are the corresponding charges to the Vessel Operating Expense Accounts.

If, conversely, the sum of the gross income derived from the use of such services or facilities by vessel (i) under SHIPSALESDEMISE 303, (ii) owned by the Charterer, and (iii) chartered from others by the Charterer, is less than the gross income derived from the use of such services or facilities by other vessels,

(*a*) The amounts credited to the income accounts corresponding to charges in the Vessel Operating Expense Accounts of the vessels under SHIPSALESDEMISE 303 shall be allocated directly to the operation of such chartered vessels and the amounts credited to the income accounts corresponding (*1*) to charges in the accounts of vessels, owned, or chartered from others than the Administration, by the Charterer, and (*2*) to charges against others for the use of such services or facilities shall be allocated to "other operations", and

(*b*) The expense of maintaining such services or facilities shall be allocated between the operation of vessels under SHIPSALESDEMISE 303 and "Other Operations" on the basis of the relation that the gross income so derived from the vessels engaged in each such operation bears to the total gross income derived from the furnishing of such services or facilities.

(3) Compensation, including compensation for liquidating the activities and business of vessels earned by general agents (as determined by District Comptrollers), under NSA Order No. 47 (AGE–4 and amendments thereto) shall be allocated 20 percent direct to "Other Operations"; the remaining 80 percent of the total compensation earned under the applicable order shall be deducted from the total overhead expenses of the Charterer before allocation of such expenses between SHIPSALESDEMISE 303 and "Other Operations".

(4) In instances where branch offices of the Charterer act as agents for the chartered vessels and if it is impracticable to determine the actual cost of such services, the Charterer may charge in the vessel operating expense accounts of the chartered vessels fair and reasonable amounts for such services (but at not in excess of (i) the "going rates" for the services at the ports involved, or (ii) the rates at which such services could be obtained from independent agents, or (iii) the rates charged all other vessels for such services): *Provided*, Similar charges are made in the accounts of all other vessels operated by the Charterer. Such credits shall be accumulated in Account No. 895—Credits from Branch House Operations, in the manner prescribed in Part 282 of this chapter (General Order No. 22, Revised), and deducted from overhead expense as prescribed in subparagraph (5) of this paragraph.

(5) (i) Except in instances involving (*a*) considerable non-shipping operations, and (*b*) substantial dissimilarity between the operations of the vessels chartered from the Administration and those of vessels managed, owned or chartered from others by the Charterer, or (*c*) agency operations actually carried on as a separate and substantial business activity of the Charterer for its own account and not merely incidental to the operation of the chartered vessels (with respect to which the Charterer shall submit, for the consideration of the Administration, in advance of the accounting herein prescribed, its concept of a fair and reasonable formula, addressed in the manner prescribed in subparagraph (4) of § 299.102 (b)), overhead expenses (if not directly allocable to a particular operation, i. e., bareboat or other), including (*1*) administrative and general expense and (*2*) expenses incurred in the operation and maintenance of branch houses; less (*i*) 80 percent of the total agency fees, commissions, and brokerage earned from outside agency activities (the remaining 20 per cent to be allocated direct to "Other Operations"), and (*ii*) credits from branch house operations (Account No. 895); (*3*) management and operating commissions, advertising expenses (other than that directly allocable to a particular operation, i. e., bareboat or other), taxes, other than Federal; income tax, and (*4*) agency fees and commissions transferred from vessel operating expense (Account No. 765); all as described in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administration in Part 282 of this chapter (General Order No. 22, Revised), and as the Owner may determine to be fair and reasonable and properly included, shall be allocated between operations under the SHIPSALESDEMISE 303 and "Other Operations" on the basis of the relation that the "vessel operating expense" (as hereinbefore defined in § 299.103 (c) (2)) of the chartered vessel(s) bears to the total vessel operating expenses of all vessels operated by the Charterer during the annual or overall accounting period involved.

(ii) Subject to the conditions prescribed in § 299.106 (b), in any instance where the statements required to be submitted to the Administration hereunder are certified by an independent certified public accountant or a firm of independent certified public accountants, such fair and reasonable payments as the Administration determines to have been made by the Charterer for the certification of such statements by such certified public accountants may be allocated directly to operations under the bareboat charter agreements involved on the basis of the relation that the total vessel operating expenses (determined similarly as defined in § 299.103 (c) (2)) of the chartered vessel(s) applicable to each accounting period under each agreement bears to the total vessel operating expenses of the chartered vessel(s) under all such agreements for all such periods covered by such statements.

(iii) The salaries of any additional personnel which the Charterer demonstrates to the satisfaction of the Administration to have been necessarily employed for the exclusive purpose of preparing such statements (irrespective of whether or not they are certified by an independent certified public accountant or a firm of independent certified public accountants) shall be allocated over the entire period covered by such statements on the basis of the relation that the total vessel operating expenses (determined similarly as defined in § 299.103 (c) (2)) of the chartered vessel(s) applicable to each accounting period under each agreement bears to the total vessel operating expenses of the chartered vessel(s) under all such agreements for all such periods covered by such statements.

(iv) Post redelivery overhead expense shall be allowed, as additional expense in computing statutory additional charter hire, in an amount equal to ten dollars ($10.00) per day for each day each vessel is under the bareboat charter agreement for a maximum period of 180 days. Such post redelivery overhead expense shall be allocated directly to operations under the bareboat charter(s) on the basis of the relation that the total vessel operating expense (determined similarly as defined in § 299.103 (c) (2)) of the chartered vessel(s) applicable to each accounting period under each agreement bears to the total vessel operating expenses of the chartered vessel(s) under all such agreements for all such periods covered by such statements, Provided, that such allowance so accounted for, shall (in the event an additional agreement (or agreements) is (are) entered into and vessels delivered thereunder subsequent to redelivery of the last vessel under the preceding agreement, during the same calender year), be deducted from overhead expense before allocation thereof under all or any succeeding agreements.

(6) Depreciation—Floating Equipment—Vessels, shall be allocated direct to "Other Operations", Depreciation—Other Floating Equipment, Depreciation—Terminal Property and Equipment, and Depreciation—Other Shipping Property and Equipment, excepting depreciation on office furniture, fixtures and equipment, shall be allocated among the various operations on the same relative bases as are the other expenses of maintaining such services and facilities pursuant to subparagraph (2) of this paragraph. Depreciation on office furniture, fixtures and equipment and Amortization of Leaseholds (to the extent not subject to direct allocation) shall be allocated among the various operations on the same relative basis as are Fair and Reasonable Overhead Expenses pursuant to the formula prescribed in § 299.103 (c) (2).

(7) Income in the form of interest earned and dividends, interest expense (except interest expense on mortgage notes covering vessels purchased, construction commitments, mortgage bonds, debentures, and other long-term debt, if not specifically employed in the operation of the chartered vessel(s), shall be allocated direct to "Other Operations"), miscellaneous operating income and expense, miscellaneous other income and miscellaneous other deductions from income if and to the extent they are not susceptible to direct allocation, but are derived from and incurred in the general conduct of the shipping business, shall be allocated among the various operations on the same relative basis as are Fair and Reasonable Overhead Expenses pursuant to the formula prescribed in § 299.103 (c) (2).

(8) Income derived from, and expenses incurred in, non-shipping operations shall be allocated directly to "Other Operations".

(9) Reserves to be taken into account in the determination of "net voyage profit":

(i) Subject to the conditions provided in this paragraph, upon application of the Charterer, supported by adequate data based on past experience, the inclusion in vessel operating expenses applicable to all terminated voyages of such charges as the Administration determines to be fair and reasonable will be permitted to provide reserves for:

(*a*) Vessel repair expenses (including voyage and annual or periodic special survey repair expenses as well as expenses of repairs incident to deactivation and/or redelivery of vessels).

(*b*) Vessel redelivery expenses (excepting such expenses, if any, for which the Charterer is reimbursed by the Owner, and excepting also any overhead expenses of the Charterer) incurred during the period from the time of paying off the crew or completion of discharge of cargo or ballast on the last voyage, or from the date of availability of the vessel for redelivery pursuant to the terms of the Agreement, whichever later occurs, to the time of redelivery of the vessel to the Administration, such as (*i*) wages of crew, (*ii*) food and stores consumed, (*iii*) fuel consumed, (*iv*) monthly charter hire, (*v*) insurance premiums, (*vi*) port charges, (*vii*) cleaning, watching, maintenance expenses, shore labor, and miscellaneous expenses incident to redelivery, and (*viii*) expenses, if any, incident to transporting the ship from port of return to the United States upon its last voyage to port of redelivery, and

(*c*) Reserves for P. & I. insurance deductible average losses.

(ii) The reserves for vessel repair expenses and for vessel redelivery expenses shall be adjusted (*a*) as at December 31, 1956, with respect to vessels redelivered to the Administration on or before that date, (*b*) as at the end of each succeeding calendar year with respect to vessels redelivered to the Administration during such year, and (*c*) at the time of final accounting under the Agreement with respect to vessels redelivered to the Administration during the period following the end of the last preceding calendar year. Such adjustment shall be accomplished by distributing separately the balances in such reserves applicable to each individual vessel redelivered to the Administration during each such period in such manner as will have the effect of spreading the actual expenses applicable to each such vessel over the accounting periods involved (with respect to which a separate determination of statutory additional charter hire is required to be made) on the basis of the relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning of the first voyage of such vessel terminating after July 1, 1956 and ending with the date of its redelivery to the Administration.

(iii) The reserves for P. & I. insurance deductible average losses shall be adjusted at the time of final accounting under the Agreement, by distributing separately the balances in such reserves applicable to each individual vessel in such manner as will have the effect of spreading the actual expenses applicable to each individual vessel over the accounting periods involved (with respect to which a separate determination of statutory additional charter hire is required to be made) on the basis of the relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning of the first voyage of such vessel terminating after July 1, 1956 and ending with the date of its redelivery to the Administration.

(iv) If in any instance either of the reserves specifically authorized in subdivision (i) of this subparagraph is not established, or, if established, the amount thereof is not adequate to cover the actual expenses properly chargeable thereto, such expenses, or the excess thereof over the amount of the reserve established to provide therefor, as the case may be, applicable to each individual vessel involved, shall be distributed over the period of use of such vessel under the Agreement, commencing with the first voyage terminating after July 1, 1956, in such manner as will accomplish the same result as though adequate reserves were established to provide for such expenses as provided in this section.

(v) In the determination of "Net Voyage Profit" under the Agreement, there shall not be taken into account (*a*) any charge resulting from the creation of reserves to cover expenses other than those specifically provided for in subdivision (i) of this subparagraph, or (*b*) any charge resulting from the spreading of expenses other than those with respect to which the creation of reserves is specifically provided for in subdivision (i) of this subparagraph.

(10) *Adjustments in absence of physical inventories.* Except in instances where physical inventories satisfactory to the Owner were taken at the end of each accounting period with respect to which a separate determination of statutory additional charter hire is required to be made,

(i) The value of the inventory of subsistence stores, consumable stores, fuel, water, and slop chest items on board at the time of delivery of the vessel to the Charterer shall be charged in Account 060—Stores, Supplies and Equipment Aboard Vessels—and the value of the inventory of subsistence stores, consumable stores, fuel, water, and slop chest items on board at the time of redelivery of the vessel to the Owner shall be credited in the same account.

(ii) The difference between the value of such delivery inventory and the value of such redelivery inventory shall be distributed proportionately on a daily basis over the entire period commencing with the date of delivery of the vessel to the Charterer and ending with the date of its redelivery to the Owner, and

(iii) The value of priced differences between the itemized lists of expendable equipment upon delivery and redelivery shall be distributed proportionately on a daily basis over the entire period commencing with the date of delivery of the vessel to the Charterer and ending with the date of its redelivery to the Owner.

(c) *Calculation of net voyage profit on cumulative basis.* Clause 13, Part II, SHIPSALESDEMISE 303, provides that the Charterer shall pay the Owner statutory additional charter hire as required by Section 709, Merchant Marine Act, 1936, as amended. Under said section

it is provided that "whenever, *at the end of any calendar year* subsequent to the execution of such charter, the *cumulative net voyage profits* (after payment of the charter hire reserved in the charter and payment of the charterer's fair and reasonable overhead expenses applicable to operation of the chartered vessels) shall exceed 10 per centum per annum on the charterer's capital necessarily employed in the business of such chartered vessels, the charterer shall pay over to the Commission, as additional charter hire, one-half of such *cumulative net voyage profit* in excess of 10 per centum per annum: *Provided*, That the *cumulative net profit so accounted for* shall not be included in any calculation of *cumulative net profit* in subsequent years." [Italics supplied.] For purposes of calculating "cumulative net voyage profits", any net voyage losses and/or any unearned portion of the allowable return of 10 per cent per annum on capital necessarily employed in the business of the chartered vessels, may be carried forward into the next accounting period or periods, but in no event shall profits in excess of 10 per cent per annum on capital employed, at the end of any accounting period, be carried forward into the next accounting period. The foreging is without prejudice to the position heretofore or hereafter asserted by the Government in litigation involving these charters.

§ 299.105 *Statements required by the Administration*—(a) *Preliminary Statements.* (1) Semiannual preliminary statements of statutory additional charter hire required hereunder, as referred to in § 299.102 (a) (1), shall include the following statements: (There will be supplied by the Office of the Comptroller illustrative examples of such statements based on hypothetical figures.)

Exhibit A—Analysis of net worth and allocation of "Capital Necessarily Employed" for the purpose of determining "Statutory Additional Charter Hire".
Exhibit B—Comparative balance sheet.
Exhibit C—Income sheet.
Exhibit D—Formulae for the allocation of net worth and income and expense.
Schedule A–1—Formula for limitation of "Capital Necessarily Employed".

(2) For the purpose of such preliminary statements, the Charterer may substitute, for the analysis reflected on Exhibit A of the illustrative examples, a computation premised upon the "Formula for the Limitation of Capital Necessarily Employed" as shown on Schedule A–1 of the illustrative examples (thus eliminating the preparation of the detailed analysis shown on Exhibit A and also the balance sheet as reflected on Exhibit B). The analysis shown on Exhibit C, Income Sheet, may be condensed to principal captions where practicable. The Formulae shown on Exhibit "D" may be limited to that portion applicable only to the allocation of income and expense items, Formula A: *Provided*, That, in any instance where the income sheet covering operations under the bareboat charter agreements involved from the commencement of an accounting period shows a cumulative net voyage loss, it will not be necessary for the Charterer to submit statements reflecting its calculation of "capital necessarily employed" as herein prescribed; however, in any event, the Charterer shall continue to submit income sheets reflecting its cumulative operating results in the manner and at the times prescribed in this subpart.

(b) *Final accountings.* Final accountings required hereunder, as referred to in § 299.102 (b) (1), shall include the following statements: (There will be supplied by the Office of the Comptroller illustrative examples of such statements, based on hypothetical figures.)

(1) *Exhibit A—Analysis of net worth and allocation of "Capital Necessarily Employed for the purpose of determining "Statutory Additional Charter Hire".* The procedure for the preparation of this statement contemplates:

(i) That a balance sheet is required to be prepared only (*a*) as at the end of the month preceding the date of delivery of the first vessel under SHIPSALESDEMISE 303, even though more than one such agreement became effective during the calendar year involved, and (*b*) at the end of that and each succeeding calendar year; and

(ii) That the net worth as reflected in such balance sheet, adjusted as required pursuant to Clause 23 (c) of SHIPSALESDEMISE 303, shall be allocated among operations under such bareboat charter agreement and "Other Operations" on the basis prescribed in § 299.103 (c) (2); and

(iii) That the net worth as reflected in each such balance sheet as adjusted shall be further adjusted to ascertain the net worth at the commencement of each succeeding agreement (whereunder statutory additional charter hire is required to be computed, accounted for, and paid separately), whereunder delivery of the first vessel is made during the calendar year involved, by taking into account (*a*) additions to capital, (*b*) withdrawals of capital, and (c) net profits (or losses) after statutory additional charter hire and after provisions for Federal income tax occurring (*1*) during the period between the end of the month preceding the date of delivery of the first vessel under the first agreement and the end of the month preceding the date of delivery of the first vessel under the second agreement, if any, and (*2*) during each similar intervening period preceding each succeeding agreement whereunder delivery of the first vessel is made during the calendar year involved. In computing such adjustment, the net profit earned (or loss sustained) during such periods shall be ascertained by allocating the proportion of the total net profit earned (or loss sustained) under each bareboat charter agreement (whereunder statutory additional charter hire is required to be computed, accounted for, and paid separately) and in "Other Operations" to such periods, on the basis of the relation that the vessel operating expenses (in accordance with the formula prescribed in § 299.103 (c) (2)) incurred under each such agreement and in "Other Operations" during the period from the beginning of the calendar year involved or from the end of the month preceding the date of delivery of the first vessel under the first bareboat charter agreement with the Administration (whichever later occurs) to the commencement of the period with respect to which the determination of net worth is required to be made, separately, bears to the total of such vessel operating expenses under each such agreement and in "Other Operations" during the overall accounting period involved; and

(iv) That, in the determination of "capital necessarily employed" under SHIPSALESDEMISE 303 additional capital in the form of cash or tangible property paid in and any withdrawals of capital during an annual or overall accounting period thereunder shall be included or deducted (as the case may be) in the manner prescribed in § 299.103 (b); and

(v) That the "capital necessarily employed" as thus determined separately, with respect to each bareboat charter agreement (whereunder statutory additional charter hire is required to be computed, accounted for, and paid separately) shall be compared with any limitations thereon prescribed in § 299.103 (d), and that the "allowable return" (at the rate of 10 per centum per annum) of the Charterer under each such agreement shall be calculated on the basis of the lesser of the two; and

(vi) That the "allowable return" as thus determined shall be deducted from the net voyage profit earned under the corresponding agreement during the accounting period involved and that the balance shall be divided between the Charterer and the Administration in accordance with the applicable provisions of the respective agreements: *Provided*, That, in any instance where the income sheet covering operations under the bareboat charter agreements involved from the commencement of an accounting period shows a cumulative net voyage loss, it will not be necessary for the Charterer to submit statements reflecting its calculation of "capital necessarily employed"; however, in any event, the Charterer shall continue to submit income sheets reflecting its cumulative operating results in the manner and at the times prescribed in this subpart.

(2) *Exhibit B—Comparative balance sheet.* The procedure for the preparation of this statement contemplates:

(i) That, for each annual or overall accounting period, there shall be submitted, in comparative form, a balance sheet as at the end of the month immediately preceding the date of the beginning of such accounting period and as at the end of the last month within such accounting period; and

(ii) That, with respect to the first accounting period of the Charterer, the initial balance sheet shall reflect the financial position of the Charterer as at the end of the month preceding the date of delivery of the first vessel under the initial bareboat charter agreement with the Administration; and

(iii) That, in instances where additional agreements become effective during an annual or overall accounting period, it will not be necessary that the Charterer prepare a separate balance sheet to cover such additional agreements, since the net worth at the commencement of each such agreement, will be determined by adjusting the Net Worth reflected in the balance sheet at the commencement of the annual or overall accounting period in the manner prescribed in subparagraph (1) (iii) of this paragraph for the preparation of Exhibit A; and

(iv) That the accounts reflected in each such balance sheet shall be those prescribed in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order No. 22, Revised), and none other; and

(v) That the assets reflected in each such balance sheet shall be stated in conformity with generally accepted accounting principles applied on a consistent basis and, to the extent applicable, on the basis prescribed in Paragraph (c) of Clause 23 of Part II of SHIPSALESDEMISE 303; that adequate reserves shall be shown for accounts receiveable doubtful of collection and for such other items as require valuation reserves to reflect their true value; and that there shall be included an adequate statement of all known and ascertainable liabilities.

(3) *Exhibit C—Income sheet.* The procedure for the preparation of this statement contemplates:

(i) That there shall be submitted income sheets which accurately reflect the results of all operations (*a*) during the entire period commencing with the first day of the calendar month during which the first vessel is delivered under the initial bareboat charter agreement with the Administration and terminating at the end of that calendar year, and (*b*) for each succeeding calendar year or overall accounting period as herein defined; and

(ii) That the income and expenses reflected on such income sheets shall be allocated among operations under SHIPSALESDEMISE 303 and "Other Operations" on the bases prescribed in § 299.103 (c) (2); and

(iii) That the items of income and expense reflected in each such income sheet shall be those prescribed in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order 22, Revised), and none other.

(4) *Exhibit D—Formulae for the allocation of net worth and income and expenses.* There shall be submitted for each period with respect to which a separate income sheet is required hereunder a separate statement reflecting the formulae by which the assets and liabilities and income and expenses are distributed among the various operations during each such period in accordance with § 299.103 (c) (2).

(5) *Exhibit E—Working trial balance.* The procedure for the preparation of this statement contemplates:

(i) That there shall be prepared a working trial balance as at each date with respect to which a separate balance sheet is required hereunder; and

(ii) That the balance reflected in the general ledger at the respective dates shall be listed by accounts and distributed to the appropriate columns provided therefor in the illustrative example included among those to be supplied by the Office of the Comptroller; and

(iii) That the Charterer shall determine that the items included in each asset and liability account have been properly classified and adjusted, that the balances are correct, and do not contain items of income or expense applicable to either a prior or current accounting period (Schedules reflecting the extent of the analysis of such accounts shall be included among the working papers available for examination by the Administration's auditors); and

(iv) That the Charterer shall determine that the items included in each income and expense account have been properly classified and adjusted, that the balances are correct, and that such balances are entirely applicable to the accounting period involved (Schedules reflecting the extent of the analysis of such accounts shall be included among the working papers available for examination by the Administration's auditors); and

(v) That the balance in each clearance account shall be thoroughly analyzed and proper accounting disposition made thereof; and

(vi) That all adjustments to the accounts listed in the working trial balance shall be accomplished by posting thereto journal entries, prepared in numerical sequence and containing a complete description as to the the reasons for the adjustment, copies of such journal entries to be made available to the Owner upon request; and

(vii) That the Charterer may change or vary the design of this working trial balance to suit its particular needs: *Provided*, That the statement substituted will produce the same results and reflect all of the information required, but in this respect it is emphasized that the Owner has found the illustrative example included among those to be supplied by the Office of the Comptroller to be satisfactory and particularly well adapted to its use in conducting audits of charter operations.

(6) *Schedule A–1—Formula for limitation of "Capital Necessarily Employed."* This schedule shall reflect the calculation of the limitation of "Capital Necessarily Employed" in accordance with § 299.103 (d) separately for each accounting period with respect to which a determination of "Capital Necessarily Employed" is required hereunder.

(7) *Schedule B–1—Analysis of surplus.* The procedure for the preparation of this statement contemplates:

(i) That there shall be submitted an analysis of surplus in support of each balance sheet required hereunder; and

(ii) That such analysis in support of the beginning balance sheet pertaining to the first SHIPSALESDEMISE 303 bareboat charter agreement with the Administration shall reflect, e. g., (*a*) surplus (or deficit) as at December 31, 1955, (*b*) net profit (or loss) during the period from January 1, 1956, to the end of the month preceding the date of delivery of the first vessel thereunder, (*c*) direct adjustments to surplus during such period, and (*d*) the balance as at the end of such period; and

(iii) That, in addition to subdivision (ii) of this subparagraph, such analysis shall reflect also (*a*) profit or loss during the period from the first day of the calendar month during which the first vessel was delivered under the first SHIPSALESDEMISE 303 bareboat charter agreement with the Administration to December 31, 1956, (*b*) direct adjustments to surplus during such period, and (*c*) the balance as at December 31, 1956; and

(iv) That such analyses for subsequent annual or overall accounting periods shall be prepared in a similar manner to reflect separately changes in surplus during each period with respect to which a separate determination of "capital necessarily employed" is required.

(8) *Schedule E–1—Analysis of profit and loss.* The procedure for the preparation of this statement contemplates:

(i) That there shall be submitted in support of each working trial balance required hereunder an analysis of profit and loss for the calendar year or overall accounting period involved and that such analysis shall be grouped by accounts in the manner indicated in the illustrative examples included among those to be supplied by the Office of the Comptroller; and

(ii) That such analysis shall include all adjustments effected by the Charterer and, as part of the working trial balance, shall be the basis upon which the Income Sheet (Exhibit "C") is prepared; and

(iii) That all items of income and expense reflected in the analysis of profit and loss shall be those prescribed in the "Uniform System of Accounts for Maritime Carriers" as adopted by the Maritime Administrator in Part 282 of this chapter (General Order No. 22, Revised), and none other.

§ 299.106 *Certifications and verifications.* (a) The accounting required hereunder shall be submitted under cover of an affidavit, executed by the corporate officer responsible for the accuracy and maintenance of the books of account and financial records of the Charterer, if a corporation, or by a general partner so responsible, if a partnership, which affidavit shall be substantially as follows:

AFFIDAVIT

STATE OF _____
COUNTY OF _____ ss:

_____, being first duly sworn on his (her) oath, states:

That I am _____ of the
(Title)
_____
(Name of Charterer)

Charterer under bareboat charter agreement(s) with the United States Maritime Administration known as "SHIPSALESDEMISE 303" (MA–__);[1] that, as such, I am responsible for the accuracy and maintenance of the books of account and financial records of the Charterer and am thoroughly familiar with such books and records and with the terms

[1] Show only applicable contract references.

and conditions of the aforesaid bareboat charter agreement(s) and with the orders, rules, regulations, and instructions of the Maritime Administration appertaining thereto as issued or adopted by the United States Maritime Administration; that I have carefully examined the statements comprising the accounting annexed hereto covering the period from ---------- to ----------, under the aforesaid bareboat charter agreement(s); and that, to the best of my knowledge and belief, the said accounting reflects a true and complete statement of the "capital necessarily employed in the business" of the chartered vessels and the statutory additional charter hire accrued to the United States Maritime Administration under the aforesaid bareboat charter agreement(s) during the period from ---------- to ----------, under the terms and conditions thereof and in accordance with the orders, rules, regulations, and instructions of the Maritime Administration issued or adopted by the United States Maritime Administration appertaining thereto; the balance sheets included in the annexed accounting fairly present the financial position of the Charterer as at the dates thereof, including (but not limited to) an adequate statement of all known and ascertainable liabilities, and the income sheet included in the annexed accounting correctly states the operating results of the Charterer for the period covered by such accounting; and that the Charterer to the best of my knowledge and belief, has fully complied with all the terms and conditions of said bareboat charter agreement(s) in the manner and at the times therein required.

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this ---------- day of ----------, 19--.

My Commission expires ----------.

(Notary Public)

(b) If an independent certified public accountant or a firm of independent certified public accountants is employed by the Charterer for the purpose of certifying the statements required hereunder, the review and settlement by the Owner of statutory additional charter hire determinations thereby may be facilitated. If, therefore, at the option of the Charterer, the statements required hereunder are certified by an independent certified public accountant or a firm of independent certified public accountants, fair and reasonable payments made by the Charterer to such professional accountants for services and incidental expenses relating to such certification may be allocated directly to operations under the bareboat charter agreements involved on the basis prescribed in § 299.103 (c) (2): *Provided*, That the following minimum conditions are observed:

(1) Such certified public accountants will undertake to make their working papers available for examination by the Owner's auditors upon request and to permit the Owner's auditors to make copies of such papers to the extent they deem necessary;

(2) Such certified public accountants are independent in fact (an accountant will not be considered independent with respect to any person in whom he has any substantial interest, direct or indirect, or with whom he is, or was during the period of the bareboat charter agreements involved, connected as an officer, director, executive, or employee. As used in this sub-paragraph, the term "any person" shall include the Charterer, and any holding company, subsidiary, affiliate, or associate of the Charterer); and

(3) The statements submitted are accompanied, in addition to the affidavit required of the Charterer, by a signed opinion of the independent certified public accountant in the following or substantially similar form:

We (I) have examined the statements comprising the accounting annexed hereto, and have found the statements to have been prepared by the Charterer in accordance with the terms and conditions of the applicable bareboat charter agreement(s) and with the applicable orders, rules, regulations, and instructions issued or adopted by the Maritime Administration.

Our (my) examination of the statements included examination of the underlying books of account and records for the period from ---------- to ---------- Our (my) examination was made in accordance with generally accepted auditing standards and included all procedures which we (I) considered necessary in the circumstances (state exceptions if any). In our (my) opinion the annexed statements fairly present the proper determination of the 'capital necessarily employed in the business' of the chartered vessels and the calculation of statutory additional charter hire (in the aggregate amount of $------) accrued to the account of the Maritime Administration under bareboat charter agreement(s) No.(s)---------- for the period from ---------- to ----------.

(Independent Certified Public Accountant(s)

Upon receipt of statements certified by an independent certified public accountant or a firm of independent certified public accountants under the conditions prescribed in this paragraph, the Maritime Administration will take into consideration the scope of the audit conducted by such independent certified public accountants of the Charterer's accounts.

(c) (1) In arriving at the amount of net voyage profit for the purpose of calculating statutory additional charter hire under a bareboat charter agreement with the Administration there shall not be taken into account any item of expense, as a deduction from gross income, in any case where such item of expense represents a payment or expenditure or transfer of anything of value, directly or indirectly, to or on behalf of any person or organization or association, in a transaction occurring within the United States, its territories or possessions,

(i) To induce unethically any person, organization or association, to take or refrain from taking any action calculated to affect the relations between the Charterer and its employees, or to influence unethically the manner of performance of his or its employment or calling; or

(ii) Ostensibly as compensation for, but actually for a consideration other than, personal services rendered as an employee.

(2) Accordingly, an affidavit in the form following shall be submitted with each accounting rendered by a Charterer:

AFFIDAVIT

STATE OF ----------
COUNTY OF ---------- ss:

----------, being duly sworn deposes and says that he is ---------- of (Title)

(Name of Charterer)

that it is his duty to have supervision over the books of account of the said Company and to control, in accordance with applicable regulations of the Maritime Administration, the manner in which such books are kept and the said Company's accountings to the Maritime Administration under any bareboat charter party agreement are prepared, and that in the preparation of the accounting rendered by the said Company for the period ended ----------, 19--, there has not been taken into account, to the best of his knowledge and belief, and so far as appears from diligent efforts he has made to ascertain the facts, any item of expense as a deduction from gross income in arriving at the amount of net voyage profits for the purpose of calculating statutory additional charter hire under the provisions of such bareboat charter party agreement in any case where such item of expense represents a payment or expenditure or transfer of anything of value, directly or indirectly, to or on behalf of any person or any organization or association, in a transaction occurring within the United States, its territories or possessions,

(i) to induce unethically any person, organization or association, to take or refrain from taking any action calculated to affect the relations between the Charterer and its employees, or to influence unethically the manner of performance of his or its employment or calling; or

(ii) ostensibly as compensation for, but actually for a consideration other than, personal services rendered as an employee.

The terms "employee" and "employees", as used herein, include in the case of a bareboat charterer, employees of the Charterer and of any interested person or related company as defined in the bareboat charter.

(Signature of Affiant)

Subscribed and sworn to before me, a ---------- in and for the State and County above named, this ---------- day of ----------, 19--.

(Signature of officer authorized to administer oaths)

§ 299.107 *Statement of purposes and reservations.* (a) The purpose of the procedure in this subpart is to establish the means for uniform application to expedite and facilitate the rendition by Charterers to the Administration of annual and final accountings under SHIPSALESDEMISE 303.

(b) The receipt and consideration of such accountings by the Owner shall be subject to the following reservations:

(1) That all working papers (irrespective of by whom prepared) in support of the various statements comprising such accountings, shall be available for examination by the Owner's auditors upon request and that the Owner's auditors shall be permitted to make copies of such papers to the extent they deem necessary; and

(2) That the Owner reserves the right to conduct such audits, examinations, or checks of the Charterer's accounts as it may deem necessary before approving final settlement of statutory additional charter hire for any period under the bareboat charter agreements; and

(3) That the examples to be supplied by the said Office of the Comptroller of the statements required by the Administration are for illustrative purposes only and are based on hypothetical figures; that no implications should be drawn from the relative magnitude of the figures used in these examples; and that if, in any instance, an example should conflict with the text of this procedure, the latter should govern; and

(4) That, provided whenever the accounting period is less than a full calendar year (that is, either at the commencement or at the termination of a charter period), the Charterer may, at the discretion of the Owner, for the purpose of preparing the income sheet required hereunder, in the calculation of "Net Voyage Profit" pursuant to § 299.104, submit such income sheet on the basis of the Charterer's normal annual accounting period, adjusted, pursuant to sound accounting practices and standards, to reflect the results of less than a full calendar year, all as in the judgment of the Administration produces fair and reasonable results. All requests to employ such adjusted income sheets shall be made in writing direct to the local District Comptroller; and

(5) That, provided whenever "capital necessarily employed" (determined on the basis of net worth as prescribed in § 299.103 (b) and (c)) exceeds the "limitation of capital necessarily employed" (determined on the basis prescribed in § 299.103 (d)), such excess shall be regarded as being composed of the various assets and liabilities comprising "capital necessarily employed" (determined on the basis of net worth as prescribed in § 299.103 (b) and (c)), in the relation, percentagewise, that such excess bears to "capital necessarily employed" (determined on the basis of net worth as prescribed in § 299.103 (b) and (c)), without regard to Clause H of Part I of the Agreement; and, further, as items of income and expense are required by this Order to be allocated on the same basis as are the corresponding assets and liabilities involved, likewise the proportion of such income and expense corresponding percentagewise to the proportion of assets and liabilities included in the excess of "capital necessarily employed" over the "limitation" should be allocated to "Other Operations"; and

(6) That the establishment of the rules and regulations prescribed in this procedure is without prejudice to the right of the Administration to determine upon the employment of other bases for allocation and calculation in any instance where, upon the completion of any annual or final accounting, the results produced by the application of the rules and regulations prescribed herein do not, in the judgment of the Administration, produce fair and reasonable results; and

(7) That if, in any instance, the rules and regulations prescribed in this subpart should conflict with the provisions of an applicable statute or agreement, such provisions shall govern and entitle the Government to its full statutory rights; and

(8) That requests for interpretive rulings concerning the application of this subpart shall be presented in writing. All such requests shall be made direct to the local District Comptroller with a copy to the Comptroller, Maritime Administration, Washington 25, D. C.; and

(9) That if, in any instance, the rules and regulations prescribed in this subpart should conflict with any other General Order issued by the Administration, the question as to which shall take precedence should be referred to the Administration for decision; and

(10) That nothing contained in this subpart shall be construed as a waiver of any right reserved to the Administration by statute or under SHIPSALESDEMISE 303; and

(11) Upon written application of the Charterer to the local District Comptroller (with a copy to the Comptroller, Maritime Administration, Washington 25, D. C.), the Administration may extend for such further period as in its judgment is warranted by the circumstances, in any instance, the time limit prescribed in this subpart for the submission of accountings.

Approved:

CLARENCE G. MORSE,
Maritime Administrator.

AUGUST 8, 1957.

[F. R. Doc. 57-7721; Filed, Sept. 19, 1957; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6777]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ALLEN WAUGH

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; Usual as reduced, special, etc. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act. Subpart—*Using misleading name*—GOODS: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 58 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Allen Waugh trading as Allen Waugh, San Francisco, Calif., Docket 6777, Aug. 28, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in San Francisco with violating the Fur Products Labeling Act by falsely identifying furs in advertising and labeling with respect to the animals producing them, and failing to conform to labeling and invoicing requirements of the act; by advertising which failed to disclose the names of animals producing certain furs or that certain products were composed of used or artificially colored fur, and which misrepresented prices as reduced and percentage savings; and by failing to maintain adequate records on which the pricing claims were based.

After receipt of respondent's answer and proposed findings of fact, etc., from complaint counsel, but not from respondent, the hearing examiner made his initial decision including said proposed findings, etc., and order to cease and desist which became on August 28 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Allen Waugh, an individual doing business as Allen Waugh or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

2. Failing to affix labeling to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

3. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Act and the rules and regulations thereunder in abbreviated form or in handwriting;

(b) Information required under section 4 (2) of the Fur Act and the rules and regulations thereunder mingled with non-required information;

4. Affixing labels to fur products which do not comply with the minimum size requirements of 1¾ inches by 2¾ inches;

5. Failure to show on labels attached to fur products all of the information required under section 4 (2) of the Fur Act and the rules and regulations thereunder on one side of such labels;

6. Failure to set forth on labels pertaining to fur products an item number or mark assigned to such products;

B. Falsely or deceptively invoicing fur products by:

1. Failure to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

2. Setting forth information required under section 5 (b) (1) of the Fur Act and the rules and regulations thereunder in abbreviated form;

3. Using the term "blended" to describe the pointing, bleaching, dyeing or tip-dyeing of furs;

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed of "secondhand used fur", when such is the fact;

2. Contains the name or names of any animal or animals other than the name or names provided for in paragraph 5 (a) (1) of the Fur Act;

3. Represents directly or by implication:

(a) That the regular or usual price of any fur product is any amount which is in excess of the price at which such products were sold in the recent regular course of his business;

(b) The value of fur products when such claims and representations are not true in fact;

4. Makes use of comparative prices or percentage savings claims unless such compared prices or percentage savings are based upon current market values or unless a bona fide price at a designated time is stated;

5. Makes pricing claims and representations of the types referred to in subparagraphs 3 (a) and (b) and 4 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations;

D. In substituting labels affixed to fur products which have been shipped to and received by respondent in commerce, misbranding such products in any of the respects set forth in Paragraph A of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 27, 1957.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 57-7737; Filed, Sept. 19, 1957; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 212]

FORMULAS FOR DENATURED ALCOHOL

BAY RUM AND ALCOHOLADO

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within a period of 30 days after the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK, *Acting Commissioner of Internal Revenue.*

In order to permit the use of rubber hydrocarbon solvent as a substitute for gasoline in the manufacture of proprietary solvents, to prevent the diversion of specially denatured alcohol to illegal uses, and to protect the revenue, 26 CFR Part 212 is amended as follows:

PARAGRAPH 1. Section 212.16 (c) is amended to read as follows:

(c) *Standard proprietary solvents formulations using S. D. A. No. 1*—(1) *Formulation No. I.*

	Gallons
Specially denatured alcohol formula No. 1	100
Ethyl acetate	5
Gasoline or rubber hydrocarbon solvent	1

(2) *Formulation No. II.*

Specially denatured alcohol formula No. 1	100
Denaturing grade wood alcohol	2
Ethyl acetate	1
Gasoline or rubber hydrocarbon solvent	1

(3) *Formulation No. III.*

Specially denatured alcohol formula No. 1	100
Methyl isobutyl ketone	1
Ethyl acetate	1
Gasoline or rubber hydrocarbon solvent	1

(4) *Formulation No. IV.*

Specially denatured alcohol formula No. 1	100
Methyl isobutyl ketone	1
tert-butyl alcohol	2
Gasoline or rubber hydrocarbon solvent	1

(5) *Formulation No. V.*

Specially denatured alcohol formula No. 1	100
Methyl isobutyl ketone	1
Secondary butyl alcohol	2
Gasoline or rubber hydrocarbon solvent	1

PAR. 2. Section 212.30 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum manufactured with Formula No. 23-A must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 3. Section 212.47 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum manufactured with Formula No. 37 must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 4. Section 212.48 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All alcoholado or alcoholado type toilet waters manufactured with Formula No. 38-B must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 5. Section 212.52 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum, alcoholado, or alcoholado type toilet waters manufactured with Formula No. 39 must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 6. Section 212.53 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All alcoholado or alcoholado type toilet waters manufactured with Formula No. 39-A must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 7. Section 212.54 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions-governing use.* All bay rum, alcoholado, or alcoholado type toilet waters manufactured with Formula No. 39-B must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 8. Section 212.55 is amended by adding at the end of paragraph (c) the following sentence: "All alcoholado or alcoholado type toilet waters manufactured with Formula No. 39-C must also contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product."

PAR. 9. Section 212.56 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum manufactured with Formula No. 39-D must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 10. Section 212.57 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum, alcoholado, or alcoholado type toilet waters manufactured with Formula No. 40 must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

PAR. 11. Section 212.58 is amended by adding at the end thereof the following new paragraph (c):

(c) *Conditions governing use.* All bay rum, alcoholado, or alcoholado type toilet waters manufactured with Formula No. 40-A must contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product.

[F. R. Doc. 57-7728; Filed, Sept. 19, 1957; 8:50 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Part 16]

BULK MAILING

MAILING AND TREATMENT OF SECOND AND THIRD-CLASS MAIL

On page 4617 of the June 29, 1957, issue of the FEDERAL REGISTER there were published amendments to the regulations in §§ 16.1 and 16.2 of Title 39, Chapter I, of the Code of Federal Regulations which the Department proposed to make effective October 1, 1957. The amendments would have required mailers to separate bulk second and third-class mail to postal delivery zones in addition to other separations presently required.

The written and oral views submitted by mailers have emphasized their understanding of the problem and their determination to wholeheartedly cooperate with the Department in the addressing and separation of mail by zone on a voluntary basis.

After consideration of these views it has been determined that the amendments will not be placed in effect October 1, 1957 as originally published. No mandatory date will be set at this time.

If the voluntary effort of mailers is productive of the savings needed by the Department and predicted by the mailers, then it will be unnecessary to establish a mandatory date of operation.

This notice does not change any zoning requirements in effect on June 29, 1957, such as the compulsory separation to postal delivery zones by publishers of second-class publications qualified as newspapers for preferred treatment in the mails.

(R. S. 161, 396, as amended, secs. 5, 6, 18 Stat. 232, 233, as amended, sec. 2, 33 Stat. 440, as amended, sec. 203, 62 Stat. 1262, sec. 3, 65 Stat. 673; 5 U. S. C. 22, 369, 39 U. S. C. 283, 285, 290a-1, 295)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 57-7773; Filed, Sept. 19, 1957; 9:29 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12054]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, COLUMBUS, GA.

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment to § 3.606 *Table of assignments*, Television Broadcast Stations (Columbus, Georgia).

The Commission has before it for consideration a request filed September 13, 1957 by Martin Theatres of Georgia, Inc., licensee of UHF Television Station WTVN, Columbus, Georgia, for an extension of time from September 17, 1957 to September 24, 1957 for filing Reply Comments in the above-entitled proceeding.

Martin Theatres submits that the comments filed in this proceeding are voluminous and raise complex questions and urges that it has not been possible to analyze the comments filed and to prepare adequate reply comments by the present date. Martin Theatres states that the extension of time requested will make it possible to prepare and file reply comments which will adequately discuss the numerous questions raised. Martin Theatres notes that Columbus Broadcasting Co., Inc., WTVY, Inc., WJDM, Inc., and the Georgia State Department of Education have stated that they consent to a grant of the requested extension.

The Commission believes that Martin Theatres has established good cause for an extension of time for filing reply comments in this proceeding and that such extension will serve the public interest, convenience and necessity.

In view of the foregoing: *It is ordered*, That the above-described request of Martin Theatres of Georgia, Inc. is granted and that the time for filing reply comments in the above-entitled proceeding is extended from September 17, 1957 to September 24, 1957.

Adopted: September 16, 1957.

Released: September 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F. R. Doc. 57-7730; Filed, Sept. 19, 1957; 8:50 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-79]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on September 13, 1957, issued license No. XR-13 to American Machine & Foundry Company authorizing the export of a one-megawatt pool-type research reactor to Junta De Energia Nuclear (Atomic Energy Commission) Lisbon, Portugal. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on August 29, 1957, 22 F. R. 6980.

Dated at Washington, D. C., this 13th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-7725; Filed, Sept. 19, 1957; 8:49 a. m.]

[Docket 50-60]

BETHESDA NAVAL HOSPITAL

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on August 28, 1957, the Atomic Energy Commission has issued License R-27 authorizing the United States Naval Hospital, Bethesda, Maryland; to acquire, possess and operate at the location in Bethesda, Maryland, described in the application in Docket 50-60, a 5-watt nuclear reactor constructed by Aerojet-General Nucleonics and designated by AGN as Model AGN-201M, Serial No. 105. Notice of the proposed action was published in the FEDERAL REGISTER on August 30, 1957, 22 F. R. 7000.

Dated at Washington, D. C. this 13th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-7726; Filed, Sept. 19, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

REVOKING AIR NAVIGATIONAL SITE WITHDRAWAL NO. 31; ORDER PROVIDING FOR OPENING OF PUBLIC LAND

SEPTEMBER 12, 1957.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to the authority delegated by section 2.5 of the Bureau of Land Management Order No. 541 of April 21, 1954 (19 F. R. 2473) as amended, it is ordered as follows:

1. Air Navigation Site Withdrawal No. 31, dated July 15, 1929, affecting the lands described below, is hereby revoked.

WILLAMETTE MERIDIAN, OREGON

T. 33 S., R. 6 W.,
Sec. 2: SW¼SW¼.

40.00 acres.

2. The lands are in Josephine County, Oregon, in the vicinity of Wolf Creek. They are rough and mountainous varying in elevation from 2,500 to 2,800 feet above sea level. The land supports a stand of Douglas fir and yellow pine timber and is valuable for the production of timber.

3. No application will be allowed under the homestead, desert land, small tract, or other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) ~~All~~ valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 USC 279-284 as amended), presented prior to 10:00 a. m., on October 21, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 20, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on January 20, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on January 20, 1958.

5. Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning the above land shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 3861, Portland 8, Oregon.

ELTON M. HATTAN,
Acting State Supervisor.

[F. R. Doc. 57-7706; Filed, Sept. 19, 1957; 8:45 a. m.]

National Park Service

[Delegation of Authority Order 24]

CHIEF, WESTERN OFFICE AND CHIEF, EASTERN OFFICE, DIVISION OF DESIGN AND CONSTRUCTION

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS

SEPTEMBER 16, 1957.

(a) The Chief, Western Office, Division of Design and Construction, and the Chief, Eastern Office, Division of Design and Construction, are authorized to exercise within the respective areas under their supervision, and subject to the provisions of paragraph (b) of this section, the authority delegated to the Director, National Park Service, for the period ending June 30, 1958, by the Acting Secretary of the Interior on September 6, 1957 (22 F. R. 7346), to negotiate, without advertising, under section 302 (c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 252 et seq.), contracts for the services of engineering, architectural, and landscape architectural firms required by the National Park Service in its construction programs.

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with all provisions of Title II of the act with respect to negotiated contracts, and all other provisions of law.

(Secretary's Order No. 2824; 22 F. R. 7346)

[SEAL] BEN H. THOMPSON,
Acting Director.

[F. R. Doc. 57-7707; Filed, Sept. 19, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8982]

GUEST AEROVIAS MEXICO, S. A.

NOTICE OF HEARING

In the matter of the application of Guest Aerovias Mexico, S. A. for a foreign air carrier permit authorizing air transportation between Mexico City, Miami and beyond.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on September 27, 1957, at 10:00 a. m., e. d. s. t., in Room 1510, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., September 16, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7738; Filed, Sept. 19, 1957; 8:52 a. m.]

[Docket No. 8456]

CAPITAL GROUP STUDENT FARES

NOTICE OF REASSIGNMENT OF ROOM FOR PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned to be held in Room E-210, Temporary Building No. 5, is reassigned for Room 1417, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., 10:00 a. m., e. d. s. t., before Examiner William J. Madden.

Dated at Washington, D. C., September 16, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7739; Filed, Sept. 19, 1957; 8:52 a. m.]

[Docket No. 8687]

RESORT AIRLINES, INC.; REFINANCING CASE

NOTICE OF HEARING

In the matter of aircraft transactions involving Resort Airlines, Inc., a certificated air carrier.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 205, and 408 of said act, and the applicable regulations thereunder, that a hearing in the above-entitled proceeding is assigned to be held on October 8, 1957, at 10:00 a. m., e. d. s. t., in Room 4845, Commerce Building, 14th Street, and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

For further details regarding the issues involved in this proceeding, interested persons are referred to the application of Resort Airlines, Inc., filed on April 15, 1957, as thereafter amended, and to the Report of Prehearing Conference served on July 16, 1957, each of which documents are on file with the Docket Section of the Civil Aeronautics Board.

Notice is hereby further given that any person not a party of record desiring to be heard in this case should file with the Board on or before October 8, 1957, a statement setting forth the matters of fact or law which he wants to present. Any person filing such a statement may appear and participate in the hearing in accordance with § 302.14 of the Board's rules of practice in economic proceedings.

Dated at Washington, D. C., September 17, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7740; Filed, Sept. 19, 1957; 8:52 a. m.]

[Docket No. 8813]

ABC AIR FREIGHT CO., INC.; ENFORCEMENT CASE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-entitled matter now assigned to be held on September 18 is postponed to October 10, 1957, 10:00 a. m., e. d. s. t., Room 1510, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., September 17, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7741; Filed, Sept. 19, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11094]

OHIO FUEL GAS CO.

NOTICE OF PETITION TO AMEND AND DATE OF HEARING

SEPTEMBER 16, 1957.

Take notice that The Ohio Fuel Gas Company, Applicant, an Ohio Corporation, having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on July 26, 1957, under section 16 of the Natural Gas Act, a petition to amend the certificate of public convenience and necessity issued to it on July 8, 1957 in the above numbered docket to authorize the construction and operation of an additional 8.6 miles of 20-inch O. D. natural gas transmission pipeline as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the petition to amend, which is on file with the Commission and open for public inspection.

Applicant requests that the Commission amend the description of Project No. 1—Extend Line R-601 as set forth on page 1 of the order issued July 8, 1957 to read: To construct and operate approximately 25.8 miles of 20" O. D. pipe line, being an extension of Applicant's existing Line R-601 southward from its terminus in Jackson County, Ohio, and in so doing, looping a portion of Applicant's existing Line R-501.

Applicant also requests the Commission to modify ordering paragraph (B) to read:

A certificate of public convenience and necessity be and the same hereby is issued authorizing Applicant to construct and operate the facilities hereinbefore described, all as more fully described in the application, and the petition to amend certificate for the transportation and sale of natural gas as therein set forth, subject to the jurisdiction of the Commission, upon the terms and conditions of this order.

The total cost of construction of Project No. 1 extending Line R-601 looping Line R-501 is estimated to be 1,600,000, which will be financed by The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 21, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.19) on or before October 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7708; Filed, Sept. 19, 1957; 8:45 a. m.]

[Docket Nos. G-11190, G-11266]

ALFRED C. GLASSELL, JR., AND TEXAS GAS TRANSMISSION CORP.

NOTICE OF DATE OF HEARING

SEPTEMBER 16, 1957.

Take notice that these related matters, presented by the application of Alfred C. Glassell, Jr., filed in Docket No. G-11190 and the application of Texas Gas Transmission Corporation filed in Docket No. G-11266, should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Notice of the said applications has been duly given, including publication in the FEDERAL REGISTER on August 13, 1957 (22 F. R. 6465-6466).

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 9, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein

provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7709; Filed, Sept. 19, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11803; FCC 57M-845]

BOSQUE RADIO

ORDER CONTINUING HEARING CONFERENCE

In re application of George H. Cook, tr/as Bosque Radio, Clifton, Texas; Docket No. 11803, File No. BP-10361; for construction permit.

The Hearing Examiner having under consideration a petition filed on September 11, 1957, by George H. Cook, tr/as Bosque Radio, requesting that the hearing conference in the above-entitled proceeding presently scheduled for September 16, 1957, be continued for sixty days, in order that the consulting radio engineer for applicant may complete work on an engineering amendment which, he believes, will show that the proposed operation meets the requirements of the Commission, particularly § 3.28 (c) of the rules;

It appearing that if such engineering showing is forthcoming, there may be no need for a hearing;

It further appearing that counsel for the Broadcast Bureau (the only other party to this proceeding) has informally agreed to a waiver of the provisions of § 1.745 of the rules;

It is ordered, This 12th day of September 1957, that the petition be and it is hereby granted; and the pre-hearing conference in the above-entitled proceeding be and it is hereby continued to November 15, 1957, at 10 o'clock a. m., in Washington, D. C.

Released: September 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7731; Filed, Sept. 19, 1957; 8:51 a. m.]

[Docket No. 11945; FCC 57-858]

BOROUGH OF LEMOYNE, PA.

ORDER CONTINUING HEARING

In re application of Borough of Lemoyne, Pennsylvania, Lemoyne, Pennsylvania; Docket No. 11945, File No. 9350-PF-P/L-L; for authorization in the fire radio service.

The Hearing Examiner has under consideration a "Motion For Continuance" filed by the Commissioners of Cumberland County, protestant in the above-entitled cause;

It appearing that the hearing is presently scheduled to be held on September 17, 1957, but that there is a possibility of a compromise settlement of the issues; and

It further appearing that agreement to the requested continuance has been expressed by all parties to this proceeding and that good cause has been shown therefor;

It is ordered, This 16th day of September 1957, that the motion for continuance is granted, and that the hearing is continued from September 17, 1957, to October 7, 1957, at 10:00 a. m.

Released: September 17, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7732; Filed, Sept. 19, 1957; 8:51 a. m.]

[Docket No. 12016; FCC 57M-853]

JAY SADOW

ORDER CONTINUING HEARING

In re application of Jay Sadow, Rossville, Georgia; Docket No. 12016, File No. BP-10827; for construction permit.

The Hearing Examiner having under consideration the Motion For Continuance filed on September 11, 1957, by the applicant in the above-entitled proceeding requesting that the date for the submission of measurements, the date of the informal conference now scheduled for September 25, 1957, and the date of the hearing presently scheduled for October 21, 1957, be postponed for sixty days;

It appearing that the applicant, Jay Sadow, has secured authorization to set up and use a test transmitter at his proposed site but certain difficulties have been encountered because of the extremely rough terrain and additional time is required to make the test;

It further appearing that good and sufficient reason exists why said Motion for Continuance should be granted; and that counsel for all parties to the proceeding have agreed to this Motion and to a waiver of § 1.745 of the Commission's rules;

Therefore it is ordered, This 13th day of September 1957, that the above Motion for Continuance be, and it is hereby, granted; and the submission of said measurements shall be on November 20, 1957; the informal conference shall be held on November 25, 1957; and the hearing herein is set for December 20, 1957.

Released: September 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7733; Filed, Sept. 19, 1957; 8:51 a. m.]

[Change List 113]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JULY 25, 1957.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignment of Canadian Broadcast Stations, modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		940 kilocycles				
CJGX	Yorkton, Saskatchewan	10 kw D/1 kw N	ND	U	II	Now in operation.
		1160 kilocycles				
CKSA	Lloydminister, Alberta	1 kw	DA-2	U	III	Do.
		1300 kilocycles				
CJRH	Richmond Hill, Ontario	0.5 kw	ND	D	III	Assignment of call letters.
		1340 kilocycles				
CFSL	Weyburn, Saskatchewan	0.25 kw	ND	U	IV	Do.
		1400 kilocycles				
CKDH	Amherst, Nova Scotia	0.25 kw	ND	U	IV	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7734; Filed, Sept. 19, 1957; 8:51 a. m.]

[Change List 114]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

AUGUST 28, 1957.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignment of Canadian Broadcast Stations, modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		550 kilocycles				
CFBP	Sudbury, Ontario	1 kw	ND	D	III	Assignment of call letters.
		570 kilocycles				
CKEK	Cranbrook, British Columbia	1 kw	DA-1	U	III	Do.
		630 kilocycles				
CKTS	Sherbrooke, Quebec	5 kw	*DA-1*	U	III	EIO 7-15-59 (PO: 1240 kc 250 w ND IV).
		730 kilocycles				
CKDM	Dauphin, Manitoba	1 kw D/0.25 kw N	ND	U	II	Now in operation. EIO 7-15-59.
Now	Blind River, Ontario	1 kw	DA-N	U	II	
		890 kilocycles				
CHAB	Moose Jaw, Saskatchewan	10 kw D/5 kw N	*DA-N*	U	II	EIO 7-15-59 (PO: 890 kc 5 kw DA-1 II).
		850 kilocycles				
CKVL	Verdun, Quebec	50 kw D/10 kw N	*DA-2*	U	II	EIO 7-15-59 (PO: 850 kc 10 kw DA-1 II).
		920 kilocycles				
CJCH	Halifax, Nova Scotia	5 kw	*DA-N*	U	II	EIO 7-15-59 (PO: 920 kc 5 kw DA-1 II).
		950 kilocycles				
CKBB	Barrie, Ontario	5 kw	*DA-1*	U	III	EIO 7-15-59 (PO: 1230 kc 0.25 kw ND IV).
		980 kilocycles				
Now	Montreal, Quebec	5 kw	DA-1	U	III	EIO 7-15-59.
		1050 kilocycles				
CKDM	Dauphin, Manitoba	1 kw D/0.25 kw N	ND	U	II	Delete assignment.
CFGP [1]	Grand Prairie, Alberta	10 kw	*DA-1*	U	II	EIO 7-15-59 (PO: 1050 kc 5 kw DA-1 II).[1]
CJIC	Sault Ste. Marie, Ontario	0.25	ND	U	II	EIO 7-15-59 (PO: 1490 kc 0.25 kw ND IV).
		1290 kilocycles				
CFAM	Altona, Manitoba	1 kw	DA-1	U	II	Now in operation.
		1380 kilocycles				
CKLC	Kingston, Ontario	5 kw	*DA-2*	U	III	EIO 7-15-59 (PO: 1380 kc 1 kw DA-N III).
		1420 kilocycles				
CJMT	Chicoutimi, Quebec	1 kw	*DA-1*	U	III	EIO 7-15-59 (PO: 1450 kc 0.25 kw ND IV).
		1470 kilocycles				
New	Welland-Port Colborne, Ontario	0.5 kw	DA	D	III	EIO 7-15-59.

[1] Change in mode of operation from notification on List #111, dated 4-12-57.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7735; Filed, Sept. 19, 1957; 8:51 a. m.]

[Bahamas List 1]

BAHAMAS BROADCASTING STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

Call letters	Location	Power kw	Antenna	Schedule	Class
		1540 kilocycles			
ZNS	Nassau	5 kw	ND	U	I-A.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7736; Filed, Sept. 19, 1957; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-516]

BUILDING WIRE AND CABLE MANUFACTURING INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

In the matter of trade practice conference proceedings for the Building Wire and Cable Manufacturing Industry.

A trade practice conference for the Building Wire and Cable Manufacturing Industry (building wire and cable with a maximum electrical capacity not in excess of 600 volts) will be held under the auspices of the Federal Trade Commission in the Warwick Hotel, 65 West Fifty-fourth Street, New York City, on October 11, 1957, commencing at 10 a. m., e. d. s. t.

The conference will constitute the first step in proceedings authorized by the Commission for the establishment of trade practice rules for the industry. All persons, firms, corporations and organizations engaged in the manufacture and distribution of building wire and cable having an electrical load-carrying capacity of not in excess of 600 volts are cordially invited to attend and participate in this meeting.

The purpose of the conference, authorized pursuant to application from industry members, is to afford all members of this industry an opportunity to consider, and propose for establishment subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the conference and take part in the consideration and

discussion of proposals or suggestions for rules presented by others.

After the conference on October 11th, and before any rules are finally approved by the Commission, a draft of proposed rules in appropriate form will be made available to all affected or interested parties, including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: September 17, 1957.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7720; Filed, Sept. 19, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X-6]

BRANCH MANAGER, NEW ORLEANS, LOUISIANA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, New Orleans Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $10,000 and

b. Participation loans in an amount not exceeding $50,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of $25,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

7. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. may not be redelegated. The specific authority delegated in I. C. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, New Orleans, Louisiana, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 9, 1957.

C. W. FERGUSON, *Regional Director, Region X.*

[F. R. Doc. 57-7714; Filed, Sept. 19, 1957; 8:46 a. m.]

[Delegation of Authority 30-X-7]

BRANCH MANAGER, OKLAHOMA CITY, OKLAHOMA

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Oklahoma City Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct Business loans in an amount not exceeding $10,000 and

b. Participation loans in an amount not exceeding $50,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of $25,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

7. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. may not be redelegated. The specific authority delegated in I. C. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Oklahoma City, Oklahoma, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 9, 1957.

C. W. FERGUSON, *Regional Director, Region X.*

[F. R. Doc. 57-7715; Filed, Sept. 19, 1957; 8:47 a. m.]

[Delegation of Authority 30-X-9]

BRANCH MANAGER, SAN ANTONIO, TEXAS

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, San Antonio Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve or decline limited Loan Participation Loans.

2. To approve or decline disaster loans not in excess of $20,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

3. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

4. To administer oaths of office.

5. To approve annual and sick leave for employees under his supervision.

6. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. may not be redelegated. The specific authority delegated in I. C. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, San Antonio, Texas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 9, 1957.

C. W. FERGUSON, *Regional Director, Region X.*

[F. R. Doc. 57-7716; Filed, Sept. 19, 1957; 8:47 a. m.]

[Delegation of Authority 30-X-5]

BRANCH MANAGER, HOUSTON, TEXAS

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Houston Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $10,000 and

b. Participation loans in an amount not exceeding $50,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of $25,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

7. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. may not be redelegated. The specific authority delegated in I. C. may be redelegated, limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Houston, Texas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective Date: September 9, 1957.

C. W. FERGUSON, *Regional Director, Region X.*

[F. R. Doc. 57-7717; Filed, Sept. 19, 1957; 8:47 a. m.]

[Delegation of Authority 30-X-8]

BRANCH MANAGER, LITTLE ROCK, ARKANSAS

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Branch Manager, Little Rock Branch Office, Small Business Administration, the authority:

A. *General.* To carry out all functions listed for Branch Offices in Section 202 of SBA-100.

B. *Specific.*

FINANCIAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $10,000 and

b. Participation loans in an amount not exceeding $50,000.

2. To approve or decline Limited Loan Participation loans.

3. To approve or decline disaster loans not in excess of $25,000.

PROCUREMENT AND TECHNICAL ASSISTANCE

To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual, and SBA-600, Procurement and Technical Assistance Manual:

4. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

ADMINISTRATIVE

5. To administer oaths of office.

6. To approve annual and sick leave for employees under his supervision.

7. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

C. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. B. may not be redelegated. The specific authority delegated in I. C. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Little Rock, Arkansas, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 9, 1957.

C. W. FERGUSON, *Regional Director, Region X.*

[F. R. Doc. 57-7718; Filed, Sept. 19, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 8-3995]

M. J. SHUCK CO.

ORDER REVOKING BROKER-DEALER REGISTRATION AND NOT PERMITTING WITHDRAWAL TO BECOME EFFECTIVE

SEPTEMBER 13, 1957.

In the matter of Milton J. Shuck doing business as M. J. Shuck Company, 39 Broadway, New York, New York; File No. 8-3995.

Proceedings having been instituted to determine whether pursuant to section 15 (b) of the Securities Exchange Act of 1934 the registration as a broker and dealer of Milton J. Shuck, doing business as M. J. Shuck Company, should be revoked;

A hearing having been held after appropriate notice, proposed findings and conclusions having been submitted, the hearing officer having filed a recommended decision, exceptions thereto and briefs having been filed, and oral argument having been heard;

Registrant having previously filed a notice of withdrawal of registration which has not become effective;

The Commission having this day issued its findings and opinion herein; on the basis of said findings and opinion

It is ordered, That the registration as a broker and dealer of Milton J. Shuck, doing business as M. J. Shuck Company, be, and it hereby is, revoked, and that his notice of withdrawal from registration be, and it hereby is, not permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7713; Filed, Sept. 19, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF NETHERLANDS FOR BENEFIT OF SARITA TIMMER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: (Cash in the Treasury of the United States as noted below:)

Sarita Timmer, L. S. Claim No. 833, $1,540.00.

David Sluizer, L. S. Claim No. 903, $1,380.00.

Maurits Sjouwerman, L. S. Claim No. 907, $1,220.00.

Clara and Henri de Vries and Mrs. Henny van Messel, L. S. Claim No. 908, $1,220.00.

Henriette Bierbauer, Bertha Simons, Erika and Max Vlessing, Herman and Betty Victor, Sara Langstadt, and Renee Speyer, L. S. Claim No. 906, all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Cities Service Company 5/69, Debentures Nos. 26464 and 47089, in the principal amount of $1,000 each.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, N. Y.

Executed at Washington, D. C., September 13, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-7723; Filed, Sept. 19, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Amdt. 3 to Taylor's I. C. C. Order 81]

NEW YORK, ONTARIO AND WESTERN RAILWAY

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 81 and good cause appearing therefor: *It is ordered*, That:

Taylor's I. C. C. Order No. 81 be, and it is hereby, amended by substituting the following paragraph (g) for paragarph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., March 31, 1958, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., September 30, 1957, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 12, 1957.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 57-7711; Filed, Sept. 19, 1957; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 17, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34165: *Fertilizer and anhydrous ammonia—Canadian points to Montana.* Filed jointly by the Canadian Pacific Railway Company (1), and the Canadian National Railways (1), Agents, for themselves and other interested carriers. Rates on fertilizer, dry, in packages, carloads, and anhydrous ammonia, tank-car loads, from Calgary, Fort Saskatchewan, and Medicine Hat, Alta., Kimberley and Warfield, B. C., Canada, on fertilizer, and from Calgary, Fort Saskatchewan and Medicine Hat on anhydrous ammonia, to specified points in Montana.

Grounds for relief: Short-line distance formulae and market competition.

Tariffs: Supplement 14 to Canadian Pac. Ry. Co. ICC W. 1048. Supplement 7 to Canadian Nat. Rys. ICC W. 681.

FSA No. 34166: *Rubber from Odessa, Tex., to Colorado and Oklahoma points.* Filed by F. C. Kratzmeir, Agent (SWFB B-7117), for interested rail carriers. Rates on rubber, artificial, synthetic, or neoprene, crude, loose, or in packages, straight or mixed carloads, from Odessa, Tex., to Denver, Derby, Ladora, Littleton, and Roydale, Colorado, and Miami, Okla.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 131 to Agent Kratzmeir's ICC 4025 and one other tariff.

FSA No. 34167: *Fly ash between points in Southwestern and official territories.* Filed by F. C. Kratzmeir, Agent (SWFB B-7114), for interested rail carriers. Rates on fly ash, in covered hopper cars, carloads, between points in southwestern territory, on the one hand, and points in official territory, on the other.

Grounds for relief: short-line distance formula.

Tariff: Supplement 4 to Agent Kratzmeir's ICC 4258.

FSA No. 34168: *Lumber and related articles from Arkansas and Oklahoma points.* Filed by F. C. Kratzmeir, Agent (SWFB B-7081), for interested rail carriers. Rates on lumber and related articles, carloads, from specified points in Arkansas on the De Queen and Eastern Railroad, Perkins to West Line, inclusive, and in Oklahoma on the Texas, Oklahoma & Eastern Railroad Company, Eagletown to Valliant, inclusive, to destinations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin, and in Canada.

Grounds for relief: Maintenance of rates from lower-rated junction points on the above-named short lines through higher-rated intermediate local stations on such lines from which rates are made higher than from junction points.

Tariff: Original of Agent Kratzmeir's ICC 4262.

FSA No. 34169: *Cottonseed products—Bishopville, S. C., to Albemarle, N. C.* Filed by O. W. South, Jr., Agent (SFA A3530), for interested rail carriers. Rates on cottonseed oil cake or oil cake meal, and related products, straight or mixed carloads, from Bishopville, S. C., to Albemarle, N. C.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 37 to Agent F. C. Kratzmeir's ICC 1551.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-7710; Filed, Sept. 19, 1957; 8:46 a. m.]

SEP 23 1957
MAIN READING ROOM

THE NATIONAL ARCHIVES

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VOLUME 22 NUMBER 184

Washington, Saturday, September 21, 1957

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Subchapter B—Carriers by Motor Vehicles

PART 168—APPLICATIONS FOR CERTIFICATES AND PERMITS

PART 205—REPORTS OF MOTOR CARRIERS

APPLICATIONS AND QUESTIONNAIRE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 10th day of September A. D., 1957.

The matter of a report in the form of a questionnaire to be required of contract carriers by motor vehicle holding permits issued by the Commission on or before August 22, 1957, being under consideration pursuant to section 220 (a) of the Interstate Commerce Act, as amended; and

The matter of the form to be used in applying under section 212 (c) of the Interstate Commerce Act for a certificate to operate as a common carrier by motor vehicle in lieu of a permit to operate as a contract carrier by motor vehicle, being under consideration; and

Time being of the essence in the adoption and dissemination of the questionnaire and application form, the rule making procedure under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a), is hereby found to be impracticable, unnecessary, and contrary to the public interest; and

It appearing that effective August 22, 1957, Part II of the Interstate Commerce Act has been amended in certain respects, which, among other things, places upon the Commission the duty of examining each permit outstanding as of August 22, 1957, and determining within 180 days thereof whether a proceeding shall be instituted to determine whether such outstanding permit should be revoked and a certificate issued in lieu thereof; It further appearing that upon application of a holder of a permit outstanding as of August 22, 1957, filed within 180 days thereof, such outstanding permit may be revoked and a certificate of public convenience and necessity be issued in lieu thereof, provided certain statutory tests are met; and good cause appearing therefor:

It is ordered, That each contract carrier by motor vehicle holding a permit issued on or before August 22, 1957, be, and it is hereby, ordered, to make and file duly verified statements in response to a questionnaire attached hereto [1] and made a part hereof, which form of report is hereby approved and prescribed for such use. Each answered questionnaire shall be filed in duplicate. One copy thereof shall be delivered to the Office of the Secretary, Interstate Commerce Commission, Washington 25, D. C., and a second copy shall be delivered to the District Director of the Bureau of Motor Carriers for the District in which the carrier is domiciled on or before October 23, 1957;

It is further ordered, That applications under section 212 (c) of the Interstate Commerce Act, to operate as a common carrier by motor vehicle of the same commodities, between the same points, or within the same territory as authorized in permits outstanding as of August 22, 1957, shall be on the Form BOR–96, attached hereto [1] and made a part hereof which form is hereby approved and prescribed for such use;

And it is further ordered, That 49 CFR Parts 7, 168, and 205 be, and they are hereby, amended by the addition of the following sections:

§ 7.96 *BOR–96.* Application under section 212 (c) of the Interstate Commerce Act for a motor carrier certificate to operate as a common carrier by motor vehicle in lieu of a permit to operate as a contract carrier by motor vehicle.

§ 168.2 *Application for certificate in lieu of permit.* Applications under sec-

[1] Filed as part of the original document.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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tion 212 (c) of the Interstate Commerce Act for authority to operate as a common carrier by motor vehicle of the same commodities, between the same points, or within the same territory as authorized in a permit outstanding as of August 22, 1957, shall be in the form and contain the information called for in the form of application designated BOR-96 (§ 7.96 of this chapter).

§ 205.15 *Questionnaire to aid in determining status of contract motor carrier operations.* Each contract carrier by motor vehicle of passengers and property holding a permit issued on or before August 22, 1957, shall file duly verified statements in response to a questionnaire attached hereto[1] and made a part of this section. Each answered questionnaire shall be filed in duplicate. One copy thereof shall be delivered to the Office of the Secretary, Interstate Commerce Commission, and a second copy shall be delivered to the District Director of the Bureau of Motor Carriers for the District in which the carrier is domiciled, on or before October 23, 1957.

NOTICE. A copy of this order shall be served on each contract carrier by motor vehicle of passengers and property issued a permit on or before August 22, 1957, and notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, division 1.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 551, as amended, 552, as amended, 554, as amended, 555, as amended, 563, as amended; 49 U. S. C. 306, 307, 309, 310, 312, 320)

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-7770; Filed, Sept. 20, 1957; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 36]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Concord VOR	CON-LFR	132—5	2100	T-dn	300-1	300-1	300-1
Boscawen FM	CON-LFR	152—12.6	3000	C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 164 Outbnd, 344 Inbnd, 2000' within 10 miles, NA beyond 10 miles.
Standard obstruction clearance not provided over 1410' hill approximately 7 miles E of Concord LFR.
Minimum Altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 332—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles, climb to 3000' on NW crs. within 10 miles.
NOTE: ADF approach not authorized.
AIR CARRIER NOTE: Night operations not authorized on Rwy 3–21.

City, Concord; State, N H; Airport Name, Municipal; Elev, 345'; Fac Class, BMRLZ; Ident, CON; Procedure No. 1, Amdt 7; Eff Date, 19 Oct 57; Sup Amdt No. 6; Dated 6 Apr 57

Dickinson VOR	DIK-LFR	Direct	4100	T-dn	300-1	300-1	200-½
				C-d	500-1	600-1	600-1½
				C-n	500-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 348 Outbnd, 168 Inbnd, 4100 within 10 mi.
Minimum Altitude over facility on final approach crs, 3600'.
Crs and distance, facility to airport, 168—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi, climb to 4100' on S crs within 20 mi, then make left turn and return to LFR.
AIR CARRIER NOTE: Night take-offs and landings authorized NW-SE runway only.
CAUTION: KDIX tower 3.9 mi, north DIK-LFR 2751' MSL. Tower 3002' MSL 3.5 mi NE of VOR.

City, Dickinson; State, N Dak; Airport Name, Dickinson; Elev, 2589'; Fac Class, SBMRAZ; Ident, DIK; Procedure No. 1, Amdt 7; Eff Date, 19 Oct 57; Sup Amdt No. 6; Dated, 2 Mar 57

HUL-VOR	HUL-LFR	Direct	2000	T-dn	500-1	500-1	500-1
				C-d	*700-1	700-1	700-1½
				C-n	700-1½	700-1½	800-2
				S-d-19	500-1	500-1	500-1
				A-dn	1000-2	1000-2	1000-2

*600—1 day, 600—1½ night authorized when circling W of airport.
Procedure turn E side N crs, 15 Outbnd, 195 Inbnd, 1800' within 10 mi. Beyond 10 mi NA. (E to avoid high terrain).
Minimum Altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 198—2.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 mi, climb to 2500' on S crs within 15 mi.
NOTE: ADF procedure not authorized.
CAUTION: 915' hill with beacon light SE of airport, hill along E side of airport.
AIR CARRIER NOTE: Night operations on 5–23 only.

City, Houlton; State, Maine; Airport Name, Municipal; Elev, 493'; Fac Class, BMRLZ; Ident, HUL; Procedure No. 1, Amdt 7; Eff Date, 19 Oct 57; Sup Amdt No. 6; Dated, 3 July 57

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d	1000-1	1000-1	
				C-d	1000-2	1000-2	
				A-d	1500-3	1500-3	

Procedure turn, S side crs, 253 Outbnd, 073 Inbnd, 2100 within 10 miles.
Minimum Altitude over facility on final approach crs, 1,600'.
Crs and distance, facility to airport, 073—2.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, climb to 2500 on crs 073 within 10 miles and return to Huntington BII.
NOTE. Air carrier use NA.

City, Chesapeake; State, Ohio; Airport Name, Huntington; Elev, 560'; Fac Class, BH; Ident, HTW; procedure No. 1, Amdt 2; Eff Date, 19 Oct 57, Sup Amdt No. 1; Dated, 18 Dec 57

Stratus on Top Approach Procedure—Day only. Must be on Top with Tops not above 2000' MSL.	----------	----------	----------	T-d	300-1	300-1	300-1
				C-d	600-1	600-1½	600-1½
				A-d	900-3	900-3	900-3

Procedure turn—None (Aircraft to arrive over CAV on top and descent to airport on final approach).
Minimum Altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 261—5.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 mi, climb to 3000' or on top, on Outbnd crs of 261 within 20 mi of LFR.

City, Oxnard; State, Calif; Airport Name, Oxnard-Ventura Co; Elev, 43'; Fac Class, SRAWZ; Ident, CAV; Procedure No. 2, Amdt 1; Eff Date, 19 Oct 57; Sup Amdt No. 1; Dated, 19 Oct 57

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BAM LFR	BAM-VOR	Direct	9000	T-dn	300-1	300-1	300-1
				C-dn	1000-1	1000-1	1000-1½
				A-dn	1000-2	1000-2	1000-2

Procedure turn W side of crs, 200 Outbnd, 020 Inbnd, 9000' within 15 mi.
Minimum Altitude over facility on final approach crs, 6000'.
Crs and distance, facility to airport, 031—2.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 mi, turn left and climb to 10000' on R-330 within 25 mi. Reverse course to the left and return to the VOR at 10000' on R-330.

City, Battle Mountain; State, Nev; Airport Name, Battle Mtn; Elev, 4532'; Fac Class, BVOR; Ident, BAM; Procedure No. 1, Amdt 1; Eff Date, 19 Oct 57; Sup Amdt No. Orig; Dated, 31 Aug 54

Dickinson LFR	DIK-VOR	Direct	4100	T-dn	300-1	300-1	200-½
				C-d	500-1	600-1	600-1½
				C-n	500-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 359 Outbnd, 179 Inbnd, 4100' within 10 mi.
Minimum Altitude over facility on final approach crs, 3600'.
Crs and distance, facility to airport, 179—3.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi, make left turn climb to 4100' on 173R DIK VOR within 20 mi, then make left turn and return to VOR.
AIR CARRIER NOTE: Night take-offs and landings authorized NW-SE Runway only.
CAUTION: KDIX tower 3.9 mi N DIK-LFR 2751' MSL. Tower 3062' MSL 3.5 mi NE of VOR.

City, Dickinson; State, N D; Airport Name, Dickinson; Elev, 2589'; Fac Class, BVOR; Ident, DIK; Procedure No. 1, Amdt 4; Eff Date, 19 Oct 57; Sup Amdt No. 3; Dated, 22 Dec 56

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Houlton LFR	HUL-VOR	Direct	2000	T-dn	500-1	500-1	500-1
				C-d	700-1	700-1	700-1½
				C-n	700-1½	700-1½	800-2
				S-d-5	700-1	700-1	700-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side of crs, 219 Outbnd, 039 Inbnd, 2000' within 10 mi.
Minimum Altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 039—4.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 mi, climb to 2000' on R-039 crs Houlton VOR, then make a left turn & return to the Houlton VOR at 2500'.
AIR CARRIER NOTE: Night operation on Runway 5-23 only.

City, Houlton; State, Me; Airport Name, Municipal; Elev, 493'; Fac Class, BVOR; Ident, HUL; Procedure No. 1, Amdt 2; Eff Date, 19 Oct 57; Sup Amdt No. 2; Dated, 3 July 57

Cave Creek Int	PHX-VOR	Direct	5000	T-dn	300-1	300-1	200-½
Ferryville FM	PHX-VOR	Direct	4000	C-dn	500-1	600-1	600-1½
Phoenix LFR	PHX-VOR	Direct	2900	A-dn	800-2	800-2	800-2
Thunderbird Int*	PHX-VOR	Direct	4000				
McDowell Int**	PHX-VOR	Direct	5000				
Ocotillo Int#	PHX-VOR	Direct	4000				
Tolleson Int##	PHX-VOR	Direct	2600				

*Int. PHX R-350 and HYM R-065.
**Int. PHX R-015 and HYM R-065.
#Int. PHX R-146 and HYM R-090.
##Int. PHX R-258 and GBN R-027.
Procedure turn S side crs, 080 Outbnd, 260 Inbnd, 2600' within 10 miles©. 4000' within 15 miles. Beyond 15 miles NA. (Nonstandard due high terrain to the North.)
©CAUTION: 2970' obstruction 5 mi N of crs, 13 mi E of VOR.
Minimum Altitude over facility on final approach crs, @2100.
@Descent below 1900' not authorized until ABEAM of PHX LFR, Inbnd.
Crs and distance, facility to airport, 256—5.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles, climb to 2500' on R-256, make a climbing right turn, returning to VOR at 4000'.
CAUTION: Hills and tower 2905' 6 mi SSW of airport.

City, Phoenix; State, Ariz.; Airport Name, Sky Harbor; Elev., 1124'; Fac Class, BVOR; Ident, PHX; Procedure No. 1, Amdt 7; Eff Date, 19 Oct. 57; Sup Amdt No. 6; Dated, 17 Aug. 57

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
St. James Int	LMM	Direct	1700	T-dn	300-1	300-1	200-½
Riverhead VOR	LMM	Direct	1700	C-dn	500-1	600-1	600-1½
Fire Island Int	LMM	Direct	1700	S-dn-6:			
				ILS	200-½	200-½	200-½
				ADF*	400-1	400-1	400-1
Blanchard Int ILF	OM (Final)	Direct	1700	A-dn:			
Blanchard Int ADF	OM (Final)	Direct	*800	ILS	600-2	600-2	600-2
				ADF	800-2	800-2	800-2

Procedure turn S side SW crs, 237 Outbnd, 057 Inbnd, 1700' within 10 mi of OM.
Minimum Altitude at glide slope int inbnd, 1700' ILS. Min. Alt. over OM inbnd final 800* ADF.
*ADF approach: descend to airport minimums authorized after passing OM; if OM not received, maintain 800' until passing LMM and circling minimums apply.
Altitude of glide slope and distance to approach end of runway at OM 1655'—5.3; at MM 310'—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mi after passing LMM (ADF) make right climbing turn as soon as practical to 1700' returning to ILS LMM and hold SW.
NOTE: Runway 10-28 closed nights.

City, Islip; State, N Y; Airport Name, MacArthur Field; Elev, 98'; Fac Class, ILS-ISL; Ident, LMM-SL; Procedure No. 6, Amdt 5, Comb ILS-ADF; Eff Date, 19 Oct 57; Sup Amdt No. 4; Dated, 17 Aug 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
LGB LFR	LOM	Direct	1500	T-dn*	300–1	300–1	200–½
Huntington Beach FM	LOM (Final)	Direct	1400	C-dn	500–1	600–1	600–2
San Pedro Int	LOM	Direct	1500	S-dn 30:			
				ILS#	300–¾	300–¾	300–¾
				ADF	500–1	500–1	500–1
LGB VOR	LOM	Direct	1500	A-dn:			
Int SW crs El Toro LFR & SE crs LGB LFR.	LOM (Final)	Direct	1400	ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2
Int SW crs EL TORO LFR & LGB R-120	LOM (Final)	Direct	1400				

*300–1 required for take-off runways 16, 16R, 25L, 34R.
#Straight-in landing minimums are 400–1 with glide slope inoperative.
Procedure turn S side SE crs, 129 Outbnd, 309 Inbnd, 1500′ within 10 mi of LOM. Beyond 10 mi NA.
Minimum Altitude at glide slope int inbnd—1400 ILS. Min. alt. inbnd final—1100′ ADF.
Altitude of glide slope and distance to approach end of runway at OM 1320—4.7; at MM 245–0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 mi, after passing LOM (ADF) climb to 800′ on NW crs LGB LFR; turn left to 200 continuing climb to intersect 162° crs from LAX Rbn and proceed to San Pedro Int at 2500′.
NOTE: Glide slope unit now at beginning of usable portion runway 30. 800′ SE end closed permanently.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500′ hill with oil derricks one mi S of airport.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev, 56′; Fac Class, ILS LGB; Ident, LOM LG; Procedure No. 30, Amdt 12, Comb ILS-ADF; Eff Date, 19 Sept 57; Sup Amdt No. 11; Dated, 27 Oct 56

New Brunswick Int via crs 076°	ILS crs (Final)	Direct	1500	T-dn#	300–1	300–1	200–½
Colts Neck VOR via R-352	ILS crs (Final)	Direct	1500	C-dn	600–1	600–1	600–1½
Flatbush Rbn	LOM	Direct	1500	S-dn-4:			
Newark LFR	LOM	Direct	2000	ILS*	200–½	200–½	200–½
Chatham Rbn	LOM	Direct	1500	ADF	600–1	600–1	600–1
Radar transition altitudes S quadrant Newark LFR.	Radar Site	Within 15 mi		A-dn:			
				ILS	600–2	600–2	600–2
Northeast sector from 033 to 090	Radar Site	Within 20 mi	2500	ADF	800–2	800–2	800–2
All other sectors	Radar Site	Within 20 mi	2000				

#Runway 4 only: Runway Visual Range 2000′ may be utilized in lieu of 200–½ when 200–½ is authorized.
*Runway 4 only: 200–½ or runway visual range of 2000′—provided approaches conducted on the basis of reported runway visual range shall be governed by the following:
(1) All components of approach lights and high intensity runway lights shall be in normal operation.
(2) Descent below the authorized landing minimum altitude of 218′ shall not be made unless (a) visual contact with the approach lights has been established, or (b) the aircraft is clear of clouds. 600–1 required with glide slope inoperative.
(3) Both compass locators required to be operative for RVR 2000′.
Procedure turn W side SW crs, 217 Outbnd, 037 Inbnd, 1500′ within 10 mi. (Nonstd. due to ATC).
Minimum altitude at glide slope int inbnd: 1500′ ILS. Min. alt. over LOM inbnd final—1000′ ADF.
Alt. of glide slope and distance to approach end of rny at OM 1525—4.9; at MM 250—.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi., climb to 1000′ on 037 crs from LOM, then make left climbing turn to 3000′ direct to Patterson RBn, or when directed by ATC, make climbing left turn to 2000′ direct to Chatham RBn.

City, Newark: State, N J; Airport Name, Newark; Elev, 18′; Fac Class, ILS-EWR; Ident, LOM-EW; Procedure No. 4, Amdt 12, Comb ILS-ADF; Eff Date, 19 Oct 57; Sup Amdt No. 11 Dated, 7 Apr 57

Boothwyn FM ILS	LOM (Final)	Direct	1500	T-dn	300–1	300–1	200–½
Boothwyn FM ADF	LOM (Final)	Direct	1300	C-dn:			
Philadelphia LFR	LOM	Direct	1500	ILS	*400–1	500–1	500–1½
Radar Terminal Area Transition Altitudes,				ADF	500–1	500–1	500–1½
N Quadrant of Philadelphia LFR	Radar Site	Within 20 mi	2300	S-dn-9:			
N Quadrant of Philadelphia LFR	Radar Site	Within 10 mi	1800	ILS*	200–½	200–½	200–½
NW Quadrant of Philadelphia LFR	Radar Site	Within 20 mi	2000	ADF	500–1	500–1	500–1
NW Quadrant of Philadelphia LFR	Radar Site	Within 10 mi	1500	A-dn:			
SW and SE Quadrants	Radar Site	Within 20 mi	1500	ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*500–1 required with glide slope inoperative.
Procedure turn S side W crs, 265 Outbnd, 085 Inbnd, 1800′ within 10 miles of LOM. NA beyond 10 mi.
Minimum Altitude at G. S. int inbnd, 1500 ILS. Minimum Altitude over LOM inbnd final 1300 ADF.
Altitude of G. S. and distance to appr end of rny at OM 1500′—4.6, at MM 230′—.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles, after passing LOM (ADF), climb to 2500′ on West Chester VOR R-104 to Echelon Int.
Alternate missed approach procedure (when requested by ATC) make a right climbing turn, proceed to Elmer Int. at 1500′.

City, Philadelphia; State, Pa; Airport Name, International; Elev, 10′; Fac Class, ILS-PHL; Ident, LOM-PH; Procedure No. 9, Amdt 9, Comb ILS & ADF; Eff Date, 19 Oct 57; Sup Amdt No. 8; Dated, 2 Apr 55

Shreveport LFR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Shreveport VOR	LOM	Direct	1900	C-dn	400–1	500–1	500–1½
Dixie MHW	LOM	Direct	1900	S-dn-13:			
				ILS*	200–½	200–½	200–½
				ADF	400–1	400–1	400–1
Blanchard Int	LOM (Final) ILS	Direct	1400				
Forbing Int	LOM	Direct	1400	A-dn:			
				ILS	600–2	600–2	600–2
Lucien Int	LOM	Direct	1400	ADF	800–2	800–2	800–2
Caddo Lake Int	LOM	Direct	2400				
Blanchard Int	LOM (Final) ADF	Direct	900				
Radar Terminal area transition altitudes—bearings are from Radar site with azimuths progressing clockwise:							
000	089	Within 40 miles	1700				
090	269		1500				
270	359		2400				

*400–¾ required when glide slope not utilized.
Procedure turn W side of NW crs, 315 Outbnd, 135 Inbnd, 2400′ within 10 mi.
Minimum Altitude at G. S. int inbnd, 1400 ILS, minimum altitude over LOM 900 ADF.
Altitude of G. S. and distance to appr end of rny at OM 1400—3.7, at MM 455—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi after passing LOM (ADF) climb to 1400′ on crs of 135 or SE crs ILS within 20 mi, or when directed by ATC: 1. Turn right, climb to 1400′ on heading 195°, intercept and proceed outbnd on SW crs BAD LFR within 20 mi; 2. Turn right, intercept and climb to 1400′ on R-180 SHV VOR within 20 mi.
CAUTION: 1446′ and 1403′ TV antennas approx 11 mi NNW of LOM.

City, Shreveport; State, La.; Airport Name, Greater Shreveport; Elev, 251′; Fac Class, ILS-ISHV; Ident, LOM-SH; Procedure No. ILS-13, Amdt 7, Comb ILS & ADF; Eff Date, 19 Oct 57; Sup Amdt Nos. 13, 6; Dated 28 Sept 57

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
All directions	Radar site	Within 20 mi	2000	Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

*All runways.
Radar terminal area transition altitudes—all bearings and distances are from radar site with sector azimuths progressing clockwise. Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when within 3–5 miles of radio towers—1221 MSL 6 mi. N, 1743 MSL 12 mi. WSW, and TV tower 2349 MSL 15 mi. SSE of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished (1) Runways 13 and 17, proceed direct to Grand Prairie MHW or to Grand Prairie Int via Britton VOR R-355, or, when directed by ATC, to Hensley Int via SE crs Carter ILS, climbing to 2000′; (2) Runways 31 and 35, proceed direct to Carter LOM, Bedford Int via NW crs Carter ILS, climbing to 2000′.

City, Fort Worth: State, Tex: Airport Name, Amon Carter Field: Elev, 565′: Fac Class, Fort Worth: Ident, Radar: Procedure No. 1, Amdt Orig; Eff Date, 26 Sept 57

038	090	Within 20 mi	2500	Precision Approach			
				S-dn-4*	200–½	200–½	200–½
All other sectors	Radar site	20 mi	2000	A-dn-4	600–2	600–2	600–2
				Surveillance approach			
South quadrant EWR-LFR	Radar site	15 mi	1500	T-dn#	300–1	300–1	200–½
				C-dn%	600–1	600–1	600–1½
				C-dn-22	900–1	900–1	900–1½
				S-dn%	600–1	600–1	600–1
				S-dn-22	900–1	900–1	900–1
				A-dn%	800–2	800–2	800–2
				A-dn-22	900–2	900–2	900–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
%Runways 4–11–29.
*Runway 4 only—200–½ or runway visual range of 2000′; provided, that approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high intensity runway lights shall be in normal operation and (2) descent below the authorized landing minimum altitude of 218′ MSL shall not be made unless (a) visual contact with the approach lights has been established or (b) the aircraft is clear of clouds. (3) Both compass locators required to be operative for RVR 2000′.
#Runways 4–11–29.
Runway 4 only—runway visual range of 2000′ may be utilized in lieu of 200–½ when 200–½ is authorized.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on NE crs Newark LFR, then make left climbing turn to 3000′ direct to Paterson RBn, or when directed by ATC, make climbing left turn to 2000′ direct to Chatham RBn.

City, Newark; State, N. J.; Airport Name, Newark; Elev, 18′; Fac Class, Newark; Ident, Radar; Procedure No. 1, Amdt 10; Eff Date, 19 Oct 57; Sup Amdt No. 9; Dated, 25 May 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 12, 1957.

[F. R. Doc. 57–7659; Filed, Sept. 20, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS PRESCRIBING COMMUTED TRAVEL TIME ALLOWANCES

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 15, 1955 (7 CFR 354.1), administrative instructions (7 CFR, 1956 Supp., 354.2) effective June 6, 1956, as amended effective March 8, 1957 (22 F. R. 1481), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended to add "Dover Air Force Base, Dover, Delaware" to the "One Hour" list therein and to add "McGuire Air Force Base, Fort Dix, New Jersey," to the "Two Hours" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER. (64 Stat. 561, 5 U. S. C. 576.)

Done at Washington, D. C., this 17th day of September 1957.

[SEAL]

E. P. REAGAN,
Director,
Plant Quarantine Division.

[F. R. Doc. 57–7771; Filed, Sept. 20, 1957; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 120]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.420 *Valencia Orange Regulation 120*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 19, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 22, 1957, and ending at 12:01 a. m., P. s. t., September 29, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 831,600 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 20, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7826; Filed, Sept. 20, 1957; 11:21 a. m.]

[Orange Reg. 322]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.849 *Orange Regulation 322*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 17, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., September 23, 1957, and ending at 12:01 a. m., e. s. t., October 7, 1957, no handler shall ship:

(i) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which (*a*) do not grade at least U. S. No. 1, or (*b*) are of a size smaller than 2$^{8}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a stright line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 22 F. R. 6676): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{11}/_{16}$ inches in diameter and smaller; or

(ii) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which (*a*) do not grade at least U. S. No. 2 Russet, or (*b*) are of a size smaller than 2$^{4}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 22 F. R. 6676): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{4}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{10}/_{16}$ inches in diameter and smaller.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 19, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7792; Filed, Sept. 20, 1957; 8:52 a. m.]

[Grapefruit Reg. 270]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.858 *Grapefruit Regulation 270*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 17, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., September 23, 1957, and ending at 12:01 a. m., e. s. t., October 7, 1957, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 19, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7791; Filed, Sept. 20, 1957; 8:52 a. m.]

[Tangerine Reg. 191]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.860 *Tangerine Regulation 191.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 23, 1957. The committee held an open meeting on September 17, 1957, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines grown in the State of Florida, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the State of Florida at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., September 23, 1957, and ending at 12:01 a. m., e. s. t., October 21, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than

the size that will pack 120 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 19, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7793; Filed, Sept. 20, 1957; 8:52 a. m.]

[Lemon Reg. 705]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.812 *Lemon Regulation 705*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 18, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 22, 1957, and ending at 12:01 a. m., P. s. t., September 29, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 19, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-7817; Filed, Sept. 20, 1957; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54442]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

PART 22—DRAWBACK

LENGTH OF TIME RECORDS MUST BE RETAINED BY THE PUBLIC

Certain provisions of the Customs Regulations require the public to maintain records without specifying the period of time such records shall be retained. The following amendments are made to fix the period of time for the retention of such records and to add certain cross references to applicable regulations.

1. Section 10.84 (b), Customs Regulations, is amended by deleting the period at the end thereof and adding the following: "and which shall be retained for a period of 3 years from the date of liquidation of the entry."

(Sec. 1 (par. 1530 (c), (g)), 46 Stat. 668, 667; 19 U. S. C. 1001 (par. 1530 (c), (g)))

2. Sections 10.85, 10.86, and 10.87 are amended by inserting "(See § 10.84)" following "footwear."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

3. Section 10.95 is amended by deleting the parenthetical matter at the end of paragraph (e) and adding a new paragraph (f) to read as follows:

(f) All records required to be kept by manufacturers, processors, and dealers relating to bonded wool or hair shall be retained for a period of 3 years after the imported wool or hair has been used in the manufacture of the articles enumerated in paragraph 1101 (b), Tariff Act of 1930, as amended. Where the wool or hair has been charged against the bond of a transferee, the records of the transferor shall be retained for a period of 3 years from the date of the transfer.

(Sec. 1 (par. 1101), 46 Stat. 646, as amended; 19 U. S. C. 1001 (par. 1101))

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

4. The second sentence of § 19.19 (b) is amended to read as follows: "These records shall be retained for a period of 5 years from the date of the related annual statement, and shall be made available to the collector of customs for such verification of the manufacturer's statement as the collector shall deem advisable."

(Sec. 312, 46 Stat. 692; 19 U. S. C. 1312)

5. Section 19.34 is amended by inserting a new sentence following the second sentence to read: "These records shall be retained for a period of 2 years after the date of the transaction."

(Sec. 556, 46 Stat. 743; 19 U. S. C. 1556)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

6. Part 22 is amended to add a new section to read as follows:

§ 22.46 *Retention of records.* All records required to be kept by the manufacturer or producer under this part of the regulations with respect to drawback claims, and records kept by others to complement the records of the manufacturer or producer, shall be retained for at least 3 years after payment of such claims.

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 16, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7761; Filed, Sept. 20, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Parts 723, 725, 727]

CERTAIN TOBACCOS

MISCELLANEOUS AMENDMENTS

Notice of amendment to regulations relating to establishment of farm acreage allotments and normal yields for Cigar-Binder (types 51 and 52) Tobacco, Cigar Filler and Binder (types 42, 43, 44, 53, 54 and 55) Tobacco; Burley, Flue-cured, Fire-cured, Dark Air-cured, and Virginia Sun-cured Tobacco; and Maryland Tobacco; for the 1958–59 marketing year.

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Soil Bank Act (70 Stat. 188) and Public Law 85–266, 85th Congress, approved September 2, 1957, the Secretary is preparing to amend the regulations governing establishment of farm tobacco acreage allotments for the 1958–59 marketing year for (1) cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, respectively (22 F. R. 4351, 4847), (2) burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco, respectively (22 F. R. 5675), and (3) Maryland tobacco (22 F. R. 4355, 4912), in the following respects:

1. Amend §§ 723.912 (g), 725.912 (g) and 727.912 (g) to read substantially as follows:

(g) "New farm" means a farm on which tobacco will be harvested in 1958 for the first time since 1952. If an accordance with applicable law and regulations, no 1955, 1956 or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956 or 1957, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of either §§ 725.916, 723.916 or 727.916 depending upon which section is applicable to the regulation being amended.

2. Amend §§ 723.912 (h), 725.912 (h) and 727.912 (h) to read as follows:

(h) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1953 through 1957. If in accordance with applicable law and regulations, no 1955, 1956 or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956 or 1957 respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of either §§ 725.916, 723.916 or 727.916 depending upon which section is applicable to the regulation being amended.

3. Amend § 725.916 to read as follows:

§ 725.916 *Determination of 1958 preliminary acreage allotments for old farms.* (a) The 1958 preliminary acreage allotment for an old tobacco farm shall be the 1957 farm acreage allotment established for such farm except that where a quantity of tobacco produced on a farm prior to 1957 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1957 acreage allotment for such farm was not fully harvested, the 1958 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1958 preliminary acreage allotment for an old farm equal to the 1957 farm acreage allotment for such farm, the 1957 farm acreage allotment shall mean the 1957 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1958 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section the 1957 farm acreage allotment shall mean the 1957 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1957 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1957 allotment was not fully harvested. If the harvested acreage (as that term is explained in subparagraphs (1), (2) and (3) of this paragraph) of flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco on such old farm in each of the three years 1955–57 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1958 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1953–57: *Provided*, That any 1958 preliminary allotment shall not exceed the 1957 farm acreage allotment or be less than 0.01 acre. If the harvested acreage (as that term is explained in subparagraphs (1), (2) and (3) of this paragraph) of burley tobacco on an old farm subject to this paragraph in each of the five years 1953–57 was less than 50 percent of the farm acreage allotment for each of such respective years, the 1958 preliminary allotment for such farm shall be the largest acreage of tobacco harvested on the farm in any one of such five years, but not less than 0.01 acre.

(1) For the purposes of this paragraph the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 725.816 (c) of the tobacco marketing quota regulations for the 1957–58 marketing year (21 F. R. 6803); and the 1957 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in subparagraphs (2) and (3) of this paragraph to be devoted or diverted in 1957 to participation in the acreage reserve program or conservation reserve program.

(2) The tobacco acreage devoted in 1957 to the acreage reserve program shall be the smaller of (i) the acreage reserve entered in the agreement or (ii) the 1957 allotment minus the actual acreage devoted in 1957 to tobacco.

(3) The acreage diverted from allotment crops in 1957 to the conservation reserve program shall be the smallest of (i) the acreage determined to be in the conservation reserve at the regular rate, (ii) the reduction in soil bank base crops from the farm's soil bank base, or (iii) the amount by which the sum of all acreage allotments for the farm for crops for which there was a reduction in the quantity of excess commodity stored pursuant to the regulations to postpone or avoid payment of penalty because the 1957 allotments were not fully planted or as to tobacco was not fully harvested exceeds the sum of the acreage actually devoted to such allotment crops and the acreage reserve, if any, credited under subparagraph (2) of this paragraph to such crops. The crops involved will share pro rata in the acreage so determined on the basis of the respective reductions made in such crops. Such respective reductions will be the amount by which the 1957 allotment exceeds the sum of the acreage actually devoted to the crop and the acreage devoted to the acreage reserve.

(d) Notwithstanding the foregoing provisions of this section, no 1958 preliminary allotment or 1958 farm tobacco acreage allotment shall be determined for any farm that the county and State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 725.920.

4. Amend §§ 723.916 and 727.916 to read substantially as follows:

Determination of 1958 preliminary acreage allotments for old farms. (a) The 1958 preliminary acreage allotment

for an old tobacco farm shall be the 1957 farm acreage allotment established for such farm except that where a quantity of tobacco produced on a farm prior to 1957 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1957 acreage allotment for such farm was not fully harvested, the 1958 preliminary allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1958 preliminary acreage allotment for an old farm equal to the 1957 farm acreage allotment for such farm, the 1957 farm acreage allotment shall mean the 1957 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1958 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section the 1957 farm acreage allotment shall mean the 1957 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1957 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1957 allotment was not fully harvested. If the harvested acreage (as that term is explained in subparagraphs (1), (2) and (3) of this paragraph) of tobacco on such old farm in each of the three years 1955–57 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1958 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1953–57: *Provided*, That any 1958 preliminary allotment shall not exceed the 1957 farm acreage allotment or be less than 0.01 acre.

(1) For the purposes of this paragraph the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 723.816 (b) or § 727.816 (b) depending upon which section is applicable to the regulation being amended, and the 1957 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in subparagraphs (2) and (3) of this paragraph to be devoted or diverted in 1957 to participation in the acreage reserve program or conservation reserve program.

(2) The tobacco acreage devoted in 1957 to the acreage reserve program shall be the smaller of (i) the acreage reserve entered in the agreement or (ii) the 1957 allotment minus the actual acreage devoted in 1957 to tobacco.

(3) The acreage diverted from allotment crops in 1957 to the conservation reserve program shall be the smallest of (i) the acreage determined to be in the conservation reserve at the regular rate, (ii) the reduction in soil bank base crops from the farm's soil bank base, or (iii) the amount by which the sum of all acreage allotments for the farm for crops for which there was a reduction in the quantity of excess commodity stored pursuant to the regulations to postpone or avoid payment of penalty because the 1957 allotments were not fully planted, or as to tobacco was not fully harvested, exceeds the sum of the acreage actually devoted to such allotment crops and the acreage reserves, if any, credited under subparagraph (2) of this paragraph to such crops. The crops involved will share pro rata in the acreage so determined on the basis of the respective reductions made in such crops. Such respective reductions will be the amount by which the 1957 allotment exceeds the sum of the acreage actually devoted to the crop and the acreage devoted to the acreage reserve.

(d) Notwithstanding the foregoing provisions of this section, no 1958 preliminary allotment or 1958 farm tobacco acreage allotment shall be determined for any farm that the county and State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 723.920 or § 727.920 depending upon which section is applicable to the regulation being amended.

5. Amend § 725.921 (b) and (c) to read as follows:

(b) Subject to the requirements for reconstituting farms contained in the definition of a farm, if two or more farms operated separately in 1957 are combined and operated in 1958 as a single farm, the 1958 allotment shall be the sum of the 1958 allotments determined for each of the farms comprising the combination, or, in the case of burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1958.

(c) If a farm is to be divided in 1958 in settling an estate the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments, subject, however, to the requirements for reconstituting farms contained in the definition of a farm.

6. Amend §§ 723.921 (b) and (c) and 727.921 (b) and (c) to read as follows:

(b) Subject to the requirements for reconstituting farms contained in the definition of a farm, if two or more farms operated separately in 1957 are combined and operated in 1958 as a single farm, the 1958 allotment shall be the sum of the 1958 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1958 in settling an estate the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments, subject, however, to the requirements for reconstituting farms contained in the definition of a farm.

7. Amend §§ 725.922 and 727.922 by striking the expression "§§ 725.911 to 725.928" and "§§ 727.911 to 727.928" and substituting the expression "this section".

8. Amend § 723.922 by striking the expression "these regulations" in the second sentence following the proviso and substituting the expression "this section".

Prior to the final adoption and issuance of the proposed amendment, consideration will be given to any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days from the date of filing of this notice with the Director, Division of the Federal Register in order to be considered.

Issued at Washington, D. C., this 18th day of September, 1957.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 57-7772; Filed, Sept. 20, 1957; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 71]

REGULATIONS TO PROTECT AGAINST ACCIDENTAL CONDITIONS OF CRITICALITY IN THE SHIPMENT OF SPECIAL NUCLEAR MATERIAL

NOTICE OF PROPOSED RULE MAKING

The following proposed rules are designed to assure that appropriate precautions are taken in connection with shipments of special nuclear material to protect against accidental conditions of criticality. Requirements to protect against other hazards in the shipment of such materials are prescribed pursuant to other parts of the Commission's regulations and in regulations of other agencies having jurisdiction over means of transportation.

Pursuant to Part 70 (§ 70.12), carriers and warehousemen are exempt from special nuclear material licensing requirements to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto. The following proposed rule distinguishes between transportation by licensees and transportation by such unlicensed carriers. Where special nuclear material is to be transported by a licensee, prior Commission approval of proposed shipping procedures must be obtained for all shipments in excess of the quantities of special nuclear material specified in Appendix A. In the case of unlicensed carriers, there normally exists a possibility that a number of small quantities of special nuclear material from different shippers might come into hazardous proximity to each other. For this reason, the quantity of special nuclear material which may be delivered to a carrier authorized to transport special nuclear material without a Commission license is set considerably lower (Appendix B), except for cases where the licensee who makes the shipment is in a position to, and does, exercise such control over transportation of the shipment as to assure that the total quantity of special nuclear material in the shipment does not exceed the limits specified in Appendix A.

It will not normally be necessary under the proposed amendment to obtain separate approvals for each individual shipment. Licensees, or applicants for licenses, may propose transportation procedures, which, if approved, may be observed by them for any number of shipments.

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Civilian Application, within 30 days after publication of this notice in the FEDERAL REGISTER.

GENERAL PROVISIONS

Sec.
71.1 Purpose.
71.2 Scope.
71.3 Definitions.
71.4 Communications.
71.5 Interpretations.

EXEMPTIONS

71.11 Specific exemptions.

REQUIREMENTS

71.21 Shipments to be transported by licensees.
71.22 Shipments to be transported by persons other than licensees.
71.23 Application for approval of proposed shipping procedures.

ENFORCEMENT

71.71 Violations.

AUTHORITY: §§ 71.1 to 71.71 issued under sec. 161, 68 Stat. 948, as amended; 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 71.1 *Purpose.* The regulations in this part are designed to establish appropriate precautions in connection with the transportation of special nuclear material to prevent accidental conditions of criticality. Requirements to protect against other hazards in the shipment of such materials are prescribed pursuant to other parts of this chapter and in regulations of other agencies having jurisdiction over means of transportation. Accordingly, the requirements of this part are in addition to, and not in substitution for, such other requirements.

§ 71.2 *Scope.* The regulations in this part apply to all persons licensed to receive, possess, use or transfer special nuclear material pursuant to the regulations in Part 70 of this chapter.

§ 71.3 *Definitions.* As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;

(b) "Carrier" means any person who receives special nuclear material for purposes of transportation and who (pursuant to § 70.12 of this chapter) may transport special nuclear material without a license from the Commission. The term includes, but is not limited to, government agencies which furnish transportation services, such as the Post Office Department and the Military Air Transport Service.

(c) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(d) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(e) "License" means a license issued under the regulations in Part 70 of this chapter. "Licensee" means the holder of such license;

(f) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing;

(g) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the act, determines to be special nuclear material but does not include source material; or (2) any material artificially enriched by any of the foregoing but does not include source material.

§ 71.4 *Communications.* All communications and reports concerning the regulations in this part, and applications filed under them, should be addressed to the Atomic Energy Commission, 1901 Constitution Avenue NW., Washington 25, D. C., Attention: Division of Civilian Application.

§ 71.5 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

EXEMPTIONS

§ 71.11 *Specific exemptions.* The Commission may, upon application of any interested person, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

REQUIREMENTS

§ 71.21 *Shipments to be transported by licensees.* No licensee shall transport any quantity of special nuclear material outside the confines of his plant in any case where the quantity of such material in the shipment exceeds the limits specified in Appendix A, except in accordance with such procedures as have been approved by the Commission pursuant to § 71.23.

§ 71.22 *Shipments to be transported by carriers.* (a) A licensee may deliver a quantity of special nuclear material to a carrier for transportation without obtaining prior approval from the Commission pursuant to § 71.23: *Provided*, (1) The quantity of special nuclear material so delivered does not exceed the limits specified in Appendix A and (2) such licensee is in a position to, and does, exercise such supervision and control over the shipment as to assure that, if said special nuclear material is transported with any other quantity of special nuclear material, the total quantity of special nuclear material in the shipment does not exceed the limits specified in Appendix A.

(b) No licensee shall deliver any quantity of special nuclear material in excess of the limits specified in Appendix B to any carrier for transportation except (1) as provided in paragraph (a) of this section or (2) in accordance with such procedures as have been approved by the Commisison pursuant to § 71.23.

§ 71.23 *Application for approval of proposed shipping procedures.* (a) (1) There may be included in any application for special nuclear material license, or for amendment of a special nuclear material license, proposed procedures to protect against accidental conditions of criticality in the transportation of special nuclear material. Such applications should include the following information:

(i) Quantity and physical, chemical, and isotopic composition of special nuclear material to be shipped in each container and in each shipment; and

(ii) Shipping container specifications; and

(iii) The safeguards to be employed to assure that containers will not come into hazardous proximity with one another (such as "birdcages"); and

(iv) The mode of transportation to be used; and

(v) Applicant's own evaluation of the adequacy of the proposed procedures to protect against accidental conditions of criticality, taking into account the possibility of accidents, including flooding, fire and wreckage.

(2) The Commission may request additional information.

(b) The Commission will approve proposed transportation procedures pursuant to this section if it determines that such procedures will provide adequate protection against accidental conditions of criticality.

ENFORCEMENT

§ 71.71 *Violations.* An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

APPENDIX A

Special nuclear material	*Quantity*
Uranium enriched in the isotope U-235.	350 grams contained Uranium-235.
Uranium-233	200 grams.
Plutonium	200 grams.

NOTE: Where a shipment is to contain more than one kind of special nuclear material (e. g., uranium enriched in the isotope U-235 and plutonium), the applicable quantity limits for the shipment should be calculated in the following manner: Determine for each kind of special nuclear material to be shipped, the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all the kinds of special nuclear material in the proposed shipment should not exceed "1" (i. e., "unity").

EXAMPLE: If a proposed shipment is to consist of 175 grams of contained uranium-235 and 50 grams of uranium-233, it may also include not more than 50 grams of plutonium. This limit was determined as follows:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

APPENDIX B

Special nuclear material	*Quantity*
Uranium enriched in the isotope U-235.	100 grams contained Uranium-235.
Uranium-233	60 grams.
Plutonium	60 grams.

NOTE: Where a quantity of special nuclear material to be delivered to a carrier for transportation contains more than one kind of special nuclear material, the applicable quantity limits should be calculated in the following manner: Determine for each kind of special nuclear material to be shipped, the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all the kinds of special nuclear material in the proposed shipment should not exceed "1" (i. e., "unity").

Dated at Washington, D. C., this 16th day of September 1957.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 57-7742; Filed, Sept. 20, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943. 1957. Supp. 170]

UNITED BENEFIT FIRE INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

SEPTEMBER 17, 1957.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $122,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, 25, D. C.

Name of Company, Location of Principal Executive Office and State in Which Incorporated

United Benefit Fire Insurance Company, Omaha, Nebraska.

[SEAL] LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7762; Filed, Sept. 20, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-197]

GOVERNMENT OF HUNGARY

In re: Debts owing to the Government of Hungary. D-34-326.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: (a) That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Royal Hungarian Consulate General, 2437 15th Street NW., Washington, D. C., Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same, excepting, however, the sum of $27,343.87, (b) That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Hungarian Consul General at New York as Agent for Hungarian State Institution for the Cure of Mental and Nervous Diseases at Budapest, 2437 15th Street, NW., Washington 9, D. C., Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same, excepting, however, the sum of $656.53,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Government of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 13, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57-7754; Filed, Sept. 20, 1957; 8:47 a. m.]

[Vesting Order SA-198]

HUNGARIAN DISCOUNT AND EXCHANGE BANK

In re: Property owned indirectly by Hungarian Discount and Exchange Bank, also known as Ungarische Escompte und Wechsler Bank. F-34-226, F-63-60 (Zurich-S. A.).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of J. P. Morgan & Co., 23 Wall Street, New York 8, New York, arising out of an account entitled, "Amsterdamsche Bank, N. V., Rotterdam (C-2075)," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Hungarian Discount and Exchange Bank, also known as Ungarische Escompte und Wechsler Bank, Budapest, Hungary, a national of Hungary, as defined in Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction; or direction issued thereunder.

Executed at Washington, D. C., on September 13, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57-7755; Filed, Sept. 20, 1957; 8:47 a. m.]

[Vesting Order SA-199]

HUNGARIAN DISCOUNT AND EXCHANGE BANK

In re: Property owned indirectly by Hungarian Discount and Exchange Bank, also known as Ungarische Escompte und Wechsler Bank. F-34-226, F-63-60 (Zurich-S. A.).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Swiss Credit Bank, New York Agency, 25 Pine Street, New York 5, New York, in the sum of $893.60, being a portion of the ordinary blocked account entitled, "Credit Suisse, Zurich (Swiss Credit Bank) Zurich," maintained at the aforesaid bank and identified on its books and records as that portion of said account maintained for Ungarische Escompte und Wechsler Bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by Hungarian Discount and Exchange Bank, also known as Ungarische Escompte und Wechsler Bank, Budapest, Hungary, a national of Hungary, as defined in Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 13, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57-7756; Filed, Sept. 20, 1957; 8:47 a. m.]

[Vesting Order SA-200]

UNKNOWN HUNGARIAN NATIONALS

In re: Debt owing to and securities owned by unknown Hungarian nationals. F-34-1693, F-63-10826.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: a. That certain debt or other obligation of Guaranty Trust Company, 140 Broadway, New York 15, N. Y., arising out of a dollar deposit account entitled "Societe Generale Alsacienne de Banque, General Ruling No. 6 Account, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same, excepting, however, the sum of $1,040.91 as of January 3, 1957, representing income derived from securities owned by Mr. Vilmos Walter and the heirs of his late wife, held by said bank in account "Societe Generale Alsacienne de Banque, Zurich, Switzerland XC 10553," and any and all income derived from said securities on and after January 3, 1957;

b. Two (2) Western Newspaper Union 6 percent Sinking Fund Debenture Bonds due August 1, 1956, number 1342 of $1000.00 face value and number 15 of $500.00 face value, in bearer form and presently in the custody of Guaranty Trust Company, 140 Broadway, New York 15, N. Y., in an account entitled "Societe Generale Alsacienne de Banque, Zurich, Switzerland XC 10553," together with any and all rights thereunder and thereto;

c. Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the names of the persons set forth in the aforesaid exhibit, and presently in the custody of Guaranty Trust Company, 140 Broadway, New York 15, N. Y., in an account entitled "Societe Generale Alsacienne de Banque, Zurich, Switzerland XC 10553," together with any and all securities derived from those certain shares of stock and all declared and unpaid dividends thereon;

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by unknown nationals of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 13, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares	Registered owner
Commercial Solvents and Chemical Corp., 260 Madison Ave., New York 16, N. Y.	Maryland	Common	$1.00	A185698	100	Tegge & Co.
				A/0306797	20	Do.
Cooper Bessemer Corp., North Sandusky St., Mount Vernon, Ohio.	Ohio	do	5.00	NC/038147	39	Do.
				NC/043882	21	Do.
				NC/021960	40	Do.
				NC13322	100	Do.
				NC13323	100	Do.
				TNC034165	36	Do.
				TNC025039	20	Do.
				TNC17695	100	Do.
Helena Rubenstein, Inc., 655 Fifth Ave., New York, N. Y.	New York	do	No par	2017	100	Do.
				2018	100	Do.
				2019	100	Do.
				4411	100	Do.
				02498	60	Do.
				07404	80	Do.
Distillers Corp., Seagrams Ltd., Montreal, Quebec.	Canada	do	2.00	N7085	100	Zink & Co.
				N7086	100	Do.
				N7087	100	Do.
				NF509	30	Do.

[F. R. Doc. 57-7757; Filed, Sept. 20, 1957; 8:48 a. m.]

[Vesting Order SA-201]

UNKNOWN HUNGARIAN NATIONALS

In re: Debt owing to unknown Hungarian nationals. F-34-1693, F-63-10826.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Societe Generale, New York Agency, 60 Wall Street, New York 5, N. Y., arising out of an account entitled "Societe Generale Alsacienne de Banque, (Blocked Account), Case Postale Zurich 22, Zurich, Switzerland," maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by unknown nationals of Hungary, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 13, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-7758; Filed, Sept. 20, 1957; 8:48 a. m.]

[Vesting Order SA-202]

HUNGARIAN COMMERCIAL BANK OF PEST

In re: Debt owing to the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank. F-34-256, F-51-28.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, in the sum of $138.00, arising out of an account entitled, "Christiania Bank og Kreditkasse, Oslo, Norway," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by the Hungarian Commercial Bank of Pest, also known as Pester Ungarische Commercial Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on September 17, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-7759; Filed, Sept. 20, 1957; 8:48 a. m.]

[Vesting Order 9546, Amdt.]

SANDOR TATAR

In re: Estate of Sandor Tatar, deceased (File D-34-145; E. T. Sec. 5660).

Vesting Order 9546 dated July 31, 1947, is hereby amended to read as follows:

1. That Charles Tatar, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Charles Tatar, if deceased, are residents of Hungary and nationals of a designated enemy country (Hungary);

3. That all right, title, interest and claim of any kind or character, whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Sandor Tatar, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

4. That such property is in the process of administration by Hubbard C. Wilcox, as Administrator, acting under the judicial supervision of the Probate Court of Lorain County, Ohio;

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a desiginated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-7760; Filed, Sept. 20, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARKANSAS

NOTICE OF PROPOSED WITHDRAWAL

SEPTEMBER 18, 1957.

The Office of Associate Director of Parks, Publicity and Parks Commission, State of Arkansas, State Capitol, Little Rock, Arkansas, has filed an application for the withdrawal from location and entry, under the United States Mining Laws, for use of the Arkansas Publicity and Parks Commission, subject to valid existing rights, the lands hereinafter described.

The lands are within the Ouachita National Forest and the Wilhelmina State Park, and are needed for use in the development of the recreational resources of said Wilhelmina State Park and to prevent the damage or destruction of the esthetic values of the land due to mining exploration or activities.

For a period of 30 days from the date of publication of this notice, persons having cause may protest their objections in writing to the undersigned official of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

FIFTH PRINCIPAL MERIDIAN, POLK COUNTY, ARKANSAS

T. 1 S., R. 32 W.,
Sec. 11, NW¼SW¼;
Sec. 12, NW¼SE¼.

The area described contains 80 acres.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57-7764; Filed, Sept. 20, 1957; 8:49 a. m.]

Geological Survey

[Power Site Cancellation No. 113]

CALIFORNIA

CORRECTION OF LAND DESCRIPTION

In F. R. Doc. 57-6206, appearing at page 6023 of the issue for Wednesday, July 31, 1957, the following correction should be made:

That portion of the land description in T. 12 S., R. 25 E., sec. 15, now reading "SE¼SE¼ and NE¼NW¼" should be changed to read "SE¼NE¼ and NE¼ NW¼."

Dated: September 17, 1957.

R. H. LYDDAN,
Acting Director.

[F. R. Doc. 57-7763; Filed, Sept. 20, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11409]

ROBERT MOSBACHER ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 17, 1957.

Take notice that Robert Mosbacher, et al. (Applicant) whose address is 1640 Bank of Commerce Building, Houston, Texas, filed an application on November 1, 1956, for permission and approval to abandon natural gas service pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the sale of natural gas to Tennessee Gas Transmission Company from production in the New Ulm Field, Austin County, Texas. Such sale was previously authorized by the Commission's order issued October 20, 1955, in Docket No. G-6641.

Applicant states in support of the subject application that the available supply of gas has been completely depleted, the date of the last production of gas being June 3, 1956. Applicant states that since that date the only well on the acreage dedicated to the aforementioned contract has been reworked and has been reclassified as an oil well by the Texas Railroad Commission, and that continuance of service to Tennessee is, therefore, no longer possible.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-

contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7743; Filed, Sept. 20, 1957; 8:45 a. m.]

[Docket No. G-12304]

EQUITABLE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 17, 1957.

Take notice that Equitable Gas Company (Equitable), a Pennsylvania corporation, with its principal place of business in Pittsburgh, Pennsylvania, filed on March 28, 1957, an application for a certificate of public convenience and necessity, as supplemented on May 9, 1957, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 11.7 miles of gas storage pipelines and appurtenant facilities, and the development of the Rhodes Storage Pool, in Lewis County, West Virginia, all as more fully described in its application which is on file with the Commission and open to public inspection.

Applicant presently operates thirteen underground storage pools in Pennsylvania and West Virginia, having an aggregate estimated storage capacity of 32,327,000 Mcf at 14.73 psia based on the estimated maximum operating pressure for each storage pool. Based on expected normal growth in its customer requirements for gas during the next five years, Applicant alleges it will need additional total storage capacity of approximately 10,475,000 Mcf to provide working storage of approximately 4,800,000 Mcf.

The proposed Rhodes Storage Pool is at present a nearly exhausted gas "pool". It consists geologically of three separate pools in the Gantz sand designated "A", "B" and "C". Initially, Applicant proposes to develop the area described as "Area B". Upon completion of "Area B" Applicant proposes to develop the remaining two storage areas, referred to as "Area A" and "Area C". During 1957 Applicant expects to inject approximately 1,100,000 Mcf into "Area B".

The years of completion for Areas B, A and C are to be 1957, 1958 and 1959, respectively, at a total cost of approximately $988,270 for the drilling of 40 wells. Pipeline facilities in Areas B, A and C will be installed according to the general schedule proposed for the drilling of wells, at a total cost of approximately $622,230. Approximately $480,390 will be spent for construction of a dehydrating plant and alteration of piping at the existing Skin Creek Compressor Station which will be used with the proposed storage and metering equipment. The total estimated cost of the aforesaid facilities is $2,091,430 before salvage of equipment in the estimated amount of $20,000.

The total cost of the project will be financed out of company funds on hand.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 22, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7744; Filed, Sept. 20, 1957; 8:45 a. m.]

[Docket No. G-12440]

WALTER KUHN AND PWC OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 17, 1957.

Take notice that Walter Kuhn, Operator (Kuhn) and The PWC Oil Company (PWC), independent producers, filed a joint application on April 19, 1957, for authority to abandon and render natural gas service, pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the joint application, which is on file with the Commission and open to public inspection.

The joint application seeks authority for:

(1) Kuhn to abandon service to Northern Natural Gas Company (Northern Natural) and Cities Service Gas Company (Cities Service) from the Hugoton Field, Kearny County, Kansas, being rendered pursuant to contracts dated January 28, 1954, as amended, and June 23, 1950, as amended, respectively,[1]

(2) PWC to continue the services to Northern Natural and Cities Service proposed to be abandoned by Kuhn.

The application states that by instruments of assignment dated November 30, 1956, Kuhn conveyed to PWC his entire working interest in the producing properties dedicated under the aforementioned contracts subject to certain overriding royalty reservations. Kuhn, however, will continue as operator of the gas production units involved.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7745; Filed, Sept. 20, 1957; 8:45 a. m.]

[Docket No. G-12747]

KENTUCKY OHIO GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 17, 1957.

Take notice that Kentucky Ohio Gas Company (Applicant), having its principal place of business in Ashland, Kentucky, filed an application on June 17, 1957, for permission and approval to abandon the sale of natural gas to Inland Gas Corporation (Inland) from its wells located in the Salt Lick Field, Floyd County, Kentucky, pursuant to section 7 (b) of the Natural Gas Act, as herein described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant states that the gas produced from its eight gas wells in the area can be injected into Inland's line only with the aid of a compressor station and that its compressor station equipment, consisting of a 100 horsepower Cooper Bessemer engine with auxiliary equipment, was so badly damaged in February that the cost of repairs is excessive to the extent that the volume of gas sold will not justify the replacement of said compressor unit. Applicant recites that it operated at a loss in said field prior to the compressor station damage, and has submitted a statement of revenues and expenses for the year 1956 showing a deficit of $1,851 resulting from the operation of the property involved herein. Applicant requests the approval of the proposed abandonment in order to meet its constantly increasing operating costs.

Applicant was previously authorized on October 24, 1956, in Docket No. G-3321, to continue the operations involved in the sale of natural gas to Inland now proposed to be abandoned.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matter involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7746; Filed, Sept. 20, 1957; 8:46 a. m.]

[1] Kuhn is one of the original signatory sellers to the Northern Natural contract and has acquired signatory status under the Cities Service contract by assignment from Stanolind Oil & Gas Company (now Pan American Petroleum Corporation).

[Project No. 2075]

WASHINGTON WATER POWER CO.

NOTICE OF LAND WITHDRAWAL; MONTANA

SEPTEMBER 17, 1957.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2075 for which completed application for license was filed July 1, 1957. Under said section 24 these lands are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

All portions of the following described subdivisions lying within the project boundary as delimited on maps designated Exhibits "K" sheets 1A, 2, 3, 4, 5, 6, 7, 10, 11, 13, 15, 17, 18, 19, 21, 23 to 30 inclusive (F. P. C. Nos. 2075-90 to 112 inclusive), entitled "Noxon Rapids H. E. Development, Detail Map of Project Area, Washington Water Power Company."

MONTANA PRINCIPAL MERIDIAN, MONTANA

T. 21 N., R. 29 W.,
Sec. 6: Lot 8.
T. 22 N., R. 30 W.,
Sec. 26: NE¼SW¼, SE¼SW¼.
T. 23 N., R. 30 W.,
Sec. 26: Lots 1 and 5;
Sec. 28: Lot 1;
Sec. 34: Lots 2 and 8.
T. 24 N., R. 31 W.,
Sec. 15: Lots 1, 2, NW¼SW¼ excepting therefrom 1.86 acres acquired by Sanders County for highway location, and 4.86 acres decreed to the Interstate Power Company. (075489 Great Falls); Lot 14.
T. 24 N., R. 32 W.,
Sec. 2: Lots 5 and 10;
Sec. 5: Lot 1;
Sec. 12: Lots 1 to 7 inclusive.
T. 25 N., R. 32 W.,
Sec. 4: Lots 2, 6, 7, 8, 9, 10, 11, 12, N½NE¼ SE¼SW¼, NE¼NW¼SE¼SW¼;
Sec. 9: Lots 2, 3, NE¼SE¼ excepting therefrom 16.49 acres (Northern Pacific Railway right-of-way) as excepted in deed of conveyance to United States under Forest Exchange 01117 Montana, S½ NW¼, Exchange Survey No. 1263, Tract A;
Sec. 10: Lots 1 to 7 inclusive, E½SE¼;
Sec. 22: Lots 1, 2, 5 and 6;
Sec. 26: NW¼NW¼;
Sec. 27: Lot 8 excepting therefrom 18.94 acres (Northern Pacific Railway right-of-way) as excepted in deed of conveyance to the United States under Forest Exchange 01117 Montana, Exchange Survey No. 1263, Tract C, SE¼SE¼;
Sec. 28: Lot 4;
Sec. 32: N½S½SE¼NE¼, S½N½SE¼ NE¼, SE¼NE¼SW¼NE¼, SW¼SE¼ SW¼NW¼, W½NE¼NW¼SW¼, NW¼ SW¼NW¼SW¼, NE¼SW¼NE¼SW¼, SW¼SW¼NE¼SW¼, S½NE¼SE¼, S½ NW¼SE¼;
Sec. 33: Lots 1, 2, 3, 4, 5 and 9;
Sec. 34: Lots 3, 4, 6, 10 and 12;
Sec. 35: Exchange Survey No. 1263, Tract B, SW¼SE¼.
T. 26 N., R. 32 W.,
Sec. 29: Lots 5 and 8;
Sec. 32: Lots 1 and 4;
Sec. 33: Lot 1, N½NW¼, SE¼NW¼, SW¼ NE¼, N½SE¼;
Sec. 34: SW¼SW¼.

The area reserved pursuant to the filing of this application is approximately 1,425.05 acres of which approximately 1,391.13 acres fall within the Kaniksu and Lolo National Forests. Approximately 969.13 acres have heretofore been reserved in connection with either earlier withdrawals for this project (No. 2075), Project Nos. 2076, 2058 or Power Site Reserves No. 25, 48, 111, and 359. Also approximately 411.19 acres are included in the Bureau of Reclamations First Form Withdrawal of December 18, 1939, for the Cabinet Gorge reservoir.

This notice of withdrawal modifies and supersedes in its entirety, letter of withdrawal notification to the Bureau of Land Management for this project date March 19, 1951.

Copies of Project map Exhibits "J" sheets 1 and 2 (F. P. C. Nos. 2075-88 and 89) and aforesaid Exhibit "K" maps, have been transmitted to the Bureau of Land Management, Geological Survey, Forest Service and Bureau of Reclamation.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7747; Filed, Sept. 20, 1957; 8:46 a. m.]

[Docket No. G-12121, etc.]

SUPERIOR OIL CO. ET AL.

NOTICE OF DATE OF HEARING

SEPTEMBER 18, 1957.

In the matters of The Superior Oil Company, Docket No. G-12121; Texas Gulf Producing Company, Docket No. G-12128; United Gas Pipe Line Company, Docket No. G-12169; Olin Gas Transmission Corporation, Docket No. G-12417.

Take notice that a public hearing will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., on October 21, 1957, at 10:00 a. m., e. d. s. t., concerning the matters of fact involved in and the issues of law, if any, presented by the applications, as amended and supplemented, in each of the above-designated dockets, for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act.

Notice of the said applications was duly given, including publication thereof in the FEDERAL REGISTER on August 31, 1957 (22 F. R. 7063-4).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7765; Filed, Sept. 20, 1957; 8:49 a. m.]

[Docket No. G-12794]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 17, 1957.

Take notice that Atlantic Seaboard Corporation (Applicant), a Delaware corporation with its principal place of

business in Charleston, West Virginia, filed an application on June 25, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, and for permission and approval to abandon certain other facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to abandon three 2,200 horsepower steam engine driven compressor units and construct and operate two 2,000 horsepower gas engine driven compressor units to replace them, in its Boldman Compressor Station, located in Floyd County, Kentucky. This station contains three 2,200 horsepower steam engine driven compressor units and two 1,000 horsepower gas engine driven compressor units, for a total of 8,600 horsepower. Through these facilities, Applicant recompresses gas received at approximately 325 psig from its principal supplier, United Fuel Gas Company via the latter's Beaver Creek Compressor Station, and locally produced gas received from United at approximately 45 psig. The gas so received is compressed at Boldman for the purpose of maintaining a required initial line pressure of 425 psig during periods of heavy demand, on Atlantic's 20-inch Boldman, Kentucky-Pennsylvania transmission line.

Applicant states that it has now been advised by United that due to modifications of equipment and operations at the latter's Beaver Creek Compressor Station, United will be able and willing to make deliveries to Atlantic at Boldman Station at a pressure of 425 psig, thus eliminating the need to recompress this gas. For compression of only the locally produced gas, Applicant will require only 6,000 horsepower at Boldman Station. The existing 2,000 horsepower and the proposed 4,000 horsepower will give the necessary 6,000 horsepower. In addition to the decreased power requirement, Applicant submits that due to increased coal and labor costs for the existing steam facilities, it could effect a substantial saving through retirement of these facilities and replacement with gas engine driven compressor units.

Applicant estimates the cost of constructing the two 2,000 horsepower gas compressor units at Boldman Station as $1,600,000, which it proposes to finance with funds from its parent, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 16, 1957 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 11, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7766; Filed, Sept. 20, 1957; 8:50 a. m.]

[Docket No. G-12799]

LONE STAR PRODUCING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 18, 1957.

Take notice that on June 26, 1957, Lone Star Producing Company (Applicant), a Texas corporation having its principal place of business in Dallas, Texas, filed in Docket No. G-12799 an application pursuant to section 7 of the Natural Gas Act for authorization to abandon sales of natural gas and to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to:

(1) Abandon sales to Lone Star Gas Company (Lone Star) from certain acreage in the East Panhandle Field, Wheeler County, Texas, being rendered pursuant to nine gas sales contracts dated January 1, 1943, previously accepted for filing as Applicant's FPC Gas Rate Schedule Nos. 7, 8, 9, 12, 16, 20, 23, 25 and 32, and pursuant to two additional contracts dated April 24, 1952, previously accepted for filing as Applicant's FPC Gas Rate Schedule Nos. 40 and 47.

(2) Partially abandon service to Lone Star from the aforementioned field, being rendered pursuant to a sales contract dated April 24, 1952, previously accepted for filing as Applicant's FPC Gas Rate Schedule No. 49.

(3) Sell the available subject natural gas to Warren Petroleum Corporation (Warren) in lieu of Lone Star.

Applicant states that the gas producing properties covered by its FPC Gas Rate Schedule Nos. 12, 40 and 47 are depleted and that the wells thereon will be plugged and abandoned. Applicant states, further, that the properties covered by its FPC Gas Rate Schedule Nos. 7, 8, 9, 16, 20, 23, 25, 32 and a portion of the properties covered by its FPC Gas Rate Schedule No. 49 have become semi-depleted and the pressure of the gas therefrom is so low that it is not economically feasible for Lone Star to compress and transport it.

Applicant further states that Warren will purchase all the available gas production at the wellhead, process said low pressure gas in its Sitter Gasoline Plant located in Wheeler County, Texas, and sell the residue gas therefrom to Public Service Corporation of Texas which will transport said gas commingled with its other gas supplies for sale in other states.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 10, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7767; Filed, Sept. 20, 1957; 8:50 a. m.]

[Project No. 2210]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF PRELIMINARY PERMIT

SEPTEMBER 18, 1957.

Public notice is hereby given that Appalachian Electric Power Company, of Roanoke, Virginia, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of its preliminary permit for proposed Project No. 2210 to be located on the Roanoke River (sometimes called Stanton River) in Bedford, Campbell, Franklin, Pittsylvania, and Roanoke Counties, Virginia, affecting navigable waters of the United States. Under the amendment, Project No. 2210 would henceforth be known as Smith Mountain Combination Project, comprising Smith Mountain Dam, now covered by the permit and whose height would be raised from 200 to 235 feet, and an additional development at a site 17 miles downstream from Smith Mountain Dam to be known as Lower Dam, so that Smith Mountain Combination Project now consists of: Upper Dam (Smith Mountain) composed of a rock-fill structure about 235 feet high creating a reservoir with a surface area of about 20,000 acres with a capacity of somewhat more than 1,000,000 acre-feet, a concrete side-channel spillway, and a powerhouse at the foot of the dam containing hydro-turbines and generators, some of which will be of the reversible type to operate as pumps and motors in connection with the pump storage phase of the project; and Lower Dam, near Leesville, composed of a rock-fill structure 90 feet high with a concrete side-channel spillway surmounted by control gates, creating a reservoir with a surface area of about 3,200 acres with a capacity of approximately 100,000 acre-feet, and a powerhouse at the foot of the dam containing conventional type hydro-turbines and generators. The combined generating capacity of both powerhouses will be at least 250,000 kilowatts with an average annual output of 300,000,000 kilowatt-hours. The power generated would be used in the applicant's existing electric system for sale to its present and future customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 28, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7768; Filed, Sept. 20, 1957; 8:50 a. m.]

[Project No. 2235]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 18, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Washington Public Power Supply System, of Seattle, Washington, for preliminary permit for proposed water power Project No. 2235 to be located on Columbia River, a navigable waterway of the United States, in the Counties of Franklin and Benton, Washington, in the region of Richland, Pasco, Kennewick, Prosser and Yakima, Washington, and affecting lands of the United States in the Atomic Energy Commission Reservation and in Bonneville Power Administration rights-of-way, and other lands of the United States. The proposed project, to be known as Ben Franklin Hydroelectric Project, would consist of a combination concrete and earthfill embankment dam across the Columbia River at approximately river mile 347, with a total length of about 11,200 feet at an elevation of 400 feet, creating a reservoir extending upstream about 50 miles to the tailrace of Priest Rapids Dam (Project No. 2114); a concrete spillway terminating in a stilling basin, and sluiceways through the dam; provisions for installation of future navigation locks to the right of the spillway; suitable fish ladders for passing migratory fish; a powerhouse to house an initial installation of 12 units of 53,600 horsepower (40,000 kw) capacity, each (total 643,000 horsepower; 480,000 kw) and an ultimate installation of 15 units aggregating 804,000 horsepower (600,000 kw); and appurtenant hydraulic, mechanical, and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 29, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7769; Filed, Sept. 20, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3618]

MONONGAHELA POWER CO. AND MARIETTA ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF CAPITAL STOCK BY SUBSIDIARY AND ACQUISITION AND PLEDGE OF SUCH SHARES BY PARENT COMPANY

SEPTEMBER 16, 1957.

Notice is hereby given that Monongahela Power Company ("Monongahela"), a public utility company and an exempt holding company which is a subsidiary of The West Penn Electric Company, a registered holding company, and Monongahela's wholly-owned public utility subsidiary, The Marietta Electric Company ("Marietta"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, 9, 10 and 12 of the act and Rules U-43 and U-44 thereunder as applicable to the proposed transactions, which are summarized as follows:

Marietta proposes to issue and sell 7,500 additional shares of its authorized capital stock of $100 par value, and Monongahela proposes to acquire such shares for a cash consideration of $750,000, the aggregate par value thereof.

Marietta will apply the proceeds from the sale to repay open account advances in the amount of $100,000 made to it by Monongahela and to provide for property additions and improvements. Marietta's construction expenditures are estimated at $824,000 for 1957 and $500,000 for 1958.

Monongahela will purchase the additional shares with available treasury funds, and will forthwith pledge such shares with City Bank Farmers Trust Company as Trustee (along with the presently outstanding 20,000 shares of Marietta's capital stock, heretofore pledged) pursuant to the terms of the Indenture dated August 1, 1945, as supplemented, securing Monongahela's First Mortgage Bonds.

No legal fees are to be incurred in connection with the transactions. Expenses incident thereto are estimated at $875 consisting of Federal stamp tax of $825 and miscellaneous expenses of $50.

Monongahela renders electric utility service in West Virginia, and Marietta serves a contiguous area in Ohio. The issuance and sale of the additional shares by Marietta have been approved by the Public Utilities Commission of Ohio; and the acquisition of said shares by Monongahela has been approved by the Public Service Commission of West Virginia.

Notice is further given that any interested person may, not later than October 1, 1957, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-7748; Filed, Sept. 20, 1957; 8:46 a. m.]

[File No. 812-1106]

COMMONWEALTH INCOME FUND, INC.

NOTICE OF FILING OF APPLICATION PERMITTING CERTAIN REINVESTMENTS OF DIVIDEND DISTRIBUTIONS AT NET ASSET VALUE

SEPTEMBER 16, 1957.

Notice is hereby given that Commonwealth Income Fund, Inc. ("Applicant"), a registered open-end management investment company, has filed an application and an amendment thereto pursuant to Section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the offering of certain shares of Applicant at net asset value where such shares represent investments of dividends paid under the company's proposed Automatic Withdrawal Plan described below.

Applicant has at the present time a dividend reinvestment plan under which holders of its shares may reinvest dis-

tributions representing capital gains in additional shares at net asset value and reinvest other dividends in additional shares at the public offering price.

Applicant's principal underwriter proposes to establish an Automatic Withdrawal Plan under which any holder of $10,000, or more of Applicant's shares at the public offering price may request Applicant to pay the shareholder a specified sum of money, either monthly or quarterly. Under such plan all distributions, whether from capital gains or income, will be automatically reinvested in additional shares at net asset value and credited to the account. It is contemplated that the amount of periodic withdrawals under such plan will be in excess of dividends from income. Applicant and its principal underwriter will exercise their right to reject any plan where the specified withdrawals do not exceed current investment income.

Among other things, section 22 (d) of the act, with certain exceptions not applicable here, prohibits a principal underwriter of a registered investment company from selling redeemable securities of such registered investment company except at a current public offering price described in the prospectus. Since the proposal set forth above may involve the offering of shares of Applicant below the normal public offering price thereof described in the prospectus in contravention of the provisions of section 22 (d) of the act, Applicant seeks an order pursuant to section 6 (c) of the act exempting such transactions from the provisions of section 22 (d) of the act.

Section 6 (c) of the act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally, any transaction from any provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than September 27, 1957, at 1:00 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7749; Filed, Sept. 20, 1957; 8:46 a. m.]

[File No. 70-3611]

UTAH POWER & LIGHT CO.

ORDER AUTHORIZING ISSUE AND SALE OF COMMON STOCK AND FIRST MORTGAGE BONDS

SEPTEMBER 16, 1957.

Utah Power & Light Company ("Company"), a registered holding company which is also a public-utility operating company, has filed a declaration and an amendment thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder regarding the following proposed transactions.

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, (a) 400,000 shares of its Common Stock, with par value of $12.80 per share, and (b) $15,000,000 aggregate principal amount of First Mortgage Bonds, — percent Series due 1987, to be dated October 1, 1957 and to mature October 1, 1987.

The interest rate on the Bonds (a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid for the Bonds (not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by competitive bidding. The Bonds will be issued under the Company's Mortgage and Deed of Trust to Guaranty Trust Company of New York et al., dated as of December 1, 1943, as heretofore supplemented and as further supplemented by an Eleventh Supplemental Indenture to be dated as of October 1, 1957. Such Bonds will also be entitled to the benefit of the Indenture dated as of December 1, 1943 between the Company's subsidiary, The Western Colorado Power Company, and said trustees.

The Company states that part of the proceeds from the sale of said securities will be used to pay bank loans aggregating $21,000,000 made in connection with its construction program; that the remainder of such proceeds, together with the Company's available cash, will be used to carry forward the construction program of the Company and its Colorado subsidiary, involving expenditures for the three-year period 1957–1959 aggregating $46,000,000; and that to the extent its cash resources are not sufficient to meet such expenditures, the Company will issue and sell such additional securities, from time to time, as it deems desirable.

By amendment the Company has filed copies of the orders issued by the Public Service Commission of Wyoming and the Idaho Public Utilities Commission approving the issue and sale of the securities as proposed. In the opinion of the Company's counsel, no other State commission, and no Federal commission except this Commission, has jurisdiction over the transactions.

Due notice having been given of the filing of said declaration (Holding Company Act Release No. 13535), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7750; Filed, Sept. 20, 1957; 8:46 a. m.]

[File No. 812-1107]

HORACE MANN FUND, INC. AND HORACE MANN INVESTORS, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER TEMPORARILY EXEMPTING APPLICANTS FROM CERTAIN REQUIREMENTS

SEPTEMBER 16, 1957.

Notice is hereby given that Horace Mann Investors, Inc. ("Fund"), a registered, open-end management company and Horace Mann Investors, Inc. ("Investors"), both of Springfield, Illinois, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission temporarily exempting Fund from the provisions of section 16 (a), and Investors from the provisions of section 15 (a), until the annual meeting of stockholders of Fund, scheduled for October 12, 1957.

The application discloses that Fund was organized on May 27, 1957, under the laws of the State of Maryland. The Fund registered on June 27, 1957, under the act and has filed a registration statement under the Securities Act of 1933 covering 300,000 shares of its capital stock; however, it has not yet commenced business operations and it has no stock outstanding. Investors is registered as broker-dealer under the Securities Exchange Act of 1934 and proposes to act as principal underwriter and investment adviser of Fund.

Fund proposes to obtain the $100,000 net worth required by section 14 (a) of the act, in connection with the provisions of sub-section (3) thereof, through the sale by Investors of 10,000 shares of Fund's capital stock at net asset value to not more than twenty-five persons for a total sales price of $100,000. After receiving said aggregate net consideration Fund proposes to sell through Investors, as its principal underwriter, additional shares in a public offering, and it is contemplated that Investors, when permitted by law, will act as investment adviser of Fund pursuant to the act.

The By-laws of Fund provide that the annual meeting of stockholders shall be held on the second Saturday in October of each year. Fund desires to sell its stock prior to October 12, 1957, the scheduled date of the first annual meeting of stockholders. Accordingly, Fund proposes that its stockholders shall act on the following matters at the annual meeting on October 12, 1957, or at such earlier meeting as the Commission may by order direct: (1) To approve the contract between the Fund and Investors as investment adviser and (2) to elect a Board of Directors of the Fund.

Section 15 (a) of the act makes it unlawful for a person to act as an investment adviser for a registered investment company, except pursuant to a written contract containing certain specified statutory terms, which has been approved by the vote of a majority of the outstanding voting securities of the registered investment company.

Section 16 (a) of the act requires the directors of a registered investment company to be elected to that office by stockholders at an annual or special meeting and requires such a meeting to be held within 60 days if at any time less than a majority of the directors are so elected by stockholders.

Section 6 (c) of the act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application on file in the offices of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than September 27, 1957, at 1:00 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7751; Filed, Sept. 20, 1957; 8:46 a. m.]

[File No. 812-1108]

SHAREHOLDERS' TRUST OF BOSTON

NOTICE OF FILING OF APPLICATION PERMITTING CERTAIN REINVESTMENTS OF DIVIDEND DISTRIBUTIONS AT NET ASSET VALUE

SEPTEMBER 16, 1957.

Notice is hereby given that Shareholders' Trust of Boston ("Applicant"), a registered open-end management investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the offering of certain shares of Applicant at net asset value where such shares represent investments of dividends paid under the company's proposed Systematic Withdrawal Plan described below.

Applicant has at the present time a dividend reinvestment plan under which holders of its shares may reinvest distributions representing capital gains in additional shares at net asset value and reinvest other dividends in addtional shares at the public offering price.

Applicant's principal underwriter now proposes to establish a Systematic Withdrawal Plan under which any holder of $10,000, or more of Applicant's shares at the public offering price may request Applicant to pay the shareholder $50 or more, either monthly or quarterly. Under such plan all distributions, whether from capital gains or income, will be automatically reinvested in additional shares at net asset value and credited to the account. It is contemplated that the amount of periodic withdrawals under such plan will be in excess of dividends from income and the principal underwriter will not accept any plan application unless the amount of the monthly or quarterly withdrawal authorized is, in the judgment of the principal underwriter, likely to exceed current dividend on the shares proposed to be deposited.

Among other things, section 22 (d) of the act, with certain exceptions not applicable here, prohibits a principal underwriter of a registered investment company from selling redeemable securities of such registered investment company except at a current public offering price described in the prospectus. Since the proposal set forth above may involve the offering of shares of Applicant below the normal public offering price thereof described in the prospectus in contravention of the provisions of section 22 (d) of the act, Applicant seeks an order pursuant to section 6 (c) of the act exempting such transactions from the provisions of section 22 (d) of the act.

Section 6 (c) of the act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally, any transaction from any provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than September 27, 1957, at 1:00 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7752; Filed, Sept. 20, 1957; 8:47 a. m.]

TARIFF COMMISSION

DRIED FIGS

REPORT TO THE PRESIDENT

SEPTEMBER 17, 1957.

The Chairman of the United States Tariff Commission advised the President by letter today, pursuant to paragraph 1 of Executive Order 10401, that the Commission is unanimously of the view that developments in the trade in dried figs since August 30, 1956, do not indicate such a change as to warrant the institution of a formal investigation under paragraph 2 of Executive Order 10401. This order prescribes procedures for the periodic review of "escape clause" actions with a view to determining whether a concession that has been modified or withdrawn may be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

Following an escape-clause investigation by the Commisison in 1952, under section 7 of the Trade Agreements Extension Act of 1951, the tariff concession on dried figs granted by the United States in the General Agreement on Tariffs and Trade was modified and the import duty increased from 2½ cents per pound to 4½ cents per pound, effective August 30, 1952. Since then, the latter rate has remained in effect.

The Tariff Commission today also released its report to the President on the results of an investigation of dried figs and fig paste conducted under the provisions of section 22 of the Agricultural Adjustment Act, as amended. This report contains the data upon which the Commission's view expressed above is based.

Copies of the Commission's report of its investigation under section 22 are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, 8th and E Streets, N. W., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-7753; Filed, Sept. 20, 1957; 8:47 a. m.]

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VOLUME 22 NUMBER 185

Washington, Tuesday, September 24, 1957

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Amdt. 2, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

WAREHOUSE RECEIPTS AND CHARGES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (22 F. R. 2321) with respect to rice produced in 1957 which contain specific requirements for the 1957-Crop Rice Price Support Program are hereby amended as follows:

1. Section 421.2540 (a) is amended by adding at the end thereof an additional sentence so that the amended paragraph reads as follows:

§ 421.2540 *Warehouse receipts.* (a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in any holder, and must be issued by a warehouse approved under the Uniform Rice Storage Agreement (CCC Form 26). The receipts must be negotiable, must cover eligible rice actually in store in the warehouse and must clearly indicate whether the rice is stored in bulk or in bags (sacks), and whether the rice is to be delivered in bulk or in bags (sacks). Under the Uniform Rice Storage Agreement, the warehouseman guarantees the quantity and quality of the rice unless the warehouse receipts or accompanying supplemental certificates state that the rice is stored "identity-preserved" or "modified-commingled". In the case of rice stored identity-preserved, the warehouseman is not a guarantor but is required to load out the identical rice for which the warehouse receipt was issued. In the case of rice stored modified commingled, the warehouseman guarantees quantity but not quality and the rice is stored in one lot, the identity of which the warehouseman is required to maintain. The warehouse receipts or accompanying supplemental certificates representing rice stored modified commingled shall contain the following statement:

Modified commingled means the storage or handling of rice in bulk or in bags by commingling in one lot rice of a single class and of a similar grade and quality, in such manner that rice actually deposited in that lot prior to a sample being drawn for quality determination, and no other, may be delivered to the holder of each warehouse receipt issued with respect to such rice.

2. Section 421.2540 (f) is amended by adding in the first sentence "covering rice which is in approved warehouse storage on or before the maturity date for loans and which is to be placed under loan or acquired by CCC under a purchase agreement" so that the amended paragraph reads as follows:

(f) Warehouse receipts covering rice which is in approved warehouse storage on or before the maturity date for loans and which is to be placed under loan or acquired by CCC under purchase agreement must carry an endorsement by the warehouseman in substantially the following form:

Warehouse charges through (insert the applicable maturity date for loans for the State where stored), including, but not limited to, receiving and loading out charges accrued or to accrue, and all other charges incident to the acquisition of the rice by CCC, on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. If the rice represented by this warehouse receipt is to be loaded out in bags (sacks), the warehouseman agrees that any and all right, title, and interest which he has in such bags (sacks) shall pass with the rice when such rice is acquired under the price support program or shall pass at the time the rice is loaded out, if the rice is not in bags at the time of acquisition by CCC.

3. Section 421.2545 *Warehouse charges,* is amended by including the provisions of the section as paragraph

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(a) after rearranging for clarity, and by adding new paragraphs (b), (c) and (d) so that the amended section reads as follows:

§ 421.2545 *Warehouse charges.* (a) CCC will refund to the producer an amount computed at the rate of 8 cents per hundred pounds as compensation for any receiving and loading out charges paid by the producer on rice stored in an approved warehouse on or before loan maturity date prior to acquisition by CCC and acquired by CCC in such approved storage, provided the receiving and loading out charges have been paid by the producer.

(b) CCC will assume receiving charges on (1) rice delivered under the price support program to an approved warehouse for the account of CCC in satisfaction of a farm-storage loan, and (2) rice delivered under the price support program after loan maturity date to an approved warehouse for the account of CCC pursuant to a purchase agreement and acquired by CCC.

(c) CCC will assume warehouse-storage charges accruing on and after the day following the loan maturity date on rice which is in approved warehouse storage on the maturity date for loans and acquired by CCC under a warehouse-storage loan or under a purchase agreement.

(d) CCC will assume warehouse-storage charges from and after the date of completion of deposit of the rice in the warehouse on (1) rice delivered under the price support program to an approved warehouse for the account of CCC in satisfaction of a farm-storage loan, and (2) rice delivered from other than approved warehouse storage under the price support program to an approved warehouse after loan maturity date for the account of CCC pursuant to a purchase agreement and acquired by CCC.

(e) Fees for inspection and weighing and any special charges assessed by the warehouseman shall be for the account of the producer.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441)

Issued this 18th day of September 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-7790; Filed, Sept. 23, 1957; 8:48 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Amdt. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

ELIGIBLE RYE AND DETERMINATION OF QUANTITY

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3035 and 3865 containing the specific requirements for the 1957-crop rye price support program are hereby amended as follows:

1. Section 421.2578 (c) (1) is amended to also make rye grading No. 4 on test weight eligible for price support so that the amended paragraph reads as follows:

§ 421.2578 *Eligible rye.* • • •

(c) • • •

(1) The rye must be rye grading No. 2 or better, or rye grading No. 3 or No. 4 on the factor of "test weight" only, but otherwise grading No. 2 or better.

2. Section 421.2580 (c) is amended by extending the schedule therein to apply to rye testing as low as 49 pounds per bushel so that the amended paragraph reads as follows:

§ 421.2580 *Determination of quantity.* • • •

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

For rye testing:	Percent
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 18th day of September 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-7789; Filed, Sept. 23, 1957; 8:47 a. m.]

[1957 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Amdt. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1957-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

DETERMINATION OF SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 3035 and 3865 containing the specific requirements of the 1957-crop rye price support program are hereby amended to provide a discount for rye having a test weight below 52 pounds per bushel by the addition of a subparagraph (4) to § 421.2583 (d) as follows:

§ 421.2583 *Determination of support rates.* • • •

(d) *Support rates.* • • •

(4) *Discount for test weight.* For rye grading No. 4 on the factor of test weight only, but otherwise grading No. 2 or better, the discounts from the support rate for No. 2 rye, in addition to any other applicable discounts, shall be as follows:

Test weight per bushel (pounds):	Discount per bushel (cents)
51 or over, but less than 52	4
50 or over, but less than 51	8
49 or over, but less than 50	12

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714 b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714 c, 7 U. S. C. 1447, 1421)

Issued this 18th day of September 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-7788; Filed, Sept. 23, 1957; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1957-P. R., Supp. 2]

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1957

ALLOCATION OF FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, the 1957 Agricultural Conservation Program for Puerto Rico, approved November 6, 1956 (21 F. R. 8755), as amended March 28, 1957 (22 F. R. 2146), is further amended as follows:

Section 1102.702 is amended by deleting "$862,000" in the first sentence and substituting therefor "$869,000."

(Sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 70 Stat. 233; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 18th day of September 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-7787A; Filed, Sept. 23, 1957; 8:47 a. m.]

[ACP-1957-Hawaii, Supp. 2]

PART 1105—AGRICULTURE CONSERVATION; HAWAII

SUBPART—1957

ALLOCATION OF FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, the 1957 Agricultural Conservation Program for Hawaii, approved September 4, 1956 (21 F. R. 6814), as amended March 28, 1957 (22 F. R. 2146), is further amended as follows:

Section 1105.603 is amended by deleting "$188,000" in the first sentence and substituting therefor "$190,000."

(Sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d. Interprets or applies secs 7-17, 49 Stat. 1148, as amended, 70 Stat. 233; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 18th day of September 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-7787; Filed, Sept. 23, 1957; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 14]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

CONTROL AREA AND CONTROL ZONE; MARTHA'S VINEYARD, MASS.

The control area and control zone appearing herinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

The temporary control area and control zone §§ 601.1426 and 601.2326 published on June 19, 1957, 22 F. R. 4319, are redesignated to become permanent.

Therefore, Part 601 is amended as follows:

§ 601.1426 *Control area extension (Martha's Vineyard, Mass.).* Within 2 miles on the northwest side and 3½ miles on the southeast side of a line bearing 040° True extending from the northeast end of the Martha's Vineyard Airport Runway No. 22 to a point 10 miles northeast of the nondirectional radio beacon, excluding the portion which overlaps restricted area R-79.

§ 601.2326 *Martha's Vineyard, Mass., control zone.* Within a 3-mile radius of Martha's Vineyard Airport and within 2 miles either side of a line bearing 040° True extending from the northeast end of Runway No. 24 to a point 10 miles northeast of the nondirectional radio beacon.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 2400 e. s. t. October 1, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 17, 1957.

[F. R. Doc. 57-7777; Filed, Sept. 23, 1957; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 45[1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 371.2 *General provisions, paragraph* (b) *Use of general license symbol,* subparagraph (1) *Symbol on Shipper's Export Declaration* is amended to read as follows:

(1) *Symbol on Shipper's Export Declaration.* A person exporting any commodity or technical data pursuant to any general license established in this part or Part 385 of this subchapter shall enter on the Shipper's Export Declaration, when the Declaration is required, the designation or symbol of the general license authorizing the exportation. The use of such designation or symbol shall constitute a certification by the exporter that the terms, provisions, and conditions of the general license involved have been met.

2. Section 371.3 *General license country groups,* paragraph (a) *Grouping of countries* is amended by adding "the Canal Zone" after "U. S. territories, dependencies, and possessions" in the first unnumbered subparagraph.

3. Section 371.8 *General License GRO; shipments of non-Positive List commodities,* paragraph (b) *Surplus agricultural commodities and manufactures thereof* is amended by revoking subparagraph (2) *Exportations* and revising the note after subparagraph (3) to read as follows:

NOTE: Where commodities are to be exported by a party other than the original purchaser of the commodities from the Commodity Credit Corporation, the original purchaser shall inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

4. Section 371.21 *General License GIFT; shipments of gift parcels* is amended in the following particulars:

a. Paragraph (a) *Scope of license* is amended to read as follows:

(a) *Scope of license.* A general license designated GIFT is hereby established authorizing the exportation of gift parcels by mail, including parcel post, and by air, including air express, air cargo, and air freight, addressed to individuals or to religious, charitable, or educational organizations residing in all destinations except Communist China and North Korea: *Provided,* That such exportations are made in accordance with the following provisions of this section.

b. Subparagraph (1) *Manner of mailing* and subparagraph (4) *Postal, size, and weight limitations* of paragraph (c) are amended to read as follows:

(1) *Manner of sending.* Under this general license a gift parcel must be sent directly to the donee by the individual donor, or for such donor by a commercial or other gift-forwarding service or organization. Each gift parcel must show, on the outside wrapper, the name and address of the donor, regardless of whether mailed by him or by a forwarding service.

* * * * *

(4) *Postal, size, and weight limitations.* A gift parcel sent via parcel post under this general license shall conform with applicable post office regulations as to size, weight, and permissible contents. A gift parcel sent via air express, air cargo, or air freight, is not limited as to size or weight by the provisions of this general license.

5. Section 373.40 *Iron and steel,* paragraph (d) *Iron and steel scrap, Schedule B Nos. 601015, 601025, 601035, 601045, 601050, 601070 and 601090* is amended to read as follows:

(d) *Iron and steel scrap, Schedule B Nos. 601015, 601025, 601035, 601045, 601050, 601070, and 601090*[1][2]—(1) *Validity period.* Except where the ultimate destination of the exportation is in Mexico or where "offshore" scrap (scrap located in American possessions or territories, including Alaska, outside the continental United States) is to be exported, license applications to export iron and steel scrap, Schedule B Nos. 601015, 601025, 601035, 601045, 601050, 601070, and 601090, will be issued for a maximum validity period ending on the last day of the third month following the month during which the license is validated; e. g., a license issued on October 4, 1957, would expire on January 31, 1958. All licenses for iron and steel scrap destined for Mexico and all licenses for "offshore" scrap to be exported to any destination will bear the usual six-month validity period.

(2) *Offshore scrap.* License applications to export these scrap commodities from an American possession or territory outside the continental United States, including Alaska, shall include the following certification:

I (We) certify that the commodities described in this application originated in (name of United States territory or possession) and will be exported from (name of United States territory or possession).

(3) *Additional copy of Shipper's Export Declaration.* In accordance with the provisions of § 379.3 (c) (3) of this subchapter, in all cases where a Shipper's Export Declaration is required by the Export Regulations or the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, the shipper shall present to the Collector of Customs an additional copy of the Declaration for exportations of iron and steel scrap, Schedule B Nos. 601015 through 601090.[1] The additional copy shall bear the following notation in the upper right corner: "COMM-8."

6. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended as follows:

a. Paragraph (b) *Nickel scrap and nickel alloy scrap* is amended to read as follows:

(b) *Nickel scrap, nickel alloy scrap, and nickel-bearing cobalt scrap*—(1) *Nickel-copper alloy scrap, Schedule B No. 654502.*[3] License applications to export nickel-copper alloy scrap (including monel scrap), Schedule B No. 654502, will be considered for approval in accordance with the procedures described in subdivisions (i) and (ii) of this subparagraph.

(i) *Statement of Past Participation in Exports, Form IT- or FC-821.* A statement of past participation in exports (Form IT- or FC-821), shall be submitted to the Bureau of Foreign Commerce in accordance with the procedure set forth in § 373.4. In order to be considered during the fourth quarter 1957, the Form IT- or FC-821 must be received in the Bureau of Foreign Commerce no later than October 31, 1957. The report shall be broken down by countries of destination and shall show the total quantity in pounds (gross scrap weight) of exports from the United States made by the applicant during the twelve month period, October 1, 1955, through September 30, 1956. In preparing the form, the heading above items (c) and (d) shall be changed to read "October 1, 1955–September 30, 1956."

(ii) *Evidence of commercial unsalability.* The application is supported by evidence of unsalability in the domestic market. This evidence shall be submitted in the form of a letter or other statement from the applicant, supplier, or person to whom the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, and if available, the reason(s) for rejection of offers to sell.

(iii) *Licenses issued prior to October 1, 1957.* Licenses to export nickel-copper alloy scrap (including monel scrap), Schedule B No. 654502, issued prior to the fourth quarter of 1957, require the return of not less than 90 percent of the nickel metal content of the exported scrap to the United States. Licensees exporting under such licenses shall submit a copy of the Bill of Lading to the Bureau of Foreign Commerce covering the return shipment of the nickel metal.

(2) *Type S-816 nickel-bearing cobalt scrap, Schedule B No. 664526.*[1] License applications to export Type S-816 nickel-bearing cobalt scrap, Schedule B No. 664526, shall be supported by the information set forth in subdivision (ii) of subparagraph (1) of this paragraph.

(3) *Contaminated nickel-alloy and cobalt-nickel scrap, Schedule B Nos. 654502 and 664526.*[1][3] License applications to export contaminated nickel-alloy scrap containing less than 50 percent nickel, including cobalt-nickel, Schedule B Nos. 654502 and 664526, shall be supported by the following:

(i) *Assay report.* An assay report from a recognized independent testing laboratory covering the percentages of metallic content of the scrap described on the application.

(ii) *Evidence of commercial unsalability.* Evidence of the commercial unsalability of the scrap in the domestic market as set forth in subdivision (ii) of subparagraph (1) of this paragraph.

NOTE: For purposes of this paragraph, material is considered to be contaminated when the contaminant cannot be readily sorted from the balance of the material.

(4) *Time for submission of applications.* Applications for licenses to export nickel-copper alloy scrap (including monel scrap), Schedule B No. 654502 shall be submitted in accordance with the time schedules set forth in § 373.81.

(5) *Validity period.* Licenses to export all commodities covered by this paragraph will be issued for a validity period ending on the last day of the third month following the month during which the license is validated; e. g., a license issued on December 16, 1957, would expire March 31, 1958.

(6) *Amendments to export licenses.* Amendments requesting an extension of the validity period of a license issued under the provisions of this paragraph may be submitted to any field office of the Department of Commerce listed in § 380.2 of this subchapter or directly to the Bureau of Foreign Commerce. Where an amendment request involves an action other than an extension of the validity period, it shall be submitted directly to the Bureau of Foreign Commerce.

b. Paragraph (c) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, and copper-base alloy scrap* is amended to read as follows:

(c) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms*—(1) *General.* License applications to export copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100; refined copper in cathodes, billets, ingots, wire bars, anodes and other crude forms, including copperweld rods, Schedule B No. 641200 (hereinafter referred to as refined copper); copper scrap (new and old), Schedule B No. 641300; copper-base alloy scrap (new and old), Schedule B No. 644000; and copper-base alloy ingots and other crude forms, Schedule B No. 644100, will be considered for approval in accordance with the procedures described below.

(2) *Refined copper, Schedule B No. 641200.* License applications to export refined copper in cathodes, billets, ingots, wire bars, anodes, and other crude forms (including copperweld rods) shall be supported by the following information:

(i) *Disclosure of foreign consumer.* The foreign consumer shall be identified on the license application by the use of one of the following applicable statements:

The foreign consumer of the commodities covered by this application is the same as that shown in the "ultimate consignee in foreign country item" on this license application;

or, if the foreign consumer is not the same as that shown in the ultimate consignee in foreign country item:

The name and address of the foreign consumer is ----------.

(ii) *Toll or conversion agreements.* The provisions of subdivision (i) of this subparagraph do not apply to an application for a license to export refined copper produced in the United States under a toll or conversion agreement from materials received from foreign sources. In these cases the applicant shall make the following certification on the license application:

I (We) certify that the refined copper described in this license application was produced in the United States under a toll or conversion contract from materials received from foreign sources.

(iii) *Intransit shipments.* The provisions of subdivision (i) of this subparagraph do not apply to an application for a license to export refined copper produced in a foreign country and passing

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[1] This amendment was published in Current Export Bulletin 791, dated September 19, 1957.

[1] This regulation includes shipments under a validated license, under a general license, and shipments to Canada.

[2] Does not include grindings, crushed radio tubes and slags; and skimmings and drosses containing more than 1 percent chromium, Schedule B Nos. 654502 and 664526. License applications covering these commodities will be considered for approval by the Bureau of Foreign Commerce on an open-end basis.

[1] Prior to July 1, 1957, Schedule B Nos. 601015 and 601025 were parts of Schedule B No. 601010, and Schedule B Nos. 601035 and 601045 were parts of Schedule B No. 601040.

[2] See paragraph (e) of this section for re-rolling rails, Schedule B No. 601170.

[3] Does not include nickel-copper alloy scrap (including monel scrap), nickel-iron alloy scrap, nickel-bearing stainless steel scrap, and cobalt-nickel alloy scrap (Type S-816), Schedule B Nos. 654502 and 664526.

intransit through the United States to a foreign destination. (See § 372.6 of this subchapter for other requirements regarding applications for licenses covering intransit shipments.)

(3) *Copper ores, concentrates, matte and other unrefined copper, Schedule B No. 640100.* License applications to export copper ores, concentrates, matte, and other unrefined copper shall be supported by the information set forth in subdivision (i) of subparagraph (2) of this paragraph. A foreign smelter, refiner, or processor may be identified as the consumer of the copper materials included in this paragraph.

(4) *Copper scrap and copper-base alloy scrap.* (i) License applications to export unalloyed copper scrap (new and old), Schedule B No. 641300; copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 5 percent or more nickel, Schedule B No. 644000; copper scrap (new and old) and copper-base alloy scrap containing less than 40 percent copper with a nickel content of less than 5 percent including ashes, slag, drosses, residues, skimmings, flue dust, and irony brass, Schedule B Nos. 641300 and 644000, and copper-base alloy ingots and other crude forms, Schedule B No. 644100, shall disclose the foreign consumer as set forth in subdivision (i) of subparagraph (2) of this paragraph.

(ii) License applications covering copper scrap (new and old) containing less than 40 percent copper, Schedule B No. 641300, or copper-base alloy scrap (new and old) containing any percentage of copper, including nickel-silver (German silver) scrap, Schedule B No. 644000, shall include information as to the copper and nickel content of the material.

(iii) License applications to export copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, including nickel-silver (German silver) scrap, Schedule B No. 644000, shall disclose the foreign consumer as set forth in subdivision (i) of subparagraph (2) of this paragraph. In addition, license applications covering these commodities shall be supported by evidence of unsalability in the domestic market. This evidence may be in the form of a letter or other statement from the applicant, supplier, or persons to whom the scrap was offered for sale. The evidence must be adequate to demonstrate that the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include, as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, and if available the reason(s) for rejection of offers to sell.

(iv) Licenses to export copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, issued prior to the fourth quarter of 1957, require the return of not less than 90 percent of the nickel metal content of the exported scrap to the United States. Licensees exporting under such licenses shall submit to the Bureau of Foreign Commerce a copy of the Bill of Lading covering the return shipment of the nickel metal.

(5) *Validity period.* Licenses to export copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, including nickel silver (German silver) scrap, Schedule B No. 644000, will be issued for a validity period ending on the last day of the third month following the month during which the license is validated; e. g., a license issued on November 18, 1957, would expire on February 28, 1958. Licenses to export all other commodities covered by this paragraph will bear the usual six-month validity period.

(6) *Amendments to export licenses.* Requests for amendments to licenses (other than for an extension of the validity period), covering copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, including nickel silver (German silver) scrap, Schedule B No. 644000, shall be submitted directly to the Bureau of Foreign Commerce. All other requests for amendments to licenses covering the commodities described in this paragraph may be submitted to any field office of the Department of Commerce listed in § 380.2 of this subchapter or directly to the Bureau of Foreign Commerce.

7. Section 373.81 *Supplement 1; Time schedules for submission of applications to export certain Positive List commodities* is amended to read as follows:

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

(Third and Fourth Quarters of 1957)

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Third quarter, 1957	Fourth quarter, 1957
601170	Rerolling rails [1]	July 1 to Sept. 14, 1957	Oct. 1 to Dec. 13, 1957.
644000	Copper-nickel alloy scrap, containing 40 percent or more copper and 5 percent or more nickel, including nickel silver (German silver) scrap.[2]		Before Nov. 16, 1957.
654502	Nickel-copper alloy scrap (including monel scrap).[3]	July 1 to Sept. 14, 1957	Oct. 1 to Dec. 13, 1957.

[1] See § 373.40 (e) for special licensing provisions.
[2] See § 373.41 (e) for special licensing provisions.
[3] See § 373.41 (b) (1) for special licensing provisions.

NOTES: *Return of unused quotas.* As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce for cancellation.

Where no filing dates are announced. Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5(c) of this chapter).

Intransit shipments. Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (c) of this subchapter).

8. Section 379.3 *Presentation of Shipper's Export Declaration*, paragraph (c) *Number of copies to be presented* is amended in the following particulars:

a. Subparagraph (3) (iii) is amended to read as follows:

(iii) Exportations made under a Project License (See § 374.4 (b) (1) of this subchapter.)

b. Subparagraph (4) *Surplus agricultural commodities and manufactures thereof* is revoked.

9. Section 380.2 *Amendments or alterations of licenses*, paragraph (f) *Where to file*, subparagraph (3) *Amendment requests on which field offices may not take action* is amended by amending subdivisions (iv), (v) and (vi) to read as follows:

(iv) Request for amendment, other than extension of the validity period, of a license covering copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, including nickel silver (German silver) scrap, Schedule B No. 644000.

(v) Requests for amendments or extensions of licenses for iron and steel scrap, Schedule B Nos. 601015, 601025, 601035, 601045, 601050, 601070 and 601090, except shipments of iron and steel scrap to Mexico or where "offshore" scrap is to be exported.[1]

(vi) Requests for amendments, other than extension of the validity period of a license covering the nickel commodities specified in § 373.41 (b) of this subchapter.

10. Section 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended by adding the following entries:

[1] Prior to July 1, 1957, Schedule B Nos. 601015 and 601025 were parts of Schedule B No. 601010, and Schedule B Nos. 601035 and 601045 were parts of Schedule B No. 601040.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Futo, Andrew B., 147 Victoria St., London, S. W. 1, England.	8-22-57	5-22-58 (8-22-59)*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 6902, 8-27-57.
Gourfinkel, Leon, Norfolk House, Norfolk St., London, W. C. 2, England.	8-22-57	5-22-58 (8-22-59)*	do	22 F. R. 6902, 8-27-57.
Petroleum Specialties Ltd., Norfolk House, Norfolk St., London, W. C. 2, England.	8-22-57	5-22-58 (8-22-59)*	do	22 F. R. 6902, 8-27-57.
United Chemicals (London) Ltd., 147 Victoria St., London, S. W. 1, England.	8-22-57	5-22-58 (8-22-59)*	do	22 F. R. 6902, 8-27-57.

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

This amendment shall become effective as of September 19, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-7801; Filed, Sept. 23, 1957; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 677—PAPER, PAPER PRODUCTS, PRINTING, AND PUBLISHING INDUSTRY IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 487 (22 F. R. 5549) appointed, convened, and gave notice of the hearing of Industry Committee No. 32–C to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the paper, paper products, printing, and publishing industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings with respect to the matters referred to it. The present wage order for this industry is contained in 29 CFR Part 677. Changes have been made in the definition of the industry to indicate clearly that the making of paper and paper products from bagasse and all printing, including that performed on materials other than paper and allied materials, are included in this industry. In addition, for purposes of clarity, minor editorial changes in the definition of the industry in the new wage order have been made. No change in the application of the wage order was effected by the editorial revision of this definition. The recommendations of the Industry Committee No. 32–C revised the classifications within the industry and recommended new rates of pay for such classification.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165) and General Order No. 45–A (15 F. R. 3290), the recommendations of the committee are hereby published in this amendment to Title 29 of the Code of Federal Regulations, effective October 9, 1957, to read as follows:

Sec.
677.1 Definition.
677.2 Wage rates.
677.3 Notices.

AUTHORITY: §§ 677.1 to 677.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 677.1 *Definition.* The paper, paper products, printing, and publishing industry in Puerto Rico to which this part shall apply is defined as the manufacture of pulp from wood, rags, bagasse, and other fibers; the conversion of such pulp into paper, paperboard, and building board; the manufacture of paper, paperboard and pulp into bags, boxes, containers, tags, cards, envelopes, pressed and molded pulp goods, and all other converted paper products; the printing performed on the foregoing and on allied products; the printing or publishing of newspapers, books, periodicals, maps, and music; and all manufacturing and service operations performed by typesetters, advertising typographers, electrotypers, stereotypers, photoengravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other businesses, binderies, and news syndicates.

§ 677.2 *Wage rates.* (a) Wages at a rate of not less than $1.00 per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the daily newspaper and news syndicate, photoengraving, filing cards and indexes, decalcomania transfers and posters, fototype letters, and paper for sanitary use classification of the paper, paper products, printing, and publishing industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the printing, publishing, and related activities of daily newspapers, the collection and dissemination of news by news syndicates, the processing and preparing of photoengraved plates (half-tones and line cuts), the manufacture of Kardex pockets and signals, stencil printing, decal transfers, paper and cardboard posters, the assembling of fototype letters, and the manufacture of sanitary napkins.

(b) Wages at a rate of not less than 95 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper bag classification of the paper, paper products, printing, and publishing industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as consisting of the manufacture of paper bags.

(c) Wages at a rate of not less than 93 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the pulp, paper, and paperboard classification of the paper, paper products, printing, and publishing industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as consisting of the manufacture of pulp, paper, paperboard, and building board from wood, waste paper, rags, bagasse, and other materials and the collection and sorting of waste paper, bagasse, and other materials to be used in the manufacture of the pulp, paperboard, building paper, and/or building board.

(d) Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper box classification of the paper, paper products, printing, and publishing industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as consisting of the manufacture of corrugated, folding, and set up paper boxes.

(e) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the paper, paper products, printing, and publishing industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as consisting of all products and activities included in the paper, paper products, printing, and publishing industry in Puerto Rico as defined in this order, except those included in the daily newspaper and news syndicate, photoengraving, file cards and indexes, decalcomania transfers and posters, fototype letters, and paper for sanitary use classification, the paper bag classification, the pulp, paper, and paperboard classification, and the paper box classification.

§ 677.3 *Notices.* Every employer subject to the provisions of § 677.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 677.2 are working such notices of this order as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C. this 19th day of September 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-7822; Filed, Sept. 23, 1957; 8:53 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter F—Quarantine, Inspection, Licensing

PART 73—BIOLOGIC PRODUCTS

ADDITIONAL STANDARDS: ADENOVIRUS VACCINE

On August 1, 1957, a notice of proposed rule making with respect to the licensing of biological products was published in the FEDERAL REGISTER (22 F. R. 6063) inviting any interested party to present written views and arguments respecting proposed regulations, there published, to establish additional standards designed to assure the safety, purity and potency of adenovirus vaccine, a new product. Notice was also given of the intention in the interest of public health to make any such regulations that may be adopted immediately effective upon publication.

A few suggestions and comments have been reviewed and have been carefully considered. No objection has been made to the proposed effective date. Therefore on the basis of these and other considerations, the following amendments to Part 73 are hereby adopted to become effective upon publication in the FEDERAL REGISTER.

1. Part 73 is hereby amended by adding immediately following § 73.105, the following new subheading and new sections (§§ 73.110 to 73.115 inclusive):

ADDITIONAL STANDARDS: ADENOVIRUS VACCINE

Sec.
73.110 The product.
73.111 Production of adenovirus vaccine.
73.112 Tests for safety.
73.113 Potency test.
73.114 General requirements.
73.115 Equivalent methods.

AUTHORITY: §§ 73.110 to 73.115 issued under sec. 215, 58 Stat. 690, as amended; 42 U. S. C. 216. Interpret or apply sec. 351, 58 Stat. 702, 42 U. S. C. 262.

§ 73.110 *The product*—(a) *Proper name and definition.* For the purpose of section 351 (a) (2) of the act and § 73.1 (j), the proper name of this product shall be "Adenovirus Vaccine" with a designation of the types of virus included in the vaccine. Such vaccine shall consist of an aqueous preparation of one or more adenoviruses grown in monkey kidney tissue cultures inactivated by a suitable method. Where more than one type of virus is used in the preparation of the vaccine, equal proportions of each type shall be combined with a tolerance for each component of 5 percent of the total volume.

(b) *Strains of virus.* Strains of adenovirus used in the preparation of the vaccine shall be identified by historical records, infectivity tests, and immunological methods. Only those strains of virus may be used that (1) produce a vaccine meeting the safety and potency requirements in §§ 73.112 and 73.113, (2) never had any passage in malignant cells of human or animal origin, and (3) have been maintained in monkey kidney cultures for at least 10 passages prior to use.

(c) *Monkey kidney tissue.* Only cynomolgus or rhesus monkeys or other species of equal suitability, in overt good health, that have reacted negatively to tuberculin within 2 weeks prior to use shall be used as a source of kidney tissue for the production of virus. Each animal shall be examined at necropsy under the supervision of a qualified pathologist for gross signs of disease. If there is any gross pathological lesion of any significance to their use in the preparation of vaccine, the kidneys shall be discarded. Kidney tissue from monkeys that have been used previously for experimental purposes shall not be used, except that monkeys in overt good health, used for the safety or potency tests of adenovirus vaccines with negative clinical findings (§§ 73.112 and 73.113) that have reacted negatively to tuberculin prior to such test, may be used within two weeks of the end of the test period. The monkeys shall not at any time have been housed in the same building where monkeys actually infected with or exposed to poliovirus are housed, and due precautions shall be taken to prevent cross-infection from any infected or potentially infected monkeys on the premises.

§ 73.111 *Production of adenovirus vaccine*—(a) *Cultivation of virus.* Virus for preparing vaccine shall be grown with aseptic technique in monkey kidney cell cultures using a synthetic medium. Suitable antibiotics in the minimum concentration required may be used. If penicillin is used, not more than 200 units per milliliter may be added. Phenol red may not exceed a concentration of 0.002 percent.

(b) *Filtration.* Within 72 hours preceding the beginning of inactivation, the virus suspensions shall be filtered or clarified by a method having an efficiency at least equivalent to that of a Seias 02 type filter.

(c) *Virus titer.* The titer of each virus pool after filtration shall be determined by a suitable method. It shall also be demonstrated that each virus pool possesses adenovirus group antigen by the complement-fixing test.

(d) *Inactivation of virus.* The virus shall be inactivated, as evidenced by the test in tissue culture as set forth in § 73.112, through the use of an agent or method which has been demonstrated to be effective in the hands of the manufacturer in inactivating a series of at least 5 consecutive lots of adenovirus vaccine. If formaldehyde is used for inactivation, it shall be added to the virus suspension to a final concentration of USP formaldehyde solution of at least 1:4000. The inactivation shall be conducted under controlled conditions of pH and time at a temperature of 36°–38° C. As an indication of inactivation, not less than two samples shall be removed during the inactivation process and treated as prescribed in § 73.112 (b) (1). Regardless of the concentration of formaldehyde used, the total heating period shall be not less than 20 hours and at least three times the period required for the reduction of live virus to a point where no virus is detected in a 5-milliliter sample when tested in accordance with § 73.112 (b) (1). At the end of the heating period, a sample shall be removed for the single strain tissue culture safety test.

§ 73.112 *Tests for safety.* In the preparation of the product, the following tests relating to safety shall be conducted by the manufacturer:

(a) *The virus pool.* (1) Prior to inactivation, each virus pool shall be tested for the presence of B virus and Mycobacterium tuberculosis by suitable animal and culture methods;

(2) Each single strain virus pool shall be shown to be free of lymphocytic choriomeningitis virus and other mouse pathogens by intracerebral injection into 10 or more mice which shall be observed daily for at least 21 days. All mice which die during the observation period shall be studied as to the possible cause of death. A negative test shall not be valid unless at least 8 mice survive the full observation period and unless the virus pool was found free of agents pathogenic for mice; and

(3) An identity test shall be done on each virus pool using monovalent adenovirus serums free from poliomyelitis antibodies. Such serums shall have been prepared from animals immunized with virus grown in other than the tissue used for the neutralization test. The identity tests shall be done (i) in monkey kidney and (ii) in HeLa or other equally susceptible cells. The tissue cultures shall be observed for 7 days. Those showing cytopathogenic effect in the presence of type specific serum shall be subcultured in monkey kidney cells or HeLa cells. The subcultures shall be maintained for 7 days and observed for cytopathogenic effect. Only virus pools free of unidentified cytopathogenic agents and free of all viruses pathogenic to man other than adenoviruses may be used for vaccine production.

(b) *Single strain tissue culture test for adenovirus.* (1) The samples specified in § 73.111 (d) shall be placed immediately after sampling in contact with sodium bisulfite or a similar formaldehyde neutralizing substance that will stop the inactivation process. Each sample shall be dialyzed or rendered non-toxic to tissue culture cells by an appropriate method which does not affect the detection of live virus. An amount of fluid representing at least 5 milliliters of the original virus pool shall be inoculated into monkey kidney or other equally susceptible tissue cultures. The tissue cultures shall be maintained for 7 to 12 days and examined at intervals. At the end of the above period, the cell sheet shall be removed from each culture vessel, broken up by an appropriate means, suspended in a portion of its culture fluid equal to at least 10 percent of the volume which was present during incubation, and inoculated into corresponding fresh tissue culture preparations. Any fluids recovered prior to refeeding during original observation period shall be held at 2°–5° C. A volume of each fluid representing at least 10 percent of the total volume shall be subcultured to fresh tissue culture. All subcultures shall be examined for at least 7 days. This test shall be considered negative only if no cellular degeneration occurs attributable to any virus.

(2) A sample of at least 500 milliliters of each single strain pool shall be fully subjected to the following testing procedure in tissue culture cells, with half the sample in monkey kidney cells and half in suitable human cells of demonstrated high susceptibility to adenovirus and poliovirus. The entire sample shall be dialyzed and rendered non-toxic for tissue culture cells. Each half of the sample shall be inoculated into 4 or more tissue culture bottles of suitable capacity so that direct observation of the culture cells is possible under conditions which assure the growth of adenovirus, poliovirus or simian viruses should infective particles of any one of these viruses be present in the vaccine. The monkey kidney cell cultures shall be performed as described in § 73.102 (b) except that a third subculture shall be included after 21 days of incubation of the initial culture and that this subculture shall be made by suspending the cell sheet. The initial human cell cultures shall be observed for at least 12 days. A subculture shall be made on each fluid at each refeeding and on the suspension of each cell sheet in the culture fluid removed at the end of the observation period. The inoculum for the subcultures shall be a volume of at least 2 percent of that of the fluid being studied. The subculture shall be examined frequently and refed as required, and maintained for a period of at least 12 days. If a cytopathogenic effect occurs during the test, the vaccine pool shall be held until the matter is resolved. If active poliomyelitis virus or adenovirus is indicated, the strain pool shall not be used for inclusion in a final vaccine. If other viruses are present, the pool shall not be used unless it can be demonstrated that such viruses did not originate from the strain pool being tested.

(c) *Final vaccine pool tissue culture test.* No less than 1,500 milliliters of the final vaccine pool without final preservative, prepared by pooling the individual single strain preparations, shall be tested in accordance with § 73.102 (b) and (c).

(d) *Final vaccine test for active virus in monkeys.* Final bulk vaccine shall be tested in monkeys as prescribed in § 73.102 (e) except that the test may be applied to vaccine before it is placed in final containers, and the sample may be dialyzed in order to remove sodium bisulfite or the sodium bisulfite formaldehyde complex before injection intraspinally and intracerebrally into monkeys. In no case, however, shall dialyzed vaccine be used for the intramuscular injection of the monkeys. The test is considered negative if the histological and other studies leave no doubt that virus infections attributable to the vaccine did not occur.

(e) *Exclusion of certain pools from final vaccine.* Pools which fail to pass the tissue culture safety tests prescribed in this section shall not be included in final vaccine, unless it can be clearly shown that the cytopathogenic agent occurred in the test system and not in the vaccine pool. No pool shall be subjected to reprocessing.

§ 73.113 *Potency test.* Each lot of vaccine shall be subjected to a potency test which permits an estimation of the antigenic capacity of the vaccine in comparison with a reference vaccine distributed by the National Institutes of Health. This shall be done using at least 6 animals for each dilution of each vaccine tested and measuring the neutralizing antibody response of the animals receiving test vaccine and others receiving reference vaccine in simultaneous tests. The average antibody level for each type shall equal or exceed the corresponding value of the reference vaccine.

§ 73.114 *General requirements*—(a) *Separate facilities.* The personnel, equipment and supplies used in the manufacture of adenovirus vaccine shall be separated from personnel, equipment or supplies used in connection with any other pathogenic virus to the extent necessary to prevent cross-contamination.

(b) *Final container tests.* Tests shall be made on final containers for identity, safety, and sterility, in accordance with § 73.70.

(c) *Release of vaccine.* A lot of vaccine shall not be released unless all required safety tests have given negative results.

(d) *Extraneous protein.* Extraneous protein capable of producing allergenic effects on human subjects shall not be added to the final virus production medium. If animal serum is used at any stage, its calculated concentration in the final medium shall not exceed 1:1,000,000.

(e) *Nitrogen content.* The final vaccine shall have a protein nitrogen content of less than 0.02 milligram per milliliter.

(f) *Dose.* These additional standards for adenovirus vaccine are based on a human dose not exceeding 1.0 milliliter for a single injection.

(g) *Labelling.* In addition to compliance with the requirements of §§ 73.50 to 73.55, inclusive, the label or package enclosure shall include an appropriate statement indicating the type and amount of each antibiotic added, if any. The preservative used shall be stated on the label, as well as allergenic substances added, if any, and the source, composition, and method of inactivation of the viruses.

(h) *Dating.* The expiration date shall be not more than 6 months after either the date of manufacture, as defined in § 73.78 (a), or the date of issue from cold storage. Such date of issue shall be not more than 6 months after such date of manufacture, and the product prior to issue shall be kept constantly at a temperature not exceeding 10° C.

(i) *Requirements for samples and protocols.* For each lot of vaccine, the following material shall be submitted to the Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland:

(1) A 2,500-milliliter sample of the final vaccine taken at the latest possible stage of production before the addition of preservative.

(2) A 200-milliliter bulk sample of the final vaccine containing all preservatives.

(3) A total of at least 200-milliliter sample of the final vaccine in final labelled containers.

(4) Protocol showing the history of the lot and the results of all of the tests which were carried out by the manufacturer.

§ 73.115 *Equivalent methods.* The provisions of § 73.105, permitting modifications in methods if found equivalent in assuring safety, purity, and potency, shall be applicable to the additional standards relating to adenovirus vaccine (§§ 73.110 to 73.114, inclusive).

Issued jointly by:

[SEAL] W. P. DEARING,
Acting Surgeon General,
Public Health Service.

S. B. HAYS,
Surgeon General of the Army.

B. E. BRADLEY,
Acting Surgeon General of the Navy.

Approved: September 19, 1957.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-7821; Filed, Sept. 23, 1957; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 916, Amdt. 1]

PART 95—CAR SERVICE

NEW YORK, ONTARIO AND WESTERN RAILROAD CO. AND NEW YORK CENTRAL RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of September A. D. 1957.

Upon further consideration of Service Order No. 916 (22 F. R. 2238), and good cause appearing therefor:

It is ordered, That:

Section 95.196, Service Order No. 916, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1958, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., September 30, 1957.

It is further ordered, That copies of this order and direction shall be served upon the Public Service Commission of New York and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7795; Filed, Sept. 23, 1957; 8:48 a. m.]

[S. O. 917; Amdt. 1]

PART 95—CAR SERVICE

NEW YORK, ONTARIO AND WESTERN RAILROAD CO. AND DELAWARE, LACKAWANNA AND WESTERN RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of September A. D. 1957.

Upon further consideration of Service Order No. 917 (22 F. R. 2238), and good cause appearing therefor:

It is ordered, That:

Section 95.917, Service Order No. 917, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1958, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., September 30, 1957.

It is further ordered, That copies of this order and direction shall be served upon the Public Service Commission of New York and the Pennsylvania Public Utilities Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies Sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7796; Filed, Sept. 23, 1957; 8:48 a. m.]

[S. O. 918, Amdt. 1]

PART 95—CAR SERVICE

NEW YORK, ONTARIO AND WESTERN RAILROAD CO. AND ERIE RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of September A. D. 1957.

Upon further consideration of Service Order No. 918 (22 F. R. 2339), and good cause appearing therefor:

It is ordered, That:

Section 95.918, Service Order No. 918, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1958, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., September 30, 1957.

It is further ordered, That copies of this order and direction shall be served upon the Public Service Commission of New York and the Pennsylvania Public Utilities Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7797; Filed, Sept. 23, 1957; 8:48 a. m.]

[S. O. 919, Amdt. 1]

PART 95—CAR SERVICE

NEW YORK, ONTARIO AND WESTERN RAILROAD CO. AND DELAWARE AND HUDSON RAILROAD CORP.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of September A. D. 1957.

Upon further consideration of Service Order No. 919 (22 F. R. 3929), and good cause appearing therefor:

It is ordered, That: section 95.919, Service Order No. 919, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1958, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., September 30, 1957.

It is further ordered, That copies of this order and direction shall be served upon the Public Service Commission of New York and the Pennsylvania Public Utilities Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7798; Filed, Sept. 23, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 54]

FREE ENTRY OF BONA FIDE GIFTS FROM MEMBERS OF ARMED FORCES ON DUTY OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that under the authority of the act of December 5, 1942, as amended (50 U. S. C. App. 846, 847), it is proposed to amend the regulations governing the free entry of gifts from members of the Armed Forces of the United States. The terms of the proposed amendments, in tentative form, are as follows:

Public Law 85-30, 85th Congress, approved May 14, 1957, amended the act of December 5, 1942, as amended (50 U. S. C. 846 and 847) to extend the effective period of the act through June 30, 1959, and to authorize the Secretary of the Treasury to prescribe by regulation, limitations on the importation of alcoholic beverages and tobacco products under the free entry privileges of the act. It is deemed in the public interest to exclude alcoholic beverages and nontaxpaid American cigarettes exported under the provisions of section 5704 of the Internal Revenue Code from such privileges. To prescribe these limitations and to indicate the extension of the period of the free entry privileges, § 54.3 of the Customs Regulations is amended as follows:

1. The term "armed forces" is capitalized wherever it appears. Paragraph (a) is amended to read:

(a) Under the act of December 5, 1942, as amended (50 U. S. C. App. 846,[1] 847), collectors of customs shall afford entry free of duty, internal-revenue taxes, and customs charges and exactions, except as provided below, to bona fide gifts from members of the Armed Forces of the United States on duty outside the continental limits of the United States to the extent of $50 in value in any shipment if the gifts were purchased in or through authorized agencies of the Armed Forces of the United States or in accordance with regulations prescribed by the major geographical commands of the United States Armed Forces. The privileges of free importation shall not apply to alcoholic beverages or to nontaxpaid American cigarettes exported under the provisions of section 5704 of the Internal Revenue Code.

2. Paragraphs (b) and (e) are amended by substituting "the act of December 5, 1942, as amended (50 U. S. C. App. 846, 847)," for "Public Law 790, as amended,".

3. Paragraph (d) is amended by substituting "the act of December 5, 1942, as amended (50 U. S. C. App. 846, 847)" for "Public Law 790, approved December 5, 1942, as amended (50 U. S. C. App. 846)" and by substituting "50 U. S. C. App. 846, 847" for "Public Law 790" in the notation within the quotation marks at the end of the last sentence.

4. Paragraph (f) is amended by substituting "the said act" for "the act" and by substituting "July 1, 1959" for "July 1, 1957".

5. Part 54 is amended by redesignating footnote 1 as footnote 2 and by adding a new footnote 1 as follows:

[1] Under such regulations as the Secretary of the Treasury shall prescribe so much of any shipment as does not exceed $50 in value, with such further limitation on the importation of alcoholic beverages and tobacco products as the Secretary may prescribe, shall be admitted into the United States or its Territories or possessions or the Commonwealth of Puerto Rico free of all customs duties, charges, or exactions, or internal-revenue taxes imposed upon or by reason of importation, if there is filed in connection with the entry satisfactory evidence that the articles for which free entry is claimed were purchased in or through authorized agencies of the Armed Forces of the United States or in accordance with regulations prescribed by the major geographical commands of the United States Armed Forces, and are bona fide gifts from a member of the Armed Forces of the United States on duty outside the continental limits of the United States. (50 U. S. C. App. 846.)

6. Section 54.5 is amended by changing the footnote reference following "Congress" from 1 to 2.

Prior to the issuance of the proposed amendments, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] C. A. EMERICK, *Acting Commissioner of Customs.*

Approved: September 16, 1957.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 57-7816; Filed, Sept. 23, 1957; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

[Docket No. AO-245-A3]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 9:00 a. m., P. s. t., October 25, 1957, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Navel oranges grown in Arizona and designated part of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by American National Foods, Inc., Pure Gold, Inc., and Sunkist Growers, Inc.:

1. Delete from the second sentence of § 914.20 the phrase: "• • • who shall not be handlers, or employees of handlers, or employees of central marketing organizations," and from the fifth sentence of such section the phrase: "and who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

2. Delete the third from the last sentence of § 914.61, which commences "After a handler of short life oranges has • • •" and substitute in lieu thereof a new sentence as follows: "After a handler of short life oranges has received the allotment determined by the committee to be needed under this section, allotment thereafter due such handler shall be allocated to handlers from whom allotment has been withheld, except that a handler of short life oranges may be granted sufficient allotment during the remainder of the marketing year to market his proportionate share of any oranges which are held by him and which can thereafter be marketed."

3. Renumber § 914.66 as § 914.68.

4. Renumber § 914.67 as § 914.69.

5. Delete § 914.63 and insert, in lieu thereof, the following:

§ 914.63 *Recommendations for grade and size regulation.* (a) Whenever the Committee finds that the supply and demand conditions for grades or sizes of oranges make it advisable to regulate the handling of grades or sizes of oranges during any period, it shall recommend to the Secretary the grade or sizes of oranges grown in each prorate district which it deems advisable to be handled during such period. The Committee shall promptly submit such findings and recommendations, together with supporting information, to the Secretary.

(b) In making its recommendations, the Committee shall give due consideration to the factors referred to in § 914.51 (b).

6. Delete § 914.64 and insert, in lieu thereof, the following:

§ 914.64 *Issuance of grade or size regulation.* Whenever the Secretary shall find, from the findings, recommendations and information submitted by the Committee, or from other available information, that to limit the handling of oranges by grades or sizes would tend to effectuate the declared policy of the act, he shall fix the grades or sizes of oranges grown in each prorate district which may be handled during the specified period. The Committee shall be informed immediately of any such regulation issued by the Secretary, and the Committee shall promptly give adequate notice thereof to all handlers.

7. Delete § 914.65 and insert, in lieu thereof, the following:

§ 914.65 *Inspection and certification.* Unless otherwise provided herein, whenever a regulation has been issued by the Secretary limiting the handling of oranges by grades, pursuant to § 914.64, each handler shall cause an inspection and certification to be made of all oranges handled by him, and no handler shall handle or otherwise place in the channels of commerce oranges which have not been inspected and certified as meeting minimum grade standards set forth in the Secretary's regulation. Each handler shall obtain an inspection certificate showing whether or not oranges handled by him meet the applicable minimum grade standards, and he shall submit or cause to be submitted to the Committee a copy of each certificate, together with such other documents or records as the Committee may require. During any period when a regulation limiting the handling of oranges by both grade and size is in effect, the inspection certificate shall show whether the oranges inspected met both the grade and

size requirements of the Secretary's regulation. Such certificate shall be issued by the Fresh Products Standardization and Inspection Branch, United States Department of Agriculture, The costs of such inspection shall be agreed upon between the inspection agency and the Committee and shall be paid to the inspection agency by the Committee.

8. Add a new § 914.66 as follows:

§ 914.66 *Shipments made under grade and size regulations subject to volume regulations.* All shipments made under regulations, limiting the grade or size of oranges that may be handled, shall be subject to the volume limitations issued by the Secretary pursuant to § 914.52.

9. Add a new § 914.67 as follows:

§ 914.67 *Exemption from size regulations.* In the event oranges are regulated as to size, pursuant to § 914.64, the Committee shall issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the Committee that he will be prevented by reason of such size regulation from having as large a proportion of oranges handled as the average proportion of oranges which may be handled by all other producers in the same prorate district. Such exemption certificate shall permit the respective producer to whom the certificate is issued to handle or have handled a percentage of his oranges equal to the percentage determined as aforesaid. Shipments of oranges under exemption certificates issued pursuant to this section shall be subject to and limited by such regulation as may be effective under § 914.52 at the time of the respective shipment. Such exemption certificates must be secured upon application filed by the producer. They may thereafter be transferred to handlers when accompanied by oranges covered by such certificate. The Committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates shall be issued to producers.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed:

1. That paragraph (c) (3) of § 914.83 be amended to read as follows:

§ 914.83 *Termination.* • • •
(c) • • •

(3) Upon recommendation of the Committee, received not later than January 15 of each odd-numbered year, the Secretary shall conduct a referendum prior to March 15 of such year to ascertain whether continuance of this part is favored by the producers.

2. That consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Dated: September 19, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-7818; Filed, Sept. 23, 1957; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

AIRCRAFT AUDIO AND INTERPHONE AMPLIFIERS (FOR AIR CARRIER AIRCRAFT)

The proposed regulation § 514.49 establishes minimum performance standards for aircraft audio and interphone amplifiers to be used in civil aircraft of the United States engaged in air carrier operations.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rule should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Section 514.49 is added under Subpart B of this part to read as follows:

§ 514.49 *Aircraft audio and interphone amplifiers for air carrier aircraft-TSO-C50*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft audio and interphone amplifiers which are to be used in civil aircraft of the United States engaged in air carrier operations. New models of aircraft audio and interphone amplifiers manufactured for use in civil aircraft on or after the effective date of this section shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Aircraft Audio and Interphone Amplifiers" (Paper 45-57/DO-78 dated March 15, 1957,[1] with the exception listed in subparagraph (2) of this paragraph. Aircraft audio and interphone amplifiers approved by the Civil Aeronautics Administration prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

(2) *Exception.* The exception applies to section 3.0, Minimum Performance Standards Under Environmental Test Conditions. Radio Technical Commission for Aeronautics' Paper 100-54/DO-60 dated April 13, 1954,[1] which is incorporated by reference in and thus is a part of Paper 45-57/DO-78, outlines environmental test procedures for equipment designed to operate under three different temperature ranges as specified therein under Procedures A, B, and C. Only aircraft audio and interphone amplifiers which meet the operating requirements in the temperature range of −55° C to +55° C or −40° C to +55° C, whichever is applicable, as outlined in Procedure A or Procedure B of Paper 100-54/DO-60, are eligible under this order.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over a temperature range of −55° C to +55° C as outlined in Procedure A of RTCA Paper 100-54/DO-60 shall be marked as Category A equipment. Equipment which has been designed to operate over a temperature range of −40° C to +55° C, as outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-7776; Filed, Sept. 23, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

UNDER SECRETARY OF THE AIR FORCE AND ASSISTANT SECRETARY OF THE NAVY FOR AIR

DELEGATION OF AUTHORITY REGARDING MEMBERSHIP ON AIRWAYS MODERNIZATION BOARD

In accordance with the provisions of Section 2 (a) of the Airways Modernization Act of 1957 (Public Law 133, 85th Congress, 71 Stat. 349) I hereby delegate to the Under Secretary of the Air Force and, in his absence or disability, to the Assistant Secretary of the Navy for Air, the full power and authority to act for and in the name of the Secretary of Defense as a member of the Airways Modernization Board.

In exercising the authority granted herein close cooperation should be maintained with the Office of the Assistant Secretary of Defense (Research and Engineering), the military departments and other agencies of the Department of Defense.

The authority delegated herein or any part thereof may not be redelegated.

DONALD A. QUARLES,
Deputy.

SEPTEMBER 17, 1957.

[F. R. Doc. 57-7775; Filed, Sept. 23, 1957; 8:45 a. m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1064, T-5 Building, Sixteenth and Constitution Avenue NW., Washington 25, D. C.—Paper 45-57/DO-78 @ 25¢ per copy; Paper 100-54/DO-60 @ 20¢ per copy.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 132]

NEVADA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totalling 190 acres in Clark County, Nevada, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 62 E.,
Sec. 35, N½N½.
T. 22 S., R. 63 E.,
Sec. 19, N½N½NW¼NW¼, N½NE¼NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

E. R. GREENSLET,
State Supervisor.

SEPTEMBER 16, 1957.

[F. R. Doc. 57-7779; Filed, Sept. 23, 1957; 8:45 a. m.]

Geological Survey

[Power Site Cancellation 124]

MARIAS RIVER, MONTANA

POWER SITE CLASSIFICATION NO. 376 CANCELLED IN PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4; 623; 12 F. R. 4025), Power Site Classification No. 376, approved September 14, 1945, is hereby cancelled in so far as and to the extent that it affects the following described lands:

PRINCIPAL MERIDIAN, MONTANA

T. 30 N., R. 1 E.,
Sec. 8, SE¼NE¼ and NE¼NW¼;
Sec. 10, NE¼SW¼;
Sec. 14, SE¼SE¼;
Sec. 15, N½SW¼ and NE¼SE¼;
Sec. 18, SE¼NE¼;
Sec. 25, SE¼NE¼, NE¼SE¼, and S½SE¼.
T. 30 N., R. 2 E.,
Sec. 18, NE¼SW¼;
Sec. 24, SW¼SE¼;
Sec. 25, W½W½;
Sec. 26, E½SE¼;
Sec. 27, S½NE¼ and W½;
Sec. 29, NW¼NE¼;
Sec. 30, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 30 N., R. 3 E.,
Sec. 11, N½SW¼;
Sec. 12, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 26, E½SW¼;
Sec. 27, SE¼SW¼;
Sec. 28, SW¼;
Sec. 29, E½SE¼;
Sec. 30, Lots 1, 3, 4, NE¼NE¼, E½SW¼, and W½SE¼.
T. 31 N., R. 3 E.,
Sec. 13, W½SW¼;
Sec. 15, SW¼SE¼;
Sec. 22, SE¼NE¼.
T. 30 N., R. 4 E.,
Sec. 7, E½NW¼;
Sec. 11, NE¼NE¼;
Sec. 13, NW¼NE¼;
Sec. 18, NE¼SE¼;
Sec. 19, Lot 11 (SW¼SW¼).
T. 31 N., R. 4 E.,
Sec. 29, E½NE¼ and NE¼SE¼;
Sec. 35, NE¼NW¼ and SE¼SW¼.
T. 29 N., R. 5 E.,
Sec. 1, SW¼SW¼;
Sec. 2, Lots 5, 6, 7, 8, N½SW¼, and SE¼SE¼;
Sec. 3, Lots 3, 4, 5, 6, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 4, Lots 2, 4, 5, 6, SE¼NW¼, NE¼SW¼, and W½SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, Lots 4, 5, 6, W½NW¼, and SE¼;
Sec. 11, Lots 2, 3, 4, 5, 6, 7, 11, E½NE¼, W½SW¼, and NE¼SE¼;
Sec. 12, W½W½;
Sec. 13, Lot 8, NE¼, W½NW¼, and SE¼NW¼;
Sec. 14, Lot 2, NW¼ and SW¼SE¼;
Sec. 23, NE¼;
Sec. 24, Lot 1, S½N½, and SE¼.
T. 30 N., R. 5 E.,
Sec. 20, NW¼SE¼.

The area described aggregates 5,970 acres.

Dated: September 17, 1957.

R. H. LYDDAN,
Acting Director.

[F. R. Doc. 57-7778; Filed, Sept. 23, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on May 27, 1957, authorizing the respondent, St. Louis National Stockyards Company, National Stock Yards, Illinois, to continue assessing to and including June 30, 1959, certain rates and charges petitioned for by the respondent and authorized by an order issued on May 9, 1955 (14 A. D. 361).

On September 6, 1957, the respondent, by its attorney, filed a petition requesting authority to make certain modifications in its current temporary schedule of rates and charges and requesting that such current temporary schedule, as so modified, be continued in effect to and including June 30, 1959. The proposed modifications are set forth below.

YARDAGE CHARGES

	Rate per head	
	Present	Proposed
A. Livestock sold or resold in the Commission-Division:		
Cattle (except bulls weighing 800 pounds or over)	$0.82	$0.88
Calves	.48	.51
Hogs	.30	.32
Sheep and goats	.19	.20
Bulls weighing 800 pounds or over	1.35	1.45
B. Livestock received directly by packers through the yards:		
Cattle (except bulls weighing 800 pounds or over)	.41	.44
Calves	.24	.26
Hogs	.15	.16
Sheep and goats	.09	.10
Bulls weighing 800 pounds or over	.68	.73
C. Livestock resold at the yards for local delivery other than livestock resold in the commission division:		
Cattle (except bulls weighing 800 pounds or over)	.23	.26
Calves	.15	.16
Hogs	.08	.09
Sheep and goats	.05	.06
Bulls weighing 800 pounds or over	.34	.39
D. Livestock resold at yards, for shipment off the market, other than livestock resold in the commission division:		
Cattle (except bulls weighing 800 pounds or over)	.10	.12
Calves	.07	.08
Hogs	.04	.04
Sheep and goats	.03	.03
Bulls weighing 800 pounds or over	.16	.20

The proposed rates and charges, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 18th day of September 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-7820; Filed, Sept. 23, 1957; 8:52 a. m.]

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on September 9, 1957, authorizing the respondents, Market Agencies at Omaha Union Stock Yards, Omaha, Nebraska, to assess the current schedule of rates and charges to and including August 31, 1959, unless modified or extended before that date.

On September 9, 1957, the respondents, by their attorneys, filed a petition requesting authority to modify their current schdeule of rates and charges by increasing the "Ante Mortem Inspection Charges" for "Slaughter Cattle and Calves" from "2½ cents per head when sold to local packers" to "3 cents per head when sold to local packers".

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 18th day of September 1957.

[SEAL] JOHN C. PIERCE, JR.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-7819; Filed, Sept. 23, 1957; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

SOUTH PORTS FORWARDING CO. AND TONE FORWARDING CORP.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8246 between South Ports Forwarding Co., Houston, Texas, and Tone Forwarding Corp., New York, New York, is a cooperative working arrangement between the parties under which South Ports Forwarding Co. will perform freight forwarding services for Tone Forwarding Corp. at rates of compensation specified in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 18, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc 57-7802; Filed, Sept. 23, 1957; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corp., Crestview, Fla.; effective 9-14-57 to 9-13-58 (replacement certificate) (men's pajamas).

Anvil Brand, Inc., Independence, Va.; effective 10-1-57 to 9-30-58 (pants).

Adam H. Bartel Co., Richmond, Ind.; effective 10-1-57 to 9-30-58 (denim overalls).

Bruce Co., Inc., 120 East 15th Street, Ottawa, Kans.; effective 9-28-57 to 9-27-58 (men's work clothing).

The Butler Shirt Co., 165 Brugh Avenue, Butler, Pa.; effective 9-22-57 to 9-21-58 (men's sport shirts).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; effective 9-9-57 to 9-8-58 (men's dress and play slacks).

Champ Trouser Co., Inc., Winfield, Ala.; effective 10-1-57 to 9-30-58 (men's dress slacks).

Cleveland Overall Co., 1768 East 25th Street, Cleveland, Ohio; effective 9-27-57 to 9-26-58 (men's cotton work clothes).

Cluett, Peabody & Co., Inc., Troy, N. Y.; effective 10-1-57 to 9-30-58 (dress shirts).

Co-Op Garment Manufacturers, Inc., 320 10th Street, Oakland, Calif.; effective 9-16-57 to 9-15-58 (women's jeans).

Cowden Manufacturing Co., 22d and Oklahoma, Woodward, Okla.; effective 10-18-57 to 10-17-58 (men's and boys' denim dungarees).

Evergreen Garment Co., Pecan Street, Evergreen, Ala.; effective 9-13-57 to 9-12-58 (men's sport shirts).

Gordon & Ferguson, Inc., 230 East Fifth Street, St. Paul, Minn.; effective 9-9-57 to 9-8-58 (sportswear).

Hagale Garment Manufacturing Co., Ozark, Mo.; effective 9-28-57 to 9-27-58 (work pants).

Hagale Garment Manufacturing Co., Reeds Springs, Mo.; effective 9-28-57 to 9-27-58 (work pants).

Jo-Ann Dress Manufacturers, 206 West Sample Street, Ebensburg, Pa.; effective 10-1-57 to 9-30-58 (women's dresses).

Louisiana Garment Manufacturing Co., 2001 St. Bernard, New Orleans, La.; effective 9-16-57 to 9-15-58 (uniform pants, hobby jeans, slacks).

The Morehead Co., Inc., 800 West Main Street, Morehead, Ky.; effective 10-1-57 to 9-30-58 (denim dungarees).

Phillips-Van Heusen Corp. Factory, Geneva, Ala.; effective 10-1-57 to 9-30-58 (dress shirts and sport shirts).

Phillips-Van Heusen Factory, Hartford, Ala.; effective 10-1-57 to 9-30-58 (men's dress shirts).

Phillips-Van Heusen Corp., Ozark, Ala.; effective 10-1-57 to 9-30-58 (pajamas).

I. Schneierson & Sons, Inc., Fall River, Mass.; effective 10-1-57 to 9-30-58 (women's and children's cotton underwear).

Wilgree Manufacturing Co., Inc., Broad Street, Camilla, Ga., effective 9-11-57 to 9-10-58 (sport and dress shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

C & D Sportswear Corp., Fifth Street, Adel, Ga.; effective 9-16-57 to 5-2-58; 10 learners (replacement certificate) (men's and boys' sport shirts).

Carol Ann, Inc., Municipal Building, Hastings, Pa.; effective 10-1-57 to 9-30-58; 10 learners (women's dresses).

Carolina Maid Products, Inc., Granite Quarry, N. C.; effecive 9-13-57 to 9-12-58; six learners in the manufacture of dresses (women's and misses' dresses).

Elon Manufacturing Co., Route #1, Madison Heights, Va.; effective 9-12-57 to 9-11-58; five learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts (women's and girls' blouses, pedal pushers, car coats).

Freedman Soloff Co., 1637 North Main Street, Fall River, Mass.; effective 9-16-57 to 9-15-58; ten learners (men's and boys' outerwear).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10-1-57 to 9-30-58; five learners engaged in the manufacture of sport jackets (sport jackets).

New Windsor Pants Co., Inc., Main Street, New Windsor, Md.; effective 9-12-57 to 9-11-58; five learners (men's pants).

Norway Needlecraft Corp., Norway, Mich.; effective 10-1-57 to 9-30-58; five learners engaged in the production of woven underwear, nightwear and negligees (women's, misses', children's underwear, nightwear and negligees).

Rhea Manufacturing Co., Colquitt Division, Colquitt, Ga.; effective 9-9-57 to 7-7-58; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (replacement certificate) (misses' sportswear).

United Pants Co., Inc., Nuangola Branch, R. D. #2, Mountain Top, Pa.; effective 10-1-57 to 9-30-58; five learners (trousers and jackets).

West Warwick Garment Co., 1 Bridal Avenue., West Warwick, R. I.; effective 10-1-57 to 9-30-58; 10 learners (ladies' and children's woven cotton underwear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Coalgate, Okla., effective 10-14-57 to 4-13-58; 60 learners (men's and boys' work pants).

Brookside Industries, Inc., Reidsville, N. C.; effective 9-13-57 to 3-12-58; 25 learners (men's shirts and trousers).

C & D Sportswear Corp., Fifth Street, Adel, Ga.; effective 9-16-57 to 3-15-58; 15 learners (men's and boys' sport shirts).

Cowden Manufacturing Co., 22d and Oklahoma, Woodward, Okla.; effective 9-16-57 to 3-15-58; 20 learners (men's and boys' denim dungarees).

Marine Garment Co., 13th and Pestalozzi Streets., Highland, Ill.; effective 9-12-57 to 3-11-58; 65 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts (women's sportswear and outerwear).

Rowan Industries, Inc., Rockwell, N. C.; effective 9-16-57 to 3-15-58; 20 learners (ladies pajamas, dusters).

Spartans Manufacturing Co., Inc., Dunlap, Tenn.; effective 9-13-57 to 3-12-58; 25 learners (men's and boys' sport shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Budd Cigar Co. of Alabama, 309 Sixth Avenue, Dothan, Ala.; effective 9-24-57 to 9-23-58; 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of cigar machine operating for a learning period of 320 hours, and machine cigar stripping and cigar packing (cigars retailing for six cents or less), for a learning period of 160 hours. Each occupation shall be paid for at the rate of 80 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Wells Lamont Corp., McGehee, Ark.; effective 9-14-57 to 9-13-58; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Philadelphia, Miss.; effective 9-16-57 to 3-15-58; 20 learners for plant expansion purposes (work gloves).

Wells Lamont Corp., Hugo, Okla.; effective 9-16-57 to 3-15-58; 5 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Alamance Hosiery Co., Inc., Burlington, N. C.; effective 9-12-57 to 9-11-58; 5 learners for normal labor turnover purposes (seamless).

Beaver Hosiery Co., Hickory, N. C.; effective 9-16-57 to 9-15-58; 5 learners for normal labor turnover purposes (seamless).

Claussner Hosiery Co., Plant No. 1 Hosiery Div., 28th and Adams Streets, Paducah, Ky.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Claussner Hosiery Co., Plant No. 2 Seamless Division, 30th and Adams Streets, Paducah, Ky.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N. C.; effective 9-16-57 to 9-15-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N. C.; effective 9-16-57 to 3-15-58; 20 learners for plant expansion purposes (full-fashioned, seamless).

Diamond Hosiery Corp., High Point, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Franklin Hosiery Co., Franklin, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Harriman Hosiery Co., Siluria Street, Harriman, Tenn.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Mauney Hosiery Mills, Inc., Kings Mountain, N. C.; effective 9-13-57 to 9-12-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Merrill Hosiery Co., Bank Street, Hornell, N. Y.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

The Nolde and Horst Co., Hickory, N. C., effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

The Nolde and Horst Co., Pittsboro, N. C.; effective 9-12-57 to 9-11-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Nolde and Horst Co., Dayton, Tenn.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Scottsboro Hosiery Co., Scottsboro, Ala.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wisteria, Inc., Gastonia, N. C.; effective 9-12-57 to 6-13-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (replacement certificate) (full-fashioned, seamless).

Wisteria, Inc., Gastonia, N. C.; effective 9-12-57 to 3-11-58; 25 learners for plant expansion purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

The B. V. D. Co., Inc., Piqua, Ohio; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (tee and athletic shirts).

Clarke Mills, Jackson, Ala.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's knitted underwear and lingerie).

Escambia Mills, Atmore, Ala.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's knitted underwear and lingerie).

Fashion Industries, Inc., 120 Maple Street, Big Rapids, Mich.; effective 10-1-57 to 9-30-58; 5 learners for normal labor turnover purposes (knitted underwear and nightwear).

P. H. Hanes Knitting Co., Sparta Plant, Sparta, N. C.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' undershorts).

Lacy Manufacturing Co., Inc., 907 Adele Street, Martinsville, Va.; effective 10-1-57 to 9-30-58; 5 learners engaged in the manufacture of swim trunks for normal labor turnover purposes (swim trunks).

Leininger Knitting Mills, Orwigsburg, Pa.; effective 9-12-57 to 9-11-58; four learners for normal labor turnover purposes (knit outerwear).

Milaca Underwear Co., Inc., Milaca, Minn.; effective 10-1-57 to 9-30-58; five learners for normal labor turnover purposes (pants, slips, sleepwear).

Henry I. Miller & Son, Inc., Port Carbon, Pa.; effective 9-11-57 to 9-10-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton knit underwear).

Norway Needlecraft Corp., Norway, Mich.; effective 9-12-57 to 3-11-58; 15 learners for plant expansion purposes engaged in the production of knitted underwear, negligees and nightwear (women's, misses' and children's underwear, nightwear, negligees).

Norway Needlecraft Corp., Norway, Mich.; effective 9-12-57 to 9-11-58; five learners for normal labor turnover purposes engaged in the production of knitted underwear, nightwear and negligees (women's, misses' and children's underwear, nightwear, negligees).

Phillips-Van Heusen Corp., Ozark, Ala.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes in the production of shorts (shorts).

Prestige Lingerie, Inc., 1 East Broad Street, Richmond, Va.; effective 9-10-57 to 9-9-58; five learners for normal labor turnover purposes (women's slips and petticoats).

Rhea Mills, Inc., South Market Street, Dayton, Tenn.; effective 10-1-57 to 9-30-58; five learners for normal labor turnover purposes (men's and boys' woven cotton undershorts).

Robinson Manufacturing Co., South Market Street, Dayton, Tenn.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton undershorts).

Salisbury Undergarment Co., Inc., Salisbury, Pa.; effective 9-14-57 to 9-13-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' knitted underwear).

Strutwear, Inc., Clarksdale, Miss.; effective 10-1-57 to 9-30-58; five learners for normal labor turnover purposes (women's underwear and sweaters).

Van Raalte Co., Inc., Main Street, Bristol, Vt.; effective 10-3-57 to 10-2-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear).

Van Raalte Co., Inc., Pleasant Street, Randolph, Vt.; effective 10-1-57 to 9-30-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's slips, panties).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Carolina Maid Products, Inc., Granite Quarry, N. C.; effective 9-13-57 to 9-12-58; four learners for normal labor turnover purposes in the manufacture of slippers and sandals.

International Shoe Co., Flora Factory, 708 South Main, Flora, Ill.; effective 9-17-57 to 9-16-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Darwood Manufacturing Co., 18 Pocasset Street, Fall River, Mass.; effective 9-13-57 to 3-12-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (boys' clothing—suits, sport coats).

Hampstead Clothing Division, Webster Clothes, Inc., Hampstead, Md.; effective 9–12–57 to 3–11–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's sack coats).

Michaels Stern & Co., Inc., 317 Child Street, Rochester, N. Y.; effective 9–24–57 to 3–23–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, coats, sportcoats).

Michaels Stern & Co., Inc., 15 Hand Street, Rochester, N. Y.; effective 9–24–57 to 3–23–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, sportcoats, topcoats, overcoats).

Palm Beach Co., Roanoke, Ala.; effective 9–16–57 to 3–15–58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's Palm Beach suits).

Southern Handkerchief Manufacturing Co., Main and Hammond Streets, Greenville, S. C.; effective 9–14–57 to 3–13–58; authorizing the employment of three learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 320 hours at the rates of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (handkerchiefs).

Timely Clothes, Inc., 624 Exchange Street, Geneva, N. Y.; effective 10–1–57 to 3–31–58; authorizing the employment of five learners for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's suits, outercoats, and slacks).

Westminster Manufacturing Division, Webster Clothes, Inc., 54 East Main Street, Westminster, Md.; effective 9–12–57 to 3–11–58; authorizing the employment of five learners for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's pants).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 17th day of September 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–7780; Filed, Sept. 23, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12008; FCC 57M–863]

NOBLE-DE KALB BROADCASTING CO., INC. (WKTL)

ORDER CONTINUING HEARING

In re application of Noble-De Kalb Broadcasting Company, Inc. (WKTL) Kendallville, Indiana, Docket No. 12008, File No. BP–10883; for construction permit.

The Hearing Examiner having under consideration the necessity of changing the date for commencement of hearing;

It is ordered, This 17th day of September 1957, That the hearing, now scheduled for September 19, 1957, is continued to October 7, 1957, at 10:00 a. m.

Released: September 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7811; Filed, Sept. 23, 1957; 8:51 a. m.]

[Docket Nos. 12098–12101; FCC 57M–865]

MOUNTAIN VIEW BROADCASTING CO. ET AL.

ORDER SETTING PRE-HEARING CONFERENCE

In re applications of Mountain View Broadcasting Company, Jonesboro, Tennessee, Docket No. 12098, File No. BP–10900; Eugene Slatkin and Boyce H. Hanna, d/b as Cleveland County Broadcasting Company, Shelby, North Carolina, Docket No. 12099, File No. BP–11062; L. C. Young, tr/as Scott County Broadcasting Co., Gate City, Virginia, Docket No. 12100; File No. BP–11082; Daniel Gabriel and Arnold H. Johnson, d/b as Lee County Broadcasting Company, Pennington Gap, Virginia, Docket No. 12101, File No. BP–11141; for construction permits.

It is ordered, This 17th day of September 1957, that, pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, all parties to the above-entitled proceeding or their counsel are directed to appear for a pre-hearing conference at the offices of the Commission in Washington, D. C., at 2:00 p. m., September 30, 1957, for the purpose of considering, among other things, the matters specified in said sections of the rules.

Released: September 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7812; Filed, Sept. 23, 1957; 8:51 a. m.]

[Docket Nos. 12128, 12129; FCC 57M–871]

ALLEGAN COUNTY BROADCASTERS AND BOOTH RADIO & TELEVISION STATIONS, INC. (WJVA)

ORDER SETTING PRE-HEARING CONFERENCE

In re applications of Allegan County Broadcasters, Allegan, Michigan, Docket No. 12128, File No. BP–10928; Booth Radio & Television Stations, Inc., (WJVA), South Bend, Indiana, Docket No. 12129, File No. BP–11107; for construction permits.

It is ordered, This 17th day of September 1957, that, pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, all parties to the above-entitled proceeding or their counsel are directed to appear for a pre-hearing conference at the offices of the Commission in Washington, D. C., at 10:00 a. m., October 3, 1957, for the purpose of considering among other things, the matters specified in said sections of the rules.

Released: September 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7813; Filed, Sept. 23, 1957; 8:51 a. m.]

[Docket Nos. 12153, 12154; FCC 57M–867]

MAX M. LEON, INC., AND INDEPENDENCE BROADCASTING CO.

NOTICE OF PREHEARING CONFERENCE

In re applications of Max M. Leon, Inc., Philadelphia, Pennsylvania, Docket No. 12153, File No. BPH–2230; Independence Broadcasting Co., Philadelphia, Pennsylvania, Docket No. 12154, File No. BPH–2235; for construction permits.

Notice is hereby given that a prehearing conference, in accordance with § 1.813 of the rules, will be held in the above-entitled matter at 10:00 a. m., October 9, 1957, in the Commission's offices at Washington, D. C.

Dated: September 17, 1957.

Released: September 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7814; Filed, Sept. 23, 1957; 8:51 a. m.]

[Docket Nos. 12155–12159; FCC 57M–864]

ORANGE COUNTY RADIOTELEPHONE SERVICE ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Benjamin H. Warner, Jr. and Vernon C. Starr, d/b as Orange County Radiotelephone Service, Santa Ana, California, Docket No. 12155, File No. 860–C2–P–56; Farrell A. McKean, d/b as Business & Professional Telephone Exchanges, Los Angeles, California, Docket No. 12156, File No. 1430–C2–P–56; Donald M. Rice, d/b as Tri-City Radio Dispatch Company, San Bernardino, California, Docket No. 12157, File No. 1931–C2–P–56; Homer N. Harris, d/b as Industrial Communications Systems, Los Angeles, California, Docket No. 12158, File No. 2126–C2–P–56 and File No. 2127/2128–C1–P–56; Pomona Radio Dispatch Corporation, Pomona, California, Docket No. 12159, File No. 481–C2–P–57; for construction permits in the domestic public land mobile radio service.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 17th day of September 1957, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., October 2, 1957.

Released: September 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7815; Filed, Sept. 23, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3898]

WESTERN EMPIRE PETROLEUM CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 18, 1957.

In the matter of Western Empire Petroleum Company Common Stock, File No. 1–3898.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the San Francisco Mining Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The application for withdrawal is necessitated by the financial condition of the Company, whose working capital ratio was an adverse 1 to 8 as of May 31, 1957. The Company employs one person who must perform the duties of secretary, bookkeeper, file clerk, etc., and must also file all reports to the Exchange and the various local, state and federal agencies. The Company is seeking to reduce overhead expense, including the annual cost of a certified auditor's report.

Upon receipt of a request, on or before October 4, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–7785; Filed, Sept. 23, 1957; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 304]

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY WITH RESPECT TO EXECUTION OF REAL ESTATE LEASES IN ANCHORAGE, ALASKA, NOT IN EXCESS OF THREE YEARS

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (hereinafter referred to as "the act"), and in accordance with section 3 of the act of August 27, 1935 (40 U. S. C. 304c), as amended, authority is hereby delegated to the Secretary of Commerce of the United States to acquire space by lease on such terms and for such periods not in excess of three years as he may deem in the public interest for the housing of any component of the Department of Commerce in Anchorage, Alaska, and to execute any leases, documents or instruments which may be necessary in connection therewith.

2. Any lease executed pursuant to the authority hereby delegated, may be amended or renewed from time to time, provided that no renewal for a term in excess of one year shall be entered into without the prior written approval of the Administrator of General Services.

3. The authority conferred herein shall be exercised in accordance with the acts above cited, all other applicable laws, and regulations issued pursuant thereto.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of Commerce.

This delegation shall become effective as of the date hereof, and shall continue until December 31, 1957: *Provided*, That any lease executed prior to said date may be amended or renewed, as authorized by paragraph 2 hereof, at any time during the term or any extension thereof.

Dated: September 18, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57–7799; Filed, Sept. 23, 1957; 8:49 a. m.]

[Delegation of Authority 305]

CHAIRMAN, AIRWAYS MODERNIZATION BOARD

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS FOR PROFESSIONAL SERVICES IN CONNECTION WITH SELECTION OF SITE FOR AN ADDITIONAL WASHINGTON AIRPORT

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called "the act," authority is hereby delegated for the period ending March 31, 1958, to the Chairman, Airways Modernization Board, to negotiate, without advertising, under sections 302 (c) (2), 302 (c) (4), and 302 (c) (9) of the act, one or more contracts for professional services with engineering, research and consulting firms for the purpose of having conducted a survey within the greater Washington area of potential sites for an additional Washington airport and for the preparation of a report and recommendations with respect to such sites upon completion of the survey.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. Subject to the provisions of 2 above the authority herein delegated may be redelegated to any officer or employee of the Airways Modernization Board.

4. This delegation shall be effective as of the date hereof.

Dated: September 18, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57–7800; Filed, Sept. 23, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–11608 et al.]

CARTER OIL CO. AND SUNRAY MID-CONTINENT OIL CO.

NOTICE OF SEVERANCE AND CONTINUANCE

SEPTEMBER 18, 1957.

In the matters of The Carter Oil Company, Docket No. G–11608, et al.; Sunray Mid-Continent Oil Company, Docket No. G–11760.

Notice is hereby given that the application of Sunray Mid-Continent Oil Company in Docket No. G–11760 in the above consolidated proceedings and scheduled for a hearing on September 23,

1957, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7781; Filed, Sept. 23, 1957; 8:45 a. m.]

[Docket Nos. G-11965, G-11685]

TEXAS GAS TRANSMISSION CORP. AND ATLANTIC REFINING CO.

NOTICE OF DATE OF HEARING

SEPTEMBER 18, 1957.

In the matters of Texas Gas Transmission Corporation, Docket No. G-11965; Atlantic Refining Company, Docket No. G-11685.

Take notice that these related matters presented by the application of Texas Gas Transmission Corporation filed in Docket No. G-11965 and the application of The Atlantic Refining Company in Docket No. G-11685 should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Notice of said applications has been duly given, including publication thereof in the FEDERAL REGISTER on August 23, 1957 (22 F. R. 6850).

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 9, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7782; Filed, Sept. 23, 1957; 8:46 a. m.]

[Docket No. G-12057 et al.]

SABIANNA OIL CO. INC. AND SUNRAY MID-CONTINENT OIL CO.

NOTICE OF SEVERANCE AND CONTINUANCE

SEPTEMBER 18, 1957.

In the matters of Sabianna Oil Company, Inc., Docket No. G-12057, et al.; Sunray Mid-Continent Oil Company, Docket No. G-12114.

Notice is hereby given that the application of Sunray Mid-Continent Oil Company in Docket No. G-12114 in the above consolidated proceedings and scheduled for a hearing on September 26, 1957 at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7783; Filed, Sept. 23, 1957; 8:46 a. m.]

[Docket No. G-12659]

JOHN H. WARE, 3D ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 18, 1957.

In the matter of John H. Ware, 3d, C. E. Martin, Ralph N. Evans, E. P. Farber, and Charles Simons, Original Incorporators of Curwensville Gas Company; Docket No. G-12659.

Take notice that John H. Ware, 3d, C. E. Martin, Ralph N. Evans, E. P. Farber and Charles Simons, original incorporators of Curwensville Gas Company, Applicants, with principal office at 45 South Third Street, Oxford, Pennsylvania, filed on May 29, 1957 an application, pursuant to section 7 (a) of the Natural Gas Act, and on July 5, 1957 a supplement thereto, for an order directing The Manufacturers Light and Heat Company (Manufacturers), to establish physical connection of its natural gas transportation facilities with the proposed facilities of and sell natural gas to Applicants' company for local distribution to the public in Curwensville, in Knox and Pike Townships, Clearfield County, Pennsylvania, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants propose to construct and operate 7.5 miles of 6-inch gas line with regulating and metering appurtenances running from a tap on Manufacturers' 16-inch Clinton County Line at a point where the line crosses highway route 453 in Knox Township, Clearfield County, Pennsylvania, thence northwesterly along route 453 into Curwensville.

Applicants propose to sell gas to North American Refractories Company, which has a fire brick plant located just outside Curwensville in Pike Township.

Applicants do not plan initially to construct an integrated distribution system but plan to serve customers in Pike and Knox Townships from interconnections with their proposed 6-inch lateral pipeline.

The estimated natural gas requirements for the proposed service are as follows:

Year of service	1	2	3
Peak day (Mcf)	2,303	2,345	2,400
Annual (Mcf)	626,180	628,887	631,163

Of the peak day requirements over 2,000 Mcf is for the use of North American.

The estimated total cost of the proposed facilities is $192,800 to be financed by the sale of stock in the amount of $20,000 and a 5½ percent loan from North American in the amount of $180,000, or 90 percent of the cost of such work, whichever is less. North American may under the terms of said financing agreement build a transmission line from a tap on the Curwensville system in order to obtain gas for its Lumber City plant.

This matter is one which should be disposed of as promptly as possible under applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 10, 1957, at 9:30 a.m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by said application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 8, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7784; Filed, Sept. 23, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-V-1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957, there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *General.* To carry out all of the financial assistance functions listed in Section 202 of SBA-100, Administrative Manual.

B. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $10,000;

(b) Participation business loans in an amount not exceeding $50,000.

2. To approve disaster loans in an amount not exceeding $20,000.

3. To decline disaster loans.

4. To approve Limited Loan Participation loans.

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for all loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By ——— ———,
Chief,
Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement, or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions, and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable annd inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

14. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

15. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

18. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To do an to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

20. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

21. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

22. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

23. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

24. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or other-

wise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

Administrative. 25. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions as specified in the above delegated authorities.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 16, 1957.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F. R. Doc. 57-7786; Filed, Sept. 23, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 19, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34170: *Grain and products from and to points in central territory.* Filed by H. R. Hinsch, Agent (CTR 2355), for interested rail carriers. Rates on grain and grain products, carloads and less-than-carloads, from and to points in central territory, also from points in central territory to points in official territory, including eastern Canadian ports for export.

Grounds for relief: Grouping and restoration of rate relations existing prior to the general increases authorized under Ex Parte 206, as amended.

Tariffs: Supplement 73 to Agent Hinsch's I. C. C. 3994 and three (3) other tariffs.

FSA No. 34171: *Petrolatum—West Lake Charles, La., to Waxahachie, Tex.* Filed by F. C. Kratzmeir, Agent (SWFB B-7115), for interested rail carriers. Rates on crude petrolatum, suitable only for mixing, etc., in tank-car loads, from West Lake Charles, La., to Waxahachie, Tex.

Grounds for relief: Truck competition.

Tariff: Supplement 86 to Agent Kratzmeir's I. C. C. 4102.

FSA No. 34172: *Starch and dextrine—Cedar Rapids, Iowa, to southern points.* Filed by W. J. Prueter, Agent (WTL A-1929), for interested rail carriers. Rates on starch and dextrine, in carloads, as described in the application, from Cedar Rapids, Iowa, to specified south Atlantic, Florida, and Gulf ports in Florida, Georgia, and South Carolina.

Grounds for relief: Market competition.

Tariff: Supplement 37 to Agent Prueter's I. C. C. A-4171.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-7794; Filed, Sept. 23, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

REV. DON GIOVANNI SCAPINO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rev. Don Giovanni Scapino, San Giusto Canavese, Province of Aosta, Italy; Voluntary Turnover; Claim No. 45065; $2,512.05 in the Treasury of the United States.

Executed at Washington, D. C., on September 13, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-7803; Filed, Sept. 23, 1957; 8:50 a. m.]

ANNALIESE SEIPPEL SCHMIDT AND AGNES CHARLOTTE SEIPPEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Annaliese Seippel Schmidt, Buenos Aires, Argentina; Claim No. 62423; $196.00 in the Treasury of the United States.

Agnes Charlotte Seippel, a/k/a Lotti Seippel, Buenos Aires, Argentina; Claim No. 62932; $196.00 in the Treasury of the United States.

Vesting Order No. 19234.

Executed at Washington, D. C., on September 13, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-7804; Filed, Sept. 23, 1957; 8:50 a. m.]

ANTON GUBSER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anton Gubser, Riedern, Canton of Glarus, Switzerland; Claim No. 62677; $730.36 in the Treasury of the United States. Vesting Orders Nos. 17829 and 17903.

Executed at Washington, D. C., on September 16, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-7807; Filed, Sept. 23, 1957; 8:50 a. m.]

CHARLOTTE VON WEDEL AND MARGARETHE KLINGLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Charlotte von Wedel, Possenhofen, Post Poecking OBB, Seeweg 9, Germany; Claim No. 45973; $203.12 in the Treasury of the United States. Vesting Order No. 12609.

Margarethe Klingler, Munich 22, Widenmayerstrasse 50/R. 1, Germany; Claim No. 45975; $203.12 in the Treasury of the United States. Vesting Order No. 13177.

Executed at Washington, D. C., on September 17, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-7809; Filed, Sept. 23, 1957; 8:51 a. m.]

OCT 1 1957
MAIN READING ROOM

FEDERAL REGISTER

VOLUME 22 NUMBER 186

Washington, Wednesday, September 25, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3202

VETERANS DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the people of this Nation are grateful to the veterans of our Armed Forces who have faithfully discharged the duties of citizenship and nobly served in times of national peril; and

WHEREAS among the resources from which our country draws her strength we hold in high esteem the more than twenty-two million living veterans of our military, naval, and air services, and we treasure the freedom preserved for us by the sacrifice of many; and

WHEREAS the Congress by an Act approved June 1, 1954 (68 Stat. 168), expanded the significance of November 11, theretofore declared a legal holiday and observed as Armistice Day, by designating it as Veterans Day in honor of our veterans:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon our citizens to observe Monday, November 11, 1957, as Veterans Day, in tribute to those who have thus added strength to the Nation and in renewed dedication to their work, building peace with honor among all nations.

I also direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on Veterans Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of September in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL] DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-7944; Filed, Sept. 24, 1957; 12:08 p. m.]

NOTICE

Proclamation 3204, "Obstruction of Justice in the State of Arkansas" and Executive Order 10730, "Providing Assistance for the Removal of an Obstruction of Justice Within the State of Arkansas" appear at the end of this issue.

PROCLAMATION 3203

COLUMBUS DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Christopher Columbus, on his voyage of discovery, made known the existence of a new and wondrous land, with matchless opportunities for mankind; and

WHEREAS throughout the ensuing centuries the continents of the world have moved closer together in time and space, by means of modern communication and transportation, thus becoming ever more interdependent and aware of their critical need for a just and lasting peace; and

WHEREAS the imagination and daring of Christopher Columbus aroused the interest and enlisted the aid of many long ago, and continue to encourage all who believe in freedom and in the promise of distant horizons; and

WHEREAS, in commemoration of the life and work of Columbus, the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), has authorized and requested the President to issue a proclamation designating October 12 of each year as Columbus Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do by this proclamation designate Saturday, the twelfth day of October, 1957, as Columbus Day; and I invite the people of this Nation to observe that day with appropriate ceremonies in commemoration of the four hundred and sixty-fifth anniversary of

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS

The following is now available:

Title 3, 1943–1948 Compilation ($7.00)

All pocket supplements and revised books as of January 1, 1957, have been previously announced except Titles 1–3 and the supplement to the General Index.

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the sighting of land by Columbus and his crew on October 12, 1492.

I also direct that the flag of the United States be displayed on all public buildings on that day in honor of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of September in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-second.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-7943; Filed, Sept. 24, 1957; 12:08 p. m.]

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DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (28) is added to § 6.312 as set out below.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary.* * * *

(28) Two Legislative Liaison Officers, Office of the General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-7837; Filed, Sept. 24, 1957; 8:47 a. m.]

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AUTHORITY: §§ 913.0 to 913.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order

as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1, 1957. Any delay beyond that date in the effective date of this order amending the order will impair the proper operation of the order and will threaten the orderly marketing of milk in the Greater Kansas City marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Deputy Administrator, Agricultural Marketing Service, on August 14, 1957 (22 F. R. 6616), and the final decision having been issued by the Assistant Secretary of Agriculture on September 10, 1957. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order) of more than 50 percent of the milk covered by this order amending the order which is marketed within the Greater Kansas City marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order, amending the order, is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (June 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the terms and conditions of the amended order are as follows:

DEFINITIONS

§ 913.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 913.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 913.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 913.4 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 913.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers as defined in § 913.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 913.6 *Greater Kansas City marketing area.* "Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson County, Missouri; those portions, excluding Platte City, Missouri, of Platte and Clay Counties in Missouri, south of a line extending in an easterly direction from the Missouri River on the west along State Highway 92 to the intersection of State Highway 92 and U. S. Highway 69, thence north to the north section line of Section 26 in Washington Township in Clay County, thence east along the north section lines of Sections 26 and 25 in Washington Township to the boundaries of Clay and Ray Counties; that part of Cass County, Missouri, which is north of Highway 2; all of the counties of Wyandotte, Leavenworth, Johnson, Douglas, Shawnee, Lyon, and Morris in the State of Kansas, and Riley County, Kansas, exclusive of the Fort Riley Military Reservation.

§ 913.7 *Producer.* "Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk in the marketing area which: (1) Is received at a pool plant, or (2) is caused to be diverted during any of the months of January through August or to the extent of not more than 16 days' production during the months of September through December, from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the U. S. Government for fluid consumption in its institutions or bases which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area.

§ 913.8 *Route.* "Route" means any delivery (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

§ 913.9 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for the supplying of milk to any agency of the United States Government located within the marketing area.

§ 913.10 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler:

(a) From which during the current or immediately preceding delivery period:

(1) There is disposed of as Class I milk on routes in the marketing area, an amount equal to 20 percent or more of such plant's total receipts of milk from dairy farmers qualified to become producers (as defined in § 913.7) and in bulk from other approved plants; and also

(2) During the same delivery period there is disposed of, as Class I milk in total an amount equal to not less than the applicable percentage of such receipts, as follows:

(i) March through June, 80 percent;

(ii) December through February, 35 percent; or

(iii) July through November, 45 percent;

(3) For the purposes of calculating the percentages specified in subparagraphs (1) and (2) of this paragraph:

(i) Milk in packaged form transferred from one approved plant to another approved plant shall be credited as Class I disposition on routes by the transferor plant and an equal volume shall be excluded from the Class I disposition of the transferee plant; and

(ii) The combined receipts and disposition of the multiple plant operation shall be used in the case of each handler who disposes of any milk on a route in the marketing area and also operates more than one approved plant;

(b) From which, during the month not less than 50 percent of its supply of milk from dairy farmers qualified to become producers, less any milk disposed of as Class I on routes is moved to a plant(s) described in paragraph (a) of this section: *Provided,* That any plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentage of its supply of milk from dairy farmers qualified to become producers during each of the months from the effective date hereof through December 1957, and, in subsequent years, during each of the months of August through December, shall be a pool plant for each of the following months of January through July unless

a written request for nonpool status is furnished to the market administrator; or

(c) Which is operated by a cooperative association and 65 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(d) For the purpose of this section milk diverted to a nonpool plant shall be deemed to have been received at the pool plant from which it was diverted.

§ 913.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a nonpool plant from which fluid milk products are disposed of on a route(s) in the marketing area;

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.); or

(d) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association. Such milk shall be considered as having been received by such cooperative association at the plant from which it is diverted.)

§ 913.12 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The buttterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from pool plants of other handlers.

§ 913.13 *Producer milk.* "Producer milk" means all milk produced by a producer, which is received at a pool plant directly from such producer.

§ 913.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the delivery period of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 913.15 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part or any amendment thereto is in effect.

§ 913.16 *Base milk.* "Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's daily base computed pursuant to § 913.65 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 913.65.

§ 913.17 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of base milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 913.65.

§ 913.18 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream), and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 913.19 *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

MARKET ADMINISTRATOR

§ 913.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 913.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 913.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 913.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 913.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties:

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 913.30 through 913.32,

(2) Maintained adequate records and facilities pursuant to § 913.33, or

(3) Made payments pursuant to §§ 913.80 through 913.86,

(i) On or before the 14th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk pursuant to § 913.51 (a) and the Class I butterfat differential pursuant to § 913.52 (a), both for the current delivery period; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 913.51 (b) and the Class II butterfat differential pursuant to § 913.52 (b), both for the delivery period immediately preceding; and

(2) On or before the 12th day of each month the applicable uniform price(s) computed pursuant to §§ 913.71 and 913.72 and the producer butterfat differential computed pursuant to § 913.82, both applicable to milk delivered during the previous delivery period;

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information; and

(l) On or before February 1 of each year in writing notify: (1) Each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 913.65, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler received milk.

REPORTS, RECORDS, AND FACILITIES

§ 913.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler or a handler making payments pursuant to § 913.61 (a), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of base milk and excess milk received from each producer.

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of fluid milk products on routes wholly outside the marketing area;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(g) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the delivery period.

§ 913.31 *Payroll reports.* On or before the 23rd day of each delivery period, each handler except a producer-handler or a handler making payments pursuant to § 913.61 (a) shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including, for each of the delivery periods of February through July, such producer's deliveries of base milk and excess milk,

(b) The amount of payment to each producer and cooperative association, and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 913.32 *Other reports.* (a) Each producer-handler and each handler making payments pursuant to § 913.61 (a) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

(c) Each handler who receives from producers, milk for which payment is to be made to a cooperative association pursuant to § 933.80 (c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 23rd day of the delivery period, the total pounds of milk received during the first 15 days of the delivery period;

(2) On or before the 7th day after the end of the delivery period;

(i) The pounds per shipment, the total pounds of milk (base milk and excess milk separately for February through July) and the average butterfat test of milk received from such producer during the delivery period;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 913.86.

§ 913.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary or the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 913.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further writen notification to the handler promptly upon the termination of the litigation or when the records are to longer necessary in connection therewith.

CLASSIFICATION

§ 913.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler which is required to be reported pursuant to § 913.30 shall be classified by the market administrator pursuant to the provisions of §§ 913.41 through 913.46.

§ 913.41 *Classes of utilization.* Subject to the conditions set forth in §§ 913.43 and 913.44 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of for consumption in the form of fluid milk products except those classified pursuant to paragraph (b) (5) of this section, or (2) not specifically accounted for as Class II utilization.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any products other than fluid milk products, (2) used for starter churning, wholesale baking and candy making purposes, (3) disposed of as livestock feed, (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (5) in inventory of fluid milk products on hand at the end of the month; (6) in shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers or received directly from cooperative associations pursuant to § 913.11 (c), less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk lots to the pool plants of other handlers; and (7) in shrinkage allocated to receipts of other source milk.

§ 913.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 913.11 (c) and in bulk tanks from pool plants of other handlers, and (2) the receipts of skim milk and butterfat in other source milk.

§ 913.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 913.44 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 913.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the largest possible Class I utilization to producer milk.

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located more than 200 miles from the City Hall in Kansas City, Missouri, Manhattan, Kansas, or Emporia, Kansas, whichever is closest by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located not more than 200 miles from the City Hall in Kansas City, Missouri, Manhattan, Kansas, or Emporia, Kansas, whichever is closest by shortest highway distance as determined by the market administrator, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I Grade A milk, receipts of skim milk and butterfat at such nonpool plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for Grade A usage of such nonpool plant in markets supplied by such plant.

(e) If any skim milk or butterfat is transferred to a second nonpool plant under paragraph (d), the same conditions of audit, classification, and allocation shall apply.

§ 913.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 913.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 913.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 913.41 (b) (6);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association pursuant to § 913.11 (c) according to its classification as determined pursuant to § 913.44 (a);

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 913.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the higher of the prices computed pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.8.

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 913.51 *Class prices.* Subject to the provisions of §§ 913.52 and 913.53, and rounded to the nearest one-tenth of a cent, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding delivery period plus $1.15 during each of the delivery periods of April, May, June and July, and plus $1.45 during all other delivery periods plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk at pool plants (excluding interhandler transfers) for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage": *Provided*, That, in making this computation for the first month immediately following the effective date of this subpart, there shall be used the combined receipts of producer milk and the combined applicable gross volumes of Class I milk as reported under Part 980 of this chapter regulating the handling of milk in the Topeka, Kansas, marketing area and as reported under this subpart during the first and second months immediately preceding the effective date of this subpart, and in making such computation for the second month following the effective date of this

subpart, there shall be used the applicable combined figures for the two markets for the month immediately preceding the effective date of this subpart.

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentages	
		Minimum	Maximum
January	November-December	134	141
February	December-January	134	141
March	January-February	130	137
April	February-March	129	136
May	March-April	132	140
June	April-May	135	143
July	May-June	143	151
August	June-July	133	140
September	July-August	123	130
October	August-September	119	125
November	September-October	120	126
December	October-November	128	135

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding; plus

(iii) One cent for each such percentage point of net deviation for which percentage points of net deviation in like direction were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for the first and second delivery periods immediately preceding.

(b) *Class II milk.* The higher of:

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator, plus 15 cents:

Present Operator and Location

Borden Co., Fort Scott, Kans.
Carnation Co., Girard, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift & Co., Parsons, Kans.

or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.60 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the Department; and

(iii) From the sum of the results arrived at under (i) and (ii) above, subtract 78 cents.

§ 913.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to either class pursuant to § 913.46 (c) is more or less than 3.8 percent there shall be added to the respective class price computed pursuant to § 913.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 913.50 (b) (1) by 1.3, divide the result by 10; and round to the nearest one tenth of a cent.

(b) For Class II milk (1) during each of the delivery periods of September through February, multiply the butter price specified in § 913.50 (b) (1) by 1.2 and divide the result by 10; and (2) during each of the delivery periods of March through August, multiply the butter price specified in § 913.50 (b) (1) by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

§ 913.53 *Location adjustments to handlers.* (a) For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, Manhattan, Kansas, Council Grove, Kansas, or Emporia, Kansas, whichever is closest, and which is classified as Class I milk the prices computed pursuant to § 913.51 (a) shall be reduced by 16 cents if such plant is located more than 50 miles but not more than 70 miles from such City Hall and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles.

(b) Milk moved in bulk from a plant as defined in § 913.10 (b) or (c) to a plant as defined in § 913.10 (a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the transferee plant exceeds receipts of milk from producers' farms: *Provided*, That if milk is received by a plant defined in § 913.10 (a) from more than one plant, the milk so classified as Class I shall be deemed to have been transferred from the transferor plants in the order of their lowest applicable location adjustment.

§ 913.54 *Use of equivalent prices.* If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

§ 913.60 *Producer-handlers.* Sections 913.40 through 913.45, 913.50 through 913.53, 913.61, 913.70, 913.71, 913.80 through 913.88 shall not apply to a producer-handler.

§ 913.61 *Handlers operating a nonpool plant.* In lieu of the payments required pursuant to §§ 913.80 through 913.89, each handler, other than a producer-handler or one exempt pursuant to § 913.62, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the delivery period the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 913.30, to pay the amounts computed pursuant to paragraph (b) of this section:

(a) The following amounts:

(1) For the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 913.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 913.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the delivery period from dairy farmers whose milk was approved for fluid use; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 913.88 had such plant been a pool plant.

§ 913.62 *Milk subject to other orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Greater Kansas City marketing area shall be exempted for such delivery period from all provisions of this part except that he shall make reports to the market administrator at such time and in such manner as the market administrator may require.

DETERMINATION OF BASE

§ 913.65 *Computation of daily base for each producer.* The daily base for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided*, That, in the case of producers delivering milk to a plant which first became a pool plant during any of the months of October through July, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his deliveries of milk to such plant during the period September through December immediately preceding.

§ 913.66 *Daily base rules.* (a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the base forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a base is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

DETERMINATION OF UNIFORM PRICE

§ 913.70 *Computation of the value of milk received from producers by each handler.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 913.46 (c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 913.46 (a) (7) by the applicable respective class prices;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk (other than as shrinkage) during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 913.46 (a) (5) and (b), whichever is less; and

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 913.46 (a) (2) and (b), and pursuant to § 913.46 (a) (5) and (b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the differences between the values of such skim milk and butterfat at the Class I price and at the Class II price: *Provided*, That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 120 percent of the total Class I utilization of such plants for the month;

§ 913.71 *Computation of uniform price.* For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers specified in § 913.11 (a), (c), or (d) and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants f. o. b. marketing area.

§ 913.72 *Computation of uniform price for base milk and excess milk.* For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports pursuant to § 913.30 and who make the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement funds;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers at pool plants, f. o. b. marketing area.

PAYMENTS

§ 913.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 913.71 or § 913.72, adjusted by the butterfat differential computed pursuant to § 913.82, subject to the location adjustment to producers pursuant to § 913.81, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 913.87, and (3) any deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 913.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph

next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each delivery period to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section and (2) who had not discontinued shipping milk to such handler before the 18th day of the delivery period, an advance payment with respect to milk received from such producer during the first 15 days of the delivery period at the approximate value of such milk, not to be less than the Class II price for 3.8 percent milk for the preceding delivery period, without deduction for hauling;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 20th day of the delivery period, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each delivery period an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) On or before the 14th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 913.11 (c), not less than the value of such milk as classified pursuant to § 913.44 (a) at the applicable respective class price(s).

(e) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 913.80, 913.81 and 913.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 913.87 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(f) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 913.81 *Location adjustment to producers.* In making payments to producers pursuant to § 913.80 (a), for all milk received during the months of August through January and for base milk received during the months of February through July, at a pool plant located 50 miles or more from the City Hall in Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, Manhattan, Kansas, Council Grove, Kansas, or Emporia, Kansas, whichever is closest, by shortest highway distance as determined by the market administrator, there shall be deducted 16 cents per hundredweight of milk for distances of 50 to 70 miles, inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

§ 913.82 *Producer butterfat differential.* In making payments pursuant to § 913.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by adding 4 cents to the butter price specified in § 913.50 (b) (1) dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 913.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 913.61 (a) (1) and (b) (1) and 913.84 and all appropriate payments pursuant to § 913.86 and out of which he shall make all payments pursuant to § 913.85 and all appropriate payments pursuant to § 913.86: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

§ 913.84 *Payments to the producer-settlement fund.* On or before the 14th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is greater than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.87 and (b) authorized by the producer.

§ 913.85 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is less than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.87 and (b) authorized by the producer: *Provided,* That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shal reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 913.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 913.87 *Marketing service*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 913.80 (a), shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 913.80 (a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 913.88 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expenses set forth in this section.

§ 913.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an under payment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 913.90 *Effective time.* The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 913.91.

§ 913.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 913.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 913.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 913.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 913.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 20th day of September 1957 to be effective October 1, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-7857; Filed, Sept. 24, 1957; 8:52 a. m.]

[957.316 Amdt. 4]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of § 957.316 (b) (1) (22 F. R. 4785; 5862; 5993; 7420), are hereby amended to read as follows:

(b) *Order.* (1) Except as otherwise provided in this section during the period from September 23, 1957, through June 30, 1958, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean," which means that at least 90 percent of such potatoes are "fairly clean," as such terms are defined in the U. S. Standards for Potatoes (§§ 51.1540–51.1559 of this title), and

(i) If they are of the round varieties (including, but not being limited to, Bliss Triumph and Pontiac varieties), such potatoes meet the requirements of U. S. No. 2, or better, grade, 1⅞ inches minimum diameter,

(ii) If they are of the White Rose variety, such potatoes meet the requirements of U. S. No. 2, or better, grade, 5 ounces minimum weight: *Provided,* That

any such potatoes that grade not less than U. S. No. 1, may be shipped if they are of 2⅛ inches minimum diameter or 4 ounces minimum weight,

(iii) If they are of the Kennebec variety, such potatoes meet the requirements of U. S. No. 2, or better, grade, and are of 2 inches minimum diameter or 4 ounces minimum weight, and

(iv) If they are of any other variety (including, but not being limited to, Russet Burbank, and Early Gem varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 2⅛ inches minimum diameter, or 4 ounces minimum weight: *Provided*, That potatoes of any such variety that meet the requirements of U. S. No. 2, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight, may be shipped, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540–51.1559 of this title, including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Dated: September 20, 1957, to become effective September 23, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-7827; Filed, Sept. 24, 1957; 8:45 a. m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF DATE ADMINISTRATIVE COMMITTEE FOR 1957–58 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

Notice was published in the September 11, 1957 issue of the FEDERAL REGISTER (22 F. R. 7237) that the Secretary of Agriculture was considering a proposed rule to approve a budget of expenses for the Date Administrative Committee for the crop year that began on August 1, 1957, and to fix the rate of assessment for that year, as hereinafter set forth. The budget and rate of assessment are in accordance with recommendations of the committee pursuant to the provisions of Marketing Agreement No. 127 and Marketing Order No. 103 (7 CFR Part 1003) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In the notice, opportunity was afforded interested persons to file written data, views, or arguments with respect thereto.

No objections to the proposals were submitted. After consideration of all available information, it is hereby found and determined, and, therefore, it is hereby ordered, that the budget of expenses of the committee and the rate of assessment for the crop year, which began on August 1, 1957 and will end on July 31, 1958, shall be as follows:

§ 1003.302 *Budget of expenses of the Date Administrative Committee and rate of assessment for the 1957–58 crop year*—(a) *Budget of expenses.* Expenses in the amount of $36,900 are reasonable and are likely to be incurred by the Date Administrative Committee for its maintenance and functioning for the crop year which began on August 1, 1957 and will end on July 31, 1958.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of §§ 1003.72 and 1003.73, an assessment rate of 15 cents per hundredweight of dates handled or certified for handling by him during the crop year which began on August 1, 1957 and will end on July 31, 1958. Such assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found and determined that good cause exists for not postponing the effective date of this document later than the date of its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that (1) Deliveries of 1957 crop dates from producers to handlers have already commenced; (2) the committee must be enabled to obtain assessment funds promptly to defray expenses of administering the program; and (3) handlers should need no additional advance notice for compliance with this regulation. In these circumstances, this document should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C 608c)

Dated: September 20, 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-7860; Filed, Sept. 24, 1957; 8:52 a. m.]

PART 1008—MILK IN INLAND EMPIRE MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

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AUTHORITY: §§ 1008.60 to 1008.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1008.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (i) other source milk (except other order milk) classified as Class I milk, and (ii) milk received from producers, including such handler's own production.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than October 1, 1957. Any delay beyond that date in the effective date of this order woul tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. The amendment action of this order amending the order, as amended, is known to handlers. The public hearing was held May 28, 29 and 31, 1957, and the recommended decision was issued August 9, 1957 (22 F. R. 6514). The final decision was issued by the Assistant Secretary on September 10, 1957 (22 F. R. 7326). Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, as amended, and as hereby further amended) of more than 50 percent of the volume of milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum thereon, and who, during the determined representative period (June 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the terms and conditions of the amended order are as follows:

DEFINITIONS

§ 1008.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 1008.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1008.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 1008.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1008.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1008.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1008.6 *Inland Empire marketing area.* "Inland Empire marketing area" (hereinafter called the "marketing area") means that portion of Bonner County, Idaho, lying south of Township 60 and west of Range 2 East Boise Meridian; all of Kootenai County, Idaho, except that portion lying east of Range 3 West Boise Meridian and south of Township 53; Boundary County, Idaho; Benewah County, Idaho; Spokane County, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35; and that portion of Stevens County, Washington, lying south of Township 37. This definition shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above-described area.

§ 1008.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling, or processing of milk or milk products: *Provided*, That this definition shall not include any platform or depot used primarily for the transfer of milk from one conveyance to another in the original milk containers.

§ 1008.8 *Pool plant.* "Pool plant" means any plant, other than the plant of a producer-handler or a plant at which the milk of dairy farmers is priced by another milk marketing agreement or order issued pursuant to the act, which is approved by any health authority having jurisdiction in the marketing area as a plant for the receiving of milk qualified for consumption as fluid milk in the marketing area and from which:

(a) Class I milk pursuant to § 1008.41 (a) (1), (2) and (3) in an amount not less than 20 percent of its receipts of milk qualified as described in § 1008.11 is distributed within the marketing area on routes (for the purpose of this section route shall mean a delivery to retail or wholesale outlets, including delivery by a vendor or a sale from a plant or plant store of milk or any milk product classified as Class I milk pursuant to § 1008.41 (a) (1), (2) or (3) other than a delivery to another pool plant): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area on routes is not less than 50 percent of such plant's total receipts of milk qualified as described in § 1008.11; or

(b) Milk, skim milk, or cream is forwarded to a plant described in paragraph (a) of this section: *Provided*, That no plant forwarding milk in such manner shall be a pool plant if the percentage which the quantity of either butterfat or skim milk in milk, skim milk, and cream so forwarded is of the amount thereof contained in milk (qualified as described in § 1008.11) received from dairy farmers at such plant is less than 50 percent

in the current month during the period October through December, and 20 percent in the current month during the period January through September, except if the percentage forwarded was more than 50 percent of such receipts for the entire period October through December, no percentage shall be required for such months of January through September immediately following: *And provided further*, That any such plant which otherwise meets the requirements of this paragraph but is not a plant qualified as a pool plant under paragraph (a) of this section may withdraw from pool plant status for any month in the January–September period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

§ 1008.9 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

§ 1008.10 *Dairy farmer.* "Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1008.11 *Producer.* "Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 1008.12 *Producer milk.* "Producer milk" or "milk received from producers" means milk of any producer qualified as described in § 1008.11 and either (a) received directly from a farm at a pool plant, or (b) caused to be diverted by a handler for his account from such plant to a nonpool plant during any of the months of February through August: *Provided*, That milk from the same producer (or from a producer who previously held such producer's base) was received at a pool plant during some portion of the period September through January immediately preceding: *And provided further*, That for all purposes under this order such diverted milk shall be deemed to have been received at the pool plant from which diverted.

§ 1008.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts of milk and milk products in any of the forms specified in § 1008.41 (a) (1), (2) and (3) (including other order milk), except (1) such milk and milk products received from a pool plant(s) and (2) producer milk; and

(b) Products other than those specified in § 1008.41 (a) (1), (2) and (3) from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1008.14 *Other order milk.* "Other order milk" means all skim milk and butterfat in any of the forms specified in § 1008.41 (a) (1), (2) or (3), received by a handler but the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any other milk marketing area.

§ 1008.15 *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a pool plant(s) or any other plant from which milk in any of the forms specified in § 1008.41 (a) (1), (2) and (3) is disposed of, either directly or indirectly, to any place or establishment within the marketing area other than a plant.

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted from a pool plant to a nonpool plant for the account of such association.

§ 1008.16 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care, and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 1008.17 *Base.* "Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 1008.60 (a) and (b), respectively.

§ 1008.18 *Base milk.* "Base milk" means milk received from a producer at a pool plant during the month in an amount which is not in excess of:

(a) Such producer's daily base computed pursuant to § 1008.60 (a) multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the intervening days of nondelivery shall be considered as days of delivery for the purposes of this section and § 1008.60; or

(b) His base computed pursuant to § 1008.60 (b).

§ 1008.19 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 1008.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1008.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1008.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1008.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1008.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate.

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1008.30 to 1008.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1008.80 to 1008.88, inclusive.

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1008.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1008.70 (a) (5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 1008.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1008.87 and 1008.88.

(2) Each handler whose total value of milk is computed pursuant to § 1008.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1008.51 (a) and the Class I butterfat differential pursuant to § 1008.52 (a), both for the current month; and the respective minimum prices for Class II A milk and Class II milk pursuant to § 1008.51 (b) and (c) and the Class II butterfat differential pursuant to § 1008.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 1008.71 and the butterfat differential(s) computed pursuant to § 1008.82, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 1008.30 *Monthly reports of receipts and utilization.* On or before the 7th day of each month, in the detail and on forms prescribed by the market administrator, each handler shall submit to the market administrator a report for such handler's pool plant(s) and with respect to milk or milk products subject to payments required under § 1008.70 (b), containing the following information for the preceding month:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk (including other order milk) received (except manufactured milk products of the types covered by Class II A milk and Class II milk in § 1008.41 disposed of in the form in which received without further processing by the handler);

(d) Inventories of items included in Class I milk on hand at the beginning of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including (1) the pounds of skim milk and butterfat on hand at the end of each month as items included in Class I milk; and (2) a separate statement as to the amount of Class I milk disposed of on wholesale or retail routes (other than to plants) entirely outside the marketing area.

(f) The aggregate quantities of base milk and excess milk received; and

(g) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 1008.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1008.32 *Other reports.* (a) At such times and in such manner as the market administrator may prescribe each handler shall report to the market administrator such information in addition to that required under § 1008.30 as may be requested by the market administrator with respect to milk and milk products handled by him.

(b) As requested by the market administrator, each producer-handler shall report to the market administrator relative to his receipts, utilization, and disposition of milk and milk products.

(c) As requested by the market administrator, each handler shall report the total quantity of milk received from each producer and the number of days of such delivery for each month beginning with September 1956.

§ 1008.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations (and summaries thereof customarily maintained) and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 1008.30, 1008.31, and 1008.32 and to payments required to be made pursuant to §§ 1008.80 through 1008.88.

§ 1008.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8 (c) (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1008.35 *Handler report to producers.* (a) In making payments to producers pursuant to § 1008.80, each handler, on or before the 17th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month (1) the identification of the handler and the producer; (2) the total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery; (3) the minimum rate(s) at which payment to the producer is required under the provisions of § 1008.80; (4) the rate(s) used in making the payment, if such rate(s) is other than the required minimum rate(s), (5) the amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and (6) the net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate pursuant to § 1008.80 (b) each handler upon request shall furnish to the cooperative association, on or before the 16th day of each month, with respect to each producer for whom such payment is made, all the information specified in paragraph (a) of this section.

CLASSIFICATION

§ 1008.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 1008.30 shall be classified by the market administrator pursuant to the provisions of §§ 1008.41 through 1008.45, inclusive.

§ 1008.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1008.42, 1008.43, and 1008.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in fluid or frozen form as milk, skim milk (including fortified skim milk), skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and cream (sweet or sour), but not including any of the above items if sterilized and packaged in metal containers hermetically sealed; (2) used in the production of concentrated milk, skim milk, flavored milk and flavored

milk drinks not sterilized (but not including (i) those products commonly known as evaporated milk, condensed milk, and condensed skim milk, (ii) flavored milk or flavored milk drink sterilized and packaged in metal containers hermetically sealed; and (iii) any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section); (3) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, cocoa mixes, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt); (4) shrinkage of producer milk in excess of that pursuant to paragraph (b) (6) of this section and shrinkage allocated to receipts from other handlers pursuant to § 1008.42 (b); and (5) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than those included under paragraphs (a) (1), (2), (3), and (c) of this section; (2) disposed of (skim milk only) for livestock feed or dumped during April, May, June, or July: *Provided*, That in the case of skim milk dumped, the market administrator is given not less than 6 hours' notice of the handler's intention to make such disposition; (3) disposed of in bulk in any of the forms specified in paragraph (a) (1), (2), and (3) of this section (i) to bakeries, soup companies and candy manufacturing establishments in their capacity as such, (ii) to nonpool plants subject to the conditions of § 1008.44 (b) (2); (4) disposed of in any of the forms specified in paragraph (a) (1), (2), and (3) of this section if sterilized and packaged in metal containers hermetically sealed; (5) contained in inventories of items included in paragraph (a) (1), (2), and (3) of this section on hand at the end of the month; (6) in actual shrinkage of producer milk computed pursuant to § 1008.42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk; and (7) in actual shrinkage of other source milk computed pursuant to § 1008.42.

(c) Class II A milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses (and shall be included in Class II milk for all purposes of this order except as otherwise expressly stated).

§ 1008.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers.

§ 1008.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 1008.30.

(c) Except as provided in § 1008.44 (b) (1), any skim milk or butterfat classified on the basis of its use in one product shall be reclassified if used or reused by any handler in another product.

§ 1008.44 *Inter-plant movements.* Skim milk and butterfat transferred as any item specified in § 1008.41 (a) (1), (2), and (3) from a pool plant to another plant shall be assigned (separately) to each class in the following manner:

(a) From a pool plant to another pool plant: As Class I milk unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the month within which such transfer was made: *Provided*, That if either or both plants received any other source milk, the quantity transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk: *And provided further*, That (1) milk received from a plant subject to location adjustments shall be assigned to Class I milk in the transferee-plant after producer milk receipts and any receipts from plants subject to no location adjustment are assigned to Class I milk; and (2) if milk is received from more than one transferor-plant, assignment to the available Class I milk in the transferee-plant shall be made in sequence according to the location adjustment applicable at each transferor-plant beginning with the plant having the least location adjustment.

(b) From a pool plant to a nonpool plant: Such transfer(s) (also diverted milk) shall be classified as provided below, except that if the market administrator is not permitted to audit the records of the nonpool plant(s) for the purpose of use verification the entire transfer shall be classified as Class I milk:

(1) As Class I milk, if the transfer (or diversion) is to a nonpool plant which is engaged in the distribution of milk for consumption in fluid form (except as provided in subparagraph (2) of this paragraph) to the extent that milk is disposed of as any of the items specified in § 1008.41 (a) (1), (2), and (3) from the receiving plant.

(2) As Class II milk, if the transfer (or diversion) is to a nonpool plant which is not engaged in the distribution of milk for consumption in fluid form or is engaged in the processing and distribution of milk for fluid consumption which is sterilized and packaged in metal containers hermetically-sealed: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 1008.41 (a) (1), (2), and (3) to any other nonpool plant distributing milk in fluid form, such disposition, up to the quantity of milk transferred or diverted to the first nonpool plant, shall be classified as Class I milk: *And provided further*, That with respect to the milk to which the preceding proviso does not apply, the remaining transferred or diverted quantity shall be deemed to have been utilized first for the manufacture of Class II A milk products to the extent that such products were produced at such nonpool plant.

§ 1008.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler (1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (2) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids; and

(b) Allocate skim milk in the following manner:

(1) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 1008.41 (b) (6);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received (other order milk to be subtracted last) and in overage allocated to other source milk (§ 1008.70 (a) (4)): *Provided*, That if more than one source of other source milk is involved, the skim milk shall be subtracted in sequence beginning with the source at greatest distance from the City Hall, Spokane, Washington: *And provided further*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk in Class II A milk and in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of items included in § 1008.41 (a) (1), (2) and (3) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk remaining in Class II A milk and in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class pursuant to § 1008.44;

(5) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 1008.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month:

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 1008.51 *Class prices.* Subject to the differentials provided in §§ 1008.52 and 1008.53 the following are the minimum prices per hundredweight to handlers for Class I milk, Class II A, and Class II milk:

(a) *Class I milk.* For each month the price for Class I milk shall be the basic formula price rounded to the nearest cent, plus $1.90 adjusted by the amount computed pursuant to paragraph (d) of this section.

(b) *Class II A milk.* The price for Class II A milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for spray and roller process nonfat dry milk for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents and round to the nearest cent.

(d) *Supply-demand adjustment.* On or before the 6th day of each month the market administrator shall make the following computations based upon information obtained from handler's reports of receipts and utilization:

(1) Determine the total receipts of producer milk by all handlers (including receipts from a handler's own farm production) during the second and third months preceding;

(2) Determine the total pounds of milk and milk products disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from interhandler transfers) during the same two months; and

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, and adjust to the nearest full percentage point. The resulting percentage shall be known as the "current supply-demand ratio."

(4) Whenever the current supply-demand ratio varies from the standard utilization percentage for the current month set forth in the following table the Class I price shall be increased or decreased 5.0 cents for each full percentage point that the current supply-demand ratio is above or below, respectively, the percentage for such month set forth in the table, but such price shall not be increased or decreased more than 50 cents for any month because of the current supply-demand ratio:

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	84	October-November.
February	83	November-December.
March	80	December-January.
April	82	January-February.
May	81	February-March.
June	79	March-April.
July	70	April-May.
August	64	May-June.
September	66	June-July.
October	69	July-August.
November	75	August-September.
December	81	September-October.

§ 1008.52 *Butterfat differentials to handlers.* If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 1008.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 1008.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.123, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk and Class II–A milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department, during the month, multiply the result by 0.115, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 1008.53 *Location adjustment credits to handlers.* The price for Class I milk at a pool plant located more than 50 miles from the City Hall, Spokane, Washington, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk pursuant to § 1008.51 (a), less a location adjustment per hundredweight of milk computed as follows: 3 cents for each 10 miles, or major fraction thereof, up to 100 miles, an additional 2.0 cents for each 10 miles, or major fraction thereof, for distances in excess of 100 miles but not more than 200 miles, and an additional 1.0 cent for each 10 miles, or major fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance, as determined by the market administrator, from such pool

plant to the City Hall, Spokane, Washington.

§ 1008.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF BASE

§ 1008.60 *Computation of producer bases.* Subject to the rules set forth in § 1008.61 the market administrator shall determine bases for producers in the following manner:

(a) The daily base of each producer whose milk was received at a pool plant(s) on not less than 120 days during the months of September through January, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered to a pool plant in such five-month period by the number of days from the date of his first delivery to the end of such five-month period: *Provided*, That the daily base of any producer who delivered milk on not less than 120 days during such September–January period to a plant which subsequently qualified as a pool plant shall be computed, in similar manner, on the basis of such producer's deliveries to such plant in such September–January period. The base so computed, which shall be recomputed each year, shall become effective on the first day of March next following and shall remain in effect through the month of February of the next succeeding year.

(b) The base of any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section (including any producer for whom a base may not be computed pursuant to this section because of lack of available information concerning such producer's deliveries in the applicable September–January period) shall be a quantity, to be effective for the current month only, computed by multiplying his deliveries to a pool plant(s) during the month by the appropriate monthly percentage in the following table:

January	80	July	65
February	75	August	70
March	70	September	75
April	60	October	80
May	60	November	80
June	60	December	80

§ 1008.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base computed pursuant to § 1008.60 (a) may be transferred in its entirety to another producer upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases, or otherwise conveys his herd to the same producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part: *Provided*, That all deliveries of milk by a producer who has transferred his base to another producer shall be excess milk until March 1 next following such transfer.

(b) A producer who ceases deliveries to a pool plant for more than 45 consecutive days shall lose his base if computed pursuant to § 1008.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1008.60 (b) until he can establish a new base under § 1008.60 (a), to begin the next March 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 1008.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next March 1 such producer's base shall be computed in the manner provided by § 1008.60 (b).

(d) As soon as bases computed by the market administrator under § 1008.60 (a) and (b) are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list (or lists) showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm, he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 1008.11 may establish or earn a base pursuant to the provisions of § 1008.60 (a) or (b) and only one base shall be allotted with respect to milk produced by two or more persons where the land, buildings, or equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 1008.70 *Computation of value of milk.* (a) The total value of milk received during any month by each handler, including any cooperative association which is a handler, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 1008.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 1008.53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of the reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made.

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 1008.45 by the applicable class price: *Provided*, That if (i) overage results in a pool plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and (ii) overage results in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, and the transferor handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity.

(5) Add, with respect to other source milk (including overage allocated to other source milk but excluding other order milk) received at each pool plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk (other than Class II A) prices adjusted, respectively, by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk): *Provided*, That if the plant supplying such milk is located outside the marketing area and more than 50 miles from the City Hall, Spokane, Washington, the rate of payment per hundredweight of milk otherwise required by this subparagraph shall be reduced by the rate of location adjustment provided in § 1008.53 for the distance such plant is located from the City Hall, Spokane, Washington, but not to exceed $1.90 per hundredweight.

(6) Add the amount computed by multiplying the difference between the Class II price (§ 1008.51 (c)) for the preceding month and the Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1008.45 (b) (4) and (c) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1008.45 (b) (3) and (c) for the current month, whichever is less.

(b) The value of milk (except other order milk) of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of in the marketing area as any item included in Class I milk pursuant to § 1008.41 (a) (1), (2), or (3) shall be a sum of money computed by the market administrator by multiplying the hundredweight of other source milk so disposed of by the difference between the Class I and Class II milk (other than Class II A) prices, adjusted by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk), and by the same rate of location differential, if any, provided in paragraph (a) (5) of this section: *Provided*, That a producer-handler shall not be obligated for payments under this paragraph with respect to that portion of other source milk represented by his own farm production.

§ 1008.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who made the reports prescribed in § 1008.30 and who made the payments pursuant to § 1008.84 for the preceding month;

(b) Add the aggregate of values of the location adjustments on base milk allowable pursuant to § 1008.81;

(c) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4 percent, or add, if such average butterfat content is less than 4 percent, an amount computed by multiplying the amount by which the average butterfat content of base and excess milk varies from 4 percent by the appropriate butterfat differentials computed pursuant to § 1008.82; and multiply the resulting figures by the respective hundredweights of base and excess milk;

(e) Multiply the hundredweight of excess milk by the Class II (other than Class II A) price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the sum of the amount obtained in paragraph (e) of this section and any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 1008.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 17th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 1008.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 16th day after the end of such month: *And provided further*, That, if by such date such handler has not received full payment for such month pursuant to § 1008.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the location adjustment computed pursuant to § 1008.81 and by the butterfat differential computed pursuant to § 1008.82.

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1008.82.

(b) On or before the 16th day after the end of each month each handler shall pay to each cooperative association which operates a pool plant for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 1008.41) by the class price.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 1008.81 *Location adjustments to producers.* In making payment to producers pursuant to § 1008.80 for milk received at a pool plant to which the provisions of § 1008.53 apply, the uniform price per hundredweight for base milk shall be reduced at the same rate per hundredweight as is applicable to Class I milk at such plant pursuant to § 1008.53.

§ 1008.82 *Producer butterfat differential.* In making payments pursuant to § 1008.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, butterfat differentials computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 1008.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 1008.84 and out of which he shall make all payments to handlers pursuant to § 1008.85.

§ 1008.84 *Payments to the producer-settlement fund.* (a) On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, whose obligation is computed pursuant to § 1008.70 (a) shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80 (a).

(b) Each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who disposes of milk as described in § 1008.70 (b) shall pay the amount computed for him pursuant to such paragraph.

§ 1008.85 *Payments out of the producer-settlement fund.* On or before the 15th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80 (a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1008.84, 1008.86, 1008.87, and 1008.88: *Provided*, That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1008.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1008.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1008.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1008.80 (a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1008.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler, including any cooperative association which is a handler but not including a producer-handler, shall pay to the market administrator on or before the 14th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk (except other order milk) classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 1008.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information.

(1) The amount of obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1008.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1008.91.

§ 1008.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1008.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1008.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1008.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1008.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 20th day of September 1957 to be effective on and after October 1, 1957.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 57-7858; Filed, Sept. 24, 1957; 8:52 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1958

The protection and conservation of the soil and water resources of farmlands is essential in order that these lands will continue to produce sufficient food and other raw materials to meet future needs. All people, not farmers alone, have a stake in, and a part of the responsibility for, protecting and conserving our farmlands. Recognizing this, the Congress appropriates funds to share with farmers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers.

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AUTHORITY: §§ 1104.700 to 1104.752 issued under sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 71 Stat. 329; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1104.700 *Introduction.* (a) Through the 1958 Agricultural Conservation Program (referred to in this subpart as the "1958 program") administered by the Department of Agriculture, the Federal Government will share with Alaskan farmers the cost of carrying out approved conservation practices in accordance with the provisions of this subpart and such modifications thereof as may be made.

(b) The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–509q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1958.

(c) Information about the practices and the exact specifications and rates of cost-sharing may be obtained from the county committees.

(d) The State Committee will allocate the funds available for conservation practices among the counties consistent with the needs for enduring conservation in the various counties and will give particular consideration to the furtherance of watershed programs sponsored by local people and organizations. A total of $54,000 will be available for program purposes exclusive of the amount set aside for administrative expenses and the increase in small Federal cost-shares in § 1104.729.

(e) A person may not receive more than $2,500 in Federal cost-shares under the 1958 program for approved practices not under pooling agreements. He may not receive more than $10,000 for all approved practices, including those under pooling agreements. This includes all farms, ranching units, and turpentine places owned or operated by him in Alaska, the continental United States, Hawaii, Puerto Rico, and the Virgin Islands.

GENERAL PROGRAM PRINCIPLES

§ 1104.701 *General program principles.* The 1958 Agricultural Conservation Program for Alaska has been developed and is to be carried out on the basis of the following general principles:

(a) The program contains broad authorities to help meet the varied soil and water conservation problems. County committees and participating agencies shall design a program for each county. Such programs should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. The programs should be confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the county.

(b) The county programs should be designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1958 on the lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in a county are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed in the State program.

(f) The purpose of the program is to help achieve additional conservation on the land. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the upkeep and maintenance of those practices through their life span. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal life span unless the practice has failed to serve for its normal life span due to conditions beyond the control of the farm operator.

COUNTY AGRICULTURAL CONSERVATION PROGRAMS

§ 1104.702 *Developing the county program.* (a) County programs are to be developed in accordance with the provisions of the Alaska program and such modifications thereof as may be made. The county program should include any additional limitations and restrictions necessary for the maximum conservation

accomplishment in the area. It should be designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1958 on the lands where they are to be applied.

(b) The County ACP Development Group (County ASC Committee, including Extension Agent, SCS technician, and FS representative if available) will meet with the governing bodies of the local Soil Conservation Sub-Districts and the local Farmers Home Administration Supervisor to develop recommendations for the county program.

(c) The County ACP Development Group will then formulate the county program keeping in mind the overall conservation problems in the county and the work plans of the Sub-Districts and other agencies.

§ 1104.703 *Selection of practices.* Practices to be included in the county program shall be only those practices set forth in this subpart for which cost-sharing is essential to permit the performance of needed conservation work. Costs should be shared only on practices which it is believed farmers would not carry out without program assistance. Generally, practices that have become a part of regular farming operations in a particular county should not be eligible for cost-sharing.

§ 1104.704 *Adaptation of practices.* The practices in the county program must meet all conditions and requirements of the State program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the county. The rates of cost-sharing in a county are to be the minimum required to result in substantially increased performance of needed practices within the limits prescribed in the State program. The rates of cost-sharing for practices included in the county program may be lower than the rates of cost-sharing in this subpart.

§ 1104.705 *County program approval.* The County ACP Development Group will recommend their county program for approval to the State ACP Development Group (Alaska ASC Committee, including the Director of Extension, Soil Conservation Service Territorial Conservationist, and Forest Service Representative). The program recommendation must state that the program was developed in consultation with the local Sub-District governing bodies and be signed by the ASC county chairman, SCS technician, and representative of the Forest Service when present in the county.

§ 1104.706 *Responsibility for Technical Phases of Practices.* (a) The Soil Conservation Service is responsible for the technical phases of practices 1, 2, 3, 5, 6, 9, 10, 11, and 12 (§§ 1104.741 to 1104.743, 1104.745, 1104.746, and 1104.749 to 1104.752). This responsibility shall include (1) a finding that the practices are needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. In addition, upon agreement of the State Committee and the Soil Conservation Service State Conservationist, responsibility for all or part of the technical phases of other practices may be assigned to the Soil Conservation Service for any or all counties. The Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

(b) The Forest Service is responsible for the technical phases of practice 8 (§ 1104.748). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

SPECIAL PROVISIONS

§ 1104.707 *Pooling agreements.* Farmers in any local area may agree in writing, with the approval of the county committee, to work together to perform practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the persons who performed the practices. Additional information about pooling agreements is available in Instruction ACP–5 (Alaska).

§ 1104.708 *Purchase orders*—(a) *Availability.* Part or all of the Federal cost-share for an approved practice may be in the form of a purchase order for materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the register of indebtedness maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to setoff in order to permit the furnishing of materials or services. Title to any material furnished through the program shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(b) *Cost to farmer.* The farmer will pay that part of the cost of the material or service which is in excess of the Federal cost-share attributable to the use of the material or service, except that for practice 5 (§ 1104.745) the county committee may advance to the farmer the total cost-shares he will earn at the time the heavy clearing is accomplished. However, the farmer must complete the practice by breaking the land to earn the payment. If the farmer fails to complete the practice, the money advanced becomes a debt to the Government.

(c) *Discharge of responsibility for materials and services.* The person to whom a material or service is furnished by purchase order under the 1958 program will be relieved of responsibility for the material or service when the county committee determines that (1) the material or service was used for the purpose for which it was furnished, and (2) the practice is completed so that it is eligible for payment. If a person uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program. Any person to whom materials are furnished shall be responsible for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

APPLICATIONS AND APPROVALS

§ 1104.711 *Eligibility.* (a) The program is applicable to (1) privately owned lands; (2) lands owned by Alaska or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons. These persons must maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

(b) The program is not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to (i) grazing lands administered by the Forest Service of the United States Department of Agriculture, (ii) grazing lands administered by the Bureau of Land Management of the United States Department of the Interior, and (iii) lands administered by the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (a) (6) of this section; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

§ 1104.712 *Applications.* Each farmer shall be given an opportunity to request Federal cost-sharing for those practices on which he considers he needs such assistance to perform them on his farm. Individual farmers should be encouraged to utilize cost-sharing for only those practices which have not become a part of regular farming operations on their farms. Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested before performance is started. A request for cost-sharing under the 1957 program may be regarded as meeting this requirement of the 1958 program if (a) approval was given under the 1957 program, (b) performance was started but not completed during the 1957 program year, and (c) the county committee believes the extension of the approval to the 1958 program is justified under the 1958 program regulations and provisions.

§ 1104.713 *Approvals.* Each request for cost-sharing will be considered by the county committee in the light of (a) the program principles in § 1104.701, (b) the conservation problems in the county, the conservation work most needed in 1958, and the county allocation of program funds, and (c) the conservation problems of the individual farm and any conservation plan developed by the farmer and any State or Federal agency. The county committee will issue notices of approval showing, for each practice, the units approved and the cost-share for performing those units. Notices of practices approved should be issued before the farmer begins the practice. No practice may be approved for cost-sharing except as authorized by the State or county program, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 1104.714 *Limitations of the program*—(a) *Initial establishment or installation of practices.* Cost-sharing may be authorized under the 1958 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1958 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing was allowed under a previous program, if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The county committee believes the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with similar practices for which cost-sharing for initial establishment is requested.

(b) *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

PRACTICE COMPLETION REQUIREMENTS

§ 1104.717 *Completion of practices.* The farmer must complete each practice in accordance with all applicable specifications and program provisions to earn payment. Purchase orders represent an advance to the farmer before he completes the practice, but he must complete the practice to earn the money advanced. Except as provided in §§ 1104.718, 1104.719, and 1104.720 the farmer must complete the practice during the program year in order to be eligible for a payment.

§ 1104.718 *Practices substantially completed during the program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1958 program year if the county committee determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 1104.719.

§ 1104.719 *Practices requiring more than one program year for completion.* Cost-shares approved under the 1958 program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components of a practice may be paid only after the practice is substantially completed, and only on the condition that the farmer will complete the remaining components of the practice within a reasonable time prescribed by the county committee, unless prevented from doing so for reasons beyond his control and regardless of whether cost-sharing therefor is offered, or refund the cost-shares paid him. If an approved practice is not substantially completed by the end of the 1958 program year, the practice may be considered for reapproval under the 1959 program. For practice 5 (§ 1101.745) the completion of the bulldozing or other heavy clearing operation will be considered as substantial completion of the practice.

§ 1104.720 *Practices involving the establishment or improvement of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State Committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or replanted or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

PAYMENTS

§ 1104.723 *Availability of funds.* (a) The provisions of the 1958 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact. Paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose. The amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation. The funds provided for the 1958 program will not be available for paying Federal cost-shares for which applications are filed in the county office after December 31, 1959.

§ 1104.724 *Eligibility for payment.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1104.725 *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1104.726 *Practices carried out with State or Federal aid.* Where a Federal or Territorial agency contributed toward the cost of a practice, the county committee, when computing the cost-shares, will reduce the total cost of the practice by the percentage of the total cost of the items of performance on which costs are shared which was furnished by the Federal or Territorial agency. Materials or services furnished by purchase order through this program shall not be regarded as State or Federal aid for the purposes of this section.

§ 1104.727 *Division of payments.* Cost-shares attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Cost-shares shall be credited to the person who carried out the practices by which they were earned. If more than one person contributed, the cost-share shall be divided among such persons in the proportion that the county committee determines they contributed to carrying out the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward carrying out the practice and shall assume that each contributed equally unless it is established to their satisfaction that the contributions were not in equal proportion. Furnishing land or the right to use water is not a contribution to carrying out any practice.

§ 1104.728 *Filing applications for payment.* (a) Each person participating in the program is responsible for submitting the forms and information needed to establish the extent of performance of approved practices and compliance with applicable program provisions.

(b) The county committee will establish time limits for submission of performance reports and allied information for efficient administration of the program. The county committee will notify each farmer, in his notice of approval, of the time by which he must report performance. Exceptions to time limits may be made in cases where failure to submit the required forms and information within the applicable time limit is due to reasons beyond the control of the farmer.

(c) Payment of Federal cost-shares will be made only upon application submitted on Form ACP–245 by December 31, 1959, or such earlier date as may be prescribed. Any application may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 1104.729 *Appeals.* Any person may request the county committee to reconsider its recommendation or determination in any matter affecting the right to or amount of his Federal cost-shares. This appeal must be in writing and must be made within 15 days after the notice of the action he wishes to appeal is forwarded to or made available to him. The county committee shall notify him of its decision in writing within 15 days after receipt of the written request for reconsideration. If the person is dissatisfied with the decision of the county committee, he may appeal to the State Committee. Again, the appeal must be in writing and within 15 days after the decision is forwarded to or made available to him. The State Committee shall notify him of its decision within 30 days after the submission of the appeal. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision. If he is dissatisfied with the decision of the State Committee, he may request the Administrator, ACPS, to review the decision of the State Committee. Again, he must make this request in writing within 15 days after the State Committee decision is forwarded to or made available to him. The decision of the Administrator, ACPS, shall be final.

§ 1104.730 *Increase in small Federal cost-shares.* The Federal cost-shares computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.00.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1.00, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	[1]
$200.00 and over	[2]

[1] Increase to $200.00.
[2] No increase.

GENERAL PROVISIONS RELATING TO PAYMENTS

§ 1104.731 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1958 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 1104.732 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1958 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life span in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1104.733 *Forbidden actions or practices*—(a) *Practices defeating purposes of programs.* If the county committee finds, with the concurrence of the State Committee, that any person has adopted or participated in any practice which tends to defeat the purposes of the 1958 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1958 program.

(b) *Depriving others of Federal cost-shares.* If the State Committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1958 program.

(c) *Filing of false claims.* If the State Committee finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1958 program and shall refund all amounts that may have been paid to him under the 1958 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

(d) *Misuse of purchase orders.* If the State Committee finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the 1958 program and shall refund all amounts that may have been paid to him under the 1958 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

(e) *Evasion of maximum cost-share limitation.* All or any part of any Federal cost-share which otherwise would be due any person under the 1958 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation or use of any corporation, partnership, estate, trust, or any other means designed, to evade, or which has the effect of evading the provisions of § 1104.700 (e).

§ 1104.734 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed (a) without regard to questions of title under State law; (b) without deduction of claims for advances (except as provided in § 1104.735, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and (c) without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1104.735 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1958 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1958, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1104.738 *Definitions.* For the purposes of the 1958 program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means Alaska.

(d) "State Committee" means the persons designated by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(e) "State ACP Development Group" means the State ASC Committee, including the Director of Extension, the SCS Territorial Conservationist, and the Forest Service Representative.

(f) "County" refers to any of the three areas designated as "counties" by the State Committee. Fairbanks County is the Second and Fourth Judicial Districts. Homer County is the Kenai Peninsula and Kodiak Island. Palmer County is the First and Third Judicial Districts exclusive of Homer County.

(g) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county committees.

(h) "County ACP Development Group" means the County ASC Committee, including the District Extension Agent, the SCS technician, and the Forest Service representative when available.

(i) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(j) "Farm" means (1) all adjoining or nearby and easily accessible farm, wood, or range land under the same ownership which is operated by one person, and (2) all additional farm, wood, or range land under different ownership operated by such person which the county committee determines (i) is nearby and easily accessible, (ii) is approximately equally productive, and (iii) for the past 2 years has been operated by such person and will be so operated during the current year, or has been operated by such person for 1 year with proof satisfactory to the county committee that it will be operated by such person for at least 2 more years. Notwithstanding the conditions set forth in subparagraphs (1) and (2) of this paragraph, fields and subdivisions of fields which are part of a farm shall remain a part of such farm when operated under a short term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or part of another farm under this definition. Land which is properly constituted as a farm shall not be reconstituted when a change of farm operators is the only basis for such action.

(k) "Cropland" means farmland which in 1957 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953 and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(l) "Program year" means the period during which conservation practices, or components thereof, must be carried out to be eligible for cost-sharing. The program year begins on September 1, 1957, and continues through December 31, 1958.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1104.741 *Practice 1: Diversion ditches to divert excess water to protected outlets*—(a) *Purpose.* These ditches are for the purpose of removing excess water from snow melting in the spring, or from seeps, springs, or other ground water, to protect cropland or potential cropland below.

(b) *Requirements.* In all cases the ditches must be staked by a qualified technician. Capacities will depend on the area draining to each ditch. Diversion ditches must be provided with a proper outlet such as a sodded waterway (see practice 2 (§ 1104.742)).

(c) *Additional recommendations.* Diversion ditches should be constructed on a grade ranging from 0 at the upper end to not in excess of 1 percent at the lower end. Grades should be either uniform or gradually increasing from the upper end. Side slopes normally should not be steeper than 1 foot vertical to 3 feet horizontal.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Diversion Ditches.

Maximum Federal cost-share. 50 percent of the cost.

§ 1104.742 *Practice 2: Establishing permanent sod waterways to dispose of excess water without causing erosion*—(a) *Purpose.* Sod waterways are essential to adequate water disposal on steep land. The waterway may be either an excavated ditch or a natural drainageway. In either case more than natural runoff is carried in the outlet channel; therefore, protection is needed to avoid the formation of gullies.

(b) *Requirements.* In all cases the outlet channels will be selected by a qualified technician. New channels must be staked and constructed according to lines and grades. Sod must be established. Sod waterways must be seeded long enough in advance to develop a protective cover in the channel before water is diverted into them. Seedings in established permanent sod waterways shall be at a rate of at least 15 pounds per acre and will contain not less than 50 percent of adapted sod-forming perennial grasses with the balance in other grasses. The seeding must be properly fertilized. The minimum application of commercial fertilizer on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test or experiment station recommendations.

(c) *Additional recommendations.* A cereal nurse crop in conjunction with grass seeding should be used where desirable. Sod stripping may be used.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Permanent Sod Waterways.

Maximum Federal cost-share. (1) 50 percent of the cost of earth moving; and (2) 50 percent of the cost of grass seed, or sodding, and the minimum required application of commercial fertilizer.

§ 1104.743 *Practice 3: Constructing permanent open drainage systems to dispose of excess water*—(a) *Purpose.* Drainage systems are one or more drainage ditches for the purpose of removing excess water from agricultural land.

(b) *Requirements.* In all cases the system must be staked by a qualified technician. Cost-sharing is limited to construction or enlargement of permanent ditches and the structural work necessary to the proper functioning of the ditches. No cost-sharing will be allowed for cleaning or maintaining a ditch or for structures installed for crossings or the convenience of the operator. Due consideration shall be given to the maintenance of wildlife habitat.

(c) *Additional recommendations.* Cost-sharing may be authorized for clearing the necessary minimum width right-of-way and, where necessary for the effective operation of the drainage system, for the spreading of spoil banks. Ditching with dynamite is a satisfactory method in very wet areas.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Open Drainage Systems.

Maximum Federal cost-share. (1) 50 percent of the cost of necessary land clearing.
(2) 50 percent of the cost of earth moving.
(3) 50 percent of the cost of materials used in the permanent structure, excluding forms.

§ 1104.744 *Practice 4: Initial establishment or improvement of permanent grass or grass-legume cover for soil or watershed protection*—(a) *Purpose.* This practice is for the initial establishment or the initial improvement of a protective vegetative cover by seeding adapted varieties of perennial grasses and legumes on areas, including steep slopes, which will remain in such cover.

(b) *Requirements.* The seed must be adapted to local conditions and must be properly distributed over the area sown. A sufficient amount must be used to insure a good stand at maturity. Seeding on steep slopes must be at a rate on one and one-half times that for normal land conditions. Each county committee will establish seeding rates, mixtures, and varieties in line with experiment station recommendations for that area. Adequate fertilizer must be applied. The minimum application of commercial fertilizer on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test or experiment station recommendations.

(c) *Additional recommendations.* The county committee may approve this practice as a "package practice" in that they can approve seeding and fertilizing the first year and will later approve a spring application of fertilizer early in the second year to insure establishment of a good turf. The requirements of § 1104.719 must be met. Farmers are urged to control weeds to obtain successful seedings.

(d) *Technical responsibility.* County ASC Committee.

(e) *Reference.* Practice Guide Sheet for Permanent Grass Cover.

Maximum Federal cost-share. 50 percent of the cost of seed and the minimum required application of commercial fertilizer.

§ 1104.745 *Practice 5: Clearing and breaking, or breaking land to permit land-use adjustments needed in establishing soil conserving cropping systems*—(a) *Purpose.* The conservation value of this practice is in getting sufficient cleared land on the farm so that good land management can be carried out on all parts of the farm.

(b) *Requirements.* To be eligible for land clearing, the farmer must own or be buying the farm, lease or rent the farm, or be homesteading. If he is homesteading, he must have completed the homestead cultivation requirements except in Homer County. In all cases the land to be cleared must be approved by a qualified technician. Methods of clearing which result in destruction of needed organic material disqualify the clearing for cost-sharing. Removal of mineral soil will be considered evidence of excessive removal of organic material. Needed conservation practices must be applied to land cleared under previous programs in order to qualify an applicant for cost-sharing for additional land clearing under this program. Clearing areas which will result in increased erosion will not qualify. Windbreaks and uncleared land along streams must be left when, in the opinion of the county committee and the SCS technician, such protective cover is necessary to control present or potential erosion. Land cleared under the 1958 program must be broken not later than the end of the following program year unless the farmer desires to be paid during the current program year only on the completed components of the practice (see § 1104.719).

(c) *Additional recommendations.* A farmer may spread the clearing and breaking operations over a period of years to take advantage of methods of progressively clearing, grubbing, and burning if he complies with the requirements of § 1104.719. If clearing will be accomplished during the program year and the breaking not later than the end of the following program year, the Government will advance the full 50 percent up to $40.00 per acre at the time the bulldozing or other heavy clearing operation is completed. The farmer actually earns this payment when he also completes the breaking operation and the land is ready for tillage.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Land Clearing.

Maximum Federal cost-share. (1) 50 percent of the cost but not in excess of $40 per acre when all operations will be completed by the end of the 1959 program year; or
(2) 50 percent of the cost of each completed operation, but not in excess of $40 per acre for all operations, when the clearing and breaking are not all accomplished within 2 program years but spread over a period of years.

§ 1104.746 *Practice 6: Installation of facilities for sprinkler irrigation to provide vegetative cover for soil protection on rolling land*—(a) *Purpose.* This practice is applicable where primary use is for permanent grassland on rolling land.

(b) *Requirements.* The installation must be in accordance with written plans approved by the Soil Conservation Service technician and the county committee. The power unit must be of capacity adequate to supply uniform distribution. Nozzle openings shall be of a size to hold application rate within intake capacity of soils to be irrigated.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Sprinkler Irrigation.

Maximum Federal cost-share. 50 percent of the cost of pipe and fittings.

§ 1104.747 *Practice 7: Constructing or deepening wells for livestock water*—(a) *Purpose.* This practice is to help provide soil protection through the adoption or maintenance of livestock farming systems and increased acreages of permanent vegetative cover.

(b) *Requirements.* To be eligible for a livestock well, the farmer must own or be buying the farm, lease or rent the farm, or be homesteading. If he is homesteading, he must have completed the homestead cultivation requirements. The farmer must show that the well is necessary for establishing or maintaining livestock on the farm. Standards and requirements shall be established by the county committee. Even though the well may be constructed at the headquarters to prevent freezing during the winter months, it is not to be used primarily for household utility. The well and pumping equipment must be large enough to provide the minimum amount of water for the particular livestock enterprise. Adequate storage facilities must be provided and pumping equipment installed except for artesian wells.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* County ASC Committee.

(e) *Reference.* ACP Practice Guide Sheet for Livestock Wells.

Maximum Federal cost-share. 50 percent of the cost of drilling or deepening the well, and casing, including installation of the casing.

§ 1104.748 *Practice 8: Seeding, planting, or interplanting forest trees or shrubs or improvement of a stand of forest trees on farmland for purposes other than the prevention of wind or water erosion*—(a) *Purpose.* This practice includes (1) thinning, (2) pruning crop trees, (3) removing or killing competing or undesirable vegetation, and (4) seeding, planting, or interplanting desirable trees or shrubs.

(b) *Requirements.* Technical assistance shall be utilized as available. The area must be protected from fire. Seedlings must be protected from grazing and should be protected from browsing.

(c) *Technical responsibility.* Forest Service.

(d) *Additional recommendations.* None.

Maximum Federal cost-share. 50 percent of the cost, including land preparation.

§ 1104.749 *Practice 9: Planting or interplanting forest trees or shrubs on farmland to prevent wind or water erosion*—(a) *Purpose.* This practice includes the planting or interplanting of desirable trees or shrubs for the prevention of wind or water erosion (1) in windbreaks, (2) in shelterbelts, (3) along gullies, and (4) along streambanks.

(b) *Requirements.* Technical assistance shall be utilized as available. The area must be protected from fire. Seedlings must be protected from grazing and should be protected from browsing.

(c) *Technical responsibility.* Soil Conservation Service.

(d) *Additional recommendations.* None.

Maximum Federal cost-share. 50 percent of the cost, including land preparation.

§ 1104.750 *Practice 10: Developing springs or seeps for livestock water to encourage better grassland management*—(a) *Purpose.* This practice is to encourage better grassland management through providing water supplies for livestock.

(b) *Requirements.* Site selection must be approved by a qualified technician and plans must be approved by the Soil Conservation Service. The spring or developed seep must be protected from livestock. Cutoff walls must be of impervious material. Water developed must be piped to a suitable utilization or storage structure. Appreciable use of this water for other than livestock shall be considered as defeating the purpose of this practice.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Developing Springs and Seeps.

Maximum Federal cost-share. (1) 50 percent of the cost of excavating earth, rock, and gravel.
(2) 50 percent of the cost of materials used in the permanent structure, excluding forms.

§ 1104.751 *Practice 11: Constructing or sealing dams, pits, or ponds for livestock and/or grassland irrigation water*—(a) *Purpose.* These dams, pits, or ponds are to store water to encourage better grassland management by (1) providing water for livestock, and/or (2) providing water for grassland irrigation (see practice 6 (§ 1104.745)).

(b) *Requirements.* Design and construction must conform to Soil Conservation Service specifications and be supervised by a qualified technician. Earth fills must be thoroughly compacted and core walls extend to semi-impervious material. Down-stream slopes shall be not less than 3 feet horizontal to 1 foot vertical. Up-stream slopes shall not be less than 4 feet horizontal to 1 foot vertical. Necessary fencing and seeding or sodding to protect the dam and pond must be accomplished. Dams shall have a spillway capacity adequate to carry off surplus water. The spillway must be designed by a qualified engineer. If used for livestock water, a suitable water trough must be installed with pipe from pond to trough. Appreciable use of this water source for other than livestock or grassland irrigation shall be considered as defeating the purpose of this practice.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Dams and Ponds.

Maximum Federal cost-share. (1) 50 percent of the cost of earth moving.
(2) 50 percent of the cost of materials in the permanent structure, excluding forms.

§ 1104.752 *Practice 12: Streambank protection, channel clearance, enlargement or realinement, or construction of levees or dikes, to prevent erosion or flood damage to farmland*—(a) *Purpose.* This practice is to prevent streambank erosion and flood damage to farmland.

(b) *Requirements.* Plans for each installation must be designed by a qualified technician and approved by the Soil Conservation Service and county committee. The Soil Conservation Service is responsible for laying out and supervising the installation. This practice shall not be approved in cases where there is a likelihood that it will create an erosion or flood hazard to other adjacent land.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Streambank Protection.

Maximum Federal cost-share. 25 percent of the cost.

Done at Washington, D. C., this 20th day of September 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-7825; Filed, Sept. 24, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6775]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SIBERIAN FUR SHOP, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Stock, product or service; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order; Siberian Fur Shop, Inc., et al., Greenfield, Mass., Docket 6775, August 7, 1957]

In the Matter of Siberian Fur Shop, Inc., a Corporation, and Abraham J. Levinsky, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Greenfield, Mass., with violating the Fur Products Labeling Act by advertising in newspapers and by radio which failed to disclose the names of animals producing certain furs and to state when furs were artificially colored, and which represented falsely that certain furs were "stock of a business in a state of liquidation"; and by failing in other respects to comply with the advertising, labeling, and invoicing requirements of the Act and to keep adequate records as a basis for comparative price and percentage savings claims.

Following approval of an agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Siberian Fur Shop, Inc., a corporation, and its officers, and Abraham J. Levinsky individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products:

(a) Non-required information mingled with information that is required under section 4 (2) of the act and the rules and regulations thereunder;

(b) Information required under section 4 (2) of the act and the rules and regulations thereunder in abbreviated form or in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or other-

wise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur products.

2. Failing to set forth on invoices the item number of the fur product;

3. Setting forth on invoices information required under section 5 (b) (1) of the act and the rules and regulations thereunder in abbreviated form.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

2. Sets forth information required under section 5 (a) of the act and the rules and regulations thereunder in abbreviated form;

3. Represents that fur products are being offered for sale from stock of a business in a state of liquidation, when such is not the fact.

D. Making use of price reductions, comparative prices and percentage savings claims in advertising unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 29, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7849; Filed, Sept. 24, 1957; 8:49 a. m.]

[Docket 6782]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NUSSBAUM AND DONNENFELD, INC., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Nussbaum and Donnenfeld, Inc., et al., New York, N. Y., Docket 6782, August 27, 1957]

In the Matter of Nussbaum and Donnenfeld, Inc., a Corporation, and Harry Nussbaum and Max Donnenfeld, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Nussbaum and Donnenfeld, Inc., a corporation, and its officers, and Harry Nussbaum and Max Donnenfeld, individually and as officers of said corporation, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

(g) The item numbers or marks assigned to the fur products as required under Rule 40 (a) of the rules and regulations;

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product;

(g) The item numbers or marks assigned to fur products as required under Rule 40 (a) of the rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Nussbaum and Donnenfeld, Inc., a corporation, and Harry Nussbaum and Max Donnenfeld, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 27, 1957.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 57-7850; Filed, Sept. 24, 1957; 8:49 a. m.]

[Docket 6639]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ARKANSAS CITY COOPERATIVE MILK ASSN., INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Arkansas City Cooperative Milk Assn., Inc. (Arkansas City, Kans.), et al., Docket 6639, September 4, 1957]

In the Matter of Arkansas City Cooperative Milk Association, Inc., a Cooperative Marketing Association, its Officers, Directors and Members and Homer S. Call, Carl Fitzgerald, Ivan J. Scott, and John Weir, Jr., Individually and as Officers, Directors and Members and as Representative of the Entire Membership of Arkansas City Cooperative Milk Association, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a cooperative marketing association of some 2,000 dairy farmers in Kansas and Oklahoma with discriminating in price in the sale of fluid milk in violation of section 2 (a) of the Robinson-Patman Act by charging wholesale customers in Arkansas City prices ranging from 1¢ to 3¢ less per quart than those it charged their competitors—mostly retail grocers—throughout the rest of its territory, comprising a 50-mile radius of Arkansas City; and by reducing by 13¢ per gallon the price of milk it delivered to private homes; in which retail sale it was in competition with two local cash-and-carry dairies and with retail grocery stores.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 4 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent Arkansas City Cooperative Milk Association, Inc., a corporation, its officers, directors, representatives, agents, and employees, and Respondent Carl Fitzgerald, individually and as manager of Respondent Arkansas City Cooperative Milk Association, Inc., directly or through any corporate or other device, in connection with the sale of fluid milk in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in price by selling fluid milk of like grade and quality to any purchaser at a price which is lower than the price charged any other purchaser engaged in the same line of commerce:

(1) Where such lower price undercuts the price at which the purchaser charged the lower price may purchase fluid milk of like grade and quality from another seller; or

(2) Where any purchaser who does not receive the benefit of the lower price does in fact compete in the resale of such product with the purchaser who does receive the benefit of the lower price.

It is further ordered, That the complaint herein, insofar as it relates to Respondents Homer S. Call, Ivan J. Scott, and John Weir, Jr., be, and the same hereby is, dismissed as to them individually and as representative of the entire membership of Arkansas City Cooperative Milk Association, Inc.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Arkansas City Cooperative Milk Association, Inc., a corporation, and respondent Carl Fitzgerald, individually and as manager of respondent Arkansas City Cooperative Milk Association, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: September 4, 1957.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7851; Filed, Sept. 24, 1957; 8:50 a. m.]

[Docket 6787]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CARL CO. ET AL.

Subpart—*Acquiring confidential information unfairly:* § 13.1 *Acquiring confidential information unfairly.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1490 *Nature, in general.* Subpart—*Using misleading name*—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Carl Company et al., Lisbon, Ohio, Docket 6787, September 3, 1957]

In the Matter of The Carl Company, a Corporation, and Joyce L. Tuseck and Frank J. Tuseck Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Lisbon, Ohio, on printed forms and other matter for use by creditors and collection agencies, with representing falsely on the forms that money was being held for persons concerning whom information was sought, and using the name "Meridian Reserve Fund" to describe their business; when in fact the only purpose served by the forms was to obtain information concerning debtors by subterfuge.

Following an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on Sept. 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent The Carl Company, a corporation, and its officers, and respondents Joyce L. Tuseck and Frank J. Tuseck, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, or the offering for sale, sale or distribution of forms, or other materials, for use in obtaining information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using or placing in the hands of others for use, any forms, letters, questionnaires, or material printed or written, which do not clearly and expressly state that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors.

2. Using thereon the name "Meridian Reserve Fund" or using any other name of similar import to designate, describe, or refer to respondents' business.

3. Representing, or placing in the hands of others any means of representing, directly or by implication, that money is being held for persons concerning whom information is sought, or is collectible by such persons, unless money is in fact due and collectible by such persons and the amount of such money is accurately stated.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 3, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7852; Filed, Sept. 24, 1957; 8:50 a. m.]

[Docket 6501]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BENTON FURS

Subpart—*Advertising falsely or misleadingly:* Sec. 13.155 *Prices:* Retail or selling as wholesale, jobbing, factory distributors', etc., or discounted. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Ben Cohen trading as Benton Furs, Los Angeles, Calif., Docket 6501, August 23, 1957]

In the Matter of Ben Cohen, an Individual Trading as Benton Furs

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Los Angeles, Calif., with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements, by setting forth on invoices the name of an animal other than that producing the fur in certain products, and by advertising which falsely represented

prices of certain products as less than wholesale and which used illustrations depicting more valuable products than those on sale at the advertised prices.

Following respondent's answer and hearing, the hearing examiner filed his initial decision, sustaining certain of the charges and dismissing others for lack of jurisdiction or other proof, from which cross-appeals were filed. The Commission, granting the appeal of complaint counsel and denying that of respondent, on August 23 made its findings, conclusions, and order in lieu of the initial decision. The charge relating to misleading illustrations in advertising was dismissed.

It is ordered, That respondent Ben Cohen, an individual doing business as Benton Furs or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

(1) Failure to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(c) The name of the country of origin of any imported furs used in the fur products;

(d) The name or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce.

(e) That the fur product consists of used or second-hand fur or furs, when such is the fact;

(f) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

(2) Setting forth on labels attached to fur products:

(a) Non-required information mingled with required information;

(b) Required information in abbreviated form.

(3) Failing to:

(a) Set forth on labels attached to fur products an item number or mark assigned to such products;

(b) Set forth on labels attached to fur products all required information on one side of such labels.

B. Falsely or deceptively invoicing fur products by:

(1) Failing to furnish invoice to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in the fur products.

(2) Using on invoices the name or names of any animal or animals other than the name or names provided for in paragraph B (1) (a) above, or furnishing invoices which misrepresent the country of origin of imported furs contained in the fur product, or which contain any form of misrepresentation or deception, directly or by implication, with respect to such fur products.

(3) Setting forth on invoices pertaining to fur products, required information in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, notice, or in any other manner which is intended to aid, promote or assist, directly or indirectly in the sale or offering for sale of fur products, and which represents, directly or by implication, that the price of any fur product is less than or equivalent to the wholesale price, when such is not the fact.

It is further ordered, That the charges of this proceeding relating to alleged violations of Rule 44 (f) be, and the same hereby are, dismissed.

It is further ordered, That respondent Ben Cohen shall, within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied therewith.

Issued: August 23, 1957.

By the Commission.[1]

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7853; Filed, Sept. 24, 1957; 8:50 a. m.]

[Docket 6475]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AZOME UTAH MINING CO., INC., ET AL.

Subpart—*Advertising falsely or misleading:* § 13.170 *Qualities or properties of product or service.*

[1] Commissioners Gwynne and Tait dissenting.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Azome Utah Mining Co., Inc. (Sterling, Utah), et al., Docket 6475, September 6, 1957]

In the Matter of Azome Utah Mining Company, Inc., a Corporation; Rollin J. Anderson, Alyce T. West and Elsie M. Anderson, Individually and as Officers of Said Corporation, and Donald K. Jensen and Sherman C. Anderson, Individually and as Directors of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Sterling, Utah, with disseminating in commerce false advertising concerning the value and effectiveness of their "Azomite" product, a natural rock-like substance mined or collected from the surface of the land in central Utah and processed and sold by them for use in the feeding of poultry and other animals and also as a soil conditioner.

After the filing of respondents' answer, hearings, and submission of findings by both parties, the hearing examiner made his initial decision and order to cease and desist. Having placed this on its own docket for review, the Commission subsequently set it aside and in lieu thereof, on September 6, issued its own findings, conclusion, and order.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents, Azome Utah Mining Company, Inc., a corporation, and Rollin J. Anderson, Alyce T. West and Elsie M. Anderson, individually and as officers of said corporation, and Donald K. Jensen and Sherman C. Anderson, individually and as directors of said corporation, and the respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their product designated "Azomite," or any other product of substantially similar composition or possessing substantially similar properties, under whatever name sold, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product, which advertisement represents, directly or by implication:

(a) That the addition of said product to poultry feed will supply poultry with needed minerals.

(b) That the use of said product will accelerate or increase the growth of poultry, stimulate the appetite, satisfy hidden hunger of poultry for minerals, lower the cost of production, increase egg production or increase profits.

(c) That the use of said product will reduce "picking" or cannibalism" in poultry.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents, Azome Utah Mining Company, Inc., a corporation, and Rollin J. Anderson, Alyce T. West and Elsie M. Anderson, individually and as officers of said corporation, and Donald K. Jensen and Sherman C. Anderson, individually and as directors of said corporation, and the respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the product "Azomite," or any other product of substantially similar composition or possessing substantially similar properties, under whatever name sold, do forthwith cease and desist from representing, directly or by implication:

1. That the addition of said product to the soil will keep the soil healthy or result in fewer insects on plants.

2. That the addition of said product to the soil will restore needed minerals to the soil, aid in growing plants on poor soil, or increase the resistance of plants to disease, unless such representations are limited to those cases in which the soil is deficient in the minerals contained in said product and said product is used in quantities sufficient to supply such deficiencies.

It is further ordered, That the aforesaid respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: September 6, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7854; Filed, Sept. 24, 1957; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-4]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

ISSUANCE OF INSTRUMENT RATINGS BASED ON MILITARY COMPETENCE AND ISSUANCE OF ADDITIONAL CATEGORY RATINGS FOR PRIVATE AND COMMERCIAL PILOTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of September 1957.

Section 20.111 (c) of the recently revised Part 20 provides for the issuance of an instrument rating to any applicant who holds a currently effective military instrument card. When this revision was adopted by the Board, it was understood that the military requirements for the issuance of instrument cards were equivalent to those specified for the issuance of an instrument rating under the provisions of Part 20. However, experience with the administration of this section has revealed that some of the military services have issued instrument cards with limitations indicating that the holders are not authorized to exercise full instrument flight privileges. Accordingly, it is now considered necessary to amend the regulations to limit the acceptance of military instrument cards for the issuance of instrument ratings to persons holding military instrument cards which were issued on the basis of requirements at least equal to those standards prescribed for the issuance of an instrument rating under the provisions of this part.

The recently revised Part 20 relates the issuance of additional category ratings to the experience requirements for the original issuance of a pilot certificate with the category rating sought. Previously, the regulations required only that an applicant demonstrate competence in an aircraft of the category for which the rating is sought.

Correspondence has been received from a number of persons engaged in rotorcraft and glider flight training pointing out the adverse effect that the additional cost of securing an additional rating would have on most trainees. A re-examination of the new requirements indicates that they are reasonable with respect to applicants applying for the original issuance of pilot certificates but, when applied to a certificated pilot applying for an additional category rating, they do not appear to make sufficient allowance for the applicant's previous piloting experience and may impose an undue financial burden that is not fully justified in the interest of safety.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 6251), and due consideration was given to all relevant matter presented.

In view of the foregoing, the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended) effective October 24, 1957.

1. By amending § 20.111 (c) by adding at the end thereof the phrase "if the standards under which the rating was issued are not less than those prescribed for the issuance of an instrument rating under this part."

2. By amending § 20.121 (a) to read as follows:

§ 20.121 *Additional aircraft ratings.*

• • •

(a) *Category rating.* (1) A pilot holding an airplane category rating who applies for a rotorcraft category rating shall have acquired at least 25 hours of dual instruction and solo flight time in rotorcraft, 5 of which shall have been solo, and shall pass an appropriate flight test.

(2) A pilot holding an airplane or rotorcraft category rating who applies for a glider category rating shall have acquired at least 2 hours of dual instruction and solo flight time in gliders which shall include at least 10 solo glider flights in which 360° right and left approaches have been made, and shall pass an appropriate flight test.

(3) A pilot holding a glider category rating who applies for an airplane or rotorcraft rating shall meet all the requirements for the original issuance of such category rating and shall pass an appropriate flight test.

(4) A pilot holding a rotorcraft category rating who applies for an airplane category rating shall have acquired the total flight time required for the original issuance of such category rating, shall have acquired at least 5 hours of solo flight time in airplanes, and shall pass an appropriate flight test.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 602, 610, 52 Stat. 1008, 1012, as amended; 49 U. S. C. 552, 560)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-7855; Filed, Sept. 24, 1957; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 209]

PART 608—RESTRICTED AREAS

The restricted area alteration appearing in Item 2, § 608.12 in Amendment 206 and published in the FEDERAL REGISTER on September 11, 1957 in 22 F. R. 7225 is hereby corrected to read: "• • • R-382 formerly D-382" instead of: "R-284 formerly D-284".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This correction shall become effective upon publication in the FEDERAL REGISTER.

WILLIAM B. DAVIS, *Acting Administrator of Civil Aeronautics.*

SEPTEMBER 18, 1957.

[F. R. Doc. 57-7829; Filed, Sept. 24, 1957; 8:46 a. m.]

[Amdt. 208]

PART 608—RESTRICTED AREAS

TOMALES POINT, CALIF.; ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

Section 608.14, the Tomales Point, California, area (R-519), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Tomales Point, Calif., restricted area (R-519) (Sacramento).	"Beginning at latitude 38°13'36", longitude 122°59'51"; thence to latitude 38°13'09", longitude 123°01'07"; thence to latitude 38°12'00", longitude 123°01'07"; thence to latitude 38°10'22", longitude 123°00'52"; thence to latitude 38°08'50", longitude 122°59'11"; thence to latitude 38°09'11", longitude 122°58'07"; thence to latitude 38°10'31", longitude 122°58'16"; thence to point of beginning".	3,000 feet mean sea level.	0800 to 1600 Monday through Friday. NOTE: All operations to be limited to VFR conditions.	Commander, Naval Air Bases, 12th ND, Alameda, Calif.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 24, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 18, 1957.

[F. R. Doc. 57-7828; Filed, Sept. 24, 1957; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 716—DEATH GRATUITY

1. Part 716 is revised to read as follows:

Subpart A—Provisions Applicable to the Navy and the Marine Corps

Sec.
716.1 Principal rule
716.2 Definitions
716.3 Special situations
716.4 Eligible survivors
716.5 Delegation of authority
716.6 Death occurring after active service
716.7 Payments excluded

Subpart B—Provisions Applicable to the Navy

716.8 Procedure
716.9 Forms

Subpart C—Provisions Applicable to the Marine Corps

716.10 Procedure
716.11 Forms

AUTHORITY: §§ 716.1 to 716.11 issued under R. S. 161, secs. 301–304, 70 Stat. 868; 5 U. S. C. 22, 38 U. S. C. 1131–1134. Interpret or apply sec. 102, 70 Stat. 858, as amended; 38 U. S. C. 1101.

SUBPART A—PROVISIONS APPLICABLE TO THE NAVY AND THE MARINE CORPS

§ 716.1 *Principal rule.* Under section 301 of the Servicemen's and Veterans' Survivor Benefits Act (38 U. S. C. 1131), the Secretary of the Navy shall have a death gratuity paid immediately upon official notification of the death of a member of the naval service who dies while on active duty, active duty for training, or inactive duty training. The death gratuity shall equal six months' basic pay (plus special and incentive pay) at the rate to which the deceased member was entitled on the date of his death but shall not be less than $800 nor more than $3,000.

§ 716.2 *Definitions.* For the purposes of this part, terms are defined as follows:

(a) *Member of the naval service.* This term includes:

(1) A person appointed, enlisted, or inducted into the Regular Navy, Regular Marine Corps, Naval Reserve or Marine Corps Reserve, and includes a midshipman at the United States Naval Academy;

(2) Enlisted members of the Fleet Reserve and Fleet Marine Corps Reserve;

(3) A member of the Naval Reserve Officers Training Corps when ordered to annual training duty for 14 days or more, and while performing authorized travel to and from that duty; and

(4) Any person while en route to or from, or at, a place for final acceptance for entry upon active duty in the military or naval service:

(i) Who has been provisionally accepted for such duty; or

(ii) Who, under the Universal Military Training and Service Act (50 U. S. C. App. 451 et seq.), has been selected for active military or naval service;

and has been ordered or directed to proceed to such place.

(b) *Active duty.* This term is defined as (1) full-time duty performed by a member of the naval service, other than active duty for training, or (2) as a midshipman at the United States Naval Academy, and (3) authorized travel to or from such duty or service.

(c) *Active duty for training.* Such term means:

(1) Full-time duty performed by a member of a Reserve component of the naval service for training purposes;

(2) Annual training duty performed for a period of 14 days or more by a member of the Naval Reserve Officers Training Corps; and

(3) Authorized travel to or from such duty.

(d) *Inactive-duty training.* Such term is defined as any of the training, instruction, appropriate duties, or equivalent training, instruction, duty, appropriate duties, or hazardous duty performed with or without compensation by a member of a Reserve component prescribed by the Secretary of the Navy pursuant to section 501 of the Career Compensation Act of 1949 (37 U. S. C. 301) or any other provision of law. The term does not include:

(1) Work or study performed by a member of a Reserve component in connection with correspondence courses in which he is enrolled, or

(2) Attendance at an educational institution in an inactive status under the sponsorship of the Navy or Marine Corps.

§ 716.3 *Special situations*—(a) *Service without pay.* Any member of a Reserve component who performs active duty, active duty for training, or inactive-duty training without pay shall, for purposes of a death gratuity payment, be considered as being entitled to basic pay while performing such duties.

(b) *Death occurring while traveling to and from active duty for training and inactive-duty training.* Any member of a Reserve component who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive-duty training and who dies from an injury incurred on or after January 1, 1957 while proceeding directly to or directly from such active duty for training or inactive-duty training, shall be deemed to have been on active duty for training or inactive-duty training, as the case may be.

(c) *Hospitalization.* In the case of a member of a Reserve component who suffers disability while on active duty, active duty for training, or inactive-duty training, and who is placed in a pay status while he is receiving hospitalization or medical care (including out-patient care) for such disability, shall be deemed, for the purposes of the payment of a death gratuity, to continue on active duty, active duty for training, or inactive-duty training, as the case may be, for so long as he remains in a pay status.

§ 716.4 *Eligible survivors.* (a) The death gratuity shall be paid to or for the living survivor or survivors of the deceased member first listed below:

(1) The lawful spouse. (For purpose of this part, a man or woman shall be considered to be the spouse if legally married to the member at the time of the member's death.)

(2) His children (without regard to their age or marital status) in equal shares.

(3) Parent(s), brother(s) or sister(s), or any combination of them, when designated by the deceased member.

(4) Undesignated parents in equal shares.

(5) Undesignated brothers and sisters in equal shares.

In subparagraphs (2), (3) and (4), respectively, of this paragraph, the terms "child" and "parent" have the meanings assigned to them by section 101 of the Veterans' Benefits Act of 1957 (71 Stat. 89); the terms "brother" and "sister" in subparagraphs (3) and (5) of this paragraph include brothers and sisters of the half blood and those through adoption.

(b) *Designation of payee by service member.* Where the service member has designated a beneficiary and is not survived by a spouse, child, or children, the payment will be made to the specific person designated by him provided the designee falls within the class of beneficiaries permitted as set forth in paragraph (a) (3) of this section.

(c) *Death of survivor prior to receipt of gratuity.* If a survivor dies before receiving payment, such amount shall be paid to the then living survivor or survivors listed under paragraph (a) of this section.

(d) *Application.* The payee will be required to execute a death gratuity application.

§ 716.5 *Delegation of authority.* (a) Pursuant to the authority contained in section 302 of the Servicemen's and Veterans' Survivor Benefits Act (38 U. S. C. 1132), as to deaths described under the provisions of section 301 thereof (38 U. S. C. 1131), the Secretary of the Navy has delegated to commanding officers of naval commands, installations, or districts, with respect to naval personnel, and to Marine Corps commanding generals and officers in command of regiments, battalions or equivalent units and of separate or detached commands who have custody of service records, with respect to Marine Corps personnel, authority to certify for the payment of death gratuity the lawful spouse or designated beneficiary(ies) of the deceased service member who was residing with him at or near his place of duty at the time of his death, except in cases in which a doubt may exist as to the identity of the legal beneficiary. Disbursing officers are authorized to make payment of the death gratuity upon receipt of certification from the Commanding Officer.

(b) The Secretary of the Navy has delegated authority to the Chief of Naval Personnel (Pers G–2) as to naval personnel, and to the Commandant of the Marine Corps (DN) as to Marine Corps personnel, the authority to certify the beneficiary(ies) for receipt of payment of death gratuity in all appropriate cases of payment of death gratuity under the Servicemen's and Veterans' Survivor Benefits Act, including, but not limited to: (1) Cases in which a doubt may exist as to the identity of the legal beneficiary; and (2) cases in which the widow or designated beneficiary(ies) of the deceased service member was not residing with him at or near his place of duty at the time of his death.

§ 716.6 *Death occurring after active service.* (a) Under section 303 of the Servicemen's and Veterans Survivor Benefits Act (38 U. S. C. 1133), the death gratuity will be paid in any case where a member or former member dies on or after January 1, 1957, during the 120-day period which begins on the day following the date of his discharge or release from active duty, active duty for training, or inactive duty training, if the Administrator of Veterans' Affairs determined that the death resulted from

(1) Disease or injury incurred or aggravated while on such active duty or active duty for training; or

(2) Injury incurred or aggravated while on such inactive duty training.

(b) For purposes of computing the amount of the death gratuity in such instances, the deceased person shall be deemed to be entitled on the date of his death to basic pay (plus special and incentive pay) at the rate to which he was entitled on the last day he performed such active duty, active duty for training, or inactive duty training.

§ 716.7 *Payments excluded.* (a) No payment shall be made if the deceased member suffered death as a result of lawful punishment for a crime or for a military or naval offense, except when death was so inflicted by any hostile force with which the Armed Forces of the United States have engaged in armed conflict.

(b) No payment will be made to a survivor implicated in the homicide of the deceased in the absence of evidence clearly absolving such survivor.

SUBPART B—PROVISIONS APPLICABLE TO THE NAVY

§ 716.8 *Procedure*—(a) *Application by survivor.* The payee will be required to execute the application set out in § 716.9 (c).

(b) *Cross-servicing procedure.* (1) If the pay records of a Navy command are being regularly maintained by a disbursing officer of another of the armed services, the Navy commanding officer may, in the event of a death within his command, execute and forward the certification set out in § 716.9 (a) and (b), as applicable, to that officer for payment. The Navy command will cooperate with that disbursing officer in obtaining the required application of survivor set out in § 716.9 (c) and in delivering the check to his beneficiary.

(2) Conversely, Navy disbursing officers regularly maintaining the pay records of a command of another of the armed services are being authorized to make payments of death gratuity on behalf of that command.

(3) Navy commanding officers are not authorized to make a determination of eligible survivor for a member of the Marine Corps or of another of the armed services regardless of the duty assignment of that member or the availability of the member's service or pay records.

(4) In the event of the death of a member of the Marine Corps or of another armed service on duty with or attached to a naval activity, the Navy commanding officer will immediately send a dispatch notification of death to the Adjutant General, Headquarters, U. S. Army, the Air Adjutant General, Headquarters, U. S. Air Force, the Commandant of the Marine Corps, Code DN, or the Commandant, U. S. Coast Guard, as the case may be. The member's service record, if available, will be immediately forwarded to the same address. The commanding officer will also notify the disbursing officer of the death so that he may forward the member's pay record, if available, to the appropriate finance center or headquarters.

§ 716.9 *Forms.* Certification of eligible survivors by the commanding officers will be prepared as indicated in paragraphs (a) or (b) of this section, as applicable. See § 716.8 (a) for preparation of the form set out in paragraph (c) of this section.

(a) *Certification of commanding officer for spouse.*

SAMPLE

[Letterhead]

Date _____

From: Commanding Officer
To: Disbursing Officer

Subj: Certification of Next of Kin of deceased active duty personnel for payment of Six-Month Death Gratuity

Ref: (a) Title III, Servicemen's and Veterans' Survivor Benefits Act, Public Law 881, 84th Congress

1. A determination has been made and this is to certify that _____ (Name) _____ is the lawful spouse (Address) of _____ (Name) _____ (Rate/rank) _____, deceased, who died (Service/file number) _____ while on _____ (Date) _____ (Active duty) _____ (Active duty for training) _____ (Inactive duty training)

2. _____ (Name) _____, as the lawful spouse is entitled to receive the Six-Month Death Gratuity payable in accordance with the provisions of reference (a).

From: Disbursing Officer
To: Commanding Officer

Date _____

1. Payment to the individual named above has been made on _____ (Date) _____ and information regarding the payment entered on the deceased service member's pay record. Notification of payment hereon is made by a signed copy of the original.

(b) *Certification of commanding officer for designated beneficiary.*

SAMPLE

[Letterhead]

Date _____

From: Commanding Officer
To: Disbursing Officer

Subj: Certification of Next of Kin of deceased active duty personnel for payment of Six-Month Death Gratuity

Ref: (a) Title III, Servicemen's and Veterans' Survivor Benefits Act, Public Law 881, 84th Congress

1. A determination has been made and this is to certify that _____ (Name) _____ is the _____ (Address) _____ (Exact relationship) of _____ (Name) _____ (Rate/rank) _____, deceased, who died (Service/file number) _____ while on _____ (Date) _____ (Active duty) _____ (Active duty for training) _____ (Inactive duty training)

2. Certification has been executed by the claimant that the deceased service member was not survived by a spouse, child or children and agrees to refund any money received as a death gratuity payment if it is later determined that there is no entitlement thereto.

3. _____ (Name) _____, as the _____ (Exact relationship) _____, is entitled to receive the Six-Month Death Gratuity payable in accordance with the provisions of reference (a).

From: Disbursing Officer
To: Commanding Officer

Date _____

1. Payment to the individual named above has been made on _____ and information regarding the payment entered on the deceased service member's pay record. Notification of payment hereon is made by a signed copy of this original.

(c) *Application of survivor for the death gratuity payment.*

SAMPLE

DEATH GRATUITY APPLICATION
NAVPERS 1927 (REV. 12–56)

Complete this form promptly and return to ☐ the decedent's former Commanding Officer, or ☐ Chief of Naval Personnel (PERS–G23), Department of the Navy, Washington 25, D. C., as appropriate.

I, _____, hereby certify
(Name)
that I am the _____ of
(Relationship)
_____
(Service person's name)
_____ _____ who
(Service/file number) (Rank/rate)
died on _____ and hereby make
(Date of death)
application for the payment of the six-month death gratuity authorized by law. I further certify that payment thereof has not been received.

Signature: _____
Address: _____
_____

WITNESSES TO SIGNATURE BY MARK

(If claimant signs by mark, the signatures of two witnesses are required)

Name_____ Name_____
Address_____ Address_____
Date_____

CERTIFICATE

This Certificate to be executed by any or all claimants *Except Spouse* for payment of death gratuity including guardians of minor children of deceased.

I hereby certify to the best of my knowledge and belief that _____
(Service person's name)
_____ _____, de-
(Service/file number) (Rank/rate)
ceased, who died on _____ was
(Date of death)
not survived by a spouse, child or children. I further certify that in the event that subsequent investigation may develop that there is a surviving spouse and/or child(ren) that I will refund any monies or remuneration received as a death gratuity payment should it be determined that I have no entitlement thereto.

Witnessed: Date_____ _____
(Signature)
_____ _____
(Signature) (Address)
_____ _____
(Address)
_____

PENALTY FOR PRESENTING FRAUDULENT CLAIM: Fine of not more than $10,000 or imprisonment for not more than 5 years, or both (62 Stat. 698, 749, 18 USCA 287, 1001).

SUBPART C—PROVISIONS APPLICABLE TO THE MARINE CORPS

§ 716.10 *Procedure*—(a) *Action.* Commanding officers will direct immediate payment of the gratuity where the deceased member's spouse was, in fact, residing with the member on or near the station of duty at the time of the member's death while on active duty, active duty for training, or inactive-duty training. Every effort should be made to effect such payment promptly (within 24 hours, if possible). In cases where the eligible survivor residing with the member on or near the duty station is other than a spouse, commanding officers may direct the payment of death gratuity when the case can be properly determined, and an urgent need exists for immediate payment. Proper determination is imperative.

(b) *Qualifications.* (1) Where any doubt exists as to the legal recipient of the gratuity, the case will be referred to the Commandant of the Marine Corps (Code DN) for determination. See paragraph (c) (4) of this section.

(2) Where a member dies while being regularly paid by a service other than his own, under existing cross-servicing procedures, the death gratuity may be paid by the service having custody of the pay record of the deceased member, but only on the basis of information obtained by message verification from the commanding officer having custody of the service record of the deceased. See paragraph (c) (3) of this section.

(c) *Instructions concerning active duty deaths.* To effect immediate payment of death gratuity, commanding officers will:

(1) Ascertain that the deceased member died while on active duty, active duty for training, or inactive-duty training.

(2) Certify to the disbursing officer handling the pay record of the deceased member the name, relationship, and address of the survivor eligible to receive the gratuity as verified from the service record of the deceased member. Normally the Record of Emergency Data Form (DD 93 or DD 93–1) will contain this information. In addition, the Application for Dependents Allowance (BAQ) (NAV-PERS–668 (Rev. 2–51)) may serve as a source of corroboration. The commanding officer's Certification set out in § 716.11 (a), will be completed in quadruplicate and each copy signed by him, and the Application for Death Gratuity, set out in § 716.11 (b), will be prepared in duplicate as indicated for the signature of the beneficiary on both copies at the time of delivery of the death gratuity check. Under no circumstances will the check be delivered to the beneficiary until the application is signed.

(3) *Procedure for emergency payments for personnel separated from Service Record Books and Officer's Qualification Record.* When the commanding officer having custody of the service record of a deceased member is not located at the station which holds the pay record of the deceased, and the spouse was residing with the member at the latter station at the time of the member's death, immediate payment of the gratuity may be effected in the following manner:

(i) The command holding the pay record will submit a message request to the commanding officer having custody of the service record for authority to pay death gratuity to the spouse, citing Marine Corps Order 1740.5 as the reference.

(ii) Upon verification of the name and relationship of the spouse from the service record of the deceased member, the commanding officer will, by message, direct the payment of death gratuity to the spouse.

(iii) The Commandant of the Marine Corps (Code DN) will be an information addressee on each message submitted in accordance with the instructions in this subparagraph.

(4) *Doubtful cases.* As a rule, the commanding officer's determination of entitlement to the gratuity payment will be confined largely to spouses residing with the member on or near the station. No report for these purposes is required if the spouse or other beneficiary was not residing with the member. Action to effect payment of death gratuity in these cases will be instituted by the Commandant of the Marine Corps (Code DN). However, in those cases where the survivor was residing with the member on or near the station and there is any doubt as to the legal recipient of the gratuity, the commanding officer shall so notify the Commandant of the Marine Corps (Code DN) by message, furnishing the following information:

(i) Name, Grade, service number, and component of the deceased member. If reserve, duty status will be included.

(ii) Date, hour, place, and immediate cause of death.

(iii) Rate of pay including special and incentive pays.

(iv) Name, address, and relationship of survivor and/or designated death gratuity beneficiary.

§ 716.11 *Forms*—(a) *Sample of commanding officer's certification of eligible death gratuity recipient.* (Local reproduction of this certificate is authorized pending further instructions.)

Marine Barracks, Naval Base,
Philadelphia, Pa.
(Organization and station)

6 Jan 1957

From: Commanding Officer
To: Disbursing Officer, Marine Corps Clothing Depot, 1100 South Broad Street, Philadelphia, Pa.

Subj: Certification of survivor eligible to receive immediate payment of death gratuity in the case of the late Private John Doe, 234567, USMC

Ref: (a) Servicemen's and Veterans' Survivors Benefits Act

Encl: (1) Death gratuity application of beneficiary

1. I certify that subject-named person died on 6 January 1957, and that his service record shows:

a. Jane Doe, his widow, is the legal beneficiary of the death gratuity authorized by reference (a).

b. Jane Doe was residing with the subject-named person at her present address, 123 Main Street, Philadelphia, at the time of his death.

2. It is requested that immediate payment of death gratuity be made to the above-named beneficiary.

3. Captain William Smith, 043091, USMC, is authorized to receipt for the check in payment of the death gratuity and to deliver it to the above-named beneficiary.

THOMAS A. JONES
(Name and signature of commanding officer)

FIRST ENDORSEMENT

7 Jan 1957

To: Commanding Officer, Marine Barracks, Naval Base, Philadelphia, Pa.

1. Returned. Death gratuity was paid to the above-named beneficiary on 7 January 1957 in the amount of $800 on Voucher No. 7589.

K. W. SINGLE, 123–456
(Name, symbol No. and signature of disbursing officer)

NOTE: Underscoring indicates blank spaces to be completed.

(p) *Sample death gratuity application.* (Local reproduction of this application is authorized pending further instructions.)

DEATH GRATUITY APPLICATION

7 Jan 1957
(Date)

I hereby apply for the death gratuity to which I am entitled as the result of the death of my husband, Private John Doe, 234567, USMC.

(The following certificate is to be completed when the eligible survivor is a parent.)

I certify that I am the _____
(Relationship)
of the deceased; that he is not survived by a widow or child; and that I agree to refund any money I receive in payment of this gratuity if it is later shown that the deceased is in fact survived by a widow or child.

_____
(Signature of claimant)

PENALTY FOR PRESENTING FRAUDULENT CLAIM: Fine of not more than $10,000 or imprisonment for not more than 5 years, or both (18 U. S. C. 287; *id* 1001).

NOTE: Underscoring indicates blank spaces to be completed.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

SEPTEMBER 18, 1957.

[F. R. Doc. 57–7834; Filed, Sept. 24, 1957; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

Public Land Order 1509

[Anchorage 023173]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE AS LAKE LOUISE RECREATION SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska, including the mineral resources thereof, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining, but not the mineral-leasing laws, or the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and the lands, excluding the mineral resources, are reserved for use of the Department of the Air Force as the Lake Louise Recreation Site:

Beginning at a point on the shore of Lake Louise from which USED Station "Louise", Latitude 62° 17′ 59″ N., Longitude 146° 36′ 02″ W., bears S. 71° 30′ 00″ W., 2340 feet, thence:

Northerly, 615 feet, approximately, along shore of Lake Louise;
West, 800 feet;
South, 336 feet;
West, 160 feet;
South, 370 feet to a point on the southerly edge of a road;
Southeasterly, 896 feet, approximately, along edge of said road to a point on the shoreline of Lake Louise;
Northerly, 350 feet, approximately, along shore of Lake Louise to point of beginning.

The tract described contains 14.96 acres, to be subsequently identified as U. S. Survey 3493.

HATFIELD CHILSON,
Under Secretary of the Interior.

SEPTEMBER 18, 1957.

[F. R. Doc. 57–7832; Filed, Sept. 24, 1957; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Basis and purpose. On the basis of good showings of chum salmon generally in Southeastern Alaska it has been determined that for 1957 such fishing need not be confined to the nine bays where such fishing is now permitted during the fall season.

Therefore, effective immediately upon publication in the FEDERAL REGISTER

PART 115—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL REGULATIONS

1. Section 115.10 is deleted.

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

2. Section 117.3 is amended in the second sentence of text by deleting "in the Western section" and by deleting from the proviso "in Excursion Inlet."

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

3. Sections 118.5 and 118.6a are amended in text by adding "and for chum salmon only from 12 o'clock noon September 24 to 6 o'clock postmeridian October 1" at the end of the first sentence of each.

4. Section 118.6 is amended in text in the proviso by deleting "in Hood and Chaik Bays."

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

5. Section 119.3 is amended in the proviso of paragraph (b) by deleting "in Security Bay and Port Camden", and in paragraph (c) by adding the following to the first sentence of text "and for chum salmon only from 12 o'clock noon September 24 to 6 o'clock postmeridian October 1."

PART 121—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

6. Sections 121.3 and 121.4 are amended in text by adding the following "and for chum salmon only from 12 o'clock noon September 24 to 6 o'clock postmeridian October 1" at the end of the first sentence of text.

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

7. Section 122.4, 122.5 and 122.5b are amended by adding the following "and for chum salmon only from 12 o'clock noon September 24 to 6 o'clock postmeridian October 1" to the first sentence of text and by deleting the second sentence of text from §§ 122.4 and 122.5.

8. Section 122.5a is amended in the proviso by deleting "in Kasaan Bay, Moira Sound and Cholmondeley Sound."

PART 123—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

9. Section 123.3 is amended in the proviso by deleting "in the waters of Klawak Inlet."

PART 124—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT SALMON FISHERIES

10. Section 124.3 is amended by adding the following after "August 17", "and for chum salmon only from 12 o'clock noon September 24 to 6 o'clock postmeridian October 1" and by deleting the final sentence of text.

The above changes are to be effective in 1957 only.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 57–7906; Filed, Sept. 23, 1957; 4:51 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 942]

[Docket No. AO–103–A15]

MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, which was issued September 4, 1957 (22 F. R. 7076), is hereby further extended to September 30, 1957.

Dated: September 20, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-7859; Filed, Sept. 24, 1957; 8:52 a. m.]

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO16–A5]

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U. S. C. 851 et seq.) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus (9 CFR Part 132) public hearings were held at Kansas City, Missouri, on July 23, 1956 and April 15, 1957, pursuant to notice thereof published in the FEDERAL REGISTER (21 F. R. 4519 and 22 F. R. 1521) upon proposed amendments to the Marketing Agreement, as amended, hereinafter referred to as the "Marketing Agreement," and to the order, as amended (9 CFR Part 131), hereinafter referred to as the "order", regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Upon the basis of the evidence adduced at the hearing held on July 23, 1956, and the record thereof, the Chief, Animal Inspection and Quarantine Branch, on the 22d day of October 1956 filed with the Hearing Clerk, United States Department of Agriculture, a recommended decision in this proceeding; and upon the basis of the additional evidence adduced at the reopened hearing of April 15, 1957, and the record thereof, the Director, Animal Inspection and Quarantine Division, on the 24th day of July 1957, filed with the Hearing Clerk, United States Department of Agriculture an amended recommended decision. The notices of the filing of such recommended decision and amended recommended decision, affording opportunity to file written exceptions thereto, were published in the FEDERAL REGISTER on October 31, 1956 and July 27, 1957, respectively (21 F. R. 8326 and 22 F. R. 5960).

Rulings on exceptions. Exceptions to the recommended decision were filed by the Control Agency and numerous members of the industry excepting to that portion of such decision which recommended, in effect, that sealed bids made in response to public advertisements therefor may be made at prices other than the prices contained in the bidder's posted price list. Thereafter, a reopened hearing was held for the purpose of receiving additional evidence on the question of bids. An amended recommended decision was issued thereon which recommended that bids made at prices different from the prices contained in the bidder's posted price list be prohibited. No exceptions were filed to the amended recommended decision. All exceptions were fully and carefully considered, together with the evidence of record, in arriving at the findings and conclusions set forth herein. To the extent that the aforesaid exceptions are inconsistent with the findings and conclusions contained herein such exceptions are overruled.

Upon consideration of the entire record, the material issues, rulings, findings, and conclusions of the recommended decision, as amended, are hereby approved, adopted, and incorporated herein as the material issues, rulings, findings, and conclusions of this decision as if set forth in full herein.

General findings. Upon the basis of the evidence adduced at the hearings and the record thereof, it is hereby found that:

(a) The said agreement, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The said order, as amended and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus" and "Order Amending the Order, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid amendments shall not become effective unless and until the requirements of § 132.14 (b) of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met. It is contemplated that the provisions with respect to bids contained in § 131.54 shall not become final until regulations with respect to the dissemination of price lists and the time of filing of price lists are issued by the control agency and approved by the Secretary.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order which shall be published with this decision.

Done at Washington, D. C. this 20th day of September 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

Order [1] Amending the Order, as Amended, Regulating Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus

Sec.

131.0 Findings and determinations.

DEFINITIONS

131.1 Secretary.
131.2 Act.
131.3 Person
131.4 Serum and virus.
131.5 Handler.
131.6 To handle.
131.7 To market.
131.8 Wholesaler.
131.9 Dealer.
131.10 Manufacturer or producer.
131.11 Distributor.
131.12 Control Agency.
131.13 Books and records.
131.14 Subsidiary.
131.15 Affiliate.
131.16 Dollar volume.

CONTROL AGENCY

131.21 Membership.
131.22 Nominations.
131.23 Selection.
131.24 Term of office.
131.25 Vacancies.
131.26 Election of officers.
131.27 Compensation.
131.28 Powers.
131.29 Duties.
131.30 Procedure.
131.31 Removal or suspension of members.
131.32 Disapproval of decisions by Secretary.
131.33 Funds.

[1] This order shall not become effective unless and until the requirements of § 132.14 (b) of this chapter have been met.

ASSESSMENTS

Sec.
131.41 Handler assessment.
131.42 Division of assessments.
131.43 Method of wholesaler handler assessments.
131.44 Fee to accompany application for classification.
131.45 Method of manufacturer handler assessments.

REPORTS AND RECORDS

131.48 Reports.
131.49 Records.

FILING OF PRICES

131.51 Filing of price list.
131.52 Modification of price list.
131.53 Notification of new or amended price lists.
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§ 131.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the anti-hog-cholera serum and hog-cholera virus marketing agreement act (7 U. S. C. 851 et seq.), and the rules of practice and procedure governing formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (Part 132 of this chapter) a public hearing was held at Kansas City, Missouri, on July 23, 1956, and April 15, 1957, upon a proposed marketing agreement and a proposed order regulating the handling of anti-hog-cholera serum and hog-cholera virus. Upon the basis of the evidence adduced at the hearing and the record thereof, it is found that:

(1) The said marketing agreement, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which a hearing has been held;

(3) All handling of anti-hog-cholera serum and hog-cholera virus is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Order relative to handling. It is therefore ordered that on and after the effective time hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and such terms and conditions are as follows:

DEFINITIONS

§ 131.1 *Secretary.* The Secretary of Agriculture of the United States.

§ 131.2 *Act.* Anti-hog-cholera Serum and Hog-cholera virus Marketing Agreement Act (49 Stat. 781; 7 U. S. C. 851 et seq.).

§ 131.3 *Person.* Individual, partnership, corporation, association, or any other business unit.

§ 131.4 *Serum and virus*—(a) *Serum.* Anti-hog-cholera serum manufactured in compliance with standards and regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

(b) *Virus.* Virulent, modified, or inactivated hog-cholera virus, or any derivative or variation of hog-cholera virus, which is used alone or in connection with anti-hog-cholera serum to protect hogs against hog cholera, manufactured in compliance with regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

§ 131.5 *Handler.* Any person who is engaged in the handling of anti-hog-cholera serum or hog-cholera virus.

§ 131.6 *To handle.* To sell, to ship, or in any way put serum or virus into the channels of trade.

§ 131.7 *To market.* To consign or to sell or in any other manner transfer or convey title to, or any interest in, serum or virus, or to enter into any contract or arrangement to do or have done any of the said acts.

§ 131.8 *Wholesaler.* That class of buyers comprising (a) persons or agencies who do not administer serum or virus but are regularly engaged in purchasing and maintaining stocks of serum or virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the Control Agency on submitted evidence acceptable to said Control Agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the storing of serum or virus marketed, the absorbing of all expenses incidental to the advertising and selling of serum or virus, after receipt by them, to other trade groups, together with the providing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (b) any State or Federal Agency, or any farmer cooperative association who regularly purchases, for delivery within a definite period of time and pays for at sellers' posted prices at time of delivery, serum or virus in specified quantities adequate, in the opinion of the Control Agency, to justify such classification.

§ 131.9 *Dealer.* That class of buyers comprising veterinarians and other persons regularly engaged in administering serum or virus for service charges, drug stores, county farm bureaus, purchasers of serum for use in U. S. licensed stock yards vaccination, and agencies who maintain stocks of serum or virus in sufficient quantities under proper storage and distributive facilities for resale to ultimate consumers (owners of swine).

§ 131.10 *Manufacturer or producer.* Any person who manufactures or produces and is engaged in the handling or distribution of serum or virus.

§ 131.11 *Distributor.* Any person who does not manufacture serum or virus, but is engaged in the handling or distribution of serum or virus.

§ 131.12 *Control agency.* The agency established pursuant to §§ 131.21 to 131.33.

§ 131.13 *Books and records.* Any books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, memoranda, or other data pertaining to the business of the person in question.

§ 131.14 *Subsidiary.* Any person, of or over whom or which a handler or an affiliate of a handler has, or several handlers collectively have, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

§ 131.15 *Affiliate.* Any person and/or subsidiary thereof, who or which has, either directly or indirectly, actual or legal control of or over a handler, whether by stock ownership or in any other manner.

§ 131.16 *Dollar volume.* The sum of money received from the total yearly sales of serum and virus less any credit allowed for returned serum and virus.

CONTROL AGENCY

§ 131.21 *Membership.* A control agency is hereby established consisting of 12 members, who shall hold office until

their successors are selected and qualified.

§ 131.22 *Nominations.* The members and their respective alternates shall be selected by the Secretary annually at least 15 days prior to the termination of the term of office of their respective predecessors. Such selections shall be made by the Secretary from the respective nominees of groups hereinafter designated to make nominations. Nominations shall be made on December 1 of each year in the following manner: The handlers who are manufacturers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are manufacturers marketing their products principally through other channels, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are wholesalers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates. The handlers who are wholesalers marketing their products principally through other channels may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates.

§ 131.23 *Selection.* Each of the 12 members of the control agency and their alternates shall be selected by the Secretary from the individuals in each of the four groups comprising the nominees for membership and/or alternates who receive the highest numbers, successively, of votes cast by handlers entitled to vote for nominees in each group. The Secretary may designate an individual to serve as an alternate for more than one member of the same group. No two individuals from the same partnership, corporation, association, or any other business unit, including agents, affiliates, subsidiaries, and/or representatives thereof, shall be selected for membership in or serve as members of the control agency at the same time. The nominees in each instance shall be nominated by a vote of the handlers who are entitled under the provisions of this subpart to vote for such nominees. At any election of nominees each handler shall be entitled to cast one vote on behalf of himself, agents, partners, affiliates, subsidiaries, and/or representatives for each of the members of the control agency and their respective alternates for whom he is entitled to vote.

§ 131.24 *Term of office.* Members of the control agency and their respective alternates, shall be selected annually for a term of one year beginning the first day of January, and shall serve until their respective successors shall be selected and shall qualify. Any individual selected as a member of the control agency or an alternate shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative.

§ 131.25 *Vacancies.* To fill any vacancy occasioned by the removal, resignation, or disqualification of any member of the control agency or an alternate, a successor for his unexpired term shall be selected by the Secretary from nominees selected by the respective group of handlers in whose representation the vacancy has occurred, such nominees to be determined by the selection by the proper group as specified in § 131.22, two nominees for each vacancy to be filled, and selected in the manner specified in § 131.23. Such selection of nominees shall be made within 30 days after such vacancy occurs. If a nomination is not made within such 30 days, the Secretary may select an individual to fill such vacancy.

§ 131.26 *Election of officers.* The members of the control agency shall select a chairman from their membership, and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The agency shall select such other officers and adopt such rules not inconsistent with the provisions of this subpart for the conduct of its business as it may deem advisable. The agency shall give to the Secretary or his designated agent the same notice of meetings of the control agency as is given to members of the agency and their alternates.

§ 131.27 *Compensation.* A reasonable compensation to be determined by the control agency, to be paid to the Secretary of the control agency, and the expenses of the members of the control agency while engaged in the business of the control agency, shall be necessary expenses to be incurred by the control agency for its maintenance and functioning under this subpart.

§ 131.28 *Powers.* The control agency shall have power:

(a) To administer, as hereinafter specifically provided, the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart; and

(e) The control agency, subject to the disapproval of the Secretary, may select an executive committee of not more than four members who shall be empowered to act for the control agency in the routine administration of this subpart, at such times as the control agency is not meeting and cannot be conveniently convened for the purpose. Any and all acts of the executive committee shall be subject to the approval of the control agency, which shall take action with respect to any act of the executive committee at the next meeting of the control agency held immediately following any action by the executive committee.

§ 131.29 *Duties.* It shall be the duty of the control agency:

(a) To act as intermediary between the Secretary and any handler;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;

(e) To establish and/or foster any agency for the purpose of securing new or improved markets for the serum and virus industry through marketing research. The expenses of such expansion or improvement of markets through research shall be a necessary expense incurred by the control agency for its maintenance and functioning, and shall be defrayed by it from funds collected pursuant to §§ 131.41 through 131.45; and

(f) To make such disbursements as may be necessary to meet expenses necessarily incurred by the control agency for its maintenance and functioning under the provisions of this subpart.

§ 131.30 *Procedure.* (a) All decisions of the control agency except where otherwise specifically provided, shall be by a three-fourths (¾) vote of the members who have qualified by filing their written acceptance and who are eligible to vote.

(b) The control agency may provide for voting by its members by mail or telegraph upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the control agency.

(c) If a member of the control agency shall be a party in interest to any dispute or complaint, or a representative of such party in interest, he shall, for the purpose of the consideration of such dispute or complaint, be disqualified as a member of the control agency. Such disqualification, however, shall not be deemed to create a vacancy in the control agency.

(d) The alternate for each member of the control agency shall have the power to act in the place and stead of such member in his absence and/or in the event of his removal, resignation, or disqualification until a successor for such member's unexpired term has been selected.

§ 131.31 *Removal or suspension of members.* The members of the control agency (including alternates, successors, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control agency shall be subject to removal or suspension by the Secretary at any time.

§ 131.32 *Disapproval of decisions by Secretary.* Each and every order, regulation, decision, determination, or other act of the control agency, shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 131.33 *Funds.* All funds received by the control agency, pursuant to any provision of this subpart, shall be used solely for the purpose specified and shall be accounted for in the following manner:

(a) The Secretary shall require the control agency and its members, or alternates acting as members, to account for all receipts and disbursements.

(b) Upon the removal or expiration of the term of office of any member of the control agency, or of an alternate acting as a member, such member or alternate shall account for all receipts and disbursements, and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and/or claims vested in such member or alternate pursuant to this subpart.

(c) Any funds derived from assessments or any other source which have not been expended by the control agency at the end of a calendar year shall be carried over by the control agency, to be expended during the succeeding calendar year.

(d) Upon the termination or suspension of this subpart or of any provision thereof, the funds of the control agency shall be disposed of in the manner provided in § 131.113.

ASSESSMENTS

§ 131.41 *Handler assessment.* Each manufacturer and wholesaler handler shall pay the control agency, as provided in §§ 131.42 through 131.45, such handler's pro rata share, as may be approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the control agency during any period specified by the Secretary for the maintenance and functioning of the control agency, as set forth in this subpart.

§ 131.42 *Division of assessments.* (a) The pro rata share of the expenses of the control agency to be borne by handlers who are wholesalers shall be determined as follows: Multiply the number of wholesalers of record on December 31st of the preceding calendar year by 1/10 of one percent and then multiply the result thereof by the total expense of the control agency for the current year. The resulting sum shall be the pro rata share of the expenses of the control agency of handlers who are wholesalers, and shall be assessed as set forth in § 131.43: *Provided,* That the pro rata share so computed shall not exceed thirty-three and one-third percent (33⅓ percent) of the total expense of the control agency. In the event the pro rata share so computed exceeds thirty-three and one-third percent (33⅓ percent), the pro rata share of such handlers shall be adjusted to thirty-three and one-third percent of the total expense of the control agency.

(b) The pro rata share of the expenses of the control agency to be borne by handlers who are manufacturers shall be the balance remaining after deducting the pro rata share of the wholesaler handlers from the total expense of the control agency, and shall be assessed as set forth in § 131.45.

(c) The assessments of all handlers may be adjusted from time to time by the control agency, with approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings of the Secretary of estimated expenses or actual expenses of the control agency during the calendar year.

§ 131.43 *Method of wholesaler handler assessments.* (a) As his pro rata share of the expenses of the Control Agency to be borne by all wholesaler handlers, each wholesaler handler shall pay to the control agency a sum computed on the basis of the dollar volume of serum and virus marketed by such handler during the preceding calendar year at the following applicable rates:

(1) Ten thousand dollars, or less—$25.00;

(2) Over ten thousand dollars—at a rate per ten thousand dollars, or fraction thereof, to be fixed by the Secretary based upon the ratio between the dollar volume of marketings of each wholesaler handler whose marketings are in excess of ten thousand dollars and the total dollar volume of marketings of all wholesaler handlers whose marketings are in excess of ten thousand dollars.

(b) The pro rata share of all wholesaler handlers shall be obtained by assessing the first ten thousand dollars or less of the dollar volume of serum and virus marketed by each wholesaler handler, and if the sum obtained is not sufficient to cover the total amount of the pro rata share of all wholesaler handlers such additional amounts as are necessary to be assessed shall be assessed in the manner set forth in paragraph (a) (2) of this section. If the total sum obtained by assessing the first ten thousand dollars, or less, of the dollar volume of serum and virus marketed by each wholesaler is greater than the pro rata share of all wholesaler handlers, the rate of assessment for ten thousand dollars, or less, shall be adjusted by the Secretary to an amount that will return the sum necessary to cover the pro rata share of all wholesaler handlers. The amount of each wholesaler handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. Such pro rata share shall be subject to the approval of the Secretary. The pro rata share of each wholesaler handler shall be paid as follows: $25.00 on or before January 15, of each year and the remaining sum, if any, within fifteen (15) days after being billed therefor. Such payments shall be made to the disinterested agency which shall transmit the total amount received to the control agency without disclosing the amount paid by each handler. In the event the Secretary adjusts the pro rata share of each wholesaler handler to an amount less than $25.00, the excess paid shall be credited on such handler's pro rata share of the following year's assessment.

§ 131.44 *Fee to accompany application for classification.* Each application for classification as a wholesaler shall be accompanied by a fee of twenty-five dollars ($25.00). If the application is rejected such fee shall be refunded to the applicant. If the application is approved the fee shall be retained and used for the maintenance and functioning of the control agency as such applicant's pro rata share of expenses of such agency for the year in which the application is approved.

§ 131.45 *Method of manufacturer handler assessments.* The pro rata share of expenses to be paid by each manufacturer handler shall be based upon such handler's percentage of the total dollar volume of serum and virus marketed by all such handlers during the preceding calendar year. The amount of each manufacturer handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. The pro rata share of each manufacturer handler shall be paid as follows: An amount equal to one-half of the previous year's assessment shall be due and payable on or before February 1 of each year, and the remaining balance assessed shall be due and payable on or before July 1 of each year. Such payments shall be made to the disinterested agency which shall transmit the amount received to the control agency without disclosing the amount paid by each handler.

REPORTS AND RECORDS

§ 131.48 *Reports.* (a) On or before March 15 of each year, each manufacturer and wholesaler handler shall furnish the Secretary, through a disinterested agency to be selected by the control agency and approved by the Secretary, a report, which shall be sworn to, setting forth the dollar volume of serum and virus marketed in domestic and foreign commerce by such handler during the preceding calendar year. On or before June 15 of each year, each manufacturer handler shall file a report with the Secretary, which shall be sworn to, setting forth the cubic centimeter volume of completed serum such handler had on hand May 1 of such year, and setting forth the cubic centimeter volume of serum marketed in domestic and foreign commerce by such handler during the preceding calendar year. Each handler shall furnish such other information with respect to the production and marketing of serum or virus as the Secretary may request.

(b) The disinterested agency shall make reports to the Secretary with respect to the marketings of serum and virus and collections of assessments under this subpart upon request therefor by the Secretary, and shall promptly transmit to the control agency all sums of money received by it from handlers in payment of assessments. The Secretary shall inform the agency concerning the total amount of the pro rata share of manufacturer handlers and the total amount of the pro rata share of wholesaler handlers of the expenses of the control agency.

§ 131.49 *Records.* Each handler shall keep and maintain for a period of two years accounts and records showing, to the extent that he is concerned therewith, the manufacture, receipt, delivery, sale, prices, and disposition of serum and

virus in sufficient detail as will enable the Secretary to ascertain and determine the extent to which such handler is complying with the terms and provisions of this subpart; and each handler shall, upon the request of a duly authorized representative of the Secretary, permit him at all reasonable times to have access to and copy such records. Any information furnished to or acquired by the Secretary or his representative pursuant to this paragraph shall be subject to the provisions of section 8 (d) (2) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (d) (2)).

FILING OF PRICES

§ 131.51 *Filing of price list.* Each manufacturer and wholesaler handler shall file with the Secretary and the control agency a separate list of his selling prices in the United States, including terms of sale and discounts, to each class of buyer defined in this subpart or under the provisions thereof, other than those specified in § 131.55. Each such handler's prices, discounts, and terms of sale shall be uniform for all buyers in each classification of the trade as defined by the control agency pursuant to this subpart.

§ 131.52 *Modification of price list.* The price list filed by a manufacturer or wholesaler handler may, subject to the limitations set forth in § 131.54, be modified at any time by such handler by filing a new or amended list of prices, including discounts and terms of sale, which shall only become effective when said new or amended list shall have been on file for three days in any office designated by the control agency: *Provided, however,* That in the event such list is mailed by registered letter or telegraphed to such office, it shall be deemed to have been filed either (a) at the time during usual business hours it is actually delivered in such office, or (b) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is earlier.

§ 131.53 *Notification of new or amended price lists.* The control agency shall immediately upon receipt of any such new or amended price list, give written notice thereof to each of the handlers and to the Secretary. All price lists shall be made immediately available to the daily and trade press and to the consuming public by employing a means of communication at least as rapid as that used to notify the handlers and the Secretary.

§ 131.54 *Offers, contracts, sales.* Each manufacturer and wholesaler handler shall make no sales unless he has an effective price list, including discounts and terms of sale, as set forth in § 131.51, filed with the control agency. No manufacturer or wholesaler handler shall make any bid, or offer to sell, or enter into an agreement or contract to sell serum or virus, or in any manner sell serum or virus at prices, discounts, or terms of sale different from those set forth in his filed price list which is effective at the time any such bid, offer, agreement, contract, sale, or delivery is made. No manufacturer or wholesaler handler shall file a new or amended price list until his most recently filed price list for any class of buyers becomes effective, and no such handler shall withdraw any filed price list prior to the effective date of such price list.

§ 131.55 *Filed prices not applicable to sales outside United States.* The provisions with respect to the filing of prices shall not apply to any sales made by any handler for delivery outside the United States.

§ 131.56 *Secretary may suspend and declare ineffective price lists.* If the Secretary has reason to believe, from economic data directly available to him or secured by him under the provisions of the act, that any price list, term of sale or discount, in whole or in part, is inequitable to consumers or handlers by reason of the fact that it may cause immediate injury by impeding the carrying out of this subpart or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemptions from the antitrust laws, he may suspend the effectiveness of such price list, term of sale or discount, in whole or in part, pending an investigation which shall be completed as soon as practicable, and he shall report such suspension to the control agency, who shall in turn immediately notify the handler whose price filing has been suspended. The Secretary may declare a filed price, discount, or term of sale, in whole or in part, to be ineffective if, after an investigation and an opportunity to be heard has been afforded the handler whose price filing is questioned, the Secretary finds from the facts presented during such investigation that such price list, term of sale, or discount, in whole or in part, is inequitable as measured by the standards set up in this section.

UNFAIR PRACTICES

§ 131.71 *Unfair methods of competition and unfair trade practices.* The following are unfair methods of competition and unfair trade practices, and are prohibited:

(a) The payment or allowance of rebates, refunds, commissions or unearned discounts, either in the form of money or otherwise, or extending to certain purchasers special services or privileges not extended to all purchasers under like conditions;

(b) Selling serum or virus at less than reasonable market value;

(c) The giving away or selling other products at less than reasonable market value to a purchaser or user of serum or virus, for the purpose or with the effect of influencing the sale of serum or virus;

(d) Maliciously enticing away the employees of competitors;

(e) Defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by any other false representation of character or conduct or of the serum or virus handled by them;

(f) The sale or offering for sale of any serum or virus by any false means or device;

(g) Shipping of serum or virus on consignment;

(h) Withholding from or inserting in an invoice information which makes the invoice, in whole or in part, a false record of the transaction covered by the invoice;

(i) The making, causing, or permitting to be made, or publishing of any false, untrue, misleading, or deceptive statement by means of advertisement or otherwise, concerning the grade, quality, quantity, character, nature, origin, preparation, or use of serum or virus.

§ 131.72 *Distributor handlers advertising as manufacturers.* The use by handlers who are distributors of the words "Serum Company", "Serum Laboratories" or other equivalent words on letterheads, signs, advertising matter, and otherwise where such practice tends to mislead and deceive purchasers and consumers into belief that such distributor is a manufacturer, where in fact he is not, is prohibited.

SERUM RESERVE

§ 131.79 *Emergency reserve.* Each manufacturer who is a handler shall have available on May 1 of each year a supply of completed serum equivalent to not less than 40 percent of his previous year's sales.

MISCELLANEOUS PROVISIONS

§ 131.81 *Classes of buyers.* The control agency, subject to the disapproval of the Secretary, shall upon the basis of a written request supported by economic data sufficiently adequate to warrant a conclusion that such definition is neither unreasonable nor discriminatory, define all classes of buyers not defined in this subpart, and shall, subject to the disapproval of the Secretary, determine in specific cases whether any person who is a handler or who is about to become a handler comes within any class of buyers herein or hereafter defined, and shall compile, subject to the disapproval of the Secretary, lists of persons comprising each class of buyers, such lists and additions thereto to be filed immediately with the Secretary and distributed to the manufacturer and wholesaler handlers.

§ 131.82 *Uniform sales invoices.* The control agency, subject to the disapproval of the Secretary, may formulate and adopt uniform sales invoices for manufacturer and wholesaler handlers. After the adoption of such uniform sales invoices, all sales of serum or virus by such handlers to all classes of buyers shall be made in accordance with the terms of such invoices, and prices and terms of sale therein shall conform to the seller's filed prices and terms of sale, effective at the time of making sales covered by such invoices.

§ 131.83 *Agents and distributional outlets.* The control agency is authorized to require that each manufacturer and wholesaler handler file with such agency a list of his agents and distributional outlets for the marketing of serum or virus. Whenever the control agency by regulation requires that manufacturer and wholesaler handlers list with the control agency such handlers' agents and distributional outlets, any movement or transfer of serum or virus by a manufacturer or wholesaler handler to any person not listed with the control agency as such handler's agent or distributional outlet shall, for the purpose of this subpart, be considered to be a sale of serum or virus to such person.

§ 131.84 *Compliance.* No person shall handle serum or virus except in conformity with the provisions of this subpart and the rules and regulations issued pursuant thereto.

§ 131.85 *Duration of benefits, privileges, and immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall not extend or be construed to extend further than is necessary for the purpose of carrying out the provisions of this subpart and shall cease upon its termination except with respect to acts done under and during the existence of this subpart, and benefits, privileges, and immunities conferred by this subpart upon any party subject hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this subpart.

§ 131.86 *Agents; Secretary may designate.* The Secretary may by designation in writing name any person (not subject to this subpart), including any officer or employee of the Government or of the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 131.87 *Committees; Secretary may select.* The Secretary may select such committees to meet with or advise the control agency as he deems necessary for the proper functioning of the control agency under the provisions of this subpart. One such committee or its representative shall represent the interests of consumers. The expenses for the maintenance and functioning of the advisory committees may be included within the budget submitted to the Secretary for approval, pursuant to § 131.41, and may be met by the control agency from funds paid to it for the maintenance and functioning of the control agency.

§ 131.88 *No derogation or modification of rights of Secretary or of the United States.* Nothing contained in this subpart is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, and/or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 131.89 *Liability of members and employees of control agency.* No member of the control agency nor any employee thereof shall be held responsible individual in any way whatsoever to any handler subject to this subpart or any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty. The contractual obligations of the handlers under this subpart are several and not joint, and no handler shall be liable for the default of any other handler.

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§ 131.90 *Separability of provisions.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, and/or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

AMENDMENTS

§ 131.101 *Who may propose.* Amendments to this part may, from time to time, be proposed by handlers subject hereto or by the control agency.

§ 131.102 *Notice and hearing.* After due notice and opportunity for hearing and upon determination by the Secretary that the proposed amendment has been incorporated in the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by the Secretary on the 2d day of December 1936, the Secretary shall amend this subpart in conformance with such amendment to the said marketing agreement, and such amendment shall become effective at such time as the Secretary may designate.

EFFECTIVE TIME AND TERMINATION

§ 131.111 *Effective time.* This subpart shall become effective at such time as the Secretary may determine the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by him on the 2d day of December 1936, has been executed by all the handlers of seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing year and may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways specified.

§ 131.112 *Termination; how accomplished and when effective.* (a) The Secretary may at any time terminate this subpart as to all parties subject thereto by giving at least seven days' notice by means of a press release or in any other manner which the Secretary may determine.

(b) The Secretary shall terminate this subpart at the end of the then current marketing period (December 31) whenever he finds that such termination is favored by all the handlers of not less than seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing period.

(c) This subpart shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 131.113 *Liquidation.* Upon the termination or suspension of this subpart or of any provisions thereof, the members of the control agency then functioning, or such other persons as the Secretary may from time to time designate, shall, if so ordered by the Secretary, liquidate the business of the control agency under this subpart, and dispose of all funds and property then in the possession or under the control of the control agency, together with claims for any funds which are unpaid or property not delivered at the time of such termination. The control agency or such other persons as the Secretary may designate (a) shall continue in such capacity until discharged by the Secretary (b) shall, from time to time, account for all receipts and disbursements and/or deliver all funds and property on hand, together with the books and records of the control agency, to such person or persons as the Secretary shall direct, and (c) shall, upon the request of the Secretary, execute such assignments, or other instruments necessary or appropriate to vest in such person or persons full title to all the funds, property, and/or claims vested in the control agency pursuant to this subpart. Any funds collected for expenses, pursuant to the provisions of this subpart, and held by the control agency or such person or persons, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the control agency or such person or persons, shall be returned to the contributing handlers in proportion to the contributions of each handler, or shall be expended by the control agency for a purpose not inconsistent with the provisions of this subpart and in a manner which the handlers shall determine by a three-fourths vote of such handlers. The control agency or such person or persons shall observe the procedure governing the actions of the control agency as established under the provisions of § 131.30. Any person to whom funds, property, and/or claims have been delivered by the control agency or its members upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, and/or claims as are imposed upon the members of the control agency.

[F. R. Doc. 57-7861; Filed, Sept. 24, 1957; 8:53 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

FRANCESCO DEL DRAGO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Francesco del Drago, Palazzo del Drago, Filacciano (Rome), Italy; Alesandro del Drago, Palazzo del Drago, Filacciano (Rome), Italy; Countess Angela Spalletti, nee del Drago, Via Adda 4, Rome, Italy; Princess Maria Melagros Colonna, nee del Drago, Piazza SS. Apostoli, Palazzo Colonna, Rome, Italy; Princess Anna Maria Torlonia, nee del Drago, Via della Conciliazione 30, Rome, Italy; Claim No. 42977; all right, title, interest and claim of

any kind or character whatsoever of Francesco del Drago, Alesandro del Drago, Angela del Drago, Maria Melagros del Drago, and Anna Maria del Drago in and to the trust under the Will of Josephine del Drago, deceased, such property being in the process of administration by Corn Exchange Bank Trust Company[1] of New York, New York, Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York. Vesting Order No. 1999.

Executed at Washington, D. C., on September 13, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-7805; Filed, Sept. 23, 1957; 8:50 a. m.]

ALBERT REVAI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Albert Reval, % Hanf-Jute- und Textilit-Industrie, A. G., Wien I., Boersegasse 18, Vienna, Austria; Claim No. 40261; $128.27 in the Treasury of the United States. Vesting Order No. 5120.

Executed at Washington, D. C., on September 16, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-7806; Filed, Sept. 23, 1957; 8:50 a. m.]

MARIKA STERNBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marika Sternberg, Tel-Aviv, Israel; Claim No. 48093; $472.49 in the Treasury of the United States. Vesting Order No. 3305.

[1] Now the Chemical Corn Exchange Bank.

Executed at Washington, D. C., on September 16, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-7808; Filed, Sept. 23, 1957; 8:50 a. m.]

WALTER GAGG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Walter Gagg, 48 Gerechtigkeitsgasse, Berne, Switzerland; Claim No. 62678; $1,645.25 in the Treasury of the United States; and 15 shares of $100 par value common capital stock of Baltimore and Ohio Railroad Company, evidenced by Certificate No. A-684839, presently in the custody of the Federal Reserve Bank in New York. Vesting Orders Nos. 17829 and 17903.

Executed at Washington, D. C., on September 17, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-7810; Filed, Sept. 23, 1957; 8:51 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[General Order No. 85A]

PERFORMANCE OF FUNCTIONS OF SECRETARY OF LABOR UNDER WALSH-HEALEY PUBLIC CONTRACTS ACT, AS AMENDED AND FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED, IN THE EVENT OF VACANCY IN OFFICE OF ADMINISTRATOR OF WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

By virtue of and pursuant to the authority vested in me by the act of March 4, 1913 (5 U. S. C. 611), section 4 of the act of June 30, 1936, as amended (41 U. S. C. 38), the act of June 25, 1938, as amended (29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 5 U. S. C. 611 note), and R. S. 161 (5 U. S. C. 22),

It is hereby ordered, That in the event of a vacancy occurring in the office of Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor, the administration by the Secretary of Labor of the Fair Labor Standards Act of 1938, as amended and of the Walsh-Healey Public Contracts Act, as amended, shall be subject to the following provisions until such time as the vacancy shall be filled by a duly appointed and qualified successor to the office:

1. All orders, regulations, interpretations, delegations, sub-delegations, or agreements issued, made, or entered into under any authority conferred by either of such acts shall remain in effect as orders, regulations, interpretations, delegations, sub-delegations, or agreements of the Secretary of Labor except as otherwise provided in this Order or by amendments, modifications, or rescissions which may be made by the Secretary or under his authorization.

2. The Deputy Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor shall have authority to perform, in the same manner and to the same extent as the Administrator is authorized to do under the provisions of General Order No. 25 or General Order No. 45A, the following functions of the Secretary of Labor:

a. All functions under the Walsh-Healey Public Contracts Act, as amended, which such Administrator is authorized to perform by virtue of the provisions of General Order No. 25 and pursuant to the provisions of Reorganization Plan No. 6 of 1950; and

b. All functions under the Fair Labor Standards Act of 1938, as amended, which such Administrator is authorized to perform by virtue of the provisions of General Order No. 45A and pursuant to the provisions of Reorganization Plan No. 6 of 1950.

In the course of his performance of any such function, the Deputy Administrator shall have authority, on behalf of the Secretary, to sign documents and correspondence in his own name and to use the title "Acting Administrator" in all instances in which the Administrator, if there were no vacancy, would be authorized to act in his own name and title under the provisions of General Order No. 25 or General Order No. 45A.

It is further ordered, That General Order No. 85, dated March 26, 1955, 20 F. R. 2066, is hereby rescinded, and that this Order shall become effective immediately as an amendment to General Order No. 25 and to General Order No. 45A, in lieu of the amendment heretofore made by General Order No. 85, and shall supersede all prior orders, instructions, regulations, or memoranda of the Secretary of Labor to the extent that they are inconsistent herewith.

Signed and effective September 23, 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-7881; Filed, Sept. 24, 1957; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILBUR F. DUERINGER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 10, 1956, 21 F. R. 2303; October 2, 1956, 21 F. R. 7553; March 29, 1957, 22 F.R. 2093.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 12, 1957.

Dated: September 12, 1957.

WILBUR F. DUERINGER.

[F. R. Doc. 57-7841; Filed, Sept. 24, 1957; 8:48 a. m.]

LOUIS F. FRAZZA

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 20, 1956, 21 F. R. 1737; September 8, 1956, 21 F. R. 6846; March 9, 1957, 22 F.R. 1578.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 5, 1957.

Dated: September 5, 1957.

LOUIS F. FRAZZA.

[F. R. Doc. 57-7842; Filed, Sept. 24, 1957; 8:48 a. m.]

EUBERT F. TAGGERT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 29, 1957, 22 F. R. 2092.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 15, 1957.

Dated: September 15, 1957.

EUBERT F. TAGGERT.

[F. R. Doc. 57-7843; Filed, Sept. 24, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

SEPTEMBER 16, 1957.

The notice of proposed withdrawal and reservation of lands, Serial No. Sacramento 047402, Stanislaus National Forest, published in the FEDERAL REGISTER of Friday, September 6, 1957, page 7157 (F. R. Doc. 57-7293), is corrected as follows:

The land description N½SW¼ section 32, T. 7 N., R. 20 E., M. D. M., Arnot Creek Recreation Area, should have read as N½SE¼.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-7830; Filed, Sept. 24, 1957; 8:46 a. m.]

MINNESOTA

NOTICE OF PROPOSED WITHDRAWAL FOR THE RESERVATION OF LANDS

SEPTEMBER 19, 1957.

The Office of the Corps of Engineers, Department of the Army, Washington 25, D. C., has filed an application, BLM 045168, for the withdrawal of the lands described below, from grazing, timber management and disposal, mineral leasing, and mining locations and all other forms of appropriation except for use as a permanent reservoir.

The applicant desires the land for use as a part of the Sandy Lake Reservoir, Headwaters, Upper Mississippi River. The land is completely overflowed at normal or slightly above normal pool levels. It is no longer available for any use except as a part of the Sandy Lake Reservoir.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

FOURTH PRINCIPAL MERIDIAN, MINNESOTA, AITKIN COUNTY

T. 49 N., R. 24 W.,
Sec. 25, Lot 11.

The area described contains 0.40 acres.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57-7831; Filed, Sept. 24, 1957; 8:46 a. m.]

[Classification 47, Doc. 163]

ARIZONA

SMALL TRACT CLASSIFICATION; AMENDMENT

SEPTEMBER 17, 1957.

Effective on the date of this order, paragraph 2 of Federal Register Document 55-10458, appearing on page 10114 of the issue of December 30, 1955, is hereby amended to read as follows:

2. The lands classified by this order shall not become subject to applications under the Small Tract Act unless and until it is so provided by an order to be issued by an authorized officer of the Bureau of Land Management.

EUGENE H. NEWELL,
Acting State Supervisor.

[F. R. Doc. 57-7844; Filed, Sept. 24, 1957; 8:48 a. m.]

[Classification 177]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER; REVOCATION

SEPTEMBER 17, 1957.

Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby revoke Small Tract Classification Order No. 177, dated July 27, 1949, to the extent of the following described lands:

MOUNT DIABLO MERIDIAN

T. 18 S., R. 42 E.,
Sec. 30; N½NE¼NE¼SW¼, SE¼NE¼NE¼SW¼, N½SW¼NE¼NE¼SW¼, N½NW¼NE¼SW¼, N½SE¼NW¼NE¼SW¼, SW¼NW¼NE¼SW¼, E½SE¼NE¼SW¼, S½SW¼SE¼NE¼SW¼, NE¼SW¼SE¼NE¼SW¼, S½SE¼SW¼NE¼SW¼, S½SW¼SW¼NE¼SW¼, NW¼SW¼SW¼NE¼SW¼, NW¼SW¼NE¼SW¼.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-7845; Filed, Sept. 24, 1957; 8:48 a. m.]

National Park Service

[Region 5 Order 3]

NATIONAL PARK SERVICE SUPERINTENDENTS ET AL.

DELEGATIONS OF AUTHORITY

SECTION 1. The National Park Service Superintendents in Region Five whose positions are allocated to Civil Service grades GS-13 and above, in the administration, operation, and development of the areas under their supervision are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Appointments and status changes involving personnel in grade GS-12 and higher grades.

(b) Allocation of positions in any Civil Service grade.

(c) Establishment of ungraded positions.

(d) Establishment of wage rates.

(e) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

(f) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed

area or which are a departure from a previous style in an established area.

(g) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., section 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C., 1952 ed., section 484), and review of the grantees' bienniel reports and their acceptance when satisfactory.

SEC. 2. The Superintendents whose positions are allocated to Civil Service grades GS–11 and GS–12, inclusive, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Appointments and status changes involving personnel in grade GS–10 and higher grades.

(b) Allocation of positions in any Civil Service grade.

(c) Establishment of ungraded positions.

(d) Establishment of wage rates.

(e) Approval of contracts for construction, supplies, or services in excess of $50,000.

(f) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

(g) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed area or which are a departure from a previous style in an established area.

(h) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., section 1622 (h), and the Federal Property and Administrative Service Act of 1949 (63 Stat. 377) as amended (40 U. S. C. 1952 ed., section 484), and review of the grantees' biennial reports and their acceptance when satisfactory.

SEC. 3. The Superintendents whose positions are allocated to Civil Service grades GS–10 and below, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Appointments and status changes involving personnel in the same Civil Service grade as, or grades higher than, the Superintendent making appointments or status changes.

(b) Allocation of positions in any Civil Service grade.

(c) Establishment of ungraded positions.

(d) Establishment of wage rates.

(e) Execution or approval of contracts for construction, supplies or services in excess of $10,000.

(f) Issuance of revocable special use permits having a term of more than three years.

(g) Acceptance of donations of personal property valued in excess of $5,000, and acceptance of donations of money in excess of $5,000.

(h) Reimbursement of employees and other owners for property lost, damaged or destroyed.

(i) Hire, rental, or purchase of personal property from employees.

(j) Sales of timber pursuant to section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1952 ed., sec. 3), in excess of $1,000 for any one transaction.

(k) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

(l) Issuance of concession permits and contracts having a term of more than three years.

(m) Approval of preliminary plans for concessioners' projects and approval of preliminary plans which establish the architectural style in a newly developed area or which are a departure from a previous style in an established area.

(n) Periodic inspection of properties transferred to State and local agencies for park, recreation, and historic monument purposes pursuant to the act of June 10, 1948 (62 Stat. 350, 50 U. S. C., 1952 ed., section 1622 (h)), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended (40 U. S. C. 1952 ed., section 484), and review of the grantees' bienniel reports and their acceptance when satisfactory.

SEC. 4. Regional Administrative Officer: The Regional Administrative Officer may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment, and services. This authority may be exercised by the Regional Administrative Officer in behalf of any office or area for which the Region Five Office serves as the field finance office.

SEC. 5. Regional Procurement and Property Officer: The Regional Procurement and Property Officer may execute and approve contracts not in excess of $5,000 for supplies, equipment, and services. This authority may be exercised by the Regional Procurement and Property Officer in behalf of any area or office for which the Region Five Office serves as the field finance office.

SEC. 6. Redelegation: The Superintendents may, in writing, redelegate to any officer or employee the authority delegated in sections 1, 2 and 3. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 7. Appeal: Except in matters relating to contracts for construction, supplies, equipment, or services, any party aggrieved by any action or decision of any Superintendent shall have a right of appeal to the Regional Director. Any such appeal shall be in writing and shall be submitted to the Regional Director within thirty days after receipt by the aggrieved party of notice of the action taken or decision made by the Superintendent.

SEC. 8. Revocation: This order supersedes Order No. 2 isued February 17, 1956, as amended.

(National Park Service Order No. 14: 39 Stat. 535; 16 U. S. C., 1952 ed., Sec. 2)

Issued this 23d day of August, 1957.

DANIEL J. TOBIN,
Regional Director.

[F. R. Doc. 57–7833; Filed, Sept. 24, 1957; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–18]

GENERAL ELECTRIC CO.

UTILIZATION FACILITY LICENSE; AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 1) to License CX–2 authorizing General Electric Company, in conducting critical experiments under this license, (1) to increase the number of plates per fuel element from the previously authorized six to a total of up to twelve and (2) to perform critical experiments under the condition that the void coefficient is negative and the temperature coefficient is such that the total amount of reactivity that could be added to the reactor as a result of heating up from room temperature to the boiling point does not exceed 75 cents of reactivity worth.

Notice of proposed issuance of the original license was published in the FEDERAL REGISTER on July 12, 1957, 22 F. R. 4919. The notice annexed the proposed license and a memorandum summarizing the principal features of the facility and the principal factors consided in reviewing the application for a license. The license was issued on July 29, 1957, and notice of the issuance was published in the FEDERAL REGISTER on August 3, 1957, 22 F. R. 6258.

Prior public notice of proposed issuance of this amendment is not required in the public interest because the proposed modifications do not involve material alterations of the facility and do not present substantial questions affecting health and safety which were not resolved in connection with the licensee's application for the original license. Further details may be obtained by examination of Docket No. 50–18 on file in the AEC Public Document Room, located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 18th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[Docket No. 50–18]

[License No. CX–2 Amdt. 1]

GENERAL ELECTRIC CO.

AMENDMENT OF UTILIZATION FACILITY LICENSE

On September 3, 1957, General Electric Company filed two amendments, designated Amendment No. 10 and Amendment No. 11, to its application for license to operate its developmental boiling water reactor as a critical experiment facility.

The Atomic Energy Commission has found that modification of the facility as proposed in the amendments filed by General Electric Company on September 3, 1957, will not be inimical to the common defense and security or to the health and safety of the public.

Paragraph I of Appendix "A" of License No. CX–2 issued to General Electric Company on July 29, 1957, is hereby amended to read as follows:

Operating restrictions. Unless further authorized by the Commission:

a. General Electric Company shall operate the facility for the conduct of the critical experiments described in its application and in its requests for license amendment filed on September 3, 1957 (designated by GE as Amendments Nos. 10 and 11 to its application for license) and in accordance with the procedures and limitations governing these experiments described in the application and requests for license amendment filed on September 3, 1957.

Under this license, as amended, the licensee will initially determine the values of the void and temperature coefficients. Further critical experiments, such as those described in Amendment No. 7 of the application for license, may be conducted only under conditions that the void coefficient at all temperatures is negative and the temperature coefficient is such that the total amount of reactivity that could be added to the reactor as a result of heating up from room temperature to the boiling point does not exceed 75 cents of reactivity worth.

b. GE shall not operate the facility at power levels in excess of 1,000 watts.

Date of Issuance: September 18, 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–7823; Filed, Sept. 24, 1957; 8:45 a. m.]

[Docket No. 50–84]

REGENTS OF UNIVERSITY OF CALIFORNIA

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission purposes to issue a facility license to the Regents of the University of California, Berkeley, California, substantially in the form set forth in Annex "A" below unless on or before 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is attached as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 17th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE AUTHORIZING ACQUISITION, POSSESSION AND OPERATION OF UTILIZATION FACILITY

On August 26, 1957, the Regents of the University of California, (hereinafter "University of California") Berkeley, California, filed an application to acquire, possess, and operate a nuclear reactor which has been designated as Model AGN–201, Serial No. 112, and which is authorized for construction by Construction Permit CPRR–13, dated July 8, 1957, and issued to Aerojet-General Nucleonics, San Ramon, California. An amendment to the application was filed on August 30, 1957. The application also seeks authorizations relating to special nuclear material and byproduct material associated with the operation of the reactor.

The Atomic Energy Commission has found that:

A. The reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. There is reasonable assurance that the applicant will comply with the regulations in Chapter I, of Title 10 of the Code of Federal Regulations in Part 20 and that the health and safety of the public will not be endangered by the operation of the facility as proposed in the application by the University of California, filed August 26, 1957, as amended.

C. The acquisition, possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed by the University of California, in the application in Docket 50–84 will not be inimical to the common defense and security or to the health and safety of the public.

D. The University of California proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

E. The University of California is financially qualified to operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

F. The University of California is technically qualified to operate the reactor.

Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses the University of California as provided below:

A. Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to acquire, possess and operate the reactor at the location in Berkeley, California, described in the application in Docket 50–84.

B. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess, and use up to 700 grams of contained uranium 235 for use in connection with the operation of the reactor.

C. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate from the fuel or target material such byproduct material as may be produced from operation of the reactor.

This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, and is subject to any additional conditions specified or incorporated below:

1. The reactor shall be operated only in accordance with instructions from the Chief Reactor Supervisor.

2. The reactor shall not be operated unless the University of California has an individual as Chief Reactor Supervisor who has been approved by the Commission.

3. When unattended the reactor shall be secured with the standard seals and locks supplied by the manufacturer; at such times as the reactor is in a dismantled state, access shall be limited to authorized persons by means of a guard or locked enclosure, locked room, or locked building.

4. The University of California shall operate the reactor in accordance with the procedures described in its application filed August 26, 1957, as such procedures may be further amended by this license.

5. The University of California shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.

6. In addition to those otherwise required under this license and applicable regulations the University of California shall keep the following records:

a. Reactor operating records, including power levels.

b. Records of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of the University of California as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

7. The University of California shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

This license shall expire 20 years from the date of issuance hereof unless sooner terminated.

Date of Issuance:

For the Atomic Energy Commission,

_____,
Director,
Division of Civilian Application.

ANNEX "B"

MEMORANDUM

The utilization facility proposed to be acquired and operated by the University of California is a small reactor of 100 milliwatt maximum power level to be constructed by Aerojet-General Nucleonics, San Ramon, California, and designated by the Company as Model AGN–201, Serial No. 112. It is presently authorized for construction by Construction Permit CPRR–13, dated July 8, 1957, and issued to Aerojet-General Nucleonics. The notice of proposed issuance of CPRR–13, published in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, provided that the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by Aerojet-General Nucleonics and the transfer of possession of or title to the reactor, or both, to any person licensed to acquire it, if it is found that the reactor has been constructed in accordance with the specifications contained in the application for the construction permit and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

A complete description and hazards analysis of the reactor are contained in license applications and amendments submitted by AGN in Dockets F–15, F–32, F–44 and 50–53,

A summary of the Model AGN–201 reactor description and discussion of the hazards analysis by the Commission's staff are set forth in a memorandum accompanying the Notice of Proposed Issuance of Construction Permit in Docket F–32 published in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742.

Description of site. The reactor will be housed in a laboratory in Room 153 on the first floor of Cory Hall, a building located on the University of California campus in Berkeley, California. The building is reinforced concrete shell and frame. Internal dividing walls are of plaster on metal lath. The reactor will be located in one half of Room 153, which is a room 106 feet long by 24 feet wide. The Physical Standards Laboratory utilizes the other half of Room 153. The applicant states that three persons are permanently stationed in the area. The rest of the building is used for class rooms, shops, research laboratories, faculty offices and various administrative offices. The applicant states that the estimated maximum capacity of Cory Hall is 1008 persons, with in and out traffic estimated at 200 persons per hour maximum for the entire building and traffic past Room 153 estimated at 90 persons per hour. The proposed license incorporates a condition that when the reactor is unattended it shall be secured with the standard seals and locks supplied by the manufacturer and at such times as the reactor is in a dismantled state, access shall be limited to authorized persons by means of a guard or locked enclosure, locked room, or locked building.

Hazards analysis. The hazards and safety features associated with this reactor were discussed in the aforementioned memorandum published in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742.

It is concluded from an examination of the potential hazards and conceivable mishaps that (1) no significant amount of radiation or radioactive materials would be released and no hazards to the public would ensue from the proposed operation, and (2) there are no characteristics of the site or proposed operation at the University of California campus which would detract from the safety of operation of the reactor.

Technical qualifications. The reactor is proposed to be utilized primarily for the training of students in various fields of nuclear technology. The organization which has been devised for operation of the reactor by the University of California places responsibility for the promulgation and enforcement of administrative rules, regulations and operating procedures on the Chief Reactor Supervisor. In view of these important functions assigned to the Chief Reactor Supervisor, the evaluation of the technical qualifications of the University of California to operate the reactor in a safe and competent manner must to a large measure rely on the qualifications of the individual in that position.

The University has designated Dr. Nathan William Snyder as Chief Reactor Supervisor. Dr. Snyder, who is Associate Professor of Mechanical Engineering and Graduate Adviser of Nuclear Engineering Program at the University has completed the one-week Aerojet-General Nucleonics training course. Dr. Snyder also has been a participant in the Nuclear Engineering Instructional Program since 1955.

In view of the qualifications and position of Dr. Snyder and considering the background of various other members of the University of California's staff it is concluded that the University is technically qualified to operate the reactor.

Financial qualifications. The University of California has received a grant from the AEC to cover the approximately $95,000 purchase price of the reactor. The annual operating expenses are estimated at $5,000 and the University has stated that it has budgeted this amount for the coming fiscal year and will continue to do so in the future.

Conclusions. Based on the above considerations it is concluded that:

a. There is reasonable assurance that the health and safety of the public will not be endangered by the operation of the reactor at the proposed site on the University of California campus.

b. The University of California is technically and financially qualified to engage in the proposed activities.

Date: September 17, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57–7824; Filed, Sept. 24, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11888, 11889; FCC 57M–875]

JEFFERSON COUNTY BROADCASTING CO. AND KERMIT F. TRACY

NOTICE SCHEDULING CONFERENCE

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Jefferson County Broadcasting Company, Pine Bluff, Arkansas, Docket No. 11888, File No. BP–10528; Kermit F. Tracy, Fordyce, Arkansas, Docket No. 11889, File No. BP–10691; for construction permits.

At 10:00 a. m. on September 27, 1957, at the offices of the Commission a conference will be held looking toward reopening the record and hearing on the two issues designated by the Commission in its order in this proceeding dated August 1, 1957, released August 8, 1957 (FCC 57–843).

Dated: September 19, 1957.

Released: September 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7846; Filed, Sept. 24, 1957; 8:49 a. m.]

[Docket No. 12070; FCC 57M–873]

ST. CHARLES COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of St. Charles County Broadcasting Company, St. Charles, Missouri, Docket No. 12070, File No. BP–11066; for construction permit.

At the oral request of the applicant and without objection from the Chief of the Broadcast Bureau: *It is ordered*, This 19th day of September, 1957, that hearing in the above-entitled proceeding, now scheduled for September 23, 1957, is continued to October 14, 1957.

Released: September 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7847; Filed, Sept. 24, 1957; 8:49 a. m.]

[Docket Nos. 12111, 12112; FCC 57M–874]

K. C. LAURANCE AND PHILIP D. JACKSON

ORDER AFTER PREHEARING CONFERENCE CONTINUING HEARING

In re applications of K. C. Laurance, Medford, Oregon, Docket No. 12111, File No. BP–10622; Philip D. Jackson, Weed, California, Docket No. 12112, File No. BP–11268; for construction permits.

Appearances: Mr. Charles V. Wayland and Mr. Richard Hildreth of Washington, D. C. on behalf of K. C. Laurance; Mr. Samuel Miller of Washington, D. C. on behalf of Philip D. Jackson; and Mr. Ray Paul of Washington, D. C. on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A prehearing conference was held on September 11, 1957, at which the parties were represented by counsel as shown in the statement of appearances above. The matters discussed and determined upon are shown in Transcript Volume 1, pages 1–44, which is made a part of the record herein; the rulings, agreements, and determinations there made are set out in this order.

2. Each applicant seeks a construction permit for a new standard broadcast station to be operated daytime only with one kilowatt power on 800 kilocycles, one at Medford, Oregon and the other at Weed, California. The proposals involve mutually destructive interference and the Commission's order of designation found each applicant to be legally, technically, financially, and otherwise qualified to receive a grant except as may appear from the hearing issues which are as follows:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the application of Philip D. Jackson would be in contravention of the provisions of § 3.35 of the Commission's rules on multiple ownership.

3. To determine whether the application of Philip D. Jackson was filed for the purpose of impeding, obstructing or delaying a determination on the application of K. C. Laurance.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

The hearing was scheduled to be commenced on Wednesday, October 9, 1957, but the date must be continued to permit accomplishment of the procedures determined upon in the conference as hereinafter set out.

3. The applicants plan to offer engineering and technical evidence under Issues 1 and 4 substantially identical with the engineering information submitted with their applications; however, Bureau counsel pointed out that the other broadcast services available in the area involved are not now shown, and evidence on such matters will be prepared. It was recognized that informal conferences among the engineers for the applicants and for Bureau are not feasible because the applicants' engineers do not reside in the Washington area; hence, it was agreed that on or before September 25, 1957, each participant, including Bureau, will give informal notification by letter, with copy to other parties, of any questions or requests for additional information concerning the engineering showing to be made as indicated in the applications. It was further agreed that on or before October 9, 1957, the applicants will notify each other and Bureau of the tentatively proposed engineering case testimony and exhibits. Suggestions or requests for additional or modified engineering evidence will then be informally exchanged among the parties in order that the final engineering exhibits may meet the issues without needless cross-examination or controversy. The direct affirmative case testimony and exhibits in final form will be notified to all parties on or before October 23, 1957.

4. With respect to Issue 4, direct affirmative case exhibits, in addition to those above discussed, will be developed after informal conferences among the attorneys for the parties in order to present competent, probative, and relevant evidence upon the choice of communities issue. It was pointed out that the issues do not permit inquiry concerning the program services proposed or available in the respective communities, nor is it relevant to inquire into the respective communities' characteristics and program needs to any greater extent than is permitted under the Commission holdings in Courier-Times, Inc., 13 RR 1290 and 1292.

5. It was recognized that the applicant Jackson has the burden of proceeding and the burden of proof under Issues 2 and 3, and the notification of the direct affirmative case exhibits, as herein provided for, will include the showing in chief to be made by Jackson under those issues. It was agreed that Issues 2 and 3 are not comparative issues, but rather require independent determinations concerning the Jackson proposal and his qualifications to become a grantee in this proceeding.

6. Under Issue 2 Jackson will offer, in addition to such engineering and other evidence as may be relevant, evidence concerning the past program services of Station KLAD, the program service proposed by the authorized Redding, California, station in which Jackson owns an interest, and the program service proposed in the instant application. It was pointed out that the program evidence will be received and considered only in making the findings and conclusions called for under Issue 2; such program evidence will not be available for making the determinations required under Issues 4 and 5. (See Courier-Times, Inc., supra, and Memorandum Opinion and Order After First Prehearing Conference in Stephenville Broadcasting Company, FCC 56M–669, Mimeo No. 34302, released July 11, 1956.)

7. The parties agreed that, in addition to the preliminary notification procedures concerning the engineering evidence as hereinabove set out, the direct affirmative case exhibits, as required by § 1.841 of the Commission's rules upon all matters at issue, will be notified by exchange to the other parties on or before Wednesday, October 23, 1957, and that a further prehearing conference as provided for in the cited rule should be convened on Wednesday, October 30, 1957. The procedural schedule agreed upon necessitates a postponement of the hearing from the originally assigned date of October 9, 1957, and it was agreed that the time for the commencement of the hearing can best be ascertained at the further prehearing conference. The matters determined and agreed upon at the prehearing conference, as set out hereinabove, were and are approved by the Hearing Examiner.

8. All of the prehearing conference discussions and the resulting determinations were had and made in recognition of the fact that there are pending and undecided before the Commission a motion and related pleadings seeking and opposing enlargement of the issues herein. In the event that Commission action thereon justifies a reconsideration or readjustment of the procedures determined upon as herein stated, appropriate consideration will be given thereto.

It is ordered, This 19th day of September 1957, that, unless modified for cause or pursuant to the Commission's rules, the foregoing statements and provisions to the extent of their applicability shall govern the conduct of the hearing in this proceeding; and

It is further ordered, That the hearing in this proceeding now scheduled to be commenced on October 9, 1957, is continued to a date to be fixed by subsequent order, and that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m. on Wednesday, October 30, 1957, for a further prehearing conference.

Released: September 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7848; Filed, Sept. 24, 1957; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SR–2221]

CHARLES A. HAZEN

NOTICE OF ORAL ARGUMENT

James T. Pyle, Administrator of Civil Aeronautics, Complainant, v. Charles A. Hazen, Respondent.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 10, 1957, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board. The Administrator has been allotted 30 minutes; and counsel for Charles A. Hazen, 30 minutes to be presented in that order. The Administrator may reserve one-quarter of his allotted time for rebuttal.

Dated at Washington, D. C., September 20, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–7856; Filed, Sept. 24, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3614]

CONSOLIDATED NATURAL GAS CO.

ORDER AUTHORIZING EXECUTION OF REFUNDING BOND BY HOLDING COMPANY AS SURETY FOR PUBLIC UTILITY SUBSIDIARY

SEPTEMBER 18, 1957.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, has filed a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder, regarding the following proposed transaction:

On March 11, 1957, Consolidated's wholly owned public-utility subsidiary Hope Natural Gas Company ("Hope") filed new rate schedules with the Public Service Commission of West Virginia providing for rate increases approximating $2,300,000 per year, allegedly necessitated by increased operating costs. By action of the State commission the effectiveness of the new rates was suspended until August 29, 1957. The new rates may now become effective upon the filing by Hope of a bond in the amount of $2,300,000, with satisfactory surety, for the due and proper payment of any refunds which the State commission may order. The State commission has indicated that Consolidated may sign as surety for Hope.

Due notice having been given of the filing of said declaration (Holding Company Act Release No. 13540), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–7836; Filed, Sept. 24, 1957; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 306]

SECRETARY OF THE INTERIOR

EXECUTION OF REAL ESTATE LEASES IN ANCHORAGE, ALASKA, NOT IN EXCESS OF THREE YEARS

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, (hereinafter referred to as "the Act"), and in accordance with section 3 of the act of August 27, 1935 (40 U. S. C. 304c), as amended, authority is hereby delegated to the Secretary of Interior of the United States to acquire space by lease on such terms and for such periods not in excess of three years as he may deem in the public interest for the housing of any component of the Department of Interior in Anchorage, Alaska, and to execute any leases, documents or instruments which may be necessary in connection therewith.

2. Any lease executed pursuant to the authority hereby delegated, may be amended or renewed from time to time, provided that no renewal for a term in excess of one year shall be entered into without the prior written approval of the Administrator of General Services.

3. The authority conferred herein shall be exercised in accordance with the acts above cited, all other applicable laws, and regulations issued pursuant thereto.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of Interior.

This delegation shall become effective as of the date hereof, and shall continue until June 30, 1958: *Provided*, That any lease executed prior to said date may be amended or renewed, as authorized by paragraph 2 hereof, at any time during the term or any extension thereof.

FRANKLIN G. FLOETE,
Administrator.

SEPTEMBER 18, 1957.

[F. R. Doc. 57-7835; Filed, Sept. 24, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 183]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 20, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.241.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time (or 9:30 o'clock a. m., local Daylight Saving Time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 173 (Sub No. 4), filed July 15, 1957, ABBT MOTOR TRANSPORTATION CO., INC., 201 Brookline St., Cambridge, Mass. Applicant's representative: Arthur A. Wentzell, 539 Hartford Pike, Shrewsbury, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products*, such as cakes, cookies, crackers, *bakery products*, not otherwise specified, and *advertising material* used in connection therewith, from Cambridge, Mass., to Dover, N. H. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to transport similar commodities from and to points in Massachusetts, New Hampshire, Rhode Island, Connecticut and Maine.

HEARING: November 12, 1957, at the New Post Office & Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 531 (Sub No. 84) (CORRECTION), filed July 29, 1957, published issue September 11, 1957, at page 7248, YOUNGER BROTHERS, INC., 4904 Griggs Rd., Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Bldg., Austin, Tex.

HEARING: December 2, 1957, at the Federal Office Building, Franklin & Fannin Sts., Houston, Tex., before Examiner Mack Myers. The notice gave December 12, 1957 as the date of hearing. This was in error, the correct date is *December 2, 1957*.

No. MC 6380 (Sub No. 5), (Correction), published issue September 5, 1957, at page 7114, filed August 9, 1957, R. F. TRUESDELL, INC., 1616 West 47th St., Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Bldg., Cleveland 13, Ohio. The notice was correct except for the name of the city *"Oswego"* appearing on the third line, first column, Page 7114. This should read *"Owego*, N. Y."

HEARING: Remains as assigned October 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Frank R. Saltzman.

No. MC 8283 (Sub No. 6), filed August 7, 1957, NIGRO FREIGHT LINES, INCORPORATED, Main St., Farmington, Conn. Applicant's attorney: Carmine Garofalo, 3814 Alton Place, N. W., Washington 16, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, liquors, commodities in bulk and those requiring special equipment, serving Enfield, Conn., as an off-route point in connection with applicant's authorized regular route operations to and from Atlanta, Ga. RESTRICTION: Proposed operations to be restricted to the interchange of freight only. Applicant is authorized to transport the commodities specified in Connecticut, Georgia and Pennsylvania, and other commodities in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania and Rhode Island.

HEARING: October 29, 1957, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 52855 (Sub No. 2), filed June 10, 1957, ALVAH T. LONGLEY, 59 South Main St., Concord, N. H. Applicant's attorney: Joseph Kovner, 88 North Main Street, Concord, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Logging* and *road construction machinery and equipment and commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts* and *related contractors materials and supplies*, when transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Merrimack and Belknap Counties, N. H., on the one hand, and, on the other, points in New Hampshire, Maine, Vermont, Massachusetts, Rhode Island, and Connecticut.

NOTE: Applicant has contract carrier irregular route authority in Permit No. MC 18383, dated December 16, 1953—Section 210 (dual authority) may be involved.

HEARING: November 1, 1957, at the New Hampshire Public Service Commission, Concord, N. H., before Examiner Lacy W. Hinely.

No. MC 96165 (Sub No. 3), filed July 18, 1957, IRENE DEL FARNO, ADMINISTRATRIX, ESTATE OF THOMAS DEL FARNO, 10 Ward Avenue, North Providence, R. I. Applicant's representative: Russell B. Curnett, 49 Weybosset St., Providence, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Monuments*, and *cast or natural stone*, from Providence and North Providence, R. I., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont and New York.

NOTE: Applicant's representative states that applicant is authorized to transport monuments and cast stone from the above origin points to the above destination points, and the purpose of this application is to include the commodity natural stone.

HEARING: November 13, 1957, in Room 308, Main Post Office Building, Providence, R. I., before Examiner Lacy W. Hinely.

No. MC 96165 (Sub No. 4), filed July 18, 1957, IRENE DEL FARNO, ADMINISTRATRIX, ESTATE OF THOMAS DEL FARNO, 10 Ward Ave., North Providence, R. I. Applicant's representative: Russel B. Curnett, 49 Weybosset St., Providence, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Natural stone*, in bulk, in dump trucks or in dump semi-trailers, from Uxbridge, Mass., to points in Connecticut, Rhode Island, Massachusetts,

Maine, New Hampshire, Vermont and New York. Applicant is authorized to conduct operations in Rhode Island, Connecticut, Massachusetts, Maine, New Hampshire, Vermont and New York.

HEARING: November 13, 1957, in Room 308, Main Post Office Building, Providence, R. I., before Examiner Lacy W. Hinely.

No. MC 103066 (Sub No. 12) (Revision), published September 11, 1957 issue, at page 7254, filed March 18, 1957, VAN STONE, doing business as STONE TRUCKING CO., P. O. Box 2014, 1516 West 49th Street, Tulsa, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Tractors* (other than truck tractors) *tractor tool bars* and *tractor attachments*, (2) *contractors equipment* and *contractors equipment attachments*, (3) *construction machinery and equipment* as defined by the Commission in Appendix VIII to MC-45, 61 M. C. C. 286, (4) *road and street building and maintenance machinery and equipment, including motor graders, scarifiers, street sweepers, snow plows* and *attachments*, (5) *excavating, dirt moving, loading and unloading machinery and equipment, and attachments*, (6) *internal combustion, radial, rocket, nuclear powered and jet propulsion engines*, and *accessories*, with or without electrical generators attached, and *empty containers*, (7) *cranes, derricks, lift trucks* and *attachments*, (8) *motor vehicles* (other than conventional autos) inoperative and not loaded under their own power, (9) *logging and mining machinery, equipment* and *attachments*, (10) *lathes* and *machine shop machinery* and *equipment*, (11) *printing presses, accessories* and *attachments*, (12) *generators and boilers*, (13) *electrical welders* and *weld rods*, plain or flux coated, (14) *airplanes*, (15) *castings*, (16) *artillery, artillery carriages, gun barrels, half-tracks, tanks, tank engines*, and *cargo or freight trailers*, (17) *conex, seal bins*, and *plastic or metal containers*, empty or fully loaded, (18) *buildings, silos* and *grain or feed storage bins*, knocked down or erected, (19) *steel, bar, plate, sheet*, or *structural*, singularly or in bundles, (20) *heavy machinery* and *attachments*, (21) *commodities* the loading, unloading or transportation of which, because of size, weight, or shape, require the use of special equipment, special rigging, or special handling. RESTRICTION: In instances of overlapping in the above commodity descriptions, applicant seeks only one right. Applicant agrees that the above commodity descriptions shall be non-severable by sale or otherwise. (22) *Machinery, equipment, materials* and *supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (23) *machinery, materials, equipment* and *supplies*, used in or in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof. (1) Between points in Arizona, Colorado, and (2) between points in Oklahoma, Kansas and Texas, on the one hand, and, on the other, points in Utah, Arizona, that part of Colorado bounded on the north by U. S. Highway 50, and on the east by U. S. Highway 285, and that part of New Mexico bounded on the east by U. S. Highway 285, and on the south by U. S. Highway 60.

HEARING: November 4, 1957, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Allen W. Hagerty.

No. MC 107107 (Sub No. 90) (CORRECTION), filed June 18, 1957, published September 18, 1957, issue, page 7441, ALTERMAN TRANSPORT LINES, INC., 3424 N. W. 46th Street, Miami, Fla., Mailing address: P. O. Box 65, Allapattah Station, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington, D. C. The notice as published gave the No. *MC 10717* (Sub No. 90), which is in error. The correct number is No. MC 107107 (Sub No. 90).

No. MC 112750 (Sub No. 24), filed August 5, 1957, ARMORED CARRIER CORPORATION, De Bevoise Bldg., Bayside, L. I., N. Y. Applicant's attorney: James K. Knudson, Sundial House, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commercial papers, documents* and *written instruments*, except currency, coin, bullion, and negotiable instruments, as are used in the businesses of banks and banking institutions when transported in containers other than trace-alarm bags and in vehicles other than armored vehicles, between Boston, Mass., and New York, N. Y. Applicant is authorized to conduct operations in Connecticut, Delaware, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: November 12, 1957, at the New Post Office & Court House Building, Boston, Mass., before Examiner Lacy W. Hinely.

No. MC 113475 (Sub No. 5), filed September 6, 1957, GEORGE C. RAWLINGS, Purdy, Va. Applicant's attorney: Henry E. Ketner, State Planters Bank Bldg., Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lumber*, from points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along U. S. Highway 29 to Lynchburg, Va., and on and south of a line beginning at Lynchburg, Va., extending along U. S. Highway 460 to Blackstone, Va., thence on and south of a line beginning at Blackstone, Va., extending along Virginia State Highway 40 to Waverly, Va., thence on and south of a line beginning at Waverly, Va., extending along U. S. Highway 460 to Suffolk, Va., thence on and west of a line beginning at Suffolk, Va., extending along Virginia State Highway 32 from Suffolk, Va., to the North Carolina-Virginia State line, to New York, N. Y. and points in Delaware, Maryland, New Jersey, Pennsylvania, Ohio, West Virginia, Massachusetts, Connecticut, Vermont, Rhode Island, Michigan, Indiana, Kentucky, Tennessee, North Carolina and the District of Columbia, (except where applicant is now authorized to haul lumber, namely, from Alberta, Dinwiddie, Smoky Ordinary and Stony Creek, Va., to the District of Columbia, and New York, N. Y., and points in Delaware, Maryland, New Jersey, Ohio, Pennsylvania and West Virginia); (2) *Wooden boxes* and *box shooks*, from Emporia and Lawrenceville, Va., to points in Massachusetts, Connecticut, Vermont, Rhode Island, Michigan, Indiana, Kentucky, Tennessee and North Carolina. Applicant is authorized to conduct operations in Virginia, Delaware, District of Columbia, Maryland, New Jersey, Ohio, Pennsylvania, West Virginia and New York.

NOTE: Duplicating authority should be eliminated.

HEARING: October 28, 1957, at the U. S. Court Rooms, Richmond, Va., before Examiner Harold P. Boss.

No. MC 114364 (Sub No. 25), filed April 15, 1957, WRIGHT MOTOR LINES, INC., 16th & Elm, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, from Garden City, Kans., to points in Oklahoma, Kansas, and those in that part of Texas bounded by a line beginning at the New Mexico-Texas State Line and extending east along U. S. Highway 180 to junction U. S. Highway 87, thence along U. S. Highway 87 to junction U. S. Highway 80, thence along U. S. Highway 80 to junction U. S. Highway 75, thence north along U. S. Highway 75 to the Texas-Oklahoma State Line, thence northwesterly along the Texas-Oklahoma State Line to the New Mexico-Texas State Line, and thence south along the New Mexico-Texas State Line to point of beginning, including points on the indicated portion of the highways specified, for storage in transit purposes, in connection with applicant's continued movement from Torrington, Wyo., and Swink, Colo., to the destination points here set out. Applicant is authorized to transport sugar in Colorado, Oklahoma, Wyoming, Kansas, Idaho, Utah, Missouri, New Mexico, Arkansas, and Texas.

HEARING: Remains as assigned October 8, 1957, at the Federal Bldg., Oklahoma City, Okla., before Examiner James C. Cheseldine.

No. MC 116399 (Sub No. 2), filed July 31, 1957, FLOYD VESTAL DULL, Route 5, Mocksville, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer*, in bulk or in bags, from the site of the Richmond Guano Co. near Richmond, Va., to farm sites in Davie, Yadkin and Surry Counties, N. C.

HEARING: October 28, 1957, at the U. S. Court Rooms, Richmond, Va., before Joint Board No. 7, or if the Joint Board waives its right to participate before Examiner Harold P. Boss.

No. MC 116529, filed March 18, 1957, GUY M. WILLIS, P. O. Box 1663, Abilene, Tex. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Bldg., Dallas 1, Tex. For authority to operate as a

common carrier, over irregular routes, transporting: *Crude Oil*, in bulk, in tank vehicles, (1) between points in San Juan County, Utah; and (2) between points in San Juan County, Utah, and points in San Juan County, N. Mex.

HEARING: October 28, 1957, at Hotel Paso Del Norte, El Paso, Tex., before Examiner Allen W. Hagerty.

No. MC 116632 (Sub No. 2), filed June 14, 1957, MOHOLLAND BROS., INC., Woodland, Maine. Mailing address: Box 208, Princeton, Maine. Applicant's attorney: William D. Pinansky, 403–4–5 Clapp Memorial Bldg., 443 Congress St., Portland 3, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, (1) from the port of entry at or near Calais, Maine on the international boundary line between the United States and Canada to points in Maine, Massachusetts and Connecticut; (2) from points in Washington County, Maine to the port of entry at or near Calais, Maine on the international boundary line between the United States and Canada; (3) from points in Washington County, Maine to points in Massachusetts and Connecticut.

HEARING: November 8, 1957, at the Federal Building, Portland, Maine, before Examiner Lacy W. Hinely.

No. MC 116637 (Sub No. 1), filed June 5, 1957, WILLIAM C. ROBINSON, Columbia, Conn. Applicant's attorney: Robert D. King, 3 Park St., Rockville, Conn. For authority to operate as a *contract carrier*, over regular routes, transporting: *Granular fertilizer*, in bulk, in seasonal operations between April 1 and October 31 of each year, from North Cambridge, Mass. to Columbia, Conn., from North Cambridge over Massachusetts Highway 28 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 to junction Connecticut Highway 15, thence over Connecticut Highway 15 to junction Connecticut Highway 32, thence over Connecticut Highway 32 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction U. S. Highway 6–A, and thence over U. S. Highway 6–A to Columbia.

HEARING: October 29, 1957, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 116785, filed July 2, 1957, GRAYROD TRUCKING CO., INC., 407 No. Pearl Street, Albany, N. Y. Applicant's attorney: Jack Goodman, National Savings Bank Building, 90 State Street, Albany, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Alcoholic beverages*, from Hartford, Conn., to Albany and Newburgh, N. Y.

HEARING: October 29, 1957, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 191, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 116831, filed July 24, 1957, DONALD HILLIARD, doing business as DON HILLIARD TRUCKING, R. F. D. No. 1, New Boston, N. H. Applicant's representative: Robert I. Eaton, 814 Elm St., Manchester, N. H. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Limestone products, including agricultural land lime*, from Lee, Mass., to points in Cheshire, Hillsboro, Merrimack and Rockingham Counties, N. H.

HEARING: November 5, 1957, at the New Hampshire Public Service Commission, Concord, N. H., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 116834 (Sub No. 1), (Revision) published issue September 11, 1957, at page 7260, filed August 8, 1957, JAMES P. PHILLIPS, doing business as J. P. PHILLIPS TRUCKING, 853 Sixth St., Petaluma, Calif. Applicant's representative: Pete H. Dawson, Suite 306, 717 Market St., San Francisco, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *Frozen fish* and *frozen fish sticks*, from Santa Rosa, Calif., to Seattle, Wash., from Santa Rosa over U. S. Highway 101 to junction of California Highway 37, thence over California Highway 37 to the junction of California Highway 48, thence over California Highway 48 to the junction of U. S. Highway 40, thence over U. S. Highway 40 to the junction of U. S. Highway 99W, thence over U. S. Highway 99W to the junction of U. S. Highway 99, thence over U. S. Highway 99 to Seattle, serving the intermediate point of Portland, Oreg.; (2) *Frozen shrimp* and *crabmeat*, in cans, from Bodega Bay, Calif., to Seattle, Wash., from Bodega Bay over California Highway 1 to Tomales, thence over county road to Petaluma, thence over U. S. Highway 101 to the junction of California Highway 37, thence over California Highway 37 to the junction of California Highway 48, thence over California Highway 48 to the junction of U. S. Highway 40, thence over U. S. Highway 40 to the junction of U. S. Highway 99W, thence over U. S. Highway 99W to the junction of U. S. Highway 99, thence over U. S. Highway 99 to Seattle, serving Portland, Oregon as an intermediate point.

HEARING: Remains as assigned November 4, 1957, at Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

MOTOR CARRIERS OF PASSENGERS

No. MC 287 (Sub No. 3), filed July 11, 1957, PLYMOUTH & BROCKTON STREET RAILWAY CO., a Corporation, 109 Sandwich Street, Plymouth, Mass. Applicant's attorney: Louis J. Ferrari, 73 Tremont Street, Boston 8, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special round-trip operations, restricted to the transportation of passengers who at the time are travelling from the designated origin points to the designated destination and return for the purpose of participating in games commonly referred to as beano and bingo games, from Plymouth, Rockland, Randolph, Stoughton and Brockton, Mass., to Central Falls, R. I., and return.

HEARING: November 6, 1957, at the New Post Office & Court House Building, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 3647 (Sub. No. 222), filed August 14, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Atlantic City, N. J. and Ocean City, N. J., from Atlantic City over unnumbered highways through Ventnor, Margate City and Longport to Ocean City, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: October 29, 1957, at the N. J. Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 96345 (Sub No. 1), filed July 25, 1957, SOUTHERN MASSACHUSETTS BUS LINES, INC., 17 Swift St., New Bedford, Mass. Applicant's attorney: Kenneth B. Williams, 89 State St., Boston 9, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, newspapers*, and *packages* weighing not over 60 pounds each, in the same vehicle with passengers, between Newport, R. I., and Boston, Mass., from Newport over Rhode Island Highway 138 to the Rhode Island-Massachusetts State line, thence over Massachusetts Highway 138 to the junction of Amvets Memorial Highway, (commonly called Fall River Express Way), thence over the Amvets Memorial Highway to junction Massachusetts Highway 27, thence over Massachusetts Highway 27 to junction Massachusetts Highway 138, thence over Massachusetts Highway 138 to junction Massachusetts Highway C 28, and thence over Massachusetts Highway C 28 to Park Square, Boston, Mass., (also from Newport, R. I. as designated above to junction Amvets Memorial Highway and Massachusetts Highway 27, thence over Amvets Memorial Highway to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Massachusetts Highway 138, thence over Massachusetts Highway 138 to junction Massachusetts Highway C 28, thence over Massachusetts Highway C 28 to Park Square, Boston, Mass.; and also, from Newport, R. I. as designated to junction Amvets Memorial Highway and Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Massachusetts Highway 28, thence over Massachusetts Highway 28 to junction Massachusetts Highway C 28, thence over Massachusetts Highway C 28 to Park Square, Boston, Mass.), and return over the above routes, serving all intermediate points. Applicant is authorized to conduct operations in Massachusetts, Maine, New Hampshire, Rhode Island, Connecticut, New York and New Jersey.

HEARING: October 31, 1957, at the New Post Office & Court House Building, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 114855 (Sub No. 1), filed July 31, 1957, ROBERT M. GOODWIN, doing business as THE ROBERT M. GOODWIN BUS SERVICE, 756 Bloomfield Ave., Bloomfield, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, (1) beginning and ending at Avon, Farmington, Hartford, Simsbury, West Hartford, and Windsor, Conn., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and New York, and (2) beginning and ending at Bloomfield, Conn., and extending to points in Maine, Vermont, and Rhode Island. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, and New York.

HEARING: October 30, 1957, at the U. S. Court Rooms, Hartford, Conn., before Examiner Lacy W. Hinely.

No. MC 116741, filed June 14, 1957, PORTLAND-YARMOUTH BUS LINE, INC., 220 Capisic St., Portland, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, restricted to those who are traveling from the designated origin points to designated destination points and return for the purpose of participating in beano and bingo games, in special round-trip operations beginning and ending at Portland, South Portland, and Westbrook, Maine, and extending to Portsmouth, Dover and Rochester, N. H.

HEARING: November 7, 1957, at the Federal Building, Portland, Maine, before Joint Board No. 114, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 116755 (Sub No. 3), filed August 30, 1957, D. C. TRANSIT SYSTEM, INC., 3600 M Street, N. W,, Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers and their baggage*, and *newspapers, express* and *mail*, in the same vehicle, in nonscheduled bus service upon demand, under contracts with the U. S. Government or departments or agencies thereof, between points within a ten (10) mile radius of the Marine Barracks, 8th and Eye Streets, S. E., Washington, D. C. Applicant is authorized to transport passengers in the District of Columbia, Maryland and Virginia.

HEARING: September 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 116755 (Sub No. 4), filed September 6, 1957, D. C. TRANSIT SYSTEM, INC., 3600 M Street, N. W., Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers* and their *baggage*, between points within territory authorized as an origin territory for charter operations in the State of Virginia, the District of Columbia, and the State of Maryland, and points in the territory now authorized to be served in charter service under section 208 (c) of the act. Applicant is authorized to conduct operations under Certificate No. MC 75289 as a common carrier of passengers as specified therein, in Maryland, Virginia and the District of Columbia.

HEARING: September 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 116760, filed June 20, 1957, ALICE D. WILSON, doing business as HOLDEN'S TAXI SERVICE, 50 Union St., Newton Centre 59, Mass. Applicant's attorney: Edmund F. Kneeland, 93 Union St., Newton Centre 59, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *their baggage*, between Newton, Mass., on the one hand, and, on the other, Lake Placid, Niagara Falls, New York, N. Y., points in Greene County, N. Y., and those in Connecticut, New Hampshire and Maine.

HEARING: November 6, 1957, at the New Post Office & Court House Building, Boston, Mass., before Examiner Lacy W. Hinely.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12436 (Sub No. 1), filed May 29, 1957, DOROTHY H. CATE AND JACQUELYN CATE, doing business as JACKIE'S TRAVEL AGENCY, 182 Ocean Blvd., Hampton Beach, Hampton, N. H. Applicant's attorney: Wesley Powell, The Mill, Hampton Falls, N. H. For a license (BMC 5) to engage in seasonal operations, as a *broker*, at Hampton Beach, Hampton, N. H., in arranging for the transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage* (individual passengers and groups of passengers), between points in the United States.

HEARING: November 1, 1957, at the New Hampshire Public Service Commission, Concord, N. H., before Joint Board No. 186, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29910 (Sub No. 47), filed August 12, 1957, ARKANSAS-BEST FREIGHT SYSTEM, INC. (formerly The Arkansas Motor Freight Lines, Inc.), 401 South 11th St., Fort Smith, Ark. Applicant's attorney: Thomas Harper, Kelley Building, Fort Smith, Ark. For authority to operate as a *common carrier*, transporting: *General commodities*, except loose bulk commodities, livestock, Class A and B explosives, currency, bullion, articles of virtu, and commodities which exceed ordinary equipment and loading facilities, between St. Louis, Mo., and Houston, Tex.: from St. Louis over U. S. Highway 67 to Texarkana, Ark., Tex., thence over U. S Highway 59 to Marshall, Tex., thence over Texas Highway 43 to Henderson, Tex., thence over Texas Highway 26 to junction U. S. Highway 59, thence over U. S. Highway 59 to Houston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between St. Louis, Mo., and Houston, Tex., in its Certificate No. MC 29910 (Sub No. 46), Sheet 2.

No. MC 35484 (Sub No. 31), filed August 9, 1957, VIKING FREIGHT COMPANY, 614 South Sixth St., St. Louis 2, Mo. Applicant's attorney: B. W. LaTourette, Suite 1230 Boatmen's Bank Bldg., St. Louis 2, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Junction U. S. Highways 66 and 69 at or near Vinita, Okla., and Junction U. S. Highways 69 and 75 at or near Atoka, Okla., from the junction of U. S. Highways 66 and 69 over U. S. Highway 69 to the junction of U. S. Highways 69 and 75, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between St. Louis, Mo., and Dallas, Texas.

NOTE: Applicant states that it will serve the junction of U. S. Highways 66 and 69, and junction of U. S. Highways 69 and 75, for joinder purposes only. Applicant is authorized to conduct operations in Missouri, Illinois, Tennessee, Ohio, Indiana, Oklahoma, Texas and Kentucky.

No. MC 46829 (Sub No. 6), filed September 9, 1957, ALLARD EXPRESS, INC., 315 Hart St., Watertown Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Wild Rose, Wis., as an off-route point in connection with applicant's authorized regular route operations in Certificate No. MC 46829.

No. MC 57662 (Sub No. 4), filed September 16, 1957, BANGOR AND AROOSTOOK RAILROAD COMPANY, 84 Harlow, Bangor, Maine. Applicant's attorney: William M. Houston, same address as above. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers* and *their baggage*, in the same vehicle with passengers, between Old Town, Maine and Milo, Maine, from Old Town over Maine Highway 43 to the junction of Maine Highway 16, thence over Maine Highway 16 to Milo, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maine.

NOTE: Applicant states that it is authorized to conduct the applied for operations pur-

suant to its proviso filing in No. MC 57662 (Sub No. 3). Applicant further states that in the event that this application is granted, applicant requests the cancellation of all proviso registrations.

No. MC 66562 (Sub No. 1382), filed September 6, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as above. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Bremerton, Wash., and Keyport Naval Torpedo Station, Wash., and Bangor Naval Ammunition Depot, Wash.: from Bremerton over Washington Highway 21 to Keyport Naval Torpedo Station, returning over Washington Highway 21 to junction with Luoto Road, thence over Luoto Road to Bangor Naval Ammunition Depot, thence over unnumbered road to junction with Washington Highway 21 at Silverdale, Wash., and thence over Washington Highway 21 to Bremerton, return trip over same route, serving no intermediate points. Applicant states the proposed service is an extension of and will be tacked or joined at Bremerton, Wash. with its authorized regular route operation between Seattle and Bremerton in Docket No. MC 66562 (Sub No. 737). RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specified conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail and air express service will be made at Seattle, Wash.

No. MC 66562 (Sub No. 1383), filed September 9, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as above. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) between Morgantown, W. Va., and Grafton, W. Va., from Morgantown over U. S. Highway 119 to Grafton and return over the same route, serving no intermediate points, and (2) between Morgantown, Va., and Fairmont, W. Va., from Morgantown over W. Virginia Highway 73 to Fairmont, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in connection with applicant's authorized regular route operations between Connellsville, Pa., and Clarksburg and Grafton, W. Va. In Certificates MC 66562 (Sub Nos. 12 and 604). RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of railway express service. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to or supplemental of rail express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail express service will be made at Grafton, W. Va.

No. MC 113843 (Sub No. 16), filed September 6, 1957, REFRIGERATED FOOD EXPRESS, INC., 8 Commonwealth Pier, Boston 10, Mass. Applicant's attorney: James M. Walsh, 816 Parker House Office Bldg., 44 School Street, Boston, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from Baltimore, Crisfield, Kingston, Marion Station and Havre de Grace, Md., and points in those parts of Delaware, Maryland and Virginia on and south of U. S. Highway 40 and east of the Susquehanna River and Chesapeake Bay to points in Connecticut, Massachusetts and to Providence, R. I. Applicant is authorized to conduct operations in Ohio, Massachusetts, New York, Maryland, Virginia, West Virginia, Illinois, Wisconsin, Connecticut, Indiana, Michigan, New Jersey, Pennsylvania, Rhode Island, Texas, Kentucky, Maine, North Carolina, South Carolina, Tennessee, New Hampshire, Iowa, Nebraska and the District of Columbia.

NOTE: Applicant states that it is presently authorized to transport subject commodities from original points to destination points by tacking, and it seeks only a more direct route by this application.

MOTOR CARRIERS OF PASSENGERS

No. MC 1504 (Sub No. 141), filed September 4, 1957, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between junction West Virginia Highway 56 and U. S. Highway 21 and Parkersburg, W. Va., from junction West Virginia Highway 56 and U. S. Highway 21 over West Virginia Highway 56 to junction West Virginia Highway 2 at Ravenswood, W. Va., thence over West Virginia Highway 2 to Parkersburg, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in Florida, Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 2890 (Sub No. 32), filed June 24, 1957, AMERICAN BUSLINES, INC., Richard W. Smith, Trustee, and W. F. Aikman, Additional Trustee, 1341 "P" St., Lincoln 8, Nebr. Applicant's attorneys: Curry and Dolan, Southern Building, Washington, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Shenandoah, Iowa, and Red Oak, Iowa, over Iowa Highway 48, serving all intermediate points. Applicant is authorized to conduct similar operations in Alabama, Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wyoming, and the District of Columbia.

No. MC 2890 (Sub No. 33), filed August 29, 1957, AMERICAN BUSLINES, INC. (RICHARD W. SMITH, TRUSTEE, AND W. F. AIKMAN, ADDITIONAL TRUSTEE), 1341 "P" Street, Lincoln, Nebr. Applicant's attorneys: Curry and Dolan, Southern Bldg., Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, (1) between Cedar Rapids, Iowa and Iowa City, Iowa, over relocated U. S. Highway 218, serving all intermediate points; and (2) between North Liberty, Iowa and junction relocated U. S. Highway 218 and unnumbered highway, over unnumbered highway, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wyoming, and the District of Columbia.

NOTE: Applicant states it proposes, at the same time that operations are begun over the above routes, to discontinue and abandon service over the old highway between Cedar Rapids and Iowa City, Iowa.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 2756 (Sub No. 13), filed September 16, 1957, JOHN VOGEL, INC., 60 Broadway, Albany 7, N. Y. Applicant's attorney: Arthur M. Marshall, 145 State St., Springfield 3, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including those of unusual value and commodities requiring special equipment*, but excepting Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between points in New York as follows: (1) between Buffalo, N. Y. and Albany, N. Y., (a) over New York Highway 5 serving all intermediate points and the off-route points of Oneida, Rome, Akron, Oakfield, Elba, Scottsville, Holcomb, Shortsville, Clifton Springs, Marcellus, Canastota, Seneca Castle, Verona, Marcy, and Brewerton; (b) from Buffalo over New York Highway 130 to junction U. S. Highway 20, thence over U. S. Highway 20 to Albany, and return over the same routes, serving all intermediate points and the off-route points of Attica, Alexander, Wyoming, Warsaw, Cayuga, Hamilton and Cowlesville; (2) between Buffalo, N. Y. and Middletown, N. Y., from Buffalo over New York Highway 62 to junction U. S. Highway 20, thence over U. S. Highway 20 to Westfield, and thence over New York Highway 17 to Middletown, and return over the same routes, serving all intermediate points and the off-route points of Dunkirk, Forestville, Cuba, Alfred, Candor, Newark Valley, Walton, Sherman, Sinclairville, Iroquois, Cassadaga, Frewsburg, Hinsdale, and Clymer; (3) between Buffalo and Jamestown, N. Y. over U. S. Highway 62, serving the intermediate point of North Collins and the off-route points of Cattaraugus and Water Valley; (4) between Buffalo and Salamanca, N. Y., from Buffalo over New York Highway 16 to Franklinville, thence over New York Highway 98 to Salamanca, and return over the same routes, serving all intermediate points and the off-route point of Java; (5) between Buffalo and Wellsville, N. Y., from Buffalo over New York Highway 16 to junction New York Highway 39, thence over New York Highway 39 to Arcade, thence over New York Highway 98 to junction New York Highway 243, thence over New York Highway 243 to Caneadea, and thence over New York Highway 19 to Wellsville, and return over the same routes, serving all intermediate points and the off-route points of Hume and Short Tract; (6) between Buffalo and Jasper, N. Y., from Buffalo to Caledonia over the route specified under (1), thence over New York Highway 36 to Hornell, thence over New York Highway 21 to Jasper, and return over the same routes, serving all intermediate points and the off-route points of Geneseo and Groveland; (7) between Buffalo and Painted Post, N. Y., from Buffalo to Lima over the route specified under (1), thence over New York Highway 15A to Spring Water, and thence over U. S. Highway 15 to Painted Post, and return over the same routes, serving all intermediate points and the off-route points of Naples and Honeoye; (8) between Buffalo and Bath, N. Y., from Buffalo to Geneseo over the route specified under (1), thence over New York Highway 14A to Penn Yan, thence over New York Highway 54A to Hammondsport, and thence over New York 54 to Bath, and return over the same routes, serving all intermediate points and the off-route points of Potter, Branchport, and Keuka Park; (9) between Buffalo and Ithaca, (a) from Buffalo to Waterloo, N. Y., over the route specified in (1), thence over New York Highway 96 to Ithaca; (b) from Buffalo to Syracuse as specified in route (1), thence over U. S. Highway 11 to Cortland, thence over New York Highway 13 to Ithaca, and return over the same routes, serving the intermediate points of Cortland and Dryden and the off-route points of Groton and Caywood; (10) between Buffalo and Binghamton, N. Y., from Buffalo to Utica over the route specified in (1), and thence over New York Highway 12 to Binghamton, and return over the same routes, serving the intermediate point of Norwich and the off-route point of New Berlin; (also from Buffalo to Herkimer over the route specified in (1), thence over New York Highway 28 to Colliersville, and thence over New York Highway 7 to Binghamton, serving the intermediate points of Milford, Oneonta, and Unadilla and the off-route point of Sidney); (11) between Buffalo and Rochester over New York Highway 33, serving all intermediate points and the off-route point of Cold Water; (12) between Buffalo and Niagara Falls, over New York Highways 384 and 266 and return over the same routes, serving all intermediate points; (13) between Buffalo and Plattsburg, from Buffalo over New York Highway 263 to Lockport, thence over New York Highway 31 to Rochester, thence over U. S. Highway 104 to Mapleview, thence over U. S. Highway 11 to Chateaugay, thence over New York Highway 374 to junction New York Highway 3, and thence over New York Highway 3 to Plattsburg, and return over the same routes, serving all intermediate points and the off-route points of Fulton, Hilton, Sackets Harbor, Keeseville, Ransomville, Hamlin, Clarkson, Greece, Mortimer, North Rose, Woodville, Lorraine, Rodman, Norfolk, Ellenburg, and Peru; (14) between Buffalo and Malone, from Buffalo over the routes specified in (13) to Watertown, and thence over New York Highway 37 to Malone, and return over the same routes, serving the intermediate points of Hammond, Ogdensburg, and Massena and the off-route point of Alexandria Bay; (15) between Buffalo and Saranac Lake, from Buffalo to Watertown over the route specified in (13), and thence over New York Highway 3 to Saranac Lake, and return over the same routes, serving the intermediate points of Black River, Great Bend, Carthage, and Tupper Lake; (16) between Rochester and Syracuse, from Rochester over New York Highway 31 to Weedsport, thence over New York Highway 31B to junction New York Highway 5, and thence over New York Highway 5 to Syracuse, and return over the same routes, serving all intermediate points; (17) between Buffalo and Watertown, from Buffalo to Utica over the route specified in (1), and thence over New York Highway 12 to Watertown, and return over the same routes, serving the intermediate points of Boonville and Lowville; (18) between Watertown and Cape Vincent over New York Highway 12E serving the intermediate point of Dexter; (19) between Watertown and Clayton over New York Highway 12, Utica and Schenectady over New York Highway 5S, Mayville and Jamestown over New York Highway 17J, Big Flats and Elmira over New York Highway 17E, Owego and Binghamton over New York Highway 17C, and Geneva and Ovid over New York Highway 96A, and return over the same routes, as alternate routes for operating convenience only, serving no intermediate points.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate certificate issued to Mayberry Motor Freight, Inc., on file with this Commission. This application is directly related to section 5 application in No. MC-F-6696.

MOTOR CARRIERS OF PASSENGERS

No. MC 29890 (Sub No. 21), filed September 17, 1957, ROCKLAND COACHES, INC., 126 N. Washington Ave., Bergenfield, N. J. Applicant's attorney: S. S. Eisen, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers* and *their baggage*, in the same vehicle with passengers, between Closter, N. J. and Harrington Park, N. J., from junction Schraalenburgh Road with Old Hook Road in Closter over Schraalenburg Road to Elm Street in Harrington Park, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in New Jersey and New York.

NOTE: This matter is directly related to MC-F-6697 and MC-F-6698.

No. MC 35124 (Sub No. 10), filed September 17, 1957, HILL BUS COMPANY, 126 North Washington Ave., Bergenfield, N. J. Applicant's attorney: S. S. Eisen, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, in the same vehicle with passengers, (1) between junction of Portland Avenue with Main Street in Bergenfield, N. J. and Washington Ave., from junction Portland Avenue with Main Street, over Portland Avenue and Clinton Avenue to Washington Avenue, and return over the same route, serving all intermediate points; (2) between junction of Queen Anne Road and State Street and junction of New Jersey Highway 4 and Teaneck Road, from junction of Queen Anne Road and State Street over Queen Anne Road to junction of New Jersey Highway 4, thence over New Jersey Highway 4 to junction of Teaneck Road, and return over the same route, serving all intermediate points; (3) between junction Schraalenburgh Road with Elm Street in Harrington Park, N. J., over Schraalenburgh Road, LaRoche Avenue and Railroad Station Plaza to Elm Street, and return over the same route, serving all intermediate points; (4) between Closter, N. J. and Harrington Park, N. J. from junction Schraalenburgh Road with Old Hook Road in Closter, over Schraalenburgh Road to Elm Street in Harrington Park, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in New Jersey and New York.

NOTE: This matter is directly related to MC-F-6697 and MC-F-6698.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6590, published in the May 29, 1957, issue of the FEDERAL REGISTER on page 3777. Supplemental application filed September 13, 1957, to show joinder of WILLIAM BUCHANAN and LAURA BUCHANAN, both of Corydon, Ind., as the persons in control of vendee.

No. MC–F 6677, published in the September 5, 1957, issue of the FEDERAL REGISTER on page 7125. Application filed September 12, 1957, for temporary authority under section 210a (b).

No. MC–F 6694. Authority sought for control and merger by STEFFKE FREIGHT CO., 204 South Bellis Street, Wausau, Wis., of the operating rights and property of GORDY FREIGHT LINES, INC., 1621 South Canal Street, Chicago, Ill., and for acquisition by MALCOLM J. BOYLE, JR., also of Wausau, and STEADFAST OPERATING COMPANY, c/o D. M. Healey, 231 South LaSalle Street, Chicago, Ill., of control of such rights and property through the transaction. Applicants' attorney: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago, Ill. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Muscatine, Iowa, and Chicago, Ill., from Chicago, Ill., to Muscatine, Iowa, between Rockford, Ill., and Chicago, Ill., between Byron, Ill., and Chicago, Ill., and between Rockford, Ill., and Sterling, Ill., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Byron, Ill., on the one hand, and, on the other, points in Ogle and Carroll Counties, Ill.; *household goods*, as defined by the Commission, between certain points in Iowa, on the one hand, and, on the other, points in Illinois; *livestock*, between points in Muscatine County, Iowa, on the one hand, and, on the other, points in Illinois within 60 miles of Muscatine, Iowa; *coal*, from points in LaSalle, Henry, Bureau, and Rock Island Counties, Ill., to points in Muscatine County, Iowa. STEFFKE FREIGHT CO. is authorized to operate as a *common carrier* in Illinois, Wisconsin, Michigan, and Iowa. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6695. Authority sought for control and merger by FRED OLSON MOTOR SERVICE COMPANY, 4724 West Walton Street, Chicago 51, Ill., of the operating rights and property of WEBBER CARTAGE LINE, INC., Route 120 and Route 42–A, Post Office Box 59, Waukegan, Ill., and for acquisition by FRED A. OLSON, 9380 North Lake Drive, Milwaukee, Wis., and OLSON MOTOR SERVICE, INC., 1300 West Bruce Street, Milwaukee, Wis., of control of such rights and property through the transaction. Applicants' attorney: Franklin R. Overmyer, 111 West Monroe Street, Chicago 3, Ill. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate and certain off-route points; alternate route for operating convenience only between Chicago, Ill., and the junction of Eden's Expressway and U. S. Highway 41 somewhat north of Lake Avenue; *iron articles and steel articles* which because of size or weight require transportation by pole trailers, between Chicago, Ill., and Milwaukee, Wis., serving certain intermediate and off-route points; alternate route for operating convenience only between Chicago, Ill., and junction Eden's Expressway and U. S. Highway 41; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, Indiana points included in the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission; *fertilizer*, in truckload lots, from Milwaukee, Wis., to points in DuPage County, Ill. FRED OLSON MOTOR SERVICE COMPANY is authorized to operate as a *common carrier* in Illinois, Wisconsin and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6696. Authority sought for control and merger by JOHN VOGEL, INC., 60 Broadway, Albany, N. Y., of the operating rights and property of MAYBERRY MOTOR FREIGHT, INC., Church Street, Port of Albany, Albany, N. Y., and BROWN'S EXPRESS, INC., 1595 East Street, Pittsfield, Mass., and for acquisition by JOHN VOGEL, JR., JAMES VOGEL and WILLIAM VOGEL, all of Albany, of control of such rights and property through the transaction. Applicants' attorney: Arthur M. Marshall, 145 State Street, Springfield, Mass. Operating rights sought to be controlled and merged: (MAYBERRY MOTOR FREIGHT, INC.) Operations under the Second Proviso of Section 206 (a) (1) of the Interstate Commerce Act in the transportation of *general commodities*, as a *common carrier* in the State of New York, over regular routes, from Buffalo to Albany, Middletown, Jamestown, Salamanca, Wellsville, Jasper, Painted Post, Bath, Ithaca, Binghamton, Rochester, Niagara Falls, Plattsburg, Malone, Saranac Lake and Watertown, and from Rochester to Syracuse, serving certain intermediate and off-route points; authority to use connecting routes from Watertown to Cape Vincent, serving the intermediate point of Dexter, from Watertown to Clayton, from Utica to Schenectady, from Mayville to Jamestown, from Big Flats to Elmira, from Owego to Binghamton, and from Geneva to Ovid; (BROWN'S EXPRESS, INC.) *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Springfield, Mass., and Albany, N. Y., between Pittsfield, Mass., and Williamstown and Sheffield, Mass., between Springfield, Mass., and Athol, Mass., between Albany, N. Y., and Glens Falls, N. Y., and between Northampton, Mass., and Boston, Mass., serving certain intermediate and off-route points; alternate routes for operating convenience only between Springfield, Mass., and Worcester, Mass., and between Worcester, Mass. and Junction U. S. Highway 20 and Massachusetts Highway 9; *new furniture*, over irregular routes, from Arlington, Vt., to points in Berkshire, Hampden, Hampshire, and Franklin Counties, Mass.; *fertilizer*, from South Deerfield, Mass.; to Warren, R. I., points in Vermont, certain points in New York and certain points in Connecticut, and from Bridgeport, New Haven, Hartford, Portland, and East Windsor, Conn., to South Deerfield, Mass.; *bone, hoof, horn and vegetable meal*, and *tankage*, from New York, N. Y., and points within ten miles thereof, to Leominster and South Deerfield, Mass., and points in Hartford County, Conn.; *lime* and *limestone products*, from New Haven Junction and Winooski, Vt., and Canaan, Conn., to points in Hampden, Hampshire, and Franklin Counties, Mass.; *agricultural commodities*, from points in Hampshire, and Franklin Counties, Mass., to Providence, R. I., Philadelphia, Pa., points in Connecticut, points in New Jersey within 25 miles of New York, N. Y., and certain points in New York, and from Boston, Mass., to Springfield, Mass., Providence, R. I., New York, N. Y., and points in New York within ten miles of New York, N. Y, and points in Connecticut; *burlap bags*, from Philadelphia, Pa., Jersey City, N. J., and New York, N. Y., to South Deerfield, Mass. JOHN VOGEL, INC., is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachuestts and Connecticut. Application has been filed for temporary authority under section 210a (b).

NOTE: No. MC 2756 Sub 13, filed September 16, 1957, is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC–F 6697. Authority sought for purchase by PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N. J., of portions of the operating rights of HILL BUS COMPANY, ROCKLAND COACHES, INC., and ROCKLAND TRANSIT CORPORATION, all of 126 North Washington Avenue, Bergenfield, N. J., and for acquisition by PUBLIC SERVICE ELECTRIC AND GAS COMPANY, 80 Park Place, Newark 1, N. J., of control of such rights through the purchase. Applicants' attorney: Frederick M. Broadfoot, 180 Boyden Avenue, Maplewood, N. J. Operating rights proposed to be transferred: (HILL BUS COMPANY) *Passengers and their baggage*, and *express*, in the same vehicle with passengers, as a *common carrier* over regular routes, (1) from junction Schraalenburgh Road with Elm Street in Harrington Park, N. J., over Schraalenburgh Road through Closter and Haworth, thence over Washington Avenue through Dumont and Bergenfield, thence over Teaneck Road to New Jersey Highway #4 in Teaneck, N. J., and return over the same route; (2) in Dumont, N. J., over Madison Avenue from the New York Central Railroad to Washington Avenue and return over the same route; (3) in Bergenfield, N. J., over Church Street from Station Square to Washington Avenue, and return over the same route; (4) in Teaneck, N. J., over State Street from Queen Anne Road to Teaneck Road, and return over the same route; and (5) from junction Palisade Avenue with Grand Avenue in Englewood, N. J., over Palisade Avenue to Hudson Terrace in Englewood Cliffs, thence over Hudson Terrace and Myrtle Avenue to Lemoine Avenue in Fort Lee, N. J., and return over the same route; service is authorized to and from all intermediate points; (ROCKLAND COACHES, INC.) *Passengers and their baggage*, in the same vehicle with passengers, as a *common carrier* over a regular route from junction Schraalenburgh Road with Elm Street in Harrington Park, N. J., over Schraalenburgh Road to Old Hook Road in Closter, N. J., and return over the same route; service is authorized to and from all intermediate points; (ROCKLAND TRANSIT CORPORATION) *Passengers and their baggage*, and *express*, *newspapers* and *mail*, in the same vehicle with passengers, as a *common carrier*, over regular routes, (1) from junction Schraalenburgh Road with Elm Street in Harrington Park, N. J., over Schraalenburgh Road through Closter and Haworth, thence over Washington Avenue through Dumont and Bergenfield, thence over Teaneck Road to New Jersey Highway #4 in Teaneck, N. J., and return over the same route; and (2) in Dumont, N. J., over Madison Avenue from the New York Central Railroad to Washington Avenue and return over the same route; service is authorized to and from all intermediate points. Vendee is authorized to operate as a *common carrier* in New Jersey, New York and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

NOTE: Nos. MC 29830 Sub 21 and MC 35124 Sub 10 are matters directly related, published in this issue.

No. MC–F 6698. Authority sought for purchase by HILL BUS COMPANY and ROCKLAND COACHES, INC., both of 126 North Washington Avenue, Bergenfield, N. J., of portions of the operating rights of PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N. J., and for acquisition by ERNEST CAPITANI, ERNEST A. CAPITANI, JR., MARY CAPITANI, and AMELIA CAPITANI GERACE, all of Bergenfield, of control of such rights through the transactions. Applicants' attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes (to HILL BUS COMPANY), (1) from junction Clinton Avenue with Washington Avenue in Bergenfield, N. J., over Clinton Avenue to Knickerbocker Road in Tenafly, N. J., thence over Knickerbocker Road to Palisade Avenue in Englewood, N. J., and return over the same route; (2) from junction Sharer Street with Paris Avenue in Northvale, N. J., over Sharer Street, Glanz Avenue and Livingston Street to Paris Avenue, thence over Paris Avenue and Tappan Road to Norwood, thence over Tappan Road and Schraalenburgh Road to LaRoche Avenue in Harrington Park, N. J., and return over the same route to junction Paris Avenue with Sharer Street; (3) from junction Closter Road with Schraalenburgh Road in Harrington Park, N. J., over Closter Road, Harrington Avenue and Closter Dock Road to Piermont Road in Closter, thence over Piermont Road and County Road, through Demarest, to Union Avenue in Cresskill, thence over Union Avenue, Railroad Plaza, Madison Avenue and Jefferson Avenue to Riveredge Road in Tenafly, N. J., and return over the same route; (4) in Closter, N. J., from junction Closter Dock Road with Bogert Street, over Bogert Street, Demarest Avenue and Durie Avenue to Closter Dock Road, and return over the same route; (5) from junction Riveredge Road with Tenafly Road in Tenafly, N. J., over Tenafly Road to Palisade Avenue in Englewood, N. J., and return over the same route; and (6) from junction County Road with Union Avenue in Cresskill, N. J., over County Road and Highwood Avenue to Riveredge Road in Tenafly, N. J., and return over the same route; service is authorized to and from all intermediate points (to ROCKLAND COACHES, INC.), (1) from junction Broadway with Tappan Road in Norwood, N. J., over Broadway and Piermont Road to Closter Dock Road in Closter, N. J., and return over the same route; (2) from junction Piermont Road with Closter Dock Road in Closter, N. J., over Closter Dock Road to U. S. Highway #9–W, in Alpine, thence over U. S. Highway #9–W, through Tenafly, to Palisade Avenue in Englewood Cliffs, N. J., and return over the same route; (3) from junction Union Avenue-Hillside Avenue with County Road in Cresskill, N. J., over Hillside Avenue and Church Street to Closter Dock Road in Alpine, N. J., and return over the same route; and (4) in Englewood, N. J., over Engle Street from Demarest Avenue to Palisade Avenue, and return over the same route; service is authorized to and from all intermediate points. Both vendees are authorized to operate as *common carriers* in New Jersey and New York. Application has not been filed for temporary authority under Section 210a (b).

NOTE: Nos. MC 29890 Sub 21 and MC 35124 Sub 10 are matters directly related, published in this issue.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–7840; Filed, Sept. 24, 1957; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 20, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34173: *Substituted service—motor and rail—Chicago and North Western Railway.* Filed by the Middlewest Motor Freight Bureau, Agent (90), for the Chicago and Northwestern Railway Company and interested motor carriers. Rates on freight loaded in highway trailers and transported in substituted service on railroad flat cars, between Chicago, Ill., on the one hand, and St. Paul, Minn., Altoona and Eau Claire, Wis., on the other.

Grounds for relief: Motor Truck Competition.

Tariff: Supplement 61 to Middlewest Motor Freight Bureau MF–ICC 223.

FSA No. 34174: *Commercial explosives—Missouri points to Southwestern points.* Filed by F. C. Kratzmeir, Agent (SWFB B–7116), for interested rail carriers. Rates on commercial explosives, including dynamite primers, boosters, blasting caps, fuses, blasting materials, and supplies, also nitro-carbonitrate, straight or mixed carloads, from Atlas, Carl Jct., and Independent Powder Company No. 2, Mo., to points in southwestern territory as described in the application.

Grounds for relief: Short-line distance scale formula and motor-truck competition.

Tariff: Supplement 4 to Agent Kratzmeir's ICC 4257.

FSA No. 34175: T. O. F. C. Service—NYNH&H Railroad Company (36), for itself and other interested rail carriers. Rates on freight loaded in or on trailers and transported on railroad flat cars, in trailer-on-flat-car service, between points in Connecticut, Massachusetts, and Rhode Island, on the one hand, and points in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, and Pennsylvania, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 9 to The New York, New Haven and Hartford Railroad Company's ICC F 4431.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–7838; Filed, Sept. 24, 1957; 8:47 a. m.]

TITLE 3—THE PRESIDENT

PROCLAMATION 3204

OBSTRUCTION OF JUSTICE IN THE STATE OF ARKANSAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain persons in the State of Arkansas, individually and in unlawful assemblages, combinations, and conspiracies, have wilfully obstructed the enforcement of orders of the United States District Court for the Eastern District of Arkansas with respect to matters relating to enrollment and attendance at public schools, particularly at Central High School, located in Little Rock School District, Little Rock, Arkansas; and

WHEREAS such wilful obstruction of justice hinders the execution of the laws of that State and of the United States, and makes it impracticable to enforce such laws by the ordinary course of judicial proceedings; and

WHEREAS such obstruction of justice constitutes a denial of the equal protection of the laws secured by the Constitution of the United States and impedes the course of justice under those laws:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States, under and by virtue of the authority vested in me by the Constitution and statutes of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstruction of justice to cease and desist therefrom, and to disperse forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Newport, Rhode Island this twenty-third day of September in the year of our Lord
[SEAL] Nineteen hundred and fifty-seven and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-7976; Filed, Sept. 24, 1957; 8:06 p. m.]

EXECUTIVE ORDER 10730

PROVIDING ASSISTANCE FOR THE REMOVAL OF AN OBSTRUCTION OF JUSTICE WITHIN THE STATE OF ARKANSAS

WHEREAS on September 23, 1957, I issued Proclamation No. 3204 reading in part as follows:

"WHEREAS certain persons in the State of Arkansas, individually and in unlawful assemblages, combinations, and conspiracies, have wilfully obstructed the enforcement of orders of the United States District Court for the Eastern District of Arkansas with respect to matters relating to enrollment and attendance at public schools, particularly at Central High School, located in Little Rock School District, Little Rock, Arkansas; and

"WHEREAS such wilful obstruction of justice hinders the execution of the laws of that State and of the United States, and makes it impracticable to enforce such laws by the ordinary course of judicial proceedings; and

"WHEREAS such obstruction of justice constitutes a denial of the equal protection of the laws secured by the Constitution of the United States and impedes the course of justice under those laws:

"NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States, under and by virtue of the authority vested in me by the Constitution and Statutes of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstruction of justice to cease and desist therefrom, and to disperse forthwith;" and

WHEREAS the command contained in that Proclamation has not been obeyed and wilful obstruction of enforcement of said court orders still exists and threatens to continue:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and Statutes of the United States, including Chapter 15 of Title 10, particularly sections 332, 333 and 334 thereof, and section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. I hereby authorize and direct the Secretary of Defense to order into the active military service of the United States as he may deem appropriate to carry out the purposes of this Order, any or all of the units of the National Guard of the United States and of the Air National Guard of the United States within the State of Arkansas to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders.

SEC. 2. The Secretary of Defense is authorized and directed to take all appropriate steps to enforce any orders of the United States District Court for the Eastern District of Arkansas for the removal of obstruction of justice in the State of Arkansas with respect to matters relating to enrollment and attendance at public schools in the Little Rock School District, Little Rock, Arkansas. In carrying out the provisions of this section, the Secretary of Defense is authorized to use the units, and members thereof, ordered into the active military service of the United States pursuant to Section 1 of this Order.

SEC. 3. In furtherance of the enforcement of the aforementioned orders of the United States District Court for the Eastern District of Arkansas, the Secretary of Defense is authorized to use such of the armed forces of the United States as he may deem necessary.

SEC. 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this Order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 24, 1957.

[F. R. Doc. 57-7977; Filed, Sept. 24, 1957; 8:07 p. m.]

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VOLUME 22 NUMBER 187

Washington, Thursday, September 26, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SECURITIES AND EXCHANGE COMMISSION

Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 6.326 is revoked and paragraph (h) is added as set out below.

§ 6.326 *Securities and Exchange Commission.* • • •

(h) One Associate Executive Director.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-7888; Filed, Sept. 25, 1957; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[Administration Letter 525 (440)]

PART 331—POLICIES AND AUTHORITIES

Subchapter C—Operating Loans

PART 341—POLICIES AND AUTHORITIES

Subchapter D—Soil and Water Conservation Loans

PART 351—POLICIES AND AUTHORITIES

Subchapter G—Miscellaneous Regulations

PART 383—FARM HOUSING LOANS

FARMERS HOME ADMINISTRATION LOANS IN CONNECTION WITH POULTRY PRODUCTION

1. Section 331.6 in Title 6, Code of Federal Regulations (21 F. R. 10444), is amended to add a new paragraph (c) setting forth additional requirements to be observed in making Farmers Home Administration loans in connection with poultry production, and reading as follows:

§ 331.6 *Loan purposes.* • • •

(c) Within the policies and regulations applicable to the making of Farmers Home Administration loans, the following will be observed in considering applications for loans involving poultry production:

(1) Farmers Home Administration loans will not be made to establish individuals in the production of meat birds or eggs when such production would be greater than an incidental part of their total farming or ranching operations. When an applicant's production of meat birds or eggs will be an incidental part of his farming operations, Farmers Home Administration loans may be made for financing his poultry enterprise.

(2) Farmers Home Administration loans may be made to established family-type farmers who are primarily engaged in the production of meat birds or eggs to finance such enterprise(s) if they have had a good record of operations for several years and have the managerial ability to successfully carry on the proposed operations.

(3) Farmers Home Administration loans may be made to other established poultry producers who are engaged in the production of meat birds or eggs to finance their normal level of poultry operations if they have had a good record of operations.

(4) The above policies do not prohibit the making of Farmers Home Administration loans to poultry producers for purposes other than the production of poultry.

2. Section 341.8 in Title 6, Code of Federal Regulations (22 F. R. 687), is amended to add a new paragraph (c) reading as follows:

§ 341.8 *Loan purposes.* • • •

(c) The making of Operating loans is subject to the general policies contained in § 331.6 of this chapter, regarding the making of Farmers Home Administration loans involving poultry production.

3. Section 351.2 (b) in Title 6, Code of Federal Regulations (20 F. R. 1963, 21 F. R. 9757), is amended to add a new subparagraph (3) reading as follows:

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§ 351.2 *Loans to individuals.* • • •

(b) *Use of loan funds.* • • •

(3) The making of Soil and Water Conservation loans to individuals is subject to the general policies contained in § 331.6 of this chapter, regarding the making of Farmers Home Administration loans involving poultry production.

4. Section 383.6 in Title 6, Code of Federal Regulations (21 F. R. 3479, 22 F. R. 3), is amended to add a new paragraph (f) reading as follows:

§ 383.6 *Special requirements.* • • •

(f) The making of Farm Housing loans is subject to the general policies contained in § 331.6 of this chapter, regarding the making of Farmers Home Administration loans involving poultry production.

(R. S. 161; 5 U. S. C. 22)

Dated: September 20, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-7907; Filed, Sept. 25, 1957; 8:52 a. m.]

Subchapter G—Miscellaneous Regulations

[FHA Instruction 444.1]

PART 383—FARM HOUSING LOANS

APPLICATIONS AND CERTIFICATIONS

Section 383.10, Title 6, Code of Federal Regulations (22 F. R. 3) is revised to include reference to veterans preference in Part 301 of this chapter, revise titles of forms, and restate considerations by the County Committee in determining farm values. The revised section reads as follows:

§ 383.10 *Processing applications and County Committee certification*—(a) *Applications.* Applications for Farm Housing loans will be taken on Form FHA–197, "Application for FHA Services," and processed in accordance with Part 301 of this chapter.

(b) *County Committee certification.* No Farm Housing loan will be made unless the County Committee certifies (1) that the applicant is eligible for the loan and has the character, ability, and experience to carry out the undertakings required in connection with the loan, (2) that the farm is of such a character that the purpose of the loan will be carried out, and (3) as to the fair and reasonable value of the farm based upon its normal market value after the contemplated improvements are made. Forms FHA–14, "Farm and Home Plan," FHA–596, and FHA–643 will be presented to the County Committee for their consideration before they execute Form FHA–121, "County Committee Certification."

(Sec. 510, 63 Stat. 437; 42 U. S. C. 1480)

Dated: September 20, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-7908; Filed, Sept. 25, 1957; 8:53 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

[Amdt. 2]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations containing the general provisions governing the 1958 acreage reserve part of the Soil Bank Program, 22 F. R. 6397, as amended in 22 F. R. 6644, are hereby further amended as follows:

1. Section 485.308 is amended to read as follows:

§ 485.308 *Maximum acreage limitations on extent of participation.* Participation with respect to any farm shall be subject to the following maximum acreage limitations:

(a) The acreage placed in the acreage reserve for any commodity may not exceed the farm allotment for the commodity.

(b) The acreage placed in the acreage reserve for all commodities on the farm may not exceed the farm soil bank base less the number of acres in the conservation reserve at the regular rate: *Provided,* That, in the case of any farm which during 1957 participated in both the acreage reserve and the conservation reserve programs, the acreage placed in the 1958 acreage reserve may not exceed the sum of (1) the acreage permitted to be devoted to soil bank base crops under the conservation reserve contract, plus (2) the acreage placed in the 1957 acreage reserve.

(c) In the case of spring wheat, the acreage placed in the acreage reserve may not exceed the farm allotment less (1) the number of acres, if any, on the farm placed in the acreage reserve under an agreement covering winter wheat, and (2) the number of acres, if any, planted to wheat in the fall of 1957 on land on the farm (excluding the number of acres planted on any such acreage reserve).

(d) Any other limitations specified in the supplement covering the particular commodity.

2. Section 485.310 (b) (1) is amended by deleting the word "wheat" in the proviso and inserting in lieu thereof the words "any commodity."

3. Section 485.311 (a) (3) is amended to read as follows:

(3) Must be land on which a soil bank base crop (see § 485.313 (c)) has been planted for harvest or harvested within the past five years, 1953–1957 (land which was designated as acreage reserve under the 1957 acreage reserve program shall be considered as land on which a soil bank base crop was planted for harvest or harvested for purposes of this provision);

4. Section 485.311 (a) is amended by adding at the end thereof the following: "In the case of any farm where compensation rates are established separately for irrigated and non-irrigated land, no land on the farm may be designated at the rate for irrigated land unless the number of acres of the allotment to which the non-irrigated rate applies has been placed in the acreage reserve at the non-irrigated rate.

5. Section 485.319 (c) is amended to read as follows:

(c) (1) In the case of a change in ownership of a farm, if the land was previously farmed by a tenant or sharecropper, an agreement shall not be approved for the new owner for at least one year after the change in ownership, unless the land is continued to be farmed by a tenant or sharecropper, or the county committee determines that the new owner would normally farm the land without a tenant or sharecropper.

(2) In addition to the grounds for not approving an agreement specified in paragraph (a) of this section or in subparagraph (1) of this paragraph, the county committee shall disapprove an agreement where such action is for any other reason determined by the county committee to be necessary in order to protect the interest of the tenants and sharecroppers.

6. Section 485.312 (b) (1) is amended by deleting the last two sentences and inserting in lieu thereof the following: "If the request to graze is approved, permission to graze the acreage reserve shall extend through December 31, 1958. The request to graze shall be approved by the county committee if the conditions specified above in this subparagraph have been met, except that such approval shall not be given if the county committee has reason to believe that there has been a violation of the terms and conditions of the agreement which would require a forfeiture or refund of compensation."

7. Section 485.312 (b) (2) is hereby amended to read as follows:

(2) In any area where the Secretary determines that the natural disaster is of such severity as to so warrant, the Secretary may permit grazing of the acreage reserve without restricting it to livestock of the producers and without making a deduction from the compensation payable under the agreement.

8. Section 485.313 (b) is amended to read as follows:

(b) *Soil bank base period and adjustments in base.* The soil bank base for the farm shall be the average acreage of land devoted to soil bank base crops during the years 1956 and 1957, subject to (1) adjustment by the county committee where necessary to make due allowance for abnormal weather conditions to the extent that such abnormal weather conditions affected the acreage of such crops during such period, (2) downward adjustment of 1957 crop acreages as is necessary to eliminate any soil bank base acreage credit for new land brought into the production of soil bank base crops after December 31, 1956, to the extent that such new land is not offset by the retirement of cropland on the farm to noncropland, and (3) such downward adjustment as may be necessary to eliminate soil bank base acreage credit resulting from considering the 1956 or 1957 acreage reserve as being devoted to a crop of the commodity covered by the agreement in cases where the soil bank base acreage credit thus given would, if not eliminated, result in increasing the soil bank base acreage above the acreage which would have been grown on the farm in 1956 or 1957 in the absence of participation in the acreage reserve program. The soil bank base established hereunder may provide different acreages for alternate years when necessary to reflect an established summer fallow rotation system, provided the average of the acreages for such alternate years shall equal the acreage as determined above.

9. Section 485.313 (e) is amended by adding at the end thereof the following: "If the county committee determines that the producer had reason to know that the farm soil bank base was in error, the farm soil bank base shall be the corrected farm soil bank base. In such case, the agreement filed shall be deemed terminated. However, a new agreement may be filed within 15 days after the mailing date shown on the notice of the corrected farm soil bank base mailed to the farm operator."

10. Section 485.315 (c) is amended to read as follows:

(c) *Limitation on compensation.* (1) The total of all acreage reserve payments for all commodities under the 1958 acreage reserve program to any producer with respect to any individual farm shall not exceed $3,000.

(2) All or any part of the compensation which otherwise would be due any producer may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation or use of any corporation, partnership, estate, trust, or other means, designed to evade, or which has the effect of evading the provisions of this paragraph.

11. Section 485.316 (a) (3) is amended to read as follows:

(3) *Correction of errors.* Prior to the approval of an agreement, the county committee may correct any error made in establishing the farm productivity index. In correcting errors made in establishing the farm productivity index, the total of all increases in productivity indexes (together with any increases in productivity indexes as a result of appeals) shall not be such as will result in a weighted average compensation rate (when farm compensation rates are weighted by the respective farm allotments) which exceeds the county rate of compensation by more than nine-tenths of one percent: *Provided*, That the State committee may authorize further increases in productivity indexes, but such further increases for all counties in the State shall not exceed one-tenth of one percent of the weighted average of the compensation rates for all counties in the State.

12. Section 485.333 is corrected by changing the word "produced" in the second sentence to read "producer."

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 20th day of September 1957.

[SEAL] MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-7875; Filed, Sept. 25, 1957; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 864.5]

PART 864—WAGES; SUGARCANE; LOUISIANA

FAIR AND REASONABLE WAGE RATES IN HARVESTING OF 1957 CROP AND PRODUCTION AND CULTIVATION DURING CALENDAR YEAR 1958

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on August 7, 1957, the following determination is hereby issued.

§ 864.5 *Fair and reasonable wage rates for persons employed in Louisiana in the harvesting of the 1957 crop of sugarcane and production and cultivation of sugarcane during the calendar year 1958*—(a) *Requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the harvesting of the 1957 crop of sugarcane and the production and cultivation of sugarcane during the calendar year 1958 shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but not less than the rates specified below. Wage rates applicable to the harvesting of the 1957 crop shall be effective on the date of publication of this section in the FEDERAL REGISTER and wage rates applicable to production and cultivation of sugarcane during the calendar year 1958 shall be effective on January 1, 1958.

(i) *For work performed on a time or piecework basis.*

Class of worker or operation	Rate per hour
Harvest of 1957 crop:	
Cutters, toppers, strippers, and scrappers behind loaders	$0.60
Loaders, spotters, ropemen, and grabmen	.65
Cutters and loaders, pilers, and hoist operators	.60
Tractor drivers, truck drivers, and harvester bottom blade operators	.70
Teamsters	.65
Operators of mechanical loading or harvesting equipment	.75
All other harvesting workers	.55
	Rate per ton
Cutting top and bottom:	
Large barrel varieties [1]	$1.10
Small barrel varieties [2]	1.30
Production and cultivation, calendar year 1958:	**Rate per hour**
Tractor drivers	$0.60
All other production and cultivation workers	.50

[1] Large barrel varieties: Co. 290; C. P. 29/103; C. P. 29/116; C. P. 32/243; C. P. 36/13; C. P. 36/105; C. P. 29/120; C. P. 43/47; C. P. 44/101; C. P. 44/155; N. Co. 310; C. P. 47/193; and C. P. 48/103.

[2] Small barrel varieties: All other.

(ii) *Workers between 14 and 16 years of age when employed on a time basis.* For workers between 14 and 16 years of age, the wage rate per hour (maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producer) shall be not less than three-fourths of the applicable hourly wage rate for adults provided under subdivision (i) of this subparagraph.

(iii) *Other piecework rates.* The piecework rate for any operation specified in subdivision (i) of this subparagraph, when performed on a unit basis other than a ton, or the piecework rate for any operation not specified shall be as agreed upon between the producer and the worker: *Provided*, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks), shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed in subdivisions (i) and (ii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Applicability.* The requirements of this section are applicable to all persons employed on the farm, except as provided in paragraph (c) of this section, in the production, cultivation, or harvesting of sugarcane grown on the farm for the extraction of sugar or liquid sugar: *Provided*, That such requirements shall not apply to any person engaged in such work with respect to sugarcane grown on acreage in excess of the proportionate share for the farm, which is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that the work performed was related solely to such sugarcane.

(c) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including, but not limited to mechanics, welders, and other maintenance workers and repairmen.

(d) *Proof of compliance.* The producer shall, upon request, furnish the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

(e) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local County Agricultural Stabilization and Conservation office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at that office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Office shall conduct such investigation as it deems necessary. The producer and worker shall be notified in writing of the recommendation of the County ASC Committee for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office, 1517 Sixth Street, Alexandria, Louisiana, which shall likewise consider the facts. The producer and worker shall be notified in writing of the recommendation of the State ASC Committee for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the harvesting of the 1957 crop of sugarcane and in the production and cultivation of sugarcane during the 1958 calendar year, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearings; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *1957 harvest and 1958 production and cultivation wage determination.* This determination differs from the wage determination applicable to the harvesting of the 1956 crop and the production and cultivation of sugarcane during the calendar year 1957 in the following respects: (1) Wage rates on a time basis for the several classes of workers or operations are increased about 6 to 13 percent depending upon the class of work or operation; (2) the operation of scrapping has been redefined and "scrappers" other than those working behind

loaders have been placed in a new classification; (3) the operator of the bottom blade of the harvester has been included in the classification with "tractor drivers and truck drivers"; (4) the provisions of this determination do not apply to workers who are not directly connected with the production, cultivation, or harvesting of sugarcane; and (5) producers are required to furnish upon request to the County ASC Committee proof that workers have been paid in accordance with the wage provisions of this determination.

A public hearing was held in Thibodaux, Louisiana, on August 7, 1957, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for work performed during the 1957 harvest season and for production and cultivation work during the calendar year 1958.

Testimony relating to fair and reasonable wage rates was presented by a representative of the Louisiana State Agricultural Experiment Station who appeared at the request of the American Sugarcane League, by the Chairman of the Labor Committee of the American Sugarcane League, and by a representative of the National Agricultural Workers Union, AFL-CIO.

The representative of the Louisiana State Agricultural Experiment Station presented the costs and returns data based on its most recent study. He stated that net income for the large sugarcane farms included in the study, after deducting 5 percent of the total value of assets, averaged $0.03 per ton of cane sold in 1955, compared with $0.09 in 1954, and $0.72 in 1953.

The Chairman of the Labor Committee of the American Sugarcane League recommended increases ranging from about 6 to 13 percent in the hourly rates of wages for the various classifications of workers listed in the determination, but no change in the rates per ton for cutting sugarcane. The witness pointed out that the Committee recommended the increases in hourly wage rates because it was interested in bettering the standard of living of workers although such increases could not be justified on the basis of increased worker productivity or increased returns to producers from sugarcane. The witness also recommended changes in two of the worker classifications applicable to harvesting sugarcane. The first would place "scrappers" other than "scrappers behind loaders" in the classification of "all other harvesting workers" and the second would add the worker classification of "harvester bottom blade operators" to the "tractor drivers and truck drivers" classification. The witness recommended that the 1957-58 determination be the same as for the 1956-57 crop in all other respects.

The recommendations of the Chairman of the Labor Committee of the American Sugarcane League were concurred in by representatives of the Louisiana Farm Bureau Federation.

A representative of the National Agricultural Workers Union, AFL-CIO, recommended a minimum wage for all sugarcane field workers of $1.00 per hour, contending that the present level of wages of Louisiana sugarcane field workers is not a living wage. He stated that many of the larger producers pay their sugarcane field workers more than the rates specified in the Department of Agriculture's fair wage determination and that this indicates they can pay considerably more without jeopardizing the sugarcane producing industry in Louisiana.

Consideration has been given to the recommendations made at the public hearing, to the returns, costs, and profits of sugarcane producers obtained by a survey conducted by the Department in a recent prior year and recast for the current year in terms of prospective price and production conditions, to information obtained as a result of investigations and to other pertinent factors. This analysis indicates that the wage rates provided in this determination are within the producer's ability to pay.

The recommended changes in the worker classifications have been adopted because they tend to more equitably reflect the differences in worker responsibilities.

The provision requiring producers to furnish the local County ASC Committee on request adequate proof of compliance with the wage requirements of this determination is included so that all parties may have full knowledge of these requirements. Such proof may be in the form of payroll records, receipts, cancelled checks, or other evidence which clearly demonstrates that the workers have been paid. These records should show with respect to each worker employed, depending upon the method of payment, (i. e., time basis or piecework basis) (1) hours worked; (2) acres worked or tons handled; (3) rate per hour or piecework rate; (4) total amount paid; and (5) average hourly earnings. A receipt form signed by a worker may be accepted as prima facie evidence of compliance but, in such instances, the County Committee may also require the producer to furnish payroll records.

The provision excluding workers not directly connected with the production, cultivation, or harvesting operations, incorporates into the determination administrative interpretations heretofore applicable to wage determinations.

On the basis of an analysis and after consideration of the pertinent factors involved the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U. S. C. 1131)

Issued this 20th day of September 1957.

[SEAL] MARVIN L. MCLAIN,
Assistant Secretary of Agriculture.

[F. R. Doc. 57-7876; Filed, Sept. 25, 1957; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 322]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Correction

In Federal Register Document 57-7792, published at page 7536 in the issue for Saturday, September 21, 1957, the section number of the regulation, now reading "§ 933.849", should read "§ 933.859".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-418A]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SPECIAL CIVIL AIR REGULATIONS; REQUIREMENTS FOR PILOT ROUTE QUALIFICATIONS IN SCHEDULED INTERSTATE AIR CARRIER OPERATIONS AND SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of September 1957.

Section 40.303 (c) of Part 40 of the Civil Air Regulations requires in part that each pilot in command make an entry into each regular, provisional, and refueling airport into which he is scheduled to fly. Section 41.50 of Part 41 of the Civil Air Regulations provides in part that a pilot in qualifying over a route shall make at least one round trip or two one-way trips over the route, including a familiarization flight at each regular, provisional, or refueling airport, with one of the air carrier's check pilots: Sections 40.304 and 41.51 governing the maintenance and re-establishment of route qualifications require under certain circumstances that the provisions of §§ 40.303 and 41.50 be complied with by the pilot in command. The Board, on September 20, 1956, promulgated Special Civil Air Regulation SR-418. This regulation permitted air carriers, with the approval of the Administrator, to qualify their pilots at airports by means other than by physical entry. SR-418 terminates on September 23, 1957.

Civil Air Regulations Draft Release No. 55-3 was circulated on January 20, 1955 (20 F. R. 550; January 25, 1955). This draft release dealt with the overall problem of pilot airport and route qualification and considerable emphasis was placed on recent developments of motion picture panoramic views of airports and their environs which showed excellent promise of providing an effective means for insuring pilot airport qualification. The Board expressed the view that the regulations should be amended

in a manner that would encourage further research and development of the visual training aids programs by various commercial sources and at the same time provide more acceptable airport qualification rules for use in the meantime. Furthermore, the Board stated that it would seem appropriate to permit methods of airport qualification other than physical entry, provided that such alternative methods had the approval of the Administrator.

Following publication of Draft Release 55-3, the Board promulgated a series of Special Civil Air Regulations (SR-413, SR-414, and SR-418) as a vehicle for permitting the controlled introduction of new techniques in airport and route qualification. These included the use of pictorial means which enable pilots to qualify at specified airports by using within the training programs, color motion pictures or slides showing clear daylight views of the complete physical layouts of the airports, surrounding terrain, obstructions, approaches to all runways, restricted areas, and conspicuous reference points that are of value to pilots. Also under these special regulations air carriers were authorized to conduct operations at an airport in close proximity to an airport into which pilots were qualified when the Administrator found that such pilots were adequately qualified at the new airport. In making such findings the Administrator took into consideration such things as the familiarity of the pilots with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport. In addition, under SR-418 (21 F. R. 7265; September 25, 1956) initial qualification into an airport was expressly permitted if such initial entry were made under VFR weather conditions at the particular airport involved.

The Bureau of Safety circulated Civil Air Regulations Draft Release No. 57-19 on August 12, 1957 (22 F. R. 6595). In this release the Bureau proposed to continue for an additional experimental period of one year the provisions of Special Civil Air Regulation No. SR-418 with the additional provision that maintenance and requalification of route and airport qualifications could be accomplished in accordance with SR-418. Information received by the Bureau from the airline pilots and the CAA has indicated that the pictorial methods of airport qualification have been successful and in many cases were considered to be superior to actual entry. All interested persons, in responding to Draft Release 57-19 indicated furthermore that SR-418 should be extended.

As was indicated in Draft Release 55-3, January 20, 1955, one of the principal purposes of these special regulations has been to provide sufficient opportunity for evaluation of pictorial means of airport and route qualification by industry and government alike in order to guide the Board in its final action in amending the Civil Air Regulations. In the light of the favorable experience to date, there is every reason to believe it will be appropriate to take final action to amend the Civil Air Regulations upon the termination of the special regulation prescribed herein or sooner. Accordingly, prior to the termination of this special regulation, a proposal to incorporate its substance into Parts 40 and 41 of the Civil Air Regulations will be circulated for comment in accordance with public rule making procedure.

It should be clearly understood that this regulation will not relieve any air carrier of the responsibility of showing that each pilot in command is thoroughly qualified for the routes and airports which he is scheduled to serve.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since it would not be in the public interest to permit existing authority to lapse for 30 days, and since this regulation is permissive and imposes no burden on any person, the Board finds that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective September 24, 1957:

Contrary provisions of Parts 40 and 41 of the Civil Air Regulations notwithstanding, an air carrier conducting scheduled interstate operations or schedule operations outside the continental limits of the United States may, subject to the approval of the Administrator, comply with the following provisions in lieu of the applicable provisions of §§ 40.303 and 40.304 or §§ 41.50 and 41.51:

(a) The air carrier shall be responsible that each pilot in command is thoroughly qualified for the route over which he is to fly aircraft in scheduled air transportation as a pilot in command. An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve at least in accordance with paragraphs (b), (c), (d), and (e) of this regulation and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to the route to be flown. Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and letdown procedures approved for use by the air carrier:

(1) Weather charactertistics,
(2) Navigational facilities,
(3) Communication procedures,
(4) Type of en route terrain and obstruction hazards.
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

(c) Each such pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Such entry shall include a landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment. He shall be accompanied by a pilot who is qualified at the airport.

(d) Such pilot shall not be required to meet the entry requirements of paragraph (c) of this regulation when:

(1) The initial entry is made under VFR weather conditions at the particular airport involved; or

(2) The air carrier shows that the pilot airport qualifications can be accomplished by an approved pictorial means; or

(3) The air carrier notifies the Administrator that it intends to conduct operations at an airport in close proximity to an airport into which the pilots involved are presently qualified by entry, and the Administrator finds that such pilots are adequately qualified at the new airport. The Administrator, in making such finding, shall take into consideration at least the familiarity of the pilots with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport.

(e) On routes on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such route by not less than two one-way trips as pilot or additional member of the crew over the route under VFR weather conditions to permit the qualifying pilot to observe terrain along the route.

This regulation supersedes Special Civil Air Regulation No. SR-418 and shall terminate September 23, 1958, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, as amended, 1010, as amended; 49 U. S. C. 551, 554)

Effective: September 24, 1957.

Adopted: September 23, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-7910; Filed, Sept. 25, 1957; 8:53 a. m.]

[Reg. SR-386E]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SPECIAL CIVIL AIR REGULATION; FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of September 1957.

Special Civil Air Regulation No. SR-386D, which expires September 30, 1957, provides authority whereby a pilot may serve in more than one type of flight crew without incurring any penalty in terms of maximum permissive flight duty. This authority has heretofore been provided for an experimental period with a view to the establishment of permanent rules for such crew assignments.

This regulation will not allow evasion of the stricter limitations applicable to smaller crew combinations, but will allow assignment of a pilot in any given month to another type of crew combina-

tion without additional flight time limitation if he flies not more than 20 hours in the type of crew to which the more restrictive flight time limitations apply and if such assignment is not interrupted more than once during such month.

The Civil Aeronautics Administration has advised the Board that it favors the continuation of the special regulation. The flight time limitations presently established in Part 41 are under study, and it is anticipated that a revision thereof will be contained in the draft release of Part 41 which is presently being prepared. Pending the resolution of all outstanding questions relating to flight time limitations, the Board considers it advisable to extend the authority granted by SR–386D until the contemplated revision of Part 41 is effective.

Interested persons have been afforded an opportunity to participate in the making of this regulation (22 F. R. 4862), and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective October 1, 1957:

Contrary provisions of § 41.57 of Part 41 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots assigned in combinations of two-pilot crews, two-pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews:

1. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

2. Except for a pilot coming within the provisions of paragraph 1, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crew member crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of three pilots and an additional flight crew member, shall be governed by the provisions of § 41.55.

3. A pilot to whom the provisions of paragraphs 1 and 2 are not applicable, who is assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

4. A pilot assigned to each of two-pilot, two-pilot and additional flight crew member, and three-pilot and additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 1, 2, or 3, shall be governed by the provisions of § 41.55.

This regulation supersedes Special Civil Air Regulation No. SR–386D and shall remain in effect until a general revision of Part 41 becomes effective, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, as amended, 1010, as amended; 49 U. S. C. 551, 554)

Effective: October 1, 1957.

Adopted: September 23, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–7909; Filed, Sept. 25, 1957; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1457—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

TREATMENT OF CONTRACTS WITH PRICE ADJUSTMENT PROVISIONS

Section 1457.5 (b) *Allocation of price revision to fiscal year or years affected thereby* is amended by adding a new subparagraph (3) to read as follows:

(3) *Price revision not disclosed in renegotiation of allocable fiscal year.* Notwithstanding any other provisions of this section, if in the renegotiation of the fiscal year under review the contractor does not disclose to the Board either the occurrence or the possible future occurrence of an upward contract price revision relating in whole or in part to such fiscal year, the amount of any such price increase which is otherwise allocable to such fiscal year may be allocated, at the election of the Board, to the fiscal year in which the contract is modified to provide for such upward price revision.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: September 20, 1957.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 57–7873; Filed, Sept. 25, 1957; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 57–1016]

[Amdt. 2–4]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

REALLOCATION OF BAND 150.80–152.00 MC TO NON-GOVERNMENT SERVICES AND BANDS 46.6–47.0 MC AND 49.6–50.0 MC TO GOVERNMENT SERVICES

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of September 1957;

2. The Commission having under consideration the reallocation of the band 150.80–152.0 Mc from Government to non-Government use and the bands 46.6–47.0 Mc and 49.6–50.0 Mc from non-Government to Government use; and

3. It appearing that national defense considerations require that the bands 46.6–47.0 and 49.6–50.0 Mc be made available for immediate use by Government stations for ionospheric forward scatter circuits, and therefore it is necessary to change the designation of these bands in the Table of Allocations in Part 2 of the Rules from non-Government to Government; and

4. It further appearing that the Government has agreed to clear the band 150.8–152 Mc of Government assignments so as to make that band available for use by non-Government stations, and therefore it is necessary to change the designation of this band in the Table of Allocations in Part 2 of the rules from Government to non-Government; and

5. It further appearing that the Commission is today [1] instituting rule-making proceedings looking toward the splitting of channels in the 42–50 Mc band and the reallocation of channels in the 25–50 Mc and 150.8–152 Mc bands, actions which are intended to contribute materially to accommodation of licensees displaced by the action ordered herein; and

6. It further appearing that, pending the outcome of the above-mentioned rule-making proceedings, existing non-Government operators in the 46.6–47.0 Mc and 49.6–50.0 Mc bands should be permitted to operate until the expiration of their existing licenses or until December 31, 1959, whichever is later; and

7. It further appearing that, pending the outcome of the above-mentioned rule-making proceedings, eligible persons should continue to be licensed on available frequencies in the 46.6–47.0 Mc and 49.6–50.0 Mc bands but with a common license expiration date of December 31, 1959; and

8. It further appearing that because of the urgency and nature of the Government requirements and national defense considerations involved it would be impracticable and contrary to the public interest to comply with the public notice requirements of section 4 of the Administrative Procedure Act, and that, for the same reasons, the amendments should be made effective immediately;

9. *It is ordered*, That under authority contained in sections 1, 4 (a), 4 (j), 303 (c), (f) and (r) of the Communications Act of 1934, as amended, Part 2 of the Commission's rules is amended, effective September 19, 1957 as set forth below; and

10. *It is further ordered*, That:

a. Persons presently authorized to operate on frequencies in the bands 46.6–47.0 Mc or 49.6–50.0 Mc may continue to operate until the expiration of their present authorization or until December 31, 1959, whichever is later; and, if existing authorizations expire prior to December 31, 1959, applications for renewal may be granted for authority to operate until the latter date; and

b. Eligible persons may continue to apply for and receive authorizations to operate on available frequencies in the 46.6–47.0 Mc and 49.6–50.0 Mc bands until replacement frequencies become available pursuant to Commission action taken in Docket No. 12169. Such authorizations shall have an expiration date not later than December 31, 1959.

[1] See F. R. Doc. 57–7897 in Proposed Rule Making Section, *infra*.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

The Commission's Table of Frequency Allocations, § 2.104 (a) of the Commission's rules for the bands 44–50 Mc and 148–152 Mc is amended to read as follows:

Band (Mc)	Allocation	Band (Mc)	Service	Class of station	Frequency Mc	Nature of (SERVICES (stations
5	6	7	8	9	10	11
44.0–46.6	NG.	44.0–46.6 (NG 1) (NG 22)	Land mobile.	a. Base. b. Land mobile.	44.02–44.58 (NG 46).	LAND TRANSPORTATION.
					44.62–46.58 (NG 46).	PUBLIC SAFETY.
46.6–47.0 (US 17).	G.					
47.0–49.6	NG.	47.0–49.6 (NG 1) (NG 22).	Land mobile.	a. Base. b. Land mobile.	47.02–47.66 (NG 46).	PUBLIC SAFETY.
					47.70–49.58 (NG 46).	INDUSTRIAL.
49.6–50.0 (US 17).	G.					
148.0–150.8 (US 17, 21).	G.					
150.8–152.0	NG.	150.8–152.0 (NG 1).	Entries for columns 8 through 11 to be determined in Docket No. 12169.			

[F. R. Doc. 57–7894; Filed, Sept. 25, 1957; 8:50 a. m.]

[FCC 57–1017]

[Amdt. 2–5]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

MODIFICATION OF ALLOCATION OF THE FREQUENCY BAND 54–60 MC FOR ALL ISLANDS IN THE PACIFIC OCEAN WEST OF THE ISLAND OF OAHU EXCEPT FOR THE TERRITORY OF ALASKA

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 19th day of September 1957;

2. The Commission having under consideration the reallocation of the band 54–60 Mc for all islands in the Pacific Ocean west of the Island of Oahu except for the Territory of Alaska;

3. It appearing that national defense considerations require that the band 54.0–54.4 Mc be made available for immediate use of Government stations for ionospheric forward scatter circuits in the above-mentioned Pacific area and, therefore, it is necessary to make changes in the availability of the band 54–60 Mc for use by non-Government stations in that area; and

4. It further appearing that the frequency band 54–60 Mc is now allocated in § 2.104 of the rules for non-Government stations in the broadcasting service (TV channel 2) and in the experimental radio services in all areas within the jurisdiction of the Commission; and

5. It further appearing that § 3.606 of the Television Table of Assignments does not provide for the use of the band 54–60 Mc for television broadcasting on any of the islands in the above-mentioned Pacific area, and the Commission has not been requested to amend its rules so as to include such provision; and

6. It further appearing that the Commission has received no applications for the licensing of any non-Government stations in the television broadcast service in the band 54–60 Mc on islands in the above-mentioned Pacific area and there are no currently valid authorizations which permit non-Government stations in the experimental radio services to operate in the band 54–60 Mc at those locations; and

7. It further appearing that sufficient alternate frequencies can be made available to meet the foreseeable needs for such non-Government operations on islands in that area except for the possible need to license contract developmental stations in the experimental radio services in the band 54–60 Mc at such locations; and

8. It further appearing that for the above reasons it would be in the public interest, convenience and necessity to amend § 2.104 of the rules so as to provide for the above-mentioned Government use of the band 54.0–54.4 Mc and to delete the availability of the band 54.60 Mc for use by non-Government stations in the broadcasting service on any island in the Pacific Ocean west of the Island of Oahu except for islands in the Territory of Alaska; and

9. It further appearing that for the above reasons it would be in the public interest, convenience and necessity to amend § 2.104 of the rules so as to delete the availability of the band 54.0–54.4 Mc for use by experimental stations, other than contract developmental stations, at any Island in the Pacific Ocean west of the Island of Oahu, T. H., except for islands in the Territory of Alaska; and

10. It further appearing that because of the nature and urgency of the Government requirements and national defense considerations involved it would be impractical and contrary to the public interest to comply with the public notice requirements of section 4 of the Administrative Procedure Act, and that, for the same reasons, the amendments should be made effective immediately;

11. *It is ordered* That, under authority contained in sections 1, 4 (a), 4 (j), 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the allocation in the band 54–72 Mc in the Commission's Table of Frequency Allocations in Part 2 of the rules is amended, effective September 19, 1957, by addition of the following U. S. footnote in column 5 of that Table:

US34 Government fixed stations in the Midway Islands use frequencies in the band 54.0–54.4 Mc; U. S. stations in the broadcasting service will not be authorized to use frequencies in the band 54–60 Mc at any island in the Pacific Ocean west of the Island of Oahu, T. H.; non-Government experimental stations, other than contract developmental stations, will not be authorized to use frequencies in the band 54.0–54.4 Mc at any island in the Pacific Ocean west of the Island of Oahu, T. H. This note does not apply to the Territory of Alaska.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7895; Filed, Sept. 25, 1957; 8:50 a. m.]

[Docket No. 11253; [1] FCC–1018]

[Amdts. 10–15, 11–13, 16–19, and 21–7]

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

SECOND REPORT AND ORDER

In the matter of amendment of Part 2, 6, 10, 11 and 16 of the Commission's rules to reduce separation between assignable frequencies in the 25–50 Mc and 152–162

[1] Part 21, in lieu of Part 6 of the Commission's rules and regulations now governs stations in the Domestic Public Land Mobile Service.

Mc bands; amendment of Parts 2, 6, 7, 8, 10, 11 and 16 of the Commission's rules to reflect conditions concerning international interference in the band 25–50 Mc; amendment of Parts 6, 10, 11 and 16 of the Commission's rules to provide for the establishment of narrow band technical standards.

1. The Commission has before it for consideration a number of petitions[2] variously requesting reconsideration and/or rehearing with respect to the Commission's Report and Order of September 19, 1956 (FCC 56–901 released September 24, 1956), in the above-entitled matters. These petitions are directed to those portions of the said Report and Order wherein the Commission elected against a reduction in spacing between assignable frequencies in the 25–50 Mc band.[3]

2. In a Notice of Proposed Rule Making being simultaneously adopted herewith (FCC 57–1019, Docket No. 12169[4]), the Commission has again considered the question of separation-reductions in the 25–50 Mc band and has proposed that the spacing between the assignable frequencies in the 42–50 Mc portion of this band be reduced from 40 kc to 20 kc.

3. Since adoption of its original Report and Order in Docket 11253 (September 19, 1956), the Commission has continued to receive reports of harmful interference due to skywave propagation of signals from distant stations in the band 25–50 Mc. Therefore, in the interest of improved spectrum utilization and reduction of skywave interference it is considered desirable to put into effect on a mandatory basis for all of the land mobile services operating in the 25–50 Mc band the narrow band (20 kc) technical standards now in effect for this frequency range on a voluntary basis only. The original time schedule proposed in this Docket is being adopted, as shown in the rule amendments set forth below.

4. In view of the foregoing: *It is ordered*, This 19th day of September, 1957, pursuant to authority contained in sections 303 (e), (f) and (r) of the Communications Act of 1934, as amended, that, effective September 19, 1957:

a. The petitions as set forth in Footnotes 1 and 3 hereof are granted to the extent that the relief requested is consistent with the action taken in the above mentioned Docket No. 12169, and are denied in all other respects; and

b. The narrow band (20 kc) technical standards now in effect for the frequency band 25–50 Mc on a voluntary basis will become mandatory in accordance with the time schedule shown in the attached amendments to Rules Parts 10, 11, 16 and 21.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Amend Part 10 Public Safety Radio Services, as follows:

1. Section 10.102 is amended to read as follows:

§ 10.102 *Frequency stability.* (a) Except as provided in paragraph (b) of this section, a permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency:

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
Below 25 Mc	0.01	0.01	0.02
25 to 50 Mc	.002	.002	.005
50 to 1000 Mc	.0005	.0005	.005
Above 1000 Mc	(1)	(1)	(1)

[1] To be specified in the station authorization.

(b) In lieu of meeting the requirements of paragraph (a) of this section for the frequency ranges shown below, transmitters authorized prior to November 1, 1958, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, may conform to the following frequency tolerances until not later than October 31, 1963:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
	Percent	*Percent*
25 to 50 Mc	0.01	0.02
50 to 220 Mc	.005	.01
220 to 1000 Mc	(1)	(1)

[1] To be specified in the authorization.

(c) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated plate power input to its final radio frequency stage, as specified by the manufacturer.

2. Section 10.104 (b) (3) is amended to read as follows:

(3) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1958 to utilize type F3 emission and to be operated on frequencies in the range 25 to 50 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, until not later than October 31, 1963.

3. Section 10.104 (b) (4) is amended to read as follows:

(4) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1958 to utilize type F3 emission and to be operated on frequencies in the range 150 to 450 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, until not later than October 31, 1963.

4. Section 10.105 is amended to read as follows:

§ 10.105 *Modulation requirements.* (a) The maximum audio frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles per second; in any transmitter not subject to the provisions of paragraphs (d) or (f) of this section the over-all frequency response of the audio and modulating circuits nevertheless shall correspond approximately with that required thereby.

(b) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and normally shall be maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: *Provided, however*, That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio frequency stage of 3 watts or less.

(d) For the frequency range 25 to 50 Mc: Each transmitter first authorized or installed after November 1, 1958, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (g) of this section.

(e) [Reserved.]

(f) For the frequency range 150 to 162 Mc: Each transmitter first authorized or installed after November 1, 1958, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulatd stage and shall meet the specifications contained in paragraph (g) of this section.

(g) At audio frequencies between 3 kc and 15 kc, the low-pass filter required by the provisions of paragraph (d) or (f) of this section shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

B. Amend Part 11 Industrial Radio Services, as follows:

1. Section 11.102 is amended to read as follows:

§ 11.102 *Frequency stability.* (a) Except as provided in paragraph (b) of this section, a permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency:

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
Below 25 Mc	0.01	0.01	0.02
25 to 50 Mc	.002	.002	.005
50 to 1000 Mc	.0005	.0005	.005
Above 1000 Mc	(1)	(1)	(1)

[1] To be specified in the station authorization.

(b) In lieu of meeting the requirements of paragraph (a) of this section for the frequency ranges shown below, transmitters authorized prior to November 1, 1958, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, may conform to the following frequency tolerances until not later than October 31, 1963:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
	Percent	*Percent*
25 to 50 Mc	0.01	0.02
50 to 220 Mc	.005	.01
220 to 1000 Mc	(1)	(1)

[1] To be specified in the authorization.

(c) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated plate power input to its final radio frequency stage, as specified by the manufacturer.

2. Section 11.104 (b) (3) is amended to read as follows:

(3) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1958, to utilize type F3 emission and to be operated on frequencies in the range 25 to 50 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958 for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, until not later than October 31, 1963.

3. Section 11.104 (b) (4) is amended to read as follows:

(4) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1958 to utilize type F3 emission and to be operated on frequencies in the range 150 to 450 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, until not later than October 31, 1963.

4. Section 11.105 is amended to read as follows:

§ 11.105 *Modulation requirements.* (a) The maximum audio frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles per second; in any transmitter not subject to the provisions of paragraphs (d) or (f) of this section the over-all frequency response of the audio and modulating circuits nevertheless shall correspond approximately with that required thereby.

(b) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide sufficient communication and normally shall be maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: *Provided, however*, That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio frequency stage of 3 watts or less.

(d) For the frequency range 25 to 50 Mc: Each transmitter first authorized or installed after November 1, 1958, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (g) of this section.

(e) [Reserved.]

(f) For the frequency range 150 to 162 Mc: Each transmitter first authorized or installed after November 1, 1958, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (g) of this section.

(g) At audio frequencies between 3 kc and 15 kc, the low-pass filter required by the provisions of paragraphs (d) or (f) of this section shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

C. Amend Part 16 Land Transportation Radio Services, as follows:

1. Section 16.102 is amended to read as follows:

§ 16.102 *Frequency stability.* (a) Except as provided in paragraph (b) of this section, a permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency:

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
Below 25 Mc	0.01	0.01	0.02
25 to 50 Mc	.002	.002	.005
50 to 1000 Mc	.0005	.0005	.005
Above 1000 Mc	(1)	(1)	(1)

[1] To be specified in the station authorization.

(b) In lieu of meeting the requirements of paragraph (a) of this section for the frequency ranges shown below, transmitters authorized prior to November 1, 1958, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, may conform to the following frequency tolerances until not later than October 31, 1963:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
	Percent	*Percent*
25 to 50 Mc	0.01	0.02
50 to 220 Mc	.005	.01
220 to 1000 Mc	(1)	(1)

[1] To be specified in the authorization.

[2] Individual petitions were filed on October 24, 1956, by American Trucking Associations, Inc., National Committee for Utilities Radio, Central Committee on Radio Facilities of the American Petroleum Institute and Special Industrial Radio Service Association; on October 30, 1956, by Communications Engineering Company; and on January 25, 1957, by Forest Industries Radio Communications. By virtue of the provisions of Section 1.894 of the Commission's procedural Rules, neither of the last two of these petitions was timely filed.

[3] In addition a petition dated September 5, 1957, has been filed with the Commission by the Electronic Industries Association requesting immediate rule-making proceedings to reduce channel separations in the 25–50 Mc band for the land mobile service.

[4] See F. R. Doc. 57–7897 in Proposed Rule Making Section, *infra*.

(c) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated plate power input to its final radio frequency stage, as specified by the manufacturer.

2. Section 16.104 (b) (3) is amended to read as follows:

(3) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1958, to utilize type F3 emission and to be operated on frequencies in the range 25 to 50 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958 for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, until not later than October 31, 1963.

3. Section 16.104 (b) (4) is amended to read as follows:

(4) In lieu of meeting the requirements of subparagraph (2) of this paragraph, transmitters authorized prior to November 1, 1958 to utilize type F3 emission and to be operated on frequencies in the range 150 to 450 Mc, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, for operation on frequencies in that range, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, until not later than October 31, 1963.

4. Section 16.105 is amended to read as follows:

§ 16.105 *Modulation requirements.* (a) The maximum audio frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles per second; in any transmitter not subject to the provisions of paragraphs (d) or (f) of this section the over-all frequency response of the audio and modulating circuits nevertheless shall correspond approximately with that required thereby.

(b) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and normally shall be maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio frequency stage of 3 watts or less.

(d) For the frequency range 25 to 50 Mc: Each transmitter first authorized or installed after November 1, 1958, other than transmitters operationaly integrated with an existing radio system authorized prior to November 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (g) of this section.

(e) [Reserved.]

(f) For the frequency range 150 to 162 Mc: Each transmitter first authorized or installed after November 1, 1958, other than transmitters operationally integrated with an existing radio system authorized prior to November 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (g) of this section.

(g) At audio frequencies between 3 kc and 15 kc, the low-pass filter required by the provisions of paragraphs (d) or (f) of this section shall have an attenuation greater than the attenuation at 1 kc by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc.

D. Amend Part 21 Domestic Public Radio Services (other than Maritime Mobile), in the following manner:

1. Section 21.101 is amended to read as follows:

§ 21.101 *Frequency stability.* (a) Except as provided in paragraph (b) of this section, a permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the reference frequency:

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
25 to 50 Mc	0.002	0.002	0.005
50 to 1000 Mc [1]	.0005	.0005	.005
Above 1000 Mc	(2)	(2)	(2)

[1] Equipment authorized to be operated on frequencies between 890 and 940 Mc as of Oct. 15, 1956, shall be required to maintain a frequency tolerance within 0.03 percent subject to the condition that no harmful interference is caused to any other radio station.

[2] To be specified in the station authorization but shall not be less than 0.05 percent between 1000 and 10,000 Mc and not less than 0.75 percent above 10,000 Mc.

(b) In lieu of meeting the requirements of paragraph (a) of this section, for the frequency ranges shown below, transmitters authorized prior to November 1, 1958, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, may conform to the following frequency tolerances until not later than October 31, 1963:

Frequency range	Transmitter power	
	Over 3 watts	3 watts or less
	Percent	*Percent*
25 to 50 Mc	0.01	0.02
50 to 1000 Mc	.005	.01

(c) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated plate power input to its final radio frequency stage, as specified by the Commission's Radio Equipment List, Part C.

(d) The reference frequency of a station shall be deemed to be the assigned frequency, unless otherwise specified.

2. Section 21.507 (b) is amended to read as follows:

(b) Except as provided in subparagraph (1) of this paragraph the maximum authorized bandwidth of emission and, for the cases of frequency or phase modulated omissions, the maximum authorized frequency deviation shall be as follows:

Type of emission	25-450 Mc		450-500 Mc	
	Authorized bandwidth (kc)	Frequency deviation (kc)	Authorized bandwidth (kc)	Frequency deviation (kc)
A1	1		1	
A2	3		3	
A3	8		8	
A4	12		12	
F1	3		3	
F2	3		3	
F3	20	5	40	15
F4	20	5	40	15

(1) In lieu of meeting the foregoing requirements of this paragraph, for the frequency ranges shown below, transmitters authorized and installed prior to November 1, 1958, to utilize type F3 emission, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, may be operated until not later than October 31, 1963, with a maximum authorized bandwidth and a maximum frequency deviation in accordance with the following schedule:

Frequency range (Mc)	Authorized bandwidth (kc)	Frequency deviation (kc)
25 to 50 Mc	40	15
150 to 450 Mc	40	15

[F. R. Doc. 57-7896; Filed, Sept. 25, 1957; 8:50 a. m.]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

REVISION OF REGULATIONS

The Commission having under consideration the desirability of making certain editorial changes in Part 63 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), (5) (d) (1), and 214 of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 19th day of September 1957, that, effective October 1, 1957, Part 63 of the Commission's rules and regulations is revised to include the editorial changes herein and all outstanding amendments adopted as of this date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. In § 63.01, the following paragraphs and subparagraphs are redesignated:

Existing designation	*Redesignation*
(i) (1)	(i)
(i) (2)	(j)
(i) (2) (i)-(vii)	(j) (1)-(7)
(j) through (o)	(k) through (p)

2. In § 63.02 the text following "$2,500" is amended to read as follows: "may omit the information called for by § 63.01 (h) (1), (h) (2), (i), (j), and (k) (1), but in lieu of • • •."

3. a. In § 63.60 (a) (1), insert the phrase "as defined in § 7.3 of this chapter;" after "a public toll station serving a community or part of a community, or a public coast station".

b. The footnote to § 63.60 (a) (1) is deleted.

c. Redesignate paragraphs (d)-(g) as paragraphs (e)-(h).

d. Add new paragraph (d) (derived from footnote to § 63.67).

4. a. The title of § 63.61 is amended by deleting "of this part".

b. The last sentence is amended by changing "In such cases, however," to "but".

c. The footnote is deleted and the text thereof added as a second proviso clause at the end of the present text.

5. a. In § 63.62, the text preceding paragraph (a) is amended.

b. The footnote to § 63.62 is deleted.

c. In § 63.62 (e), the references to §§ 63.600 and 63.69 are amended to read "§ 63.69" and "§ 63.70", respectively.

6. a. In § 63.65 (a), the text preceding (a) (1) is amended to read, in part, as follows: "(a) Except in emergency cases (as defined in § 63.60 (b) and as provided in § 63.63), authority to close • • •."

b. The footnote to § 63.65 (a) is deleted.

7. In § 63.66, "an informal request for authority," is changed to "an informal request,".

8. The footnote to § 63.67 (a) (1) is amended and redesignated as paragraph (d) of § 63.60.

9. a. Section 63.69 is redesignated as § 63.70.

b. The title of § 63.70 (formerly § 63.69) is amended by deleting "to be followed".

c. The footnote to § 63.70 (formerly § 63.69) is deleted and the text thereof inserted as a sentence in paragraph (a) (4) following the phrase "which shall follow such effective dates."

10. a. In § 63.90 two references to § 63.69 are amended to read "§ 63.70."

b. The note following (a) (8) is inserted as a sentence after "fronting on a public street at street level."

11. In § 63.505 (1), delete subparagraph designator (1).

12. Section 63.600 is redesignated § 63.69.

13. In § 63.601 the reference to § 63.69 is amended to read 63.70 in the caption and text.

As so revised, Part 63 reads as set forth below.

EXTENSION AND SUPPLEMENTS

Sec.
63.01 Contents of applications.
63.02 Special provisions relating to extensions involving small projects.
63.03 Special provisions relating to small projects for supplementing of facilities.
63.04 Special provisions relating to temporary or emergency service.
63.05 Commencement and completion of construction.
63.06 Authority for supplementing facilities under approved annual program plan.

GENERAL PROVISIONS RELATING TO ALL APPLICATIONS UNDER SECTION 214

63.51 Additional information.
63.52 Copies required.
63.53 Form.

DISCONTINUANCE, REDUCTION, AND IMPAIRMENT

63.60 Definitions.
63.61 Applicability.
63.62 Type of discontinuance, reduction, or impairment of telephone or telegraph service requiring formal application.
63.63 Emergency discontinuance, reduction, or impairment of service.
63.64 Alternative procedure in certain specified cases involving public telegraph offices where another public telegraph office of applicant in the community will continue service or involving seasonal public telegraph offices or public coast station.
63.65 Closure of public toll station where another toll station of applicant in the community will continue service.
63.66 Closure of or reduction of hours of service at public telegraph offices and telephone exchanges at military establishments.
63.67 Alternative procedure in certain specified cases where authority to reduce hours at main telegraph offices is desired.
63.68 Alternative procedure in certain specified cases where authority to reduce hours at branch telegraph offices is desired.
63.69 Contents of applications to close, or reduce hours of service at, a public coast station.
63.70 Alternative procedure in certain specified cases where authority to reduce the hours of service at a public coast station is desired.
63.90 Publication and posting of notices.

CONTENTS OF APPLICATIONS; EXAMPLES

63.500 Contents of applications to dismantle or remove a trunk line.
63.501 Contents of applications to sever physical connection or to terminate or suspend interchange of traffic with another carrier.
63.502 Contents of applications to close or reduce hours of service at a public telegraph office which is the only public telegraph office of applicant in a community.
63.503 Contents of applications to close or reduce hours of service at a public telegraph office where another public telegraph office of applicant in the community will continue service.
63.504 Contents of applications to close a public toll station where no other such toll station of the applicant in the community will continue service.
63.505 Contents of applications for any type of discontinuance, reduction, or impairment of telephone or telegraph service not specifically provided for in this part.
63.506 Application form pursuant to § 63.67.
63.507 Application form pursuant to § 63.68.
63.601 Contents of applications for authority to reduce the hours of service of public coast stations under the conditions specified in § 63.70.

AUTHORITY: §§ 63.01 to 63.601 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 214, 48 Stat. 1075, as amended; 47 U. S. C. 214.

EXTENSIONS AND SUPPLEMENTS

§ 63.01 *Contents of applications.* Except as otherwise provided in this part, any person proposing to undertake any construction of a new line, extension of any line, acquisition or operation of any line or extension thereof, for which authority is required under the provisions of section 214 of the Communications Act of 1934, as amended, shall request such authority by formal application containing the following information:

(a) The name and address of each applicant;

(b) The Government, State, or Territory under the laws of which each corporate applicant is organized;

(c) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(d) A statement as to whether the applicant is a carrier subject to section 214 of the act or will become such a carrier as a result of the proposed construction, acquisition, or operation;

(e) A statement as to whether the facilities covered by the application will be used to extend service into territory

at present not directly served by the applicant or to supplement existing facilities of the applicant and as to whether such facilities will be used for telephone or telegraph service or both;

(f) The points between which the proposed facilities are to be located;

(g) A description of applicant's existing facilities between these points, showing specifically the total number of channels presently provided between major points on each principal route;

(h) A description of the facilities for which authority is requested, including:

(1) The number of channels of each type to be provided by such facilities;

(2) The number, if any, of wires, conductors, and coaxial units of each type (not equipped for immediate operation) capable of providing additional channels of communication only by the construction of additional apparatus, equipment, or other facilities;

(3) The types or classes of toll telephone or telegraph offices to be established; if telegraph offices are to be established, describe pickup and delivery service to be provided;

(i) Applicant's present and estimated future communication channel requirements, both for the route of the proposed facilities and for routes from which any rerouting to the route of the proposed facilities is contemplated within the period of the estimate;

(j) A map or sketch showing:

(1) Route of proposed project;

(2) Type and ownership of structures (open wire, aerial cable, underground cable, carrier systems, etc.);

(3) Facilities, if any, to be removed;

(4) Cities, towns, and villages along routes indicated on map or sketch, with approximate population of each, and route mileage between the principal points;

(5) Location of important operating centers, and repeater or relay points;

(6) State boundary lines through which the proposed facilities will extend;

(7) Topographical features which may require special consideration or entail added cost;

(k) One or more of the following statements, as pertinent:

(1) If proposed facilities are to be constructed, the details thereof, including summary of cost estimates separately by Plant Accounts affected, (in case of construction by or for two or more parties, the quantities of facilities of each kind acquired by each and the cost attributed thereto), quantities and cost of major materials; and amount of labor and cost thereof;

(2) If proposed facilities are to be leased, the details thereof, including the name of the lessor, a summary of the terms of the lease arrangements (or a copy of the lease), the anticipated lease rental, setting up charges, added equipment costs, and each other added cost to the applicant;

(3) If proposed facilities are to be purchased, the name of the vendor; a detailed description of all the properties involved including assets other than plant being acquired in connection with the same transaction; a complete description of the contractual arrangements relating to the sale or a copy of the contract; added equipment cost and each other added cost to the applicant; a statement of the original cost of, and the related reserve requirement for depreciation applicable to, the plant to be acquired (with a full explanation of the manner in which these amounts were determined) including, when appropriate, a separate statement of such amounts applicable to duplicate or other plant which will be retired by the vendee in the reconstruction of the acquired property or its consolidation with previously owned property; and a statement of the estimated annual savings in expenses expected to result from the proposed acquisition;

(4) If facilities are to be acquired or operated other than by lease or purchase, a detailed description of the facilities involved; the terms of the contract or other arrangement relating to such acquisition or operation; added equipment costs; and each other added cost to the applicant;

(l) A summary of the factors showing the public need for the proposed facilities;

(m) Economic justification for the proposed project including, where the application involves an extension into new territory at present not directly served by the applicant, estimated added revenues and costs and the basis therefor;

(n) Description of the manner and means by which interstate and foreign communication services of a similar character are now being rendered by the applicant and others in the area to be served by the proposed facilities, including reasons why existing facilities are inadequate;

(o) Proposed tariff charges and regulations;

(p) A statement of the accounting proposed to be performed in connection with the project. If the facilities are to be acquired by purchase, such proposed accounting shall be presented in journal entry form (on an estimated basis if actual amounts are not available), together with a full explanation of the manner in which the respective amounts were determined.

§ 63.02 *Special provisions relating to extensions involving small projects.* Applications involving extension of service into territory at present not directly served by the applicant by the construction, acquisition, or operation of facilities, the cost of which to the applicant does not exceed $10,000 or the annual rental of which does not exceed $2,500, may omit the information called for by § 63.01 (h) (1), (h) (2), (i), (j), and (k) (1), but in lieu of such information shall contain a general description of such facilities and, if construction is involved, an estimate of the total construction cost thereof to the applicant.

§ 63.03 *Special provisions relating to small projects for supplementing of facilities.* (a) Applications for the supplementing of existing facilities, involving an estimated construction cost not exceeding $250,000 or an annual rental not exceeding $10,000, may be made by letter to the Commission not less than 15 days prior to the acquisition or commencement of construction of the facilities involved. Such application shall contain the following information:

(1) The points between which the proposed facilities are to be located;

(2) A statement as to whether such facilities are to be used for telephone or telegraph service or both;

(3) The need for the proposed construction, acquisition, or operation;

(4) A description of the proposed facilities giving the number of each type of communication channel to be provided thereby;

(5) The estimated cost of the proposed facilities;

(6) The route mileage involved in the project;

(7) The accounting to be performed by such carrier with respect to the proposed construction, acquisition, or operation;

(b) Such supplementing of facilities shall be deemed to have been authorized by the Commission effective as of the 15th day following the date of filing of such applications unless, on or before such 15th day, the Commission shall notify the applicant to the contrary.

(c) Without regard to the other requirements of this part, and by application setting forth the need therefor, any carrier may request continuing authority, subject to termination by the Commission at any time upon 10 days' notice to the carrier, to commence small projects for the supplementing of existing facilities involving estimated construction and installation costs not exceeding $15,000, or to lease and operate telephone or telegraph facilities of other companies where the rental to be paid under each such lease is not more than $5,000 for the entire term of such lease, or if the term of the lease is for a one-year period or longer, is not more than $5,000 on an annual basis: *Provided, however,* That any carrier to which continuing authority has been granted under this paragraph shall, not later than the 30th day following the end of each 6-month period covered by such authority, file a statement in writing making reference to this paragraph and setting forth, with respect to each project (construction, installation, lease, including any renewal thereof, and operation) which was commenced thereunder, the following information:

(1) The type of facility constructed, installed, or leased;

(2) The route mileage thereof;

(3) The termini and the points served;

(4) The cost thereof, including construction, installation, or lease;

(5) Where appropriate, the name of the lessor company, and the dates of commencement and termination of the lease.

§ 63.04 *Special provisions relating to temporary or emergency service.* (a) For the purpose of this section, the following definitions shall apply:

(1) "Temporary service" shall mean service for a period not exceeding 6 months;

(2) "Emergency service" shall mean service for which there is an immediate need occasioned by conditions unforeseen by, and beyond the control of, the carrier.

(b) Requests for immediate authority for temporary service or for emergency service may be made by letter or telegram setting forth why such immediate authority is required, the nature of the emergency, the type of facilities proposed to be used, the route mileage thereof, the termini, the points to be served, how these points are presently being served by the applicant or other carriers, the need for the proposed service, the cost involved including rentals, the date on which the service is to begin, and, where known, the date or approximate date on which the service is to terminate.

(c) Without regard to the other requirements of this part, and by application setting forth the need therefor, any carrier may request continuing authority, subject to termination by the Commission at any time upon 10 days' notice to the carrier, to provide temporary or emergency service by the construction or installation of facilities where the estimated construction and installation costs do not exceed $15,000, or to lease and operate telephone or telegraph facilities of other companies where the rental to be paid under each such lease is not more than $5,000 for the entire term of such lease, or if the term of the lease is for a one-year period or longer, is not more than $5,000 on an annual basis: *Provided, however,* That any carrier to which continuing authority has been granted under this paragraph shall, not later than the 30th day following the end of each 6-month period covered by such authority, file with the Commission a statement in writing making reference to this paragraph and setting forth, with respect to each project (construction, installation, lease, including any renewals thereof), which was commenced or, in the case of leases, entered into under such authority, and renewal or renewals thereof which were in continuous effect for a period of more than one week, the following information:

(1) The type of facility constructed, installed, or leased;

(2) The route mileage thereof;

(3) The termini and the points served;

(4) The cost thereof, including construction, installation, or lease;

(5) Where appropriate, the name of the lessor company, and the dates of commencement and termination of the lease.

(d) (1) A request may be made by any carrier, authorized to handle public telephone or telegraph communication by radio, for continuing authority to operate, during any emergency when its regular facilities become inoperative or inadequate to handle its traffic, wire facilities of any other carrier between points between which applicant is authorized to communicate by radio for the transmission of traffic which applicant is authorized to handle;

(2) Such request may be made by letter or telegram making reference to this paragraph and setting forth the points between which applicant desires to operate wire facilities of other carriers and the nature of the traffic to be handled thereover;

(3) Continuing authority for the operation thereafter of such alternate wire facilities during emergencies shall be deemed granted effective as of the 15th day following the filing of the request unless on or before that date the Commission shall notify the applicant to the contrary: *Provided, however,* Applicant shall, not later than the 15th day following the end of each quarter in which it has operated wire facilities of any other carrier pursuant to authority granted under this paragraph, file with the Commission a statement in writing making reference to this paragraph and describing each occasion during the quarter when it has operated such facilities, giving dates, points between which such facilities were located, hours or minutes used, nature of traffic handled, the approximate number of words of telegraph traffic transmitted, and reasons why its own facilities could not be used.

§ 63.05 *Commencement and completion of construction.* Unless otherwise determined by the Commission upon proper showing in any particular case, in the event construction shall not have been begun upon a project involving an expenditure of more than $250,000 within 12 months from the date of the Commission's authorization, or all or part of the proposed facilities shall not have been placed in operation within 36 months after such date, such authorization shall terminate at the end of such 12 or 36 months' period, as the case may be; in the case of projects involving an expenditure of $250,000 or less, the authorization therefor shall terminate at the end of 9 months or 18 months, as the case may be, in the event construction thereof shall not have been commenced, or the facilities placed in operation, within such respective periods.

§ 63.06 *Authority for supplementing facilities under approved annual program plan.* Any carrier may submit to the Commission a procedure pursuant to which such carrier proposes to request authority covering an annual program of projects for the supplementing of its existing facilities. After approval of such proposed procedure by the Commission, such carrier may request such authority in accordance with such procedure in lieu of filing separate applications for individual projects pursuant to §§ 63.01 and 63.03.

GENERAL PROVISIONS RELATING TO ALL APPLICATIONS UNDER SECTION 214

§ 63.51 *Additional information.* The applicant shall furnish any additional information which the Commission may require after a preliminary examination of the application or request.

§ 63.52 *Copies required.* Unless otherwise specified the Commission shall be furnished with an original and 9 copies of applications filed under section 214 of the Communications Act: *Provided, however,* That, where more than one state is involved, 2 additional copies shall be furnished for each additional state: *Provided further,* That, where applications involve only the supplementation of existing facilities, and the issuance of a certificate is not requested, an original and 4 copies of the application shall be furnished.

§ 63.53 *Form.* Applications under section 214 of the Communications Act shall be submitted on paper not more than 8½ inches wide and not more than 14 inches long, with a left-hand margin of 1½ inches. This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations shall be single-spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letter press, or printed. The foregoing shall not apply to official publications. All copies must be clearly legible.

DISCONTINUANCE, REDUCTION, AND IMPAIRMENT

§ 63.60 *Definitions.* For the purposes of this part, the following definitions shall apply:

(a) "Discontinuance, reduction, or impairment of service" includes, but is not limited to, the following:

(1) The closure by a carrier of a public telegraph office, a telephone exchange rendering interstate or foreign telephone toll service, a public toll station serving a community or part of a community, or a public coast station as defined in § 7.3 of this chapter; the term "closure" of a public telegraph office includes the substitution of an agency or jointly-operated office for a telegraph office operated directly by the carrier but does not include the substitution of any one for any other of the three types of telegraph agency offices, namely: joint railroad-operated agencies, teleprinter-operated agencies, or telephone-operated agencies, except where an increase in charges to the public results;

(2) The reduction in hours of service by a carrier at a public telegraph office, at a telephone exchange rendering interstate or foreign telephone toll service, at any public toll station (except at a jointly-operated or agency office, or at a toll station at which the availability of service to the public during any specific hours is subject to the control of the agent or other persons controlling the premises on which such office or toll station is located and is not subject to the control of such carrier), or at a public coast station; the term "reduction in hours of service" does not include a shift in hours which does not result in any reduction in the number of hours of service;

(3) The termination or suspension by a carrier of pickup and delivery service in connection with message telegraph service to any community or part of a community (except the termination or suspension of telephone delivery service where telephone service is no longer available to such community) or the substitution of a delivery agency for the handling of messages in lieu of direct handling by a telegraph office;

(4) The dismantling or removal from service of any trunk line by a carrier

which has the effect of impairing the adequacy or quality of service rendered to any community or part of a community;

(5) The severance by a carrier of physical connection with another carrier (including connecting carriers as defined in section 3 (u) of the Communications Act of 1934, as amended) or the termination or suspension of the interchange of traffic with such other carrier;

(b) "Emergency discontinuance, reduction, or impairment of service" means any discontinuance, reduction, or impairment of the service of a carrier occasioned by conditions beyond the control of such carrier where the original service is not restored or comparable service is not established within a reasonable time. For the purpose of this part, a reasonable time shall be deemed to be a period not in excess of the following: 10 days in the case of discontinuance, reduction, or impairment of service at telegraph offices operated directly by the carrier; 15 days in the case of jointly-operated or agency telegraph offices; 10 days in the case of public coast stations; and 60 days in all other cases;

(c) "Public telegraph office" means an office at which telegraph messages may be accepted from the public for transmission and from which telegraph messages may be delivered to the public; the term includes seasonal, agency, and jointly-operated offices but does not include toll stations;

(d) "Main office" includes Class 1 and Class 3 offices. A Class 1 office is the principal office or the only office of the telegraph company in the municipality. A Class 3 office is also the only or principal office in the municipality but for administrative purposes it is supervised by a Class 1 office in another municipality.

(e) "Seasonal office" means a public telegraph office operated for a specific period or periods each year;

(f) "Jointly-operated office" means a public telegraph office operated jointly by a carrier with any other person;

(g) "Agency office" means a public telegraph office operated by an agent of the carrier;

(h) "Public toll station" means a public telephone station, located in a community, through which a carrier provides service to the public, and which is connected directly to a toll line operated by such carrier; no application shall be required under this part with respect to the closure of a toll station located in a community where telephone toll service is otherwise available to the public through a telephone exchange connected with the toll lines of a carrier.

§ 63.61 *Applicability.* Any carrier subject to the provisions of section 214 of the Communications Act of 1934, as amended, proposing to discontinue, reduce, or impair interstate or foreign telephone or telegraph service to a community, or a part of a community, shall request authority therefor by formal application or informal request as specified in the pertinent sections of this part: *Provided, however,* That where service is expanded on an experimental basis for a temporary period of not more than 6 months, no application shall be required to reduce service to its status prior to such expansion but a written notice shall be filed with the Commission within 10 days of the reduction showing (a) date on which, places at which, and extent to which service was expanded and (b) date on which, places at which, and extent to which such expansion of service was discontinued:

And provided further, That a licensee of a radio station who has filed an application for authority to discontinue service provided by such station shall, during the period that such application is pending before the Commission, continue to file appropriate applications as may be necessary for extension or renewal of station license in order to provide legal authorization for such station to continue in operation pending final action on the application for discontinuance of service.

§ 63.62 *Type of discontinuance, reduction, or impairment of telephone or telegraph service requiring formal application.* Authority for the following types of discontinuance, reduction, or impairment of service shall be requested by formal application containing the information required by the Commission in the appropriate sections to this part, except as provided in paragraphs (c) and (e) of this section, or in emergency cases (as defined in § 63.60 (b)) as provided in § 63.63:

(a) The dismantling or removal of a trunk line (for contents of application, see § 63.500);

(b) The severance of physical connection or the termination or suspension of the interchange of traffic with another carrier (for contents of application, see § 63.501);

(c) The closure of, or reduction of hours of service at, a public telegraph office, except that this paragraph shall not apply to the classes of cases specified in §§ 63.64, 63.66, 63.67, and 63.68 where the carrier elects to follow the procedure prescribed in those sections (for contents of application, see §§ 63.502 and 63.503);

(d) The closure of a public toll station where no other such toll station of the applicant in the community will continue service (for contents of application, see § 63.504);

(e) The closure of, or reduction of hours of service at, a public coast station (for contents of application, see § 63.69) except that this paragraph shall not apply to the cases specified in § 63.70 where the carrier elects to follow the procedure prescribed in that section;

(f) Any other type of discontinuance, reduction, or impairment of telephone or telegraph service not specifically provided for by other provisions of this part (for contents of application, see § 63.505)

Provided, however, That an application may be filed requesting authority to make a type of reduction in service under specified standards and conditions in lieu of individual applications for each instance coming within the type of reduction in service proposed.

§ 63.63 *Emergency discontinuance, reduction, or impairment of service.* (a) Application for authority for emergency discontinuance, reduction, or impairment of service shall be made by filing an informal request in quintuplicate as soon as practicable but not later than 15 days in the case of telegraph offices operated directly by the carrier; 30 days for jointly-operated or agency offices; 15 days in the case of public coast stations; or 65 days in all other cases, after the occurrence of the conditions which have occasioned the discontinuance, reduction, or impairment. The request shall make reference to this section and show the following:

(1) The effective date of such discontinuance, reduction, or impairment, and the identification of the service area affected;

(2) The nature and estimated duration of the conditions causing the discontinuance, reduction, or impairment;

(3) The facts showing that such conditions could not reasonably have been foreseen by the carrier in sufficient time to prevent such discontinuance, reduction, or impairment;

(4) A description of the service involved;

(5) The nature of service which will be available or substituted;

(6) The effect upon rates to any person in the community;

(7) The efforts made and to be made by applicant to restore the original service or establish comparable service as expeditiously as possible.

(b) Authority for the emergency discontinuance, reduction, or impairment of service for a period of 60 days shall be deemed to have been granted by the Commission effective as of the date of the filing of the request unless, on or before the 15th day after the date of filing, the Commission shall notify the carrier to the contrary. Renewal of such authority may be requested by letter or telegram, filed with the Commission not later than 10 days prior to the expiration of such 60-day period making reference to this section and showing that such conditions may reasonably be expected to continue for a further period and what efforts the applicant has made to restore the original or establish comparable service. If the same or comparable service is reestablished before the termination of the emergency authorization, the carrier shall notify the Commission promptly. However, the Commission may, upon specific request of the carrier and upon a proper showing, contained in such informal request, authorize such discontinuance, reduction, or impairment of service for an indefinite period or permanently.

§ 63.64 *Alternative procedure in certain specified cases involving public telegraph offices where another public telegraph office of applicant in the community will continue service or involving seasonal public telegraph offices or public coast station.* (a) In the following cases a carrier may, in lieu of filing formal application, file in quintuplicate an informal request for authority, duly verified or affirmed according to law:

(1) Where applicant proposes to close a branch, agency, or jointly-operated office located within a quarter of a mile of another office of the applicant with the same or longer hours of service and equal or better pickup and delivery facilities which will be made available to the area served by the office to be closed, and the average number of messages sent and received at the office to be closed, for the preceding 6 months, has been 50 or less per day;

(2) Where applicant proposes to close a branch, agency, or jointly-operated office located in a community served by another office of applicant which has the same or longer hours of service and equal or better pickup and delivery facilities which will be made available to the area served by the office to be closed, and the average number of messages sent and received at the office proposed to be closed for the preceding 6 months has been 15 or less per day;

(3) Where applicant proposes to discontinue or to reduce the hours of a seasonal office.

(b) Such informal request shall make reference to this section; state the location, address, class of office, and office hours of the office affected by the request; and give sufficient facts to show that the proposed closure or reduction in hours comes within the special provision of this section. Authority for such closure or reduction shall be deemed to have been granted by the Commission effective as of the 60th day following the date of filing of such request unless on or before the 60th day, the Commission shall notify the carrier to the contrary.

§ 63.65 *Closure of public toll station where another toll station of applicant in the community will continue service.* (a) Except in emergency cases (as defined in § 63.60 (b) and as provided in § 63.63), authority to close a public toll station in a community in which another toll station of the applicant will continue service shall be requested by an informal request, filed in quintuplicate, duly verified and affirmed according to law, making reference to this paragraph and showing the following:

(1) Location of toll station to be closed and distance from nearest toll station to be retained;

(2) Description of service area affected, including approximate population and character of the business of the community;

(3) Average number of toll telephone messages sent-paid and received-collect for the preceding six months;

(4) Average number of telegraph messages sent-paid and received-collect for the preceding six months;

(5) Statement of reasons for desiring to close the station.

(b) Authority for closures requested under paragraph (a) of this section shall be deemed to have been granted by the Commission effective as of the 15th day following the date of filing such request unless, on or before the 15th day, the Commission shall notify the carrier to the contrary.

§ 63.66 *Closure of or reduction of hours of service at public telegraph offices and telephone exchanges at military establishments.* Where a carrier desires to close or reduce hours of service at a public telegraph office or a telephone exchange located at a military establishment because of the deactivation of such establishment, it may, in lieu of filing formal application, file in quintuplicate an informal request, duly verified or affirmed according to law. Such request shall make reference to this section and shall set forth the class of office, address, date of proposed closure or reduction, description of service to remain or be substituted, statement as to any difference in charges to the public, and the reasons for the proposed closure or reduction. Authority for such closure or reduction shall be deemed to have been granted by the Commission, effective as of the 15th day following the date of filing of such request, unless, on or before the 15th day, the Commission shall notify the carrier to the contrary.

§ 63.67 *Alternative procedure in certain specified cases where authority to reduce hours at main telegraph offices is desired.* (a) In lieu of filing formal application, a carrier may file in quintuplicate an informal request, duly verified or affirmed according to law, for authority to reduce hours at main offices under the following specified standards and conditions:

(1) Weekday hours (Monday through Friday) will not be reduced below a minimum of 8 hours per day at the main office;

(2) Applicant will provide substitute service, at no additional tariff charge, during the hours to be deleted, through another office of the applicant located in the same community as the main office at which the reduction is made;

(3) Hours will not be reduced unless the average number of outgoing messages filed at the main office during the latest month for which traffic statistics are available, if a normal month with respect to conditions generally affecting traffic volume, has been at a rate not greater than two messages per hour during the total hours to be deleted and not greater than four messages per hour during the maximum traffic hour to be deleted;

(4) Applicant will file with the Federal Communications Commission, not more than once each month, forms in quintuplicate for main offices at which reduction in hours is proposed, giving on one form for each such office the information called for on the sample form appearing in § 63.506, and at the same time will forward a copy of such form to the State Commission, as defined in section 3 (t) of the Communications Act of 1934, as amended, or to the Governor if there is no such Commission, of the State in which the main office is located. Applicant will make no such reductions until 15 days after such forms are filed with the Federal Communications Commission and will not reduce hours at any particular main office if advised by the Federal Communications Commission within such 15-day period not to make such reduction;

(5) Upon written request from the Commission at any time within 6 months from the effective date of a reduction in hours at any main office as authorized under this section, the applicant will forthwith reestablish the hours observed before the reduction and will retain such hours unless and until authorized to change them upon individual and specific application to the Commission;

(6) Applicant will post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place at the office affected for a period of 14 consecutive days, 7 days of which shall be prior to the effective date of such reduction and 7 days following such reduction. Such notice shall be in the following form:

Notice is hereby given that The Western Union Telegraph Company proposes to reduce the hours of service at this office from the present hours of _____ m. to _____ m. to the hours _____ m. to _____ m., effective _____. Substituted service will be available from _____ m. to _____ m. at the _____ office located at _____ _____ (or give other appropriate general description of substituted service). Any member of the public objecting to the above reduction in hours of service may communicate in writing with the Federal Communications Commission, Washington 25, D. C.

(b) Authority for the reductions proposed under this section shall be deemed to have been granted by the Commission effective as of the 15th day following the date of filing of such request with the Commission unless, on or before the 15th day, the Commission shall notify the carrier to the contrary.

§ 63.68 *Alternative procedure in certain specified cases where authority to reduce hours at branch telegraph offices is desired.* (a) In lieu of filing formal application, a carrier may file in quintuplicate an informal request, duly verified or affirmed according to law, for authority to reduce hours at branch offices under the following specified standards and conditions:

(1) Weekday hours (Monday through Friday) will not be reduced below a minimum of 8 hours per day at the office at which hours are to be reduced;

(2) Alternate service, at no additional tariff charge, will be available at a company-operated main or branch office located in the community, which will be open during the hours to be deleted and will have equal or better pickup and delivery facilities during those hours which will be available to the area served by the office at which hours will be reduced;

(3) Hours will not be reduced unless the average number of outgoing messages filed at the branch office during the latest month for which traffic statistics are available, if a normal month with respect to conditions generally affecting traffic volume, has been at a rate not greater than:

(i) 2 messages per hour during the total hours to be deleted and not greater than 4 messages per hour during the maximum traffic hour to be deleted, if the substitute office referred to in subparagraph (2) of this paragraph is located more than one mile from the office at which hours are to be reduced; or

(ii) 4 messages per hour during the total hours to be deleted and not greater than 6 messages per hour during the

maximum traffic hour to be deleted, if the substitute office referred to in subparagraph (2) of this paragraph, is located more than one quarter of a mile but not more than one mile from the office at which hours are to be reduced; or

(iii) 6 messages per hour during the total hours to be deleted and not greater than 8 messages per hour during the maximum traffic hour to be deleted, if the substitute office referred to in subparagraph (2) of this paragraph is located not more than one quarter of a mile from the office at which hours are to be reduced;

(4) Applicant will file with the Federal Communications Commission, not more than once each month, forms in quintuplicate for branch offices at which reduction in hours is proposed, giving on one form for each such office the information called for on the sample form appearing in § 63.507, and at the same time will forward a copy of such form to the State Commission, as defined in section 3 (t) of the Communications Act of 1934, as amended, or to the Governor if there is no such Commission, of the State in which the office is located. Applicant will make no such reductions until 15 days after such forms are filed with the Federal Communications Commission and will not reduce hours at any particular branch office if advised by the Federal Communications Commission within such 15-day period not to make such reduction;

(5) Upon written request from the Commission at any time within 6 months from the effective date of a reduction in hours at any branch office as authorized under this section, the applicant will forthwith reestablish the hours observed before the reduction and will retain such hours unless and until authorized to change them upon individual and specific application to the Commission;

(6) Applicant will post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place at the office affected for a period of 14 consecutive days, 7 days of which shall be prior to the effective date of such reduction and 7 days following such reduction. Such notice shall be in the following form:

Notice is hereby given that The Western Union Telegraph Company proposes to reduce the hours of service at this office from the present hours of ------ m. to ------ m., to the hours -------- m. to ------ m., effective ----------. Substitute service will be available from -------- m. to -------- m., at the ---------- office located at ---------- (or give other appropriate general description of substituted service). Any member of the public objecting to the above reduction in hours of service may communicate in writing with the Federal Communications Commission, Washington 25, D. C.

(b) Authority for the reductions proposed under this section shall be deemed to have been granted by the Commission effective as of the 15th day following the date of filing of such request with the Commission unless, on or before the 15th day, the Commission shall notify the carrier to the contrary.

§ 63.69 *Contents of applications to close, or reduce hours of service at, a public coast station.* (a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment of service:

(1) Name and location of coast station involved, street address, present hours of service, proposed hours of service, extent and character of any local pickup and delivery facilities, including number of messengers or agents, and description of any arrangements for transferring messages to other carriers for local delivery or transmission to distant points;

(2) Date on which applicant desires to make discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(3) Identification of community or part of a community served by the public coast station involved, including population and general character of marine interests served;

(4) Description of the marine area served, and approximate range of operations with marine mobile stations;

(5) Proposed new tariff listing, if any, and differences, if any, between present charges to the public and charges for the service to be substituted by applicant, or available through the facilities of other carriers;

(d) Statement of the reasons for the proposed discontinuance, reduction, or impairment of service;

(e) Description of any previous discontinuance, reduction, or impairment of service to the community in which station involved is located, or in the marine area served by that station, which has been made by applicant during the 12 months preceding filing of the application, and statement of any present plans for future discontinuance, reduction, or impairment of such service;

(f) Statement of the factors showing that neither the present nor future public convenience and necessity would be adversely affected by the granting of the application;

(g) If closure is proposed:

(1) Number of messages sent and number received, revenues received from handling such messages, and direct operating expenses for each of the past 3 months, and an estimate of what difference, if any, in the amount of such traffic, revenues, and expenses would be expected for the ensuing year if present service were continued, and the basis for such estimate;

(2) For the most recent typical month for which statistics are available, the distribution of inbound and outbound messages separately as between number handled over the counter, by messenger, agent, telephone, T. W. X., transferred to or from another coast station of applicant, transferred to or from another carrier, or other method;

(3) Full description of the service which will be available to the community affected as a substitute for the service to be discontinued, either through other public coast stations located in the same general vicinity or through the facilities of domestic telegraph and telephone carriers, including hours of service, location of public offices, and extent of pickup and delivery facilities;

(4) List of United States Coast Guard stations providing safety and distress coverage in the marine area served by the coast station involved;

(h) If reduction in hours is proposed:

(1) For the most recent month for which statistics are available, the distribution of inbound and outbound messages for each hour proposed to be deleted, including distribution of such messages as between number handled over the counter, by messenger, agent, telephone, T. W. X., transferred to or from another coast station operated by applicant, transferred to or from another carrier, or other method;

(2) For each hour proposed to be deleted, full description of substitute service available to the community affected, as outlined in paragraph (g) (3) of this section;

(3) List of United States Coast Guard stations providing safety and distress coverage in the marine area served by the coast station involved.

§ 63.70 *Alternative procedure in certain specified cases where authority to reduce the hours of service at a public coast station is desired.* (a) In lieu of filing a formal application, a carrier may file in quintuplicate an informal request, duly verified or affirmed according to law, for authority to reduce the hours of service of a public coast station under the following specified standards and conditions:

(1) The average hourly number of messages handled during each hour to be deleted, as reflected by traffic statistics for the latest month for which such statistics are available, if a normal month with respect to conditions generally affecting traffic volume, is not more than 2 messages per hour, and the maximum number of messages handled in any hour to be deleted, as reflected by the above-mentioned statistics, is not more than 4 messages per hour;

(2) Applicant will file with the Federal Communications Commission a form in quintuplicate for the public coast station at which reduction in hours is proposed, giving the information called for on the sample form appearing in § 63.601. Applicant will not effect such reduction in hours of operation until 15 days after such form is filed with the Federal Communications Commission, and will not reduce hours in any case, if advised by the Commission, within such 15-day period, not to effect such reduction.

(3) Upon written request from the Commission at any time within 6 months from the effective date of a reduction in the hours of service at any public coast station as authorized under this section, applicant will forthwith reestablish the former hours and will retain such hours unless and until authorized to reduce them upon individual and specific application to the Commission.

(4) Applicant will post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place in the public coast station involved for a period of 14 consecutive days, 7 days of which shall be prior to the effective date of such reduction in hours of service, and 7 days of which shall follow such effective date.

If the public coast station is not ordinarily accessible to the general public for the purpose of filing or accepting delivery of messages, but an associated public office is provided by the applicant for that purpose, the public notice herein referred to shall be posted in the public office. Such notice shall be in the following form:

Notice is hereby given that (name of applicant) proposes to reduce the hours of service at public coast station (call and location) from the present hours of ----- m. to ------- m. to the hours of ------- m. to ------- m., effective --------. Persons desiring to file messages for transmission to marine mobile stations during the closed hours of this station may file such messages (give appropriate description of substitute service). Any member of the public objecting to the above change in service may communicate with the Federal Communications Commission, Washington 25, D. C.

(b) Authority for the reduction in hours of service proposed under this section shall be deemed to have been granted by the Commission effective as of the 15th day following the date of filing of such request with the Commission unless, on or before the 15th day, the Commission shall notify the applicant to the contrary.

§ 63.90 *Publication and posting of notices.* (a) Immediately upon the filing of an application or informal request (except a request under § 63.67, § 63.68, or § 63.70) for authority to close or otherwise discontinue the operation, or reduce the hours of service at, a telephone exchange, a telegraph office (except an agency office, a jointly-operated office, or an office or exchange located at a military establishment), or a public coast station, the applicant shall post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place in the exchange, office, or public coast station affected, and also in the window of any such exchange, office, or station having window space fronting on a public street at street level. If a public coast station is not ordinarily accessible to the general public for the purpose of filing or accepting delivery of messages, but an associated public office is provided by the applicant for that purpose, the public notice herein referred to shall be posted in the public office. Such notice shall be posted for at least 14 days and shall contain the following information, as may be applicable:

(1) Date of first posting of notice;

(2) Name of applicant;

(3) A statement that application has been made to the Federal Communications Commission;

(4) Date when application was filed in the Commission;

(5) A description of the discontinuance, reduction, or impairment of service for which authority is sought, including the address or other appropriate identification of the exchange, office, or station involved;

(6) If applicant proposes to reduce hours of service, a description of present and proposed hours of service;

(7) A complete description of the substitute service, if any, to be provided if the application is granted;

(8) A statement that any member of the public desiring to protest or support the application may communicate in writing with the Federal Communications Commission, Washington 25, D. C., on or before a specified date which shall be 20 days from the date of first posting of the notice.

(b) Immediately upon the filing of an application or informal request (except a request under § 63.67, § 63.68, or § 63.70) of the nature described in paragraph (a) of this section, the applicant shall also cause to be published a notice of not less than 4 column inches in size containing information similar to that specified in paragraph (a), at least once during each of 2 consecutive weeks, in some newspaper of general circulation in the community or part of the community affected: *Provided, however,* That in the case of an application or informal request pertaining to a branch office, other than a request under § 63.68, the applicant may, in lieu of causing a notice to be published, mail or deliver by messenger a notification containing information similar to that specified in paragraph (a) of this section to each telegraph user served by messenger call box circuit or tieline terminating at the branch office affected.

(c) Immediately upon the filing of an application or informal request (except a request under § 63.67 or § 63.68) for authority to close, or to reduce the hours of service at, an agency or jointly-operated office (except an office located at a military establishment) or upon the filing of a formal application to close a public toll station (except a toll station located at a military establishment), applicant shall post a public notice at least 11 inches by 17 inches as provided in paragraph (a) of this section or, in lieu thereof, applicant shall cause to be published a newspaper notice as provided in paragraph (b) of this section.

(d) Immediately upon the filing of any application or informal request for authority to discontinue, reduce, or impair service, or any notice of resumption of service under § 63.63 (b), the applicant shall give written notice of the filing together with a copy of such application to the State Commission (as defined in section 3 (t) of the Communications Act of 1934, as amended) of each State in which any discontinuance, reduction, or impairment is proposed.

(e) When the posting, publication, and notification as required in paragraphs (a), (b), (c), and (d) of this section have been completed, applicant shall certify such fact to the Commission, stating the name of the newspaper in which publication was made, the name of the Commissions notified, and the dates of posting, publication, and notification.

CONTENTS OF APPLICATIONS; EXAMPLES

§ 63.500 *Contents of applications to dismantle or remove a trunk line.* The application shall contain:

(a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment;

(d) Identification of community or part of community involved and date on which applicant desires to make proposed discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(e) Proposed new tariff listing, if any, and difference, if any, between present charges to the public and charges for the service to be substituted;

(f) Description of the service area affected including population and general character of business of the community;

(g) Name of any other carrier or carriers providing telegraph or telephone service to the community;

(h) Statement of the reasons for proposed discontinuance, reduction, or impairment;

(i) Statement of the factors showing that neither present nor future public convenience and necessity would be adversely affected by the granting of the application;

(j) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction, or impairment of service to such community;

(k) A map or sketch showing:

(1) Routes of line proposed to be removed from service and of alternate lines, if any, to be retained;

(2) Type and ownership of structures (open wire, aerial cable, underground cable, carrier systems, etc.);

(3) Cities and towns along routes with approximate population of each, and route mileage between the principal points;

(4) Location of important operating centers and repeater or relay points;

(5) State boundary lines through which the facilities extend;

(l) A wire chart showing, for both the line proposed to be removed and the alternate lines to be retained, the regular and normal assignment of each wire, its method of operation, the number of channels and normal assignment of each;

(m) The number of wires or cables to be removed and the kind, size, and length of each;

(n) A complete statement showing how the traffic load on the line proposed to be removed will be diverted to other lines and the adequacy of such other lines to handle the increased load.

§ 63.501 *Contents of applications to sever physical connection or to terminate*

maximum traffic hour to be deleted, if the substitute office referred to in subparagraph (2) of this paragraph, is located more than one quarter of a mile but not more than one mile from the office at which hours are to be reduced; or

(iii) 6 messages per hour during the total hours to be deleted and not greater than 8 messages per hour during the maximum traffic hour to be deleted, if the substitute office referred to in subparagraph (2) of this paragraph is located not more than one quarter of a mile from the office at which hours are to be reduced;

(4) Applicant will file with the Federal Communications Commission, not more than once each month, forms in quintuplicate for branch offices at which reduction in hours is proposed, giving on one form for each such office the information called for on the sample form appearing in § 63.507, and at the same time will forward a copy of such form to the State Commission, as defined in section 3 (t) of the Communications Act of 1934, as amended, or to the Governor if there is no such Commission, of the State in which the office is located. Applicant will make no such reductions until 15 days after such forms are filed with the Federal Communications Commission and will not reduce hours at any particular branch office if advised by the Federal Communications Commission within such 15-day period not to make such reduction;

(5) Upon written request from the Commission at any time within 6 months from the effective date of a reduction in hours at any branch office as authorized under this section, the applicant will forthwith reestablish the hours observed before the reduction and will retain such hours unless and until authorized to change them upon individual and specific application to the Commission;

(6) Applicant will post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place at the office affected for a period of 14 consecutive days, 7 days of which shall be prior to the effective date of such reduction and 7 days following such reduction. Such notice shall be in the following form:

Notice is hereby given that The Western Union Telegraph Company proposes to reduce the hours of service at this office from the present hours of ------ m. to ------ m., to the hours -------- m. to ------ m., effective ------------. Substitute service will be available from -------- m. to -------- m., at the ---------- office located at ---------- (or give other appropriate general description of substituted service). Any member of the public objecting to the above reduction in hours of service may communicate in writing with the Federal Communications Commission, Washington 25, D. C.

(b) Authority for the reductions proposed under this section shall be deemed to have been granted by the Commission effective as of the 15th day following the date of filing of such request with the Commission unless, on or before the 15th day, the Commission shall notify the carrier to the contrary.

§ 63.69 *Contents of applications to close, or reduce hours of service at, a public coast station.* (a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment of service:

(1) Name and location of coast station involved, street address, present hours of service, proposed hours of service, extent and character of any local pickup and delivery facilities, including number of messengers or agents, and description of any arrangements for transferring messages to other carriers for local delivery or transmission to distant points;

(2) Date on which applicant desires to make discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(3) Identification of community or part of a community served by the public coast station involved, including population and general character of marine interests served;

(4) Description of the marine area served, and approximate range of operations with marine mobile stations;

(5) Proposed new tariff listing, if any, and differences, if any, between present charges to the public and charges for the service to be substituted by applicant, or available through the facilities of other carriers;

(d) Statement of the reasons for the proposed discontinuance, reduction, or impairment of service;

(e) Description of any previous discontinuance, reduction, or impairment of service to the community in which station involved is located, or in the marine area served by that station, which has been made by applicant during the 12 months preceding filing of the application, and statement of any present plans for future discontinuance, reduction, or impairment of such service;

(f) Statement of the factors showing that neither the present nor future public convenience and necessity would be adversely affected by the granting of the application;

(g) If closure is proposed:

(1) Number of messages sent and number received, revenues received from handling such messages, and direct operating expenses for each of the past 3 months, and an estimate of what difference, if any, in the amount of such traffic, revenues, and expenses would be expected for the ensuing year if present service were continued, and the basis for such estimate;

(2) For the most recent typical month for which statistics are available, the distribution of inbound and outbound messages separately as between number handled over the counter, by messenger, agent, telephone, T. W. X., transferred to or from another coast station of applicant, transferred to or from another carrier, or other method;

(3) Full description of the service which will be available to the community affected as a substitute for the service to be discontinued, either through other public coast stations located in the same general vicinity or through the facilities of domestic telegraph and telephone carriers, including hours of service, location of public offices, and extent of pickup and delivery facilities;

(4) List of United States Coast Guard stations providing safety and distress coverage in the marine area served by the coast station involved;

(h) If reduction in hours is proposed:

(1) For the most recent month for which statistics are available, the distribution of inbound and outbound messages for each hour proposed to be deleted, including distribution of such messages as between number handled over the counter, by messenger, agent, telephone, T. W. X., transferred to or from another coast station operated by applicant, transferred to or from another carrier, or other method;

(2) For each hour proposed to be deleted, full description of substitute service available to the community affected, as outlined in paragraph (g) (3) of this section;

(3) List of United States Coast Guard stations providing safety and distress coverage in the marine area served by the coast station involved.

§ 63.70 *Alternative procedure in certain specified cases where authority to reduce the hours of service at a public coast station is desired.* (a) In lieu of filing a formal application, a carrier may file in quintuplicate an informal request, duly verified or affirmed according to law, for authority to reduce the hours of service of a public coast station under the following specified standards and conditions:

(1) The average hourly number of messages handled during each hour to be deleted, as reflected by traffic statistics for the latest month for which such statistics are available, if a normal month with respect to conditions generally affecting traffic volume, is not more than 2 messages per hour, and the maximum number of messages handled in any hour to be deleted, as reflected by the above-mentioned statistics, is not more than 4 messages per hour;

(2) Applicant will file with the Federal Communications Commission a form in quintuplicate for the public coast station at which reduction in hours is proposed, giving the information called for on the sample form appearing in § 63.601. Applicant will not effect such reduction in hours of operation until 15 days after such form is filed with the Federal Communications Commission, and will not reduce hours in any case, if advised by the Commission, within such 15-day period, not to effect such reduction.

(3) Upon written request from the Commission at any time within 6 months from the effective date of a reduction in the hours of service at any public coast station as authorized under this section, applicant will forthwith reestablish the former hours and will retain such hours unless and until authorized to reduce them upon individual and specific application to the Commission.

(4) Applicant will post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place in the public coast station involved for a period of 14 consecutive days, 7 days of which shall be prior to the effective date of such reduction in hours of service, and 7 days of which shall follow such effective date.

If the public coast station is not ordinarily accessible to the general public for the purpose of filing or accepting delivery of messages, but an associated public office is provided by the applicant for that purpose, the public notice herein referred to shall be posted in the public office. Such notice shall be in the following form:

Notice is hereby given that (name of applicant) proposes to reduce the hours of service at public coast station (call and location) from the present hours of ----- m. to ------- m. to the hours of ------- m. to ------- m., effective --------. Persons desiring to file messages for transmission to marine mobile stations during the closed hours of this station may file such messages (give appropriate description of substitute service). Any member of the public objecting to the above change in service may communicate with the Federal Communications Commission, Washington 25, D. C.

(b) Authority for the reduction in hours of service proposed under this section shall be deemed to have been granted by the Commission effective as of the 15th day following the date of filing of such request with the Commission unless, on or before the 15th day, the Commission shall notify the applicant to the contrary.

§ 63.90 *Publication and posting of notices.* (a) Immediately upon the filing of an application or informal request (except a request under § 63.67, § 63.68, or § 63.70) for authority to close or otherwise discontinue the operation, or reduce the hours of service at, a telephone exchange, a telegraph office (except an agency office, a jointly-operated office, or an office or exchange located at a military establishment), or a public coast station, the applicant shall post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place in the exchange, office, or public coast station affected, and also in the window of any such exchange, office, or station having window space fronting on a public street at street level. If a public coast station is not ordinarily accessible to the general public for the purpose of filing or accepting delivery of messages, but an associated public office is provided by the applicant for that purpose, the public notice herein referred to shall be posted in the public office. Such notice shall be posted for at least 14 days and shall contain the following information, as may be applicable:

(1) Date of first posting of notice;

(2) Name of applicant;

(3) A statement that application has been made to the Federal Communications Commission;

(4) Date when application was filed in the Commission;

(5) A description of the discontinuance, reduction, or impairment of service for which authority is sought, including the address or other appropriate identification of the exchange, office, or station involved;

(6) If applicant proposes to reduce hours of service, a description of present and proposed hours of service;

(7) A complete description of the substitute service, if any, to be provided if the application is granted;

(8) A statement that any member of the public desiring to protest or support the application may communicate in writing with the Federal Communications Commission, Washington 25, D. C., on or before a specified date which shall be 20 days from the date of first posting of the notice.

(b) Immediately upon the filing of an application or informal request (except a request under § 63.67, § 63.68, or § 63.70) of the nature described in paragraph (a) of this section, the applicant shall also cause to be published a notice of not less than 4 column inches in size containing information similar to that specified in paragraph (a), at least once during each of 2 consecutive weeks, in some newspaper of general circulation in the community or part of the community affected: *Provided, however,* That in the case of an application or informal request pertaining to a branch office, other than a request under § 63.68, the applicant may, in lieu of causing a notice to be published, mail or deliver by messenger a notification containing information similar to that specified in paragraph (a) of this section to each telegraph user served by messenger call box circuit or tieline terminating at the branch office affected.

(c) Immediately upon the filing of an application or informal request (except a request under § 63.67 or § 63.68) for authority to close, or to reduce the hours of service at, an agency or jointly-operated office (except an office located at a military establishment) or upon the filing of a formal application to close a public toll station (except a toll station located at a military establishment), applicant shall post a public notice at least 11 inches by 17 inches as provided in paragraph (a) of this section or, in lieu thereof, applicant shall cause to be published a newspaper notice as provided in paragraph (b) of this section.

(d) Immediately upon the filing of any application or informal request for authority to discontinue, reduce, or impair service, or any notice of resumption of service under § 63.63 (b), the applicant shall give written notice of the filing together with a copy of such application to the State Commission (as defined in section 3 (t) of the Communications Act of 1934, as amended) of each State in which any discontinuance, reduction, or impairment is proposed.

(e) When the posting, publication, and notification as required in paragraphs (a), (b), (c), and (d) of this section have been completed, applicant shall certify such fact to the Commission, stating the name of the newspaper in which publication was made, the name of the Commissions notified, and the dates of posting, publication, and notification.

CONTENTS OF APPLICATIONS; EXAMPLES

§ 63.500 *Contents of applications to dismantle or remove a trunk line.* The application shall contain:

(a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment;

(d) Identification of community or part of community involved and date on which applicant desires to make proposed discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(e) Proposed new tariff listing, if any, and difference, if any, between present charges to the public and charges for the service to be substituted;

(f) Description of the service area affected including population and general character of business of the community;

(g) Name of any other carrier or carriers providing telegraph or telephone service to the community;

(h) Statement of the reasons for proposed discontinuance, reduction, or impairment;

(i) Statement of the factors showing that neither present nor future public convenience and necessity would be adversely affected by the granting of the application;

(j) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction, or impairment of service to such community;

(k) A map or sketch showing:

(1) Routes of line proposed to be removed from service and of alternate lines, if any, to be retained;

(2) Type and ownership of structures (open wire, aerial cable, underground cable, carrier systems, etc.);

(3) Cities and towns along routes with approximate population of each, and route mileage between the principal points;

(4) Location of important operating centers and repeater or relay points;

(5) State boundary lines through which the facilities extend;

(l) A wire chart showing, for both the line proposed to be removed and the alternate lines to be retained, the regular and normal assignment of each wire, its method of operation, the number of channels and normal assignment of each;

(m) The number of wires or cables to be removed and the kind, size, and length of each;

(n) A complete statement showing how the traffic load on the line proposed to be removed will be diverted to other lines and the adequacy of such other lines to handle the increased load.

§ 63.501 *Contents of applications to sever physical connection or to terminate*

or suspend interchange of traffic with another carrier. The application shall contain:

(a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of the proposed change;

(d) Identification of community or part of community involved and date on which applicant desires to make proposed discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(e) Proposed new tariff listing, if any, and differences, if any, between present charges to the public and charges for the service to be substituted;

(f) Description of the service area affected including population and general character of business of the community;

(g) Name of any other carrier or carriers providing telegraph or telephone service to the community;

(h) Statement of the reasons for proposed discontinuance, reduction, or impairment;

(i) Statement of the factors showing that neither present nor future public convenience and necessity would be adversely affected by the granting of the application;

(j) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction, or impairment of service to such community;

(k) Name of other carrier;

(l) Points served through such physical connection or interchange;

(m) Description of the service involved;

(n) Statement as to how points served by means of such physical connection or interchange will be served thereafter;

(o) Amount of traffic interchanged for each month during preceding 6-month period;

(p) Statement as to whether severance of physical connection or termination or suspension of interchange of traffic is being made with consent of other carrier.

§ 63.502 *Contents of applications to close or reduce hours of service at a public telegraph office which is the only public telegraph office of applicant in a community.* The application shall contain:

(a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment;

(d) Identification of community or part of community involved and date on which applicant desires to make proposed discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(e) Proposed new tariff listing, if any, and difference, if any, between present charges to the public and charges for the service to be substituted;

(f) Description of the service area affected including population and general character of business of the community;

(g) Name of any other carrier or carriers providing telegraph or telephone service to the community;

(h) Statement of the reasons for proposed discontinuance, reduction, or impairment;

(i) Statement of the factors showing that neither present nor future public convenience and necessity would be adversely affected by the granting of the application;

(j) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction, or impairment of service to such community;

(k) Street address, location in building (street, lobby, or upper floor), and class of office; office hours; method of operation; area served; number of call boxes; number of telegraph tielines; number of telephone tielines; extent and character of pickup and delivery facilities and service, including number of messengers;

(l) Number of messages sent and number received, revenues from sent-paid and received-collect traffic and direct operating expenses for each of the past 12 months if closure is proposed, and for each of the past 3 months if reduction in hours is proposed; and an estimate as to what difference, if any, in the amount of such traffic, revenues and expenses would be expected for the ensuing year if present service were continued, and the basis for such estimate;

(m) If application is for closure:

(1) For the past month, the distribution of sent messages as between number handled over the counter, by messenger, by telephone, by tieline, or other method;

(2) Full description of the telegraph service, if any, which would be substituted by applicant if the application is granted, including hours of service, method of operation, area to be served, extent of pickup and delivery facilities and service; approximate distance to nearest telegraph office;

(n) If application is for reduction of hours;

(1) Present hours and proposed hours;

(2) Number of messages filed and number received during each of the hours proposed to be discontinued for the past month; distribution of such filed messages as between number handled over the counter, by messenger, by telephone, by tieline, or other method;

(3) Statement as to how traffic would be handled outside of proposed office hours.

§ 63.503 *Contents of applications to close or reduce hours of service at a public telegraph office where another public telegraph office of applicant in the community will continue service.* The application shall contain:

(a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment;

(d) Identification of community or part of community involved and date on which applicant desires to make proposed discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(e) Proposed new tariff listing, if any, and difference, if any, between present charges to the public and charges for the service to be substituted;

(f) Description of the service area affected including population and general character of business of the community;

(g) Name of any other carrier or carriers providing telegraph or telephone service to the community;

(h) Statement of the reasons for proposed discontinuance, reduction, or impairment;

(i) Statement of the factors showing that neither present nor future public convenience and necessity would be adversely affected by the granting of the application;

(j) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction, or impairment of service to such community;

(k) Street address, location in building (street, lobby, or upper floor), and class of office involved; office hours; method of operation; area served; number of call boxes; number of telegraph tielines; number of telephone tielines; extent and character of pickup and delivery facilities and service, including number of messengers;

(l) Proposed method of serving present call box and tieline patrons of the office involved;

(m) For each office which will handle traffic formerly handled by the office involved:

(1) Street address and location in building;

(2) Class;

(3) Distance in yards to such office;

(4) Office hours;

(5) Method of operation;

(6) Area served;

(7) Number of call boxes;

(8) Extent and character of pickup and delivery facilities and service, including number of messengers;

(9) Extent, if any, to which pickup and delivery service will be extended so as to serve area formerly served by the office involved;

(10) Number of channels and capacity;

(11) Average daily message load for the past month;

(12) Estimate as to the portion of the traffic load of the office to be closed which will be diverted to each such office;

(13) Statement as to any facilities, personnel, or channels to be added;

NOTE: If application is for reduction in hours, answers to items (10) through (13) not required.

(n) If application is for closure:

(1) Number of messages sent and number received, revenues from sent-paid and received-collect traffic and direct operating expenses for each of the past 12 months, and an estimate as to what difference, if any, in the amount of such traffic, revenues, and expenses would be expected for the ensuing year if present service were continued, and the basis for such estimate;

(2) For the past month, the distribution of sent messages as between number handled over the counter, by messenger, by telephone, by tieline, or other method;

(o) If application is for reduction in hours:

(1) Present and proposed office hours;

(2) Number of messages filed and number received during each of the hours proposed to be discontinued for the past month; distribution of such filed messages as between number handled over the counter, by messenger, by telephone, by tieline, or other method;

(3) Statement as to how traffic would be handled outside of proposed office hours.

§ 63.504 *Contents of applications to close a public toll station where no other such toll station of the applicant in the community will continue service.* The application shall contain:

(a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment;

(d) Identification of community or part of community involved and date on which applicant desires to make proposed discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(e) Proposed new tariff listing, if any, and difference, if any, between present charges to the public and charges for the service to be substituted;

(f) Description of the service area affected including population and general character of business of the community;

(g) Name of any other carrier or carriers providing telegraph or telephone service to the community;

(h) Statement of the reasons for proposed discontinuance, reduction, or impairment;

(i) Statement of the factors showing that neither present nor future public convenience and necessity would be adversely affected by the granting of the application;

(j) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction, or impairment of service to such community;

(k) Description of the service involved, including:

(1) Existing telephone or telegraph service by the applicant available to the community;

(2) Telephone or telegraph service (available from applicant or others) which would remain in the community in the event the application is granted;

(3) Statement of the number of toll telephone messages or telegraph messages sent-paid and received-collect, and the revenues from such traffic, in connection with the service proposed to be discontinued for each of the past 6 months; and, if the volume of such traffic handled in the area has decreased during recent years, the reasons therefor.

§ 63.505 *Contents of applications for any type of discontinuance, reduction, or impairment of telephone or telegraph service not specifically provided for in this part.* The application shall contain:

(a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment;

(d) Identification of community or part of community involved and date on which applicant desires to make proposed discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(e) Proposed new tariff listing, if any, and difference, if any, between present charges to the public and charges for the service to be substituted;

(f) Description of the service area affected including population and general character of business of the community;

(g) Name of any other carrier or carriers providing telegraph or telephone service to the community;

(h) Statement of the reasons for proposed discontinuance, reduction, or impairment;

(i) Statement of the factors showing that neither present nor future public convenience and necessity would be adversely affected by the granting of the application;

(j) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction, or impairment of service to such community;

(k) Description of the service involved, including:

(1) Existing telephone or telegraph service by the applicant available to the community or part thereof involved;

(2) Telephone or telegraph service (available from applicant or others) which would remain in the community or part thereof involved in the event the application is granted;

(l) If application is for discontinuance, reduction, or impairment of telephone service,

A statement of the number of toll messages sent-paid and received-collect and the revenues from such traffic in connection with the service proposed to be discontinued, reduced, or impaired for each of the past 6 months; and, if the volume of such traffic handled in the area has decreased during recent years, the reasons therefor.

§ 63.506 *Application form pursuant to § 63.67.*

F. C. C. File No. T-D- ____

Name of applicant _____
Address _____

In the matter of proposed reduction in main office hours pursuant to § 63.67 of the Commission's rules.

Month _____ Year _____

Data Regarding Main Office

Address of office _____
Class of office and method of operation _____
_____
Present hours:
Monday through Friday _____
Saturday _____
Sunday _____
Proposed hours:
Monday through Friday _____
Saturday _____
Sunday _____
Average hourly number of messages filed for month of _____, 19__, during total hours to be deleted _____
Average hourly number of messages filed for month of _____, 19__, during maximum traffic hour to be deleted _____
Present tariff listing.

Data Regarding Substitute Office

Address of substitute office _____
Class of office and method of operation of substitute office _____
Distance in feet from main office _____
Present hours of substitute office:
Monday through Friday _____
Saturday _____
Sunday _____
Proposed tariff listing.

§ 63.507 *Application form pursuant to § 63.68.*

F. C. C. File No. T-D-____

Name of applicant _____
Address _____

In the matter of proposed reduction in branch office hours pursuant to § 63.68 of the Commission's rules.

Month _____ Year _____

Data Regarding Branch Office

Address of office _____
Class of office and method of operation _____
_____
Present hours:
Monday through Friday _____
Saturday _____
Sunday _____
Proposed hours:
Monday through Friday _____
Saturday _____
Sunday _____
Average hourly number of messages filed for the month of _____, 19____, during total hours to be deleted _____
Average hourly number of messages filed for the month of _____, 19____, during maximum traffic hour to be deleted _____
_____

Data Regarding Substitute Office

Address of substitute office _____
Distance in feet from office at which reduction is proposed _____
Class and method of operation of substitute office _____
Will substitute office provide equal or better pickup and delivery facilities during hours to be deleted? _____
Present hours of substitute office:
Monday through Friday _____
Saturday _____
Sunday _____

§ 63.601 *Contents of applications for authority to reduce the hours of service of public coast stations under the conditions specified in § 63.70.*

F. C. C. File No. T–D– ____

Month _____ Year _____

_____
(Name of applicant)

_____
(Address of applicant)

In the matter of Proposed Reduction in Hours of Service of a Public Coast Station.

Pursuant to § 63.70 of the Commission's rules.

Data regarding public coast station _____

_____
(Call and address)

Present hours:
Monday through Friday _____
Saturday _____
Sunday _____
Proposed hours:
Monday through Friday _____
Saturday _____
Sunday _____
Proposed effective time and date of change _____
Average number of messages handled for month of _____, 19__
during total hours to be deleted _____
_____
during maximum hour to be deleted _____
_____

Data regarding substitute service to be provided by other public coast stations available and capable of providing service to the community affected, or in the marine area served by the public coast station involved:

Station call and location	Operated by	Hours of service		
		Monday through Friday	Saturday	Sunday

[F. R. Doc. 57–7774; Filed, Sept. 25, 1957; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 1—SERVICES AND PUBLICATIONS OF THE DEPARTMENT OF COMMERCE AND CHARGES THEREFOR

PRICING AND DISTRIBUTION

§ 1.3 *Pricing publications.* (a) The policy of the Department is to place on sale all publications except promotional or similar fliers.

(b) Publications printed by the Government Printing Office and offered for sale by the Superintendent of Documents are priced by the Government Printing Office.

(c) Publications printed in the Department's printing plants will be priced by the primary organization unit producing the publication, subject to approval by the Office of Publications. The establishment of prices shall be on a fair and equitable basis, taking into consideration direct and indirect costs to the Government, value to the recipient, public policy or interest served, and other pertinent factors. Minimum charges to be assigned for printing and sales expenses will be based on the number of standard-sized pages in the publication, in accordance with the following schedule:

(1) Single copy: Publications of 12 pages or less, 10 cents; from 13 to 36 pages, 25 cents; from 37 to 60 pages, 50 cents; from 61 to 100 pages, $1.00, and each additional 24 pages, 25 cents. Separate paper covers to be considered as 4 pages.

(2) A 25 percent discount is made on orders of 100 or more copies of a single publication to the same address.

(d) Special costs will be applied to pricing publications when the size, paper stock, etc., of the publication vary from the standard.

(e) It is the policy of the Department to require prepayment on the sales of its publications. Advice of action on orders and requests for amounts due will be transmitted to the customer through the use of Form CD–13.

(f) Refunds of remittances received in connection with the sale of publications will be made through the primary organization unit or the Superintendent of Documents. The customer shall in each instance be notified of a refund payment due and by whom the refund will be made.

§ 1.4 *Distribution of non-priced publications.* (a) The free distribution of non-priced publications to a single address will generally be limited to one copy unless justification for up to five copies is submitted.

(b) Copies of unpriced publications in excess of five copies may be delivered to a single address if there is collected a charge in accordance with the price schedule in § 1.3.

The rules prescribed herein are effective as of August 26, 1957. In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearings on these rules are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose.

(R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 3, 32 Stat. 826, sec. 1, 49 Stat. 292, 1335, 56 Stat. 1067, sec. 2, 64 Stat. 1263, sec. 501, 65 Stat. 290, 596; 15 U. S. C. 189a, 189, 5 U. S. C. 606, 140)

Dated: September 19, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57–7893; Filed, Sept. 25, 1957; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

EFFECTIVE DATE OF ORDER RE EXEMPTIONS OF BACITRACIN- (OR ZINC BACITRACIN-) TYROTHRICIN-NEOMYCIN TROCHES FROM PRESCRIPTION-DISPENSING REQUIREMENTS

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 701, 59 Stat. 463 as amended, 52 Stat. 1055 as amended, 70 Stat. 919; 21 U. S. C. 357, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of August 8, 1957 (22 F. R. 6338) in the above-entitled matter, and the order shall become effective November 6, 1957. This effective date will not be construed to impede the orderly change of labeling, and to facilitate such change no action will be taken against bacitracin- (or zinc bacitracin-) tyrothricin-neomycin troches which, prior to the effective date, bear labeling in compliance with the requirements of this order.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: September 19, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57–7877; Filed, Sept. 25, 1957; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter IV—Federal National Mortgage Association, Housing and Home Finance Agency

PART 400—MORTGAGE PURCHASES, SERVICING AND SALES

MISCELLANEOUS AMENDMENTS

Amend Part 400 of Title 24 as follows:

1. In § 400.0, in the information relating to location of offices and area served:

a. Delete "Dallas 2, Tex., 100 Main Street" and insert in lieu thereof, "Dallas 2, Texas, Dallas Federal Savings Building, 1505 Elm Street".

b. Delete "Los Angeles 57, Calif., 2601 Wilshire Boulevard" and insert in lieu thereof, "Los Angeles 5, California, 3540 Wilshire Blvd.".

2. In § 400.1:

a. Amend paragraph (b) to read as follows:

(b) Special Assistance Functions to provide special assistance (1) (when, and to the extent that, the President of the United States has determined that it is in the public interest) for the financing of (i) selected types of residential mortgages or participations therein (pending the establishment of their marketability), originated under special housing programs, designed to provide housing of acceptable standards at full economic costs for segments of the national population which are unable to obtain adequate housing under established home financing programs, and (ii) residential mortgages, generally, as a means of retarding or stopping a decline in mortgage lending and home building activities which threatens materially the stability of a high level national economy; and (2) as otherwise prescribed by law (described further in §§ 400.21 to 400.24); and

b. Amend paragraph (c) to read as follows:

(c) Management and Liquidating Functions to manage and liquidate the mortgage portfolio of FNMA (acquired by purchase pursuant to contracts entered into prior to November 1, 1954) in an orderly manner, with a minimum of adverse effect upon the residential mortgage market and minimum loss to the Federal Government (described further in §§ 400.31 and 400.32).

Separate accountability is maintained by FNMA for each of the three operations and functions described in this section.

3. In § 400.11:

a. In paragraph (a), delete "(including a re-offer)" from the second sentence and insert in lieu thereof "or re-offer".

b. In paragraph (b), delete "home or multifamily housing" from the first sentence.

4. Amend § 400.15 to read as follows:

§ 400.15 *Fees and charges and stock purchase.* Under the Secondary Market Operations certain fees and charges are imposed with the objective that they will reasonably prevent excessive use of FNMA's facilities, and that the conduct of the operations will be within the income derived therefrom and will be fully self-supporting. Accordingly, in connection with the purchase of a readily marketable mortgage, FNMA charges a Purchase and Marketing Fee of 1 percent of the unpaid principal balance of such mortgage. A Purchase and Marketing Fee of 1½ percent is charged in connection with the purchase of a mortgage of lesser marketability, as determined by FNMA. The 1½ percent fee will apply to all Home mortgages bearing a 4½ percent interest rate. A Seller is not required to pay a Purchase and Marketing Fee on mortgages purchased by FNMA under a Standby Commitment Contract. Also in connection with the sale of a mortgage to FNMA, the Seller is required to subscribe for common stock in FNMA, as set forth in § 400.16 (a).

5. In § 400.16:

a. In paragraph (a), immediately before the period in the parenthetical sentence at the end of the paragraph, insert "under conditions described in this paragraph and to receive, hold or dispose of such stock".

b. Amend paragraph (b) to read as follows:

(b) *Borrowings.* FNMA may issue, upon the approval of the Secretary of the Treasury, and have outstanding at any one time, obligations in an aggregate amount not exceeding ten times the sum of its capital, capital surplus, general surplus, reserves, and undistributed earnings, but not in excess of its ownership (free from any liens or encumbrances) of cash, mortgages, and bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States. The obligations issued by FNMA are not guaranteed by the United States and do not constitute a debt or obligation of the United States, or any agency or instrumentality thereof other than FNMA. FNMA's obligations are available from time to time for sale to private investors. The Secretary of the Treasury may, within certain limitations, purchase FNMA's obligations until such time as all of the preferred stock of FNMA held by the Secretary of the Treasury has been retired. As of June 30, 1957, preferred stock had been subscribed by the Secretary of the Treasury in the amount of $142.8 million which, together with FNMA common stock and surplus provided purchasing authority aggregating $1.9 billion. The Secretary of the Treasury is authorized to subscribe to additional preferred stock in the amount of $65 million which, together with FNMA common stock and surplus, would provide a maximum purchasing authority of $2.6 billion.

6. Amend § 400.21 to read as follows:

§ 400.21 *General.* To carry out the purposes of the Special Assistance Functions, FNMA is authorized to make commitments to purchase, and to purchase mortgages and participations therein, for such periods of time and to such extent as the President of the United States has determined to be in the public interest, or as otherwise prescribed by law. The operations under the Special Assistance Functions are confined, so far as practicable to mortgages and participations therein which are deemed by FNMA to be of such quality as to meet, substantially and generally, the purchase standards imposed by private institutional investors but which, at the time the mortgages are offered to FNMA for purchase, are not necessarily readily acceptable to such investors. When and as authorized by the President of the United States or by the Congress, FNMA will announce the inauguration of Special Assistance Programs, including the types of mortgages that will be purchased, the prices to be paid therefor, and the special acceptability requirements relating to such Programs. Purchases may be made under Immediate Purchase Contracts or Commitment Contracts, as announced in the Special Assistance Programs. An offer or re-offer under an Immediate Purchase Contract must be delivered to FNMA within 3 months of the date of the FHA final insurance endorsement of the VA Certificate of Guaranty.

7. Amend § 400.22 to read as follows:

§ 400.22 *Participations.* Consideration will be given to Seller's requests for the purchase of participations in mortgages by FNMA.

8. Amend § 400.23 to read as follows:

§ 400.23 *Fees or charges.* Fees or charges for FNMA's services under the Special Assistance Functions are established with the objective that all costs and expenses of its operation under these functions will be within its income derived from such operations and that such operations will be fully self-supporting. In connection with the purchase of a mortgage by FNMA under these functions, unless otherwise specified in the announcement of a program, the Seller is required to pay a Purchase and Marketing Fee of three-fourths of 1 percent of the unpaid principal balance of the mortgage. As to commitments to purchase a mortgage in the future, a commitment fee of three-fourths of 1 percent is charged.

9. Amend § 400.31 to read as follows:

§ 400.31 *General.* The Federal National Mortgage Association Charter Act (Title III of the National Housing Act, as amended) authorizes FNMA to manage and liquidate its portfolio (acquired by purchase or which may be acquired pursuant to Commitment Contracts entered into prior to November 1, 1954) in an orderly manner, with a minimum of adverse effect upon the residential mortgage market and minimum loss to the Federal Government. Home mortgages acquired by FNMA under its Management and Liquidating Functions are serviced pursuant to the Purchasing and Servicing Agreement (FNMA Form 1–Rev. 5–5–52), except that such mortgages are serviced pursuant to the Servicing Agreement (FNMA Form 302) whenever the Servicer and FNMA have entered into such agreement.

10. From § 400.32, delete all of the first sentence immediately following the section heading.

11. Amend § 400.62 to read as follows:

§ 400.62 *Service fee.* Each FHA-insured mortgage with a principal obligation of $8,000 or less shall contain a provision requiring the monthly payment by the mortgagor of a service fee of one-half of 1 percent per annum, if the date of the FHA insurance commitment is on or after August 6, 1957. When the date of the FHA insurance commitment is prior to such date, the mortgage shall contain a similar provision if its principal obligation is $6,650 or less. The service fee must be remitted to FNMA.

12. From § 400.65, delete the last semicolon and insert in lieu thereof a comma.

13. In § 400.81, in the second sentence, delete the next to the last "that" and in lieu thereof insert "which".

(Sec. 309, 68 Stat. 620; 12 U. S. C. 1723a)

Federal National Mortgage Association.

ROBERT NEWTON REID,
Vice President and General Counsel.

[F. R. Doc. 57-7884; Filed, Sept. 25, 1957; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6253]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SPECIAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

On July 18, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under part IV (except sections 1233, 1235, and 1237) of subchapter P, relating to special rules for determining capital gains and losses, of chapter 1 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 5368). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

SPECIAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

Sec.

1.1231 Statutory provisions; property used in the trade or business and involuntary conversions.
1.1231-1 Gains and losses from the sale or or exchange of certain property used in the trade or business.
1.1231-2 Livestock held for draft, breeding, or dairy purposes.
1.1232 Statutory provisions; bonds and other evidences of indebtedness.
1.1232-1 Bonds and other evidences of indebtedness; scope of section.
1.1232-2 Retirement.
1.1232-3 Gain upon sale or exchange of obligations issued at a discount after December 31, 1954.
1.1232-4 Obligations with excess coupons detached.
1.1234 Statutory provisions; options to buy or sell.
1.1234-1 Options to buy or sell.
1.1236 Statutory provisions; dealers in securities.
1.1236-1 Dealers in securities.
1.1238 Statutory provisions; amortization in excess of depreciation.
1.1238-1 Amortization in excess of depreciation.
1.1239 Statutory provisions; gain from sale of certain property between spouses or between an individual and a controlled corporation.
1.1239-1 Gain from sale or exchange of certain property between spouses or between an individual and a controlled corporation.
1.1240 Statutory provisions; taxability to employee of termination payments.
1.1240-1 Capital gains treatment of certain termination payments.
1.1241 Statutory provisions; cancellation of lease or distributor's agreement.
1.1241-1 Cancellation of lease or distributor's agreement.

AUTHORITY: §§ 1.1231 to 1.1241-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

SPECIAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

§ 1.1231 *Statutory provisions; property used in the trade or business and involuntary conversions.*

SEC. 1231. *Property used in the trade or business and involuntary conversions*—(a) *General rule.* If, during the taxable year, the recognized gains on sales or exchanges of property used in the trade or business, plus the recognized gains from the compulsory or involuntary conversation (as a result of destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof) of property used in the trade or business and capital assets held for more than 6 months into other property or money, exceed the recognized losses from such sales, exchanges, and conversions, such gains and losses shall be considered as gains and losses from sales or exchanges of capital assets held for more than 6 months. If such gains do not exceed such losses, such gains and losses shall not be considered as gains and losses from sales or exchanges of capital assets. For purposes of this subsection—

(1) In determining under this subsection whether gains exceed losses, the gains described therein shall be included only if and to the extent taken into account in computing gross income and the losses described therein shall be included only if and to the extent taken into account in computing taxable income, except that section 1211 shall not apply; and

(2) Losses upon the destruction, in whole or in part, theft or seizure, or requisition or condemnation of property used in the trade or business or capital assets held for more than 6 months shall be considered losses from a compulsory or involuntary conversion.

(b) *Definition of property used in the trade or business.* For purposes of this section—

(1) *General rule.* The term "property used in the trade or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in section 167, held for more than 6 months, and real property used in the trade or business, held for more than 6 months, which is not—

(A) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year,

(B) Property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or

(C) A copyright, a literary, musical, or artistic composition, or similar property, held by a taxpayer described in paragraph (3) of section 1221.

(2) *Timber or coal.* Such term includes timber and coal with respect to which section 631 applies.

(3) *Livestock.* Such term also includes livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for 12 months or more from the date of acquisition. Such term does not include poultry.

(4) *Unharvested crop.* In the case of an unharvested crop on land used in the trade or business and held for more than 6 months, if the crop and the land are sold or exchanged (or compulsorily or involuntarily converted) at the same time and to the same person, the crop shall be considered as "property used in the trade or business."

§ 1.1231-1 *Gains and losses from the sale or exchange of certain property used in the trade or business*—(a) *In general.* Section 1231 provides that a taxpayer's gains and losses from the disposition (including involuntary conversion) of assets described in that section as "property used in the trade or business" and from the involuntary conversion of capital assets held for more than 6 months shall be treated as long-term capital gains and losses if the total gains exceed the total losses. If the total gains do not exceed the total losses, all such gains and losses are treated as ordinary gains and losses. Therefore, if the taxpayer has no gains subject to section 1231, a recognized loss from the condemnation (or from a sale or exchange under threat of condemnation) of even a capital asset held for more than 6 months is an ordinary loss. Capital assets subject to section 1231 treatment include only capital assets involuntarily converted. The noncapital assets subject to section 1231 treatment are (1) depreciable business property and business real property held for more than 6 months, other than stock in trade and certain copyrights and artistic property; (2) timber and coal, but only to the extent that section 631 applies thereto; and (3) certain livestock and unharvested crops. See paragraph (c) of this section.

(b) *Treatment of gains and losses.* For the purpose of applying section 1231, a taxpayer must aggregate his recognized gains and losses from—

(1) The sale, exchange, or involuntary conversion of property used in the trade or business (as defined in section 1231 (b)), and

(2) The involuntary conversion (but not sale or exchange) of capital assets held for more than 6 months.

If the gains to which section 1231 applies exceed the losses to which the section applies, the gains and losses are treated as long-term capital gains and losses and are subject to the provisions of sections 1201 through 1212, relating to capital gains and losses. If the gains to which section 1231 applies do not exceed the losses to which the section applies, the gains and losses are treated as ordinary gains and losses. Therefore, in the latter case, a loss from the involuntary conversion of a capital asset held for more than 6 months is treated as an ordinary loss and is not subject to the limitation on capital losses in section 1211. The phrase "involuntary conversion" is defined in paragraph (e) of this section.

(c) *Transactions to which section applies.* Section 1231 applies to recognized gains and losses from the following:

(1) The sale, exchange, or involuntary conversion of property held for more than 6 months and used in the taxpayer's trade or business, which is either real property or is of a character subject to the allowance for depreciation under section 167 (even though fully depreciated), and which is not—

(i) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of business;

(ii) A copyright, a literary, musical, or artistic composition, or similar property, held by a taxpayer described in section 1221 (3); or

(iii) Livestock held for draft, breeding, or dairy purposes, except to the extent included under subparagraph (4) of this paragraph, or poultry.

(2) The involuntary conversion of capital assets held for more than 6 months.

(3) The cutting or disposal of timber, or the disposal of coal, to the extent considered arising from a sale or exchange by reason of the provisions of section 631 and the regulations thereunder.

(4) The sale, exchange, or involuntary conversion of livestock if the requirements of § 1.1231-2 are met.

(5) The sale, exchange, or involuntary conversion of unharvested crops on land which is (i) used in the taxpayer's trade or business and held for more than 6 months, and (ii) sold or exchanged at the same time and to the same person. See paragraph (f) of this section.

For purposes of section 1231, the phrase "property used in the trade or business" means property described in this paragraph (other than property described in subparagraph (2) of this paragraph).

(d) *Extent to which gains and losses are taken into account.* All gains and losses to which section 1231 applies must be taken into account in determining whether and to what extent the gains exceed the losses. For the purpose of this computation, the provisions of section 1211 limiting the deduction of capital losses do not apply, and no losses are excluded by that section. With that exception, gains are included in the computations under section 1231 only to the extent that they are taken into account in computing gross income, and losses are included only to the extent that they are taken into account in computing taxable income. The following are examples of gains and loses not included in the computations under section 1231:

(1) Losses of a personal nature which are not deductible by reason of section 165 (c) or (d), such as losses from the sale of property held for personal use;

(2) Losses which are not deductible under section 267 (relating to losses with respect to transactions between related taxpayers) or section 1091 (relating to losses from wash sales);

(3) Gain on the sale of property (to which section 1231 applies) reported for any taxable year on the installment method under section 453, except to the extent the gain is to be reported under section 453 for the taxable year; and

(4) Gains and losses which are not recognized under section 1002, such as those to which sections 1031 through 1036, relating to common nontaxable exchanges, apply.

(e) *Involuntary conversion.* For purposes of section 1231, the terms "compulsory or involuntary conversion" and "involuntary conversion" of property mean the conversion of property into money or other property as a result of complete or partial destruction, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof. Losses upon the complete or partial destruction, theft, seizure, requisition or condemnation of property are treated as losses upon an involuntary conversion whether or not there is a conversion of the property into other property or money. For example, if a capital asset held for more than 6 months, with an adjusted basis of $400, is stolen, and the loss is not compensated for by insurance or otherwise, section 1231 applies to the $400 loss.

(f) *Unharvested crops.* Section 1231 does not apply to a sale, exchange, or involuntary conversion of an unharvested crop if the taxpayer retains any right or option to reacquire the land the crop is on, directly or indirectly (other than a right customarily incident to a mortgage or other security transaction). The length of time for which the crop, as distinguished from the land, is held is immaterial. A leasehold or estate for years is not "land" for the purpose of section 1231.

(g) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A, an individual, makes his income tax return on the calendar year basis. A's recognized gains and losses for 1957 of the kind described in section 1231 are as follows:

	Gains	Losses
1. Gain on sale of machinery, used in the business and subject to an allowance for depreciation, held for more than 6 months	$4,000	
2. Gain reported in 1957 (under sec. 453) on installment sale in 1956 of factory premises used in the business (including building and land, each held for more than 6 months)	6,000	
3. Gain reported in 1957 (under sec. 453) on installment sale in 1957 of land held for more than 6 months, used in the business as a storage lot for trucks	2,000	
4. Gain on proceeds from requisition by Government of boat, held for more than 6 months, used in the business and subject to an allowance for depreciation	500	
5. Loss upon the destruction by fire of warehouse, held for more than 6 months and used in the business (excess of adjusted basis of warehouse over compensation by insurance, etc.)		$3,000
6. Loss upon theft of unregistered bearer bonds, held for more than 6 months		5,000
7. Loss in storm of pleasure yacht, purchased in 1950 for $1,800 and having a fair market value of $1,000 at the time of the storm		1,000
8. Total gains	12,500	
9. Total losses		9,000
10. Excess of gains over losses	3,500	

Since the aggregate of the recognized gains ($12,500) exceeds the aggregate of the recognized losses ($9,000), such gains and losses are treated under section 1231 as gains and losses from the sale or exchange of capital assets held for more than six months.

Example (2). If in example (1) A also had a loss of $4,000 from the sale under threat of condemnation of a capital asset acquired for profit and held for more than six months, then the gains ($12,500) would not exceed the losses ($9,000 plus $4,000, or $13,000). Neither the loss on that sale nor any of the other items set forth in example (1) would then be treated as gains and losses from the sale or exchange of capital assets, but all of such items would be treated as ordinary gains and losses. Likewise, if A had no other gain or loss, the $4,000 loss would be treated as an ordinary loss.

Example (3). A's yacht, used for pleasure and acquired for that use in 1945 at a cost of $25,000, was requisitioned by the Government in 1957 for $15,000. A sustained no loss deductible under section 165 (c) and since no loss with respect to the requisition is recognizable, the loss will not be included in the computations under section 1231.

§ 1.1231-2 *Livestock held for draft, breeding, or dairy purposes.* (a) Section 1231 applies to the sale, exchange, or involuntary conversion of livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for 12 months or more from the date of acquisition. For the purposes of section 1231, the term "livestock" is given a broad, rather than a narrow, interpretation and includes cattle, hogs, horses, mules, donkeys, sheep, goats, fur-bearing animals, and other mammals. However, it does not include poultry, chickens, turkeys, pigeons, geese, other birds, fish, frogs, reptiles, etc.

(b) Whether or not livestock is held by the taxpayer for draft, breeding, or dairy purposes depends upon all of the facts and circumstances in each case. The purpose for which the animal is held is ordinarily shown by the taxpayer's actual use of the animal. However, a draft, breeding, or dairy purpose may be present if an animal is disposed of within a reasonable time after its intended use for such purpose is prevented or made undesirable by reason of accident, disease, drought, unfitness of the animal for such purpose, or a similar factual circumstance. Under certain circumstances, an animal held for ultimate sale to customers in the ordinary course of the taxpayer's trade or business may be considered as held for draft, breeding, or dairy purposes. However, an animal is not held by the taxpayer for draft, breeding, or dairy purposes merely because it is suitable for such purposes or merely because it is held by the taxpayer for sale to other persons for use by them for such purposes. Furthermore, an animal held by the taxpayer for other purposes is not considered as held for draft, breeding, or dairy purposes merely because of a negligible use of the animal for such purposes or merely because of the use of the animal for such purposes as an ordinary

or necessary incident to the other purposes for which the animal is held.

(c) These principles may be illustrated by the following examples:

Example (1). An animal intended by the taxpayer for use by him for breeding purposes is discovered to be sterile or unfit for the breeding purposes for which it was held, and is disposed of within a reasonable time thereafter. This animal is considered as held for breeding purposes.

Example (2). The taxpayer retires from the breeding or dairy business and sells his entire herd, including young animals which would have been used by him for breeding or dairy purposes if he had remained in business. These young animals are considered as held for breeding or dairy purposes. The same would be true with respect to young animals which would have been used by the taxpayer for breeding or dairy purposes but which are sold by him in reduction of his breeding or dairy herd, because of, for example, drought.

Example (3). A taxpayer in the business of raising hogs for slaughter customarily breeds sows to obtain a single litter to be raised by him for sale, and sells these brood sows after obtaining the litter. Even though these brood sows are held for ultimate sale to customers in the ordinary course of the taxpayer's trade or business, they are considered as held for breeding purposes.

Example (4). A taxpayer in the business of raising horses for sale to others for use by them as draft horses uses them for draft purposes on his own farm in order to train them. This use is an ordinary or necessary incident to the purpose of selling the animals, and, accordingly, these horses are not considered as held for draft purposes.

Example (5). The taxpayer is in the business of raising registered cattle for sale to others for use by them as breeding cattle. It is the business practice of this particular taxpayer to breed the offspring of his herd which he is holding for sale to others prior to sale in order to establish their fitness for sale as registered breeding cattle. In such case, the taxpayer's breeding of such offspring is an ordinary and necessary incident to his holding them for the purpose of selling them as bred heifers or proven bulls and does not demonstrate that the taxpayer is holding them for breeding purposes. However, those cattle held by the taxpayer as additions or replacements to his own breeding herd to produce calves are considered to be held for breeding purposes, even though they may not actually have produced calves.

Example (6). A taxpayer, engaged in the business of buying cattle and fattening them for slaughter, purchased cows with calf. The calves were born while the cows were held by the taxpayer. These cows are not considered as held for breeding purposes.

§ 1.1232 *Statutory provisions; bonds and other evidences of indebtedness.*

SEC. 1232. *Bonds and other evidences of indebtedness*—(a) *General rule.* For purposes of this subtitle, in the case of bonds, debentures, notes, or certificates or other evidences of indebtedness, which are capital assets in the hands of the taxpayer, and which are issued by any corporation, or government or political subdivision thereof—

(1) *Retirement.* Amounts received by the holder on retirement of such bonds or other evidences of indebtedness shall be considered as amounts received in exchange therefor (except that in the case of bonds or other evidences of indebtedness issued before January 1, 1955, this paragraph shall apply only to those issued with interest coupons or in registered form, or to those in such form on March 1, 1954).

(2) *Sale or exchange*—(A) *General rule.* Except as provided in subparagraph (B), upon sale or exchange of bonds or other evidences of indebtedness issued after December 31, 1954, held by the taxpayer more than 6 months, any gain realized which does not exceed an amount which bears the same ratio to the original issue discount (as defined in subsection (b)) as the number of complete months that the bond or other evidences of indebtedness was held by the taxpayer bears to the number of complete months from the date of original issue to the date of maturity, shall be considered as gain from the sale or exchange of property which is not a capital asset. Gain in excess of such amount shall be considered gain from the sale or exchange of a capital asset held more than 6 months.

(B) *Exceptions.* This paragraph shall not apply to—

(i) Obligations the interest on which is not includible in gross income under section 103 (relating to certain governmental obligations), or

(ii) Any holder who has purchased the bond or other evidence of indebtedness at a premium.

(C) *Election as to inclusion.* In the case of obligations with respect to which the taxpayer has made an election provided by section 454 (a) and (c) (relating to accounting rules for certain obligations issued at a discount), this section shall not require the inclusion of any amount previously includible in gross income.

(b) *Definitions*—(1) *Original issue discount.* For purposes of subsection (a), the term "original issue discount" means the difference between the issue price and the stated redemption price at maturity. If the original issue discount is less than one-fourth of 1 percent of the redemption price at maturity multiplied by the number of complete years to maturity, then the issue discount shall be considered to be zero. For purposes of this paragraph, the term "stated redemption price at maturity" means the amount fixed by the last modification of the purchase agreement and includes dividends payable at that time.

(2) *Issue price.* In the case of issues of bonds or other evidences of indebtedness registered with the Securities and Exchange Commission, the term "issue price" means the initial offering price to the public (excluding bond houses and brokers) at which price a substantial amount of such bonds or other evidences of indebtedness were sold. In the case of privately placed issues of bonds or other evidence of indebtedness, the issue price of each such bond or other evidence of indebtedness is the price paid by the first buyer of such bond. For purposes of this paragraph, the terms "initial offering price" and "price paid by the first buyer" include the aggregate payments made by the purchaser under the purchase agreement, including modifications thereof.

(3) *Issue date.* In the case of issues of bonds or other evidences of indebtedness registered with the Securities and Exchange Commission, the term "date of original issue" means the date on which the issue was first sold to the public at the issue price. In the case of privately placed issues of bonds or other evidences of indebtedness, the term "date of original issue" means the date on which each such bond or other evidence of indebtedness was sold by the issuer.

(c) *Bond with excess number of coupons detached.* If—

(1) A bond or other evidence of indebtedness issued at any time with interest coupons is purchased after the date of enactment of this title, and

(2) The purchaser does not receive all the coupons which first become payable more than 12 months after the date of the purchase,

then the gain on the sale or other disposition of such evidence of indebtedness by such purchaser shall be considered as gain from the sale or exchange of property which is not a capital asset to the extent that the market value (determined as of the time of the purchase) of the evidence of indebtedness with coupons attached exceeds the purchase price. If this subsection and subsection (a) (2) (A) apply with respect to gain realized on the retirement of any bond, then subsection (a) (2) (A) shall apply with respect to that part of the gain to which this subsection does not apply.

(d) *Cross reference.* For special treatment of face-amount certificates on retirement, see section 72.

§ 1.1232–1 *Bonds and other evidences of indebtedness; scope of section*—(a) *In general.* Section 1232 applies to any bond, debenture, note, or certificate or other evidence of indebtedness (referred to in this section and §§ 1.1232–2 through 1.1232–4 as an obligation) (1) which is a capital asset in the hands of the taxpayer, and (2) which is issued by any corporation, or by any government or political subdivision thereof. In general, section 1232 (a) (1) provides that the retirement of an obligation, other than certain obligations issued before January 1, 1955, is considered to be an exchange and, therefore, is usually subject to capital gain or loss treatment; and section 1232 (a) (2) provides that in the case of a gain realized on the sale or exchange of certain obligations issued at a discount after December 31, 1954, a portion of the gain constitutes ordinary income. Section 1232 (c) treats as ordinary income a portion of any gain realized upon the disposition of coupon obligations which were acquired without all coupons maturing more than 12 months after purchase attached.

(b) *Requirement that obligations be capital assets.* In order for section 1232 to be applicable, an obligation must be a capital asset in the hands of the taxpayer. See section 1221 and the regulations thereunder. Obligations held by a dealer in securities (except as provided in section 1236) or obligations arising from the sale of inventory or personal services by the holder are not capital assets.

(c) *Face-amount certificates.* The taxability of amounts received under "face-amount certificates", as defined in sections 2 (a) (15) and 4 of the Investment Company Act of 1940 (15 U. S. C. 80a–2 and 80a–4) which are issued after December 31, 1954, is governed by section 72, rather than section 1232, and is, therefore, subject to the limit on tax provided by section 72 (c) (3). See section 72 (1).

§ 1.1232–2 *Retirement.* Section 1232 (a) (1) provides that any amount received by the holder upon the retirement of an obligation shall be considered as an amount received in exchange therefor. However, section 1232 (a) (1) does not apply to obligations issued before January 1, 1955, which were not issued with interest coupons or in registered form, or which were not in registered form on March 1, 1954. With respect to certain obligations held by a bank, see section 582 (c).

§ 1.1232–3 *Gain upon sale or exchange of obligations issued at a discount after December 31, 1954*—(a) *General rule.* Section 1232 (a) (2) (A) provides that gain realized upon the sale or exchange of obligations issued at a discount after December 31, 1954, and held by the taxpayer for more than six months, shall be considered ordinary income to the extent of the "original issue discount" recovered, and the balance of the gain shall be considered as long-term capital gain. The term "original issue discount" is defined in paragraph (b) of this section. The computation of the amount of original issue discount recovered is illustrated in paragraph (c) of this section. Whether gain representing original issue discount and realized upon the sale or exchange of obligations issued at a discount before January 1, 1955, is capital gain or ordinary income shall be determined without reference to section 1232.

(b) *Definitions*—(1) *Original issue discount.* For purposes of section 1232, the term "original issue discount" means the difference between the issue price and the stated redemption price at maturity. The stated redemption price is determined without regard to optional call dates. If the original issue discount is less than one-fourth of one percent of the stated redemption price at maturity, multiplied by the number of full years from the date of original issue to maturity, then the discount shall be considered to be zero. For example, a 10-year bond with a stated redemption price at maturity of $100 issued at $98 would be regarded as having an original issue discount of zero. Thus, any gain realized by the holder would be a long-term capital gain if the bond was a capital asset in the hands of the holder and held by him for more than six months. However, if the bond were issued at $97.50 or less, the original issue discount would not be considered zero. The term "stated redemption price at maturity" means the amount fixed by the last modification of the purchase agreement, including dividends payable at that time. Thus, in the case of face-amount certificates, the redemption price at maturity is the price as modified through changes such as extensions of the purchase agreement and includes any dividends which are payable at maturity.

(2) *Issue price.* The term "issue price" in the case of obligations registered with the Securities and Exchange Commission means the initial offering price to the public at which price a substantial amount of such obligations were sold. For this purpose, the term "the public" does not include bond houses and brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers. Ordinarily, the issue price will be the first price at which the obligations were sold to the public, and the issue price will not change if, due to market developments, part of the issue must be sold at a different price. When obligations are privately placed, the issue price of each obligation is the price paid by the first buyer of the particular obligation, irrespective of the issue price of the remainder of the issue. The terms "initial offering price" and "price paid by the first buyer" include the aggregate payments made by the purchaser under the purchase agreement, including modifications thereof. Thus, all amounts paid by the purchaser under the purchase agreement or a modification of it are included in the issue price, such as amounts paid upon face-amount certificates or installment trust certificates in which the purchaser contracts to make a series of payments which will be returnable with an increment at a later date.

(3) *Date of original issue.* In the case of issues of obligations which are registered with the Securities and Exchange Commission, the term "date of original issue" means the date on which the issue was first sold to the public at the issue price. In the case of issues which are privately placed, the term "date of original issue" means the date on which each obligation was sold to the original purchaser.

(c) *Computation of amount of original discount recovered.* The amount of the original issue discount considered to be recovered by the holder is computed by multiplying the original issue discount by a fraction, the numerator of which is the number of full months the obligation was held by the holder and the denominator of which is the number of full months from the date of original issue to the date specified as the redemption date at maturity. (See paragraph (b) (3) of this section for definition of "date of original issue".) The period that the obligation was held by the taxpayer shall include any period that it was held by another person if, under chapter 1 of the Internal Revenue Code of 1954, for the purpose of determining gain or loss from a sale or exchange, the bond has the same basis, in whole or in part, in the hands of the taxpayer as it would have in the hands of such other person. This computation is illustrated by the following examples:

Example (1). An individual purchases a 10-year, 3-percent coupon bond for $900 on original issue on February 1, 1955, and sells it on February 20, 1960, for $940. The redemption price is $1,000. The bond has been held by the taxpayer for 60 full months. (The additional days amounting to less than a full month are not taken into account.) The number of complete months from date of issue to date of maturity is 120 (10 years). The fraction 60/120 multiplied by the discount of $100 is equal to $50, which represents the proportionate part of the original issue discount attributable to the period of ownership by the taxpayer. Accordingly, any part of the gain up to $50 will be treated as ordinary income. Therefore, in this case the entire gain of $40 is treated as ordinary income.

Example (2). Assume the same facts in the preceding example, except that the selling price of the bond is $970. In this case $50 of the gain of $70 is treated as ordinary income and the balance of $20 is treated as long-term capital gain.

Example (3). Assume the same facts as in example (1), except that the selling price of the bond is $800. In this case, the individual has a long-term capital loss of $100.

Example (4). Assume the same facts as in example (1), except that the bond is purchased by the second holder February 1, 1960, for $800. The second holder keeps it to the maturity date (February 1, 1965) when it is redeemed for $1,000. Since that holder has held the bond for 60 full months, he will, upon redemption, have $50 in ordinary income and $150 in long-term capital gain.

(d) *Exceptions to the general rule.* Section 1232 (a) (2) (B) provides that section 1232 (a) (2) (A) does not apply (1) to obligations the interest on which is excluded from gross income under section 103 (relating to certain government obligations), or (2) to any holder who purchased an obligation at a premium. For purposes of section 1232 and this section, "premium" means a purchase price which exceeds the stated redemption price of an obligation at its maturity. If, under chapter 1 of the Internal Revenue Code of 1954, the basis of an obligation in the hands of the holder is the same, in whole or in part, for the purposes of determining gain or loss from a sale or exchange, as the basis of the obligation in the hands of another person who purchased the obligation at a premium, then the holder shall be considered to have purchased the obligation at a premium. Thus, the donee of an obligation purchased at a premium by the donor will be considered a holder who purchased the obligation at a premium.

(e) *Amounts previously includible in income.* Any amount previously includible in a taxpayer's income on account of obligations issued at a discount and redeemable for fixed amounts increasing at stated intervals is not again includible in his gross income under section 1232. For example, amounts includible in gross income by a cash receipts and disbursements method taxpayer who has made an election under section 454 (a) or (c) (relating to accounting rules for certain obligations issued at a discount) are not includible in gross income under section 1232. In the case of a gain which would include, under section 1232, an amount considered to be ordinary income and a further amount considered long-term capital gain, any amount to which this paragraph applies is first used to offset the amount considered ordinary income. For example, on January 1, 1955, A purchases a 10-year bond which is redeemable for fixed amounts increasing at stated intervals. The purchase price of the bond is $75, which is also the issue price. The stated redemption price at maturity of the bond is $100. A elects to treat the annual increase in the redemption price of the bond as income pursuant to section 454 (a). On January 1, 1960, A sells the bond for $90. The total stated increase in the redemption price of the bond which A has reported annually as income for the taxable years 1955 through 1959 is $7. The portion of the original issue discount of $25 attributable to this period is $12.50, computed as follows:

$$\frac{\text{60 (months bond is held by A)}}{\text{120 (months from date of original issue to redemption date)}} \times \$25 \text{ (original issue discount)}.$$

However, $7, which represents the annual stated increase taken into income, is offset against the amount of $12.50, leaving $5.50 of the gain from the sale to be treated as ordinary income.

(f) *Record keeping requirements.* In the case of any obligation held by a taxpayer which was issued at an original issue discount after December 31, 1954, the taxpayer shall keep a record of the issue price and issue date upon or with each such obligation (if known to or reasonably ascertainable by him). The issuer (or in the case of obligations first sold to the public through an underwriter or wholesaler, the underwriter or wholesaler) shall mark the issue price aid issue date upon every obligation which is issued at an original issue discount after the publication of the regulations under section 1232 in the FEDERAL REGISTER.

§ 1.1232–4 *Obligations with excess coupons detached.* Section 1232 (c) provides that if an obligation which is issued at any time with interest coupons is purchased after August 16, 1954, and the purchaser does not receive all the coupons which first become payable more than 12 months after the date of the purchase, any gain on the later sale or other disposition of the obligation by the purchaser (or by a transferee of the purchaser whose basis is determined by reference to the basis of the purchaser) shall be treated as ordinary income to the extent that the fair market value of the obligation (determined as of the time of the purchase) with coupons attached exceeds the purchase price. If both the preceding sentence and section 1232 (a) (2) (A) apply with respect to the gain realized on the retirement or other disposition of an obligation, then section 1232 (a) (2) (A) shall apply only with respect to that part of the gain to which the preceding sentence does not apply. For example, a $100 bond which sells at $90 with all its coupons attached is purchased by A for $80 with 3 years' coupons detached. Three years later, A sells the bond for $92. The first $10 of the $12 profit is taxable as ordinary income. The remaining $2 gain is taxable either as ordinary income or as long-term capital gain, depending upon the application of section 1232 (a) (2) (A). Pursuant to section 7851 (a) (1) (C), the regulations prescribed in this section shall also apply to taxable years beginning before January 1, 1954, and ending after December 31, 1953, although such years are subject to the Internal Revenue Code of 1939.

§ 1.1234 *Statutory provisions; options to buy or sell.*

SEC. 1234. *Options to buy or sell.* Gain or loss attributable to the sale or exchange of, or loss on failure to exercise, a privilege or option to buy or sell property which in the hands of the taxpayer constitutes (or if acquired would constitute) a capital asset shall be considered gain or loss from the sale or exchange of a capital asset; and, if the loss is attributable to failure to exercise such privilege or option, the privilege or option shall be deemed to have been sold or exchanged on the day it expired. This section shall not apply to losses on failure to exercise options described in section 1233 (c).

§ 1.1234–1 *Options to buy or sell—(a) Sale or exchange—(1) Capital assets.* Gain or loss from the sale or exchange of an option (or privilege) to buy or sell property which is (or if acquired would be) a capital asset in the hands of the taxpayer holding the option is considered as gain or loss from the sale or exchange of a capital asset (unless, under the provisions of subparagraph (2) of this paragraph, the gain or loss is subject to the provisions of section 1231). The period for which the taxpayer has held the option determines whether the capital gain or loss is short-term or long-term.

(2) *Section 1231 transactions.* Gain or loss from the sale or exchange of an option to buy or sell property is considered a gain or loss subject to the provisions of section 1231 if, had the sale or exchange been of the property subject to the option, held by the taxpayer for the length of time he held the option, the sale or exchange would have been subject to the provisions of section 1231.

(3) *Other property.* Gain or loss from the sale or exchange of an option to buy or sell property which is not (or if acquired would not be) a capital asset in the hands of the taxpayer holding the option is considered ordinary income or loss (unless under the provisions of subparagraph (2) of this paragraph the gain or loss is subject to the provisions of section 1231).

(b) *Failure to exercise option.* If the holder of an option to buy or sell property incurs a loss on failure to exercise the option, the option is deemed to have been sold or exchanged upon the date that it expired. Any such loss to the holder of an option is treated under the general rule provided in paragraph (a) of this section. Any gain to the grantor of an option arising from the failure of the holder to exercise it is ordinary income.

(c) *Certain options to sell property at a fixed price.* Section 1234 does not apply to a loss on the failure to exercise an option to sell property at a fixed price which is acquired on the same day on which the property identified as intended to be used in exercising the option is acquired. Such a loss is not recognized, but the cost of the option is added to the basis of the property with which it is identified. See section 1233 (c) and the regulations thereunder.

(d) *Dealers in options to buy or sell.* Any gain or loss realized by a dealer in options from the sale or exchange of an option to buy or sell property is considered ordinary income or loss under paragraph (a) (3) of this section. A dealer in options to buy or sell property is considered a dealer in the property subject to the option.

(e) *Other exceptions.* Section 1234 does not apply to gain resulting from the sale or exchange of an option—

(1) To the extent that the gain is in the nature of compensation (see sections 61 and 421, and the regulations thereunder, relating to employee stock options);

(2) If the option is treated as section 306 stock (see section 306 and the regulations thereunder, relating to dispositions of certain stock); or

(3) To the extent that the gain is a distribution of earnings or profits taxable as a dividend (see section 301 and the regulations thereunder, relating to distributions of property).

(f) *Limitations on effect of section.* Losses to which section 1234 applies are subject to the limitations on losses under sections 165 (c) and 1211 when applicable. Section 1234 does not permit the deduction of any loss which is disallowed under any other provision of law. In addition, section 1234 does not apply to an option to lease property, but does apply to an option to buy or sell a lease. Thus, an option to obtain all the right, title, and interest of a lessee in leased property is subject to the provisions of section 1234, but an option to obtain a sublease from the lessee is not. Furthermore, if section 1234 applies to an option to buy or sell a lease, it is the character the lease itself, if acquired, would have in the hands of the taxpayer, and not the character of the property leased, which determines the treatment of gain or loss experienced by the taxpayer with respect to such an option.

(g) *Examples.* The rules set forth in this section may be illustrated by the following examples:

Example (1). A taxpayer is considering buying a new house for his residence and acquires an option to buy a certain house at a fixed price. Although the property goes up in value, the taxpayer decides he does not want the house for his residence and sells the option for more than he paid for it. The gain which taxpayer realized is a capital gain since the property, if acquired, would have been a capital asset in his hands.

Example (2). Assume the same facts as in example (1), except that the property goes down in value, and the taxpayer decides not to purchase the house. He sells the option at a loss. While this is a capital loss under section 1234, it is not a deductible loss because of the provisions of section 165 (c).

Example (3). A dealer in industrial property acquires an option to buy an industrial site and fails to exercise the option. The loss is an ordinary loss since he would have held the property for sale to customers in the ordinary course of his trade or business if he had acquired it.

§ 1.1236 *Statutory provisions; dealers in securities.*

SEC. 1236. *Dealers in securities*—(a) *Capital gains.* Gains by a dealer in securities from the sale or exchange of any security shall in no event be considered as gain from the sale or exchange of a capital asset unless—

(1) The security was, before the expiration of the 30th day after the date of its acquisition, clearly identified in the dealer's records as a security held for investment or if acquired before October 20, 1951, was so identified before November 20, 1951; and

(2) The security was not, at any time after the expiration of such 30th day, held by such dealer primarily for sale to customers in the ordinary course of his trade or business.

(b) *Ordinary losses.* Loss by a dealer in securities from the sale or exchange of any security shall, except as otherwise provided in section 582 (c), (relating to bond, etc., losses of banks), in no event be considered as loss from the sale or exchange of property which is not a capital asset if at any time after November 19, 1951, the security was clearly identified in the dealer's records as a security held for investment.

(c) *Definition of security.* For purposes of this section, the term "security" means any share of stock in any corporation, certificate of stock or interest in any corporation, note, bond, debenture, or evidence of indebtedness, or any evidence of an interest in or right to subscribe to or purchase any of the foregoing.

§ 1.1236–1 *Dealers in securities—(a) Capital gains.* Section 1236 (a) provides that gain realized by a dealer in securities from the sale or exchange of a security (as defined in paragraph (c) of this section) shall not be considered as gain from the sale or exchange of a capital asset unless—

(1) The security is, before the expiration of the thirtieth day after the date of its acquisition, clearly identified in the dealer's records as a security held for investment or, if acquired before October 20, 1951, was so identified before November 20, 1951; and

(2) The security is not held by the dealer primarily for sale to customers in the ordinary course of his trade or business at any time after the identification referred to in subparagraph (1) of this paragraph has been made.

Unless both of these requirements are met, the gain is considered as gain from the sale of assets held by the dealer primarily for sale to customers in the course of his business.

(b) *Ordinary losses.* Section 1236 (b) provides that a loss sustained by a dealer in securities from the sale or exchange of a security shall not be considered a loss from the sale or exchange of property which is not a capital asset if at any time after November 19, 1951, the security has been clearly identified in the dealer's records as a security held for investment. Once a security has been identified after November 19, 1951, as being held by the dealer for investment, it shall retain that character for purposes of determining loss on its ultimate disposition, even though at the time of its disposition the dealer holds it primarily for sale to his customers in the ordinary course of his business. However, section 1236 has no application to the extent that section 582 (c) applies to losses of banks.

(c) *Definitions—(1) Security.* For the purposes of this section, the term "security" means any share of stock in any corporation, any certificate of stock or interest in any corporation, any note, bond, debenture, or other evidence of indebtedness, or any evidence of any interest in, or right to subscribe to or purchase, any of the foregoing.

(2) *Dealer in securities.* For definition of a "dealer in securities", see the regulations under section 471.

(d) *Identification of security in dealer's records.* (1) A security is clearly identified in the dealer's records as a security held for investment when there is an accounting separation of the security from other securities, as by (i) making appropriate entries in the dealer's books of account to distinguish the security from inventories and to designate it as an investment, and (ii) indicating with such entries, to the extent feasible, the individual serial number of, or other characteristic symbol imprinted upon, the individual security.

(2) In computing the 30-day period prescribed by section 1236 (a), the first day of the period is the day following the date of acquisition. Thus, in the case of a security acquired on March 18, 1957, the 30-day period expires at midnight on April 17, 1957.

§ 1.1238 *Statutory provisions; amortization in excess of depreciation.*

SEC. 1238. *Amortization in excess of depreciation.* Gain from the sale or exchange of property, to the extent that the adjusted basis of such property is less than its adjusted basis determined without regard to section 168 (relating to amortization deduction of emergency facilities), shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

§ 1.1238–1 *Amortization in excess of depreciation—(a) In general.* Section 1238 provides that if a taxpayer is entitled to a deduction for amortization of an emergency facility under section 168, and if the facility is later sold or exchanged, any gain realized shall be considered as ordinary income to the extent that the amortization deduction exceeds normal depreciation. Thus, under section 1238 gain from a sale or exchange of property shall be considered as ordinary income to the extent that its adjusted basis is less than its adjusted basis would be if it were determined without regard to section 168. If an entire facility is certified under section 168 (e), the taxpayer may use allowances for depreciation based on any rate and method which would have been proper if the basis of the facility were not subject to amortization under section 168, in determining what the adjusted basis of the facility would be if it were determined without regard to section 168. If only a portion of a facility is certified under section 168 (e), allowances for depreciation based on the rate and method properly used with respect to the uncertified part of the facility are used in determining what the adjusted basis of the facility would be if it were determined without regard to section 168. The principles of this paragraph may be illustrated by the following examples:

Example (1). On December 31, 1954, a taxpayer making his income tax returns on a calendar year basis acquires at a cost of $20,000 an emergency facility (used in his business) 50 percent of the adjusted basis of which has been certified under section 168 (e). The facility would normally have a useful life of 20 years. Under section 168 the taxpayer elects to begin the 60-month amortization period on January 1, 1955. He takes amortization deductions with respect to the certified portion in the amount of $4,000 for the years 1955 and 1956 (24 months). With respect to the uncertified portion, the straight line method of depreciation is used and a deduction for depreciation in the amount of $1,000 is claimed and allowed for the years 1955 and 1956 (2 years at $500). On December 31, 1956, he sells the facility for $19,000. The adjusted basis of the certified portion on that date is $6,000 ($10,000 cost, less $4,000 amortization). Without regard to section 168, and using the rate and method the taxpayer properly applied to the uncertified portion of the facility, the adjusted basis of the certified portion on December 31, 1956, would be $9,000 ($10,000 cost, less $1,000 depreciation). The difference between the facility's actual adjusted basis ($15,000) and its adjusted basis determined without regard to section 168 ($18,000), is $3,000. Accordingly, $3,000 of the $4,000 gain on the sale of the facility ($19,000 sale price, less $15,000 adjusted basis) is treated as ordinary income and the remaining $1,000 gain is subject to the provisions of section 1231.

Example (2). Assume that the entire facility in example (1) had been certified under section 168 (e) and that, therefore, the adjusted basis of the facility on December 31, 1956, is $12,000. Assume further that the taxpayer adopts straight line depreciation as a proper method of depreciation for determining the adjusted basis of the facility without regard to section 168. Thus, the adjusted basis, without regard to section 168, would be $18,000. This amount is $6,000 more than the $12,000 adjusted basis under section 168. Hence, $6,000 of the $7,000 gain on the sale of the facility ($19,000 sale price less $12,000 adjusted basis) is treated as ordinary income, and the remaining $1,000 gain is subject to the provisions of section 1231.

(b) *Substituted basis.* If a taxpayer acquires other property in an exchange for an emergency facility with respect to which amortization deductions have been allowed or allowable, and if the basis in his hands of the other property is determined by reference to the basis of the emergency facility, then the basis of the other property is determined with regard to section 168, and therefore the provisions of section 1238 apply with respect to gain realized on a subsequent sale or exchange of the other property. The provisions of section 1238 also apply to gain realized on the sale or exchange of an emergency facility (or other property acquired, as described in the preceding sentence, in exchange for an emergency facility) by a taxpayer in whose hands the basis of the facility (or other property) is determined by reference to its basis in the hands of another person to whom deductions were allowable or allowed with respect to the facility under section 168.

§ 1.1239 *Statutory provisions; gain from sale of certain property between spouses or between an individual and a controlled corporation.*

SEC. 1239. *Gain from sale of certain property between spouses or between an individual and a controlled corporation—(a) Treatment of gain as ordinary income.* In the case of a sale or exchange, directly or indirectly, of property described in subsection (b)—

(1) Between a husband and wife; or

(2) Between an individual and a corporation more than 80 percent in value of the outstanding stock of which is owned by such individual, his spouse, and his minor children and minor grandchildren;

any gain recognized to the transferor from the sale or exchange of such property shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

(b) *Section applicable only to sales or exchanges of depreciable property.* This section shall apply only in the case of a sale or exchange by a transferor of property which in the hands of the transferee is property of a character which is subject to the allowance for depreciation provided in section 167.

§ 1.1239–1 *Gain from sale or exchange of certain property between spouses or between an individual and a controlled corporation.* Section 1239

provides in general that any gain from the sale or exchange of depreciable property between a husband and wife or between an individual and a controlled corporation shall be treated as ordinary income. Thus, any gain recognized to the transferor from a sale or exchange after May 3, 1951, directly or indirectly, between a husband and wife or between an individual and a controlled corporation, of property which, in the hands of the transferee, is property of a character subject to an allowance for depreciation provided in section 167 (including such property on which a deduction for amortization is allowable under section 168 or 169) shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. For the purpose of section 1239, a corporation is controlled when more than 80 percent in value of all outstanding stock of the corporation is beneficially owned by the taxpayer, his spouse, and his minor children and minor grandchildren. For the purpose of this section, the terms "children" and "grandchildren" include legally adopted children and their children. The provisions of section 1239 (a) (2) are applicable whether property is transferred from a corporation to a shareholder or from a shareholder to a corporation.

§ 1.1240 *Statutory provisions; taxability to employee of termination payments.*

SEC. 1240. *Taxability to employee of termination payments.* Amounts received from the assignment or release by an employee, after more than 20 years' employment, of all his rights to receive, after termination of his employment and for a period of not less than 5 years (or for a period ending with his death), a percentage of future profits or receipts of his employer shall be considered an amount received from the sale or exchange of a capital asset held for more than 6 months if—

(1) Such rights were included in the terms of the employment of such employee for not less than 12 years,

(2) Such rights were included in the terms of the employment of such employee before the date of enactment of this title, and

(3) The total of the amounts received for such assignment or release is received in one taxable year and after the termination of such employment.

§ 1.1240–1 *Capital gains treatment of certain termination payments.* Any amounts received by an employee for the assignment or release of all his rights to receive, after termination of his employment and for a period of not less than five years or for a period ending with his death, a percentage of the profits or receipts of his employer attributable to a time subsequent to such termination, are considered received from the sale or exchange of a capital asset held for more than six months if the following requirements are met:

(a) The employee was employed by the employer, in whose future profits or receipts the employee had an interest, for a period of more than 20 years before the assignment or release by the employee of his rights in such future profits or receipts,

(b) The full rights of the employee to the percentage of the future profits or receipts of such employer, which rights are the subject of the assignment or release, were incorporated in the terms of the contract of employment between the employee and the employer for a period of at least 12 years, and were so incorporated before August 16, 1954,

(c) The assignment or release was made after the termination of the employee's employment with such employer,

(d) The assignment or release conveyed all the rights of the employee in the future profits or receipts of such employer and conveyed no other rights of the employee, and

(e) The total amount to which the employee became entitled pursuant to the assignment or release was received by the employee after the termination of his employment with such employer and in one taxable year of the employee.

The requirement that the assignment or release be made after the termination of the employee's employment contemplates a complete and bona fide termination of the relationship of employer and employee. This requires more than a mere termination of such relationship under the particular contract or contracts of employment pursuant to which the employee acquired his rights in the future profits or receipts of the employer. The contract need not expressly provide that the employee shall share in the future profits or receipts of the employer for a minimum period of five years. However, if the contract does not expressly so provide and the assignment or release is made before the expiration of five years following the termination of employment, the terms of the contract considered in conjunction with the facts in the particular situation must establish that the rights of the employee to a percentage of future profits or receipts, in all probability, will extend to a period of not less than five years from the date of termination of employment or for a period ending with his death. Section 1240 has application only to an assignment or release made by the employee who acquired the right to a percentage of future profits or receipts of the employer, and has no application to amounts received other than as payment for assignment or release of such right. Section 1240 has no effect upon the determination of the income tax of the employer making the payment to the employee.

§ 1.1241 *Statutory provisions; cancellation of lease or distributor's agreement.*

SEC. 1241. *Cancellation of lease or distributor's agreement.* Amounts received by a lessee for the cancellation of a lease, or by a distributor of goods for the cancellation of a distributor's agreement (if the distributor has a substantial capital investment in the distributorship), shall be considered as amounts received in exchange for such lease or agreement.

§ 1.1241–1 *Cancellation of lease or distributor's agreement*—(a) *In general.* Section 1241 provides that proceeds received by lessees or distributors from the cancellation of leases or of certain distributorship agreements are considered as amounts received in exchange therefor. Section 1241 applies to leases of both real and personal property. Distributorship agreements to which section 1241 applies are described in paragraph (c) of this section. Section 1241 has no application in determining whether or not a cancellation not qualifying under that section is a sale or exchange. Further, section 1241 has no application in determining whether or not a lease or a distributorship agreement is a capital asset, even though its cancellation qualifies as an exchange under section 1241.

(b) *Definition of "cancellation".* The term "cancellation" of a lease or a distributor's agreement, as used in section 1241, means a termination of all the contractual rights of a lessee or distributor with respect to particular premises or a particular distributorship, other than by the expiration of the lease or agreement in accordance with its terms. A payment made in good faith for a partial cancellation of a lease or a distributorship agreement is recognized as an amount received for cancellation under section 1241 if the cancellation relates to a severable economic unit, such as a portion of the premises covered by a lease, a reduction in the unexpired term of a lease or distributorship agreement, or a distributorship in one of several areas or of one of several products. Payments made for other modifications of leases or distributorship agreements, however, are not recognized as amounts received for cancellation under section 1241.

(c) *Amounts received upon cancellation of a distributorship agreement.* Section 1241 applies to distributorship agreements only if they are for marketing or marketing and servicing of goods. It does not apply to agreements for selling intangible property or for rendering personal services as, for example, agreements establishing insurance agencies or agencies for the brokerage of securities. Further, it applies to a distributorship agreement only if the distributor has made a substantial investment of capital in the distributorship. The substantial capital investment must be reflected in physical assets such as inventories of tangible goods, equipment, machinery, storage facilities, or similar property. An investment is not considered substantial for purposes of section 1241 unless it consists of a significant fraction or more of the facilities for storing, transporting, processing, or otherwise dealing with the goods distributed, or consists of a substantial inventory of such goods. The investment required in the maintenance of an office merely for clerical operations is not considered substantial for purposes of this section. Furthermore, section 1241 shall not apply unless a substantial amount of the capital or assets needed for carrying on the operations of a distributorship are acquired by the distributor and actually used in carrying on the distributorship at some time before the cancellation of the distributorship agreement. It is immaterial for the purposes of section 1241 whether the distributor acquired the assets used in performing the functions of the distributorship before or after beginning his operations under the distributorship agreement. It is also immaterial whether the distributor is a retailer, wholesaler, jobber, or other type of distributor. The application of this paragraph may be illustrated by the following examples:

Example (1). Taxpayer is a distributor of various food products. He leases a warehouse including cold storage facilities and owns a number of motor trucks. In 1955 he obtains the exclusive rights to market certain frozen food products in his State. The marketing is accomplished by using the warehouse and trucks acquired before he entered into the agreement and entails no additional capital. Payments received upon the cancellation of the agreement are treated under section 1241 as though received upon the sale or exchange of the agreement.

Example (2). Assume that the taxpayer in example (1) entered into an exclusive distributorship agreement with the producer under which the taxpayer merely solicits orders through his staff of salesmen, the goods being shipped direct to the purchasers. Payments received upon the cancellation of the agreement would not be treated under section 1241 as though received upon the sale or exchange of the agreement.

Example (3). Taxpayer is an exclusive distributor for M city of certain frozen food products which he distributes to frozen-food freezer and locker customers. The terms of his distributorship do not make it necessary for him to have any substantial investment in inventory. Taxpayer rents a loading platform for a nominal amount, but has no warehouse space. Orders for goods from customers are consolidated by the taxpayer and forwarded to the producer from time to time. Upon receipt of these goods, taxpayer allocates them to the individual orders of customers and delivers them immediately by truck. Although it would require a fleet of fifteen or twenty trucks to carry out this operation, the distributor uses only one truck of his own and hires cartage companies to deliver the bulk of the merchandise to the customers. Payments received upon the cancellation of the distributorship agreement in such a case would not be considered received upon the sale or exchange of the agreement under section 1241 since the taxpayer does not have facilities for the physical handling of more than a small fraction of the goods involved in carrying on the distributorship and, therefore, does not have a substantial capital investment in the distributorship. On the other hand, if the taxpayer had acquired and used a substantial number of the trucks necessary for the deliveries to his customers, payments received upon the cancellation of the agreement would be considered received in exchange therefor under section 1241.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: September 23, 1957.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 57–7880; Filed, Sept. 25, 1957; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Subchapter B—Carriers by Motor Vehicles

PART 168—APPLICATIONS FOR CERTIFICATES AND PERMITS

APPLICATION FOR TEMPORARY AUTHORITY

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 23d day of August A. D. 1957.

The matter of the form to be used in applying, under section 210a (a) of the Interstate Commerce Act, for temporary authority to operate as either a common or contract carrier by motor vehicle, being under consideration and the changes in the form heretofore in use being minor and not such as to require the rule-making procedure under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a), and good cause therefor appearing:

It is ordered, That applications under section 210a (a) of the Interstate Commerce Act, for temporary authority to operate as a common or contract carrier by motor vehicle shall be on the form, BOR 95, attached hereto[1] and made a part hereof which form is hereby approved and prescribed for such use:

It is further ordered, That Part 7 be, and it is hereby, amended by addition of the following section:

§ 7.95 *BOR 95.* Application under section 210a (a) of the Interstate Commerce Act for temporary authority to operate as a common or contract carrier by motor vehicle.

It is further ordered, That Part 168 be, and it is hereby, amended by the addition of the following section:

§ 168.5 *Application for temporary authority.* Applications under section 210a (a) of the Interstate Commerce Act for temporary authority to operate as a motor carrier shall be in the form and contain the information called for in the form of application designated BOR 95 (§ 7.95 of this chapter).

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and with the Director of the Division of the Federal Register.

And it is further ordered, That this order shall become effective on the date hereof.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 551, as amended, 552, as amended, 554, as amended, 52 Stat. 1238, as amended; 49 U. S. C. 306, 307, 309, 310, 310a)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57–7879; Filed, Sept. 25, 1957; 8:48 a. m.]

[1] Filed as part of original document.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE, WASHINGTON

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31, I have determined that the taking of deer and bear by public hunting on portions of the Little Pend Oreille National Wildlife Refuge, Washington, would be compatible with sound wildlife management. Accordingly, §§ 31.178, 31.179, 31.180, and 31.181 are deleted, and § 31.177 is amended to read as follows:

§ 31.177 *Hunting of deer and bear permitted.* Deer and bear may be taken by hunting during the open season prescribed by the Washington State Game Commission for the hunting of deer on all of the lands of the Little Pend Oreille National Wildlife Refuge, Washington, except on posted lands in the immediate vicinity of the refuge headquarters, subject to the following conditions and restrictions:

(a) Strict compliance with all State laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) Dogs are not permitted on the refuge for use in the hunting of deer or bear.

(Sec. 10, 45 Stat. 1224, as amended; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Little Pend Oreille National Wildlife Refuge, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated September 20, 1957.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57–7862; Filed, Sept. 25, 1957; 8:45 a. m.]

PART 33—CENTRAL REGION

SUBPART—UNION SLOUGH NATIONAL WILDLIFE REFUGE, IOWA

FISHING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.12, I have determined that sport or noncommercial fishing may be permitted on certain waters of the Union Slough National Wildlife Refuge, Iowa, without interfering with the primary purpose of the area. Accordingly, a new subpart and center headnote, as set forth above, and § 33.255, reading as follows, are added:

§ 33.255 *Fishing permitted.* Subject to the applicable conditions and restrictions contained in Parts 18 and 21 of this chapter, sport or noncommercial fishing is permitted during daylight hours of the fishing season established pursuant to the laws of the State of Iowa in the waters of two gravel pit ponds located within that portion of the Union Slough National Wildlife Refuge described as the NE¼ of sec. 26, T. 98 N., R. 28 W.: *Provided,* That fishing is prohibited during the migratory waterfowl hunting season: *Provided further,* That

the use of boats for the purpose of fishing is prohibited.

(Sec. 10, 45 Stat. 1224, as amended; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Union Slough National Wildlife Refuge, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated September 20, 1957.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-7864; Filed, Sept. 25, 1957; 8:45 a. m.]

PART 35—NORTHEASTERN REGION

SUBPART—MONTEZUMA NATIONAL WILDLIFE REFUGE, NEW YORK

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 18.11, I have determined that the taking of deer may be permitted by hunting on portions of the Montezuma National Wildlife Refuge, New York, without interfering with the primary purpose of the area. Accordingly, a new center headnote, as set forth above, and § 35.21, reading as follows, are added:

§ 35.21 *Hunting of deer permitted.* Deer may be taken solely by means of bow (except crossbow) and arrow on November 16, 1957, on all the lands of the Montezuma National Wildlife Refuge, Seneca County, New York, except on posted lands in the immediate vicinity of the refuge headquarters and subheadquarters, subject to the following conditions and requirements:

(a) Strict compliance with all State laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) The possession or use of firearms on the refuge is prohibited.

(d) Dogs are not permitted on the refuge for use in the hunting of deer.

(Sec. 10, 45 Stat. 1224, as amended; 16 U. S. C. 715i)

Since the foregoing amendment involves public property and has the effect of relieving restrictions applicable to the Montezuma National Wildlife Refuge, notice and public procedure thereon are unnecessary, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated September 20, 1957.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-7863; Filed, Sept. 25, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

FURTHER EXTENSION OF TIME FOR FILING VIEWS AND COMMENTS ON PROPOSAL TO ESTABLISH DEFINITIONS AND STANDARDS OF IDENTITY FOR CERTAIN TYPES OF FROZEN CONCENTRATES FOR LEMONADE

By a notice published in the FEDERAL REGISTER of August 8, 1957 (22 F. R. 6349), the time for filing views and comments upon the proposal to establish definitions and standards of identity for certain types of frozen concentrates for lemonade, which proposal was published in the FEDERAL REGISTER on June 29, 1957 (22 F. R. 4620), was extended to August 30, 1957.

The Commissioner of Food and Drugs has received a request for a further extension of time in this matter; and reasonable grounds therefor appearing: *It is ordered,* That the time for filing views and comments be further extended until October 31, 1957. This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U. S. C. 371), which authority was delegated to the Commissioner by the Secretary of Health, Education, and Welfare (22 F. R. 1045).

Dated: September 19, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-7878; Filed, Sept. 25, 1957; 8:47 a. m.]

[21 CFR Part 27]

[Docket No. FDC-63]

CANNED PRUNE JUICE, A WATER EXTRACT OF DRIED PRUNES

ORDER FURTHER EXTENDING TIME FOR FILING BRIEFS

In the matter of amending the definition and standard of identity for canned prune juice, a water extract of dried prunes:

By a notice published in the FEDERAL REGISTER on August 29, 1957 (22 F. R. 6972), the time for filing briefs in the above-entitled matter was extended to September 23, 1957. The presiding officer at the public hearing held on April 23, 1957, has received a request for a further extension of time in which to file such briefs; and good reason therefor appearing, *It is ordered,* That the time for filing briefs in this matter be extended to and including October 28, 1957. This order applies to all persons whose appearance was filed at the hearing.

Dated: September 20, 1957.

[SEAL] LEONARD D. HARDY,
Presiding Officer.

[F. R. Doc. 57-7883; Filed, Sept. 25, 1957; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 604, 606]

[Administrative Order 491]

METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO; ELECTRICAL INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

RESIGNATION AND APPOINTMENT OF COMMITTEE PUBLIC MEMBER

Juan Labadie Eurite of San Juan, Puerto Rico, appointed public member of Industry Committees No. 33-A and 33-B by Administrative Order No. 489 (22 F. R. 6633), has resigned from Industry Committee No. 33-A. The Secretary of Labor pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints David M. Helfeld, of Rio Piedras, Puerto Rico, to serve in the place of Juan Labadie Eurite on such committee for the public. This will not affect the appointment of Mr. Labadie as a member of Industry Committee No. 33-B.

Signed at Washington, D. C., this 23d day of September 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-7905; Filed, Sept. 25, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 6, 7, 8, 9, 10, 11, 16]

[Docket No. 12169; FCC 57-1019]

CHANGES RELATING TO CERTAIN FREQUENCIES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 2, 6, 7, 8, 9, 10, 11 and 16 of the Commission's Rules to reduce separation between assignable frequencies in the 42–50 Mc band, to effect changes in the 25–50 Mc and 150.8–152 Mc bands, and to effect other changes relating to the use of frequencies in the 25–50 Mc band.

1. Notice is hereby given of Proposed Rule-Making in the above entitled matter.

2. In view of the action which has this date [1] been taken by the Commission with respect to the reallocation of the frequency bands 46.6-47.0, 49.6–50.0 and 150.8–152.0 Mc and in view of the petitions for reconsideration in Docket No. 11253 which now are pending before us, the Commission has decided to propose the splitting of channels for the non-Government land mobile service in the bands 42.0–46.51, and 47.0–49.51 Mc. With respect to the non-Government land mobile service operating between 25 and 42 Mc, the reasons given in the Commission's earlier decision in Docket No. 11253 (September 19, 1956, FCC 56–901) for not splitting in the entire range 25–50 Mc continue to be applicable at this time. Consequently, the Commission is not proposing to split channels between 25 and 42 Mc.

3. It is believed that the occasion of channel-splitting in the frequency ranges 42.0–46.51 and 47.0–49.51 Mc, when considered with the changes in Government and non-Government allocations ordered separately this date, is an appropriate occasion to propose several additional allocation and licensing policy changes for the land mobile service (other than Domestic Public Land Mobile and Remote Pickup Broadcast) operating in this part of the spectrum. These changes are intended to improve the utilization of this part of the spectrum by stations in the land mobile service. The frequency changes being proposed are set forth in Tables 1 and 2 of the Appendix to this notice. The licensing policy changes are discussed in later paragraphs of this notice.

4. The exchange of spectrum space between Government and non-Government which is necessary to provide for Government stations employing the ionospheric forward scatter (FPIS) technique has been ordered separately and is not subject to comment herein. However, the Commission also believes that there is probably a small non-Government requirement for a corresponding FPIS allocation for the International Fixed Public and Aeronautical Fixed radio services. Accordingly, two 90 kc blocks of spectrum space are proposed herein for this purpose. For technical reasons, it is proposed that these blocks be adjacent to Government space allocated for the same purpose. The non-Government bands here involved are 46.51–46.60 Mc and 49.51–49.60 Mc. In preparing the frequency tables annexed to this Notice, the matter of replacement space for services now allocated frequencies in both the Government and non-Government scatter bands has been taken into account.

5. The Forestry Conservation Radio Service would become eligible to use 11 new 20 kc channels in the band 42–50 Mc and five 30 kc channels in the band 150.8–152.0 Mc. The use of the eight 40 kc channels now available to that service in the bands which have been reallocated to U. S. Government services (46.6–47.0 and 49.6–50.0 Mc) is to be discontinued.

6. The Highway Maintenance Radio Service would be provided a total of twenty 20 kc channels in the band 42–50 Mc and five 30 kc channels in the band 150.8–152.0 Mc. This service is to discontinue the use of four 40 kc channels in the bands which have been allocated for Government use.

7. The Business Radio Service which is the proposed successor to the special industrial and low power industrial radio services [2] would be provided thirteen new 20 kc channels in the band 42–50 Mc and fifteen 30 kc channels in the band 150.8–152.0 Mc and is to discontinue the use of the four exclusive and eight shared 40 kc channels required to be vacated in the band 49.6–50.0 Mc.

8. Under the Commission's proposal the Police Radio Service, the Fire Radio Service, the Highway Maintenance Radio Service and the Power Radio Service [3] would respectively receive new channels between their presently available frequencies in the 42.02–42.94, 46.06–46.50, 47.02–47.42 and 47.70–48.54 Mc regions. The Forestry Conservation Radio Service, the Local Government Radio Service,[4] the Interstate Highway Radio Service [4] and the Special Emergency Radio Service would respectively receive eleven, fifteen, six and four of the new channels between those channels presently available to the Police Radio Service in the 44.62–46.06 Mc region.

9. As is shown in Table I of the Appendix, the Motor Carrier Radio Service would receive all of the split-channels derived from its presently available frequencies in the block 43.70–44.60 Mc. Interested persons should note, however, that within the Motor Carrier Radio Service only the interurban carriers of property will gain the availability of additional frequencies as a result of that action. The interurban carriers of passengers would retain exactly the same total number of "regular" and "split" channels as they now have "regular" channels available in this range, both as exclusive and as shared channels; but a redistribution of the frequencies to retain the block system of availability would result (1) in the loss of the "regular" frequencies in a portion of their present segment and (2) in the effective interchange of their remaining exclusive segment and the segment which is shared with the interurban carriers of property. On the other hand, to promote greater efficiency in the use of the channels involved, the four frequencies in this block (44.46, 44.50, 44.54 and 44.58 Mc) presently available to urban carriers of passengers are proposed to be transferred to the interurban carriers of property. By way of compensating the urban carriers of passengers for the above loss, the Commission proposes to make available for their use three of the frequencies in the range 150.8–152 Mc received from the Government.[5]

10. The Petroleum Radio Service presently has access to sixteen channels from 48.58 through 49.18 Mc; the eight existing channels from 49.22 through 49.50 Mc are presently exclusively available for assignment in the Forest Products Radio Service. In the past, because of the geographical considerations involved, the Commission has provided for the sharing of certain frequencies between these two services, and a certain amount of sharing is proposed in Docket No. 11991 heretofore referred to. For these same geographical reasons, the Commission is here proposing that Petroleum and Forest Products share in the use not only of the twenty-four new channels from 48.56 through 49.48 Mc, but also of the sixteen and eight frequencies presently available to these respective services. With these new sharing proposals, it is thought that the present shortage of low-frequency channels in these two services would be substantially lessened.

11. Because this notice deals in varying degrees with all frequencies in the 25–50 Mc band, the Commission believes that it is appropriate here to advance certain proposals designed to promote more equitable and efficient operation throughout this band. The first of these offers considerable promise of substantially reducing interference of the nuisance variety. As interested parties may be aware, a number of manufacturers now offer various types of tone-actuated squelch systems. Although, as a whole, these systems tend to alleviate some interference conditions, other interference problems have occasionally arisen by virtue of a user's inability in some cases to monitor his channel prior to transmitting. In the Commission's view it is now desirable that operational specifications for the above systems be determined, and that these specifications require features facilitating pretransmission monitoring. Accordingly, comments in regard to the specific technical characteristics which should be included are invited in this Docket. If any such specifications are adopted, the Commission proposes to require by appropriate rule amendments that all new systems authorized after July 1, 1960 to use frequencies in the 25–50 Mc range utilize these squelch systems in their radio operations.[6] Since the nuisance interference problem is more acute in the 25–50 Mc range (due to the prevalence of sky-wave propagation) than is the case in higher mobile bands, it is presently proposed that the requirement for tone-squelch be limited to this band.

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[1] See F. R. Docs. 57-7894, 57-7895, and 57-7896 in Rules and Regulations Section, *supra.*

[2] See Notice of Proposed Rule Making in Docket No. 11991 (FCC 57-356 released April 9, 1957). Among the frequencies proposed for the new Business Radio Service by that Notice are all of those presently available in the Low Power Industrial and Special Industrial Radio Services.

[3] Docket No. 11991 proposes to change the name of this service to "Utilities Radio Service". The new frequencies would not be available for use by communications common carriers proposed by Docket No. 11991 to be eligible in the renamed Service, but such communications common carriers would be provided the exclusive use of the frequencies 151.955 and 151.985 Mc.

[4] These new services are proposed by Docket No. 11990 (FCC 57-355, released April 9, 1957).

[5] On the basis of present usage of available frequencies, it is believed that the three-for-four proposal is fair and equitable.

[6] An exception would be provided for users in the Domestic Public Radio Services.

12. The Commission is aware that many users of frequencies in the 25–50 Mc band have wide-area communications requirements wholly justifying their use of these frequencies; however, it is also known that other licensees are utilizing this frequency range for relatively small-area coverage. The Commission believes that the ever-increasing numbers of wide-area applicants in all of the radio services make it appropriate and in the public interest to prohibit this needlessly-inefficient spectrum use. Accordingly, the Commission proposes to amend its rules to allow an applicant to utilize a 25–50 Mc frequency (where a frequency in the 150 Mc band is available in the same service) only after he has demonstrated that he (a) serves an operating area in excess of 13,000 square miles, or (b) serves an operating area exceeding 150 miles in its greatest dimension, or (c) that the use of such a frequency would require a lesser number of base stations to effectively serve the area involved than would be required if a frequency in the 150 Mc band were used. With such an amendment, applicants having only small-area communications requirements generally would be channeled into higher frequency bands where interference conditions are not so severe. This provision is not intended to preclude state and county governments unable to make the above showing from utilizing the frequencies in the 25–50 Mc band which are and would be allocated to the Public Safety Radio Services. Additionally, the Commission recognizes that there may be other users whose situations also justify exception from the general policy.* Consequently, the Commission specifically invites comments designed to assist it in determining what other exceptions to the general policy should be allowed.

13. The frequencies 35.06, 35.10, 35.14 and 35.18 are presently allocated by Part 2 of the Commission's rules to both the Industrial and Maritime Mobile Services. Recognizing the equipment problems involved, it appears to the Commission that all of the marine operations (now either AM or FM) on the above frequencies can be accommodated in the 156.25–157.45 Mc and 161.85–162.00 Mc bands allocated by the Commission to the Maritime Mobile Service for communication by frequency modulation (F3 class of emission). These latter bands are the mobile bands which have been standardized nationally for the VHF maritime telephone service, and, in all probability, they will be compatible with anticipated international standardization in the next several years. Such standardization is necessary to permit all vessels to participate in a common maritime mobile VHF communication system. In view of the broad eligibility proposed in Docket No. 11991 for the Business Radio Service (see Footnote 2 *supra*), it also appears that some of the present operations on the above four frequencies can appropriately be accommodated in this latter service should it ultimately be established as proposed by the Commission. In view of the foregoing, the Commission here proposes that the four frequencies involved be exclusively allocated to the above Business Radio Service. Other frequencies allocated by Part 2 to both the Industrial and Maritime Mobile Services are the frequencies 43.02, 43.06, 43.10, 43.14 and 43.18 Mc. Because these five frequencies are currently being assigned only in the Special Industrial Radio Service, the Commission proposes that they also be allocated to the Business Radio Services on an exclusive basis. Additional frequencies proposed by the Commission to be exclusively transferred to the Business Radio Service are the frequencies 35.70 and 35.98 Mc. This reallocation of frequencies from the Automobile Emergency Radio Service would be consistent with the wide-area concept for 25–50 Mc frequencies hereinabove proposed, and would make for increased efficiency in the use of the two frequencies involved. Because the Automobile Emergency Radio Service appears to have need also of exclusive frequencies, the Commission proposes that three frequencies in the band 150.8–162.0 Mc be made available in this service only. (See Table II of Appendix.)

14. The Commission has for some while been concerned about providing land mobile service frequencies for the company vehicles of communications common carriers so that they can be eligible for mobile radio systems on approximately the same basis as other public utility companies which already are eligible for such facilities. (Refer for example, to the Commission's proposals in Docket No. 11991, FCC 57–356, released April 9, 1957.) However, it has been noted that a majority of licensees in the Power Radio Service do not wish to share frequencies with the carriers. Accordingly, it is proposed that two of the new 30 kc channels in the band 150.8–152.0 Mc be allocated to the proposed Utilities Radio Service (communications common carriers only).

15. The frequency-availabilities proposed in this notice for the Business, Local Government and Interstate Highway Radio Services are, of course, respectively conditioned upon the eventual establishment of these services (see Footnotes 2 and 4 hereof). Should any or all of these proposed services not be established, the Commission will take whatever further action will then be necessary with respect to the affected frequencies.

16. Within the scope of this proposal is the possibility of imposing appropriate operating restrictions or other limitations upon the use of the frequencies here involved. In the main these restrictions or limitations would be those presently obtaining or proposed for similar frequencies of similar availabilities, but interested parties should feel free to suggest others calculated to improve the services concerned. Depending upon the degree of departure from established precedents or from proposals advanced by commenting parties herein, the Commission may offer further notices of proposed rule making should new proposals or approaches involving the above subject matter appear to it to be in the public interest.

17. Following the issuance of any order effectuating the proposals contained herein no new radio systems will be authorized on frequencies which do not conform to the new allocations. It is proposed, however, that stations in existence at the time of such order and operating on non-conforming frequencies be permitted to continue operation for a period not to exceed five years. Such stations will be permitted to obtain license renewals or modifications with an expiration date not later than five years from the effective date of the order.

18. To the extent that the proposals herein are finally adopted, it will be appropriate for those services now operating in the band 25–50 Mc, pursuant to frequency assignment plans, to review such plans to the end that improved frequency utilization will obtain. Many present frequency assignment plans for the land mobile services fail to provide for use of the available frequencies in all areas. While the Commission recognizes the need for "ribbon type" or "area type" operation by a single licensee over a large area, it does not propose to accept in the future any frequency assignment plan for land mobile services which does not provide for all possible uses of all available frequencies. The mere fact that additional frequencies are needed for expansion of a service or to avoid congestion in a given area will not be considered by the Commission as a basis for allocation of additional frequencies if presently available frequencies are assigned in accordance with a frequency assignment plan that does not provide for assignment in all areas of substantially all frequencies available to the service.

19. It is proposed herein that the new band 150.8–152.0 Mc be channelled on a 30 kc basis. This is the same channelling as that adopted for the band 152–162 Mc in the Commission's decision of September 19, 1956, (FCC 56–901) in Docket No. 11253. In Rules Parts 10, 11 and 16, Subpart C (Technical Standards) of each Part states the narrow-band (30 kc) technical standards applicable to frequencies in the band 152–162 Mc. The present rules also include a time schedule for going from the old 60 kc standards to the new 30 kc standards. Since the band 150.8–152.0 Mc is not yet being used by the non-Government land mobile service, and will not be used until decisions have been taken in this Docket, and since it is proposed to channel the band on a 30 kc basis, it is further proposed that these narrow-band (30 kc) standards be made applicable to 150.8–152.0 Mc from the beginning. Accordingly, necessary amendments of Subpart C of Rules Parts 10, 11 and 16 to accomplish this objective will be adopted concurrently with adoption of service and sub-service allocations for the new band. The only effect of the Subpart C amendments will be to prevent licensees in the 152–162 Mc band from moving into the 150.8–152.0 Mc band with 60 kc equipment.

20. The proposals herein advanced, represent in part many months of careful study and discussion between the Commission and the Executive Branch of the Government insofar as concerns the reallocation of spectrum space which has this date been ordered for the bands 46.6–47.0, 49.6–50.0 and 150.8–152.0 Mc. It is our hope that this reallocation of spectrum space will provide a sound basis upon which the Commission can proceed to allow taking advantage of the state of the art by expanding the number of non-Government land mobile channels in the band 42–50 Mc and by establishing additional new non-Government land mobile frequencies in the band 150.8–152.0 Mc. In the belief that these actions will be at least partially responsive to the ever-growing need for vehicular communications in this country, it is hoped that the entire land mobile service regulated by the Commission will consider the whole of the proposals herein advanced in the light of the need for the non-Government vehicular use of radio to be expanded and that the industry's study of these proposals will quickly develop ways and means for accelerating and expediting the adjustments in frequency usage which will necessarily have to take place quite rapidly in order to make these proposals for expansion a reality.

21. The authority for the amendments proposed herein is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

22. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form outlined above, may file with the Commission, on or before November 15, 1957, written data, views or agruments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed on or before the tenth day following the last day for the filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all timely-filed comments prior to taking final action in this matter, and, if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

23. In accordance with the provisions of § 1.764 of the Commission's Rules, any statement, brief or comment filed in the above-entitled proceeding must be accompanied by 14 additional copies thereof.

Adopted: September 19, 1957.

Released: September 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX

TABLE I

Frequency in Mc and Present service or subdivision	*Proposed service or subdivision*
35.06, Power, maritime mobile.	Business.
35.10, Power, maritime mobile.	Do.
35.14, Power, maritime mobile.	Do.

APPENDIX—Continued

TABLE I—continued

Frequency in Mc and Present service or subdivision	*Proposed service or subdivision*
35.18, Power, maritime mobile.	Business.
35.70, Automobile emergency.	Do.
35.98, Automobile emergency.	Do.
42.02, Police	Police.
42.04, (1)	Do.
42.06, Police	Do.
42.08, (1)	Do.
42.10, Police	Do.
42.12, (1)	Do.
42.14, Police	Do.
42.16, (1)	Do.
42.18, Police	Do.
42.20, (1)	Do.
42.22, Police	Do.
42.24, (1)	Do.
42.26, Police	Do.
42.28, (1)	Do.
42.30, Police	Do.
42.32, (1)	Do.
42.34, Police	Do.
42.36, (1)	Do.
42.38, Police	Do.
42.40, (1)	Do.
42.42, Police	Do.
42.44, (1)	Do.
42.46, Police	Do.
42.48, (1)	Do.
42.50, Police	Do.
42.52, (1)	Do.
42.54, Police	Do.
42.56, (1)	Do.
42.58, Police	Do.
42.60, (1)	Do.
42.62, Police	Do.
42.64, (1)	Do.
42.66, Police	Do.
42.68, (1)	Do.
42.70, Police	Do.
42.72, (1)	Do.
42.74, Police	Do.
42.76, (1)	Do.
42.78, Police	Do.
42.80, (1)	Do.
42.82, Police	Do.
42.84, (1)	Do.
42.86, Police	Do.
42.88, (1)	Do.
42.90, Police	Do.
42.92, (1)	Do.
42.94, Police	Do.
42.96, (1)	Business.
42.98, Low power industrial	Do.
43.00, (1)	Do.
43.02, Special industrial, maritime mobile.	Do.
43.04, (1)	Do.
43.06, Special industrial, maritime mobile.	Do.
43.08, (1)	Do.
43.10, Special industrial, maritime mobile.	Do.
43.12, (1)	Do.
43.14, Special industrial, maritime mobile.	Do.
43.16, (1)	Do.
43.18, Special industrial, maritime mobile.	Do.
43.70, Interurban passenger	Interurban property.
43.72, (1)	Do.
43.74, Interurban passenger	Do.
43.76, (1)	Do.
43.78, Interurban passenger	Do.
43.80, (1)	Do.
43.82, Interurban passenger	Do.
43.84, (1)	Do.
43.86, Interurban passenger	Do.
43.88, (1)	Do.

[1] Split channels.

APPENDIX—Continued

TABLE I—continued

Frequency in Mc and Present service or subdivision	*Proposed service or subdivision*
43.90, Interurban passenger	Interurban passenger and property.
43.92, (1)	Do.
43.94, Interurban passenger	Do.
43.96, (1)	Interurban passenger.
43.98, Interurban passenger and property.	Do.
44.00, (1)	Do.
44.02, Interurban passenger and property.	Do.
44.04, (1)	Do.
44.06, Interurban passenger and property.	Do.
44.08, (1)	Do.
44.10, Interurban property	Interurban property.
44.12, (1)	Do.
44.14, Interurban property	Do.
44.16, (1)	Do.
44.18, Interurban property	Do.
44.20, (1)	Do.
44.22, Interurban property	Do.
44.24, (1)	Do.
44.26, Interurban property	Do.
44.28, (1)	Do.
44.30, Interurban property	Do.
44.32, (1)	Do.
44.34, Interurban property	Do.
44.36, (1)	Do.
44.38, Interurban property	Do.
44.40, (1)	Do.
44.42, Interurban property	Do.
44.44, (1)	Do.
44.46, Urban passenger	Do.
44.48, (1)	Do.
44.50, Urban passenger	Do.
44.52, (1)	Do.
44.54, Urban passenger	Do.
44.56, (1)	Do.
44.58, Urban passenger	Do.
44.60, (1)	Do.
44.62, Police	Police.
44.64, (1)	Forestry - conservation.
44.66, Police	Police.
44.68, (1)	Forestry - conservation.
44.70, Police	Police.
44.72, (1)	Forestry - conservation.
44.74, Police	Police.
44.76, (1)	Forestry - conservation.
44.78, Police	Police.
44.80, (1)	Forestry - conservation.
44.82, Police	Police.
44.84, (1)	Forestry - conservation.
44.86, Police	Police.
44.88, (1)	Forestry - conservation.
44.90, Police	Police.
44.92, (1)	Forestry - conservation.
44.94, Police	Police.
44.96, (1)	Forestry - conservation.
44.98, Police	Police.
45.00, (1)	Forestry - conservation.
45.02, Police	Police.
45.04, (1)	Forestry - conservation.
45.06, Police	Police.
45.08, (1)	Local government.
45.10, Police	Police.
45.12, (1)	Local government.
45.14, Police	Police.

APPENDIX—Continued

TABLE I—continued

Frequency in Mc and Present service or subdivision	Proposed service or subdivision
45.16, (1)	Local government.
45.18, Police	Police.
45.20, (1)	Local government.
45.22, Police	Police.
45.24, (1)	Local government.
45.26, Police	Police.
45.28, (1)	Local government.
45.30, Police	Police.
45.32, (1)	Local government.
45.34, Police	Police.
45.36, (1)	Local government.
45.38, Police	Police.
45.40, (1)	Local government.
45.42, Police	Police.
45.44, (1)	Local government.
45.46, Police	Police.
45.48, (1)	Local government.
45.50, Police	Police.
45.52, (1)	Local government.
45.54, Police	Police.
45.56, (1)	Local government.
45.58, Police	Police.
45.60, (1)	Local government.
45.62, Police	Police.
45.64, (1)	Local government.
45.66, Police	Police.
45.68, (1)	Interstate highway.
45.70, Police	Police.
45.72, (1)	Interstate highway.
45.74, Police	Police.
45.76, (1)	Interstate highway.
45.78, Police	Police.
45.80, (1)	Interstate highway.
45.82, Police	Police.
45.84, (1)	Interstate highway.
45.86, Police	Police.
45.88, (1)	Interstate Highway.
45.90, Police	Police.
45.92, (1)	Special Emergency.
45.94, Police	Police.
45.96, (1)	Special Emergency.
45.98, Police	Police.
46.00, (1)	Special Emergency.
46.02, Police	Police.
46.04, (1)	Special Emergency.
46.06, Fire	Fire.
46.08, (1)	Do.
46.10, Fire	Do.
46.12, (1)	Do.
46.14, Fire	Do.
46.16, (1)	Do.
46.18, Fire	Do.
46.20, (1)	Do.
46.22, Fire	Do.
46.24, (1)	Do.
46.26, Fire	Do.
46.28, (1)	Do.
46.30, Fire	Do.
46.32, (1)	Do.

[1] Split channels.

APPENDIX—Continued

TABLE I—continued

Frequency in Mc and Present service or subdivision	Proposed service or subdivision
46.34, Fire	Do.
46.36, (1)	Do.
46.38, Fire	Do.
46.40, (1)	Do.
46.42, Fire	Do.
46.44, (1)	Do.
46.46, Fire	Do.
46.48, (1)	Do.
46.50, Fire	Do.
46.54, Forestry-conservation	Aero. Fixed, Int. Fixed Public (band limits 46.51–46.6 Mc).[2]
46.58, Forestry-conservation	Do.
46.62, Forestry-conservation	Government, band limits 46.6–47.0 Mc.[2]
46.66, Forestry-conservation	Do.
46.70, Forestry-conservation	Do.
46.74, Forestry-conservation.	Government, band limits 46.6–47.0 Mc.
46.78, Forestry-conservation.	Do.
46.82, Forestry-conservation.	Do.
46.86, Highway maintenance.	Do.
46.90, Highway maintenance.	Do.
46.94, Highway maintenance.	Do.
46.98, Highway maintenance.	Do.
47.02, Highway maintenance.	Highway maintenance.
47.04, (1)	Do.
47.06, Highway maintenance.	Do.
47.08, (1)	Do.
47.10, Highway maintenance.	Do.
47.12, (1)	Do.
47.14, Highway maintenance.	Do.
47.16, (1)	Do.
47.18, Highway maintenance.	Do.
47.20, (1)	Do.
47.22, Highway maintenance.	Do.
47.24, (1)	Do.
47.26, Highway maintenance.	Do.
47.28, (1)	Do.
47.30, Highway maintenance.	Do.
47.32, (1)	Do.
47.34, Highway maintenance.	Do.
47.36, (1)	Do.
47.38, Highway maintenance.	Do.
47.40, (1)	Do.
47.42, Special emergency (disaster relief special emergency).	Disaster relief.
47.44, (1)	Business.
47.46, Special emergency	Special emergency.
47.48, (1)	Business.
47.50, Special emergency	Special emergency.
47.52, (1)	Business.
47.54, Special emergency	Special emergency.
47.56, (1)	Business.

[2] These frequencies not to be available for use between two points both of which are in the continental United States.

[2] Reallocated for Government use by separate order.

APPENDIX—Continued

TABLE I—continued

Frequency in Mc and Present service or subdivision	Proposed service or subdivision
47.58, Special emergency	Special emergency.
47.60, (1)	Business.
47.62, Special emergency	Special emergency.
47.64, (1)	Business.
47.66, Special emergency	Special emergency.
47.68, (1)	Business.
47.70, Power	Utilities.
47.72, (1)	Do.
47.74, Power	Do.
47.76, (1)	Do.
47.78, Power	Do.
47.80, (1)	Do.
47.82, Power	Do.
47.84, (1)	Do.
47.86, Power	Do.
47.88, (1)	Do.
47.90, Power	Do.
47.92, (1)	Do.
47.94, Power	Do.
47.96, (1)	Do.
47.98, Power	Do.
48.00, (1)	Do.
48.02, Power	Do.
48.04, (1)	Do.
48.06, Power	Do.
48.08, (1)	Do.
48.10, Power	Do.
48.12, (1)	Do.
48.14, Power	Do.
48.16, (1)	Do.
48.18, Power	Do.
48.20, (1)	Do.
48.22, Power	Do.
48.24, (1)	Do.
48.26, Power	Do.
48.28, (1)	Do.
48.30, Power	Do.
48.32, (1)	Do.
48.34, Power	Do.
48.36, (1)	Do.
48.38, Power	Do.
48.40, (1)	Do.
48.42, Power	Do.
48.44, (1)	Do.
48.46, Power	Do.
48.48, (1)	Do.
48.50, Power	Utilities.
48.52, (1)	Do.
48.54, Power	Do.
48.56, (1)	Petroleum, forest products.
48.58, Petroleum	Do.
48.60, (1)	Do.
48.62, Petroleum	Do.
48.64, (1)	Do.
48.66, Petroleum	Do.
48.68, (1)	Do.
48.70, Petroleum	Do.
48.72, (1)	Do.
48.74, Petroleum	Do.
48.76, (1)	Do.
48.78, Petroleum	Do.
48.80, (1)	Do.
48.82, Petroleum	Do.
48.84, (1)	Do.
48.86, Petroleum	Do.
48.88, (1)	Do.
48.90, Petroleum	Do.
48.92, (1)	Do.
48.94, Petroleum	Do.
48.96, (1)	Do.
48.98, Petroleum	Do.
49.00, (1)	Do.
49.02, Petroleum	Do.
49.04, (1)	Do.
49.06, Petroleum	Do.
49.08, (1)	Do.
49.10, Petroleum	Do.
49.12, (1)	Do.
49.14, Petroleum	Do.
49.16, (1)	Do.

APPENDIX—Continued

TABLE I—continued

Frequency in Mc and Present service or subdivision	Proposed service or subdivision
49.18, Petroleum	Do.
49.20, (1)	Do.
49.22, Forest products	Do.
49.24, (1)	Do.
49.26, Forest products	Do.
49.28, (1)	Do.
49.30, Forest products	Do.
49.32, (1)	Do.
49.34, Forest products	Do.
49.36, (1)	Petroleum, forest products.
49.38, Forest products	Do.
49.40, (1)	Do.
49.42, Forest products	Do.
49.44, (1)	Do.
49.46, Forest products	Do.
49.48, (1)	Do.
49.50, Forest products	Do.
49.54, Forest products, special industrial.	Aero. Fixed, Int. Fixed Public (band limits 49.51–49.6 Mc).[2]
49.58, Forest products, special industrial.	Do.
49.62, Forest products, special industrial.	Government, band limits 49.6–50.0 Mc.[2]
49.66, Forest products, special industrial.	Do.
49.70, Motion picture, special industrial.	Do.
49.74, Motion picture, special industrial.	Do.
49.78, Motion picture, special industrial.	Do.
49.82, Motion picture, special industrial.	Do.
49.86, Special industrial	Do.
49.90, Special industrial	Do.
49.94, Special industrial	Do.
49.98, Special industrial	Do.

[1] Split channels.

[2] These frequencies not to be available for use between two points both of which are in the continental United States.

[2] Reallocated for Government use by separate order.

TABLE II

Frequency in Mc and Service

150.800—Band edge.
150.815—Automobile emergency.
150.845— Do.
150.875— Do.
150.905—Urban passenger.
150.935— Do.
150.965— Do.
150.995—Local government.
151.025— Do.
151.055— Do.
151.085— Do.
151.115— Do.
151.145— Do.
151.175— Do.
151.205—Highway maintenance.
151.235— Do.
151.265— Do.
151.295— Do.
151.325— Do.
151.355—Forestry conservation.
151.385— Do.
151.415— Do.
151.445— Do.
151.475— Do.
151.505—Business.
151.535— Do.
151.565— Do.
151.595— Do.
151.625— Do.
151.655— Do.
151.685— Do.
151.715— Do.
151.745— Do.

TABLE II—continued

Frequency in Mc and Service

151.775— Do.
151.805— Do.
151.835— Do.
151.865— Do.
151.895— Do.
151.925— Do.
151.955—Utilities, communications common carriers only.
151.985— Do.
152.000—Band edge.

[F. R. Doc. 57-7897; Filed, Sept. 25, 1957; 8:51 a. m.]

[47 CFR Part 4]

[Docket No. 12116]

LOW POWER TELEVISION BROADCAST REPEATER STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of Part 4 of the Commission's Rules and Regulations to Permit the Operation of Low Power Television Broadcast Repeater Stations.

The Commission has before it for consideration (1) a petition filed September 20, 1957 by National Community Television Association, Inc. and (2) a communication dated September 16, 1957 and filed September 17, 1957, from The Honorable Steve McNichols, Governor of the State of Colorado, requesting that the Commission extend the time for filing comments in the above-entitled proceeding. NCTA asks that the time for filing comments be extended from October 1, 1957 to December 15, 1957 and Governor McNichols requests that the date be extended at least 45 days or until November 14, 1957.

In support of its request, NCTA asserts that it plans to file comments in the proceeding relative to the nature of the standards which will be required by the Commission in order to assure protection against harmful interference to communications services affecting the safety of life and property and to reception of TV broadcast signals without the use of booster stations; that the Association is undertaking a detailed study of the operation of unlicensed on-channel television booster stations in the Pacific Northwest, which study has not yet been completed; and that because of the isolated areas in which many of these stations are operating and the difficulty of obtaining accurate information with respect thereto, it is estimated that about two and one-half months additional time will be required to obtain the desired information to analyze it and to submit it to the Commission. NCTA further states that it is advised that Adler Communications Laboratories is engaged in similar studies, and that the Association is authorized to state that Adler will require approximately the same length of time to complete its studies and to prepare its comments for submission to the Commission.

Governor McNichols asserts that persons in Colorado who are interested in the instant proceeding have diligently engaged in the preparation of data for the Commission; that on learning of the issuance of the Commission's Notice of Proposed Rule Making, a number of small Colorado communities selected representatives, sent them to Denver for a meeting and raised funds to underwrite the cost of obtaining engineering data, acquired a field strength meter and have inaugurated the making of measurements in a number of communities located in isolated areas throughout the State; and that if the Colorado Television Repeater Association is to make a satisfactory submission to the Commission, additional time will be needed to complete the taking of measurements, preparation of exhibits and the submission of these exhibits to the Commission.

The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing comments and reply comments in the above-entitled proceeding.

In view of the foregoing, *It is ordered*, That the petition of National Community Television Association, Inc., and the request of Governor Steve McNichols are granted; and that the time for filing comments in the above-entitled proceeding is extended from October 1, 1957, to December 15, 1957, and that the time for filing reply comments in the said proceeding is extended from October 30, 1957, to January 14, 1958.

Adopted: September 20, 1957.

Released: September 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7898; Filed, Sept. 25, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBERS OF NORTH ATLANTIC MARINE TERMINAL LUMBER CONFERENCE

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7925-1, between the members of the North Atlantic Marine Terminal Lumber Conference, supplements the basic agreement of that conference (No. 7925) to record the understanding of the parties with respect to the incorporation of the conference under the laws of the State of Delaware. Agreement No. 7925 provides for cooperation between the parties thereto in connection with the receipt, delivery, handling and/or storage of lumber and other forest products at U. S. Atlantic ports. The purpose of the agreement is to obtain the Board's approval for the

conference to apply for a certificate of incorporation.

Agreement No. 7925–1–1, modifies Agreement No. 7925–1 (described above) to provide (1) that membership in the corporation shall not affect, impair or diminish any powers or jurisdiction of the Federal Maritime Board, and (2) that no amendment to or change in the certificate of incorporation of the corporation shall be made until such change and/or amendment has been filed and approved pursuant to section 15 of the Shipping Act, 1916, as amended.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 23, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–7882; Filed, Sept. 25, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order 90]

NEVADA

SMALL TRACT CLASSIFICATION; AMENDED

Effective on date of this publication Small Tract Classification Order No. 90, dated May 7, 1953, is hereby revoked to the following described land, which is to be reclassified under the Recreation and Public Purposes Act for the benefit of the Nevada State Forester Fire Warden.

MOUNT DIABLO MERIDIAN

T. 18 N., R. 19 E.,
Sec. 26, S½SE¼SE¼SE¼.

E. R. GREENSLET,
State Supervisor.

SEPTEMBER 17, 1957.

[F. R. Doc. 57–7865; Filed, Sept. 25, 1957; 8:45 a. m.]

[Classification Order 121]

NEVADA

SMALL TRACT OPENING; AMENDMENT

Effective on date of this publication, paragraph 3 of Federal Register Document 56–9960 appearing on page 6973 of the issue for August 29, 1957, is hereby amended to read as follows:

3. The individual tracts vary in size from 2.50 acres to 5 acres and are all rectangular in shape. The appraisal value of the tracts varies from $125.00 to $250.00, as shown below. Right-of-ways, 40 feet in width, for road purposes and for public utilities, will be reserved as shown below. All minerals in the land will be reserved to the United States.

Tract No.[1]	Acreage	Advance rentals (3 years)	Rights-of-way (width—location)	Appraised value	Tract description
1	2.50	$30.00	40 feet N-S-E-W boundary	$125.00	NE¼NE¼NE¼SE¼.
2	2.50	30.00	40 feet N-S-E-W boundary	125.00	NW¼NE¼NE¼SE¼.
3	2.50	30.00	40 feet N-S-E-W boundary	125.00	NE¼NW¼NE¼SE¼.
4	2.50	30.00	40 feet N-S-E-W boundary	125.00	NW¼NW¼NE¼SE¼.
5	2.50	30.00	40 feet N-S-E-W boundary	125.00	NE¼NE¼NW¼SE¼.
6	2.50	30.00	40 feet N-S-E-W boundary	125.00	NW¼NE¼NW¼SE¼.
7	2.50	30.00	40 feet N-S-E-W boundary	125.00	NE¼NW¼NW¼SE¼.
8	2.50	30.00	40 feet N-S-E-W boundary	125.00	NW¼NW¼NW¼SE¼.
9	2.50	30.00	40 feet N-S-E-W boundary	125.00	SW¼NW¼NW¼SE¼.
10	2.50	30.00	40 feet N-S-E-W boundary	125.00	SE¼NW¼NW¼SE¼.
11	2.50	30.00	40 feet N-S-E-W boundary	125.00	SW¼NE¼NW¼SE¼.
12	2.50	30.00	40 feet N-S-E-W boundary	125.00	SW¼SE¼NW¼SE¼.
13	2.50	30.00	40 feet N-S-E-W boundary	125.00	SE¼NE¼NW¼SE¼.
14	2.50	30.00	40 feet N-S-E-W boundary	125.00	SW¼NW¼NE¼SE¼.
15	2.50	30.00	40 feet N-S-E-W boundary	125.00	SE¼NW¼NE¼SE¼.
16	2.50	30.00	40 feet N-S-E-W boundary	125.00	SW¼NE¼NE¼SE¼.
17	3.75	30.00	40 feet N-E-W boundary	187.50	SE¼SE¼NE¼SE¼.
18	3.75	30.00	40 feet N-E-W boundary	187.50	NE¼SE¼NE¼SE¼, N½SE¼SE¼NE¼SE¼.
19	5	30.00	40 feet N-E-W boundary	250.00	NW¼SE¼NE¼SE¼, N½SW¼SE¼NE¼SE¼.
20	5	30.00	40 feet N-E-W boundary	250.00	E½SW¼NE¼SE¼.
21	2.50	30.00	40 feet N-S-E-W boundary	125.00	W½SW¼NE¼SE¼.
22	2.50	30.00	40 feet N-S-E-W boundary	125.00	NE¼SE¼NW¼SE¼.
23	2.50	30.00	40 feet N-S-E-W boundary	125.00	NW¼SE¼NW¼SE¼.
24	2.50	30.00	40 feet N-S-E-W boundary	125.00	NE¼SW¼NW¼SE¼.
25	5	30.00	40 feet N-E-W boundary	125.00	NW¼SW¼NW¼SE¼.
26	5	30.00	40 feet N-E-W boundary	250.00	SE¼SW¼NW¼SE¼, NW¼NW¼SW¼SE¼.
27	3.75	30.00	40 feet N-E-W boundary	187.50	SE¼SW¼NW¼SE¼, NE¼NW¼SW¼SE¼.
28	3.75	30.00	40 feet N-E-W boundary	187.50	SW¼SE¼NW¼SE¼, N½NW¼NE¼SW¼SE¼.
29	5	30.00	40 feet S-E-W boundary	250.00	SE¼SE¼NW¼SE¼, N½NE¼NE¼SW¼SE¼.
30	5	30.00	40 feet S-E-W boundary	250.00	W½NW¼SE¼SE¼.
31	3.75	30.00	40 feet S-E-W boundary	187.50	E½NW¼SE¼SE¼.
32	3.75	30.00	40 feet S-E-W boundary	187.50	NW¼SE¼SE¼SE¼, S½SW¼SE¼NE¼SE¼.
33	2.50	30.00	40 feet N-S-E-W boundary	125.00	NE¼NE¼SE¼SE¼.
34	2.50	30.00	40 feet N-S-E-W boundary	125.00	SE¼NE¼SE¼SE¼.
35	3.75	30.00	40 feet S-E-W boundary	187.50	SW¼NE¼SE¼SE¼.
36	3.75	30.00	40 feet S-E-W boundary	187.50	SE¼NE¼SE¼SE¼, S½NE¼NE¼SW¼SE¼.
37	5	30.00	40 feet S-E-W boundary	250.00	SW¼NE¼SW¼SE¼, S½NW¼NE¼SW¼SE¼.
38	5	30.00	40 feet S-E-W boundary	250.00	SE¼NW¼SW¼SE¼, NE¼SW¼SW¼SE¼, SW¼NW¼SW¼SE¼, NW¼SW¼SW¼SE¼.
39	2.50	30.00	40 feet N-S-E-W boundary	125.00	NW¼SE¼SW¼SE¼.
40	2.50	30.00	40 feet N-S-E-W boundary	125.00	NE¼SE¼SW¼SE¼.
41	2.50	30.00	40 feet N-S-E-W boundary	125.00	NW¼SW¼SW¼SE¼.
42	2.50	30.00	40 feet N-S-E-W boundary	125.00	NE¼SW¼SW¼SE¼.
43	2.50	30.00	40 feet N-S-E-W boundary	125.00	NW¼SE¼SW¼SE¼.
44	2.50	30.00	40 feet N-S-E-W boundary	125.00	NE¼SE¼SW¼SE¼.
45	2.50	30.00	40 feet N-S-E-W boundary	125.00	SE¼NE¼SW¼SE¼.
46	2.50	30.00	40 feet N-S-E-W boundary	125.00	SW¼NE¼SW¼SE¼.
47	2.50	30.00	40 feet N-S-E-W boundary	125.00	SW¼SE¼SW¼SE¼.
48	2.50	30.00	40 feet N-S-E-W boundary	125.00	SE¼SW¼SW¼SE¼.
49	2.50	30.00	40 feet N-S-E-W boundary	125.00	SW¼SW¼SW¼SE¼.
50	2.50	30.00	40 feet N-S-E-W boundary	125.00	SE¼SE¼SW¼SE¼.
51	2.50	30.00	40 feet N-S-E-W boundary	125.00	SW¼SE¼SW¼SE¼.
52	2.50	30.00	40 feet N-S-E-W boundary	125.00	SE¼SW¼SW¼SE¼.
				125.00	SW¼SW¼SW¼SE¼.

[1] Under application from an individual entitled to preference under 43 CFR 257.5 (a). To obtain this preference these applicants must conform to the size and dimensions of the tracts as set forth in the above schedule. As all applications were for 5 acres and since the tracts were reduced in size, conformance by these applicants will make available for drawing approximately 19 tracts.

E. R. GREENSLET,
State Supervisor.

SEPTEMBER 18, 1957.

[F. R. Doc. 57–7866; Filed, Sept. 25, 1957; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

SEPTEMBER 17, 1957.

The notice of proposed withdrawal and reservation of lands, Serial No. Sacramento 047049, Stanislaus National Forest, published in the FEDERAL REGISTER of Friday, August 30, 1957, pages 6995–6996, (F. R. Doc. 57–7081), is corrected as to the land description for Mill Creek Campground Area to read as follows: SE¼NE¼, E½SW¼NE¼, and N½NE¼SE¼, section 12, T. 5 N., R. 18 E., M. D. M.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57–7867; Filed, Sept. 25, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–81]

MITSUBISHI INTERNATIONAL CORP.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission (hereinafter "the Commission") proposes to issue, on Form AEC–250, the facility export license described below unless within 15 days after filing of this notice with the Federal Register Division, a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

1. Pursuant to section 104 (c) of the Atomic Energy Act of 1954 (hereinafter "the act") and 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and findings by the Commission that (a) the reactor proposed to be exported is a utilization facility; (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Government of Japan; and (c) the issuance of an export license to Mitsubishi International Corporation will not be inimical to the common defense and security and to the health and safety of the public, the Commission will issue a license to Mitsubishi International Corporation, 120 Broadway, New York 5, New York, authorizing the export of a ten megawatt tank-type research reactor described in the Corporation's license application filed August 12, 1957. The reactor is to be exported to the Japan Atomic Energy Research Institute, Tokyo, Japan.

2. The license will be subject to applicable provisions of the Atomic Energy Act of 1954, as amended, and of rules, regulations and orders issued by the Commission thereunder.

3. The license will be effective as of the date of issuance thereof and shall expire on August 31, 1958, unless sooner terminated.

Dated at Washington, D. C., this 20th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–7889; Filed, Sept. 25, 1957; 8:50 a. m.]

[Docket No. 50–69]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission on September 20, 1957, issued Permit No. CPCX–8 to General Electric Company authorizing the construction of a nuclear checkout test facility (Spanish Swimming Pool Reactor) at the Company's Vallecitos Laboratory, Pleasanton, California. A notice of proposed issuance of this permit was published in the FEDERAL REGISTER on September 6, 1957, 22 F. R. 7158.

Dated at Washington, D. C., this 20th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–7890; Filed, Sept. 25, 1957; 8:50 a. m.]

[Docket No. 50–45]

DAYSTROM, INC.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to Daystrom, Incorporated, substantially in the form set forth below unless within fifteen (15) days after filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is set forth below as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the proposed facility and the principal factors considered in reviewing the application for a license. For further details see the application for a license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Notice is also hereby given that if the Commission issues the construction permit the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor at the proposed site if it is found that the reactor has been constructed in accordance with the specifications contained in the terms and conditions of the construction permit, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the act.

Dated at Washington, D. C., this 20th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

APPENDIX A

CONSTRUCTION PERMIT

No. CPRR–

Daystrom, Incorporated, West Caldwell, New Jersey (hereinafter "Daystrom"), on December 11, 1956, filed its application for Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct and operate a nuclear reactor. Amendments to the application were filed on December 14, 1956, February 18, 1957, March 7, 1957, April 4, 1957, June 14, 1957, and August 23, 1957. The original application together with said amendments are hereinafter referred to as "the application".

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. Daystrom proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. Daystrom is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. Daystrom is technically qualified to design and construct the reactor.

E. Daystrom has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to Daystrom will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Daystrom to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

A. The earliest date for the completion of the reactor is November 1, 1957. The latest date for completion of the reactor is May 31, 1958. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in West Caldwell, New Jersey, specified in the application.

C. The facility authorized for construction is a graphite-reflected and light water-moderated reactor designed to operate at thermal power levels up to ten kilowatts as described in the application.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to Daystrom pursuant to section 104c of the act, which license shall expire twenty (20) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

_____,
Director,
Division of Civilian Application.

APPENDIX "B"

MEMORANDUM

Daystrom Argonaut Reactor

Part I—Location and Description. The Daystrom Nuclear Division of Daystrom, Incorporated, has proposed to construct and operate a research reactor in West Caldwell, New Jersey. The Argonne National Laboratory of the Atomic Energy Commission is currently operating the same type of reactor (which it calls the "Argonaut") near Lemont, Illinois. The Argonaut is a 10 kilowatt (maximum) thermal reactor moderated by water and reflected by graphite.

The Daystrom Argonaut Reactor (DART) will be located in the Daystrom Nuclear Building in West Caldwell, New Jersey. DART will be located in a separately partitioned section of the plant farthest removed from Daystrom operating personnel. Partitioning is accomplished by means of a concrete block wall 8 inches thick with 2 access doors, one 12 foot by 12 foot sliding door and one 3 foot by 7 foot personnel door. The reactor is approximately 500 feet from the nearest uncontrolled occupied building.

The core of the DART, like that of the Argonaut, is located in a 5 foot by 5 foot

by 4 foot high cube of graphite which has a centrally located water annulus, 2 feet ID by 3 foot OD by 4 feet high. The water containing annulus is formed by placing a cylindrical aluminum tank, two feet in diameter by four feet high, in the center of another cylindrical tank, three feet in diameter by four feet high. Both tanks are open at the top and graphite is placed in the smaller tank and outside the larger tank to form the reflector. Plate type fuel elements, 24 inches by 3 inches by 6 inches, are placed in the water annulus to form the reactor core. Graphite wedges are used to space the fuel elements in the core. There are 17 flat plates per fuel element spaced with Teflon washers approximately ¼ inch apart. The plates themselves are approximately $\frac{1}{10}$ inch thick.

Control for the DART is accomplished with three types of systems: a window-shade type, a winch type, and a D_2O-reflector type. Dumping the water moderator is also used for emergency reactivity reduction. In addition to the above systems, nitrogen gas is injected into the water moderator in the core whenever the emergency water-dump valve is opened. The nitrogen gas decreases reactivity because of void formation in the moderator.

The window-shade type control system is located just outside the outer core tank and consists of a stainless steel strip spring (3 inches wide) which drives the control element into a sheath beside the core tank upon scram actuation. The spring is retracted by being wound up on a drum. The winch-type control system is similar to the window-shade type except that it uses a cable instead of a spring. Upon receipt of the scram signal the control element drops into the sheath beside the core. The cable is also retracted onto a drum. The D_2O-reflector control system consists of a tank of D_2O (heavy water) located just outside the core tank and an empty tank underneath into which the D_2O can be dumped. The D_2O is used as the reflector in that region of the core in place of graphite. Removal of the D_2O to the second tank, upon receipt of a scram signal, leaves a void adjacent to the core which decreases reactivity. Two of each type of control system will be used in the DART.

Cooling for the reactor is limited to prevent continuous operation at 10 kilowatts, i. e., after several hours at the maximum power of 10 kilowatts, the moderator temperature will have increased enough to consume the excess reactivity. The cooling water in normal circulation overflows from the open top of the core tank into a 300 gallon storage tank, from where it is pumped through a heat exchanger and into the bottom of the core tank. At powers above 1 kilowatt a 3 kilowatt heater is automatically energized to ensure that the reactor will continue to heat up during high-power operation.

The experimental facilities for the DART consist of:

1. Internal reflector of graphite penetrated by 5 experimental holes.
2. Thermal column penetrated by 15 experimental holes.
3. Removable top shield plug, whose removal exposes a 5 foot square distributed neutron source.
4. Movable shield tank adjacent to one side of the core, and
5. Two beam holes, 4 inches square in cross section extending outward from the core tanks.

Control of the DART is achieved at a control panel located in the reactor room. From the control panel the operator can observe and supervise all personnel in the reactor room. Shielding of the reflector is accomplished with concrete blocks stacked around the reactor.

Part II—Hazards Analysis. DART is an exact copy of the Argonne National Laboratory Argonaut Reactor, whose operation has been entirely stable and satisfactory. Inherent safety characteristics of the DART and Argonaut design are the negative temperature coefficient, the negative void coefficient, and the excellent thermal conductivity of the fuel plates. The long prompt neutron lifetime of 250 microseconds also helps limit the rate at which a prompt critical excursion can occur.

Design features of the DART which enhance safety are:

a. The low excess reactivity, which will never be permitted to exceed 0.5 percent.

b. The slow rates at which reactivity can be added.

c. The fast response times of the scram systems.

The accidents analyzed by the applicant for the DART are:

1. Slow runaway caused by removal of control rods, overloading of fuel, increasing the water height too rapidly or malfunctioning of equipment.
2. External physical catastrophe such as fire, earthquake or external blast.
3. Sabotage.
4. BORAX-type explosion.

We agree with the conclusion of the applicant's analysis that the consequences of all credible accidents would be less than that of a runaway caused by the instantaneous addition of 0.5 percent excess reactivity to the reactor. The BORAX-type explosion does not appear to be possible since it requires the step addition of an amount of excess reactivity (4.75 percent) which is not available in this reactor.

The maximum credible accident (instantaneous addition of 0.5 percent excess reactivity) would result in an excursion which would be terminated by the negative temperature coefficient of the reactor.

The maximum power reached in the excursion is calculated to be 5 megawatts. No fission products would be released and the total integrated radiation dose to a person in the reactor room would be about 1 milliroentgen (mr). This is well below permissible continuous exposure levels set forth in 10 CFR Part 20 "Standards for Protection Against Radiation".

Part III—Technical Qualifications. The education, training, and experience of the personnel responsible for the design and operation of the proposed facility are considered adequate to insure safe operation. Daystrom personnel associated with DART have had prior experience in reactor design, control and manufacture.

Part IV—Financial Qualifications. Current assets of Daystrom, Incorporated, at March 31, 1956, were $27.1 million while current liabilities were $8.6 million, equivalent to a current ratio of 3.1 to 1. Net sales increased from $38.6 million in 1952 to $63.2 million in 1956. At the same time net income after taxes increased from $771,000 in 1952 to $1.8 million in 1956.

Part V—Conclusions. Based upon the above considerations, it is concluded that:

a. The applicant is technically and financially qualified to engage in the proposed activities.

b. Based on the information contained in the application and taking into account the experience gained from operation of the Argonaut reactor at the Argonne National Laboratory, it is reasonable to conclude that the proposed facility can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

Dated: September 20, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-7891; Filed, Sept. 25, 1957; 8:50 a. m.]

[Docket No. 50-77]

CATHOLIC UNIVERSITY OF AMERICA

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a facility license to The Catholic University of America, Washington, D. C., substantially in the form set forth in Annex "A" below unless on or before 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is also set forth below as Annex "B" a memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 20th day of September 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE AUTHORIZING ACQUISITION, POSSESSION AND OPERATION OF UTILIZATION FACILITY

On July 10, 1957, The Catholic University of America, Washington, D. C. filed an application to acquire, possess and operate a nuclear reactor which is designated by the manufacturer, Aerojet-General Nucleonics, San Ramon, California, as Model AGN-201, Serial No. 101. An amendment to the application was filed on August 23, 1957.

The application also seeks authorizations relating to special nuclear material and by-product material associated with the operation of the reactor.

The Atomic Energy Commission has found that:

A. The reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. There is reasonable assurance that the applicant will comply with the regulations in Chapter I of Title 10 of the Code of Federal Regulations, including the regulations in Part 20 and that the health and safety of the public will not be endangered by the operation of the facility as proposed in the application by The Catholic University of America filed July 10, 1957, as amended.

C. The acquisition, possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed by The Catholic University of America in the application in Docket 50-77 will not be inimical to the common defense and security or to the health and safety of the public.

D. The Catholic University of America proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

E. The Catholic University of America is financially qualified to operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

F. The Catholic University of America is technically qualified to operate the reactor.

Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses The Catholic University of America as provided below:

A. Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to acquire, possess and operate the reactor at the location in Washington, D. C., described in the application in Docket No. 50-77.

B. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess, and use up to 700 grams of contained uranium 235 for use in connection with the operation of the reactor.

C. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess but not to separate from the fuel or target material such by-product material as may be produced from operation of the reactor.

This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

1. The reactor shall be operated only in accordance with instructions from the Chief Reactor Supervisor.
2. The reactor shall not be operated unless The Catholic University of America has an individual as Chief Reactor Supervisor who has been approved by the Commission.
3. When unattended the reactor shall be secured with the standard seals and locks supplied by the manufacturer; at such times as the reactor is in a dismantled state, access shall be limited to authorized persons by means of a guard or locked enclosure, locked room, or locked building.
4. The Catholic University of America shall operate the reactor in accordance with the procedures described in its application filed July 10, 1957, as amended, as such procedures may be further amended by this license.
5. The Catholic University of America shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.
6. In addition to those otherwise required under this license and applicable regulations, The Catholic University of America shall keep the following records:

a. Reactor operating records, including power levels.

b. Record of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of The Catholic University of America as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

7. The Catholic University of America shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

This license shall expire 20 years from the date of issuance hereof unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

———— ————,
Director,
Division of Civilian Application.

No. 187——6

ANNEX "B"

MEMORANDUM

The utilization facility proposed to be acquired and operated by The Catholic University of America is a small research reactor designed by Aerojet-General Nucleonics, (AGN), San Ramon, California, to operate at a maximum power of 100 milliwatts and designated by AGN as Model AGN-201, Serial No. 101. The Serial 101 reactor is one of three reactors for which licenses were applied for in Docket Nos. F-32 and F-49. It is presently the subject of License R-7 which authorized operation of the reactor at the AGN plant in San Ramon, California, and Convention Hall, Philadelphia, Pennsylvania. Subsequent to the operation of the reactor at Convention Hall, AGN was authorized under License R-7 to transfer the reactor without core to The Catholic University of America for storage, pending receipt of and action on Catholic University's application for a facility license. On July 10, 1957, The Catholic University of America filed an application for a Class 104 facility license to permit the acquisition, possession and operation of AGN-201, Serial No. 101. An amendment to the application was filed on August 23, 1957.

A complete description and hazards analysis of the reactor are contained in license applications and amendments submitted by AGN in Dockets F-15, F-32 and F-49. A summary of the Model AGN-201 reactor description and discussion of the hazards analysis by the Commission's staff are set forth in a memorandum accompanying the Notice of Proposed Issuance of Construction Permit for three reactors of this type in Docket F-32, published in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742.

Description of site. The reactor will be located on the first floor of a two story brick building with basement, located on The Catholic University of America's campus in Washington, D. C. Practically the entire basement and about one-half of the first floor are taken up by the University's central steamplant. The second floor of the building houses the Mechanical Engineering Laboratories. The applicant states that under ordinary conditions, it would not expect any personnel in the building other than those taking the Reactor Laboratory Course and the four or five men each shift comprising the Boiler Plant crew. The applicant advises that it may be necessary to schedule another laboratory in the building in which case 10-15 people would be occupying the second floor. The University states that maximum occupancy of the building would probably be 15 people on the second floor, 15 on the first floor and 5 in the Boiler Room basement.

The proposed license incorporates a condition that when the reactor is unattended it shall be secured with the standard seals and locks supplied by the manufacturer and at such times as the reactor is in a dismantled state, access shall be limited to authorized persons by means of a guard or locked enclosure, locked room, or locked building.

Hazards analysis. The hazards and safety features associated with this reactor were discussed in the aforementioned memorandum published in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742.

It is concluded from an examination of the potential hazards and conceivable mishaps that (1) no significant amount of radiation or radioactive materials would be released and no hazards to the public would ensue from the proposed operation, and (2) there are no characteristics of the site or proposed operations at The Catholic University of America's campus which would detract from the safety of operation of the reactor.

Technical qualifications. The reactor is proposed to be utilized primarily for the training of students in various fields of nuclear technology.

The organization which has been devised for operation of the reactor by The Catholic University of America places responsibility for the promulgation and enforcement of administrative rules, regulations and operating procedures on the Chief Reactor Supervisor. In view of these important functions assigned to the Chief Reactor Supervisor, the evaluation of the technical qualifications of The Catholic University of America to operate the reactor in a safe and competent manner must to a large measure rely on the qualifications of the individual in that position.

The Catholic University of America has designated Dr. Francis Leo Talbott as Chief Reactor Supervisor. Dr. Talbott, who has been on the staff of the University's Physics Department since 1926 has completed the Aerojet-General Nucleonics training course and by September 20, 1957, will have received two weeks' additional training in reactor technology at the AGN plant in San Ramon, California. Previously, Dr. Talbott was Physicist, and later Group Supervisor, Applied Physics Laboratory, Johns Hopkins University, 1943-1946; Physicist, Oak Ridge National Laboratory, Summer 1957; Participant 1947 to date, and Consultant, Naval Research Laboratory, 1954 to date.

In view of the qualifications and position of Dr. Talbott, it is concluded that The Catholic University of America is technically qualified to operate the reactor.

Financial qualifications. The Catholic University of America has received a grant from the AEC to cover the approximately $95,000 purchase price of the reactor. The annual operating expenses are estimated at $6,100 and the University has stated that it has budgeted this amount for the year 1957-1958 and will continue to do so in the future.

Conclusions. Based on the above considerations it is concluded that:

a. There is reasonable assurance that the health and safety of the public will not be endangered by the operation of the reactor at the proposed site on The Catholic University of America's campus.

b. The Catholic University of America is technically and financially qualified to engage in the proposed activities.

Dated: September 20, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-7892; Filed, Sept. 25, 1957; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8569]

NEW YORK AIRWAYS CERTIFICATE RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a prehearing conference in the above-entitled proceeding is assigned for October 8, 1957, at 10:30 a. m., e. d. s. t., in Room 1417, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., September 23, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7912; Filed, Sept. 25, 1957; 8:53 a. m.]

[Docket Nos. 8934, 8946]

METEOR AIR TRANSPORT, INC., AND METROPOLITAN AIR TERMINAL CO.

NOTICE OF PREHEARING CONFERENCE

Meteor Air Transport, Inc., Docket No. 8934; Metropolitan Air Terminal Company, Docket No. 8946.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a prehearing conference in the above-entitled applications is assigned for October 7, 1957, at 10: 30 a. m., e. d. s. t., in Room 1417, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., September 23, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7911; Filed, Sept. 25, 1957; 8:53 a. m.]

[Docket No. 8726]

EASTERN AIR LINES, INC., ENFORCEMENT CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled application is assigned for October 30, 1957, at 10:00 a. m., e. s. t., in Room 1510, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., September 23, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-7913; Filed, Sept. 25, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11878; FCC 57M-876]

MOBILE COMMUNICATIONS

ORDER SCHEDULING HEARING

In the matter of the application of J. B. Wathen, III, d/b as Mobile Communications, Docket No. 11878, File No. 2184-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Louisville, Kentucky.

It is ordered, This 19th day of September 1957, that a prehearing conference will be held in the above-entitled matter at the offices of the Commission on October 1, 1957, at 10:00 a. m. and that hearing in the above-entitled matter will be held on October 8, 1957, at 10:00 a. m.

Released: September 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7899; Filed, Sept. 25, 1957; 8:51 a. m.]

[Docket No. 11904; FCC 57-1005]

WNAB, INC.

ORDER AMENDING ISSUES

In re application of WNAB, Incorporated (WNAB), Bridgeport, Connecticut, Docket No. 11904, File No. BP-10659; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of September 1957;

The Commission having under consideration a petition to enlarge issues filed on June 7, 1957, by Dutchess County Broadcasting Corporation, licensee of Station WKIP, Poughkeepsie, New York, and comments of the Commission's Broadcast Bureau in support of the petition, filed on June 14, 1957;

It appearing that the respondent, Dutchess County Broadcasting Corporation, petitions to enlarge the issues so as to inquire into whether the proposed operation of Station WNAB would comply with § 3.188 (b) (1) and (2);

It further appearing that although the petition is not timely filed, the applicant has not opposed the requested enlargement which is supported by the Broadcast Bureau;

It further appearing that the requested issue raises questions which should be inquired into so as to determine the ability of Station WNAB, operating as proposed, to comply with the Standard Broadcast Technical Standards.

It is ordered, That the petition of Dutchess County Broadcasting Corporation is granted, and that the hearing issue 3 in the above-entitled proceeding is renumbered as issue No. 4 and the hearing issues are enlarged to include as issue No. 3 the following:

3. To determine whether the proposed operation would be in compliance with § 3.188 (b) (1) and (2) of the Commission's rules and regulations.

Released: September 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7900; Filed, Sept. 25, 1957; 8:52 a. m.]

[Docket No. 12002; FCC 57M-877]

FERNANDINA BEACH BROADCASTERS (WSIZ)

NOTICE SCHEDULING CONFERENCE

In re application of Marshall W. Rowland & Carol C. Rowland, d/b as Fernandina Beach Broadcasters (WSIZ), Douglas, Georgia, Docket No. 12002, File No. BP-10822; for construction permit.

A conference will be held on September 30, 1957, at 10:00 a. m. in the offices of the Commission looking toward reopening the record and hearing on the issue designated by the Commission in its order in this proceeding dated July 18, 1957, released July 22, 1957 (FCC 57-766).

Dated: September 20, 1957.

Released: September 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7901; Filed, Sept. 25, 1957; 8:52 a. m.]

[Docket Nos. 12095, 12096; FCC 57M-878]

WAYNE M. NELSON AND FRED H. WHITLEY

STATEMENT AND ORDER CONTINUING HEARING

In re applications of Wayne M. Nelson, Concord, North Carolina, Docket No. 12095, File No. BP-10936; Fred H. Whitley, Dallas, North Carolina, Docket No. 12096, File No. BP-10987; for construction permits.

Appearances: Marcus Cohn, on behalf of Wayne M. Nelson; Stephen Tuhy, Jr., on behalf of Fred H. Whitley; Harry J. Ockershausen, on behalf of The Spartan Radiocasting Company (WSPA); and John H. Bass, Jr., on behalf of the Broadcast Bureau.

Pursuant to the provisions of §§ 1.813 and 1.841 and in accordance with notice given, a pre-hearing conference in the above-entitled matters was held on September 19, 1957. Agreements among the parties, as set forth in the transcript of the pre-hearing conference, are formally approved by the Hearing Examiner; and the course of the hearing shall be governed by the procedure agreed upon.

Accordingly, it is ordered, This 19th day of September, 1957, that the exhibits to be offered in evidence in support of the affirmative case of each party shall be exchanged by the parties and furnished to counsel for the Broadcast Bureau on or before October 14, 1957; a further pre-hearing conference will be held on October 21, 1957; and the evidentiary hearing be and it is continued from October 1, 1957 to October 28, 1957, at 10 o'clock a. m., in Washington, D. C.

Released: September 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7902; Filed, Sept. 25, 1957; 8:52 a. m.]

[Docket No. 12143; FCC 57M-880]

DISPATCH, INC. (WICU)

ORDER FOR PRE-HEARING CONFERENCE

In re application of Dispatch, Inc. (WICU), Erie, Pennsylvania, Docket No. 12143, File No. BMPCT 1113; for modification of construction permit.

A pre-hearing conference in the above-entitled proceeding will be held on Monday, October 7, 1957, beginning at 11 a. m., in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and

the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 20th day of September 1957.

Released: September 23, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7903; Filed, Sept. 25, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12487]

COLUMBIAN FUEL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 20, 1957.

Take notice that on April 29, 1957, Columbian Fuel Corporation (Applicant), a Delaware corporation having its principal place of business in New York, New York, filed in Docket No. G-12487 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to United Fuel Gas Company (United) as hereinafter described, subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas in interstate commerce for resale pursuant to a 20-year gas purchase agreement entered into with United on March 1, 1957, as amended by letter agreements dated March 27, 1957, and April 15, 1957. Said contract covers the sale of natural gas from Applicant's interest in leases covering some 5,885.3 acres in Pike County, Kentucky, and is on file with the Commission, designated as Applicant's FPC Gas Rate Schedule No. 38.

The aforesaid contract provides that United will purchase an estimated quantity of 360,000 Mcf of natural gas annually at a price of 26¢ per Mcf at 15.325 psia.

The facilities involved consist of customary lease equipment and field lines. Proposed deliveries will be made at a designated point on United's line in the area.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 24, 1957, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 11, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7869; Filed, Sept. 25, 1957; 8:46 a. m.]

[Docket Nos. G-12712, G-12714]

UNITED GAS PIPE LINE CO., WM. T. BURTON INDUSTRIES, INC.

NOTICE OF POSTPONEMENT OF HEARING

SEPTEMBER 20, 1957.

In the matters of United Gas Pipe Line Company, Docket No. G-12712; Wm. T. Burton Industries, Inc., Docket No. G-12714.

Upon consideration of the motion filed September 18, 1957, by Applicant, Wm. T. Burton Industries, Inc.;

The hearing in the above-designated matters now scheduled for September 26, 1957, is postponed to a date to be hereafter fixed.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7868; Filed, Sept. 25, 1957; 8:46 a. m.]

[Docket Nos. G-12962, G-12963]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 20, 1957.

Take notice that on July 29, 1957, Tennessee Gas Transmission Company (Applicant) filed in Docket Nos. G-12962 and G-12963 applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing six field sales of natural gas from specified fields in Carter County, Oklahoma, and one field sale from the N. W. Sharon Area, Barber County, Kansas, as follows:

Docket No. G-12962. (1) To Signal Oil & Gas Company (Signal) from:

(a) The A. S. Moore lease in the Camp-Tussy Deese Field, Carter County, Oklahoma, to be made pursuant to a gas sales contract dated March 22, 1954, between Signal and Applicant.

(b) The J. F. Ashton lease in the Sholem-Alechem Extension, S. W. Goodwin Field, Carter County, Oklahoma, to be made pursuant to a gas sales contract dated June 14, 1956, between Signal and Applicant.

(c) The Perkins "A" lease in the Sholem - Alechem Extension - Hefner Field, Carter County, Oklahoma, to be made pursuant to a gas sales contract dated June 14, 1956, between Signal and Applicant.

(d) The Perkins "B" and the Mary E. Allen and J. P. Ingram leases in the Sholem-Alechem Extension - Hefner Field, Carter County, Oklahoma, to be made pursuant to two gas sales contracts each dated June 26, 1956, respectively, between Signal and Applicant.

(2) (e) The E. B. Cross lease in the Camp Field, Carter County, Oklahoma, to be made pursuant to a gas sales contract dated August 20, 1953, between Skelly Oil Company (Skelly) and Applicant.

Docket No. G-12963. To Cities Service Gas Company (Cities Service) from the N. W. Sharon Area in Barber County, Kansas, to be made pursuant to a gas sales contract dated June 11, 1957, between Cities Service and Applicant.

The leases involved in Docket No. G-12962 were acquired by Applicant from the Kirkpatrick Oil Company, effective November 1, 1956. Also, Exhibit X-1 to the application in Docket No. G-12962 lists all interest owners and their respective percentage of interest in each lease involved, including both signatory and non-signatory parties to the contract involved herein.

Said applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 17, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7870; Filed, Sept. 25, 1957; 8:46 a. m.]

[Docket No. G-13286]

CARTER-JONES DRILLING CO., INC. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 20, 1957.

Carter-Jones Drilling Company, Inc. (Operator) et al., (Carter-Jones) on

August 26, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 1 to Carter-Jones' FPC Gas Rate Schedule No. 4.
Effective date: [1] September 26, 1957.

In support of the proposed favored-nations rate increase, Carter-Jones states that the increase is based upon "favored-nation" provisions of its sales contract which have been triggered by the negotiation by Texas Eastern Transmission Corporation (Texas Eastern) of contracts in the area providing for the same rate as proposed by Carter-Jones. Carter-Jones further states that since making the original contract (1956) there has been a 50 percent increase in the cost of tubular goods and about 10 percent increase in wages.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Carter-Jones' FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Carter-Jones' FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 26, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] The stated effective date is the first day after expiration of the required 30 days notice.

[F. R. Doc. 57-7871; Filed, Sept. 25, 1957; 8:46 a. m.]

[Docket No. G-13287]

PAUL R. DAVIS AND LESTOR B. WOOD

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

SEPTEMBER 20, 1957.

Paul R. Davis and Lestor B. Wood (Davis), submitted for filing on August 28, 1957, a proposed change in their presently effective rate schedule for sales of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 23, 1957.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 4 to Davis' FPC Gas Rate Schedule No. 1.
Effective date: [1] September 28, 1957.

Davis requests either a disclaimer of jurisdiction or acceptance of the increase in rate. In support of the proposed increase, Davis states that the "favored nations" provisions of its contract have been triggered by its Buyer's negotiation of an increase in rate paid to another producer in the same area, that the proposed rate represents the commodity value of natural gas in the area of Buyer's pipeline and that costs have increased.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change; and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Davis' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] The stated effective date is the date proposed by Davis.

[F. R. Doc. 57-7872; Filed, Sept. 25, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

SEPTEMBER 20, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On September 11, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending September 21, 1957.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, September 22 to October 1, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7874; Filed, Sept. 25, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 10]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 20, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1940 (Deviation No. 1), TRAILWAYS OF NEW ENGLAND, INC., 179 Allyn Street, Hartford, Conn., filed September 18, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes, (A) between Sturbridge, Mass., and Boston, Mass., as follows: from the junction U. S. Highway 20 and Massachusetts Highway 15 at Sturbridge, over the Massachusetts Turnpike to its eastern terminus at junction of Massachusetts Highway 128 at Weston, Mass., thence over Massachusetts Highway 128 to junction Massachusetts Highway 9 in Wellesley, Mass., thence over Massachusetts Highway 9 to Boston; and (B) between Sturbridge, Mass., and Auburn, Mass., as follows: from the junction of U. S. Highway 20 and Massachusetts Highway 15 at Sturbridge, over the Massachusetts Turnpike to Auburn; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Sturbridge, Mass., and Boston, Mass., over the following pertinent routes; from Sturbridge over U. S. Highway 20 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston; and from Sturbridge over U. S. Highway 20 to junction Massachusetts Highway 12 in Auburn, Mass., thence over Massachusetts Highway 12 to junction Massachusetts Highway 9 in Worcester, Mass., thence over Massachusetts Highway 9 to Boston; and return over the same routes.

No. MC-22229 (Deviation No. 1), TERMINAL TRANSPORT COMPANY, INC., 180 Harriet St., S. E., Atlanta 1, Ga., filed September 12, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Chicago, Ill., and the junction of U. S. Highways 41 and 31W, 13 miles north of Nashville, Tenn., as follows: from Chicago over Illinois Highway 50 to the junction of U. S. Highway 54, thence over U. S. Highway 54 to Kankakee, Ill., thence over Illinois Highway 49 to the junction of U. S. Highway 24 at Crescent City, Ill., thence over U. S. Highway 24 to the junction of Illinois Highway 1, 3 miles east of Watseka, Ill., thence over Illinois Highway 1 to Lawrenceville, Ill., thence over U. S. Highway 50 to Vincennes, Ind., thence over U. S. Highway 41 to the junction of U. S. Highway 31W and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Chicago, Ill. over U. S. Highway 41 to Hammond, Ind., thence over U. S. Highway 6 to junction Indiana Highway 53, thence over Indiana Highway 53 to Montmorenci, Ind., thence over U. S. Highway 52 to Indianapolis, Ind., thence over U. S. Highway 31 to Sellersburg, Ind., thence over U. S. Highway 31W via Louisville, Ky., to Nashville, Tenn., and thence over U. S. Highway 41 via Chattanooga, Tenn., to Atlanta (also from Chicago over city streets to junction U. S. Highway 6, thence over U. S. Highway 6 to Hammond; and also from Sellersburg over U. S. Highway 31E to Louisville); from Chicago to Nashville as specified above, thence over U. S. Highway 31 to Birmingham; and return over the same routes.

No. MC-35628 (Deviation No. 3), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Ave., S. W., Grand Rapids 2, Mich., filed September 11, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the New York-Massachusetts State line and Boston, Mass., as follows: from the New York-Massachusetts State line over the Massachusetts Turnpike to Boston and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the New York-Massachusetts State line and Boston, Mass., over U. S. Highways 20 and 202 and Massachusetts Highways 9 and 141.

No. MC 44592 (Sub No. 1) (Deviation No. 2), MIDDLE ATLANTIC TRANSPORTATION CO., INC., 10720 Memphis Avenue, Cleveland 9, Ohio, filed September 18, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between West Stockbridge, Mass., and Weston, Mass., as follows: from West Stockbridge over the Massachusetts Turnpike to Weston and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities from Bridgeport, Conn., over Connecticut Highway 58 to Danbury, Conn., thence over U. S. Highway 7 through Canaan, Conn., to Great Barrington, Mass., thence over Massachusetts Highway 41 to junction Massachusetts Highway 71, thence over Massachusetts Highway 71 to the Massachusetts-New York State Line, thence over New York Highway 71 to Green River, N. Y., thence over New York Highway 22 to Austerlitz, N. Y., and thence over New York Highway 203 to Valatie; from Boston over Massachusetts Highway 9 to Worcester, Mass., thence over U. S. Highway 20 to Springfield, Mass., thence over U. S. Highway 5 to Hartford, Conn.; and return over the same routes.

No. MC-111231 (Deviation No. 1), JONES TRUCK LINES, INC. 514 E. Emma Ave., Springdale, Ark., filed September 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over U. S. Highway 80.

No. MC-111231 (Deviation No. 2), JONES TRUCK LINES, INC., 514 E. Emma Ave., Springdale, Ark., filed September 16, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, over a deviation route, between Joplin, Mo., and Tulsa, Okla., as follows: from Joplin over the Will Rogers Turnpike to Tulsa and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Joplin, Mo., and Tulsa, Okla., over the following pertinent route: from Joplin over Missouri Highway 43 to Seneca, Mo., thence over U. S. Highway 60 to junction U. S. Highway 69, thence over

U. S. Highway 69 to Vinita, Okla., thence over U. S. Highway 66 to Tulsa.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-7839; Filed, Sept. 24, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

F. BERNHARD AMPT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

F. Bernhard Ampt, Viganello (Lugano), Switzerland; Claim No. 60581; Vesting Order No. 15828; $6.05 in the Treasury of the United States. An undivided 6/8th interest in eight shares of Denver & Rio Grande Western Railroad Company Cumulative Preferred Stock Certificate No. PF-2881, presently in the possession of the Office of Alien Property, Department of Justice, 101 Indiana Avenue NW., Washington 25, D. C.

Executed at Washington, D. C. September 19, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-7885; Filed, Sept. 25, 1957; 8:49 a. m.]

PAULINA KOWALEWSKA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paulina Kowalewska, Rua Fernando Mendes, 19 apto. 53, Copacabana, Rio de Janeiro, Brazil; Claim No. 62600; Vesting Order No. 17705; Bond No. M4646 Alpine Montan Steel Corporation, Republic of Austria Closed 1st Mortgage, 30 year 7% Sinking Fund Gold Bond due March 1, 1955 with September 1, 1938 and subsequent coupons attached, in the principal sum of $1,000.00, presently in the custody of the Federal Reserve Bank, New York.

Executed at Washington, D. C., September 19, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-7886; Filed, Sept. 25, 1957; 8:49 a. m.]

ABRAHAM VLES ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cash in the Treasury of the United States as noted below, and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to the securities described below:

Abraham Vles, Brussels, Belgium; L. S. Claim No. 875; Southern Pacific Company-San Francisco Terminal 4/50, Bonds Nos. 36, 5060 and 5953, in the principal amount of $500 each.

Paul van Geldere, Brussels, Belgium; L. S. Claim No. 882; Union Pacific Railroad Company 4/47, Bonds Nos. 572/3 and 3436, in the principal amount of $500 each.

Dr. Raphael Polak, Haifa, Israel; L. S. Claim No. 890; Cities Service Company 5/69, Debenture No. 32646, in the principal amount of $1,000.

Hetty Freid, London, England, and G. Elias Prins, Amsterdam, Holland; L. S. Claim No. 891; The Atchison Topeka and Santa Fe Railway Company 4/95, Bond No. 1706, in the principal amount of $1,000.

Alfred W. Beflie, Boulder, Colorado; L. S. Claim No. 904; $392.08.

Dr. Robert Michaelis, Nottingham, England; L. S. Claim No. 905; $1,032.43. Cities Service Company 5/50, Debenture No. 23691, in the principal amount of $1,000, and Southern Pacific Company 4/49, Bond No. 4, in the principal amount of $500.

Vesting Order No. 18521.

Executed at Washington, D. C., on September 18, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-7887; Filed, Sept. 25, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 188

Washington, Friday, September 27, 1957

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

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MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FARM CREDIT ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 6.341 is amended as set out below.

§ 6.341 *Farm Credit Administration.*

* * *

(d) One Deputy Governor.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-7955; Filed, Sept. 26, 1957; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under the Soil Bank Act

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

COMPLIANCE WITH ACREAGE ALLOTMENTS

Section 485.160 of the regulations governing the conservation reserve part of the Soil Bank Program, 21 F. R. 6289, as amended, is hereby amended to read as follows:

§ 485.160 *Compliance with acreage allotments.* No producer shall be eligible for payments or compensation (including practice payments) under the conservation reserve program for any year with respect to any farm on which (a) the acreage of cotton, rice or tobacco exceeds the farm acreage allotment for the commodity; or (b) the acreage of wheat, in the case of a farm in the commercial wheat-producing area which is not exempted from marketing quota penalties under section 335 (f) of the Agricultural Adjustment Act of 1938, as amended, exceeds the larger of the farm acreage allotment for wheat or 15 acres; or (c) the acreage of corn, in the case of a farm in the commercial corn-producing area, exceeds the soil bank corn base or the allotment whichever is in effect; or (d) the acreage of peanuts exceeds the larger of the farm acreage allotment for peanuts or one acre. For purposes of this section such acreage limitations shall not be deemed to have been exceeded unless under the rules and regulations governing eligibility for price support for the commodity, such acreage limitations would be determined to have been knowingly exceeded.

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Done at Washington, D. C., this 24th day of September 1957.

[SEAL] MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-7971; Filed, Sept. 26, 1957; 8:56 a. m.]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

COMPLIANCE WITH ACREAGE ALLOTMENTS

Section 485.314 (a) (2) of the regulations governing the 1958 acreage reserve part of the Soil Bank Program, 22 F. R. 6397, as amended and supplemented, is hereby amended to read as follows:

(2) The 1958 acreage of wheat, in the case of a farm in the commercial wheat-producing area which is not exempted from marketing quota penalties under section 335 (f) of the Agricultural Adjustment Act of 1938, as amended, exceeds the larger of the allotment or 15 acres; or

(Sec. 124, 70 Stat. 198; 7 U. S. C. 1812)

Issued at Washington, D. C., this 24th day of September 1957.

[SEAL] MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-7972; Filed, Sept. 26, 1957; 8:57 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

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TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.24, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1957

Basis and purpose. This amendment is issued under Section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further amending Sugar Regulation 814.24 (22 F. R. 5, 3700, 4133, 4641), which established allotments of the 1957 sugar quota for the Mainland Cane Sugar Area totaling 628,424 short tons, raw value. This amendment is necessary to allot the larger quota for the area established by Sugar Regulation 811, Amendment 7 (22 F. R. 6481) which established the 1957 quota for the Mainland Cane Sugar Area of 656,908 short tons, raw value, a quantity 28,484 short tons, raw value, greater than the 628,424 short tons, raw value, previously allotted.

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of adjusting allotments to take account of any change in the quota for the area resulting from any change in sugar requirements for the continental United States.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (22 F. R. 3700, 4133, 4641).

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act; *It is hereby ordered*, That paragraph (a) of § 814.24, as amended, be further amended to read as follows:

§ 814.24 *Allotment of the 1957 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1957 sugar quota for the Mainland Cane Sugar Area of 656,908 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

	Allotments (short tons, raw value)
Albania Sugar Coop., Inc.	7,002
Alma Plantation, Ltd.	8,887
J. Aron & Co., Inc.	14,391
Billeaud Sugar Factory	9,090
Breaux Bridge Sugar Coop.	7,343
J. M. Burguieres Co., Ltd., The	8,348
Burton-Sutton Oil Co., Inc.	8,335
Caire & Graugnard	3,632
Caldwell Sugar Coop., Inc.	11,849
Catherine Sugar Co., Inc.	8,893
Columbia Sugar Company	6,476
Cora-Texas Mfg. Co., Inc.	3,021
Dugas & LeBlanc, Ltd.	13,110
Duhe & Bourgeois Sugar Co., Inc.	10,443
Erath Sugar Co., Ltd.	5,307
Evan Hall Sugar Coop., Inc.	23,297
Evangeline Pepper & Food Products, Inc.	5,189
Fellsmere Sugar Producers Assoc.	8,906
Frisco Cane Co., Inc.	946
Glenwood Coop., Inc.	16,302
Gulf States Land & Industries, Inc.	22,384
Helvetia Sugar Coop., Inc.	9,392
Iberia Sugar Coop., Inc.	15,540
LaFourche Sugar Company	15,396
Harry L. Laws & Co., Inc.	11,494
Levert-St. John, Inc.	9,708
Loisel Sugar Co., Inc.	5,924
Louisiana State Penitentiary	3,113
Lula Factory, Inc.	12,013
Mecker Sugar Coop., Inc.	4,972
Milliken & Farwell, Inc.	13,688
National Sugar Refining Co.	13,405
Okeelanta Sugar Refinery, Inc.	18,640
M. A. Patout & Son, Ltd.	10,286
Poplar Grove Pltg. & Ref. Co., Inc.	7,678
St. James Sugar Coop., Inc.	13,465
St. Mary Sugar Coop., Inc.	12,768
South Coast Corp.	45,622
Southdown Sugars, Inc.	44,085
Sterling Sugars, Inc.	21,445
J. Supple's Sons Pltg. Co., Inc.	5,478
United States Sugar Corp.	124,432
Valentine Sugars, Inc.	10,890
Vermilion Sugar Co., Inc.	2,562
Vida Sugars, Inc.	4,775
A. Wilbert's Sons Lbr. & Sh. Co.	10,134
Young's Industries, Inc.	6,752
Louisiana State University	100
All other persons	00
Total	656,908

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 24th day of September 1957.

[SEAL] MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-7975; Filed, Sept. 26, 1957; 8:57 a. m.]

Subchapter G—Determination of Proportionate Shares

[Sugar Determinations 855.3, Amdt. 2; 855.4, Amdt. 2]

PART 855—MAINLAND CANE SUGAR AREA

1956 AND 1957 CROPS; MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 855.3—Determination of Proportionate Shares—Mainland Cane Sugar Area—1956 Crop, Revised, as issued July 9, 1956 (21 F. R. 5211), and amended November 5, 1956 (21 F. R. 8652), and § 855.4—Determination of Proportionate Shares—Mainland Cane Sugar Area—1957 Crop, as issued August 14, 1956 (21 F. R. 6218), and amended November 8, 1956 (21 F. R. 8795), are amended as hereinafter set forth:

Paragraph (a) of § 855.4 is hereby amended by adding the following subparagraph (10) at the end thereof:

(10) *Notification of excess sugarcane acreage.* If the county committee determines that the measured acreage of sugarcane for any farm is in excess of the acreage established as the proportionate share for such farm, written notice of the acreage in excess of the proportionate share (referred to in this section as "excess acreage") and of the eligibility requirements for payment as set forth in subparagraph (6) of paragraph (b) of this section shall be furnished to the operator of such farm.

Subparagraph (1) of paragraph (b) of § 855.3 is hereby amended to read as follows:

(1) The acreage of sugarcane grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugarcane grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugarcane was sold by him, or was processed by or for him, for the extraction of sugar or liquid sugar for livestock feed or the production of livestock feed, and if so sold, was purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this subparagraph, the producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the farm proportionate share where sugarcane was marketed (or processed) for sugar or liquid sugar from an acreage on the farm exceeding the farm proportionate share, provided that: (i) Such excess acreage is not more than the larger of two-tenths acre or one percent of the farm proportionate share, and (ii) within the calendar year 1957, the producer has arranged for a quantity of sugar which was produced from sugarcane in the Mainland Cane Sugar Area,

which had not been marketed to fill a quota for such area as provided in Part 815 of this chapter and which is equivalent to the quantity of sugar produced from such excess acreage to be made subject to a bond given pursuant to the provisions of Part 815 of this chapter which provides that a condition of such bond be that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within such share.

Subparagraph (1) of paragraph (b) of § 855.4 is hereby amended to read as follows:

(1) The acreage of sugarcane grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugarcane grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugarcane was sold by him, or was processed by or for him, for the extraction of sugar or liquid sugar for livestock feed or the production of livestock feed, and if so sold, was purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this subparagraph, the producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the farm proportionate share where sugarcane was marketed (or processed) for sugar or liquid sugar from an acreage on the farm exceeding the farm proportionate share, provided that: (i) Such excess acreage is not more than the larger of two-tenths acre or one percent of the farm proportionate share but not to exceed three acres, and (ii) within one year from the date of the processing of such excess sugarcane, the producer has arranged for a quantity of sugar which was produced from sugarcane in the Mainland Cane Sugar Area, which had not been marketed to fill a quota for such area as provided in Part 815 of this chapter and which is equivalent to the quantity of sugar produced from such excess acreage to be made subject to a bond given pursuant to the provisions of Part 815 of this chapter which provides that a condition of such bond be that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within such share.

Paragraph (b) of § 855.4 is hereby amended by adding the following subparagraph (6) at the end thereof:

(6) If the county committee determines that there is excess acreage of sugarcane on a farm:

(i) Any such excess acreage to be plowed-out, abandoned, or harvested separately must be so disposed of before or after the harvest of sugarcane for sugar and appropriate notification must be given by the operator to permit verification by a county office representative of the action taken, except that in Florida excess acreage may be plowed-out or harvested for cattle feed during the period that sugarcane is being harvested for sugar if the county office is notified prior thereto and a representative of that office verifies that such acreage has been plowed-out or harvested for cattle feed;

(ii) Any excess acreage of sugarcane harvested for feed, the manufacture of sirup, or sugar for livestock feed or for the production of livestock feed concurrently with acreage within the proportionate share which is being harvested for sugar or liquid sugar must be staked out or similarly and clearly identified by a representative of the county office and the staked-out acreage must be so located on the farm that it may be harvested readily without interfering with the harvest of proportionate share acreage and the identity of the sugarcane from excess acreage must be maintained separately after harvest to assure its marketing for such purposes: *Provided*, That if sugarcane is harvested from excess acreage for the manufacture of sirup concurrently with the harvest of sugarcane for the production of sugar or liquid sugar, other than sugars for livestock feed, and such acreage is not staked-out or identified as provided in this subdivision, the producer shall not market a quantity of sugarcane for the production of sugar or liquid sugar greater than the total of the tonnages of sugarcane marketed for both sugar and sirup multiplied by the percentage that the acreage harvested for sugar on the farm is of the total acreage of sugarcane marketed for both of such purposes.

(iii) An estimate of the average tons of sugarcane per acre growing on excess acreage which has been staked-out or similarly identified and which has been designated for harvest for sirup or sugar for livestock feed must be made jointly and before harvest by a representative of the county office and by the operator of the farm, which estimate must be reduced to writing and signed by the operator and placed on record in the county office.

(iv) Any farm operator who markets sugarcane from excess acreage for sirup must furnish to the county committee weight tickets evidencing that such sugarcane was sold by him or processed by him for such purpose, and in the case where excess acreage is staked-out and an estimate is made as provided in subdivision (iii) of this subparagraph, if the average tonnage of sugarcane per acre, as computed by dividing the total tonnage marketed for sirup by the excess acreage, is less than 80 percent of the estimate made pursuant to subdivision (iii) of this subparagraph, no payment shall be made until the operator furnishes proof acceptable to the county committee that the sugarcane from all of the excess acreage on the farm was marketed or disposed of other than for seed or the production of sugar or liquid sugar except sugar or liquid sugar for livestock feed.

(v) The operator must maintain a record of the excess acreage in the fields or parts of fields disposed of and the method and purpose of disposal in each case.

Statement of bases and considerations. This amendment provides for a written notice to any farm operator for whose farm it is determined that the 1957 growing sugarcane acreage is in excess of the 1957 proportionate share, and provides further that such farm operator shall be notified of the requirements that must be met with respect to such excess acreage in order to be eligible for payment. To make it more practicable for county committees to determine compliance with proportionate shares, operators of farms having excess acres are required to dispose of such acreage at certain times and under certain conditions and to furnish proof that the sugarcane from the excess acreage was marketed for purposes other than sugar.

In the operation of the restrictive acreage programs for recent crops in the Mainland Cane Sugar Area, a few cases have arisen wherein the inadvertent marketing of sugarcane from very small acreages in excess of proportionate shares would cause producers to be ineligible for Sugar Act payments. Under amendments to the Sugar Act approved May 29, 1956, and effective January 1, 1956, sugarcane from excess acreage may be marketed for the extraction of sugar for livestock feed or for the production of livestock feed. This action amends both the 1956-crop and the 1957-crop proportionate share determinations to permit the diversion to such uses of quantities of sugar equivalent to the production of sugar from very small excess acreages of sugarcane even if the sugarcane was marketed in the customary manner for the production of sugar. With respect to the 1956 crop, the diversion must be accomplished within the calendar year 1957, while with respect to the 1957 crop, the diversion must be accomplished within one year from the date of the processing of the sugarcane, under bond furnished by the processor. It is believed that the cost and inconvenience of such a diversion will discourage the use of this provision except where the proportionate share is inadvertently exceeded. Such diversion is in keeping with the objectives of the program in restricting the production of sugar to the quantities needed to meet quota and carryover requirements.

Accordingly, I hereby find and conclude that these amendments will effectuate the applicable provisions of the Sugar Act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply sec. 302, 61 Stat. 930, as amended; 7 U. S. C. 1132)

Issued this 24th day of September 1957.

[SEAL] MARVIN L. MCLAIN,
Assistant Secretary of Agriculture.

[F. R. Doc. 57-7974; Filed, Sept. 26, 1957; 8:57 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

INTERVENTION IN PROCEEDINGS ON APPLICATION FOR FACILITY EXPORT LICENSE

Effective 30 days after publication in the FEDERAL REGISTER, § 2.705 is amended by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) as follows:

(b) In any case involving an application for an export license under § 50.44 of this chapter, a petition to intervene with respect to such application must be served upon the parties and filed with the AEC within 30 days after publication in the FEDERAL REGISTER of a notice of the filing of such application.

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201)

Dated at Washington, D. C., this 23d day of September 1957.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 57-7956; Filed, Sept. 26, 1957; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6646]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

VENDO CO.

Subpart—*Acquiring stock, or assets, etc., of competitor:*

§ 13.5 *Acquiring stock, or assets, etc., of competitor.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U. S. C. 18) [Cease and desist order, The Vendo Company, Kansas City, Mo., Docket 6646, Sept. 5, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the nation's largest manufacturer of soft drink vending machines, with main office in Kansas City, Mo., with acquiring all the outstanding capital stock, assets, and business, including patents and good will, of a major competitor, Vendorlator Manufacturing Company, of Fresno, Calif., in violation of section 7 of the Clayton Act as amended. After a number of hearings, all counsel jointly moved for suspension of further hearings and submitted an agreement for entry of a consent order.

The agreement provides that the public record in the case reveal Vendo's contention that Vendorlator successfully competed in the business only because of its infringement of a basic patent held by Vendo, and that upon prosecution of its rights under the patent, Vendo would have eliminated the company as a significant competitor. It also provides that a showing be made in the record that Vendorlator probably had infringed upon one of Vendo's basic patents for about two years, and at the time of acquisition over 80 percent of Vendorlator's production was of such machines and that therefore the only important assets that respondent should be required to divest were those relating to the production of non-infringing machines by Vendorlator. The only important assets which are in this category and which would be of significant value to an actual or potential competitor of respondent are believed to be the patents dealt with in the order below.

On this basis, the hearing examiner made his initial decision and order to cease and desist. The order requires respondent to make available to the public all the patents acquired from Vendorlator, it appearing that competition would be stimulated by requiring respondent to license to interested parties, whether existing competitors or new entries in the field, the former Vendorlator patents rather than sell them under an order of divestiture, which would have the effect of again limiting the availability of the patents to a single manufacturer. The initial decision became on September 6 the decision of the Commission.

Said order is as follows:

Respondent, The Vendo Company, is hereby ordered and directed as follows:

1. *Divestiture of patents.* Respondent shall divest itself of the exclusive right to manufacture, use or sell machines under the teachings of the following three groups of patents acquired in the purchase of assets challenged by the complaint:

(a) Patents relating to models based on the open-sided cylinder design (Models VMC–149, VMC–190, VMC–231, VMC–242, VMC–302, and VMC–340):

Patent No.	*Title*
2,290,275	Bottle vending machine.
2,597,290	Retainer for vendible merchandise.
2,693,300	Vending machine.
2,680,049	Delivery and retaining mechanism for merchandise dispensing apparatus.

(b) Patent relating to models based on the rotating basket design (Models VMC–27 and VMC–33):

Patent No.	*Title*
2,610,100	Coin controlled vending machine.

(c)

Patent No.	*Title*
2,307,450	Vending machine.
2,391,866	Circuit controller.
2,482,245	Dispensing apparatus.
2,633,958	Dispensing apparatus.
2,648,417	Coin-controlled mechanism.
2,667,880	Coin changing mechanism.
2,675,901	Coin control protective system for vending machines.
2,727,654	Coin-conditioned selective vending machine.

Respondent shall accomplish such divestiture by offering any applicant, for any one or more of the above patents or group of patents, a non-exclusive license to make, use and sell machines under the teachings of the patent or patents involved. Upon receipt of a written request for a license under the provisions of this paragraph, respondent shall advise the applicant in writing of the royalty which it deems reasonable for the patent or group of patents involved in the request. If the parties are unable to agree upon a reasonable royalty within sixty (60) days from the date the written request is received by respondent, the applicant therefor shall have the right to submit the question of reasonable royalty to arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association then in effect, and the respondent shall consent to such arbitration. Unless the parties to the arbitration proceeding agree upon an arbitrator within thirty (30) days after the applicant has initiated the arbitration proceeding, a single arbitrator shall be appointed by the American Arbitration Association in accordance with its rules then obtaining; the award of the arbitrator shall be final and binding upon both parties. The reasonable royalty, as once finally determined by the arbitrator, shall apply to all licenses of the same patent or group of patents thereafter granted, and any licensee who had previously obtained a license under the patent or group of patents shall have the right, at his option, to have the royalty rate determined by the arbitrator applied retroactively to the date of the application to the arbitrator which resulted in such determination.

(d) Beginning one year after the effective date of this order, respondent shall discontinue manufacturing any vending machines, or parts thereof, except those made specifically for replacement use, under any of the patents listed above in parts (a) and (b).

2. *Divestiture of exclusive use of trade-mark.* Beginning one year after the effective date of this order, respondent shall not employ the trade-mark "VMC" on goods which it manufactures or sells. Respondent shall retain title to the trade-mark "VMC", and shall permit any licensee under the provisions of paragraph 1 above to employ such trade-mark on the vending machines built to dispense bottled soft drinks which are produced under either group of patents listed in parts (a) and (b) of paragraph 1 above. Respondent, in granting such a license, shall permit the licensee to inform the trade that the vending machines produced under the license are manufactured and sold under patents formerly owned by Vendorlator Manufacturing Company of Fresno, California, and the trade-mark may be used to identify the patented machines.

3. *Prohibition against future acquisitions.* Respondent shall cease and desist for a period of ten (10) years after the effective date of this order from acquiring, directly or indirectly, through subsidiaries or otherwise, by merger, consolidation, purchase of physical assets, or acquisition of stock or other share capital, any interest in any company in the United States which manufactures and sells vending machines built to dispense bottled drinks.

4. *Effective date.* The provisions of this order shall become effective immediately upon entry of the order by the Commission.

5. *Retention of jurisdiction.* Jurisdiction of this proceeding is retained so

that respondent may at any time hereafter petition the Commision for construction or modification of this order, which the Commission will consider, and upon proper showing by respondent, allow to the extent it finds such construction or modification to be warranted and consistent with section 7 of the Clayton Act.

Issued: September 6, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-7904; Filed, Sept. 26, 1957; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 670—CHEMICAL, PETROLEUM, RUBBER, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 487 (22 F. R. 5549) appointed, convened, and gave notice of the hearing of Industry Committee No. 32–A to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the chemical, petroleum, rubber, and related products industry in Puerto Rico, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings with respect to the matters referred to it. The present wage order for this industry is contained in 29 CFR Part 670. With minor editorial changes, the definition of the industry in the new wage order is the same as the definition contained in the wage order for this industry which became effective on November 4, 1956. No change in the application of the wage order was effected by the editorial changes in this definition. The recommendations of the Industry Committee No. 32–A revised the classifications within the industry and recommended new rates of pay for such classifications. Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (3 CFR 1950 Supp., p. 165) and General Order No. 45–A (15 F. R. 3290), the recommendations of the committee are hereby published in this amendment to Title 29 of the Code of Federal Regulations, effective October 13, 1957, to read as follows:

Sec.
670.1 Definition.
670.2 Wage rates.
670.3 Notices.

AUTHORITY: §§ 670.1 to 670.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 670.1 *Definition.* (a) The Chemical, petroleum, rubber, and related products industry in Puerto Rico to which this part shall apply is defined as the manufacture or packaging of chemicals, drugs, medicines, toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; the mining or other extraction of petroleum, coal, or natural gases and the manufacture of products therefrom; the manufacture of all products made chiefly of natural, synthetic, or reclaimed rubber or latex; and the manufacture of footwear by vulcanizing the entire article or by vulcanizing the sole to the upper.

(b) The products of this industry include, among others: Primary plastic materials such as sheets, rods, tubes, filaments, granules, powders, and liquids; soap and glycerin; cleaning and polishing preparations; paints, varnishes, colors, dyes, inks, putty, and fillers; wood distillation and naval stores; fertilizer; vegetable and animal oils and fats; candles; glue and gelatin; compressed and liquified gases; insecticides and fungicides; salt; explosives; fireworks and pyrotechnics; coke and coke-oven by-products; paving mixtures and blocks containing asphalt, creosote, or tar; fuel briquettes; roofing felts and coatings; asphalt tile, rubber tile, and linoleum; new, rebuilt, and retreaded tires, and inner tubes; reclaimed rubber; industrial and mechanical rubber goods; rubber specialities, and sundries: *Provided, however,* That the industry shall not include any activity included in the men's and boys' clothing and related products industry, the children's dress and related products, industry, the corsets, brassieres, and allied garments industry, the needlework and fabricated textile products industry, the food and related products industry, the alcoholic beverage and industrial alcohol industry, and any activity performed in the capacity of a public utility.

§ 670.2 *Wage rates.* (a) Wages at a rate of not less than $1 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the agricultural chemicals, fertilizer mixing, hormones, antibiotics, and adrenalin, miscellaneous rubber products, and petroleum refining classification of the chemical, petroleum, rubber, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as consisting of the following: the manufacture of fertilizer materials of nitrogen, phosphoric acid, and potash, including the manufacture of sulfuric acid primarily as an integrated part of the production of agricultural chemicals; the manufacture or mixing of commercial fertilizers; the manufacture of hormones, antibiotics, and adrenalin; the manufacture of all rubber products, including rubber tile, except those included in the rebuilt and vulcanized tire and miscellaneous chemical products classification, the drugs, medicines, bay oil, aromatic alcohol, and toilet preparations, industrial inorganic chemicals, and rubber bucket classification, and the rubber footwear classification; and the refining from petroleum of gasoline, fuel, and lubricating oils, and related petroleum refinery products.

(b) Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the rebuilt and vulcanized tire and miscellaneous chemical products classification of the chemical, petroleum, rubber, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as consisting of the retreading, recapping, and vulcanizing of tires and tubes but excluding the building and vulcanizing of new tires and tubes, and the mining, other extraction, or manufacture of all chemical and allied products, including asphalt tile, linoleum, candles, fireworks, and pyrotechnics, except those products included in the agricultural chemicals, fertilizer mixing, hormones, antibiotics, and adrenalin, miscellaneous rubber products, and petroleum refining classification or the drugs, medicines, bay oil, aromatic alcohol, and toilet preparations, industrial inorganic chemicals, and rubber bucket classification.

(c) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the miscellaneous petroleum products classification of the chemical, petroleum, rubber, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined to include the manufacture of all petroleum and coal products, including coke and coke by-products, paving and roofing materials, fuel briquettes, and lubricating oils and greases not made in petroleum refineries, except those included in the agricultural chemicals, fertilizer mixing, hormones, antibiotics, and adrenalin, miscellaneous rubber products, and petroleum refining classification, and including all activities connected with the exploration, drilling, and extraction of crude petroleum, coal, and natural gases.

(d) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the drugs, medicines, bay oil, aromatic alcohol, and toilet preparations, industrial inorganic chemicals, and rubber bucket classification of the chemical, petroleum, rubber, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification is defined as consisting of the following: the manufacture of all drugs, medicines, bay oil, bay rum, aromatic alcohol, perfumes, cosmetics, and other toilet preparations, except those included in the agricultural chemicals, fertilizer mixing, hormones, antibiotics, and adrenalin, miscellaneous rubber products, and petroleum refining classification; the manufacture of industrial inorganic chemicals, including hydrochloric acid and sulfate of potash, and other industrial inorganic chemicals, and the production of sulfuric acid when it is not produced as an integral part of the production of agricultural chemicals; and the manufacture of molded rubber products such as buckets, paper baskets for office and household use, garbage pails and cans, farmers tubs, and basins and toilet seats from vulcanized reclaimed and virgin rubber and textiles.

(e) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the rubber footwear classification of the chemical, petroleum, rubber, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as consisting of the manufacture of footwear by vulcanizing the entire article or by vulcanizing the sole to the upper.

§ 670.3 *Notices.* Every employer subject to the provisions of § 670.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 670.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 23d day of September, 1957.

C. T. LUNDQUIST, *Acting Administrator.*

[F. R. Doc. 57-7957; Filed, Sept. 26, 1957; 8:54 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 211—ADMINISTRATION

APPEALS FROM ADMINISTRATIVE ACTION

Section 211.2 is hereby revised to read as follows:

§ 211.2 *Appeals from administrative action.* (a) (1) Any person having a contractual relationship with the Forest Service (other than one relating to the construction, alteration or repair of public buildings or works, or to the purchase of administrative supplies, equipment, materials or services), including an application therefor, aggrieved by any administrative action or decision of an officer of the Forest Service relating thereto, may file with such officer a written request for reconsideration thereof, or written notice of appeal therefrom. Such actions or decisions shall be final unless requests for reconsideration thereof, or notice of appeal therefrom, is filed within thirty (30) days from the date of the action or decision. Unless the written notice of appeal is accompanied by a showing of an acceptable reason for allowing a longer time for preparation, it shall be accompanied by a statement setting forth in detail the reasons why the action or decision appealed from is contrary to, or in conflict with, the facts, the law, or the regulations of the Secretary, together with any documents supporting the appellant's position. Upon receipt of such statement, the officer shall prepare his own statement reviewing the matter and presenting the facts and considerations upon which his action or decision was based. The two statements, together with all papers comprising the record in the matter, shall then be transmitted to the reviewing officer. The reviewing officer will be the immediate superior of the officer whose action or decision is appealed, for example, in the following order: Forest supervisor, regional forester, Chief of the Forest Service, and Secretary of Agriculture. Except as provided in subparagraphs (2), (3) and (4) of this paragraph, the reviewing officer will consider the matter and advise both the subordinate officer and the appellant of his decision on the basis of the statements and record submitted to him: *Provided,* That, upon the written request of the appellant made within fifteen (15) days after the filing of his statement, the reviewing officer will afford the appellant the opportunity to present his views orally: *Provided further,* That, if the reviewing officer considers the statements and records inadequate to support a proper decision, he may provide for the production of such additional evidence and information as may be appropriate or he may remand the matter for further consideration by the officer from whom the appeal was taken.

(2) When an appeal under this paragraph is to the Chief of the Forest Service from an action or decision of the regional forester or comparable officer, and unless the appellant requests in writing that the review by the Chief be on the statements and records and in the manner described in subparagraph (1) of this paragraph, the notice of appeal need not be accompanied by the statement and documents described in subparagraph (1) of this paragraph and the review will be in accord with this subparagraph. Upon receipt of the notice of appeal, the Chief of the Forest Service will refer the matter to the Hearing Clerk of the Department, who will docket the case and inform the Chief Hearing Examiner. The Chief Hearing Examiner will designate a hearing examiner to fix the time and place for a hearing, and to conduct the hearing, administer oaths and affirmations, and do all acts and take all measures necessary for the maintenance of order at the hearing, and to assure that all parties are afforded a full and complete hearing. The hearing examiner will require the testimony of witnesses to be under oath or affirmation and subject to cross-examination. He will receive only evidence which is germane to the issues involved and shall exclude evidence which is immaterial, irrelevant or unduly repetitious or which is not the sort upon which responsible persons are accustomed to rely. At the close of the hearing, the hearing examiner shall specify a time for the filing of briefs. All papers and documents filed in the proceeding shall be filed in duplicate, either with the hearing examiner, if filed during the hearing, or with the hearing clerk, if filed at other times, who shall serve copies thereof by mail or in person upon the opposite party or his attorney or agent of record. As soon as the time for the filing of briefs has expired, the Hearing Clerk shall transmit the entire record to the Chief of the Forest Service. The Chief of the Forest Service will render a decision based exclusively on said record, and advise both the appellant and the subordinate officer of his decision: *Provided,* That, if the Chief of the Forest Service determines that the record is inadequate to support a proper decision, he may order a further hearing.

(3) Before an appeal is taken to the Secretary on any action or decision covered by this paragraph in which the initial action or decision is taken by the Chief of the Forest Service, the appellant shall request a reconsideration thereof by the Chief. Such reconsideration shall be granted under the same conditions, and the reconsideration shall be handled in the same manner as though it were an appeal to the Chief from an action or decision of the regional forester or comparable officer.

(4) The decision of the Secretary on an appeal pending before him will be based solely on the record upon which the Chief's decision was based, together with the statement of the appellant accompanying his notice of appeal detailing the reasons he believes the Chief's decision to be in error and the statement of the Chief setting forth the facts and considerations upon which his decision was based. In instances where the Secretary determines that the record is incomplete or insufficient, he will remand the matter to the Chief with appropriate instructions for further action.

(b) Any person aggrieved by any administrative action or decision of an officer of the Forest Service other than those relating to contractual relationships may file with such officer a written statement setting forth in detail the respects in which the action or decision complained of is contrary to, or in conflict with, the facts, the law, or the regulations of the Secretary. No complaint on such actions or decisions will be considered or reviewed unless it is filed with such officer within thirty (30) days after the date of the action or decision complained of. Upon receipt of such statement the officer shall prepare his own statement reviewing the matter and explaining his action or decision and the reasons therefor. All reviews of complaints arising under this paragraph shall be based on the files and documents existing at the time the initial decision was rendered, together with the statements filed as above provided, except that, until the matter has been reviewed and decided by the regional forester or comparable officer, the reviewing officer may, if he considers the statements and records inadequate to support a proper decision, provide for the production of such additional documents and information as may be appropriate. Any reviewing officer may, if he considers the statements and records inadequate to support a proper decision, remand the matter for

further consideration by the officer from whom the appeal was taken. The reviewing officer will be the immediate superior of the officer whose action or decision is appealed, for example, in the following order: Forest supervisor, regional forester, Chief of the Forest Service, and the Secretary of Agriculture.

(30 Stat. 35 as amended; 16 U. S. C. 551)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 23d day of September 1957.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 57-7941; Filed, Sept. 26, 1957; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11677; FCC 57-1015]

[Rules Amdt. 3-93]

PART 3—RADIO BROADCAST SERVICES

REMOTE CONTROL OPERATION OF CERTAIN BROADCAST STATIONS

1. The Commission has before it for consideration its Notice of Proposed Rule Making released April 12, 1956 (FCC 56-323) and published in the FEDERAL REGISTER on April 18, 1956 (21 F. R. 2534) in response to a petition filed by the National Association of Radio and Television Broadcasters (NARTB) proposing amendments of the Commision's rules to authorize the remote control operation of all standard and FM broadcast stations.

2. Present regulations permit remote operation, subject to certain conditions, only by standard non-directional and FM broadcast stations operating with powers not in excess of 10 kilowatts. In our report and order adopting the present rules we recognized that the most important consideration was whether remote control operation would result in any degradation of the Commission's technical standards and concluded that, in light of the status of the equipment needed for remote control operation, the experimental demonstration of the feasibility of such operations, the conditions imposed upon remote control operation, and the salutary purposes to be accomplished by its use in appropriate situations, the authorization of remote control, if limited to standard non-directional and FM stations, operating with power of 10 kw or less, would not result in any degradation of our technical standards.

3. Approximately 500 comments on the proposal were received from various individuals and operators, broadcast stations, regional associations of broadcasters, the national networks, and several national labor unions. All of the comments submitted have been carefully evaluated and considered. However, in view of the large number of comments filed and the duplication of the contentions of the various parties, we shall limit our discussion thereof to the contentions advanced by the principal advocates and opponents of the proposal.

4. In support of the amendments, the NARTB urges that the Commission considered and disposed of all objections to remote control operations in adopting the present rules; that the Commission's conclusions are equally applicable to the Association's present proposal; and that the only issue to be decided is whether a further relaxation of the rules would result in a degradation of the Commission's technical standards. NARTB claims that the limitations in the present rules were adopted solely because of the lack of technical proof that equipment of a higher power could operate without a degradation of the technical standards and urges that the data furnished with its petition demonstrates that present remote control operations indicate a high degree of reliability and that remote control operation may be extended to stations utilizing directional antenna systems and high power with the assurance that equal reliability will be achieved. The Association alleges that the outage time of 198 stations now authorized for remote control operations amounted to only 0.04 percent of a total "on-air" figure of 630,790.5 hours, less than one-third the amount for stations operating without remote control prior to 1953; that this figure confirms the Commission's original conclusion that remote control operations would not result in excess outages and demonstrates that transmitting equipment and remote control equipment have reached a high state of development. It urges that remote operation of stations, utilizing directional antenna systems and operating with powers up to 50 kilowatts, is feasible; that this opinion is confirmed by the data obtained from experimental remote operation of American, British and Canadian stations and unattended operation of radio range stations.

5. The Association recognizes the possibility that its proposals for relaxing the rules might affect the CONELRAD stations not now authorized for remote control, and proposes, that in order to insure the continued effectiveness of CONELRAD, any future remote control authorizations to a standard broadcast station, be conditioned upon the station's being equipped to operate in the system either by remote switching of the transmitter or, by using a separate transmitter. While the proposed rule would require the installation of certain equipment actual participation in the CONELRAD system would remain on a voluntary basis.

6. In opposition the American Communications Association (ACA), the International Brotherhood of Electrical Workers (IBEW) and the National Association of Broadcast Employers and Technicians (NABET) argue that the data submitted with the NARTB petition does not support the conclusion that the successful remote operation of stations utilizing directional antenna systems and higher power is feasible. ACA contends that the unattended operation of CAA low and medium frequency radio wave stations is not evidence of the reliability of transmitting equipment since the statistics furnished by NARTB indicate that during the three month period in 1955 the average outage per station per month was 3.28 hours. IBEW contends that the CAA operations are in no way comparable with broadcast operations nor has there been a showing of a clear and convincing record of stability; that the range stations operate with less than 400 watts; that from July 1954 thru June 1955, the CAA operated an average of 309.6 facilities for a total of 2,712,096 hours, with a total number of outage hours of 9420, an average of 30.42 hours per station; that from January thru December of 1955, 32 broadcast stations (19 of which have a power of 50 kw) operated for a total of 254,931.2 hours with only 25.4 outage hours, an average of slightly more than 47 minutes per station and that in the CAA operation more time was lost due to transmitter trouble than was lost due to remote control failure. NABET contends that there is no evidence of the conditions under which such stations operate, the special reasons for unattended operation, and the special compensations made to maintain reliability. ACA argues that the contention of NARTB, that the unattended operation of stations by the British Broadcasting Corp. indicate the high degree of reliability of both broadcast transmitters and associated remote control equipment, is misleading in that many of the stations were semiattended and thus there are some serious questions as to the accuracy of the figures. NABET contends that the British experience with unattended operation does not show the direct relevance of this experience to the totally dissimilar American operation; that conditions are different in England than in the United States, in that what is satisfactory service in England, where the audience is small, would not be acceptable to the great urban audiences in this country and that the British use multiple unit transmitters to assure reliability. It is alleged that CONELRAD has become ineffective for those stations currently on remote control because of the "time factor", that studio technicians are completely occupied with innumerable program operations and to expect them to perform additional full time duties of keeping transmitter logs and to maintain the high standards of broadcast transmitter operation is unrealistic; that the reason for regular readings on transmitters is to anticipate abnormalities in operation and to take immediate action to correct such occurrences, and that the inevitable logic of remote control is to dispense with these readings completely.

7. Opponents contend that the issues in this proceeding are not confined to the purely technical question of whether a further relaxing of the Rules would result in degradation of the standards and that unless the petition is dismissed on the basis of comments alone, the Commission must conduct full public hearings to obtain evidence on the operation of station transmitters from all persons concerned with their day-to-day operation, and to have the benefit of experienced judgments of independent engineers who are not partisian and dependent on the industry's good will and, if after full public hearings, it appears that there may be substance to the industries' demand for rules relaxation, then the Commission must conduct investigations into all phases of the status of present equipment, including direct studies and surveys by independent technical professional personnel of the hazards of unattended operation, the experience of all stations presently authorized to operate by remote control, and the number and cause of outages.

8. IBEW argues that Exhibit 1 of the petition purports merely to explain the contents and significance of other exhibits and thus cannot be considered evidence in support of the petition; that Exhibit 2 purports to show reliability of remote control operations with power not exceeding 10 kw. and nondirectional antennae and has no bearing on the present petition since the reliability of low-power, nondirectional operation was the subject of the 1952-1953 proceedings.

9. With respect to the material in the petition with regard to stations with power in excess of 10 kw and directional antenna IBEW contends that in the case of WIRO, the exhibit reveals the unreliability of remote operation as it describes the problems of obtaining suitable control circuits; that, although the period of remote operation covered approximately 79 days, readings were given for only 8 days, and during these 8 days the common point readings at the remote point exceeded the 2 percent tolerance which indicate the complete unreliability of the system as a whole; that in the case of WOWO the transmitter was operated by remote control from within the building using an artificial line to simulate each connection line and that readings made during the 571 hours of operation show that for 114 of these hours the readings were outside the 2 percent tolerance. It alleges that with respect to the material relating to stations with power in excess of 10 kw and non-directional antenna, the experimental operation at KDKA and WSB were attended operations and thus the material is not sufficient to permit any inference with respect to the technical feasibility of unattended operations; that in the case of KDKA the remote meters were in accord only for a small portion of the hours shown and a substantial number of readings fell outside the 2 percent tolerance; that there was no indication as to the number of outages that may have occurred and their nature and duration and that in the case of WSB a substantial number of readings were beyond the 2 percent tolerance, the operator on duty at the transmitter performed duties that would be done by remote control such as turning the transmitter on and off, taking frequency readings, resetting overloaded relays, etc.

10. IBEW states that in the case of the stations with power of 10 kw or less with directional antenna referred to in the petition a First Class operator was present at the transmitters and maintained the operating log and kept the transmitter under supervision at all times, and therefore the experiments were not conducted on the same terms as the relaxation proposed and thus cannot be evidence as to the technical feasibility thereof; that with respect to the operation of certain Canadian stations the power of the stations was 10 kw or less, there was no statement as to the accuracy of the telemetered readings; the claim of reliability of remote operation is difficult to evaluate because the telemetered information, recorded every 2 hours, is compared with actual readings, recorded only once a week, the telemetered reading of currents varied only slightly, while there were many excursions of the actual meter and that while the disparities were not large in all cases, their existence does reveal that the system is not to be relied upon.

11. NABET contends that the statistical survey of the experience of 198 telemetered stations submitted by NARTB is devoid of the minimal controls required to assure reliability of such surveys, and is entirely devoid of discussion concerning the manner in which the survey was conducted and that the tabulation showing the average outage experience of thirty-eight 50 kw stations is lacking details as to the number of outages, the causes of outages or even as to the number of hours of airtime operation. NABET notes that one of the grounds for the decision in Docket 10214 which authorized remote control for stations with less than 10 kw power and non-directional antenna was the claim of NARTB that relaxation of the rules was necessary so that the small stations could survive in their competitive struggle with the larger stations and argues that the same small station's economic base will be undercut by granting their powerful competitors the same concessions. NABET states that the principal evidence offered by NARTB is a comparison of the loss of air time made between the NARTB's small-station survey and the average broadcast station, which indicated that, for 198 small non-directional stations, the average outage time was 0.04 percent, while the corresponding figure for the average broadcast station in 1953 was 0.14 percent. They note that the proportion of reported outage time increases as the station power increases, and that the average outage for the 89 stations reporting outages was 0.09 percent.

12. With respect to the outage time of 50 kw stations, NABET notes that the survey shows that under conditions of attended operation, large power stations are more reliable than small stations under remote control. They state that skilled transmitter operators on the spot can anticipate and prevent, or reduce to negligible quantities the number of outages and that the number of transmitter lapses is of infinitely greater importance than the loss of time with regard to the test data on directional stations. NABET alleges that the stations were not actually remote controlled, that the test was too brief, that the experiments were too small in number and that NARTB acknowledged several faulty results. They further note that in some instances the remote readings fell outside the 2 percent tolerance, and others show such exact correspondence that there is a reasonable question as to whether the readings were authentic.

13. With regard to CONELRAD, NABET states that CONELRAD is not the principal issue; that what NARTB offers in exchange for CONELRAD will not insure its success and that in fact, the added expense will cause many of the small stations to withdraw from CONELRAD. They suggest that CONELRAD participation either be made compulsory, without any "industry attached conditions," or be taken over by the Federal Government.

14. One of the parties notes that the present rules do not appear to permit sampling loop meters with different scales than the base meters to be used as remote meters, although this is common practice; that the present practice is to mount the sampling loops above the base meters, whereas the rules require that remote meters be installed below the base meters and urges that § 3.39 (d) be modified to reflect current practice. Another party suggests that § 3.93 (b) be amended to permit lesser grade operators to be in control of directional antenna stations. It is also suggested that proposed § 3.66 (b) (1) be amended to permit the reading and logging of phase monitor sample currents in lieu of base currents provided base currents are ready and logged once weekly.

15. In its reply comments NARTB notes that the oppositions to the proposal are primarily directed to the adequacy of the technical showing. It maintains that many of these technical objections concern such matters as minor deviations in meter readings, and have no significance; other comments show a lack of knowledge of Commission procedures, or a misunderstanding of engineering matters; and the technical points that would have been significant, if valid, have been answered by supplemental exhibits filed with reply comments. NARTB asserts that these supplementary exhibits which contain additional data on existing remote controlled stations and experimental remote controlled stations using directional antenna and power in excess of 10 kw, establish that the reliability of remote equipment and transmitters is not changed because the equipment is used in connection with a directional antenna; that the CAA directional antennas achieve a reliability of 99.65 percent even though the standards for such antennas are stricter than those governing broadcast stations; that Canadian stations are successfully operating with remote control; that KDKA and WOWO have been successfully operated by remote control, and that the stations have experienced no serious malfunction of the transmitters during the experimental period. NARTB submits that with regard to Station WSB recent data indicates that the transmitter, in its present condition, has not demonstrated sufficient reliability to justify remote control but contends that the transmitter could be modified so as to permit satisfactory remote control operation.

16. NARTB notes that the proposal to treat applications for remote control au-

thorizations from stations with directional antenna systems on a case-to-case basis will eliminate any possibility of a station with a non-stable array receiving such an authorization, as each applicant will be required to make a showing of the stability of its array and, since it has been shown that directional antennas are stable and can operate by remote control, their use with higher power transmitters creates no additional problems and that the remaining issue is the reliability of transmitters with power in excess of 10 kw. It suggests that authorizations for remote control operation of stations, operating with power in excess of 10 kw, be granted on a case-to-case basis and only upon the following conditions:

(a) That an auxiliary transmitter, with power of 5 kw or greater be installed which can be activated from the remote point; and

(b) That the station be required to make a reasonable showing of the reliability of the main transmitter.

It also suggests that in order to determine what transmitters are acceptable for remote control authorization, a "yardstick" should be adopted which would be rigid enough to exclude those stations whose equipment would be considered unreliable but flexible enough to include those stations whose equipment, by virtue of past maintenance practices, has shown a satisfactory performance record. To achieve this purpose NARTB suggests that the following information be submitted with the remote control application.

(a) An analysis of the transmitter logs for the 12 month period immediately prior to the application. This analysis to include such items as:

(1) Number of outages, cause and duration.

(2) Consistency of specific outages and whether corrective measures can be or were taken to remedy further difficulties, and

(3) Effect of outages on program service.

(b) An analysis of the maintenance logs and records for the 12-month period immediately prior to the application. This analysis to include such items as:

(1) Type and consistency of maintenance performed; and

(2) Maintenance practices and policies adopted.

17. In reply to NABET's allegation that a grant of the instant proposal would destroy the basis of the 1953 decision—economic assistance to low power stations—NARBA states that many stations which now utilize remote control only for their daytime non-directional operation are subject to same economic difficulties as the non-directional stations now authorized to operate with remote control both day and night and accordingly need this relief; that the major portion of the competition to the small station does not come from the larger station but from other competing media such as newspapers and television and therefore authorization of remote control operations for high power stations will not materially affect the economic status of the low power station, and that it is the larger stations that are now feeling the "economic pinch".

18. In reply to the opponents contention that outages will materially increase if remote control of higher power transmitters is authorized, NARTB maintains that such authorization would tend to reduce the number of outages as broadcasters will have an incentive to modernize their equipment; that the existence of an auxiliary transmitter will eliminate the outages caused by malfunctions that cannot be immediately repaired by the attending first class operator and that the broadcaster will be encouraged to increase preventive maintenance.

19. Other parties filing reply comments note that the objections to the proposed amendments were based upon contentions that instability in the transmitting equipment or directional antenna systems would result in loss of air time or in operation not in accordance with license specifications. They maintain that these contentions ignore the fact that stability of operation depends upon the quality of transmitting equipment and its installation and that the addition of remote control and metering equipment to any standard broadcast station cannot in itself make the installation more susceptible to failure or maladjustment.

20. IBEW filed a motion to strike the reply comments of the NARTB on the ground that they constitute an amendment to the petition and the submission of new evidence in an attempt to meet the deficiencies of the original presentation. The IBEW also states that inasmuch as the petition, considered with or without the reply comments, fails to make out a case, it must be dismissed and, in view of the fact that the reply comments contain a petition for totally different relief than that in the original petition, it would be improper and a denial of due process of law to proceed further with this case. NARTB filed an opposition to the Motion to Strike filed by IBEW. NARTB states that the reply comments are entirely proper and contain only information that is relevant to the issues in this proceeding and rebuts the objections raised by the IBEW, NABET and ACA, and that the change in the proposal for high power stations is merely a suggestion of a different method by which the objective of this proceeding can be achieved. NARTB contends that the IBEW's interpretation of the scope of reply comments would deprive the Commission of basic information it needs in a rule making proceeding and that the sole limitation on such comments is that they must be relevant to the points raised in the comments. With regard to IBEW's contention that the acceptance of NARTB's reply comments would deprive it (IBEW) of due process of law, NARTB points out that this is a rule making proceeding and not a comparative hearing in which private rights only are concerned. We believe the material contained in the NARTB reply comments was proper rebuttal of the material contained in the original comments and relevant to the issues in this proceeding. Accordingly the Motion to Strike filed by IBEW is denied.

21. The IBEW filed a petition for institution of rule making to amend the remote control rules so that:

> Any station, irrespective of power, heretofore or hereafter authorized to operate by remote control may be so operated only if equipped so that it can be operated on the CONELRAD frequency assigned and the necessary switching from the stations assigned frequency to the CONELRAD frequency can be accomplished.

The NARTB petition proposed that all future remote control authorizations whether or not now participating in the CONELRAD operating system, be conditioned upon the stations being equipped to satisfactorily operate in the system and, by remote switching of the transmitter or by using a separate transmitter, change from its normal frequency to a CONELRAD frequency. Therefore, we are treating the petition of IBEW as a counterproposal in this proceeding.

22. We have carefully considered the many comments filed in this proceeding, and on the basis of these comments and our own knowledge and experience in the field, obtained through reports and records, we have determined that standard and FM broadcast stations with powers in excess of 10 kw and standard broadcast stations utilizing directional antenna should be authorized to operate by remote control under certain conditions. The most important consideration is whether such operation would result in any degradation of the Commission's technical standards and requirements, or more specifically, would increase the possibility of outages and improper transmitter operation. The record indicates that the present remote control operation of broadcast stations with powers up to 10 kw has been satisfactory and no serious degradation of the technical standards has resulted from such operation. With respect to the effect of remote control equipment upon the operation of a directional antenna we find that the addition of such equipment in itself would not introduce any instability in such an array. While the addition of a directional antenna system would modify slightly the functions which are now performed by remote control it would not add any new type of function. The stability of a directional array is the function of the design of a passive network designed to produce a pre-determined pattern of radiation and has no relation to the means employed to monitor its operation. With respect to the effect of remote control upon the operation of transmitters with powers in excess of 10 kw, we find that the remote control equipment acting as it does merely to repeat back certain information, will repeat back this information without regard to the power of the transmitter. On the basis of the record and our experience we have concluded that the addition of remote control equipment itself has no effect upon the stability of a directional antenna or upon the transmitter itself.

23. A question remains as to the reliability of high power transmitters themselves. The record indicates that some high power transmitters in the experimental tests were run by remote control practically without loss of time and with only a few malfunctions. Two other transmitters were found to have insufficient reliability to justify unattended remote control operation in their present condition. However, it appears that these transmitters could be modified or certain other steps could be taken to correct the malfunctions. In this connection, we note that NARTB proposed that remote control operations of stations, operating with power in excess of 10 kw, be granted on a case-to-case basis and upon condition that the station install an auxiliary transmitter, and submit a reasonable showing as to the reliability of the main transmitter. We do not believe that the installation of an auxiliary transmitter should be a requirement for remote control authorization. We believe that station management realizes that broadcast time is important and that loss of "on air time" results in loss of revenue and therefore they will seek methods to insure that remote controlled transmitters operate efficiently. However, we are of the opinion that a reasonable showing should be made of the past operation of the transmitter before remote control is authorized for a particular station. In order to demonstrate that a presently authorized transmitter, regardless of its power rating is reliable and capable of being operated by remote control, the following information should be submitted with the application (FCC Form 301A):

(a) An analysis of the transmitter operating logs, maintenance logs and records for the 12 month period immediately prior to the application. This analysis is to include the following items.

(1) The number of outages, their cause and duration together with what corrective measures were taken to remedy the malfunction and to prevent such a recurrence.

(2) The nature and consistency of past maintenance performed and a statement as to the maintennace practice and policy to be followed after remote control authorization.

24. We wish to point out that the instant proposal does not contemplate that stations with high power and/or directional antenna be operated by lesser grade operators. Many comments stressed the importance of preventive maintenance, the necessity for observation by an experienced technician, and the reliance on a first-class operator for any significant repair. We believe that it is important that qualified technicians be responsible for the operation of directional antenna and/or high power transmitters even though such stations may operate by remote control. Therefore we are not changing the present rules which require that stations operating with directional antenna and/or power in excess of 10 kw have on duty either at the remote control point or transmitter location an operator holding a valid radiotelephone first-class operator license.

25. In response to the request contained in the Notice of Proposed Rule Making, many parties submitted comments concerning the information to be supplied with the application for remote control of directional antenna stations as well as to what data should be supplied after remote control was authorized. We have carefully reviewed the comments filed and have concluded that applications for remote control will be considered upon a case-by-case basis and granted upon a satisfactory showing that the directional antenna system is stable and is in proper adjustment. On the basis of the comments filed and our experience with the problems of directional antenna systems, we have determined that the basic information necessary to establish the stability and proper adjustment of a directional antenna system, and hence, the information which we will require as part of an application to operate a directional antenna by remote control is as follows: [1]

(a) A statement describing the stability of the system for the preceding one year period. This statement shall include, but shall not be limited to, such information as the nature and degree of adjustment required, the maintenance procedures followed and the adequacy of the present monitoring system to indicate changes in the operation of the array.

(b) Weekly readings of field intensity at each monitoring point specified in the station license for the preceding one year period. (Monthly readings will be acceptable for those stations which are presently authorized to measure monitoring points field intensities on a monthly basis.)

(c) Readings once each day of antenna base currents (for each pattern) and readings taken at approximately the same time of common point current, phase monitor loop sample currents or remote base currents, and phase indications for the preceding thirty days.

(d) A re-determination of the common point impedance of the directional antenna system.

(e) A partial proof-performance consisting of at least nine or ten measurements taken at a distance of from two to ten miles from the antenna on each radial measured in connection with the last complete adjustment of the directional antenna system, properly analysed in accordance with § 3.186.

26. In its petition, NARTB proposed that a station authorized to operate with a directional antenna and/or with a power in excess of 10 kw may operate by remote control only if equipped so that it can be operated on a CONELRAD frequency and the necessary switching from the station frequency to the CONELRAD frequency can be accomplished from the remote control position. We are of the opinion that the adoption of such a proposal would not necessarily be a departure from the concept that CONELRAD participation is on a voluntary basis. It should be noted that all stations whether or not operating by remote control must be so equipped so as to be able to follow the prescribed CONELRAD alerting procedure set forth in the CONELRAD Manual for Broadcast Stations. Therefore, CONELRAD operation is both mandatory and voluntary, i. e. participation of all broadcasting stations is mandatory to the extent that regular operation of the station must cease after the transmission of the required Radio Alert message, whereas stations may, upon a voluntary basis and after approval of the Commission, operate during a CONELRAD alert to maintain contact with and disseminate information to the public. Such stations participate in the CONELRAD system and operate in accordance with the CONELRAD rules. Stations licensed to operate with higher power and/or directional antenna form the hard core of the CONELRAD system. We realize that in some cases a moderate expenditure might be required to enable these stations to continue in the CONELRAD system with remote control switching. While it is believed that no material number of stations would drop out of the plan because of the necessity of these expenditures, we feel that the public and national interest requires the continued success of the CONELRAD plan and the Emergency Broadcasting System. Therefore, we believe that we are justified in conditioning an authorization for remote control of a station operating with a directional antenna and/or a power in excess of 10 kw upon the installation of equipment that would permit the change over from the licensed operation to CONELRAD operation to be made from the remote control point. Accordingly the request of NARTB is being adopted and therefore the counter proposal submitted by IBEW must be denied.

27. We realize that some existing stations are not required to make field intensity measurements at their monitoring points even though their licenses specify monitoring points at which the field intensity is not to exceed a specified value. Several parties commented that in such instances we should not make these stations take monitoring point readings for a year before authorizing their operation by remote control. We believe that the use of monitoring point readings is one method of determining if an array is stable. Furthermore, we do not see how a licensee could determine whether the field intensity at the monitoring points was exceeded unless measurements were taken at various intervals. We are therefore requiring stations to submit monitoring point readings for the year previous to their application for remote control.

28. Some directional antenna stations authorized prior to 1940 were not required to install phase monitors although some stations have installed phase monitors since that time. The remainder of such stations, if they desire to operate by remote control, must install a phase monitor in order to submit the required 30-day readings.

29. In order to insure that the operation, by remote control, of a station utilizing a directional antenna will not result in deviations from our technical

[1] A revised Form 301-A will be provided in the near future.

rules or from the station license we have concluded that stations authorized to operate a directional antenna by remote control must: (a) Make a proof of performance of the directional antenna system, consisting of from three to four measurements on each radial, once each year as part of the presently required equipment performance measurements and must submit the results of these measurements, plus the monitoring point readings, with each license renewal application, (b) read and log each half hour, at the remote control point, the common point current and the remote indications of base current for each tower of the directional system. (c) Read and log, at the transmitter location, once each day for each pattern (within 2 hours of operation with that pattern) common point current, base currents, phase monitor loop sample currents or remote base currents, and phase indications.

30. With further reference to the questions raised in its Notice of Proposed Rule Making and in consideration of the comments received, we have determined that:

(a) No change is required in § 3.39 (h) with respect to automatic logging devices.

(b) Section 3.39 (d) (8) is being amended to permit the use of semi-conductor devices in addition to vacuum tube rectifiers.

(c) Present rules which require the logging of antenna current and frequency are adequate to insure maintenance of power and frequency within the limits prescribed. It is deemed desirable, however, to amend the rules to provide that stations operating by remote control shall continuously monitor the percent of modulation or shall be equipped with an automatic device to limit the percent of modulation to 100.

(d) It is not necessary to require the installation of equipment to turn off the transmitter when it fails to function within the tolerances prescribed but the present remote control rules are being clarified to provide that defective operation of the remote control equipment and associated line circuits resulting in improper control or inaccurate meter readings will require the immediate cessation of operation by remote control.

(e) Remote meters must be calibrated once each week as required by the present rules and the results thereof entered in the operating log. Meters installed at the remote control point to indicate antenna base current and common point current may utilize arbitrary scale divisions provided a calibration curve showing the relationship between the arbitrary scale and the scale of the base and common point meters is maintained at the remote control point.

31. Although we are not requiring that the tower currents as indicated by a phase monitor be read and logged at the remote control point, we do agree with the suggestion that the present rule with respect to the use of a phase monitor at the transmitter to determine the ratio of antenna currents should be revised to reflect current practice and are so amending § 3.39. We do not agree with the suggestion that a rule should be adopted which would permit the reading and logging of phase monitor sample currents in lieu of base currents provided base currents are read and logged once weekly. Section 3.39 (d) (1) (v) provides for the use of a phase monitor in obtaining remote indications of the tower currents but does not state how often the base currents must be read and logged. The station license in most cases specifies that the sample loop currents may be used provided base currents are read once a day. Upon a showing, this condition has been changed, on a case-by-case basis, to using base currents once a week. No evidence was submitted to convince us that our present practice in this regard should be changed.

32. Both the ACA and NABET urge that the Commission order an evidentiary hearing to determine the facts and also to conduct investigations to determine whether or not the malfunction of equipment has increased or decreased under remote control, whether or not CONELRAD is operating properly and that further consideration be given to doing away with the existing remote control authorizations. The Commission may in its discretion, grant the subject request for further proceedings "if sufficient reason therefore be made to appear" (section 405). We do not believe, however, that such "sufficient reason" has been demonstrated. All interested parties have been afforded ample opportunity to file written comments and numerous comments have been received. It does not appear that an evidentiary hearing would serve any useful purpose nor would it be of material assistance to us. Accordingly, the requests for an evidentiary hearing are denied.

33. Authority for the adoption of the amendments herein is contained in sections 4 (i), 303 (b), (e), (g) and (r) of the Communications Act of 1934, as amended.

34. In view of the foregoing: *It is ordered*, That effective October 25, 1957, Part 3 of the rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: September 19, 1957.

Released: September 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 3.39 is amended as follows:

A. That portion of paragraph (b) preceding subparagraph (1) is changed to read as follows:

(b) Instruments indicating antenna current, common point current, and base currents shall meet the following specifications:

B. Paragraph (c) is changed to read as follows:

(c) A thermocouple type ammeter meeting the requirements of paragraph (b) of this section shall be installed in the antenna circuit so as to indicate the antenna current. In the case of directional antennas the same type of ammeters shall be installed to indicate the common point current and the base current of each tower. (The ammeter may be so connected that it is short circuited or open circuited when not actually being read. If open circuited, a make-before-break switch must be employed.)

C. Paragraph (d) is changed to read as follows:

(d) Remote reading antenna ammeter(s) may be employed and the indications logged as the antenna current, or in the case of directional antenna, the common point current and base currents, in accordance with the following:

(1) Remote reading antenna, common point or base ammeters may be provided by:

(i) Inserting second thermocouple directly in the antenna circuit with remote leads to the indicating instrument.

(ii) Inductive coupling to thermocouple or other device for providing direct current to indicating instrument.

(iii) Capacity coupling to thermocouple or other device for providing direct current to indicating instrument.

(iv) Current transformer connected to second thermocouple or other device for providing direct current to indicating instrument.

(v) Using transmission line current meter at transmitter as remote reading ammeter. See subparagraph (7) of this paragraph.

(vi) Using indications of phase monitor for determining the antenna base currents or their ratio in the case of directional antennas, provided that the base current readings are read and logged in accordance with the provision of the station license, and provided further that the indicating instruments in the unit are connected directly in the current sampling circuits with no other shunt circuits of any nature. The meters in the phase monitor may utilize arbitrary scale divisions provided a calibration curve showing the relationship between the arbitrary scale and the scale of the base meters is maintained at the transmitter location.

(vii) Using indications of remote control equipment provided that the indicating instruments are capable of being connected directly into the antenna circuit at the same point as, but after, the antenna ammeter. The meter(s) in the remote control equipment may utilize an arbitrary scale division provided a calibration curve showing the relationship between the arbitrary scale and the scale of the antenna ammeter is maintained at the remote control point. The meter(s) in the remote control equipment must be calibrated once a week against the regular meter and the results thereof entered in the operating log.

(2) Remote ammeters shall be connected into the antenna circuit at the same point as, but after, the antenna ammeter(s), and shall be calibrated to indicate within 2 percent of the regular meter over the entire range above one-third or one-fifth full scale. See paragraph (b) (1) (i), (iii) and (2) (i), (iii) of this section.

(3) The regular antenna ammeter, common point ammeter, or base current ammeters shall be above the coupling to the remote meters in the antenna circuit so they do not read the current to ground through the remote meter(s).

(4) All remote meters shall meet the same requirements as the regular antenna ammeter with respect to scale accuracy, etc.

(5) Calibration shall be checked against the regular meter at least once a week.

(6) All remote meters shall be provided with shielding or filters as necessary to prevent any feed-back from the antenna to the transmitter.

(7) In the case of shunt excited antennas, the transmission line current meter at the transmitter may be considered as the remote antenna ammeter provided the transmission line is terminated directly into the excitation circuit feed line, which shall employ series tuning only (no shunt circuits of any type shall be employed) and insofar as practicable, the type and scale of the transmission line meter should be the same as those of the excitation circuit feed line meter (meter in slant wire feed line or equivalent).

(8) Remote reading antenna ammeters employing vacuum tube rectifiers or semi-conductor devices are acceptable, provided:

(i) The indicating instruments shall meet all the above requirements for linear scale instruments.

(ii) Data are submitted under oath showing the unit has an over-all accuracy of at least 2 percent of the full scale reading.

(iii) The installation, calibration, and checking are in accordance with the requirements of this paragraph.

2. Section 3.56 is amended by adding the following new paragraph (d):

(d) Each station operated by remote control shall continuously, except when other readings are being taken, monitor percent of modulation or shall be equipped with an automatic device to limit percent of modulation on negative peaks to 100.

3. Add following § 3.65 a new undesignated center heading to read as follows: "Remote Control".

4. Delete § 3.66 and substitute the following:

§ 3.66 *Remote control authorization.* (a) Application to operate a station by remote control may be made as a part of the application for construction permit for a new station, provided that the proposal is for non-directional operation with a power of 10 kw or less.

(b) Application to operate an authorized station by remote control shall be made on FCC Form 301–A.

(c) An authorization for remote control will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) The location of the remote control point(s);

(2) The directional antenna system, if such is authorized, is in proper adjustment and is stable;

(3) The transmitter, if the power rating is in excess of 10 kw is reliable and capable of being operated by remote control.

(4) The station, if authorized to operate with a directional antenna and/or with power in excess of 10 kw will be equipped so that it can be satisfactorily operated, in accordance with subpart G of this part, on a CONELRAD frequency with a power of 5 kw or not less than 50 percent of the maximum licensed power whichever is the lesser and that the necessary switching from the licensed frequency to the CONELRAD frequency can be accomplished from the remote control position.

5. Add the following new § 3.67 which is derived from old § 3.66:

§ 3.67 *Remote control operation.* (a) Operation by remote control shall be subject to the following conditions:

(1) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(2) The control circuits from the operating positions to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing less of such control will automatically place the transmitter in an inoperative position.

(3) A malfunction of any part of the remote control equipment and associated line circuits resulting in improper control or inaccurate meter readings shall be cause for the immediate cessation of operation by remote control.

(4) Control and monitoring equipment shall be installed so as to allow the licensed operator at the remote control point to perform all the functions in a manner required by the Commission's rules.

(5) The indications at the remote control point of the antenna current meter on, for directional antennas, the common point current meter and remote base current meters shall be read and entered in the operating log each half hour.

(6) The indications at the transmitter, if a directional antenna station, of the common point current, base currents, phase monitor sample loop currents and phase indications shall be read and entered in the operating log once each day for each pattern. These readings must be made within two hours after the commencement of operation for each pattern.

(b) All stations, whether operating by remote control or direct control, shall be so equipped, in accordance with § 3.932, so as to be able to follow the prescribed CONELRAD alerting procedure set forth in the CONELRAD Manual for Broadcast Stations.

(c) A station, operating with a directional antenna and/or with power in excess of 10 kw shall be so equipped that a shift from the licensed operation to an operation in the CONELRAD system can be accomplished from the remote control position.

6. Add the following new § 3.68:

§ 3.68 *Remote control renewal application.* (a) An application for renewal of a remote control authorization may be made on the application for renewal of station license.

(b) Stations employing directional antenna and operated by remote control shall make a skeleton proof of performance each year, consisting of three or four measurements on each radial used in the original application and must submit the results of these measurements, plus the monitoring point readings, with the renewal application.

7. Section 3.111 is amended by adding the following new subparagraph (5) to paragraph (b) and renumbering the present subparagraph (5) as subparagraph (6): As amended subparagraphs (5) and (6) read as follows:

(5) Any other entries required by the instrument of authorization.

(6) Log of experimental operation during experimental period. If regular operation is maintained during this period, the above logs shall be kept.

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

8. Delete § 3.274 and substitute the following:

§ 3.274 *Remote control authorization.* (a) Application to operate a station by remote control may be made as a part of the application for construction permit for a new station. Application to operate an authorized station shall be made on FCC Form 301–A.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) The location of the remote control point(s);

(2) The transmitter, if the power rating is in excess of 10 kw, is reliable and capable of being operated by remote control.

9. Add the following new section which is derived from old § 3.274:

§ 3.275 *Remote control operation.* (a) Operation by remote control shall be subject to the following conditions:

(1) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(2) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative position.

(3) A malfunction of any part of the remote control equipment and associated line circuits resulting in improper

control or inaccurate meter readings shall be the cause for the immediate cessation of operation by remote control.

(4) Control and monitoring equipment shall be installed so as to allow the licensed operator at the remote control point to perform all the functions in a manner required by the Commission's rules.

(b) All stations, whether operating by remote control or direct control, shall be so equipped, in accordance with § 3.932, so as to be able to follow the prescribed CONELRAD alerting procedure set forth in the CONELRAD Manual for Broadcast Stations.

10. Delete § 3.572 and substitute the following:

§ 3.572 *Remote control authorization.* (a) Application to operate a station by remote control may be made as a part of the application for construction permit for a new station. Application to operate an authorized station shall be made on FCC Form 301–A.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) The location of the remote control point(s);

(2) The transmitter, if the power rating is in excess of 10 kw, is reliable and capable of being operated by remote control.

11. Add the following new section which is derived from old § 3.572:

§ 3.573 *Remote control operation.* (a) Operation by remote control shall be subject to the following conditions:

(1) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(2) The control circuits from the operating position to the transmitter shall provide positive on-and-off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative position.

(3) A malfunction of any part of the remote control equipment and associated line circuits resulting in improper control or inaccurate meter readings shall be cause for the immediate cessation of operation by remote control.

(4) Control and monitoring equipment shall be installed so as to allow the licensed operator at the remote control point to perform all the functions in a manner required by the Commission's rules.

(b) All stations, whether operating by remote control or direct control, shall be so equipped, in accordance with § 3.932, so as to be able to follow the prescribed CONELRAD alerting procedure set forth in the CONELRAD Manual for Broadcast Stations.

[F. R. Doc. 57–7958; Filed, Sept. 26, 1957; 8:54 a. m.]

[Docket No. 12040; FCC 57–1027]

[Amdt. 3–92]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS, WAUSAU, WISC.-IRON MOUNTAIN, MICH.; TABLE OF ASSIGNMENTS

1. The Commission has before it for consideration a Notice of Proposed Rule Making (FCC 57–569), released June 3, 1957, in response to a petition filed by Alvin E. O'Konski Enterprises, Inc., requesting an amendment of § 3.606 *Table of assignments,* so as to assign Channel 9 to Wausau, Wisconsin and substituting Channel 8 for Channel 9 at Iron Mountain, Michigan.

2. Petitioner filed comments supporting the proposal. Comments opposing the proposal were filed by Clarence M. Mason, Hancock, Michigan, and United Television, Inc., licensee of KMGM–TV, Channel 9, Minneapolis, Minnesota.

3. In support of the proposal petitioner urges that it would permit an additional television station in Wausau without affecting any other existing or proposed station; that the proposal conforms with the Rules; and that transmitter sites are available which would meet the spacing requirements and from which the required city-grade signals could be placed over the cities of Wausau and Iron Mountain.

4. United Television, Inc., in opposition to the proposal alleges that the assignment of Channel 9 to Wausau would cause interference to KMGM–TV in Minneapolis involving an area of 769 square miles with a population of 21,389 persons. It argues that there are substantial white areas between Wausau and Madison and north of Wausau; that central and northern Wisconsin is largely rural with few centers of population and cannot support a large number of television stations and that the only way in which the Commission's first allocation priority can be fulfilled in the northern and central Wisconsin areas is by locating new stations in the remaining white areas rather than duplicating coverage of existing stations. Clarence M. Mason argues that the proposal to assign Channel 9 to Wausau conflicts with his pending petition for rule making to assign Channel 9 to Hancock, Michigan; that Hancock has no television assignments whereas the assignment of Channel 9 to Wausau would give that community its 4th television channel (2 VHF and 2 UHF) and that the basic objective of the television allocation plan—to provide at least one local television station to the largest possible number of communities—requires that a first VHF channel be assigned to Hancock before a second VHF channel is assigned to Wausau. He alleges that Channel 9 at Hancock would provide a first local television service to the Hancock-Houghton area with a population of 30,000 persons and to Houghton, Keweenaw and Baraga Counties with a total population of 50,726 persons. In reply comments Mason contends that if Channel 9 is assigned to Hancock it can also be assigned in an area near Waupaca, Wisconsin and argues that maximum utilization of the limited number of VHF channels available demands that the Commission make two assignments rather than one wherever possible.

5. We have carefully considered the comments submitted in this proceeding and have concluded that the public interest would best be served by assigning Channel 9 to Wausau. Hancock had a 1950 population of 5,223. The 1950 population of Wausau was 30,414. The assignment of a VHF channel to Wausau where it would provide a much needed second local outlet to a significant number of persons would, we believe, be a more effective use of the spectrum than assigning the channel to the much smaller community of Hancock. Such an assignment in our judgment advances our interim objective of improving opportunities for more effective competition among a greater number of stations. Moreover, Channel 5 is presently assigned to Calumet, Michigan a community approximately 10 miles from Hancock, and, in accordance with § 3.607 of our rules, is available for use in Hancock.

6. We find no merit in the arguments advanced by United Television, Inc. United Concedes that the assignment of Channel 9 to Wausau would meet the separation requirements of the rules. Section 3.612 of our rules expressly provides that the protection from interference accorded to television stations is limited solely to the protection which results from the minimum separaton requirements and the rules with respect to maximum power and antenna heights. We have consistently followed this policy in considering requests for changes in the Table of Assignments and do not believe that the record in this proceeding provides any basis for requiring greater separations in this case.

7. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered,* That effective October 24, 1957, the Table of Assignments, contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, as follows:

1. Amend the Table as follows:

City	*Channel No.*
Wausau, Wis	7—, 9, 16+, •46—
Iron Mountain, Mich	8—, 27

2. Change the offset carrier requirement only of the Channel 8 assignment in Duluth-Superior, Wisconsin from 8— to 8 even.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 19, 1957.

Released: September 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7959; Filed, Sept. 26, 1957; 8:54 a. m.]

[Docket No. 12114; FCC 57–1026]

[Amdt. 3–91]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS, HIBBING-BEMIDJI, MINN.; TABLE OF ASSIGNMENTS

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued July 29, 1957. (FCC 57–810) proposing to assign Channel 13 to Hibbing, Minnesota by substituting Channel 9 for Channel 13 at Bemidji, Minnesota.[1]

2. No comments opposing the proposed amendment have been filed. In support of the proposal Carl P. Bloomquist submits that the assignment of a VHF channel in the Hibbing area is necessary to bring television service to the Iron Range and represents that he will amend the application which he previously tendered for the use of Channel 10 in Hibbing and submit engineering data for Channel 13 if the channel is assigned to Hibbing.

3. The Commission is of the view that the adoption of the proposal will serve the public interest since it would make possible a first television service to a substantial area and population.

4. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered,* That effective October 24, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, to read as follows:

City	*Channel No.*
Bemidji, Minn	9, 24—
Hibbing, Minn	13—

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 19, 1957.

Released: September 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7960; Filed, Sept. 26, 1957; 8:54 a. m.]

[1] This proposal would require the substitution of Channel 8 for Channel 9 at Kenora, Canada. Canada has agreed to this change in assignments at Kenora.

[Rules Amdt. 18–16]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the desirability of making certain editorial revisions in Part 18 in order to simplify the rules and conform the format of these rules to the current codification practices of the Code of Federal Regulations; and

It appearing that the amendments adopted herein are editorial in nature; and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of Section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934 as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information.

It is ordered, This 24th day of September 1957, That effective October 15, 1957, Part 18 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: September 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Delete Footnote 1 to § 18.1 and add the following new section in lieu thereof:

§ 18.5 *Radio frequency stabilized arc welders.* (a) The requirements of this part with respect to electric arc welding devices using radio frequency energy is suspended until action is completed in the Docket No. 11467 proceeding with respect to these devices: *Provided,* That, in the event of interference from electric arc welding devices using radio frequency energy to any authorized radio service, steps to remedy such interference shall promptly be taken (except that, in case of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of certified electric arc welding equipment using radio frequency energy, this provision with respect to interference shall not apply): *And further provided, however,* That equipment manufactured after September 1, 1952 shall be subject to the same technical limitations and standards as set forth for industrial heating equipment in §§ 18.101 to 18.108, inclusive, except that such equipment need not be operated within a shielded room or space but in lieu thereof shall be operated with sufficient shielding to limit the radiation to the value prescribed in § 18.102: *And further provided,* That radio frequency stabilized electric arc welding equipment designed for operation on ISM frequencies may be type approved and operated in accordance with the provisions of § 18.31 (c): *And further provided,* That broad band type of emissions from arc welding equipment shall be measured by an instrument having performance characteristics similar to the "Proposed American Standards Specification for a Radio Noise Meter—0.15 to 25 Megacycles/second" dated March 1950, published by the American Standards Association Committee on Radio Electrical Coordination C63, quasi-peak values of field strength shall be measured and used in determining compliance with § 18.102. Instruments not having characteristics similar to the above-mentioned standards may be used provided suitable correlation factors are used to adjust the field strength readings to values which would be obtained with an instrument having the desired characteristics.

(b) The certification required by § 18.101 may be based upon field strength measurements made by the manufacturer of the equipment at locations other than the one where the equipment is in use provided such certification includes a statement by the operator of the equipment that the equipment covered thereby has been installed and is being operated in conformity to the instructions issued by the manufacturer.

2. Delete Appendix A and Footnote 6 thereto and add the following new section in lieu thereof:

§ 18.7 *Operation on microwave frequencies.* Except for industrial heating equipment which is regulated by §§ 18.101 through 18.108 inclusive, other ISM equipment may be operated on the microwave ISM frequencies (915 Mc, 2450 Mc, 5850 Mc and 18,000 Mc) subject to the following conditions:

(a) The emission of radio frequency energy resulting from such operation shall be on the particular frequency and must not exceed tolerance limits associated with each such frequency as set forth in § 18.6.

(b) The energy radiated and the bandwidth of emissions shall be reduced to the greatest extent practicable.

(c) No harmful interference shall be caused to authorize communication services from spurious or harmonic radiation. In the event of such harmful interference, operation of the ISM equipment causing such harmful interference shall cease and shall not be resumed until steps necessary to eliminate such interference have been taken.

3. Change Footnote 1 to table in § 18.6 to read:

[1] By public notice and order dated December 26, 1946, the Commission announced the availability of this frequency for ISM purposes. It was expressly stated in the said public notice and order that use of this frequency would be governed by the conditions set forth in that order which conditions are stated in § 18.7.

4. Change Footnote 2 to table in § 18.6 to read:

[2] By public notice and order dated May 15, 1947, the Commission announced the availability of this frequency for ISM purposes. It was expressly stated in the said public notice and order that use of this frequency would be governed by the conditions set forth in the Commission's order of December 26, 1946, which conditions are stated in § 18.7.

5. Change Footnote 1 to table in § 18.11 to read:

[1] By public notice and order dated December 26, 1946, the Commission announced the availability of this frequency for ISM purposes. It was expressly stated in the said public notice and order that use of this frequency would be governed by the conditions set forth in that order which conditions are stated in § 18.7.

6. Change Footnote 2 to table in § 18.11 to read:

[2] By public notice and order dated May 15, 1947, the Commission announced the availability of this frequency for ISM purposes. It was expressly stated in the said public notice and order that use of this frequency would be governed by the conditions set forth in the Commission's order of December 26, 1946, which conditions are stated in § 18.7.

7. Delete Footnote 2 to § 18.14 and add the following note at the end of § 18.14 in lieu thereof:

NOTE: Medical diathermy equipment operated on 915 Mc, 2450 Mc, 5850 Mc or 18,000 Mc, will be eligible for type approval upon a determination by the Laboratory Division of compliance with the requirements of the Commission's public notice and order of December 26, 1946, which requirements are set forth in § 18.7.

8. Add subpart designators as follows:

a. In lieu of undesignated title "General" insert "Subpart A—General" immediately preceding § 18.1.

b. In lieu of undesignated title "Operation without a license; Medical Diathermy Equipment" insert "Subpart B—Medical Diathermy Equipment" immediately preceding § 18.11.

c. In lieu of undesignated title "Operation without a license; Miscellaneous Equipment" insert "Subpart C—Miscellaneous Equipment" immediately preceding § 18.31.

d. In lieu of undesignated title "Operation for which a license is required" insert "Subpart D—Operation for which a license is required" immediately preceding § 18.41.

e. In lieu of undesignated title "Ultrasonic Equipment" insert "Subpart E—Ultrasonic Equipment" immediately preceding § 18.70.

f. In lieu of undesignated title "Industrial Heating Equipment" insert "Subpart F—Industrial Heating Equipment" immediately preceding § 18.101.

[F. R. Doc. 57-7961; Filed, Sept. 26, 1957; 8:55 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 211]

PART 149—FILING QUOTATIONS FOR GOVERNMENT SHIPMENTS AT REDUCED RATES

FILING OF QUOTATIONS OR TENDERS, OF RATES, FARES OR CHARGES FOR THE TRANSPORTATION, STORAGE, OR HANDLING OF PROPERTY OR THE TRANSPORTATION OF PERSONS FREE OR AT REDUCED RATES FOR THE UNITED STATES GOVERNMENT, OR ANY AGENCY OR DEPARTMENT THEREOF

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of September A. D., 1957.

On August 31, 1957, section 22 of the Interstate Commerce Act, as amended (49 U. S. C. 22), was further amended by Public Law 85-246 adding a new paragraph designated (2) which requires common carriers to submit to the Commission concurrently with their submittal to the United States Government agency or department for whose account they are offered, copies of all quotations or tenders of rates, fares or charges for the transportation, storage, or handling of property or the transportation of persons free or at reduced rates for the United States Government, or any agency or department thereof, including quotations or tenders for retroactive application whether negotiated or renegotiated after the services have been performed, except quotations or tenders which, as indicated by the Government or department to any carrier or carriers, involves information the disclosure of which would endanger the national security.

These new statutory requirements became effective immediately upon the signing of the bill by the President on August 31, 1957, the promulgation and establishment of regulations to govern the submission to the Commission of copies of quotations or tenders referred to in the preceding paragraph hereof is of immediate necessity, and for this reason rule-making procedure under section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003) is deemed impracticable; accordingly.

It is ordered, That the following regulations to govern the submission to the Interstate Commerce Commission of quotations or tenders of rates, fares, or charges for the transportation, storage, or handling of property or the transportation of persons free or at reduced rates for the United States Government, or any agency or department thereof, pursuant to the provisions of section 22 of the Interstate Commerce Act, as amended (49 U. S. C. 22), be, and they are hereby, approved and prescribed:

Sec.
149.1 Applicability.
149.5 Manner of submitting quotations.

AUTHORITY: §§ 149.1 and 149.5 issued under authority sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 22, 24 Stat. 387, as amended; 49 U. S. C. 22.

§ 149.1 *Applicability.* The provisions of this part shall apply to copies of quotations or tenders made by all common carriers by railroad, including express and sleeping-car companies, by pipeline, by motor vehicle, and by water, and freight forwarders, to the United States Government, or any agency or department thereof, for the transportation, storage or handling of property or the transportation of persons free or at reduced rates as permitted by section 22 of the Interstate Commerce Act, as amended, except quotations or tenders which, as indicated by the United States Government or any department or agency thereof to any carrier or carriers, involves information the disclosure of which would endanger the national security.

§ 149.5 *Manner of submitting quotations.* (a) Copies of all quotations or tenders by common carriers to which this part applies, concerning rates, fares, or charges for the transportation, storage, or handling of property, or the transportation of persons free or at reduced rates, including quotations or tenders for retroactive application whether negotiated or renegotiated after the services have been performed, which are submitted to the Interstate Commerce Commission on and after the effective date of this order in conformity with the provisions of paragraph (2) of section 22 of the Interstate Commerce Act (49 U. S. C. 22) shall conform to the provisions of paragraphs (b), (c), (d), (e), (f) and (g) of this section.

(b) Copies to be submitted concurrently with submittal to government agencies: Exact copies of the quotation or tender shall be submitted to the Commission concurrently with the submittal of the quotation or tender to the Federal department or agency for whose account the quotation or tender is offered or the proposed services are to be rendered.

(c) Filing in duplicate required: All quotations or tenders shall be filed in duplicate, one copy of which will be maintained at the Washington office of this Commission for public inspection. One of such copies shall be signed and both shall clearly indicate the name and official title of the officer executing the document.

(d) Filing procedure: Both copies of the quotations or tenders shall be filed together with a letter of transmittal which clearly indicates that they are being filed in accordance with the requirements of section 22, as amended. They must be addressed to the "Interstate Commerce Commission, Washington 25, D. C.", with the envelope marked as containing "Section 22 Quotations", and delivered free of all charges. If receipt for the accompanying documents is desired, the letter of transmittal must be sent in duplicate, and one copy showing date of receipt by the Commission will be returned to the sender.

(e) Numbering: The copies of quotations or tenders which are filed with this Commission by each carrier or agent shall be numbered consecutively in a series maintained by such carrier or agent beginning with the number "1".

(f) Quotation or tender superseding prior one: A quotation or tender which supersedes a prior quotation or tender shall, by a statement shown immediately under the number of the new document, cancel the prior document by number.

(g) Amendments or supplements to quotations or tenders: When amendments or supplements are filed to quotations or tenders issued prior to August 31, 1957, copies of the original quotations or tenders, and any prior amendments thereto, must be filed with the amendments or supplements.

It is further ordered, That this order shall become effective on the 1st day of November, A. D. 1957.

And it is further ordered, That notice of this order shall be given to the common carriers subject to the Interstate Commerce Act by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-7967; Filed, Sept. 26, 1957; 8:56 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

SUBPART—MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31 and in accordance with subsection (a) of section 4 of the Migratory Bird Hunting Stamp Act as amended August 12, 1949 (63 Stat. 600; 16 U. S. C. 718d (a)), I have determined that a portion of the Malheur National Wildlife Refuge, Oregon, may be administered primarily as a wildlife management area during the 1957 waterfowl hunting season, not subject to prohibitions against the taking of migratory game birds, and that the hunting of such birds within the area hereinafter described would be compatible with sound wildlife management. Accordingly, a new center headnote, as set forth above, and § 31.208, reading as follows, are added:

§ 31.208 *Hunting of migratory game birds permitted.* Migratory game birds may be taken by hunting during the 1957 waterfowl hunting season in accordance with the provisions of Part 6 of this chapter on that part of the Malheur National Wildlife Refuge, Oregon, described in this section, subject to the following conditions and restrictions:

(a) Strict compliance with all applicable State and Federal laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) Hunting dogs, not to exceed two per hunter, may be used for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(d) The use of boats without motors for the purpose of hunting is permitted.

(e) Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(f) State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

(g) The hunting area is described as follows:

T. 26 S., R. 31 E., W. M., N. M. L.,
Sec. 13, lots 1–6, incl., S½NW¼;
Sec. 14, lots 7 and 8, SE¼NE¼, NE¼SE¼;
Sec. 23, lots 1–4, incl., NW¼NE¼, E½SW¼;
Sec. 24, lots 1 and 2;
Sec. 25, lot 1 north of Malheur Lake, lots 1–11, incl., south of Malheur Lake;
Sec. 26, lots 1, 3, 4 and 5 south of Malheur Lake, lots 1–4, incl., W½NE¼, SE¼NW¼, north of Malheur Lake.
T. 25 S., R. 32 E., W. M., N. M. L.,
Sec. 36, lot 1, N½NE¼, SW¼NE¼.
T. 26 S., R. 32 E., W. M., N. M. L.,
Sec. 1, lots 1, 2, and 3;
Sec. 2, lots 1, 2, 6–9, incl.;
Sec. 3, lots 9–12, incl., N½SW¼;
Sec. 4, lots 9–13, incl., W½SW¼, NE¼SE¼;
Sec. 5, that part of lot 2 lying south of a line parallel to and 10 chains south of the north line of lot 2, lot 7, that part of lot 8 lying south of a line parallel to and 10 chains north of the south line of lot 8, NE¼SE¼, S½SE¼;
Sec. 8, lots 4–6, incl., N½NE¼, SW¼NE¼, E½SW¼, NW¼SE¼;
Sec. 9, lots 1, 2 and 3;
Sec. 10, lots 1 and 2;
Sec. 17, lots 1, 2 and 3;
Sec. 18, lots 3–7, incl., N½NE¼.
T. 26 S., R. 31 E., W. M., S. M. L.,
Sec. 30, lots 4, 5, 11–14, incl.
T. 25 S., R. 32½ E., W. M., N. M. L.,
Sec. 31, lots 1, 2 and 3.

Also all the lakebed lands abutting upon and lying in front of the following described legal subdivisions:
T. 26 S., R. 31 E., W. M., N. M. L.,
Sec. 13, lots 1–6, incl.;
Sec. 14, lots 7 and 8;
Sec. 23, lots 1–4, incl.;
Sec. 24, lots 1 and 2;
Sec. 25, lot 1 north of Malheur Lake, lots 5, 9, 10 and 11 south of Malheur Lake;
Sec. 26, lots 1–4, incl., north of Malheur Lake, lots 1, 3 and 5 south of Malheur Lake.
T. 25 S., R. 32 E., W. M., N. M. L.,
Sec. 36, lot 1.
T. 26 S., R. 32 E., W. M., N. M. L.,
Sec. 1, lots 1, 2 and 3;
Sec. 2, lots 1, 2, 6–9, incl.;
Sec. 3, lots 9–12, incl.;
Sec. 4, lots 9–13, incl.;
Sec. 8, lots 4, 5 and 6;
Sec. 9, lots 1, 2 and 3;
Sec. 10, lots 1 and 2;
Sec. 17, lots 1, 2 and 3;
Sec. 18, lots 3–7, incl.
T. 26 S., R. 31 E., W. M., S. M. L.,
Sec. 30, lots 13 and 14.
T. 25 S., R. 32½ E., W. M., N. M. L.,
Sec. 31, lots 1 and 3.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Malheur National Wildlife Refuge, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated September 23, 1957.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-7945; Filed, Sept. 26, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12172; FCC 57-1029]

TELEVISION BROADCAST STATIONS, TABLE OF ASSIGNMENTS: WATERBURY AND HARTFORD, CONN.

NOTICE OF PROPOSED RULE MAKING AND ORDERS TO SHOW CAUSE

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed July 24, 1957, by WATR, Inc., requesting rule making to amend § 3.606 Table of Assignments, Television Broadcast Stations, to shift Channel 53 from Waterbury, Connecticut to Hartford, Connecticut for non-commercial educational use and to shift Channel 24 from Hartford to Waterbury for commercial use. Petitioner also requests the Commission to modify WATR's construction permit to specify operation at Waterbury on Channel 24 and to modify the construction permit issued to Connecticut State Board of Education to specify operation on Channel 53 at Hartford.

3. In support of the requested amendments petitioner states that it operates Station WATR-TV on Channel 53 at Waterbury; that it serves the same general area and is in direct competition with the network owned and operated stations at Hartford (WHCT on Channel 18) and New Britain (WNBC on Channel 30); and that the operation of WATR-TV on Channel 24 would permit it to compete more effectively with these stations. Petitioner alleges that the Connecticut State Board of Education cannot construct the proposed Hartford station in accordance with the construction permit isued January 28, 1953 until the Connecticut General Assembly provides the necessary funds; that the General Assembly failed to provide such funds in both the 1955 and 1957 sessions; that no funds can be provided prior to the next session of the General Assembly in January 1959 and that there is no assurance that funds will be made available at that time. It maintains that the use of Channel 24 by WATR-TV at its present transmitter site and the use of Channel 53 at the site specified in the construction permit issued to the Connecticut State Board of Education will meet all the requirements of the Commission's rules and regulations.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or

before October 15, 1957, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. WATR, Inc., presently operates television Station WATR–TV at Waterbury on Channel 53, and the Connecticut Board of Education holds a permit to construct a television station on Channel 24 in Hartford. Pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended, WATR, Inc., is ordered to show cause why its authorization for Station WATR–TV in Waterbury should not be modified to specify operation on Channel 24; and the Connecticut State Board of Education is ordered to show cause why its authorization for a non-commercial educational television station in Hartford should not be modified to specify Channel 53. Responses to the show cause order should be filed on or before the same date specified above for filing comments in this proceeding.

8. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: September 19, 1957.

Released: September 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7962; Filed, Sept. 26, 1957; 8:55 a. m.]

[47 CFR Part 3]

[Docket No. 12173; FCC 57–1030]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS: STERLING, COLORADO-CHEYENNE, WYOMING-AINSWORTH AND MC COOK, NEBRASKA

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration petitions filed by the Bi-States Company, licensee of Stations KHOL–TV, Kearney, Nebraska, and KHPL–TV, Hayes Center, Nebraska: (1) For reconsideration of the Commission's Memorandum Opinion and Order in Docket No. 11830 and requesting that the Commission delete the allocation of Channel 8— to Ainsworth, Nebraska and Channel 3+ to McCook, Nebraska and reassign Channel 8— to McCook; and (2) to amend § 3.606, Table of Assignments, Rules Governing Television Broadcast Stations by shifting Channel 3 from Cheyenne, Wyoming to Sterling, Colorado. In sum, Bi-States' two petitions request the following channel changes:

City	Channel No.	
	Present	Proposed
Sterling, Colo	25—	3, 25—
Cheyenne, Wyo	3, 5+	5+
Ainsworth, Nebr	8—	
McCook, Nebr	3+, 17	8—, 17

3. In support of its petition for reconsideration of the Commission's July 15, 1957 Memorandum Opinion and Order in Docket No. 11830, Bi-States asserts that the proceeding which resulted in the allocation of a VHF channel to Ainsworth, Nebraska, was instituted in conformance with a rule making petition filed by the instant petitioner in June 1956; that prior to the filing of its June 1956 petition, residents of the Ainsworth area had requested petitioner to try to obtain television service for them; that a locally organized campaign was commenced in the Ainsworth area to raise funds to help defray the cost of obtaining this television service; that during the pendency of the Ainsworth rule making proceeding, local interest in the establishment of an Ainsworth television station diminished, and the local fund raising campaign ceased; and that petitioner has now abandoned its proposal to establish an Ainsworth station. Hence, Bi-States argues that there is no longer any need for a VHF channel in Ainsworth.

4. In support of its petition for rule making, Bi-States asserts that in lieu of an Ainsworth satellite, it has decided to request the allocation of a VHF channel to Sterling, Colorado, an area where there is a pronounced need and demand for television service not now being rendered; that if such an assignment is made, petitioner will apply for a satellite station of KHOL–TV in Sterling; that petitioner's consulting engineers have advised that Channel 3 is the only VHF channel which may be allocated to Sterling in conformance with the Commission's minimum mileage separation requirements; that Channel 3 can only be assigned to Sterling if the channel is deleted from Cheyenne, Wyoming and from McCook, Nebraska; and that Channel 8—, which was formerly assigned to McCook, could be deleted from Ainsworth and reassigned to McCook to replace Channel 3+, so that McCook, a substantially larger community than Ainsworth, would retain a VHF channel assignment.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

6. Authority for the adoption of the amendment proposed by petitioner is contained in section 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 15, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

9. In view of the foregoing: *It is ordered*, That the July 26, 1957 petition for reconsideration, filed by Bi-States Company in Docket No. 11830, is denied.

Adopted: September 19, 1957.

Released: September 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57–7963; Filed, Sept. 26, 1957; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO–10–A22]

MILK IN ST. LOUIS, MO., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, which was issued on September 12, 1957 (22 F. R. 7398; F. R. Doc. 57–7626), is hereby extended to October 18, 1957. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business as of that date.

Dated: September 24, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57–7937; Filed, Sept. 26, 1957; 8:50 a. m.]

[7 CFR Part 1021]

[AO–291]

WATERMELONS GROWN IN FLORIDA, GEORGIA, AND SOUTH CAROLINA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed Marketing Agreement No. 133 and Order No. 121, hereinafter referred to as the "marketing agreement and order," regulating the handling of watermelons grown in the Florida, Georgia and South Carolina production area, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 20th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statements. The public hearing on the record of which the proposed marketing agreement and order were formulated was held at Jacksonville, Florida, April 22–26, 1957, pursuant to notice thereof which was published February 27, 1957, in the FEDERAL REGISTER (22 F. R. 1128). Such notice set forth the proposed marketing agreement and order which were sponsored by producers and handlers of watermelons in the Florida, Georgia, and South Carolina production area.

Material issues. The material issues presented in the record of hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority to incur expenses and to levy assessments on shipments;

(d) The authority for the establishment of watermelon marketing research and development projects;

(e) The method for limiting the handling of watermelons grown in the production area;

(f) The establishment of minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of watermelons for specified purposes or to specified outlets;

(h) The necessity for inspection and certification of shipments;

(i) The relaxation of regulations in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements upon handlers;

(k) The requirements for compliance of all provisions of the marketing agreement and order and with regulations issued pursuant thereto;

(l) Additional terms and conditions as set forth in §§ 1021.82 to 1021.95 of the Notice of Hearing and published in the FEDERAL REGISTER (22 F. R. 1128) on February 27, 1957, which are common to marketing agreements and orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) All watermelons grown in the Florida, Georgia and South Carolina production area (all counties in Florida except those counties lying west of the Apalachicola River; all counties in the State of Georgia; and all counties in the State of South Carolina lying south and west of the line formed by the Catawba River, the Wateree River, Lake Marion and the Santee River) which are handled within the production area or between such production area and any point outside thereof are either in interstate or foreign commerce or directly burden or obstruct such commerce. The major portion of the watermelons grown in the production area enters commercial market channels with the great bulk of such movement going to destinations outside the production area. During the 1954 and 1955 calendar years shipments of watermelons grown in the production area moved to 43 of the 48 States and to the District of Columbia and Canada with the heaviest movement to points east of the Mississippi River. Rail movement was heavier to points of concentrated poulation and to large markets in Illinois, Michigan, Ohio, Pennsylvania, New York and Massachusetts. Truck movement was greater to nearby States and the small market areas. While markets within the production area—Miami, Tampa, and Jacksonville, Florida; Atlanta, Georgia; and Columbia, South Carolina, for example—take substantial quantities of watermelons grown within the production area, the major portion of the market lies outside such area.

In 1956 watermelon production for the United States was estimated to be 31.6 million hundredweight. Of this, Florida produced 8.6 million, Georgia 4.4 million, and South Carolina 2.1 million hundredweight. Florida production about doubled since 1951, when it was 4.5 million hundredweight. Georgia, since 1951, has increased slightly from 3.7 million and South Carolina has not changed much from 2.2 million hundredweight produced then. U. S. production during the same period rose from 25.8 million hundredweight in 1951 to the estimated 31.6 million hundredweight for 1956 (see page 4, Exhibit 4).

Acreage planted during the same period increased from 355.9 thousand acres for the U. S. in 1951 to 457.8 thousand acres estimated in 1956. Florida increased from 60 thousand acres to 96 thousand during this period, while Georgia and South Carolina increased from 45 thousand to 57 thousand and from 36 thousand to 40 thousand acres, respectively.

Yields during the same period, 1951–56, remained fairly constant. The average yield per acre for the U. S. in 1951 was 74 hundredweight and an estimated 77 hundredweight for 1956. Florida's yields per acre increased from 79 hundredweight in 1951 to 95 hundredweight estimated in 1956, but ranged from 74 to 95 hundredweight for the period. Georgia's yields have remained fairly constant, averaging 83 hundredweight in 1951 and 78 hundredweight estimated for 1956. Average yields for Georgia and for the period ranged from 74 to 83 hundredweight per acre. South Carolina yields have ranged from 52 to 75 hundredweight per acre for the 1951–56 period averaging 60 hundredweight in 1951 and 52 hundredweight estimated for 1956.

Carlot unloads in 100 U. S. and 5 Canadian cities during April through October 1955 show that Florida, Georgia and South Carolina accounted for 15,661 carlots out of a total of 20,428 from all States and countries. Truck unloads in 22 cities during the same period from Florida, Georgia and South Carolina totaled 9,056 carlot equivalents out of a total of 21,143 from all states and countries. Comparable figures for 1954 disclose that Florida, Georgia and South Carolina accounted for 16,064 carlots out of a total 21,299 from all states and countries; truck shipments 8,005 carlot equivalents as compared to a total of 19,517 (Exhibit No. 4).

The shipping season for watermelons grown in Florida begins in late March and continues through the middle of July. In Georgia, shipments start to some degree in May and become heavy during June and July. In South Carolina shipments will begin the latter part of June and reach a peak in July and continue on to some extent into August. Florida has little domestic competition until late May of each season. Georgia and South Carolina shipments become heavy during June and July as do shipments from Texas and other States. California, Alabama, Arizona, Mississippi, North Carolina, and Arkansas ship watermelons in competition with those grown in the production area.

Foreign competition is principally from Mexico. Such shipments from Mexico normally occur during April, May, and June with some light movement as early as March. Cuba does not offer much competition for watermelons grown in the production area as the volume is light and the Cuban marketing season usually precedes that of Florida.

Until late May shipments of watermelons from the production area do not compete to any extent with other areas. In June and July, however, Florida, Georgia, South Carolina, California and Texas are shipping, and watermelons grown in different states in the production area compete directly with each other many times in the same markets. Georgia watermelons, for example, are shipped to cities in Florida such as Miami, Tampa, and Jacksonville and Florida watermelons compete with Georgia watermelons in Atlanta as well as in terminal markets in the midwest, the east, and northeast. Watermelons grown in the production area usually do not compete with watermelons grown in Texas in markets west of the Mississippi River, however, Texas watermelons do compete with Georgia and South Carolina watermelons in the mid-west and southern markets.

The situation where Florida competes with Georgia is also true with respect to Georgia competing with South Carolina as harvesting progresses northward. When shipments from South Carolina reach volume during the month of July many sections of Georgia are still shipping in heavy volume. Many Georgia watermelons are moved to the Columbia, South Carolina Farmer's Market which is one of the principal outlets for South Carolina watermelons. Also, the watermelons grown in these two States compete with each other in northern and northeastern markets. Watermelons from North Carolina also enter the market in late July and continue through August.

There has been a definite trend in the production area toward movement of watermelons by truck. During the 1956 season approximately 60 percent of all shipments of watermelons grown in the three-State production area were moved by truck. This trend toward increased truck movement is expected to continue. In most cases the handler selling to the trucker does not know at the time of shipment whether the ultimate destination for the watermelons sold by him will be within the production area or to markets outside of the production area. Also, many of the established brokers will start truck shipments moving north, but before the truck has moved out of the production area, the broker will wire or telephone orders ahead, usually to an established truck stop, for the driver to divert the shipment to another market or to a particular market which was unknown at the time the shipment originally moved. It was testified at the hearing that some truckers usually start north and sell at the first market where an adequate return for their investment can be realized. Such markets may be within the production area or may be outside thereof. Also, many shipments originally destined for Atlanta or Columbia are unloaded at such markets and then reloaded for shipment to another market outside of the production area.

Many rail shipments from the production area are consigned by the shipper to junction points in Florida, Georgia, and South Carolina. Valdosta, Georgia, is a good example of such a junction point for Florida shippers who may have cars graded and loaded but unsold. The cars are consigned and started to Valdosta. Upon their arrival at Valdosta they are diverted to a terminal market which usually is outside of the production area. The practice of diverting in many cases is followed when the shipments are of questionable quality (unclassified watermelons) because such shipments are more difficult to sell at shipping point.

The practice of diverting shipments is a result of the intricate nature of watermelon marketing. If prices are favorable at markets within the production area the watermelons will in many cases be sold on such markets. However, if another market located outside the production area appears more favorable to the shipper he will have the car diverted to such market. Because the practice of diverting shipments is common to watermelon marketing, shippers in many cases do not always know when a shipment originates where it will be finally sold. As mentioned above truck shipments may also be diverted, but such diversion is usually done at the discretion of the trucker rather than the shipper. If the trucker believes conditions are unfavorable in markets within the production area he usually moves on to another market until he finds or determines that marketing conditions are the most favorable to him. For this reason it is very difficult to determine in most cases when watermelons are sold to a trucker whether such watermelons will be marketed within the production area or will be moved to another market located outside the production area.

The market for watermelons grown in the production area is a combination of factors that relate to the supply and demand for such commodity; the supply that is available for immediate marketing; the supply for marketing later; the quality of such supply; the supply of watermelons in competing areas, with various influences of quality and availability; and prices quoted by sellers at shipping point and in receiving markets as well as sundry points between. A great variety of additional factors influence both buyers and sellers in arriving at a meeting of the minds, the closing of sale contracts, and an execution of contract through delivery of watermelons. These factors are interdependent between shipping point and receiving markets. Factors influencing the market at shipping point are soon reflected in prices at terminal markets, subject to the effect of location factors. In turn factors influencing prices in receiving markets are soon reflected in the shipping point market. For example, bad weather at shipping point may slow down the rate of grading and loading to such an extent that buyers will experience difficulty in filling orders, thereby increasing local prices which are soon reflected in markets both within and outside the production area. However, if competing suppliers in terminal markets take advantage of such situation by increasing the amount available, the price of watermelons in the terminal markets may not increase appreciably, if at all, and in turn prices at shipping point may also fail to rise. On the other hand any increase in the supply of watermelons at shipping point will soon be reflected in the market at receiving points outside the production area. It is a well established fact and well recognized in the watermelon market that a sale of a particular quantity of watermelons in the market within that portion of the States of Florida, Georgia, and South Carolina comprising the production area, exerts a direct influence upon all other sales of such watermelons as also does the sale of watermelons within any other State. The movement and sale of watermelons grown in Florida, Georgia, and South Carolina, whether to a market within or outside of the production area affect the price structure for all watermelons grown in such area.

Movement of watermelons within each state in the production area is closely tied to interstate movement not only because the same type of transportation is used, but also because of prices. The watermelon market price levels are dependent upon supply and demand factors in all consuming areas and not on one locality alone. Shipments of unregulated watermelons in the production area for consumption in the production area would therefore affect watermelon prices in all consuming markets, and if cull shipments were permitted in the production area, it would tend to lower market prices for watermelons in all consuming areas. If such poor quality watermelons were permitted to be sold in terminal markets within the production area, the total supply of watermelons available for markets outside the production area would be increased; thereby having an adverse effect upon prices received in such markets. The price situation, in turn, would soon be reflected on the terminal markets within the production area.

Changes in the supply of watermelons being marketed at any particular time and changes in estimates in watermelon supplies available for market affect the price of all watermelons, both on terminal markets and at shipping points. Watermelons grown in any portion of the production area and marketed at any given time compete with other watermelons marketed at the same time whether such other watermelons are grown in other portions of or outside of the production area.

Public agencies supply daily information relative to terminal watermelon markets such as Boston, New York, Chicago, and during the active shipping season the same agencies supply similar information relevant to market information at shipping points in Florida, Georgia and South Carolina as well as shipping point prices for watermelons grown in other producing areas. Also, both buyers and sellers use the latest and most

modern forms of communication not only to keep up with their competitors but also to maintain the closest possible association with market conditions at every point where there may be a potential sale. Shippers must assess the market outlook and survey all accessible markets in order to take advantage of the best opportunities and offers to market their watermelons. Successful handlers are forced by competition to maintain and keep abreast of all possible market information, particularly the level and trend of prices in specific markets both within the production area and beyond its borders. Most advantageous sales are accepted by the shipper regardless of whether the watermelons are sold at shipping point, at destination, in consuming markets within the production area, or in the large terminal markets beyond the production area.

The factors constituting the market for watermelons and the interdependence of the markets both within and outside the production area directly burden, obstruct, and affect interstate commerce. Such factors making up the market for watermelons constitute commerce which is so intermingled that all sale and movement of such watermelons are either in the current of interstate or foreign commerce or directly burden or obstruct such commerce and, therefore, all such movement and sales of watermelons grown in the production area should be subject to the authority of the act and of the marketing agreement and order which may be issued pursuant thereto.

(2) Watermelon growers in the proposed production area have received less than parity prices for their watermelons during five of the ten seasons extending from 1947 through 1956. During the past three seasons of 1954 through 1956 the relationship of prices received by growers to parity prices has been comparatively less favorable than during the ten seasons as a whole. During the latter period the season average farm prices have ranged from 67 to 90 percent of the parity equivalent. In comparing prices for the individual States within the production area, Florida growers have received in excess of the parity equivalent price for Florida watermelons in only two of the aforementioned ten seasons (1947–56). Georgia and South Carolina growers have exceeded the parity equivalent prices for their particular States in four of the ten seasons.

In addition to the facts hereby found that prices to watermelon growers within the production area have been below parity in many of the past ten years, it is also found to be a fact that prices for such watermelons fluctuate widely within seasons. For example, in 1955 (see page 7, Exhibit 4) Florida growers received prices that averaged 103 percent of the Florida parity equivalent price. During the same season Georgia and South Carolina growers received prices which only averaged 61 percent of the parity equivalent prices for their respective States.

Furthermore, prices vary widely for different grades of watermelons. Such prices are affected not only by the total volume of watermelons available for marketing at any time but also by the grade and quality of such watermelons being marketed at any given time. The market reports show that prices of watermelons grown within the production area fluctuate throughout the season in terminal markets and at f. o. b. shipping points. Such prices are in turn reflected in the prices paid to growers. Certain grades of watermelons return higher prices to producers than other grades. It was testified, for example, that U. S. No. 1 quality watermelons normally returned a higher price than percentage shipments (80–85 percent U. S. No. 1 quality) and the latter, in turn, brought considerably higher prices than watermelons which are of a lower quality and commonly known in trade circles as culls. Records of watermelon handlers show wide differences in prices between U. S. No. 1 and unclassified watermelons. Poor grades usually return to shippers about 30 to 40 percent less than U. S. No. 1. Watermelons marketed at Trenton, Florida, show that in 1956 U. S. No. 1 watermelons of the same variety and size on certain dates sold for $615 per car and unclassified watermelons sold for $370 on the same days. There are exceptions where a shipment of lower quality might return more than another of a better grade. Such situations depend upon many factors peculiar to particular shipments. However, all conditions being equal, better quality produce will return higher prices than poorer quality on a given date. Although no statistical data is readily available on the effect of cull shipments of watermelons it was testified at the hearing that in periods of heavy cull shipments it was believed that the price of good grade watermelons was reduced approximately one-third because of the effect of the cull shipments.

It is a common practice among the great majority of handlers to eliminate culls when they are grading watermelons for market. Handlers have found from experience that it usually pays them to do so because the inclusion of poorer grades forces the general price level down on the better watermelons more than enough to offset the return from the culls. However, some handlers continue to sell culls because they frequently are able to buy them at exceptionally low prices from the grower and to sell them at a discount from average prices, thereby giving the handler in some instances as much or even a greater margin than he could expect from handling good quality and more desirable melons. If such poor grades of watermelons were withheld from market, the supply available for market would be reduced and, by reducing the quantity being marketed as well as eliminating discounted grades and qualities, grower prices for watermelons would thereby be improved.

The sale of cull watermelons tends not only to return discounted prices to growers but also gives only limited satisfaction to consumers. Sales of such poor grade watermelons discourages repeat sales. It was testified that it was not in the public interest to sell cull watermelons under normal conditions because experience shows that consumers fail to obtain proper value for their expenditures as compared with purchases of good quality watermelons. Such commerce adversely affects total returns to growers for their entire watermelon marketings.

Sales of cull watermelons in many cases return only a few cents per watermelon. It was testified by one grower-shipper that he has sold cars of 1,000 watermelons each for $300 to $400 per car and in addition sold the cull watermelons which were rejected at the time of loading to truckers for 10 cents per melon and the truckers were free to take their pick of any or all of the rejected watermelons. It was also testified that the practice of truckers buying watermelons remaining in the field after growers have finished cutting is relatively common and has a detrimental effect on prices because they are usually of inferior quality with a large proportion of culls. Prices paid by truckers in such instances are very low. It was testified, for example, that in South Carolina truckers usually paid $3 to $5 per acre for such watermelons.

The type of defect damaging a watermelon also has a detrimental effect on returns to growers. Internal quality defects in watermelons are considered to be more serious by the trade than the external defects. The principal internal defects are immaturity, whiteheart and decay. Such defects are serious in that they adversely affect consumer satisfaction. Both proponents and opponents testified that immature, whiteheart, or decayed watermelons should be withheld from market because such watermelons are "inedible," "not fit for human consumption," or "just plain garbage." Such defects are not readily discernible from the outside of the watermelon and, unless it is cut at the time of sale, many consumers are unable to determine whether the watermelon is of good or poor quality on the basis of external appearance. It was testified that when consumers buy such watermelons and receive such poor merchandise they do not readily return for repeat purchases at least during that season. Cumulatively, this reaction directly affects consumer acceptance of watermelons generally and results in a decrease in sales and returns to growers.

Within obvious limitations there appeared to be a difference of opinion among the witnesses as to what constitutes a "cull" watermelon or a watermelon commonly referred to as a "reject." However, the consensus was that watermelon shipments are broken down into the following qualities: U. S. No. 1; percentages of U. S. No. 1's; unclassified; and culls or rejects. The U. S. No. 1's are commonly understood since this is a grade which is defined in the United States Standards for Watermelons. The percentage shipments contain a certain percentage of watermelons meeting U. S. No. 1 requirements, such as 85 percent U. S. No. 1, or 80 or 75 percent of such quality. The unclassified shipments may contain U. S. No. 1 watermelons, however, the shipment as a whole fails to meet a U. S. grade as set forth in the United States Standards for Watermelons. Both proponents and opponents agreed that watermelons culled or rejected from any of the above shipments because of im-

maturity, whiteheart or decay should never, under any circumstances, be sold on the commercial market due to unfitness for human consumption, the adverse effect on consumer acceptance, and the depressing effect on market prices. The terms "cull" and "reject" are used interchangeably and refer to watermelons falling in this category.

Prices for the different grades and qualities are determined by discounting from the U. S. No. 1 price for any given day. For example, it was testified that on May 25, 1956, when U. S. No. 1 melons returned a certain grower 68.9 cents per watermelon, he received only 34.7 cents for his unclassified melons. There was no price given for his culls or rejects in that the broker testifying did not sell these melons but returned them to the grower for disposition.

The testimony shows that marketing of cull watermelons has a direct effect on prices received by growers in the proposed production area in that it results in lesser return to such growers. The practice of selling cull or reject watermelons is common throughout the production area and such watermelons are sold at prices substantially lower than for U. S. No. 1 or percentage shipments, oftentimes returning only salvage prices. At the same time such cull watermelons going to commercial markets compete directly with the sale of better quality watermelons. The sale of such cull watermelons at lower prices has an adverse and depressing effect upon the prices received for the better quality watermelons and therefore tends to depress prices generally. The record shows, for example, that Washington and Baltimore are considered by shippers to be "junk markets" where many low quality cull watermelons are sold. The chain stores operating in these two cities, which normally buy better quality watermelons, are forced to discontinue or sharply reduce their buying when the local markets in these two cities become glutted with culls.

Shipments of whiteheart, immature, or decayed watermelons, as well as watermelons with other serious defects, are common from the production area. Shippers find it is difficult to maintain satisfactory prices for their better quality watermelons as long as cull watermelons of this type can be sold and transported. The hearing record contains substantial evidence by expert witnesses that immature, whiteheart, or decayed watermelons from the Southeastern production area should never be shipped to market and there should be authority in the marketing agreement and order to prevent their sale and transportation.

Prices to Southeastern watermelon producers and total returns to such producers could be augmented by handling only the more preferred grades and qualities of such watermelons and by prohibiting the sale and transportation of immature, whitehearted or decayed watermelons. Voluntary efforts by individual producers and handlers to eliminate the culls have been unsuccessful since other handlers continue to ship such watermelons to the detriment of all other watermelon producers and handlers.

The orderly marketing of watermelons grown in the Southeastern production area has been disrupted and the purchasing power of the producers thereof has been impaired by reason of the marketing of poor grade and quality watermelons which has had an over-all adverse effect on prices returned to watermelon growers.

A marketing agreement and order is necessary to provide authority for regulation of the sale and transportation of watermelons grown in the Southeastern production area which would thereby establish more orderly conditions for marketing such watermelons as will be in the public interest. The establishment of more orderly marketing conditions as brought about by marketing agreement and order regulations will tend to establish parity prices for watermelons grown in the Southeastern production area and, therefore, tend to effectuate the declared policy of the act. A marketing agreement and order authorizing regulation of the handling of watermelons will assist the industry in establishing and maintaining such minimum standards of quality and maturity and such grading and inspection requirements for watermelons grown in the production area which will effectuate such orderly marketing of such watermelons as will be in the public interest. It is hereby found that the marketing agreement and order as hereinafter set forth will promote more orderly marketing of watermelons grown in the production area. The operation of such a program will tend to establish and maintain such orderly marketing conditions as will establish, as a price to growers, parity prices for such watermelons.

(3) The term "watermelons" as used in the marketing agreement and order identifies the agricultural commodity to be regulated and distinguishes it from other agricultural commodities. The term "watermelons" should be defined to include all varieties of watermelons which are grown in the production area except watermelons commonly known as icebox type watermelons. The term watermelons has a specific meaning to all producers of the commodity in this production area and to those persons who sell, and purchase and distribute watermelons not only within the production area but also in other parts of the country. However, the definition should be limited to those grown in the production area since watermelons produced in other portions of the United States are not proposed to be regulated.

The definition of watermelons is not intended to include those watermelons which are commonly referred to as icebox type watermelons. Icebox type watermelons are small watermelons usually packed and shipped in crates. It was maintained by the proponents at the hearing that such melons are a separate commodity which does not compete with the larger common watermelons and therefore should not be included in the marketing agreement and order. Icebox type watermelons normally weigh from four to twelve pounds, averaging around seven pounds, as contrasted to eighteen to twenty pounds or more for watermelons covered by the marketing agreement and order. Varieties of icebox type watermelons are different than those of the watermelons covered by the marketing agreement and order. For example, the principal varieties of watermelons grown in the production area are the Charleston Gray, Congo, and Cannonball. The common icebox type varieties are the New Hampshire Midget and Sugar Baby.

Icebox type watermelons are easily identified by inspectors and members of the industry. According to testimony introduced at the hearing an icebox type watermelon can be distinguished from an ordinary watermelon by its size, appearance and flavor. Also, because of their size and characteristics it is practically a necessity that icebox type watermelons are stacked or tiered separately in a car or truck.

The definition of watermelons as set forth in the marketing agreement and order establishes the identity of the commodity to which the handling activities related thereto are subject to the authority of the marketing agreement and order. Watermelons, therefore, should be defined in the marketing agreement and order to mean all varieties of watermelons grown in the production area except watermelons commonly known as icebox type watermelons, which, for purposes of this program are watermelons averaging ten pounds or less. The latter are excluded from the definition through the dual means of excluding them by the term "icebox type watermelons" and excluding watermelons averaging ten pounds or less in weight.

The term "production area" should be incorporated in the marketing agreement and order as a means of specifying the area within which watermelons must be produced before the handling thereof is subject to regulation thereunder. Production area is defined to include all counties in the State of Florida except those counties lying west of the Apalachicola River, all counties in the State of Georgia and all counties or portions thereof in the State of South Carolina lying south and west of the line formed by the Santee River, Lake Marion, the Wateree River, and the Catawba River.

The counties in Florida west of the Apalachicola River are not included within the proposed production area because they are not considered an integral part of the commercial southeastern watermelon deal by the indusry. Production in this part of Florida is usually by small producers on a non-commercial basis, who generally market their watermelons locally or in nearby areas. This section produced 10.2 percent of the total Florida crop in 1955, but has averaged only 7 percent of the total Florida crop during the ten-year period 1946–55 (Exhibit No. 9).

The boundary of the production area in Florida is the Apalachicola River which serves as a natural barrier between that portion of Florida within the production area and the area outside. The proponents testified at the hearing that watermelons grown on one side are not moved across to the other side of the river to be graded, loaded, and shipped. Handling operations on both sides of the river are separate and distinct. With respect to the remainder of Florida, the four producing districts (South Florida, Leesburg, Gainesville, and Live Oak) constitute the Florida commercial deal. These four districts start shipping at different times, beginning with South Florida and continuing north, but each district's shipments will overlap with those from the districts to the north. The northern districts, in turn, overlap with shipments from Georgia, and Georgia overlaps South Carolina.

The entire State of Georgia is included within the production area. The southern part of Georgia is the principal producing district in Georgia. This district starts shipping in June, and continues into July. North Georgia starts a short time later and also continues into July.

There is a producing section in southeastern Alabama with fairly concentrated acreage adjacent to the Georgia line. This Alabama deal, however, is more closely related to the Western Florida watermelon deal. Like the Western Florida section, it is separated from the production area by a natural barrier, the Chattahoochee River. Also, the counties in Southwestern Georgia bordering on the Alabama-Georgia line are not important shipping points for Georgia grown watermelons. It was testified that this situation is similar to the Western Florida situation in that watermelons are not moved across the Chattahoochee, either east or west, for grading or loading.

The production area as defined in the Notice of Hearing included the entire State of South Carolina. However, the evidence presented at the hearing does not substantiate including the northern producing section, Pageland-Chesterfield. No witnesses from this section testified at the hearing. The witnesses from South Carolina who testified at the hearing were from the Allendale-Barnwell section and were not familiar with the Pageland-Chesterfield watermelon deal except for shipping dates. In addition there is a small watermelon deal in North Carolina, which unlike the West Florida and Alabama situation, is in close proximity geographically and in marketing with Pageland. It was testified that it was possible for watermelons grown in the Pageland section to be loaded in North Carolina and conversely for North Carolina grown watermelons to be loaded in the Pageland section in South Carolina. Furthermore, the North Carolina deal is in direct competition with the Pageland deal. Based upon this testimony the Pageland section at this time is not included in the production area.

Shipments from the southern section, Allendale-Barnwell, are marketed in competition with shipments from Georgia and the northern districts of Florida. For a week to ten days in July the two sections in South Carolina are also in direct competition. This competition is during the windup of the Allendale-Barnwell deal and the beginning of the Pageland-Chesterfield deal. After mid-July, the Pageland-Chesterfield deal has no appreciable competition from the production area but is competing principally with North Carolina, Texas, and other producing areas which are closer to market and are marketing at the same time. Excluding the Pageland section will not have an appreciable effect upon the returns to growers in the production area.

The Santee River, Lake Marion, the Wateree River and the Catawba River provide a boundary line, comprised of a natural barrier similar to that provided by the Apalachicola River in Florida and that provided by the Chattahoochee River on the Georgia-Alabama state line, which offers a clear cut, effective separation from other, and later, watermelon producing sections.

The shipping season for watermelons grown within the production area, as defined in the proposed order, begins in south Florida early in the calendar year and moves north as the year advances, with shipments from each section or district overlapping and coinciding to considerable extent with shipments of watermelons from one or more other districts therein. Therefore, the territory included within the boundaries of the production area constitutes the smallest regional production area that is practical and consistent with carrying out the declared policy of the act, and the production area should be defined as hereinafter set forth.

(4) The terms "handler" and "shipper" are synonymous and should be defined to identify those persons who handle watermelons in the manner described and set forth in the definition of "handle." The definition of handler establishes and identifies the persons who are to be subject to the regulations authorized by the marketing agreement and order. Any person who is engaged in the act or acts of handling or shipping watermelons or who in any other way is responsible for placing watermelons in the current of commerce is a handler. Such persons are responsible for the grade and quality of watermelons delivered to transportation agencies or which are transported or sold in the current of interstate or foreign commerce or which directly burden, obstruct or affect such commerce and are handlers.

Common or contract carriers transporting watermelons owned by another person are performing a handling function but such handling should not be regulated under the marketing agreement and order because such carriers are not responsible for the grade and quality of the watermelons being transported. Neither are they responsible for the introduction of such watermelons in the stream of interstate commerce. Also, the sole interest of common or contract carriers in such watermelons is to transport them for a service charge to destinations given by others, and the person or persons who deliver watermelons to a common or contract carrier should be responsible for the grade and quality of such watermelons. Therefore, the term "handler" or "shipper" should be defined to mean any person (except a common or contract carrier of watermelons owned by another person) who handles watermelons or causes watermelons to be handled.

The term "handle" or "ship" is defined in the marketing agreement and order to spell out the activities or transactions by handlers which fall within the regulatory authority of the proposed program. "Handle" and "ship" are interchangeable and their definition should include all shipping activities, the acts of selling or transporting watermelons within the production area or to any point outside thereof.

The definition of "handle" should not include the sale of unharvested watermelons. It is a practice within the production area for some growers to sell fields of watermelons prior to harvest to other growers, brokers, truckers, or other handlers. In some cases such fields are sold just prior to picking. However, the sale may occur at any time during the crop season. Such sales should not be included within the definition of "handle" because the grower has no connection with the harvesting, the grading or marketing of such crop. The purchaser in such cases determines the disposition of the watermelons after picking and also has the authority to direct which watermelons will be marketed and how they will be sold.

Watermelon marketing is unique when compared to most vegetable crops in that the watermelons constitute their own package, and it is not necessary in the packing operation to funnel the commodity through an ordinary packing house. Title to the watermelons can be transferred prior to harvest, as described above, immediately after harvest, at time of loading, or at terminal markets. The handler, who oftentimes can be the grower, makes sales either direct to other handlers at shipping point or to receivers or brokers in receiving markets or other areas outside the production area or within the production area. Also, in many cases watermelons are consigned to such markets by the shipping point handler.

Growing and harvesting watermelons in the production area are producer functions and such functions should not be included within the definition of handle or ship. However, once movement after picking has started, the watermelons enter the current of commerce. For example, it is a common practice for growers to sell watermelons, principally to truckers, directly at the field where grown. The watermelons are carried or "toted" by the grower's harvesting crew to a turn row, or the edge of the field or to a road where they can be loaded on the buyer's trucks. Such watermelons, even though they have not been subjected to a separate grading operation are in acceptable form as far as the buyer is concerned. The grower in such transaction is the person responsible for the grade of watermelons being handled and he is performing a handling function in selling and should be construed as a handler. Also, the trucker who buys such watermelons is a handler because he has acquired title thereto and is responsible for transporting such watermelons in the stream of commerce.

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In other cases growers move watermelons immediately after harvest from the turn row or the edge of the field in their own trucks or in trucks hired by them to an assembly or loading point, or to a railroad siding for grading and loading. The field run watermelons are then separated according to acceptable grades and qualities at such loading points or railroad sidings as they are being loaded for transportation. The movement of such field run watermelons to loading points or railroad sidings constitutes handling and is within the definition of "ship" or "handle."

Many watermelons are transported after harvest by the grower to farmer's markets or auctions within the production area. The watermelons are then sold at the farmer's market to buyers who many times grade the watermelons at that point prior to transportation from the market. Movement to such markets by the grower should be considered a function similar to that described above with respect to movements to assembly points or rail car sidings.

Rail shipments are not always handled the same. In some cases the grower loads the car, obtains inspection, and then turns the car over to an agent or handler. In such cases, the grower is responsible for the grade of the watermelons contained within the car, and is therefore performing a handling function. In other cases, the grower may just transport the watermelons to the car located at the siding where the agent or handler supervises the grading and loading of the watermelons, and inspection is obtained by the shipper. In such situations the agent or handler performs the handling functions of grading, loading, and transporting the car. In other cases, the agent or buyer may buy the watermelons at the field and have them transported to the siding where he then supervises the grading, loading and shipment of the car. The agent and grower in such cases would be considered handlers since the grower sells the watermelons and the agent is responsible for their transportation.

There are certain auctions located within the production area (at Trenton and Newberry, Florida) which deal in loaded railroad cars of watermelons. At such auctions copies of inspection certificates describing the car and its contents are furnished the buyers who then bid for the car on the basis of the information on the certificate. In many cases, the buyers will actually inspect the watermelons contained in the car, but in other instances their knowledge of the car's contents is based upon the information contained on the certificate. The growers or handlers who make such cars available for auction are handlers under the definition by reason of their sales and the buyers become handlers when they resell the watermelons or transport them to market.

Some watermelons are sold on joint account. In a joint account venture one member usually does the buying and the other the selling. In some instances a joint account may be between a shipping point grower or shipper and a receiver. In other instances, a grower and a shipper can operate a joint account with the grower producing the watermelons and the shipper selling. Because the parties in a joint account sell and/or transport watermelons they would be handlers under the marketing agreement and order. Also, persons commonly referred to in the production area as shippers or brokers, would, in most of their transactions, be handlers under the marketing agreement and order. In some instances they might be the second or subsequent handler; however, they normally perform the functions of selling or transporting watermelons, which functions are included under the definition of "handle."

When watermelons are being prepared for market—graded and loaded—inspection is usually coordinated with the loading. The person responsible for determining the grade, quality and maturity of the watermelons being loaded applies for the inspection. Under the definition of "handle" the applicant for inspection would, therefore, be the first handler, and would be responsible for complying with requirements under the marketing agreement and order. Subsequent handlers would also have the responsibility of ascertaining whether their shipments complied with requirements. If inspection is not obtained on a shipment, the person responsible for preparing the shipment for market, and who would normally apply for inspection, would be the first handler.

All transactions involving the transportation of watermelons, with the exception of common or contract carriers transporting watermelons owned by another person, constitute handling under the definition. Normal movement of watermelons from field to market would be included within the term "handle." This would include movement from the field to assembly points or railroad sidings, to auctions or farmers' markets, or to terminal markets. Such transportation would also include movement from the loading point to diversion points or terminal markets.

With the exception of the activities which are specifically excluded from the definition of the term "handle," all transportation and sales of watermelons from the time they are harvested and begin their movement into commercial channels, should therefore, be included within the definition of the term "handle."

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the marketing agreement and order. Such terms should be defined for the purpose of designating specifically their applicability in establishing the approximate limitation of their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, but also, in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the U. S. Department of Agriculture who is, or who may be hereafter, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative. It makes it unnecessary to refer to such citation when used thereafter in the marketing agreement and order.

The definition of "person" follows the definition of that term as set forth in the act and will insure that it will have the same meaning as when used in the act.

The term "producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of watermelons for market. The definition of this term is necessary for appropriate determinations as to eligibility to vote for members of the committee and to distinguish such persons from those who are defined as handlers. The term should be limited to those who have an ownership interest in watermelons produced in the production area. It should not include laborers or others who perform work for fee or for hire in producing watermelons.

The term "producer" includes persons who own and operate their own farms; persons who rent farms and who own all or a portion of the watermelons produced on their farms; landlords who receive a portion of watermelons as rent for land; partnerships which produce watermelons for market; and corporations, associations or other business units which produce watermelons for market. The governing factor in determining ownership interest in watermelons produced depends upon who has title to such watermelons. A producer is that person (or persons) who owns, or has title to, the watermelons produced.

Where an unharvested crop is sold, the original producer—i. e. the person who planted and cultivated the crop—shall be deemed the producer. It is recognized that the buyer may spray or dust the crop prior to harvest. However, the original owner was more responsible for the production of such crop.

An "eligible producer" is defined to mean any person who is a producer or a producer-handler of watermelons for market whose handling of watermelons produced by others constitutes less than 25 percent of the total number of watermelons handled by such person during the 12-month period immediately preceding a nomination meeting. This term should be defined in the marketing agreement and order so that appropriate determinations as to eligibility to serve as members or alternate members of the committee can be made. It was testified at the hearing that persons representing producers should be bona fide producers who are currently active in the watermelon industry and whose principal interest in the watermelon industry is as producers and not as handlers. By stipulating the 25 percent requirement, the proponents believe that persons so qualifying will adequately represent producer interests.

The term "eligible handler" is defined to mean any person who is a handler only or any person who is both a handler and a producer of watermelons for market but whose handling of watermelons produced by others constitutes at least

25 percent of the total number of watermelons handled by such person during the 12-month period immediately preceding the nomination meeting. This term also is necessary for appropriate determinations as to eligibility to serve as members or alternate members of the committee for reasons similar to those given for defining "eligible producer." Persons representing handler interests on the committee, likewise, should be persons whose principal interest in the watermelon industry lies within the field of handling rather than producing. The 25 percent requirement is deemed sufficient to assure that such persons will adequately represent handler interests.

"Grading" and "preparation for market" are interchangeable and mean the operation by which watermelons are processed, sorted or separated into the grades and qualities which will go to fresh markets from those which should be withheld from such markets. Grading is an operation which is common and customary in practically all watermelon marketing in the production area. Separation of the different grades and qualities of watermelons is usually a hand operation by which the grader, who by practice has learned the difference between the various qualities or grades of watermelons, watches watermelons as they are loaded into the car or truck and accepts or rejects such watermelons depending upon the grades or qualities which are desired for the particular shipper.

Grading can be done in the field where the watermelons are grown, at assembly and loading points, at farmers' markets, or at any point where there is space available to separate the melons into specific market classes. There are variations in the process of grading, but the essential feature of the operation is the separation of watermelons, so that the watermelons which should not go to market are separated from those which are going to market.

It is a common practice for watermelons to be sold from the field where grown. When watermelons are sold directly from the field to the trucker or to another person who takes them to market, either within or outside the production area, such watermelons have usually been graded to the extent that the watermelons are marketable. Watermelons can be graded in this manner to satisfy the demands of some types of buyers. The watermelon grower who either markets his own crop or sells at assembly points, farmers' markets, auctions, or to truckers oftentimes separates the good marketable watermelons from the culls in the field at the time of harvest.

The grading process covers the act of preparing watermelons for market regardless of whether the process is a simple hand operation or a more complicated combination of machinery and hand operation. The use of mechanical equipment in grading watermelons is not common; however, some handlers use mechanical loading and/or waxing equipment. Grading is an operation which applies to all watermelons grown in the production area even though the extent to which watermelons are separated into classes may vary considerably according to the types of outlets.

The definition of "grade" is incorporated into the marketing agreement and order to enable persons affected thereby to determine the basis for application of grade limitations to the products they handle. "Grade" should be defined to mean any one of the established grades of watermelons as defined in the official standards for watermelons issued by the U. S. Department of Agriculture and to modifications and variations of such standards by regulations under the marketing agreement and order. Regulations under the marketing agreement and order can then incorporate such terms with the constant meaning assigned thereto in such standards, or in such modified or amended standards. Also, such regulations can vary such terms by prescribing, for example, a percentage of grade, such as a regulation limiting shipments to a percentage of the U. S. No. 1 grade. Regulations should be authorized preventing shipments which fail to meet certain U. S. grades, except for modifications for certain defects. Official inspectors are qualified to certify the grade and quality of watermelons grown in the production area in the terms of the standards or modifications or amendments based thereon.

"Mature" should be defined as set forth in the marketing agreement and order. A mature or ripe watermelon is a melon that has reached a stage of development at which the flesh is at least fairly sweet and shows the characteristic color of a mature melon for the variety. This definition is included within the marketing agreement and order so that regulations which may be issued under the marketing agreement and order can be fully understood and interpreted by handlers. Inspectors are qualified to inspect and certify as to maturity.

The term "varieties" is included within the marketing agreement and order so that the committee may recognize characteristics of different varieties of watermelons which might be considered with respect to recommendations of regulations therefor. The Charleston Grey is the most popular variety of watermelons grown in the production area at the present time. Some Congos, Cannonballs, and other varieties are produced and represent only a small percentage of total shipments. However, new varieties, such as the Blackstone, which are different in some respects from the aforementioned varieties are increasing or may increase in importance. The meaning set forth in the definition of varieties is appropriate for determining different varieties or types of watermelons grown in the production area so that a basis for regulating some and not regulating others may be established.

The definition "committee" is incorporated in the agreement to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Such committee is authorized by the act and the definition thereof minimizes the use of words referring to the administrative agency of the marketing agreement and order.

A definition of "fiscal period" should be incorporated into the marketing agreement and order to establish the beginning and ending of a suitable period for fiscal accounting. Such period is set forth in the marketing agreement and order as beginning on January 1 and ending December 31 following. This is a practical period with respect to the watermelon industry in the southeastern states. The beginning date comes within the period when shipments are not made or are at their minimum. This is the commonly accepted date for the beginning of new operations in connection with watermelons. While the date for the new fiscal period could be moved forward a month or so or moved back the same way it is believed that the present proposed January 1 is the most appropriate.

"District" should be defined as each of the geographical sections of the production area either as initially established or as later reestablished in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable and it provides a practical basis for the purposes for which intended.

The notice of hearing contained a definition of "export." However, as this section was not supported by substantial evidence, it is deleted from the marketing agreement and order.

(b) The order should provide for the establishment and selection by the Secretary of the administrative committee. This committee would be composed of eight producer members and four handler members and would be called the Southeastern Watermelon Committee. Such an administrative body is essential to aid the Secretary in carrying out the declared policy of the act. The proposed membership would give both producers and handlers of watermelons fair and equitable representation. Provision should also be made for the selection of an alternate for each member of the committee. An alternate member would have to qualify on the same basis as the member for whom he acts as alternate.

An alternate member should be authorized to act in the place and stead of the member for whom he is an alternate in such member's temporary absence or when the member's absence is due to death, removal, resignation, suspension, or disqualification. When acting as a member the alternate should continue in that capacity until a successor for said member is selected and has qualified. Thus, continuity of operations would be assured and all districts would be adequately represented at all times.

The proposed committee membership of eight producers and four handlers was generally supported by the industry and is considered both equitable and practicable. Inasmuch as the production area would encompass most of three States, 12 members would seem to be the minimum number necessary to properly represent the divergent producing sections. Evidence presented supports the finding that this plan of representation

received intensive study by the industry and is considered the most desirable and appropriate.

The production area should be divided into seven districts—four in Florida, numbered 1, 2, 3, and 4, two in Georgia, numbered 5, and 6, and one in South Carolina, numbered 7. From each of the districts in Florida and Georgia one producer member should be selected and from District No. 7 in South Carolina two producer members should be selected. In addition, two handler members should be selected from Florida and one each from Georgia and South Carolina. Based upon the volume of production from these three States, it is felt that this representation on the committee would be the most equitable.

To be selected as a producer member or alternate each nominee must be an eligible producer of watermelons in, and a resident of, the district from which he is nominated. To be selected as a handler member or alternate each nominee must be an eligible handler in, and a resident of, the production area within the State from which he is nominated. Producers and handlers meeting the requirements for selection to the committee should also be intimately acquainted with the problems of producing and marketing watermelons grown in their area and, if selected, may reasonably be expected to act in their representative capacity in an efficient and practical manner. Obviously, the qualifications of each alternate member should be similar to those of the member for whom he may act in order that the interests of the group represented will be adequately protected.

Each person selected by the Secretary as a committee member or alternate should file a written acceptance with the Secretary in order to qualify for the position. Such requirement is necessary so that the Secretary will have definite knowledge that the position is filled. To prevent excessive delay in obtaining full membership on the committee such acceptance should be filed within ten days of receipt of notification of appointment.

The term of office for all committee members and alternates should be one calendar year ending December 31, and for any additional period necessary for the selection and qualification of their successors in office. Such term of office would encompass a full marketing season and would allow the industry time to express its approval or disapproval of the committee membership prior to the beginning of a new season. Approval could be expressed by renomination of able and popular incumbents. January 1 would be an ideal starting date for the term of office because it is between marketing seasons and would give the new committee ample time to organize and prepare for the coming season before any sizable shipments are made. At the present time the marketing season for all practical purposes is from late April through October. The season is actually in full swing only from late May through early August. Committee members and alternates should serve during the term for which selected and until their successors are selected and have qualified in order to assure continuity of committee operation.

It is desired by the industry that at least nine members should be necessary for a quorum. This would insure that at least three-quarters of the committee would attend each meeting. Committee considerations, therefore, should reflect a cross-section of industry thoughts and attitudes. Not less than seven members of the committee should be required to concur in any committee vote in order for any measure to pass. Seven concurring votes would represent a bare majority of the full committee and is considered adequate and reasonable in view of the fact that the marketing seasons for the various districts are not the same and at any one time some portion of the production area would not be materially affected by regulations passed by the committee. It would appear, therefore, that a majority of concurring votes of the entire committee would be sufficient to approve committee action.

The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any vote cast at other than an assembled meeting should be confirmed promptly in writing to provide a record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

The committee should be given those specific powers authorized in the enabling statute as set forth in section 8c (7) (C) of the act. They are common to marketing agreements and orders and are necessary for the proper function of an agency of the character herein proposed.

The duties of the committee set forth in the proposed order are generally similar to those specified for administrative agencies under other marketing agreements and orders.

These duties should enable the committee to undertake and perform such activities necessary to carry out its prescribed responsibilities. It should be recognized that the duties listed are not necessarily all inclusive and that there may be other duties which are incidental to and not inconsistent with the terms and conditions of the proposed order which the committee may need to perform in connection with its operation thereunder.

Committee members and alternates should be reimbursed for necessary expenses incurred in the performance of the duties of the committee or in connection therewith. Such expenses might include travel, meals, hotel accommodations, and other related expenses when attending committee meetings or, when authorized, on other committee business. Expenses, to be reimbursable, should be actual and reasonable expenses incurred in performance of official duties, but shall not include per diem compensation for time involved. The notice of hearing included a provision for compensation. However, the proponents did not offer evidence to support its inclusion because they now believe committee members should donate their services to the industry.

The proposed production area should be divided into districts to provide a basis for selection of committee members. The districts as recommended herein for adoption were worked out by industry spokesmen, and they apparently represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee. The original proposal as printed in the notice of hearing had the production area divided into eight districts, including two in South Carolina. Each district constituted what was generally known and recognized by the industry as a separate and distinct production section. On the basis of the record the Pageland section in South Carolina, originally included in the production area as District No. 8, should not be included. For that reason there will be only seven districts, one of which will be in South Carolina. The Pageland section could, if it is so desired, be incorporated in the production area through amendment proceedings at a later date.

The provision for redistricting is desirable because it would allow the committee to consider, from time to time, whether the basis for representation could be improved and how such improvement should be made. The guides outlined in the proposed order are appropriate and desirable factors which the committee should keep in mind in considering redistricting. Any recommendation for redistricting, or reapportionment of membership, should be made sufficiently well in advance of the time when any such change would affect membership on the committee so that changes can be properly effected by the Secretary with the least possible inconvenience to all concerned.

Procedure for the election of nominees by producers and handlers for membership on the committee should be prescribed in the marketing agreement and order. Such provisions are considered necessary in order that the Secretary may have assistance from the watermelon industry in selecting members and alternates for the committee. Nominations of prospective producer members and alternates at meetings of producers in the respective districts and handler members and alternates at meetings of handlers in the respective states is the customary and practical method of providing the Secretary with names of individuals picked by the industry to serve on the committee. In order to obtain the industry's preference for membership on the initial committee, meetings of producers and of handlers should be sponsored by the U. S. Department of Agriculture or by an agency or group requested to do so by the Department. This sponsorship would provide the most feasible means for the industry to express its wishes and preferences with respect to committee membership, inasmuch as there would be no existing committee to assume such responsibility at that time.

Succeeding nomination meetings should be called by the incumbent committee because it is practical, proper, and appropriate that the responsibility for calling nomination meetings for succeeding members should rest with the committee as the administrative agency. The committee should be permitted to utilize the services of other agencies, such as, but not limited to, Extension Service representatives, to assist in conducting such nomination meetings.

Nomination meetings for successor members and alternates should be held prior to November 1 of each year in order to assure sufficient time to submit names of nominees to the Secretary not later than December 1. Inasmuch as the selections by the Secretary should be made and published before each new term of office begins, January 1, these deadlines should be adhered to as closely as possible. The committee could hold nomination meetings in conjuction with other meetings that are conducted concerning watermelons in any or all districts if the committee so wished. If, on the other hand, the committee preferred to hold separate nomination meetings, it would be a matter of judgment and responsibility which should properly fall within the scope of authority of the committee.

At least two nominees should be designated for each position as member and each position as alternate, so that the Secretary may have a choice in making selections. It is appropriate, and the industry so desires, that only eligible producers should participate in designating nominees for producer members and alternates and only eligible handlers should participate in designating nominees for handler members and alternates on the committee.

An eligible producer producing watermelons in more than one district, or an eligible handler handling watermelons in more than one state, should be given the privilege to select the district or state in which he desires to cast his vote for the nominees of the committee. Such person, however, may vote in only one district or state, since any other procedure would give that person a greater voice than other producers or handlers in the nomination of committee members.

Each person participating in industry meetings for the election of nominees to the committee should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives. Voting on any other basis would not provide equitable representation. The limitation of a person's right to cast only one vote on his own behalf should be construed to mean that one vote may be cast for each position which is to be filled. For example, if there are two members to be nominated from a district and two alternates from such district, then each eligible producer should be privileged to cast one vote for each member position and one vote for each alternate position. The same would be true where two handler members are to be nominated from a state and two alternates from such state. In that instance, each eligible handler should have the privilege of casting one vote for each member position and one vote for each alternate position. Votes should be cast only in the district or state in which an eligible producer or eligible handler elects to vote. Each person voting is presumably interested in nominating well qualified prospective members and his interest should be expressed in the area where he considers his major interest exists. It is equitable and proper that each person should have the same voice in nominating members who will represent his area on the committee.

It is necessary and desirable that the Secretary be authorized to fill committee vacancies without regard to nominations if the names of nominees to fill such vacancies are not made available to the Secretary within 30 days after such vacancies occur. This provision should insure continuity of operations and equal representation at all times. Such selection by the Secretary would be on the basis of the representation provided in the proposed order so that the composition of the committee would at all times continue as prescribed. Similarly, the Secretary should be authorized to select committee members or alternates without regard to those nominated if for any reason nominations are not submitted to him in conformance with the prescribed procedure.

(c) The committee should be required to prepare a budget at the start of each fiscal period, and as often as may be necessary thereafter, to cover its operations for such period. Each budget should be submitted to the Secretary with an analysis and explanation of its component parts. The committee should recommend the rate of assessment it believes would bring in sufficient income to meet expenses during the period covered by the budget.

The committee should be authorized to incur such expenses as are reasonable and likely to be incurred during each fiscal period for its maintenance and administration of the proposed order, and for such other purposes as the Secretary may, pursuant to the provisions therein, determine to be appropriate to insure proper and efficient operation of the marketing agreement and order.

The funds to cover the expenses of the committee in the administration of the proposed order should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve such expenses by administrative agencies, such as the proposed Southeastern Watermelon Committee, and in addition requires handlers to pay their pro rata shares of all expenses so approved. The payment of assessments for the maintenance and functioning of the committee may be required throughout the period the proposed order is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative. Such pro rata share assessed to each handler is payable on demand. Each handler's share of expenses should be equal to the ratio between the total quantity of watermelons handled by him as the first handler thereof during a specified fiscal period and the total quantity of watermelons so handled by all handlers during the same fiscal period. It is necessary that the responsibility for the payment of the assessment on each lot of watermelons be fixed and it is proper and equitable to impose such liability on the first handler of such watermelons. In almost all instances the first handler and the applicant for inspection will be the same person. In the event the first handler failed to apply for inspection, however, this would not in any way cancel his obligation to pay the assessment.

Assessment rates should be recommended by the committee and applied by the Secretary to a specific unit of shipment. For example, assessment rates might apply to carlot shipment, truck shipment, hundredweight, individual melons, or any other unit of shipment used in shipping watermelons to market. Such assessment should be applied on a uniform rate basis throughout the fiscal period.

At any time during, or subsequent to, a given fiscal period the committee should have the authority to submit to the Secretary for approval an amended budget and an increased rate of assessment to balance committee expenses and revenues where the prior rate of assessment proved to be inadequate. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets and, if necessary, increase the rate of assessment.

To avoid any inequities among handlers, authority should also be included to retroactively apply the increased rate of assessment to all watermelons previously handled in the fiscal period concerned.

Any funds remaining at the end of a fiscal period in excess of expenses for that period should be credited to contributing handlers on a proportionate basis unless carried over as a reserve for contingency or liquidation. Each handler entitled thereto should have such refund credited to his account for the following year's operations unless he demands payment thereof, in which event he should be entitled to be paid as soon as practicable.

It is generally accepted as good business practice to provide for unforeseen contingencies. For example, it is possible that adverse weather conditions might result in substantial crop failure during any given fiscal period. The net effect of such crop failure would be to greatly reduce or stop shipments, and would cause the discontinuance of regulation and collection of assessments. In order to continue at least a nucleus of an administrative organization and to assure the performance of a minimum of basic services, the committee should have the authority to set up a reserve account from any excess assessments and to use such funds during any period when needed. In the event of termination the costs of liquidation would be defrayed by funds from the reserve account.

Funds in the above reserve account might properly serve another purpose. At the beginning of each fiscal period there will be a need of operating monies

at a time when there will usually be little, if any, revenue from assessments. It is economical and practical, and the committee should be so authorized, to use the accumulated cash until such time as assessment collections provide adequate revenue to meet current expenses. It is contemplated that any such reserve will be built up over a period of years (possibly five years). This progressive accumulation will tend to equalize the burden among handlers over a period of years. It is generally agreed that the reserve which could be accrued from excess assessments should be not more than an amount roughly equivalent to the average budgetary figure for one fiscal period. A lesser amount, determined from experience, may prove sufficient. In the event funds from the reserve account are used for any purpose, except liquidation, such funds should be returned to said reserve account as soon as practicable in order that it may be maintained at an adequate level to meet future contingencies as they arise.

Any funds remaining after liquidation, including any balance which might remain in the reserve account, should be refunded to handlers on a pro rata basis. In some cases individual handler accounts may be of such small amounts as to make impracticable the return of such pro rata share. Amounts of such insignificant nature should be disposed of as the Secretary may consider to be most appropriate under the circumstances.

The committee should provide periodic reports on its fiscal operations. It is expected that an audit report will be furnished the Secretary at the end of each fiscal period covering the committee's fiscal operations for that period. Additional audit reports will be furnished covering any period at the request of the Secretary or at the discretion of the committee in order to maintain appropriate supervision and control of the committee's affairs. Also, financial statements reflecting the current fiscal position of the committee should be furnished the Secretary and members and alternates at the close of each month. Copies of such audit reports and monthly financial statements should be available at the committee's principal place of business for perusal by interested members of the watermelon industry. In no instance, however, should data of a confidential nature which could prove detrimental to the interests of an individual handler or producer be disclosed in copies of fiscal reports released for public information.

(d) The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of watermelons was authorized by amendment to the act in Public Law 690, known as the Agricultural Act of 1954, 83rd Congress. Such provision should be included in the marketing agreement and order.

Research projects with respect to market developments, transportation, handling methods, and marketing practices could prove to be of considerable value to the watermelon industry and to the committee with respect to the recommendation of regulations. It was testified at the hearing that past research in watermelons has been limited and has been principally in the field of production rather than in marketing. Also, there are practically no by-products or other uses for watermelons besides fresh human consumption. There appears to be a real need for marketing research projects and for projects designed to develop new uses or by-products.

The committee should have the authority to recommend the establishment of such projects which are in the best interests of watermelon marketing and which will assist, improve, and promote the marketing, distribution and consumption of southeastern watermelons. The committee should be authorized to engage in or contract for such projects, spend funds for such purpose, and consult and cooperate with other agencies with regard to same. All such projects should receive prior approval by the Secretary in order to insure that such contemplated projects properly come within the purview of the stautory authority.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for watermelons, among other commodies, as will tend to establish parity prices to producers thereof. The regulation of the handling of watermelons by grade and quality as authorized in the marketing agreement and order should provide a means of carrying out such policy and is one of the ways authorized by the act (section 8c (6)) for achieving this objective. The procedures and methods, which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grades and quality regulations, should provide a practical basis for the committee to obtain appropriate and adequate information relating to watermelon marketing problems. The marketing policy would be essential each season to provide an over-all plan or policy for the committee and the industry to follow with respect to the marketing of watermelons. Also members of the industry should be provided with the information regarding regulations which may be recommended by the committee. The factors set forth in the marketing agreement and order which the committee should take into consideration in developing its marketing policies are the ones commonly and usually taken into account by growers and handlers in their day-to-day evaluation of the market outlook with respect to watermelons and are adequate and proper for the intended purposes.

In order that the Secretary may carry out effectively his responsibilities with respect to the marketing agreement and order, the committee should transmit to the Secretary a report on each proposed marketing policy or amendment thereof relating to the marketing of watermelons during each season.

The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to or simultaneously with its initial recommendations for regulation. This would give all interested parties maximum notice of probable regulations. Reports on marketing policy and regulations recommended should be submitted to the Secretary and presented to the industry by the committee.

The committee as the responsible local administrative agency should be authorized to recommend grade, quality, or any other regulations authorized by the terms of the marketing agreement and order. The committee will be composed of experienced watermelon producers and handlers who will reflect the thinking of the industry when making recommendations. Because of the members' and alternates' experience and closeness to the industry the committee is the logical agency to which the Secretary may look for recommendations.

The committee would have the responsibility for recommending minimum quality and other regulations, as well as modifications, suspensions, amendments or terminations thereof, and should be authorized to consider and recommend any or all methods of regulations which are authorized in order for the Secretary to act thereon. Also, the committee should be required to advise the Secretary, and the Secretary should determine whether the committee and the industry are adequately prepared and able to comply with such regulations.

Determinations should be made as to whether the committee is organized as a going concern ready to administer the program; whether the inspection service is prepared to render the service required under the marketing agreement and order; whether methods for establishing centralized inspection points are appropriate; whether the watermelon industry is willing and able to bring watermelons to such inspection points and make them accessible for inspection; whether satisfactory means of identification of inspected watermelons are available and feasible; and whether the industry has assured cooperation of State agencies in promoting and coordinating inspection requirements and administration to help promote orderly marketing of watermelons. When such considerations have been satisfactorily resolved, the committee would then be in a position to make recommendations in line with the authorities provided for in the order. The committee in making such recommendations must comply with requirements relative to formulating a marketing policy as set forth in § 1021.50, and must advise the Secretary concerning the advisability and feasibility of issuing the minimum quality or other regulations, and justify a finding that the recommended regulations would tend to effectuate the declared policy of the act.

The issuance of a minimum quality regulation which would withhold shipments of immature, whitehearted and decayed watermelons grown in the production area should tend to increase prices for the more desirable watermelons and to promote more orderly marketing and increase the returns to producers of such watermelons. The minimum quality regulation (as set forth in § 1021.52 (a)) of the marketing agreement and order would withhold watermelons affected by internal damage from

immaturity, whiteheart and decay. Many of the opposition witnesses testified that such watermelons cannot be sold to truckers. Proponent witnesses in turn testified that many such watermelons are sold and some witnesses testified that they personally had sold such watermelons. Also testimony was entered into the record that due to numerous complaints, the Georgia Department of Agriculture banned the sale of such watermelons on the Atlanta Farmers' Market. Watermelons that are immature, or affected by whiteheart or decay, do not give consumer satisfaction because, the testimony shows, such watermelons are inedible and their sale discourages repeat purchases by consumers. When shipments of watermelons are being regulated under the marketing agreement and order, the minimum requirements with respect to immature, whiteheart or decay should be in effect at all times. The minimum quality regulation would not withhold watermelons which are rejected from the U. S. No. 1 shipments because of other defects such as hollowheart, sunburn, hail or sand scars, etc. It is intended that this regulation will establish the minimum standards of quality and maturity for southeastern watermelons.

In addition, the Secretary pursuant to committee recommendation, may further limit shipments of watermelons whenever he finds that this action would tend to effectuate the declared purposes of the act. It was testified at the hearings that in the past watermelons have, on occasions, been in such large supply that a heavy volume of the better grades became available for shipment. During such periods it would be feasible to issue more stringent regulations so that only the better grades would be offered to consumers. Also, certain defects may be considered more undesirable during periods when watermelons are plentiful, and the committee may recommend that watermelons affected by such defects be withheld from market.

Authorization should be included in the marketing agreement and order to regulate, in addition to the minimum quality regulation, in any or all portions of the production area, the handling of particular grades or qualities of any or all varieties during any period. Portions of the production area may be shipping at a time when supplies are in line with demand and returns to growers are satisfactory. At such time and during such periods the minimum quality regulation would be adequate. However, when another portion or portions of the production area begin shipping, the increased volume may be such that prices would fall. In such cases more restrictive regulations could readjust supplies to stabilize the market.

Furthermore, it was testified at the hearing that certain portions of the production area may at times produce so few watermelons that it would be impractical for the inspection service to make inspection available. To make inspection compulsory at such times in these sections might tend to raise the cost of inspection to all handlers. The record of hearing shows that the proponents favor regulation in all portions of the production area at a given time when handling of watermelons is in sufficient volume to establish a commercial market capable of supporting adequate marketing services, such as inspection, at customary rates. The terms and provisions of the marketing agreement and order, therefore, should provide authority for issuing regulations in any or all portions of the production area when justified.

Provision should be included in the marketing agreement and order to allow consideration for regulating differently for certain varieties because of definitive characteristics which may render such varieties more susceptible to certain defects or diseases than other varieties. Such a small volume of these varieties may be produced that their marketing would have little effect on prices received for the more common varieties. At the present time, the Charleston Gray variety accounts for a high percentage of the total production of watermelons grown in the production area. However, other varieties are grown to a lesser extent. Some of these varieties are older varieties which were commonly grown in the past, while others are new varieties, such as the Blackstone, which are increasing in popularity. The continuing development of improved varieties should be encouraged. Provision should be made, therefore, to allow sufficient flexibility under the marketing agreement and order to allow all growers and handlers equitable consideration in marketing their watermelons.

A few outlets take different grades and qualities than normally shipped to the commercial market. For example, seed processors, and manufacturers of pickled rind or of medicinal products from watermelons are not necessarily interested in obtaining grades or qualities which are desirable in fresh market watermelons. Flexibility in the regulation of shipments to such outlets should be included within the terms of the marketing agreement and order, so that such outlets may be utilized to the fullest extent possible.

During any period no regulation may be recommended for issuance which would prohibit the handling of watermelons grading 85 percent U. S. No. 1, or better. The proponents testified that under most conditions a shipment of 85 percent U. S. No. 1 watermelons will return satisfactory prices to growers. No grade regulation higher that the minimum quality regulation, however, may be recommended for issuance during the period January 1 through May 10 of each year unless the producer committee member from District No. 1 concurs in the committee recommendation therefor. District No. 1 comprises South Florida which usually starts shipping in March and continues through early May with little or no competition due to such an early growing season. The watermelons grown in this district, however, have external characteristics not normally comparable to those grown in other districts of the production area. The district is subject to extremes in weather with hail, heavy rains and high winds being common. The soil in this district, as in many other parts of Florida, is sandy. When this sand is blown by high winds the watermelons are scarred, which affects grade. The extremes in weather have an effect upon shape which also affects grade. Production costs are high in this district. Although gross returns are usually high for watermelons grown in this district, due to the limited supply available, growers must sell a high percentage of their crop in order to meet production costs. Therefore, the producer member who is familiar with conditions in this district should concur in any recommendation for regulations more stringent than the minimum quality regulation.

The committee should have the authority to recommend suspension of any or all regulations in effect under the marketing agreement and order on or after July 15 if at least two committee members from South Carolina concur in such recommendation. Normally, by July 15 shipments of watermelons from the production area in any sizable volume are finished. The Allendale-Barnwell district of South Carolina usually finishes shipping about this time and the Pageland section in South Carolina is usually at its peak. Similarly, Georgia and Florida normally have shipped the bulk of their volume by this date. A small volume could be moved from the production area after this date but it would not be significant as far as affecting total returns to growers. If shipments have dwindled to practically nothing the committee might conclude that it would not be practical or feasible to retain controls including compulsory inspection over such a small volume. Therefore, the committee should have authority to recommend suspension of regulations as set forth in the marketing agreement and order.

The requirement that the Secretary should notify the committee of any regulations, or of any modifications, suspensions, or terminations of regulations and, in turn, that the committee shall give reasonable notice thereof to handlers, is appropriate and necessary to enable the committee to be informed of such actions so that it may properly and efficiently administer the marketing agreement and order and so that handlers may comply with such actions.

Most shipments of watermelons grown in the production area are made in carload or truckload lots. However, other small shipments and sales are made that do not constitute sufficient volume to influence the market. Such shipments, which may be household purchases, convenience purchases by friends and tourists and other similar "nuisance" purchases, would present real operating problems if inspection were required on each. If each such shipment would have to meet grade and quality restrictions, or to bear assessments, the nuisance factor might outweigh the advantage of such controls on small shipments. On the other hand, the committee should have the authority to require that any such shipments meet grade and quality requirements while waiving other requirements such as in-

spection and assessment. The committee should have the authority flexible enough to meet local conditions, including authority to recommend different minimum quantity requirements for different parts of the production area.

(f) The committee should be authorized to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any and all periods when watermelon prices may be above parity as will effectuate orderly marketing conditions as will be in the public interest. Such minimum standards in terms of grade and quality shall be the same as those requirements set forth in the minimum quality regulation—i. e. restricting immaturity, whiteheart, and decay. Both proponents and opponents testified that watermelons of such low quality do not give consumer satisfaction at any time because such watermelons are inedible. Even when prices are above parity, consumers would obtain nothing of value when buying such watermelons, and it would not be in the public interest of the producers, handlers, or consumers to permit shipments of such poor quality. The order should authorize the establishment of minimum standards of quality and maturity (as specified in § 1021.52 (a)—Minimum quality regulation) as would effectuate orderly marketing conditions as would be in the public interest. It would also be necessary to include grading and inspection requirements necessary to determine that the minimum quality regulation has been met.

(g) The Secretary should be authorized, upon the basis of recommendations and information submitted by the committee, or other available information, to modify, suspend, or terminate grade and quality regulations, assessment and inspection requirements, or any combination thereof with respect to the handling of watermelons for purposes other than disposition in normal commercial channels. Watermelons moving to or sold in certain outlets, such as those specified in § 1021.54 of the marketing agreement and order, are usually handled in a different manner, or such outlets usually accept different grades or qualities for which different prices are returned, or combinations of such considerations may apply. The marketing agreement and order should provide authority for the committee to give appropriate consideration to the handling of watermelons for such purposes so that full opportunity may be afforded under the program to improve orderly marketing conditions for watermelons, thereby tending to increase total returns to watermelon growers in the production area.

Watermelons may be moved within the production area for the purpose of having such watermelons graded or inspected. It is a common practice to grade and load cars at railroad sidings and some trucks are loaded at railroad sidings as well as at common truck collecting points, such as a filling station or an empty lot in town. Field run watermelons are moved from the field, sometimes in the growers' trucks or wagons, or in hired vehicles to the rail siding or lot. There the watermelons are graded, loaded, and inspection if any takes place. To require grading and inspection at the field would be impractical because in many cases the buyer or his employee grades the watermelons as they are loaded. Inspection service representatives testified that inspectors could be provided at centralized inspection points, but service could not be provided at each individual farm.

Watermelons are transported to farmers' markets, auctions, and assembly points for grading and sale. Buyers congregate at such points and growers have more opportunities for an advantageous sale than if they wait for the buyers to come to them. In many cases the buyers will grade such watermelons before they reload them either into a car or truck. In other cases the buyers will buy the lot as it. To prevent movement of watermelons to such points would be to interrupt a common and usual practice. Therefore, the committee should have authority to recommend that such movement be given special consideration.

Most of the watermelon seed used in the production area is grown outside of the production area, usually in Oklahoma or Colorado. However, some seed is grown within the production area, principally in Georgia, and while most of such seed is extracted in the field, it is possible that some watermelons are shipped as whole watermelons for seed processing. Such movement would not affect the domestic market and should, therefore, be permitted to move under special conditions.

Shipments are occasionally made for other purposes which are not too important volume-wise, but which may mean additional returns to growers. Some shipments, for example, were made to a pharmaceutical manufacturer, supposedly for extraction of the juice which is thought to be beneficial in the treatment of kidney ailments. Some shipments are made for livestock feed. Many watermelons are consumed in the fields by livestock, but it is not too common to transport such low quality watermelons. However, some are moved for short distances, usually between farms. Such transportation would not be in competition with shipments of watermelons in commercial channels and the committee should have the authority to recommend that shipments for such purposes be relieved of controls.

The committee should be empowered to provide special treatment through modification, suspension, or termination of regulations applicable to other special purposes which may develop in the future, and for other purposes which later may be specified by the committee with the approval of the Secretary.

The authority for altering, modifying, suspending, or terminating grade, size, quality, assessment or inspection requirements should be accompanied by the additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering marketing channels contrary to the provisions of such regulations. Such safeguards should be recommended and administered by the committee. The authority for establishment of safeguards should include such limitations or appropriate qualifications on shipments as are necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards among others may include inspection so that the committee will have an adequate record of the grade and quality of watermelons shipped to special outlets, applications to make such special shipments, requirements for the payment of assessments in regard to such shipments, reports by handlers on the number of such shipments and the number of watermelons shipped, and assurances by purchasers that the watermelons will be used for the purpose designated.

In order to maintain appropriate identification of shipments of watermelons to special outlets the safeguards authorized should provide for certificates of privilege to handlers of such watermelons, and in addition, require that such handlers obtain such certificates on all shipments by them to such special outlets. Certificates of privilege might be issued by the committee as the indication of the authority of the handler to make such shipments and as a means of identifying particular shipments. Such certificates of privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations or other available information so that the issuance of such certificates might be handled in an orderly and efficient manner which can be made known to all handlers.

The committee should be authorized to exercise the authority incidental to the proper administration of the marketing agreement and order which should include the authority to rescind or deny certificates on satisfactory evidence that a handler abused a certificate of privilege that had been issued, or had handled watermelons contrary to the provisions of the certificate previously issued to him. If the committee should rescind or deny a certificate of privilege to any handler such action should be taken promptly and the holder or applicant should be informed promptly of the basis for the rescinding or denying the certificate of privilege in such cases. The right of appeal to the committee or to the Secretary from any action rescinding or denying a certificate should be preserved to the holder of the certificate or applicant therefor.

The Secretary should have the right to modify, change, alter, or rescind any safeguard as prescribed or any certificate or privilege that is issued. The Secretary shall give prompt notice to the committee of any action taken by him in connection therewith and the committee should promptly notify all persons affected by the indicated action.

The committee shall maintain records relevant to safeguards and certificates of privilege and should submit reports thereon to the Secretary when requested, in order to supply information pertinent to the discharge of the Secretary's duties under the act and the marketing agreement and order.

(h) Inspection by the Federal or Federal-State Inspection Service of watermelons grown in the production area is necessary and proper for the purpose of officially determining the grade, quality, and maturity of such watermelons. Such inspection services have operated in the production area for a number of years and are expected to continue.

Producers and handlers are familiar with the Inspection Service because inspection is usually requested on rail shipments and at some time or other almost all producers and handlers have availed themselves of the services offered by the Federal or Federal-State Inspection Service. Provision is made in the marketing agreement and order for inspection by the Federal or Federal-State Inspection Service of watermelons grown in the production area during any period in which the handling of watermelons is regulated under the marketing agreement and order. Such inspection requirements should apply to all watermelons handled under regulations issued pursuant to the marketing agreement and order unless such handling should be relieved from inspection requirements pursuant to § 1021.53 or § 1021.54 of the marketing agreement and order. Inspection is the means whereby the handler, buyer, committee, the Secretary, or any other interested party may determine whether watermelons handled subject to regulations meet the requirements of any particular grade, quality, or maturity regulations in effect under the marketing agreement and order. The provisions for inspection, and the certificates which are issued pursuant to inspection, offer an adequate, appropriate, and practical means of establishing and identifying the grade, quality, and maturity of watermelons handled pursuant to the terms and conditions of the marketing agreement and order.

Certain inspection problems would be inherent under the marketing agreement and order. Some of these problems would be due to the characteristics of the commodity while others would be due to the small percentage of truck shipments currently inspected and because of the fact that watermelon acreage shifts locally from year to year.

Because of the problems involved in inspecting watermelons, inspection service representatives stated on the record that inspection could be provided under the marketing agreement and order if certain conditions were fulfilled. First, the inspection service should be given reasonable notice with respect to when shipments will begin in each section so sufficient personnel could be placed in the various areas to properly handle inspection. Under the present voluntary system of inspection such notice is necessary for proper placement of inspectors. Therefore, this condition is a continuation of current practices. Second, watermelons in all shipments should be made accessible for inspection so samples could be selected for proper inspection. If such samples could not be selected a restricted inspection certificate would have to be issued. Third, centralized inspection points should be designated so that personnel could be utilized efficiently. If a sufficient number of inspectors could be trained and employed to provide on-the-farm inspection, the cost of inspection would be prohibitive. Fourth, the industry assume responsibility of stamping, marking, or branding individual watermelons under the supervision of inspectors to show that the watermelons have been inspected and meet the requirements of the marketing agreement and order. In this way watermelons shipped in unsealed carriers can be identified. Fifth, fees be established which would be sufficient to cover costs of training inspectors, purchasing equipment and operating the service.

Provisions should be included in the marketing agreement and order for the establishment of central points within each local producing section where inspection of watermelons may be provided. This would be necessary if the Inspection Services are to provide an adequate number of inspectors and would be practical because such central points are commonly used by the industry for grading and loading. It would not be feasible to require that inspection should be provided at each watermelon field or farm because the cost of providing such service would be prohibitive. It is contemplated that the Inspection Services in cooperation with the committee would establish such central inspection points which would be readily accessible to all producers and handlers. Methods for establishing such central points would be subject to approval by the Secretary. The factors specified in § 1021.60 (b) should be taken into consideration when selecting the sites of such central points, and watermelons handled under the marketing agreement and order should be brought to such points for inspection when regulations are in force.

In the process of inspecting fruits and vegetables it is necessary that the products be made accessible so that the inspector can make an accurate determination with respect to the grade, quality, and maturity of the product being inspected (see § 51.13, Exhibit No. 11). In order to make an accurate determination the inspector must be able to select samples from the entire lot in sufficient quantity to obtain a cross-section analysis of such lot. The Inspection Service and the industry recognize the practicality of making products accessible to the inspector and such practice is followed during the inspection operation. Watermelons handled pursuant to the marketing agreement and order should be made accessible so an accurate determination can be made that the watermelons so handled meet the regulations in effect. Therefore, provision is included in § 1021.60 (b) of the marketing agreement and order which would require that such watermelons be made accessible for inspection.

Inspection and certification of watermelons present more problems than is the case of other commodities because containers or packages are not used in their packing or shipping. Unless the car or truck is sealed after inspection poor quality uninspected watermelons can be substituted for the inspected watermelons. Also, without some means of identification of the individual watermelons it would be difficult to match an inspection certificate with a shipment of watermelons loaded on unsealed carriers. Because many shipments are currently made in unsealed trucks and are not inspected some means of identification would be necessary if inspection became compulsory. Also, from an enforcement standpoint inspections on watermelons packed in unsealed carriers could not be verified to the extent necessary for compliance unless the watermelons so packed could be identified.

Inspection is a means whereby the overall average quality of a lot is determined. Watermelons shipped under grade, quality and maturity regulations issued pursuant to the marketing agreement and order and inspected officially by qualified inspectors can be expected on the average to meet such regulations. The proponents testified that the identification of inspected watermelons will have an economic benefit when the consuming public becomes aware of the fact that the official stamp or brand indicates the watermelons have beeen inspected. Also, watermelons from several lots that have been inspected and stamped or branded could be commingled without the necessity of reinspection if the committee so recommended. For these reasons authority should be included in the marketing agreement and order for the committee to recommend and the Secretary to require, watermelons to be individually identified by stamps, brands, or labels to show that such watermelons have been inspected. Such stamping, branding, or labeling would be done under the direction of an authorized inspector and would indicate that the watermelons met the requirements of the then existing regulations under the marketing agreement and order.

The committee should have the authority to recommend and the Secretary to issue regulations requiring that all watermelons transported by motor vehicle or by other means should be accompanied by a copy of the inspection certificate issued therefor, and that such certificate may be required to be surrendered to a designated authority. A large quantity of the watermelons grown in the production area are trucked to market. If the operators of such vehicles are required to surrender copies of inspection certificates applicable to their shipments upon demand to such authority as may be designated, such certificates will be readily available evidence that such shipments meet or comply with the requirements of the marketing agreement and order. Such authority is necessary and incidental to efficient operation of the marketing agreement and order and is included in § 1021.60 (d).

The committee should have the authority to establish, with the approval of the Secretary, a time limit within which an inspection certificate would be valid insofar as the marketing agreement and order are concerned. Inasmuch as watermelons are an extremely perishable commodity, such limitation is appropriate and necessary, especially with respect

to lot inspections which may be administratively desirable to accommodate handlers and truckers. It is not feasible and practical for the committee to recognize inspection certificates which may have been issued several days previously since the watermelons so inspected may have deteriorated and no longer comply with the requirements in effect at the time the final shipment is made.

Whenever any shipment of watermelons which was inspected, and an inspection certificate issued therefor, is regraded, re-sorted, or commingled with other watermelons, whether inspected or not, the inspection certificate or certificates originally issued for such shipment or shipments would become invalid. Such shipment would lose its identity upon re-sorting, regrading, or commingling. Reinspection would be necessary in order to secure a valid inspection certificate. In this way handlers and the committee would be assured that such shipments comply with regulations. The committee, with the approval of the Secretary, may recommend that such reinspection requirements be waived when it appears reasonably certain that the watermelons meet applicable regulations such as in the case of commingling two lots of inspected and branded watermelons.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly by the appropriate inspection service so that the committee may properly discharge its administrative responsibilities under the marketing agreement and order.

The aforementioned conditions specified by the inspection service have been considered in reaching the findings and conclusions set forth herein. A duty of the committee (§ 1021.27 (f)) is to "consult, cooperate, and exchange information with . . . agencies or individuals in connection with proper committee activities and objectives." The requirement with respect to notifying the inspection services would be included in this provision. The matter of establishing adequate fees under Federal-State inspection agreements is normally, and should continue to be, a subject for discussion between the industry and State marketing officials. However, the requirements regarding centralized inspection points, identification of individual watermelons, and the availability of watermelons for inspection are pertinent to the marketing agreement and order, and provisions for such requirements should be and are included in the marketing agreement and order. The record shows industry recognition of the need for the conditions specified by the inspection service and it was testified at the hearing that if the marketing agreement and order should be adopted by the industry, complimentary State legislation designed to assist the administration of the program would be requested by the industry. Such legislation is desirable as an adjunct to the marketing agreement and order due to the nature of the commodity and because watermelon acreage within local producing sections is shifted in location from season to season. These shifts result from the customary cultural practice of rotating crops so that fields are not replanted to watermelons for several years.

If, and when minimum quality or any other regulations are made effective under the marketing agreement and order, the inspection requirements as set forth herein provide an essential administrative technique for determining compliance and effecting enforcement. The cooperative and coordinated assistance of the industry, working through state authorities, and of the inspection service are particularly important in contributing to the effectiveness of the marketing agreement and order and in the accomplishment of its objectives of promoting more orderly marketing conditions and increasing returns to growers in an approach to the parity level authorized by section 2 (1) of the act.

(i) A number of growing hazards are encountered in the production of watermelons. Because of these circumstances and to provide equity among producers insofar as regulations under the marketing agreement and order are concerned, the committee should be given authority to issue exemption certificates to producer applicants to allow them to ship their equitable proportion of all shipments from the production area. However, each exemption granted should require the approved applicant to sell his best quality watermelons.

The committee, by reason of its knowledge of the conditions and problems applicable to the production of watermelons in the production area and the information which it will have available in each case, should be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted watermelons which each applicant may sell.

The provisions in the marketing agreement and order, which are essentially the same as those contained in the notice of hearing, relevant to the procedures to be followed in issuing exemption certificates, in investigating exemption claims, and in appealing claim determinations would be necessary for the orderly and equitable administration of the marketing agreement and order.

The provisions for recording and reporting exemption claim determinations to the Secretary, and for the Secretary to modify, change, alter, or rescind committee rules and regulations relative to exemptions, as set forth in § 1021.74 of the notice of hearing, are being deleted because such provisions are repetitious. The committee is required in § 1021.27 (e) of the marketing agreement and order to "furnish the Secretary * * * reports or information as may be requested * * *," and the Secretary has the authority to modify, change, alter or rescind rules and regulations of the committee (§ 1021.83 *Right of the Secretary*).

(j) The committee should have authority, with the approval of the Secretary, to require that handlers submit reports and information to the committee which may be needed to perform that agency's functions under the marketing agreement and order. It is difficult to anticipate every type of report or information which the committee might need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request, when needed, reports and other information of the type set forth in the marketing agreement and order. Reports requested should be only those considered necessary for the operation of the committee in carrying out the terms and conditions of the marketing agreement and order. Reports furnished to the committee should be submitted in such manner and at such times as may be designated by the committee. Reporting procedures should accord with the needs and requirements of the comittee in administering the marketing agreement and order, and changing conditions may warrant changes in the forms and methods of reporting to the committee. The Secretary would retain the right to approve, modify, change, or rescind any committee requests for information in order to protect handlers from unreasonable requests. The reporting requirements and verification of such reports and records by the committee should provide a means for the committee to check on compliance with, and operation of, the marketing agreement and order.

In order that the effectiveness of the program, including compliance therewith, may be evaluated, handlers should maintain complete records on their handling and disposition of watermelons for not less than two years subsequent to the termination of each fiscal period.

Any and all reports and records submitted for committee use by handlers should remain under appropriate protective classification in custody of the committee and disclosed only to those persons authorized by the Secretary. Disclosure of such information to unauthorized persons might affect the trade position, financial condition, or business operations of the reporting handler.

(k) Except as provided in the marketing agreement and order, no handler should be permitted to handle watermelons, the handling of which is prohibited pursuant to regulations issued under the marketing agreement and order, and no handler should be permitted to handle watermelons except in conformity with the marketing agreement and order. In order to have an effective program, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of watermelons handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of proposed §§ 1021.82 through 1021.94 are common to marketing agreements and orders now operating. Each of these sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and consistent with, sections 8c (6) and (7) of the act, and are necessary to effectuate the declared policy of the act.

The substance of such provisions, therefore, should be included in the marketing agreement and order.

General findings. Upon the basis of the evidence introduced at the hearing and the record thereof, it is found that:

(1) The marketing agreement and order, as hereinafter set forth, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to watermelons grown in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to producers thereof, parity prices and by protecting the interests of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary determines to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such watermelons above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such watermelons as will be in the public interest;

(2) Such watermelon marketing agreement and order authorizes the regulation of watermelons grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activities specified in a proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to the subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) Said marketing agreement and order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in marketing of watermelons grown in the production area; and

(5) All handling of watermelons, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Ruling on proposed findings and conclusions. At the conclusion of the hearing, the Presiding Officer allowed interested parties until June 15, 1957, to file briefs with respect to finding of fact and conclusions based on evidence introduced at the hearing. Briefs were filed by Gray, Chandler, O'Neal, and Carlisle, attorneys for opponents to the proposed program; W. H. Grimes, Barnwell, South Carolina; B. L. Walpole, John's Island, South Carolina; and L. W. Dixson, Manager, Charleston County Wholesale Vegetable Market, Charleston, South Carolina.

Each point covered in the briefs was considered carefully along with the record in reaching the conclusions herein set forth, and specific reference is made to many of such points at the appropriate places in the discussion.

To the extent that the findings and conclusions proposed in such briefs are inconsistent with the findings and conclusions set forth herein, the request to make such findings and conclusions are denied on the basis of facts found and stated in connection with the findings and conclusions in this recommended decision.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 1021.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1021.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1021.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1021.4 *Production area.* "Production area" means all counties in the State of Florida except those counties lying west of the Apalachicola River; all counties in the State of Georgia; and all counties or portions thereof in the State of South Carolina lying south and west of the line formed by the Santee River, Lake Marion, Wateree River, and Catawba River.

§ 1021.5 *Watermelons.* "Watermelons" means all varieties of watermelons grown within the production area except watermelons commonly known as ice box type watermelons, which, insofar as the requirements of this part are concerned, are watermelons averaging ten pounds or less in weight.

§ 1021.6 *Handle.* "Handle" or "ship" means to transport, sell or in any other way to be responsible for placing watermelons in the current of commerce within the production area or between the production area and any point outside thereof. The term "handle" does not include the sale of unharvested watermelons.

§ 1021.7 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of watermelons owned by another person) who handles watermelons or causes watermelons to be handled.

§ 1021.8 *Eligible handler.* "Eligible handler" means any person who is a handler only or any person who is both a handler and a producer of watermelons for market, but whose handling of watermelons produced by others constitutes at least 25 percent of the total number of watermelons handled by such person during the 12-month period immediately preceding a nomination meeting.

§ 1021.9 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of watermelons for market.

§ 1021.10 *Eligible producer.* "Eligible producer" means any person who is a producer only or both a producer and handler of watermelons for market, but whose handling of watermelons produced by others constitutes less than 25 percent of the total number of watermelons handled by such person during the 12-month period immediately preceding a nomination meeting.

§ 1021.11 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of watermelons into grades and maturities for market purposes.

§ 1021.12 *Grade.* "Grade" means any one of the established grades of watermelons as defined and set forth in the United States Standards for Watermelons issued by the United States Department of Agriculture (§§ 51.1970 through 51.1981 of this title) or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1021.13 *Mature.* "Mature" means the stage of development of a watermelon at which the flesh is at least fairly sweet and shows characteristic color of a mature watermelon for the variety. Watermelons that have not reached this stage of development shall be classed immature.

§ 1021.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of watermelons according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1021.15 *Committee.* "Committee" means the Southeastern Watermelon Committee, established pursuant to § 1021.22.

§ 1021.16 *Fiscal period.* "Fiscal period" means the period beginning January 1 and ending December 31 following.

§ 1021.17 *District.* "District" means each one of the geographic divisions of the production area initially established pursuant to § 1021.29 or as reestablished pursuant to § 1021.30.

COMMITTEE

§ 1021.22 *Establishment and membership.* (a) The Southeastern Watermelon Committee, consisting of 12 members, of whom eight shall be producers and four shall be handlers, is hereby established.

(b) Each person selected as a producer member shall be an individual who is an eligible producer in, and a

resident of, the district from which selected.

(c) Each person selected as a handler member shall be an individual who is an eligible handler in, and a resident of, the production area within the State from which selected.

(d) For each member of the committee there shall be an alternate who shall have the same qualifications as the member. The alternate member shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for the unexpired term of said member is selected and has qualified.

§ 1021.23 *Selection.* (a) The secretary shall select one producer member of the committee, with his respective alternate, from each district in Florida and Georgia; two producer members, with their respective alternates, from District No. 7 in South Carolina; two handler members, with their respective alternates, from Florida; and one handler member, with his respective alternate, from each of the States of Georgia and South Carolina.

(b) Any nominee selected as a committee member or alternate shall file a written acceptance with the Secretary within ten days after being notified of such selection to qualify for the position.

§ 1021.24 *Term of office.* (a) The term of office of committee members and their respective alternates shall be for one year and shall begin as of January 1 and end as of December 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1021.25 *Procedure.* (a) Nine members of the committee shall be necessary to constitute a quorum. Subject to the special conditions referred to in § 1021.52 (c) and (d), seven concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such meeting shall be promptly confirmed in writing: *Provided,* That when any assembled meeting is held, all votes shall be cast in person.

§ 1021.26 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1021.27 *Duties.* The committee shall have the following duties:

(a) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, select subcommittees, and adopt such rules and procedures for the conduct of its business as it may deem advisable.

(b) Act as intermediary between the Secretary and any producer or handler.

(c) Appoint such employees, agents, and representatives as it may deem necessary and determine the salaries and define the duties of each such individual.

(d) Keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books, and records shall be subject to examination by the Secretary or his authorized agent or representative.

(e) Furnish the Secretary promptly copies of the minutes of each committee meeting; an annual report of the committee's operations for the preceding fiscal period; and such other reports or information as may be requested by the Secretary.

(f) Consult, cooperate, and exchange information with other marketing agreement committees and other agencies or individuals in connection with proper committee activities and objectives.

(g) Establish proper and feasible working relationships with the industry, the inspection service, State agencies, and others to assure coordinated action and effective administration of the program.

(h) Take any proper action necessary to carry out the provisions of this subpart.

§ 1021.28 *Expenses.* Committee members and alternates shall be reimbursed for expenses necessarily incurred in the performance of their duties and in the exercise of their powers under this subpart.

§ 1021.29 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1—South Florida. The Counties of Manatee, Hardee, Highlands, Okeechobee, Indian River, and all counties lying south thereof in the State of Florida;

District No. 2—Leesburg Area. The Counties of Brevard, Citrus, Hernando, Hillsborough, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, and that portion of Marion County lying south of Florida State Road No. 40.

District No. 3—Gainesville Area. The Counties of Alachua, Bradford, Clay, Dixie, Flagler, Gilchrist, Levy, Putnam, St. Johns, Union, Volusia, and that portion of Marion County lying north of Florida State Road No. 40;

District No. 4—Live Oak Area. All the remaining counties in the State of Florida lying east of the Apalachicola River not included in Districts 1, 2, and 3;

District No. 5—South Georgia. The Counties of Clay, Calhoun, Dougherty, Worth, Turner, Ben Hill, Coffee, Bacon, Pierce, Brantley, Glynn, and all counties lying south thereof in the State of Georgia;

District No. 6—Middle and North Georgia. All counties in the State of Georgia not included in District No. 5;

District No. 7—Allendale Area. All territory in South Carolina south and west of the line formed by the Santee River, Lake Marion, Wateree River, and Catawba River.

§ 1021.30 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in watermelon acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies resulting to producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1021.31 *Nomination.* The Secretary may select committee members and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district and a meeting or meetings of handlers shall be held within the production area in each State to nominate committee members and alternates. For nominations to the initial committee the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to November 1 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than December 1 of each year;

(d) Only eligible producers may participate in designating nominees for producer members and alternates and only eligible handlers may participate in designating nominees for handler members and alternates on the committee. In the event a person is engaged in producing watermelons in more than one district or in handling watermelons within the production area in more than one State, such person shall elect the district or State within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts or States within the production area in which a person produces or handles watermelons, each such eligible person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1021.32 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 1021.31, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1021.23, 1021.29, and 1021.30.

§ 1021.33 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district or State involved, or from nominations made in the manner specified in § 1021.31. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1021.29 and 1021.30.

EXPENSES AND ASSESSMENTS

§ 1021.40 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1021.41 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part. The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. In order to provide funds to carry out the functions of the committee handlers may make advance payment of assessments.

§ 1021.42 *Assessments.* (a) Handlers shall share expenses upon the basis of the fiscal period. Each handler who first handles watermelons shall pay assessments to the committee upon demand, which assessments shall be in payment of such handlers pro rata share of the committee's expenses. Each handler's share of such expenses shall be proportionate to the ratio between the total quantity of watermelons under regulation handled by him as the first handler thereof during the fiscal period and the total quantity of watermelons handled by all handlers as first handlers thereof during such fiscal period.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information.

(c) At any time during, or subsequent to, a fiscal period the committee for good cause may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all watermelons handled under this part and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1021.43 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) (1) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for the committee operations during such period may be carried over into following periods as a reserve. Such reserve may be used to cover the necessary expenses of liquidation in the event of termination of this part. The money deposited in this reserve account may also be used by the committee to finance its operations during any fiscal period prior to the time that assessment income is sufficient to cover expenses or when adverse crop conditions result in insufficient revenue to otherwise maintain the committee and its staff on a reasonable basis—but any funds so used shall be returned to the reserve account as soon as assessment income becomes available for this purpose.

(2) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be returned to the extent practicable to the persons from whom such funds were collected. Any residual funds which cannot be so distributed to handlers shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1021.44 *Fiscal reports.* The books of the committee shall be audited by a competent accountant at least once each fiscal period and at such other times as the committee may deem necessary or as the Secretary may request. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers.

RESEARCH AND DEVELOPMENT

§ 1021.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of watermelons. The expenses of such projects shall be paid from funds collected pursuant to § 1021.42.

REGULATION

§ 1021.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 1021.51, the committee shall submit to the Secretary a report setting forth the feasibility and advisability of issuing and administering regulations and the marketing policy it deems desirable for the industry to follow in shipping watermelons from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to watermelons. The committee shall publicly announce to the industry the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of watermelons, including prices by grades and quality in wholesale shipping units;

(b) Supply of watermelons by grade and quality in the production area, and in other production areas;

(c) Watermelons on hand in the terminal markets as manifested by supplies en route or on track at the principal markets;

(d) Trend and level of consumer income;

(e) Marketing conditions affecting watermelon prices; and

(f) Other relevant factors.

§ 1021.51 *Recommendations for regulations.* (a) As soon as practical after the issuance of this subpart and upon complying with the requirements of § 1021.50, the committee shall consider the advisability and feasibility of issuing minimum quality regulations pursuant to § 1021.52 (a) which consideration shall include, but not be limited to, the following points: whether the committee and the industry are adequately prepared and able to comply with such regulations; whether the committee is organized as a going concern and ready to administer the program; whether the inspection service is prepared to render the service required; whether centralized inspection points are being established; whether a satisfactory method of

identifying watermelons has been worked out and approved; whether the industry is prepared to bring its watermelons to central points and make them accessible for inspection; and whether cooperation of State agencies is assured. If the committee, after the above considerations, determines that operation of the minimum quality regulation is advisable and feasible, and that the issuance of such regulation accords with the objectives of the act, the committee may recommend issuance of such regulation.

(b) The committee, upon complying with the requirements of § 1021.50, may also recommend any or all regulations as are provided for in this subpart to the Secretary whenever it finds that such regulations will tend to effective the declared policies of the act.

§ 1021.52 *Issuance of regulations*—(a) *Minimum quality regulation.* When the committe has fulfilled its responsibilities pursuant to §§ 1021.50 and 1021.51, the Secretary upon determination that it is advisable and feasible, may issue a regulation prohibiting the handling of watermelons unless such watermelons are mature and free from whiteheart. Under this regulation not more than a total of ten percent, by count, of the watermelons in any shipment may be immature or affected by whiteheart. In addition, not more than one percent, by count, of the watermelons in any shipment may be affected by decay. This regulation, when effective, shall establish, in terms of grade, minimum standards of quality and maturity.

(b) *Other grade regulations.* The Secretary may further limit the handling of watermelons whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit, in any or all portions of the production area, the handling of particular grades or qualities of any or all varieties of watermelons during any period; or

(2) Limit the handling of particular grades or qualities of watermelons differently for different varieties or for different purposes specified in § 1021.54, or any combination of the foregoing, during any period.

(c) During the period from January 1 through May 10 of each year the Secretary shall not consider any committee recommendation for grade regulations imposing minimum quality restrictions higher than the requirements of paragraph (a) of this section unless the producer member from District No. 1, South Florida, concurs in such recommendation.

(d) No regulation may be effective at any time which prohibits the handling of watermelons grading 85 percent U. S. No. 1, or better.

(e) On or after July 15 of each year the committee may recommend suspension, for the balance of the calendar year, or any specific portion thereof, of any or all regulations issued pursuant to this subpart but no such recommendation shall be made unless at least two members from South Carolina concur therein.

(f) The Secretary shall notify the committee of issuance of any such regulation, suspension, or termination and the committee shall give reasonable notice thereof to handlers.

§ 1021.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to § 1021.42, § 1021.52, § 1021.54, or § 1021.60, or any combination thereof.

§ 1021.54 *Handling for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to § 1021.42, § 1021.52, § 1021.53, or § 1021.60, or any combination thereof, in order to facilitate shipments of watermelons for the following purposes:

(a) Shipments of watermelons within the production area for the purpose of having such watermelons graded or inspected in the production area;

(b) Shipments of watermelons within the production area to auctions, farmers' markets, or assembly points designated pursuant to methods recommended by the committee and approved by the Secretary;

(c) Shipments of watermelons for the purpose of having such watermelons manufactured or converted into specified products;

(d) Shipments of watermelons for seed;

(e) For other purposes which the Secretary may specify.

§ 1021.55 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent watermelons handled pursuant to § 1021.53 or § 1021.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle watermelons pursuant to §§ 1021.53 and 1021.54; or

(2) Handlers shall obtain inspection provided by § 1021.60, or pay the assessment levied pursuant to § 1021.42, or both, in connection with shipments made under § 1021.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of watermelons affected or to be affected under the provisions of §§ 1021.53 and 1021.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that watermelons handled by him for the purposes stated in §§ 1021.53 and 1021.54 were handled contrary to the provisions of this part. The right to be informed promptly of the basis for rescinding or denying a Certificate of Privilege shall be preserved to the holder or applicant therefor. In addition, the right of appeal to the committee and, in turn, to the Secretary from any action denying or rescinding such certificate shall be preserved to the holder or applicant therefor.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of such applications denied and certificates granted, the quantity of watermelons handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1021.60 *Inspection and certification.* (a) During any period in which handling of watermelons is regulated pursuant to § 1021.52 or § 1021.54, or both, no handler shall handle watermelons unless such watermelons are inspected by an authorized representative of the Federal or Federal-State Inspection Service, except when relieved from such requirements pursuant to § 1021.53 or § 1021.54, or both.

(b) The Secretary, pursuant to committee recommendations or other available information, may approve methods whereby central points may be established within each local producing section at which inspection of watermelons can be provided. No handler shall handle watermelons hereunder unless all the watermelons in each lot are made accessible for inspection, which may include making each lot accessible at central inspection points. Such points shall be based on customary location of assembly points for watermelons transported by rail or by truck, or both, during specific periods of the season, the reasonable convenience of such points to watermelon producers and handlers, the volume of watermelons available for inspection at such points during specified periods in each such locality, the availability of inspectors, and other relevant factors.

(c) The committee may recommend and the Secretary may require that all watermelons inspected in accordance with this section be individually stamped, branded, or marked in some other manner as meeting quality requirements in effect at time of shipment.

(d) The committee may recommend and the Secretary may require that any handler transporting watermelons by motor vehicle, or by other means, shall arrange for each shipment to be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

(e) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(f) Regrading, resorting, or commingling any lot of watermelons shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle watermelons after they have been regraded, resorted, commingled, or in any way further prepared for market, unless each lot of such watermelons is inspected by an authorized representative of the Federal or Federal-State Inspection Service. The committee, with approval of the Secretary, may provide for waiving inspection requirements on any watermelons in circumstances where it appears reasonably certain that, after regrading, resorting, or commingling such watermelons meet the applicable quality and other standards then in effect.

(g) When watermelons are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 1021.70 *Procedure.* The committee may adopt, with approval of the Secretary, the rules and procedures pursuant to which certificates of exemption may be issued to producers. Such rules and procedures shall provide for processing applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 1021.71), and for such other procedures as may be necessary to carry out the provisions of this section and § 1021.71.

§ 1021.71 *Granting exemptions.* The committee shall make determinations in connection with, and issue, certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that: (a) By reason of a regulation issued pursuant to § 1021.52 (b) he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's local producing section during all or any portion of the season as may be determined by the committee, and that (b) the grade, size, or quality of the applicant's watermelons have been adversely affected by acts beyond the applicant's control and beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of watermelons specified thereon. Such certificate shall be transferred with such watermelons at time of transportation or sale. No certificate may be issued exempting watermelons from regulation under § 1021.52 (a).

§ 1021.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of the basis for any producer's claim pertaining to exemptions.

§ 1021.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. The appeal must be taken promptly after such determination by the committee. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a determination concerning the application, which determination shall be final. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

REPORTS

§ 1021.80 *Reports.* Upon the request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection:

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of watermelons received and disposed of by types of outlets during specific periods;

(2) Sales records including dates, car or truck numbers, and inspection certificate numbers;

(3) Record of shipments handled under exemption certificates including number of such certificates;

(4) Record of all watermelons handled pursuant to §§ 1021.53 and 1021.54 including certificate of privilege and inspection certificate numbers, if any.

(b) All such reports shall be held under appropriate protective classification in custody by the committee, or duly authorized individuals or agencies thereof. Compilation of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for the current year and the two years next preceding such records of the watermelons received and disposed of by said handler as may be necessary to verify the reports he submits, or was requested to submit, to the committee pursuant to this section.

COMPLIANCE

§ 1021.81 *Compliance.* No handler shall handle watermelons except in conformance with the provisions of this subpart and the rules and regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 1021.82 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1021.83 *Right of the Secretary.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States under the act or otherwise. The members of the committee (including successors and alternates), and any agent or employee, shall be subject to removal by the Secretary at any time. Each and every act, determination, or recommendation of the committee shall be subject to the continuing right of the Secretary to disapprove of the same. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1021.84 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1021.85 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production of watermelons for market: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such watermelons produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1021.86 *Proceedings when terminated, suspended, or inactive.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary and shall proceed pursuant to directions of the Secretary's liquidation order.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

(d) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its mem-

bers, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1021.87 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 1021.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1021.89 *Personal liability.* (a) No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and claims vested in such person.

§ 1021.90 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1021.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1021.92 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1021.93 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1021.94 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary regulating the handling of watermelons in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 24th day of September, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-7939; Filed, Sept. 26, 1957; 8:50 a. m.]

[7 CFR Part 1066]

IMPORTS OF IRISH POTATOES

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given that the Secretary of Agriculture is giving consideration to the grade, size, quality, and inspection regulations that are to be made applicable to the importation of Irish potatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable General Regulations (7 CFR Part 1060).

The regulations under consideration are to apply to all imports of Irish potatoes on the same basis as regulations imposed upon handlers of (1) round white or red skin varieties of Irish potatoes grown in the State of Maine pursuant to regulations issued under Marketing Agreement No. 122 and Order No. 70 (§ 970.304; 22 F. R. 7358), and (2) long varieties of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, pursuant to regulations issued under Marketing Agreement No. 98 and Order No. 57, as amended (§ 957.316 22 F. R. 4785, 5862, 5993, 7420).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1066.10 *Potato Regulation No. 4.* (a) During the period from October 21, 1957, through July 12, 1958, and subject to the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import any Irish potatoes of any variety, other than certified seed potatoes, unless at least 90 percent of such potatoes are "fairly clean" and (1) if they are of the round white or red skin varieties such potatoes meet the requirements of the U. S. No. 1, or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter, and (2) if they are of the long white varieties (including, but not limited to, Russet Burbank variety) such potatoes meet the requirements of the U. S. No. 2, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum quantities.* Any importation which, in aggregate, does not exceed 500 pounds, may be imported without regard to the provisions of paragraph (a) of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on potatoes under the Plant Quarantine Act of 1912.

(d) *Certified seed imports.* Any person may import certified seed potatoes, which shall include only those potatoes which are officialy certified and tagged as seed potatoes by the Plant Protection Division, Science Service, Canada Department of Agriculture.

(e) *Designation of Governmental Inspection Service.* The Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of Irish potatoes that are imported, or to be imported, from Canada into the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Inspection Services, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of potatoes, is required on all imports of potatoes, other than certified seed, pursuant to § 1060.3 of this chapter.

(2) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by particular importers.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title; 20 F. R. 4842). The cost of inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(g) *Findings and determinations with respect to imports of Irish potatoes.* (1) Pursuant to section 8e of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 907, 1047), it is hereby found and determined that during the effective time hereof (i) imports of Irish potatoes of the long varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Part 957 of this chapter and (ii) imports of Irish potatoes of the round white or red skin varieties are in most direct competition with such varieties of Irish potatoes which are grown in the production area defined in Part 970 of this chapter.

(2) It is hereby determined that the grade, size, and quality regulations hereby established for the respective varieties of Irish potatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic Irish potatoes under the aforesaid marketing orders.

(h) *Definitions.* (1) The terms "U. S. No. 1", "U. S. No. 2", "fairly clean", and "Size A", mean the U. S. No. 1 grade, U. S. No. 2 grade, fairly clean, and Size A, respectively, as set forth in the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive, of this title), including the tolerances set forth therein. For the purposes of this section, the following United States Potato Standards and Canadian Potato Standards are determined to be equivalent; U. S. No. 1 grade and Canada No. 1 grade; U. S. No. 2 grade and Canada No. 2 grade except that the tolerances for size, as set forth in the said United States Standards, may be used.

(2) All other terms have the same meaning as when used in the general regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

Dated: September 23, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-7938; Filed, Sept. 26, 1957; 8:50 a. m.]

[1] Applicable only to the proposed marketing agreement.

Agricultural Research Service

[9 CFR Part 131]

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given that the Control Agency is considering the issuance, as hereinafter proposed, of an amendment to the rules and regulations of the Control Agency, issued pursuant to the authority contained in Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U. S. C. 851 et seq.), and the order regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131).

All persons who desire to submit data, views or arguments in connection with the proposed amendment should file the same in quadruplicate with the Executive Secretary of the Control Agency, 512 Veterans of Foreign Wars Building, Kansas City 2, Missouri, not later than 15 days after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Amend § 131.251 by adding the following at the end thereof: "A price list or an amended price list shall be filed in the office of the Control Agency only during the designated business hours of such office. The office of the Control Agency shall be open for the transaction of official business on Monday through Friday of each week between the hours of 9 a. m. and 5 p. m., except for those days falling on a Federal legal holiday."

2. Add new § 131.253 to read as follows:

§ 131.253 *Notification of filing price list.* Upon the filing of a new or amended price list the Executive Secretary of the Control Agency shall immediately mail to each manufacturer and wholesaler handler and to the Secretary written notice thereof. The notification of the filing of a new or amended price list to any person shall be given only by United States mail, including air mail if so requested. The Executive Secretary and the employees of the Control Agency are prohibited from giving to any person any information with respect to the filing of a new or amended price list, or the contents thereof, except in the manner provided in this section: *Provided, however,* That information with respect thereto may be given in any manner after such price list has become effective.

Dated this 11th day of September 1957.

[SEAL] E. C. JONES,
Chairman, Control Agency.

[F. R. Doc. 57-7970; Filed, Sept. 26, 1957; 8:56 a. m.]

[9 CFR Part 131]

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given that the Control Agency is considering the issuance, as hereinafter proposed, of an amendment to the rules and regulations of the Control Agency, issued pursuant to the authority contained in Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U. S. C. 851 et seq.), and the order regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131).

All persons who desire to submit data, views or arguments in connection with the proposed amendment should file the same in quadruplicate with the Executive Secretary of the Control Agency, 512 Veterans of Foreign Wars Building, Kansas City 2, Missouri, not later than 15 days after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

Amend § 131.252 by inserting the words "Antibody Concentrate" indented and immediately below the word "Serum" in the "Consumers," "Dealers," and "Wholesalers" categories, and providing a space for the price posting including terms of sale and discounts in each category.

Dated this 11th day of September 1957.

[SEAL] E. C. JONES,
Chairman, Control Agency.

[F. R. Doc. 57-7969; Filed, Sept. 26, 1957; 8:56 a. m.]

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

NOTICE OF INTENTION TO AMEND THE ALLOTMENT AND MARKETING QUOTA REGULATIONS FOR 1957 AND SUBSEQUENT CROPS

Pursuant to authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281 et seq.; 71 Stat. 344), the Secretary of Agriculture is preparing to amend certain sections of the Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370, 9760; 22 F. R. 6659, 6741, 6987). The affected sections, as they would be amended in accordance with present intentions, are quoted in full below.

§ 729.811 *Definitions.* • • •

(p) "Farm peanut acreage" means the acreage on the farm planted to peanuts excluding any acreage not picked or threshed as determined by the county office manager in accordance with subparagraphs (1), (2) or (3) of this paragraph, and any acreage from which the peanuts are dug and marketed by the producer before drying or removal of moisture from such peanuts either by natural or artificial means for consumption exclusively as boiled peanuts, hereinafter referred to as "green peanuts",

as determined by the county office manager in accordance with subparagraph (4) of this paragraph.

(1) If any of the acreage planted to peanuts on the farm is to be hogged-off, the farm operator shall so notify the county office manager who will arrange to have the hogged-off acreage inspected by a representative of the county committee to determine if any of the peanuts from the hogged-off acreage have been or can be dug. Either the hogged-off acreage or the picked or threshed acreage shall be measured to establish the exact acreage picked or threshed. However, if the planted acreage of peanuts on a farm is not in excess of the larger of the effective farm allotment or one acre, the county office manager may accept the operator's estimate of the acreage to be hogged-off, in which case, the remaining acreage will be the farm peanut acreage. If the farm operator fails to notify the county office manager that an acreage of peanuts on the farm is to be hogged-off, and a representative of the county committee, therefore, does not inspect the acreage claimed to have been hogged-off in sufficient time to make a positive determination, the entire planted acreage of peanuts on the farm subject to the provisions of subparagraphs (2), (3) and (4) of this paragraph shall be the farm peanut acreage.

(2) If any acreage planted to peanuts on the farm is to be left in the ground, the farm operator shall so notify the county office manager who will arrange to have such acreage inspected at a time when the nuts can no longer be removed from the ground by digging to determine if any peanuts from such acreage have been dug. Either the acreage of peanuts left in the ground or the picked or threshed acreage of peanuts shall be measured to determine the exact picked or threshed acreage. However, if the planted acreage is not in excess of the larger of the effective farm allotment or one acre, the county office manager may accept the operator's estimate of the acreage to be left in the ground, in which case, the remaining acreage will be the farm peanut acreage. If the farm operator fails to notify the county office manager that an acreage of peanuts on the farm is to be left in the ground, and a representative of the county committee, therefore, does not inspect the acreage claimed to have been left in the ground in sufficient time to make a positive determination, the entire planted acreage of peanuts on the farm subject to the provisions of subparagraphs (1), (3) and (4) of this paragraph shall be the farm peanut acreage.

(3) Any acreage of peanuts that is dug, except the acreage dug under provisions of subparagraph (4) of this paragraph, shall be considered as picked or threshed, unless the farm operator arranges with the county office manager for a representative of the county committee to inspect the dug peanuts that are in such condition that they cannot then or in the future be picked or threshed, and furnishes satisfactory evidence from which the percentage of the total farm peanut production represented by the quantity of dug peanuts which have not been and cannot in the future be picked or threshed can be determined. Such percentage of the acreage of dug peanuts shall be the acreage to be deducted from the planted acreage under the provisions of this subparagraph.

(4) If any peanuts on the farm are to be marketed as green peanuts the farm operator shall so notify the county office manager. If the acreage planted to peanuts on the farm is not in excess of the larger of the effective farm allotment or one acre, the county office manager may accept the farm operators estimate of the acreage on which such green peanuts were produced, in which case, the remaining acreage, subject to the provisions of subparagraph (1), (2) and (3) of this paragraph will be the farm peanut acreage. Where the entire production of peanuts on the farm is to be marketed as green peanuts, the farm peanut acreage will be "zero" provided a satisfactory report of disposition is made to the county committee by the farm operator or the buyer of the peanuts showing that all peanuts marketed from the farm were marketed as green peanuts. Where the acreage planted to peanuts on the farm is in excess of the larger of the effective farm allotment or one acre and a portion of the peanuts produced on such farm are to be marketed as green peanuts, the acreage on which such green peanuts are produced may be deducted from the acreage planted to peanuts on the farm in determining the farm peanut acreage provided such acreage is premeasured and the requirements of § 729.857 (b) are met. The estimated cost of premeasurement shall be paid by the producer: *Provided, however,* That:

(5) The farm peanut acreage shall be considered equal to the effective farm allotment on a farm for which such allotment equals or exceeds one acre, if the acreage in excess of the effective farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the effective farm allotment, whichever is larger;

(6) The farm peanut acreage shall be considered equal to one acre on a farm for which the effective farm allotment is equal to or less than one acre and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; but the provisions of this subparagraph and of subparagraph (5) of this paragraph shall not apply unless a quantity of peanuts equal to the county office manager's estimate of the production from the acreage in excess of the larger of the effective farm allotment, or one acre, is disposed of on the farm in a manner approved by the county committee so that the peanuts cannot thereafter be used or marketed as peanuts: *Provided, further,* That these acreage limits and those prescribed in subparagraph (5) of this paragraph shall not be applicable if the State committee concurs in findings and recommendations of the county committee that the excess acreage was picked or threshed notwithstanding a bona fide effort on the part of the producer to comply with the effective farm allotment.

(q) "Farm peanut history acreage" means the sum of (1) the farm peanut acreage, (2) the acreage diverted from the production of peanuts under provisions of the Soil Bank Act (70 Stat. 188, 191, 195) and (3) the acreage temporarily released to the county committee under provisions of § 729.825; except that, the farm peanut history acreage for any year shall not exceed the farm peanut allotment for such year: *Provided,* That for 1956 the farm peanut history acreage shall be equal to the farm allotment if the farm owner or operator requested preservation of unused allotment on or before June 1 of such year. For each year within the period 1957–1959 inclusive the farm peanut history acreage shall be equal to the farm allotment.

* * * * *

(x) "Old farm" means any farm on which peanuts were picked or threshed in one or more years during the base period, including also any farms for which old farm allotments were established or which were eligible for old farm allotments for the preceding year, if peanuts were planted for harvest for nuts on any such farm in any year during the base period and the county committee determines that no peanuts were picked or threshed from the farm in any such year because of abnormal conditions affecting production. For 1956 and subsequent years any part of the farm peanut allotment which is diverted from the production of peanuts under provisions of the Soil Bank Act (70 Stat. 188, 191, 195) shall be considered as picked or threshed peanut acreage for purposes of this paragraph. For 1956 the entire farm allotment shall be considered to have been picked or threshed for purposes of this paragraph if the farm owner or operator requested in writing preservation of allotment history acreage on or before June 1 of such year. For each year within the period 1957–1959 inclusive the entire farm allotment shall be considered to have been picked or threshed for purposes of this paragraph.

* * * * *

(z) "Peanuts" means all peanuts produced, excluding any peanuts which it is established by the producer or otherwise, in accordance with these regulations, were not picked or threshed either before or after marketing from the farm or were marketed by the producer before drying or removal of moisture from such peanuts either by natural or artificial means for consumption exclusively as boiled peanuts.

§ 729.822 *Allotments for new farms.* * * * (c) Beginning with the reserve which is set aside to provide allotments for new farms for 1958, one-fourth of one percent of the national peanut acreage allotment shall be available for establishing allotments for new farms; except that, if the total of the acreages required to establish allotments and reserves for old farms hereunder in any State is less than the State allotment, the balance of each State allotment shall, upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms as determined by the State and county committees pursuant to this section exceeds the acreage reserved for new farm allotments, such acreage shall be made available to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments determined by the State and county committees does not exceed one-fourth of one percent of the State's share of the current year national peanut acreage allotment, no adjustment will be made in the new farm allotments determined by the State and county committees and there shall be made available to each such State an acreage equal to the total of the new farm allotments.

(2) For any State for which the total of the new farm allotments determined by the State and county committees exceeds one-fourth of one percent of the State's share of the national acreage allotment there shall be made available for new farm allotments in each such State an acreage equal to one-fourth of one percent of the State's share of the national acreage allotment;

The remainder of § 729.822 (c) would not be affected except that it has been proposed (22 F. R. 6659, 6660) that § 729.822 (c) (4) (i) be amended to read as follows:

(i) An application for an allotment is filed by the farm operator and farm owner with the county committee on or before a closing date established by the State committee which shall not be earlier than February 1 or later than March 1 of the calendar year for which application for an allotment is being filed.

§ 729.857 *Producer's records and reports.* (a) *Report on marketing card.* Each marketing card issued with respect to a farm on which peanuts are produced shall be returned to the ASC county office as soon as marketings from the farm are completed or at such earlier time as the county office manager may request. Failure to return the marketing card shall constitute failure to account for disposition of peanuts marketed from the farm in the event that an account, satisfactory to the county committee, of such disposition is not furnished otherwise, and the allotment next established for such farm shall be reduced as provided in § 729.824 of these regulations.

(b) *Report of marketing green peanuts.* (1) The operator of each farm from which green peanuts are marketed shall within 15 days after the marketing of green peanuts is generally complete in the county, and at such other date(s) as may be requested by the county office manager, file with the county committee a written report containing a record of the peanuts marketed from the farm before drying or removal of moisture by natural or artificial means for consumption excusively as boiled peanuts. Such written report shall show for the farm;

(i) The number of acres on the farm planted to peanuts;

(ii) The acreage on the farm from which peanuts were marketed as green peanuts;

(iii) The name and address of the buyer to or through whom each lot of green peanuts was marketed, the type and quantity in each lot marketed and the date marketed: *Provided,* That where green peanuts are marketed by the producer in small lots direct to consumers, such as in the case of local street sales, the report may be made as either a daily or weekly summary of the quantity so marketed and the name and address of each buyer need not be shown but in lieu thereof the place of marketing shall be shown.

(2) Failure to file any report of the marketing of green peanuts as required by this subsection, or the filing of a report which the county committee finds to be false, shall constitute failure to account for the disposition of the peanuts produced on the acreage involved and such acreage shall not be deducted in determining the farm peanut acreage.

(c) *Additional reports by producers.* (1) In addition to any other reports which may be required under §§ 729.840 to 729.865 the operator of each farm or any other producer on the farm (even though the farm has no excess acreage) shall, upon written request from the State administrative officer sent by certified mail to such person at his last known address, furnish the Secretary a written report of the disposition made of all peanuts produced on the farm by sending the same to the ASC State office within 15 days after the request for such report was deposited in the United States mails. Such written report shall show for the farm:

(i) The farm peanut acreage as defined in § 729.811 (p);

(ii) The total production of peanuts;

(iii) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds marketed in each lot, and the date marketed: *Provided,* That where peanuts are marketed in small lots to numerous persons who are not established commercial buyers of peanuts the report may be made as either a daily or weekly summary of the number of pounds marketed and the name and address of the buyer(s) need not be shown but in lieu thereof the place of marketing shall be shown;

(iv) The quantity and disposition of harvested peanuts not marketed; and

(v) In the case of a farm for which an agreement was approved under § 729.855, the gross value received for each lot of peanuts.

(2) Failure to file the report as requested or the filing of a report which is found by the State committee to be false shall constitute failure of the producer to account for disposition of peanuts produced on the farm and the allotment next established for such farm shall be reduced as provided in § 729.824.

Prior to the Secretary taking the action described above, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. To be considered any such submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of September 1957. Witness my hand and seal of the Department of Agriculture.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 57-7973; Filed, Sept. 26, 1957; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 13, 1957.

The U. S. Department of Agriculture has filed an application, Serial No. W-02415, for the withdrawal of the lands described below, from all forms of appropriation, including the general mining laws, subject to valid existing claims in accordance with the authority vested in the Secretary of the Interior by Executive Order 10355 of May 26, 1952 (17 F. R. 4831).

The applicant desires the land for the Chewelah Ski Area and Sherman Creek Radio Relay Station Site as more precisely described in the last paragraph hereof.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or suggestions in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, State Supervisor, Room 209 Federal Building, Spokane, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON—WILLAMETTE MERIDIAN

COLVILLE NATIONAL FOREST

Chewelah Ski Area

T. 32 N., R. 41 E.,
Sec. 11: SW¼NW¼NW¼.

Sherman Creek Radio Relay Station Site

T. 36 N., R. 34, E.,
Sec. 24: W½NE¼NE¼.

The area described contains 30 acres.

FRED J. WEILER,
State Supervisor.

[F. R. Doc. 57-7916; Filed, Sept. 26, 1957; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 20, 1957.

The United States Department of Agriculture, has filed an application, Serial No. Sacramento 047384, for the withdrawal of the lands described below from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description.

For a period of 30 days from the publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 801, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

CAMPGROUNDS

Sykes

T. 19 S., R. 2 E.,
Sec. 25, NE¼NE¼SE¼.

Sur Hot Springs

T. 19 S., R. 2 E.,
Sec. 25, SE¼NE¼.

Barlow Flats

T. 19 S., R. 2 E.,
Sec. 26, SE¼SW¼. W½SE¼.

Logweed Camp

T. 20 S., R. 2 E.,
Sec. 1, S½SE¼SE¼;
Sec. 12, N½NE¼NE¼.

Pine Valley

T. 19, S., R. 3 E.,
Sec. 4, S½NW¼SE¼, S½SE¼;
Sec. 9, N½NE¼NE¼.

Cienega

T. 19 S., R. 3 E.,
Sec. 29, SW¼SE¼.

Redwood Camp

T. 19 S., R. 3 E.,
Sec. 30, NE¼SW¼.

Mocho

T. 19 S., R. 3 E.,
Sec. 31, SE¼SE¼.

Rainbow

T. 19 S., R. 3 E.,
Sec. 32, SW¼SW¼.

Cold Springs

T. 20 S., R. 3 E.,
Sec. 7, NE¼NW¼.

Strawberry Valley

T. 20 S., R. 3 E.,
Sec. 11, E½SE¼.

Tan Oak

T. 20 S., R. 3 E.,
Sec. 14, SE¼NE¼.

Indian Valley

T. 20 S., R. 3 E.,
Sec. 22, S½NE¼.

Arroyo Seco

T. 19 S., R. 4 E.,
Sec. 36, NW¼SE¼, S½SE¼.

China Camp

T. 19 S., R. 4 E.,
Sec. 7, S½SE¼NE¼, N½NE¼SE¼.

Escondido

T. 20 S., R. 4 E.,
Sec. 35, S½SE¼.
T. 21 S., R. 4 E.,
Sec. 2, Lots 1 and 2, N½ of Lots 7 and 8.

Memorial Park

T. 21 S., R. 5 E.,
Sec. 7, Lot 3, NE¼SW¼, E½SE¼SW¼, W½W½SE¼;
Sec. 17, S½NE¼SW¼;
Sec. 18, N½NW¼NE¼.

Navajo

T. 29 S., R. 15 E.,
Sec. 25, SW¼ of Lot 2.

Friis Camp

T. 29 S., R. 15 E.,
Sec. 23, NW¼NE¼SE¼, NE¼NW¼SE¼.

La Panya

T. 29 S., R. 16 E.,
Sec. 33, Lots 2 and 3.

Pine Spring

T. 30 S., R. 16 E.,
Sec. 25, NW¼NW¼NE¼.

Queen Bee

T. 30 S., R. 16 E.,
Sec. 3, W½ of Lot 5, E½ of Lot 8.

ADMINISTRATIVE SITES

Big Sur

T. 19 S., R. 2 E.,
Sec. 30, Lot 3.

Chews Ridge

T. 19 S., R. 4 E.,
Sec. 6, Lots 2, 3, 4 and 5, NE¼SW¼.

Arroyo Seco

T. 19 S., R. 4 E.,
Sec. 36, NE¼NE¼.

Cone Peak

T. 22 S., R. 4 E.,
Sec. 2, SW¼ of Lot 1.

Indians

T. 21 S., R. 5 E.,
Sec. 7, SW¼NE¼.

Three Peaks

T. 24 S., R. 6 E.,
Sec. 15, N½.

Salmon Creek

T. 24 S., R. 6 E.,
Sec. 30, SE¼NE¼SW¼.

Cerro Alto

T. 29 S., R. 12 E.,
Sec. 7, S½ of Lot 3, N½ of Lot 4.

Friis

T. 29 S., R. 15 E.,
Sec. 25, NW¼.

Avenales

T. 31 S., R. 16 E.,
Sec. 4, S½SW¼;
Sec. 9, NE¼NW¼.

Huasna

T. 31 S., R. 16 E.,
Sec. 30, SW¼SE¼;
Sec. 31, N½NE¼;
Sec. 32, NW¼NW¼.

RECREATION AREA

Pfeiffer Beach

T. 19 S., R. 1 E.,
Sec. 27, Lots 3 to 6, inclusive;
Sec. 34, Lot 1;
Sec. 35, Lots 1 to 5, inclusive, NE¼NE¼;
Sec. 36, Lot 5.

The area described totals 2,721.63 acres in the Los Padres National Forest.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-7918; Filed, Sept. 26, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CHANUTE SALE PAVILION, ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Chanute Sale Pavilion, Chanute, Kans.
Koenig Sale Barn, Manhattan, Kans.
Chandler Sales Co., Smith Center, Kans.
Stockton Livestock Commission Co., Stockton, Kans.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of September, 1957.

[SEAL] FRED J. BEARD,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-7968; Filed, Sept. 26, 1957; 8:56 a. m.]

Forest Service

NATIONAL FOREST ADVISORY BOARD OF APPEALS

REVOCATION OF MEMORANDUM

Memorandum No. 1249 issued by the Secretary of Agriculture on January 17, 1950, establishing the National Forest Advisory Board of Appeals, is hereby revoked.

Done at Washington, D. C., this 23d day of September 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 57-7940; Filed, Sept. 26, 1957; 8:51 a. m.]

FARM CREDIT ADMINISTRATION

[Order No. 668]

OFFICERS OF FARM CREDIT ADMINISTRATION

AUTHORITY TO ACT AS GOVERNOR IN EVENT GOVERNOR IS ABSENT OR NOT ABLE TO PERFORM DUTIES OF HIS OFFICE FOR ANY OTHER REASON

SEPTEMBER 20, 1957.

1. In the event that the Governor is absent or is not able to perform the duties of his office for any other reason, the officer who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Harold T. Mason, Deputy Governor.

(2) Thomas A. Maxwell, Jr., Deputy Governor and Director of Land Bank Service.

(3) Harold A. Miles, Deputy Governor and Director of Short-Term Credit Service.

(4) Robert C. Mahone, Deputy Governor and Director of Cooperative Bank Service.

(5) John C. Bagwell, General Counsel.

(6) Any Deputy Director of one of the above-named Services designated by the Governor.

2. This order shall be effective October 1, 1957, and supersedes Farm Credit Administration Order No. 656, dated October 12, 1956 (21 F. R. 8035).

[SEAL] R. B. TOOTELL,
Governor, Farm Credit Administration.

[F. R. Doc. 57-7946; Filed, Sept. 26, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11588 etc.; FCC 57M-866]

JOSEPH M. RIPLEY, INC., ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Joseph M. Ripley, Inc., Jacksonville, Florida; Docket No. 11588, File No. BP-9788; Robert Hecksher, Jacksonville, Florida; Docket No. 11777, File No. BP-10255; Dan Richardson, Orange Park, Florida; Docket No. 11999, File No. BP-10697; for construction permits.

Pursuant to the prehearing conference held on this date in the above-entitled proceeding: *It is ordered*, This 17th day of September 1957, that a further prehearing conference is scheduled for November 18, 1957, in the offices of the Commission, Washington, D. C., at 10 o'clock a. m.

Released: September 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-7964; Filed, Sept. 26, 1957; 8:55 a. m.]

[Docket No. 12168]

MARTIN BROTHERS

ORDER TO SHOW CAUSE

In the matter of Jacob A. Martin and William A. Martin d/b as Martin Brothers, Lancaster, Pennsylvania; Docket No. 12168; order to show cause why the license for special industrial radio station KGD 462 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation and maintenance of Special Industrial Radio Station KGD 462, licensed to Jacob A. Martin and William A. Martin, d/b as Martin Brothers, 322 East Ross Street, Lancaster, Pennsylvania;

It appearing that, pursuant to § 1.401 of the Commission's rules, notice of violation of the Commission's rules concerning the operation of said radio station was mailed to the licensee as follows:

Notice, dated October 22, 1956, specifying, among other things, that said licensee had violated § 11.160 of the Commission's rules in that, as of an inspection of the station on October 15, 1956, the results and dates of frequency, power, and modulation measurements required by § 11.108 of the rules were not entered in the log or records of operation; and

It further appearing that licensee responded to said Notice of Violation by a letter, dated October 22, 1956, which averred, among other things, that frequency, power, and modulation measurements had been taken and records thereof filed in the station log; and

It further appearing that the Commission's Engineer in Charge at Philadelphia, Pennsylvania, by a form letter (Form 789-9), dated November 8, 1956, acknowledged receipt of licensee's response, dated October 22, 1956, and requested that the licensee furnish him with a copy of the frequency, power, and modulation deviation measurements; and

It further appearing that no response was made by the licensee to the request dated November 8, 1957, of the Commission's Engineer in Charge at Philadelphia for further information; and

It further appearing that a letter of warning on FCC Form 1015a, dated March 27, 1957, was mailed to the licensee on March 28, 1957, by certified mail (No. 97399) calling licensee's attention to the failure to furnish the Engineer in Charge at Philadelphia with a copy of the results of frequency measurements as had been requested, and requesting that the licensee explain and correct the matter by a response to the Washington offices of the Commission within fifteen (15) days of its receipt of said warning letter; and

It further appearing that a United States Post Office return receipt card indicates that the licensee received said warning letter, dated March 27, 1957, on March 29, 1957, but that no response was made thereto by the licensee; and

It further appearing that by a letter dated June 17, 1957, and mailed by certified mail to the licensee on June 19, 1957 (No. 97403), the Commission again called licensee's attention to its failure to provide a copy of the frequency measurements as had been requested, as well as his failure to respond to official communications of the Commission eliciting information within the scope of its authority, and requested an explanatory response from the licensee to reach the Washington offices of the Commission within ten (10) days from his receipt of such warning letter; and

It further appearing that by a letter, dated June 25, 1957, licensee responded to the Commission's letter, dated June 17, 1957, stating, in substance, that frequency measurements had been taken, but the licensee did not furnish the Commission a copy of such measurements, nor explain its previous failure to respond to Commission inquiries or requests; and

It further appearing that by a letter, dated August 23, 1957, and sent to the licensee by certified mail on August 26, 1957 (No. 97185), the Commission again called the attention of the licensee to its failure to provide a copy of the frequency measurements, and requested, pursuant to authority contained in section 308 (b) of the Communications Act of 1934, as amended, that such information be submitted to the Commission within fifteen (15) days from his receipt of said letter; and

It further appearing that a United States Post Office return receipt card indicates that the licensee received the Commission's letter, dated August 23, 1957, on August 28, 1957; and

It further appearing that more than fifteen (15) days has elapsed since the licensee received the Commission's letter, dated August 23, 1957, and that to date no response thereto has been received by the Commission;

It further appearing that, based on the foregoing recital, licensee has repeatedly or wilfully violated section 308 (b) of the Communications Act of 1934, as amended, and §§ 1.401 and 11.159 of the Commission's rules;

It is ordered, This 23d day of September, 1957, pursuant to the provisions of section 312 (a) (2) (4) and (c) of the Communications Act of 1934, as amended, that the said Jacob A. Martin and William A. Martin, d/b as Martin Brothers, show cause why the license for Special Industrial Radio Station KGD 462 should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on the 18th day of November 1957, and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to said Jacob A. Martin and William A. Martin, d/b as Martin Brothers, 322 East Ross Street, Lancaster, Pennsylvania.

Released: September 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-7965; Filed, Sept. 26, 1957; 8:55 a. m.]

[Docket No. 12162; FCC 57M-883]

BASIN BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Basin Broadcasting Company, Durango, Colorado; docket No. 12162, File No. BP-11051; for construction permit.

It is ordered, This 23d day of September 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 14, 1957, in Washington, D. C.

Released: September 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-7966; Filed, Sept. 26, 1957; 8:55 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an Order to Show Cause, a licensee shall within thirty (30) days from the date of the receipt of a Show Cause Order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an Order of Revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the Order to Show Cause. Failure to respond to a Show Cause Order within the above-mentioned thirty (30) days period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.

FEDERAL POWER COMMISSION

[Docket No. G-12723]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 23, 1957.

Take notice that on June 11, 1957, as supplemented on July 30, 1957, United Fuel Gas Company (Applicant), a West Virginia corporation having its principal place of business in Charleston, West Virginia, filed in Docket No. G-12723 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of three existing taps, with metering and regulating equipment, for rendering wholesale natural gas service to The Ohio Valley Fuel Gas Company for resale in several West Virginia communities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought are:

(1) Measuring Station No. 3038 near Dunleith, Wayne County, West Virginia, on Applicant's existing interstate Line No. BM-74.

(2) Measuring Station No. 2704 near the Town of Buffalo, Wayne County, on Applicant's existing interstate Line No. BM-74.

(3) Measuring Station No. 3032 near Lavalette, Wayne County, on Applicant's existing interstate Line No. BM-74.

The estimated gas requirements for service to the communities involved herein for the next three years are:

	1958	1959	1960
Annual (Mcf) No. 3038	3,378	3,445	3,513
Annual (Mcf) No. 2704	16,035	16,357	16,682
Annual (Mcf) No. 3032	31,778	32,416	33,069
Peak day (Mcf) No. 3038	13	13	14
Peak day (Mcf) No. 2704	104	105	106
Peak day (Mcf) No. 3032	147	149	151

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 21, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7931; Filed, Sept. 26, 1957; 8:49 a. m.]

[Docket No. G-12817]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 23, 1957.

Take notice that on June 28, 1957, Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation having its principal place of business in Salt Lake City, Utah, filed in Docket No. G-12817 an application, as supplemented on August 8, 1957, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain facilities to enable Applicant to sell and deliver natural gas to Public Service Company of Colorado for distribution and sale in the community of Rifle, Garfield County, Colorado, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a measuring and regulating station on its existing 10-inch Piceance Creek supply lateral pipeline adjacent to its field Compressor Station No. 24 and to deliver gas to Western Slope Gas Company which will transport the gas southeastward through 40 miles of proposed 4-inch transmission line to Public Service Company of Colorado which will construct the necessary distribution facilities for service in the community of Rifle.

The estimated natural gas requirements for this service are:

	1st year	2d year	3d year
Peak day (Mcf)	3,624	3,857	4,031
Annual (Mcf)	758,766	845,543	802,135

The estimated cost of the facilities proposed is $23,426 which will be financed from funds currently available.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 21, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7932; Filed, Sept. 26, 1957; 8:49 a. m.]

[Docket No. G-12827]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 23, 1957.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation with its principal place of business in Columbus, Ohio, filed an application on July 1, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of natural gas facilities and for permission and approval to abandon certain facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate, and abandon the following facilities.

Project No. 1. To construct approximately 4.3 miles of 20-inch natural gas transmission line in Montgomery County, Ohio, partially looping Line A-77 between Line A-80 and Line Z-50. Line A-77 is part of a pipeline system consisting of Lines A-80, A-77, Z-167, Z and Z-28, which transports gas purchased by Applicant from Texas Eastern Transmission Corporation and Texas Gas Transmission Corporation near Lebanon, Ohio, for service to the Troy-Piqua-Sidney market area. It also supplies part of the requirements of the City of Dayton. With the maximum pressure of 500 psig available from Texas Eastern and Texas Gas at the Lebanon delivery point, the calculated daily capacity of the A-77 system is 109.6 MMcf, whereas 117.3 MMcf will be required for peak day service during the winter of 1957-1958. To effect the required increase in capacity, Applicant proposes to construct approximately 4.3 miles of 20-inch line looping Line A-77. The proposed facilities will enable the required volumes of gas to be transported at the existing pressures available.

Applicant proposes to abandon 11.2 miles of 8-inch Line Z-45 which parallels Line Z-167 north of Line Z-50 towards Troy. Due to age and condition, maximum pressure on Line Z-45 has been limited to 150 psig, preventing operation as a loop to Line Z-167 and limiting utilization to delivery of gas into Troy and Line Z east of Troy. Because of higher pressures required in the Troy area, this service can no longer be maintained during peak demand periods. Applicant proposes, therefore, to abandon Line Z-45 from Line Z-50 to a point south of Troy, retaining approximately 1.6 miles of Line Z-45 near Troy as a connection from Line Z-167 into the Troy area. The proposed partial looping of Line A-77 discussed above will permit Line Z-167 to take over the service presently performed by the line to be abandoned. The abandoned section of pipe will be lifted and sold as junk.

Project No. 2. To construct approximately 7.5 miles of 12-inch transmission line, in part extending from Holmes Compressor Station to a connection with Line L-400, and in part replacing sections of Lines L-400, 6004 and 6015 in Wayne, Stark and Carroll Counties, Ohio. Line L-400 extends from a connection with Line L near Perryville in Ashland County, Ohio, to Lines 6004 and 6015, transporting gas for service to a few small towns served from the aforementioned lines in addition to supplying Dalton, Mt. Eaton and other markets west of this territory. To meet the estimated market requirements for the winter of 1957-1958, it will be necessary for Line L-400 to transport 9.5 MMcf for this market area. Present pressure limitations of 225 psig on Line L-400 and 110 psig on Lines 6004 and 6015 will not allow the required volumes to be transported. Applicant proposes to provide the needed capacity by raising operating pressures and increasing pipe size, replacing sections of 8-inch line with 12-inch pipe to permit operation at higher pressures. The 7.5 miles of 12-inch line will be built from Holmes Station to Line 6015 permitting abandonment of 9.1 miles of Line L-400 west of the new section and replacing 2.9 miles of Lines L-400, 6004 and 6015 at 13 locations east of the new line with 12-inch pipe. The proposed facilities will enable the required volumes of gas to be transported to existing market areas.

The abandonment of a part of Line L-400 will result in abandoning service to one rural customer. Applicant states it will assist this customer in converting to another fuel, but will require the approval of the Public Utilities Commission of Ohio if the customer does not agree to the abandonment of service.

Project No. 3. To construct approximately 10.0 miles of 20-inch transmission line in Morrow and Marion Counties, Ohio, partially looping Line D-322 between Mt. Gilead and Green Camp. Line D-322 extends from Line D near Mt. Gilead to Lima, and is used to supply Marion, Ada, Kenton, Lima, and other markets. In Docket No. G-10874, Applicant was authorized to loop Line D-322 between Green Camp and Lima, increasing the system's daily delivery capacity to 85.4 MMcf per day. For the winter of 1957-1958, the system's capacity must be increased to 105.3 MMcf per day to serve the estimated increased requirements of the markets supplied directly from Line D-322, and to deliver up to 7.1 MMcf per day into Lines T and T-50 to help serve markets supplied from that system. To provide the required increase in capacity, Applicant proposes to construct the 10.0 miles of 20-inch line, partially looping Line D-322 between Line D and Green Camp. The proposed facilities will enable the required volumes of gas to be transported at the available pressures.

Project No. 4. Abandon approximately 126.7 miles of 10-inch and 2.1 miles of 8-inch pipelines, consisting of a major portion of Lines T and T-50 extending from the City of Lancaster, Fairfield County, Ohio, towards Toledo, the portion to be abandoned terminating at Line D-345 in Hancock County, Ohio. Lines T and T-50 comprise a looped transmission system which extends from Crawford Compressor Station in Fairfield County to the vicinity of Toledo. This system was operated originally with a 375 psig initial pressure at Crawford Station and a terminal pressure of less than 100 psig at Toledo. Due to the age and condition of the pipe in various sections of these lines, maximum operating pressure at Crawford Station has been reduced to 275 psig and continued operation at that pressure is considered inadvisable because of the extensive maintenance required. Much of the service formerly provided by Lines T and T-50 is now being rendered through other facilities authorized by the Commission in various dockets in the past few years (most recently, those authorized in Docket No. G-10874 as Projects 3 and 4). Applicant believes that the markets supplied from the T system can be served more economically in the future from the other facilities mentioned above, and that operation of those sections of Lines T and T-50 between Lancaster and New Albany (about 40 miles) is no longer practical or economical. It proposes to abandon this portion of the system, retaining only the section of Line T between Crawford Station and Lancaster for service to the City of Lancaster and nearby industrial customers. In addition, one of the two parallel lines from New Albany to North Baltimore (about 90 miles) will be abandoned, the better line to be retained. Applicant expects that determining just which sections of this looped system shall be retained or abandoned will take some time and it requests, therefore, that no time limit be

specified in the issuing order, or, alternatively, that a minimum time of three years be allowed to accomplish the job.

The proposed abandonment of the T-system will result in abandonment of service to two existing customers, both of whom are served under agreements providing for termination of service upon abandonment of the line.

Applicant states that the facilities proposed herein to be constructed and operated are necessary and will be used to serve increased requirements in the existing Dayton, Lima and eastern Ohio market areas; and that the facilities to be abandoned are no longer suitable for safe and economical operation.

Applicant estimates the total capital cost of the proposed facilities at $1,152,000. The salvage value of the facilities to be abandoned is estimated at $840,400; the cost of retiring them is estimated at $447,500; and the credit to fixed capital is estimated at $1,370,100. Ohio Fuel proposes to finance its project by selling securities to its parent, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 21, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 11, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7933; Filed, Sept. 26, 1957; 8:49 a. m.]

[Docket No. G-12441]

OHIO FUEL GAS CO.

NOTICE OF PETITION TO AMEND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 23, 1957.

Take notice that the Ohio Fuel Gas Company (Petitioner) an Ohio corporation, with its principal place of business in Columbus, Ohio filed a petition on August 19, 1957, seeking amendment of the Commission's order issued July 30, 1957 in Docket No. G-12441, granting a certificate of public convenience and necessity, as hereinafter described, all as more fully represented in the petition which is on file with the Commission and open to public inspection.

The order issued herein authorized Petitioner to construct and operate approximately 29.8 miles of 24-inch line looping its existing Line D-100 from Pavonia Compressor Station to the vicinity of Attica, Ohio. Petitioner now desires to extend this loop by an additional six miles of 24-inch pipe.

The petition states that the estimated peak day requirements (as of May, 1956) of Petitioner during the 1957-58 winter heating season was the basis used for determining the length of the authorized loop line. Since the original application was made, new estimates of market requirements and supply have been submitted in the May, 1957 Columbia System Blue Book in Docket No. G-12778. Such revised market estimates indicate that increased quantities of gas will be required at Gibsonburg and Genoa, Ohio, to be served by the line in question in 1957-58 and thereafter. Petitioner has consequently revised its construction program to reflect the latest estimates of its customer requirements in its pipeline capacity design. The increase in sale capacity proposed herein amounts to 13,800 Mcf per day, which will increase the total daily delivery capacity of line D-100 to some 189,500 Mcf. Petitioner is requesting authority to construct and operate 6.0 miles of 24-inch loop on line D-100 in addition to the 29.8 miles of 24-inch already authorized in order to reach the 189,500 Mcf capacity required.

The estimated capital cost of the original 29.8 miles of 24-inch loop was $2,082,000. The estimated cost of the entire proposed 35.8 miles of 24-inch loop is $2,258,000.

No changes are to be made in Petitioner's proposed financing program. Petitioner will finance the entire program from funds received from its parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 11, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7934; Filed, Sept. 26, 1957; 8:49 a. m.]

[Docket No. G-13080]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 23, 1957.

Take notice that the Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, with its principal place of business in Pittsburgh, Pennsylvania, filed an application on August 16, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of natural gas facilities and for permission and approval to abandon certain existing facilities as hereinafter described, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

Job 1. Approximately 2.56 miles of 12-inch transmission line from a point in the City of Wellsville, Columbiana County, Ohio, to a point in Saline Township, Jefferson County, Ohio, replacing 2.62 miles of Applicant's existing 6, 8 and 10-inch transmission line No. 5. Line No. 5 is one of the main transmission lines serving the area between East Liverpool, Ohio and Wellsburg, West Virginia. Due to the construction of a new dam in this area, scheduled for completion in 1958, and proposed road improvements by the Ohio Department of Highways, to commence on or about September 1, 1957, portions of line No. 5 must be relocated. To allow for future growth in this service area, Manufacturers proposes to replace the 6, 8 and 10-inch line with the proposed 12-inch pipe. Because of its condition and location under deep fill, 2.62 miles of the existing line will be abandoned in place. No customers will be deprived of service by the proposed abandonment.

Job 2. Approximately 7.64 miles of 12-inch transmission line in the vicinity of Wellsburg and Follansbee, West Virginia, replacing approximately 6.2 miles of Applicant's existing 8, 10 and 12-inch line No. 5. Gas for the nearby Steubenville-Weirton area is received into line No. 5 from the east near Follansbee through two 8-inch lines and a section of 10-inch line extending from Applicant's Cross Creek Compressor Station to line No. 5.

Because of capacity limitations on these lines, Applicant proposes to bring additional gas into the area from the south, to meet the requirements of the area during the 1957-1958 winter. This additional gas will flow from Applicant's Heard Storage Field in Greene County, Pennsylvania, west to Peters Run reducing station near Wheeling, then north through Line No. 5. However, a maximum pressure limitation of 80 psig on the section of line No. 5 passing through the cities of Wellsburg and Follansbee restricts the volumes of gas which can be brought into the Steubenville-Weirton area from this direction, and would result in a deficiency of approximately 7,700 Mcf on the 1957-1958 winter peak day. To eliminate this restriction, Applicant proposes to construct and operate a 12-inch replacement for this section of line No. 5, which will extend around the Wellsburg and Follansbee city limits and be operable at higher pressures, thus giving Applicant sufficient capacity to meet the estimated requirements of the Steubenville-Weirton area on the peak day of the 1957-1958 winter. The section of line No. 5 to be replaced will be converted to local distribution use.

Job 3. Approximately 3.55 miles of 10-inch transmission line in the Warwood section of Wheeling, West Virginia, replacing 3.2 miles of Applicant's existing 6, 8 and 10-inch No. 14. Gas for a large portion of the City of Wheeling and a number of communities on the Ohio side of the river opposite Wheeling is received into line No. 14 through Applicant's line No. 21 which brings gas from Applicant's system in the vicinity of Heard Storage Field via Peters Run reducing station. Gas flows north through line No. 14 from the connection with line No. 21, passing through the heavy industrialized Warwood section of Wheeling. Due to a maximum pressure limitation of 60 psig on this section of line No. 14, the quantity of gas that can be transported through these facilities is limited and would result in an estimated deficiency of approximately 2,200 Mcf per day in the Warwood-Tiltonsville-Yorkville area on the peak day of the 1957-1958 winter. Applicant, therefore, proposes to construct a 10-inch replacement line for this portion of line No. 14, which will run outside of the congested Warwood area and be operable at higher pressures, thus providing sufficient capacity to meet the requirements of the area on the peak day of the 1957-1958 winter. The section of line No. 14 to be replaced will be converted to local distribution use.

Applicant states that the proposals herein are required to enable it to maintain adequate service in its existing markets.

The estimated total capital cost of the proposed facilities is $757,300 with cost of retirement estimated at $600 and salvage value of $100 and $24,000 credit to fixed capital. The value of the facilities to be converted to distribution use is estimated at $91,900. Applicant will finance the proposed construction through the sale of securities to its present company, The Columbia Gas System, Inc., as part of its total construction program for the year 1957.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7935; Filed, Sept. 26, 1957; 8:49 a. m.]

[Docket No. G-7523]

PAN AMERICAN PETROLEUM CORP.

NOTICE OF AMENDED APPLICATION AND DATE OF HEARING

SEPTEMBER 23, 1957.

Take notice that Stanolind Oil and Gas Company (now Pan American Petroleum Corporation) (Applicant), a Delaware corporation with its principal place of business in Tulsa, Oklahoma, filed an application on December 2, 1954,[1] which was amended on December 28, 1956, for permission and approval to abandon service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the amended application, which is on file with the Commission and open to public inspection.

Applicant, by its amended application, seeks permission and approval to abandon the sale of natural gas to The Superior Oil Company from the H. M. McMahon Well No. 1, located in the Lake Creek Field, Montgomery County, Texas.

Applicant states in its amended application that the production of gas from the said well declined to the point that it was no longer productive of gas in commercial quantities and Applicant has permanently plugged and abandoned said well in accordance with the conservation laws of the State of Texas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[1] The original application requested authority to continue the sale of the subject gas to The Superior Oil Company and was duly noticed by publication in the FEDERAL REGISTER on August 23, 1956 (21 F. R. 6359-6360).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7947; Filed, Sept. 26, 1957; 8:52 a. m.]

[Docket Nos. G-12416; G-12422]

UNITED GAS PIPE LINE CO. AND HUMBLE OIL & REFINING CO.

NOTICE OF HEARING

SEPTEMBER 23, 1957.

Applications for certificates of public convenience and necessity were filed by United Gas Pipe Line Company (United) and Humble Oil & Refining Company (Humble) in the above-captioned consolidated proceeding pursuant to section 7 (c) of the Natural Gas Act.

Humble proposes to sell natural gas in interstate commerce from the Lapeyrouse Area, Terrebonne Parish, Louisiana, to United for resale. United proposes to construct and operate the natural gas facilities necessary to take such gas into its pipeline system.

Notice of the filing of these applications, together with their consolidation for purposes of hearing, was issued on August 30, 1957, and published in the FEDERAL REGISTER on September 6, 1957 (22 F. R. 7164-5). This notice fixed September 23, 1957, as the last day for filing protests or petitions to intervene in this proceeding.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate de-

cision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7948; Filed, Sept. 26, 1957; 8:52 a. m.]

[Docket No. G-12873]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 23, 1957.

Take notice that the Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation with its principal place of business in Pittsburgh, Pennsylvania filed an application on July 11, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of natural gas transmission facilities; and for permission and approval to abandon certain facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate and abandon the following facilities:

Job 1. To construct approximately 3.31 miles of 6-inch line between Fairview and Bruin, Pennsylvania. These communities are served from Applicant's existing 10-inch line #134, a 6-inch lateral line extending north from the 10-inch to Fairview and a 2 and 3-inch line from Fairview to Bruin. From Bruin, gas is transported through 3-inch lines to small communities northeast and northwest of Bruin. Applicant's estimates of requirements for peak day deliveries during the 1957–1958 winter indicate that an additional 520 Mcf per day will be required for the communities north of Bruin over and above the capacity of the existing facilities. Manufacturers therefore proposes to extend the existing 6-inch line serving Fairview 3.31 miles north to Bruin, replacing the existing 2 and 3-inch line between those towns. This will permit the required volumes of gas to be transported to meet estimated 1957–1958 demands.

Applicant proposes to abandon operation of the present line between Fairview and Bruin, consisting of approximately 2.8 miles of 2-inch and 1 mile of 3-inch pipe. There will be no abandonment of service resulting therefrom. Applicant estimates the salvage value will be minor as the majority of the line will be abandoned in place.

Job 2. To construct approximately 2.67 miles of 10-inch transmission line from West Brownsville to a point near the town of California. The proposed construction is to replace an existing 6-inch line which is a hazard because of its deteriorated condition. Since October, 1956, 84 leaks have been recorded on this section of line. In addition, the line passes through two landslide areas and a stream which threatens to wash out the right-of-way. Applicant proposes to replace this line with a modern welded line in an improved location. It desires to make the replacement with 10-inch pipe in order to lower the pressures on its entire pipeline system in the area and thus minimize line loss.

Manufacturers estimate there will be no net salvage on the 2.61 miles of 6-inch line which the proposed line will replace, and that the majority of the line will be abandoned in place. There will be no abandonment of service.

Applicant estimates the total capital cost of constructing its proposed facilities at $192,200, with salvage value estimated at $100 and cost of retiring the facilities to be abandoned at $300. Credit to fixed capital is estimated at $13,500. Applicant proposes to finance its construction by the sale of securities, common stock and promissory notes, to its parent company, The Columbia Gas System, Inc., as part of its total construction program for the year 1957. A letter from the Columbia System advises that it will provide the necessary financing.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 21, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 11, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7949; Filed, Sept. 26, 1957; 8:52 a. m.]

[Docket No. G-12965]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 23, 1957.

Take notice that on July 29, 1957, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed in Docket No. G-12965 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation during 1958 of taps, meters and appurtenant facilities to render temporary direct interruptible natural gas service to "not more than 25 direct industrial customers" near Applicant's pipeline system passing through the States of Alabama, Florida, Louisiana, Mississippi, and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the unnamed industrial customers are various road construction contractors who annually use natural gas in connection with federal, state or local road building projects. The estimated cost of the 25 proposed projects and the estimated natural gas requirements are stated to be $12,500 and 400,000 Mcf, respectively, based on actual past experience.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7950; Filed, Sept. 26, 1957; 8:52 a. m.]

[Docket No. G-11780]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 23, 1957.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, having its

principal office at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on January 24, 1957 an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of the necessary taps on its existing transmission lines together with certain service facilities, in order to render interruptible service to Mississippi-Ohio Oil Terminal Company in East Liverpool, Columbiana County, Ohio, and Peerless Clay Corporation in Saline Township, Jefferson County, Ohio, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a tap, meter and appurtenances on its existing 8-inch Line No. 981 near East Liverpool, Ohio and approximately 25 feet of 4-inch service line to the plant of Mississippi-Ohio Oil Terminal Company, which stores and transports oil by barge, truck and other means of transportation and desires to use natural gas for heating oil in the process of handling and storing the same.

Applicant also proposes to construct and operate a tap, meter and appurtenances on Applicant's 8-inch Line No. 5 near Stratton, Ohio and about 98 feet of 4-inch service line to serve the clay plant of Peerless Clay Corporation, which makes sewer and drainage pipe and desires to substitute gas for coal in firing its kilns.

The estimated requirements of the two prospective customers are as follows:

	1st year	2d year	3d year
Mississippi-Ohio			
Peak day (Mcf)	240	420	420
Annual (Mcf)	30,000	60,000	60,000
Peerless Clay			
Peak day (Mcf)	300	720	720
Annual (Mcf)	100,000	230,000	230,000

The estimated cost of the proposed construction to serve the Mississippi-Ohio Oil Terminal Company plant is $9,900 and the cost of that to serve the Peerles Clay Corporation plant, $11,500.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 23, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 11, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7951; Filed, Sept. 26, 1957; 8:52 a. m.]

[Docket No. G-12889]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 23, 1957.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application on July 15, 1957, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the transportation of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization for the transportation of natural gas for Texas Eastern Transmission Corporation (Texas Eastern) from an existing point of interconnection of the two systems near Lisbon, Louisiana, northeast to another existing interconnection of the two companies near Lebanon, Ohio.

Applicant proposes to render the service on an interruptible basis only for the period ending December 31, 1957. The volumes to be transported are not to exceed 20,000 Mcf per day, or such greater quantities as the parties may agree upon.

By supplemental information filed on July 26, 1957, Texas Eastern states that it does not expect to complete its Docket No. G-12227 facilities (certificated under temporary authority) until about November 1, 1957. This would increase its system capacity by about 110,000 Mcf per day. In the meantime, it has contracted for new take-or-pay gas supplies in connection with this increase in capacity and is required to take such gas at an early date. This has added to Texas Eastern's take-or-pay problems, as its present capacity is unable to handle all the gas, both new and old supplies, which it must take-or-pay for in the fields. As a result, it contracted with Texas Gas to have the latter transport those volumes it cannot take, when Texas Gas has excess capacity available to do so this year. The service is to be subordinate to all of Texas Gas' other services, both firm and interruptible.

No new facilities are required and the rate for such service is proposed to be 7.5 cents per Mcf transported.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 21, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure, a hearing will be held on October 21, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 11, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7952; Filed, Sept. 26, 1957; 8:53 a. m.]

[Docket No. G-12964]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 23, 1957.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application on July 29, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing it to sell an additional quantity of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to increase the maximum daily quantity of natural gas it is now authorized to sell to Ellis T. Myers Gas Company (Myers) from 450 Mcf to 965 Mcf; and to sell such gas under Applicant's GS-4 Rate Schedule instead of under its CD-4 Rate Schedule, as presently authorized.

Applicant states that in Docket No. G-1572, it was authorized to sell up to 450 Mcf per day of firm gas to Myers. The latter uses the gas to provide service to Bowerston and part of Leesville, Ohio. Prior to receiving gas from Appli-

cant, Myers had been receiving natural gas from nearby local production. Due to this, Myers could not qualify under Tennessee's tariff for firm gas deliveries except under the latter's CD–4 Rate Schedule, because Applicant's general service schedules are available only to those customers not being served with gas from other sources of supply at the time of commencement of service from Applicant.

Myers estimates its gas requirements as follows:

Year of service	Requirements in Mcf @ 15.025	
	Peak day	Annual
1956 (actual)	669	174,530
1957	880	160,000
1958	965	181,000
1959	965	183,000

These requirements include gas for Bowerston, Leesville and the nearby villages of Hagerstown and Sherrodsville, Ohio.

The application states that Myers' present supply of 450 Mcf per day from Applicant is insufficient to meet present and future demands. Myers has attempted to utilize an underground storage field to supplement its inadequate supply from Applicant but found this venture uneconomical and abandoned it. For this reason, an increase in the maximum daily quantity to 965 Mcf per day is requested.

Applicant requests the Commission to grant a waiver of the availability requirement in its GS–4 Rate Schedule to permit service under this schedule to Myers, which would effect considerable savings to Myers over the CD–4 rate.

No additional facilities will be required, as delivery of the additional quantity of gas will be made through an existing delivery point.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–7953; Filed, Sept. 26, 1957; 8:53 a. m.]

FEDERAL RESERVE SYSTEM

FIRST SECURITY CORP.

ORDER GRANTING APPLICATION FOR ACQUISITION OF VOTING SHARES OF UNION BANK AND TRUST CO.

In the matter of the application of First Security Corporation for approval of acquisition of voting shares of Union Bank and Trust Company, Salt Lake City, Utah.

The above matter having come before the Board on the application of First Security Corporation, Salt Lake City, Utah, dated May 10, 1957, filed pursuant to the provisions of section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of acquisition by First Security Corporation of direct ownership of the 25,000 outstanding shares of capital stock of Union Bank and Trust Company, Salt Lake City, Utah, and it appearing after due consideration thereof in the light of the factors enumerated in section 3 (c) of the Bank Holding Company Act of 1956 that such application should be granted,

It is hereby ordered, That the said application be and hereby is granted and the acquisition by First Security Corporation of the 25,000 outstanding shares of capital stock of Union Bank and Trust Company is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated: September 19, 1957.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 57–7936; Filed, Sept. 26, 1957; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 307]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF SPIRIT AND CHEWELAH POWER SUBSTATIONS IN STEVENS COUNTY, WASHINGTON

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of the Interior to determine that the excess real property and related personal property comprising the Bonneville Power Administration's Spirit and Chewelah Power Substations in Stevens County, State of Washington, is not required for the needs and responsibilities of Federal agencies and thereafter to dispose of said substations by negotiated sale to the Washington Water Power Company upon such terms as may be advantageous to the United States: *Provided,* That not less than the appraised fair market value of the property shall be obtained.

2. The authority conferred herein shall be exercised in accordance with the act and the regulations issued pursuant thereto.

3. The Secretary of the Interior shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203 (e) of the act as amended. A copy of such statement shall be furnished to the General Services Administration.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of the Interior.

5. This delegation of authority shall be effective as of the date hereof.

Dated: September 20, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57–7942; Filed, Sept. 26, 1957; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

2½ Percent Title I Housing Insurance Fund Debentures, Series L

Denomination:	Serial Nos. (all Nos. inclusive)
$50	137 to 140.
$100	157 to 172.
$500	80 to 86.
$1,000	383 to 406.
$5,000	34 to 35.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957, to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57–7919; Filed, Sept. 26, 1957; 8:46 a. m.]

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Title I Housing Insurance Fund Debentures, Series R, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

2¾ Percent Title I Housing Insurance Fund Debentures, Series R

Denomination:	Serial Nos. (all Nos. inclusive)
$50	30 to 150.
$100	104 to 162.
$500	20 to 40.
$1,000	50 to 51.
$5,000	36 to 54.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957 to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption

on or after January 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57–7920; Filed, Sept. 26, 1957; 8:46 a. m.]

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Title I Housing Insurance Fund Debentures, Series T, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

3 Percent Title I Housing Insurance Fund Debentures, Series T

Denomination:	Serial Nos. (all Nos. inclusive)
$50	95 to 124.
$100	242 to 390.
$500	117 to 178.
$1,000	98 to 153.
$5,000	80 to 139.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957 to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57–7921; Filed, Sept. 26, 1957; 8:46 a. m.]

2½, 2⅝, 2¾, 2⅞ AND 3 PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2⅝, 2¾, 2⅞, and 3 percent Mutual Mortgage Insurance Fund Debentures, Series AA, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

2½, 2⅝, 2¾, 2⅞ and 3 Percent Mutual Mortgage Insurance Fund Debentures, Series AA

Denomination:	Serial Nos. (all Nos. inclusive)
$50	557 to 900.
$100	1,671 to 2,738.
$500	513 to 808.
$1,000	1,136 to 2,017.
$5,000	571 to 906.
$10,000	201 to 477.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957, to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57–7922; Filed, Sept. 26, 1957; 8:46 a. m.]

2¾ AND 3 PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246;

U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ and 3 percent Housing Insurance Fund Debentures, Series BB, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

2¾ and 3 Percent Housing Insurance Fund Debentures, Series BB

Denomination:	Serial Nos. (all Nos. inclusive)
$50	1 to 3.
$100	1 to 26.
$500	1 to 5.
$1,000	1 to 18.
$5,000	1 to 7.
$10,000	1 to 416.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957, to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7923; Filed, Sept. 26, 1957; 8:47 a. m.]

2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES F

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Housing Insurance Fund Debentures, Series F, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

2¾ Percent Housing Insurance Fund Debentures, Series F

Denomination:	Serial Nos. (all Nos. inclusive)
$100	1 to 6.
$1,000	1 to 84.
$10,000	1 to 50.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957, to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7924; Filed, Sept. 26, 1957; 8:47 a. m.]

2½ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES M

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Housing Insurance Fund Debentures, Series M, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

2½ Percent Housing Insurance Fund Debentures, Series M

Denomination:	Serial Nos. (all Nos. inclusive)
$50	4 to 8.
$100	5 to 230.
$500	2 to 102.
$1,000	7 to 415.
$5,000	3 to 19.
$10,000	89 to 575.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957, to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7925; Filed, Sept. 26, 1957; 8:47 a. m.]

2½ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES Q

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Housing Insurance Fund Debentures, Series Q, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

2½ Percent Housing Insurance Fund Debentures, Series Q

Denomination:	Serial Nos. (all Nos. inclusive)
$50	7 to 9.
$100	7 to 10.
$500	5.
$1,000	50 to 70.
$5,000	1 to 6.
$10,000	343 to 373.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957, to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7926; Filed, Sept. 26, 1957; 8:47 a. m.]

2⅞ AND 3 PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2⅞ and 3 percent Servicemen's Mortgage Insurance Fund Debentures, Series EE, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

2⅞ and 3 Percent Servicemen's Mortgage Insurance Fund Debentures, Series EE

Denomination:	Serial Nos. (all Nos. inclusive)
$50	1.
$100	1 to 19.
$500	1.
$1,000	1 to 14.
$5,000	1.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957 to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7927; Filed, Sept. 26, 1957; 8:48 a. m.]

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

2½ Percent War Housing Insurance Fund Debentures, Series H

Denomination:	Serial Nos. (all Nos. inclusive)
$50	3,903 to 3,978.
$100	11,239 to 11,906.
$500	1,754 to 1,809, 2,854 to 2,903.
$1,000	12,402 to 12,985.
$5,000	3,233 to 3,354.
$10,000	31,219 to 33,468.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957 to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7928; Filed, Sept. 26, 1957; 8:48 a. m.]

2½ AND 2¾ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., Title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ and 2¾ percent Armed Services Housing Mortgage Insurance Fund Debentures, Series FF, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

2½ and 2¾ Percent Armed Services Housing Mortgage Insurance Fund Debentures, Series FF

Denomination:	Serial Nos. (all Nos. inclusive)
$50	1 to 4.
$100	1 to 8.
$500	1 to 5.
$1,000	1 to 5.
$5,000	1 to 3.
$10,000	1 to 284.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957, to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1958, or for pur-

chase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7929; Filed, Sept. 26, 1957; 8:48 a. m.]

2½ PERCENT MILITARY HOUSING INSURANCE FUND DEBENTURES, SERIES N

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 20, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Military Housing Insurance Fund Debentures, Series N, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1958, on which date interest on such debentures shall cease:

2½ Percent Military Housing Insurance Fund Debentures, Series N

Denomination:	*Serial Nos. (all Nos. inclusive)*
$100	1 to 25.
$5,000	1 to 10.
$10,000	1 to 496.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1957, and provision will be made for the payment of final interest due on January 1, 1958, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1957 to December 31, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1958, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: September 20, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-7930; Filed, Sept. 26, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1129]

TRULY NOLEN PRODUCTS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 20, 1957.

I. Truly Nolen Products, Inc., a Florida corporation, 6721 Northeast Fourth Avenue, Miami, Florida, filed with the Commission on July 19, 1957, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 100,000 shares of its common stock, 50 cents par value, at $2.00 per share, aggregating $200,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended (the act), pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. A. The Commission has reasonable grounds to believe that the conditional exemption provided by Regulation A is not available for the securities purported to be offered thereunder in that:

1. The aggregate offering price as required to be computed under Rules 254 (a) and 253 (c) exceeds $300,000.

2. Alfred D. Laurence & Co., 201 Southeast First Avenue, Miami, Florida, the person named as underwriter of the securities proposed to be offered, is the defendant in a pending proceeding within the meaning of Rule 261 (a) (6) of Regulation A, initiated by the Commission on August 5, 1957, in the United States District Court for the Southern District of Florida to enjoin said defendant from using the mails or any means or instrumentalities of interstate commerce to effect transactions in or to induce or attempt to induce the purchase or sale of securities otherwise than on a national securities exchange at a time when its aggregate indebtedness to all other persons exceeds 2,000 percent of its net capital in contravention of Rule 240.15C3-1 under the Securities Exchange Act of 1934.

B. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that:

1. The offering circular fails to contain the information required by paragraph 9 (d) of Schedule I.

C. The Commission has reasonable grounds to believe that the offering circular is misleading within the meaning of Rule 261 (a) (2) and that the offering would be made in violation of section 17 (a) of the act within the meaning of Rule 261 (a) (3) in that:

1. The amended offering circular fails to state, in connection with the statement under "Experts", the extent of review by the accountant; whether or not the accountant made an independent audit; and whether or not the accountant gave the issuer any certificate as to the financial statements contained in the offering circular.

2. The balance sheet made part of the amended offering circular fails to state the analysis of the capital surplus reflected therein.

3. The amended offering circular states in the first full paragraph on page 8 that the contract described therein is not assignable, whereas it later states in the last sentence of the paragraph that it has been assigned.

4. The amended offering circular, on page 9, describes a contract as providing for the payment of $100 a month as rent under a 14-year lease, whereas apparently the same payment is described in the last paragraph of Exhibit "A" as being compensation for the use of a name for 15 years.

III. *It is ordered*, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days herefrom; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-7954; Filed, Sept. 26, 1957; 8:53 a. m.]

OCT 1 1957

FEDERAL REGISTER

VOLUME 22 NUMBER 189

Washington, Saturday, September 28, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL DEPOSIT INSURANCE CORPORATION

Effective upon publication in the FEDERAL REGISTER, § 6.329 (a) is added as set out below.

§ 6.329 *Federal Deposit Insurance Corporation.* (a) One Assistant to each member of the Board of Directors.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-8026; Filed, Sept. 27, 1957; 8:58 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1957 Emergency Feed Program, Amdt. 1]

PART 475—EMERGENCY FEED PROGRAMS

SUBPART—1957 EMERGENCY FEED PROGRAM

OPERATION PROVISIONS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 22 F. R. 4904 and containing specific requirements for the 1957 Emergency Feed Program are hereby amended to provide for certain applications to be considered and acted upon by persons other than members of the ASC county committee by adding a new subparagraph (7) to § 475.40 (c) to read as follows:

§ 475.40 *Operation provisions.* • • •

(c) *Committee action on applications.* • • •

(7) Notwithstanding the foregoing, determinations in accordance with the standards prescribed in this section may be made on the following applications by others in CSS than the ASC county committees, when such others are designated by the Executive Vice President, CCC: (i) Applications submitted by ASC State and county committeemen; (ii) applications involving 1,000 animal units or more, and (iii) applications presenting unusual circumstances.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, as amended; 7 U. S. C. 1427)

Issued this 24th day of September 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-8015; Filed, Sept. 27, 1957; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 8]

PART 722—COTTON

SUBPART—ACREAGE ALLOTMENTS FOR 1957 CROP OF UPLAND COTTON

Basis and purpose. The purpose of this amendment is to formally provide for the determination of farm acreage allotments and marketing quotas by the Secretary, an Assistant Secretary of Agriculture, or the Administrator of the Commodity Stabilization Service. The principal need for the amendment arises in cases where it is desirable to speedily correct erroneous notices of farm acreage allotments and marketing quotas. The amendment is issued pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.).

It is imperative that certain erroneous farm acreage allotments and marketing quotas be corrected at once. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and com-

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FEDERAL REGISTER

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pliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and the amendment set forth herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.829 of the Regulations Pertaining to Acreage Allotments for the 1957 Crop of Upland Cotton (21 F. R. 7827) is amended (1) by changing the title of such section to read "Approval of determinations and redelegation of authority by the State committee and additional authority for the determination of farm acreage allotments and farm marketing quotas" and (2) by adding a new paragraph (d) as follows:

(d) *Additional authority for determination of farm acreage allotments and farm marketing quotas.* In addition to the foregoing, determinations of farm acreage allotments and farm marketing quotas pursuant to the provisions of §§ 722.811 to 722.828 for both old and new farms, including revised allotments to correct errors, may be made by the Secretary, an Assistant Secretary of Agriculture, or the Administrator of Commodity Stabilization Service and a notice conforming to the requirements of § 722.820 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.820. A copy of each notice shall be kept among the permanent records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of § 722.820 to any person who as operator, landlord, tenant, or sharecropper, is interested in the cotton produced in 1957 on the farm for which the notice is given.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 344, 362, 52 Stat. 57, 62, as amended, 7 U. S. C. 1344, 1362)

Done at Washington, D. C., this 26th day of September 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] MARVIN L. MCLAIN, *Assistant Secretary.*

[F. R. Doc. 57-8048; Filed, Sept. 27, 1957; 8:58 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 121]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.421 *Valencia Orange Regulation 121*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047) and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 26, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 29, 1957, and ending at 12:01 a. m., P. s. t., October 6, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 785,400 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 27, 1957.

[SEAL] FLOYD F. HEDLUND, *Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-8051; Filed, Sept. 27, 1957; 11:08 a. m.]

[Lemon Reg. 706]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.813 *Lemon Regulation 706.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date

when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 25, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 29, 1957, and ending at 12:01 a. m., P. s. t., October 6, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 130,200 cartons;

(iii) District 3: 9,300 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 26, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-8046; Filed, Sept. 27, 1957; 8:58 a. m.]

[959.315 Amdt. 2]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

(a) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating on and after the effective date of this amendment the shipment of potatoes in the manner hereinafter set forth; (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date; (4) reasonable time is permitted, under the circumstances, for such preparation; and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. The provisions of paragraph (b) (1), (2), (3), (5), and (8) of § 959.315 as amended (FEDERAL REGISTER 22 F. R. 5532, and 7137) are hereby amended, to read as follows:

(b) *Order* (1) Except as otherwise provided in this section, during the period from September 30, 1957, through June 30, 1958, no handler shall ship potatoes of any variety grown in any district unless:

(i) Such potatoes grade U. S. No. 2, or better, grade up to but not including the U. S. No. 1 grade, and weigh not less than 5 ounces in weight: *Provided*, That with respect to District No. 3, potatoes that meet said grade requirements may be shipped if they are of a size not smaller than 1⅞ inches in diameter; or

(ii) Such potatoes grade U. S. No. 1, or better, grade, and are of a size not smaller than 2 inches in diameter or 4 ounces in weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(2) During the period from September 30, 1957, through June 30, 1958, and subject to requirements set forth in subparagraph (1) of this paragraph, no handler shall ship potatoes of any variety grown in any district if such potatoes are more than "slightly skinned," as such term is defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), which means that not more than 10 percent of such potatoes have more than one-fourth of the skin missing or "feathered": *Provided*, That during such period, not to exceed 100 hundredweight of each variety of such potatoes may be handled every seven days without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) Pursuant to § 959.53, each handler may ship not in excess of a total of five hundredweight of potatoes per day without regard to the limitations set forth in subparagraphs (1) and (2) of this paragraph or the assessment and inspection requirements of this part: *Provided*, That, in addition, and with respect to potatoes grown in District No. 3, each handler may make one shipment of less than 20 hundredweight of such potatoes per day without regard to such limitations or requirements.

* * * * *

(5) During the period September 30, 1957, through June 30, 1958:

(i) No handler shall ship (*a*) potatoes for export which do not meet the requirements of U. S. No. 1, or better, grade 1½ inches minimum diameter, or (*b*) potatoes for dehydration or manufacture or conversion into starch, flour, or alcohol unless such potatoes are of a size not smaller than 1½ inches in diameter and at least 85 percent of the potatoes grade not less than U. S. No. 1;

(ii) Potatoes which fail to meet applicable grade and size requirements of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped for use for potato chipping;

(iii) Potatoes which by clipping second growth could be made to meet the aforesaid applicable grade and size requirements may be shipped for use for potato chipping without such clipping;

(iv) Potatoes which meet the aforesaid applicable grade and size requirements for potatoes for chipping may be commingled in the handling thereof for use for potato chipping; and

(v) Potatoes which have been conditioned for use for potato chipping and from which both ends are clipped or from which more than one-fourth of the potato has been cut away if in such cases the remaining portion weighs 6 ounces or more, may be shipped for use for potato chipping if such potatoes otherwise meet the applicable grade requirements.

* * * * *

(8) For the purpose of operations under this part and except as otherwise provided in this subparagraph, each required inspection certificate is hereby determined, pursuant to § 959.60 (c), to be valid for a period not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

Except as otherwise provided, terms used in this amendment shall have the same meaning as when used in said marketing agreement, as amended, and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated September 25, 1957, to become effective September 30, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-8013; Filed, Sept. 27, 1957; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 27]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

MISCELLANEOUS AMENDMENTS

This amendment divides Part 550 into two subparts, one designated as Subpart A—Regulations which includes §§ 550.1 to 550.20 and a new Subpart B—General Policies beginning at § 500.21. All previously effective provisions of Part 550 are contained in Subpart A—Regulations and the first of several anticipated statements of general policy with respect to the administration of the Federal-aid Airport Program, in the new Subpart B—General Policies.

Acting pursuant to the authority of the Federal Airport Act, Part 550 of the regulations of the Civil Aeronautics Administration is amended as follows:

1. By adding the following subheading immediately following the heading of the part and preceding § 550.1: "Subpart A—Regulations".

2. By adding the following subheading at the end of § 550.11: "Subpart B—General Policies".

3. By adding a new § 550.21 to read:

§ 550.21 *Scope of subpart.* This subpart sets forth general policies relative to certain aspects of the Federal-aid Airport Program. Such policies include general requirements, limitations, and procedures applicable to CAA approval of individual projects, which are additional to those prescribed in Subpart A.

4. By adding a new § 550.38 to read:

§ 550.38 *Runway clear zones*—(a) *Meaning of terms.* (1) "Runway clear zones" are areas comprising the innermost portions of the runway approach areas as defined in CAA Technical Standard Order N18 (TSO–N18), entitled "Criteria for Determining Obstructions to Air Navigation,"[1] in which areas the agency that owns or operates the airport should hold an adequate property interest to provide for the unobstructed passage of aircraft landing on a runway or taking off therefrom.

[1] Copies of this publication may be obtained from the Washington offices of the Civil Aeronautics Administration or any of its Regional Offices.

(2) The standard configuration of each runway clear zone conforms to the inner portion of the appropriate approach area prescribed in TSO–N18.

(3) The standard length of each runway clear zone is that required for the obstruction clearance slope applicable to each particular runway approach area under TSO–N18 (50:1, 40:1, 20:1) to reach a height:

(i) 50 feet above the terrain at the outer extremity of the runway clear zone, or

(ii) 50 feet above the elevation of the end of the runway or landing strip, whichever distance is shorter.

(4) The term "adequate property interests" in a runway clear zone area, as used in this section, means those interests created by an easement (or covenant running with the land) giving the airport owner or operator sufficient control to clear the area of all obstructions (objects insofar as they project above the approach surface established by TSO–N18) and to prevent the creation of future obstructions, together with the right of ingress and egress for such purposes, in order to assure the safe and unrestricted passage of aircraft in and over the area.

(b) *General requirements.* (1) In projects involving grants-in-aid under the Federal-aid Airport Program, sponsors will be required to own, acquire, or agree to acquire, adequate property interests in runway clear zone areas as follows:

(i) On new airports, adequate property interests in runway clear zone areas will be required, in connection with the initial land acquisition, for all eligible runways, without substantial deviation from standard configuration and length.

(ii) On existing airports where new runways or landing strips are developed, adequate property interests in runway clear zone areas will be required for each runway and landing strip to be developed or extended, to the extent determined by the CAA to be practical and feasible after due consideration of all facts presented by the airport owner or operator. It is highly desirable, however, that in such instances there be no substantial deviation from standard configuration and length.

(iii) On existing airports where improvements are made to runways or landing strips, adequate property interest in runway clear zone areas will be required for each runway and landing strip that is improved, to the extent determined by the CAA to be practical and feasible in regard to standard configuration and length, and in regard to property interests, after due consideration of all facts presented by the airport owner or operator. Any development which improves a specific runway will be considered as a runway improvement. This includes runway lighting and the development or lighting of taxiways serving a runway, as well as the actual improvement of the runway itself.

(iv) On existing airports where substantial improvements are made which do not benefit a specific runway or landing strip, such as over-all field grading or drainage, terminal area or building developments, adequate property interests in runway clear zone areas will be required for the dominant runway or landing strip, to the extent determined by CAA to be practical and feasible in regard to standard configuration and length, and in regard to property interests, after due consideration of all facts presented by the airport owner or operator.

(v) If a sponsor or other public agency demonstrates the legal ability to prevent the future erection or creation of obstructions in the runway clear zone area, and adopts protective measures prohibiting the future erection or creation of obstructions, such will be acceptable under subdivisions (iii) and (iv) of this subparagraph in lieu of "adequate property interests" as hereinbefore defined (with the exception of any rights required for the removal of existing obstructions). This method of runway approach protection presupposes agreement between the CAA and the sponsor for removing, marking or lighting (whichever is determined in each individual case) any existing obstructions to air navigation. In each case, for the sponsor or other public agency to demonstrate its ability to prevent future erection of obstructions by regulation, it will be necesary that it furnish information as to the specific height limitations established and as to the current and foreseeable future use of the property to which they apply, and an acceptable legal opinion as to the validity of the protective measures adopted, including a conclusion that the height limitations established are not unreasonable in view of the current and foreseeable future use of the property and are a reasonable exercise of the police power, together with the reasons or basis supporting such opinion.

(2) Property interests acquired by a sponsor in meeting the requirements of the runway clear zone policy are eligible for Federal-aid Airport Program participation.

(c) *Background.* (1) Long-standing policies of the Civil Aeronautics Administration recognize the desirability of enhancing the safety of operations and protecting the usefulness of airport runways by adequate zoning or by acquiring property interests in the runway approaches.

(2) The basic objective of the Federal-aid Airport Program is the establishment of a nation-wide system of public airports adequate to meet the present and future needs of civil aeronautics. To this end, the CAA, in administering the Program, has responsibilities and interest in the safety of airport operations, in the efficiency of airport layout and facilities from the standpoint of traffic control and public use, and in the economic aspects of airport perpetuation or obsolescence.

(3) The Federal Airport Act contemplates that a sponsor shall have sufficient interest in and control of land areas to assure that the facilities of the airport will be accessible and available to its users.

(i) The act specifically provides, in section 11, that:

As a condition precedent to his approval of a project under this Act, the Administrator of Civil Aeronautics shall receive assurances in writing, satisfactory to him, that * * *

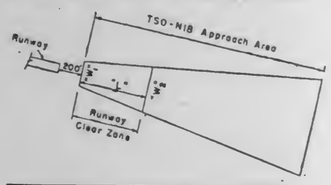
(3) The aerial approaches to such airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

(4) The CAA has established standards to identify obstructions and has published criteria for such purpose in a Technical Standard Order (TSO–N18)—"Criteria for Determining Obstructions to Air Navigation." Such criteria provide for the establishment of approach area for airport runways and set forth the means to determine the aerial approach surface to a runway.

(5) An essential factor in the safety of normal aircraft operations is that the approaches to runways or landing strips are free from obstructions as determined by TSO–N18. The prudent expenditure of local and Federal funds for airport purposes requires that such runway approaches be kept free from obstructions in the interest of safety, to achieve maximum utilization of airport facilities and to preclude airport obsolescence. The most critical area of the runway approach is that area adjacent to the end of the runway, where normal objects, such as trees, buildings, pole lines, etc., would be obstructions. The ownership of property interests in such areas provides obstruction-free areas at the immediate ends of runways or landing strips, assures that they will remain free from obstructions and guarantees permanent built-in protection that cannot be breached or violated.

(6) Past efforts of the Civil Aeronautics Administration in encouraging the acquisition of property interests in approach areas adjacent to the ends of runways have not been effective to the extent desirable. Consequently, it is appropriate that effective action for acquiring control of such approach areas be taken in connection with administration of the Federal-aid Airport Program.

(d) *Configurations and dimensions.* (1) The standard dimensions and configurations of runway clear zones conform to the inner portions of approach areas as described in TSO–N18, as shown in the following drawing and table:



Master plan category of runway	Dimensions		
	Length "L" (feet)	Inner width "W1" (feet)	Outer width "W2" (feet)
Instrument runway	2,500	1,000	1,750
Non-instrument runway—express [1] or larger	2,000	500	900
Non-instrument runway—trunk [1]	2,000	400	800
Non-instrument runway—feeder [1]	2,000	300	700
Runways or landing strips of less than feeder [1] length	1,000	250	450

[1] Length per TSO–N6a.

(2) Application of the above configurations and dimensions will be made on the basis of the required length of each eligible runway shown on a master plan, rather than on the basis of the National Airport Plan category of the airport. For example, an airport shown in the National Airport Plan as requiring an ultimate "Express" category might show on its master plan one runway of "Express" length and another of "Feeder" length; the runway clear zones would be based on the "Express" and "Feeder" dimension shown above.

(3) The foregoing standard lengths of the runway clear zones are those required for the approach slope applicable to each particular runway approach area under TSO–N18 (50:1, 40:1, 20:1) to reach a height of 50 feet above the elevation of the end of the runway. In level terrain the standard lengths thus provide 50-foot clearance between the outer extremity of the approach slope and the ground surface.

(4) In instances of descending terrain in the runway approach, the standard length of the clear zone will be only that required to provide the 50-foot clearance at the outer extremity of the runway clear zone area. If, however, the area is susceptible to extensive development, acquisition of property interests over a greater area is desirable but not required, and the decision for acquisition rests solely with the sponsor. In instances of rising terrain, the standard lengths will not be greater than the lengths based on level terrain as shown in the foregoing drawing and table; however, acquisition of property interests in areas beyond the standard dimensions so as to provide up to 50-foot clearance over terrain at the outer extremity of the runway clear zone area is desirable but is not required, and the decision for acquisition rests solely with the sponsor. If local practice is to protect to a level higher than 50 feet, greater lengths may be approved but are not required. The acquisition of property interests within the 7:1 transition areas (as prescribed in TSO–N18) to provide 50-foot terrain clearance is recommended but not required, and the decision for acquisition rests solely with the sponsor.

(5) Problems of acquiring property interests will frequently require other modifications at individual locations. The problem of acquiring property interests in entire parcels, rather than only the portions of parcels lying within the runway clear zone area, the existence of rights-of-way, such as roads, railroads, etc., and the existence of nonproblem areas such as streams and over-water approaches, will all bear on the configuration and dimensions of the areas in which property interests are to be acquired.

(6) Although the standard runway clear zone configuration is recommended and desirable, the sponsor may determine that acquisition of property interests in the "flare" areas is not feasible; in such cases, a rectangular area, having a dimension equal to the inner width (with "flare" areas omitted), will be acceptable.

(7) Where the owner or operator of an airport has acquired, has agreed to acquire, or has initiated action to acquire property interests in a rectangular runway clear zone area prior to the issuance of this policy statement, such acquisition will be considered as compliance with the standard dimensions and configurations listed above. However, adjustments in such rectangular runway clear zone areas, to conform to the standard dimensions and configurations, may be made if desired by the sponsor. As an example, a rectangular runway clear zone area need not be enlarged to include the "flare" of the TSO–N18 approach area but may be enlarged if desired by the owner of the airport. Likewise, if application of this policy results in lesser dimensions, a reduction in size is permissible.

(e) *Extent of property interest and control.* (1) An adequate property interest in a runway clear zone area is an easement, either perpetual or for so long as the airport is operated as such, giving the airport owner the degree of control outlined in paragraph (a) (4) of this section. This property interest is the maximum that will be required by the CAA in any case. In certain cases, as discussed hereinafter, a lesser interest may be acceptable.

(2) To assure maximum control of the runway clear zone area, and to afford the most positive protection to the airport, it is desirable that the airport owner or operator hold the same property interest in the runway clear zone area that it holds in the remainder of the airport—fee interest or a leasehold estate from another public agency. If, however, the acquisition of title is not practicable, it is recommended that the airport owner or operator acquire easements which give, in addition to the "adequate property interests" outlined in paragraph (a) (4) of this section, sufficient control over the land (i) to prevent the erection of any buildings or structures other than those housing or supporting aids to air navigation, (ii) to clear the area of all existing structures, other than air navigation facilities, with right of ingress and egress for such purpose, and (iii) to prevent any future use of the land which would interfere with the operation and use of the airport. Such easements have been used to obtain rights over agricultural lands without interfering with the agricultural use, but rather, limiting the future use of the land to agricultural purposes.

(3) Acquisition of title or the easement rights described above is eligible for aid under the Federal-aid Airport Program even though such property interests go beyond the rights which would be created by an easement granting only the minimum rights described in paragraph (a) (4) of this section.

(4) Subdivisions (iii) and (iv) of paragraph (b) (1) of this section discuss, for certain types of projects, the acceptability of the adoption of protective measures in lieu of the "adequate property interest" hereinbefore defined, and subdivision (v) of paragraph (b) (1) of this section discusses the demonstration of a sponsor's legal ability to prevent the future erection and creation of obstructions. To demonstrate its ability the sponsor is required to submit an acceptable legal opinion of its attorney. It is necessary that such opinion furnish sufficient grounds for reasonable concurrence by the CAA because, in absence of special circumstances, adoption of height limit regulations without compensation under the State police power is of questionable legal validity if the height limits prescribed are low and run the risk of constituting a taking of property without compensation, contrary to the State and Federal constitutions. Consequently, in the absence of unusual circumstances, the adoption of protective measures by legislation cannot be considered a satisfactory substitute for the acquisition of property interests for the entire runway clear zone area, and should be regarded as a possible alternative in any particular case only in the outer portions of the runway clear zone area and then only if, and to the extent it can be determined that the applicable height limits are not confiscatory.

(5) Where the owner or operator of an airport has agreed to acquire or has initiated action to acquire property interests in a runway clear zone area which involve greater property interests than those required herein, the sponsor may, upon request, have such commitment reduced to conform to the minimum requirements of this policy.

(f) *Land use.* (1) The CAA does not regard the runway clear zone area as an "overrun area" or "landing strip extension" as such terms apply to military airports. There is no requirement to grade the area except for the purpose of removing an obstruction. It is recognized that, ideally, a level area will further contribute to the safety of aircraft, but levelling should be accomplished only where a sponsor holds fee title and such levelling is economically feasible without undertaking heavy grading operations; it is further recognized that if the runway clear zone area is fully cleared, levelling operations involving stump removal and filling of ditches will enhance safety and are eligible project costs under the Federal-aid Airport Program. Public roads and railroads are not objectionable in runway clear zones provided that such roads comply with CAA standards on clearances.

(2) When the sponsor has acquired control of the surface of the land in a runway clear zone area, it is desirable that no new buildings or structures other than those housing or supporting aids to navigation, be permitted; this, however, does not preclude the erection of fences or small, low service-type buildings such as isolated pump houses, equipment sheds, electrical vaults and utility buildings, where TSO–N18 clearance is met and such structures do not encourage nonconforming land use. It is recognized that in some cases, leaving low growths and light timber, which conform with TSO–N18, may be desirable inasmuch as they are sound-absorbing; where such is the case, structures of equal or lesser height, such as pole lines or highway signboards may be permitted.

(3) It is recognized that most sponsors will desire to make productive use of property in runway clear zone areas to which they hold fee title. Agricultural use is the most compatible use in such areas. However, those uses decided upon by a sponsor will not violate the basic runway clear zone objective so long as the specific use does not interfere with the safe, orderly and efficient operation or use of the airport and does not result in creating an obstruction as determined by TSO–N18. When federal funds have been used to acquire fee title in runway clear zone areas, use of the land must not violate the principle of keeping the area generally clear and open. Conforming uses include light recreational areas (without stadia or heavy structures), auto parking areas, and other uses deemed not objectionable by the Regional Administrator.

(g) *Procedure under the Federal-Aid Airport Program.* (1) The application of the runway clear zone policy will be reviewed for each project undertaken at a specified airport if adequate property interests in runway clear zone areas have not already been acquired. A flexible application might be justified on the basis of a small project. A subsequent project at the same airport, however, might involve considerable funds and be of such magnitude that a more rigid application of the policy is in order. Consideration will be given to any previous determination, agreement or commitment made, or action taken, in regard to property interests in, or dimensions or configurations of, runway clear zone areas.

(2) The most logical place to determine the degree of application of the runway clear zone policy is in the Regional Offices. Therefore, authority for the application of the policy, for deviation from standard configurations and dimensions and for the determination of the adequacy of property interests and control in runway clear zone areas, has been delegated to each Regional Administrator.

(3) In discussing each Request for Aid (Form ACA–1623) with the sponsor, prior to recommending a tentative allocation of funds, the District Airport Engineer will determine the extent to which the airport then complies with the runway clear zone policy, and the views of the sponsor in regard to acquiring property interests in runway clear zone areas of standard configurations and dimensions for each eligible runway, together with any pertinent facts or unusual circumstances which apply to the specific airport. The District Airport Engineer will include this information in his report transmitting the Request for Aid to the Regional Office.

(4) As soon as possible after the issuance of a notice of tentative allocation for a specific airport, the District Airport Engineer, after consultation with the Regional Airports Office, will advise the sponsor, in writing, of the runways to which the runway clear zone policy will be applied, together with the standard configurations and dimensions applicable to each such runway. This procedure will not be required if the sponsor already has adequate property interests in runway clear zone areas for the runway(s) involved or if a previous determination made with regard to the runway clear zone areas still applies.

(5) As soon as feasible, in the early planning stages of a project, the District Airport Engineer will consult with the sponsor in regard to runway clear zone requirements. As a result of this discussion, the sponsor shall submit information to the District Airport Engineer outlining the proposed configurations and dimensions of the runway clear zone area and stating the property interests it proposes to acquire, with information to support any deviations from adequate property interests or standard configurations and dimensions. In such contacts with the sponsor, the District Airport Engineer shall not commit the CAA in regard to a final determination on deviations from runway clear zone requirements. Full details shall be submitted in a report to the Regional Office for such final determination by the Regional Administrator.

(6) Upon receipt of each report from the District Airport Engineer and upon consideration of the facts stated therein, the Regional Administrator shall make a determination, in regard to the specific project, as to the configuration and dimensions of each runway clear zone area in which the sponsor will be required to acquire property interests and the interests or rights which the sponsor will be required to obtain if less than the minimum rights described in paragraph (a) (4) of this section. The sponsor will be advised of these requirements, in writing, through the District Airport Engineer.

(7) In making each determination in regard to runway clear zones, the Regional Administrator will be guided by the several factors listed below.

(i) *Type of airport—new or existing.* It is expected that the initial land acquisition for a new airport will include adequate property interests in runway clear zone areas of standard dimensions and configuration, for all eligible runways. On existing airports, however, the policy will be applied with reason, recognizing that on such airports the requirement is limited to the extent determined to be practical and feasible. The words "practical" and "feasible" cannot be precisely defined, will vary with individual cases, and require application of good judgment, after consideration of all facts presented by the airport owner or operator.

(ii) *Type and degree of use—now and in future.* The volume of heavy aircraft, as compared to the volume of light aircraft; the likelihood of short-haul vs. long-haul flights; the probable volume of instrument flights; the probability of further expansion of the airport and its use by larger and heavier aircraft with different approach characteristics are all appropriate factors to consider in applying the runway clear zone policy. In some cases, where identified in the National Airport Plan as ultimately requiring a lesser service plan than now exists, existing runways may be more than adequate for present and foreseeable future use and thus the runway clear zone configurations and dimensions may be based on the National Airport Plan service type, as such is delineated on the Master Plan layout.

(iii) *Nature and cost of work proposed in project.* A project to extend a runway

will receive a more rigid application of the runway clear zone policy than will a project for runway resurfacing or lighting a taxiway. Likewise, the cost of the proposed improvements may affect the degree of application. If a project is small and does not involve major improvements, good judgment may well dictate that the runway clear zone policy be applied with utmost flexibility. The word "small," however, is relative; a $10,000 project for a general aviation airport in a small community would not be considered a "small" project, if property interests in runway clear zone areas might represent a cost of only a few hundred dollars; on the other hand, a $50,000 project in a large city might be considered a "small" project if acquisition of property interests in runway clear zone areas might represent a cost of several hundred thousand dollars.

(iv) *Nature and use of terrain in approach areas.* The fact that high or mountainous terrain beyond a runway clear zone reduces the effective approach slope could be a factor in reducing the length of that particular runway clear zone. Existing tall buildings may have a similar effect in reducing approach slopes. Land susceptible to residential, industrial or commercial development should call for a more rigid application of the runway clear zone policy. On the other hand, use of land for public parks, golf courses, cemeteries, railroad yards, and parkways may make appropriate a revision in runway clear zone configurations. An over-water approach may make acquisition of property interests in all or a portion of the runway clear zone unnecessary. A road right-of-way or a stream in the outer portion of the runway clear zone may justify a change in configuration. Likewise, the existence of such rights-of-way in an interior portion of a runway clear zone may make a "gap" in which there is no necessity of the sponsor acquiring a property interest.

(v) *Potential development within approach areas.* Any development proposed or likely within the clear zone area should be considered in determining the configuration. The probability of construction within the runway clear zone areas should be considered. History and growth trend of the area and highway frontage or intersections within the area are particular factors to be examined. Where the CAA has programmed the installation of an approach light lane or such installation appears likely in the future, the sponsor should be so advised and apprised of the land needed for such installation in order that it may, if it so elects, vary the configuration and dimensions as well as the nature of the property interest to be acquired.

(vi) *Existing approach protection—zoning.* Protection afforded by existing zoning ordinances will bear on the question of necessity for the acquisition of property interests in runway clear zones. Height-limitation zoning that prevents the erection of the type of structures that normally would be placed on the land is of doubtful validity, since it raises the question of taking without compensation. The standard length of a runway clear zone provides 50-foot clearance above the terrain at the outer extremity of the runway clear zone area, beyond which point normal height-limitation zoning would usually not be subject to question of validity and should be encouraged. The existence of comprehensive zoning with provisions relating to land uses, density of buildings, setbacks and other restrictions is also a factor to be considered.

(vii) *Relationship of parcel and zone boundaries.* In few cases will the areas in which property interests are acquired by a sponsor in runway clear zone areas follow the actual standard configurations and dimensions. The problem of acquiring property interests in entire parcels, rather than only in portions lying within the standard runway clear zone area, will have a bearing on the configuration and dimensions. Property lines may be followed, with reasonable variation in excess of, or less than, standard configurations. Obviously, when a small portion of a larger tract represents a minor deviation in configuration (particularly in the outer extremities and in the "flare" areas), the clear zone configuration may be adjusted to eliminate the area. Likewise, when the cost of acquiring property interests in the necessary portion of a tract represents approximately the cost of acquiring property interests in the entire tract, the entire tract may be included in the configuration and the cost of acquisition will be eligible when it can be found that the property interests in the entire tract are needed to protect the airport.

(viii) *Cost of acquisition.* (*a*) Representations will be made that the cost of acquiring property interests in runway clear zone areas is not economically feasible. Each case warrants full exploration. In some instances, it has developed that acquisition costs were less than originally anticipated. Cost of acquisition is a factor to be given serious consideration. It must be recognized that in certain built-up areas a claim of uneconomical acquisition costs can be supported. Each situation, however, is relative and must be considered individually, and any decision should be based on facts. Built-up areas often exist in the outer portions of runway clear zones, and appraisals or estimates may reveal that the cost of acquiring property interests therein will be very high. Such cost might be determined to be excessive for a small airport, but reasonable for a major airport. If, however, the determination of excessive cost of an area is justifiable, the configuration of the runway clear zone may be adjusted to exclude such area.

(*b*) In other cases, the growth of a community might have appreciated land values so that the cost of property interests will be very high. Here, good judgment is imperative. Where the runway clear zone area is not developed but is susceptible to development, the cost of acquiring property interests must be weighed against the probability of development and the effect of such development on the airport, recognizing that the cost of future acquisition of property interests (even if the land remains undeveloped) will probably be greater than the current cost. Often an airport has some undeveloped areas within its boundaries which can be deleted without adversely affecting the airport. It might be possible to arrange a trade of such airport property for property interests in the runway clear zone area, or to finance the acquisition of such property interests by selling the excess airport property. In cases where there is spotty development within the runway clear zone area, it may be feasible to acquire property interests in all of the area except for the isolated development, especially if it is in a "fringe" area of a runway clear zone. Some easements have been acquired which include a provision prohibiting future buildings, but which permit existing buildings to remain (i. e., a barn or equipment shed on farm property).

(*c*) In cases where it is more economical to extend a runway and incorporate a portion of the opposite end of the runway into a runway clear zone, such extension of the runway is an eligible item of development; provided that the threshold of the runway is displaced so as to exclude from the marked and lighted runway the portion within the runway clear zone.

(ix) *Feasible degree of sponsor control.* (*a*) In some cases it may be possible and appropriate for a sponsor to obtain a lease giving sufficient length of term and control to meet runway clear zone requirements. Costs of the lease will not be allowable unless prepaid, and the rights of the parties and restrictions on the land must be examined before a determination of eligibility can be made.

(*b*) There will be instances where it is not feasible to acquire a fee interest, an easement, or a lease. In an individual situation, a contract or agreement might be worked out to give reasonable protection in a runway clear zone area. A contract running with the land would be preferable, but in some instances a personal contract could be accepted, provided that the airport owner agreed to take affirmative action in the event of a change in property ownership. Examples include:

(*1*) A case in which a farmer was reluctant to grant an easement because of title encumbrance, but was willing to enter into a contract or agreement assuring that, during his tenure of ownership, the land would be used only for agricultural crops with no obstructions erected thereon; and

(*2*) A case in which an airport owner contracted with a timber concern and for a nominal fee obtained assurance that the property in the approach to one runway would be used only for timber seedings which would not exceed a specified height.

(*c*) In such cases, the practical and/or economic difficulties of acquiring an acceptable property interest, the history of ownership and land use, and the probability of changes in land use and ownership should all be considered in calculating the risk of not obtaining the minimum runway clear zone property interests for the full term of a Grant Agreement. Since some risk is always involved when a contract right rather than property interest is accepted, the instances of accepting contract rights should be held to a minimum and to unusual cases. In some cases, rights granted to a sponsor under an agreement, lease, contract or easement conveying less than the minimum rights described in paragraph (a) (4) of this section may be found to give reasonable protection in a runway clear zone area and such rights may be determined by the Regional Administrator to be acceptable in meeting requirements in connection with a particular project.

(8) In discussing the runway clear zone policy with sponsors, the District Airport Engineer will point out that easements granting the minimum rights discussed in paragraph (a) (4) of this section afford adequate property interests in runway clear zone areas to provide for the unobstructed passage of aircraft.

(9) It should also be pointed out, however, that full ownership of such areas offers the maximum degree of protection and benefit to the airport, and is recommended by the CAA, if the sponsor holds such acquisition to be feasible. As an alternative the sponsor may elect to acquire, in lieu of fee title, easements which give it the right to clear the area and control its future use; such possibility should be explored by the District Airport Engineer, who should advise the sponsor that the CAA recommends the acquisition of at least such property interests wherever the sponsor determines such acquisition to be feasible.

(h) *General.* (1) It is not intended that the requirements for acquisition of property interests in runway clear zone areas deter or defer needed airport development when limited funds are inadequate for both the development and the acquisition. In such cases, or in other instances where the acquisition of property interests in runway clear zone areas is not a part of a project, but is required, a special condition will be inserted in the Grant Agreement requiring the sponsor to acquire such property interests within a specified time determined to be reasonable under the circumstances, which, in no event, shall exceed five years.

(2) In regard to any runway approach area within the limits of the property as shown on Exhibit "A" to the Project Application in which the sponsor has acquired a fee interest with Federal funds, the Grant Agreement shall contain a special covenant not to permit any permanent structures therein, other than those required for aids to air navigation and other than those specifically excepted or subsequently excepted by the Regional Administrator.

(3) A Master Plan layout showing runway clear zones for the specific runway(s) or landing strip(s) to which the runway clear zone policy is applied, must be approved in connection with any Federal-aid Airport Program project. Such Master Plan layout shall show the configuration of the runway clear zone areas in which the sponsor holds, or proposes to acquire, property interests.

(i) In addition to the establishment of runway clear zones on the Master Plan layout for the specific runway(s) or landing strip(s) to which the policy is applied, the Master Plan layout may also show runway clear zones for the remaining eligible runway(s) or landing strip(s), it being understood that the approval of the Master Plan layout does not commit the sponsor to undertake the acquisition of property interests in any runway clear zone area or prevent future agreement for deviations from the runway clear zone configurations as shown except with respect to the runway(s) or landing strip(s) to which the policy is being applied; such runway clear zones may be shown on the Master Plan layout in the same manner as any future airport development is delineated and should be as accurate as to dimensions and configurations as can reasonably be forecast. Basic TSO–N18 approach areas should be shown on each Master Plan layout for all runways.

(4) Acquisition of property interests in runway clear zone areas is eligible for Federal aid only in connection with eligible runways based on civil requirements for runway length (National Airport Plan category).

(5) In connection with the question of eligible runways, Federal-aid Airport Program participation in the construction, reconstruction or resurfacing of runways will be limited to the dominant runway at any airport unless more than one runway can be justified on the basis of wind conditions or traffic volume;

(i) On the basis of wind conditions, an airport will be eligible for a second runway if use of the dominant runway at that airport will require landings with cross-wind components exceeding 15 MPH for more than 5 percent of the time; even though the 95 percent usability factor is not achieved with a single runway, a second runway should be provided only if operation experience has demonstrated the need for it, and the economic factors of air transportation at the specific location warrant the expenditure of Federal-aid Airport Program funds for this purpose; the second runway should be so oriented with regard to the dominant runway that maximum wind coverage is achieved;

(ii) On the basis of traffic volume, an airport with 75,000 or more annual aircraft movements of all types, not qualifying for a second runway on the basis of winds, will be eligible for a second runway on the basis of traffic volume, provided that the layout and orientation of the two runways will permit both to be used to expedite traffic.

(6) If Federal funds have been used to acquire property interests in an area that constitutes a portion of a runway clear zone (based on maximum length of runway under National Airport Plan category) and the runway is extended beyond the maximum civil length, Federal funds may be used to acquire property interests in the equivalent balance of the runway clear zone area at the end of the extended runway and every effort made to have the remainder acquired, but without Federal-aid Airport Program funds. If no Federal funds have been spent for property interests in a civil-length runway clear zone area, the acquisition of property interests at the ends of the extended runway will be eligible.

(7) If noncivil necessity now requires or will require runway length in excess of civil needs, the cost of acquisition of property interests in runway clear zone areas will be eligible at the end of the fully extended runway, but the cost of the land required for the noncivil extension is not eligible.

(8) Clearing of the runway clear zone area to the standards of TSO–N18 will be required as a minimum in those areas in which the sponsor acquires property interests unless the document conveying the interests provides for a specific exception. Complete clearing of the area is desirable, and is eligible under the Federal-aid Airport Program.

(9) The emphasis in this section on runway clear zones does not detract from the desirability of further protection of airport runway approaches in areas beyond the clear zones, both by the acquisition of property interests and police power legislation. In its advisory capacity, the CAA will advocate the acquisition of property interests in runway clear zones, even though no Federal funds are involved.

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. 1101–1114)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator.

SEPTEMBER 20, 1957.

[F. R. Doc. 57-7915; Filed, Sept. 27, 1957; 8:45 a. m.]

[Amdt. 37]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Loveland FM (Final)	CIN-LFR	224—7.6	1600	T-d	400-1	400-1	400-1
Mt Orab FM	CIN-LFR	296—22	2100	T-n	600-1	600-1	600-1
				C-d	800-1	900-1½	900-1½
				C-n	800-1½	900-1½	900-1½
				S-24-d	800-1	800-1	800-1
				S-24-n	800-1½	800-1½	800-1½
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side NE crs, 044 Outbnd, 224 Inbnd, 2100′ within 10 mi.
Minimum Altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 227—4.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi after passing the Cincinnati LFR or if landing not accomplished, make a left climbing turn, climb to 2300′ on the SE crs within 10 mi.
AIR CARRIER NOTE: Air carrier hours of operations—7:00 a. m. through 11:00 p. m. (7 days a week).

City, Cincinnati; State, Ohio; Airport Name, Lunken; Elev, 488′; Fac Class, SBRAZ; Ident, CIN; Procedure No. 1, Amdt 4; Eff Date, 26 Oct 57; Sup Amdt No. 3; Dated, 5 Oct 57

Eastwood FM	LOU LFR (Final)	Direct	1500	T-dn	300-1	300-1	300-1
				C-d	400-1	600-1	600-1½
				C-n	400-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side E crs, 086 Outbnd, 266 Inbnd, 2400′ within 10 miles.
Minimum Altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 273-1.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles, climb to 2100′ on W crs Louisville LFR within 10 mi or, when directed by ATC, make an immediate right climbing turn to 2100′ on N crs Louisville LFR within 10 miles.

City, Louisville; State, Ky; Airport Name, Bowman Field; Elev, 549′; Fac Class, SBMRLZ; Ident, LOU; Procedure No. 1, Orig; Eff Date, 26 Oct 57

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 094 Outbnd, 274 Inbnd, 2200′ within 10 mi.
Minimum Altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 314—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 2500′ on N crs within 20 miles of MSN-LFR.
NOTE: ADF procedure not authorized. Amount of turn over facility on final approach exceeds standard.
CAUTION: 1238′ msl tower located approximately 4 mi NE of airport.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev, 859′; Fac Class, BMRLZ; Ident, MSN; Procedure No. 1, Amdt 8; Eff Date, 26 Oct. 57; Sup Amdt No. 7; Dated, 4 May 57

2. The automatic direction finding procedures preseribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Carter ILS-LOM	GPR-RBn	Direct	1900	T-dn	300-1	300-1	200-½
Farmers Br Int	GPR-RBn	Direct	1900	C-dn	400-1	500-1	500-1½
Dallas RBn	GPR-RBn	Direct	1900	S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar Terminal area transition altitude, 2000′ within 20 mi.
Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers 2349′ msl 15 mi SSE, 1743′ msl 12 mi WSW, and 1221′ msl 6 mi N.
Procedure turn W side of crs, 196 Outbnd, 016 Inbnd, 2500′ within 10 mi (nonstandard due to traffic).
Minimum Altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 349—4.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, turn left, climb to 1900′ on crs of 309 within 15 mi of Carter ILS-LOM or when directed by ATC, climb to 2200′ on crs of 349 within 20 mi of Grand Prairie MHW.

City, Ft Worth; State, Tex; Airport Name, Amon Carter Field; Elev, 568′; Fac Class, MHW; Ident, GPR; Procedure No. 2, Amdt 4; Eff Date, 26 Sept. 57; Sup Amdt No. 3; Dated, 19 Jun 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fairbanks Int (VOR)	Houston FM (Final)	Direct	1500	T-dn	300-1	300-1	200-½
Radar terminal area maneuvering altitude	All directions	Within 20 mi	2200	C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 315 Outbnd, 135 Inbnd, 1800′ within 10 mi of HOU FM.
Minimum altitude over facility on final approach crs, HOU FM 1500*.
*If Houston FM not identified on final, descent below 1500 NA.
Crs and distance, facility to airport, from HOU FM 135—5.3.
CAUTION: 1236′ msl TV tower 11.3 mi SSE of VOR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 mi of HOU FM, climb to 2200′ on R-171 within 15 mi of VOR.

City, Houston; State, Tex; Airport Name, International; Elev, 50′; Fac Class, BVOR; Ident, HOU; Procedure No. 1, Amdt 3; Eff Date, 26 Oct 57; Sup Amdt No. 2; Dated, 22 Oct 55

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10 mi, R-231	5 mi fix#, R-231	Direct	1500	T-dn	300-1	300-1	200-½
5 mi fix#, R-231	HOU VOR (Final)	Direct	500	C-dn	400-1	500-1	500-1½
				S-dn-3	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

ALL PROCEDURES: #Fixes may be determined by either DME or Radar. Radar terminal area maneuvering altitude all directions 2200′ within 20 mi.
Procedure turn S side, 231 Outbnd, 051 Inbnd, 2100 within 10 miles**. Beyond 10 mi NA.
**When authorized by ATC, DME may be used within 10 mi at 2200′ orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*.
*After completion of procedure turn, descent below 1500′ not authorized until passing 5 mile DME or Radar Fix.
Crs and distance, breakoff point to app end rny 3, 036—.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1600′ on R-036 within 20 miles.

City, Houston; State, Tex; Airport Name, International; Elev, 50′; Fac Class, BVOR; Ident, DME; Procedure No. TerVOR-3, Amdt 3; Eff Date, 26 Oct 57; Sup Amdt No. 2; Dated, 20 Apr 56

10 mi, R-298	5 mi fix#, R-298	Direct	1500	T-dn	300-1	300-1	200-½
5 mi fix#, R-298	HOU VOR (final)	Direct	500	C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#Fixes may be determined by either DME or Radar. Radar Terminal Area maneuvering altitude all directions 2200′ within 20 miles.
Procedure turn W side, 298 Outbnd, 118 Inbnd, 1800 within 10 miles**. Beyond 10 mi NA.
**When authorized by ATC, DME may be used within 10 miles at 2200 orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*.
*After completion of procedure turn, descent below 1500′ not authorized until passing 5 mile DME or Radar Fix.
Crs and distance, breakoff point to app end rny 12, 126—.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0 mile, climb to 1500′ ou R-082 within 20 miles.

City, Houston; State, Tex; Airport Name, International; Elev, 50′; Fac Class, BVOR; Ident, DME; Procedure No. TerVOR-12, Amdt 3; Eff Date, 26 Oct 57; Sup Amdt No. 2; Dated, 20 Apr 56

10 mi fix, R-326	5 mi fix#, R-326	Direct	1500	T-dn	300-1	300-1	200-½
5 mi fix#, R-326	HOU VOR (final)	Direct	500	C-dn	400-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#Fixes may be determined by either DME or Radar. Radar Terminal Area maneuvering altitude all directions 2200′ within 20 miles.
Procedure turn W side, 326 Outbnd, 146 Inbnd, 1800 within 10 miles.** Beyond 10 mi NA.
**When authorized by ATC, DME may be used within 10 miles at 2200 orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*.
*After completion of procedure turn, descent below 1500′ not authorized until passing 5 mile DME or Radar Fix.
Crs and distance, breakoff point to app end rny 17, 171—1.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2200′ on R-171 within 20 miles.

City, Houston; State, Tex; Airport Name, International; Elev, 50′; Fac Class, BVOR; Ident, DME; Procedure No. TerVOR-17, Amdt 3; Eff Date, 26 Oct 57; Sup Amdt No. 2; Dated, 20 Apr 56

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10 mi fix, R-017	5 mi fix#, R-017	Direct	1500	T-dn	300–1	300–1	200–½
5 mi fix#, R-017	HOU VOR (Final)	Direct	500	C-dn	400–1	500–1	500–1½
				S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

#Fixes may be determined by either DME or Radar. Radar Terminal Area maneuvering altitude all directions 2200′ within 20 miles.
Procedure turn W side, 017 Outbnd, 197 Inbnd, 1500 within 10 miles**. Beyond 10 mi NA.
**When authorized by ATC, DME may be used within 10 miles at 2200 orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*.
*After completion of procedure turn, descent below 1500′ not authorized until passing 5 mi DME or Radar Fix.
Crs and distance, breakoff point to app end rny 21, 216—.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2100′ on R-218 within 20 miles.

City, Houston; State, Tex; Airport Name, International; Elev, 50′; Fac Class, BVOR; Ident, DME; Procedure No. TerVOR-21, Amdt 3; Eff Date, 26 Oct 57; Sup Amdt No. 2; Dated, 20 Apr 56

10 mi, R-141	5 mi fix#, R-141	Direct	1500	T-dn	300–1	300–1	200–½
5 mi fix#, R-141	HOU VOR (Final)	Direct	500	C-dn	400–1	500–1	500–1½
				S-dn-30	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

#Fixes may be determined by either DME or Radar. Radar Terminal Area maneuvering altitude all directions 2200′ within 20 miles.
Procedure turn E side, 141 Outbnd, 321 Inbnd, 2200 within 10 miles**. Beyond 10 mi NA.
**When authorized by ATC, DME may be used within 10 miles at 2200 orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*.
*After completion of procedure turn, descent below 1500′ not authorized until passing 5 mi DME or Radar Fix.
Crs and distance, breakoff point to app end rny 30, 306—.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1800′ on R-315 within 20 mi.

City, Houston; State, Tex; Airport Name, International; Elev, 50′; Fac Class, BVOR; Ident, DME; Procedure No. TerVOR-30, Amdt 3; Eff Date, 26 Oct 57; Sup Amdt No. 2; Dated, 20 Apr 56

10 mi, R-199	5 mi Fix#, R-199	Direct	1500	T-dn	300–1	300–1	200–½
5 mi Fix#, R-199	HOU VOR (Final)	Direct	500	C-dn	400–1	500–1	500–1½
				S-dn-35	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

#Fixes may be determined by either DME or Radar. Radar Terminal Area maneuvering altitude all directions 2200′ within 20 miles.
Procedure turn E side, 199 Outbnd, 019 Inbnd, 2200′ within 10 miles**. Beyond 10 mi NA.
**When authorized by ATC, DME may be used within 10 miles at 2200 orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
Minimum Altitude over facility on final approach crs, 500*.
*After completion of procedure turn, descent below 1500′ not authorized until passing 5 mi DME or Radar Fix.
Crs and distance, breakoff point to app end rny 35, 351—1.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1600′ on R-009 within 20 miles.

City, Houston; State, Tex; Airport Name, International; Elev, 50′; Fac Class, BVOR; Ident, DME; Procedure No. TerVOR-35, Amdt 3; Eff Date, 26 Oct 57; Sup Amdt No. 2; Dated, 20 Apr 56

5. The instrument landing system procedures prescribed in §·609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DEN LFR	LOM	Direct	7000	T-dn	300–1	300–1	200–½
DEN VOR	LOM	Direct	7000	C-dn:			
				ILS*	#400–1	500–1	500–1½
				ADF	600–1	600–1	600–1½
Aurora "H"	LOM	Direct	7000				
Dupont Int	LOM	Direct	7000	S-dn-ry 26L:			
				ILS*	200–½	200–½	200–½
See Bee Int	LOM	Direct	7000				
Int E crs ILS & S crs DEN LFR	LOM	Direct	7000	A-dn:			
				ILS	600–2	600–2	600–2
				ADF	900–2	900–2	900–2
Bennett Int	Watkins Int	Direct	7000				
Kiowa VOR**	Watkins Int	Direct	7500				
Watkins Int	LOM (Final)	Direct	7000				
Pinecliffe Int	Westminister Int	Direct	10000				
Westminister Int	LOM	Direct	7000				

*Provisions for inoperative ILS components not applicable—ADF minimums apply when glide slope inoperative.
#500–1 required for circling to Rnwys 30 and 35 on account of 5579′ msl tank 0.8 mi SE of MM.
Procedure turn N or **S side E crs, 7000′ within 5 miles; 076 Outbnd, 256 Inbnd. Beyond 5 mi NA.
**ATC approval to penetrate R-195 required.
Minimum Altitude at G.S. int inbnd, 7000′.
Altitude of G.S. and distance to approach end of rnwy at OM: ILS 6997—5.5, ADF 7000′; at MM: ILS 5571—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM (ADF) turn right, climb to 6300′ on N crs DEN LFR within 20 miles. Alternate Missed Approach: when directed by ATC, turn right, climb to 6600′ on E crs DEN LFR within 20 mi.
CAUTION: 5911′ msl radio tower 4.7 mi ESE of Rnwy 26L. On ADF approach do not descend below 6300′ until 1.5 mi West of LOM on final. 5579′ msl tank 0.8 mi SE of MM.

City, Denver; State, Colo; Airport Name, Stapleton Airfield; Elev, 5331′; Fac Class, ILS-DEN; Ident, LOM-DE; Procedure No. ILS-26L, Amdt 20, Comb ILS-ADF; Eff Date, 26 Oct 57; Sup Amdt No. 19; Dated, 3 Dec 54.

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dallas RBn	LOM	Direct	2200	T-dn	300–1	300–1	200–½
Grand Prairie RBn	LOM	Direct	1900	C-dn	400–1	500–1	500–1½
				S-dn-13:			
Britton VOR	LOM	Direct	2800	ILS	200–½	200–½	200–½
Stadium Int	LOM	Direct	2700	ADF	400–1	400–1	400–1
				A-dn:			
Roanoke Int	LOM (Final)	Direct	2000	ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

Radar Terminal Area transition altitude, 2000′ within 20 mi.
Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers 2349′ msl 15 mi SSE, 1743′ msl 12 mi WSW, 1221′ msl 6 mi N.
Procedure turn N side NW crs, 309 Outbnd, 129 Inbnd, 2000 within 10 mi (non-standard due to traffic).
Minimum Altitude at G. S. int inbnd, 2000 ILS, minimum altitude over LOM inbnd final 2000 ADF.
Altitude of G. S. and distance to approach end of runway at OM 2000—4.6, at MM 770—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to Hensley Int climing to 2000 or, within 4.6 mi LOM (ADF) turn right, proceed to Grand Prairie MIIW climbing to 2000.
NOTE: 400—¾ required when glide slope not utilized.
CAUTION: Radio Tower 1221 MSL located 4.3 mi ENE of outer marker.

City, Ft. Worth; State, Tex; Airport Name, Amon Carter; Elev, 568′; Fac Class, ILS–LACF; Ident, LOM–AC; Procedure No. ILS-13, Amdt 6, Comb ILS & ADF; Eff Date, 26 Sept 57; Sup Amdt No. 5; Dated, 10 Oct 57

Duncanville FM	Hensley Int (Final)	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
Britton VOR	Hensley Int	Direct	3300	S-dn-31	300–1	300–1	300–1
				A-dn	800–2	800–2	800–2

Radar transition altitude within 20 mi, 2000′. Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi & 500′ vertical separation from radio towers 2349′ msl 15 mi SSE, 1743′ msl 12 mi WSW, and 1221′ msl 6 mi N.
Procedure turn E side SE crs, 129 Outbnd, 309 Inbnd, 2000′ within 10 mi of Hensley Int. Beyond 10 mi NA.
No glide slope. Final approach altitude over Hensley Int. 1500′; distance to approach end of Rnwy 31, 4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi of Hensley Int, climb to 1900′ on NW crs of ILS within 20 mi or, when directed by ATC, proceed to Ft. Worth LFR via NW crs of ILS & E crs LFR, climbing to 2000′.
CAUTION: Radio tower located 4.3 mi ENE of outer marker.

City, Ft Worth; State, Tex; Airport Name, Amon Carter; Elev, 568′; Fac Class, ILS; Ident, LACF; Procedure No. ILS-31, Amdt 5; Eff Date, 26 Sept 57; Sup Amdt No. 4; Dated, 10 Oct 56

Houston VOR	OM	Direct	1200	T-dn	300–1	300–1	200–½
Houston LFR	LOM	Direct	1200	C-dn	400–1	500–1	500–1½
Houston FM	LOM	Direct	1500	S-dn-3:			
Arcola FM (ILS only) via crs 016	ILS SW crs	Direct	1500	ILS	200–½	200–½	200–½
Monument RBN	LOM	Direct	1600	ADF	400–1	400–1	400–1
Friendswood Int*	LOM	Direct	1600	A-dn:			
Radar Terminal Area maneuvering altitude.	Radar Site	Within 20 miles	2200	ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*Friendswood Int: Int SE crs HOU LFR & 220° brng to Pearland RBn.
Procedure turn S side SW crs, 216 Outbnd, 036 Inbnd, 1500 within 10 mi. Beyond 10 mi NA.
Minimum Altitude at G. S. int inbnd, 1300 ILS, minimum altitude over LOM inbnd final 700 ADF.
Altitude of G. S. and distance to appr end of rny at OM 1260—4.2, at MM 250—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi after passing LOM (ADF) climb to 1600′ on NE crs ILS (036) within 20 miles, or when directed by ATC, turn left, climb to 1800′ on NW crs HOU LFR or R-315 HOU within 20 mi.
CAUTION: 1236′ msl TV tower approximately 9 mi SE of LOM.

City, Houston; State, Tex; Airport Name, International; Elev, 50′; Fac Class, ILS-IHOU; Ident, LOM–OU; Procedure No. ILS-3, Amdt 17, Comb ILS & ADF; Eff Date, 26 Oct 57; Sup Amdt No. 16; Dated, 20 Apr 56

Houston VOR	MNU RBN	Direct	1600	T-dn	300–1	300–1	200–½
Houston LFR	MNU RBN	Direct	1600	C-dn	400–1	500–1	500–1½
Monument RBN*	Pasadena Fix# (Final)	Direct	900	S-dn-21	400–1	400–1	400–1
Radar Terminal Area Maneuvering Altitude.	Radar Site	Within 20 mi	2200	A-dn	800–2	800–2	800–2

*Except when in accordance with approved radar vectoring procedures, final approach must be initiated from Monument RBN. Aircraft must be in contact with Houston Radar prior to leaving Monument RBN on final.
#Pasadena Fix is a Houston Radar (ASR) fix 4.0 mi NE of Houston Radar on the NE crs of Houston ILS.
Procedure turn N side NE crs, 036 Outbnd, 216 Inbnd, 1600 within 5 mi E of Monument RBN.
No Glide Slope. Minimum Altitude over MNU RBN 1600, over Pasadena Fix# 900**.
**Descent below 900 MSL NA unless position advisory over Pasadena Fix received from Houston Radar.
Final approach altitude and distance to appr end of rny from MNU RBN to Pasadena Fix#, 7.8 mi; from Pasadena Fix# to rny 21, 3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi of Pasadena ASR Fix#, climb to 1500′ on SW crs HOU ILS within 15 mi, or when directed by ATC, turn right, climb to 1800′ on NW crs of HOU LFR or R-315 HOU within 20 miles.
CAUTION: 1236′ msl TV tower approximately 9 mi SE of LOM.

City, Houston; State, Tex; Airport Name, International; Elev, 50′; Fac Class, ILS; Ident, IHOU; Procedure No. ILS-21, Amdt 5; Eff Date, 26 Oct 57; Sup Amdt No. 4; Dated, 20 Oct 57

Louisville VOR	LOM	Direct	2100	T-dn	300–1	300–1	200–½
Bourbon Int	LOM	Direct	2100	C-dn	500–1	500–1	500–1½
Elizabeth Int	LOM	Direct	2100	S-dn-01:			
				ILS*	200–½	200–½	200–½
				ADF	500–1	500–1	500–1
				A-dn:			
				ILS	600–2	600–2	600–2
				ADF	800–2	800–2	800–2

*400–¾ required with glide slope inoperative.
Procedure turn W side S crs, 190 Outbnd, 010 Inbnd, 2100′ within 6 mi. NA beyond 6 mi to avoid Godman Restricted Area.
Minimum altitude at glide slope int inbnd, 2100′ ILS. Min alt over LOM inbnd final—1600′ ADF.
Altitude of glide slope and distance to approach end of rny at OM 1870—4.9; at MM 665—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi after passing LOM (ADF), turn left as soon as practical, climbing to 2600′ on R-309 LOU within 20 mi, or when directed by ATC, turn right as soon as practical, climbing to 2200′ and proceed to LOU VOR at 2200′.
CAUTION: Obstruction 1060′ 4 mi N of Standiford Field.

City, Louisville; State, Ky; Airport Name, Standiford; Elev, 497′; Fac Class, ILS-SDF; Ident, LOM–SD; Procedure No. ILS-01, Amdt 17, Comb ILS–ADF; Eff Date, 26 Oct 57; Sup Amdt No. 16; Dated, 28 Sept 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

SEPTEMBER 20, 1957.

[F. R. Doc. 57-7914; Filed, Sept. 27, 1957; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6254]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

CIRCULATION EXPENDITURES

On October 12, 1956, a notice of proposed rule making regarding the regulations under section 173 of the Internal Revenue Code of 1954, for taxable years beginning after December 31, 1953, and ending after August 16, 1954, was published in the FEDERAL REGISTER (21 F. R. 7797). After consideration of such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

§ 1.173 *Statutory provisions; itemized deductions for individuals and corporations; circulation expenditures.*

SEC. 173. *Circulation expenditures.* Notwithstanding section 263, all expenditures (other than expenditures for the purchase of land or depreciable property or for the acquisition of circulation through the purchase of any part of the business of another publisher of a newspaper, magazine, or other periodical) to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical shall be allowed as a deduction; except that the deduction shall not be allowed with respect to the portion of such expenditures as, under regulations prescribed by the Secretary or his delegate, is chargeable to capital account if the taxpayer elects, in accordance with such regulations, to treat such portion as so chargeable. Such election, if made, must be for the total amount of such portion of the expenditures which is so chargeable to capital account, and shall be binding for all subsequent taxable years unless, upon application by the taxpayer, the Secretary or his delegate permits a revocation of such election subject to such conditions as he deems necessary.

§ 1.173–1 *Circulation expenditures—*(a) *Allowance of deduction.* Section 173 provides for the deduction from gross income of all expenditures to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical, subject to the following limitations:

(1) No deduction shall be allowed for expenditures for the purchase of land or depreciable property or for the acquisition of circulation through the purchase of any part of the business of another publisher of a newspaper, magazine, or other periodical;

(2) The deduction shall be allowed only to the publisher making the circulation expenditures; and

(3) The deduction shall be allowed only for the taxable year in which such expenditures are paid or incurred.

Subject to the provisions of paragraph (c) of this section, the deduction permitted under section 173 and this paragraph shall be allowed without regard to the method of accounting used by the taxpayer and notwithstanding the provisions of section 263 and the regulations thereunder, relating to capital expenditures.

(b) *Deferred expenditures.* Notwithstanding the provisions of paragraph (a) (3) of this section, expenditures paid or incurred in a taxable year subject to the Internal Revenue Code of 1939 which are deferrable pursuant to I. T. 3369, as modified by Rev. Rul. 57-87, may be deducted in the taxable year subject to the Internal Revenue Code of 1954 to which so deferred.

(c) *Election to capitalize.* (1) A taxpayer entitled to the deduction for circulation expenditures provided in section 173 and paragraph (a) of this section may, in lieu of taking such deduction, elect to capitalize the portion of such circulation expenditures which is properly chargeable to capital account. As a general rule, expenditures normally made from year to year in an effort to maintain circulation are not properly chargeable to capital account; conversely, expenditures made in an effort to establish or to increase circulation are properly chargeable to capital account. For example, if a newspaper normally employs five persons to obtain renewals of subscriptions by telephone, the expenditures in connection therewith would not be properly chargeable to capital account. However, if such newspaper, in a special effort to increase its circulation, hires for a limited period 20 additional employees to obtain new subscriptions by means of telephone calls to the general public, the expenditures in connection therewith would be properly chargeable to capital account. If an election is made by a taxpayer to treat any portion of his circulation expenditures as chargeable to capital account, the election must apply to all such expenditures which are properly so chargeable. In such case, no deduction shall be allowed under section 173 for any such expenditures. In particular cases, the extent to which any deductions attributable to the amortization of capital expenditures are allowed may be determined under sections 162, 263, and 461.

(2) A taxpayer may make the election referred to in subparagraph (1) of this paragraph by attaching a statement to his return for the first taxable year to which the election is applicable. Once an election is made, the taxpayer must continue in subsequent taxable years to charge to capital account all circulation expenditures properly so chargeable, unless the Commissioner, on application made to him in writing by the taxpayer, permits a revocation of such election for any subsequent taxable year or years. Permission to revoke such election may be granted subject to such conditions as the Commissioner deems necessary.

(3) Elections filed under section 23 (bb) of the Internal Revenue Code of 1939 shall be given the same effect as if they were filed under section 173. (See section 7807 (b) (2).)

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: September 25, 1957.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 57-8012; Filed, Sept. 27, 1957; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 719—NAVAL COURTS AND CERTAIN FACT FINDING BODIES

RATES FOR CIVILIAN WITNESSES PRESCRIBED BY LAW

Scope and purpose. The following amendment revises § 719.5 (k) (1) dealing with witness fees for civilians not in Government employ who are duly summoned as witnesses before a naval tribunal in accordance with controlling provisions (10 U. S. C. 847; 28 U. S. C. 1821 as amended by act of August 1, 1956, 70 Stat. 798; 28 C. F. R., 1956 Supp., 21.4).

1. Paragraph (k) (1) of § 719.5 is revised to read as follows:

(k) *Rates for civilian witnesses prescribed by law—*(1) *Civilian witnesses not in Government employ.* A civilian not in Government employ, duly summoned as a witness before a naval tribunal, or at such a place where his deposition is to be taken for use before such court or fact-finding body, will receive four dollars ($4.00) for each day's actual attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Regardless of the mode of travel employed by the witness, computation of mileage in this respect shall be made on the basis of a uniform table of distances adopted by the Attorney General (Rand McNally Standard Highway Mileage Guide). Civilian witnesses who are not salaried employees of the Government and who are not in custody and who attend at points so far removed from their respective residences as to prohibit return thereto from day to day, shall be entitled to an additional allowance of eight dollars ($8.00) per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance; provided, that in lieu of the mileage allowance provided for herein, witnesses who are required to travel between the Territories, possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first-class rate available at the time of reservation for passage, by means of transportation employed; and provided further, that this section shall not apply to Alaska. In each instance involving the Territory of Alaska, the Office of the Judge Advocate General will, upon request, furnish the current applicable rates.

(R. S. 1547; 34 U. S. C. 591)

Dated: September 23, 1957.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

[F. R. Doc. 57-7982; Filed, Sept. 27, 1957; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1510]

[Colorado 07384 and 014643]

COLORADO

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS RECREATION AREAS AND CAMPGROUNDS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas and campgrounds as indicated:

[Colorado 07384]

NEW MEXICO PRINCIPAL MERIDIAN

SAN JUAN NATIONAL FOREST

Wolf Creek Campground

T. 37 N., R. 1 E.,
Sec. 16, NW¼SW¼.
The area described contains 40 acres.

Cherry Creek Campground

T. 36 N., R. 11 W.,
Sec. 31, lot 4.
T. 36 N., R. 12 W.,
Sec. 36, E½SE¼SE¼.
The areas described aggregate 62.03 acres.

Priest Gulch Campground

T. 36 N., R. 12 W.,
Sec. 3, W½NE¼NE¼ and NW¼SE¼NE¼.
The areas described aggregate 30 acres.

Piedra Campground and Guard Station

T. 37 N., R. 3 W.,
Sec. 21, W½NE¼ and E½NW¼.
The areas described aggregate 160 acres.

Vallecitos Campground

T. 37 N., R. 6 W.,
Tract No. 38, W½.
The area described contains 320 acres.

Pine River Campground

T. 37 N., R. 6 W.,
Sec. 26, E½SE¼NW¼.
The area described contains 20 acres.

Cascade Campground

T. 39 N., R. 9 W.,
Sec. 2, W½SW¼NE¼.
The area described contains 20 acres.

Forks Campground

T. 39 N., R. 14 W.,
Sec. 35, S½SE¼SE¼.
The area described contains 20 acres.

Lime Creek Campground

T. 40 N., R. 8 W.,
Sec. 33, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, and NW¼SE¼SE¼.
The areas described aggregate 40 acres.

Geyser Springs Recreational Area

T. 40 N., R. 11 W.,
Sec. 6, W½SE¼ and NE¼SW¼.
The areas described aggregate 120 acres.

[Colorado 014643]

NEW MEXICO PRINCIPAL MERIDIAN

RIO GRANDE NATIONAL FOREST

Palisade Recreation Area

T. 40 N., R. 2 E.,
Sec. 3, SW¼NW¼;
Sec. 4, lots 2, 3, 4, S½NE¼, SE¼NW¼, and N½SE¼.
T. 41 N., R. 2 E.,
Sec. 32, NE¼SE¼ and S½SE¼;
Sec. 33, S½SW¼.
The areas described aggregate 579.59 acres.

River Hill Recreation Area

T. 40 N., R. 3 W.,
Sec. 8, S½SW¼;
Sec. 17, N½NW¼;
Sec. 18, lots 1, 2, 3, 4, NE¼, E½NW¼, and NE¼SW¼.
The areas described aggregate 599.03 acres.

Thirty Mile Recreation Area

T. 40 N., R. 4 W.,
Sec. 13, S½NE¼, S½SE¼NW¼, E½NE¼SW¼, SE¼, and 13.19 acres more or less, in the N½SW¼, covered under supplemental survey made by G. L. O. August 5, 1927.
The areas described aggregate 293.19 acres.

Reservoir Recreation Area

T. 40 N., R. 4 W.,
Sec. 14, N½SW¼.
The area described contains 80 acres.

Marshall Park Recreation Area

T. 41 N., R. 1 W.,
Sec. 21, lots 8 and 9.
The areas described aggregate 71.71 acres.

Rio Grande Recreation Area

T. 41 N., R. 1 W.,
Sec. 32, SW¼.
The area described contains 160 acres.

South Clear Creek Recreation Area

T. 41 N., R. 2 W.,
Sec. 18, lots 1, 2, W½NE¼, and E½NW¼.
T. 41 N., R. 3 W.,
Sec. 13, E½NE¼.
The areas described aggregate 319.87 acres.

North Clear Creek Recreation Area

T. 41 N., R. 3 W.,
Sec. 1, SW¼.
The area described contains 160 acres.

South Clear Creek Falls Recreation Area

T. 41 N., R. 3 W.,
Sec. 12, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.
The areas described aggregate 160 acres.

Crooked Creek Recreation Area

T. 41 N., R. 3 W.,
Sec. 23, SE¼SW¼ and S½SE¼;
Sec. 26, N½NE¼ and NE¼NW¼.
The areas described aggregate 240 acres.

Lost Trail Recreation Area

T. 41 N., R. 4 W.,
Sec. 31, lots 5, 6, 7, 8, N½NE¼, SE¼NE¼, and NE¼NW¼.
The areas described aggregate 295.19 acres.

The total area withdrawn by this order is 3,781.61 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 24, 1957.

[F. R. Doc. 57-7979; Filed, Sept. 27, 1957; 8:45 a. m.]

[Public Land Order 1511]

[1611399]

OREGON

ENLARGING MALHEUR NATIONAL WILDLIFE REFUGE; REVOKING EXECUTIVE ORDER NO. 929 OF AUGUST 18, 1908, ESTABLISHING LAKE MALHEUR RESERVATION, AND EXECUTIVE ORDERS NO. 5891 OF JULY 16, 1932, AND NO. 6152 OF JUNE 1, 1933, WITHDRAWING LANDS FOR CLASSIFICATION; AND AMENDING EXECUTIVE ORDER NO. 7106 OF JULY 19, 1935

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 7106 of July 19, 1935, establishing the Malheur Migratory Bird Refuge which was redesignated the Malheur National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby amended by eliminating from the first paragraph thereof the words "and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222),".

2. Subject to valid existing rights, the following-described public lands in Harney County, Oregon, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Bureau of Sport Fisheries and Wildlife of the Department of the Interior as an addition to the Malheur National Wildlife Refuge:

WILLAMETTE MERIDIAN

T. 26 S., R. 28 E.,
Sec. 4, S½SW¼;
Sec. 9, all;
Sec. 14, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 15, SW¼, W½SE¼, and SE¼SE¼;
Sec. 22, N½;
Sec. 23, N½, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 25, NW¼ and NW¼SW¼;
Sec. 26, all;
Sec. 34, E½SE¼;

Sec. 35, S½NE¼, W½NW¼, SE¼NW¼, and S½.
T. 26 S., R. 29 E.,
Sec. 25, S½S½;
Sec. 31, lot 4.
T. 27 S., R. 29 E.,
Sec. 1, all fractional;
Sec. 2, lots 1, 6, and 7;
Sec. 6, lots 2 to 4, inclusive;
Sec. 11, lots 1 to 5, inclusive;
Sec. 14, all fractional;
Sec. 23, lots 1 to 5, inclusive, NW¼NW¼, SE¼NW¼, NW¼SE¼, and SE¼SE¼;
Sec. 24, all fractional;
Sec. 25, lots 1 to 3 inclusive, SW¼NE¼, NW¼NW¼, and NE¼SE¼.
T. 27 S., R. 29½ E.,
Sec. 25, all fractional;
Secs. 28 to 30, inclusive, all fractional;
Sec. 32, NE¼;
Secs. 33 to 35, inclusive, all fractional;
Sec. 36, lots 1 to 4, inclusive, and SE¼SE¼.
T. 28 S., R. 29¾ E.,
Sec. 1, lots 1 to 9, inclusive;
Sec. 2, lots 1, 2, and lots 7 to 10, inclusive.
T. 26 S., R. 30 E. (north of Malheur Lake),
Sec. 26, S½SE¼;
Sec. 27, lots 1 to 7, inclusive, and S½N½;
Sec. 28, lots 1 to 4, inclusive, and S½N½;
Sec. 29, all fractional;
Sec. 30, lots 3 to 9, inclusive, and NE¼;
Secs. 31, 34, and 35, all fractional;
Sec. 36, lots 1 to 4, inclusive.
T. 27 S., R. 30 E.,
Sec. 4, lots 3 and 12;
Sec. 5, lots 3 to 5, inclusive;
Sec. 8, lots 2 and 3, and 6 to 9, inclusive;
Sec. 9, lot 3;
Secs. 17 and 18, all fractional;
Sec. 19, lots 1 to 4, inclusive, NE¼NE¼, S½NE¼, and SE¼SW¼;
Sec. 20, lots 1 to 8, inclusive, and SE¼NE¼;
Sec. 30, lots 1 to 4, inclusive, and E½W½.
T. 26 S., R. 31 E. (north of Malheur Lake),
Sec. 23, lot 2;
Sec. 31, lots 3 to 6, inclusive, and NW¼SE¼.
T. 28 S., R. 31 E.,
Sec. 19, SE¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 29, SE¼NW¼ and NE¼SW¼.
T. 29 S., R. 31 E.,
Sec. 1, W½SE¼;
Sec. 3, SW¼SW¼;
Sec. 4, lot 2;
Sec. 10, N½NW¼ and SE¼SW¼;
Sec. 12, NW¼NE¼;
Sec. 15, E½NW¼ and SW¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, SW¼NW¼ and NE¼SW¼;
Sec. 24, NW¼NE¼, SE¼NE¼, and NW¼SE¼;
Sec. 25, NW¼NE¼, SE¼SW¼, and SW¼SE¼;
Sec. 26, NW¼NE¼ and SE¼SE¼;
Sec. 34, SE¼SW¼ and NE¼SE¼;
Sec. 35, SW¼NE¼.
T. 30 S., R. 31 E.,
Sec. 2, SW¼SW¼;
Sec. 3, lot 1, SE¼NE¼, and SE¼SE¼;
Sec. 10, W½W½;
Sec. 11, S½SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, S½NE¼, N½NW¼, and NE¼SE¼;
Sec. 14, SE¼NW¼ and E½SW¼;
Sec. 15, NE¼NE¼ and SW¼SW¼;
Sec. 21, E½SE¼;
Sec. 22, NW¼NW¼;
Sec. 23, NE¼NE¼ and NW¼SW¼;
Sec. 24, SE¼NW¼;
Sec. 26, W½SW¼;
Sec. 28, NE¼NE¼ and SW¼NE¼;
Sec. 33, SW¼NE¼ and SE¼SW¼;
Sec. 35, NW¼NE¼, SE¼NE¼, NW¼NW¼, NE¼SE¼ and S½SE¼.
T. 26 S., R. 32 E. (north of Malheur Lake),
Sec. 3, lots 9 and 10.
T. 26 S., R. 32 E. (south of Malheur Lake),
Sec. 13, lots 9 to 12, inclusive;
Sec. 14, lots 1 and 2;
Sec. 22, lot 7;
Sec. 23, lot 7;
Sec. 33, lot 15.
T. 27 S., R. 32 E.,
Sec. 4, lot 11;
Sec. 5, lots 6 to 8, inclusive.
T. 29 S., R. 32 E.,
Sec. 7, lot 2, SE¼NE¼, and SE¼NW¼;
Sec. 8, SW¼SE¼;
Sec. 15, S½NW¼ and NW¼SE¼;
Sec. 17, NE¼NE¼;
Sec. 19, lot 3 and SE¼SW¼;
Sec. 20, SE¼SE¼;
Sec. 21, S½SW¼;
Sec. 30, NE¼NE¼.
T. 30 S., R. 32 E.,
Sec. 18, lot 3, E½SW¼, and SE¼;
Sec. 19, lot 3, NE¼NE¼, NE¼SW¼, and S½SE¼;
Sec. 20, NW¼ and NE¼SW¼;
Sec. 29, NE¼NW¼ and S½NW¼;
Sec. 30, NE¼NE¼.
T. 31 S., R. 32 E.,
Sec. 1, lot 1 and SE¼SE¼;
Sec. 12, SW¼SE¼;
Sec. 13, E½SW¼;
Sec. 23, lot 4;
Sec. 24, NW¼SW¼;
Sec. 35, NE¼SW¼.
T. 32 S., R. 32 E.,
Sec. 2, SE¼SE¼;
Sec. 11, NE¼NE¼;
Sec. 12, S½NW¼.
T. 25 S., R. 32½ E.,
Sec. 23, lot 6;
Sec. 24, lot 7.
T. 31 S., R. 32½ E.,
Sec. 3, lot 4 and W½SW¼;
Sec. 4, lots 1, 3, and 4; N½SW¼ and NE¼SE¼;
Sec. 5, S½SE¼;
Sec. 8, NE¼ and N½SE¼;
Sec. 9, N½NE¼ and W½;
Sec. 21, W½NE¼;
Sec. 28, W½SE¼;
Sec. 33, W½NE¼, SE¼SW¼, and SW¼SE¼.
T. 32 S., R. 32½ E.,
Sec. 4, lots 2 and 3, SW¼NE¼, SE¼NW¼, and NW¼SE¼;
Sec. 5, SE¼NE¼ and NE¼SE¼.
T. 25 S., R. 33 E.,
Sec. 19, lot 6;
Sec. 20, lots 4 and 5;
Sec. 21, lots 1 and 2;
Sec. 28, lots 2 to 7, inclusive, lots 12 to 17, inclusive, and E½SE¼;
Sec. 33, all fractional;
Sec. 34, lots 11, 14, and 15.
T. 26 S., R. 33 E.,
Sec. 3, lot 14;
Sec. 10, lots 6, 7, 10 and 11;
Sec. 15, lots 4 to 6, inclusive, and SW¼NW¼;
Sec. 16, lot 2;
Sec. 17, lots 8 to 10, inclusive;
Sec. 18, lots 9 to 13, inclusive.

Together with all public lands within the record meander lines of Malheur and Harney Lakes, aggregating 18,017.54 acres.

3. This order shall take precedence over but not otherwise affect the Order of the Secretary of the Interior of July 9, 1935, establishing Oregon Grazing District No. 2.

4. Executive Order No. 929 of August 18, 1908, establishing the Lake Malheur Reservation and Executive Orders No. 5891 of July 16, 1932, and No. 6152 of June 1, 1933, withdrawing certain public lands for classification as to their suitability for migratory bird refuge purposes are hereby revoked. The lands in the former Lake Malheur Reservation and portions of the lands withdrawn by Executive Orders No. 5891 and No. 6152 are included in the withdrawal made by paragraph 2 hereof.

5. The public lands released by this order from the withdrawals made by Executive Orders No. 5891 and No. 6152 are described as follows:

WILLAMETTE MERIDIAN

T. 25 S., R. 27 E.,
Secs. 25, 26, and 35;
Also all unsurveyed islands and lands of the United States within the meandered area of Silver Lake, in secs. 25, 26, 35, and 36.
T. 26 S., R. 27 E.,
Sec. 1, lots 1, 2, 3, 6, 7, 8, 9, 10, 12, and 13;
Sec. 2;
Sec. 11, N½, SW¼, and E½SE¼;
Sec. 12, NE¼, S½NW¼, and S½;
Sec. 13;
Sec. 14, S½NE¼, W½, and SE¼.
T. 25 S., R. 28 E.,
Sec. 17, N½N½, SW¼, and W½SE¼;
Sec. 18, lots 1 to 4, inclusive, NE¼NE¼, SW¼NE¼, E½W½, and SE¼;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½, N½SE¼, and SW¼SE¼;
Sec. 20, N½, N½S½, and SE¼SE¼;
Sec. 21, W½W½ and NE¼SW¼;
Sec. 27, S½NW¼;
Sec. 28, SW¼NE¼, NW¼NW¼, and SE¼NW¼;
Sec. 29, lots 3 and 4;
Sec. 32, lots 3 and 4;
Also all unsurveyed islands and lands of the United States within the meandered area of Silver Lake, in secs. 19, 20, 29, 30, 31, and 32.
T. 26 S., R. 28 E.,
Sec. 5, lots 1 to 6, inclusive, SW¼, W½SE¼, and SE¼SE¼;
Secs. 6 to 8, inclusive;
Secs. 17 to 21, inclusive;
Sec. 22, S½;
Secs. 27, 28, and 33;
Sec. 34, N½, SW¼, and W½SE¼.
T. 27 S., R. 28 E.,
Sec. 1.
T. 27 S., R. 29 E.,
Sec. 5, SW¼ and SW¼SE¼;
Sec. 6, lots 5, 6, 7, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 23, SW¼ NW¼, SW¼, and SW¼SE¼;
Sec. 25, S½NW¼, SW¼, W½SE¼, and SE¼SE¼.
T. 26 S., R. 30 E. (north of Harney Lake),
Sec. 26, SW¼, and N½SE¼;
Sec. 27, N½N½;
Sec. 28, N½N½;
Sec. 30, NW¼;
T. 27 S., R. 30 E.,
Sec. 3, SE¼SW¼ and S½SE¼.
T. 26 S., R. 31 E. (south of Malheur Lake),
Sec. 30, lots 3, 6, 7;
Sec. 32, SW¼NW¼ and S½S½.
T. 25 S., R. 32 E.,
Sec. 33, NW¼SW¼.
T. 26 S., R. 32 E. (north of Malheur Lake),
Sec. 6, N½SE¼.
T. 26 S., R. 32 E. (south of Malheur Lake),
Sec. 14, SE¼SE¼;
Sec. 27, SE¼NE¼.
T. 27 S., R. 32 E.,
Sec. 4, lot 1, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 5, lot 2 and NE¼SW¼.
T. 25 S., R. 32½ E.,
Sec. 24, lot 2.
T. 25 S., R. 33 E.,
Sec. 21, NW¼SW¼;
Sec. 27, lots 3 and 6, N½NW¼, and SE¼NW¼.
T. 26 S., R. 33 E.,
Sec. 3, lots 1, 2, 4, and 10, and SW¼SE¼;
Sec. 10, W½NE¼;
Sec. 14, lots 1 to 6, inclusive;
Sec. 15, SW¼, W½SE¼, and SE¼SE¼;
Sec. 16, NE¼SE¼ and S½S½;
Sec. 17, lots 1, 2, 5, and 6, and E½SE¼;
Sec. 18, lot 1 and SW¼SE¼;
Sec. 20, lots 1 to 5, inclusive, and SW¼NE¼;

Sec. 21, lots 4 and 5, NE¼, N½NW¼, and SE¼NW¼;
Sec. 22;
Sec. 23, lots 1 and 2, and NE¼NW¼.

The areas described aggregate 22,016.54 acres.

6. Of the lands described in paragraph 5 of this order, the following have been patented:

T. 26 S., R. 30 E. (N. of Harney Lake),
Sec. 26, SW¼, N½SE¼;
Sec. 27, N½NE¼.
T. 26 S., R. 32 E. (S. of Malheur Lake),
Sec. 14, SE¼SE¼.

7. The remaining lands described in paragraph 5 are primarily range lands, bearing a growth of native vegetation of sagebrush and greasewood, together with an understory of native grasses.

8. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

9. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on October 30, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 29, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on January 29, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

10. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

11. The lands described in paragraph 5 have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a. m. on January 29, 1958.

12. Inquiries concerning the opened lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 24, 1957.

[F. R. Doc. 57-7980; Filed, Sept. 27, 1957; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

Subchapter C—Receipt, Administration and Payment of Claims Under the International Claims Settlement Act of 1949, as Amended

PART 531—FILING OF CLAIMS AND PROCEDURE THEREFOR

PROCEDURE FOR DETERMINATION OF CLAIMS

The following amendment is required to eliminate the necessity of registering proposed decisions of the Commission mailed to claimants.

Paragraph (c) of § 531.5, as amended, is further amended to read as follows:

(c) Such proposed decision shall be delivered to the claimant or his attorney of record in person or by mail. Delivery by mail shall be deemed completed five days after the mailing of such proposed decision addressed to the last known address of the claimant or his attorney of record. One copy of the proposed decision shall be available for public inspection at the office of the Commission. Notice of proposed decision shall be posted on the bulletin board at the office of the Commission at least thirty days before final action is taken thereon.

This amendment shall become effective as of the date of filing with the Federal Register Division.

(Sec. 3, 64 Stat. 13, as amended; 22 U. S. C. 1622)

WHITNEY GILLILLAND,
Chairman, Foreign Claims Settlement Commission of the United States.

[F. R. Doc. 57-8035; Filed, Sept. 26, 1957; 1:04 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 25]

[Bureau of Mines Schedule 16C]

TESTS FOR PERMISSIBILITY

PROPOSED REVISION OF PROCEDURES FOR TESTING AND APPROVAL OF MULTIPLE-SHOT BLASTING DEVICES

Notice is hereby given that pursuant to the authority contained in section 5, 36 Stat. 370, as amended, 30 U. S. C. 7; and sec. 1, 66 Stat. 709, 30 U. S. C. 482 (a); it is proposed to revise the regulations in Part 25, Title 30, Code of Federal Regulations, to read as set forth below. Interested persons may submit, in triplicate, written data, views or arguments concerning this proposed revision to the Director, Bureau of Mines, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director, Bureau of Mines.

Approved: September 23, 1957.

FRED A. SEATON,
Secretary of the Interior.

Part 25 of Title 30 would read as follows:

Sec.
25.1 Purpose.
25.2 Definitions.
25.3 Consultation.
25.4 Fees for investigation.
25.5 Tests and investigations.
25.6 Applications.
25.7 Specifications; all types of device.
25.8 Specifications; particular types of device.
25.9 Conduct of investigations and demonstrations.
25.10 Certificate of approval.
25.11 Approval plate.
25.12 Changes after approval.
25.13 Withdrawal of approval.

AUTHORITY: §§ 25.1 to 25.13 issued under sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 212, 66 Stat. 692, 703, 709; 30 U. S. C. 3, 5, 471, 479, 482.

§ 25.1 *Purpose.* The regulations in this part set forth the specifications and requirements for multiple-shot blasting devices to procure their approval and certification as permissible for use in coal mines; procedures for applying for such certification; and fees.

§ 25.2 *Definitions.* As used in this part:

(a) "Permissible," as applied to a multiple-shot blasting device, means that the device conforms to the specifications and requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Certificate of approval" means a formal document issued by the Bureau stating that the device has met the specifications and requirements in this part and authorizing the use and attachment of an official approval plate.

(c) "Blasting device" means an apparatus for detonating high explosives by applying electric current to electric detonators.

(d) "Multiple-shot blasting device" means a blasting device capable of detonating ten short-delay electric detonators consistently when connected in series through a total resistance of 125 ohms.

(e) "Short-delay electric detonator" means a delay-type detonator (blasting cap) the delay periods of which range in nominal value from 25 to 500 milliseconds, and which will initiate (detonate) multiple charges of high explosives in succession with one application of the firing current.

(f) "Bureau" means the United States Bureau of Mines.

(g) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufacturers, or assembles, and that seeks a certificate of approval or preliminary testing of, a multiple-shot blasting device.

§ 25.3 *Consultation.* By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau representatives proposed designs of equipment to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation.

§ 25.4 *Fees for investigation.* (a) The fee for a complete investigation of a multiple-shot blasting device is $250.

(b) The full fee must accompany an application for retesting a device which has been previously tested and disapproved; but if less work is involved than for a complete investigation, the charge will be in proportion to the work done, and any surplus will be refunded to the applicant.

(c) The fee for tests covering only part of a complete investigation, such as to assist an applicant in developing a device, will be charged according to the work involved and will be in proportion to that charged for a complete investigation. A fee for such tests shall be determined in advance by the Bureau, and the applicant notified accordingly in writing.

(d) Ordinarily a fee is not charged for an application covering an extension of approval that does not require test work. Each case, however, will be considered individually, and if a fee is required, the applicant will be notified accordingly, and the fee must be paid in advance before the investigation will be undertaken.

§ 25.5 *Tests and investigations.* Unless the application states otherwise, it will be presumed that a complete investigation for certification is desired. However, the application may be expressly limited to some element or phase less than a complete investigation; and in any case if the tests at any stage indicate that the device does not conform to the specifications in this part, the Bureau may treat the application as one for a partial investigation up to that point. Complete investigation for certification will not be undertaken unless the device has been fully developed, is ready to be marketed, and is submitted completely assembled including parts, connectors, and all related materials.

§ 25.6 *Applications.* (a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees, and all prescribed drawings, specifications, and related material. The application and all related matters and all correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing.

(b) The device to be tested may be shipped (charges prepaid) at the same time the application is submitted, or at the option of the applicant shipment of the device may be deferred until the Bureau has notified the applicant that the application will be accepted.

(c) Drawings and specifications shall be adequate in number and detail to identify fully the design of the device and to disclose its materials, detailed dimensions of all parts, and wiring diagram. Drawings must be numbered and dated to insure accurate identification and reference to records, and must show the latest revision. Specifications must be given for materials, components, and subassemblies.

§ 25.7 *Specifications; all types of device.* (a) The Bureau will not test or investigate any device that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed upon sound engineering principles. In addition to any specifications or requirements imposed by the regulations in this part, the Bureau may impose such further specifications or requirements as in its opinion are necessary or proper to investigate or test the particular device submitted.

(b) Only the following three types of blasting devices will be certified: (1) Generator type; (2) generator, condenser-discharge type; and (3) battery, condenser-discharge type.

(c) Adequacy of design and construction will be determined in connection with the following factors: Kind and durability of materials, test of active parts, resistance to moisture, drop test, insulation measurements, durability of construction, practicality in operation, suitability for underground service, and performance characteristics during the investigation.

(d) The device must not ignite explosive gas-air mixtures or cause misfires or premature firing under any condition of use.

(e) The firing operation must be accomplished by a removable key or any equivalent accessory to prevent accidental or premature firing.

(f) A suitable means, incorporated as an integral part of the blasting device, shall be provided to indicate, before each round of shots is fired, the ability of the device to meet the average current and energy requirements, as stated in paragraphs (h) and (i) of this section.

(g) The voltage must reduce to a maximum of 12 volts within 15 milliseconds (.015 seconds) after the firing contact is made.

(h) The average current produced by the device shall be not less than 1.5 amperes, based on a 5-millisecond application to the bridgewire of the short-delay electric detonator.

(i) The energy applied to the firing circuit by the blasting device shall be not less than 1.4 watt-seconds.

(j) The voltage at the terminals of the device shall not exceed 375 volts.

(k) Terminals of the device for connecting the firing (blasting) cable shall be well insulated, without exposed parts that can become "alive" when energized.

(l) The housing for the device shall be sealed to prevent tampering with the contents, and mechanically strong for mine service.

§ 25.8 *Specifications; particular types of device.* (a) Generator type: The energy output shall not depend upon the physical effort of an operator of the blasting device.

(b) Generator or battery, condenser-discharge type: (1) Condensers must be capable of withstanding 25,000 charge and discharge cycles at the normal rate specified by the applicant.

(2) A device with more than one condenser in the firing circuit shall be so designed and constructed that failure of one condenser will cause the entire device to "fail safe."

(3) An automatic means shall be provided to insure that no residual electrical charge will remain in the condenser(s) when the blasting device is not in use.

(4) The device shall be so designed that the firing circuit will operate independently of the charging circuit.

(5) If battery-powered, the device shall be so designed and constructed that the battery can be replaced without disturbing or exposing other electrical components.

§ 25.9 *Conduct of investigations and demonstrations.* (a) Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved device as it sees fit. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers. The Bureau shall hold as confidential and shall not disclose the results of chemical analyses of material or the contents of the application and its accompanying drawings, specifications, and related material.

§ 25.10 *Certificate of approval.* (a) Upon the completion of the investigation the Bureau shall issue to the applicant either a certificate of approval or a written notice of disapproval. If a certificate of approval is issued, no test data or detailed results of the test will accompany it. If the device is disapproved, the notice of disapproval will be accompanied by details of the defects, with a view to possible correction. The Bureau will hold as confidential the results of tests of devices that are disapproved.

(b) Only formal written certificates of approval or notices of disapproval will be given.

(c) A certificate of approval will be accompanied by a list of the drawings and specifications covering the details of design and construction upon which the approval is based, and with the official approval number marked thereon. Applicants shall keep exact duplicates of the drawings and specifications that have been submitted to the Bureau and that relate to any device which has received a certificate of approval, and these are to be adhered to exactly in production of the approved device for commercial purposes.

§ 25.11 *Approval plate.* (a) A certificate of approval will be accompanied by a photograph of a design for an approval plate, bearing the seal of the Bureau, space for the approval number, the type, the serial number, the class of device to which the approval relates, and the name of the applicant. When necessary, an appropriate statement of the precautions to be observed in maintaining the device in an approved condition shall be added.

(b) The applicant shall reproduce the design either as a separate plate or by stamping or molding it in some suitable place on each device to which it relates. The size, type, method of attaching and location of approval plates are subject to the approval of the Bureau. The method of affixing the plate shall not impair the explosion-proof features of any enclosure.

(c) The approval plate identifies the device to which it is attached as permissible, and is the applicant's guarantee that the device complies with the specifications and requirements in this part. Without an approval plate, no device has the status of "permissible" under the provisions of this part.

(d) Use of the approval plate obligates the applicant to maintain the quality of each device bearing it and guarantees that it is manufactured and assembled according to the drawings and specifications upon which a certificate of approval is based. Use of the approval plate is not authorized except on devices that conform strictly with the drawings and specifications upon which the certificate of approval is based.

§ 25.12 *Changes after approval.* If an applicant desires to change any feature of an approved device, and still have it covered by an existing certificate of approval, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made, as for an original certification, requesting that the existing certificate of approval be extended to cover the proposed change. The application shall be accompanied by drawings and specifications and related material as in the case of an original application.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified device or any part thereof will be required. Generally, inspection and testing will be necessary if there is a possibility that the modification may affect adversely the performance of the device. The Bureau will inform the applicant whether such inspection and testing is required, the parts or materials to be submitted for that purpose, and the fee required.

(c) If the proposed modification meets the requirements and specifications of this part, a formal "extension of approval" will be issued accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the certificate of approval.

§ 25.13 *Withdrawal of approval.* The Bureau reserves the right to rescind, for cause, at any time, any approval granted under this part.

[F. R. Doc. 57-8005; Filed, Sept. 27, 1957; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF MONURON; CORRECTION

In the petition in the above-identified matter published in the FEDERAL REGISTER of September 13, 1957 (22 F. R. 7315), the words "2 parts per million" are changed to read "1 part per million."

Dated: September 23, 1957.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F. R. Doc. 57-8003; Filed, Sept. 27, 1957; 8:50 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF TETRAIODOETHYLENE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued.

A petition has been filed by Wallace and Tiernan, Incorporated, Box 178, Newark 1, New Jersey, proposing the establishment of a tolerance of 15 parts per million for residues of tetraiodoethylene in or on cantaloups from postharvest application.

The analytical method proposed in the petition for determining residues of tetraiodoethylene is as follows: The tetraiodoethylene residue is extracted from the homogenized melon sample with carbon tetrachloride. The extract is decolorized by acid permanganate. Excess permanganate is discharged with sodium thiosulfate solution. The solution of tetraiodoethylene in carbon tetrachloride is exposed to an ultraviolet light source which develops the characteristic violet color in the solution from liberated iodine. The intensity of the color is measured spectrophotometrically at a wavelength of 510 mμ. The amount of tetraiodoethylene is determined by comparing the observed reading with a standard curve prepared by similarly exposing to ultraviolet radiation carbon tetrachloride solutions of tetraiodoethylene made from a standard sample.

Dated: September 24, 1957.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F. R. Doc. 57-8006; Filed, Sept. 27, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12064]

POWER LIMITATION OF CLASS IV AM BROADCAST STATIONS

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Part 3 of the Commission's Rules and Regulations and Technical Standards Concerning the Power Limitation of Class IV AM Broadcast Stations; Docket No. 12064.

1. The Commission has before it for consideration a petition filed September 20, 1957, by Community Broadcasters Association, Inc., requesting that the time for filing comments in the above-entitled proceeding be extended from October 1, 1957 to November 1, 1957.

2. In support of its request petitioner states that it has made an earnest effort to have its comments prepared by October 1, 1957 but that it appears that additional time will be required to complete the detailed studies and surveys it

is conducting and to complete correlation and presentation of the results of such studies and surveys, and that it is anticipated that the comments can be prepared by November 1, 1957.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing comments in the above-entitled proceeding.

4. In view of the foregoing, *It is ordered*, That the aforesaid petition of Community Broadcasters Association, Inc., is granted and that the time for filing comments in the above-entitled proceeding, is extended, from October 1, 1957 to November 1, 1957.

Date adopted: September 24, 1957.

Released: September 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8007; Filed, Sept. 27, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-129]

ANNUAL CHARGES PRESCRIBED FOR LICENSEES

NOTICE OF CONTINUANCE OF HEARING

SEPTEMBER 24, 1957.

In the matter of amendment to Part 11 of Subchapter B of the Regulations Relating to Annual Charges Prescribed for Licensees under the provisions of the Federal Power Act; Docket No. R-129.

Notice is hereby given that the Presiding Examiner has continued the hearing in the above-designated matter now scheduled for October 2, 1957, to December 9, 1957, in a Federal Power Commission Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7983; Filed, Sept. 27, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS, CHICAGO, ILLINOIS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on October 1, 1956 (15 A. D. 1110), authorizing the respondents, Market Agencies at Union Stock Yards, Chicago, Illinois, to continue assessing to and including November 14, 1957, the rates and charges provided for in the order of November 8, 1951 (10 A. D. 1410).

By documents filed on August 28 and September 12, 1957, the respondents requested authority to make certain modifications in their current schedules of rates and charges. The proposed modifications are set forth below.

1. Modifications proposed in the schedules of The Chicago Live Stock Exchange, Chicago Producers Commission Association, and Farmers Union Live Stock Commission:

* * * * *

B-6 Cattle: *Per head*
Consignments of one head and one head only $1.50
Consignments of more than one head:
First 5 head in each consignment .. 1.30
Next 10 head in each consignment .. 1.25
Each head over 15 head in each consignment 1.20

B-7 Cattle, by rail, maximum charge:
In no instance shall the charge for selling a consignment of cattle arriving by rail exceed $41.00 for each car, plus extra service charges provided in Section E.

B-8 Cattle, by other than rail, maximum charge:
In no instance shall the charge for selling a consignment of cattle arriving other than by rail exceed the aggregate of $41.00 for the first 24,400 pounds, plus 15 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.

B-9 Cattle and calves, by rail, maximum charge:
In no instance shall the charge for selling a carload of cattle and calves arriving by rail, belonging to one owner, delivered to one market agency to be offered for sale during the trading hours of one day, exceed $41.00 for each car, plus extra service charges provided in Section E.

B-10 Cattle and calves, by other than rail, maximum charge:
In no instance shall the charge for selling a shipment of cattle and calves arriving other than by rail, belonging to one owner, delivered to one market agency, to be offered for sale during the trading hours of one day, exceed aggregate of $41.00 for the first 24,400 pounds or less, plus 15 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.

* * * * *

B-12 Hogs: *Per head*
Consignments of one head and one head only:
Each head weighing 250 pounds or over $0.65
Each head weighing under 250 pounds ..... .50
Consignments of more than one head:
First 10 head in each consignment ..... .42
Next 15 head in each consignment ..... .39
Each head over 25 head in each consignment ..... .34

B-13 Hogs, by rail, maximum charge:
In no instance shall the charge for selling a consignment of hogs arriving by rail exceed $29.00 for each single deck car and $40.00 for each double deck car, plus extra service charges provided in Section E.

B-14 Hogs, by other than rail, maximum charge:
In no instance shall the charge for selling a consignment of hogs arrriving other than by rail exceed the aggregate of $29.00 for the first 18,000 pounds, plus 14 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.

B-15 Sheep or goats: *Per head*
Consignments of one head and one head only $0.50
Consignments of more than one head:
First 10 head in each 250 head ..... .35
The next 50 head in each 250 head .. .28
The next 60 head in each 250 head .. .15
The next 130 head in each 250 head ..... .10

B-16 Sheep or goats, by rail, maximum charge:
In no instance shall the charge for selling a consignment of sheep or goats arriving by rail exceed $22.00 for each single deck car and $33.00 for each double deck car, plus extra service charges provided in Section E.

* * * * *

SECTION C

BUYING CHARGES

With the exception of rates for buying hogs, the rates for buying live stock shall be the same as the rates shown in Section B for selling the same live stock.

There is no change proposed in the rates for buying hogs from the present rates as shown in (The Chicago Live Stock Exchange Tariff No. 11) items B-11, B-12, B-13 and B-14 of the current schedules.

* * * * *

SECTION E

EXTRA SERVICE CHARGES

* * * * *

For computing, collecting and remitting each check for the charges of transportation $0.10

* * * * *

SECTION F

RESALES

On live stock purchased on this market by registered traders or registered market agencies, and without having been removed from this market, resold for account of such purchaser, the commission shall be 85 cents per head on cattle (other than bulls 700 pounds or over), $1.00 per head on bulls, 700 pounds or over, 35 cents per head on calves, 27 cents per head on hogs (other than boars), 53 cents per head on boars, and 11 cents per head on sheep or goats, plus extra service charges provided in Section E.

* * * * *

2. Modifications proposed in the schedule of the Chicago Traders Live Stock Exchange:

* * * * *

B-5 Cattle: *Per head*
Consignments of one head and one head only $1.50
Consignments of more than one head:
First 5 head in each consignment .. 1.30
Next 10 head in each consignment .. 1.25
Each head over 15 head in each ... 1.20

B-6 Cattle, by rail, maximum charge:
In no instance shall the charge for buying a consignment of cattle shipped by rail exceed $41.00 for each car, plus service charges provided in Section E.

B-7 Cattle, by other than rail, maximum charge:
In no instance shall the charge for buying a consignment of cattle shipped other than by rail exceed the aggregate of $41.00 for the first 24,400 pounds, plus 15 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.

B-8 Cattle and Calves, by rail, maximum charge:
In no instance shall the charge for buying a carload of cattle and calves shipped by rail, exceed $41.00 for each car, plus extra service charges provided in Section E.

B-9 Cattle and Calves, by other than rail, maximum charge:
In no instance shall the charge for buying a shipment of cattle and calves shipped other than by rail, exceed the aggregate of $41.00 for the first 24,400 pounds or less, plus 15 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.

* * * * *

B-14 Sheep or goats: *Per head*
Consignments of one head and one head only $0.50
Consignments of more than one head:
First 10 head in each 250 head ..... .35
The next 50 head in each 250 head ..... .28
The next 60 head in each 250 head ..... .15
The next 130 head in each 250 head ..... .10

B-15 Sheep or Goats, by rail, maximum charge:
In no instance shall the charge for buying a consignment of sheep or goats shipped by rail exceed $22.00 for each single deck car, and $33.00 for each double deck car, plus extra service charges provided in Section E.

* * * * *

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petitions and their contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 25th day of September 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-8014; Filed, Sept. 27, 1957; 8:52 a. m.]

Commodity Stabilization Service

ENTRY OF SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

NOTICE NO. 3 OF REQUIREMENT OF CERTIFICATION—1957

Pursuant to § 817.4 (7 CFR 817.4) (13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847), notice is hereby given that the 1957 sugar quota for Cuba, amounting to 3,145,238 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more.

Accordingly, pursuant to § 817.4 (7 CFR 817.4) after the close of business on September 27, 1957 and for the remainder of the calendar year 1957, entry into the continental United States from Cuba of any sugar may not be made unless and until the certification described in § 817.4 (a) (7 CFR 817.4 (a)) is issued to the Collector of Customs.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153, 13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847)

Issued this 25th day of September 1957.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 57-8049; Filed, Sept. 27, 1957; 8:58 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 601, Amdt. 4]

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND COOS BAY WAGON ROAD GRANT LANDS

DECLARATION OF ANNUAL PRODUCTIVE CAPACITY

SEPTEMBER 20, 1957.

The annual productive capacities of the Master Units composing the Revested Oregon and California Railroad Grant Lands and the Coos Bay Wagon Road Grant Lands in Oregon as declared in Bureau Order 601, dated October 25, 1955, are amended as follows:

Master unit	Annual Productive Capacity (feet, board measure)
1. Columbia River	36,000,000
2. Clackamas-Molalla	18,000,000
3. Alsea-Rickreall	51,000,000
4. Santiam River	44,500,000
5. Upper Willamette	61,100,000
6. Siuslaw	57,000,000
7. Douglas	106,300,000
8. South Umpqua	25,500,000
9. South Coast	160,100,000
10. Josephine	48,800,000
11. Jackson	54,700,000
12. Klamath	13,200,000
Total	676,200,000

EDWARD WOOZLEY,
Director.

[F. R. Doc. 57-7981; Filed, Sept. 27, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-44]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, the Atomic Energy Commission has issued License R-29 authorizing Aerojet-General Nucleonics to possess, operate and transfer to any authorized person a five-watt nuclear reactor designated by AGN as Model AGN-201M, Serial No. 105.

Dated at Washington, D. C. this 20th day of September 1957.

For the Atomic Energy Commission.

H. L PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-7978; Filed, Sept. 27, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12104, 12105; FCC 57M-886]

RALPH D. EPPERSON AND WILLIAMSBURG BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Ralph D. Epperson, Williamsburg, Virginia, Docket No. 12104, File No. BP-10958; Mary Cobb and Richard S. Cobb, d/b as Williamsburg Broadcasting Co., Williamsburg, Virginia, Docket No. 12105, File No. BP-11199; for construction permits.

It is ordered, This 23d day of September 1957, that because of the possibility of a third application being consolidated herein, and upon the oral motion of counsel for the Commission's Broadcast Bureau made at a prehearing conference on this date, further prehearing conference in this matter is indefinitely postponed; and

It is further ordered, That the hearing in this matter, now scheduled for October 3, 1957, be likewise indefinitely postponed.

Released: September 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8008; Filed, Sept. 27, 1957; 8:51 a. m.]

[Docket No. 12164; FCC 57-1000]

WALTER T. GAINES (WGAV)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Walter T. Gaines (WGAV), Amsterdam, New York, Docket No. 12164; File No. BP-10986; for construction permit.

1. The Commission has before it for consideration (1) a "Protest And Petition For Reconsideration" filed on August 19, 1957, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Community Service Broadcasting Corporation (Community, hereinafter), licensee of Station WCSS, Amsterdam, New York (1490 kc, 250 w, U), and directed against the Commission's action of July 18, 1957 (Public Notice released on July 19, 1957), in granting without hearing the above-captioned application of Walter T. Gaines (Gaines, hereinafter) for a construction permit for a new standard broadcast station (WGAV) at Amsterdam, New York to operate on 1570 kilocycles with a power of 1 kilowatt, daytime only; (2)

an opposition thereto filed on August 29, 1957 by Gaines; and (3) a reply to opposition filed on September 6, 1957, by Community.

2. Community claims that it is a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the act, respectively, to have standing to file its instant pleading pursuant thereto. Community bases this claim on a showing that, as an existing station in the city where Gaines proposes to operate, WCSS will be economically injured by competition of the two stations for revenues, audiences, and program sources.

3. In support of its protest and petition for reconsideration, Community alleges that Gaines does not possess the requisite qualifications to become the licensee of a broadcast station and is not financially qualified to construct and operate his proposed station.

4. Community submits with its pleading an affidavit by Donald J. Decker in which he states that on the night of June 17, 1954, he was the announcer on duty at Station WCSS; that Gaines, who was then General Manager of the station and an officer and stockholder of the licensee corporation, entered the studio, relieved him as announcer on duty, placed a microphone in front of a receiving set, tuned the set to another station which was broadcasting a heavyweight championship fight originated by a network, rebroadcast the fight, and then ordered him to enter falsely on the station's program log that he was on duty and was broadcasting recorded music and comments during the time in question. Community states that "WCSS had no affiliation agreement with the network, nor had it obtained from the station broadcasting the fight permission to pick up that station's signal and rebroadcast it"; that the unauthorized rebroadcast was a violation of section 325 (a) of the Communications Act and that "Gaines' conduct with reference to ordering the false entry on the station's log raises not only the question of a willful violation of the Commission's rules with reference to log keeping (§ 3.111 et seq.) but, and more importantly, it demonstrates his attitude towards the requirements of the Commission in general."

5. Community also submits an affidavit by Donald A. Campbell in which he states that he was the Republican candidate for Member of Assembly for Montgomery County in the General Election of 1954 in the State of New York; that he was opposed by Garrison L. Dillon, "a very close friend of said Walter T. Gaines"; that he tape recorded one of his political speeches for broadcast and in the speech quoted a statement Gaines had made in a mimeographed release; that said speech was broadcast over Station WCSS "in its complete form" on October 25, 1954; that from October 26 to October 30, 1954, Gaines "criticized (Campbell) in caustic language" for quoting the statement by Gaines; that he directed WCSS to broadcast the tape again on October 30, 1954, at 11:45 a. m.; that, when said tape was again broadcast on October 30, 1954, by WCSS, a portion of his speech was not broadcast; that the portion deleted "concerned [his] reference to the Gaines' statement", and that when questioned about the incident, "Walter T. Gaines stated that he knew nothing about the matter." Community points out that section 315 of the act prohibits the censorship of any material broadcast by a legally qualified candidate for public office and contends that "only by an evidentiary hearing, wherein the parties involved can be examined and cross-examined, can the Commission ascertain whether Gaines did, as the petitioner herein avers based on the affidavit and its investigation into the situation, censor material from a political broadcast."

6. It is further alleged by Community that on October 3, 1956, Gaines, while employed as General Manager of WCSS, purchased with the station's funds and permission, a $75 Western Union money order, mailed it to a prospective employee of the station, Barbara Burke, for travel expense in going to the station for an audition and interview, and, after Barbara Burke returned the money order unendorsed, deposited it to his personal account; that "the money order is endorsed 'Barbara Burke' and then by Walter T. Gaines"; that this fact was not discovered until an auditor made a check of the books of WCSS after Gaines had left the employment of the station; that "a comparison of the known handwriting of Gaines and the said endorsement, as well as the endorsement of Walter T. Gaines on the money order, indicates that Gaines did endorse the money order and that the same individual wrote both of the endorsements thereon"; that "Gaines did not account to the station for the money"; and that Community "therefore avers and alleges that Gaines converted to his own use the seventy-five dollars, and that he did, without authority, fraudulently endorse the named payee's name and negotiate the money order."

7. In view of the foregoing (paragraphs 4–6, supra), Community states that the Commission has before it "an applicant about which serious questions have been raised, questions which go to the basic qualifications of the applicant, and his fitness to be entrusted with a radio station." Community states further in its instant protest that Gaines is not financially qualified to construct and operate his proposed station; that Gaines represented in his application that a sum of $30,000 would be necessary for construction and early operation of the station and that he would meet this cost with $20,000 existing capital and $10,065 in deferred credit on equipment; that, in his balance sheet dated October 16, 1956, existing capital consisted of $5,500 in a checking account in the name of Radio Station WLFH, of which he is licensee, and $16,310 in a personal checking account; that in a balance sheet as of December 31, 1956, submitted with Gaines' application for renewal of license of WLFH (BR–2725), WLFH had only $350.62 cash on hand in banks; that a financial report on Gaines obtained by Community shows that Gaines had an outstanding loan of $1,843 which was not listed in his October 16, 1956, balance sheet, that said balance sheet includes a chinchilla farm valued at $30,000 whereas said "farm" kept in the basement of his residence, consists of 60 chinchillas not reasonably worth $30,000; that since he filed the instant application, Gaines has not had a balance of $16,310 maintained in his personal checking account, and the balance has often been less than $1,000; that in May 1957, Gaines incurred an indebtedness of $351.84 to the Fishkill National Bank, giving a chattel mortgage in security for payment of a tape recorder; that in March, a judgment against Gaines in the amount of $450.26 was entered, which had not been satisfied at the time of the grant of the instant application; that on August 6, 1957, a judgment against Gaines in the amount of $86.65 was docketed; that "Gaines' financial picture is thus worse than that upon which the Commission made its finding of [financial] qualification"; and that not having said money available would prevent the effectuation of Gaines' programming and operating proposals.

8. Community specifies 12 issues (as hereinafter set forth) [1] to determine whether Gaines, as alleged in Community's instant pleading, rebroadcast another station's program without its authorization; censored a political broadcast; caused falsification of WCSS's logs, misrepresented and failed to disclose facts with respect to his financial status; fraudulently endorsed or negotiated a money order; and is financially qualified. It requests that the effective date of the grant in question be postponed to the effective date of a decision after a hearing on this application because "issues involving possible character disqualification or misrepresentation to the Commission, if fully established by [Community], constitute grounds for final grant of the protest and withdrawal of the authorization, The Good Music Station, Inc., 14 R. R. 792, 793, and the interlocutory determination must be made upon a recognition of that fact". Community argues further, "although the Commission has stated that there is a presumption that the public interest will be served by advent of a second radio station in a community, the affirmative finding that the public interest requires that the grant remain in effect cannot be made * * * on the presumption in a vacuum."

9. In his opposition filed on August 29, 1957, Gaines concedes that Community has standing to file its protest and petition for reconsideration and states that "because Protestant has challenged Mr. Gaines' reputation and particularly his honesty, and because the motive for filing the Protest is based upon local differences, it is requested that the hearing be scheduled for Amsterdam, New York, so that the stockholders of WCSS can be called as witnesses as well as the supporters of Mr. Gaines." In an affidavit attached to his opposition, Gaines states that with respect to the alleged rebroadcast of a heavyweight championship fight on June 17, 1954, he obtained prior authorization therefor on the day of the fight from the Stations Relations Department of the American Broadcasting Company and from the manager of Station WROW, Albany, New York; that "at the time of the fight, [he] set up a radio receiver in one of the studios, because there was not time to get a direct line"; that, to the best of his recollection, during the entire fight, Donald J. Decker was on duty "acting as the announcer and engineer"; that "after the fight was over, [he] turned the announcing duties back to Decker"; that "[he] assumed [Decker] would do his job as the announcer on duty and enter on the log the actual material broadcast"; that "Decker's statement that [he] instructed him to make an entry in the log showing that the broadcast falsely consisted of recorded music and comment is a deliberate lie"; that he fired Decker in June of 1955; that Decker has publicly threatened "to get even with [him]"; and that Decker's charges are the result of "spite". Attached to Gaines' opposition is a statement, not under oath, by 5 present or past employees of WCSS that "Gaines never instructed any staff member to falsify anything at any time"; and that "as individuals, we agree, [that Decker's statement] was made in spite against Gaines because he was 'fired' by Gaines."

10. In his affidavit, Gaines also states that he is without personal knowledge of whether or not the aforementioned political broadcast by Mr. Campbell was complete and he denies that he censored said speech. He states further that "the day following [his] conversation with Mr. Campbell, [he] checked with the employees and found that the tape broke during the broadcast." Attached to the opposition is a statement by Dominick G. Frank and Sam Zurlo that they were the operator and announcer, respectively, on duty at WCSS at the time the said tape broke. However, the statement fails to specify the date and time of the incident and whether it actually occurred during the October 30, 1954 broadcast in question.

11. With respect to the aforementioned Barbara Burke money order, Gaines states in his affidavit that while General Manager of WCSS, he often advanced personal funds for company expenses and he believed that said money order had been purchased with his personal funds and that "it was [his] impression that the letter from Miss Burke authorized [him] to cash the money order on her behalf." He further states that "if any official of Station WCSS would offer * * * competent evidence that the funds were company funds, [he] would be glad to repay the $75."

12. With respect to the outstanding automobile loan of $1,843 not shown in his October 16, 1956 balance sheet, Gaines states in his affidavit that "this balance sheet was prepared * * * by [his] bookkeeper and [that he is] now advised, that through an error, it did not contain this loan as a liability nor did it contain the automobile as an asset, which would more than offset the liability"; that the "term 'chinchilla farm' or 'chainchilla ranch' is customarily used in the trade to describe any operation in which chinchillas are raised for resale or for pelts"; that the "figure of $30,000 was [his] best estimate" based upon an earlier sale of a pair at a price of $1,000"; that he has never owed any money to the Fishkill National Bank; that the aforementioned judgment of $450.26 "was obtained against [him] without proper service" and that "this matter is being reopened by [his] attorney"; that the aforementioned $86.65 "was reduced to judgment without [his] realizing what was involved and without defending the case"; that "the reduction in * * * cash position between October 16, 1956 and December 31, 1956, was due, in part, to * * * loss of income from WCSS and the need for living on capital, the payment of liabilities listed in the balance sheet, and the prepayment of certain expenses in connection with filing and prosecuting the application for a new station at Amsterdam."

13. In his opposition, Gaines states that he has over $6,000 cash available to meet said current expenses and to finance the authorized station during the first several months of its operation; that he has assurances of commercial support to convince him that he will be able to commence operating "in the black"; that construction of the authorized station is nearly completed; and that he has accepted an offer of approximately $40,000 for the sale of Station WLFH. With the opposition, Gaines submits a personal balance sheet as of August 28, 1957. Included in his assets is a chinchilla farm valued at $15,000; and, included in his liabilities are a personal note of $5,000 payable in one year to Katherine Strobeck and a current indebtedness to the Amsterdam Lumber Company in the amount of $1,500. He also submits separate statements by Dominick G. Frank and Chester Kukiewicz to the effect that officials of Community told them Gaines would never get a station in Amsterdam. Gaines argues that Community did not raise any questions about the alleged unauthorized rebroadcast of the heavyweight fight program, the censorship of a political speech, or the personal use of the $75 money order "until the possibility arose that [he] would have a competitive station in Amsterdam"; that the grant should remain in effect because there is need for a second station in Amsterdam; that WCCS (Community) does not serve the entire county, and Gaines' station, WGAV, will supply a first local service to an important area; that WCSS has discontinued many of its public service programs; and that Community has not shown that irreparable injury would result to the public from keeping the grant in effect.

14. In its reply to Gaines' opposition, Community states with respect to Gaines' request that the hearing be held in Amsterdam that Gaines "has not advanced sufficient reasons for varying the normal practice as to the place of hearing, and [that] without more the Commission should not be required to spend its money for travel and other expenses and to incur the inconveniences involved in holding a hearing outside the Commission's offices in Washington, D. C."; that Gaines has submitted no evidence in support of his claim that he had permission to rebroadcast the aforementioned heavyweight fight; that he does not give the name of the individual who allegedly gave the oral consent; that Gaines does not claim that, following the rebroadcast, he complied with § 3.121 of the Commission's rules which requires that a licensee rebroadcasting a program certify to the Commission within three days that such rebroadcast was made and that express authority was received from the licensee of the station originating the program; that the procedure used for the rebroadcast (receiver to microphone in the studio) is said by Gaines to have been followed "because there was not enough time" to obtain a direct line, although, according to Gaines' version, the permission was received in the morning and the rebroadcast did not occur until later that night; and the claim that Decker and WCSS are motivated by bad faith in bringing to the Commission's attention the very serious violation of law "cannot be deemed to excuse the violation or lend any credence to Gaines' explanation thereof." Community further states, with respect to its allegation of false logging of the rebroadcast, that Gaines "admits that he was the announcer on duty during the rebroadcast * * * yet * * * claims * * * he assumed that Decker would log the actual material broadcast during the period when [Gaines] had relieved Decker"; that the rebroadcast incident did not come to the attention of WCSS owners until after Gaines had left the employ of said station, had purchased WLFH, and the "protest period" on the WLFH assignment application had expired by many months; that "the statements of other individuals that Gaines never ordered them to falsify a log is not relevant, and their stated opinions that the Decker charge is motivated by spite is entitled to no weight"; and that "significantly, the statements are not under oath"; that "the statements are dated August 21st, and the material was not filed until August 29th, so that there can be no excuse of lack of time for the failure to have them verified.

15. As to its allegation of censorship of a political broadcast Community states that "the Commission cannot but question the explanation that the tape would break just at the place where a reference was made to Gaines and that the break and non-broadcast of some of the material nonetheless left perfect paragraphing and continuity and would not have been noticed had not Mr. Campbell been following the broadcast with the script he had used to make the recording"; that "it is significant that Gaines now supplies the break explanation when he previously denied any knowledge of the cause during the investigation which followed the incident"; and that "the Frank and Zurlo statements are not verified, and those individuals do not explain their silence until now as to the tape breaking explanation."

[1] We have made editorial revisions in Issues 1, 2, 3, 4 and 9.

16. Community contends that Gaines' explanation of the $75 money order matter is patently unrealistic and contains many discrepancies; that "if Gaines believed that the money order was purchased by him with his own funds he could not also believe that 'Miss Burke authorized me to cash the money order on her behalf' "; and that "had it been his money order he would have taken it to Western Union for redemption and cancellation or he would have presented it to the station for reimbursement of the funds involved." Attached to Community's reply is an affidavit by Anthony C. Stokna, a practicing attorney in Amsterdam, New York, who states that the endorsements on the money order in question are in two different colors of ink, "Barbara Burke" in red ink, and the Gaines signature in blue ink. Community contends that "this hardly comports with Gaines' explanation of endorsing as a matter of believed right and without intention to obscure the fact that the 'Barbara Burke' endorsed on the money order was not in fact placed there by that individual."

17. Community contends that "there is no * * * acceptable statement of fact in [Gaines' Reply] which answers the question of what happened between October 16th and December 31st to the $5,500.00 which Gaines represented as being in the bank in WLFH's account and the $16,310.00 represented as being in a personal account, upon which he relied * * * to construct and operate the proposed Amsterdam station."; that "instead of a positive statement we find assertions that in some unspecified manner the money was spent to meet current liabilities and prepayment of certain expenses in connection with the [instant] application"; that Gaines "admits now that on December 31, 1956, there was only $350.62 in the WLFH account and that the cash among his 'personal assets' was only 'approximately $3,800 over and above that shown on the WLFH balance sheet' "; that "the Commission's initial finding of financial ability to construct and operate the station has now been shown to have been made upon a financial situation representation which was non-existent on the date of the grant"; that Gaines' new balance sheet as of August 28, 1957, shows a loan to Gaines by Katherine Strobeck, in the amount of $5,000, and a current liability item of $1,500 with the Amsterdam Lumber Company; that Dunn and Bradstreet reports show that Katherine Strobeck is the owner of the Amsterdam Lumber Company, and that she is associated with Gaines in the operation of Station WLFH at Little Falls, New York; that the Commission explicitly requires an applicant to furnish information as to each person furnishing anything of value to an applicant or who will assist in any manner in financing a station (FCC Form 301, Sec. III, Page 2) and that Gaines has not supplied the required information as to Katherine Strobeck and the Amsterdam Lumber Company; and that "the Commission must ascertain what interest Katherine Strobeck may have in the proposed Amsterdam station and the extent of her participation therein." Finally, Community states that "Gaines now admits that his 'chinchilla farm' is worth only $15,000 rather than the $30,000 value originally ascribed to it."

18. In view of the facts that the protestant is licensee of Station WCSS, Amsterdam, New York, where WGAV proposes to operate; that the two stations, therefore, would be in direct competition for advertising revenue; and that WCSS has alleged that it would suffer economic injury as a result of the operation of Station WGAV, we find the protestant to be a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended. In re T. E. Allen & Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470 (1940). We find further that the protestant has specified with particularity, within the meaning of section 309 (c), the facts upon which it relies to show that grant was improperly made or otherwise would not be in the public interest to warrant our designating the WGAV application for hearing.

19. In evaluating the statements and counter statements made by Community and Gaines in their respective pleadings, we note what appear to be defects and inconsistencies in Gaines' statements. Examination of our files shows that Walter T. Gaines was Vice President, stockholder and general manager of WCSS at the time the rebroadcast in question took place; that our license file for WCSS shows that almost all correspondence from WCSS to the Commission during 1954 was signed by Walter T. Gaines as Vice President and General Manager; and that he executed WCSS's application for renewal of license submitted on April 15, 1954. It appears from the foregoing and from Gaines' statements in his opposition relative to his securing authorization for and scheduling said rebroadcast, firing Decker, and sending a money order to Barbara Burke in connection with prospective employment at WCSS, that he was in charge of and responsible for the day to day operation of WCSS. Yet, examination of our files shows that, if Gaines had obtained authority from Station WROW to rebroadcast the boxing match in question, neither he nor anyone else connected with WCSS complied with the provisions of § 3.121 of our rules governing rebroadcasting. Section 3.121 requires the licensee of a standard broadcast station rebroadcasting the programs of another standard broadcast station to notify the Commission within 3 days of the rebroadcast of the call letters of each station rebroadcast and to certify that express authority had been received from the licensee of the station originating the program. The Commission's WCSS file does not contain such a notification for the program in question. Further, Gaines states in his affidavit filed with his opposition on August 29, 1957, that "after the fight was over, I turned the announcing duties back to Decker." It would appear, therefore, that Gaines was the announcer on duty during the rebroadcast of the boxing match and therefore had the responsibility for making and initialing proper entries on the program log for that period. Yet Gaines states in the same affidavit that he left after the rebroadcast and "assumed [Decker] would do his job as the announcer on duty to enter on the log the actual material broadcast." Gaines' statement in his affidavit that "at the time of the fight, I set up a radio receiver in one of the studios, because there was not time to get a direct line," cannot readily be reconciled with his additional statement that permission was obtained for the rebroadcast in the morning of the day of the fight, and the fight did not take place until approximately 10 o'clock that night. With respect to the political speech by Mr. Campbell, Gaines states in his affidavit that "the day following my conversation with Mr. Campbell, I checked with the employees and found that the tape broke during the broadcast." [Emphasis supplied.] In support, Gaines submits a joint statement by two employees of WCSS at the time of the Campbell incident, confirming the fact that the Campbell tape broke. However, this statement is silent as to when the tape broke or that it broke during the October 30, 1954, broadcast in question. With respect to the Barbara Burke money order, Gaines states in one part of his affidavit that "it was [his] impression that the letter from Miss Burke authorized [him] to cash the money order on her behalf," but in another part of the same affidavit, he states that "I believed at the time I cashed the money order and still believe, that the $75 represented personal funds and I was entitled to reimbursement therefor", indicating that he cashed the money order on his own behalf.

20. With respect to his financial showings, Gaines states in his affidavit filed on August 29, 1957 that the omission of an $1,843 indebtedness from the balance sheet with his application was an "error by his bookkeeper who prepared the balance sheet." Yet Gaines states under oath in Part I of his application that Exhibit No. 1, the said balance sheet, was prepared under his direction. The balance sheet submitted with Gaines' application showed a chinchilla "farm" valued at $30,000. But in the balance sheet submitted with his August 29, 1957 pleading, the chinchilla farm is valued at $15,000 with no explanation for the decreased valuation.[2] Moreover, in his last balance sheet Gaines shows a loan of $5,000 from Katherine Strobeck and a current liability of $1,500 to the Amsterdam Lumber Company. It appears that Katherine Strobeck owns the Amsterdam Lumber Company and is associated with Gaines in the operation of his station, WLFH, at Little Falls, New York. Section III, Page 2 of FCC Form 301 requires

[2] In his application to acquire Station WLFH, File No. BAL-2009, granted on May 11, 1955, Gaines submitted as Exhibit No. 5 a balance sheet as at March 30, 1955 showing the valuation of his chinchilla farm as $8,700, based on "82 chinchilla @ $100 each and $500 equipment." Footnote 1 thereto indicated that "last pair sold brought $1,200."

the submission of a verified copy of the agreement whereunder any person will furnish funds or anything of value to an applicant. Gaines has not submitted such information with respect to Katherine Strobeck or the Amsterdam Lumber Company. While Gaines represented in his original application that he would have $21,000 cash to use in the building of his proposed station, it appears from Gaines' pleading filed on August 29, 1957 that on December 31, 1956 his cash funds had been reduced to approximately $3,800 (excluding $350 in the WLFH account). Yet he states in the same pleading that construction of his proposed station is almost completed. It is mandatory that the Commission be furnished with full particulars as to the sources of the funds used in said construction and any agreements made therefor.

21. Because of the foregoing, we are of the opinion that questions obtain as to whether Gaines has made misrepresentations and nondisclosures to the Commission, whether has was financially qualified to receive a grant of his instant application, and whether the granting of the application will serve the public interest, convenience and necessity. Accordingly, we are adopting, with editorial revisions, the issues specified by Community as above-discussed and hereinafter set forth.

22. We turn now to the question of whether the effective date of the grant in question should be postponed pending a final decision in the hearing ordered below. Section 309 (c) provides that "the effective date of the Commission's action to which the protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless * * * the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." The Senate Report on H. R. 5614, amending section 309 (c) (1 Pike and Fischer RR 10:373) states that "The Committee is well aware of the very real inconvenience to the public which would result if a grant is permitted to stay in effect and it is ultimately determined that the grant must be set aside and the service terminated"; that "in exercising its limited discretion to continue a protested authorization in effect, the Commission would have to consider not only the need for the new service in question, but also the likelihood that the grant in question would ultimately have to be set aside."

23. Community requests that the effective date of the grant in question be postponed to the effective date of the decision after hearing on the instant proposal. In support thereof, it argues that "although the Commission has stated that there is a presumption that the public interest will be served by the advent of a second radio station in a community, the affirmative finding that the public interest requires the grant to remain in effect cannot be made * * * on this presumption in a vacuum"; and that "the facts and matters first brought to the Commission's attention [by Community] indicate that the permittee may be neither financially or otherwise qualified, and [that] the indicated history of violation of the Communications Act and of the requirements of the Commission's Rules and Regulations require that a hearing be held before the applicant is permitted to operate a radio station." Gaines contends on the other hand, that the grant should remain in effect because of the need for a second station in Amsterdam; that WCSS does not serve the entire county, and WGAV will supply a first local service to an important area; that WCSS has discontinued many of its public service programs; and that Community (WCSS) has not shown that irreparable injury would result to the public from keeping the grant in effect.

24. For the reasons set forth in paragraphs 19 through 21, supra, we are of the opinion that Gaines' explanations of matters involved in Community's allegations are not sufficiently convincing to resolve the questions raised with respect to his financial and other qualifications. Therefore, on the basis of the information now before us, we would not have granted the Gaines' application without further inquiry into said matters. Accordingly, we cannot find now that he is qualified to receive a grant of the instant application. Moreover, in view of the foregoing, we believe that a likelihood exists that the grant may have to be set aside after a hearing on the application. "The fact of concealment may be more significant than the facts concealed. The willingness to deceive a regulatory body may be disclosed by immaterial and useless deceptions as well as material and persuasive ones." F. C. C. v. WOKO 329 U. S. 223. We cannot, therefore, make an affirmative finding here that the public interest requires that the grant remain in effect pending a decision in the hearing hereinafter ordered.

25. Gaines states that "because Protestant has challenged [his] reputation and particularly his honesty and because the motive for filing the Protest is based upon local differences, it is requested that the hearing be scheduled for Amsterdam, New York, so that the stockholders of WCSS can be called as witnesses as well as the supporters of Mr. Gaines." Community urges that these are insufficient reasons "for varying the normal practice as to the place of hearing, and without more the Commission should not be required to spend its money for travel and other expenses and to incur the inconveniences involved in holding a hearing outside of the Commission's offices in Washington, D. C." We believe that a proper determination of the facts involved in the hearing provided for below can be effected at our offices in Washington, D. C., and we cannot find in the arguments advanced by Gaines any compelling reasons in favor of his request to hold the hearing in Amsterdam, New York.

In view of the foregoing: *It is ordered*, That, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, the subject Protest and Petition for Reconsideration is granted to the extent provided for below and is denied in all other respects; that, effective immediately, the effective date of the grant of the above-captioned application is postponed pending a final determination by the Commission in the hearing described below; and that the above-captioned application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

(1) To determine whether or not the applicant on June 17, 1954, when he was General Manager of Station WCSS, Amsterdam, New York, and an officer and stockholder of the licensee corporation, caused a violation by the licensee of Station WCSS of § 3.121 of the Commission's rules and regulations.

(2) To determine whether or not the applicant between October 25 and 30, 1954, when he was General Manager of Station WCSS, Amsterdam, New York, and an officer and stockholder of the licensee corporation, caused a violation by the licensee of Station WCSS of section 315 of the Communications Act of 1934, as amended, or § 3.120 of the Commission's rules and regulations.

(3) To determine whether or not the applicant on June 17, 1954 and between October 25 and 30, 1954, when he was General Manager of Station WCSS, Amsterdam, New York and an officer and stockholder of the licensee corporation, used his position of supervision and control over employees to require them, or any of them, to violate the Communications Act or the Commission's rules and regulations, with particular respect to the requirements of the maintenance of logs and the making of entries therein.

(4) To determine whether or not the applicant on June 17, 1954, when he was General Manager of Station WCSS, Amsterdam, New York and an officer and stockholder of the licensee corporation, caused a violation by the licensee of Station WCSS of the Commission's rules and regulations with respect to the keeping of logs and the making of entries therein.

(5) To determine whether or not the applicant owned a chinchilla farm worth $30,000.00 on October 16, 1956.

(6) To determine whether or not the applicant was under any financial obligations not shown on his balance sheet of October 16, 1956, and, if so, why this information was omitted from the balance sheet.

(7) To determine whether or not the applicant made full and accurate disclosure to the Commission concerning his financial qualifications.

(8) To determine whether or not misrepresentations have been made by the applicant to the Commission concerning his business and financial interests.

(9) To determine whether or not the applicant improperly endorsed and negotiated a money order made to the order of Barbara Burke.

(10) To determine whether or not the applicant, in view of the evidence adduced under the foregoing issues, is qualified to be a permittee of the Commission.

(11) To determine if the applicant is financially qualified to construct and op-

erate the radio station proposed in the captioned application.

(12) To determine whether, in the light of the evidence adduced under the foregoing issues, the public interest, convenience, or necessity will be served by the grant of the subject application.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof on Issues 1 through 9 and Issue 11 shall be on Walter T. Gaines;

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that;

1. The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order; and

2. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file replies to any such exceptions; and

3. The appearances by the parties intending to participate in the above hearing shall be filed not later than October 4, 1957.

Adopted: September 18, 1957.

Released: September 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-8009; Filed, Sept. 27, 1957; 8:51 a. m.]

[Docket No. 12167; FCC 57-1013]

CAPITOL BROADCASTING CO. (WJTV)

MEMORANDUM OPINION AND ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In re modification of construction permit of Capitol Broadcasting Company (WJTV), Jackson, Mississippi, Docket No. 12167; pursuant to section 316 of the Communications Act of 1934, as amended.

1. On June 27, 1957, the Commission granted the application (BPEX-144) of Supreme Broadcasting Company, Inc. (Supreme), the permittee of Television Broadcast Station WJMR-TV, Channel 20, New Orleans, for authority to construct and operate an experimental television station on Channel 12 at New Orleans, Louisiana, at the present site of and simultaneously with the existing Channel 20 operation of WJMR-TV. On July 11, 1957, the Commission adopted an Order (FCC 57-741, released July 15, 1957) denying the petition of Capitol Broadcasting Company (Capitol), permittee of Television Station WJTV, Channel 12, Jackson, Mississippi, which had opposed the aforementioned application, and ordering Capitol to show cause why its authorization to operate Television Broadcast Station WJTV on Channel 12 at Jackson should not be modified to the extent necessary to permit operation of the experimental station as proposed by Supreme.[1] The Commission's Order of July 11, directed Capitol to file a response by August 12, 1957, stating the reasons, if any, why it believed its authorization should not be so modified and to indicate therein whether or not it wished a public hearing in the matter. The Order specified that the hearing, if requested, would be before the Commission en banc.

2. On August 12, 1957, Capitol filed its "Response to Order to Show Cause." It asserts therein, in substance, that the proposed experimental operation of Supreme at New Orleans is not consistent with specified provisions of Part 4 of the Commission's Rules governing experimental television broadcast stations; that "no satisfactory showing" has been made that the experimental operation proposed by Supreme "holds out any reasonable promise of a substantial contribution to the television art"; that no modification of an existing television station authorization is necessary in order to collect whatever data the Supreme undertaking would provide; that such data could be more effectively and accurately collected through use of a frequency which would not impinge upon the established rights of any existing station; and that Supreme's experimental operation is, in fact, an improper attempt to engage in regular commercial broadcasting on Channel 12 in New Orleans in violation of the Commission's Rules and the rights of Capitol, the applicants for Channel 11 at Houma, Louisiana, and other potential competitors for regular use of Channel 12 at New Orleans. In addition, Capitol requests that if a hearing is to be held, it should be conducted in the first instance before a Hearing Examiner as allegedly required by Section 316 of the Communications Act, instead of the Commission en banc, as provided in the Show Cause Order. Capitol states that it will appear and participate in the hearing requested by it, and will present evidence if in its judgment the evidence presented by the Commission in support of the proposed modification of its authorization warrants rebuttal. Capitol also requests that, pending final determination of the show cause proceedings, the Commission stay issuance of program test authority to Supreme "pursuant to the express condition contained in the construction permit" granted to Supreme on June 27, 1957.[2] Finally, Capitol suggests that the evidentiary hearing include a number of specific issues based on the reasons advanced by it against the proposed modification of its authorization.

3. On August 22, 1957, Supreme filed its "Reply" to the above-mentioned "Response of Capitol" asserting that the Commission in its above-mentioned Order to Show Cause specifically found that the experimental operation of Supreme would serve a valid experimental purpose and would make available to the Commission valuable technical information and data; and that the critical factor underlying the issuance of the Order was the possibility that the authorized experimental operation might conceivably cause interference to Station WJTV. Therefore, Supreme urges that the hearing should be limited to the issue of whether objectionable interference would be caused to Capitol's station by the proposed experimental operation, and that such hearing be held before the Commission en banc in order to reach a decision in the matter expeditiously. In this connection, Supreme asserts that a hearing directed to the question of interference will show that the operation authorized will not cause objectionable interference to WJTV and that, therefore, there would be no modification of the WJTV authorization. Further, Supreme asserts that Capitol's request for a stay of program test authority should be denied because, among other reasons, Capitol has submitted no compelling showing in support of its request and because a grant thereof would allegedly jeopardize the experimentation which requires station operation in order that necessary data may be secured as promptly as possible. Finally, Supreme requests that it be made a party to any hearing ordered by the Commission.

4. On August 29, 1957, Capitol filed its "Answer and Petition for Leave to File Answer" asserting that the presence or absence of objectionable interference is but one of the issues to be considered at the hearing and that the other issues discussed in Capitol's Response (Paragraph 2, supra) are equally essential to its rights under the provisions of section 316 of the Communications Act. In addition, Capitol reiterates its contention that the hearing be held before a Hearing Examiner, but asserts that if it is determined the hearing be held before the Commission en banc, then the importance of this proceeding as well as the provisions of the Communications Act require that there be an Initial Decision, opportunity for exceptions and oral argument before the issuance of any final Decision.

5. The Commission in its Show Cause Order of July 11, 1957 (see Paragraph 1, supra), directed that any hearing requested by Capitol be held before the Commission en banc. Contrary to Capitol's contention, section 316 of the Communications Act contains no provisions which would require the Commission to have a Hearing Examiner conduct a hearing in this matter in the first instance. However, since Capitol in responding to the Order to Show Cause has requested that the hearing be held before a Hearing Examiner, since it appears that the press of Commission business makes it advisable to change the proposed hearing in this respect, and since this procedure will not delay the disposition of this matter, we have decided to grant Capitol's request.

6. In opposing the grant of Supreme's experimental application, Capitol alleged, inter alia, that operation by Supreme as proposed in its application, will cause interference to WJTV which will result in a modification of WJTV's operating authority, and asserted that no such modification may be made until Capitol has been accorded a hearing under section 316 of the Communications Act. Capitol now asserts, too, that a hearing pursuant to section 316 may not be limited to the sole issue of interference, contrary to the contention of Supreme. Section 316 (a) provides for modification of any station license or construction permit "if in the judgment of the Commission such action will promote the public interest, convenience, and necessity * * *" Thus, the provision for a hearing in section 316 (a) contemplates the introduction of evidence on any matter which may in the particular case be relevant to a decision as to whether the proposed modification will promote the public interest, convenience, and necessity. Accordingly, the Commission must reject Supreme's request that the hearing be limited to the sole issue of whether or not interference will result. As noted above, Capitol has suggested several specific issues for the hearing. The Commission does not believe it is necessary to adopt such issues or to specify them for the hearing inasmuch as the broad issue hereinafter specified will permit the introduction of all relevant evidentiary matters.

7. We turn finally to the request of Capitol that, pending final determination of the Show Cause proceedings, the Commission stay issuance of program test authority to Supreme. We have determined that the experimental operation proposed by Supreme would serve a valid experimental purpose in that it would make available to the Commission valuable technical information and data relative to the complex problems of television allocations. We have also previously stated our belief that no interference is likely to result to the operation of Station WJTV. Moreover, under the terms of the construction permit issued to Supreme, the authorization is subject to cancellation without further notice or hearing if in the determination of the Commission interference is caused to any television or other radio service. Therefore, we believe that Capitol's rights are fully protected, and that we would not be justified in delaying the commencement of the proposed experimental operation because of the show cause proceedings. The purpose of these proceedings is not to relitigate the validity of our outstanding grant, but to determine whether Capitol's authorization should be modified to require it to accept such interference from the experimental operation as it would otherwise be protected against.

In view of the foregoing: *It is ordered*, That the request of Capitol Broadcasting Company for a public hearing pursuant to section 316 of the Communications Act is granted; that the request of Capitol that the Commission order the hearing to be held before a Hearing Examiner, is granted; that the request of Capitol that the hearing be held upon issues specified by it, is denied; and that the request of Capitol for a stay of issuance of program test authority to Supreme pending the outcome of the hearing herein ordered, is denied.

It is further ordered, That a hearing pursuant to section 316 of the Communications Act of 1934, as amended, be held in Washington, D. C., at a time and before an Examiner to be specified in a subsequent order, to determine whether modification of the outstanding authorization of Capital Broadcasting Company for regular commercial television operation on Channel 12 in Jackson, Mississippi, to the extent necessary to permit operation of the experimental television station on Channel 12, New Orleans, Louisiana, by Supreme Broadcasting Company, will promote the public interest, convenience, and necessity.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission.

It is further ordered, That Supreme Broadcasting Company, Inc., and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein; and that the appearances by the parties intending to participate in the above hearing shall be filed no later than October 3, 1957.

Adopted: September 19, 1957.

Released: September 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-8010; Filed, Sept. 27, 1957; 8:51 a. m.]

[Docket Nos. 12170, 12171; FCC 57-1023]

WESTBROOK BROADCASTING CO., INC., AND SHERWOOD J. TARLOW

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Westbrook Broadcasting Co., Inc., Westbrook, Maine, Docket No. 12170, File No. BP-10911; Sherwood J. Tarlow, Saco, Maine, Docket No. 12171; File No. BP-11080; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of September 1957;

The Commission having under consideration the above-captioned applications of the Westbrook Broadcasting Co., Inc., and Sherwood J. Tarlow, each for a construction permit for a new standard broadcast station to operate on 1440 kilocycles with powers of 5 kilowatts and 500 watts, respectively, daytime only, at Westbrook and Saco, Maine, respectively;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference and that a grant of the application of Sherwood J. Tarlow may be in contravention of § 3.35 of the Commission's rules on multiple ownership in view of Mr. Tarlow's other broadcast interests concentrated in the States of Massachusetts and Maine and in view of the proximity, 15 miles, of Station WLOB, Portland, Maine, in which Mr. Tarlow exercises negative control, to the proposed Saco operation; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated April 9, and June 28, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that the Westbrook Broadcasting Co., Inc., requested by letters dated June 7 and July 23, 1957, that an issue be included in the order designating the subject applications for hearing to determine the availability of the frequency, 1290 kilocycles, for assignment to Saco, Maine, and whether the public interest would be better served by the assignment of that frequency to Sherwood J. Tarlow in lieu of the frequency, 1440 kilocycles, now requested; but that, since § 1.304 of the Commission's rules requires specification of a definite frequency in an application for construction permit and since there is no application before the Commission for operation on 1290 kilocycles and Sherwood J. Tarlow has indicated by letter of July 12, 1957, that he does not desire an authorization to operate on said frequency, the Commission is of the opinion that inclusion of an issue as to whether 1290 kilocycles is available at Saco, Maine, would not be appropriate in the hearing hereinafter ordered;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the application of Sherwood J. Tarlow would be in contravention of the pro-

[1] In connection with the issuance of the Show Cause Order to Capitol, the Commission stated "that operating under the foregoing conditions, the Commission believes that no interference (and certainly no more interference than would be caused by a television broadcast station operating on Channel 12 at New Orleans with full height and power at the 190 miles separation) will result to the operation of Television Broadcast Station WJTV, but that inasmuch as Capitol Broadcasting Company has alleged that interference will result, and since the possibility of interference does exist, the Commission believes that the meritorious nature of the proposed experimental operation * * * requires modification of the operating authority of * * * WJTV to the extent necessary to permit operation of the proposed experimental station * * *."

[2] Capitol apparently refers to one of the conditions of the experimental grant, namely, that "Program Test may be commenced only on specific authorization by the Commission."

[2] Commissioner Doerfer not participating; Commissioner Ford abstaining from voting.

[1] Commissioner Lee not participating; Commissioner Ford abstaining from voting.

visions of § 3.35 of the Commission's rules.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 57-8011; Filed, Sept. 27, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11223]

ALADDIN PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that Aladdin Petroleum Corporation, et al.,[1] (Applicant), an independent producer, filed an application on October 11, 1956, for permission and approval to abandon natural gas service pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to abandon the sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle) from the Ide-Larrabee #1 Well in Seward County, Kansas, which sale, among others, was authorized on September 24, 1956, in Docket No. G-7809.

Applicant states that the volume of gas producible from the Ide-Larrabee #1 Well has diminished to the point where it is no longer economically feasible to continue to produce said well; that the well has been reworked but that the maximum deliverable gas does not warrant the continued operation of said well; and that Aladdin and the co-owners herein have decided to plug and abandon the well. Aladdin recites further that it has notified the Lessors of its intention to abandon said well and has given them opportunity to take over the well and equipment thereon at salvage value, but that the Lessors have not elected to do so.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7984; Filed, Sept. 27, 1957; 8:46 a. m.]

[1] Aladdin files as operator for itself and Argo Oil Corporation and Gerald L. Schlessman who are nonoperating joint interest owners but are not signatory parties to the contract involved herein.

[Docket No. G-11507]

CITIES SERVICE OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that Cities Service Oil Company (Applicant), a Delaware corporation with its principal place of business in Bartlesville, Oklahoma, filed an application on November 19, 1956, for permission and approval to abandon natural gas service pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the sale of natural gas to Texas Eastern Transmission Corporation from the 160 acre Ballard lease, Rudman Field, Bee County, Texas, which sale was previously authorized by the Commission's order issued November 8, 1955, in Docket No. G-4579.

The application states that production from Applicant's Ballard No. 1, the only well on the lease, is no longer available in commercial quantities, that the well could not be reworked and was, therefore, plugged and abandoned, and that said Ballard lease has expired under its own terms.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7985; Filed, Sept. 27, 1957; 8:46 a. m.]

[Docket No. G-11725]

HAWN BROTHERS, ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that Hawn Brothers, et al.,[1] (Applicant), whose principal place of business is in Corpus Christi, Texas, filed an application on January 10, 1957, for permission and approval to abandon nautral gas service pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the sale of natural gas to Tennessee Gas Transmission Company from production on the Guerra Lease located in the Saucito Field, Starr County, Texas, which sale was previously authorized by the Commission's order issued September 21, 1956, in Docket No. G-3871.

[1] Hawn Brothers is a partnership composed of Wm. H. Hawn, John D. Hawn, and George S. Hawn. Hawn Brothers appears to be applying herein on behalf of itself and on behalf of Del Mar Drilling Company, Cyrus L. Heard, Mrs. James P. Blakeny and husband, James P. Blakeny, and Jess Edwards, Inc., all signatory seller parties to the same sales contract.

The application states that the gas involved herein was produced by a single well from a small lenticular sand which became depleted and the well has, therefore, been plugged and abandoned.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 28, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7986; Filed, Sept. 27, 1957; 8:47 a. m.]

[Docket No. G-11793]

RENWAR OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that Renwar Oil Corporation (Applicant), an independent producer, filed an application on January 24, 1957, for permission and approval to abandon natural gas service, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the sale of natural gas to Tennessee Gas Transmission Company from production from its #1 Ivan Fenner Well in Morales Field, Jackson County, Texas, which sale was previously authorized in Docket No. G-8974.

Applicant states that during September, 1956, the subject well, being the only well on Applicant's only lease in the field, began to produce increasing amounts of salt water and finally sanded up and died in December 1956. Applicant also states that subsequent attempts to restore gas production were unsuccessful and that service to Tennessee is no longer possible.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7987; Filed, Sept. 27, 1957; 8:47 a. m.]

[Docket Nos. G-12020, G-12021]

MORGAN MINERALS CORP. AND ARNOLD O. MORGAN

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that Morgan Minerals Corporation (Morgan Minerals) and Arnold O. Morgan, independent producers, filed joint applications on February 15, 1957, for authority to render and abandon natural gas service, pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the joint applications which are on file with the Commission and open to public inspection.

The joint applications seek authority for:

(1) Morgan, in Docket Nos. G-12020 and G-12021, to abandon service to Tennessee Gas Transmission Company (Tennessee) from the Welder Ranch Lease in the Rob Welder Field, Victoria County, Texas, under a contract dated May 13, 1953, as amended, and from the Dodson-Van Way Gas Unit in the Morgan Field, San Patricio County, Texas, under a contract dated December 20, 1954, as amended.

(2) Morgan Minerals to continue the subject sales to Tennessee proposed to be abandoned by Morgan.

The applications state that by instrument of assignment dated August 6, 1956, Morgan Minerals acquired, effective as of July 1, 1956, in addition to Morgan's interest in other acreage, his interest in the acreage and equipment thereon dedicated to Tennessee under the aforementioned contracts.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7988; Filed, Sept. 27, 1957; 8:47 a. m.]

[Docket No. G-12288]

TIDEWATER OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that Tidewater Oil Company (Applicant), a Delaware corporation with its principal place of business in San Francisco, California, filed an application on March 25, 1957, for permission and approval to abandon natural gas service pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks to abandon the sale of natural gas to Olin Gas Transmission Corporation (Olin) from acreage located

in the Holly Ridge Field, Tensas Parish, Louisiana, which sale was authorized by the Commission's order issued on October 18, 1956, in Docket No. G–6268.

Concurrent with the application herein Applicant filed a notice of cancellation of its related FPC Gas Rate Schedule No. 41, and included therewith a letter dated January 15, 1957, from Olin wherein Olin elects to terminate the contract involved herein. The sales contract is dated October 25, 1950, as ratified on March 21, 1951. Said contract provides for termination by the Buyer by giving Seller 60 days prior written notice thereof should daily average deliveries from all producers in Holly Ridge Field with which Buyer has contracts in effect fall below 2,000 Mcf for a 30-day period. Olin states in its letter that since July 1956, deliveries were below said minimum.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7989; Filed, Sept. 27, 1957; 8:47 a. m.]

[Docket Nos. G-12436, G-12633]

AMERADA PETROLEUM CORP. AND TIDEWATER OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that on April 18, 1957, Amerada Petroleum Corporation, in Docket No. G–12436, and on May 24, 1957, Tidewater Oil Company, in Docket No. G–12633, filed applications, pursuant to section 7 (b) of the Natural Gas Act, for permission to abandon natural gas service to Texas Gas Transmission Corporation from the Tweedel Unit No. 3 in the South Lewisburg Field, Acadia Parish, Louisiana, subject to the jurisdiction of the Commission, all as more fully set forth in the respective applications which are on file with the Commission and open to public inspection.

Applicants state that on January 5, 1957, the unit well ceased to produce from the Tweedel "A" Sand underlying the unit and that said Sand is depleted to the extent that continued service therefrom is unwarranted and impossible.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7990; Filed, Sept. 27, 1957; 8:47 a. m.]

[Docket No. G-12599]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, filed an application on May 17, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

El Paso proposes to construct and operate the following facilities during the calendar year 1957:

(a) Field lateral pipelines varying in diameter from 4½ to 20-inch O. D., each single project to cost not more than $500,000 and the aggregate cost not to exceed $1,500,000 for all such installations.

(b) Compressor and appurtenant facilities varying in size from 300 to 1,600 horsepower, each single installation to cost not more than $500,000 and the aggregate cost of such facilities not to exceed $1,500,000.

(c) Purification and/or dehydration and appurtenant facilities, each single installation to cost not more than $500,000 and the aggregate cost of such facilities not to exceed $1,000,000.

(d) Gasoline plant and appurtenant facilities consisting of additions and alterations to Applicant's existing gasoline plants, each installation to cost not more than $500,000 and the aggregate cost of such facilities not to exceed $1,000,000.

Applicant states that the application herein is of the budget-type and consistent with the policy declaration of the Commission contained in its order No. 185, the granting of which would eliminate numerous filings during the year 1957 for the purpose of installing facilities to attach new supplies of gas from independent producers in the general area of its existing transmission system, where expansion of its over-all facilities are not involved.

The total cost of the proposed facilities is stated by Applicant not to exceed $5,000,000 which will be financed from its current working funds, without further financing at the present time.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 30, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7991; Filed, Sept. 27, 1957; 8:47 a. m.]

[Docket No. G-11556]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that The Manufacturers Light and Heat Company, Applicant, a Pennsylvania corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on December 3, 1956, an application under section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and approval to abandon certain other facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with this Commission and open for public inspection.

Applicant proposes to construct and operate approximately 2.02 miles of replacement 12-inch transmission pipeline from Newell, West Virginia, to Wellsville, Ohio.

Applicant also proposes to abandon in place 8,700 feet of 8-inch transmission line and 280 feet of 6-inch transmission line.

These proposals are made for the purpose of meeting estimated requirements of Applicant's customers in Newell, West Virginia, East Liverpool and Wellsville, Ohio, and adjacent areas.

Applicant presents the following estimates of gas requirements in the general area in question:

Year	1955	1956	1957
Peak day (Mcf.)	26,491	29,782	30,751
Annual (Mcf.)	4,858,282	5,616,566	5,854,300

These requirements, mostly residential and industrial, are to be met not only by the proposed facilities, but also by other lines now serving the area.

The cost of the proposed facilities is estimated to be $142,700 after reflection of the proposed retirement of facilities. The construction will be financed by funds from Applicant's share of the Columbia Gas System financing.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 22, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 10, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7992; Filed, Sept. 27, 1957; 8:48 a. m.]

[Docket No. G-12549]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business in Oklahoma City, Oklahoma, filed an application on May 9, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

By this budget-type application, Applicant seeks authorization to construct and operate such field facilities as will enable it to take into its authorized main pipeline system natural gas which it will purchase from producers in the general area of its existing system from time to time during the calendar year of 1957, at a total cost of approximately $500,000. The foregoing cost in Applicant's estimate, for budget purposes, of its investment to be made in field facilities during the calendar year 1957, exclusive of such facilities to be constructed by Applicant pursuant to certificate authorizations heretofore issued and as may be issued hereafter in pending certificate proceedings.

Applicant states that a grant of the proposal herein will augment its ability to act with reasonable dispatch in securing by contract and connecting to its pipeline system new supplies of gas in various producing areas generally coextensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 5, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 23, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-7993; Filed, Sept. 27, 1957; 8:48 a. m.]

[Docket No. G-12638]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that on May 27, 1957, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, filed in Docket No. G–12638 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the continued operation of certain metering and field line facilities for the purpose of receiving natural gas from a number of producers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The producers and the location of the facilities are as follows:

(1) Wunderlich Development Company—Vernon Field, Kay County, Oklahoma;

(2) D. F. O'Rourke, et al.—S. E. Moore Field, Cleveland County, Oklahoma;

(3) Champlin Oil & Refining Company—Yellowstone Field, Woods County, Oklahoma;

(4) Tuttle Pipeline Company—Lincoln County, Oklahoma;

(5) Powel Briscoe—Pleasant Valley Field, Logan County, Oklahoma;

(6) Ashton Oil Company—Mansur Field, Cowley County, Kansas;

(7) Davidor & Davidor—Mt. Vernon Field, Lincoln County, Oklahoma;

(8) Sokla Gasoline Company—Fox Field, Carter County, Oklahoma;

(9) Gas Transmission Company—N. Merrick Field, Logan County, Oklahoma;
(10) Jernigan & Morgan Transmission Company—Mt. Vernon Field, Lincoln County, Oklahoma;
(11) E. J. Athens—Seward Field, Logan County, Oklahoma;
(12) Fred Morgan—Short Junction Field, Cleveland County, Oklahoma;
(13) R. E. Hibbert—Norman Field, Cleveland County, Oklahoma;
(14) Cities Service Oil Company—Bodine Field, Oklahoma County, Oklahoma;
(15) Anderson-Prichard—Lawrie Field, Logan County, Oklahoma;
(16) Gulf Oil Corporation—Coffee Creek Field, Oklahoma County, Oklahoma;
(17) Powel Briscoe—Guthrie Lake Field, Logan County, Oklahoma;
(18) Anderson-Prichard—Dilworth Field, Kay County, Oklahoma;
(19) Sunray Mid-Continent Oil Company—Glenwood Field, Beaver County, Oklahoma;
(20) Blair & Deputy—Estes Field, Cowley County, Kansas;
(21) Atlantic Refining Company—Norman Field, Cleveland County, Oklahoma;
(22) Richard King, Jr.—Estes Field, Cowley County, Kansas;
(23) Clark Knight Drilling Company—Trousdale Field, Edwards County, Kansas;
(24) Russell McGuire—South Tonkawa Field, Noble County, Oklahoma;
(25) Frank Kirkpatrick—Banner Field, Kay County, Oklahoma; and,
(26) Aurora Gasoline Company—Kiowa County, Kansas.

Applicant states that the total cost of the facilities involved was $391,792.44, and that the estimated original recoverable reserves dedicated to it by the above producers total 126,984,240 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 31, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7994; Filed, Sept. 27, 1957; 8:48 a. m.]

[Docket No. G-12754]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that on June 17, 1957, United Fuel Gas Company (Applicant), a West Virginia corporation having its principal place of business in Charleston, West Virginia, filed in Docket No. G-12754 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing a field sale of natural gas presently being made from certain isolated production in the Plymouth District, Mercer County, West Virginia, all as more fully set forth in its application which is on file with the Commission and open to public inspection.

Applicant states that the sale involved is made through customary lease equipment and field lines to Amere Gas Utilities Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 31, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7995; Filed, Sept. 27, 1957; 8:48 a. m.]

[Docket No. G-12939]

KENTUCKY GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 24, 1957.

Take notice that on July 24, 1957, Kentucky Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business in Charleston, West Virginia, filed in Docket No. G-12939 an application, pursuant to section 7 (b) of the Natural Gas Act, for an order of the Commission authorizing the abandonment of two 880-horsepower compressor units at its existing Menifee Compressor Station, Menifee County, Kentucky, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that new gas storage programs of Columbia Gas System, of which Applicant is an affiliate, will enable operation of the Menifee storage pool at a reduced capacity, 50 to 60 psig maximum pressure rather than the 100 psig heretofore used, thus reducing compressor power needs and effectuating savings in operating and maintenance costs. The cost of the proposed abandonment will be financed from current funds, and the abandoned compressors transferred to affiliated companies.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 31, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-7996; Filed, Sept. 27, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XV-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-XV-1, dated August 19, 1957 (22 F. R. 7094), is hereby amended by:

SECTION 1. Deleting subsection I. B. 1 (b), I. B. 2, and I. B. 3 in their entirety, and substituting the following in lieu thereof:

I. B.
1. (b) Participation business loans in an amount not exceeding $100,000.
2. To approve disaster loans in an amount not exceeding $50,000.
3. To decline disaster loans.

Dated: September 9, 1957.

F. W. PRITCHARD,
Regional Director,
Detroit Regional Office XV.

[F. R. Doc. 57-8002; Filed, Sept. 27, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3616]

PENNSYLVANIA POWER CO. AND OHIO EDISON CO.

NOTICE OF PROPOSED ISSUANCE AND SALE AT COMPETITIVE BIDDING OF BONDS, PROPOSED ISSUANCE OF BONDS FOR SINKING FUND PURPOSES, AND PROPOSED ISSUANCE BY SUBSIDIARY PUBLIC UTILITY COMPANY TO PARENT REGISTERED HOLDING COMPANY OF COMMON STOCK AS STOCK DIVIDEND

SEPTEMBER 23, 1957.

Notice is hereby given that Ohio Edison Company ("Ohio"), a registered holding company and a public-utility company, and its subsidiary, Pennsylvania Power Company ("Pennsylvania"), a public-utility company, all of whose outstanding common stock is owned by Ohio, have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 (a), 10 and 12 (f) of the act and Rules U-43 and U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration for a statement of the proposed transactions, which are summarized as follows:

Pennsylvania proposes to issue and sell, pursuant to the competitive bidding requirements of rule U-50, $8,000,000 principal amount of its First Mortgage Bonds ("New Bonds"), -- percent series, to be dated as of October 1, 1957, and to mature October 1, 1987. The interest rate on the New Bonds (which shall be expressed in a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid to Pennsylvania (which shall not be less than 100 percent nor more than 102¾ percent, of the principal amount) will be determined by the competitive bidding.

The New Bonds are proposed to be issued under Pennsylvania's Indenture of Mortgage and Deed of Trust dated as of November 1, 1945, to The First National Bank of the City of New York (now by merger The First National City Bank of New York), as Trustee, as heretofore amended and supplemented and as proposed to be amended and supplemented by a Fourth Supplemental Indenture to be dated as of October 1, 1957 (said Indenture as so amended and supplemented being hereinafter called "the Mortgage").

Of the net proceeds from the sale of the New Bonds, $4,500,000 will be applied to the payment by Pennsylvania of its outstanding bank loans in that amount, and the balance thereof, together with cash on hand and to be derived from operations, towards its cash requirements during 1957 and 1958 for the construction or acquisition of new facilities and the betterment of existing facilities estimated by Pennsylvania to aggregate approximately $24,367,000.

Pennsylvania also proposes to issue $773,000 principal amount of its First Mortgage Bonds ("Sinking Fund Bonds"), 3¼ percent Series, due 1982, such bonds to be issued under the Mortgage, and particularly the Third Supplemental Indenture thereto, dated as of February 1, 1952. Pennsylvania proposes to issue the Sinking Fund Bonds to satisfy the sinking fund provisions of the Mortgage for the years 1957, 1958 and 1959.

Pennsylvania further proposes to issue and deliver 50,000 shares of its common stock, par value $30 per share, to Ohio, and Ohio proposes to acquire such additional shares. Pennsylvania proposes, in connection with such issue, to transfer from its earned surplus account to common stock capital account an amount equal to the aggregate par value of such shares, namely, $1,500,000.

Ohio proposes to record the receipt of the stock dividend on its books by charging its Investment in Securities of Associated Companies account with $1,459,484.50 and by crediting its Other Income-Dividend Revenues account with a like amount. These amounts are recorded at $40,515.50 less than the par value of the stock being received, in order that Ohio's investment in the common stock of Pennsylvania, which is presently carried at an amount $40,515.50 greater than the par value of such stock, will be in agreement with Pennsylvania's common stock capital account.

The application states that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale by Pennsylvania of the New Bonds, over the proposed issue and use of the Sinking Fund Bonds, and over the proposed issue of additional shares of common stock to Ohio, and that applications are being submitted to that Commission.

The application also states that the Public Utilities Commission of Ohio and, subject to the provisions of section 318 of the Federal Power Act, the Federal Power Commission have jurisdiction over the accounting by Ohio with respect to its acquisition of the additional common stock of Pennsylvania. Estimates of fees and expenses in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than October 7, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration as filed or as it may hereafter be amended, may be granted or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-7997; Filed, Sept. 27, 1957; 8:48 a. m.]

[File No. 70-3617]

PRESTON OIL CO. AND COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED ISSUE AND SALE OF COMMON STOCK TO HOLDING COMPANY BY NON-UTILITY SUBSIDIARY TO PROVIDE FUNDS FOR ACQUISITION OF LEASES AND EXPLORATORY DRILLING IN SOUTHWEST

SEPTEMBER 23, 1957.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary, The Preston Oil Company ("Preston"), have filed a joint application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, and 10 thereof as applicable to the proposed transactions, which are summarized as follows:

Preston, a non-utility company engaged primarily in the oil business, proposes to issue and sell to Columbia from time to time during the balance of 1957 and 1958, up to an aggregate of 10,000 shares of its common stock at the par value of $100 per share, the proceeds to be expended in acquiring leases in the Southwest (Texas and Louisiana) and in exploratory drilling. It is estimated that of the total amount of $1,000,000 thus to be raised, Preston will spend $300,000 for acquiring leases and $700,000 for exploratory drilling. What further funds will be expended and how fast, will depend upon the results of the initial operations.

It is stated that Preston has contractual oil rights in most of the gas acreage owned or leased by Columbia's subsidiary gas companies and, through reciprocal agreements, the right to acquire oil wells which may be developed by such gas companies in drilling for natural gas; that its operations are an integral part of the gas utility operations of the system; that it has heretofore operated in the Appalachian area, from which the system originally drew its entire natural gas supply; that by reason of the growth of the system, particularly since World War II, Columbia has been forced to look to the Southwest as its major source of gas supply, purchasing gas in large quantities from various pipeline companies, and utilizing the

entire capacity of another pipeline expressly constructed to serve the system; that to obtain the increasing supplies of gas necessary to serve its customers (now numbering, directly and indirectly, some 3,040,000 residential and commercial customers, and approximately 3,000 industrial customers), the system has under contract in the Southwest recoverable reserves estimated in excess of 3½ trillion cubic feet of gas; that the system is carrying on an accelerated drilling program; that, in furtherance of this program, Preston proposes to acquire leases and engage in drilling operations in the Southwest, either alone or in partnership with others, with the objective of discovering and developing additional gas supplies for the system. Preston will sell to non-affiliates all oil and distillates recovered in connection with such operations.

It is estimated that the fees and expenses to be incurred in connection with the proposed transactions will not exceed $150 for Columbia and $150 for Preston.

No other regulatory commission has jurisdiction in this matter.

Notice is further given that any interested person may, not later than October 4, 1957, at 5:30 p. m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7998; Filed, Sept. 27, 1957; 8:49 a. m.]

[File No. 70-3575]

COLUMBIA GAS SYSTEM, INC. ET AL.

SUPPLEMENTAL ORDER AUTHORIZING ADDITIONAL OPEN-ACCOUNT ADVANCES BY PARENT COMPANY TO TWO SUBSIDIARIES

SEPTEMBER 23, 1957.

In the matter of The Columbia Gas System, Inc., The Ohio Fuel Gas Company, Home Gas Company et al., (File No. 70-3575).

On March 25, 1957, The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and eleven of its wholly-owned subsidiaries, including The Ohio Fuel Gas Company ("Ohio") and Home Gas Company ("Home"), filed a joint application-declaration herein pursuant, among others, to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder, covering Columbia's intrasystem financing program for 1957. Due notice of said filing was issued on April 8, 1957 (Holding Company Act Release No. 13441).

By prior orders issued herein, the Commission has authorized specific portions of said program (Holding Company Act Release Nos. 13471, 13481, 13499, 13528, 13541), reserving jurisdiction over other proposed transactions as to which the record was not complete.

By amendment No. 6 filed herein on September 13, 1957, Columbia proposes to make additional advances on open-account to Ohio in the amount of $2,600,000 and to Home in the amount of $400,000, for the purchases of inventory gas—thereby increasing total advances to Ohio from $18,000,000 to $20,600,000 and to Home from $1,600,000 to $2,000,000. These additional advances are in accordance with the revised estimates of the gas storage requirements of said subsidiaries.

The advances will be repayable in three equal installments on February 25, March 25 and April 25, 1958, with interest at the rate of 4 percent per annum, which is the same rate to be paid by Columbia on its bank loans incurred for that purpose.

No other regulatory commission has jurisdiction over the proposed transactions.

Jurisdiction will be reserved with respect to the remaining transaction described in the original application-declaration, as to which the record is not complete.

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the proposed increase in the open-account advances by Columbia to Ohio and Home, that the applicable provisions of the Act and the rules promulgated thereunder are satisfied; and deeming it appropriate in the public interest and in the interest of investors and consumers that the amended declaration with respect thereto be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said amended declaration relating to additional open-account advances by Columbia to Ohio and Home be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is reserved with respect to the proposed issue and sale of installment notes to Columbia by its subsidiary Binghamton Gas Works (renamed Columbia Gas of New York, Inc.), as to which the record is not yet complete.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-7999; Filed, Sept. 27, 1957; 8:49 a. m.]

[File No. 812-1110]

STEIN ROE & FARNHAM FUND INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING ISSUANCE BY OPEN-END COMPANY OF ITS SHARES IN EXCHANGE FOR ASSETS

SEPTEMBER 23, 1957.

Notice is hereby given that The Stein Roe & Farnham Fund Incorporated (the "Fund"), an open-end diversified, investment company, registered under the Investment Company Act of 1940 ("act"), has filed an application pursuant to sections 6 (c) and 17 (b) of the act for an order exempting from the provisions of sections 10 (d) (4), 17 (a) and 22 (d) of the act the proposed issuance of shares of the Fund for substantially all of the assets of Milius Shoe Company ("Milius").

The Fund, a Maryland corporation, is an investment company of the kind described in section 10 (d) of the act and, as such, sells its shares to investors directly at their net asset value as described in the prospectus, without the addition of any sales charge.

Milius, a Missouri corporation, is a private investment company not registered under the act having 26 shareholders. Milius was organized in 1923 as a shoe manufacturing company. It withdrew in 1948 from the business of manufacturing shoes, and its assets now consist substantially of a diversified portfolio of investment securities. The firm of Stein Roe & Farnham ("Adviser"), a partnership registered with this Commission under the Investment Advisers Act of 1940, furnishes investment advice to Milius for a fee based on Adviser's standard fee schedule for such services. Adviser is also investment adviser to the Fund.

The application states that after arm's-length negotiations between the officers of the Fund and the officers of Milius, an Agreement and Plan of Reorganization dated August 15, 1957, was entered into between the Fund, Milius and the stockholders of Milius. The agreement provides for the sale to the Fund of all the assets of Milius, less (a) any Milius claims for refund of Federal income taxes, and (b) a cash reserve for certain expenses, in exchange for such number of shares of the fund as shall, on the closing date, bear the same ratio to the total number of shares of the Fund outstanding as the value of the assets of Milius so acquired by the Fund, adjusted as set forth below, bears to the net asset value of the Fund. Milius will distribute the shares of the Fund received in exchange for its assets to its shareholders in liquidation.

The agreement also provides that Milius will, prior to the closing date, sell all assets other than investment securities, and will also sell certain investment securities set forth in the agreement and any other investment securities designated by the Fund as not suitable investments for the Fund. For purposes of computing the exchange ratio set forth in the preceding paragraph, the value of the assets of Milius acquired by the Fund will be reduced by

(a) an amount equal to 25 percent of the capital gains which would be realized for Federal income tax purposes if sufficient of the assets of Milius were sold to reduce its unrealized appreciation to the same proportion of its assets as the unrealized appreciation of the Fund bears to the assets of the Fund, and (b) an amount equal to 12.5 percent of the additional capital gains which would be realized for Federal income tax purposes if the remaining assets of Milius were sold.

The application states that the adjustment referred to in (a) above will result in the assets of Milius being evaluated for the purposes of the exchange equally with the assets of the Fund, taking into consideration the impact of Federal income taxes, and that this adjustment is made in lieu of the actual sales by Milius of sufficient assets to equalize the relative percentages of unrealized appreciation of the two companies prior to the closing. It is stated that the adjustment referred to in (b) above will be made in order to protect the existing share holders of the Fund from the tax consequences of the possible redemption of shares of the Fund by a small number of Milius shareholders who will receive large blocks of the Fund's shares as a result of the exchange.

At August 30, 1957, the Fund's assets had a value of approximately $18,744,000 of which unrealized appreciation was $1,512,000 or 8 percent of the asset value; the assets of Milius had a value of approximately $3,102,000 of which unrealized appreciation was $994,000 or 32 percent of the asset value. On the basis of the asset values and unrealized appreciation of the respective companies as of that date, the adjustments proposed in the agreement for purposes of determining the ratio of exchange would have the effect of reducing the value of the assets of Milius by approximately $219,000.

Section 22 (d) of the act prohibits the sale of redeemable securities of a registered investment company except at a current public offering price described in the prospectus, with certain exceptions not pertinent here. Section 10 (d) (4) of the act requires a registered investment company complying with section 10 (d) to limit any premium over net asset value charged by such company upon the issuance of securities, plus any discount from net asset value charged on redemption thereof, to the aggregate of 2 per centum. Since the Fund, in exchange for its shares, will acquire the assets of Milius on the basis of their net asset value less the adjustment discussed above, the Fund may be said to be receiving more than the public offering price and charging more than a 2 percent premium over net asset value of its shares.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission exempts such transaction pursuant to section 17 (b) of the act. Since Frederick Roe, a director of the Fund and of Milius, is also the owner or the holder as trustee of more than 5 percent of the outstanding voting securities of Milius, the proposed sale by Milius of its assets to the Fund is subject to the provisions of section 17 (a) of the act.

Section 6 (c) of the act authorizes the Commission by order upon application to exempt any transaction from any provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act. Section 17 (b) of the act provides that the Commission by order upon application shall grant an exemption from the provisions of section 17 (a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and no not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

Notice is further given that any person may, not later than October 10, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8000; Filed, Sept. 27, 1957; 8:49 a. m.]

[File No. 8-4951]

UTAH URANIUM BROKERS, INC.

ORDER REVOKING BROKER-DEALER REGISTRATION AND EXPELLING FROM NATIONAL SECURITIES ASSOCIATION

SEPTEMBER 23, 1957.

In the matter of Utah Uranium Brokers, Inc., 137 E. Broadway, Salt Lake City, Utah; (File No. 8-4951).

Proceedings having been instituted pursuant to sections 15 (b) and 15A of the Securities Exchange Act of 1934 to determine whether to revoke the registration as a broker and dealer of Utah Uranium Brokers, Inc., and whether to suspend or expel registrant from membership in the National Association of Securities Dealers, Inc., and whether Verne H. Eliason is a cause of any order of revocation, suspension or expulsion which may be issued;

A stipulation of facts having been filed, and a hearing and a recommended decision by a hearing examiner having been waived;

The Commission having this day issued its Findings and Opinion, on the basis of said Findings and Opinion

It is ordered, That the registration of Utah Uranium Brokers, Inc., as a broker and dealer be, and it hereby is, revoked and that Utah Uranium Brokers, Inc., be, and it hereby is, expelled from membership in the National Association of Securities Dealers, Inc., and it is found that Verne H. Eliason is a cause of such revocation and expulsion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-8001; Filed, Sept. 27, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 25, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34176: *Sand—Official territory to southern territory.* Filed by O. E. Schultz, Agent (ER No. 2404), for interested rail carriers. Rates on sand, not ground or pulverized, including moulding bonded sand, as described in the application, carloads from specified points in official territory to specified points in southern territory, including Helena, Ark.

Grounds for relief: Modified short-line distance formula, short or weak line and Florida arbitraries, and grouping.

Tariff: Agent H. R. Hinsch's tariff I. C. C. 4797.

FSA No. 34177: *Coarse grains and related articles between southwestern and western trunk line territories.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7106), for carriers parties to various schedules listed below. Rates on corn, barley and oats, and the products thereof, hominy feed, hulls, and various sorghum grains, carloads, as more fully described in the application, between specified points in southwestern territory and specified points in western trunk line territories.

Grounds for relief: Grouping and short-line distance formulas.

Tariffs: Supplement 12 to Agent Kratzmeir's tariff I. C. C. 4155 and other schedules as listed in the application.

FSA No. 34178: *T. O. F. C. service—Commodity rates between New Orleans, La., and Texas ports and points.* Filed by Texas and New Orleans Railroad Company, (No. 15-A), for itself. Rates on asphalt and pitch, canned goods,

heaters, iron and steel articles, paint and paint material, paper and paper articles, roofing, shingles and siding, and washing, scouring and cleaning compounds, in specified minimum quantities, loaded in or on trailers and transported on railroad flat cars between or from and to New Orleans, La., on the one hand, and Houston, Tex., on the other, also from New Orleans to San Antonio, Tex., on canned goods.

Grounds for relief: Competition with Gulf Canal Lines, Inc., water carriers performing barge service.

Tariff: Supplement 8 to Texas and New Orleans Railroad Company tariff I. C. C. Tex. 839.

FSA No. 34179: *T. O. F. C. service—Rates between Elizabeth, La., and Southwest.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B–7118), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in or on trailers and transported on railroad flat cars between Elizabeth, La., on the one hand, and points in Arkansas, Louisiana (west of the Mississippi River), eastern New Mexico, Oklahoma, and Texas, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 35 to Agent Kratzmeir's tariff I. C. C. 4221.

FSA No. 34180: *Automobiles—Wisconsin points to Montana.* Filed by W. J. Prueter, Agent, (TCFB No. 341), for interested rail carriers. Rates on automobiles, passenger, including ambulances and hearses, carloads from Janesville, Kenosha, Milwaukee, and Racine, Wis., to specified points in Montana.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 58 to Agent Prueter's tariff I. C. C. 1575.

FSA No. 34181: *Phosphate rock—Florida mines to Canadian points.* Filed by O. W. South, Jr., Agent (SFA No. A3531), for interested rail carriers. Rates on crude phosphate rock, carloads from Bartow, Fla., and other specified points in Florida to Buckingham and Varennes, Quebec, Canada.

Grounds for relief: Rail-water-rail competition.

Tariff: Supplement to Agent Spaninger's tariff I. C. C. 1514.

FSA No. 34182: *Scrap iron or steel—Cincinnati, Ohio to Pennsylvania.* Filed by O. E. Schultz, Agent (ER No. 2405), for interested rail carriers. Rates on scrap iron or steel (not copper clad), namely, scraps or pieces of iron or steel having value for remelting purposes only, carloads, from Cincinnati, Ohio, to Coraopolis and Midland, Pa.

Grounds for relief: Barge competition.

Tariff: Supplement 50 to Agent Hinsch's tariff I. C. C. 4251.

FSA No. 34183: *Crude rubber—Louisiana and Texas points to Athens, Ga.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7120), for interested rail carriers. Rates on crude rubber, namely, artificial, synthetic or neoprene, straight or mixed carloads from Lake Charles and West Lake Charles, La., Baytown, Borger, Dowling, Houston, Odessa, and Port Neches, Tex., to Athens, Ga.

Grounds for relief: Barge-truck competition from Baytown and Houston, and market competition from the other named origins.

Tariffs: Supplement 256 to Agent Kratzmeir's tariff I. C. C. 4087. Supplement 376 to Agent Kratzmeir's tariff I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

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